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SENATE—*Thursday, February 3, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. David H. Gambrell, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our help in ages past, our never-failing strength from day to day, in Thy providence another day for service is added to our lives. Sanctify our efforts for the betterment of our common life. Endue with Thy spirit our fallible minds. Undergird our limited natural powers by Thy supernatural powers. Bring to our consultations a wisdom which is above all that is merely human.

In these contentious times, keep each of us true to truth and faithful to the claims of justice and freedom. Above the confusion of many voices may we hear Thy voice, heed the promptings of conscience, and obey the call to duty. Send us to our tasks with the power of Thy spirit in our lives and bring us to the close of the day with clean hands and pure hearts at peace with Thee.

As we pray for ourselves in this place we pray for Thy blessing upon this Nation and make it a blessing to the whole world.

In His name who taught us to pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., February 3, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. David H. Gambrell, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 2, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVEYANCE OF CERTAIN LANDS IN BREVARD COUNTY, FLA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 574, H.R. 11487.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment on page 3, after line 10, insert a new section, as follows:

Sec. 2. The authority to convey land to the Chapel of the Astronauts, Incorporated, under this Act shall terminate two years after the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–600), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

COMMITTEE AMENDMENT

The committee added Section 2 to the bill which reads as follows:

Sec. 2. The authority to convey land to the Chapel of the Astronauts, Inc., under this Act shall terminate two years after the date of enactment of this Act.

This amendment places a time limit of two years on the authority of the Administrator to convey the land described in the bill and this report to the Chapel of the Astronauts, Inc.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Administrator of the National Aeronautics and Space Administration to convey for fair market value to the Chapel of the Astronauts, Inc., a nonprofit Florida corporation, not to exceed 7 acres of unimproved land at the John F. Kennedy Space Center, National Aeronautics and Space Administration, in Florida, for the purpose of constructing, operating, and maintaining a public facility for worship or meditation and a memorial to our astronauts.

EXPLANATION OF THE BILL

The bill authorizes the conveyance for fair market value of unimproved land adjacent to the present Visitor Information Center at the John F. Kennedy Space Center, Florida. The bill also permits the construction, operation, and maintenance on the land of a nondenominational, nonsectarian, nonprofit public facility for worship or meditation and a memorial to the astronauts by the Chapel of the Astronauts, Inc. The facility shall be open at all times to any individual or group without discrimination as to race, creed, color, or national origin.

The bill provides that conveyance of the property together with necessary access easements for vehicular and pedestrian traffic and utilities should not take place until the Administrator of the National Aeronautics and Space Administration determines that the Chapel corporation is ready, willing, and financially and otherwise able to construct, operate, and maintain such a facility and that plans therefor are appropriate for the intended purpose and will not interfere with the operation of the surrounding Government facilities. Covenants shall be included in any deed of conveyance which restrict the use of the property for the purpose for which it was conveyed, affirmatively requiring that the property be used in that manner, and providing that title to the property and improvements thereon shall revert to the Government without compensation whenever the Administrator (or his successor) determines that any of the covenants have been breached.

Section 2 of the bill provides that the authority of the Administrator to convey the property described in the bill shall terminate 2 years after the date on which the bill becomes law.

BACKGROUND

Initial proposals for locating the Chapel of the Astronauts at the Kennedy Space Center surfaced in 1969 when NASA was requested to grant to the Chapel corporation a 25-year, noncost easement of land adjacent to the present Visitor Information Center. The purpose of this chapel facility was intended primarily for those persons who visit the Kennedy Space Center as no direct NASA mission or purpose would have been served by the erection of such a chapel.

NASA determined that the easement was

not appropriate as it might give the appearance that NASA by granting the Chapel corporation's request might be favoring a religious enterprise in violation of the Federal Constitution.

A long-term lease was then considered and NASA requested the Chapel corporation to amend its corporate charter and plans so as to make its corporate purpose and the building truly nondenominational. The corporation complied with this condition to NASA's satisfaction.

NASA submitted a draft lease to the Comptroller General for advice as to its sufficiency. The Comptroller General in two memorandum decisions (B–169992, July 24, 1970, and September 15, 1970), expressed doubt that the authority of section 203(b)(3) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473(b)(3), would extend to a lease of land for the purpose of constructing thereon a substantial building for use by the public as a nondenominational chapel. In view of this doubt, the Comptroller General stated that specific authorization should be obtained from the Congress before entering into any such lease arrangement. In view of the Comptroller General's decision, NASA advised the Chapel corporation that NASA could not proceed with the lease negotiation without further specific congressional authorization.

NASA then drafted a bill to authorize the sale of such land which was introduced in the House as H.R. 4545 and in the Senate as Senate Joint Resolution 42.

The bill was considered by the Committee on Science and Astronautics of the House which, after reviewing and recommending several technical amendments, reported out a clean bill, H.R. 11487, which was subsequently passed by the House of Representatives on November 15, 1971.

COMMITTEE COMMENT

H.R. 11487 was referred to this committee on November 16, 1971. The committee having had Senate Joint Resolution 42 before it had requested reports from the Administrator of NASA, the Comptroller General, and the Deputy Attorney General. None opposed the enactment of the legislation. (For comments by the individual agencies, see hearing before the Committee on Senate Joint Resolution 42 and H.R. 11487, Thursday, December 2, 1971, pp. 4–11.)

The committee explored in depth on December 2, 1971, during a public hearing, NASA's plan for implementing provisions of the bill to insure that the interests of the Federal Government would be protected in the proposed conveyance.

Testimony before the committee indicated that while the bill provides for conveying not more than 7 acres of land, the amount under consideration is actually 5.5 acres. Testimony further indicated that an appraisal of these 5.5 acres during the time the lease concept was under consideration placed the fair market value of the 5.5 acres of land, excluding necessary easements, at about $10,000. Testimony indicated also that the value of this land probably has not increased to any great extent. The tract was originally acquired by the Federal Government as part of a larger tract at an average cost of $1,584 per acre or slightly over $8,700 for the 5.5 acre tract.

Sale of this land to the Chapel of the Astronauts, Inc., is to be at fair market value. The committee recommends that NASA in determining the fair market value of this land avail itself of the advice and assistance of those departments and agencies that specialize in the conduct of real property activities for the Federal Government.

The corporation will bear all costs associated with the chapel facility. More specifically, the Chapel corporation will bear all costs directly attributable to the acquisition of the land and its improvements, and to the construction, operation, and maintenance of the chapel, including such things as road improvements, running utility lines to the chapel, relocation of security posts or gates, rental of temporary storage area for construction material, purchase of fill dirt, additional emergency fire fighting or medical capacity, and services of NASA guards for those occasions when the chapel is in use but the installation is otherwise closed. To the maximum extent possible, the corporation will bear all such costs directly so as to minimize the day-to-day interface between the Chapel corporation and NASA. For example, while the nature and the location of the necessary access easements have not yet been determined, it is NASA's intention that where practical the chapel will connect directly with public rather than NASA utility lines so as to avoid the cost and complications of resale.

In testimony before the committee, the Administrator of NASA stated that he will not execute the deed without coming back to the committee (see hearing, pp. 25 and 32). It is the intent of the committee to scrutinize the deed of conveyance along with its covenants closely. It is the committee's view that the Administrator would make every effort to meet any recommendation the committee might have with respect to this deed and its covenants.

In testifying before the committee, the corporation witness stated that the Chapel financing would be carried out through a professional fund-raising group to obtain funds by public subscription. The Chapel corporation witness assured the committee that any literature published of behalf of the Chapel of the Astronauts would contain a specific disclaimer as to any association between the Chapel corporation and NASA.

COMMITTEE RECOMMENDATION

The committee having favorably considered this legislation reports the bill with an amendment and recommends its enactment. The committee's amendment provides that the authority for the Administrator of NASA to convey the land to the Chapel of the Astronauts, Inc., will terminate 2 years after the date of the enactment of the bill.

COST AND BUDGET DATA

No Federal funds are authorized to be appropriated or would be appropriated by enactment of this bill. Further, enactment of this bill will not require, in the future, any net outlay of funds by the U.S. Government. Sale of the land probably would result in a small profit to the Government. All costs of construction, operation, and maintenance of the chapel will be borne by the corporation using funds derived by public subscription.

A. WILLIS ROBERTSON—IN MEMORIAM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. BYRD) is recognized for 15 minutes.

Mr. BYRD of Virginia. Mr. President, my distinguished colleague from Virginia and I requested this time this morning so that any of our colleagues who desire to do so might have an opportunity to make remarks concerning a late beloved member of this body, former Senator A. Willis Robertson.

Mr. President, I had known Senator Roberston all of my life. It just so happened that Senator Robertson and my father came to know each other the year that I was born. The reason for that was that that was the year when each of them was elected to the Virginia Senate. They served in the Virginia Senate together, and subsequently served together in the Senate of the United States.

Senator Robertson had an outstanding political career in Virginia, an outstanding career of public service. He served as a member of the Virginia Senate. He served as Commonwealth attorney for Rockbridge County. He served as chairman of the fish and game commission. He served as a Member of the U.S. House of Representatives from the Seventh Congressional District. And he served for 20 years in the Senate of the United States.

Last fall I spoke in the Senate in regard to Senator Robertson and my friendship for him. I shall not repeat those remarks today other than to say that he was a long-time friend and he was an outstanding, distinguished, and able legislator.

Mr. President, I yield the remainder of my time to my distinguished colleague from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. SPONG. Mr. President, I thank my colleague, Senator BYRD of Virginia.

I was in the Senate Chamber when word was received of the passing of Senator Willis Robertson and on that occasion made some remarks to the Senate. I should like to supplement them this morning.

Mr. President, Senator Robertson served the Commonwealth of Virginia with distinction for a half a century. He was elected to our State senate in 1916 and was a diligent member of that body. He also served as Commonwealth's attorney for Rockbridge County, as chairman of the State Commission on Game and Inland Fisheries, and as representative of Virginia's Seventh Congressional District, that area which encompasses the beautiful Shenandoah Valley. He was elected to the Senate in 1946 to succeed the late Carter Glass, whom he greatly admired.

It was my privilege to succeed Senator Robertson. As I observed in the Senate on the day his passing was announced, he was "a man of deep spiritual conviction, a dedicated public servant, and a clean political opponent."

Virginius Dabney, in his recent book entitled "Virginia: The New Dominion," recalls that Senator Robertson once declared:

> I would be happy if history records my efforts in behalf of conservation as a worthwhile contribution to my day and generation.

He was especially proud to be a cosponsor of the Pittman-Robertson Act, which has produced millions of dollars for wildlife preservation activities.

Mr. Dabney states that Senator Robertson "was particularly concerned for the preservation of the forests from destruction and the rivers from pollution and in this he was ahead of his time."

I think, with the emphasis we now know must be placed on the environment and its preservation, Senator Robertson's pioneering work in this field will truly be recognized as a worthwhile contribution not only to his day and generation but to future generations as well.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SPONG. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I wish to join in the sentiments expressed by the two distinguished Senators from Virginia.

There was a good deal of similarity between Senator BYRD of Virginia and Senator Robertson. They both came from the same part of the country. They were both born about the same time, and, insofar as the chairmanship of their respective committees was concerned, Finance on the part of Senator BYRD of Virginia and Banking and Currency on the part of Senator Robertson, I wish to say that regardless of how they felt about any particular piece of legislation, they always gave that legislation the most serious, expeditious consideration, and had it reported to the floor where the Senate would then decide what its ultimate disposition would be.

I came to love Harry Byrd, who sat in that chair, because he was a wise man and a good man, and his counsel was always worthwhile. And I had great affection for Willis Robertson, with whom I served in both the House and the Senate, and who, as has been indicated, was interested in the environment long before it became a popular subject.

The loss of both Senators from the Old Dominion has been felt in this body, but I am delighted that the son is filling the shoes of the father and that the distinguished junior Senator from Virginia (Mr. SPONG) is likewise filling the shoes of his predecessor, as well as his own. Virginians should be very proud of the two Senators who represent them in the line of succession to the two former Senators who have passed to their reward.

Mr. SPONG. I thank the Senator from Montana.

Mr. STENNIS. Mr. President, if the Senator has additional time so that he can yield to me, I would appreciate it.

Mr. SPONG. I am pleased to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I appreciate the fact that the Senator from Virginia has yielded time to me. Most of my colleagues know that the late Senator Willis Robertson and I became very close personal friends. I do not propose to repeat here today things that I have already said on the floor of the Senate, some on the occasion of his retirement from this body and some on the day that we learned of his passing. But I do, as a personal friend and in part as an associate and fellow Senator, wish to express my thoughts concerning a part of that area of our association.

Mr. President, if I had to sum up Senator Robertson's character as well as his career in a limited number of words—in two words, we will say—I would think first of his being a genuine person. Genuineness: He was genuine about the things that he attempted to do. He was genuine in his acts and in his conduct. He was genuine in every respect.

Another single word that would sum up a lot about him was that he was a wholesome man, which I think means a great deal. Wholesomeness: He had a wholesome outlook on life, and that certainly included, for him, a basic faith in his fellow man. He had strong differences of opinion wtih some of his fellow men, but he had a basic faith in humanity and his fellow man. Further, he had a basic continuing faith in God as Creator and as a Divine Power. These things meant a great deal to him, and he lived his beliefs.

In that connection, those who were closely associated with him knew that he was truly a student of the Bible. He knew the contents of the Bible in a scholarly way, as well as looking upon its cardinal principles as a basis for his faith.

I should mention here, too, that he was the son of a Baptist minister in Virginia. His father read the Bible in the original Greek; he was that much of a scholar, as well as a biblical scholar—I am referring to the father—and I happen to know that Senator Robertson's father at a time when his family consisted of his wife and four or five children, he turned down a call to fill the pulpit in the First Baptist Church of Roanoke, Va., which then as now was well supported financially, in order to accept the call of the Baptist Church of Virginia to go into the mountains as a home missionary; the compensation in money for that missionary position was $50 a month. This, of course, was many years ago.

This shows the type of faith, dedication, and devotion that his father exemplified and his mother matched, I am sure. It shows the kind of home that he was reared in. The teachings of that home certainly paid off in this fine son and his great work.

Those of us who knew him so well, and knew of his scholarly approach to the Bible, knew also of his dedication and devotion to some of the great figures of the Bible: Job for one, and Moses is another illustration. He had, I think, many of the qualities that those notable biblical characters possessed.

I think of him, too, in connection with his love for the great outdoors.

I remember that long before there was a national movement about ecology, or publicity or consciousness about it, even long before I knew him, Senator Robertson was leading the way for fish and wildlife conservation, for the purity of water streams, and for the protection of our natural resources. He was a man long ahead of his time.

That interest led him to be the author of much of Virginia's fish and game law of his time, and after he came here, he was coauthor of a bill that is still the basic national law on the subject.

That interest was not just from the sportsman's standpoint; it was from the standpoint of his great love of nature, even though he was a very ardent sportsman—always interested—and that interest spread to others who associated with him. I know that when he was past his 80th birthday and until about the last 12 months of his life, shooting wild quail—that is, quail raised on the outside—without wearing glasses, the quail had a mighty small chance to survive. I would not score anyone ahead of him except the Senator from Georgia (Mr. TALMADGE), who would run a very close second.

It was an inspiration for me to be with Willis Robertson on many such occasions, when he liked to tramp the fields and wade the streams. Whether the game was plentiful or not, he got great enjoyment.

I associated with him not only in Washington, in the Senate, but also during many visits to his native State of Virginia which he loved so well—and which I love, too. We were together in other places, in other States. All were frequently engaged in work on the Senate Appropriations Committee.

He had a great number of wholesome, fine friends all over the State of Virginia and many other States. Just the fact of their friendship enduring over the years speaks more eloquently than I can. He had friends in Congress, and deserved them; and, in turn, he was a great friend of many of us.

I want to mention, also, that he had a fine sense of humor. He always relished a good, clean story and he had many of his own. But it was his original wit and humor and his vivid descriptions that would entertain us the most, whether on hunting trips or at a social event or at a committee meeting in the Senate, and even on the floor. I think his sense of humor was one of the things that kept him going, still physically active, into the ninth decade of his life.

I think it is appropriate to mention, too, the fine way that he consistently exercised during his youth and his adult years. In his arms was the same muscle with which he played football at the University of Richmond, as a student. His muscles were strong and vigorous until a few weeks before he passed away. He had never been flabby under any circumstances. That describes the man—his wholesomeness, his cleanness, his outlook on life, and his fine sense of a true sportsman; a fine Christian man who lived his religion every day in the week.

Mr. President, I miss him; I miss him every day. I miss him on patriotic holidays, and I recall how he would express himself. I miss him on religious holidays, such as the Christmas season. I think one of the tests of a man's greatness and his effectiveness in life is whether he is missed. I know he is missed by many of his colleagues, by his many, many friends. I have received many expressions of this.

I feel that the great, fine spirit that was Willis Robertson cannot be dead. That would not be the end. There is a future life for him. His spirit lives, continues to live here, and I am sure it also lives in that great beyond.

My words are very feeble as compared to the words used by Dr. William L. Lumpkin, pastor of the Freemason Baptist Church, Norfolk, Va., when this scholarly, fine, wholesome minister, and gentleman delivered the funeral service for our late friend on the campus of Virginia Military Institute, in the magnificent chapel, in Lexington, Va., which was the home city of Willis Robertson. I have never seen a more fitting place nor more fitting surroundings for the funeral of a man who had served his State so well. A magnificent sermon was deilvered by Dr. Lumpkin, who at one time, 20 years ago, had been the pastor of Senator Robertson's church in Lexington.

So that the sermon may be shared and so that the words may be expressed again for an even wider audience, I ask unanimous consent that the words of this truly great leader, this outstanding minister of Virginia, spoken on that occasion, be printed at this point in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

Funeral Service of Honorable A. Willis Robertson

In the midst of the sage of Israel's Wilderness Wandering we read that "Moses and Aaron said to all the people of Israel, 'At evening ye shall know that it was the Lord who brought you out of the land of Egypt, and in the morning ye shall see the glory of the Lord . . .'." I would have you consider with me the theme:

THE BEAUTY OF THE SUNSET

You have sat on a hill and watched the sun going down; your soul has thrilled at the beauty of the sunset. In similar light we are to see the death of our honored friend, A. Willis Robertson. Think of the world as a park filled with gardens and playgrounds, trees and lakes, museums and swimming pools. We are like children privileged to spend a day in the great park. The time we are privileged to spend is not the same in length, in light nor in beauty. Some days are long and sunlit; others are cloudy and stormy, as in a winter's tale. Some children are able to stay only a few short hours. Some must go home at noon while the sun is still shining. Others stay until the sun begins to set in the beauty of the west. For each of us the moment comes when the great nurse, Death, takes us by the hand and quietly says "It is time to go home, my child; come with me." This our admired friend has been privileged to live until the shadows of the setting sun had lengthened, and the evening had come; the business of the world was hushed, and the fever of life was over, and work was done.

I. Death can be beautiful when it comes as a Friend to Old Age. We often wish in a childish way that life would never end, and in our rebellious moments we wonder why God created the universe so death comes at all. We feel that death is an enemy of life, not a friend. But that is not right. It is the knowledge that our years are limited that makes them so precious. Plato was right when he declared that infinite life on this earth for us human beings would not be desirable even if it were possible. Who would want to live a never-ending existence on earth through endless years of struggle and change, pain and worry, conflict and labor—with no possibility of escape? Life would be monotonous with no heights or depths, without crescendos or diminuendos, with no challenge nor achievement. What drudgery if day would never end and the sun would never set. When evening finally comes on a sweltering day, how welcome it is. What cool peace and embracing rest! What satisfying release! What a wonderful Friend! This our brother had come to experience the burden of the years. Death came as his friend. John Oxenham wrote:

"Lord, when Thou seest that my work is done,
Let me not linger on, With failing powers,
Adown the weary hours.—
A workless worker in a world of work.
But, with a word, Just bid me home,
And I will come Right gladly.—
Yea, right gladly Will I come."

II. Again, death can be beautiful when it comes as a Climax to a Full, Worthwhile Life. One need not eulogize to you who have known him, the record or the character of the departed. His life tells its own story. The friendships expressed here demonstrate its influence. Some there are who come to the end of life filled with remorse and regret. "Take my wasted years," said one, "and bury them with me." He had misused his life, had furthered no great cause of human welfare, had buried his talents in the quest for cheap, selfish security. Such was not the case with A. Willis Robertson. He inherited a notable family heritage and magnified his inheritance. In words of a Senate colleague: "The rootage of Senator Robertson goes back to the first permanent settlement of Jamestown, Dr. John Woodson, who came to Jamestown with Governor Yardley in 1619. Senator Robertson is a member of the Jamestown Society, made up of those whose ancestors lived in the Jamestown area prior to 1700. He belongs to the Virginia chapter of the Society of the Cincinnati, limited to those who had an ancestor serving for three years in the Revolutionary War. He holds membership in the Sons of the American Revolution, which is a much larger organization of descendants of Revolutionary ancestors, and of the Sons of the Confederacy, being a grandson of a Confederate officer who was killed in the Civil War.

In fact, Senator Robertson's ancestors were in every war this country ever fought, and he served in the Army in World War I.

With this "rootage" it is not surprising that he has been a champion of patriotic citizenship, and student and defender of the ideals and principles upon which our Republic was founded. He is indeed worthy of the tremendous heritage which is his as Senator from the State which has given our country Washington, Jefferson, George Mason, Patrick Henry, James Madison, James Monroe, and so many of her greatest and noblest sons.

For half a century he invested his talents and strength in service to his home community, his State, and his Nation. In twenty years of membership in the U.S. Senate, climaxing his public career, he came to occupy positions of greatest responsibility for the Nation's welfare. "Breadth, dedication, and immense energy," says a Norfolk newspaper, characterized his performance in public life. His pioneering work as a conservationist illustrates his concern and labor for generations unborn. His moral integrity, his concern for humanity, and his splendid contributions to national economic policy are causes for gratitude on the part of all of us. He richly deserves the accolade: "one of Virginia's most able and durable public servants."

From a message of condolence of President Nixon I quote: "Senator Robertson was a distinguished figure in public life, a man of profound conviction, and wholly dedicated to the nation he served with such honor. Those of us who were fortunate to have worked with him, will always remember Senator Robertson with warm affection and with great respect for his devotion to the fundamental principles upon which this country was founded.

"A man whose life was so rich in achievements is a continuing source of inspiration to others, and we hope that this knowledge will serve to comfort and strengthen you in the years ahead."

What Georgia Harkness wrote of her father might have been written of A. Willis Robertson:

"A giant pine, magnificent and old
Stood staunch against the sky and all around
Shed beauty, grace and power. Within its fold
Birds safely reared their young. The velvet ground
Beneath was gentle, and the cooling shade
Gave cheer to passers-by. Its towering arms
A landmark stood, erect and unafraid,
As if to say, 'Fear nought from life's alarms.'
It fell one day. Where it had dauntless stood
Was loneliness and void. But men who passed
Paid tribute—said, 'To know this life was good.
It left its mark on me. Its work stands fast.'
And so it lives. Such life no bonds can hold—
This giant pine, magnificent and old."

III. Finally, death can be beautiful when it looks forward to God's glory in the morning. "Here in this present life we are permitted to know something of beauty, truth, and goodness, to read something of the ultimate plan and meaning of the universe, to see something of the splendor of the majesty of God. Yet the very best that we can see and know on earth is but a poor fraction of what must be waiting yonder to be revealed "Eye hath not seen, ear hath not heard, neither hath entered into the heart of man the things which God hath prepared for those who love him."

For Senator Robertson was a man of faith. He did not parade his religion, but it was a living force in his inner sanctuary. Now and again we would view its bright evidences: in his deep knowledge and frequent use of the Scriptures, in his leadership of prayer breakfasts for congressmen in Washington, in his concern for the local congregation of believers to which he belonged, and in occasional moving expressions of personal faith.

For children of God through faith in Christ the best is yet to be. Death is not the end; it is only a new beginning. It is going to bed on a cold, black night, and waking with the sun always shining. Victor Hugo, the French author, wrote, "When I go down to the grave, I can say, like many others, 'I have finished my day's work.' But I cannot say, 'I have finished my life.' My day's work will begin the next morning. The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight, and opens on the dawn."

O Cross that liftest up my head,
I dare not ask to fly from thee;
I lay in dust life's glory dead,
And from the ground there blossoms red
Life that shall endless be.

Mr. STENNIS. Mr. President, I thank the Senator again for yielding.

Mr. SPONG. I thank the Senator from Mississippi.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SPONG. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, Senator Willis Robertson was a man who served his State and Nation with diligence and distinction for 50 years—part of which was service as assemblyman, as a Member of the U.S. House of Representatives and, for 20 years, as a highly respected Member of this body.

I had a deep regard for Senator Robertson as a legislator and as a friend. I felt a special kinship for a man who was born in Martinsburg, W. Va., even though most of his life and work were devoted to the service of our neighboring Commonwealth.

On the floor of the Senate, in council chambers and in committee rooms, Willis Robertson was at all times likable, attractive, conscientious, and effective in his duties. His notable ability was never more appreciated than when he fulfilled the onerous and important responsibilities attendant on the chairmanship of the Committee on Banking, Housing and Urban Affairs.

Senator Robertson was a man of fine spirit, with a refreshing outlook on life. No man could have had a higher purpose in his approach to public affairs, and he stood solidly for his principles and steadfastly for his spiritual values. This steadfastness was revered by his many friends in the valley of Virginia, in the U.S. Senate, and by all who were fortunate enough, as I was, to know and cherish this fine, late distinguished American.

Mr. SPONG. Mr. President, Senator BYRD and I are appreciative of the remarks this morning about this late, distinguished representative of the Commonwealth of Virginia.

I am pleased that Senator STENNIS has been thoughtful and placed in the RECORD the remarks of Dr. Lumpkin on the occasion of Senator Robertson's funeral. I heard them, and am pleased that a wider audience will have an opportunity to share them.

Senator BYRD and I were pleased, also, that Senator BYRD of West Virginia has spoken this morning, since Senator Robertson was a native of that State, although he spent almost all his life in our State.

Mr. PASTORE. Mr. President, Virginia, "the Mother of Presidents," has likewise sponsored great Americans for service in this Senate—and the 20 years service of the late Senator A. Willis Robertson ranks him among the superlative Virginians and Americans.

His public life covered a span of 50 years, a half century of honor and responsibility to his people. To that career Willis Robertson brought the stamina of a college athlete and the scholarship of Phi Beta Kappa.

In public finance, national and international, Senator Robertson was an authority—and, yet, the conservation of wildlife was probably dearest to the heart of this able Virginian—in a time when he was sharing the burdens of world crises in these years of challenge and change. The burden of office is all too apparent as colleague after colleague depart the human scene.

The soul of courtesy and the embodiment of friendship even with those of contrary view, it was a privilege to have shared these Senate years with Willis Robertson—and a Nation's gratitude as well as personal sympathy goes in tribute to his loved ones.

Mr. McCLELLAN. Mr. President, I was privileged to serve with the distinguished former Senator from Virginia, Willis A. Robertson, during the two decades he represented his great State in this body, and before that I also served with him in the House.

He was as unswerving in his adherance to the Constitution as he was gentle and compassionate in his dealings with his fellow man.

He was a stalwart on issues of constitutional government, indeed, he was steadfastly devoted to all fundamental principles. He was a workhorse in the Senate, discharging his responsibilities with diligence and representing his constitutents indefatigably. During his chairmanship of the powerful Banking and Currency Committee, he was instrumental in shaping the vitally important monetary policies and programs of the Government. Senator Robertson was an expert on the economy and an unrelenting champion of prudent fiscal spending—the kind of philosophy we so sorely miss and need in governmental affairs today.

But Senator Robertson was a many-sided man. And it is significant that he once said that:

> I would be happy if history records my efforts on behalf of conservation as being a worthwhile contribution to my day and generation.

I am sure that history will so record and never forget that he was a principal sponsor of the Pittman Robertson Act, which returned millions of dollars in Federal taxes on sporting guns and ammunition to the States for their game and conservation projects. He was an avid outdoorsman, an expert hunter, and a superb fisherman, who could spin yarns with the best of them.

But he could also deliver, with equal ease, the most thoughtful, lucid, and logical addresses on questions of constitutional law that I have ever heard.

Yes, Mr. President, Senator Willis A. Robertson was a unique man, whose wisdom, counsel, and friendship will long be remembered by the American people—his devoted constituents—and all of us who had the privilege to serve and work with him.

Mrs. McClellan joins with me in extending our heartfelt sympathy to his family.

Mr. ANDERSON. Mr. President, Senator A. Willis Robertson of Virginia was a valued colleague and associate in the Congress for a quarter of a century. When I came to the House of Representatives in January 1941, Congressman Robertson was beginning his fifth term and was already known for his diligence and legislative abilities. Although he was busy and had many demands upon his time, he was unfailingly helpful and courteous.

It was my pleasure and good fortune, upon beginning my first Senate term in 1949, to again find Willis Robertson as a colleague. We worked together through 1966, a period of time during which the Nation experienced many difficulties, foreign and domestic, a time when the Nation and the Congress were fortunate to have a man with the experience and judgment of Senator Robertson. In the House and the Senate, he served for 33 years and rose to the chairmanship of the Senate Banking and Currency Committee.

Sometimes we agreed; sometimes we did not. But Senator Robertson had the ability to differ without being contentious, and the capacity and willingness to help those of his colleagues of all political persuasions. I personally am grateful for his service in the public arena, and miss his presence.

Mr. MOSS. Mr. President, I was deeply sorry to hear of the death—in retirement—of our esteemed colleague, Willis Robertson.

It can truly be said that he was a man who had the courage of his convictions. He knew what he believed, and he never wavered from those beliefs. Those of us who sometimes disagreed with him honored him for his strength of character and his resolute stand.

He was also a man of his word. When he said he would do something—he did it.

America has been built by men like Willis Robertson who did not know how to back down, or equivocate or break faith.

My own associations with him were closest in the field of conservation. He strove, as I always have, to protect the outdoor life he so deeply enjoyed, and always said that his wildlife conservation work was his happiest. His efforts in behalf of conservation will be recognized for years to come. I remember appreciatively going birdhunting with Willis in his native Virginia.

Nor will his contributions in the field of taxation be soon forgotten. As chairman of the Banking and Currency Committee, he carried for many years the burden of legislation which had a tremendous impact on the lives of all Americans—and he carried it with skill and distinction. The record he left is a proud one.

His passing was a personal loss to those of us who served as his colleagues, and loss to his State and Nation as well.

FOREIGN AID

Mr. BYRD of Virginia. Mr. President, on October 29, 1971, the Senate defeated the foreign aid authorization bill. The amount of that bill was $2,914,870,000. The Senate voted that down.

Reaction throughout the country, I think, was good. Reaction throughout the State of Virginia certainly was good. It held some hope to the people of this Nation that, at long last, the Federal Government was beginning to put its financial house in order. It held hope to the people of this Nation that a program which has not proved itself, a program in which we have attempted to buy friends, has not succeeded. So the Senate voted down that authorization bill of $2,914,870,000.

Today, Mr. President, February 3, 1972, the Appropriations Committee has brought before the Senate an appropriation bill for foreign aid which, as amended by the Senate last night, now totals $2,991,635,000.

Thus, if the Senate concludes that it will approve this appropriation bill as it now stands, it will be approving foreign aid expenditure appropriations of $77 million more than the authorization bill which it turned down last October 29.

Mr. President, I think that one reason Congress, and one reason this fine body in which I am proud to serve, the Senate, has lost the confidence of the American people—and I believe we have lost it to a considerable extent—is that we march up the hill one day and march down the hill the next day on the great problems which face this Nation.

I do not believe that the Senate is justified in appropriating approximately $3 billion to send to countries overseas at a time when this Government is running a smashing Federal deficit estimated by the President himself to be, for this current fiscal year, $44.8 billion.

I submit that the foreign aid program is a failure. The Senate, on October 29 last, voted it to be a failure. Yet we come along here in February of 1972, just a few months later, and are on the verge of appropriating approximately $3 billion—to be exact, $2,991,635,000—for more foreign aid.

I submit that most of this foreign aid is not helping the people who should be helped by it but is being siphoned off by the political leaders and the ruling cliques in these other nations.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Hughes). Under the previous order, the distinguished Senator from Oklahoma (Mr. Harris) is now recognized for not to exceed 15 minutes.

PROJECT ON CORPORATE RESPONSIBILITY

Mr. HARRIS. Mr. President, I joined Congressman William F. Ryan and Congresswoman Bella Abzug in endorsing the newly announced expansion of activities of the Project on Corporate Responsibility.

I ask unanimous consent that my statement on that occasion, as well as other related statements and documents be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Fred R. Harris, February 3, 1972

This spring the Democratic and Republican parties will choose candidates for the Presidency. Millions of rank and file voters in both parties will participate in primaries, conventions, and caucuses that will help choose the nominees of their parties. Within the last two weeks, 50,000 Democrats in Iowa and 36,000 Arizonans have met in caucuses in those states to begin the process of selecting a Democratic nominee.

For more than a year candidates have been traveling around the country campaigning—meeting with large and small groups of people, explaining their positions on public issues, submitting themselves to open questioning. During the next six months presidential candidates will be subjected to just about the closest scrutiny the American press and public applies to anyone.

It's not a perfect system, by any means. But when compared with the way the big corporations will choose their directors this spring, the presidential nominating process looks rather good. As Phil Moore of the Project on Corporate Responsibility has described it, "In virtually every large company, a few white male directors, representing large banks, large insurance companies, and large corporations will nominate a few new white male directors, put them on the proxy statement which serves as their ballot, and send it out to the company's shareholders—the corporate electorate."

Far from being subjected to an exhausting campaign of speechmaking, TV and radio interviews, and local press conferences, the average candidate for a directorship of a big corporation can sit on his porch, in the style of William McKinley, or more likely wait in his office for the proxies containing his name and the names of the other unopposed candidates for the board to be mailed in. There will most likely be no campaign, no questionnaires, no explanation of views—in fact no opposition.

All of this might be tolerable if big corporations were not so powerful. But they are. Less than 200 corporations control 60% of the manufacturing assets in this country. At least one-third of basic industry is dominated by shared monopolies in which four or fewer firms control at least 50% of the market. A corporation like General Motors is simply not a human-sized institution. Its sales are larger than the gross national products of all but nine countries. The American Telephone and Telegraph Company is so big, with $50 billion in assets and $17 billion in annual sales, that the Federal Communications Commission recently called off an investigation of the telephone company's rates, simply because it didn't have the manpower to regulate such a giant corporation.

With the great size and with concentrated market power comes economic and political power. We are taught in school that only governments, hopefully democratically chosen, may collect taxes, deprive us of our liberty or our lives, or set social policies. We are taught that private corporations merely respond to public demand and are subservient to consumer sovereignty and government regulation.

But, of course, we know that's not true. We know that Kellogg's and General Mills have more to say about the average child's diet than do all the health and hygiene courses the schools can offer. We know that, far from regulating the transportation industry, the Interstate Commerce Commission acts as a giant government-protected price-fixing agency for the railroad, trucking and barge industries. We know that over the years the steel industry, ignoring the antitrust laws as well as those of economics, has raised prices in the face of sliding demand and growing imports. We know that the working conditions in coal mines and textile plants will kill workers far faster than the laws of nature would, regardless of how many times they visit a doctor. During the 1960's, 46,000 Americans died in Vietnam, but 126,000 were killed on the job.

The fact is that our biggest corporations are private governments. They can, and do, redistribute income, protect or harm the public's health, and decide who will work and who will not. Some industries, such as the oil industry for example, even have their own foreign policies. The most important decisions about a person's life are made, not by a democratic process in which he or she can participate, but by a handful of corporate executives who are responsible to almost no one.

Over the last two years, the Project on Corporate Responsibility has tried to bring this point home to the 1½ million owners of one company, General Motors. They pointed out that the company causes perhaps 20% of the nation's air pollution. It has opposed auto safety measures for a generation, starting with its opposition to safety glass in the 1920's, which could have saved tens of thousands of lives. It has only 12 blacks among its 13,000 local dealers. It has opposed requirements that manufacturers build bumpers that can withstand 5 mile per hour crashes. It is the 17th biggest defense contractor, and has major investments in racially segregated South Africa.

Despite the obvious economic, political and social impact of all these actions, GM's board of directors was conducting business as usual when they were challenged by the Project's Campaign GM two years ago. Since that time GM has made some modest, but significant changes. It has appointed Dr. Leon Sullivan, a black minister active in job training programs, to its board of directors and has set up a Public Policy Committee to consider the public impact of GM's actions.

More important, however, Campaign GM has helped educate the company's shareholders, public office holders, and the public at large about the social impact of GM's policies. The more people that realize that air pollution is the result of considered corporate decision making, and not the inevitable result of the tide of history, the more likely we are to stop it.

It is an expansion of that effort that we are announcing today. I am happy to join with the Project as it expands its efforts from Campaign GM to challenge the corporate irresponsibility of Chrysler, Ford, AT & T and five major drug companies.

The proposals submitted to Ford and Chrysler are aimed at opening up their boards to new perspectives, as GM has done partially already, and giving their stockholders, consumers, workers, and dealers detailed information on their impact on pollution, safety, mass transit, and minority employment.

The AT&T proposal would also open up that board to "women and representatives of employee organizations, consumers, and minority groups." It will also focus on AT&T's inadequate response to complaints of bad telephone service and job discrimination against women and minorities.

The proposals to the five drug companies will pinpoint their 1) responsibility for selling dangerous drugs to foreigners without the kinds of warnings about side effects that American drug safety laws require, and 2) their responsibility for encouraging drug abuse through their advertising campaigns and in other ways.

And finally, Round Three of Campaign GM will focus on making GM's new Public Policy Committee open and responsive and on breaking up the company into two or more smaller and more competitive firms.

While I enthusiastically support all four of the Project's campaigns, I will participate in Round III of Campaign GM because of my special interest in seeing real competition between auto companies. I will go to the GM Annual Meeting in Detroit on May 19 to argue the case for bringing free enterprise to the auto industry.

Too often, I think, politicians and the public count on the big institutions in our society—the Congress, the political parties, the unions—to protect the public interest, when there is much they can do themselves. Just recently, the Federal Communications Commission reversed its decision to drop the AT&T investigation, not because of an act of Congress, but because a lot of individual citizens, in and out of Congress—on and off the FCC—raised the roof.

It's the same with our proposal that GM consider breaking itself up into more companies. I want to see the shared monopolies which dominate our economy, including the shared monopoly in automobiles, decentralized. One way to do it is to pass new legislation, like the Concentrated Industries Act I have introduced, to explicitly prohibit them. Another way is to get an Attorney General who will enforce the Sherman Act against shared monopolies. Another is encourage the Federal Trade Commission to move on from its proposed complaint against the big breakfast cereal companies to take on the other shared monopolies, like autos. And finally, we can encourage the big corporations to obey the antitrust laws voluntarily so that the first three strategies will be unnecessary.

That's what our antitrust proposal to GM is all about. I am going to the annual meeting with representatives of the Project to urge GM to decentralize itself before the government has to do it for them.

I see it as a form of reverse lobbying. Instead of the corporation descending on the halls of Congress to advance its private interest, a Senator will be going to the corporation's annual meeting to advance the public interest. It is precisely the kind of citizen's action we need more of.

Altogether the campaigns we are announcing today are part of the continuing effort by public officials, consumers, workers, minorities, small farmers, small businessmen, and all kinds of citizens to make big corporations the servants and not the masters of our lives. In this year of presidential politics, these questions of corporate politics must not be ignored.

THE PROJECT ON CORPORATE RESPONSIBILITY ANNOUNCES EXPANDED ACTIVITIES FOR THE 1972 PROXY SEASON

The Project on Corporate Responsibility, sponsor of Campaign GM, announced at a press conference today that it has submitted shareholder proposals to ten different corporations. The expanded activities include proposals to the auto industry, the drug industry and American Telephone and Telegraph. The proposals and activities of the Project were endorsed by Senator Fred Harris, who issued a statement at the press conference.

In announcing the new campaigns, Philip W. Moore, Director of the Project, said that an evaluation of the results of past campaigns compelled an expansion of shareholder activities: "Despite diminishing votes, we have seen increasing progress on three fronts: first, public awareness of the social impact of corporate behavior has continued to rise; second, a rapidly growing number of shareholding institutions have begun to acknowledge and act on their responsibility to pressure corporations toward greater social responsiveness; and third, there are increasing signs that corporations themselves are thinking more about the public interest. We believe that our activities have contributed toward these achievements. Therefore, we have decided not only to continue waging public interest proxy contests, but to expand our activities and to test new methods and new forums for bringing about education and change."

SHAREHOLDER PROPOSALS

1. General Motors

(a) Anti-trust: The Project proposed that General Motors' Directors undertake a comprehensive study on the desirability of dividing General Motors into two or more companies, taking into account the value of shareholder investment, and the interests of employees, consumers and the general public. The Project stated that the proposal would require GM's shareholders, directors and management to confront the question of its size. "Any efforts to make corporate structures more responsive must include a consideration of size. It is very possible that the size of some corporations may well prevent the marketplace or government regulation from working effectively," said Moore.

(b) Public Policy Committee: The Project proposed that the General Motors' Policy Committee annually provide a report to the shareholders disclosing its activities and its recommendations to the Board, and hold at least four public hearings each year. The Committee, formed largely in response to demands of Campaign GM—Round I, has never reported to the shareholders about its studies or recommendations. Mr. Moore stated that the Project felt that "if the Public Policy Committee is to act in the public interest, it must be exposed to public scrutiny and opened up to public opinion."

There has been no indication from General Motors as to its response to these proposals.

2. Ford and Chrysler

(a) Public Board Members: A proposal was submitted to Ford and Chrysler calling for these companies to add to their Boards "women and representatives of employee organizations, consumers and minority groups."

(b) Disclosures: The Project has also submitted proposals to Ford and Chrysler calling for more disclosure about company programs in the areas of pollution controls, safety and employment discrimination. Last year, this proposal was submitted to General Motors and was included in General Motors' proxy statement.

Chrysler has responded that it will not include these proposals in its proxy statement. The Project has appealed this action to the Securities and Exchange Commission and will take the matter to court, if necessary.

3. AT&T

The Project is co-sponsoring the submission of a proposal to AT&T with Mr. Henry Stern, Esq., a securities lawyer from Los Angeles. The Proposal is the same proposal that has been submitted to Ford and Chrysler asking for broader representation on the Board of Directors. This same proposal was submitted to AT&T by Mr. Stern last year and was indexed in its proxy statement. It received more than 4% of the shareholder vote. In a letter to Mr. H. I. Rommes, Chairman of the Board of AT&T, the Project specifically recommended that AT&T add Ms. Aileen Hernandez, former President of the National Organization for Women (NOW). Citing her continuous activities on behalf of minority and other similarily disenfranchised groups, Mr. Moore of the Project stated that "Ms. Hernandez would make an outstanding addition to AT&T's Board. Indeed, if AT&T nominates persons to its Board who have failed to demonstrate that kind of commitment to equal employment and promotional opportuntiies, some doubt will be cast on AT&T's commitment to these goals." Ms. Hernandez is currently a member of the special advisory committee or, employment policies to one of AT&T's subsidiaries, Pacific Telephone and Telegraph Company, and is western representative and consultant to the National Council Against Discrimination in Housing. She served as assistant chief to the division of the California Fair Employment Practices Commission before President Johnson appointed her Commissioner to the Equal Employment Opportunity Commission, where she served until November 1966.

AT&T has notified the Project and Mr. Stern that they will not include the proposals on their proxy statement. The Project has appealed to the Securities and Exchange Commission and will take the matter to court, if necessary.

4. Corporate drug abuse: Eli Lilly, Warner-Lambert, Bristol Myers, Merck, American Cyanamid and Smith Kline and French

(a) Foreign Labelling: This proposal would require drug companies to include on their labels for drugs manufactured and marketed in foreign countries at least the same warnings of dangerous side effects as are required by the FDA for domestic distribution. The labelling of many drugs currently produced and marketed in foreign countries is totally inadequate when viewed in terms of the warnings of side effects which are required for these same drugs when they are marketed domestically. The Project cited the example of Warner-Lambert, whose subsidiary, Parke Davis, produces and distributes a drug called Chloromycetin in foreign countries. When distributed in this country, the drug is required by the FDA to bear a warning that its side effects include "serious and fatal blood diseases," but when it is marketed abroad, the label says that the drug is "remarkably without secondary reactions."

(b) Drug Abuse: The second proposal calls for the drug industry to conduct a comprehensive study of the impact of the drug promotion, marketing and advertising practices on drug abuse in America. This proposal is designed to focus attention on the contribution that drug compromise make to the overuse and abuse of mood altering drugs, particularly amphetamines and barbiturates. In commenting on this proposal, Mr. Moore said: "We believe that drug companies bear a tremendous responsibility for the overuse of drugs in this nation. To speak of the drug problem as though it concerned only kids on marijuana or law enforcement simply misses a fundamental point—that corporations often create and then exploit the need for drugs."

The Project stated that it expected considerable interest among institutional shareholders and the public generally. These proposals, said Mr. Moore, are part of the Project's continuing activities "to further demonstrate the enormous public impact of corporate decisions and the need to make corporate decision-makers more representative of and responsive to the people they affect." The primary targets for this year's efforts are Warner-Lambert, AT&T and General Motors. Listed below are the dates and locations of these annual meetings.

OTHER DEVELOPMENTS

1. The Project submitted comments to the SEC calling for it to liberalize proxy solicitation rules in order to give shareholders and public interest groups a greater opportunity to raise issues of public importance directly with the corporations. Noting that General Motors had for the first time formally notified the Securities and Exchange Commission that it objected to this press conference on the grounds that it violates proxy solicitation rules, Mr. Moore said: "It is regrettable that corporations are seeking to restrict proxy rules even to the point of infringing First Amendment rights to speak out on corporate policies. The proxy rules should be expanded, not restricted, so that citizens can have the right to petition corporate governments for redress of grievances just as they now can petition public governments."

2. In addition to its shareholders advocacy efforts, the Project plans to employ lawsuits and other methods to raise and resolve these same issues. These other activities will be announced at a later date.

STATEMENT OF THE PROJECT ON CORPORATE RESPONSIBILITY ON NEW INITIATIVES

Immediately following last year's General Motors annual meeting, the Project on Corporate Responsibility announced that it would reevaluate the public interest proxy contest as a device for influencing corporate policy and bringing about meaningful corporate change. Since that time we've done a lot of thinking and a lot of talking—with other corporate activists, with representatives of social welfare organizations, community action groups, and numerous shareholding institutions such as the Wellington Fund, Harvard University, Manufacturers Hanover Bank, the Dreyfus Fund, and TIAA-CREF.

Most are convinced that the proxy contests waged by the Project and other public interest groups have been effective. Though voting support for our proposals has been far from overwhelming, we have seen increasing support and progress on several fronts. First, public awareness of social impact of corporate behavior has continued to increase. Second, a rapidly growing number of shareholder institutions have begun to acknowledge and act on their responsibility to encourage corporations toward greater social responsiveness. And third, there are increasing signs that corporations themselves are thinking more and more about the public interest. We believe that the Project's activities have contributed substantially toward these achievements. Therefore, we have decided not only to continue waging public interest proxy contests, but to expand our activities and to test new methods and new forums for bringing about education and change.

Thus we are announcing Round III of Campaign GM, a Campaign AT&T (last year begun by Mr. Henry Stern, Esq., of Los Angeles), and the first round of the Corporate Drug Abuse Project. We have submitted shareholder proposals to General Motors, Ford, Chrysler, AT&T and six major drug companies. These proposals are intended to further demonstrate the enormous public impact of corporate decisions and the need to make corporate decision-makers more representative of, and responsive to, the people they affect.

Campaign GM Round III proposes that General Motors undertake a comprehensive study of whether it would be in the interest of the shareholders, the consumers and the public to break up General Motors into two or more companies. Questions concerning the size of General Motors are very complex. It is not clear that there is a direct relationship between the size of the company and such problems of current concern as pollution, safety, and minority opportunities. It is clear, however, that any efforts to make corporate structures more responsive to these issues must include a consideration of size. The size of some corporations prevents both the government and the market place from exercising effective controls. Moreover, in a democratic society there is something inherently suspect about big institutions—be they corporate or governmental—for such institutions have the dangerous capacity to squelch individual freedom and ignore the legitimate concerns of the constituencies they are designed to serve.

We have also proposed that General Motors' Public Policy Committee, which some consider a cosmetic and others a substantial reform, be required to make complete disclosures of its activities and to hold open meetings at which members of the public may testify. If the Public Policy Committee is truly to act in the public interest, it must be exposed to public scrutiny and opened to public opinion. In past years General Motors has complained that we singled it out, rather than submitting proposals to all major auto manufacturers. General Motors will no doubt be pleased to learn that the campaign this year is more ecumenical. This year for the first time we are submitting proposals to Ford and Chrysler as well. One proposal calls for a broadened Board of Directors; the other calls for more detailed disclosures of safety, auto-pollution and minority employment practices. As we have noted in past years, General Motors is the nation's largest corporation in terms of gross sales. This year we also launched a campaign against the nation's largest company in terms of assets, employees, and number of shareholders—AT&T.

We have proposed that AT&T expand its Board of Directors to include members more representative of the public. An Equal Employment Opportunity Commission report recently called AT&T the "largest oppressor of women workers in the United States." In view of the Equal Employment Opportunity Commission report it would be particularly insensitive—and foolhardy—for AT&T's Board to remain all male. We have written to Mr. H. I. Romnes, Chairman of AT&T's Board, specifically recommending that Ms. Aileen Hernandez be appointed to the Board of Directors. A former Commissioner of the Equal Employment Opportunity Commission, Ms. Hernandez is currently a member of the special advisory committee on employment policies to one of AT&T's subsidiaries, Pacific Telephone and Telegraph; and is the past president of the National Organization for Women (NOW).

Our remaining campaign relates to Drug Abuse, a problem which touches the lives of most Americans and of people throughout the world. As a shareholder we have submitted resolutions to six drug companies—American Cyanamid, Eli Lilly, Bristol-Myers, Merck, Warner-Lambert and Smith Kline and French. We have proposed that they include in the advertising and labelling of drugs they make and sell abroad the same warnings of side effects that are required by the Food and Drug Administration for drugs sold in this country. These side effects can often be lethal. Yet, because United States law does not require it, drug companies do not always include these warnings in the drugs they make and sell abroad. Warner-Lambert, for example, through its subsidiary, Parke Davis, produces and distributes a drug called Chloromycetin in foreign countries. When distributed in this country the Food and Drug Administration requires a warning that its side effects include serious and fatal blood diseases, but when marketed abroad, Warner-Lambert says that the drug is "remarkably without secondary reactions." We have also proposed that these companies study the impact of drug advertising and drug marketing procedures on the drug abuse problem in this country. We believe American drug companies bear a tremendous responsibility for the overuse of drugs in this nation. To speak of the drug problem as one only of kids or marijuana or law enforcement, simply misses a fundamental point—that corporations often create and then exploit the need for durgs. At a time when so many people are concerned about drug abuse it is difficult for us to see how universities and other concerned shareholder iinstitutions can avoid this issue.

We do not pretend that these proposals provide the final answers. That is not our purpose. Nor are we under any illusions about creating a shareholder revolution. The Project is not a shareholder democracy group. Our purpose and our function is to raise issues concerning corporate power and to help focus debate. The debate is still beginning. Our proposals call for action that corporations should have taken long ago. And these same proposals are proposals that responsible institutions should have urged on their portfolio companies years ago. The failure of shareholding institutions to make these demands in the past has made it necessary for us to prod and push now, and we will do so until finally these institutions take it upon themselves to initiate proposals and advocate change on their own. Then we can move on to new tactics and new forums and new solutions until we have a new corporation—a corporation responsive to society's needs and directly answerable to the people it affects. When that time comes, we will gleefully go out of business.

ANNUAL MEETINGS OF CORPORATIONS, LOCATIONS AND DATES, PROXY CONTESTS 1972

American Cynamid, April 17, 1972, Portland.

American Telephone & Telegraph, April 19, 1972, Denver.

Bristol Myers, April 20, 1972, Cincinnati.

Chrysler, April 18, 1972, Center Line.

Eli Lilly, April 25, 1972, Indianapolis.

Ford, May 11, 1972, Detroit.

General Motors, May 19, 1972, Detroit.

Merck, April 25, 1972, Rahway.

Smith Kline & French, April 24, 1972, Philadelphia.

Warner-Lambert, April 18, 1972, New York.

PROJECT ON CORPORATE RESPONSIBILITY*

PROPOSAL SUBMITTED TO AMERICAN TELEPHONE & TELEGRAPH COMPANY

Expansion of The Board

Whereas AT&T has been criticized by the Equal Employment Opportunities Commission for not taking adequate steps to implement minority employment;

Whereas the Bell System companies are the subject of numerous customer complaints about unsatisfactory telephone service;

Whereas these complaints may impair the ability of the Bell System companies to obtain satisfactory rates in proceedings before federal and state regulatory bodies; and

Whereas these adverse results might be alleviated if the AT&T Board of Directors included members representing the views of these complaining and other groups;

Be it resolved: That the Board of Directors consider taking appropriate steps to broaden its composition by nominating as proposed directors of the Company, to fill vacancies as they occur and for election at the next annual shareholders' meeting, women and representatives of employee organizations, consumers and minority groups.

Supporting statement

Despite the conceded desirability of the principle, the Board's composition still has not been broadened to improve responsiveness to wide-ranging public and social concerns affecting this corporate behemoth and its shareholders. Directors belonging to and identifying with employee, consumer and minority groups could be expected to discharge the Company's diverse responsibilities better than the continuing all-white, all-male, executive-dominated Board. A more broadly constituted directorate also might have avoided the pending FCC inquiry into alleged hiring discrimination and resultant cost effects. Mark your proxy FOR and join 117,000 shareowners who supported a similar proposal last year.

PROPOSALS SUBMITTED TO GENERAL MOTORS

Proposal I—Anti-trust

Whereas the size of General Motors is a proper and direct concern of the shareholders, directors and management of the Corporation; and

Whereas the shareholders are concerned that General Motors may have become so large that its capacity for growth and increased profits is endangered, that its ability to meet public responsibilities has become limited, and that it is in jeopardy of liability under the anti-trust laws;

Be It Resolved: That there be established a committee, to be appointed by the Board of Directors, to study the desirability of dividing General Motors Corporation into two or more separate and independent corporations having due regard for the value of shareholder investment and the interest of employees, consumers and the general public. The committee shall report their findings and recommendations to the directors and shareholders in time for consideration at the next annual meeting.

Proposal I—Supporting statement

Anti-trust law prevents General Motors from competing for a larger share of the market. Shareholder ability to obtain per share growth of capital and income is limited by the inability of the company to continue real expansion. An efficiently managed company should be permitted to grow to the extent of its capacity. Therefore, the company should consider dividing itself into several companies and distributing the stock to its shareholders in order to compete more effectively for the automobile market. American consumers and the public in general, as well as the shareholders, will benefit from such study.

Proposal II—Public Policy Committee

Whereas the Public Policy Committee was formed to "inquire into all phases of General Motors' operations that relate to matters of public policy and recommend actions to the full Board," and

Whereas the manner of inquiry and the recommendations of the Committee are the proper concern of the shareholders;

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*And Henry L. Stern, Esq., 1800 Century Park East, Los Angeles, California 90067.

Be It Resolved: That Section 40 of the By-laws be amended by adding the following paragraphs:

The Public Policy Committee shall hold at least four meetings each year that are open to the public. The locations for the meetings shall be rotated among various sections of the country. Notice of the meetings shall be published in the Corporation's annual and quarterly reports and in national media, and shall include a reasonably detailed agenda and a pronouncement that such meetings are open to the public. Members of the public shall be permitted to participate at such meetings in accordance with the procedures determined by the Committee. Transcripts of such meetings shall be taken and made available upon request, at cost.

The Committee shall submit a report to the Board that shall be included in, or accompany the annual report. The report shall summarize the committee's activities during the preceding year and shall include a reasonably detailed description of the Committee's inquiries, a reasonably detailed accounting of expenditures of money and man-hours spent on the Committee's activities, and a reasonably detailed description of recommendations submitted to the Board and the actions, if any, taken by the Board on them.

Proposal II—Supporting statement

The Public Policy Committee, as presently constituted, and under its present procedures, is little more than a public relations gesture. It does not effectively expose the Corporation to fresh viewpoints nor does it contribute significantly to causing the company to meet its public obligations. This amendment is a very modest step that would improve the procedures of the Committee in a way that might produce new voices in the otherwise closed company councils. Notice of activities and recomendations is a bare minimum that stockholders can except of the Committee, and this would now be required for the first time.

PROPOSALS SUBMITTED TO FORD AND CHRYSLER

Proposal I—Board expansion

Be it resolved: That the Board of Directors take appropriate steps to broaden its composition by nominating as proposed directors of the Company, to fill vacancies as they occur and for election at the next annual shareholders' meeting, women and representatives of employee organizations, consumers and minority groups.

Proposal I—Supporting statement

This proposal calls for the corporation to include representatives of the public to sit on the Board of Directors. The proponents of this proposal believe that adding representatives of the public to the Board is one method to insure that the Corporation will consider the impact of its decisions on important public issues, including auto safety, pollution, repairs, mass transportation and equal employment opportunities.

Proposal II—Disclosure

Be it resolved: That the Corporation shall publish in its annual report each year:

1. Reasonably detailed descriptions of specific new techniques in automotive air-pollution control and motor-vehicle safety, developed by the Corporation, that have been proposed to the appropriate federal agency for adoption as federal motor vehicle emission standards or federal motor vehicle safety standards during the previous fiscal year.

2. The employment data which shows the proportion of Blacks, Orientals, American Indians, Spanish-surnamed Americans, and Women employed by the Corporation in each of the following job categories: officials and managers; professionals, technicians; sales workers; office and clerical; skilled craftsmen; semi-skilled operatives; unskilled laborers; and service workers.

3. A reasonably detailed accounting of the amounts of money the Corporation has spent during the previous fiscal year and the number of employees working on programs specifically aimed at: (a) developing mass producible low- or non-polluting motor vehicle engines; (b) developing mass producible vehicle safety devices or systems; and (c) training and recruiting minority-group members for employment by the Corporation and increasing the number of minority-owned dealerships.

4. Notwithstanding the foregoing, specific items of information requested by this proposal may be omitted from the annual report if (a) the Board of Directors makes a reasonable determination that the disclosure of such information would result in a competitive disadvantage to the Corporation and (b) the annual report recites the categories of information which were omitted, and the reasons therefor. In determining whether the information should be disclosed, the Board should presume that disclosure is required unless clear and compelling reasons for secrecy are demonstrated.

Proposal II—Supporting statement

Shareholders have both the right and the responsibility to be concerned about the policies of the Corporation which affect the community. Shareholders require information about the Corporation's activities and its policies of the Corporation which affect the comproposal would require management to furnish to the shareholders in the annual report the minimum information needed in three key areas of concern to the Corporation and its shareholders: minority-hiring, pollution and safety. Unless this information is furnished, the shareholders would be prevented from carrying out their proper role as owners.

PROPOSALS SUBMITTED TO DRUG COMPANIES*

Proposal I—Foreign labeling

Whereas it is the policy of the corporation to market drugs that are safe and contain fully adequate warnings of dangerous side effects;

Whereas there are some highly toxic drugs that the American Medical Association and the Food and Drug Administration require be used only in rare occasions and bear adequate warnings of side effects;

Whereas such warning and labeling requirements of the Food and Drug Administration have not been applied to foreign marketing practices;

Be it resolved: That it shall be the policy of this corporation and its subsidiaries, in its advertising for and labeling of its pharmaceutical products marketed outside the United States, to disclose all warnings required by the Food and Drug Administration for domestic marketing of the equivalent products, unless specifically prohibited by foreign law.

Proposal I—Supporting statement

Neither the United States nor the company should be in the position of wantonly peddling dangerous drugs abroad. Some drugs can be lethal for children; others are particularly dangerous for the elderly, and many drugs that contain strict warnings in this country are advertised without those warnings when sold abroad.

In the interest of humanity, and mindful of the responsibilities of international corporate citizenship, we urge this company, when marketing its drugs abroad, to provide physicians and the consuming public with the same information that the Food and Drug Administration requires be provided to doctors and the public in the United States.

Proposal II—Drug abuse

Whereas the company's role in the manufacture, sale, promotion and distribution of amphetamines, barbiturates and other "mood-altering" drugs is becoming a matter of increasing public concern;,

Be it resolved: That the Board of Directors form a committee, of which some members are not directors or officers of the corporation, for the purpose of making a comprehensive and objective study and issuing a report to shareholders on the extent to which the corporation's advertising, promotional, and marketing practices have contributed to the abuse and overuse of barbiturates, amphetamines, and other mood-altering drugs. This report shall be submitted to the shareholders in time for consideration at the next annual meeting. It shall include recommendations on what the corporation can do to limit the abuse and overuse of such drugs. In the course of its study, the committee shall consider among other things:

1. The extent to which the corporation's advertising for over-the-counter and prescription drugs creates an artifically high demand, unrelated to medical needs, for amphetamines, barbiturates, and other mood-altering drugs.

2. The extent to which the corporation's advertising for over the counter and prescription drugs leads to the abuse and overuse of all forms of drugs including illegally obtained drugs.

3. The extent to which the corporation's marketing and distribution practices make use of all available methods to control the illegal distribution of amphetamines, barbiturates and other mood-altering drugs.

4. The extent to which the corporation's promotional materials and sales personnel adequately warn physicians against dangerous side effects and improper uses of amphetamines, barbiturates and other mood-altering drugs.

Proposal II—Supporting statement

Drug abuse is becoming an increasing problem in the United States. In 1970 an estimated 3,715,000,000 amphetamine pills were distributed. Many of these pills were put to illegal and dangerous uses. The shareholders have an obligation to be formed about the corporation's practice in such an important area of drug abuse.

This proposal is intended to allow the corporation to anticipate future needs for drugs and new regulations that will have a bearing on the corporation's future.

CONGRESSMAN WILLIAM F. RYAN'S STATEMENT FOR PROJECT ON CORPORATE RESPONSIBILITY, PRESS CONFERENCE ANNOUNCING ITS NEW INVESTIGATIONS OF A.T. & T. AND OTHER COMPANIES, FEBRUARY 3, 1972

The Project on Corporate Responsibility's announcement today that it will broaden the scope of its activities to include not only General Motors but the other major auto manufacturers as well as five large drug firms and AT&T marks a very important step with respect to the problem of dealing with corporate power in America. The Project's imaginative tactics in dealing with GM in recent years have focused the public spotlight on the abuses of that corporation—its failure to respond to environmental problems, its investment policies, its lack of accountability to its shareholders. So it is very gratifying that the Project will expand its role to address these same questions regarding other major companies.

I am especially gratified that the Project will turn its attention to AT&T. As you know, last Thursday, January 27, the FCC did an about-face, set aside its own order of December 23, which had dismissed its major hearings on what goes into the rate base of AT&T and reinstated those hearings. This reversal was the result of public pressure, including the introduction by Senator Harris and myself of legislation authorizing $2,000,000 for the FCC to carry out this study.

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*Eli Lilly, Bristol-Myers, American Cyanamid, Smith Kline and French, Warner-Lambert, and Merck.

Thus, undoubtedly one of the useful tasks the Project can perform is to monitor how well the Commission in fact makes good on its promise to carry out this extremely important study concerning the financial structure of AT&T and its relationship to its subsidiaries. Particular matters that deserve attention include such questions as whether AT&T is inflating its rate base by virtue of its internal pricing structure with its subsidiary Western Electric, whether AT&T drains excessive money in profits out of its subsidiary New York Telephone, thus necessitating large rate increases for New York customers, and whether or not AT&T's operating expenses are reasonable. Perhaps the public attention the Project can bring to these problems will help to improve the scandalously deficient state of the FCC's regulation of the country's largest corporation.

BUSINESS' STRANGE NEW SILENCE

Mr. HARRIS. Mr. President, I believe future historians will find it extraordinary that save for a few isolated voices the Congress is passing and the country accepting without real discussion the most far-reaching economic decisions in our peacetime history.

To date, most newspapers have carried only the most superficial discussions of the implications of the President's phase II proposals. And in the Congress, efforts to engage in serious debate about the merits of the President's program were dismissed in the rush to adjourn. It is as though everyone is determined not to understand what is being done.

The Wall Street Journal, December 8, contains an informative article by James P. Gannon entitled "Business' Strange New Silence" which examines this phenomenon. Mr. Gannon points out that although businessmen have reacted violently in some cases to criticisms made by reformers like Ralph Nader, the fundamental reordering of the Nation's economic system by President Nixon has been acomplished with an "amazing lack of dissent from business." He notes:

> In contrast to the emotional, vitriolic reaction to the likes of Mr. Nader, who is portrayed as a threat to the free-enterprise system, there is scarcely a murmur raised against the Nixon Administration's actual restructuring of that same system. Whatever reforms Mr. Nader and his ilk are likely to force upon business, they will pale in comparison with the all-embracing federal controls that the business establishment has accepted so placidly.

To Mr. Gannon it is also ironic that the main voice of dissent to the new economic controls has been that of organized labor, which he believes has "raised questions worth examining carefully, such as the sacredness of signed contracts." I would suggest that here we may have an explanation for the administration's persistent attacks on the labor movement and AFL–CIO President George Meany. The administration is attacking one of its more meaningful and intelligent critics.

Other Senators will find Mr. Gannon's article of interest. They will wonder with the author if phase II marks a permanent change or a passing phase in the American economy and whether one or the other why in any event American business has suddenly "lost its voice."

Mr. President, I ask unanimous consent that Mr. Gannon's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Business' Strange New Silence

(By James P. Gannon)

"Business seems to have lost its voice just when it needs it most."—John D. Harper, chairman, Aluminum Co. of America.

That quote is from a speech entitled "Default by Silence" delivered in Pittsburgh Sept. 27 by the top executive of the nation's largest aluminum company. It is a remarkable speech, illustrative of a current phenomenon in executive rhetoric. In both style and substance, something new is emanating from the mouths of many businessmen these days.

But even more surprising is that these executives are muted, if not mum, on the one message that might be most expected from them.

A RHETORICAL RELISH

A perusal of a handful of recent executive speeches turns up a stunning similarity in what top businessmen are choosing to say these days, and how they are choosing to say it. In brief, they believe it's time for business to start hitting back hard at its critics, and they are sallying into the task with a rhetorical relish reminiscent to Spiro T. Agnew.

C. William Verity Jr., president of Armco Steel Corp., said in an address Nov. 9: "We've been swamped in a barrage of talk about what's wrong with America, harangued by negative Nellies and nearsighted Neros who seem always ready to fiddle or talk but seldom ready to offer their country more than a match." Critics of the nation and business have convinced businessmen that "we must take the offensive" to use "every means possible to show Americans" that what they have been getting from the disaster lobby is a mixture of fiction and exaggeration" on every subject from environmental problems to consumer-product quality.

Edwin H. Gott, chairman of U.S. Steel Corp., in a Nov. 18 speech entitled "The Disloyal Opposition": "From the halls of Congress to the campus lecture circuit and the television talk-show, every type of platform is being used to convince the American public that private business is a sinister influence on our society. . . . In too many cases, these self-appointed saviors of society are more interested in capitalizing on our social, economic and environmental problems than they are in helping to solve them. . . ."

Lumping Ralph Nader, Democratic Sens. Hart, Harris and Proxmire and assorted others into the "disloyal opposition," Mr. Gott found them "selling the American people a fraudulent bill of goods and it is time that those of us in business management labeled it for what it is."

Mr. Harper in his Sept. 27 talk: "Our society and our system are for a fact threatened from within as never before . . ." by "aggressively articulate masters of verbal violence. . . ." Business must respond to the "idiotic and noneconomic nonsense put forth by our nation's self-appointed saviors. They presume on the authority of their professions. Though they are nuclear physicists, they preach about nutrition. Though they are lawyers, they discourse on automotive engineering. Though they are sociology professors, they speak about chemical engineering. But, sad to tell, the public spreads their ersatz expertise and thus dignifies their babble no matter the subject."

The right, even duty, of businessmen to respond to critics isn't at question here. Indeed, some of the management responses to critics' charges contained in these same speeches do shed light and lend perspective to complex subjects, such as pollution control, even though it's regrettable that the corporate leaders sometimes embrace the same excessive rhetoric they condemn in their critics.

Agnewism aside, the substance of what's being said is less important than what's not being said in these executive statements.

These speeches, and many others, have been delivered during a period in which the American free-enterprise system has been suddenly subjugated to governmental controls. Executive decision-making powers have been substantially curbed by federal clamps on prices, wages and even profit margins.

This fundamental reordering of the nation's economic system has been accomplished with an amazing lack of dissent from business. In contrast to the emotional, vitriolic reaction to the likes of Mr. Nader, who is portrayed as a threat to the free-enterprise "system," there is scarcely a murmur raised against the Nixon administration's actual restructuring of that same system. Whatever reforms Mr. Nader and his ilk are likely to force upon business, they will pale in comparison with the all-embracing federal controls that the business establishment has accepted so placidly.

AN ALTERED SYSTEM

The Aug. 15 wage-price freeze imposed by President Nixon and the follow-on Phase 2 controls have drawn little but praise from the business world. In his Nov. 9 speech, Armco's Mr. Verity took satisfaction that "in his Aug. 15 message (President Nixon) has lighted the way for us as businessmen and has turned all Americans away from despair and ding-alingism to hope and renewed dedication to our system." No mention here that the renewed dedication is to a fundamentally altered system, not the old one.

Mr. Harper of Alcoa chose not to discuss the new economic program in his speech, yet in answering critics of the profit motive he asserted: "There is no such thing as excess profits, and there is no justification to limiting profits by any means other than the free-market mechanism." Curious, then, that Mr. Harper hasn't felt compelled to mention misgivings or objections to the new profit-margin controls. Is this "default by silence?"

Mr. Gott, it's true, did devote two paragraphs of his 13-page speech recently to a rather pro-forma recognition of the key issue. "I realize that even temporary wage and price controls represent an interference with our economic system," he conceded. "But it is a question of having to take the bad with the good." He also expressed a hope that if Nixonomics work, "we can get back to living and working and selling in a free-market economy."

But contrast the mildness of those remarks, tempered by praise for the "constructive approach" to economic problems in the new Nixon controls, to the vehemence with which Mr. Gott denounces the "self-appointed saviors."

"Silence may be golden," Mr. Gott said, "but unless we begin to answer the disloyal opposition, the life of that golden goose, our private enterprise system, may well be lost." The Golden goose has been clamped in a government-constructed cage and told the size of the eggs it may legally lay, yet that reality is perceived as less threatening than the assorted foxes and chicken hawks prowling on the perimeter.

It is quite likely that some executives have expressed misgivings about the economic controls in speeches or statements that haven't come to the attention of this writer. Even so, it is probably fair to say that the overall response of the corporate world to this massive shake-up of the economic system has been a combination of relief, joy and renewed hope. Whatever misgivings linger down deep in capitalist hearts remain largely repressed.

It's ironic also that the main voice of dissent to the new economic controls has been that of organized labor. AFL–CIO President George Meany has raised questions worth examining carefully, such as the sacredness of signed contracts that are the products of free collective bargaining. One would expect that thoughtful businessmen also would see some fundamental principles being compromised in the name of stopping inflation, but there is scant public evidence that they are worried.

ONLY A PASSING PHASE

Only time will tell whether the new controls turn out to be a passing phase or a permanent change for the American economy. But it would certainly appear to be a question that those dedicated to the free-enterprise system would be thoughtfully examining in public discussion. For if the current Phase 2 program fails, leaving inflation and unemployment as persisting problems, is it not likely to be followed by an even more regimented program of tighter controls? And if the Phase 2 plans work, restoring price stability and full employment, won't the politicians in power be tempted to continue the successful controls rather than risk a renewal of the economic crisis the controls were designed to resolve?

Future historians will decide whether Aug. 15, 1971, was a great watershed for American free-enterprise capitalism or a point of no return on the path to a managed economy. Either way, they may wonder why American business seemed to lose its voice just when it needed it most.

CONSISTENT POSITION ON INDIAN-PAKISTANI DISPUTE

Mr. HARRIS. Mr. President, on December 9 an editorial in the Wall Street Journal accused several Senators including myself of favoring intervention in the Indian-Pakistani dispute. It was not clear what the editorial writers meant by this but since they placed the position of these Senators in the context of U.S. military intervention in Southeast Asia, the reader gained the impression, totally false, that some or all of these Senators favored U.S. military intervention on the subcontinent.

On January 25, the distinguished Senator from Colorado (Mr. Dominick) placed this editorial in the Record and appeared to accept this inaccurate description of my position and the position of others regarding Pakistan.

To allow fellow Senators to make up their own minds, I ask unanimous consent that a reply which I sent to the editors of the Journal on this matter be inserted in the Record at this point along with the original editorial. I believe a fair reading of these two documents will reveal that the Journal, like this administration, never really understood the fundamental issues involved in our disastrous policy toward the subcontinent over the past year.

There being no objection, the editorial and letter were ordered to be printed in the Record, as follows:

Foreign Policy

As an example of how American liberals think on foreign policy, consider a range of reactions to the India-Pakistan tragedy:

Senator Harris arises to deplore President Nixon and "the tragic setback for our nation and world peace which his administration's neglect of the India-Pakistani crisis has brought about." He offers a letter also signed by Senators Mondale, Packwood, Bayh, etc., etc., giving historical perspective: "The root cause of the conflict between India and Pakistan is the continued suppression of popular will in East Pakistan." Their solution to what Mr. Nixon has "brought about": Take it all to the U.N.

The editors of the Washington Post tell us that India is indeed trying to use the refugee crisis for the "dismemberment of Pakistan," but after all India is the larger and more important of the two, and the President should put aside "largely sentimental considerations" in favor of "cold calculations of power politics."

Columnist Joseph Kraft writes that the administration mishandled the "Indo-Pak crisis" because it failed to pressure Pakistan into negotiating with Bangla Desh leader Sheikh Mujibur Rahman "even after Prime Minister Indira Gandhi of India visited Washington and named that as a price of peace."

Senator Church cautions us that "if India has intervened in the civil war of her neighbor, let's remember that we did the same in Vietnam with far less provocation." Senators Kennedy and Muskie charge that the administration was too slow in cutting off military aid to Pakistan, and too quick to brand India as the aggressor and to cut off its economic aid, and therefore its policy in not neutral but pro-Pakistan.

These are the same people, remember (as if they will let you forget), who condemn the U.S. for playing "world policeman," who elevate non-intervention to the highest principle in the case of Vietnam, who think we should lay aside power politics in favor of moral judgment in relations with Greece or Rhodesia, who are at the same time the most enthusiastic about closer relations with the People's Republic of China.

How from this stew does one distill a coherent theme? The only connecting tissue we can discern is that whatever argument is available is used to support the cause, or at least forgive the sins, of the left-most party in any international dispute.

Actually, there is another: a persistent belief that the problems of the world can be solved by the correct action on the part of the U.S. government. If the problem happens to be one where the U.S. has intervened, then the solution is for the U.S. to withdraw. If the problem happens to be one where the U.S. has abstained, then the solution is for the U.S. to intervene.

A more realistic and sensible view of the world, it seems to us, would stress the painful frequency with which tragedies will be tragedies. Never was this more true than in the case of India and Pakistan. The root causes are religious differences dating back, as our Mr. Keatley noted the other day, to 1526. In the present difficulties, as in the past ones, there is plenty of blame for both sides. When Pakistan was unable to resolve its internal regional and racial problems, it resorted to bloody repression of its dissidents. For its own narrow purposes, India fished in these troubled waters, finally provoking the war it wanted.

Yes, Pakistan was beastly in its internal policies. But it was India that resorted to force to settle an international quarrel, indeed for something very close to territorial aggrandizement. Yes, the U.S. has an interest in retaining what ties it can with India. But it also has a definite interest in maintaining what stigma it can for aggression. Yes, the U.S. has an interest in restraining Pakistan. But it also has a need to maintain some tie in order to do so. Above all, it has no power to change human nature or national history in ways that would make the Pakistanis less harsh or the Indians less hyprocritical.

Now, we find it difficult to conceive that all would have been happy if only American aid to Pakistan had been cut off three months earlier or aid to India continued three months more. All the same, there is always room for debate over whether American policy was 100% correct; the second guessers are entitled to their day.

Somehow, though, we would be happier about the usefulness of that debate if the second-guessers were neither so blissfully unaware of their own contradictions nor so blissfully oblivious to the true complexity and tragedy of the situation.

December 13, 1971.

Editors,
Wall Street Journal,
New York, N.Y.

Gentlemen: Your December 9 editorial accuses certain Senators—myself, Mondale, Packwood, Bayh, Church, Kennedy, and others—as well as the *Washington Post* and columnist Joe Kraft of being inconsistent. These same people, you point out, have called for an end to U.S. intervention in Southeast Asia. Yet now, according to your account, they demand U.S. intervention in the war between India and Pakistan.

To my knowledge all of these people do indeed oppose further U.S. military intervention in Indochina. Also to my knowledge not a single one of them is calling for this in South Asia.

Your editorial, in effect, makes a rather unusual assumption. It assumes that a demand by several Senators that the U.S. government abandon its pro-Pakistani stance in the South Asian war is in some way equivalent to the dispatch of 500,000 U.S. troops to South Vietnam. It contends that both acts constitute "interference", and then argues that for this reason the two acts can be compared.

A more relevant line of inquiry for your editorial writer, I believe, should have been, Did the U.S., in fact, not "interfer" in the war between India and Pakistan when it labelled India *primarily* responsible for the outbreak of hostilities. Was it not "interfering" when in the face of violent Indian protests it continued to send military supplies and economic assistance to the Government of Pakistan then in the process of slaughtering literally hundreds of thousands in East Pakistan?

Answers to these questions, in my opinion lead to one conclusion. It is the critics of our policy, and not Administration officials, who are urging that we reduce the degree of U.S. interference in the conflict. It is they, and not Administration officials, who want a more neutral U.S. posture in the dispute. And they do this not because they are so enamoured with Indian conduct in recent months but because they fear that the Administration's policy is gravely threatening long run American interests in the area.

Sincerely,

Fred R. Harris,
U.S. Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; and

H.R. 11394. An act to provide for the appointment of additional district judgeships, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; to the Committee on Banking, Housing and Urban Affairs.

H.R. 11394. An act to provide for the appointment of additional district judgeships, and for other purposes; to the Committee on the Judiciary.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. (Mr. HUGHES). At this time there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEED FOR SOLID SUPPORT OF PRESIDENT NIXON'S PEACE PROPOSAL

Mr. GRIFFIN. Mr. President, perhaps it was too much to expect that there would be solid support within the United States for President Nixon's Vietnam peace proposal when it was revealed in his television address.

However, now that there has been movement in its position by the other side in response to the President's proposal, the prospects for settlement look a bit brighter.

I suggest that the outlook for peace could be more encouraging if there were a moratorium on partisan sniping here in this country. If ever there were a time when some semblance of unity among us is needed, that time is now.

Instead of forcing this President of the United States—or any President—to negotiate with his critics, we should give him an opportunity to negotiate with the enemy.

To be sure, Americans understand the importance of political aspirations. But at a time like this, aspirations for peace should come first.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STEVENSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Illinois (Mr. STEVENSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the unanimous-consent order recognizing Senators tomorrow, there be a period for the transaction of routine business of not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with New Reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations to the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF DEFENSE

The legislative clerk read the nominations of Kenneth Rush, of New York to be Deputy Secretary of Defense and Eberhardt Rechtin, of Maryland to be an Assistant Secretary of Defense.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. COOPER. Mr. President, I am pleased President Nixon has nominated, the Armed Services Committee has approved unanimously, and now the Senate has confirmed the nomination of Mr. Kenneth Rush to be Deputy Secretary of Defense.

Since 1969 Mr. Rush has served with ability and distinction as our Ambassador to Germany. A large part of the credit for the agreement reached last year involving France, Great Britian, the Soviet Union, and the United States with respect to Berlin boundaries was due to Ambassador Rush's exceptional skill as a negotiator.

Mr. Rush received his A.B. degree from the University of Tennessee in 1930, and was graduated from Yale Law School in 1932. In 1932 he became associated with a prominent New York law firm in the practice of law. In 1936 and 1937 he was a professor of law at Duke University Law School. In 1937, he began his association with the Union Carbide Corp., rising to the presidency in the period of 1966–69, the position he held prior to his appointment as Ambassador to Germany. I should note that the Union Carbide Corp. is one of the largest chemical companies in the world, and ranks 20th according to size of assets of all industrial corporations in the United States—and this indicates his managerial ability.

Mr. Rush brings to his new position, as Deputy Secretary of Defense, a broad understanding and wide knowledge of industry and industrial problems, and the management experience required to make the Department of Defense efficient in the employment of the Department's large military funds and resources.

It has been my opportunity to know him for over 30 years and to appreciate his large abilities, judgment, and integrity.

President Nixon is to be commended for his selection of Mr. Rush for this most important position.

Mr. President, I ask unanimous consent that a brief biographical sketch of Mr. Rush be included in the RECORD at this point.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

KENNETH RUSH

(Lawyer; U.S. Ambassador)

Home Address: North Manursing Island, Rye, New York.

Business Address: 270 Park Avenue, New York City, New York 20017.

Born: January 17, 1910, Walla Walla, Washington.

Marital Status: Married to Jane Gilbert Smith, June 12, 1937.

Children: George Gilbert (deceased), David (deceased), Malcolm. Cynthia Shepherd, John Randall, Kenneth.

Education: A.B., University of Tennessee, 1930, LL.B., Yale, 1932, LL.D., Tusculum College, 1961.

Employment: Associate, Chadbourne, Stanchfield & Levy (now Chadbourne, Parke, Whiteside & Wolfe) law firm, 1932–1936; Assistant Professor, Duke University Law School, 1936–1937; With Union Carbide Corporation, 1936, 1937–1969; Vice President, 1949–1961; Executive Vice President, 1961–1966; President, 1966–1969; Director, 1958–1969.

Director: Bankers Trust Company; American Sugar Company; Bakers Trust N.Y. Corporation.

Ambassador to West Germany, 1969—.

Member: Industries Advisory Committee; The Advertising Council; U.S. Advisory Committee U.S. Trade Policy; Development Council, University of Tennessee, 1963—.; President's Council School of Business of N.Y.U.; Advisory Council 4-H Foundation; Board of Directors Institute International Education; Secretary-treasurer and trustee Grand Central Art Galleries; Trustee Taft School, 1957–1962; International Chamber of Commerce; Yale Law School Association (Executive Committee 1952–1962); Foreign Policy Association; Council Foreign Relations; American Bar Association.

Clubs: Apawamis, Manursing Island (Rye, N.Y.); University, Pinnacle (N.Y.C.).

Mr. MANSFIELD. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK; U.S. CONTRIBUTIONS TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK; U.S. PARTICIPATION IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate messages from the House of Representatives on the following bills: S.748, to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank; S. 749, to authorize U.S. contributions to the Special Fund of the Asian Development Bank; and S. 2010, to provide for increased participation by the United States in the International Development Association.

The PRESIDING OFFICER (Mr. Hughes) laid before the Senate the amendments of the House of Representatives to the bill (S. 748) to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank which were, on page 2, line 18, strike out "Directors'."" and insert:

Directors'.

"Sec. 21. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned; or

"(4) seized a vessel of the United States on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and a fine, license fee, registration fee or any other direct charge has been paid in order to secure the prompt release of the vessel and crew;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

On page 2, after line 18, insert:

Sec. 2. The Inter-American Development Bank Act is amended by adding at the end thereof the following new section:

"Sec. 22. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, which were, on page 5, line 3, strike out "expended."" and insert:

expended.

"Sec. 18. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

On page 5, after line 3, insert:

Sec. 2. The Asian Development Bank Act is amended by adding at the end thereof the following new section:

"Sec. 19. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill S. (2010) to provide for increased participation by the United States in the International Development Association, which were, on page 1, line 5, strike out "section" and insert "sections".

On page 2, line 5, strike out "Association." and insert:

"Sec. 12. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development of the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) that parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

On page 2, after line 5, insert:

SEC. 2. The International Development Association Act is amended by adding at the end thereof the following new section:

"SEC. 13. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development of the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House of Representatives to these three bills en bloc, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER appointed Mr. Fulbright, Mr. Sparkman, Mr. Mansfield, Mr. Aiken, and Mr. Case conferees on the part of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Gambrell) laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPERIMENTAL, DEVELOPMENT, TEST, AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report entitled "Semiannual Experimental, Development, Test, and Research Procurement Action Report," for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report of that Department (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in the Khmer Republic (Cambodia) Concerning War Victims, Civilian Health, and War-Related Casualties," Department of State, dated February 2, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the State cochairman, and Federal cochairman, the Ozarks Regional Commission, Little Rock, Ark., transmitting, pursuant to law, a report of that Commission, for the year 1971 (with an accompanying report); to the Committee on Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON:

S. 3115. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice. Referred to the Committee on Foreign Relations.

By Mr. TALMADGE:

S. 3116. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 3117. A bill to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to Guam. Referred to the Committee on Government Operations.

By Mr. HRUSKA (by request):

S. 3118. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 3119. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; and

S. 3120. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron Nation Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART (for himself, Mr. Scott, Mr. Bayh, Mr. Harris, Mr. Kennedy, Mr. Humphrey, Mr. Jackson, Mr. Muskie, Mr. McGee, Mr. Nelson, Mr. Ribicoff, Mr. Randolph, Mr. Stevenson, Mr. Tunney, Mr. Williams, Mr. Boggs, Mr. Percy, Mr. Javits, Mr. Mathias, Mr. Griffin, Mr. Stafford, Mr. Dominick, Mr. Schweiker, Mr. Cook, Mr. Stevens, Mr. Hruska, and Mr. Pell):

S. 3121. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH, from the Committee on Public Works:

S. 3122. A bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972. Considered and passed.

By Mr. McINTYRE:

S.J. Res. 194. A joint resolution authorizing and requesting the President to proclaim November 11 of each year as "World War I Veterans Day." Referred to the Committee on the Judiciary.

By Mr. HARRIS:

S.J. Res. 195. A joint resolution relative to a "Health Bill of Rights." Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON:

S. 3115. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice. Referred to the Committee on Foreign Relations.

SOVIET JEWISH REFUGEE RELIEF ACT OF 1972

Mr. JACKSON. Mr. President, I wish to introduce at this time a bill to authorize a 2-year, $250 million program to enable the United States to assist Israel in receiving and resettling the persecuted Jews of the Soviet Union. This program calls for the appropriation of $100 million in fiscal year 1972 and $150 million in fiscal year 1973. Called the "Soviet Jewish Refugee Relief Act of 1972," my measure would authorize and direct the President to establish a program of financial aid and other assistance to Israel and other countries for the movement of Jewish refugees from the Soviet Union and for the resettlement and support of such refugees.

A new bill is needed if we are to move effectively to help relieve the inhuman suffering of the Russian Jews. Amending existing legislation just will not do the job. With the passage of this measure, we will be creating and authorizing funding for a new and dramatic humanitarian program.

The right to free emigration is basic and fundamental to human liberty. Without this right national borders become prison walls. At a time when the brave Soviet Jews have been risking their lives in pursuit of freedom, the least we can do is offer material aid to assist in their resettlement.

By Mr. JACKSON:

S. 3117. A bill to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to Guam. Referred to the Committee on Government Operations.

ELIGIBILITY OF GUAM FOR PARTICIPATION IN THE FEDERAL PROPERTY AND ADMINISTRATVE SERVICES ACT

Mr. JACKSON. Mr .President, I send to the desk for appropriate reference a bill to do equity to the 100,000 American citizens of Guam and make them eligible, as are the citizens of the other offshore areas of the United States, for participation in the benefits of the excess property provisions of the Federal

Property and Administrative Services Act.

My proposed amendment would accomplish this purpose by amending the definition of "foreign excess property" found in section 3(f) of the act to include Guam as one of the areas which is excluded from the foreign excess property provisions. Section 3(f) of the definitions in the Federal Property Act now read:

> (f) The term "foreign excess property" means any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, and the Virgin Islands."

Thus, those areas are under the provisions applying to domestic excess property, while Guam, by being excluded, is subject to the limitation of the provisions applying to foreign excess property.

Such a discrimination against Guam is manifestly inequitable. Guam was constituted an unincorporated territory of the United States by section 3 of the act of August 1, 1950 (64 Stat. 384; 48 U.S.C. 1421a), popularly known as the "Guam Organic Act," and full American citizenship extended to its people.

However, that was in 1950, while the definition in the Federal Property Act was written in 1949, when Guam was a mere possession under the administration of the Navy and without established legal status. At that time both Puerto Rico and the Virgin Islands were territories. Puerto Rico now has become a Commonwealth, and the Virgin Islands continues as an unincorporated territory. Since 1950, Guam has had precisely the same legal status as the Virgin Islands.

Mr. President, there is absolutely no reason in law or in equity why this difference, this discrimination, with respect to the provisions of the Federal Property Act should continue. My bill would place both our statutorily constituted territories in an equal position.

For Guam, the change in status would mean that, in general, disposition of surplus property would be under the control of the Administrator of the General Services Administration, and the territory would be eligible to receive surplus property for education, public health, civil defense, and for parks and outdoor recreation.

The island gravely needs such property and facilities because the Federal Government now owns some 39 percent of Guam's very limited land area, which is only about 210 square miles. Of this 39-percent Federal ownership, 37 percent is in the hands of the military, and a land use study of those areas is now being conducted by the Navy under the President's Executive Order No. 11508. A report on this study will be made to the President through the White House Property Review Board established by the order.

Of such vital importance to Guam is the availability of more of its very limited land area for public purposes and for the growth of its economy that I ask unanimous consent, Mr. President, that the text of Executive Order 11508 be printed in the Record at the conclusion of my remarks. Also, Mr. President, I ask unanimous consent that the text of a letter written by the Assistant Administrator of the General Services Adminisrattion to the Honorable A. B. Won Pat, Guam's elected Representative in Washington, dated December 7, 1971, be also printed in the Record following the Executive order. This letter sets forth clearly and unequivocally the need for the legislation I am introducing.

I urge prompt action by the Congress on my proposed amendment to do equity to the people of Guam, the westernmost bastion of American democracy.

There being no objection, the material was ordered to be printed in the Record, as follows:

Executive Order 11508, Providing for the Identification of Unneeded Federal Real Property

Whereas proper management and use of the Nation's resources require a continuing and critical review of real property held by the Federal government in order to insure that each such property is promptly released by the agency concerned for appropriate disposition whenever changing program requirements of the agency, or other considerations, obviate the need of the agency for such property; and

Whereas existing law, including the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the Act"), authorizes the President to prescribe property utilization and disposal policies consistent with and deemed necessary to effectuate its provisions; and

Whereas I have determined that it would be in the public interest to enunciate a uniform policy for the Executive branch of the Government with respect to the identification of excess real property holdings, and to establish uniform procedures with respect thereto, in order to insure the prompt identification and release by executive agencies of real property holdings that are no longer essential to their activities and responsibilities:

Now, therefore, by virtue of the authority vested in me by section 205(a) of the Act (40 U.S.C. 486(a)), and as President of the United States, it is hereby ordered as follows:

Section 1. In conformity with sections 202 (b) and (c) of the Act (40 U.S.C. 483(b) and (c)), the head of each executive agency, consistent with the policies set forth in Bureau of the Budget Circular No. A-2, Revised, shall:

(1) institute immediately a vigorous and complete survey of all real property under his control; and

(2) make a report to the Administrator of General Services within sixty days of the date of this order, listing any such property or portion thereof, and state whether it is not utilized, is underutilized, or is not being put to its optimum use.

Sec. 2. The Administrator of General Services shall:

(1) within sixty days of the date of this order, and in implementation of the policies set forth in Bureau of the Budget Circular No. A-2, Revised, establish uniform standards and procedures for the identification of real property that is not utilized, is underutilized, or is not being put to its optimum use, and the heads of other executive agencies shall thereafter conform their policies, regulations, and practices to the provisions of such standards and procedures;

(2) within sixty days of the date of this order, institute, and thereafter conduct on a continuing basis, a survey of the real property holdings of all executive agencies to identify properties which in his judgment are not utilized, are underutilized, or are not being put to their optimum use; and

(3) make reports to the President, listing any property or portion thereof (identified either by Executive agencies or as a result of the Administrator's survey) which has not been reported excess and which in the Administrator's judgment is either not utilized, is underutilized, or is not being put to its optimum use, and which in his judgment should be reported as excess property.

Sec. 3. (a) The reports required of the Administrator of General Services by section 2 of this order shall be made to the President through a Property Review Board, which is hereby established.

(b) The members of the Property Review Board shall be the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, the Administrator of General Services, and such other officers or employees of the Executive branch as the President may from time to time designate. One of the members of the Board shall be designated by the President as Chairman. The Board shall have an Executive Secretary, who shall be appointed by the President.

(c) The Property Review Board shall review the reports made by the Administrator of General Services pursuant to section 2 of this order, as well as other reports to the President making recommendations for the use or disposition of specific parcels of real property, with particular attention to conflicting claims on, and alternative uses for, any property listed in such reports. The Board shall then make such recommendations to the President as it deems advisable regarding the use or disposal of such property.

Sec. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3 (a) of the Act (40 U.S.C. 472(a)):

(2) the term "property", however modified, means real property, or an interest therein, which is covered by the definition of "property" set forth in section 3(d) of the Act (40 U.S.C. 472(d)), and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks; and

(3) the term "excess property" means "excess property" as defined in section 3(a) of the Act (40 U.S.C. 472(e)).

Richard Nixon.

The White House, *February 10, 1970.*

[F.R. Doc. 70-1857; Filed, Feb. 10, 1970; 3:51 p.m.]

General Services Administration,
Washington, D.C., December 9, 1971.

Mr. A. B. Won Pat,
Representative in Washington,
Territory of Guam, Washington, D.C.

Dear Mr. Won Pat: On October 27, I wrote to you to tell you that we would investigate the procedures whereby the territory of Guam might be able to acquire beach property currently held by the Department of Defense (DOD).

We have considered our jurisdiction in this case as prescribed by the Federal Property and Administrative Services Act of 1949. Foreign excess property as defined in section 3 (f) is "any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, and the Virgin Islands." Therefore, excess property in Guam is clearly foreign excess property and as such does not come under our disposal authority. Under Title IV of the Act, the authority to dispose of such property is vested in the holding agency, which in this instance is DOD.

We understand the Property Review Board has requested that DOD conduct real property utilization surveys of their landholdings in Guam similar to the surveys made by GSA under Executive Order 11508. We are sending a copy of this letter to Mr. Berry J. Shillito, Assistant Secretary of Defense, (Installations and Logistics), Department of Defense, Washington, D.C. 20301, and suggest that you contact him directly.

We regret that we cannot be of more assistance to you in obtaining access to the beaches on Guam. Nevertheless, we would like to be apprised of your progress and would be pleased to be of whatever service we can in this matter.

Sincerely,

Harold S. Trimmer, Jr.,
Assistant Administrator.

By Mr. HRUSKA (by request):

S. 3118. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Referred to the Committee on the Judiciary.

PSYCHOTROPIC SUBSTANCES ACT OF 1972

Mr. HRUSKA. Mr. President, on behalf of the administration I send to the desk a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances, entitled the "Psychotropic Substances Act of 1972." I ask that this bill be appropriately referred, and further request that the letter of transmittal from the Attorney General and the text of the bill be printed in full at the conclusion of my remarks.

Last June the President asked the Senate to ratify the Convention on Psychotropic Substances. Today, on behalf of the administration, I am introducing legislation which would make those changes in our laws which are necessary for this country to comply with the terms of that convention. I hope that we will soon have the opportunity to endorse this international effort, and to enact this measure to make our participation effective.

In recent months reports from the Bureau of Narcotics and Dangerous Drugs, and from others alert to the changing patterns of drug abuse, have made us increasingly aware that the mind-altering drugs present a danger to our society which may equal, or even exceed, that of heroin. Just last fall, in an effort to alleviate the problem of abuse in this area, amphetamines were placed under more stringent controls when they were transferred by the Attorney General from schedule III to schedule II of the Controlled Substances Act pursuant to the terms of that law.

The American Medical Association has, by resolution, supported this action which should lead to a decrease in the widespread use of amphetamines as an aid in weight reduction. As Director of the BNDD John Ingersoll has stated, through the injudicious prescribing of medication, the obese patient may find he has gained a habit while attempting to lose weight.

But, however, successful our efforts to impose domestic controls on these and other psychotropic substances, the absence of international cooperation could mean a failure to fully accomplish our objective—the safety of our citizens. The purpose of this convention, and of this legislation to implement it, is to achieve such cooperation.

Presently, psychotropic substances are not included under any of the narcotic drug treaties. Our becoming a party to this convention would be a meaningful step in our development of a comprehensive attack on drug abuse and the international illicit drug traffic.

An analysis of the bill which I introduce today is contained in the letter of transmittal from the Attorney General submitting this legislative proposal, which will be set forth following these remarks.

I am hopeful that we may have early action on both the convention, now before the Foreign Affairs Committee, and this proposal which would make the technical changes necessary to accommodate our law to this agreement.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 3118

A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Psychotropic Substances Act of 1972".

Sec. 2. Subsection (d) of Section 201 of the Controlled Substances Act (21 U.S.C. 811 (d)) is amended by adding "(1)" after "(d)" and inserting the following new paragraphs at the end thereof:

"(2) If control is required by United States obligations under the original schedules of the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971, the Attorney General shall issue an order controlling the drug or other substance under the least restrictive schedule meeting such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section.

"(3) (A) When the United States receives notification pursuant to Article 2 of the Convention on Psychotropic Substances that a drug or other substance has been added or transferred to the schedule specified in the notification, the Attorney General shall, unless such drug or other substance is already subject to legal controls which meet the requirements of the schedule specified in the notification, initiate proceedings for control in accordance with subsections (a) and (b) of this section.

"(B) If the Attorney General determines, in view of exceptional circumstances, that the United States will not be in a position to give effect to all of the provisions of the Convention on Psychotropic Substances applicable to that drug or substance, he shall transmit notice of his determination and the reasons therefor to the Secretary of State for transmittal to the Secretary General of the United Nations within the time required by the Convention. Concurrently with the transmittal of such notice, the Attorney General shall, unless the drug or substance is already controlled under this title or unless the proceedings for control are completed, issue an order controlling the drug or substance under Schedule IV or V, whichever is most appropriate to carry out the United States obligations under Article 2, paragraph 7 of the Convention, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section. As a part of such order, the Attorney General shall by regulation except such drug or substance from the application of any provisions of Part C of this title which he finds is not required to carry out the United States obligations under Article 2, paragraph 7, of the Convention.

"(C) Upon completion of proceedings for control in accordance with subsections (a) and (b) of this section, the Attorney General shall issue a final order controlling the drug or substance under the appropriate schedule as determined by such proceedings: *Provided,* That if the Secretary recommends that such drug or substance not be controlled the Attorney General shall continue control of the drug or substance under Schedule IV or V in accordance with paragraph (3) (B) of this subsection."

Sec. 3. Subsection (d) of Section 202 of the Controlled Substances Act (21 U.S.C. 812(d)) is amended by adding the following before the period at the end thereof: ", and (3) such exception does not conflict with United States obligations under the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971".

Sec. 4. Subsection (d) of section 307 of the Controlled Substances Act (21 U.S.C. 827 (d)) is amended by adding "(1)" after "(d)" the first time it appears, and adding the following at the end of the subsection:

"(2) Every manufacturer registered under section 303 shall, at such time or times and in such form as the Attorney General may require, make periodic reports to the Attorney General with respect to nonnarcotic controlled substances which are psychotropic substances subject to the Convention on Psychotropic Substances, signed in Vienna, February 21, 1971. These reports shall include the quantities used in the manufacture of substances either not listed in any schedule or listed in a schedule but excepted from certain controls under section 201(d) (3) (B) or section 202(d), and the stocks of these controlled substances held by the manufacturer."

Sec. 5. Part of the Controlled Substances Act is amended by adding the following new section:

"Sec. 310. The Attorney General may, by regulation, prescribe restrictions on the advertising to the general public concerning any controlled substance which is a psychotropic substance subject to the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971."

Sec. 6. Subsection (a) of Section 402 of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(a) by striking out "or" at the end of paragraph (7);

(b) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(c) by adding the following new paragraph:

"(9) to advertise to the general public any controlled substance in violation of regulations issued pursuant to Section 310."

Sec. 7. Subsection (b) of section 1002 of the Controlled Substance Import and Export Act (21 U.S.C. 952) is amended by adding the following sentence to paragraph (2): "*Provided,* however, that if a nonnarcotic controlled substance is also listed in Schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements as the Attorney General may by regulation prescribe."

Sec. 8. Subsection (e) of Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended—

(a) by striking out ", and" at the end of paragraph (2) and inserting in lieu thereof ";";

(b) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(c) by adding the following new paragraph:

"(4) in any case when a nonnarcotic substance in Schedule III, IV or V is also listed in Schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements as the Attorney General may by regulation prescribe, instead of the invoice required by subparagraphs (e) (2) and (e) (3) above."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 2, 1972.
The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970, 84 Stat. 1242, 21 U.S.C. 801, to permit the United States Government to comply with the provisions of the Convention on Psychotropic Substances signed at Vienna on February 21, 1971.

On June 29, 1971, the President transmitted to the Senate, for its advice and consent to ratification, the Convention on Psychotropic Substances. This Convention has as its purpose the international control of substances that are not included under any of the existing multilateral opium and other narcotic drug treaties. The Convention governs the so-called psychotropic (or mind-altering) substances: the hallucinogens (such as LSD and mescaline), the amphetamines, the barbiturates, and the tranquilizers. The Convention will come into force 90 days after 40 countries have ratified it.

The aim of the Convention is to limit to medical and scientific purposes the manufacture, distribution and use of psychotropic substances. The structure of the Convention is similar to that of the Comprehensive Drug Abuse Prevention and Control Act of 1970. It lists 32 substances in four schedules depending on the extent of their abuse, their potential for abuse and their therapeutic usefulness. The Convention contains a procedure for adding new substances to schedules, moving them among schedules and deleting them from the schedules. Like the Comprehensive Drug Abuse Prevention and Control Act, the Convention provides gradations of controls, with the most stringent controls applied to Schedule I substances (such as LSD, mescaline and the tetrahydrocannabinols) and lesser restrictions on substances in Schedules II, III, and IV. Most of the control provisions are similar to the control of narcotic drugs by other treaties, such as the Single Convention on Narcotic Drugs, 1961.

The specific control measures which the Convention requires each Party to implement are largely satisfied by the provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Food, Drug, and Cosmetic Act. For example, under the Convention, each Party must license manufacturers and distributors of psychotropic substances; Sections 301 to 304 of the 1970 Act provide for registration of these persons. Each Party must restrict the use of Schedule I (hallucinogenic) substances to scientific and very limited medical purposes; Section 303 of the Controlled Substances Act (Title II of the Comprehensive Act) limits access to such substances to qualified researchers. Psychotropic substances must be dispensed only upon a physician's prescription; all are subject to prescription requirements under the Federal Food, Drug, and Cosmetic Act. Each Party must require all handlers of psychotropic substances to keep records of all drugs manufactured, distributed or dispensed; Section 307 of the Act already imposes such recordkeeping requirements. Importation and exportation of psychotropic substances must be controlled in a manner similar to the requirements imposed by the Controlled Substances Import and Export Act, which is Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

In addition to controlling domestic commercial and medical activity, Parties must make certain reports to the International Narcotic Control Board, take actions against illicit traffic and apply penal provisions, and, where possible, establish programs of drug abuse prevention, treatment, and rehabilitation.

Although the Controlled Substances Act and the Controlled Substances Import and Export Act provide most of the mechanisms to fulfill United States obligations under the Convention on Psychotropic Substances, new legislation will be required to satisfy all commitments under the Convention. For this purpose, the enclosed legislative proposal is submitted.

Section 2 of the proposed bill would amend Section 201 of the Controlled Substances Act (21 U.S.C. 811) to authorize and direct the Attorney General to take steps to control substances which the Convention obligates the United States to control. The Convention procedure for bringing a new substance under control requires certain medical and scientific findings by the World Health Organization, additional findings and a decision to control by the Commission on Narcotic Drugs, and notification of the Parties by the Secretary-General of the United Nations. Upon such notification, each Party is required to impose national control mechanisms on the substance within 180 days. The United States delegation sought and obtained the right of each Party to utilize its own procedures for imposing national controls, such as are provided in the Controlled Substances Act, on the condition that certain minimum national controls be imposed regardless of the outcome of the nation's internal efforts to require control. Thus, in the event that a substance cannot, within the 180-day period, be included in any schedule of the Controlled Substances Act through the normal procedures set forth in Section 201 (because of delays in administrative hearings or court proceedings provided for in the law), the United States will still have to require such controls as registration of manufacturers and wholesalers, import and export restrictions and recordkeeping requirements. Section 2 proposes the amendment of Subsection 201 in light of the requirements of the Convention. This preserves the important role assigned to the Secretary of Health, Education, and Welfare in scheduling decisions as well as all legal rights of manufacturers, handlers, and users of the substance within the United States. But, secondly, the new provisions authorize the Attorney General to impose all controls required by our treaty obligations if the regular scheduling procedures are not completed within the 180 days, and immediately on those in the original schedules of the Convention. Thirdly, the proposal permits the Attorney General to withhold any controls under the law which he does not find required by American obligations under the Convention on Psychotropic Substances.

Section 3 of the enclosed legislation would amend Section 202(d) of the Controlled Substances Act (21 U.S.C. 812(d)) to create a third condition to be satisfied before a nonnarcotic substance contained in a combination product could be excepted from regulatory control. Article 2 of the Convention on Psychotropic Substances imposes restrictions on any Party's right to grant exceptions from control for combination products. Section 2 makes this requirement fully operative in our law.

Section 4 of the proposal adds new authority to the Attorney General to gather information by amending Section 307(d) of the Controlled Substances Act (21 U.S.C. 827 (d)). Each Party to the Convention is required under Article 16 to submit certain statistical data on psychotropic drugs regarding inventories, quantities manufactured, quantities imported and exported, and quantities used in manufacture of other substances. The Attorney General can acquire much of this information directly through existing authority under the Act; he cannot, however, directly obtain data on quantities manufactured or on inventories. Manufacturing data is currently submitted to the Food and Drug Administration on psychotropic (and other) drugs having a new drug application on file with that agency; this information is not in a form readily usable by the Attorney General, however, and does not cover certain psychotropic drugs not subject to new drug application requirement. Section 4 will make certain that the Attorney General can obtain all data necessary to prepare the United States reports to the Commission on Narcotic Drugs under the Convention.

Sections 5 and 6 of the proposed bill are necessary if the United States is to comply with Article 10 of the Convention on Psychotropic Substances, which requires each Party to prohibit, with due regard to the Party's constitutional provisions, the advertisement of psychotropic substances to the general public. Section 5 creates a new section, numbered Section 830, in the Controlled Substances Act, authorizing the Attorney General to issue regulations restricting the advertising of psychotropic substances. Section 6 establishes civil and criminal penalties for violations of the restrictions on advertising.

Sections 7 and 8 of the proposed legislation would amend the Controlled Substances Import and Export Act to permit full compliance with any possible obligation under the Convention on Psychotropic Substances. The Convention obligates each Party to require prior government authorization for importation or exportation of any substance listed in Schedules I or II of the Convention; the existing United States law requires such authorization before importing or exporting a nonnarcotic substance listed in Schedules I or II of the Act. Therefore, the possibility exists that a substance listed in Schedules I or II under the Convention could be listed in Schedules II, IV or V of the Act, thereby preventing imposition of the prior authorization system. Section 7 is an amendment to Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952), and Section 8 proposes to amend Section 1003 of that Act (21 U.S.C. 953). The effect of these suggested changes would be to permit the Attorney General to impose the Schedule II import and export controls on any Schedule III, IV or V substances without rescheduling the substance and thereby subjecting it to other unnecessary controls.

We urge the early consideration of this legislation and the Convention so that we may become Parties to this international effort in the near future.

The Office of Management and Budget has advised that the submission of this recommendation is in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

By Mr. CHILES:

S. 3119. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; and

S. 3120. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as

wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, the Wilderness Act of 1964 declared it to be the policy of the Congress to secure for the present and future generations of Americans the benefits of a lasting resource of wilderness, and for that same purpose the act established a National Wilderness Preservation System. The act directs the Secretary of the Interior to review every roadless area of 5,000 contiguous acres or more and every roadless island within the National Wildlife Refuge System, to determine whether or not the area ought to be included in the National Wildlife Refuge System. Inclusion in the System assures preservation of the undeveloped area to serve as a permanent, living lesson of human interdependence with the natural environment. I am delighted this morning to introduce two bills designating certain lands as such wilderness areas. The first bill is a companion to Congressman FASCELL's bill, H.R. 10667 which would designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, in Monroe County, Fla. The second measure is a companion to Congressman FUQUA's H.R. 736, which would designate certain lands in the Cedar Keys National Wildlife Refuge in Florida.

In judging the suitability of land to be included in the wilderness system an area must meet certain criteria: First, it must be reasonably compact; second, it must be undeveloped; third, it must possess the general characteristics of wilderness; and fourth, it must have no improved roads suitable for public travel by automobile.

Certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, have met these necessary criteria.

The Florida Keys are perhaps best known as the home of the Key deer. This small version of the white-tailed deer can be seen only in this area and even here only a few keys within the Key Deer Refuge have the proper habitat and sufficient fresh water vital to the animal's survival. And there are a large variety of rare and beautiful species within the refuge, dependent upon its peacefulness, its completely natural environment—these include the southern bald eagle, the eastern brown pelican, the American alligator and crocodile, as well as the loggerhead sea turtle.

I think it is important to point out that no additional land acquisition will be necessary to enact these two proposals. There are no water bottoms or State and private lands within the boundaries of the refuges included in the proposals.

Certain lands in the Cedar Keys National Wildlife Refuge in Florida also fully qualify under the same Wilderness Act of 1964 to be designated a wilderness area. The Cedar Keys National Wildlife Refuge consists of four islands: Seahorse, Snake, Bird, and North Keys—all of which are 2 to 3 miles offshore from the town of Cedar Keys, in the Gulf of Mexico. This 378-acre area has long been an important nesting ground for the white ibis, common egret, snowy egret, the Louisiana heron, and great blue heron. The place offers ideal atmosphere for resting and feeding of the birds. Including this area in the wilderness system assures that islands will remain unimpaired for future use and enjoyment as wilderness. The measures I am introducing here today provide that there will be no commercial enterprise, permanent roads, use of motorized equipment or structure within the designated area.

If enacted, both these proposals will secure a rare bargain for the American people. All the land is already under Federal ownership. Experts are agreed the land is appropriate for preservation in its present undeveloped state. Agreement exists as to the value of the land as a nesting, feeding, and breeding place for a number of endangered, rare and beautiful species of wildlife. All that remains then is that we turn our good intentions and well-designed plans into the law of the land. I strongly urge the Senate to insure the preservation of these primitive areas. Because they are capable of providing a place where man can reflect on the past while at the same time gain valuable insight into the meaning of the natural ecosystem where plants and wildlife share the environment with him and because the designation of these areas will assure permanent safeguarding from future development and will accommodate recreational, scientific, educational, conservation, scenic, as well as historical uses, I feel the proposals have great merit. The refuges deserve the additional protection afforded areas included in the National Wilderness Protection System. The bills designating their inclusion deserve prompt and favorable action.

By Mr. HART (for himself, Mr. SCOTT, Mr. BAYH, Mr. HARRIS, Mr. KENNEDY, Mr. HUMPHREY, Mr. JACKSON, Mr. MUSKIE, Mr. MCGEE, Mr. NELSON, Mr. RIBICOFF, Mr. RANDOLPH, Mr. STEVENSON, Mr. TUNNEY, Mr. WILLIAMS, Mr. BOGGS, Mr. PERCY, Mr. JAVITS, Mr. MATHIAS, Mr. GRIFFIN, Mr. STAFFORD, Mr. DOMINICK, Mr. SCHWEIKER, Mr. COOK, Mr. STEVENS, Mr. HRUSKA, and Mr. PELL):

S. 3121. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes. Referred to the Committee on the Judiciary.

CIVIL RIGHTS COMMISSION ACT OF 1972

Mr. HART. Mr. President, today I introduce for the senior Senator from Pennsylvania, myself and 25 of our colleagues the Civil Rights Commission Act of 1972, a bill that would extend the life of the Commission on Civil Rights and expand its jurisdiction to include discrimination because of sex. In addition, the bill would remove the ceiling on the Commission's authorization for appropriations and make other administrative change to strengthen the Commission.

For 14 years, the Commission on Civil Rights has served this Nation well. I think it is a tribute to the Commission that it has been far more successful than even its original sponsors could have ever imagined.

The Commission is a unique agency. It reports to both the President and the Congress, thus assuring its independence from both branches. Its members are selected on a bipartisan basis. It is an agency with no enforcement authority and no specific programs to administer, thus relieving the Commission of any potential vested interests in such activities.

Under the strong leadership of its chairman, John A. Hannah and Father Theodore M. Hesburgh, the Commission has played a vital role since its inception. Commission reports and recommendations have provided the basis for important legislation, executive action, and judicial opinions dealing with the sensitive and all-important field of civil rights.

Many of us have taken for granted the contributions made by the Commission on Civil Rights to the enactment of the landmark civil rights legislation of the 1960's. Commission studies and reports in the fields of education and employment provided, in large measure, the basis and justification for portions of the Civil Rights Act of 1964. Civil Rights Commission documentation of widespread denials of voting rights helped lay the foundation for the historic Voting Rights Act of 1965. Five years later, the Commission presented evidence that convinced Congress of the necessity to extend that act. And Commission investigations into the availability of equal housing opportunities helped produce title VIII of the Civil Rights Act of 1968.

Despite these successes, it is evident that full equality for all Americans has not been achieved and that the work of the Commission is far from complete. Much more important work remains to be done. And to a great extent, the work remaining will be more difficult and crucial than the work that has been completed. Yet the Commission is scheduled to expire next January. Unless its life is extended, it will be unable to continue its invaluable contributions.

Civil rights problems today are far more subtle and complex, and therefore more difficult to deal with, than the relatively straightforward issues of the 1960's. Take, for example, the critical and deeply complicated problems of our deteriorating metropolitan areas and the resulting impact on minority Americans. Our urban areas are increasingly being polarized along racial lines. Our suburbs are becoming more white and affluent while the urban minorities are left behind to inherit the decay and poverty of the inner-city areas. These developments have tremendous consequences for equal housing, employment and educational opportunities for minorities and bear directly on the future of our Nation as a united society.

Until recently the focus of those in civil rights has been principally on the problems of blacks. The Commission on Civil Rights, however, has undertaken studies of Indians, Mexican Americans, Puerto Ricans, and others. But again, much more must be done. Current Commission studies in these fields must be completed and many more must be initiated.

In addition, this bill seeks to capitalize upon the Commission's expertise and experience in analyzing discriminatory practices by conferring jurisdiction over sex discrimination as well. If we are going to make good on our professed intentions to eliminate sexual discrimination in America, we will need all the avenues of attack that can be taken against this pervasive inequity in our society.

Finally, this legislation improves the procedures of the Commission in several respects which bring it into parity with other Federal commissions and which will enable it to perform more effectively its assigned tasks.

Mr. President, this is an important piece of legislation for the cause of civil rights, for the cause of women's rights—for the cause of human rights. I urge its prompt consideration and enactment by the Senate.

Mr. President, I ask unanimous consent that at the conclusion of my remarks and the remarks of Senator Scott the bill be printed along with a section-by-section analysis, an explanatory memorandum, and a letter from Mr. Wilfred Rommel, in the Executive Office of the President, to the Commission Staff Director, Mr. John Buggs, indicating that the legislation is in accord with the President's program in civil rights enforcement.

The **PRESIDING OFFICER** (Mr. Chiles). Without objection, it is so ordered. (See exhibits 1, 2, 3, and 4.)

Mr. SCOTT. Mr. President, I am delighted to join with the Senator from Michigan (Mr. Hart) in introducing legislation to extend the life of the Commission on Civil Rights for 5 years and to expand the jurisdiction of the Commission to include discrimination because of sex.

The contributions of the Commission on Civil Rights to the advancement of human rights and human dignity are well known. The Commission has been the conscience of the Nation in matters of racial equality since its creation in 1957. It contributed significantly to the enactment of the landmark civil rights legislation of the 1960's. Commission reports and recommendations have formed the basis for other important legislation, executive action and judicial opinions dealing with civil rights.

While significant strides have been taken toward securing individual civil rights since the Commission was established in 1957, there is a continuing need for this type of independent agency. The Commission has been increasingly active in focusing attention and Federal action on the problems faced by Mexican Americans, American Indians and other minority groups. Its vital work must continue.

To date, the Commission's work has been limited to issues of discrimination because of race, color, religion, and national origin. Studies have indicated, however, that widespread discrimination because of sex exists in our Nation. The bill which I am introducing today would meet this denial of equal rights by authorizing the Commission on Civil Rights to deal with discrimination because of sex. This provision of the bill would implement an important recommendation of the 1970 report of the President's Task Force on the Rights and Responsibilities of Women and is in accord with the President's civil rights program.

Limited studies in the area of discrimination because of sex document some of the discrimination suffered by women. For example, working women with college degrees earn, on the average, $7,000 a year, while male college graduates earn $12,000. Other examples of discrimination are found in "protective" labor legislation, domestic relations law, criminal law and higher education.

We are progressing toward full equality, but the gap is still wide. In 1968, women held 1.03 percent of all Federal jobs paying $30,000 or more a year. In 1971, the figure had barely increased to 1.04 percent. In 1955, the median salary of all female workers was 64 percent of that for all male workers, while in 1969 the figure had decreased to 58 percent.

Although some Federal agencies and laws encompass discrimination because of sex, these laws are generally limited to discrimination in the area of employment. Studies of the full range of issues, in addition to more extensive studies of discrimination in employment, are necessary. As has been demonstrated so cogently by the Commission's record, studies and recommendations firmly grounded on authoritative facts are an essential prerequisite to legislation and other remedial relief. Further, it is important that a Federal agency be empowered to appraise the Federal performance in this area and provide a focal point for the development of affirmative action programs within the Federal Government.

The structure and work of the Commission on Civil Rights are well suited to these needs. I believe that it is both logical and necessary that the jurisdiction of the Commission be expanded to include discrimination because of sex.

I would like to stress that this program has the full backing and support of the President of the United States. In his state of the Union message, the President requested that the Commission be extended for another 5-year term. In addition, the President called for the expansion of the Commission's jurisdiction to include discrimination because of sex.

I hope that the Senate will recognize the importance of this measure and give it its full and sympathetic support. I urge its early adoption.

Exhibit 1

S. 3121

A bill to extend the Commission on Civil Rights for five years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 2. Section 102(j) of the Civil Rights Act of 1957 (42 U.S.C. 1975a(j); 71 Stat. 634), as amended, is further amended by striking therefrom the first and second sentences and substituting therefor the following: "A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

Sec. 3. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 635), as amended, is further amended by striking therefrom "the sum of $100 per day for each day spent in the work of the Commission," and substituting therefor " a sum equivalent to the compensation paid at Level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of Title 5, U.S.C., prorated on a daily basis for each day spent in the work of the Commission."

Sec. 4. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion," the following: "sex".

Sec. 5. Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking therefrom "January 31, 1973" and substituting therefor: "the last day of fiscal year 1978."

Sec. 6. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further amended as follows:

In section 105(a) by striking out in the last sentence thereof "as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $100 per diem," and substituting therefore "as authorized by section 3109 of Title 5, U.S.C., but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS–15 of the General Schedule under section 5332 of Title 5, U.S.C.".

Sec. 7. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"Sec. 106. There are hereby authorized to be appropriated, such sums as are necessary to carry out the provisions of this Act."

Exhibit 2

Section-by-Section Analysis of S. 3121

Section 2 would provide for paying witnesses at Commission hearings at the same rate paid by Federal courts. Witness fees would be raised from $6 a day to $20, and expenses would be raised from $10 to $16. Commission witnesses thus would be paid at the same rate paid by many other boards and commissions, in addition to the Federal courts.

Section 3 would adjust the daily compensation for commissioners. Instead of $100 for each day spent in the work of the Commission, commissioners would be compensated at the daily rate paid at Level IV of the Federal Executive Salary Schedule. The present payment is at a level below the salaries of the staff director and other senior Commission officials who are responsible to the commissioners. Many other boards, commissions, and authorities are compensated at Executive Level IV.

Section 4 would expand the Commission's jurisdiction to include discrimination on account of sex. Present law governing the operation of the Commission would be amended to add sex discrimination to the forms of discrimination presently within the Commission's jurisdiction: color, race, religion, and national origin. The Commission would be empowered, regarding sex discrimination, to study and collect information, appraise Federal laws and policies, and serve as a clearinghouse of information.

Section 5 would extend the life of the

Commission five years. Instead of expiring in early 1973, the Commission would continue until the end of Fiscal 1978.

Section 6(a) would authorize the Commission to pay consultants up to a daily rate equivalent to the maximum for Federal empoyees at the GS–15 level. This would enable the Commission to pay, under the current General Schedule, up to $127.92 per day instead of the $100 currently allowed. This procedure for relating the maximum pay for consultants to the General Schedule is in accordance with OMB recommendations.

Section 7 would authorize the appropriation of such sums as are necessary for the work of the Commission. The present authorization is $4,000,000.

EXHIBIT 3

MEMORANDUM OF EXPLANATION, S. 3121

INCREASE OF ATTENDANCE FEE AND PER DIEM ALLOWANCE FOR WITNESSES AT COMMISSION HEARINGS

Section 2

Sec. 2. Section 102(j) of the Civil Rights Act of 1957 (42 U.S.C. 1975a(j); 71 Stat. 634), as amended, is further amended by striking therefrom the first and second sentences and substituting therefor the following: "A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

It seems appropriate to pay persons appearing as witnesses before the Commission at the same rate paid witnesses appearing in Federal Court. This approach is followed, pursuant to statutory language identical to that proposed above, by the following major Federal agencies with subpena power: Civil Aeronautics Board (49 U.S.C. 1484(b)); National Labor Relations Board (29 U.S.C. 161 (4)); Federal Maritime Commission (46 U.S.C. 1124(a)); Federal Power Commission (16 U.S.C. 825(b)); Securities and Exchange Commission (SEC Rule 14(c)); Federal Trade Commission (15 U.S.C. 49); Federal Communications Commission (47 U.S.C. 409(e)).

The adjustments incurred by the above language would increase the witness fees for each day's attendance of a Commission hearing from $6.00 to $20.00 and would increase reimbursement for subsistence expense from $10.00 per day to $16.00 per day, the higher figures reflecting the amounts currently provided witnesses in Federal Court proceedings pursuant to 28 U.S.C. 1821. Future amendment of 28 U.S.C. 1821 altering those fees or altering mileage fees (currently set at 10 cents per mile) payable to Federal Court witnesses would automatically be subsumed under Section 102(j) of the Civil Rights Commission's statute.

It is estimated that the enactment of this legislation will result in an annual increase of cost to the government of approximately fifteen hundred dollars.

ESTABLISHMENT OF A NEW SALARY LEVEL FOR COMMISSIONERS

Section 3

Sec. 3. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 635), as amended, is further amended by striking therefrom "the sum of $100 per day for each day spent in the work of the Commission," and substituting therefor "a sum equivalent to the compensation paid at Level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of Title 5, U.S.C., prorated on a daily basis for each day spent in the work of the Commission."

This amendment would provide for payment to Commissioners at the Executive IV level.

Under the existing provisions of Section 103(a), Commissioners not otherwise in the service of the Government are to be paid at a rate of one hundred dollars per day for each day spent in the work of the Commission. The rate of one hundred dollars per day is insufficient to compensate Commissioners for the time which they must devote to Commission business. Moreover, under 5 U.S.C. 5316, the Staff Director of the Commission on Civil Rights is paid at the rate of Executive Level V. In addition, other senior level employees of the Commission are paid at GS–16 level and above. The Commissioners, to whom the Staff Director is subordinate, however, are paid at a rate somewhat below the top of the GS–15 level. Thus, the top policy-making officials in the agency are paid at a rate substantially lower than senior level employees of the agency. Should further Federal pay raises occur, the situation may become even more inequitable. To adequately compensate the Commissioners for their time and to eliminate this inconsistency in pay scales, it is proposed that Commissioners be paid, for each day spent in the work of the Commission, at a rate equivalent to Executive Level IV, computed on a pro rata daily basis.

The following list indicates other commissions and similar agencies whose members are paid at Executive Level IV:

Federal Maritime Commission.
Civil Service Commission.
Tennessee Valley Authority.
Securities and Exchange Commission.
Federal Trade Commission.
Interstate Commerce Commission.
Federal Deposit Insurance Corporation.
Postal Rate Commission.
Civil Aeronautics Board.
Occupational Safety and Health Review Commission.

It is estimated that the enactment of this legislation will result in an annual increase of cost to the government of approximately six thousand dollars.

SEX DISCRIMINATION JURISDICTION

Section 4

Sec. 4. Paragraph (1) of subsection (a) of Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion," the following: "sex".

An important recommendation of the 1970 Report of the President's Task Force on the Rights and Responsibilities of Women was to extend the jurisdiction of the U.S. Commission on Civil Rights to cover discrimination on account of sex. In addition, there have been a number of proposals in Congress during the last two years to add discrimination on account of sex to the jurisdiction of the Commission on Civil Rights.

Many Federal equal opportunity requirements today, such as Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended, cover discrimination on account of sex, as well as discrimination against minorities. Extending the Commission's jurisdiction would provide the Commission comparable jurisdiction to that held by two major Federal civil rights programs.

While several Federal agencies are concerned with the status of women, all are limited in that none are empowered to examine and make recommendations regarding the full range of women's issues. Furthermore, none are empowered to appraise Federal performance in this area. The Commission's Federal monitoring responsibility is now limited in that it cannot examine an area which represented, for example, 19 percent of the Equal Employment Opportunity Commission's caseload in 1970. Thus, the Civil Rights Commission would provide a focal point in the Federal Government regarding women's issues and fill a void which now exists.

While there are some differences, many parallels exist between race and sex discrimination. Institutional policies and practices reinforce both, and minority women, in particular, are the recipients of double discrimination.

Additional fact-finding with regard to the status of women is needed. Although more information than ever before seems available regarding the role and status of women in American society, on close examination, much of the information is meager, revealing blatant male-female disparities only for several traditional indicators of status. The information which is available, however, indictates the depth and severity of the problem.

The Commission is prepared to undertake a significant program in the area of sex discrimination. Among the issues proposed for study are ones dealing with women and the administration of justice, including correctional institutions, women and the job market, the legal status of women, political participation of women, sex discrimination in housing programs and in education. In addition, the Commission would prepare and publish appropriate clearinghouse publications on women's rights, monitor sex discrimination in Federal programs and handle complaints of sex discrimination. It is estimated that the cost to the Federal Government of adding sex discrimination to the mandate and jurisdiction of the Commission would be one million dollars.

EXTENSION OF THE TERM OF THE COMMISSION ON CIVIL RIGHTS

Section 5

Sec. 5. Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking therefrom "January 31, 1973" and substituting therefor, "the last day of fiscal year 1978."

Unless extended by Congress the Commission will cease to exist sixty days after submission of its final report, on January 31, 1973.

This amendment would extend the life of the Commission for a period of five years coterminous with the end of the fiscal year in calendar year 1978.

The Commission's principal function remains to find facts. During the life of the Commission several Federal civil rights laws have been enacted and major changes in Federal, State and local policies concerning civil rights have taken place. The problems that led to the creation of the Commission in 1957, however, continue to exist and deserve further attention by the Commission. There is a continuing need for an independent agency in the Executive Branch whose main function is to appraise the changing status of civil rights, both to point out the progress that has been made and to point out the areas where discrimination persists.

There is also a continuing need for an independent agency to examine the impact of the Federal laws and policies on civil rights problems. As the Commission recently found, new laws and policies are not enough. A clear, strong commitment backed up by adequate enforcement machinery is needed to make real progress in the civil rights field. The Commission has yet to see that high a degree of commitment or strong enforcement machinery.

During the last four years the Commission has turned more and more attention to the problems of minority groups other than blacks. During the last few years, the Commission has issued several reports dealing exclusively with the problems of Mexican Americans and has focused attention on this particular minority group through the hearing process and various State Advisory Commitee activities. At the present time, the Commission is preparing for a major hearing dealing exclusively with the problems of Puerto Ricans in the Northeastern United States. The Commission has also devoted more of its resources to the problems of American Indians and will soon be publishing a Handbook on Indian Rights.

Despite the Commission's increasing focus on the problems of various minorities that have previously been ignored by the Federal Government there is a great deal more to be done in these areas. Because of its long-standing experience and expertise in the civil rights area, the Commission is best suited to deal with these problems.

During the past 14 years there have been many significant accomplishments in civil rights. Among these are the enormous increase in the numbers of franchised black citizens, the substantial progress made in the desegregation of schools, and improved employment opportunities which have resulted from meaningful government action to attack the problem of denials of equal employment opportunity. Despite these gains, today there exists more segregation in housing than existed in 1957. This continues to complicate the desegregation of schools and the accessibility by minority groups to job opportunities in suburban areas. The trilogy of segregated housing, poor schooling and lack of job opportunity lead to the continued racial and ethnic polarization of the Nation. Antipathies and conflicts between law enforcement officers and the black, Puerto Rican, Mexican American and Indian citizens of the Nation are disturbing indicators of continued difficulties in urban areas. Riots in prisons raise serious questions concerning the administration of justice behind prison walls. After 14 years of legislative progress, it is not yet time for the Federal Government to abandon the necessary process of monitoring compliance with civil rights laws and policies and of designing and implementing new and improved policies to meet new problems and changing conditions.

In 1967 Congress extended the Commission for a term of five years until January 1973. As a result, the Commission was able to undertake studies on a variety of issues that would not have otherwise been possible. It has been able to plan for longer range projects and to carry out a more comprehensive agency program. For example, it has been possible to undertake a long-range study of Mexican American educational opportunities in the Southwest and issue a series of reports on various aspects of that issue (the project is still underway).

It is believed that if the Commission continues, it should be extended for a period of time sufficient to enable it to carry out its functions on a sound and efficient basis. An extension for five years would best provide that opportunity.

ESTABLISHMENT OF NEW MAXIMUM PAY FOR CONSULTANTS

Section 6

SEC. 6. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further amended as follows:

(a) In section 105(a) by striking out in the last sentence thereof "as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $100 per diem," and substituting therefor "as authorized by section 3109 of Title 5, U.S.C., but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS-15 of the General Schedule under section 5332 of Title 5, U.S.C.".

Under present limitations, the Commission may pay experts and consultants a maximum of one hundred dollars per day.

This amendment would provide a new maximum pay level for experts and consultants.

Under existing legislation, a separate congressional enactment is necessary to enable the Commission to increase the compensation of experts and consultants to reflect higher living costs and higher pay rates for both public and private employment. The Commission has been severely handicapped by this limitation in its ability to retain qualified experts and consultants.

This problem is currently more acute since many other Federal agencies now are authorized to compensate experts and consultants at rates greater than one hundred dollars per day. In addition, limitations on compensation which may be paid by other agencies are often stated in terms of the general pay schedule for Federal employees, permitting increases in consultant pay pursuant to increases in the general schedule. In order to compete with other Federal agencies and with private employers for the services of experts and consultants, the Commission must be able to pay a rate of compensation which can keep pace with future economic developments, and with pay scales of other agencies. This amendment would permit the Commission to do so by setting step 10 of GS-15 as the maximum rate of compensation for experts and consultants.

The following is a partial list of other Federal agencies, and their limitations on consultants' pay, including a computation of the current daily rate:

Agency, Limitation, and Computed Daily Rate

Department of Commerce, GS-18, $138.48 per day.

General Services Administration, GS-15, step 10; $127.92 per day.

National Labor Relations Board, GS-15, step 10; $127.92 per day.

Department of Justice, GS-15, step 10; $127.92 per day.

Equal Employment Opportunity Commission, GS-15, step 10; $127.92 per day.

Cabinet Committee on Opportunities for Spanish Speaking People, GS-18, $138.48 per day.

It is estimated that the enactment of this legislation will result in an annual increase of cost to the government of approximately twenty five hundred dollars.

ELIMINATION OF THE LIMITATION ON ANNUAL APPROPRIATIONS

Section 7

Sec. 7. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"Sec. 106. There are hereby authorized to be appropriated, such sums as are necessary to carry out the provisions of this Act."

There are two important reasons for removing the statutory ceiling on the Commission's annual appropriation. First, such a ceiling is the exception rather than the rule; most Federal agency operating budgets, as opposed to grant programs, have open-ended appropriations provisions. As a practical matter, every annual apropriation request is subjected to a thorough review by the Office of Management and Budget and by the Congress. Under the existing legislation, however, in order to increase the Commission's annual appropriation, the Congress must first go through the complicated and time-consuming process of amending the Commission statute. Removal of the ceiling would permit the Office of Management and Budget and Congress to determine the Commission's financial needs on the basis of an annual review of the agency's work in light of the country's needs, without the hinderances and delay imposed by the necessity to seek new authorization legislation.

Second, the maximum amount set by the ceiling is arbitrary and has created a situation where at times the Commission's operating budget has had to absorb various cost increases. The maximum amount of the limitation has been raised three times since it was first passed in 1967 in order to cover increased costs and to provide for a small increase in the "real" budget of the Commission. Despite these increases, there has not been any appreciable increase in permanent staff positions or in the Commission's program. Costs, such as salary increases for Federal employees, travel, mailings, etc., however, are continuing to rise and in a short time the latest increase in the appropriation ceiling to $4 million will be insufficient to fund the Commission at even its present operating level. Complete removal of the appropriations ceiling would permit the funding of Commission activities in a manner which allows for increasing costs without forcing a reduction in operations. If the Commission is to be an effective agency, it must be free, as are other Federal departments and agencies, to seek the funds it needs on an annual basis without an arbitrary limit on its appropriation.

EXHIBIT 4

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 25, 1972.

Hon. JOHN A. BUGGS,
Staff Director-designate,
Commission on Civil Rights,
Washington, D.C.

Attention: Mr. Jonathan W. Fleming, Room 500, 1121 Vermont Avenue N.W.

DEAR MR. STAFF DIRECTOR: This is in response to your letter of January 18, 1972, requesting advice on a draft bill, "To extend the Commission on Civil Rights for five years, to expand the jurisdiction of the Commission to include discrimination because of sex, to remove the limitation on Commission appropriations, and for other purposes."

Subject to the deletion of subsection 6(b), as agreed upon by our respective staffs, there is no objection to the presentation of this legislative proposal to the Congress and its enactment would be in accord with the program of the President.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for
Legislative Reference.

Mr. BOGGS. Mr. President, I am pleased to join today in introducing legislation to extend and expand the work of the U.S. Commission on Civil Rights.

Since it was established as a temporary agency in 1957, the Commission has worked tirelessly to investigate and report civil rights violations. Its duties and importance have grown with the body of civil rights legislation passed during the past decade. It has served as the Federal Government's watchdog on civil rights matters, drawing attention to areas of noncompliance and serving as a clearinghouse for civil rights information. This work is valuable and it should, I believe, be continued for 5 years beyond its expiration in January of 1972.

The Civil Rights Commission is currently authorized to investigate cases of discrimination on the basis of race, religion and national origin only. The legislation that is being introduced today would open the way for the Commission to investigate cases of sex discrimination as well. This is an area of discrimination that has been neglected for far too long, and I strongly favor bringing the resources of the Civil Rights Commission to bear on it.

Mr. SCHWEIKER. Mr. President, I am pleased to join Senators SCOTT and HART as a cosponsor of the legislation to extend and expand the authorization of the U.S. Commission on Civil Rights.

This legislation was requested by the President in his state of the Union message.

It will do several things: First, extend the Commission on Civil Rights for a period of 5 years beyond its current expiration date of January 30, 1972; second, expand the Commission's jurisdiction to include discrimination on account of sex; third, remove the limitation on the authorization for appropriations for the Commission; and fourth, improve the operating procedures of the Commission to bring it into parity with other Federal commissions and agencies.

I am particularly pleased that this legislation extends the jurisdiction of the Commission to cover discrimination on account of sex. Doing so will permit this Agency to make recommendations for Federal action in this area, and will provide a central location for Federal consideration of sex discrimination.

By Mr. McINTYRE:

S.J. Res. 194. A joint resolution authorizing and requesting the President to proclaim November 11 of each year as "World War I Veterans Day." Referred to the Committee on the Judiciary.

WORLD WAR I VETERANS DAY

Mr. McINTYRE. Mr. President, I send to the desk for appropriate reference a resolution to establish November 11 as "World War I Veterans Day."

This resolution would acknowledge the observance of November 11 as an integral part of our American heritage. It authorizes the President of the United States to issue annually a proclamation designating November 11 as "World War I Veterans Day."

Mr. President, I know that all across this land millions of individuals will rejoice at the renewed recognition of the armistice that ended World War I.

Now veterans groups, churches, historical societies and affiliated organizations can conduct their commemorative events on November 11 with the knowledge that Congress does remember the sacrifices of thousands of American soldiers who entered the fighting in France and Germany in 1917 and 1918. We remember their sacrifice and we continue to be grateful for it.

I have received so many letters and telegrams from interested citizens who are dismayed at the seeming insensitivity of the Federal Government for changing the celebration of a day that is so meaningful to them. Now Congress has the opportunity to preserve the memory of those who fought and gave their lives in the First World War.

Mr. President, although more than a half century has passed since the Armistice was signed, the day is no less significant today than it was on November 11, 1918.

This bill to restore November 11 as "World War I Veterans Day" will restore the honor of this important day that it deserves. We will have the gratitude of countless Americans, both veteran and nonveteran, for recognizing that November 11 is not just another day—it is a day celebrating peace—and that is a day to be remembered.

By Mr. HARRIS:

S.J. Res. 195. A joint resolution relative to a "health bill of rights." Referred to the Committee on Labor and Public Welfare.

Mr. HARRIS. Mr. President, the health care crisis in America grows more acute with each passing day. The failure of our health delivery system has been evident for years and yet we have not found the time to institute the comprehensive overhaul so vitally needed. I am hopeful that we can meet head-on the challenge of health care and health insurance reform during this year. There are various proposals now before the Congress, differing profoundly in their scope and effect. I am confident that careful evaluation by the Congress will conclude that the system is in need of comprehensive change, not patchwork reforms. In January of 1971 I cosponsored S. 3, the Health Security Act of 1971, in the belief that that proposal can best solve our health care organization and delivery crisis. I strongly urge the Congress to act on that bill during this session.

The comparison between the United States and other major industrial nations of the world in the field of health is shocking. Our rates of sickness and mortality lag far behind many countries. In infant mortality, the United States ranks 20th among industrial powers. We are 18th in life expectancy for males and 11th in life expectancy for females.

In the United States, the health of nonwhite citizens is in many categories twice as bad as that of white citizens. The poor, minorities and the aging become the commonest victims of our failing health care system. Doctors are maldistributed, creating a situation where large areas of rural America and many inner-city neighborhoods have no access to a family doctor. The cost of drugs, physician, and hospital fees, and inpatient and outpatient care is skyrocketing, and a major Federal study made in 1971 forecasts that medical expenses will rise 50 percent in the first half of this decade. Certainly the time to act is now.

Mr. President, I am introducing today a "health bill of rights" setting forth 10 fundamental points protecting the rights of patients. I am hopeful that this joint resolution will pass the Senate and that its provisions will be incorporated into any health insurance program that passes the Congress.

I think we need to focus on the reason for any comprehensive reform—that the system be primarily for the benefit of the patient and not for the exclusive benefit of those who provide health care services. Too often Members of both Houses tend to think of new programs in terms of administration and more efficient reimbursement to doctors and hospitals. While that is an important element of any legislation, the primary element should be the benefit conferred on those receiving health care services.

I believe it is fundamental that any law establishing a system of national health insurance must carry a clear statement of the rights and protections such a system will provide for all citizens in America. Just a glance at the past 5 years of medicare and medicaid administration should be proof enough of that need. We have seen the shuttling of patients from private hospitals to overcrowded public facilities. We have seen conditions in nursing homes reach the point of unimaginable horror for our aged and sick citizens. The abuses in the system would fill several pages. Surely, the Congress never intended that medicare become an instrument of abuse, but we know that that is what has happened in many instances. The simple safeguards of human dignity and justice incorporated into the "Health Bill of Rights" were never a part of medicare legislation. I believe that the past 5 years of experience should be a lesson to us that any new legislation should contain fundamental safeguards for those primary beneficiaries of health care—all our citizens. I urge my colleagues to join me in support of this fundamental principle.

Mr. President, Representative PARREN MITCHELL of Maryland has introduced a companion resolution in the House of Representatives. He has summarized effectively and succinctly the 10 major provisions in the "Health Bill of Rights." I ask unanimous consent that his remarks be inserted in the RECORD after a copy of the joint resolution.

There being no objection, the joint resolution and remarks were ordered to be printed in the RECORD, as follows:

S.J. RES. 195

Resolved, That every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, geographical location, or ability to pay. This right to health care shall be protected under the "due process" and "equal protection" clauses of the fifth and fourteenth amendments to the Constitution.

Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

Health care, including medical assistance, shall in no way violate the constitutional guarantees of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and of the anticipated risks and benefits of such treatment to the extent they are known. The patient has the right to give or to withhold consent to treatment.

Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of kin, guardians, or others who would assume responsibility for the patient's legal and moral rights. Should no one come forth or be discovered, the physician or institution providing care shall thereupon assume such responsibility.

The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agencies except as specifically requested or approved by the informed patient and without duress.

No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance.

This shall not be construed to be in conflict with the principle of informed consent.

All persons have the right to advocate and work for change in the provision of health care; such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, State, regional, and national agencies.

Health care in the United States is and shall be organized to benefit the general public; hence, all policymaking bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

Remarks of Representative Parren J. Mitchell (D. Md.) Before the House Ways and Means Committee, November 19, 1971

At this time, Mr. Chairman, I would like to present to this Committee the 10 brief points in the proposed "Health Bill of Rights" that I introduced on November 1st. It is known as H. Res. 679.

1. Every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, or ability to pay.

This is a categorical statement wholly consistent with the Civil Rights Act of 1964, with the decisions of the U.S. Supreme Court in desegregation and welfare cases, and would be covered by the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

I might note, Mr. Chairman, that President Nixon himself has said he thinks health is a right—one of the few times we both seem to agree. I would assume that the "strict constructionists" he has nominated to the High Court would keep this in mind as health rights cases come their way in the years ahead.

II. Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

For years we have exploited the aged, the mentally retarded, Blacks and other minorities, the poor, and those in detention centers for experimentation. Puerto Rican, Chicano, and Black women on welfare were the first guinea pigs for oral contraceptives 10 and 15 years ago. Only last year, the U.S. Food and Drug Administration had to put out new, stronger regulations to insure the getting of informed consent from patients being used by drug companies for a variety of dangerous tests.

Now, with the aged getting increased attention, a whole new frontier of drugs and devices for old people is opening up. We must make sure that such research and experimentation is carried out with the patients' rights fully protected rather than circumvented under a loose national health insurance system.

III. Health care, including medical assistance, shall in no way violate the Constitutional guaranty of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Privacy is as important to a poor child from a welfare family as it is to a wealthy youngster. If they are to be poked and probed by a doctor, let it be done with the curtains drawn. Unfortunately, this simple courtesy—which can be translated into a human right—is less available to the poor and the middle-class and most available to the rich.

But I must call your attention to a more basic issue. If everyone is to be entitled to health care, then theoretically there can be a health record on every citizen—his heartbeat, drinking habits, sex life, blood type, rate of metabolism, and so forth. We must make plain to everyone that this is *private, privileged information that belongs to the patient.*

A system of national health insurance that does not have safeguards against invasions of privacy and self-incrimination will be considered yet another hoax by the people of America. That must never happen. And let Congress say so.

IV. Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and the anticipated risks and benefits of such treatment to the extent they are shown. The patient has the right to give or to withhold consent to treatment.

On the one hand, this is a re-statement of what our Nation already agreed to at Nuremburg and Helsinki following World War II. We vowed, along with all other civilized States in the world, that the horrors of Nazi "experimental medicine" would never again take place. A sick person must have the right to know what is going to happen to him—and who will be responsible for it—and he must retain the right to say "No".

But I am proposing this particular section because I think American doctors handle patients the way Nazi doctors handled concentration camp internees. What this statement recognizes is that, under national health insurance, everyone benefits, everyone pays, and everyone participates.

In America today, the average person has better than a high school education. That means our citizens—even under the stress of illness—can understand many details of sickness and treatment that might have been beyond the imagination of our fathers and mothers. So I think it is worth stating that patients—those who receive health care—have a right to participate as fully as possible in the delivery of that care. I offer this not as dim ideal but as a practical, immediate reality.

V. Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of kin, guardians, or others who would assume responsibility for the patient's legal and moral rights.

Universal entitlement means the gathering in of everyone and the government being responsible for everyone. We know that such a proposition is almost impossible to realize. However, it is not impossible—in fact, it is quite necesary—that government at least indicate to all citizens that their rights will be protected, regardless of the circumstances.

Such a statement, promulgated by the U.S. Congress, would be the signal to the ultimate administering agency of national health insurance to get its machinery moving on responsibility. We must affirm that no man is an island, nor will any man become an island as a result of a national health insurance plan.

I would remind this Committee that no fewer than one of every 10 Americans speaks, Spanish, Italian, Jewish, or a variety of Indian languages as a mother tongue. Yet all of them, along with the English-speaking Americans, would have a right to health care. Let's make sure—as we did not with Medicare and Medicaid—that neither language nor illness nor locality nor anything else will prevent a patient from maintaining his right to information.

VI. The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agencies, except as specifically requested or approved by the informed patient and without duress.

If we are concerned with the health of the individual citizen and intend to cover his every health need, then we had better make sure these needs are not interfered with by persons who have other business in mind. We must let doctors and hospitals know that their primary duty under national health insurance would be to take care of the health problems of our citizens. And we must get police, insurance investigators, private detectives, shakedown artists, collection agencies, and the welfare department out of the way unless or until the patient himself allows them in.

VII. No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance. This shall not be construed to be in conflict with the principle of informed consent.

Here we would try to set the record straight for both the patient and the doctor. To the patient we say: "Look here, universal health insurance means just that: wherever you may be, in whatever condition, someone with medical knowledge will take care of you. You will receive whatever care is possible and needed, within the context of all your rights." And to the doctor we say: "Don't shrink from exercising your best medical judgment whenever it's needed. Do your job as best you can as a real professional and don't worry about 'getting involved.' We *want* you involved."

This provision would extend the so-called "Good Samaritan" law and free doctors and hospitals from the threat of suits where no such law now exists.

We cannot have a contradictory standard: national health coverage along with an abandonment loophole. Today, even under Medicare and Medicaid, no aged or poor person is guaranteed health service; a doctor or hospital may opt out of the plan and all their patients left to drift. I would hope this never happens under national health insurance.

VIII. All persons have the right to advocate and work for change in the provision of health care: such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

This Committee knows far better than I the degree to which health is becoming a vast, complicated, growing industry. As such, it is suffering all the growing pains of a full-fledged industry: labor organizing, consumer pressures, nurses' strikes, intern protests, community action, and so on. And that's the way it's going to be for a long time to come, whether we like it or not. With the advent of national health insurance, the pressures for change will grow faster and stronger.

Today as in the past, hospitals can shut out union organizers, militant nurses and young doctors, community activists poverty lawyers and others. I am told that some hospitals will refuse to treat or provide any care for such "troublemakers."

Maybe that sort of thing can exist when public health service is divided between public and private institutions. But with the advent of national health insurance, our health system will be *national and public.* Everyone will have a stake in it and—being Americans—some people may turn to militance. But they—even these "troublemakers"—must still be given the right of access to health care. They *cannot* and *must not* be abandoned by the health industry.

IX. Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, and state, regional, and national agencies.

Earlier in my testimony, Mr. Chairman, I noted that the people of this country are asking all public servants to be more accountable for their actions. The principle of "open books" is strongly rooted in America. I believe we must reaffirm this principle at the very time we enunciate a system of national health coverage.

For the past two years, committees of the Congress have heard witnesses from insurance companies, hospitals, and medical associations try to cover up their lack of information, indicate they just didn't know the facts about important aspects of health care and costs, and confess to not knowing things they promised the Congress they *would* know.

The disease of misinformation and no-information has infected the Social Security Administration and most State health agencies as well. With your permission, Mr. Chairman, I would like to submit for the record an article from the Washington Post, written by a medical reporter, Mr. Mal Schechter, and his experience with the secrecy of the Social Security Administration.

We cannot tolerate this sort of thing with present government health plans. Think how much worse off we will be if citizens do not have access to public information telling them how well—or how badly—the national health insurance plan is working. And think how much worse off the Congress will be if this ninth provision in our "Health Bill of Rights" is omitted from the overall legislation.

X. Health care in the United States is and shall be organized to benefit the general public; hence, all policy-making bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

This may be the most controversial of the ten provisions and, hence, has been kept to the last. However, as this Committee knows, the Congress and the Executive Branch have already acceded to the principle of majority representation for consumers on health planning boards set up under the so-called "Partnership for Health" Act, Public Law 89–749. Neighborhood health centers set up by the Office of Economic Opportunity and continued under HEW have also had majority policy control by consumers. So the idea is not new. However, what would be new is the universal application of that idea to all agencies in a national health insurance system.

I think it is unnecessary now to go into particulars as to how this would be done. There are many models in the fields of education, urban planning, agricultural cooperatives, and housing to help the responsible agency work out details applicable to national health insurance. But now is the time for Congress to again enunciate the principle of public control of health delivery.

Mr. Chairman, these ten provisions of a proposed "Health Bill of Rights" were brought to my attention by their sponsor, the American Patients Association. However, I would like to add that responsible organizations representing organized medicine have also seen the need to lay out the rights of the patient.

With your permission, Mr. Chairman, I would submit for the record a very fine statement issued by the Joint Commission on Accreditation of Hospitals. The JCAH is composed of members representing the American Medical Association, the American Hospital Association, the American College of Physicians, the American College of Surgeons, the American Association of Homes for the Aging, and the American Nursing Home Association.

While this is an excellent statement, the JCAH can apply it to only about half the hospitals of the U.S.; the remainder are not JCAH-accredited. Further, the JCAH has no enforcement mechanism to make sure the ideas in this preamble are actually carried forward by accredited hospitals.

Therefore, Mr. Chairman, it is up to the Congress to come forward with a clear statement of patient rights at the very time we build a national health insurance system. Such a statement would not protect any one special group—the poor, the rich, doctors, or hospitals. A "Health Bill of Rights" is needed by *all* Americans, wherever they appear in the health delivery system. It is a basic statement of trust and justice, a recognition of the dignity of the individual regardless of the misfortune he may endure in illness. It will let every American know that his government is as concerned about human rights as about medical bills. Above all, it is a clear statement of shared responsibility, shared commitment, and shared trust between patient and provider.

Mr. Chairman, I again wish to thank you and this Committee for the chance to introduce the concept and language of a "Health Bill of Rights" into your deliberations on National Health Insurance.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2198

At the request of Mr. TUNNEY, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 2198, a bill to authorize a summer youth sports program.

S. 2223

At the request of Mr. TALMADGE, the Senator from Arkansas (Mr. FULBRIGHT) was added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

S. 2579

At the request of Mr. HARRIS, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 2579, the ocean mammals bill.

S. 2812

At the request of Mr. NELSON, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 2812, a bill to amend the Federal Food, Drug, and Cosmetic Act.

S. 2946

At the request of Mr. NELSON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2946, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes.

S. 3036

At the request of Mr. TOWER, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 3036, a bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law.

S. 3058

At the request of Mr. PROXMIRE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3058, the Solid Waste Management Act.

SENATE JOINT RESOLUTION 67

At the request of Mr. HART, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Joint Resolution 67, to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. BENNETT), the Senator from Virginia (Mr. SPONG), the Senator from New Hampshire (Mr. COTTON), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War, Missing in Action," and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 145

At the request of Mr. TUNNEY, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of Senate Resolution 145, urging the Voice of America to broadcast in the Yiddish language to the Soviet Union.

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Texas (Mr. BENTSEN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 858, 859, 860, AND 862

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. ALLEN) submitted four amendments intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENTS NOS. 863 AND 864

(Ordered to be printed and to lie on the table).

Mr. HRUSKA submitted two amendments intended to be proposed by him to the bill (S. 2515), supra.

ENVIRONMENTAL PACKAGING ACT OF 1972—AMENDMENT

AMENDMENT NO. 861

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. NELSON. Mr. President, there is no doubt in my mind that there should be an environmental accounting for all goods which enter our national commerce so that the price of all goods reflects not only the costs of production of the product, but also the costs of disposal of the product after use, including any degradation of the environment or squandering of our valuable resources. At present, this is certainly not the case.

In fact, we have very little applied experience with this type of accounting system. I think it is time to introduce environmental accounting into the marketplace.

Today, I am introducing legislation in the form of an amendment to S. 1377, a bill dealing with no-deposit, no-return soft drink and beer containers, which would begin to introduce environmental accounting into the market price of consumer goods. The scope of this amendment's application of environmental accounting is intentionally limited to packaging. As a potential model for all solid waste, it would provide a coordinated system of economic incentives and regulatory mechanisms to encourage the design, development, production and use in interstate commerce of packaging which conserves natural resources, which minimizes the adverse eonomic and environmental impact when discarded, and which is returned, reused, or recycled into the economy.

First of all, this amendment provides economic incentives for environmentally sound packaging through the imposition of a schedule of national packaging charges on all packaging manufactured or imported into the United States, charges which would become effective not later than June 30, 1973. This environmental accounting in the market price of commercial packaging would merely be an accurate reflection of the total social costs that are presently hidden and being paid by the public on the long-term installment plan.

Several factors are to be considered in determining the direct and indirect social costs of packaging and the charge to be applied to a particular package. These factors are the amount of recycled materials contained in such packaging, the quantity of solid wastes which result from such packaging in terms of weight and volume, the burden on solid waste disposal systems, the disposability of such packaging, and the toxicity and health effects of the disposal of such packaging. With the proper and accurate accounting of all these factors in the market price of a package, normal economic competition and consumer decisions should operate in favor of the environmentally superior package.

The amendment to S. 1377 provides that the funds collected each fiscal year as a result of these packaging charges shall be returned to local government agencies for the planning, improvement, and construction of resource recovery and solid waste disposal facilities. In light of the tremendous financial burdens on local governments, and the need to apply advanced resource recovery and recycling techniques on the municipal and regional level, these funds are badly needed just to meet existing problems. Furthermore, as environmentally sound packaging is introduced into commerce, the funds derived from the packaging charges would diminish, thus making this financial mechanism for local governments self-limiting and elastic to the scope of the problem.

Two years after the packaging charges are put into effect, the amendment would require the publication of quantitative and qualitative national packaging standards. These standards would be put into effect 1 year later. This regulatory mechanism would build on 2 years of marketplace experience with environmental accounting and economic incentives for sound packaging and would be complementary and consistent with the charge mechanism and economic incentives. Specifically, the standards would include: First, minimum percentages of recycled materials which shall be contained by such packaging; second, maximum permissible quantities of materials which produce adverse environmental effects when such packaging is discarded; and third, specific packaging practices which shall be prohibited whenever the Administrator has found that the specific practice places an unreasonable burden on solid waste management systems or the environment, or that such practice prevents the effective return, reuse, or recycling of such packaging.

Such a coordinated system of accurate environmental accounting in the marketplace, and national packaging standards to set limits for recycled materials and for practices which unreasonably inhibit recycling, should be advocated for all consumer goods which become part of the solid waste stream. These systems, however, need a firm base of experience and must be applied so that environmental integrity remains the primary goal, rather than mere simplicity of administration or revenue generation.

Because of the dearth of experience in the area of environmental accounting, and the number of factors which should be considered in determining the proper charge for a particular consumer product, this proposal and the mechanisms it suggests are focused upon consumer packaging. The ancient medical aphorism "primum non nocere" or "first of all do no harm" applies in the case of instituting a form of environmental accounting. In applying this procedure, we must make sure the remedy is no worse than the disease.

In making this system work with packaging, we will be able to do more than apply accurate economic marketplace incentives for the use of environmentally sound packaging. While relieving a particularly egregious form of solid waste and misapplication of resources, we will also be perfecting a mechanism that can be applied to a broader spectrum of consumer goods.

Mr. President, there is a growing recognition throughout the country that this society's affluence and unprecedented capacity to transform natural materials and energy into consumer goods is not without waste and enormous environmental and economic costs. In the immediate glut and fervor of commercial production and consumption, however, we have attempted to sweep the discarded commercial wastes under the rug, to ignore an inevitable portion of the total costs of these commercial activities and to defer the eventual public payment for the environmental results of the imperfect production and consumption of consumer goods.

This attitude can no longer be tolerated. The residues of our disposable society are now physically piling up in front of us, degrading our environment, misusing our limited natural resources and exacting an unacceptable claim on the public pocketbook for inadequate solid waste management systems.

Let us look at the environmental and economic impact of this Nation's mounting solid waste problem. Each year we attempt to throw away 8 million automobiles, 30 million tons of paper, 48 billion cans, and 26 billion bottles—enough to make a 400 billion pound heap of municipal trash each year. And the 5½ pounds of trash each one of us discards today will become 8 pounds of daily discards per person by 1980. With the per capita production of trash growing at the same time that the Nation's population is growing, the Nation's throwaways are mounting in a geometrical progression.

This quantitative increase in total solid waste is putting an added burden on our present municipal solid waste systems. These systems are generally recognized as atavistic and presently are unable to dispose of waste material without jeopardizing public health, degrading the environment and squandering vast amounts of natural and public resources in the process.

Each year our municipalities must spend $4.5 billion to collect and attempt to dispose of solid waste. As much as 40 million tons of the paper and paperboard manufactured in this country in a single year are destroyed after a single use—burned, left to rot in dumps, or left to litter highways, waterways, beaches, or tumble in the blowing winds. Each ton of waste paper that is not recycled or reused has been publicly equated with the destruction of 17 trees. Of course, this would obviously vary with the type of tree, but if this accepted figure is used, our disposable society wipes out 600 million trees a year with its affluent arrogance and throwaway attitudes. If we reuse only half of our waste paper each year we will reduce the drain on our wood resources by over 30 million cords, or the equivalent production of a million acres of forest land.

In addition to paper and wood fibers in our country's trashcans, ordinary municipal wastes collected annually contain 10 million tons of iron, 1 million tons of nonferrous metals, and 15 million tons of glass—valuable resources estimated to be worth $1 billion. A recent Battelle Laboratories report placed the amount of unrecovered resources from municipal wastes at $5 to $6 billion. And this accounting does not include materials with recovery potential such as rubber, glass, or plastics.

Not only does the nonrecovery of a valuable metal such as aluminum represent the loss of some $200 per ton to the economy, but the replacement of that ton of aluminum requires the importation of another 4 tons of bauxite ore, the generation of 16,000 KWH of electric power to convert the bauxite to aluminum, and the attempt at disposal of 3 tons of byproduct mineral wastes without degradation of the environment.

This country's compulsive obsession with convenience items and elaborate packaging has also wasted an enormous amount of our natural and economic resources. It has been estimated that the use of throwaway cans and nonreturnable bottles costs the American public $1.4 billion in added purchase costs alone. This investment is tossed out the window along with the cans and bottles which must then be collected and disposed of, adding another expense. Considering all packaging that is thrown away after single usage, over $15 billion is spent each year for the production, one-time use, discard, collection, and disposal of packaging materials.

It is becoming apparent to the public that we are going to have to change both our attitude and our actions regarding the solid wastes which are an inevitable part of our present commercial processes. Instead of treating discarded goods as wastes, we must regard them as "resources out of place" and return, reuse or recycle them into the economy of this Nation rather than relegating them to the trash heap.

We must begin to implement a philosophy of conservation in production and consumption of consumer goods. Conservation in this sense means a more rational and economic use of our natural resources—materials and energy—as well as the preservation of environmental quality.

Environment considerations must become an important factor at each point of decision in the manufacture, sale, use, and eventual discard of commercial goods. In addition, the complete environmental and economic costs to society represented by commercial products should not be hidden or disguised, but should be accurately reflected in the commercial market price of these goods so that the consumer can exercise an informed choice.

Market price should reflect the environmental and economic impact of consumer goods after they have been discarded. If the market price accurately reflects all the public social and environmental costs associated with a consumer product, economic incentives should be operative to encourage the development and use of more environmentally sound consumers goods, and act to accelerate more economical husbandry of resources and environment through the return, reuse, and recycling of materials in consumer goods.

HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 866 AND 867

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. PACKWOOD submitted two amendments intended to be proposed by him to the bill (S. 2049) to consolidate, simplify, and improve laws relative to housing and housing assistance.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 820

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. MONDALE) and the Senator from Michigan (Mr. HART) were added as cosponsors of Amendment No. 820, intended to be proposed to H.R. 1, the Social Security Amendments of 1971.

At the request of Mr. TOWER, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of Amendment No. 804, intended to be proposed to the bill (H.R. 7117), a bill to amend the Fishermen's Protection Act of 1967.

NOTICE OF HEARINGS ON THE BUDGET

Mr. McGEE. Mr. President, I wish to announce that the Senate Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection will commence hearings on the budget for fiscal year 1973 on March 6. This date was set after consultation with the ranking minority member of the subcommittee, Senator HRUSKA.

As usual, the Secretary of Agriculture will be the first witness and we will hear Secretary Butz at 10 o'clock on the morning of March 6. Following the Secretary, we will hear witnesses from the various agencies and departments which are funded in this appropriation bill. We plan on hearing all of the Federal agencies and witnesses prior to the Easter recess.

As soon as possible following the short Easter recess, we will receive testimony from Members of the Senate and House of Representatives to be followed by non-Federal witnesses. I am making this general schedule known at this time so that all who are interested in this bill will be advised and may plan accordingly.

Anyone wishing to appear before or submit testimony to the subcommittee should contact the subcommittee clerk, Dudley Miles, room 1324, New Senate Office Building, telephone 225-7272.

ADDITIONAL STATEMENTS

PEACEFUL SETTLEMENT OF VIETNAM WAR

Mr. TOWER. Mr. President, much has been said recently about the President's revelation of his concerted efforts to negotiate a peaceful settlement of the Vietnam war. On January 28, the Dallas Morning News published a column written by Mr. Robert E. Baskin which presents a most cogent analysis of the President's speech. In his column, Mr. Baskin rightly concludes that the President has indeed "gone the extra mile" in order to seek a reasonable settlement. In order that Senators may have the column available, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON DISCLOSURE SHOWS ABSURD STANCE OF CRITICS

(By Robert E. Baskin)

WASHINGTON.—President Nixon, in his dramatic Tuesday night address to the nation, has made it apparent how ridiculous the militant peace advocates of the left have been.

His revelation of months of secret negotiations with Hanoi representatives and the substantive peace plan offered the North Vietnamese last October show that the harshest accusations thrown at him on Southeast Asia by domestic critics have only parrotted the Communist propaganda line.

DATE LONG DEMANDED

For several years these critics have demanded a date certain for withdrawal of all American and allied military forces in Vietnam. Nixon disclosed that once an agreement with Hanoi was reached all such forces would be removed within six months. Since then it has been revealed that the U.S. offered a withdrawal by next Aug. 1.

The fomenters against his policy have rallied consistently against South Vietnamese President Nguyen Van Thieu and demanded that the United States throw him out of office. Nixon's peace plan, to which Thieu has agreed, calls for Thieu to step down while new elections are held under international supervision.

These are just two of the points on which Nixon gave the lie to his critics.

His speech left little doubt in the minds of observers here that it has been Hanoi that has been intransigent on coming to terms on a settlement—not the United States.

The 12 visits to Paris by Dr. Henry Kissinger for secret talks with top North Vietnamese officials indicate how far the president was going in his efforts to get some sense of reason into the fruitless negotiations that had been going on.

The results, in the October plan, were concessions of a significant nature that Hanoi, if it wanted to be sensible could readily agree upon.

The North Vietnamese acted as if nothing had happened and only sharpened their propaganda attack and proceeded to step up their military efforts in South Vietnam.

The gullible in this country—and they are quite a noisy lot—bought the Hanoi propaganda hook, line and sinker. Now they are beginning to be recognized for what they are.

Some of them will not accept the words of the president against those of Hanoi, however.

Sen. George McGovern of South Dakota, who imagines himself to be a contender for the Democratic presidential nomination, reacted to the Nixon speech with a new demand for unilateral concessions by the United States.

This theme was echoed by Sen. Edward M. Kennedy, D-Mass., and others who seem to think truth and good intentions rest only with the North Vietnamese.

The record of Nixon in scaling down the war, and ultimately ending U.S. involvement in Vietnam, speaks for itself.

SCALING DOWN WAR

When he took office there were 549,000 American troops in Vietnam. By May 1 the number will be down to 69,000 and a further troop reduction will probably be announced on that date.

It is hardly conceivable how a faster withdrawal of forces in Vietnam could have been accomplished. The end of our commitment to the Vietnam operation is clearly foreseeable if only Hanoi will release American prisoners, agree to the plan for new elections and abide by a cease-fire.

But Hanoi continues to breathe out propaganda which is clearly refuted by the President's disclosure of our intensive efforts to obtain a sensible peace. It is unfortunate that so many Americans, some in high places, continue to listen to this nonsense.

YALE MEDICAL PROFESSOR EQUATES EQUAL RIGHTS AMENDMENT TO TONKIN GULF RESOLUTION

Mr. ERVIN. Mr. President, in a letter to the editor of the New York Times an outstanding professor of neurology at the Yale University School of Medicine, Dr. Jonathan H. Pincus, asked the following question:

> Is the Equal Rights amendment to be the Tonkin Gulf Resolution of the American social structure?

Dr. Pincus, who is certainly an expert on emotional and psychological matters, states in his letter that:

> A solid happy family life is the foundation of mental health and happiness.

Dr. Pincus then goes on to state that:

> The Equal Rights amendment will be damaging to the family relationships because it involves the removal of legal responsibility from a man for supporting a family . . .

Dr. Pincus predicts that:

> The Equal Rights amendment and many of the other goals of its proponents will bring social disruption, unhappiness and increasing rates of divorce and desertion.

Whether or not one agrees with the predictions of Dr. Pincus, I believe he is asking very genuine questions which should be discussed before the Constitution is amended. Before we begin tinkering with the very subtle mechanisms of family relationships and social responsibilities, should we not consider that we might in fact be passing a Tonkin Gulf Resolution of the American social structure?

Mr. President, I ask unanimous consent that the letter from Dr. Pincus which was printed in the October 24, 1971 issue of the New York Times be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RIGHTS AMENDMENT: IS IT CONSTRUCTIVE?

TO the EDITOR:

If family stability plays an important role in the well-being of our nation, it is hard to envision the Equal Rights amendment just passed by the House of Representatives as a constructive act. The bill seems not to have been discussed adequately or maturely but rather shouted through under pressure from a relatively small band of zealots. It seems to me that the removal of legal responsibility from a man for supporting a family, giving the family a name and protecting his daughters from the sort of influences the U.S. Army might have in store for them before marriage is likely to have some effect on the manner in which men relate to their wives and children and vice versa; those traditional ties will be weakened.

One must agree with women's liberation groups that the liberating effect of Equal Rights will apply to men as well as to women. What they are both being liberated from is nothing less than the restrictions of traditional roles in a family structure. One has the right, indeed the duty, to ask, "Is this good?" Marriage has received some rather bad publicity of late; it is considered a breeding ground of neurosis, a prelude to divorce in more than 30 of 100 cases and a burden to the free spirit seeking self-fulfillment. Day care, communal living arrangements and release of women and men from domestic duties are the modern vogue.

Despite this, and supported by my observations as a physician, I am convinced that that solid, happy family life is the foundation of mental health and happiness. Basic to a healthy family is the concept of role: husband and father, wife and mother, son or daughter. With the restrictions and discpline which stem from these roles, allowing for individual variations, one has the cement which binds a family for life.

Perhaps I am unduly cynical about the ability of people liberated from their responsibilities to make wise choices concerning the path to happiness and contentment; but I would predict that the Equal Rights amendment and many of the other goals of its proponents will bring social disruption, unhappiness and increasing rates of divorce and desertion. Wakening of family ties may also lead to increased rates of alcoholism, suicide and, possibly, sexual deviation. Conceivably this is merely a theoretical parade of horribles. There are genuine questions which should be asked and discussed before our Constitution is amended for the purpose of producing social change. There is no evidence that such deliberations have been made or planned. Is the Equal Rights amendment to be the Tonkin Gulf Resolution of the American social structure?

JONATHAN H. PINCUS,
Associate Professor, Neurology,
Yale University School of Medicine.
NEW HAVEN, CONN., *October 14, 1971.*

THE KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. ALLOTT. Mr. President, evidence continues to mount that the Kennedy Center for the Performing Arts is a disastrous waste of taxpayers' money. The latest piece of evidence that the Kennedy Center is playing with the taxpayers' money concerns the outrageous news that stagehands there are being paid as much as $1,500 a week and $50,000 a year earnings the commonplace. This would be perplexing enough even if the public were not being called upon to bail out the Kennedy Center. But such wages as these under current financial conditions are outrageous.

The Kennedy Center has made it perfectly clear that it is virtually bankrupt, but seems to think that does not matter and that it has an inalienable right to a perpetual draw on the taxpayers' money.

When a National Center for the Performing Arts was first conceived, the plan was for the Federal Government to give the necessary land—and that would be all. Of course it did not work out that way. By now the Federal Government has been involved to the extent of nearly $50 million of aid in various forms. And there is no end in sight to the apparent desire and ability of the Kennedy Center to sop public funds.

Some who support the idea that the Kennedy Center has a "right" to an eternal supper at the public trough argue that the Center is a national memorial to the late President Kennedy. That is patently untrue; it is nothing of the sort and never was intended.

In fact, the attempt to represent it as that is now coming to appear as an almost cynical attempt to exploit the late President's memory in order to spare the Center the consequences of a lack of any apparent sense of fiscal responsibility.

It is time to make two elementary points:

First. A commercial venture should pay its own way. If the operation of the Kennedy Center—and it was conceived to be a financially solvent enterprise—cannot be paid for by the revenues, then the Kennedy Center should cut its expenses, or raise the price of its service;

Second. We hear much about "reordering" priorities. Since when is subsidized entertainment for an elite an urgent priority? The prices presently charged at the Center are certainly not designated to attract those of low to moderate incomes.

Mr. President, let me make it clear that my disapproval of a public dole for the Kennedy Center does not denote disrespect for the arts. Obviously the arts are good things. What is not a good thing is the fallacious doctrine that all good things deserve a public subsidy.

Mr. President, I strongly urge that we owe it to the American people to get a full and detailed report on what public money has thus far purchased.

I hope the persons charged with administering the Kennedy Center will soon provide us with a thorough explanation of the financial status of every aspect of the Center. I hope this report will include, for example, the profit picture of the various restaurants and entertainment operations.

And I hope the report will include the Center's official justification for paying stagehands, or anyone else, as much as $1,500 a week. That amounts to $78,000 per year. And it just will not do for the Center to say that "union demands" make such payments inevitable. The fact is—and I hope this will dawn on the Center—that there is nothing "inevitable" about the Federal Government bailing the Center out of its commitments.

It appears very likely that the Center is an extravagance: extravagant in its conception, extravagant in its operating habits, extravagant in its expectations for a perpetual public dole, extravagant in its estimation of of its own importance and indispensability.

I think I speak for a substantial number of Senators when I say I detect a faint trace of political coercion in the recent history of the Center. It is familiar enough a pattern: a project asks for a little Federal help "just to get started"; then, having drastically underestimated its real costs, and having wildly overestimated the public demand for its service, it comes to the Federal Government claiming that only the Government can "save it for the Nation."

I ask unanimous consent for the Washington Star report of the Kennedy Center wage rates for stagehands to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAGEHAND'S BONANZA

(By Christopher Lydon)

Stagehands at the Kennedy Center are making as much as $1,500 a week under a union contract—evidently the richest in the American theater—that has become the center management's biggest embarrassment and headache.

For approximately 125 local members of the International Association of Theatrical and Stage Employees there are at least four basic elements in the Kennedy Center bonanza:

1. Hourly rates that are the highest on average, in the country; $7.70 for the head electrician, carpenter and property man in each three theaters, down to a minimum $6.60 for their subordinates. The comparable hourly wages in Los Angeles are $6.25 and $4.35. On Broadway, department heads get $8.65 an hour, but their more numerous as-

sistants get $5.85, or 75 cents less than their counterparts in Washington.

2. A rule requiring four hours' pay for each assignment or "call." At the Kennedy Center—particulary in the frantically busy, multipurpose concert hall—there may easily be four or five calls a day. Stagehands get a full four hours' pay for each of the first two calls and time and a half, or six hours' pay, for each one thereafter.

3. A minimum complement of three department heads during each use of each theater—even for a piano recital—and a "fly man" to handle scenery in the opera house and Eisenhower Theater.

4. An apparent shortage of stagehands to work Washington's booming schedule of performing arts, so that by mid-week the available help has clocked its 40 hours and continues at time and a half or double time.

Kennedy Center officials, trying anxiously but hopefully to renegotiate the stagehands' contract, offer this example of how paychecks get fattened up:

The day's first assignment in the concert hall, a four-hour "call" to set up the platforms and chairs on stage for the National Symphony Orchestra, might start at 9 a.m. and be completed by 10:30 a.m. Another four-hour call for heads of the three stagehands departments might be for a one-hour children's concert at mid-morning. At noon there could be a third call for a two-hour National Symphony rehearsal, and at 2:30 p.m. there could be a fourth to rehearse the next day's jazz show for an hour and a half. In the evening, of course, there is a separate call for the National Symphony's concert, which lasts perhaps two hours.

At the end of a day that had spanned 13 hours and included eight hours' work, each department head would have had five calls—three at overtime—and would have been paid over $200, and more if he had already worked 40 hours that week before the day began.

OVERTIME CITED

The fact that three theaters are clustered together in the single Kennedy Center works to the stagehands' advantage in the overlapping calculation of overtime.

A man who puts in 40 hours during the week in the concert hall starts any weekend work in the opera house at time and a half, even though he is working in a different theater for a different producer on a different show.

Thus, the local sponsors of the Ballet Folklorico of Mexico had no choice last weekend but to pay 16 stagehands time and a half and double time for moving the show in and out of the Center for an unprofitable two performances.

The stagehands negotiated their contracts only weeks before the Kennedy Center's September opening, when tickets to performances already had been sold. They were in a strong bargaining position at the start and appear to have pressed their advantage ever since.

One afternoon during the American Ballet Theatre's first visit in September, for example, as stagehands worked on the lighting, dancers came onstage for a workout. The union insisted on being paid for a "rehearsal," charging the Kennedy Center for eight hours lighting and a four-hour rehearsal call, at overtime.

In New York, the American Ballet Theatre dancers are allowed to use the City Center stage while stagehands are out to lunch. But at the Kennedy Center, stagehands returning from lunch found dancers on stage and billed the center for another four-hour call.

There have been other bitter fights about what constitutes a rehearsal, but the union seems always to win. Last October when Gary Graffman, the piano soloist, walked onstage before a concert with the National Symphony, ran his fingers up and down the piano and was promptly billed for the services of three department heads at a full four-hour rehearsal call. The Kennedy Center protested but then paid.

Patrick Hayes, managing director of the Washington performing arts society, speaks hopefully of a new contract in which in rehearsals would be redefined to exclude warm-ups and the calculation of overtime hours could not overlap from one show to another.

But Rogers Stevens, chairman of the Kennedy Center, says he is probably stuck with the contract, though he wishes he never signed it. The stagehands' contract has clearly cut the occasional profits and increased the typical losses on Kennedy Center shows, but there is no evidence yet that it has actually driven attractions away.

PILOT PROGRAMS FOR THE WORKING POOR

Mr. RIBICOFF. Mr. President, the administration's announcement this morning that the President has agreed to test out the working poor portion of his welfare reform proposal represents a substantial step forward in our battle for prompt enactment of this legislation.

We are still working out the details but the plan is to start substantial pilot programs as soon as possible. The full working poor program would be implemented after the results of these pilots have been assessed unless the Congress objects.

This procedure will help remove many of the doubts a number of Senators have had about this new program and will therefore generate increased support for passage of adequate welfare reform legislation this year.

CLEAR CUTTING OF TIMBER

Mr. McGEE. Mr. President, the recent administration action to kill an executive order which would have curtailed the practice of clear cutting in the national forests gave rise to some very serious ramifications.

In this afternoon's edition of the Washington Evening Star, an editorial appeared questioning the administration's backpedaling on the clear-cutting question. The editorial accused the administration of caving in on the clear-cutting question to the timber interests. As the editorial writer pointed out: "The public forests are there for use, including commercial use, but only at a level that will never result in their being used up. The Forest Service, and eventually the White House, bears the burden of protecting those lands for the benefit of all Americans." I ask unanimous consent that the Evening Star editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD. as follows:

CLEAR-CUT CAVE-IN

Let us all hope that the latest White House decision on clear-cutting U.S. forest lands does not truly represent the administration's courage under fire in the arena of environmental protection. Otherwise, the nation is in for a bad time.

The issue is one that has been building up for years. The timber industry has found that it can maximize production and profits through clear-cutting, which means cutting down all the trees in an area rather than selectively cutting only the trees that have matured. Gradually, the U.S. Forest Service has acceded to the practice. And it continues to lean toward industry's position despite the accumulation of public protest and plenty of evidence of abuse—widespread devastation of forest land with consequent bad effects on wildlife, soil stability and scenery.

The President's Council on Environmental Quality had drafted a set of restraints in the form of an executive order it hoped President Nixon would include in his 1972 environment message. But the timber industry's lobbyists reacted quickly. After meeting with CEQ Chairman Train, Agriculture Secretary Butz (the Forest Service is part of Agriculture), and Interior Secretary Morton, they got their way. The executive order was shelved.

Although the administration now is arguing that Agriculture and Interior have adequate safeguards coming along, what happened seems fairly clear. The administration caved in primarily because of the political influence the timber companies can bring to bear in the states of the Far West. This is, if nothing else, a very political year.

In saying all this, we do not put ourselves on the side of the wilderness purists who would lock the forest industry out of the public forests. Logging these forests is essential if the nation's needs for wood products, largely in the home building industry, are to be met. Moreover, in some kinds of forests, notably the Douglas fir, there is even a case to be made for judicious clear-cutting.

At the same time, the timber industry's constant cry of timber famine would go down a lot better if it did not also insist on exporting its products or if it had not compiled such a dreary record of mismanagement in so many public and private forests, down through the years.

The public forests are there for use, including commercial use, but only at a level that will never result in their being used up. The Forest Service, and eventually the White House, bear the burden of protecting those lands for the benefit of all Americans. At this point, it appears they could use more backbone.

SENATOR COTTON COMPLETES 25 YEARS IN CONGRESS

Mr. HATFIELD. Mr. President, I read in the RECORD of yesterday's proceedings that Senator GRIFFIN noted the passing of the 25th year that our distinguished colleague from New Hampshire (Mr. COTTON) has served the people of his State and the country as a Member of Congress. Senator GRIFFIN also inserted into the RECORD the warm testimonial of the distinguished minority leader (Mr. SCOTT).

I want merely to add my good wishes and congratulations to Senator COTTON as he passes this milestone. As my colleagues here today are aware, I became a member of the Commerce Committee just a year ago. Senator COTTON serves as the ranking Republican on this committee, and I have benefited greatly from his wise counsel on any number of matters before the committee. More than that, however, I have enjoyed getting to know Senator COTTON better personally, and I remember many times when his quick wit has added humor to executive sessions of the committee, and also to discussion sessions in the cloakroom.

In addition, I want to note the fine staff that Senator COTTON has assembled to assist him on Commerce Committee matters. Not only do they furnish all of us on the committee with their expertise on the committee affairs, but I know they work well with the stable of staff members of the majority—an equally talented group under the direction of the distinguished committee chairman (Mr. MAGNUSON).

I am sure I speak for all Members of this body when I offer my congratulations to the Senator from New Hampshire. As a member of the Commerce Committee, I have benefited from his counsel; the people of New Hampshire have profited from his attention to the daily affairs affecting his State; the Nation has been served by his dedication to the legislation before his committees; and all of us in the Senate have enjoyed his wit and humor.

THE NATIONAL SCIENCE FOUNDATION

Mr. KENNEDY. Mr. President, on February 1, Dr. William D. McElroy became chancellor of the University of California at San Diego. For the past 2½ years he has served with distinction as the Director of the National Science Foundation. Those of us who were privileged to work with him in guiding the NSF programs through the Congress were greatly impressed with his dedication and statesmanlike grasp of the Nation's science-policy issues. Under his leadership the National Science Foundation made a start toward assuming its rightful role in the resolution of the Nation's social problems. His absence will be keenly felt by all of us in the Congress concerned with science-policy issues, although we will undoubtedly continue to call on him for counsel over the coming years.

Shortly before he left the National Science Foundation he wrote an editorial in Science magazine entitled "NSF: A Look Ahead." The farsighted views expressed in this editorial are highly relevant to the concerns which Congress and the NSF must face in the coming months, as we proceed with the annual authorization and appropriation process. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Science magazine, Jan. 28, 1972]

NSF: A LOOK AHEAD

(By William D. McElroy)

One cannot long occupy the director's chair at the National Science Foundation without being struck by the fact that creative science in the United States is in a state of transition. And much of the feedback associated with this fermentation is focused on NSF, which in this country is often equated with creative science and scientists.

Science, as one of man's highest and greatest achievements, has had a pervasive and protracted influence on man, his way of life, and his environment. And nowhere has its power for change been so dramatic as in the United States. Most scientists hold that the destructive forces let loose by science can be properly focused and wisely used. Accomplishing these ends necessitates a major effort on the part of science and scientists—an effort dedicated to serving all of society and all of man. And while few can agree on the exact details, all concerned believe that science is indispensable for a future in which man is in reasonable harmony with his physical and social environment.

Historically, the National Science Foundation has devoted a large proportion of its resources to the pursuit of disciplinary science—research and science education motivated solely by the intrinsic needs of a discipline or the creative needs of individual scientists. This kind of programming has been highly successful and must continue, for it is the bedrock of all scientific enterprise. However, there must also be a heightened awareness of the requirements placed on all science, and for this reason a significant share of the total resources available to NSF in the future must be devoted to the social and technological needs of the nation. This, however, does not mean that the Foundation should be diverted from its earlier and historical purpose; in fact, this diversification should be construed as a means of strengthening that purpose.

To ensure success, this additional objective must have the cooperation of academic scientists, because a large number of the more creative scientists reside in academic institutions, and also because society and the nation have great need of broadly trained scientists who are highly motivated and capable of pursuing careers associated with the public interest.

To bring the best of science to bear on the social and technological problems of society requires at least three steps. A larger number of the most creative members of the scientific community must be encouraged to associate themselves with the great problems of man and society; for even though not all of the world's ills have a scientific or technological base, the thought patterns of science and its intellectual-material accomplishments are proof that science has much to offer society. The research and training institutions associated with creative science and the mechanisms used to support science must be more clearly focused and receptive to both the immediate and long-term interests of man and society. The National Science Foundation, as one of the most important federal institutions to promote the progress of science, must focus a larger portion of its resources on all of science—not just on academic science.

The social milieu within which the NSF finds itself has changed so markedly and so rapidly that we must not fail to accept the challenges offered by these new and pressing opportunities. We should recognize that, although science is one of the great cultural accomplishments of man, public support on the scale required for man's survival can be justified only as the needs of the larger society are recognized.

TRIBUTE TO THE LATE SENATOR CARL HAYDEN

Mr. FONG. Mr. President, I was extremely saddened by the passing of a great man, a good friend, and a person whose service to our Nation is hard to match—Senator Carl Hayden, who was a Member of Congress continuously for 56 years.

Carl Hayden attained a record which no other Senator has yet equaled. Before his retirement he was the most senior Senator, the man with the longest continuous service in Congress, the body's oldest Member—all this is known to those of us who today express our tribute and gratitude.

I will at this time, however, underscore a point about this dedicated public servant, Carl Hayden, which greatly enhanced our admiration for him—his human kindness. Others have said, and I will repeat, that Carl Hayden was one of the rare persons of this world in that he did not have a single enemy.

During my first term in the Senate, I was privileged to meet and be photographed with Senator Hayden and with the senior Senator from Alaska (Mr. BARTLETT). The three of us shared an unusual distinction—each of us had served continuously in Congress since each of our States was admitted to the Union, though, of course, Carl Hayden's State came in a half century before ours.

I cherish our association and I treasure the photograph.

When Carl Hayden announced his retirement he was venerable in years but certainly young in mind.

To me it was a measure of his greatness that he said there are times, when a house is built "for the foundation, another for the walls, the roof, and so on" and that since he had laid the foundation, he was stepping aside because "it's time for the building crew to report. Contemporary events need contemporary men."

The U.S. Senate is not quite the same since Carl Hayden retired; the world is less because of his passing.

THE PRESIDENT'S RURAL DEVELOPMENT MESSAGE

Mr. FULBRIGHT. Mr. President, I have read with considerable interest President Nixon's message to Congress on rural development and his plans for a rural development credit program.

I welcome the President's interest in this area, although I find it somewhat belated.

I also cannot help but note the irony involved. After months of what I might charitably refer to as studied inattention to problems of rural development, suddenly it is 1972 and just as suddenly the President comes forward with a program which he says will promote rural development.

For some years I have been a strong supporter of the Farmers Home Administration rural water and waste disposal grants. I believe that it is important that we aid the development of our smaller communities, making them attractive and livable and helping to diminish the flow to our crowded urban-suburban areas. Modern and adequate water and sewer facilities are vital to the development of these smaller communities.

Even though Congress has not gone as far as I would like, particularly in relation to the massive expenditures for military and space programs, we have appropriated $100 million for water and sewer grants in each of the last 2 years.

These appropriations have been made, I might add, with no encouragement from the Nixon administration. Not only has the President given no encouragement to this kind of program, he has consistently refused to spend the money appropriated by Congress.

Of the $100 million appropriated by Congress for rural water and sewer grants in fiscal 1971, only $44 million was allocated. In the current fiscal year, only $42 million of the $100 million has been allocated by the administration, with the remaining $58 million "impounded" according to a recent report of the Office of Management and Budget.

It is hardly a case of there being no demand for the funds. There are an estimated 1,800 applications for such assistance, totaling over $148 million. In Arkansas alone we have 133 unfunded applications for $9 million in grants and $12 million in loans.

According to the fiscal 1973 budget, the President is asking no new funds for water and sewer grants, proposing only to carry over the $58 million he has impounded this year. I understand that this $58 million is part of more than $12 billion appropriated by Congress which President Nixon has either impounded or "placed in reserve." In addition to the rural water and sewer funds, the administration has impounded an estimated $500 million in water and sewer funds for the Department of Housing and Urban Development.

I might interject here, Mr. President, that if the intent of Congress that these funds be expended was not clear enough when they were appropriated, a provision contained in the foreign aid authorization bill, now awaiting the President's signature, should make this clear. This provision would require the President to release impounded funds for the Departments of Agriculture, Housing and Urban Development, and Health, Education, and Welfare, by April 30, 1972. If this stipulation is not met, the administration would be barred from further spending on foreign aid.

I hope that this provision will not have to be enforced and that the administration will utilize these appropriated funds.

The Senator from Florida (Mr. CHILES) recently brought to the Senate's attention the fact that the administration is withholding $107 million of the $545 million appropriated for the Rural Electrification Administration. This action, combined with the administration's attitude toward the rural water and sewer grants, would not lead one to the conclusion that the administration is greatly concerned about rural development.

Perhaps the President's message marks a turning point, although past performance certainly tempers any optimism on my part. I am pleased that the President is at least giving some attention to the subject, even if it is long overdue.

I would note with some disappointment, however, that the President places emphasis almost exclusively on loan guarantees. Loans are important and necessary for rural development, but I am convinced that we must also provide direct assistance through grant programs if we are truly to stimulate development. The amount of money required is relatively small in comparison with numerous other Government programs, but the return would be much greater and long lasting. If the President is truly committed to rural development, I urge him to take advantage of the funds and programs already available.

FOREIGN INVOLVEMENTS AND DOMESTIC PROBLEMS

Mr. ALLOTT. Mr. President, there are some members of the other party who are anxious for the United States to get involved in the Ulster tragedy.

According to these gentlemen, when North Vietnam invades South Vietnam, that is a civil war, and we should not intervene, in spite of our treaty commitments to South Vietnam. But when Catholics and Protestants fight each other in the streets of their Ulster communities, the United States should get involved.

It is not clear to me why the gentlemen of the other party have such a passion for intervening in the domestic affairs of the United Kingdom. I sometimes doubt that those same gentlemen would want the United Kingdom to intervene, say, in the domestic affairs of Massachusetts.

But never mind. Might I make just one suggestion? Could we Republicans interest these gentlemen of the other party in intervening in the domestic affairs of the United States?

We in the United States are suffering from yet another costly and intolerable west coast dock strike. Might it be possible to interest these gentlemen of the other party in joining with the administration in ending that dock strike? This would not take long, and then they could return to their jobs as surrogate members of the British House of Commons.

I know that offering unsolicited advice to Prime Minister Edward Heath is jolly sport, particularly because the American givers of advice are in no danger of being held responsible for anything they say or do.

And I know that dealing with a dock strike is mundane business. But would it be rude of me to suggest that when the Congress of the United States attends to the business of the United States, that is called governing; and when the Congress of the United States attends to the business of the British Parliament, that is called meddling?

TRIBUTE TO THE LATE SENATOR SPESSARD LINDSEY HOLLAND

Mr. FONG. Mr. President, I was extremely shocked and saddened by the sudden passing late last year of my friend and former colleague in this distinguished body, Senator Spessard Lindsey Holland of Florida.

It was a great privilege and honor to have served with Senator Holland. His passing is a loss to his State, our Nation, and to Americans everywhere.

In Florida and in the Nation as a whole, Spessard Holland will be remembered for his record of accomplishments during nearly a quarter of a century of outstanding service in the U.S. Senate.

For the people of Hawaii Senator Holland and his record have special meaning. Though our State is geographically far removed from Florida, we from Hawaii feel extra warmth for him.

Spessard Holland was the first Southern Senator to espouse statehood for Hawaii. He cast his vote for the statehood bill that made our islands a full member of the Union, the 50th State.

Spessard Holland also played a significant role in the continued development of Hawaii.

He topped his interest in our State with assistance for our agricultural research programs, conservation, and other vital projects we needed so badly.

For me the loss is very personal.

It was my privilege to have served with him on the Senate Appropriations Subcommittee on Agriculture, of which he was chairman.

There, as well as on the Senate floor and in our other meetings, I observed the qualities which made him truly great—courage, integrity, tenacity, knowledge, and a penetrating intellect.

Mr. President, to Spessard Holland's wife, Mary, and to the other members of the family, my wife Ellyn and I extend our deepest sympathies and our most sorrowful aloha.

DOCK STRIKE CAUSING MARKET LOSS

Mr. BELLMON. Mr. President, in the message he sent to the Congress yesterday, President Nixon acted with every justification in appealing for emergency action to bring an end to the west coast dock strike and to take steps to prevent future disruptive transportation industry disputes.

The detrimental effect of this prolonged tieup was underscored this week by a report on Japanese grain purchases. Against its regular tender this week, the Japanese Food Agency purchased approximately 102,000 tons of wheat, only 28,500 tons of which was from the United States. This follows weeks of reduced purchases from the United States, which last year had over 50 percent of the Japanese market. The Japanese are reported also to be looking to mainland China as a source for increased purchases of grain in the future, in part to reduce Japan's dependence on the United States as a grain supplier. They recently discussed with mainland China the purchase of from 100,000 to 150,000 tons of corn but actually purchased only 50,000 tons.

Mr. President, the responsibility for solving the crisis to our agricultural economy brought on by the dock strike rests squarely with the Congress. As the President noted, the executive branch has exhausted all available remedies.

After months of inaction, the Senate Labor and Public Welfare Committee has begun hearings on at least one piece of legislation designed to achieve a settlement of the strike, Senate Joint Resolution 187. As a cosponsor of the resolution, and as author of other legislation aimed at assuring our overseas grain customers of continued shipments of commodities for both human and animal consumption, I strongly urge that the highest priority be placed on passage of such legislation as may be necessary to bring a satisfactory end to this long and costly work stoppage.

THE SCHOOL FINANCING CHALLENGE

Mr. FANNIN. Mr. President, the New York Times in its annual education review published on Sunday, January 10, discussed public school financing and the challenges which that system is currently facing as a result of a number of significant court decisions. There is no question that as a result of these decisions we are on the threshold of a new approach to financing our public schools. In advance of what could be rather important decisions, these articles provide some insights and perspectives which may prove helpful in our deliberations on this issue. Mr. President, I ask unanimous consent to have printed in the RECORD these articles from the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A CHALLENGE FOR EDUCATION: MAKING ENDS MEET—FAIRLY—JOHN SERRANO, JR., AND OTHERS, AND SCHOOL TAX EQUALITY

(By Robert Reinhold)

LOS ANGELES.—About this time five years ago, John Serrano, Jr. was called in by the principal of the school in the Mexican-American barrio of East Los Angeles where his two young sons were in first and second grades. "You've got a couple of very bright kids—get them out of East L.A. schools if you want to give them a chance," the principal told him bluntly.

The words stunned Mr. Serrano, a psychiatric social worker for the city who had been active in Chicago community affairs. "What was all that stuff you've been giving us about how good the schools here really were?" he demanded of the principal. But the import of the educator's candid advice struck home, and within months the family had abandoned the teeming barrio in which both Mr. Serrano and his wife, Rori, had been reared, and moved 10 miles out into a white stucco house in the middle-class suburb of Whittier, Calif.

That, however, was not the last Los Angeles was to hear of John Serrano.

Soon after moving he signed his name, along with the parents of 26 other Los Angeles County schoolchildren, to what he thought then was a pretty hopeless court complaint. Today, four years later, that complaint has sent tremors to the very foundations of public education in every state from Alaska to Florida and from Maine to California. And much to the amazement of the strapping 34-year-old social worker, his name—actually that of his 11-year-old son John A. (for Anthony) Serrano—has become familiar to thousands of educators, legal scholars, judges, Government officials, tax experts and legislators all over the country.

Last Aug. 30, the Supreme Court of California, by a vote of 6 to 1, upheld the Serrano complaint. In so doing, it found that the state's system of financing public education, by which each community largely supports its own schools through taxation of local property, "invidiously discriminates" against the poor because it makes the quality of a child's education dependent on the wealth of the district he happens to live in. This method, paralleling that used in every state except Hawaii, was held to violate the 14th Amendment of the United States Constitution, which forbids a state to "deny to any person within its jurisdiction the equal protection of the laws."

In the court's words: "By our decision today we further the cherished idea of American education that in a democratic society free public schools shall make available to all children equally the abundant gifts of learning. This was the credo of Horace Mann, which has been the heritage and the inspiration of this country."

While few would argue with such a proposition, it is becoming apparent that much more is involved. The issue is one that transcends the classroom, because fundamental reform of the tax structure is likely to alter residential and social patterns, as well as industrial development. Further, there is a growing fear among some that the cherished American concept of local school control will be lost and that fiscal equalization will reduce all schools to a level of common mediocrity. Moreover, it is not fully clear that the poor will gain from this decision in all cases.

Although years of judicial, legislative and political hurdles probably stand between the decision and its implementation, the ruling in the case of John Serrano Jr., et al., v. Ivy Baker Priest, as Treasurer of the State of California, already has achieved landmark status. Now known widely as Serrano v. Priest, the case has paved the way for similar assaults on school financing in a score or more states.

Already Minnesota's system has been upset by a Federal court. And on Christmas Eve a three-judge Federal panel in San Antonio adopted the Serrano principle to strike down the Texas system in response to a class action suit brought by a group of Mexican-Americans. Because a direct appeal to the Supreme Court of the United States is permitted from such a panel, the stage was thus set in Texas for a national ruling.

John Serrano never dreamed it would come to this when at a dinner party in 1968 he ran into Derrick A. Bell Jr. and Charles E. Jones, two black lawyers then with the federally supported Western Center of Law and Poverty, an arm of the Office of Economic Opportunity, in Los Angeles. The center, along with a coterie of private lawyers and legal scholars in the area, had been kicking around the idea of challenging the property tax, and Mr. Serrano was recruited as a plaintiff.

REALLY A LAWYER'S CASE

He readily concedes that the wide publicity he received is unearned, partly because his name happened to be first on a long list of plaintiffs, but mostly because it was really a "lawyer's case" from the outset. He was discussing his role the other day in the cluttered living room of his Whittier house when the family trooped in. There was John Anthony, collegebound with straight A's; David, 10, a big athlete; Amber, an 8-year-old with big dark eyes who has her own cat, Pinky; and Taffy, the family dachshund.

"I have to admit it's nice to have my name on a landmark decision," said Mr. Serrano, son of a Mexican shoemaker, "but the attorneys and professors and all those heavy people did the work. They just kept us apprised every time it got thrown out of court."

Indeed, it was a long and rocky road. Earlier suits had been turned back in other states, and nobody was overly optimistic. "Visionary, crazy" were the words used by colleagues of Sidney M. Wolinsky, then a partner in a prestigious Beverly Hills law firm, who argued the case as a volunteer for the Western Center. What was worse, Mr. Wolinsky, a bearded expatriate New Jerseyan, later observed with a wry smile, it might win; one of his partners had just bought an expensive house in Beverly Hills to get his children into that city's superior schools.

The complaint was drafted with the help of the "house intellectual," Prof. Harold W. Horowitz of the University of California, an authority on equal protection. It was thrashed out amid great piles of law books and statistics in Mr. Horowitz' cubicle at the U.C.L.A. Law School and a 17-page complaint was filed on Aug. 23, 1968 in Superior Court, County of Los Angeles.

That document contended that the "plaintiff parents are required to pay a higher tax rate than taxpayers in many other school districts in order to receive for their children the same or lesser educational opportunities as are afforded to children in these other school districts."

In entering its demurrer, or motion to dismiss, the state did not dispute this contention but argued, in effect, that there was nothing illegal about it. Both the Superior Court and later the Court of Appeal agreed, and twice the case was dismissed. But to everyone's surprise, the State Supreme Court agreed to hear an appeal by the plaintiffs.

By this time, early 1971, the Serrano lawyers had refined the case considerably. The key tactic was to avoid asking the court to dictate how educational dollars should be allocated. Two previous cases, in Illinois and Virginia, had foundered because the judges were asked to affirm that each child has a right to spending in accord with his "needs"—a concept the courts found judicially unmanageable.

"FISCAL NEUTRALITY"

All the California court was asked to do was to establish the principle of "fiscal neutrality"—that is to declare that whatever method is used to support schools it may not constitutionally be a function of wealth, other than the wealth of the state as a whole.

"The major strategy was to ask for a very restrained principle," said Mr. Wolinsky, now a public interest lawyer in San Francisco, "We avoided concepts like 'need' and 'educational opportunity'—all those garbage terms that education has become overburdened with.

"We said we were not asking for compensation, only equality. All the court was asked to do was foreclose one of thousands of alternatives open to the Legislature. They could have vouchers, or could even give extra money to good school districts for special programs—as long as a rational choice is made in an educational sense."

This tactic worked. The court said: "Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing."

The kinds of disparities the court was talking about are well illustrated by the two Los Angeles suburbs of Beverly Hills and Baldwin Park. Similar, often greater, disparities can be found in almost every other state, including New York.

TWO DIFFERENT WORLDS

It's only a 25-minute ride on the San Bernardino Freeway from Beverly Hills to Baldwin Park, but the two cities might as well be in different worlds. With its lush streets lined with stately eucalyptus trees, rolling lawns and not a few Rolls-Royces, Beverly Hills has few homes worth less than $50,000.

It is the home of movie stars, doctors, businessmen and lawyers whose children get an education heavily subsidized by taxes from the banks and insurance companies that rise along Wilshire Boulevard. There is even an oil well pumping away beside the high school playing field. For each of its 5,732 pupils, the community spent $1,638 last year.

Baldwin Park is the other face of California. A drab area of closely spaced one-story stucco homes relieved only by a colorful profusion of acacia, liquid amber and avocados, it is populated mostly by blue-collar workers, about a third Chicano. To them a $15,000 house is expensive. The district spent only $690 on each of its 12,809 pupils last year. It's not that the people there cared less. In fact, to get what they did for schools, they had to tax themselves at nearly twice the rate of Beverly Hills.

For example, the school tax on a modest $16,000 house in Balwin Park comes to about $230 a year, while that on a $40,000 home in Beverly Hills is only $295. What is more, Baldwin Park was incorporated only 15 years ago, so its hard-pressed residents are also staggering under other local taxes needed for streets, sewers and sidewalks. And, unlike Beverly Hills, it cannot attract high tax-paying businesses.

It all means that with 2.5 times as many students as Beverly Hills, Baldwin Park has about $1-million less for education.

On the surface, Baldwin Park's 18 schools look palatial by New York standards, but this is illusory. While there is much uncertainty about what the Serrano decision will mean, the district's educators are already hoping for a healthy infusion of new money. "We're very happy about it to say the least," said Jerry D. Holland, the Texas-born school superintendent, as he conducted a visitor through the bright airy classrooms of the Central School.

The district can use the money. With many Spanish-speaking pupils in his schools, Mr. Holland says he badly needs experts in teaching English, as well as specialists in mathematics and developing curriculums, more teaching assistants, smaller classes and better equipment. Moreover, he said, he had no vocational school though most pupils enter the trades.

It's much the same elsewhere. In New York State, the town of Great Neck spent $1,943 per pupil in 1968–69, while Levittown spent $1,192 and Buffalo only $1,093. Even wider gaps exist in other states. In Oklahoma, the richest district spent $2,566 per pupil in 1969–70, while the poorest spent only $342; in Texas the high was $5,334 and the low $264.

The Serrano decision was generally with favor, but there was also some confusion and concern. It was immediately embraced by two of the official defendants, Wilson Riles, California's Superintendent of Public Instruction, and State Controller Houston L. Flournoy. It is very likely the state will not appeal.

But there was so much confusion that the State Supreme Court felt compelled to issue a modification stressing that, to avoid municipal chaos, the present system would stand until a new one had been worked out. And a profound unease began to emerge in the wealthier districts. Kenneth L. Peters, Superintendent in Beverly Hills, expressed agreement in principle with the decision but voiced fear that superior districts would be dragged down to the average level.

"There appears to be very little overt political opposition to the principle," Professor Horowitz said. "This suggests there is some basic sense of injustice that is felt when people are aware of what the system is."

In the confusion, some people even thought they did not have to pay their property taxes. It is useful to talk about what the court did not do:

It did not invalidate the use of property taxes for schools as long as spending does not depend on wealth.

It did not require uniformity of spending. Governments discriminate all the time in the use of tax dollars and there is nothing illegal about it, but it is usually done on a rational basis. For example, the court did not bar extra spending for special children—the handicapped, the gifted, the disadvantaged.

DISPARITIES AMONG STATES

(The courts have not dealt with one of the biggest discrepancies in education—the difference in spending among states. New York spends $1,237 for each pupil on the average, while Alabama spends $438. Only massive Federal aid is likely to right this imbalance.)

But the main thing the court did not do was dictate a remedy. If Serrano becomes the law of the land, that each state legislature will have to go through agonizing retooling of time-honored mechanisms. Dozens of remedies have been offered and most will probably mean a higher tax bill because, given political realities, the outlays in poor districts will probably have to be brought up.

One simple plan calls for the state to take over all property taxation and distribute to cities in direct proportion to enrollment. Beverly Hills figures that it would have to dismiss 253 members, or 46 percent, of its staff and cut out all special programs if reduced to the average state expenditure.

Variations of this plan would make special provision for special needs. Schools with many poor, handicapped or blind, or urban schools where basic expenses are normally higher, would get special allotments. But to many the main drawback of this plan is loss of local control.

Therefore, much attention has been focused on the plan of John E. Coons, a Berkeley law professor who provided the intellectual underpinnings for the drive for fiscal neutrality by virtue of his book "Private Wealth and Public Education," written with William H. Clune 3d and Stephen D. Sugarman.

"POWER EQUALIZING"

Under Professor Coons' "power equalizing" plan, the state would set maximum and minimum levels of spending per pupil. Within those limits a local district would be free to decide how much it wanted to spend. The amount chosen would trigger a predetermined tax rate on local property, and if this tax raised less than the expenditure permitted for that rate, then the state would supply the difference. But if it produced an excess, this would be siphoned off for use in poorer districts.

"In short, all districts choosing the same tax rate would spend at the same level," Professor Coons says. "Spending thus would become a function only of the districts' interest in education."

Some argue that such a plan would tend to perpetuate inequities since wealthy districts might be willing to tax themselves at higher rates. But Beverly Hills is not very happy with the idea because the town would have to tax itself to the tune of $27-million to get the $9-million it raises now. Such is the unease that Beverly Hills has joined with 50 other districts in employing the management consulting firm of Peat, Marwick and Mitchell to devise an alternative.

One state that has moved a step toward compliance is Minnesota. A new law there provides for equalization of local tax effort up to the state average per pupil expenditure, but beyond that the old system prevails.

This has meant statewide reduction in property taxes but Minnesotans are paying more for beer, liquor and cigarettes, the sales tax is up from 3 to 4 per cent and income taxes are up sharply. "It's the end of oppression of elderly home owners," said Dr. Karl Grittner who recently retired after 18 years in the Legislature.

In New York State a special commission headed by Manly Fleischmann is expected to call for the state to take over school financing.

Concern over the implications of Serrano is such that 100 or so state legislative leaders convened for an all-day session on the problem in Houston last month under the auspices of the Education Commission of the States, a national organization of state officials. The dilemma these men and women face was summed up by Bryce Baggett, an Oklahoma State Senator.

"We are going to be caught in a pincer trying to be fair to the taxpayer and accomplish equal opportunity," he said, adding a frequent complaint: "This grand egalitarianism may destroy our 'lighthouse' districts—we may wind up eliminating our opportunities for advancement and improvement."

At any rate, the courts are likely to be tolerant if change is gradual. For they have raised a host of difficult questions that will have to be carefully pondered if Serrano stands.

For example, there is concern that in some areas it will be the poor not the rich who will suffer from tax reform. This might happen in large cities like New York and San Francisco, which spend much more per pupil than the statewide average but which have large numbers of poor students. If tax reform required uniform spending without special provision for what legal scholars call "municipal overburden," then the big cities stand to lose quite a bit.

Further, there is what Professor Coons calls the "equal sewer" problem. That is, if the Constitution requires equity in education, then why not in other local services such as fire and sanitation?

"The real difficulty is that any decision requiring 'fiscal neutrality' in public school finance very well may affect the entire fiscal and tax package of states and localities," says Paul R. Dimond of the Center for Law and Education at Harvard.

Also clouding the picture is the concept of "equal educational opportunity." Not only does it defy precise definition, but also no one can say for sure that money will produce it. It is widely assumed that more dollars mean more learning, but the evidence is contradictory.

Some people say that since the bulk of school budgets goes for teacher salaries the main impact of tax reform will be to raise the pay of teachers, who will continue to teach as badly or as well as before.

In fact, this is one possible point of contention in the Serrano case. Technically, the California Supreme Court has remanded the matter to the trial court, and since no one disputes the contended inequities, the plaintiffs may be called upon to prove the link between dollars and educational opportunity.

Where does Serrano go from here? It is clear that the decision represents nothing more than the first inning of a very new ball game. The problems raised are inextricably enmeshed in other very demanding issues of the day—race relations, taxpayer revolts, housing, welfare.

Ultimately, legal experts believe, one of the cases embodying the Serrano principle will reach the Supreme Court of the United States. Whether the Court accepts it, modifies it or turns it back, it is apparent that Serrano has touched very sensitive nerves in American life.

There is some evidence to support Professor Coons' declaration to a United States Senate Committee that the Serrano case may lead to "the first thorough-going legislative consideration of the basic structure of school finance since the advent of public education."

CANADIANS TEST EQUITY PLAN

The Canadian province of New Brunswick has attempted to eliminate the inequities of local school financing by shifting the responsibility from the towns to the central government.

The plan has proved both costly and controversial, but there is growing consensus that the main purpose of "evening up" the quality of public education in this maritime province is slowly being achieved.

By reducing the number of school districts from 422 to 33 and abolishing county government, more money was funneled into the depressed French-speaking regions of the north and east. There are uniform property taxes and all teachers are paid according to the same scale.

Educators from the poorer areas are pleased with the better curriculum and decline in dropout rates. But others feel that wealthier districts have been leveled down to the point where innovation in curriculum has been stifled.

HAWAII AVOIDS DISPARITIES

There are no spending disparities among districts in Hawaii because it has only one district. It is the only state that does not rely on local property taxes for public education. The system seems to work quite well.

It is largely an accident of history. Prior to statehood in 1959, Hawaii was administered centrally as a territory. Education, like all other government functions, was controlled by the territorial governor's office.

Hawaii's 185,000 elementary and high school pupils attend schools that are entirely state-run and state-supported. Theoretically the state pays $984 for each student. Funds are appropriated by the legislature; there are local property taxes, but they pay for municipal services only. Teachers' salaries, since they are pegged to statewide scales and are the largest school budget item, are said to be the greatest equalizing force. Equality of educational opportunity, insofar as money buys it, has been achieved.

BUDGET CRISES SPUR REAPPRAISAL OF BASIC GOALS

(By M. A. Farber)

American education, after more than a decade of heady expansion, is being shaken by a pervasive financial crisis that is prompting a broad reappraisal of what schools and colleges are doing—and why.

The fiscal crisis is permeating all levels of education, in both the public and private sectors. It is not a question of whether the schools and colleges will survive, but rather one of survival in what shape and to what end and at what human and financial cost.

At precisely the time when the fiscal demands on public schools throughout the country appear beyond the capacity of a sagging, patchwork system of financing, that system is also under powerful attack on the ground of fairness.

An old and sensitive and complex issue of equity—really of equal educational opportunity or of segregation by wealth—has been vigorously joined in the courts, the legislatures and the public arena since the California Supreme Court held that that state's system of school support was discriminatory and unconstitutional.

The California system, like those in virtually all other states, is riddled with disparities in spending between school districts that result from heavy reliance on local property taxes. It is commonplace for some school districts to be spending two or three times as much money per pupil as other districts.

IMPETUS FOR MAJOR REFORM

The combination of these two forces—mounting financial requirements and a concerted drive for equity in expenditures—has enlivened the prospect for major fiscal reforms that could affect the caliber and availability of education, as well as decisions about where people live and where business, seeking a favorable tax climate, takes root.

But the achievement of reforms, resulting in more funds or in funds more equitably distributed or both, could well take years of planning and debate over such questions as local control of schools; criteria for allocating funds; special needs of poor or handicapped or retarded children, and the rights of parents and communities to seek "the best" education for their children.

These questions defy easy answers, as the courts in California, Minnesota and Texas have been quick to recognize. And, as with racial segregation in the schools, they are highly political questions, girdled by controversy.

Any reforms could also lead to a more expensive bill for education, since a more equitable system of school financing would almost certainly mean a "leveling up" of lower-spending districts.

And most school finance experts are convinced that the problems of fiscal inadequacy and inequity will not be resolved unless the Federal Government substantially increases its contribution—now 8 per cent of public school revenues—and acts as a guarantor of equitable spending, at least among the states.

President Nixon has pledged a "complete overhaul" of school financing, and the Administration is expected to recommend specific measures after the report of the President's Commission on School Finance in March.

The commission is said to favor a much enlarged role for the Federal Government, in funding and in correcting the disparities stemming from dependence on property taxes for school support, so does Dr. Sidney P. Marland Jr., the United States Commissioner of Education.

"RESTING ON INEQUITY"

"The overwhelming reliance on property taxes so basically hinged to school financing today is regressive, anachronistic, and resting on inequity," Dr. Marland said after the California decision in Serrano v. Priest.

"From state to state," he continued, "the record shows that the present system of raising and allocating funds for the schools adds up to a rigged lottery and cheats students and taxpayers alike."

American education, then, has reached a juncture. Many educators and laymen, too, are persuaded that schools and colleges will emerge from the current crisis and scrutiny more efficient, productive and viable, livelier and better adapted to the needs and culture of students of all ages in the 1970's.

But that is small comfort to school superintendents and college presidents who grew accustomed to what they often called a "golden age" in financial support in the 1960's. Now they talk about "hard times."

In referendums around the country voters are rejecting school bond and tax proposals at nearly twice the rate of five years ago, with half the proposals being turned down. Only 9 of 63 of the largest public school systems had adequate funds last fall to continue their programs, making slight improvements, according to the National Education Association.

The Carnegie Commission on Higher Education estimates that two-thirds of the country's 2,500 public and private colleges and universities are in severe financial trouble or headed that way.

Throughout education the fiscal crisis is being laid to essentially the same cause: a widening gap between rising income and even faster-growing costs.

FORCED RETRENCHMENT

The country's massive educational enterprise—with 60 million students, three million teachers and professors and annual expenditures of $75-billion a year—is being forced to retrench, in terms of its operations or its aspirations.

On many campuses, including a good share of the most renowned, faculty and administrative positions are being cut back and salaries frozen; research and student aid funds are stabilizing or declining; and academic programs are being dropped or limited. Library purchases are being curbed, janitors are being ordered to make fewer rounds, windows are being washed less frequently and two-toned stationery with the college's colors is yielding to plain white paper.

Many school systems are reducing teaching posts, increasing class sizes, releasing school nurses and psychologists and guidance counselors and curtailing special programs in art or music, or advanced science and mathematics.

Some systems, like that in Los Angeles, have shortened the length of the school day—for financial, not educational, reasons. A few, like the one in Independence, Mo., have closed for brief periods while they looked for money to sustain operations. And some of the biggest systems, like those in Chicago and Philadelphia, face the possibility of running out of funds and ending this school year early.

On the whole, the crisis in public schools is most acute in urban systems, where teachers' salaries and labor costs of all kinds are higher and where there are denser concentrations of poor children in need of extra help.

Cities, on the average, have 30 per cent less money per capita available from local taxes for education than do their suburbs, although the cities tax themselves 40 per cent more heavily.

Schools and colleges alike are appealing—more hopefully than in the past—for unrestricted operating funds from the Federal Government. They are sharpening management and budget procedures and questioning whether they are getting the best possible return on wages they pay.

Others are shifting to year-round operation or establishing consortia for purchasing or academic programs or investing. Tuitions are being raised; more students are working when they can find jobs, and turning to lower-cost public colleges and some campuses are experimenting with deferred tuition plans.

THE GREAT "EQUALIZER"

Americans have long revered education. Whatever the popular distaste for intellectuals and "highbrows," education has become something of a secular religion, a social "equalizer," a basis for national economic strength and individual uplift (and higher income), a means of enhancing the general quality of life and of enabling men and women to come to grips with an increasingly technological society.

Hear, for example, the California court in Serrano v. Priest: "the cherished idea of American education" . . . "to all children equally the abundant gifts of learning" . . . "the heritage and the inspiration of this country." Indeed, few phrases carry the terrible onus of "school dropout," with its suggestion of irreversible condemnation.

The magnitude of the "formal" educational enterprise, let alone the vast "knowledge industry" of which it is part, attest to the commitment to education.

Public and private elementary and secondary schools serve 51.8 million students, with 5.6 million of them in nonpublic schools, mostly Roman Catholic institutions. In addition 8.3 million students are enrolled in degree-credit courses at colleges and universities.

While enrollment in elementary and secondary schools rose 19 per cent in the last decade, expenditures went up 159 per cent, to $54.1-billion this year. Enrollment in higher education, during the same period increased 117 per cent, while expenditures increased 266 per cent, to $31-billion.

When $10.2-billion in capital outlay is included, Americans are spending more for education than for national defense, now budgeted at $77.5-billion. And educational expenditures, which have advanced at twice the growth rate of the Gross National Product in the last 10 years and now account for 8 per cent of the G.N.P., are still going up by $7-billion or $8-billion a year.

THE REVENUE-COST GAP

But the gap between revenues and costs of education has broadened under such pressures as inflation and recession, wage increases for teachers, taxpayer revolts, selective government cutbacks and competing demands on consumers' income and on the public dollar for welfare, health care, environmental controls, transportation and other services. As yet the effects of Phase One and Two of the President's economic stabilization program are minimal in education.

The amount of funds that would narrow or close the revenue-cost gap—in short, the scope of the crisis—depends importantly on what is expected of education and the people and institutions that provide it. This, of course, is more than a matter of economics, it is also a question of educational and social values. That makes it harder to settle. Conflicting views and strong emotions will clearly influence the ultimate costs of issues like integration and busing, support for nonpublic schools, faculty unionization and tenure, universal higher education, aid for predominantly black colleges and private colleges, school decentralization and the use of educational technology.

Would vouchers that allow more parents to choose private schools for their children undermine the public schools or eventually improve them through the rivalry of the marketplace?

With the homogeneity of higher education and the end of the enrollment boom, should public funds be given to private colleges and universities with their own admissions rules?

Are "compensatory" educational programs for "disadvantaged" children largely a waste of funds and effort and a misplaced hope or are they relatively effective?

Should an even larger proportion of college-age youth be encouraged to enroll in traditional institutions or urged to "stay out in the real world" and perhaps earn an "external degree" through special tests?

PAROCHIAL SCHOOL AID

Should Roman Catholic schools be helped with public funds, especially when new studies suggest that the enrollment decline in Catholic schools is due less to financial reasons than to falling birth rates among Catholics and to "changing Catholic tastes."?

Who should pay for an increasingly expensive college education, who benefits most—society or the student?

There is a financial side to all these questions and, in the economic crisis that has struck all levels of education, it has taken on crucial significance. Yet not until many of these issues are clarified and decided will the dimensions of fiscal need be clearly focused.

Educational institutions have become enmeshed in a tenacious fiscal crisis after a turbulent decade in which they were alternately assailed for failing to educate blacks and other minorities and for giving preferential treatment to minorities; for becoming elitist and for becoming weak by academic dilution; for becoming joyless and grim and impersonalized and for coddling drug-taking revolutionary anarchists.

The schools and colleges lost some of their confidence then, and they have lost a good deal of their affluence now. But if their destiny is no longer so manifest, as Clark Kerr has observed, they can only benefit from a searching analysis.

Wide U.S. Aid in Prospect

(By William K. Stevens)

After 175 years of debate over its role in American education, the Federal Government appears ready to join the states, localities, tuition-payers and private gift-givers as a full partner in financing the nation's schools.

Since 1795—when George Washington was trying to get a national university established, and the American Philosophical Society offered a prize for the best essay on the merits of a national school system—the country has been arguing about Federal involvement in education.

Usually, the proponents of such involvement have had hard going. Americans as a whole have never shown any taste for the nationally prescribed, nationally controlled school systems of some European countries—say, for instance, France, where an official is once said to have boasted that he could look at the clock and know what every child in the land was studying at that moment.

So although the Founding Fathers often stressed the importance of education to the well-being of the Republic, schooling has remained essentially a state, local or private function, jealously guarded. In the late 19th century, Federal intervention in this function was assailed as un-American and even ungodly. As recently as a decade ago, general aid to the schools was seen by some as a sinister effort to control from Washington what went on in the classroom.

Such fears and misgivings have now been suppressed, if not abandoned, in a latter-day rush of schools and colleges to Washington for fiscal salvation.

All the signs and portents indicate that for the first time the Federal Government is on the verge of assuming a major role in financing the general operation of the nation's schools and colleges. Maybe this year, maybe next, maybe the year after. In any case, within the foreseeable future.

Taxpayer Revolt Raises a Dilemma

(By Martin Gansberg)

Taxpayers across the country are openly resisting paying more to support municipal and educational programs even though many of the programs stem from requests made by these taxpayers themselves—as homeowners, businessmen and parents of schoolchildren.

In three Navy Jersey school districts voters rejected referendums last month for building programs. In Portland, Ore., two consecutive school levies were rejected, forcing an early close for the school year. In Chicago, a $22.8-million cut in educational expenditures has been ordered.

In rejecting such increased spending, these taxpayers have created a dilemma for the men and women who head the programs, the laymen on the board of education as well as the city councilmen.

OFFICIALS FRUSTRATED

I know, because as a member of the board in Passaic, N.J., for the last three years, I have worked with orders to try to hold the line on costs, and I have been frustrated at our inability to do so. The major increases have been in areas we could not control.

This is true in thousands of school districts where boards are now preparing budgets for the 1972–73 fiscal year beginning July 1 that will have to be approved by voters next month. Many of these districts may not need voter approval, but will, instead, find their budgets undergoing the scrutiny of local governments before they may be adopted.

No matter the method of approval, these budgets must be adopted although, in most cases, contracts have not yet been reached with teachers, secretaries, custodians and administrators, and the salaries of these people make up more than three-quarters of the budget. So the largest part of the budget, therefore, must be an estimate.

Most of the money will come from local property taxes, a fact that often leads to rejection of first proposed budgets—this is the taxpayers' revolt that is coming to the fore.

In 23 states, legal action is being taken to knock down reliance on local property taxes for school funds. The attack has broadened ever since the California Supreme Court ruled last August that the use of local property taxes as the major source of funds for public schools was unconstitutional because the system discriminated against children who happened to live in areas with meager property tax resources.

Added impetus was given last month when President Nixon said that his Administration was preparing "specific proposals" to provide property tax relief. "We need a complete overhaul of our property taxes and of our whole system for financing public education," the President said.

"Amen," I say as a member of a board who cannot raise any more money in his community despite obvious needs. The Passaic school budget has gone from $6-million annually to $7.5-million in the three years I've been a member.

We have cut administrative costs and reduced textbook expenses, but this has had no real effect on our soaring budget. In the last three years, for example, fixed charges—costs that are built in and cannot be eliminated—have gone up more than $300,000.

These are items such as gas, electricity, telephone and water, pension fund contributions, Social Security payments, health and hospital insurance, fire insurance, liability insurance and rental of rooms and buildings to cope with increased enrollment (we have been gaining about 100 students annually and now have 8,500).

Board members—taxpayers, parents or men seeking to step up the political ladder—know they cannot cut costs in the fixed charges, so they look for other areas that can give.

I recommended to the Passaic board the consolidation of two administrative posts, a move that led to an annual savings of $18,000. It looked good, but the budget showed no reduction in administrative costs because rises in salaries in three years came to $43,000.

CONSUMABLE BOOKS TRIED

In another area, a board member suggested that we could reduce the cost of textbooks, which had reached $61,000 a year, by shifting to consumable books—those that were softcover and could be used by students for actual solution of problems by writing in them or by tearing out sheets for daily use.

We saved $11,000 the first year we made this change, but now we find we have to buy more new books annually because they are consumed. Hardcover books could be used for several years despite rising costs.

Over the same period of time salaries rose by $450,000. Understanding how the cost of salaries is computed for a budget is tricky.

Because teachers get paid at their new rate with the start of the school year in September while a budget begins with the fiscal year in July, it is necessary to compute the increase at ten-twelfths (two months of the payment can be held off for the next fiscal year). This keeps the cost down for one year, but means there will be an increase the next year.

In addition, an item called teacher turnover is used to hold down salary costs. Thus, if a teacher making $10,200 leaves or retires, it is assumed that the new teacher will come in at the starting salary—in our city, $8,000. This means a $2,200 salary savings. We have a turnover of about 60 teachers a year (there are 430), and the savings runs over $130,000.

INCREMENT CUTS SAVINGS

But that, too, is misleading, since teachers get an annual increment (an increase based on experience) of at least $300, and that eats up turnover savings. To that you add any negotiated increase, and you can see why a salary account rises.

There are sources for money besides the local property tax but many of these require matching sums or partial funding that add to the budget.

Each state, for example, has a formula for giving school districts a certain amount for every pupil who attends classes. If the pupil is absent, there is no state payment for him. In Passaic, we receive more than $1 million annually under this formula.

But, as I just pointed out, it costs money to get money. When Federal and state funds are given to a school system, the knowing board member should inquire immediately to find out what the local taxpayer will have to add.

Take the Elementary and Secondary Education Act, as an example. In Passaic, we receive about $500,000 in funds from this source annually. But Federal officials check to make certain that we are adding programs of our own to match their programs.

We have a large bilingual program because more than 12 per cent of our students speak Spanish. Federal funds cover this, but we are required to pay for supporting programs with local money. More taxes.

Our $7.5 million budget in Passaic is helped tremendously by Federal and state funds that amount to $1.5 million annually. But every time there is an increase, it costs the local taxpayer more.

Board members such as myself have been looking for answers. So far the best solution seems to be a revolt and let Government do something about that. Another solution—albeit forced on communities—is to shut down operations for a couple of weeks. And we could also reduce non-instructional personnel to an absolute minimum.

But what would happen to education?

VOUCHER PLAN MAY BE TESTED

At least three school districts—Seattle, Wash., and San Francisco and Alum Rock (San Jose), Calif.—may soon be experimenting with the voucher system for financing education. But there are major "ifs" in each case.

Under such a system, parents in the community would receive the full cost of a year's schooling for their child in the form of a voucher, to be presented to a public, private or (pending legal tests) parochial school of his choice. All schools, including public ones, would then get their operating funds by presenting the vouchers to a special agency set up at the local level to dispense money, set standards and generally administer and regulate the system.

The main objective of such a plan is to encourage a wider range of educational choices for students and parents.

Alum Rock, San Francisco and Seattle have all performed voucher feasibility studies financed by the Federal Office of Economic Opportunity. But in both California and Washington, new state laws are required to make the voucher system permissible. Bills to that effect are expected to be introduced this month in both state legislatures.

Seattle and San Francisco have yet to make a decision on whether to actually undertake voucher experiments should the enabling legislation pass, but Alum Rock is reported likely to go ahead. O.E.O. officials say they believe that some kind of voucher system will be tried, somewhere, in the next two or three years.

Can Courts and Money Do It?

(By Daniel P. Moynihan)

(Dr. Moynihan is professor of education and urban politics at Harvard and a former counselor to President Nixon)

Two years ago, writing in The Times' annual education supplement, I contended that "the crucial phase in solving a problem is the process by which it comes to be defined." I distinguished between two kinds of problems in the area of social policy. First there are those that involve the aggregation of sufficient support in the political system to bring about a change in public policy. Second there are those in which social goals are fairly well agreed upon but where administrators lack the knowledge to achieve them. I called the first political problems, the second knowledge problems.

It is fairly clear—is it not?—that much of the 1970's is going to be taken up with efforts to solve knowledge problems in the fields of education and to do so in a context of political problems that are equally unsolved. This trend became more or less fixed in late December, 1971, when a special panel of three Federal judges—in the aftermath of similar cases in California and Minnesota—declared the method of financing the Texas school system unconstitutional because of unequal expenditures as between different school districts. The judges ordered the Texas Legislature to devise a new system that will meet the equal protection provisions of the 14th Amendment. One may sympathize—as I do—with the court's decision without having to suppose that the judges had the slightest awareness of the knowledge problems they were raising, nor yet of the political problems they were bringing about by ordering the Legislature to do something which on its own it was clearly averse to doing.

Let us list just a few of these knowledge problems.

The first has to do with the effect of expenditure, equal or unequal, on education. The evidence seems to be that there is so little effect as for practical purposes to be naught, or at least for the matter to be judged, in judicial terms, de minimis. This month Frederick Mosteller and I will publish the results of four years of reanalysis by a score of social scientists of the data of the Equal Educational Opportunity Survey on which the Coleman Report (James S. Coleman, 1966) was based. Our findings confirm those of the original report. If anything, they diminish further the extraordinarily weak influence which school "inputs" such as per pupil expenditure seem to have on educational "outputs." One contributor concluded that given the state of our knowledge the least promising thing we could do in education would be to spend more money on it. On quite different grounds Kenneth Boulding has suggested that education may indeed be a "pathological sector of the economy in which increased investment brings no greater, or conceivably even lesser, returns.

I would take it for granted that the Federal judges ruling in the Texas case knew little of such matters and cared less. They confronted an inequity in the expenditure of public funds to provide a basic public service, and ordered the Legislature to do something. The effect of the order, almost certainly, will be to raise educational expenditures. The only certain result that will come from this is that a particular cadre of middle-class persons in the possession of certain licenses—that is to say teachers—will receive more public money in the future than they do now.

Who will provide this money is not clear: it could come from heavier taxes on the poor and the working classes, or it could come from heavier taxes on the middle-class itself (taxes on the rich just aren't that important). That is to say it could involve a shift in resource allocation up the social scale, or it could redistribute resources within a particular social class level. No one knows.

Other questions arise, of which the most important has to do with the constitutionality of unequal expenditure designed to compensate for whatever it is that makes for weaker educational achievement among children of the poor. It was precisely for this purpose that Federal aid to education was begun in 1965. The stereotype of rich districts in the suburbs and poor ones in the central city persists, but studies by Robert J. Havighurst and others suggest that compensatory programs are reaching their targets and that there are now many instances of fiscal imbalance in the opposite direction of the one traditionally assumed.

Others deny this and the argument will go on, but it would appear we have to face the possibility that the constitutionality of compensatory programs is open to challenge.

SERIOUS QUESTIONS

I would wish to repeat that the Texas school decision seems to me to have been just, if only because it will strike most persons as adhering to a principle of fairness. We need this in our society more than we need educational achievement. Still, there remain serious questions which the judiciary ignores at the risk of being judged incompetent, and which the rest of us can avoid only by the exercise of high irresponsibility. In a word, the emergence of knowledge problems in fields such as education has quite transformed the standards of acceptable political conduct.

To extend a concept which Chris Argyris has applied to business management, it may be said that with each new year the amount and kind of information that a legislator or political executive—now including the President himself—may be held responsible for increases. This is not quite so much a burden as might at first appear. A good deal of what a President, or other such political executive, must know consists of nothing more than awareness of what is not known. Two or three Presidencies back, a Chief Executive could be excused if he allowed diplomats or military men to persuade him that nations in Southeast Asia could be transformed into viable bastions against Communism or something like that by the introduction of modern weapons technology. No one then (or now) knows how to bring about such a transformation, but the President was not then required to be aware of this. Henceforth he will be, which is to say that he may not allow others to pretend to knowledge that does not exist.

Obviously this can be a relief to all concerned. On the other hand there are fields in which positive knowledge is increasingly demanded of political executives, the President included. Of these none has come forward in so demanding a way as the field of education.

If a political executive does not know, he has to set in motion an effort to learn, and to devise other ways to cope in the interval. Especially as the courts are becoming more active, it becomes crucial that what is known and not known in education be more carefully delineated. Perhaps this misstates the possibility. It may only be that different degrees of confidence can be assigned different propositions about what education is, and how it occurs.

But some such sorting out must take place.

With just this in mind, in March 1970 President Nixon proposed to Congress the establishment of a National Institute of Education. The object was to bring "big" science to bear on education, especially the problem of low achievement among students from low-income families.

INSTITUTE OF EDUCATION

Congress was silent for almost a year, but by the end of 1971 legislation to establish a National Institute of Education had passed both the House and Senate. In one form or another we should expect that such an institution will begin in 1972.

With this we can at least tell that a period of serious research and development in education will follow.

The National Science Foundation estimates $162.4-million was obligated for research and development in education in the fiscal year 1972. But we don't seem to get much for it. Testifying before the Select Subcommittee on Education of the House of Representatives, Sheldon White of Harvard noted of Project Head Start that when it began "there was no pre-school program in the country which had shown that it could produce large and lasting benefits to children's subsequent success in school."

We went ahead anyway and most would agree that we ought to have done so. But isn't it beginning to be time we began getting an answer to that question? Or is it that the question has been answered and everyone feels the needs to keep quiet?

Hence a final point. Educational research, like all social research, is threatening. It can and does produce unwelcome information. I for one would be willing to bet that the transition we manage least well in our society is that of the young person leaving the world of school for the world of work and that accordingly much more resources should be applied to this period in individual development rather than the much earlier one.

We are entered on a decade in which the elemenetary and secondary school population will not grow at all, but in which the labor force will increase by one-quarter. This will be the largest such increase since the late 19th century. We have no institutions for managing it. Or at least we have few. It would be terrible if for that reason we decide instead to continue to concentrate our efforts where there are large and threatening institutions. To do so would likely lead to a social imbalance which by transforming a knowledge problem into a political one will perhaps at last impress upon us that both matter and neither will go away.

PROJECT HOPE—NEW HAMPSHIRE'S CONTRIBUTION

Mr. McINTYRE. Mr. President, the hospital ship SS *Hope* begins her 10th medical-teaching voyage Friday, February 4, when she leaves Baltimore, Md., for Natal, Brazil. During the next 10 months the ship's staff will be carrying out medical treatment and training programs in northeastern Brazil.

Hope's mission to Brazil represents the second leg of a 3-year hemispheric commitment. As in many developing nations, northeastern Brazil has a severe shortage of medical personnel, primarily in the nursing and auxiliary fields. The ship's permanent staff of nurses, technical and allied health personnel will work with local counterparts sharing in the latest medical advances and techniques.

We are all aware of the tremendous service the SS *Hope* has provided the underdeveloped countries of the world in its many missions. Supported by donations from the American people, Project Hope is the principal activity of the People-to-People Health Foundation founded in 1958 by Dr. William B. Walsh. Since that time, countless numbers of lives have been saved as a result of this program.

I am extremely proud today, therefore, to be able to share with Senators the names of two New Hampshire residents who have volunteered to serve on the SS *Hope*'s 10th mission. Susan Turner Bies, a registered nurse from Durham, will serve as staff nurse aboard the ship. Miss Bies received her nursing education from Mount Sinai Hospital in New York and Beverly Hospital in Massachusetts. Before joining Hope she served as staff nurse with Bon Secours Hospital in Methuen, Mass.

Serving as medical technologist aboard the SS *Hope* will be Martha Hopkins from Salem. Miss Hopkins also served with Hope in Kingston, Jamaica, the first stop of Hope's 3-year hemispheric program. She received her degree from the University of New Hampshire and her medical technology training from Mary Hitchcock Memorial Hospital. Before joining Hope she worked with Putnam Memorial Hospital in Bennington, Vt.

I am very proud of these two young women from New Hampshire, and take this opportunity to make special recognition of the wonderful contribution they are making.

THE CENTRAL ARIZONA PROJECT

Mr. FANNIN. Mr. President, no group of people in the United States has more appreciation for the value of water than the people who live in my State of Arizona.

We cherish each and every drop, and we have gone to great lengths to preserve and expand our water supply. Millions of dollars have been spent to build reservoirs and to line irrigation ditches.

The fact that we have fought decade after decade for the central Arizona project demonstrates our deep concern about our water supply. Had the project been constructed 10 or 20 years ago, as it quite properly should have been, we would not have been overdrawing our groundwater supply to the great extent that we have all these years.

It also is quite proper to point out that Arizona is one of the few States which does not have a serious water pollution problem. We have too much respect for our rivers and lakes, scarce as they are, to allow them to become polluted as they have become in other sections of the United States.

During the years of the battle over the central Arizona project, we Arizonans have had to correct the record time and time again after distorted stories have been printed concerning our situation. Apparently we will have to continue doing this even as the project goes forward.

Mr. President, Gov. Jack Williams, of Arizona, has written a letter to the New York Times to correct the impressions left by an article which appeared in that newspaper on January 17, 1972. I ask unanimous consent to have Governor Williams' letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1972.

The EDITOR,
The New York Times,
New York, N.Y.

DEAR SIR: It must indeed be very difficult for people living on the eastern seaboard to comprehend the water problems of Arizona, and an article which appeared in your newspaper on January 17 contributes very little if anything at all to a better understanding.

For nearly a century now Arizona and the Southwest at large have been receiving the ambitious, the courageous and the visionary immigrants from the eastern half of the United States who search for a better life. We are proud of what they have done here to make our arid land a good and productive part of our Nation.

Why, now that we have become an important part of America's economic and social structure by developing our natural resources, are we accused of being sloppy and wasteful in the use of the water which is the most precious of our resources because it is the most limited?

Our cities in Arizona meter the water delivered to every customer. Our city municipal water delivery systems are among the most efficient in the nation. Our agricultural methods are most advanced; for example, irrigation water is carried more and more from pumps to fields in concrete lined ditches to reduce seepage.

Yes the greater part of our total water supply is used for farm irrigation. I must point out we have only about one million acres of irrigated land in all of Arizona. That's only about one and one-quarter percent of our total land area; it is the more important to us because it is so little. And, yes, it does take a lot of water per acre because our warm climate permits year-round crop production.

Fruits and vegetables produce a larger income than any other kind of crop grown on our irrigated farms. We grow a lot of feed grains and forage, of course to feed and fatten the cattle grown on our ranches. And Alfalfa renews soil fertility for other crops as any good farmer knows.

Arizona does use large amounts of groundwater drawn from largely irreplaceable reserves. In the Salt River Valley where Phoenix is situated, ground-water accounts for about half the total supply, and it is used in addition to stored surface water to support a population of nearly one million people and to irrigate less than 500,000 acres of farm land. That 500,000 acres of irrigated farms form the green belts that contribute to the quality of our oasis type of environment.

We have known for many years that it is not good to draw as heavily as we must upon groundwater reserves. That is why we need the Central Arizona Project to bring a supplemental supply of Colorado River Water into Central Arizona. It will be used to reduce the amount of groundwater pumped. By law, none of the water delivered by the Project can be used to irrigate new farm land except on Indian reservations. If land speculators are buying desert land along the Central Arizona Project aqueduct route hoping to make a fortune from use of Project water, they are doomed to failure.

Of course, there are a few shortsighted people in Arizona who have doubts about the value of bringing in more water. The fact that the writer of your article failed to find any prominent men who were willing to be quoted in opposition only confirms that they are very much in the minority.

As for the position of the Sierra Club, I call your attention to the fact that its chief spokesmen who appeared before congressional committees before our Project was authorized admitted many times that Arizona needs the water which the Project will deliver. It was these same Sierra Club spokesmen who, in opposing construction of hydroelectric dams on the Colorado River, suggested that power for the Central Arizona Project be generated by thermal plants as a substitute for dams. Arizona accepted that compromise, but now that a thermal plant is under construction the Sierra Club is opposing it too.

If all efforts to satisfy the water and power needs of Americans, whether they live in Arizona or New York, are to be blocked by economic environmental and social theorists, then there is little room for optimism about the Nation's future.

We can make a beginning now in the right direction by at least trying to understand the problems of each of our states, rather than promoting misunderstanding through publication of less than the whole truth.

Sincerely,

JACK WILLIAMS,
Governor of Arizona.

THE GENOCIDE CONVENTION OR ISOLATIONISM

Mr. PROXMIRE. Mr. President, one of the arguments against America's ratification of the Genocide Convention is that the American public desires a contraction of our foreign commitments. They declare that approval of the treaty outlawing genocide would only serve to further entangle the United States in confused and complicated foreign commitments.

Certainly after the lesson of Southeast Asia, and in light of the percentage of tax dollars which have been spent by the military overseas, it is not difficult to understand the public's hesitation to make further international commitments. Yet, it seems a travesty to link such tragic mistakes with the positive and constructive agreement reached on the Genocide Convention. As the United States reduces its military commitment abroad, it must not cast aside its moral commitment to world peace. The idea of fighting for peace can only seem a barbaric anachronism when compared to the forthright legal and moral responsibilities assumed by those nations who signed the genocide treaty.

Regardless of past mistakes, America cannot enter into a period of isolationism. Although we can refrain from costly military involvements, America's singular position of moral leadership cannot be ignored. We must join the overwhelming number of our allies who have endorsed the genocide treaty and take our place in the humanitarian movement to end mass violence.

Therefore, I strongly urge the Senate to end its moment of indecision and ratify the Genocide Convention.

ENERGY NEEDS

Mr. HANSEN. Mr. President, I rise today to again call the attention of my colleagues to the danger this Nation is facing in its ability to meet the energy needs of our Nation.

An industrialized country collapses when it is unable to supply the power necessary to run its factories. Not only do citizens suffer from lack of employment, but they must go without the necessities and conveniences which depend upon a source of power.

This Nation now has the world's highest standard of living. I want to keep it that way. However, when attention is called to the energy crisis, and the fact that this Nation is losing its ability to meet its own energy needs and is becoming increasingly dependent on foreign political powers, the warnings appear to fall on deaf ears. The representatives of our large population centers appear to be more interested in the short-term political appeal of cut-rate oil from abroad rather than the view that increased dependence on foreign oil will eventually subject the American people and their economy to inflated prices for energy sources, blackmail, and a disastrous loss of American power and prestige.

On February 2, an article by William Steif appeared in the Washington Daily News. The article, entitled "Dependency on Arab Oil Feared," was based on a State Department document stating that nationalization of foreign-owned oil companies will "become increasingly common, as the Arab nations pressure the free world's industrial powers for bigger and bigger slices of their take from petroleum." Mr. Steif finds "the crunch on the United States would come as it found itself in competition with Western Europe and Japan for Arab oil."

I earnestly ask my colleagues to direct their attention to this article and recognize the folly of placing the American people at the feet of foreign oil magnates and at the same time placing every conceivable obstacle in the way of orderly development of energy resources within the United States.

Mr. President, I ask unanimous consent that the Washington Daily News article, entitled "Dependency on Arab Oil Feared," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"SECRET" DOCUMENT: DEPENDENCY ON ARAB OIL FEARED

(By William Steif)

A State Department document marked "secret" warns that the United States may be dependent on the oil-rich Arab world by 1980 unless it soon develops new or alternative sources of energy.

This trend is causing concern within the administration, particularly because of the increasing Arab squeeze on U.S. and European oil companies operating in the Middle East.

The document says the United States will depend on the Middle East for 8.5 million barrels of oil daily by 1980 if present trends continue. That would represent more than a third of U.S. consumption by then, the document says. The United States now gets virtually no oil from the Middle East.

CONSUMPTION TO DOUBLE

The study, titled "The International Oil Industry Thru 1980," forecasts that oil consumption will more than double by 1980 in the free world's three major industrialized areas—the United States, West Europe and Japan. Their current combined consumption of 30.5 million barrels a day is expected to rise to 62 million barrels.

The study, scheduled for release to concerned congressional committees, projects this situation by 1980:

U.S. oil consumption will rise from the current 15.5 million barrels a day to 24 million barrels.

Western Europe's consumption will increase from 12 million barrels daily to 26 million barrels.

Japan's consumption will jump from its current three million barrels daily to 12 million barrels.

SUPPLY JAPAN, EUROPE

The Western European nations and Japan now are heavily dependent on Arab oil. U.S. consumption includes 12 million barrels daily from domestic production and 3.5 million barrels imported largely from Venezuela.

The crunch on the United States would come as it found itself in competition with Western Europe and Japan for Arab oil.

Venezuelan output has peaked, the study says, and soon will ebb. One source said "only a massive U.S. investment" in undeveloped heavy oil in inland, eastern Venezuela could maintain that nation as a major supplier of oil over the next two to three decades.

But recent Venezuelan governmental actions threaten to cut U.S. companies' profits to "nearly zero," this source said. So it is unlikely that U.S. firms would sink the huge amounts of risk capital required into eastern Venezuela.

The Organization of Petroleum Exporting Countries, dominated by the Arab oil nations, has stepped up its financial and political pressures on U.S. and European companies marketing Arab oil. Libya recently took over British Petroleum's big stake there.

The State Department study says such actions will become increasingly common, as the Arab nations pressure the free world's industrial powers for bigger and bigger slices of their take from petroleum.

The study urges full speed ahead on the stalled Alaska pipeline and pushes for other alternatives. They include:

Slowing down gasoline consumption by building more mass transit and reducing auto-engine size.

Exploitation of the East Coast's outer continental shelf and also of the Navy's petroleum reserves.

New incentives for domestic exploration.

All-out research for other energy alternatives, including shale oil, coal gasification and the breeder nuclear reactor.

THE PEACE CORPS

Mr. BROCK. Mr. President, in this fiscal year, 1972, we are on the verge of placing one of America's strongest foreign programs, the Peace Corps, in a very serious situation. Because of our concern over the foreign aid expenditures, we have neglected to support this people-to-people program of aid to other countries. One of the few programs which gives American volunteers the opportunity to work inside other countries, at the request of those countries, to help them feed, clothe, and educate themselves through their own resources. We have confronted the Peace Corps with the distinct possibility of bringing about a significant reduction in their volunteer activities despite rising levels of support for the Peace Corps, both at home and abroad, at a time when applications for volunteer service in the Peace Corps have jumped from 19,000 last year to 26,500 this year.

Any appropriations figure less than the authorized amount of $77.2 million will mean drastic cutbacks in the Peace Corps volunteers already in the field. Volunteers now in service will have to be recalled before their terms are completed.

Peace Corps volunteers do what local communities in the served countries want them to do. It would be very difficult for the American volunteer who has been teaching English for 1½ years to students in Kenya to explain that her country could no longer back her efforts to help them. It would be unfortunate if Dennis Paradis were forced to tell his friends in India that he must suddenly drop his projects in cattle management and return to America because we would not support him. It would be difficult to explain to the host country of Micronesia that Peace Corps architects will have to leave their jobs which are giving Micronesians low-cost housing, new schools, and public facilities, including a new airport. In Tonga, a plant pathologist, a home economist, a marine biologist, and an entomologist are working to determine how best to project the balance of nature for the island; Peace Corpsmen have helped spread the benefits of the new miracle high-yield grains to Malaysia and Thailand and other regions of the world. Population control, pollution control, speech therapy, and marketing cooperatives—such as the one in Fiji that has grown from a $2,000 broom factory to a $250,000 enterprise—are among the projects in Asia.

Peace Corps teachers are developing curriculums for schools and training teachers in latest methods and 303 agriculture volunteers in specialized fields such as water development, range management, crop improvement and extension, animal husbandry and fisheries in Africa. To the countries Peace Corps is serving, these projects are of vital importance. It would be an embarrassing predicament for the United States to have to advise these countries that we are sorry, but we have changed our minds and cannot afford to continue these projects—while at the same time we are able to afford to spend billions of dollars in other areas. Sudden abrogation of these agreements will imperil our credibility throughout the world.

POLLUTION LAWS

Mr. TOWER. Mr. President, quite a lot of debate has been taking place lately concerning our pollution laws and the effect that they might have on other areas of concern. On January 23, the Dallas Times Herald published an excerpt of a recent speech made by Mr. Robert G. Dunlop, chairman of the Sun Oil Co. In his remarks, Mr. Dunlop makes a cogent appeal for the use of reason in determining our pollution laws. I ask unanimous consent that this article be printed in the Record so that my colleagues in the Senate may avail themselves of Mr. Dunlop's logic.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Energy-Ecology Debate Needs Reason, Realism

(Editor's Note.—The following is excerpted from an address before the Wharton School Alumni Society of the University of Pennsylvania, when Robert G. Dunlop received the Society's Gold Medal of Merit Award.)

(By Robert G. Dunlop)

A matter I feel is vital to the well-being of our nation and all of its people is the gathering storm over energy and the environment. The controversy is with increasing frequency being billed as energy vs. the environment.

The grave implications of those words point to a compelling national need to dig below the surface of day-to-day developments and to confront directly the basic issues we face—our requirements and our responsibilities—in the intertwined areas of energy and the quality of life.

The heart of the matter is that for the first time ever in peace-time we face the real possibility of a shortage of energy supplies, particularly petroleum supplies.

The growing concern over energy supplies has been matched by a growing concern for preservation of the environment.

The need for reason and realism on all sides is essential if we are to deal effectively with the energy-environmental issue. For it is a fact of life today that offshore and onshore areas that are considered to be ecologically sensitive are the most promising for new petroleum discoveries . . . The danger is that in the flood of rhetoric and charge and counter-charge the thread of public interest is going to be completely lost.

What we desperately need today are objective analyses of the facts and reasoned judgments about how we can best protect our environment and meet our essential energy needs at the same time. To achieve this, we must keep two points firmly in mind.

First, we need to realize that new legislation and new investments in research and facilities have set the stage for real progress in pollution abatement and control in the next five to 10 years. But time is required to get results, and in the interim we should avoid rash actions or reactions that could have dangerous implications for the future.

Second, we must consider environmental issues in the light of past performance and experience. I submit, for example, that the petroleum industry's conservation record is a good one . . . There have been only six major mishaps, three spills and three fires in the drilling of more than 14,000 offshore oil and gas wells up through 1971. This is an accident rate of four ten-thousandths of one per cent. And we are working to do better.

What the issues boil down to, ultimately, are judgments about the acceptance of reasonable risks. And I think objective analysis will show that the environmental risks involved in offshore drilling are, indeed, reasonable and acceptable.

Seldom in our history has the need for calm deliberation and wise judgment in the public interest been more vital than it is now in relation to energy and the environment.

I am convinced that what we need most is a new commitment to cooperative effort in striving to reach common goals.

I am reminded of these words of Albert Schweitzer: "The development of civilization comes about, to put it quite generally, by individual men thinking out ideals which aim at the progress of the whole, and then so fitting them to the realities of life that they assume the shape in which they can influence most effectively the circumstances of the time."

VALUE ADDED TAX—A DISASTER

Mr. PROXMIRE. Mr. President, from both official statements and off-the-record reports, it is clear that the administration will propose a value added tax, if not this year, then next year.

But a value added tax is nothing more or less than a national sales tax. It is a regressive tax. Worse, it is an inflationary tax, because it adds to the cost of goods at every step in their fabrication and sale.

No matter what exceptions are made or rebates granted it is a new tax proposal which will add to the tax burden of most Americans.

To propose it at a time when billions—tens of billions—are removed from equitable taxation because of the glaring loopholes and injustices in our tax laws, and at a time when only the most cursory examination is given to billions in big spending for weapons procurement, space shuttles, and subsidies of all kinds, is nothing short of irresponsible.

Hobart Rowen, who is the knowledgeable editor of the business page of the Washington Post, and a highly competent writer on business and economic matters, has a scathing article on value added tax in today's edition of the paper.

Mr. Rowen warns:

> The real danger of the VAT is that it will be a foot in the door for an increasingly disastrous tax policy. Once on the books, whenever the government needs more money, it will be easier to jack up the VAT, instead of raising the corporate tax rate.

VAT is a sales tax. VAT is a hidden tax. VAT is an inflationary tax. VAT is a tax increase. VAT, as Mr. Rowen rightly states, is a disastrous tax.

I ask unanimous consent that Mr. Rowen's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 3, 1972]

A Disastrous Tax

(By Hobart Rowen)

The Nixon administration is getting set to throw a knock-out punch later this year at the American consumer by proposing a national sales tax called a "Value Added Tax," better known by the initials VAT.

In France, it is called TVA for "Tax, Value Added," but Frenchmen who are wise to it suggest that the initials stand for *Tout Va Augmenter*, which means, roughly, that everything costs more.

No one should have any doubts about the VAT. It is nothing more nor less than a complex method of collecting a retail sales tax, whereby the tax at each level of production and distribution is passed along to the next one, and only the final purchaser—the retail buyer—is left holding the tax bag.

Thus, literally, everything will cost more, making a mockery of price controls, and those at the low end of the income scale who must spend a large share of their earnings on necessities rather than luxuries will be hit the hardest. That's why it's called a "regressive tax."

The Nixon technicians working on their version of VAT reportedly are trying to "cure" the VAT of its regressive nature by giving low income families a credit against their income taxes.

But not even the proponents of the system pretend that the VAT can be made a progressive tax. It is clearly, as former Treasury Assistant Secretary Stanley S. Surrey has said, "a second-best tax to an income tax, and why do we need a second-best tax?"

Why, indeed?

Well, one reason, as a Treasury official says, is that a VAT "can raise one hell of a lot of money." A 1 percent VAT would bring in about $5 billion, or as much as a 6 percent increase in the corporate tax rate.

The President would use the money, it appears, primarily for the relief of the middle-class suburbanite who has been hit hard by rising property taxes. With the VAT money in hand, local governmental units would not have to raise property taxes further (and some might lower them) to cover swollen school finance costs.

None of these plans has been spelled out, to be sure. It is an election year, and no one at the White House wants to talk about higher taxes, even the VAT, which would be sneaked into the pricing system so that the poor consumer couldn't tell the higher tax load from some other form of inflation.

The most serious aspect of all this would be a further distortion of the tax system at a time when it desperately needs reforms to plug the loopholes that are eroding the income tax base. Joseph A. Pechman and Benjamin A. Okner of the Brookings Institution earlier this month presented massive evidence to two congressional committees showing that a comprehensive income tax could yield the same revenue with rates averaging one-third lower than those now in effect.

Average tax payments under the Pechman-Okner proposals would fall for all families with incomes below $25,000—which should take care of most of Mr. Nixon's middle-America patrons—while higher income families would pay more than they do now, which they certainly should.

Former Treasury Secretary Joseph W. Barr acquired a niche in history by revealing that 155 American citizens with adjusted gross incomes of $200,000 or more paid not a penny to the Treasury in taxes on their 1966 income. That helped stir Congress into action.

Yet, in 1968 the number of those with $200,000 of income or more who got away scot-free rose to 222, to 300 in 1969, and was still 112 in 1970. (The Treasury says it is "studying" the situation.)

For the rich, as Philip M. Stern has said, today's tax preferences are equivalent to a massive "welfare" program.

Unhappily, no one listens to Messrs. Pechman, Okner and Stern. Tax reform, it seems, is but an intellectual exercise. The piddling reforms in the 1969 bill have been followed by the Revenue Act of 1971, which Pechman estimates will reduce individual and corporate taxes by $15.5 billion in 1971, 1972 and 1973, and create new loopholes, notably a new give-away to exporters.

> The real danger of the VAT is that it will be a foot in the door for an increasingly disastrous tax policy. Once on the books, whenever the government needs more money, it will be easier to jack up the VAT, instead of raising the corporate tax rate.
>
> That's what this game is all about: The President is planning to shift more of the tax burden onto the shoulders of the individual taxpayer and away from the corporation. If the Democrats have any sense at all, they'll nail Mr. Nixon on this issue.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 813) of the Senator from North Carolina (Mr. ERVIN).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, earlier this week, the junior Senator from Alabama was delivering a speech in opposition to this bill, S. 2515, and in favor of an amendment that was pending at the time. Due to the fact that there was an agreed time limitation on debate on that particular amendment, the junior Senator from Alabama was unable to conclude his remarks with respect to the bill and the amendment. At this time, he desires to continue with the speech he embarked upon earlier this week.

Toward the end of his remarks on that occasion, he was pointing out one of the iniquitous provisions in this bill that gives the Commission the power to act as prosecutor, jury, and judge, to decide the case after having received the complaint, investigated it, and filed the charges. In addition, the Commission is given the right to go into the Federal district court and obtain injunctive relief against an employer—an employer of as few as eight persons.

In the course of my remarks, I pointed out that the use of injunction in labor disputes was severely criticized by Samuel Gompers, head of the American Federation of Labor, and that under the Norris-LaGuardia Act of 1932, the use of injunction in labor disputes was outlawed; and the wise provisions of that bill are still the law of the land, as they should be.

Mr. President, the parallel was drawn by the junior Senator from Alabama that the use of injunction by employers against employees was outlawed under the Norris-LaGuardia Act. Yet, this bill provides for injunctive relief on behalf of employees against employers. It would be well for those representing labor who advocate S. 2515 to pause and ponder the wise words of Samuel Gompers which I quoted in my earlier remarks this week and which, of course, already appear in the RECORD, and to review thoroughly the cases involving labor disputes prior to 1932.

Mr. President, I am sure there are few among us who will not say that perhaps the most shameful chapters of our judiciary history were written by judges in labor relations cases prior to the enactment of the Norris-LaGuardia Act. Indeed, the susceptibility to abuse by judges of the injunctive process is clearly illustrated by the example of the years prior to 1932 when judges, acting without juries, in an almost unbroken line of cases, used the injunction to frustrate the efforts of labor to secure fair wages and safe working conditions.

That is one of the great milestones in labor relations law and procedure in this country—a great act. But if it be good, on the one hand, to bar injunction in labor disputes against employees, why would it not also be fair to bar injunction in disputes as to unfair employment practices by the Commission on behalf of aggrieved employees against the employer?

If this bill becomes law, many of the most cherished benefits which organized labor has attained in the last 40 years would no longer be matters of right, but would automatically become matters of administrative grace to be doled out by EEOC bureaucrats as rewards for good behavior or withheld as punishment when any union does not comply with their demands. So the EEOC is going to have control over the union as well as the companies themselves. I believe that if this bill is enacted, if it does become law, it is going to be such a monster, such a colossus, such a Frankenstein monster, that it could well destroy many of the rights of employers and many of the rights of labor unions and the employees they represent. The law which tells the employer who his workers shall be today can be reversed and the worker told who his employer shall be tomorrow—and at what wages.

Under the broad grant of power in the bill before us, the seniority system, a basic fabric of unionism, would be adversely affected, if not destroyed.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a statement by me on that question, with the understanding that he will not lose his right to the floor by so doing?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. A number of officials of one of the largest industries in the United States visited my office some time ago and informed me that they were having trouble with the Office of Federal Contract Compliance in the Department of Labor. They informed me that approximately 35 percent of their employees were black and that, for that reason, there was no solid basis for any claim they were discriminating against blacks in employment. They stated that the percentage of blacks was far in excess of the numerical percentage of blacks in the population from which they drew their employees. They told me, however, that they were having a great deal of trouble negotiating with the Office of Federal Contract Compliance because that office was not even as enlightened a legislator or a regulator as the ancient Roman Emperor Caligula.

Caligula, as the Senator from Alabama knows, wrote his laws in small letters and hung them high on the wall so that people could not read or reach them, and therefore he could punish them for violations of laws of which they were ignorant.

From what these gentlemen told me, Caligula was a far more sensible regulator than the Office of Federal Contract Compliance in the Department of Labor, because if a man could get a long enough ladder and a big enough magnifying glass, he could climb up the ladder and read Caligula's laws.

But these gentlemen told me that they could not read the regulations or the requirements of the Office of Federal Contract Compliance in the Department of Labor because that office refused to commit its requirements to writing. They said that they would hold oral conversations with them and make suggestions about what they should put in their employment practices so as not to discriminate in the view of the Office of Federal Contract Compliance. They informed me that they would follow those suggestions and bring their product back for consideration of the Office of Federal Contract Compliance, and the Office of Federal Contract Compliance would then demand that they do other things that had not been mentioned to them before.

These gentlemen informed me that their particular industry was dependent to a high degree on Government contracts. They said, finally, that the Office of Federal Contract Compliance told them they would have to alter their entire seniority system in order to put more blacks in positions of seniority, even over others who had been with them a much longer time. They told me that they informed the Office of Federal Contract Compliance that their seniority system was set up and defined by collective bargaining agreements that they had made with the unions representing their employers under the provisions of the National Labor Relations Act.

Mr. ALLEN. This bill would throw collective bargaining agreements out the window.

Mr. ERVIN. When they called this to the attention of the Office of Federal Contract Compliance, they said that if they did what they were demanding they would be sued by the union for breach of contract and might induce a strike.

Mr. President, they said they were informed by the officials of the Office of Federal Contract Compliance in the Department of Labor that the performance of the Office of Federal Contract Compliance was far superior to the enactments of Congress in respect to collective bargaining, and that those officials demanded that they forthwith upset their seniority system.

I told these gentlemen, as chairman of the Subcommittee on the Separation of Powers, that I thought the Office of Federal Contract Compliance was guilty of a gross violation of the doctrine of the separation of powers, and that although it was an executive agency, it was usurping the power to make laws by not reducing them to writing so that people could know what they are.

I asked these gentlemen to come down and testify before my subcommittee. They said, "No, we cannot do that. If we get the Office of Federal Contract Compliance angry with us, we cannot get any Government contracts, and our industry will be bankrupt."

Now, I ask the Senator, Is that not in line with what he has been saying?

Mr. ALLEN. It certainly is.

Mr. ERVIN. The officials in the Office of Federal Contract Compliance are not elected to anything. They were not elected by anyone. They are not responsible to anyone. But they are riding roughshod in this tyrannical manner over thousands of American citizens, over thousands of American businessmen.

I think that Congress is the only legislative body I know of that is willing to sit supinely by and allow executive officials, who have no legislative power whatever, to make laws which they will not reduce to writing so that they can be understood by citizens, and be able to practice this terrible tyranny over American industry.

If American businessmen of great power are afraid of the Federal Government, what about the little fellow whose economic power is so small that he is only able to employ eight of nine persons to assist him in his business?

Mr. ALLEN. He will be covered by this and would be probably driven to the wall.

Mr. ERVIN. I thank the distinguished Senator from Alabama for yielding. This points up exactly what the Senator from Alabama has been saying, that apparently those members of organized labor who support this bill need a prayer uttered on their behalf: "Forgive them, for they know not what they do." They are advocating the passage of a bill, as the Senator from Alabama says, which would put them under a cease and desist government which could designate who would be members of a union, or could deprive the union of the power to determine for themselves who their members would be.

Mr. ALLEN. That is certainly correct. I appreciate the remarks of the distinguished Senator from North Carolina and the contribution that he has made to this debate. I certainly agree with him that passage of the bill could have an extremely adverse effect upon labor unions, that it could completely destroy or vitiate the seniority system of unions, that it could provide that unions must take into membership individuals that they do not want to take into the union, and that it could require employers to employ people contrary to the express provisions of the collective bargaining contract that has been reached between the employer and the union in arm's-length dealings. Not only could it destroy the seniority system of unions, it could also destroy the apprenticeship program of unions.

Union apprenticeship programs would be drastically altered. Failure to comply with EEOC edicts would make it possible for unions to be denied representation status under the National Labor Relations Act, thus removing protections against raiding or displacement by a rival union. Moreover, an employer would no longer have any legal obligation to bargain with a union whose representation status has been canceled by the National Labor Relations Board.

That would be a fine union. I have not had a single union man tell me that he favors this bill, not a single one. Yet it has been stated on the floor that organized labor is in favor of the bill. I have not had a single member of organized labor ask me to vote for the bill.

In short, under S. 2515, the EEOC would be empowered to tell a worker and an employer which labor organizations were officially approved for membership and which were deemed unsuitable by the Federal authorities. In other words, the EEOC would be empowered to tell one that it is all right for him to join some unions, but not others. This, to my way of thinking, Mr. President, seriously jeopardizes the freedom of expression and the freedom of association guaranteed by the first amendment to our Constitution. One real effect of S. 2515, therefore, would not be to promote equal employment opportunities for American workers, but to expose and punish persons and organizations who give countenance to views regarding freedom of expression and association which are inimical to the Equal Employment Opportunity Commission.

Here again is the ever-present and coercive threat of punitive action against those who do not give strict adherence to the social and political philosophies of those who wield power. Here, in the name of "equal employment opportunity," it is demanded that we pass a law which would permit a Federal bureau to arrogate unto itself the power to examine, pass judgment, and extinguish the essential freedoms of expression and association. The Senate of the United States cannot afford to let the EEOC be a law unto itself regarding the most sacred and fundamental rights of the American people.

Mr. President, if S. 2515 is enacted into law, we can add industrial relations directors and union business agents to the list of endangered species.

What do we need industrial relations directors and union business agents for if the EEOC is going to tell us whom to employ. So they may well be classified with others of the endangered species that we hear of in the new environment, which so many people, including the junior Senator from Alabama, are so much interested in preserving. And to that list we might as well add academic freedom and States rights. Not even Jimmy the Greek would cite odds on the chances of their survival.

One of the prime tenets of Anglo-Saxon jurisprudence is that a man is presumed to be innocent until proven guilty. While the bill before us does not presume to go so far as to repeal this concept, it certainly subverts it. It arrogantly undermines and brushes aside the guaranteed and fundamental principles of due process and invokes a panoply of represssive procedures as alien to justice as the rack and the thumbscrew.

Under the bill, the Equal Employment Opportunity Commission would be given a "judicial" function, permitting it to order respondents to "cease and desist" from alleged unlawful employment practices with such orders subject to limited review in a U.S. court of appeals.

What is government by cease and desist? Government by cease and desist is government according to the personal convictions, inclinations, predilections, and precipitant notions of government bureaucrats rather than government by certain and uniform laws applying alike to all men and institutions in like situations.

This being true, it is no wonder that Justice Jackson, in the well-known Flag Salute case eloquently declared:

> The very purpose for a bill of rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities and to officially establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections.

Subsequently, Mr. President, Justice Jackson declared:

> If there is any fixed star in our national constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.

One of the real difficulties in connection with the type of authority being sought here is the attitude of the Commission and its staff. The Commissioners and the staff of the Equal Employment Commission are appointed because of a particular philosophical bent—it is expected, however, that they are to be objective and impartial advocates of equal employment opportunity and to conciliate charges found to be supported by the facts adduced in their investigations.

The Commission, however, has not been and is not now the impartial agency it was supposed to be and as charged to be by law. Instead, the Commission has been a rabid advocate of its own preconceived ideas of fair employment opportunity and has been spending much of its time assembling arguments in behalf of its obsession with obtaining from Congress the power to issue coercive orders. The Commission has degenerated into performing a private pressure job for cease and desist authority.

The mingling of the functions of conciliation and compulsion in this agency would be tragic. The EEOC conciliator, in such instances, cannot, in any light, be viewed as a friendly counselor, but only as an incipient prosecutor. In other words, when he also possesses the power not only of prosecuting, but also of rendering an enforceable judgment, his persuasion takes on the immediate character of coercion.

Yet, this ambitious bill would lodge in an unelected Federal agency the unfettered authority to act as investigator, prosecutor, judge, and jury—all racked up in one power-laden package. S. 2515 does this by granting the Commission the power to receive complaints; granting to the Commission the power to investigate complaints; granting the Commission the power to prosecute complaints; and granting the Commission the power to pass judgment on complaints and to fashion a remedy enforceable by a cease and desist order.

As if this were not bad enough, the bill also grants the Commission the power to be the complainant. It is proposed that a member of the Commission may file a complaint, and, although the Commismissioner filing the complaint may not participate in the hearing, he is not forbidden to sit in judgment on his own complaint.

Mr. President, I am sure all will agree that the other members of the Commission would be less than human if they did not give special attention to complaints filed by one of their own members. It is difficult to see how this Commission, in rendering decisions on a complaint filed by one of its own members, could act objectively and in an unbiased manner. Remember, the member filing the complaint would be privy to all of the discussions leading up to the final decision of the Commission, and I say that it would be asking too much of human nature to expect his colleagues to embarrass him by dismissing a complaint which he had filed. One would have to be blind indeed not to see that this particular aspect of the bill overbalances the scales of justice against defendants in ways that do absolute violence to the best of Anglo-American judicial traditions.

It is true that appellate review of orders by the Commission is provided. But the fact that an employer or a labor union may be entitled to go to a U.S. court of appeals carries no assurance that he will get there. On the other hand, if a respondent is able to defray the expense of long, drawn-out litigation, the restrictions and the limitations placed on the courts by the bill will make it almost impossible for the court to rectify a prejudicial order by the Commission.

Let me point out, Mr. President, that the court entertaining the review would be limited by the record of the hearing examiner as reviewed by the Commission and would be required to affirm the Commission upon a finding of some evidence supporting the Commission's decision.

And what would the record of the Commission consist of? Let us not forget that many of these charges of discriminatory employment practices will be made by persons who are motivated by revenue, cruelty, persecution, and perfidy. This is especially true inasmuch as S. 2515 removes the requirement that charges must be made under oath. In addition, the bill permits the Commission to deprive the accused of the customary and time-honored rules of evidence and procedure. Hearsay evidence with its inflammatory effect can easily be the entire basis of a finding by the Commission. What all of this boils down to is that this bill seeks the enormous power of "cease and desist," and yet provides no safeguards against a possible arbitrary determination by the Commission. The Commission can, therefore, proceed to issue a complaint and institute a proceeding which could lead to the exercise of enforcement powers based on a tenuous claim of discrimination and the courts would be powerless to touch it. In other words, the bill makes an out and out mockery of our dedication to due process of law.

This is not government by law. It is government by the Equal Employment Opportunity Commission, for better or worse.

Mr. President, I turn to the most preposterous and repugnant feature of S. 2515. The bill seeks to vest in the Equal Employment Opportunity Commission autocratic and despotic power over the internal administration of State and local governments. As a consequence, S. 2515 is completely incompatible with the constitutional doctrines of the sovereignty and indestructibility of the several States. Even apart from this consideration, S. 2515 is inimical to Federal-State relations inasmuch as it would place in the hands of the Commission a legal club by which it can browbeat State and local officials into submission and thus assume outright control of the functions and power of State and local government in vital areas of our life.

The proposal to substitute federally controlled employment practices for State and local personnel is in direct violation of the 10th amendment to the Constitution which states:

> The powers not delegated to the United States, nor prohibited to it by the States are reserved to the States respectively, or to the people.

The proposal is also in direct violation of the ninth amendment to our Constitution which states:

> The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

I, of course, realize that many of the proponents of S. 2515 regard the ninth and 10th amendments to our Constitution as obsolete, or at best, treat them as mere truisms. I also realize that the rights guaranteed to the States and their people under the Constitution have been severely abused and invaded in recent years. But there is no provision in our Constitution which, by the wildest stretch of the imagination, can provide a legal cover for the extraordinary authority sought in this bill.

If enacted, this bill would permit an agency of the Federal Government to enter the political field in the appointment of State and local government employees. It is true that many State and local job requirements are, in part, unrelated to the job. But it is wholly in keeping with our political traditions to give our State and local leaders, and our national leaders for that matter, the discretion to give reasonable weight to factors other than job fitness in filling jobs.

Frankly, it is difficult to imagine a more intolerable interference by the Federal Government with the rights of the States than to dictate their employment practices. The States' power over employment practices is basic and essential to the very existence of State sovereignty and, consequently, to our federal system which was devised by our forefathers and which they intended to be held forever sacrosanct by the Bill of Rights. If we deprive the States of their basic functions, it is pointless to maintain that we have a dual form of government.

History makes it crystal clear that the Constitution of the United States would never have been ratified by the requisite number of States if they had not been assured that it would subsequently be so amended as to embrace the principles and guarantees enunciated by the ninth and 10th amendments.

Let us recall that in 1787 when the Constitution was written, the States were absolute sovereign. They had joined in the Declaration of Independence. They had fought through eight long, terrible and bloody years to wrest themselves from the British Crown. In essence, they stood independent and free from any other sovereignty on earth.

This amendment, by the way, provides that powers not delegated to the United States nor prohibited by it to the States are reserved respectively to the States or to the people, people being synonymous with the States.

The proposal is also a direct violation of the ninth amendment which reads:

> The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

There is no provision in our Constitution which, by the wildest stretch of the imagination, could provide a legal cover for the extraordinary authority sought in this bill.

Therefore, when the representatives of the free, independent States met in Philadelphia to determine what form of government would succeed the tryranny of the British Crown, they had deep feelings about their State sovereignty and jealously guarded it and were determined to protect against any undue invasion.

The delegates were not about to surrender any more than absolutely necessary of their sovereignty in their endeavor to form a national government and they were resolute in holding this to a minimum. The deliberations and the debates at the Convention and, of course, in the very drafting of the Constitution and its ratification by the several States make it abundantly clear that the Constitution would have never come into existence if the sovereignty of the States and the rights of the people had not been positively recognized in the Constitution itself.

Yes, Mr. President, of all the liberties which the founders of our great Nation enshrined in the first 10 amendments they specifically designed the ninth and 10th amendments as the impregnable guardians of the sovereign rights of the States and of the people. They delegated to the Federal Government the powers necessary to enable it to discharge its limited functions as a central government and left to the States and to the people all other powers.

It was the strong belief in the concept of government by the people that inspired Thomas Jefferson, author of the Declaration of Independence, to declare:

> The laws which must effect the happiness of the people must flow from their own habits, their own feelings and the resources of their own minds.

In those few words, Mr. President, Thomas Jefferson expressed the thoughts and beliefs of the framers of our great Constitution, who knew that the States, with their State governments, their county governments, and their city governments, would ever be citadels of liberty. They knew that their concept of a government by the people demanded full recognition of the rights of the States.

Nowhere is the doctrine of the separation of powers more eloquently described than by Chief Justice Salmon P. Chase in his opinion in *Texas* against *White* (7 Wall. 700) when he said:

> Not only, therefore, can there by no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

Have these rights become any less meaningful to us today? Are the dangers of the exercise of arbitrary power by a centralized government any less? I say no. Senator William E. Borah, of Idaho, a giant among men, once wisely warned:

> When the people lose control of their Constitution, they have already lost control of their government.

I wholeheartedly agree with Senator Borah when he added:

> It is an old story that when the people lose power, they lose liberty.

The exercise of the powers sought under this bill would so tip the balance toward the Federal Government, particularly the executive branch, that the division of authority as envisioned by our Founding Fathers and as yet contained in our written Constitution would become passé. The Constitution would no longer serve as a safeguard for the right of the people to govern themselves. Consent would no longer flow from them. Even Alexander Hamilton, who advocated and believed in a strong central government, would have been scandalized at the interposition of the Federal Government into State and local affairs as envisioned by the provisions of S. 2515.

I submit that if one of the delegates to the Constitutional Convention in 1787 had proposed that the Federal Government be empowered to interfere with the domestic policies and domestic institutions of State and local governments, he would have been laughed out of Independence Hall.

Surely such a departure from a written Constitution that expressly assures the rights of the States is reason enough to sound the death knell for legislation which conceives such a recommendation. If we deprive the States of their basic functions, it is pointless to maintain that we have a constitutional Federal Government.

When the Constitution of the United States was written in that hot, tiresome summer 185 years ago, provision was made for amending it. If our Constitution is to be amended in the drastic manner proposed by S. 2515, it should be done so in the orderly process provided for in the Constitution itself, by the people themselves, who hold title to that great document.

The Senate has no right to amend the Constitution by legislative fiat. We not only have no authority to do so, but we are betraying a trust to the people and an oath to ourselves when we attempt to do so. Any proposed changes in our Constitution should be submitted to the people in the form of constitutional amendments, and, as I have said, this magnificent document should not be changed except by the popular mandate of the people themselves.

Giving to a Federal bureau the power to control and form the practices of State and local governments would, in the judgment of the junior Senator from Alabama, be, in effect, an amendment of the Constitution, because the Constitution does not envision any such power to be placed in the Federal Government or any bureau or agency thereof.

George Washington stated the proposition eloquently in his Farewell Address when he said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular wrong, let it be corrected by an amendment, in the way in which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. President, there may be those who think that the system of government that was devised in this country nearly two centuries ago is obsolescent. In answer to any such thinking, I should like to point out that one of the most baffling problems that faces contemporary democracies arises from the deadening effect of sprawling, impersonal, overcentralized governments.

The bill would centralize in a bureau or any agency the control over the employment practices of every employer in the country who employs as many as eight persons. It would give to such bureau or agency power over the employment practices of every State, county, and city in the country, over every agency of every State, county, and agency, and over every educational institution in the country, be it a college, a university, a private school, a church-supported school, or, for that matter, a secondary or an elementary school which would be included in the term "educational institution."

How does one keep democracy fresh, vivacious, and close to the hearts of the people in the face of the ponderous and monolithic machines of government?

We have the answer, Mr. President. We have always had it. The federal system which was devised by our forefathers in the 18th century provides the brightest hope for the survival of real democracy and the rights of free men in the 20th century. If we tamper with the basic tenets of the system bequeathed us by our forefathers, if we trample upon this precious heritage, we will deserve the fate that will undoubtedly befall us.

Mr. President, this Nation has become history's finest illustration of how people can enrich their lives, can raise their level of well-being, can fulfill the goals of their pursuit of happiness when they are given liberty, freedom, and the encouragement for initiative and incentive under a democratic system made possible by a blueprint of democracy—a written Constitution.

I can find nothing in S. 2515 to merit the approbation of a free people. I say again that its far-reaching and drastic provisions will destroy and negate much more individual rights and liberties than they could possible protect. Far from securing the rights of our people, they particularly constitute a grave threat to the precious rights sought to be held forever sacrosanct in the Bill of Rights. They are, to be sure, an affront to the authors of the American Constitution and the idea of limited governmental authority they sought to safeguard.

If this legislation ever becomes the law of the land, we will have placed our people and our free institutions on the threshold of a tragic era from which they may never recover. We will have moved one step nearer to complete control and regimentation of all aspects of our lives by a centralized and all-powerful Government in Washington.

Let us not turn our backs on the magnificent heritage and the system of government of and by free men, the indestructible union of indestructible States that have come down to us at such great sacrifice.

Mr. President, I urge the adoption of this amendment and the defeat of S. 2515.

Starting at 12:45 p.m., there will be a period of 1 hour for argument of the cloture motion. The time will be equally divided. During that period I will conclude my remarks on the question of the amendment or the motion for cloture.

I yield the floor.

Mr. WILLIAMS. Mr. President, will the Senator yield, before yielding the floor, for a question or two?

Mr. ALLEN. Yes.

Mr. WILLIAMS. Did I understand the Senator correctly to say that the Senator will address himself to the amendment in the time he controls during the time prior to when the cloture vote time begins to run?

Mr. ALLEN. Yes. I would feel that any Senator would have the right to address himself to any portion of it——

Mr. WILLIAMS. No. I want to get a little appreciation of the intentions of the Senator. Of course, he can say, "Wait and see."

Mr. ALLEN. Yes, I intend to discuss the amendment further, and also the bill.

As I understand the procedure on cloture, 30 minutes are allocated to those who want to impose gag rule and 30 minutes are assigned to those who oppose gag rule. Since the junior Senator from Alabama opposes gag rule, he will have an opportunity to speak on the amendment, on the bill, on the propriety of imposing gag rule.

Mr. WILLIAMS. I respectfully suggest to the Senator that it is strong language to use the term "gag rule" to describe rule XXII, one of the rules of the U.S. Senate.

Mr. ALLEN. To choke off debate. That would be called a gag rule.

Mr. WILLIAMS. Under the rules, rules that were developed under law and the Constitution.

Mr. ALLEN. A rule which provides for gagging debate, yes.

Mr. WILLIAMS. Well, I say it is strong language to apply to the rules of the United States Senate.

Mr. ALLEN. The Senator understands what the Senator from Alabama has in mind; does he not? He is not in doubt as to what the Senator meant?

Mr. WILLIAMS. Under the rules of the Senate, the Senate will vote on closing debate. Of course, to review the rule, even after that there is abundant time for Senators to address themselves to the issue.

Mr. ALLEN. Yes. Sometimes it is referred to as choking off debate. I believe the Senator has heard that expression also.

Mr. WILLIAMS. As the Senator knows, we have been a long time on this particular measure.

Mr. ALLEN. I am hopeful it will end today.

Mr. WILLIAMS. And it is the second time on the bill, basically as it is before us, a bill that was favorably voted on by the Senate 2 years ago.

Mr. ALLEN. I am hopeful that the debate will end today as we turn back for the second time that cloture motion.

Mr. WILLIAMS. This has all developed out of one question the answer to which I wanted to know, because Senators have asked me when I expect there will be a vote on amendment 813, the amendment that is the pending business, and I have no answer. When the last Senator asked me that, I said, "I do not know when that will be called up for a vote." The Senator said, "Well, if you do not know, nobody knows." My reply was, "No; I believe those who offered the amendment probably know when they would want a vote on their amendment."

Mr. ALLEN. After debate is ended voluntarily or after it has been checked off. That is when the vote will come on the pending amendment.

Mr. WILLIAMS. That answers in part at least another question. Does the Senator have any idea when, as far as he is concerned, he will voluntarily end discussion of his amendment?

Mr. ALLEN. Yes; I think that on tomorrow, if the bill has not been laid aside as a result of the defeat of the second cloture motion, I would feel that there would be a vote on this amendment.

Mr. WILLIAMS. Would it be fair to ask the Senator then, if when our friends, the Members of the Senate, ask me when a vote on amendment No. 813 is expected, I can say that if it is still the business of the Senate, the vote will be on tomorrow?

Mr. ALLEN. Speaking for the junior Senator from Alabama, that would be my estimate of it. The distinguished senior Senator from North Carolina (Mr. ERVIN) is also to be consulted, but I would feel that if the pending bill and the pending amendment are still the business of the Senate on tomorrow, we will have a vote on the pending amendment, which, by the way, the Senator realizes, is an amendment that would prevent the sponsors of this legislation, including the distinguished senior Senator from New Jersey, from reducing from 25 down to eight the number of employees that an employer must have in order to be covered by the provisions of the EEOC bill. The purpose of the amendment, in short, is to leave the requirement at 25 for coverage under the act, rather than to reduce it to eight, as the distinguished senior Senator from New Jersey seems desirous of doing.

Mr. WILLIAMS. The senior Senator from New Jersey, I believe, has a position on this matter similar to that of the junior Senator from New Jersey, but I am the junior Senator from New Jersey.

Mr. ALLEN. I beg the Senator's pardon for not calling him the junior Senator.

Mr. WILLIAMS. Is that matter of such degree of significance that, if he prevails on this amendment, the Senator thinks the measure will be greatly improved from his standpoint?

Mr. ALLEN. Yes, I think it would be a great improvement. It would prevent small employers, employers of some 6 million people, from coming under the provisions of the act. It would improve it greatly, but it would not improve the bill to the point where the junior Senator from Alabama would be willing to support it.

I believe there is great sentiment in this body for the court procedure route provided in the House bill. I believe that would remove the objections of many Senators.

I feel that the sponsors of the legislation have reached out for too much when they seek to extend the coverage of this bill to all State, county, and city employees, to all educational institutions, and to all employers of as many as eight people, and then seek to lodge in the commission the powers of judge, prosecutor, and jury.

I believe this bill would have already passed the Senate if the sponsors of the legislation had followed the House bill, which does provide for court enforcement of the charges and complaints of people who feel they have been aggrieved by the employment practices of some employers.

I am hoping that at some stage of the proceedings the distinguished junior Senator from New Jersey will be agreeable to handling these matters through the courts rather than setting up this Frankenstein monster that has the power to receive complaints, investigate complaints, prosecute complaints, decide those complaints, and then enforce them.

Mr. WILLIAMS. In partial reply, I would like to say that the Senator from New Jersey has deeply ingrained respect for the Federal Judiciary, and, of course, under certain of the provisions of the bill, enforcement would be, even in the first hearing aspects, before the Federal District Court. I would say that it is out of no disrespect for the judiciary or no feeling other than a concern for effective enforcement, mainly because of the time factors involved and the load of new decisions that the district courts must make.

Mr. ALLEN. Does not the Senator feel that he might get quicker action through the 398 district courts throughout the land than through one commission lodged here in Washington? Would that not divide the work up approximately into 398 parts?

Mr. WILLIAMS. Well, from the Chief Justice, the head of a coequal branch of the Government, comes the observation that Congress has already heaped upon the judiciary a great new burden of work with other laws that we have passed within the last few years which have created a crushing burden, and we have not relieved that burden by creating the additional judgeships to take care of it.

I would say that my respect for the Federal judiciary was not dimmed at all the other day when debate following the debate on this measure was directed at district court decisions in another area of life, and even some suggestion made that perhaps it was unwise that the Federal district judges have life tenure, and that perhaps it would be better if they had terms of office.

The Constitution provides that Federal judges shall hold office during the period of their good behavior, that being the only limitation. It is a life appointment, and I gather that the reason for that was that the framers of our Constitution wanted the judiciary to be in an Olympian setting, above the passions of the time. I was quite distressed to hear the debate directed personally at the Federal district judiciary the other day. I certainly did not join in that debate, and, as I say, I have the greatest respect for it. But I also have respect for the Chief Justice of the United States when he tells the lawyers gathered at the American Bar Association Convention that the burden right now is too much, a crushing burden without a vast number of additional judges.

So one of the reasons is the effectiveness of full court enforcement as compared to the cease-and-desist procedure, which is honored and tried and working in many other agencies.

Mr. ALLEN. Well, the EEOC is behind some 24 months now with its docket, according to statistics that have been presented here, and I do not know of any Federal court, certainly not the average Federal court, that is that far behind.

If we open up the jurisdiction of the EEOC to cover these tens of millions of additional people, plus allowing each respondent, I assume, a day in court, that would slow down the procedure rather than hurry it up. It would build up the backlog instead of cutting it back.

Mr. WILLIAMS. I am glad the Senator has raised the question of the present backlog. The EEOC, as a matter of observation, if it were given the enforcement procedure, the cease-and-desist authority, has suggested that its backlog would be even greater.

The whole point is that the Commission, without any enforcement authority, really is only in the position of a debater, a negotiator, a persuader. It has no muscle, no force, no effectiveness. It is not backed by authority to have its conclusions made effective with any enforcement procedure.

Mr. ALLEN. I thank the distinguished Senator. I must yield the floor, because my time will expire within 1 minute.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SPONG). The hour of 12:45 p.m. having arrived, pursuant to the unanimous-consent agreement, the remaining time from now until the hour of 1:45 p.m. will be equally divided between and controlled by the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Carolina (Mr. ERVIN).

Who yields time?

Mr. WILLIAMS. I wonder if I could inquire of the Senator from North Carolina, if the absence of a quorum were suggested now, whether the time could be equally divided.

Mr. ERVIN. That would be all right.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum, with the time for the quorum call to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I yield 10 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I appreciate the fact that the Senator has yielded some time to me, because I am vitally concerned about this bill and its practical operation and application to the small industries, the small shops, the little plumber shops, and the very small business people, craftsmen who have worked things out and started a little business of their own that grew and prospered.

I believe that this bill not only violates rights that belong to all Americans, but, as a practical matter, it goes far too far in investing power in the Commission, which will have absolute power to regulate, to control, and to destroy thousands and thousands of these so-called small businesses that just cannot carry the load. They do not have the resources to employ the necessary talent to follow up on what may be their rights under the bill and the facts of the case; and, as so ably pointed out here yesterday by the Senator from New Hampshire, the practical effect of it will be that these employers are going to have to yield to the demands of this Commission; and when they do, then the next question is, will they be able to survive in business?

There is no doubt in my mind about that, if this measure is ever enforced. Maybe it will start out with slow enforcement at first, but they will get around. They will get down to the village level, the township level, and, still talking about these little businessmen, they will control through fear, implied intimidation, and uncertainty in the minds of these little people.

I am not an expert in anything, but I do feel that I know that that will be the situation, because I know those people. I know their motivations. I have practiced law in a small town where they would come to me with their troubles, a long time ago, before we had as many regulations as now—people who were not able to pay a fee and said so when they came in, and I knew they were telling the truth. We have moved a long, long way from there.

I raised this point yesterday: Why set the number down to eight? Why not set it at seven? If a principle is involved here, if it is a right that these employees have, why exempt those who employ less than eight? Why not make it six, five, four, three? There is as much logic in that as in eight. If someone has only two employees, if a principle is involved, this bill ought to cover it. I was about to say that if he had only one employee, if a principle is involved, it ought to apply to the applicant for that position when it becomes vacant. But I will not go that far, because he has to have one employee to keep all these records, to keep the records required by this bill. So I do not suggest that it is logical to apply it to a man with one employee, but I think it is logical in the case of a man with two employees. The same principle is involved. Just exempt the man who is going to keep all these records.

I have always lived near or in a small town, and I know about the people. They elect their town board and their county officers, the county boards of government. They elect the other county officers. That is very serious business and is so considered by the voters and by the office holders. If we mean it when we say that we are a government by the people, for the people, and so forth, why not let the responsibility of operating stay with those officials after they are elected? We come along, it seems to me, and contradict everything we have said about the responsibilities of the officers and the voters by putting all this power not in a court but in a board which has the power, and therefore the influence, to intimidate the little people. That is the way it will work. I am not imagining things; I am not picturing things. That is the practical way it will work.

So I think we march up the hill one day, talking about our system of government and the people having the right to choose their officers, and so forth, and that the officers have the responsibilities; and then we march in the opposite direction and invest these boards and their staff with this power.

I am not attacking them personally, but they do not know the people with whom they are dealing, and the people do not know them. That is the way arbitrary rulings and uncertain rulings and unknown rulings come in. I could enlarge on that.

Do not think you are giving a man a remedy, either, if you say, "If you don't like the ruling, you can appeal to the court." To what court will he go? As I read it, it is the Circuit Court of Appeals. What is that? It is a very fine court, but where I live, it includes everything from West Texas to Puerto Rico. That is the area these judges cover, and that is a long way on the globe, and it is a long way through many States. That is literally true—from West Texas to Puerto Rico is their jurisdiction, up through Georgia, including Georgia, Alabama, and Mississippi. I think they now have all that area. There are about 14 judges, because they have so much volume.

I know a man who started as a plumber with just a wrench and now has a little shop. He bids on and gets contracts, and he goes around through several counties. But what about the man smaller than he is? What kind of court of appeals, what kind of judicial right do you give him when you tell him a lawyer has to charge a thousand dollars to go into a court such as that, even though they sit in panels? The way things have gone up, a lawyer has to charge a thousand dollars to take a case such as that and prepare it and go to New Orleans or Houston, Tex., or Atlanta, Ga. This is not imagination. From my little town, they have to go to Atlanta and go before a three-judge panel of this court to get matters decided.

So we are not giving him a practical remedy, a judicial remedy. He is bound, in practical effect, by whatever this Commission says or does; and I imagine that 99 times out of 100, the Commission does about what the investigators report to it and whatever these investigators conclude.

So I hope, Mr. President, that there will be a second thought here and that we will not go all the way.

I remarked briefly yesterday about these quotas, and I say flatly that if this bill is passed, it will lead very rapidly into adjudication on a quota basis with reference to the little employers; and I speak from experience, as I have observed. Not a word in the Supreme Court decisions talks about a quota with reference to the integration of the schools. But if you analyze these decrees, you will find that virtually every one of them is written on that basis. It is not spelled out, but that is the pattern that is applicable. It is just natural that there would be a trend toward a quota. So let us keep our eyes open to that fact, too.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. STENNIS. I have already mentioned the records and everything else that this bill will require these so-called little people to keep. To me, it is pitiful to place these requirements on a little business like that. About the only record he keeps now is enough to be able to prepare his income tax report. I am talking about people who pay taxes, and it hurts them. It takes away from them money that they really need to live on, in many cases.

With respect to the idea of a judgment against him for back pay for a man he considers—as the Senator from New Hampshire said yesterday—worthless and trifling and indifferent and lazy, this little employer has to take a chance on having to go through this trial, not before a court, and have a judgment rendered against him, anyway, and be assessed with the back pay. That is a chance he cannot afford to take. He will not run that risk. He will knuckle under.

Of course, he cannot violate the law or he will go out of business. If he does not go out of business voluntarily, they will bankrupt him. They will break him one way or another. To someone not familiar with the facts, that may sound an exaggeration, but it is not.

The PRESIDING OFFICER (Mr. SPONG). Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS. Equal division?

Mr. ERVIN. I cannot agree to that.

The PRESIDING OFFICER. Will it be on the Senator's time?

Mr. WILLIAMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I shall not take up a great deal of the time of the Senate in these closing minutes before we vote on cloture. We have been all over this ground before and quite recently at that.

When I last spoke in favor of the cloture motion, we were in the 10th day of debate.

Now we are in the 12th day of debate and we have not proceeded very far with this bill.

When the cloture motion was voted on last Tuesday, there had already been 18 rollcalls on this bill. Since the cloture vote, there has only been one rollcall vote, and that was last Tuesday.

We have had 2 more days of time-filling debate on this bill. I do not say that the debate has not been instructive, it has; but it appears clear to me that there is a desire on the part of some Members of the Senate to keep this bill from coming to a vote and third reading.

There is no reason or basis for delay in passing this bill. As I stated 2 days ago, our goal is to increase the employment opportunities of our minorities and women by providing the necessary machinery to bring an end to job discrimination once and for all in our country.

Mr. President, the committee reported a bill that accomplishes this goal in a fair and reasonable manner. The Senate, in its wisdom, has provided a number of improvements to this bill. I do not fear the possibility of the Senate providing still more improvements to this bill.

But, Mr. President, we cannot improve the bill if we do not come to a decision on the remaining nonobstructive amendments and move on to the final decision and a vote on the bill itself.

I believe that we are still under the threat of an attempt to revisit the debates of 1963 and 1964. I think we are too far along the road to continue debating whether minorities and women need protection against job discrimination. I will repeat again, Mr. President, the issue is settled. The only issue before this body is for the Congress to define the scope and kind of enforcement powers that the Government of the United States should have, which will help our disadvantaged Americans to attain equal employment.

I will again remind the Senate that the Committee on Labor and Public Welfare was unanimous in its views that an enforcement mechanism is needed and that the President of the United States agrees that an enforcement mechanism is needed.

Mr. President, I realize, and many of those who are advocating the passage of this bill realize, that legislating civil rights requires a long and hard effort. It is not easy to undo the evils of the past. However, the fact that it is a hard task should not deter us and will not deter me from this effort.

The time has come to provide the EEOC with the tools necessary to end job discrimination. The bill to provide these tools is now on the Senate floor. It may take a great deal more effort to pass this bill. I believe that it is the will of the Senate that this bill pass. I am confident that the Senate will persevere until this job is completed.

I urge the Senate to bring to a close this extended debate and vote for the cloture motion now pending before the Senate on S. 2515.

And, Mr. President, if this cloture motion does not pass, we shall continue to press for speedy consideration and early passage of this bill. It is important to all of the people of the United States. We owe it to our minorities and women and to ourselves to provide this measure of protection.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. Mr. President, I yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, one has but to look around the Chamber and see the unbroken array of empty desks except for the managers on both sides, and the presence in the Senate for the time being of some to see what has come about. This is strictly a test of voting strength.

No one needs to be convinced, because everyone is convinced or not convinced, as the case may be, or has his own particular idea as to what is going to convince him.

If ever I saw a naked and clear example of a classic case of a civil rights issue which is traditional for filibustering and how the Senate runs, notwithstanding the Constitution, this is it.

The Senate runs by two-thirds and no less, and no measure can pass here except by two-thirds, notwithstanding the Constitution and notwithstanding all of the protestations about the fact that if a majority really wants something, it can get it.

Mr. President, it is tremendously instructive to me also that not even those running for President, or many of them, will be here today. They, too, feel that this is not the final showdown, that it is a naked test and no more, for the votes to to be counted. They will come around when they feel the issue is really to be decided. That is the crunch.

I think that is a mistake. I think it is wrong. I think the only way in which these issues are ultimately decided is if there is enough appreciation on the part of enough Senators because of a surge of opinion in the country that causes two-thirds of the Members to vote in favor of cloture.

Nevertheless, this is a display, with no adornment, in its most pristine form of how the Senate operates and how the country operates, because although we cannot do anything without the other body and the President, we can certainly stop anything without the other body or the President. That is the negative power.

The Senator from New Jersey has made it very clear that there is a fundamental policy in the country that there should be no discrimination on the ground of color, sex, or race.

With relation to such deeply held opinions as those concerning jobs—and incidentally in my opinion jobs are the most fundamental issue of all—the fact is that we passed a bill not too unlike this a couple of years ago and we passed a landmark bill 7 years ago. The President of the United States and a great proportion of the people in the country feel that this is one area in which legislation is deserved. Indeed, this is the oldest of the civil rights remedial statutes of modern times because the first State statute was passed in 1945 in my State of New York. And it has been a remarkable success ever since.

In addition, time and experience in all of these 26 years has demonstrated that the hobgoblins raised about the inquisition of companies and individuals that would be imposed upon and bled white by the litigation in the agencies and by the operation or application of a law like this, are simply Halloween concoctions. And the cases that go to the circuit court of appeals, or in my own State of New York, the appellate courts, are relatively few.

Mr. President, we all know, and know very well, the frustration and chagrin of minorities in this country. We know that the feelings of injustice, in being discriminated against, have erupted in what was tantamount to revolution, and that the United States had a hard time dealing with it, and may again. By no means is it an ended question, especially if we are going to run into, circa 1971, the same kind of attitude as to civil rights legislation that we faced for so many years, which has brought on emotions that erupted in violence and riots and brought our country to the brink of anarchy.

So this is a moment in which to take counsel. We are a very experienced people. We shall overcome; I have no doubt about that whatever. But it will be difficult. In the meantime, much human weakness is exposed, and it is our duty to remedy it.

One final thought. It is very clear—and the reason I speak of this is the naked display of what the power of the filibuster means—it is very clear, again notwithstanding the many obfuscations which come in speeches and declarations that it is a filibuster, that this action is expressly designed to make a majority of the Senate accept the position which it has rejected not once, but in five votes, and that when that position is adopted, the bill may be permitted to pass. I think it is going to pass anyhow, because, as I say, the country can be marshaled behind it if those who are the major opinion makers now will indicate that they are deeply pledged to the success of the bill. The candidates for the Presidency—and they are very influential and important in such a crisis as this, in respect to a very important measure—can make an appeal for it. This is the most important kind of campaigning they can do. I have campaigned a lot myself, and I have always found that there is no substitute for doing the job. The majority leader was very eloquent on that score many days ago. I cannot hope to equal his eloquence, but I am hoping to underline and emphasize the substantive fact that faces us today, when we are about to have a second cloture vote on the bill.

One further observation: We have about gone through the whole gamut of things which could be objected to in the bill on the grounds of policy differences. In each case there has been a resolution of the issue. We started with whether or not the Office of Federal Contract Compliance should be transferred. We decided that it should not.

A number of Senators had disquiets about voluntary services to be used by the Equal Employment Opportunity Commission. We decided very sharply to limit the nature of that service. So we were willing to accept specifically what we had in mind.

We had questions about alleged deficiencies in handling by the Government of affirmative action plans. We worked out an agreement as to that.

We had questions raised about the ambit of the exemption for religious institutions and educational institutions in respect of their right to discriminate. We voted on that.

In addition, we took care of the small business problem. We compensated small business concerns which might be oppressed by lawyers' fees, et cetera, by making provision for them.

The remaining two issues are the transfer of pattern and practice suits, which is the amendment we are expecting from the Senator from Nebraska (Mr. HRUSKA), and the pending amendment, which seeks to strike out the new applicability of the statute to employers of eight or more employees contrasted with the present number of 25 or more.

Both of those amendments could be disposed of very easily and very definitely in an afternoon. They certainly could be disposed of within the 1-hour rule which will obtain once we have cloture. I think it is fair to say that there is no substantive reason whatever why this matter should not now be brought to a final conclusion, except the fact that the minority has determined that the majority shall have not had its way. That is all it comes to. I say that for this reason. I know the leadership problems are very great. But unfortunatly, as happens in so many union and other negotiations around the country, the pressure is always put upon the "good guys." I use that term not invidiously. We should not and will not cave in, because otherwise there will be no bill. Why? Is this a government of the people, for the people, and by the people? Or is it a government by a minority which says, "Give me my way, or I will not let you have anything?"

Sometimes we may decide it is better not to have anything and let those who have responsibility bear the responsibility.

So I think we have reached a critical point. We are on a two-track discussion. It is unthinkable that there should be a question now of taking the bill down. Those in authority had better know what they are doing and whom they are penalizing. We have argued many less important bills than this and for much longer times. There were no concerns then about how busy we were or about taking the bills down.

I think it my duty to state the facts and act accordingly and to resist any effort to take this bill down. It is too early in the session. We have months ahead of us now. The bill is one of the most crucially important for the rights of American people who need this kind of assistance. A majority agrees on that throughout the country.

The PRESIDING OFFICER. All time of the Senator from New York has expired.

Mr. JAVITS. I thank the Chair.

Mr. ERVIN. Mr. President, the bill is an insult to the people of all the States and all the people of the political subdivisions of the States. Talk about government of the people, by the people, and for the people: This would be a government by the EEOC and for the EEOC. It is a bill that seeks to take away from 200 million Americans their right to select their own officials and their own employees.

I think the people of my home town of Morganton, N.C., have enough intelligence to determine for themselves without interference from a Federal agency whom they want to be their officers and employees. I think the people of my county have sufficient intelligence and character to perform that function for themselves. I think the people of my State have enough intelligence and character to decide for themselves whom they wish to have as their officials and State employees.

Here is a proposal to give a commission more power, actually, than the President of the United States has. But we are charged with attempting to frustrate the will of the majority of the Senate. I think that when the Senate of the United States is asked to destroy the federal system of government, and if the majority of the Senate wants to impose that tyranny on the American people, it is time for the minority—if it is a minority—to try to point out to the majority the error of their ways.

All we ask on this cloture vote is that we not be gagged and denied an opportunity to tell the truth about this bill.

One of the most perplexing things to me about the Washington scene is that men are elected to the Senate and to the House of Representatives by the people of their States and the people of their districts and, unfortunately for the cause of liberty, for the cause of self-government, so many Senators and Representatives, shortly after their arrival on the banks of the Potomac, succumb to Potomac fever.

What is Potomac fever? Potomac fever is a disease which causes some kind of psychological or psychiatric condition or obsession in the minds of Senators and Representatives that the people who elected them and sent them to Washington to protect their freedoms and their right of self-rule have not got sense enough and character enough to manage their own affairs or govern themselves.

It has gone so far in this case that this is the most virulent attack of Potomac fever that I have witnessed during the 17 years I have been in the Senate. This disease has got Senators obsessed with the idea that the people in the 50 States, in the thousands upon thousands of political subdivisions in those States, have not got enough character, have not got enough intelligence, to determine for themselves whom they wish to have as officers and as employees to exercise the legislative, the executive, and the judicial powers of the States. And so they ask the passage of a bill like this that would give a commission of five men or women, elected by nobody to do *anything*, the power to place under bondage to themselves, the power to control who is going to hold office in this country on the State or local level, who is going to be permitted to earn a livelihood.

The Declaration of Independence states, in substance, that all just powers of government are derived from the consent of the governed; and here is a bill which is actually an insult to the intelligence and the character of the people, which says that, instead of these people being allowed to rule themselves and select their own officers and select their own employees, we will have five men sitting here in the midst of the Potomac fever who are going to control all of those things.

This is not a bill to prohibit discrimination. It is a bill to give absolute power to practice discrimination to five men. These men are given power over everybody who belongs to a race—any race—over everybody who has any religion or no religion, over everybody who has any national origin, and over every person of either sex. It gives them jurisdiction over the right of livelihood of everybody in the United States, because if there is only one applicant for a job, there is not going to be any controversy, but where there are two or more applicants for a job——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I yield myself 1 more minute.

The Commission is given the power to say which man of which race is going to have the job, to the exclusion of all men of other races, which man of which religion is going to have the job, to the exclusion of men of all other religions, which man of which nationality is going to have the job, to the exclusion of persons of all other nationalities, and the same thing with respect to sex.

It is another way of saying these States or industries shall not have the power to determine these things, but that this Commission shall have the power to discriminate, because discrimination is nothing more or less than preferring one person to another person.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I yield myself just 1 more minute.

I want to say that everybody who believes that Senators ought not to be gagged to prevent them from expressing the truth, and everybody who believes in the federal system of government, and everybody who believes in freedom, and everybody who believes in self-rule ought to vote to give us a greater opportunity to persuade two more Senators that they erred in voting against the Dominick amendment.

I yield the floor and yield the remaining time to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for yielding to me.

Mr. President, everyone favors the right of every person in this country to have a fair and equal opportunity, without discrimination of any sort, to obtain employment where employment opportunities present themselves.

This is not a case of the proponents of the bill being opposed to discrimination, and the opponents of the bill being in favor of discrimination. Not one single amendment has been directed against any of the basic substantive rights of our people.

There are two issues involved in the bill before the Senate at this time. One, shall the power of the EEOC be extended over State, county, and city governments, and agencies of State, county, and city governments? Shall it be extended over every educational institution in the country, including church-supported schools, every college, every university, every private school, every high school, every elementary school? Shall it apply to every employer of as many as 8, rather than the current limit or minimum for coverage of 25?

The second issue is, How shall the rights of the people to be protected against discrimination be enforced?

Not one single thing is being sought to be taken away from the power of the EEOC by the opponents of this bill. The distinguished Senator from New Jersey has said that the enforcement mechanism is needed. He wants the enforcement mechanism by the same agency which receives the charges, which investigates the charges, which prosecutes the charges, and which decides the charges, which issues a cease and desist decree against the respondent, whereas the opponents of the measure would like to follow the procedure that the House of Representatives follows, to have court enforcement of the rights of our people to be protected against unfair labor practices.

Mr. President, debate should not be brought to a close on this issue. There is no pressure whatsoever on the Senate. The majority leader is having doubleheader sessions of the Senate. We are operating two sets of procedures; we are having a discussion of this bill (S. 2515) for part of the day, and then going on with the rest of the calendar.

I repeat, debate on this issue should not be brought to a close. If the cloture motion is defeated, I would hope that the majority leader would lay this measure aside, but that would not be the end of the matter, because the very next bill on the calendar is the House bill (H.R. 1746). That could come up later, and in all likelihood be enacted into law.

But if cloture does prevail today, all bars would be down and the majority could write the bill to suit themselves, and we would be sure to vest in EEOC full power as judge, jury, and prosecutor; whereas, if debate is allowed to continue, there might be some possibility, even if we stay on the bill, that an agreement might be reached.

Mr. President, a great deal has been said about the "good guys," which the opposition Senators characterize themselves as being. I assume that makes the opponents of this measure the "bad guys."

No one favors discrimination. As I say, the only issue is how these rights shall be enforced. Shall it be before a supposedly impartial judge, or before the Commission, which has received the complaint, investigated the complaint, brought the charges, and then reaches the decision?

The distinguished Senator from New York (Mr. JAVITS) has called on the Members of the Senate to rise above their views and their opinions with regard to this measure, and vote to end debate. So apparently, according to the distinguished Senator from New York, any time a majority of the Senate votes one way, there is to be no field of operation for rule XXII.

Mr. President, the Senate decides every 2 years that rule XXII is to remain in full force and effect just as it is. That issue has been brought up every 2 years here for more than the last decade. So apparently the Senate wants the protection of requiring a two-thirds vote to cut off debate. But apparently the distinguished Senator from New York feels that every time a bare majority is arrived at with respect to a bill, all public debate should end, and that there should be no field of operation for rule XXII.

Now he says that the issue of whether we shall have court enforcement or commission enforcement has been decided five times. According to the recollection of the junior Senator from Alabama, one of those decisions was adverse to the view of the distinguished Senator from New York, and the proponents of the bill carried on extended debate or filibuster for a day or two to prevent the Senate from exerting its will at that time, which was in favor of court enforcement instead of commission enforcement.

So, Mr. President, I submit that debate should not end on this measure, and I am hopeful that Senators will stand firm.

Where is the great demand for this bill? The Senators who seem to favor it are not present.

The PRESIDING OFFICER (Mr. MONDALE). All time has expired.

Mr. ALLEN. I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 1:45 p.m. having arrived, pursuant to the unanimous consent agreement, and under rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Harold E. Hughes
Jennings Randolph
Gaylord Nelson
Claiborne Pell
Edward M. Kennedy
Philip A. Hart
Lee Metcalf
Joseph M. Montoya
Jacob K. Javits
Charles H. Percy
Gordon Allott
Mark O. Hatfield
Harrison A. Williams, Jr.
Robert T. Stafford
Richard S. Schweiker
J. Glenn Beall, Jr.
Ted Stevens
Marlow W. Cook

CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 29 Leg.]

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. MONDALE). A quorum is present.

VOTE

The PRESIDING OFFICER (Mr. MONDALE). Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on S. 2515, a bill to further promote equal employment opportunities for American workers, should be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Indiana (Mr. HARTKE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The yeas and nays resulted—yeas, 53, nays 35, as follows:

[No. 30 Leg.]

YEAS—53

Aiken
Allott
Anderson
Beall
Bellmon
Bentsen
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Eagleton
Fong
Griffin
Harris
Hart
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—35

Allen
Bennett
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Chiles
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Miller
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—12

Baker
Bayh
Cannon
Gravel
Hartke
Humphrey
Magnuson
McGovern
Mundt
Muskie
Scott
Taft

The PRESIDING OFFICER (Mr. COTTON). On this vote there are 53 yeas and 35 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished Senator from Indiana (Mr. HARTKE) to insert the following statement in the RECORD. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Mr. HARTKE. Mr. President, I deeply regret that I was unable to be present today to vote for the petition to limit debate on S. 2515, the Equal Employment Opportunities Enforcement Act. Had I been present I would have voted to invoke cloture. I feel that a major flaw in the American democratic system has been the failure to secure equal employment opportunity for all American citizens. It is my opinion that S. 2515 of which I am proud to be a co-sponsor will provide the necessary enforcement powers to permit the Equal Employment Opportunity Commission to act affirmatively to eliminate discrimination in employment.

ORDER FOR STAR PRINT OF SENATE RESOLUTION 241

Mr. PERCY. Mr. President, in the absence of the Senator from South Dakota (Mr. MCGOVERN), I ask unanimous consent that because of a printing error a star print of Senate Resolution 241, 92d Congress, second session, be printed correcting Sec. 2(a)(5) to read as follows:

> (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, . . .

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY AND CONVENTION WITH NORWAY—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from an amendment to article VI of the Statute of the International Atomic Energy Agency (Executive C, 92d Congress, 2d session) and the tax convention of December 3, 1971, with Norway (Executive D, 92d Cong., second sess.), transmitted to the Senate today by the President of the United States, and that the amendment and convention, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to acceptance, I transmit herewith a certified copy of the amendment to paragraphs A, B, C, and D of Article VI of the Statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970.

This amendment recognizes both the increasingly important role that several member nations are playing in the development of nuclear technology as well as the increase in the size of the membership of the International Atomic Energy Agency, from fifty-eight in 1957 to one hundred-two in 1971. The amendment expands the size of the Board of Governors from twenty-five to thirty-four or possibly thirty-five members. The number of elected members is increased from twelve to twenty-two members, and the number of members designated as most advanced in the technology of atomic energy is increased from five to nine. The amendment also continues the provision for representation by designated members of geographic areas not represented by the most advanced nine states, while it eliminates other categories of designated members.

The report by the Acting Secretary of State with respect to the amendment is also transmitted herewith for the information of the Senate.

Richard Nixon.

The White House, *February 3, 1972.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Kingdom of Norway for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Oslo on December 3, 1971.

For the information of the Senate, I transmit also the report of the Secretary of State with respect to the convention and copies of two notes signed and exchanged on the same date as the convention and relating to understandings concerning certain provisions of the convention, as explained in the Secretary's report.

The existing income-tax convention with Norway of June 13, 1949, as modified and supplemented by a supplementary convention of July 10, 1958, would be terminated and replaced by the new convention when the latter comes into force.

The new convention follows the general pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. It takes into account changes in United States and Norwegian tax laws and developments reflected in recent tax treaties concluded by the two countries with other countries. So far as policy and technical considerations permit, the convention follows the model draft convention of the Organization for Economic Cooperation and Development published in 1963.

The substance of the new convention is similar to that of income-tax conventions recently concluded with France, Belgium, and Japan. The provisions of the convention are outlined in the Secretary's report.

I recommend that the Senate give early and favorable consideration to the convention.

Richard Nixon.

The White House, *February 3, 1972.*

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, until tomorrow morning, and the Senate now turn to the consideration of Calendar No. 567, H.R. 12067.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I would want to get the feeling of the majority leader as to whether we are facing a permanent curtailment of the first track; and if so we should know it. If it is only that the majority leader feels that we have had a rather important vote and that we might finish the foreign aid bill if we were to go ahead a little earlier than originally planned, that would be another matter. However, I do think we ought to know the intent with which the unanimous-consent request is made.

Mr. MANSFIELD. Mr. President, the distinguished assistant majority leader in my absence, and with my approval, stated yesterday that it was the intention of the leadership, speaking for myself only, that if the cloture motion failed we would revert immediately to the foreign aid bill in the hope that we would finish that business today, and if not today, certainly tomorrow at the latest. It was also said that the Senate would be in session only until 5 o'clock today. The reason for that is that there is a big Democratic fundraising affair today and we intend to be there. That is a tit-for-tat proposition. We do the same for the Republicans. And that is in brief all I have to say.

Mr. JAVITS. I think that is the answer.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

Calendar No. 567, H.R. 12067, a bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending amendment before the Senate is amendment No. 854 offered by the Senator from Florida (Mr. Gurney), which the clerk will report.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The clerk will not report the amendment until we have order. Let the conversations cease. If Senators wish to converse, they will please retire to the cloakroom. We will suspend until we have complete order.

The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Florida (Mr. Gurney) offers an amendment as follows:

On page 14, line 5, beginning with the proviso, strike all the language down through line 9 on page 14.

The PRESIDING OFFICER. Under the agreement there is a time limitation of 1 hour on the amendment, the time to be controlled by the proponent of the amendment, the Senator from Florida (Mr. Gurney) and the Senator from Wisconsin (Mr. Proxmire).

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield briefly to me?

Mr. GURNEY. Before I do, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GURNEY. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator from Florida permit a short quorum call, so that I may have members of my staff come to the floor?

Mr. GURNEY. So long as the time is not taken from the time on the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time for the quorum call be taken from the time on the bill, not from the time on the amendment, and that the time be equally divided.

The PRESIDING OFFICER. Is there objection to taking the time for the quorum call from the time on the bill? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I understand that the Senator from Florida (Mr. Gurney) has the floor. With his permission, I should like to speak briefly on a matter that does not relate to the bill, but is a personal matter of great concern to me and the Senator from Alabama (Mr. Sparkman). I will take the time for my remarks from the time on the bill.

The PRESIDING OFFICER. The Senator from Florida has not been recognized. The Chair now recognizes him. I understand that the Senator from Florida does yield to the Senator from Wisconsin.

Mr. GURNEY. I yield.

The PRESIDING OFFICER. From whose time will the time for the Senator's remarks be taken?

Mr. PROXMIRE. From the time on the bill.

The PRESIDING OFFICER. The Senator from Wisconsin may proceed.

PERSONAL STATEMENT OF SENATOR PROXMIRE

Mr. PROXMIRE. Mr. President, in this morning's newspaper, Jack Anderson's column disturbed me very deeply. He has implied that I accused the Senator from Alabama (Mr. Sparkman) of stalling on my proposed legislation to reduce title insurance charges because of alleged pressure from banks and others against the bill. Such a charge is totally without foundation. At no time have I accused Senator Sparkman of deliberately delaying hearings on the legislation because of outside pressure. I am sure that Senator Sparkman would never deliberately sidetrack legislation in the public interest because of pressure from special interest groups.

Members of the Senate often differ sharply on legislation. However, I am certain that Senator Sparkman, along with every other Member of the Senate, acts according to his view of the public interest and not in response to outside pressure. It is most unfortunate that certain quotations from my correspondence with Senator Sparkman, taken out of context and embellished with Mr. Anderson's own inferences, leave the erroneous impression that I was personally critical of Senator Sparkman.

Since my correspondence with Senator Sparkman, I have developed an alternative approach to reducing closing costs, but one which I am sure will still be opposed by the same groups opposing my original bill. On his own initiative, Senator Sparkman has agreed to consider this alternative. That is going on right now. We started our markup session this morning. I do not know how the chairman could give the proposal more expeditious consideration.

So there is a good chance that the bill will be reported to the Senate in the next month. I think it is important that this proposal should have prompt consideration, because it will have a profound effect on the banking industry and should be considered swiftly. I believe there is a good chance that the bill might be enacted this year.

I am writing to Jack Anderson—and I have a copy of the letter here—telling him that if he had checked with me personally before writing his column, he would have learned of Senator Sparkman's agreement to consider this alternative suggestion as legislation.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 3, 1972.

Mr. Jack Anderson,
The Washington Post,
Washington, D.C.

Dear Mr. Anderson: I was deeply disturbed over an implication in your column of February 3 that I accused Senator John Sparkman of stalling on my legislation to reduce title insurance charges because of alleged pressure from banks and others against the bill. Such a charge is totally without foundation. At no time have I accused Senator Sparkman of deliberately delaying hearings on the legislation because of outside pressure. I am sure that Senator Sparkman would never deliberately sidetrack legislation in the public interest because of pressure from special interest groups.

Members of the Senate often differ sharply on legislation. However, I am certain that Senator Sparkman, along with every other member of the Senate, acts according to his view of the public interest and not in response to outside pressure. It is most unfortunate that certain quotations from my correspondence with Senator Sparkman, taken out of context and embellished with your own interferences, leave the erroneous impression that I was personally critical of Senator Sparkman.

Since my correspondence with Senator Sparkman, I have developed an alternative approach to reducing closing costs, but one which I am sure will still be opposed by the same groups opposing my original bill. This alternative approach would strengthen and expand the existing authority of the Department of Housing and Urban Development to regulate real estate closing costs. I might add that the existing authority of HUD was enacted largely at the initiative of Senator Sparkman.

Senator Sparkman has agreed to consider this alternative approach during the Senate Banking Committee's executive session on housing legislation, and I believe there is an excellent chance that something effective can be enacted into law this year. Had you checked with me personally before writing your column, you would have learned of Senator Sparkman's agreement to consider this alternative version of my legislation.

With best wishes, I am
Sincerely,

William Proxmire,
U.S. Senator.

Mr. PROXMIRE. Mr. President, this is the first time, in the years I have been in the Senate, in which this kind of most unfortunate incident has developed.

I want to apologize to the Senator, for whom, as I have said, I have a great admiration, and who has contributed to this country in so many ways, particularly in the housing field.

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. I wish to tell the Senator from Wisconsin that I greatly appreciate the statement he has made.

I read the item this morning, and I knew that somebody had gotten wrong information, because, as the Senator knows, at the very first executive session we had in the committee this year, we discussed this very matter. It was then that I stated to the committee that we had to have hearings on his matter, because it was one with which we were all very concerned. Of course, we had directed the Department of Housing and Urban Affairs to make a study of this whole subject and make a report. The report had not come in. I said we had to hold hearings.

Then the Senator from Wisconsin said that he decided he would offer it as an amendment to our housing bill. I said that would be fine. In other words, we had worked it out in the very first executive session we had this year. So what was written in the paper did not jibe with the facts.

Furthermore—I think the Senator will bear me out in this—I have never tried to block anybody's legislation in that committee.

I think it might be in order just to recall one little incident. Former Senator Douglas, who was here for many years, tried very hard to get through a truth in lending bill. Senator Douglas was defeated at about the time I became chairman of the committee, and the Senator from Wisconsin will recall that he came to me right after that and said he felt very strongly about this truth in lending legislation and when Senator Douglas was gone he was going to take it over and try to put it through. The Senator from Wisconsin will verify the statement that I told him I would cooperate and help him get that legislation enacted, and we got it enacted.

Mr. PROXMIRE. The Senator is exactly right. As I said, in the 14 years I have been on the committee, I have never known the Senator from Alabama to try to stop legislation. In the years since he has been chairman of that committee, which is 5 years now, the legislation that has been offered has all been considered. The committee has had a chance to act on it. There has been no stalling, no delay—none. So I am most shocked, and I think it is greatly unfair to the Senator from Alabama, who has made a point of being very sensitive to the wishes of committee members, Democrats and Republicans, to have fair and full and speedy consideration of legislation.

Mr. SPARKMAN. I thank the Senator.

Mr. TOWER subsequently said: Mr. President, I would like to make a few comments on the inaccurate newspaper article regarding a title insurance bill, referring to the chairman of the Committee on Banking, Housing, and Urban Affairs, printed in Jack Anderson's column this morning.

Senator Sparkman has worked very diligently over his career in Congress to protect and enhance the public interest in any legislation that has come under the jurisdiction of the Banking Committee. He has been among the foremost supporters of legislation in this or any other Congress to assist the small businessman to survive and prosper in this postwar era where economies of scale have otherwise become the determinant of business success. He has been the prime sponsor of and has been heavily responsible for most of the major housing legislation of the 1960's and 1970's and many people today who live in decent houses owe that fact in a substantial way to the programs to assist housing construction and ownership which Senator Sparkman has handled in the Housing Subcommittee. He was deeply involved in the bill to establish the Securities Investor Protection Act of 1970, which set up the insurance fund to protect the small investor from loss due to brokerage firm failure. He has also, I believe been in agreement more often than not with Senator Proxmire, including such bills as truth-in-lending and fair credit reporting. These are just some of the pieces of legislation which the Senator from Alabama has been instrumental in seeing enacted into law; Congress has seen many, many bills handled by this skillful advocate of the public interest, and has seen many poor pieces of legislation rejected because of the Senator from Alabama's adherence to principles of thorough hearings and exploration of issues before legislating.

Mr. President, the Banking Committee operates very much on a consensus basis. We handle a large volume of business in that committee, and we are able to do this because of the type of leadership toward cooperation which the Senator from Alabama provides to the committee. When we do have vigorous differences of opinion in committee, as we have on a number of occasions, it is still Senator Sparkman's guiding hand that brings legislation out and gets it passed with the emphasis on the spirit of compromise between the opposing sides.

In reference to the title insurance and settlement cost questions raised in the newspaper article this morning, in fact the HUD study of these questions, which we would need as the basic reference document for hearings on the Proxmire title insurance bill, has not yet been completed. I would like to see this study completed before we take up this bill, and I believe the chairman has acted correctly in postponing separate consideration of this bill until we have this document and have had a chance to review it. That is simply all there is to the background of this matter, and I would like for the Record to be clear on this question.

AUTHORIZATION FOR EULOGIES TO FORMER SENATOR THOMAS J. DODD, OF CONNECTICUT, TO BE PRINTED AS A SENATE DOCUMENT

Mr. RIBICOFF. Mr. President, I ask unanimous consent that eulogies expressed by Senators with respect to our late, departed former colleague, Senator Thomas J. Dodd, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER (Mr. Beall). How much time does the Senator from Florida yield to himself?

Mr. GURNEY. Such time as I may require, Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GURNEY. Mr. President, this amendment strikes from the language of the bill the italicized language on page 14, which would phase out the Cuban Refugee program beginning February 22 of this year, just a few days from now.

I also ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Senators Weicker of Connecticut, Jackson of Washington, Muskie of Maine, McGovern of South Dakota, Williams of New Jersey, Kennedy of Massachusetts, and Stevenson of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, for about 12 years now the United States has welcomed with open arms refugees from Castro communism in Cuba. The flow of refugees from that unhappy island started to the United States of America shortly after Castro came into power. During the early years the refugees came over on commercial airplanes, and actually in far greater numbers than they have in later years in the airlift, trying to get out of Cuba and away from communism.

Early in this flight from Cuba, the United States recognized that there was a very special problem, as far as helping out in the resettling of these refugees from Castro was concerned, and as early as the Eisenhower administration, a relief and welfare program was established by the Federal Government to help out the State of Florida in its financial problems caused by this influx of refugees.

Somewhat later a Cuban refugee center was established in Miami. Even later, during the Kennedy administration, a resettlement program was undertaken to transfer some of the refugees, a portion of them, to other parts of the United States, so all the burden would not be placed upon Florida.

During four administrations now, under President Eisenhower, President Kennedy, President Johnson, and President Nixon, we have recognized this Cuban refugee program and we have assisted the States involved, that number not only Florida but 13 other States, in rather subtantial size, and others of lesser size, in financial liability for this refugee program.

What we have here is a national program, not a State program, and this was dramatically and highly emphasized during President Johnson's administration when he publicly extended the hand of welcome and freedom to any refugee in Cuba who wanted to flee Castro and come to the United States.

The reason why the President did that was that Castro himself, in the year 1965, in September, broadcast to the world that anybody who wanted to leave Cuba could do so, and that he, Castro, would assist him in leaving. President Johnson took up this challenge and extended the hand of welcome to anyone who wanted to leave Cuba and come to this country.

So what we have here is a national program, a national program launched by a President of the United States and backed up by four Presidents of the United States and four administrations, to encourage and aid in this Cuban refugee program.

It has become a quite sizable program moneywise, and this bill provides $129 million for the program, which emphasizes the importance to the various States involved in helping out the Cuban refugees.

All of a sudden, in this bill, with this language that I am seeking to strike out, this Cuban refugee program will be terminated starting February 22 of this year. Actually, the language says that all of those refugees who have been here 3 years or more will not be entitled to further medical or welfare payments. Well, what this means, of course, is that the burden is going to be cast upon the several States.

As a matter of fact, a letter from the Secretary of the Department of Health, Education, and Welfare, Mr. Richardson, points out that if this language is not taken out of the bill, then $68 million is going to have to be taken up by the various States to take care of the welfare program.

In a State like Florida, that has 350,000 of these refugees, this is going to be a burden that we cannot possibly sustain. It would bankrupt the State. In other States, California, New York, New Jersey, Massachusetts, Illinois, as well as many others, the burden is less, but also substantial.

I cannot for the life of me see how the U.S. Government, after having taken an official position for 12 years and extended a hand of welcome to these refugees, and encouraged them to come here and resettle here, can now cut off, on a few weeks' notice, the welfare payments that are so necessary to take care of those refugees who do not have the funds to take care of themselves.

I would like to point out, Mr. President, that actually this has been one of the best immigrations the United States of America has ever had. We got the cream of the crop as far as the Cubans are concerned. People came over to this country who are lawyers, doctors, scientists, and engineers, including, for example, the entire faculty of the University of Havana Medical School. There are thousands of doctors from Cuba practicing medicine in the United States today. Some of their top leaders of government and top businessmen came over. In many cases, they have started new businesses and created great wealth in this country. They have been a class of immigrants which has not been equaled in the history of the United States. The unemployment rate among the Cubans is considerably less than that of the rest of the United States, and so is the welfare rate. As a matter of fact, the only people who are on welfare and receive funds from this program are the elderly who are too old to work and the sick who are too sick to work.

These people came over here at our invitation with literally only the clothes on their backs. Castro confiscated their property in Cuba, and they left Cuba and came to the United States penniless. So indeed we do have an obligation as a nation to pick up this welfare bill. It is not a State problem at all; it is a national problem, and I think and hope that the Senate of the United States today will agree to this amendment and strike this language from the bill.

The administration favors the position of the sponsors of this amendment; and the Secretary of Health, Education, and Welfare, in a letter to Senator Scott, the minority floor leader, dated January 28, 1972, stated as follows:

> Dear Senator Scott: The action taken by the Senate Committee on Appropriations, in the 1972 Foreign Assistance Appropriation Bill (H.R. 12067), reducing the amount for the Cuban Refugee Program to $129,000,000 and placing an abrupt and severe restriction on Federal reimbursements to the States for refugee welfare and medical assistance, has serious implications for the States and communities which have so generously accepted substantial numbers of refugees during recent years.

Then the letter refers to the language in the bill which this amendment would strike. It goes on to say:

> Enactment of this provision would mean a withdrawal, during the remainder of fiscal year 1972 and fiscal year 1973, of Federal refugee remibursements to the States totaling $68,000,000. Of this amount, an estimated $28,000,000 would be made up by Federal reimbursements under the regular public assistance and medical assistance programs, and $40,000,000 would have to be provided from State funds. . . .
>
> Under these circumstances, the effect of the provision proposed by the Committee would be simply to shift to the States, without warning and with little advance notice, a large portion of the financing of refugee assistance.

Then it goes on to point out how difficult the fiscal situations of those States are already with regard to welfare payments.

So really what the Secretary is saying here is backing up my argument that it is a national program, that it is a problem of the Federal Government, and that the States should not be saddled with this burden.

Mr. GRIFFIN. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield to the able assistant minority leader.

Mr. GRIFFIN. Mr. President, I would like to indicate my support of the amendment of the Senator from Florida, and also to confirm what he has said insofar as the position of the administration is concerned.

I have a copy of the letter written to Senator SCOTT, the minority leader, by the Secretary of Health, Education, and Welfare. The Senator from Florida has read some of the most pertinent paragraphs.

I ask unanimous consent, Mr. President, that the complete text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., January 28, 1972.

Hon. HUGH SCOTT,
Minority Floor Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: The action taken by the Senate Committee on Appropriations, in the 1972 Foreign Assistance Appropriation Bill (H.R. 12067), reducing the amount for the Cuban Refugee Program to $129,000,000 and placing an abrupt and severe restriction on Federal reimbursements to the States for refugee welfare and medical assistance, has serious implications for the States and communities which have so generously accepted substantial numbers of refugees during recent years.

We refer specifically to page 14, lines 5–9 of the Bill as reported by the Committee: "Provided further, That none of the funds made available herein shall be available after *February 22, 1972,* to furnish medical and welfare payments to refugees who have resided in the United States for three years or more." (Emphasis added.)

Enactment of this provision would mean a withdrawal, during the remainder of fiscal year 1972 and fiscal year 1973, of Federal refugee reimbursements to the States totaling $68,000,000. Of this amount, an estimated $28,000,000 would be made up by Federal reimbursements under the regular public assistance and medical assistance programs, and $40,000,000 would have to be provided from State funds.

Recent court decisions have made clear that aliens cannot be excluded from our regular public assistance and medical assistance programs, and that this applies both to those programs which are federally aided (old-age assistance, aid to the permanently and totally disabled, aid to the blind, aid to families with dependent children, and Medicaid) and to those programs which are financed entirely from State or local funds (general assistance, home relief, etc.).

Under these circumstances, the effect of the provision proposed by the Committee would be simply to shift to the States, without warning and with little advance notice, a large portion of the financing of refugee assistance. The difficult fiscal situations of the States are well known. Last year, at least nineteen States found it necessary to reduce their assistance payments to American citizens. We anticipate that a sudden shifting from Federal to State financing of a substantial portion of the refugee assistance funding will necessitate further reductions by the States in their welfare payments to our citizens.

This is precisely the type of situation which we believe should be avoided.

While we concur with the concept of a time-limited Federal responsibility for refugee welfare and medical assistance, we believe that a transition from the present situation should be made in a carefully planned and orderly fashion that will result in minimum hardship for both the States and the people involved. This is why this Department has committed itself to effecting substantial reductions in the refugee program upon the anticipated effective date of Welfare Reform legislation. Such legislation will enable most of the refugee assistance cases to be transferred to the regular programs *without* a severe financial impact on the States.

The anticipated effective date of Welfare Reform legislation is July 1, 1973. Therefore we can assure the Committee and the Congress that a substantial reduction will occur in the refugee program request for fiscal year 1974.

In addition, we have been advised that the airlift of refugees from Cuba to Miami will terminate prior to the end of the present fiscal year. The President's budget request for fiscal year 1973 does not include any funds for the airlift. Therefore we can also assure the Committee and the Congress that the entire refugee program will be phased out as rapidly as this can be accomplished without hardship to States and communities which have received the impact of substantial numbers of refugees. In fact, a phasing down of the program has already begun with a reduction of 30 percent in the Federal refugee program staff in Miami as a result of the diminished airlift flow experienced during the past few months.

It is our firm conviction that approval of the reduced amount indicated as needed for fiscal year 1972 ($139,000,000 rather than the original request of $144,103,000), together with the plan we have outlined above, provides the best possible means for an orderly transition from the present Federal refugee efforts to a complete phaseout of the program without placing a burden on many of our States and communities.

We urge that the Senate give careful consideration to this matter and act favorably upon the full amount indicated as needed for the present fiscal year.

With kindest regards,
Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. GRIFFIN. The amendment of the Senator from Florida would be helpful as far as the administration is concerned, and I wish to indicate that I hope it will be adopted.

Mr. GURNEY. I thank the distinguished assistant minority leader.

So, in summing up, then, Mr. President, what we have here is a national commitment to undertake to help out the States and furnish the necessary health, education, and welfare funds for the Cuban refugees who need them. It has been supported by four administrations. It is a continuing national commitment. It is a Federal obligation, and I would sincerely hope that the Senate, by the adoption of this amendment, will continue the national commitment and national policy made by those four administrations.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

I must say that I oppose the amendment of the distinguished Senator from Florida with great reluctance. He and Senator CHILES have worked very hard on this measure. I know how strongly they feel and how strongly the people of their State feel. At the hearings, the representation from the people of Miami was most impressive. The people who appeared were sincere and made a fine impression on the committee.

The difficulty with this program is that it is tremendously unfair, and imposes an enormous and growing burden on the Federal Government, with no end in sight.

What we really do in the Senate bill is allow $29 million more than the House for Cuban refugees. We have modestly and moderately reduced the impact of the whole bill by saying that, after Cuban refugees have been here for 3 years, the localities should be able to assume the costs of welfare. This applies only for those who have been here more than 3 years and is a relatively limited and modest part of the whole burden. In fact, it is less than 10 percent.

The fact is that these Cubans have contributed immensely to our country, and especially to the Miami area. A recent article in Life magazine, published just in December, says this:

> They comprise a fourth of the area's population, and their average income has risen to a healthy $8,000 for each family. More than half own their own houses, and they pump a total of $600 million a year into the local economy.

What we are saying is that no matter how diligent and how affluent most of the Cuban refugees may have become—and the record seems clear that they have succeeded—under present procedures, the Federal Government is going to take care of a substantial number forever on welfare. It seems to me this is too much.

Although it is not in the bill, we do have report language which proposes that we try to terminate the program by the end of next year. Frankly, the purpose of the language is to try to persuade HEW to come before our committee with an orderly, reasonable phaseout program. It might be 2, 3, 4, or 5 years, whatever is appropriate. But I do not think it is fair for this program to go on indefinitely and to go on in this way, with the Federal Government taking care of the welfare and of the education of these children. When these Cuban refugees come over, they are given training at the cost of the Federal taxpayer in programs in Maryland, Hawaii, West Virginia, Connecticut, and other States. I have no objection to continuing these programs for some time, even for several years. And I have no objection to our covering welfare for the great majority of these people who need welfare. When they come here, many cannot speak our language; many, of course, are very poor. Most of them come here with nothing, although some do have relatives who can help.

The evidence is overwhelming that these are very diligent, hardworking, prosperous, successful people, and for the Federal Government not to have any limit is unfair, certainly, to the rest of the States. It is true that there are some in every State, or almost every State. There are some in my State of Wisconsin. I believe some of these refugees are in New York and Illinois and Hawaii and Connecticut as well. But the great majority—at least, the heaviest concentration—has been in the Miami area, and the great benefit has been to Miami.

It seems to me that we should proceed with the language in the bill—it makes a very small reduction—and arrange it so that those who are not benefiting from the work of these refugees will carry a smaller proportion of the cost. In this way, after a refugee has been here 3 years, the welfare burden would shift from the Federal to the local government.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. I yield such time as he requires to the Senator from Florida.

Mr. CHILES. I thank the distinguished senior Senator from Florida for yielding time to me on this amendment.

I am a cosponsor of the Senator's amendment, and I feel that it is essential and necessary for fairness to be carried out in this program. As has been pointed out in the debate, this program really was started by the Federal Government in 1965, and at that time Miami was selected to be the port of entry. That was not something for which Florida asked. That was not something for which Miami asked. That was something that the U.S. Government selected, and Congress certainly approved of the program.

Since that time, we have set up measures whereby there can be some special assistance by way of welfare and medical payments to refugees who come in under the program.

The great problem we have with a cutoff date is presently, under the existing system, of the State and the Federal Government sharing in the welfare program. If you place a cutoff date in this bill, what you are saying to those people who are eligible and who can qualify for assistance under our existing welfare program is that the States are going to be responsible for carrying on the major share of that burden. Perhaps $68 million will be saved on this program if this cutoff date is put in, but $40 million of that will be passed over to the States, and the State of Florida is going to be passed over with respect to $12 million to $14 million of that money. That is a burden for which Florida did not ask. Florida has a tremendous burden with respect to State services by virtue of having these new citizens, these new refugees, in the State.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. RIBICOFF. I have joined the distinguished Senators from Florida in this matter because I feel that the Congress has a specific moral obligation to the State of Florida and to the Cuban refugees.

At the time the entire Cuban refugee problem hit the Florida area, I was Secretary of Health, Education, and Welfare in the Kennedy administration. After the Bay of Pigs disaster, it became obvious that the United States had an obligation to the Cuban refugees who sought the United States as a refuge. I recall that President Kennedy asked me to go to Florida where most of the refugees settled to set up a program to meet their needs. We had never had anything like this before, but a program was established quickly and effectively.

President Kennedy felt, and I believe every Member of Congress felt, that there was a specific moral obligation, owed to the Cuban refugees, and the States which received them. We recognized that Florida was unique, because of its proximity to Cuba.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PROXMIRE. How long would the Senator continue this program? This was 10 years ago. The Senator was right. I supported the program then and would continue to support it, but we ought to begin phasing it out sometime. That is what we try to do here. We would still have the Federal Government bear 90 percent or so of the total cost.

Mr. RIBICOFF. I point out to the Senator that, so far as welfare is concerned, he is about to take a retrogressive step. I will predict that within a few months we will be modifying the entire welfare program. Although there are differences of opinion, we may end up with a Federal takeover of welfare programs.

In the interim, why place a heavy burden on Florida and other States which have opened their arms.

The distinguished Senator from Wisconsin—who I know has a compassionate heart—asked how long it will take. If the U.S. Government created a condition which put this burden upon the shoulders of the Floridians, the United States has a specific obligation to assist Florida in carrying that burden.

Mr. PROXMIRE. But here is a great benefit to Florida. These people pump $600 million a year into the Florida economy.

Mr. RIBICOFF. The benefits that the Cuban refugees give to the State of Florida are benefits to the entire Nation. Whatever they do to increase the prosperity of Florida increases the prosperity of the United States, also.

The Cuban refugees, if they come in there, are in Florida for all practical purposes, because of errors in America's foreign policy. That is why I consider it a national obligation which we should not avoid.

Mr. CHILES. I thank the Senator from Connecticut for his fine statement. I think he put his finger on it: If something similar to H.R. 1 or some welfare reform bill is passed in which the Federal Government assumes the responsibilities of welfare, certainly then you can talk about a phaseout of the this program, because these people who would be eligible under the program would be able to be picked up by the Federal Government. But until that happens, until we are sure that happens, we should not have a cutoff date in this bill which puts an obligation on any State that happens to have these refugees; and it happens that Florida has a vast number.

That is why we would like to see fairness invoked here and see that this continues without a cutoff date, until something is done about the Federal program, so that until that time neither Florida nor Dade County will be taxed.

The figures we have received show that a certain number of these people would not qualify for State welfare, so they would have to be picked up under the county welfare, and that would be a particular burden to Dade County itself. These are the areas of our concern.

Mr. GURNEY. Mr. President, I should like to supplement the argument made by the distinguished Senator from Connecticut so far as the obligation to pick up this welfare burden is concerned.

The point made by the manager of the bill was, will it continue forever, or when will it cease? I fail to see that that point has any merit whatever. The payments are not being made to people who are lazy, who will not work, who do not want jobs. These payments are being made to the elderly. As a matter of fact, 80 percent of the payments, to my recollection, are being made to people over 60 years of age; they are being made to people who are elderly and too sick to work.

I do not know of any obligation like this, undertaken by the United States Government, in any of our welfare programs—social security or otherwise—in which it is said, "We're going to give you money for 2, 3, 4, or 5 years, and then we will cut it off." Welfare has nothing to do with that. It has to do with an obligation to take care of the elderly and the sick, who cannot take care of themselves.

So far as these refugees are concerned who are in that category, I would fully expect the obligations of the United States of America which have extended over four administrations to continue with aid until a person is well again if he is sick, or until he dies if he is old. This business of ending it in 3 or 4 years really does not have much to do with it. I should like to point out that while the Cuban refugee program first began in Florida, only half the number of Cubans are now there. They are scattered throughout the United States—in New York, New Jersey, California, Massachusetts, and other States. So it is now a national problem in its distribution at this time, not just in Florida.

The whole point of the matter boils down to the business about all the cosponsors realizing what the amendment is, and what has been argued here on the floor again and again, that this is a national obligation. We extended the invitation to the Cubans to come over here. When we did that, we certainly undertook to help them with their education and their welfare problems. Now that they are here, we certainly should not renege at this late date and say that beginning 2½ weeks or 3 weeks from now, "We will cut off your water in Florida, California, New York, and other States."

Believe me, that would not only be unreasonable but totally unrealistic, to renege on an agreement we made years ago. It would be unconscionable if we did that.

I therefore hope that the Senate will adopt this amendment and continue to carry out its obligations, which it has been doing for the past 12 years.

Mr. CHILES. Mr. President, my colleague from Florida is aware that we have received communications on the subject from State officials, including a telegram from the Governor. I ask unanimous consent at this time to have printed in the Record the telegram from the Governor which gives the cost to the State of Florida for this program and the additional financial burden that would be added on to the State.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

> Tallahassee, Fla., *January 16, 1972.*
> Hon. Lawton M. Chiles,
> *Senate Office Building,*
> *Washington, D.C.:*
>
> Reduction immediately and proposed elimination of Cuban refugee assistance funds by June 30, 1973, as proposed by Senate Foreign Relations Committee places tremendous cost impact on Florida. Immediate impact to state if Congress eliminates three year residents from the Cuban program involves approximately 13,200 cases costing minimum of $12 million plus added cost to counties, primarily Dade County of some 6 million as State has no general assistance program and local government must pick up cost. When total program is stopped, State costs would be in excess of $26,000,000 plus local government costs of $8,300,000. Florida cannot assume this added financial burden, and I urge the Senate to reject this move as we need extension of this assistance. The above figures apply only to direct assistance and medical programs.
>
> Reubin O'D Askew,
> *Governor of Florida.*

Mr. GURNEY. Mr. President, I thank my colleague, the Senator from Florida (Mr. Chiles) very much and reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, the number of non-Cuban refugees who have come into this country in the last 20 years now totals over 750,000. A great number of Hungarians, Portuguese, Czechoslovakians, Jews, and so forth, have come in without any resources. They are, indeed, coming in now by the thousands. The Immigration and Naturalization Service has estimated that from 7,000 to 10,000 non-Cuban refugees will reach the United States this year and the best information I have is that not one will be eligible for the special benefits provided in the Cuban refugee program. Why should a Cuban refugee be entitled to it when a Haitian or a Jewish refugee is not?

The chairman of the Subcommittee on Refugees of the Judiciary Committee, the distinguished Senator from Massachusetts (Mr. Kennedy), last March 10, asked the General Accounting Office to undertake an analysis of Federal expenditures in this program. The report is dated November 3 and is available. In a press release relating to the findings of the GAO, the Senator from Massachusetts states in part:

> According to the findings by the General Accounting Office (GAO), public assistance payments to refugees have increased some 300% in recent years—from $26,500,000 in fiscal year 1968 to an estimated $106,200,000 in fiscal year 1972. Payments in behalf of all other persons receiving public assistance increased by 110% during the same period.
>
> Total costs for the Cuban Refugee program, which began in 1961, have amounted to nearly $730,000,000. This includes some $119,100,000 in federal payments to Dade County, Florida, public schools—and some $496,000,000 in public assistance payments and services to the refugees.
>
> Efforts to phase out the payments to Dade County have met with local resistance and no success.
>
> Proposals to reduce airlift costs by as much as 26% have all been rejected by the Department of State.
>
> *The time is long overdue for the Administration to begin phasing out the Cuban Refugee Program. This can be done effectively—and without hardship to the refugees.*

Let me say that the Senator from Massachusetts (Mr. Kennedy) is a man who probably knows more about the refugee problem than anyone in the Senate.

Mr. CHILES. I wonder whether the Senator from Wisconsin is aware that the senior Senator from Massachusetts is a cosponsor of this amendment, and if we follow his judgment——

Mr. PROXMIRE. Of course I am aware of that, but what I am saying is that what the Senator from Massachusetts says in the report, I think, relates clearly to this issue and makes it clear what his objective judgment is as chairman of the Subcommittee on Refugees. The Senator from Massachusetts is a man of great national stature. He has a great national following. From this vantage point he may have a different view, as I am sure some of our presidential candidates now campaigning in Florida do.

Mr. CHILES. I understood the Senator from Wisconsin to say that the Senator from Massachusetts may know more about the refugee program than anyone else and that we should follow his lead, and I wonder whether the Senator would follow his lead.

Mr. PROXMIRE. I would follow his lead as chairman of the subcommittee. He says we should phase it out and that is what we are trying to do. The Senator from Florida would give this a slender reed, that is, if we should pass H.R. 1, or some program on welfare in which the Federal Government would take over all of the welfare, then this part of the problem would disappear. We would still have the school costs, but we will take those forever, I guess, but the welfare problem may disappear. I would say that we should not rely upon the passage of any welfare reform bill.

Mr. CHILES. The Senator just commented on the school problem in Dade County and I wonder whether if the Senator is aware of the fact that, in 1968, HEW and Dade County officials had a meeting which took place to determine how they would phase out, or what they would do in regard to the school program in providing aid for Cuban children. At that time, HEW and Dade County did agree as to what the matching costs would be, that the Federal Government would put up about half the money and Dade County would put up the other half and that that would provide for only 5 years of schooling. That program, actually, by that agreement, has a built-in phaseout. That is built in if that kind of agreement should be allowed to stand.

Mr. PROXMIRE. I hope that we do get some kind of phaseout. After all it has increased over 300 percent since fiscal 1968. What kind of phaseout are we getting now? We are not experiencing any, quite the contrary it is exploding. It is true that Fidel Castro may phase out the whole thing by not permitting any more refugees to come over here, as he has done over the last couple of months, but I would not want to rely upon Fidel Castro for my policy, either.

Mr. CHILES. Mr. President, if the Senator from Wisconsin is concerned that we have a phaseout now—although it is being cut down by the reduced airlift, but if he is concerned about the schoolchildren in Dade County, he would like to provide for another port of entry, would he not——

Mr. PROXMIRE. Let me say to the Senator that what I am concerned about here is injustice, about the fact that the Federal Government should bear the entire cost, which it would, under this proposal. What I am saying is that a small part should be borne by the State and by the county and by the city which are being immensely benefited.

Here is what Life magazine had to say, in part:

> At a rate unprecedented among America's major immigrant groups, the 350,000 Cubans in the Miami area have transformed themselves into a thriving, prosperous community. They comprise a fourth of the area's population, and their average income has risen to a healthy $8,000 for each family. More than half own their own houses, and they pump a total of $600 million a year into the local economy. Cubans own more than one out of every three retail businesses in the city, and have created 6,000 new ones.
>
> Miami's shift from a sagging tourist-based seasonal economy to a solid year-round one is partly their doing. Cubans control 30% of all new construction there, and are building Florida's biggest office building. Four of the city's bank presidencies are held by Cubans, and 36 vice-presidencies.
>
> "Economically," says Dade County Mayor Stephen Clark, "the Cuban community is the best thing that ever happened to Miami." Socially, the immigrants have been accepted. Now, they are beginning to flex their muscles politically. Miami Mayor David Kennedy predicts that Miami will have a Cuban Mayor by 1975. The Cubans' success is partly explained by their background as the cream of their country's middle and upper classes—professionals, entrepreneurs, craftsmen—driven out by Castro's forced egalitarianism. Today many Cubans still talk wistfully of regaining their homeland. But it is doubtful that many would return if they had a chance.

Under these circumstances, we should recognize that Miami has got a good thing going. I have no objection to them continuing to have a good thing. I wish these people would settle in Milwaukee or in Madison. I believe that the State of Wisconsin would welcome them—certainly I would. Here the State government would pay 90 percent. Wisconsin might be willing to settle for 50 percent. But not 100 percent forever.

All we are asking is a modest, limited reduction. We are far above the House. The House provided $100 million. The committee would give $129 million on a reasonable basis.

Mr. CHILES. I think that the distinguished Senator from Connecticut really said the proper thing there, and the Senator from Wisconsin is right and fair. We are proud of these people. Florida has been benefited by them. The Nation has also been benefited by them.

Mr. President, anything that helps Florida by virtue of their coming to Florida certainly helps the Nation. However, as the Senator knows, when you have any influx of people, the increased costs outstrip any benefits. We know that in schools and everything else the capital investment which has had to be made by Dade County and Florida has resulted in their picking up a great burden as a result of this situation. We will continue to do so. However, to get back to the education program, the State and Dade County pay 50 percent of the money and the Federal Government do the same. An agreement was entered into by the HEW in 1968 to provide that only 5 years of schooling would be made available for any of these children.

It has a built-in phaseout. The program has been very successful. The Federal Government is not going to put in any more money beyond that. Why should we not allow this 5-year phaseout rather than to have a language which the committee put in the report—which is not a part of the bill—that this should be phased out?

Mr. PROXMIRE. Mr. President, in the first place, in the conference on the continuing resolution we fought to get this. It was not easy to do, but we succeeded in getting everything that the Senator from Florida wanted. And we have gone so far as to include an additional $600,000 in recognition of the expenditures by Dade County for public schooling for the Cuban refugee schoolchildren. In 1970 the full Federal reimbursement was not made because of the lack of funds.

This was a very small program in 1961 and 1962 when the Senator from Connecticut (Mr. Ribicoff) was Secretary of Health, Education, and Welfare. It was then a relatively small program. In 1968 it just exploded. It was $28 million then, but it is $140 million now.

Mr. CHILES. It was something that should have been paid. But I am delighted to see that the committee has recognized it and included that. We are very happy about that.

Mr. President, I ask unanimous consent that correspondence with HEW dealing with this matter be printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
Social and Rehabilitation Service,
Washington, D.C., July 22, 1968.

Dr. Edward L. Whigham,
Superintendent, Dade County Schools,
Miami, Fla.

Dear Dr. Whigham: We are enclosing for your review and consideration by the Dade County Board of Education a plan for payment covering educational services to Cuban refugee children and adults for fiscal years 1968 through 1973.

As we have indicated previously and most recently at the meeting in Miami with the School Board, it is imperative that the rapidly rising cost of this program be checked. This we wish to have accomplished without causing an undue and unreasonable burden on local resources.

At the recent meeting in Miami it was agreed in principle that payment on "old" Cuban refugee children (Cuban refugee children who have entered the continental United States on or prior to October 3, 1965) would be discontinued after a phasing-out period; payments for the education of "new" Cubans would continue but amounts payable for each child would be paid only for a limited number of years; and payments for auxiliary services for "new" Cubans would continue.

Since that time we have had additional discussions with staff of the School Board, and after exploring a number of plans have developed one which we believe to be workable and which allows a reasonable amount to reimburse your school district for the education of Cuban refugees. The enclosed plan provides payment for "old" Cubans through 1970, including full payment for services. It provides payment at 60 percent of the per pupil cost for each "new" Cuban and full payment for services for a 5-year period. Periods of prior attendance will be counted in determining the maximum 5 years of payment with respect to any student. We have estimated the ADM of "new" Cubans at 95 percent of the anticipated membership each year. The plan includes a payment of $600 per pupil in capital outlay funds. This amount equals approximately 50 percent of the cost of constructing permanent elementary school facilities. These classrooms will continue to be available for use in the community for 40 to 50 years. If the amount of payment in this category proves to be inadequate in view of current construction costs, we will be glad to find a figure which does reflect actual costs. An amount of $850,000 is included each year for adult and vocational education programs. The summer school program which was funded for 1968 at $158,000 has been raised to $160,000

We would like to proceed with firming up this plan and would appreciate hearing from you at an early date. Do not hesitate to get in touch with us if there are questions.

Sincerely,

Joseph H. Meyers,
Deputy Administrator.

Enclosure.

PROPOSED PLAN FOR PAYMENT OF EDUCATION OF CUBAN REFUGEE CHILDREN AND ADULTS

	1969	1970	1971	1972	1973
ADM of new Cubans	[1] 12,217	[1] 16,258	[1] 20,299 −1,162(66) 19,137	[1] 24,340 −1,162(66) −3,288(67) 19,890	[1] 28,381 −1,162(66) −3,288(67) −3,726(68) 20,205
Per pupil cost	$620	$640	$660	$680	$700
60 percent of per pupil cost	372	384	396	408	420
New Cubans:					
Operational	4,544,724	6,243,072	7,578,252	8,115,120	8,486,100
Auxiliary	1,160,615	1,544,510	1,818,015	1,889,550	1,919,475
Construction	2,551,200	2,551,200	2,551,200	2,551,200	2,551,200
Old Cubans:					
Operational	3,587,715	1,793,857			
Auxiliary	160,000	160,000			
Adult and vocational	850,000	850,000	850,000	850,000	850,000
Summer program	160,000	160,000	160,000	160,000	160,000
Total	13,014,254	13,302,639	12,957,467	13,565,870	13,966,775

[1] Includes 4,041 new ADM expected this year—Grades 1 to 12: 95 percent×4,029=3,827; Kindergarten: 95 percent×225=214; total=4,041.

September 27, 1968.

Mr. Joseph H. Myers,
Deputy Administrator, Department of Health, Education, and Welfare, Social and Rehabilitation Service, Washington, D.C.

Dear Mr. Myers: In general, the proposal for Federal participation in the cost of educating Cuban refugee children and adults as set forth in your letter of July 22, 1968, meets with our approval. It is desirable at this step in our negotiations to ascertain if we are in agreement on certain specific items that need to be clarified so that we can proceed to implement our understandings.

It is suggested that a new agreement be signed each school year, inasmuch as the per pupil attendance and cost data change annually. The signing of a new contract each year would serve to establish the initial payment at a percentage of the estimated total cost for the yearly contract period, in keeping with the basic agreement that we are now developing. The basic contract form would be used each year with the understanding that increases or decreases in the number of Cuban refugees educated and the actual per pupil cost will cause increases and decreases that may or may not be entirely consistent with the projected costs as set forth in the proposed plan for payment which accompanied the above referenced letter.

The proposed plan for payment indicated that the operational payments for "Old" Cubans would be phased out by 1970. We are in agreement, but suggest that the method of phasing out be more clearly defined as reducing the percentage of current expense payments for "Old" Cubans to thirty (30%) per cent in 1968–69 and fifteen (15%) per cent in 1969–70, the total of which would represent the final payment of such costs for "Old" Cubans. In the interests of simplifying the Agreement, it is proposed that special rates not be developed for those Cuban refugee children whose parents are on the relief rolls of the Cuban Refugee Center.

At our Miami Meeting of May 13, 1968, we understood the statements of Mr. B. Alden Lillywhite, Deputy Associate Commissioner, Bureau of Elementary and Secondary Education, to indicate that continuing auxiliary services would be available for both "Old" and "New" Cuban refugees subsequent to the time when operational payments were discontinued, provided that there was a justifiable need. The proposal did not provide for the possibility of providing auxiliary services for "Old" Cubans after 1969–70. A considerable number of the "Old" Cubans who would be excluded have been in the United States less than five years. Under the circumstances, it is respectfully requested that the auxiliary service payments for the purposes as set forth in the 1967–68 contract be maintained for a period of two years after operational payments cease on "Old" Cubans at the end of the 1969–70 school year. The continuation of payments for auxiliary services for "New" Cubans will not become a question until the contract year 1970–71. It is recommended that this matter be resolved prior to that time.

Past agreements for the education of Cuban refugee children have covered those children enrolled in Grades K–12. Considering that the existing very limited kindergarten program in the Dade County Schools is in the process of being expanded to a County-wide program, we are proposing that Cuban refugee children attending kindergarten not be included in the counts on which Federal reimbursements are made. There are a number of factors contributing to this decision, and some of the major ones are that kindergarten attendance is not compulsory in Florida; and that even though the total kindergarten program is being rapidly expanded, satisfactory or sufficient housing will not be available for some three to five years. Therefore, it is proposed that operational and housing payments for Cuban refugee children enrolled in the Dade County Schools be limited to Grades 1–12.

The Dade County Schools will continue to provide kindergarten services without cost whenever available to all children without discrimination as to race, color or creed. It is requested, however, that should the kindergarten program become available for a majority of the children desiring to enroll, that our present position on the matter of furnishing kindergarten education to Cuban children at no charge be reviewed in light of the factors existing at that time. It is also requested that if the number of Cuban refugee children enrolling in the kindergartens that will be available require sufficient special auxiliary services and materials, that Federal officials will be agreeable to enter into discussions for the purpose of alleviating the situation where an unreasonable burden exists.

We are pleased that the five-year, sixty (60%) per cent cost plan for "New" Cubans was developed, and concur that it is the best possible plan under the circumstances. It is important at this time, however, that we define the five-year period, and it is suggested that "New" Cubans who may have enrolled prior to this time or may enroll subsequent to this time in Grades 1–12 be considered as starting the five-year membership eligibility period as of the first of the month in which they established their membership, and will become ineligible as of the last day of the month preceding the one in which they complete their five-year membership eligibility period. The five-year membership eligibility period is defined as being composed of those regular school days occuring in five consecutive calendar years.

"New" Cubans who have entered or may enter the Dade County Schools and who subsequently enroll in other schools in the United States and then re-enroll in Dade County Schools, will be considered as having been in continuous membership for the purpose of computing five calendar years of eligibility. The beginning membership date of "New" Cubans who returned to Cuba and later re-entered the Dade County Schools shall be established as their last date of reentry.

We question the use of ninety-five (95%) per cent of the anticipated membership of each year in estimating the ADM of "New" Cubans as set forth in the fourth paragraph of the aforementioned letter. Since we have agreed in principle to using a five-year membership period, the monthly membership counts will be used to determine the average daily membership, making the above method of estimating the ADM of no consequence.

The sum of $600 to provide fifty (50%) per cent of the cost of housing facilities for each "New" Cuban refugee enrolling in Grades 1–12 is no longer representative of housing costs. A recent survey establishes the average construction cost of permanent facilities in the Dade County Schools at $1,373.25. This cost figure includes attendant fees for architectural and engineering services but does not include land acquisition cost. The average cost for initial furniture, library books, and similar items is $158.25 per student. The average cost for providing the above facilities totals $1,531.50 per child, and fifty (50%) per cent participation by the Federal government would amount to $765.75, rounded to $765. This cost should be established as the rate of contribution for the 1968–69 contract and be reviewed annually.

In agreements entered into with the Federal government prior to 1966–67 for the education of "Old Cubans, Federal payments were based on a percentage ranging from a high of sixty (60%) per cent to a low of forty-five (45%) per cent of specific accounts covering both the operational and capital outlay areas. If this process of paying for "Old" Cuban refugees had continued over an estimated twenty to twenty-five year period of time, the Federal government would have contributed approximately $600 per child in capital outlay expenditures. The attached tabulation sets forth the amount of capital outlay expenditures per child during that time. Inasmuch as by agreement payment on "Old" Cuban refugees is continuing to be drastically reduced and phased out prior to the time when a substantial portion of the payment for housing of these children is completed, it would appear that payments made on "Old" Cubans should no longer continue to be a factor in capital outlay payments for "New" Cuban refugees. Therefore, there is no logic for relating capital outlay payments on "New" Cuban refugees to the 15,501 count of "Old" Cubans that was made on October 3, 1965.

It is recommended that the base for making capital outlay payments for the 1968–69 contract be designated as the total number of "New" Cuban refugees for whom payment has been made either in part or in total up to $600 each for 9,452 "New" Cuban refugees as of June 12, 1968, and verified on page 10 of the September 6, 1968, billing for the 1967–68 school year. The establishment of this base as recommended will eliminate credit provisions as contained in Part III–2–b–(1) as well as all provisions contained in Part III–2–b–(2) of the 1967–68 Agreement.

The estimated cost of providing Adult and Vocational Education programs for Cuban refugees will likely be sufficient if the demand for courses continues at the present level. The funds provided in this portion of the program can be reduced if necessary to financially sustain the Grades 1–12 program which, by law, is the prime responsibility of the School System.

The funding of the Summer Program at the rate of $165,000 per year is satisfactory, considering the present influx of Cubans. It is requested, however, if Federal policies or other factors beyond our control result in a marked increase of Cuban immigration, that we review the amount provided for the Summer Program in consideration of factors existing at that time.

When we have reached agreement on the foregoing items, it will be a relatively simple matter to prepare and agree on a contract for the 1968–69 school year. We are very interested, of course, in entering into such contract at the earliest possible date.

Sincerely yours,

E. L. WHIGHAM,
Superintendent.

Year	Capital outlay per pupil cost as used in C.R. billings	ADM—Cuban refugee pupils	Amount of capital outlay payment per pupil received from HEW per agreement	Total received
1960–61[1]		678	(1)	$200,000.00
1961–62	$94.72	11,675	times ½ of PPC or $47.36 equals	552,928.00
1962–63	90.99	17,838	times 60 percent of PPC or $54.59 equals	973,776.42
1963–64	72.09	16,690	times 60 percent of PPC or $43.25 equals	721,842.50
1964–65	58.97	15,575	times 60 percent of PPC or $35.38 equals	551,043.50
1965–66	47.22	2,720	times 60 percent of PPC or $28.33 equals	77,057.60
		12,630	times 45 percent of PPC or $21.25 equals	268,387.50
1966–67	52.66	1,445	times 60 percent of PPC or $31.60 equals	$45,662.00
		13,923	times 45 percent of PPC or $23.70 equals	329,975.10
1967–68	66.38	1,078	times 60 percent of PPC or $39.83 equals	42,936.74
		14,090	times 45 percent of PPC or $29.87 equals	420,868.30
Total				[2] 4,184,477.66

[1] A payment to provide housing of $350 per C.R. ADM was agreed upon by HEW, not to exceed a total of $200,000. On an actual cost basis, the agency (BPI) would have received $350 times 678 (ADM) or $237,300. The $37,300 was not paid to the agency.

[2] Total capital outlay payments received. At a *contribution rate of $600 per* "Old" Cuban refugee pupil times 15,501 (ADM of "Old" Cubans as established by agreement as having enrolled prior to Oct. 3, 1965), the total HEW contribution for "Old" Cubans would have been $9,300,600.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Florida has 8 minutes remaining.

Mr. GURNEY. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, we are all aware of the plight of the Cuban refugee in the United States. We all know how they have had to uproot their families, abandon their possessions, leave behind their properties, to begin life anew.

They fled from their homeland because they were oppressed. They have come to the United States because they value freedom and liberty. They face years of readjustment, they must in reality start from scratch. They look to our Government for help. They look to our Government for support. Our Government cannot look away. To those who need our help, it should be offered.

From what I know of these people, these are not the kind of people who want to be on welfare or who want relief. They want to work, and they ought to be put in a position where they can stand on their own two feet.

I feel that since they have that desire, we have an obligation to assist them until such time as they are able to do it on their own.

Thus, I do not think that we can set an arbitrary limit on how long it takes for a family to make these adjustments. It cannot be said that 3 years is long enough to make this new beginning in every case. There are many cases that require continued support.

Nor do I believe that we should cut back on expenditures to these refugees. I believe that the President's original request of $139 million should be restored.

We, the nation of liberty, have extended our hand to those who flee from tyranny. We cannot withdraw that assistance now. Accordingly, I am announcing my support for amendments 854 and 855 offered by my distinguished colleague, Mr. GURNEY.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, I have a telegram from the Mayor of Dade County, Fla., which reads as follows:

> As Mayor of Dade County, Florida you have my complete support opposing termination of Cuban Refugee program specially fighting proposed February 22 cut off of medical and welfare payments for all refugees in the United States for over 3 years. Lack of general assistance program in the State of Florida would result in placing an annual burden of approximately 6 million dollars on the tax payers of Dade County. May our Senate understand that the humanitarian act initiated by the Federal Government would prove inhumanitarian to refugees and unfair to the tax payers of Dade County if cut-off is approved. Thank you for your dedication to a just cause.
>
> Mayor STEPHEN P. CLARK.

I would also like to comment briefly on the report of the GAO and on the comments of the Senator from Massachusetts (Mr. KENNEDY) on it. What he said was:

> The time is long overdue for the administration to begin phasing out the Cuban refugee program. This can be done without hardship to the refugees.

I think that the Senator from Massachusetts has performed work that is well known in connection with the refugees' problems, not only in this country, but also in the world. He has made a great contribution there.

It seems to me that there would be no way to cut this thing off by February 22 without a tremendous hardship upon the refugees and the respective States involved.

I think if the Senator from Massachusetts was here he would probably state that what he was talking of was a phase-out of the airlift and of the bringing of more people to this country. The airlift is being phased out. Only a trickle of refugees are coming here. The airlift is operating about 1 day out of 10, as I recall. It used to operate every day. It is being phased out.

The problem is what to do about the welfare payments for health, education, and welfare that are so desperately needed so far as these States are concerned.

Here again the administration and the HEW want to take that over in an orderly program. They set it out in a letter to the Senator from Pennsylvania (Mr. SCOTT) which has been put in the RECORD by the Senator from Michigan (Mr. GRIFFIN).

That is obviously a proper and orderly way to go about this, to take over the welfare requirements of Florida and many other States involving the Cuban refugee program. Whatever program we process in the Senate and the House of Representatives this year, that is a sensible way to do it. Certainly this business of cutting it off 2½ weeks from now would throw a tremendous burden on these States without any prior warning and would not be the sensible way to go about it.

I indeed hope that the Senate will agree to the amendment.

Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Florida. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUYE (after having voted in the affirmative). On this vote I have a live pair with the Senator from Maine (Mr. MUSKIE). If he were here, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Iowa (Mr. MILLER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 74, nays 8, as follows:

[No. 31 Leg.]

YEAS—74

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Fannin
Fong
Griffin
Gurney
Hansen
Harris
Hatfield
Hollings
Hruska
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—8

Byrd, Va.
Ellender
Ervin
Fulbright
Gambrell
Goldwater
Proxmire
Talmadge

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, against.

NOT VOTING—17

Baker
Bayh
Cannon
Gravel
Hart
Hartke
Humphrey
Jackson
Magnuson
McGovern
Metcalf
Miller
Mundt
Muskie
Scott
Stevens
Taft

So Mr. GURNEY's amendment (No. 854) was agreed to.

Mr. GURNEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of Virginia. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. CHILES. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. CHILES. I have an amendment which follows this amendment, which I understand the distinguished Senator from Wisconsin is willing to accept, No. 855. If the distinguished Senator from Virginia would yield for a moment, I would like to take up amendment No. 855, which I understand the Senator from Wisconsin will accept.

Mr. BYRD of Virginia. Mr. President, I am glad to yield to permit the Senator to call up his amendment.

AMENDMENT NO. 855

Mr. CHILES. Mr. President, I call up my amendment No. 855.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment (No. 855) as follows:

On page 14, line 1, strike out "$129,000,000" and insert in lieu thereof "$139,000,000".

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, now that the last amendment was passed, this amendment will restore the funds requested by the administration for this program at $139 million, a restoration of $10 million to the bill.

Mr. PROXMIRE. Mr. President, the Senator is absolutely correct. It would be completely wrong for the committee and the Senate not to accept the Chiles amendment. Now that the prior amendment has been adopted, the money has to be paid and should be paid, because of the action of the Senate.

I support the amendment of the Senator from Florida. I hope we can take it by voice vote.

Mr. FONG. Mr. President, I concur in the statement of the chairman.

Mr. PROXMIRE. Mr. President, I yield back my time.

Mr. FONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Florida (No. 855).

The amendment was agreed to.

The PRESIDING OFFICER. The amendment of the Senator from Virginia (Mr. BYRD) will be stated.

The legislative clerk read the amendment, as follows:

On page 15, line 9, strike out $261,760,000, and insert in lieu thereof $150,000,000.

On page 15, line 10, strike out $75,000,000 and insert in lieu thereof $13,240,000.

On page 15, line 12 strike out "and $50,000,000" and delete the semicolon following the word "capital" and insert in lieu thereof a period.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield to me?

Mr. BYRD of Virginia. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I wonder if the distinguished mover of the amendment and the distinguished manager of the bill and the distinguished ranking minority member of the committee would agree to reducing the time on this amendment to, say, 10 minutes to a side, with the knowledge that additional time may be yielded from the bill if necessary.

Mr. BYRD of Virginia. Mr. President, if the Senator will yield, that would be satisfactory to me.

Mr. FONG. Mr. President, I would suggest 15 minutes.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I do not think I will—as I understand it, the Senator is seeking to reduce funds for the Inter-American Development Bank by the same amount as the Fong amendment increased funds for the Alliance for Progress. Is that correct?

Mr. BYRD of Virginia. It would reduce the amount to the House figure.

Mr. FULBRIGHT. By the amount which was added to the bill last night.

Mr. BYRD of Virginia. Which was added last night.

Mr. FULBRIGHT. I would like to have 5 minutes, but I have no objection.

Mr. PROXMIRE. The Senator can get time from the bill.

Mr. FULBRIGHT. Very well.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment be limited to 15 minutes on a side, the half hour to be equally divided between the able mover of the amendment and the able manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, may I say I intend to accept the amendment, so I am asking the distinguished Senator from Hawaii (Mr. FONG) to handle the time in opposition to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I yield myself 3 minutes.

The bill as reported by the committee increases by $111 million the amount approved by the House of Representatives for the Inter-American Development Bank.

The amendment which I have presented would take the House figure of $150 million in lieu of the committee figure of $261 million.

In talking about the total bill, it is now over $3 billion. That is the current foreign aid bill.

I think it is significant that on October 29 the Senate voted down an authorization which totaled $2,914,870,000. So the bill before the Senate, as it stands now, is above that by almost, not quite but almost, $100 million more than the authorization for foreign aid, which the Senate rejected on the 29th of October.

Mr. President, in regard to the Inter-American Development Bank, I would like to point out that 57.9 percent of the funds for that Bank have been provided by the United States. The 22 Latin-American members have provided the remainder, but the United States has provided 57.9 percent.

That breakdown is as follows: $1.210 billion in cash; $1.340 billion in demand obligations; $1.223 billion in callables; making a total of $3.773 billion.

Mr. President, it seems to me that if the Senate is not willing to reduce at least to the figure approved by the House of Representatives the appropriations for the international financial institutions, then it is going to be very difficult to get any reductions anywhere in the cost of government.

For that reason, I have suggested through this amendment that the amount sought to be appropriated for the Inter-American Development Bank be reduced from the committee recommendation of $261 million down to $150 million, which is the amount approved by the House of Representatives.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, yesterday I very strongly opposed this kind of action, and I did so because I argued that the committee had reduced the development loans for the Alliance for Progress. That reduction, however, was not sustained by the Senate. The amount available for loans to the Alliance for Progress was increased by $100 million by the Senate yesterday.

Mr. President, we cannot have it both ways. The position taken by the Committee on Foreign Relations and the position taken by many Senators is that we ought to move to multilateral lending. Yesterday the Senate decided not to do that. They decided that they wanted to increase the unilateral limitation to the extent of $100 million.

As we pointed out, there is $1.5 billion available for loans during the coming year to Latin America. Therefore, in view of the action yesterday, I enthusiastically support the amendment of the Senator from Virginia. I say he is right; money does not grow on trees.

Senators ought to be, as is the public, very skeptical about this whole program. If we are going to make cuts anywhere, it seems to me we have to make them in these development loans. This has been one of the weakest parts of the foreign aid program because the loans have not been very effective.

One further point: I am sure those who defend the committee action will say these are obligations. I would like to point out quickly a brief colloquy I had with the State Department on this subject, because I believe they are going to say these are obligations we are going to have to meet, that we have no alternative.

During the hearings I said:

> Well, it just seems to me it would be sensible now and in the future to make it clear that any so-called commitment is made subject to affirmative action by the Appropriations Committees and by the Congress in the appropriation process, that authorization is not enough and that the assertion by the administration isn't enough, important as that may be. It is the appropriations process which is necessary to be consummated before the commitment can be considered binding.
>
> I think in all fairness to the Bank officials and to the other countries that should be made clear if it isn't clear now.

Mr. Petty, speaking for the Treasury Department, said:

> I think it is. It certainly is explicit in the authorizing legislation and it is also well understood by the legal officers in the documents we file with these instructions.

So the action taken by the Senator from Virginia is right. It is in accordance with the understanding of all parties. We are not breaking any agreement. And so, in view of the action taken yesterday, I support the amendment.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Wisconsin. I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield 5 minutes on the bill to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I support the Senator from Virginia, for the same reason. As the Senator from Virginia and the Senator from Wisconsin know, I would have opposed this amendment except for the addition of $100 million yesterday for the Alliance for Progress loan program. In view of that action I will have to vote for this amendment.

I regret very much the action of the Senate yesterday in adding the $100 million. I think if we keep on adding and adding, we might reach the point where the Senate again will defeat the bill. That prompts me to make a comment on a statement reported in this morning's New York Times attributed to Mr. Kissinger in the White House.

According to the report, he made a statement to the effect that the rejection of the foreign aid bill last October 29 was among the factors, I believe was the way he put it, that accounted for the refusal of the North Vietnamese to negotiate further on the administration's proposal.

I think this is an absurdity on its face, but to make such a statement here on the eve of our voting again on this bill, and try to lay on the Senate the responsibility for the failure of their diplomacy, seems to me to be an outrageous abuse of his position as the President's principal adviser on foreign affairs. It also prompts me to say that here, again, is an example of Mr. Kissinger in the White House claiming executive privilege while usurping the normal responsibilities of the Secretary of State. No longer is the Secretary of State the spokesman in this area. For Mr. Kissinger to say this, with his immunity from coming before the Senate or any legislative body, strikes me as an absurd position. If we asked him to come up and give us an explanation of this statement, he will say, "I am covered by executive privilege; I am not responsible to the Senate, or to the Congress."

He makes a statement which is published on the front page of the New York Times, and there is not anything any of us can do about it, as false as I believe that statement to be. The Senate's defeat of the aid bill could not possibly have had any effect on the North Vietnamese. In the first place, all of the Department of Defense's money can be used to prosecute the war and $2.5 billion of that can be used to give aid to South Vietnam, Laos, and Thailand. They have great discretion in use of these vast sums.

There is only a relatively minor amount, compared to the whole operation in Southeast Asia, in this bill for South Vietnam. The North Vietnamese know that as well as anybody.

In addition, a similar approach, with a cease-fire, and so on, was turned down by the North Vietnamese before this latest effort.

I think this is a very serious abuse of the powers and influence of Mr. Kissinger under the present conditions, and is prejudicial to the discharge of the Senate's function. These statements appear just before we are about to vote on this bill, so that those who are uncertain about it, and have not had time to study the matter, will be influenced to support the bill in toto, as well as, I assume, these increases in amounts.

I confess I was amazed at some of the votes last night adding $100 million to this bill. People who, if my memory serves me right, traditionally have not been enthusiastic supporters of the concept of foreign aid, voted for those increases. But anyway, they won by a majority of four.

I must say sometimes after a vote like that I wonder why in the world I ever say anything about restoring the Senate's responsibility in any area, especially in foreign relations. We have passed various measures—the commitment resolution; we have the Case bill now, and we have a war powers bill—looking to trying to reestablish the responsibility of the Senate in our Government. Yet, when we get down to the serious matter of appropriation of money, and so on, it seems the Senate has no capacity to discharge that responsibility. We see time and again, whenever it involves enormous appropriations for the military and for this appropriation, it seems——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I yield the Senator 1 more minute on the bill.

Mr. FULBRIGHT. And it seems outrageous that when we try to follow the President's recommendation—and I assume he means it—to move in the direction of multilateral aid and let other countries assume a part of the burden, the Senate turns around and votes more bilateral aid. If we assume foreign aid is worthwhile at all, then, when we get significant participation by other countries in the Inter-American Bank and the other banks, it seems to me absurd and improvident for us to insist on giving it all. We insist on paying the whole bill; we do not want anyone else to pay anything. I do not see how that makes any sense. We have just picked up an additional $100 million.

Therefore, I certainly hope that the amendment of the Senator from Virginia will carry.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. I yield myself such time as I may require.

Mr. President, I am amused and amazed by the statements made by my three colleagues. The distinguished Senator from Virginia, who offered the amendment, said that if we are going to cut down on our foreign aid programs, if we do not cut down here, where are we going to cut? I am amazed at the statement made by the distinguished Senator from Wisconsin, the chairman of the Foreign Operations Subcommittee, who stated that we cannot have it both ways, that we cannot raise the amount by $100 million in the Development Loan Fund and then try to keep the amount in the Inter-American Bank. I am also amazed by the statement made by the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, that we are spending too much money and that we should not have raised the amount yesterday by $100 million on the Development Loan Fund.

Let us look at the figures, Mr. President. The budget estimate as presented by the President called for $4.3 billion in foreign aid. After much discussion on the floor of the Senate and after much bickering and after conference with the House Foreing Affairs Committee, the Committee on Foreign Relations came back with a bill which cut the President's budget by $1 billion—from $4.3 billion to $3.3 billion.

Then what did the Senate Appropriations Committee do? The Senate Appropriations Committee went further and cut the bill by another $500 million from $3.3 billions to $2.8 billion.

So here we have a bill presented by the Appropriations Committee to the Senate which calls for a reduction from the President's budget of approximately $1.5 billion. Yet, the distinguished Senator from Virginia says that if we are going to cut foreign aid, we had better cut it here. Let us look at the picture.

The amount authorized for the Development Loan Fund, which was agreed upon by the conference committee between the House and the Senate, and which is now on the President's desk, calls for $206.5 million for the Alliance for Progress. The Appropriations Committee, in the face of the agreement for $206.5 million, recommended $50 million, a reduction of more than $150 million. My amendment to bring that back to $150 million was adopted yesterday. Even with that amendment, we are still below the amount of $206.5 million which was agreed upon by the committee of the distinguished Senator from Arkansas and the House and Senate conference.

It can be seen, Mr. President, that we are not increasing the funds for foreign aid. We are decreasing them by $1.5 billion.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. FULBRIGHT. When the Senator says "under the authorization," I point out to the Senator that because of the improvident way our funds have been spent—and we have a $40 billion-plus deficit—we have to go under what was authorized. With the deficit we have, does not the Senator believe we ought to cut the size of Government programs somewhere?

Mr. FONG. We have already reduced the budget request. The Senator's committee, together with that of the Foreign Affairs Committee of the House, cut it by $1 billion. The President called for $4.3 billion, and the conference report came back with $3.3 billion.

Mr. FULBRIGHT. The total in this bill is now $300 million more than we gave this program in 1970. In 1970 our deficit was nothing like it is this year. It was, I believe, $13 billion. This year it will be more than $40 billion.

The Senator is only mentioning what we cut from what the President asked. The President can ask for the moon. This program is bigger than it was in 1970, and I do not see how we can afford that with a $40 billion deficit facing us, three times greater than in 1970.

Mr. FONG. The conference report passed the House only last week. So all the considerations relative to our deficits were considered, when the committee agreed on the amount of $3.3 billion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. JAVITS. Is it not a fact that, as a businessman, you select what you want to cut? You do not cut what you think will do the most good, and you cut what you can deal with conveniently and what you think should be cut. Did not this body make that decision yesterday? It decided the Alliance for Progress should be cut but not to the $50 million bone. This is just trying to compare rabbits with apples when one argues that because the Senate did not cut a bilateral program drastically yesterday, that they have to cut a separate worthwhile multilateral program today by a greater amount.

The President of the United States told us of the importance of keeping our word if we want to bring people into these multilateral institutions. He said in his statement:

> In regard to our participation in multilateral institutions, I attach the highest importance to meeting in full the financial pledges we make.

We did not want to go the bilateral route quite as drastically as the $50 million represented, so we voted more money for that yesterday but still for below the administrations original request and below the Congress approved authorization level. But that did not mean that we were going to be blind enough to cut off our own self-interest in terms of the development of these multilateral organizations for the future.

I doubt that any Member of this body who voted for the $100 million increase yesterday felt that he was going to take it out of this worthwhile multilateral institution today. The people who voted against it did, but not those who voted for it. I hope they will be constant to the policy and principles they support.

Mr. FONG. The $100 million we added yesterday was far below the $206.5 million that was authorized.

Mr. JAVITS. Exactly.

Mr. FONG. May I say that when they authorized $206.5 million, they also authorized the full amount for the Inter-American Bank, and now this amendment wants to cut it down.

Mr. BYRD of Virginia. Mr. President, will the Senator yield at that point for clarification?

Mr. FONG. I will yield on the Senator's time.

Mr. BYRD of Virginia. This amendment does not deal with the World Bank.

Mr. FONG. I mean the Inter-American Bank.

Mr. President, I think it would be a very severe blow to our Latin American relationships if this body rejected the recommendation of the Appropriations Committee and reduced the amounts for the Inter-American Development Bank below the $261 million figure in the pending bill. As the size and scope of our bilateral programs in Latin America have declined, our support for the Inter-American Development Bank has come to be regarded in Latin America as the principal index of U.S. support and concern for the welfare and progress of that region.

The administration has stated unequivocally how central the Inter-American Development Bank is, both to the overall policy of increasing our reliance on multilateral assistance and to our relationships in the hemisphere. For example, on January 19, President Nixon said:

> In regard to our participation in multilateral institutions, I attach the highest importance to meeting in full the financial pledges we make. In 1970, the U.S. agreed with its hemispheric partners on replenishing the Inter-American Development Bank. Our contribution to this Bank represent our most concrete form of support for regional development in Latin America . . . It is urgent that the integrity of this international agreement be preserved through providing the needed payments in full.
>
> These Inter-American Bank contributions—together with our vital contributions to the International Development Association, the World Bank and the Asian Development Bank are the heart of my announced policy of channelling substantial resources for development through these experienced and technically proficient multilateral institutions . . .

And only this past Tuesday, the President reiterated this emphasis on the importance of these multilateral contributions in a letter to the House of Representatives, which was considering authorizing legislation for the balance of our pledge to the Fund for Special Operations of the Inter-American Bank, as well as U.S. contributions to the International Development Association and the Asian Development Bank. In that letter he said:

> Our contributions to the Inter-American Development Bank . . . are essential elements in our development assistance policy . . . I strongly urge passage of these Bills—Bills which are truly a cornerstone to our search for peaceful development in the world.

Mr. President, the Senate itself, last October 19, went on record, by a vote of 49 to 31, in support of authorizing legislation for the balance of our pledge to the Fund for Special Operations of the IDB. The same legislation on Tuesday passed the other body with a margin of 130 votes. Can there be any doubt that there is the strongest recognition in the Senate and in the House of the importance of our support to the Inter-American Development Bank? And can there be any doubt that the one action that would undo this strong expression of support would be a reduction of the $261 million provided in the present bill for the IDB? As the Washington Post commented editorially early this week on our making good on our pledge to the Bank, "Failure to do so would reverberate dismally through the hemisphere."

This body has consistently been in the forefront of those who believe that we shoud increasingly multilateralize our approach to foreign assistance. We have called on the administration to move in this direction. The adminstration has responded. And here today we have an opportunity to demonstrate whether or not we hold our convictions seriously. There would be little credibility left to the many statements about multilateral assistance in this Chamber if we reduce today the amount recommended by the Committee for the Inter-American Development Bank.

It is now almost 2 years since the replenishment agreement, to which today's appropriation relates, was initiated by the 23 members of the Inter-American Development Bank at Punta del Este, Uruguay. And it is over a year since this body approved the authorizing legislation for these appropriations.

Mr. President, despite the fact that the Latin American countries have acted promptly on their contributions, we have not done so. Consequently, it has already been necessary to postpone the first installment payment for the Fund for Special Operations from June 30 of last year to June 30 of this year, with additional postponements of subsequent installments. It is obvious to everyone that we can easily dissipate a great deal of the good will that we earn through our contributions to this cooperative hemispheric institution by our repeated failure to meet the schedules agreed to with the other members and authorized by the Congress.

We are on a schedule with the 23 nations of Latin America. We have told them that we would do this. They have responded in their way, but we have not responded. What we have done in committee, in presenting this bill, in the amount asked for, is in response to an agreement with the 23 members of Latin America.

There is a similar situation with respect to the ordinary capital. A substantial part of the funds included in the $261 million was originally due last June 30 and only a part could be made available last December under a continuing resolution. Failure to act now would undoubtedly result in another delay on our installment payments due this coming June 30, and our Latin friends would have a further basis to conclude that the United States is simply not very interested in carrying out its undertakings in the Inter-American Development Bank.

It goes without saying, particularly to those who are familiar with the problems of development, that no responsible banking institution can function adequately or effectively on the basis of stop-go financing such as we have been imposing on this Bank. The replenishment toward which today's funds are directed is a 3-year program designed to permit orderly commitment of funds. The IDB management will, if we refuse to provide the full amounts necessary to bring us up to date on installment payments, again be unable to plan ahead for a well-balanced program.

Mr. President, let us not talk in terms of support for multilateral institutions and for our hemispheric partners and then have our actions belie our words. We have encouraged the Inter-American Bank to aim for a lending program of $900 million or more per year. Today's $261 million appropriation is an essential step toward permitting that to come about. Drastic reductions would have to be made in the Bank's operations if we respond to those who would reduce the recommended funding.

Mr. President, those of us who voted successfully yesterday for my amendment to add $100 million to the bilateral alliance for progress appropriation in this bill did so in the conviction that inadequate provision is being made for the needs of our neighbors in this hemisphere. We believed that there is a strong U.S. national interest in seeing to it that the countries to the south of us can make progress toward their goals of economic and human development.

It, therefore, makes absolutely no sense to me for this body, as is now suggested, to turn around and reduce by $100 million the resources that would flow to Latin America through the single most important and accepted instrument of hemispheric development financing, the Inter-American Development Bank. Such an action would simply nullify the step we took yesterday.

It would mean that highways, dams, job-producing industries, irrigation systems, and schools would not be built where there is a desperate need for them.

It would mean, in brief, that we would still be shortchanging both the peoples of the developing region nearest to us and a vital foreign policy interest of the United States.

And what could Latin Americans think of our action other than that this body is simply taking a cynical and hypocritical approach to Latin American relations. They could fairly conclude that we give with one hand and take away with another.

Anyone in this Chamber who has the least concern that Latin America is slowly slipping away from the traditional close and friendly ties we have enjoyed with it should immediately perceive the disastrous consequences that would follow from our failing to provide the full amount for the Inter-American Development Bank that the Appropriations Committee has so wisely recommended. I urge each one of my colleagues to reject any attempt to reduce the amounts presently proposed for carrying out our firm pledges to our Latin American friends through the Inter-American Development Bank. The $261 million now in the bill deserves our full support.

I ask, Mr. President, that the amount which the committee has recommended not be reduced.

The PRESIDING OFFICER (Mr. BEALL). Who yields time?

Mr. BYRD of Virginia. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The Senator from Virginia has 8 minutes remaining. The other side has consumed all its time.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. SYMINGTON. Mr. President, I thank my colleague from Virginia for yielding to me.

This question of multilateral loans has come up on the floor of the Senate over many years. Those who do not really care how money goes into these various foreign countries have supported and support both multilateral loans and bilateral loans. Their primary interest is to move our money out of the United States and into other countries; and they do their best to justify this policy.

Some other Members of the Senate vote for bilateral loans as against multilateral loans; others for multilateral loans as against bilateral.

But the past is not particularly important as we now consider the future. I fully support the amendment of the distinguished Senator from Virginia and ask unanimous consent that statements I made on this subject on August 23, 1967, and February 4, 1971, respectively, be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. The past is the past, but now we have a different position as of today, which nevertheless would appear to be ignored by those who propose this bill.

I have before me an issue of the U.S. News & World Report for February 7, which points out that in the Eisenhower years there were deficits. The largest was $12.9 billion.

In the Kennedy years, the largest deficit, although every year was a deficit, was $7.1 billion.

In the Johnson years, the largest deficit was in 1968, $25.2 billion.

In the Nixon years, the largest deficit as already estimated by the administration for fiscal year 1972 is $38.8 billion, and respected economists tell me, when all the figures are in, it will be a great deal more.

It is interesting to note that 1 year ago this administration estimated the deficit would be $11.6 billion. They now admit it will be at least $38.8 billion. They also have already estimated the 1973 defiict at $25.5 billion. If that deficit is exceeded as much in that year as was the excess this year, we will have a deficit totaling nearly $100 billion.

Consider, Mr. President, the record of the past two decades—16 years of deficits and 4 years of surpluses and it shows a total red ink net of $159.8 billion.

Those terrifying figures—terrifying from the standpoint of the present and future value of the dollar—should be considered as many communities in our country continue to default on such vital needs as school bonds all over the United States, to the point where we now hear of radically new plans for getting money for our schools, plans which can only be excessively punitive to those with limited incomes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I yield an additional 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for an additional 2 minutes.

Mr. SYMINGTON. Mr. President, we know that our central cities, our urban, suburban, and rural areas are badly in need of money to maintain a decent standard of living. At the same time, to my surprise, some in the Senate would add more money today in foreign aid than was recommended before this incredible deficit, became a matter of public record, the largest in the history of the United States except in a year of general war.

I would earnestly hope that this afternoon we would pay less attention to the problems of the people of other nations, nations we have been defending and financing for so many years, and more attention to the problems of the people of the United States.

We have already devalued the dollar. That dollar was still in deep trouble only yesterday. It may well be in deeper trouble tomorrow. And if the dollar goes down, capitalism as we know it could well go down also.

For these reasons I support this wise amendment of the Senator from Virginia and hope it is adopted by the Senate.

EXHIBIT 1

DANGERS IN THE $900 MILLION REQUEST FOR FUND FOR SPECIAL OPERATIONS—INTER-AMERICAN DEVELOPMENT BANK

(Statement by Senator STUART SYMINGTON, Senate Floor, August 23, 1967)

Although the Senate Foreign Relations Committee favorably reported S. 1688 which would double the United States contribution to the Fund for Special Operations of the Inter-American Development Bank, my distinguished colleague, Senator Gore, and I felt we could not support a contribution of $900 million to this soft-loan window of the Bank. Our reasons are detailed in the minority views accompanying the Committee's reports.

At this time I would make a few comments regarding this request for funds.

If approved, this additional contribution of $900 million by the United States would increase the total contribution of the United States to the Fund for Special Operations (FSO), since its inception in 1959, to $1.8 billion.

The amount of money sought from the United States has substantially increased with each request. Unless checked, there will be no stopping of this snowball effect.

Through the years, I have continued to support the lending institutions to which the United States is a contributor, such as the World Bank, the Inter-American Development Bank and more recently the Asian Development Bank, in their regular operations of making loans on a business-like basis in order to finance many worthwhile projects in the underdeveloped countries. It is a fact we all know, however, that other developed countries have not accepted their share of the financial responsibility of these lending institutions. As their economies continue to grow, even without consideration of what we have done with military and treasure to foster that growth, why should not they be expected to shoulder more of the burden.

I can no longer support the "soft-loan windows" of these lending institutions—International Development Association in the case of the World Bank, Fund for Special Operations in the case of the Inter-American Development Bank. These "windows" make loans at practically no interest, for 30–40–50 years, loans often repayable in the currency of the borrowing country.

Loans on such terms are nothing more than grants. Everybody knows that. Therefore they should be so designated, rather than this continuing questionable and slick effort to try to sell the Congress and the American people that they are "loans," and that they will be repaid.

It is argued that a number of the Latin

American nations are finding it difficult to service their short and medium-term debts, also that low interest, long term loans are the solution. As stated in the minority views filed by Senator Gore and myself, however:

"This argument appears to be a straightforward one in favor of encouraging fiscal irresponsibility on a continental basis. If this is even partly true, then the Latin American countries are acting unwisely in taking on an increasing volume of debts, and the United States is not helping its neighbors by underwriting this process."

If these countries continue to obtain these soft loans, or disguised grants, then much of the goal of these international lending institutions, namely to encourage self-help, will be meaningless.

This trend of increasing soft loans and declining hard loans was evidenced in the IDB's 1966 Annual report. That report stated that its soft loans last year totaled $291.3 million, up more than $90 million from 1965. But hard loans fell $21 million to $100.9 million.

It is argued that the balance of payments effect of these additional funds would be delayed until the 1970's; and that they would be relatively minor, as it is estimated the greater percentage would be tied to U.S. goods and services.

First, this argument would seem to imply that our balance of payments will be in a more favorable position in the 1970's—a premise difficult to believe in view of our 18-year continuing unfavorable balance of payments and the mounting costs incident to the Vietnam war.

Second, in regard to "tied-aid" it must be pointed out that any percentage figure of goods purchased in the U.S. can be misleading, as it does not take into account the so-called substitution effect. As stated by an Administration official:

"It is essential . . . that we demonstrate that our *commercial* trade surplus—which is a plus to our balance of payments—is not eroded when we contribute our goods and services through aid. The United States simply cannot afford to lose any commercial sales as a result of its aid efforts."

Of even more immediate importance than the balance of payments, however, are the needs of our own citizens, particularly in the areas of education, employment, housing and health. At a time when these needs are pressing and our resources are limited, it would seem that priorities should be established. As between domestic programs and foreign aid, it is clear to me that domestic programs must have the higher priority.

Congress must accept and exercise its responsibility, especially in that our fiscal and monetary problems, serious for years, are now approaching the critical stage.

The Inter-American Development Bank

(Statement by Senator Symington, February 4, 1971)

Mr. President, on January 11 an article in the Washington Post noted a report by the staff of the Inter-American Development Bank showing that the Bank had lent some $273 million for irrigation projects in Mexico, so many of which have shown disappointing results.

According to the article, and indicating the wise warnings of our former colleague from Tennessee, Senator Gore, the Bank has often been criticized for its poor loan-making procedures; and these Mexican projects are but one more example of the need for that financial institution to operate on a more businesslike basis.

The new budget just submitted to the Congress last week includes a request for $487 million in supplemental 1971 appropriations for the Inter-American Development Bank; also an additional $500 million for fiscal year 1972.

Especially considering the heavy and growing financial problems now facing this Government, let us hope that these two requests for nearly $1 billion, along with requests for funds for other financial institutions—especially those with soft-loan operations—will be more carefully scrutinized by the appropriate legislative committees and the Congress as a whole.

On any basis, and particularly at a time when the need for funds is so pressing here at home, it is hard to understand why the United States should contribute to such uneconomic development projects as those outlined in the staff report with respect to Mexico.

I ask unanimous consent that the article in question, "Bank Criticizes Loan for Mexican Project," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bank Criticizes Loan for Mexican Project

(By Charles E. Flinner)

The Inter-American Development Bank has discovered it has been lending money to irrigate land where most crops can't grow anyway—water or no water.

A staff report circulated among bank officials reports disappointing results from heavy bank lending for many Mexican irrigation projects. A draft of the summary was obtained by United Press International.

The loans for the projects number 23 and involve $273.3 million, equal to 7 per cent of all the bank's lending and more than half of its loans to Mexico.

The staff report says that one of the projects undertaken with the development loan might be successfully converted to fish farming with some more investment but "gale force winds blow daily during nearly half of the year, restricting the adaptability of hybrid grains and other crops which are top-heavy and thus susceptible to blow-downs."

In another case, the bank staff found that irrigation was not very successful because the land involved was too hilly for the type of irrigation undertaken.

The bank has been criticized frequently for its weaknesses in loan-making procedures which should avert such uneconomic development projects.

The bank, mostly run by the borrowers—the Latin American members—has been urged to get on a more businesslike basis before.

It is now in a stage of transition. Its original and only president, Felipe Herrera, a Chilean, has resigned to return to Chile.

The president-elect, Antonio Ortiz Mena, a former Mexican finance minister, is due to take office March 1.

Mr. BYRD of Virginia. Mr. President, I yield myself such time as I need.

The PRESIDING OFFICER. The Senator has one minute remaining.

Mr. PROXMIRE. Mr. President. I yield the Senator from Virginia 3 additional minutes from the time on the bill.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. BYRD of Virginia. Mr. President, I think the Senator from Missouri has put this matter in focus. This country is facing today the gravest financial crisis it has ever faced. Yet we come here with a foreign aid bill which extends the foreign aid authorization which the Senate voted down on October 29. The total figure in the pending legislation before the Senate today, as it has been amended on the floor is $3,100,635,000.

The pending amendment would do simply this. Instead of appropriating $261 million for the Inter-American Bank, it would accept the House figure of $150 million. They would still get $150 million. The Inter-American Bank would still get $150 million. I point out that the United States has put up 57.9 percent of all the money that has gone into the Inter-American Bank, leaving the remaining 40-some-odd percent to 22 Latin American countries.

The Senator from Hawaii laid great stress on the special operations fund. Mr. President, the United States has put up 77 percent of that fund. Seventy-seven percent of the special operations fund has been paid by the American taxpayers.

How long are we going to continue to take tax dollars out of the pockets of the hard-working wage earners of the United States and turn that money over to foreign countries? If we did not have this smashing deficit, then there would be some justification for it. There was some justification for it in the past.

However, as the Senator from Missouri pointed out, this country is in a condition that it has never been in before. It has never been in this position financially. The workingman's dollar is going down and down and is depreciating every day. And why is that? It is because of the way the Senate is acting and the way the House has been acting in the past and the way the administrations have been acting in the past.

Unless we are willing to face up to this and unless somewhere along the line we are going to draw the line and get the United States back on a sound track financially, the wage earners will suffer all the more by a depreciation of the dollar.

So if we are not willing to cut back a little bit—and this does not cut it all out—for the Inter-American Bank, and vote for this figure of $150 milion for a world international financial institution, it seems to me then that it is very unlikely that the Senate is willing to cut back on it, and the debt is likely to be even more astonishing in the coming year.

Mr. FONG. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, we are not making a gift here. We are buying shares in a bank. When the bank loans the money out, it gets the principal and interest back. When we put money in the bank, we are buying shares in the bank. If the Inter-American Bank lends money out, it is 7 percent and 8 percent money.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. SYMINGTON. Mr. President, if we are buying anything of any value it certainly does not reflect itself in this staggering deficit. Twenty years ago the United States had $24.5 billion in gold, and owed $7 billion in current liabilities redeemable in gold.

Today the United States has some $10

billion in gold and owes $35 billion it has pledged to redeem in gold.

From the standpoint of a corporation, therefore this country is broke, completely unsolvent. No one in private business could think of getting a loan with a balance sheet like that.

The fact we have been using our printing presses, the excuses given for shoveling all this money out of this country no longer add up. The deficit of today so proves.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, one of the greatest financiers and one of the most successful men in the Senate, the Senator from Hawaii, says that we are buying shares in the bank, as if we were buying shares in the National City Bank or the Chase Manhattan Bank.

Mr. President, to leave the impression that we are making a good investment is absurd. The bank is a convenient vehicle for giving the money away. However, this is not a good investment. We are not going to get 8 percent return on the money, and we are not going to get anything back. This is a mechanism for distributing the money to Latin America. I do not want anyone to believe that we are buying shares as if we were buying shares in the National City Bank or in the Chase Manhattan Bank.

I submit that the Senator from Hawaii would not want to deceive his colleagues by saying that we are making a good investment.

Mr. FONG. Mr. President, when we put money in the bank, the money is loaned out and is repaid to the bank. We still have our equity in the banks. We are not giving this money away. We are lending it out, and it is paid back. The bank is making money.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the Record a summary statement of investments in and loans by Inter-American Development Bank, as of December 31, 1970. This is from the Government. This is an actual demonstration of what actually happened.

There being no objection, the statement was ordered to be printed in the Record, as follows:

SUMMARY STATEMENT OF INVESTMENTS IN AND LOANS BY INTER-AMERICAN DEVELOPMENT BANK, AS OF DEC. 31, 1970

[In millions of dollars]

	Capital subscriptions		FSO[2] contributions	Total paid-in	Loans approved		
	Total	Paid-in[1]			Ordinary capital	FSO	Total
Argentina	345.8	51.6	115.1	166.7	282.6	222.7	505.3
Barbados	4.1	2.1	.4	2.5			
Bolivia	27.8	4.1	9.2	13.3		82.0	82.0
Brazil	345.8	51.6	115.1	166.7	395.5	403.5	799.0
Chile	95.0	14.2	31.6	45.8	102.3	151.6	253.9
Colombia	94.9	14.1	31.6	45.7	141.9	165.2	307.1
Costa Rica	13.9	2.0	4.6	6.6	15.3	34.5	49.8
Dominican Republic	18.5	2.8	6.2	9.0	6.0	44.5	50.5
Ecuador	18.4	2.8	6.2	9.0	13.8	64.4	78.2
El Salvador	13.9	2.1	4.6	6.7	7.0	15.5	22.5
Guatemala	18.5	2.8	6.2	9.0	11.3	53.8	65.1
Haiti	13.9	2.1	4.6	6.7		12.3	12.3
Honduras	13.9	2.1	4.6	6.7	.5	46.9	47.4
Jamaica	18.5	2.8	6.2	8.0		10.9	10.9
Mexico	222.3	33.1	74.0	107.1	267.9	228.0	495.9
Nicaragua	13.9	2.1	4.6	6.7	19.5	42.9	62.4
Panama	13.9	2.1	4.6	6.7	1.5	34.2	35.7
Paraguay	13.9	2.1	4.6	6.7	6.0	83.6	89.6
Peru	46.3	6.9	15.4	22.3	43.7	134.1	177.8
Trinidad	13.9	2.1	4.6	6.7		8.9	8.9
United States	1,173.5	150.0	1,800.0	1,950.0			
Uruguay	37.1	5.5	12.3	17.8	47.9	40.2	88.1
Venezuela	185.3	27.6	61.7	89.3	104.9	91.2	196.1
Regional					18.5	50.7	69.2
Total	2,763.0	388.5	2,328.0	2,716.5	1,486.0	2,021.6	3,507.6

[1] 50 percent of Latin contributions in dollars.

[2] $35,600,000 of Latin contributions in dollars; rest in own currencies.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. FONG. Mr. President, I yield 2 minutes on the bill to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. I had not intended to speak on this subject, but I am unable to understand the apparent hostility of some Senators toward Latin America. I realize that some three or four Latin American countries have done things which are offensive to us. But there are still some 16 countries which stand by us, which cooperate with us fully, in the United Nations and other places.

When it is said that none of the money loaned by the bank will come back to the United States, that is absolutely untrue. Some will return to some States, none to other States. I expect that States along the southern tier will get more benefit from it than others. But why in the world are some Senators recommending the dumping of hundreds of millions of dollars into other countries and cutting down on our most cooperative neighbors.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Is it not odd that we seem to have interests in almost every part of the globe except the Western Hemisphere? There are areas at our own back door, so to speak, areas where we are neighbors one with another. I would hope that we would wake up to the fact that we have not had a policy in Latin America for all too many years. It is about time that we start to pay attention. Otherwise, other nations will step in and may cause trouble.

Mr. AIKEN. Absolutely. There are others who would do that—let the Eastern Europe nations, the Asian nations, and the African nations fix our policies with Latin America, rather than ourselves doing it. It is extremely important that we reserve the right to have bilateral dealings with the Central and South American countries, otherwise we will not have many friends left on this earth.

I do not think any of this money will come back to Vermont, but that does not make any difference to me. I am concerned with the welfare of the whole Nation.

Mr. MANSFIELD. None of it will come back to Montana. Nevertheless, it is in our interest, I think, that we pay some attention to the countries of our own hemisphere.

Mr. AIKEN. I should think that by our paying attention to the countries of this hemisphere, that those who have had properties expropriated will stand a far better chance to receive compensation for them than by our welshing on Latin America, giving them nothing, and forcing them into alliances elsewhere.

I say let us be friendly with those who have been friendly with us, and not turn our friends over to those who at this point are trying to do everything they can to downgrade us as a nation.

Mr. BYRD of Virginia. Mr. President, I want to make it very clear that this amendment is not directed against any country in Latin America; it is offered on behalf of the taxpayers and wage earners of this country who have to pay the bill.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question occurs on the amendment of the Senator from Virginia (Mr. Byrd). The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Washington (Mr. Jackson), and the Senator from

Wyoming (Mr. McGee) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Cannon) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), and the Senator from Washington (Mr. Magnuson) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Iowa (Mr. Miller), the Senator from Pennsylvania (Mr. Scott), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), and the Senator from Ohio (Mr. Saxbe) are detained on official business. If present and voting, the Senator from Pennsylvania (Mr. Scott) would vote "nay."

The result was announced—yeas 36, nays 46, as follows:

[No. 32 Leg.]

YEAS—36

Allen
Anderson
Bible
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Proxmire
Randolph
Smith
Spong
Stennis
Symington
Talmadge
Thurmond

NAYS—46

Aiken
Beall
Bennett
Bentsen
Boggs
Brooke
Buckley
Case
Chiles
Church
Cooper
Cranston
Dole
Fong
Griffin
Harris
Hart
Hatfield
Hughes
Javits
Kennedy
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—18

Allott
Baker
Bayh
Bellmon
Cannon
Gravel
Hartke
Humphrey
Jackson
Magnuson
McGee
McGovern
Miller
Mundt
Muskie
Saxbe
Scott
Taft

So the amendment of Mr. Byrd of Virginia was rejected.

Mr. FONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I shall yield time in a moment to the Senator from Missouri, but before I do so I should like to yield a moment to the Senator from Illinois to call up an amendment, so that it can be made the pending business.

AMENDMENT NO. 865

Mr. STEVENSON. I thank the Senator from Wisconsin.

Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Stevenson's amendment (No. 865) is as follows:

> On page 4, line 3, strike out "$175,000,000" and insert in lieu thereof "$225,000,000, to remain available until expended: *Provided*, That the funds appropriated under this paragraph shall not be available for obligation in excess of an amount equal to 40 per centum of all contributions (including contributions in cash and the value of food and in-kind contributions) provided for such relief and rehabilitation by any person, organization, or government".

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 10 minutes on the bill to the Senator from Missouri.

MR. KISSINGER, THE STATE DEPARTMENT AND THE CONGRESS

Mr. SYMINGTON. Mr. President, this morning's New York Times carries a front page story by Terrence Smith with the heading "Kissinger Links Aid Bill to Talks." I will quote the two most pertinent paragraphs:

> Mr. Kissinger, President Nixon's adviser for national security, told an unpublicized meeting of relatives of American prisoners of war last Friday that the unexpected Senate defeat of the aid measure might have led the North Vietnamese to believe that United States economic support for the Saigon Government would be ended shortly without any concession by Hanoi in the negotiations.
>
> Three weeks after the Senate vote the North Vietnamese suddenly reversed themselves and declined to send a member of the Politburo to a meeting scheduled for Nov. 20.

Mr. President, this report, if true, is most disturbing, especially while Congress is still considering foreign aid legislation. It appears to be an attempt to brand in the public's mind those of us who oppose some aspects of foreign aid as something less than good Americans who are at least partially responsible for the failure of the President's peace overture. Mr. Kissinger offers no proof of his charge. The public is being asked to accept it as faith as they have been asked to swallow so many other charges that have emanated in the White House during the course of this miserable war.

It would have been far more appropriate for Mr. Kissinger to have made this charge before the Senate Foreign Relations Committee than before a group of relatives of prisoners of war. The report states that the meeting at which he spoke was:

> One of a series of sessions he has held with them (the relatives) during the last year to explain the administration's policy on the war.

Dr. Kissinger can brief the press and talk to private groups but he will not meet with members of the Foreign Relations Committee. It is ironic that the President's top foreign policy adviser will answer questions from a TASS or AP correspondent but not those which trouble members of the Foreign Relations Committee.

Dr. Kissinger will not make himself available to Congress but other White House officials do. There is at least some dialog between the White House and Congress on domestic affairs. The Director of the Office of Management and Budget, the members of the Council of Economic Advisers, the President's Representative for Trade Negotiations, and other White House officials regularly make themselves available to congressional committees. Only yesterday the head of the President's Office of Telecommunications Policy, Clay T. Whitehead, testified before the Constitutional Rights Subcommittee on a matter about which the White House wanted to express its views. I see no reason why Congress should tolerate a situation where the White House can pick and choose who, when, and where it will permit Presidential advisers to testify before Congress.

Make no mistake about it, the handles of power throughout the Government are being centralized in the White House at a rapid pace. Our system of checks and balances is being fast eroded in the process and both Congress and the American people are the losers. In this connection, a trip I have just completed around the world convinces me that this investing of great power in the hands of a White House staff member who briefs the press and various groups on and off the record, but refuses to appear before the Congress, is seriously crippling the prestige of the State Department, to the point the effectiveness of our Ambassadors, in the main able and dedicated public servants, is a matter of grave concern.

Mr. President, in closing I wish to make two observations. The Senate defeated the foreign aid bill on October 29. Dr. Kissinger allegedly said that this defeat was a factor in the North Vietnamese decision to cancel the meeting scheduled for November 20. Notice of Le Duc Tho's illness, and cancellation of the meeting, was said to have been given to the United States by the North Vietnamese on November 17. Yet by November 11 the Senate, through the leadership of the Chairman of the Foreign Relations Committee, had already revived the foreign aid program and passed bills for both economic and military aid. The dead aid program was revived a week before the United States was notified that Le Duc Tho would not appear on the 20th.

Also, according to a report in yesterday's New York Times the North Vietnamese did not cut off negotiations, as the White House *would* have the public believe, but was willing to continue discussions at the working level. The news article states:

> Neither Mr. Kissinger nor any other administration official, however, has explained why it was not possible to have some lower-ranking United States official, such as William J. Porter, the chief of the United States negotiating team in Paris, meet with Mr.

Thuy so as to sustain the momentum of the talks.

I ask unanimous consent to have both of the news articles to which I referred printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

KISSINGER LINKS AID BILL TO TALKS, SAYS DEFEAT BY SENATE WAS A FACTOR IN SUSPENSION OF SECRET PARLEY IN PARIS

(By Terence Smith)

WASHINGTON, February 2.—Henry A. Kissinger has expressed the view that the Senate defeat of the foreign aid bill last Oct. 29 was among a number of factors that led to the suspension of the secret negotiations between the United States and North Vietnam in November.

Mr. Kissinger, President Nixon's adviser for national security, told an unpublicized meeting of relatives of American prisoners of war last Friday that the unexpected Senate defeat of the aid measure might have led the North Vietnamese to believe that United States economic support for the Saigon Government would be ended shortly without any concession by Hanoi in the negotiations.

Three weeks after the Senate vote the North Vietnamese suddenly reversed themselves and declined to send a member of the Politburo to a meeting scheduled for Nov. 20.

Mr. Kissinger addressed the relatives in a private meeting at the White House last Friday. It was one of a series of sessions he has held with them during the last year to explain the administration's policy on the war.

In other conversations in the last week Mr. Kissinger has reportedly expressed the view that many factors may have influenced the North Vietnamese decision, including these:

The negative international reaction to the one-man South Vietnamese election on Oct. 3. North Vietnam may have believed that the spectacle of an uncontested election might reignite antiwar sentiment in the United States and erode support for President Nixon's continued backing of President Nguyen Van Thieu.

The pace of the withdrawal of United States troops. The withdrawals announced during the period may have persuaded the North Vietnamese that the American involvement was headed toward an early conclusion regardless of the progress of the Paris talks.

Implicit in the theory that the defeat of the aid bill may have contributed to the North Vietnamese reversal is the suggestion that the bipartisan coalition—antiwar senators, liberals disillusioned with foreign aid, and fiscal conservatives—might have inadvertantly created obstacles to the secret peace talks.

Perhaps to avoid that implication, Mr. Kissinger has declined to speculate in public on the North Vietnamese motive in announcing that Le Duc Tho, a senior Politburo member, was unable to attend the Nov. 20 session because of illness. The United States responded that the meeting could serve no useful purpose without him, the theory being that lower-level officials could not make substantive decisions.

Hanoi did offer to send Xuan Thuy, the head of its Paris negotiating team, but the United States declined. As a result each side has accused the other of breaking off and thereby deadlocking the talks.

It was on Nov. 17, three weeks after the defeat of the aid bill and while the debate on the merits of the program was still raging, that North Vietnam advised the United States that Mr. Tho was ill. A reduced version of the measure was passed by the House of Representatives and sent to the White House on Jan. 25.

Mr. Kissinger outlined his views during a two-hour question-and-answer session with 25 wives and relatives of prisoners in the Roosevelt Room of the White House. His audience included the leaders of the major organizations of prisoners' families, including the board of the National League of Families of American Prisoners and Missing in Southeast Asia.

According to a source familiar with the meeting, Mr. Kissinger was applauded. Later he was thanked on behalf of the families for his efforts over the past 30 months, disclosed last week by the President, to negotiate a settlement of the war.

The families were asked to hold Mr. Kissinger's remarks in strict confidence.

For the first half of the two-hour session, it was said, Mr. Kissinger briefed them on the secret negotiations, which began in August, 1969, repeating much of what he said at his news conference last Wednesday.

He reportedly stressed the flexibility of the new eight-point American peace proposal, which includes a plan under which President Nguyen Van Thieu would agree to resign 30 days in advance of a new presidential election.

As an example of the Administration's flexible approach, Mr. Kissinger is reported to have said: "If the 30-day time period is too short, we are prepared to consider alternatives. If the North Vietnamese propose 40 days, or 50 days, we are not going to walk out of the room."

It was said that Mr. Kissinger also stressed, as he had in public, that North Vietnam had been stanch in its demand that the United States bring about the overthrow of the Thieu Government as part of any agreement involving the release of the prisoners.

He noted, the account continued, that the Vietcong spokesman in Paris, expecting that President Nixon would offer in his speech last Tuesday to set a timetable for withdrawal in exchange for the release of the prisoners, had rejected the idea in advance. Mr. Kissinger cited that as a demonstration of the fact that the other side would require political concessions as well as military ones in exchange for the prisoners' release.

U.S. RELEASES ITS OWN TEXT OF HANOI PEACE PROPOSALS

(By Terence Smith)

WASHINGTON, February 1.—The Nixon Administration today released its own text of the nine-point peace proposal it received from North Vietnam last June 26 and reiterated its willingness to try to negotiate an agreement on the basis of its provisions.

Except for minor grammatical differences, the text is virtually identical with the version made public by the North Vietnamese in Paris yesterday and published today in The New York Times.

In answer to a question, the White House press secretary, Ronald L. Ziegler, said that "of course" the United States was willing to negotiate on the basis of the North Vietnamese plan. "It has been on the table for months and that is what we have been negotiating about," he said.

Mr. Ziegler also acknowledged that Henry A. Kissenger, the President's adviser on national security, had turned down a North Vietnamese proposal that he meet alone secretly with Xuan Thuy, the head of Hanoi's delegation at the peace talks, in Paris on Nov. 20. His contention was that the negotiation could not be productive unless the North Vietnamese minister was accompanied by a member of Hanoi's political leadership.

NEGOTIATIONS DEADLOCKED

At the same time, Administration sources said, the North Vietnamese failed to respond to an American suggestion that they send another member of the North Vietnamese Politburo in place of Le Duc Tho, a senior Politburo member, who was reported ill at the time. They also failed to empower Mr. Thuy to make substantive decisions in the private talks, the sources said.

Thus, from the record as revealed by both the Nixon Administration and North Vietnam, it appears that it was Hanoi that cut off the secret negotiations at the Politburo level and the United States that declined to continue them at the working level.

The net result was that the private negotiation between the two sides, which had been under way since August, 1969, settled into a deadlock that still continues.

ACCUSATION BY HANOI

The question of which side was responsible for the cancellation of the Nov. 20 meeting was raised yesterday when a spokesman of the North Vietnamese delegation in Paris charged at a news conference that it was the United States that had cut off the talks.

President Nixon, in his televised address to the nation last Tuesday, asserted that it was the North Vietnamese who had "called off" the Nov. 20 meeting. He noted in the speech that Mr. Kissinger had met seven times in Paris with Mr. Tho and Mr. Thuy, and five times with Mr. Thuy alone.

The rationale for the American refusal to meet with Mr. Thuy alone on Nov. 26 was presented by Mr. Kissinger in his news conference last Wednesday. He said that on Nov. 17, three days before the scheduled meeting, North Vietnam advised Washington that Mr. Tho was ill.

"Now everyone who has been engaged in these negotiations knows that in his absence no major change can occur," Mr. Kissinger said, referring to Mr. Tho.

"We tested it ourselves in our experience by; meeting five times with Minister Xuan Thuy, it is simply a fact of the power relationship in Hanoi, that Le Duc Tho, being a member of the Politburo, has authority that no official of the Ministry of Foreign Affairs has."

Neither Mr. Kissinger nor any other Administration official, however, has explained why it was not possible to have some lower-ranking United States official, such as William J. Porter, the chief of the United States negotiating team in Paris, meet with Mr. Thuy so as to sustain the momentum of the talks.

A precedent for this was established on Oct. 11, when an official other than Mr. Kissinger—the Administration has declined to reveal who—presented the latest and most comprehensinve of the American plans to the North Vietnamese.

Instead of offering a substitute for Mr. Kissinger, the United States replied on Nov. 19 that in light of Mr. Tho's illness, "no point would be served by a meeting."

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from Arkansas.

Mr. FULBRIGHT. I commend the Senator for bringing to our attention this statement by Dr. Kissinger. We all know Dr. Kissinger as an extremely able man. He is so able, in fact, that Mr. Buchwald says there must be five of him. He does so much work and moves so rapidly that he thinks there must be five Henry Kissingers. He does give that impression.

Mr. President, this system is a subversion of our constitutional processes. If the Senate wishes to give up any significant participation in our foreign policy, of course we can do it, but I think the Senator from Missouri raises a very important question, and that we must find—if we intend to keep some of the influence which the Constitution gives to this body—ways to bring Mr. Kissinger before the Senate.

It does seem absurd that he makes the remark attributed to him on the front page of the New York Times. When he does so, he is no longer an actual personal adviser of the President; he is, for all practical purposes, the Secretary of State. When visitors come to this town from abroad who are interested in what our policy is, I am told, both directly by some of them and by others who are mutual friends, that the person they want to see is Mr. Kissinger. They want an appointment with Mr. Kissinger to find out what is the policy of this Government, and they know that is the place to find it.

Take ambassadors. It was said the other day that the Norwegians are considering abolishing many of their ambassadors. I think there is a lot of merit in that approach. We have two ambassadors in Paris, but the President does not use either of them to negotiate seriously. He sends Mr. Kissinger to Paris 12 times to talk to Xuan Thuy and Le Duc Tho, the two principal men. What good does it do to have two ambassadors there? To entertain visiting Senators? It would be much cheaper just to give the Senators an entertainment allowance and let them go to the Orion Hotel or somewhere.

The State Department's operation abroad is enormously expensive and serves little useful purpose in the decisionmaking process these days. It is most ridiculous to maintain a State Department of 10 or 12 thousand people, at a cost of $4 or $5 hundred million which does not have any real function, all its functions having been transferred to the National Security Council. But this is what has happened. This latest statement of Mr. Kissinger, I think, bears that out. And he makes this statement without any opportunity for us to refute it. I commend the Senator from Missouri for bringing it to the Senate's attention.

I still do not know what we can do, because the Senate refuses to use the power it has, the power of the purse, to bring any pressure to bear upon the Executive to allow participation of the Senate. I do not know what we can do, but I share the Senator's views about the urgency and importance of our doing something if we are to maintain our constitutional system of government.

Mr. SYMINGTON. Mr. President, I thank the able chairman of the Committee on Foreign Relations. All the people in this country as well as in other countries now know how this situation has been developing, because of the release of the Anderson papers. Whether fortunate or unfortunate, people in our land and other lands now have the facts as to just how our foreign policy is conducted today. This is all being watched carefully, by the people abroad in the State Department, and by those in foreign countries.

I have nothing but good will for Dr. Kissinger. He is a bright man with an excellent intellectual background.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield the Senator 5 additional minutes from the time on the bill.

Mr. SYMINGTON. When you go to this degree in eliminating the State Department from high foreign policy decisions, as the Senator from Arkansas stated, in effect, you have changed the nature of our Government.

Again, on my recent trip several people asked, "If I come to Washington, do you think I would be able to see Dr. Kissinger?" No one mentioned anybody else.

We in the Senate Foreign Relations Committee read about these changes in organizational structure and functioning in the newspapers. I would hope that something is done to put the State Department back in the same respected position it once had in our Government.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. JAVITS. Mr. President, in yesterday's debate on the foreign-aid bill, the distinguished chairman of the Foreign Relations Committee asked a question concerning OPIC's involvement in Chile which was not fully answered in the subsequent debate.

I have received some material on the Chilean situation that will shed some light on this question which is of such interest to the Members of the Congress.

Material I am submitting is a letter from OPIC President Brad Mills on the status of the controversial Anaconda claim.

It is my understanding that Senator Fong will place additional material in the Record on

First, OPIC earnings;
Second, OPIC reserves;
Third, OPIC appropriation requests;
Fourth, OPIC claims; and
Fifth, OPIC fee structure.

This material will help to answer many of the questions now raised.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 2, 1972.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

David M. Abshire, Assistant Secretary for Congressional Relations for the State Department, has asked us, by forwarding a copy of his letter to you, to comment further on the current Chilean situation and in particular the Overseas Private Investment Corporation's expropriation insurance coverage of investments of Anaconda Company in the Chilean copper mining industry. Since your constituent, Mr. George T. Wright, on whose behalf Mr. Abshire wrote you, is a stockholder in Anaconda, I can understand his concern.

In 1971 a number of investments of U.S. companies in Chile were taken over by the Chilean Government. OPIC is making every effort to help its insured investors to work out equitable settlements where possible.

With respect to Anaconda, the Agency for International Development (OPIC's predecessor agency) issued three contracts in 1967 providing for insurance against expropriation of certain new investments by Anaconda and its subsidiaries in the Chuquicamata, El Salvador and Exotica copper mines in Chile. The Chuquicamata contract and the El Salvador contract were issued with respect to equity investments in the total amount of approximately $160 million. The maximum coverage under the contracts totalled approximately $235 million.

For the first two years of the contracts (the contract years ending December 28, 1968, and December 28, 1969) Anaconda, as was permitted under the contracts, elected "stand-by" coverage rather than electing to pay the much higher premium for "current" coverage. The effect of stand-by coverage was that there was no insurance protection in force against events such as expropriation occurring during the contract years in question. In 1969 Anaconda agreed to sell its entire interest in Chuquicamata and El Salvador to the Government of Chile.

A majority equity interest (51%) was transferred immediately, and the remaining 49% equity interest was agreed to be transferred between 1973 and 1981, at a time to be chosen by the Government of Chile. Anaconda has stated that it agreed to the sale, at the insistence of the Government of Chile, in order to avoid expropriation of its entire interest.

The Agency for International Development advised Anaconda in 1969 that it considered that no coverage continued under the contracts. AID emphasized that if the sale was deemed expropriatory, it was not covered because coverage had not been kept on current status; and that if it were voluntary, the transformation of the mining enterprises from private U.S. control to government-controlled companies without prior AID consent contravened the terms of insurance coverage.

Compania Minera Exotica S.A. was not affected by the 1969 sale transaction, and there is thus no dispute as to the insurance coverage for Anaconda's equity investments in Exotica of approximately $11 million. There is, however, a dispute with respect to approximately $11 million of additional coverage under such contract relating to debt. The debt coverage was with respect to a loan by Anaconda to Exotica. In 1970 the insured loan was paid and a new loan was obtained from a bank, with Anaconda becoming contingently liable as guarantor. This was done without notice to AID. It is OPIC's position that under the terms of the insurance contract this resulted in a termination of coverage, and that the insurance coverage does not extend to Anaconda's contingent liability as a guarantor of the bank loan.

If controversies arising out of the contracts of guaranty are not settled by negotiation, the contract terms provide for binding arbitration in accordance with the then prevailing rules of the American Arbitration Association.

In the 24 years these investment insurance programs have operated, they have helped to mobilize over $5 billion of private U.S. investment in lesser developed countries around the world. A little over $4 million has been paid out in claims to date. OFIC insurance contract obligations are backed by the full faith and credit of the United States Government and by substantial OPIC resources. While the situation in Chile faces OPIC with the prospect of sizeable insurance claims, OPIC has approximately $100 million in reserves and retained earnings currently available to cover insurance claims without Congressional appropriation action.

I hope this detailed explanation will be of assistance to your constituent. If we can be of any further help, please feel free to call on us.

Sincerely yours,

[s] Bradford Mills,
Bradford Mills

Mr. FONG. Mr. President, in an effort to provide my colleagues with a complete and well-balanced picture of the Overseas Private Investment Corporation (OPIC), I ask unanimous consent that the background fact sheets on OPIC earnings, OPIC reserves, OPIC appropriation requests, OPIC claims, OPIC fee structure, OPIC risk management, and the need for confidence in the insurance program be printed in the RECORD at this point.

There being no objection, the background fact sheets were ordered to be printed in the RECORD, as follows:

EARNINGS

OPIC's primary source of income is from insurance premiums paid by U.S. investors for their insurance coverage.

The insurance program has earned from insured U.S. overseas investments $140 million since its inception in 1948, contributing this amount to the Federal Budget, and helping the U.S. balance of payments.

The rate of earnings, net of expenses but excluding claims, has been rising steadily over the past several fiscal years. For example, in fiscal 1970 net earnings were $21.3 million; in fiscal 1971, $25.9 million; and for fiscal 1972 net earnings of $32 million are budgeted.

The earnings of OPIC, since July 1969, are invested in U.S. government bonds. Had the full $140 million of fee income received for the 21 years prior to the formation of OPIC been permitted to be invested, it would have earned an additional $40 million which would have been available for OPIC's reserves.

With modest appropriations to supplement its earnings, OPIC would, in the next few years, be able to build up an insurance reserve adequate to meet reasonably anticipated claims, short of a catastrophic loss caused by widespread war or uncompensated expropriations of U.S. investments throughout one or more major developing countries.

RESERVES

OPIC's reserves as of December 31, 1971, are as follows:

1. Insurance reserves—$85 million;
2. Guaranty reserves—$70 million. (This figure is largely determined by the statutory requirement that the corporation maintain a fractional reserve of 25% against outstanding guaranties);
3. Unallocated earnings—$23 million.

The insurance program has earned $140 million in fees from U.S. investors since its inception in 1948. In FY 1970 Congress transferred $50 million of earned reserves to the AID housing guaranty program. (In fiscal 1968 Congress also rescinded $200 million in Treasury Borrowing Authority which had been available to provide prompt payment of insurance claims).

The requested $25 million in appropriated reserves would raise amounts available for the insurance reserve to approximately $110 million by the end of the fiscal year.

APPROPRIATION REQUESTS

In fiscal 1970 OPIC requested $75 million for reserves; $37.5 million was appropriated. In fiscal 1971 OPIC's request for $37.5 million was again reduced by 50% to 18.7 million. Had OPIC's requests been approved by Congress an additional $56.25 million would have been available to augment the current insurance reserve. The request for FY 1972, approved by the House, is for $25 million.

In the President's fiscal 1973 budget, $85 million is requested for OPIC reserves. This figure is based on replacing the $50 million in earned fees, which was transferred by Congress to the AID housing guaranty program in fiscal 1970, plus $10 million of interest on this income which would have been earned had it been invested by OPIC, plus a new appropriation request of $25 million.

CLAIMS

Since the beginning of the investment insurance program in 1948 only $4.2 million, net of recoveries, has been paid in insurance claims.

This historical experience is subjected to change, reflecting the growth of the insurance portfolio, and experience gained in negotiated settlements of investment disputes.

As of December 31, 1971, 21 claims totaling a face value of $250 million had been filed with OPIC. The bulk of this amount is represented by two large claims: one for $104 million against expropriation of the International Telephone and Telegraph Company's investment in Chile; another for $84.6 million for the expropriation of the Kennecott Copper Company's investment in Chile's El Teniente mine.

There are indications that negotiations between insured U.S. investors and host country governments may lead to settlements which would substantially reduce or eliminate many of these claims, including the two largest ones cited above.

Even if not, OPIC is liable to cover only the actual amount of the investment, which in a number of cases is less than the current face value of the insurance.

OPIC FEE STRUCTURE

OPIC increased its insurance fee rates by nearly 50% last March from 1⅛% to 1.5% per annum. The problem here is to arrive at the soundest possible fee structure which will maintain the investment incentive nature of the program intended by Congress. U.S. businesses are competing for the largest potential markets in the world against other industrialized countries, most of which offer their investors lower rates, and greater protection than OPIC. For example, the comparable rate of investment insurance in Germany and Japan is ½ of 1% per year.

RISK MANAGEMENT

OPIC has begun to explore ways in which the political risks of investment in developing countries can be more fully shared by the investors themselves, by other countries, and by private insurers. OPIC has adopted a number of guidelines aimed at reducing its exposure to political risks, particularly in large and sensitive projects such as extractive industries. Just recently OPIC was able to reinsure some $250 million—or 10% of its maximum current insurance liability with Lloyds of London, and is attempting to sell an additional $250 million in the American, European and Japanese markets. In this connection, it is interesting to note that when OPIC asked Lloyds what it should do to reduce its political risk exposure and attract even larger private underwriters the answer came back: "sell *more* insurance in *more* places."

NEED FOR CONFIDENCE IN THE INSURANCE PROGRAM

OPIC must have a program which inspires confidence of U.S. investors—many of them smaller and medium-sized—to have their valid claims paid promptly. To the smaller businessman it is especially true that "time is money" and long delays in receiving valid claims payments could destroy their confidence in the program. Further, it is interesting to note that the companies with whom the government of Chile has indicated its willingness to talk settlement are those which hold valid OPIC investment insurance coverage. From this it can be argued that OPIC insurance can make an important contribution to a negotiated settlement in such cases.

Mr. McGEE. Mr. President, I would like to speak in support of the Export-Import Bank and the excellent contribution that it has made to supporting U.S. exports and helping our Nation's balance of payments.

Over the past 37 years, billions of dollars of export sales have been made which would have been lost without the financial assistance of the Export-Import Bank. And additional billions of dollars of export sales have been financed through the private banking sector which were only financed by our Nation's commercial banks because Eximbank was willing to guarantee repayment of these loans. These export sales would not have been made without Eximbank's help.

The millions of jobs that they represent are located in every State of the Union—on farms, in small business, and in large corporations.

Eximbank loans are approved by members of a board of directors who are appointed by the President of the United States, with the advice and consent of the Senate. It is the responsibility of this board to insure that Eximbank loans are made only when they are essential to consummate the export sale.

To help accomplish this, the Bank requires users of the medium-term and short-term discount programs to certify to Eximbank that their export loan would not be made without Eximbank assistance.

To eliminate any possibility that the Bank competes with private sources of funds, Eximbank 2 years ago adopted a policy of financing only 50 percent of an export transaction, and requiring the borrower to obtain private financing or other sources of funds for the remaining 50 percent.

The policies have been remarkably successful in dramatically expanding Eximbank's support of U.S. exports while at the same time obtaining maximum private participation in the Bank's loans. Indeed, today not a single commercial bank complains that Eximbank's loans are taking business away from them.

To further insure that Eximbank's loans are not only essential for the completion of the export sale, but also conform to the policies of the administration and the Federal Reserve Board, all significant Eximbank loans and guarantees must be approved by the National Advisory Council on International Monetary and Financial Policies composed of the Secretaries of Treasury, State, and Commerce, the Chairman of the Federal Reserve Board, and the Chairman of Eximbank.

It is interesting to note that the National Advisory Council unanimously approved the Bank's recently inaugurated short-term discount program, thus indicating their satisfaction and approval that the program was structured in such a way as to preclude any concern that its operation would run counter to Federal Reserve Board monetary policy.

Eximbank's activities increase U.S. export sales. It has been estimated that every billion dollars of U.S. exports generates 87,000 jobs in the United States. Thus the billions of dollars of exports supported by Eximbank have resulted in millions of jobs for Americans—jobs which enable them to enjoy the highest standard of living in the world.

I firmly support the efforts of the Export-Import Bank to assist our Nation to increase its exports and improve its balance-of-payments situation.

Mr. ROTH. Mr. President, with the appropriation bill currently before the Senate, we approach the final step in consideration of the foreign assistance program for fiscal year 1972. Foreign aid has fared badly in the Senate this year. Last October, for the first time ever in this body, the authorizing legislation was voted down—by a resounding margin of 41 to 27. Although a substitute measure was later adopted allowing the program to continue for 2 years, the October vote stands as a clear warning that the Senate has no confidence in the foreign aid program, as currently constituted.

I am among those who believe we need to take a hard look at foreign aid. My reservations about the program led me to vote "no" last October. However, I supported the later substitute bill, and I support the appropriation measure before us today, because I believe the future of foreign aid should not be decided in a hasty or haphazard way. Our current aid programs involve many nations throughout the world. It seems clear to me that an abrupt shutoff of all aid funds would do unwarranted damage to our foreign relations. It is my hope that by allowing the present program to continue for a year or two longer, we are providing an opportunity for an orderly assessment of foreign aid's strengths and weaknesses and for the development of sound new proposals that will merit the support of the people and the Congress and will further the interests of the United States.

We should make the best use of this opportunity. During the next year or two we should subject our foreign assistance effort to a thoroughgoing reexamination. In carrying out that reexamination, we should give priority to formulating a clear and convincing rationale for foreign aid.

Some might say that the question of rationale is essentially a theoretical issue and therefore unworthy of much attention. I cannot agree. It seems to me that confusion over why we provide foreign assistance is at the root of much of the frustration and dissatisfaction with the aid program.

We hear many criticisms of foreign aid. Yet most of these boil down to a single complaint—that foreign aid is not producing the results we desire.

The problem, I believe, is that we do not have any realistic notion of what results we want. If we read the Foreign Assistance Act we find that, in providing foreign aid, we are seeking to build a more peaceful world, safeguard the security of the United States, and strengthen democratic institutions in foreign countries. The act also contains provisions aimed at using foreign aid to promote U.S. exports, protect U.S. investments overseas, impede trade with Communist countries, and win support abroad for American foreign policies. To read this list of foreign aid objectives is to come away with the impression that it is an all-purpose nostrum for our international ills.

Naturally, it is not. And the contradiction between reality and our proclaimed aspirations is now too obvious to ignore. We need to sweep aside the rhetoric of the past and undertake a rigorous analysis of our foreign aid goals.

This is especially true of our economic assistance programs. In the past there has been a tendency to make inflated claims for economic aid in order to win congressional support. We are now seeing the results of such exaggeration in the widespread disillusionment with our efforts to assist the developing countries.

Encouraged by the success of the Marshall Plan after World War II, we expected to see similarly rapid results in the developing countries. We underestimated the obstacles to modernization in those nations, and, after 20 years of providing aid, we are weary of a task that seems endless.

We have grown skeptical about foreign aid's potential to contribute to a more secure and peaceful world. Some of the principal recipients of our assistance have been involved in international conflicts, and we have ourselves not been able to avoid continuing military entanglements overseas. We are also more dubious about the prospects for using foreign aid to encourage the growth of democratic institutions and to build support for U.S. policies overseas. How much better it would be if, when in the future we consider foreign aid, we acknowledge that economic development is a difficult and uncertain process and that we plan our aid program on the basis of a clear understanding of what we can reasonably expect to achieve.

There are four principal arguments usually made for foreign aid—that it strengthens national security, that it brings economic benefits to our country, that it gives us political influence in dealing with foreign countries, and that it serves humanitarian ends. We ought to test the validity of these arguments as they apply to each of our aid programs. I hope that the Senate will give priority to this task and that in the months ahead we can develop a coherent definition of our purposes in having a foreign aid program. Otherwise, I do not see how we can continue to justify the program to the American people.

We should also scrutinize closely the institutions and procedures we have developed to administer foreign aid. Over the years we have erected a ramshackle structure of programs to channel U.S. resources to foreign countries. Under the heading of foreign aid, we find programs that supply capital—both as grants and loans—offer technical assistance, provide arms and military training, sell surplus agricultural products, and guarantee private investments abroad. The network of procedures and regulations under which these programs operate is equally complex and sometimes self-contradictory.

Our relations with the countries that receive aid are conducted in a variety of ways. In many cases we deal directly with the recipients through bilateral programs, but we also participate in consortia with other countries, and channel funds through international financial institutions. We will need to examine the whole range of our foreign assistance efforts to determine which activities are worth continuing, which should be modified, and which should be discarded.

One area which deserves special attention is our relationship with the international organizations engaged in promoting economic development. Multinational aid programs have been with us for many years; some of them go back to the end of World War II. In this field we now find a wide variety of institutions—the World Bank and its associate organizations, the Inter-American Development Bank, the Asian Development Bank, and many others. The United States has been a regular contributor to these organizations, thereby supplementing the resources we provide a developing countries through our bilateral programs.

Now we are being urged from many quarters to rely more heavily on the international agencies. What is advocated is a shift in emphasis that would make the multinational agencies a principal channel for our development assistance and would decrease our bilateral programs.

Why this growing interest in the international agencies? One argument made for turning to the multinational institutions is that we will thereby reduce the risk of becoming involved in local conflicts overseas. In other words, we will have a better chance of avoiding future Vietnams.

According to this line of thinking, our bilateral programs carry a danger of military entanglement. As we commit resources to other nations and become involved in advising them how to strengthen their economies and modernize their societies, we tend to identify their security and prosperity with our own, to a degree that may not be justified by our own interests. Letting the international lending institutions serve as intermediaries means that our association with the developing countries is less intimate.

Another reason that internationalizing aid seems attractive is that many of us are anxious to be rid of the burden of administering an aid program. When we give aid, we want to be sure that it will be productively utilized; but to do so means that we often have to urge reform on the developing countries. Increasing agricultural output may require land reform. Inflationary monetary policies may have to be curbed to keep the benefits of our assistance from being diluted. Tax policies may have to be changed if the fruits of development are to be broadly distributed among the people.

Any country finds it hard to accept outside advice on such matters. For us to offer such advice creates friction between the United States and the countries we are assisting. We can avoid this friction if we transfer the burden of administering aid to the multinational agencies.

Finally, I think many people feel that multilateral aid provides a way of assisting the poor countries that is more in keeping with our new view of America's role in the world. Where once we felt impelled to assume wide-ranging responsibilities for the economic well-being and military security of other free nations, we now recognize that these countries have become more capable of providing for their own defense and development. President Nixon summed up the new American attitude in his 1970 foreign policy message when he stated:

> America cannot—and will not—conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world.

One way of sharing these responsibilities is to strengthen the international lending agencies. They provide a forum in which we can urge other nations to increase their contributions to our collective development efforts.

These arguments in support of multilateral aid are attractive. We would certainly like to avoid new Vietnams, we would gladly be rid of the irksome chore of administering an aid program, we would like to put our relations with the developing nations on a plane of partnership rather than paternalism, and we would be pleased to have other industrialized nations shoulder more of the foreign aid burden.

However, before we in Congress endorse such a far-ranging redirection of our aid effort, we should take care to inform ourselves fully what the consequences of internationalizing foreign aid will be. It will inevitably mean that we will have less direct control over which countries receive our funds and how they are administered. This may be all to the good, but I think that before we take such a step we should examine closely the capabilities of the international lending agencies to administer the funds and the compatibility of their lending procedures and development philosophy with our interests.

I am struck by the fact that many of those who advocate turning to the multilateral agencies are also concerned about what they consider to be the failure of our bilateral aid program to stimulate political and social reform in the developing countries. I would suggest that our influence for reform is likely to be even weaker if we use the international development banks as intermediaries. Certainly, a study of these agencies should be a priority goal of any congressional effort to restructure aid.

The task we have ahead of us is not easy. But we have obviously reached the end of the road with our current aid program, and we cannot prudently go further without a thorough examination of the terrain over which we expect to be traveling. What we will need first of all is to provide ourselves with a legible road map, in the form of a carefully thought-out rationale for our aid program.

The urgency of our task is clear. A recent survey in my State of Delaware showed that 78 percent of the 19,000 respondents believed that the aid program had not been successful. We cannot expect to win the support of the American people for new foreign assistance measures unless we take the trouble to answer the many questions that have been raised about our aid effort.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 20 minutes, to be equally divided between the able mover of the amendment, the Senator from Illinois (Mr. Stevenson), and the able manager of the bill, the Senator from Wisconsin (Mr. Proxmire).

Mr. FULBRIGHT. Mr. President, reserving the right to object, Is this the Stevenson amendment?

Mr. BYRD of West Virginia. Yes.

Mr. FULBRIGHT. I have in mind offering a substitute to that. When the Senator says 20 minutes, is that 10 minutes to a side?

Mr. BYRD of West Virginia. Ten minutes to a side. I have cleared this with the author of the amendment. The distinguished Senator from Arkansas (Mr. Fulbright), on his substitute, will have 30 minutes, equally divided.

Mr. FULBRIGHT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the further consideration of the pending bill, time on any amendment in the first degree be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. This, Mr. President, is of course with the understanding that, in accordance with the order previously entered, time may be yielded from the time allotted on the bill to any Senator on any amendment, motion, appeal, or point of order, with the exception of nondebatable motions. I have cleared this request with the manager of the bill and with Senators who contemplate offering amendments.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I was not on the floor, and I did not understand what the request was.

Mr. BYRD of West Virginia. May I say to the able assistant Republican leader that I have reduced the time on amendments in the first degree, on the pending bill, from 1 hour to 30 minutes to be equally divided. The previous order providing for the yielding of time from time on the bill to any Senator——

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Has the Senator made this provision for a deadline for consideration of the foreign aid appropriation tomorrow?

Mr. BYRD of West Virginia. I have not. I had hoped that by cutting the time on amendments, the Senate could complete action on the pending business at a reasonable hour tomorrow. By a reasonable hour, I would hope, say 2 or 2:30 p.m.

Mr. JAVITS. We have discussed a proposal which to me is essential to preserve our rights on the pending measure and to keep the two-track system going that, in any case, at 2:30, if this was not finished, we would go to the EEOC measure.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. I yield 1 additional minute.

Mr. JAVITS. If we are in the middle of a rollcall or just about to go to third reading, nobody is going to be that silly. But I did think, in deference to the fact that we are waging quite a struggle here, that 2:30 seemed like the logical hour to the leadership when, on the record, we would go to the other bill.

Mr. BYRD of West Virginia. The distinguished Senator from New York (Mr. Javits) previously discussed this aspect of the pending business with the distinguished majority leader and me. We have the understanding that at about 2:30 p.m. tomorrow, if the action on the pending measure has not been completed, it will be set aside, and the unfinished business will again be taken up.

Mr. JAVITS. Exactly.

Mr. BYRD of West Virginia. I know of only three additional amendments. With the time reduced on each of those three amendments, I feel that the Senate should be able to complete action on this bill by 2:30 tomorrow afternoon.

Mr. GRIFFIN. I thank the majority whip for that information.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the routine morning business, the Chair lay before the Senate the foreign aid appropriations bill, with the understanding that it is not the unfinished business and that it does not displace the unfinished business, except temporarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the senior Senator from West Virginia.

ORDER FOR RECOGNITION OF SENATORS ROTH, BROOKE, AND BUCKLEY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the distinguished Senator from Illinois (Mr. Stevenson), the able Senator from Delaware (Mr. Roth) be recognized for not to exceed 15 minutes; that he be followed by the able Senator from Massachusetts (Mr. BROOKE) for not to exceed 10 minutes; and that he be followed by the able Senator from New York (Mr. BUCKLEY) for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL WATER POLLUTION CONTROL ACT

Mr. RANDOLPH. Mr. President, the Senator from Kentucky (Mr. COOPER) is in the Chamber. As we know, he is the ranking minority member of the Senate Committee on Public Works.

I report from the Committee on Public Works an original bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

Mr. President, I ask unanimous consent that a letter dated February 1, 1972, from Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., February 1, 1972.
Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you may know, authority under Section 5(n) of the Federal Water Pollution Control Act expired on June 30, 1971. Authority under that provision was extended by Public Law 92-50 and Public Law 92-137 through October 31, 1971.

I am forwarding herewith a draft bill which would extend the authority of Section 5(n) from the date of its expiration through the end of the fiscal year.

It is respectfully recommended and urged that the Congress extend the authority of Section 5(n) as expeditiously as possible.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill as reported.

Mr. GRIFFIN. Mr. President, reserving the right to object, the Senator is asking unanimous consent to proceed to the immediate consideration of the bill?

Mr. RANDOLPH. That is what we would like to do because the Environmental Protection Agency has indicated that without certain action in the Senate, which we propose today, there will not be the payment——

Mr. GRIFFIN. The distinguished, ranking Member on our side is on the floor.

Mr. COOPER. Mr. President, we have been considering this subject in the committee since the Senate returned. I have talked with every Member on the minority side. We all know that this must be done. It is a very critical situation. We are only providing funds until the end of this fiscal year to assure the payment of salaries and expenses, $9 million, and $15 million to meet the contract obligations.

Mr. GRIFFIN. I have no objection.

Mr. COOPER. I wholly concur with the chairman of the committee.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, I have no desire to speak on this measure. It has been clarified by my distinguished colleague from Kentucky as to why we ask for this legislation. I would have made that explanation. I am delighted that it has been made.

The Senate has previously acted, but we have not had any action yet from the House—and that is no criticism—but this is rather in the nature of stopgap legislation.

If dedicated and capable employees are to be paid for their services, passage in both Senate and House will take care of the problem. We trust that it can be speedily handled not only here, as we are doing now, but also in the other body.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3122) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3122

A bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is further amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $9,000,000 for the period commencing November 1, 1971, and ending June 30, 1972, for the purpose of salaries and related expenses incurred during that period under this section, in addition to funds made available under Public Law 92-50 and Public Law 92-137."

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.) is amended by striking "and for the four-month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000."

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized in the following order, and each for not to exceed the time stated:

Senator STEVENSON, 15 minutes; Senator ROTH, 15 minutes; Senator BROOKE, 10 minutes; and Senator BUCKLEY, 10 minutes.

At the conclusion of the unanimous-consent orders recognizing Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes. At the conclusion of routine morning business, the Chair will lay before the Senate the pending business, H.R. 12067, which is the bill making appropriations for foreign assistance and related programs. Rollcall votes are expected on that bill and on amendments thereto, the pending question being the amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON) on which a time limitation agreement has been entered limiting the time to 20 minutes, to be equally divided.

Mr. President, if action has not been completed on the foreign aid appropriation bill at a reasonably early hour tomorrow—say, 2:30 p.m.—the leader will set that bill aside and will return to the unfinished business. It is hoped that action can be completed on the foreign aid appropriation bill by 2 p.m. or 2:30 p.m. tomorrow, at which time, the Senate will resume consideration of the unfinished business.

There will be rollcall votes tomorrow.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in ajournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5:02 p.m.) the Senate adjourned until tomorrow, Friday, February 4, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 3, 1972:

DEPARTMENT OF JUSTICE

Ralph E. Erickson, of California, to be an Assistant Attorney General.

Dale Kent Frizzell, of Kansas, to be an Assistant Attorney General.

Henry E. Petersen, of Maryland, to be an Assistant Attorney General.

DEPARTMENT OF DEFENSE

Kenneth Rush, of New York, to be Deputy Secretary of Defense.

Eberhardt Rechtin, of Maryland, to be an Assistant Secretary of Defense.

HOUSE OF REPRESENTATIVES—*Thursday, February 3, 1972*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

Not by might, nor by power but by my spirit, saith the Lord of hosts.—Zachariah 4: 6.

Almighty God, in the quiet of this moment we turn to Thee ere we face the responsibilities of this day. Give wisdom to our minds, courage to our hearts, faith to our spirits that we may lead our Nation in right paths and along ways that lead to peace and justice for all.

Grant that our greatness may be in our goodness, our strength in our spirit, and our faith bear the fruit of righteousness and good will: to the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

VICTOR SHOULD REBUILD AND REFINANCE THE LOSER

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I received this interesting suggestion from one of my constituents this morning, and I would like for all the Members to know it:

> P.S.—Please tell the President that he has lost the war in Vietnam and that the winner has the right to dictate the terms, and so he might as well knuckle under. Also, let me remind him, if he has forgotten the postwar period after the wars that we won, that the victor has the exclusive right to rebuild and refinance the losers.

Personally, I feel the President ought to make this offer. Among others as a member of the Ways and Means Committee, when I look at that terrible deficit I think this might be the way out.

PROTECTING PUBLIC AGAINST CRIPPLING STRIKES IN TRANSPORTATION INDUSTRY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, on December 2, 1971, I stood before this body and pointed to the necessity for effective legislation to protect the public interest against crippling strikes in the transportation industry. Today, I again urge this Congress to act without delay on the problems of transportation strikes.

The west coast dock strike is having a devastating effect on the economy and is particularly harmful to our Nation's agricultural sector. Accordingly, I urge immediate passage of House Joint Resolution 1025 to deal with the west coast strike and prompt consideration of H.R. 3596, or similar bills, to deal in a positive, equitable, and sensible way with the threat—or reality—of national emergency strikes that arise in the transportation industry.

Mr. Speaker, I urge immediate action to remedy this situation.

AGNEW'S INTERFERENCE WITH LEGAL SERVICES

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, the disclosure that Vice President AGNEW has interfered with a lawsuit brought by the Camden Regional Legal Services Office is a perfect illustration of why we must have a National Legal Services Corporation which is not vulnerable to political pressure.

Since the establishment of the OEO legal services program, its attorneys have combined quality representation for tens of thousands of individual clients with vigorous litigation of test cases in the areas of welfare, housing, education, and consumer affairs.

The enemies this program has made constitute a veritable "Who's Who" of the most backward and conservative Government officials. Mr. AGNEW's opposition to its representation of the urban poor in New Jersey places him in the same class as Ronald Reagan, who opposes its representation of the rural poor in California.

The opponents of Legal Services customarily overlook the fact that it is not a political action program. It is designed to carry out the principle that a poor person should have legal counsel as good as that available to a rich one. The attorneys who prosecute lawsuits such as these so assiduously are not acting for themselves, but on behalf of clients who are entitled to the protection of the laws as are Mr. AGNEW's big business campaign contributors. I doubt that he would squawk as loudly if Bebe Rebozo brought a successful lawsuit against a Government official to enforce his rights under the law.

Political interference in lawyer-client relationships is iniquitous and unethical, whether the clients involved are rich or poor; the fact that Legal Services attorneys are paid out of Government funds makes no difference. These attorneys are employed to represent not the interests of the governmental structure, but the interests of their clients.

A nonpolitical, independent National Legal Services Corporation must be established, and I hope that this will occur in the near future.

RESTORING CONGRESSIONAL PREROGATIVES OVER NATION'S REVENUE

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, yesterday I introduced, with cosponsors, my bill requiring that Congress be notified by the President whenever he impounds or authorizes the impoundment, withholding, or deferring of appropriated funds. The measure has 55 cosponsors thus far, and I am most encouraged by my colleagues' interest and support.

In my statement of January 19, I referred to $3.5 billion being withheld by this administration from programs within the Departments of Housing and Urban Development and Agriculture. In the interim, I have received an up-to-date report from the Office of Management and Budget entitled "Budgetary Reserves and 'Impoundment'." I refer my colleagues to my statement of February 1 on page 2047 of the RECORD.

The OMB report is similar to the replies my staff received when researching impounded funds—inconsistent and clouded. But despite the rhetoric, billions are being withheld for needed projects such as water and sewer in both urban and rural communities.

Impoundment has been practiced by both Republican and Democratic administrations. It has reached a high point, however, under the present administration to the degree where the lives of many citizens are unduly affected. Yet, the practice of impoundment is contradictory to our constitutional provisions and traditional concepts of government.

Passage of this legislation, I believe, would restore congressional prerogatives over our Nation's revenue. It will make the Executive responsive to the will of Congress and to the people. And it will restore the traditional concept of the separation-of-powers doctrine.

I will continue to reintroduce this bill as long as Members express the desire to cosponsor.

The cosponsors are as follows:

LIST OF COSPONSORS

Mr. Perkins, Mr. O'Neill, Mrs. Abzug, Mr. Abourezk, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Bingham.

Mr. Burke of Massachusetts, Mr. Burton, Mr. Clark, Mr. Danielson, Mr. Dellums, Mr. Dent, Mr. Dorn, Mr. Eilberg.

Mr. Flowers, Mr. William Ford, Mr. Fraser, Mr. Fuqua, Mr. Gallagher, Mr. Gonzalez, Mr. Griffin, Mr. Halpern.

Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Jones of North Carolina, Mr. Kee.

Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Link, Mr. Macdonald of Massachusetts, Mr. Matsunaga, Mr. McCloskey, Mr. Metcalfe.

Mr. Mikva, Mr. Mitchell, Mr. Montgomery, Mr. Pryor of Arkansas, Mr. Randall, Mr. Rangel, Mr. Roe, Mr. Roncalio, Mr. Stokes.

Mr. Sarbanes, Mr. Scheuer, Mr. Schwengel, Mr. Seiberling, Mr. Thompson of New Jersey, Mr. Charles Wilson, Mr. Ullman.

VICE PRESIDENT AGNEW INDICATES ACTION TO CUT FUNDS FOR CAMDEN LEGAL SERVICES

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, if further proof were needed for an independent legal services corporation, that proof was furnished recently by the Vice President of the United States in the State of New Jersey.

I was shocked and dismayed that the Vice President is exerting pressure with regard to a specific lawsuit in a specific legal action brought by the Camden Regional Legal Services Office.

Fred Speaker, the former Republican attorney general of the State of Pennsylvania and the present Director of the Legal Services accused the Vice President of bringing pressure on that program which he termed "raises substantial questions of legal ethics."

The Philadelphia Inquirer on Monday, January 10, 1972, says:

> Vice President Spiro T. Agnew indicated strongly Sunday that he would act to cut off funds for the Camden Legal Services as soon as he returned to Washington.

Mr. Speaker, this type of action, not only raises questions with regard to the specifics of this matter but also, I believe, further demonstrates the insensitivity of this administration to the judiciary and the judicial process.

Vice President AGNEW, a lawyer, now joins President Nixon, also a lawyer, in the commission of legal ethical bloopers which any freshman law student would avoid.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 21]

Alexander
Aspinall
Bell
Blatnik
Byrnes, Wis.
Celler
Chisholm
Clark
Clay
Corman
Dellums
Diggs
Dwyer
Edwards, La.
Eilberg
Evins, Tenn.
Findley
Foley
Fraser
Fulton
Galifianakis
Gallagher
Gray
Hagan
Hansen, Idaho
Hansen, Wash.
Harvey
Hays
Hébert
Heckler, Mass.
Heinz
Horton
Jarman
Johnson, Pa.
Jonas
Koch
Lennon
McCloskey
McClure
McCormack
McDonald, Mich.
McKinney
Mann
Miller, Calif.
Mills, Ark.
O'Hara
O'Konski
Passman
Pelly
Powell
Pryor, Ark.
Rees
Scheuer
Seiberling
Smith, Iowa
Smith, N.Y.
Teague, Calif.
Thompson, N.J.
Udall
Wolff

The SPEAKER. On this rollcall 371 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 12910, RELATING TO THE CEILING ON THE PUBLIC DEBT

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight, February 3, 1972 to file a report on the bill H.R. 12910, relating to the ceiling on the public debt, along with any separate or supplemental views.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORTS ON H.R. 7088, H.R. 12186, AND H.R. 12143 UNTIL MIDNIGHT SATURDAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Saturday night to file reports on the following bills:

H.R. 7088, to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 12186, to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes; and

H.R. 12143, to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 12089, SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 792 and ask for its immediate consideration.

The Clerk read the resolution as follows:

> H. RES. 792
>
> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12089) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 12089, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill, S. 2097, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 12089 as passed by the House.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Illinois (Mr. LATTA) and to myself such time as I may consume.

Mr. Speaker, House Resolution 792 provides an open rule with 1 hour of general debate for consideration of H.R. 12089 to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse. The resolution further provides that the bill shall be read for amendment by titles instead of by sections and that, after the passage of H.R. 12089, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 2097 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 12089 would create a Special Action Office for Drug Abuse prevention, headed by a Director with broad powers over the conduct of treatment, rehabilitation, education and research programs and activities throughout the Government. The office would be in the executive branch and would coordinate the many independent programs which are presently provided.

A 15-member National Advisory Council would be established to make recommendations to the Director of the Special Action Office.

The legislation amends the Community Mental Health Centers Act and the Public Health Service Act to assure that the drug abuse problem is recognized and dealt with under their programs and additional appropriations are authorized therefor. Planning grants are authorized for the States.

The total appropriations authorized are $12 million for fiscal year 1972 and $181 million for fiscal year 1973 and $228 million for fiscal year 1974.

This money falls into two general categories, Mr. Speaker. One is the area of research where there is such a great need to find an effective drug to block heroin addiction. In that category, as will be brought out in more detail during the consideration of the bill here, $20 million is provided to support section 224, which authorizes by grant, contract and otherwise programs to provide research in this area.

Then there is an additional $49 million in the President's budget that is also in the general category of narcotic research including research to find an effective antagonist or blockage drug to heroin additions. That is a continuing authorization for this kind of research for National Institute of Mental Health. That makes a total of $69 million in present authorizations and in the authorization provided here in section 224 of this bill which may be devoted, if the executive branch finds it is wise to do so, to find an effective blockage or counteracting drug that will either counteract the craving in the body of the addict for heroin or counteract and prevent the euphoria which is the reason why the addict takes the drug, that is, because of the sense of good feeling that he has and that all is well with the world when he takes it.

So that is basically what would be available for narcotic research if the House adopts this bill or, at least, if it authorizes the funds in the general area of research.

In the area of treatment and rehabilitation the total amount available is $289.2 million, broken down into the sums of $164.2 million in the President's budget and $40 million in section 223 of this bill and $60 million in section 301 of H.R. 12089.

Section 223 is what they call a special fund. That is made available to the Drug Abuse Prevention Office headed by the very able and outstanding Dr. Jaffe, one of the outstanding authorities in the narcotics field. He will have control over that $40 million and distribute it among the Federal agencies dealing with this subject.

Then, for section 301, $60 million is available for use through the community mental health centers of the country. Then, there is $25 million that is available to the States and to the general programs that are engaged in the treatment and rehabilitation of drug addicts.

May I add one thing further, Mr. Speaker, I, in the warmest way, commend the able chairman of the Interstate and Foreign Commerce Committee of the House, the Honorable HARLEY O. STAGGERS, and the able chairman of the Subcommittee on Health and Environment, the Honorable PAUL G. ROGERS, which has had special jurisdiction of this bill, for their diligent and dedicated effort to bring forth legislation which will adequately deal, through research, treatment, and rehabilitation, with the curse of heroin addiction in our country. But I do hope these distinguished gentlemen and friends and the members of their committee will regard this bill which we consider today as but the foundation for future legislation and effort in respect to heroin addiction. Aware as these distinguished members are of the menace of heroin addiction to our country, I am sure we may confidently expert that they are going to keep in close touch with what is done under this bill and are going to call upon their colleagues in the Congress and the executive branch to take such additional future action as the public interest may require in meeting the heroin menace and to take such action promptly when it is required in the public interest. Only that confidence on my part in my distinguished colleagues and friends prevents my offering amendments which would attempt to put into this bill much larger sums in dealing with the heroin problem which are contained in the Senate bill than are found in this measure.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. Yes, I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Speaker, I am pleased to speak today in support of H.R. 12089 to establish a Special Action Office for Drug Abuse Prevention. The time has long since passed when we can afford to treat the national drug abuse crisis in a half-hearted and unsystematic way. Concerted professional action is required. The effects of drug abuse on the users themselves, on their families, and on the rest of our social system can no longer be tolerated.

I have long been a proponent of more effective and active Federal action to combat drug abuse. I have cosponsored H.R. 6732, which encompasses many of the preventive provisions of the bill before the House today. In addition, several of the enforcement procedures I have advocated in the past have been incorporated by the President in the newly created Office of Drug Abuse Law Enforcement. I commend the President's action, and sincerely hope that he, and Mr. Ambrose in particular, live up to their responsibility. Stamping out the international sources of the narcotics that wind in our streets, and apprehending and deterring domestic traffic, is an essential part of any serious effort to erase this blight. I have introduced legislation in this regard in the past, and hope that Mr. Ambrose and his agency profit from these efforts.

As important as the law enforcements attempt, however, is the second prong of this attack on drug abuse—the preventive effort that H.R. 12089 creates. The Director of the Special Action Office for Drug Abuse Prevention will have wide and important authority to coordinate a comprehensive, interagency attack on drug abuse. His responsibility for drug abuse treatment, rehabilitation, education and training is tremendous, but so is his opportunity.

The necessity for such an effort is stark and overwhelming. An estimated 200,000 to 300,000 U.S. citizens are addicts. The mayor of New York City has estimated that 50 percent of the prisoners in New York City jails are addicts; and, it is altogether likely that an even greater percentage of crimes are drug-connected. It is evident that massive Federal effort is long overdue.

It would be my hope that the Director will follow an aggressive, yet humane, course in fulfilling his mandate. A crucial part of any effort in this area is educating all our citizens, but especially our young, about the hazards of drug abuse. This deserves our fullest attention and support. The level to start at is the elementary school—not with older children who too often find about drugs through firsthand experience on the street. The specter of 12-year-olds, black and white, poor and rich, dead from overdoses should be evidence enough for the importance of early education about drug abuse. When drug addiction has become the greatest single killer of young people between the ages of 18 and 35, when an estimated 25 percent of the Nation's addicts are teenagers, early educational efforts are mandatory.

In connection with this, I would like to express my disappointment with a New York budgetary action which mandates that funds for drug programs can only be used for treatment and not for education and prevention. I support the statewide citizens' lobby being organized to insure continuation of educational programs, and I will investigate the possibilities of Federal action on this problem.

The State has allocated $23 million for the present school year for drug education and prevention programs. But under the Governor's recent budget restriction, funds for drug programs after June 30 can be used only for treatment and not education and prevention. This strikes me as not only an unbalanced, but an unwise decision, especially in light of the evidence of success school officials report for current drug education programs. It seems to me, if I may quote an old cliché, that an ounce of prevention is worth a pound of cure.

I would like to call attention once again to an area of drug abuse in which I recently introduced legislation. We must insure the most humane and helpful treatment for drug-addicted servicemen, many of whom are Vietnam veterans or are still there. We must insure confidentiality between doctor and patients in the Armed Forces. We must provide for honorable discharges for GI drug abusers, not only in the future but retroactively and for their civil commitment to Public Health Service drug treatment facilities. Of the 16,000 U.S. servicemen discharged for drug related reasons, an astounding 11,000 have received less than honorable discharges. This cruel practice makes them ineligible for the slim Veterans' Administration drug treatment facilities and closes them off from future jobs. Such a situation must be prevented for the estimated 20,000 to 30,000 servicemen in Vietnam alone who are using drugs today. To my mind, our treatment of GI drug users has been an unbearable national disgrace. I urgently hope that the Director of the Special Action Office shares that view and will use his wide powers to extend all the aid he can to these men.

Finally, Mr. Speaker, I would like to repeat a point I have made on this floor in the past. We must, once and for all, recognize and treat drug abuse as an illness, not a crime. Acting as though these people are lawbreakers only creates a self-reinforcing cycle that forces addicts farther out of society.

If there is an illness, if there is a germ that must be combated and eradicated, it must be in our social body. The disease is national. If conditions of poverty, despair, alienation and war were not prevalent then drug abuse would largely be a problem of the past. Priorities in this Nation must be reversed so that people, not things, so that earth, not space, so that peace, not war become paramount. In this way, will we reseach the ultimate cure for drug addiction.

Mr. GROSS. Mr. Speaker, will the gentleman yield:

Mr. PEPPER. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of $49 million being budgeted but he did not apply the same criteria to the other sums. Are all sums in this bill budgeted—to be found in the budget? Does the gentleman know?

Mr. PEPPER. No, not all of the funds in the bill. However, that will be explained in more detail by the able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS). The $49 million is budgeted pursuant to a previous authorization and a continuing authorization for the National Institute on Mental Health. But I do not think all of the items in the bill are yet budgeted. I think, however, that this bill has been prepared in the closest cooperation with the parties connected with drug prevention and abuse. I will anticipate that there will be a subsequent or a supplemental budget request to embody what is proposed in this bill.

Mr. GROSS. With respect to the rule is there some reason other than expedition that the rule provides the bill be read by titles instead of sections?

Mr. PEPPER. That is all, according to my understanding.

Mr. GROSS. I thank the gentleman.

Mr. PEPPER. I yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, I would like to ask the gentleman at the appropriate time, and I suppose this would be the appropriate time, I would like to know why the gentleman has chosen this language which appears on page 11 of the report:

> The Director may prescribe any requirements, limitations, or criteria that he deems appropriate with respect to the expenditure of funds in any manner for drug abuse prevention function, as long as those which he prescribes do not conflict with statutory provisions.

I would like to know whether the gentleman construes this language as giving the Director of the Special Action Office authority to regulate the Veterans' Administration budget request or to withhold money appropriated?

Mr. PEPPER. I will say to the gentleman that the gentleman from West Virginia (Mr. STAGGERS), chairman of the Committee on Interstate and Foreign Commerce, will speak on this as we make the legislative history here.

However, my understanding is that the prerogative of the Director, Dr. Jaffe and his able staff is that he is the principal maker of drug policy. If he cannot get an agreement on the part of the Federal agencies and the programs and the programs he recommended, he can make a recommendation to the President to exercise this authority.

I yield to the gentleman from West Virginia for a further explanation.

Mr. STAGGERS. Insofar as drug prevention is concerned, the answer is "Yes."

Mr. TEAGUE of Texas. I would like to ask one other question and that is whether he has authority to transfer money available to the Agency from one function to another.

Mr. PEPPER. To refer it to one agency from another?

Mr. TEAGUE of Texas. Yes.

Mr. PEPPER. That would be with respect to his agency dealing with drug abuse prevention, but as I stated earlier, I think it is the intention of the President and the intent of this law that Dr. Jaffe is to have overall policymaking prerogative in the drug abuse area.

Mr. STAGGERS. The answer is "No." Each group has a line item and they must stay by that.

Mr. TEAGUE of Texas. But the answer to the first question is "Yes."

Mr. STAGGERS. That is correct.

Mr. TEAGUE of Texas. But he would have authority to regulate the Veterans' Administration budget request and to withhold money appropriated or order the transfer of money available to the agency from one function to another?

Mr. STAGGERS. Only insofar as drug abuse prevention is concerned.

Mr. TEAGUE of Texas. As far as drug abuse is concerned with reference to the Veterans' Administration he has authority to do this under this bill?

Mr. STAGGERS. Yes.

Mr. TEAGUE of Texas. However, he does not have the authority to transfer money from one agency to another?

Mr. STAGGERS. That is right.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield further?

Mr. PEPPER. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, I am abundantly opposed to giving this man the authority to withhold veterans' money that has been appropriated or to regulate the Veterans' Administration request.

CALL OF THE HOUSE

Mr. TEAGUE of Texas. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PEPPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Abourezk
Alexander
Anderson, Ill.
Aspinall
Bell
Blanton
Blatnik
Byrnes, Wis.
Cabell
Carey, N.Y.
Casey, Tex.
Cederberg
Celler
Clark
Clay
Corman
Dellums
Diggs
Dwyer
Eckhardt
Edwards, La.
Erlenborn
Evins, Tenn.
Findley
Fisher
Fulton
Galifianakis
Gray
Griffiths
Hansen, Idaho
Hansen, Wash.
Harvey
Hays
Hébert
Heinz
Horton
Jarman
Johnson, Pa.
King
Koch
Leggett
Lennon
McCloskey
McDonald, Mich.
McEwen
McKinney
Macdonald, Mass.
Mann
Michel
Mills, Ark.
Murphy, N.Y.
O'Hara
O'Konski
Passman
Patman
Pelly
Powell
Price, Tex.
Pryor, Ark.
Rees
Reid
Roy
Scheuer
Schwengel
Seiberling
Smith, Calif.
Smith, Iowa
Springer
Teague, Calif.
Thompson, N.J.
Udall
Widnall
Wilson, Charles H.
Wolff

The SPEAKER. On this rollcall 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 12089, SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Mr. PEPPER. Mr. Speaker, I just want to add briefly that this may well be one of the most important pieces of legislation that this House will consider either now or in the immediate future, because it has tried to make a comprehensive approach to one of the worst, one of the most serious curses facing this country today and that is the problem of heroin addiction.

Mr. Speaker, we have testimony that there are between 250,000 and 300,000 heroin addicts in this country today, most of them young people.

In the city of New York alone, three people a day on an average, will die from heroin addiction.

In my county of Dade in Florida where Miami is the principal city, 48, mostly young people, died last year from heroin addiction.

The head of the Bureau of Narcotics and Dangerous Drugs, Mr. Ingersol, an able man in this field, testified before our Crime Committee that it is his estimate that drug addiction, particularly heroin, was costing this country between $2.5 billion to $3 billion a year. I think that estimate is very low.

In addition to that, the authorities tell us that about 50 percent of the violent street crime in this country is attributable to heroin addiction, to the addicts going out and committing crime in order to get the money with which to buy heroin at the price of $50 or $75 a day in order to support their addiction to this drug.

We had a hearing in New York a little while ago where the prosecuting attorneys for New York County and the Bronx testified that 48 percent of the cases in their respective counties—the largest counties in that complex—were attributable to heroin addiction and that another 25 percent were crimes committed by heroin addicts to get the money to buy heroin.

So, Mr. Speaker, we are dealing with something that is responsible for 50 percent of the violent crimes in this country, something that is taking the lives of so many of our youth and ruining the lives of so many more, something that is congesting many of our courts and costing our country many millions of dollars a year.

It has now permeated the Armed Forces, particularly those of our young men who are serving and have served in Southeast Asia.

So, it is a very challenging job. This bill which has been given very careful thought is designed to provide the money and the means for the research programs through which it is hoped that something better than methadone or better than the other treatments that we are now employing as counteraction drugs can be found and the bill is designed for treatment and rehabilitation programs that will reach into every community in America in order to give them an opportunity to try to do something for these people who have fallen victim to heroin addiction.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, in conclusion I hope that this rule will be adopted in order that this important legislation may be considered by the House.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statements just made by the gentleman from Florida (Mr. PEPPER). This resolution calls for an open rule with 1 hour of debate. The purpose of H.R. 12089 is to bring about the most effective deployment of Federal resources against the growth of drug abuse in the United States by providing for the creation of a Special Action Office for Drug Abuse Prevention under a Director having broad powers over the conduct of drug abuse treatment, rehabilitation, education, and research programs and activities throughout the Federal Government. In his message of June 17, 1971, the President called for the establishment of such an office, and while H.R. 12089 confers less sweeping powers on the Director than would the original administration proposal, he nevertheless is given substantial authority.

Although policymaking powers of the Director extend only to the so-called demand side of the drug abuse problem, the bill makes clear that in the exercise of his responsibilities he is to maintain communication and liaison with governmental officials concerned with the "supply side," that is, illicit trafficking both domestic and foreign.

The bill also amends the Community Mental Health Centers Act and the Public Health Service Act to assure that there is recognition of the drug problem in the conduct of programs carried out under those acts, and additional appropriations are authorized for planning and evaluation and for the support of special projects in areas where the need is greatest.

Cost: This bill will authorize $12,000,000 for fiscal 1972, $171,000,000 for fiscal year 1973, and $228,000,000 for fiscal year 1974.

The major amendment added by the Committee on Interstate and Foreign Commerce provides:

> The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House (1) to information, documents, and studies in the possession of or conducted by the Office, or (2) to personnel of the Office.

Mr. Speaker, there may be some amendments necessary to page 13, as the gentleman from Texas (Mr. TEAGUE), has already indicated.

Mr. Speaker, I would like to point out to the House that the President has recognized the need for this legislation and in his message on June 17 to this Congress he requested it. The next day, on June 18, 1971, the legislation was introduced, and here we are on February 3, 1972, just debating it on the floor of the House. In my humble judgment, Mr. Speaker, with the crisis we are facing in this Nation in the area of drug abuse it is high time that this Congress acts and that it act today without further delay, and I hope we can pass this rule and eliminate some of the objections that might be raised to the bill and get the bill passed because, as I say, I think the country needs it and it needs it now.

Mr. Speaker, I have no requests for time.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The SPEAKER laid before the House the following resignation from the Committee on Post Office and Civil Service:

WASHINGTON, D.C.,
February 3, 1972.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with a great deal of regret that I must ask you to accept my resignation as a member of the House Committee on Post Office and Civil Service.

For some time there has been a conflict in duties between my two Committees and the situation has recently become more strained by my assignment to the Research and Development Subcommittee of the House Committee on Armed Services. I have attempted to give full and good service on both my Committees and when I began to feel that one duty might suffer because of the other, I reached the decision that in all good conscience I would have to relinquish my assignment to the Committee on Post Office and Civil Service.

I have greatly enjoyed my service on this Committee and am very sorry that it must come to an end. It is requested that my service with this Committee be terminated as of February 3, 1972.

Sincerely,

C. W. BILL YOUNG,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. STEELE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Connecticut will state his parliamentary inquiry.

Mr. STEELE. Mr. Speaker, my parliamentary inquiry is this, on last Thursday several bills which I had been working on for months, but had not yet introduced, were dropped in the hopper with the names of Members on them who had no knowledge of the contents of the bills or that they were sponsoring the legislation. The bills dealt with the improvement of firefighting and the reduction of the casualties of fire in America. I believe this incident points out a serious hole in the House's procedures which could work to the detriment of all Members of the House. I believe it is essential that we take immediate steps to correct this situation. My inquiry is whether steps are being taken to prevent such a recurrence for the protection of all of us.

The SPEAKER. In response to the inquiry made by the gentleman from Connecticut, the Chair desires to make a statement concerning the introduction of bills.

It has come to the attention of the Chair that several bills have been introduced recently in the names of Members who have no knowledge of or responsibility for their introduciton.

Rule XXII of the rules of this House makes it clear that Members, and Members alone, have the right to introduce bills—that is, to cause them to be placed in the hopper here at the Clerk's desk. When a bill is found in the hopper, it has been assumed to be authentic.

The Chair has observed, and knows it has become common practice, that Members' offices often send bills to the floor by messenger or page and ask that they be dropped in the hopper by a page or a doorman. The pages and doormen, of course, have no way of knowing the authenticity of bills which they receive by messenger or otherwise.

It would seem to the Chair that it would be a much safer practice if Members, in addition to having their names typed or printed on the bills, would also affix their signatures thereon. Members would also be protecting their own interests if they would personally place their bills in the hopper.

The Chair feels that the right to introduce legislation is one of the most important and fundamental rights of the Members of this House. It should not be a slipshod or casual practice. In the interest of safeguarding the integrity of this process, and to protect Members against future instances where bills are introduced without their authorization, the Chair is issuing instructions that the pages, their overseers, and other employees in the Chamber shall have no authority to place any bill, memorial, petition, or other material in the hopper unless it bears the original signature of a Member thereon. In the case of a bill or resolution which is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature of the Member.

Finally, the Chair suggests that the Clerk of the House notify all Members of this statement so that they will be aware of this new policy and procedure for the introduction of legislation.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12089) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12089, with Mr. FRASER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes and the gentleman from Minnesota (Mr. Nelsen) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, you heard the two members of the Committee on Rules, the gentleman from Florida (Mr. Pepper) and the gentleman from Ohio (Mr. Latta) explain the bill and say that it was a very important bill. In fact, both of them agreed that it may be one of the most important bills being considered by this session of the Congress. This is a bill affecting human beings and the health of the land.

Mr. Chairman, I would like to compliment my colleague, the gentleman from Florida (Mr. Rogers) and the ranking minority Member, the gentleman from Minnesota (Mr. Nelsen) and all the members of the Subcommittee on Public Health and the Environment for the lengthy hearings that they had on the bill. They held hearings for 20 days and took 4 days for the markup. They heard 110 witnesses. So you know the bill was not just summarily put together and brought to this House in a hasty fashion.

When you hold 20 days of hearings and hear 110 witnesses, you know a lot of time has been put in working on the bill. So I would like to compliment the subcommittee for all the work they have done. I think they have done an excellent job.

The bill came out of the subcommittee unanimously. It came out of the full committee unanimously. A similar bill has been passed by the other body and it was passed unanimously.

The bill which came out of the Senate authorized an appropriation of approximately $1,800,000,000. The House bill which we are now considering authorizes $411,000,000 over 3 years, and is one that will do the job. It will bring the many different agencies handling this matter together.

As was stated by the two gentlemen who appeared for the Rules Committee, one of the purposes of the bill is to combat crime in this country and to prevent the degradation of the human being. An example of such degradation was depicted in a picture in a magazine the other day. It showed a boy hanging on a rope, and the statement accompanying the picture was, "This is the kick that most of these boys get." We know our young people are really hanging themselves when they get hooked on the different drugs. That is what we are trying to prevent, and where prevention fails, we hope to provide a cure.

We are trying to combat drug abuse not only by prosecuting those who manufacture drugs, and those who peddle and sell them, but also through research into blocking agents, and through treatment and education, and helping those who have been addicted, in an attempt to keep youngsters and older people from getting hooked on drugs.

I think it is essential now that the Congress have the vision to look ahead and do something about this problem.

We have provided for a combined approach by all of the agencies that have anything to do with drug research, rehabilitation, correction, treatment, and so forth. We wanted to bring them all up to date and to provide that they have a unified approach so that they might have the best program that could be devised. If we would leave one agency out, we know we would have a weakness in the chain. So we have taken in every one of them and have said, "We want to make the program strong, as strong as we possibly can, by placing them under the umbrella." That is the reason for several of the agencies being brought into the scope of the bill.

Mr. Chairman, this bill incorporates recommendations made by the administration to provide for the establishment of a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. The principal purpose of this Office is stated in section 221(a) of the bill, which states that—

> The Director shall provide overall planning and policy and establish objectives and priorities for all federal drug abuse prevention functions.

The term "drug abuse prevention functions" means any program or activity relating to drug abuse training, treatment, rehabilitation, or research.

There are a number of Federal programs dealing with the overall subject of education, training, treatment, rehabilitation, and research in the field of drug abuse. These programs are carried out by a variety of agencies, whose roles and missions differ. This means, as a practical matter, that the programs of these agencies are not necessarily consistent with each other as they relate to drug abuse prevention. Among the programs and activities of the Federal Government in this field are the Narcotic Addict Rehabilitation Act of 1966, which is administered by the Department of Justice, as well as the Omnibus Crime Control and Safe Streets Act of 1968. The Department of Labor has a drug abuse program under the Manpower Development and Training Act of 1962. The National Institute of Mental Health conducts a number of programs relating to drug abuse, both under the Public Health Service Act and the Community Mental Health Centers Act. The Office of Education in the Department of Health, Education, and Welfare administers the Drug Abuse Education Act of 1970. The Office of Economic Opportunity has programs in this fields, and two of the largest programs in the Federal Government are run, respectively, by the Department of Defense and the Veterans' Administration.

The function of the Director of the Special Action Office will be to see that all these various programs are carried out in a consistent manner.

The Director is given the same authority over projects and expenditures in the field of drug abuse prevention as is presently exercised by the Office of Management and Budget, but the bill specifically prohibits the Director from waiving or disregarding any limitation or requirement prescribed by law with respect to any Federal program or activity. The administration proposed even more far-reaching authority which the committee was unwilling to provide, under which the Director could have transferred funds from one agency to another. We have limited the Director's authority to grant him the same, but no more, authority as is exercised by OMB.

Some concern was expressed that the Director, in exercising his authority under this bill, might limit or restrict other agencies from carrying out their primary mission. For that reason, the bill was amended to make it clear that the Director's authority is limited to the conduct of drug abuse prevention functions, and does not extend to other programs or activities of the Department of Defense or the Veterans' Administration.

The bill is a 3-year bill, with the authority of the Director terminating June 30, 1974. The Special Action Office is authorized appropriations totaling $200 million, for the purpose of establishing new programs of drug abuse prevention, research into drugs for treatment of drug abuse, and for training.

In addition, another $211 million in new funds is authorized for programs under the Community Mental Health Centers Act, and for grants to the States for planning and evaluation of more effective drug abuse prevention programs.

The bill is designed to insure that, in the field of drug abuse prevention, the Federal Government will begin to speak with one voice, instead of a multitude. We feel that this bill will make a significant contribution to more effectively meet the problem of drug abuse in the Nation, and I think the bill should pass the House unanimously.

If there are any questions about the bill, I shall be glad to answer them, or I am sure the chairman of the subcommittee, Mr. Paul Rogers, or Mr. Nelsen, the ranking member on the other side, would be glad to answer any questions at all.

The bill is one should have been passed a few years ago. The time is now late. The time has come when we must pass this bill.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I think any Member of this body who would read the hearings that the gentleman's subcommittee had, and particularly when it had Dr. Jaffe before it, could not come to any conclusion except that he was arrogant and egotistical. He came from Chicago to be God over the drug abuse prevention program.

As the gentleman knows, I am interested in the veterans program. I think the Veterans' Administration has done a good job in drug abuse prevention, and they are now doing a good job. It is my understanding that there is a stay order on the VA hiring any new personnel for its 32 centers. This causes me to fear this bill as far as the VA is concerned.

I think Dr. Jaffe is going to set himself on a pedestal over everyone, and eventually we will wish we had never heard of him.

I should like to ask the gentleman this question: On page 11 of the report the committee has included language which makes clear that the Director of the Special Action Office may not interfere with the basic mission of the Veterans' Administration and the Department of Defense. On the other hand, the report contains this language on page 11:

> The Director may prescribe any requirements, limitations, or criteria that he deems appropriate with respect to the expenditure of funds in any manner for drug abuse prevention functions as long as those which he prescribes do not conflict with statutory provisions.

I should like to ask the gentleman whether he construes that language as giving the Special Action Office the authority to regulate the Veterans' Administration budget request or to withhold money appropriated.

Mr. STAGGERS. I did not catch the gentleman's question. I am sorry.

Mr. TEAGUE of Texas. The question is whether Dr. Jaffe will have the authority to regulate the Veterans' Administration budget request or withhold services out of money appropriated?

Mr. STAGGERS. Only insofar as it has to do with drug abuse prevention functions.

Mr. TEAGUE of Texas. Of course, drug abuse is what the bill is all about.

Mr. STAGGERS. That is right.

Mr. TEAGUE of Texas. But he does have the authority to withhold money?

Mr. STAGGERS. No, I would say not. Let me put it this way, that if this ever happened and was brought to the attention of this Congress, certainly action would be taken immediately. But I would say to the gentleman, Dr. Jaffe has no jurisdiction to withhold funds, except where drug abuse prevention is concerned.

We want veterans to have the same treatment as the armed services people. We say to every man in the armed services that he will be brought under this protection of rehabilitation and treatment and counseling. We say the men who are veterans now, or in the VA hospitals, should be entitled to the same thing.

We are not giving the Director any more authority than the OMB has today. We want this to be a uniform bill to take care of our veterans, and our servicemen, and those in the ghettos, as well as those who live in the country 20 miles from anywhere.

Mr. TEAGUE of Texas. Someone may correct me if I am wrong, but I think if the gentleman will read the hearings, he will find that Dr. Jaffe testified before the gentleman's committee that Dr. Jaffe had authority to do this under the bill.

Mr. STAGGERS. No more than OMB has.

Mr. TEAGUE of Texas. If OMB has authority to do this, why does the gentleman want to give this to Dr. Jaffe?

Mr. STAGGERS. There was very broad authority in the original bill, and Dr. Jaffe testified to that, but this bill changed that authority to limit it to the same as OMB has. The Director of Veterans' Affairs, Donald Johnson, came up and testified on this, and testified they were for it wholeheartedly. They thought it would be a good thing for the veteran.

Mr. TEAGUE of Texas. The gentleman knows that Don Johnson is given his orders in the Office of Budget and Management, so his testimony is not so important. But I have much fear of turning this over to Dr. Jaffe, and from reading his testimony and hearing what he said, I do not trust him.

Mr. STAGGERS. This committee will keep watch, I assure the gentleman from Texas, over what is going on, and if there is any protest, I hope the gentleman from Texas would let me know.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, let me say I appreciate the assurance given by the gentleman from West Virginia to the chairman of the Committee on Veterans' Affairs. The committee is concerned about having an effective continuation of the VA program on this problem, and it is reassuring to know that there is going to be some oversight on the operation of this program.

We have in Oklahoma, of course, two major VA hospitals, and we do not want to see those hospitals handicapped or crippled in any way in the overall problem they have in dealing with the drug situation in connection with the returning veterans.

I note in the gentleman's report that the Director of this new agency is going to have a considerable amount of leeway in the exercise of his responsibilities for communication and liaison with government officials concerned with the supply and sale of the drugs, concerned in the problem of illicit traffic, both domestic and foreign.

I wonder if the committee in its inquiries found out anything from the administration about why they have delayed so long in putting additional available Federal manpower on this law enforcement problem? Some of us on both sides of the aisle have been urging the administration for 2 years to give some added authority and responsibility to the FBI and U.S. marshals and other Federal law enforcement officials to beef up this slender narcotics force we have on this problem. The Federal Narcotics agents are doing a great job, within their slender manpower capability, but we could add 10,000 men overnight by giving some concurrent jurisdiction to these other Federal law enforcement agencies. Why it has not been done, I do not know. If the gentleman has an answer, I would like to hear what it is.

Mr. STAGGERS. First, I would like to take up the question of the veterans. If this legislation does not improve drug abuse treatment in the veterans' hospitals of this Nation, certainly this committee is going to be very directly concerned.

We are going to try to see that it is done not only for them but also for every other human being in the Nation.

In relation to the enforcement part, this bill has nothing to do with it, except we want to keep liaison. Last year we passed a bill authorizing 300 additional personnel on the enforcement side.

There should be close liaison between those dealing with demand and those dealing with supply. This bill only has to do with demand, not the supply. The gentleman is talking about something else. As I said, we passed a bill last year authorizing 300 additional personnel.

Mr. EDMONDSON. Three hundred additional personnel would not begin to meet the problem in the State of New York alone, much less nationwide. I have a district attorney in my district, representing several counties in my State, who spent months trying to get a Federal agent into the area to investigate a drug ring which was operating there. They said, "We just do not have the manpower to do it."

Let me tell the gentleman that we are going to have to couple this treatment program, which I thoroughly support, with a strong, beefed-up law enforcement effort in this field. I believe if we do not have both of them we are not going to succeed with either one of them.

Mr. STAGGERS. I will say to the gentleman that we are the authorizing committee. Of course, we have an Appropriations Committee, to make the appropriations. The gentleman might have a little quarrel with some of the appropriations members and I would ask him to check into some of those items.

I would say our great faith in this is that we are going to make available to the people of America the very best methods we can to keep drug abuse from spreading, and to stop it, and to get rid of the problem.

Mr. EDMONDSON. I thank the gentleman for his assurance and for the leadership which his committee has provided in this treatment program.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Rogers) the chairman of the subcommittee.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this legislation. It is needed. It will do the job, I believe, because it is targeted to hit the significant problems of drug abuse in this Nation.

In recent years, drug abuse has become virtually an epidemic in the United States with very serious consequences to the health and welfare of the American people. Last spring we were all greatly disturbed by reports in the press and other sources relative to the use of drugs by members of our Armed Forces particularly those stationed in Southeast Asia. We have all been concerned by the great increases in the amounts and availability of illicit drugs, particularly heroin, here at home.

In March 1971 our colleague Mr. Scheuer and over 60 of his colleagues introduced H.R. 6732, which called for coordination of drug treatment programs within the executive branch. On June 17, 1971, President Nixon in his message to Congress on Drug Abuse, announced his proposal to set up a Special Action Office for Drug Abuse Prevention. This proposal was introduced on June 18, 1971, by Chairman Staggers and Mr. Springer as H.R. 9264. Shortly prior to this action, on June 10, 1971, I joined with eight members of the Subcommittee on Public Health and Environment to introduce H.R. 9059 which provides vastly expanded drug abuse prevention efforts in conjunction with community mental health centers.

Because of the extent of this drug abuse epidemic and the need for swift congressional action, the Public Health and Environment Subcommittee began hearings on June 28, 1971. In all, the subcommittee held 21 days of public hearings in Washington, D.C., and throughout the country, and it heard testimony from 110 witnesses. I want to compliment all members of the subcommittee—Mr. SATTERFIELD; Mr. KYROS; Mr. PREYER of North Carolina; Mr. SYMINGTON; Mr. ROY; Mr. NELSEN; the ranking minority member; Mr. CARTER, Mr. HASTINGS, and Mr. SCHMITZ—for their efforts in what was a very difficult job.

During August of 1971, I and several members of the subcommittee made an official visit to the Far East. The principal purpose of this visit was to investigate the sources of traffic in illicit drugs and to determine the extent of drug abuse among U.S. servicemen in Southeast Asia.

The end product of this exhaustive study is before you now in the provisions of the bill (H.R. 12089) which was reported unanimously by the interstate and Foreign Commerce Committee on January 25, 1972.

The major provisions of the bill are as follows: Title I of the bill sets out the congressional findings which support the legislation and a number of important definitions. The bill sets forth that—

> It is the policy of the United States and the purpose of this Act to focus the resources of the Federal Government and bring them to bear on drug abuse to significantly reduce the incidence of drug addiction and drug abuse in the U.S. within the shortest practicable period of time and to develop a comprehensive coordinated long-term Federal strategy to combat drug abuse.

Title II establishes the Special Action Office for Drug Abuse Prevention as a component of the Executixe Office of the President, and prescribes the functions of the office and the character of its relationships with other agencies. The office shall be under a presidentially appointed Director and Deputy Director and up to six Assistant Directors appointed by the Director.

The key provision in the bill is the mandate that the Director "shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions." In this capacity the Director is empowered to review the drug abuse functions of all Federal entities, recommend changes to correct inconsistencies with his policies, and review related Federal legislation and recommend changes to Congress where necessary.

He is also empowered to make studies of the performance of Federal drug abuse functions and potential alternatives.

The Director is further authorized to review and if necessary, modify implementation plans and budget requests for any Federal drug abuse function.

A Special Fund is authorized from which the Director may fund promising new concepts or methods as well as expanding existing activities for which there is a particularly acute need or one which has been exceptionally effective. The bill authorizes $80 million over a 2-year period for this fund.

The bill also authorizes $45 million over 2 years to encourage and promote research especially in the areas of nonaddictive synthetic analgesics, long-lasting nonaddictive blocking or antagonistic drugs for treatment of heroin addiction, and better detoxification agents. This section also provides for establishing clinical research facilities.

A National Drug Abuse Training Center would also be established.

A 15-member National Advisory Council for Drug Abuse Prevention would be established by the bill. It would be the function of the Council to advise the Director with respect to planning and policy objectives and make recommendations concerning drug abuse prevention functions which are or should be conducted by the Federal Government.

In order to supplement the present Federal programs dealing with drug abuse, the bill expands the authorizations and operations of a number of Federal agencies. The sum of $120 million is provided over 2 years to initiate drug treatment and rehabilitation programs in community mental health centers.

The sum of $31 million is provided over 3 years for planning grants to States and local units of government. This is coupled with a requirement that State plans submitted under section 314 of the Public Health Service Act—the partnership for health amendments—include provisions for licensing treatment facilities and expansion of State drug abuse treatment programs.

Authorizations for appropriations under section 256(e) of the Community Mental Health Centers Act are increased by $100 million to a 2-year total of $135 million for fiscal 1973 and 1974. These grants are meant to be used for grants to States and localities for special projects in areas having the higher percentage of narcotic addicts. This presents a targeted approach designed to serve areas where the need is greatest.

The bill would also provide for the establishment of drug treatment and rehabilitation programs in the hospitals and clinics of the Public Health Service.

Mr. Chairman, this bill represents the first real effort by the Federal Government to mount a comprehensive coordinated attack on drug abuse. It authorizes a total of $411 million in additional moneys for drug abuse prevention at the Federal level. At present we have at least nine different Federal agencies and departments conducting drug abuse functions, with little or no effort at coordinating their functions into an all out attack on this problem. In speaking for the administration, Dr. Jerome Jaffe, the President's choice to head this new office, stated:

> We can no longer afford the luxury of having each Federal agency respond to one part of the drug problem without linking its efforts to others underway.

Mr. Chairman, I would certainly concur with the thinking of Dr. Jaffe that we cannot afford this luxury, a luxury the cost of which can be counted in the lives of the many thousands of its victims and the monumental human suffering it causes. I would urge support of this vitally important piece of legislation.

We have not come in just with a big money bill, saying we will dump in a lot of money to try to make people believe we can solve the problem overnight. We have tried to be realistic.

We have put in enough authorization for adequate moneys to meet the problems that exist. We have provided for $411 million over 3 years. We have tried to protect the administrative agencies like the Veterans' Administration and the Department of Defense, by clearly stating in the bill that the bill's provisions will only affect the drug abuse programs of these agencies.

We worked out the language of the bill in conjunction with the staff of other committees, including the Veterans' Affairs Committee.

The Special Action Office in the White House has authority primarily over rehabilitation, treatment, and education, and we have also established in the bill a liaison between this office and law enforcement groups, so that there is a feed-in and a conscious knowledge of what is going on in the law enforcement field. If those programs of law enforcement are acting contrary to what is in the national interest, then Dr. Jaffe is directed to go to the President and raise this issue.

I believe Members will find this is a well-thought out bill with a proper approach.

Also, I should like to assure the distinguished chairman of the Committee on Veterans' Affairs that we did work closely with his staff in developing this legislation. One of the most distinguished members of the VA Committee, who is a very active and distinguished member of our committee, was satisfied with the language with respect to the Veterans' Administration which I believe he has been concerned about.

We will assure that the authority of the Special Action Office with respect to the VA is limited to its drug abuse treatment programs and the authority is no greater than that which OMB presently has.

There is another point I believe will reassure the gentleman. We have said we are not going to allow Dr. Jaffe to go off on his own. We have established an advisory council to help him and his staff make policy, and have placed on that advisory council the Administrator of the Veterans' Administration. So we want the VA to have an input along with the Department of Defense and the State Department as well, to try to make sure we are getting input from everyone who should be concerned with this problem.

Mr. TEAGUE of Texas. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. TEAGUE of Texas. Will the gentleman tell the Members of the House his opinion and interpretation of Dr. Jaffe's testimony before your committee?

Mr. ROGERS. Yes. I would be glad to respond to that.

As a matter of fact, when Dr. Jaffe first came up he was testifying on a bill that the administration had submitted which gave broad and sweeping powers and where functions of one agency could be transferred to another. He testified in that hearing on that legislation.

But the committee did not accept that. The committee changed the whole thrust of it. The committee rewrote the administration bill and introduced a clean bill. This is all changed, and I think you will find that Dr. Jaffe understands the functions and limitations on his office. We put in the advisory council and the protective language.

So I think I can reassure the gentleman from Texas that this committee will watch very carefully and keep the Special Action Office's functions within the limitations set forth in this legislation.

Mr. TEAGUE of Texas. How would the gentleman interpret the fact that this Congress appropriated money this year for drug centers and there has been a stay-over placed on the Veterans' Administration for hiring people to staff those drug centers?

Mr. ROGERS. I do not have all of the details, but I understand they have increased the number of drug clinics in the Veterans' Administration from five to 32.

Mr. TEAGUE of Texas. That is correct.

Mr. ROGERS. I also understand all of those are not even presently used. The armed services have not perfected their program yet to refer people to the Veterans' Administration so that they are not even adequately using the facilities they presently have. This causes us some concern, too, and I am sure it does the gentleman from Texas. I think we need to go into this whole problem, and I am sure the gentleman from Virginia (Mr. Satterfield) who is your chairman on hospitals is very cognizant of this situation and is looking into it.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been mentioned by other Members that this is perhaps one of the most important pieces of legislation that this House has handled in a long time. Those of us who serve on the committee do not necessarily set ourselves up as experts, but we listened to the problem and tried to come up with some sensible answers to meet the problem.

Those of us in the House who were at the White House when Art Linkletter appeared and the President asked us to proceed with legislation dealing with the terrific problem of drug abuse I think were all frightened and impressed and became dedicated to trying to do the best we could to meet all of the problems.

In this bill a Special Action Office would be set up which would attempt to coordinate a special fund, incentive programs, and will establish a national drug abuse training center. It will also provide technical assistance to local agencies and establish a national advisory council. It would also set up funds to run the office for the special fund, for research and training centers in the amount of $160 million.

The chairman of our subcommittee (Mr. Rogers) has insisted that we make use of what we already have in the community health centers, feeling that they could perform a function and we would not have overlapping functions in this effort of ours. Therefore, we would harness already existing facilities to help on the total job.

This is provided for in here with a grant of $60 million for the community mental health centers that we have all over the United States. In addition to this, we have our Public Health Service hospitals and there will be money here for treatment in the Public Health Service hospitals.

We have State plans for mental health activities and they will get some help. Overall, the total dollars involved is $411 million.

Now, I want to point out, as has been mentioned already, that in the State of New York there were 1,000 addict deaths in the city of New York. Two hundred and fifteen were teenagers.

We learned in our hearings in the committee that 90 percent of the inmates at the Women's Detention Center here in Washington were hard narcotic addicts.

This, of course, presents a frightening problem, a part of which is going to have to be education. Some will be in the area of law enforcement. But, certainly, one of the crying needs will be the coordination of the many, many programs that we have going at the present time.

So, our committee, recognizing that we had about 24 or 25 different programs in various agencies and all of them going in different directions with different methods, there was apparently little coordination among them.

Therefore, our committee has done something that very few committees do, in my opinion, and that is when we sit down for the final draft of a piece of legislation, we do not go on our own and forget about the agencies involved. We have, time after time, called people in from the Department of Justice, the Veterans' Administration, and other agencies for their recommendations and advice with the idea that when we got through the legislation ought to be acceptable to the extent possible.

In the committee, of course, we have to consider the ongoing programs. One that we gave the most attention to was the Veterans' Administration. The gentleman from Virginia (Mr. Satterfield), one of our very competent members of the committee, is guarding carefully an agency that is near and dear to him. We had representatives from the Veterans' Administration sit down with us in the drafting of this bill.

I think it must be said that all programs ought to be coordinated. If the Veterans' Administration program is the better one, we ought to buy it nationwide and we ought to build on it and use it. However, I do believe there is need to have all involved. I have faith that our committee, in the event that there is any arbitrary attitudes on the part of those in charge, to see to it that they square away a bit and follow the mandate of or the intention of the legislative process.

So, Mr. Chairman, I say now I believe that this is one of the most important efforts that we have ever attempted and I hope that this bill will pass. I believe it is a good bill.

Mr. Chairman, I must also compliment my good friend, the gentleman from Texas (Mr. Teague), chairman of the Committee on Veterans' Affairs, because I do believe the gentleman has done an outstandingly good job and guards the interest of the veterans for which he should be complimented. However, we took all of that into account.

The gentleman from Virginia (Mr. Satterfield), a member of our committee, did a careful job trying to convey the feelings of the gentleman from Texas (Mr. Teague) in which I think we all believe.

Mr. Chairman, I hope this bill passes. I believe it is one of the most important pieces of legislation which we will be called upon to consider during this session of the Congress.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Minnesota.

Mr. ZWACH. I must compliment the gentleman in the well and the committee for the work they have done. However, I share very much the concern of the chairman of the Veterans' Affairs Committee with regard to the powers that we are prescribing here for this so-called Director. I am referring to page 11 of the report, near the bottom of the page, where I find there the language that such functions are to be carried out in such manner as the Director may prescribe.

It seems to me that this represents the imposition of a complete direction over the Veterans' Administration. We think the Veterans' Administration's experience in Vietnam in dealing with drugs is very, very knowledgeable in this field.

This language concerns me. I am wondering if we ought not to get some clarification.

Mr. NELSEN. My only answer would be that it has already been answered by the other members of the committee. I believe that we attempted to carefully guard the Veterans' Administration and their budgets and also sought to soften the enforcement language that was in the original bill. Much of the testimony speaks to the original version of the bill. I think that perhaps the distinguished gentleman from Virginia (Mr. Satterfield) could better answer the question than I, and I will now yield to the gentleman from Virginia for an answer if he wishes to do so.

Mr. SATTERFIELD. Mr. Chairman, I thank the gentleman for yielding.

I think this is indeed an important question. It is one that has concerned me from the beginning and I know it has concerned the whole subcommittee. After Dr. Jaffe testified we did, as our chairman has indicated, amend the bill. We were then careful to make it abundantly clear that neither Dr. Jaffe or anyone else who occupied this special office would be able to exercise the kind of control that he felt he would have and should have. I think we have succeeded in that objective.

With respect to the question the gentleman has raised, I would point out the fact that we have written this bill without limiting the basic function of the Veterans' Administration in terms of rendering care and medical service to veterans. I would point out three other statements on page 11 which I think bear upon this point. One of them is that this office will not unilaterally have any authority to prescribe the personnel or the type of treatment that will be provided by the veterans hospitals.

The second states that the Director of the Special Action Office shall not inject himself into the management of Veterans' Administration hospitals.

Lastly, it states that insofar as implementation of policy directives which he lays down he shall look to the agencies themselves and the people in charge of those agencies for that implementation.

I think this in and of itself spells out the fact that the Director of this Special Action Office will not interfere with the operations of the Veterans' Administration hospitals, their management or control in the delivering of medical services to veterans.

Mr. ZWACH. If the gentleman will yield further, was there a feeling, or did this gentleman, the Director, have the feeling that he ought to have this exclusive authority and that you have sort of circumscribed it? Is that what is involved here?

Mr. SATTERFIELD. I think that was the authority he was seeking. I think we have effectively prohibited him from having exclusive authority, and I think we have prohibited him from injecting himself into the affairs and the management of the Veterans' Administration hospitals or the Veterans' Administration medical program.

Mr. ZWACH. I certainly know of the concern of the gentleman from Virginia for the veterans, the gentleman serves on that committee with us.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will yield to the gentleman from Texas in just one moment, but first I would like to point out that when Dr. Jaffe appeared he was testifying on the earlier bill that had been introduced and on the powers granted to him in that bill that went far beyond, as has been mentioned, where our committee wished to go. We then changed the bill and changed the language of the committee report.

I now yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I was with the gentleman at the White House and I think the gentleman will agree with me that in response to questions asked by the chairman of the Committee on Armed Services that this Dr. Jaffe did not have any more information about veterans than the man on the moon. He just knew nothing. Then he came and testified on this first bill, and anybody who will read his answers to the questions, and from what he had to say, will know that there is not any mistake about his attitude toward the Veterans' Administration. He is going to take over everything.

Now they have come along and there is this great increase in use of drugs by the veterans, and yet they still will not put into effect the 32 drug centers that we have already provided money for.

So again I say that I am afraid of Dr. Jaffe.

Mr. NELSEN. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, it is with great satisfaction that I speak today on behalf of legislation to combat the progressively worsening problem in this country of illicit drug use and dependence. It is estimated that there are now approximately 250,000 heroin addicts in America. In 1970, in New York City alone, drugs killed more than 1,000 persons of which 215 were teenagers. Inasmuch as this affliction knows no social, economic or geographic boundaries all segments of the population are affected. It is past the time when we should make a concerted effort to stem the devastating growth of drug abuse in the United States.

In hearings before the Subcommittee on Public Health and Environment, testimony indicated that there were approximately 100 separate drug abuse programs within the Federal Government. It is apparent that the resources provided for these are being inefficiently channeled and that duplications of drug control efforts are creating waste in the absence of a central coordinating authority.

Our bill attempts to deal with this situation by providing for the creation of a Special Action Office for Drug Abuse Prevention under a Director having broad powers to coordinate a national effort against drug abuse. How does this Director accomplish all this coordination? How does he get a hundred separate programs going in the same direction? We hope and intend that the bill will give the necessary authority and clout to force the many agencies of Government to make changes where necessary in their drug abuse programs. The Director speaks for the President in this field and the agencies had better listen. He can suggest substantive changes in policies and in priorities. He can suggest changes in rules and regulations. But the best persuader of all will be his authority to review and modify budget requests of the departments and agencies as they relate to drug abuse activities.

In addition to these direct interventions in the affairs of the agencies, the Director will have available a fund which can be used to support and exploit promising approaches and new concepts in dealing with drug problems. He has a juicy carrot as well as a stick to help get enthusiastic cooperation and forward thinking by the people working on the drug problem throughout the Federal Establishment.

If and when the Director finds some part of the Federal Government not charging ahead as fast as necessary or charging in the wrong direction he has the ear of the President and the support of the President to bring the wayward agency into line. This same close relationship will make it possible for the Director to have great influence upon international aspects of drug abuse and illicit drug traffic.

Another very promising aspect of this new office is the fact that State and local governments will have one place to go in the Federal Establishment to get assistance, information and advice. These governmental units have the drug problem on their doorsteps and need unified rather than diversified help from Uncle Sam.

Besides creating this new coordinating entity the bill also tries to capitalize upon the existence of present programs which can have significant bearing on the drug problem at the local level. For example, we have had for some time now a program to help create community mental health centers. Many have been established and many more are in progress. Rather than superimpose upon this idea a whole new set of institutions to be planned and built, this bill provides that funds be made available to extend, expand, and adapt community mental health centers to the further purpose of providing treatment for drug abusers. Some communities may find this impractical, but many may decide that it is compatible and certainly quicker and easier than starting from scratch to provide separate space, separate staff and separate support facilities.

Federal facilities such as Public Health Service hospitals may also be used and adapted to drug abuse activities. In short, this bill tries to capitalize on everything we presently have that might be useful in fighting the drug problem and bring it all together. We have been thrashing around up to this point trying desparately to get hold of the drug problem. Too often we have been going at cross purposes. With the best of intentions we have been wasting manpower and money. This legislation should give all of our activity the direction it sorely needs.

In order to fund the programs provided by the bill, appropriations are authorized in the amounts of $12 million for fiscal year 1972, $171 million for fiscal year 1973, and $228 million for fiscal year 1974.

It is my sincere judgment that this legislation will help curb the growth of illicit drug use and dependence in our country and I strongly urge the unanimous passage of this bill.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Chairman, I think it is important that we look at this legislation to understand the reason why, in fact, any bill had to be written. We talk of the concerns of certain existing agencies and their respective drug rehabilitation programs, but I think it has become rather evident to us in fact that the hundreds of millions of dollars that we spend in the rehabilitation of drug abusers in this country have been an abject failure.

To be completely honest with ourselves, if we had to estimate the present rate of success with drug abusers, we would be fortunate if we could reach a percentage of 10 percent.

We have throughout the Federal Government a proliferation of programs in, I believe, nine different Federal agencies that take at least nine different approaches to the problem of rehabilitation of drug abusers.

I think then when we look at this legislation, we should look at it in the light of the fact that in fact we do not have the answers on how best to provide a system of rehabilitation of the drug abusers in this country.

The additional questions of research and education that are included in this bill have received attention from various agencies, without any unanimity or suggestion as to what is the best approach to take in the interest of this country. This is what this bill tries to do. It tries to set up an agency, and I certainly concur with the gentleman from Texas—I am always concerned about putting that kind of power into the hands of one man whoever that man might be—but I will say that this problem of drug abuse and rehabilitation is serious enough in this country and in 2½ years that the Special Action Office will be in effect, we would have to come to some common understanding on how best to approach the problem of rehabilitation, because we had better admit, as I have mentioned, that we have failed up to this point—and that is what this bill is all about.

The bill says—yes, the Director shall have authority to also try to make a determination as to what is the best direction to go in and then to say—every Federal agency that is participating in drug abusers rehabilitation shall receive the leadership of that action office.

I will say this. If Dr. Jaffe is not the man who does pull it all together, then we should look for another man. But the system, I believe, proposed by the President in this bill is right to try to determine what we should do and how best to proceed.

I want to add this note of pessimism. I do not believe this bill or any piece of legislation we can write is going to solve the problems of drug abusers. But I can say that this is the best effort and the best direction we can take. But then when you look at the supply, I am not satisfied that we will ever stop over 30 or 40 percent of the supply of illegal narcotics in this country.

I will say, I do not believe it is going to be totally successful, but we have to go as far as we can and that is what we accomplish by this legislation.

Again I join with my colleague, the gentleman from Texas (Mr. TEAGUE) to express my sincere concern as to the Veterans' Administration, and I along with everybody else on the subcommittee will be watching carefully to make sure that the veterans, and I am one, I am concerned and I know the problem—to make sure that they receive the type of concern that you have expressed here today. I can pledge that to you on the part of myself and certainly we have heard that pledge expressed by every member of this subcommittee and, in fact, the full committee.

Mr. Chairman, it is with a special sense of urgency that I join with my colleagues on the House Interstate and Foreign Commerce Committee in bringing to the floor H.R. 12089, a measure which provides for the establishment of a Special Action Office for Drug Abuse Prevention.

The legislation represents weeks of work by the full committee and its Subcommittee on Public Health and Environment and to my way of thinking it is the most workable machinery yet devised to combat an epidemic which is increasingly infecting every region in America.

What was once a problem of major cities has now become the concern of every suburb and rural hamlet in the country. The drug peddler no longer restricts his operation to a corner in a shady section of the big city. He has extended his sales territory to the quiet neighborhood streets of suburbia and unfortunately has found a ready market for his product.

The cost in human misery and suffering to victims of drugs and their families can never be measured. For society as a whole it has meant an incalculable loss in youth and their talents. Drug abuse has become an evil catalysis which yearly not only robs us all of billions of dollars in drug-related crime but could destroy an entire generation of young people.

H.R. 12089, which we take up today, will marshal the most effective tools we have available to us at this time to deliver a coordinated attack against these dangers posed by drug addiction.

Under the roof of the Special Action Office for Drug Abuse Prevention, policies, programs, and priorities will be established and channeled so there will be a minimum of duplication and a maximum of utilization of Federal energies, talent, and funds.

There are two sections of H.R. 12089 in which I have a special interest. One creates a National Drug Abuse Training Center. The other provides for grants to States for program planning and projects to meet their special needs.

The National Training Center will develop and conduct training sessions for people at the State and local level, making available information sorely lacking now in individual community efforts to combat drug abuse.

The State grants section is particularly important. In my own State of New York, where the majority of narcotic addicts reside, we are spending millions of dollars and still lack the necessary resources to achieve any kind of encouraging headway in the curing of addiction.

A recent report by the New York State Narcotics Addiction Control Commission showed that between 1966 and 1970, New York State spent $123.8 million for treatment and yet 81 percent of the addicts dropped out of the commission's aftercare program when they were released from treatment facilities in 1970.

There is no simple solution to the drug plague. Education and therapeutic approaches must be coupled with law enforcement programs. H.R. 12089 recognizes this multipronged need and deploys the Nation's treatment, rehabilitation, education, and research efforts to form a single, impact-producing response to the Nation's increasing drug abuse problem.

I should also like to commend Dr. Jerome H. Jaffe, Director of the Special Action Office for Drug Abuse Prevention and his staff for their assistance in the drafting of this legislation. They have been most cooperative and understanding. I strongly urge quick and favorable action on H.R. 12089.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I must say I cannot agree with the gentleman as to the work of the Veterans' Administration being a failure.

In the first place, I think the drug abuse among veterans has been exaggerated. I just came back from visiting veterans hospitals and if the reports I got are true from the officer in the Veterans' Administration hospital in Salt Lake City, Utah, for example, and considering the number of hospitals here in Washington I do not agree that it has been a failure. I think the Veterans' Administration is doing well. Of course, there is plenty to do on drugs.

Mr. HASTINGS. I do not say that the Veterans' Administration drug program is a failure in itself. I think we do not have a total answer in any drug rehabilitation program in this country to guarantee to us that we are going to rehabilitate anywhere near a majority or 50 percent of the drug addicts. I wish it were otherwise.

I do not say that critically of any program. Too many people are agonizing over the proposed solution even though up to this time I might add, the proposed solution is what we hope to accomplish through this legislation.

Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SATTERFIELD) a member of the committee.

Mr. SATTERFIELD. Mr. Chairman, I can think of no problem of more importance to the people of this Nation than the rising incidence of drug addiction and drug abuse. One thing which has become apparent in the long succession of hearings held by the Subcommittee on Health and Environment dealing with matters relating to this subject is that there is a need for a comprehensive coordination between the many programs dealing with drugs and a long-term strategy which will bring together for a common purpose and objective all of the Federal, State and other private programs now attempting to deal with this problem.

In my view, H.R. 12089 constitutes a welcome effort to fill this need in that it will provide the means for needed planning and coordination in the areas of drug abuse education, training, treatment, rehabilitation and research.

The measure will create a Special Action Office in the Executive Office of the President headed by a Director to be appointed by the President by and with the advice and consent of the Senate and a staff consisting of a Deputy Director, also appointed by the President by and with the advice and consent of the Senate, six assistants appointed by the Director, and other employees, including attorneys, necessary to enable the Director to perform the functions of his office. The bill would also provide for the employment of experts and consultants not to exceed a total number of 15 at any given time.

The bill will authorize and direct the Special Action Office Director to provide overall planning and policy and to establish objectives and priorities for all Federal drug abuse programs dealing with drug abuse education, training, treatment, rehabilitation, and research after consultation with the National Advisory Council for Drug Abuse Prevention authorized by this bill. In order to insure the implementation of planning and policy, the Director would have the power to review regulations, guidelines, requirements, and criteria dealing with drug abuse, to recommend changes in the organization and management of specific programs and to evaluate and study the performance of the various drug abuse functions within his jurisdiction. In this regard, he would have the right to perform direct oversight in any department or program for a period up to 30 days and further to make such recommendations to the President as he deems will improve the effectiveness and the functions of programs falling within the purview of his office.

Recognizing the need for research, the bill not only specifically directs special attention to improved methods of treatment and a determination of the extent of the drug problem in this country, but it also places special emphasis upon research for a long-lasting nonaddictive blocking or antagonistic drug for use in treating drug addicts.

Recognizing the shortage of qualified personnel in the drug abuse treatment and rehabilitation field, the bill will authorize the Director to establish a National Drug Abuse Training Center in order to develop, conduct and support a full range of training programs relating to drugs and drug abuse. Obviously, this function belongs more properly to the National Institutes of Health. However, it is equally obvious that the Special Action Office would be in an excellent position to establish the center. Accordingly, the Committee elected to assign responsibility for its first 2 years of operation to the Director of the Special Action Office and thereafter to provide that it will be taken over by the National Institute of Mental Health to become a part thereof.

The Director is given further authority to review and modify implementation plans as well as budget requests and to an extent not inconsistent with appropriations acts to make appropriated funds available to Federal departments and agencies dealing with drug abuse programs. In order to insure that the exercise of this right will be limited to drug programs the bill provides that requests for appropriations by the department or agency of the Federal Government submitted after the date of this act, shall break down funds to be used in specific areas of activity on a line item basis.

By this device, it is intended that those agencies and departments will thus identify, as a separate item, those funds requested for use in drug programs for education, training, treatment, rehabilitation and research. The underlying purpose of this provision is to enable the Director to identify in the appropriations bills the specific funds intended for drug abuse programs, to provide the bases for an overall assessment of national effort, and to prohibit unwarranted intrusion by the Director into appropriations for general medical treatment and services which do not specify funds for drug abuse programs.

An indispensable part of the Director's duties is coordinating Federal drug abuse prevention functions with similar functions of State and local government and to provide to States and localities technical assistance and suggested model legislation. To further that cooperation authorization is provided for State planning funds and the convening of conferences. Furthermore, the Director is authorized to promulgate uniform criteria and procedures for drug abuse control and treatment and to provide an all important central clearing house for Federal, State and local governments and for public and private agencies or individuals seeking drug abuse information and assistance.

H.R. 12089 will provide a vehicle whereby experts in the field, including persons in charge of State or local drug functions can communicate their views and recommendations to the Director. To assure this, the bill will establish a National Advisory Council consisting of a total of 15 members, three of which, the Secretary of HEW, the Secretary of Defense and the Administrator of the Veterans' Administration, would be ex officio officers with the full right of participation. The remaining 12 would be appointed by the President with the requirement that at least four of them shall be officials of State and local governmental agencies.

The Advisory Council in addition to conferring with the Director with respect to overall planning and policy including the objectives and priorities which are his duty to establish, is empowered to make recommendations to him with respect to the conduct of, or need for, drug abuse prevention functions which are, or in its judgment should be, conducted by or with support from the Federal Government.

The bill contains authorization for additional funds to establish treatment and rehabilitation programs in community mental health centers and authorizes similar programs in facilities operated by the Public Health Service, except in those facilities which the Secretary of Health, Education, and Welfare has determined there is not a sufficient need therefor.

Finally, as I mentioned, the bill will authorize a total of $31 million over the next 3 years for the purpose of aiding and assisting the States in effecting the planning of their drug abuse functions for the purpose of assisting them in planning projects for the development of more effective drug abuse functions and for evaluating the conduct of those functions within the several States.

Mr. Chairman, I believe that H.R. 12089 is a good bill which will provide for the type of central coordination so obviously needed for making more effective our total drug program. I respectfully urge my colleagues to support it.

I would like to address myself now to the second point which the chairman of the Veterans' Affairs Committee has raised, a point which I consider to be very important, and that is the question of the Director of the Special Action Office having the right to withhold funds in all drug programs, including the Veterans' Administration.

I am as concerned, as he is, that notwithstanding the fact that Congress has determined that there shall be 32 drug treatment centers in Veterans' Administration hospitals, we do not have them. Obviously someone downtown has blocked the release of these funds—the Office of Management and Budget.

What this bill does is to put in the place of the Office of Management and Budget, insofar as the release of funds for drug abuse programs is concerned, the Director of the proposed Special Action Office. I do not like the idea of anyone downtown arbitrarily blocking funds, but it does seem to me to be the better part of judgment to place that decision in the hands of the person on whom the full light of public opinion and pressure will shine. I feel that we stand a better chance to have these funds released by someone with a specific plan in mind and a responsibility to act affirmatively rather than the Office of Management and Budget, which has an entirely different objective.

I would like to take this opportunity to assure the House that our subcommittee did what it could to proscribe the authority of the Special Action Office Director insofar as the Department of Defense and the Veterans' Administration are concerned. We did this by including section 304 in the bill, which provides unequivocally that budget requests for drug abuse functions, and this includes the VA budget requests, shall be by line item. We are thus limiting the area in which the Director of the Special Action Office can manipulate funds, that is, to limit or deny their release by way of denying their use, and we are requiring—and I hope that this will be followed by the Appropriations Committee—that funds intended to be used for drug treatment programs, or, for example, drug treatment centers as separate from the request for funds for the overall hospital and medical care program of the Veterans' Administration. By this requirement we limit the authority of the Special Office Director to drug programs.

I can assure the House and the chairman of the Veterans' Affairs Committee that our subcommittee felt strongly about this and that we are going to watch very carefully what happens if this bill becomes law. Should it develop that the Director of the Special Action Office goes beyond what we think he should do and what we have said in this bill that he can do, I assure the House we will consider action without delay to correct the situation.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, we face a crisis in our Nation today with the ever-increasing use of harmful drugs. There has been a rate of recidivisim of 90 percent of heroin users treated at our best hospitals. Today we have an opportunity to continue our efforts to reduce the terrifying spread of drug abuse by the passage of H.R. 12089, the Special Action Office for Drug Abuse Prevention. Many treatment centers should need close supervision.

This important measure would establish the Special Action Office for Drug Abuse to provide overall planning, policy, objectives and priorities in the Federal effort for drug abuse prevention. The director and deputy director of the office would be appointed by the President, subject to confirmation by the other body.

There would be the establishment of a 15-member National Advisory Council for Drug Abuse Prevention. This council would recommend actions to the Director of the Special Action Office which would help curb drug abuse in our country.

The Secretaries of Defense and Health, Education, and Welfare, and the Administrator of Veterans' Affairs would be ex officio members of the Council, with the other 12 members to be appointed by the President.

It is important to point out that this bill would also amend existing law to provide that Public Health Service facilities and community health centers provide various services for treatment and rehabilitation.

Appropriations for this Special Action Office would be authorized in the amount of $12 million for fiscal year 1972, $171 million for fiscal year 1973, and $228 million for fiscal year 1974.

My colleagues and I on the Subcommittee on Public Health and Environment feel that it is a good bill, an effective bill, and one worthy of your full attention and final passage.

We in this country need to be able to see a day when drug abuse will no longer be the threat that it is at this time. Let us work to shape our society so that the need for abusing drugs will not be enticing—a society in which each person would feel a desire to face reality, rather than the feeling by many the need to escape from it through artificial means.

By passing this legislation, we can feel that we are making a beginning on the road toward solving this grave problem. But do not let us stop here. We must continue to tirelessly search for answers in this area, and we must eventually seek to isolate and eliminate the ills of our society which might cause some of the causative ills in our people.

Again, I urge my colleagues to pass this excellent piece of legislation.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina, a member of the subcommittee (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the legislation.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. ANDERSON).

Mr. ANDERSON of Tennessee. Mr. Chairman, I take this time—and I appreciate the gentleman yielding—to establish a minor but perhaps, I think, significant matter of legislative history. Section 224, which deals with research and development, subparagraph (3), authorizing investigations in the field of detoxification agents, says:

> (3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction.

I would assume that would also relate to agents which are already on the scene, such as perhaps the new modality which is commencing testing, involving use of the gas carbon dioxide. I would assume that this promising type or procedure would be covered.

Mr. STAGGERS. The gentleman is entirely correct.

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I rise in support of this bill. I congratulate all the members of the full committee, the distinguished chairman from West Virginia (Mr. STAGGERS) and especially the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS) for the outstanding start they have made in finally bringing the scourge of drug abuse under control.

The bill provides neither as much funding as I would have liked nor as much coordination and control as I would have liked, but it is a major step forward.

Those Members of Congress who have worked so long and so hard with the gentleman from West Virginia, and the gentleman from Florida, the subcommittee chairman, are greatly to be congratulated.

Mr. Chairman, I rise to support this bill. The problem of drug abuse and the Federal Government's efforts to combat it have been of deep concern to me and to many of my colleagues for several years. We have seen and read about the magnitude and gravity of the problems of drug abuse so often that many of us are numb, yet the facts and figures and the fears continue to get worse.

Last year 1,280 New Yorkers died from drug abuse, an increase of 200 from the year before. Each year in New York City more than 1,000 babies are born addicted to heroin as a result of the addiction of their mothers. Drug-related crimes and arrests are constantly increasing in cities across the country.

Drug abuse is literally destroying our youth, overwhelming our police, clogging our judicial machinery, and turning our cities into jungles. Drug addiction is no longer a problem only in large cities, for it is increasingly spreading to suburbs, small towns, and even such States as Alaska.

How have we responded to this worsening crisis? After intensive investigation both here and abroad in Europe, the near East, and Asia over several years, I have been convinced that the Federal Government's response over the years has been completely inadequate. Throughout this century, we have constructed a crazy-quilt, disjointed, uncoordinated, overlapping, conflicting patchwork of programs aimed at parts of the drug abuse problem. No overall plan exists and no administrative machinery has been created to enforce one anyway. Federal programs are feeble and dwarfed by the size of the problem they are aimed to correct.

On March 24, 1971, I introduced legislation with the cosponsorship of over 60 of my colleagues to provide new muscle for the Federal effort to control drug abuse. This legislation would have established an Office of Drug Abuse Control in the Executive Office of the President, with authority to coordinate the plans, goals, procedures and, most importantly, the budgets of every Federal program in the field of drug abuse. This call for coordination was not original with me. In 1903, when Federal programs were nowhere near as extensive as they are today, the President's Advisory Commission on Narcotic Drug Abuse—the Prettyman Commission—recommended that the President appoint a Special Assistant for Narcotic and Drug Abuse from the White House to provide continuous advice and assistance in launching a coordinated attack on the problem. The drug problem has ballooned since 1903, as have the Federal Government's antidrug abuse programs, but our efforts are as fragmented and uncoordinated as ever.

I carried this message and my legislation all over Washington soliciting suggestions and support. I spoke to officials in and out of the executive branch. Finally, the President sent a special message to the Congress on June 17, 1971, calling for the establishment of a Special Action Office for Drug Abuse Prevention in the Executive Office of the President, citing the fragmentation of the Federal effort which had led, in the words of the President, "to lack of communication, multiple authority and limited and dispersed resources."

I have been and I remain critical of some features of the President's proposal, but to applaud him for the additional momentum his administration has given to a comprehensive overhaul of the Nation's drug programs. The administration proposal has been rewritten by no less than three subcommittees of two standing committees of the Senate and then passed by the Senate. The bill we have before us today is a further rewrite of the Senate version of the President's bill by the Subcommittee on Public Health and Environment under the distinguished leadership of Representative PAUL ROGERS of Florida.

H.R. 12089 is a good, strong bill in many ways.

It establishes an office with what I hope are sufficient but not excessive powers to provide the planning, the policymaking, the goal-setting, resource-allocating, and coordinating that Federal drug programs so desperately need.

It establishes a special fund for the use of the Director of SAODAP to augment existing treatment programs or to establish new ones.

It authorizes planning grants for the States to draw up plans of attack on drug abuse and the administrative machinery to run them.

It greatly increases the funds for pharmacological research into nonaddictive synthetic analgesics to replace opium and its derivatives in medical use, as well as research on long-lasting, nonaddictive blocking drugs and detoxification agents. I have long urged a great expansion of such research and am encouraged by the committee's inclusion of this provision.

The committee bill also establishes a national drug abuse training center, and increases the authorizations for the Community Mental Health Centers Act.

It all adds up to an impressive bill.

However, Mr. Chairman, I feel there are still some flaws and omissions in H.R. 12089. The essential thrust of my bill was to place all the drug abuse control activities of the Federal Government under one umbrella organization which could provide centralized coordination and leadership. I hoped to see one clearly visible, and therefore, accountable, executive with the responsibility of developing a comprehensive plan of attack involving all of the Federal agencies concerned with drug abuse problems and then give him enough authority, within limits established by Congress, to order our priorities in accordance with that plan.

The Director of SAODAP can not mount such a comprehensive attack because his authority does not have sufficient scope. While he has powers to set goals, policies, procedures, and budgets for drug prevention, treatment and research, he can only consult and have liaison with those officials involved in law enforcement and international control. In extreme cases he can appeal to the President to reverse a decision by the Bureau of Narcotics and Dangerous Drugs or the Department of State, when he disagrees with their practices or procedures. But this is hortatory language and is likely to have little or no effect on the operations of, and conflicts between, the Departments of State, Justice, Treasury, and Defense on the one hand, and SAODAP on the other.

The committee bill gives SAODAP authority over only one-half of the drug control pie. This is not enough, for it will leave unresolved some of the most important questions about where our efforts to control drug abuse should be directed.

For example, we have never really settled on the proper interface between the criminal justice system and the health and treatment community.

Are drug abusers to be arrested and incarcerated or are they to be treated and hopefully cured?

What is the difference between those addicts who make up half the prison population in New York City and the clinics and hospitals?

Until we bring together both the police and the doctors, the district attorneys and the social workers, the narcotic agents and the psychotherapists, these two conflicting approaches to the problem of drug abuse will continue to work at cross purposes with each other. And the Nation will suffer.

Overzealous law enforcement officers can destroy the effectiveness of any treatment program, for example, by insisting on excessive controls on methadone supplies which might prevent patients from receiving weekly supplies and thereby limit their geographical and occupational mobility. A highly effective, large-scale treatment program can, on the other hand, damage respect for the laws regulating dangerous drugs by creating the impression that drug abusers are not punished but given sympathetic treatment.

The conflict between the need of law enforcement agencies for information on drug abuse and the need of treatment programs to protect the confidentiality of their patients' treatment records has not been addressed. The Senate bill contains language guaranteeing the confidentiality of records on drug patients in treatment, but the House bill is silent on this point. I wonder if the Director of SAODAP will have sufficient authority to decide such questions expeditiously himself.

What is the effect of changes in drug supply on treatment demand and criminality and vice versa? If law enforcement agencies get increased budgets and are more effective in cutting off drug supplies and arresting users, what will happen to the demand for methadone treatment programs? Who is going to balance and weigh these considerations? And if supply is cut down and there are insufficient methadone and other treatment facilities for addicts eager to shake their habits, will soaring prices drive them to intensify their lives of full time violent crime? If supply is cut down and addicts cannot get treatment, will crime rates soar along with rising drug prices?

These conflicts and questions, both potential and real, must be addressed squarely and resolved before we can begin to allocate resources in a rational manner among the wide variety of approaches to the problem of drug abuse.

Yet the bill we are considering today maintains the separation between law enforcement—or drug traffic prevention as it is referred to in H.R. 12089—and treatment—or drug abuse prevention.

There is also a desperate need for cooperation and coordination within the drug traffic prevention functions of the Federal Government.

U.S. representatives to United Nations commissions, Foreign Service officers, customs officials, BNDD agents and Air Force colonels, for example, are all involved in attempting to track and suppress heroin and opium traffic moving from Southeast Asia through Hong Kong to the United States. Yet they all report to different bosses and jealously guard their own information.

There is a constantly bubbling rivalry between BNDD and the Bureau of Customs over controlling the narcotics import trade, as another example. Both agencies want exclusive responsibility for overseas operations against heroin trafficking. This dispute flares up from time to time when new, improvised, ad hoc attempts at coordination and resolution of differences must be made.

The administration has apparently recognized this problem of many years standing and recently announced the establishment of a new coordination office in the Department of Justice for "all" law enforcement programs in the field of drug abuse. Yet the Departments of State and Defense are not to be included in the activities of this new office. This omission, sadly, condemns our efforts at improving international control of narcotic drugs to their traditional status of "mostly show, little go." The crying need for a careful balancing of goals, priorities, and resources and an overall sense of coordinated direction cannot and will not be met by this new office or by the bill we are considering today.

A second serious flaw in this bill is the inadequate increase in funding for treatment and rehabilitation programs. Cities and States all over the country are crying for additional funds to commit to these programs.

New York City's need for greatly expanded treatment funds is an urgent example. I am sure cities across the country could point to similar needs. There are estimated to be 150,000 to 200,000 addicts in New York City, of which about 18,000, or 9 to 10 percent, are in treatment. This means that nine out of every 10 drug addicts is not receiving any assistance whatever in trying to shake his addiction and is more likely than not committing daily crimes to support the monkey on his back. City experts estimate than 15,000 to 20,000 people have signed up on waiting lists for publicly supported methadone maintenance programs. In the last 14 months, the Health Services Administration alone has opened up 4,500 slots in such programs but has had over 17,000 applicants, with 8,000 now active on the waiting list. Every time a program expands its capacity, the waiting list expands proportionately. It is like digging a hole in soggy ground: You do not see much water, but as soon as you dig a hole it fills right up. If you bail it out the water rushes right back in. Piecemeal efforts like that are hopeless—you must do a major operation or nothing at all.

The Borough of Queens had no methadone programs 18 months ago and few indications of a large addict population. Over the last 12 months, however, after just one clinic was opened a whole new addict population surfaced and requested treatment. Now there are more than 1,200 in treatment with a tremendous waiting list.

Still another example of the need for more funding is found in the city's jail system. Eight months ago the department of corrections instituted a methadone detoxification program for addicted inmates, and has detoxified over 30,000 addicts in that time. Yet few of these addicts can be referred to further treatment on release from prison because the waiting lists are already so long that it would be futile to contact them. If they are contacted and put on a waiting list society is in effect saying to them to go back out and steal and shoot up, and if you can survive another 6 months on the street then maybe we will be able to get you into treatment. It is obvious that our drug treatment programs are desperately underfunded, not only in New York City, but also across the country.

In 1972 the Federal budget committed only about $180 million to drug abuse treatment, rehabilitation, education, and training. The bill before us today proposes to increase the authorization for such expenditures in the following ways: $40 million for a special fund for the Director of SAODAP in fiscal year 1973 and fiscal year 1974, $60 million for drug programs at community mental health centers in fiscal year 1973 and fiscal year 1974, and increases of $25 million in fiscal year 1973 and $40 million in fiscal year 1974 for section 256 of the Community Mental Health Centers Act which allows for drug treatment and rehabilitation grants to public and private nonprofit organizations. This will allow for $125 million in new funds in fiscal year 1973 and $140 million in fiscal year 1974 for treatment and rehabilitation. This is not enough. Chicago and New Orleans could absorb that much money easily all by themselves.

Out of a total of $117 million requested for treatment funds from November 1970 through January of 1972, the National Institute of Mental Health awarded only $18.6 million in section 252 and 256 money. Only $1 of every $6 that was requested could be funded. The increases proposed in this bill might be sufficient to meet past demand but are doomed to fall far behind future needs.

Further, the States with the highest concentration of drug addiction problems have not fared well in competing for these funds. The funds are not controlled by a State allocation formula, but are supposed to be targeted toward those States and areas within States having the higher percentages of population who are narcotic addicts or drug dependent persons. By any reading of this language, one must conclude that New York is such a State since New York City has one-half of the Nation's addict population. Yet New York has only received two grants under this section from NIMH. What hope is there in this bill for States like New York if the new funds authorized are not only small but apparently unavailable to large urban States with tremendous addiction problems?

To make the picture even worse we need only think through the implications of this legislation's proposed planning grants for every single State which will enable them to develop a comprehensive drug abuse treatment plan and establish administrative machinery to put that plan into effect. The Federal Government is thereby bending over backward, in a much needed way, to be sure, to help States develop the ability to compete for already severely oversubscribed treatment funds. But I think the frustration index is bound to rise over the next year or two as communities across the country begin to see the severe limits on the scope of SAODOP's authority, the continued inadequate funding of treatment needs, and the inequitable treatment of a few large urban States with the highest proportion of narcotic problems, and the overwhelming bulk of the Nation's addict population.

I should like to ask the gentleman from Florida (Mr. ROGERS) or the gentleman from West Virginia (Mr. STAGGERS) several questions.

I am not entirely clear on the relationship of drug law enforcement functions with the drug education, treatment, rehabilitation, research and training functions of the Special Action Office. Can the gentleman explain how this Special Action Office will relate to the new Office of Drug Law Enforcement recently established by the President in the Department of Justice?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Certainly the offices are related.

Ours has to do with demand, and the other with supply. We passed a bill last year on the law enforcement. We have interrelationships with them now in this bill.

Mr. SCHEUER. What will the Special Actions Office's relationship be with the administration's international drug control efforts and the Cabinet-level working group formed to take action in this area?

Mr. STAGGERS. Dr. Jaffe will be consulted, and can be appointed to represent the United States on any international conference, and in respect to what we are trying to do to keep drugs out.

Mr. SCHEUER. Is it the congressional intent that methadone's continuing IND status should inhibit the Special Action Office from encouraging a broad-scale expansion of treatment programs which include methadone treatment or detoxification as one of the options? Or is it the congressional intent that methadone maintenance programs can continue to expand as one of a range of drug treatment programs?

Mr. STAGGERS. The answer to the latter part of the question, because I believe that is the pertinent part, is that I would say it is the intent that methadone maintenance programs can be. I would say "yes."

Mr. SCHEUER. And to expand?

Mr. STAGGERS. And to expand, yes.

Mr. SCHEUER. Is it the congressional intent that the Special Action Agency be an aggressive, action-oriented agency designed to get a broad-scale Federal attack underway on the problems of addiction?

Mr. STAGGERS. On the question of congressional intent, that there be an aggressive, action-oriented agency, I would say "yes." This is our intent, and it is spelled out so much in the bill.

Mr. SCHEUER. If so, can the gentleman describe the powers it will have vis-a-vis the bureaucracy to insure that its policies and priorities are followed?

Mr. STAGGERS. On the question of the powers, vis-a-vis the bureaucracy, to insure that policies and priorities are followed, they are all spelled out in section 222, on page 13 of the bill, exactly in the various categories.

Mr. SCHEUER. Can the Special Action Agency funnel resources from its special fund through an existing agency program and insist that those guidelines which impair the effectiveness of the program be disregarded so long as they are not specifically required by the authorizing legislation itself?

Mr. STAGGERS. On the question of funding resources from the special fund to an existing agency, this is a definite "yes". This certainly is the case.

Mr. SCHEUER. The final section of this bill increases the authorization for section 256 funds of the Community Mental Health Centers Act. As the gentleman knows, subsection (d) of section 256 states that grants are to be made "in accordance with the criteria determined by him"—the Secretary—"designed to provide priority for grant applications in States, and in areas within the States, having the higher percentages of population who are narcotic addicts or drug dependent persons."

It seems to me that States like New York and California should be given priority, but this is not the case, or has not been the case. New York has approximately one-half of all the Nation's addicts, yet New York has had only one-sixth of the dollars under this section, a tiny fraction of these funds in the past, and guidelines implementing this section have never been issued.

Does the gentleman expect the Special Action Office to give careful attention to the proper implementation of this section?

Mr. STAGGERS. Certainly we know of the problem in New York and California, and I say to the gentleman the answer would be "Yes" to that question.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman from New York.

Mr. HASTINGS. I should like to refer to section 306, and the gentleman's last question, for assurance to the gentleman from New York on this amendment. As a matter of fact, a large share of the funds should go to the State of New York.

Mr. NELSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. McCOLLISTER).

Mr. McCOLLISTER. Mr. Chairman, although a member of the full committee but not of the subcommittee, I would like to add my congratulations to the subcommittee for its very constructive approach to this legislation.

Too often when we try to solve problems of this magnitude we create a new agency and appropriate vast sums of money, and when the efforts are not successful we try another approach. Here the effort has been to coordinate, harmonize, and make an agency and an administrator accountable.

For this approach, which I think ought to serve as an example on many other things, I think that the subcommittee should be congratulated.

Thank you, Mr. Chairman.

Mr. NELSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, first of all I would like to state I feel this legislation is vital. In fact, I think it is one of the most significant pieces of legislation to come before the 92d Congress.

Mr. Chairman, this is a superb bill, workable and realistic. In my opinion, it is not only a very needed but essential piece of legislation in order for us to meet this horrendous and terrifying scourge of narcotics addiction which is sweeping this country.

I simply wish to congratulate the chairman of the subcommittee and the ranking member of the subcommittee and the members of the subcommittee and, of course, extend my enthusiastic compliments to the distinguished gentleman from West Virginia, the chairman of the full committee, and the members of the committee for the priority, the effort, and the outstanding work that the committee has given to this bill.

Mr. Chairman, neither I nor any Member of this House has to illustrate the horrendous proportions of the narcotics scourge in this country. For the past few years, daily news reports have related only too tragically the havoc which this disease wreaks upon American society. The statistics on the extent of addiction, the overdoses, the costs to society, and the resultant devastating human misery are staggering and terrifying.

My own interest in this field was inspired by many years of continuing concern during which I participated on every level in my activities as a public official and private citizen. My concern has been long and deep rooted. It goes back 19 years when, as a New York State senator, I sponsored, and became chairman of, the State's investigation of drug abuse, particularly as it related to our young people.

Even then we tried to awaken officialdom and society to the severity of the problem. But most of the pleas fell on deaf ears. Everyone seemed to blind himself to the stark reality of the developing crisis. It was considered a ghetto problem—one that did not affect the average parent's own children or his own neighborhood. But, tragically, time has shown that it does affect their children. It has affected all levels of society. It has become a scourge that has reached epidemic proportions. And the related crime and devastation brought by narcotics abuse has hit every community in this Nation.

For 8 years I served as chairman of the board of the first and only facility of its kind in the world devoted solely to the treatment and rehabilitation of teenage addicts—Riverside Hospital on North Brothers Island in New York. In that capacity I observed over 4,000 youngsters going through this institution and got to know most of them on a first-name basis. I learned much of their backgrounds, motivations, and agonies.

I report, with regret, that I cannot point to one teenage addict who was fully cured of his dread affliction at the Riverside Institution—so few were the resources our society was then willing to dedicate to the constantly worsening problem of drug abuse.

Unfortunately, Mr. Chairman, the situation has further deteriorated. Now, over a decade later, we are faced with nothing less than a societal crisis.

Only this week I compiled a new inventory of the extent of the addiction problem as it exists in the United States today. Mr. Chairman, just think, $920 million worth of narcotics was confiscated by Government authorities in 1971 in 1 year, almost a billion dollars of hard drugs seized, as compared with $302,700,000 in the previous year. Three times more seizures in a single year. Yet, Mr. Chairman, despite this unprecedented seizure total, there seems to be no apparent dent in the deadly supply. Unquestionably there remain tremendous stockpiles of illicit narcotics in this country, and new quantities pour in each day from new transshipment points.

The estimated number of addicts in the United States was officially set last year at 330,000. This figure was based on a compilation of estimates made by the Bureau of Narcotics and Dangerous Drugs and by other agencies dealing with the drug problem. Based on the same estimate guidelines, the total of drug addicts today in this country of ours can be conservatively estimated at 400,000—the largest addict population in the world. Indeed, even this figure could be low.

For in New York City alone, according to reports given to me this week by that city's addiction service agency, between 150,000 and 200,000 addicts are hooked on hard narcotics—in the vast majority of cases, heroin; 27,000 of these addicts are presently undergoing treatment in public and private rehabilitation centers—an amazing increase over the 18,000 who were being treated last August. Whether this is a sign of an increasing public commitment to the elimination of drug addiction, or merely a frightening indication of the ever-escalating addict population in New York City, we will experience little success in the fight against narcotics abuse unless we adopt the kind of comprehensive legislation which is before the House today.

As every American citizen is aware, heroin addiction on the domestic scene has been aggravated in the past few years by the problem of returning ex-GI addicts. In a section of my report on the findings of a study mission submitted to the Foreign Affairs Committee, I stated, on the basis of an extensive review of the drug situation in Vietnam, that there were conceivably as many as 60,000 Vietnam GI's using hard drugs there as of April of last year—when our troop strength was, of course, at a much higher level.

A safe estimate of the number of addicted Vietnam veterans who have returned to our urban, suburban and rural communities would be at least 50,000 to 70,000. I base this figure on the fact that, as of last November, after the Veterans' Administration had established 32 drug treatment centers—an increase of 27 over the previous year—VA medical personnel were treating as many as 9,542 addicted ex-GI's. Of this number, 6,014 were Vietnam vets. It is safe to assume that only one out of ten has come forward for such treatment, which could even be a conservative estimate. Thus, if that figure were multiplied by 10, the true number of addicts who have returned from the Armed Forces would surpass the staggering estimate of 60,000 referred to earlier.

Commendable as the VA drug treatment programs may be, there is considerably more to be learned in the areas of training personnel, research, and drug education before these treatment and rehabilitation programs can be expected to have any dramatic lasting effect on this huge addict population. I was most encouraged, Mr. Chairman, by the fact that the new Special Action Office on Drug Abuse Prevention, as described in the bill before this chamber today, will have jurisdiction over Federal funds used for VA and non-VA treatment programs alike.

There is another tragic episode in this nightmare of addiction that can only get worse unless legislation like this is enacted. I refer to the ever-increasing number of heroin-addicted babies being born to females who maintain their own habit during pregnancy.

In New York City alone, 550 babies were born last year already in the throes of heroin addiction. In more than a few instances, these babies must remain in the hospital for as long as 40 days until their pitiful tremors—marked by convulsive twitching and clawing—finally subside.

No one knows at this point just how much lasting damage to the babies is being caused by women who continue to take heroin while pregnant. Will their children crave narcotics in later years? Will these children become abnormally susceptible to the effects of drugs? The question of chromosome and brain damage has not even been determined yet. This terrible subjection of innocents, yet unborn, to the horrors of drug addiction is one more reason why this body must approve today the sweeping provisions of H.R. 12089.

Mr. Chairman, earlier I called attention to the 50,000 to 70,000 addicted GI's who have already been returned, uncured, to our city streets. Let me remind my colleagues that unless the drug abuse program is attacked immediately on every front, the white plague of heroin abuse could doom our society to self-perpetuating generations of addicts.

For experts contend, Mr. Chairman, that these 50,000 to 70,000 ex-GI addicts could "turn on" as many as 3 million others in the next 5 years. Obviously, many of these would be women of childbearing age.

How much further proof do we need before we realize that American society today is being threatened at its very roots by the ravaging menace of narcotics abuse? How much longer will we delay action on the critical drug bills presently before this Congress? Now that even our unborn children are falling victim to the plague of heroin addiction, perhaps we will realize that we must take bold actions and pass such legislation as this sweeping measure before us.

Mr. Chairman, H.R. 12089 is an excellent beginning in finding the solution. Clearly there is a need for coordination of the antidrug effort at and among all levels of government. This is one of the many reasons why I enthusiastically support this legislation.

H.R. 12089 provides for the creation of a Special Action Office for Drug Abuse Prevention under a director having broad powers over the conduct of narcotics abuse treatment, rehabilitation, education, and research programs and activities throughout the Federal Government. Hopefully, the patchwork pattern of drug prevention efforts presently being conducted by nine executive departments will be efficiently coordinated by the Director of the Special Action Office.

Of special merit, Mr. Chairman, is that provision in the bill which creates a National Drug Abuse Training Center for the purpose of developing, conducting, and supporting drug training programs for Federal, State, and local government officials and their respective staffs; medical and paramedical personnel, and educators; and other applicants, including drug-dependent persons, requiring training or education in drug abuse prevention. For too long, our knowledge of the causes of drug addiction and of effective methods for its cure has remained primitive. The $10 million set aside for the funding of this training center, to be used over the next 3 years, is the very least we should invest at a time when the methods for rehabilitating drug addicts are as numerous as the centers themselves, and when not one of these techniques has proven to be anywhere near 100 percent reliable.

Another particularly promising feature of this measure is the insistence that such existing Federal programs as the community mental health centers and the public health services programs be modified to include treatment and rehabilitation services for addicts. As is pointed out so well in the committee's excellent report on H.R. 12089, many areas demonstrating great need, such as the city of New York and the State of New York, have not received funds under the Community Mental Health Centers Act. The increased appropriation of $100 million for fiscal years 1972 and 1973 is a most needed provision. It will then be the task of the Special Action Office Director to see to it that these funds are not frozen, as has happened so often in the past.

The question of whether this extra allotment for the operation of local programs will suffice is a matter to be decided in conference. The Senate-passed version of this drug legislation, as well as my own bill on the House side, calls for substantially more funding for use by States and localities in the actual operation of onsite programs. There are separate moneys in H.R. 12089 to assist States and localities in the planning and evaluation of their programs, but it may be found that new direct operating grants should be made to local agencies.

Finally, Mr. Chairman, I would sound a note of caution. In order for the United States to clear up the drug addiction problem within its borders, there must be close cooperation between those agencies which now deal with drug education, research, training, treatment, and rehabilitation, which this bill does—and those agencies which specialize in domestic and international control of the illicit narcotics supply.

Whereas the Special Action Office for Drug Abuse Prevention has considerable funding and review jurisdiction on the demand side of the drug problem, it has only consultatory and advisory powers on the law enforcement and international agreement side of the overall attack. Later this year, for example, U.S. negotiators will attempt to eliminate the many loopholes in the 1961 Single Convention on Drugs and to strengthen such United Nations drug-suppression agencies as the International Narcotics Control Board. These efforts, as well as the drug-control policies of Customs, the Bureau of Narcotics and Dangerous Drugs, and the newly established Office of Drug Abuse Law Enforcement, must be synchronized with prevention and rehabilitation activities within our own borders.

H.R. 12089 is not a final solution for the narcotics crisis in America, but it does represent a significant, long step forward. Again I would commend the House Commerce Subcommittee on Public Health and the Environment for its painstaking efforts in developing this legislation, and I trust that the bill before us today will meet with swift House approval.

Mr. NELSEN. Mr. Chairman, I yield the balance of my time to the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS), because I understand he has some additional requests for time on the other side.

Mr. STAGGERS. I thank the gentleman very kindly because we were a little pressed for time over here.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I have one question: Will you tell me whether or not this bill authorizes the admittance into a veterans hospital of someone other than a veteran?

Mr. STAGGERS. No, it does not. That authority was, at least arguably, contained in the original bill but that provision was taken out. This bill does not change in any way the authority for hospitalization in VA facilities.

Mr. TEAGUE of Texas. On the last page of the report, page 24, there is the following statement:

> (c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities.

Mr. STAGGERS. That section deals with authority of the Secretary of the Department of Health, Education, and Welfare.

Mr. TEAGUE of Texas. It does not apply to the Veterans' Administration?

Mr. STAGGERS. No; it does not.

Mr. TEAGUE of Texas. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. ROY), a member of the subcommittee.

Mr. ROY. I thank the chairman very much.

Mr. Chairman, I want to reiterate one point which has been made, and that is the importance of this legislation. I am thoroughly convinced that drug abuse is something which can indeed destroy our entire society if it continues to expand at the rate in which it has in the past few years.

Mr. Chairman, the second point is that of the 32 veterans' facilities for the treatment of drug addiction, one is located in the Second District of Kansas. I have visited it. I am aware of the dedication and of the setup that is present there and I intend to be sure that this is used to the maximum extent for the veterans of the United States.

So, Mr. Chairman, I would like to assure the gentleman from Texas (Mr. TEAGUE) and others on the Veterans' Affairs Committee that it is not the intent of this member of the committee to see that program decreased in any way, but to be an integral and integrated part of a coordinated program of drug education, research treatment and rehabilitation throughout the country.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I cannot tell you how much hope this legislation has given to the people in Harlem and, indeed, to those throughout the United States who are addicted to drugs or who are living in conditions beyond description as the result of drug addiction.

Mr. Chairman, this is the first time that the United States of America, through its Congress, has attempted to make this national effort and to coordinate our efforts in order to make certain that we will find a solution to this terrible epidemic that has swept over us.

I feel extremely proud to be a Member of Congress and I feel certain that this legislation is going to pass. I only hope that it will speedily go to conference and that we do not lose days or weeks waiting for this bill to become law. There are too many lives dependent upon the treatment of this terrible disease.

Mr. Chairman, I hope that we would be able to get the conference report agreed upon by both Houses before the President leaves the United States for his trip abroad.

Mr. Chairman, no people have suffered more from this Nation's inability to stop the drug epidemic than the people of Harlem. On street corners, in alleyways, and in vacant tenements the heroin trade flourishes. Suppliers grow rich while their victims are pushed even deeper into a life of degradation and despair.

We know that to speak of drug abuse is to speak of many abuses. The lack of equality and opportunity which daily faces so many members of my community convinces them that there will never be a better way of life, a happier or more prosperous time. It is no surprise that they find this escape in mind-twisting and body-destroying heroin.

There will never be a cure for America's drug epidemic until there is a cure for America's social injustices. As long as men are held in bondage by a system which offers unemployment, substandard education, and poor housing, they will seek escape by any available means—even if those means result in self-destruction.

It is vital, Mr. Chairman, that we view the legislation before us with proper perspective. In light of all I have said, I do not believe the provisions of this bill represent all that is, or will be, needed to eradicate drug addiction. H.R. 12089 does, however, represent an important, though limited, step in the right direction.

To date there has been no truly effective anti-drug-abuse effort in this Nation. Program after program has been passed, and there is still no true progress apparent. It is time that a unified sense of direction be given to these myriad programs, and that Federal agencies be forced to work together.

The Special Action Office for Drug Abuse Prevention to be established by this bill would perform these tasks. The Director of this Office would have responsibility for developing a totally coordinated drug abuse effort. He would, I hope, put an end to the wasteful overlap and duplication now existing. Instead of competing against one another, our agencies and departments could cooperate at last.

The coordination should have positive effects at the research level and at the recipient level.

For researchers, it can mean more clearly defined objectives, with sufficient resources to assure thorough studies and experimentation. They will, perhaps, be able to build more efficiently on the findings of other researchers as the exchange of information is facilitated.

For the recipient, it can mean one central place to go to for help. People are now confused and discouraged by the bits and pieces of programs lying about. More than one addict—after having made the agonizing decision to kick his habit—has sought unsuccessfully to find a program which will accept him. Often he travels all the way across town only to find that, for some technical reason, he is ineligible or that the program is filled. A better organized services delivery system could put an end to this deadly confusion.

The people of Harlem, and inner cities throughout this Nation, have the greatest stake in the ultimate results of the administration's efforts to control drug abuse. In 1970, narcotics-related deaths in New York City reached 1,050—nearly three a day. Many of these were in Harlem where the supply of heroin and other drugs is as plentiful as groceries are to the suburban housewife.

It is for these reasons that I am so concerned about the efforts of our Government to stem the flow of illicit narcotics into this country and have sponsored legislation—finally enacted—to suspend foreign aid to those nations which fail to take appropriate steps to prevent the production, processing and smuggling of heroin and other dangerous drugs.

We are all too aware of the unfortunate and grim authenticity of the movie, "The French Connection," and we know that the officials of France simply have not cooperated to the fullest extent possible with us to close the clandestine processing laboratories in southern France. While the record is replete with promises and alleged cooperative agreements, the truth is that heroin continues to be available on the streets of New York—and its supply is growing. While the human toll of the situation is tragic, the cost to society as a whole has reached staggering proportions. It is estimated that $2 billion worth of crime is committed in Harlem each year by addicts. Annually, the city of New York spends $50 million just on prisons, court, and police costs for criminal addicts.

While it is absolutely essential for the tide of illegal drugs to be ebbed, we must be realistic and understand that even if every international lever available to us were applied against every foreign nation in any way involved with drug traffic, some heroin would still reach our shores and find its way to our streets. As a result, the problem of dealing with the suppliers of drugs is critical in the short term, for if we can eliminate these merchants of death from peddling their fatal wares on the streets, we at least stand a chance of preventing new addicts. I have told the House of Representatives that there are great disparities to be found within New York City in the sentencing of narcotics pushers. The situation was highlighted in a report of the New York State Joint Legislative Committee on Crime. Without repeating the details of the report, it is enough to say that there is a most urgent need for more action on this front. I am hopeful that the announcement last week of a new office in the Justice Department headed by former Customs Commissioner Myles Ambrose will insure a greater effort by the local and State governments, as well as the assured action by the Federal Government against the pusher and supplier. I recently discussed his new position with Mr. Ambrose and I am convinced that he is sincere in his commitment. I am also convinced that he and Dr. Jaffe will affect a cooperative arrangement to coordinate the law enforcement and the so-called demand side activities of the Federal Government's offensive against drug abuse.

Mr. Chairman, while the bill before us is not perfect and fails to deal with some of the critical supply problems in a realistic way, it is a definite step in the right direction in the fight against drug abuse. Passage is essential if Dr. Jaffe is to move forward in his efforts, and I urge its support by my colleagues.

Mr. STAGGERS. I thank the gentleman from New York for his contribution.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, I rise in strong support of this legislation. The drug abuse problem in this country has reached epidemic proportions. It is a major concern to all Americans, young or old, rich or poor. It is no longer a problem confined just to the inner cities, the ghettos, the poverty areas; it has spread to rural areas, suburban communities and metropolitan limits. It not only affects the college student, or the high school adolescent; it now reaches even children in the first and second grades, youngsters who are just beginning to learn the fundamental three R's.

When I read newspaper accounts of 5-year-olds hooked on heroin, I say the drug problem is serious; when Federal Government administrators report that there are an estimated 250,000 heroin addicts in America, I say the drug problem is serious; when our Military Establishment tells us that the number of military members investigated by law enforcement agencies for drug use has increased 118 percent over the last 2 years, I say the drug problem is serious. When the mayor of one of our largest cities testifies that in 1 year in that city alone, drugs killed more than 1,000 persons and 215 of these were teenagers, I say the problem is serious.

Several steps have been taken by Congress. But these steps are not enough. We need an overall comprehensive program which will coordinate the domestic activities of the nine different agencies and departments, ranging from programs to educate teenagers to those which train ex-addicts. We need also a comprehensive program to attack illicit drug traffic which supplies the 250,000 heroin addicts in this country.

I believe there is a relationship between the availability of drugs and their use. H.R. 12089 is a progressive approach which attacks the demand aspect of the problem. The Special Action Office created in this bill will insure a central, comprehensive coordination of the Federal effort in combating the national drug problem. No longer can we have each Federal agency responding to only one part of drug abuse, irrespective of any other agency involved in the drug problem. Every aspect of the domestic drug problem must be inextricably linked to an office which provides overall planning and policy and establishes objectives and priorities for all Federal drug abuse prevention. The Special Action Office for Drug Abuse Prevention accomplishes this goal.

While this bill is meritorious—it coordinates all domestic drug abuse and prevention efforts and offers ways to find new initiatives in resolving this problem—it does not resolve the supply aspect of the problem in which 50 to 60 tons of opium are channeled annually through underground markets to supply the 250,000 heroin addicts in this country. The administration has made overtures to decrease the flow of illegal drugs into this country and should be applauded for its efforts.

But much, much more work needs to be done. Neither this bill nor the several proposals of the administration are the final utterances in drug abuse control and prevention. We in the House will continue to work to alleviate this national anathema, which has penetrated all levels of our society.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, I now yield 1 minute to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I thank the chairman, the gentleman from West Virginia, for yielding me this time.

The House Committee on the Judiciary has a certain amount of jurisdiction over drugs as the result of the enactment of the Law Enforcement Assistance Act and the Narcotics Addicts Rehabilitation Act, and we share this jurisdiction with the distinguished Committee on Interstate and Foreign Commerce and work together in a most harmonious way.

I want to congratulate the committee on bringing out this very important bill. I trust that it will be enacted overwhelmingly. I certainly, in particular, want to thank the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS) for the cooperation that he has extended to the Committee on the Judiciary in this area in the past and to assure the gentleman and the entire committee of our continued cooperation.

Mr. Chairman, I rise in support of H.R. 12089 and to commend the distinguished members of the Committee on Interstate and Foreign Commerce for their achievement in producing so comprehensive a piece of legislation to meet the national crisis of drug addiction. Special praise and commendation is due my able and knowledgeable colleague, Representative PAUL ROGERS, who, as chairman of the Subcommittee on Public Health and Environment, presided over extensive hearings on this important bill, and this praise must extend as well to the other members of this subcommittee.

H.R. 12089 sets forth as a declaration of national policy the commitment of the Federal Government to focus its resources and bring them to bear on drug abuse for the purpose of significantly reducing the incidence of drug abuse and drug addiction in the United States within the shortest practicable period of time. This commitment to a national war on drug addiction has been a long time coming. For many years a scourge, largely contained behind the walls of the Nation's ghettos, drug addiction was not recognized as a national crisis until the mid 1960's when the drug epidemic reached beyond the ghetto to infect the white middle class.

Yet even this belated recognition of crisis failed to stir the Federal Government to significant action. Until this bill, and its companion measure recently passed by the Senate, we have seen the enactment of several important programs by the Congress, including the pioneering Narcotic Addict Rehabilitation Act of 1966 which was introduced by Chairman CELLER of the Judiciary Committee, but we have not seen the kind of leadership and coordination of these drug abuse programs which has been needed to make them effective against the growing ravages of drug addiction, intensified by the tragedy of the Vietnam war.

H.R. 12089 provides a structure for the coordination of the Federal Government's drug-abuse programs. It establishes a Special Action Office for Drug Abuse Prevention in the Executive Office of the President and gives the Director of that Office the authority to provide overall planning and policy and establish objectives and priorities for all Federal drug-abuse prevention functions. As anyone who is familiar with the Federal bureaucracy knows, more important than the authority is the power to bend the bureaucracy to a desired course. This bill gives the Special Action Office that power by providing that the Director will not only review, but will be able to modify the budgets and implementation plans of any Federal department or agency with responsibility over drug-abuse programs. Other important features of the bill include the establishment of a national drug-abuse training center to train drug-abuse treatment professionals, the creation of a program to provide technical assistance to State and local agencies, and the amendment of the Public Health Service and Community Mental Health Centers Acts to provide for a substantial increase in available facilities in local communities for the treatment and rehabilitation of narcotic addicts.

We are indeed fortunate that the President has chosen as the first Director of the Special Action Office the very able Dr. Jerome Jaffe. Dr. Jaffe, who has broad experience in the treatment and rehabilitation of narcotic addicts, appeared before my Judiciary Subcommittee immediately after his appointment by the President in June. He impressed us all with his testimony at that time and we look forward to working closely with him in our efforts to find a more meaningful role for the Federal Government in the treatment of addicts.

H.R. 12089 deserves the support of this entire Chamber. The lack of adequate Federal commitment is a major reason for the presently insufficient funding of treatment and rehabilitation programs. I have hope that this bill will begin to concentrate the full resources of the Federal Government toward the achievement of the stated national goal of significant reduction of drug addiction in the United States.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Texas (Mr. WHITE) for any questions that the gentleman might have.

Mr. WHITE. Mr. Chairman, I thank the gentleman for yielding to me, and I want to ask certain questions concerning this bill.

First of all, on page 13, it says that the Director is authorized "to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions," and so on.

Does that allow the Director to change grants already made for community programs throughout this Nation?

Mr. STAGGERS. No, it does not.

Mr. WHITE. It does not, and he cannot?

Mr. STAGGERS. That is correct.

Mr. WHITE. Going down further on page 13 to line 17, I gather from the wording of subsection (2) that the Director allocates all funds concerning all drug abuse programs throughout this country by the Federal Government?

Mr. STAGGERS. The gentleman is referring to subsection (2)?

Mr. WHITE. Yes.

Mr. STAGGERS. It says "to the extent not inconsistent with the applicable appropriation acts, to make funds available from appropriations to Federal departments and agencies," and so forth.

No, not any more authority than OMB has already.

Mr. WHITE. For instance, we have now a program whereby the Veterans' Administration will treat drug addicts after they are discharged from the service. Can the Director reallocate those funds that this Congress appropriates for this program?

Mr. STAGGERS. No. I would say this to the gentleman, that the VA has to make a line item request in the budget for drug abuse programs and the use for the money has to be explained.

Mr. WHITE. On page 17 there is a provision whereby the Director can, after examination, write a letter or contact the President of the United States and indicate that he does not think that the money is being used properly and that the programs are not for the best benefit for the prevention of drug abuse, and the President after studying these can indeed make changes by directives.

Does this mean we are delegating to the President through the activities of the Director the opportunity to change law?

Let us go back to the same illustration as before where we provide funds for the Veterans' Administration to treat veterans for drug addiction after they are discharged. Supposing the Director determines this is not a proper manner in which to treat veterans. Can the Director then contact the President and the President then, by Executive order, change that feature of our law? Are we delegating that authority?

Mr. STAGGERS. No; we are not changing the law in the least bit. And we are not giving the President any more authority than he has now to change the law.

Mr. WHITE. I believe there is one other feature that we should examine.

On page 19, the bill says that the Director can tap any manpower resources in the Federal Government for a period of 90 days with or without the consent of the particular department, but after that time then he would have to have the consent of the department head in order to use the particular personnel.

Is that the intention of the committee? That is the way I read that particular section.

Mr. STAGGERS. Where has the gentleman been reading from?

Mr. WHITE. Starting on page 19, line 5, subsection (1).

The bill says:

> The Director may
>
> (1) take such action as may be necessary to request the assignment, with or without reimbursement, * * *

Which I presume means without reimbursement to the department—

> of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment.

In other words, he can tap any individual in the Federal Government without reimbursement to that agency, with or without the consent of the department head.

Mr. STAGGERS. Yes; because this is to help with special task forces to help city and local governments. If we did not have the authority to do this, there would be delays in a lot of places in establishing more efficient methods to put into operation.

I would point out that there must be a request.

Mr. FREY. Mr. Chairman, we are today voting on what has to be characterized as the most comprehensive approach to the demand side of the drug problem to come before the House—legislation to create the Special Action Office on Drug Abuse.

As chairman of the Republican task force on drug abuse and a member of the Interstate and Foreign Commerce Committee, I have had the pleasure to work closely with Dr. Jerome Jaffe, who will direct the Special Action Office, in attempting to secure the enactment of this legislation. Dr. Jaffe's experience and background in the area of drug abuse uniquely qualifies him to head the assault on drug addiction.

The key provision in the bill is the mandate in section 221(a) that the Director "shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions." There has been and still is a tremendous overlap in governmental drug programs, with a resultant lack of coordination. For instance, NIMH in fiscal year 1971 spent $33.5 million on treatment and rehabilitation of addicts; OEO spent $12.1 million; VA spent $700,000; HUD spent $13.7 million; and the Justice Department (LEAA) spent $7 million. Some of these agencies, such as LEAA, lack the competence to make such grants, as their area of expertise is not in drug treatment.

The Director is also authorized to develop improved methods for determining the extent of drug addiction and abuse in the United States. The current estimate of 315,000 addicts is based on information which is very unreliable. In my own State of Florida, for instance, the estimate of the number of narcotic addicts and drug users is considerably less than the number of addicts or users now enrolled in various treatment programs in the State—a figure which is known.

Further provisions provide for the authorization of $40 million for fiscal year 1973 and 1974 to finance the development or demonstration by other agencies of new approaches and to finance the expansion of existing activities which are effective or needed.

In addition, $20 million for fiscal year 1973 and $25 million are authorized for fiscal year 1974 for drug research and development. The sum of $2 million is authorized for fiscal year 1972, $3 million for fiscal year 1973 and $5 million for fiscal year 1974 for a National Drug Abuse Training Center.

Additional spending for both research into finding an antagonist and blockage drug to drug addiction and the development of trained drug treatment professionals is long overdue. In the first session of the 92d Congress, I introduced an omnibus drug treatment bill which also contained substantial funding for both of these areas.

Although the funding levels for these areas are not as large as I believe may be necessary, they will provide a good beginning. One of the greatest weaknesses in present treatment programs has been a lack of trained professional or paraprofessional personnel. The New York State program to commit addicts has not been as successful as the California commitment program primarily because of a lack of trained personnel.

Other provisions in the legislation will establish treatment programs in community mental health centers and Public Health Service hospitals and facilities. The use of such facilities to treat addicts will provide an immediate, needed increased capacity to treat addicts.

Section 305 of the bill authorizes grants to States for planning with respect to drug abuse prevention functions. This is the first recognition by the Congress that grants for drug treatment should be made directly to the States instead of to grantees within a State—as they presently are—oftentimes, irrespective of how that program relates to an overall State's needs. I have recently introduced legislation—H.R. 12843—that would expand this and provide that all treatment grants go directly to the States if the State meets certain criteria, including the establishment of a State narcotic treatment agency to ascertain the State's needs, develop a comprehensive State program, and establish standards for such programs.

H.R. 12084 which we vote on today does not provide all of the answers to the enigma of drug abuse, but it does create needed organizational machinery and provides badly needed funding to treat and rehabilitate the burgeoning addict population in this country.

Mr. KYROS. Mr. Chairman, I rise in support of H.R. 12089, to establish within the executive branch a Special Action Office for Drug Abuse Prevention, and to concentrate and focus the resources of the Nation against the problem of drug abuse. This bill, Mr. Speaker, is the result of an extensive investigation into the problem by the membership of the Subcommittee on Public Health and Environment, an investigation which included 21 days of hearings beginning on June 19, 1971, and concluding on November 8, 1971. At these hearings over 100 witnesses were heard from, with the subcommittee receiving testimony not only here in Washington but also in St. Louis, Mo.; Fort Worth, Tex.; New Orleans, La.; New York City; and Richmond, Va.

Mr. Chairman, every Member of Congress and, indeed, every American must be well aware of the seriousness and extent of the drug abuse problem in this country. Its effects are all around us—reflected in the increase in violent crimes felt throughout our society; in the pain and hardship suffered by individuals, families, and entire communities; in the physical and psychological threat posed to the health and welfare of the entire Nation. Clearly the problem has reached epidemic proportions. And I must emphasize, Mr. Chairman, that it is an epidemic which knows no social, economic, or even geographic borders. From New York City to rural Maine, the tragedies of drug abuse have affected all segments of the population.

Likewise, among American servicemen stationed overseas, the problem of drug abuse is one which demands immediate and extensive attention. While estimates vary widely on the numbers and percentages of American servicemen in Southeast Asia seriously addicted to narcotics, the figures—even at the lowest estimates—are significant and frightening. And the illicit flow of dangerous drugs from other parts of the world into our country continues despite the efforts of this Government in securing the cooperation of foreign powers. As a member of the Subcommittee on Public Health and Environment vitally concerned with this problem, I have visited the Far East—most recently in August of 1971—to witness firsthand the extent of drug abuse among our servicemen, and to investigate the sources of international traffic in illicit drugs.

The responses of our Government in the last several years to the growing problems of drug abuse in our own country and illicit trafficking abroad have not, I am afraid, been so effective as they might have been. But H.R. 12089, I feel, will go a long way toward focusing in a meaningful and workable way the efforts of this Government in this regard. Our hearings revealed that on the "demand" side of the drug abuse problem alone, at least nine different Federal agencies and departments have been involved, with programs ranging from educating teenagers to training ex-addicts for work. H.R. 12089 attempts to coordinate all of these activities, in order to bring about the most effective deployment of Federal resources in this area.

The subcommittee's investigations in five cities outside Washington have pointed forcefully to the need for coordination of Federal efforts in the field of drug abuse. The subcommittee found, for example, that in several cases treatment centers were not even aware of what activities neighboring centers were engaged in. Then, too, there has been a serious shortage of funds for several of our larger cities which are especially plagued by the problem of hard drug abuse. H.R. 12089, which authorizes $411 million over the next 3 years, will provide the funds necessary to give the problem of drug abuse the high national priority it unquestionably deserves. And these funds will be effectively targeted, under this legislation, to those areas whose needs are greatest.

In short, Mr. Chairman, I believe that H.R. 12089 will help enable the Government to move forcefully and quickly in the coming years, so that the tragic and pervasive problem of drug abuse in this country can be effectively solved. In closing, I would like to commend my distinguished colleague and friend, Mr. ROGERS, for his devoted, thorough, and consistently outstanding performance in guiding this bill from our subcommittee to the floor of the House.

Mrs. GRASSO. Mr. Chairman, too many of our young people have suffered the cruel effects of drug abuse. Too many parents have gone through the agony of sleepless nights and tense visits to the police station or hospital because of a child struck by the ogre of narcotics. Too often this agony ends in tragedy.

H.R. 12089, which is before the House, would permit a hopeful beginning in a coordinated national fight against drug abuse. By establishing a Special Action Office for Drug Abuse Prevention within the Executive Office of the President, this bill provides for central coordination of the different Federal activities now in existence in the field of drug abuse.

We welcome this first step. H.R. 12089 also provides for some $411 million in Federal funds for drug abuse programs, including treatment and rehabilitation services at community health centers and Public Health Service facilities.

Thousands of lives and millions of dollars are wasted each year because of drug abuse and related problems. Today the House has the opportunity to respond to pleas for help by our people. We must support a national drug abuse program that can save lives. It is my sincerest hope that my colleagues in the House will assert forceful and necessary leadership in the critical area of drug abuse by passing H.R. 12089, and establishing a Special Action Office for Drug Abuse Prevention.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 12089, a bill providing for a Special Action Office for Drug Abuse Prevention. In a message to Congress in June of last year, President Nixon called for the establishment of such an office to coordinate the activities of the Federal Government in this area of national concern. An interim office has been established by Executive order but for this new office to have maximum impact, the legislative authority and funding provided in the legislation under consideration today is desperately needed.

We are all aware of the magnitude of the problem of drug abuse in our country—daily, we are bombarded with statistics which document its ever-widening scope. And the alarming facts which have been presented to us have jolted the Congress into action. In the last 3 years there has been an increase of nearly 600 percent in Federal expenditures for treatment and rehabilitation and an increase of more than 500 percent in funding for research, education and training. In addition, the administration has taken a number of significant steps in the international arena in an attempt to block the entry of illicit drugs into the United States, including the negotiation of agreements with Turkey, France, and Mexico.

Yet the proportions of this problem demand even further action and stronger initiatives. At present, the activities of the Federal Government in this area are spread through nine Federal agencies; clearly, a higher degree of coordination is called for if our efforts are to be successful. I believe that the Special Action Office provided for in this legislation will contribute greatly to our efforts to educate the public about the dangers inherent in the use of drugs, to conduct the necessary research into the short- and long-range effects of the use of drugs, and to institute comprehensive rehabilitation programs for those already dependent on drugs who are inflicting harm on themselves as well as on society. I therefore urge my colleagues to join me in strongly supporting this measure.

Mr. RONCALIO. Mr. Chairman, today an extremely important bill comes before us, a bill to heal an area in which there can be no liberal or conservative, no Republican or Democrat. H.R. 12089 calls for a team and an attack which must be all-American if the terrible scourge of drugs is to be rid from our midst. So far, there has been no really national effort to combat this menace. Now, with H.R. 12089, we have the first few small steps toward the consolidation of such an attempt.

Mr. Chairman, our major cities, as we all know, face the twin and terrible threats of the O.K. Corral and the concentration camp. For, if we cannot stem the drug traffic and stop the lawlessness which it induces, we will see law and order such has only been visited upon totalitarian countries.

But the problem of drugs and the awful toll it exacts on human lives is not a phenomenon of big cities alone. It exists in small towns, in the South, in the North, in the Midwest, in the Rockies. It has become a major threat to my own State of Wyoming, once thought a place of peace and seclusion; but it has come there and it is a problem about which no society can be permissive. Mr. Speaker, I cast my vote for H.R. 12089, mindful of its shortcomings, aware of the hard journey that we will face in conquering this problem. For in my mind there is a small ticking as of a bomb, put there by the following warning article from the Wyoming Eagle of January 19, 1972:

DRUGS SAID MAJOR PROBLEM

(EDITOR'S NOTE.—This is the seventh and final article in a series on Wyoming criminal procedures. This article deals with Natrona County.)

(By Tracy Ringolsby, Jr.)

A rapidly increasing drug problem faces Natrona County and it shows no sign of letting up in the future, according to the Natrona County Comprehensive Law Enforcement Plan.

"In the category of narcotics the crime rate from the year 1967 is increasing at a tremendous rate," according to the report. "The total line runs at almost zero from 1965 through 1967 and then it wings up to above 60 to 64 in the span from 1967 through 1970."

The report said it was anticipated 76 persons would be arrested on drug charges in the county in 1972, an increase in excess of 13 percent.

The report said County officials were working at controls for the problem. The sheriff is getting a trained dog and full time deputy to work in the search for drugs and Casper's police chief placed a full-time man on the problem.

The report said a trend toward the use of harder drugs would create more problems.

"We can anticipate that narcotics will begin affecting the other crime categories such as robbery and breaking and entering because as these people become more addicted to hard drugs they are going to have to have money to feed their habit," it said.

The report said there was a general increase throughout the county in all crimes.

"Criminal activity on the whole is up in Natrona County and the city of Casper," it was reported. "Crime statistics indicated a disproportionate number of violent crimes and property crimes in relation to population.

The report said juvenile crimes were an increasing problem. It said further help was needed for juvenile counselors who presently obtain background summaries on individuals through a conversation with subjects and parents. From these summaries a decision is made whether to go to court.

"If the counselor had a staff to make these background studies rather than having to go through the court to get the welfare office to do them, he would conceivably be able to cut the number of cases that must go through the court," the report said.

There are no facilities for juveniles or women in the Casper city jail according to the report and "the only ventilation to the cell area is through windows that open outside in the corridor or small windows in the individual cells that are covered with heavy screens that only open into the garage."

It said the only heating in the city jail was from hallway radiators.

"The county jail was constructed in 1930 and met the building codes in force at that time," it said. "Emergency power is available but not on an automatic basis. It would require at least 10 minutes to get it operational."

The report said a new state law required Natrona County, by January 1975, to adopt a county court system to replace the present justice courts. It would replace the two justice courts in Casper and one in Edgerton with a full-time judge. It would also have concurrent jurisdiction with the district court in civil cases up to $1,000 and criminal jurisdiction covering any misdemeanor.

The case load was not expected to be too high because presently the justice court arraigned all cases before they are bound over to district court.

Mr. ADDABBO. Mr. Chairman, I rise in full support of H.R. 12089. This bill provides for the creation of a Special Action Office for Drug Abuse Prevention under a Director having broad powers over the conduct of drug abuse treatment, rehabilitation, education and research programs and activities throughout the Federal Government.

This legislation has long been needed. There have been too many diversified programs on this serious problem of drug abuse. The diversification has not helped to stem the tide of drug abuse. The coordination of the programs under one person will give meaningful direction and the greater and most beneficial use of dollars appropriated to these programs. It will give greater utilization of enforcement legislation.

Aid given to the law enforcement officers and programs aimed at elimination of the spread of drug abuse in the streets is just as important as destroying the drugs at its source. If there is no market, there is no import. I am indeed pleased that emphasis will also be placed on the illegal dispensing, manufacturing and import of barbiturates which has been increasing in the incidence of drug abuse.

I applaud the President on his announced choice of Myles Ambrose to be the one to head this program. Mr. Ambrose has served the State of New York well and efficiently with the waterfront commission and in other capacities, and has been an excellent U.S. Commissioner of Customs. He and his department have been in the forefront in the fight to stamp out the illegal smuggling in of narcotics and have one of the most commendable records of seizure of narcotics. We will miss Commissioner Ambrose as our commissioner of customs but are happy in the knowledge that he continues as a dedicated public servant and especially in the fight against drugs.

Mr. Chairman, I sincerely hope this legislation will be quickly passed by the House and the Senate so that we may get on with this next effort to stamp out this scourge of drug abuse which threatens our Nation.

Mr. BOLAND. Mr. Chairman, drug abuse is a disease, a national disease. Like other afflictions it respects neither age nor wealth, neither race nor status. The epidemic in drug abuse has had telling effects throughout our society. Violent crime, street crime, is a well-known companion of addiction. The Armed Forces have been seriously hobbled by drug use within their ranks. Families, both urban and rural, both black and white, have been disrupted cruelly when one of their members has taken flight from reality through the use of chemicals. The health bill that this condition presents to the Nation is staggering.

As a nation we long regarded the tragedy of drug abuse to be purely criminal in nature. We dealt with the user as with any other felon. We confined him, we ostracized him. To a large extent, we condemned him to a life centered on drugs, and dependent on crime. We chose to turn our backs on the root causes of the problem, and conveniently shunted its victims from sight.

As a nation we viewed drug abuse as a local problem. We consigned the guilt for the continuing failure to make progress on this front to the inadequacies of local programs and personnel. We have now come to realize the national proportions of the crisis.

The bill for the creation of a Special Action Office for Drug Abuse Prevention begins the task of meeting the problem head on. It seeks to provide national coordination in the fields of policy, planning, and objectives. Prevention and treatment must work together if they are to work at all. The creation of a special office gives our commitment its proper emphasis and high priority. The representation on the National Advisory Council of the Secretaries of Defense and Health, Education, and Welfare—plus 12 appointed members—properly recognizes their special responsibilities in this field. The inclusion of community health centers and public health facilities in drug treatment and rehabilitation programs affirms the national will to deal with drug abuse.

Some may say that H.R. 12089 is only one step, but it is a strong and necessary step. I heartily endorse it.

Mr. MURPHY of Illinois. Mr. Chairman, I rise in support of H.R. 12089, to create a Special Action Office for Drug Abuse Prevention. I commend Chairman Staggers and Subcommittee Chairman Rogers for the expertise and energy demonstrated during the exhaustive committee investigation. I recommend adequate funding for this vital legislation since anticipated results will not be forthcoming otherwise.

This legislation represents a new beginning in the faltering war we are waging against narcotics. Our efforts to date have not been an unqualified success. The number of addicts in this country increases daily despite recent administration efforts to stem the flow of heroin across our borders. Heroin enters the blood streams of our youth and crosses socio-economic boundaries. Heroin overdoses in Cook County alone last year accounted for 310 deaths with no indication that the crisis has reached its peak.

This legislation before us in Congress today provides the coordination necessary to effectively deal with the problem. The Special Action Office for Drug Abuse Prevention will be a unifying force for the proliferation of Federal, State, and local agencies now active in drug prevention.

In addition to establishing a National Drug Abuse Training Center, the bill provides that existing community health centers and public health service facilities will be utilized where feasible. Too often in the past, Congress has opted for creating a new agency to deal with a problem without first considering adjustments in agencies already in existence.

As a member of the Select Committee on Crime, I am in total agreement with the section of the bill providing for increased pharmacological research to find a chemical substitute for heroin. After extensive hearings in the Crime Committee last year, it became evident that a full-scale research effort must get underway to provide blocking or antagonistic drugs as well as detoxification agents to ease withdrawal for addicts. While the methadone approach is a step in the right direction, I do not consider it a suitable solution to the problem.

Each day we delay, more Americans succumb to heroin addiction. Each time we postpone our legislative responsibility, the problem becomes more insurmountable. The time is now, gentlemen. We may not have too many days left.

Mr. MONAGAN. Mr. Chairman, I support H.R. 12089, creating a Special Action Office for Drug Abuse Prevention, and I urge all Members to join in supporting this long overdue step toward dealing with drug abuse in America.

The massive drug problems which we face today demand the central coordination of the Nation's drug abuse control efforts which this legislation would establish. There are an estimated 250,000 heroin addicts in the United States today. Together they spend $7.5 million per day or approximately $2,737,500,000 per year to buy their drugs. If 75 percent of those addicted resorted to crime to support their addiction, the cost in crime to sustain the heroin habit nationwide would be in excess of $8 billion per year.

The human cost of heroin addiction is even more shocking. At least five Americans die each day as a result of narcotics abuse. The physical and psychological states of countless more deteriorate to the point where they are unable to function in society. Caught in the endless cycle of "highs," crime, and arrests, they neglect not only themselves but their families. One of the greatest tragedies of drug abuse today is the heroin baby—a child born addicted to heroin because its mother was addicted during pregnancy.

Because of the complex nature of the drug crisis in the United States, it is necessary to approach this problem at many different levels. On the so-called supply side of drug abuse, some striking advances have been made. A beefed-up Customs Bureau has made record seizures of narcotics entering the country during the last year, confiscating a total of 1,309 pounds. Internationally, the U.S. Bureau of Narcotics and Dangerous Drugs has uncovered some strands of the drug supply network, and the Government of Turkey, perhaps the main supplier of opium in the world, has pledged to eliminate all opium cultivation at the end of the 1972–72 crop year.

I have concentrated much of my own efforts in Congress on the problem of international drug traffic. I was pleased that the Congress accepted an amendment which I offered to the recent foreign aid bill requiring the President to cut off economic and military assistance from countries refusing to cooperate in the international control of illegal narcotics. Much more needs to be done in the field of international narcotics control, of course, for as one clandestine supply route is severed, another seems to take its place almost immediately. However, the passage of this amendment as well as the other steps which have been taken provide some optimism that we are headed in the right direction on the supply side of the narcotics problem.

The "demand" side of the narcotics problem has been hindered in the past by the fact that at least nine different agencies and departments have had jurisdiction over treatment and education programs. While the various programs at times complemented each other, they too often worked against each other, causing inefficiency and duplication. No authority has ever existed in any individual or governmental body to coordinate the Nation's resources in an overall attack on the demand side of the drug problem.

It is exactly this problem which H.R. 12089 seeks to overcome. This legislation creates a Special Action Office for Drug Abuse Prevention with the power to provide central, comprehensive coordination of the Federal drug abuse control effort. It delegates to the Director of this agency sweeping powers over the conduct of drug treatment, rehabilitation, education, and research programs throughout the Federal Government. These powers include the authority to direct drug abuse prevention functions of all Federal organizations, including the Department of Defense and the Veterans' Administration, and encompass an extraordinary authority over the Special Action Office's own budget, a power traditionally exercised by the Office of Management and Budget.

The mandate of this legislation states that the Director "shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions." The powers given to the Director in this bill should allow him to carry out this mandate with a minimum of redtape and bureaucratic duplication. They should allow him to attack the drug problem in the only way it can be effectively handled—through a coordinated national effort under central Federal direction.

During the past year I have been particularly concerned with the problem of drug abuse in the Armed Forces. Last spring I introduced legislation which would provide drug rehabilitation for addicted GI's right in the military itself. It would require that no addicted serviceman be discharged until judged free of his habitual dependence. This provision would protect both the drug addict by giving him proper treatment, and the society to which the improperly treated GI would return, to a life of crime and sorrow.

The legislation which we are considering today will give the Director of the Special Action Office authority over Armed Forces drug rehabilitation and education programs. Such authority is necessary if the Director is to carry out the coordinated effort which the mandate demands. However, in delegating this power Congress must not abdicate its own authority and responsibility to designate what the military drug abuse control effort should include. I hope that

Congress will supplement the Special Action Office legislation by passing H.R. 8216, my bill for a comprehensive program of drug treatment in the armed services itself. By doing this, the Congress can provide a further mandate for the Director of the Special Action Office—a mandate to assure the effective treatment and rehabilitation of the thousands of GI's addicted to drugs.

Mr. MILLER of Ohio. Mr. Chairman, if we are serious about doing something to stem drug abuse and help drug-dependent people, we should pass this legislation. We cannot possibly hope to wage an effective campaign against the drug menace if the resources we have to do it with are scattered throughout the Federal Government, lacking any interdepartmental coordination and direction.

H.R. 12089 follows the President's request last year for the establishment of a Special Office of Drug Abuse Prevention to provide central comprehensive coordination of the Federal Government's activities in the area of drug abuse. The Director of this new Office situated in the Executive Office of the President would have broad powers to conduct overall planning and policy and establish objectives and priorities for drug abuse treatment, rehabilitation, education, and research programs throughout the Federal Government.

Briefly, Mr. Speaker, I would like to comment on the extent of the drug abuse problem. Generally, the illegal use of marihuana, amphetamines, barbiturates, hallucinogenics, and narcotics is considered to be a big city problem. But evidence clearly shows that it has permeated every income level and every part of the country, including America's small towns and countryside. We do not think of drug use being a problem in rural areas, but increasingly it is. The total drug arrest increase for rural areas from 1964 to 1969 was 600 percent. Arrests of persons under 18 years of age increased 1,400 percent in the same period.

As a Representative of a rural constituency, these figures are of concern because we have seen the emergence and spread of drug use in southeastern Ohio. Researchers conducting a drug survey stated to us that:

> There is a true drug problem here and more and more of our youth are becoming tangled in its web.

Local law enforcement authorities, health personnel, and school officials have told us of the problems they are facing and their concern about future trends. One prosecuting attorney conceded:

> We have a serious problem at hand, but I am not sure we have the knowledge to cope with the causes of drug use.

Truly, drug abuse is a national menace demanding a full measure of our attention and resources. How well we organize ourselves and utilize our resources will determine our success in fighting this affliction which has grown to epidemic proportions. H.R. 12089 provides for the development of a coordinated long-term Federal strategy that is so essential to effectively curb drug addiction and abuse at the earliest possible time. I support the bill and urge its passage.

Mr. BADILLO. Mr. Chairman, I rise in support of this bill authorizing the establishment of a Special Action Office for Drug Abuse Prevention with the goal of better coordinating the many and varied Federal programs dealing with drug abuse and addiction. I think that the Committee on Interstate and Foreign Commerce has brought to the House a sound bill and it is my sincere hope that the overwhelming margin by which it will be passed will help convince the Committee on Appropriations to recommend funding equal to the authorization.

At the same time, I would warn my colleagues that we must go much further than this legislation if we really intend to get at the roots of the drug menace. By all means, let us coordinate and streamline the Federal antidrug efforts. Let us better disseminate the results of drug research. Let us focus even greater attention on the causes and implications of drug abuse.

But at the same time, let us be constantly aware that reorganization cannot be an adequate substitute for resources; that no amount of special offices or advisory councils can take the place of a far greater Federal investment in drug abuse research, programs aimed at preventing young people from getting involved with drugs in the first place, and treatment and rehabilitation programs for those already addicted.

There has been far too much rhetoric and far too little real action in these areas. In New York, for example, Governor Rockefeller has declared all-out war against narcotics at the outset of each of his three terms. Apparently, those declarations of war were never backed up by an offensive, for in his latest message the legislature, Governor Rockefeller called instead for the Federal Government to take on the challenge, urging:

> A total mobilization . . . to save the youth of the world from the devastation of drugs.

At the same time, the New York State Narcotics Addiction Control Commission has informed us that State-funded programs to prevent drug addiction in New York City's elementary, junior, and senior high schools will end by next September 15. Why? Because the Governor's budget priorities find room only for $9 million for these programs out of $7.9 billion in the total budget. What this means is that drug prevention programs at 92 high schools and in each of the city's 31 decentralized school districts will be cut off abruptly unless Federal funds are made available.

What good will it do to divert these funds, as the Governor is doing, to treatment services if by turning our backs on the young we merely give impetus to the cycle of drug abuse that threatens an entire younger generation? Treatment and rehabilitation must be high priorities, but there can be no higher priority in the drug abuse war than prevention.

I hope that my colleagues will resolve that the bill we pass here today will be just one phase of a total commitment to win the war against drug abuse. That commitment can only be met if we demand full appropriations for the programs now underway.

Mr. HEINZ. Mr. Chairman, I rise to speak in favor of H.R. 12089 because the creation of the Special Action Office on Drug Abuse Prevention is a necessary first step in dealing with this Nation's grave drug abuse problem. The passage of this bill will bring about positive action in the monitoring and coordination of drug abuse programs. I am aware that some of my colleagues question the advisability of investing money in this effort to bring drug abuse under control. I have no doubt that they share every American citizen's concern about this problem. I sincerely feel we must take positive action to eliminate drug abuse and do it now. However, I am hopeful that this bill will be considered as merely a first step and that in the future Congress will see fit to implement stronger and more comprehensive measures to increase the effectiveness of this country's efforts to halt the illicit flow of all dangerous drugs.

In this regard, I hope that Congress will consider legislation that will coordinate and consolidate the existing programs that deal with the illegal trafficking of drugs. If we are to be successful in overcoming the drug abuse problem we must make a concerted attack on all aspects of the problem. We must unify our efforts on the "source" as well as the "aftereffects" of drug abuse. I am skeptical that this can be accomplished without consolidating the "supply" and the "demand" of drug abuse. It is for this reason that I will strongly support legislation that will unify all Government action in drug abuse control.

Mr. BROOMFIELD. Mr. Chairman, I rise to voice my support for this measure which would create a Special Action Office on Drug Abuse Prevention.

The scope of the drug abuse problem in this country has expanded in recent years to the point that now, like a cancerous growth, it threatens to destroy the very fabric of our society. One can hardly pick up a newspaper or listen to a news report today without some new story of drug abuse.

Clearly the time has passed when condemnation or mere dismay is enough. This situation demands action; action which is concerted and coordinated toward eliminating heroin addiction once and for all.

It is true that we have done a great deal to eliminate the supply of heroin and other dangerous drugs as they are transported across the country. This effort has succeeded in blocking the traffic of large quantities of drugs before they ever reached the streets.

However, it is apparent that as long as there remains a sufficient demand for these products there will always be a steady supply. Regardless of the legal penalties we impose, regardless of the vigilance of our law enforcement agencies, as long as addicts are willing to pay the price, there will be suppliers of heroin.

Mr. Chairman, that is why this measure is so vital. It recognizes that in order to defeat the menate of addiction, we must attack it on all fronts. We must not only attempt to cut off the supply of drugs but, also wipe out the demand for them. Finally, we must rehabilitate those now victimized by addiction.

I am proud to say, Mr. Speaker, that

I have joined with over 100 Members of this House in sponsoring legislation which would allocate funds to find a lasting cure for heroin addiction. At the present time, the most widely used heroin substitute, methadone, falls shorts of an adequate cure.

Therefore, through research we must develop a heroin antagonist which is long lasting, which in nonlethal and which is neither addictive or euphoric. Methadone meets none of these criteria. To be sure, this is no easy task, but it is nonetheless one which we must undertake.

This legislation takes the first steps toward that goal. Indeed, it goes beyond finding a medical cure for addiction to include a National Training Center for drug abuse study. Additionally, it will provide money to community health centers so that they can provide their patients with the drug treatment which many of them desperately need.

Mr. Chairman, in short, we have an opportunity to create a concerted plan for action that would join private and public sectors in the battle to effectively control and eventually defeat this terrible epidemic.

Faced with a problem of this proportion, one which has afflicted over a quarter of a million Americans, we can ill afford to ignore this opporutnity. I therefore respectfully urge that this vital legislation receive the support of all my colleagues.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will overwhelmingly approve this bill before us, H.R. 12089, to establish a Special Action Office for Drug Abuse Prevention.

The evidence presented here in support of this measure, unhappily and unfortunately, demonstrates, beyond question, that drug abuse throughout this country has reached the most alarming proportions, that this modern plague runs through all segments of our population, and that its impact upon the individual health and military efficiency of the members of our armed services represents an increasingly critical problem. Obviously there is then, as the President recently emphasized, a great urgency to establish, as soon as possible, a national unit to provide overall planning, policy, objectives and priorities in the Federal drug abuse prevention effort.

That is precisely what this bill is designed to do through the creation of this Special Action Office and it will also result in the amendment of our existing law to enable our community health centers and public health service facilities to extend drug treatment and rehabilitation services at the local levels.

Mr. Chairman, the objectives contained in this measure are undoubtedly essential to the national health and safety of our people; the appropriations proposed, over the next 3 years, for the achievement of these objectives are unquestionably within reason.

In summary, this bill constitutes a further, vigorous and timely step to prudently marshal and concentrate, under one office and direction, our present programs and resources for the more rapid and effective elimination of the scourge of drug abuse in this Nation and it merits the resounding approval of the House.

Mr. MURPHY of New York. Mr. Chairman, I applaud the action of the House today in its resounding passage of H.R. 12089 which will create the Special Action Office for Drug Abuse Prevention. Perhaps at long last we can untangle the maze of Federal, State, and city programs aimed at the prevention and treatment of drug addiction. Our complex of drug treatment facilities has grown astronomically and has only been surpassed by the growth in the numbers of addicts that populate our city streets, hospitals, and morgues. The frustration of those of us who have seen hope after hope dashed on the rocks of despair reminds me of the recent hit song about the man going 90 miles an hour down a dead-end street. Until now it has been a dead-end street and the legislation we pass today offers the only hope for a breakthrough into an era where we can begin to eliminate the scourge of addiction that is robbing this Nation of the vitality of millions of its youth and billions of dollars of its resources through wasted lives and crime.

I have known of the work of Dr. Jerome Jaffee for many years and of his very able assistant, Mr. Paul Perito, who through his work on the House Select Committee on Crime, chaired by the distinguished Member from Florida, Mr. PEPPER, brought to the attention of the House an unbelievable picture of the spread of addiction throughout our country.

I know they have for many months been eager to get on with the task of solving the Nation's drug problems. I know that they bring an abundance of talent and energy to the Special Action Office and that once the Congress makes this legislation a public law in the not too distant future, they will with all good speed, in the words of President Nixon:

> Instill a sense of urgency in Federal and federally supported drug abuse programs.

It is my urgent hope that as part of their efforts they will pay especial attention to those unfortunate servicemen who have become drug casualties while fighting for their country or while serving in distant lands. The ranks of the Nation's junkie corps are swelled daily by ever increasing numbers of GI junkies whose only hope of survival is a massive Federal program to get them off of drugs and keep them off.

While this legislation concerns itself primarily with civilian programs for the treatment of drug abuse, it cannot separate the civilian drug problem from the military drug problem. The bulk of the hard core drug abusing GI's will eventually turn up in one of the programs covered by H.R. 12089.

For example, 30 percent of the male addicts currently in the Federal programs at Fort Worth, Tex., and Lexington, Ky., are former servicemen, the bulk of whom became addicted or had their habits worsen during their tours in the military. Yet these facilities have not begun to receive GI's addicted during the surge of heroin use which began a year ago in Vietnam.

So I ask on this momentous occasion of House passage of H.R. 12089 that the Director of the Special Action Office for Drug Abuse Prevention give urgent and special consideration to this Nation's addicted servicemen. The Congress and the mothers and fathers of our addicted GI's will expect no less.

Mr. RODINO. Mr. Chairman, I am very pleased to have this opportunity to speak in support of H.R. 12089, to establish a Special Action Office for Drug Abuse Prevention.

I have long been deeply concerned about the perilous drug problem which has engulfed this country. We are beyond doubt confronting a crisis situation, for narcotics addiction has reached epidemic proportions.

In fact, I wish to emphasize that in June of last year, in testimony in support of legislation I have introduced to provide a mandatory medical treatment program for narcotics addicts, I stated:

> It has been a little over a year since I first testified before this Subcommittee with respect to the necessity for enacting extensive treatment legislation. During that year, the severity of the drug epidemic has drastically intensified. In view of the magnitude and scope of the drug abuse problem in this country, it is no longer accurate to describe it in terms of "an epidemic" or as a "problem which has reached serious proportions."
>
> It is beyond that now; and unless we take immediate and decisive measures to attack this problem, the capacity of our Government to eventually control this problem will be greatly diminished. This disease is no longer restricted to the urban ghettoes of our society. It has now spread to our suburban areas, and the scourge of heroin has infected many children in our elementary schools. Narcotics addiction is decimating our youth and damaging the basic fabric of American society. In describing this problem, it is not my intention to provoke alarm or arouse sensationalism, but instead to describe the situation as it actually exists.

Mr. Chairman, that was in June of 1971, and unfortunately the situation as it actually exists today is just as bleak and grim.

Therefore, I am pleased to strongly support the bill before us. It was the result of extremely thorough and intensive study by the House Public Health and Environment Subcommittee, and I want to commend the members of the subcommittee and of the full Interstate and Foreign Commerce Committee for their excellent accomplishment in bringing before the House this significant measure to deal with the "demand side" of the drug abuse problem.

Establishment of a Special Action Office for Drug Abuse Prevention as a component of the Executive Office of the President, as proposed by President Nixon on June 17, 1971, is in my judgment a vitally important action in what he rightfully termed our "crusade" against drug abuse.

This is a united, bipartisan effort, and I am heartened that Members of both parties in Congress and the executive branch can join in this effort to combat narcotics addiction.

Presently the Federal Government's activities in this area have been carried on by at least nine different agencies and departments, and have ranged from supporting programs which educate teenagers to those which train exaddicts for jobs. With establishment of the Special Action Office we will provide, I believe what the committee report envisages as a "central comprehensive coordination of the Federal effort."

With approval of this legislation, there should be actual improvement in our governmental activities in fighting narcotics addiction. In addition, there would be a most significant impact because we will officially state that "it is the policy of the United States and the purpose of this act to focus the resources of the Federal Government and bring them to bear on drug abuse to significantly reduce the incidence of drug addiction and drug abuse in the United States within the shortest practicable period of time, and to develop a comprehensive coordinated long-term Federal strategy to combat drug abuse."

Mr. Chairman, I strongly urge the approval of H.R. 12089.

Mr. HOGAN. Mr. Chairman, I am pleased to support H.R. 12089, a bill to create the Special Action Office for Drug Abuse Prevention. I have supported bills in the past to prohibit foreign narcotic drugs from unlawfully entering the United States, to amend the Narcotic Addiction Rehabilitation Act of 1966 to provide for involuntary civil commitment of narcotic addicts charged with a crime, and to provide increased penalties for distribution of heroin.

As a continuing step in our fight against drug abuse, I am pleased to give my support to this bill. I believe that this bill will help to meet the needs of our society in dealing with the problem of drug abuse. It would provide for centralized coordination, through one national agency, of all the various volunteer State and local programs attempting to deal with the problem of drug addiction. It would also provide these agencies with the tools they need through the pharmaceutical research grants contained in this bill.

The third aspect of this bill is its emphasis on community programs, strengthening, unifying, providing the tools to these community-based programs, in order to deal with the problem of drug abuse within their own local areas.

Fourth, the training program included in this bill would provide an educated and professional cadre, schooled in the latest techniques of combating the disease of drug addiction.

Fifth, Mr. Chairman, I feel that an essential part of this bill is the provision to provide a standard for the measurement of success. Not only would this allow us to identify the location and extent of the problem, but also to indicate the success or lack of success of specific programs. We will be able to determine how much crime is being committed now as the result of drug abuse, how many and what types of narcotics the offenders are addicted to, and, as this program gets underway, we will have a gage of just how effective this program is in reducing drug abuse and rehabilitating the addict.

The final aspect of this bill is that it will coordinate, on a large scale, all the forces of government from local agencies to the national administration: health, education, welfare, justice, mental health—all those segments of the government which deal in society, to weld them together into an effective narcotic fighting force.

Mr. Chairman, I believe that this bill before us today, coupled with the tough international crackdown on the illicit drug trade, represents a massive offensive in the war on drug abuse. When there are 200,000 to 250,000 addicts in the United States, when we realize that there are 10,400 estimated addicts on heroin alone in the District of Columbia, 15,000 drug addicts in Maryland and an estimated 5,000 addicts in Prince George's County, which I represent, when we have our law enforcement officials reporting constant increases in drug-related crime, when we have the sheer physical results of lung damage, brain damage, liver damage, anemia, mental deterioration, suicidal tendencies, unpredictable behavior, hallucinations, unconsciousness and death from suffocation and choking, then, Mr. Speaker, we are definitely dealing with a dreaded disease, a disease which we know is spreading in epidemic proportions. I believe that it takes a bill of this nature to deal adequately with this threat to our society. Our forces on the local level through volunteer organizations and public agencies have been trying to deal with the drug program for many years. In Prince Georges County, Md., we have had the Jaycees banding together with the board of education, the department of social services, the sheriff's office, health department, Lion's Club, county commissioners, as well as other organizations, all trying to deal with this problem of drug abuse. They have many worthwhile programs, they have learned a great deal, and are doing much good. This bill will give us the effective tools and the national coordination we need to weld together effectively volunteer, private, local, community, national forces in an all-out offensive against drug abuse.

Mr. HASTINGS. Mr. Chairman, I am certainly proud to have had a part in developing this legislation and would like to direct my remarks today to that man whom the President has selected to lead this most vital effort against this omnipresent enemy of our society.

Dr. Jerome H. Jaffe, Director of the Special Action Office for Drug Abuse Prevention and Special Consultant to the President for Narcotics and Dangerous Drugs, arrived in Washington, D.C., just 8 short months ago with the monumental assignment to pull together all the ongoing drug abuse programs in more than 10 Federal agencies, to reevaluate their effectiveness and to make recommendations as to the need for redirection of certain ongoing programs, the abolishment of certain others which might be a duplication of effort, and the establishment of new programs where there had previously been none.

Dr. Jaffe is not a diplomat or a politician. He is one committed wholly to this cause of quelling the drug abuse problem. Asked if he could have the one thing in the world he wanted, he responded, "50 dedicated people to work 18 hours a day." And a better example of dedication would be hard to find. He lives to do all that is humanly possible to accomplish the objective of reducing the human suffering and chaos that arises when drug users remain untreated, and he is willing to expend himself in the process.

His credentials speak for themselves. As former director of the drug abuse program at the Department of Mental Health of the State of Illinois as well as associate professor for the Department of Psychiatry at the University of Chicago, Dr. Jaffe was producing promising results under his multimodality addiction plan. If the patient was not making progress under one treatment, another was tried. He pioneered the use of new substances to reduce the use of heroin and comprehensive approaches in which methadone maintenance and therapeutic community approaches were combined. The success of this approach stands out in results, with two out of three of his patients being freed of illicit drugs.

In addition, Dr. Jaffe has been a consultant to numerous State and local governments and private organizations and has been a frequent contributor to many professional journals. His energy and innovativeness are without confinement. Dr. Jaffe is not just another bureaucrat either—he has, however, in a very short time, become very wise to bureaucratic techniques and will not be one to be dealt lightly with. He demands action—nothing more, nothing less. And he is fast putting together a team of action-oriented specialists to assist him in carrying out his mission. What better approach than this, to effectively deal with a problem which grows in geometrical leaps and bounds daily and will continue to do so unless immediate action is not only called for but taken?

Dr. Jaffe, well-known as "the most brilliant mind in drug abuse today," can and will do the job that he was called on to do. I insert in the RECORD, Mr. Speaker, an article which appeared in the February 1972, issue of Signature, "Perle Mesta He's Not: Man on the Move—Jerome Jaffe." It exemplifies even further the individual toward whom our Nation looks for an effective solution to drug abuse:

CURRICULUM VITAE: JEROME HERBERT JAFFE

Formal education:

Temple University: A.B., Psychology, 1954; M.A., Experimental Psychology, 1956.

Temple University School of Medicine: M.D., 1958.

Awards and honors:

Temple University, College of Liberal Arts: Magna cum laude; Distinction in Psychology; Alumni Prize: highest academic average; Psi Chi Award (scholarship and achievement in psychology); Psi Chi Honorary Society.

Temple University School of Medicine: Summer Research Fellowship in Pharmacology, 1957; Babcock Honorary Surgical Society; Alpha Omega Alpha; Merck Award: outstanding achievement in Medicine during senior year; Mosby Scholarship Award: highest four year average in medicine.

Fellowships:

USPHS Post Doctoral Fellowship in Pharmacology, 1961–1964.

USPHS Research Career Development Award, 1964 to 1966; 1967 to 1970.

Major interests: Psychopharmacology: use and abuse of psychoactive drugs—biological and sociological aspects.

Experience and Training:

Rotating Internship: U.S. Public Health

Service Hospital, Staten Island, New York, 1958–1959.

Residency in Psychiatry: U.S. Public Health Service Hospital, Lexington, Kentucky, 1959–1960.

Psychiatric Staff: U.S. Public Health Service Hospital, Lexington, Kentucky, 1960–1961.

Post Doctoral Fellow, Interdisciplinary Program: Albert Einstein College of Medicine, 1961–1962.

Post Doctoral Fellow and resident in psychiatry: Albert Einstein College of Medicine and Bronx Municipal Hospital Center, 1962–1964.

Assistant Professor, Department of Pharmacology and Instructor, Department of Psychiatry, Albert Einstein College of Medicine, 1964–1966.

Assistant Professor, Department of Psychiatry, University of Chicago, 1966–1969.

Associate Professor, Department of Psychiatry, University of Chicago, 1969–July 1971 (on leave of absence).

Director, Drug Abuse Program, Department of Mental Health, State of Illinois, 1967–July 1971.

Present position:

Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President, The White House.

Special Consultant to the President for Narcotics and Dangerous Drugs.

Memberships in Organizations:

Alpha Omega Alpha.

Sigma Xi.

American Psychiatric Association.

American Society of Pharmacology and Experimental Therapeutics.

American College of Neuro-Psychopharmacology.

New York Academy of Science.

American Association for the Advancement of Science.

Illinois Psychiatric Society.

World Psychiatric Association.

Consultantships, Advisory Panels and Editorships:

Member, Editorial Board—*International Journal of the Addictions*, 1966–.

Member, Review Committee—Center for Studies of Narcotics and Dangerous Drugs, NIMH, 1966–1971.

Visiting Assistant Professor of Pharmacology and Psychiatry, Albert Einstein College of Medicine, 1966–1971.

Visiting Lecturer, University of Texas, Medical Branch, 1966–1971.

Consultant—Illinois Narcotic Advisory Council, 1966–1968.

Consultant—New York State Narcotic Addiction Control Commission, 1967–1970.

Member, Committee on Narcotics & Dangerous Drugs—Illinois State Medical Society, 1968–1971.

Member, Technical Advisory Board—National Coordinating Council on Drug Abuse Education & Information, 1969–1971.

Secretary, Section on Drug Dependence—World Psychiatric Association, 1969–1971.

Member—Advisory Board—*Psychopharmacologia*, 1970–.

Member, Committee of the Division of Clinical Pharmacology, American Society for Pharmacology and Experimental Therapeutics, 1970–.

Member, Advisory Committee—Drug Abuse Training Center, California State College, Hayward, California, 1970–1971.

Consultant, Bureau of Drugs Advisory Panel Systems, Department of Health, Education & Welfare, 1970–1971.

Special Consultant (Technical Advisor)—Expert Committee on Drug Dependence, World Health Organization, Geneva, Switzerland, 1970.

Member—American Psychiatric Association Task Force on Alcoholism, 1970–1971.

Consultant—Joint Information Service, Amercan Psychiatric Association and the National Association for Mental Health (Project on Current Methods for the Treatment of Addiction), 1970–1971.

In addition to these on going advisory and consulting activities, Dr. Jaffe has been, over the past three years, an invited participant in more than fifty national and international conferences and symposia. He has also served as special consultant to a number of state and local governments interested in developing drug abuse treatment or educational programs and to a number of temporary State and Federal advisory panels, school systems, not-for-profit corporations, and private industries. On assuming his current position, Dr. Jaffe resigned many of his responsibilities as consultant and board member.

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Perle Mesta He Is Not: Man on the Move—Jerome Jaffe

(By John Peer Nugent)

In the briefing room of the White House last June 17th, President Richard Nixon announced that the "Public Enemy Number One in the United States is drug abuse" and declared a $382 million war on an addiction that now afflicts the entire nation without regard for race, status or address.

To direct his unprecedented attack, the President picked no glamorous name, no political chum, no bureaucratic centurion. He reached all the way to Chicago's south side ghetto for Dr. Jerome Herbert Jaffe, a brilliant, brusque 37-year-old psychopharmacologist who has been battling abuse of drugs with science and medicine since 1954, the year before tranquilizers became a popular way out of problems for millions of citizens.

The selection of Jaffe to head the Special Action Office of Drug Abuse Prevention (SAODAP) was based on hard facts. The Illinois Drug Abuse Program he then directed was producing the most promising results coming out of the nation's 12,000 drug abuse programs. Two out of three of Jaffe's patients were free of illicit drugs; the program's 1,700 patients were saving Illinois citizens about $60 million annually—the amount they would normally be stealing from society to maintain their $100-a-day heroin habits. (The nation loses an estimated $6 to $8 billion annually to addicts.)

The President quickly served notice to the public and his Administration that the chunky dynamo in the gold-rimmed glasses, who begins whirling at 6 a.m. and rarely stops before midnight, was going to be both relentless and demanding in the way he directed his campaign. "Dr. Jaffe is controversial," Mr. Nixon said. "He is blunt. He is abrasive. He is going to knock heads together. [And he is also] very compassionate."

It was for those very reasons that Mr. Nixon has given Dr. Jaffe unique powers to bring drug abuse under control. Accountable directly and only to the President, he has policy control over a major gamut of agencies: HEW's National Institute of Mental Health, Office of Education, Food and Drug Administration and the National Institutes of Health; HUD's Model Cities Administration; the Justice Department's Bureau of Prisons and the Law Enforcement Assistance Administration; the Veterans' Administration. He is, in effect, executive officer of what, when, and how the Federal Government handles drug abuse prevention, education, treatment, rehabilitation, training and research. He selects the priorities, evaluates the approaches, allocates the money.

From the start, Jaffe, who considers himself an empiricist not interested in simplistic responses, knew of the challenges ahead of him. On the one hand, there was getting the President's drug bill through a Democratic Congress that could certainly use drug abuse as a powerful domestic issue this year; on the other was the growing addiction to heroin as the number of known users passed the 250,000 count and the amount of heroin seized in the country jumped 2,000 percent in a year. And, as soon as he was appointed, instant cynics labeled him "the drug czar."

"To use an analogy from embryology," Jaffe says matter-of-factly, "it would be difficult even for the sophisticated observer to know if we shall develop into a lovely child of bipartisan goodwill or a deformed toad whose parentage might better be left unspecified."

A more committed man to bring forth the child would be hard to find. He took a $20,000 cut in salary to go to Washington. At this writing, his close family life has been reduced to overnight visits to his Chicago home to be with his wife Faith and their three children Miriam, 11; Celia, 9; and Ari, 3½. His only diversion in Washington—between conferences—is house hunting out in the suburbs.

Jaffe is rather unique in Washington; he is a man with a single purpose who finds little need or place in its pursuit for socializing or hobbies. He is more frustrated than relaxed by leisure time. When he reads it is on the move, from a stapled bundle of Xeroxed newspaper and magazine articles on drug abuses he is handed by a press aide each morning. He also has little time to discuss matters not connected with his assignment and he appears to recharge his batteries with, not book or break, but a sharp, yeasty discussion on a new approach to abuse. He thrives on problems; he relaxes by working out their solutions.

The offices of SAODAP are found in a three-story red brick colonial building with electrified gas lamps on the front steps at 712 Jackson Place, about 200 paces from the west gate of the White House. With a hastily collected staff of 44 psychiatrists, pharmacologists and educators, it is here in unmarked, unplaqued, unheralded, close quarters that Jaffe plots not only how to stem the tide of heroin addiction but also how to educate the nation about the dangers of and the cures for all illicit drug abuse.

Jaffe is a political independent who can't remember how he last registered so he doesn't see drugs in a political light. "We intend to develop a unified response to a national problem," he says in a voice that often shows impatience with wasting time on words. "We do not intend to be another layer of bureaucracy. We will have little sleep but were we to do less we might not sleep at all."

Such dedication to purpose has earned him the highest respect among colleagues on campuses and in hospitals and clinics around the nation. They refer to him as "the golden boy of the health profession." Peter Hammond, director of Washington's prestigious National Institute Coordinating Council on Drug Education (which is chaired by Art Linkletter) says of Jaffe: "He is the most brilliant mind in drug abuse today."

Because of his Herculean load, Jaffe's life is necessarily a spartan one. He doesn't smoke, is almost not aware of what he is eating and only drinks an occasional Bloody Mary "for the tomato juice." He's never certain of his weight because, as he says, "it fluctuates remarkably with the amount of time I have to eat." He's been known to walk out of Washington's much heralded "be seen" restaurant, Sans Souci, "because they didn't serve fast enough."

For a man known for being able to create a sense of urgency among his staff, his *official* biography is about as inspiring as a medical report. A Philadelphian, Jaffe studied psychiatry at Temple University and received his A.B. with *magna cum laude* honors in 1954. In 1956 he completed his M.A. in experimental psychiatry and also his M.D. at Temple's Medical School. He did his residency at the U.S. Public Health Hospital in Lexington, Kentucky, where he came in contact with drug addiction for the first time. In a rare moment of personal reflection, he recalls finding the thousands of addicts that he treated there were "people I could relate to. Even with all their problems they were very human people I thought I wanted to help. The professional relationships are not as cold as the textbooks would have you believe. In a time of crisis, one's response is almost as a friend."

From 1960 to 1966 he did research in drugs and behavior at the Albert Einstein College of Medicine in New York. In 1966, he came to the University of Chicago in order to further develop his innovative multi-modality addiction plan which today is being applauded nationally. In 1968 the state of Illinois named him director of its program and Jaffe put his plan to work. In it, patients are assigned according to needs to therapeutic communities, psychotherapy, methadone maintenance, or treatment with one of the non-addictive narcotic antagonists such as cyclazocine. If the patient is not progressing under one treatment, he is shifted to another, because the objective is to cure, not to prove that any one system is *the* answer.

Jaffe more often than not arrives at work by taxi rather than government car. He bounds up the steps and into his first floor office which is devoid of any adornments except for the framed copy of the Executive Office order establishing his agency and a United Airlines 100,000 Mile Club paperweight which leans against a copy of Ralph Nader's report on *Vanishing Air*.

His jacket comes off as he moves into the high-ceilinged chamber that was once an elegant 18th-century dining room but now serves as his operational nerve center.

His perpetual motion both physically and mentally creates a mood which is frantic, sometimes disorganized but never dull or slow. He has still to obtain a permanent secretary. He finds it easier to place his own long-distance phone calls. The great sliding wooden doors that cut his office off from the front hall open and close with the frequency of a rodeo chute to let in herds of visitors—congressmen for briefings, international organization representatives seeking program directions and drug abuse professionals from across the nation offering their services.

On the phone to MIT's Jerome Wiesner, science advisor to Presidents Johnson and Kennedy, he says: "Come on down here and relieve me and I'll write a foreword for your next book." Jaffe wants him as a consultant but learns shortly after the conversation that he has lost him to the presidency of MIT.

To Professor Gordon Heistad, director of the University of Minnesota's drug information and education program and just off the plane he explains: "If you last until midnight, you're on. If you last past 9 p.m., I'll draft you." All day long it's that way as he tries to get an urgent slew of both short- and long-range drug abuse programs out of the paperwork stage and into practice.

During his first 90 days in office, master innovator Jaffe has put into action no less than 34 projects aimed at both the short-range problem of drugs in Vietnam and the long-range challenges such as spotting new drug abuses when they first break out—before they reach epidemic proportions. He is not only studying the behavior of drug users upon their return from Vietnam, but he is also monitoring returning non-users to see if the Vietnam experience alters their later, Stateside behavior.

Jaffe has already implemented a detoxification system for early detection of drug use. He quickly convinced the Army to send over a team of civilian ex-addicts, now working in drug abuse programs around the country, to brief military medical people on the various approaches to get users on the road to "cleaning up."

Though Jaffe has the highest respect for what professionals can accomplish in the drug abuse campaign, he is also a firm believer in the importance of ex-addicts. For all their scientific expertise, professionals are not as successful in getting hardcore addicts to turn off as are those who have been there and back. When one of their own "raps" with them, users respond much more positively. Also, it is much easier to fake a dedicated doctor out of position than a hard-nosed ex-addict who still has all the tricks fresh in his mind. That's why Jaffe recently (and successfully) recommended to the Pentagon they hire, "as civilian technical assistants," five ex-addicts to work in Vietnam as consultants with military professionals setting up on-scene programs. He is now compiling a data bank that will eventually be able to detect drug using trends across the country and sound a warning signal before they reach crisis proportions the way heroin has.

When red tape is mentioned, Jaffe pushes back in his black swivel chair, straightens out a paper clip into a tooth pick and says with an exacting, slightly high-pitched voice that "the strategy has to be that out of chaos, something good will happen. If you don't take risks nothing worthwhile will come out of it. It's like Guthrie's cat—if you retreat you'll never know cause and effect."

Jaffe learned quickly that some of the agencies put under his thumb give up "turf" power about as reluctantly as a street gang. "I'm sensitive to everyone else being sensitive of their territory," he says, while waiting for his educational team to arrive for a conference. Still, he demands the agencies be concise about their drug abuse goals. "The strategy has to be feasible," he says bluntly. "I have to know the resources and what the goals are. I'm really going to be an S.O.B. but I must know their goals."

Jaffe takes his Presidential assignment very personally, carrying his responsibility mostly alone because, at this stage, there still aren't that many knowledgeable drug abuse specialists on his team.

"If you're a doctor, you're charged with a responsibility," he explains. "You can consult all you want but that does not divest you of the responsibility that you are charged with. We can't wait for everyone to be in agreement. We must move *now*. The President has charged us with that damned responsibiilty."

With no offer of coffee, the educational meeting starts. It deals with funding a program to set up courses on drug history in universities. As the idea is worked over, Jaffe asks for quiet and says: "What you want to discuss is: is this a relevant goal and why? Why not offer a course in dandruff in society instead of drugs in society?"

So charged, the group of educators adjourns to a third floor conference room to dig into the subject while Dr. Jaffe ushers into his office a group of Smithsonian Institute designers headed by deputy undersecretary Robert Brooks, who is involved with a major drug abuse exhibit planned for April. He listens to their plans, studies the displays and asks questions about goals. After 15 thoughtful minutes, one of the Smithsonian people asks if Jaffe could recommend a few drug abuse experts they might consult on certain aspects of the exhibit. Jaffe is thoughtful about it. He walks along his library pulling out books and tossing off names of men and women he would recommend.

He then launches into a discussion about educating citizens on the problem, removing myths and biases about drug abuse—i.e., that it is a secret attempt to enslave all blacks or that it is part of an international conspiracy. "We must try to deal with the thing on a rational basis," he says. "Without that, it is hard to convince skeptics. If someone says it's a Communist plot to destroy our youth, you might waste too much time just saying it isn't. And that's a waste of effort."

"The desire to consume drugs has nothing to do with one's state in life," Jaffe insists. "There is an argument to stop all pharmaceutical advertising dealing with drugs. You could say that was okay. But in other times when there were no advertisements, people were pushing drugs. In the Civil War there were no billboards but plenty of morphine addiction, and today we are grappling with much more than that. Individual responsibility is too easy a handle. If we were absolutely convinced that jogging three miles a day would add to our lives, how many of us would do it? Look at smoking. There's something strange about the human being's respect about health. Behavior is very resistant to it."

The man who has to be the most apolitical member of Mr. Nixon's first team is coldly critical of the rumors that whirl around Washington about drug abuse becoming a political football. "Any politicians who would use this crisis for votes will have to look into their own hearts to see if they are delaying issues for political reasons," he says. "I am committed to this cause. Politics come second to the cause. There are an awful lot of citizens who feel we have only one country. Obviously to some that is naive and anachronistic. Still, a lot of people are joining the cause. Damn little is being offered them except the chance to do something for their country. If that is passe, so be it."

When you're around Jerome Jaffe any length of time, you get the definite impression he's one man who has found that today's Washington can not only be challenging, but very productive for a mind that doesn't cry out for help but is dedicated to dispensing it instead.

The CHAIRMAN. The time of the gentleman from West Virginia has expired. All time has expired.

Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I............FINDINGS AND DECLARATION OF POLICY; DEFINITIONS
TITLE II..............SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION
TITLE III..................OTHER AGENCIES

TITLE I—FINDINGS AND DECLARATION OF POLICY; DEFINITIONS

Sec.

101. Congressional findings.
102. Declaration of national policy.
103. Definitions.

§ 101. Congressional findings.

The Congress makes the following findings:

(1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.

(2) Drug abuse, especially heroin addiction, substantially contributes to crime.

(3) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.

(4) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.

(5) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States, and localities, and throughout the Federal Establishment.

(6) Control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

(7) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the resources of the Federal Government and bring them to bear on drug abuse to significantly reduce the incidence of drug addiction and drug abuse in the United States within the shortest practicable period of time, and to develop a comprehensive coordinated long-term Federal strategy to combat drug abuse.

§ 103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this Act.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means—

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or oganizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

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Chapter 1.—GENERAL PROVISIONS

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202. Establishment of Office.
203. Appointment of Director.
204. Appointment of Deputy Director.
205. Appointment of Assistant Directors.
206. Delegation.
207. Officers and employees.
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211. Acting Director and Deputy Director.
212. Compensation of Director, Deputy Director, and Assistant Directors.
213. Statutory requirements unaffected.
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215. Appropriations authorized.

§ 210. Citation as the Special Action Office for Drug Abuse Prevention Act.

This title may be cited as the "Special Action Office for Drug Abuse Prevention Act".

§ 202. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

§ 203. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 204. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

§ 205. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 206. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Office as he may designate.

§ 207. Officers and employees.

The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.

§ 208. Employment of experts and consultants.

The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate in effect for GS-18 of the General Schedule, and without regard to any limitation on the number of days or the period of such service, except that, at any one time, not more than fifteen individuals may be employed without regard to such limitation.

§ 209. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 210. Grants and contracts.

(a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.

§ 211. Acting Director and Deputy Director.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

§ 212. Compensation of Director, Deputy Director, and Assistant Directors.

(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Director of the Special Action Office for Drug Abuse Prevention."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(94) Deputy Director of the Special Action Office for Drug Abuse Prevention."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6)."

§ 214. Statutory requirements unaffected

Except as authorized in section 226, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the armed forces or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

§ 214. Termination of authority

The authority of the Director under chapter 2 and the authority of the Council under chapter 3 terminate on January 1, 1974.

§ 215. Appropriations authorized

(a) For the purposes of carrying out the provisions of this title, except for the provisions of sections 223, 224, and 225, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972 $10,000,000 for the fiscal year ending June 30, 1973; and $10,000,000 for the fiscal year ending June 30, 1974.

(b) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated $40,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974.

(c) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for the fiscal year ending June 30, 1974.

(d) For the purpose of carrying out the provisions of section 225, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, and $5,000,000 for the fiscal year ending June 30, 1974.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.
221. Concentration of Federal effort.
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223. Special Fund.
224. Encouragement of certain research and development.
225. National Drug Abuse Training Center.
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231. Reorganization authority.
232. Management oversight review.
233. Federal drug council authorized.
234. Consultation with respect to personnel policies.
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236. Annual report.

§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult with the National Advisory Council for Drug Abuse Prevention.

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;

(4) conduct or provide for the conduct of evaluations and studies of the performance and results achieved by Federal drug abuse prevention functions, and of the prospective

performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require; and

(6) develop improved methods for determining the extent of drug addiction and abuse in the United States.

§ 222. Funding authority.

In implementation of his authority under section 221, and to carry out the purposes of this Act, the Director is authorized

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and

(B) the budget requests of any Federal department or agency; and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

§ 223. Special Fund.

(a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of

(1) developing or demonstrating promising new concepts or methods in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the Fund may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction; and

(3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction.

In carrying out this section the Director is authorized to establish, or provide for the establishment of, clinical research facilities.

§ 225. National Drug Abuse Training Center.

(a) The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The Director may operate the Center initially, but is authorized and directed to transfer the operation thereof to the National Institute of Mental Health not later than the date specified in section 214.

(b) The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) The services and faciliteis of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials, and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons, including drug dependent persons, requiring training or education in drug abuse prevention.

§ 226. Single Federal share requirement.

Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director, may order any such agency to waive any technical grant or contract requirement as established in the regulations which is inconsistent with the similiar requirement of the other Federal agency or which the other Federal agency does not impose.

§ 227. Recommendations regarding drug traffic prevention functions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 228. Resolution of certain conflicts.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment.

§ 229. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 230. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may.

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b)(1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 231. Reorganization authority.

If the President finds, after investigation by the Director, that a reorganization in connection with the performance of any Federal drug abuse prevention function is necessary to carry out the purposes of this Act, the President shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, for submission to the Congress pursuant to this subsection. Notwithstanding section 905(b) of title 5, United States Code, or the pendency of other reorganization plans, any plan submitted pursuant to this section may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, if the plan is transmitted to the Congress before the date specified in section 214.

§ 232. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

§ 233. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 234. Consultation with respect to personnel policies.

The Director shall advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources. The Director shall promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

§ 235. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 236. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expanded pursuant to this title.

Chapter 3.—ADVISORY COUNCIL

Sec.
251. Establishment of Council.
252. Membership of the Council.
253. Chairman; meetings.
254. Compensation and expenses.
255. Functions of the Council.

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS–18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) The Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are so in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—OTHER AGENCIES

Sec.
301. Community mental health centers.
302. Public Health Service facilities.
303. State plan requirements.
304. Drug abuse prevention function appropriations.
305. Planning grants.
306. Authorization of appropriations for special projects.

§ 301. Community mental health centers.

Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

"(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

"(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

"(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated $6,000,000 for fiscal year ending June 30, 1973, and $60,000,000 for the fiscal year ending June 30, 1974."

§ 302. Public Health Service facilities.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility."

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§303. State plan requirements.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: ", and include provisions for (i) licensing facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field".

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act."

§ 304. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act shall specify, on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions.

§ 305. Planning grants.

(a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, $13,000,000 for the fiscal year ending June 30, 1973, and $13,000,000 for the fiscal year ending June 30, 1974, for grants to States to assist them in (1) planning projects for the development of more effective drug abuse prevention functions, or (2) evaluating the conduct of drug abuse prevention functions within the States. For purposes of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) For each fiscal year the Secretary of Health, Education, and Welfare shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions.

(c) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year.

(d) As a condition to its receipt of any grant under subsection (b) for any planning project, a State shall, by provisions in the plan or otherwise.

(1) designate a single State agency as the sole agency for the preparation or revision of the plan, or designate such agency as the sole agency for supervising the preparation or revision of the plan;

(2) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in preparing or revising the plan;

(3) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(4) provide for coordination of existing and planned treatment and rehabilitation

programs and activities, particularly in urban centers;

(5) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to records to substantiate the expenditures for which the grant is made;

(6) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out within the State, and any modifications in the plan which it considers necessary;

(7) provide reasonable assurance that Federal funds for preparation or revision of a State plan made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for such purposes, and will in no event supplant such State, local, and other non-Federal funds; and

(8) furnish such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this section.

(e) As a condition to its receipt of any grant under subsection (b) for evaluation of drug abuse programs, a State shall.

(1) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to records to substantiate the expenditures for which the grant is made;

(2) provide reasonable assurance that Federal funds for evaluation of drug abuse programs made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for such purposes, and will in no event supplant such State, local, and other non-Federal funds; and

(3) furnish such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this section.

§ 306. Authorization of appropriations for special projects.

Section 256(e) of the Community Mental Health Centers Act is amended (1) by striking out "and $35,000,000" and inserting in lieu thereof "$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof "; and $75,000,000 for the fiscal year ending June 30, 1974.".

Mr. STAGGERS (during the reading.) Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 10, immediately after the period, insert the following: "The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 9, line 3, strike out "(20)" and insert "(21)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 9, line 7, strike out "(94)" and insert "(95)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 10, lines 3 and 4, strike out "January 1, 1974" and insert "June 30, 1974".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: On page 20, strike out line 5 and all that follows down through line 11 on page 20.

Mr. STAGGERS. Mr. Chairman, the purpose of the amendment is to eliminate a provision in the bill which indirectly amends the Reorganization Act.

The gentleman from California (Mr. HOLIFIELD) has expressed concern about this provision. I believe it should be deleted from the bill. I have cleared the amendment with the gentleman from Illinois (Mr. SPRINGER), and with the gentleman from Florida (Mr. ROGERS) and recommend its adoption.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I appreciate the action of the distinguished chairman, Mr. STAGGERS, in offering the amendment to H.R. 12089 to delete lines 5 through 11 on page 20 of the bill.

The words deleted by the chairman's amendment would have made a substantial change in the basic Reorganization Act of 1949. That act originated in the House Committee on Government Operations and has been periodically reenacted by the House as sponsored by that committee.

The House in the past always has acted diligently to extend the basic authority and, although there is an occasional delay in the other body that may cause a temporary lapse, the legislation almost continuously has been in effect.

As you know, we amended the basic act last year to provide that the President shall not transmit more than one such plan to Congress within any period of 30 consecutive days. This was a considered judgment on the part of our committee and the Congress to avoid the bunching of plans and to enable us to consider them in an orderly fashion. As you know, reorganization plans take effect within 60 days and, if there are resolutions of disapproval, they must be acted upon within that time period.

This amendment will not affect the substance of this legislation or the ability of the President to submit needed reorganization plans. However, it will leave intact our basic reorganization authority. Changes or exceptions to this basic authority ought not to be made unless these matters have been very carefully considered by the committee of jurisdiction.

The amendment also would serve to make clear that reorganization plans are within the jurisdiction of the Committee on Government Operations, which historically has had this responsibility.

Again, I want to commend the great Committee on Interstate and Foreign Commerce and its distinguished chairman for reporting this legislation, which has my strong support, with the passage of the proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: On page 13, line 7, insert "(a)" immediately before "In," and after line 20 on page 13, insert the following:

"(b) The authority of the Director contained in subsection (a) of this section shall not apply to the Veterans Administration, or any of its appropriations, functions, or activities."

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. TEAGUE of Texas. Mr. Chairman, I will not take the 5 minutes. This issue has been debated. All it does is to prevent Dr. Jaffe from being the dictator over the Veterans' Administration's drug program and leaves it in the hands of the Office of Management and Budget.

I yield back the remainder of my time.

Mr. STAGGERS. Mr. Chairman, I oppose the amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Chairman, the bill, in the field of drug abuse prevention, is designed to enable the Federal Government to speak with one voice on this subject. If the amendment carries, it will have two voices, and sometime in the future there will be three voices, then four, and we will be right back where we started. This problem is so serious that we need to stand together, all the people, the veterans, those who are in the field fighting today, and those who are in the ghettos of America, and all others, wherever they may be. We must speak with one voice to say, "We are going to eradicate drug abuse. We seek prevention, rehabilitation of users, and counseling." We must speak not only as a Congress but as parents. All the people in the land must get together to speak with one voice in one cause, and I do not think we can do it as effectively if we split the program apart.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment. I would also like to congratulate the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) for the commendable job they have done in reporting out a bill of such great importance.

The gentleman from Texas (Mr. TEAGUE), who has offered the amendment, is also to be congratulated for his great concern for the veterans. It has been my observation that no Member of the House has done his job so zealously in connection with veterans as has Mr. TEAGUE.

While I laud the purpose of this bill, I feel that it is important to protect the integrity of the Veterans' Administration in the treatment of drug-addicted veterans.

Mr. Jaffee, who will head the Special Office, has not been noted for his concern for the treatment of veterans in VA hospitals. No one can doubt the gentleman from Texas' devotion to and concern for the veterans of this Nation. He has dedicated many, many more hours than is called for to assure that our returning soldiers receive the best treatment and care possible.

The question is whether the Veterans' Administration or veterans themselves will be best served by the adoption of the amendment. In my judgment, the criteria for the answer to that question is in the position taken by the chairman of the Veterans' Affairs Committee. Frankly, I have no faith in the integrity of the Executive to comply with the law and preserve its province. You and I as Congressmen have seen too often instances in which the Executive has encroached on the preserves of other concerns and has failed to execute its duties when required. Veterans coming home who are addicted require special attention, and it should be provided. A bill has already been passed by the Congress and now rests in the Senate providing a drug abuse program specifically targeted for veterans.

Nevertheless, the coordination of all drug abuse treatment and prevention efforts is long overdue. The drug abuse problem has clearly reached epidemic proportions and only an all out attack on the problem will stop the flow of poisonous drugs into the bloodstream of our society.

I hope that this office, however, does not just become another commission-type group that issues reports and laments the proportions of the problem. We must have action. Action to end the interagency quibbling over who has enforcement powers and who has education powers and who has classification powers. Action to convince our youth that drugs are not the answer. Action to properly treat all drug addicts in the country—not just the handful who can get into the few, limited clinics available.

For a long time now, I have been advocating the administration of methadone by doctors in private, office-based practices. These doctors can no longer sit back and decline to take an active role in the treatment of drug addicts.

If we had an epidemic of malaria sweeping the country no doctor would shirk his obligation to treat the sick. Well, the drug abuse epidemic is as great as any epidemic this country has seen. Yet the vast majority of doctors in this country have abdicated their responsibilities to a few dedicated practitioners in the Nation's clinics.

I do not buy the argument that they cannot have addicts in their offices. The treatment of less than 10 addicts a week will not jeopardize any patient or any practice. And the treatment of 10 addicts a week by New York's 16,000 private, office-based doctors, for example, would put 160,000 addicts under treatment—the total estimated addict population in the city.

On a second front, I urge the special office to investigate the use of drug antagonists. The Federal Government has failed to support research into this area of drug abuse prevention. In addition to being a means of withdrawing and treating drug addicts, this family of drugs have the potential to provide an inoculation effect against drug abuse.

This would mean that we could inoculate, say, soldiers going into a combat area that has a high incidence of drug abuse. Or a parent could have his child inoculated against drug abuse during that period of his life when he is most susceptible to the ravages of this curse.

However, the most significant contribution such an office can make is to create a sense of national mobilization against drug abuse, a concentrated effort by all levels of Government and the people to eliminate once and for all this scourge of our youth, this deleterious destructor of society. Rome was destroyed not by an enemy from without, but the excesses of its own society within. A tree rotten at the core, will not withstand the onslaught of the storm.

At this point in our national history our core needs strengthening. By providing an all out attack on drug abuse over the next 5 years we can enter the next century of our existence a stronger Nation and a more resolute people.

This bill, with the adoption of this amendment, would provide the maximum protection and would answer the needs of the people of this country in connection with drug addiction and, by the same token, continue to provide for the maximum needs of the veterans concerned.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I think the gentleman has made an excellent argument. I am inclined to agree with him. If the gentleman would permit me, I should like to ask him to yield to the gentleman from Texas (Mr. TEAGUE), to respond to a question I should like to ask. I would like to ask the gentleman from Texas, under his yielding to me, if it is his intention to safeguard the veterans' programs and the veterans' hospitals from any kind of Treasury raid while at the same time he would want any veteran who would want to take advantage of the facilities that are provided under this act to be perfectly free to do so?

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. The gentleman from Oklahoma knows that this year we have held very comprehensive hearings on a drug bill. We debated whether drug abuse is a misbehavior or whether it is a disease. We passed a bill that said that any veteran, upon his discharge from the service, could go to a VA facility. I do not want to turn the drug abuse program of the Veterans' Administration over to a man I know is not friendly to the Veterans' Administration so far as drug abuse is concerned.

Mr. EDMONDSON. I thank the gentleman very much.

Mr. BIAGGI. Mr. Chairman, I think when the gentleman from Texas (Mr. TEAGUE), our colleague, and a gentleman of great repute and great respect, makes a statement like that on the floor of the House, when he says that Dr. Jaffe who will implement this law will not be friendly to the Veterans' Administration, this, I believe, is a mandate for us to protect the Veterans' Administration and veterans and still preserve the full intent of the legislation presented to us today.

Mr. NELSEN. Mr. Chairman, I wish to speak in opposition to the amendment offered. I endorse entirely what the chairman of our committee said a moment ago. If we are to fragment the effort to bring together all of the programs that are presently in operation and trying to do the very best job possible, if we fragment it at this moment when we are just trying to start the program, goodness knows what may happen looking into the future.

I believe it will be the intent of our committee and certainly our responsibility to see that every agency of the Government is properly treated. I know our chairman joins with me and our committee in trying to exert every effort to see that will be done.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentlemen who have spoken that I am a veteran of the Second World War and a disabled veteran and that I stand with the Veterans' Administration as much as anyone in this body. I want the best for it. But I do not want to fragment this program and say to the veterans that they are off the books. We want to treat them as deserving the best. I want the best for them.

If Dr. Jaffe is not the man for the job, he should be fired. The gentleman from Texas is talking about personalities. I think the job should be the focus, and we have limited the authority that goes with the job. We think this bill will give the best care possible to the veterans of America. I want the best for the veterans of America.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman

I challenge anyone in this House to read the hearings which were conducted by the gentleman and not come to the same conclusions that I came to.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, under this bill the Veterans' Administration hospitals will benefit rather than suffer. The Director of the Veterans' Administration is going to be on the National Advisory Council with the Secretary of Defense and the Secretary of Health, Education, and Welfare, and they will advise with Dr. Jaffe as to the policies. Dr. Jaffe is not going to do anything without concurrence of this commission.

Further, these personal attacks on Dr. Jaffe, I think, are baseless. He is a distinguished physician from Illinois who headed a drug treatment group successfully there. He gained a national reputation. I feel he wants to hurt no one but to help all of us. I say this as a veteran myself.

Again I say I have always supported our veterans and have voted for every bit of helpful legislation in that area.

Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. PEYSER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think if we start on what should be really landmark legislation in this narcotics battle to fragment this bill, such as is now being suggested, we would be opening the door to exactly the same problems this bill was designed to correct, namely to get as many of these programs under one control as possible, so that everyone could be treated fairly and given the best possible treatment.

The chairman of the committee has certainly expressed the feeling so far as the veterans are concerned. We are deeply concerned about veterans. There is no Member of this House I know of who is not actively involved in work on legislation concerning veterans, to improve their lot.

To make a change at this time I believe will be to destroy the impact of this bill. It would not be doing a service to veterans. I believe it would be doing a grave disservice to veterans. They are a part of this problem. It is a part of the problem of the entire country. To break it apart I believe would be tragic.

I also believe it is a real mistake to get into this area of personalities. I am not arguing for or against Dr. Jaffe. I simply say that the Director is a man who has to be appointed and confirmed in his appointment. I do not believe we ought to worry about the man right now. We ought to worry about the job and the bill that will pull together this entire narcotics problem. Let us move ahead.

I certainly want to endorse the committee stand and the stand of the gentleman from Florida (Mr. Rogers) on this bill.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. Teague). I certainly will not take 5 minutes.

I have here a letter from the Veterans of Foreign Wars. The letter was not asked for but voluntarily sent to the chairman of the Veterans' Affairs Committee. I should like to read only one paragraph from this letter. The letter is from the director of the national legislative program of the VFW, Mr. Stover, and is addressed to the chairman of the Veterans' Affairs Committee. This paragraph says:

> The V.F.W. totally disagrees with the Administration's recommendation that the proposed Special Action Office for Drug Abuse Prevention should take over and carry out the responsibility of caring for veterans. Such proposal collides head-on with the longstanding position of the V.F.W. that the Veterans Administration should be the Federal agency with the responsibility of administering veterans rights, benefits, and programs. The V.F.W. has always opposed and will continue to oppose any and all attempts and recommendations to transfer this responsibility to other Government agencies.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I shall be glad to yield to the gentleman after one more comment.

That is exactly what this bill does. If we do not adopt the Teague of Texas amendment we will be turning over the treatment as to drugs to a czar. This certainly will take away from the veterans' program.

This is a good amendment and should be supported.

I yield to the gentleman from West Virginia.

Mr. STAGGERS. Would the gentleman tell me the date of that letter?

Mr. MONTGOMERY. February 3, 1972.

Mr. STAGGERS. This is a new letter I did not know about. To whom is it addressed? It is not addressed to our committee?

Mr. MONTGOMERY. It is addressed to the gentleman from Texas (Mr. Teague) the chairman of the Veterans' Affairs Committee. I believe I did mention that earlier.

Mr. STAGGERS. We knew that the VFW had opposed the earlier bill, which was H.R. 9264. I believe they are still referring to the same bill in this. This bill was introduced later, and objections were considered. Certainly it meets all of the objections we could find any veterans group had.

Mr. MONTGOMERY. I believe they are talking about this bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. If I understand the amendment of the gentleman from Texas (Mr. Teague) correctly, it would not deny the use of any of the new facilities which are to be constructed under this bill to any veteran in the United States. It would simply say that if a veteran wants to use Veterans' Administration facilities and use their program the money would not be pulled out of the VA program and its facilities to support some other facility. Is that correct?

Mr. MONTGOMERY. That is correct.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Texas (Mr. Kazen).

Mr. KAZEN. In further answer to the statement made by the distinguished chairman of the Committee on Interstate and Foreign Commerce, about all people being treated alike, is it not a fact that the veterans group is the only identifiable group we will be dealing with under this program?

Mr. MONTGOMERY. That is correct.

Mr. KAZEN. The gentleman answered the question of the gentleman from Oklahoma. If there is any veteran who wants to take advantage of any other kind of program set up he is free to do so.

Mr. MONTGOMERY. That is correct.

Mr. KAZEN. But at the same time he can continue to take advantage of whatever programs the Veterans' Administration sets up exclusively for veterans, the only identifiable addicts that would be treated under this bill. The veterans deserve a measure of extra treatment in view of their contribution to our country.

Mr. MONTGOMERY. The gentleman is exactly right.

Mr. STAGGERS. Will the gentleman yield for a correction?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. STAGGERS. We specifically say in here every member of the armed services, and that takes in all of our boys in the field wherever they are all over the world. It specifically sets them out.

Mr. MONTGOMERY. I do not know why you would not adopt this, then.

Mr. KAZEN. That is exactly what I am talking about. The members of the military forces, be they in active service or veterans, are the only identifiable segment of our population. From there on you have all types of people and citizens who can fall under this program proposed by you in this bill.

Mr. STAGGERS. If the gentleman will yield further, the reason for that is we wanted to make sure we were not interfering with the Veterans' Administration in any way and with the armed services in any way, and we set them out. We wanted to make it crystal clear, so it was spelled out in the bill. We say that we will have a good drug abuse program and we want them to share in that and to have this knowledge shared everywhere.

Mr. ROGERS. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, you might say that this is a jurisdictional fight between one committee and another. I did not think it would get down to this, but obviously it has. Unfortunately, it developed even though the Subcommittee on Public Health and Environment invited the chief counsel of the Committee on Veterans' Affairs to come and sit with us and help to write the bill, and the ranking majority member on our subcommittee happens to be the chairman of the Veterans' Affairs Subcommittee on Hospitals. We added section 213 after meeting with the staff of the VA committee.

Now let us get down to it. What does this mean? Is somebody saying that we do not want veterans basically to have the same benefits or as good drug abuse programs as the rest of the Nation?

Let me tell you this: The Veterans' Administration does not know right now how to cure a drug addict. We have two doctors on our committee who can vouch for that statement. They do not know how to cure an addict.

What we are trying to say is we want Dr. Jaffe, along with the rehabilitation people, along with the Veterans' Administration people, along with the armed services people, all of the experts in the country, to come together. If they can devise a good program that will have some results, well, it ought to be instituted and it ought to be instituted in the Veterans' Administration even though the veterans might not want it.

Did you know that the Veterans' Administration supports this bill? They testified in favor of it. What did the chairman of the Committee on Veterans' Affairs say? He said, "Oh, OMB stopped our program." He said that this afternoon. They have frozen it. Now, Dr. Jaffe does not have that authority yet, so you cannot accuse him. It is OMB. If you will pass this bill, I will guarantee that it will be unfrozen, because we are putting in some priorities. We will have a man who will see what they are doing. We will get additional fundings here. If you want to help the veterans, then you vote against this amendment. If you want to help drug addicts—and that is all this goes to; it does not even touch any other program—then vote against it. The specific language in the bill provides that Dr. Jaffe's authority over the VA does not go to any other program except drug abuse. They do not have the answers yet, and they need them.

Here is another thing. Have you ever tried to get the Office of Management and Budget up before your committee and get them to tell you why they are holding up something? You try to do it and you will not get them.

But do you know what we have in this bill on Jaffe's office specifically?

The bill states that:

> The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.

Now, the Congress itself can find out what is happening, who is making decisions to stop and hold up money or where it is spent. You leave this in OMB like this amendment would allow, and you will never find out.

If you want to uphold the authority of this Congress, if you want to do something for veterans who are addicts and begin to move forward with a program of cure you should vote strongly against this amendment. This is the most dangerous amendment in the fight against drug abuse I have yet seen presented.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Certainly I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. The gentleman said that the gentleman from Texas said that the program would be stopped and I did not say that.

Mr. ROGERS. You said it had been frozen. What did the gentleman say?

Mr. TEAGUE of Texas. I will tell you. This Congress approved the creation of 32 centers in the Veterans' Administration.

Mr. ROGERS. Not in this bill.

Mr. TEAGUE of Texas. I am not talking about this bill. We have already done that. However, there is a stop order on hiring people to go into drug abuse centers. That is what I said.

Mr. ROGERS. That is right. Who did it? OMB. And, so, we are going to change that if you will turn down this amendment.

I would urge that this amendment be strongly disapproved if you want to help the fight against drug abuse in this Nation.

Mr. HALPERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

With all due respect to the distinguished chairman of the Veterans' Affairs Committee, for whom I have so much love and affection and to the outstanding administration of the Veterans' Administration, I feel that a totally coordinated program to combat this horrendous drug scourge is essential.

Mr. Chairman, we should have one overall program, as the gentleman from Florida so clearly pointed out. We cannot have one program for veterans and other programs and standards for other segments of the American society. Drug addiction does not know classification between veterans and nonveterans. The addict on the street and the devastation he causes does not draw a line or distinction between the unfortunate ex-GI addict and the nonveteran addict.

Mr. Chairman, the Veterans' Administration, as of November 1971, had treated in its 32 centers, an increase, incidentally, from five centers over the previous year, over 9,000 veterans. Of these, Mr. Chairman, 6,000—yes, over 6,000 addicts were ex-GI's who served in Vietnam.

This staggering figure represents only a percentage, obviously, of the veterans addict population. It represents only those veterans who have come forward for treatment. I believe it is safe to estimate that these thousands represent perhaps only 10 percent of the total veteran addict population. That is a staggering figure. And I think it is a conservative estimate.

The Veterans' Administration drug treatment and rehabilitation programs woefully need the benefit of better trained personnel and total research effort and all of the benefits that a coordinated program can bring about. So do all public and private hospitals and drug treatment facilities.

Now, Mr. Chairman, let me go back to the untreated veterans who are addicted. Their number would represent tens of thousands, perhaps 50,000, 60,000 or 70,000. I base this on the ratio of the number of patients who have been treated in VA facilities.

Unless total coordination can be achieved, this number of ex-GI addicts can very well turn on as many as 3 million Americans.

Yes, Mr. Chairman, the only way we can effectively eradicate this scourge is a coordinated program for training personnel, for research, for education and rehabilitation, and this can only be done meaningfully as outlined in this bill.

I commend the subcommittee and I commend the full committee for the bill before us today, and I hope—and sincerely trust— that this amendment will be defeated.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Frankly, Mr. Chairman, I cannot understand why the committee would not accept this amendment. I am not impressed by the argument advanced by the gentleman from Florida (Mr. ROGERS). In the first place, I doubt that the Veterans' Administration is really opposed to the amendment as offered, or does not favor the amendment as offered by the gentleman from Texas (Mr. TEAGUE). There are enough of us within this Chamber today who have been around long enough to know that the Veterans' Administration does not really have the freedom to express its true position when the administration says to support a bill of this kind.

I am not impressed by the argument that we are fragmenting this particular problem and that we are fragmenting the efforts of this committee.

I want to compliment the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) for what they have done, and thank their committee for what they have done in bringing out this bill.

All of us are seeking the same objective. We are trying to find solutions to one of the worst problems that America faces today.

The statement has been made on this floor that the Veterans' Administration has never cured an addict and does not know how to cure an addict. That may be true, but it may not only apply to the Veterans' Administration. It may apply to many other institutions in this field as well.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I will yield to the gentleman in a moment.

Let me say something about medical research in the Veterans' Administration. We have not fragmented medical research. The Congress appropriated $68.7 million for medical research in the Veterans' Administration in 1972. Over the last 15 years it has developed a program in its hospitals that is essential to its mission of providing quality medical care.

I see the distinguished gentleman from North Carolina who sits with me on the HUD-Space-Science-Veterans Appropriations Subcommittee. We have worked with Veterans' Administration programs for many years. The appropriation for medical research 14 years ago was $10.3 million, and today it is up to $68.7 million.

So, have we fragmented research? I say we have not. The Veterans' Administration has been a leader in the field.

Some of the best solutions to some of the worst problems facing veterans with respect to medical and mental problems have come out of the Veterans' Administration. We can do the same thing here.

What the gentleman from Texas (Mr. TEAGUE) objects to, and I think with very good reason, is that the head of the drug abuse program, which we have been debating, may have the power to deny funds to the Veterans' Administration. I understand that the power under one section of this bill may forbid the use of funds for particular programs. If that is so, then we ought not permit that kind of power.

If the Veterans' Administration can do in the drug problem what it has done in many other areas of medical research, then I think we should support them. If you want to obtain better medical research, where can you get better research results than from the veterans who are addicted to the drugs? We have these facilities and we know they can do a good job. Yes, the Veterans' Administration can probably do a better job than can be done in some of these institutions into which much of this money may go.

I do not know Dr. Jaffe. I am sure he must be a tremendously fine man, and extremely knowledgeable in this field. I do not quarrel with his position or the responsibilities he will have. But here we have an opportunity to move ahead with both Dr. Jaffe's activities, and with the ongoing program in the Veterans' Administration. Using this approach, I think we can help solve this tremendous problem. God knows this country needs to move ahead utilizing all of our resources in every way possible.

Mr. ROY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think there are several things that have been said that should be reiterated. No. 1 is that we do not know how to cure drug addiction. To find a cure will take a unified program, including perhaps the most important element and the most important facility that we have, the Veterans' Administration.

So there is no question the Veterans' Administration should be a part of our efforts. I know that doctors of the Veterans' Administration and doctors in many other places realize that they do not have the answers within the walls of their institutions, so we must have this research and we must have this exchange of information.

I think the only way we can move ahead is in that way. We are talking of several things. We are talking of a coordinated program. We are talking of research. We are talking of education. We are talking of treatment and we are talking of rehabilitation. We must move addicts from place to place as these processes for treatment and rehabilitation occur. I think we must, therefore, have somebody to coordinate this movement.

At the moment we have great difficulty. Our committee again and again has asked generals and admirals and the Veterans' Administration and others where the addicts are going that need service and why are they not being picked up by the Veterans' Administration hospitals.

About 2 months ago I looked in on the VA treatment center at Topeka, Kans., and as I recall there were two heroin addicts and two speed addicts. I said:

> Where are the veterans to be treated here?

They said:

> They have not been identified. We know they are around but we have not been able to make the transfer.

Dr. Jaffe must have some authority—a limited authority granted—but he must have some authority with regard to the Veterans' Administration and with regard to the armed services and with regard to HEW and HUD and the Office of Economic Opportunity and all the other places where we have put money—where we have poured money in a sense when we consider the returns that we have received, in order to combat this scourge that is plaguing the American people.

It would be a mistake to leave out the Veterans' Administration. We have to have the Veterans' Administration coordinated with the rest of our efforts. I do not think I can emphasize too strongly to this House the anxiety on the part of our committee to be sure that these things do occur and that transfers occur whereby our veterans can receive the treatment they deserve.

The second point which I think the gentleman from Florida (Mr. ROGERS) made so well, but which I will have the temerity to repeat—is that your money has been held up. It has been held up by the Office of Management and Budget, as he said and I am sure the distinguished chairman knows. This is a very, very difficult thing to fight. But we can fight it.

Dr. Jaffe is in the spotlight—not only of the people but of the President and of our committees of the Congress, and I feel it would be a grave error to go along with this amendment, which would chop off the veterans from having the best treatment that can be given to them. I am extremely disappointed to hear you come forth with this thing that sets aside, as something different, the Veterans' Administration.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROY. I yield to the gentleman.

Mr. TEAGUE of Texas. What do you mean by that statement when you said we are chopping off the veterans from something.

Mr. ROY. We have to have a coordinated program. We will not have one in the Veterans' Administration as in other treatment programs, if we do not have the same authority and the same introduction of Dr. Jaffe and his staff into the Veterans' Administration. We very likely would not have the same coordination and the same exchange of research and the same education of personnel and other things we anticipate from this program.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. ROY. I yield to the gentleman.

Mr. WHITE. I want to point out that the law requires the Veterans' Administration to treat drug addicts. If the director cuts off any of these funds and siphons off the funds to some other place, then you are restricting the quality of treatment that the veteran will get. That is how you cut off the veteran and not the way the amendment provides but the way the bill provides.

Mr. ROY. Number one—the funds are provided by line item and there is no way that Dr. Jaffe can touch these funds to siphon them off and put them some place else.

Mr. WHITE. It says "at his discretion" in the bill—after the funds are appropriated.

Mr. ROY. I beg to differ with the gentleman.

Mr. WHITE. I will read it to you. If you will look at page 14, it says:

> Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency.

That is precisely how the money could be siphoned off.

Mr. ROY. No; the money we authorize to the special action of the director—not the veteran's money.

Mr. WHITE. Where does it say that?

Mr. PICKLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the committee considering this legislation recognized we did have a problem in the programs being offered. It was for that reason they held consultation with the Veteran's Affairs Committee. We had thought that this matter had been resolved and we have come to the floor in good faith that an accord had been reached. It is very unfortunate that we find ourselves still in controversy at this point. I do hope, however this matter comes out, if this bill moves forward, if there is some way to resolve the question, we ought to do it, because it is not a vote for or against veterans. We are certainly agreed on that.

I would like to make this point. During the debate there has been constant reference to the fact that the Office of Management and Budget has been the agency which has frozen the funds that the VA hospitals have so desperately needed. This agency has done this in many other categories. There seems to be no relief. There seems to be no way to find out on what grounds or on what basis these funds are being withheld.

I submit to this body that in time we must address ourselves to the problem that is being caused by the Office of Management and Budget, because they seem to concentrate totally on the word "management" rather than on the word "budget." This matter should be looked into in some depth and in a broader manner.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman of the committee.

Mr. STAGGERS. I thank the gentleman for yielding. I would like, first, to compliment the gentleman from Texas (Mr. TEAGUE) for his fight in what he believes is the best interests of the veterans. But I believe we are all in the same boat, my colleague, the gentleman from Texas, is a great man, a distinguished Member of this House. Everybody loves him. I know that everyone has great affection for Mr. TEAGUE. We are all fighting for the veterans of this land. I am sure we all are.

When I first came to Congress, I served on the Veterans' Affairs Committee with Mr. TEAGUE, and I enjoyed the association we had in the years I was there, and have enjoyed them ever since. But that has nothing to do with this bill because we have taken every precaution we could. We have said that the Secretary of Defense and the Administrator of Veterans' Affairs shall be on the advisory committee advising the Director and shall help to shape the policy.

We have two doctors on our committee, two eminent doctors of their communities, testify. They are perfectly satisfied and say emphatically that this provision should not be taken out. I believe thousands of veterans would say that this should not be taken out of the bill if we are going to give them the best treatment.

Then I would like to say that in the bill itself we have taken precautions. The gentleman from California had an amendment put into the bill, that we would have access at all times—and I will read the provision to the House so Members will know what we have inserted:

> The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.

We knew that we might not otherwise get into the different things that the Executive Office has, so we said, "This is an exception." Any committee of the House can look at their documents and say, "What are you doing and why are you doing it?" We have assured that kind of investigation. We have taken that precaution. If they do something wrong, we can take a look at it. If we had left the office in the Executive Office without this amendment, we might not have had this authority. We have said that any Member of the House can say, "What are you doing and why are you doing it?"

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Could Dr. Jaffe spend one dime without the approval of the Office of Management and Budget? Whether he withholds funds or not, the Office of Management and Budget comes into it anyway. It makes no difference.

Mr. STAGGERS. It surely does. It makes all the difference in the world. We do not have to go through the Office of Management and Budget, because if we determine they need the money, they get the money.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. CARTER. I have just one or two things to say on this subject. I should like to refer, first, to section 213, page 9, of the bill. Under the old bill I believe the term was "prevention and treatment." To assure the Veterans' Administration that Dr. Jaffe would not enter into the field of treatment, the word "treatment" was deleted, taken out, and just "prevention" left there.

Another thing. The distinguished gentleman from Texas (Mr. WHITE), brought up the subject of the special fund, the so-called incentive fund, whereby the Director could send into a hospital or into a mental health center an agent who would check the method of treatment, and if he found it good, then he would give an incentive award to that group.

As far as that is concerned, that applies only to the incentive awards, and if the Veterans' Administration is conducting a good drug treatment program, they stand to gain incentive awards. We are here to help the Veterans' Administration in their treatment and not hurt them.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentlemen from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, the gentleman mentioned section 213. Will the gentleman mention section 222 and tell the House what it means?

It means that Dr. Jaffe is the dictator over the Veterans' Administration, and it gives him power over all the money.

Mr. CARTER. I would say to the gentleman from Texas, let not your heart be troubled.

Mr. TEAGUE of Texas. It is.

Mr. CARTER. That is not the intention of this bill, and it will not be done. We are here to help the Veterans' Administration, to help them and not to hurt them. We are here to help the Veterans' Administration and drug addicts of this country, to help them and not to hurt them.

Mr. TEAGUE of Texas. If the gentleman will yield further, under section 222, though, the Director can modify, I think the words are "as he deems necessary".

Mr. CARTER. Let me answer the gentleman as to why that was done. We have throughout this country program after program not all of which have actually been effective. In the District of Columbia, for instance, we have had one in which Ahmed Hassad, was in charge and one man died of an overdose of drugs. The purpose of this is to assure the Director the right to go into such an area and discontinue funding that when it is necessary—and many times it is necessary and must be done, so that we can coordinate the programs and treat the people who need treating.

Mr. TEAGUE of Texas. If the gentleman will yield further, he can modify the budgets, and, therefore, he could put more in a special fund and less in other special requests.

Mr. CARTER. I think the fears of my good friend, the gentleman from Texas, are groundless. Again I believe the gentleman is fighting a strawman.

Mr. SAYLOR. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. TEAGUE), the distinguished chairman of the Committee on Veterans' Affairs. I have served with the gentleman on the committee for a good many years and know too well the continuing efforts by the Office of Management and Budget and its predecessor agency, the Bureau of the Budget, as well as other Federal agencies, to dismember the Veterans' Administration and transfer one or another of its functions to other agencies.

I can remember efforts several years ago to transfer the veterans' home loan guarantee program to the Federal Housing Administration. I can also remember an ill-conceived effort to create a united hospital administration that would divest the Veterans' Administration of its vast hospital system which has always provided second-to-none medical care for the Nation's sick and wounded veterans. Then I recall repeated efforts to transfer the administrative control of the veterans' education program, the GI bill, to the Office of Education in the Department of Health, Education, and Welfare.

During the last administration there was an abortive effort to superimpose the Secretary of Health, Education, and Welfare over the Administrator and the Chief Medical Director of the Veterans' Administration as the President's Coordinator of Federal Health Activities.

Again, Mr. Chairman, it appears that we are creating a czar, this time under the guise of coordinating the Federal attack on drug abuse. The Veterans' Administration, Mr. Chairman, has been in the business of treating narcotic addiction for many years. They have demonstrated their qualifications in treating drug abuse and in spending wisely and economically the funds appropriated by the Congress for this important segment of medical rehabilitation. They do not require an overseer to determine how they shall treat veterans and servicemen or how much money will be devoted to this activity.

In addition to the ongoing medical and rehabilitative treatment of drug abuse practiced in all Veterans' Administration hospitals, the Veterans' Administration will, by the end of the 1973 fiscal year, have 44 drug treatment centers in operation. Many of these units are already functioning actively.

The House of Representatives last year passed and sent to the Senate H.R. 9265 which greatly expanded the role of the Veterans' Administration in the overall attack upon drug abuse. The bill authorizes the Veterans' Administration to treat ex-servicemen for drug abuse irrespective of the nature of their discharge and to accept for treatment active duty servicemen and court-committed veterans. I am hopeful that the Senate will act upon this measure at the earliest possible date. This legislation, Mr. Chairman, that originated in the Committee on Veterans' Affairs and passed the House, when it passes the Senate, will represent the will of Congress with respect to treatment of veterans and servicemen for drug abuse. I cannot support that portion of the legislation before the House today that will vest one person with the authority to thwart the will of Congress by withholding funds or otherwise changing the mission of the Veterans' Administration in the care and treatment of veterans suffering from narcotic addiction.

I shall support the amendment offered by the gentleman from Texas and urge my colleagues to do likewise.

Mr. McCLORY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Texas (Mr. TEAGUE), as I do not believe it is appropriate as a part of this measure.

Mr. Chairman, in expressing my support of this legislation (H.R. 12089) for a Special Action Office in combating drug abuse, I realize that there are many of us in the Congress who are endeavoring to find rational and ready answers to this acute problem which faces our Nation.

It is highly commendable that the Interstate and Foreign Commerce Committee has produced this legislation which seeks to meet many of the most urgent needs in combating the drug problem.

Mr. Chairman, this legislation embodies the kind of Federal direction and impetus which can help local and State governments in meeting the challenges of drug abuse. In establishing a national drug abuse training center, many persons will be able to educate and train medical personnel, as well as educators and others, in providing care and treatment of drug dependent persons and to provide similar services in the area of drug abuse prevention.

Mr. Chairman, the legislation which we are considering varies in several respects from the program outlined by the President in his message to the Congress on January 17, 1971. However, the broad objectives of a Special Action Office provided in this measure are consistent with the administration's proposals.

Mr. Chairman, the distinguished Director of the Special Action Office in the executive department, Dr. Jerome H. Jaffe, has provided convincing testimony in support of the concepts embodied in this bill. Dr. Jaffe comes with a reputation of successful leadership in the area of drug abuse, having served as director of the drug abuse program in the Illinois Department of Mental Health.

Mr. Chairman, there has already developed a substantial drug treatment facility in many of our Veterans' Administration hospitals. Hopefully, these facilities will be needed only on a temporary basis to treat the military personnel from Vietnam who have been subjected to drug use in that area. In carrying out the Veterans' Administration program and in developing the more comprehensive measures contemplated in this legislation, I find no basis for confusion or for criticism of Dr. Jaffe. Certainly, we are not planning to establish duplicate facilities for treatment or for training or for any other aspect of the drug abuse problem. Indeed, we have neither the physical resources nor the personnel to do more than is authorized in this measure—and in the interim any emergency programs which have already been undertaken by the Department of Defense and the Veterans' Administration. In the record of hearings, part I, page 169, the Veterans' Administration drug treatment program is outlined—and there seems to be no basis for conflict. Instead, the Director indicates many ways in which the Veterans' Administration programs and the new Special Action Office may cooperate.

Mr. Chairman, Dr. Jaffe has faced his new responsibilities forthrightly and courageously. When he has testified before committees of Congress, he has given clear evidence that he knows whereof he speaks as completely as any person in the field of drug abuse. There is no basis for describing his forthright statements as arrogant or egotistical. Instead, they are, in my opinion, knowledgeable and frank. In reviewing his testimony before the committee, which covers approximately 90 pages of part I of the hearings—pages 171–260—it appears to me that Dr. Jaffe demonstrated professional talents consistent with his position as well as patience, respect, and sound reason in response to extensive questioning. I have noted the complimentary remarks of the chairman of the subcommittee on page 259 when Dr. Jaffe concluded his testimony.

Mr. Chairman, I feel that the substantial benefits of this legislation should not be diluted because of rivalries between the departments of Government, committees of the Congress, or other such differences. In my view, the legislation before us today is constructive—and should enable us to meet many of the challenges created by the prevalence of drug abuse. It is my fervent hope that in the administration of programs which are here authorized, we can meet many of the individual problems which drug dependent persons are experiencing, and that the program also will help reduce the trafficking in heroin and other dangerous drugs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. TEAGUE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 43, noes 64.

TELLER VOTE WITH CLERKS

Mr. TEAGUE of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. TEAGUE of Texas. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. TEAGUE of Texas, STAGGERS, BIAGGI, and NELSEN.

The Committee divided, and the tellers reported that there were—ayes 174, noes 196, not voting 61, as follows:

[Roll No. 23]

[Recorded Teller Vote]

AYES—174

Abernethy
Anderson, Calif.
Anderson, Tenn.
Andrews
Archer
Arends
Baker
Baring
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Boland
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Cabell
Caffery
Camp
Carney
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Colmer
Cotter
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Derwinski
Dickinson
Donohue
Dorn
Dowdy
Dulski
Duncan
Edmondson
Fisher
Fountain
Frelinghuysen
Fuqua
Gaydos
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Haley
Hammerschmidt
Hanley
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hosmer
Hull
Hungate
Hunt
Ichord
Johnson, Calif.
Jones, N.C.
Kazen
Kee
King
Landrum
Leggett
Lent
Link
Long, La.
Long, Md.
Lujan
McCloskey
McCormack
McCulloch
McDade
McEwen
McMillan
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Melcher
Miller, Calif.
Miller, Ohio
Minshall
Mizell
Monagan
Montgomery
Murphy, N.Y.
Myers
Natcher
Nichols
Patten
Perkins
Pettis
Pike
Poage
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rarick
Riegle
Roberts
Roe
Roncalio
Rooney, N.Y.
Rostenkowski
Rousselot
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schmitz
Scott
Sebelius
Shriver
Sisk
Snyder
Spence
Steed
Stephens
Stratton
Taylor
Teague, Calif.
Teague, Tex.
Thone
Ullman
Vander Jagt
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitten
Williams
Winn
Wright
Wydler
Young, Fla.
Young, Tex.
Zion
Zwach

NOES—196

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Barrett
Begich
Betts
Bingham
Blackburn
Boggs
Bolling
Bow
Brademas
Brasco
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carter
Chisholm
Clausen, Don H.
Clawson, Del
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Culver
Davis, Wis.
Dellenback
Dellums
Dennis
Devine
Diggs
Dingell
Dow
Downing
Drinan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frenzel
Frey
Gallagher
Garmatz
Giaimo
Goodling
Gubser
Gude
Hall
Halpern
Hamilton
Hanna
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hogan
Holifield
Howard
Hutchinson
Jacobs
Jarman
Jonas
Jones, Tenn.
Karth
Kastenmeier
Keating
Keith
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lloyd
McClory
McClure
McCollister
McFall
McKay
McKevitt
McKinney
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Mills, Md.
Minish
Mink
Mitchell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
Nix
Obey
O'Neill
Patman
Pelly
Pepper
Peyser
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Quie
Railsback
Rangel
Reid
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Rooney, Pa.
Rosenthal
Roush
Ruppe
Ryan
Satterfield
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Symington
Talcott
Terry
Thomson, Wis.
Van Deerlin
Vanik
Veysey
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wyatt
Wyman
Yates
Yatron
Zablocki

NOT VOTING—61

Alexander
Aspinall
Bell
Blanton
Blatnik
Byrnes, Wis.
Celler
Clark
Clay
Corman
Dent
Dwyer
Edwards, La.
Evans, Colo.
Evins, Tenn.
Findley
Flowers
Flynt
Ford, William D.
Fulton
Galifianakis
Gettys
Gibbons

Gray
Griffiths
Hagan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hays
Hébert
Horton
Johnson, Pa.
Jones, Ala.
Kemp
Koch
Lennon
McDonald, Mich.
Macdonald, Mass.
Madden
Mann
Mills, Ark.
Mollohan
O'Hara
O'Konski
Passman
Powell
Pryor, Ark.
Rees
Roy
Smith, Iowa
Springer
Stuckey
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Wilson, Charles H.
Wolff
Wylie

So the amendment was rejected.

Mr. HALPERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in order to express a view which I trust the chairman of this committee will carry to the conference on this bill. The Senate-passed legislation would grant considerable more new direct funding to States and localities for the actual operation of drug treatment and rehabilitation centers than the bill before us today. I would hope, Mr. Chairman, that the chairman of the committee and the House conferees will reach a significantly larger figure than provided in H.R. 12089 so as to fulfill the critical need for treatment and rehabilitation programs on a local level. I trust that will be carried by the chairman and the conferees to the conference.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HALPERN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would say to the distinguished gentleman from New York (Mr. HALPERN) that I am sympathetic toward his position but as the gentleman knows, as a member of the conference, I am dutybound to uphold what the House has done here. Of course in all conferences we have to have compromises. I do not know what is going to come out of that conference committee.

Mr. HALPERN. I hope that the compromise will be closer to the Senate bill on this point.

I have one other question to direct to the chairman of the committee, I would be interested in hearing the chairman's reason for the committee not including in H.R. 12089 the Senate-originated provision which would prohibit any public or private general hospitals presently receiving any Federal funding from refusing admission or treatment of drug-abusers who are suffering from an emergency medical condition.

Mr. STAGGERS. If the gentleman will yield further, I believe that is contained in the Senate bill.

Mr. HALPERN. It is contained in the Senate bill.

Mr. STAGGERS. As I stated before, the chairman is sympathetic. I do not know what the conference will do, but as I said, we are dutybound to try to uphold what the House has done here.

Mr. HALPERN. Yes, but I trust the conference will accept this provision of the Senate bill.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time, because I had originally intended to propose an amendment to this bill and was persuaded not to by the sponsor and other members of the committee. It has to do with a section which is contained in the Senate bill and which is not contained in the House bill. I would ask either the chairman of the committee or the distinguished sponsor of the bill to comment in connection with my concern My concern is this:

The House bill is silent on the whole matter of confidentiality. The Senate bill contained an entire title on confidentiality that is not only important in terms of the rights of the addict, but in terms of the potential intake that the program will have. One of the defects in previous programs has been that persons who needed help have been reluctant to seek it, because they were afraid that the disclosures they made to the treatment agency would be turned over to law-enforcement agencies or to others to their detriment. I am hoping that when this bill is considered in conference the House conferees will not be unsympathetic to the Senate provision and will find agreement on some kind of provision which will protect confidentiality nationally in the interest of protecting civil liberties, but equally important in the interest of the success of the treatment programs.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. STAGGERS. In response to that statement, I would say to the gentleman as I have to the gentleman from New York (Mr. HALPERN) that I certainly would be sympathetic to this approach.

Confidentiality of research patients is in the basic law, but I would be sympathetic to this approach that the gentleman talked about in keeping these affairs confidential. But I would be sympathetic to having it written into the law, if we can provide safeguards to prevent abuse.

But we will uphold the House as we pass this bill and there will be compromises, but I do not know what they are going to be.

Mr. MIKVA. I thank the gentleman.

Mr. PEPPER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Crime Committee of the House has been so much concerned about heroin addiction to the rate of crime in this country—about 50 percent of the violent crime is attributable to heroin addiction where the crimes are committed by heroin addicts to get the money to buy the expensive heroin—that we have been doing what we could to develop a research and treatment and rehabilitation program that would effectively do something about this critical problem in the country.

We found out that only about $2 million a year was being spent to try to find a drug that would be a blockage drug or an antagonistic drug to heroin. Consequently, on the 29th of November, all of our committee, both Democrats and Republicans, introduced a bill, H.R. 11927, proposing that we authorize a total expenditure of $50 million a year, if needed, in order to expedite in every way possible an effective research program.

Methadone is the best drug that we have at the present time and it is the most generally used drug in the treatment of heroin addicts. But it is addictive and it is fatal to some. It is appropriate to only about 35 percent of the addicts. Nobody knows what will be the effect of the continued use of methadone over a long period of time. Yet, the authorities say if you are going to use methadone, you have to use it for the rest of your life if you are not going to fall back into heroin addiction.

So we can see the importance of research in this field.

Now if I may have the attention of the gentleman from West Virginia, as I said, our bill, H.R. 11927, would authorize $50 million, if needed by the authorities to try to carry out an effective research program to find such a drug.

As I understand it, in section 224 of your bill, you have an authorization of $20 million for this purpose to try to find a blockage or antagonistic drug and if I am also correctly informed, in the budget submitted by the President recently there is a request before this session of the Congress for $49 million for research in the narcotics area.

So that would make a total of $69 million available if the authorities see fit to employ that much and can wisely use that amount for research in this critical field.

Am I right about that?

Mr. STAGGERS. That is correct.

Mr. PEPPER. May I ask the gentleman another question?

Our committee has also found that the drug industry in this country has been doing relatively little in this kind of research and one of the best sources of additional help our country could give would be to enter into contracts or arrangements including grants to drug companies to carry on particular research in respect to promising drugs in this field.

Am I correct in assuming that authority would exist on the part of the drug abuse prevention agency or the NIH or the appropriate Government authority to enter into contracts including the making of a grant in such amount as they would deem appropriate with the individual drug houses carrying on research that they want to carry on with the understanding that if a drug house makes a profit out of the drug that the first profit they will derive will go to reimburse the Government for any grants that might be made available to them under section 224?

(By unanimous consent, Mr. PEPPER was allowed to proceed for 2 additional minutes.)

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, we believe that the Director should go as far as he can under the law to stimulate and bring about research in this area.

Mr. PEPPER. I thank the gentleman. I have one other question. A little bit ago the House passed two bills that came out of the Judiciary Committee and were presented to the House by the able gentleman from California (Mr. EDWARDS) which spelled out a large number of things that could be done for prisoners who were heroin addicts in Federal and State prisons in an effort to get them off heroin and back to normal living. Am I correct in assuming that comparable authority, comparable assistance, such as job training, finding housing, if necesary, giving medical assistance, if needed—that comparable aid, comparable assistance could be given under this bill in the community health centers to heroin addicts under the treatment and rehabilitation program provided for in this bill.

Mr. STAGGERS. In answer to the gentleman from Florida, I would say that existing law is broad enough in the authorities it contains to cover all the programs to which he refers, as well as many others. And the Director is given authority to fund further approaches, out of his incentive fund, if he finds merit in them.

Mr. PEPPER. I thank the able chairman.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman, I would like to ask the chairman of the committee a couple of questions. Does this bill authorize the Director to enter into agreements to pay foreign farmers for the nonproduction of opium poppies?

Mr. STAGGERS. It does not.

Mr. GROSS. None of the funds authorized under this act can be used for that purpose; is that correct?

Mr. STAGGERS. It is my understanding that that is correct.

Mr. GROSS. I note in two or three places in the bill that there are provisions authorizing the Comptroller General to audit and/or examine books and records of expenditures, but in each instance that I have seen that authority is limited to grants. Can the Comptroller General audit and examine all expenditures authorized under this bill?

Mr. STAGGERS. Yes, he can, as I am sure he can do so with all agencies.

Mr. GROSS. The authority goes beyond grants; it goes to anything?

Mr. STAGGERS. Yes, I am sure of that.

Mr. GROSS. I thank the gentleman.

Mr. DEVINE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

Mr. DEVINE. Mr. Chairman, I take one moment to direct a question to either the gentleman from Florida (Mr. ROGERS) or the gentleman from West Virginia (Mr. STAGGERS) in order to clarify the legislative history. I invite attention to page 7 of the bill, section 210, in which it is stated:

> . . . the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

I ask whether the Director would have the authority to enter into any kind of agreement with any agency such as some splinter group from a community action organization, from poverty organizations, from the John Birch Society, the Ku Klux Klan, the Chicago Seven, the Black Panthers, or from any number of groups that could make application and declare themselves as a drug abuse center and get the grant. I think we should make this quite clear at this time before we pass the bill with section 210 included.

Mr. STAGGERS. All I can say, in answer to the gentleman, is what the language of the bill states:

> In carrying out any of his functions under this title—

That goes back to what his functions are. There is no law that I know which would limit him as to whom he may make grants or contracts, unless the organization were unlawful, or one which the Justice Department would say was unlawful for him to enter into an agreement with.

Mr. DEVINE. I might say to the gentleman that this language is vastly broad, and if the Director of the Federal Bureau of Investigation had authority such as this, a number of our Members would be hollering to high heaven. I think we should consider striking this section, but since it is so late in the debate perhaps it can be considered and limited or eliminated in conference.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FRASER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12089) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, pursuant to House Resolution 792, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. NELSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 24]

YEAS—380

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor

Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—51

Abbitt
Alexander
Aspinall
Bell
Blatnik
Bray
Byrnes, Wis.
Celler
Clausen, Don H.
Clay
Corman
Dent
Dwyer
Edwards, La.
Evans, Colo.
Evins, Tenn.
Findley
Flowers
Flynt
Fulton
Galifianakis
Gettys
Gray
Griffiths
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hays
Hébert
Horton
Johnson, Pa.
Jones, Ala.
Koch
Lennon
Madden
Mann
Mills, Ark.
O'Hara
O'Konski
Passman
Powell
Pryor, Ark.
Rees
Smith, Iowa
Stanton, J. William
Stuckey
Thompson, Ga.
Udall
Wolff
Wylie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mann with Mr. Thompson of Georgia.

Mr. Koch with Mr. Clay.

Mr. Dent with Mr. Johnson of Pennsylvania.

Mr. Evins of Tennessee with Mr. Bell.

Mr. Hays with Mr. Powell.

Mr. Hébert with Mr. Bray.

Mr. Mills of Arkansas with Mr. Byrnes of Wisconsin.

Mr. Celler with Mr. Horton.

Mr. Evans of Colorado with Mr. Hansen of Idaho.

Mr. Passman with Mr. O'Konski.

Mr. Blatnik with Mr. Harsha.

Mr. Aspinall with Mr. Harvey.

Mrs. Griffiths with Mrs. Dwyer.

Mr. Rees with Mr. Don H. Clausen.

Mr. O'Hara with J. William Stanton.

Mr. Gray with Mr. Findley.

Mr. Fulton with Mr. Wylie.

Mr. Abbitt with Mrs. Hansen of Washington.

Mr. Corman with Mr. Wolff.

Mr. Stuckey with Mr. Pryor of Arkansas.

Mr. Edwards of Louisiana with Mr. Flowers.

Mr. Galifianakis with Mr. Smith of Iowa.

Mr. Jones of Alabama with Mr. Lennon.

Mr. Madden with Mr. Gettys.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 792, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The Clerk read the title of the Senate bill.

MOTION BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 2097 and insert in lieu thereof the provisions of H.R. 12089, as passed, as follows:

Title I, Findings and Declaration of Policy; Definitions

Title II, Special Action Office for Drug Abuse Prevention

Title III, Other Agencies.

TITLE I—FINDINGS AND DECLARATION OF POLICY; DEFINITIONS

Sec.
101. Congressional findings.
102. Declaration of national policy.
103. Definitions.

§ 101. Congressional findings.

The Congress makes the following finding:

(1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.

(2) Drug abuse, especially heroin addiction, substantially contributes to crime.

(3) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.

(4) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.

(5) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States, and localities, and throughout the Federal establishment.

(6) Control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

(7) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the resources of the Federal Government and bring them to bear on drug abuse to significantly reduce the incidence of drug addiction and drug abuse in the United States within the shortest practicable period of time, and to develop a comprehensive coordinated long-term Federal strategy to combat drug abuse.

§ 103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this Act.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means—

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

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Chapter 1.—GENERAL PROVISIONS

Sec.
201. Citation as the Special Action Office for Drug Abuse Prevention Act.
202. Establishment of Office.
203. Appointment of Director.
204. Appointment of Deputy Director.
205. Appointment of Assistant Directors.
206. Delegation.
207. Officers and employees.
208. Employment of experts and consultants.
209. Acceptance of uncompensated services.
210. Grants and contracts.
211. Acting Director and Deputy Director.
212. Compensation of Director, Deputy Director and Assistant Directors.
213. Statutory requirements unaffected.
214. Termination of authority.
215. Appropriations authorized.

§ 201. Citation as the Special Action Office for Drug Abuse Prevention Act.

This title may be cited as the "Special Action Office for Drug Abuse Prevention Act".

§ 202. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.

§ 203. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 204. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

§ 205. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 206. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Office as he may designate.

§ 207. Officers and employees.

The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as it authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.

§ 208. Employment of experts and consultants.

The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed

the rate in effect for GS–18 of the General Schedule, and without regard to any limitation on the number of days or the period of such service, except that, at any one time, not more than fifteen individuals may be employed without regard to such limitation.

§ 209. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 210. Grants and contracts.

(a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.

§ 211. Acting Director and Deputy Director.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

§ 212. Compensation of Director, Deputy Director, and Assistant Directors.

(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(21) Director of the Special Action Office for Drug Abuse Prevention."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Deputy Director of the Special Action Office for Drug Abuse Prevention."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6)."

§ 213. Statutory requirements unaffected.

Except as authorized in section 226, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the armed forces or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

§ 214. Termination of authority.

The authority of the Director under chapter 2 and the authority of the Council under chapter 3 terminate on June 30, 1974.

§ 215. Appropriations authorized.

(a) For the purposes of carrying out the provisions of this title, except for the provisions of sections 223, 224, and 225, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; and $10,000,000 for the fiscal year ending June 30, 1974.

(b) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated $40,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974.

(c) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for the fiscal year ending June 30, 1974.

(d) For the purpose of carrying out the provisions of section 225, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, and $5,000,000 for the fiscal year ending June 30, 1974.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.
221. Concentration of Federal effort.
222. Funding authority.
223. Special Fund.
224. Encouragement of certain research and development.
225. National Drug Abuse Training Center.
226. Single Federal share requirement.
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231. Reorganization authority.
232. Management oversight review.
233. Federal drug council authorized.
234. Consultation with respect to personnel policies.
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§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult with the National Advisory Council for Drug Abuse Prevention.

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;

(4) conduct or provide for the conduct of evaluations and studies of the performance and results achieved by Federal drug abuse prevention functions, and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require; and

(6) develop improved methods for determining the extent of drug addiction and abuse in the United States.

§ 222. Funding authority.

In implementation of this authority under section 221, and to carry out the purposes of this Act, the Director is authorized

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and

(B) the budget requests of any Federal department or agency; and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

§ 223. Special Fund.

(a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of

(1) developing or demonstrating promising new concepts or methods in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the Fnud may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction; and

(3) detoxification agents which, when adadministered, will ease the physical effects of withdrawal from heroin addiction.

In carrying out this section the Director is authorized to establish, or provide for the establishment of, clinical research facilities.

§ 225. National Drug Abuse Training Center

(a) The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The Director may operate the Center initially, but is authorized and directed to transfer the operation thereof to the National Institute of Mental Health not later than the date specified in section 214.

(b) The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) The services and facilities of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons, including drug dependent persons, requiring training or education in drug abuse prevention.

§ 226. Single Federal share requirement.

Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement as established in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

§ 227. Recommendations regarding drug traffic prevention functions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 228. Resolution of certain conflicts.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment.

§ 229. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 230. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b) (1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 231. Reorganization authority.

If the President finds, after investigation by the Director, that a reorganization in connection with the performance of any Federal drug abuse prevention function is necessary to carry out the purposes of this Act, the President shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, for submission to the Congress pursuant to this subsection.

§ 232. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

§ 233. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 234. Consultation with respect to personnel policies.

The Director shall advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources. The Director shall promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

§ 235. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 236. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expended pursuant to this title.

Chapter 3.—ADVISORY COUNCIL

Sec.
251. Establishment of Council.
252. Membership of the Council.
253. Chairman; meetings.
254. Compensation and expenses.
255. Functions of the Council.

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS-18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) The Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are or in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—OTHER AGENCIES

Sec.
301. Community mental health centers.
302. Public Health Service facilities.
303. State plan requirements.
304. Drug abuse prevention function appropriations.
305. Planning grants.
306. Authorization of appropriations for special projects.

§ 301. Community mental health centers.

Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

"(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

"(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

"(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated $60,000,000 for fiscal year ending June 30, 1973, and $60,000,000 for the fiscal year ending June 30, 1974."

§ 302. Public Health Service facilities.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility."

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§ 303. State plan requirements.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: ", and include provisions for (i) licensing facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field".

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act."

§ 304. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act shall specify, on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions.

§ 305. Planning grants.

(a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, $13,000,000 for the fiscal year ending June 30, 1973, and $13,000,000 for the fiscal year ending June 30, 1974, for grants to States to assist them in (1) planning projects for the development of more effective drug abuse prevention functions, or (2) evaluating the conduct of drug abuse prevention functions within the States. For purposes of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) For each fiscal year the Secretary of Health, Education, and Welfare shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions.

(c) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year.

(d) As a condition to its receipt of any grant under subsection (b) for any planning project, a State shall, by provisions in the plan or otherwise,

(1) designate a single State agency as the sole agency for the preparation or revision of the plan, or designate such agency as the sole agency for supervising the preparation or revision of the plan;

(2) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in preparing or revising the plan;

(3) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provided services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(4) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers.

(5) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to records to substantiate the expenditures for which the grant is made;

(6) provided that the State agency will from time to time, but not less often than annually review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out within the State, and any modifications in the plan which it considers necessary;

(7) provide reasonable assurance that Federal funds for preparation or revision of a State plan made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for such purposes, and will in no event supplant such State, local, and other non-Federal funds; and

(8) furnish such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this section.

(e) As a condition to its receipt of any grant under subsection (b) for evaluation of drug abuse programs, a State shall

(1) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to records to substantiate the expenditures for which the grant is made;

(2) provide reasonable assurance that Federal funds for evaluation of drug abuse programs made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for such purposes, and will in no event supplant such State, local, and other non-Federal funds; and

(3) furnish such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this section.

§ 306. Authorization of appropriations for special projects.

Section 256(e) of the Community Mental Health Center Act is amended (1) by striking out "and $35,000,000" and inserting in lieu thereof "$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof "; and $75,000,000 for the fiscal year ending June 30, 1974.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 12089) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the remainder of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the minority leader, this concludes the program for this week. It is my intention to ask to go over to Monday.

The schedule for next week is as follows:

On Monday, the Consent Calendar will be called.

There are 12 suspensions as follows:

S. 1857, American Revolution Bicentennial Commission;

H.R. 6730, land and water conservation fund amendment;

H.R. 8382, Buffalo National River, Ark.;

House Joint Resolution 958, Sugar Act clarification;

S. 2672, exempting potatoes for processing from marketing orders;

H.R. 9756, Merchant Marine Act amendment;

S. 1163, Older Americans Act amendment;

H.R. 7088, Tinicum National Environmental Center, Pennsylvania;

H.R. 12143, San Francisco Bay National Wildlife Refuge;

H.R. 12186, Bald Eagle Protection Act;

H.R. 12207, program for development of tuna fisheries; and

H.R. 12741, Water Pollution Control Act extension to June 30, 1972.

On Tuesday, House Resolution 164, the Select Committee on Privacy, Human Values, and Democratic Institutions.

H.R. 10243, Office of Technology Assessment. This is an open rule with 1 hour of debate.

Wednesday, H.R. 12910, the bill on the temporary debt ceiling increase to June 30, 1972, is scheduled, subject to a rule being granted.

The Lincoln's Birthday recess will begin after the conclusion of the business on Wednesday next, February 9, and will continue until noon the following Wednesday, February 16.

Conference reports may be brought up at any time and any further program will be announced late.

ADJOURNMENT OVER TO MONDAY, FEBRUARY 7, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday Rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

STATE DEPARTMENT ISSUES GUIDELINES FOR ASYLUM IN THE UNITED STATES

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, following the attempted defection of Lithuanian sailor Simas Kudirka last November, I and other Members of Congress decried the manner in which this incident was handled by Coast Guard and State Department officials. While confusion reigned at several levels of authority, Kudirka was beaten and forcibly removed from an American ship by Soviet sailors in full sight of the American crewmen who had allowed the Russians to board the U.S. vessel.

At hearings before the House Subcommittee on State Department Organization and Foreign Operations, of which I am a member, I noted that this case displayed not only a serious lack of flexibility on the part of U.S. officials but a lack of humanity. I also pointed out that the implications of the case could go far beyond one isolated incident. They could affect the entire historical tradition of the United States for granting political asylum. To avoid the repetition of this humiliating episode, I urged that the United States reaffirm its belief in asylum and take steps to prevent the circumstances which led to the Kudirka problem.

I was therefore pleased to see that the U.S. Department of State has issued guidelines concerning requests by foreign nationals for asylum in the United States. The basic objective of these new guidelines is "to promote institutional and individual freedom and humanitarian concern for the treatment of the individual." Specifically, they call for the consideration of each asylum request on its merits, set forth procedures for dealing with asylum requests at any kind of U.S. territory abroad, and provide a precise chain of command for reporting and seeking advice on potential defections. These guidelines will be distributed to all U.S. personnel who might become involved in asylum cases. All in all, they should go a long way toward eliminating the confusion and indecision which pervaded the Kudirka case.

During hearings on this subject, members of the Subcommittee on State Department Organization and Foreign Operations reaffirmed America's belief in the right to asylum. The new State Department guidelines provide specific channels through which that right will continue to be exercised. Unfortunately, these rules will not help Simas Kudirka, who is suffering now in his homeland. However, they will help those to follow him, and will provide some assurance that there will be no more Simas Kudirkas. As Secretary of State William P. Rogers stated upon issuing these guidelines:

> The right of asylum is rooted in American history and tradition. The new guidance is intended to reinforce our continuing dedication to the principle.

ASSAULTING AN OFFICER SHOULD BE MADE A FEDERAL CRIME

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, recently the people of New York were shocked by the senseless killing of two police officers who were shot in the back while investigating a complaint. During the last calendar year, 125 police officers in various parts of the United States were killed by criminal action.

The funerals of the two officers murdered last week in New York City, Patrolmen Gregory P. Foster and Rocco W. Laurie, were held on February 1, attended by thousands of policemen and other mourners. Msgr. Joseph A. Dunne, Roman Catholic chaplain of the New York Police Department, asked on that day:

> If a police officer can be cut down, what will happen to the rest of us?

Mayor John V. Lindsay, attending one of the two funerals, said:

> This is the 10th service of this kind that I have been to in a year.

Too often those of our citizens who serve in the capacity of policemen, firemen, judicial officers, and prison guards are regarded simply as components of our system of criminal justice. The fact is that they are human beings just like the rest of us, with families, friends, mortgages, automobile payments, and other features of life in American society. They are just like the rest of us except for one thing. In their case, unlike ours, every day is a day when their lives are in danger because they are performing the job assigned to them.

The sharp rise in the number of attacks on policemen and firemen in the past year has aroused serious concern on the part of all responsible Americans. This grievous situation, which is nationwide, calls for action on a national, and not just a local basis.

Accordingly, I am today introducing a bill which would make it a Federal offense to assault with the intent to kill any officer—whether local or State—engaged in law enforcement or firefighting. The bill is limited to local and State officers because an attack on a Federal officer is already a Federal crime.

In 1968, Congress enacted legislation which extended to certain non-Federal law enforcement officers, or their survivors, benefits which were available to Federal employees in case of injury or death. To be eligible, however, the non-Federal officer would have to be killed or injured while engaged in action involving a Federal offense. That legislation, which appears as section 8191 of title 5 in the United States Code, would not have applied to the two New York patrolmen. The new bill I am introducing would apply to such cases.

It is true that a policeman's life entails an inescapable element of danger, since his job is to enforce the law against predatory persons of many kinds. Firefighters also necessarily confront danger on every call to duty. Nevertheless, the unprecedented toll of lives of firemen and law enforcement officers in recent months has raised the level of the problem to a new height, requiring Federal attention.

The International Association of Firefighters, in testimony before a Senate subcommittee, cited the new character of the peril of attacks on firemen, outdistancing any known past experience. In the riots of Watts, Detroit, Newark, and Cleveland in recent years, firefighters actually suffered more casualties than police officers. From 1967 to 1970, over 800 firefighters were injured during civil disorders. Over 100 in 1970 alone sustained injuries from acts of individual violence.

The dangers faced by correctional officers and judicial employees were highlighted by events which occurred at the correctional facility in Attica, N.Y., and at the Marin County Courthouse in California. As a consequence of those events, all persons involved in law enforcement, public safety work, and administration of criminal justice, along with their families, have become victims of fear.

Enactment of the legislation which I am proposing would permit the FBI to assist State and local authorities in investigating assaults on these public servants and in tracking down criminal suspects. Swift action of this kind is called for in protecting our public servants. They deserve no less. I urge prompt consideration of this measure, which would deal severely with those who flaunt our law and our society by murdering or assaulting law enforcement personnel.

When we lose a dedicated law enforcement officer, a portion of the law that we respect dies with him. We cannot afford the loss of either the officer or the rule of law.

IMPACT OF WEST COAST DOCK STRIKE ON MONTANA

(Mr. SHOUP asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SHOUP. Mr. Speaker, there has been considerable discussion in the last several days about the extensive damage on the American economy caused by the west coast dock strike. While much of the rhetoric has centered on damage to our agriculture, there are similar drastic effects on many other aspects of the economy. Our farmers and other businessmen, such as retail stores and even large corporations, have been deeply hurt by restrictions on both exporting and importing marketing efforts.

I wish to call to the attention of my colleagues a dramatic, though brief, news statement which was developed and aired by Mr. Orin Bleken, news director of KOFI in Kalispell, Mont., on January 26, 1972. It paints a very clear picture of the dock strike's effects on just one county—Flathead County—in the upper part of my district.

Therefore, I include in the CONGRESSIONAL RECORD at this point his newsstory:

> The West Coast Dock Strike has cut off the shipment of wheat from the Flathead Valley, served a blow to area foreign car dealers, partially cutting off new shipments of Japanese vehicles and parts, and may cause the Anaconda Aluminum Company at Columbia Falls, to re-route ships carrying raw material or look elsewhere for aluminum to keep the plant open.
>
> Stan Halvorson, Manager of the Equity Supply Company in Kalispell, said, wheat shipments to the west coast have been cut off because west coast terminals are filled and foreign buyers are not buying the wheat. The strike is also causing the wheat market in the Flathead to enter a depressed state, dropping wheat prices about five cents per bushel and with the loss in total sales, much of the 1971 wheat crop may still be in the grain bin when harvest season 1972 rolls around.
>
> Jack Canavan, Administrative Officer at the Anaconda Company's aluminum reduction plant in Columbia Falls said, they are facing a serious situation with only a 30 day supply of raw material on hand unless the strike is settled. He said, since the raw material used at the plant comes from Jamaica via boat to the Port of Everett, if the strike continues much longer other steps will have to be taken. The plant will either have to re-route its ships to ports in the Gulf or on the eastern seaboard, or buy the raw material elsewhere at a prohibitive cost.
>
> Several auto dealers in the Flathead and business selling Japanese made goods, say both goods and vehicles cannot be obtained due to the strike, and in some instances parts for the goods and vehicles they sell are hard to get.

W. MARVIN WATSON—MAN OF INTEGRITY

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, Texas is always proud of the success of its native sons, both in public service and in industry.

Today, I would like to register my own plaudits for a Texan who has truly distinguished himself in service to God and country—W. Marvin Watson of Daingerfield.

Mr. Watson's name is well known to those of us who serve in Washington. In the period 1964 to 1968, he was Chief Special Assistant to President Lyndon B. Johnson, distinguishing himself to a degree which all considered exceptional. Indeed, at one point in his career, President Johnson said:

> It would be a long story if I told you everything Marvin Watson had done for me. Marvin is as wise as my father, as gentle as my mother, as loyal and dedicated and as close to my side as another East Texan I know—Lady Bird . . . In this hour of our nation we need constructive men, men of faith who do not have time to hate. Such a man is Marvin.

On April 26, 1968, President Johnson elevated Mr. Watson to his well-deserved Cabinet rank as Postmaster General of the United States. Once again, Mr. Watson showed his unique ability totally to dedicate himself to service, reorganizing the postal mechanization and building programs into a new concept that is being used today with enormous effect, while, at the same time, winning the thanks of the postal unions as well as management echelons and private business for the manner in which he plunged in and saved what many thought was a sinking ship.

Perhaps overlooked in that period was the fact that Mr. Watson also saved the American taxpayer a great deal of money—for at the end of his 9 months of service, Mr. Watson returned a saving of $148 million, not to mention the program that would save many millions more in years to come.

Since leaving public life, Mr. Watson has made for himself a new successful career in the business world, notably as president of Occidental International, a subsidary of Occidental Petroleum Corp.

This week, Dr. Armand Hammer, chairman of the board and president of Occidental Petroleum, announced that Mr. Watson has been appointed executive vice president for corporate affairs, executive assistant to the chairman of the board, and a member of the executive committee of the board of directors of Occidental Petroleum Corp., as well as continuing as president of Occidental International Corp.

Those of us who have known Marvin have always admired his ability to accomplish much and to give much.

We watched him when he served as a marine in the Pacific during World War II; when he achieved a master's degree in economics at Baylor University, subsequently serving on the faculty; when he served the city of Daingerfield as chamber of commerce manager and city judge; when he helped to build a new steel industry in Texas—the Lone Star Steel Co.—into one of the most important independent steel operations in America, a company which has done much to benefit the economic growth of east Texas.

Always we have seen a truly dedicated man, patriotic and deeply religious, a man who has given much and who has always strived for the ultimate in constructive achievement, and it is a great pleasure for me to congratulate him on his new appointment, although I note that his new duties will give him a new base of operations, Los Angeles, Calif.—in addition, of course, to his home which will always be maintained on West Marvin Watson Boulevard in Daingerfield.

It is not surprising to find that Marvin Watson has an outstanding and wonderful wife and family—as is almost always the case with a man of tremendous accomplishments—certainly Marvin is fortunate to have a beautiful and talented wife, Marion, always by his side, together with their children, Lee, Kimberly and Bill.

Perhaps Marvin Watson can best be summed up by the words another great American, Dr. Billy Graham, used to describe him:

> (The Postmaster General is a man of) faith and dedication . . . I wish everybody in Washington was like Marvin Watson; we'd have a better country . . . When I think of Marvin Watson, I think of a man of integrity.

And that he surely is.

THE WEST COAST DOCK STRIKE

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr.

Speaker, with further regard to the west coast dock strike situation, I would like to inform the House that on tomorrow Mr. Bridges of the Longshoremen's Union, Mr. Flynn, of the Pacific Maritime Association, and the west coast counsel for the Teamsters' Union will be appearing in room 2175, the Education and Labor Committee room, at 10 a.m. to inform us of the situation as it exists at the end of today's bargaining. They have been in virtually constant session.

Again today I have talked with both Mr. Flynn and Mr. Bridges. They inform me that their differences are ever narrowing. I have summoned them to Washington in order that we may have full knowledge of the seriousness of this situation, of the facts as they exist, and I want to express my determination to bring this impasse to an early conclusion, either by legislation or by other means so that the situation can be resolved.

The invitations to the gentlemen who will testify were sent out earlier in the week before the message of President Nixon was received yesterday. We appreciate the interest and support for a settlement by the President, but emphasize that we were proceeding in this manner independently even before the legislation was referred to the Committee on Education and Labor.

PERSONAL EXPLANATION

Mr. DON H. CLAUSEN. Mr. Speaker, I was unavoidably detained and therefore unable to be present for a vote on H.R. 12089, Special Action Office for Drug Abuse Prevention. I would simply like to have the Record show that had I been present, I would have voted "aye."

PLOWSHARE PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Hosmer) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, today other House members of the Joint Committee on Atomic Energy and I have introduced a bill to provide the statutory framework under which the Atomic Energy Commission would be authorized to provide commercial nuclear explosive services to private industry. This is an updated version of H.R. 477 which we introduced on January 3, 1969. The Joint Committee held extensive hearings on that measure in May and July of 1969 and it became apparent that some revisions were in order. Moreover, the National Environmental Policy Act was enacted on January 1, 1970, so that new law had to be considered. We now have a considerable amount of experience with that law both as to the benefits being realized through more thorough evaluation and as to some administrative problems which naturally developed in implementing such a sweeping change.

This new bill recognizes these developments. It authorizes the AEC to provide nuclear detonation services on a contractural basis with the Commission remaining at all times in full custody and control of the nuclear device. It, in effect, is authorization for the sale of energy to be employed, at least in the near term, in underground engineering projects such as stimulating natural gas flow in deep, low-permeability rock formations. Other applications are under study, but gas stimulation has been shown to be effective in two experiments—Gasbuggy and Rulison. Two more experiments are planned for the near future—Rio Blanco and Wagon Wheel.

We are rapidly approaching demonstration of the commercial viability of this technology. The purpose of this bill is to assure that when that point is reached, the legislative and administrative framework to move ahead with its application is ready and has been carefully and thoroughly considered. The bill will require criteria to be established by the AEC, with Joint Committee oversight, to provide for the review of projects by all appropriate agencies. Obviously, regulations must be formulated by the AEC and standards for use of the products must be developed by the Environmental Protection Agency. These will take time—this bill is intended to provide the statutory authority and stimulation to accomplish these tasks.

I need not belabor our energy problems in this country. Let it suffice to say that natural gas is recognized as the cleanest of all fossil fuels. Plowshare technology holds the very high promise of doubling the amount of recoverable natural gas in the lower 48 States. We must take the steps necessary to assure ourselves of the option of employing it when it is ready.

HAITI: JOBLESS, POOR LINE UP TO SELL BLOOD

The SPEAKER. Under a previous order of the House, the gentleman from California. (Mr. Veysey) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, one of the least savory aspects of the scandal in United States blood banking is the unsupervised importation and use of blood plasma from such medically underdeveloped countries as Haiti, India and the Dominican Republic. The conditions under which such plasma is collected are well described in the following article from the January 27, 1972, edition of the Los Angeles Times, which was summarized in the Washington Post of January 28.

One of the striking things about the "blood bank" described in this article is the reluctance of those involved to say who in the United States is purchasing the plasma and what it is used for. Neither the U.S. State Department nor the Haitian Government approves of this operation but it continues to rattle its cash register.

The article again documents the glaring lack of supervision of this trade which I reported to the House on November 17. The NIH Division of Biologics Standards—DBS—charged with responsibility for the "purity, potency, and safety" of biologic products like plasma, seems to think it is fine to shift its duty to inspect blood products collected in places like Haiti to the financially interested companies importing the plasma.

Such delegation would be questionable even if the product involved were relatively harmless. But blood plasma from paid donors carries a high risk of deadly serum hepatitis. DBS claims that no imported plasma is being transfused directly into human beings, but they admit they do not check this themselves. They only accept the assurances they receive from companies selling the product.

DBS claims there is no danger since this plasma is intended to be broken down into its component fractions. But they have to concede the risk of hepatitis is not completely eliminated by this procedure. Although some plasma fractions are sterilized and cannot transmit hepatitis, other important fractions like fibrinogen and the antihemophilia factor continue to carry an hepatitis that was in the original plasma. The division has no way of knowing that infected plasma fractions from Haiti are not being sold in the United States today; in fact, they tell me they do not even know how much plasma is imported annually.

While DBS's procedures seem unbelievably lax to me, a call to the Food and Drug Administration confirms it. The FDA tells me they inspect, sample and test all the drugs imported into this country under their jurisdiction. In addition, they inspect all foreign plants producing drugs for the U.S. market. I can think of no excuse for not inspecting potentially infectious blood products as well.

Mr. Speaker, The National Blood Bank Act, H.R. 11828, which I recently introduced would correct this shocking abdication of duty. It would establish adequate inspection and licensing of all blood banks and importers, and it would vest this program in some part of HEW other than the Division of Biologics Standards. Yesterday, 17 of my colleagues joined me in cosponsoring my bill, bringing the total number of cosponsors to 53. I urge my colleagues on the Interstate and Foreign Commerce Committee to hear this important bill, and to end the intolerable risk from imported plasma.

The article follows:

RISING CRITICISM—HAITI: JOBLESS, POOR LINE UP TO SELL BLOOD

(By Francis B. Kent)

Port-au-Prince, Haiti.—Just up from the waterfront, on a squalid street called Rue des Remparts, a ragged mob clusters patiently outside a shabby two-story building.

There is little conversation among the 30 or so who wait, but elsewhere in the Haitian capital the business conducted in this malodorous quarter has become the subject of considerable if guarded criticism.

Here the poor and out of work, more than 300 of them a day, sell their blood for export to U.S. pharmaceutical houses. Each time they come—and they come often—they are given the equivalent of $3.

Werner A. Thill, an Austrian biochemist and technical director for the American-owned firm known as Hemo Caribbean of Haiti, told The Times that his staff works two shifts a day, six days a week. Twice a month, he added, he ships 2,500 liters of blood plasma to the United States.

PROFIT MARGINS NOT HIGH

"The profit margin." Thill said in response to a reporter's question, "is not extremely high, perhaps $4 or $5 per liter."

The plasma is frozen and shipped in styrofoam containers to the United States, where it is usually broken down into gamma globulin, albumin and other elements marketed by drug firms.

(In Washington, a doctor at the National

Institutes of Health's division of biological standards said that no whole blood is imported into the United States and that no imported blood plasma is infused directly into humans.)

At the U.S. Embassy, a spokesman said that Hemo Caribbean "definitely does not have the blessing" of U.S. officials. Although most Americans doing business in Haiti have consulted the embassy in advance, the spokesman added, "we were never consulted on this."

HEALTH MINISTRY NOT CONSULTED

Haiti's minister of public health reportedly was not consulted, either. This official is described as refusing to speak to or have anything to do with Hemo Caribbean's owner, who was identified by the Austrian, Thill, as Joseph B. Gorinstein, a Miami businessman and former stock broker.

At the moment, Thill said, Gorinstein is in a Miami hospital recovering from surgery for a stomach ulcer.

According to Thill, Gorinstein entered into his contract with the Haitian government last year while Francois (Papa Doc) Duvalier, was still alive. It is to run for 10 years.

Several sources, all reliable, said that the liaison agent between Duvalier and Gorinstein was Luckner Cambronne, now minister of the interior and defense, whose business interests extend into much of Haiti's fragile economy.

In addition to the blood business, of which he is said to own a substantial part, Cambronne owns an airline, a travel agency, a number of taxicabs and either exports or imports fruits, dried fish and used clothing.

It is Hemo Caribbean, however, that has attracted a storm of criticism to Cambronne's door, both from American residents here and those Haitians willing to speak out from the protective shadow of anonymity.

An American housewife, asked for her view of the blood business, said she could "not condone taking blood from sick, undernourished people."

A young secretary called it "a terrible thing in a country where so many are dying for lack of blood."

A cab driver screwed up his face and said, "No good."

An official who cannot be identified said he thought the Haitian government, in its efforts to improve the national image since Duvalier's death last April, would cancel the contract with Gorinstein if it could do so without damaging its prospects for other foreign investment.

Thill, however, looks at the situation differently.

"I don't think you can criticize what we are doing on ethical grounds," he said. "We are saving lives. We are providing a source of income in a country where the per capita income is no more than $75 a year."

He said Hemo Caribbean has a pool of 6,000 donors, most of them unemployed, and added that "we bleed the donors" every seven days.

At that rate, he said, a donor can receive up to $12 a month or $144 a year, far above the average in this poverty-stricken country. He said the firm pays about $1,000 a week to the donors and more than twice that in salaries for the staff, which consists of four physicians, 12 registered nurses, 16 laboratory technicians and about 80 others.

Thill said that each donor is given a general physical examination, including a blood test, each time he appears at the plasma center. The donor also receives, free of charge, an anti-tetanus inoculation.

Although whole blood is withdrawn from the donor, only the amber-colored plasma is retained, Thill said, the red cells being returned to the donor's veins after it has been separated from the plasma in a centrifuge. Diligent care is taken to avoid the red cells taken from one donor being returned to another since it could be severely harmful.

Thill would not say what firms were purchasing the plasma from Haiti but conceded that shipments were going to California, Illinois and Indiana.

There is no danger, he said, of transmitting disease from the donor to the recipient of one of the end products. Even if the donor were infected with syphilis, he said, "this would not bother me," since the freezing process destroys the bacteria.

Thill conceded, however, that there is the possibility that anyone handling the blood might contract hepatitis. To date, he said, there has been only one case at the plasma center.

Periodically, he said, the center is inspected by agents of the firms that buy the plasma, as required by U.S. law. The entire operation must meet the U.S. National Institutes of Health standards, he said.

(The NIH's Washington spokesman said that although there is some government inspection of blood suppliers abroad, the burden for purity rests on the U.S. firms licensed to import blood products.

(He also said that he knows of no problem with Hemo Caribbean and that exporting blood products to the United States is not unusual.)

Under the contract with Haiti's government, the firm must supply plasma to any local hospital without charge in emergencies, Thill said, but added that there has been no local call for his product to date.

"Let's face it," he said, "the Haitians wouldn't know what to do with it."

Thill estimated that the center represents an investment of about $250,000. Based on its success, he said, Gorinstein is putting up a second center here with facilities to handle 500 donors a day.

Moreover, he said, expansion into other islands of the Caribbean is under active consideration.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The first cash register was devised by an American, James Ritty, in 1879.

HEALTH CARE FOR EVERY AMERICAN

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, during the past year I have spent a considerable amount of time studying the arguments for and against national health insurance, as well as the various proposals which would create a national health insurance system. This has been a complicated task during an exacting period of analysis and lively discussion of the status of this country's health-care system, and I have waded through countless articles, reports, bills, and books with the feeling that my decision to support any of the existing proposals would be an important one—perhaps one of the most important I will make during my presence in this body.

What I find after this study and questioning, is that we have a health system in this country which is providing the best health care available in the world. It encompasses a highly complex and sophisticated delivery system—so much so that much of the discussion relating to health insurance proposals is largely an attempt to define the boundaries and capabilities of the existing system. And it is a system which, by virtue of its size and complexities, is subject to a variety of stresses. The discussion which still continues over the availability and distribution of medical professionals is indicative of the difficulties which accompany the analysis of any segment of so large a delivery system. Are there too few medical doctors, or are there sufficient doctors who must, however, be encouraged to increase their emphasis on primary care? Will the new Health Manpower Training Act create a doctor surplus by 1980, or is an increased reliance on paramedics the only answer to an apparent physician shortage? This is a productive line of questioning, but also a confusing one. And it certainly illustrates my point that we now have a huge and many-faceted system in operation.

To attempt the total replacement of this health-care system with a new federally administered and financed system seems not only a gigantic and costly operation, but also one whose success is highly uncertain. For that reason, I still wait to be convinced of the practicality of the approach taken by the Health Security Act which the Congresswoman from Michigan (Mrs. Griffiths) has introduced in the House.

Rather, it seems more sensible that we build on the existing health-care system—one which has many notable shortcomings, to be sure, but one, nevertheless, which has demonstrated its capability to produce the highest quality health care. And it is my further conclusion that President Nixon's National Health Partnership Act, together with his accompanying proposals for the encouragement of health maintenance organizations and the regulation of the health insurance industry, provide the most reliable and most promising framework for meeting the goal of comprehensive health services for every American.

Today, I will join the many advocates of this "health care package" by introducing the National Health Partnership Act and the Health Maintenance Assistance Act. These two bills comprise the second and third steps in a health-care program which addresses itself to the full range of problems to be encountered in providing health services at a reasonable cost to every American. We have already debated and approved the first part of that program, the Health Manpower Training Act, which attacks the present shortages and maldistribution of medical professionals. The second step, the National Health Insurance Partnership Act, which I am introducing today, will provide a public-private system of health financing for all Americans, whatever their financial circumstances. I am also introducing the Health Maintenance Assistance Act, which will enhance the organization and delivery of health services by stimulating the development of health maintenance organizations.

These comprehensive health treatment centers offer an innovative form of health-care delivery which stresses preventive treatment rather than after-the-fact hospitalization. Federally supported "HMO's," as they are referred to, would also be encouraged to utilize a capitation fee system, a fixed annual fee covering most regular and emergency health-care needs.

I know of the controversy which surrounds this concept of organization and delivery, yet I think that the notable success of the "Kaiser plan" on the west coast and our own Government Health Association here in Washington recommends a greater emphasis on this kind of health-care system.

Finally, I would like to mention legislation which I am not introducing today—but which I hope to sponsor in the future. My conviction that the administration health-care proposals embody the right approach rests to a considerable extent on Secretary Elliot Richardson's suggestion to the House Ways and Means Committee that further amendments be added to the administration health-care package to regulate health-care insurers and providers. These proposed amendments will be extremely important to assure that the consumer receives reasonably priced health care. backed by reputable, financially sound companies.

It is expected that the administration will suggest such amendments during the coming weeks, and I would hope to join as a sponsor of this final element of a comprehensive health-care package. I will, of course, study these new amendments closely—and even cut and paste, if I see fit—because they will be so important to the acceptability and success of the administration health-care program.

Mr. Speaker, my sponsorship of these bills today is the culmination of long hours of study and evaluation. The question of a national health insurance system demands such study, and I believe we in the House are nearing the end of that study, and that we must prepare to act, so that the 92d Congress can be remembered as the Congress which gave the best health care in the world to every one of its constituents.

TESTIMONIAL RECEPTION FOR HON. RICHARD H. ICHORD

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Boggs) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, Tuesday evening February 1, 1972, a testimonial reception was held for Chairman Richard H. Ichord at the Quality Motel, Capitol Hill. This was a most unusual occasion for a number of reasons. In the first place our colleague Dick Ichord is now serving his 12th year in the U.S. Congress and this is the first time such a Washington testimonial has been held to commemorate his many accomplishments as a Member of this body. In the second place, Dick is held in such high esteem by his colleagues that the busy and highly distinguished chairman of the Rules Committee, Mr. William Colmer of Mississippi, served as honorary chairman of the affair and personally invited the leadership of both parties and a number of other Members who have known Dick well over the years.

As a genuine testimony to the respect and esteem afforded the Member from Missouri's Eighth Congressional District, 51 Members of this House including 16 from the minority party, attended the testimonial to pay their respects. Those attending from the House of Representatives, in addition to Chairman Colmer, included Speaker Albert; the Honorable Ed Hébert, chairman of the Armed Services Committee; the Honorable Bob Poage, chairman of the Agriculture Committee; the Honorable George Mahon, Chairman of Appropriations Committee; the Honorable Wright Patman, chairman of Banking and Currency; the Honorable Carl Perkins, chairman of Education and Labor; the Honorable Wayne Hays, chairman of House Administration; the Honorable Mel Price, chairman of the Committee on Standards of Official Conduct.

The respected senior Senator from Missouri, the Honorable Stuart Symington, speaking for the Missouri delegation expressed their appreciation of Mr. Ichord.

The overwhelming success of the testimonial attended by more than 300 people, many of whom traveled from Missouri to Washington for the affair, is in keeping with the record of our friend from Missouri. As chairman of the House Committee on Internal Security, Dick Ichord is the youngest chairman of a standing committee since congressional reorganization. This national accomplishment is paralleled by the fact that Dick Ichord was the youngest man ever elected speaker of the Missouri House of Representatives back in 1959 at the age of 32. He is now also the seventh ranking majority member of the important Armed Services Committee where he has chaired a number of investigative subcommittees, the most important of which were the investigation of the M-16 rifle program of the defense services and the investigation of commercial air travel accommodations for servicemen on authorized leave. He received nationwide acclaim in both instances for the effective results and the success of the investigations.

Congressman Ichord has served his country well in time of peace and war. In 1944 after graduating as valedictorian of his high school class in Licking, Mo., he enlisted in the U.S. Navy and served 2 years in the Pacific theater of World War II in the Naval Transport Service of the Naval Air Corps as an aerial gunner and radioman. After his honorable discharge from the Navy in 1946 he enrolled at the University of Missouri where he received a B.S. degree in accounting and an LL.B. degree and was admitted to the Missouri bar in 1952. In that same year he made his first political race and was elected State representative from his home area in Texas County, Mo.

Dick Ichord's continuing interest in citizenship responsibilities was adequately recognized in 1971 when he was named "Outstanding Citizen of the Year" by the prestigious American Security Council. This important award had been presented in past years to such national figures as former President Dwight Eisenhower and Mr. J. Edgar Hoover, Director of the Federal Bureau of Invesitgation.

Mr. Speaker, it is a great pleasure for me to add my voice to those of my colleagues in commending this great American and outstanding Member of Congress for his many years of service to his country and his State.

RECREATION: A REDEFINITION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, if there is one problem, more than any other, that continually seems to plague our present National Recreation and Parks System, it would have to be the lack of communication and the resulting misunderstanding that exists among the various concerned government agencies with regard to the purpose of recreation. The problem is one of substance, not of semantics.

As I have been quick to point out, there are, at this time, entirely too many different government agencies, all with their own vested interests, presently controlling the funds and operations of our national summer recreation programs. The confusion that has resulted from this bureaucratic potpourri, as to what the role of everyday recreation is, or should be, is truly mind-boggling with even the most superficial of examinations.

We have used recreation to educate our poor, to supply jobs for our jobless, and, to keep the proverbial lid on our "long hot summers." While the solutions to these problems would be directly served by a well developed, intricate recreation network, it is not the foremost purpose of recreation to supply a panacea for urban and rural social ailments.

Recreation is the creative use of leisure time. It is the use of leisure time for diversion, self-expression and cultural enrichment, and the promotion of physical, mental, and spiritual well-being.

In the absence of a conceptual framework that does justice to the complex character of recreation, it is, nevertheless, possible—and necessary—to establish criteria for dealing with the future of recreation. These criteria are: the physical, the social, and the psychological environment, as well as wealth and time.

First. The physical environment. The state of the physical world in which we live, work, and play will either support or stifle our enjoyment of it. The environmental movement is real. It is the job of government to actively sustain this movement. We must insure that our city parks continue to be developed and renewed, thereby safeguarding against the propagation of a hostile physical environment that would suffocate its inhabitants.

Second. The social environment. Seventy percent of our population currently resides in metropolitan areas. The city is the center stage for social interaction in the United States. If the places where most of us live, work, and play are designed for automobiles and not for people, then recreation will be more reaction than re-creation. It is imperative that the Congress reorganize our recreation system to accommodate the growing need for leisure time facilities in our cities. If the purpose of recreation is to serve the leisure time of our Nation's people, then we must insure that adequate facilities are within reach of all of those people.

Third. The psychological environment. Recreation thrives with self-confidence and learned skills. Ignorance keeps us from reaching our potential. Children have an instinctive capacity for imagination and learning that can be nurtured throughout their adult life, including the years following retirement. A well structured Recreation and Parks System can, and should, provide this nourishment. It should be a system that is geared toward the needs of the people it serves.

Fourth. Wealth. Recreation is dependent on wealth. The United States has both the resources and the ability to utilize its natural wealth to satisfy the increasing demand for better and more constructive recreation programs and facilities. It is paramount that we move now, to develop a system that makes the best use of our resources.

Fifth. Time. Only man can grasp the notion of measurable time. When he measures it, he makes it precious. As more of man's time is structured, so is his leisure. Acceptance of the 4-day workweek will revolutionize, not only recreation, but the whole structure of family and social life. We must have a recreation system that can best help man to properly utilize the growing amount of leisure time he will have at his disposal.

Mr. Speaker, "things fall apart—when—the center cannot hold." The future of summer recreation in the United States is in acute danger of collapse. There is not, nor has there ever been, a strong core organization from which our recreation programs could evolve. Most of our summer programs are floundering from their lack of permanence. They are forced to rely on annual crash funding and sporadic planning support from controlling agencies. Our cities have reached the point where they can no longer afford to match Government grants. Without extensive change in the recreation system—without total revision by the Congress of that system—"the center" surely will not hold.

Recreation programs, Mr. Speaker, must be both positive and progressive if we are to have a healthy urban environment. These programs and their restructuring demand our immediate attention. It is the nucleus of recreation that must be fortified, so that the rest does not fall apart.

USING IRS TO ENFORCE ECONOMIC STABILIZATION PROGRAM A MISTAKE

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, when we considered the Economic Stabilization Act last year, I warned both in committee and on the floor that it was a mistake to use the Internal Revenue Service as the economic cop of the Nation. It is beginning to appear now that I was correct.

You will recall that I said it would be inevitable that the public would feel intimidated, and unduly so, if it should happen that the same IRS agent who handled their tax account should also be called on to police their wage or price matters. Now it is beginning to happen: the same man who does tax audits is all too often the same man who comes around checking on compliance with the stabilization program. It is enough to intimidate any honest man.

Beyond that, however, is the fact that the IRS is simply not equipped to do both jobs simultaneously. Either the stabilization program will suffer or the tax administration effort will suffer. The IRS has to make a choice between doing a good tax job or a good stabilization job, or to try to do a halfhearted job of each. The situation presents the IRS with an impossible task, one it should have never been saddled with.

Mr. Speaker, I include in my remarks at this point an item from the current Business Week of January 22, 1972, on this subject:

THE IRS STRAINS UNDER A TWIN LOAD

Internal Revenue Service officials in Washington and at regional offices swear to it: There is no chance that IRS's new job as watchdog for wage and price controls will interfere with its enforcement of the tax code.

At least, many of them add, not much of a chance. But not everyone believes IRS can do both jobs efficiently. "I'm sure it will affect their work eventually," says Mark Larkin, Price, Waterhouse & Co.'s West Coast partner. Counters an IRS official in Washington: "If anybody thinks, this is a year to get even with Uncle Sam, they'd better think twice."

Such heated responses are typical, for the IRS does not want to let word get around that enforcement of wage and price controls—and of tax enforcement—is going to be spotty. "People asume that because the IRS is handling stabiliaztion, they must neglect tax work," says a spokesman for the agency in Boston. "But this just isn't so."

There are several reasons for this insistence. One is that President Nixon exempted the agency from his 5% cutback in government personnel. The IRS had expected to trim 3,600 jobs, but it has been able to retain them. Its total force numbers 72,000 persons, up 4,000 from a year ago, and the agency still is filling vacant positions. Still, about 3,000 IRS employees are working on wage and price matters, and reports from local offices suggest that the proportion of staff devoted to stabilization is higher in the field than in Washington.

COMPUTERS

The IRS claims that it can fill the gap—mostly with its computers. Last year the agency fed formulas into its computers to evaluate which of the 77-million tax returns it gets from individuals would yield the most if audited. The idea was to produce the largest payoff. The agency currently audits about two-thirds of the returns that the computers say it should. It figures that this is productive because the proportion of returns on which there is no change following audits is down more than 10% from a year ago.

So even though the tax collectors acknowledge that there may be fewer field audits this year, returns will be examined more closely. The agency expects to look at 2.2% of total individual returns in the current fiscal year, up from 1.9% in fiscal 1971.

There has been a downward trend in the number of field audits over the past few years, however. In 1969 there were 2.5-million field audits, but by 1971 the total dropped to 1.6-million. But those which the IRS did conduct were more productive. The total take from field audits in 1969 was $3-billion, but 1971 income was $3.4 billion.

IRS does not look for this decline in field audits to continue, however, and companies can expect them at about the same rate this year as in 1971. The agency is trying to work out computer formulas so that it can also sift business returns automatically for the most likely audit candidates. It hopes to begin putting these on the computers next January. Even then about 300,000 businesses will continue to be treated individually.

CONTROLS ROLE

The IRS is taking a different tack to fill its responsibility as Nixon's intelligence and information network on Phase II. It is relying heavily on press coverage to spread the word that it will insist on compliance with price regulations. And it has opened telephone lines around the country to answer basic questions.

THERE PROBABLY WILL BE FEWER FIELD AUDITS UNTIL THE IRS GETS ITS FEET ON THE GROUND

Other signs of a businesslike approach are emerging. The most important up to now is that the expert tax accountants who make regular corporate tax audits are also beginning to inquire about the figures companies are using to justify wage and price changes. In San Francisco, an IRS official notes that agents making regular field audits have added spot checks of price lists to "their official duties."

And John Flynn, controller of Warner Co. in Philadelphia, says the IRS agent who makes Warner's routine tax audit this time handled wage-price matters, too. "I know of two specific cases where an agent who came in for a regular tax audit also came in with wage and price questions," says New York tax attorney Joseph E. Bachelder.

The IRS has its problems, however. It has had to shift experienced people from tax work to stabilization matters, as it did in Los Angeles where the 150 people assigned to the stabilization program include 110 fairly senior staffers. In San Francisco, Joseph T. Davis, assistant regional commissioner for stabilization, says field audits have not generally been affected, but adds, "As far as workloads go, we're diverting from audit and collection into the program, though the percentage is very small—about 3% overall."

LINGERING DOUBTS

But the opinion held outside the agency that the IRS cannot effectively do both jobs persists. A Los Angeles tax consultant, who was an IRS agent, says that the double duty "can't help but cost the IRS money. They'll just have to back up on audits of the smaller companies."

Raymond W. Ehrman, president of the Pittsburgh chapter of the Pennsylvania Institute of Certified Public Accountants, believes it is too early to tell if there will be any impairment of the IRS's performance. But he adds, "There probably will be fewer field audits until IRS gets its feet on the Pittsburgh accounting firm of Hinds, Lind & ground." And Wayne Lind, partner in the Miller, claims that he noticed a 50% decline in office and field audits through 1971, plus a "significant delay" in receiving completed audit reports.

DAVID BARRUS REPRESENTS THE BOY SCOUTS OF AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, today I

would like to call to the attention of my colleagues, the recognition given to a young man from my district, 18-year-old David Barrus, who this week will represent the Boy Scouts of America in a special visit to the President as a part of the 62d anniversary of the Scout organization.

David, the son of Mr. and Mrs. George Barrus of Provo, Utah, is an active Explorer Scout who has been named as one of three national youth representatives to represent the 6½ million members of the Boy Scouts of America in making a report to the President. David Barrus was selected by a special committee for his outstanding record in conservation, community affairs, religious activities, and scouting.

As one of three national youth representatives, he will be made a member of the national executive board of the Boy Scouts of America, the group of volunteer national leaders who establish the policies and program of the organization. This will include working with a new drug abuse prevention program designed to create an environment that will discourage drug experimentation among Scouts, Explorers, and their friends.

David Barrus became an Eagle Scout in 1967. He is now a member of post 2192, sponsored by the Provo 21st ward of the Mormon Church. He has served in a variety of leadership positions, including that of post president. He is an active member of his church and has also held church leadership positions. David is now a student at Brigham Young University and plans to study for a career in law.

The Boy Scout organization, in observing its 62d anniversary during this month of February, will be focusing attention on several ongoing nationwide activities that reflect scouting's new look. There will be special emphasis during the anniversary celebration to deeply involve the boys of our Nation in their school, their church and their community. I would like to encourage strong support for the BSA movement. My own church, and that of David Barrus, long ago made scouting an integral part of its youth program saying:

> The Scout oath and law are compatible with Christ's teachings, so it helps the Church build in young men, character, citizenship training, physical and mental fitness and "duty to God."

The Mormon Church first investigated scouting in 1911 and officially proposed adoption of the program in March of 1913. A charter was issued later that year by the Boy Scouts of America making the Mormon Church the first institution in the Nation to sponsor the scouting program. Presently, the Mormon church is the fourth largest sponsor of the BSA program in the United States.

In 1928, the church developed the Vanguard program for its older boys which led to the adoption of the BSA Explorer program in 1932. The Cub Scout program was officially added to the LDS youth program in 1953. Since that time, the entire scouting family has been a part of the Mormon youth program.

The church's emphasis on scouting has placed it at the forefront of the Nation's scouting movement. In population, the Mormon Church has only 1 percent of the country's population, but 6 percent of the membership in the Boy Scouts of America. Sixteen percent of the Nation's Explorers—boys 14 to 18—belong to the Mormon Church. Approximately 85 percent of the available boys in the Mormon Church—ages 8 to 18—are registered in scouting while only 25 percent of the available boys in the United States are Scouts. It is also interesting to note that of the total BSA membership, 1½ percent of the boys become Eagle Scouts while 3 percent of the Mormon boys achieve the eagle rank. Annually, there are some 30,000 Eagle Scouts in America and 3,500 of them are Mormons.

I am sure the emphasis the Mormon Church places on the scouting program is of great value to the young men who are members of that church and that this leads to the development of such outstanding young leaders as David Barrus. I commend the Mormon Church for its scouting program and all other churches and organizations who sponsor a Scout program. You provide a great service to our country. I would like to pay tribute to the 6½ million Scouts in America and to the program's leaders. We would have a stronger nation if we could assist the Boy Scouts of America in surpassing the goal of involvement in scouting for one-third of the Nation's boys.

In the words of the founder of the Scout movement, Lord Baden-Powell:

> Let us therefore, in training our Scouts, keep the higher aims in the forefront, not let ourselves get too absorbed in the steps. Don't let the technical outweigh the moral. Field efficiency, back-woodsmanship, camping, hiking, good turns, jamboree comradeship are all means, not the end. The end is character—with a purpose. And that purpose is that the next generation may be sane in an insane world, and develop the higher realization of service, active service of love and duty to God and neighbor.

FINANCIAL AID TO FIRE DEPARTMENTS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I rise with regret to point out that Congress and the administration have been derelict in one very important area involving public safety. Everyone knows that the average citizen looks to his fire department, no less than to his police department, for protection of his family and his property. This has always been the case, but in recent years firemen have been thrust forward more and more into our frontline of defense against certain criminal elements. I quote from a letter I have received from Chief William E. Barry, the highly competent firefighter who heads the fire department in Cleveland, Ohio:

> Arson has been commonly used as a form of protest in Cleveland and in connection with riots and is associated with the use of "booby traps" for firemen in burning buildings and gunfire directed against firemen.

Despite facts such as this, the needs of fire departments were overlooked when Congress enacted legislation in 1968 establishing the Law Enforcement Assistance Administration in the Justice Department. Police departments are among those agencies that do of course qualify for Federal assistance from LEAA, but fire departments have been finding it extremely difficult to obtain funding for important projects associated directly with the police mission but capable of being carried out only by fire departments.

Mr. Speaker, on November 16, 1971—see CONGRESSIONAL RECORD, volume 117, part 32, page 41573—I introduced legislation which among other things, would go a long way toward erasing this deficiency in the law and regulations under which LEAA operates. My Emergency Crime Control Act (H.R. 11813) would assure city and county officials in our 56 largest metropolitan areas that all the funds they receive from LEAA would come to them in the form of block grants, with few strings attached. The amount of money reaching each of these areas also would be increased greatly, and the funds would arrive sooner and be available for spending more quickly because much of the redtape currently would be dispensed with.

The key to this legislation so far as fire departments are concerned is the revenue-sharing block grant concept. Since local officials would have virtually full control over the lump sums of cash they receive through LEAA, with funds being spent according to needs as perceived at the local level, fire departments for the first time would have a fighting chance to qualify for grants from this agency of the Justice Department. The fire departments would find themselves on the same footing as police departments and other applicants for assistance. A meritorious proposal submitted by a fire department would be reviewed by local authorities, who are in a better position than Federal or State officials to judge the needs of their home communities. Once convinced of a fire department's need for financial assistance, the local authorities would be under no restraints, and money from the block grant could be earmarked for fire purposes. I am confident, Mr. Speaker, that under a new arrangement such as this, firefighters would at least be given a realistic opportunity to find financial means for discharging the new responsibilities that have become part of their burden in recent years.

I am happy to report that my proposed bill has prompted responses from national and local fire-fighting organizations. At this point I would like to insert in the RECORD some examples of letters I have received.

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Washington, D.C., December 17, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN STANTON: This is in reference to your recent proposal on loosening the guidelines for administration of the Law Enforcement Assistance Administration of the Safe Streets Act.

The Board of Directors of this Association, meeting in Cleveland, Ohio on December 13–14, 1971, voted to commend you for this endeavor and to support your efforts in this direction.

Our members will be apprised of this action and if this office can assist in any other manner, please do not hesitate to call on us.

Sincerely,

Donald M. O'Brien,
General Manager.

International Municipal
Signal Association,
Houston, Tex., December 15, 1971.

James V. Stanton,
U.S. Representative,
Washington, D.C.

Dear Congressman Stanton: In reading your remarks in the Nov. 19, 1971 issue of "Industrial Communications", we as an association wish to express our opinion regarding the more than 3000 members among whom serve in the important fire services.

We have long felt that the LEAA funds should include the fire services. Every day, men in the fire services devote their life to public safety. What is more important than protecting the public through fighting fire to keep the "streets safe"?

Money is urgently needed for better communications and other equipment. Money is needed for education and training in the fire services. By better trained and better equipped personnel, the municipalities are assured of safer streets and a safer community. To date, LEAA funds have been allocated to the police departments, which is good. However, we believe that it is time that the fire services receive federal funding through th LEAA program.

The International Municipal Signal Association was founded in 1896 as a non-profit, tax exempt organization dedicated to education and the betterment of public safety. Among our earlier members were Thomas Edison and Charles Steinmetz. Our members are governmental employees who devote their lives to public safety. It is time that funds be made available to help these men help the public in keeping our streets safe.

Yours in public safety,

Richard J. Beam,
Executive Secretary.

Department of Communication,
Providence, R.I., December 13, 1971.

Hon. Congressman James V. Stanton,
Longworth Building,
Washington, D.C.

Dear Congressman Stanton: While in Washington I had the pleasure of attending your Press Conference in regard to an amendment to the Law Enforcement Assistance Act. Here in the City of Providence, I am in charge of all Public Safety Communications and it is rather discouraging that monies are available to Police and not to Fire Service. I for one agree whole-heartedly with your effort to take much of the red tape out of the act, and allow the Cities to use the grants for both services.

It has always been my contention that the Fire Service plays an important part in the safe streets of many of our major cities, and yet no Federal Grants are forthcoming.

Many of our major cities in this country are plagued with ghetto areas that have numerous fires, many others have Urban Renewal projects underway with vacant buildings constantly being burned by vandals thus causing millions of dollars in expenses to Cities in addition to personal injury to the firefighters involved.

I strongly feel that if Federal monies were available to the Fire Service through your amendment, our Fire Departments could be better equipped and organized.

Many of our Police Departments have equipped each of their personnel with hand walkie-talkies in order to maintain constant contact with the men, this would be very advantageous for firefighters both from efficiency and safety standpoints while in the performance of their duties, this in turn would contribute immeasurably to the safety of our neighborhoods and streets.

I know that there are many innovations that the fire service could use to make firefighting more efficient if the fire service is given the monies and the tools to work with.

I hope that you are successful in getting your amendment passed.

Sincerely yours,

Alfred J. Mello.

North-Eastern Ohio
Fire Chiefs' Association, Inc.,
Bedford Heights, Ohio, January 10, 1972.

Hon. James V. Stanton,
Longworth Building,
Washington, D.C.

Dear Mr. Stanton: There are many urban and rural areas in the United States which are badly in need of federal assistance to provide a minimum of fire protection.

Almost every one is lulled into a false sense of security that our fire service can handle its problems with its present equipment and manpower. Many fire departments are using pieces of fire equipment, which private industry would have scrapped many years ago as being obsolete and too costly to operate.

This is why the fire service feels it is necessary to rewrite the Law Enforcement Assistance Act to include aid to our counties fire defense.

Sincerely,

Eugene E. Rogers,
Secretary, North-Eastern Ohio Fire Chiefs' Association, Inc.

Perrysburg Fire Department,
Perrysburg, Ohio, January 11, 1972.

Rep. James V. Stanton,
House of Representatives,
Washington, D.C.

Dear Congressman Stanton: I feel very strongly that the 1968 Law Enforcement Assistance Act should be rewritten so as to include the fire departments of the United States.

Many departments are undermanned and equipment certainly could be updated.

For some reason it seems as though when an austerity program comes along the fire departments are the first to suffer, and federal aid would certainly help to alleviate this condition.

The Police and Fire departments are both of the division of safety, and I do not understand why one should be federally funded and not the other.

It is a known fact that the fireman's job is the most hazardous of any occupation today.

Sincerely,

Leonard Roberts, *Chief,*
Perrysburg Fire Department.

Mr. Speaker, the needs of the Nation's fire departments have found expression also recently in two of the leading newspapers of the United States. The Plain Dealer, the distinguished morning newspaper in Cleveland, Ohio, has been crusading for some time on this issue. I would like to insert in the Record at this point two lead editorials from the Plain Dealer, and, in addition, an article appearing recently on the page opposite the editorial page of the New York Times:

[From the Cleveland Plain Dealer,
Sept. 1, 1971]

Arson, Crime Against Community

Arsonists who set the costly fire at Woodland Elementary School somehow may think their action expressed civil disobedience. Against whom? Who knows? Such criminals need no more rationale than an imaginary enemy such as the vague "establishment" or merely the status quo.

But that fire, and other destructive moves against Cleveland Board of Education property, primarily hurt most the decent parents and hopeful, knowledge-hungry children of the community.

The Board of Education, already beset by gnawing financial problems, suffers a severe setback every time it has to buy new books for old, charred ones, or arrange new classrooms for those which have been gutted.

At the same time, pupils and their parents suffer inconvenience. But this is minor compared to the board's dilemma:

Already it is spending some $750,000 for daytime school guards to protect schools and pupils against the violence of the streets. This is outside of the expense for watchmen in the night hours as property protectors.

The board cannot buy insurance against losses by depredation such as arson. It is self-insured against vandalism losses but the losses far outweigh the reserves.

Superintendent Paul W. Briggs and other education experts are forced to spend much of their time dealing with preservation of the system, and seeking financial help in Columbus, instead of plotting new and progressive learning techniques and curricula.

While Briggs asserts that relations between the school system and parents in most neighborhoods are good, there is reason to believe many residents are frightened into silence when they may have knowledge of the torch wielders. The pattern of arson in this community, not only as far as school buildings are concerned but also including factories and telephone cables, indicates the criminals are well-informed, well-organized. They are not pranksters.

Neighborhood parents fearing recrimination if they call police (who have been cooperative in these cases) should call the Board of Education or individual board members if they suspect dirty work in a neighborhood school. This is the recommendation of school officials who realize that some inner-city residents are caught up in terror.

These residents suffer most when fire burns out the city's public education resources.. For although the city's population decreases, public school enrollment has been rising. Burning books and destroying classrooms is not revenge but only a shameful crime against that stratum of society which needs most the tools of knowledge.

Civil disobedience? Call it what it is—anarchy.

[From the Cleveland Plain Dealer,
Jan 17, 1972]

Crisis in the Fire Department

A high-ranking Cleveland Fire Department officer sometimes goes to fires just to make sure someone will be there to call in help for proud but exhausted men.

The department's situation is near desperation, but neither the city nor the federal government has shown an adequate response. The department is answering three times as many alarms as 10 years ago—with 100 fewer men. Next summer fire stations may have to be closed temporarily, four or five at a time.

In the not-too-distant future, industry here could face sharp increases in fire insurance rates because of the manpower shortage and other problems.

"I'm not as much concerned about insurance as I am about keeping our men alive," said the fire officer. "We're killing them. They're getting hurt, and they're working themselves to death.

"Our equipment is taking a beating, too. Pumpers that ought to last 20 years, we're burning out in five or six. It's true that the percentage of false alarms doubled last year over seven or eight years ago, but we also had a great many more actual fires."

Among other problems, he said, is upgrading water lines that sometimes can't carry anywhere near the volume they are supposed to.

As the Plain Dealer reported, Cleveland has hired no new firemen since adding 50 in May 1970. In 10 years department strength has dropped from 1,340 to 1,238 (by the end of this month). Alarms have soared from 10,849 a year to 30,084.

A dismaying insight is provided by the simultaneous swearing in and laying off of 22 new firemen. They're in to protect their civil service standing; they're out because the city cannot afford their salaries.

The federal grants awarded Cleveland last week will not help the fire department, unless the city is able to stretch their terms.

That might be worth trying. The Emergency Employment Act grant, $3.4 million, is for rehiring city employes, not for new hires. All right: What about rehiring the 22 men who were just laid off?

The other grant, from the Law Enforcement Assistance Administration, is for law enforcement. But arson and the looting of torched properties are crimes, and the quicker firemen can respond, the less likely such crimes are to flourish. If you close stations, response time is obviously endangered.

This may seem to be clutching at straws, but the city must take every measure possible to stop the department's deterioration.

But something more substantial must be done in Washingon. Cleveland and cities like it need help in fighting fires just as much as fighting crime. In the absence of revenue sharing Congress should provide specific funds for this purpose before summer comes.

[From the New York Times, Jan. 20, 1972]

Now Listen to a Firefighter's Plea

(By Joseph E. Galvin)

During my firefighting career I've been blown from the roof of a blazing pier, have had the man next to me on a hose line gasp and die as we tried to advance into a burning tenement, have had a woman relieve herself as we carried her down an aerial ladder from a blazing Harlem tenement in a snowstorm.

I've worked seven hours in a blizzard while soaked to the skin, and had to be taken to a hospital as a result; I once literally tore the arms from a dead firefighter who was trapped beneath a truck.

I've saved lives and have had mine saved several times by my brother firefighters. I've suffered injuries ranging from scalds and burns to a form of "combat fatigue." I've been taken to the hospital, unable to walk, due to the swelling in my heels resulting from sliding the firehouse pole over twenty times during one single night tour in Harlem. I've been in building collapses to assist in the removal of victims when the building was threatening to collapse over our heads and bury us.

I've also been cursed, punched, assaulted and insulted by so-called "toughs" so many times that, incredibly, I'm almost inured to it. I've fought off a group of hoodlums who had surrounded our apparatus and were attempting to steal our tools and equipment. However, and this is quite important, I am not alone nor am I unique. Many other professional firefighters have endured much more than I, and will carry terrible physical and emotional scars to their graves.

To be a member of a ladder company crawling around the smoke-filled rooms of an occupied tenement searching for possible fire victims, while three or four rooms are afire in the apartment directly below, is one of the most demanding tasks required of a human being. To be given the assignment of cutting a hole in a building's roof to effect ventilation so that the engine company down below can advance its line, when every enlargement of the hole allows superheated smoke and gases to blast into one's face, demands the ultimate in dedication and raw guts.

The human body is subjected to such a high level of punishment during the performance of these tasks that no one, and I mean no one but a firefighter, would place his body in close proximity to the immediate area. You see, professional firefighters as a rule have life spans approximately seven years less than the average male.

Few of this city's citizens realize that some fire units respond to over seven thousand alarms during the year, and that each time they do the firefighters are subjected to tremendous emotional strain—not knowing whether the alarm will be a tragedy or a false alarm. I've seen some of my men leave their firehouses after the completion of their tour of duty almost disoriented from fatigue and the effects of noxious gases. To respond to over twenty alarms during one night tour and get three or four tough fires, back to back, is a terrible experience. What motivates men to perform this task?

After almost twenty years of working with and observing firefighters in every conceivable emergency, I've concluded that the glue which holds this great department together is a combination of brotherhood and love. The misery, suffering and pain which we firefighters share creates a bond which those outside the fire service cannot comprehend. Wives, mothers, sweethearts—none can intrude into this unique fraternity that comes from being truly brothers. This spirit of comradeship grows from the development of mutual respect and admiration which each man has for another; and is a form of love. And that special love which men in combat develop for one another is indeed a wonderful thing to share in, or even to observe. We firefighters endure hardships and share experiences which we'll never forget even if we live to be 200. The crucible of arduous fire duty welds us into a tough steel-like chain, which may be strained, but never parted.

In recent years we have all but been inundated by television shows, newspaper and magazine articles, movies and books describing the problems of the law-enforcement officer (all valid) during this era of "crime in the streets." This has resulted in hundreds of millions of dollars being granted by both state and Federal agencies to police departments throughout this country.

Doesn't "crime in the streets" and the Safe Streets Act relate to malicious false alarms, arson, assaults on and shooting at professional firefighters? Cannot we in the fire service acquire the aid of someone to forcefully bring to the attention of our citizens a truly honest picture of the firefighter's life? And death? Does it have to be left to a nonerudite individual like myself, so obviously out of my element, to attempt to get across the message that this noble calling—the saving of lives—takes a terrible toll?

What is needed is the effective spotlighting of the firefighter's problems; the unique skills required of the job and the need for aid—new equipment, research and development programs, a newer type of lightweight mask (the mask widely used now, developed for World War II, weighs thirty pounds and can be used up in less than ten minutes).

It should be just as easy for a firefighter to attend a course at a university as it is for a policeman, but the work schedules now in effect in the New York City Fire Department make it very difficult for a fireman and almost impossible for an officer.

Won't someone please come forward to help us?

Additionally, for the information of my colleagues, I would like to insert in the Record an exchange of correspondence between the Cleveland Fire Department and LEAA. These letters are self-explanatory:

Cleveland, Ohio,
September 8, 1971.

Hon. James V. Stanton,
Member of Congress,
Cleveland, Ohio

Dear Congressman Stanton: The Cleveland Fire Department has submitted an "Application for a Grant For Discretionary Funds" to the U.S. Department of Justice, Law Enforcement Assistance Administration (L.E.A.A.) in the amount of $392,000.00.

The reason for this request is:

The Cleveland Fire Division has faced severe problems in responding to riot and civil unrest situations and a command control system for coordinated efforts aimed to cut losses due to crimes of arson and civil disturbance is essential. The effectiveness of such a project could be measured in terms of the prospects for saving lives of citizens, firemen and police, and in saving property losses that have in the past been measured in terms of millions of dollars. The Cleveland Fire Division is required to respond to civil disturbances and other situations with communication resources that are satisfactory for normal fire protection purposes but entirely inadequate for these newer problems. Due to specific needs of Cleveland and the nationwide implication of the problem and its relationship to responsiveness in incendiary and arson situations, it is appropriate to apply for relief of the situation under the L.E.A.A. discretionary grant program.

The project's goal is the creation of a thoroughly modern alerting, dispatching and command control system for more optimum use of the city's fire fighting resources with particular emphasis on coordination of all public safety elements (police, fire fighting and rescue) to meet needs due to major multiple alarm and multiple simultaneous fires as well as during natural catastrophes (storm and tornado) and/or hostile action. Arson has been commonly used as a form of protest in Cleveland and in connection with riots and is associated with the use of "booby traps" for firemen in burning buildings and gunfire directed against firemen.

The proposed command control system should speed the fire division's ability to allocate its resources in situations where, in the past, it has had to deal with up to fifteen (15) fires simultaneously. Further, it will increase effectiveness of fire fighting personnel by enhancing and coordinating their activities with police and other agencies of the municipal government.

Though admitting that our needs are "very great", the grant request was turned down. (Please see attached letter) We feel that the City of Cleveland desperately needs relief in this area and L.E.A.A. funds are our only hope of assistance.

Therefore, your help in this matter is urgently requested.

Sincerely,

William E. Barry,
Chief, Division of Fire.

U.S. Department of Justice,
Washington, D.C., July 29, 1971.

Battalion Chief Stephen Eller,
Department of Public Safety, Division of Fire, Cleveland, Ohio.

Dear Chief Eller: The application for discretionary funds submitted by the City of Cleveland entitled "Improved Protection from Fires of Riots and Disorders" has been carefully reviewed by this office.

There is no question that your needs in this area are very great, but at the present time we have no way by which we can support you. Our guidelines do not include fire departments as eligible grantees for discretionary funds, nor does your proposal meet the specifications for any of our programs.

We sincerely hope you will be successful in obtaining support elsewhere. Unfortunately we know of no federal source to which you could turn with the possible exception of Civil Defense.

Sincerely,

Paul E. Estaver,
Civil Disorders,
Technical Assistance Division.

RESOLUTION FOR A COMPREHENSIVE TEST BAN

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. Abzug) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, I am today

reintroducing a three-part resolution for a comprehensive test ban treaty which I originally introduced on December 9 of last year. Sixteen of my fellow Congressmen have now agreed to cosponsor this resolution. It urges the President to: First, open active negotiations with the Soviet Union for a comprehensive nuclear test ban treaty; second, undertake at the Disarmament Conference which will reconvene this month in Geneva to extend such a total ban on nuclear testing to the other nuclear powers, including France and China, which should be seated at that conference; and third, declare an immediate, unqualified ban on U.S. nuclear weapons testing.

I am pleased that the senior Senator from Massachusetts has introduced a similar resolution in the other body, although I regret that it omits mention of the need to stop nuclear testing by all nuclear powers, not only the United States and the Soviet Union. The world cries out for an end to the contamination of the atmosphere by radioactive fallout from continuing French and Chinese tests.

The Atomic Energy Commission spent $218,352,000 on nuclear weapons testing in 1971. Unless Congress and the President act, AEC will spend another $200 million on underground testing in 1972; furthermore, its recently announced budget seeks a similar authorization for fiscal year 1973. This does not include over $250 million spent, authorized, and requested for each of the years 1971, 1972, and 1973 for research and development in the field of nuclear weapons, nor does it include all the hidden items which go into AEC, defense and other budgets for support of this dangerous and unnecessary program.

Need I detail for my colleagues the constructive uses to which this half billion dollars a year can be put? A half billion dollars is almost exactly the total operating budget for this year of the Environmental Protection Agency. The Office of Education will ask in the next few months for a supplemental appropriation of a half billion dollars for emergency school assistance. The total Federal appropriation for vocational and adult education for this year is just over half a billion dollars.

Mr. Speaker, it is time to call a halt to this wasteful and redundant program of nuclear weapons development and testing. I insert a number of articles and letters of support for this resolution at the conclusion of my remarks.

The following Congressmen have agreed to cosponsor it: Mrs. CHISHOLM, Messrs. COLLINS of Illinois, CONYERS, DELLUMS, EDWARDS of California, FRASER, HALPERN, HARRINGTON, HELSTOSKI, MIKVA, RANGEL, ROSENTHAL, RYAN, SCHEUER, and STOKES.

The aforementioned articles follow:

H. CON. RES. 522

Whereas the United States solemnly pledged itself in both the Limited Test Ban Treaty and the Nonproliferation Treaty to work toward "discontinuance of all test explosions of nuclear weapons for all time" and to continue negotiations to this end; and

Whereas the security of our Nation and of all mankind is diminished by the continuing upward spiral of the nuclear arms race; and

Whereas, due to progress in methods of detection, the risks of "cheating" on underground nuclear tests are now virtually nil; and

Whereas such "cheating," if it occurred, could in no way affect the military strategic balance; and

Whereas a comprehensive ban on nuclear test explosions would stabilize and retard the arms race and make early agreement among the nuclear powers on a mutual limitation on strategic nuclear weapons much more likely; and

Whereas each nuclear explosion poses a new set of unresolvable questions about its possible effects on the environment (release of radioactive materials, triggering of earthquakes, permanent damage to the ecology of an area); and

Whereas the requirements of national security include the health, prosperity, and well-being of our citizens, the soundness of our economy and the reduction of tensions at home and abroad:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should immediately take the necessary steps to initiate active negotiations seeking agreements with the Soviet Union on a comprehensive ban on all nuclear test explosions; and

Resolved further, That it is the sense of Congress that the President should take the necessary steps to work toward extension of a prohibition against nuclear testing to the other nuclear powers, including France and China; and

Resolved further, That it is the sense of Congress that the President should immediately declare an indefinite moratorium on all nuclear test explosions.

[From the New York Times, Dec. 30, 1971]

HALTING NUCLEAR TESTS

Adjournment of the Strategic Arms Limitation Talks (SALT) in Vienna, without the year-end agreement to which the White House and Kremlin committed themselves last May, demonstrates again the slow pace of progress in curbing the atomic arms race. It brings into question the wisdom of delaying other nuclear negotiations that could contribute to this goal and, particularly, exploration of a comprehensive treaty banning all nuclear tests, including those underground.

The American case against a comprehensive test-ban has been based on the difficulty in verifying compliance without on-site inspection, something that is anathema to Moscow. To overcome this obstacle, the United States in the past decade has spent $274 million in research on means of detecting and identifying nuclear explosions, mostly by seismic methods. It is increasingly evident that a genuine breakthrough has been achieved.

The extent of this breakthrough has just been underlined in a report by a prestigious committee of the Federation of American Scientists, including former Presidential science advisers George Kistiakowsky and Franklin Long, former Pentagon research chief Herbert York and the former science chief of the C.I.A., Herbert Scoville. They state that recent improvements in long-range seismology and other unilateral means of detection—presumably satellite photography and communications monitoring—provide high confidence that violations of a comprehensive test-ban would be detected.

Specifically, the report states, the United States could be sure of detecting violations long before illicit underground tests could develop new weapons threatening the stability of the nuclear balance. Even unrestricted Soviet testing below the level easily spotted by seismic and other national means would achieve nothing more than wasteful further refinements in very small tactical nuclear weapons. In fact, the difficulties in carrying out on-site inspections appear so considerable and the benefits so small that the United States would have no need to go through with them even if Moscow agreed to permit them.

Much of the American opposition to a comprehensive test-ban does not stem from fear of Soviet cheating any more, the report argues, but from a Pentagon desire to continue American testing. New weapons, however, are not needed to maintain the American deterrent, which already is much greater than required. After a SALT agreement, particularly, there will be no need to test new warheads for antiballistic missiles (ABM's) and MIRV multiple warhead missiles.

A comprehensive test-ban, on the other hand, would bulwark American and world security by slowing the arms race, reinforcing the nuclear nonproliferation treaty and reducing the likelihood of other countries joining the nuclear club. Soviet officials informally have indicated a willingness to open new test-ban talks. The United Nations General Assembly, by vote of 112 to 0 with only one abstention, has urged the Geneva Conference to pursue a test-ban. An early move by the Nixon Administration to initiate test-ban negotiations is clearly warranted.

ASSOCIATED STUDENTS,
SACRAMENTO STATE COLLEGE,
Sacramento, Calif., January 10, 1972.
Hon. BELLA S. ABZUG,
House of Representatives,
Washington, D.C.

DEAR MRS. ABZUG: Thank you for sending me a copy of the resolution that you introduced into the 92nd Congress calling for a comprehensive test ban treaty, and efforts to extend a prohibition on nuclear testing to all nuclear powers, including France and China. I read the copy of H. Con. Res. 480 and your supporting statement on the House floor. I was very impressed with the content of your resolution and of your statement concerning the resolution. I can assure you that your resolution does command the support of the members of the National Student Leaders Task Force on Disarmament, and I am writing all of the members to urge them to write their individual congressmen and senators in support of your resolution.

We have a long hard fight ahead of us to motivate the citizens of the United States to take unilateral leadership in securing peace in the world. I personally feel that your resolution is a step in this direction. I will do what I can to make your resolution known to students at large.

Thank you for your efforts in pushing negotiations for a comprehensive test ban treaty.

Yours sincerely,
MICHAEL A. HACHARD,
Student Body President.

THE AMERICAN UNIVERSITY,
Washington, D.C., January 25, 1972.
Congresswoman BELLA ABZUG,
House Office Building,
Washington, D.C.

DEAR MRS. ABZUG: I wish to express my firm support for HR 480. It is indeed long past the time for a "discontinuance of all test explosions of nuclear weapons . . ."

The United States' superiority in nuclear science should now be applied to a superiority in the arts of humanitarian efforts.

Yours truly,
EARL CALLEN,
Professor of Physics.

THE AMERICAN UNIVERSITY,
Washington, D.C. January 25, 1972.
Congresswoman BELLA ABZUG,
House Office Building,
Washington, D.C.

DEAR MRS. ABZUG: This is to express my unconditional support for HR 480 toward a Comprehensive Nuclear Test Ban which you introduced recently.

The three points which you make in this Resolution are well balanced and at the essentials of this international problem.

From the technical point of view it is clear that even with a conservative view of the progress made in detecting small thermonuclear explosives, the risks of further testing decidely outweighs the risks of cheating by any nation. Evidence in support of this conclusion is presented in the Federation of American Scientists Newsletter, Vol. 24, No. 10, January 1972.

Bravo to you representing your District and the Women of this country for exerting leadership in this crucial issue of a ban of "all test explosives of nuclear weapons for all time."

Sincerely yours,
Benson T. Chertok,
Associate Professor of Physics.

School of International Service,
The American University,
Washington, D.C., January 20, 1972.

Dear Mrs. Abzug: I would like to express my deep appreciation for your introduction of H. Con. Res. 480. It is a very timely move considering: (a) progress in multilateral negotiations in the Conference of the Committee on Disarmament (i.e., (a) agreements on Seabed, NPT and Bacteriological War); (b) the probability of some SALT agreement this Spring; (c) recent technological progress *re* detection; (d) a growing sense of progressive momentum in the arms control field; and (e) this is an election year.

I am a specialist in U.S. foreign and national security policy with a particular interest in arms control. There is a virtually unanimous sentiment today in ACDA for a comprehensive test ban. ACDA, of course, does not have the powerful outside constituents which support DoD and the JCS.

Your voice, I pray, will be joined by others who feel "security" in its truest sense is not necessarily synonymous with massive armaments.

Sincerely,
Dr. Duncan L. Clarke,
Assistant Professor.

Columbia University
In the City of New York,
New York, N.Y., November 19, 1971.

Dear Congresswoman Abzug: Please accept the enclosed copy of my recent paper entitled, "Limits of Military Power for National Security".

I wrote this paper a few weeks ago following an invitation to a discussion on disarmament problems that was sponsored by the Soviet Pugwash Committee and the Soviet Peace Committee. While the Soviet official policy is contrary to the conclusions of this paper, the reaction of serious Russians was that this paper set forth novel ideas that deserved examination. The report in *The New York Times* of Sunday, October 31st seemed to justify the interest that I thought would attach to this subject.

The arms race since the Second World War has involved the assumption that military power is effectively unlimited; that there is always some new level of power that is attainable, if only one is willing to try hard enough. I have tried to take a fresh look at this assumption and find that it is probably in error. The superpowers, while trying for military superiority, have both gone past the point of meaningful difference in military power. At the same time the economic cost of arms to the United States and to the Soviet Union has been massive.

There appear to be new reasons of self-interest, both military and economic, for moving toward a more rational military policy, for American reasons, and regardless of Russian-American agreement or disagreement.

I am sure that this brief paper does not dispose of the large issues that are raised. But I hope you will agree that these matters are worth fresh discussion.

Sincerely,
Seymour Melman.

Paper to Symposium on Disarmament Problems, Moscow, October 30–31, 1971

LIMITS OF MILITARY POWER FOR NATIONAL SECURITY, AND THE PATH TO DISARMAMENT

(By Seymour Melman*)

After 25 years of a nuclear-military arms race, it is possible to define significant limits of miliatry power for national security. These limits apply with special force to the nuclear superpowers. These same limits of military power also define new requirements for a disarmament process.

Underlying the long discussion of disarmament among nations has been the understanding that lowered levels of armaments produce mutual advantages: the prospect of physical destruction is reduced; and the cost of armaments can be applied to constructive uses. Thus, the arms race from 1946 to 1971 between the United States and the Soviet Union has not improved the military security of either nation. The economic cost to these two countries has exceeded $1,500 billion.

In 1961 I calculated that a rapid process of economic development for the unindustrialized people of the world could be executed with an annual capital outlay of about $22 billion.[1] Hence, the arms race outlays by the United States and the Soviet Union during the last quarter century would have financed 50 years of world economic development, while still leaving one-third of the actual budgets to be used for military security purposes.

DEFINING LEVELS OF ARMAMENTS

Classically, attempts to negotiate international reduction and limitation on armaments levels could proceed with the confident assumption that it was technically feasible to define armaments quantitatively and qualitatively. Owing to the evolution of military technology, these previously assumed conditions have altered. What is the unit weapon? One medium-sized military aircraft, or a naval vessel like a destroyer, take on altered military meaning when their weapons change from conventional to nuclear explosives. A missile with conventional warhead is transformed by replacement with a nuclear warhead, or by 5 separately-directed nuclear warheads.

Similar conditions have affected the qualitative assessment of weapons. A battleship was once more powerful than a destroyer. But a motor torpedo boat, equipped to launch a nuclear-tipped missile, can destroy not only a single large naval vessel, but—conceivably—even an entire flotilla.

What is a "strategic" weapon? Is it to be measured by the explosive power of a warhead? If five "tactical" warheads are jointly applied, do they then become "strategic"? Does strategic mean the speed of delivery or the distance over which nonstop delivery can be affected? Is it reasonable to assume that great destructive force can be delivered only over great distances and at high speed? I formulate these questions not only to suggest the new problems of defining terms of military "equality" or "parity" under conditions of nuclear weapons abundance, but more importantly because these questions, and the array of possible answers, reflect a true transformation in military power.

NEW CONSTRAINTS ON MILITARY POWER

Since the end of the second World War there have been a great number of armed conflicts between the military forces of national states. It is a unique feature of this long period, that in no case was a conflict permitted to operate to a military conclusion. In each instance other nations intervened, singly or through concerted action—as through the United Nations, to bring military operations to a halt well before one national power was able to overwhelm the other side militarily and use that fact to dictate political terms. The large number of lives lost in the procession of smaller wars from 1946 to 1971 rules out the possibility that a new concern for human life was the operating factor. Rather this new development was a result of the well-founded and pervasive fear of the consequences from extension and escalation of what began, in each case, as limited national conflict. Extension means involving other countries. Escalation means greater intensity of violence. The feared end result of military extension and escalation has been confrontation between superpowers leading to nuclear war. It is widely appreciated that this outcome cannot be excluded since the generals of each side are instructed to win and that each major nuclear state wields nuclear weapons in abundance.

In 1971 the London Institute for Strategic Studies estimated that the U.S. possesses 6,000 nuclear warheads fitted to delivery vehicles that could reach the U.S.S.R. and that 2,000 Soviet warheads could strike at the continental United States.[2]

In the United States, there are 150 populated places with more than a hundred thousand persons each. In the U.S.S.R., there are about 175 such places.[3] It is relevant to compare the number of deliverable warheads with the number of sizable population-industrial centers of each society.

By this form of reckoning, the United States could conceivably overkill the population-industrial centers of the U.S.S.R. 34 times, and the Soviets could destroy the United States' counterpart 13 times over. The military, scientific and human absurdity of the overkill development is revealed in the following. Who is ahead, the Soviet Union or the United States, with respect to nuclear military power? If the U.S. and the U.S.S.R. were to exchange their strategic forces, would it make any military difference?

An overwhelming advantage has been given to the offensive in military operations, for nuclear warheads can be delivered in diverse size and by varied delivery systems. Against the number, diversity and destructive power contained in nuclear warheads, the defense function is made essentially unfeasible. Varied allowances for weapons reliability do not alter the condition.

These characteristics of nuclear weapons affect the potential relationship between large and small military powers. As the knowledge for making nuclear weapons is elaborated and alternative technologies become available at lowered costs, it is not inconceivable that smaller nations should undertake the manufacture of their own nuclear weapons. However "small" such weapons and their numbers, the nature of nuclear weapons and the possibility of delivering them by alternative means opens up the nightmarish possibility of military-political confrontations in which major powers find themselves threatened by small nations weilding nuclear "equalizers." What science or body of human wisdom could be drawn upon to advise a government on how much value to place on any of its cities?

CONVENTIONAL FORCES

In the relations of the nuclear superpowers the consequences from use of conventional forces is not separable from nuclear forces. For each state trains and operates armed forces to apply successive intensities of force as required to prevail militarily. Recourse to nuclear weapons can, accordingly, not be ruled out, especially in the absence even of doctrine to that effect.

A second major aspect of modern military operations that deserves a discussion of limits involves conventional warfare in its guerrilla form. Guerrilla warfare involves a ma-

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jor militay-technical innovation. The innovation is of an organizational sort and does not consist primarily of particular weapons. Nevertheless, this organizational innovation is significant for it has had the result of setting limits to military power and hence to the meaning of various military-technological developments.

The essence of guerrilla warfare involves military operations under the following conditions: (a) a group of men sufficiently committed to a common purpose to risk their lives for the end in view; (b) support from the surrounding population for the guerrilla fighting group; (c) capability by the guerrillas for taking on appearances similar to that of the surrounding population.

The importance of these three conditions is that when they are fulfilled, it has been unfeasible to overcome the group of men so operating. During the last decades, major armed forces have been repeatedly frustrated by guerrilla-type operations that fulfill the three conditions noted above. This was starkly revealed in the frustration of the German army during the Second World War against the Yugoslav guerrillas, and is further demonstrated by the frustration of American armed forces in their relation to the guerrilla organization of the National Liberation Front in Vietnam.

There is no question that in every department of weapons technology, American armed forces in Vietnam, and those supported by them, enjoy overwhelming superiority. The guerrilla opponent in Vietnam has demonstrated military staying power despite the fact that he possesses no heavy weapons, no navy, no air force, and nothing like the technically elaborate military and industrial infrastructure that supports American and allied armed forces. During the last decade, American armed forces have not stinted on research and development for counterguerrilla operations.[4] The array of new weapons development to facilitate the counterguerrilla operations in Vietnam is impressively elaborate. The range extends from new lightweight weapons, new types of footgear and protective clothing, devices to "smell" a possible opponent concealed in a jungle, and antipersonnel bombs of diverse sorts and highly destructive effect. The inability of the most elaborately-equipped armed force in the world, backed by the world's largest military technology research and development network, to overcome the guerrilla forces of a small, poor country defines a major limit in military technology.

This is not to say that guerrilla operations cannot be overcome. They can, if one or more of the three conditions listed above are altered. Thus, the second requirement for successful operation can be altered: if the surrounding population is destroyed, then there is no "sea" in which the guerrillas can "swim." The United States has the capability for destroying the population in areas under guerrilla control. But such methods, until now, are unacceptable politically. Also, the destruction of a population goes counter to at least one traditional requirement of military operations: that the winner take control, not only of territory, but of the population therein.

MILITARY ASSUMPTIONS

The governments of the superpowers have each underwritten massive efforts to achieve superior military power. The advice they have followed in this respect has been based on assumptions which deserve review.

It has been assumed that military supremacy is both definable and achievable. In the case of nuclear warfare this is clearly not the case. Neither is there any prospect, based on knowledge of nature or its application to technology, for supposing that this may be the case in some predictable future. Once nuclear weaponry is understood as not being usable for military superiority, then it is also difficult to suppose that conventional warfare, in the presence of nuclear options, can be turned to account for this purpose. For if conventional weapons and forces are interlinked with nuclear weapons and forces, and the same men command the two, and are indoctrinated to prevail, then it is plausible to expect that these men will move—given the need—from conventional to nuclear forces.

Second: perhaps the key technical assumption underlying confidence in the achievement of military advantage is the idea of "suboptimization".

Suboptimization is the strategy for improving a system as a whole through improvement of the parts. In military-technical form, this has meant an improved rifle, improved bullets, an improved airplane, an improved tire, an improved bandage, an improved uniform, an improved guidance system, an improved missile fuel—each one being pursued on the assumption that from the sum of such unit technical improvements, there will emerge, necessarily, an improvement in a military system as a whole.

A military officer's view of unit improvements desirable during the 1970's was given by Brigadier (RET) Kenneth Hunt in his paper "The Requirements of Military Technology in the 1970's."[5] Hunt wrote, in 1967:

"The soldier is interested in infra-red or laser sighting devices to enable him to see and aim at night or in fog; light-weight radar or sensory aids to detect enemy approach; weapon-locating radars to pinpoint enemy guns or mortars by calculating the path taken by the shells they fire; the location of enemy concentrations and particularly nuclear artillery, with sufficient accuracy and speed to enable them to be hit before they move or fire; the engagement of high-speed attacking aircraft, preferably before they release their weapons."

"The sailor must find the enemy submarine, surface ship or aircraft, which is no doubt moving, and engage these fleeting targets before they engage him. The airman has his target to strike, fixed, moving, predetermined or opportunity; the enemy interceptor, bomber or missile to engage; the enemy defences to counter."

Characteristically, military technologists have each specialized in a particular military-technical device or problem. Each has proceeded on the assumption that some improvement in a particular device or system will contribute towards improvement of military power as a whole.

This conventional strategy of military-technological development is checkmated by two limits of military power discussed above: nuclear overkill and guerrilla warfare. "Improvement" in overkill is nonoperational and hence militarily, humanly and scientifically meaningless. Ever-greater firepower for destroying an opponent under conditions of guerrilla warfare is meaningless insofar as the opponent cannot be identified.

In weapons development, technological improvement has typically taken the form of attempts at superiority in destructive power, accuracy, speed, range, and reliability. Consider Brigadier Hunt's shopping list of technological improvements in terms of these factors. Each of these developments might very well produce some particular military gain under conditions of Second World War military operations. Once nuclear weapons are introduced in quantity, the military worth of these gains is vitiated.

This military-technical shopping list has its counterpart in the agendas of particular technical problems being tackled by the military research and development institutions of the United States and the Soviet Union. Taken together, the interest in these developments rests on the assumption that military operations in some foreseeable future will be like the knightly jousts of medieval warriors: wars that are fought between opposing armed forces such that the relative technological superiority of one as against the other might make some significant difference. Under present conditions, that prospect is unrealistic. In the era of nuclear overkill, knightly jousting between elite military forces is replaced by the prospect of nuclear confrontation, in terms of which (as in the Cuban Missile Crisis of October, 1962) particular technical "advantages" are overwhelmed by the prospective destructiveness of the nuclear weapons to be used.

Consider the meaning of suboptimization with respect to classes of military technology that have been given considerable attention. Suppose one armed force, having been given elaborate equipment and training in the use of tactical nuclear weapons, is able to score a major advantage in the field. Of what use or meaning is that advantage if the population-industrial centers of the society have been destroyed in the course of escalated military operations.

What science can be called upon to judge that such levels of violence would not be attained?

A third assumption that is characteristically made with respect to military power is that the size of money expenditure can make the difference. Here it is worth recalling the possibility that small countries may, in a near future, acquire nuclear weapons at relatively low cost.

In sum: military technology can deliver great destructive power for operating a threat system. But military technology cannot, now or in a foreseeable future, deliver a physical shield, that is defense, in nuclear war. Neither can present or foreseeable military technology insure victory against determined guerrilla opponents.

WEIGHT OF MILITARY INSTITUTIONS

An important feature of the arms race has been the development of major military-industrial and military-technical institutions in the major countries of the world. The long operation of such institutions and their large cadres of educated men gives institutional weight to the ideologies of the arms race. For many able men working in these institutions has been their prime career experience.

Insofar as military technologists, however able they are individually, participate in what is scientifically absurd—like the multiplication of overkill, or the improvement of targeting accuracy by hundreds of yards in warheads with miles of destructive effect—then their technical work is in the tradition of science-fiction rather than science, regardless of its technical intricacy or elegance in detail.

Our countries have been asking military technologists to produce something which, on the evidence, can no longer be delivered: a workable shield against nuclear destruction from without, and military superiority in both nuclear and conventional warfare. Despite the known technological limits in these spheres, military specialists recommend the expenditure of large public funds for their activities, each of which is presumed to contribute to a plausible military defense or to superiority of armed forces.

When research organizations reach limits of the potential contribution to given technology, as in the case of most military research institutions, how can one account for the perpetuation of such organizations? The answer to such questions must be sought in the realm of social laws of perpetuation of organizations: the social inertia that stems from the well-esteemed operation of a large organization that has high status, large budgets, a technically qualified staff, and a network of interrelations with important institutions in society. In the case of military research establishments, these factors are a base upon which these organizations build for sustained operations through the prom-

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ise of military-technological "improvement" always in prospect. Indeed, improvement in detail can generally be delivered even though the larger purposes of military advantage that must presumably be served by military technology get lost from view.

SELF-PENALIZING EFFECTS OF THE ARMS RACE

No nation, however large and wealthy, can escape the negative economic effects that are caused by sustained military spending on a large scale. Economists, as a profession, have tended to neglect the functional difference between productive and parasitic aspects of economic growth. Productive growth refers to goods and services that are money-valued and which form a part of the level of living, or can be used for further production. Parasitic economic output refers to goods and services that are, primarily, neither part of the level of living nor useful for further production. Military output is overwhelmingly of the latter sort. Thus, in the United States, from 1946 to 1971, more than $1,200 billion has been expended in the budgets of the Department of Defense. (This quantity of resources exceeds the money value of all the residential and commercial buildings on the surface of the United States.) The comparable data for the U.S.S.R. are not available to me.

The value of productive economic growth foregone is the true indicator of the social cost of large and sustained military expenditures. Thus, the 8–10% of Gross National Product annually devoted to military purposes in the United States has seemed to be a small part of the national product. This portion, however, includes a preponderance of the research and development, scientific and engineering manpower of the country. The effect of their concentration on military and related work is the relative technical depletion of many civilian industries and activities.[6] This effect is operative apart from variation in economic systems.

In the United States a series of important industries have become technically and economically incompetent to serve even the domestic market, let alone compete successfully in the world market. The effect of inadequate productive investment is widespread. In New York City, for example, central power supply, the telephone system, and rail services have become unreliable. Since these services are the underpinnings of an industrial system, the inefficiencies in these activities have ramified effects throughout the economy and society.

In the Soviet Union there is evidence too of constraint on economic development that is surely traceable to the long priority given to military-industry and military-technology. For example, I read in dispatches from Moscow that citizens of that city are mobilized to help bring in the yearly harvest of truck produce around the Soviet capital and that the mechanization and organization of agriculture has not proceeded to the point where newspapers need not exhort Moscovites with headlines proclaiming "Decisive Days," "Every Hour Counts," and "The Capital Awaits its Potatoes."[7]

In an official summary of the "Draft Directives of the 24th CPSU Congress for the New Five-Year Plan" I find that "It is planned to raise labor productivity in industry by 36–40% over the five-year period, securing thereby 87–90% of the total increment in output." This is, of course, a centrally important economic matter for the Soviet Union. From the standpoint of industrial productivity attaining this goal depends on intensive mechanization of existing plants and construction of new, highly productive, industrial facilities. This result is unlikely of achievement without a substantial transfer of Soviet technical talent from military and space activities to productive economic work.

I find it significant that despite considerable differences in political-economic conditions, there are problems of economic depletion or limited economic growth in the United States and the Soviet Union that involve a common factor: long concentration of technical talent and capital on parasitic economic growth. That is the automatic penalty of priority to the arms race. Substantially improved economic conditions are the automatic reward for reversing the arms race.

NEW CONDITIONS OF DISARMAMENT

The development of nuclear overkill systems among the superpowers has led to qualitative and quantitative constraints on defining military "parity" or "equality". If such categories are not definable, then it is difficult to see how they can be used as a basis for a negotiated, parallel reversal of the arms race. At the same time it is incontestable that the further development of the arms race is militarily irrational, leads to heightened military insecurity and unacceptable economic penalties. Under these conditions a new approach is required to a disarmament process. I propose the following as a workable set of actions for disarmament under present conditions.

A. *Limited agreements.* This includes agreement among the superpowers, and hopefully others, for a complete test ban on nuclear warheads and delivery vehicles, agreement on no ABM systems, and agreements to terminate chemical and biological weapons.

B. *Disengagement and demilitarization agreements.* These include agreements for demilitarized zones as in Europe or the Middle East, and arrangements for disengagement of aerial and naval forces of the superpowers (agreed rules of navigation, minimum distances, etc.).

Agreements of the two sorts noted above do not touch centrally on the main course of the arms race. They are important, however, both in the substance that they deal with and for the political confidence that such agreements generate, within and among nations.

C. *Unilateral reduction of overkill and extra-defense forces.* By reduction of overkill forces I mean reduction to a level defined as follows: In the United States there are 150 cities with populations of 100,000 and over. A nuclear force for the U.S.S.R. is one that is capable of delivering 150 warheads to these places. Leaders of the United States who would not be constrained from nuclear military initiatives by the prospect of destruction of these 150 cities would be too insane to be constrained by anything.

In the U.S.S.R. there are 175 cities of population 100,000 or more. A strategic force level for the United States is one that is capable of directing nuclear warheads to those cities. Soviet leaders who would not be constrained from nuclear military initiatives by the prospect of destruction of these cities would be too insane to be constrained by anything.

The statistics for cities given above in the United States and the Soviet Union define, reciprocally, the size of nuclear forces in each case. The merit of this reasoning for defining a nuclear force is not altered by qualifications concerning weapons reliability, etc.

Once it is appreciated that military advantage in a nuclear arms race can no longer be defined and that "parity" at multiples of overkill cannot be defined, then it is indicated that initiative toward sharp reduction of nuclear overkill forces is deservedly done by unilateral action of each government and society. In each case the action is taken on grounds of improving the military and the economic security of the society in question.

Similar reasoning applies to the reduction of extra-defense conventional forces. Once it is appreciated that such forces, alone or with nuclear adjuncts, cannot provide a true shield for any society, then their residual function is that of plausibly guarding the boundaries of superpower states and contiguous allied territories. This assumes agreement to the proposition that the use of their own conventional military forces as instruments of political power extension by the superpowers involves them in the unacceptable risk of nuclear confrontation.

D. *Negotiated disarmament and peacekeeping.* As armed forces of the superpowers come down to the nuclear force levels and limited conventional forces as defined above, the technical and political conditions for negotiating disarmament and peacekeeping institutions will be transformed. On the technical side the number of nuclear weapons and delivery systems will have defined meaning, thereby rendering their further reduction negotiatble. Politically, the visible effort to put aside attempts to overwhelm the other nation militarily will create the necessary atmosphere for further reduction of both nuclear and conventional armed forces, and for the implementation of agreed peacekeeping arrangements.

It is worth stressing here that one of the important areas of unattended problems concerns the design and operation of international peacekeeping arrangements, and the formulation of a workable strategy for phasing these into operation.

SOME BARRIERS TO DISARMAMENT

The experience of the last decade has made me cautious about understating the political weight of military institutions and military-supporting ideology. I do have the judgment, however, that the self-imposed economic and other penalties of the arms race have become vividly evident in both the United States and the U.S.S.R. and that thoughtful men in both societies are prepared to reassess the conventional wisdom that has led our countries to seek security in the arms race. There is no alternative in my view to trying, deliberately, to overcome myths like the one that tells us that a military advantage is still obtainable if one tries hard enough. Thoughtful men in each society have the obligation to address the primitive fears and suspicions that have grown up over the last decades. It is necessary to show that, on the one hand, there is no way to succeed with the arms race for "success" means failure. On the other hand, it is necessary to persuade that the security of a society could be substantially improved by policies that reverse the arms race and apply vast resources to productive tasks.

The process of "demystifying" the arms race might be assisted by continuing demonstration of the process of "antagonistic cooperation" that has proceeded during the last decade. Military policymakers of the U.S. and U.S.S.R. have each reacted to actions by the other, making them into justifications for further steps in the arms race on their part.

In the United States, I can say with some confidence that one of the problems Americans face is overcoming the fears that many feel if we are not outdoing the Russians weapon-by-weapon and technology-by-technology. At a recent informal discussion that included a number of military men, I presented some of my ideas. Finally, one Air Force man rose to his feet and cried out: "We've gotton so accustomed to just reacting to the Russians that we have allowed ourselves to become too reactive. Why, if the Russians announced they were going to hell, in no time the Bureau of Mines would come up with a program . . ."—at which point the entire discussion dissolved in laughter.

Most likely the same story is appropriate the other way around as well. If the Americans announced they were going to hell, in no time the Soviet equivalent of the Bu-

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reau of Mines would also "come up with a program."

In sum, I judge that the main order of new action for reducing the military confrontation system between the United States and the U.S.S.R. is the unilateral reduction of military establishments by each government down to the level of sufficiency for effecting nuclear constraint and guarding the country.[8]

In the coming period the mark of courage of national leaders in the United States and the Soviet Union will be the readiness to tell the people the truth about the limits of military power and to recommend and implement the reversal of the arms race.

FOOTNOTES

[1] S. Melman, *The Peace Race,* Ballantine Books and Braziller, New York, 1961, Chapter 8.

[2] Institute for Strategic Studies, *The Military Balance 1970–71,* London, 1971, p. 89.

[3] *The World Almanac and Book of Facts, 1971,* Doubleday, New York, 1971, p. 406; *The Statesmen's Yearbook, Statistical and Historical Annual of the States of the World for the Year 1970–71,* edited by John Paxton, Macmillan, St. Martin's Press, New York, 1971, p. 1387.

[4] S. Melman, *Pentagon Capitalism*, McGraw-Hill, New York, 1970, Chapter 6.

[5] K. Hunt, *The Requirements of Military Technology in the 1970's,* Institute for Strategic Studies, London, 1967.

[6] S. Melman, *Our Depleted Society,* Holt, Rinehart and Winston, Dell Books, New York, 1965.

[7] Dispatch from Moscow by Theodore Shabad, *The New York Times,* October 3, 1971.

[8] S. Melman, "All the Muscle at One-Third the Cost," *Saturday Review,* New York, October 9, 1971.

OLDER AMERICANS ACT OF 1972

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. STEPHENS), is recognized for 10 minutes.

Mr. STEPHENS. Mr. Speaker, this is a special interest legislation and I am proud to admit it.

Enactment of this bill will provide an immediate, effective, precise response to the specialized housing and related needs of the low-moderate income elderly.

We would be naive to deny that even in our so-called classless society we do, in fact, have economic stratas—different income groups. This is as true of the elderly as it is of the general population.

Some of the more than 20 million older Americans can be characterized as "comfortable," affluent or just plain rich. Unfortunately, a much larger segment of our elderly population have very low incomes; at or below the poverty level. Then, we have all the older people in between.

The well-to-do elderly generally enjoy balanced investment portfolios and are thus insulated from inflation or deflation. This group, happily, needs no government help at all.

The very low-income elderly are eligible for low-rent public housing and various other forms of government assistance. We are very mindful of this group.

It is the in-between group, the low-moderate income elderly, who seem to have been almost forgotten. These are the people who have constituted the stable middle class element of our society; the backbone of America, the people who during their productive years paid into pension funds, educated their children and sent their sons to our wars. It is these middle class fixed income older citizens who have been most cruelly punished by inflation. Now when they are old and have no way to improve their economic situation, they find themselves, through no fault of their own, deprived of the decent housing, security, independence and dignity that they have rightfully earned.

The situation is particularly tragic for those who live alone because for many they are not living at all—merely existing. Some are virtually prisoners in their own deteriorating homes; fearful, insecure, starved for companionship and meaningful activity. Not infrequently, this loneliness and financial insecurity spawns malnutrition, premature aging, sickness, and death.

These fine, proud older Americans simply cannot compete in the private market for the housing and supportive services that their age and economic circumstances require. Worse yet, our primary vehicle for delivery of subsidized housing, section 236 of the housing statute, simply does not and cannot do the job.

Our bill will do the job; swiftly, efficiently and at minimal cost.

Mr. BLACKBURN of Georgia and I have for sometime found ourselves working on parallel paths, studying existing programs, evaluating new ideas and proposals, seeking a workable solution to the problem. We have concluded that new legislation, this legislation, is the answer.

I will be surprised if those responsible for administration of the section 236 program do not challenge my statement that the 236 program or its refurbished counterpart section 502 of the administration housing bill cannot adequately respond to the specialized needs of the elderly.

Fortunately, we have some impressively authoritative support for our contention that this kind of new legislation is essential.

For example, the President's Task Force on Aging, in its report published April 1970, made the following recommendation:

> Recommendation 16.
>
> Establishment of a Separate Identity for Federal Housing Programs for the Elderly.
>
> We recommend that the Department of Housing and Urban Development in administering Federal housing programs recognize the needs of the elderly for specialized housing arrangements by developing and using separate guidelines for the provision of such arrangements concerning design, funding, and operation.

Technical staff work which preceded the 1971 White House Conference on Aging included an in-depth detailed study and analysis of existing legislation and programs related to housing and supportive services for the elderly. This 120-page study-report, published in March 1971, included this forthright, unequivocal finding and recommendation:

> Certain obvious gaps in housing adequacy emerge . . . Among the major concerns is the broad question of commitment of resources at the Federal level to the needs of the elderly population, many of whom cannot be competitive in the general housing market for rental or sales housing.
>
> The above fact would lead to the conclusion that housing programs specifically identified and funded for the elderly population should be reestablished and the number of units increased. In addition, staff sensitive to the needs of the elderly are required to provide guidance on the special nature of these programs in HUD central, regional, and area offices."

Then, just this past December, the White House Conference on Aging, in clear terms recommended and urged new legislation in this area. Their findings and recommendations were the product of the collective wisdom, intelligence, experience, and goodwill of more than 3,000 delegates from across the Nation.

Enactment of this bill, the Older Americans Act of 1972, will effectively implement the most significant recommendations of the President's Task Force on Aging and the 1971 White House Conference on Aging concerning elderly housing and related programs.

The bill contains four major elements: First, it will allow the Secretary of Housing and Urban Development to make direct 3-percent loans to organizations designed to construct specialized housing facilities for the elderly. When the housing projects so funded become operational and 90-percent occupied, they will be eligible for refinancing by conversion to the interest assistance program, thereby immediately repaying Federal loan moneys to a revolving fund. A revolving fund of approximately $500 million would be initially created by refinancing of Federal housing loans already outstanding using interest assistance funds already appropriated for fiscal year 1972 and new appropriations of less than $20 million for fiscal year 1973. This housing program would provide approximately 35,000 units of specialized elderly housing during its first 2 years of operation.

The second part of the bill provides for direct 100-percent grants to nonprofit organizations and public bodies to build senior citizen centers, including senior centers built in conjunction with housing projects so as to provide outreach and supportive services to residents and nonresidents in the neighborhood and community.

The third program embodied in the bill provides that HUD may make either grants or loans to elderly persons living in their own homes to rehabilitate their homes to keep them in a decent, safe and sanitary condition. Qualifications for the grant or loan would be based upon inability to receive similar funding through private lending organizations. For those able to repay the money, they would be expected to do so and the interest rate would be 3 percent. However, for those whose incomes were insufficient to be able to repay the money, a direct grant would be made for the rehabilitation of their home, and the Secretary of HUD would have the first lien against the property when it was transferred due to death or sale.

Finally, the bill provides for a specialized organizational component within the Department of Housing and Urban Development led by an Administrator for Housing and Related programs for Older Americans. The Administrator would have responsibility for operating the elderly housing program, the senior citizen center program, and the loan and grant program for rehabilitation of owner-occupied housing. Additionally, the Administrator would have authority and responsibility for initiation and conduct of research programs concerning the health, physical, emotional and social aspects of all housing and related programs for the elderly; and the development and implementation of programs for training professional and semiprofessional staff personnel to improve the competency, efficiency, and sensitivity of the management of federally assisted housing projects and programs for the elderly would be within his jurisdiction. In short, he will synthesize all elements essential to a comprehensive and effective program.

We have heard from our constituents, the personal tragedies of individual cases, the mounting frustration and dispair of churchmen and others who have attempted unsuccessfully to employ existing, nonspecialized HUD programs, to help older people. We have studied the work product of the researcher, the scholar, the experts. It is extraordinarily rare when every view, every informed opinion, all recommendations merge, agree and coalesce into one. I genuinely believe that this bill does in fact represent the remarkable opportunity for the Congress to make law which will have the support and endorsement of every right-thinking person.

TRIBUTE TO THE HONORABLE FRANK T. BOW OF OHIO

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, we learned with deep regret a few days ago that our distinguished colleague, the gentleman from Ohio (Mr. BOW), has decided to retire at the end of his current term of office.

As his friend, a fellow Ohioan and a member of the Appropriations Committee to which he has rendered such outstanding service in the role of ranking minority member, I feel a great sense of loss.

It is not surprising that the same sentiments are shared by the people of his congressional district and have been expressed in the news media of that area. I would like to include with my remarks editorials on the subject of Mr. Bow's retirement from the Canton, Ohio, Repository and the Massillon, Ohio, Evening Independent. I should also like to include a copy of Mr. Bow's statement announcing his retirement, one of the most thoughtful and considerate statements I have ever read.

STATEMENT

It has been my honor and privilege to represent the 16th District of Ohio in the Congress for 22 years, longer than any other incumbent. I am thankful to those who have supported me in the past and have indicated they will do so in the future. A recent poll taken in the new district indicates I can be re-elected without serious opposition. The hour has arrived when I must decide whether to continue the difficult task involved in being the leader of my party's membership on the appropriations committee, or see someone else from our district start up the ladder of seniority.

We have many capable men, particularly in the Republican party, already schooled in the art of government, who would serve the district with competence and distinction.

I will be 71 years of age at the next election. It is well known I have suffered several heart attacks. Although my doctors tell me I am physically sound for my age, it is also true that two more years of the pressures of this office would not be without risk.

Mrs. Bow, who has been so loyal to me and to the district, deserves respite from the responsibility a Congressional wife must assume, usually without acknowledgment or thanks.

Therefore, after careful and prayerful consideration, I have made the decision that I will not be a candidate for re-election to the 93rd Congress.

I have had a loyal and competent staff. I would hope my successor would see fit to continue those who know the district and have served it well.

The President, my longtime friend, has asked me to continue. I regret I will not be with him to complete the program he has instituted, and which has been in the best interests of the nation. However, I shall be happy to serve where I can in a limited capacity.

I am deeply grateful for the privilege of serving in the House of Representatives and for the support and warm friendship of the people of this district. I have endeavored to justify in every way the faith they have expressed in me, and shall continue to serve in the same manner during the year ahead.

MR. REPUBLICAN TO RETIRE

The 16th Congressional District will have a new congressman, Frank T. Bow, of Canton, who has served the district faithfully for 22 years, announced Friday that he will not be a candidate for re-election. He will retire upon completion of his present term. And this opens the door for a new representative to the district.

Already standing in the doorway are State Sen. Ralph Regula of Navarre, who today announced that he would seek the nomination of the Republican party, and Virgil L. Musser, Massillon city solicitor, who will seek the Democratic nomination.

We have mixed feelings on Congressman's Bow's decision to retire. He has been a good congressman, otherwise he never could have been elected to 11 terms in office. He has represented the district well in Washington and through his efforts millions of dollars in federal funds have been secured and invested in projects and other programs in the district.

He has served with distinction and at the present time holds the all-important post of ranking minority member of the powerful house appropriations committee.

We have every reason to believe that Congressman Bow could have been elected to a 12th term in office had he chose to seek it, for he is just as attentive today to matters brought to his attention with requests for help from residents of the district as he was when he first took office. And because of his high position in congress, he is likely to get action quicker than perhaps some lesser known legislator.

But Congressman Bow is 71 years old, and though his health is good, he has been the victim of several heart attacks in recent years. There comes a time when reason and good judgment dictate a slowing down from the daily rigors of hard work and the congressman believes that this is the time for him. "While the doctors tell me I am physically strong for my age, it is also true that two more years of the pressures of this office would not be without risk," he said in announcing his decision.

So this is the other emotion of our mixed feelings: Congressman Bow is deserving of the less vigorous hours retirement will bring. He might have taken the step two years ago had not Republicans in high places begged him to stay on the job. It would be unkind and selfish not to accede to his wishes at this time and we hope that he and Mrs. Bow will have many happy hours in the less strenuous years ahead. She, too, deserves respite from the responsibilities a congressional wife must assume, "usually without thanks," as the congressman puts it.

It is significant that the first two men to announce themselves as candidates for Bow's seat are from western Stark county.

The Republican party is fortunate that it has a man of the stature of Ralph Regula ready and willing to make a bid for the office.

He is the first Republican to enter the race and will be a hard running candidate. He is respected by Republicans throughout the district and state because of his sincere and arduous work in the Ohio Statehouse. After five years on the Ohio Board of Education, he ran for state representative and was elected, then moved up to the state senate and is now serving his fifth year. He is one of Ohio's best known and most respected legislators. It is a good year for him to run since it is an off-election year for him, which means his seat in the Ohio senate is not in jeopardy.

Musser's bid for congress will be his third. He has twice carried the flag for the Democratic party in unsuccessful attempts to unseat Bow. While his experience in public office has been limited to that of city solicitor, he has been prominent in Democratic circles, having formerly served as president of the Ohio League of Young Democrats and two years as president of the Young Democratic Clubs of America.

We don't look for a flock of candidates entering the race in either party, though others have been mentioned in political circles—among them Stanley Cmich, Canton mayor, a Republican and Joseph Sommer, a Democrat, former county commissioner and now administrator of the Ohio Bureau of Workmen's Compensation in Columbus.

And so the political pot is now simmering. Future announcements may bring it to a boil.

REPRESENTATIVE BOW: FRIEND OF THE PEOPLE

Canton's Mr. Invincible on Capitol Hill has decided to clean off his desk at the end of the year and devote full attention to his most loyal supporter and wife, Caroline.

From a purely selfish standpoint, we regret the decision of Frank T. Bow to bypass another 16th District campaign but we understand and respect the wisdom of such a move made largely for reasons of health.

Mr. Bow has been a Republican watchdog in the U.S. House of Representatives for more than two decades. He has kept an eye on federal matters as well as always being sensitive to the best interest of his constituents.

When Canton officials have journeyed to Washington—whether to promote funds for housing, crime fighting or other important local projects—Rep. Bow always could be counted on to follow through. More times than not, he was successful.

As ranking Republican on the House Appropriations Committee, the Cantonian was operating from a position of strength on Capitol Hill which paid off time and again for his constituents.

Because of his leadership role made possible by seniority but achieved mainly through dedication and ability, he has been one of the most powerful congressmen ever to represent this district—certainly the most effective representative from this area in modern times. In the last three years his position has been further enhanced by the fact he has been a personal friend and trusted confidante of President Nixon.

Mr. Bow has been an outspoken legislator, knowledgeable in domestic affairs and foreign policy. He has been a vocal critic of waste.

But his constituents know him best, perhaps, in the area of one-to-one service. They may not know that he helped get the money for a hospital in India or rescued projects vital to Ohio, but they do know that he provided them assistance on individual problems when help was badly needed.

His staff operated under the rule that it was to give as much aid as possible on individual requests and Mr. Bow made himself available in numerous cases.

In return for this type of concerned service, his constituents returned Rep. Bow to office every time he asked them to do so.

That fact, in itself, says more about Rep. Frank T. Bow than could a mountain of words.

To the richly deserved titles of Mr. Republican, Mr. Invincible, and friend of the people, we must add Mr. Sincerity, Mr. Integrity and, as the President refers to him, Mr. Responsibility.

For 22 years, Frank T. Bow has served the 16th District of Ohio with a selfless dedication unparalleled in modern times. His vast knowledge of human sentiment and an inherent sense of fairplay coupled with the determined exercise of authority, have paid off time and again for his constituents. Frank Bow would best be described as a perfect statesman, eloquent in debate, immovable when he has made the right decision, and equally judicious when dealing with his subordinates as when conferring with the great powers of the world.

Whether it is when making decisions affecting millions of Americans or when thrilling a small boy, visiting Washington, by taking time to chat with him, Frank Bow always displays the same sincerity and modesty that has endeared him to so many.

He has been referred to as the watchdog of the Treasury and the holder of the Nation's purse strings. The responsibility with which he has fulfilled his duties as leader of the minority on the Appropriations Committee must be respected by all.

For the past 22 years, Frank Bow has been "the man you know" to the people of the 16th District of Ohio. The mutual respect and loyalty they hold has been unsurpassed in that area. And now that he is retiring, his constituents as well as the entire country will realize what a great man and true American Frank Bow is. It is true that a mountain of words could be said about Frank T. Bow, but then he is a mountain of a man.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I regret that I was absent on Judiciary Committee business when the House voted on H.R. 10086, a bill to increase the ceiling on appropriations and to make boundary changes for various national parks. Had I been present I would have voted "yes" on roll 12.

Unfortunately the bill did not apply to the Indiana Dunes National Park, which is seriously threatened by erosion and is desperately in need of immediate development if the natural beauty of the sand dunes is to be preserved.

I am hopeful that the necessary acquisitions can be made and the necessary funds provided for the development of the Indiana Dunes Park before it is too late.

SET A DATE

(Mrs. MINK asked and was given permsision to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the President on television revealed to the American people his peace proposals made in secret talks in Paris, to try to show that reasonable offers to end the war have been made by his administration.

Apparently, the President seeks to convince us that he can do nothing more and thereby prepare us for new enemy offensives, new American offensives and possibly new reintroduction of additional U.S. forces to "save the lives of our remaining men."

Under analysis, it should be obvious that at the core of his plan, Mr. Nixon still insists that the existing Thieu regime be protected as a condition for our withdrawal. He thus chooses the welfare of Thieu's government over the release of American prisoners of war.

Our only remaining purpose in Vietnam should be to secure the release of our prisoners, and then get out. We can do this by setting a fixed withdrawal date as Congress has urged the President to do.

For the benefit of my colleagues, I am inserting editorials and articles which support this analysis.

Our people have endured years of repeated promises and a rehash of old peace proposals, while the fighting in Vietnam continues and our prisoners are still held captive. This fact is inescapable and will remain so, further Presidential declarations notwithstanding.

The material follows:

[From the Washington Post, Feb. 2, 1972]

Vietnam: A Limited War for Limited Aims—II

We are not going to work our way out of the war in Vietnam—or out of the agony it has brought to the homefront—until we learn to talk about it in something less than absolute and, in an important sense, old-fashioned and irrelevant terms. This is the lesson once again underscored by the response to President Nixon's latest plan for peace—the response which says that to question the President's terms as too rigid amounts to a recommendation for "abject surrender," in the words of Senate Minority Leader Hugh Scott.

"Surrender"? To whom? With whom, when you get down to it, are we at war? Is "war" even the word for a struggle in which we have been engaged in various times, and at so many different levels of intensity—financial backer; military adviser; principal combatant; and now, running the reel backward, once again no more than a marginal participant? Wars, as this country has known them, are to be won or lost (in our case, won). But we have not declared war on North Vietnam and the most we ever could have hoped to "win" was prevention of South Vietnam's losing political control of its territory at the hands of a guerrilla insurgency. If the government in Saigon should lose control to the North Vietnamese some other way—by a failure of its own will even after a political settlement, by sheer fatigue on the part of the people, or by greed or corruption or sheer incompetence—would President Nixon nonetheless "become the first President in history to lose a war," as he was putting it to visitors not so very long ago.

The answer, it seems plain to us, is No: at this point, having expended over 50,000 lives and several billion dollars and ten years (or twenty if you wish to go back to our beginning efforts in Indochina), it is fair to say that we have done all that we could reasonably do for the South Vietnamese; that we have given them the time and the weapons and the money; and that the rest is up to their own will which nobody else can supply. To go on seeking to furnish what only they can furnish for themselves is to invite with certainty that specter—so abhorrent to the President—of a great nation reduced to the position of a "pitiful, helpless giant" unable to have its way, or make good its word, or bring its power to bear. We could have had our way with North Vietnam—but only at what was long ago judged to be an unacceptable risk of a confrontation with China or the Russians, and a far wider war. So we rejected the means of conventional war—invasion, occupation, subjugation, all the absolutes that have been common to past wars, including even Korea, where you could draw a line and call it a front, and work out a truce along it and agree on a cease-fire which was more or less enforceable. Anybody who thinks you can do that with any assurance of success in Vietnam has not been there.

And yet, having renounced conventional means, we continue to talk and to think in terms of conventional ends, and about "losing" a war that was never ours to lose. We continue to forget that we began with a gesture of economic support for South Vietnam under President Eisenhower, when we thought economic aid would do the trick. When it didn't, we moved to military aid (also under Mr. Eisenhower), and when that wasn't enough we brought in military advisers (in the Kennedy administration) and then authorized them to go out on military operations and to shoot, and that didn't turn the tide either. So it was that under President Johnson we moved combat units into battle and began the bombing and vastly expanded our efforts on the theory that a "graduated response," like a thumbscrew, would soon become unbearable to Hanoi. Only it didn't; instead it became unbearable at home and that was when we "surrendered" in the sense that we abandoned the thumbscrew in March, 1968, by holding back the next increment of American troops and, in the name of Vietnamization, began a steady withdrawal from the war. This withdrawal had only something to do with the course of the war on the ground in Vietnam and a lot more to do with the state of mind at home; the former could be rationalized while the latter was an inescapable fact.

In short, we abandoned even the strictly limited and unconventional means we had been employing—and still continued to hold out the hope of conventional and comfortable ends. So it is that in 1972 we continue to talk about honoring our "commitments" without bothering to define them in realistic terms; to cry "shame" at the thought of an inconclusive or even adverse outcome; to shout "surrender" at those who suggest that there are limits upon what you can do when you are progressively limiting the means you are prepared to employ in order to do it. As Mr. Charles W. Yost writes elsewhere on this page today, "it is far too late for the United States to play a decisive role either in propping up the Saigon government or in changing it," and we would agree. "Decisive," however, is the critical word. For once we have accepted the principle of the limits upon us, there are still things this country can do—and still things in the way of disengagement that it cannot do abruptly or irresponsibly—in the interest of trying to influence the outcome of the struggle in Vietnam as best it can, and these will be the subject of another editorial.

[From the Washington Post, Feb. 2, 1972]

United States Is Late Again With Vietnam Concessions, But It's Not Too Late To Make a Deal for the POW's

(By Charles W. Yost)

Among the many tragic aspects of United States involvement in Vietman, two particularly stand out at this moment when the administration has revealed its latest "peace proposal." The first is that seven years after the massive involvement which most Americans now believe was an appalling mistake, the administration is still determined to win the war, even while leaving it. The second is that concessions on our part necessary for a negotiated settlement have always come much too late.

There was a time, some years ago, when a plan similar to the one now offered by the administration might have succeeded in ending the war. In 1968 I prepared for a private organization a plan for a Vietnam settlement which contained most of the elements of the latest United States proposal. This plan was submitted to the incoming administration in December, 1968. It is most gratifying to find that it has been in large part adopted nearly four years later.

There are, however, two significant differences between the two plans. The first is in timing. At the beginning of 1969, the United States had more than half a million troops in Vietnam, and Hanoi might possibly have been willing to pay a high price to get them out quickly. By the summer of 1972, the United States forces will presumably be down to about 30,000; our leverage is already vastly less; and the price we could now exact for what we have to offer would be a small one.

The second significant difference—this one substantive—between my plan of 1968 and the administration's of 1971 was that I suggested that new elections be conducted, not by "an independent body representing all political forces in South Vietnam," but by a neutral interim government having that representative character.

Such an interim arrangement might possibly have been saleable to both sides in 1969 if the United States had pressed hard enough. It is not now, because we have long since passed decision-making from ourselves to Thieu.

The administration proposal leaves Thieu's authority essentially intact, and from Hanoi's point of view, this is a fatal defect. While the plan provides for the resignation of President Thieu and his vice president one month before the election takes place, and for the "independent" election supervision, it otherwise leaves the entire apparatus of government, executive and legislative, national and local, police and military, in the hands of the present regime.

This is the apparatus that would in fact, whatever else might be stipulated, "run" the elections. Under those circumstances the result would be a foregoing conclusion. The fact that President Thieu has cheerfully accepted this program suggests that he is not worried about its outcome.

Naturally every American would be delighted if Hanoi would accept the administration's latest "peace proposal." We would however, be deluding ourselves enormously—for about the hundredth time in the Vietnam war—if we really expected that they would.

So far Hanoi's rejection seems unequivocal. The official Chinese press agency has characterized it as a "plan for persisting in the war of aggression against Vietnam and Indochina." That does not sound hopeful.

To be quite frank, there never was any sound reason for believing that Hanoi would accept at this late date a cease-fire and political "settlement" which would be almost certain to confirm the Thieu regime in office.

The idea of a cease-fire is particularly chimerical. For many years the previous administration and this one have been pursuing this particular will-o-the-wisp. It was always entirely clear that the North Vietnamese would never agree to a cease-fire of any significant duration as long as United States or South Vietnamese forces held the populated centers in the south. To do so would have been to admit that they had lost the war, which they have not been and are not willing to do.

One cannot help but wonder, therefore, whether this latest proposal, like all the similar ploys of the Johnson administration, was not put forward, and spiced by the exciting, bustling back and forth to secret meetings, chiefly in order to persuade the American electorate that its government has "gone the last mile for peace"—while it continues to wage the war.

As cynics have noted, the rejection of this "peace proposal" and the anticipated launching of new offensives by Hanoi could easily be used as pretexts for more United States bombing and hence more, not less, United States involvement.

The only way quickly to end United States participation in the war is the one repeatedly proposed by majorities in the Congress—to offer a firm and early date for total United States withdrawal in exchange only for the simultaneous release of our prisoners.

The future of Vietnam will eventually be settled between the two Vietnamese governments, either by negotiating or by continued fighting. It is far too late for the United States to play a decisive role either in propping up the Saigon government or in changing it. Vietnamese politics is no longer our business. That should be the ultimate meaning of "Vietnamization."

It is not too late, however, for us to make a deal for the release of our prisoners. After all, they are of no use to Hanoi except as leverage for bargaining the United States out.

Once Hanoi is convinced the United States is going out completely, out of Vietnamese politics as well as out of the war, a deal on prisoners should still be possible. But the longer we wait, the more we pretend to pursue phantom "peace proposals," the less and less our leverage for the release of our prisoners will become.

[From the Washington Post, Feb. 1, 1972]

After a Long, Inconclusive War—A Non-Communist South Vietnam Cannot Be Guaranteed

(By Chalmers M. Roberts)

In 1962 in Hanoi, Pham Van Dong remarked to French journalist Bernard Fall that "Americans do not like long, inconclusive wars and this is going to be a long, inconclusive war. Thus we are sure to win in the end." A decade and three Presidents later it is still an inconclusive war. And Pham Van Dong is still the North Vietnamese Premier.

During that same visit to Hanoi Ho Chi Minh told Fall that "it took us eight years of bitter fighting to defeat you French in Indochina . . The Americans are much stronger than the French, though they know us less well. It may perhaps take 10 years to do it . . ." Ho is dead but clearly his spirit, and his aim, live on.

It seems to me that Americans today must keep such remarks as these in mind as they assess the disclosures by President Nixon of Henry Kissinger's secret negotiations with the North Vietnamese and the peace proposals put to Hanoi. We suffer from a baseball syndrome; we want to see the final score and then go home to dinner. The North Vietnamese don't think that way; to them there is no final out until their side has won.

There is an aphorism from the American side that can be applied to the current situation in Indochina. In 1954 when he returned to Washington from the Geneva Conference that decreed the "temporary" division of Vietnam, Undersecretary of State Walter Bedell Smith remarked that "it will be well to remember that diplomacy has rarely been able to gain at the conference table what cannot be gained or held on the battlefield."

In truth, neither side has prevailed on the battlefield. And there is stalemate at the conference table. The American eight-point peace plan, in sum, must seem to Hanoi to be a proposal for surrendering their victory aim. The North Vietnamese nine-point plan, judging from Kissinger's description of it since it has yet to be published, in sum, seems to Washington to be a proposal for surrendering South Vietnam to the control of the Communists.

There are, as the Nixon administration contends, some new elements in the American proposals. But the sum of it is that Hanoi must take its chances on an election in the South in which the Vietcong or National Liberation Front would compete. It is probable that the Communists would end up as a minority; they know that and so do Messrs. Nixon and Kissinger. I have never thought the Communists would participate in an election except as a mechanism to confirm a deal already set that would give them key Cabinet and other posts in a Saigon regime. Wide-open, nation-wide elections as the West knows them are both abhorrent to Communist regimes and foreign to the Vietnamese, North and South, as a technique for distributing power. Past elections in the South have been more of a charade than a reality—the result of Americanization of that part of Vietnam—despite all the trumpeting in Washington about them.

Kissinger said that the North Vietnamese told him that there could be no solution that did not include a political element and that they asked the United States for "an indirect overthrow" of the Saigon government; in short, that the United States cooperate in turning over South Vietnam to the Communists. A perusal of Hanoi's public statements supports that reading; presumably the nine-point program, once we see the text, will too.

President Nixon is not prepared to do so, any more than was President Johnson of whom the same thing was asked. It is illuminating that, according to Hanoi's spokesman in Paris, Kissinger remarked at the secret talks that "you must not nourish the illusion that we can settle the problem of the war only because of the question of the prisoners of war." Secretary of State Rogers some months ago publicly said substantially the same thing. In effect, both were saying that Mr. Nixon will not make a deal to turn the South over to the Communists simply to get back the POWs.

Now it is being said that Mr. Nixon has made a "generous" offer. But Hanoi does not want just a chance to win in the South; it wants a certainty. Mr. Nixon is willing to give Hanoi at least some chance but not anything like a certainty. And from what has been reported from Saigon one can imagine that President Thieu's agreement to resign before a new election is based either on his belief that the procedure offers him a near certainty or his estimate that Hanoi will not accept anything less than near certainty for its side and therefore that there is not going to be any such election.

Where does this leave us? With the likelihood of a continuing inconclusive war, with a continuation of the withdrawal of American forces but with the probability of a residual force remaining in the South at election time next November plus the certainty that American planes will stay in adjacent areas outside Indochina. This is not, of course, absolutely certain for Mr. Nixon before election day could dramatically pull out the last man. But how would he square that with past declarations that some forces will remain until the prisoners are released?

The POWs are hostages and hostages not just for complete American withdrawal but for a political settlement favorable to Hanoi. There are conceivable ways to reach that kind of a settlement such as a deal, confirmed by a sham election, to replace the Thieu regime with some form of coalition giving the Communists real power in Saigon and the strong expectation of eventual total power. But that deal is not likely one to be made by Mr. Nixon. If it is made it will be made by anti-Thieu South Vietnamese who manage by coup or otherwise to displace him and probably only when they are sure Washington is powerless to prevent such a deal.

The truth of the matter is that the United States, despite the vast expenditure of blood and treasure, has failed to guarantee the survival of a non-Communist South Vietnam. If the Nixon administration, or its successor, is determined, as Kissinger put it, to end the division at home over the war it can only pull out completely, hope Hanoi then will release the POWs and leave it to Saigon and Hanoi to settle the political issue.

[From the Washington Evening Star, Feb. 1, 1972]

TEXT OF SECRET PROPOSALS RELEASED BY NORTH VIETNAM

PARIS.—Following is the text of the nine-point "peace initiative" which North Vietnamese officials presented to Dr. Henry A. Kissinger, President Nixon's adviser for national security affairs, at a secret meeting in Paris last June 26:

1. The withdrawal of the totality of U.S. forces and those of other foreign countries in the U.S. camp from South Vietnam and other Indochinese countries should be completed within 1971.

2. The release of all military men and civilians captured in the war should be carried out parallelly and completely at the same time with the troop withdrawal mentioned in Point 1.

3. In South Vietnam, the United States should stop supporting Thieu-Ky-Khiem so that there may be set up in Saigon a new administration standing for peace, independence, neutrality and democracy. The provisional revolutionary government of the Republic of South Vietnam will enter into talks with that administration to settle all internal affairs of South Vietnam and to achieve national concord.

4. The U.S. government must bear full responsibility for the damages caused by the United States to the people of the whole of Vietnam. The government of the Democratic Republic of Vietnam and the provisional revolutionary government of the Republic of South Vietnam demand that the U.S. government reparations for the damages caused by the United States in the two zones of Vietnam.

5. The United States should respect the 1954 Geneva agreements on Indochina and those of 1962 on Laos. It should stop its aggression and intervention in the Indochina countries and let their peoples settle by themselves their own affairs.

6. The problems existing among the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs. As far as it is concerned, the Democratic Republic of Vietnam is prepared to join in resolving such problems.

7. All the parties should achieve a cease-fire after the signing of the agreements on the above-mentioned problems.

8. There should be an international supervision.

9. There should be an international guarantee for the fundamental national rights of the Indochinese peoples, the neutrality of South Vietnam, Laos, and Cambodia and lasting peace in this region.

The above points form an integrated whole.

[From the Washington Evening Star, Feb. 1, 1972]

COMPARISON OF POINTS

American 1. Total withdrawal from South Vietnam of all U.S. forces and other foreign forces allied with the government of South Vietnam within six month of an agreement.

North Vietnamese 1. Withdrawal of totality of U.S. forces and those of other foreign countries in U.S. camp from South Vietnam and other Indochinese countries should be completed within 1971.

American 2. Release of all military men and innocent civilians captured throughout Indochina carried out parallel with troop withdrawals. Both sides present complete list of those held throughout Indochina on day agreement is signed.

North Vietnamese 2. Release of all military men and civilians captured in the war carried out parallel with troop withdrawal.

(The North Vietnamese points 3 and 4 cover basically the same ground as American point 3 and are combined for comparison.)

American 3. Political future of South Vietnam will be left for South Vietnamese people to decide, free from outside interference, in a free and democratic presidential election within six months of an agreement. The election will be run by an independent body representing all political forces in South Vietnam, will be under international supervision and will be open to all political forces in South Vietnam. The incumbent president and vice president of South Vietnam resign one month before the election, with the chairman of the Senate assuming administrative caretaker responsibilities except those pertaining to election. The United States will remain completely neutral, abide by the election's outcome and define its military and economic assistance relationship with any government that emerges.

Both sides agree that South Vietnam and other Indochina countries adopt a foreign policy consistent with the military provisions of the 1954 Geneva accords and that North and South Vietnam should discuss and decide reunification of Vietnam without constraint and annexation from either party and without foreign interference.

North Vietnamese 3 and 4. In South Vietnam, the United States should stop supporting Thieu-Ky-Khiem so that there may be set up in Saigon a new administration standing for peace, independence, neutrality and democracy. The provisional revolutionary government of the Republic of South Vietnam will enter into talks with that administration to settle all internal affairs of South Vietnam and to achieve national concord.

The U.S. government must bear full responsibility for damages it causes to people of the whole Vietnam. U.S. payment of reparations is demanded.

American 4. Both sides will respect the 1954 Geneva agreements on Indochina and those of 1962 on Laos. There will be no foreign intervention in the Indochinese countries and the Indochinese people will be left to settle their own affairs by themselevs.

North Vietnamese 5. The United States should respect the 1954 Geneva agreements on Indochina and those of 1962 on Laos. It should stop its aggression and intervention in the Indochina countries and let their peoples settle by themselves their own affairs.

American 5. Problems existing among Indochinese countries will be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, territorial integrity and noninterference in each other's affairs. Among the problems that will be settled is the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

North Vietnamese 6. Problems existing among the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, and territorial integrity, and noninterference in each other's internal affairs. As far as it is concerned, the Democratic Republic of Vietnam is prepared to join in resolving such problems.

American 6. There will be a general cease-fire throughout Indochina, to begin when the agreement is signed. As part of the cease-fire, there will be no further infiltration of outside forces into any of the countries of Indochina.

North Vietnamese 7. All the parties should achieve a cease-fire after the signing of the agreements on the above-mentioned problems.

American 7. There will be international supervision of the military aspects of this agreement, including the cease-fire and its provisions, the release of prisoners of war and innocent civilians, the withdrawal of outside forces from Indochina, and the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

North Vietnamese 8. There should be an international supervision.

American 8. There will be an international guarantee for the fundamental national rights of the Indochinese peoples, the status of all the countries in Indochina, and lasting peace in this region.

Both sides express their willingness to participate in an international conference for this and their appropriate purposes.

North Vietnamese 9. There should be an international guarantee for the fundamental national rights of the Indochinese peoples, the neutrality of South Vietnam, Laos and Cambodia and lasting peace in the region.

The above points form an integrated whole.

CALLING FOR THE RECOGNITION OF BANGLADESH BY THE UNITED STATES

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I have introduced a bill calling upon our Government to recognize the Government of Bangladesh.

Bangladesh is a reality. The people of Bangladesh displayed the inimitable will of humanity to seek freedom regardless of the cost or the overwhelming odds against achieving that goal. No force on earth has been able to dissuade these people that they must any longer submit to the cruel, unfeeling rule of others. They have attained their freedom. Bangladesh is a reality. It is a political, spiritual entity unto itself—and it will remain so. This undauntable spirit of freedom is reason enough for the speedy diplomatic recognition of Bangladesh by the United States.

Even exclusive of our admiration for their remarkable demonstration of the indestructible free human spirit, there are any number of reasons for early diplomatic recognition. We have never had any disagreement with the people or political leaders of Bangladesh. They have never been our foes in battle or in international diplomacy. They have not been unfriendly in thought or deed toward the United States. If we have official disagreements with any country on the subcontinent, and we should not, we have no basis for unfriendliness or refusal to recognize Bangladesh.

Neither can we take issue with the political structure under which Bangladesh intends to rule itself. In fact, the free and overwhelming election of its leaders by the people precipitated the horrors visited on that country. The newly formed government intends to continue to choose its leaders according to the will of the people. If we desire to see more democracies in the world, let us recognize and support those who seek to govern by democracy.

We have been told the present administration seeks to revise our foreign policy posture, that we cannot respond ably in today's world with yesterday's antiquated ideology, and that we intend to view the world as it exists. We are on the verge of recognizing the People's Republic of China, which we have been prone to see as an enemy, after more than 20 years of officially blinding ourselves to the reality of its political existence. If the administration does indeed intend to recognize the realities of the world, it might well begin by speedy recognition of Bangladesh.

And we need not fear that we will be the first country to accord Bangladesh the diplomatic dignity it has earned at such a dear cost. Twenty countries have already recognized it, including Australia, New Zealand, Yugoslavia, Russia, and Great Britain. Several other countries are also on the verge of extending formal recognition. Let us not be one of the last.

We have already suffered great losses of prestige on the subcontinent and throughout the world by our incomprehensible official posture throughout this tormenting situation. We erred in siding with West Pakistan; we erred in continuing to supply arms to the oppressors; we erred in castigating India for difficulties not of their making; we erred in siding with oppression over humanity. We have been proven wrong every step of the way, and the world knows it. I hope the administration will not further compound its errors.

Our goal on the subcontinent should be to help restore some semblance of normalcy as quickly as possible. We must take whatever steps are necessary to relieve the enormous amount of human suffering—the starvation, the wrecked villages and homes, the displaced millions who were forced to flee to India. These are humanitarian goals which can be aided immensely by speedy diplomatic recognition of Bangladesh. Politics should not be allowed to impede our response to these cries of human anguish. Mr. Speaker, I urge the House to give early and favorable consideration to my bill to demonstrate to the administration and the world that we in Congress are vitally concerned about the plight of Bangladesh and wish to see it formally recognized by the U.S. Government.

OH, TO BE A STAGEHAND AT KENNEDY CENTER

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the disclosure by the New York Times this past Monday that stagehands at the John F. Kennedy Center for the Performing Arts make as much as $1,500 per week illuminates why Center officials want Congress to appropriate $1,500,000 for an annual maintenance fund.

The Center was originally "sold" to the Congress as an edifice that would be largely built by public contributions with a relatively small share to come out of the taxpayers' pockets. Subsequently, the Congress was asked and consented to two huge construction appropriations. An additional $6 million remains in dispute and I have little doubt that we will be asked also to make that good from the Treasury.

The original premise was that operationally the Center might be self-sufficient. Of course, we were told as a backward nation culturally we owed something to the arts and humanities and maybe, just maybe, the Center might run an operating deficit. Well, as one who appreciates music and the theater, and even opera on occasion, I felt sympathetic. I even understand and agree with special rates for students and some subsidy for patrons who cannot afford $10 seats.

Now, perhaps in an effort to partially disguise obvious operating deficits, the Center has come up with the proposition that its budgets should be considered on two levels: One for the operation of the three theaters; and the second as a tourist attraction for visitors. It is for this latter purpose, says the Center, that it requires $1,500,000 for annual maintenance costs. The effort is to place it in the same category with the Washington Monument or the Lincoln Memorial as a tourist attraction and to patronize its privately operated restaurants.

If that is the true objective, let us turn the Center over to the National Park Service to operate. I am sure they can do it for less money and far more efficiently.

Of course, I think this double budget proposal is a sham, a clever device designed to bamboozle Members of Congress. Mr. Roger Stevens and his staff must realize that the sanity must be questioned of whoever signed a labor contract that permit stagehands to earn $78,000 a year, even if they work 15 hours a day. I know Members of this body who work 16 hours a day and also work Saturdays and Sundays who do not get time and a half or double time and who do not make that kind of money. Moreover, they take abuse and frustration from all sides; just let Mr. Stevens tell one of his stagehands what he should do and Mr. Stevens will be told what he can do with his instructions and where he can go.

Seriously, Mr. Speaker, a contract that permits this kind of fleecing of the public is unconscionable. It ought to be canceled and revised before any official of the Center has the temerity to appear before Congress again.

I include in the RECORD the New York Times article of February 1, 1972, as part of my remarks:

STAGEHANDS AT KENNEDY CENTER SAID TO EARN UP TO $1,500 A WEEK

(By Christopher Lydon)

WASHINGTON, January 31.—Stagehands at the Kennedy Center are making as much as $1,500 a week under a union contract—apparently the richest in the American theater—that has become the management's biggest embarrassment and headache.

For 125 members of the International Association of Theatrical and Stage Employes, there are at last four factors that make for a bonanza:

1. Hourly rates that are the highest, on average, in the country: $7.70 for the head electrician, carpenter and property man in each of three theaters, down to a minimum $6.60 for their subordinates. The comparable hourly wages in Los Angeles are $6.25 and $4.35. On Broadway department heads get $8.65 an hour, but their more numerous assistants get $5.85, or 75 cents less than their counterparts here.

2. A rule requiring four hours of pay for each assignment or "call." At the Kennedy Center—particularly in the frantically busy, multipurpose concert Hall—there may easily be four or five calls a day. Stagehands get a full four hours of pay for each of the first two calls and time and a half, or six hours of pay, for each one thereafter.

3. A minimum complement of three department heads during each use of each theater and a "fly man" to handle scenery in the Opera House and Eisenhower Theater.

4. An apparent shortage of stagehands to work Washington's booming schedule of performing arts, so that by midweek the available help has clocked its 40 hours and continues at time and a half or double time.

UNION AGENT SILENT

William Bennett, the stagehands' business agent here for more than 30 years, does not discuss his contracts with outsiders.

As a reporter introduced himself last week, Mr. Bennett proffered his calling card and alerted the German shepherd that guards his office on New York Avenue.

"I hope I can do you a favor some day," said Mr. Barrett, smiling cordially. "I know why you're here, but I have nothing to tell you."

Kennedy Center officials, who say paychecks in the neighborhood of $1,000 a week are commonplace, offer this example of how paychecks get fattened up:

The day's first assignment in the Concert Hall, a four-hour call to set up the platforms and chairs on stage for the National Symphony Orchestra, might start at 9 A.M. and be completed by 10:30 A.M. Another four-hour call for heads of the three stage-hands departments might be for a one-hour Children's concert at midmorning. At noon there could be a third call for a two-hour National Symphony rehearsal, and at 2:30 P.M. there could be a fourth to rehearse the next day's jazz show for an hour and a half. In the evening, of course, there is a separate call for the National Symphony's concert, which lasts perhaps two hours.

At the end of a day that had spanned 13 hours and included eight hours work, each department head would have had five calls—three at overtime—and would have been paid over $200, and more if he had already worked 40 hours that week before the day began.

All Sunday work is paid at time and a half unless, as is usually the case, stagehands are already on overtime by Sunday. The Sunday rate then goes to double time.

SHIFTS ARE OVERLAPPING

The fact that three theaters are clustered together in the single Kennedy Center works to the stagehands advantage in the overlapping calculation of overtime.

A man who puts in 40 hours during the week in the Concert Hall starts any weekend work in the Opera House at time and a half, even though he is working in a different theater for a different producer on a different show.

Thus the local sponsors of the Ballet Folklorico of Mexico last weekend had to pay 16 stagehands time and a half and double time for moving the show in and out of the center for an unprofitable two performances.

The stagehands negotiated their contract only weeks before the Kennedy Center's September opening, when tickets to performances had already been sold. They were in a strong bargaining position at the start and appear to have pressed their advantage.

One afternoon during the American Ballet Theater's first visit in September, for example, as stagehands worked on the lighting, dancers came onstage for a workout. The union insisted on being paid for a rehearsal, charging the Kennedy Center for eight hours lighting and a four-hour rehearsal call, at overtime.

In New York, the American Ballet theater dancers are allowed to use the City Center stage while stagehands are out to lunch. But at the Kennedy Center, stagehands returning from lunch found dancers on stage and billed the center for another four-hour call.

There have been other fights about what constitutes a rehearsal, but the union alway seems to win. Last October, when Garay Graffman, the piano soloist, walked onstage before a concert with the National Symphony, ran his fingers up and down the piano, the union promptly billed for the services of three department heads at a full four-hour rehearsal call. The Kennedy Center protested but paid.

Patrick Hayes, managing director of the Washington Performing Arts Society, speaks hopefully of a new contract in which rehearsals would be redefined to exclude warm-ups and the calculation of overtime hours could not overlap from one show to another.

But Roger L. Stevens, chairman of the center, says, he is probably stuck with the contract, though he wishes he never signed it. The stagehands contract has clearly cut the occasional profits and increased the typical losses on Kennedy Center shows, but there is no evidence that it has driven attractions away.

SPACE SHUTTLE

(Mr. BOB WILSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOB WILSON. Mr. Speaker, my remarks will be very brief and are designed to express my complete support for the newly announced program for the space shuttle. While I cannot say that I have found a complete and persuasive logic in some of the programs that we have been called upon to consider in the Congress, I find here, in the space shuttle program, a step that is simplicity itself as far as where we go next in the important work of space study and exploration.

For something like 2 years a task force has been studying to discover what is the next thing we should do in the space program. The people engaged in this study are experts, and I am not an expert. But from what I know of our past Saturn-Apollo program and from what I have learned about the new plans for a space shuttle I will say that the task force had done an outstanding job. This year, 1972, will see the end of our series of manned flights to the moon. The flights already taken and the two that yet remain will have accomplished what this country set out to do some 10 years ago, and accomplished it in the most dramatic and satisfying fashion. These flights were the beginning and from them we have learned, as the task force has now enunciated for us, what our next step should be. The step that they have chosen and the plans that they have outlined add up, to my mind, to both scientific and commonsense.

There will be controversy; controversy here in the Congress and controversy among the people of the country over this program. There will be those who state that all that man needs to know about space can be discovered with instrumented vehicles, that there is no need for man himself to travel in space. I have not the slightest doubt that very much of what we need to know can indeed be found out in very effective fashion with instrumented vehicles. Indeed this has already been well established by our programs so far. I do feel, however, that until optics are developed that embrace and are coupled with the ability to make judgments, until computers are devised that approximize the thinking processes of the human brain, it will be necessary that man himself observe, ponder, and make human judgments about what he is seeing and experiencing.

I draw an analogy, perhaps it is too simple a one, between a space program involving only encapsulated instruments speeding around the earth and a military program of defense that would contemplate only missiles. It may be a measure of the conservatism of my thoughts on such matters that leads me to say that there is a certain sterility, a certain implicit limitation, to a defense program that did not contemplate a mix of missiles and of manned aircraft. I have a fundamental belief in the need for man as a direct participant in our defense and in our space efforts. Much of the work in space will be done through pure instrumentation; undoubtedly some of it can be done very much better this way. But, as in the case of our defensive and offensive systems, I personally will continue to hold the view and, to the extent that I am able, to insist that man, whether in a bomber or in a space vehicle, be a part of the program.

This program of the space shuttle will go forward. The questions that will be raised will also be answered. It is my sincere hope that I will find throughout the membership of Congress a substantial reflection of the kind of approach that I have enunciated toward the space shuttle program. I feel quite certain that this will be so.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS) and to revise and extend their remarks and include extraneous matter:)

Mr. VEYSEY, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. ROBISON of New York, for 5 minutes, today.

The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. MCKAY, for 5 minutes, today.

Mr. MURPHY of Illinois, for 5 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, today.

Mrs. ABZUG, for 5 minutes, today.

Mr. STEPHENS, for 10 minutes, today.

Mr. BOGGS, for 5 minutes, today.

Mr. UDALL, for 60 minutes, on February 23.

Mr. FLOOD, for 60 minutes, on February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR, to revise and extend his remarks immediately preceding the vote on the amendment offered by Mr. TEAGUE of Texas today.

Mr. MCCLORY to extend his remarks prior to vote on Teague of Texas amendment.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. SPRINGER.
Mr. DERWINSKI in two instances.
Mr. HEINZ in 10 instances.
Mr. WYMAN in two instances.
Mr. ARENDS.
Mr. BROTZMAN.
Mr. BELCHER.
Mr. COLLINS of Texas in three instances.
Mr. ZWACH.
Mr. HOSMER in two instances.
Mr. BOB WILSON in two instances.
Mr. DUNCAN.
Mr. HAMMERSCHMIDT.
Mr. DU PONT.
Mr. ROBISON of New York.
Mr. SCHWENGEL.
Mr. ANDERSON of Illinois.
Mr. MCCLURE in two instances.
Mr. MICHEL in six instances.
Mr. CÓRDOVA.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. CAREY of New York.
Mr. HARRINGTON.
Mr. LONG of Maryland.
Mr. BIAGGI in five instances.
Mr. HAMILTON in four instances.
Mr. ANNUNZIO in two instances.
Mr. OBEY in four instances.
Mr. DOW.
Mr. RARICK in three instances.
Mr. GONZALEZ.
Mr. PREYER of North Carolina.
Mr. MURPHY of Illinois.
Mr. BRINKLEY.
Mr. RANGEL.
Mr. CABELL in two instances.
Mr. BINGHAM in three instances.
Mr. BURKE of Massachusetts in two instances.
Mr. BLATNIK.
Mr. EVINS of Tennessee.
Mr. BOGGS.
Mr. METCALFE in two instances.
Mr. MORGAN in two instances.
Mr. ROY in three instances.
Mr. MURPHY of New York.

Mr. RONCALIO in five instances.
Mr. SIKES.
Mr. ST GERMAIN.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, February 7, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1545. A letter from the Administrator of Veterans' Affairs, transmitting the Annual Report of the Veterans' Administration for Fiscal Year 1971, pursuant to 38 U.S.C. 214 (H. Doc. No. 92-208); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

1546. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff on December 31, 1971, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1547. A letter from the Secretary of the Army, transmitting the annual report for calendar year 1971 on the progress of the Army Reserve Officers' Training Corps flight instruction program, pursuant to 10 U.S.C. 2110; to the Committee on Armed Services.

1548. A letter from the Secretary of the Navy, transmitting the annual report for fiscal year 1971 on the progress of the Naval Reserve Officers' Training Corps flight instruction program, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

1549. A letter from the Secretary of the Air Force, transmitting the semiannual report of the Department of the Air Force on experimental, development, test, and research procurement action, covering the period ended December 31, 1971, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1550. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended December 31, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1551. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting an errata sheet for inclusion in the report of the 1971 quadrennial review of military compensation required by 37 U.S.C. 1008(b); to the Committee on Armed Services.

1552. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to donate a surplus 45-ton Porter model BB-04 diesel locomotive to the Charleston, S.C., chapter of the National Railway Historical Society, pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

1553. A letter from the Chairman, District of Columbia Armory Board, transmitting the annual reports and financial statements for fiscal year 1971 of the District of Columbia National Guard Armory and the Robert F. Kennedy Memorial Stadium, pursuant to Public Laws 80-605 and 85-300; to the Committee on the District of Columbia.

1554. A letter from the Secretary of the Interior, transmitting the annual report for 1970 on the administration of the Federal Metal and Nonmetallic Mine Safety Act; to the Committee on Education and Labor.

1555. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psycotropic substances; to the Committee on Interstate and Foreign Commerce.

1556. A letter from the Secretary of Transportation, transmitting the first annual report on the activities of the Department of Transportation under the Emergency Rail Services Act of 1970, together with an elevation of the financial condition of the railroads which have outstanding certificates guaranteed under the act, pursuant to section 10 of the act; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

1557. A letter from the Comptroller General of the United States, transmitting a report on problems in the Khmer Republic (Cambodia) concerning war victims, civilian health, and war-related casualties; to the Commission on Government Operations.

1558. A letter from the Comptroller General of the United States, transmitting a report on the economies available by better selection of office copiers by Federal agencies, General Services Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDIE: Committee on Post Office and Civil Service. S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child (Rept. No. 92-811). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 12741. A bill to extend the Federal Water Pollution Control Act through June 30, 1972 (Rept. No. 92-812). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12143. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge (Rept. No. 92-813). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 12910. A bill to provide for a temporary increase in the public debt limit (Rept. 92-814). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 12905. A bill to amend title III of the act of March 3, 1933, commonly referred to as the Buy American Act, with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced, or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 12906. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. CHAPPELL:

H.R. 12907. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 12908. A bill to amend certain provisions of chapter 311 of title 18, United States Code, relating to parole; to the Committee on the Judiciary.

H.R. 12909. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. MILLS of Arkansas (for himself, Mr. ULLMAN, Mr. BYRNES of Wisconsin, and Mr. BETTS):

H.R. 12910. A bill to provide for a temporary increase in the public debt limit; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 12911. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DU PONT:

H.R. 12912. A bill to amend title 5 of the United States Code to provide that full credit be given for all active military service by retired Armed Forces members for determining retention and annual leave in the civil service; to the Committee on Post Office and Civil Service.

By Mr. EILBERG:

H.R. 12913. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

H.R. 12914. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself and Mr. BROWN of Ohio):

H.R. 12915. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. FLYNT (for himself and Mr. LANDRUM):

H.R. 12916. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNT:

H.R. 12917. A bill to amend section 4492 of the Internal Revenue Code of 1954 to exempt from the tax on the use of civil aircraft antique aircraft which received their type certificates before 1941; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 12918. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice; to the Committee on Foreign Affairs.

By Mr. HOSMER (for himself, Mr. Holifield, Mr. Price of Illinois, Mr. Aspinall, Mr. Young of Texas, Mr. Anderson of Illinois, Mr. Edmondson, Mr. McCulloch, and Mr. Hansen of Idaho):

H.R. 12919. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. HUNGATE (for himself, Mr. Danielson, Mr. Flowers, Mr. Keating, and Mr. Mann):

H.R. 12920. A bill to amend section 1979 of the Revised Statutes to provide that certain civil actions for the deprivation of rights may not be brought by certain persons convicted of crime and to provide a time limitation with respect to such civil actions; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 12921. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KING:

H.R. 12922. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mr. KOCH:

H.R. 12923. A bill to provide for monthly furloughs for Federal prisoners; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. Brown of Michigan, Mr. Collier, Mr. Collins of Texas, Mr. Cleveland, Mr. Crane, Mr. Derwinski, Mr. Devine, Mr. Erlenborn, Mr. Fisher, Mr. Flynt, Mr. Hosmer, Mr. Jonas, Mr. Kemp, Mr. King, Mr. Mathis of Georgia, Mr. Rarick, Mr. Rhodes, Mr. Schmitz, Mr. Schwengel, Mr. Steiger of Arizona, Mr. Terry, and Mr. Williams):

H.R. 12924. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 12925. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 12926. A bill to provide that, in the case of the death of a petitioner on any approved petition for preference status under paragraph (1), (2), (4), or (5) of section 203(a) of the Immigration and Nationality Act, the alien beneficiary will be allowed a period of sixty days from the date of such death to become the beneficiary of another petition without losing his preference status, and for other purposes; to the Committee on the Judiciary.

H.R. 12927. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:

H.R. 12928. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEYSER (for himself, Mr. William D. Ford, Mr. Quie, Mr. Erlenborn, Mr. O'Hara, Mr. Stratton, Mr. Dingell, Mr. Pucinski, Mr. Halpern, Mr. Schwengel, Mr. Steiger of Wisconsin, Mr. Robison of New York, Mr. Danielson, Mr. Forsythe, Mr. Frenzel, Mr. Dellums, Mr. Kemp, Mr. Scheuer, Mr. Waggonner, Mr. Veysey, Mr. Meeds, Mr. Robinson of Virginia, Mr. Roe, Mr. Hathaway, and Mr. Cleveland):

H.R. 12929. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. PEYSER (for himself, Mr. William D. Ford, Mrs. Heckler of Massachusetts, Mr. Stokes, Mr. Link, Mr. Harrington, Mr. Mallary, Mr. Burke of Florida, Mr. Collier, and Mr. Mann):

H.R. 12930. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. POAGE (for himself, Mr. Abernethy, Mr. Alexander, Mr. Bergland, Mr. Burlison of Missouri, Mr. de la Garza, Mr. Denholm, Mr. Foley, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Kyl, Mr. Link, Mr. McMillan, Mr. Mathis of Georgia, Mr Matsunaga, Mr. Melcher, Mr. Mizell, Mr. Price of Texas, Mr. Purcell, Mr. Sisk, Mr. Stubblefield, Mr. Vigorito, and Mr. Zwach):

H.R. 12931. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 12932. A bill to designate as a Federal crime murder, or an attempt to commit murder, of certain non-Federal officers; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 12933. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

H.R. 12934. A bill to amend title 38 of the United States Code to provide that progressive muscular atrophy developing a 10 per centum or more degree of disability within seven years after separation from active service during a period of war shall be presumed to be service-connected; to the Committee on Veterans' Affairs.

By Mr. RANGEL:

H.R. 12935. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York:

H.R. 12936. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12937. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 12938. A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes; to the Committee on Agriculture.

H.R. 12939. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 12940. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12941. A bill to require the National Railroad Passenger Corporation to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

H.R. 12942. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 12943. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments or housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 12944. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 12945. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the intent of Congress with respect to the regulation of the possession or receipt of firearms; to the Committee on the Judiciary.

By Mr. THONE (for himself and Mr. Whitehurst):

H.R. 12946. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. WYATT:

H.R. 12947. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H.J. Res. *1050. A resolution* to authorize the President to designate the period beginning March 19, 1972 as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. HOSMER:

H.J. Res. 1051. A resolution authorizing the President to proclaim the fourth Wednesday in January as National School Nurse Day; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.J. Res. 1052. A resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mrs. ABZUG (for herself, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Edwards of California, Mr. Fraser, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Mikva, Mr. Rangel, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, and Mr. Stokes):

H. Con. Res. 522. A resolution expressing the sense of Congress that the President should take the necessary steps to initiate active negotiations seeking agreement with the Soviet Union on a comprehensive ban on all nuclear test explosions, to work toward extension of a prohibition against nuclear testing to the other nuclear powers, including France and China, and to declare and observe an indefinite moratorium on all nuclear test explosions; to the Committee on Foreign Affairs.

By Mr. TIERNAN (for himself, Mr. O'Neill, Mrs. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Boland, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carey of New York, Mr. Conte, Mr. Eilberg, Mr. Fraser, Mr. Giaimo, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Mikva, Mr. Rodino, Mr. Ryan, Mr. Sarbanes, Mr. James V. Stanton, and Mr. Stratton):

H. Con. Res. 523. Concurrent resolution expressing the sense of the Congress with respect to the current situation in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Hutchinson, Mr. Burke of Florida, Mr. Roybal, Mr. Hosmer, Mr. Fauntroy, Mr. Blanton, Mr. Garmatz, Mr. Delaney, Mr. Gettys, Mr. Helstoski, Mr. McEwen, Mr. Metcalfe, Mr. Mallary, Mr. Sarbanes, Mr. Dow, Mr. Rangel, Mr. Link, Mr. Denholm, and Mr. Myers):

H. Res. 799. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. DULSKI:

H. Res. 800. Resolution to provide funds for the second session, 92d Congress, for the expenses of the investigations and studies authorized by H. Res. 217; to the Committee on House Administration.

EXTENSIONS OF REMARKS

FORESTRY INCENTIVES ACT OF 1972

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. SIKES. Mr. Speaker, the second session of the 92d Congress faces an unusually complex and broad challenge. The range of issues and problems demanding action by the Members of this body is immense. A sense of urgency is evident throughout—including real concern over the great need to enhance and protect our priceless natural environment.

In comparison, my purpose today is a simple one but it does deserve priority attention. It does provide an important opportunity to strengthen the Nation's forestry programs and this, of course, can be of immense value in the years ahead.

A few short months ago the House of Representatives unanimously voted in favor of H.R. 8817—a bill that I am very proud to have introduced. This prompt action and strong support by the Members of the House did not surprise me. All of us have a deep awareness of the vital importance of the renewable forest resources on which our Nation relies. It was obvious that the highly successful cooperative wildfire protection program under the Clarke-McNary Law of 1924 should not be allowed to be constrained by dollar ceilings on Federal participation that was set many years ago. Similarly, we saw that it was time to remove the constraints set more than 20 years ago on Federal participation under the Cooperative Forest Management Act of 1950. In the latter case we also recognized and met the need to broaden the scope of the law to include technical assistance in protecting and establishing trees and shrubs which are needed to enhance the environmental quality of urban areas and communities. Your unanimous support last year paved the way for urgently needed, intensified and broadened Federal participation in funding forest resource protection and technical assistance in forestry and related activities.

Additional legislation is urgently needed to complement and roundout cooperative forestry efforts. This is the bill I am introducing today. I am speaking of a forestry incentive program. This bill is built upon the foundation of time-tested procedures and arrangements between the U.S. Forest Service, and other Federal agencies, State forestry organizations, private landowners, and others. The bill provides renewed emphasis, a broadened scope of activities, and a positive-effort toward motivating nonindustrial forest landowners to increase the flow of public benefits from the management and use of the resources they control.

The Members of this distinguished body need no reminder of the fact that the public spotlight is on the Nation's forest lands. Never, have I seen more intense interest in what is taking place in the woods. Battle lines are drawn between those who would lock up and preserve the forest landscape intact and those who see the need to increase the flow of timber, water, wildlife, and outdoor recreation opportunities to meet the urgent needs of the American citizen of today and tomorrow. To date the debate has centered on the public lands—particularly the National Forests. Difficult problems exist and hard decisions must yet be made by the Congress in this regard.

But, happily, there is another side to the coin—another string to our forestry bow, if you will—the 300 million acres of timberland owned by some four million Americans. These smaller tracts constitute 59 percent of the Nation's productive forest land base—more than three times the comparable acreage in the great National Forest System. These lands already—in the aggregate—produce huge amounts of the pulpwood, sawlogs and other timber products needed by America's growing economy. However, these small properties are producing at only a fraction of their potential—half or less in terms of wood products. In terms of wildlife production; use for hunting, hiking, and other outdoor recreation activities, the fraction is probably even smaller. Natural beauty and watershed protection are examples of additional public benefits that can be substantially increased from these lands.

When protection from wildfires and adequate technical assistance to guide their efforts are assured—the last remaining obstacle preventing owners of small forest properties from managing and developing their resources is the motivation and the funds needed to make the necessary investments. Planting trees, cultural work in established stands, seeding to prevent soil erosion, creating improved wildlife habitat, providing public access for recreational use—these all cost money. Prospective dollar returns on investments to produce benefits to the public frequently are insufficient to encourage the landowner to make the necessary additional expenditures. Now it should be noted that landowners already are making a sizeable investment. The purchase price of the land, or income foregone that could come from sale of the land, the annual taxes, and other expenses are borne by the landowner. A program of financial incentives is needed to trigger the forestry investments that can result in major increases in public benefits from these lands. That is what my new bill is all about. I consider such incentives justified because the public benefits that accrue from well tended forest land are significant.

Without going into detail regarding these public benefits, let me cite just three examples. Expanding demands for lumber, pulp and other products needed to meet housing and other needs are clearly evident. For example—housing starts in 1971 set an all-time high. These pressures will increase the relative prices to be paid by future consumers unless well-planned investments on these lands are made now. To dampen future price rises, we need to assure an abundant supply of timber of the species and sizes needed in the future. Clearly it is better to provide Federal incentive funds now rather than permit wood to price itself out of much of its present and potential market. Significantly higher prices will add to consumer costs, and worse, will encourage use of substitutes which must come from the Nation's store of nonrenewable resources rather than its renewable forest resource. These 300 million acres can indeed hold the key to the adequacy of future supplies.

As another example, if we are successful in meeting an increased portion of the total timber demand through harvests on these lands, the extreme pressures falling on public forest lands will be eased. As landowners are motivated to manage and improve the productivity of their forests there should be a significant "trade-off" that could help achieve the more balanced use and development of the National Forests that my good friend Ed Cliff, chief of the Forest Service, and others are seeking.

Another obvious benefit from investments is that thousands of idle acres of forest land can be made productive. Many new jobs will be created in performing the needed cultural, tree planting and other work in the forests. Employment will be multiplied in the future as the results of this work are translated into more jobs in timber, recreation and related industries. Rural communities and families will receive a much needed economic boost now and in the years ahead. New jobs are important, too, in the stimulus to rural areas which obviously can result.

The need for this proposed incentives program is well established. It has been clearly identified by the U.S. Forest Service and other Federal agencies. According to recent national inventories, millions of acres of nonindustrial private forest land needs reforestation—and almost half of the 300 million acres in these holdings need cultural treatment to improve the growth and quality of the stand and to replace diseased and defective trees. Forest industries, particularly in the South, have spelled out in detail what is needed. Many of my colleagues are well aware of the report "The South's Third Forest"—a comprehensive review of the current and prospective need for forestry incentives in that key region of the country. State Foresters and their staff people have long urged action to motivate forest landowners toward making the necessary investments—as well as to protect their lands from wildfire and to manage the resources they have available to work with on the ground. The American Forestry Association and their cooperators in the current "Trees for People" movement are also working hard to shape and encourage a forestry incentives program. The National Association of Conservation Districts is another example of a major organization that has long recognized the need for forestry incentives.

In short, there will be strong and widespread support for the approach proposed in the forestry incentives bill. Enactment of this legislation should rank in long-term significance with other milestone forestry laws. It will add to the framework of the cooperation between private-State-and Federal partners that is the hallmark of American forestry.

The essence of the "Forestry Incentives Act of 1972" is encouragement of nonindustrial forest landowners to apply forestry practices that will result in a wide range of public benefits. The primary incentive will be to share the costs of installing these practices. For example, tree planting, or land treatments to prevent soil erosion. The Federal or "public" share of the cost will not exceed 80 percent of the total expenditures in installing the practices. However, cost-sharing or grants up to the full cost of establishing specific practices designed to improve wildlife habitat, conserve soil and water, and protect or enhance environmental quality will be possible.

Cost-sharing will also be made available to local associations or groups of nonindustrial forest landowners to help secure the equipment, trained manpower, planting stock or other materials needed to carry out the practices. State Forestry Conservation Committees will be formed to determine needs, allocate funds by counties, and establish the level of cost-share payments appropriate for approved forestry practices installed under the act. Membership will include landowners, the State Forester, the Director of the Rural Environmental Assistance program, and others. Private consultant foresters will be invited to be represented. Forested counties may establish a similar committee. Full use will be made of existing County Agricultural Stabilization and Conservation Committees established under section 8 of the Soil Conservation and Domestic Allotment Act.

State committees may elect to allocate Federal funds available to them for cost sharing by using a bid system. If so, landowners contracting to carry out specific practices at the lowest Federal cost per acre or other unit of measure shall have first priority.

Other incentives to be explored by the Secretary of Agriculture under this bill are loans, loan guarantees, and annual payments for establishment and maintenance of approved practices. Pilot programs to test these and related types of incentives are authorized—for example, low-interest, deferred payment and long-term loans.

This act is designed and intended to complement and supplement and be coordinated fully with existing related programs. Full use will be made of private firms, agencies, and individuals available and interested in furnishing services and materials needed in the application of practices included in this program.

Mr. Speaker, the Forestry Incentives Act of 1972 is legislation that I am proud to present for consideration by you and our colleagues in the Congress. I know that many Members share my recognition of the needs that must be met. We know that hundreds of thousands of landowners and millions of citizens are deeply interested in growing trees and doing what they can to protect and improve the natural environment. They will support the approach outlined in the Forestry Incentive Act and applaud enactment of this vital new piece of conservation legislation. I urge your consideration and welcome your support.

NIXON'S ARMS BUDGET HARDLY SEEMS "PROMISCUOUS"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BOB WILSON. Mr. Speaker, President Nixon recently submitted his defense budget to Congress and we again hear the hue and cry of the antimilitary establishment. It is time to stop and seriously evaluate just what we are really talking about in terms of defense posture and force modernization, particularly vis-a-vis the growing strength of the Soviet Union. I read with particular interest a recent column by Crosby S. Noyes in the Washington Star and include this article at the conclusion of my remarks:

NIXON'S ARMS BUDGET HARDLY SEEMS "PROMISCUOUS"

(By Crosby S. Noyes)

Undoubtedly, the most controversial item in President Nixon's budget request for next year is an increase of $6.3 billion for the Defense Department. Undoubtedly also, the controversy to come will have very little to do with the real defense needs of the country.

The money is needed, according to the President, for an essential modernization of our defense forces. The bulk of the new money would go toward the development of a new family of long-range missile submarines, the construction of modern ships, planes and other weapons whose acquisition lagged during the Vietnam war, and higher pay, aimed at an all-volunteer armed service by the middle of next year.

Mr. Nixon noted that "A demagogue may find it easy to advocate that we simply allocate necessary defense dollars to social programs," and he is right about that. Immediately his budget was roundly denounced by his political opposition as "too pro-military," whatever that may mean. So far as Sen. Edward M. Kennedy was concerned, he deplored what he called the "promiscuous increase of billions for defense, when what we really need is billions for schools, homes and health. . . ."

It is not to be expected that the coming debate will provide anything resembling a full and rational discussion of our real defense needs. The political perception these days is that any attack on the military and the defense establishment, whether justified or not, is sure-fire stuff with the voters, and the image of an overgrown and wasteful "military-industrial establishment" is firmly engraved in the public consciousness.

It is also very difficult for the average citizen to choose between the generalities with which he is confronted. He is told by the President that, "We can only negotiate and maintain peace if our military power is second to none."

But he also is told that our reliance on "military solutions" to the problems of the world is the surest way of getting involved in more Vietnams.

Among the Democratic candidates, only Sen. George McGovern so far has attempted a rational analysis of our defense needs. Starting from a number of optimistic assumptions about the mission the forces will be called on to perform, the capability potential of enemies and the performance of our potential allies, he has come up with a defense budget figure of $54.8 billion for 1975. This, he figures, is some $20 billion less than the present Nixon budget, translated into 1975 dollars.

His program includes some startling departures, including the virtual scrapping of our present land-based strategic weapons system, the reduction of American NATO forces by 180,000 and the reduction of our force of aircraft carriers from 16 to 6. Whether or not one agrees with McGovern's basic assumptions, he has at least come up with a plausible version of his own concept of "sufficiency" in national defense.

There is, however, a very serious flaw to any concept of sufficiency as fixing sound and stable limits to what is required in the way of military hardware. It steadfastly ignores what the enemy is trying to do in developing his own military capability and assumes that enough's enough in any circumstances.

In the case of Russia and the United States, it overlooks the extraordinary efforts that the Soviet Union has been making in recent years to establish a position of clear predominance in every field of weaponry. Today the Russians greatly outclass the United States in all classes of strategic nuclear weapons, except submarine-launched missiles—and they are building those at a rapid rate. Their ground forces heavily outnumber ours.

As a Naval power, the Soviet Union is also now in a position to challenge the United States. It has the largest fleet of conventional submarines, cruisers, destroyer escorts and patrol boats in the world. It has by far the strongest force of surface to surface missile launching ships. In contrast to the American Navy, most of whose ships are more than 20 years old, the Soviet fleet is newer, faster and equipped with far more advanced weapons than ours.

A recently released report by some members of the President's Blue Ribbon Defense Panel draws a somber conclusion: "In the most optimistic view, a precarious order will continue as the two superpowers maintain an uncertain balance of deterrence. A less optimistic view, and one supported by the weight of the evidence, is that the United States will become a 'second rate' power subordinate to manifest Soviet military superiority."

In that case, Mr. Nixon's "promiscuous" budget request seems modest enough.

FCC TO INVESTIGATE THE AMERICAN TELEPHONE & TELEGRAPH CO.

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I was as pleased as probably most Members of this House were to read in the Federal Register this weekend that the Federal Communications Commission has made the monumental decision to reverse itself once again and accept its responsibility to pursue an investigation of the operations and earnings of the American Telephone & Telegraph Co. I know I am speaking for my many constituents confronted with the possibility of increased charges, in hoping that this investigation will not be just another case of lipservice to the idea of effective Government overview of such a vital industry, but that it will in fact yield the information necessary if an agency such as the FCC is going to perform the job entrusted to it by Congress many years ago. For the RECORD, I include at this time, my correspondence with the Chairman of the Federal Communications Commission, urging that he reconsider his earlier decision to discontinue the investigation:

JANUARY 21, 1972.

DEAN BURCH,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR CHAIRMAN: I was deeply upset to learn over the Congressional recess of the decision of your agency to discontinue any further investigation into the reasonableness of prices and profits of the American Telephone and Telegraph complex. To me, such an investigation seems to be long overdue and perfectly in order. I might also add it also would appear to be perfectly in keeping with your functions as this nation's regulatory agency in such matters. As I understand it, the primary factor in arriving at your decision was the limited budget and resources of your agency and the extremely high cost of such an investigation. I can only indicate that I would be much more in sympathy with a decision based on these factors, had your agency petitioned Congress unsuccessfully to begin with for the necessary funds to conduct such an investigation. To my knowledge, such an attempt, however, was not made, certainly not with any degree of determination or publicity.

I hope that any explanations from the F.C.C. to my inquiry will not be couched in legalese or references to legislation dating back many years, creating your agency. The country, the field over which you have regulation, and most importantly, consumer concern, have all grown tremendously since those days. If an agency such as yours is to continue to operate effectively and to fulfill its mission as the nation's watchdog over an industry which needs regulating, it must adapt, expand, and grow with the times. Otherwise it will petrify and its very raison d'etere will be under increasing challenge. Mr. Chairman, whether it is stronger enabling legislation you need to increase your powers of supervision and investigation or whether it is a larger budget that you need, I encourage you to approach Congress in a spirit of cooperation and I feel certain you will be amazed at our willingness to return the cooperation. With all good wishes, I remain

Sincerely,

JAMES A. BURKE,
Member of Congress.

BOY SCOUT, JOHN T. LYONS, OF MOBILE, ALA., COMMENDED

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the Nation's largest youth organization, the Boy Scouts of America, is in the midst of celebrating its 62d anniversary this month. In recognition of this occasion, 15 active and outstanding young men have been selected from BSA's 6½ million members to represent the organization.

One of those so honored is John T. Lyons, of Mobile, Ala., in the First District which I represent. On Thursday, February 3, 1972, I will have the privilege of meeting this fine, young American at a special congressional breakfast honoring all 15 members of the delegation. While in Washington, the group will also share the opportunity of meeting President Nixon and reporting to him on developments in this year's Scouting program.

Mr. Speaker, John Lyons, like the other 14 members of his group, is more than just a representative of Boy Scouts of America. He is the epitome of the brand of leadership and loyalty to country this Nation was founded upon and which free men everywhere respect.

A sophomore at McGill Institute in Mobile, John has been involved in Cub Scouting and Scouting for more than 6 years and is a member of the Order of the Arrow, Scouting's honor camping society. When he finishes high school, John plans to study for a career in conservation.

Mr. Speaker, I am extremely proud to be able to note my personal commendation to John Lyons in today's CONGRESSIONAL RECORD.

NIXON-KISSINGER DESIGN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. SPRINGER. Mr. Speaker, foreign policy in every administration must have a design. In spite of the fact that our bipartisan foreign policy since the end of World War II has had one design, it seems to have escaped most of those columnists who consider themselves experts in the field of foreign affairs.

Joseph Alsop, in an article in the February 2 issue of the Washington Post, has put it brilliantly and concisely.

In spite of the fact that the two major news magazines of this week carried Henry Kissinger on the front of both magazines, the writeups failed to cover the Nixon-Kissinger design.

I recommend this brilliant article to my colleagues. It is the best thumbnail sketch I have seen in the last 2 years of our design in the world—which is by all means to avoid world war III.

The article follows:

ON NIXON-KISSINGER

(By Joseph Alsop)

Dr. Henry A. Kissinger is big news, nowadays. The two national news magazines have him on their front covers this week, for example. But even their vast staffs do not seem to have got to the inner essence of the man, which also explains his peculiar relationship with President Nixon.

The essence can be put in four words: Balance of power politics. The fact is that both the President and Henry Kissinger broadly believe that the world balance of power is the mainspring of history. Although younger, both belong to this reporter's generation; and we had a good, hard lesson about *that*.

The lesson was simple enough. The British and French, who had the main responsibility in those days, let things slide until Germany's rearmament under Adolf Hitler had caused the balance of power to go to hell in a hack. Whereupon the British and French inevitably discovered that they had no remaining choices, except to fight like cornered rats or to give in.

Fortunately for every one of us, the British, particularly, chose to defy the apparent odds, and to fight with measureless courage. The British leftwing intellectuals, symbolized by that virtuous old fool, George Lansbury, were responsible for the silly slogans that largely produced the Second World War, such as "Arms Races Cause Wars." Some British rightwingers, symbolized by the Marquess of Halifax, also played their own sordid roles, now revealed by the publication of the cabinet papers.

At any rate, this was the central experience, in very different ways, in the lives of Richard M. Nixon and Henry A. Kissinger. It brought the U.S. into the Second World War. Thank God it did, too. For where should we be today, if the U.S. had stood aside, and successful Nazi Germany had been the first to develop a full panoply of nuclear weapons?

It is this oddly, very differently shared experience, in turn, which underlies the relationship between Richard Nixon and Henry Kissinger. The two men, so different in all other ways, none the less talk the same language—the balance of power language that most American intellectuals no longer understand, because they never read history.

These two men's shared belief in balance of power politics further explains just about everything that President Nixon has done in the foreign arena, with Dr. Kissinger's advice and help. Take the Vietnamese war, as the most important example.

When President Nixon was elected, he asked Dr. Kissinger to explore every possible American course of action—including what would have amounted to abject surrender. In 1969, even the most abject surrender would have been loudly applauded.

But the President and Kissinger concluded that such an American surrender would have disastrous effects on the over-all world balance of power. They further concluded that these effects would be widely felt, in Israel, for example, where the Soviet threat was already grave. So they decided on the middle course of Vietnamization.

The same theme runs straight through the Chinese story. In 1969, the Soviets approached the White House, pretty directly, to ask whether we would look the other way while they undertook the nuclear castration of China. President Nixon replied with a very loud raspberry—not at all because he had illusions about Communist China, but because China's nuclear castration would have caused (and may still cause) a most unfavorable upset in the world balance of power.

By the same token, balance of power considerations played the decisive role in the arrangements for the forthcoming Nixon visit to China. The Chinese Communist leaders are still deathly afraid of nuclear castration, because of the enormous Soviet investments in a vast additional military build-up on their frontier since 1969. The President, and Dr. Kissinger, too, are still afraid of the same upset in the balance of power that they feared three years ago.

So the true object of the Nixon visit to Peking will be to deter the Soviet attack on China, if this can possibly be done. And the same theme even ran through the much misrepresented White House management of the Indian crisis.

The President took great risks in the Indian crisis, both at home and abroad. Either you must suppose that he is irrational, or you must believe that he credited the intelligence that the Indians were getting ready to dismember and destroy West Pakistan, under the aegis of the Soviets. Balance of power considerations therefore required him to take the risks he did take, with the result that the Soviets called the Indians off.

The balance of power is in truth the key to the Nixon-Kissinger relationship.

NEW OIL TALKS COULD RESHAPE WORLD ECONOMIC AND POLITICAL MAP

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ASPINALL. Mr. Speaker, I call your attention to a front-page article which appeared in the Washington Post of Saturday, January 29, under the headline, "New Oil Talks Could Reshape World Economic, and Political Map."

The story, by Bernard D. Nossiter, analyzes the alliance of oil-producing countries in the Middle East and elsewhere which now threatens to control the price and availability of oil to the consumer countries of the world.

The article refers to the Organization of Petroleum Exporting Countries—OPEC—one of the most important international developments in recent years.

OPEC is of immense political and economic importance to the United States in view of our own domestic gas supply shortages and our increasing dependence on oil from OPEC members.

Today we receive about 23 percent of our oil from foreign sources. But present projections indicate that in the next 10 or 15 years we may be approaching 50 percent dependence.

We are clearly faced with a set of circumstances that must be understood, and I assure you that I will have more to say about the fuels and energy situation in the weeks ahead.

The article follows:

New Oil Talks Could Reshape World Economic, Political Map

(By Bernard D. Nossiter)

GENEVA, January 28.—In Jeddah, the Saudi Arabian capital, two men are due to begin talks on Tuesday that could drastically reshape the world's economic and political map.

Sheikh Ahmed Zaki Yamani, the Saudi petroleum minister, will meet in his office with Frank Jungers, president of Aramco, the Arabian oil producing creature of four giant American concerns. They will discuss an innocuous sounding word, "participation." It stands, however, for nothing less than a demand from the oil states of the Middle East to tear up their old concession agreements and deal themselves in for a share of the ownership in the companies exploiting their one great resource.

For a starter, the oil nations are demanding at least a 20 per cent share. But they also insist on a fixed timetable that would ultimately assure them 51 per cent, effective control.

In brief, the oil states—not only in the Middle East but also in Africa, South America and Southeast Asia—have now determined to end their role as more or less passive collectors of royalties on the oil that Western companies extract from their lands and seas. National governments want to become first junior and then senior partners in managing and controlling their most valuable asset.

In Jeddah, the resourceful Yamani, an elegant man who sports a black mustache and goatee, will speak nominally for the Persian Gulf producers alone—Saudi Arabia, Iran, Iraq, Qatar, Kuwait, and Abu Dhabi. In fact, he talks for five other nations as well who are joined together in the Organization of the Petroleum Exporting Countries or OPEC. The other five are Libya, Nigeria, Venezuela, Indonesia and Algeria. Together, the OPEC nations account for about seven of every eight barrels of oil exported to the non-Communist world.

Jungers, in turn, will nominally speak only for Aramco. But behind him stand Aramco's four parents—Standard Oil (New Jersey), Standard of California, Texaco and Mobil. Moreover, alongside this quartet are the other four decisive oil "majors"—Gulf, British Petroleum, Shell (a British and Dutch concern) and the Compagnie Francaise des Petroles (CFP). The big eight, locked together in exploiting consortia all over the globe, extract three of every four barrels shipped to the non-Communist nations.

The eight, plus the independent Atlantic Richfield, have already met once with Yamani and representatives of all the other OPEC nations except free-wheeling Libya. That took place here in Geneva on Jan. 21. At this preliminary meeting, Yamani sketched out what participation means. The well-coordinated company men listened, and, by pre-arrangement, each addressed himself to one specific difficulty posed by the demand.

CRUCIAL POINT

The crucial point, however, is that the companies did not say "yes," and they did not say "no." In private, some of their key executives in London acknowledged that national share ownership is inevitable; the only questions—enormously difficult to resolve—are how soon and on what terms. Indeed, as these company men point out, the new, and generally less profitable concessions now being granted, typically provide for some ownership stake by the host country.

To appreciate the importance of all this, the decisive role of oil as a source of energy, as the fuel for factories, cars, heat and anything that requires power, must be understood.

No less than 80 per cent of Japan's energy comes from oil; for Western Europe, the figure is 55 per cent and for the United States, 44 per cent. OPEC nations, in turn, supply 80 per cent of Japan's oil and 87 per cent of Western Europe's.

The organization's members provide now only about 17 per cent of the heavily-protected American oil supply, and that is largely from Venezuela. But the demand for energy is rising so rapidly that the industry estimates that by 1980, the United States will be importing about 7 million barrels daily from the Middle East alone, nearly 30 per cent of a predicted 25 million barrels daily consumption.

Who controls oil, then, plays a central role in any modern economy.

VERY GRAVE SITUATION

"This is a very grave situation, very worrying," says one important oil company executive who, like his fellows in the industry, agreed to talk with this reporter only on condition that he not be named. The executive, an American, makes this argument against participation:

As the concession arrangements stand now, the companies are a buffer between the producing and consuming nations. The companies have only economic, not political interests, and thus can better assure an uninterrupted supply of oil.

Once the national governments are cut in on the ownership, they will be unable to resist demands from their own people or more radical brethren, like Libya, to use oil as a political weapon, to cut the supply when a Western government offends them by, for example, support for Israel. Participation, in short, means politicizing oil.

Indeed, last November, President Ahmad Hasan Al-Bakr of Iraq spoke in just those terms. "The strategic aim of the revolution," he said, "should be to liberate fully the country's oil resources from foreign exploitation and control . . . to turn them into an effective instrument in the struggle against imperialism and Zionism."

NATIONAL CONTROL

Moreover, oil companies say, national control will wreck the industry's price structure, flood the world with oil, thereby reducing profits for both the companies and the host nations. The point here is that the big eight are a cartel, imperfect because they no longer control all the foreign oil, but largely effective. In a variety of ways, they carve up the world's markets among themselves and limit supply to prop up the price.

Although independent firms now extract about one-fourth of the oil that moves in world trade, they too have been impressed into the cartel. The U.S. Justice Department saw to that by providing an immunity from antitrust laws that permits all the companies not only to bargain as one with the equally cartelized OPEC, but also to give each other oil if one is cut off by an angry producer nation.

The companies are now saying, in effect, that national majority share ownership will upset this delicate arrangement, that each producing nation will be under strong pressure from its own citizens to step up the flow of its own oil, thereby breaking down the supply discipline that keeps up the price.

Finally, the great international concerns point to the need for billions of dollars of new capital investment needed to enlarge supplies in an "orderly" way to meet the growing oil demands of the 1970s and 80s. The company men argue that investors will be frightened off if Arab and other states move in on ownership, that the investment will simply not be forthcoming.

OPEC UNIMPRESSED

OPEC is singularly unimpressed by the political argument and its leaders even stand it on its head. At the organization's Vienna headquarters, the secretary general, Nadim Pachachi, a gifted Iraqui, replies:

"If we wanted to stop oil to the United States, the lack of participation would not stop us. That is the right of a sovereign state, regardless of whether it owns shares in a company. Look how your government cuts off strategic materials to the Soviet Union without participation in companies. The political weapon is already there. Fifty one per cent participation won't change it."

At his handsomely furnished Lausanne apartment, Oil Minister Yamani took up the theme from a different stance. He observed that Algeria has already taken over its oil; that the Iranian concession runs out in 1979 and that Shah Mohammed Reza Pahlevi has said no new one will be granted; that Venezuela is preparing to take over its oil when its concessions expire in 1983; that Libya has nationalised British Petroleum's assets. "The others," he said, "have to do something politically speaking for their own public opinion. We must start quickly on the participation process to assure the companies any participation in the concessions."

For Yamani, the alternative is plain: either the companies sell the government a share in their concerns or the pressure from within their own countries will force every oil state to nationalize the properties.

Pachachi, the OPEC official, scoffs at the idea that national governments cannot run a cartel. "We are not stupid enough" to break the price of oil by flooding the world with it. "We want to utilize this asset. We are as interested (as the companies) in maintaining the price level. It is a wasting asset, not replaceable. So we must make the maximum use of it."

He concedes that heavy investment will be needed to expand supply and satisfy the growing demand. He concedes, too, that only Saudi Arabia, Qatar and Kuwait will have idle resources for this task and that inevitably Western capital will be required. But Pachachi argues that Westerners need not be scared off by a participation arrangement, that the companies will still be shareowners, that both countries and companies have a joint interest in rational and profitable operations.

COMPANIES DIVIDED

In fact, the companies are far from single-minded about the principle of cutting the governments in. According to insiders, Shell, CFP and Gulf have virtually accepted the notion. Gulf has traditionally been a hard-line company but the Mellon family, its dominant owner, is said to have shaken up the management. Last year, I. G. Davis, Gulf's executive vice president, told the New York Society of Security Analysts: "One can understand the desire of the producing country to have a more effective voice in the planning, producing and disposal of crude oil produced in their country. This is particularly so where petroleum is the principal and sometimes only natural resource and finite and depletable resources at that. One can even foresee a beneficial mutual understanding resulting from joint consultation. . . ."

The big eight's undecided members are said to be Jersey Standard, British Petroleum and Mobil. Only Texaco and California Standard are reported to be insisting that a deal is a deal, a concession is a concession until it expires, and no rewriting shall take place.

UNITED ON TACTIC

Whatever their differences on the principle, the companies are united on their tactic: let us not hurry any changes. They argue that last year's big bargain at Tehran, where the companies agreed to a stiff increase in the royalties they pay the host nations (in foreign oil, royalties are called taxes so that the American firms can offset them against taxes that they would otherwise pay to Washington) was opposed to assure five years of "stability."

Even the most outgoing concerns insist that participation should not begin until the Tehran deal runs out at the end of 1975.

The companies have just reluctantly agreed to enlarge the Tehran deal, increasing their payments by 8.5 per cent or about another $700 million a year to the Persian Gulf states alone. But that settlement was made to compensate for the devaluation of the dollar, the unit of account in which oil royalty-taxes are figured, and thus is not seen as a violation of the "stability" principle.

OPEC ARITHMETIC

On the other side, Yamani regards delay over the participation question as politically impossible. He will not spell out the OPEC demands in detail. But he hints that a start on participation, the granting of a minority share, must be made soon and that OPEC expects its 51 per cent share within a decade.

Apart from the time scale, the other great issue in these crucial talks is how much the producer governments will pay for their shares. Yamani says that OPEC has determined to give no more than the net book value of concessionaires' assets above the ground.

Assume, for example, that Aramco has $800 million worth of rigs and the like but, after depreciation, now values these installations at $300 million. Then Saudi Arabia would pay only one-fifth of this total or $60 million for its initial, 20 per cent share.

That kind of arithmetic horrifies the companies. They insist they are entitled to be paid for the loss of their future profits on oil in the ground, profits they expected to reap during the lifetime of their concessions. Since many of the concessions do not run out until the next century—one in Kuwait expires in 2026—the companies are asking a lot of money.

How much is their secret since they do not reveal domestic companies have suction, although this is understood to be the most profitable part of their global operations. In any event, it is likely that the difference between the country proposals and the company position is several billion dollars.

However the lengthy negotiations beginning at Jeddah this week turn out, it is also clear that consumers in the West can only shudder at what is happening. Even if the two cartels—companies and nations—reach an amicable agreement that assures the supply of oil, both have a vested interest in pushing prices higher and the means to do so.

Some help will come from the growing discoveries of oil in the Western-controlled North Sea. Some may come from Alaska if the ecological worries can be laid to rest. Additionally, exploration off Indonesia's shores is likely to yield more oil.

EXPANDING DEMAND

But all these sources together, it is estimated, can not possibly replace over the next 20 years the Middle East and African oil needed to satisfy the expanding demand.

Moreover, the bulk of these concessions, too, will almost certainly be held by the big eight's cartel. At best, these new sources then will provide some safety margin for supplies but their exploitation will be controlled to prevent any fall in price.

It is clear then, from both the point of view of supply and price, that new energy sources must be tapped as long as wealthy nations demand rising material standards. These sources exist—oil from shale and tar sands, nuclear energy, possibly energy from the sun.

Typically, however their exploitation has been held back, often at the insistence of oil companies that do not want rival fuels developed. Shale oil is the classic case; there both the major international concerns and domestic companies have successfully prevailed on the U.S. Interior Department to lease the shale lands only recently and then on the smallest scale.

Elsewhere in the world, rich nations like Japan are making a determined effort to free themselves from both OPEC oil and from the big eight companies. By 1980, Japan is expected to cut its dependence on oil as an energy source from 80 per cent to 68 per cent. And a smaller share of that oil will be coming from OPEC members.

For American consumers, the major policy question posed by the new round of cartel-to-cartel talks is this: how to find new sources of energy and how to exploit them outside the existing corporate structure.

CONVENTION CENTER-SPORTS ARENA

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mrs. HANSEN of Washington. Mr. Speaker, since the discussion of the Convention Center-Sports Arena for the District of Columbia, financed by tax-supported, tax-guaranteed bonds, is under wide discussion at the present time and as there have been a multiplicity of ideas, I have been approached by a group of citizens who have some rather forceful ideas on the subject. So that all Members of Congress may have the opportunity to review all facets of the project, I am taking this opportunity to include their letter to President Nixon in the RECORD. Thoughtful consideration should be given all argument regarding this proposed construction before authorization and appropriation measures are offered.

The letter follows:

Re: Your visit to the historic Chinatown area of the Nation's Capital. Have lunch in one of our world-famous restaurants and save the historic Chinatown area on H and I Sts. NW in the Nation's Capital, on the eve of your historic trip to China, and the business-residential area in which it is located, from destruction by the Federal bulldozers.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have been asked to send you with comment the enclosed pictures and petitions signed by more than 100 Chinese families, business leaders, owners of famous Chinese restaurants, as well as by others doing business and living in the area sought for the *convention-sports complex* by certain powerful groups who do not do business in the area and who do not own property in the area.

The petitioners request you to visit our area which is only a few blocks from the White House before your departure to China. The petitioners not only are Chinese, but include Black businessmen and others as well. It would be a tragic mistake to destroy Chinatown *before* or *after* your trip.

We believe the petitioners make a persuasive case for locating all facilities needed by the Government on Government-owned land in D.C. and they point out that the Federal Government owns nearly half of the land area of the District of Columbia and the use of this land for government facilities would prevent huge acquisition costs and the heartbreak and losses of displacement and relocation. As you know, the Kennedy Stadium is located on land leased for $100.00 a year—since it is a financial disaster, how can the proposed sports-convention complex pay its way if located on high-cost land? In view of the multi-billion dollar Federal budget deficit, it seems to the petitioners that the Federal urban renewal funds should be used to rebuild the burned-out areas instead of building a convention-sports center in an area which can and will renew itself if the heavy hands of the bureaucrats are stayed.

The Brookings Institution study of "Direct and Indirect Subsidies to Professional Sports," December 1972, estimated that a realistic figure for total subsidies to professional sports teams now amount to at least $40 million annually and it says (p. 69) that: "Although the justification offered for public ownership of sports facilities is shaky, vast amounts of local government resources have been (and continue to be) devoted to these 'monuments of civic pride'. At the same time, the local property tax base continues to shrink and sorely needed public services normally provided by local governments continue to go begging for funds." In view of the desperate needs of the District, these needs have a higher priority than sports and convention facilities.

We note with some concern that the Booz-Allen-Hamilton-GSA report on the proposed convention center-sports-arena does not look at the total budget needs, but as the Washington Post points out (December 26, 1971) this report did find that "The center would operate with an annual estimated profit of $2.9 million but this would not be enough to cover the $6 million retirement of the bonds that would be sold to finance its construction." In view of this set of facts, the petitioners call for making the Kennedy Stadium a financial success. No one could argue with the view of the petitioners that "The Kennedy Stadium should not be a tax burden on District citizens as it has been for ten years". Let me assure you that all of the petitioners welcome your plan that you have funds included in the Federal Budget to have the Federal Government help the District pay off the bonds on the Kennedy Stadium. However, since this project was promoted as a National Memorial Stadium, it is clear the total cost should have been borne by the Federal Government, from the beginning.

I am sending you pictures of the many fine buildings and businesses in our area—all of which would be destroyed by the convention-sports center—just in case you can't find time to visit our area, *before* or *after* your China visit. The petitioners point out that being in an urban renewal area they are protected by the *Workable Program* which 42 U.S.C. 145(e)(2) requires the Secretary of the Department of Housing and Urban Renewal to find—

"Clear evidence that the community provides and continues to expand opportunities for citizens . . . to participate in all phases of the related HUD-assisted renewal and housing programs . . . the community must demonstrate . . . that it provides clear and direct access to decision making, relevant and timely information, and necessary technical assistance to participating groups and individuals in programs covered."

The Workable Program provisions were ignored when the Convention-Sports Center was located in our area, as were the affected businessmen.

Sec. 307 of the Housing Act of 1964 which the petitioners cite requires the Secretary of HUD to find that the area cannot be rehabilitated. The Secretary of HUD has made no such finding with regard to the area sought for the convention-sports center.

The petitioners cite the National Environmental Policy Act in their behalf. This Act of Congress is undoubtedly being invoked increasingly these days against an overbearing Federal Government. Congressman John D. Dingell placed in the *Congressional Record* (Jan. 18, 1972, pages E76 on) a report by the Council on Environmental Quality's January 1972 issue of "102 Monitor" which says that: "In two short years since the National Environmental Policy Act was enacted, Federal courts across the country in widely varying fact situations have proved that the '102' provisions are court enforceable . . . these decisions have proved Courts of Appeals decision (and) 48 District Court opinions". The petitioners say: "the National Environmental Policy Act requires detailed reports on alternatives. Why should there be provision of parking for 5,000 cars at the convention-sports arena which Secretary John Volpe has repeatedly called instead for use of buses and commuter trains which have not been instituted here.

The petitioners want the Kennedy Stadium made successful and suggest 6,000 more seats, artificial turf (suggested by Senator Eagleton), and year-round use. They support your plan to have the Federal and District Governments share the construction debt of the Kennedy Stadium as set forth in your budget message to Congress.

Finally, let me point out that the *New York Times* (Jan. 23, 1972) reported that the Federal Government has not opposed the choice of new sites for the Bicentennial in Philadelphia. Since this is true, why should the Federal Government not consider locating the convention-sports arena on its own land and eliminate altogether the displacement and destruction of small businesses and Chinatown, which the suggested site in our area will wreck?

We include for your information pictures of many of the buildings in our area, and many of the businesses and Chinatown which the unwise and unjustified location of the site in our area will cause. As the petitioners point out, "President Dwight Eisenhower, when he was in the White House, as you know, worked diligently to bring jobs and industry and business to the Nation's Capital to broaden and strengthen the economy in the belief that more was needed than the Federal government (to provide) employment."

We invite you to tour the area on behalf of the petitioners, and please let us know when you can come. After all, as the petitioners point out, our area is only a few blocks from the White House, and is much closer than China, which you will visit next month.

Now, in closing, let me point out to you that Rep. Joel T. Broyhill (R–Va.), the principal backer of the sports-convention complex, testified before the House Public Buildings Subcommittee on March 29, 1971, on H.R. 5635 that: "Such a facility may require 15 to 20 acres. But we feel, Mr. Chairman, that it can be developed here in Washington as part of the downtown urban renewal area, without the necessity of displacing any homes of the citizens of the District of Columbia."

This is demonstrable nonsense and is deliberately misleading to the Committee, and the Congress.

We hope you will visit the historic Chinatown area, between 5th and 10th Streets, and including H and Eye Streets NW, as well as the rest of the area sought for the Convention-Sports Arena so you can see for yourself that it is an area of homes, businesses, jobs, and that it pays a large sum in taxes, and can be rehabilitated. We also hope you will have lunch at one of our world-famous Chinese restaurants.

The Chinese community was uprooted in the 1930's to make way for the Federal Triangle and this resulted in great tragedy and loss and this must not happen again.

We will be presenting this letter, and the petitions to Congress, so we hope you will give the petitioners the consideration which they so clearly deserve. These are some of the major points of the petitioners.

May we hear from you at your earliest convenience.

Respectfully yours,
Leon Weinraub, *President*.

ESTIMATE OF BUSINESS AND FAMILY DISPLACEMENT AND OF RELOCATION COSTS

PROPOSED DOWNTOWN CONVENTION CENTER/SPORTS ARENA AREA AT MOUNT VERNON SQUARE

Square	Number of businesses	Relocation costs [1]	Number of families	Relocation cost [2]	Number of individuals	Relocation cost [2]	Number of parcels
374	29	$140,800	30	$12,000	39	$11,700	28
373	32	176,000	21	8,400	62	18,600	35
403	12	60,000	13	5,200	61	18,300	14
404	10	57,900	8	3,200	0	0	11
427	7	62,100	0	0	0	0	13
428	10	$69,800	2	$800	3	$600	9
453	20	191,700	8	3,200	18	5,400	30
452	9	104,500	12	4,800	5	1,500	23
Total	129	862,800	94	37,600	187	56,100	163

[1] Estimate, based on visual inspection; assumes no property loss payment.

[2] Estimate, based on average relocation costs established by the Department of Housing and Urban Development; assumes no replacement housing payments.

A NEW VOICE FOR CHILDREN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. WALDIE. Mr. Speaker, as a Congressman and past assemblyman in the California Legislature, I have often supported legislation to restrict the political influence of special-interest lobbyists representing large and powerful economic organizations.

Today, however, I would like to speak in support of a different kind of lobby, hoping that its power and influence will be felt in many future debates.

The way we treat our children—the opportunities and environment we provide—is crucial to the future of this Nation. Realizing this, we should recognize that the institution of a children's advocate organization in our State legislatures and on the Federal level is an important step which, I am surprised, did not occur until recently.

A recent article in McCall's magazine entitled "A New Voice for Children" and authored by Doris Silverton, more fully describes the nature of this new children's lobby:

A NEW VOICE FOR CHILDREN

Wig-makers have a paid lobbyist in Sacramento, California. So do the abalone, wine, mortuary, and motorcycle associations, to name just a few. The fact is that 650 special-interest groups have a "voice" in the halls of the state legislature. But until recently, a crucial segment of the population has been unrepresented—children and young people under the age of eighteen. This year, some Californians got together to do something about this voiceless—and voteless—minority. Result: The California Children's Lobby—a citizens' coalition that flatly declares that it aims to play politics for children. It is the first children's lobby in the nation.

Not that this country lacks child-service organizations. (California itself has more than 200.) The trouble is they have no political clout. None can lobby openly without losing its tax-deductible status. Each concerns itself with a different aspect of child welfare. As a result, legislative efforts on behalf of children are fragmented and weak.

The California Children's Lobby remedies the situation in two ways. First, it is incorporated as a non-tax-deductible organization, which means it *can* lobby. Second, it can serve as a spokesman for all child-service groups in the state and thus represent the "total" child at the legislative level. Wigs are wigs, and abalone is abalone, but child-advocacy deals with a staggering array of problems: education, welfare, foster home, juvenile courts, Head Start, day care, group homes, institutions, the adopted child, the unwed mother, unwed father, the mentally retarded, physically handicapped, emotionally disturbed, mentally ill, abused, delinquent, and predelinquent. In California, where children under eighteen comprise more than one-third of the population—and one in six is on welfare—the Children's Lobby will have to raise a very loud voice indeed.

Acknowledged "father" of the group is Donald Fibush, a retired business executive. For 20 years he has been a volunteer leader in the child-welfare field—consulting, testifying, and "watchdogging" legislation for child-service groups throughout the state. The father of five adopted children, Fibush was a delegate to the 1970 White House Conference on Children and Youth. It was there that Jule Sugarman, New York City's Social Services Commissioner, introduced the concept of the nonprofit, non-tax-deductible organization. Two months later, child-welfare leaders in California asked Fibush to organize a children's lobby for the state.

To date, more than 400 people have made contributions, even though they cannot take credit on their tax returns. The money, which is still in short supply, will be used to send a lobbyist to Sacramento, conduct continuing legislative research, circulate newsletters and position papers, and coordinate other volunteer groups for political action on behalf of children's rights. (Next year's agenda is already laid out. Eighty percent of Governor Reagan's recent budget cuts directly or indirectly affect the health, education, and welfare of children.)

Youth will be served—and youth will serve. Two teenagers have just been nominated to the 35-member board of directors. Chairman of the board is Robert Pauley, twenty-six, a consultant to the federal Department of Health, Education, and Welfare. Warren Widener, Mayor of Berkeley, sits on the board along with one of his own constituents, a twenty-two-year-old girl who is a Berkeley college student. A twenty-one-year-old boy from Hayward State College also serves.

Child advocacy is long overdue. Look for other states to follow California's lead, Georgia and Michigan are now talking about it, and Jule Sugarman is organizing a lobby at the federal level. For more information write: California Children's Lobby, 1731 "I" Street, Sacramento, California 95814.

PRESIDENT NIXON'S CREDIBILITY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. WYMAN. Mr. Speaker, President Nixon has been the recipient of a great deal of verbal abuse, charges of bad faith in peace negotiations, and in specific instances has even been accused by some of lying to the American people.

Last week, the President set the record straight with a complete and unadorned report to the people of these United States concerning the painstaking efforts of his administration to run to earth every possible avenue that might lead to an honorable peace in Indochina. As the Wall Street Journal has editorialized:

> Let us mark up for the government those times when it has behaved better than its critics have charged.

I include in the RECORD at this point, the excellent editorial from the Wall Street Journal of February 1, entitled "A Lesson About Credibility":

A LESSON ABOUT CREDIBILITY

Whenever anything is disclosed about the inner workings of foreign policy, the important thing to look for is what light it sheds on the government's credibility and trustworthiness—or anyway, so we have gathered from what has captured headlines these past few years. Somehow, though, this instant tradition seems to have been ignored in the case of the newly disclosed efforts to negotiate a Vietnam settlement.

It's a pity, for quite a bit can be learned about our times by setting the public record of the last few years beside the secret negotiating efforts disclosed last week. There is a lesson about credibility, and that lesson should not be ignored simply because it's not the currently fashionable one. What the comparison reveals is that just as the administration was doing everything it could imagine to strike a compromise with Hanoi, its credibility was taking beating after beating for failing to do enough to strike a compromise with Hanoi.

Remember the public record: Senators were suggesting that the administration could not be trusted to do its best at negotiating, so legislation was necessary to compel it to be more forthcoming. Prestigious commentators and editorialists were saying the solution in Vietnam could come only when the administration dropped its thoughts of a "military solution" and finally got serious about negotiating.

Senators, newsmen and others interviewed the North Vietnamese negotiators in Paris, and found they were models of reasonableness, ready to settle the war if only Mr. Nixon were not so blind and intransigent. Assurances from our negotiators that this attitude did not prevail at the actual bargaining table were quickly dismissed on the ground that everyone knows the government lies. In short, the administration found its credibility constantly impugned.

All this, until last week, the administration bore in silence. The President and his top officials never disclosed what they knew: That in fact ever since 1969 Henry Kissinger had been periodically winging off to Paris for the most serious bargaining. That in fact the Americans had offered to set a withdrawal deadline. That in fact the Americans and South Vietnamese had offered that fondest dream of the doves, the resignation of President Thieu. That in fact Hanoi spurned all this, all the while publicly denouncing the United States for failing to respond to *its* proposals.

The administration did not disclose this, did not defend its credibility, because it feared that doing so would jeopardize whatever chance might actually remain of negotiating a settlement in the secret talks. In other words, it was precisely because the American government was doing the honorable and responsible thing that its credibility was under attack, that an acid was eating away at that most precious asset of a democratic government, the trust of its citizens.

The administration's decision to make the record public reflects its judgment about the balance between the benefits of secret negotiations and the damage to its credibility. It's not difficult to conclude that since Hanoi is obviously not about to budge at a secret offer, perhaps a public one is worth trying. And in making the record public Mr. Nixon is asking for a bit more trust from the people and the Congress.

The President has a point. If we are to mark up against the government every deception anyone can uncover or concoct, let us also mark up for the government those times when it has behaved better than its critics have charged. And here is an instance, and scarcely a small one, that gives no support to the view that the American government is somehow sinister.

In this instance, rather, the record supports the view that as human institutions go a democratic government is reasonably trustworthy, that the American leaders are selected from among the American people, and that by and large they are more likely than not to do the decent thing.

NIXON'S OFFER JUST BASIS FOR NEGOTIATING END OF WAR

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BROTZMAN. Mr. Speaker, following the President's statement to the Nation on his efforts to negotiate peace in Southeast Asia, the Denver Post carried an editorial which deserves the attention of all Members of the House.

The editorial correctly assesses the President's proposals to Hanoi as being just. While the public utterances of the North Vietnamese at the Paris peace talks continue to demonstrate inflexibility, it is, as the editorial states, hard to see how the other side can simply turn its back on the Nixon initiatives.

The President's plan merits the support of all of the American people. I prayerfully hope that the North Vietnamese will continue to look at the offer which has now been made public, so that the conflict can come to an end and our prisoners of war can be returned home to be reunited with their families.

The statement follows:

NIXON'S OFFERS JUST BASIS FOR NEGOTIATING END OF WAR

President Nixon now has on the table the essential elements of a settlement of the Vietnamese war. In fact, he has finally disclosed, he has been busy for two years doing in private what many of his critics have been calling on him to do: making constructive proposals that could lead to such a settlement.

He has made, his Tuesday night announcement reveals, two offers:

1. He is willing to withdraw U.S. troops within six months of any agreement, in a deal by which South Vietnam's President Thieu would resign a month before an election to be supervised by an international body and run by an "independent body" representing all political parties in South Vietnam—including the National Liberation Front. This in exchange for a ceasefire and return of all war prisoners.

2. Or he is willing to withdraw all U.S. troops within six months of a simple agreement for a ceasefire and return of war prisoners—leaving the Vietnamese to work out a political settlement among themselves.

Hanoi's informal replies to these two proposals—there has been no formal reply as yet—insist that the Americans overthrow the Thieu regime before they leave. They also oppose a ceasefire.

Some of the Democratic contenders for the presidency are saying that, although the Nixon proposals look fair to Westerners, Hanoi will never accept them. Perhaps—but Nixon's proposals may carry some weight with the North Vietnamese if they are regarded as fair by the South Vietnamese.

A South Vietnamese journalist remarked that "the Communists will probably curse the proposal as another imperialist plot, but they will have to move closer to our proposals behind the scenes, until finally a compromise is reached that will satisfy both sides."

Indeed, it is hard to see how the North Vietnamese or the NLF can simply turn their backs on the Nixon offers.

He is offering peace and withdrawal. Will Hanoi keep insisting on war?

Nixon is offering, by Vietnamese standards, a fair election to give the Vietnamese people a choice of their rulers. Can Hanoi insist that the South Vietnamese people should have no choice?

True, there is a third alternative. Hanoi can keep on fighting while Vietnamization—strengthening of the South Vietnamese armed forces—proceeds.

But can Hanoi any longer expect to get a better deal this way than by negotiating a settlement?

We doubt it.

The fact is that North Vietnam's chief negotiator in Paris became "sick" back in November, just three days before he was scheduled to reply to Nixon's proposals, and there has been no formal North Vietnamese reply since, suggests that Hanoi has been thrown into a deep dilemma by Nixon's proposals.

No matter what the North Vietnamese may say publicly, we hope they finally choose the constructive, peaceful way out of their dilemma. The time has come to finally end this war.

And the President is to be commended for developing the proposals which should make it possible.

CORRECTION OF THE RECORD ON H.R. 12714

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. METCALFE. Mr. Speaker, the Congressional Record on January 27, 1972, indicates that H.R. 12714 was introduced in my name. This bill provides the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay up to one-half of the costs of training programs for firemen.

Mr. Speaker, I did not introduce H.R. 12714, nor did anyone on my staff authorize its introduction. I do not know who introduced H.R. 12714. I did not.

I am sending a letter to the distinguished chairman of the Committee on Science and Astronautics informing him of this matter and stating that I did not introduce this bill which was referred to his committee.

MEMORIES OF THE "LITTLE CAMPUS"

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. PICKLE. Mr. Speaker, one of the historic sites in Austin is known as the old "Little Campus" dormitory.

Originally it was the building built for the State school for the blind and has been used for various purposes over its 116-year history. Austin citizens will recall it alternately as the "Old Blind Asylum" and as the place where General Custer stayed or the World War I air academy.

Many of us, however, know it as "Little Campus" dormitory, a haven for poor boys who came to the University of Texas during the depression days of the 1930's.

At that time university officials opened up five different wings and the buildings were known as buildings A through E. A full complement of some 140 boys lived in the dormitory. Most of them ate one or two meals there, did their own washing and ironing, and lived together as a unified body. Though tuition in the depression days only amounted to $25 a semester and $50 for a room, this was the best bargain around. Without these low rates hundreds of Texas boys could never have gone to the university at all.

I was one of those privileged to spend 4 years at "Little Campus." It was here that I best learned how to live with individuals, how to understand various viewpoints and to mix and mingle with my fellow students. The pine floors, old steam pipes, and iron spring beds gave us no concern. We had a warm room, a roof over our heads, clean floors, and the happy privilege to attend the great university.

Though some of the buildings of "Little Campus" have now been demolished, I am glad that part of the structures are still there and I hope the University of Texas extension offices will also stay there a long time.

Mr. Speaker, the Austin Citizen captures part of the spirit of this institution in a recent article and I am pleased to include it at this point:

Historic Site Lives on Borrowed Times

(By Monica Reeves)

Should a secretary working late at The University of Texas Extension offices on the "Little Campus" feel inclined to see ghosts, they will be interesting ones.

For a grand old building on the 19th and East Avenue block, known as the "Old Blind Asylum," housed then Major George Armstrong Custer, his staff and family shortly after the Civil War.

Custer, later to make a place in history at the Battle of the Little Big Horn, was in Ausin to command federal troops occupying Texas during Reconstruction. The building they lived in, part of the complex erected in 1856 for the State School for the Blind, still stands as center of extension services.

An early photograph shows Custer, his wife Elizabeth Bacon Custer and his brother Thomas on the porch of the blind institute building.

In Mrs. Custer's book, "Tenting on the Plains, or General Custer in Kansas and Texas", she talks of how happy she was to see Austin after their trek from the north in 1865.

"We pitched our tents on rolling ground in the vicinity of Austin, where we overlooked a pretty town of stuccoed houses that appeared summery in the midst of the live oak's perennial green. The State House, Land Office and Governor's Mansion looked regal to us, so long bivouaking in the forest and on uncultivated prairies," she wrote.

She was also delighted by the lodgings offered by the governor for their stay.

"This (the asylum, then closed) possessed one advantage we were glad to improve: there was room enough for all the staff, and a long saloon parlor and dining room for our hops during the winter."

Later, various buildings in the complex housed military units during World War I, among them the School of Military Aeronautics. Here Air Corps enlistees took their ground school training before going to flying fields.

In 1967, the UT Board of Regents ordered demolition of this building, as well as others, on the Little Campus. But until an alternate spot for extension offices is found, it has a reprieve. General Custer's former headquarters lives on borrowed time.

BIRTHDAY OF FDR

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BEGICH. Mr. Speaker, just 3 days ago, January 30th, marked the 90th birthday of one of the most outstanding Americans in our history, Franklin Delano Roosevelt, the 32d President of the United States.

This man stands in the memories of all Americans as a symbol of strength to this nation. Barely able to walk because of polio, he assumed office as President in 1932 and brought a crippled nation to its feet. As no other president, he shaped the direction of this country in such a way that his concerns for social reform, and his progressive legislation remain the direction of this country 27 years after his death. This is surely a testimony to greatness.

The years this man spent as President corresponded to the first 12 years of my life. This is the man who served as an example to me as I grew toward manhood, and it is for this reason that I am proud to call attention to this event.

Born January 30, 1882 in Hyde Park, N.Y., Roosevelt graduated from Harvard University and Columbia Law School. He was, in turn, a New York State Senator, Assistant Secretary of the Navy, nominee for Vice President, candidate for the U.S. Senate, Governor of New

York and four times President of the United States.

In his life he braved the many obstacles which would have crushed lesser men. Just after his defeat as a Vice Presidential candidate in 1920, Roosevelt succumbed to poliomyelitis, which paralyzed him from the waist down. By great courage and effort, Roosevelt managed to walk by wearing braces on his legs and using crutches. In 1924, he returned to national politics as a thrilled convention watched him master his crippling illness as he walked slowly to the podium to nominate Alfred E. Smith for President.

In 1932, he ran on the Democratic ticket for President and soundly defeated the incumbent, Herbert Hoover. He inherited a Nation crushed by depression, and threatened by war clouds over Europe.

In his four terms, he effected more legislation than any other President, lifting the Nation from the depths of a depression to its former greatness.

Although he tried to keep America out of World War II, on December 8, 1941, he addressed a joint session of Congress, and described "a day that would live in infamy," the bombing of Pearl Harbor the day before. The same day Congress declared war, a war he would bring nearly to victory.

On April 12, 1945, a month before Germany surrendered, Roosevelt suddenly died at Warm Springs, Ga. He was buried at Hyde Park, the place of his birth.

This was the path of greatness for the man known as "FDR," and this is the man who has had a profound influence on my approach to history and to my interest and participation in the political life of this country.

PERSONNEL OF USDA VERSUS PRODUCERS OF USA

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. DENHOLM. Mr. Speaker, this commentary is premised on the impact of policies originating in the Department of Agriculture against the interests of farmers and producers of agricultural commodities in the United States of America. The Secretaries of the USDA have changed—the policies remain the same.

The basic issue is a deficiency of income to farm families and the deterioration of the economy in rural communities as a result thereof. The argument is fundamentally a controversy as to applicable alternatives to increase income to producers. There are short-term and long-term solutions. The existing facts and history of past and present programs to increase farm income are briefly recognized for appropriate evaluation of the future.

The objective of past programs of USDA was to influence market price by supply management—that is, price supports and production controls. That theory has not changed. It is a theory that has not resulted in a stabilized market price on farm produced commodities. The basic premise is wrong and the alternatives are impossible.

Producers of commodities must depend upon gross income for sufficient cash receipts to pay expenditures. When prices are low—production is up. Gross income must be equal to production costs or the producer is forced out of business and off the farm. The corn farmer cannot grow rubber trees and the wheat producers of the plains States cannot sell coconuts. The alternative is not easy. Too often the shift is to nonfarm jobs. Millions of families have bid farewell to the farm and left the land they loved. The economic coercion accelerated a transition of rural to urban migration with rapidity. And with that abnormal shift of population came the social ills of a modern megapolistic American society of the industrialized urban centers.

The agrarian society of a young America is now no more—the benefit or burden of the folly of the past is not to be easily determined. Social ills have erupted—conjestion, crime, degredation, drugs, immorality, unemployment and welfare of the industrialized urban society have replaced the birds on the wing, the smell of upturned soil in spring and the pioneer spirit of the West for all that has been lost in the might of an empty quest. Whatever the assessment—it did not just happen. It was planned, pursued and produced. The national agricultural policies and programs from the outset have contributed to the strange but real phenomenon of economic, social and political maladjustment. Most simply stated, the existing problem of our time is that we have too many people and too much wealth of this great country in too few places. Not since the time of Abraham Lincoln have we attempted national policy to redistribute population and wealth to the sprawling communities of rural America.

Rhetoric is not relief. The more than 86,000 employees of USDA and the experts on domestic and international affairs have ambitiously pursued a psychological program to convince American grain producers that positive steps have been taken to increase the prices of farm commodities in the market place. Those policies and words of rhetoric have not been productive.

Far worse is the record of the so-called experts of USDA in opposing all efforts of the Congress to increase farm income on a short-term program that would have increased Commodity Credit Corporation loans by 25 percent on the 1971–72 crop year production. The hearings of record reflect the truth of that testimony in opposition to the interests of farm people. The effectiveness of the opposition of the present administration was recorded in the final vote of the Senate Committee on Agriculture and Forestry at the outset of the second session of the 92d Congress when the House-passed bill providing for a strategic grain reserve and 25 percent increase in Commodity Credit Corporation loans was killed. The farm families of America lost millions of dollars as a result of the opposition of USDA and the policies of the present administration.

The classic game-play and cost-price squeeze continues and the farm families of America remain in the middle without relief. The newly appointed Secretary of Agriculture moved to bolster farm income through continued psychological rhetoric and a mass of news releases to the media that has not resulted in relief. For instance, a recent USDA news release announced purchases of 1.425 million bushels of corn on the open market at prices up $1.30 per bushel.

I have been unable to ascertain from any source where any of the corn purchased by the Government was in fact purchased from farmers and the policy of buying in the open market resulted in a windfall to the grain trade that had accumulated corn from farmers at prices that were reported to be as low as 75 cents per bushel. The "trickel-down" of USDA has not resulted in any appreciable price increase to corn producers. The only increase that resulted in the open market prices to farmers followed the action of the House-passed bill that would have increased the loan level rate through Commodity Credit Corporation loans to farmers.

Further, the USDA has reported that 10 million bushels of corn has been shipped to Russia under a recently negotiated agreement between the United States and Russia. The news media reported this transaction widely throughout the grain producing States. The fact is that the United States has never had any agreement with Russia and that no transactions have occurred between the United States and Russia. It is true that two large corporations of the grain trade have successfully negotiated the sale of grain to Russia. They are Cargill, Inc. and Continental Grain Co., Inc. and they have a contract for delivery of grain sales to Russia. Before hearings of the House Subcommittee on Livestock and Grains, it was ascertained that the officials of USDA estimate a total of 80 million bushels of corn may be shipped to Russia under the provisions of the agreement that Cargill and Continental have negotiated with Russia.

The best information available at this time indicates that approximately one-half of the 10 million bushels of corn delivered to Russia by the aforesaid firms was in fact, purchased and shipped from Argentina.

The Continental Grain Co., Inc. bought 300,000 metric tons of oats for as little as 40 cents per bushel from USDA at a time when the Minneapolis open market prices on oats were at 65 cents per bushel and the Kansas City prices on the oats at that time were quoted at 70 cents per bushel.

The Cargill Co. purchased 11.5 million bushels of barley for 91 cents per bushel from USDA at a time when Minneapolis grain quotations on barley were at $1.20 per bushel.

An Assistant Secretary of Agriculture of the U.S. Department of Agriculture testified before the subcommittee that all such sales of grain from the United States were purchased by the aforesaid corporate dealers in the trade from commodities under loan with the Commodity Credit Corporation and held under the custody and control of USDA. He indicated in his testimony that the rationale for selling below the market was based on the savings to USDA in a sum total of approximately $9 million a year because if the grain was not sold at the aforesaid prices far below the market, the $9 million annually would be paid in storage. It is not clear how much of that estimated $9 million storage payment would have been paid to farmers on farm stored grains, but in any event it was not paid to anyone for storing CCC grains in the United States, but the windfall was to the dealers on the contract or to Russia and the American farmers in effect, must subsidize the Russian livestock and poultry business that ultimately becomes competitive in the international red meat market.

The Assistant Secretary of USDA testified before the hearings that no American farmer could buy the grain out of his own bin on his own farm at the same price that USDA was willing to release and sell for delivery to Russia on the future contracts held by Cargill and Continental and there seemingly is no concern about the impact of such policies against the interests of the producers of food and fiber in this country.

Admittedly the domestic market and international grain exchange is indeed a most complex system of management, manipulation and speculation. The officials of USDA are in a position to know the circumstances and interplay. The farmers and producers of this country are not. Reasonable arguments can be advanced that to dispose of so-called surpluses at below market prices is in the long-term, advantageous to the recipients of the discounted labor of every producer in America. The American farmer is placed in jeopardy before the market without security for the future. He cannot sell to the USDA for the prices they pay and he cannot buy from USDA at the prices they sell. Yet he should silently permit large grain handling firms to buy far below the market price and forego storage income because that somehow is economically advantageous to his country. The fact is that the producers on the farms of America are subsidizing foreign sales of feed grains without any benefit from an appreciable increase in farm prices paid for his crops produced because of the adamant position of USDA in opposing short-term emergency farm legislation to increase Commodity Credit Corporation loans by 25 percent, as provided in the House-passed bill in December 1971.

The "trickle down" policies and procedures of USDA are of no benefit to the American farm people or to any businessman in the rural communities of this country and the possible effect of such "make-believe" farm policies and programs will not be advantageous to the producers of food and fiber in this country at any great economic acceleration until a gallon of water at the top of a cottonwood tree overcomes the drought of shrinking roots in the soil.

The gross error of USDA and the Nixon administration is the failure to recognize farmers and producers of the food and fiber of this Nation as the king-pin for a viable and prosperous rural economy.

An honest attempt at economic recovery and social stability cannot be achieved in America until the caretakers recognize that it is more important to soak the roots instead of lightly spraying the tops of the trees with too little—too late in a trickle-down economic theory that has not worked, cannot work and will not work for farmers in the future. "Jawboning" may keep prices down but all the rhetoric in the world will not keep prices up. The roads to recovery require more than rhetoric.

The Secretary of Agriculture has all essential authority under the Agricultural Act of 1970 to increase the loan level of Commodity Credit Corporation stored grains, to set acreage limits and to provide for additional diversion for wheat and feed grain. The Honorable Earl L. Butz joined the USDA in opposition to the House-passed Strategic Reserve Act which provided for authority to establish a commodity reserve of corn, grain, sorghum, barley, oats and wheat and would also have increased the loan rate 25 percent on all such commodities produced in 1971 and 1972 in an attempt to provide emergency legislation to increase income to the people of rural communities. The extension of the sign-up deadlines announced by USDA during the hearings before the Senate committee may have been coincidental but it was effective along with other attempts of the administration to kill the House-passed emergency relief for the people of rural America. The emergency farm legislation (H.R. 1163) is dead but farmers live. It was not a victory for our country, for our farmers or for the future. The burden is on Butz—the time for action is now. The administration and USDA should take notice accordingly.

EPA ASKS COURT ACTION TO STOP POLLUTION OF LAKE SUPERIOR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. DINGELL. Mr. Speaker, on January 20, 1972, the Environmental Protection Agency announced that Administrator Ruckelshaus had sent a letter to Attorney General Mitchell under date of January 19, 1972, requesting that a suit be filed against the Reserve Mining Co., to halt pollution of Lake Superior by Reserve's ore processing plant at Silver Bay, Minn.

I wholeheartedly agree that Reserve should be forced to immediately cease polluting Lake Superior. I looked upon the request of Administrator Ruckelshaus as an indication that the administration intended to move forthwith to accomplish this objective. However, it now appears that the administration may not intend to move with all possible speed to save Lake Superior.

These doubts as to the Nixon administration's intent were brought to my attention by an editorial in the January 24, 1972, issue of the Detroit, Mich., Free Press and an article in the January 23, 1972, issue of the Duluth, Minn., News-Tribune.

So that my colleagues may have an opportunity to be aware of the situation with regard to the continuing pollution of Lake Superior, I insert at this point in the CONGRESSIONAL RECORD the texts of the EPA press release, Administrator Ruckelshaus' letter to Attorney General Mitchell, the Detroit Free Press editorial and the Duluth News-Tribune article.

The articles follow:

EPA ASKS COURT ACTION TO STOP POLLUTION OF LAKE SUPERIOR

William D. Ruckelshaus, Administrator of the Environmental Protection Agency, today asked the Department of Justice to file suit against the Reserve Mining Co. to halt pollution of Lake Superior by Reserve's ore processing plant at Silver Bay, Minn.

In a letter to Attorney General John N. Mitchell, Ruckelshaus said that Reserve's daily discharge of 67,000 tons of taconite tailings "endangers a unique natural resource". The volume put into the Lake by the company is many times greater than the total volume of material carried into the Lake by its tributaries, he added. The Environmental Protection Agency Administrator requested the Department of Justice to institute legal action requesting a federal district court to set "a schedule of time within which the company must terminate the pollution."

Ruckelshaus added that a notice had been issued to Reserve on April 28, 1971, calling formal attention to its violation of water quality standards, and that in an effort to reach an amicable solution, EPA had employed the consulting firm of Roy F. Weston, Inc., of West Chester, Pa., to determine the feasibility of alternative methods of total and partial on-land disposal. Weston, after extensive investigation, reported five alternative plans, all of which were rejected by Reserve Mining Co., leading to the present impasse.

The EPA Administrator said that Reserve raised many objections to each of the plans, and that this could have led to "endless discussions and technical arguments, with little possibility of a fruitful conclusion." Ruckelshaus said, "My responsibility is to protect the environment, and I intend to discharge that responsibility as expeditiously as possible." He further said, "I have concluded with regret that our dispute cannot be resolved without the assistance of the court, and for that reason I have on this date forwarded the matter to the Department of Justice for appropriate legal action."

Ruckelshaus noted that the States of Wisconsin, Minnesota, and Michigan have frequently expressed a continuing concern in protecting the purity of Lake Superior. These States are parties to the Lake Superior Federal-State enforcement conference. For that reason, he said he has written to the respective Governors suggesting that they consider intervention in the proposed action and participation with EPA and the Department of Justice in seeking an end to the pollution.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., January 19, 1972.

Hon. JOHN NEWTON MITCHELL,
Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL:

The taconite processing plant of Reserve Mining Company, located at Silver Bay, Minnesota, is presently discharging 67,000 tons per day of industrial wastes into lake Superior.

Reserve's discharge endangers a unique natural resource. Lake Superior, the largest body of fresh water in North America, has an extraordinary purity and clarity. Even without considering the composition of Reserve's discharge, it can be seen that the volume of sediment put into Lake Superior by Reserve is many times greater than the total volume of sediment contributed by all the streams that flow into the Lake. Reserve was notified on April 28, 1971, that its discharge violated established standards. The company has not offered a satisfactory plan to clean up its operation at Silver Bay.

In view of the seriousness of this problem, it is hereby requested that you institute immediate legal action.

Sincerely yours,

William D. Ruckelshaus,
Administrator.

[From the Detroit Free Press, Jan. 24, 1972]

As We See It: Tough Talk on Reserve Does Not Hide Weak Action

For all his tough talk, the administrator of the federal Environmental Protection Agency is turning out to be a paper tiger in his attempts to stop the Reserve Mining Co. of Silver Bay, Minn., from dumping its wastes into Lake Superior.

One can not blame William D. Ruckelshaus too much, He is under intense pressure from the White House and other governmental agencies to go easy on Reserve, a division of Armco and Republic steel companies. The administration owes many favors to past and present officers of the two firms.

Mr. Ruckelshaus has finally asked the Justice Department to bring suit against Reserve. But instead of requesting that Reserve go to land disposal of its taconite tailings or stop operations, Mr. Ruckelshaus merely asked that the courts "set a schedule of time within which the company must terminate pollution."

This could mean anything. Reserve has argued for months that the 67,000 tons of tailings it pumps into Lake Superior daily do no harm. an opinion disputed by the EPA. Although it is the only one of a number of taconite processors on Lake Superior that dumps in the lake, Reserve argues that the iron ore it is working with is low grade and it cannot compete without using cheap dumping.

Reserve also hints that the ore from which it manufactures taconite, used in steel production, will run out soon, and going to more expensive disposal techniques would not be economically feasible.

Reserve's reserve may indeed run out before it is forced to join the 20th Century. The firm has been dumping in Lake Superior, America's largest body of fresh water, for more than 20 years.

Ruckleshaus gave Reserve 180 days last May to stop dumping in the lake. One delay has followed another and taking the matter to court could result in an indefinite postponement of action. It is quite conceivable that Reserve's ore will run out before it can be civilized.

The EPA rightly considers Reserve one of the most crucial issues facing it. It is a test case on whether a public agency can force a private corporation to stop massive pollution. If it cannot, there is no way to prevent rape of the environment.

[From the Duluth News-Tribune, Jan. 23, 1972]

Of Pollution Politics—Reserve Case Called Classic

(By Albert Eisele)

Washington.—A few minutes after President Nixon warned Congress in his State of the Union message last week that the "forces which threaten our environment will not wait while we procrastinate." the Environmental Protection Agency (EPA) received a call from Nixon aide John Whitaker.

Whitaker, the top environmental specialist in the White House, gave EPA the green light to go ahead and announce that it was seeking court action to force the Reserve Mining Co. in Silver Bay to stop its daily discharge of 67,000 tons of taconite tailings into Lake Superior.

At almost the same moment, Edward Fride, a Duluth lawyer who represents Reserve, was checking out of the Skyline Inn Hotel a few blocks from the U.S. Capitol to catch a plane back to Duluth.

Nixon's statement of concern for a threatened environment provided an ironic backdrop for a mosaic of behind-the-scenes activity by Fride, Whitaker and many others. EPA's original request for a court order to stop the discharge of tailings into the lake was sidetracked. It was replaced with a less specific letter asking only that the Justice Department start undefined "legal action" against Reserve.

It is doubtful—although not certain—that Nixon himself has been directly involved in the case, but enough high-level political and economic pressure has been applied over the past three months to provide a classic example of the politics of pollution.

The Reserve case poses a crucial test of the Nixon administration's commitment to cracking down on industrial polluters—many of whom are generous Republican campaign contributors. The case also illustrates the discouragement and difficulty the government and private citizens face as they try to clean up the nation's waters.

Among the elements present to the Reserve cases are these:

Lake Superior is one of the world's largest and cleanest bodies of fresh water. It is the last of the five Great Lakes still virtually pollution-free. Many experts think its ultimate survival is at stake;

Reserve Mining Co. is one of the largest employers in job-scarce Northeastern Minnesota, providing some 3,000 jobs and a $35 million annual payroll. Its operation is vital to the area's economy;

The plant is located in the congressional district represented by Democrat John Blatnik, chairman of the House Public Works Committee and chief architect of the nation's water pollution laws, including the one Reserve is charged with violating.

EDA Administrator William Ruckelshaus has staked his reputation as a tough foe of polluters—and his political ambitions—on the outcome of the Reserve case;

Reserve is an offspring of two industrial giants, the Republic and Armco Steel corporations, whose top executives have excellent connections in the White House and elsewhere in Washington.

All these elements began coming together in May 1969, when a Lake Superior Federal-State Enforcement Conference concluded that discharges from Reserve—timely-ground tailings left over after iron is extracted from low grade ore from the Iron Range—had a harmful effect on the lake's ecology.

Since then, the federal government, first through the Administration and then through the newly-created Environmental Protection Agency, has tried unsuccessfully to persuade Reserve to dispose of its tailings on land instead of into the lake.

Three enforcement conferences followed the May meeting, each without causing any change in the company's operations. In August 1970, the company was ordered to submit preliminary abatement plans. In January 1971, the conference found the plans "unacceptable."

Finally, after the fourth enforcement conference in April of last year, Ruckelshaus, acting under the authority of the 1965 Water Pollution Control Act authored by Blatnik, gave the company 180 days to come up with a plan to quit polluting the lake, after which he promised court action.

At the same time, Ruckelshaus announced that EPA had hired—at a cost of $94,000—a private consulting firm, Roy F. Weston, Inc., of West Chester, Pa., to conduct a six-month study of possible on-land disposal methods.

When the 180-day period ended last Oct. 28, Weston's five alternative plans calling for total or partial on-land disposal of the tailings were presented. Ruckelshaus then gave Reserve 30 more days to comment on the plans, which ranged in cost from $74 million to $48 million.

Reserve, meanwhile, mounted an aggressive lobbying effort in Washington to plead its case. Fride, Reserve's general counsel, joined with Reserve President Edward Furness, Armco President C. William Verity, and Republic Chairman Willis Boyer, as well as a half-dozen other executives and paid lobbyists, in an effort to forestall federal action.

Reserve argued it was not polluting the lake, that on-land disposal was unfeasible and too costly (Reserve's estimate was $200 million) and that the tailings could be disposed of without ecologic peril by piping them to the bottom of the lake.

The lobbyists wheeled out charts, brochures and voluminous scientific and engineering data in such profusion that one dazzled congressman called the presentation "Reserve's Dog and Pony Show."

As an example of Reserve's political clout, the "Dog and Pony Show" was booked into the Executive Office Building next door to the White House on Oct. 5, where Reserve presented its case to Whitaker, Russell Train, chairman of the White House Council on Environmental Quality, and presidential assistant Peter Flanigan.

The fact that the meeting took place did not become public until some days later when Democratic Congressman Robert Eckhardt of Texas obtained a copy of an Oct. 19 letter from Fride. In it Train was thanked "on behalf of Reserve Mining Co. . . . and its shareholders, Armco Steel Corp. and Republic Steel Corp. . . . for the opportunity to discuss the Reserve Mining Co. situation on Oct. 5 in your office."

Eckhardt made the letter public because Flanigan, who is the President's liaison between industry and the various federal agencies, and Whitaker had intervened with the Justice Department in October to get Armco a six-month delay after EPA ordered the company to stop dumping cyanamide wastes in the Houston, Tex., ship channel.

Armco's case was helped by the fact that Verity raised $14,000 for Nixon's 1968 presidential campaign and had become friendly with Commerce Secretary Maurice Stans, the man in charge of Nixon's fund-raising. Stans, ironically a native of Minnesota, has been one of the strongest opponents of strict federal action against industrial polluters and as a result has clashed frequently with Ruckelshaus.

Reserve continued to procrastinate after the 30-day extension granted by Ruckelshaus ran out. In December, two key meetings were held with EPA officials at Chicago in which Reserve attacked the Weston study plans as unfeasible and too costly.

Sandwiched between the Dec. 7 and 22 meetings were various conferences with EPA officials in Washington. On one occasion, Tom Truitt, an attorney in the EPA general counsel's office, went to Silver Bay to meet with Reserve executives.

At about the same time, Ruckelshaus said in an interview he had told Stans and the White House aides "to stay out (of the Reserve case) so that we can look at the facts, and make a decision on what is the best thing to save Lake Superior." He added that he felt the company had been "stalling" and that it could continue to stall in the courts, perhaps for years.

Ruckelshaus also noted that Reserve, in apparent anticipation of court action, had already directed some of its lobbying efforts at Assistant Attorney General Shiro Kashiwa (since named a federal judge), who handled pollution cases for the Justice Department. In fact, Kashiwa was given a tour of Reserve's plant by Fride late last summer.

Finally, two weeks ago, Ruckelshaus concluded that there was no other recourse except to take Reserve to court. He ordered his staff to prepare a letter asking Attorney General John Mitchell to start legal action requesting a federal judge to set a deadline for Reserve to stop its pollution of the lake.

That letter was the basis of last week's announcement by EPA. Interestingly, Ruckelshaus was prepared to take much stronger action before Fride and apparently Stans, Whitaker and Flanigan got into the act last week. A copy of a draft letter to Mitchell prepared by Ruckelshaus on Jan. 12 shows that the EPA chief wanted to seek a court injunction against Reserve forcing the company to immediately halt its discharges into the lake.

Ruckelshaus' actual letter to Mitchell, sent Thursday, ended with the words, "In view of the seriousness of this problem, it is hereby requested that you institute immediate legal action against Reserve Mining Company." The draft letter ends with the same words, but adds a request that Mitchell seek a "court order prohibiting Reserve from discharging or depositing any tailings from its taconite ore beneficiating process into Lake Superior or such other relief as the court determines to be appropriate."

Nobody is saying why the last-minute change was agreed to, but apparently the behind-the-scenes machinations of Stans and White House aides Flanigan and Whitaker had something to do with it. Meanwhile, Reserve's discharges go on.

JOHNSON CITY HAS MAJOR STAKE IN PARIS OPERA HOUSE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. QUILLEN. Mr. Speaker, the night of February 10, 1972, will mark a significant occasion at the Paris Opera House. For the first time in history, an American work will play at the world's largest opera house.

The First District of Tennessee has a special interest in this occasion as the opera's composer is a native of Johnson City. Mr. Kenton Coe, composer of "South," spent 5 years working on the project.

"South" had its world premier in Marseilles in 1965 and Wolfe Kaufman wrote in Variety that Kenton Coe may be heading toward an important international career.

Indeed, this outstanding young man is one of the country's most gifted composers. He recently visited his mother and aunt in Johnson City and the Johnson City Press-Chronicle carried an interesting article on Mr. Coe. I would like to make this story available for readers of the RECORD.

The story follows:

[From the Johnson City Press-Chronicle, Dec. 26, 1971]

JOHNSON CITY HAS A MAJOR STAKE IN PARIS OPERA HOUSE

Johnson City seems a little bit removed from the opera stage of Paris.

Yet, in February, Johnson City will have a very major interest in the Paris Opera House.

"South," the first opera of Kenton Coe, will have nine performances beginning Feb. 10.

Coe is the son of Mrs. C. B. Coe of Johnson City. He was born and reared here.

Most important, "South"—or "Sud"—will mark the first time that an American work has been played in the Paris Opera the world's largest opera house.

Coe sees the staging of his opera in Paris with mixed emotions. It is an important and prestigious first for him—but he has no hand in its preparation, a fact that irks him. "They don't want me around," he said.

The opera goes into rehearsal on Jan. 10 in Paris.

"South" made its first appearance in 1965 in Marseilles and was well received. It's based on a complicated, turbulent play by French writer Julian Green who was educated in Virginia.

When "South" had its world premiere at Marseilles, Wolfe Kaufmann wrote in "Variety," "'South' is a new American opera rather unexpectedly given its world premiere in southern France . . . the event and the date is worth noting because the composer, Kenton Coe . . . may be heading towards an important international career. Judging by this work, the stuff is there."

Coe calls "South" a romantic tragedy with a cast of about 15. It took him five years to compose it. "'South' was a good first opera," Coe said in retrospect. "But it had some weaknesses which I corrected."

He said it was not a traditional opera—"It's a drama sung with an orchestra. There's more continuity," he said.

A huge stage at the Paris Opera contains the setting for "South." It's a two-story plantation house with gardens, Coe said.

With "South" being presented in the Paris Opera, Coe said, there is now an increased chance that it may be presented in Washington season after next.

Earlier this year, the New Yorker commented, "On Feb. 10, 1972, the date of the Academie Francaise reception in honor of the bilingual Virginia-educated novelist Julien Green, the Opera itself will give the premiere of Kenton Coe's operatic setting of Green's 'Sud,' a Confederate play staged here in Paris several years ago with quite some success. The premiere of 'Sud' will be the most snobbish intellectual first night of the Opera's post-holiday 1972 season."

Coe laughs about that, particularly the reference to "the most snobbish intellectual first night."

Another Coe work, a one-act comic scene, "Le Grand Siecle," will be performed at the Opera of Nantes on Feb. 28 and 29.

He is in the process of completing his second opera, "The White Devil," an Elizabethan play made into an opera. This will be a revenge tragedy with a lot of social comment, Coe said.

"The White Devil" is an opera in the round, designed to be staged in an arena with film projection and electronic sound, he said.

"I never thought I'd come this far," Coe said. Asked how he chose to compose operas, he replied, "If it's any success at all, you can make a name quicker than in any other way."

The theatrical side of opera attracts more attention, he said.

"The music has to be worked with the drama," he said, "in time relation. The composer must have directorial vision."

He concentrates on Europe because of the contrast between the United States and Europe. There are few opera companies in the U.S., he said, but every city of 50,000 in Europe has an opera house.

The Italians—with whom opera is most frequently identified—"like voices," Coe said. The opera in Italy is simply a vehicle to allow someone to sing, he said. He calls the Germans and English most knowledgable about music.

"The English have a sincere appreciation of music," he said.

The most fun—and the most income—came to Coe when he wrote the score for a movie in 1968 which was filmed in Paris. "Birds of Peru" starred Jean Seberg; it played here in 1969 at the Majestic Theatre.

Coe said he had to work hard for three months on the score—in contrast to the years involved in composing an opera—but the film is still playing all over the world. "The royalties are still coming in," he said.

Doing the score was fun, he said, because of his involvement with the movie-makers, particularly the technical people. At the same time in the same studios, he said, Jane Fonda was doing "Barbarella," a far-out science-fiction movie.

Critics didn't care much for "Birds of Peru," Coe said, "but it grows on you the more you see it." He laughed again. "I've seen it at least 50 times," he said.

Coe is in and out of Johnson City, visiting his mother and his aunt, Louise Summers. He arrived on this visit earlier this month and plans to leave this week.

MRS. MILES IS STUDENT—AT 85

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. PREYER of North Carolina. Mr. Speaker, following is the inspiring story from the Burlington, N.C. Daily Times-News of a courageous lady who proves that you are never too old to learn:

MRS. MILES IS STUDENT—AT 85

(By Kathy Stark)

"They say you never get too old to learn," the little old lady said with a twinkle in her eyes. "And I never thought I was!"

That was Mrs. Ella Miles' comment to questions about her age, which is at least 85, and the fact that she is enrolled in one of the Technical Institute of Alamance's basic adult education programs. What that means is that Mrs. Miles is going to school to learn to read and write.

A native of Person County, Mrs. Miles was born and reared on a tobacco farm. She attended school for a brief while, but left the classroom to go to work in the fields. All she can remember about her schooling now is "'A' as in 'rat', 'B' as in 'bat' and 'C' as in cat'."

But she never stopped "wishing" for an education. Over the years, she married, at about age 18 for the first time, moved to Alamance County, had 12 children and buried four husbands. She saw her children's children's children have children. And she told them all, she recalls, to learn all they can.

"Dropping out of school is wrong, sugar," she told me. "I tell the children to go to school, to learn all they can. I used to tell them I wished I had the opportunity they have to go to school."

Now, Mrs. Miles has the opportunity. A neighbor recently told her of a class being held in Mebane by the Technical Institute of Alamance and asked her if she'd like to enroll.

"I was real anxious to go, to learn to read and write," Mrs. Miles says. She hopes someday to be able to sign her name, to write letters of her own, to read her own mail and the treasured family Bible.

Some of her children live out of town, some out of state. She receives letters often and cards on special occasions from her many descendants, but she's always had to ask someone to read them to her.

"I'd ask anybody I could get," Mrs. Miles says. Asking someone to write a letter for her came harder, however. She never felt comfortable in making such a request, and often the letter just never got written. On occasions when she had to sign her name, it was a mark that served as her signature.

Mrs. Miles, who has lived for many years in the White Level community on Rt. 3, Mebane, is proud of the fact that she is learning to read and write. She practices her letters, attends classes regularly and hopes, eventually, to learn numbers.

It's hard to image how she's managed all these years, and Mrs. Miles admits that not having an education is a handicap. She could keep up with her children's ages only long enough to know when its was time to send them to school. Then, she says, keeping up with their ages became their job.

Her calendar is her little portable television, a big comfort to her now that she lives alone and is retired from the field and domestic work that occupied most of her days. She still cares for a couple of her smallest great-grandchildren, however.

Mrs. Miles has no idea how old she is, but there are some who believe she is closer to 100 than 85, maybe even older. It isn't really of much concern to her, however. She says simply that she's been around for many a year and that her health allows her to get around pretty good. For her, that's all that matters.

As far as her education goes, she hopes to learn all she can. Even without the benefit of book learnin', she has a keen interest in the news and has very definite opinions about such "ridiculous" matters as war—"all that fightin' and killin' "—and about a certain politician's "dirty deeds".

Mrs. Miles doesn't really understand yet what the Technical Institute of Alamance is or why it is that, even at her age, she has an opportunity to make her dreams come true. What is important is that she understands that an education is vital and that she has another chance to learn.

Her classmates include a married couple, a mother and daughter, an educated immigrant learning to spell in his adopted tongue and a number of others who are taking advantage of a chance to become better equipped for life. They're all much younger than Mrs. Miles, but they couldn't be more thrilled with the prospect or grateful for the opportunity.

NEW HOPE FOR THE OLD

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. MAZZOLI. Mr. Speaker, as the problems of our elderly citizens are finally beginning to receive the attention they deserve, I think it only right and proper to single out for praise some of our younger citizens who already are working to reduce the isolation in which so many older people find themselves.

Two such young men are the Reverend David Freitag and the Reverend Sloan Lister, both of Louisville, Ky., who have joined the growing number of clergymen dedicating their careers to ministering to the aged.

Accordingly, I commend the following article which appeared in the Louisville Times, written by reporter Becky Homan, to the attention of my colleagues. It is entitled "New Hope for the Old."

The article follows:

[From the Louisville (Ky.) Times, Jan. 19, 1972]

NEW HOPE FOR THE OLD

(By Becky Homan)

Clara was once "a woman of looks and interests," according to a friend.

But as she grew older, she lost her eyesight, part of her hearing and a lot of her spunk . . . and eventually came to live at the Louisville Christian Church Home, 924 S. Fourth.

Her world, like that of thousands of other elderly people admitted to nursing and personal-care homes, was dramatically reduced to one room. She became despondent about the losses in her life. But more than anything else, she missed her church and frequent visits with her minister.

That was before the young Rev. David Freitag came to the home last August as its first full-time chaplain.

Now that he pays her daily visits, Clara (not her real name) has gained a new confidence.

"By simply being a representative of the church and by showing some personal interest," says a staff member, "he has helped to allay her insecurities and to dispel her withdrawal."

Mr. Freitag, 27, is no miracle worker. He is a young man interested in the plight of institutionalized people and, perhaps more important, one of a growing number of clergyman who are making a career of ministering to one specific group: the elderly.

Their concern is part of a growing national awareness that America is herding its older citizens into segregated, ghetto-like existences. They feel that the church, like the community, has neglected many of the needs of these people.

For these and other reasons, local churchmen such as Mr. Freitag and the Rev. Sloan Lister, chaplain at Woodhaven Medical Services, are dedicating their already dedicated lives to helping the aged.

They've taken cues from people like a local nursing-home administrator who says, "I learned the first year here that you can't expect the neighborhood pastor to spend much, if any, time visiting the patients. It's usually just a Sunday-service-only thing."

This administrator sensed a real need for regular counseling, so he hired a seminary student part time.

"We felt we needed somebody who could establish confidential relationships and watch out for moods or attitudes that other staffers might miss.

"Now, our part-time chaplain is closer to the patients' here than anyone else," he said.

After 5½ months on the job, Mr. Freitag has learned that being a full-time monitor of emotions is probably his most important role.

There is a battery of professionals at the Christian Church Home: a program director, a social worker, physical therapists, doctors and nurses.

"But," says the earnest young minister, "each resident, when he's talking to one professional, will usually communicate only what he thinks that professional wants to know. He'll tell a doctor about his pains, but probably not about what's getting him down.

"I'm here to detect illnesses related to spiritual or psychological problems."

It's part of what Mr. Freitag calls "a wholistic approach to care."

Mr. Lister has similar duties at the 270-bed nursing home on Dixie Highway. He thinks he was probably the first full-time "minister to the elderly" in this area.

His approach, he says, isn't much different from that of a pastor to a congregation of all ages.

"Elderly people are people," says Mr. Lister. "Ministering to them doesn't require a whole different approach."

He and others agree that older people, especially those in institutions, have certain needs requiring that a ministry to them be specialized in some ways.

Mr. Lister says, for example, that most of his "flock" would rather be back in the community. They all have experienced losses of freedom or relationships. Most have to cope with loneliness, and as they begin to reevaluate their lives, many of them have to deal with feelings of guilt.

"Looking at life from this end of it makes many of them say, 'If only I could go back, I would do it all differently,' " says Mr. Lister.

"One thing I've learned not to do is to have an easy answer ready . . . generally when I visit, I listen, talk a little and put an arm around a shoulder or two."

Mr. Lister also organizes daily group discussions around current topics and encourages debate and interrelationships.

He has bitter feelings about society's isolation of the elderly into nursing homes. He brings people in from the community to visit the homes as much as possible.

He says he would like to see local homes establish programs such as he's read about, in which elderly residents can come and go for weeks at a time "so they're not coming here as a dead end."

TELEPHONE SERVICE OFFERED

Mr. Lister hasn't limited his ministry to the elderly at Woodhaven. He's helped establish a Telecare Phone Service, which gives the elderly out in the community a central number to call for help or for a chat when they're lonely.

And he's also been certified by the National Association of Clinical Pastors to train seminary students for this kind of ministry.

Mr. Freitag will be working for the next three years to get his certification as a trainer. He says Louisville needs more outlets for a student to get practical experience. Currently, students go to work in hospitals, prisons and rehabilitation centers.

His approach to a ministry for the elderly is one of a man who dislikes the depersonalization in any institution, "where people are lonely and taken out of their place in life." He was trained in hospitals and mental institutions and says he would have become a military chaplain if he'd had the chance.

He describes growing old as a "depersonalizing process" but one that isn't dissimilar to adolescence.

BOTH ARE CRISIS TIMES

"Both are crisis times of life when these sets of people have to reorganize their goals and values: the adolescent is moving away from a dependent to an independent state and the elderly person is moving from an independent to a dependent state."

A blue notebook full of plans for putting his ideas to work sits on Mr. Freitag's desk.

As for now, however, he's concentrating on each Sunday's door-to-door communion services and on getting to know the patients as individuals.

On a recent weekday he visited the room of a sick and angry woman whose pencil-thin frame shook under the bed linens when she talked.

She didn't believe her doctors were really trying to relieve her pain and she told Mr. Freitag so.

He held her hand and reassured her that everyone was doing all he could.

Then he left the room and hurried to register his observations on her medical chart for the doctor's benefit.

He told a reporter . . . "That woman really was in pain from a heart attack and bladder infection . . . but the grief is coming out hostility." Several months ago, he added, there might have been no one to listen to her complaints . . . "and it's her hostility that's probably preventing her from getting well."

TRIBUTE TO BOB JONES

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. JOHNSON of California. Mr. Speaker, it was with deep regret that I was unable to attend the anniversary party for our friend and colleague, ROBERT E. JONES of Alabama, on Friday, January 28. However, I want to extend congratulations to him on having given 25 years of outstanding service to the Eighth District of Alabama, and to the Nation.

Since I was first elected to the Congress in the 86th Congress, I have been privileged to serve with this fine southern gentleman on the Commitee on Public Works. Throughout the years we have worked on water pollution problems, disaster legislation and legislation pertaining to public buildings and grounds. It has been a pleasure to work with him and to have the benefit of his leadership and counsel. I hope that I will continue to have an opportunity to work with him for many years to come.

He is an expert in many fields and has never been too busy to discuss, with his colleagues, problems affecting their districts, and he has been particularly helpful to me and to the State of California on the many disasters such as floods and earthquakes which have occurred in our Golden State.

On behalf of the citizens of California I want to commend and thank BOB JONES for his 25 years of outstanding service, and to wish him every future success.

YOUTH FOR UNDERSTANDING

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. DENHOLM. Mr. Speaker, Youth for Understanding—an international teenage student exchange program—has established an excellent record of success. I join in the special order by Members of the 92d Congress on this 2d day of February 1972, to appropriately recognize the commendable record of education and human understanding that has resulted from 21 years of administration of a rather difficult program of coordination for the benefit of many, many young people in countries all over the world.

The goal of the nonprofit educational program is to foster mutual understanding through the exchange of American students and international students in foreign countries and to enhance the objectives of peace. Participants live with native families, attend school, and participate in community affairs. The program has been successful as evidenced by the increased number of countries participating therein. The record number of participating youths has increased annually.

There are now 47 countries participating in the youth for understanding program and 25 countries have a sustained interest in the program. There was a total of 30,000 students enrolled and participating in the 1971–72 academic year.

At present, the YFU includes five programs:

First. International students—high school program students stay in American homes for 6 to 11 months.

Second. Mexican program—Mexican students live in American homes for 6 weeks.

Third. American students—summer program—American students live for approximately 2 months in foreign countries—includes Jr. high students.

Fourth. American students—YFU music programs—after several months of preparation American students conduct a summer tour.

Japanese teachers have been placed in California, South Dakota, Arizona, Minnesota, Michigan, Iowa, and New York.

There were 68 South American students and 53 international students on the exchange program in South Dakota during the 1971–72 academic year.

I am proud of the record of the program and the record of the many, many young people that have participated therein. The Youth for Understanding curriculum has a human and worthwhile objective for the mutual benefit of all mankind.

The genuine interest of the people in my State, in the State of South Dakota, has been demonstrated by active and hospitable participation in the program by opening their homes to young people from various parts of the world. The Indian schools in South Dakota have made a great contribution to YFU students. Private homes of many American families have been opened to exchange students from foreign countries but equally important is the hospitality of administrators of the program and of the schools of this Nation.

I join my colleagues in recognition of 21 years of success. I commend personnel engaged in the Youth for Understanding programs and the successful administration thereof. The international teenage student exchange program may well be our greatest instrument of peace—it is a just cause for mutual understanding among leaders of the future. I am hopeful that it may be expanded and that it may continue with equal success for the benefit of all mankind and that all participants will progress from participation therein. It is a proven program of the past and it is a program of hope for peace in the world of the future.

RECORDED TELLER VOTING

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mrs. ABZUG. Mr. Speaker, the recorded teller vote—a major step toward giving our constituents a chance to know how we really vote on crucial issues—is under attack. Despite studies which indicate that this type of vote is neither time wasting nor frivolous, forces within the House are preparing to make it far more difficult to obtain recorded tellers.

The Democratic Study Group has compiled a fine study of the first year's experience with the recorded teller procedure, and today's New York Times contains an editorial on the subject. The DSG report shows that the procedure has been a successful one, and the Times editorial considers some of the reasons why the procedure is under attack. I hope that each Member of the House will have an opportunity to read this material, which follows:

[From the New York Times, Feb. 2, 1972]

HOUSE REFORM IN DANGER

A serious move is afoot to undo one of the most important advances that Congressional reformers have managed to put through. Eighteen months ago they won a change in the rules of the House of Representatives to allow just twenty members to demand a recorded teller vote when that chamber, sitting as a Committee of the Whole, considers amendments to pending legislation. The reformers did away, in effect, with that ancient hypocrisy whereby a Congressman could vote aye on a bill, for the record, the day after he had anonymously voted to wreck it with crippling amendments.

The current effort to weaken this reform by requiring that many more than twenty members—perhaps as many as forty out of a quorum of a hundred—would be needed to force a recorded vote is offered as a way of "correcting abuses." Chiefly the alleged abuses are repetitive and frivolous demands for recorded votes, resulting in an inordinate waste of time.

But figures compiled by the Democratic Study Group indicate the flimsiness of the charge. On 102 rollcalls in the House itself the losing side had less than fifty votes. Since critics of the recorded teller vote use this sort of lopsidedness as an index of frivolity, it may be noted that only two recorded teller votes have been in that category. Where the average margin between ayes and nays on House rollcalls was 229, the margin on recorded teller votes averaged only 91. As for time, a House rollcall takes about 35 minutes; a recorded teller vote, twelve.

There is obviously, then, more to attacks on the reform than a sudden concern with efficiency. The recorded teller vote has been responsible, among other things, for the defeat of the SST, funding of the District of Columbia subway and notice to the Administration of hardening sentiment against the war in Vietnam. It must be conceded that it has also stiffened Congressional stands against busing as a way to achieve integration. But, on the whole it has given liberal Representatives a much greater voice in the amending process and forced wider participation in that crucial House activity.

For these reasons, efforts to erase the reform can be expected from the same sources that originally opposed it: committee chairmen, who found the old unrecorded teller vote more reliable; to so-called "gym crowd," who resent having to spend more time in the chamber; and finally those members, liberal and conservative alike, who simply do not relish having their votes on such delicate issues as busing spread all over the record.

Fortunately, any attempt to cancel the recorded teller vote will itself be recorded—and, we hope, carefully watched by constituents with a distaste for anonymous lawmaking.

DEMOCRATIC STUDY GROUP SPECIAL REPORT: THE FIRST YEAR OF RECORD TELLER VOTING

This report examines the first year's experience with record teller votes—the most significant change in House operations and procedures in more than half of a century. Most observers feel the record teller reform—which was won through a DSG initiated, bi-partisan reform drive—has been an unqualified success.

Nonetheless, it is being proposed that the number of Members required to obtain a record teller vote be increased to eliminate alleged misuse and overuse of the record teller procedure. (The current requirement is one-fifth of a quorum which means that 20 Members are required to obtain a record teller vote in Committee of the Whole and 44 in the House.)

It is the purpose of this Special Report to examine the validity of the complaints against the record teller reform. The report consists of the following sections:

I. Summary of Criticisms and Findings.
II. The Record Teller Record.
III. Responses to Criticisms.
IV. Some Possible Changes.

Attachments: List of Record Teller Votes and Comparisons With Roll Call Voting.

SECTION I—SUMMARY OF CRITICISMS AND FINDINGS

Critics contend there have been "repeated record teller votes on the same proposal with minor variations" and many record teller votes which are either "frivolous" or pointless due to overwhelming sentiments for or against approval, and that as a result Members are being forced to spend too much time voting. They also express fears that an organized group of 20 Members could tie up the House indefinitely with frequent "nuisance" votes—similar to a Senate filibuster.

Supporters counter that the record teller reform is working better than anyone thought possible and that there is no justification for curbing its use. They add that increasing the requirement for obtaining a record teller vote would result in an increase in demands for quorum calls by Members who intend to seek a record teller and want to make sure they have enough supporters on the floor to meet the higher requirement.

Findings

Despite the increase in overall number of record votes (roll call and record teller) to an all-time high, the House actually spent less time voting in 1971 than in 1970.

There have been only a few instances where it can be claimed there were "repeated" votes on the same issue.

Only a few record teller votes could be defined as frivolous or pointless. However, the labels "frivolous" and "pointless" can easily be applied to a great many roll call votes—more than 100 of which involved lopsided margins.

More Members participated in record teller votes than in roll call votes. This is further evidence that record teller votes are generally more important—and less frivolous—than roll call votes.

There was only one instance where a record teller vote was requested after a non-record vote showed less than one-third support for the proposal involved.

There has been a dramatic increase in non-record vote participation.

Over one-fourth of the 101 amendments voted on by record teller vote were approved.

The record teller procedure was used about equally by Republicans and Democrats.

The majority of record teller votes were on major questions such as foreign and defense policy, school busing, and appropriations.

While conservatives won twice as many record teller votes as liberals, the record teller reform represented a significant gain for liberals since they rarely ever won a vote when votes were not recorded.

SECTION II—THE RECORD TELLER RECORD

This section summarizes the record of the first year of record teller votes. It analyzes the number of votes, member participation, types and sources of amendments decided by record teller vote, etc.

Number of record votes

There were a total of 108 record teller votes during 1971—103 on amendments and motions in Committee of the Whole and five on matters in the House itself when the record teller procedures was used in lieu of the roll call. The 103 record teller votes in Committee of the Whole included 101 votes on amendments and 2 votes on important procedural motions. Twenty-eight requests for record teller votes were rejected due to lack of support from 20 members. Overall, there was a total of 320 record votes in the House in 1971—108 record tellers and 212 roll calls. This is the largest number of record votes ever taken in a single year. The previous record was 266 in 1970. The average for the past four years is 230.

Number of nonrecord votes

As might be expected, the number of nonrecord teller and division votes dragged sharply. Non-record teller votes were all but eliminated as their number dropped from 51 in 1970 to 2 in 1971. Non-record division votes were still frequently used, however. They only declined from 123 in 1970 to 98 in 1971.

Participation in record votes

More members participated in record teller votes than in roll call votes. An average of 375 members voted on each record teller vote compared to only 365 on each roll call vote. The following chart shows the average number of members voting on record tellers, roll calls and quorum calls and what percent of the total House each average represents:

	Average number members voting	Percent of total House
Record tellers	375	86
Rollcalls	365	84
Quorum calls	351	81

Participation in nonrecord votes

An unexpected effect of the record teller reform has been a dramatic increase in the number of members participating in nonrecord votes in Committee of the Whole. Since only two non-record teller votes were taken in 1971 they do not provide an adequate base for comparison. But a comparison of participation in division votes during 1970 and 1971 shows a 48% increase.

	Average number of members voting	Number of times less than 100 voted	Number of times more than 100 voted
1970 division votes	90	82	41
1971 division votes	133	30	68

The division vote data indicates that a quorum (100 members) was *not* present for 82 or two-thirds of the votes in 1970. In 1971, however, the situation was reversed with a quorum being absent for only 30 or less than one-third of the votes.

Amendments

A total of 348 floor amendments were offered during 1971. Over 70% of these amendments were handled by non-record vote procedures—177 by voice vote, 68 by division vote, and two by non-record teller votes. The remaining 101 were decided by means of a record teller vote.

Twenty-seven amendments were adopted by record teller votes—10 liberal, 11 conservative and 6 neither. In 13 instances record teller votes changed the decision of non-record votes which preceded them. Six amendments (3 liberal and 3 neutral) which had been defeated on non-record votes were subsequently approved on record teller votes. Similarly, seven other amendments (1 liberal, 3 conservative and 3 neither) were rejected on record teller votes after having been approved on non-record votes.

Overall, 141 amendments were approved while 207 were rejected. Following is a breakdown showing the disposition of all amendments offered.

AMENDMENTS

	Total	Approved	Rejected
Handled by:			
Voice vote	177	97	80
Division	68	16	52
Nonrecord teller	2	1	1
Record teller	101	27	74
Total	348	141	207

Source of amendments and record teller requests

Two-thirds of the amendments decided by record teller vote was sponsored by members (including chairmen) of the committees which reported the bill. Only 37 or one-third were sponsored by members of other committees. Following is a breakdown of sources of the 101 amendments determined by teller vote in Committee of the Whole.

8—sponsored by Chairman or officially by Committee.

56—sponsored by other members of the Committee.

37—sponsored by members of other committees.

There were also two record teller votes on procedural motions in Committee of the Whole and five instances when the record teller procedure was used in lieu of a roll call in the House.

Democrats sponsored 61 amendments while Republicans sponsored 42. However, for one-third of the amendments a member other than the sponsor (usually an opponent) requested the record teller vote. Following is a party breakdown showing the number of instances where the record teller vote was requested by the amendment sponsor and the number of instances where another member requested the record vote.

	Sponsored amendment and requested recorded teller	Sponsored amendment only	Requested record teller only
Democrat	40	21	18
Republican	31	11	14
Total	71	32	32

As mentioned earlier, requests for record tellers were rejected in 28 instances. In all but four of these cases, the member requesting the record teller vote was the sponsor of the amendment.

Types of amendments decided on record teller votes

Nearly one-fourth (24) of the 1971 record teller votes were on amendments dealing with foreign affairs, defense policy, the war and related matters. For example, there were seven record tellers on amendments to the military authorization bill, six on the draft extension bill, and five each on the defense appropriation bill and the foreign affairs appropriations bill. None were approved.

Thirty-one of the 103 record teller votes (including 10 of the above) were on amendments to appropriations bills. Six were approved: four liberal, one conservative and one neither. Amendments to appropriations bills included votes on SST funding and release of D.C. metro funds.

The most record tellers on a single bill was 18 on H.R. 7248, the Higher Education bill. Many of the votes involved the controversial school busing issue. Eleven amendments were approved: Two liberal, seven conservative, and two neither. Other bills on which there were several record teller votes included H.R. 11060, Election Law Reform, and H.R. 10351, OEO-Legal Services. There were five record teller votes on each.

Liberal versus conservative

Overall, conservatives won about half of the 103 record teller votes in Committee of the Whole while one-fourth represented a victory for liberals and one-fourth was mixed or neither. This represents a significant advance for liberals in that prior to 1971, few liberal amendments could survive the conservative-dominated Committee of the Whole. For example, not a single liberal amendment of any substance was approved during 1970 prior to the advent of record tellers.

SECTION III—RESPONSES TO CRITICISMS OF RECORD TELLER VOTING

This section examines the validity of criticisms directed against the record teller procedure.

Too much time spent voting

Despite the increase in number record votes to an all-time high, less time was spent taking record votes in 1971 than in 1970.

In 1970 the House spent about 155 hours taking 266 record votes (all roll calls).

In 1971 the House spent 145 hours taking 320 record votes (212 roll calls and 108 record tellers).

These time estimates are based on a formula of 35 minutes per call and 12 minutes per record teller. However, even a more conservative formula (e.g. 30 minutes per roll call and 14 minutes per teller vote), indicates that less time was spent taking votes in 1971 than in 1970.

Repeated votes on minor variations of the same proposal

There are only six instances where this criticism might apply. Most instances involved a compromise of a proposal which had just been rejected and in all cases it could be argued that the differences between amendments were significant enough to warrant separate votes. (The six cases do not include four votes on school busing because they were not votes on the same proposal but on different elements of the busing issue.) The six instances are as follows:

(1) Two amendments to the Draft Extension:

The Whalen Amendment extending the draft for one year instead of two as proposed in the committee bill.

The Carney compromise extending the draft for a year and a half.

(2) Three amendments to the Military Procurement Authorization proposing deadlines for withdrawal from Indochina:

The Mink Amendment cutting off funds unconditionally as of January 1, 1972.

The Nedzi-Whalen amendment setting a January 1, 1972 deadline, subject to a number of conditions.

The Pepper amendment setting a June 1, 1972 deadline and specific POW conditions.

(3) Two amendments to the legal services title of the Economic Opportunity Act:

The Devine Amendment killing legal services.

The Waggoner compromise authorizing legal services on an experimental 2-year basis.

(4) Two amendments to the Higher Education Act:

The Quie Amendment setting national standards for determining student need and altering the state allotment formula.

The Fraser compromise which altered the formula only.

(5) Two amendments to the D.C. Revenue Act for 1971 cutting the Federal payment:

The Gross Amendment cutting the payment by $44 million.

The Scherle compromise cutting the payment by $25 million.

(6) Two budget cutting amendments to the Defense Appropriations Act:

The Reigle Amendment limiting defense spending to 95% of funds budgeted, a cut of almost $5 billion.

The Aspin compromise setting a ceiling at the FY 1971 level, a cut of about $1.5 billion.

Too many frivolous votes

A good measure of the importance—or frivolity—of a vote is its closeness—the margin between the number of members voting YEA and the number voting NAY. The smaller the margin, the more important the vote; the larger the margin, the less important—or more frivolous—the votes. This is, in fact, the standard that critics of record teller votes use when they point to votes rejecting amendments by lopsided margins as examples of frivolous record teller votes.

In point of fact, however, such critics would be better advised to direct their attention to roll call votes rather than record tellers for these are far more frivolous and pointless roll calls than record teller votes.

For example, 120 or nearly 60% of the 212 roll calls taken in 1971 had a margin of more than 200 votes between those voting YEA and those voting NAY. Only seven or 7% of the record teller votes had margins of this magnitude.

Similarly, 82 or nearly 40% of the roll calls had margins exceeding 300 votes while only one record teller vote fell in this category.

The average margin on roll calls was 229 compared to only 91 on record teller votes (see Attachment No. 1).

Another indication of the importance or frivolity of a vote is the number of members who support the losing side. For example, many regard it as frivolous or pointless to require a record vote on propositions which cannot command the support (or opposition) of at least 50 of the 435 members of the House.

Again, such critics might examine roll call votes rather than record tellers. For a total of 102 roll calls in 1971—nearly half—involved votes in which the losing side had less than 50 supporters. Only two or 2% of the record teller votes fell in this category.

Even more startling is the fact that on 51 roll call votes the losing side could not garner even 10 votes. This included 22 instances of measures approved by margins of more than 300 to 0. Needless to say, these were no record tellers in this category. (See Attachment No. 2.)

Finally, examination of the record teller votes themselves and non-record votes which precede them indicates that they generally involve major substantive issues and have sufficient support to warrant seeking a record vote. For example, 28 of the 100 record teller votes were preceded by a division vote on which the losing side (the side which requested the record teller vote) averaged 44% of the total members voting. In only one instance did the losing side get less than 34% of the total vote. The remaining 72 record tellers were preceded either by a voice vote (30) or no non-record vote whatsoever (42). Thus it can hardly be claimed that members asked for record tellers when previous votes had demonstrated they had absolutely no chance of winning.

SECTION IV—POSSIBLE CHANGES

Following are some possible changes which have been suggested to ease some of the complaints against record tellers:

Use record tellers for rollcalls and quorum calls

In 1971 the House spent 200 hours—more than an entire working month—taking 212 roll calls (35 minutes each) and 152 quorum calls (30 minutes each). This expenditure of time could have been more than cut in half by using the record teller procedure (12 minutes) in lieu of calling the roll. The amount of time spent taking roll calls could have been reduced from 124 to 43 hours while the amount of time taking quorum calls could have been cut from 76 to 30 hours. The record teller procedure was used in lieu of roll calls on five occasions in 1971.

Pipe floor debate into Members offices

Instead of closed-circuit TV, why not closed-circuit sound? It would provide all of the advantages of closed-circuit TV with none of the disadvantages. Some Members have complained about difficulty adequately informing themselves on amendments they are called to the floor to vote upon. Closed-circuit sound would solve this problem by providing a means for Members to stay in touch with floor debate while working in their offices.

Similarly, committee and office staff could be better informed on floor activities and would be better able to advise Members and answer questions, etc. The speakers in Members' offices could be equipped with an unobtrusive signalling device so that those who wish to turn down the sound could be alerted when an amendment is offered, when some other legislative event occurs, or when the leadership wishes to make an announcement.

Provide more work space for members in the capitol

Some members complain about having to "chase back and forth" between the floor and their offices to vote. This problem could be greatly eased if rooms in the Capitol itself were available for Members to meet constituents, work with staff, etc. in more privacy than is afforded by the Rayburn Room. Such space could be made available if some of the indirect support services and other activities now housed in the Capitol were moved elsewhere. Note: The Capitol Diagrams on pages 412–421 of the Congressional Directory show that most of the space in the Capitol is currently used to house activities which have no need to be in the aCpitol itself: Repair and maintenance shops, airline and railroad ticket offices, storage of documents and other materials, committee staff, etc.

Eliminate non-record-teller votes or make it possible to request a record teller without requesting a non-record teller first

Under present rules a two-step procedure is required to obtain a record teller vote: The Member must first request a non-record teller and then "tellers with clerks" (record teller vote). The non-record teller procedure was used only two times in 1971 and could probably be eliminated altogether. Or, the rules could be changed to permit Members to request a record teller vote directly, without first requesting a non-record teller vote.

Do not require amendment sponsors and leaders of floor debate to serve as tellers

The practice of assigning the sponsor of an amendment and the leader of the opposition to serve as tellers for a record teller results in unnecessary delay. These Members should be left free to answer Members questions, lobby etc. Use of Members as tellers could be eliminated altogether or other Members not directly involved in the debate could be assigned.

Increase the time period for record tellers

Some Members have complained that the 12-minute time period allotted for Members to get from their offices or elsewhere to the floor is insufficient. This time could be increased by two or three minutes without serious damage to the effectiveness and efficiency of the record teller procedure.

ATTACHMENT NO. 1: COMPARISON OF VOTE MARGINS ON ROLL CALL AND RECORD TELLER VOTES

This chart compares the Yea-Nay differences for Roll Call and Record Teller votes taken during 1971. Column No. 1 indicates various categories of margins between the number of Yea and Nay votes. Column No. 2 indicates the number of Roll Call votes where one side exceeded the other side by that margin while Column No. 3 indicates the number of Record Teller votes which fell in that category.

1 Yea-Nay vote margin	2 Roll call votes	3 Record teller votes
Over 390	1	0
380 to 389	8	0
370 to 379	8	0
360 to 369	9	0
350 to 359	10	0
340 to 349	16	1
330 to 339	8	0
320 to 329	8	0
310 to 319	9	0
300 to 309	5	0
290 to 299	6	0
280 to 289	5	0
270 to 279	3	0
260 to 269	0	1
250 to 259	5	0
240 to 249	3	2
230 to 239	4	2
220 to 229	7	1
210 to 219	1	0
200 to 209	1	2
190 to 199	6	1
180 to 189	1	3
170 to 179	4	4
160 to 169	1	1
150 to 159	3	2
140 to 149	8	4
130 to 139	2	3
120 to 129	4	2
110 to 119	3	5
100 to 109	9	2
90 to 99	2	4
80 to 89	3	5
70 to 79	5	6
60 to 69	6	4
50 to 59	1	10
40 to 49	8	12
30 to 39	6	7
20 to 29	9	5
10 to 19	6	7
0 to 9	5	7

ATTACHMENT NO. 2

This chart compares the number of roll call votes on which one side had less than 100 votes with the number of record teller votes where the losing side had less than 100 votes.

Column No. 1 indicates the number of votes on the losing side in categories of ten from 0 to 100. Column No. 2 shows the number of Roll Calls on which the losing side had that many votes while Column No. 3 indicates the number of Record Teller votes in that category.

Number of votes on losing side	Number of rollcalls	Number of record tellers
0	22	0
1 to 9	29	0
10 to 19	20	1
20 to 29	13	1
30 to 39	12	0
40 to 49	6	0
50 to 59	4	0
60 to 69	8	1
70 to 79	7	4
80 to 89	4	3
90 to 99	8	4
Total under 100	[1] 133	[2] 14
Total Under 50	[3] 102	[4] 2

[1] 62 percent.
[2] 14 percent.
[3] 48 percent.
[4] 2 percent.

ATTACHMENT NO. 3

RECORD TELLER VOTES DURING 1971

Date, bill number, and amendment sponsor and record teller requester	Amendment or motion	Nonrecord votes Yea	Nonrecord votes Nay	Record teller votes Yea	Record teller votes Nay
Mar. 3, H.R. 4690, Patman	Strike issuance of bonds without regard to interest ceiling			179	212
Percent				46	54
Mar. 18, H. J. Res. 468, Yates	Strike out further funding of SST			215	204
Percent				51	49
Mar. 29, S.J. Res. 55, Reuss, Patman	Equitable use of wage and price controls	60	106	143	183
Percent		36	64	44	56
Mar. 31, H.R. 6531, Harrington	Repeal President's induction authority			62	330
Percent				16	84
Mar. 31, H.R. 6531, Whalen	Extend President's induction authority for 1 year only			198	200
Percent				49.8	50.2
Apr. 1, H.R. 6531, Dennis	Eliminate punitive provisions re conscientious objectors	46	66	131	242
Percent		41	59	35	65
Apr. 1, H.R. 6531, Fraser	No draftees to Southeast Asia after Dec. 31, 1971		(1)	122	260
Percent				32	68
Apr. 1, H.R. 6531, Gibbons	Prohibit use of draftees except in declared war			97	279
Percent				26	74
Apr. 1, H.R. 6531, Carney	Extend draft only 18 months rather than 2 years			170	200
Percent				46	54
Apr. 6, H.R. 5981, Findley	Motion to raise and thereby kill sugar beet support bill			182	178
Percent				51	49
Apr. 7, H. R. 7016, Hathaway	Add $728,000,000 for educational programs			187	192
Percent				47	53
Apr. 7, H.R. 7106, Stokes, Conte	Strike Whitten provisions forbidding forced busing			149	205
Percent				42	58
May, 11, H.R. 8190, Giaimo	Restore $34,200,000 in subway funds for District of Columbia			170	219
Percent				44	56
May 12, H.R. 8190, Boland, Yates	Continue funding for SST			201	195
Percent				50.5	49.5
June 2, H.R. 8141, Esch	Restructure manpower program, stressing local control			182	204
Percent				47	43
June 16 H.R. 8687, Leggett	Cut $51,000,000 in ABM funds			129	266
Percent				32	68
June 16, H.R. 8687, Aspin	Limit authorization to fiscal year 1971 appropriation level			119	270
Percent				31	69
June 16, H.R. 8687, Pike	Delete $370,200,000 for development of B-1 bomber			98	307
Percent				24	76
June 16, H.R. 8687, Stafford	Cut R. & D. funds to fiscal year 1971 level, except for 5 percent inflation increase	67	111	136	258
Percent		38	62	35	65
June 17, H.R. 8687, Nedzi	Ban funds after Jan. 1, 1972, to support U.S. military in Indochina			158	256
Percent				36	67
June 17, H.R. 8687, Mink, Howard	Straight cutoff of Indochina support after Jan. 1, 1972			82	327
Percent				20	80
June 17, H.R. 8687, Pepper	Cutoff Indochina military funds after June 1, 1972, subject to certain POW provisions			147	237
Percent				39	61
June 22, H.R. 1, Ullman, Burleson	Strike family assistance title from H.R. 1			187	234
Percent				44	56
June 23, H.R. 9270, Conte	$20,000 farm subsidy limitation			214	198
Percent			(1)	52	48
June 23, H.R. 9270, Reuss	Ban funding of stream channelization projects unless started before July 1, 1971			129	278
Percent				32	68
June 23, H.R. 9270, Michel	Forbid food stamps to households of strikers			172	225
Percent				43	57
June 24, H.R. 9272, Yates	Add $11,600,000 for ILO dues	51	70	147	225
Percent		42	58	40	60
June 24, H.R. 9272, Gonzalez, Conyers	Cut $4,250,000 in community relations services	68	64	127	233
Percent		51	49	35	65
June 30, H.R. 9382, Clawson, Williams	Cut $3,000,000 counseling service from HUD	32	41	164	217
Percent		44	56	43	57
July 8, H.R. 8181, Vanik	Strike language exempting Eximbank budget from inclusion in U.S. budget			112	249
Percent				31	69
July 8, H.R. 8181, Wylie	Prevent Eximbank from financing exports to Communist countries			207	153
Percent				57	43
July 15, H.R. 9388, Skubitz, Hosmer	Cut out funds for national nuclear waste repository at Lyons, Kans	36	30	162	206
Percent		54	46	44	56
July 27, H.R. 10061, Giaimo	Add $82,400,000 for vocational rehabilitation			236	153
Percent				61	39
July 27, H.R. 10061, Yates	Add $200,000,000 for health programs			169	214
Percent				44	56

Footnotes at end of table.

ATTACHMENT NO. 3—Continued

RECORD TELLER VOTES DURING 1971—Continued

Date, bill number, and amendment sponsor and record teller requester	Amendment or motion	Nonrecord votes		Record teller votes	
		Yea	Nay	Yea	Nay
July 27, H.R. 10061, Burke, G. Ford	Add $64,000,000 for child welfare	162	148	185	201
Percent		52	48	48	52
July 28, H.R. 9092, Gross, Henderson	Eliminate certain DOD employees from pay raise	26	23	147	233
Percent		53	47	39	61
July 29, H.R. 10090, Clark, Bow	Delete $100,000 for Dickey-Lincoln project study	99	100	198	182
Percent		49	51	52	48
July 29, H.R. 10090, Mink	Prohibit funds for testing nuclear weapons in Aleutian Islands		(1)	108	282
Percent				28	72
July 30, H.R. 8432, Colmer, Dingell	Require 10 percent of Lockheed loan come from private sources			175	205
Percent				48	52
Aug. 4, H.J. Res. 833, N. Smith	Alternate formula based on ratio of State unemployment to U.S. unemployment		(1)	172	213
Percent				43	57
Aug. 4, H.J. Res. 833, W. Ford	Deny funds to government which may itself be an eligible applicant	101	114	171	219
Percent		47	53	45	55
Sept. 14, H.R. 234, Committee, Ichord	Prohibit detention by Executive order	(1)		290	111
Percent				72	28
Sept. 14, H.R. 234, Ichord	Strike language prohibiting imprisonment of soldiers			124	272
Percent				31	69
Sept. 16, H.R. 1746, Erlenborn	Substitute to Equal Employment Opportunity Act			200	194
Percent				51	49
Sept. 23, H.R. 9166, Gross, Morgan	Cut Peace Corps appropriations by $27,000,000	31	28	113	233
Percent		53	47	33	67
Sept. 30, H.R. 10351, Cordova, W. Steiger	Treat Puerto Rico, Guam, Virgin Islands as states for community action appropriations.	76	61	202	161
Percent		55	45	7	43
Sept. 30, H.R. 10351, Devine	Strike out Legal Services Corp. title		(1)	152	210
Percent				42	58
Sept. 30, H.R. 10351, Brademas, Perkins	Add Child Development Act to poverty bill		(1)	203	181
Percent				53	47
Sept. 30, H.R. 10351, Perkins	Reduce population level to qualify as child care prime sponsor			226	158
Percent				59	41
Sept. 30, H.R. 10351, Erlenborn	Reduce income level allowed for free child care		(1)	187	189
Percent				49	51
Oct. 4, H. Res. 596, Udall, Gross	Motion to rise and prevent unscheduled action on Federal employees pay			175	198
Percent				47	53
Oct. 12, H. J. Res. 208, Committee, Wiggins	Add "of any person" to equal rights amendment			104	254
Percent				29	71
Oct. 12, H.J. Res. 208, Committee, Wiggins	Adds exceptions to equal rights amendment for women			87	265
Percent				25	75
Oct. 14, H.R. 10835, Moorhead	Broaden Consumer Protection Agency's authority to represent consumers		(1)	160	218
Percent				42	58
Oct. 14, H.R. 10835, Fuqua, Waggonner	Limit Consumer Protection Agency to advisory status	51	56	149	240
Percent		48	52	38	62
Oct. 20, H.R. 10367, Udall	Require comprehensive land planning for Alaska		(1)	177	216
Percent				45	55
Oct. 28, H.R. 7248, Quie	Revise distribution of educational opportunity grants			117	257
Percent				31	69
Oct. 28, H.R. 7248, Fraser, E. Green	Alter formula for distributing educational opportunity grants to States	(1)		108	220
Percent				33	67
Nov. 3, H.R. 7248, Hawkins	Place maintenance of effort requirement on institutions	66	68	210	181
Percent		49	51	54	46
Nov. 3, H.R. 7248, White, Conyers	Cut interns for political leadership program	(1)		229	149
Percent				61	39
Nov. 3, H.R. 7248, Erlenborn	Strike out general assistance for higher education			84	310
Percent				21	79
Nov. 3, H.R. 7248, Quie	No general aid to colleges if Court bans aid to church schools		(1)	119	264
Percent				31	69
Nov. 3, H.R. 7248, Sebelius	Strike provision that Uniformed Services University be within 25 miles of the District of Columbia.	22	43	148	215
Percent		34	66	41	59
Nov. 4, H.R. 7248, Erlenborn	Exempt undergraduate admissions from sex discrimination prohibition			194	189
Percent				51	49
Nov. 4, H.R. 7248, Matsunaga, Goodling	Extend benefits of land-grant colleges of Virgin Islands and Guam			219	158
Percent				59	41
Nov. 4, H.R. 7248, Brademas, Ashbrook	Restore title establishing National Institute of Education	52	50	210	153
Percent		51	49	58	42
Nov. 4, H.R. 7248, Gross, Pucinski	Delete authorization for ethnic heritage studies			200	159
Percent				56	44
Nov. 4, H.R. 7248, Pickle	Weaker substitute youth camp safety program	52	53	184	166
Percent		49	51	53	47
Nov. 4, H.R. 7248, Broomfield, Ryan	Postpone District court orders to bus until Supreme Court rules	(1)		235	125
Percent				65	35
Nov. 4, H.R. 7248, Ashbrook	Prohibit funds to be used for busing			233	124
Percent				61	39
Nov. 4, H.R. 7248, E. Green, Burton	Forbid HEW to force States to spend funds where Federal Government cannot	(1)		231	126
Percent				65	35
Nov. 4, H.R. 7248, Esch, Thompson, N.J	Allow busing funds to schools desegregating by court order	95	162	146	216
Percent		37	63	40	60
Nov. 4, H.R. 7248, Pucinski, Mink	Add Emergency School Aid Act	157	101	211	159
Percent		61	39	57	43
Nov. 4, H.R. 7248, W. Ford	Substitute Emergency School Aid Act		(1)	92	269
Percent				25	75
Nov. 9, H.R. 10729, Dow	Retain essential use requirement		(1)	152	222
Percent				41	59
Nov. 9, H.R. 10729, Eckhardt	Forbid recovery of funds for pesticide removed from market	82	130	168	204
Percent		39	61	45	55
Nov. 9, H.R. 10729, Dow	Liberalize judicial review requirements	64	125	167	209
Percent		34	66	44	56
Nov. 10, H.R. 9212, Byrnes, Erlenborn	Cut disability payment to black lung miners			158	224
Percent				41	59
Nov. 10, H.R. 9212, Erlenborn	Strike out 2- year extension for State benefit compliance		(1)	133	246
Percent				35	65
Nov. 10, H.J. Res. 946, Seiberling	Halt all funding for Defense Department after Nov. 15, 1971			10	356
Percent				3	97
Nov. 11, H.R. 11341, Gross	Reduce Federal payment to the District of Columbia by $44,000,000		(1)	79	263
Percent				23	77
Nov. 11, H.R. 11341, Scherle	Reduce Federal payment to the District of Columbia by $25,000,000		(1)	119	210
Percent				36	64
Nov. 11, H.R. 11341, Jacobs	Extend minimum wage to the District of Columbia truckdrivers		(1)	139	179
Percent				44	56
Nov. 16, H.R. 11731, Bingham	Delete $801,600,000 for procurement of F-14		(1)	76	311
Percent				20	80
Nov. 17, H.R. 11731, Yates	Limit funding for additional active duty personnel		(1)	183	210
Percent				47	53

Date, bill number, and amendment sponsor and record teller requester	Amendment or motion	Nonrecord votes		Record teller votes	
		Yea	Nay	Yea	Nay
Nov. 17, H.R. 11731, Boland	June 1, 1972, Vietnam withdrawal deadline depending on POW release			163	238
Percent				41	59
Nov. 17, H.R. 11731, Riegle	Limit net expenditures to 95 percent of funds budgeted		(1)	74	307
Percent				19	81
Nov. 17, H.R. 11731, Aspin	Limit total appropriations to 1971 level			114	278
Percent				30	70
Nov. 29, H.R. 11060, Pickle, Stanton	Permit broadcasters to charge comparable rates in lieu of lowest charge	74	52	219	150
Percent		59	41	59	41
Nov. 29, H.R. 11060, Springer	Eliminate rate section for TV and newspapers			145	219
Percent				42	58
Nov. 29, H.R. 11060, Frey	Strike out equal time provision			95	277
Percent				26	74
Nov. 30, H.R. 11060, O. Hansen, Crane	Prevent unions from using dues for political activities	(1)	----	233	147
Percent				65	35
Nov. 30, H.R. 11060, Danielson, C. Brown	Strike requirement that candidates file statement with District Court	69	56	230	154
Percent		55	45	60	40
Dec. 2, H.R. 11932, Giaimo	Add $72,500,000 for the District of Columbia share of Metro funds		(1)	196	183
Percent				52	48
Dec. 2, H.R. 11932, Scherle, G. Ford	Halt Metro funding pending environmental compliance		(1)	163	205
Percent				44	56
Dec. 8, H.R. 12067, Fraser	Add $50,000,000 for U.N. development program		(1)	119	268
Percent				31	69
Dec. 8, H.R. 1163, R. Price	Provide storage of grain in producers' facilities	44	62	147	179
Percent		42	58	41	59
Dec. 8, H.R. 1163, Quie	Exclude 25-percent loan increase on wheat			128	222
Percent				37	63
Dec. 8, H.R. 1163, R. Price	Offer reserve commodities for sale at 100-percent parity	83	130	145	201
Percent		39	61	40	60
Dec. 8, H.R. 1163, Jacobs, Conte	Store grain in homes of hungry Americans	53	134	21	270
Percent		28	72	6	94
Dec. 10, H.R. 11309, Stephens, Patman	Restrict retroactive pay			209	151
Percent				58	42
Dec. 10, H.R. 11309, Badillo	Require Price Commission disclosure of information		(1)	73	275
Percent				21	79
Dec. 10, H.R. 11309, Landgrebe, Hanley	Require Presidential review of pension plans qualifying for special tax treatment	(1)		170	184
Percent				48	52

RECORD TELLER VOTES IN HOUSE IN LIEU OF ROLLCALL VOTES

Nov. 4, H.R. 7248, Erlenborn, Green	Vote in House on Erlenborn sex discrimination amendment approved in Committee of the Whole.			186	181
Percent				51	49
Nov. 10, H. Res. 696, Fraser	Motion to strike Rhodesian chrome provision from conference report			252	101
Percent				71	29
Dec. 2, H.R. 11932	Final passage of supplemental appropriations bill	(1)		269	20
Percent				93	7
Dec. 6, S.J. Res. 176	Final passage, mortgage interest rates bill (⅔ vote required)			357	4
Percent				99	1
Dec. 6, H.R. 10420	Final passage Marine Mammal Commission bill (⅔ vote required)			199	150
Percent				57	43

[1] Voice

SECRETARY BUTZ TESTIFIES CONCERNING THE WEST COAST DOCK STRIKE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. HARVEY. Mr. Speaker, the Honorable Earl L. Butz, Secretary of Agriculture, testified this afternoon before the Special Subcommittee on Labor of the House Committee on Education and Labor. Mr. Butz' remarks concerned the resumption of the west coast dock strike and the tremendous impact this work stoppage is having on the American farmers. As you know, Mr. Speaker, I recently introduced legislation that would attempt to solve the problem of emergency transportation strikes. My bill, which will be reintroduced tomorrow with cosponsors, would amend the Railway Labor Act and the Taft-Hartley Act in separate titles and provide the President with permanent mechanisms for dealing with these disputes. I would like to bring Mr. Butz' statement to the attention of my colleagues for it certainly points out the tremendous need for legislation in this area:

DOCK STRIKES AND AMERICAN AGRICULTURE

(Statement of the Honorable Earl L. Butz)

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before this Subcommittee and to discuss with you a matter of the greatest urgency. The West Coast dock strike is of the most serious concern to all of us having responsibilities in agriculture. It is of the deepest interest to every American farmer.

As a result of the various dock strikes in 1971—the West Coast, the East and Gulf ports, and the Port of Chicago—the farmer's exports have been reduced by almost three quarters of a billion dollars below comparable periods in the preceding year. That is a simple total of the reduced exports for the affected ports during the strike periods.

The situation would have been still worse—much worse—except for the Taft-Hartley injunctions that the President was able to obtain at all ports at different times. As of now, however, the 80-day injunction obtained for the West Coast has expired. This leaves the President without recourse either in the courts or in Executive action, and it is for this reason that he has asked for special legislation, H.J.R. 1025, to end the West Coast strike and submit the dispute to arbitration.

I might remind the Subcommitee that the President, almost two years ago, requested legislation to deal with transportation strikes—the Crippling Strikes Prevention Act. As recently as last December 15, he again asked for action on that bill. Now, since no legislation has been forthcoming, he has asked for emergency legislation to deal with a specific strike.

The strike *is* an emergency for agriculture. Historically, exports make up a major part of the farmer's market. In recent years, a great deal of work has been done by farmers and their leaders to expand this outlet—so that our agriculture and our Nation may benefit from our farmers' tremendous productive ability. Now, this market—and these gains—are being cast away by a small group of men who care nothing for farmers—in a dispute where farmers are not a party and have no voice.

This is the way it looks to me as a partisan of the American farmer. And this is the way it looks to the farmer, who has plenty of problems of his own without being victimized in someone else's argument. He thinks he has a right to look to his Government for fair treatment in this matter, and I agree with him.

Unless there is action by the Congress at this time, our agriculture is going to be hurt in the pocketbook every day that the strike continues. Moreover, the American farmer is going to be damaged further in terms of his future as an exporter—his reputation as a world supplier.

This is all very, very serious to an agriculture which has been exporting the product of one cropland acre out of every four. It is even more important to those farmers—soybeans and wheat, for example—who have been exporting one bushel out of every two that they produce. The export market is essential to the continuation of agriculture on the scale that we know it in this country. Let's make no mistake about that.

In order to maintain this export market, our agriculture must have a fair chance to compete. With work stoppages in all our deep-water ports, as occurred in 1971, our ability to compete is severely restricted. One of the United States' major advantages in foreign trade is its traditional reliability as an overseas supplier every month of the year.

Not only did last year's dock strikes jeopardize that reputation, but their effect continues into the current year as our competitors continue to fill contracts that were negotiated during those strikes. No wonder farmers are concerned by a renewal of the work stoppages at West Coast ports. No wonder they are looking to Washington for relief from this strike.

WEST COAST

The short run impact of the dock strikes last summer and fall on agricultural exports is now apparent. The 100-day West Coast dock strike which began July 1, 1971 and was interrupted October 9 by a Taft-Hartley injunction reduced agricultural exports from the West Coast during the June–September period from $288 million a year earlier to $73 million in 1971.

Moreover, this coincided with the harvest of one of the largest wheat crops in the history of the Pacific Northwest. At the peak of harvest over 30 million bushels of wheat were on the ground due to a lack of transportation caused by the dock tieup. Some of this wheat suffered quality deterioration.

The 100-day strike and the threat of a continuation have created uncertainty in the wheat market. Based on purchases by the Japanese Food Agency, the U.S. farmer's share of this market for the March-December period fell from 55 percent to 40 percent. U.S. losses of sales are in the neighborhood of 25 million bushels valued at $40 million, and this loss continues to build. On January 19, the day after the West Coast dock strike resumed, the Japanese purchased 8.7 million bushels of wheat for March-April delivery; yet only 1.6 million bushels were purchased from the United States.

Other Far Eastern countries are looking to other sources of supply. A Korean tender for 110,000 tons of barley off the West Coast was recently cancelled due to the strike, and this barley has been purchased from Australia.

Korean imports of U.S. wheat in July–December 1971 were only 17 million bushels, compared with 28 million bushels in the same months the preceding year. The most affected varieties were hard red winter and soft white. The Koreans have purchased their needs from Australia.

Taiwan's imports of U.S. wheat in July–December 1971 were only 5.0 million bushels, compared with 12.4 million bushels the year before—a decline of almost 60 percent. In western soft wheat alone, the decline in U.S. sales to Taiwan was from 5.4 million bushels in July–December 1970 to only 1.6 million bushels the same months of 1971.

Thus wheat exports were the largest casualty of the 100-day strike, although other commodities were affected too, particularly fruits, vegetables, rice, cotton, and livestock products. Even those commodities that succeeded in reaching foreign markets did not represent a total plus.

Of those commodities which did move about one-half were fruits and vegetables and other non-bulk commodities. Lemons were flown to Japan, and fruits and vegetables were moved overland to Gulf and Canadian ports. Some Oregon seed producers were forced to ship overland to New York City to insure that their contracts would be met with foreign buyers.

The results of these costly diversions were less than encouraging. For example, two shipments of raisins and one shipment of prunes arrived in the United Kingdom contaminated by insects. The shipments have been investigated and the infestation was found to be directly attributable to the required diversionary hauls.

There is normally a constant flow of tallow from renderers to markets. The West Coast dock strike rapidly backed up exports and filled the limited storage available. Some tallow is being diverted to Canadian ports and some to the Midwest, at an increased marketing cost of over one cent per pound.

However, for most products the cost involved in diversion was too high, and consequently there were significant losses. In California ten alfalfa meal dehydration plants were forced to close during the West Coast strike. Since exports usually account for about two-thirds of the California output, the domestic market was quickly flooded with alfalfa that would normally be dehydrated for exporting. Furthermore, alfalfa cubes and pellets destined for export and held by the strike were exposed to the sun which reduced carotene content to no more than that of ordinary hay. As a result their value dropped to $30 per ton compared to the pre-strike price of $50 per ton.

The West Coast strike has had a serious impact on prices for acala cotton. This is a specialty cotton grown in the far West which normally sells for a premium of 4 cents per pound above regular cottons. Substantial quantities of acala cotton are exported, and the export market is necessary to maintain the price differential. During the strike and with the threat of a new strike, acala cotton lost its normal premium price and is now selling below the levels of other cottons which do not have acala's unique qualities.

The strike is also a serious problem to the American forest industry, which is a concern of my Department. The industry estimates that every day of a dock strike on the West Coast means the loss of $1 million in wood product exports. Further disruption of lumber exports, as well as imports, might well have serious repercussions upon home-building programs in 1972. Transportation problems in 1968–69 contributed to record high prices for forest products and a serious upset to the homebuilding industry. The present situation is very similar.

CHICAGO

The problems which arose on the West Coast last summer were repeated on the Gulf Coast, the East Coast and in Chicago on the Great Lakes last fall.

The Chicago strike of 9 elevators out of a total 11 in that port began September 1, 1971. These elevators were open from October 9 to November 11 under a temporary Taft-Hartley injunction. They have been closed since that time, and this will again be an acute problem once warm weather reopens the Great Lakes shipping route. Export capacity of the 9 closed elevators was estimated for September-December at 35 million bushels of corn and soybeans. The closing of this vital port during the height of harvest of a record corn and soybean crop was deeply felt in the corn belt. Cash farm prices for corn and soybeans were discounted well below the normal differential between the near term Chicago futures quotation and cash country prices in Indiana and Illinois.

EAST AND GULF COAST

The East and Gulf Coast strike started November 1, 1971 and ended November 27 when Taft-Hartley injunctions were issued. These injunctions expire on February 14, 1972. An evaluation of the impact of this strike is difficult because some ports were open during part of the October-November period. As an example, the West Gulf Ports which are important outlets for wheat, sorghum, rice, and cotton, continued to work until November 15. New Orleans, the major export point for soybeans and corn was opened from October 26 through November 15 due to an NLRB action. Mobile, Beaumont, and Baltimore were open for shorter periods. Philadelphia was open from October 26 to November 15 under a separate type of court action.

The East and Gulf Coasts normally account for about two-thirds of our total agricultural exports. During the October-November period in 1970 these ports exported $917 million of agricultural products compared to $400 million during the same period in 1971.

The strike impact was especially severe in October on exports of soybeans and corn from Gulf ports. Corn exports were down from $67 million to $9 million and soybeans were down from $95 million to about $16 million. By the time the Taft-Hartley injunction had been issued on the East and Gulf Coasts, 25 ocean-going vessels were idle at Gulf ports, the port elevators were filled, and an estimated 50 million bushels of corn and soybeans were backed up the Mississippi River Valley in barges and railroad cars.

Some of the soybean crushing mills along the Mississippi were forced to close temporarily while others operated at sharply reduced capacity. During this period tallow stocks on the East Coast increased and over 100 million pounds of tobacco were stalled at dockside.

THE COST TO AGRICULTURE

In total, the dock strikes on the East, Gulf, and West Coasts reduced U.S. farm exports during the shutdowns by over $700 million from year earlier levels. Diversionary movements to open ports during the strike, anticipatory shipments off the East and Gulf Coasts before the strike, and heavier than normal shipments following the strike will assist in reducing the losses. However, some losses are permanent, and the impact of these strikes will be felt in lost future sales.

The strike impact is not limited to lost export sales. It is felt in the form of reduced farm prices, increased marketing costs, and spoiled crops. This is especially true for those products for which the export market is substantial. We export over one-half of our rice, wheat, and soybean production; nearly two-fifths of the cattle hides; over one-third of the tallow, tobacco and cotton produced; and one-fifth of total feedgrain sales by U.S. farmers.

For example, if past performance is a guide, we expect that at the height of the strike during October and November, our farmers sold over 800 million bushels of corn and over 500 million bushels of soybeans. The price discounts received by farmers during this period were a direct result of the reduced foreign demand for these commodities caused by the dock strikes.

U.S. agricultural exports this fiscal year could very well be down $400–$500 million below last year. Part of this decline is due to lower unit values for some of our commodities but American agriculture is not getting the volume gains that could come from these lower prices. Without work stoppages Canada is experiencing a record year for barley exports. Some of our key customers are turning to Canada and Australia for more of their wheat supplies. The Russians were forced to purchase part of their corn requirements from Argentina because of the uncertainty of our port situation. Foreign customers are telling American agriculture that they are shifting their purchases elsewhere where they can get assured delivery. That is the real tragedy of these work stoppages—the loss of future sales to our competitors not only for this year but for years to come.

It is of utmost importance that these dock work stoppages be ended promptly, and that provision be made to prevent future tie-ups in our transportation system. Not to do this, promptly, will be to subject American farmers to an erosion of income which they cannot and should not be expected to endure.

They are growing weary of being bloodied, as innocent bystanders, by someone else's fight. They are justifiably incensed and frustrated at not being able to move to market at harvest time the product of a whole year's labor, because of unresolved arguments among small groups of people in transportation. Our farmers want protection from this kind of restrictive action—and they want it *now!*

PACIFIC COAST EXPORTS—JULY-SEPTEMBER, 1970 AND 1971

Commodity	In million dollars 1970	In million dollars 1971	Percent 1971 of 1970
Grain and feed	141.8	13.8	10.0
Wheat and flour	88.7	1.4	2.0
Rice	25.7	5.6	22.0
Prepared feed/alfalfa meal	8.8	.7	8.0
Fats and oils	12.3	7.4	60.0
Tobacco	0	0	----------
Cotton	17.4	2.5	14.0
Dairy	7.0	1.5	21.0
Poultry	2.8	1.1	39.0
Livestock and meat	32.4	13.7	42.0
Tallow and greases	10.9	4.3	39.0
Hides and skins	12.0	5.3	44.0
Fruits and vegetables	69.3	30.9	45.0
Citrus fruits	11.0	8.5	77.0
Fruit cocktail	2.7	.3	11.0
Fruit juices	3.3	1.1	33.0
Other fruits and nuts	36.7	14.8	39.0
Vetetables	13.0	6.2	48.0
Sugar and tropical products	5.3	2.1	40.0
Total, all agricultural commodities	288.3	73.0	25.3

OUTER CONTINENTAL SHELF

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BOGGS. Mr. Speaker, last week Secretary Rogers C. B. Morton announced that the Department of Interior is considering a proposal which would permit coastal States to share in the revenues of mineral production on the submerged lands of the Outer Continental Shelf.

A similar arrangement now exists between the Federal Government and the States with respect to Federal lands lying within their borders. Under present law, a State is entitled to 37.5 percent of the revenues of mineral production on lands lying within its borders to help pay the ancillary costs of providing education, health care, building roads, and other public services. A similar formula should be applied for States now providing services essential for offshore production.

Among the earliest and most effective voices for this proposal were the New Orleans Times Picayune and its distinguished executive editor, George W. Healy, Jr.

I am very pleased that the Department of Interior is giving this proposal the serious consideration it merits.

I am inserting a recent editorial and article from the New Orleans Times Picayune and calling them to the attention of my colleagues.

The editorial follows:

SHOULD BE MAJOR BREAKTHROUGH

Dispatches from Washington Wednesday reported that the Department of the Interior is giving serious consideration to proposed sharing with coastal states of revenues produced from submerged federal lands off those states.

That is most welcome news.

Louisiana and other coastal states, we have urged repeatedly, should share in revenues received by the federal government from minerals production in adjacent waters. Such revenue sharing is earned and deserved.

The federal government could not realize this income from its lands off coastal states unless those states performed governmental services essential to men and women who work in offshore drilling and producing operations and to members of their families.

According to figures obtained from the Bureau of Land Management of the Department of the Interior, the Outer Continental Shelf minerals production placed in the federal treasury in fiscal year 1970 more than $1.272 billion. By far the greatest contributor to this tremendous fund was federal land off Louisiana's coast.

During 1970 Louisiana provided education, health, police, recreation, library and other services to 67,644 persons employed to make offshore fields productive and to members of their families. The cost to the state and its subdivisions of providing these essential services is estimated conservatively at $79,718,702.

In addition, the state and its subdivisions have made capital expenditures to provide highways, marinas and other facilities without which the offshore oil fields could not be worked. These public works have cost many millions of dollars. As an example, Plaquemines Parish built a four-lane highway from Belle Chasse to Venice, at the head of the passes, whose major use is in transport of men and supplies needed in the offshore work. That construction alone cost $48,024,008.

While interior states receive a substantial share of revenues produced by inshore federal lands, Congress has made no provision for sharing with coastal states of revenues produced from federal offshore lands.

To us, this is a serious injustice. It is an inequity which can be ended by prompt and simple action by the Congress. Let federal law provide for sharing of revenue produced by offshore federal lands in the same manner that revenue produced by inshore federal lands is shared with states like Wyoming, New Mexico, Alaska and other states where large areas still are held by the federal government.

Secretary of the Interior Rogers C. B. Morton is quoted by The Washington Star as saying that he is "exploring the idea of giving coastal states a piece of the action on offshore oil."

It's a capital idea, Mr. Secretary, and one that we urge the national administration and the Congress to put in effect.

INTERIOR SECRETARY STUDYING SHARING OF MINERALS REVENUE

(By Edgar A. Poe)

WASHINGTON.—The Nixon Administration, already on record in favor of tax-revenue sharing with state and local governments, appears to be moving closer to a proposal that would cut the states in on yields from offshore oil, gas and other minerals.

Interior Secretary Rogers C. B. Morton has under advisement a plan that would permit states with offshore wells to share in the revenues from this production.

A spokesman for the cabinet officer said Wednesday that the question of offshore sharing by the states actually came up during a closed conference with governors and official representatives of the Atlantic Coast States here on Jan. 11. It was not brought out at the subsequent open press conference.

Secretary Morton has not yet discussed a formula to be applied if and when such a proposal is approved by the administration, a spokesman said. He said the secretary realizes that off-shore production would be limited without services now provided free by the adjoining states. These include roads, schools, libraries, hospitals, police protection, and services of the courts, among other things.

Ironically, if the production was onshore on federal lands, the states automatically would receive 37½ per cent of the yields under present law. This includes yields from oil, gas and timber.

NO ENTHUSIASM

At the conference with state officials here earlier this month, neither Gov. Francis Sargent of Massachusetts, nor Gov. Marvin Mandell of Maryland, the only two governors in attendance, expressed any enthusiasm for a proposal by Secretary Morton to explore the possibility of conducting lease sales on the outer continental shelf lands along the Atlantic Coast. One reason, of course, is the dispute of how far state submerged lands extend seaward. Some of the New England states, including Maine and Massachusetts, claim ownership of 100-seaward miles.

Under a U.S. Supreme Court ruling, Louisiana, Mississippi and Alabama can lease three miles from their coasts, while Texas and Florida may lease up to three leagues or about 10½ miles. Some critics of this unique decision of 1960 accused the High Court of legislating. With numerous nearby islands along the Gulf, the disputed question is where do you start measuring from the coast of a particular state.

Louisiana, with tremendous offshore production, currently would stand to share more in offshore yields than any state because offshore production of oil and gas from the federal leases is far greater than any other offshore area.

The Washington Star Wednesday, in a story asserting that Secretary Morton is considering a proposal to share offshore oil revenues with states, quoted an unnamed oil industry spokesman as saying he knows about the Morton plan. The industry spokesman went on to say the Secretary's proposal could provide the basis for an out-of-court settlement of the many-years-old boundary dispute with various coastal states.

"He also said he believes the oil money sharing would allow the federal government to follow President Nixon's order to accelerate drilling at sea," the newspaper said.

The story said that "sharing of profits from offshore oil could give states, now reluctant to start drilling in new areas, such as along the East Coast, an incentive to change their minds."

BIDS RETURNED

The Interior Department recently returned more than 250 sealed bids filed in December for lease on federal lands off Louisiana. There has been speculation in Washington that the sealed bids on the 78 tracts, totaling some 366,000 acres, possibly amounted to nearly $2 billion merely for the privilege of drilling. Any production from these lands, of course, would be shared by the federal government.

The bids were returned several days ago after a federal judge in the District of Columbia more than 1,000 miles away refused to dissolve an injunction he issued because a New York-based environmental organization contended that the Department of Interior had failed to comply with certain provisions of the National Environmental Policy Act.

If and when the injunction is dissolved and the lease sale conducted it would add about 10 per cent to the 3,800,000 acres already under lease off the Louisiana coast. The tracts off eastern Louisiana are located in water depths up to 500 feet.

Secretary Morton promised Atlantic Coast governors and official state representatives at the Washington conference that he would not conduct any lease sales for drilling until public hearings would be conducted, and the states would have a chance to present their respective stories, and the lawsuits of the various states against the federal government are settled.

BOGGS PRAISES SHARING PLAN

WASHINGTON.—United States Rep. Hale Boggs Wednesday praised a proposal to share offshore oil revenues with producing states similar to a bill he first introduced several years ago.

Boggs said: "I have sponsored legislation for a number of years to give coastal states a fair share of revenues derived from offshore mineral production beyond their so called historic boundaries.

"I have discussed this bill on several occasions with Secretary (Rogers C. B.) Morton, and he has indicated great interest. His support, and that of the other coastal states would be invaluable in its passage, and passage of the bill would be tremendously helpful to Louisiana.

Boggs had words of high praise for George W. Healy Jr., editor of The Times-Picayune who has been advocating such a sharing plan. He said:

"Mr. Healy through edtiorials and personal correspondence with the members of Congress and the executive branch has diligently and persistently pushed for this plan and the fact that it is being considered at the highest level of government is due in no small part to his efforts."

Under the Boggs proposal, the bulk of offshore revenues—62½ per cent—would be paid by the Secretary of the Treasury into a special fund in the treasury which would be known as the Marine Resources Conservation and Development Fund, and would be used in water pollution control, underwater agriculture, conservation of beaches, hurricane protection, aid to sea grant colleges, fisheries development, construction and maintenance of waterfront recreation facilities, oceanographic research, and in other sea-related activities.

The remaining 37½ per cent of the revenues would be paid by the Secretary of the Treasury to the state adjacent to the tidelands. The funds would be used for the benefit of the public schools or public roads of the state, as its legislature may direct.

GOVERNOR LUCEY'S CHALLENGE TO GRADUATING STUDENTS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. KASTENMEIER. Mr. Speaker, Wisconsin Governor Patrick J. Lucey recently had the honor of delivering the commencement address at the January 25, 1972, graduation ceremonies at the University of Wisconsin. Governor Lucey spoke directly to the most vital issue facing our Nation; that is, the continuing American participation in the war in Indochina, and he called for the immediate, complete, and total withdrawal of all American military personnel and equipment from Southeast Asia. Governor Lucey further challenged the graduating students to involve themselves in the political dialog of 1972 and to work for the cause of peace within the existing political framework.

Mr. Speaker, I concur with Governor Lucey's remarks, and I commend him for speaking frankly to the University of Wisconsin graduating students. It is my pleasure to enter Governor Lucey's speech in the CONGRESSIONAL RECORD today.

The speech follows:

SPEECH BY GOVERNOR PATRICK J. LUCEY, UNIVERSITY OF WISCONSIN—MADISON, COMMENCEMENT, JANUARY 25, 1972

I am honored to have the opportunity to address the graduating class at this distinguished University and to bring greetings from Wisconsin's citizens.

This occasion scarcely calls for a detailed review of the interrelationship between the University and its host state. The commitment to higher education that generation after generation of Wisconsin citizens have made since the almost simultaneous birth of this institution and this state, requires no elaboration. Were it not for financial assistance disproportionately large for our numbers and our resources, a state of average means could not support a world renowned institution. Nor could such an effort be so amply rewarded were it not for a superior faculty of extraordinary dedication.

The University has long provided our state with a fountainhead of learning, new knowledge and new techniques which have enriched our lives culturally, while also adding to our economic well-being.

But more than that, on numerous occasions in the past, the University has been the conscience of the state. The social reforms of John R. Commons and Selig Perlman, though controversial in their time, ultimately offered direction toward the attainment of a more decent society.

More recently, and to no less an extent, the faculty and the student body of this University have exercised a significant moral influence over the state and the entire nation.

I speak of the emphatically stated value judgment that American military involvement in the civil war in Vietnam was and is an immoral national policy.

At a time when there was less public understanding and more widespread support for the war throughout this country, the members of this faculty spoke against its legality and its necessity. When one Washington administration after another tied American intervention in Vietnam to American patriotism, students on this campus refused to accept so perverse and so simplistic a notion. When American corporations, profiteering from the war maintained a business-as-usual attitude, the University community dissented and called public attention to the misdirected expenditure of human and material resources.

In large part, these actions by the University community have stimulated a dramatic shift in American public opinion against the war. Yet in spite of the currently resounding national mandate for peace, the bombs are still falling, and the war persists—not only in North and South Vietnam, but in Laos and Cambodia and Thailand.

Two successive national administrations have betrayed the American people. In 1964 Lyndon Johnson was swept into office because of widespread fear that his opponent would act irresponsibly by expanding American military involvement in Southeast Asia. We elected Lyndon Johnson but then had imposed upon us the repudiated policies of Goldwater. In 1968—when many of you began your college careers—Richard Nixon was elected to the Presidency in large part because he claimed to have a secret plan to end the war.

Three years later we are still engaged in what has become the longest war in American history. The Nixon plan of Vietnamization has not brought an end to the killing but rather, it is instead responsible for untold additional Asian deaths, 19,400 more Americans killed in combat, 106,000 more Americans wounded and the squandering of countless billions of dollars. It is true that Mr. Nixon has reduced the number of American forces in Vietnam from 539,000 when he entered office to 140,000 at the end of this month. But it is also true that he has ordered the explosion of as many bombs in three years as Lyndon Johnson did in five.

In all, we have dropped 6,200,000 tons of bombs in Southeast Asia. Our bombings have caused an estimated one million Vietnamese casualties. A recent study by two American scientists reveals that these bombs have also produced a moon-like landscape in many areas of Vietnam, where approximately 20 million craters have been blasted out of the earth. These scientists point out that a quarter of a million bombs are unexploded—posing a hazard to all forms of life for years to come.

There are other facts of comparable horror which detail the many gruesome consequences of this war. But they are only too familiar to us all. Though their precise magnitude may be uncertain, their very existence evidences the tragedy of America's continued involvement in Southeast Asia. That some of these statistics are not increasing as rapidly as was the case at some time in the past, is of slight consolation.

The recent reduction of American battledead, for example, offered no comfort to the family of Sergeant Jerry N. Duffey of Charlotte, Michigan, the sole American battle casualty in Vietnam one week ago. Nor does the reduced American death toll diminish the anguish of Asian families, mourning the loss of a son or daughter. The continued American presence in Vietnam also leaves unresolved the fate of those held captive, whose return depends upon the termination of hostilities by this nation.

There are those who say the war is no longer an issue in our society or on our campuses. Some politicians of both parties argue that reduced American casualties and shrinking draft quotas have been sufficient to defuse the peace movement. Perhaps they are right. But if they are, what has happened to our righteous outrage? At what point did we lose the moral imperative? Is a war immoral only when it threatens our personal safety or makes career plans uncertain?

Is it immoral to kill and be killed on the ground but righteous to bomb indiscriminately from aircraft carriers and air bases in Thailand?

It has been said that in not one of the last twenty years would combat have existed in Southeast Asia without American financial support. Are we prepared to supply and finance carnage for an indefinite period, so long as we are not personally threatened or inconvenienced? The time has come for America to cease its role as the exchequer of Asian wars.

The time has come for us to demand an immediate, complete and total withdrawal of all American military personnel and equipment from all of Southeast Asia.

I am deeply disturbed by those who say the economy is the issue in the coming election. They say that the war is not important any more. I say . . . the war is *the* issue, and that everything we need to do or aspire to achieve is affected by it.

The war has contributed immeasurably to the disruption of the economy of this country.

The war has brought untold tragedy into the lives of hundreds of thousands of American families through the death, injury or capture of their sons and loved ones.

The war has diverted our attention and our resources from the decay of our cities, the destruction of our environment and the neglect of our children.

The war has materially contributed to the loss of faith in government by our citizens.

And most importantly, the war has become an immense and indelible stain on the moral integrity of this nation.

The question now unanswered is whether you are prepared to accept a responsibility to influence the political decision-making that will take place during the remaining months of this year.

Will you contribute to the political dialog of 1972 or will you stand mute as fateful decisions are made that will affect your lives and the lives of others?

This year presents you with the opportunity to work for peace not only in the national election but in the Wisconsin Presidential primary.

If this University has served you well, you go forth on this commencement day better able to direct society towards a more humane future. As members of this campus community you have recognized that a better future for this nation depends in large part upon the termination of the Vietnam war. As you influenced the community from the campus, so too, must you influence the community, as members and leaders in its ranks.

As champions of the cause of peace, may you be relentless in your efforts to secure the prompt conclusion of this war and of the processes by which Vietnams are made possible.

NEW TRANSIT TECHNOLOGIES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. FRENZEL. Mr. Speaker, I would like to call to the attention of my colleagues some recent developments which are extremely encouraging to those of us who have sought to encourage the development of new transit technologies.

I am particularly excited about President Nixon's decision to increase by 77 percent our spending to accelerate development of new transit technologies. Hopefully the House will act quickly to fully fund this urgently needed program.

I was also extremely pleased with a recent statement by Henry Ford II, chairman of the board, Ford Motor Co., when he suggested that it is time for us to begin using a portion of our dedicated highway trust funds to develop new transit technologies. This somewhat heretical statement coming from an automobile executive is both responsible and refreshing in that it reflects a growing awareness of the urgent need to provide new transit alternatives in our urban areas.

In fact Ford has already begun to make sizable investments in the new transit technology field. They are one of four companies chosen by the Department of Transportation to demonstrate new transit systems at the International Air Exposition to be held at Dulles in May of this year. Hopefully these initiatives will lead the rest of the automobile industry to realize that encouragement of mass transit can be both good for the country and good business. It should be evident to all that more urban highway construction is at best only a partial solution to the growing auto congestion problem.

The January issue of Ward's Auto World carries an article by Tom Joyce which discusses the urban transportation crisis and the implications for the automobile industry. It is heartening to know that at least one automaker understands what Mr. Joyce is talking about and is doing something to meet the challenge.

At this point I would like to insert Mr. Ford's comments on highway trust funds and the article by Tom Joyce in the RECORD.

The articles follow:

NEXT TEST FOR DETROIT: ANTICAR CAMPAIGNS

(By Tom Joyce)

WASHINGTON.—After several turbulent years, it seems as if the auto industry is heading into some relatively quiet waters in its dispute with government and consumer groups over safety.

This isn't to say that there won't be some pretty choppy waves from time to time. But the way things are being sized up in the nation's capital, 1972 could well provide the embattled auto industry with a long-awaited respite.

The biggest single item still unsettled, of course, is that dealing with air bags or some satisfactory passive restraint system to protect car drivers and passengers. But the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) has pushed back the deadline on this requirement until 1976 models.

This was no easy task, especially since Douglas Toms, the safety administrator, had predicted that air bags could help cut auto fatalities in half by the beginning of the next decade. But the auto industry, with a hefty assist from the powerful American Automobile Association, won the delay on grounds that it would be technically impossible to install them safely by the earlier target date.

Consumer advocate Ralph Nader sees in this a deal between the White House and top officials of the big auto firms.

SAFETY DEMANDS REDUCED

But that really is no longer a major point. What is important is that demands on the auto industry—in terms of safety—have been whittled down and now 1972 appears to be shaping up as a year of relatively happy motoring for Detroit. The interlocking seat belt idea has to be worked out. And car makers are under orders to strengthen car roofs.

But even at Mr. Nader's Center for Auto Safety—a busy shop of 15 lawyers and students—officials concede that the new year is not going to be loaded with the kind of new demands like the industry has witnessed in the past.

"There really isn't very much coming down the line," one of Mr. Nader's auto experts told *Ward's Auto World*.

All this would seem to augur well for the industry; a period of calm that hopefully will give designers a chance to think more about designing cars around safety rather than adding feature after feature to cars already designed. At least this is the way Washington safety officials and even some of Mr. Nader's own people view it.

But there is a hitch. And while it involves automobile safety and the sister issue of clean air, it's something quite different.

Just as cars are being made safer, a new problem has developed—or is developing—for the car makers.

CUT CARS CAMPAIGN

Put simply, it is burgeoning campaign to reduce the number of automobiles on the road. And the idea is to vastly improve mass transit systems and train travel.

As might well be suspected, Mr. Nader's followers are among the avante garde. "It is," said an attorney at the Center for Auto Safety, "a different kind of approach. It deals with the whole picture, including improving the quality of life."

Spearheading the new crusade is the Highway Action Coalition, composed of leading ecological groups including the Sierra Club and the Audubon Society. The organization's concern is both death on the nation's streets and highways and pollution of the environment.

Leading the fight in Washington is John Kramer, a young activist of the Nader mold whose plan is to assault the National Highway Trust Fund which each year helps to build highways to the tune of more than $4 billion.

If Mr. Kramer and his fast-growing band of followers get their way—an iffy, down-the-road proposition at this time—the move would channel money now going into the highway kitty for the development of mass transit systems.

The idea is simple: The more people who use transit systems, the fewer who will be driving automobiles.

On the side of the coalition, its supporters argue, is a growing desire on the part of Americans to avoid driving and the traffic snarls and the parking problems that go with it.

The argument is not without its merits. In Washington last month the House finally released $72.5 million to keep work moving on Washington's under-construction subway system. The move is significant because it was a defeat for the highway lobby seeking more freeways and a victory for subway supporters cheered on by both District of Columbia and suburban residents.

The whole issue is likely to generate some fireworks early this year when both highway and mass transit programs are scheduled for airings in Congress.

QUESTIONS FOR DETROIT

For Detroit it poses a bag full of serious questions. Is there a growing disenchantment with the automobile, especially as a means of getting to and from the work place, that will erode sales? Is the move toward more transit systems and fewer highways a sign of this? What are the chances for the new movement?

There can be no doubt that the automobile is causing serious congestion in American cities. Parking is expensive. And even when motorists are willing to pay high fees, they often have to wait long periods to get their cars in and out of garages and lots.

In New York there are now plans for major changes in downtown traffic patterns—partly to eliminate traffic snarls and partly to conform to federal air quality standards.

Other cities are planning similar moves. And that could mean fewer automobiles.

What has made the auto industry so big and powerful is that ever since cars first started rolling off assembly lines Americans wanted more and more of them. But, like so many other things in American life, the blessing has not been without drawbacks. And today these problems are demanding attention.

General Motors Board Chairman James M. Roche, who retired Dec. 31, predicts the auto industry will sell up to 11 million cars this year. It well might turn out to be a good estimate.

But what about the years to come? No one, of course, is suggesting that the giant is going to fall into rapid decline and people are going to quit buying cars.

Nevertheless, there are some things to consider. The U.S. population growth rate has declined. Both because of safety and ecology, the automobile has more enemies than it has had since the days of carriage builders. And there are new pressures—like moves for fewer cars and more mass transit systems.

Thus, while 1972 should give Detroit a breather of sorts on the safety front, it might well be the beginning of different concerns.

EXCERPTS FROM PRESS CONFERENCE TRANSCRIPT, HENRY FORD II AND LEE A. IACOCCA

Question. Mr. Ford, how do you feel about diverting Federal highway funds to mass transit purposes? Studying mass transit ideas?

Mr. FORD. I don't know whether we're yet ready to suggest that mass transit get funds out of the Highway Trust Fund. However, we do think the Highway Trust Fund should use some of its money to study methods of mass transit and do some research and development on it.

Question. How much of that money? Ten per cent?

Mr. FORD. Well, 10 per cent adds up to an awful lot. I don't know how much research and development you can do over a period of time, so I don't want to give you any figures. But, we're talking about this to some people and I don't know whether we're going to be able to sell our ideas. We think to start with you can't switch this over all overnight and say "X" per cent of the Highway Trust Fund ought to go into mass transit. We're in favor of mass transit; we're not opposed to mass transit in any way. But, it's got to be a viable mass transit and it can't cost the general public a fortune. It's got to be a viable system. We have to start slowly, as I see it, and take some of the Highway Trust Fund money and use it for research and development and experimentation . . . maybe build one system, if it's a new type, and see whether it works. Do that kind of thing before you start to say you want to earmark "X" dollars out of the total Highway Trust Fund.

Question. Do you feel that eventually some of this trust fund money could be used to subsidize mass transit in the way it has been used to subsidize automobiles in the construction of highways?

Mr. FORD. That may come. I wouldn't say whether it would or whether it wouldn't. I think we have to crawl before we walk, and walk before we run. I think we have to find out how viable mass transit systems are. I am sure they are very necessary in some locations and not necessary at all in others. I think the types that are going to be used are going to be important. I think that there are all kinds of things that have to be researched and looked at and thought through including how they are going to be financed. All kinds of things have to be looked at.

NECESSITY OF AIRCRAFT CONSTRUCTION PROGRAM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, production of the Air Force's T–38 supersonic trainer jet by Northrop Corp. ended on this past Monday with the delivery of the 1,187th, and final, aircraft in a special ceremony at Palmdale, Calif. I would like to congratulate both Northrop and the Air Force for this effort that should serve as a model for military procurement programs. Since the first T–38 was turned over to the Air Force in 1961, every plane has been delivered on or ahead of schedule, the planes have surpassed their guaranteed performance standards, and all contract cost commitments have been met or bettered.

I have learned, to my dismay, that with the close of this project, the F–5B is the only combat crew trainer aircraft of this type now in production in the United States, and that this program will be closed in April 1973 unless further funds are made available immediately. The plan, at the outset of the F–5 program, was to include two F–5B aircraft for each F–5E squadron, in order to provide adequate training facilities for combat crews. There are now over 1,000 F–5 aircraft in 16 countries structured on this two trainers per squadron basis. The Air Force has been authorized by Congress to purchase 21 F–5E aircraft in fiscal year 1972, and they are requesting an additional authorization to procure 57 more F–5E aircraft in fiscal year 1973. I am concerned that at the same time, the Air Force has not requested authorization for the six F–5B combat trainers that were planned to support the three F–5E squadrons. It has come to my attention that the F–5B program can be continued with an appropriation of only $5 million. In light of the potential sales for the F–5B aircraft and the requirement for two of these F–5B's to support each of the 17 F–5E squadrons now planned in the 325 F–5E program, I submit that it does not make good sense for the F–5B line to be closed for lack of the $5 million. I hope that my colleagues will join me in recognizing the necessity of this program, and will work with me to assure its continuance.

WOMEN AT ANNAPOLIS? OLD HAT TO MRS. CURRY

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. FLOWERS. Mr. Speaker, it is a pleasure for me to insert in the RECORD an article by Hank Black and appearing in my hometown newspaper Graphic in its January 28, 1972, issue. Mrs. Curry is a friend of mine, and because of recent interest in women attending the service academies, this article seems particularly timely:

WOMEN AT ANNAPOLIS? OLD HAT TO MRS. CURRY

(By Hank Black)

Frank-Ragan King was given a presidential appointment to attend the U.S. Naval Academy at Annapolis, Md. . . . but her mother turned down the offer saying she didn't think her daughter could pass the physical."

That's right, her daughter, for Frank-Ragan King was a woman, a high school girl of 16 back in 1936. Amid the hubbub over a New York senator and a Michigan congressman nominating girls to the academy, few people remember the story of the girl who is now Mrs. Burton Curry of 14 Sherwood Drive.

Mrs. Curry says she was not as excited about the appointment as the newspapers were at the time.

"I was always receiving offers from boys' prep schools to attend, back in the days when they did soliciting," she said.

But a newspaper in Huntsville, where she was living at the time, carried a lengthy article on the subject, and then a national wire service picked up the story, using a photograph of young Miss King, a smiling brunette wearing a borrowed sailor's hat.

She was named for her father, who went down with the flagship he was commanding in the North Sea on a mine sweeping mission after World War I. He was posthumously awarded the Distinguished Service Medal and later a destroyer was named for him.

"When I was 16, Secretary of the Navy Swanson wrote mother saying that he was sure Commander King's son wanted to follow in the footsteps 'of his illustrious father,'" Mrs. Curry remembered. "So he offered one of the 20 presidential appointments available."

"I probably would have gone, if I were a boy . . . I don't know," she said.

The resultant publicity about the girl with a boy's name even got to the eyes of Robert Ripley, originator of the famous "Believe It or Not" feature. He invited the teenager to appear on his New York radio program as well as including her in his newspaper strip.

"But my grandmother wouldn't let me go," Mrs. Curry shook her head.

After the newspaper stories, she received many letters from men who had served under her father.

A few days ago she saw the stories about Sen. Jacob Javits and others trying to get a female into the Academy, and she remembered her own story. Would she favor such a move?

"I'm not a woman's libber, although I think we should have equal pay for equal work in the same field, but I would not organize an effort to get women into Annapolis," she stated.

Her two sons, Frank Ragan Curry, 19, and Burton King Curry, 21, are students at the University and were not interested in attending the Naval Academy, she said.

DEVICE TO MEASURE AIR POLLUTION

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mrs. GRASSO. Mr. Speaker, two enterprising and community-minded students at Enfield High School recently put into operation an air-sampling device which was built by the students and will assist two already existing devices in measuring the air pollution content in town.

The air pollution test center, which is on the Enfield High School rooftop, was constructed by Stuart White and James Anderson. In coordination with the other two centers, the student project will be a great help to town officials in their efforts to determine the sources of pollution in Enfield.

This public spirited contribution by Stuart and Jim deserves high marks. For the interest of my colleagues, an article concerning this enterprising project which appeared in the Enfield Press follows:

EHS STUDENTS CONSTRUCT WORKING DEVICE TO MEASURE DENSITY OF AIR POLLUTION IN TOWN

(By T. Patrick Flanagan)

Last Sunday, a strange-looking contraption, located on the roof of Enfield High School, was turned on for the first time to sample Enfield's air and to aid pollution experts in finding the answers to these and other important questions about air pollution in the town.

The town of Enfield presently has two other air-sampling devices similar to the one at EHS that was built by students Stuart White and James Anderson. The apparatus, which resembles a large fiberglass vacuum cleaner, will be turned on every six days for a 24-hour intake of Enfield's air. By compiling the information gathered from all three of the monitoring stations officials hope to get a more complete picture of the town's pollution problem. The high school device will greatly aid the other two stations because of its ideal location. One of the other locations is hampered by the presence of fumes from a nearby bus station.

In cooperation with the Town Sanitarian Charles Agro and Thompsonville Fire Chief William Furey, the students of the three Environmental Study classes at the school will be monitoring the air-sampling station in accordance with state regulations regarding air-sampling. Of interest to the State Health Dept. will be the specially treated filter paper that is contained in the machine. The filter paper will be analyzed by the state to determine exactly what per cent of each particulate matter the air in Enfield contains. Hopefully, after further testing and comparisons with the other stations, they will be able to determine where the pollution in Enfield originates.

The Environmental Study classes, instructed by Valentine Kropiwnicki and Robert Kramer, will be supplementing their current study of the environment and its pollution problems with the findings of the weekly monitoring projects.

REASONABLE COMMUNICATION IN THE EASING OF DRUG ABUSE

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. FRELINGHUYSEN. Mr. Speaker, there has been much talk on the national problem of drug abuse. This week the House will consider H.R. 12089 to establish the Special Action Office on Drug Abuse.

The following address by Dr. Frederic F. Flach before the American School Health Association convention should provide useful reading when considering this matter:

ADDRESS BY DR. FREDERIC F. FLACH

As we all realize, there has been an alarming growth in the abuse of drugs throughout this country during the last few years. Government and professional groups have, at last, acknowledged that drug abuse is a major public health problem.

This year alone, the Federal Government plans to spend nearly 400 million dollars on programs to stop the spread of drug abuse and rehabilitate drug users. Millions more are being assigned to this purpose by state and local governments.

Unless present and planned programs assume a new character and take on new directions, however, there is every reason for us to assume that everyone of them will fail. Worse yet, they may well serve to make the drug problem even more widespread.

There is nothing new about drug abuse. Alcoholism, opiate and cocaine addiction, and the misuse of other substances, have been with us for a long, long time. What is new, and startlingly so, is the extent to which the drug abuse problem has invaded our families and schools, has taken as its victims teenagers and preteen children. We may debate the right of an adult to slowly destroy himself, if he chooses, as long as he does not harm society in the process. But when it comes to marketing and distributing dangerous drugs to children, there can be no room for debate. Unchecked, this epidemic, and the factors which give rise to it, threaten the very basis of our society.

It is reliably estimated that nearly one teenager in three—perhaps in two—has used some form of illegitimate drug having an effect on emotions and behavior . . . primarily acid, speed, pot, barbiturates. More experiment with alcohol. Horrifying as they are, the box-car numbers don't count: what does matter is that these are children. And society's response is pitiful: it reveals many of the basic traumas which have helped create the drug abuse problem in the first place.

Most of the current programs to combat drug abuse, developed without professional wisdom, evidence serious errors of inexperience. One of the gravest is the establishment of new drug abuse control bureaucracies. Such bureaucracies sidestep the already existing channels for coping with this epidemic—the medical and related health professionals, the teachers, the family, the churches—and promise to train, by the thousands, experts in drug abuse education in a matter of a few weeks.

These pseudoexperts are drawn from a variety of backgrounds—former addicts, sensitivity trainers, physicians lacking in sufficient knowledge of psychiatry and the behavioral sciences. This large corps of well meaning people are being asked to form new kinds of organizations which depend for their economic and social justification on the perpetuation of the very problem they have been created to eliminate. Many are preoccupied with the application of their own pet methods: rap sessions, methadone maintenance, roundups of twelve-year-old pushers. To meet a highly complex social and medical challenge, they propose solutions which are at best simplistic and superficial, or so diffuse as to defy understanding. A true caricature of Parkinson's Law.

Conscious of the gravity of this social blight, the media lend an ear to the instant salvationists—adding to an already confused picture. Actors and actresses jam television panel shows deluging viewers with contradictory and ill-founded assertions, often reflecting only personal bias. Films are produced by creative, talented people . . . whose only authority may stem from their own trip on acid, and a hazy recollection of their adolescence. We have seen many; the majority are boring beyond belief. Some actually reflect the producer's bias, in favor of drug taking.

One such film, based on a television documentary shown nationally and sponsored by a major American corporation, can only be seen as a strong sell to youth in favor of using acid, regardless of the conscious intent of the film-maker. Physicians interviewed in film were dull stereotypes, pedantic and authoritarian. By contrast, Timothy Leary and his followers, were clearly exciting; notwithstanding sobering editorial comment, they offered hope and freedom through drugs from the aimlessness and absurdities of modern life. This particular film, I must add, is being recommended for classroom use to teach children about the dangers of taking drugs!

What about classroom teaching on the dangers of drugs? A great deal of emphasis is now being placed on formal instruction, even at grade school levels: Arms scarred with needle tracks . . . Children dead of heroin abuse . . . Descriptions of tablets and what they contain. Photos of marijuana leaves don't satisfy youth's demand for answers. Many of the youngsters we have talked with are turned off more often than on by such tactics. They see the adult population as basically hypocritical. They see the teaching itself as irrelevant, avoiding real issues under-lying drug abuse.

There is no evidence at all that teaching drugs, drugs, drugs, will have any influence in stemming their spread. In fact, repeated use of scare techniques is more likely to add to the credibility gap already existing between youngsters and adults. It may well induce more and more youngsters to experiment defiantly with drugs.

The issue is not to inform children about drugs, but rather how to do it in a professionally effective fashion. By this yardstick, it must be said that present approaches to the control and prevention of drug abuse all seem doomed to failure. The pseudo-expert and the drug bureaucracy . . . the denial of the problem by many segments of the adult population who have not yet been touched by it personally . . . bypassing the normal avenues of education . . . society's intense focus on drugs in themselves rather than on the human needs and communication deficiencies which have created an environment in which drug abuse can spread—all these conspire to waste not only millions of dollars and critical time but also human lives as well.

The society which has bred this problem must change itself to effect a cure; we cannot look to the causative factors for a solution. Oh, you might say there are glimmers of hope: One pharmaceutical firm, for example, has stopped sending amphetamines to medical students at examination time. This, of course, was in anticipation of a congressional investigation. Since these are not answers, what then can we, as health educators, recommend in this crisis?

First, let us end superficial programs, administered by amateurs, reflecting only political expediency. Let us end the accumulating bureaucratic structure which depends on the continuation of the drug problem for its existence. Instead, let us turn to the established professional groups in the country and offer them the opportunity, the training and the means to really do something about this situation . . . now.

Of all the professionals, perhaps the most neglected is the average American teacher. At the very time that funds are being lavished for drug-abuse control, teachers who could make a significant contribution are being dismissed. They are being asked to teach in horrendous environments, denied opportunity to update necessary skills, and, in particular relation to the drug problem, no more than twenty percent are significantly involved or motivated. Instead, the majority are offered useless courses training teachers to spot the signs of drug abuse after the fact or group process discussions which are vaguely oriented, without goals, and often disruptive.

Yet the teachers of America are potentially our prime resource for an effective attack on the causes of drug abuse. It is the teacher who has the most continuing contact with our children and teenagers. It is the teacher who constitutes a potential adult model for youngsters in their critical years: His attitudes about life, and drugs, are inevitably albeit unconsciously communicated to the youngsters in school. It is the teacher who can continue to communicate reasonably with youth when the channels of communications break down at home or when the adolescent is trying—very normally—to break loose from the ties of home. It is the teacher who can encourage youngsters to feel competent and responsible, offering them a sense of identity in a society whose bureaucracies, technocracies and hypocricies threaten them with loss of individuality. It is the teacher who can win youth's trust in addressing himself dispassionately to the human problems which lie at root of the drug problem.

Let me emphasize further that without the teacher's cooperation, no other expert however qualified can make significant inroads into this drug problem. Whatever programs are set up in the schools to deal with drug abuse, they can only succeed if they have the understanding support of the teachers in the school. Without teacher acceptance—and I am talking of an attitude telegraphed in a thousand ways—without teacher acceptance, even a good program will fail.

This is by no means a recommendation that all teachers become directly involved in programs of drug abuse control. Quite the contrary. Some teachers are already involved. Some should never be involved. But the average teacher, genuinely concerned about his pupils, must be adequately informed so that he can help create an overall school environment conducive to individual growth without drugs.

There in a nutshell is the key to my thesis. In precisely this sense, as a matter of fact, I would recommend that drug abuse, as such, not be taught to students at all. The visiting speakers from the police forces, the addiction centers, and emergency rooms of local hospitals, have all served their purpose in alerting us to the dangers and dimensions of drug abuse. Now it behooves us to shift the focus.

Let us start by upgrading the role of health educators in the schools: improving his training and experience, broadening his scope, making the study of health not just a study of the body, but of the emotional and mental health of the students in the context of society as a whole.

If futility and frustration, trouble in handling angry feelings, are part of the psychological matrix encouraging youngsters to enter the drug scene, where else are they going to learn how to handle such normal moods and feelings? If the imprint of a somewhat disturbed family structure is not to haunt them all of their years, where else are children going to learn how to correct for such traumatic influences? If the healthy channeling of aggression is a requirement of normal living, should it not be in school that they learn how to use it constructively rather than misdirecting it toward violence and crime?

Decentralizing the drug issue does not mean ignoring it. The psychiatrist treating a depressed patient certainly addresses himself to the patient's feeling of hopelessness. But he does not dwell on it, over and over again. This would drive his patient to suicide. When treating the alcoholic, the doctor cannot afford to overlook the pattern of drinking. But he also cannot afford to overlook the social and psychological factors which lie behind and contribute to the drinking problem. Drugs can and should be discussed . . . in school, but in the correct context and as part of a deeper and broader perspective.

We spend billions to train our children in science and mathematics. We are now willing to spend millions to alert them to the dangers of drugs. But how much effort are we willing to put out to prepare our children for the practical and personal aspects of living—without which their vulnerability to drug abuse will be heightened and their cultural academic subjects a total waste.

We are spending millions to rehabilitate a relative handful of youngsters who are the sad victims of the drug scene. Halfway houses. Drug detoxification centers. Rehab programs. All of which we need . . . though we are taking the money for this from other equally important medical needs—the schizophrenic in the state hospital the pupil in the classroom. In sadly familiar fashion—robbing Peter to pay Paul, and letting Joe walk off with the ransom—we are ready to devote our national energies to a small number in immediate trouble. Meanwhile, however, we ignore the philosophy of Chinese medicine which is to keep the well well and out of this unholy situation.

I am saying that we should direct our primary money and energies toward programs which decentralize the issue of drugs and which focus instead on those psychological and social factors which cause the drug problem in the first place. We should shift the aim of existing programs toward prevention of cause rather than effect. And, so doing, we must place in a position of leadership the teacher who, better than anyone else, can help to build bridges between sensible adults and sensible youngsters. This will destroy the secrecy and the lure of the forbidden without which the present market in drugs cannot survive.

The teacher may need a certain amount of reeducation, as does the typical physician. He may need fresh motivation, a shift in concept. He may well need new training in development of healthy personalities as well as informed minds. But the eventual benefits are beyond price—for the teacher as an individual and for society as a whole.

B. F. Skinner has contributed to our confusion by his recent suggestion that freedom is no longer relevant. He believes that we would all be better off in a controlled society using various forms of conditioning which, of course, would inevitably require the use of behavior-influencing drugs.

There is a real place in modern medicine for the sensible use of drugs to cure various forms of mental illness, to ward off depressions, and abnormal states of fear and tension. But this is not what Skinner and others have in mind.

To many of us, a philosophy is repugnant which limits individual freedom because of man's difficulties in coping with freedom—greed, competitiveness based on ego issues, envy and hatred, the need to dominate others, and still more. Rather than restrict freedom because it can erupt as license, surely we should concentrate our efforts on social, scientific, political and educational attempts to make freedom work. This, even if it means depriving man of his most precious neurotic need to do himself in, and others too, in the process.

Today's drug abuse problem reflects our difficulty in responding to the challenges of freedom. Its solution, I am convinced, lies not in further regimentation, but in increasing our capacity to live with freedom.

STILL NO ACTION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. DUNCAN. Mr. Speaker, this Nation cannot afford costly dock strikes and certainly it is up to Congress to draft some permanent legislation to deal with all domestic strikes. Already the west coast dock strike has cost a great fortune and hurt many people.

I would like to call attention at this point to an editorial statement in the January 26 Knoxville, Tenn., News-Sentinel:

STILL NO ACTION

Mesmerized, perhaps, by momentous matters of politics, Congress is in no hurry to give President Nixon the power he needs to end the West Coast dock strike.

The best guess now is that no action will be taken until next week—and none will be taken at all if the longshoremen (backed by AFL–CIO President George Meany) have their way.

Meanwhile, the strike, which began last summer and resumed last week after an 80-day cooling-off period, is now in its 110th day. It is costing exporters—particularly farmers—millions of dollars in lost income, and raising serious questions about the nation's ability to protect its own economic interests.

Nobody, least of all Congress, likes to intrude in collective bargaining disputes. And it may well be that if the Government sat on its hands long enough (how long is that?) the strike would be settled.

But this strike has gone on far too long already. Too many innocent people are being hurt. And, at this point, the issues can be thrashed out while the ports are open just as easily as while the ports are closed.

INTERVIEW WITH JAMES H. BINGER, CHAIRMAN OF THE BOARD, HONEYWELL, INC.

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. FRENZEL. Mr. Speaker, our country is going through difficult times with a deficit balance of payment, deficit balance of trade and a loss of jobs to foreign competitors.

These conditions increase our temptations to retrench back into an isolationist trade policy. Mr. James H. Binger, the chief executive officer of Honeywell, Inc., a Minneapolis company, in an interview in U.S. News & World Report, recently cast some welcome light on a subject which is too often considered from an emotional standpoint.

The Binger article follows. I recommend it as useful information to all Members of Congress, whatever their views:

OUTLOOK FOR U.S. BUSINESSES ABROAD

(Interview with James H. Binger)

Q Mr. Binger, do you see a bright future for companies that have large foreign investments, now that the monetary crisis is over?

A I think the hazy picture we had been experiencing is clearing up. The new arrangement recognizes a change in currency values that were implicit before, but had not yet been made explicit by changes in official exchange rates. Because of the political rigidities in the system, it took a crisis like this and the exercise of considerable leverage by the U.S. to make the system work the way it was supposed to.

Q Exactly what does the change in values of foreign currencies versus the dollar mean to a company like Honeywell?

A It is a clear recognition now, in the official exchange figures, of factors that we have to pay attention to. Before, we were always inclined to say, "Well, the yen is really worth 300 to the dollar," even though the official rate was 360 yen to the dollar. But when we make an investment decision, or when we make a long-term import-export decision, we should use the right number instead of an artificial number that was created by the rigidity of the exchange rate.

Q You will have a better idea of what your real costs are, and what your real markets are likely to be—

A Yes. You could make a contract and benefit from the 360-yen-to-the-dollar ratio over a short term, but if you are going to make long-term arrangements, you really ought to use a more practical number, which has turned out to be about 308, so far.

Q The devaluation of the dollar, or revaluation of other currencies, is supposed to reduce U.S. imports and help U.S. exports. Looking at it from the standpoint of a company like Honeywell—which exports from this county and which also manufactures abroad—will it help your total sales around the world?

A I think *it will help the entire trading* world to operate with a little more certainty, closer to the real practical level of these currency values, and benefit U.S.-based companies most. In addition, I think it should help stimulate even further the sales of U.S. products abroad.

The revaluations are only a snap shot. I mean, it's corrected the situation until now, but we can't allow the trends that caused the 1971 crisis to continue without eventually having another crisis. I suppose if you had to have another confrontation very soon, it would be quite clear that the dollar was losing its role as the major trading and investment currency of the world.

We've damaged the dollar to some extent by devaluation, and I don't think anybody would argue about that. A second strike on us, if that were to happen, would not be helpful. I think it is to the advantage of the American consumer, and the American economy and American business, that we do everything we can to maintain a very prominant role for the dollar in international trade and investment.

Q What does this involve? Controlling inflation at home?

A That certainly is involved. I think it's also exercising fiscal and monetary responsibility to a degree that compares favorably with our major trading competitors, as well as improving the level of productivity in our economy.

Q We can't do any worse than they do, in controlling inflation—

A If we are to maintain the effectiveness of the dollar as the leading trading and investment currency, we have to do better.

Q What about business abroad? Do you see a European recession as a possibility in the next year or so?

A In 1972, I think European business will be slow.

Q Do you mean a decline, or just slow growth?

A Slow growth. I've reached the point where I can't even contemplate a reduction in gross national product any more. Even in the United Kingdom, things look better. I tend to state the outlook in terms of Honeywell business, and it's better than the general picture. But it isn't wildly optimistic.

Q Why are you doing better than average?

A Computers are strong. Sales of residential and commercial control systems are also in pretty good shape. The same thing is true of our industrial-controls business. In Europe, we have only a limited aerospace and defense business.

Q Is the computer still a growing field in other countries as well as in the United States?

A Yes. We have tried to illustrate what we think about the future by saying we anticipate the markets for control systems will grow about 10 per cent a year on the average over the next five years, with a little stronger growth outside than inside the United States. Markets for information systems of computers we think will grow at a rate of about 15 per cent worldwide—not every year, but on the average over the next five years.

Q How do you assess the 1972 business picture in the United States?

A I'm a little more optimistic than some of my associates. I think we're going to have a good year, in terms of market opportunities. I don't want to make a forecast for what Honeywell is going to do.

Q What about Phase 2?

A I'm optimistic about the results of Phase 2. There is an awful lot of bickering and difficulty in interpreting the rulings. On the whole, it's going as well as could be expected, and it was the right way to go.

Q Are you hopeful of a smooth transition to a no-controls situation later?

A I expect it to come early, rather than later, and the transition problems won't offset the effects of restraint.

Q What are the chances of another world monetary crisis developing in 1972?

A It depends at least partly on domestic U.S. policies.

Q You are not convinced that the threat of a monetary or trade crisis is over—

A No. I think we've come through the resolution of the parity issue very well. We've given something in terms of changing the price of gold, and the relative changes in other currencies vis-à-vis the dollar have been reasonable. So we have a good current environment in which to go forward.

But actually going forward will require the success of Phase 2 controls and policies in the U.S. It also will require an improvement in the situation with respect to access to markets and freedom of investment in various parts of the world.

One of the things we might expect could go wrong is that some of these other countries might adopt restrictive practices with respect to investment, which could be very damaging to the U.S. economy.

Q Why is that so important? To the extent other countries restrict American investment, that cuts down on the outflow of funds from the United States. Why isn't that helpful rather than harmful?

A In the short term it might be helpful. In the longer term it is against our interests. We have already been restricting the flow of investment abroad for a long time, because we've had fixed involuntary investment controls imposed by our own Government for three years, since January '68—and prior to that, starting in the mid-'60s, we had voluntary controls.

We have already used up the short-term opportunity to improve our situation, and now we are in a marginal area where the effects are really reversing the balance. I feel the perpetuation of those controls can only damage the U.S. economy. It just can't help.

Q In what way do investment controls damage the U.S. economy over the long run?

A In the long run the American companies which have found the opportunity to make foreign investments—direct investments abroad—have been the same companies that have increased their American production far above average. They have increased their American employment far above average. And at the same time they have brought back from their foreign investments substantially more return on that investment than they were currently putting over there.

Q People find it hard to understand what investment controls are all about. Can you tell us briefly what sort of controls our Government has against the investment of dollars abroad?

A Basically, the rules say you can't invest more than you invested, on the average, during any two years in the 1965-to-1968 period. In fact, you are limited to a percentage of that base amount. Also, you must count as additional investment, against that limited base, most of the earnings on the assets you already had abroad. There are also restraints on bank lending and a special tax on financing here by foreigners.

It's complex, and really hard to make into a dramatic issue. The only way I can do it is to say again and again that to the extent American companies have invested abroad, they have increased their exports beyond the average of all U.S. industry. They have increased their employment. They've increased their sales. They've paid more taxes to the U.S. Government. And to cut off their investments at a time when you are trying to stimulate trade is just counter-productive.

The two programs—one to stimulate exports, the other seeking to restrict investment—are not at all consistent.

Q What is your answer to those people who say, "If you build a plant in a foreign country and produce things in that plant that you would otherwise produce in the United States and then sell abroad, you really are exporting American jobs"?

A That is a very easy argument to make but it just isn't true. Let me cite one example:

Honeywell has always been in the heating-controls business—oil-burner relays, thermostats and limit controls that make up a system to control an oil burner.

In 1952, we felt that the oil-burner business was about to burgeon in Europe. We also thought we would have difficulty selling our equipment there from the United States, because of growing strength of Swiss, German, Danish and British competitors on the local scene in Europe.

We put a plant in Holland, but we did not invest aggressively there. We said, for one thing, "We will design those oil-burner controls for the European market in Minneapolis." And we built something that wasn't right for that market.

As a result, our position was very badly damaged in Europe. We didn't lose employment in Minneapolis because of that, but we failed to gain additional employment because our position in that European market was very weak. It has taken us years to get it back.

As we expanded sales in Europe, with a properly designed relay, we also created a demand for more thermostats and limit controls and associated types of equipment that were made only in Minneapolis. Therefor, our employment increased in that area.

That's a specific example of how investment abroad seems to work in Honeywell's case.

Our employment in the United States went from 34,036 in 1960 to 58,000 in 1970. We had a 70 per cent increase.

Q Are you sure you wouldn't have had an even bigger increase if you had invested in more new plants in the United States?

A A lot of manufacturing industries which did not extensively develop their opportunities in foreign markets grew an average of only 15 per cent in that period.

I can point to a lot of things—which are good for our U.S. production—which never would have happened had our company been too timid about foreign investment.

As a matter of fact, our board of directors came very close to deciding not to manufacture those relays I mentioned in Europe, even though a very small investment was involved. Some had the fear of political problems over there, even expropriation of the investment. But while 1952 doesn't seem so long ago, it was the Dark Ages in terms of many Americans' view of the European commercial markets and political stability.

Q Do you see any signs that the climate for American investment in European countries is less favorable now?

A Yes, I do.

Q Can you explain?

A The local competition from companies based in Europe is much stronger than it was. In addition, the governments are much more conscious and concerned.

Q Less hospitable?

A Less hospitable. They think they don't need investment as much as they did before. I believe they are wrong.

Q Has the growth of the Common Market concept had something to do with this?

A The entry of the British into the Common Market is going to stimulate an even greater risk of restrictions against us, I believe.

Q Are there restrictions by European governments on American investment now?

A There are restrictions in several of the countries. Germany is relatively free. France is less so. Italy has some restrictions. U. K. has some restrictions, but they generally don't amount to much.

Q Are you suggesting that those restrictions may increase?

A I think they might, for several reasons. Suppose the U.S. makes progress at the negotiating table, in connection with trade restraints. It is entirely possible—because the Europeans recognized even before we did the increasing importance of investment as a means to make the world's economies grow—that they would say, "All right, we'll remove some of these restrictions on trade that you have complained about, but we will step up our restraints on investments."

If our negotiators do not have the investment issue high enough on their agenda, they may give back on investments as much or more than we get in modified trade restraints.

Q Does that prospect worry you?

A It does very much, particularly if our Government says to American companies trying to operate in this environment, "You may not make direct investments with U.S. funds; you've got to get the money over there."

That means those nations can then put restrictions on American investments and be absolutely certain they are going to be effective, because where else can the U.S. companies go? We will have been set up under those circumstances as a soft target.

Q Is a ban on direct investments abroad actually under consideration?

A It has been proposed.

Q Is the threat of such a ban part of the horse trading that's going on in the trade and monetary negotiations?

A I don't think it's had enough attention. In concentrating on trade restraints, our negotiators may overlook the investment side.

Even if they don't overlook the issue, unless our present direct-investment controls are eliminated we are going to be caught.

Q What chance is there that U.S. restraints on investment abroad will be eliminated?

A It just takes an executive action by the President. There is one issue that needs congressional action: the interest-equalization tax, or IET.

Q We hear increasingly often that this country is shifting from a trading nation to an exporter of capital and industrial know-how, and that sooner or later, if we keep exporting capital, we're going to start showing a huge surplus on the capital account. Can we then expect also a surplus on the trade account? How can our trading partners pay if we show a surplus on all accounts?

A They can't. You can't run a mercantile kind of world if everybody attempts to generate a surplus. We need methods by which balances are struck.

It may very well be that the income from U.S. investments abroad will grow to the point where we will have to balance it off with a trade deficit. But I don't think so. I think the better way to do it, and the more positive way, is to say, "Investment is a good thing; keep plowing it back."

Q Balance off the income flow with capital exports—

A Yes.

Q Where can you find places abroad that need capital and can employ it profitably for both investors and users?

A I don't know for sure. I suppose the most distressing thing has been the failure of our programs to stimulate investment in the developing countries. To what extent recent developments may have corrected that is a question. If anything, the situation is less promising today.

Q Why do you say that?

A Look at Chile [The Chilean Government recently took over much foreign-owned property there.] Without some new policies that aren't yet apparent, we aren't likely to achieve much success in stimulating investment in the less-developed countries.

Q. Have you developed any ideas about the possibilities in trade with Russia?

A. Yes, I think there are possibilities. I'm not sure that they're huge, but they're considerable and worth attention.

We've had trade with the Iron Curtain countries in connection with computers, industrial instruments and, to a certain extent, environmental controls for public buildings—air conditioning, heating. Eastern Europe isn't an advance market for air conditioning.

Q. Is the market there growing?

A. Yes. We thought at one time the British people would never want to be comfortable, but this has changed, too. There are certain thresholds in standards of living where things begin to become important for the first time. From the bicycle, a nation goes to the motorcycle and then the car, and then they begin to think about dishwashers and, eventually, air conditioning.

Q When do you think substantial markets are likely to open up in China and Russia for companies like Honeywell?

A Russia earlier than China. We have some business now in Russia, and we'll have more. I'm not sure about China in the near term—the next four or five years. I'd like to go over there, though, and learn a little more about it.

Q Are you optimistic that American business can compete successfully with other industrialized nations? A lot of dark talk has been heard in recent years about how we're losing out—

A I don't buy it. In the areas where we have some technology, where we've concentrated our attention, we're really doing quite well. Of course, we may not be making all the shoes that we wear. That really doesn't say very much about the over-all trend in the world-trade picture.

Q What about your operations in England? Are they conducted by a British subsidiary of Honeywell?

A Yes, a 100 per cent owned British subsidiary—Honeywell, Ltd. Normally we adhere to the same corporate identification in all other national markets as we use here in the United States.

Q How many different countries is Honeywell operating in?

A We operate to some extent in over 100 countries, and have manufacturing operations in a dozen.

Our employment outside the United States is about 40,000 out of 95,000 total employment.

Q About 40 per cent of Honeywell employment is in other countries?

A Yes—and I'd like to talk a minute about what a multi-national company is, and how this type of enterprise got started.

There seems to be a general feeling that American multi-national companies are the only kind there are. Actually, our information is that 40 to 45 per cent of total international investment is by companies whose home bases are not in the U.S.

Although American companies seem to be a little bit ahead in terms of funds invested in other nations, there's a very substantial segment of international investment and multinational operation conducted by companies with a parent foreign to the U.S.

Q The president of a radio-manufacturing company was testifying before a congressional committee not long ago, and he told how his company—a multinational operation—built a plant in Taiwan to make radios. The other day, it was announced that a typewriter factory employing 1,600 workers in New England is closing down, and the parent company will get typewriters from a British plant. This is the "export of jobs" issue associated with multinational operations—

A Well, I would suppose that all of us have more radios and more television sets because of the fact that we're finding out how to buy them for less.

HOW THE CONSUMER GAINS

Q Your point is that Americans benefit as consumers—

A As consumers. The consumer is generally not considered to the extent he should be in matters of foreign trade and investment.

In addition, I would be interested in knowing what happened to that radio company's employment during the period of time it was expanding abroad. If it's the company I am thinking of, I have the impression its employment in the U.S. went up modestly—even though, in order to satisfy the company's domestic markets at an appropriate price, it had to utilize some foreign labor.

Even where American jobs are wiped out, you have to remember those are jobs that were not economically viable in today's world. The people abroad who get jobs through expanding opportunities also deserve to eat, to enjoy life, and they are doing so more and more as time goes on. In fact, it's part of the interdependent world that is being built.

Q If you look down the road a little bit, do you see the U.S. no longer making some things, such as shoes and typewriters?

A Yes, we will probably cease to make some things, just as we will produce certain products in which we excel for ourselves and for many others. As we've been able to increase our productivity we made more products, and our consumers enjoyed more goods and more services, and we are getting many things for less cost.

Q You indicated that you think it's unwise for our Government to restrict investments by U.S. companies abroad. Do you see any likelihood those restrictions will be eased or removed in the near future?

A I think they will. That sought to be very high on the list of policy changes to be made in connection with the current trade and monetary negotiations. All our trading partners and the bankers in Zurich should be aware of the fact we consider this a counterproductive thing that we imposed on ourselves—just as bad as the trade restraints we're trying to negotiate away.

Q How does the return on U.S. investments abroad compare with the money we are putting out in new investments?

A During the 1960–69 period—10 years—private direct investment abroad was 26 billion dollars. The income was 38 billion, for a net balance of 12 billion. In addition, there were 11 billion in royalties and fees.

To a large degree in Honeywell's case it's an application of investment that gets us those royalties and fees.

But just consider the income versus the outgo of investment funds in recent years. In 1967, the plus balance was 1.4 billions; in '68, it went to 1.8 billions; in '69, to 2.6 billions.

Now, you're entitled to say, "Well, if the net income has been growing by that amount, why doesn't that prove that direct-investment controls are a good thing?" And I'm caught by my own numbers, except that it's quite apparent that, whether it happens in 1972 or whenever, we're going to dry up the pump if we do not continue to plow back into new investments some of the income we're taking in.

Q Do you have comparable figures on the long-term investments of foreign-based companies operating in the U.S.?

A In the United States, from '60 to '70, the investment by foreign-controlled multinational companies rose from 6.9 billions to 13.2. It didn't double, but almost. We don't have the information about the return flow of income to them from those investments.

Q What about the politics of the exported-jobs issue? If labor unions can cite cases like the radio-TV factory in Taiwan and the typewriter jobs going to England, doesn't that increase the pressure for inhibiting the flow of investment abroad?

A Yes. In my view, the workers who will be displaced deserve a far better method of adjustment than is provided for them under present laws.

Q What is provided for them?

A It was thought to be adequate, but it never has been, in practice. You have to go through the Tariff Commission and get a finding that people have been unemployed because of imports, and that the imports have increased because of a deal we made with one of our trading partners to lower tariff duties—there are about six different notches you have to get through in order to get the workers any help.

The unions have said, "It's burial insurance, that's about all." And can't disagree. We need a much more rapid, a much more broadly based kind of benefit-adjustment plan.

Q Do you see a prospect that in this election year there may be demands in Congress for more-direct measures, such as limiting imports, or—

A I think probably the monetary agreement has had a calming result. I hope it has. So there may not be the hysterical reaction that was evident at the end of the last Congress, when they almost passed that evil bill with a quota on practically everything imported from other countries.

I remember reading a listing of the products whose import would have been either prohibited or cut way back, and one was honey from Mexico—and $54,000 a year of honey was imported from Mexico. That's a threat to the economy of the United States. I guess, if you get into a certain mental state.

Q Do you think legislation restricting imports is likely to pass Congress in 1972?

A I think it's a real threat. There's another bill—the Hartke-Burke bill—coming up for hearings shortly. It gives the President discretion to restrict investment. It imposes involuntary quotas on a number of products without regard to market growth. We think much of the pressure behind the bill comes from the AFL–CIO.

Q Trade negotiations are going on right now following the currency-parity changes. I suppose those are of crucial importance to what Congress may do—

A If progress is made in those negotiations, I believe that the many very, very sound people in Congress can hold out against the pressure they're up against. If we fail to have progress, it might very well result in a legislative shambles.

One thing I forgot to mention about the Hartke-Burke bill is some very punitive income tax provisions which would change the whole setup as to taxation of foreign income. That would be extremely harmful.

Q How are you taxed now on earnings abroad?

A Currently, most industrial countries permit earnings by one of their corporations' subsidiaries in another country to receive a credit for any foreign taxes paid, when those earnings are brought back to the parent country.

If we earn a dollar in France and pay 50 cents in tax to the French Government, thereby having 50 cents of income to bring back, our tax laws have customarily allowed that 50 cents of French tax to be credited against our American tax payments.

What the Hartke-Burke bill says is that after you pay a 50-cent tax over there, and you bring 50 cents after taxes back here, it's to be handled just as if it were gross and not net income, and you must pay an additional 50 per cent American tax, with no credit given for taxes paid in France.

The entire tendency of the bill is to destroy very effectively any kind of incentive to make foreign investments. We think it's very shortsighted.

Q Mr. Binger, is the U.S. still the dominant nation in computer manufacturing?

A We estimate that over 80 per cent of all computers in the world are supplied by American-based companies.

AMERICA HOLDS ITS PLACE IN TRADE

Q Are we being challenged by foreign competitors?

A I think it's about the same as it was five years ago. We seem to be retaining our share of the market in general.

Computers are another case where it has been demonstrated that the business has a worldwide dimension. Without investment in manufacturing, marketing, support and development resources throughout the world, you haven't got the business size that can allow you to compete effectively. That would mean you wouldn't be as good at supplying the American market as you can be if you have got that worldwide dimension.

You certainly would be far weaker in the foreign areas, where marketing and other facilities close to the overseas market—which is very large and growing rapidly—are essential. You're either there, or you're forgotten.

COLLEGIATE YOUNG DEMOCRATS OF AMERICA

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. MADDEN. Mr. Speaker, I wish to pay tribute to the Young Democratic Clubs of my congressional district and also the State and National Collegiate Young Democrats. Both organizations in Indiana have been very active in holding meetings and organizing in order to bring the true facts regarding important issues—National, State, and local—into the homes of our young voters, especially in the coming important presidential campaign.

The Indiana Young Democrats have been active for a number of years previous to our congressional enactment last year in giving the franchise to our 18- to 21-year-old youth. The Young Democrats of Indiana were among the first of the young political pioneers several years ago in organizing so that the voice of our young folks can be heard in the Washington executive and congressional circles, as well as State and local campaigns.

I was indeed happy to receive a letter this morning from one of your young Democratic leaders in Indiana, Ted A. Kane, Jr., who is now national treasurer of the Collegiate Young Democrats of America. He informs me that next week at the Collegiate Young Democrats convention he is a candidate for the office of president of this rapidly growing organization of American youth who will be a great help to the Democratic Party in the presidential, congressional, State, and local campaigns in 1972.

I include with my remarks the letter which I received this morning from Ted setting out his platform and qualifications as candidate for president of the Collegiate Young Democratic Clubs of America.

The letter follows:

THE FEDERATION OF INDIANA
COLLEGIATE YOUNG DEMOCRATS,
January 25, 1972.

Representative RAY MADDEN,
Gary, Ind.

DEAR REPRESENTATIVE MADDEN: I am a student at Indiana State University and have been active in the College Young Democrats for a number of years now. I am presently serving as National Treasurer of the College Young Democratic Clubs of America.

The CYDCA National Convention is going to be held February 10–13, 1972, in Youngstown, Ohio. The Indiana Federation of College Young Democrats have been very active in local and state politics in Indiana for quite some time. Now with the 18 year old vote the potential of the CYD's is enormous both statewide and nationally.

The National Organization of CYD's has been somewhat of a disappointment for those of us from Indiana who have worked with it up to this time. This year is the time for reform in the Democratic Party, and it is the time for reform in the CYDCA. Now, when the potential is so high for the CYDCA to prove itself an effective force in Democratic Politics, we in Indiana cannot stand by and watch the National Organization continue on in the ineffective manner of the past. The organization has for too long existed only to perpetuate its own structures rather than the purpose for which it was created.

It is now time for Indiana to surge to the forefront and to make the CYDCA the effective voice of students across the nation and an effective force in the Democratic Party. It is in this spirit that the Indiana College Young Democrats and myself personally seek your endorsement and support for my candidacy, for the highest office in the College Young Democratic Clubs of America, that of National President.

I have enclosed a copy of my background material and feel confident that I am qualified and capable of leading the CYDCA to a responsible position in the Democratic Party. The voice of the young voter must be heard and the CYDCA has the opportunity and responsibility of bringing this voice effectively to the Democratic Party.

Thank you for any support you may provide, and a reply would be best sent to my school address as soon as possible.

Sincerely in peace,
TED A. KANE, JR.,
National Treasurer, College Young Democratic Clubs of America.

BIOGRAPHICAL BACKGROUND INFORMATION

Ted A. Kane, Jr., National Treasurer, Youth Caucus '72. Board of Directors, Lake County Collegiate Young Democrats, 1969 to present. Executive Council, Indiana State University CYD's, 1969 to present. Vice President, Griffith Young Democrats, 1970 to present. Former Regional Director, Indiana Collegiate Young Democrats. Delegate to Indiana Democratic State Convention, 1970. Justice, Indiana State University, All-University Court of Appeals, February, 1971 to present. National Treasurer, Collegiate Young Democrats Clubs of America, February, 1971 to present. Employed by the U.S. Government, United States Office of Education, Washington, D.C. for eight months.

Age 22. Junior, Indiana State University, Political Science and Speech.

Home Address: 630 North Indiana Street, Griffith, Indiana 46319. Phone: 219–838–0188.

School Address: 36 South 11th Street, Terre Haute, Indiana, 47807. Phone: 812–235–7287.

NINE MORE COSPONSORS OF TAX SIMPLIFICATION BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ASPIN. Mr. Speaker, since I introduced the tax simplification bill yesterday with 69 other cosponsors, nine other members of the House have expressed a desire to cosponsor this legislation, which I am reintroducing today with their cosponsorship. This brings the total of cosponsors to 79. A list of the nine new cosponsors of the Tax Simplification bill follows:

COSPONSORS

George Collins, Ill.
Robert Drinan, Mass.
Ed Jones, Tenn.
Peter Kyros, Maine.
Otis Pike, N.Y.
Robert Roe, N.J.
William Roy, Kans.
Charles Wilson, Calif.
Fernand J. St Germain, R.I.

CONSIDERATIONS REGARDING PARIS PEACE TALKS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. CHAMBERLAIN. Mr. Speaker, the undisputed fact that since taking office President Nixon has succeeded in bringing about an 87-percent reduction in U.S. troop strength in Vietnam emphatically demonstrates the President's deep desire for peace. The President's dramatic announcement, January 25, concerning his secret negotiations should dispel any reasonable doubts in this regard. At the same time, it should be equally apparent that it is the other side that has refused to negotiate meaningfully, either in public or in private. So long as the North Vietnamese continue to believe that they can, by influencing American public opinion, win at the negotiating table what they have failed to accomplish on the battlefield, there seems little chance that the enemy will genuinely seek peace. In an editorial broadcast on January 26, 1972, station WJIM-TV, Lansing, Mich., raised some important considerations concerning these negotiations and I commend them to the attention of my colleagues:

EDITORIAL

The President's newest Vietnam peace initiative is really not "new," it's been on the negotiating table for over 2 months, the world knows about it now only because Richard Nixon hopes the public revelation of private talks may prod Hanoi into action in Paris. 30 months ago the significant negotiations went underground for the same reason they have now been made public to hopefully break the deadlock. The secret missions of Dr. Kissinger have failed. About the only positive outcome is some restoration of faith in the government's ability to keep a secret, a faith badly shaken a few months ago by the New York Times publication of the Pentagon papers.

The President's reflections on the frustrations of his three year quest for peace have served a more serious purpose, however. His address to the nation last night isolated what might be the single most crucial issue standing in the way of negotiated settlement. Withdrawal of American troops has been only a propaganda controversy since May of 1971 when Dr. Kissinger gave the Vietcong specific guarantees on this point. The POW exchange is probably similarly superficial . . . realistically, pressures on the North Vietnam government for a return of prisoners is as great as the pressures our own government faces.

Now that the President's frank recounting of the secret negotiations has effectively exposed the "straw man" character of those two issues it becomes clear that the real stumbling block is agreement on the *political future* of Vietnam . . . that's what is really at stake. From Eisenhower through Nixon the consistent position of this nation has been that the proper resolution of this problem is free elections. It is now apparent that Hanoi rejects this solution . . . basically because the North Vietnamese simply do not believe a free election is possible in the South. Unfortunately, the antics of President Thieu which turned the recent South Vietnamese Presidential election into a farce, dangerously threatened the United States position. In our judgment the President is on the right track when he emphasizes international control of the proposed elections. It is likely, however, to achieve final agreement, the North will need realistic guarantees that international control will be both independent and completely capable of preventing intimidation and fraud.

CHINESE REPRESENTATION—THE ISSUE IS NOT SETTLED YET

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. CRANE. Mr. Speaker, too often, in discussing the United Nations and the question of the relationship to that body of the Government of the Republic of China on Taiwan, we tend to overlook what really happened in the recent United Nations vote.

It is widely believed that the Government of Communist China was admitted to the United Nations, while the Government of the Republic of China was expelled. According to the provisions of the United Nations Charter itself, such a transaction could not have been affected in the manner which was used.

In an article exploring the legal procedures used, Prof. Robert Morris points out that—

> If it were a question of admission, the United States or the Republic of China could have exercised the veto and prevented it. Russia has thus acted 51 times that I know of and thwarted admission of a new state.

Dr. Morris notes that the Government of the Republic of China was not expelled. He writes:

> If expulsion were the issue, the United States which professed to deplore this precise act, instead of shedding tears, could have cast a simple veto.

What really happened was that the Chinese question was discussed in terms of representation and credentials. Dr. Morris states that the State Department began to formulate the issue in these terms more than 20 years ago, and that this was "the only route by which the Chinese Communists could escape a veto."

In this sense, it was the action of the United States itself which laid the groundwork for the unfortunate events we have witnessed in recent days.

What is important now, Dr. Morris believes, is that the Government of the Republic of China remain strong and free. He writes:

> Free China will remain strong, as West Germany or South Korea, even out of the United Nations, if a sense of hope prevails. It can go down only if the impression becomes fixed that it is a regime that is dying on the vine.

It is up to those in the United States who continue to believe in freedom and in resisting aggression to make certain that our own defense commitments to the Republic of China remain firm and strong.

I wish to share Dr. Morris' article, which appeared in Twin Circle, the Catholic weekly newspaper, with my colleagues, and insert it into the RECORD at this time.

THE ISSUE ISN'T SETTLED YET

(By Robert Morris)

Everyone is talking about "the admission of Red China" to the United Nations and the "expulsion of what they call 'Taiwan'" from that world body. Our top government leaders use those expressions. Our leading newspapers deplore or applaud the events at the U.N. with those precise phrases. Even good friends of Free China deplore, with anger and bitterness, these twin misadventures of "admission" and of "expulsion".

But that is not what happened. It could not have happened. Yet everyone—but everyone—says it did. I ask myself if this is some great hoax being perpetrated as I hear our Secretary of State and our Ambassador to the United Nations warn against the consequences to follow, and the precedent set, by the expulsion of a member state.

The People's Republic of China was not admitted to the U.N. If it were a question of admission, the United States or the Republic of China could have exercised the veto and prevented it. Russia has thus acted 51 times that I know of and thwarted admission of a new state. Nor was the Republic of China, whom foes and even some well meaning friends call "Taiwan", expelled. If expulsion were the issue, the United States which professed to deplore that precise act, instead of shedding tears, could have cast a simple veto.

The charter is clear on both points. Article 4 provides that admission "will be effected by a decision of the General Assembly upon the recommendation of the Security Council".

Article 6 similarly provides that a member "may be expelled from the organization by the General Assembly upon the recommendation of the Security Council".

In both cases the recommendations of the Security Council could be vetoed.

Moreover, in both cases the decision of the General Assembly that would follow a not vetoed recommendation of the Security Council must be by a two-thirds vote.

What did happen then and why is everyone, including those who certainly must know, saying something else?

Twenty years ago or even more I began to read of the efforts of the State Department to frame the issue of Red China and the U.N. in terms of "representation" and "credentials". Whose credentials would be acceptable by the U.N.—President Chiang's or Chairman Mao's?

I thought it was purposeful because that is the only route by which the Chinese Communists could escape a veto.

This is the effort that succeeded. The ruling forces made "representation" the issue and in that way it was kept in the General Assembly. "Representation", unlike "admission" or "expulsion", does not carry a mandatory two-third vote in the Assembly but it must be expressly made so by a majority vote.

But this is my point. For some reason that underlying cause of the outcome is being concealed. It is certainly being overlooked when we assess the future.

The Communists and the others who won on this device do not want us to know it. Why? Because it could be used against them next year—and the year after.

Next year the Congo or Brazil or some other nation, not enamoured of Red China, could introduce an "Albanian" resolution asking that Chiang's credential be accepted and Mao's, or his successor's, rejected.

We know that the Communists will be truculent, ruthless and agggressive in the years to come. Their heroin traffic will begin to break into the news. An administration in Washington desiring a Free China in the U.N. might come into office. These acts influence members' votes. Thus the issue could still be won.

But the big advantage is this: Free China will remain strong, as West Germany or

South Korea, even out of the U.N., if a sense of hope prevails. It can go down only if the impression becomes fixed that it is a regime that is dying on the vine.

And that is what will happen unless we look at the issue in terms of what did happen, instead of what they want us to think happened.

So there is still hope for liberty in Asia.

THE PRESIDENT'S ECONOMIC POLICIES AND THE MINORITIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 28, 1972

Mr. EDWARDS of California. Mr. Speaker, on Thursday, January 20, 1972, Mr. Jack Ybarra, president of the Confederacion de la Raza Unida, appeared in front of Senator HART's Subcommittee on Antitrust and Monopoly to testify on the effects of President Nixon's economic policies on the minorities and the poor of our Nation.

The Confederacion de la Raza Unida is a coalition of 67 Mexican-American organizations in Santa Clara County in California.

Mr. Ybarra has been involved for a number of years working for the social, political, and economic rights of Mexican Americans and poor people residing in our communities.

Mr. Ybarra raises some important and cogent issues in his testimony, and I recommend its reading to you:

PHASE II OF THE PRESIDENT'S ECONOMIC POLICY

(By Jack Ybarra)

GENTLEMEN: My name is Jack Ybarra, president of the Confederacion de la Raza Unida. My business address is 1656 E. Santa Clara Street, San Jose, California. The Confederacion de la Raza Unida is a coalition of sixty-seven (67) Mexican-American organizations in Santa Clara County. It has been organized since 1969 for the purpose of securing appropriate and necessary social, political, and economic rights on behalf of the Mexican-Americans and poor people residing in the county.

The question to which I would like to address myself is whether Phase II of the President's Economic Policy accurately addresses itself to the economic problems of Mexican-Americans and poor people. It is my opinion that the President's Economic Policy must be concerned with the problems which poor people and minority people face. If positive steps are not taken with regard to this very large segment of the American population, then certainly the poor will be caught in an economic cross-fire from which they cannot free themselves.

In order to give you a clear picture of the problems which have beset poor and minority people in Santa Clara County, I would like to briefly describe the area to you. Santa Clara County is located approximately fifty (50) miles south of San Francisco. The county-wide population, according to the 1970 Census is approximately 1,064,714. Of this total number, approximately 186,525 or eighteen percent (18%) of the population are Mexican-American and/or Spanish-speaking. We therefore compose the largest single minority group in the county.

There are fifteen (15) municipalities in the county. By far, the largest municipality is the City of San Jose, and much of the growth of Santa Clara County is attributed to the growth of the City of San Jose. Since 1950, when the expansion-minded city manager, A. P. Hamman, assumed the reins of the city, San Jose has grown from an agricultural community with a population of 95,000, contained in seventeen (17) square miles, to an urban community of one hundred thirty-five (135) square miles and a population of 445,779.

As an agricultural valley, Santa Clara County provided employment for Mexican-Americans in the fields and orchards as well as in the packing houses and canneries. With urban growth, however, came large corporate land developers. The farmers and ranchers who once employed thousands of Mexican-American families sold their vast holdings to these land developers or became land developers themselves. The orchards and fields of the fertile Santa Clara Valley, which once fed the nation, were now replaced with commercial, industrial, and residential development. As the fields and orchards disappeared, jobs for Mexican-Americans became increasingly scarce. There were fewer crops to be harvested and therefore no need for the farmworker. Major canneries and packing houses which processed the crops closed their doors and moved out of the county into other agricultural areas.

In short, the Mexican-American has been caught in the cross-fire of the rapid urban development and economic growth which has been taking place in the county. As development has progressed, the Mexican-American has been displaced, not only from his employment, but also from his home. Without exaggeration, the Mexican-American has literally become a refugee in his own community. Long lists of Spanish-surnamed families await placement by the housing authorities of the City of San Jose and the County of Santa Clara. Other families, in desperation, have found shelter for themselves. However, all too often their new homes have been inadequate and temporary, primarily because these homes are all too often in the way of a proposed freeway or urban development project.

It is from this vantage point and in this context that I address the members of this sub-committee regarding Phase II of President Nixon's Economic Policy. While big labor, management, and industry concern themselves with wages and prices, the Mexican-American and other poor and minority people are being discounted and ignored.

I would like to define what I mean by a poor person. Although poverty has been defined in various ways, it has been most often defined in terms of economics. However, poverty is not restricted to OEO guidelines; poor people are not necessarily those who have incomes of under $4,000.00 a year. Rather, one may be marginally secure but still unable to buy a home in the neighborhood of his choice because of his race or national origin. Again, one may be marginally secure but still unable to voice an opinion in the decision-making process which affects his life. These people are poor people. In a very real sense, Mexican-Americans and other minority people are poor, both socially and politically, and all too often economically.

Phase II must address itself to the concerns of poor people in this country and it must address itself to their needs both socially and politically, as well as economically in order to be meaningful. Poor people have essentially four major concerns which are:

(1) Housing

(2) Employment

(3) Food and the necessities of life

(4) Direct input into the decision-making process

Phase II of the President's Economic Policy must have a positive impact on these major concerns in order to be meaningful.

HOUSING

From 1960 to 1969, Santa Clara County was one of the fastest growing metropolitan areas in the country, increasing by some 45,000 people a year and generating an average of 15,000 new dwelling units a year. Highly skilled workers, attracted by expanding job opportunities, created an affluent population. However, there are many people who have not shared in the general prosperity. Mexican-Americans and other poor people have been caught in the severe housing shortage which has existed in the county. For minority and poor families, the national goal of a "decent home in a suitable living environment" has not been met. On the contrary, there has been an increasing inability of the housing market to respond to the needs of such disadvantaged households. The contrast in Santa Clara County between the poor and the affluent, and the Mexican-American and the white population is never more apparent. There is no question but that there is visible geographical segregation of the minority and poor from the white and the affluent. Lending policies of the banks, municipal zoning and land use policies, in addition to the policies of the Department of Housing and Urban Development, all play a role in the shortage and placement of housing for poor people.

A. *Banks.*—Commercial banks play a central and critical role in the development of a community. Government, particularly the federal government, is instrumental in the interaction between banks and the community. The government plays a central role in the basic deposit gathering and lending operations of commercial banks and savings and loan associations. By law, these banks are given control over checking account deposits, which guarantees banks the interest-free use of these deposits. Further, government insurance creates public confidence in the banks and encourages the public to deposit money in banks.

In addition to the guarantees provided under federal law, the federal government deposits large and substantial sums of its money in banks, interest free. Deposits from government sources give banks sufficient liquidity to attract more deposits and lever them further with greater flexibility.

Although banks effectively operate under the protective umbrella of the federal government, the lending policies of banks, *vis-a-vis* the minority and poor community do not reflect social awareness of the problems of urban development and economic growth. The protection given to these banks by the federal government gives rise to a corresponding obligation on the part of banks to comply with the policy and goals of the federal government. Banks perform a "public trust", and they do so by government fiat. The decisions made by governing boards of the banks affect the entire community, including governmental structures. As a public trust, banks should be responsive to the needs of the community which they serve.

Nevertheless, the banks have not complied with the policy and goals of the federal government with regard to housing and placement of housing. The only question which banks are concerned with is whether its loan to a developer is secure and will make an anticipated return. Social concerns apparently do not enter into the consideration; the pattern of housing in Santa Clara County is visible evidence of this fact.

I recently had occasion to meet with the regional vice-president of the Bank of America. He prided his bank's socially responsive policies. Indeed, the Bank of America has awarded scholarships, instituted training programs, and established a special loan program for minority businesses. One of the programs instituted by the Bank of America was of particular interest to me. The president of the bank established a special loan fund of $100 million earmarked for a home ownership program for poor and minority people. The standards for qualifying under this special program were more lenient than that under FHA standards. The program was so successful that the president earmarked an additional $100 million.

The problem with this special program was that it was earmarked for poor and minority people living in a certain geographical area. For instance, in the San Jose area, the East Side of San Jose was selected as the geographical lending area under this program. All minority and poor people living in the East Side of San Jose potentially could qualify under the bank's loan program. However, only minority and poor people living in that given geographical location qualified. It was apparent that there would be a tendency for minority and poor people to move into this designated area because of the availability of the loan. Further, there would be a tendency for minority and poor people already living in this area to continue to live there rather than attempt to move out of the neighborhood since it would be more difficult to obtain a loan outside the area. In short, the Bank of America, through its lending policies, has assisted in creating an ethnically and economically imbalanced neighborhood. This bank's lending policies, compounded with other decisions which have been made, and are being made, by governmental entities has insured the East Side of San Jose to be a Mexican *barrio*, where schools are ethnically imbalanced to such a degree that integration of the schools for quality education is presently a grave concern.

Phase II of the President's Economic Policy does not come to grips with the problems which face minority and poor people with regard to acquiring housing. The powerful lending institutions must be carefully examined and their lending policies must be made to comply with the national goals and objectives. In order to remedy this problem, I suggest:

(1) That the federal government establish appropriate regulations and guidelines whereby participation of the minority and poor community on the governing boards of lending institutions be required. In this way, lending institutions will be made to be responsive to the needs of the minority and poor community.

(2) That the federal government, through the Comptroller of the Currency and other appropriate regulatory bodies, establish a system whereby all banks and savings and loan associations report their lending patterns of home loans in terms of geographical location of the home, the racial or national origin of the borrower, and the economic status of the borrower.

(3) That interest-free deposits by the federal government be used as leverage on lending institutions and deposited in those banks that are willing to extend more lenient loans to minority and poor people.

B. *Municipal zoning and land use policies.*—Closely related to the lending policies of banks is the problem of municipal zoning and land use policies of the various jurisdictions. Earlier, in my introductory remarks, I stated that Santa Clara County, particularly the City of San Jose, has grown from a sleepy agricultural community to a large urban area. The urban growth which began in 1950 and which went unchecked for twenty (20) years has left visible marks on the county and the fifteen (15) cities within the county.

The very real problem of concentration of minority and poor people in one geographical location of the county did not occur by accident. The fifteen (15) cities in Santa Clara County have a variety of zoning restrictions and land use policies. Two municipalities, Los Altos Hills and Monte Sereno, have a minimum one (1) acre zoning restriction which effectively prohibits the construction of multiple housing units under any of the FHA low and moderate income housing programs designed to provide housing for the poor.

While other cities do not have prohibitive zoning restrictions, nevertheless, planning decisions have been made so that low-income housing is located in the *barrio*, and housing for the affluent is located in the suburban areas. The City of San Jose's planning policies are a case in point. Recently, the planning commission of the city approved a project to be located in an exclusive suburban area. The proposed project is to be located on one hundred one (101) acres and will be composed of single family and townhouse units. The single family homes will sell from $32,000 to $38,000. The three hundred (300) townhouses will sell from $26,000 to $36,000.

Developments such as this one raise two important problems. First, the 1970 Census indicates that there is a marked spatial segregation of income groups in the county. The poor are found in the older areas of the valley floor, the *barrio*, while the higher income groups, those earning more than $15,000 a year, tend to dominate the newer areas in the foothills. Additionally, there is a corresponding spatial segregation of racial groups. Mexican-Americans are found in the older areas, while there are relatively few Mexican-Americans in the higher income residential areas which are developing. Needless to say, the schools in the core city have a very high concentration of Mexican-Americans (80% or more) and poor people, while the schools in the suburban areas have very few Mexican-Americans (5% or less) and poor people.

Secondly, recent studies indicate that there are relatively few homes selling for less than $20,000 in Santa Clara County, while more than one-third (⅓) of the new homes are selling for over $30,000. In short, developers are building homes for the affluent. Escalating costs have precluded an increasingly larger share of Santa Clara County households from an opportunity for home ownership.

Many reasons may be attributed to the causes of segregated neighborhoods. However, in my opinion, municipalities have failed to impose meaningful restrictions and conditions upon developers when zoning and building permits are requested. One important condition which should be imposed upon private developers is that they should be required to provide funds to reloacte families who are displaced as a result of their development. More often than not, those who are displaced are minority and poor people.

Another important condition which should be imposed upon private developers is that they provide homes for all economic segments of the community, and that they provide a proportionate number of homes in a price range that is within the reach of those families who have been displaced as a result of their development.

C. *Rentals.*—Because of the cost of home ownership, the very large majority of Mexican-Americans and poor people must rent. Although both the County of Santa Clara and the City of San Jose have housing authorities under Section 23 of the federal leased housing program, the number of units of such subsidized housing fails to meet the needs of the poor.

Rental housing has also increasingly become more costly. Vacancy rates have fallen from fifteen percent (15%) in 1965 to less than three percent (3%) in 1969. Households earning less than $4,000 a year are those most adversely affected by the short supply of rental units. It has been estimated that ability to pay $120 per month in rent was necessary before the local rental market could supply an adequate number of units to balance supply and demand. Assuming a normal budget of twenty-five percent (25%) of monthly income for rent, it appears that a household in Santa Clara County had to earn $5,700 a year before the market could supply an adequate opportunity to rent. For nearly 34,000 renters with incomes below $5,700 there were only 14,400 units available at prices they could afford. In addition, the majority of unsound rentals in the county are in the rental range below $120 a month.

In my opinion, merely placing controls on the price of rentals is ineffective for it is apparent that according to the law of supply and demand, the price of rentals will skyrocket once the freeze has ended, particularly in the price range where there is the greatest demand, among the poor. I suggest that substantial federal assistance is needed to enlarge federal programs such as Section 23, Section 236, and Section 235. Only until the supply of housing meets the demand for housing will there be any stabilization in the price of rentals for poor people.

Thus, in the area of housing, Phase II of the President's Economic Policy fails to address itself to the pressing needs of the minority and poor people. Lending institutions, with all the advantages of government support, still remain unresponsive to the social needs of the poor. Although the cost of construction of new homes may be frozen through wage controls and price controls, nevertheless, for Mexican-Americans and poor people, the cost of occupying a home is still beyond their means. Although the price of rental units are frozen, for Mexican-Americans and poor people, the price at which they are frozen is still beyond their means.

EMPLOYMENT

The second major concern of poor people is employment. With the coming of the major electronic and aerospace industries in the early 1950's, Santa Clara County was transformed from an agricultural community to a major urban center. Lockheed, Fairchild Camera, Philco-Ford, and IBM, to name but a few companies, have located in Santa Clara County.

The influx of families tied to these industries created a demand for homes. Corporate land developers such as Foremost-McKesson and Kaufmann and Broad came to the valley to capitalize on this market. They purchased substantial acreage to build homes, and the orchards, ranches and farms disappeared from the scene and were replaced with tracts of residential developments. Agriculture as an industry declined in importance; and Mexican-American farm labor was no longer needed to tend the fields. Simultaneously with the decline in agriculture was a decline in the need for the canneries, packing houses, and other food processing plants. Again, Mexican-American cannery workers and food processors were displaced as these industries closed their doors and moved to other areas where agriculture was still a primary industry.

The conglomerates which located in Santa Clara County dictated the destiny of all people living in the valley, particularly Mexican-Americans and poor people. It was the decision of these major industries to locate in this county which placed the poor people in the economic political, and social cross-fire of urban development and economic growth. It was these conglomerates which influenced the economic life of the people. It was these conglomerates which directed the political decision-making process in the community.

And yet, these corporate giants have not assumed the responsibilities to the very community whose economic, political, and social life has been disrupted by their coming. It is naive to expect that these conglomerates will assume social responsibility. Indeed, Santa Clara County is an example of their corporate irresponsibility. Public officials, particularly at the federal level, must impose the most stringent restrictions on the actions of such corporations to minimize the disruption which these companies have set in motion.

It may be too late for Santa Clara County to turn the tide. However, it is not too late for the hundreds of communities which will be victimized by socially irresponsible corporate giants.

If Phase II of the President's Economic Policy does not address itself to the growing power of these conglomerates, it will merely mean that government will be forced to step in and spend millions of dollars for housing and other related social services for those who have been displaced as a result of private corporate action.

In spite of the corporate irresponsibility however, Mexican-Americans and other poor people have begun to take positive steps from agricultural employment to industrial employment. The transition has been a slow, painful one. Phase II of the President's Economic Policy comes at a time when the Mexican-American has taken his first step toward living and working in an urban society. Whether Phase II will help or hinder his transition remains to be seen. At the present time, the guidelines of Phase II are not responsive to the needs of Mexican-Americans in several respect.

A. *Affirmative action.*—The major electronic and aerospace industries in Santa Clara County depend on government contracts to sustain them. The words, "affirmative action", gives the Mexican-American hope that there is a place for him in the industrial society which is growing up around him. For him, affirmative action means more than hiring minority people at entry level jobs. It means job-upgrading. All too often, it has been our experience that minority people are hired to be the janitor or maintenance man; and all too often, minority people stay at that entry level position.

Within Lockheed Missiles and Space Company, the largest private employer in the county, there has been formed the Chicano Workers of Lockheed. The organization is a member of the Confederacion. Their primary concern is to hire not only a proportionate share of the Spanish-speaking people into the company, but also to upgrade those Spanish-speaking people who are already there.

I am concerned that Phase II and the wage restrictions will tend to work at cross-purposes with our efforts in affirmative action and job upgrading. It has been established that salary and wage increases are to be held at 5.5% a year. Any greater increase requires a substantial change in job description. It would seem that under the guise of complying with the wage guidelines there will be a tendency to keep employees at their present level of employment. Thus, in complying with the Phase II guidelines relative to wage stabilization, there will be a corresponding lag on the part of the employer to carry on and implement an affirmative action program.

B. *The non-unionized wage earner.*—I am sure that I am not making a profound announcement when I say that minority people have traditionally had a difficult time joining unions and becoming a part of organized labor. For Mexican-Americans in this position, the wage freeze presents a very real problem. There is no one to represent the non-unionized employee *vis-a-vis* his employer. Further, because he is not a member of a union, the non-unionized employee has not had the advantages of collective bargaining agreements in the form of a decent hourly wage and other fringe benefits. In short, the wage earner who is not a member of the union is all too often a member of an ethnic minority who is at the bottom of the wage scale.

I am concerned that the wage stabilization effort will have a very adverse effect on this man's earning power since the wage freeze can easily be used as an excuse to keep him at a lower wage. Although it has been stated that the wage freeze will not apply to anyone who is earning less than $1.60 an hour, the minimum federal standard, nevertheless, this exclusion is meaningless to the great majority of working people. At $1.60 an hour, the wage earner brings home $12.80 a day or $64.00 a week. This is a gross income of $3,328.00 a year, an income which is well below any poverty guideline.

In fact, a family of five (5) would do better to receive $282.00 a month or $3,384.00 a year on Aid to Families with Dependent Children. It is my suggestion that anyone earning less than $2.25 an hour be exempted from the wage freeze. Furthermore, wage earners earning above that amount should be exempted from the wage freeze on a sliding scale, depending on his needs and the number of dependents he must support. After reviewing the problem, I am sure you will agree that the wage earner who earns $2.25 an hour is not the one who is responsible for the spiraling inflationary trend which has beset this nation. Rather, it is the person earning $9.00 an hour with generous fringe benefits who must be curbed.

FOOD AND THE NECESSITIES OF LIFE

The third major concern of poor people is to provide food and the necessities of life for their families. In this regard, Phase II of the President's Economic Policy is weak in that it fails to take active steps to halt the increase of prices.

Poor people ordinarily spend all of the money they earn on the necessities of life. Rarely are they able to save money on a regular basis. During Phase II, I can see little change in the purchasing patterns of poor people. Their income will be spent on food, clothing, shelter, transportation and medical services. The poor person has few options opened to him. Therefore, if he needs a new pair of shoes, he will go out and buy it and he will buy regardless of whether the price of the shoes has increased.

It has been stated that prices will be held constant and will not increase more than 2½% a year. Some economists have speculated that this ruling will have an inflationary effect in that all companies will tend to raise prices to 2½% regardless of whether they need an increase in prices. If this is so, then the poor person who purchases goods out of necessity will buy goods at the inflated price, while the affluent person can afford to wait.

In order to minimize the adverse effect the price freeze will have on poor people, I suggest that price distinctions be made between those products which are necessities, such as food, and those which are considered to be luxuries.

There is another problem with price controls which adversely affect the poor. The guidelines have permitted the 2½% increase in prices across the board. A flat 2½% increase taxes poor people more severely than the affluent. Thus, to the individual earning $20,000 a year, the 2½% increase will have less of an adverse effect than it will to the individual earning $4,000 a year. The 2½% price limitation would be regressive in nature, and would affect the poor person much like the sales tax on goods.

DIRECT IMPUT INTO THE DECISIONMAKING PROCESS

The fourth major concern of poor people has been to obtain direct imput into the political decisionmaking process. Historically, in Santa Clara County, municipalities never thought that the Mexican-American farmworker, packing house worker, and cannery worker had any contribution to make to the decisionmaking process. Indeed, there was a conscious effort to exclude and discourage imput from the Mexican-American community. It has been assumed that decisions were to be made *for* poor people and minority people since they, like children, were unable to make decisions for themselves.

This attitude has been reflected in the statements of public officials, bank executives, and other corporate magnates with whom I have come in contact. In short, there tends to be an insidious prevailing attitude among public officials and top level corporate executives that they know what is best for the poor, the minorities, and those who are in the lower economic and social class.

During the last few years poverty programs and model cities programs have been instituted throughout the nation. Purportedly, poor people and minority people are given a voice in the manner in which these programs are to be operated. Citizen participation, particularly participation of the poor and minority people, is encouraged. And yet, although these programs involve expenditures of substantial sums of money, they cannot compare with the millions of dollars which are being spent by government in other sectors. Thus, it has been my observation that while the poor and minority people involve themselves with the expenditure of a two million dollar model cities program, many more millions of dollars are being spent by the cities in expanding airports, building streets and expressways, and developing public transportation systems. In these latter areas there is virtually no participation from the poor and minority people although their lives will be substantially affected by the decisions which are made.

This same paternalistic attitude of local public officials is reflected in the formation of the structures that guide the Phase II program. It appears that there has been a conscious effort to exclude poor people, who more often than not, tend to be members of ethnic minorities.

For instance, the Pay Board is composed of five (5) representatives from big labor, whose salaries amount to thousands of dollars each year; there are five (5) representatives from the conglomerates or giant corporate structures, whose salaries rival those of big labor; and there are five (5) so-called public members, whose respective backgrounds are so interlocked with big business that it is very confusing to the general public as to who represents big business and who represents the public.

It appears to me that there was a conscious effort made to include among the fifteen members of the Pay Board, the highest paid, the most influential, and the most powerful people in the country. There is no one among the fifteen who knows the problems of the poor, who knows the problems of the Mexican-American community and the poverty and misery that this community must struggle with on a day-to-day basis.

The Price Commission is composed of ten people, headed by university scholars and corporate executive from various industries. Once again, there is no one with an intimate working knowledge of the agony that the poor Mexican-American farmworker or unemployed house worker must struggle with each day of his life.

Indeed, it is safe to say that all of the representatives on the Pay Board and Price Commission are protecting their respective economic, social, and political interests. And I do not quarrel with this political reality of life. My concern is that there is no one on these bodies to protect the interests of the poor and the minorities whose interests heretofore have been overlooked if not ignored.

I need not go into a discussion of the other committees which are adjuncts to the Price Commission for the same criticism applies to these bodies in that they are just as imbalanced as the parent body.

In order to remedy this imbalance and lack of representation from a very large segment of the community, I propose several changes. Perhaps these changes would have been appropriate to suggest had I testified before this committee in December, 1971, prior to the time that the Senate extended the President's power. Nevertheless, these are the changes which I propose:

(1) That the Pay Board be increased by five (5) members. The five members would be representatives of the poor and ethnic minorities.

(2) That the Price Commission be increased by five (5) members. The five members would be representatives of the poor and ethnic minorities.

(3) That all adjunct commissions to the Price Commission be increased by five (5) members. The five members would be representatives of the poor and ethnic minorities.

(4) That a fifteen (15) member advisory board to the Cost of Living Council be established. The advisory board would be composed of representatives from the poor and ethnic minorities.

(5) That the Secretary of the Treasury be authorized to be the *ex officio* member of the advisory commission. This would insure direct input to the Secretary of the Treasury, who is the chairman of the Cost of Living Council and the individual who directly reports to the President.

CONCLUSION

I have only touched upon some of the concerns of poor and minority people. A more detailed analysis would certainly point up the inequities of the present freeze in the areas of education, health care services, etc., which also affect the poor and minority community. However, by this statement, it has been my intent to impress upon you the simple fact that Phase II of the President's Economic Policy fails to take into consideration the pressing needs of millions of poor people who are economically deprived. Further, the program fails to take into consideration the needs of the millions of Spanish-speaking Americans and the millions of Black Americans. In short, Phase II does not attempt to equalize the great inequities which presently exist in our country. Rather, it has attempted to stop the rising tide of inflation by mandating that all things be kept at the *status quo*. In an attempt to maintain the *status quo*, however, the powerful few, whether at the national level or at the local level, remain all powerful since no effective controls have been imposed upon them.

The substantial difference is that the powerful now have added sanctions from government so that in a very real sense government is aiding and abetting the powerful few, the power structure, to maintain its position of leadership and authority. By maintaining the *status quo*, Phase II simultaneously has had the effect of keeping those who are poor, both economically, socially and politically, in that state of poverty.

In my opinion, Phase II is a simplistic answer to a very grave problem. Until national policy begins to address itself to our present system which continues to create gross inequities, we have not begun to attack the problem. For so many of our people the American dream is living in sub-standard housing which is located in a segregated neighborhood. It is discrimination in employment, whether the employer is a public entity or a private corporation with substantial federal contracts. It is attending segregated schools located in decaying quarters of the city which has inadequate facilities. And this American dream of the poor exists amidst plenty where technology and rapid industrialization have made, and are continuing to make, the affluent and powerful more affluent and more powerful.

THE VALUE-ADDED TAX OR NATIONAL SALES TAX

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. RARICK. Mr. Speaker, in his state of the Union message, the President stressed the importance of local control of public education. Now, he speaks of a value-added Federal tax for financing public education. The two statements regarding public education are contradictory.

We all recognize the truisms: "Money speaks;" and "He who pays the piper calls the tune." We know from experience that Federal controls inevitably follow Federal grants to the local people of their own tax money.

The value-added tax appears to be nothing more than a national sales tax. To call it by its right name would incur overwhelming opposition. It is called a value-added tax, because the tax is applied as value is added to the product at every stage of production from the raw material to the finished product. In the final analysis, it is the consumer who pays the tax.

The respected columnist, Don Bell, in his "Don Bell Reports—A Weekly Commentary" of January 28, 1972, has written a penetrating and enlightening account of the value-added tax entitled "The Upcoming Value-added Tax Bombshell." Since the proposal for such a tax may come before this body this session, I insert for the benefit of our colleagues the text of Don Bell's article in the RECORD at this point:

THE UPCOMING VALUE-ADDED TAX BOMBSHELL

THE RED INK DILEMMA

The apology was voiced in terms of the unacceptable alternative: If Nixon did the right thing he would be defeated in November; but if he did the wrong thing he would be elected. So, naturally, he did the wrong thing—wrong in the eyes of all who would like to see a balanced budget, that is. To quote one commentator who sought to justify the President's budget message:

"He could clamp down on spending, present a conservative budget, and probably be defeated next November because of high unemployment. Or he could open the spending gates, pour on the red ink, and shock his traditional Republican constituency with the highest series of peacetime deficits in history. Nixon chose the second course. In the old days it was known as 'spend and elect,' and it was normally associated with Democrats rather than Republican Presidents. With his new fiscal budget for 1973 (the year beginning next July 1), the government will have operated in the red for all four years of Nixon's term of office. Deficits of $3.8 billion in 1970, $23 billion in 1971, $38.8 billion in 1972, and $25.5 billion projected for 1973, add up to a total of $91.1 billion. That is almost as big as the entire federal budget when John F. Kennedy took office barely a decade ago. Even that figure understates the enormous size of the deficit because it includes healthy surpluses in trust funds for Social Security and the like, which don't really belong to the government.

"The shortage in the 'administrative' or the 'federal funds' budget, which measures how much more the government actually spends than it collects, is projected at $124 billion during Nixon's first term—smashing all records since World War II. All that red ink will push the federal debt up to the staggering $493.2 billion—nearly half a trillion dollars."

Ironically, the President asked Congress not to appropriate more than he had asked for in his budget because that might "cause inflation", and he also asked for that now seemingly perennial upping of the federal debt limit.

Also, somewhat in the nature of the parent who holds out a spoonful of sugar after administering a dose of castor oil, Mr. Nixon called for prime time to announce that Herr Kissinger had made a dozen or so secret trips to Paris over the past three months in attempts to arrange what can only be described in honesty as a conditional surrender, whereas the enemy, seeing themselves as victors, reserve the right to set their own terms of surrender, holding onto American prisoner-of-war like the legendary sword of Damocles, to hold over the heads of American officials and force them to come to terms set by the Reds.

However, dismissing other considerations for the purpose of spotlighting the budget problem: If and when the war in Southeast Asia has been concluded, President Nixon has pledged the American people to finance the astronomical cost of reconstructing that part of the world and paying all war damage costs. This is some huge amount of money that cannot even be estimated until the end of the shooting, but which will be added onto other red ink amounts beyond the budgeted expenses of government, *and also beyond the ability of the people to pay, unless some new, invisible form of taxation is devised and installed to bleed the taxpayer in a new and unseeing way.*

THE POLITICS OF EDUCATION

How much of what we are going to write in the next few paragraphs was planned, how much came about as coincidence, how much was unavoidable development, we are not prepared to say; but bear with us:—

Public education has been called "the new secular church which uses force to impose its morality" (Thomas A. Lane in *Don Bell Reports*, Jan. 21, 1972). The religion that is being taught in this "secular church" is a Statist form of Humanism. As Mortimer Smith, a California educationist, wrote in *The Atlantic*, Sept. 1958: "The primary task of the school is not education, but social conditioning."

Thus, education is seen as "a function of the state" (W. W. Eshelman, NEA President, in an address at the 98th annual NEA convention held at Washington, D.C., from June 26 to July 1, 1960.)

Since education is for social conditioning and is a function of the state, it must, therefore, be removed from local control; and it must be federally controlled.

One of the greatest obstacles to federal control of schools has been the manner in which schools are financed. Despite the billions of dollars which have been poured into the public school system by the federal government, primary financing of the local schools has always been through property taxes; and property taxes are *local taxes;* taxes over which federal authorities have no direct control.

It follows then, as night follows day, that if the Feds were to obtain absolute control over the public school system, then it must be arranged so that property taxes cannot be used to finance education!

Perhaps the pattern is sheer coincidence: coercive race mixing in the public schools has proved such an expensive necessity that school districts all across the nation have found themselves "going broke." The geographic location of some school buildings and facilities caused them to be totally abandoned and new facilities constructed at "more centrally situated sites" and at great and unnecessary expense. The need for purchasing thousands of school buses in order to transport children across cities, counties, and even State lines, along with the expense of drivers, maintenance, insurance, etc., imposed an impossible burden on many school districts.

The inevitable result of the rise in the cost of sending children to school and there supporting them in the manner decreed by the Federal judges and the bureaucrats of HEW: Property taxes began to go up and up.

When this "coincidental" jump in property taxes across the Land began to assume "emergency" proportions, it was easy to bring forth the argument that property taxes for the support of public schools is unconstitutional.

So, as most things of this nature do, the new trend began in California. Last summer the State Supreme Court ruled that it is discriminatory and therefore unconstitutional to base public school financing on "widely divergent local property values, since rich school districts can spend more money on each student than poor ones." Later, a similar ruling based on a similar argument, was handed down in Texas. Then, the day before President Nixon made his State of the Union address, a New Jersey court overturned that State's real-estate tax system.

And again we say, placing figurative tongue in metaphorical cheek, that it all may have been the purest coincidence; but in his State of the Union message President Nixon promised that he would develop some new and "revolutionary" recommendations for "relieving the burden of property taxes and providing both fair and adequate financing for our children's education."

Please don't misunderstand us; we are not condoning or defending the use of property taxes to finance schools. Personally, our property taxes have tripled in the past two years because of the high cost of public school maintenance and our grandchildren all go to a private Christian school. The point we wish to make is that, as FDR used to boast, *they planned it that way:*—

Create a situation whereby citizens will demand a relief from excessive property taxes and "two birds can be killed with one stone;" that is—

(1) Local property taxes can no longer be used to finance the schools; so the Feds can design a new support system which will put them in absolute control of the nation's public school system; and

(2) This new method of taxation can then be used to further milk the citizens of their hard-earned dollars, and the Federal excesses in other areas can be alleviated through extensive use of this new kind of taxation!

So, under the guise of "saving the schools" a whole new and "revolutionary" system of national taxation is to be imposed upon all of the people; a system of taxation that will involve, personally, all who buy or sell in the market place. This new tax is to be announced and imposed at the right time, politically and philosophically. Best guess as to the time of the official unveiling: A Presidential commission purportedly dealing with the problems of public education, has been meeting spasmodically over the past two years; is expected to make its report in March. The report will be studied and analyzed by a group of experts; probably such Presidential advisors as Kissinger, Burns, Schultz and Connally. Then, any time after June 1st, whenever the winds of political opinion seemed to be blowing in the right direction, this new and "revolutionary" tax could be announced.

Last December, through one of those leaks in security which usually work to the advantage of some well-known and widely-read columnist, Joseph Alsop received the word about the new tax. In the *Washington Post* of Dec. 10, 1971, weeks before anyone had heard of the new tax (other than those who were preparing it for American use), in a column headlined "Nixon's Tax Bombshell." Alsop wrote:

"A plea for a modest value-added tax is due to be the most surprising, most interesting and most generally gusty of President Nixon's bombshells for the election year. . . .

"Until the day for it comes, the fact of the coming bombshell may well be denied. . . . This will be a multi-purpose bombshell, in truth, calculated to bring down a perfect covey of birds in a single thunderclap. . . ."

Alsop then proceeded to give a favorable report on the "value-added tax," pointing out that it is being used successfully in the socialistic Scandanavian countries, in West Germany, and in France.

After Alsop's story was published, the news of the "possibility" of a new kind of tax at the federal level, began to be hinted at by other messengers for the media.

THE NATURE OF THE VA TAX

The value-added tax is a complicated kind of sales tax. It derives its name from the fact that the tax is applied at every stage of the production of any product, or each time value is added to the process of production. As a very elemental attempt at explanation of how this value-added tax works, let's take the example of a pair of shoes, and let's suppose that that the value-added tax is ten per cent. The tax begins with the raw product, in this case with the cow from which the leather is derived. The rancher must make a profit from tanner to whom he sells the cowhide. So, to the sales price there is added a ten percent sales tax. The leather processor has made the cowhide more valuable because of his work on it; so when he sells it to the shoemaker, he adds his value-added ten per cent sales tax (his original tax payment has been included in the sales price, so he isn't really paying any tax on the transaction, he simply makes a book entry). The shoemaker completes his product, and he also has added value to the original cowhide, so when he sells to the retail outlet, he adds to the sales price the ten per cent added value tax (all previous tax having been absorbed into his sale price). The retailer must cover his expenses (including that ten per cent sales tax he paid to the manufacturer), and he must make a profit if he is to stay in business. So, he computes his selling price (or in the case of a wage-price freeze, some government bureaucrat fixes it for him), and he adds the ten per cent value added tax to his sale price.

Result: nobody has paid any real tax but the ultimate consumer, but that sales tax he must pay has been computed, confounded and compounded at every step in the process of production.

The Feds figure that if this value added tax could be imposed at, say, three per cent, then they could squeeze out of the ultimate consumers—rich and poor, young and old, in sickness and in health, on welfare and on pension—an additional twenty billion dollars a year; this computed at the current gross national product and sales turnover. If the added value tax went up to 23 per cent, as it is said to be in France, think of the vast amount of tax money the federal bureaucrats would have to spend!

And there is this added advantage: Since the VA Tax is paid by the buyer at the point of purchase, there is little likelihood of tax evasion.

It should be understood that this value-added tax (shortened to VA Tax by those studying the system) is nothing more than a complicated kind of universal, national sales tax. Many States already have sales taxes on certain items, and the federal taxes on gasoline, luxuries, etc., is a form of the same kind of tax. But never before has there ever been suggested a federal tax on *everything:* products, services, food and medicine; everything.

Stanley S. Surrey served as Assistant Secretary for Tax Policy in the U.S. Treasury Department, from 1961 to 1969, when he left the Government to go back and teach taxation at the Harvard Law School. Despite this academic and administrative background, Professor Surrey is against the value-added tax. In a long article entitled "A Value Added Tax for the United States—a Negative View," Surrey made the following points:

"We all know what a retail sales tax is—44 of our states and some of our cities have this tax. We also know what a wholesale sales tax is and what a manufacturer's sales tax is. What, then, is a value-added tax? A VA tax is merely a different method of collecting a retail sales tax. Moreover, it is a more complicated method. . . . Certain virtues are claimed for it in the name of 'neutrality.' There is no such thing, however, as a really neutral tax; some transactions or people must in the end be taxed, and not others. The VA is said to be neutral because it applies in the same way to all types of business. Thus the tax is said to be a cost for every business—whether a business makes or losses money, whether efficient or inefficient, whether in corporate form or proprietorship form, whether labor-intensive or capital-intensive, whether debt-financed or equity-financed, and so on. We are left with the impression that here is a really neutral tax *imposed on business*. . . . But this just is not so. The value added tax is neutral as to business *because it does not apply to businesses;* rather, it is a retail sales tax on the consumers of the goods and services, and not a tax on the producers or sellers of goods and services. For the business sector, the neutrality of the VA tax simply means *the neutrality of the non-taxpayer*, because it casts the business firm in the role of a collector of taxes *for* the government and *from* the ultimate consumer.

"Nor should we view a VA tax as a neutral tax on consumers. A VA tax would be neutral only if it taxed all consumer goods and services at the same rate. But no such tax actually exists in Europe, and none would exist here. The French tax, for example, has four rates: a normal rate; an increased rate for luxury items; an intermediate rate for certain utilities, such as hospital care and certain foodstuffs; and a reduced rate for widely consumed foods, tourist hotels, and so forth. The German tax has two rates, and other countries generally also have at least two rates. Some systems exempt food, and many exempt a large variety of services, financial activities (banking and insurance), newspapers, nonprofit institutions (schools and governments themselves), and so on. Other systems avoid differential rates, but reduce the tax base for certain sectors of the economy (e.g., construction), by taxing only a percentage of the sales price. The list of separate rates, differentials, exclusions, and discriminations is endless. No mass tax can be a simple, neutral tax, as anyone acquainted with a state retail tax will agree, and a value-added tax is more complicated than a retail tax. . . .

"In varying degrees, our existing federal tax system provides equity, incentives, certainty, and familiarity. It is by no means perfect but any change should be in the direction of improvement, balancing the various goals the system seeks to achieve.

"Viewed from the standpoint of domestic

considerations, the addition of a national sales tax would clearly not improve our present federal tax system; rather, it would make it distinctly worse.

"On the international side, a national sales tax would not bring the United States any advantages which would alter a policy decision against the tax made for domestic reasons.

"Finally, if a national sales tax were ever deemed desirable in the United States, it should take the form of a retail sales tax and not a value-added tax.

"In this light, the case against a value-added tax for the United States is very strong." (End of quotation.)

The case against the VA tax is stronger yet if we consider *all* of the reasons for its desirability in the eyes of the Planners:

(1) Under the guise of "saving the public school system," it would ensure total Federal control of local schools;

(2) By depriving State, County and City Governments of local property and sales tax revenues, it would force States and localities to depend on Federal "revenue sharing" for survival;

(3) By concentrating all tax-gathering and tax-spending authority at the Federal level, totalitarian government will have been achieved and its continuation will have been assured.

The demand should be for value for the taxes we pay, not for value-added taxes. When Nixon proposes it, let's hope every citizen opposes it.

ANTIHUNTING BIAS WITHOUT FOUNDATION

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. RONCALIO. Mr. Speaker, in response to a grass roots movement to protect environmental values, the Congress has passed legislation to protect wild horses and burros and to ban hunting from aircraft. The sentiments behind this legislation has had a salutory effect, but, as with any viewpoint, it can become counter-productive when applied absolutely.

Organizations have now arisen throughout the Nation which advocate the total preservation of wildlife, threatening to dismiss the game management principles developed over the past half century and to subject wildlife to the gravest challenge since the market hunters and poachers decimated their ranks at the turn of the century.

The key element in this protectionist philosophy is a strong bias against hunting, and, indeed a complete misunderstanding of the positive contributions hunters have made. Not suprisingly, the antihunting sentiment is strongest in metropolitan areas where guns are equated with crime and animals with zoos.

In a recent Los Angeles Time study, research biologists were asked if hunting has played a positive role in safeguarding wildlife. The conclusions were affirmative; and, in the view of Dr. Frank Hays, director of the Southeastern Cooperative Wildlife Disease Project:

> If hunting were stopped in America, wildlife in this country would become a hopeless, pathetic situation. Without some manner of population control—now that we have eradicated the natural predators and by our own numbers shoved wildlife onto restricted areas—we would end up with two realities: starvation and disease.

Dr. Ralph A. MacMullan director of Michigan's Department of Natural Resources, adds:

> If it were not for the hunters, the country would not have anything close to the wildlife it has today.

He also states that no species of wildlife in the Nation has ever been exterminated by the sportsman hunter.

In fact, the hunter has contributed the only money for conservation. Across the Nation, hunters spend more than $100 million a year on licenses and permits. Together with fishermen, they provide nearly $200 million a year to support State fish and game departments.

This money is used not only to provide recreation areas for hunters and nonhunters, but also to study and research wildlife.

Despite this record of service, some 10 States have considered legislation outlawing the killing of various game animals, and, for example, there is now a bill in Congress to eliminate the harvest of all marine mammals.

To aid in a balanced presentation of the complicated problem of wildlife preservation. I submit for the consideration of my colleagues the article "Saving of All Wildlife; Idea Good, But," by Jim Stingley which appeared in the January 16 Los Angeles Times:

Saving of All Wildlife: Idea Good, But . . .

(By Jim Stingley)

Since a great environmental movement blossomed in America about two years ago, the idea that we must save all wildlife has become predominant with the general public.

Organizations dedicated to total preservation of wildlife, and, in effect, an end to hunting per se, have sprung up nationwide. Armed with animal posters, they say, "Let it be."

This surge, according to wildlife management experts, comes from a recently urbanized society, well-meaning but ignorant of nature's workings.

And it is exerting the greatest threat to the welfare of America's wildlife since the turn-of-the-century days of the market hunter and poacher.

"What's happening is that many people are equating environmental decay with the removal of any animals for any purpose," said Dr. Joseph Linduska, associate director, U.S. Bureau of Sport Fisheries and Wildlife.

PROTECTIONISTS REBUTTED

"And there's no question, we've got well over 100 endangered species that need all the protection they can get and all the habitat that can be acquired in order to preserve them.

"But at the same time, a lot of these people have parlayed this to mean all of wildlife. So now, suddenly, there's a growing total antihunting sentiment."

Linduska and his peers maintain all wildlife doesn't need total protection. In fact, they say, deer, elk and small game such as rabbits, squirrels and raccoons must be controlled.

They say that to stop hunting and to let nature take its course would result in overpopulation which soon would lead to massive deaths by disease and starvation.

But telling some people that one must kill something in order to protect it does not, or in the case of many Americans, has not registered well.

Game management men say they know why it hasn't registered:

Those seeking an end to all hunting are primarily urban bred and are so far removed from nature that they no longer accept killing as anything but a horrible, unnatural process.

NATIONAL REACTION

They explain that the only guns these people see are in the hands of policemen, criminals or soldiers. The only animals they see are in zoos or on films. They wonder if the urbanite even relates death to the prime rib roast being prepared for dinner.

Or, as Russell Cookingham, director of the New Jersey Division of Fish and Game, put it: "They think Col. Sanders' chicken is born already fried."

So, the wildlife experts say, these people, by virtue of their own protected environment, are quite naturally enraged or turned off by the killing of wild creatures.

"It's what we call the 'Bambi syndrome,'" said one wildlife director. "And," said another, "the underlying move is to get the hunter, the villain, completely out of the picture."

In the past two years the move, supported vigorously by the art and news media, has indeed been working toward such an end. If it hasn't been totally effective, it has, according to a Times survey of America's 50 state wildlife management directors, adversely affected their management programs.

In the past year legislation has been proposed or passed in 10 states outlawing the killing of various game animals.

In Colorado the legislature closed the season on buffalo indefinitely, outlawed doe deer hunting, prohibited the taking of spike elk, reduced the number of cow elk permits by 25% and split the deer-elk seasons.

Harry Woodward, director of Colorado's Division of Game, Fish and Parks, said all of the action followed the Denver premiere of Stanley Kramer's movie, "Bless the Beasts and Children."

(Kramer's film depicted men literally slaughtering a fenced-in herd of buffalo that six young boys were trying to save. It was based on Glendon Swarthout's book by the same title—which was in turn based on Arizona's buffalo hunting program—and carried a strong antihunting theme.

(The film, according to state officials in Arizona, falsely depicted the buffalo hunt to such a degree that "it was a total, emotional misrepresentation, calculated to make the hunter look bad.")

"Since that time we've been blasted with antihunting sentiment. I've even had anonymous letters threatening my life," Woodward said.

Woodward did not appear that concerned about the threats. But the changes in his hunting programs were another matter.

"We have the biggest elk herd we've ever had," he said. "And our deer herd is very healthy and in some areas seriously overpopulated. When winter comes, if it is a hard one, we're going to lose a lot of animals to starvation. We've just got too many animals for the amount of food available."

In New Mexico, according to Ladd Gordon, director of that state's department of fish and game, antihunting movements stopped a plan to reintroduce buffalo there for future public hunting.

In Connecticut, according to Ted Bampton, director, Board of Fisheries and Game, four bills were introduced into the legislature last year that would have resulted in "an outright prohibition of hunting and trapping."

"Had these passed, which thankfully they did not, it would have caused us all kinds of problems," he said.

"We are a densely populated state, but some of the species have learned to live with man and do it damned nicely, such as the racoon, beaver and squirrel. Well, as it is, we're kept busy as hell live-trapping and relocating these animals away from our cities."

(While Connecticut was the only state where open abolishment of hunting was legislatively advocated, and where the problems with an overpopulation of wildlife were most city-oriented, other reports of legislative cutbacks in hunting programs or threats to do the same were reported in Massachusetts, Utah, Arizona, Oregon, Wisconsin, Alaska and California.)

In all cases the biggest disagreement, beyond that of whether or not hunting should be allowed, is on the term "endangered species."

Alaska and California are two prime examples of this highly flammable topic.

In Alaska, according to Frank Jones, the state's director of the Division of Game, "right now there is quite a bit of pressure nationwide to cut off our harvest of polar bear. In addition to that, there is nationwide pressure and a bill in Congress now that would cut off harvest of all marine mammals.

"Well, in our opinion, based on information we have from our biologists who are working on the polar bear continuously, the polar bear is not endangered.

"But 'Say Goodbye' said they were, so the public believes it."

("Say Goodbye" was a David Wolper production which, according to NBC, "was an essay purposedly edited to dramatize preestablished and authentic facts concerning endangered species of wildlife the world around."

(The production had a key scene which depicted hunters in a helicopter chasing down and shooting a mother polar bear in front of her two cubs.

(It was later disclosed that (1) the scene was faked and (2) the polar bear is not an endangered species.)

In California, the disagreement over what is an endangered species took dizzying turns.

The animals involved were the tule elk, the sea otter and the mountain lion.

Ray Arnett, California's fish and game director, said his department observed the elk almost reach extinction, not because of hunting, "but because man came in and built cities, grew cotton and wheat and took away the animal's habitat in the San Joaquin Valley.

RANGE LIMITED

"The elk is a small marsh dweller," he explained. "His range is extremely limited.

"So we took this remaining handful and searched the state for a place to put them. This was 40 years ago. We found habitat for them in the Owens Valley. They thrived.

"They thrived so well that in a few years they were overrunning the area, tearing down fences and eating alfalfa the ranchers had planted for their cattle.

"Well, a conflict developed and pretty soon, to protect his feed, the ranchers started shooting the elk, which were on the protected list.

"Then the Tule Elk Society started.

"And then all hell broke loose."

The "hell" Arnett spoke of put so much heat on his department that a committee representing all sides was formed to study the matter.

Experts were called in, including a student of conservation who spent two years with the elk and wrote his doctoral thesis on the situation.

"As a result of his study, all finally agreed that the Owens Valley could support between 300 to 350 elk without damages to ranchers or competing wildlife. The excess would be cropped out."

That should have been the end of it, Arnett said, but it wasn't. Two years ago the Tule Elk Society "suddenly came back and said that 350 elk is not a safe number—that 2,000 elk would take them off the endangered list.

"Well," said Arnett, "we had already proved biologically that the Owens Valley can't support 2,000 tule elk. But because of the new outcry, we called the experts back to reexamine it.

"Except for finding one small area that might support 140 more elk, we were right back where we were before. The ranchers hadn't left the valley, the elk range had not increased.

"Well, thanks to people who can't accept biological fact and who arbitrarily decide 2,000 is a good safe number for a species, the bill went through this year making it law that before we can have another hunt on tule elk, the herds must reach 2,000 in the state with a 490 maximum in Owens Valley.

"Now we've got tule elk and no place to put them. We're trying everything we know how, begging zoos to take them. We've trying our damnedest to get Mexico to take some of them.

"The sea otter is another item. They were wiped out badly by commercial hunters, but back in the 1930s we found a small colony in the Big Sur area and put them under our protection.

"But the otter moved southward into prime commercial abalone beds, doing considerable damage to them.

"Well, we are charged with protecting and maintaining both the sea otter and the abalone because they are both resources that belong to the state of California.

"So we had a bill in 1970 to manage—and manage in some instances means kill—the sea otter numbers.

"SCREAM BUTCHER"

"Immediately the friends of the sea otters scream butcher at us. They scream 'Why don't you take the otters to other places along the coast? Why don't you protect them?'

"Well, we have been protecting them for years, and we have trapped and transported them to new areas.

"And they, for all practical purposes, beat the boat back. The prime abalone area is where they want to be. They're living high off the hog there. Why should they want to go anywhere?

"So, the public outcry killed our bill. Now we can't do anything, can't touch the otter. Instead we must make a five-year study of them. Well, we'll make the study. And you know what we'll find? That sea otters like prime abalone beds.

"Another item that's been forced on us by people who don't know what they're talking about is that of the mountain lion. We worked a long time to get the lion off the predator-bounty list and on the protected game list."

Arnett said that at first "we were criticized by people who said if we took it off the predator list, it would overrun California.

"And once this was finally accomplished, and the lion could no longer be indiscriminately killed as a predator," Arnett said, the antihunting forces hollered at him for making it a game animal.

"Last year they passed a bill in the Legislature declaring a moratorium on hunting the mountain lion and told us to make a four-year study of the cat."

Arnett maintains that one reason he fought so hard to get the cat off the predator list was so that his department could, by the use of mandatory listing and limitation of kills, study the cat and determine his number and range.

"The thing that bothers me about all three instances—the elk, sea otter and lion—is that all research we have done and have been ordered to do will be paid by the sportsman, out of his pocket."

Efforts to unload the hunter's gun have been active on the national level, as well.

DEER HUNTS

The Humane Society of the United States is in the courts seeking to stop the federal government from allowing deer hunts on public lands in New Jersey, Virginia and Maryland.

Bills are pending in Congress to outlaw the taking of furbearing marine animals.

(In California last year a bill was passed stipulating that no fur seal skins can be sold in or brought to California for commercial purposes.)

In each of the federal cases, the U.S. Bureau of Sports Fisheries and Wildlife says such pressure is not only unjustified but also presents a threat not only to the welfare of the animals involved, but their particular environment as well.

At both the state and federal levels, the wildlife experts say "You can't just 'Let it be.' If you do, you'll be protecting it to death . . ."

Protectionists dismiss wildlife management's arguments as being propaganda from vested interests. And it is essentially true that wildlife managers are largely gamekeepers for America's sportsman hunter.

Recognizing this, The Times asked research biologists across the nation if, indeed, hunting played a great role, as the wildlife managers contend, in the healthy safekeeping of this country's wildlife.

Dr. Frank Hays is director of the Southeastern Cooperative Wildlife Disease Project, a research project under way at the University of Georgia college for veterinary medicine.

Dr. Paul Saltman is a professor of biology and the provost of Revelle College, UC San Diego. He is internationally known for his research work in trace metal metabolism and photosynthesis. He is not a hunter.

"If hunting were stopped in America," said Hays, "wildlife in this country would become a hopeless, pathetic situation.

"Without some manner of population control—now that we have eradicated the natural predators and by our own numbers shoved wildlife onto restricted areas—we would end up with two realities:

"Starvation and disease."

Oddly enough, Hays maintains that the hunter himself has traditionally been the overprotectionist.

"In 1970 I studied specific examples of this in Mississippi, Florida and Arkansas. Overpopulated herds, made that way because the hunters refuse to pass a law legalizing the taking of does, were decimated by stomach worms.

COMPARISON MADE

"If you're going to compare the inhumanities of it—shooting versus nature," said Hays, "well, a deer that is literally bled to death by starvation or gradually wastes away to a rack of bones, to me that's not very humane."

The most severe example of wildlife starvation due to overprotection occurred during the 1920s in northern Arizona when a herd of about 3,000 Rocky Mountain mule deer, totally protected by the U.S. government—even to the extent of eradication of predators—grew to more than 100,000 on a million acre sanctuary.

Within six years the herd depleted its grazing range to the point where in most places 90% of the range was destroyed.

In the same six years 70,000 mule deer starved to death.

The deaths continued until 1930 when, with only about 15,000 deer left, annual hunting seasons were finally opened under a new agreement between the government and the state of Arizona.

The damage, however, was not confined to the deer. The overgrazing had literally turned the sanctuary into a wasteland. Harsh erosion and its effects followed.

The incident was the turning point in game management philosophy, which, in the era directly following America's halting of the market hunter, had been one of total protection—let nature take its course.

Aldo Leopold, a federal forester destined to become one of this country's leaders in conservation, wrote in 1925 of the incident:

". . . We have learned that game, to be successfully conserved, must be positively produced rather than negatively protected . . . we have learned that game is a crop, which nature will grow and grow abundantly, provided only that we furnish the seed and a suitable environment."

In agreement with wildlife biologist Hays is Dr. Saltman.

"You have to have a balance of nature and that balance of nature relates to the whole pyramid of production of food stuffs beginning with photosynthesis.

"Now in any circumstances where you begin to change that by essentially putting a bounty on man's shooting the so-called predators, all of a sudden you change a very fundamental balance of nature, and you have the herbivores now growing out of control and as such ultimately destroying their food crop by overgrazing."

SUPPORTING FACTS

The case for the taking of wildlife by sport hunters is supported, according to Dr. Ralph A. MacMullan, director of Michigan's Department of Natural Resources, by two additional arguments.

"The first is," said MacMullan, "that if it were not for the hunters, the country would not have anything close to the wildlife it has today. The second is, despite what has been said to the contrary, that no species of wildlife in the country has ever been exterminated by the sportsman hunter."

MacMullan maintains "The hunter has contributed the only money to date into conservation. In Michigan we have a series of game and recreation areas taking up tens of thousands of acres. They were all bought by hunters' money.

"They are used three-to-one by people who are not hunters.

"Protectionists haven't put one cent into the care and upkeep of the very programs that provide them with wildlife to photograph and see.

"As to the extinction of species, you'll hear them say, what about the buffalo? Well, the buffalo was run out by man's use of the land. The professional market hunter, not the sportsman, was an accessory there."

MacMullan's remarks concerning who supports the wildlife of America with dollars were agreed upon by most game management men interviewed. Except for a handful of states, every cent spent on wildlife programs comes out of the hunter's pocket.

In California that is a tidy sum—about $21 million annually.

Across the nation, hunters spend more than $100 million a year on licenses and permits. Together with fishermen they provide nearly $200 million a year to support the 50 state fish and game departments.

This money is used not only to provide recreation areas for all of the public, hunters and non-hunters alike, but also in the study and research of wildlife inhabiting these areas.

Game management people have to know how much cropping certain species can stand in order to maintain a healthy balance. They have to know when the cropping or hunting should take place, where and how. The hunters' money provides the biologists for these studies.

The same money also goes for the study of nongame wildlife, for its control or reestablishment as the case may be. And, in the cases of many states, the money is used to conduct impact studies on areas where new housing or building projects are planned.

PRIVATE GROUPS

Coastal states spend some of the hunters' money in studying and maintaining shellfish life, such as the California abalone, as well as keeping an eye on pollution of the sea and shore creatures' habitat.

In addition, hunters founded private organizations, such as Ducks Unlimited, to provide protection to the wildlife they hunt.

Ducks Unlimited has poured more than $17 million into Canada to construct more than 1,000 "duck factories." Its funds have built or restored almost 2 million acres of prime waterfowl nesting habitat, with more than 1,500 miles of protective shoreline.

Still, these facts and figures, according to the game management experts, have done little to stem the flow of anti-hunting sentiment.

Programs to acquaint the public with the hunter's role and his contribution have been standard fare in all 50 states for many years, but of late, the states admit, they haven't been that well received by the people at large or the communications media.

"People who refuse to accept that animals have to die—well, you're not going to beat that kind of thinking," said California's Arnett.

"About the best thing we can hope for is for them to understand that if it wasn't for us, there wouldn't be any wildlife for them to worry about—and if they don't enjoy hunting it, fine, but let me and my sporting friends who do enjoy it alone.

"And let us manage this game so that 20 years from now the protectionists' children and our children will still have plenty of wildlife to enjoy. . . ."

DAVE SWIFT, GOOD SAMARITAN

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. RONCALIO. Mr. Speaker, a newcomer to Wyoming, Dave Swift is the manager of radio station KBBS in Buffalo. A few months after his arrival, Dave learned of a project to collect Betty Crocker coupons toward the purchase of a kidney machine for the new hospital in Rawlins, Wyo. The Buffalo Beta Sigma Phi sorority was joining in the statewide effort to collect 700,000 coupons, with a value of a half-cent apiece, before the December 31 deadline.

In late November, Dave Swift personally directed a radio appeal throughout the Rocky Mountain region, and the Nation. He began with the Intermountain Radio Network and later placed a news item with the American Broadcasting Co.'s daytime news. Listeners were asked to forward coupons to Dave and to contact friends in other States. Dave's mother in Florida heard the appeal. So did residents of nearly all the States, and several foreign countries. By mid-December, the goal was reached. In fact, Dave received an extra 100,000 coupons which are being saved for his next project, a new bus for the Wyoming State Training School in Lander.

I believe this remarkable example of public spirited service deserves recognition. It is not the sort of story which makes good news, from the sensational point of view, but at a time when apathy and alienation make us wonder if there are any more good Samaritans, it comes as very good news.

WILLIAM WALTON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BINGHAM. Mr. Speaker, William Walton, painter of note and one of President Kennedy's closest friends, recently completed a notable period of service as Chairman of the National Fine Arts Commission.

The great significance of Mr. Walton's work in preserving and enhancing the beauty of our Capital City is aptly described in the following column by Tom Braden, which appeared in yesterday's Washington Post:

A LEGACY TO BE LONG REMEMBERED

(By Tom Braden)

There was not a line in the newspapers about the departure from government of my friend, William Walton. The atmosphere and appearance of the capital city of a great nation—Rome, London, Paris, Moscow—have a lot to do with setting the tone of national life. In this sense William Walton is an important political figure.

He has had more to do with preserving the atmosphere and appearance of Washington, D.C., than any man in this century with the possible exception of Theodore Roosevelt.

It was President John F. Kennedy who appointed Walton to his unpaid job and who marked the range for it. One afternoon, Walton waited outside the President's office for a scheduled appointment, and when he was ushered in, saw that he was breaking up a meeting between Kennedy and Defense Secretary Robert McNamara. He apologized, pointing out that all he had to talk about was Lafayette Square.

"Never mind, Bill", said the President of the United States, "that may be the only thing this administration will be remembered for."

It is a beautiful square—that area across from the White House. Walton and his Fine Arts Commission saved it from the wrecking crews. The small houses, including the Dolley Madison House, which were occupied by private citizens in the Republic's early days have been repaired and painted and stand as pleasing reminders both of history and of good taste. But it was a close call. They might have been torn down for office buildings.

Walton insisted on red brick for the old houses, not only because that is the way they once were, but because the bright color sets the White House apart, makes it look more spacious and whiter. For the same reason, the path through the park is laid with red brick, and the larger buildings on either side. They set the White House off, as the White House should be.

Walton is a paratrooper turned writer and artist and President Kennedy liked him, a fact which gave him more power than chairmen of fine arts commissions usually command. Under Walton, the commission enlarged "the federal area" over which it exercises authority to "advise" about what can be built and what can be destroyed and under Walton the power to "advise" carried the unmentioned suggestion of real power.

So the temporary buildings which had

marred the park behind the White House since World War I were at last destroyed and the land once again slopes undisturbed toward the river, as it did in the days when John Adams looked out the back door.

L'Enfant Plaza was added to the capital city's list of gracious places to see. Street lighting became gracious too; the Renwick gallery was restored, and the Federal Triangle, the greatest concentration of government in the world became an object of design rather than neglect.

During the Walton years, the world's leading architects were brought to Washington: Mies van de Rohe to build the public library, I. N. Pei to design the new national gallery, Marcel Breueur to do the Department of Transportation. They designed pleasing and interesting new buildings which fitted harmoniously with the old.

Along the way, Walton lost some battles. If he had had his way, the Kennedy Center, that enormous pile of post office architecture which blocks everybody's view of the Potomac would have been three theatres on Pennsylvania Avenue, helping to preserve life, brightness and perhaps safety, too, in the old federal city.

But the battles Walton won—the design of the new subway system and of the Hirshhorn Museum will be additional evidence of his country's taste and capacity to care about beauty.

Bill Walton could stand some day in Lafayette Park and repeat the proud boast of the old Romans: "Si monumentun requiris circum spice." ("If you wish to see my monuments, look around you.")

A TAX BREAK FOR COMMUTERS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. WYDLER. Mr. Speaker, the problems of the commuting public have been severe. Poor service and rising prices have made commuting less and less attractive.

Recently, to add insult to injury, the Long Island Railroad raised its fares, in gross violation of the price guidelines, and the raise was approved by the Price Commission within a few days, without benefit of hearings or any justification.

I believe the needs of the commuter must be recognized and relief from the burdens of the cost of commutation should be assured. For that reason I have introduced a bill in Congress (H.R. 12630) to allow an income tax deduction for expenses for transportation to and from work. This work be a reasonable consideration, consistent with present policy which allows traveling businessmen to write off part of the costs of their travel as business expense. It would seem that the costs of commutation are likewise part of the costs of a person's holding a job.

I would hope this legislation would receive early consideration by the Congress as its need has been made more severe by the recent raises in commutation fares.

The substance of my bill follows:

H.R. 12630

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of expenses incurred by an individual for transportation to and from work

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"SEC. 218. EXPENSES OF TRANSPORTATION TO AND FROM WORK.

"(a) IN GENERAL.—There shall be allowed as a deduction the reasonable and necessary expenses paid or incurred by an individual during the taxable year for transportation between his residence and place of business or employment.

"(b) LIMITATIONS.—

"(1) MAXIMUM AMOUNT OF DEDUCTION.—The amount of the deduction allowed an individual under this section shall not exceed $500 for any taxable year. In the case of a husband and wife making a joint return under section 6013, the amount of the deduction allowed under this section for each spouse shall not exceed $500 in any taxable year.

"(2) EXPENSES OTHERWISE ALLOWABLE AS DEDUCTIONS.—No amount which is allowable as a deduction under part VI of this subchapter, or under any other provision of this part, shall be allowed as a deduction under this section."

(b) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out

"Sec. 218. Cross references."

and inserting in lieu thereof

"Sec. 218. Expenses of transportation to and from work.

"Sec. 219. Cross references."

SEC. 2. Section 62 of the Internal Revenue Code of 1954 (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXPENSES OF TRANSPORTATION TO AND FROM WORK.—The deduction allowed by section 218."

SEC. 3. The amendments made by this Act shall apply only with respect to taxable years beginning after the date of enactment of this Act.

DRUG PROGRAM COORDINATION NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. NELSEN. Mr. Speaker, drug abuse is one of the most frightening terrors of our times and that is a principal reason why, as the ranking Republican on the Public Health and Environment Subcommittee, I want today to urge this House to pass as rapidly as possible H.R. 12089, our bill to coordinate drug abuse prevention programs through a Special Action Office under the White House.

We must have a strong tool to coordinate the drug control and cure programs presently scattered over at least nine departments and agencies. This Special Action Office gives us that strong coordinating tool so that all programs now existing can be used most effectively. At present, no clear-cut responsibility exists at any Government level to provide overall leadership, sense of direction and strategy in conquering the drug problem.

The need for an office to respond to the emergency situation in which we find ourselves has been defined by President Nixon as follows:

> This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

In most cases, the Special Action Office is not intended to implement programs with its own staff. Instead, its purpose is to arrange for carefully defined working agreements with other agencies. Where necessary, however, the director may develop and introduce new programs and be responsible for their proper administration and direction.

The problems of drug abuse and drug addiction are human problems. We do not have total insight into the cases of drug addiction, particularly among young people, but we do know Americans in ever-increasing numbers are experimenting with an ever-increasing variety of drugs. The cost to society is tremendous through the diversion of energy, talent, social usefulness, crime, and the anguish of thousands of families who are affected by drug abuse.

As you may have noted in House Report 92-775, which accompanies this legislation to the floor:

Drug abuse in America has reached epidemic proportions;

There are now between 200,000 and 250,000 heroin addicts in the Nation and the number is growing;

Addiction in at least one U.S. city now kills more than 1,000 persons annually—including many teenagers—and afflicts 50 percent of the inmates in its jails;

Between 1,200 and 1,400 tons of opium are being produced for illicit markets and between 50 and 60 tons are sufficient to supply the heroin addicts in the United States.

These are stark reasons why the overwhelming need is to see that the full range of training, treatment, rehabilitation, education, and research programs are used fully and effectively, and that close coordination exists with law enforcement authorities as well. I think this measure can help.

There is one provision of this legislation which should be singled out for particular praise. It may make possible the development of a nonaddictive drug much better than methadone to block the addict's craving for heroin. Due to developments resulting from our hearings, a special scientific task force made up of research directors of 30 pharmaceutical companies has been formed to work closely with the Government in finding such a nontoxic, nonaddictive blocking drug. This measure would require the Special Action Office to encourage this unique private-public cooperative research effort.

Certainly, I am proud to have had a part in developing this legislation. I wish to express my sincere appreciation to my colleague from Florida (Mr. ROGERS) for his guidance and untiring efforts as subcommittee chairman, as well as to my other colleagues on our subcommittee for their good work in developing this worthwhile bill.

THE SICKLE CELL AND THE PILL

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. METCALFE. Mr. Speaker, an article in this month's issue of Ramparts magazine suggests that women who have sickle cell disorders may develop blood clots if they take oral contraceptives and that pregnancy is dangerous to them also.

According to the article some physicians have recently reported cases in which patients with the sickle cell disease or the sickle cell trait have developed blood clots or have suffered strokes after taking oral contraceptives.

In one case a black woman with sickle cell disease suffered no blood clotting episodes or thromboses until she had been taking an oral contraceptive for 8 months, at which time she developed a blood clot in one lung. She stopped taking birth control pills for a while and then 1 month after she resumed, developed another blood clot. Finally, she stopped taking the pill altogether and the blood clotting ceased.

In this country alone, 10 percent of the black population has the sickle cell trait and 90 percent of them have never been tested for it. Yet, the U.S. Government and private agencies have decided to concentrate funds for family planning efforts among poor people, as this is the section of the population that needs birth control most. But the Food and Drug Administration requires no mention in the labeling of oral contraceptives that preexisting blood abnormalities may make them dangerous. Family planning clinics often do not administer the cheap, easy test for sickle cell; black people are not advised to receive the test elsewhere before taking oral contraceptives.

Family planning programs, with oral contraceptives being used as the prime means of birth control, have been instituted in black communities at the risk of black health and without a proper diagnosis of the effect that oral contraceptives could have on this segment of the population.

This article also suggests that pregnancy is a dangerous condition for women with sickle cell disease, because it slows down the flow of blood. While the incidence of thrombosis actually declines during pregnancy for most women, it increases in women who suffer from sickle cell disease.

These disturbing facts point out all the more clearly the desperate need for more research into this dreadful disease.

I call your attention to the article, "The Sickle Cell and the Pill," by Frances Lang of Ramparts magazine. And I urge my colleagues to become more aware of the need for more medical research in both sickle cell anemia and into the effects of oral contraceptives.

The article follows:

THE SICKLE CELL AND THE PILL

Birth control pills may be dangerous to large numbers of black women. Recent articles in medical journals suggest that women with sickle cell anemia or the sickle cell trait may be likely to develop blood clots if they take oral contraceptives. Ninety-eight percent of those who have the sickle cell disorder are black.

Ten percent of black people in the United States alone have the sickle cell trait, and ninety percent of these remain undiagnosed. Yet neither domestic family planning clinics nor the Agency for International Development which administers birth control programs overseas give black women the simple, inexpensive test for sickle cell trait before prescribing oral contraceptives. Nor do they warn blacks that sickle cell trait in combination with oral contraceptives may make them more susceptible to stroke or heart attack or other blood clots.

Three physicians recently reported cases in which patients with sickle cell disease or the sickle cell trait developed blood clots after taking oral contraceptives. In a 1967 issue of the *Journal of the American Medical Association*, Drs. Roy Haynes and James Dunn discuss two patients with sickle cell disease who developed blood clots in their lungs after the use of oral contraceptives. In the April 1971 issue of *Connecticut Medicine*, Dr. Jonathan Greenwald describes the case of a patient with the sickle cell trait who suffered stroke after taking birth control pills.

In the case reported in JAMA, a black woman with sickle cell disease suffered no blood clotting episodes—or thromboses—until she had been taking an oral contraceptive for eight months, at which time she developed a blood clot in one lung. She stopped taking birth control pills for a time, then one month after she resumed taking them developed another lung clot. Finally, she stopped taking the pill and had an intrauterine device inserted. The thrombotic episodes ceased. Drs. Haynes and Dunn have treated at least one other black woman with sickle cell disease who developed lung clots after using oral contraceptives.

In 1969, Dr. Greenwald treated a black woman who was suffering from stroke. She had been taking oral contraceptives. In the hospital, she was tested for every condition her physician knew of which might have predisposed her to stroke. In every respect she was discovered to be normal except that she was a previously undiagnosed carrier of the sickle cell trait. In this case as in the others the evidence led her physician to conjecture that a sickling tendency of the red blood cells might predispose women to have adverse reactions to birth control pills. All three doctors felt that oral contraceptives had acted as agents precipitating red blood cell sickling, which in turn produced blood clotting in their patients.

Sickle cell anemia is caused by abnormal hemoglobin, the essential element in red blood cells. Individuals will have sickle cell anemia if they have two genes for Hemoglobin S. They will then suffer from unpredictable periodic stretching of the red blood cells to an abnormal, elongated shape. When this occurs, blood circulation and the flow of oxygen throughout the body are obstructed. Since decreased oxygen concentration in the body is one condition under which sickling inevitably occurs in people with sickle cell disease, the sickling process induces further sickling until the bunched sickled cells cause blood clots. People with sickle cell anemia suffer these painful thromboses regularly until the time they die. Few individuals with sickle cell disease live past the age of 30. Those individuals with only one gene for Hemoglobin S have the sickle cell trait, not the disease. People who carry the trait usually bear no symptoms of the disease. Under conditions of low oxygen pressure, however—notably in unpressurized airplanes or after heavy exertion or during a high fever—those with the trait may experience sickling of the red blood cells and thromobotic crises. [See RAMPARTS, October 1971]

Doctors who have reported coincident cases of oral contraceptive use and thrombotic episodes are exploring this theory: that oral contraceptives may also lower the oxygen pressure in the blood and thus induce sickling and thrombosis. Oral contraceptives, they assert, thicken and slow blood circulation. The more slowly blood circulates through a tissue, the more oxygen the tissue extracts from it. Birth control pills in this way may lower the oxygen level in the blood, bringing on the sickling crises which lead to blood clots. Pregnancy is a dangerous condition for women with sickle cell disease partially because it slows blood flow. Drs. Haynes and Dunn write that while the incidence of thrombosis actually declines during pregnancy for most women, in patients with sickle cell disease it increases. Oral contraceptives merely replicate many of the hormonal changes the body undergoes during pregnancy. Most relevantly, they slow blood flow thereby reproducing the precise condition which makes pregnancy dangerous for women with sickle cell anemia.

"Whenever a physician contemplates prescribing an oral contraceptive for a patient of Negro ancestry, he should first order a sickle cell preparation and ideally a hemoglobin [test]. If sickling and/or Hemoglobin S is found, alternate contraceptive methods must be given strong consideration," Dr. Greenwald writes. Drs. Haynes and Dunn conclude, "[There is] strong evidence for a cause and effect relationship between the oral contraceptive, sickle cell hemoglobinopathy, and thrombosis. Perhaps oral contraceptives should be withheld from women with Hemoglobin S."

Sickle cell specialists agree that birth control pills should not be administered to those with the actual disease. The British government has already issued a report documenting increased incidence of thrombosis among all women who have taken birth control pills. Sickle cell disease specialists feel it senseless to give patients already prone to thrombotic seizures a drug which compounds the risk. The Albert Einstein College of Medicine in New York City is currently planning a study concerning the effect of oral contraceptives on sickle cell anemia. Doctors at that hospital no longer administer oral contraceptives to patients with the disease despite the imperative need to protect them from the dangers of pregnancy. Dr. Robert Scott, a specialist in sickle cell disease at the Medical College of Virginia Health Sciences Center, does not give his patients who have sickle cell anemia birth control pills for the same reasons. Dr. Lemuel Diggs, in the Department of Medicine at the Universty of Tennessee, who has had extensive experience with sickle cell disorders, reports adverse reactions to oral contraceptives in patients of his who have sickle cell disease.

Sickle cell trait may leave those who bear it entirely free of symptoms and become significant only if two people with the trait marry and have children. Physicians who interdict use of the pill in conjunction with sickle cell disease are generally uncertain about whether the sickle cell trait as well renders the pill particularly dangerous. Yet, if birth control pills do deplete the body's oxygen supply, as the articles have suggested, oral contraceptives may be almost as dangerous for women with the trait as for those suffering from the disease.

During this period of uncertainty, the US government and private agencies in this country have decided to concentrate funds for family planning efforts among poor people, as this population is most "in need" of birth control assistance. However, the Food and Drug Administration requires no mention in the labelling of oral contraceptives that pre-existing blood abnormalities may make them dangerous. Family planning clinics often do not administer the cheap, easy test for the trait; black people are not advised to receive the test elsewhere before taking oral contraceptives. Another prime target of birth control pills are countries with exclusively black populations who receive no information about the specific dangers the pill may bear for them.

The potential danger of birth control pills to black women is only one of the hazards they pose. The pill is increasingly coming under attack by physicians who feel it is dangerous for all women. In 1967 two British neurologists reported a sharply increased incidence of stroke among previously healthy women who had been using birth control pills. Three neurologists at Western Reserve University School of Medicine have reported on at least nine women who suffered strokes connected with oral contraceptive use. Besides stroke, many women have suffered lung clots, phlebitis, and other blood clotting as a result of the pill. The British Minister of Health in 1967 stated that evidence showed women taking oral contraceptives ran "a slightly increased risk" of developing blood clots. A recent study of oral contraceptives in the *Journal of Chronic Disease* concludes, "clinical . . . data indicate that the oral contraceptives are thrombogenic. . . . Tentatively we conclude that the thrombogenic potential of the oral contraceptives appears to reside in the estrogenic components. . . . Further study of the effect of these hormones as it pertains to . . . clotting is . . . necessary."

Synthetic estrogen—a principal component of birth control pills—may cause cancer as well. Recently hearings on the hormone Diethylstilbestrol (DES), used by pregnant women to prevent miscarriage, have revealed that this hormone may be carcinogenic. The daughters of many women who have used DES during pregnancy have developed vaginal cancer, and physicians testified before the House Intergovernmental Relations Subcommittee that the estrogen content of DES may have been the cause. One doctor was asked "To your knowledge, have any of the contraceptives on the market today been shown to be carcinogenic?" He replied, "Yes . . . because they have synthetic estrogen and . . . any estrogen of these strains will be carcinogenic."

Another great danger of birth control pills is that women taking them may forget to take the pill for a day or so, then resume taking them, having unknowingly become pregnant in the meantime. What this means for the fetus, as Morton Mintz has written in his book *By Prescription Only*, is that, if it is female it will be exposed to a tremendous hazard of being masculinized; many birth control pills contain norethindrone, which has a masculinizing effect on the female fetus. As early as 1964 The Council on Drugs of the American Medical Association reported that ". . . instances of masculinizing of the female fetus have been associated with its [norethindron's] use during pregnancy."

NOTEWORTHY CAREER

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mrs. GRASSO. Mr. Speaker, Miss Cora Glasnapp, the assistant town clerk and interim town clerk in Southington, has recently completed a career of public service which has been both distinguished and invaluable.

As a former secretary of the State of Connecticut for 12 years, I know full well the high caliber of service rendered by the office of the town clerk and the dedication and commitment of the staff in fulfilling the important duties of the office. For nearly a half century Cora Glasnapp has served town clerks of each party with efficiency that has earned the well-deserved admiration and respect of her associates, as well as Southington residents generally, for her ability, sincerity, and concern during an outstanding career of service to the people of her town.

For the interest of my colleagues, an article concerning Miss Glasnapp's noteworthy career which appeared in the Southington News follows:

FUTURE ACTIVITY UNPLANNED, RETIRING TOWN EMPLOYEE SAYS

(By Edna Wood)

Cora. Anyone around Town Hall or associated with the center knows right off to whom that name belongs. She is Miss Glasnapp, assistant town clerk and interim town clerk for the past 45 years.

Last week Cora "retired." Behind her now lay the years of dedicated service—and dedicated ones they were as she saw elected town clerks come and go, and the work of the town's most important office growing more and more in volume.

As Cora and I talked about those years, she always included in her reminiscences those with whom she has been associated.

She went to work in the Town Clerk's office in 1926 when Harry H. Merrell was clerk. There were just the two of them then and in addition, Cora kept a record of expenditures made in the Selectmen's office.

"Mr. J. B. Lewis signed the checks. He had a very good handwriting," she recalled. This is only a small observance, but indicative of her thoroughness for details.

There were times when she found she needed advice and help when she first started work. But she says she always had good friends to turn to such as the late Judge Thomas Welch. "Anyone who didn't know the answers always went to Judge Welch," she said. "Judge Lambert Degnan was always good to discuss things with. Of course, Mr. Merrell taught me a good deal. But I was on my own a lot of the time," she added.

After six months on the job, she was named assistant town clerk. There was also Town Clerk Hermann Muus. The six months lapse between the time he took office in January 1936 and Mr. Merrell resigned in June, Cora served as acting town clerk.

By this time Cora had acquired a broad knowledge of the Town Clerk's office and it has been she who has trained many of those who have worked there over the years.

Cora was appointed Town Clerk in the interim period from January 1961 to May after Robert Foley resigned after serving some 13 served as acting town clerk.

Cora was endorsed as a candidate for Town Clerk by the Republican Party but immediately withdrew her name after she learned about the move when she came back from vacation.

She has always been an assistant town clerk because that is the way she wanted it. She humorously remarked the other day that being in the top job gave her ulcers—but truly.

To this she added, "It is amazing the work that is accomplished in the town clerk's office—and it takes patience, tact and knowledge. There's never a dull moment," she explained as she told of the various records which must be carefully kept for permanency such as changing state laws, election and voting rulings and others.

Cora has been a part of the town's growth. She has seen land records grow volume by volume, as well as the exacting and statistical community business which passes through this local government office.

Cora's family also has been a part of Southington, dating back to the son David, of the first white settler here—Samuel Woodruff. Actually, she was born in Cheshire and when a little girl came here with her family who occupied the "Martin Frisbie" house on Queen St.

They later moved into her grandparents' house built in 1799 on Queen St. The large, old home has since been torn down to make room for modern apartments. Her great aunt was a sister of Seth Peck, of the Peck, Stow and Wilcox Co.

Albert Glasnapp, Cora's brother, and his wife live on Loper St. Cora now lives on Woodruff St., and is looking forward to devoting more time to her home. She is also interested in photography and hopes to pursue that hobby in the future. She may spend some time in Florida and take some trips—leisurely. Before she retired, it seemed no matter what she did, she was meeting some kind of deadline.

Her thoughts, however, are still about the Town Clerk's office as she predicted the reapportionment of the state and the presidential election will pose some problems. She feels the town clerk position should not be elective but an appointment for an indefinite time.

No matter what party was "in" at the Town Clerk's office Cora continued to serve as assistant town clerk—re-appointed every two years.

She served when the late Joseph DePaolo was town clerk from May 1961 to May 1965, and later, under his wife, the present Town Clerk Juanine DePaolo. I asked her how it was to work in an office with all women personnel.

"We have worked hard to get caught up—nights and all. Juanine DePaolo is a very good friend, and hard worker," she observed. "Everybody didn't always agree in the office, but we worked together to share the responsibility," she noted.

She spoke of Dorothy Kelley, Ruth Welch recently retired, and those of former years—Leora Degnan, Ada Larkin, Antoinette Chaffee Giles, Marilyn Miller, Priscilla Nyren Hubeny, Mrs. Charles Griffin and some others.

She recalled, too, the typing of all deeds until 1954 when they were microfilmed by Ruth Welch, and moving into the new town hall in 1941—the present one which has grown smaller by the year.

Cora, just graduated from Lewis High School as a commercial course student, was employed almost immediately by Peck, Stow and Wilcox where she stayed a year. Later, she worked about a month at the Commercial Trust Co. in New Britain and then for Trumbull Electric Co. (later to become General Electric in Plainville), for about a year. But it was in the town clerk's office that she found her place in a work-a-day world. She liked it even though there were trying times. In all her years of work, she has been "unemployed" for about five weeks—up to now, she recalled humorously.

Cora Glasnapp has been a devoted member of the Grace Methodist Church. She has served as a Sunday School teacher and later as Sunday School superintendent. She has sung in the choir for 50 years—"Yes, Gertrude Francis and I," she said. She also serves on the church's official boards.

On Saturday Cora will be honored at a dinner at Phil's Restaurant by her friends—not only as an employee who has spent years of dedicated service to the town but as an individual who has given her honest and sincere best. Cora impresses me that she is a good friend—a substantial person to know, one who many times sees the humorous side of life.

REVITALIZING RURAL AMERICA

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. RAILSBACK. Mr. Speaker, we are a policy-oriented nation. We have a policy to stabilize our economy, a policy to save our environment, a policy to provide housing to every American, and a policy to govern our foreign affairs and trade. Such policies are implemented with broad-based and far-reaching programs.

Unfortunately, there now exists a crying need in this country to establish a policy to save millions of our people from the disgrace of economic decay. There is a need to save much of our land, and to utilize the potential of communities and natural and human resources being turned aside and wasted by an ironic sense of progress.

The people are rural Americans. The communities are those small, farm-oriented towns losing their people to metropolitan centers. In the past, rural Americans supported our Nation and pushed it into prosperity. Today, they need and deserve our help. Tomorrow, they could and should play a vital part in easing the pressures of crowding in cities and of uneven geographic and economic distribution.

Because we have ignored the need for an effective rural policy, we have permitted rural America to deteriorate. We have allowed those people and those communities upon which our Nation was founded to become economically despondent.

The farm industry, which was at one time the mainstay of rural economies, has dwindled to the point where only 800,000 farms produce 90 percent of all our food and fiber. Production costs rising at a faster rate than farm prices are forcing many small farmers to abandon their farms, their way of life, their heritage. In short, technological progress has backfired on many of our family farms. In 1920, our farm population was nearly 32 million. It represented 30 percent of our total population. By 1970, less than ten million people remained on farms; less than 5 percent of the total U.S. population. In my own congressional district, 800 farms folded between 1964 and 1969.

Another fact becomes evident. Agriculture has always been the economic base of rural America. Small communities built up in the outlying areas served and were supported primarily by farmers. These communities provided goods and services to farm people and thus thrived. However, with farm people moving out of rural America, these communities are economically stranded.

They have also begun to experience population depletion as economic opportunities faded. Many in the rural areas have moved during their prime working years. They leave behind them a disproportionately high number of less-skilled and aged. These are the men, women, and children described several years ago by the National Advisory Commission on Rural Poverty as "the people left behind."

What we viewed 40 years ago as an amusing day dream of the country boy leaving for the big city has now become a nightmare. Over the years we have carelessly crowded more than 70 percent of our Nation's people onto about 2 percent of our land. If this trend is permitted to continue, by the turn of the century 175 million Americans will be huddled into cities concentrated in five small geographic areas. The bright lights of the city which have lured so many millions of rural people now illuminate crime, pollution, and job shortages.

For those who stay behind the standard of living is at a low point. Substandard housing is prevalent. Our rural children do not have the educational opportunities they should because expenditures per pupil in the outlying areas are often far below what they are in more populated sections. The hospitals are small and are not adequately staffed or equipped to provide the quantity or quality of medical care needed. There are inadequate water and sewer facilities. Cultural and civic structures lack the population base to function at maximum potential.

In a nation where every man's birthright is the chance to make a good living for himself and his family, many are not breaking even. The men and women who have farmed our land to give us an abundance of agricultural products are now being repaid with unemployment and a bleak future. The promise of a good life has eluded them in spite of laudable industriousness and sobriety.

Many existing programs funnel modest amounts of money and technical assistance into rural areas. These programs have performed great services. But even the most casual observer can see that they are not enough. Some programs overlap confusingly while between others there are terrible gaps.

Today the urgent matter of rebuilding our rural areas is facing us with an ultimatum—act now or else. We are approaching the point of no return on depopulating the countryside.

Of some encouragement is the fact that last week, the Senate Committee on Government Operations held public hearings in Carbondale, Ill., to investigate firsthand rural revitalization. Senator CHARLES PERCY, who chaired the hearings said:

> It is imperative that Congress act to promote renewal and economic growth in rural areas.

He also summarized the major constructive suggestions made at the hearings, which the committee, State, and Federal governments should consider further, as follows:

> There is overwhelming support for the adoption of a national rural development policy to assist in the revitalization of the rural areas of our country.
>
> Establish residential vocational centers to develop marketable skills on an area-wide basis.
>
> Institute area-wide planning for professional and vocational training.
>
> Overcome the bias against blue-collar work.
>
> Inventory all educational facilities—physical plant, equipment and personnel—available for rapid implementation of new regional educational programs.
>
> Improve the delivery system of existing health-care programs; increase health-care education courses available at junior colleges in order to increase the availability of basic health-care services.
>
> Redirect Federal Government manpower training programs to train rural residents for jobs that actually exist in the area, and to support new businesses locating in the region.
>
> Increase the amount of funds available for multi-county regional planning groups, and make the use of these funds more flexible.
>
> Compile a state-maintained catalog of federal programs that are available to mayors and other local government officials.
>
> Consider establishing federal instructional system for state and local government officers in use of federal programs.
>
> Consider more carefully the environmental impact of strip-mining operations, and accelerate federal and state experimental efforts to reclaim strip-mined areas.
>
> Make special efforts to reconcile public works projects that are needed by towns for economic growth, with national environmental objectives.
>
> Investigate the possibility of a tax credit for citizens who contribute to their community's industrial development efforts.
>
> Inaugurate a system to provide quick technical advice to cities to aid in implementing their development projects.
>
> Enact President Nixon's rural community development special revenue sharing bill.
>
> Enact the President's executive reorganization proposals, particularly the bill creating a Department of Community Development, which should contain a new section directed at rural community development.
>
> Consolidate grant administration; simplify paper work procedure; and speed notification processes.
>
> Decentralize administration of federal programs to regional councils, in order to accelerate decision-making by officials more knowledgeable in local problems.
>
> Give serious consideration to creation of a Federal Rural Community Development Bank.
>
> Study proposals for state-issued rural development bonds.
>
> Enact a comprehensive rural development tax incentive program.

I commend the committee, and Senator PERCY particularly, for their efforts.

Also, of encouragement, is the work being done on the House side by the Agriculture Committee. Following hearings during which various Members of Congress and spokesman for farm organizations and other groups testified, the chairman introduced a bill authorizing loans to residents of communities for the establishment of small business operations, and loans to public, quasi-public, and nonprofit corporations for community facilities essential for development including community centers and fire and rescue facilities.

The Rural Development Act incorporates many outstanding features which most Members of Congress can support without reservation. It provides balance between Government assistance and self-help. It utilizes the structures of existing programs. It provides for a land development program, and it truly takes into consideration the problems of our farm economy. However, it could be strengthened.

The Republican task force on which I serve has been working with the administration to develop needed amendments to the Agriculture Committee bill. President Nixon's statement on rural development contains many fine provisions which, hopefully, will be incorporated in the committee bill.

Briefly stated, the President called for $1.3 billion guaranteed credit for rural industries and communities and $1.1 billion rural revenue sharing funds for the States. Such a program would not only help the farmers, but would also help businesses revitalize rural areas. Mr. Nixon explained:

> To help improve the quality of life in the American countryside, I am today presenting a series of proposals designed to marshal more effectively the energies of the private sector and of government at all levels in a cooperative program of rural development. We have seen the folly of pouring money into projects which were ill-considered and lacking in local support. What is needed now is a fundamental change in the way the government approaches the entire developmental challenge.

Hopefully, the House Agriculture Committee will take the President's message into consideration, and will soon report rural development legislation that will be acceptable to all Members of Congress. We owe it to rural America.

EMERGENCY LANDS NEED RESEARCH

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. MILLER of California. Mr. Speaker, the New York Times of January 31 contains an article by Thomas R. Odhiambo on the topic of the role of research in emerging countries. As director of the International Center of Insect Psychology and Ecology in Nairobi, Kenya, he is a leading expert in the field of insect physiology. One of Africa's foremost scientists, he is also professor of entomology at University College, Nairobi.

The Committee on Science and Astronautics had the great privilege of Professor Odhiambo's participation in the annual meeting with its panel on science and technology in January 1971. He made a valuable contribution to the committee's inquiry on international science policy.

The article by Professor Odhiambo points out the need for adequate funding for research and development activities in emerging lands. He states that—

> Scientific research must become a vital part of national development plans of the developing countries.

I heartily agree with this assessment of the importance of research in economic and cultural activities across the world.

Mr. Speaker, I insert in the RECORD at this time Professor Odhiambo's article, entitled "Emerging Lands Need Research":

EMERGING LANDS NEED RESEARCH

(By Thomas R. Odhiambo)

NAIROBI, KENYA.—The modern story of the "green revolution," which has swept through Asia and Mexico over the last six years, has galvanized the attention of the whole world. From being the second largest customer in the United States of America's food-aid program in 1967, Pakistan has now just about been transformed to self-sufficiency in cereal production. From being concerned largely with stepping up massive production of maize, Mexico is now turning her attention to the breeding of a more nutritious and high-yielding variety of maize.

Pakistan, India, Afghanistan, Turkey and Iran among the developing countries have made spectacular increases in their wheat production per unit area; Mexico and Kenya have made equally dramatic increases in the productivity of maize. Similar advances, not so explosive, are being made with rice in the Philippines and Taiwan.

This vast progress in cereal production has been made as a result of significant innovation being made in technology. This in itself would not have been enough to demolish the barriers to increased productivity. The establishment of an effective infrastructure (for instance, irrigation systems, fertilizer manufacture and distribution, and and efficient transport network), the acceptance of far-reaching socio-economic changes (for example, in regard to land tenure practices), the removal of social and cultural inertia to change, and, above all, the provision of first-class management have helped.

Three ingredients are absolutely necessary for a successful science-based breakthrough in development: firstly, the acquisition of new and relevant knowledge, specific discovery, or innovation; secondly, the availability of first-class managerial skills, and finally, the existence of a well-defined and critical market. The demands of the market—whether of a product or a social service (in this case the acute and recurring hunger in the developing world)—give direction to the efforts of scientists, technologists, policy makers, and managerial personnel.

Scientific research must become a vital part of national development plans of the developing countries.

The centers of excellence that have largely been financed by the Ford and Rockefeller Foundations, the International Rice Research Institute in the Philippines, the International Maize and Wheat Improvement Center in Mexico, the International Center for Tropical Agriculture in Colombia, and the International Institute of Tropical Agriculture in Nigeria all indicate a fruitful model on how to define development-oriented problems, how to organize a research program to focus on these problems and how to coordinate the efforts of the scientists working on these sharply delineated problems.

The newly established International Center of Insect Physiology and Ecology in Nairobi has similar objectives in an area of crucial importance in the whole area of agricultural and livestock productivity in the tropics.

Development-oriented scientific research has for long stagnated in Africa and other developing countries for the major reason that most scientists in those countries (whether nationals or non-nationals) found it personally more satisfying to do fundamental research.

There are signs that some developing countries in Africa are making a serious reappraisal of how best to utilize their scale research resources in a strictly development-oriented direction. For instance, the Emperor of Ethiopia, Haile Selassie I, has set up a foundation, one of whose main functions is to make a prestigious annual award to the scientist in Africa who has made the greatest advance in making Africa's science-based progress possible. We need more of these morale-lifters, both at the national and international levels.

It has sometimes been said that Africa does not need to devote more than a modicum of its resources on scientific research since it can purchase know-how (in the form of patents, licenses, etc.) from industrialized nations.

This does not mean that Africa must for all time be dependent solely on foreign know-how. In certain areas, it may be suicidal to do so. In agriculture and all other biological resource areas, which depend very largely on ecological and local phenomena, the only feasible way to maximize production is to base it on a deep scientific insight at a local level.

The purchase of know-how has serious repercussions in the planning for high-level manpower. The efficient utilization of this specialized knowledge presupposes the existence of highly trained scientists and technologists to copy, adapt, and modify the procedures to correspond with the specifications of the product they wish to sell to their identified market. Africa is alive to this problem.

In Kenya, for instance, over the last year, a series of plans have been hatched to establish a series of technological institutes where future technicians are to be trained. On the shores of Lake Victoria, an ambitious Ramogi Institute of Advanced Technology is being established on engineering, applied sciences, and business management. Its sponsors wish it to rival the best of such training institutions in the United States.

IN DEFENSE OF LARGE FAMILIES

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ST GERMAIN. Mr. Speaker, those ecologists, family planners, and abortion advocates who criticize large families often ignore the fact that many parents consider their children a blessing rather than a burden. For these parents, large families are a labor of love. The Gilbreths, a well-known Providence family, practiced this principle with efficiency, as described in the best-seller "Cheaper by the Dozen."

I feel Columnist Jack Anderson and his wife Olivia expressed it best. Their feeling toward children are simple:

> We don't have children because of religion. We have them because we love them.

They have nine children.

Two Rhode Island families recently explained this maxim in practical terms. Mrs. Samuel H. Ramsey, wife of the mayor of East Providence, and the parents of five children, questioned critics of large families in a thoughtful and timely essay. Mr. and Mrs. Michael A. Hession III, of Woonsocket, are the parents of nine girls, and now finally a boy. I believe the following articles have merit and, therefore, include them in the RECORD:

[From the Providence Sunday Journal Magazine, Jan. 16, 1972]

IN DEFENSE OF LARGE FAMILIES

(By Doris Ramsay)

Okay, ecologists, family planners, abortion advocates and all those others who rationalize away their consciences, I've had it! I would like to speak out for parents of large families who honestly want all their children and who have begun to skulk around corners and hesitate before taking the entire troupe to a parade or restaurant because of stares.

Would you like to hear the ignorant remarks I have compiled from "friends" concerning my sixth pregnancy? "Was it an accident?" (I have to admit that one left me speechless.) "Better you than me." (In retrospect I thought of a reply I should have given—"Yes, it certainly is!") "God *bless* you," in pitying tones (I threaten someday to say, "Yes, He really has!") Or how about this one—"I heard about it and couldn't believe it but now that I see you I have to." (Such good taste—and from a casual acquaintance, too!)

When people talk of the quality of life being endangered by large numbers of people, I wonder what they mean. Perhaps the traffic will be heavier and our tolerance and patience will be tried, but if true moral values are our criteria for a full and rewarding life, then we've lost the battle before it's begun. When crass, insensitive remarks can be made by so-called intelligent people about the miracle of life, then we're already slipping.

The popular theme of today is comfort and convenience. Many women who would not have considered an abortion 10 or 15 years ago are tempted because of the availability and ease with which it can be done. The mental health of the mother is the reason most often given. This is, in most instances, a cop-out and the mother knows it.

While I do not feel I have to justify my existence as a mother of a large family, I would like to state for the record that we are teaching our children to respect their environment. The inside of our car suffers because nothing is ever tossed out of a window. On walks we often fill bags with other people's litter. We save glass for recycling and would not consider burning leaves or trash. Our family contributes to society in many ways. My husband volunteers many hours to improve our community, which is more than the vast majority of citizens can say—even those with the correct "quota" of children. Surely we get some Good Do-Bee points for these things!

My husband and I (at present) have five healthy, bright children ranging in age from 14 to 2, who are a joy to us. Our life is full and never boring. For the Feminists who feel my college education is wasted I would like to state that my major was "Child Development and Family Relations" and if that isn't using my education to good advantage, I don't know what is!

[From the Woonsocket (R.I.) Call, Jan. 3, 1972]

HESSIONS, AFTER NINE DAUGHTERS, HAVE A SON

(By Tim Manigan)

Michael Augustine Hession IV?

We don't believe it.

Come on, daddy, you've been telling us you're going to be the father of a boy for 18 years now.

You told us you'd have a son to pass your athletic talents along to after Mary Jane was born 17 years ago. Then you told us you'd have a son after Kathleen was born.

And you never lost your faith even after Sheilah, Helen Mary and Erin came along. We didn't believe you anymore after we heard about Eileen, Margaret, Patricia, and Kara.

Now, 18 years and nine daughters later, you tell us it's a boy? Come on, now.

At any rate, Mr. and Mrs. Michael A. Hession III of 59 Woodland Road made their 10th trip to the maternity ward at Woonsocket Hospital at 10:30 p.m. New Year's Eve. Mrs. Hession is the former Helen McNamara.

Two things were on their minds. Would it be the first baby of the new year? And, most of all, would it finally be a boy?

Well, it wasn't the first baby of '72, but it was a boy.

As Mike, the president and treasurer of Mack Buick and president of the Greater Woonsocket Chamber of Commerce, puts it, "the roof came down at the hospital and at home."

Baby Mike—a dream come true for his proud parents—took his first breath at 9:30 p.m. New Year's, weighing in at a chubby eight pounds, five ounces.

"After all, he's an athlete," daddy bubbled.

Daddy says he had his reservations. "I didn't believe the doctor when he told me . . . I really didn't."

But Mike isn't fooling us. Last baby, he and Mrs. Hession had the room decorated in blue and lost on that bet. They can't tell us that they gave up hope this time.

"Maybe it was the change in doctors," the proud father said today in a daze. He explained that his nine daughters were delivered by Dr. Richard H. Dowling who is not delivering children anymore. The son was delivered by Dr. Arthur C. Gaudreau.

During the waiting period, daddy took his favorite seat in the "daddy" room and watched four "bowl" football games and two parades. Dr. Gaudreau watched some television along with him.

When the joyful news was learned, Mike reports that the hospital was in an uproar. When dad called home, nine young girls went into hysterical laughter.

"The kids went crazy," Hession said, "I mean utter hysteria . . . and everyone went wild at the hospital, too.

"But after nine," he said, "I didn't believe it until I saw him."

It has been a long wait for the Hession clan, who, along with the well-known McNamara family of Millville have been waiting for a grandson.

After all, the oldest Hession daughter is 17 and president of her senior class at St. Clare. She is scheduled to enter college in the fall.

With a twinkle in his eye, the father of 10 related a promise made by his family of women "Little Mike won't do any dishes or housework . . . They said they don't want him to be a sissy . . . he'll cut the lawn and take out the trash, though."

The baby's grandparents are just as proud. Granddaddy Timothy A. McNamara of 21 Summit Ave., North Smithfield, a former professional baseball player, had his Boston Braves uniform cut down to kiddie size many years ago. It's been in mothballs just waiting for this day.

Mr. and Mrs. Michael A. Hession II of Chestnut St., Millville, are 81 and 76, respectively, and have 28 grandchildren and two great-grandchildren—and they were all girls until two days ago.

Athletics is something that is second nature to the Hessions and McNamaras. The well-known long line of athletes runs right down to daddy who was a star in sports at St. Anselm's College, Manchester, N.H., and played professional baseball for a time.

Daddy was a teacher and coach of baseball and basketball at Uxbridge High School and still keeps fit at the Woonsocket YMCA where he jogs and plays sports daily. Mrs. Hession, too, has been known to swing a good baseball bat when she had the opportunity.

In short, baby Mike is bound to receive some tutoring. Maybe someday he can coach an all girl softball team? He has just enough sisters, after all.

Anyway, the proud father was last seen carrying a baseball glove into Woonsocket Hospital.

CONGRESSMAN HAROLD R. COLLIER REPORTS TO ILLINOIS CONSTITUENCY ON FIRST SESSION OF 92D CONGRESS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. COLLIER. Mr. Speaker, under leave to extend my remarks in the RECORD I submit herewith my annual report to the residents of my congressional district as has been my policy in the past. This report will present a summary of major legislation, the bills I have personally introduced or cosponsored and my observations on the first session of the 92d Congress.

The actions of this Congress to date leave me with mixed emotions since several bills of a priority nature failed to get full consideration while others slipped into a state of limbo in the Senate. My personal criticism is not directed as much to the differences of opinion with regard to these bills but more to the failure of the legislative bodies to move them to a vote so that they could either be voted up or voted down. Should the latter be the case in some instances, then we could at least act upon other alternative measures. But the uncertainty of permitting them to remain in a state of limbo merely defers finding a solution to some of the most pressing national problems.

PRESIDENTIAL RECOMMENDATIONS AND ACTIONS

The broad scope of national concerns was reflected in the more than 50 messages which the President has sent to the Congress covering such subjects as welfare reform, income tax revisions, revenue sharing, law enforcement, education, selective service, drugs and narcotics, labor disputes which ignore the public interest, mass transportation, space research, environmental programs, and social security amendments.

The President has outlined his answers to some of the country's most pressing problems. He has made certain recommendations and has invited the Congress to deal with them on a basis which would place our national interest above partisan politics. In fact, in his state of the Union address in January he pointed out that there are great national problems so vital that they transcend partisanship. He invited debate on honest differences of opinion but urged the Congress not to permit legislation a nation needs to become hostage to any political interest of any party of any person.

Action by the President on two vital issues captured the spotlight of national attention during 1971. Expediting the withdrawal of U.S. forces from Southeast Asia from a figure which escalated to 543,000 troops in early 1969, the 1972 reductions will leave 69,000 by May, bringing us to the threshold of total Vietnamization.

The annual cost of the Southeast Asian conflict which reached $20 billion has now been reduced to slightly more than $6.5 billion, although it has resulted in compounding to some extent the dogged unemployment problem. Early reductions in defense spending urged by many Members of Congress did take place during the past 2 years and resulted in the loss of jobs which were involved in these Government contracts. Thus the unemployment figure remained at about 6 percent as the year closed which is the highest since 1961 when it soared to 6.7 percent. Congress has sought to move in the direction of stimulating the economy and providing public service employment to soften the impact of the transition from a wartime to a peacetime economy.

The second major Presidential action came in mid-August when a wage and price freeze was ordered as a last resort to cope with a dangerous inflationary spiral. It was ironical to me that many of those who voted to give the President the authority to impose wage and price controls even though he did not ask for it, then criticized the President for using this authority at a time when all other efforts to curtail inflation had failed.

TAX LAW CHANGES

The President submitted a tax package as part of the anti-inflationary program which the House of Representatives promptly enacted with few changes. As a member of the House Ways and Means Committee I worked on this legislation which we submitted to the Congress within 3 weeks after the August recess. The Senate delayed action for approximately 6 weeks so that it did not actually pass until after conference negotiations just before the Christmas recess.

One of the provisions of the tax bill calls for reestablishing the 7-percent investment tax credit to stimulate plant expansion and purchase of new machinery as a means of creating more jobs. The temporary surcharge on imports was subsequently removed to accompany the devaluation of the dollar and other international currencies. These actions are certain to have a favorable impact upon American industry in its competitive situation in the world market.

For many years the United States possessed superior technology and a greater productivity which gave us a favorable balance of trade and resulted in American workers being the highest paid in the world. But a trend in recent years saw a new situation develop in which other nations improved their technological know-how and vastly expended their productivity in a manner which resulted in greater imports of goods. As the first session of the 92d Congress adjourned, we were faced with finding new approaches and new solutions to recognizing the difficult competitive situation we face in the world market. Tremendous increases in the purchase of foreign cars, appliances of every variety and other goods has resulted in a loss of American jobs primarily because wages continued to increase faster at home than abroad. Nontariff barriers imposed by a host of foreign industrial nations persist in the face of public clamor for free trade rather than a neoisolationism.

The committee upon which I serve held hearings on three major pieces of legislation which are of a priority nature. In fact, we did pass a welfare reform bill after executive session hearings which fell into a state of impasse in the Senate. It seems to me that legislation in this area is vital because the present national welfare system is nothing short of a disgrace with the inequities and abuses inherent to the system. When the Congress adjourned the bill was pending before the Senate Finance Committee.

Hearings were held on a national health program but definite action was again deferred until 1972 because of the complexities and the wide variation in the provisions of the several bills introduced in the health field.

RECORD VOTES AT ALL-TIME HIGH

The first session of the 92d Congress established an all-time record for the number of recorded votes cast in any single session. In fact, there were a total of 320 recorded votes which surpassed by 54 the previous high of 266 recorded votes. This fact should not be construed as a measure of the legislation Congress considered, but was instead due to the fact that under the Legislative Reorganization Act the "teller" votes recorded the position of Members on numerous amendments which heretofore were decided on a procedural basis.

Among the major items of legislation which did pass the House prior to the pre-Christmas adjournment were measures dealing with election laws, education, national defense, consumer protection, campaign reform, public health, law enforcement, conservation, and the environment. There is little doubt in my mind that some of this legislation was passed in a manner which will require amendments in the future because of administrative problems which are certain to develop once enforcement is attempted. Congress continues to establish committees and commissions which seek to remove duplication of activities but has rarely done so in the past. Nevertheless it continues to provide the palliative in lieu of specific action. The result of this trend in legislation seems to have had the effect of giving bureaucracy authority to issue orders or establish programs of one kind or another which are often either contrary to the intent of Congress or go beyond what should properly be the power of those agencies.

I am listing forthwith some of the legislation with a brief explanation which did pass during this session:

CONSUMER PROTECTION ACT OF 1971

Title I—Office of Consumer Affairs. To establish within the Executive Office of the President an Office of Consumer Affairs, with a director and deputy director appointed by the President and confirmed by the Senate. To require the director to report annually to the President and Congress of the office's activities. To specify that the office must aid the President in coordinating Federal programs affecting consumers, assure that consumers' interests were observed in setting policy and operating programs, and for other purposes.

Title II—Consumer Protection Agency. To establish a Consumer Protection Agency with an administrator and a deputy administrator appointed by the President and confirmed by the Senate. To require the agency to make annual reports on its activities to the President and to Congress, to make recommendations to the President and Congress and to conduct research on consumer affairs. To authorize the agency to represent consumers in formal proceedings conducted by other Federal agencies and in certain court suits, and for other purposes.

Title III—Miscellaneous. To establish a Consumer Advisory Council, composed of 15 members appointed by President for staggered 5-year terms, to work with both the consumer agency and the White House office. Passed House.

EDUCATION AMENDMENTS OF 1971

To authorize $19 billion in Federal aid to postsecondary education in fiscal years 1972–75. To extend existing programs of Federal aid to colleges and college students and vocational education programs through fiscal 1975. To establish a primary tenet of Federal policy that every qualified and needy student had a right to Federal aid in meeting the expenses of a postsecondary education. In conference.

WAR POWERS OF CONGRESS AND THE PRESIDENT

To require the President to submit a written explanation to Congress if he acted without prior Congressional consent in committing U.S. troops to combat, sending combat-equipped forces to foreign countries or significantly enlarging military forces already stationed abroad. Passed House.

EXPORT EXPANSION FINANCE ACT OF 1971

To amend the Export-Import Bank Act of 1945 to exclude Bank receipts and expenditures from the totals of the budget and to exempt it from any budget outlay limitations; to raise the ceiling on all loans, credit guarantees, and insurance issued by the Bank to $20 billion from $13.5 billion; and to extend the Bank's life by 1 year, to June 30, 1974, and make clear that the Bank has authority to sell obligations with maturities beyond its statutory life. Public Law 92–126.

INTERNATIONAL AGREEMENTS DEALING WITH OIL POLLUTION

The Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties. To establish the right of a coastal nation to take action against the threat of oil pollution after a maritime accident such as a collision at sea. Amendment to the 1954 Convention on the Pollution of the Sea by Oil. To alter the international law governing the intentional discharge of oil and to specify a rate-of-discharge formula to limit the amount of oil a ship was legally permitted to discharge into the sea. Senate approved resolution.

MILITARY SELECTIVE SERVICE ACT AMENDMENTS

To extend the President's authority to induct men into the armed forces for 2 years, to June 30, 1973. To provide the President with discretionary authority over student deferments and to provide that a divinity student would have a statutory deferment from the draft, rather than an exemption. To require that a conscientious objector serve a 2-

year term of alternate service subject to recall for an additional year of service during a national emergency declared by the President. To provide a $2.38 billion increase in pay and allowances for military personnel. To impose an average manpower ceiling on active duty strength of 2,553,409 men in fiscal 1972 and 1973. To provide that it is the sense of Congress that the United States terminate "at the earliest practicable date" all U.S. military operations in Indochina and that the withdrawal of U.S. troops be completed by a certain date, not specified, subject to the release of all American prisoners of war and an accounting of those missing in action. To provide for the identification and treatment of drug and alcohol dependent persons in the Armed Forces. Public Law 92-129.

FOREIGN ASSISTANCE ACT OF 1971

To authorize $2.7 billion in fiscal 1972—$1.2 billion for foreign economic and humanitarian aid and $1.5 billion for security assistance. In addition, the legislation carries $984 million in economic aid authorizations for fiscal 1973. Passed House and Senate; unsigned as of date this report was printed.

FEDERAL EMPLOYEES—RATES OF PAY

To provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government. Passed House.

OBSCENE MAIL

To prohibit the sending of obscene material through the mail. Defined obscene matter that no longer could be mailed to minors under 17 years of age; defined obscene with respect to other material that was mailed, imported, broadcast or transported in interstate commerce, and provided mail patrons with a procedure to prevent delivery of "potentially offensive sexual materials." Passed House.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

To repeal the "equal time" requirement of the Communications Act of 1934 for all Federal elective offices. To limit the overall amount that could be spent by candidates or committees for broadcast and newspaper advertising to 10 cents per eligible voters, as determined by the Census Bureau. Of the total, up to 6 cents per voter could be spent either on radio and television or on newspaper, magazine and billboard advertising. To require broadcasters and newspapers to sell candidates advertising time and space at the lowest unit rate in effect for the time and space used. The requirement would be in effect during the last 45 days preceding a primary election and the last 60 days preceding a general election. To strengthen the requirements in existing law for reporting to the public how much a candidate spent on his campaign and his sources of contributions and other income. To establish a bipartisan, six-member Federal Elections Commission to administer the reporting and disclosure requirements and to monitor election campaign practices. To limit the amount a candidate or his family could contribute to his own campaign to $50,000 for President or Vice President, $35,000 for Senator and $25,000 for Representative. Passed House and Senate; unsigned as of date this report was printed.

LOWERING THE VOTING AGE TO 18

To amend the Constitution of the United States to extend the right to vote to citizens 18 years of age or older in all elections. Passed Senate. Passed House. Ratified June 30, 1971.

EQUAL RIGHTS AMENDMENT

To add to the U.S. Constitution an amendment stating: "Equality of rights under the law shall not be denied or abriged by the United States or by any State on account of sex." To specify that the amendment would become effective if ratified by the legislatures of three-fourths of the States within 7 years from the date approved by Congress. Passed House.

CONQUEST OF CANCER ACT

To amend the Public Health Service Act of 1944 to establish an independent cancer research agency within the National Institutes of Health. To establish a National Cancer Advisory Board composed of the Director of the National Institutes of Health and 18 members appointed by the President with the consent of the Senate. Public Law 92-218.

HEALTH PROFESSIONS EDUCATION ASSISTANCE AMENDMENTS OF 1971

To provide construction assistance grants for schools in the health professions, student grants to encourage schools to expand their enrollments and student loan and scholarship funds. To provide a program of financial incentives for medical schools to train doctors who would go into family and general practice. Authorizations for the programs provided in the bill totaled $2.9 billion for fiscal 1972-74. Public Law 92-157.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970 AMENDMENT

To amend the 1970 act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92-13.

HEALTH PROFESSIONS STUDENT LOANS AND SCHOLARSHIPS EXTENSION

To amend the Public Health Service Act of 1944 to extend through fiscal 1972 the student loan and scholarship provisions. To authorize $111.4 million for the various programs. Public Law 92-52.

SOCIAL SECURITY AMENDMENTS OF 1971

To make numerous changes in medicare and medicaid in order to improve the operating effectiveness of these programs. To provide social security beneficiaries with a 5-percent increase in benefits effective June 1, 1972. To establish an Opportunities for Families Program for needy families with one employable adult and a Family Assistance Plan for families with incapacitated or unemployable adults. To set a federally guaranteed $2,400 income floor for a family of four without any income. Froze State welfare costs at their 1971 levels and provided a partial Federal takeover of the welfare program. Passed House.

NURSE TRAINING ACT OF 1971

To extend through fiscal 1974 Federal programs to train nurses. To provide funds for construction grants to nursing schools plus loan guarantees and interest subsidies to encourage nursing schools to expand their facilities. To provide a new program to give nursing schools student grants to encourage them to expand enrollments. Authorizations for the programs provided in the bill totaled $855.5 million for fiscal 1972-1974. Public Law 92-158.

DRUG LISTING ACT OF 1971

To require manufacturers and processors of drugs to submit to the Secretary of HEW a list of all drugs manufactured or processed for commercial distribution. To require manufacturers to submit all new information on drugs previously listed as well as on new and discontinued drugs every 6 months. To provide for prosecution of violators under the existing penalties of the Federal Food, Drug and Cosmetic Act of 1962. Passed House.

JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT EXTENSION

To extend for 1 year the Juvenile Delinquency Prevention and Control Act of 1968. To authorize $75 million to carry out the Act and to establish an Interdepartmental Council on Juvenile Delinquency to coordinate all federal delinquency programs. Public Law 92-31.

NARCOTIC ADDICT REHABILITATION ACT AMENDMENTS

To amend the Narcotic Addict Rehabilitation Act of 1966 to permit treatment methods such as the use of the synthetic drug methadone, that would control the dependence of narcotics addicts on addicting drugs as well as eliminate the dependence. Passed House.

NARCOTIC TREATMENT PROGRAMS IN CORRECTIONS INSTITUTIONS

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the drug treatment programs at State jails and prisons. To provide that the Law Enforcement Assistance Administration correctional facilities grants be contingent upon State plans for operating narcotics treatment programs for drug addicts or drug abusers in prisons or jails, or on probation or parole. Passed House.

WAGE-PRICE CONTROLS AND EXTENSION OF INTEREST RATE PROVISIONS

To extend the President's stand-by authority to implement wage, price and rent controls to June 1, 1971. To extend to June 1, 1971, authority to regulate the rate of interest paid by lending institutions on savings deposits. Public Law 92-8.

PUBLIC DEBT LIMIT INCREASE

To increase the temporary ceiling, through June 30, 1972, on the national debt to $430 billion from $395 billion. To provide that the debt ceiling would be reduced to a permanent level of $400 billion on July 1, 1972. Public Law 92-5.

WAGE-PRICE CONTROLS AND EXTENSION OF INTEREST RATE PROVISIONS

To extend the President's authority to impose controls on wages, prices, salaries and rents through April 30, 1972. To prohibit the President from applying wage and price controls to a single industry unless he determines that wages or prices in that industry had increased in a grossly disproportionate rate compared to the economy as a whole. Public Law 92-15.

REVENUE ACT OF 1971

To reinstate the investment tax credit at 7 percent effective April 1, 1971. To increase the personal income tax exemption by $50, to $700 from $650, as of July 1, in effect making the exemption $675 for 1971, and to reduce taxes paid by lower-income persons by making the existing low-income allowance of $1,050 available in 1971 without reduction where income exceeded nontaxable levels. To make effective January 1, 1972, an increase in the personal exemption by an additional $50, to $750, and the standard deduction is increased to 15 percent of income with a ceiling of $2,000. To raise the low-income allowance in 1972 to $1,300 in order to grant tax relief to low-income people who have been particularly hard hit by inflation. Provides a special deduction up to $400 a month for single individuals and working couples who support a child under the age of 15, or disabled dependents or disabled spouses in the household. This also covers child care expenses outside of the home up to $200 a month in the case of one child, $300 a month for the care of two children and $400 a month for the care of three or more children. To repeal the 7 percent excise tax on automobiles effective August 15 and the 10 percent excise tax on small trucks. To provide for public financing of Presidential election campaigns through a $1 voluntary check-off on the individual income tax return effective after the 1972 election. Allows a tax credit of $25—$50 for a married couple, or a deduction against income of $50—$100 for a married couple, for political contributions to candidates for local, State or Federal office. Public Law 92–178.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

To provide a 2-year extension, through March 31, 1973, of the interest equalization tax. To authorize the President to apply the tax, at his discretion, to bank loans and other debt obligations with a maturity of less than 1 year. Public Law 92–9.

SMALL BUSINESS LOAN CEILING INCREASE

To amend the Small Business Act to increase from $2.2 billion to $3.1 billion the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment funds of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

JOINT COMMITTEE ON THE ENVIRONMENT

To establish a Joint Committee on the Environment with six majority and five minority Members from each chamber, with the Senate Members appointed by the President of the Senate and the House Members appointed by the Speaker. The chairmanship of the committee would rotate between House and Senate delegations every 2 years. Passed House. Similar resolution passed Senate.

WATER RESOURCES PLANNING ACT

To increase to $1.5 million the ceiling on annual authorizations for water resources planning activities; to authorize increased appropriations not to exceed $6 million for river basin commissions under the Water Resources Planning Act. Public Law 92–27.

FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1971

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for more comprehensive regulation and control over the manufacture, distribution and use of pesticides. To provide for all pesticides to be registered with the Environmental Protection Agency and to be classified into two categories of use—general and restricted, with products in the restricted use category subject to additional terms and conditions surrounding their use. To provide civil and criminal penalties for violations. To authorize the Environmental Protection Agency to administer the program and to enforce the regulations. Passed House.

NATURAL GAS PIPELINE SAFETY ACT AMENDMENTS

To authorize a 3-year, $11.8 million extension of the Natural Gas Pipeline Safety Act of 1968. To extend through August 12, 1972, the time during which states could revise their laws to enforce Federal gas pipeline safety standards established under the 1968 Act. To require the Secretary of Transportation to pay up to 50 percent of the costs of State programs to bring pipeline safety up to Federal standards. Passed House.

WATER POLLUTION CONTROL EXTENSION

To extend for 3 months, through September 30, 1971, authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–50.

To extend authorizations for Federal water pollution control programs for one month, through October 31, 1971. The bill increased authorizations by $150 million for grants to local governments for constructing water treatment facilities. Public Law 92–137.

WATER QUALITY STANDARDS ACT OF 1971

To authorize $14 billion for the Federal share of constructing waste treatment plants through fiscal 1975, plus an additional $2 billion for various other water pollution abatement programs. To establish as Federal policy the goals of making the Nation's water suitable for fish propagation and swimming by 1981 and of ending all discharges of pollution into navigable waters by 1985. Passed Senate.

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT OF 1971

To prohibit the unregulated dumping of waste materials into the oceans, coastal waters or the Great Lakes, and to bank the transportation or dumping of chemical or biological warfare agents or radioactive wastes. To require the Administrator of the Environmental Protection Agency to issue permits for the transportation or dumping of waste materials only after he determined such action would not violate water quality standards. In conference.

PROTECTION OF WILD HORSES AND BURROS

To require the protection, management, and control of wild-free-roaming horses and burros on public lands. Public Law 92–195.

ALASKA NATIVE LAND CLAIMS SETTLEMENT ACT

To provide the Alaskan natives with $425 million in grants from the U.S. Treasury paid over 10 years and 40 million acres of land to settle land claims. To set up a system of 12 regional corporations to administer assets and to provide welfare services to natives. Public Law 92–203.

WILDLIFE HUNTING FROM AIRCRAFT

To provide a criminal penalty for harassing or shooting at certain birds, fish, and other animals from an aircraft. Public Law 92–159.

SOCIAL SECURITY BENEFITS INCREASE

To provide a 10 percent across-the-board increase in old age, survivors and disability insurance benefits, retroactive to January 1, 1971. To raise the minimum monthly payment to $70.40 from $64.00. To increase the taxable wage base to $9,000 from $7,800 effective January 1, 1972. Public Law 92–5.

LIBERALIZED PAYMENTS FOR DEPENDENCY AND INDEMNITY COMPENSATION

Provides a cost-of-living increase in dependency and indemnity compensation benefits payable to survivors of veterans who died as a result of service-incurred disabilities. Public Law 92–197.

LIBERALIZED NON-SERVICE-CONNECTED PENSION RATES AND INCOME LIMITATIONS

Provides for an average increase of 6.5 percent in nonservice connected disability pensions for about 1.1 million veterans and veterans' dependents. Provides for an increase in outside income limitations for these pensioners so they will not suffer a pension reduction as a result of the social security increase. Public Law 92–198.

VETERANS MEDICAL ACT OF 1971

To extend hospital and medical care benefits to wives, widows and children of veterans who were either totally and permanently disabled from service-connected causes or who had died as a result of a service-connected disability. To provide for outpatient hospital treatment for veterans and to liberalize VA employee pay. Passed House.

VA MEDICAL SCHOOL ASSISTANCE

To authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new state medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. Public Law 92–69.

ARMED SERVICES SURVIVOR PLAN

To provide that a military retiree could leave his survivors an annuity up to 55 percent of his retired pay. To establish a program to guarantee a minimum annual income of at least $2,000 for current military widows for whom the program came too late. Passed House.

DISASTER RELIEF ACT OF 1971

To make areas suffering from severe unemployment or other economic hardship eligible for emergency Federal aid. To define major disaster as the existence of an unemployment rate 50 percent above the national average for 6 of the preceding 12 months or a 10 percent increase over 12 months to a rate higher than 6 percent. To include areas of unemployment attributable to the loss or curtailment of major sources of unemployment or employment opportunity. To authorize the Office of Emergency Preparedness to administer aid in affected areas. Passed Senate.

SCHOOL LUNCH AND BREAKFAST PROGRAMS FOR NEEDY CHILDREN

To direct the Secretary of Agriculture to use section 32 funds to insure that every needy school child received a free or reduced-price lunch as required by section 9 of the National School Lunch Act. To specify that use of section 32 funds would be authorized in fiscal 1972 only until a supplemental appropriation could be enacted reimbursing the Agriculture Department for section 32 funds expended for school lunches. To authorize a reimbursement to States of 6 cents for every meal served whether full price, free, or reduced price, and for other purposes. Public Law 92-153.

FLAMMABLE FABRICS ACT AMENDMENTS OF 1971

To provide for increased enforcement for the Flammable Fabrics Act by requiring a manufacturer to certify that a product, fabric, or related material offered for sale meets the requirement of any applicable standard or any other regulation. To provide that such certification is to be based on a testing program conducted by the manufacturer or importer which has been approved by the Secretary of Commerce in accordance with the procedures established in this bill. To authorize $4 million for fiscal 1972 to carry out the provisions of the Act. Passed House.

INDIAN EDUCATION ACT OF 1971

To add a new section to the Elementary and Secondary Education Act of 1965 to authorize grants for planning, pilot and demonstration projects and programs to improve the educational opportunity afforded Indian children and to upgrade the quality of educational personnel dealing with Indian children. To amend the law to authorize Federal aid to impacted areas to provide new funds for special Indian education programs. To establish an Office of Indian Education with bureau status within the Office of Education and to authorize the setting up of a National Advisory Council on Indian Education. Passed Senate.

PRISONERS OF WAR RESOLUTION

To call for humane treatment of American servicemen held prisoner by North Vietnam and its allies and endorsing efforts to win their release. Passed House.

PEACE CORPS AUTHORIZATION

To authorize $77.2 million in fiscal 1972 for the Peace Corps. Public Law 92-135.

Following is a rundown of the bills which I introduced or cosponsored in the first session of the 92d Congress and their status:

A bill to prohibit the dumping of ecologically harmful material into the oceans, Great Lakes or coastal waters of the United States. Passes House and Senate; in conference.

Conquest of Cancer Act. Passed; signed into law.

A bill to suspend foreign aid to any country which fails to prevent narcotic drugs, produced or processed in such country, from entering the United States unlawfully. Included in foreign aid bill; signed into law.

Revenue Sharing Act of 1971. Hearings have been held.

A bill to provide that the first $3,000 of Federal retirement income shall be tax free. Pending.

A bill to provide that annuities shall not be taken into account for inheritance tax purposes. Pending.

A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals. Pending.

A bill to prohibit the discharge into any navigable waters of the United States, or international waters, of any military material. Passed House and Senate; in conference.

A bill to provide that amounts equal to the minimum amounts authorized in the Airport and Airway Development Act of 1970 for airport development and airway facilities must remain in the trust fund until appropriated for such purposes. Passed; signed into law.

A bill to ban sports from closed circuit television, thus forcing promoters to use home TV and radio for broadcast of sports events. Pending.

A bill to exclude obscene material from mails for sale to minors. Passed House.

A bill to provide that the United States should maintain its sovereignty and jurisdiction over the Panama Canal Zone. Hearings have been held.

A bill to readjust on an equitable population basis the U.S. contribution to the United Nations. Hearings have been held.

A bill to provide more efficient and reasonable procedures to settle national emergency transportation disputes. Hearings have been held.

A resolution to authorize the President to proclaim the second Sunday in September of each year as Bataan Day. Pending.

A bill to provide for the boycott of French-made products until France has taken successful steps to halt the processing of heroin and its exportation to the United States. Pending.

A bill providing for the withdrawal of American troops from Vietnam under certain conditions. Pending.

A bill to establish a National Week of Concern for Prisoners of War and men missing in action. Passed; signed into law.

Bills providing for the relief of River Forest for complying with civil defense regulations. Favorable report from the Defense Department. On the agenda for hearings.

A bill to correct unforeseen inequities in the 1965 Immigration and Nationality Act which resulted in the drastic decline in immigration from Ireland. Reported by Committee.

A bill to make it a federal crime to kill or assault a fireman or law enforcement officer when the offender travels in interstate commerce. Pending.

Narcotic Addict Rehabilitation Act. Passed House.

A bill to provide for election reform, including campaign expenditures limitations and disclosures. Passed; signed into law.

A bill to permit importation of chrome from Rhodesia in spite of United Nations sanctions. Included in the military procurement bill; signed into law.

A bill to require that packages of detergents list the ingredients on labels. Pending.

The Law Enforcement Officers Bill of Rights. Pending.

A bill to establish a National Research Data Bank. Pending.

A bill to eliminate railway-highway grade crossings in Illinois. Pending.

A bill to provide for the regulation of strip coal mining. Hearings have been held.

A bill to establish the Lincoln Home National Historic Site in Illinois. Passed; signed into law.

A bill to establish a standing Committee on the Environment in the House of Representatives. Pending.

A resolution urging a review of the United Nations Charter. Pending.

A bill to protect wild horses and burros on public lands. Passed; signed into law.

A bill to provide benefits to survivors of police officers killed in the line of duty. Pending.

The Health Care Insurance Act. Hearings have been held.

A bill to name the FBI Building for J. Edgar Hoover. Pending.

A resolution calling for the sale of F-4 jet aircraft to Israel. Pending.

A Constitutional Amendment providing for the ratification of treaties by the House of Representatives. Pending.

A Constitutional Amendment relating to prayer in public buildings. Failed of passage.

A Constitutional Amendment providing equal rights for men and women. Passed House.

A bill providing for the recognition of the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America. Pending.

A bill to restore Memorial Day to May 30. Pending.

A bill to restore Veterans Day to November 11. Pending.

A bill providing a tax deduction for education of a dependent. Pending.

A bill to increase the amount of outside income permitted without loss of social security benefits. Pending.

A bill to restore the investment tax credit. Passed; signed into law.

The Foreign Trade Act of 1971. Pending.

A resolution calling for the humane treatment of prisoners of war. Passed House.

A bill to exempt prisoners of war and men missing in action from payment of income tax. Reported from Committee.

A bill to provide tax credits for employers who hire unemployed Vietnam veterans. Pending.

A bill to prohibit derogatory films and broadcasts on ethnic, racial and religious groups. Hearings have been held.

A bill to provide pensions for veterans of World War I. Hearings have been held.

A bill to authorize additional funds for Cooperative Forest Fire Protection. Passed House.

A bill expressing the sense of Congress

that the Holy Crown of St. Stephen should remain in the United States until Hungary once again functions as a constitutional government established by the Hungarian people through free choice. Pending.

REAPPORTIONMENT AND DISTRICT OFFICE OPERATIONS

As is required by law following each decennial census, Illinois congressional districts underwent a sweeping change which will find approximately 1 million Illinois residents voting in different congressional districts in November of 1972. Incumbent Representatives will still represent their present districts until the end of this year, thus there has already been some confusion on the part of many residents with regard to who presently represents them and in which district they will actually vote this year. Each one of Illinois' 24 districts has been changed and some have been renumbered even though the majority of the residents will remain in the same district. Our own 10th District is no exception because it will become the Sixth District for voting purposes this year while remaining the 10th District from the standpoint of current representation until December 31, 1972.

The area which was basically the 10th District will become the new Sixth District, although Maine Township and part of Proviso will go into the new Tenth and Fourth Districts respectively. Berwyn, Cicero, Norwood Park and Addison Township in DuPage County will be part of the new Sixth along with the area I have previously represented in the Congress.

I will maintain my present district office operation at 8909 West Cermak Road, North Riverside, Ill. This office is maintained on a full-time basis for the convenience of my constituents who prefer to handle any problems with which they need assistance locally rather than through writing or visiting my Washington office. I wish to report that I recently moved my family from the south end of Proviso Township to Riverside which has been part of the Tenth District ever since it was created. In addition, I have moved from the Rayburn House Office Building into larger quarters at 1436 Longworth House Office Building. My district office telephone number is 447-2746 and the Washington office is area code 202 225-4561.

INDIANA DUNES NATIONAL LAKESHORE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. LANDGREBE. Mr. Speaker, I was not privileged to be a Member of this House when Public Law 89-761, creating the Indiana Dunes National Lakeshore was approved in November of 1966. However, as a lifetime resident of Porter County, Ind., the site of this park, I was certainly aware of the history surrounding this legislation and its probable impact on the lives of the citizens who live and work in this area.

The main problem surrounding the original bill, which was eventually ironed out and appears as a compromise in Public Law 89-761, was one of land-use priorities. As introduced, the bill called for the indiscriminate acquisition of thousands of acres of land for inclusion in this national park. Fortunately, however, members of the Committee on Interior and Insular Affairs at that time recognized the inequities inherent in such a proposal and argued that there should be a reasonable balance between the amount of land set aside for recreation and the amount of land left for industrial expansion and residential development in the area.

Appropriate action was taken in the best tradition of the congressional bargaining process, resulting in an agreement being hammered out that designated approximately 7,000 acres for use as a national park—and approximately an equal number of acres for much-needed industrial expansion in northern Indiana. The result was a bill people could "live with," for it recognized the fact that while people must recreate, they must have employment as well.

Of course, there were sacrifices to be made and accepted by private citizens and businessmen alike, such as the destruction of hundreds of homes and a number of diversified businesses, a substantial loss of tax base and numerous other inconveniences. By and large, this situation was accepted in good faith and sincere efforts were made toward a side-by-side development of the recreational and industrial facilities as set forth in the compromise.

However, the recreational development has been painfully slow in coming. Land acquisition drags on and after the passage of several years and the expenditure of nearly $30 million at the cost of tax base, the whole park project is far from operational in any respect.

With the above facts in mind, it should not be difficult for any normal person to imagine the shock and dismay felt by many citizens of Porter County, any myself as their Representative, when Congressman ROUSH and Senator HARTKE introduced legislation at the end of July which would violate the compromise in the most blatant manner. Their identical bills call for the acquisition of another 7,000 acres to be added to the national park, thus doubling it in size. Total acreage would then be more than that advocated by the original bill which Congress felt had to be pared down in the first place. In addition, these 7,000 acres would not be contained in one contiguous unit. The total figure is arrived at by adding up a hodge-podge of sectionalized "miniunits," 200 acres in one place, 1,200 in another, 100 in another and so on. This hop, skip, and jump effect would take place all up and down the northern Indiana lakeshore coast and inland area.

Should these bills somehow manage to make their way through committee and pass the House and Senate, what can the citizens of northern Indiana expect as a result? They can expect the confiscation of more homes and businesses and they can expect still more loss of property tax base so essential to education and other governmental services at the local level. The future development of approximately 200 acres owned by Midwest Steel, 100 acres of Northern Indiana Public Service Co., 1,200 acres owned by Bethlehem Steel and a portion of the area reserved for future public harbor development would be confiscated. Unknown thousands of jobs would be sacrificed.

Is this how we repay those industries, small businesses and individual homeowners for their trust and acceptance of the 1966 covenant? Do we tell them that this additional land grab must be tolerated and that all they can is pray that another 7,000 acres will not be taken at some future date at the whim of Members of Congress from far-away districts, aided and abetted by powerful Chicago industrial interests? Certainly not. I tell you this must not be allowed to happen.

What about the cost? Well, the designers of this legislation have neatly taken care of that problem in section 10 of the bill which states—

> There are hereby appropriated such sums *as may be necessary* to carry out the purposes of this Act.

In other words, there is just no limit to the amount of money that could be taken, straight from the taxpayers pocket, and wasted on this project. If anyone needs an example of the kind of spending that would ensue, all we have to do is examine the amount that has been spent so far on the present undeveloped park. The original estimates of 8 or 9 million grew to 27.9 million by 1966. Now we have already passed the $25 million mark, yet at least 25 percent of the proposed land area still remains in private ownership. I would estimate that the purchase of the additional 7,000 acres would require an expenditure of at least $50 million.

With 10 miles of lakeshore and close to 10,000 acres in the existing and proposed State and Federal parks in Porter County, plus the many smaller city and county parks located in Lake and LaPorte Counties, northern Indiana has an abundance of recreational facilities in operation, under development, or authorized for purchase and development.

Industry, organized labor, small businessmen, homeowners, plus local, county, and State officials all oppose the violation of the 1966 compromise. Among the organizations who have indicated their strong objection to this park expansion are: The Gary-Hobart Water Corp., the LaPorte, Starke and Pulaski County Board of Commissioners, the Beverly Shores People's Association, the Porter County Farm Bureau, Inc., the Bethlehem Steel Corp., the Great Lakes Commission of Indiana, the Indiana Port Commission, the State of Indiana as represented by the Governor, the Organized Labor Committee AFL-CIO, the National Park Limits Committee, which represents over 300 families, the Northern Indiana Bank & Trust Co., the Portage, Valparaiso, and Westchester Chambers of Commerce, the Valparaiso Jaycees, the city of Portage, the Chesterton Town Board, the Porter Beach Property Owners Association, the Town Board and Chamber of Commerce of Kouts, the

Greater Chicago and Vicinity Port Council, the Valparaiso Board of Realtors, the Northern Indiana Sheet Metal, Warm Air Heating and Air Conditioning Contractors Association, the Sheet Metal Workers International Association—Local Union No. 303—Gary, and the International Brotherhood of Electrical Workers Local No. 531—LaPorte. As you can plainly see, Mr. Speaker, I do not stand alone on this most important matter.

I call upon the Members of the House and Senate, the Senate and House Committees on Interior and Insular Affairs to join in objecting to H.R. 10209 and S. 2380 which do violence to the trust the people of Indiana have placed in the Congress of the United States.

THE REVEREND MR. DANIEL HAMILTON SPEAKS ON PEACE AND JUSTICE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. HUNT. Mr. Speaker, friends of mine who attended the St. Thomas More Roman Catholic Church in Arlington, Va., on January 16, came away with open praise for the young man, the Reverend Mr. Daniel Hamilton, who preached the sermon. His message was on peace and the rightness of our moral commitment in Southeast Asia, and it moved the congregation to remain sometime afterward to individually congratulate this straight speaking young man.

The full text of his message follows:

PEACE AND JUSTICE

I have become appalled by the attitudes and ideas concerning peace and justice that are being spread by supposedly men of high intellectual ability. Apparently these prophets of peace (at all costs) lose their intellectualism in a rush of emotional fervor. Any Catholic or Christian who does not truly desire peace cannot call himself a follower of Jesus Christ. However, peace and appeasement are not synonymous but many of the advocates of peace seem to think they are. The world tried their brand of peace in 1938. Chamberlain brought back a piece of paper from Hitler that proclaimed peace for our time. One year later mankind was plunged into a worldwide conflict.

The prophets of peace in this country direct their attack on the war in Southeast Asia, and never do they fault North Vietnam, but only their own country. They cite the destruction and killing as done totally by the United States of America. They cry illegal, immoral! But I stand and say that the United States is neither illegal nor immoral in its actions in Vietnam. The United States entered the war only after it became apparent that North Vietnam had broken the treaty of 1955, by pouring troops and supplies into the South. *They are the aggressors, not the United States!* The critics wonder about the dignity of the person and I do too. The United States is trying to preserve and foster an idea of human dignity in the people of South Vietnam. The United States is trying to give the people of South Vietnam the most important tool necessary for fostering human dignity—that is freedom—the freedom to live, work and determine one's own future. Is this illegal? I think not. But the critics still cry immoral. The United States is and remains in Southeast Asia because it is a moral thing to do. We are committed not to territorial expansion, but merely to help the people of South Vietnam preserve their independence. We have remained in Vietnam this long only because our conduct of the war has been highly ethical and moral. We have not bombed or killed indiscriminately, but carefully, limiting ourselves to purely military targets.

Finally, we are waging a war against Communism. When Vietnam was partitioned in 1954, thousands of Christian people fled the North. They realized they could not practice their religion freely in the North. We have a moral obligation to help these people. The United States is involved in a war to limit or halt the spread of Communism. Our critics say this is wrong, they say we must learn to live and work side by side with them. Fine, but are they content to do the same? *The answer is evident.* Communism still seeks to dominate the world. Unless Communism is stopped our way of life will perish. All that America has worked for and all that America stands for will disappear. Not only our freedom, our way of life, but also our religion, our right to worship God as we choose will perish. Communism proposes a godless, atheistic society, one that is completely materialistic. I stand today and publicly praise our military and our government for its stand on Vietnam. I think these men truly have the key to a lasting peace. I truly pray for peace, but peace at the expense of justice is folly.

THE DES MOINES ROCKET

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. SCHWENGEL. Mr. Speaker, many communities throughout our Nation have been faced with the loss of rail passenger service, but few States have the problem facing Iowa and her cities. At present, Des Moines, the State capital, and Iowa City, home of the University of Iowa and 20,000 students, are without railroad passenger service of any type. That a States' capital is without such service is a condition that cannot be allowed to exist. Des Moines, besides being the State capital, is an important connecting point with Chicago, Minneapolis, Omaha, and St. Louis. Iowa City, which serves a vast student population, has no airport and is only accessible by car or bus.

Recently the University of Iowa Student Association Senate, through its committee on student rights and freedoms, took the initiative to return rail passenger service to Iowa. After considerable study, Mr. Stephen Wylder, rail passenger service coordinator for the committee on student rights and freedoms, submitted a proposal for restoration of railroad passenger service to Des Moines and Iowa City to the National Railroad Passenger Corporation on January 7, 1972. Entitled "The Des Moines Rocket," the proposal recommends establishment of an experimental train between Chicago and Des Moines.

The proposal is carefully and skillfully done. It urges community involvement through purchase of station facilities and their operation, while also requesting Railpax and railroad help. Through this mutual participation it is felt a successful run can be established. I concur with its intent and urge its consideration by the National Railroad Passenger Corporation. It is heartening to find citizens, and especially students, taking an interest in this important issue and proposing valuable and viable solutions. I lend my support to the effort to return railroad passenger service to Iowa. I would like to share with you the proposal for the accomplishment of this goal.

The proposal follows:

THE DES MOINES ROCKET

INTRODUCTION

Passenger train service on the Chicago, Rock Island and Pacific Railroad has been unavailable west of Rock Island, Illinois since May 31, 1970. Des Moines, the capital and largest city of Iowa and Iowa City, the home of the University of Iowa, have been without rail passenger service since then. The 20,000 students of the University of Iowa are particularly dependent on public transportation. On November 17, 1971, the University of Iowa Student Association Senate unanimously endorsed efforts to restore passenger train service to Iowa City.

On October 31, 1971 I proposed to Amtrak President Roger Lewis that Amtrak operate an experimental train between Chicago and Omaha via Iowa City and Des Moines on a tri-weekly basis. Greg Herrick of the Student Senate Committee for Student Rights and Freedoms on November 22 wrote to Mr. Lewis supporting my proposal. In his reply to my letter Mr. Gerald D. Morgan, vice president for government affairs of Amtrak, said the corporation is "ready to cooperatively explore ways by which service might be added." He felt that a train wholly supported by Amtrak would be unlikely as funds for such services are limited.[1]

Amtrak has so far placed in operation two experimental trains on routes outside the national system designated by the Secretary of Transportation and the directors of the National Railroad Passenger Corporation. The first of these services to be put into operation was a tri-weekly train between Minneapolis, Minnesota and Spokane, Washington via Bismarck, North Dakota and Billings, Montana providing through service between Chicago and Seattle.

The second experimental service to be instituted by Amtrak was a daily train between Washington, D.C. and Parkersburg, West Virginia via Cumberland, Maryland. Amtrak came under fire from many quarters as a result of this experimental service due to the fact that Representative Harley Staggers, powerful chairman of the House Interstate and Foreign Commerce Committee is from West Virginia. *Passenger Train Journal* urged Amtrak to operate the service between Washington and Cumberland only.[2] Don Phillips, writing in the January, 1972 issue of *Trains*, says Amtrak has "kissed off the potential of the western end of its Washington-Parkersburg service by rescheduling the weekday trains to arrive in Parkersburg at 1:59 a.m. and to leave eastbound at 3:30 a.m. The idea is to increase patronage on the eastern end."[3]

Amtrak has also placed in operation several additional trains on routes within the national system including a second Chicago-Minneapolis service.

Trains may also be added to the Amtrak system if a state or region agrees to pay two-thirds of the losses incured by the train's operation. It is very unlikely that Iowa would be able or willing to subsidize a Chicago-Des Moines service. Such a train would not serve the whole of Iowa and might require Iowa's subsidy of service within Illinois.

Footnotes at end of article.

Furthermore the variability of losses prevents the allocation of a specific amount.

The plan I am suggesting would be neither a two-thirds subsidy by the State nor a wholly-Amtrak-supported service. Instead the communities to be served by the train would be required to pay for station expenses incurred by the operation of the train.

The train I propose would be "experimental" in a number of ways. A new possibility for local support of service would be tried. The railroad would be encouraged to increase revenues instead of costs. Incentive fares would be used to boost patronage. And a great deal of the train's promotion would be carried out by citizen groups.

DESCRIPTION OF SERVICE

The train proposed is a daily service between Chicago, Illinois and Des Moines, Iowa via Rock Island, Illinois; Iowa City, Iowa and other points designated by Amtrak to be served by the train which fulfill the conditions of service. It is suggested that the additional stops be made at La Salle-Peru, Illinois; Ottawa, Illinois; Grinnell, Iowa; and Newton, Iowa. Stops also will be made at Joliet, Illinois for passengers for or from points west.

The train's schedule is similar to that of the Des Moines Rocket which operated eastbound until August, 1960 and westbound until April, 1967. Neither discontinuance was effected under the provisions of Section 13(a) of the Interstate Commerce Act, but through a loophole in Iowa law. No hearings were held on the discontinuances and no regulatory body ever approved the discontinuances. The Des Moines Rocket was an extremely popular train up to the discontinuance of the eastbound segment in 1960. The Rock Island's train No. 5–9 is actually the successor to No. 5, the old Des Moines Rocket.

The train will initially consist of reclining-seat coaches and a dinner-lounge. Only one trainset shall be used to provide the service. Additional equipment may be added at the discretion of Amtrak.

The proposed schedule provides for connections with all Amtrak routes radiating from Chicago. Bus connections at Iowa City for Cedar Rapids and at Des Moines for Ames are possible under the proposed schedule.

RATIONALE FOR CHANGE IN PROPOSAL

In my letter of October 31 to Mr. Lewis I proposed that Amtrack operate a tri-weekly service between Chicago and Omaha. The rationale for the proposal's change is as follows:

Although the tri-weekly service between Chicago and Omaha generates fewer train-miles than the daily Chicago-Des Moines service, its potential for ridership west of Des Moines is very low. Rock Island's Trains 7 & 10, while offering relatively poor service in their last years of operation, had very poor patronage west of Des Moines after the discontinuance of connecting Trains 17 & 18 between Minneapolis, Des Moines and Kansas City. In connection with 17 & 18, 7 & 10 provided a Minneapolis-Omaha service. In the last months of the operation of Trains 7 & 10, the Des Moines-Council Bluffs (train service was discontinued between Omaha and Council Bluffs January 6, 1970) segment accounted for over one-fourth the trains' route-miles, but generated less than one-tenth of the trains' patronage.[4] The 1970 discontinuance of service to Omaha was of course instrumental in reducing patronage west of Des Moines, but the trains consisted of only one coach west of Des Moines even before the connecting trains from the Twin Cities were discontinued.

The addition of a Chicago-Des Moines-Omaha service would not provide significantly better train service to Omaha owing to the need to provide connections at both termini. The latest possible departure time from Omaha would be 5:00 a.m. if connections for such points as New York and Detroit are to be made. A passenger boarding at Omaha would have to rise by 3:30 at the latest to catch the train. The lack of a convenient Chicago-Omaha service may indicate the need for a daytime train on the Burlington Northern route.

Passengers traveling from Cedar Rapids, Iowa City and the Quad-Cities to points west of Omaha are currently able to use Continental Trailways bus service to Burlington in connection with Amtrak Trains 5 & 6. Continental Trailways Bus No. 1312 leaves Cedar Rapids at 3:00 p.m.; Iowa City at 3:45, arriving at the combined rail-bus depot in Burlington at 6:05. Connecting with this schedule is a Rock Island-Muscatine (Iowa) bus which leaves Rock Island at 3:30. Continental Trailways Bus No. 1305 leaves Burlington at 8:05 a.m., arriving at Iowa City at 10:45 and at Cedar Rapids at 11:30. The Quad-Cities connection arrives at Rock Island at 10:35.[5]

Limousine or minibus service between Des Moines and Osceola could be established in order to provide western connections for Des Moines. Feeder bus or limosine service for long-distance passengers, if effectively promoted, can become a significant revenue source for Amtrak. Amtrak should immediately move to establish through ticketing arrangements between itself and Continental Trailways.

Another significant problem associated with an Omaha train is that of the Council Bluffs situation. Rock Island's trains often took a half-hour to cover the four miles between Omaha and Council Bluffs. East of the Council Bluffs station there are numerous stops and clearance requirements due to the numerous junctions. The bottleneck of Council Bluffs is avoided by trains traveling on the Burlington Northern Route.

The daily operation of the proposed Chicago-Des Moines service is much more convenient than a tri-weekly operation. Tri-weekly services are hard to remember—the public is accustomed to daily service on its public transportation routes. A daily train would also allow one-day business travel between Des Moines and the Quad-Cities.

CONDITIONS OF TRAIN OPERATION

The train itself will be operated as an Amtrak experimental service. Amtrak shall pay the Rock Island the solely related cost of operating the service plus a reasonable profit based on train revenues. The profit margin shall not be tied to costs. Profits may be cancelled by Amtrak if it deems the railroad's operation of the service to be unsatisfactory.

The train crew shall consist of an engineer, a conductor and a brakeman, plus necessary food service employees. As the proposed train is a new service, no employee will lose his job because of the lack of a fireman. Engineers will be changed at Rock Island; conductors, brakemen and food service employees will not change. Precedent for such an arrangement is set by Trains 7 & 10, on which conductors and brakemen worked from Rock Island to Council Bluffs while engineers changed at Des Moines.[6]

Amtrack will designate the stops which the train is to make. Municipalities so designated will then be required to pay the cost of station facilities excluding agency service. Cities which are currently without rail passenger service in any form will be required to rent from the railroad a suitable waiting room on the condition that any improvements made by the city do not have the effect of either increasing the rent charged by the railroad or of increasing the property tax on the facility. Cities which are served by Rock Island passenger trains only will be required to pay one-third the cost of the operation of the station by the Rock Island excluding agency service. The same conditions regarding municipal improvement of facilities would apply.

Chicago and Joliet, which are already serviced by Amtrak, would not be required to pay for station facilities. The train would not go into operation until Des Moines, Iowa City and the Quad-Cities have arranged to pay for station facilities.

FARES

Fares shall be established at a rate no higher than four cents per passenger-mile for passengers over the age of twelve and two cents per passenger-mile for passenger of ages five to eleven. Passengers under five traveling with parent or guardian shall travel free of charge. Fares at rates higher than these would be uncompetitive with Greyhound bus fares. Such special fares which applied to Trains 7 & 10 shall also be applicable to the experimental train. It is additionally urged that a four-day return fare with a 25 percent discount be instituted to encourage short trips. Such fares were introduced on the Illinois Central's Illinois services in 1968. In 1969 Mr. H. F. Davenport, vice president for passenger services of the I.C., termed the fare program "successful."[7] There is no reason why such incentive fares would not be beneficial to many of Amtrak's short and medium-distance routes.

PROMOTION

Amtrak shall carry out a reasonable advertising program. It shall be assisted in its campaign by rail passenger groups along the line. The first of these, the Coalition for Rail Passenger Service, is already being organized in Iowa City. The Coalition is a tentatively approved campus organization although its membership is open to anyone.

If passenger train service is restored to Iowa City, the Coalition will do its utmost to promote it. It can promote the train by printing local timetables and flyers and organizing group movements. It can also provide suggestions for better service and act as a watchdog against practices which increase operating costs.

The possibility of a student travel agency is not remote. The University Travel Service already arranges for charter flights to Europe. A similar service could be set up for domestic travel.

CONCLUSION

An experimental service similar to the one I have proposed would help to fill a serious transportation vacuum which now exists in all but the southern portion of Iowa. Restoration of passenger train service to Des Moines and Iowa City would be valuable to Amtrak's public relations in addition to providing a valuable service.

The proposed train would be much less likely to incur large losses because of the conditions of service. Stations would be maintained by the municipalities they serve. The diesel fireman would be removed and all crew changes but those of engineers would be eliminated. The railroad would not be so much encouraged to inflate costs to reap higher profits but would be encouraged to increase revenues.

Fares would be competitive with those of bus service and an experimental four-day return fare would be established.

Promotion would be carried out by Amtrak and by local passenger groups of which one is being organized in Iowa City.

It is the obligation of Amtrak to provide a national system of passenger service. If that obligation is to be fulfilled there must be services to all the nation's regions and major cities. The proposed train between Chicago and Des Moines, if put into operation, would bring Amtrak one great step closer to providing a national system.

FOOTNOTES

[1] Gerald D. Morgan, letter to Stephen Wylder, December 10, 1971.

[2] "Experimental Service, Who Deserves It?" *Passenger Train Journal*, Washington, Summer, 1971, p. 4.

[3] Don Phillips, "Tale of a Timetable," *Trains Magazine,* Milwaukee, January 1972, p. 15.

[4] "Statement in Relation to Proposed Discontinuance of Train Service, Finance Docket 26175, Train Numbers 7 and 10 between Chicago, Illinois and Council Bluffs, Iowa," Chicago, Rock Island and Pacific Railroad Company, Chicago, Appendix K.

[5] Continental Trailways Bus Timetable No. 3, Schedule 8387, December 15, 1971.

[6] "Statement . . . ," pp. 2–3.

[7] H. F. Davenport, letter to Stephen Wylder, October 13, 1969.

Proposed Schedule

Westbound: 4:00p, Chicago, 2:00p, eastbound.

Westbound: 4:50p, Joliet, 1:01p, eastbound.

Westbound: 5:35p, Ottawa, 12:25p, eastbound.

Westbound: 6:00p, La Salle-Peru, 12:00p, eastbound.

Westbound 7:30p, Quad-Cities (Rock Island), 10:30a, eastbound.

Westbound: 8:45p, Iowa City, 9:15a, eastbound.

Westbound: 9:55p, Grinnell, 8:05a, eastbound.

Westbound: 10:20p, Newton, 7:40a, eastbound.

Westbound: 11:00p, Des Moines, 7:00a, eastbound.

Des Moines-Ames Bus Connection via Jefferson Lines. Leave Ames 5:15 a.m., arrive Des Moines 6:00. Leave Des Moines 11:30 p.m., arrive Ames 12:20 a.m.

Cedar Rapids-Iowa City Bus Connections: Via Missouri Transit Lines leave Cedar Rapids 7:45 a.m. arrive Iowa City 8:30. Via Continental Trailways leave Iowa City 9:00 p.m., arive Cedar Rapids 9:45.

Resolution No. 9—Transportation

(Report from Committee for Student Rights and Freedoms, Submitted by Greg Herrick)

Whereas the University of Iowa Committee for Student Rights and Freedoms finds intercity public transportation to be severely deficient in this community; that in particular, no railroad passenger service has existed in Iowa City since May 31, 1970.

Whereas the Committee for Student Rights and Freedoms notes that railroad passenger service is a minimal contributor to air pollution, noise pollution and fuel usurpation; that the passenger train is statistically the safest mode of intercity transportation.

Whereas this Committee feels that the 20,000 students of the University of Iowa have a right to access to the cleanest, safest mode of intercity transportation available.

Whereas University of Iowa student Stephen Wylder on October 31, proposed to the National Railroad Passenger Corporation (Amtrak) that it operate on an experimental basis a tri-weekly passenger train between Chicago and Omaha via Iowa City.

Be it therefore resolved that the University of Iowa Student Association Senate endorse the efforts of the Committee for Student Rights and Freedoms (Rail Passenger Service Sub-Committee, Stephen Wylder, coordinator) in renewing and revitalizing rail transportation to the University of Iowa and the state of Iowa as a whole.

ANCHORAGE SCHOOL NURSE SUPPORT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BEGICH. Mr. Speaker, I rise today to call attention to a serious problem being faced by the public schools in Anchorage, Alaska.

While elsewhere in the Nation, other school systems have adequate programs for school health administration, Anchorage does not. I am submitting a resolution drafted by the Alaska Nurses' Association, District I, which expresses the need for a strong and adequate school health program that would be administered by qualified personnel:

Resolution Regarding Anchorage School Nurse Support

Whereas, we recognize that school nurses under proper ratio will provide excellent care and health education of the school child; a service which can only be provided by this group due to their education and experience, and

Whereas, school nursing is a specialty of public health and school nurses are uniquely prepared in the areas of health counselling, health education, and provision of family centered nursing services in the community, and

Whereas, screening and preventative health measures carried out by profesional nurses in the schools result in savings of money, time, and human potential, and

Whereas, the school nurse must meet the same requirements as teachers for on-going education in order to keep current with changing needs in the school, and

Whereas, the increasing social and health demands in our society indicate greater need for qualified persons to help youth at an early age; therefore

Be it resolved that the Alaska Nurses' Association, District I, recommend and urge the employment of certified school nurses in the Anchorage Borough School District at the professional level;

Be it further resolved that school nurses be instated to a maximum of 1:1000 in the elementary schools and one nurse to each secondary school, and

Be it further resolved that any other supportive health workers employed in the school be under the direct supervision of the school nurse; and

Be it further resolved that copies of this Resolution be sent to the U.S. Congressional Delegation; the Anchorage area State Legislators; State of Alaska Commissioner of Education; Greater Anchorage Area Borough Chairman and Assemblymen; Anchorage City Mayor and Councilmen; Greater Anchorage Area Borough School Administration and each member of the School Board; the Anchorage Borough School Education Association; the PTA Council, each school PTA, and local television and radio stations.

Approved unanimously by Alaska Nurses' Association, District I, November 18, 1971.

NEO-STALINISM IN YUGOSLAVIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. CRANE. Mr. Speaker, for many years in the West it has been said that Marshall Tito of Yugoslavia was a "different kind of Communist." He had, we were told, abandoned the ruthlessness and total rule so common to Communist governments in other parts of the world.

A great deal of this sentiment, it now appears, has been wishful thinking. Recently, Tito purged the leaders of his own party in Croatia, the second largest republic of the Yugoslav federation. The reason, as given by the leader himself, was that they were guilty of "rotten liberalism" and of "nationalism." In simpler terms, this means that they wanted a larger share in running their own government and their own lives. Such sentiments are anathema to Communist regimes in all parts of the world, and were similarly anathema to the regime in Belgrade.

The fact is that as Marshall Tito is reaching the end of his long reign, he does not want to leave a country which will collapse at his death or retirement, and so he is now carefully tightening his control so as to insure stability in the future. It is clear that a period of resurgent neo-Stalinism is in store for the people of Yugoslavia.

The Economist of London points out that—

> Most of the sacked men and women had started their party careers as faithful linetoers, and when President Tito started decentralizing in the 1950s and 1960s their aim was no more than to win back from the central bureaucracy in Belgrade more money for their originally prosperous but now increasingly impoverished republic.

But, as they progressed, the Croat leaders brought young people and intellectuals into the party. They provided additional freedom, and pressured the government for economic changes. Their major sin, however, was nationalism and their desire for autonomy within the Yugoslav federation.

Commenting upon President Tito's actions, the Economist declares that—

> The whole constitutional framework is once again in doubt. It must be feared that President Tito has made it more difficult for the peoples of Jugoslavia, particularly the Serbs and Croats, to live together. He has also darkened the outlook for reform in other communist countries.

The Economist expresses the view that—

> If relatively liberal and independent Jugoslavia cannot shake off the inborn Stalinism that all ruling communist parties seem so prone to revert to in times of crisis, why should more orthodox regimes do any better. These thoughts may depress western liberals, as well as liberal Communists. But Mr. Brezhnev will be a happier man.

Those in the West who still speak of internal reform in Communist countries would do well to consider carefully the recent events in Yugoslavia. The evidence seems to be overwhelmingly against the proposition that the totalitarian nature of Communism is changing in any important respect.

I wish to share this article which appeared in the Economist issue of December 18, 1971, with my colleagues, and insert it into the Record at this time:

An Old Man in a Panic

> The coup that President Tito carried out over the weekend in Croatia, the second largest republic of the Jugoslav federation, was a pushover. The Croat party leaders, whom he had accused of "rotten liberalism" and "nationalism" in a long confrontation in his hunting lodge in northern Serbia on December 1st, resigned without any fuss. It did not prove necessary even to use the tanks and troops that had surrounded Zagreb, Croatia's capital, to subdue the students who on Wednesday were still proclaiming their support for the deposed leaders. The police did that job, and if a few policemen and students

got hurt in the process this was partly because the police lacked recent practice in the use of the truncheon. The arrest of intellectuals and other "undesirable elements" identified with the sacked leaders went just as smoothly. Not one, out of more than a hundred, apparently slipped through the net. It was, as Lloyd George once said of another country, a rape, but only a little one; and everything was over before you could say "Long live the self-managing, socialist, federative republic of Jugoslavia."

Yet last weekend's operation may come to be regarded as a colossal blunder committed by an ageing ruler acting in a panic on bad advice. Admittedly, thousands of such shake-ups have taken place under communist regimes ever since Lenin invented democratic centralism, which means the obedient toeing of the ruling group's line. But for some years now the Jugoslav communists have not seemed to be that kind of party—not to the more enlightened Croat leaders such as Mr. Miko Tripalo and the others who have now been kicked out.

Most of the sacked men and women had started their party careers as faithful line-toers, and when President Tito started decentralising in the 1950s and 1960s their aim was no more than to win back from the central bureaucracy in Belgrade more money for their originally prosperous but now increasingly impoverished republic. But as they gained popularity by their spirited fight to win a better economic deal for Croatia, they felt flattered and encouraged. They brought into the party more intellectuals and young people. They conceded more freedom to people outside the party, particularly to the large number of Croats who are still practising Catholics. Their insistence on changing the country's inefficient economic system eventually led to last summer's drastic reorganisation of the entire federal structure.

THEY WEREN'T TRYING TO BREAK AWAY

Their pressure for economic changes had certainly made them unpopular with some people—in particular, with the big banks and trading corporations in Belgrade which had grown fat on the old centralised system. But this was not the main cause of the Croat leaders' downfall. Nor was it their alleged "nationalism" and "separatism"; it was only autonomy, not national independence, that they were after. An opinion poll published in the Belgrade weekly *Nin* on December 5th indicated that nearly three-quarters of the Croats expected that the recent constitutional reforms would strengthen Jugoslavia as a whole, as well as offering Croatia itself greater hopes of economic and cultural development. In fact, under the now evicted leaders, hopes for full independence for Croatia had waned rather than increased. But last weekend's coup could well lead to increased agitation for going it alone. Of course, the new men who have now been put in to rule Croatia will make themselves popular if they succeed in winning better terms from Belgrade than Mr. Tripalo and his colleagues could. But there is little chance of that.

So why did President Tito order this purge? He may have feared that the forming of a coalition of radical students and disgruntled workers, of which there were some signs during the recent student strike in Croatia, could set a dangerous precedent at a time when the whole of Jugoslavia is experiencing a wave of social discontent. He may have been afraid of going the way of Mr. Gomulka, who was brought down a year ago by the Polish workers even though they did not have much support from students or intellecturals. But it is much more likely that he decided to ditch the Croat leaders because he feared that Croatia had become too liberal and that the party's monopoly of power was in danger.

For months influential party men in Jugoslavia have been arguing that the country needs a stronger government. Some have even cast envious glances in the direction of Greece. Retired army officers, and even serving officers, have openly campaigned for more law and order, whatever that may mean to them. Until recently the president had resisted these siren voices, arguing that the country's unity could not be preserved by going back to the discredited old centralist system. Now he seems to have suddenly changed his mind. Did someone at last convince him that he risked losing his own grip on the country by tolerating all sorts of dangerous "pro-western" liberals? And that there would be no more communism in Jugoslavia after him? No doubt Mr. Brezhnev's was one of the foreign voices that bombarded him with such thoughts. President Ceausescu's of Rumania may have been another; he talked to President Tito only a few days before the fateful party meeting on December 1st and 2nd that sealed the fate of the Croat leaders. Attacks on non-Croat leaders like Macedonia's Mr. Crvenkovski, one of the architects of Jugoslavia's constitutional reform this year, suggest that the hardliners are working to put Jugoslavia's clock back before it is too late.

IF EVEN TITO CAN'T BE LIBERAL

The coup in Croatia does not make Jugoslavia overnight the most illiberal of communist states. But the solution of the multi-national federation's problems has not been brought any nearer. The whole constitutional framework is once again in doubt. It must be feared that President Tito has made it more difficult for the peoples of Jugoslavia, particularly the Serbs and the Croats, to live together. He has also darkened the outlook for reform in other communist countries. If relatively liberal and independent Jugoslavia cannot shake off the inborn Stalinism that all ruling communist parties seem so prone to revert to in times of crisis, why should more orthodox communist regimes do any better? These thoughts may depress western liberals, as well as liberal communists. But Mr. Brezhnev will be a happier man. There is in the air a new whiff of his 1968 doctrine of limited sovereignty for socialist countries. And for the first time it is not coming from Mr. Brezhnev. It is President Tito, of all people, who is applying it to a part of his own country.

WAR OR PEACE: THE CHOICE REMAINS HANOI'S

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. CHAMBERLAIN. Mr. Speaker, the Washington Sunday Star of January 30, 1972, devoted its lead editorial to an extended examination of the status of the Vietnam peace negotiations in the wake of the President's surprise disclosures on January 25. In assessing where the responsibility lies for the failure to achieve a reasonable settlement the Star concludes:

> The choice between war and peace is Hanoi's. And as the President has disclosed, this has been the case since last August. For its own reasons and at the cost of much suffering to all the people of Indochina, North Vietnam has chosen to prolong the war. If it continues to do so, its leaders will bear a heavy burden at the bar of history. The door remains open; they have only to walk through.

I commend the entire editorial to the attention of my colleagues:

WAR OR PEACE: THE CHOICE REMAINS HANOI'S

President Nixon's eight-point peace plan, disclosed over nationwide television Tuesday evening, offers a reasonable and just framework within which a Southeast Asian settlement could be reached. While the North Vietnamese have not yet flatly and finally rejected Mr. Nixon's proposals, there is very little reason to believe that any real progress toward peace will be made in the immediate future.

The North Vietnamese reluctance to end the war appears to be based on a number of factors. In the first place, they have not been fighting for nearly 30 years to achieve a settlement which is reasonable and just. They seek a setlement both unreasonable and unjust: The total capitulation of South Vietnam. And were the United States to agree to Hanoi's terms—the overthrow of the Thieu government, the unconditional withdrawal of all our forces and equipment and an end to every form of aid to Saigon—it is clear that they could achieve their objective. But this the United States cannot and should not do.

That the United States cannot and should not do this is only partially related to the merits or demerits of the Thieu regime. To agree to a limitation on our sovereignty (which is what agreeing to end all aid would be) and to betray an ally would demean this country and render its worldwide treaty commitments worthless. The administration has made this clear to Hanoi time and again.

The rulers of North Vietnam may be basing their unrealistic demands on a false reading of the domestic political situation in this country. It is possible that they hope for another major drive on the part of the so-called "peace forces" here (in reality, those who favor an object surrender to the Communists) which would force Mr. Nixon to capitulate. But the air, most of it hot, went out of that sorry balloon with the failure of last year's Mayday demonstrations to "shut down the government." The campuses and the streets have been quiet since then, with only the real psychotics and hard-core neo-Marxists making that mind-bending trip.

Alternately, the men in Hanoi may be so remote from reality as to believe that Senator George McGovern or some equally unlikely peace candidate may succeed in defeating Mr. Nixon at the polls in November, thus clearing the way for an unconditional surrender on the part of the U.S. It *could* happen; but it's about as probable as snow in August.

If one gives the North Vietnamese credit for greater political prescience than this—and probably one should—it may be that they realize it will be to their advantage to settle with Mr. Nixon before rather than after the election but that they wish to delay that moment as long as possible in the hope of extracting better terms.

Indeed, it appears likely that the North Vietnamese are uninterested in a cease-fire (one of the elements of Mr. Nixon's plan) at this time precisely because they plan to launch a major offensive to coincide with the beginning of the lunar New Year on February 15. That this will take place about a week before the President's visit to Peking is no coincidence.

The North Vietnamese clearly fear that Mr. Nixon's Peking summit, to be followed by a visit to Moscow in May, may result in a settlement imposed by the two Marxist superpowers, which provide Hanoi with $1 billion in aid annually. While the North Vietnamese could continue to fight on (and to hold our prisoners) without Russian and Chinese aid, they could do so only at such a low level that their dreams of victory would evaporate.

There are many reasons why Peking and Moscow might prove amenable to a Southeast Asian settlement not too far removed from that proposed by Mr. Nixon. They have no pressing desire to pull America's chestnuts out of the fire. But in an evolving and increasingly complex world, each has more pressing concerns than total victory for the successors of Ho Chi Minh. The Russians, for instance, are interested in a European security conference which would legitimize their World War II conquests. The Chinese, for their part, are worried about their frontiers with the Soviet Union and anxious to see a reduction of the American presence in Asia. Mr. Nixon, by all accounts a clever poker player, will be not without some high cards to play when the hands are dealt in Peking and Moscow.

In recent months, the war in Southeast Asia has been going rather well from the point of view of the North Vietnamese. Their troops have routed the Cambodians northeast of Pnompenh and hurled Laotian units from the Plaine des Jarres and the Bolivens Plateau overlooking the Ho Chi Minh trail. There are heavy concentrations of Communist troops near the intersection of the frontiers of Laos, Cambodia and South Vietnam, while elements of the North Vietnamese 320th Division have been spotted skirting the Demilitarized Zone which separates North and South Vietnam and heading south. The intention of these units may be to launch a go-for-broke "second Tet" offensive in the Central Highlands with its ultimate objective the coastal plain.

At present there are about 145,000 American troops left in Vietnam, of which only the 196th Infantry Brigade, near Danang, and the Third Brigade of the First Cavalry Division (Airmobile), north of Saigon, are combat units. So the brunt of the ground fighting will be borne by the South Vietnamese, with American planes providing air support.

In his speech Tuesday, Mr. Nixon warned that he would not hesitate to use every means at his disposal, if fighting continued, to protect the American troops remaining in Vietnam. And at least one of his motives in disclosing the fruitless secret negotiations with Hanoi was to prepare the American public for a perhaps unprecedent U.S. aerial riposte to the anticipated North Vietnamese ground offensive. In view of the generous nature of the terms offered North Vietnam, including an estimated $2.5 billion in postwar aid, it is certain that Mr. Nixon will have the support of the mass of the American people in such an enterprise, if not that of every presidential hopeful.

By the time Mr. Nixon reaches Moscow, there will be fewer than 69,000 Americans left in Vietnam, a number which probably will diminish to about 30,000 by the time voters go to the polls here in November. But if the American prisoners held in North Vietnam, Laos and Cambodia are not released, this residual force will remain and the aerial war will continue. Hanoi, which by that time may be under heavy pressure from Moscow and Peking to do some real negotiating, may then come to realize that it is in its interest to come to an agreement.

Basically what the United States has to offer Hanoi in exchange for the prisoners is the withdrawal of our residual ground force from South Vietnam and the end of American air attacks on North Vietnam. The agreement could be as simple as that or, alternately, it could involve a complex Indochinawide political settlement.

The choice between war and peace is Hanoi's. And, as the President has disclosed, this has been the case since last August. For its own reasons and at the cost of much suffering to all the people of Indochina, North Vietnam has chosen to prolong the war. If it continues to do so, its leaders will bear a heavy burden at the bar of history. The door remains open; they have only to walk through.

But it is essential that the North Vietnamese recognize, as the President put it, "the important difference between settlement and surrender." The American people are eager for the former; but there can be no question of the latter.

NORTH CENTRAL POWER STUDY REPORT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 2, 1972

Mr. METCALF. Mr. President, I ask unanimous consent to insert in the RECORD the incisive comment of Don L. Brown, Montana State fish and game director, on the North Central Power Study Report, which was compiled by the Bureau of Reclamation and power supply entities in the North Central and Rocky Mountain States.

There being no objection, the comment was ordered to be printed in the RECORD, as follows:

STATE OF MONTANA,
DEPARTMENT OF FISH AND GAME,
Helena, Mont., January 27, 1972.

Senator LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I would like to thank you for sending to this office a copy of the *North Central Power Study Report,* Phase 1, Volume 1, dated October, 1971. We have reviewed this document with great interest, and, I must admit, great concern. Since your covering letter invited comments, I would like to offer the following thoughts that occurred during our review of this report:

The report was apparently entirely based on the assumption that the energy demands of this nation will continue to double every ten years, and this demand must be met without question. It is our opinion that there are several things wrong with this assumption. The first is that the demand projection has been based upon, among other things, population projection data which recent history has proved to be incorrect. It is also our feeling that eventually the policy of meeting all electrical energy demands, no matter what their purpose, must be revised and some of the frivolous uses of electrical energy curtailed, simply due to the environmental price the production of electrical energy at this time extracts.

It is obvious from the report that Montana possess an incredibly wealthy natural resource. It is further obvious from the diagrams on pages 18 and 21 that both the coal and water resources of eastern Montana are going to be exploited to produce electrical energy to be consumed in Minnesota, Iowa, Missouri, South Dakota and Nebraska. It can be further assumed that the capital to develop these resources, and consequently the profits to be gained, are going to predominantly accrue to interest groups outside of the State of Montana. It would therefore behoove those interested in Montana's prosperity to carefully scrutinize the concept to which we are about to commit our state.

From this report as well as from the proceedings of the coal symposium held in Billings in November of 1969 which you were instrumental in establishing, it is obvious that coal is a valuable and very versatile resource. It can make and do an almost unlimited variety of things.

In the perspective of 100 years, it is conceivable that the most shortsighted thing we could do would be to burn it in an inefficient generating plant to be in turn consumed as electricity in the midwestern United States. The inefficiency of the projected power plants is well documented on page 23 of the Central Power Study Report, where it is stated, "For example, magneto hydrodynamics holds the promise of converting coal and lignite to electrical energy with efficiencies approximating 60 percent compared to efficiencies of present technology of about 30 to 35 percent."

At this point it is recalled on February 10 of 1970 you urged in the Congressional Record that the government invest more in research toward developing a M. H. D. pilot plant on our western coal fields. The wisdom of that request is certainly substantiated by the information contained in the report being reviewed.

The entire point of my letter at this time is to urge that we do not blindly commit our valuable coal fields simply because there appears to be an immediate and present demand for electrical power, when in the long run, simply burning this coal at a 30 percent efficiency may be robbing future generations of resource development options not yet dreamed of. If we adopt a cautious and go-slow program in coal field development, it would also afford us time to conduct adequate research into restoring the land so that it once again produces, among other things, the fantastic wildlife crop this Department is responsible for perpetuating.

I would also like to call to your attention some specific items in the report that cause us some apprehension.

On page 5 under Item 14, environmental requirements are discussed. The report says, "In special cases where it is believed an existing local regulation was impractical, a reasonable requirement still within the federal law was used." I believe in essence what this says is that if Montana's pollution control requirements, such as sulphur dioxide emissions, are too strict to suit the energy development interest, those requirements were subjugated to the more lenient federal requirements.

On page 6 under Item 3, Environmental Impact, the entire paragraph seems to indicate that there is a preference for polluting a remote area, such as eastern Montana, so that the pollution load can be removed from more populated areas where the electricity is to be consumed. I do not believe this type of attitude is in Montana's best interests.

On page 10 where coal reserves are discussed, the following sentence is called to your attention: "Reserves at these sites are adequate for at least 35 years of planned operation." This seems to be a rather short time to exploit vast coal fields. I believe it again strengthens the argument that we must look at alternative uses for this resource before we commit it to consumption in inefficient plants to illuminate areas far removed from Montana at the expense of one of our most valuable nonrenewable resources.

On page 12 the text discusses the dry-type cooling and dismisses it as impractical because additional capital would be required with an increase in the cost of electricity resulting. It appears from this attitude that we will not only sacrifice our coal, but also our water, so electricity can be consumed cheaply in areas far removed from Montana. This discussion of the relative merits of wet cooling versus dry cooling is also carried on on page 16, and leads to the same conclusion. Since the report assumes the wet-type cooling technique, the diversion of Yellowstone River water out of Montana for this purpose, probably in violation of the Yellowstone *River Compact,* is outlined on page 18.

It does not appear that this entire general attitude toward Montana's resources is being considered with Montana's best interests in mind.

In closing I would like to reiterate that our specific interest in this report is the wise use of Montana's land and water so they both can continue to produce the excellent fish and wildlife resource for which this state has become famous.

We certainly thank you for making this information available to us, and hope our comments will be of some value to you.

Sincerely,

Don L. Brown,
State Fish and Game Director.

CHALMERS P. WYLIE WARNS OF GROWING RUSSIAN MILITARY SUPERIORITY TO UNITED STATES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. HUNT. Mr. Speaker, the challenge of the 1970's, I believe, will be the willingness and ability of the United States to rebuild its defense posture, so as to be able to secure the peace that everyone seeks.

Our very able colleague from Ohio's 15th District, Chalmers P. Wylie, warned of the internal forces dismantling the deterrent effect of our strategic military capability when he addressed a group of AMVETS at the annual Pearl Harbor Day memorial service last December sponsored by the Linden AMVET Post 89. In putting the contemporary situation in its proper historical perspective, Congressman Wylie observes:

> In a short five years, the United States of America will celebrate the 200th anniversary of the noblest experiment—in government, in economics, in social ethics, and the very system of living—that mankind has ever undertaken. In order to ensure the success of that celebration, I believe the United States must maintain a credible defense policy.

I believe the message is clear and it is certainly pertinent, and I encourage you to study the full text of Mr. Wylie's address which follows:

Congressman Chalmers P. Wylie Warns of Growing Russian Military Superiority to United States

Although thirty years have passed since December 7, 1941, the gallantry of Americans at that time, and in the later struggles in Korea and in Vietnam, has made it possible for freedom to exist today.

From the time of its birth shortly after World War II, the AMVETS organization has expanded to a membership approaching 250,000 and has shown its faith in freedom, its belief in our country, in democratic ideals, and in constitutional government. AMVETS is made up of patriotic, humanitarian, hard working and good-hearted Americans who have championed many worthy causes over the years, and have achieved much indeed that deserves the deepest and most sincere praise from their fellow Americans.

Thousands of veterans of World War II, Korea and Vietnam have joined AMVETS and contributed unselfishly to its growth and its effectiveness as a force for good in our society. In the forefront of AMVETS' traditional activities is the annual sponsorship of Pearl Harbor Day ceremonies.

On December 7, every American reflects on an event, one single event, the memory of which will endure as long as American history is written. It is recorded as "The Day of Infamy;" and so it shall be remembered. For on this day 30 years ago, without warning and almost simultaneously, Japan attacked various U.S. and British possessions in the Pacific. The U.S. Pacific Fleet was attacked at Pearl Harbor: 7:55 Sunday morning, December 7, 1941. When the attack was over, 2,403 Americans had lost their lives. Citizens of every state are listed on the rolls of those who were killed that tragic Sunday morning.

On this 30th anniversary of the attack on Pearl Harbor, each of us must salute the memory of those who died on that fateful day. We should also render our thanks to the military and civilian defenders of our country, past and present, who have made it possible for us to continue to live in relative security. On this day, too, each of us must rededicate ourselves to the principles for which this Nation stands—to renewed devotion to our duty to maintain our Nation strong and free—and to renewed efforts to attain world peace.

Pearl Harbor provided a lesson that we must never forget: Eternal vigilance is still the price of liberty. Modern weapons of warfare, and the swiftness of their delivery, mean that today a devastating attack can be carried out on the United States within minutes, and that no one—man, woman, or child—is safe from the quick death of the bomb's blast or the lingering death from fallout. In the face of this fact of life, we cannot shirk our duty to maintain a defense posture second to none.

SUPERIORITY VANISHED

I would like to talk briefly today about my concern, and what should be the immediate concern of all Americans for the state of this nation's defense posture. There is little doubt among military experts that the United States has lost its significant margin of strategic military superiority over the Soviet Union in the last few years and is in serious danger of sinking into a position of inferiority by 1975. This dramatic switch in the global balance of military power has gone largely unnoticed by the American public. But it is a matter of growing concern in the governments of western Europe and Asia whose security has rested on unquestioned U.S. superiority since the end of World War II.

Over the past few years we have heard much discussion about reordering our priorities. Admittedly, there is no inherent virtue in maintaining extensive and costly military forces or in developing increasingly sophisticated weapons. I believe, however, that the first priority of any society is to provide for its own survival. Following Vietnam the Nation must be kept on the course of prudent reductions in weapons expenditures, but a defense capability must be maintained that will protect the American people against the threat of war and also against nuclear blackmail.

The fundamental philosophy and strategy of the United States is to deter war and preserve peace. The only way to ensure that peace continues to prevail is to make certain that, if the need arises, one is strong enough to enforce it. When our first President, George Washington, addressed the first joint session of the Congress on January 8, 1790, he declared: "To be prepared for war is one of the most effectual means of preserving peace." On September 9, 1971, President Richard Nixon had this to say to a joint session of the current Congress: "If we do not stay a great power, the world will not stay safe for free men." Those who would leave America defenseless before her potential enemies are by no means advancing the cause of peace.

CHANGE DISTURBING

Within the last few years, there has been a disturbing change in the strategic balance between the United States and the Soviet Union, and if present trends continue, the Soviets could achieve a preponderance of strategic power that would leave our security impaired by doubt and uncertainty and our friends and allies exposed and vulnerable. The survival of democratic principles comes into question when we compare what the Soviets have accomplished in enhancing their military power during the past decade with what the United States has accomplished and consider what they are capable of doing in the next decade if they maintain their present momentum.

The expanding Soviet strategic threat is reflected in the rapid growth of their intercontinental ballistic missile inventory. Since initial deployment in the early 1960's, the Soviets have developed a number of ICBM systems. Since 1965, an accelerated research, development, testing production, and deployment program has resulted in a force today approaching 1,500 launchers—considerably larger than our own force of 1,054 ICBMs and almost seven times larger than the Soviets' 1965.

On the basis of this level of missile activity in recent years, we must realize that the Soviet ICBM force could exceed 2,000 ICBMs by the mid-1970's. The total number of ICBMs is significant, but even more important are the qualitative improvements, total payload capacity, development of multiple reentry vehicles, and the wide variety of options thus provided by these systems. For example, the Soviets have developed a Fractional Orbiting Bombardment System (FOBS), which follows a depressed trajectory as it circles the earth and is therefore hidden from our long-range radar for a greater period of time. The U.S. has no counterpart.

Supplementing the ICBM force of the Soviet Union are many shorter range, medium- and intermediate-range ballistic missiles. Although not a direct threat to the United States, they do present a threat to our overseas forces and bases as well as to our allies.

SUB GAP CLOSES

The third category of ballistic missiles involves the submarine-launched force. While the United States still has a substantial quantitative as well as qualitative lead over the Soviets in this area, the gap continues to close. Present production rates for Russian nuclear-powered SLBM launchers could bring them to equality with the United States in the next couple of years. By the mid-1970's, they could have about fifty operational SLBM launchers carrying 800 missiles.

With regard to our own SLBM force, the United States plans to retain all 41 Polaris submarines through mid-1976 and convert 31 of them to the Poseidon; which will carry multiple independently-targetted reentry vehicles (MIRVs). Thus, although the United States will continue to have a total of 656 operational SLBMs, the total number of warheads will be greatly increased.

Rounding out the Soviet offensive power is her bomber force, which has remained relatively static at a little over 900 aircraft since 1965. The United States still has a substantial lead over the Soviets in numbers of intercontinental bombers. This advantage is expected to continue through the mid-1970's, even if the Soviets decide to produce and deploy their new swing-wing bomber for the intercontinental mission.

There are three general measures customarily used in summarizing the overall strategic balance between the United States and the Soviet Union. These are numbers of delivery vehicles, total megatons, and numbers of warheads.

In regard to the total numbers of the U.S. and Soviet intercontinental strategic offensive delivery vehicles, it is estimated that the Soviets could come abreast of us in this measure of strategic balance within the next year or two, and will most likely exceed us by the mid-1970's.

The Soviets are already far superior to us in total strategic offensive megatons, the second measure of the strategic balance.

Only in numbers of strategic offensive warheads is the United States likely to maintain its lead over the Soviet Union during the 1970's. But even here, the Soviets have the potential to overtake us eventually since their missile forces have considerably greater "throw weight" or payload capacity than our missile forces.

SOVIET DEFENSE STRONGEST

In order to gain a full appreciation of Soviet strategic strength, one must look at the defensive forces as well. By almost any yardstick, overall Soviet strategic defense systems are the strongest in the world. Although the United States is taking some steps to modernize its air defense system, we are of course less vulnerable to attack by aircraft than the Soviet Union and have no plans to match them in terms of numbers. While the Soviets are still ahead of us in ABM defense, we do expect to have some Safeguard sites in operation by the mid-1970's.

In sum, I believe it is fair to say that the overall strategic balance, during the last five of six years, has been shifting in favor of the Soviet Union. Our comfortable lead has now all but vanished, and within the next five or six years we could actually find ourselves in a position of overall strategic inferiority.

Soviet achievement of a clear cut strategic superiority must be avoided. Aside from the military implications, such a development could also have a very important impact on our foreign policy. It could destroy the confidence of our friends and allies in the deterrent power of our strategic forces. We could pay a very high price in the effectiveness of our diplomacy if the credibility of our strategic deterrent came into question.

Although by far the gravest military threat to the United States today is posed by the Soviets' massive strategic power, one must also keep an eye on the emerging threat from the Chinese Communists. The Chinese are apparently still refusing to participate in any disarmament talks. Presumably they feel that the possession of a strategic nuclear strike capability will greatly enhance their bargaining power throughout the world.

In a short five years, the United States of America will celebrate the 200th anniversary of the noblest experiment—in government, in economics, in social ethics, and the very system of living—that mankind has ever undertaken. In order to ensure the success of that celebration, I believe the United States must maintain a credible defense policy.

Military preparedness is the responsibility of all Americans. Its purpose is to prevent conflict; to make resort to force an unattractive method of solving international problems; to provide the deterrence to war and violence; and thereby to promote the solution of international problems by negotiation and non-violent means.

The type of strength that is needed to give enlightened leadership to this troubled world is more than just military strength. Our national strength is the summation of the strength of free individuals joined in communities and states and organizations such as AMVETS. The tradition of individual responsibility, of local and voluntary action, has contributed to the greatness of the American character.

Thirty years ago, the national strength was suddenly called upon and Americans responded courageously. Although the memory of man is sometimes short, we must never forget the tragedy that awakened this Nation to the reality of a world in which peace and freedom cannot be taken for granted. Profound changes have occurred throughout the world in the intervening thirty years, but the lesson learned at Pearl Harbor is more important today than ever before.

Let us remember with reverence those who gave their lives at Pearl Harbor and with respect those who fought through the harrowing years of war that followed. On this, the 30th anniversary of Pearl Harbor, let us pay our respects to all those gallant Americans whose heroic contributions in World War II, in Korea and in Vietnam have served the cause of liberty.

It is only by remembering and acting on the lesson of Pearl Harbor that we can hope for peace and security for our families and our friends, today and for the future.

PHIL DONAHUE BRINGS A NEW PERSPECTIVE TO PRISON REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. CONYERS. Mr. Speaker, I would like to pay long overdue tribute to a most relevant piece of broadcasting, the unique, live programing of the Phil Donahue Show from inside the Ohio State Penitentiary in Columbus, last November, and to call attention to a similar series that will be done by Mr. Donahue from the Women's Prison at Marysville, Ohio, the week of February 7.

During the week of November 8–12, 1971, I was privileged to be part of that series of telecasts of the Phil Donahue Show originating from the Ohio State Penitentiary, with inmates as the "studio audience," free to participate with questions and answers, and special phone lines allowing television viewers to contribute as well. It was a thought-provoking experience.

I would like to pay tribute to Mr. Donahue as a person who, at a time when many speak of the need for understanding between all men, is really willing to put forth the effort that understanding others demands. Phil Donahue and Avco Broadcasting are to be congratulated for taking their public responsibility to educate and inform, not simply entertain, seriously, in attempting to bring about some broad public understanding of one of the most serious aberrations of our troubled society—the horror that is the American system of nonrehabilitative penal confinement, and the staggering rate of recidivism produced by that system, a monument to total failure.

The Phil Donahue Show confronted a vast television audience with realities that are distasteful, but must nonetheless be faced if the Nation is to deal seriously and in any meaningful way with the problems of our correctional institutions.

Ranging from a first-hand account of the most famous prizefight of the last decade, to a grizzly focus on the stone age institution that is death row, the week's programing ran the gamut from top drawer entertainment to serious and informed discussions of the thorny elements of the problem, elements including penal reform; the question of capital punishment; prisoner rehabilitation; conjugal visits; the Attica tragedy and the racial imbalance between inmates and guards.

Many, many people contributed, including World Heavyweight Champion Joe Frazier, beginning the week with a discussion of his famous bout with Muhammed Ali, his singing career and his devout churchgoing; composer/singer John "Gentle On My Mind" Hartford, with his deep understanding of the sensitivities of the young who see so much that is wrong and so few trying to correct it.

There was Mr. Blues himself, B. B. "The Thrill Is Gone" King, a man who has taken it upon himself to bring some joy into the lives of the despairing, appearing at prisons around the country for concerts, just to let inmates know that someone on the "outside" really does care.

There was special guest, famed trial lawyer F. Lee Bailey, outspoken critic of the system and leader of prison reform advocacy for the American Trial Lawyers Association; millionaire Louis Wolfson, himself imprisoned for some months, and one who has many insights into the nature of the problem; Bennett Cooper, Commissioner, Division of Correction for the State of Ohio, for whom the realities of the situation are a real part of life each day, and Warden Harold J. Cardwell, whose complete interest and cooperation made the series possible.

But making it all work was Phil Donahue, a former newsman who believed that the foundation for the penitentiary telecasts should be a real idea exchange. "Most people agree," he said:

> That our system of penology is in many ways medieval. But change comes slowly and we breed recidivism rather than rehabilitation. One reason that prisons have become so brutal is their isolation from society's view.

Phil Donahue is attempting to insure that "isolation from view" does not become the broad defense for inaction. With the Reverend Billy Graham and B. B. King already set as guests, the Marysville telecasts the week of February 7, like the Ohio State Penitentiary series, are sure to be eye openers.

Phil Donahue sees the prison telecasts as a beginning, after a century of considering the prison the vacuum of society, devoid of checks and balances necessary for order. The result has been a brutal system about which no one cared. From the Phil Donahue Show should come an awareness—an understanding of the problems confronting those involved with our penal institutions—from the hopeless feelings of the inmates, to the equally deep-seated frustrations of prison officials and staffs.

PROPOSED 25-PERCENT INCREASE IN MINIMUM WAGE WOULD MAKE A MOCKERY OF PHASE II LIMITATION

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. FISHER. Mr. Speaker, it is incredible that the Congress would seriously consider increasing the minimum wage to $2 per hour, or to $2.25 as proposed in the Senate. This proposed 25-percent increase would make a mockery of the Pay Board's guideline which seeks to limit wage increases to a 5.5-percent level.

Moreover, at a time of relatively high unemployment such a move would, of course, aggravate the problem and pour more fuel on inflationary fires.

I will include as a part of my remarks an article on this subject prepared by the First National City Bank of New York. It contains documented evidence of how such legislation would add to unemployment rolls, including nonwhite teenagers. The article contains this significant statement:

> The net effect of previous minimum-wage legislation has been to increase unemployment among unskilled workers, especially nonwhite teenagers where the rate has risen to more than 30 percent.

In order that all Members may read this highly revealing and convincing discussion, it follows:

THE MINIMUM WAGE, OR HOW NOT TO HELP THE POOR

(The net effect of previous minimum-wage legislation has been to increase unemployment among unskilled workers, especially nonwhite teenagers where the rate has risen to more than 30%.)

The impact of minimum wage legislation has gone a long way toward proving that the road to hell is paved with good intentions. No matter how well-meaning the motives of those who supported previous increases in the minimum wage, the result has been monotonously consistent—the low-paid and unskilled have been forced into the ranks of the unemployed.

Despite a plethora of statistics supporting this perverse result, Congress apparently has not got the message. Another increase in the minimum wage has quietly moved through the appropriate Congressional committees. And once again, its proponents appear to be looking only at one side of the labor balance sheet—the income side—and ignoring the other side: employment.

While it is true that those who remain employed receive higher wages, fewer are in fact employed. The higher minimum leads employers to replace unskilled labor with machines and skilled workers, thus increasing the unemployment of the most disadvantaged portion of the labor force and increasing employment opportunities for the more mobile, skill sector. For example, if widget makers are faced with a 25% increase in wages because of a rise in the minimum wage, they may very well invest in automatic widget machines and lay off part of their work force. This will increase the demand for skilled workers to run the widget-making machines and increase the demand for workers to produce them. But most likely the increase in employment of skilled workers will be smaller than the decline in employment of the unskilled. Furthermore, by decreasing employment possibilities, the higher minimum narrows the opportunity for on-the-job training—a route whereby the unskilled can become skilled.

Women, teenagers, nonwhites and particularly nonwhite teenagers are especially hard hit. Before 1956, when the minimum wage was 75¢, the quarterly unemployment rate among nonwhite teenagers ranged between 13% and 18%, several percentage points above the rate for whites. However, within two years after the minimum wage went up 33%, the unemployment rate for white teens rose to 14% while the rate for nonwhite teens jumped to 27%. Since then, three more increases in the minimum have been introduced. And the nonwhite teenage unemployment rate has risen to over 30%, more than twice that for whites.

Part of the rise in the teenage unemployment rate since the middle and late 1950s is attributable to the accelerated growth of the teenage labor force, as the postwar baby crop reached working age. Rigidities and frictions in labor markets have limited the ability of the economy to immediately absorb this flood of young workers.

The relatively high teenage unemployment rates today are partly due to the considerable slack in the economy. Some of the increased unemployment can be attributed to changing cultural values—new attitudes toward work and leisure—among teenagers. But it is difficult to ascribe all of the rise in teenage unemployment in the past 15 years to these demographic, cyclical and cultural forces. The widening unemployment differential between white and black teenagers cannot be ascribed simply to "structural" changes in the labor force. Econometric research on the impact of minimum wages is quite consistent in its findings—the impact on nonwhite teenagers is both large and negative.

In spite of this large and growing body of evidence, Congress is considering two bills, both of which would increase the minimum wage over the next two years. The Williams bill would increase the minimum from the present $1.60 per hour to $2.00 the first year and to $2.25 thereafter, while the Dent bill would increase it to $1.80 and then to $2.00. More importantly, both bills increase substantially the number of workers to be covered by minimum-wage legislation. The combined impact could add several more percentage points to the teenage unemployment rate.

DOUBLE STANDARD—OR NONE?

Congress probably will pass one of these bills, though the Nixon Administration seems to have some trepidation about the effect. Apparently officials are sufficiently impressed with the shockingly high unemployment rate of nonwhite teens and with the effects of past changes in the minimum on this group that they have made it clear that while they favor the increases included in the Dent bill, they would like to see the rate for workers 18 and under remain at $1.60.

There is ample evidence that such a differential, in this case 20% after one year, would have a significant effect in fostering employment opportunities for teenagers. A 1970 study by the Bureau of Labor Statistics found that the evidence from a variety of sources, including experience in foreign countries, suggests that "a substantial differential between youth and adult rates would increase job opportunities for teenagers." The study went on to say that 20% was a substantial differential.

But if one accepts the logic that the minimum wage makes the unemployment rate higher for some groups than it would otherwise be, and the evidence for this appears to be overwhelming, then why not go all the way and eliminate the legal minimum entirely. Clearly this alternative would run contrary to a strongly held article of political faith. The minimum wage has become an integral part of the conventional wisdom in the fight against poverty and an extensive reeducation program would be required to remove it. Nevertheless, elimination of this legal floor under wages would ease the transition from school to employment and preserve job opportunities that would otherwise disappear. However, abolishing the legal minimum would in no way mean abandoning the fight against poverty. There are more direct means of providing a sufficient income level for all families—if that is what Congress is truly interested in doing.

If that is the case, Congress should seriously consider the advice of Professor James Tobin, a former member of the Council of Economic Advisers under President Kennedy, who wrote: "People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum-wage laws, trade-union pressures or other devices which seeks to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all."

Legal minimum wages, in other words, only complicate the already difficult task of eliminating poverty.

TEXAS REFINING CORPORATION OFFERS OPPORTUNITY TO OLDER CITIZENS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. WRIGHT. Mr. Speaker, today in our Nation there are more than 20 million Americans age 65 and over. This is a relatively new phenomenon in our society, and new programs, both in the public and private sectors, will be required if we are to meet the needs of our older citizens.

As the White House Conference on Aging recently pointed out, the most common problem these 20 million Americans face is inadequate income.

Between 1950 and 1960, employment in this Nation reached record rates in the newer and growing industries. Unfortunately, these new industries tended to hire younger workers, and at the same time there was a marked decline in employment in those fields where large numbers of older workers held jobs.

The extreme difficulty the displaced, older workers experienced in obtaining jobs in the newer industries led many to seek early retirement. And at the same time many of the Nation's larger industries adopted mandatory age retirement programs.

According to many of our leading psychiatrists, forced retirement has a deleterious effect upon many older citizens. Not only does this practice contribute to poverty among the elderly, but it also has profound psychological consequences.

Certainly we must never forget that among the 20 million older Americans there are many who have the competence, the physical capacity, and the desire to work.

I am proud to say that one of the companies to have the foresight to see the great contribution these older citizens can continue to make is the Texas Refinery Corp. of Fort Worth, Tex.

The president and chairman of the board of Texas Refinery Corp. is my good friend, Mr. A. M. "Aggie" Pate, Jr., who has established an unusual personnel program that has helped solve the inadequate income problem for a good number of our older citizens.

The Texas Refinery Corp. is a unique Fort Worth manufacturing firm which markets its own products—specialized lubricants, protective coatings, and chemical cleaners—in all 50 States and 100 foreign countries. The Texas Refinery Corp. actively solicits, hires, and trains men and women often considered underproductive by other industries. As Mr. Pate has said:

> Many firms spend a small fortune educating and training key individuals, only to turn

them out to pasture at age 65 . . . when they are most valuable in terms of knowledge, skill, and experience. Every time such companies retire one of these men or women, they are helping the Texas Refinery Corporation to accelerate the spectacular growth we are enjoying.

Mr. Pate has remarked:

> Age and education are not factors which determine the degree of success which may be achieved through desire and determination.

The Texas Refinery Corp. successfully employs men and women of all ages, skills, and education, and together both they and the company have prospered.

Mr. Speaker, I would like to include in the RECORD two stories that appeared in the Fort Worth newspapers last month concerning a gathering of the Texas Refinery Corp. employees on the occasion of the company's golden anniversary celebration.

[From the Fort Worth Star Telegram]

SECOND CAREER BRINGS HONOR

(By Martha Hand)

K. C. "Kelly" Williamson of Anchorage, Alaska, at 72, well into the autumn of his life, could have chosen a rocking chair.

Instead, he was honored in Fort Worth Wednesday night for achieving success in a second career.

Williamson is one of some 80 men over 65, who with their wives, are here to help A. M. "Aggie" Pate Jr., president and chairman of the board of Texas Refinery Corp. celebrate the firm's golden anniversary.

For most of his life, Williamson worked for a modest salary.

Born in Aspen, Colo., he worked for a time in Hawaii and then 22 years ago moved to Alaska.

When he reached retirement age, he was earning less than $9,000 annually from the federal government as a Corps of Engineers employee in Alaska.

He and his wife, Mary, had raised their four children and it seemed likely he would settle down.

But TRC, a unique manufacturer of specialized lubricants and chemical cleaners, changed all that.

And Kelly Williamson was destined to help prove Aggie Pate's stubborn theory that mandatory retirement policies of many American industries are, in many cases, a waste.

This year Williamson earned $15,000.

"And you must remember that in Alaska our sales time is cut to half that of the lower 49 states because our weather shuts down activity half the year," Williamson said in an interview at Green Oaks Inn.

Mary Williamson, seated beside him, said she really wouldn't mind having him around the house all the time, retired, except for her own conviction that it would be fatal for him.

"They'd be shoveling dirt on him two days later," interrupted his longtime friend Don Dippert of Tacoma, Wash.

Dippert had no idea that the "best was yet to be" when he retired with the rank of captain in the U.S. Army.

His wife is a Brownwood native and he just happened to read an ad of TRC's in the Fort Worth Star-Telegram as he was en route to take a job with an oil company in Oklahoma.

"Changed my life," said Dippert.

During 1971, Dippert, who is 69, earned well over $40,000 with TRC.

Roy Parker, 70, who says he never managed to make $3,000 a year on his own farm up in East Brookfield, Mass., is another TRC "Golden Years" success story.

So is Ernest Burdine, 67, of Shelbyville, Tenn. and John Nicholson, 67, of Bakersfield, Calif.

Along with some 80 other men and their wives, they were honored at an awards banquet at Green Oaks Inn Wednesday night. The convention will continue through Jan. 2 and the successful commission salesmen will be special guests at the Cotton Bowl game Saturday.

Pate says he likes to hire men and women "at the crossroads of their careers," no matter what their age or education, "provided they have the desire and strength to pull themselves up by their own bootstraps."

Not all of the success stories of Pate's TRC are from the "Medicare Set." One of those honored Wednesday was rookie of the year, Ed "Butch" Cook of Tuscaloosa, Ala., 28.

But Pate feels that many men turned out to pasture at age 65 are "most valuable in terms of knowledge, skill and experience."

He insists desire and determination to make money are traits he looks for, not age or education.

"Every time companies (with mandatory retirement policies) retire one of these men, they are helping to accelerate TRC's spectacular growth. We want men of all ages, education levels and together . . . we will climb new prosperity plateaus," Pate explained Wednesday.

The apparent success of Pate's plan may well start a new trend in American industry, Kelly Williamson believes.

[From the Fort Worth Press]

WIVES LIKE "AUTUMN YEAR" JOBS

(By Drenda Williams)

Mrs. Robert E. Lee is spending New Year's Eve in Fort Worth.

And although her husband isn't the famous general who gained fame during the Civil War, he is one of a group of men who has received world-wide recognition.

Lee is a salesman for Texas Refinery Corp.—one of several salesmen for the company who is in the "autumn of his years."

And the salesman of all ages are in town this weekend for the company's golden anniversary celebration at Green Oaks Inn.

Lee, at 56, really doesn't qualify as a member of the company's "medicare group of salesmen" except that he has been with the company only eight years.

As his wife explains, "It is a little unusual for a 48-year-old man to be switching jobs, and it is equally unusual for a company to hire a man that age."

The slim southern belle also says that the job change has been quite an experience for the family that now lives in Atlanta, Ga.

"I've never seen such an exciting organization—my husband just loves it—and everyone is so happy doing what they're doing."

Mrs. Lee explains that although her husband had been in sales for many years, his business never involved traveling.

"We get to travel a lot now. It is an entirely new life, one many men would not have the courage to accept in the middle years of life."

Another wife whose husband began a sales career even later in life than Lee is Mrs. Roy Parker, of E. Brookfield, Mass.

"My husband was 54 when he sold the farm he had run with his father," recalls Mrs. Parker.

"I didn't think there was any company that would hire a man his age, especially in a field where he had no experience."

That was 16 years ago, and now Parker, at age 70, is one of TRC's top salesmen.

During those 16 years, Mrs. Parker has accompanied her husband on many of his calls, an experience that came in handy when Parker was in the hospital recently.

"I'm not much of a salesman," laughs Mrs. Parker, "but I had ridden along with Roy enough that his customers knew me. When I told them Roy was in the hospital, they gave me orders."

Very proud of her husband's success, Mrs. Parker says she really gets exicted when younger salesmen for the company remark, "We may never be able to keep up with Roy."

Not all wives attending the anniversary meeting, which closes Sunday, have husbands who joined the company late in life.

Dot Cook looks more like somebody's daughter than a wife of a salesman, but she's here to watch her 27-year-old husband Ed receive TRC "Rookie of the Year" honors.

Asked if she feels awkward since many of the salesmen and their families are older, the mother of three explains, "it's just like a big happy family."

THE SPACE SHUTTLE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. WYDLER. Mr. Speaker, the growing international competition for economic supremacy in the world will be based in the next decade on the extent of a country's technological advancement and leadership.

If our nation is to remain strong economically and be able to improve social conditions as a result, we must maintain and advance our technological advantage.

The space shuttle program is the keystone of our technological progress in the next decade. I support it fully and urge my colleagues to do the same.

A recent editorial of WCBS News Radio strongly backs the space shuttle, for good and strong reasons. I am setting it forth for the benefit of my colleagues in Congress:

SPACE SHUTTLE

The Space Shuttle program will come under heavy fire when it is debated in the Congress. It is already being criticized by many people.

The criticism heard most often is that the money should not be spent on space while there are so many pressing problems on earth.

WCBS disagrees with this reasoning. Vast amounts of money are being poured into the social problems of America. Judging from the results, money alone is not an answer.

The Department of Health, Education and Welfare has a fiscal 1972 operating budget of some 26 billion dollars. The Department of Housing and Urban Development has a budget of nearly four billion.

Even with these amounts, we are still not close to solving the problems of our cities, of education, of health care and of pollution.

The six-year request for the Shuttle is five-and-a-half billion dollars. This money could be spread over several other agencies. But the impact on their total budgets would be relatively small.

Our social problems are not being solved with the massive amounts of money already being devoted to them. The little extra available if the Shuttle were abandoned would make little difference.

But scrapping the Shuttle would eliminate the long-range benefits we expect to come from the manned space flight program. This is too big a price to pay for what little we would get if the money were dispersed.

NIXON CLEARS THE DECKS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. DUNCAN. Mr. Speaker, Americans were encouraged with President Nixon's speech to the Nation about our peace efforts in Southeast Asia. I have read several editorials in newspapers that express confidence in his work and hope in his proposals. One of the best was "Nixon Clears the Decks" which appeared in the Knoxville, Tenn., News-Sentinel on January 26. It follows:

NIXON CLEARS THE DECKS

President Nixon's Vietnam speech Tuesday night ought to change a lot of thinking about that frustrating, infernal war and the extraordinary efforts to end it.

The settlement plan he said had been privately offered the North Vietnamese Communists and rejected is eminently fair, even generous.

If the North Vietnamese are half as interested in ending the war as they have been claiming, Nixon gave them the opportunity plus.

If they believe what they have been saying, that they want "self-determination" by the people of South Vietnam, Nixon gave them the chance to get it.

The offer of South Vietnam's President Nguyen Van Thieu and his vice president to resign a month before new elections is more than the Communists of the North had any right to expect.

If, as the Communists say, it is the right of the South Vietnamese to choose, once again, their own leaders, they cannot object to an election supervised by an international agency.

President Nixon said he offered last May to pull out all U.S. and allied forces by a definite date in exchange for the release of all prisoners of war (on both sides) and a cease-fire.

What can be fairer or more practical than that?

The President revealed he has been privately negotiating with the North Vietnamese for 30 months. His latest offers of a settlement have not been rejected, only ignored.

The last contact with the North Vietnamese was Nov. 17, Nixon said. No word since. In that light, he decided to make public details of the secret talks in the hope that this might "break the deadlock."

We have no notion of whether this will succeed—but if you can't get a breakthrough up one street, the only thing to do is try another.

Just a few days ago, the North Vietnamese, while withholding an answer to Nixon's push for negotiations, officially were broadcasting from Hanoi a demand that the United States set a "definite" date for withdrawing all forces "unconditionally."

The United States cannot withdraw "unconditionally." It cannot wholly withdraw without an agreement on the release of the prisoners of war. It cannot, on the way out, wantonly scuttle the Thieu government.

Nixon's course, as he outlined it Tuesday night, is the only honorable, decent course he could follow. And, in view of the obviously deliberate stalement set up by Hanoi, his decision to make public the long series of secret talks was a necessary decision—it just might be productive.

In Washington, and perhaps elsewhere, the first question, of course, was: Why did the President choose this time to reveal the secret and futile talks?

Was it to still the political clamor for a definite date for final withdrawal? No doubt he had that in mind. But read your newspaper; obviously it hasn't altogether had that effect. But his disclosures do make the carping sound pretty puny! And destroy its validity.

Was the timing of this speech politically motivated? All we can say is that it is an election year and the President is a politician.

So what! The job is to get the war ended, American forces home safely and, most important, release of the prisoners of war. Anything which accomplishes that the people can support, political overtones or not. Besides, anything a president does, in any year, invariably has political overtones, intended or suspected.

The essence of it is that the President has been trying. He already has brought home the overwhelming majority of U.S. forces in Vietnam. This has been accomplished, up to now, on a practical although rapid basis, and without loss of honor or betrayal of commitment.

This is one place, despite anything else, where the President has been faithfully keeping a promise. On that basis, we can commend what has been tried and, with confidence, go on hoping for an ultimately wholesome and conclusive solution to this tragic adventure.

A NEW WORLD INDUSTRIAL SAFETY RECORD

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. KEATING. Mr. Speaker, I would like to congratulate the employees of the Procter & Gamble's Ivorydale soap plant for setting a new world industrial safety record of more than 4½ million man hours without a lost-time accident.

Howard C. Pyle, president of the National Safety Council, presented a plaque to J. B. Bodtker, soap plant manager, and Jack Bond, vice president for the soap plant of Ivorydale's Employees' Representation Association, at a special breakfast at Ivorydale. He called the new record a "National Safety Council standard for the soap and glycerine industry against which the efforts of thousands of other workers will be measured."

Among the honored guests at the breakfast were Cincinnati Mayor Thomas A. Lukens, St. Bernard Mayor Charles M. Young, State Senator Stanley Aronoff, and State Representative Chester T. Cruze.

In messages to the employees, Gov. John J. Gilligan and Senator ROBERT TAFT, Jr., hailed the new record as a significant achievement.

J. M. Ewell, Procter & Gamble vice president-manufacturing and employee relations, extended congratulations on behalf of the company's more than 45,000 employees around the world. Mr. Ewell said:

> You have shown us the way and each of our manufacturing people will be following your progress.

The old industry mark was set by Procter & Gamble's Kansas City plant in 1968. The industry record has been held successively for the past 20 years at Procter & Gamble plants at Chicago; Long Beach, Calif; Kansas City, Kans., and now Ivorydale.

NADER REPORTS ON THE STATES "OVERSTATE" AND "OVERSIMPLIFY"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BOB WILSON. Mr. Speaker, on past occasions, I expressed my concern over Ralph Nader's distorted attacks on the State of California. He has struck again with the same misstatement and exaggeration, this time at Delaware and the Du Pont family. The San Diego Evening Tribune recently presented a fine editorial analysis of Nader's questionable research techniques and biased motivation in this project and I am pleased to share this editorial with my House colleagues:

NADER REPORTS ON THE STATES "OVERSTATE" AND "OVERSIMPLIFY"

Ralph Nader, who has expanded his crusade against big business to encompass state government, is still unable to conceal his motivating bias against the corporation.

The most recent report prepared by Nader-directed investigators centers on Delaware, which is described in an 800-page study as a "company state." The Du Pont family, which controls the world's largest chemical company from headquarters in Wilmington, is charged with dominating the people, politics and press.

And, as after a recent and equally critical report on California, Nader has been accused of manipulating its content to support preconceived conclusions.

"Every corporate action is attacked, even those in which the company expends large amounts of time and money for community projects," said Du Pont president Charles B. McCoy.

He called the report "one-sided and negative."

Indeed, it is the imbalance of the Nader studies that overshadows valid criticisms, which are often lost among evident inaccuracies and innuendo.

In California, the Nader group concentrated on obvious instances of haphazard development, of which Californians were well aware, and concluded that residents of the state are victims of a conspiracy among legislators, public officials and land speculators.

The Delaware study dwells on the highly-visible presence of a major international corporation in one of the nation's smallest states.

While ascribing to the firm a responsibility to promote the welfare of the capital city and the state, the Nader report views each effort of the company to discharge that responsibility with suspicion.

Du Pont's support of a United Fund drive is attributed to a company desire to manipulate social services for the benefit of the "elite." Participation in a community program to encourage minority businesses is seen as a scheme to keep the federal government out of Delaware.

The chief weakness of the Nader forays into the states, perhaps, is the arrogant assumption that a hasty study by investigative teams of uncertain qualifications justifies recommendations for "corrections."

As McCoy puts it, the Nader reports "grossly overstate the problems" and then "oversimplify proposed solutions."

By attempting to prescribe solutions to complex state problems after a superficial analysis, Nader only undermines his credibility with citizens long-familiar with state woes and long-concerned with the search for answers.

The California study was deplored by Nader supporters who feared that it would negate the many acknowledged gains he had scored in the areas of safety and consumerism.

Early reaction to the Delaware report suggests the fears are warranted.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. SCHMITZ. Mr. Speaker, my last newsletter for 1971, entitled "Issues for the New Year," said:

Election years are traditionally long on talk and "image," short on action and genuine issues. Election year 1972 seems more likely than ever to follow this pattern. The issues people talk about during a campaign are often not the real issues which concern the hard decisions which must be made if our Republic is to survive and remain free.

I listed the principal real issues, on which hard decisions are desperately needed, as follows:

1. Strengthening our national defense.
2. Knowing our enemy and dealing with him as an enemy.
3. Restoring freedom to our economy.
4. Reducing Federal spending and the Federal deficit.

The character and content of President Nixon's state of the Union message delivered to a joint session of Congress January 20 was almost exactly what I had expected and predicted—and feared—for this election year. Only one of the four issues I listed was even mentioned in the 30-minute address the President gave to Congress and on national television. He said nothing about the nature and lasting threat from our Communist enemy. He said nothing about when or how mandatory price and wage controls will be removed. He said not a word—then—about Federal spending and the Federal deficit.

Price and wage controls were discussed, to be sure, in the 15,000-word written message the President sent to Congress supplementing his briefer oral address, and there was a cautious reference in that lengthy document to the "expansionary budget" submitted January 24, which will be discussed in my next newsletter. It certainly is "expansionary" right now, with the Federal deficit put at an appalling $38.8 billion for the current fiscal year, by far the highest deficit for any fiscal year in all our history except for World War II, which makes the $25 billion deficit of President Johnson's last year in office look almost pennypinching. As Congressman JOHN ASHBROOK, of Ohio, said:

> On the domestic front, there does not appear to be a single area in which the President sees no role for the Federal Government. In no field does he advocate ending or even cutting back an existing government program, no matter how ineffective. The march of new bureaucracy, new deficits, and new controls continues without a pause. This, apparently, is what the President's New American Revolution is all about. It seems to me more like the New American Regimentation.

As for communism, that "dirty word" was never uttered. The most that Congress and the public heard from the President about our sworn enemy was that most ancient and tattered of all "liberal" cliches about foreign relations—that though we "have great differences" with "the Peoples Republic of China and the Soviet Union," we must "do everything in our power to insure that we will be able to talk about these differences rather than fight about them."

One might expect that kind of utterly trite oversimplification from a college student or young professor these days, in view of the glaring inadequacies in the education most of them have had where communism is concerned. But it is astonishing to hear it from a man once widely regarded as exceptionally well informed about communism, who as a member of the House Committee on Un-American Activities—now the Internal Security Committee—helped bring about the conviction of Alger Hiss. Almost the first thing the most elementary objective study of communism reveals is that it is their standard policy to both talk and fight—wherever and whenever they can find anyone gullible enough to trust their word or confused enough to think that something can be gained by talking to and making agreements with them despite their record of breaking agreements more consistently than any other government leaders in history. Have we been "talking about our differences rather than fighting about them" during the last 3 weary years of the war in Vietnam while the Paris "peace talks" ground slowly on, concurrently with the killing? Were we "talking about our differences rather than fighting about them" during the period of almost the same length when the Panmunjom talks went on in Korea, right along with the killing? In fact, the period when we were talking with them the least was also the period of the least fighting, during the years from the end of the Korean war to the Bay of Pigs.

The President did, at long last, mention national defense in a context other than taking pride that we are spending less on it—though he could not refrain from hailing the fact that "for the first time in 20 years, spending on defense has been brought below spending on human resources." He announced an increase in defense spending in his speech to Congress and the Nation, and in the full written state of the Union address spelled out that this was primarily for the purpose of "preserving the sufficiency of our strategic nuclear deterrent, including an allocation of over $900 million to improve our sea-based deterrent force—to build additional missile launching submarines, carrying a new and far more effective missile" as well as replacing more submarine-carried Polaris missiles with the new and improved Poseidon, replacing older land-based missiles with Minuteman III, and deploying the Safeguard antiballistic missile system.

On this one issue, therefore, of the four mentioned earlier, he did take a step in the right direction. But, as Congressman ASHBROOK pointed out:

> The President's message shows no sense of urgency whatever concerning the dangers the United States faces today. This is particularly disturbing in the light of the massive Soviet buildup that began in 1965 and which continues at this moment.

Last August more than 80 Congressmen, many of them respected members of the President's party, took the floor in the House of Representatives to express their deep concern about the rapidly declining defense capabilities of the United States. Gen. Bruce K. Holloway, head of the Strategic Air Command, said last year that:

> This country is in greater danger today than it was at the time of Pearl Harbor or at any time, in my judgment, since the eighteenth century.

You would never guess it from hearing or reading the President's state of the Union message.

The one really new subject in the state of the Union message was more bad news for those engaged in what is increasingly becoming a last-ditch fight against the final takeover of our public schools by an elitist educational establishment which hardly bothers to hide its scorn and contempt for the wishes of the American parent. The best remaining weapon in that fight has been "the power of the purse"—the requirement that schools must go to the voters for approval of bond issues and tax rate increases to carry on and extend many of their programs. The almost successful attempt by the education establishment in California several years ago to remove, without public knowledge, the law requiring a public vote on local school tax rate increases showed the importance they see in this roadblock to their ambitions.

After this attempt failed, the California Supreme Court stepped in with its ruling that the entire local property tax for schools is unconstitutional. Two other State courts have followed suit. In his state of the Union message, President Nixon alluded to these three court decisions as giving the "problem" of school property taxes "greater urgency." He said that later in the year he would make "final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education." The tone of his remarks left little doubt that he will propose a substantial and probably total abandonment of local financing for local schools—another surrender to judicial usurpation of power.

If he does so, his much-applauded statement to Congress immediately afterward, that "local school boards must have control over local schools," will quickly become meaningless. He who pays the piper calls the tune. If local communities do not pay at least a very substantial part of the cost of their own schools, there is no possible way that they can continue to control them. Perhaps, through local school boards, they would still have, on occasion, a choice among different methods by which new educational programs—sex education, for example—are to be carried out. But the people of the community would lose the option of rejecting the program itself as unnecessary or harmful, by refusing to vote the money for it.

The lines in the President's state of the Union message most disturbing to me came close to the end of it, when he said:

> The leadership of America is here today, in this Chamber—the Supreme Court, the Cabinet, the Senate, the House of Representatives. Together, we hold the future of the Nation, and the conscience of the Nation, in our hands.

Do we? Have the American people gone so far down the road to dependence, apathy and centralization of power that their future and their conscience are "held in the hands" of persons in government? If so, government will soon cease to be our servant and become our master.

QUALITY OF LIFE—HUMAN SERVICES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ZWACH. Mr. Speaker, the young people are leading the migration away from the countryside because of lack of opportunities, it was pointed out by Rev. Lawrence C. Gavin, one of the speakers at a recent 10-county seminar on rural development held in Worthington Minn.

Father Gavin pointed out:

> If you want to be "where the action is" in Wilmont, you have to be over 55, which most of the town folk are, and be a member of the Senior Citizens' center.

Mr. Speaker, I would like to insert Father Gavin's remarks in the CONGRESSIONAL RECORD to give my colleagues a better understanding of what is happening in rural America:

QUALITY OF LIFE—HUMAN SERVICES

(By Lawrence C. Gavin)

It may strike you as odd that a clergyman is asked to address a conference on "Crisis in the Cornbelt." Frankly, I am a bit uncomfortable too. However, this very fact that we do not feel fully at ease in one another's meetings, to a degree, pinpoints a problem of our complex society. We tend to divide life into tight compartments and we plan very little communication between these compartments. In fact, the very reason I am before you today is because I objected to the program or the compartments of today's conference. As I listened to the Planning Committee, the farm programs were there; the industrial development programs were there; the continuing education programs were there; the roads, rails and airplanes were there, but people were not there, or here. We tend to use people to develop material resources rather than using material resources to enrich the lives of people.

The problem of the pastor is that he often moves in a very idealistic world, and has little understanding of the basic economic facts of our complex, productive society. The layman tends to proceed as though this is a man's world to be managed according to his own economic theories. Both are in error—this is God's world. God made it. Man is but the manager of God's creation. Man does not proceed as though God did not exist. You may object: "We are not here to talk about God." True, but I have a banner on my wall at home which gives the reason for my introduction. It says, "No where does God come so close to man as in man." And it is that man that is the subject of my presentation. I am not an economist, nor am I a farm specialist. I am the pastor of a farming community, Wilmont, Minnesota. My concern is the well-being of the people of our small places.

The greatest natural resource any place has is its' people. If those people are migrating, or staying and suffering injustice and inequities, there must be a way to solve the crisis. I would like to speak into three areas that need our attention: attitude, communications and cooperation with each other, and planning.

Who are these people? Rather, who do they feel they are in the eyes of the rest of America? An event that happened to me may shed light on this for you. Shortly after being assigned to Wilmont, I attended a church supper at Iona, Minnesota. I was standing in the middle of the church hall visiting when a woman I had worked with in the Winona Council of Catholic Women spotted me. In a very loud voice she said, "Father Gavin, what did you do wrong to get sent out here?" I won't tell you what I did, but beneath the question lies years of conditioning, years of fact and fiction.

Who lives in rural America? Not who used to live here, but who lives here now. Those who stayed. We can marshall a lot of facts and figures to answer that question, but when all finished we will find that people are people, whether rural, urban, or metropolitan, they are basically the same. But wait—all men, indeed, have equal worth, since their worth is determined by their creation and not by their intelligence or place of residence. All men do not have the same capability. The greater the person's capacity, the greater his responsibility to help people of lesser capabilities to assure quality of life.

A spirit of neighborliness built the country side in the early days of our region. I am sure some of you here before me today have heard their grandparents tell of the cooperation in the Adrian Settlement that was started in September, 1877; or the Avoca settlement started in April of 1878, or the John Sweetman Settlement up around Currie in the 1880's. A barn-raising bee or a threshing ring. The same quality of neighborliness is needed today between the farms, the towns and the center cities to built the spirit of our area community.

The rural crisis that faces the nation is due not to a lack of food and fiber, but is due to a breakdown of meaningful relations between people. It is basically a problem of attitude toward our fellow man. Let us just take our attitude toward the poor as an example. First of all, do we really believe we have poor? The answer is NO, we do not believe there are any really poor people. Lew Hudson can write all he wants, and Gerald Hiel can give us all the statistics in the world and we still procrastinate, and hedge around and then finally just refuse to accept the obvious. If one or two or a hundred cases are dropped in our laps we hide behind the old myths, "It is their own fault if they are poor" or "I know a guy who . . .". Before we can have quality of life for all, we have to erase the myths that are dividing us as a people.

I don't know when I have been so disappointed as a year or so ago when it was reported that the President of the United States had requested a famous folk singer to sing "Welfare Cadillac" at a White House party. Thank God the man refused. The perpetrating of such myths on any level is the very heart of our crisis of attitude.

The poor are here—they are the old, and the very young. They are hidden by our greatest asset "Open Space." As often happens, we have stereo-typed all poor in the ghetto. The fact is we have not only more space, but more poor than the ghettos. Only when we accept the fact that they exist and are my brothers, can we then move on.

Move on to what? Finding ways to allow the people who have stayed to grow up if they are children, or be fulfilled by productive lives if they are young adults or adults, and to share being alive if they are our elderly. The Southwest Minnesota Opportunity Council-Community Action Agency has a great philosophy for doing just that. The basic purpose of the Community Action Agency is to stimulate a better focusing of all available local, state, private and federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations, and secure the opportunities needed for them to become self-sufficient, or in keeping with the theme of this talk, so they can enjoy fully the quality of life.

If you want to be "where the action is" in Wilmont, you have to be over 55, which most of the town folk are, and be a member of the Senior Citizen's center. As productive as this program is, it could be even more productive of dignity and quality of life if our attitude toward the elderly would change. We have the American know-how to harness the power to shoot man to the moon. Can't we harness the power of our elderly in such a way that their last years may be productive, not of goods for money's sake, although this is a possibility, but productive for human dignity's sake.

The success of the Community Action Agency, Welfare Agency, Health, Housing, any people to people help agencies, depends so much upon "attitude" of the people of this region and of the leaders elected and appointed. It also hinges upon the second area of my presentation.

Bigness and newness are the mood of America. The bigger the better, the newer the nicer. The towns of these ten counties are not big nor are they new. There is a whole school of sociologists who say, "In that case, they will die. They have served their purposes, team-haul towns, sixty minutes from farm to market, and since, cars and trucks have replaced the team, so small towns must die." You and I know these people are right if the small town remains what it was founded to be; the center of trade, the only center of life for its' people, and the farms a team-haul around. These towns were built on a spirit of strong competition and rivalry; one with another, and this may have been necessary. We don't want the small town to lose its' life or its identity, but how do we save them.

It calls for a people who foster goodwill. While they push their own interests, they will do it in a responsible way. They will seek to get ahead, but not at the expense of their neighbor. In all cases, two things are necessary. Each community has to take an honest look at itself, and come to a decision as to what it can really do and be—not all by itself, but in close interdependence on the farms, towns and cities in the sixty-minute area round it. Then in communication and cooperation with those around, be fully alive to what it does best.

The key to life is communication. America is organized on a vertical basis and the lines of communication run from a local unit to a county unit to a state unit to a national unit. There is little horizontal dealing within a county or between counties. Vertical communication makes us dependent upon far away resources. Horizontal communication makes people aware of their interdependence.

The Honorable Ray F. Schisler, Mayor of Worthington, invited the eighty-six mayors of this ten-county area to a brain-storming session December 6, 1971, at the Worthington Country Club in preparation for this conference. Those present were asked to voice their concerns and needs. The need for better communication between all people was mentioned in all the groups. The other concern that was voiced loud and clear was the lore of political punch, the lore of political power. Present time calls for a people who are willing to face up to reality. If the eighty-six mayors stand alone, they stand little chance of being heard. If all of us are willing to stand together, we can be heard.

We have asked our public officials to come here today to listen to these talks. Why? Not because we are going to tell them something new, but because we are doing it *together*. The three major farm organizations kicked things off this morning through their spokesman, Norman Lawson, and by voice are agreed upon a fourteen-point program. This is a beginning and if we are really honest, we have to come face to face with our sins. Sins on the part of the public and private sectors. One of the purposes of this conference is to show the elected and appointed officials who were invited here today that we do want to speak with a united voice. Town and country people contribute to their own neglect by an unwillingness to face up to realities. There are still significant differences between life on the farm, the small town, the city, and the metropolitan centers. However, it will be more helpful in achieving the goals of this conference and fostering the enrichment of life to emphasize that the people in different places not only need each other, but today are willing to work together.

Communities have the capacity to fulfill different functions, but to do so, self-interest and large community concerns need to be in balance. We need interest groups; we need town pride. These must not be ends in themselves, but means to achieve the development of an area. Loyalty to a place must not stand in the way of meeting basic needs. It is no longer important at what particular geographical spot a high school, hospital, or church is located. The important thing is that educational, health, and church services are accessible to the people so that their needs can be met.

Town and country society is no longer a land area made up of independent family farm units, isolated villages, and towns, each with its own separate social institutions. Today it is one web of human activity tied together into an area complex.

The old image of loyalty to a place and social independence still exists in the mind of many. This image must be replaced by an image which reflects a spirit of involvement and coordination of business efforts, a concern for area development, and an interest in quality communities.

I have tried to draw together three things that may help develop and assure a quality of life for our people in the ten-county area. I would be gravely amiss if I did not speak strongly to the major need. We have made gods, false gods of the "things" of the earth—production, money, possessions, fame, power, and then wonder why we have trouble. The bickering, mistrust and selfishness of all of us has to be put aside. We cannot honestly ask the political sphere for help if we are not open and willing to help each other. The strong must help the weak, not stay weak but grow stronger. If all we are interested in is "building bigger barns" for ourselves at the expense of our fellow men, then we are doomed to fail.

We need roads and plants and crops and education, but for the quality of life of men, all men.

UNITED STATES' FIRST RECOGNITION OF NEED FOR A POWERFUL NAVY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. WHITEHURST. Mr. Speaker, February 6 is an important date in the history of this Nation. It marks the signing of the treaty of alliance between the United States and France, an association that turned the tide of events during the Revolutionary War giving the Colonial troops the necessary naval presence and manpower to effectively meet the British.

February 6, 1972, we celebrate the 194th anniversary of the alliance. That association represents fulfillment of the recognition by Colonial military leaders of the absolute necessity of a powerful Navy if the war for independence was to be won.

A bond we have today to our history is the continued need of a strong, modern Navy. The United States is more than at any time in its history dependent on its Navy, merchant marine, and water-borne commerce to meets its requirements. A powerful Navy is still essential to a free United States.

During the war the British demonstrated time and again the usefulness of a Navy. The lessons were not lost on the Americans. Lacking a strong Navy of our own we turned to France, winning their support which was formalized in the 1778 signing. The action made possible the British defeat at Yorktown, a reversal of American discouragement with the war's operations, and eventual winning of independence from Britain.

Mr. Speaker, an outstanding article on this subject has been published in the February edition of Sea Power magazine. Author William Humphreys reveals the effective use the British made of "amphibious warfare"; Washington's growing recognition of the need for a powerful Navy; and the great importance Count De Grasse's blocking of Chesapeake Bay of September 15, 1781, was to the outcome of the war. I urge my colleagues to read it.

I insert the article at this point in the RECORD.

The article follows:

[From Sea Power, Feb. 1972]

"A THOUSAND FEINTS"—GEORGE WASHINGTON LEARNS THE LESSON OF SEA POWER AND A FRENCH FLEET TIPS THE BALANCE

(By William J. Humphreys)

William J. Humphreys went to Europe early in 1940 as a war correspondent for the Associated Press. He later joined the New York Herald Tribune and covered Western Europe for that paper until 1960. Until 1967 he ran a public relations office in Paris, when he retired to write a forthcoming book on French intervention in the American Revolution. He now lives in Brittany.

Histories of the American Revolutionary War are long on the valor of its heroes but short on the strategy guiding them, and the emphasis is not a little deceptive.

Needless to say, the dictionaries of the American language contain no words for overstating the bravery with which the outgunned and outmanned Continental Army and Navy outlasted the enemy. But in putting so much stress on battle action, meritorious though it was, and in paying so little attention to planning and operations, with all their setbacks, our chronicles accentuate episodes without telling us how independence was really won.

The most important by-product of this unbalanced approach is the prevailing, landlubber school of history. A basic misconception, where the Revolution is concerned.

This off-target idea is the assumption, when it is not being chauvinistically presented as a contention, that the Revolution's success already had been fully assured before the first French sail was sighted off our shores, in response to the Franco-American Alliance of 1778. This delusion maintains that naval operations were never decisive in the game plan, or high-command strategy. It would have us believe that naval operations were so secondary that victory, apart from its merely political formalities, already had been achieved three years before Yorktown.

George Washington's correspondence as Commander-in-Chief, from Boston in 1775 bidding his officers farewell, is a direct and complete contradiction of this cockleshell opinion.

The vast collection of his daily reflections of the war shows that the longer the struggle lasted, the more convinced the Commander-in-Chief became that disaster was overtaking the Fight for Freedom on a go-it-alone basis.

The justification for this perspective was his growing understanding of how sea power was dictating every strategic turn of the battle. The Revolutionary War was for Washington a progressive education in the imperative need of a French naval presence in American waters both before and after the signing of the Alliance on February 6, 1778.

"WAR FOR AMERICAN DEPENDENCE"

European historians display more awareness of Washington's dire requirements than our own authorities. They do so by preferring the term, "War for American Independence," while "American Revolutionary War," with its built-in suggestion of self-salvation is seldom encountered.

The difference is an accurate reflection of European thought between 1776 and 1783, when Old World high commands saw the Revolution merely as a police action taken by England against a colonial economy which had neither an armaments industry nor convertible currency with which to buy arms. To offset these handicaps, the benevolent intervention of France was held to be essential.

Thus, the War for American Independence engulfing the Revolution as one of its many theaters of operations, was a worldwide naval contest to force England to disperse her fleet and eventually surrender the Anglo-American Colonies. The respected naval thinker, Captain Alfred Thayer Mahan, USN, fully appreciated this viewpoint:

". . . the alliance with France and subsequently with Spain brought to the Americans that which they above all needed—a sea power to counterbalance that of England. Will it be too much for American pride to admit that, had France refused to contest control of the sea with England, the latter would have been able to reduce the Atlantic seaboard? Let us not kick down the ladder by which we mounted nor refuse to acknowledge what our fathers felt in their hour of trial."

Washington's writings are an unrelenting and poignant witness to his schooling in this problem limned by Captain Mahan; one of his earliest lessons received in March, 1776, when the British decided to yield Boston to its Patriot besiegers. At that time, Revolutionary spirits were still buoyed up by the action at Lexington and Concord the previous year. Optimism reigned, but was untutored.

Thus, there were cheers when the enemy garrison sailed away from Boston, even though there were no Patriot warships of sufficient firepower or tonnage to say nay to the departure or even to annoy it. Ashore in Boston, Washington was left under the misapprehension that the British Fleet's destination was New York, where it was logical for him to hope this same force could again be engaged.

NOVA SCOTIA'S LOYALTY

But as he learned to his disadvantage, the English had set their course for Halifax where they used Nova Scotia's loyalty to the Crown to screen the embarkation of reinforcements and provisions for the Battle of Long Island. It was this confrontation within the limits of modern Brooklyn that cost the United States the loss of Manhattan Island and its port—both invaluable to all the enemy's future operations. So deeply did the British dig in there, that they still were in the process of evacuation months after the 1783 peace treaty was signed.

Certainly, the loss of New York City's harbor was a *fortissimo* lecture on the advantage of amphibious operations and the facility with which the enemy could conduct them.

Thereafter, as his own handwriting confirms time and time again, Washington was never unaware of the essential, maritime character of the war. And it was inevitable that he saw that his handicap, the *sine qua non* weapon missing from the United States arsenal and absolutely unobtainable on a purely self-help basis, was a navy. A real navy.

We had none. Not so much as a single ship-of-the-line to defend our coasts or to suggest an incipient battle fleet. That fleet never was and never could be, until victory and independence could give the nation the time to build line-of-battle ships and the expertise to fight them.

On the other side of this coin with an empty face, the legend was capable of staggering men who were both contemplative and intrepid. The enemy of the newly declared United States was internationally rated as the world's only superpower, a distinction that rested exclusively on the Royal Navy's proven reputation of invincibility. None of this reputation was to be impaired by the consecutive losses of New York and Philadelphia and by Washington's inability to offer any effective resistance to these amphibious operations, a technique which his correspondence describes as "naval co-operation."

NEITHER INFORMATION NOR TIME

There had been 150 enemy sails counted when the British appeared off Sandy Hook prior to the Battle of Long Island. When Philadelphia's turn came, 260 vessels had 15,000 troops aboard when they left Staten Island in July, 1777, executed a feint at the mouth of the Delaware, disappeared and then reappeared in the Chesapeake. Obviously, Washington had neither the information nor the time it alone could provide to enable him to oppose the enemy's landing on Maryland's Eastern Shore, at the head of the Elk River.

Hermann Maurice, the Comte de Saxe, a Marshal of France, and one of that nation's more cherished heroes, used to say that his secret for winning battles was "in the legs." But it seems evident that his dictum was intended to apply solely to Fontenoy and other dry-land actions, and not to the footsore pursuit of sea power.

Indeed, it would be surprising if a man of Washington's perception had failed to see that the inviolate mobility of the enemy's troop transports under the Royal Navy's care was imposing a hopeless destiny upon him: always to react without being able to initiate. Nonetheless, the Commander-in-Chief bravely set about defending Philadelphia as best he could. When his line on the Brandywine was turned by the invasion forces, the way to Philadelphia was cleared. Before Washington could fall in his counterattack at Germantown, Cornwallis had already marched into what was then the second largest city in the English-speaking world.

Like Singapore nearly two centuries later, the Delaware River forts that were supposed to defend Philadelphia from a naval assault were taken from the rear.

Once again, England had demonstrated that she had to employ only a fraction of her sea power to preserve the impunity with which her ground troops could be moved up and down the coastline, striking where and when they would.

COMMONSENSE ARGUED

Ships-of-the-line, vessels with 74 guns or more, were the solution to Washington's predicament, but our yards, without peer in the construction of lighter craft, lacked the skills and experience to build the heavyweights capable of interfering with the enemy's freedom of movement. Frigates, a few of which our shipwrights could manage, were the cruisers of the 17th and 18th Centuries. They were speedy enough to run away from the heavier guns of the heavier ships-of-the-line, but it was suicidal for the faster, lighter frigates to dare to stand and trade blows with the dreadnaughts that were able to create. Proof of this shortcoming in our shipbuilding category was the 74-gun *America*. Several years were spent in assembling her, but she was destined never to fire a shot in anger.

Thus common sense argued that our frigates and other vessels should avoid engagements with heavier tonnage.

Before going into action, John Paul Jones and other naval heroes served their country best by scouring the horizons for odds that were no worse than even. Men were easier to replace than the sails they set and the guns they fired. Bluntly inventoried, the American war effort at sea added up to no more than what it was ashore. At best, the struggle consisted of hit-and-run tactics, or the mere harassment of the world's leading industrial and naval power. As such, it might sustain hopes of wringing a settlement of sorts from Parliament, but in the event of England's full mobilization, it could never be expected to exhaust her arsenal and so impose American independence by arms. Only what Washington called "a naval cooperation," a battle fleet strong enough to challenge the English invulnerability to sea, could dignify the American Revolution with a strategy and a chance for outright victory.

Washington's comprehension of this situation was never more apparent than when the enemy convoy of 260 vessels were embarking men and supplies at Staten Island in July, 1777, preparatory to capturing Philadelphia. It was an awesome spectacle. The Congress may be pardoned for nagging Washington to discover the expedition's destination.

But the port of embarkation had been effectively sealed off, and our spies were unable to crack the secret. Accordingly, on July 2nd, Washington was forced to write a note to John Hancock, then President of Congress, that sustained the suspense rather than relieved it. The strain showed in Washington's terse reminder to Hancock that the United States, with no navy of its own, was fighting the formidable sea power of England. "Their Fleet," the Commander-in-Chief wrote, "gives them the most signal advantages, and opportunity of practicing a thousand feints."

DESTINATION STILL UNKNOWN

On July 25th, when Hancock was advised that the Staten Island armada had sailed but that its destination still was unknown, Washington again seized the opportunity to remind Congress that it was up against the world's number 1 maritime nation.

"The amazing advantage the Enemy derive from their Ships and the Command of the Water," Washington wrote, "keeps us in a State of constant perplexity and the most anxious conjecture."

If Philadelphia's fall trumpeted the value of sea power, its deliverance from English hands the following year was no less instructive. Without so much as a solitary Continental trooper knocking at the gates, the British evacuated the city, bag and baggage. The surrender without a fight seemed almost magical. More than 10,000 enemy troops quit their prize with much haste and no dignity. By the morning of June 18, 1778, they were across the Delaware and hurrying across the Jersey flatlands to the safety of their Manhattan Island fortress.

However, it was not magic but *sea power* that explained the precipitous exodus from Philadelphia. France, the number 2 maritime nation, had signed the alliance with the United States the previous February 6th, and there was good reason to believe that Spain, honoring her share of the *Pacte de Famille*, would soon join the other Bourbon Crown.

As soon as London received confirmation March 25th, the fastest frigate in Portsmouth was dispatched to America on a voyage that might be compared with Paul Revere's ride. A paraphrase of the message for urgent delivery in occupied Philadelphia may be fairly stated in the following words:

The French are coming! Their intervention means Admiral d'Estaing's Toulon fleet may have already sailed for the Delaware to sever your own only line of communications. Head for New York! Get out of town before it's too late!

TREATED AS A FAILURE

Our analysts are wont to treat d'Estaing's cruise as a notable failure. They cite his reluctance to storm New York harbor's bristling defenses and his withdrawal from Newport, R.I., after the August hurricane of that year had knocked several of his vessels out of action.

Admiral d'Estaing, whose mere appearance in American waters was later credited with the British withdrawal from Newport, is more kindly treated by the Admiralty and War Office records in London. They are in no doubt about the cause of Philadelphia's bloodless liberation a success story hard to find in our own history books.

In any event, Washington recognized the significance of d'Estaing's rather modest reconnaissance. He became more positive than ever that the salvation of the fight for independence hinged solely on massive intervention by the French Navy. Therefore, he had no hesitation in approving LaFayette's application for a furlough to return to France, when the approach of cold weather ended the 1778 campaigning. Obviously, no one was better qualified than M. le Marquis to plead and in Versailles.

As it had been for hundreds of years, the army was the senior service in France, and it was a comforting thought that Lafayette was not only a part of it but also an established hero of the United States struggle for freedom. If anyone could be articulate about the reason why American battles were holding actions, the veteran of the fiercest ones should be the man of understanding.

M. le Marquis did much more than plead Washington's case. If we may believe his *Memoires*, he deliberately disobeyed Congress in the process. As explained in his own account of his Paris mission, his insubordination was intended because it was the surest way to provide a strategic weight of French naval assistance for the United States.

The *Memoires* explain that Congress was fearful of enmities left over from the French and Indian War, and for this reason, it specifically directed Lafayette not to ask for ground troops to be sent to the United States. French soldiers in the United States could provoke "anxiety and discontent," according to the *Memoires*. Petitioning France to send troops to America was actually a device to circumvent apathy at the topmost level of government, Lafayette's own words relate. They charge that Louis XVI, Vergennes and other ministers did not lead the nation into war but were dragged into it by public opinion.

Since French Army units were officered by nobility like himself, the Marquis was entitled to assume that soldiers going to the United States would be under the command of some of the Versailles Court's favorites, and that once the favorites were ashore in far-off America, the naval support without which the war could not be won would be much easier to obtain.

The *Memoires* speak of the author in the third person, and the Marquis has this to say about his intrigue against his King and Court:

"Lafayette knew that by employing young officers of the Court and by attracting in this way the attention of the French people to this little corps, the Ministers would be forced sooner or later to make use of it by giving it naval superiority on the American coastline."

Sufficient sea power to alter the course of the war, the *Memoires* add, had been Lafayette's "principal objective." But other operational claims on the Navy had been making the naval support "difficult to get."

Thus, "it was not achieved before 1781, and then just for a few weeks. The event (i.e. the Battle of the Chesapeake Capes in which Admiral de Grasse made possible the victory at Yorktown) had proved how right Lafayette was to exhort day after day the necessity or naval superiority."

On his return to Boston in April, 1780, after a year's absence, the Marquis brought word that "the little corps" of 5,000 men under Rochambeau soon would follow him across the Atlantic, but there was no Congressional rebuke for his disobedience. There was irony in this development. While Lafayette had been in France trying to wind up the war, it had been winding down in America.

ITS LASTING CONTRIBUTION

The currency of the period, then in the act of coining a lasting contribution to the American language, was "not worth a Continental;" inflation was rampant.

Feeding on the economic misery keeping step with the nearly worthless paper money, discontent was abroad in the land but it had nothing to do with the imminent presence of French soldiers. Moreover, the unrest was not merely a manifestation by civilians, as the mutinies in the Pennsylvania and New Jersey Lines soon were to verify. Not surprisingly then, Washington and Lafayette were most anxious to give immediate employment to the seven French ships-of-the-line escorting Rochambeau's men across the Atlantic to Rhode Island.

As soon as M. le. Comte stepped ashore at Newport in July, 1780, the Marquis de Lafayette was on hand as Washington's welcoming emissary and also to propose a joint attack on New York City without delay, with the seven ships-of-the-line providing the essential naval support. In this way, the war could be won in a single blow, and American resistance saved from sagging into defeatism.

Rochambeau declined, asking for a face-to-face meeting with Washington before deciding any major moves. It was a wise precaution. As Rochambeau had good reason to suspect, the Royal Navy had not been far behind him during his Atlantic crossing. In fact, a squadron under Admiral Graves put into New York just three days after the French convoy's arrival. "The tables were thus completely turned as regards naval supremacy," it is said by noted naval historian Captain Dudley W. Knox, USN (Ret.)

On this account, the Washington-Rochambeau conference at Hartford, Conn., the following September had little to do except to agree formally on the inability of the Franco-American armies to take a decisive action without "a constant naval superiority" to guard against an amphibious operation by the enemy hitting their flanks.

VIRTUALLY IMPOSSIBLE TO OVERLOOK

As a matter of fact, it was virtually impossible to overlook this fundamental. The participants had to break off their discussions and dash back to their respective stations when a courier dashed in on a lathery horse and reported that Rodney had just enhanced the enemy's naval advantage by dropping anchor in New York harbor. The situation looked more critical than ever. Ever since the conclusion of the Franco-American Alliance, the Royal Navy had been growing at the rate of more than 2,000 seamen each month, and in submission to these and other menacing developments, including the economic and financial plight of all of the original states, the Comte de Rochambeau decided to send his son, the Vicomte, back to France to solicit both hard cash and the Navy.

Lafayette also put his pen to work for the same cause. Writing to Vergennes on January 30th, 1781, he spoke for Washington and others in authority here when he said that "Everyone . . . it is physically impossible for us to support offensive units without ships." For the campaign months ahead in 1781, "a solid maritime superiority" had to be provided in the United States, "the true theater of war."

Like Rochambeau, Washington felt compelled to send a personal representative to France to request a special delivery of specie (coined money) and naval assistance. His instructions to his delegate, Lieutenant Colonel John Laurens, were to lay before Louis XVI and his Ministers the following grim survey of the United States:

"That next to a loan of money a constant naval superiority on these coasts is the object most interesting. This would instantly reduce the enemy to a difficult defensive and. by removing all prospect of extending their acquisitions, would take away the motives for prosecuting the war."

On March 5th, the King's Ministers bowed to the logic of these arguments, and Admiral de Grasse was issued his orders to concert his actions during the summer ahead with the Franco-American armies in the United States.

In preparation of that concert, Washington and Rochambeau paraded their men through cheering throngs of Philadelphians on September 3rd. It was a stunning display of confidence in French naval power, because the Battle of the Chesapeake Capes was not to be fought until two days later.

PROMISE TO SHOW HIS FLAG

As a matter of fact, the trusting generals of the Franco-American coalition did not know then whether de Grasse was weather-bound in the distance or nearby. All they had in hands was the French Admiral's promise to show his flag in the Chesapeake, where Cornwallis was also waiting for naval intervention to save him.

The Allied troops were already south of Philadelphia and its cheers of "On to Yorktown!" and "Vive le Roi!" when word was received near Chester that the French Fleet, led by the 100-gun "Ville de Paris," the flagship, had entered the Bay and was disembarking 4,000 French troops from the West Indies to help Lafayette seal off Yorktown by land.

With one exception, the sea, all of Cornwallis' escape routes were now closed. The trap was almost sprung, and this responsibility was up to de Grasse when the Royal Navy was sighted off Cape Henry with the intention of succoring the Yorktown garrison.

Admiral de Grasse's eagerness to meet the challenge may be measured by the fact he left 90 officers and 1,800 men ashore who were directing the beachhead landing of the West Indian troops. Although this constituted a handicap, which his officers later described as putting them on the defensive, the 24 French ships-of-the-line shot up Admiral Graves' 19 vessels so badly that the English admiral chose to return to New York.

Some historians have compared the Battle of the Chesapeake Capes with the dry-land action at Waterloo, where the rest of Europe gave Napoleon his comeuppance. Others, in the naval tradition, have said that it was more important than Trafalgar, where Nelson died reasserting England's naval superiority over its enemies.

Had Washington lived long enough to form his own opinions about Waterloo or Trafalgar, it seems unlikely that he would have quarreled with any of these analogies. For him Yorktown, coming after the Battle of Chesapeake Capes, must have seemed an anticlimax.

DISPUTED CLAIMS PAYMENT—WASTE OF TAXPAYERS' MONEY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ASPIN. Mr. Speaker, I have learned that the Defense Department is planning to allow contractors to collect at least 6 percent annual interest on the final settlement of disputed claims. I fear that this new regulation will be a potentially multi-million-dollar gift to hundreds of defense contractors. The new regulation, which will be part of the ASPR rules, will apply to all new contracts in excess of $1 million.

I have called upon Secretary of Defense Melvin Laird to cancel this new regulation. I believe it is simply a waste of taxpayers' money. If this new regulation goes into effect, a contractor who received a $20 million claim, after 5 years of dispute, would be paid a whopping $6 million in interest alone.

Presently, claims totaling at least $100 million are in dispute. Contractors can attempt to collect claims for any extra cost in the performance of a contract above the original price which allegedly is the fault of the Government.

I believe that this new regulation, in addition to being extremely costly, will have two adverse effects. First, the Government will be tempted to settle some unjustified claims in order to avoid a disputed claim that earns interest. Second, once a claim is considered in dispute, the contractor may hold up a final settlement to increase interest payments.

It is also interesting to note that the defense industry lobby is pressing for a further liberalization of this new and costly loophole. The industry hopes to place interest payments on a sliding scale and change the date at which a contract is considered in dispute, lengthening the time that the Government must pay interest.

This new regulation and industry's pressure for a liberalization of the regulation is just another sign that the entire claims system is not working. Outstanding claims against the Navy alone total more than $800 million. During fiscal 1971, only 3 out of 86 outstanding claims with the Navy were settled. The system is slow, imprecise, and extraordinarily costly. I believe our claims system needs thorough study and, undoubtedly, a comprehensive reform. This new regulation, which will be enormously expensive, will only encourage more waste in our already mismanaged claims system.

The letter to Secretary Laird follows:

January 28, 1972.

Hon. Melvin R. Laird,
Secretary of Defense,
The Pentagon,
Washington, D.C.

Dear Mr. Laird: I understand that the Department is planning to include in its ASPR rules a provision for the collection of interest on disputed claims by contractors as part of a final settlement.

Under this regulation, as I understand it, the contractor will be able to collect at least 6% interest on settlements of disputed contracts. This provision will apparently apply to all new contracts over $1 million once the regulation is in force. Thus if a contractor received a $20 million claim after five years of dispute, the government would be forced to pay a whopping $6 million in interest alone. That's simply a waste of the taxpayer's money. I believe that this regulation is a mistake and I hope that you will cancel it.

In addition to wasting the taxpayers' money, this new regulation would have two additional adverse effects. First, contracting officers may be tempted to settle some unjustified claims in order to prevent a claim from becoming a disputed claim. Secondly, the contractor may attempt to slow down the process of resolving disputed claims in order to gain larger interest payments.

It is my understanding that the defense industry lobby is pressing for further liberalization of the rule to widen this costly new loophole. The industry hopes to obtain a sliding interest payment schedule that would undoubtedly increase the interest costs. Also, the industry hopes to change the date on which a claim would become eligible for the collection of interest.

Industry's attempt to collect interest I believe is just another sign that the claims system is not working. The Navy, for example, settled only three of 86 outstanding claims in 1971. Over $800 million of claims are currently outstanding against the Navy alone.

After carefully reviewing this new rule I have concluded that, overall the regulation will be enormously expensive and will encourage more waste in an already mismanaged claims system. I hope that the regulation is cancelled.

Sincerely,

Les Aspin,
Member of Congress.

BARBOURSVILLE, W. VA., ELEMENTARY SCHOOL HEALTH AND PHYSICAL EDUCATION AWARD

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. KEE. Mr. Speaker, not once, not twice, but three times in a row, Barboursville Elementary School in Cabell County, W. Va., was designated as a demonstration center by the President's Council on Physical Fitness in recognition of its outstanding program of health and physical education. During 1971, Barboursville Elementary School was one of only 41 elementary schools in the United States to receive such an award and, to my knowledge, the only school in the tri-State area of West Virginia, Kentucky, and Ohio.

This was made possible by the dedication and motivation of a man, a staff, and a fine young student body.

Mr. William T. Tweel, director and instructor at the school, has been a major force in bringing together a spirit of youthful cooperation among the students. Mr. Tweel calls it total group participation and attributes success to the involvement of many adults and students working together.

To Mr. Tweel, to the principal, and staff, to the many young boys and girls, and their parents, we owe a debt of gratitude for bringing out that which is good in our young people.

It is my sincere hope that Barboursville Elementary School will continue to serve as a leader in this program area for the future.

THE FEDERAL DEFICIT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 3, 1972

Mr. BYRD of Virginia. Mr. President, the January 26 edition of the Northern Virginia Daily of Strasburg, Va., included an excellent editorial on the subject of Federal deficit spending.

I ask unanimous consent that the editorial, "A Deficit Is a Deficit Is a Deficit," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Deficit Is a Deficit Is a Deficit

The review of the President's annual budget has become an almost predictable routine each year. The monetary requirements of federal agencies grow in direct proportion to the rapidity in which a paternalistic government bores more deeply into the lives of everyone.

Nobody thinks in terms of balanced budgets anymore. In fact, one hardly hears the phrase these days. The people are apparently thoroughly conditioned to the fact that government is expected to spend more than it takes in. It has become a way of government fiscal life.

President Nixon's budget for the fiscal year July 1, 1972 to June 30, 1973 is no exception. It calls for outlays of $246.3 billion and income of $220.8 billion. It anticipates a deficit of $25.5 billion which is doubtless conservative. Announced anticipated deficits generally are.

During the current fiscal year the Nixon Administration had estimated the deficit to be $11.6 billion. It is now known it will approach $40 billion. What about the deficit for fiscal 1972–73? Estimated at $25.5 billion, we are willing to wager it will be somewhere closer to $45 billion.

The remarkable thing is that deficits are so commonplace that presidents no longer apologize for them or the fact that almost invariably the final deficit figures overrun estimates. President Nixon even appears to be using this new budget and expected deficit as a campaign talking point, stressing that the "planned deficit would stimulate economic recovery at a proper pace without risking a new wave of inflation."

We do not know exactly what the President means by this because our understanding is precisely to the contrary. We recollect that most economists in the pre-wage-freeze days were saying quite openly and convincingly that it was continued government deficit spending of the past decade or two which is one of the chief causes of today's high point of inflation.

Or, consider this presidential statement: "Deficit spending at this time, like temporary wage and price controls, is strong but necessary medicine. We take that medicine because we need it, not because we like it; as our economy successfully combats unemployment, we will stop taking the medicine well before we become addicted to it."

What is the President really saying? He is telling us that deficits are evil but that he must promise us a whopper at this time, only a temporary one mind you, just enough to give that nasty old economy a needed shot in the arm. When we get things under control, like irritating unemployment, we'll stop "taking the medicine before we become addicted to it."

Who's fooling whom? No hophead was ever more hopelessly addicted to heroin than this country is to deficit financing. The people know this, the politicians know it, and the Administration knows it, so why doesn't the President stop kidding around?

The fact is Congress has been presented with a budget which calls for expending $246.3 billion. We anticipate a deficit of $25.5 billion. It's election year and we can expect to be hearing a lot about the Nixon budget and the promised deficit. Whether it's a good budget or a bad one will be fully debated in the halls of Congress and out in the hinterlands.

Our only advice to candidates, Republicans and Democrats alike, is—voters are not stupid, they can understand a budget. But, more to the point, the voters know that a deficit is a deficit is a deficit is a deficit.

CANCER RESEARCH

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. CÓRDOVA. Mr. Speaker, the role of cancer research has been the subject of recent interest to the administration and has resulted in a bill just approved by this Chamber. For this reason, I would like to make public recognition of a new project at the Bethesda Naval Hospital which is making a significant contribution in the early diagnosis of lung cancer. A young Navy physician, Lt. Cmdr. Joseph F. Smiddy, has been involved in the development of a new technique for the use of a flexible fiberoptic bronchoscope in the diagnosis of cancer when only minimal symptoms of the disease may be present or where a chest X-ray may only be suspicious of the problem. Dr. Smiddy's work began in 1969 at the University of Kansas. On joining the Navy in 1971 it became evident to his superiors at the Bethesda Naval Hospital that this was an inspired young man with a revolutionary procedure. Utilizing flexible fiberoptics extensive areas of the lung can be examined for the early findings of tumor. The unique aspects of this procedure consists of the ability to be able to perform the examination easily and comfortably by either a surgeon or internist without the risk of anesthesia and either in the doctor's office or the hospital.

The naval hospital at Bethesda and its senior medical faculty should be highly commended for not only acquiescing in the progress of Dr. Smiddy's work, but strongly encouraging and even sponsoring his activities in the form of a naval research grant. At present, this technique is beyond the research stage and Dr. Smiddy's concern and that of his naval superiors is that this procedure become disseminated throughout the medical community. University research centers, Veterans' Hospitals, National Institutes of Health, and Malcolm Grow USAF Medical Center are actively organizing programs for utilizing this technique. It has even extended to the private communities of Metropolitan Washington. In the Alexandria area, pulmonary physicians have been successfully using this technique for the past 6 months. The Georgetown Medical Center under the leadership of Dr. Sol Katz, is also engaged in a program of training pulmonary physicians in the utilization of the Smiddy procedure. For the record, it has the formidable title of "Transnasal Bronchofiberscopy." For the patient, it represents a potential new lease on life when the early signs of lung cancer may strike. Such techniques as this, and many other forms of progress in cancer, not only need support in basic research, but also support in dissemination of vital information for the medical practitioner to extend to his patient in conquering this dreaded disease.

In closing, I would like to insert in the Record Dr. Smiddy's most recent report published in December 1971 in Annals of Internal Medicine:

Flexible Fiberoptic Bronchoscope

The availability of a flexible fiberoptic bronchoscope has extended the area of the bronchial tree that can be examined, by several orders of branching and with improved quality of image. The controllable tip readily permits examination of the upper lobes. A 1-mm diameter channel permits instillation of anesthetic or lavaging solutions, insertion of brush or forceps biopsy instruments, and aspiration of secretions. Used transnasally, this bronchoscope is now preferred for diagnostic bronchoscopy in our hospital and at the University of Kansas. We are currently training physicians from the National Heart and Lung Institute and Georgetown Hospital who will be using this method in those institutions.

The instrument (Olympus Model FB Bronchofiberscope) and its use have been described (1,2). However, passing the instrument through a previously inserted rigid bronchoscope or endotracheal tube results in patient discomfort and usually requires the specialized facilities associated with conventional rigid bronchoscopy.

As we have reported orally, the instrument can easily be inserted via the nose with greatly improved patient tolerance and no compromise in diagnostic quality. The examination does not require operating room facilities, and the equipment can be taken to the patient's bed.

The technique described is based on our experience in 27 examinations.

After overnight fast the patient is premedicated with atropine and, on occasions, sedation or analgesia. The nose and pharynx are anesthetized by spraying the solution of tetracaise, 0.25 mg/ml, to which 0.06 ml of epinephrine, 1:1,000, is added. The distal end of the instrument is coated with 2 ml of lidocaine jelly. The instrument is passed through the nasopharynx under direct visualization. Two milliliters of the anesthetic solution are injected through the channel onto the vocal cords; the total amount of tetracaine used does not exceed 50 mg. The instrument is passed by direct vision through the cords and into the trachea. Additional anesthetic solution can be added as the instrument is advanced.

All segments of the bronchial tree are examined with the patient seated and his head in a resting position. The controllable tip and small diameter of the instrument make possible direct examination of all segments and most subsegmental bronchi. Suspected areas are photographed in still or motion picture color. Forceps bite biopsy and brushings for culture and cytology are obtained through the channel from appropriate areas.

Patient acceptance of this procedure has been excellent, and there have no significant complications.

THE YOUNG IN BOISE ARE HELPING THE OLD—ELECTRONIC EXPLORER POST 58 IS TO BE COMMENDED

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, February 3, 1972

Mr. CHURCH. Mr. President, on two occasions I have commended to my colleagues the work of an organization known as the Friends of the Elderly located in Boise, Idaho.

The Friends of the Elderly have done an outstanding job of providing television sets, radios, phonographs, and other materials to senior citizens in the Boise area. Their work indicates what concerned citizens can do to aid senior citizens in need.

I am pleased today to report that the work of the Friends of the Elderly continues with a new facet added. Electronic Explorer Post No. 58 of Boise has offered its services to this organization in assisting in the repair of donated electronic equipment. The entire Scouting movement has had my strong support since I was a Scout myself. The work of these young men is in the best traditions of Scouting and exemplifies what can be done when people in a community care about the elderly.

I ask unanimous consent that an article entitled "Friends of the Elderly Receive Boost From Electronic Explorer Post" which appeared in the Boise paper, the Idaho Statesman, be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows.

Friends of Elderly Receive Boost From Electronic Explorer Post

A "shot in the arm" has come to the Friends of the Elderly.

Sixteen members of Electronic Explorer Scout Post 58 are at work repairing 135 donated television sets at the Friends' headquarters at 610 Main. The post, led by Ken Maxwell, a facility planner for the telephone company, is sponsored by Mountain Bell Pioneers.

Ernest K. Morehouse, one of the founders of Friends of the Elderly, has been coordinating the supplying of used television sets to elderly persons who do not have them. However, getting the sets in working order has been a problem.

Members of the post work each Thursday repairing the receivers.

Other volunteers who contribute time and work on the sets are Roy Cox, 1410 North Eleventh; and M. C. Huelett, Idanha Hotel.

Morehouse says volunteers are "desperately needed" to assist in the office work to answer the phone, type, and address envelopes between the hours of 1 to 5 p.m. Monday through Friday.

Morehouse said he hoped soon to be able to set up a coffee lounge in the building at 610 Main "so elderly persons can drop in when they are downtown to relax and enjoy themselves."

YOUTH FOR UNDERSTANDING PROGRAM

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. MORGAN. Mr. Speaker, John Locke, the 16th century English philosopher, once advanced the claim that "no man's knowledge here—on earth—can go beyond his experience." Although the theory is perhaps debatable, many of my colleagues will at least agree with the old adage that "experience is often the best teacher."

The international teenage student program—known as Youth for Understanding—is based largely on that premise. It proceeds on the assumption that in the field of international communication, as in other fields, there is no real substitute for personal experience. Communication, in fact, means more than knowledge—it means understanding. As YFU points out:

> There is no better way to get acquainted with people of other lands than to live in the same home with them, eat at their table wtih them, and learn to see life as it appears to them.

The idea is not new, but unlike many similar exchange programs, YFU concentrates on the precollege age group. International students of high school age are selected by YFU national committees of other countries to come and live in an American home for periods of 6 to 11 months. Most important, the "homestay" includes study in an American high school—either in public or privately sponsored institutions—and full participation in family, church, and community life. The program is fully interracial and interdenominational in character, and participants are selected, not on the basis of wealth or social position, but for their leadership potential. In certain cases, students are provided scholarships, either by YFU committees abroad or by such organizations as Lions, Rotary, Kiwanis, and church-affiliated groups. American high school students, in turn, are sent to live in homes abroad under comparable conditions. The learning process is, therefore, a two-way street, extending not only to the participants themselves, but to the host families which receive them.

From 1969 until 1972, for instance, 49 students from my State of Pennsylvania traveled abroad under YFU auspices, while 39 foreign students from countries in Europe, Africa, the Far East, and Latin America have been placed in Pennsylvania homes during the 1971–72 period alone. I am, of course, pleased to note that my fellow Pennsylvanians are actively involved in this worthwhile international effort.

Mr. Speaker, it is often said that we live today in a constantly "shrinking world"—brought about by rapid technological change. It is also an increasingly dangerous world which confronts the youth of today and the leaders of tomorrow. Those of us who have lived through two World Wars and the subsequent tragedies of Korea and Vietnam have learned one important lesson: The United States cannot exist in isolation from the rest of the world. What takes place abroad has its ultimate effect at home. In this respect, the practical education provided by the YFU experience cannot begin too soon.

I welcome this opportunity to express my support for the Youth for Understanding program, which clearly represents one small but significant step in the right direction.

MILITARY STRENGTH IS VITAL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BOB WILSON. Mr. Speaker, one of this country's most distinguished Russian experts is Col. Irving Salomon, a long-time friend and constituent. Colonel Salomon now devotes his full time as a Kremlin-watcher and for this reason his comments are often timely and succinct. I include his column from the San Diego Union of December 31, 1971, as a part of my remarks:

MILITARY STRENGTH IS VITAL

(By Irving Salomon)

It is very important that everyone should recognize that the Soviet understands and respects only military strength. Lacking in defensive armament, if diplomacy is not backed by defensive armament it goes from possible accommodation to disadvantageous confrontation.

American citizens must realize that the Soviet newly acquired armament has not only greatly nullified our own military potential, but, equally important, also our diplomatic stance. The disparity of our competitive military posture enables the USSR to utilize diplomatic coercion on our allies and bewildered neutrals.

The time has come when American citizens—those not connected with the military—be conscious of our equipment shortcomings. The Strategic Arms Limitation Talks, even if they appear to be hopeful, in the end will be euphoric.

Unless our own parsimonious armament attitude changes and unless we continue technological developments the threat of a superior enemy force will become even greater.

The administration has begun to recognize our precarious posture. It wants desperately to maintain our present conventional forces.

The attitude among proponents of a weaker American military is not understandable. These people should read recent statements by Soviet Foreign Minister Gromyko, who states unequivocally that increased Soviet armament is a giant step toward a major Soviet diplomatic offensive.

American people insure their lives, homes, cars and many other things. Yet, the most important insurance that protects our way of life is inadequate. If American people were fully aware of our vital military needs there would be very little complaint about added taxes for such purposes.

ERIC E. HILLARY OF DALLAS, TEX., TO REPRESENT BOY SCOUTS OF AMERICA

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. CABELL. Mr. Speaker, a fine young man from Dallas, Tex., Eric E. Hillary, has been selected as one of three National Youth Representatives to represent over 6 million members of the Boy Scouts of America in a special report to the President.

Eric, a 19-year-old Eagle Scout, was selected on the basis of his outstanding record in conservation, community affairs, religious and Scouting activities. He became an Eagle Scout in 1969 and has served in several Scouting leadership positions, including senior patrol leader, junior assistant scoutmaster, and others. Eric is a member of Post 998, which is sponsored by St. Luke's Presbyterian Church, and attends the Highland Hills Methodist Church, where he has served as president of the youth usher board and the youth fellowship group. Eric maintained a high scholastic average as a member of the senior class at J. N. Ervin High School. He is presently attending East Texas State University, majoring in radio, TV, and journalism.

As a National Youth Representative, Eric will be made a member of the national executive board of the Boy Scouts of America, a group of volunteer national leaders who establish the organization's policies and programs.

Eric's father, Josh Flannigan, Jr., is employed with the Southern Methodist University in Dallas and his mother, Bernice E. Flannigan, is a teacher.

Eric and the two other National Youth Representatives, accompanied by other Scouting leaders, have spent this week at Scout headquarters in New Jersey, in New York City, and here in Washington. I have had the pleasure of meeting with Eric in my office and of presenting my staff to him.

Eric represents the finest tradition of Boy Scouting and is a young man of whom all of us can be proud.

AREA COOPERATION ESSENTIAL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ZWACH. Mr. Speaker, the ills of the countryside are of great concern to many of our people. They hold meetings, give speeches, and write editorials about possible solutions to the economic plight of rural America.

An example of this concern is a guest editorial by Rev. Ken Wendinger which recently appeared in the Ortonville Independent and which, with your permission, I insert it in the RECORD:

AREA COOPERATION ESSENTIAL

(By Rev. Ken Wendinger)

Let's go back to the good old days! For those who know me, this is an amazing statement. People 60–70 years ago had some commendable traits that we need to imitate today. Our fathers and grandfathers cut and shocked their grain by themselves or with a hired hand. By and large it was a family affair. But they were smart enough to realize that they had to unite with their neighbors or other families to thresh their grain. A cooperative effort saved them time and money. Now our families are small towns or villages. They are struggling for survival against economic odds and lack of manpower resources.

Our towns in this area must now imitate the spirit of cooperation our grandfathers had. The 1970 census shows that towns with a population of 3,000 are now at the crossroads. Some will increase a little and survive, others will die. For every six farm families that quit, one businessman in town will leave. If Ortonville united with other towns in the area, we could have the resources and potential of a city with 10–12,000 population. Our schools could provide an enlarged curriculum and extra classrooms. An industrial site and its development could become an area project that would benefit everyone in the area. Recreational and cultural opportunities could be made more readily available for all, especially our youth. Farmers need and must support small towns but the businessman must also help the farmer receive a just price for his product. The rivalry and sometimes antagonism that exists between town and country is a luxury we can no longer afford.

What kind of future planning is going on between Ortonville, Clinton, Odessa, Graceville, Big Stone City, Milbank, etc.? Will we insist on duplicating efforts, spend money on identical projects and fail by ourselves because one town is too small to get the job done? Pride in one's town and individualism have their place but they can undermine the welfare of the larger community.

By this time many will have an objection to every proposal offered, like, "You can't cross state and county boundaries, people won't cooperate, or we've never done it that way before." Senator Robert Kennedy is supposed to have used this quotation: "I dream of things that are not, and I ask, why not?"

SENATOR TUNNEY SALUTES MARINE S. SGT. HARVEY WILSON FOR CONTRIBUTIONS TO YOUTH

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 3, 1972

Mr. TUNNEY. Mr. President, one of the great features of our society is the work that individuals in all walks of life, regardless of race, creed, or national origin, do in helping others lead more interesting and meaningful lives.

They find extra time and resources to contribute that something extra, that added ingredient which assures the success of programs, forges good ideas into organizational realities, assists ongoing projects toward better service.

Marine S. Sgt. Harvey R. Wilson is such a man.

He has returned to San Diego following a year's tour of duty in Vietnam, and has now resumed his work there as a community volunteer with his extraordinary commitment, energy, and diligence.

In 1970 the San Diego Junior Chamber of Commerce saw fit to designate him one of the 11 Outstanding Young Men of San Diego in recognition of achievement in his chosen profession and his dedicated service to the growth and progress of the community.

It is unusual for a military careerist to be cited for voluntary work in a local community by the Jaycees. He or she seldom has time, due to rotation in assignment, to establish roots in any one place. His efforts and contributions won such notice that we might tend to overlook the fact that Harvey Wilson is a black man.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article printed in Chevron, the weekly publication of the Marine Corps Recruit Depot in San Diego, on Friday, March 6, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEPOT SERGEANT HONORED BY SAN DIEGO JAYCEES

A Marine Corps Recruit Depot Marine has been honored as one of San Diego's "Outstanding Young Men of the Year—1969" by the San Diego Junior Chamber of Commerce.

Sergeant Harvey R. Wilson was one of 11 young men honored at a banquet Thursday night at the Atlantis Restaurant. The announcement was made by Jaycee vice president Colin W. Wied to the 200 persons who attended the annual Outstanding Young Men banquet.

Robert W. Arnhym was the master of ceremonies for the event and Assemblyman Pete Wilson gave the keynote address.

Born in Chicago in 1936, Sergeant Wilson was raised in Des Moines, Iowa. He has served aboard Marine Corps Recruit Depot, San Diego, several times—his first tour as a recruit in February 1953.

Sergeant Wilson said he became involved in community projects in San Diego years ago. "At first I was just around making a few suggestions and giving a few ideas. Gradually I became more involved, first with one thing and then with another."

He estimates that he devotes about 40 hours a week to activities in San Diego besides his regular job as administration chief at the provost marshal's office aboard the depot. He is currently the South Bay District vice chairman of the Boy Scouts of America and has worked as a swimming instructor for children in a "less chance" area. He is a member of the San Diego Jaycees, Masonic Lodge Number 79, the Mayor's Council on Youth Opportunity camping committee, the Model Cities Program and the Education and Economic Development Committee.

Explaining why he started "getting involved," Sergeant Wilson said, "I wanted to better prepare my kids, to make them better citizens."

"I have two boys," he continued, "and I wanted to involve them so they would have more than I had. Once I started getting involved I saw things that could be done for other people, especially young people."

"If certain things are made available to young people now, those things will help prevent riots like those in Watts and in Detroit later," he explained. Expanding on the subject he said, "Hopefully, if we can influence all age groups in a project to fit their needs they will not have enough time to become involved in destructive actions."

The sergeant said that when working with people in a less chance area it is important to make the programs and projects relevant to the community. He said that a program's success depends on getting a positive response from people, getting them involved in programs in which they can help themselves.

Sergeant Wilson conceived the idea of a Professional Sports Explorer program for the city's high school age youth. He said that this year he hoped to have programs for youth involving them with San Diego's professional athletic teams, the Rockets, Padres and Chargers.

"Ninety per cent of my time" Sergeant Wilson said, "is spent with the Boy Scouts." He first started working with the Scouts in San Diego in 1967.

His work with the Boy Scouts concerns the Southeast San Diego area. This area is about 58 per cent black and 22 per cent brown. It's a less chance area where the scouting program involves ways below the city average of one out of four boys.

"We're recruiting manpower right now to get the program moving. But our biggest job" he said, "is making scouting relevant to boys in the area with programs on a level with the rest of the community."

Sergeant Wilson explained that most families in Southeast San Diego could not afford to send a boy to a Boy Scout camp during the summer. "We're developing a program for this summer where every boy will be able to go to camp with barracks and hot food."

"To make scouting relevant to these boys, we're going to give them the essentials for survival in the outdoors. It's not going to be a luxurious vacation. They're going to be sleeping under the stars. There may be fresh milk and fresh fruit," he said.

At last year's Boy Scout Jamboree at Farragut State Park in Idaho, Sergeant Wilson was an aide to Archie Moore, one-time light-heavyweight boxing champion, who is a community relations specialist for the national council of the Boy Scouts of America. For his work at the Jamboree Sergeant Wilson was commented by the national council.

Sergeant Wilson has attended Virginia State College, San Diego City College and Southwestern College. He hopes to pursue a liberal arts degree with a concentration in human relations and psychology when he leaves the Marine Corps.

During his 17 years enlistment in the Corps, Sergeant Wilson has toured the Far East, Japan and Okinawa, served with the Fleet Marine Force Pacific Drum and Bugle Corps.

He attended the Defense Language Institute in Washington, D.C. and graduated from SCUBA school at Subic Bay in the Philippines in 1966. He spent a year in Vietnam with Headquarters Company, 4th Marine Regiment and the 3rd Reconnaissance Battalion before returning to the United States in December 1966.

Sergeant Wilson is a recipient of the Good Conduct Medal, National Defense Service Medal, Vietnam Campaign Medal, Presidential Unit Citation, Certificate of Commendation, Pistol Expert Badge, International Shooting Fund Medal, Southeastern Regional Marksman and Combat Action Ribbon.

Mr. TUNNEY. Mr. President, California, San Diego, and the Marine Corps are proud of its men like Harvey R. Wilson.

SECRETARY LAIRD INTERVIEWED ON ABC'S "ISSUES AND ANSWERS"

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ARENDS. Mr. Speaker, to assist Members in their evaluation of the situation with respect to Vietnam, what has taken place and what is contemplated, I am inserting in the CONGRESSIONAL RECORD the transcript of ABC's "Issues and Answers" program televised last Sunday on which Secretary of Defense Melvin Laird appeared.

Many of the questions were penetrating—the type of questions the American people are asking—and the answers of our able Defense Secretary were forthright.

The transcript follows:

ISSUES AND ANSWERS

(Secretary of Defense Melvin R. Laird interviewed by Roger Peterson, ABC Pentagon correspondent, and Ted Koppel, ABC diplomatic correspondent)

Mr. PETERSON. Mr. Secretary, welcome to Issues and Answers.

There is renewed fighting in South Vietnam today. We've been hearing reports all day. Is this the beginning of the renewed activity you have been predicting all along and if so, how serious is it going to be?

Secretary LAIRD. There has been a buildup opposite the B-3 front, which is Military Region 2 in South Vietnam, which has been noticeable during the last two months. I believe that the South Vietnamese have the capability and the capacity under our Vietnamization program to handle this combat situation. I don't mean by that that they will win every battle, but they will win the vast majority because of the equipment and the training that they presently possess.

Mr. PETERSON. Do you feel that the fighting that's breaking out today and apparently will continue, means that Hanoi will, in effect, reject the President's peace plan?

Secretary LAIRD. I think at this time of year, for the last two or three years, there has been an increase in combat activity and an increase in the aggressiveness of the North Vietnamese. This is not something new but I certainly feel that they will try to have several spectaculars this year, probably some time in February, and undoubtedly again this summer and some time before the Presidential election here in the United States. I am confident that the South Vietnamese have the capability to handle most of these battles. I don't think the people should get into a panic situation simply because the South Vietnamese do conduct several very tough battles during this year.

Mr. Koppel. Mr. Secretary, as you have suggested these things do tend to happen seasonally and this is one of the seasons when the North Vietnamese traditionally start moving troops into position. But it is not seasonal for the President of the United States to make the kind of exhaustive and intensive peace proposal that he has just made publicly. Aren't you a little discouraged if the portents, the signs, still seem to be pointing towards an offensive? Doesn't that simply a rejection by the North Vietnamese?

Secretary Laird. Not necessarily. As you know, when President Nixon took office there was only one route to end American involvement in Vietnam and of course that was the negotiation route and not much had happened on that route, and so a second track was opened up and that was the Vietnamization program to give the South Vietnamese the capability of handling their own in-country security, to take over the combat responsibility which should be theirs. I believe this program has moved forward on schedule and ahead of schedule in all aspects. And this is one way that we can end American invovement and terminate American involvement in Vietnam should the negotiation track not be successful.

Mr. Koppel. I am not questioning now your estimate of the success or relative failures of Vietnamization but the President said the other night, and I would like to quote him accurately, "If the enemy's answer to our peace offer is to step up their military attacks I shall fully meet my responsibility as Commander-in-Chief to protect our remaining troops." Now you better than anyone other than the President would know what he meant by that.

Secretary Laird. He means exactly what he says. We will protect the remaining American forces.

Mr. Koppel. Do we not have a situation now where the North Vietnamese are threatening American troops? There was an attack today on an American base in the central highlands.

Secretary Laird. We will continue to protect those American troops. When President Nixon took office, as you know, the casualties were running as high as 300 a week and those American casualties are down now to averaging less than ten, between zero and ten, in each of the last 16 or 17 weeks. We intend to keep casualties low as far as Americans are concerned as we terminate American involvement in the war.

Mr. Peterson. Mr. Secretary, the way that you've been keeping casualties low is through increased bombing——

Secretary Laird. The way we kept American casualties low has been the success of the Vietnamization program. We have been withdrawing Americans. When President Nixon took office the troop strength was 549,000; that was the troop ceiling. With the new announcement of President Nixon, the troop strength will be on May 1, 69,000. We have withdrawn over 87 percent of the Americans. Sometimes this is overlooked.

Mr. Peterson. All right. But now you are down to something like 12 maneuver battalions in Vietnam. How can you protect these remaining Americans other than through airpower, through artillery? Are you going to renew the bombing of North Vietnam?

Secretary Laird. We will continue to use American air assets in order to protect the remaining forces. This should be pointed out, that the bombing that has been carried on is substantially less. The tactical air sorties are only 25 percent of the rate that was in existence the year President Nixon took office. B–52 sorties are down to about half. We will certainly keep our options open as far as the use of airpower, but we have continued to live by the understandings, but we have conducted certain protective reaction strikes when our aircraft and when our pilots' lives were placed in jeopardy and we will continue that particular policy as far as Vietnam is concerned.

Mr. Peterson. Do you rule out any renewed bombing of North Vietnam if Hanoi does not signal in some way that they are willing to accept portions of the President's peace proposal?

Secretary Laird. We will protect Americans that remain in Vietnam as we continue our withdrawals. I do not get into advanced planning or advanced operational orders. I believe that this would be a very bad mistake for any Secretary of Defense to engage in that kind of speculation on this kind of a program.

Mr. Peterson. I remember on your year-end news conference I asked you the same question and you said you did not rule out that possibility. Are you now ruling it out?

Secretary Laird. I am not speculating as to what those possibilities might be. I do not believe that we should discuss possible operation orders one way or the other at this particular time. I don't think it serves any useful purpose.

Mr. Koppel. Mr. Secretary, one thing that I know concerns you and certainly concerns the American people, is the very outside possibility that at some point you and the President might consider sending American troops back into Vietnam. Could you at least rule that out for us?

Secretary Laird. I certainly would rule that out because our program on Vietnamization is turning over the combat responsibilities not only on the ground, which has been turned over to the South Vietnamese, but also the air responsibilities. Many people fail to realize that when President Nixon took office the South Vietnamese combat air power was made up of approximately 250 combat aircraft. The South Vietnamese now have well over one thousand. They have gone forward with a training program, one maintenance program, and the air parts of Vietnamization are moving forward very rapidly and very effectively. It takes a little longer in the air part of Vietnamization because of the training of the pilots, the training of the mechanics, but we are turning over the air responsibilities too in our Vietnamization program.

The fastest way, however, for us to become disengaged in Vietnam is still the negotiating route, and the President this last week has revealed to the world a very adequate and effective negotiating track and I believe that the entire world is aware of the seriousness of the United States to disengage through the negotiating route. Should that fail, however, the Vietnamization program gives us this opportunity to terminate American involvement as soon as the prisoners-of-war issue has been settled and the missing-in-action have been accounted for.

Mr. Koppel. Since you have now ruled out the possibility of sending America's troops back in, since we will be down to 69,000 troops by the first of May of this year, that does seem to leave the only option then with renewed air strikes. I mean we are already hitting the North Vietnamese.

Secretary Laird. You just don't understand the Vietnamization program because the Vietimization program is giving the capability to the South Vietnamese to handle not only the ground combat responsibility, but also the in-country air responsibility and the logistics responsibility. This program is working. They are taking a hold of this situation.

Now we can't insure the will and the desire of these people, but we can give them the tools, the training and the support that's necessary for them to accomplish this purpose and that's what we've done. Our program is not based on Americans taking over the responsibility, as was the program in 1965–66–67, up to '68. The program was changed in 1969 on instructions of President Nixon.

Mr. Peterson. Mr. Secretary, you are going to be down to 69,000 troops in Vietnam by the first of May, is this or could this be an all-volunteer force in Vietnam at that time?

Secretary Laird. It's possible that as you get down to a lower level that you could have volunteers. We're moving in the direction of an all-volunteer force world-wide. As you know, one of the things that I was instructed to do by the President of the United States when I became Secretary of Defense was to move toward an all-volunteer force and we have set that as one of our goals of this Administration.

Mr. Peterson. You had no draft calls in January. You said there was a possibility of no draft calls in February and March. Have you reached a decision on that?

Secretary Laird. There will be no draft calls during the first quarter of this calendar year. That will include January, February and March.

Mr. Peterson. Why not?

Secretary Laid. There are several reasons for it. First, we've had these two substantial pay increases, one that took effect on November 15th, another taking effect on January 1st, which were part of the movement towards an all-volunteer service. We've increased the pay and the projected pay of privates by 399 (299) percent and this is part of our program to move towards an all-volunteer force.

In addition to that, our Vietnamization program has been successful and we're withdrawing people from South Vietnam at the rate now, an average rate of some 23,300 a month.

In addition to that the Congress, in its wisdom, reduced the size of the army by some 50,000 (man years). This means in order to make the average man-year strength that is required under the congressional authorization bill, we will have to let 70,000 people out of the United States Army. So those four reasons are the reasons for no draft calls during the first quarter of calendar year 1972.

I might point out that the President's program to meet this all-volunteer goal has been moving rather rapidly. When he came in draft calls were 300,000, approximately, a year. We went down the next year to 200,000. Last year we were less than a hundred thousand. So we are moving in the direction of accomplishing the goal of President Nixon of a volunteer force.

Mr. Peterson. Do you have an idea of what the total draft calls will be for this year if there is no draft for the first three months?

Secretary Laird. I would not want to make that kind of a projection now because we'll have to see what effect these new pay increases, which total over $3 billion, have upon our recruiting and our retention programs. But we have made a success in moving in the direction of all-volunteerism in the military services and I do think that we've been able to eliminate many of the inequities of the draft system which was also one of the goals of President Nixon.

Mr. Koppel. Mr. Secretary, if your plan continues to go according to schedule, under some of the points you have outlined now, would you like to see zero draft calls in April, May and June, for example? Is that something that you are shooting for?

Secretary Laird. I would like to reach the goal established by our President just as soon as possible.

Mr. Koppel. And that would entail that?

Secretary Laird. We would like to meet the goals just as soon as possible but I can't give you a read-out, or an approximation of the effect of these pay increases totaling over $3 billion on retention as far as the Armed Services are concerned.

We also have some problems as far as the National Guard and Reserve. As we apply the total force concept to our planning, as we face the manpower realities and the costs of manpower, the Reserve and the National Guard take on increased importance, and we may have some difficulties in filling these particular billets and that's why we are coming to the Congress with new suggestions in this area in order to make the total force concept work during the period of 1972 and, as we look on, in our five-year planning for the national security needs of this country.

Mr. Peterson. Mr. Secretary, do you foresee any possibility that, if you can have a no-draft army, what about a draft for Reserve and National Guard because many of the men join that simply to avoid the draft?

Secretary Laird. It's something we have to look at. I would hope that there were other incentives that we could use and experiment with to try to attract young men and women to join the Reserve forces of our country, but we will look at all of these alternatives. It is a problem that we have to face up to as we move towards the zero draft call goal established by President Nixon.

Mr. Koppel. Mr. Secretary, there is one loose end I'd like to tie up on Vietnam. Who is providing the military hardware nowadays for North Vietnam? The last estimates I heard suggested that 80 per cent of the hardware was coming from the Soviet Union. Is that figure still essentially accurate?

Secretary Laird. Yes. One of, of course, the biggest items coming in is the economic aid. They don't call it military assistance; they call it economic aid and they ship many trucks into North Vietnam. Almost all of those trucks are coming from the Soviet Union, as well as 90 per cent of all of the military aid and other assistance. The key to peace, as far as limiting of supplies in North Vietnam, is in Moscow and I think that most Americans understand that now.

Mr. Koppel. I am sure you are going to be making some recommendations to the President before he goes to Moscow. Would that be one of them. That he would exert a little pressure there to get the Soviets to cease and desist?

Secretary Laird. This is part of the President's program for peace in the outline that he had to the American people and the world just this last week. He discussed a very thoughtful program of limiting military assistance both to the North and to the South and that is certainly a matter that needs to be considered in the negotiation area.

Mr. Peterson. Mr. Secretary, could we move on to your new budget? $83.4 billion, an increase of $6.3 billion over last year's. Last week on this program Senator Mansfield said he would not vote for such a large increase. What do you think your chances are of getting this through Congress?

Secretary Laird. I think our chances are very good. These funds are needed and necessary in order for us to keep up with the tremendous momentum that has been shown by the Soviet Union in the arms field during the last few years. This momentum has not decreased; it has continued at a very rapid pace.

Take, for instance, in this budget we have the acceleration of the ULMS program. I testified this week before the House Armed Services and House Appropriations Committees on this program.

The Soviet Union has gone to the point where now under construction and in being they have a larger number of Polaris type submarines than the United States possesses.

Mr. Peterson. Do they have just 42 or more?

Secretary Laird. Approximately 41 or 42, in that general area. This momentum, if they continue it, at the rate of construction that they are going forward with eight to nine a year, this puts them in a very strong position in the year '74, '75 and in that particular time period.

I think that most Americans want us to keep the option open and to accelerate the program so that we can start a construction program in this area. If the Congress approves our supplemental appropriation for $35 million that we have asked for for this fiscal year, plus the $900 million that we are asking for in the 1973 budget, we will have this option open. Admiral Rickover, Admiral Zumwalt, Admiral Smith, Secretary Chafee and others have assured me that if this supplemental request is approved we will be able to go into the architect-engineering contract award and be able to move up the likelihood of our having such a submarine in 18 to 24 months, putting it in the time period of '77–'78 instead of the time period of '78–'79 or '79–'80.

Those 18 to 24 months could be very important. You'll remember very well, I am sure, how important those 18 to 24 months' speed-up in the Polaris program were, to have those Polaris submarines out after the Congress took action at the time President Kennedy had his confrontation with the Soviet Union on the Cuban missile crisis. That action of the Congress was important then. I think the action of the Congress is important now to speed up this program in view of the Russian momentum.

Mr. Peterson. You talk about the new underwater long-range missile system. If you can get the money from your supplemental budget, if Congress approves the money you're asking for next year, you're saying you can speed the development of this system up about two years?

Secretary Laird. Yes, from 18 to 24 months.

Mr. Peterson. Is there any reason why you shelve what was called "Expo," the long-range Poseidon missile, and decide to go into an entirely new submarine and system instead? The costs are tremendous.

Secretary Laird. The costs are tremendous, of course, in any of these systems, but we believe that it is necessary for us to get a submarine system that can operate from ports within the United States, and I believe that this adds to the realism of our deterrent, and the cost differential is not that great when you consider the advantages to the deterrent force of the United States.

Mr. Peterson. It will still be 1976, '77, something like that, before you could have it? '76?

Secretary Laird. It would be 1977–'78 instead of the '79–'80 period. Those are the 18 to 24 months. Those are the time frames that I am discussing.

Mr. Koppel. Mr. Secretary, have you determined to your own satisfaction yet whether the Russians are indeed building an aircraft carrier? They have always stayed away from that kind of thing in the past.

Secretary Laird. They have helicopter carriers in the ASW mode that they do use and exercise not only in the Mediterranean but in other areas.

As far as their building an attack carrier, I can't really give you a definite appraisal on that at this time. We're watching that situation very carefully.

Mr. Koppel. Are you concerned about the Russians possibly cashing in their chips with the Indians or the new government of Bangladesh in terms of having a naval base in that part of the world?

Secretary Laird. There will be a naval presence. The Soviet Union has had a naval presence for some time in the Indian Ocean. As a matter of fact, today we have two ships in the Indian Ocean. One is the Mobile and the other a destroyer that is operating in that area. I think there is a port call being made and unloading military equipment today in Ceylon, but there will be a Russian presence in the Indian Ocean for some time.

Mr. Koppel. I was asking you specifically about a port. Are you concerned that in exchange for all the aid they gave the Indians during the recent crisis, do you think they are going to try to get some kind of port facility in India?

Secretary Laird. I think they will try. I don't know how successful they will be.

Mr. Koppel. As far as our own presence is concerned, is that going to be a relatively permanent thing now?

Secretary Laird. During the last few years, of course, we have operated in the Indian Ocean. It is not a permanent situation as such, as you refer to a task force which we had in there for a few days that has moved out, but we will have operations from time to time in the Indian Ocean.

Mr. Peterson. Mr. Secretary, talking about Soviet momentum. What about the missile development? There is all kinds of talk about new holes, new missiles or a hardened site. Do you have any further information now that you can talk about?

Secretary Laird. The momentum as far as the SS–11, which is comparable to our Minuteman system; the large missile, the SS–9, which compares with nothing we have in our inventory; that momentum is going forward and the construction is continuing on these new missile sites in the Soviet Union.

Mr. Peterson. There were reports that they may have about 300 SS–9's.

Secretary Laird. In my Defense Report to the Congress which I will be presenting to the Senate Armed Services Committee on the 15th of February, I will go into detail on these systems, along with the Chairman of the Joint Chiefs of Staff. We will go into detail on the presentation of all of the items in our budget in great detail, as well as the assessment of the Soviet threat as it compares with the Allied strength in the world today.

Mr. Peterson. Have they made any major strides forward from last year at this time?

Secretary Laird. Yes, they are stronger.

Mr. Peterson. In what areas?

Secretary Laird. They are stronger as far as the strategic forces are concerned and also their Navy and in the modernization of their Army.

Mr. Koppel. Are we in danger of, in effect—and I hate to use the phrase—of losing the arms race to the Soviets?

Secretary Laird. We are in a strong position as far as the United States is concerned at the present time. That danger does present itself in the time period of 1975 and 1976, if we do not take the action that has been recommended by the President of the United States in his budget message to the Congress last week.

Mr. Koppel. I don't think we would be fulfilling our obligations if I didn't very quickly ask you this last question before our time is completely up: What are the feelings of the Secretary of Defense on the subject of lady midshipmen, or midshipladies, or whatever we would call them?

Secretary Laird. I have always been for women and I would certainly encourage the Congress as a co-equal branch of the government, if they desire to appoint women to these Service schools, they would also have the responsibility to appropriate the funds and the construction money for dormitories and other facilities. Dormitories and these facilities do not exist in our Service schools at the present time and if the Congress wants to go down that road, they have the responsibility to provide the facilities, and they haven't done it thus far.

Mr. Koppel. But certainly you are not going to go on record as opposing the idea?

Secretary Laird. I would never go on record opposing women.

Mr. KOPPEL. Mr. Secretary, thank you very much for being our guest today on Issues and Answers.

IMPACT OF LONGSHORE STRIKES ON THE NATIONAL ECONOMY

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ABOUREZK. Mr. Speaker, a recent editorial in the New York Times, "Dubious Emergency," called to my attention the existence of a study initiated by Office of Management and Budget Director George Shultz while he was still Secretary of Labor. This study casts grave doubt on the argument that the west coast dock strikes are the major inhibition to economic recovery that the administration has been claiming. It specifically states that:

> The economic impact of strikes on the economy are usually exaggerated.

I share the concern of countless farmers and ranchers throughout rural America that this strike may have had a negative impact on farm exports. Nonetheless, this study lends me to believe that the administration, and particularly Secretary of Agriculture Earl Butz, is making a desperate attempt to cover up its miserable failure in agriculture by trying to lay the blame entirely on the dockworkers. This argument does not explain to me why farm prices were at such a dismal low even before the strikes took place.

I have acquired a copy of this study and have been examining it closely. Before legislation is passed which would interfere with the free collective bargaining process Congress should also examine this report. I would like to call to your attention now the summary of findings found in the second chapter of the report.

CHAPTER II. SUMMARY OF FINDINGS

The three longshore strikes studied are those which tied up East Coast and Gulf ports for the periods December 23, 1962–January 27, 1963; January 11–March 6, 1965; and December 20, 1968 to various dates between February 15 and April 13, 1969.

In general, U.S. foreign trade patterns during and after these three periods failed to reveal any long-run effects which could be directly attributed to the strikes. The strikes had no visible impact on the economy as a whole—industrial production, retail sales, national income, or total employment.

The longshore strikes of 1962–63, 1965, and 1968–69 do not appear to have caused any lasting unfavorable shifts in the basic trends of either imports or exports. The general pattern in all three strikes was: Some buildup in both exports and imports in the month before the longshore contract was due to expire and additional building in the month before the Taft-Hartley injunction expired; sharp drops in both exports and imports during the months the ports were closed; and then a significant recovery in the two or three months following the final settlement.

In both 1962–63 and 1965, U.S. exports in total were considerably greater than U.S. imports and the absolute changes in exports were greater than those for imports. In 1968–69, exports and imports were much closer to being equal in total and the absolute change in exports was relatively close to the absolute change in imports. The U.S. merchandise trade balance fluctuated around zero before, during, and after the 1968–69 strike.

Our estimates of average daily net loss in the U.S. trade balance attributable to the strke are about $9–10 million per day in the 1962–63 and 1965 strikes and roughly $3–5 million per day in the 1968–69 strike. The range of the estimated average daily loss in the 1968–69 strike is fairly large because the strike ended in different ports on various dates between February 15 and April 13, 1969. The estimates of the total net loss in the U.S. trade balance are: approximately $350 million in 1962–63; about $450–500 million in 1965; and roughly $250–300 million in 1968–69. None of the total net losses appears large in comparison with total U.S. foreign trade—$41 billion in 1963; $49 billion in 1965, and $70 billion in 1969. The U.S. favorable trade balance was $5.2 billion in 1962, $7.9 billion in 1964 and $1.4 billion in 1968 (includes military assistance grant-aid shipments).

The fact that we have been unable to find a significant impact on the national economy does not mean, of course, that the strike had no impact. Clearly it affected some businesses and ship operators—some of these losses, inconveniences, and increased costs incurred are traced in subsequent sections of the report.

This finding is parallel to that of the Department's 1961 study, "Collective Bargaining in the Basic Steel Industry." In that report one major conclusion is:

"It is our opinion that the economic impact of strikes on the economy are usually seriously exaggerated. Too often the losses of production, employment, and wages are evaluated in a context which assumes that there would have been continuous high-level operation had there been no strike. Such losses, as noted previously, if they are to be placed in a realistic focus, must be weighed over a time span that encompasses a period prior to the strike, the period of the strike, and a period long enough following the strike to permit restoration of inventory. The secondary effects of strikes must be evaluated in a context which recognizes the extent to which industry is subject to seasonal and cyclical forces, the fact that American industry generally operates well below capacity and the fact of inventory accumulation at several stages beyond basic steel itself. Viewed in this perspective most strikes can last much longer (even in an industry as basic as steel) than is generally believed before the economy will be seriously hurt. History in steel indicates that once strikes really begin to be seriously felt over wide segments of the economy, pressure from those affected will in most instances bring about a settlement."

Several factors have contributed to the comparatively small long-run impact of longshore strikes. There is evidence in the data as well as statements from companies deeply involved in foreign trade that there is both activity in anticipation of the strike and a great deal of makeup after the ports reopen. Larger companies in particular tend to spread their anticipatory or defensive actions over a long period of time. The extent of this offset depends on available capacity. For example, the ports were operating near capacity in 1969, making it difficult to clean up the congestion after the strike. This was not so in earlier years.

It is worth noting that the 80 day "grace period" which resulted from the invocation of the Taft-Hartley injunctions, may have contributed to the reduction of the strike impact by providing a clear signal that anticipatory activity was needed and by allowing an appreciable period of time to engage in such activity. At the same time, it is reasonable to expect that similar behavior might occur in anticipation of a threatened strike if it were made clear in advance that a Taft-Hartley injunction would not be sought immediately. Indeed, the evidence of anticipatory buildup in September, the month preceding Taft-Hartley injunctions, lends credibility to this possibility. Moreover, our findings indicate that there is typically as much or more buildup in both imports and exports in the post-strike recovery period as there is in the pre-strike period.

There appears to be no evidence of a permanent loss of export markets because of a strike. Any permanent losses would presumably show up in a slowdown in the rate of growth of either exports or imports not directly traceable to other causes—no such slowdown appears in the data and questioning of both major U.S. exporters and U.S. embassies failed to develop examples of permanent loss of customers or access to markets. This relative stability of markets for goods moving in foreign trade despite the loss of some sales during the strike most likely reflects the high proportion of finished manufacturers in U.S. trade. At present, over two-thirds of U.S. exports and almost 60 percent of imports are finished products, an appreciable share of which are well insulated against the effects of temporary breakdowns in delivery schedules. These goods reflect unique technological developments and patents, brand name maintenance, or consumer acceptance.

The steady growth of the multinational company with extensive international interplant transfers also undoubtedly has an impact on the stability of markets for finished goods. Because their various plants and subsidiaries are, in effect, captive markets, interruptions in the transportation system, such as those caused by strikes, will not generate changes in trade patterns for these companies. Market permanency, however, does not exist for many commercial agricultural products such as soybeans or wheat. These are normally sold on a strictly competitive basis involving price and delivery schedules. Inability to make delivery during strikes is reported to have caused significant losses of specific sales by the U.S., but not any appreciable loss of ability to re-penetrate the market once delivery again becomes possible.

DOMESTIC ECONOMY

With few exceptions, such as sugar cane and parts for some foreign vehicles, the strikes did not appear to generate shortages of materials or components in this country. Although waterborne commerce through East and Gulf Coast ports accounts for approximately half of total U.S. trade, the gross declines in trade between November and January, the height of the strike, were only about 35 percent in 1963 and 1965 and 30 percent in 1969. This reflects the fact that some commodities such as petroleum imports and coal exports are not affected by a longshore strike. To a minor degree, some shifting to air and alternate ports occurred.

Major manufacturing firms with significant export markets or reliance on imports indicate that they were generally well prepared and in a position to sit the strike out. These companies experienced some disruption of production and delivery schedules and some loss of profits because of strike-induced higher costs—use of alternate routes or modes of transportation, increased inventory costs, temporarily redundant personnel, loss of sales to better-prepared competitors, and so forth.

Although the national economic impact of a prolonged strike appears to have been minimal, the strikes have severe or even disastrous impacts on some small immediate port neighborhoods and businesses, and on many individuals. The halt in port activity adversely affected small truckers, importers and exporters whose livelihood depends on a steady flow of merchandise, small retail establishments featuring imported products, and many of the port-supporting groups such as restaurants, bars, and so forth. The extent that the strike may have affected physical health or national safety (security) is difficult to determine. However, the impact on the movement of Department of Defense cargo has been minimal and requests for special treatment based on health or security needs were normally honored.

The most visible impact of a longshore strike is on the oceangoing fleet and its workers. The Maritime Administration estimates that failures to sail cost U.S. merchant seamen about $21 million in potential wages, most of which cannot be made up since there are no means, such as overtime, to recover lost earnings. There have been estimates that it costs around $6,000-$7,000 per day to operate a vessel, even when it is tied up by a strike. At the peak of the 1969 strike, 650 vessels including 185 U.S. ships were tied up in ports—the direct costs to the U.S. vessels were thus over $1 million a day. Some of the costs can be made up when the strike ended by higher revenue from greater ship utilization—cargo already waiting in the ports for ships and faster turn-around times as a result of cargo consolidations. Again, the extent of this makeup depends on how near to capacity the ports and shipping-related companies operate under normal conditions.

Employment can also be affected by a strike. In a full employment situation, however, there tends to be a great deal of labor hoarding and, therefore, few layoffs. This was the case in the 1968-69 strike where the only significant layoffs took place in the sugar refining industry where stockpiles were consumed before the strike ended. There were also a few sporadic layoffs in individual companies because of particular material or component shortages, or lack of business in service industries.

There is also a question as to whether the strike has any effect on the earnings of longshoremen. With the significant exception of the Port of New York, longshoring is frequently only an incidental occupation for an individual, and, based on historical experience, he will have ample opportunities to make up any losses by extended overtime work when the strike is settled. Using Baltimore as an example, in the year ending September 30, 1968, almost 40 percent of the 5,500 registered longshoremen worked less than 100 hours in the year and nearly 50 percent worked less than 700 hours. Only 36 percent of the registered men worked 1,300 or more hours. If 1,800 hours is considered a full year's work (allowing for vacations, holidays, etc.,) less than 20 percent of the Baltimore longshoremen can be considered as regular longshoremen. Except for New York, it is clear that the bulk of the longshoremen are casual workers, and conversations with stevedoring companies, port authorities, and other experienced people lead us to believe that they have ready access to other full-time employment. The regular workers are also in a strong position to be away from the piers for a fairly long period of time at the end of the contract year. Because longshoremen do not work for a single employer, their pay is handled through an employers' group established for this specific purpose. The group collects all fringe benefits from employers and then passes them on to the individual or to the union depending upon the particular benefit. In the case of vacation pay and holiday pay, a regular worker with a history of attachment to the port over the past several years collects a check in December covering these benefits for the contract year which ended on the previous September 30. This check is equal to approximately six weeks of full-time activity. In Baltimore it amounted to over $900. (He may also collect a sizable sugar-handling premium at the same time.) Even if the strike lasts beyond the December bonus of the average regular longshoremen, most have basic skills in handling machinery, etc., and are reported to have little trouble getting temporary jobs.

SOVIET-AMERICAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HAMILTON. Mr. Speaker, John Campbell, senior research fellow at the Council on Foreign Relations, has recently presented an overview of Soviet-American relations in the journal Current History. His article, in the October 1971 issue, discusses these relations in the context of the SALT talks, Europe, the Middle East and the Far East. Mr. Campbell notes that—

> The United States has not found a substitute for its 20-year policy of containing Soviet power. The Nixon administration's "doctrine" and the various changes it has made are a part of the search for a new policy. In the Soviet Union, the leadership is also burdened by the past and groping toward the future.

I recommend his article, which follows, to my colleagues.

SOVIET-AMERICAN RELATIONS

(By John C. Campbell)

(NOTE.—Since 1955 John C. Campbell has been with the Council on Foreign Relations as the director of political studies and senior research fellow. Previously he was with the State Department as a specialist on East Europe and a member of the Policy Planning Staff. His most recent books are *American Policy Toward Communist Eastern Europe: The Choices Ahead* (Ann Arbor: University of Michigan Press, 1965) and *Tito's Separate Road* (New York: Harper & Row, 1967).)

What is the focus, in this third year of President Nixon's "era of negotiation," for estimating the state of Soviet-American relations? Does the classic "Soviet threat" still lie at the beginning and the end of America's concerns about national security and foreign policy? The public, in large part, wants to believe that the cold war is over. The skeptical school of thought notes that the Soviet government continues to depict Soviet policies as devoted to the struggle with American imperialism. President Richard Nixon's administration takes a practical middle course. It negotiates on issues where the Kremlin has decided that negotiation is useful. It tries to hold its ground on others where there is no such Soviet disposition to seek agreements. It points with alarm to other issues where the two powers are in danger of open conflict.

The picture is thus mixed. Negotiations on strategic weapons (SALT) go forward with a reasonable chance of agreement. Détente is again in fashion in Europe, but many political problems on which a true détente depends remain unresolved. The Soviets talk about the desirablity of getting a settlement in the Middle East but will not play a constructive part in reaching one. The two powers are nowhere near the point where they can discuss on a broad basis how to limit and reconcile their interests in various parts of the world in the interest of greater security for both and for the rest of the world, nor would all welcome as an unmixed blessing an arrangement that looked like a Soviet-American condominium.

A congress of the Soviet Communist party always provides a convenient vehicle to allow the leaders to lay down the general propositions that sum up where they are and where they propose to go.

The 24th Congress, held in March, 1971, which confirmed Party Secretary Leonid Brezhnev's status as first among the leaders, also confirmed the stability—some would say the immobilism—of the regime and its major policies. Brezhnev represents the middle-of-the-road domestic policies which have characterized the oligarchic rule of the "superclerks" since they overthrew Nikita Khrushchev in 1964. Such a regime might be effective in pursuing foreign policies already marked by success, but it has not shown much imagination either in new adventures or in a rethinking of its relations with the United States.

On the ideological front, Soviet attitudes evident at the 24th Congress were as harsh as ever. It is not possible to say how much the self-confident hard line of the Soviet leaders was due to their conviction that, as the Soviet Union was growing stronger and more assertive in international affairs, the United States was becoming weaker, unable to sustain its position abroad because of protest and failure at home. Not since the 1930's could the Soviets see so much in America's performance to substantiate the old thesis of capitalist crisis. Because that was the picture being drawn by the best Soviet experts on American affairs,[1] there is at least a strong presumption that it affected the thinking of the top leadership.

Policy, however, is made up of decisions. The thesis of the uncompromising struggle against capitalism has been accompanied for many years by another and allegedly equally Leninist thesis of peaceful coexistence between states with differing political and social systems, which also received its due in the main statements of the 24th Congress. The one other factor, often overlooked, is the degree to which Soviet decisions over the years have been reactions to American decisions.

Looking at the background of American policy, one is struck by certain similarities. Here, too, there exists a body of holy writ, which finds its most recent expression in the President's two "state of the world" messages of 1970 and 1971. They attempt to set forth a consistent United States world policy which retains what is essential from an earlier time, changes old approaches and priorities to fit new conditions, and generally lowers the American "profile." The "Nixon doctrine" themes—cutting down commitments which require United States forces to fight other nations' wars and stressing the need for friends and allies to do more for the common defense because the burden borne by the United States for so long has become too great—were perhaps the minimum concessions that had to be made to a public aroused over Vietnam and the mounting demands on the federal budget. But they were also a response to changes in the world picture and could not disguise what in the eyes of the world, and of Soviet leadership, was a contraction of American power.

What the President said about the Soviet Union itself therefore took on added importance. Some time before reaching the White House he had come to believe that in major matters involving danger of war or cooperation for peace the United States had to look to Moscow. In the proclaimed era of negotiation, direct communication with the Soviet government was to be the means of dealing in the large with the unresolved problems of Southeast Asia, the Middle East, Europe and other areas.

The experience of two years in office has modified the administration's original optimism with regard to how far and how fast

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Footnotes at end of article.

confrontation could be replaced by negotiation. The Nixon administration's view of the Soviet Union as of mid-1971 was much like that of its predecessor.[2] It hoped for negotiated settlements; it wished to enlarge the areas of common interest with the Soviets; but it expected no general détente and no slackening of Moscow's efforts to expand Soviet power.

NEGOTIATING FOR ARMS LIMITATION

The Soviet leadership, following the humiliating experience of the Cuban missile crisis, gave the highest priority to achieving parity with the United States in strategic weapons and substantially reached it by the end of the 1960's. Thus the same question was posed to both countries; was it better to go ahead to even higher stages of an uncontrolled competition, with its mounting dangers and colossal cost, or to try to negotiate limits? It took a long time for the two governments to agree to negotiate, but they finally sat down together in Helsinki in November, 1969.

The first tangible sign that some agreement could be reached was the simultaneous announcement by the two governments on May 20, 1971, that they would concentrate on reaching early agreement on anti-ballistic missile systems (ABM) and on certain measures to limit offensive weapons.[3] It was enough of a positive sign to warrant optimism that an accord of some kind would be reached by the end of the year. Agreement on ABM might be relatively easy; the defensive shield around Moscow might be balanced against a similar shield protecting Washington, or comparable systems defending certain offensive missile sites might be allowed, with all other ABM's ruled out.

Just what SALT would produce by way of a detailed treaty might be of less significance than the mere fact of a first agreement on levels of strategic arms. Both sides, of course, had to contemplate the results of failure. A full-scale arms race resumed in the atmosphere of ill feeling attendant upon a breaking off of the negotiations would raise tensions dangerously.

EUROPE

Related questions possibly subject to parallel negotiation include the reduction of force levels and armaments in Europe and new arrangements for security on that continent. In the mid-1960's, the warming atmosphere of detente in Europe encouraged a revival of such talk, but the Soviet invasion of Czechoslovakia in 1968 quickly cooled it. Then, after a decent interval, the Warsaw Pact countries began renewing their proposal for a European security conference, with an added reason for doing so—to get Western confirmation of the status quo, including the fait accompli in Czechoslovakia.

Eastern appeals for a security conference, however, were matched by Western proposals for a balanced reduction of force levels in Europe, first put forward at the NATO meeting at Reykjavik in June, 1968.[4]. At later meetings in 1970 and 1971 the NATO ministers made the point that a European security conference might be useful if progress could first be made on reduction of forces in Europe and on a Berlin settlement. The Warsaw Pact states rejected the idea of preconditions to holding the conference, but Chairman Brezhnev showed unexpected flexibility when, at the 24th Party Congress, he mentioned the reduction of force levels as a necessary task and, in a speech on May 14, 1971, he said the time had come to start negotiations.[5] The NATO nations welcomed the announcement, but the Soviets did not hurry to begin.

Why all this fencing? For the United States it has long been a vital national interest, shared with the nations of West Europe, that those nations remain free and secure. NATO, the organized expression of that interest, was essential at the time of high tension with the Soviet Union. Now the problem is how to adapt NATO before public support erodes so that it may still provide security and at the same time be helpful in moving Europe toward political settlements which will eventually provide a firmer basis for security.

Soviet aims in Europe, now carried forward under the banner of détente and security, are the reverse: to bring about the eventual withdrawal of American military power, to encourage West European nations to lose interest in NATO, to keep them weak and divided, and bring them to an impotent and controlled neutral status. This latter long-term goal, termed "Finlandization" by some observers, is not publicly proclaimed except by implication. Another set of motives is more immediate and more modest: to hold East Europe within its orbit by winning Western acceptance of the status quo, including the German Democratic Republic.

This purpose lay behind the decision to negotiate the treaty of August 12, 1970, with the Federal Republic of Germany and to enter into talks with the Western powers on Berlin. The chief result of the treaty (and of the West German-Polish treaty of November 20, 1970, and eventual treaty between the two German states) is to eliminate the reunification of Germany as a practical issue and to certify the territorial status quo.

The first test is Berlin. If a satisfactory solution can be found there,[6] then West Germany's treaties with the U.S.S.R. and Poland will be ratified; negotiations on force levels and the European security conference will probably take place; and Europe may enjoy a relative stability unknown since World War II. West Europe has been increasing its trade with both the Soviet Union and East Europe and Washington has now belatedly begun to dismantle the barriers to its trade with the East. The Soviet Union's present desire for a period of relative quiet may be ascribed to a number of reasons. But whatever the relative weight of these reasons, Soviet policy seems to be giving the United States and its West European allies the chance to keep open the channels for future cooperation with the East while working out the not negligible problems which beset the Western community itself.

THE MIDDLE EAST

In the Middle East region, the former imperial powers, Britain and France, have lost almost all influence, leaving the United States and the Soviet Union in a situation of direct rivalry. The involvement of these two powers on opposing sides of the Arab-Israeli conflict has not only heightened the rivalry but has injected a risk of war into each stage of that conflict. As President Nixon said in a portentous statement on July 1, 1970, the Middle East was a more dangerous area than Southeast Asia because the two superpowers were in direct confrontation and were therefore flirting with the peril of a major war.[7] Perhaps he was overstating it, but his words were spoken under the shock of a bold Soviet move, the commitment of Soviet combat personnel (missile crews and aircraft pilots) to the active defense of Egypt against the strikes of the Israeli air force.

Much of the danger in the Middle East came from the absence of clearly defined limits between the two alliance systems. The United States had treaty commitments to Greece and Turkey as members of NATO and a less definite commitment to the defense of Iran. But the Soviets, while improving their own relations with those northern tier countries, had bypassed them to move into the eastern Mediterranean and the Arab world where they had established strong military and political positions. They turned an area which for decades had been under Western influence into one of open competition in which the momentum of an ever-increasing Soviet presence threatened established Western positions.

The Soviet naval squadron in the Mediterranean grew from next to nothing in 1965 to a force which at times reached 60 vessels and by 1971 was a major factor in the balance of power. Although it was still no match in combat strength for the United States Sixth Fleet, its presence had to be taken into account both as a military instrument and as a political influence on littoral countries. Moreover, as the Soviets gained the use of both naval and air facilities in both Egypt and Syria, they went a long distance toward nullifying the advantage the Sixth Fleet held by virtue of its carrier-based air power. Supplemented by the dominant military position the Soviets gained in Egypt through their combat personnel and some 10,000 advisers there, the growing Soviet naval power challenged both the United States and its NATO allies for whom the Mediterranean was both a frontier and a lifeline for the supply of oil.

The Kremlin's advocacy of the cause of the radical Arab states in the Arab-Israeli and inter-Arab disputes had one purpose: to bring the Soviet Union into the Middle East and to keep it there. United States policies of supporting Israel, keeping Arab friends and trying to promote an Arab-Israeli settlement had a number of purposes, but the principal aim was to check the advance of Soviet power into the region. Both powers supported United Nations Security Council Resolution 242 of November 22, 1967, which laid down the principles for an Arab-Israeli settlement.

During the course of 1969, the United States and the U.S.S.R. conducted a bilateral discourse on an Arab-Israeli settlement and at the same time took part in four-power talks with the other two concerned members of the Security Council, Britain and France. The Soviet-American negotiations produced a number of agreed points toward a plan which could be recommended presumably through U.N. Representative Gunnar Jarring, to the parties. But other points were not settled, and as the negotiations came to their sorry end, the Soviets denied their acceptance of points the American side considered as already settled.

The developments of 1970, during which the Israeli-Egyptian battlefront largely determined the pace and character of the diplomacy, drew the two powers into sharper confrontation. Israel's air war provoked U.A.R. President Gamal Abdel Nasser's call for help to Moscow, which in turn provoked the sending of Soviet combat personnel to Egypt. Then the remarkable success of United States Secretary William Rogers in getting both Egypt and Israel to accept a cease-fire, presumably with the benevolent support of the Soviet Union, seemed to give all sides a breathing space after a period of unpredictable danger. But the benefit to Soviet-American relations was dissipated almost immediately in the controversy over the introduction of Soviet missiles on the Egyptian side in the Suez Canal area. As far as the United States was concerned, this action was a deliberate violation of an agreement by Egypt and the Soviet Union. Although new American arms credits to Israel eased the situation, the setback to the prospects of Soviet-American negotiation and cooperation was unmistakable.

"Does the Soviet government want a settlement in the Middle East?" is a frequently asked question. Publicly and privately Soviet representatives have given an affirmative answer. But the Soviet Union is determined not to be outflanked on the Arab side. It wants to maintain its military presence in Egypt to preserve a relationship which keeps that country looking to Moscow for political guidance and arms. Much as Moscow wants the Suez Canal open for its own reasons, it does not intend to see the United States succeed in removing the main reason for Egypt's de-

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Footnotes at end of article.

pendence on the Soviet Union—the continuing Arab-Israeli dispute.

The Arab-Israeli affair, of course, is not the only play running in the Middle Eastern theater. Elsewhere in the region the Kremlin has also been asserting its interest and its presence. With Turkey it has continued its policy of détente adopted in the mid-1960's, hoping that the downward trend in United States-Turkish relations would push the Turks away from NATO toward neutralism. In the area of the Persian Gulf, the Soviets have combined a cooperative relationship with Iran with continued patronage of Iran's unfriendly neighbor Iraq, which had a revolutionary potential among the small Arab emirates on the Gulf. They gave no indication that Soviet power would somehow move into the gulf when British power made its formal exit before the end of 1971, but there is no question of the liveliness of the Soviet interest.[8] A modest entry in the Middle East oil industry and visits of Soviet naval units to the Indian Ocean and the Persian Gulf attest to it further.

THE FAR EAST

At the center of the Asian equation is China, a great power by virtue of her size and her nuclear capability. And next to China is Japan, possessing economic strength which makes her potentially a great power indeed. In the days when Japan was a ward of the United States and China was a junior ally of the U.S.S.R., the theory of the bipolar world bore some relation to the realities of power politics in Asia. Now the Soviet Union and China wage their own cold war. Most important, they face each other in armed hostility along the longest land frontier in the world.

In this situation, it is noteworthy that the Soviet Union's détente policy in Europe helped it to concentrate massive military forces on the Chinese border, to compel China to negotiate on frontier disputes under threat of war (as it did in 1969), and to keep that pressure on indefinitely. China, for her part, could not feel secure when she faced military threats from the Russians in the north and from the Americans in the south; thus, when it was clear to Peking that the Americans were leaving Vietnam, the United States became eligible as a counterweight to the enemy in the north and to a resurgent Japan. It was also true that the United States would be in a far more favorable position in dealing with either of the other points of the triangle if it were in normal contact, able to negotiate and find common interests, with the other. The American decision to accept Communist China as a reality of international life was overdue. The announcement of the President's visit was an extra flourish which gave added emphasis to the new shape of an old game called balance of power.

In other parts of Asia, American and Soviet policies are in conflict but not in the old sense of a two-sided cold war. The Soviet Union would like to see a weakening of the United States' ties with Japan, but Japan is no third-world vacuum. The Soviets have had little leverage either in the economic deals they have offered or in the activities of the Japanese Communist party.

In Vietnam, the United States and the U.S.S.R. have fueled opposite sides of the war, but it is instructive that in the past few years the United States has found itself appealing for Moscow's help in persuading Hanoi to give acceptable terms for withdrawal. Moscow did not have that kind of influence in Hanoi, and what influence the Soviet leadership had it wished to expend for itself in its rivalry with China. It was also useful to have the war drag on to drain American attention and resources from other places and to feed the fires of isolationism. And the United States, which in seeking a way out of Vietnam has been concerned with many factors, may have been least concerned over advantages for the Soviet Union.

Again, in South Asia, the pattern has been shifting. Since the India-Pakistan war of 1965 the Soviet Union and the United States have had nearly parallel policies, trying to keep some standing with both sides and to discourage a renewal of the war. But China is also in the picture as a friend of Pakistan and as a potential enemy of India. The United States chose not to undertake large-scale arming of India, and the Soviet Union became the major supplier, gaining correspondingly in influence. When the crisis over East Pakistan burst into violence in the spring of 1971, these trends were intensified. China expressed her support of the Pakistan government. The United States lost influence in India because it refused to condemn Pakistan and cut off aid. The Soviet Union sacrificed its position in Pakistan in order to seize the opportunity to become the principal patron and supporter of India, a position made formal and projected for 20 years by a treaty signed on August 9, 1971.

THE UNCERTAIN FUTURE

Was this step, coming soon after the Soviet-Egyptian 15-year treaty of May 27, the sign of a new Soviet approach? It called to mind an earlier Soviet proposal for a collective security system of Asian states including the U.S.S.R. and presumably aimed against China and the United States.[9]

Great uncertainties exist in both countries regarding the future of their relations. The United States has not found a substitute for its 20-year policy of containing Soviet power. The Nixon administration's "doctrine" and the various changes it has made are a part of the search for a new policy. In the Soviet Union, the leadership is also burdened by the past and groping toward the future.

Both sides now appear to accept the general proposition that war on the grand scale is not a rational proposition. Both know that the use of force on a lesser scale cannot be ruled out. They also know they have a common interest in keeping violence within safe bounds, but they have not had the statesmanship to find sure ways of doing so.

The Soviet Union, despite the security inherent in its strength, is capable of violent action. It is troubled by the old nightmare of encirclement, now in a new capitalist-Communist form. Within the "world socialist system," so central to its view of the future, its former unchallenged dominance has been beset by sectarians of the right (Yugoslavia) and of the left (China). A military move against either, with all its dangers to world peace, cannot be excluded. The new Soviet role of global power may bring involvements which come to be seen as vital interests, a situation combining inflexibility with a high risk of war. Nor is it impossible that the United States, if it sees itself being pushed by the Soviets out of areas deemed of vital importance, will resort to force on the ground of "better now than later."

Working in the other direction is the tendency in both countries to see their direct confrontation as receding from the central place in their respective foreign policies. China and Japan and perhaps a united West Europe are coming on the stage as major actors. Countries of the third world have proved to be beyond control by outside powers, or not worth fighting about. Finally, with the passage of time the problems change. The difficulty is that the Soviet Union and the United States, being largely self-contained and parochial societies, may be the last to recognize the change.

FOOTNOTES

[1] See A. Arbatov, "Administratsiia Niksona u seredny distantsii," *S.Sh.A*, August, 1970, pp. 3–16.

[2] For differences in tone between the President's messages of 1970 and 1971, see Zbigniew Brezezinski, "Half Past Nixon," *Foreign Policy*, Summer, 1971, pp. 6–7.

[3] *Department of State Bulletin*, June 7, 1971, pp. 741–742.

[4] Final communique, Ministerial Session, issued June 27, 1968.

[5] *24th Congress of the Communist Party of the Soviet Union, March 30–April 9, 1971: Documents* (Moscow: Novosti, 1971, p. 28); *Pravda*, May 15, 1971.

[6] *Ed. Note:* The draft agreement signed by ambassadors of the U.S., the U.S.S.R., Britain and France on September 3, 1971, is a major step in this direction.

[7] *Department of State Bulletin*, July 27, 1970, p. 113.

[8] See for background, *The Gulf: Implications of British Withdrawal* (Georgetown University Center for Strategic and International Studies, 1969).

[9] Hemen Ray, "Soviet Diplomacy in Asia," *Problems of Communism*, March/April, 1970, pp. 46–49.

THE DEATH OF MAHALIA JACKSON

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. METCALFE. Mr. Speaker, several days have passed since the death of our beloved Mahalia Jackson and we can now speak of her without the consuming emotionalism that burst from our hurting hearts. Instead we can give thanks and praise for the wondrous gifts she brought from a people to give to the world.

Mahalia Jackson died last Thursday, January 27, at the Little Company of Mary Hospital just outside of Chicago. As a legacy, she brought into prominence America's first folk songs the gospel spiritual—a music form that sings of pathos and joy. and portrays the spiritual richness created in spite of the deprivation of a people's rights.

This Congress and all America can rejoice in the fact that out of the poverty and bitterness of the ghettos of Louisiana, Mahalia Jackson could rise through her gift of singing to appear before Presidents and kings. For in a very clear manner, Mahalia was an appointed queen in her own right and one of this country's most loved and respected envoys.

She loved her God, she loved her country, she loved her people, and in all her 60 years, she made not one enemy for she knew no wrong. Mahalia was a woman deeply committed to her beliefs. Often during the rise of her career she refused requests to sing the more popular songs that would have led to even more fame and fortune, for her commitment was to God. Even upon reaching the height of her career she still appeared annually at the National Baptist Convention, for her commitment was to her religion. Her close association with Dr. Martin Luther King, in the struggle toward full freedom is evidence of her commitment to her people.

Mahalia Jackson was a woman of whom this country can be very proud. She will not be forgotten, because her music will live forever in the hearts and souls of thousands of Americans who loved her.

Mr. Speaker, I would like to close on a more personal note. I knew Mahalia Jackson well. I felt privileged to have known her as a friend. I am a member of the board of directors of the Mahalia Jackson Youth Foundation. She knew that she could call upon me at any time and I felt honored that she did. The country has experienced the loss of a great and dedicated person. The tragedy for me is more personal. I have lost a friend.

SUPPORT FOR STANDING COMMITTEE ON ENVIRONMENT NEARS A MAJORITY

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BROTZMAN. Mr. Speaker, nearly 3 years ago I first proposed that the House of Representatives reorganize itself to the task of eliminating environmental degradation in the United States. I proposed, to this end, the establishment of a standing Committee on the Environment with jurisdiction to consider legislation on the subjects of air pollution, water pollution, solid waste disposal, noise pollution, herbicide and pesticide abuse, and weather modification.

At the time I realized the establishment of a new standing committee would not be an easy task. Only two new standing committees have been created since the Legislative Reorganization Act of 1946. Nevertheless, I felt a new committee was necessary in this case, because we had clearly reached the point where the national interest demanded an orderly, cohesive assault on environmental problems. While it was becoming more and more apparent that the various environmental degradation problems are closely interrelated, legislation treating these problems was being referred to a myriad of committees and subcommittees.

Today, I am again reintroducing legislation to create a standing Committee on the Environment. Nineteen of my distinguished colleagues are joining in cosponsorship, bringing to 203 the number of Congressmen who have sponsored or cosponsored identical resolutions. These Members represent 43 States and the District of Columbia. They include large numbers from both political parties, and perhaps most significantly of all, they serve on all of the 21 present standing committees of the House.

Mr. Speaker, I believe the time has arrived for the House to act on this proposal. In both 1970 and 1971, the House passed a joint resolution to establish a nonlegislative Joint Committee on the Environment. Along with the overwhelming majority of the membership of this distinguished body, I supported that measure as an interim step in the effort to upgrade the quality of our environment. Unfortunately the joint committee still is not a reality. Even if it were, it would only have study and advisory functions, and its membership would consist largely of committee chairmen and ranking minority members who already carry extremely heavy loads with their present assignments.

The magnitude of the vote on the Joint Committee proposal has amply demonstrated this body's awareness of the problems caused by trying to resolve environmental problems within the framework of our existing committee structure. Rather than waiting indefinitely for a joint committee, why not face the problem squarely with the establishment of a standing Committee on the Environment in the House. Hopefully, the other body will eventually follow suit, but let us not delay further in answering the need for better environmental legislation.

A single standing committee would have numerous advantages over the present approach to environmental problems. Its members would be chiefly concerned with the subject of environmental degradation. They would have the benefit of a professional staff whose chief efforts would be directed to environmental matters. Especially important, they could view our environmental problems from a broad perspective, taking care to not attack one form of pollution by generating another of greater magnitude.

No other single step, Mr. Speaker, could do more to bring this body into the forefront of the crusade to upgrade our physical environment than to establish the standing committee I advocate. For many years I have contended that Congress should be innovative, and that it should not merely react in the fight to preserve our earth, its waters, and its atmosphere. But, to do this, our committee structure must reflect the nature of the problem. Only then will we be in a position to fulfill our obligation to leave the earth, its atmosphere and waters in better condition than we found them.

TRANSPORTATION STRIKE LEGISLATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday I joined with the gentleman from Michigan (Mr. HARVEY) and a bipartisan group of 58 cosponsors in introducing H.R. 12848, a bill to provide permanent mechanisms for handling labor disputes in the transportation industry. I wish to commend the gentleman from Michigan on his untiring and diligent efforts to develop sound and workable legislation in this area. This bill is similar in many respects to the administration's Crippling Strikes Prevention Act with the exception that the administration bill would bring all transportation industries under Taft-Hartley, whereas the Harvey bill amends both the Railway Labor Act and Taft-Hartley. Both bills would increase the arsenal of weapons available to the President in dealing with an emergency strike situation in the transportation industry.

I think it is significant to note that the administration's bill has been pending before Congress for 2 years now with no action being taken. In the meantime, we have had a series of crippling strikes, the most serious being the dock strikes which have caused untold damage to our Nation, especially to exporters and farmers. The fact that we are now confronted with the distasteful task of attempting to end the west coast dock strike by legislation authorizing compulsory arbitration vividly demonstrates the need to devise a more comprehensive and permanent approach to settling these disputes, and the folly of trying to deal with each on an eleventh hour, ad hoc basis. The time has come for this Congress to divorce itself once and for all from this crisis mismanagement mentality and develop a more rational and effective means of handling these problems. I therefore urge immediate and favorable consideration of the legislation we are introducing. The American people will no longer tolerate inaction and delays in this vital area.

TOCKS ISLAND DAM PROJECT

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. DU PONT. Mr. Speaker, I am pleased to insert in the RECORD today two letters concerning the Tocks Island Dam project.

The first, from Senator CLIFFORD CASE to Chairman Russell Train of the Council on Environmental Quality, sets forth the requirements that should be met before approval can be given to the project.

The second, I wrote to Chairman Train on December 6. This letter points out the many unanswered questions concerning the effect of the project on the lower Delaware River.

Both letters underscore the need for considerable further study by the Army Corps of Engineers before any construction should be allowed to begin.

The letters follow:

DECEMBER 6, 1971.

Chairman RUSSELL E. TRAIN,
Council on Environmental Quality,
Washington, D.C.

DEAR MR. CHAIRMAN: I want to thank you for your letter of November 16th regarding earlier correspondence on the Tocks Island Dam Project. I certainly want to commend you for taking the judicious action which you did. I think that your decision to postpone construction activity on the dam is a landmark for the success of the National Environmental Policy Act.

I would, however, like to draw your attention to a facet of the Tocks Island Project which has become obscured due to the focus of attention on the eutrophic potential of the water impounded by the dam.

You may recall that in May, I testified along with Dr. William Gaither, Dean of the College of Marine Studies at the University of Delaware, as to the necessity of studying the potential downstream effects of the dam.

Dr. Gaither, in his testimony, pointed out five major areas of concern in the Delaware Bay which had not yet been adequately studied. They are identified in the attached copy of his testimony.

Upon reading the most recent draft of the Corps of Engineers Environmental Impact Statement, it is evident that these possibilities still have not been studied in the Delaware Bay.

I would hope that before any construction is started, the Corps of Engineers would examine the downstream effects where the benefits of the dam are the least and where the potential for damage is the greatest.

In your letter of April 7, 1971 to Robert Jordon, you cited the need for conducting a study which would include an examination of the primary and secondary effects of the dam. In light of the potential for damages to the Delaware Bay by this dam, I consider it vital that the Corps study the secondary effects, such as those posed by Dr. Gaither in his testimony.

Sincerely,

PIERRE S. DU PONT IV,
Member of Congress.

JANUARY 14, 1972.

Hon. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR MR. TRAIN: Following our recent conversation, I should like to summarize my own position and my understanding of the position of the Environmental Quality Council and the Environmental Protection Agency in regard to the proposed Tocks Island Dam and Reservoir project.

I do not oppose the project as such, and I understand that the Council and the Agency do not oppose it either. But the Council and the Agency and I are opposed to the project unless serious environmental questions which have been raised in regard to it are satisfactorily resolved.

In the Agency's December 17th letter to the Army Corps of Engineers, the Agency points out that full provision must be made for protection of the environment of the area before any construction is begun. This is especially important since there have been reports that the Corps of Engineers would like to move ahead with the advertising for bids as soon as possible.

Among the environmental dangers perhaps the most serious is that, if the waters are impounded in a reservoir, as presently planned, "eutrophic conditions would develop rather rapidly." The oxygen would be virtually exhausted and the reservoir would be dead. Relevant here is the fact brought out by the Agency that pressures from developmental and recreational activities "could accelerate eutrophication."

Eutrophication of the reservoir would rule out its use for recreational purposes. Fish would not live in it and its stench would be intolerable.

To some degree, perhaps seriously, the quality of the water would be impaired. Moreover, releasing water from the reservoir could cause eutrophication problems downstream, including fish kill, as these waters would lack sufficient oxygen for fish survival.

It is my understanding that it is the position of the Council and the Agency, with which I fully agree, that the protection of the environment requires:

1. the development of a specific program, with all essential technology, to correct the conditions which otherwise will lead to eutrophication of the water when it is impounded;

2. that legally binding and practically enforceable commitments be undertaken for actually carrying out each of the steps necessary to prevent eutrophication; in this connection, the Agency and the Corps of Engineers point out that "cooperation will be necessary between local, state, inter-state, and Federal governing bodies and their agencies."

3. the assured availability of adequate financial resources to meet the enormous cost of construction and operation of the necessary anti-eutrophication facilities.

As the Agency said in its letter, "Without such firm commitments, the environmental impact of this project may well be a liability rather than the planned asset for this region."

The Council and the Agency are agreed that the steps necessary for the protection of the environment of the area, as outlined above, should be taken before construction begins. I agree. And the Council and the Agency have, and will continue to have, my complete support in this position.

Would you please advise me whether my understanding of the positions of the Council and the Agency, as I have outlined them, is correct.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

NATIONAL SPEECH CONTEST

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. MICHEL. Mr. Speaker, it was my pleasure this morning to join with other colleagues at a breakfast honoring 12 outstanding young men from all over the country who participated in a national public speaking contest yesterday at the Waldorf Astoria Hotel in New York City, sponsored by the Reader's Digest Association and the Boy Scouts of America.

These young men are reporting to the President today as part of a nationwide anniversary celebration of the Boy Scouts of America.

I was particularly pleased that a young man residing in my congressional district, Mr. David Snell of Pekin, Ill., finished third in this competition and was awarded a $1,000 scholarship. I have had the pleasure of meeting David before and, in fact, have been interviewed by him from time to time in his capacity as an announcer for radio station WSIV in Pekin.

I congratulate him and extend my very best wishes to him for continued success in his future endeavors. I know he will continue to bring credit to his home community in the future and we are all very proud of him.

I insert in the RECORD an article from the Pekin Times, of Friday, January 21, 1972, about David and his accomplishments:

DAVE SNELL ONE OF 12 TO PARTICIPATE IN NATIONAL SPEECH CONTEST

A visit with President Nixon and a trip to New York City and Washington, D.C., is the payoff for David Snell, 17, of Pekin, as he competes in the national public speaking contest, sponsored by the Reader's Digest Association and the Boy Scouts of America.

Dave will report to President Nixon Thursday, Feb. 3, as part of the 62nd anniversary program of the BSA. He is the son of Mr. and Mrs. B. G. Snell of 1321 Veerman street, Pekin.

The Report to the President is a part of the naionwide anniversary celebration of BSA. Six million Scouts, Explorers, and adults in almost 500 councils will participate in the celebration.

Competing for the $3,000 winner's scholarship, Dave will enter national competition with 11 other contestants. The final speaking competition will be held Feb. 2, when the contestants will address the Kiwanis Club at the Waldorf Astoria Hotel in New York City.

Topping the prizes from the Reader's Digest Association is a $3,000 scholarship for the winner, a $2,000 scholarship for the runner-up, and a $1,000 scholarship for third place. Fourth- thru sixth-place speakers get $400 and the other six competitors will receive $300 grants.

Hobart Lewis, president of the Reader's Digest Association and a member of the BSA executive board, will make the presentations. Team of judges will be headed by Robert Engle, Santa Ana, Cal., executive director of Toastmasters' International.

After the speeches, all 12 Scouts and Explorers will board the express Metroliner for Washington, D.C.

At the White House, members of the delegation will report to President Nixon on progress and developments in the Scout program this year.

Most significant announcement will be about Operation Reach, the new drug abuse prevention program. Operation Reach is designed to create an environment that will discourage drug experimentation among Scouts, Explorers, and their friends.

In addition to the White House visit, the group will meet with Cabinet members, labor leaders, and be honored by members of Congress at the traditional Congressional breakfast, held each year in the Rayburn House office building. Rep. John Y. McCollister of Nebraska will preside.

Snell is a senior at Pekin high school, where he is a member of the speech team. He has received awards at the local and statewide levels in public speaking.

He has been active in Cub Scouting and Exploring for a total of three years and is now vice-president of Post 1140, sponsored by radio station WSIV of Pekin.

Religious activities figure prominently in his life. He is a member of the Church of Christ in nearby Tremont, where he is a substitute preacher and teaches Bible classes.

Upon graduation from Pekin high school, he plans to study for a career in professional broadcasting.

PRESIDENTIAL CANDIDATES MUST NOT ABUSE SOUTH

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BRINKLEY. Mr. Speaker, 1972 is a presidential election year. It can be a time of constructive leadership and healing; a time of unification and renewal—as well as being keenly competitive.

May I give the perspective of the district which I have the privilege to represent in Congress relating to the proper attitude of national presidential candidates. Primarily, they should not be sectional; they should know no North or South, East or West. Their outlook should be truly national and it ill behooves a candidate from the new left to charge a man from the old right with being sectional.

The definition of a conservative may come as a surprise to some. It is one who would conserve the liberties of man and limit the powers of Government. A presidential candidate should possess those qualities.

In Congress we have acknowledged authorities in the field of finance and taxation, in the field of education, and in other fields who serve in the people's house, the U.S. House of Representatives. May we encourage these gifted, fundamental people to offer their leadership at the national conventions.

Mr. Speaker, I could never support a candidate for the highest office in the land merely because he is the better of two poor choices; neither would the people of Georgia support such a man.

The Book of Ecclesiastes teaches that there is a time to speak and a time to be silent.

Now is the time to speak. My promise is to never support the lesser of two evils, and I make my vow to oppose any presidential candidate who would abuse the South and, thus, the Nation, through sectional legislation or otherwise.

BLOODSHED IN NORTHERN IRELAND

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HEINZ. Mr. Speaker, with each passing day, the tragic situation in Northern Ireland becomes more needlessly bloody.

On the morning of February 2, 1972, as a portion of the National Broadcasting Co.'s "Today" television program, an interview was presented during which Dr. Patrick Hillery, Minister of Foreign Affairs of the Republic of Ireland, made many thoughtful and interesting observations about the present conditions in his country.

This interview, with Edwin Newman, sheds a great deal of light on this tragic situation. I feel the United States should actively seek alternatives to the bloodshed and suffering which occur daily in that troubled nation.

To that end, I include at this point in the RECORD, the text of the interview with Dr. Hillery, so that all might better understand the situation in Northern Ireland:

AN INTERVIEW WITH DR. PATRICK HILLERY

EDWIN NEWMAN. On Sunday thirteen people were killed by British soldiers during a demonstration in Londonderry in Northern Ireland. The Irish Republican Army threatened to kill thirteen British soldiers in reprisal, one soldier has been killed. To the south, the Irish Republic has been swept by sympathy strikes and there have been attacks on the British Embassy in Dublin.

Last night Patrick Hillery, Minister for Foreign Affairs of the Republic of Ireland, flew to New York. He's looking for United Nations support for his government's demand that British forces be withdrawn from Northern Ireland. I understand he'll also be talking to the Canadian and American governments.

Dr. Hillery is with us this morning.

What exactly is it you are trying to do, Dr. Hillery? What do you want the United Nations to do?

Dr. PATRICK HILLERY. I doubt if they can do a great deal because the limitations which I met before two years ago will be still there. The Article 2-7 prevents the United Nations going into the domestic affairs of the country, and all six southeastern counties are, by definition of membership in the U.N., domestic to the United Kingdom. We don't agree that it should be, but that is the case. . . .

NEWMAN. That being the case what can . . .

HILLERY. That being the case we can only hope that the United Nations may, and other governments too, may impress upon the British that their policies in the north of Ireland are lunatic, they're aggressive, they're warlike politics—polices on a—on a peaceful nation. They're going to cause war in our country. They have already created, as you've mentioned, the IRA, which is a non-government army. It rises from the populous. It was always there to some extent, but it has been created now as a resistance movement in the north, as a—a movement in the part of the country over which we have control.

NEWMAN. You said British policies are going to cause war. What do you mean by that?

HILLERY. They have—they've been trying to maintain a regime in the north of Ireland which has lost 40 percent of the populous in support, and must be very much doubted by the others. They're doing this by internment, torture, and now open warfare on the innocent people.

We have followed peaceful policies, but it is not possible to control all our people, and the IRA you mentioned will have some support from the rest of our country.

NEWMAN. From the government?

HILLERY. If there will be a war, it's probably not going to be one like you think in terms of war, but there will be continuous use of force against British troops while they are in the north of Ireland.

NEWMAN. Not by the—not by the forces of the Irish Government?

HILLERY. No.

NEWMAN. You're not saying that?

HILLERY. No. But they are creating followers as the situation—it's a situation where our people are rather intolerant of the peaceful policies of a government, and very sympathetic towards the IRA activities. And I think, they have, as I say, created the IRA, they have now created a vast wave of sympathy for them and this simply translates into—into guns and money.

NEWMAN. And—and the government you speak for cannot control the IRA, or will not control it?

HILLERY. Cannot—we—we have tried to maintain the rule of law, and this meant avoiding the concentration camp type of society which they've created in the north. And in that way we have dealt with the IRA when they've broken the law, through the courts and—and the penalties of the courts. The courts are independent of the government, and the British are sometimes doubtful about the results of these. But in maintaining that type of society it has not been possible for us to totally control the IRA.

Physically it would be quite impossible. Quite impossible for any Irish government now to—if they wanted to, and which we don't want to—to bring in these abnormal methods of suppressing those who want to get the British troops out of Ireland.

BARBARA WALTERS. Dr. Hillery, you are going to Washington to talk with Secretary of State Rogers, is that so? Yes.

HILLERY. Yes, I am.

WALTERS. What—what specifically do you hope that he will do to either pressure or persuade the British Government of your sentiments?

HILLERY. This is very difficult because these are friendly governments with the British as well as with us. And any public pressure on the British would probably be unlikely from the American Government, unwelcome to the British and probably bring a stubborn response.

I would hope that they would very much impress upon the British that this type of war activities is out of date, totally out of date with modern society. It's selfperpetuating and—and unwelcome to the American government and unwelcome to the American people.

NEWMAN. Is that—is that not—would that not amount to an intervention in the domestic affairs of—of Great Britiain—of the United Kingdom?

HILLERY. I agree with this. Two years ago—two and a half years ago I was on this same mission. At that time we felt that friendly nations could say a friendly word. Now we feel that—that they should regard this as a problem—a problem in the free world which has to be solved. All the pressure will not be on the American people. I hope to visit European governments, too. But I think they should regard it as a problem of the free world where the aggressive policies of one government, which is a friendly government for them, is in danger of creating a situation of war which will go on and on until . . .

(Confusion of voices.)

NEWMAN. It will be a situation of civil war, though, would it not?

HILLERY. No. A war between us and Britain would not be a civil war.

NEWMAN. You are actually talking about the possibility of a war between the Republic of Ireland and the United Kingdom?

HILLERY. I think our people—as you know, the British Home Secretary said that they were declaring war on the IRA two years ago. And this was accepted in Britain because the IRA was a terrorist organization. But as time went on the IRA by definition became broader and broader to take in the—all Catholics, all nationalists, all that did not agree with the unionist government. And last Sunday was the brutal clarification of what the policy was. It's a war on that part of the Irish population who don't accept their domination.

NEWMAN. Well now I would like to . . .

HILLERY. So the British have declared war on a population—the weapons of war for disarmed—we are relatively disarmed—the weapons available are passive resistance at first, civil disobedience, there are many weapons. But before that I think the nations of the world should try to impress upon Britain that is not the way to do it.

NEWMAN. I just want to return to a point that we made before as to whether you are talking about the possibility of war between your government . . .

(Confusion of voices.)

HILLERY. . . . between Ireland and Britain, no. But the British will never be comfortable in the North of Ireland, you understand that—never allowed to remain comfortable.

WALTERS. Do you have another moment?

NEWMAN. Yes.

WALTERS. Yes. We spoke yesterday with Bernadette Devlin by—by telephone. Can you tell us what—what your own feeling is about her—her attitudes? Are they in—the attack in Parliament the day before yesterday and her statements yesterday, what are your own feelings?

HILLERY. Bernadette's attack in parliament, the full presence—she was present—about to address that meeting into which the paratroopers fired their shots and killed thirteen of the audience. And she's a member of Parliament, elected appropriately. She was not allowed to talk, too, was not allowed to make a point. She was not allowed to ask a question. And the representative of the British government responsible just sat across. He didn't say there was any reason for him to be sorry that thirteen people were shot and thirteen others wounded. And I think she just—what do you do when they sit there self-satisfied and smug killing your people? She did all that a woman can do and maybe a bit (words unintelligible). She—she made her point.

NEWMAN. Thank you Dr. Hillery. We'll have some more questions for you very shortly.

We'll be back after this message.

* * * * *

NEWMAN. Our guest is Dr.—Dr. Patrick Hillery who is the Foreign Minister of the Republic of Ireland.

Dr. Hillery, you obviously think that the only solution in Ireland is to reunify the country you now represent, and Northern Ireland. And the leader of the British opposition, Harold Wilson, has pretty much accepted that position provided it's carried out over a period of years and with sufficient preparation.

Now could—how would you see such—such a change taking place?

Hillery. I trink the decision on the part of the British government to have it happen would immediately stop the—the great hostility that exists between Ireland and the British. The withdrawal of the British troops now from the ghetto areas where they're not wanted, where they spend their time harassing the populous, breaking down their doors, searching their houses, driving their children from their studies. Letting people out of internment. They were interned to prevent violence and violence has escalated. These things must stop for Ireland at once, then we could get down to talking about the type of Ireland in which the north—the Protestants—there are a million Protestants in the North—and the rest of Ireland could live together.

And this will take many years to work out. But if we get the first intent of the British to withdraw, and withdraw on the basis of having Ireland work out for themselves a way of governing Ireland—purist society—then I think it can be done.

Newman. Well, would you—would you yourself be prepared to have a change in the Constitution of the Irish Republic? For example, no longer have a state religion, allow divorce . . .

Hillery. We—we don't have a state religion. The Catholic Religion is the dominant one in Ireland and it's recognized in the Constitution. This article could go easily without any problem.

I think the divorce question would have to be changed by the public. I think it should be changed. I think when the public realize that it's not just forcing them into the position of divorce but allowing for purist society in Ireland, they would change the Constitution.

Newman. And censorship . . .

Hillery. Our Constitution can be changed only by the popular vote.

Newman. Well, there are obviously—obviously there are many, many such constitutional issues. But as I understand it, the really big issue, even if the British government were willing to accept what you suggest—is that a great many people in Northern Ireland particularly Protestants, want to remain under British rule. They don't want to be part of Ireland. They want to be part of Britain.

Hillery. I think this was based—regional division may have been based on economic reasons. And these economic reasons are disappearing. The trade now will be in the context of Europe, not the old context of part of Britain's British market. So the considerations have changed. And I think it would be possible for a big number of the unionists to—to change their thinking on that.

Newman. This—this would be, would it not, a very—humiliation for—for the British government to do what you have suggested?

Hillery. I don't think so. They've lost much bigger areas than these six counties.

Newman. But none of them that are described as part of the United Kingdom.

Hillery. Well, that's their description. It wouldn't be a humiliation. I think Algeria was very much part of France, and President De Gaulle was able to handle that one.

It takes a big statesmen-like movement and—and this is what we're waiting for, the man who can do this. I don't think the British public would find their government humiliated by doing it. They may be proud of the man who had the courage.

Walters. The man—you're saying you're waiting for the man—at this point the man is Prime Minister Heath. What do you think his—his major objections—I know Ed mentioned the humiliation. From your point of view, why do you think you are not able to appeal to him and have him see your point of view?

Hillery. Well, Mr. Heath is a conservative. He—he has taken an area north of Ireland which is to his mind part of the United Kingdom—there's a problem there. He thinks in terms of solving that problem within the context of United Kingdom thinking. We've had two and a half years of this now, and it's quite obvious that the problem cannot be solved within that framework, except by military means. This is why he's so totally committed to military means, internment without trial, shooting people on the streets and so on, harassing the populace. It's not working. And when you go on and on and on suppressing a population and it's not working, then someday you must say we've got to look for a solution without any prior definition of the type of solution you want.

Newman. There have been some concessions offered by the Prime Minister of Northern Ireland, Brian Faulkner, and he has also offered to sit down with the opposition and try to work out a political settlement. As I understand it that doesn't go forward because the opposition says first you must end internment?

Hillery. You see, it's internment without trial. And as they see it—as the minority sees it, it's internment of the main members of the population. Just lock them up and then you won't have violence. There were some rumors recently that they were going to lock up the women, too, because women in the population were not quite taking it from the unionist government.

But it's a lunatic situation where you go on locking up people and then if those on the street protest against locking up, you shoot the people on the street. They could finally have a peaceful situation but you can imagine . . .

Newman. Are you—do you yourself accept that the British soldiers' open fire without provocation on . . .

(Confusion of voices.)

Hillery. I've not doubt—I've not heard that description . . .

Newman. . . . how—how . . .

Hillery. The description was they went in three military vehicles and got into action at once. They fired into a crowd who were at a platform listening to—or beginning to listen to a speech. And the conflicting reports from the military showed—the people who were shot were armed, but the guns had disappeared when they got up to them. People shot in the back running away. You don't find a man running away from you, you shoot, and not call him an aggressor.

Newman. Do you think that the British soldiers have been under great strain and provocation and that that had anything to do with it?

Hillery. I think an army is either disciplined or should not be there. If the British Army has lost its control and is running amuck, then it's wrong to have them there among the population. Either that's what happened or else the British government took a decision to kill a certain number of people to frighten the others.

Walters. Dr. Hillery, do you—one position is reunification. And the other position we have just talked about. Short of those two extremes, or the continuation of the present condition, do you see any other solution? Any kind of compromise?

Hillery. Perhaps they're not extremes. When you speak of reunification you think that we take all the six counties and fit it into our scheme of things. Now we're—we're quite satisfied that this cannot be done. We're quite satisfied that we have to change so totally as to make the new Ireland quite different from the one we live in at the moment. The political institutions in Ireland would not—probably not contain the members of the present government. You'd have a total change in the political situation and the—and the religious mix. We need those million Protestants in Ireland. We need them much more than they know.

So it's not a question of fitting them into the scheme of things we've arranged. It's a question of getting—sitting down with them and working out a scheme in which both of us can live at peace.

Walters. Free of England?

Hillery. So we have no—free of England. (Words unintelligible.)

Newman. Dr. Hillery, excuse me. A number of United States Senators have spoken about the situation in Northern Ireland—Senator Kennedy of Massachusetts, Senator Ribicoff of Connecticut—calling for British withdrawal. Do you think that that is a suitable thing for a United States Senator to do and what effect do you think it has?

Hillery. Well, we spoke already about the stubborn reaction of the British government. I think this is particularly true of Mr. Heath.

Newman. Well, you—you are—you are seeking, are you not, that the American government do something?

Hillery. Yes.

Newman. Rather then that individual Senators speak out?

Hillery. I was answering your question about what reaction.

Newman. Yes.

Hillery. I think that reaction is the word for the British government. They won't like it. At the same time it does give courage to people in Ireland to find people in this country—we've always had help here, and fifty years ago when the whole country was suffering what the North is now, we did get support and courage from the U.S. I think it's welcome.

Newman. Thank you, Dr. Hillery.

Dr. Patrick Hillery, the Foreign Minister of the Republic of Ireland.

GI HOUSING DIRECTOR JOHN M. DERVAN RETIRES FROM VETERANS' ADMINISTRATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. TEAGUE of Texas. Mr. Speaker, I would like to call to the attention of the House, the retirement of Mr. John M. Dervan, for the last 10 years, the Director of the Veterans' Administration's GI loan program.

Mr. Dervan's retirement on January 22, 1972, culminated a career during which he discharged many complex responsibilities with high competence and diligence, leading to the growth and effectiveness of the GI loan program. Through keen foresight and tireless efforts, he sought and realized the translation of numerous long-range plans tailored to meet the changing needs of veterans in financing homes for their families.

In 1961, when Mr. Dervan assumed the directorship of the program, the VA guaranteed home loans for 134,327 veterans in that year. In 1971, over 284,000 veterans obtained GI loans, under a program now better than ever equipped to served the Nation's veterans.

Congress had made available to today's veterans a wider range of GI loan benefits than at any prior period in the history of the program—guaranteed loans for the purchase of condominium units, farms, mobile homes, for refinancing purposes, and for conventionally constructed housing and improvements. Mr. Dervan's dedication, direction, and professional stature during these past years contributed immeasurably to the success of the GI loan program of today.

He leaves a program replete with evidence of his capable administration and achievements which have distinguished him for his many years of loyal and dedicated service.

THE AMERICAN DREAM

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. SPRINGER. Mr. Speaker, sometimes many of us are discouraged by criticism by our own people of our own country.

There are those who are disillusioned because the world does not move as fast as they would have it move. There are those who believe there ought to be immediate substantial change in not only the social and cultural background of America, but political change for the sake of change, and there are those who simply believe that perhaps we are not progressing as fast as we should. And lastly there are those who would say there is nothing good about America—burn it down and start over again.

Perhaps a great deal of this arises from the fact that we live in the greatest and most influential country in the world with the highest standard of living, the greatest freedom in the world to live our lives as we wish, and also because many of us become wrapped up with over-expressed egos that we have the only solution for America. It is hard for older people, and even more difficult for young people who have experienced adversity, to realize what a great country we have built and what a great responsibility we carry in the world. I have traveled over a good part of the globe. There is never a journey without my talking to people everywhere who want to know of any way in which they could get to the United States. Millions of people have an American dream—a land of hope and opportunity.

Peter Peterson is a member of the West German Parliament representing Wurttemberg-Baden. He has written a serious but most interesting article for the New York Times, of January 21, 1972, titled, "The American Dream." He lives in a country that during his lifetime has experienced excruciating adversity. His country has been divided between the closed society on the one side and the free and open society on the other. Only the presence of the United States guarantees that his portion will remain a part of the free society. The next time I get a letter from one of those disillusioned Americans, I am going to send them Peter Peterson's, "The American Dream."

The article follows:

The American Dream

(By Peter Petersen)

Bonn.—I am prejudiced when writing about America.

America saved my people from starvation not so very long ago. No German called that U.S. imperialism. Thousands of American soldiers—225,000, to be exact—are stationed in my country and because of this commitment and their loaded guns, we are still a free people.

Where I come from, we still know what freedom means—because seventeen million of us are locked up behind barbed wire, walls and mine fields—behind what amounts to the ugliest and most inhuman border of the world. Some four hundred of my people have been shot and killed because they wanted to go from one part of our country to another.

The American commitment to freedom and the price Americans are paying for that every day saves us from the fate of our neighbors the Czechs who are the victims of imperialism.

Yes—I am prejudiced, and I don't apologize for the fact that I love America.

Yet, I am worried. Recently I talked to officers and soldiers on a big Air Force base in the deep South. I moved around in the most confusing of all American cities, Los Angeles. I had dinner with the president of a big corporation who laid off 80,000 people, and I spent an evening in the home of an old friend who is unemployed now. His two boys are at a university. He makes ends meet by fixing things up in neighboring homes (he is an engineer) and his wife got a job in a shop selling antiques the Americans like so much.

This friend considers himself lucky. A man driving my taxi was not so lucky—seventy dollars a week unemployment compensation. His savings are gone, and he is now cheating by driving a taxi for a few hours every day.

And then I looked at the headlines of the papers—there was a pitched battle in a jail somewhere—another city reports on the dope problem, and in many cities, parents protest busing their children from their neighborhood school to another part of the city to get integrated. No one has been able to explain to me yet this busing scheme.

When I was in this country twenty years ago, the people in whose homes I stayed never locked their doors. This time I was warned not to walk back to the hotel after a concert.

Americans are not very articulate—even though they might talk a great deal. So they leave the forming of their image as a nation to Madison Avenue and to Hollywood. Americans are probably the world's greatest salesmen of material goods, but they are very inept in selling ideas.

Of course, these ideas are all there—in the history of America there are the forces that made America a great country and inspired a dream to peoples all around the world.

There was a time twenty years ago when Americans often got on our nerves because they were so sure of themselves. Now we get nervous because Americans seem to be losing faith in their own destiny, and so a student—what Americans would call a "nice kid"—would in all sincerity talk about U.S. imperialism. That boy—a student in a seminar on current history—and many of his friends don't realize that the problem is exactly the other way around. We have a crisis in the Free World because Americans appear to us to shrink back from the responsibility that goes with being the strongest power in the world. It is clear to us that the Soviets don't have such qualms—and that is why they fill every vacuum America and its allies are leaving. Vietnam, I should think, proves my point. A truly imperialistic power as this "nice kid" believes America to be would have carefully calculated the risk and the price, and then if the price seemed right and the aim worthwhile, it would have gone in with no holds barred.

I know from many conversations in Communist countries that the people there understand that basically freedom is indivisible, and they dream the American dream—not of Coca Cola or two cars in every garage but of freedom as conceived in this country in 1776. Because it is not "American" freedom in a national sense, it is the basis of human dignity everywhere.

When I mingled in the crowd in the airport in San Francisco, I wished I had a way to shake these people to remind them of what they are and to convince them of what we expect from them. Not because they are better or more intelligent perhaps than the people who would crowd the airport in Düsseldorf or Berlin, but because they have in their own heritage the hope of the world. I believe it is the only hope we have—because if America fails, the world fails, and I hope I will not again meet an American who apologizes for the fact that he is American.

HIGHWAY SAFETY AND THE BIG BUS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. SCHWENGEL. Mr. Speaker, during the current controversy over passage of the "big bus bill" much has been said about safety. It has been my position that an increase in bus width would create a substantial safety hazard. To dramatically illustrate my position, I share with you two letters I recently received.

The first, from John de Lorenzi of the American Automobile Association, notes the receipt of a letter and accident statistics by Harry E. Uhler, president of the Automobile Club of Maryland, from Harry R. Hughes, Secretary of Transportation of Maryland. The American Automobile Association determined from these statistics that the "big bus"—102 inches wide—was involved in 25 percent more accidents than the 96 inch wide bus.

The second is the letter and enclosed statistical data from Secretary Hughes. I feel these accident statistics and their analysis clearly indicate that wider buses will pose a hazard for the motoring public.

The letters follow:

American Automobile Association,
Washington, D.C., January 27, 1972.

Hon. Fred Schwengel
House of Representatives,
Washington, D.C.

Dear Mr. Schwengel: In response to your letter of January 17, 1972, I am enclosing a copy of a letter from Maryland Secretary of Transportation Harry R. Hughes to Harry E. Uhler, President of the Automobile Club of Maryland. This letter formed the basis for the AAA comments concerning Baltimore in its testimony before Senator Bayh's subcommittee.

While Mr. Hughes disclaims comparison of 96 inch and 102 inch bus accident statistics in the second sentence of the third paragraph of his letter, we feel a valid comparison can be made on the basis of the vehicle miles travelled per accident in 1970.

Using the data supplied by Secretary Hughes, we determined that 102 inch buses (40 feet long) were involved in 70 accidents per million miles of travel and that 96 inch buses (40 feet long) were involved in 55 accidents per million miles. The 102 inch buses were involved in 25 percent more accidents than the 96 inch buses per million miles of travel.

Yours sincerely,
John de Lorenzi,
Managing Director,
Public and Government Relations.

Department of Transportation,
Baltimore, Md., October 4, 1971.
Mr. Harry E. Uhler,
President, Automobile Club of Maryland, Baltimore, Md.

Dear Mr. Uhler: Enclosed you will find the statistics which you requested concerning the accident records of 102 inch wide buses versus 96 inch wide buses.

The delay in answering this request resulted from the transitionary period of the last year in which the mileage for the 96 inch wide buses increased substantially with the retirement of older type of equipment and the corresponding reduction in mileage of the 102 inch wide buses. Therefore, any comparison on a mileage basis for the calendar year 1971 has been eliminated, and the enclosed information is based on 1970 accident statistics.

As you will notice, the tables indicate that the 102 inch wide vehicles were involved, on a percentage basis, in slightly more accidents than the 96 inch wide vehicles, especially when you compare the width of these two vehicles with the standard 40 foot length. However, since we are comparing the performance of 305 vehicles against that of 125 vehicles, the degree of accident frequency cannot be measured accurately.

It should also be noted that the operating performance of the two types of buses is not very different from a traffic standpoint. The 102 inch wide buses do provide, however, a better flow for the passengers inside the bus since it provides a wide aisle for their use.

If I can be of any further help to you in this matter, please do not hesitate to get in touch with me.

Sincerely,
Harry R. Hughes,
Secretary.

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1. During 1970 the Mass Transit Administration operated 792 vehicles in accordance with the table below:

Size	Vehicles	Miles operated	Percentage of miles operated per type of vehicle
96 in. by 40 ft	125	5,921,465	25.6
102 in. by 40 ft	305	10,823,934	46.7
96 in. by 35 ft	362	6,411,785	27.7
Total	792	23,157,184	100.0

2. During this same period the Mass Transit Administration's operating fleet was involved in 1469 collisions as outlined below:

Size	Accidents	Percentage of accidents per type of vehicle
96 in. by 40 ft	330	22.5
102 in. by 40 ft	760	51.7
96 in. by 35 ft	379	25.8
Total	1,469	100.0

REASSESSMENTS ON LIMITING OF PRESIDENTIAL WARMAKING POWERS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BINGHAM. Mr. Speaker, a lively public debate has finally emerged over how best to go about limiting the President's powers to commit American forces to hostilities in the absence of a congressional declaration of war. The debate currently centers around the implications of a bill conceived by Senators Javits and Stennis, and recently ordered reported by the Senate Foreign Relations Committee.

I have tried for some time to point out what I regard as serious weaknesses in the Javits-Stennis approach. An alternative approach, which provides a more influential role for the Congress, is contained in my bill H.R. 12645. I am hopeful that alternative will be seriously considered if and when the Javits-Stennis bill passes the Senate and is taken up by the House Foreign Affairs Committee.

I have inserted the text of H.R. 12645 previously in the Record (page 1559, January 27, 1972).

An enlightening series of articles, sparked by Arthur Schlesinger, Jr., has recently appeared in the New York Times and the New Republic. I am particularly pleased to note that in his most recent article—New Republic, February 5, 1972, Mr. Schlesinger expresses many of the same points I have made about the Javits-Stennis approach, and comments favorably on the plan I have recommended. The articles by Schlesinger, Eugene G. Windchy, and Prof. Alexander M. Bickel, follow:

Fallacies of the War-Powers Bill

(By Arthur Schlesinger Jr.)

The Indochina war has set in motion a wholesome and belated critique of the American Presidency. A direct product of this war is the proposed "War Powers Act of 1971," a bill designed to restrain the power of Presidents to carry the nation into undeclared hostilities. The bill's two particular architects are Senators Javits and Stennis. These two able men are not usually encountered as brothers in arms; and the collaboration of this odd couple suggests the range and weight of senatorial opinion behind the measure. The Senate Foreign Relations Committee, after intensive hearings, has endorsed the bill. So, indeed, has The New York Times.

Nearly everyone agrees that Congressional control over the war power has faded dangerously in recent years. The war-powers bill realistically understands that emergencies may arise when Presidents must order military action without waiting for Congressional approval. But it would limit the authority of the President to act without a declaration of war to four specific categories of emergency. And it would stipulate that military action cannot continue for more than thirty days without express Congressional consent.

The bill's first fallacy is that it is possible to provide in advance for all foreseeable contingencies. By restricting the Presidential power to act without a declaration of war to four static categories, the Senators are trying today, as George Ball has put it, "to do what the Founding Fathers felt they were not wise enough to do." The result may well be to tie a future President's hands when some unforeseen crisis arises.

The 30-day authorization period raises equally difficult problems. The best way to illustrate these problems is to consider what would have happened if the War Powers Act of 1971 had been in force during other times of emergency in our recent history. Specifically, would it have prevented President Roosevelt from conducting the North Atlantic intervention in 1941 and would it have prevented President Johnson from increasing the Vietnam intervention in 1965?

The short answer to these questions is that the war-powers bill probably would have prevented President Roosevelt from protecting the British lifeline against Nazi submarines—and that it probably would not have prevented President Johnson from escalating the war in Vietnam. If all this is so, then the bill will serve neither the purpose for which it was drafted nor the national interest.

In 1941 Britain, fighting alone in the west against Hitler, depended on American aid for survival. The Roosevelt Administration felt that British collapse and Nazi victory would jeopardize the security of the United States. Accordingly, Secretary of the Navy Frank Knox announced in September that the Navy had been "ordered to capture or destroy by every means at its disposal Axis-controlled submarines or surface raiders" in the western Atlantic. Now it is not at all clear that this action falls within the four categories of initiative permitted to Presidents by the war-powers bill. In any case, it is certainly not clear that Congress would have sustained the "shoot on sight" policy after thirty days. In August, 1941, the House of Representatives, confronted by a bill to extend the draft, passed this relatively innocuous measure by only a single vote.

As for the Vietnam war, President Johnson could unquestionably have got all the Congressional blessing he wanted at any point up to 1968, and perhaps even then. And this suggests the second fallacy of the bill: that it forgets the overwhelming short-run ability of Presidents—especially in times when, unlike 1939–41, opposition has not been aroused by a great national debate—to define emergencies and compel support. During the shock of crisis the President is the dominant source of information. Naturally he gives Congress the facts that seem to justify his action, as during the Tonkin Gulf affair, and naturally the country rallies to him.

It generally takes longer than thirty days for other facts to emerge and for serious debate to begin. By that time the war-powers bill will have locked Congress into the war policy. If we had had that bill in 1965, Congress, far from controlling American intervention in Vietnam, would have implicated itself far more deeply through the simple process of renewing the Presidential mandate month after month.

The war-powers bill does contain some valuable ideas. One provision requires the President to send Congress periodic written reports about the status and prospects of hostilities he may have initiated. Another enables Congress to terminate such hostilities by statute or joint resolution and provides that one-third of the members of either house can bring such proposals to the floor within 24 hours. These provisions deserve enactment on their own very considerable merits. They would go far by themselves to achieve the goal of restoring Congressional authority over the making of wars.

But in general this problem will not yield to neat structural solutions. It is more fundamental than that. It requires different states of mind—a new will to seek participation on the part of the executive, a new will to accept responsibility on the part of Congress. It requires much more systematic Congressional skepticism about information and forecasts handed them by the executive. It requires an end to the idea that foreign policy is too sacred for secular debate. Without these things the thirty-day authorization will only play into the hands of forceful Presidents. With them it will not be necessary.

The Need for a War-Powers Bill

(By Alexander M. Bickel)

The Senate Foreign Relations Committee has unanimously approved, and the full Senate is very likely to pass, a bill "to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress." The bill is sponsored by Senators Javits, Eagleton, Spong and Stennis—a strikingly diverse group. But it has drawn the opposition of Arthur Schlesinger, Jr., in an Op-Ed article in *The New York Times,* and of George Ball before him, as probably also of the Nixon Administration—an equally diverse group.

The attempt to circumscribe the President's warmaking power, which the Founding Fathers were wise enough not to make, runs the risk, says Mr. Schlesinger, of tying the hands of some future President in an unforeseen crisis.

But the Founding Fathers knew less than we do. And they knew that we would know more. That was their wisdom. Writing a Constitution, they drew broad outlines and left much to be filled in from time to time by statute and court decision. Yet as the record of their deliberations, however scant, plainly shows, they did in this instance have a fairly clear idea in mind. Congress, they thought, should have power to declare war. The President as commander-in-chief would conduct wars, and would have the emergency power of a commander of troops and head of state—but only a reactive, emergency power.

We have slid away from this original scheme. The Senate war-powers bill aims to bring us back; not by an amendment substituting specific language for the broad generalization of the Constitution—for our posterity, we should realize, will also know more than we do—but by legislation that implements the Constitution for our time, and unlike a Constitutional provision, can be easily changed to accommodate later experience.

The bill would allow the President to act, as the Constitution intended him to do, in the event of an attack or of an imminent threat of attack against the United States or the armed forces of the United States. It would allow him also to protect and evacuate Americans caught in fighting that may have erupted suddenly in a foreign country. That, in light of the experience of nearly two centuries, including 25 nuclear years, describes the sort of emergencies in which a purpose to use force automatically and take the consequences can be imputed to our people without testing that purpose in the institution that reflects and represents the people in all their diversity, namely Congress. Other circumstances that anyone can now imagine either allow time for speedy congressional action, or do not present themselves as obviously calling for the use of force on our part. In the latter case, a democracy should not use force, if for no other reason than that it cannot do so effectively. Vietnam should have taught us that much.

The unimagined and unforeseen is possible, one supposes. It always is. But if this is why the warpowers bill is unwise, then so is virtually all legislation. To argue from the unforeseeable in this instance, as Mr. Schlesinger does, is to suppose the bankruptcy of the attempt to rule by law, and the necessity of submitting ourselves to the discretionary rule of the men we elect.

A law spelling out the limits of presidential warmaking power should not be necessary. Mr. Schlesinger is right to believe that we would be a whole lot better off if such a law were unnecessary, as it would be if Congress had exercised its undoubted powers in recent crisis situations, including Korea and Vietnam. A responsible Congress would have agreed to undertake the Korean action—there was time, if only a matter of days—and would have refused to allow the massive intervention in Vietnam. But Congress has stood by, until it was time either for carping or handwringing. The reason for this is that Congress has shared a general confusion about the division of war-making power between itself and the President.

When a Tonkin Gulf resolution or a Formosa resolution is put before Congress, it goes through like a dose of salts, because a substantial part of the membership is under the misapprehension that Congress is merely asked to stand patriotically beside the President, who is acting within the constitutional sphere of his own independent authority. The President for his part does not feel obliged to put his whole case before Congress, bare his mind, reveal his intentions and thus defend his proposal and persuade Congress and the country to accept it. For, after all, he is not proposing, he is merely asking Congress to stand patriotically in united ranks behind something he has authority to do anyway. There is no need for Congress to know everything, since it is not Congress that is assuming the responsibility, and there are always plausible reasons for maximum secrecy.

It is never said, and perhaps not even perceived in quite this clear-cut fashion, but there is at best a great deal of ambiguity about who has power to do what, even though under the Constitution properly understood there need not be. The upshot is that Congress does not answer responsibly even when asked to act, and certainly takes no responsible initiatives. A war-powers bill has proven necessary, therefore, because it is apparent that Congress must declare its own responsibilities to itself and assume them in principle before the country, if it is ever to exercise them in particular situations.

Mr. Schlesinger complains, in effect, that restoring the proper share of power and responsibility to Congress in matters of war and peace will not ensure wise action. Congress, says Mr. Schlesinger, would not have allowed FDR to shoot at German submarines and raiders in the Atlantic in 1941, which may be true. Congress might also have plunged into Vietnam, all gung-ho, in 1965, which, true or false, is not a conclusion that can be drawn from passage of the Tonkin Gulf resolution.

Mr. Schlesinger's complaint is reasonable, but it is a counsel of despair. There is no assurance of wisdom in Congress, and no such assurance in the presidency, on domestic problems or foreign. The only assurance there is lies in process, in the duty to explain, justify and persuade, to define the national interest by evoking it, and thus to act by consent. Congress will sometimes fail to give its consent to wisdom and hold out for foolishness. At such times, the President, who is differently constituted, has enormous leverage as a persuader, and great power as a brake. Singly, either the President or Congress can fall into bad errors, of commission or omission. So they can together, too, but that is somewhat less likely, and in any event, together they are all we've got. In emergencies requiring instant action, or for purposes of command decisions, the President alone is all we've got, as the war-powers bill fully recognizes, but that is true only in emergencies.

The Right To Make War

(By Eugene G. Windchy)

Last week Alexander M. Bickel discussed the need to limit the President's ability to make war, and he remarked that the Senate is very likely to pass a War-Powers bill designed to do that. The bill, which recently was approved 13–0 by the Foreign Relations Committee, recognizes a presidential right to repel attack, and to forestall the imminent threat of attack, but it requires that the President obtain permission from Congress in order to continue hostilities longer than 30 days. The principal author of the War-Powers bill, Senator Jacob K. Javits, says that legislation of this kind might have prevented the incremental involvement that led to full-scale war in Indochina. The Nixon administration opposes the bill and, apparently, any attempt to limit its ability to make war. Its representatives complain that the proposed restrictions would "narrow the power given the President by the Constitution." A basic question, therefore, is whether the President does have a constitutional right to make war and, if so, under what circumstances.

During 16 of the last 23 years, American Presidents have been waging undeclared wars. In the case of the Korean War, President Harry S. Truman's decision appeared to be the product of emergency—the quick response to aggression. As we shall see later, it was more than that. In the case of the Indo-China War, a gradual escalation was obscured by official secrecy, and then facilitated suddenly by the Tonkin Gulf resolution. That resolution has been repealed for more than a year, but the same war continues, hanging legally in mid-air, supported by an extrapolation of the Constitution known as the President's "inherent" power to commit armed forces to conflict. But even before the Tonkin resolution came under heavy fire, the State Department was busy refurbishing the executive branch's claim to an independent, constitutional right to make war. In a memorandum of March 4, 1966, that claim was stated concisely by Leonard C. Meeker, legal adviser to the State Department:

"Under the Constitution, the President, in addition to being Chief Executive, is Commander in Chief of the Army and Navy. He holds the prime responsibility for the conduct of United States foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States."

To prove his point, the legal adviser appealed to precedents back to the earliest days of the Republic:

"Since the Constitution was adopted there have been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior congressional authorization, starting with the 'undeclared war' with France (1798–1800). For example, President Truman ordered 250,000 troops to Korea during the Korean war of the early 1950s. President Eisenhower dispatched 14,000 troops to Lebanon in 1958."

The present Secretary of State, Mr. Rogers, adds that the "constitutional process so wisely conceived by the Founding Fathers has worked well throughout our history." The secretary met with the Foreign Relations Committee to testify against war-powers legislation; he preferred to delay any new arrangements until "after the passions of Vietnam have faded into the past. . . ." He reminded senators that the judicial system does not like to entertain a challenge to the President's ability to make war. Indeed, the Supreme Court has refused to do so, in the case of Indochina, even when prodded by the Massachusetts legislature.

"America is in the midst of a grave constitutional crisis," the committee was warned by Alpheus T. Mason, an eminent authority on constitutional law. Mason favored trying to rein in the Chief Executive. Another scholar on that side of the fence was Henry Steele Commager, the distinguished professor of American history. In the 1950s

Professor Commager defended President Truman's war as sanctioned by law and history. He now feels that the abuse of executive power subverts political institutions at home and threatens the peace abroad. "We find ourselves turning into a military society," Commager told the committee. However, the legal scholar John Norton Moore argued that the proposed restrictions were of doubtful constitutionality.

According to Secretary Rogers, the "electorate is the ultimate restraint." The individual citizen might be able to decide the issue at the ballot box, if he ever gets a clear choice. But what kind of guidance will the citizens receive? The nation's political leaders are divided, and so is the academic community. For at least 20 years the doctrine of the President's inherent war-making power has been supported by many scholars specializing in constitutional law, American history, international relations, and political science. This has been the sophisticated, modern view, reflecting a deeply held belief that the President needed extraordinary powers on the international scene and should have them. Because of the war in Indochina and its attendant domestic evils, however, some of our political and intellectual leaders are beginning to reexamine their position. It is my contention that the executive branch's appeal to historical precedent is not so valid as it has seemed.

When the Secretary of State appealed to the memory of the Founding Fathers, he raised a question that scholars testifying in favor of legislation were eager to deal with: what did the writers of the Constitution mean to do when they designated the President commander-in-chief but gave Congress the power to declare war? An abundance of 18th century documents, including the *Federalist* and James Madison's *Journal of the Constitutional Convention,* reflect the Founding Fathers' abhorrence of giving the war power to any individual person. One of the most oppressive of kingly customs had been the arbitrary, even frivolous, use of armed force, followed by the demand that everybody support the conflict as his patriotic duty. Power itself was a corrupting influence, the Founding Fathers agreed. They decided that one way to prevent harm would be to separate powers. Thus the government was established in three branches: legislative, executive and judicial. The executive, true to the spirit of his office, was to be commander-in-chief of the armed forces; but he was not to initiate war. That was to be the prerogative of the legislative branch, which, hopefully, might debate the matter until the source of conflict would fade away. Quite seriously, in part the arrangement was intended to "clog" the process of going to war.

According to Madison's *Journal,* delegates to the Constitutional Convention discussed giving Congress the power to "make" war, but finally settled on the term "declare" war. That left the President power to repel sudden attack. It was assumed that, as soon as possible, the President would obtain congressional authorization for further hostilities, if such were needed.

Now what about the problem of undeclared war? That came up during the administration of the second President, John Adams, France, because of a grudge against the United States, set privateers to raiding American commerce on the oceans; and so in 1798—contrary to what Leonard Meeker said in his memorandum—the Congress authorized President Adams to protect American shipping. The Navy Department was founded at the same time. It is true that no formal war was declared. Deliberately, conflict was limited to naval hostilities, and it became known as the Quasi-War. A peace treaty was signed in 1800. In the same year, by the way, the Supreme Court held that a state of war could exist in the absence of its declaration. Justice Samuel Chase used the term "limited war." He said, "Congress is empowered to declare a general war, or Congress may wage a limited war: limited in place, in objects, and in time." In short, there is nothing new about undeclared wars or limited wars, except the President's claim to authority for initiating them.

But what about the many other armed actions that are said to have been ordered by the President? An extremely important element in the war-power controversy is a series of studies that show American Presidents making use of armed force on as many as 197 occasions. It will be recalled that Leonard Meeker told of 125 instances in which Presidents used armed force without obtaining prior congressional authorization. We already have dealt with one of Meeker's precedents, the Quasi-War. In a recent television debate, law professor Eugene Rostow, brother of economist Walt, told of 150 uses of armed force; and he declared that the war-making relationship between the President and the Congress had remained "constant" since 1789. Professor Commager, though he was testifying in favor of restrictive legislation, mentioned to the Foreign Relations Committee "100 to 110" uses of military power to "intervene outside the United States."

In examining various claims, I notice that there have been two principal sources of information: the State Department and, oddly enough, the World Peace Foundation.

In 1912, the days of rampant gunboat diplomacy, the State Department's legal office began publishing a series of memoranda titled *Right to Protect Citizens in Foreign Countries by Landing Forces.* From the beginning these publications listed many instances of the President's making use of armed force. Apparently the chief purpose of the memoranda was to justify the American position internationally; they are touchy about accusations of intervening in local political affairs. However, the State Department also gave consideration to domestic law. Its lawyers decided that the President was acting within his rights, and that Congress had only "doubtful" authority to control such uses of armed force since they did not amount to "acts of war." In 1941 somebody culled from the most recent memorandum 85 uses of armed force for "protection purposes," and certain pro-administration senators found the list helpful in justifying short-of-war measures to aid Britain; principally lend-lease and the dispatch of American troops to Iceland. Of course, the American citizens to be protected in Iceland were our own troops! Not only the logic of the argument but its scholarship was nothing to boast of. The initial use of armed force was given as President James Monroe's expelling of pirates from Spanish Florida in 1812, although James Madison was President in 1812 and the Florida expedition of that year did not have as its objective the expelling of pirates. (The seed of this confusion can be found in the 1912 study.)

The World Peace Foundation made its historiographic contribution in 1945. At that time some advocates of establishing world peace were anxious about whether the United States could participate in United Nations peacekeeping actions without having to refer every decision to Congress for a declaration of war. A legal scholar and former Assistant Secretary of State, James Grafton Rogers, set these fears to rest. Rogers looked into the State Department's files and some standard academic histories, and came up with 149 "Military Operations of the United States Abroad." Only five of the 149, said Rogers, represented "fully declared" wars. The World Peace Foundation published the Rogers study in a book titled *World Policing and the Constitution.*

Upon scrutiny, most of the military operations cited by James Grafton Rogers and the State Department are seen to have been minor peacekeeping jobs in primitive and war-torn areas. But some of the operations were formidable. In 1933 more than 3000 armed Americans were stationed in China, under the sanction of treaties dating back to 1858. Still other uses of armed force could be described as inconsequential and even fatuous. James Grafton Rogers lists, for example, the 1842 landing in Mexico of Commodore T.A.C. Jones, who mistakenly thought war had come. The Commodore "discovered peace, withdrew and saluted." In 1870, according to Rogers, the US Navy forced the US Consulate in Honolulu to lower its flag to half-staff in recognition of a royal death.

James Grafton Rogers' book was one of seminal significance. Professor Edward S. Corwin, a well known authority on constitutional law, found it useful in defending the constitutionality of the Atlantic Pact which committed the United States to the defense of western Europe. In an article for *The New York Times Magazine* of July 31, 1949, Professor Corwin referred to the James Grafton Rogers list of armed actions and said of it:

"While inviting some pruning, the list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and take action in accordance with that decision."

A year later President Truman took action in Korea, a nation with which we had no defense treaty, and the *State Department Bulletin* published an article in support of the President's legal position. The article quoted from James Grafton Rogers and other authorities. It also enumerated 85 previous "landings of American forces." This list had been taken from the *Congressional Record* of 1941; it omitted Iceland and again told of President Monroe expelling free-booters in 1812. The *Bulletin* article justified the Korean intervention by saying that the United States "throughout its history" had "without congressional authorization, acted to prevent violent and unlawful acts in other states from depriving the United States and its nationals of the benefits of peace and security." The State Department now was justifying the legality of a full-scale war, and it was appealing to precedents which, according to its previous argument, did not amount to "acts of war." Perhaps the ordinary citizen can be forgiven for seeing that as a contradiction. (It could be argued that in 1950 neither the President nor the State Department used the term "war." The Korean intervention was called the "Korean Case," the "Korean Police Action," and the "Korean Conflict." However, it *was* a war, as the State Department acknowledged in Meeker's 1966 memorandum.)

Both Professor Corwin's article and the State Department list published in 1950 carried a great deal of weight. A few years ago they still were being cited to me by students of political science as proof that President Johnson did not need any congressional resolution to fight in Indochina. Any writer who said otherwise, I heard, would "just get torn to pieces." Ruhl J. Bartlett, professor of history and political science at the Fletcher School of Law and Diplomacy, shared my impression that the historians were somewhat less convinced than the political scientists. Bartlett himself favored the legislative prerogative.

As the Indochina war became the source of increasing anxiety, the State Department in 1967 bolstered the legal position of President Johnson by preparing a new, Texas-sized list of military precedents. The expanded study told of 137 "Armed Actions Taken by the United States Without a Declaration of War, 1789–1967." It plucked from James Grafton Rogers the abortive landing of Commodore Jones in Mexico, but carefully pruned out the Navy's lowering of the American flag in Hawaii. The new list was prepared not by the State Department's legal office but its Historical Studies Division. The document admitted that Presidents "occasionally" had sought congressional authorization for the use of armed force and that was an improvement; but it still exaggerated the degree of initiative exercised by the presidency, especially during the time the Founding Fathers served in that office. Let us take a look at the earliest military actions cited by the 1967 study.

The newest official list begins with the Quasi-War of 1789–1800. Correctly, it notes that the American naval operations were authorized by Congress.

The second precedent is the struggle with Mediterranean raiders known as the War with Tripoli (1801–1805). The official list says Congress passed "enabling acts during the conflict" but never declared war. What happened was that the piratical state of Tripoli declared war on the United States in order to loot our maritime shipping; President Thomas Jefferson dispatched naval vessels to protect the ships and their crews; and the American naval vessels refrained from conducting offensive operations until permission was received from Congress. Whether war was declared is a minor point. However, in looking up the legislation, I discovered that an act of the 7th Congress mentioned "warfare" and a "state of war." The word "declare" was not used, for what that omission might be worth.

The State Department's third precedent:

"1806: Mexico. Captain Z. M. Pike, with a platoon of troops and on the orders of General James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande. Pike was imprisoned and later released."

If for many years the executive branch of our government could say that the Korean War was not a war, I suppose one should not be surprised to see it now referring to the expedition of Zebulon M. Pike as an invasion. Pike, who thought he was a lieutenant at the time, staggered into Spanish territory, half-starved and half-frozen, while exploring the southwestern reaches of the Louisiana Territory. Pike's Spanish captors believed his purpose to be espionage. However, the exhausted little band of Americans had made impressive detours, finding Pike's Peak; and President Jefferson later vouched for the innocence of their orders. Among some writers the suspicion of espionage has been inspired largely by the devious nature of Pike's superior officer, General Wilkinson, who was an associate of Aaron Burr.

The fourth precedent concerns the years 1806–1810 when "American gunboats operated from New Orleans against Spanish and French privateers." The quoted sentence was taken by the State Department from James Grafton Rogers' book. But Rogers gave as his source Dudley W. Knox's *A History of the U.S. Navy*, and Knox said that the gunboats operated "against freebooters *under the guise* [italics added] of French, Spanish, and English privateers." The ultimate source of this precedent has been the false colors employed by Jean Lafitte *et al.*

In 1810 President James Madison ordered the occupation of part of West Florida, which he claimed as belonging to the Louisiana Territory. American settlers had rebelled against Spanish rule, and so the occupying forces met no resistance. President Madison said that his action was authorized by Congress; various laws had been passed concerning the annexation and administration of the very roughly defined Louisiana Territory, including one that authorized the seizure of Mobile Bay in the present state of Alabama. In 1810, however, President Madison did not press the American claim so far east as Mobile. The State Department now calls West Florida "Spanish Territory" and says nothing about congressional support for the President.

In 1811 Congress authorized the occupation of eastern Florida under certain conditions, including the danger of seizure by a third power (meaning England). Part of eastern Florida, Amelia island, was occupied temporarily beginning in 1812, but President Madison disavowed the army's action. The State Department's new list mentions the congressional authorization and President Madison's disavowal.

During the War of 1812 American forces occupied temporarily one of the Marquesas islands in the southern Pacific. According to the State Department, the island was "claimed by Spain." The island also was claimed by the occupying Americans, whose claim was better than the Spanish one since the Spanish explorer never had seen this particular island, Nukahiva. No solid claim to the Marquesas was established until the French took possession in 1842.

In 1813 Congress again authorized the seizure of Mobile Bay, and a bloodless occupation was effected. The authorization is noted by the official list.

In 1815, as mentioned by the State Department, Congress authorized the renewed conflict with Mediterranean raiders: the War with Barbary Pirates.

From 1814 to 1825 American forces fought pirates and Indians in the Caribbean and the southeastern portion of the continent. Sometimes the hostilities spilled into Spanish territory, chiefly Florida and Cuba. The problem of Florida was solved with the territory's purchase in 1821. As late as 1825 pirates were being captured on offshore Cuban islands. The State Department says nothing about whether these activities were authorized by Congress. A pro-executive study prepared by Senator Barry M. Goldwater, who most recently has claimed 197 armed actions, admits that nearly all were "arguably" authorized by legislation. Omitted from Goldwater's list was an 1825 landing on Puerto Rico. In that case, as the State Department neglected to mention, the American commander later faced a court-martial and resigned from the Navy.

The above history takes us up to the administration of President Andrew Jackson, who is not described as a Founding Father. It is clear, I think, that the early Presidents stayed within the bounds of the Constitution as it originally was understood. Their actions do not support the view that Congress, unless it wishes to "declare" a war, has no say in whether hostilities should be initiated with a foreign state.

As for the remaining portion of the 19th century, the State Department offers a proliferation of incidents that I hardly have bothered to invesitgate. Many involve landings in Latin America, or shows of force there, during times of civil disturbance. A truly major event listed is Commodore Matthew Perry's opening of relations with Japan. This was an "armed action" in that it involved the use of armed ships and the apparent threat of force, but it was not an "armed action" in the sense that fighting occurred. Congress declared the Mexican war of 1846–1848, and the Spanish-American War of 1898. In the case of the Mexican War, the conflict was made almost inevitable by President James K. Polk's dispatch of troops into disputed territory. By placing a military force in danger of attack, President Polk set the pattern for some future involvements, including the present one in Indochina. However, President Polk did find it necessary to seek a declaration of war.

Foreshadowing the trend of the 20th century, a dramatic departure from legality occurred in 1900 when, during the Boxer Rebellion in China, President William McKinley ordered 5,000 American troops to help an international force rescue the legations under siege at Peking. Congress was not in session at the time, and it never did approve or disapprove McKinley's action, which not only was politically popular but took place during an election year. Successive Presidents took more and more liberties with the use of armed force—which is why the State Department began issuing its apologia in 1912. The eloquent Woodrow Wilson, a former professor of political science, twice invaded Mexico without a valid congressional authorization; and he dominated the Caribbean through the Navy Department. In 1917 President Wilson returned to constitutionalism by seeking declarations of war against the Central Powers. In 1941 President Roosevelt requested declarations of war against the Axis Powers; by that time events had gone so far that Congress had no choice. Congress's slowness to deal with World War II resulted in a sense of inferiority that Sen. Fulbright sees as the cause of its present disinclination to challenge the executive's use of power.

By 1950 a considerable erosion of congressional power already had occurred; yet, from the constitutional standpoint, it still was an extraordinary event when President Truman undertook a major war without any authorization from the legislative branch of the government. Truman acted during a time of emergency, and his decision was applauded by lawmakers and public alike. The legal aspect he disposed of by calling the enemy "bandits" and saying, "We are not at war." However, the need for quick action does not fully explain the President's motives. At his leisure Truman could have obtained authorizing legislation from Congress. But he chose not to. Why? An authority on that was the late Dean Acheson, Truman's Secretary of State. In his book of political memoirs, *Present at the Creation*, Acheson said, "There has never, I believe, been any serious doubt—in the sense of nonpolitically inspired doubt—of the President's constitutional authority to do what he did." Acheson admitted that "congressional approval would have done no harm." But the process of obtaining it, he thought, might have hurt the morale of the men already fighting in Korea. There was yet another consideration. Acheson said of Truman:

"The President agreed, moved also, I think, by another passionately held conviction. His great office was to him a sacred and temporary trust, which he was determined to pass on unimpaired by the slightest loss of power or prestige. This attitude would incline him strongly against any attempt to divert criticism from himself by action that might establish a precedent in derogation of presidential power and to send our forces into battle. The memorandum that we prepared listed eighty-seven instances in the past century in which his predecessors had done this. And thus yet another decision was made."

The office of the President had become excessively powerful, and even "sacred," through an historical fiction, though legal legerdemain, and through an era of crisis. It is important to bear in mind that this development is relatively recent. It is not what the Founding Fathers "so wisely conceived." It is what they wished to prevent.

NOT THIS WAR-POWERED BILL

(By Arthur Schlesinger, Jr.)

Since readers of The New Republic may not have seen the piece in The New York Times that provoked Alexander M. Bickel's rejoinder in these pages ("The Need for a War-Powers Bill," January 22), perhaps I may be permitted a few words of response. I recognize that Professor Bickel, McGeorge Bundy, Henry Steele Commager, George Reedy and other weighty fellows have testified for the Javits-Stennis bill and that most liberal, as well as many conservative, senators have endorsed it. And of course I entirely share the objective of the sponsors of the bill. I too want to end presidential invasion of the congressional power to declare war and to reclaim for Congress the role assigned to it by the Constitution. But I continue to doubt—along with Benjamin V. Cohen, George W. Ball, Jonathan B. Bingham and others equally devoted to this objective—that the war-powers bill in its present form is the way to go about it.

The bill limits the President's power to order military action in the absence of a congressional declaration of war to four and only four static categories (and further provides that action taken within these categories must be brought to an end after 30 days unless Congress enacts positive legislation to authorize its continuance). Mr. Bickel, invoking the "experience of two centuries," assets that the four categories embrace "the sort of emergencies in which a purpose to use force automatically and take the consequences can be imputed to our people" and adds that any "other circumstances that anyone can now imagine either allow time for speedy congressional action, or do not present themselves as obviously calling for the use of force." Should some unforeseen contingency arise, then, he consolingly suggests, the law could be "easily changed to accommodate later experience."

Professor Bickel knows infinitely more law than I do, but perhaps less history. The "experience of two centuries" hardly justifies his claim that the four categories in the war-powers bill embrace all relevant emergencies. Let us look at only the more recent examples. The situation that led Franklin D. Roosevelt to order military action in the North Atlantic in 1941 is not covered by the bill; and Professor Bickel himself concedes that, had the bill then been in effect, it "may be true" that Congress would not have sustained the shoot-on-sight policy. Nor, as Congressman Bingham pointed out, would President Truman's response to the invasion of South Korea in 1950 have been permitted by this bill. Nor, as Professor Bickel's colleague, Eugene V. Rostow, has reminded me, would President Kennedy have been able under this bill to place a quarantine around Cuba in 1962. Nor, as Congressman Bingham has further suggested, would the bill allow a quick presidential response to a sudden Soviet-Arab attack on Israel. And I do not imagine any President confronted by emergencies for which the war-powers bill makes no provision would be greatly consoled by Professor Bickel's assurance that Congress might at some later time modify the restrictive clauses.

Not only would the war-powers bill have thus prevented what I at least would consider the wise exercise of presidential powers in emergencies it neglects to provide for; but it would not in my judgment, have prevented the foolish exercise of presidential power in the case which it is presumably above all designed to meet—that is, the Vietnam War. Professor Bickel rather loftily dismisses the proposition that, because the Senate passed the Tonkin Gulf resolution with two dissenting votes, one might conclude that Congress would have endorsed the continuation of hostilities at 30-day intervals under the terms of the war-powers bill. I can only suggest that he has forgotten what Congress was like in 1964, or in 1965, or in 1966, or in 1967; again he is perhaps a better lawyer than an historian. He might refresh his memory by reading the useful piece by John Rothchild, "Cooing Down the War: The Senate's Lame Doves" in the *Washington Monthly*, August 1971. The notion that members of Congress in these years would have defied Lyndon Johnson, the then revered General Westmoreland, the press (including, then, *The New York Times* and *The Washington Post*), patriotism and the flag by refusing to authorize the continuation of hostilities boggles the imagination. It is about as conceivable to suppose that, hand in hand, they would have jumped off the Capitol. Had the war-powers bill been in effect, which thank heaven it wasn't, all it would have done would have been to dig Congress in deeper, ratify indelibly its complicity in the escalation policy and make it harder for it to reverse itself today. And even today, after the war has lost its magic, Congress has not taken the action Professor Bickel seems to think it might have taken when the hawks were flying high.

The war-powers bill in its present form, so far as I can see, would have prevented Presidents Roosevelt, Truman and Kennedy from serving the national interest and would not have prevented President Johnson from wrecking the national interest. This hardly seems a sensible result; nor can one be much moved by Professor Bickel's uncharacteristic hyperbole that "to argue from the unforeseeable in this instance, as Mr. Schlesinger does, is to suppose the bankruptcy of the attempt to rule by law, and the necessity of submitting ourselves to the discretionary rule of the men we elect." Really! Did no one at the Harvard Law School ever tell Professor Bickel about Reed Powell and the "parade of horribles"?

Obviously I am not against the attempt to deal with this situation by law. I am only against the attempt to deal with it by bad law—by law that will not achieve its alleged purpose and will, along the way, create trouble and risk. The restriction of presidential action in the absence of a congressional declaration of war to four categories that would have stopped aid to England in 1941 and to South Korea in 1950 and would have tied our hands before Soviet nuclear missiles in Cuba is only one folly the bill commits. Another is its reliance on a 30-day theory of congressional veto. Thirty days introduces a comforting note of precision; but, if one applies the theory to historical circumstance, its efficacy becomes doubtful. When, after all, do hostilities begin? To be specific, what was the date marking the end of the first 30 days of our military action in Vietnam? In addition, when the date on which action begins can be clearly identified, the first 30 days thereafter are inevitably the period when the President who orders the action overwhelms Congress and the press with his own rendition of the facts and his own interpretation of the crisis (especially when emergency deprives the country of the opportunity for prolonged and intensive debate of the sort that took place in 1939–41). It generally takes more than 30 days for other facts to emerge and other interpretations to gain a hearing.

Suppose one dropped the misbegotten effort to limit in advance occasions in which the President can act without a declaration of war, and suppose one dropped the 30-day rule, would we not be better off? The war-powers bill, divested of these excrescences, contains some usable ideas. It provides, for example, for periodic written reports from the President about the status and prospects of the hostilities he has initiated. It provides for congressional authority to terminate such hostilities by joint resolution or statute. Building on these ideas, Congressman Bingham, in intelligent though evidently unavailing testimony before the Senate Foreign Relations Committee, has proposed what would seem a much simpler and more effective approach to the problem.

Congressman Bingham suggests that the authority to carry on hostilities without a declaration of war should continue only as long as the President has at least tacit approval of both houses of Congress. Citing the Executive Reorganization Act as a precedent, he would give either house of Congress power by resolution to terminate hostilities. Any resolution of disapproval, if sponsored by one-third of the members of the body in which it originates, would go to the floor in 24 hours, become the pending business and be voted upon within three days.

If something like this had been in effect in 1848, it would have terminated the Mexican War (unless it would have brought enough administration supporters to the floor to defeat the resolution, passed by four votes in the House of Representatives, that pronounced the war "unnecessarily and unconstitutionally begun by the President of the United States"). If it were in effect now, it could be a means of terminating the Indochina War without requiring Congress to regurgitate the repeated authorizations it would surely have made under the war-powers bill. Will Senator Javits or Professor Bickel or someone not tell us why this approach would not do everything their bill promises to do without creating the hopeless rigidities their bill must inevitably create?

Professor Bickel replies in the Correspondence section in this issue.

CORRESPONDENCE: REPLY TO SCHLESINGER

Sirs: I suppose I do know too little history to be as certain of its might-have-beens as Mr. Schlesinger, or to be willing to predict as much of it. I do believe that a reallocation by law of the war power, redefining the responsibilities of Congress, will affect the behavior of Congress in future circumstances. I believe, in other words, that it is worth trying to affect through institutional arrangements the course of the history Mr. Schlesinger predicts. That is why I suggested—not, so help me, loftily—that no conclusions are to be drawn from passage of the Tonkin Gulf resolution about the actions of a future Congress under the Javits bill.

I can imagine Presidents dealing with the crises Mr. Schlesinger recalls and projects in a way he would disapprove of, and I can imagine Congresses doing so. With or without a Javits bill, there can be no guarantee that Congresses or Presidents will always do what Mr. Schlesinger or I think wise. But if Mr. Schlesinger shares the objective of reclaiming for Congress the war role assigned to it by the Constitution, he ought not resist a statute that would make it impossible for a President to exercise an independent initiative for war, in the Middle East or elsewhere, however worthy his purpose. The Cuban quarantine of 1962 was in my judgment a borderline case. An air strike would not have been.

The answer to Mr. Schlesinger's final question is a question. If we do not trust Congress to act responsibly under the Javits bill, which requires it to act affirmatively one way or the other, why should we suppose that Congress will act responsibly under the Bingham proposal, which permits it to take refuge in noncommittal, non-action?

One more word. Mr. Schlesinger knows how to wound, or at least to try. He knew what pain could be inflicted by the charge that I am untrue to the teachings of Thomas Reed Howell. But he missed. A parade of horribles is something else. What I committed was hyperbole, as Mr. Schlesinger also says. That is fair enough.

ALEXANDER M. BICKEL.

TRIBUTE TO THE LATE HON. AIME J. FORAND

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining the delegation from Rhode Island and other

Members in paying a brief but sincere tribute to the memory of our late beloved colleague and friend, Representative Aime J. Forand.

Congressman Forand served with great distinction and honor as a Member of Congress from the State of Rhode Island, and although he was a quiet, gentle, and self-effacing colleague, he was also a most determined and dedicated champion of the people and the public interest.

As a member of the Committee on Ways and Means he worked tirelessly for many years to secure legislation to assure older Americans the right to medical care, and largely as the result of his efforts—his contributions—the medicare program was passed by the Congress.

For 18 years Representative Forand served as a member of the Committee on Ways and Means of the House, and contributed much toward the passage of vital and important legislation, including medicare for the benefit of people of this Nation.

Congressman Forand represented his district, State, and the Nation faithfully and well, and his indelible imprint will always remain in his legislative achievements and the great goals and objectives which he sought while serving in the House.

I extend to Mrs. Forand and other members of his family an expression of my deepest sympathy in their loss and bereavement.

THE OVERPOPULATION CRISIS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. McCLURE. Mr. Speaker, not enough has been said before this Congress about the crisis we face in overpopulation. It is truly frightening to realize that the world's population is doubling in the short span of every 35 years.

We have barely begun to look for the ultimate answer to this crisis. Our early considerations make it very clear indeed that the solution will not be easily reached. Moral obstacles are too often irreconcilable, and the more basic biological considerations can only be met with an impossible mission of worldwide education.

While demographic experts point to a stabilization of population in the United States before the end of this century, it is all too clear that no such hopeful prospect can be seen in the undeveloped nations of the world. Here a national economic growth rate of 4 or 5 percent per year is hailed a great advance, while on the other side the population is growing at nine or 10 percent per year. The inevitable result is that more and more people are living in worse and worse poverty.

It becomes obvious that it is in these areas of the world that population control is the international problem. It is equally clear, however, that population controls cannot limit population growth to economic growth for the foreseeable future. I think it is also clear that there is more likelihood of being able to increase the economic growth rather than there is in reducing the rate of growth of the population. While we grope for answers in stabilizing population rates, let us apply known solutions to economic growth.

Recently, my convictions were reinforced by a thought-provoking article from the American Economic Foundation which I would like to share with you at this point:

THE FALLACIES WE LIVE BY: THAT PEOPLE ARE SMARTER THAN ANIMALS

People are the "great brains" of all living creatures. Their knowledge and reasoning power are immeasurably superior—except in two areas of vital importance: 1) people have not learned how to live together without killing each other; and 2) people have no instinctive realization of the dreadful results of overpopulation.

This ignorance, hopefully, results from the extreme youthfulness of Homo sapiens. Compared to the animal species that have learned these lessons, man is a newborn babe. Our history is measured in thousands of years, while that of the well-oriented animal groups is measured in millions. Perhaps, in their infancy, these species had the same blind spots. But they did learn and man should be able to learn much more quickly.

Population control in the animal kingdom is, compared to the people kingdom, truly amazing. For one example we are indebted to anthropologist Robert Ardrey, author of one of the most fascinating and significant books of our times, "The Social Contract." On September 21, 1971, The New York Times published a short Ardrey piece entitled "Birth Control in the Wilds."

The passage that follows refers to two African elephant herds separated only by the crocodile-infested Victoria Nile. One herd has a chronic food problem; the other does not. Referring to the former, Ardrey writes, "And here the elephant is reducing his numbers. Normal spacing of calves is four years. On the south bank it has risen to nine. The onset of female fertility occurs usually at eleven or twelve years. Here it has risen to eighteen.

"The elephant remains a mystery: Do females fail to come into heat? Is there copulation without fertilization? If she becomes pregnant, does she spontaneously abort? We do not know."

But we do know that they solved their problem in a way beyond human intelligence and will power. Our unimaginative reliance upon the gradual spread of birth control is irrational. The world already has 3½ billion mouths to feed, and faces a 100% increase every 35 years; yet we act as if there were nothing to do but hope for the impossible.

But there is something that could at least delay the tragedy. The countries facing mass starvation all have two things in common: 1) they have not substituted tool power for muscle power; and 2) they lack both the needed capital to buy the tools and the needed respect for private property to attract adequate foreign investment. Nothing can save them except increased productivity. *Nothing.*

So the question is: Will these nations become smart enough, soon enough, to avert disaster? And if they don't, will the wave of their self-destruction engulf the entire human race?

This may sound like science fiction, but can we happily assume that our survival is certain? This is really the first stern test of our young life.

NATIONAL CANCER ATTACK

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. PREYER of North Carolina. Mr. Speaker, the national cancer attack legislation passed during the first session of the 92d Congress is one of the most important measures concerning health ever enacted by this body. I hope and believe that this legislation will result in an expansion of the type of cancer research described in the following recent news release from Duke University:

DURHAM, N.C.—Physicians at Duke University Medical Center are using a tuberculosis vaccine to promote immunity to a certain type of highly malignant skin cancer.

In a 32-month study, the Duke doctors have been able to retard growth of melanoma—which usually begins with a malignant mole—in 18 per cent of their research cases, most of them considered terminal.

Melanoma may spread to various parts of the body and is usually fatal. Duke doctors believe their research experience offers significant hope of recovery for patients in very early stages of the disease.

According to Dr. Hilliard Seigler, associate professor of surgery and immunology, and Dr. William Shingleton, professor of surgery, 22 patients in the terminal stages of melanoma were evaluated to determine their ability to produce antibodies against cancer cells. Only half of them showed evidence of an intact immune system.

The physicians believe that a functioning immune system would afford patients a margin of protection against melanoma.

It has long been recognized that a tuberculosis bacteria vaccine, BCG, is a potent protector against TB and a variety of other diseases. Because of this, it was reasoned that BCG might be an effective stimulant in boosting the immune system to fight cancer cells. The patients here received injections of BCG. Then they were placed on an IBM blood cell separator which isolated and collected cells directly responsible for producing antibodies.

The cells were additionally stimulated, under laboratory conditions, with cancer cells that had been bombarded with X-rays to prevent them from dividing once they were reintroduced into the patient.

The progress of the patients who showed marked regression of melanoma tumors demonstrated that stimulation of the immune system does provide some defense against melanoma, the Duke doctors said.

Of the original 22 who participated in the study, 10 died but four demonstrated complete tumor regression and in the remaining eight the disease was stabilized. The four also showed evidence of detectable antibodies.

The clinical significance here, said Seigler, is not so much that there was visible and lasting evidence of improvement in 18 per cent of the patients treated at Duke.

"What is important," he said, "is the fact that we believe this figure can be improved by treating patients in early stages of melanoma.

"We were seeing the worst kind of melanoma. These patients had undergone surgery and the other available treatment known to medical science. You could normally say that they would all die, but now we have reason to believe that some can be helped."

Seigler cited the 325,000 people who die from cancer each year in this country and declared that an 18 per cent regression rate among all melanoma patients would be highly significant.

In experiments with mice, this type of treatment also has proven effective against malignancy of soft tissues, leukemia and mammary tumors.

Now that the Duke physicians believe that BCG enhances the immune system and augments the body's ability to produce cancer-fighting antibodies, they hope to determine the necessary frequency of booster immunizations.

"Theoretically we could continue to immunize melanoma patients and thereby prevent tumor recurrence indefinitely, but first we must determine the interval between boosters," Seigler said.

He said that in Quebec, Canada, a physician immunized all the children in one town against tuberculosis and as a result the expected incidence of acute leukemia was reduced by 60 per cent.

"Something apparently interferes with the anti-body-producing mechanism once cancer invades the body. We think that by stimulating the immune system some cancer patients will benefit," he said.

EV BOWMAN—LAWNDALE MAN OF THE YEAR

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, it is with great pleasure that I bring it to the attention of my colleagues here in the House of Representatives the naming of Everett Bowman as Lawndale's Man of the Year. Ev Bowman was accorded this honor in recognition of his years of unselfish service to the community of Lawndale. Besides his active participation in business associations, church groups, and other civic organizations, it was noted that Ev Bowman was most deserving for this award for his day-to-day willingness to lend a helping hand to all his neighbors. Letter after letter supporting Mr. Bowman's candidacy mentioned that he was always available to judge contests, play Santa Claus or perform any other task that might make life a little nicer for his fellow man.

Mr. Bowman has participated in numerous community activities which I would like to mention here for the RECORD. He was a charter member of the Mount Zion Primitive Baptist Church of Inglewood, and is presently serving as deacon and treasurer. He is a member of the Lawndale Chamber of Commerce and the Lawndale Rotary Club, serving on various committees. He is a charter member and founder of the South Bay 25 Club, and a member of the United Oil Distributors Association. He is also a committee member of the local YMCA and participates in the training program for the hard-core unemployed. These are but a few of the civic activities to which Ev Bowman gives unselfishly of his time and energy.

I hope that my colleagues will join me in wishing Ev Bowman a hardy congratulation on a job well done.

CONGRESSMAN ANNUNZIO INTRODUCES PENSION REFORM BILL

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ANNUNZIO. Mr. Speaker, I rise today to introduce the Employee Benefit Security Act. This act will insure some pension benefits to a worker who remains under his company's plan for a reasonable period of time. It will insure that the assets to pay the worker's pension are there when he retires. It will protect his rights to a pension if the company goes out of business. Furthermore, it will protect the assets of his pension fund against mismanagement.

Our Nation's private retirement system has come a long way since its humble beginning in 1875. It was then that the American Express Co. established the first industrial pension plan.

Widespread growth was late in coming in the United States. However, today there are over 43,000 plans covering 30 million workers. These plans have assets valued at over $138 billion.

We have all heard too many stories of workers losing out on a pension for one reason or another. Furthermore, we all know that many of our Nation's older citizens suffer greatly because of inadequate retirement income.

Since the 1965 Presidential Cabinet Committee report on private pensions, extensive debate has focused on the desirability of enacting legislation to impose certain minimum vesting, funding, fiduciary standards, and insurance requirements with respect to private plans. Numerous studies and legislative proposals have emerged. Now is the time to act.

My proposal, which is identical to the proposal of Congressman DENT of Pennsylvania, reflects the prior studies, the public debate, and the obvious need for reform. Specifically, the Employee Benefit Security Act would establish minimum standards of fiduciary conduct for plan trustees and administrators, to provide for their enforcement through civil and criminal means, and to require expanded reporting of the details of a plan's administrative and financial affairs.

The proposed Employee Benefit Security Act would improve the equitable character and soundness of private pension plans by requiring them to make irrevocable—or to vest—the accrued benefits of employees with significant periods of service with an employer. My proposal would permit vesting requirements to phase in under one of several alternatives—all of which would ultimately result in 100 percent vesting after 10 years of service.

Every pension plan subject to this act would be required to provide for contributions to the plan in amounts necessary to meet the normal costs of the plan, plus interest on any unfunded past service cost. Past service costs primarily arise through the practice of granting credit for past services of employees when new pension plans are established, or when the benefits under existing ones are increased. Vested liabilities would have to be funded according to a prescribed schedule which will systematically fund these costs in 25 years. Special transitional provisions are included for plans already in existence.

The Employee Benefit Security Act would protect the vested rights of participants against losses due to essentially involuntary plan terminations. This would be accomplished through the establishment of a Pension Benefit Insurance Corporation within the Department of Labor. Each plan would pay a premium for insurance at rates prescribed by the Pension Benefit Insurance Corporation based upon the amount of unfunded vested liabilities which is to be insured, and upon such other factors as the Corporation determines to be appropriate.

Finally, Mr. Speaker, I also believe it is important that we all recognize the fine efforts of our distinguished colleague from Pennsylvania (Mr. DENT), who as chairman of the General Subcommittee on Labor, has pioneered to protect the pension rights of this Nation's workers. Without hesitation, I would say that the most significant contributions in Congress have come from him, and I extend to him my sincerest congratulations. His efforts in this area have resulted in much greater public awareness of the problems that are involved.

THE 54TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ROE. Mr. Speaker, I join with my colleagues here in the Congress, our fellow Americans of Ukrainian ancestry, and freedom-loving people throughout the universe in tribute to the 47 million people of the Ukraine who celebrated the 54th anniversary of the proclamation of Ukrainian Independence on January 22, 1972.

The Ukraine, a Soviet Republic of southeastern Europe, is presently the largest "captive" non-Russian nation both in the U.S.S.R. and Eastern Europe. The gallant struggle of this proud nation for freedom and independence has spanned a period of 11 centuries. Only three distinct eras of national statehood and independence have emerged during this time and the last, born with the fall of the Russian Empire in 1917, was the most agonizing to lose in March 1921, when the Treaty of Riga put an end to the Ukrainian National Republic.

The valor and dedication of the heroic people of the Ukraine in their constant and noble quest for independence and sovereignty are legendary. We salute the valiant Ukrainians who have been in the vanguard of the fight for freedom against

Communist oppression and solemnly acknowledge the many sacrifices and hardships they have endured in their desire and resolve to regain their national independence.

We, as Americans, wish to extend our moral encouragement for their commitment to the principles of freedom and liberty that they have so undeniably demonstrated throughout their history. In addition to our encouragement, they deserve from us a restatement of our own historic commitment to the principles of self-determination in a free world and to this and I request the support of my colleagues here in the House in joining President Lev E. Dobriansky of the Ukrainian Congress Committee of America—UCCA—Mr. John Chomko of Passaic, N.J., who is a resident of my congressional district and a member of their executive board, and all of the other members of the UCCA in commemorating the 54th anniversary of the Independence of the Ukraine and their continuing courageous struggle to achieve national integrity and sovereignty for the Ukraine and other captive nations of the world.

DEATH OF ALEXANDER T. KERR

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. CAREY of New York. Mr. Speaker, I wish to call to the attention of my colleagues the very sad news of the death of a very fine American, Alexander T. Kerr, who passed away suddenly Wednesday, January 26, 1972, at the age of 51. Mr. Kerr was the secretary-treasurer of the Seafarers International Union of North America, AFL–CIO, a position which he had held since 1965.

It was my privilege to know Mr. Kerr for many years, the headquarters for the Seafarers International Union being located in my district in Brooklyn. From very difficult, humble beginnings, Mr. Kerr, by determination, hard work and devotion to the ideals and principles upon which our country was founded, achieved respect and honor among trade unionists everywhere.

Al Kerr came from a coal mining family in the town of Weaver, in the southern part of Illinois. His father was a coal miner. Al Kerr became a seaman as a young man and sailed during World War II aboard merchant ships carrying supplies to our troops in combat zones throughout the world. Two of the vessels on which he sailed were torpedoed and sunk. Mr. Kerr received several citations for valorous service during the war.

I think it is fitting and proper that we pay our respects to the memory of Al Kerr who was a decent and effective trade union representative, a very devoted husband, and an American who served his country with loyalty and courage in the critical period of World War II. In conclusion, I should like to offer to his wife, Mildred, his son, Robert, and his two daughters, Susan Kerr and Mrs. Elaine Harm, my deepest sympathy.

THE AIR WAR IN INDOCHINA

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ST GERMAIN. Mr. Speaker, while U.S. combat deaths are down to less than 10 a week and troop levels have declined to 136,500 Americans, it is important to remember that a devastating air war still goes on in Indochina.

Earlier this week American B–52's pounded the western border of South Vietnam from the DMZ to the Central Highlands with the heaviest bombing raids in 4 months.

Air Force and Navy fighter bombers made at least 12 more strikes this week on North Vietnam itself with bombs and air-to-ground missiles in the heaviest action north of the DMZ this year.

Last year, U.S. planes dropped 800,000 tons of aerial munitions on South Vietnam, Laos and Cambodia, considerably more than was dropped when the air war against North Vietnam was at its height. United States planes dropped 124,000 tons of bombs on North Vietnam in 1966, and 200,000 tons in 1967. It is almost impossible to appreciate the enormity and destructive impact of the quantity of explosives unleashed in Vietnam.

We can only begin to imagine the dimensions of the bombing war when we realize that the 6,200,000 tons of bombs rained on Indochina so far is more than three times the bomb tonnage dropped by the United States in World War II. Most of it has been directed on South Vietnam, a country less than half the size of California.

There is no end in sight of this thundering rain of bombs and missiles.

In November, President Nixon declared that American air power would continue to support South Vietnamese combat forces "until there is a negotiated settlement or . . . until the South Vietnamese have developed the capacity to handle the situation themselves."

The air war has destroyed more than the enemy. It has contributed its share to the nightmare of 325,000 civilian deaths and more than a million civilian casualties in Vietnam. It is partly responsible for the refugee situation—about one-third of the population of South Vietnam has become refugees.

The bombing is making areas of the country wasteland. A typical mission of 6 huge B–52 bombers each carrying 30 tons of bombs and flying in close formation, can saturate a square mile with explosives demolishing everything in sight.

An estimated 23 million craters have been carved out by the 500-pound bombs dropped by our B–52's. Most of them are now filled with water—sometimes 20-feet deep—making an ideal breeding ground for malaria-carrying mosquitoes.

One more index of the magnitude of the bombing is that the shrapnel in the trees has become a serious problem to the lumber industry in Vietnam. One recent report claimed that 4 out of 5 logs being processed by Vietnamese sawmills have metal fragments in them which have to be removed. The cost of extricating the metal was forcing Vietnamese entrepreneurs to use Cambodian timber. But now metal fragments are also showing up in the Cambodian logs.

We are destroying the land and people to save them.

Will the bombing force the North Vietnamese and the Vietcong to agree to our peace terms? It had no effect in 1967 at the most intense level of the bombing. Why should it have that effect now?

Even William P. Bundy who was Assistant Secretary of State in charge of Asian affairs for President Johnson, and at that time a strong advocate of American involvement in Vietnam, has recently stated his opposition to a continuation of bombing raids over North Vietnam: "I would doubt their usefulness very much indeed," he said.

Supposedly, one of the reasons for continuing the bombing is to protect our ground troops. But, notice the vicious circle in our policy: We are keeping a residual force of ground combat troops in Vietnam until North Vietnam releases our POW's. And to protect the ground troops we fly bombing raids. More flyers are shot down and become POW's thereby increasing the need for the residual force of ground troops. In fact, most of the POW's are pilots and crews of our planes.

Even if we were to withdraw all American troops from Vietnam, if we continue bombing to support South Vietnamese forces, the North Vietnamese will never release our POW's.

Thus, a way must be found not only to withdraw American troops from Vietnam but to end American involvement in the air war. The situation cries out for a settlement. A way must be found before the country is completely in ruin.

Since President Nixon took office more than 19,900 Americans have died in Vietnam. Over 100,000 have been wounded. The ground is soaked with American and Vietnamese blood. It is scarred with bomb craters and its forests have been defoliated with poisonous herbicides. Instead land is seeded with the metal of bombs, bullets, grenades, and helicopter parts.

For what purpose?

I would like to conclude by quoting from a resolution adopted by the American Catholic bishops:

> At this point in history it seems clear to us that whatever good we hope to achieve through continued involvement in this war is now outweighed by the destruction of human life and human values which it inflicts. It is our firm conviction, therefore, that the speedy ending of this war is a moral imperative of the highest priority. Hence we feel a moral obligation to appeal urgently to our nation's leaders and indeed to the leaders of all the nations involved in this tragic conflict to bring the war to an end without further delay.

A NEW YEAR'S LETTER PRAISING GOD AND COUNTRY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BOB WILSON. Mr. Speaker, we hear a lot today from some segments of our society about what is wrong with the "system" and how the poor have no chance to make it because of the transgressions of the so-called Establishment. I do not mean to imply that our Nation is without faults, but it was indeed a pleasure to read the following letter to Uncle Sam from Mr. Alton S. Newell, the president of the Newell Manufacturing Co. The son of a sharecropper and migrant farmer, Mr. Newell knew extreme poverty and deprivation as a child and yet was able, through his own hard work and determination and the kind assistance and concern of many individuals along the way, to reach the top in his field. We should all make a New Year's resolution to say thank you to Uncle Sam for the many blessings of our great country and I hope my House colleagues will take the time to read Mr. Newell's letter carefully:

[Advertisement from the Wall Street Journal, Dec. 29, 1971]

A NEW YEAR'S LETTER PRAISING GOD AND COUNTRY

DEAR UNCLE SAM: Since you have been the object of much criticism lately, both from within and without your borders, I would like to write you a few words of praise to brighten your New Year.

In the past two years I have travelled in most all the countries of the world. In most all the places I visited I saw irrefutable evidence of your deep concern for the welfare of all the people of the globe. Your men in uniform are scattered throughout the world. Not a one of them is there to conquer any space or subdue a human being. They are at their assigned places to insure that free men will remain free. Many white crosses there give evidence to the sacrifice made by those who never returned to their homeland.

Twice in my lifetime you have joined other nations to put down those who would enslave their fellow man. You beat your enemies to the ground only to pick them up again and dust them off, bind up their wounds and tenderly nurse them back to health again. In many cases you provided them with more modern and sophisticated equipment than we have at home. Your scientists, engineers and technicians are busy all over the world today to help people obtain a more abundant life. Your doctors, nurses and many helpers are fighting the effects of disease and poverty in underdeveloped and, in some cases, overpopulated countries of the world. Most of the people of the free world appreciate this and praise you for it and pray that you will not become discouraged enough to cease your endeavor. I pray for you and thank God for you, dear Uncle, because you have done so much for me.

I was born in a tent in Oklahoma and grew up in poverty. My parents were sharecroppers and moved from farm to farm. In the fall of 1922 they took their six children and headed west and became migrant workers. Seven or eight months later we reached California in time for the fruit harvest and became known, along with others, as "fruit tramps." The next year my parents separated when I was ten years of age. All the children, ranging in age from two to fourteen, went with my father and for several years went back and forth from Texas to California working our way along. We went to school when we were in one place long enough for the truant officers to find us. Getting an education under these conditions was difficult, but with the help of many others we all made it to high school . . . Our father's health was not good and he also developed a serious drinking problem. The two youngest children had to be sent to their grandparents for a while, but we soon got back together again. We finally settled down out west and began our slow climb out of poverty. Many people helped us along the way. Thank you, dear Uncle, for allowing God to bless us through you.

I sit today at the top of eight companies one which is doing business all over the world. I do not claim even a small amount of genius for myself, but would like to tell the world that our system of government gives a better chance to the individual to have a good life than any system known to man. I do not belittle those who have been unable to reach their goal but offer my experience for their encouragement and also to encourage those who have it made to help those who don't. I could never go back and find and thank all those whose lives touched and enriched mine, so to make up for it, I will try to help and encourage others. I count it a privilege to support my church and other worthwhile causes. I don't mind paying income taxes because they are an indication of material blessings. So dear Uncle Sam, don't let anyone tamper with your system of government unless they first show you a better one. Thanks for listening and Happy New Year.

Sincerely yours,

ALTON S. NEWELL,
President, Newell Manufacturing Co.

INTERNATIONAL HIGHWAY SAFETY YEAR

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BLATNIK. Mr. Speaker, I believe it is a matter of great interest to this body that the nations of the world have become aroused to the need for international cooperation in the field of highway safety, an area with which the Committee on Public Works has concerned itself actively for many years. There is today widespread recognition that all countries, developed and underdeveloped alike, have a common cause in reducing the appalling toll of death and injury that occurs daily on their roads.

In that connection, I call to the attention of the House a proclamation that has just been issued by His Imperial Majesty, Haile Selassie, Emperor of Ethiopia, designating 1973 as International Highway Safety Year.

His proclamation was issued at the request of the Ethiopian Road Federation, of which he is a patron, and which is a member of the International Road Federation in Washington, D.C.

His Imperial Majesty has called upon all national and international organizations to give full support to the cause of road safety on a worldwide basis, and particularly in 1973. He noted that highway construction in Ethiopia has done much in recent years to expand economic and social progress in his country and that this progress can and should be accompanied by equal strides in highway safety.

I sincerely hope, Mr. Speaker, that all individuals and organizations interested in highway safety will endorse His Imperial Majesty's proclamation and join in plans and preparations to make 1973 one of the safest highway years in history.

AID TO EDUCATION PROPOSALS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, Federal aid to education is a matter of great concern to every Member of Congress.

Michael W. Butler, professor of economics at the University of Arkansas, and David L. Scott, associate professor of economics at Florida Southern College, have recently authored a timely article on the economics of Federal aid to education programs. They cite the present surplus of teachers, remedial education, and education for the handicapped as particular problem areas.

I commend the following article to the attention of my colleagues.

THE MISALLOCATION IN FEDERAL AID TO EDUCATION

(By David L. Scott and Michael W. Butler)

Over the past two decades one of the main educational problems was a shortage of teachers. To eliminate this shortage several government aid programs were put into effect. In 1958 President Eisenhower signed into law the National Defense Education Act, the purpose of which was to eliminate the shortage of teachers and scientists. The Higher Education Act of 1965 provided for teacher training programs, established a National Teachers Corps. and provided for graduate teacher training fellowships. The Education Professions Development Act of 1967 established programs to eliminate shortages of adequately trained educational personnel and to attract a greater number of qualified persons into the teaching profession. These acts and other federal aid programs are currently providing over $250,000,000 to train new teachers and to increase the educational attainment level of existing teachers.

The problem of a teacher shortage has been resolved. Today we are faced with a teacher surplus, and this surplus is projected by most sources to increase in the coming years. Table I shows a recent projection by the Office of Education.

TABLE I.—*Supply conditions for teachers in secondary and elementary schools*

Year, Supply Condition, and Number

1968–69,	Undersupply	61, 000
1969–70,	Undersupply	2, 000
1970–71,	Oversupply	20, 000
1971–72,	Oversupply	33, 000
1972–73,	Oversupply	44, 000
1975–76,	Oversupply	72, 000
1978–79,	Oversupply	93, 000

Source—U.S. Department of Health, Education, and Welfare, Office of Education, The Education Profession, 1969–70, p. 78.

TABLE II.—OFFICE OF EDUCATION PROGRAMS THAT ATTEMPT TO DIRECTLY INCREASE THE SUPPLY OF TEACHERS

[In millions of dollars]

	1967	1968	1968	1970[1]	1971
National Defense Education Act: Title IV, college teacher fellowships	52.6	60.7	70.3	79.0	82.8
Education Professions Development Act:					
Higher education training program	.9	1.9	5.5	2.0	5.2
Preschool, elementary and secondary training programs	55.4	58.4	42.0	83.0	83.3
Preschool, elementary and secondary grants to States			2.1	17.6	15.3
Higher Education Act:					
National teachers corps	15.5	16.0	19.4	24.2	29.8
ducational Improvement for Handicapped: Teacher education and recruitment	21.9	24.2	21.7	27.8	31.0
Total	146.3	161.2	161.0	234.6	247.4

Estimated expenditures.

Source: K. A. Simon and W. V. Grant, U.S. Department of alth, Education, and Welfare, Office of Education National nter for Educational Statistics, Digest of Educational Statistics 1970. pp. 112–113.

While many factors affect the supply of teachers, federal subsidies are among the more significant.[1] Some examples of federal programs that have as their objective an increase in the supply of teachers are listed in Table II.[2]

Although we continue to spend money to solve a problem of teacher shortages that no longer exists, other problem area programs are inadequately funded. If money is to be spent in the area of education it should be diverted from the subsidization of teachers (which aggravates the problem of a teacher surplus) to programs that might offer greater benefit to our society. There are many areas of education that require additional aid in order to carry out their objectives such as programs which attempt to educate illiterate adults, handicapped persons, the economic disadvantaged and racial minority groups.

In 1969 $303,000 was spent under Title VIII of the Elementary and Secondary Education Act for dropout prevention. The amounts spent for 1970 and 1971, $6.9 million and $10.2 million respectively, although considerably more, were still insufficient.[3] The number of 16–17 year olds not in school in October 1970 was 772,000 or ten percent of this age group. There were over 1,200,000 children ages 7 through 17 not in school during the same time period.[4] Moset of these, especially in the higher age groups, are considered dropouts. Furthermore, increased federal aid through the dropout prevention program with the primary objective of retaining these children in school could have benefits other than simply increasing the educational attainment of these children. Crime rates are high among 16–17 year olds not in school, especially in large cities, and welfare roles are crowded by people with low levels of educational attainment.[5] Both crime rates and welfare roles would probably be lowered by having fewer elementary and secondary school dropouts.

The number of illiterates in the United States 14 years of age and over is 1,433,000. The number between 14 and 24 years of age is 97,000 or about .3 percent of this age group. For the 16–24 year age group the illiteracy rate for whites is .2 percent and for Negroes it is .6 percent.[6] Many of these people could be helped by a properly funded program in remedial education. Under Title VI of the Higher Education Act, Office of Education expenditures for Special Programs for the disadvantaged-Talent Search and Remedial Assistance, for 1970 and 1971 are $1.8 million and $6.2 million respectively.[7] Expenditures for these years on a "per-person" basis amount to about $1.25 in 1970 and $4.33 in 1971, an insignificant amount considering the magnitude of the problem. The Committee on Economic Development recently wrote:

"A general equality in basic student skills and understanding is both possible and mandatory. Nearly everyone can learn to read and write and develop the skills necessary to secure equality of minimal achievement in the basic literary skills of reading, writing and computation. These skills are essential to every person. . . ."[8]

Day care centers provide a means by which the illiteracy rate might be lowered in the long run. Providing preschool education in day care centers could have a profound effect in raising the educational attainment level of young children.

"The most effective point at which to influence the cumulative process of education is in the early preschool years, when the child has a large capacity for acquiring skills and cultivating expectancies. Only a massive effort to establish both public and private preschool educational programs will provide the preparation in motivation, intellectual capacities, and physical skills essential to success in achieving total basic literary."[9]

As more and more women begin to work full-time, especially those considered economically disadvantaged, an increasing number of children are being put in preschool day care centers.[10] Both the number of children and the percent of children enrolled in preschool programs have been increasing since 1964. Table III shows the number of children enrolled in such programs during 1969. A further funding for preschool programs could have a significant long run impact in reducing the illiteracy rate and in reducing the dropout rate among disadvantaged youth. "Disadvantaged children who reach school age without preschooling soon fall behind in reading and writing. This results in retardation in all tasks requiring basic literacy" leading to failure and early dropouts.[11] The Headstart Program has had some success in providing early childhood education for disadvantaged preschool children. Since 1964, 3,300,000 children have benefited under this program. Even though the average assistance per child is currently about $1,050 per year, both a greater effort and a larger budget is necessary to solve the problems of the economically disadvantaged child.

TABLE III.—*Children under 6 years of age enrolled in prekindergarten programs October 1969*

Age and number of students	
3 years	29,395
4 years	484,880
5 years	79,895

Source.—Alvin Renetzky and J. S. Green (eds.), Standard Education Almanac (Los Angeles: Academic Media Publishers, 1971), p. 64.

Title II of the Economic Opportunity Act of 1964 established the Followthrough Program which is intended "to help children from low income families sustain in the primary grades the educational gains made in Headstart or other similar preschool programs."[12] Followthrough could be a very significant program if it were properly funded but it is estimated that in 1970 the program was able to serve only about 35,000 children, a totally inadequate number.[13]

Despite the magnitude of the problem many programs designed to aid the disadvantaged, handicapped and minority groups are not successful simply because the programs lack money. Table IV illustrates some of the expenditures of the Office of Education for 1970. In comparing the expenditures on these programs to expenditures for teacher training in Table II, it is obvious that there exists a misallocation of Office of Education funds.

TABLE IV.—*Partial listing of expenditures, Office of Education, 1970*

(In millions of dollars)

Programs and expenditures*	
Educationally deprived children (Indian)	$9.0
Early childhood education for handicapped	3.0
Programs for disadvantaged—Talent Search	5.0
Adult basic education—Special projects	8.0
Adult education courses (American Indian)	1.1
Program for disadvantaged—Upward Bound)	30.0
Dropout prevention	10.0

*Estimated

Source.—List of Operating Federal Assistance Programs Compiled during the Roth Study, Prepared by the Staff of Representative William V. Roth, Jr. (Washington: U.S. Government Printing Office, 1969).

We think it is necessary that the programs of the Office of Education be reviewed and programs that are no longer serving the public be eliminated. Money needs to be allocated to programs that are attempting to solve current problems, not problems of the past. More specifically, the programs whose purpose it is to increase the supply of teachers should be eliminated and the money used to fund programs which aid disadvantaged and handicapped students. This would accomplish two goals: the elimination or reduction of the projected surplus of teachers and the elevation of the education level of a large number of students, especially the handicapped and disadvantaged.

FOOTNOTES

[1] Some other factors affecting teacher supply are higher salaries, job security, improved working conditions, greater job prestige, *etc.* Both demand and supply are significant in determining the surplus of teachers.

[2] For a complete summary of Office of Education expenditures by legislative program for fiscal years 1960 through 1971 see K. A. Simon and W. V. Grant, U.S. Department of Health, Education, and Welfare, Office of Education, *Digest of Educational Statistics 1970* (Washington: U.S. Government Printing Office, 1971), pp. 112–13.

[3] Estimated amounts.

[4] U.S. Department of Commerce, Bureau of Census, *Current Population Reports—Population Characteristics,* series P–20, no. 222, (Washington: U.S. Government Printing Office, June 28, 1971), p. 12.

[5] In 1969 30.5 percent of total arrests occurred in the age group of 18 years old and under. Juvenile delinquents tend to be concentrated in the inner city area. See the FBI's Uniform Crime Reports–1969, *Crime in the United States* (Washington: U.S. Government Printing Office, 1970), p. 56 and p. 122. Also see the President's Commission on Law Enforcement and Administration of Justice Task Force Report: *Crime and Its Impact—An Assessment* (Washington, D.C.: U.S. Government Printing Office, 1967), pp. 60–72.

[6] U.S. Department of Commerce, Bureau of Census, *Current Population Reports—Population Characteristics,* series P–20, no. 217 (Washington: U.S. Government Printing Office, March 10, 1971), p. 8.

[7] Estimates by the Office of Education.

[8] Committee for Economic Development, *Education for the Urban Disadvantaged—From Preschool to Employment* (New York:

Committee for Economic Development, 1971), p. 17.

[9] *Ibid.*

[10] The probability of being poor is about three times as great for a Negro family as it is for a white family, a fact which probably accounts for there being a larger percentage of Negro children age 3 to 4 years enrolled in nursery school than white children of the same age group. See U.S. Department of Commerce, Bureau of the Census, *Current Population Reports—Population Characteristics*, series P-20, no. 215 (Washington: U.S. Government Printing Office, March 5, 1971), p. 2.

[11] CED Report, *loc. cit.*, p. 35.

[12] List of Operating Federal Assistance Programs Compiled during the Roth Study, Prepared by the Staff of Representative William V. Roth, Jr. (Washington: U.S. Government Printing Office, 1969), p. 394.

[13] *Ibid.*, p. 395.

CONGRESS MUST ACT ON THE WEST COAST DOCK STRIKE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HOSMER. Mr. Speaker, twice in the past 2 weeks the President has asked—even pleaded—with Congress to act promptly and decisively to end the crippling west coast dock strike.

His message yesterday reflected his frustration at the reluctance of the Congress to face up to its responsibilities in this regard. The Congress should act and it must act. Eventually it will have to act. There are really no two ways about it.

For 15 months now, the collective bargaining process has been underway. And in those 15 months, little if anything has been accomplished other than to point up the hopelessness of the situation.

And for the better part of the time since last July 1, the American public has been dealt a crippling blow, and our best efforts to restore health to our national economy have been hindered. The cost to the west coast States alone has been estimated at $23 million a day for each day of the strike.

The parties to the negotiations can foresee no end to the impasse. Millions of Americans are suffering needlessly. The President has exhausted every remedy available to him in trying to resolve this matter. And the Congress is seemingly unconcerned or reluctant to act or deliberately not acting. Some had hoped that the mere threats of congressional intervention would spur a voluntary settlement. Yet Congress does not even appear to be threatening action.

Clearly, no one—not the President nor any Member of the Congress—relishes interference with the venerable American tradition of free, collective bargaining, last of all in an election year. But the Congress cannot look the other way and hope the problem will disappear, because it will not. It will only get worse.

It is high time that we face up to our responsibility and move to end this calamity, either as the President has requested or in some other manner that the wisdom of this body should decide. But the important thing is that Congress act and act swiftly.

BIG SCORE FOR NIXON

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to insert the following editorial which appeared in the Tulsa Daily World on January 17, 1972, entitled, "Big Score for Nixon."

I think this represents the most accurate analysis of the efforts that President Nixon has continually made to bring an end to the Vietnam war and to effectuate the safe return of our prisoners of war. The article follows:

Big Score for Nixon

President Nixon's speech Tuesday night may not end the war in Vietnam any sooner, but it has effectively cut the ground out from under his antiwar political opponents at home.

Hanoi and the Viet Cong have responded in their automatic fashion. Sneering rejection has become so routine after every offer of an American President that it would be a major shock if they answered in any other way. There is nothing Mr. Nixon could say—short of all-out capitulation—that the Communist enemy would accept.

But the fact is that the eight-point plan he has offered this time is so reasonable and so fair that Americans must find it hard to understand why the North Vietnamese would not quickly latch onto if they are genuinely interested in ending the war.

Why that doesn't happen, only the Communists can explain. Something in their psychology, perhaps, makes them bound *not* to budge an inch from their own peace plan, which amounts to a unilateral backout—surrender—by the Americans.

No plan can be acceptable to them unless it guarantees them a takeover of the Government in Saigon. That Mr. Nixon cannot offer or agree to.

But in American eyes the offer of President Nguyen Van Thieu to step down from office and have the Government elected under international supervision is as fair as anything could be. And the requirement for a cease-fire and release of American prisoners of war is a minimum demand that could not harm the enemy in any way.

But Hanoi is not buying it. So what good is the Nixon proposal?

Simply this: The President has let the world know how far this country already has gone and is willing to go to bring peace to Southeast Asia. And he has shown once again how dangerous it is for political opponents to jump on an American Chief Executive in foreign affairs.

The political claque demanding that every last American in Vietnam be withdrawn in the next five minutes is of course rejecting Mr. Nixon's proposal as predictably as the Communists. The McGoverns and Hartkes can no more look at this issue honestly and objectively than they can endorse a Republican President for re-election.

But the American people as a whole will not listen to these homegrown parrots of the Hanoi line. Anyone with the slightest sense of fairness must know the President has bent over as far as he can go—and we now know *he has been doing it for 30 months.*

Beyond this his only alternative is to run up the white flag and swallow the enemy's terms—abandoning American prisoners to the mercy of their captors. Such a course can be acceptable only to the faintest of hearts and the fuzziest of heads, some of whom are running for President.

CHILD CARE CARAVAN PROGRAM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mrs. GRASSO. Mr. Speaker, the creative efforts we make now to broaden the world of our pre-schoolchildren will surely reap future dividends.

Innovative programs designed to reach parents with information about and for young children are being initiated as a mean of providing preschoolers with interesting, stimulating activities in the world of imagination, nature and art. Such a program will be instituted in northwestern Connecticut through the efforts of Joan-Gayle Harrison who teaches at Northwestern Community College and coordinates Northwestern's child-care program.

A $3,900 grant from the Connecticut Commission on Aid to Higher Education together with about $2,000 in "in-kind" matching funds from the college will help establish a child care caravan to serve at least eight communities. The child care caravan will help inform parents about ways in which they can engage their youngsters in activities that develop interests and skills and provide wholesome recreation.

Northwestern Community College and Miss Harrison are to be commended for their industry and foresight in planning such a program. For the interest of my colleagues, an article further describing this much needed program which appeared in the Winsted Evening Citizen follows:

Local College Teacher Gets Grant for Child Care Caravan Program

Joan-Gayle Harrison of Northwestern Community College faculty has received a $3,900 grant from the Connecticut Commission on Aid to Higher Education.

The college will contribute about $2,000 in "in-kind" matching funds.

The grant funds will be used to institute a child-care caravan program designed to serve the parents of pre-school children in northwestern Connecticut. This program seeks to reach parents with information about and for young children. It will demonstrate to parents means of providing stimulating, interesting, and fun activities for young children.

The areas stressed will be imagination, art, and nature. Additionally the program will provide actual materials for parents to work with, and to take home for their children. Developmental needs of young children will be stressed. All activities will be based on inexpensive or free materials.

Child Care Caravan will be a three evening program given in specified target areas. The three-hour sessions will be scheduled on consecutive Tuesday, Wednesday and Thursday nights.

Each session will begin with a discussion. Participants will be encouraged to express their ideas. The activity period will follow; all of the activities will be done simultaneously. The participants will move from activity to activity as their interests determine.

Each activity will be set up by a student helper who will explain the procedures.

The focal point of the first session will be activities for the young child in the world of imagination. Topics to be covered include importance of role play, water play, encouraging imagination, and stimulating imagination. The second session will deal with activities for the young child in the world of art.

Topics to be covered include development of small muscles, development of sensory skills, development of eye-hand coordination and importance of experiences on development of skills. The third session will cover young children in the world of nature. Topics for discussion will be the role of ecology in the child's future, significance of nature in leisure activities, development of vocabulary, learning about one's natural inheritance, and development of observational skills. The activities covered each evening will be designed to emphasize these concepts.

At present, the Child Care Caravan is planning to conduct programs in Canaan, Sharon, Washington, Litchfield, Colebrook, New Hartford, Woodbury and Thomaston.

Speaking about the program Miss Harrison said, "The caravan concept has succeeded in both urban and rural areas with medical teams, dramatic groups, art exhibits, and libraries. Its major advantages are that the program goes out to the people, rather than the people coming to the program. Also, one presentation can be used for many situations."

Miss Harrison is Coordinator of Child Care Program at Northwestern. She has a Master's degree in Child Development and Family Relations from the University of Tennessee. Prior to her coming to Northwestern, she was an early childhood specialist at Progress for Providence, a community action agency in Providence, R.I. In that capacity she was instrumental in forming the Rhode Island 4C's (Community Coordinated Child Care).

While she was doing her graduate work at Tennessee she was involvd with Focus, an organization that works in Appalachia. Also she taught a class in Child Care for New Careers.

Prior to her graduate work Miss Harrison taught kindergarten in North Branford, Connecticut. She also codirected and taught a prekindergarten summer program for two summers in North Branford.

As Coordinator of the Department of Child Care at Northwestern she has worked on the development of the curriculum. Miss Harrison also initiated the formation of the Connecticut Counsel of Community College Child Care Coordinators. She also initiated a liaison among the college, the Early Childhood Section of the Department of Education and the Department of Health.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PARLIAMENTARIANS ASK CEASE-FIRE IN VIETNAM

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. DOW. Mr. Speaker, experienced observers throughout the world are not at all satisfied that the hostilities in Vietnam are ending as they should. Below I am appending an appeal from 115 parliamentarians of many nations for a cease-fire in Vietnam that shall extend from Christmas to the Tet holiday. Their appeal follows one issued by the International Committee of Conscience on Vietnam, containing thinkers of many countries.

As a U.S. parliamentarian, I am happy to join these concerned legislators, because I agree so deeply with their wish for more positive steps toward peace in Vietnam.

The material follows:

An Appeal to All Combatants in Indochina: In the Name of Humanity Stop the Killing Now

We speak for millions who are sickened beyond endurance by the continued bloodletting in Vietnam and its neighbor countries. The bombing. The My Lais. The War against civilians by both sides. The search-and-destroy missions. The ambushes and the terror and the torture. The young men, ripped apart, crying for their mothers. The children, burned and wounded, fatherless and motherless. The widows, the cripples, the farmers whose land has been made sterile by defoliants and fire. Negotiations, protests, cries against the horror, make no headway against one harsh fact. The killing goes on.

It must be stopped! Not only for the sake of the Vietnamese and Laotians and the Cambodians and the young American soldiers, but for all our sakes. Our sense of humanity cannot survive these inhuman indecencies.

Political settlements are necessary, we know, and both sides have stated positions that make them possible. Their proposals have been so hedged about with unacceptable conditions as to make agreements almost impossible, as all the parties continue to seek victory or advantage on the battlefield. But the statements have been made, and world opinion must force them out of the realm of partisan rhetoric and into the framework of political reality. Then the Paris talks can become something more than the bitter farce they now are. Finding ultimate solutions will be a long hard process, but the only alternative is continued slaughter.

All the more reason to stop the killing now. Political settlement made over a wasteland of corpses is anathema.

CEASE-FIRE NOW

The United States must take the first move. It is American firepower that accounts for most of the deaths and almost all of the destruction. It is Americans who are fighting half the world away from their own shores. They must take the initiative:

To declare unilaterally an immediate cease-fire, stopping the bombing and ground missions, not firing unless fired upon, taking positions of self-defense;

To pursue vigorously an agreement by which that cease-fire can be made permanent;

To specify an early date by which its military withdrawal will be complete—perhaps six months after the cease-fire becomes effective.

The South Vietnamese Government must join fully in the cease-fire, and in the negotiations required to make it permanent. They must also accept such safeguards as are necessary for the National Liberation Front forces to pursue their goals politically after the cease-fire.

For all the killing to end the National Liberation Front-Provisional Revolutionary Government and the North Vietnamese must respond in kind. We call on them to react positively to such a cease-fire initiative when it is made; and to join, under such safeguards, in ending the killing and in the negotiations for a permanent cease-fire.

A cease-fire now would help create the conditions in which a general settlement of the conflict would be possible. Such a settlement, which would move the conflict from the military to the political arena, requires a free and open political process which excludes no candidate or party.

But that can happen only when the shooting has stopped.

We appeal to all three Great Powers, whose own contest for power and influence is being fought in Southeast Asia to use their influence on the warring parties to bring about a permanent cease-fire. Not only the United States, but the Soviet Union and the People's Republic of China must join to bring this holocaust to an end, for the sake of the humanity whose welfare they profess to protect. It is they who must in some manner agree upon a neutral commission to supervise the cease-fire and to assure that neither side takes military advantage of it.

We are one people, all of us. They are our brothers whom we kill—and our sisters and our children! We cannot let this slaughter go on. We appeal to the consciences of men—and women throughout the world, whatever their personal political loyalties, to join us in this demand:

End the killing now! Demand an Immediate, Total Cease-Fire With Absolute Commitment to Complete Withdrawal.

The International Committee of Conscience on Vietnam

We, members of the Parliaments of our respective nations, join in the appeal issued by the International Committee of Conscience on Vietnam to Stop-the-Killing in Indo-China through the immediate institution of a cease-fire, unilaterally announced by the United States and joined in by the other three parties to the war. We believe that as the moves toward political settlement are being made, it is intolerable that the killing and bombing should continue in these countries that have suffered so much already. We join with the 150 original sponsors of this appeal wholeheartedly to call on the governments involved to take immediate action.

Specifically, we propose that the usual Christmas truce be combined with the usual brief cease-fire at Tet to make a Christmas-to-Tet cease-fire. We ask that both sides announce their willingness to do this, and to welcome an international team of observers, including if possible Vietnamese of all parties, to supervise the cease-fire in order to make sure that neither side takes military advantage of it.

We ask each side in the war also to declare that it will not be the first to resume hostilities after Tet.

We believe that the conscience of the world combine with the dictates of political good sense to insist that this slaughter be stopped.

We send this appeal to all parties in the dispute, and particularly to our fellow Parlimentarians in the United States Congress.

W. Albeda, M.P., Netherlands.
Kristian Albertsen, M.P., Denmark.

Frank Allaun, M.P., United Kingdom.
Norman Atkinson, M.P., United Kingdom.
Svend Auken, M.P., Denmark.
Rt. Hon. Philip Noel Baker, M.P., United Kingdom.
Mr. Meizoz Bernanrd, M.P., Switzerland.
Sidney Bidnell, M.P., United Kingdom.
Albert Booth, M.P., United Kingdom.
Mr. P. J. Boukema, M.P., Netherlands .
Andrew Brewin, M.P., Canada.
Mrs. G. Brautigam, M.P., Netherlands.
Mr. Albert Bussey, M.P., Switzerland.
Lord Ritchie Calder, M.P., United Kingdom.
Mogens Camre, M.P., Denmark.
W. du Chatinier, M.P., Netherlands.
Mr. Andre Chavannes, M.P., Switzerland.
Poul Dalsager, M.P., Denmark.
Stanley Clinton Davis, M.P., United Kingdom.
Helle Degn, M.P., Denmark.
Tran Ngoc Diao, M.P., South Vietnam.
Huynh Ngoc Dieu, M.P., South Vietnam.
Meta Ditzel, M.P., Denmark.
Mai Ngoc Duog, M.P., South Vietnam.
Mr. Pierre Duvanel, M.P., Switzerland.
C. Egas, M.P., Netherlands.
D. Eisma, M.P., Netherlands.
Hans E. Erenbjerg, M.P., Denmark.
Reidar Faurbye, M.P., Denmark.
Ted Fletcher, M.P., United Kingdom.
Mr. Armand Forel, M.P., Switzerland.
Dr. Mr. B. de Gaay Fortman, M.P., Netherlands.
M. Gardeniers-Berendsen, M.P., Netherlands.
M. Gargar, Senator, France.
Mr. Pierre Gassman, M.P., Switzerland.
Nguyen Van Han, M.P., South Vietnam.
Ove Hansen, M.P., Denmark.
Svend Haugaard, M.P., Denmark.
Kristine Heltberg, M.P., Denmark.
Kart Hjortnes, M.P., Denmark.
Ta Thanh Hoi, M.P., South Vietnam.
Nguyen Cong Hoan, M.P., South Vietnam.
Robert Hughes, M.P., United Kingdom.
Dr. M. van Hulten, M.P., Netherlands.
Phan Xuan Huy, M.P., South Vietnam.
Frode Jakobsen, M.P., Denmark.
Svend Jakobsen, M.P., Denmark.
Mr. Ziegler Jean, M.P., Switzerland.
Hugh Jenkins, M.P., United Kingdom.
Anker Jorgensen, M.P., Denmark.
Rudolf Kaffka, M.P., West Germany.
Russell Kerr, M.P., United Kingdom.
Arne Kielland, M.P., Norway.
Ds. J. Knot, M.P., Netherlands.
H. Koekoek, M.P., Netherlands.
Edele Kruchow, M.P., Denmark.
C. Laban, M.P., Netherlands.
Aksel Larsen, M.P., Denmark.
Arne Larsen, M.P., Denmark.
Drs. A. J. Lems, M.P., Netherlands.
The Rt. Rev. Lord MacLeod, M.P., United Kingdom.
Doan Mai, M.P., South Vietnam.
A. Martini, M.P., Netherlands.
Mr. J. W. Masman, M.P., Netherlands.
A. Mater, M.P., Netherlands.
John Mendelson, M.P., United Kingdom.
Ian Mikardo, M.P., United Kingdom.
To Do Minh, M.P., South Vietnam.
Orla Moller, M.P., Denmark.
G. Monnerville, Senator, France.
Mrs. Gabrielle Nanchen, M.P., Switzerland.
Poul Overgaard Nielsen, M.P., Denmark.
Preben Steen Nielsen, M.P., Denmark.
Ho Ngoc Nhuan, M.P., South Vietnam.
A. T. Oele, M.P., Netherlands.
D. A. Th. van Oijen, M.P., Netherlands.
Stanley Orme, M.P., United Kingdom.
Laurie Pavitt, M.P., United Kingdom.
Carl Bertel Pedersen, M.P., Denmark.
Nguyen Van Phung, M.P., South Vietnam.
Nguyen Van Phuoc, M.P., South Vietnam.
S. P. Pronte, M.P., Netherlands.
John Rankin, M.P., United Kingdom.
Prof. Dr. L. M. de Rijk, M.P., Netherlands.
Else-Merete Ross, M.P., Denmark.
Hon. Jovito Salonga, M.P., Philippines.
J. Schaefer, M.P., Netherlands.
A. Schouten, M.P., Netherlands.
Renee Short, M.P., United Kingdom.
Dennis Skinner, M.P., United Kingdom.
The Rt. Rev. Lord Soper, United Kingdom.
Poul Sogaard, M.P., Denmark.
A. G. van der Spek, M.P., Netherlands.
Bernhardt Tastesen, M.P., Denmark.
Huynh Trung Thanh, M.P., South Vietnam.
Tieu Mong Thu, M.P., South Vietnam.
Ly Truong Tran, M.P., South Vietnam.
Le Tran Trang, M.P., South Vietnam.
Ir. D. S. Tuijnman, M.P., Netherlands.
Nguyen Phuoc Vinh Tung, M.P., South Vietnam.
Age Valbak, M.P., Denmark.
Mr. Arthur Villard, M.P., Switzerland.
Holger Viveke, M.P., Denmark.
J. J. Voogd, M.P., Netherlands.
H. Wiebenga, M.P., Netherlands.
E. R. Wieldraaijer, M.P., Netherlands.
Drs. W. A. F. Wilbers, M.P., Netherlands.
Mr. J. H. van Wijk, M.P., Netherlands.
D. de Zeezuw, M.P., Netherlands.
Dr. J. H. Zoon, M.P., Netherlands.

ADDITIONAL NAMES RECEIVED TODAY, DECEMBER 15, 1971

Italy

Carlos Fracanzani, Deputy.
Ugo Bartosaghe, Deputy.
Antonello Trombadori, Deputy.
Luigi Anderlini, Senator.
Carlos Levi, Senator.

Denmark

Tove Lindbo Larsen, M.P.
Birthe Weiss, M.P.
Niels Helveg Petersen, M.P.
Poul Dam, M.P.

AIME FORAND

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BOGGS. Mr. Speaker, with the passing of former Congressman Aime Forand on January 18, the American people lost a good friend and effective ally.

Aime Forand represented the First District of Rhode Island from 1937 to 1939 and from 1941 to 1960. In truth, his constituency was the American people, and he served them loyally and well both as a Member of this body and as a private citizen.

It was my privilege to serve with Aime Forand on the Committee on Ways and Means for almost 15 years. During that time he emerged as the principal spokesman and advocate of social security, unemployment insurance, and most importantly, medicare.

In 1960, because of failing health, Aime Forand retired from the House but not from the battle. In that year he founded the National Council of Senior Citizens to lead the fight for medicare. Five years later, when the battle was won, Aime Forand was rightfully called the father of medicare.

Those of us who worked with him know how very much the title—"Father of Medicare"—is his.

Even more important than medicare is the example of public service which Aime Forand leaves us. He taught us what a Congressman can be and should be, and that is Aime Forand's real legacy.

POLLUTION, A EUROPEAN PROBLEM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. DERWINSKI. Mr. Speaker, we are too often apt in our necessary concern over the spread of pollution to hurl verbal abuse at our government institutions and business corporations as if pollution were purely an American problem. More specifically, American manufacturers are pictured as major villains with the implication being that in our country more than anywhere else in the globe pollution has surpassed controls.

A very timely article in the New York Times of Friday, January 21, on the problems of European pollution has come to my attention, and I insert it into the RECORD to properly make the point that pollution is a problem in all continents.

The article follows:

POLLUTION, A EUROPEAN PROBLEM

ROME.—Nearly everybody here seems to be talking about foul air, dirty water, adulterated food, forest fires or the massacre of birds and animals by throngs of weekend hunters, but only the lower echelons of the Italian judiciary are doing anything about it.

A 29-year-old Rome magistrate, Gianfranco Amendola, kept a local industrialist in jail for six days until he promised to buy new equipment to purify wastes from his oilseed plant that had been fouling the Tiber River and the nearby sea.

Italian magistrates have impounded tankers found to have leaked oil into already-polluted coastal waters, forced refineries to clean up, and ordered Rome's international Fiumicino Airport to filter fuel and lubricants from the flow into the sea.

PROBLEM HELD VAST

These cases are symptomatic of the vast Italian ecological problem, recognized by Italian and international experts as having deteriorated so much in the last two decades that the country faces menaces worse than most any other part of Europe.

Not that the rest of Europe is not greatly concerned about pollution. For example, West Germany is pressing for controls on the fouling of the Ruhr and Saarland areas; last May, millions of fish died in the pollution of the Necker and Sieg, tributaries of the Rhine by a combination of a dry spell and the outflow from a wood-processing plant.

Paris, whose air is noxious from the unending flow of street-clogging automobiles, as well as ordinary urban pollution, is testing the filtering of air through 16.5-foot-high towers that are basically oversized vacuum cleaners.

Britain, with beaches fouled several times from spilled tanker cargoes, has said she will sink or seize any oil carrier—inside or outside territorial waters—that threatens to dirty her shores.

The problem of the Mediterranean Sea was the subject of an international Pacem in Maribus conference in Malta in July, which called for a Mediterranean council to curb pollution of the sea, and controls on such things as the design of oil tankers, or sewage disposal into the sea.

In Italy, the generally over-cautious state radio and television system have done a good job the last few years in alerting the people to the ecological dangers facing their beautiful country.

The reasons for the environmental crisis facing Italy are many. The country, densely populated, has had spectacular industrial development, including an inflow of millions from rural areas into the cities, during the last generation. One of five Italians now owns an automobile. And Italy refines much more crude oil for export than is needed for home consumption.

The magistrates that have taken up the cudgels for striking out against the polluters have substituted themselves for a Parliament and a Government that are engrossed in partisan politics. They have stirred the nation by taking the place of the inefficient state and municipal bureaucracies.

One 31-year-old judge, Ettore Maresia, caused an enormous impression when he jailed for 30 hours the Mayor, Pietro Guglielmini, of the seaport city of Civitavecchia as an alleged polluter, for ignoring urgings to curb the flow of raw sewage into the Tyrrhenian Sea.

Judicial proceedings in the landmark cases involving the Mayor and the Rome industrialist are pending, and hundreds of industrial concerns are fighting court orders to install antipollution equipment. But other companies have paid fines and have mended their ways, as well as sewage pipes.

So there has been progress. Only 10 years ago, it would have been considered almost high treason to suggest that the tumultuous motorization and the string of new refineries along the 5,000 miles of Italian coastline were ruining the country that was once praised as "the garden of Europe."

Only when ecology became a household word in the United States did Italians realize that they, too, had to worry about their environment. A few politicians in search for a cause did some well-publicized public worrying about the environment. But so far Italy lacks comprehensive legislation seeking clean air and water.

The only major study about the environmental perils and the cost of ending it was, ironically, undertaken by Ente Nazionale Idrocarburi, the Government oil and gas combine, which operates many of the coastal refineries.

The study estimated it would cost $14.4-billion over a 15-year period to clean up Italy; nobody knows where such funds can be raised.

An international banking consortium has made available $400-million to save Venice from its worst ecological enemies. But even there, much more will be needed to preserve the unique lagoon city from decay.

DOLLARS FOR HANOI—A RENEWED BRIBE FOR "PEACE"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. RARICK. Mr. Speaker, the President's recent announcement of his $2.5 billion in foreign aid to rebuild and reconstruct North Vietnam is but another attempt at international bribery—the U.S. Government is simply trying to buy Communist agreement to accept American surrender.

This is not a new attempt to buy peace; it was first proposed by President Lyndon Johnson, April 7, 1965, when he announced in a speech at Johns Hopkins University that the U.S. stood ready to participate in "unconditional discussions" toward a peaceful settlement in Vietnam. He urged the Southeast Asia nations, including North Vietnam, to undertake a massive, cooperative economic development program that he hoped would be initiated by U.N. Secretary U Thant and financed by the United States and all other industrialized countries, including the Soviet Union.

President Johnson promised, April 7, 1965, to ask Congress "to join in a billion-dollar American investment in this effort as soon as it is under way."

Nothing really seems to have changed. The bribe offer has gone up $1.5 billion yet the Communists continue to refuse the offer, knowing that the American Government will continue to up the offer and will eventually yield to whatever the Communists demand, including total and unconditional U.S. surrender and financial terms which they specify.

The President fails to appreciate that the Communists will not be bought off short of their avowed goal—total and completed domination in that area and eventually the world.

What is most shocking is that the American Government continues to talk while American men continue to die; the administration continues to consider every possible alternative to end the war in Southeast Asia, short of victory—the only honorable means and the only one available short of total, absolute, and unconditional surrender of the American people for the first time in their history.

I ask that related material follow and urge our colleagues to pay particular note to the material concerned with the institution of the Asian Development Bank, the organization designed to provide such aid and assistance as promised by both Presidents.

The little publicized truth is that the House only yesterday approved continued American funding of the Asian Development Bank, thus giving President Nixon the opportunity to carry out his proposal of rebuilding and reconstructing North Vietnam.

The materials follow:

[From the Washington Star, Jan. 28, 1972]

U.S. AID OFFER IS $7.5 BILLION

(By Garnett D. Horner and George Sherman)

Hanoi representatives were told in two secret meetings last summer that North Vietnam could expect post-war reconstruction aid from the United States of around $2.5 billion, administration officials have disclosed.

Henry A. Kissinger, President Nixon's supersecret negotiator, used the $2.5 billion figure for North Vietnam—out of a total of $7.5 billion in U.S. aid for Indochina over a five-year period—as illustrating what kind of postwar aid Nixon had in mind.

It was emphasized by officials here yesterday and today that the figures mentioned to the North Vietnamese in the secret Paris talks were not firm, but merely illustrative of the range of aid that might be developed.

The promise of reconstruction aid after peaceful settlement of the Indochina war was outlined to the Hanoi representatives after they had demanded reparations from the United States.

State Department officials said that no detailed planning has begun inside the administration to carry out the offer. They added, however, that should Hanoi accept, it could be cranked into the aid machinery "very quickly."

Yesterday, John Hannah, administrator of the Agency for International Development, confirmed that his agency could carry out the operation.

But he told a conference of editors and broadcasters at the State Department that the program would take special congressional approval, since all Communist countries are now excluded from the 40-nation aid program.

Administration officials explained later that they would simply have to ask Congress, following any over-all settlement with Hanoi, to exempt North Vietnam from the foreign aid legislation.

THE INDEX OF WORLD EVENTS

VOLUME XXV

[From Facts on File Yearbook 1965]

VIETNAM CRISIS

L. B. J. Offers Talks & Aid

Pres. Johnson announced Apr. 7 that the U.S. stood ready to participate in "unconditional discussions" toward a peaceful settlement in Vietnam. He urged Southeast Asian nations, including North Vietnam, to undertake a massive, cooperative economic development program that he hoped would be initiated by UN Secy. Gen. U Thant and financed by the U.S. and all other industrialized countries, including the Soviet Union. He said he would ask Congress "to join in a billion dollar American investment in this effort as soon as it is under way."

Mr. Johnson made the proposals in a speech delivered at Johns Hopkins University in Baltimore, Md.

Regarding negotiations, the President said: "We will never be 2d in the search for . . . a peaceful settlement in Vietnam. There may be many ways to this kind of peace: in discussion or negotiation with the governments concerned, in large groups or in small ones, in the reaffirmation of old agreements or their strengthening with new ones . . . We remain ready, with this purpose, for unconditional discussions."

Mr. Johnson said that the "essentials of any final settlement" were: "An independent South Vietnam—securely guaranteed and able to shape its own relationships to all others, free from outside interference, tied to no alliance, a military base for no country."

In reaffirming the U.S. commitment in Vietnam, the President said: "We fight because we must fight if we are to live in a world where every country can shape its own destiny . . . we must deal with the world as it is, if it is ever to be as we wish. . . . The first reality is that North Vietnam has attacked . . . South Vietnam; its object is total conquest." Although some South Vietnamese were fighting their own government, the flow of men, supplies and orders "from north to south" was "the heartbeat of the war."

"Over this war and all Asia is another reality: the deepening shadow of Communist China," Mr. Johnson said. "The rulers in Hanoi are urged on by Peiping," a régime which was guilty of aggression in Tibet, India and Korea and which "is helping the forces of violence in almost every continent."

A "national pledge to help South Vietnam defend its independence" had been made by every American President since 1954, Mr. Johnson said. "To dishonor that pledge . . . would be an unforgivable wrong." He cited these additional reasons for the U.S. presence in Vietnam: (a) "To strengthen world order. Around the globe . . . are people whose well-being rests in part on the belief that they can count on us if they are attacked." (b) "Because there are great stakes in the balance. Let no one think for a moment that retreat from Vietnam would bring an end to conflict. . . . The central lesson of our time is that the appetite of aggression is never satisfied." (c) After World War II the U.S. found itself "with continued responsibility for the defense of freedom" in both

Europe and Asia, and "our objective" in Asia "is the independence of South Vietnam, and its freedom from attack."

Discussing the "stepped up" attacks in Vietnam, Mr. Johnson said: "We will do only what is absolutely necessary." The U.S. air attacks were "not a change of purpose" but "a change in what we believe that purpose requires" in order to "slow down aggression," "increase the confidence" of the South Vietnamese and "convince the leaders of North Vietnam, and all who seek to share their conquest, of a very simple fact: We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement. We know that air attacks alone will not accomplish all of these purposes. But it is our best and prayerful judgment that they are a necessary part of the surest road to peace." Although "armed hostility is futile," the U.S. "patience and our determination are unending."

Mr. Johnson appealed for Thant to "use the prestige of his great office and his deep knowledge of Asia" to start his proposed Southeast Asian aid plan. The President said that he himself would name a "special team" of Americans, headed by ex-World Bank Pres. Eugene Black, "to inaugurate our participation in these programs." "Peace will be necessary for final success," he said, "but we cannot and must not wait for peace to begin this job."

The President said: The U.S. must "expect that nations will on occasion be in dispute with us." However, "no nation need ever fear that we desire their land or to impose our will or to dictate their institutions." "Our generation has a dream" of "a world where disputes are settled by law and reason," of "an end to war" and of "a world where all are fed and charged with hope. And we will help to make it so." The "ordinary" people of North Vietnam, South Vietnam, China, India, Russia and America shared such goals. "Man now has the knowledge . . . to make this planet serve the real needs of the people who live on it."

The President had begun his speech with a reference to an appeal Apr. 1 by 17 nonaligned nations for negotiations on Vietnam without conditions. "We are joining those 17 countries," he declared, in stating policy "which we believe will contribute toward peace in this area." Administration sources told reporters later that the U.S.' readiness for "unconditional discussions" included willingness for talks with Red China or North Vietnam even while the fighting, not excluding air strikes, continued, but did not include engaging in talks with the National Liberation Front, the political arm of the Viet Cong.

U.S. political reaction to the President's proposals varied widely. Democrats Apr. 7 largely lauded Mr. Johnson's plans but Republicans attacked them as an effort to "buy" peace. Senate GOP leader Everett M. Dirksen (Ill.) said: "Do you buy freedom for a humble people with a billion-dollar package? I doubt it, and I doubt also that we can preserve face and prestige with such an approach." House GOP leader Gerald R. Ford (Mich.) agreed that "peace with security cannot be purchased with a billion American tax dollars." But House Speaker John W. McCormack (D., Mass.) said Mr. Johnson had "offered to all the brotherhood of man and the recognition of human dignity." Senate Democratic leader Mike Mansfield (Mont.) said the President had revealed "both the great strength" of his "resolve and his deep concern for the welfare of all people." [See p. 106D–F2]

Peace Moves

Increasing pressures and pleas for a negotiated solution of the Vietnam war had been reported in world capitals Mar. 31–Apr. 6. [See pp. 100F3–101F1]

A report from Moscow Mar. 31 said that diplomats from a non-aligned country that day had disclosed that in private conversations with North Vietnamese officials in Moscow the Communists had indicated Hanoi's willingness to participate in a new Geneva conference on Indochina. The North Vietnamese officials' position was described as more flexible than Hanoi's public insistence that U.S. troops must withdraw from South Vietnam before peace talks could start.

British leftwing Laborite Parliament member William Warbey said in a letter to the London *Times* Apr. 1 that the withdrawal of U.S. troops was not North Vietnam's precondition for negotiations. Warbey, who had conferred in Hanoi with Pres. Ho Chi Minh and Premier Pham Van Dong, said the 2 officials had told him: "the only precondition is a cease-fire; the Americans and the South Vietnamese must stop their attacks on North Vietnam"; a U.S. military pull-out could be taken up at a peace conference. . . .

L. B. J. vs. Halting Raids

Pres. Johnson asserted Apr. 17 that the U.S. would continue its air strikes against North Vietnam despite appeals for a halt in the raids in the hope that discontinuing the attacks might increase the prospects of peace negotiations. In a statement made at his LBJ Ranch near Johnson City, Tex., the President reaffirmed his policy of U.S. willingness to participate in "unconditional discussion" with "any government willing to talk," "next week, tomorrow or tonight." [See pp. 129F3–130F1]

Deploring Communist rejection of his peace offers, Mr. Johnson said: "It has been a week of disappointment, because we tried to open a window to peace, only to be met, with tired names and slogans—and a refusal to talk."

The President insisted that the U.S.' aims in Vietnam "remain the same; an independent South Vietnam, tied to no alliance, free to shape its relation and association with all other nations." He warned that until Saigon's independence was guaranteed, "there is no human power capable of forcing us from Vietnam. We will remain as long as necessary, . . . whatever the risk . . . If the price of ending aggression is blood and men, we are ready to pay that price."

The President expressed sympathy with "those who regret that we must undertake air attacks" against North Vietnam. But he pointed out that "the compassion of this country, and the world must go out to" the South Vietnamese "who are killed and crippled by the Viet Cong every day." The South Vietnamese "and the Americans who share their struggle, suffer because they are attacked—not because they are the attackers," Mr. Johnson said.

Citing the "progress around the world in understanding" the U.S. "peaceful aims" in South Vietnam and Washington's "unyielding determination" to protect that country, Mr. Johnson said that "as a result, news from the battle front is improving."

The President defended his proposal for U.S. participation in a $1 billion development program for Southeast Asia. "We do not want to buy peace," he said. He disclosed that Britain, Japan and Canada had "shown their willingness to take a share in this enterprise" and that UN Secy. Gen. U Thant had "firmly taken the lead" in helping develop the program.

(Thant Apr. 13 had discussed the President's proposals with U.S. Amb-to-UN Adlai Stevenson and ex-Pres. Eugene Black of the International Bank for Reconstruction & Development. Black said after the meeting that Thant had shown "very keen interest" in the development plan.)

State Secy. Dean Rusk Apr. 17 also opposed suspending U.S. air attacks on North Vietnam. He said the U.S. "had tried publicly and privately to find out if" a suspension would "end aggression from the north," "but there has been no response." "Our best judgment tells us" a halt in the aerial strikes "would only encourage the aggressor and dishearten our friends who bear the brunt of battle," Rusk said.

Defense Secy. Robert S. McNamara said Apr. 18 that "we have no indications that a cessation of the bombing would move the North Vietnamese to discussion leading to termination of their aggression in the south." He supported Rusk's view that suspending the raids "would discourage and dishearten" the South Vietnamese.

Administration opposition to halting the air attacks was challenged Apr. 18 by Senate Foreign Relations Committee Chrmn. J. W. Fulbright (D., Ark.). Fulbright said: If a truce in the Vietnam fighting could not be achieved, "then I believe there might be some value in stopping the bombings temporarily. I don't know if it would work, but it seems to be worth trying." The current raids were "inclined to keep the atmosphere very tense," encourage the North Vietnamese to "dig in" and discourage Soviet participation in peace talks, Fulbright said.

U.S. bombing of North Vietnam and the U.S. general policy in South Vietnam were assailed by more than 15,000 demonstrators in Washington Apr. 17. The demonstration was sponsored by Students for a Democratic Society, a leftwing non-Communist group with chapters at 63 universities. The rally was supported by such groups as Women Strike for Peace and the Student Non-violent Coordinating Committee. The demonstrators first picketed the White House and later marched to the Washington Monument for a series of addresses. One of the speakers, Sen. Ernest Gruening (D., Alaska), called for "the immediate cessation of our bombing in North Vietnam."

(A petition protesting U.S. actions in South Vietnam was accepted by a Presidential aide at Pres. Johnson's Texas ranch Apr. 18; the petition was submitted by a group of demonstrators after they had been denied permission to hand it to the President personally. Washington police Apr. 20 arrested 17 youths who had sat down in the driveway of the White House; the youths said they sought to present to Pres. Johnson a petition demanding U.S. withdrawal from South Vietnam.)

Reds reject peace plans

Proposals by Pres. Johnson and 17 non-aligned nations for a negotiated settlement of the Vietnam war were rejected anew by the Soviet Union, North Vietnam and Communist China. [See p. 129A1]

Soviet Premier Aleksei N. Kosygin Apr. 19 described Pres. Johnson's Apr. 7 offer of "unconditional discussions" as a "forced maneuver" and "vague promises" that would "deceive no one." Speaking at a reception for visiting Mongolian Premier Yumzhagiin Tsedenbal in Moscow, Kosykin asked: "What is the use of promises if at the same time they [the U.S. and South Vietnam] keep bombing North Vietnam and say they are determined to carry the war to a victorious end?" Kosygin insisted that the raids must stop before talks could be held.

Kosygin asserted that Washington's "reckless policy" of increasing its military efforts in Vietnam was moving the U.S. closer to "a very dangerous brink." He said the U.S.' claim that "poison gas" had been used in Vietnam "without sanction of the White House" only increased general concern. The premier warned: "The use by the aggressors of these and other means of warfare invite retaliation in kind."[1] He added: "One should not forget that the United States does not have a monopoly of modern weapons."[1a]

North Vietnam Apr. 20 spurned the nonaligned nations' Apr. 1 appeal for a peaceful solution of the Vietnam crisis through negotiations. Hanoi's statement also rejected Pres. Johnson's offer of talks, charging that his proposals were designed only to disguise U.S. plans to extend and intensify the war. North Vietnam instead urged acceptance of Premier Phan Van Dong's Apr. 8 4-point formula as "the only correct way" to "settle the Vietnam problem at present" Dong's plan had called for withdrawal of U.S. troops from South Vietnam and for settling South Vietnam's "internal affairs" on the basis of the Viet Cong's National Liberation Front plans for the country.

Stressing the plight of developing countries, the report said: Developing nations "could effectively use" foreign aid and investment totaling $3–$4 billion more in each of the next 5 years than they had been receiving. Poor nations had contracted so much debt that the return to wealthy nations in interest, dividends and profits used up a large part of the outside capital coming to the poor nations. Of the $9½ billion given, invested or lent in 1964 to poor nations by the combined activities of governments, international institutions and private investors, an estimated 40% was returned in the form of interest payments on previous loans.

Asian Bank Drafted

Representatives of 31 nations, including the U.S. and the USSR, met in Bangkok Oct. 21–Nov. 1 and reached agreement Nov. 1 on a draft charter for a projected $1 billion Asian Development Bank (ADB). Final approval of the charter was scheduled to take place at a ministerial conference of the UN Economic Commission for Asia & the Far East (ECAFE)[2]

Under the terms of the projected charter, the ADB would provide funds and guarantees for investment, and its staff would advise participating countries on development plans. The ADB would have a board of 10 directors—7 from the Asian members of ECAFE and 3 from non-Asian members.[3]

Voting rights in the bank would be based on a formula whereby 80% (of the voting rights) would be allotted on the basis of bank shares held by each member and 20% would be divided equally among the members of the ADB. (The U.S. and Japan had each pledged 20% [$200 million] toward ADB's basic capital; the U.S. had also pledged an additional $100 million for regional development loans.)

U.S. support for the ADB first became apparent Apr. 7 when Pres. Johnson announced the appointment of ex-World Bank Pres. Eugene R. Black to head a "special team" to "inaugurate" U.S. participation in a multilateral aid program to Southeast Asian countries [see p. 113A1–C2]. Black met with the ECAFE's 9-nation consultative committee in Bangkok during a June–July tour of Asian capitals in which he sought support for the ADB in Thailand, Laos, South Vietnam and Japan. Black then toured European capitals. In Paris July 19 he outlined plans for the ADB before the Organization for Economic Cooperation & Development's Development Assistance Committee and also met with French Foreign Min. Maurice Couve de Murville. (The French government July 30 informed a delegation of Asian countries, in Paris to obtain support for the ADB, that France would not participate in the venture.) Black also visited West Germany, Britain, Portugal and the Netherlands during his tour. The Dutch government July 20 gave him a pledge of $300,000 for a Mekong River development plan. Black July 29 explained the ADB at a closed session of the House Banking Committee. It was indicated that the U.S. invitation to the USSR to participate in the ADB was intended as another means of inflaming the antagonism between the Soviet Union and Communist China.

Other events

Among other international finance and trade developments:

The British pound rose Nov. 2 to a 2½-year high of $2.8047 on the London exchange. The pound Sept. 29 had risen above parity ($2.80) for the first time since May 1964. The Sept. 29 closing: $2.8003.

Britain's reserves of gold and convertible currencies rose by $170,800,000 in September and $117,600,000 in October, bringing total reserves at the end of October to $2,872,800,000, the highest level since May 1963. The gains in reserves followed losses of $67,200,000 in June, of $1.40 million in July and of $67,200,000 in August.

Britain maintained a balance-of-payments surplus of $78,400,000 for the 2d quarter of 1965 but experienced deficits of $140 million in July, $263,200,000 in August and $204,400,000 in September.

Soviet Union gold sales, according to the Wall St. Journal Oct. 14, had amounted to 300 tons, valued at $340 million, in the preceding 3 months. The sales were made to the London gold pool, managed for 8 countries by the Bank of England. According to the Wall St. Journal, the sales reflected the USSR's need for foreign exchange to pay for Canadian wheat. [See p. 293B2; Vol XXIV, p. 104A2].

The Federal Reserve Board reported Sept. 29 that U.S. gold losses in August totaled $54 million, the lowest figure since Nov. 1964. [See p. 319F3].

Asian bank charter signed

Representatives of 21 nations met in Manila and signed Dec. 4 a charter formally establishing a $1 billion Asian Development Bank. [See p. 399B1–B2]

The nations signing the charter were the U.S. and Japan, which each had pledged $200 million to the new bank, and Afghanistan, Australia, Cambodia, Ceylon, Nationalist China, India, Iran, South Korea, Laos, Malaysia, Nepal, New Zealand, Pakistan, the Philippines, Thailand, the Netherlands, West Germany, Britain, and Canada. Delegates of 5 other nations—South Vietnam, Singapore, Belgium, Denmark and Italy—were present but said they were not yet empowered by their governments to sign.

The Soviet Union, which had participated in the Bangkok meeting (Oct. 21–Nov. 1) that had drafted the charter, did not send a representative to the Manila conference. *Izvestia*, the Soviet government newspaper, charged Dec. 2 that the "United States and Japan have more votes . . . in the bank than all the developing countries . . . taken together." The USSR, the newspaper said, would not "participate . . . in international organizations built on a basis of inequality which enable economically stronger countries to impose their decisions on weaker countries."

The U.S. delegation to Manila was headed by Eugene R. Black, a Presidential adviser on Asian development, and included Senators and as well as 14 members of the House Banking and Currency Committee and officials of the Treasury and State Departments and the Agency for International Development. Pres. Johnson, announcing Nov. 26 the appointment of Black to head the delegation, had declared: The bank "has been put together by Asians. They are contributing the greater part of its capital. They will direct its lending for development."

OECD meets

The fifth annual ministerial meeting of the 21-nation Organization for Economic Development and Cooperation was held Nov. 25–26 in Paris. (OECD membership included the U.S., Canada, Japan and 18 Western European nations.) The ministers' Nov. 26 communiqué stated that the problems of the underdeveloped countries had been the principal subject of discussion and that participants recognized the need to "increase the export proceeds of developing countries." Olivier Wormser, director of economic affairs in the French Foreign Ministry, said Nov. 25 that the best way to aid the developing countries was to give them preferential tariff treatment such as the Common Market had granted to African nations. U.S. State Undersecy. Thomas C. Mann opposed Wormser's view Nov. 25 in favor of multilateral trade between developed and developing nations. OECD Secy. Gen. Thorkil Kristensen said at the meeting Nov. 26 that the U.S. balance-of-payments problem could be eased by narrowing the gap between high European interest rates and the lower U.S. rates.

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[1] Speaking at ceremonies marking the signing Apr. 8 of a new treaty of friendship between the USSR and Poland, Soviet CP First Secy. Leonid I. Brezhnev had attacked the U.S. for "waging undeclared criminal" war against the Vietnamese people. "Even the Fascists did not dare use poison gas in war, and the American imperialists have decided in cold blood to do it," Brezhnev charged. Repeating a pledge made by Kosygin in Wroclaw, Poland Apr. 7, Brezhnev promised that the USSR would always be "prepared to supply the Democratic Republic of Vietnam with every assistance in the strengthening of its means of defense that will be necessary for our Vietnamese friends to repel the aggression of the American imperialists." (Brezhnev simultaneously assailed the West German Bundestag meeting in West Berlin, which, he declared "has never been and will never be part of West Germany." Brezhnev and Kosygin were on a state visit to Poland to mark the 20th anniversary of the Soviet-Polish amity treaty of 1945 and to celebrate the signing of the new treaty replacing it.) (See pp. 115E3, 58D1).

[1a] Adm. Sergei G. Gorshkov, commander-in-chief of the Soviet navy and a Soviet deputy defense minister, had warned Jan. 28 in an article in the magazine Za Rubezhom (Life Abroad) that the Soviet navy knew where U.S. Polaris submarines were stationed and had missiles trained on them "capable of turning them into common graves for American seamen."

[2] The original proposal of the ADB dated from a Sept. 1963 report of an ECAFE working committee, which recommended a regional bank for Southeast Asia. The ECAFE, at its annual meeting Mar. 25, 1965 in Wellington, New Zealand, adopted a resolution calling for creation of the ADB, and it set up a 9-nation consultative committee to work out the details of the ADB and to seek out contributions of capital from Asian countries and industrialized states. The 9 nations: Ceylon, India, Iran, Japan, Malaysia, Pakistan, Philippines, South Vietnam and Thailand. Cornelio Balmaceda, commerce minister of the Philippines was appointed chairman of the committee.

[3] ECAFE membership included 26 full members and 2 associate members. Full members: Afghanistan, Australia, Britain, Burma, Cambodia, Ceylon, Nationalist China, France, India, Iran, Japan, Korea, Laos, Malaysia, Mongolia, Nepal, the Netherlands, New Zealand, Pakistan, the Philippines, Singapore, Thailand, the USSR, the U.S., South Vietnam and Western Samoa. Associate members: Brunei and Hong Kong. The Oct. 21–Nov. 1 Bangkok meeting was attended by delegates from all the full members of ECAFE with the exception of Afghanistan, Burma, France, Mongolia and Western Samoa. In addition, representatives of Austria, Belgium, Canada, Denmark, Finland, Italy, Norway, Sweden, Switzerland and West Germany participated.

[From the Department of State Bulletin, July 26, 1965]

MR. BLACK REPORTS ON SOUTHEAST ASIA ECONOMIC DEVELOPMENT

Mr. Eugene Black, consultant to President Johnson on economic development of Southeast Asia, telephoned the President this morning at the LBJ Ranch and gave him a full and encouraging report on his trip to Southeast Asia and the Far East. During his trip Mr. Black participated in the consultative committee meetings of the U.N. Economic Commission for Asia and the Far East on the Asian Development Bank. He discussed with the leaders of Thailand, Laos, South Viet-Nam, and Japan the ways and means of accelerating economic and social development in Southeast Asia.

Mr. Black told the President that the consultative committee meetings went very well and that the Bank could be in business by early next year.

At the meeting Mr. Black indicated on behalf of the President, that—subject to congressional approval—the United States is prepared to provide 20 percent of the Bank's capital, up to $200 million, and also to contribute—if other countries will join—up to $100 million to the multilateral Southeast Asia Development Fund. The Fund would be administered by the Asian Bank and would finance regional projects in Southeast Asia.

The President was happy to learn from Mr. Black that the Japanese Government also intends to take a 20-percent share in the Bank's capital.

The President expressed to Mr. Black his hope that other nations, too, would make generous pledges soon, in order to give the Bank a flying start in the difficult, long-range task of building a more prosperous Southeast Asia.

The President also expressed a hope that other developed countries would join the United States in contributing to the multilateral Southeast Asia Development Fund.

In each of the countries he visited Mr. Black talked with prime ministers and other high-ranking officials and was gratified to learn that there is a strong desire to quicken the pace of economic and social development and to expand and strengthen regional cooperation. Mr. Black also had fruitful discussions with ECAFE officials and the staff of the Mekong committee on current programs and future plans for regional development.

Mr. Black's schedule was limited; he did not have the opportunity to visit all of the countries in the region. He hopes to be able to visit these countries in the future.

The President asked Mr. Black to go to Europe next week to meet with the members of the Development Assistance Committee of the OECD [Organization for Economic Cooperation and Development] to review the results of his trip, and to enlist their support in this cooperative effort to accelerate economic and social progress in Southeast Asia.

[From the Department of State Bulletin, Oct. 31, 1966]

EUGENE BLACK ON 10-NATION TRIP TO DISCUSS ASIAN DEVELOPMENT

At the request of President Johnson, Mr. Eugene R. Black is leaving October 26 on a visit to Asia, during which he will attend the inaugural meeting of the Asian Development Bank in Tokyo. He returns to Asia in his capacity as the President's special adviser on regional economic development.

The trip is part of the continuing consultation between Asians and ourselves. It was planned in advance of the invitation by Philippine President [Ferdinand E.] Marcos for the Chiefs of State conference in Manila, but it relates closely to those aspects of the Manila conference which focus on broad questions of long-range development and betterment throughout Asia. Mr. Black represents the President's keen interest in concrete proposals which can advance Asian living standards.

During his visit to more than 10 nations Mr. Black will discuss with Asian leaders and heads of international and regional organizations those policies and programs they consider most promising for rapid economic development and regional cooperation.

As the President's eyes and ears he will seek new and more effective ways for the United States to support Asian initiatives and efforts to promote their common welfare.

Dr. Henry T. Heald, former President of the Ford Foundation, and Mr. Austin J. Tobin, Executive Director, the Port of New York Authority, will accompany Mr. Black and advise him on questions of education and transportation. Experts on Asian regional economic development from U.S. Government agencies will also accompany Mr. Black.

On his return he will report his findings to the President and to congressional leaders.

THE HYPODERMIC NEEDLE AND SYRINGE CONTROL ACT OF 1972

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. RANGEL. Mr. Speaker, the heroin epidemic is continuing to spread across the United States. The suburbs and rural areas of our country, once considered immune to drug addiction, are being ravaged by heroin in the same way our cities have been for decades. The Armed Forces, once believed to be invulnerable, are now battling their most insidious enemy in American history—heroin.

The international trafficking in dangerous drugs—from the poppy fields to the clandestine processing laboratories—has been well documented.

Less well known, however, is the critical importance of heroin paraphernalia to the spread of addiction. Hearings held by the House Select Committee on Crime in 1970 revealed how "legitimate" businessmen were reaping huge profits through the sale of glassine envelopes, empty gelatin capsules, quinine, mannite, and other materials used in the cutting and packaging of heroin.

Of all heroin paraphernalia, it is the hypodermic needle which has been primarily responsible for the mushrooming of addiction. The medical innovation of the disposable syringe has only worsened the situation. In the words of one agent of the Bureau of Narcotics and Dangerous Drugs:

> The disposable needle and syringe (has) caused untold grief in New York.

An addict in need of a fix is both desperate and ingenious. With items easily available at the corner pharmacy—a dime eye dropper, a baby pacifier, a baby's ear syringe, a rectal tube and an elastic band—he can put together his own "works" all ready for use in the intravenous injection of heroin. All he needs is the hypodermic needle itself.

Dr. Milton Helpern, chief medical examiner of New York City has described an even simpler way.

> The injection apparatus is usually improvised from an easily obtainable medicine dropper, its tip fitted tightly with a paper flange into the hub of a hypodermic needle, the latter usually obtained by theft or illegal purchase.

For these reasons, I decided to investigate exactly how easy it is to obtain hypodermic needles and syringes without a prescription or need to specify ultimate use.

On January 17, I sent two money orders for $6.15 and $4.60 to the Omaha Vaccine Co., Inc., at 2900 O Street, Union Stock Yards, Omaha, Nebr. 68107.

Two days later, January 19, my orders were sent from Omaha through the U.S. mails. The first arrived at my Washington office on Tuesday, January 25.

The order was filed in the name of: C. B. RANGEL, 226 Cannon House, Washington, D.C., 20515.

My second order arrived later, addressed to my New York City office: CHARLES RANGEL, 144 West 125th Street, New York, N.Y.

I gave no indication of my purpose in ordering the needles and syringes. I gave no indication that I am a Member of Congress.

The result: Five disposable plastic syringes of 3cc with 1-inch needles; 10 disposable plastic syringes of 5cc with 1-inch needles; four disposable plastic syringes of 10cc with 1-inch needles; 12 hypodermic needles, 25 gage, 1-inch long; and 12 hypodermic needles, assorted sizes.

The company asked me no questions. Was I a physician? A veterinarian? A diabetic? Or was I an addict? Did I plan to use the hypodermic needles and syringes to administer an illegal drug to myself? Did I plan to sell them for a profit or to support my own addiction?

And why two mail orders the same day, both with money orders, both in the name of RANGEL?

Was it not at all suspicious to the company that a resident of New York City or Washington, D.C., who was not a farmer or medical practitioner was ordering hypodermic needles and syringes by mail from a veterinary supply house?

Apparently, this company was more interested in making a few dollars profit than in the use—lawful or illegal—to which I intended to put these needles and syringes.

I am talking today about mail-order abuse. I am talking about the random, callous, mercenary sale of the implements of drug abuse. I am talking about the legal profiteers who grow wealthy on the pain and suffering of the drug addict, thereby contributing directly to the growing rate of narcotics-related crimes.

To put it bluntly, firms such as this one are engaged in the systematic trafficking of the accessories of death.

Some might label such businessmen partners in this terrible disease. Our society calls them respectable businessmen.

These individuals are just as guilty in the eyes of humanity as those who actually grow the opium poppies, process the morphine base and smuggle the heroin to our shores. Like so many other American corporate success stories, this "legitimate" business leaves a very bitter taste in our mouths. And congressional failure to act is inexcusable.

This afternoon I am introducing into the House of Representatives the Hypodermic Needle and Syringe Control Act of 1972 to regulate the interstate sale of these instruments. The bill will not trespass on the prerogatives of the medical professions. It is not an unreasonable imposition on the lawful operations of pharmacists. It will not interfere with the lawful use of hypodermic needles and syringes in this country.

What it will do is sharply cut into the profits of those who have grown fat from manufacturing or selling hypodermic needles and syringes to those who have no lawful purpose in possessing or using them.

Federal regulation is clearly called for. We know that State laws dealing with hypodermic needles and syringes are a confusing hodgepodge of inconsistencies. Some States prohibit their unauthorized possession or sale and require that records be kept regarding lawful transfers. Others simply prohibit their unauthorized possession or sale. Still others prohibit possession with the intent to violate the narcotics laws. Many States have not even acted with respect to any aspect of this paraphernalia problem.

According to information provided to me by the American Pharmaceutical Association and other sources, there are well over a dozen firms which manufacture these syringes and needles in the United States. They are located in at least 12 States. In addition, there are countless distributors, wholesalers, and nonpharmacy retailers who are engaged in the interstate transfer of these items every day.

There is indeed money to be made at the present time by those dealing ih hypodermic needles and syringes. One New Jersey firm, Jelco Laboratories, a division of Johnson & Johnson, revealed that, in the first 6 months of 1970 alone, it had sold $55,822 worth of needles and syringes in Virginia, $270,528 worth in Pennsylvania, $26,338 worth in the District of Columbia, and $43,096 worth in Maryland. On September 24, 1970, a memo from the Narcotics Branch of the Metropolitan Police Department advised that "a plastic disposable syringe and needle will sell on the street for between 25 cents to $1." That is the figure for the District of Columbia. In New York, the price is even higher.

There is no excuse for further inaction. We can no longer ignore this critical aspect of the exploding narcotics situation in the United States.

ECONOMIC STABILIZATION AND FREEDOM OF INFORMATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. OBEY. Mr. Speaker, 2 days ago the Cost of Living Council, the Pay Board, and the Price Commission published freedom of information regulations in the Federal Register and said "good cause exists" for making them effective immediately instead of following the 30-day public notification and comment procedure.

It seems to me highly inappropriate to issue regulations on public access to information and then suspend the standard procedure for public access and comment on the regulations themselves. I have written Donald Rumsfeld, Director of the Council, urging that it solicit public comment on the regulations before making them final and I would urge my colleagues to do the same.

Since public confidence is the key to the economic stabilization program, and confidence in government generally is at a very low ebb, I think the Council would do well to submit its regulations for public scrutiny. To do otherwise smacks of ruling by decree.

Mr. Speaker, here is the text of my letter to Mr. Rumsfeld:

FEBRUARY 2, 1972.

DONALD RUMSFELD,
Director, Cost of Living Council,
Washington, D.C.

DEAR MR. RUMSFELD: With respect to the economic stabilization rules and regulations published in the Federal Register on February 1st, I urge the Cost of Living Council to solicit public comment on its freedom of information regulations before making them final.

The Council, the Pay Board and the Price Commission all said "good cause exists" for making the regulations effective immediately instead of following the 30-day public notification and comment procedure.

It seems to me highly inappropriate to issue regulations on public access to information and then suspend the standard procedure for public access and comment on the regulations themselves. I cannot accept the Council's claim that there is a need for "immediate implementation" of the economic stabilization program which justifies skipping the usual rule-making procedure.

Furthermore, the Council's announcement today makes no mention of the regulation it published just 10 days ago—on January 21—which declared the Council "will accept written comments from members of the public on its regulations or on its published rulings at any time." That means it commits the double error of foreclosing advance comment and discouraging follow-up comment, and I don't believe that squares with President Nixon's executive order last Thursday directing the Council to "inform the public, agriculture, industry, and labor" concerning the need for voluntary action to control inflation.

Further, both the Council and the Commission appear to favor the old government policy—which was reversed by the Freedom of Information Act of 1966—that persons must show they are "properly and directly concerned" with information in order to receive it.

Today's regulations say if a person is denied information and wants to appeal, the Director of the Council may require him "to present additional evidence or information in support of his request for review." And they say the Chairman of the Commission "reserves the right" to require the same thing.

This provision flouts the language and intent of the Freedom of Information Act—a Law which established that any person could request access to government records without having to say why he wanted to see them.

I also believe that public comment on these regulations would guard against use of the Economic Stabilization Act Amendments of 1971—which extended confidentiality to trade secrets—as a statutory shield for withholding most wage and price control information.

In the interests of improved public access to government records, I urge you and the Council to consider soliciting public comment on these regulations before making them final.

Sincerely,

DAVID R. OBEY,
Member of Congress.

PAUL RINGLER ENDS DISTINGUISHED CAREER WITH MILWAUKEE JOURNAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. REUSS. Mr. Speaker, for 45 years, Paul Ringler contributed mightily toward earning the Milwaukee Journal its national reputation for excellence. Twenty-five of those years he spent as an editorial writer, the last 11 as chief of the editorial page. Last week, Mr. Ringler retired from the newspaper he has served—and through which he has served the people of Milwaukee and Wisconsin—so long and so well.

I add my good wishes on his retirement. and insert at this point an editorial from the Milwaukee Journal of January 31, which carries the deserved tribute of his colleagues:

HAPPY RETIREMENT, PAUL

This public tribute to an exceptionally fine newspaperman, with 45 years of service to Journal readers under his belt, could not have been published until he had actually retired, which he did last week at 65—because he was the editorial editor himself, in charge of this column, and a modest gentleman, though he had nothing to be modest about.

H. (for Hazelton) Paul Ringler—always Paul or Ring—is in the true mold of the small town boy from South Dakota and Iowa who matured at the University of Wisconsin and grew in his profession and in wisdom to become an internationally distinguished journalist. He has been an insatiable world traveler both for The Journal and on his own time, and is still a director of the prestigious International Press Institute.

Paul thus contributed an extraordinarily rich and ever expanding background to his work as an editorial writer since 1946 and as chief for the last 11 years. He has also contributed valuably to The Journal Company as a director and as a trustee of its employe ownership plan.

The great benefits to Journal readers and to Milwaukee and Wisconsin from Ringler's career in editorial writing may be realized only by reading between the lines, of course, because that work is properly anonymous, speaking for the newspaper as an institution, not for the individual. So we who have been his colleagues and friends now have to delineate him as a personality.

As one prime mark of the instinctive reporter, Ringler's mind is inquisitive, intrigued by and curious about almost everything and everybody. On every return from his travels about this country and the world, his pockets bulged with oddities clipped from the local press.

Not as a participant, of course, but as a professional observer and critic, Ringler has been fascinated by politics, from Elm Grove to Peking, and has given readers a vast store of shrewd understanding over the years. His utter sense of fairness and justice, and his steadfastness for principle, served brilliantly in this field. He did not hate Joe McCarthy, for instance, but he hated McCarthyism and composed editorials that did much to expose and eventually to expunge that blot on the national integrity. He wrote with vim, never with malice.

Ringler has a strong sense of history—a precious quality that is in short enough supply these days without losing his, too. This gives him perspective and patience in what may seem like lost causes. In both his enthusiasms and his indignations he is equally unflappable. As the most conscientious of newsmen he guarded his detachment, never made personally entangling alliances. He kept the editorial policy of this newspaper shining with its traditional independence.

Paul is a gentle man, kindly and considerate in human relations. His retirement leaves a void among us, and in the life of Wisconsin. But if we know our man he will not cease to be a Marco Polo, still seeking new insights into the world and the people around him.

THE DRAWBACKS OF A MILITARY MEDICAL SCHOOL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. FRASER. Mr. Speaker, the House last November passed H.R. 2, a bill that would have medical students trained under the auspices of the Secretary of Defense. The bill passed with relative ease and it now awaits action by the Senate.

Dr. Richard M. Magraw has dealt with what he sees as the drawbacks of a military medical school in an editorial in the December 9, 1971, issue of the New England Journal of Medicine. Dr. Magraw essentially raises two questions about H.R. 2. One is whether the characteristics of military training are compatible with the central tenets of civilian higher education. A second question raised by Dr. Magraw is whether we are letting the military extend its influence in society past the point of necessity. Dr. Magraw's editorial follows:

A Military Medical School

Do most physicians or most Americans want medical students trained under military auspices? HR 2, "a bill to establish a Uniformed Services University of Health Sciences," is apparently soon to be enacted into law by the Congress. The salient features of the proposal include the development of a medical school within a 25-mile radius of Washington, D.C., the armed forces and other federal hospitals in the area being used as a clinical base. Expenditures of $100 million are authorized (approximately $30 million of new construction for offices, laboratories and basic-science departments) by the time the school is required to graduate its first class of no fewer than 100 medical students at the end of 10 years. After graduation, the students will be required to serve on active duty for not less than seven years, although up to 20 per cent of any one class graduating may "agree in writing to perform civilian-federal duty (the nature of this to be determined by the Secretary of Defense) during that time, in lieu of active duty in a Uniformed Service." This section of the Bill also anticipates the development of additional similar schools since the Secretary of Defense is required within five years to make a report to the Armed Services Committees of Congress on the feasibility of establishing "similar or identical educational institutions at any other locations he deems appropriate."

A second section of the Bill establishes an Armed Forces Health Professions Scholarship Program, which will subsidize professional education for a large number of medical students in established schools. This part of the Program is to be funded at the rate of $50 million annually ($20 million in the first year, when an estimated 1500 medical students and 500 dental students would be commissioned on active duty and "detailed" as student officers to accredited civilian institutions in the United States or Puerto Rico). In addition to being accepted to admission to an appropriate school, such a "student officer" would be required to sign an agreement to complete his education, accept reappointment in the military service and, "because of his sincere motivation and dedication to a career in the Uniformed Services, participate in military training while he is in the Program." Those in the Program incur an active-duty obligation for a period to be prescribed by the Secretary of Defense, but for not less than one year for each year in the Program.

The reason given for this proposed legislation is the failure, despite many inducements, of the military services to attract physicians to military careers in sufficient numbers to meet self-determined quotas for medical manpower. Testimony at the hearings on the Bill, September 21–23, 1971 (the source for the following data) indicated that currently 14,899 physicians are in the medical corps of the Department of Defense. Of these, 8738 had two years or less of service (i.e., were primarily draftees), and the remaining 6161 were distributed along a gradually diminishing curve over a range of length of service from just over two to more than 30 years. With these 15,000 physicians the Department of Defense estimates that it provides care to approximately 10 million persons, of whom approximately ¼ (2,500,000) are actually serving in the armed forces. (One wonders what will occur about coverage of the other ¾ if a National Health Insurance Program comes into being.)

The scope of this proposal, which may soon encompass up to 10 per cent of all undergraduate medical students, and the suddenness with which it has come to final consideration, will probably catch many physicians and medical educators by surprise. However, aside from the provision that anticipates the development of additional similar schools, it is hard to regard the Bill as a sleeper since this is the 17th version of the proposal introduced in as many sessions of Congress. Representative F. Edward Hébert (D., Louisiana), who became chairman of the House Armed Services Committee on the death of Mr. Mendel Rivers, in his opening statement at the hearings tells of his 25-year-long efforts to bring such a "West Point of Medicine" into being. In its earlier versions the Bill did not come to public attention apparently because it was generally regarded as having no chance of passage. Perhaps it has attracted little notice now because professional associations hesitate to antagonize its powerful sponsor. Outcry and organized opposition have been strangely muted or have been intimidated.

During most of the Bill's history it appeared that the majority of the medical officers in the armed forces were strongly opposed to such a military medical school. However, some physicians in the military and in civilian life as well have promoted it, believing that it would give the health professions in the Department of Defense access to the many benefits of academic medicine and encourage professional self-improvement and continuing education throughout the medical corps of the various services. For this reason, the present version of the Bill comes closer to civilian medical education than earlier versions. It is anticipated that if the Department of Defense had its own medical school, retention of career physicians in the armed forces would be enhanced, and it would be possible to obtain needed physicians without the draft.

The sponsors can have no certainty that these hoped-for effects will be realized. Opponents point out that the above goals are mutually contradictory in that whereas the academic properties that the Department of Defense seeks to capture are those of civilian medical education, it is precisely not a civilian school that is sought. Military medical institutions tend to have at their core a hierarchical and authoritarian ordering of things and ideas that is the antithesis of civilian higher education.

Whether or not anticipated benefits are realized, they need be weighed against offsetting disadvantages such as the consideration that, at a time of limited federal support for medical education when every medical school in the country is stretching to expand enrollments, and when some have seriously overextended their resources in doing so, the anticipated expenditure for one Health Sciences University of $100 million in start-up costs over a 10-year period, leading to an annual federal appropriation of $20 to $30 million for operating costs (exclusive of clinical facilities), would appear to be a serious drain on scarce federal funds. In comparison, total direct institutional support for all the 108 existing United States medical schools under the Health Professions Educational Assistance Program during 1971 was $97.3 million (including $20.3 million in loans and scholarships, but excluding $75 million construction for teaching and related facilities).

Furthermore, although not every physician believes that the missions of medicine and those of the armed forces are basically incompatible (and most of those who do believe that to be true recognize that military medicine has made substantial contributions to medical science), I doubt whether many would support the idea that basic professionalization of physicians be carried out in a milieu in which these missions are mixed and in which, in any real showdown, military consderations would have to come first. No amount of political muscle or federal financing should lead us, as a profession, to an acquiescence in an educational scheme that tends to give or appears to give Mars equal status with Aesculapius in the aspirations of nascent physicians. Perhaps the principal objection to a military medical school is that it declares as a public policy that the professional novitiate of one of the most civilized of the professions, embodying what many still believe to be a sacred trust, can be carried out within a military framework without losing something of its professional essence.

Finally, we must ask how far we want the military segments of society to penetrate the institutional fabric of national life. The principal argument advanced for founding the school is the need of a special kind of experience or indoctrination during the training of physicians to include them toward voluntary choice of military careers. But is such a departure really without risk to society? Perhaps an extension of the proposition to absurdity will pose this question most effectively. For example, if we were willing to modify our system of education, no doubt we could make military service more attractive to all our young men. We could condition them as children in grade school and high school as were the youths of Sparta, but the real cost might prove more than our society could afford. It is fundamentally to avoid any such control of higher education that the national associations of higher education have strongly opposed the granting of degrees by the federal government.

The tone of the published hearings in the House Committee and the extremely rapid progression of the Bill through committees and to vote bespeak a managed action rather than deliberative legislative process about a matter of great importance to the medical profession and to all Americans. Opposition was stated in such subdued and conciliatory terms that the issues involved in permanently institutionalizing military medical education (as opposed to more temporary incentives to meet transitory needs) were not clearly defined, much less publicly examined. I believe the medical profession collectively and individually should oppose as rigorously as possible a military medical school. If the profession immediately finds its voice in the matter, the Senate may yet oppose the Bill.

DRINAN CRACKS MEDIA'S VENEER

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HARRINGTON. Mr. Speaker, my colleague, "Fighting Bob" Drinan has, in the year he has been a Congressman, made his presence felt in this Chamber. He is forthright, outspoken, and as his nickname implies, his words carry a great deal of punch. You may not always agree with what he says, but there is no doubt you will be made aware of his position. Recently, "Fighting Bob" presented an example of his outspokenness in a speech before the New England Broadcasting Association. The issues "Fighting Bob" raised are being discussed and that will be fruitful, both for those who agree and for those who disagree. At this time, I wish to insert a column from the Boston Globe by David Nyhan on the speech.

The article follows:

Drinan Cracks Media's Veneer

(By David Nyhan)

We shall henceforth refer to him as "Fighting Bob Drinan after the way the priestly congressman took on the local broadcasting barons.

While they were serving up the ice cream and strawberries, the liberal Democrat rose with a smile, told a couple of pretty good jokes ("We don't allow our priests to become Republicans") and then wiped the floor with the Federal Communications Commission in general, the television industry in particular—and even had a saucy word left over local newspapers, charging them with ignoring obituaries of distinguished black citizens.

It all took place Friday afternoon at a downtown restaurant, where Fighting Bob spoiled lunch for 100 members of the New England Broadcasting Assn.

The speech lambasted the FCC for never lifting a broadcasting license—not even one of 7200—for inadequate programming; repeated what we all know about the frequently flatulent fare offered on prime time TV; castigated broadcasters for allegedly ignoring the blacks, the Spanish-speaking, the antiwar people and other protesters; and talked about greed and the sham of regulation.

The real dessert was not the ice cream and strawberries—it was the exchange between Drinan and Perry Ury, general manager of Boston radio station WRKO.

Ury, whose station has a reputation for making some public service efforts despite the relentless quality of its top-40 pop music format ("and the hits just keep on coming"), arose to defend his industry.

He began by saying Drinan should tell the young man who does his research to check his facts more carefully. Ka-boom. What followed was enough to send a newsboy rushing down Tremont street, shouting, "Extry! Extry! Read all about it—congressman claims he writes his own speech!"

"I wrote that myself," exploded Drinan, who demanded—and got—a retraction from Ury on the correctness of the statistics used to figure the average profit (18 percent) or the amount of time spent on selling soap and spaghetti.

Drinan proceeded to take on the crowd, at one point almost taunting the audience into challenging him, rocking back and forth on his toes and saying, "Go ahead, it's good for the soul."

The former dean of the Boston College Law School, no mealy-mouthed cleric when confronting the broadcasters, does not draw the line at bawling out those who invite him to dinner.

Ury was unhappy, as were others (one ad salesman blessed himself as Drinan spoke), with what they claimed was Drinan's blanket indictment of the broadcasting scene.

Drinan countered he was only trying to raise some legitimate issues about how blacks and peace people get jabbed routinely in the media. It is a fact that the adversary process, is the basis of American justice, American politics, and, it seems, even American marriages. But not until very recently has anything approaching the adversary process reached the media with opposition views.

If you happened to catch a WBZ-TV premier during the weekend, the black-produced "Sixteen-72" show, with Lovell Dyett as host, you saw that maiden effort conclude on a piece of television dynamite.

Dyett's crew was out Thursday, hardly 24 hours before Drinan spoke, asking blacks at Washington street and Massachusetts avenue to talk about what they liked about TV.

"I don't like anything about TV," shot back a young mother who lives nearby. They didn't use her name, but she had on a gorgeous slouch hat—and she unloaded a bombshell.

The rest of the show had been sort of predictable—how many times will Malik Hakim be aired locally?—but this girl at the end talked about what it's like to be black and watch television.

She treated the token "Julia" show the way it deserves to be treated; she said she's tired of the token black in commercials. "We come in pairs," she said; she talked about coming home from work, tired, and not finding anything on TV to make her treat her child or her husband in a more loving fashion; she said TV ignores the pimps and drug pushers and knife-fighters that clog her street.

She lives under the elevated, the El, and that one brief sketch howled out of the tube, as a beautiful black girl with dynamite in her mouth talked about how TV had gone away from her and left her. TV is the train that doesn't stop here.

If we get a few more people like Fighting Bob and this black woman in the slouch hat, we'll be getting somewhere in this media game.

YOUTH FOR UNDERSTANDING

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. SYMINGTON. Mr. Speaker, it is indeed approriate for us to recognize the Youth for Understanding program. By providing young people with the personal experience of living in a family environment abroad, the organization makes invaluable contributions to international understanding, and thus to world peace.

These teenage exchange students are engaged in the business of diplomacy. And today the world needs a new diplomacy which involves all of us. Diplomacy in the nuclear/jet age is too important to be left to diplomats, much less to the sovereigns who employ them. It is people's work, and these young people will do it well.

WELFARE: SEPARATING MYTH AND FACT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. VEYSEY. Mr. Speaker, the January 27 edition of the Wall Street Journal carried a feature article, "Welfare: Separating Myth and Fact," which cogently analyzes a current HEW pamphlet, "Welfare Myths vs. Facts."

As I have mentioned in previous statements—September 14–15, 1971—we Americans are openhanded and generous people, but it is questionable how long our people will continue to fund an ever-increasing welfare load on the dubious data undergirding its official justification.

Welfare, like any other social service, should be subject to more rigorous accountability so that we can assure that the truly needy and unemployable are adequately provided for. The demands for social services are so great that we as elected officials cannot permit the available tax dollars to be wasted on those for whom they were not intended or misspent on illusory programs.

I insert the Journal's article for the information of my colleagues:

Welfare: Separating Myth and Fact

(By Richard A. Snyder)

The Department of Health, Education and Welfare, apparently stung by taxpayer criticism of ever-more-costly welfare programs, has published a booklet in its own defense. Like any piece of propaganda, it may tell us something about its creator. It certainly doesn't contribute much clarity to the confusion surrounding welfare and its dilemmas.

The booklet, "Welfare Myths vs. Facts," has been widely circulated by the department and has served as the basis for a number of newspaper articles. It purports to explode "popular misconceptions" about welfare and welfare recipients.

Such misconceptions "not only malign the victims of poverty but the social workers who labor with dedication to make the present inadequate welfare system work," says John D. Twiname, HEW's Social and Rehabilitation Service administrator, in the pamphlet.

While conceding that the current system is indeed inadequate (and putting in a plug for the Nixon welfare reform legislation), the booklet nonetheless argues that the present system is being unfairly criticized by those who suggest, for example, that many welfare recipients are lazy or unethical.

Or, as HEW frames the proposition:

"Myth: The welfare rolls are full of able-bodied loafers!"

"Fact: Less than 1% of welfare recipients are able-bodied unemployed males."

ARE STATISTICS ACCURATE?

Even if that statistic is accurate it is deceptive, for it implies that finding jobs for these men would have a negligible effect on welfare. The fact is that there is an average 3.7 persons per family on relief, which means that this percentage, rather than 1%, would move off the rolls if the breadwinner went to work.

But is the figure accurate? Or has HEW been too generous in interpreting who is "able-bodied"? For example. it recently came to light that the Pennsylvania Department of Public Welfare had entered into a formal plan with HEW's regional office in Philadelphia to permit any physical impairment of either parent—however trivial—to qualify the family for federal and state funds under the federal work incentive program. Those with no more impairment than the need for eyeglasses qualify the family for cash, food stamps and free medical aid.

Emphasis on males alone is also misleading. It ignores the mothers, a huge and largely untapped work force. As Blanche Bernstein of the New School for Social Research in New York City has pointed out, about 25% of the welfare mothers in New York City, for example, have at least a high school education, making them eligible for many jobs advertised. Half of all mothers have only one or two children, making day-care arrangements feasible.

As part of its denial that many welfare recipients are employable, HEW makes the point that mothers and children get most of the money spent for welfare.

This is true in the sense that Mother cashes the check. However, the indirect but actual beneficiary is more often the absent father. If he leaves his family and lives alone he can spend all his wages on himself, a comfortable equivalent of bachelorhood. If he lives with a woman who is not his wife, he is similarly favored in an economic sense, especially if she is on welfare or employed and their incomes are merged. If he makes clandestine visits to his own home, his paycheck and his wife's welfare check in combination give the outwardly separated family a double income.

There are cases, of course, where the mother is widowed, or the father is ill, imprisoned or otherwise incapacitated. But these do not explain why deserted families on welfare increased from 12,000 to 80,000 in New York City within seven years. Responsible sociological opinion, typified by Nathan Glazer of Harvard, points out that there is a cash incentive to break up the family, or not to form it. For example, the unwed mother on welfare and the putative father on wages would lose her income if they marry.

For years welfare apologists prefaced any discussion of relief with references to the "aged, blind and disabled," which made any criticisim of welfare seem hard-hearted. Now that these have become a bare quarter of the whole cost, the stress has been on children and mothers, with discrete avoidance of the men whose escape brought about the situation.

Another straw man from the HEW booklet:

"Myth: Give them more money and they'll spend it on drink and big cars."

"Fact: Most welfare families report (in an HEW survey) that if they received any extra money it would go for essentials."

One can hardly imagine a recipient testifying otherwise, at least in any inquiry conducted by the department. Other random surveys, however, have disclosed push-button telephones, stereos, new and expensive furniture in homes receiving public assistance, and other luxuries purchased with public assistance grants. Credit is often readily available to public assistance recipients because merchants have confidence in the flow of funds.

HEW has special difficulty in encouraging good judgment in spending because the current thrust in welfare is to separate the computing of eligibility from the rendering of social services, such as advice on budgeting, family management, child care, homemaking and employment. It is a tenet that the recipient should not be submitted to the "indignity" of having such advice thrust upon him.

"Myth: Once on welfare, always on welface."

"Fact: The average welfare family has been on the rolls for 23 months. . . . The number of long-term cases is relatively small."

The department's own figures don't wholly confirm its position. By its charts, more than a third of those on welfare have been there three years or more. HEW personnel admit, moreover, that this does not take into account "repeaters" who have been on for varying periods previously.

In fact, "on-again, off-again" welfare is the case with many recipients, as local administrators acknowledge. For these families, welfare becomes the quickest port of call in any emergency. The easy availability diminishes the likelihood that the recipient will be resourceful, take part-time or overtime work to bridge the gap, or solicit help from relatives.

UNTO THE THIRD GENERATION

The most familiar situation in which welfare has become a way of life is the young unwed mother and her child. And when the child in turn becomes an adolescent and becomes pregnant, a third welfare generation has begun.

According to HEW's pamphlet, 32% of the more than 7 million children in welfare families were born out of wedlock, and these demonstrably constitute much of the caseload that is either on relief on a long-term basis or at recurring intervals.

HEW puts the average length of time a family is on welfare at 23 months, but information in the files of Chairman Wilbur Mills' House Ways and Means Committee establishes the figure at 42 months; this figure would be even greater if welfare rolls weren't growing so fast.

There is an astonishing lack of data in HEW with respect to how long the closed cases had been on welfare (the Department says no studies have ever been made in this area), and data on this group is needed for an accurate index. Any figure based on those on relief at any given point in time also obviously doesn't include the prospective remaining period each case will be on the rolls, nor does it include any period present recipients may have been on the rolls prior to that point in time.

A more immediate question involves the 14.5 million on welfare: To what extent are their incomes accurately measured?

Dr. Bernstein and others have pointed out that figures on poverty and low incomes aren't reliable. Many families are prone to report net rather than gross figures and to be inexact about part-time earnings and teenagers' income. Or the wife is frequently the source of information about her husband's income but is ill-informed about it. In other words, many families commendably have income from assorted sources, which brings them slightly above the poverty line, although the statistics provided show they are below it.

This also serves to explain in part why many in rural and small-town America would be shocked to be told that they are in poverty. They live frugally but to their own satisfaction on limited resources, or sometimes on help from kin. Census figures are thrown out of kilter by the Amish farmers, for example, who would classify as underprivileged if measured by the absence of radios, TV's or cars, but who manage to earn sufficient income to buy expensive farms for their sons.

Bismarck is reputed to have said that people are happiest if they know little about how their laws and sausages are made. He might have included welfare administration. What is everyone's business has become no one's business except the social scientists', and they haven't given satisfying answers.

BURGEONING DEMANDS

Legislators, at the state level particularly, are becoming frustrated by the burgeoning demands of welfare, which drains educational and other parts of the state budget. And they bear the lament of taxpayers who feel the pinch of welfare and other costs. States, responding to grass-root pressure, cut back on grants. HEW, with its pamphlets, seeks to justify its system.

Welfare is an enormously complex issue, and one that tends to arouse strong emotions in all concerned—from the needy recipient to the taxpayer who foots the bill. Any progess toward a solution of what society can and should do to care for its destitute—a solution that has evaded man since the beginning of history—will be made only through cool rationality.

It is natural that HEW react defensively to criticism and state its case positively. It would be unrealistic to expect it to quote Edward C. Banfield of Harvard, for example, to the effect that current welfare policies encourage idleness, dishonesty and reduced production.

The public has, however, a right to accuracy and objectivity, and HEW propaganda broadsides such as "Welfare Myths vs. Facts" are no help at all.

OBSERVATIONS ON PRESIDENT'S PEACE PROPOSAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HAMILTON. Mr. Speaker, the President's new peace proposals were dramatically revealed on nationwide television, disclosing a series of secret negotiations in Paris between Henry Kissinger, the President's national security adviser, and North Vietnam's chief negotiators.

THE PROPOSAL

The President's proposal includes a total cease-fire throughout Indochina, the withdrawal of all United States and allied forces from Vietnam within 6 months of North Vietnam's acceptance of the proposal and a political solution which includes three elements: a new presidential election in South Vietnam; an agreement by President Thieu to resign his office 1 month before the new election; and the creation of an independent body representing all political forces in South Vietnam, including the National Liberation Front, to organize and run the election.

Under the proposal, North Vietnam and South Vietnam would agree to release all prisoners of war captured throughout Indochina, with the exchange of prisoners carried out in tandem with the troop withdrawals.

This new proposal, now placed before the Paris Conference for discussion, is the first new proposal for a general settlement submitted to the Conference by the United States since October 8, 1969.

THE REACTION

Although North Vietnam's statement did not formally reject the proposals, it did denounce them and made plain that the new proposals are unacceptable.

Most observers believe the North Vietnamese will not accept the President's proposal because of their deep suspicions of the electoral process and their belief that the existing South Vietnamese Government would influence the outcome despite any safeguards the allies offered to assure an independent election.

Although it is doubtful that the President has succeeded in shoving Vietnam into the background as a campaign issue, he probably made some political points with his new proposal. The disclosure makes the Nixon record on negotiations clearer and better. The plan, at least for Americans, is fair and just, with free elections, international supervision, Thieu stepping down, and a cease-fire. As expected, the Republican leadership in Congress strongly endorsed the President's position and even some of the aspiring Democratic presidential candidates declined to attack him. Nonetheless, if the proposal is not accepted by North Vietnam, and it does not appear as if it will be, and the war drags on, it will undoubtedly be a political issue in November.

ISSUE CLARIFIED

More than anything else, the disclosures surrounding the proposal illustrate that the critical barrier to settlement of the Vietnamese war is: Who will eventually control South Vietnam? This political issue has caused the deadlock in the secret negotiations. The military questions, including a date for U.S. troop withdrawals and the release of American prisoners, apparently are negotiable on both sides, but the political issue is not.

The Vietnamese have reiterated their insistence that the two basic conditions for settlement are fixing a date for total U.S. military pullout and the withdrawal of all support for the Thieu regime.

WHY WERE SECRET NEGOTIATIONS DISCLOSED?

One question after the President's speech was why he revealed the secret proposals at this time. Such a move will, after all, cut off, at least temporarily, the President's most productive channel of communication with North Vietnam. Apparently it was done at this time: First, to end, or at least reduce, domestic disharmony by demonstrating the administration's good faith; second, to try to end criticism at home, especially from the President's political critics, who have intensified their attacks recently; third, to shift the onus of the stalemate to North Vietnam; fourth, to create a climate at home that would accept stiff retaliatory attacks to any North Vietnamese offensive; fifth, because the U.S. negotiators feel that the private contacts had reached a point of diminishing returns; and sixth, because the hope that the public disclosures might force North Vietnam to consider the plan on a more urgent basis.

The President's proposal may also help his China trip now that he has made a public offer to withdraw all American troops from Indochina, and even though the offer may not be accepted, it will help create a better atmosphere for successful discussions with the Chinese. The very prompt denunciation of the President's proposals by the North Vietnamese, however, suggests that the President will not find the solution to Vietnam in Peking. Dr. Kissinger said:

> We expect to settle this war with Hanoi, not with Moscow and not with Peking.

As mentioned, the President's proposal also puts him in a stronger position to counter the expected enemy offensive, which is expected soon. Having put forth a comprehensive peace proposal and apparently created a climate at home that will permit stiff retaliatory action, he is now in a position to strike back at any enemy offensive in the next few weeks and blame the North Vietnamese for choosing war instead of peace.

HANOI'S RECORD

Hanoi's record in these negotiations looks bad. They agreed to secret talks, and then made a public proposal. Their proposal separated political and military issues, and later were linked in another proposal. They accused President Nixon of not responding to their proposal, when he had done so in private, and then they refused to respond to his proposal. Their terms hardened as the negotiations progressed, insisting that the United States overthrow the Thieu government. They come off as tough, determined negotiators, willing to exploit every opportunity, including the American prisoners of war, and willing to play skillfully to their advantage the sentiments for peace in this country.

The lesson from this record is clear. Hanoi is not interested in either a fair settlement or "looking good." They want a unified Vietnam under their control.

THE PRESIDENT AND HIS CRITICS

After the President's disclosure, the principal complaint of his critics was that he failed to make a straightforward offer of a withdrawal date in exchange solely for the release of prisoners. The President did disclose a proposal made to the North Vietnamese on May 31, 1971, under which the United States would agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire.

At the next meeting on June 26, the North Vietnamese rejected the American offer, insisting that any settlement had to include political elements.

The President, thus, has not offered a simple withdrawal of American forces in return for prisoners of war. He tied withdrawal to the acceptance of a cease-fire throughout Indochina. The Communists oppose this because, in their view, under existing conditions, total cease-fire would simply solidify Saigon's political control over most of the South Vietnamese population. They see a simple cease-fire as the same as losing the war because it requires them to give up their struggle to achieve their goal. The Communists have proposed a partial cease-fire between their troops and withdrawing allied forces, but it would take effect only after a political settlement was reached.

The President responds to his critics by saying that his proposal for a fixed date of withdrawal, a cease-fire, and an exchange of prisoners was rejected by the Communists, not because there was an objection to a cease-fire, but on the grounds that there must be a political solution in Indochina alongside a military solution. He also says that although his proposal is complex, with provisions for a political and military settlement, he is prepared to revert at any time to the simpler proposition offered in the private talks on May 31, for a withdrawal of American troops unilaterally in return for a cease-fire and an exchange of prisoners.

WHERE DO WE GO FROM HERE?

The apparent failure of the President's peace proposal to break the deadlock raises the question as to what happens next. Administration spokesmen have been reluctant to speculate on the future. The President said that the only alternative is to continue the Vietnamization program, which means that American troop withdrawals will go on and so will periodic bombing of North Vietnam, Laos, and Cambodia.

The hope, of course, is that the President's revised proposals, and the spirit in which they were offered, will serve as a beginning point for what could become the first real bargaining since the frustrating negotiations at Paris began 3 years ago.

The hopeful view is that the wide gap between the two sides on the political questions has been narrowed. The President made a major concession by offering the resignation of President Thieu 1 month before the supervised elections. Even though the North Vietnamese are suspicious of these elections, especially when the President suggested that a Thieu supporter, the chairman of the Senate, should head the caretaker government, the timing of Mr. Thieu's departure is surely negotiable, as is the makeup of the electoral commission. The President has made a proposal which could lead to a change of government in South Vietnam. There is room for negotiation on the political arrangements, the cease-fire, the withdrawal of troops, and the exchange of prisoners. The proposal at least begins to focus on the central issue of how power is to be exercised in South Vietnam when the war is over.

This hopeful view emphasizes that the Thieu government is growing stronger, its economy improving, its military able to maintain security, and Hanoi will want to negotiate now rather than later.

The pessimistic view is that the discussions have only emphasized that the North Vietnamese are adamant on gaining political control of South Vietnam, and anything less than assurance of a takeover will not be acceptable to them. They have sought that goal for over 30 years and they are not about to give up now. They want to drive out all the foreign soldiers and unify the nation under the control of the Communist Party of Vietnam.

In this view, Hanoi just does not have much reason to negotiate. If they withstood everything that South Vietnam could offer, when it had the help of 550,000 Americans and all kinds of extra firepower and mobility, they can certainly do better after the Americans are gone, taking most of their helicopters and guns with them. And no matter how successful Vietnamization may be, the improvement of Saigon's fighting capabilities will not offset the American withdrawal. As one American analyst put it:

> Why should the North Vietnamese compromise. Instead they will just wait.

In the long run, the North Vietnamese appear to have great leverage. The U.S. military effort is declining, and even large amounts of U.S. assistance to South Vietnam will not be acceptable to a nation that wants to forget this war. U.S. bargaining power recedes with its declining military power.

But, the South Vietnamese Government, although plagued with problems, is not near collapse and their military power is no pushover for a war-weary North Vietnam.

The effect, then, of the negotiating deadlock is that the war will go on. Each side has presented the other with unacceptable demands. Hanoi wants the United States to get out, take everything with them, and stop all aid to South Vietnam. The United States wants Hanoi to stop fighting, withdraw its troops, give up the goal it has sought for decades, and enter into an election they feel will be controlled by Thieu's agents.

Somehow, this frustrating war must end. I do not see how unless we set a date for withdrawal, end our military activity, and Hanoi returns our POW's as we withdraw, and refrains from attacking our forces as they withdraw. This leaves most questions unanswered, including the central one of who controls South Vietnam, but it would permit the process of accommodation in South Vietnam to begin in earnest.

I insert an article appearing in the February 1, 1971, edition of the New York Times comparing the peace proposal of the two sides at this point.

PROPOSALS BY TWO SIDES COMPARED

WASHINGTON, Jan. 31.—Following is a comparison of the nine-point peace proposal made public by the North Vietnamese delegation in Paris today and the eight-point plan of the Governments of the United States and South Vietnam revealed by President Nixon on Jan. 25:

TROOP WITHDRAWAL

North Vietnam plan: The withdrawal of "the totality" of all United States and allied foreign forces from South Vietnam and other Indochinese countries should be completed within 1971. (The plan was first proposed privately June 26, 1971.)

United States plan: The total withdrawal of all United States and allied foreign forces from South Vietnam alone within six months of an agreement.

PRISONER RELEASE

North Vietnam plan: The release of all military men and civilians captured in the war carried out "parallelly and completed at the same time" as the troop withdrawals.

United States plan: The release of all military men and "innocent" civilians carried out in parallel with the troop withdrawals. Both sides to present a complete list of military men and civilians held throughout Indochina on the day an agreement is signed. Release to begin on the same day as the troop withdrawals and to be completed when they are completed.

POLITICAL FUTURE OF SOUTH VIETNAM

North Vietnam plan: The United States should stop supporting the present government in Saigon so that there may be set up in its place a new administration standing for "peace, independence, neutrality and democracy." Negotiations between the provisional revolutionary government, or Vietcong, and the new administration to settle "all internal affairs of South Vietnam."

United States plan: A free, democratic presidential election within six months of the agreement, organized and run by an independent body representing all political forces in South Vietnam. The body will determine the qualification of candidates. There shall be international supervision of the election.

The incumbent President and Vice President of South Vietnam will resign a month before the election. The United States will remain neutral, support no candidate, will abide by the outcome and "is prepared to define its military and economic assistance relationship with any government that exists in South Vietnam."

South Vietnam, along with the other countries of Indochina, should adopt a foreign policy consistent with the military provisions of the 1954 Geneva accords. Reunification of Vietnam to be negotiated between North and South without annexation by either party or outside interference.

REPARATIONS

North Vietnamese plan: The United States Government must bear full responsibility for, and pay reparations for, the damage caused by the United States to the whole of Vietnam.

United States plan: No specific mention of damage, but the President, the White House has said, offered to finance a $7.5-billion reconstruction program in Indochina of which the North Vietnamese share would be $2.5-billion.

INDOCHINA

North Vietnamese plan: The United States should respect the 1954 Geneva agreements on Indochina and those of 1962 on Laos. The United States should stop its aggression in Indochina and let the Indochinese people settle their own affairs by themselves.

United States plan: "Both sides" should respect the Geneva agreements of 1954 and 1962. There will be "no foreign intervention" in those countries.

RESOLUTION OF INDOCHINESE PROBLEMS

North Vietnam plan: The problems among the Indochinese countries should be settled by those countries "on the basis of mutual respect for independence, sovereignty, and territorial integrity and noninterference in each other's internal affairs." North Vietnam "is prepared to join" in resolving such problems.

United States plan: The same language is used, with the following addition: "Among the problems that will be settled is the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers."

CEASE-FIRE

North Vietnam plan: All the parties should achieve a cease-fire "after the signing of the agreements on the above-mentioned problems."

United States plan: A general cease-fire to begin when the agreement is signed. As part of the cease-fire, there will be "no further infiltration of outside forces into any of the countries of Indochina."

INTERNATIONAL SUPERVISION

North Vietnam plan: "There should be an international supervision."

United States plan: International supervision of the military aspects of the agreement, including the cease-fire, the release of prisoners of war, withdrawal of outside forces from Indochina and the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

INTERNATIONAL GUARANTEE

North Vietnam plan: An international guarantee for the "fundamental rights of the Indochinese peoples, the neutrality of South Vietnam, Laos and Cambodia and lasting peace in this region."

United States plan: An international guarantee for the "fundamental rights of the Indochinese peoples, the status of all the countries of Indochina and lasting peace in this region."

Other differences: In addition to those inherent in the text of the plans, such as the timing of withdrawal and provisions of the cease-fire, the two sides have argued during the negotiations over the definition of "withdrawal" and the political future of South Vietnam.

On withdrawal, the North Vietnamese have insisted, according to the Presidential adviser on national security, Henry A. Kissinger, that it must include the removal of all American equipment and the cessation of all economic and military aid to the South Vietnamese Government.

They also, according to Mr. Kissinger, have demanded that the United States set a date for total withdrawal and implement it, regardless of subsequent developments on prisoner release, and other issues.

On the political future of South Vietnam, Mr. Kissinger says that the North Vietnamese have demanded that the United States bring about, directly or indirectly, the overthrow of the present Government.

NATIONAL FEDERATION OF REPUBLICAN WOMEN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. RHODES. Mr. Speaker, it is my privilege to insert in the RECORD the speech given by the Honorable Jack Williams, Governor of Arizona, on January 21 when our State had the honor and pleasure of being host to the convention of the National Federation of Republican Women. Governor Williams is a fine speaker and always offers a noteworthy message to his audiences. This speech is certainly no exception to that rule, and gives all of us food for serious thought. I hope my colleagues will pause to read and ponder it.

The article follows:

NATIONAL FEDERATION OF REPUBLICAN WOMEN

(Address by Gov. Jack Williams)

Voltaire once said that history is velvet shoes going downstairs and wooden shoes going up! The ebb and flow of great nations can be represented by its moments of highest courage and greatest heroism. Then the doldrums when it dons velvet slippers.

Not too long ago, in our history, heroes walked our land and were aware of honor, duty, country. Other heroes walk again today, but unknown to most, save in a few instances. These are men who promise no glittering easy path of affluence and national cynicism, but instead, the blood, sweat and tears that Churchill once talked about.

Out of the crucible of the uneasy and

ravaged sixties, when mobs stormed our streets and burned our buildings and shouted crude slogans against our national honor, will again come America's greatest hour.

This nation has faltered, of late, on the shoals of self-despair and criticism. No great nation can long endure when its traditions are twisted as Kipling once wrote, "To make a trap for fools; and knaves are allowed to carry banners, shout slogans and flaunt divisive symbols, that have their roots in foreign ideologies."

Since history's dawn, blight, pestilence and trouble have visited themselves upon both civilized and uncivilized people of the world. One by one, society has attacked these problems with force and energy and a great many of them have been solved.

Make no mistake about it. This is the year of decision, and you represent the Party of American common sense.

A bewildering array of aspirants for the presidential nomination, like Stephen Leacock's headless horsemen, have mounted their steeds and are riding off in all directions across our land. They extravagantly promise to better the things that have been commenced over the past thirty-seven months.

Free Angela Davis shouts one! Stop the war, I want to get off, screams another. Cut our defenses, shrieks still another. Their proposals have a ring of desperation as each candidate tries to outpromise the other contenders. They propose spending money as though it's going out of fashion. And they propose humiliating our nation by crawling on our stomachs to the peace talks at Paris.

Let me recall a moment not too long ago. The scene was the Dan Carmel Hotel atop a high bluff overlooking Haifa Harbor, and I was talking to a vice president of Technicron, the M.I.T. of Israel. Professor Herman Fenkel was curious about the United States.

"There is a desire for isolation abroad in our land," I said. "The peaceniks are on the streets, shouting—Peace at any price. A strong defense is to have no defense, they say. Make it evident to everyone that we offer no threat of any kind."

"You go back, Governor Williams," gravely remarked Herman Fenkel. "You go back to America and tell them that we tried that in Germany and six million of us went to the ovens!"

It's a hard prophecy to deny.

There is a tide in the affairs of men, that at its crest leads on to victory. As a friend said recently to me, "The waves recede, but the tide comes in."

History does repeat itself. And this nation has always had the right men at the right time to save it.

There is an excitement and a sense of destiny that we should feel today, in this Republican Party. And, you should feel it first. We have some surface symptoms of difficulty, but adversity is the spur to great success.

It's wooden shoes going upstairs that counts. I am an eternal optimist. I know, from the public prints and the electronic media, that we should be depressed and gloomy. But, I can remember when things were really tough. Today, we are rich enough to afford to worry about the smoke coming out of smokestacks that indicate men are working. I can remember when the smokestacks across this land were not smoking and men were not working, and the cardboard was in the shoe; and the depression was upon the land.

Strangely enough, then, in extreme poverty we had faith, and in extreme unemployment we had neighbors.

Those who say that poverty is the seedbed of crime don't know what they're talking about. Affluence is. And those who say that a weak America will be a better America fail to understand the lessons of history.

It is only when we succumb to self-pity and despair that we encourage the possibility of failure. It is important to remember that lack of faith is the keystone to the arch of despair, and despair forms the framework for failure.

There are many who claim everything is wretched. I say that all is not wretched. I say a lot of things in this country aren't wretched at all. We have done wonderful things and left some ragged edges in the process. I trust that coming generations will smooth these ragged edges and, hopefully, go on to greater things.

Let us list some of our problems, painted and gilded into works of dishonest art by our opposition:

The false dream that one-third of the population can support the other two-thirds.

The abandonment of the family unit as the backbone of our society.

Respect for authority is under attack on all sides.

Respect for law, the courts, and more important, the parents, has become a joke with some.

The dope scene with the real cop-outs who refuse to face reality.

These are the ones in velvet slippers going downstairs.

Dishonesty is dishonesty, whether it is stealing from the income tax form or from your employer by failing to produce an honest day's work, but accepting a full wage.

An early criticism of our country related to the weakness of a democracy. We were warned when people learn they can vote themselves benefits from the public treasury, there is no stopping them until they have plundered it in its entirety.

Today, the motley crew of Democratic aspirants who have visited us, recently, have had one common theme. They have promised more from the public treasury.

My friends, the American people are not stupid. They know the old shell game very well. Those who have been running the shell game have tried to tell us otherwise.

But history shows over and over again, and the facts of life demonstrate it in our own time, that the only goal we can offer with any realistic promise of fulfillment is equality of opportunity. Let each put on his wooden shoes and go to work, climbing the long, hard, but existing, stairs which lead to greatness in a nation and in man.

We are told, today, that America is the richest nation on earth. And somehow we swallow that guff. Actually, we are more in debt than all the other nations of the world combined, but our Democratic spendthrifts keep promising more.

Do you know what a debt of four hundred billion dollars plus, is?

Let me try to describe it. If you stacked up one million dollars in thousand dollar bills, you'd have a stack eight inches high. If you stacked up a debt of four hundred plus billion dollars in thousand dollar bills, you would have a stack over fifty miles high . . .

But, we can handle this debt, and we can have a full employment budget, if we will but go back to work and produce. If we'll put on those wooden shoes and start climbing.

Essentially, America is a good nation, and a great nation. And we are a great people. We are almost without number in our infinity of skills, talents and abilities.

These national doldrums we face today result from prodigious, exhausting efforts in the past that won two world wars, put out a score of brush fires, spent two hundred billion dollars in feeding the poor around the world and restoring the ravaged. No nation has ever tithed itself so generously to help others. We may be disappointed that there is little, if any, gratitude from those we helped. But we didn't rebuild Germany and Japan's economy, expecting their thanks. We didn't send our foreign aid around the world to make ourselves rich. We did it because we have been taught that one does the decent things and helps one's neighbors to fight communism.

Now is a moment that could have been predicted. Our former foes are challenging us, and our former friends are criticizing us, and within we are torn by conflicting ideologies only the unchallenged can afford. Our national goals have been lost in an euphoria of helping everybody and everything and being all things to all people.

It is time again to reset our compass and our course.

We have a destiny among nations. It is clear, shining and magnificent as when it was first voiced in that Declaration of Independence almost two hundred years ago.

Two hundred years isn't very old for a nation. Recently, in Spain, I saw the ruins of a Moorish greatness that lasted six hundred years, until the French defeated the Moors at the Battle of Tours and decided at that moment the future of Europe, whether it would be a Moslem or a Christian future.

We are only beginning to sense our greatness and that greatness is to be found today in the article of our Republican faith. For too long have we wandered from the pathway outlined for us by those men who penned our Constitution and gave us the chance to be free. Men of industry teamed up in research and development to produce the necessities and the luxuries of life that some scorn today, even while they enjoy them. Millions of Americans have died and millions have suffered in the wars of this Republic that we might have greater freedom than any other citizen of any other nation in any other period of history of mankind.

We should cherish those freedoms—to work, to love, to learn, to play; freedom to compete, to invent, to save, to invest, to create, to promote and to own; freedom to choose, to join, to vote, to speak, and to walk erect with head held high; freedom to be ourselves and to be free to glorify our God. Life would be a void, without a sense of purpose, if we were to lose these things.

We shall not lose them because the Republican Party stands ready to defend them. Mankind hasn't changed in a thousand years and more. Common sense tells us that. That is why I say that our Party is the Party of common sense and as the Party of common sense is really closer to the people.

The common sense I talk about should prove that people haven't changed. Aesop's Fables, written over two thousand years ago, depict our same foibles and personality, the laws of Leviticus apply today, as they applied when written.

If we are to base our decisions on common sense, we must recognize that each of us serves a particular purpose in our Party, and that the re-election of Richard M. Nixon is of paramount importance, whether you agree with every nuance of his political judgments or not!

Having some knowledge of the Executive demands related to the other two branches which represent checks and balances in our form of government, I know his dilemma. We have been taught in the past thirty years to believe that the President of the United States runs the country, should be credited with all useful advances and charged with every failure. Yet, common sense admits we are a nation of checks and balances; the Legislature and the Courts have a profound influence.

We blame the President if there is a slight recession in the economy.

We blame the President if war breaks out anywhere on this globe.

We blame the President for the price of bread or the cost of shoes.

The truth, my friends, is that the President is the administrative head of this nation. Congress determines the policy, and recently the Supreme Court has trimmed the sails.

You know—even those most strident conservative critics surely can't say that the President is all bad when he appoints a man like Arizona's Bill Rehnquist to the Supreme Court.

If you judge a man by the enemies he makes, Bill has a magnificent record.

In fact, the knockers give little credit. They never have, but, if there is one great achievement on the part of Richard M. Nixon, it could be in our eyes his shifting the balance of the Supreme Court away from its far left ideologies.

Some of the other criticisms, common sense tells us, are the inevitable result of being a doer. And, during the past year especially, none can accuse our President of not acting boldly, courageously and vigorously. The leadership of this world today demands such decisiveness and action if it is to be saved from drowning in a sea of confusion and cross purposes.

Indeed, we have a President who is leading our country with courage, intelligence and with a dignity and an assurance that we have not witnessed for some tme, would that he had more support in the United States Senate and the House of Representatives.

Comes now that time of travail for any political leader, when the purveyors of calumny and slander have a field day, when the publishers of untruths and half truths start the presses, when the electronic media paints the picture of the little girl picking daisies. Remember?

Be prepared for even more slanders, half truths and outright lies.

A strange coterie of opponents are gathering. The party of the opposition is fielding men who have an ideological difference with us. But, that difference plays into the hands of those who would destroy us.

We should remember the man in the fable riding the little ass who tried doing everything the passerby asked him to do, would up carrying his son, and his donkey, and his burden across the bridge and lost his little ass and everything.

The American people should remember how the world's most powerful military establishment was reduced to second-rate impotence, how inflation was permitted to soar, and how a welfare state that enslaved us all, either with debt or dependence, was encouraged.

At the turn of the 17th century, England under the leadership of King William, according to Churchill's Chronical, seemed to be laying, after generations of religious, dynastic and territorial wars, the foundations of a lasting peace for the whole world. (Does that sound familiar?) But, Churchill continued, at the very moment when all that the hearts of men desired was coming within their reach through his exertions, the King was woefully and even fatally weakened by the action of the House of Commons. They rejoiced in peace and clamored for freedom. Groaning and impatient, Commons plunged into a career of disarmament and constitutional assertiveness that found them vowing to break up the standing army. An orgy of insult and abuse, in which the civil population heartily joined, began around all uniformed men. (Doesn't that sound familiar?)

This nation has gone through it. History is replete with just what is happening. And common sense should tell us that those who advocate—Better Dead than Red, or any lesser interpretation of that slogan—either fail to learn from the lessons of history and lack common sense or are serving that worst of all roles, the role of the witting, or unwitting, traitor.

The Party of the opposition has, unwisely, weakened our nation. They fought the ABM—a weapons system which the experts believed essential to our national survival. It passed by a single vote—the tie-breaking vote of Vice President Ted Agnew.

There was an honest difference of opinion about building an SST. The program was stopped. France, as a gesture of significance, flew its own SST to the meeting with President Nixon in the Caribbean recently, and Russia plans to bring its proto-type to the next air show. These gestures are not missed by those who want to believe that our nation is destined for a second-rate status.

Obstructionism is a giant industry in America today, and hundreds and thousands of men and women are being penalized.

The idea of wage and price controls is repugnant to a great many people, especially to most conservative thinkers. The President's critics in Congress called for such controls and passed the authorization necessary to give the President the power to invoke them.

Now, these same forces are his most violent critics, and with a relaxation of some controls, everyone is complaining. Yet, he said over and over he would show us the way, and then ask for voluntary compliance. He did. And everywhere that the shoe pinched, the patient squawked. But the controls had an effect. It reminds me of a classic dictum: Those who will not control themselves from within must be controlled from without by force.

The Vietnam War has divided this country as all wars which are unwinnable must. It has dragged on interminably. MacArthur once said this: "War is a terrible thing, and a tragedy when resorted to, to settle the differences between nations. However, once that decision is made to resort to war, then it is important to win it, to resolve the matter. If you don't resolve it, you simply will have to fight again later."

How true that the Korean sacrifice settled nothing and twenty years later we still meet at the peace table at Punmonjon. With Vietnam, there are those who support Hanoi and those who support Saigon. Most of the liberal criticism today is aimed at Saigon—corrupt, ineffective, and incapable of defending herself without our aid. Who points out that Hanoi cannot defend herself without Moscow's aid? In effect, why is Hanoi so pure, and if she is claiming purity, what is she doing in Cambodia and Laos? Common sense tells us that Moscow is on a fishing expedition and will absorb as much of the Far East as is permitted. Why do you think China is concerned today? She doesn't want to see the Pacific a Red Soviet lake.

Yet, in Philadelphia, one of the President's political critics declared it has taken Nixon longer to get us out of the war in Vietnam than it took us to defeat Adolph Hitler.

What he conveniently forgot to say was that from 1962 to 1968, when his Party was in power, they imposed a "no-win" policy on our military leaders and that in an agony of frustration we have sacrificed the lives of almost fifty thousand Americans, fighting in a war they were not permitted to win.

My friends, it is time for the American people to speak effectively against such unbelievable charges which not only frustrate our national life, but threaten our national future.

If we don't care enough to survive ourselves, we will be a very small footnote on the pages of history.

What has disappeared from our national scene is not only a sense of purpose, but a reverence for this country and its basic ideals.

Thirty years ago, when the ominous cloud of World War II loomed on the horizon, we could truthfully say that politics ended at the water's edge. Many of us disagreed with President Franklin Roosevelt's domestic policies, but I would remind you it was the Republican leadership in the Senate and the House, joining hands with the Democrats and the President, which made it possible for the free world to survive that terror.

Don't ever forget the enemy at that time was intent upon world domination and extermination of all minorities that couldn't be used as slave labor. To the young today, World War II sounds like ancient history. But, from it we should learn one great lesson. Professor Herman Fenkel said it; I say it again. Six million Jews were exterminated in the ovens and the concentration camps.

War is an ugly thing, but not the ugliest thing. The decayed state of moral and patriotic feeling which insists there is nothing worth a war, is worse.

We forget that if we abandon the South Vietnamese before they can defend themselves, we deliberately condemn millions to the most brutal of deaths and retaliation. The same politicians who strongly condemn Richard Nixon's efforts in Southeast Asia to extricate our forces, appear to applaud the brutality which accompanied the recent difficulties in East Pakistan.

You saw the News and television shots of brutality and horror which accompanied India's armed intervention in East Pakistan.

Let those who complain about South Vietnam raise their voices in protest over the little boy kicked to death in East Pakistan. Let those who piously ask what we are doing in South Vietnam ask North Vietnam what they are doing in Laos and Cambodia.

As our Democratic friends trek the hustings, remember they were there when the Senate and the House voted appropriations which put us so deeply in debt—a federal debt, incidentially, which is largely responsible for the inflation that robs every man of a part of his paycheck. They were there when the Gulf of Tonkin Resolution was passed. They have been there during the whole dreary exercise that President Nixon is trying so desperately to correct under our system.

It is time for common sense again, the common sense that framed the words and actions of those great patriots who formed our country.

The common sense that is represented in the Republican Party's policies and participants today.

The common sense that reminds us to give up the velvet slippers of the welfare state and the impotence of disarmament and the breakdown in patriotism, respect and loyalty, and the common sense to don the wooden shoes of work . . . for duty, for honor . . for country.

LONG ISLAND RESTAURANTS BOYCOTT FRENCH WINES

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. MURPHY of Illinois. Mr. Speaker, it is well recognized in this country that we are now in the midst of a horrifying drug epidemic which threatens to ruin the lives of many of our young people. Heroin overdoses in Chicago alone last year accounted for more than 300 deaths among young people.

Government officials have called for stronger measures to deal with this national problem including rehabilitation and treatment of heroin addicts with other drugs and payments to foreign governments to encourage farmers not to grow the poppy from which heroin is refined.

Recently, I along with Hon. CHARLES RANGEL from New York, urgently called for strong measures to encourage the French Government to close down the heroin refineries which we know are operating in the Marseilles area. It is here that most of the world's heroin is processed before being smuggled to the United States.

I am happy to report that some progress has been made in this area of enforcement. The French Government recently apprehended a large group of heroin manufacturers, arresting 23 suspects and, in effect, closing down one source of supply to distributors here in the United States. But this is not enough.

Apparently some American citizens also think that more sanctions are necessary. I refer specifically to a group of restaurant owners in the Long Island, N.Y., area.

The New York Times of January 31 carried an article which explained how the Long Island Restaurant and Catering Association, a group of 120 members, decided to boycott wines, liqueurs and brandies made in France, hoping to persuade the French Government to deal more forcefully with heroin traffickers.

I commend these people for their concern and their courageous action even though it will no doubt mean a financial loss to them. As the owner said:

> It was necessary to impress the French Government that we will take a strong stand against their apathy in dealing with this problem.

I would like to mention that the president of the association, Mr. Warren R. Spellman, indicated that he will ask the Restaurant Association of the State of New York, a group with 3,000 members, to join the boycott. It should be noted that Mr. Spellman is president of the Long Island Committee for Crime and vice president of the National Association of Crime Commissions—so he is well aware of the resultant crime that drug abuse causes.

Mr. Spellman also stated that a national boycott of this nature could well mean that approximately 3 million bottles of French wine would not be sold each month. A venture of this proportion would surely not go unnoticed by French officials.

We, in American Government, are making every possible effort to convince the French Government, as well as other governments, that it is in their best interest to cooperate with us to end the extensive flow of heroin and other drugs coming into our country.

But this boycott by the restaurant owners in Long Island shows the true voice of the people. For this we are thankful and I can only hope that the boycott spreads to other cities in the United States.

If the proper officials hear this voice of the American people, then I am convinced that we can cut off the supply of heroin and this deplorable situation can be ended. We then can begin more extensive treatment programs to help those who have become victims of the insidious influence of heroin and other narcotics. I ask to insert the aforementioned article to be reproduced for all to read. It is as follows:

LONG ISLAND RESTAURANTS BOYCOTT FRENCH WINES

(By Roy R. Silver)

WOODBURY, L.I.—A boycott of French wines, liquors and brandies in an attempt to have the French Government deal more forcefully with the heroin problem was started today by the owners of many of the top restaurants in Nassau, Suffolk and Queens counties.

The boycott, was voted by the Long Island Restaurant and Catering Association, representing 120 restaurants and caterers.

A proclamation adopted unanimously at a meeting in the Royal Viking Restaurant here said that the main source of supply of heroin was drugs imported from Turkey, processed in Marseilles, France, and then distributed illegally throughout the world.

The restaurant owners said that even if a boycott meant a financial loss to them, it was necessary "to impress the French Government that we will take a strong stand against their apathy in dealing with this problem."

They said that many appeals to the French Government "to seriously crack down on importers, processors and exporters of heroin for foreign consumption have gone unanswered."

Placards announcing the boycott will be placed in participating restaurants and small cards will be placed on tables to advise customers to refrain from buying French wines and liquors and to order other imported or domestic wines instead.

Warren R. Spellman, owner of the Holiday Manor in Bethpage and president of the local association, said that the Restaurant Association of the State of New York, with 3,000 members, and the National Restaurant Association would be asked to join the boycott.

VICTIMS OF ADDICTS

Mr. Spellman, who is also president of the Long Island Committee for Crime Control and vice president of the National Association of Crime Commissions, said that many restaurant owners had been the victims of crimes by drug addicts.

He noted that of the 33 million gallons of wine sold in New York State last year, imported French wines made up "a large share."

"We feel that if each restaurant can sell one less bottle of French wine a day, it will be 3 million bottles a month less nationally," Mr. Spellman said.

He said that many people bought expensive French wines because of their reputation, but added that California and New York State wines were becoming camparable in quality and taste and that customers would switch because "the price is right."

Jean Pierre Gachelin, who is in charge of the division of food and beverages in the commercial attache's office at the French Embassy, said today the press had reported that "American officials have found that French police and authorities are most cooperative in combating the drug problem."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CAN PRICE JUMPS FOR MEAT BE STOPPED?

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ST GERMAIN. Mr. Speaker, when the housewife goes to the supermarket to buy meat she knows that the fight against inflation has not yet been won. Meat prices keep going higher; and current indicators point to further rises in the spring and summer. This, of course, affects every one of us, but for the low-income family price jumps take food off the dinner table.

I am not ready to assume that higher and higher meat prices are a fact of life, like death and taxes. Two weeks ago I telegrammed President Nixon asking for a substantial increase in imported meat quotas as one step that should be taken to hold prices somewhat in line. For the sake of the American consumer, I hope the Cost of Living Council is giving serious thought to what countermeasures can be taken to offset the price increases for beef and pork that loom ahead.

To shed light on some of the background contributing to the price hikes, I want to include here an article which appeared in the Washington Daily News on January 19:

MEAT TAB GOING UP

(By Ann McFeatters)

Meat prices are up—and going higher.

Pork and beef are the big culprits. Here's why:

Last year the pork supply went up and prices to farmers went down so farmers began breeding fewer hogs. Now 8 per cent fewer hogs are coming to market driving prices up. The price the consumer pays for pork and pork products therefore will rise. Monday the prices for live hogs paid by packers, who slaughter and dress the animals for retail sale, were the highest in a year and a half.

Cattle prices Monday soared to the highest level in 20 years, astonishing everyone, including the Department of Agriculture and the packers, represented by the American Meat Institute.

WEATHER BLAMED

In Chicago the National Livestock Producers Association blamed bad weather. Because many farmers couldn't get their animals to market the price paid for the available livestock soared.

But Agriculture Department livestock economic specialist Don Seaborg said beef prices have been going up gradually for some time and will continue upward for a while.

He said the reason is that people are eating more beef and with pork prices climbing there is less competition to keep prices down.

A spokesman for the meat institute said a 750 million-pound decline in pork production is predicted. He said that means the average American will eat five pounds less pork this year. On the other hand, he's expected to eat six more pounds of beef.

Government economists admit general meat prices will be even higher than last year, hoping only that the rise won't be as fast as it was last year.

An example of the rate of increase is the average retail price paid per pound in November for all choice beef—$1.06, which compares with 97 cents a pound paid in November, 1970. And this week the wholesale cost of pork increased 20 per cent.

Monday's high prices paid by the packers for live cattle means prices will rise again shortly because packers are slaughtering as fast as the cattle come in.

"I'm sure the packers won't be able to absorb that large an increase (between 50 cents and $1.25 per 100 pounds)," the meat institute spokesman said. "Prices will go up."

The higher meat prices will affect President Nixon's stabilization program. This week the executive director of the Massachusetts Retail Grocers Association, Malcolm McCabe, said it is unfair that prices of agricultural products are not subject to Price Commission controls.

"Skyrocketing meat costs charged to retailers are making a travesty of the war on inflation" he said, adding that the cost of pork chops means more to the average household than the "flood of talk and explanations" from government and industry.

"The price of pork chops will elect the next President of the United States," he said.

MAKING THE ROUNDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. DERWINSKI. Mr. Speaker, having served at the U.N. during the last session and having been especially concerned with the budgetary status of that institution, I was especially intrigued by an editorial in the San Diego Union of Tuesday, January 25, 1972.

The point which this editorial makes is quite objective, and I therefore direct it to the attention of the Members:

MAKING THE ROUNDS

It is a bad season for Secretary General Kurt Waldheim to be making the rounds in Washington in search of financial help for the United Nations, which for all practical purposes is flat broke. The capital mood is not likely to be receptive after the U.N. performance on the China issue last fall.

His hope is to raise $45 million in advance payment of dues from U.N. members so the organization can meet its payroll in the months ahead. He also is proposing that member nations cancel any loans they have made to the U.N. In September, he promises to unveil a new plan for U.N. financing, presumably one aimed at keeping the budget in balance.

Mr. Waldheim should put first things first. His appeal for a dues advance and loan write-off would find a better reception if the U.N. would first adopt a policy to deal more strictly in the future with members who welsh on their obligations. The Soviet Union and France, for instance, have never paid their assessment for the U.N. peacekeeping operation in the Congo.

U.N. leaders even are considering the possibility of solving their financial problems with a lottery. Surely if the world organization's dues and assessment schedule were more equitable and better enforced, and if its spending policies were more realistic, it would not have to go begging—or selling lottery tickets.

CONFIDENCE IN THE U.S. DOLLAR, LIKE CONFIDENCE IN THE AMERICAN FLAG, DETERIORATES ABROAD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. RARICK. Mr. Speaker, evidence continues to mount that the attempt made by the Nixon administration to salvage the American economy has failed.

This is most evident in the continuing plunge of the American dollar abroad as confidence in the American economy wanes. The chairman of the current Paris monetary meeting of the Organization of Economic Cooperation and Development is reported to have commented that things "will get worse before they get better" and that the U.S. balance-of-payments deficit was "bound to be a confidence problem."

This situation continues to threaten the U.S. economy. The present price of gold on the open market reached a high of $48.10 per ounce recently—this while the official rate fixed by the American Government is $35 dollars per ounce, with the proposed devaluation only to set the price of gold at $38 per ounce.

It is evident that the steps taken by the Nixon administration have failed to combat inflation and restore confidence in the dollar—this because devaluation is but an emergency or stopgap measure that fails to get at the root cause, excessive Government overspending brought on by irresponsible action or the wasting of tax income by ridiculous experiments in living.

The related news clippings follow:

[From the Washington Post, Feb. 2, 1972]

GOLD PRICE RISES ABOVE $48 AN OUNCE

(By Jonathan C. Randal)

PARIS, February 1.—The price of gold rose above $48 an ounce today for the first time as world monetary experts predicted the United States would run "sizeable" balance of payments deficits until 1973 despite de facto devaluation of the dollar.

Otmar Emminger, German Bundesbank vice president and chairman of the current Paris monetary meeting at the Organization of Economic Co-operation and Development, said "There is no basis for talk of a lack of credibility" in recently negotiated currency re-alignments.

But with the dollar weakening all over Europe and the London gold price at $48.10—a 95 cent jump in 24 hours—Emminger's qualified optimism struck the market as a bit forced.

"Realignment has a good chance of leading to the desired result," he told journalists after the first major monetary meeting of the 23-nation OECD since the Dec. 18 de facto devaluation of the dollar, "it just takes time."

Emminger conceded "things will get worse before they get better" and that the U.S. balance of payments deficit was "bound to be a confidence problem."

He maintained that the U.S. balance of payments deficits would continue for two years "with the main improvement" unlikely before 1973.

He explained that "the perverse effect" on U.S. international accounts was because the American economy was picking up faster than those of its major trading partners.

As a result, imports into the United States cost more immediately because of the dollar devaluation whereas U.S. exports would take longer to increase especially with many of the potential overseas markets expected to remain sluggish for most of this year.

Lower interest rates in the United States than in Europe also have discouraged the once expected massive repatriation of the some $27 billion of U.S. currency which flowed abroad last year during the monetary crisis and has yet to return in any but token amounts.

[From the Evening Star, Feb. 2, 1972]

DOLLAR AT LOW, GOLD AT HIGH ON JITTERY EUROPEAN MARKET

LONDON.—The dollar hit new post-devaluation lows in Europe while speculator rushing to buy gold forced the price of the metal up to a new high point in jittery financial markets today.

The dollar plunged to a record low in Frankfurt, and the West German State Bank (Bundesbank) moved into the market to shore up the U.S. currency for the first time since the Washington currency agreement in December.

Steady pressure drove the dollar down to low points in Britain, France, Belgium, Switzerland and Holland when operators switched from dollars into European currencies in hectic trading.

Dealers could not pinpoint a single specific reason for the new flurry of dollar selling, but some said the swift leap in the price of gold had spilled its effects into already highly nervous currency exchanges.

Buying orders for gold at a time when potential sellers were reluctant to part with their holdings jerked the price up to a record $48.60 an ounce, a morning gain of 57½ cents an ounce in London.

Gold was now more than $10 an ounce higher than the proposed U.S. increase in the official price of monetary gold soon to go to Congress.

Gold gamblers who bought the metal a month ago were already showing profits of more than $4 an ounce, but dealers said these speculators were in no hurry to cash in and seemed ready to wait for still bigger gains. In the Paris market, the gold price also soared to $48.60 an ounce—a jump of $1 an ounce there since yesterday.

SHARON'S LUNAR ARTIST

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mrs. GRASSO. Mr. Speaker, the people of the United States are proud of this Nation's daring and adventurous journeys to the moon. We in the Sixth District take special pride in the artistic talent of Sharon resident Carl Broemel who has painted in authentic detail the lunar landscape viewed by the crew of Apollo 12.

To insure the total technical accuracy of his work, Artist Broemel consulted with manufacturers of the lunar module and instruments, as well as with Apollo 12 Astronaut Charles Conrad. Another painting by Mr. Broemel was selected by the Air Force as its official Christmas and New Year's greeting card.

Carl Broemel, who has painted for some 55 years, is to be congratulated on his splendid achievement. For the interest of my colleagues, an article concerning Mr. Broemel's views toward this extraordinary artistic challenge which appeared in the Lakeville Journal follows:

SHARON'S LUNAR ARTIST

(By Betty Shepard)

Artist Carl Broemel of Ellsworth in Sharon will soon receive a visit from a moon man—and strictly on business. Astronaut Charles Conrad, featured in the painting reproduced on this page, will have to check out the technical details before the artist will call the work finished.

The subject is Apollo 12 on the moon, with Astronauts Conrad and Alan Bean. Apollo 12 took off Nov. 19, 1969. It was only possible to do the painting, Mr. Broemel states, because of the help offered from the various large corporations who designed and made the Lunar Module and instruments—and with the advice of Captain Conrad.

"The Lunar Module is no small affair," Mr. Broemel says. "It is 24 feet high and 31 wide at the base and is never seen on earth in its final stage. It is packed into a canister at Long Island, placed into the missile at Cocoa Beach, then shot out at the moon, where it opens up like a flower and descends slowly to the moon's surface.

"When the astronauts leave, they are shot up into the sky by the upper section. This is then abandoned when they are safe inside the capsule in which they will return."

"The different atmosphere and lighting on the moon made this an interesting undertaking," the artist states. "The only color in my picture is the gold-covered crinkly foil covering the Lunar Module as protection against radiation. The sky is black and the moon light grey." Any object that is not in the sun, according to the artist, is black.

The sun, according to the artist, is never more than 12 degrees from the horizon and the day is 14 days long. "It's a long, low slanting light, so great that one cannot look into it."

The posture of the astronauts, according to the artist, is caused by the weight they carry on their backs, nearly 200 pounds. "If they straighten up, they will fall over backwards. To keep their center of gravity they have to bend their knees and lean slightly forward."

When Mr. Broemel decided he wanted to paint a picture of the moon—"very good material for abstract painting"—he consulted his son-in-law, William Attride, who had been at Cocoa Beach for 10 years as an active project engineer on the missile base. It was Mr. Attride who put him in touch with the astronauts.

The painting, started in August, "became much more of a mechanized project than I expected." The artist soon gave up the idea of making it abstract when he saw that the subject matter was far too complicated. The painting, in oil, is 30 by 40 inches.

When the painting is completed it will be given to Astronaut Conrad, but Mr. Broemel will have the reproduction rights. It has taken this long, he states, because he wanted to make sure he had recreated the image correctly: when he got stuck he would write the manufacturer of the space machinery and equipment for further information.

Another painting by Mr. Broemel, this time of Eskimos, is entitled "Northern Lights at Frobisher Bay." It was picked for the official Christmas and New Year's greeting card of the Air Force. This painting, owned by the Air Force, is now included in a collection of 2,300 paintings, some dated as early as 1915, others as up-to-date as now.

"This particular painting was the result of my trip to the Arctic in mid-winter some 12 years ago," the artist states.

For the Air Force Collection, artist illustrators of three societies—New York, San Francisco and Los Angeles—cooperate with the Air Force by visiting air bases and installations around the world to record their impressions of the men, equipment and mission on canvas.

Once a year these groups present about 100 paintings to the Air Force to keep the collections current. This year the group held 56 exhibitions throughout the United States, drawing almost one and a half million visitors.

Mr. Broemel has been painting for 55 years, and for the last three years his style has been essentially abstract. He and his wife Ruth have lived in Sharon since 1959, moving here from White Plains.

"Most of my life was spent in Cleveland," he states. He has done some architectural designing, but is known mainly for his painting and illustrations.

The Broemels have three children: in Daytona, Fla., Wilmington, Del., and Norwalk, Conn., and eight grandchildren.

Mr. Broemel states he was also sent by the Air Force to missile bases in the Mediterranean. All artists who work this way for the Air Force contribute their paintings.

"We are always on call," Mr. Broemel says, "but I think I have reached the age now where I like to stay home."

THE PRUNING OF THE PRESIDENCY

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ABOUREZK. Mr. Speaker, Wes Barthelmes, a most knowledgeable Senate staffer, has written for Commonweal magazine a very incisive piece on the steady erosion of congressional power. I think that every Member of this body, as well as the Senate, would benefit greatly by reading Mr. Barthelmes' observations:

[From the Commonweal magazine, Jan. 21, 1972]

THE PRUNING OF THE PRESIDENCY

(By Wes Barthelmes)

It may be premature to transfer the Congress from the political scientists to the cultural anthropologists for study, but our national legislature may be considered a marginal political institution, vulnerable to a final sacking by an American Cromwell. Worse still, few of its 535 members acknowledge, much less understand, the weakened congressional condition. Alarmed members are mostly those on the Senate Foreign Relations and Appropriations Committees, because it is in these areas that the greatest enfeeblement of congressional authority has taken place.

The historical explanations for the flow of power from the Capitol to the White House are many. The history of the presidency itself is marked by a sporadic gathering-in of power by successive occupants. But, until modern times, there were also intervals of congressional reassertions and passive presidencies. No longer. The trend now moves without interruption, in part, because the nation has been on a war-footing for the last 30 years—with no end in sight. Along the way there has occurred both an intellectual and programmatic confusion betwen the roles of the President as Chief Executive and as Commander-in-Chief. Our Prince Metternich, Henry Kissinger, and his predecesors as Chief Councillor-of-State under Democratic administrations take the view that only the presidency is able properly to determine and execute foreign policy—and to this end, Congress as an institution is an impediment. Presidential historians such as Corwin and Neustadt have cultivated an atmosphere of public approval for the "heroic" presidency.

Amid continual politics of crisis, the Congress, in diverse moods, has acquiesced in making ill-advised grants of authority to demanding Presidents. Sometimes stampeded, sometimes misled and lied to, sometimes slothful in respect to its Constitutionally assigned obligations, the Congress has compiled for history a case study in institutional self-destruction. There is no persuasive argument that the Congress has been an unwilling victim of presidential depredations. Conversely, it has invited presidential domination in large part by acquiescing to (a) an autonomous committee system, (b) a system of promotion to leadership positions that lacks accountability, and (c) a grossly inadequate, even obsolete, system of information-gathering for legislative purposes. When ravaged, it has seldom fought back.

Members of Congress have only themselves to blame for the crumbling oedipus which they occupy. Few have cared and an example has been set for them by congressional leaders who don't lead, particulraly those in the House of Representatives. As for the Senate, under the self-deception of exercising extended debate, it exists as a sort of cave-of-the-winds and seldom legislates outside the frozen formats established for domestic legislation by the New Deal.

Restoration of the federal system of checks-and-balances would be the most worthy undertaking for the American Bicentennial Commission. Lord Acton, where are you? The Congress, for better or for worse, is the only one we have and it is time to make amends before the monarchial tendencies of the White House multiply.

The potential is there. Paradoxically, the number of able men and women in the Congress is greater than ever—numbered not by the fingers-of-the-hand but by the dozens—yet the whole adds up to less than the sum of the parts. In addition, a promising historical situation exists. The theory of presidential sagacity and dominance may be floundering on the shoals of Vietnam—and, lately, as a result of the India-Pakistan imbroglio. This should be exploited.

There are slender beginnings. Two Supreme Court nominations of President Nixon have been rejected. Within the last two years, the Senate has successfully instigated marginal restraints upon the President's freedom-of-action in Indochina—the Church-Cooper amendments being the foremost. Arsenal diplomacy, as exhibited through the foreign aid program, received a setback in late October when the Senate defeated the omnibus bill for military and economic aid. But it will also require restraints, self-imposed, on the part of Presidents in recognition of the Constitutionally assigned roles for the Congress in respect to domestic and foreign-policy making.

Perhaps, it is too much to expect of candidates to make such a public recognition now that the presidential rutting season is engulfing us—ten wordy months prior to Election Day. The sitting President has demonstrably refused to acknowledge the Constitutional role of the Congress. And the Democratic candidates, humming "Hail to the Chief," are neither volunteering their views, nor being asked.

"THE SUNDAY SENATE"

The psephological specialists continue to confuse election statistics with substantive politics. "The Sunday Senate," that aggregation of network interview shows, focus on This One as a ront running candidate for the Democrats and That One as a "dark horse" for the Republican nomination. Adhominem questions dominate the question period in the context of an assumption that, of course, it is obligatory upon the next President to do more than his predecessor. Is it crankish to suggest that we all might be better off if each presidential candidate promised, if elected, to do less—or, at least, do whatever he wishes to do in full and advance consultation with the Congress?

One wonders, matching hope against experience, whether improvements can be forced upon the traditional pattern of presidential campaigns, unsavorily expensive ones of low comedy, mass rowdyism, and occasional high drama. Is it not legitimate to ask the candidates as to whether each adheres to the cult of the presidency, Rossiter's "compelling focus of power, prestige and patronage." One contrasts today's imperial trappings at the White House with Franklin Pierce's fumblings in the darkness at the White House after his Inauguration and eventually his finding a mattress on the floor upon which to spend his first night as President.

The chaplains and intellectual Mandarins of American Empire continue as Privy Councillors to Presidents who drape around them the cloak of presidential immunity from questioning congressional committees. Are the candidates for President willing to relent in this practice? If so, it would be instructive to see the Rev. Billy Graham giving witness before a Senate Committee on Godliness as to his fitness to be a presidential advisor.

The grotesqueries of the 1968 presidential campaign seem to have been forgotten. All shades of political opinion insist on finding someone upon whom to shift the insupportable burden of resolving the issues afflicting our nation. The Right seeks its Bismarck; the Muddled Middle, its Nice Guy; the Left, its Frank Merriwell of social change. The sobering lesson of the Decade of Assassinations seems forgotten.

More profitably than building cults of personality—competent candidates are not necessarily effective Presidents—reporters of tube and typewriter could help nurse American politics to health if they pose new questions to presidential contends. One question relates to a President's rendering unto the Congress the things that are the Congress'. Recent Presidents have consistently refused to do so. Two examples underscore this unwillingness.

One involves the practice of executive impoundment of congressionally appropriated funds, which, at last report, totaled $11.8 billion. This practice, exercised by both Democratic and Republican Presidents, strikes at the most important power of the Congress—the power of the purse, the power to decide to spend, or not spend public funds. There are instances when a President is not obliged to spend such funds as when a program costs less than the appropriated amount. The Congress acknowledges such legitimate and commonsense withholdings. But most of the impounded funding is the result of a succession of Presidents deciding for insufficient reasons not to fund programs that Congress has ordained are to be funded. It's a Congress-be-damned attitude. Congress seldom has tried to correct this presidential purse-snatching, although in December the Senate stipulated that some of these funds, assigned for domestic programs, be released. The House has yet to give its concurrence.

WARMAKING POWERS

The second example relates to the warmaking powers under the Constitution. The specific bill was that of a $21.3 billion military procurement measure for fiscal 1972. As the bill moved through the Congress, there was added an amendment offered by the Senate Majority Leader, Mike Mansfield of Montana. The amendment declared it to be "the policy of the United States to terminate at the earliest practical date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners-of-war. . . ." During a discussion of the amendment in its final form, Senator Stennis, chairman of the Armed Services Committee and floor manager of the bill, said on November 11 that if the bill, to which the Mansfield amendment was attached, became law then "As a policy matter, it binds the Congress and the President of the United States."

Six days later, the President did sign the bill (and the Mansfield amendment) into law. But the President said he would not obey the amendment because it "does not represent the policies of this Administration . . . it is without binding force or effect. . . ." Nixon's defiance was not challenged by the Senate, although a back-stage effort to mount a counterattack was undertaken and then fell apart. Nevertheless, the Mansfield amendment is now part of the law and, as such, is not subject to dismissal by the President.

Each contender in the grand competition for the presidency should be asked what his attitude would be if he found himself living in the White House. Would he continue to exercise unchecked presidential discretion over public spending? Would he continue to order our military forces into action and, in opposition to congressional intent, keep them there?

Probing further, there are questions to be asked about the infringement of rights of private citizens by government surveillance, the mania for stamping as "Secret" every scrap of paper in the drawers and files of Executive Branch departments, and the consistent refusal of Presidents to provide the Congress with information about long-range foreign military assistance plans.

These are more useful fields of inquiry than questions about whether a candidate will carry California or to whom he'll offer the Vice Presidency. Otherwise, we again court disappointment and a compounded disequilibrium of national political institutions when we express interest in what a candidate will do, but not how he plans to do it.

We need not heroics in our next President, but simply the competent toil of an accessible, fair-dealing, plain-speaking President willing to share his burdens—and glory—with the Congress and the people.

CONGRESSMAN ANNUNZIO APPLAUDS "PROJECT POLE"

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ANNUNZIO. Mr. Speaker, on May 5, 1969, I spoke in this Chamber in support of the Polish American Congress campaign to halt defamation of the Polish people in America. At that time I expressed wholehearted support for their effort through the mass media to combat the innuendoes, the sick jokes, and the countless other vicious, contemptible, and cruel methods employed by mass media to depict members of ethnic groups as imbeciles, cowards, liars, and slobs.

Today, I rise to call the attention of my colleagues not to the efforts of a group, but to the crusade of one man, to halt use of the "Polish joke" in characterizing Polish-Americans. Edward J. Piszek, a self-made Polish-American businessman who owns Mrs. Paul's Kitchens, has launched "Project Pole" with a series of newspapers ads in Detroit focusing on the great contributions of Poles to the advancement of world civilization.

Some of the outstanding Poles who have been the subject of Mr. Piszek's ads are Nicolaus Copernicus, Tadeusz Kosciuszko, Kazimierz Pulaski, Joseph Conrad, Frederic Chopin, Marie Curie, Ignacz Jan Paderewski, and Zygmunt Wroblewski.

I commend and congratulate Mr. Piszek for presenting to the people of America a true image of the Polish people and the Polish heritage. His positive contribution toward stopping defamation deserves the support of all ethnic groups, and indeed all Americans, for it enhances the spirit of brotherhood in which the Founding Fathers established our great democracy.

An article about "Project Pole" which appeared in the January 14, 1972, edition of Life magazine follows:

ONE-MAN CRUSADE AGAINST THE POLISH JOKE

(By Michael Durham)

Edward J. Piszek, 54, is a self-made, Polish-American millionaire who lives by his version of the Golden Rule. "The guy with the gold," he says, "makes the rules." Thanks to a "fishcake factory" (as he modestly calls Mrs. Paul's Kitchens, the prosperous frozen food business he owns right down to the last fishcake), Mr. Piszek has the gold. He would like to use it to make a rule with a more familiar ring: "Do unto Polish-Americans as you would do unto others." To this end, Piszek is dedicating half a million dollars to upgrade their ethnic image. He calls his campaign "Project Pole," and for a start, he wants to stamp out those Polish jokes that have been going around the country for the last five years. (Current example: Did you hear about the Polish kamikaze pilot? He flew 13 successful missions.)

Privately, Piszek thinks the jokes were probably the best thing ever to happen to Polish-Americans. "They got us off our rear ends," he says. "We became motivated by adversity."

Since Piszek was all of 52 years old before he learned that the astronomer Copernicus was Polish, he feels he typifies the poor grasp of Polish history that the Polish peasant had who emigrated here around the turn of the century. All the immigrant brought with him, Piszek says, were his hopes and aspirations and the polka, a vigorous but monotonous musical form that he believes contributed to the Poles' low esteem in this country. "If I thought the polka was the only thing that Poland had contributed in 1,000 years," he asserts, "I, too, would cry 'Shame!' But let's not forget Chopin. How many people know that he was a Polak?" (It should be pointed out that, according to Piszek, "Polak" is not an insult in Polish: it just means "Pole.")

During his travels to Poland, Piszek learned that even Poles tell Polish jokes. In one joke a commissar is interrogating a peasant who is applying for Communist party membership. "Are you willing to give the party your horse, your house and your land?" the commissar asks. The peasant replies: "Gladly!" But when the commissar asks for the pig he is carrying under his arm, the peasant balks. Asked why he refuses to give up the animal when he has already made so many greater "sacrifices," the peasant explains, "A pig I've got." It all goes to prove, Piszek concludes, that Poles love to laugh. "We just don't want to be the butt of *every* joke."

The working director of Project Pole is a genial, bespectacled priest, Father Walter J.

("All good Poles have Joseph as a middle name") Ziemba. Two years ago Father Ziemba, an accomplished fund-raiser, wrote Piszek a letter in Polish extolling the virtues of the small Polish college and seminary in Orchard Lake, Mich. that he directs. A few days later he received a letter from the millionaire's secretary explaining apologetically that Mr. Piszek doesn't speak Polish. Now a mainstay of Project Pole, Father Ziemba defines his role: "I'm the one who can spell the Polish names."

Project Pole was launched last fall with a series of newspaper ads in Detroit, where some 500,000 Polish-Americans live. Under the headline "One of the greatest storytellers in the English language was a Pole," one ad features a picture of Joseph Conrad, ne Korzeniowski, with this addendum: "He changed his name, his language and the course of English literature." Available through the ads are a $6 book on Polish art, a 46-page pamphlet entitled "The Imagination of Poland," and a wall chart that shows "at a glance the great men and women of Poland."

An ancillary aim of Project Pole is to restore the Polish patriot Tadeusz Kosciuszko to his rightful place in American history. Kosciuszko, who served as a general during the American Revolution, contributed more than his countryman Count Pulaski, but Piszek says he is far less well known because his name is almost impossible for non-Poles to pronounce. Even George Washington had trouble with the name, and solved it by calling his Polish comrade "Kosky." Piszek recommends that Polish-Americans with difficult names either shorten them or spell them phonetically.

At the root of the poor Polish image, Piszek believes, is an excessive national modesty, a historical reluctance to blow one's own horn. With the techniques of mass communications, he is trying to change all that. "It's what Project Pole is all about."

No chauvinist when it comes to charity, Piszek has not only donated 11 mobile TB detection units to Poland, but also helps support a college in Ireland ("I like the Irish, they're very Polish"), Father Ziemba's Orchard Lake Seminary ("the Polish Notre Dame") and the state of Israel, which commended him for purchasing bonds.

Piszek is buoyed by the prospect that a Polish-American might even become President of the United States. "Edmund Muskie is trying to bring the country together," he says, "which is what I'm trying to do. It's like a dirty window. If you wash your side and I don't wash mine, what are we going to have?" he asks, beaming at the simplicity of the revelation he is about to bestow. "We are going to have a dirty window!"

THE PRESIDENT'S "PEACE PROPOSAL"

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BINGHAM. Mr. Speaker, statesmen responding to President Nixon's latest Vietnam peace proposal continue to question whether it is actually designed to end American involvement or to pacify the American public. Writing in the Washington Post, February 2, 1972, former U.N. Ambassador Charles W. Yost, recognizes that the President's plan would have been progressive in 1968, but is far behind the times in 1972. Further, he emphasizes that the election scheme devised by the President fails to deal with Hanoi's basic distrust of the Thieu regime and leaves Thieu's well-entrenched machine in a firm position to control the proposed election.

Ambassador Yost concludes, however, that it is still not too late to end this war and achieve the return of all American prisoners of war. He reaffirms his belief that we must no longer prop up the Saigon government and must seek a release of American POW's based solely upon the setting of a date certain for withdrawal of all American forces from Vietnam. This is the only real peace proposal which has any chance of success.

Following is the text of Mr. Yost's article:

UNITED STATES IS LATE AGAIN WITH VIETNAM CONCESSIONS, BUT IT IS NOT TOO LATE TO MAKE A DEAL FOR THE POW'S

(By Charles W. Yost)

Among the many tragic aspects of United States involvement in Vietnam, two particularly stand out at this moment when the administration has revealed its latest "peace proposal." The first is that, seven years after the massive involvement which most Americans now believe was an appalling mistake, the administration is still determined to win the war, even while leaving it. The second is that concessions on our part necessary for a negotiated settlement have always come much too late.

There was a time, some years ago, when a plan similar to the one now offered by the administration might have succeeded in ending the war. In 1968 I prepared for a private organization a plan for a Vietnam settlement which contained most of the elements of the latest United States proposal. This plan was submitted to the incoming administration in December 1968. It is most gratifying to find that it has been in large part adopted nearly four years later.

There are, however, two significant differences between the two plans. The first is in timing. At the beginning of 1969, the United States had more than half a million troops in Vietnam, and Hanoi might possibly have been willing to pay a high price to get them out quickly. By the summer of 1972, United States forces will presumably be down to about 30,000; our leverage is already vastly less; and the price we could now exact for what we have to offer would be a small one.

The second significant difference—this one substantive—between my plan of 1968 and the administration's of 1971 was that I suggested that new elections be conducted, not by "an independent body representing all political forces in South Vietnam," but by a neutral interim government having that representative character.

Such an interim arrangement might possibly have been saleable to both sides in 1969 if the United States had pressed hard enough. It is now, because we have long since passed decision-making from ourselves to Thieu.

The administration proposal leaves Thieu's authority essentially intact, and from Hanoi's point of view, this is a fatal defect. While the plan provides for the resignation of President Thieu and his vice president one month before the election takes place, and for the "independent" election supervision, it otherwise leaves the entire apparatus of government, executive and legislative, national and local, police and military, in the hands of the present regime.

This is the apparatus that would in fact, whatever else might be stipulated, "run" the elections. Under those circumstances the result would be a foregone conclusion. The fact that President Thieu has cheerfully accepted this program suggests that he is not worried about its outcome.

Naturally every American would be delighted if Hanoi would accept the administration's latest "peace proposal." We would however, be deluding ourselves enormously—for about the hundredth time in the Vietnam war—if we really expected that they would.

So far Hanoi's rejection seems unequivocal. The official Chinese press agency has characterized it as a "plan for persisting in the war of aggression against Vietnam and Indochina." That does not sound hopeful.

To be quite frank, there never was any sound reason for believing that Hanoi would accept at this late date a cease-fire and political "settlement" which would be almost certain to confirm the Thieu regime in office.

The idea of a cease-fire is particularly chimerical. For many years the previous administration and this one have been pursuing this particular will-o-the-wisp. It was always entirely clear that the North Vietnamese would never agree to a cease-fire of any significant duration as long as United States or South Vietnamese forces held the populated centers in the south. To do so would have been to admit that they had lost the war, which they have not been and are not willing to do.

One cannot help but wonder, therefore, whether this latest proposal, like all the similar ploys of the Johnson administration, was not put forward, and spiced by the exciting bustling back and forth to secret meetings, chiefly in order to persuade the American electorate that its government has "gone the last mile for peace"—while it continues to wage the war.

As cynics have noted, the rejection of this "peace proposal" and the anticipated launching of new offensives by Hanoi could easily be used as pretexts for more United States bombing and hence more, not less, United States involvement.

The only way quickly to end United States participation in the war is the one repeatedly proposed by majorities in the Congress—to offer a firm and early date for total United States withdrawal in exchange only for the simultaneous release of our prisoners.

The future of Vietnam will eventually be settled between the two Vietnamese governments, either by negotiation or by continued fighting. It is far too late for the United States to play a decisive role either in propping up the Saigon government or in changing it. Vietnamese politics is no longer our business. That should be the ultimate meaning of "Vietnamization."

It is not too late, however, for us to make a deal for the release of our prisoners. After all, they are of no use to Hanoi except as leverage for bargaining the United States out.

Once Hanoi is convinced the United States is going out completely, out of Vietnamese politics as well as out of the war, a deal on prisoners should still be possible. But the longer we wait, the more we pretend to pursue phantom "peace proposals," the less and less our leverage for the release of our prisoners will become.

FATHER OF MEDICARE AIME FORAND

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, in rising to pay tribute today to the memory of my predecessor on the venerable House Ways and Means Committee, I am not just paying tribute to a great legislator from the neighboring State of Rhode Island nor a great representative for New England cn that important committee. In rising to pay tribute to former Representative Aime J. Forand I am rising to pay tribute to a great American, a man who has left his indelible imprint on the legislative history of this country, in the area where it probably matters most, in the annals of social legislation.

It is not all that uncommon in Congress for a Congressman to become closely identified with a particular bill and to the extent that he works at it and pushes for it, the man and the bill become inseparable and inextricably linked as one. This happens quite frequently to no one's great surprise in a body such as this. Such was the case with Aime Forand. Only in his case, because of his foresight and singular persistence, one of the great landmark bills passed into law and has become part of our national scene today.

I am referring, of course, to medicare and its father, Aime Forand. In fact, when medicare legislation became law in 1965, Congressman Forand was already retired 5 years from this House. Yet so hard and so long had he fought for the concept behind such legislation that there was no doubt in anyone's mind as to whom the victory belonged that day. All thoughts were with our former colleague. His crusade, and that is what it was, was not an easy one. He ran headlong into some of the fiercest opposition any legislative proposal has ever encountered. And yet the Congressman persisted, taking comfort in the knowledge that millions of senior citizens, a novel concept at that time, were behind him and were counting on him to help them meet one of old age's greatest problems, adequate health care and insurance.

In his retirement, he was not inactive. As national chairman of the National Council of Senior Citizens for Health Care Through Social Security, he was in fact very much in the battle. In some senses, more involved in the struggle for medicare than when he was in Congress, free from the details and other concerns of representing a congressional district, Aime Forand could devote his full attention and energy to what by then had become uppermost in the minds of himself and the senior citizens of the Nation.

In a real sense, Aime Forand came well-equipped to do the job. His whole life was the story of a self-made man. From a large family he was in fact forced to drop out of school at the seventh grade. Why? Because of his father's illness and the staggering burden it placed on the family's limited resources. The rest of his education came the hard way, in between jobs and working and sleeping. Before he came to Washington he had been in administrative positions dealing with the problems of the aged firsthand, which gave him tremendous practical insight into the problems facing the elderly. When he introduced his medicare bill in 1957, he said something which I think would be difficult to surpass, for it's compassion in a nutshell—

> The needy will never again be just statistics to anybody who has to deal with their personal problems.

When Congressman Forand retired from Congress in 1960, he had served 24 continuous years. During much of that time, he served with another great congressman, John Fogarty. I do not think I am overstating the facts in saying that at that time it would have been difficult to find another State that had a delegation of higher caliber, of greater dedication to the problems of the sick and the elderly, of greater compassion and with greater respect from their colleagues than the State of Rhode Island. The quality of service of both these congressmen will long serve as an inspiration to students of our Nation's history as a model of what one small state can contribute in talent and human resources to the national leadership at a time when the Nation needed such qualities the most. When he retired from Congress, Aime Forand was the second-ranking Democrat on the House Ways and Means Committee and the acknowledged expert in Congress on legislation affecting the social security system. If any man in recent legislative history was the father of an idea whose time had come, and I am thankful to God Almighty that he was granted the years to see his idea through to fruition, it was our dear departed former colleague, the Honorable Aime J. Forand.

SENATE—*Friday, February 4, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord whose mercies are without end and whose grace is sufficient for all our need, as Thou hast been the guide of past generations be to us our guide in the perilous and demanding days in which we live. Strengthen all who bear the responsibilities of public office in this land. Enlighten them by Thy spirit.

Make us a people strong in character, in virtue and morality, in piety and patriotism, in material and spiritual resources that we may guard faithfully the values entrusted to us, employing our might only for the extension of Thy kingdom and in the service of mankind. Lift our vision to behold the world that is yet to be and hasten the coming of Thy kingdom.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 4, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 3, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INDEFINITE POSTPONEMENT, SENATE CONCURRENT RESOLUTION 21

Mr. MANSFIELD. Mr. President, I ask unanimous consent that calendar No. 105, Senate Concurrent Resolution 21, a concurrent resolution calling for suspension of military assistance to Pakistan, and so forth, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, FEBRUARY 7, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later this order was changed to provide for the Senate to convene at 10 a.m. on Monday.)

THEN AND NOW

Mr. SCOTT. Mr. President, during the 1968 election campaign, when Mr. Nixon was a candidate, he was repeatedly asked on the platform, by the press, and on television to comment on the conduct of the war and of the negotiations in Paris under President Johnson. Mr. Nixon consistently said, although it might have been to his interest to argue otherwise:

> I will not comment on any negotiations which in any manner might impede the success of those negotiations.

Period, paragraph.

What a contrast with today's candidates.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished junior Senator from Illinois (Mr. STEVENSON) for not to exceed 15 minutes.

U.S. POLICY ON BANGLADESH

Mr. STEVENSON. Mr. President, I returned this week from a brief visit to the new nation of Bangladesh. I saw there the results of almost a year of conflict and a month of outright war. The results can be described, but scarcely comprehended: Hundreds of thousands murdered, tortured, orphaned, hungry, and homeless.

It is impossible to enumerate the casualties in that war. Among these, however, we must count one: The prestige and good name of the United States. For the Nixon administration, as the Anderson papers have clearly demonstrated, cast its lot with the military regime of Yahya Khan; uttered no public criticism when its ally launched a campaign of torture and repression, and allowed itself to sink into a futile, ugly controversy with both India and the people of East Pakistan.

Now the war is over. India and Bangladesh have triumphed. The people of Bangladesh have won their freedom; they are now the eighth largest nation in the world; six hundred and twenty-five million people in India and Bangladesh no longer see as their ally the United States. They have been pushed by our actions toward the outstretched arms of the Soviet Union. Even Pakistan—what is left of it—is, at best, an ungrateful ally. Its new leader, Ali Bhutto, is seeking solidarity with Turkey, the United Arab Republic, and the People's Republic of China; Yahya Khan, Mr. Nixon's erstwhile ally, is under house arrest.

The damage done is incalculable. But it is not beyond repair; we should remember the philosopher's reminder that those who do not understand the past are condemned to repeat it.

It was a long and bloody year for Bangladesh. In December 1970 the Awami League of East Pakistan, led by Sheikh Mujibur Rahman, won a majority of the seats in the national assembly of Pakistan. But Yahya Khan and his regime decided not to convene the legally elected assembly. Ail Bhutto shared in this decision.

Yayha, Ali Bhutto, and their cohorts first made efforts to undo the results of this fair and open election. In March the Bengalis of East Pakistan rose in protest against the government's failure to recognize the election results; disorders broke out, including a general strike. Yahya Khan, bent upon controlling a people who rejected his control, chose to launch a deliberate campaign of repression; he secretly dispatched thousands of Pakistani troops to the east.

And on March 25, the terror began.

The chemistry was as simple as it was lethal: ancient religious passions inflamed to the boiling point; a calculated government policy of torture and repression; deadly modern weapons, supplied in part by the United States to Pakistan; the revolutionary aspirations of the Bengalis—backed by Indian arms and intensified by the intransigence of Pakistan.

All these elements combined to produce what must go down as one of the most terrible atrocities in the bloody history of man. Sheikh Mujib was arrested and taken to jail in West Pakistan; Pakistani troops, abetted in some cases by the Biharis of East Pakistan, launched a systematic campaign of murder, rape, torture, and pillage.

Within days, the refugees began pouring out of East Pakistan into West Bengal and Assam—at times as many as 100,000 a day streamed into India seeking refuge. Others wandered within East Pakistan, seeking safety from the Pakistani troops. The terror—and the exodus—continued without abating until the war was won by India. All in all, according to the Indians—and we have no reason to doubt their numbers—nearly 10 million people—9.7—sought refuge in India.

None of the headlines about Bangladesh; none of the photographs or news reports, can fully convey the impact of what I saw firsthand.

Last Saturday I talked with Sheikh Mujib. I asked him how many of his people had been murdered by the Pakistanis. He told me that his earlier estimate, 3 million, now appears to have been too low.

And he invited me to see for myself.

I went to the former Pakistani compound of Comilla. There I saw tough Punjabi soldiers holding handkerchiefs to their faces, trying to ward off the stench and the sight of corpses in mass graves. The bodies were mostly those of civilians, some with their wrists still tied behind their backs. More graves wait to be discovered.

I talked with a Bengali barber who had worked within the compound at Comilla. He told me what I was to hear over and over; that Pakistani troops seized people at random, held the women in barracks for the soldiers, then killed the men.

Another witness told me of being rounded up in Comilla in a group of 420 Bengalis. All of them were herded into a squash court where there was only room to stand. Then they were shot. The man who told the story survived and later escaped—by climbing over the corpses in the court. There was one other survivor.

I went to villages which had been leveled, where even the coconut and bamboo trees had been cut down; where the bullocks had been slaughtered in the fields. And I was told that not even the animals in the Dacca Zoo escaped.

Dr. Kissinger, speaking for our Government, made a point of the "amnesty" granted by the Pakistanis to Bengalis not charged with specific crimes. I was told not more than five people were granted amnesty—and two of those were later killed. One recipient of amnesty, an executive of a U.S. corporation, told me he was arrested by our "ally" and charged with working for the CIA. He told me about the subtle form of torture used on him. The Pakistanis beat victims to death in the cell adjoining his. When their screams were over, the bodies were placed in his cell to compel his cooperation.

I talked with Mother Theresa, who is attempting to reach the thousands of women raped and made pregnant by Pakistani soldiers. Under Moslem religious law, they are in disgrace—no longer accepted by their husbands. These victims, she says, are in hiding and many, she fears, are killing themselves. If she reaches them she hopes to care for them and later for their children.

These atrocities, which started on March 25, continued through the summer and fall. When war broke out between India and Pakistan, and defeat for Pakistan was certain, the terror did not abate; it intensified. The Pakistanis, facing military ruin, set out to eliminate businessmen, civil servants, professional men, intellectuals, and students—those capable of building a new nation. Photographs have recorded Pakistani troops murdering students in university dormitories in Dacca; they forced the survivors to drag the bodies into the courtyard, where they, too, were killed.

These atrocities have been documented by many observers. Together, they indict the Yahya Khan regime in Pakistan—and an administration which chose to "tilt" in its favor.

Now, though the violence is vastly diminished, it is not ended. Sheikh Mujib and the dwindling Indian forces are attempting to prevent the Mukti Bahini and others from settling the score with the Biharis. The nights in Dacca are punctuated by gunfire, as the score is settled.

The transportation system, never adequate, is in shambles. Refugees return to devastated villages without shelter or food. International agencies—the U.N., UNICEF, the International Rescue Committee, the International Red Cross—race against the time when the monsoons arrive in late April and it will be too late to build the bridges and deliver the food and the shelter.

I have searched for some evidence to justify the administration's conduct in this tragic affair—and I have searched in vain.

The evidence is that our officials in Washington were well aware of the Pakistani atrocities. Yet the White House apparently ignored these crimes and urged restraint, instead, upon India. With the atrocities mounting daily, Dr. Kissinger sought new ways, as the Anderson papers revealed, to supply more arms to Yahya Khan. He argued that autonomy could come to the east through a process of political evolution. And he called for negotiations—knowing full well that Yahya Khan had jailed, and would not negotiate with, the one man who could represent East Pakistan: Sheikh Mujib.

Nowhere in the dismal record does it appear that the administration seriously urged restraint upon Pakistan. It condemned India; it called for a cease-fire; it cut off aid development loans to India; and food sales under Public Law 480—while it continued both economic and some military aid to Pakistan. During the war, U.S. naval forces appeared in the Bay of Bengal—prolonging the war by encouraging the Pakistanis to believe that U.S. help was on the way.

India waited 8 months before attacking—8 months while the outrages mounted and the refugees poured across the border. India invaded only after Pakistan had first launched air attacks against it.

One can also search the Anderson papers, the statements of Dr. Kissinger, and all the rest, for some rationale for the decision to side with Yahya Khan. The search is fruitless. One could hope that the administration is guilty only of negligence. But the overwhelming evidence indicates that it knew at every step of the way what was taking place in East Pakistan. If there is an explanation, the President should come forward with it. As yet he has failed to do so. And to make matters worse, he refuses to restore normal economic cooperation with India or to recognize Bangladesh.

And since the administration still refuses to recognize Bangladesh, it has no aid operation in East Pakistan and, indeed, has even instructed its few remaining consular authorities to have no contact with representatives of the Bangladesh Government.

This sorry performance points up deep, tragic flaws in the present administration's method of making policy.

First there is, once again, the fatal tendency of the President to separate policy from principle. In this case the President appears to have made his choice—to "tilt" in favor of Pakistan—without regard to the human tragedy in progress before his very eyes. To read the President's statements, or Dr. Kissinger's background statement of December 7; to review the words of Secretary Rogers, Ambassador Bush, and other administration spokesmen, is to search in vain for any perception that principle and self-interest could coincide. Even after Vietnam, Laos, and Cambodia—tragedies in which actual American policy has veered farther and farther away from our stated principles—Bangladesh clearly points up the tragedy and foolhardiness of a nation's divorcing its actions from its own best principles.

Second, this episode reveals an ominous trend in the making of foreign policy: The growing isolation of decisionmaking in the White House. The policy regarding Bangladesh, it seems, emerged full blown from the oval office and the White House basement—without regard for the U.S. Ambassador to India; without regard for the State Department; without regard for the Congress, for the realities of politics in South Asia—or the opinion of mankind. Even the National Security Council in this case was an instrument, not for formulating policy, but for implementing the dictates of isolated men at the pinnacle of power. This trend is dangerous for our democracy—and dangerous for the world.

Much has been lost in this sorry episode; not only U.S. influence and prestige in South Asia, but belief in the United States as a friend of the weak and an upholder of self-determination.

Much has been lost. But certain steps can and should be taken to repair the damage and to restore this Nation to its rightful place in the opinion of the world.

First, the United States should recognize Bangladesh. It serves no useful purpose to pretend that the eighth largest nation on earth does not exist. The failure to grant recognition only makes it more difficult for Mujib to pursue a policy of nonalinement. He should not be forced by our hostility or our indifference to expel our consulate and depend the more upon other countries for the economic cooperation he needs for the reconstruction of Bangladesh. Recognition is a precondition to bilateral economic assistance, which in turn could help Mujib maintain order and fulfill the expectations of his people.

Second, the United States should restore normal relations with India by reinstating aid and Export-Import Bank financing for the purchase of American commodities. We should also resume the sale of food under Public Law 480. The ensuing trade would benefit the United States as well as India. More important, it would be a gesture of good will to which the Indians would respond. The people of the world's largest democracy want to be friends and, like the people of Bangladesh, want to maintain their political neutrality.

One thing the United States should clearly not do is resume military assistance to Pakistan. After supplying equipment used to commit atrocities in Bangladesh, it would be little short of barbaric to send still more. Not only would this have a disastrous effect on our already strained relations with the one great power and democracy of the subcontinent—India—it could also invite an increase in Indian arms, leaving Pakistan and India in the same relative position, but closer to another holocaust.

I was heartened in South Asia, as I have been elsewhere in the world, to find, despite our complicity in this tragedy, a deep reservoir of good feeling toward the American people. People everywhere differentiate between the decencies and good sense of the people of America on the one hand—and the actions of their government on the other. But time is running out.

What is at stake is the influence and good reputation of the United States of America. It is time, therefore, to demonstrate that we are still the nation of good will and generous spirit which millions of the world's people want to believe we are.

There is only one way to demonstrate that fact: To turn aside from the past; to bring our actions into harmony with our rhetoric, our policy into harmony with our high principles.

One place to begin is Bangladesh.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair recognizes the distinguished Senator from Delaware (Mr. ROTH) for not to exceed 15 minutes.

(The remarks made by Mr. ROTH when he introduced S. 3123 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair recognizes the distinguished Senator from Massachusetts (Mr. BROOKE) for not to exceed 10 minutes.

ULSTER

Mr. BROOKE. Mr. President, in 1170, England invaded Ireland; and in 1921, there was a partition of Ireland in which the 26 counties in the south became the independent nation of Ireland, and the six counties in the north became the country now known as Ulster, which still has a government connected with Great Britain.

Since 1170 there has been great friction between the Irish people and the English. There have been outbreaks nearly approaching war in Ireland many times in the past. There have been abuses in human rights and of human liberties. In the last 3½ years, the situation has deteriorated rapidly; in the last month, that deterioration has accelerated; and in the last few days the deterioration has accelerated even more.

The United States, of course, has a policy—and rightly so—of not intervening in the internal affairs of another state. Yet many of us here in this Nation and in the U.S. Senate are seriously concerned about the internal problems of Ulster.

There we have a nation with 500,000 Catholics and approximately 1,000,000 Protestants. The elected government, since 1970, has consisted of all Protestants, because of the resignation from the government of the few Catholics who earlier had been able to take part. There have been violations of civil rights and of human rights, with the majority denying to the minority certain basic rights. There has been rampant discrimination in housing, in employment, and in political life. As a result of this, there have been serious uprisings.

In order to protect the minority from the majority, and specifically at one time from what was alleged to be police brutality on the part of the Royal Ulster Constabulary, British troops were sent in, at the request both of the government and of the Catholic minority, as a neutral peacekeeping force. British troops replaced the Constabulary, and the B Specials, or auxiliary police, were disbanded entirely. Previously, the Constabulary and the B Specials had numbered in the neighborhood of 5,000 or 6,000 men each.

Yet the British troops did not succeed in preserving order, and were soon opposed both by the Catholics of Northern Ireland and by the Irish Republican Army, a force of about 6,000 men mustered from the south.

Mr. President, I rise today, with my distinguished colleague from New York (Mr. BUCKLEY), because we are seriously concerned about what is happening in Northern Ireland. Bloodshed and killing have been the order of the day most recently. It is a very serious matter. It preys upon not only us here in the United States, but upon people all over the world.

I for one would like to believe that this is not a religious war. Great strides have been made throughout the world, in the ecumenical spirit, among the various religions. I would like to believe instead that the situation in Northern Ireland is a demand by minority people who are crying out for their basic civil rights, their basic human rights. They have not been able to obtain them under their government, and thus they have marched to show their protest against what they believe to be an oppressive majority.

Then, what is the role of the United States? Well, No. 1, we are very seriously concerned about Ireland and about England. Both England and Ireland have been our allies for centuries. It is estimated by our census that there are over 13,200,000 persons of Irish descent in the United States alone, and I would expect that that figure perhaps does not include second, third, and fourth generation Irish. The actual figure is probably much more than that. So we are concerned, because of the ties of many Americans to their homeland in Ireland.

But we are also concerned, because we believe in human rights, even though we have very serious problems of civil rights and human rights in this Nation. Ironically, we talk at this time when there is a filibuster going on in the U.S. Senate on the question of equal employment opportunities. But, be that as it may, what can the United States do, or what should the United States do?

Our disinguished colleague, Mr. BUCKLEY, has proposed that we offer our good offices. I am sure he will talk about his resolution, which I support, and commend him for having introduced, not today, not yesterday, but nearly 2 months ago, because he, as I, have been seriously concerned as we have seen this situation building up and becoming more serious as it has been.

Then, I would suggest that there may be another recourse. Seventeen Western European nations have what is known as a Commission on Human Rights, established by a convention in 1950, when they determined that they would never go back to the problems which had emanated from World War II. That Commission has the authority to send investigating teams into a country, with the permission of that country, in order to determine whether human rights are being violated, and to make its recommendations to the 17 Western European nations.

Then there is an appellate court which was also established by that convention, which may be able to be of some assistance. I suggest that—and I will elaborate upon it more thoroughly—as a possible course of action.

Some persons have talked about the United Nations getting involved. Of course, under article II, section VII, of the United Nations Charter, the United Nations cannot intervene in domestic matters. There is no prohibition on discussing whether to discuss the matter but, as we all know, the General Assembly is not in session at the present time and will not be in session for several months. The Security Council, which could also discuss this matter, is meeting at Addis Ababa.

It would take nine of the 15 members of the Security Council to put the question on the agenda. So I do not hold out much hope for that. A more productive course of action, therefore, would be to call upon the European Commission on Human Rights and the good offices of the United States by saying to its neighbors, its friends, and its allies, "Look, we do not like to see our friends and allies fighting one another. We do not like to see bloodshed. We want to offer our good offices for the purpose of your getting together so that you can discuss this matter and hopefully resolve it."

We are perilously close to next Sunday, when another demonstration, which has been described as a peaceful march, will take place. The situation is similar to the one in Selma, Ala., under Dr. Martin Luther King, when blacks and whites marched to Selma, Ala., at that time, Mr. President, protesting oppression of minorities by the majorities. It is indicated by the leaders of this march on Sunday in Derry that it will be a peaceful demonstration. The British have asked them not to carry on this demonstration, one which they say will consist of 25,000 or 30,000 marching people. There were 12,000 British troops there. Now it is estimated that there are 15,000 British troops in Northern Ireland.

The stage is set for what could be a very serious confrontation, resulting in more bloodshed, more violence in Northern Ireland and, of course, involving our allies, the British Government and the Government of Ireland. So, Mr. President, these are very serious times. We have no desire to intervene in the domestic affairs of another nation. But we would be remiss in our duty as a friend and as an ally if we did not search for means whereby this conflict could be peacefully resolved.

One of the issues, of course, is internment, which started in August of 1971 and is still going on, and has been extended, whereby the British troops can stop persons and arrest them on suspicion—something which always goes against the grain of our Government and of our people.

There is also a call for the British troops to leave.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BROOKE. I yield to my friend from New York.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. BUCKLEY) is recognized for not to exceed 10 minutes.

Mr. BUCKLEY. Mr. President, I thank my friend and colleague from Massachusetts for his eloquent summary of the tragedy in Northern Ireland, which is a tragedy of which we have been witnessing the escalation over the last 3 years, culminating in the awful killings last Sunday.

The response, unfortunately, will be more demonstrations and still more killings, and the British have responded by sending still more troops to Northern Ireland. This is a tragedy that weighs heavily on the minds of all the parties in Ireland and also the parties in England who are equally involved in these proceedings which men of good will on both sides thus far seem unable to avert. But unless we can find some way of relieving the tensions and the cycle of killings, the situation is apt to deteriorate further, and the real threat of civil war erupting as the Catholic minority seeks to assert its rights looms on the horizon. And the answer to that situation will not be further troops.

I suggest that we in the United States who are deeply concerned, both as human beings and the historic friends of the two peoples involved, can do something positive at this time, can do something meaningful which is calculated to make it easier for both the British and the Irish to meet together to seek to negotiate their differences, to seek to pave the way for the peaceful reunification of Ireland. The climate is right, I sense. The British people for example, have been polled, and they indicate that the great majority of them would like to see the British presence withdrawn from Ireland. Mr. Harold Wilson, the former Prime Minister, has recognized publicly the need for reunification. Even Mr. Paisley in Ulster has spoken of the possibility of reunification with adjustments of the Constitution of the Irish Republic. So the will is there and the influence is there but the method of bringing the people together has not yet been discovered.

I was interested to read in this morning's newspapers that Secretary of State Rogers met separately with both Foreign Minister Hillery of Ireland and the Ambassador from Great Britain, Lord Cromer. Mr. Hillery asked that we offer our good offices. The response of Secretary Rogers was that the United States could not act effectively unless both parties invited us to participate. He said:

> Good offices to help the achievement of a political settlement cannot be effective unless it is done with the approval of the parties concerned.

But I think we must recognize that we should not take merely a passive role, and that it is not interference in British affairs if we offer the hand of friendship.

Historically this technique has been resorted to in order to help alleviate tensions, to make it possible for people to talk. Theodore Roosevelt, for example, helped mediate the settlement of the Russo-Japanese war in 1905. A decade or so later, Argentina, Brazil, and Chile helped mediate the conflict between the United States and Mexico.

There is also the Rogers plan, in which the United States has more recently offered its good offices in trying to defuse tensions in the Middle East.

Mr. President, I believe the approach which the Senator from Massachusetts (Mr. BROOKE) and I are proposing today offers a means by which we can, as a practical matter, help the parties stop the bloodshed. I also very much recommend the other imaginative alternative proposed by my colleague, the mechanism which already exists in Europe for the investigation of abuses of human rights. Also, perhaps, still another method would be the Common Market, Ireland and Great Britain both having joined that body this year.

Finally, of course, the United Nations can offer its good offices. There will have to be some means of withdrawing the British troops, ending internment without trial, and interposing another force which will not be held suspect to prevent the parties from clashing during the period of cooling off. Perhaps there could be a U.N. peacekeeping force; but somebody has got to start the talking going, and I believe as ancient friends, we Americans who have so many blood ties to both Great Britain and Ireland, can do something positive, and we must.

Mr. BROOKE. Mr. President, I thank my distinguished colleague from New York, first for having offered the resolution, and second, for having joined in his colloquy this morning.

I think, Mr. President, this is just the beginning of discussions of this matter on the floor of the U.S. Senate. I hope there will be more discussions of this nature. I think it will serve a very useful purpose. I think it lets not only Great Britain, but Ireland as well, and the peoples of the world, know of our deep concern about the problems there, and our efforts to lend our good offices and to make suggestions and recommendations for which, as my colleague has well pointed out, there is ample precedent.

I should like at this time to quote from the protocol of the 1950 Convention. It says:

> Every member of the Council of Europe—

I add that England and Ireland are members of that Council—

> Must accept the principles of the rule of law and the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms and collaborate sincerely and effectively in the realization of the aims of the Council. . . .

It goes on to enumerate other rights covered by the Convention, which include:

> Life, liberty and security of the person; freedom from arbitrary arrest, detention, . . . freedom of opinion and expression, freedom of assembly and association. . . .

Now, certainly, these are principles to which both England and Ireland are committed, and I think that if we can get on with some discussions under the good offices of the United States, under the European Commission on Human Rights, or under the United Nations, if there is a possibility of that. The Irish Foreign Minister, Mr. Hillery also suggested, I believe, that he would be calling on the heads of other nations around the world, particularly in Western Europe—and their good offices may be lent to the effort as well.

I think that perhaps, No. 1, we could start, hopefully, with termination of the internment policy, which I think is in violation of the principles set forth in this convention and in this protocol. No. 2, there could be a phasing out of British troops, over a period of time, during which time we could have some assurances from the Ulster government, for example, that there would not be a return of any militant groups and that there would be control of the Constabulary in Northern Ireland.

On the other hand, Prime Minister Lynch would have control over the Irish Republican Army, which he has indicated he would want to do and could do. Under these circumstances, all parties could get on to a political settlement of the differences.

As I said initially, I think they are not confronted here so much with a religious issue as with a political and economic issue. There is clearly some movement now, even in independent Ireland, with a change in the leadership in the church, to practice wide religious tolerance. Even some of the religious provisions in their constitution would be deleted.

Perhaps someday soon they might get on with what former Prime Minister Wilson has talked about; namely, the unification of Ireland. I do not know whether that is the answer to the problem. I am not suggesting that it is the answer to the problem. I am merely saying that there is nothing there now—even though there has been deepseated feeling dating back as far as 1170—that in 1972, with the development and great progress we have had in religious understanding, cannot be resolved through negotiations and discussions rather than through bloodshed and violence.

Mr. BUCKLEY. Mr. President, I could not agree more with the summary of the Senator from Massachusetts.

The important thing at this moment is to offer hope to these people that they can achieve justice, that they can achieve true economic and social and political equality, without a resort to demonstrations, without a resort to force. With the relief of tensions. I am confident that the sheer logic of the situation will have that result.

Our offer of help, of good offices, ought not be an attempt to impose a preconceived plan for the resolution of the unhappy situation that now exists.

I express my appreciation to the distinguished Senator from Massachusetts (Mr. BROOKE) for taking so direct and active an interest in this issue.

Mr. BROOKE. I again commend the Senator and thank him for joining in this colloquy. No matter what is done by the European Commission on Human Rights, as I have suggested, or by the United Nations, I think it is important that Senators join in supporting the resolution of the distinguished junior Senator from New York. I think that, at the very least, we in the United States can offer our good offices to resolve some of the problems confronting Ireland and England.

I am hopeful that 100 Senators will join and sign that resolution, and that we can get it to the President of the United States, to indicate to him how strongly we feel about offering our good offices at this time to avoid what obviously threatens to be a most serious problem confronting not only the countries involved but the world as well.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the convening of the Senate on Monday next be changed from 11 a.m. to 10:45 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently this order was changed to provide for the Senate to convene at 10 a.m. on Monday.

ORDER FOR RECOGNITION OF SENATOR BROCK ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the recognition of the joint leadership on Monday next, the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHANGE IN FOGGY BOTTOM

Mr. AIKEN. Mr. President, the need for certain reforms in the State Department has been apparent for many years and proposals have been made in the Congress looking to bringing about such reforms.

When William Rogers became Secretary of State, he selected as Deputy Under Secretary for Management, William B. Macomber, who has been well and favorably known to Members of the Senate for many years.

One of Mr. Macomber's principal duties was to bring about some of these needed reforms.

Although there is still a long way to go, and the rate of progress must have been discouraging to many within and without the Department, Secretary Rogers and some of his assistants are entitled to receive more credit than they are given in the Halls of Congress and by the news media generally.

On January 26, Deputy Under Secretary Macomber gave an address in the international conference room of the Department of State setting forth some of the changes within the Department which have gone unnoticed by the public generally.

In this address, he admits there is still a long way to go; but at least there has been a breakthrough toward making this very important Department of the executive branch more efficient, more humane, and somewhat better understood.

I believe that Mr. Macomber should receive full credit for the good work he has been performing in the State Department. I believe that credit should be given where credit is due, and I ask unanimous consent to have Mr. Macomber's address printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CHANGE IN FOGGY BOTTOM: AN ANNIVERSARY REPORT

My Colleagues in the Department of State, Two years ago this month this Department launched an unprecedented program of management reform and modernization; and in this same period we have seen it move in a number of very important ways towards a more equitable and effective system of human relations.

On this second anniversary it is appropriate to take stock, to examine what working together we have accomplished in this period of ferment and change, and to focus on what remains to be done.

First let's look at the program of management reform and modernization.

This has been a unique and far-reaching effort. It has been unique in the sense that Secretary Rogers did not, as is traditional in an effort of this kind, turn the job over to a team of experts from outside. Instead, in an unprecedented step, he chose the career professionals themselves to draw the plans. He was convinced that you could do the job better than anyone else.

You responded to his challenge and produced the most comprehensive and searching critique ever written about this Department.[1] If one wants to really understand our problems (and our strengths), no other document can match it. More importantly, after months of consultation with colleagues in the Department and abroad, with other Government agencies, and with many institutions and experts outside of the Government, you produced an extraordinary blueprint for reform. This blueprint consists of over 500 recommendations, about 400 of which have been, or are now being, implemented.

This effort has not received the attention it deserves, which is perhaps understandable. Major changes in management techniques and philosophy are not the stuff of exciting newspaper copy.

It is a significant story, nonetheless.

For in the past two years, through this unique effort in self-analysis and creativity, important new foundations of a modern American foreign office have been laid.

I

It has been argued that developments over the last twenty-five years—the new involvement of most departments of government in foreign affairs and the development of national security council staffs or their equivalents—have lessened the importance of foreign offices everywhere. Nothing could be further from the truth.

The diplomat's job is more important and more complicated than it ever was. He carries his old responsibilities and needs all his old skills; but because of the vastly increased complexity and diversity of our foreign affairs, we need a broader range of skills and expertise; and because of the participation of so many other elements of our government in foreign affairs, our diplomats must now be managers, coordinators and leaders, to a degree undreamed of by their predecessors of a simpler age.

The collective wisdom, experience, and judgment in the foreign affairs field of the people in the United States Department of State is unmatched elsewhere in our Government or in any other government. The job therefore has been to find ways to unfetter those abilities and to bring them more effectively to bear on the Department's evolving responsibilities.

The significance of what has been happening within the State Department during the past two years is this: The career professionals (aware that all foreign offices tend to have a better understanding of what their job used to be than what it is today) have made a major effort to explore and define the new and expanded dimensions of their role. Further, they have determined that the management of the State Department and of the Foreign Service is not just the concern of the administrators. They also have concluded that to meet their new responsibilities, something more is required than the traditional adherence to a low profile and traditional reliance on native ability, experience, old fashioned intuitive judgment and "trying harder."

As a result, here is how far we have come:

We have for the first time a Policy Analysis and Resource Allocation system (PARA) in operation throughout the Department—a systematic process for the identification of issues, interests and priorities, the allocation of our resources in accordance with those priorities, and the periodic review of our policies.[2]

We have a new concept of team operation among the Seventh Floor principal officers which affords increased control of the Department's planning, decision-making, and allocation of resources. The team concept has permitted a more flexible utilization of the principals' time by breaking the relatively narrow field of specialization that each principal has been assigned. The Seventh Floor team is served by common staffs, operates under the aegis of the Secretary, and is directed by the Under Secretary.[3]

We have a new management evaluation capability in the expanded Inspector General's staff, which will now evaluate our policies as well as our performance.[4]

We have a new balance between competition and job tenure in our Foreign Service officer promotion system which preserves its competitive nature but provides increased stability and security in the middle years of an officer's career.[5]

We have made major changes in our recruiting activities which are already bringing a much wider range of skills into the Foreign Service Officer Corps than ever before.[6]

We have adopted the concept of a new Foreign Affairs Specialist Corps which has been very popular with our career specialists. Over 870 of these have applied for entrance into this new Corps. Legal objections have been raised against this Corps. I am very hopeful these will be overcome shortly so that this important innovation will play a key role in our modernization effort.[7]

We have established a "Mustang" program to identify clerical and staff support employees with unused talent or undeveloped potential and provide opportunities to them for advancement to officer-level positions through special training and assignments.[8]

We have encouraged the flow of information, new ideas, divergent opinion, and creative dissent within the Department and at our posts abroad through the mechanisms of special message channels, new staff functions, and the continued use of the Secretary's Open Forum Panel.[9]

In a quite different area, and in order to improve our service to the ever-increasing numbers of Americans traveling abroad, we have initiated a program in conjunction with the Postal Service to take passport applications in several hundred first-class post offices throughout the country. This will enable us to expand and improve our service dramatically without incurring the costs involved in establishing more federal facilities.

So on the managerial side these have been two very productive years. Much remains to be done, but much has been accomplished.

II

But modernization and reform, if it is to be really effective, requires more than improved management in these areas I have been discussing.

Of critical importance, as well, is the development of an increasingly effective, fair, and enlightened system of human relations within the Department. Here, too, we have had a remarkable two years, with much progress being made—and with much still left to be done.

To begin with, we have been operating on the simple, unassailable assumption that women possess approximately half the brain power in this country. We have therefore sat down with women employees and designed and implemented a program for encouraging rather than deterring career prospects for women officers. They are now assured equal consideration for assignments, training opportunities, and perquisites, without regard to sex or marital status. Indeed one of the more interesting aspects of programs to enhance career possibilities for women is the development of working family teams in which both the wife and husband are career Foreign Service employees. Over 30 such teams are now in the Department's Foreign Service, and more may be expected soon.[10]

The changes we have made in this area have been well publicized. They were made not only in justice to women but in the Department's own self interest, for we can ill afford to ignore this major brainpower pool. I am pleased to report that this fall nearly three times as many women applied to take the Foreign Service exams as applied in 1969—the year before this program began.

Efforts are also underway to accord increased recognition of the professional status and rights of secretaries—still one of the largest and most important groups of women in the Department's Civil and Foreign Services.

We have also addressed the problem of a bill of rights for the spouses and dependents of Foreign Service employees. The voluntary unpaid support that wives have traditionally given to our embassy efforts overseas has constituted one of the great strengths of our Service and also, from a family point of view, one of its most rewarding aspects. But there have been occasions when this tradition was abused and when its voluntary basis not properly understood. Working first with wives and later with the Secretary's Open Forum Panel we have now spelled out the rights of Foreign Service spouses and dependents—and I am confident that rather than weakening the traditional teamwork of Foreign Service families, this bill of rights will strengthen it.[11]

In the past two years we have continued to emphasize our minority recruitment program despite our personnel cuts and the resultant reductions in our over-all recruitment.

In addition we recognize that there are many persons, some from minority backgrounds, some not, who have the ability to rise to positions of considerable responsibility but who have been denied their opportunity because of inadequacies in their education. With this in mind we have, as I mentioned earlier, created the "Mustang" program which each year will provide opportunities for specially selected employees to advance to officer rank.

Within this critical area of the Department's human relations, however, I believe the creation of a formal employee-management relations system for the Foreign Service is of overriding importance.

Following changes in Civil Service procedure, this new system has just been promulgated by the President.[12] It is a pioneering effort specially designed for the Foreign Service and is the result of extensive debate and consultation between the management

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Footnotes at end of article.

of the Department and representatives of the Foreign Service. For the first time members of the Foreign Service will have an important and formal voice in the development of all personnel policies—policies which play such an important part in their lives and careers.

Under this system members of the Foreign Service can elect an organization to be their exclusive representative, and administrative officials in the Department are required to consult with that organization on personal policies which either the Department or the employees wish to change. If these consultations do not result in agreement, the employee's representative can appeal over the heads of the Department's administrative officials to the Board of the Foreign Service.

The Board of the Foreign Service will have two subgroups to help it carry out its responsibilities. Both of these groups are independent of the administrative side of the Department. First is the three-member Employee-Management Relations Commission made up of representatives of the Department of Labor, Civil Service Commission, and Office of Management and Budget. This Commission will have the final say with respect to the supervision of elections and the adjudication of unfair labor practice complaints.

The second group, working directly under the Board of the Foreign Service, is known as the Disputes Panel. It is made up of one member from the Department of Labor, one from the Federal Services Impasses Panel, one from the public, and two from the Foreign Service. Thus the majority of this Disputes Panel comes from "outside" the Department of State. In addition, the two Foreign Service representatives cannot be part of the management of the Department. When the administrative authorities of the Department are unable to reach agreement in their consultations with the representatives of the Foreign Service employees, it is the function of this disputes group, acting on behalf of the Board of the Foreign Service, to establish the facts and seek a solution through mediation. If this fails, the Panel must then recommend an appropriate solution to the Board of the Foreign Service.

With the development of this employee-management relations system we have passed an historic milestone in the continuing development of the Foreign Service. But this milestone was not reached easily. There were strong differences of views, and much hard bargaining and public controversy.

But what has emerged in the judgment of both the management of the Department and the leadership of the American Foreign Service Association is "a system well adapted to the Foreign Service, and a system under which the men and women of the Foreign Service can have a real voice in the policies and regulations affecting their careers."

Here again, the past two years have seen an important breakthrough. But the job is just beginning, not ending. If this new system is to fulfill its promise, it is incumbent upon all members of the Foreign Service to pay close attention to the positions taken by the employee organization chosen as their exclusive representative. It is incumbent on that organization and the administrative officials of the Department with whom it will be dealing to make every effort to see that this new system works in a fair, constructive and responsible manner.

However, it is not enough simply to build a system where members of the Foreign Service, in the collective sense, will have a stronger and more effective voice in the development of personnel policies. In addition, there is the need for each individual member to have access to a meaningful grievance procedure independent of the Department's personnel authorities, and in which the individual's rights are clearly defined and understood. Until recently such a system did not exist. There was in its stead a formal system of limited scope and an informal system in which every effort was made to be fair, but which was neither independent of the personnel authorities nor characterized by any specific definition of the rights of an aggrieved employee.

We have now instituted an interim grievance procedure which is a major step forward.[13] The Interim Grievance Board is chaired by William Simkin, who from 1961 to 1969 was Director of the Federal Mediation and Conciliation Service, and is made up of distinguished public members as well as career officials with considerable experience in the Foreign Service. Unlike the earlier arrangements, it is set up and operates independently of the personnel and administrative officials of State, AID and USIA.

It is an "interim" grievance procedure because we believe that the definitive grievance procedure should be bargained out in the employee-management relations system—which is just what such a system is for. Once the definitive grievance procedure has been hammered out, the Department will support legislation which incorporates the basic principles of that procedure as an amendment to the Foreign Service Act.

Another crucial area of the Department's human relations is that of involuntary retirement or "selection-out." I believe that such a system, presently required by law, is an essential ingredient of a strong Foreign Service, and I believe that this view is shared by the great majority of Foreign Service Officers.

But this system has recently come under increasing attack. We now have in the employee-management relations system a particularly appropriate means for the representatives of Foreign Service employees to sit down with the Department's management for a careful and thorough reexamination of the selection-out system. I am confident that out of the re-examination will come a reaffirmation of the need for a continued involuntary retirement system; and I am equally confident that in this re-examination we are going to find ways to make it a fairer and stronger system. Fewer than 10 officers are presently scheduled for involuntary retirement between now and June 30th. In view of this upcoming re-examination, the Department has suspended all final selection-out actions between now and that date.

In summary then, the most critical ingredients in the human relations field are the development of a strong employee-management relations system to deal with the development of personnel policies, and the establishment through the employee-management relations system, and ultimately by an amendment to the Foreign Service Act, of a definitive grievance procedure. Under the employee-management relations system we will also be re-examining involuntary retirement procedures and here, as elsewhere, looking for areas where we can strengthen the role of due process.

Some have said that in taking these actions we are undermining the basic discipline of the Foreign Service. Of course, the exact opposite is true. The way to guarantee the continuation of a disciplined Service is to make certain that its basic safeguards and fairness are apparent to all.

But as we move into this new era of the Department's human relations, let me make it clear that I do not believe the old system was as unfair as has sometimes been alleged. In a highly competitive system such as ours, there are bound to be disappointed persons. And while our involuntary retirement system has been run by human beings and is therefore fallible, it is my personal belief that those who manned the system earlier made every effort to make it as fair as possible.

But there is no denying that the system has been a paternalistic one. And even if it was far fairer than its critics give it credit for, it is not—because of its paternalism and its inadequate recognition of both the collective and individual rights of Foreign Service employees—a credible or acceptable system for today.

III

The past two years have been a time of tumult. There has been criticism, disagreement, and public controversy. This is understandable. When a major reform and modernization program is launched, it is predicated on the assumption that things are wrong and need correcting. One should not be surprised, therefore, when there is considerable public focus on what is wrong—and vigorous debate over proposed solutions. This controversy may appear unseemingly by earlier standards of State Department decorum. It is, however—except when disfigured by unjust and personal attacks on a dedicated career Foreign Service Officer—a very healthy and useful process.

It would be a mistake to allow the turmoil which has been a part of these last two years or the controversy and clash of views which will accompany the forthcoming employee elections, to obscure what is really going on in this Department. Controversy is an integral part of the progress we are all working for. There have been years in this Department when there has been very little tumult and very little progress. We are in a much better era now.

And now my final point: No effort of this kind starts without antecedents. Much of the credit must go to those career officers among you who in increasing numbers in the years immediately preceding January 1970 pressed for reform and set the stage for what has followed. To you and to the many who joined you in the past two years, we owe a considerable debt.

The question I put to you now is this: Will your commitment to this effort be sustained? Important decisions lie ahead, and modernization is a task which, by definition, is never done. Even in the specific areas I have been reporting on today, the record is one of useful and important beginnings—not final accomplishments.

Modernization as a process will continue in the Department. That is inevitable. The question is whether you, the career professionals, will continue to lead it. If you do, and for as long as you do, this critically important work will be in the best of hands.

FOOTNOTES

[1] *Diplomacy for the 70's, A Program of Management Reform for the Department of State.* Department of State Publication 8551, December 1970. Superintendent of Documents, United States Government Printing Office, Washington, D.C.

[2] "Policy Analysis and Resource Allocation in the Department of State", Management Reform Bulletin #26, July 2, 1971, Department of State, Wash., D.C.

[3] "The Seventh Floor", Management Reform Bulletin #24, July 2, 1971, Department of State, Wash., D.C.

[4] "The Evaluation Process: Office of the Inspector General", Management Reform Bulletin #25, July 6, 1971, Department of State, Wash., D.C.

[5] "Promotion Reform: Threshold Review and Mid-Career Tenure", Management Reform Bulletin #27, Department of State, Wash., D.C.

[6] "Broadening the Foreign Service's Recruitment Base", Management Reform Bulletin #2, January 6, 1971, Department of State, Wash., D.C.

[7] "Toward a Unified Personnel System: The Foreign Affairs Specialist Corps, "Management Reform Bulletin #8, February 16, 1971; and, "Toward a Unified Personnel System: The Foreign Affairs Specialist Corps" (Supplement to MRB #8), Management Reform

Bulletin #18, May 19, 1971, Department of State, Wash., D.C.

[8] "The 'Mustang' Program: Identifying and Developing Talent Within", Management Reform Bulletin #28, July 2, 1971, Department of State, Wash., D.C.

[9] "Policy on Security Practices and Expression of Views", Management Reform Bulletin #7, February 11, 1971; "Openness at Missions and Creative Dissent", Management Reform Bulletin #9, February 23, 1971; "Domestic Public Opinion: Informing the Policy Makers", Management Reform Bulletin #12, March 30, 1971; "Public Affairs in the Decisionmaking Process", Management Reform Bulletin #13, April 13, 1971; "Stimulation of Creativity", Management Reform Bulletin #32, November 17, 1971; Department of State, Wash., D.C.

[10] "Implementing Policy on Equal Opportunities for Women and Employment Abroad of Dependents of Employees", Department Notice, August 12, 1971, Department of State, Wash., D.C.

[11] "Policy on Wives of Foreign Service Employees," Department Notice, January 21, 1972, Department of State, Washington, D.C.

[12] "Employee-Management Relations in the Foreign Service of the United States," Text and Analysis of Executive Order 11636, Department of State Newsletter Special Supplement, January 1972. Department of State, Washington, D.C.

[13] "Foreign Service Grievance Procedures for State/USIA/AID", Department Notice, August 12, 1971, Department of State, Wash., D.C.

Mr. AIKEN. In his address, Mr. Macomber does admit there is still a long way to go, but at least we are on the way, and I believe that he is entitled to a great deal of credit for this.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I join the distinguished senior Senator from Vermont, the dean of the Republicans in this body, in what he has said about Under Secretary of State Macomber.

The Committee on Foreign Relations knows Bill Macomber well—very well—because, for a number of years, under the Eisenhower administration, he served as the liaison between the Department of State and the committee. No man could be more fair; no man, in my opinion, had greater integrity. So far as the members of the committee were concerned, he treated us all alike, told us the facts as he understood them, and did not attempt at any time to play any kind of politics whatever.

After that, he served as Ambassador to Jordan, and his record there was distinguished. Then he came back and, under the present administration, accepted—not with great enthusiasm, but because he thought it was a duty—the position he now occupies as Under Secretary of State for Management.

May I say that the regard for Bill Macomber in the Senate extends to both sides of the aisles, and I know of no Senator, either Democrat or Republican, who does not share that high regard for this man of integrity and dedication, who has done so well in his relations with Congress, and who I think has comported himself with great dignity under difficult circumstances.

Mr. AIKEN. Mr. President, I appreciate the remarks of the majority leader.

I will not attempt to enumerate all the changes which Mr. Macomber has been bringing about, but I will mention three or four of them.

He has been changing the recruiting policies and bringing into the Department people of more varied backgrounds. He has put a stop to using the wives of foreign officers as virtual servants for the wife of the Ambassador. This has not been a common practice, but it has been occurring. Now he has succeeded in getting an order putting a stop to that. He has set up a new State Department interim grievance procedure. In that, however, he was pressured somewhat by Congress. But that has been done. He stopped all selection-out firing between now and the end of June while personnel policy is being reviewed. Only 10 persons were scheduled to be fired, but there has been considerable injustice in that field.

Mr. Macomber has done particularly good work in making the progress he has been able to make up to now.

Mr. MANSFIELD. If the distinguished Senator from Vermont will yield further, may I say that if the Senator from Vermont had not done so, it was my intention to ask unanimous consent of the Senate to insert the same remarks. Thus, I join the Senator in that request and state that anyone who looks for perfection is just not looking at anyone who should be considered a human being. We make plenty of mistakes in this body, collectively and individually, but we are continuing to work in the right direction.

Reform has been needed in the State Department. It was long overdue. So far as I am aware, Mr. Macomber has been moving in the right direction, and I wish him all success in the months and years ahead.

Mr. AIKEN. I thank the distinguished majority leader for his comments.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of Wisconsin:

"1971 SENATE JOINT RESOLUTION 19

"Enrolled joint resolution memorializing Congress to enact Federal legislation authorizing state public assistance programs to use vendor and voucher payments in certain circumstances

"Whereas, state administration of a public assistance program should recognize two basic objectives, first, the desirability of delegating some measure of moderate control to the local governments dispensing such assistance, and second, the necessity of taking into account the real difficulties encountered in administering assistance cases where there is a demonstrated mismanagement or misuse of funds; and

"Whereas, in an attempt to meet the latter objective congress has heretofore enacted sections 603(a)(5) and 606(b)(2) of the federal social security act, which provide in part that aid to families with dependent children may include payments in behalf of any such children made either to another individual concerned with the welfare of those children or to a person furnishing food, shelter, or other goods, services or items to or for them, provided that the number of said individuals or persons (who are commonly referred to as "protective payees") do not exceed 10 per centum of the number of other recipients of aid to families with dependent children in the state for any particular month; and

"Whereas, other sections of the social security act relating to the administration of public assistance require an unrestricted money payment unless the assistance agency has first provided the opportunity for a hearing to determine that the public assistance recipient is incapable of handling his funds, and only then may the agency appoint a protective payee; and

"Whereas, the protective payee system has proven completely unworkable because local welfare directors find it difficult if not impossible to find persons willing to serve as protective payees; and

"Whereas, as of January 1, 1971, Milwaukee county alone had 1,259 active cases in which there had been a demonstrated mismanagement of funds primarily because of failure to pay rent or utilities; and

"Whereas, in certain cases under the federally subsidized program of aid to families with dependent children (AFDC) where there has been demonstrated mismanagement of funds, the local welfare department often finds it necessary to authorize a double payment for rent and utilities after the first payment made from AFDC funds has been misspent, with the second payment coming from strictly county funds; and

"Whereas, failure to authorize federal funds for vendor and voucher payments made to AFDC recipients forces the state to assume an unfair burden in financing public assistance cases where mismanagement of funds has been demonstrated; and

"Whereas, the unrestricted money payment requirement causes problems for both the public and private assistance agencies because some AFDC recipients presently misuse the public funds given them for special needs, such as furniture, and then proceed to obtain these special needs items from private agencies; and

"Whereas, this situation results in a waste of public funds and depletion of the resources of private agencies; and

"Whereas, the practice of prohibiting voucher and vendor payments to AFDC recipients is neither economical nor equitable for state and local agencies administering federal assistance programs; and

"Whereas, as stated in the second paragraph hereof, the congress of the United States has already established the legislative precedent for a 10 per centum formula of restricted payaments in AFDC cases; now, therefore, be it

"Resolved by the senate, the assembly concurring, That the legislature of the state of Wisconsin urges federal legislation to permit a county government or its welfare agency administering federal assistance programs to authorize the following two-fold limited voucher and vendor plan in granting aid to families with dependent children, without the loss of reimbursement of the federal share of such aid: 1st, to dispense grants of aid to all new AFDC recipients in the form of vendor payments and vouchers for commodities for an initial period of up to 120 days wherever it is feasible to do so, provided that the number of new recipients getting restricted payments do not exceed 10 per centum of the number of other AFDC recipients getting assistance from the same county government or agency for any particular month; and 2nd, to give aid to families with dependent children, as provided in section 49.19 (5) of the Wisconsin statutes, in the form of supplies or commodities or vouchers for the same, in lieu of money, as a type of remedial care whenever the giving of aid in such form is deemed advisable by the county welfare director dispensing such aid as a means either of attempting to rehabilitate a particular person having the care and custody of any such children or of preventing the misuse or mismanagement by such person of aid in the form of money payments, provided that the number of such persons getting restricted payments do not exceed 10 per centum of the number of other AFDC recipients getting assistance from the same county government or agency for any particular month; and, be it further

"*Resolved,* That duly attested copies of this adopted resolution be immediately transmitted to the secretary of the federal department of health, education and welfare, the chairman of the finance committee and the ways and means committee and the clerk of the house of representatives of the United States, and to each of the 12 members of congress from this state."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution (Rept. No. 92-603).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROTH (for himself, Mr. Allen, Mr. Allott, Mr. Anderson, Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Buckley, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Ervin, Mr. Fannin, Mr. Gambrell, Mr. Goldwater, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McClellan, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Moss, Mr. Pearson, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Saxbe, Mr. Scott, Mr. Stevens, Mr. Taft, Mr. Thurmond, Mr. Tower, and Mr. Weicker):

S. 3123. A bill to impose a statutory limit on expenditures and net lending during fiscal year 1973. Referred to the Committee on Finance.

By Mr. BEALL:

S. 3124. A bill relating to the practice of the healing art in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. BYRD of West Virginia (for Mr. Jackson and Mr. Magnuson):

S. 3125. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program. Referred to the Committee on Agriculture and Forestry.

By Mr. CURTIS:

S. 3126. A bill for the relief of James Evans, publisher of the Colfax County Press, and Morris Odavarka. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. Humphrey, Mr. McGovern, Mr. Stafford, Mr. McGee, Mr. Pell, Mr. Hart, Mr. Randolph, Mr. Inouye, Mr. Montoya, and Mr. Hughes):

S. 3127. A bill to amend title XVIII of the Social Security Act to eliminate the monthly premium requirements for individuals covered under the supplementary medical insurance program established by part B of such title. Referred to the Committee on Finance.

By Mr. GRIFFIN:

S. 3128. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials. Referred to the Committee on Government Operations.

By Mr. KENNEDY:

S. 3129. A bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS:

S. 3130. A bill to amend Public Law 92-203, an act to provide for the settlement of certain land claims of Alaska Natives and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PROXMIRE:

S.J. Res. 196. A joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. Allen, Mr. Allott, Mr. Anderson, Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Buckley, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Ervin, Mr. Fannin, Mr. Gambrell, Mr. Goldwater, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McClellan, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Moss, Mr. Pearson, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Saxbe, Mr. Scott, Mr. Stevens, Mr. Taft, Mr. Thurmond, Mr. Tower, and Mr. Weicker):

S. 3123. A bill to impose a statutory limit on expenditures and net lending during fiscal year 1973. Referred to the Committee on Finance.

Mr. ROTH. Mr. President, I introduce for appropriate reference a bill providing for a strict limitation on Federal spending for fiscal year 1973. Forty-eight Senators now join me in the introduction of this measure.

Nearly 3 months ago, I stood here and asked the Senate to vote for a ceiling on 1972 expenditures. I asked that we curtail spending for this current fiscal year to the $229.2 billion which the President had requested in his budget message 1 year ago.

In November, when I presented that amendment to the Revenue Act of 1971, outlays, which include net lending, were projected to reach $232 billion in fiscal year 1972. The deficit, on a unified basis, was predicted to be $28 billion, and on a Federal funds basis, just under $34 billion.

Unfortunately, this year's budget message proved these estimates wrong. With 6 months left to go in this fiscal year, spending is forecast to be $236.6 billion, with a deficit of $44.8 billion in Federal funds, $38.8 on the unified basis. This latter calculation of course includes the surplus in the many trust funds now in operation. Though we tax more than we pay out under these programs, the surplus is used to buy Treasury debt incurred as the result of extra spending elsewhere. The unified concept of budgeting only helps muddy the waters. I, for one, feel the trust fund accounts should be withheld from the deficit calculation.

Regardless of the methodology though, the message remains the same. Our Federal budget faces a larger deficit now than any time since World War II. Obviously, we in Congress are responsible for part of this.

But adding to the deficit have been lower-than-expected GNP, personal and business income, reflecting lower actual tax receipts in this fiscal year. Furthermore, programs such as those administered by the Commodity Credit Corporation, have experienced "uncontrolled" spending bulges of more than a billion dollars.

So, Mr. President, I am asking again today that we consider the dire state of this Government's budget. On January 25 the distinguished Senator from Montana (Mr. Mansfield) and the distinguished Senator from Virginia (Mr. Byrd) summarized the budget crisis in very succinct terms. Let me only remind the Senate that the pressure for new programs, increases in old programs, and the built-in cost of living increases under our Federal employee retirement programs can only add to the prospect that spending will escalate.

Let me make another point that shows, over a longer time period, that all administrations have been faced with this same problem. In the 11 years between 1962 and the estimates for 1973, our gross national product in money terms has grown at a compound rate of 6.9 percent, while Federal spending has outpaced it, growing at a compound rate of 7.9 percent.

To finance this growing Federal participation in our national economy, we have borrowed at a compound rate of 4.3 percent increase per year. But due in large part to the Treasury's difficult task of placing this debt, interest on the debt has grown more than twice as fast as the principal, at a compound rate of 8.9 percent.

Many noteworthy economists have argued that concern for the size of the Nation's debt is a meaningless argument, since it is money the Nation owes itself. In part they are right, but economists of all persuasions recognize that debt held outside the country can be a major influence on this Nation's policy. The most recent issue of the Federal Reserve Bulletin shows that between January and November 1971, the U.S. debt held by foreign investors more than doubled from $20.9 billion to $44.1 billion.

Can we reasonably expect foreign confidence in the dollar to continue if our budget repeatedly shows spending far beyond our inclination to tax? Secretary Connally has recently concluded a delicate series of negotiations with the Group of Ten, under which the United States has agreed, in principle, to revalue the dollar downward. Sometime later this session we will be asked to consider that measure. And it is my opinion we can only avoid further devaluations by bringing our fiscal policies more in line with world expectations.

We cannot exist in an economic vacuum. This year's staggering trade deficit of more than $2 billion only helps punctuate our reliance on world opinion and confidence in our economy.

In short, we are facing an election year in which the temptation to spend will surely increase, but where our ability to spend will be determined largely by an economy showing only mixed signs of recovery and a world marketplace which may place severe pressures on us for domestic economic reform.

It seems necessary, then, that we face this situation with a "no nonsense" attitude. Two weeks ago, I placed in the Record an article from the Washington Post, indicating that the President might ask Congress for a spending ceiling. The following day, the budget message included a request for such a ceiling.

Today, I am asking that we act now, early in the session, to pass this bill which would bind both the executive and Congress to an airtight ceiling on outlays—expenditures plus net lending.

There are no exceptions. In several previous attempts, Congress has tried to limit spending, but excluded the so-called uncontrollable elements of the budget—interest payments, unemployment benefits, social security and veterans benefits, and so forth. Funds for the Vietnam war were also exempted from the 1968 and 1970 legislative measures.

But this is a bill which plugs those holes. Since total Federal spending effects total Federal borrowing, we must take the bit in our teeth and pass the only workable legislation which will keep the lid on all of our spending.

I am not completely convinced that our trading partners embrace the full employment method of budgeting. Many see only another U.S. deficit running at $36.1 billion in Federal funds, $25.5 under the unified calculation. It is these perceived deficits which will continue to place pressure on the dollar and force interest rates back up.

Nevertheless, I have asked that we adopt the administration's figure of $246.3 billion, confident that the "water" which is included in every budget will be enough to soak up any unexpected increases in "uncontrollables." However, I would be happy if the Senate would accept a lower figure.

Mr. President, I heartily concur with the distinguished majority leader's concern for our runaway spending. It is up to Congress to impose a statutory limit early in this session so that we may appropriate funds in full knowledge of the goal we have set for ourselves and the administration.

I welcomed Mr. Mansfield's support last November, when, without administration's support, I came within seven votes of having a similar measure passed. I am hopeful that now, with endorsement from the White House, I can garner bipartisian support for a measure which clearly is in the Nation's best interest.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) expenditures and net lending during the fiscal year ending June 30, 1973, under the Budget of the United States Government shall not exceed $246,300,000,000.

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

By Mr. BYRD of West Virginia (for Mr. Jackson and Mr. Magnuson):

S. 3125. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program. Referred to the Committee on Agriculture and Forestry.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit a statement on behalf of the distinguished Senator from Washington (Mr. Jackson) as well as introducing a bill on behalf of the Senator from Washington (Mr. Jackson) and his colleague, Mr. Magnuson.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

Statement by Senator Jackson

Senator Magnuson and I introduce this legislation today to help solve a major soil erosion problem in the Pacific Northwest.

The legislation permits the Department of Agriculture to enter into special soil conservation contracts with farmers and landowners in the Columbia-Snake-Palouse region. The farmers in this region, which covers a 46-county area in Washington, Oregon and Idaho, are suffering millions of dollars of losses in damage to crops as well as enormous amounts of irreplacable topsoil washing down to the sea each year.

This conservation and environmental program is similar to one now in operation in the Great Plains area. It is designed to bring the severe water and wind erosion of the area's farm land under control, while substantially reducing sedimentation and pollution of the air and water.

Soil erosion in the area has damaged domestic water supplies, adversely affected fish and wildlife, diminished the value of recreational developments and caused more expensive road maintenance.

We believe that legislation is necessary to help cope with these problems as well as helping to minimize the direct losses to farmers in the form of crop damage and soil eroded by wind and water.

We join our colleagues in the House, who have introduced similar legislation, in urging prompt action on this bill.

By Mr. MONDALE:

S. 3127. A bill to amend title XVIII of the Social Security Act to eliminate the monthly premium requirements for individuals covered under the supplementary medical insurance program established by part B of such title. Referred to the Committee on Finance.

Mr. MONDALE. Mr. President, today I am introducing with Senators Humphrey, McGovern, Stafford, McGee, Pell, Hart, Randolph, Inouye, Montoya, and Hughes a bill to eliminate the medicare part B premium. This premium is now paid by more than 19 million of our elderly citizens. Ninety-six percent of all those who are eligible for medicare hospitalization also pay the premium for supplementary medical insurance.

The part B premium is a terrible burden for many of our elderly citizens. Since 1967, the premium has gone from $3 per individual per month to $5.60 per month per individual. And if nothing is done about it, the premium will continue to rise. We are all aware of the rapid increase in medical costs, and if the premium is not eliminated, month by month our elderly will be forced to pick up a share of these rapidly rising costs—$5.60 a month may not seem like much to most Americans, but to many of the elderly it is a high and cruel monthly charge. For many of them, it means the difference between being able to buy a new pair of shoes or going another year or two with the old shoes. One of my constituents has recently written me that she has not had a new pair of shoes in 10 years, or a new dress in four—25.3 percent of the elderly are poor and this percentage of poor is twice our national average.

It is a national disgrace compounded by the fact that we ask these old people to lay out almost $6 a month from their meager incomes for this medical insurance program.

The average social security benefit is only $120 a month, so that for the average social security beneficiary the elimination of the part B premium is the equivalent of almost a 5-percent raise in social security benefits. The premium payments which they save will be immediately available to them for their use.

I am in favor of raising social security benefits, not only by eliminating this premium, but by voting a larger benefit increase than the 5 percent suggested in H.R. 1. But the elimination of the premium will be an important step in the right direction.

The elimination of the premium will not eliminate completely doctor bills and related fees which so burden our elderly. Supplementary medical insurance still will include a heavy deductible charge.

Medical expenses which are not covered by supplementary medical insurance because of the deductible features, cost the elderly more than $1 billion per year. And these charges will continue to fall on the elderly even if the premium is eliminated. In fact, H.R. 1 calls for an increase in a deductible which is now $50 to $60, and it includes a provision for a 20-percent coinsurance feature.

I think these deductibles should be

eliminated also, but at the very least we must eliminate the premium.

Many people have asked me how I intend to finance the elimination of the premium. At present, the elderly pay 50 percent of the costs of supplementary medical insurance through the premium. The other 50 percent is paid from general revenues. My bill shifts the entire cost of the supplementary medical insurance program to general revenues.

I was pleased by the President's announcement in the state of the Union message that he would support the elimination of the part B premium. However, I was disappointed to see in his budget that he intends to shift the $1.4 billion cost of eliminating the premium to the payroll tax. This is an important difference between his proposal and my bill.

Mr. President, in my opinion it would be grossly unfair to shift the cost of eliminating the premium to the payroll tax. Our elderly citizens do not want to burden their working children unfairly by shifting the burden of this premium to the payroll tax. The costs of treating our elderly fairly should be borne by general revenues and by all the taxpayers.

Everyone knows that the payroll tax, unlike the income tax and the corporation tax, is regressive, falling particularly heavily on the salaried workingman.

Capital gains, interest payments and other income sources which the salaried workingman rarely enjoys, are not touched by the payroll tax.

We recognized in 1967 that 50 percent of the costs of supplementary medical insurance should be borne equitably by all American taxpayers. It would be a step backward to now ask only Americans with salary income to finance the elimination of the premium.

Mr. President, shifting the cost of eliminating the part B premium to the payroll tax would require a very steep rise in that tax. Estimates are that financing elimination of the part B premium through the payroll tax would add 0.25-0.3 percent to both the employee's and the employer's tax. The 1972 tax would jump from an already high 5.2 percent to about 5.3 percent. In 1973, the rates would be 5.95 percent for both the employee and the employer.

If, on the other hand, the cost is paid by an increase in the payroll earnings base, rather than an increase in the tax rate, this would be fairer. But not as fair as shifting the cost to general revenues. Any method of financing which does not recognize the payroll tax as less progressive than financing from general revenue will be a step backward from the position taken in 1967.

We need to eliminate the part B premium. We need to improve the situation of our elderly in many other ways also. Prescription drugs should be covered by medicare. Medicare deductibles should be reduced and eliminated. But we should not try to finance all or even most of these improvements by taxing only the American workingman or woman through the payroll tax. Payroll taxes are increasing too fast while the more progressive income tax and corporation taxes have actually been falling. If we do not quickly come to recognize the danger in increasing the payroll tax, the American worker, who alone pays the payroll tax, is going to become an opponent of a better break for the elderly.

The Wall Street Journal has joined many others recently in recognizing the alarming trend in our tax policy. Progressive taxes are being reduced while payroll taxes are increasing. Moreover, there is talk of instituting a regressive sales tax at a national level. Call it what you like, a tax on the value added is a sales tax and it will hurt the poor and workingclass people while the wealthy will be spared. The part B premium should be eliminated but this necessary and humane step should be financed by progressive taxes which are paid by everyone.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress amended, That (a) section 1831 of the Social Security Act is amended to read as follows:

"Sec. 1831. There is hereby established an insurance program to provide medical insurance benefits in accordance with the provisions of this part for individuals 65 years of age or over who are covered under part A or who elect to enroll under such program, to be financed from funds appropriated by the Federal Government."

(b) Section 1837 of such Act is amended to read as follows:

"SEC. 1837. (a) Any individual who, for the month of July 1972, or any succeeding month, is covered by the hospital insurance program established by part A shall also be covered by the program established by this part.

"(b) Any individual who is not covered by the program established by this part for the month of July 1972, or any succeeding month, by reason of the provisions of subsection (a), shall, if he is eligible under section 1836 to enroll in the program established by this part, secure coverage by enrolling therefor in such manner and within such time period, which shall not be later than the month following the month in which such individual applies for enrollment under such program, as the Secretary shall by regulations prescribe."

(c) Sections 1837, 1838, 1839, 1840, and 1843 of such Act are repealed.

(d) Section 1844 of such Act is amended to read as follows:

"SEC. 1844. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund, such sums as may be necessary to assure that there will be, at all times, sufficient moneys in such Fund to make prompt payment of benefits provided under this part and the administrative expenses thereunder, and otherwise assure that any other financial obligations of such fund can promptly be met."

SEC. 2. The amendments and repeals made by the first section of this Act shall be effective on and after July 1, 1972.

By Mr. KENNEDY:

S. 3129. A bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE LONGFELLOW HISTORIC SITE

Mr. KENNEDY. Mr. President, I am introducing legislation today to establish the Longfellow National Historic Site in Cambridge, Mass. This legislation provides that the Secretary of Interior may acquire the home of Henry Wadsworth Longfellow at 105 Brattle Street in Cambridge for establishment **as the Longfellow National Historic Site.**

The Longfellow home is not only an outstanding example of colonial architecture, but it served as George Washington's headquarters in 1775 and 1776 and was the home of the poet, Henry Wadsworth Longfellow, from 1837 to **1882. It is only fitting that this home be preserved in public ownership for the benefit and inspiration of all the citizens of the United States.**

We are indeed fortuante that through the centuries the Longfellow home has been maintained with great care and despite some alterations the structure remains intact architecturally **and is in a state of good repair. Those members of the community who realized long ago that they were in possession of a great national historic resource determined to keep the home in excellent condition for generations to come. And for this we can only feel a very deep gratitude.**

In July 1775, the Longfellow home became George Washington's headquarters for 10 months during the seige of Boston. Longfellow's association with the house began in 1837 when he rented a room there. In 1843 Henry Wadsworth Longfellow and his bride were given the home as a wedding present and enjoyed life there until 1882. Portions of some of Longfellow's greatest works were written here: "The Courtship of Miles Standish," "Evangeline," "Hiawatha," and the "Skeleton in Armor." The buildings, grounds, and furnishings including some priceless art objects have remained essentially as they were when Longfellow lived and wrote there.

I am happy to introduce today this legislation to establish this beautiful home as a national historic site. I ask unanimous consent that at the conclusion of my remarks the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3129

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve in public ownership for the benefit and inspiration of the people of the United States, a site of national historical significance containing a dwelling which is an outstanding example of colonial architecture and which served as George Washington's headquarters during the siege of Boston in 1775–1776, and from 1837 to 1882 as the home of Henry Wadsworth Longfellow, the Secretary of the Interior is authorized to acquire by donation the fee simple title to the real property and improvements thereon, together with furnishings and other personal property, situated at and known as 105 Brattle Street, Cambridge, Massachusetts, for establishment as the Longfellow National Historic Site.**

SEC. 2. The Secretary of the Interior is further authorized to accept the donation of not less than $200,000, and such other sums of money as may be tendered from time to time

by the Trustees of the Longfellow House Trust, established pursuant to indentures dated October 28, 1913, and November 18, 1914, and such funds or any part thereof and any interest thereon, may be used exclusively for the purposes of administration, maintenance, and operation of the Longfellow National Historic Site.

Sec. 3. The Longfellow National Historic Site shall be established when title to the real and personal property described in section 1 of this Act and the sum of $200,000 as set forth in section 2 of this Act have been accepted by the Secretary of the Interior, and upon such establishment, the Longfellow National Historic Site shall be administered by the Secretary of the Interior in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666).

Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. STEVENS:

S. 3130. A bill to amend Public Law 92–203, an act to provide for the settlement of certain land claims of Alaska Natives and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, I am introducing today a bill to amend Public Law 92–203, which was the Alaska Native Land Claims Settlement Act of 1971. One of the difficulties of that act was that the moneys to be paid to Alaska Natives from the Federal Treasury as part of the settlement will be paid over to regional corporations which have had to be formed. In each of the 12 regional areas of Alaska there is a regional association comprised of Alaska Native people. Each of these now has the duty to form a regional corporation and to assist the Natives of each village in the area of each regional corporation also to incorporate. The act we passed last December also places a duty on the village and regional corporations to identify lands which will be conveyed to them pursuant to the Alaska Native Land Claims Settlement Act.

Unfortunately, the moneys will not be paid to the regional corporations until the roll of those entitled to share in the settlement is completed. This will be done, we trust, in about 2 years. Meanwhile, there is an immediate need for funding for the purpose of organizing the corporations and for the purpose of identifying the lands to be conveyed to the regional village corporations.

I have discussed the problem of funding these regional and village corporations on an interim basis with responsible financial institutions both within and without Alaska. The legal advisers of these institutions have taken the position that loans cannot be made beyond the limits of loans to individuals until the regional corporations are legally formed and approved by the Secretary of the Interior. We are hopeful that this will be done in the very near future and that advances will be made by the institutions to those corporations to start their work which is vital to the completion of this settlement. In any event, it is apparent that in these 2 first fiscal years before the final loan is completed money will be needed by the regional and village corporations.

One of the agreements made in our conference committee and approved by the Congress was that there should be $12.5 million available in the first fiscal year and $50 million in the second fiscal year. To place these moneys in a fund in the Treasury will be of no use to these regional village corporations, which so vitally need the funds to initiate the work for the Alaska Native people in each area.

I realize there is a difficulty in terms of identifying the villages which will be eligible for participation under the Alaska Native Land Claims Settlement Act. Without attempting to decide that question, the bill I have introduced today provides that the regional associations may advance funds to village corporations only if the village for which the corporation is organized is listed on the Preliminary Statement of Eligibility prepared by the Bureau of the Census showing that 25 or more Native residents resided in such village on the date of the 1970 census.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 92–203 shall be amended by adding at the end of section 6(c) thereof the following:

"*Provided,* That there shall be advanced to each regional association the sum of $1,000,000 in fiscal year 1972 and $3,000,000 in fiscal year 1973 which shall be used solely for organization of the regional corporations and village corporations within each region and to identify land for such corporations pursuant to the Act of December 18, 1971. Such advance shall be credited against the first moneys due to such corporations under this Act and shall first be used to repay any loans advanced to such corporations by any financial organization after December 14, 1971. No funds may be advanced by any regional association to any village corporation unless the village for which such corporation was organized is determined by the Bureau of the Census to have had 25 or more Native residents living within such village according to the 1970 census."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2981

At the request of Mr. Aiken, the Senator from Utah (Mr. Bennett), the Senator from Nevada (Mr. Bible), the Senator from Arkansas (Mr. Fulbright), the Senator from Wyoming (Mr. McGee), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), the Senator from Alaska (Mr. Stevens), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of S. 2981, a bill to amend the Bankhead-Jones Farm Tenant Act and the Watershed Protection and Flood Prevention Act.

S. 3121

At the request of Mr. Scott, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 3121, a bill to extend the Commission on Civil Rights for 5 years.

SENATE JOINT RESOLUTION 107

At the request of Mr. Tower, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month."

ADDITIONAL COSPONSORS OF RESOLUTIONS

At the request of Mr. Tunney, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of Senate Resolution 145, urging the Voice of America to be broadcast in the Yiddish language to the Soviet Union.

At the request of Mr. Case, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of Senate Resolution 214, relative to the submission of any Portuguese base agreement as a treaty.

SENATE CONCURRENT RESOLUTION 57—SUBMISSION OF A CONCURRENT RESOLUTION CALLING FOR A NATIONAL DAY OF PRAYER FOR THE CAUSE OF WORLD PEACE

(Referred to the Committee on the Judiciary.)

NATIONAL DAY OF PRAYER FOR THE CAUSE OF WORLD PEACE

Mr. DOLE. Mr. President, the Bible tells us that "the work of righteousness shall be peace." On February 21 of this year, the President of the United States will begin a journey to do the work of righteousness. He will go to do the work of a people who, however often we may falter and fail in our efforts, still seek to be a righteous people—a people who covet no nation's holdings.

We covet the future, because it belongs to our children and their children and so on. It belongs as well to the children of those who would make themselves our adversaries, and we cannot suppose that the leaders or the laborers of any other nation love their children less than we love our own. This much we share with them, and more. We share the same planet, and the same destiny as inhabitants of this planet. We share the same fate as children of a just God, who must judge us all. We share the same responsibility for our deeds—and we cannot suppose that a just God finds satisfaction in the pain of some of his creatures, and sorrow in the pain of others—so that our deeds must be judged equally with the deeds of those whom we oppose in the world.

In these things that we share, the peoples of the world are united. We see this clearly. It is our hope that the leaders of the other great powers also see it clearly. By what we hold in common, we hope to find a common road to peace. We believe that there is today as great an opportunity as has occurred in this century to find a lasting peace. In this belief and in this hope, President Nixon will go in search of that peace.

And as we all share in the desire for peace as we must all share in the hope that he will succeed. But our hopes alone are not sufficient. We must send our prayers as well.

As a gesture of that shared desire and as a demonstration of our good will, I hereby offer a resolution to read as follows:

Whereas the American people share with all the peoples in the world an earnest desire for peace and the relaxation of tensions among nations; and

Whereas it is the policy of the United States to engage in negotiations rather than confrontations with other nations; and

Whereas on February 21, 1972, the President of the United States will begin a historic visit in the Peoples Republic of China to confer with that nation's leaders with the purpose of seeking more normal relations between the two countries and exchanging views on questions of mutual concern; and

Whereas the people of the United States hold the highest and most fervent hopes for the success of the President's mission; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress

(1) That Monday, February 21, 1972, be commemorated as a day of united support for the President's efforts in pursuit of the relaxation of international tensions and enduring and just peace;

(2) That the leaders of all nations and men of good will throughout the world be urged to devote all possible efforts to promote the cause of peace and international harmony as set forth in the preamble to the Charter of the United Nations;

(3) That the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace; and

(4) That copies of this resolution be sent to the Governors of the several States and be delivered by the appropriate representatives of the United States Government to the Appropriate representatives of every nation of the world.

Mr. President, the quest for peace knows no partisanship, no regionalism—nor does it recognize nationality or ideology. The quest for peace is its own universal cause.

I extend a firm and open invitation to all my colleagues to join in sponsoring this declaration of our Congress and our people's hope and support for the president.

And I would trust that with the cooperation of the Senate leadership, it might secure expedited consideration and speedy approval and serve as a means of saying to the President, as in the scriptures, "Go in Peace."

SENATE CONCURRENT RESOLUTION 58—SUBMISSION OF A CONCURRENT RESOLUTION CALLING FOR THE RECOGNITION OF BANGLADESH

(Referred to the Committee on Foreign Relations.)

RECOGNITION OF BANGLADESH

Mr. HUMPHREY. Mr. President, I am submitting a concurrent resolution today calling for U.S. diplomatic recognition of Bangladesh. As early as December 15 I urged the President to consider extending diplomatic recognition as one step toward ending the crisis. Since that time open hostilities have abated. Accordingly, I urged the President on January 11, at which time other governments had recognized the sovereignty of Bangladesh, to extend recognition to that country and the government of Sheikh Mujibur Rahman.

Today I am offering a resolution which incorporates the points I made in my remarks of December 15 and 21 of January. I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 58

Whereas the territory of East Pakistan was proclaimed the independent country of Bangladesh on April 10, 1971;

Whereas the elected head of the Awami League, Sheikh Mujibur Rahman, returned to Bangladesh on January 10, 1972 and set up a popularly accepted government on January 12, 1972;

Whereas the Rahman government is in full control of a defined territory and population;

Whereas several governments have already extended diplomatic recognition to Bangladesh;

Whereas the Congress has authorized and appropriated relief assistance for refugees from East Pakistan, now known as Bangladesh;

Whereas the United Nations and several voluntary organizations have organized relief assistance to India and the territory of Bangladesh;

Whereas a significant portion of American assistance to India, provided under the Foreign Assistance Act of 1961 as amended, was cut off during the war in South Asia; therefore, let it be

Resolved, That it is the sense of the Congress that the President should extend immediate diplomatic recognition to the country of Bangladesh and the government of Sheikh Mujibur Rahman; be it further

Resolved, That the Congress urge the President to plan immediately to utilize the funds which Congress has authorized and appropriated for relief assistance, for economic and humanitarian assistance programs for East Pakistani refugees, especially those programs run under international auspices; be it further

Resolved, That the Congress urge the President to resume economic assistance to India which was cut off during the war in South Asia; and be it further

Resolved, That the Congress urge the President to make every effort possible to restore good relations between the government of India and the United States.

Mr. HUMPHREY. Mr. President, this resolution calls upon the President to do four things:

First. Extend recognition to the sovereign country of Bangladesh and the government of Sheikh Mujibur Rahman;

Second. Provide economic and humanitarian assistance to Bangladesh from funds already authorized by Congress for this purpose;

Third. Resume fully funded economic assistance programs to India, provided under the Foreign Assistance Act of 1971 and earlier acts; and

Fourth. To take other appropriate steps to improve our relations with India.

I offer this proposal in an effort to repair the damage which has already been wrought in our relations with the Bengali people of Bangladesh and the Government of India.

In past remarks I have cataloged a list of criticisms on our policies and actions in South Asia.

I do not intend to do that today. Stories appear every day pointing up U.S. mismanagement throughout the entire crisis. They indicate the cloistered and superficial way some of our most important foreign policy decisions are made.

My resolution seeks to solidify our relations with the two most largely populated countries of the South Asian subcontinent: Bangladesh and India.

I believe our Government should join other governments who have extended diplomatic recognition to Bangladesh. This step is a symbolic gesture of good will and also an essential measure if we intend to participate in any humanitarian relief assistance in that part of the world. And participate we should. We must have diplomatic relations to carry out aid programs and establish interim contacts with the people of Bangladesh.

Funds have already been authorized and appropriated by Congress for this purpose. The United States and the World Bank are preparing for a full-scale relief effort and other voluntary agencies have been working for a considerable amount of time with the refugee problem. All the President has to do is make these funds available to the organizations which in his estimation are best equipped to handle this major task. I urge him to work as much as possible with the United Nations and its subsidiary organizations. Not only is the U.N. equipped to handle the job, but it needs the support of the United States to demonstrate just how viable and effective an institution it really can be.

I am not suggesting that the United States take on the entire burden of reconstruction and rehabilitation for Bangladesh itself. The Government of Bangladesh does not want to become the breadbasket—as Dr. Kissinger has put it—of the United States any more than the United States wants it to. What I am proposing is that we utilize funds the Congress has already authorized in the most effective manner possible and that we join in aid consortia with other countries assisting Bangladesh in its efforts to get back on its feet.

With respect to India, I have proposed that the United States call off its suspension of $87.6 million of economic assistance for India. Our Government originally suspended these funds which were in the pipeline on December 6. The ostensible reason was that these funds were not covered by irrevocable letters of credit, and therefore, could be suspended for further review. What our Government apparently intended was to rebuke the Government of India for its actions.

The Government of India has acted in a dignified manner and to my knowledge has not formally requested the $87.6 million, which were virtually committed by our Government. It would, therefore, be a gesture of good faith to restore these funds. I would even hope that our Government would contemplate more assistance to India, not for purposes of buying back a broken friendship, but simply for alleviating the tremendous human burden which Indians have been forced to bear due to the massive influx of refugees from East Pakistan.

Finally, I urge the President to make other gestures of good faith. There are subtle ways to do this, such as writing to the Prime Minister in response to her letter, stepping up diplomatic contacts and consultations, and establishing a network of cultural exchanges between our two countries.

I do not think that India is a capricious country. Her historic friendship with the United States cannot be broken easily, but we have tested India's friendship the last few months in a way which we ourselves would find difficult to endure. We should not test India to the breaking point. Unless President Nixon reverses his present course, I fear that is the direction we may be going.

I urge the President and my colleagues who will be voting on this resolution to recognize the importance of the stakes. Bangladesh and India, the entire world, is waiting for our response.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. Hollings, the Senator from New Jersey (Mr. Case) and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of Senate Concurrent Resolution 55 expressing the sense of Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the Government of that country.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 832

At the request of Mr. Kennedy, the Senator from Minnesota (Mr. Humphrey), and the Senator from California (Mr. Tunney) were added as cosponsors of amendment No. 832 proposed to H.R. 12067, the foreign aid appropriation bill, 1972.

NOTICE OF CHANGE OF DATE OF INDIAN HEARINGS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), I ask unanimous consent that a statement concerning a change of date with respect to hearings by the Committee on Interior and Insular Affairs on S. 2724, the Indian comprehensive education bill, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Notice of Change of Date of Indian Hearings

I wish to announce to the Senate and the public that because of the Lincoln Day recess it has been necessary to make a second change in the scheduling of the hearings set by the Committee on Interior and Insular Affairs on S. 2724, the Indian Comprehensive Education bill. The hearings now set for February 9 and 10 will instead be held on March 6 and 7. At that time we will receive testimony from Indian and nongovernment witnesses. Testimony from the Departments of the Interior and Health, Education, and Welfare and from national education organizations will still be received on March 1 as originally planned.

The hearings on all three days will begin at 10 a.m. in room 3110, New Senate Office Building.

ADDITIONAL STATEMENTS

IN DEFENSE OF AMERICA

Mr. GOLDWATER. Mr. President, we so often hear bitter, unjust criticism of the United States and its policies from the officials of foreign government that we sometimes are inclined to forget that this country has many good and loyal friends overseas. In this connection, I recently ran into a newspaper article from Bonn, Germany, written by Mr. Peter Petersen, a member of the West German Parliament representing Wuttemberg-Baden. The article is unusual because of its clarity, its truth and its acknowledged prejudice on behalf of the United States.

Mr. Petersen makes no bones about his reasons. He cited the first one as follows:

> America saved my people from starvation not so very long ago. No German called that U.S. imperialism. Thousands of American soldiers—225,000 to be exact—are stationed in my country and because of this commitment and their loaded guns we are still a free people.
>
> Where I come from, we still know what freedom means—because 17 million of us are locked up behind barbed wire, walls and mine fields, behind what amounts to the ugliest and most inhuman border in the world. Some 400 of my people have been shot and killed because they wanted to go from one part of our country to another. The American commitment to freedom and the price Americans are paying for that every day saves us from the fate of our neighbors, the Czechs who are the victims of imperialism.
>
> Yes, I am prejudiced, and I don't apologize for the fact that I love America.

Mr. Petersen says he holds to that prejudice even though a recent trip to this country caused him considerable worry and concern. He mentioned encountering personally people who were having trouble with unemployment and crime and other problems.

He says, by way of comparison:

> When I was in this country 20 years ago the people in whose homes I stayed never locked their doors. This time I was warned not to walk back to my hotel after a concert.

Mr. Petersen was especialy disturbed over American students who in all sincerity talk about U.S. imperialism. He says they don't realize that the problem in the world today is exactly the other way around. He explained:

> We have a crisis in the free world because Americans appear to us to shrink back from the responsibility that goes with being the strongest power in the world. It is clear to us that the Soviet don't have such qualms—and that is why they fill every vacuum America and its allies are leaving.

Mr. President, because this article is such an unusual and welcomed expression of gratitude and such an incisive appraisal of how we look today to our foreign friends, I ask unanimous consent that Mr. Petersen's article, entitled, "The American Dream" be printed in its entirety in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The American Dream

(By Peter Petersen)

Bonn.—I am prejudiced when writing about America.

America saved my people from starvation not so very long ago. No German called that U.S. imperialism. Thousands of American soldiers—225,000, to be exact—are stationed in my country and because of this commitment and their loaded guns, we are still a free people.

Where I come from, we still know what freedom means—because seventeen million of us are locked up behind barbed wire, walls and mine fields—behind what amount to the ugliest and most inhuman border of the world. Some four hundred of my people have been shot and killed because they wanted to go from one part of our country to another.

The American commitment to freedom and the price Americans are paying for that every day saves us from the fate of our neighbors the Czechs who are the victims of imperialism.

Yes—I am prejudiced, and I don't apologize for the fact that I love America.

Yet, I am worried. Recently I talked to officers and soldiers on a big Air Force base in the deep South. I moved around in the most confusing of all American cities, Los Angeles. I had dinner with the president of a big corporation who laid off 80,000 people, and I spent an evening in the home of an old friend who is unemployed now. His two boys are at a university. He makes ends meet by fixing things up in neighboring homes (he is an engineer) and his wife got a job in a shop selling antiques the Americans like so much.

This friend considers himself lucky. A man driving my taxi was not so lucky—seventy dollars a week unemployment compensation. His savings are gone, and he is now cheating by driving a taxi for a few hours every day.

And then I looked at the headlines of the papers—there was a pitched battle in a jail somewhere—another city reports on the dope problem, and in many cities, parents protest busing their children from their neighborhood school to another part of the city to get integrated. No one has been able to explain to me yet this busing scheme.

When I was in this country twenty years ago, the people in whose homes I stayed never locked their doors. This time I was warned not to walk back to the hotel after a concert.

Americans are not very articulate—even though they might talk a great deal. So they leave the forming of their image as a nation to Madison Avenue and to Hollywood. Americans are probably the world's greatest salesmen of material goods, but they are very inept in selling ideas.

Of course, these ideas are all there—in the history of America there are the forces that made America a great country and inspired a dream to peoples all around the world.

There was a time twenty years ago when Americans often got on our nerves because they were so sure of themselves. Now we get nervous because Americans seem to be losing faith in their own destiny, and so a student—what Americans would call a "nice kid"—would in all sincerity talk about U.S. imperialism. That boy—a student in a seminar on current history—and many of his friends don't realize that the problem is exactly the other way around. We have a crisis in the Free World because Americans appear to us to shrink back from the responsibility that goes with being the strongest power in the world. It is clear to us that the Soviets don't have such qualms—and that is why they fill every vacuum America and its allies are leaving. Vietnam, I should think, proves my point. A truly imperialistic power as this "nice kid" believes America to be would have carefully calculated the risk and the price, and then if the price seemed right and the aim worthwhile, it would have gone in with no holds barred.

I know from many conversations in Communist countries that the people there understand that basically freedom is indivisible, and they dream the American dream—not of Coca Cola or two cars in every garage but of freedom as conceived in this country in 1776. Because it is not "American" freedom in a national sense, it is the basis of human dignity everywhere.

When I mingled in the crowd in the airport in San Francisco, I wished I had a way to shake these people to remind them of what they are and to convince them of what we expect from them. Not because they are better or more intelligent perhaps than the people who would crowd the airport in Düsseldorf or Berlin, but because they have in their own heritage the hope of the world. I believe it is the only hope we have—because if America fails, the world fails, and I hope I will not again meet an American who apologizes for the fact that he is American.

TECHNOLOGY ASSESSMENT, A MUST FOR TODAY AND THE FUTURE

Mr. JORDAN of North Carolina. Mr. President, the critical challenges facing America—and indeed all civilization—come not only from our scientific and technological advancements, but from the rapid pace of change we are experiencing. We are unable to respond as quickly and sufficiently as we should to meet the emerging and complex problems threatening the entire earth—the poisoning of our air, land, and water; rapid consumption of our precious—and limited—natural resources; unbridled destruction of our natural environment; wholesale extinction of many forms of animal and plant life; deterioration of our cities and landscapes, erosion of our beaches, the elimination of our wildlife areas; and a general worsening of our human surroundings.

For my part, I do not believe we can accept the dangerous side effects of a "runaway technology" as the price of progress. The costs of pollution and destruction of our natural environment are too high for any of us. If we pay them, we will damage the present and we will lose the future.

The critical and overwhelming paradox between scientific progress and ecological destruction which confronts us today urgently concerns me.

The labor and tools of our scientific and technical communities have helped establish our strong national defense and security system, which in turn has permitted within our Nation, a creative atmosphere for research, development, and innovation. Our progress has allowed us to take a small look into some of the secrets of the universe. As a result we may soon be able to conquer the scourges of disease, poverty, and misfortune that have stalked man since his origins.

We can—and should—take justifiable pride in the remarkable scientific and governmental programs which have yielded the fruits of health and security to vast numbers of our citizens. Our pride in these accomplishments, however, must be tempered by the humility that comes with recognition of the problems that remain in front of us. Through sad experience, we are learning that scientific, technical, and industrial solutions have often resulted in conditions which are worse than the original problems we set out to solve. In short, we are rapidly becoming the victims—not the beneficiaries—of a "runaway technology."

While some of my efforts in this regard have become law, including the National Water Quality Improvement Act of 1970, the Clean Air Amendments of 1970, and the Resource Recovery Act of 1970, I am nonetheless deeply aware that we in Congress have much more to do in order to meet the total array of problems affecting our well-being.

Who makes the vital decisions that affect our lives and universe? As C. P. Snow states in his book "Science and Government":

> One of the most bizarre features of any advanced industrial society in our time is that cardinal choices have to be made by a handful of men who cannot have a first-hand knowledge of what those choices depend upon or what their results may be.

We in the Senate must be counted among that "handful of men."

In this regard, our current decision-making processes must be augmented by the creation of a specialized information center that will provide analytical and other information services concerning scientific, technical, economic, and social questions awaiting our attention.

On July 19, 1971, I, therefore, introduced S. 2302, which would establish an Office of Technology Assessment for the Congress. Such an office would assist us in identifying and considering the probable impacts on all of society of those technological applications involved in legislation we are called upon to consider, and answer the "what if" questions that always haunt us.

An Office of Technology Assessment would reduce the dependency of the Congress on the executive bureaucracy and other groups, many of whom have special, vested interest either for or against certain legislation. We need objective, unbiased information on the many complex issues facing us. We desperately require sound alternatives and options, carefully arrived at, which we can consider when legislation is before us. In this regard, we cannot, as legislators, be fully expected to deal specifically, and in detail, with the many complexities posed by rapid technical and scientific progress, unless we first have all the necessary information upon which sound judgments must be made.

We in the Congress have excellent resources at our disposal in the Library of Congress and its Congressional Research Service. We have dedicated, skilled and loyal staffs both in our own offices and attached to those committees on which we serve. However, the sheer magnitude, complexity, and scope of the problems confronting us call for an extremely high volume of sophisticated data to be analyzed and evaluated if we are to make sound and long-range decisions concerning the course of public programs and policies.

Consider the intense debate and controversy surrounding the proposal to develop the super sonic transport—the SST. The Senate required analytical and objective data in order to fully understand and assess the potential impacts of the SST on our environment, our communities, our long-range transportation needs, and our economy. The White House and the Department of Transportation shared some of their research and information with us, but only that which in general favored the SST. I am certain that a great deal of information and interpretative analysis concerning the SST originated from groups and organizations which were not able to share with us the findings of their research and analysis.

We are all aware that the legislative Branch of our Government is not receiving adequate, objective, and timely information concerning the impact of scientific and technological proposals that we are constantly called upon to consider. It is my hope that we will not have to continue to pay the price of this inadequate information flow. Let us heed the warnings already present in our polluted atmosphere and endangered rivers and oceans. Let us act now to halt the depletion of our natural resources and and the degradation of the quality of our environment.

A beginning can be made. Senate bill 2302 calls for the Congress to "equip itself with new and effective means" for securing competent, unbiased information concerning the physical, economic, social, and political effects of the applications of technology.

This bill does not call for the creation of another bureaucracy, but for establishment of a desperately needed system for providing timely information and sound alternatives concerning pending legislation for the Congress. I emphasize the term "alternatives."

How often have we been faced with rendering legislative judgments on proposals for which we require alternative considerations, but have had none to consider?

The Office of Technology Assessment that would be created by this bill would provide all of us with the vitally needed assistance and services necessary to assess the short- and long-range effects of the many complex and technical proposals being brought to our attention.

The time is long past when the Senate can afford to forego modern techniques in the areas of information and policy analysis. The tools and talents we urgently require are within our reach. The executive branch and many organizations from the private sector have developed highly sophisticated resources and procedures for acquiring, analyzing, and assessing data. We in Congress should do no less, because the quality—and even survival—of life itself rests in the balance. If we are to be that "handful of men" to make the vital decisions, we must take advantage of the best information available. The establishment of the Office of Technology Assessment would be a most significant step toward providing Congress with this vital information.

DOCK STRIKE

Mr. SCOTT. Mr. President, on January 28, 1972, the Nashville, Tenn., Banner devoted much of its editorial page to the crippling west coast dock strike. President Nixon's reference to the strike in his state of the Union is carried on this page. You will remember he said:

> The Nation is faced with yet another transportation strike which is intolerable . . . and I am determined that we end it at once.

Mr. President, the President needs the help of the Congress. We all know the problem is a severe one and that it should not be swept under a rug. It must be faced. I ask unanimous consent that the lead editorial, "Congress Must Act on Dock Strike" and two adjacent columns, "Nixon Firm" and "Labor Will Fight" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CONGRESS MUST ACT ON DOCK STRIKE

The dock dispute on the West Coast has been festering for more than a year. A serious economic blow—estimated at $2 billion in losses—has been dealt to the United States by the work stoppage. President Nixon has asked Congress to act quickly on stopgap legislation that would allow federal mediators to step in and dictate a settlement.

To bring an end to this crippling strike, Congress should give swift passage to the measure.

But Congress still is giving President Nixon only half a loaf.

In February of 1970, the President submitted new, comprehensive legislation that would provide the government with broad authority to deal with crippling transportation strikes before they occur, rather than afterwards. That bill has gathered dust in Congressional committees, in spite of the repeated warnings by the administration of the measure's urgency.

On July 1, 1971, the longshoremen went out on strike. This halted all shipping on the West Coast and triggered economic crises in industry after industry, all of them innocent bystanders.

The strike brought a significant drop in exports, threatened a permanent loss of foreign markets, torpedoed our balance of trade and accounted for a decrease in farm prices. With the West Coast docks paralyzed, wheat and corn overflowed grain elevators and backed up on barges on the Mississippi River.

The strike is costing the 24 West Coast ports an estimated $24 million daily in cargo.

The longshoremen struck for 100 days last year while collective bargaining foundered.

During that time, American farmers lost face with one of their most attractive foreign markets, Japan, which buys more than $1 billion in agricultural imports. President Nixon has warned that Japan is concerned over the constant danger of a dock strike and is trimming its dependence on American exports.

When the dock strike began again nine days ago, Japan confirmed their economic withdrawal by ordering 8.7 million bushels of wheat from Canada and Australia and only 1.6 million bushels from the United States.

The stubborn attitude of longshoremen leaders is noted elsewhere on this page today. Their refusal to settle the strike requires emergency action by the Congress.

The nation needs this legislation; moreover, it needs the comprehensive tools to deal with national emergency strikes in advance. President Nixon has given Congress a way to deal with this problem. The time has come for Congress to quit sitting on its hands.

NIXON FIRM

(By Alice Widener)

NEW YORK CITY.—President Nixon is entirely right in asking Congress for special legislation to halt the "intolerable" West Coast dock strike. It is intolerable. It cost thousands of people their jobs. It has cost companies millions upon millions of dollars. It has halted American exports abroad and barred much-needed imports from abroad.

The West Coast dock strike epitomizes the truth of what a top economic adviser to the West European Common Market told me last year:

"You Americans pride yourselves on championing democracy, but you tolerate in your country the most powerful dictatorship in the world, the dictatorship of the Big Labor union bosses. Their rule is more absolute than that of any absolute monarch in long past history and that of any Communist or Fascist ruler in recent history."

For much too long, radical Leftist, pro-Communist Harry Renton Bridges—whom Damon Stetson of the New York Times recently described as a "lean, hawk-faced Australian-born agitator who plunged San Francisco into an agonizing general strike in 1934"—has ruled West Coast docks with a relentless anti-capitalist hand.

Over the years there has been many Congressional investigations of Harry Bridges' radical Leftist political connections. It is now alleged that he no longer is a fiery revolutionary. Perhaps he isn't. But he certainly is as destructively despotic as if he still were. It is said now that "rebellious, militant ideologues" in his own union are threatening Mr. Bridges' leadership. This may be true. But who put these militants hating American free enterprise and seeking to destroy it into their high posts within the International Longshoremen's and Warehousemen's Union? Bridges did.

It happens that my daughter is employed in a Los Angeles firm that has been forced to discharge hundreds of employes because of the dock strike. The company has lost millions of dollars due to the strike. The company's stock has declined in value as a result of several hundred thousand investors and pensioners have been very adversely affected. How can President Nixon help to increase employment and better economic conditions if he is balked in both attempts by militant Leftists eager to "bring down the system" regardless of how many people get hurt?

In the 1940's, our government tried to deport Harry Bridges from our country as a Communist. As in so many similar cases, unfortunately, Bridges won and our government lost, leaving Bridges free to enjoy all the American liberties he held in utter contempt.

Though Communists pretend to be friends of labor while seeking to gain absolute power they immediately rob labor of all power, including the right to strike, as soon as they control a government. There is no right to strike in the Soviet Union, Red China or any other Socialist country.

Recently big labor boss George Meany suddenly revealed his true concept of himself as a man so big he could be rude, crude and boorish to an invited guest, the President of the United States. An indignant public cut Meany down to size and he is through as a figure of any significant influence in American affairs be they Democratic or Republican.

Now Harry Bridges and his fellow militant ideologues are defiantly trying to halt our economic recovery and need to be cut down to size. They too have revealed themselves for what they really are and public opinion will no longer tolerate their destructive "shut it all down" wrecking operation.

Americans everywhere ought to write or wire their representatives in Congress to blast Bridges & Company.

LABOR WILL FIGHT

(By Victor Riesel)

WASHINGTON.—Two hours before President Nixon drove up the Hill with his State of the Union message, he swiftly scrawled some words into the script—words which will become one of the truly eruptive issues of this Presidential campaign.

"The nation cannot and will not tolerate that kind of irresponsible labor tieup in the future," he wrote, referring to Harry Bridges' harassing West Coast longshore waterfront paralysis.

The next day, after applying hydraulic personal pressure on Secretary of Labor Hodgson, to whip up a written remedy in 24 rather than 72 hours, Mr. Nixon demanded Congressional power to force a settlement.

And AFL-CIO President George Meany, now back on virtually full cigar- and Nixon-chewing schedule in his eighth-floor office, decided the labor movement would become the immovable object in the way of what traditionally has been Presidential irresistible force.

"We will fight it all the way," said one of Meany's colleagues—a fully authorized source—referring to Mr. Nixon's ultra-emergency demand for Congress to empower him to ask Labor Secretary Hodgson to appoint a three-man arbitration board to dictate a settlement.

"We will not buy compulsory arbitration against anyone, any place for any reason. The fact that it is aimed at Harry Bridges makes no difference. It is consistent with the policy the federal (AFL-CIO) always has taken. And we're also opposed to his other proposed legislation for the long haul."

This was a jab at what President Nixon now has begun calling the Crippling Strikes Prevention Act, on which he said Congress has been dragging its feet for two years.

And for full measure, the labor federation will oppose confirmation of Judge George (Gid) Boldt as Pay Board chairman. So phase two of the Battle of Bal Harbour continues. Once more Meany, now well rested, and Mr. Nixon will go eyeball to eyeball.

Meany's war cry is they shall not pass—neither the one-shot legislation aimed at the West Coast longshoremen nor the broader bill which would affect all transport by subjecting transportation strikes to final and binding arbitration. Meany always counts the votes before he moves and presumably he believes he has the votes in the Congress and on its key labor committees to checkmate the President.

This confrontation could determine how many votes Mr. Nixon or Meany's candidate gets in November—which is the final and binding count for the career of each of these powerful men.

There's some obvious political skimming here for the President. Again it is he against the cigar-chomping curmudgeon and the labor troops. It is he—Mr. Nixon—who is championing the farmers whose grain has wasted and rotted in fields, small town streets and over-spilled silos. And he can show that he has gone all the way including talking to the 70-year-old Bridges face to face.

It was Bridges who said, a few minutes after the President demanded compulsory arbitration legislation, "Any legislation proposed by the President will not settle the strike." Meaning, of course, that Harry, a little more polished than in the old bloody Embarcadero general strike days, was telling the Congress and the President where to go.

But the President is uptight on this one for other than political reasons. As one of his intimates said the other day when asked why the President had scrawled the anti-strike words into the State of the Union speech—which was extraordinarily unusual:

"Well, every time it looked like we might have a settlement—which Bridges once said

> we'd have in a week—it would blow. This could have serious long-range effects not only on the economy in California but across the nation. We were just showing recovery from aerospace layoffs. This is a critical moment. Unemployment there is over 6 percent. Everybody is getting hurt."

THE GENOCIDE CONVENTION AND THE INDIVIDUAL

Mr. PROXMIRE. Mr. President, some people oppose American ratification of the Genocide Convention because they believe that the Convention's definition of the word "genocide" dangerously distorts the true meaning of the term. They maintain that article II of the treaty would require each signatory to prosecute any person demonstrating the intent to destroy or harm a single member of a specified ethnic, racial, or religious group. This mandate they consider too broad.

However, this concern is unwarranted. First, article II of the treaty rather explicitly states that only the intent to destroy the "whole" or part of such groups would require Government action. In 1950 Deputy Under Secretary of State Dean Rusk drew the distinction between crimes of genocide and homicide by noting that the former designated the intent for large-scale violence against members of a specific group while actions against one or two members of a racial or ethnic group would fall in the latter category.

Furthermore, ratification of the Genocide Convention would not increase the number of prosecutions for violence against individuals because the U.S. legal system already considers such violent actions to be criminal offenses. Violence and persecution in any form has long been abhorrent to those upholding the principles of freedom and democracy for all men. Ratification of this document would merely reaffirm our commitment to those principles. After more than 20 years of debate such a reaffirmation is more important that ever.

Finally, the Convention allows for each nation in agreement to devise implementing legislation consistent with the constitutions of those nations. This provision would allow the United States to make a stand of moral opposition to genocide while maintaining criminal statutes against homicide and discrimination.

Mr. President, I ask the Senate to ratify the Genocide Convention as quickly as possible, and make clear America's position against mass violence.

UNIVERSITY OF CHICAGO LAW PROFESSOR OPPOSES EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, one of the Nation's most outstanding law professors, Philip B. Kurland, professor of law at the University of Chicago Law School and editor of the Supreme Court Review testified last year before the House Judiciary Committee in opposition to the equal rights for women amendment.

In his statement, Professor Kurland maintains that adequate authority now exists for the legislatures of the States and Congress to pass legislation "that is directed to specific evils and effective administration of that legislation will be far more effective in accomplishing the purpose of eliminating invidious discrimination." I agree with Professor Kurland and I think that the advocates of the equal rights amendment could make much better use of their time in bringing forth specific proposals before Congress and the State legislatures that would be designed to correct specific areas of discrimination against them.

Professor Kurland finds a great deal wrong with the fact that the equal rights amendment could be interpreted to abolish all legal differences in the treatment of men and women. Professor Kurland called this "a demand for unisex by constitutional mandate." And, with simple clarity, Professor Kurland explains what is wrong with the unisex amendment. He said:

> There are physiological and biological differences between men and women that are not subject to eradication even by constitutional amendment.

Professor Kurland discusses in detail one very practical problem which could be caused by the passage of the equal rights amendment. I sincerely hope that each Senator, before voting on the equal rights amendment, will think about this problem. Professor Kurland has this to say:

> Times have changed in such a way that it may well be possible for the generation of women now coming to maturity to surrender all special legal protection and privileges. A great majority of them have had all the opportunities for education and training afforded to their male peers, with an expectation of full opportunities to put that education and training to the same use as their male peers. They may well be able to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains, however, a very large part of the female population on whom the imposition of such a constitutional standard could be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keeper of their homes. There are a multitude of women who still find fulfillment in this role. This may be unfortunate in the eyes of some; it remains a fact. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for this change. Certainly the desire to open opportunities to some of them can be achieved without the price of removal of the protection of others.

Mr. President, I ask unanimous consent that Professor Kurland's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PHILIP B. KURLAND, PROFESSOR OF LAW, THE UNIVERSITY OF CHICAGO

I am grateful to the committee for its invitation to express my views on the subject of a proposed constitutional amendment to provide "equal rights for women." I am not sure that I have any contribution to make to a subject that has received such extensive attention by the Congress over a period of almost 50 years now.

Indeed, I have but two points to make to this committee on the subject. First, I do not believe that a constitutional amendment is either necessary or appropriate to alleviate the very real discriminations suffered today by women in American society. I say this for two reasons. The discriminations from which women suffer in our society are essentially not those imposed by laws of either national or local governments. I submit, too, that legislation, for which Congress and the States already have ample authority, that is directed to specific evils and effective administration of that legislation will be far more effective in acomplishing the purpose of eliminating invidious discrimination.

My second proposition is that if such an amendment is to be proposed by Congress, its aims and purposes ought to be clearly delineated, either in the language of the amendment or by the reports of the committees recommending the amendment to the respective houses of Congress. Congress should particularly indicate whether it is fostering a "unisex" approach or one that bars only invidious discrimination against women. They are not the same, however much some of the sponsors of the proposed amendments would like them appear to be the same.

At the risk of trying to teach my grandmother to suck eggs, I should like to begin by referring to the tortured history of the proposed amendment.

I. SOME LEGISLATIVE HISTORY

Last year, some 47 years after it was first proposed in Congress, a joint resolution to initiate an equal rights amendment was sprung from the grasp of this committee, rushed through the House after a debate of less than 1 hour, and failed of endorsement in the Senate by a whisker. The 1923 version was put simply and ambiguously: "Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have power to enforce this article by appropriate legislation." Obviously, the language so chosen was rife with problems of appropriate construction. The 1970 language, in a form that has essentially been used for the last 15 years or so, and repeated in the proposed resolutions under consideration here today, afforded different, but no less challenging, ambiguities. It reads:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

The proposal for an equal rights amendment obviously had not lain dormant between 1923 and 1970. After the initial impetus provided by the suffragettes, it emerged again in the period following the Second World War, during which much of what had therefore been considered men's work was ably performed by women. Indeed, in the years 1942, 1944, 1946, 1948, 1950, 1952, 1953, 1956, and 1962, the Senate Committee on the Judiciary had reported favorably on essentially the same proposal as that under consideration in 1970. And, in 1950 and 1953, the Senate had approved those resolutions with the votes of 63 to 19 and 73 to 11, respectively. There was, therefore some irony in the fact that the proposal that had in the past succeeded in the Senate but languished in the House of Representatives should, in 1970, have met its doom in "the other body" after passage in the House of Representatives.

There is an explanation for this. The Senate had not in fact changed its position in the interim. The two successful Senate forays, in 1950 and 1953, had been accomplished only after the proposal had been amended by Senator Hayden's language, which appended the following: "The provisions of this article shall not be construed to impair any rights, benefits or exemptions conferred by law upon persons of the female sex." Had the proponents of the 1970 proposal taken cognizance of this history and accepted the conditions of the Hayden qualifications, I venture that the proposal would have again readily secured Senate acquiescence. The refusal by some protagonists to accept the qualification was probably not, however, inadvertent; it was calculated. It represented a deliberate choice between two different objectives, either but not both of which the proposed amendment might fully serve.

II. CONSTRUCTION AND RECONSTRUCTION

Mr. Justice Frankfurter once told us: "Legislation has an aim; it seeks to obviate some mischief, to supply an inadequacy, to effectuate a change of policy, to formulate a plan of government. That aim, that policy is not drawn, like nitrogen, out of the air; it is evinced in the language of the statute, as read in the light of other external manifestations of purpose. That is what the judge must seek and effectuate, and he ought not to be led off the trail by tests that have overtones of subjective design." If it is the duty of the judiciary to effectuate the aim of legislation, it is no less the duty of the legislation, to the best of its capacity, to make clear what its aims are. It ought to say what mischief it wishes to obviate, what inadequacy it wants to supply, what change of policy it desires to effectuate, or what the plan of government is that it is seeking to formulate. If it is an act of usurpation for the judiciary to read legislation to effect its own aims and purposes, it is an act of abdication for the legislature to fail to state its purposes and aims in framing the legislative act that it promulgates.

The prime difficulty with the proposed 1970 equal rights amendment was that the National Legislature came close to approval of constitutional legislation without defining—without knowing?—its aims and purposes. This is not a lawyer's cavil. It was a defect so patent that newspaper editorial writers could see it. Thus, the New York Times wrote:

"Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in politcal opportunism. For 47 years that body regularly rejected out of hand all proposals for a women's rights amendment to the Constitution. Now it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity."

The Times itself was guilty of compounding the confusion, for it fell into the trap of thinking that equal rights and women's rights are necessarily descriptive of the same legislative objectives. It is of the essence of the problem that frequently they are not. And so there is merit in its desire for elimination of almost mischievous ambiguity, just as there is merit in the editorial proposal of the Wall Street Journal: "Well, we're all for the ladies, but even so, before we write some new words into the Constitution it would be nice to know what they really do mean."

A. A basic conflict of purpose

The primary problem of construction offered by the proposed equal rights amendment derives from the fact that the movement for women's rights is Janus-faced. The proposed amendment presented one aspect, while much of its support was voiced in terms of its other visage. The first would command the treatment of men and women as if there were no differences between them, even at the price of removing protections and benefits that have otherwise been afforded to females. It was a demand for unisex by constitutional mandate. And much of the benefit of such a proposal, to the extent it was possible to effectuate it, would inure to males rather than females, since equality may be attained by applying to all the rules that had theretofore been applied only to females, such as a lower age of emancipation, no legal obligation of family support, exemption from military service.

The second attitude sought only the elimination of discrimination against women, a ban on treating females as a disabled class. Legislation purporting to afford—and in fact affording—privileges to women that were not also available to men would not run afoul such constitutional provision. The difference is essentially the difference between the amendment without the qualifying Hayden language, and with it. And herein lies the conflict among those who would support some constitutional amendment to abate the legal incapacities of women, certainly a sufficient majority of both the House and the Senate to promulgate a proposed amendment if they could but agree on its purpose and function.

There are some basic difficulties with the unisex approach, not the least of which is that there are physiological and biological differences between men and women that are not subject to eradication even by constitutional amendment. Practically, of course, this may present no difficulties for the very reason that nature cannot be subjected to human laws while humans must bow to the laws of nature. The essential claim for such a declaration of equality of the sexes is its symbolic value. The temper of our times demands instant and simplistic answers to complex problems. And it is this temper that assumes that the cure for such problems lies in the incantation of the word "equality" by our highest governmental means, the Constitution, or by the voice of the Constitution, the Supreme Court of the United States. Without denying the importance of symbols, it is necessary to recognize that when they are only the creatures of the Constitution, thus far at least, their effect has been less than pervasive.

A second difficulty with a constitutional mandate of instant equality of the sexes is that proferred by history. Times have changed in such a way that it may well be possible for the generation of women now coming to maturity to surrender all special legal protection and privileges. A great majority of them have had all the opportunities for education and training afforded to their male peers, with an expectation of full opportunities to put that education and training to the same use as their male peers. They may well be able to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains, however, a very large part of the female population on whom the imposition of such a constitutional standard could be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keeper of their homes. There are a multitude of women who still find fulfillment in this role. This may be unfortunate in the eyes of some; it remains a fact. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for this change. Certainly the desire to open opportunities to some of them can be achieved without the price of removal of the protection of others.

On the other hand there are also difficulties in an amendment that does not ban all legislative distinctions in treatment of men and women, that would leave unchallenged those laws that purported to confer, in Senator Hayden's language, "rights, benefits or exemptions * * * upon persons of the female sex." The question when a statute confers a benefit rather than imposing a disability is often difficult of answer. The most cited example of the problem are those laws that provide for minimum wages, maximum hours, limitations on night work, and requirements of sanitary conditions for women workers. Certainly since Louis D. Brandeis fought for the validity of such legislation, it has been assumed by right-thinking people that the legislation was for the benefit of women.

Classical economists, on the other hand, are clear that such laws put women at a competitive disadvantage in the employment market. A Department of Labor study, however, purported to show that there was no difference in women's employment between those States that have laws providing minimum wages or banning night work and those that didn't and only a very small difference between the States that banned women's overtime work and those that did not. This sort of question, whether the legislation affords privilege or imposes disability, however, may be one appropriate or judicial resolution on a case by case basis, with the results dependent on the facts adduced and the values assigned to them.

B. The problem of equality

If an amendment were passed that in effect prohibited all legislative classification in terms of sex, the results might not be desirable but the problems of construction would be minimal. The judicial answers could be mechanical and, therefore easy. The difficulty is that not even the sponsors of such a unisex amendment have made the claim for rigid classification. Apparently embarrassed by the prospect of the abolition of such existent requirements as separate toilet facilities for men and women or the availability of maternity leaves, proponents of the equal rights amendment asserted that certain distinctions could continue to be maintained, so long as the principle of equality is assured. The concept of equality is not, however, one that is easily defined or confined.

The phrase "equal rights" might be repeated an infinite number of times without providing additional guidance to the speaker or listener. Mr. Justice Cardozo noted some time ago that "a great principle of constitutional law is not susceptible of comprehensive statement in an adjective." And it was almost a century ago that Sir James Fitzjames Stephen asserted that "equality is a word so wide and vague as to be by itself almost unmeaning." Nothing that has happened in the intervening years has done anything to make it more specific.

There are suggestions in some of Mr. Justice Frankfurter's opinions to mark the perimeter of a constitutional notion of equality that have an appeal, if only to a small audience. In *Whitney* v. *Tax Commission,* he pointed out that: "The equal protection clause was not designed to compel uniformity in the face of difference." And, in the same term of Court, he announced in *Tigner* v. *Texas.* "The Constitution does not require things which are different in fact or opinion to be treated by the law as though they were the same." It was also his view that "there is no greater inequality than the equal treatment of unequals." Applying these notions in the context of the equal rights amendment, one might work out some generalizations. Governmental distinction between males and females would have to be justified in fact before it could pass muster under the proposed amendment. If the distinction were based on reason, then the legislation should be presumptively valid. The mere fact that there are two sexes should not be reason in itself for distinguishing between them in legislation. On the other hand, the mere fact that a distinction was drawn between them ought not to suffice to invalidate the law. I should think that appropriate data of sociological conditions, especially those deriving from a history of different treatment of the sexes, might warrant the continuance of certain benefits and protections. This should certainly be true of laws relating to domestic relations where marriage contracts were made under laws that created certain expectations or obligations of one spouse to the other, including the male's obligation to support not only his wife but his children as well.

C. The Equal Protection Clause

Such a construction necessarily raises the question whether the equal protection clause of the 14th amendment does not already afford all that the proposal equal rights amendment would offer. The difficulty is that the other informed answer must be that it probably does, but we have no definitive construction by the Supreme Court to give us adequate assurance. Certainly there are cases in the past that raise some doubts that this notion of nondiscrimination on the ground of sex has yet been constitutionally established. Certainly *Breedlove* v. *Suttles, Goessart v. Cleary*, and *Holt* v. *Florida*, to the extent that they are still viable precedents, do not make it clear that classification by sex is yet regarded, under the 14th amendment, as a "suspect classification" like those of race or religion.

On the other hand, there can be little doubt that the 14th amendment together with the Commerce clause give more than adequate authority to the national legislature to ban discrimination on the basis of sex. And the 1964 Civil Rights Act affords ample evidence that the power can be utilized where the legislature finds that such invidious discrimination needs extirpation.

The scope of the 14th amendment as a direct restraint on Government action still reveals some ambiguities, however, that would also trouble the proposed equal rights amendment. To what extent is the constitutional ban to be read as one against State action only? When is individual action to be treated as State action? And to what degree does the constitutional ban on discrimination authorize legislation providing for "reverse discrimination" or "benign quotas?" If a new amendment does not—and it is not likley that it will—reveal the answers to these questions in its language, it would be helpful to its proper construction to know from the legislative history what Congress thought to be the proper answer to these questions. As of now, the entire legislative history—from 1923 to 1970—is less than enlightening on these subjects.

I tend to believe that an equal rights amendment would be more important for its enabling clause than for its direct substantive effect, especially if the "unisex" construction were not adopted. And such an enabling clause would certainly add little to what is already provided by the 14th amendment and the Commerce clause. Today, the area of governmentally compelled or sanctioned discrimination against women is very limited and is growing smaller all the time. It should be noted, for example, that some of the primary planks of the "women's liberation" platform, such as the right to abortion, or to "child care centers," would be totally unaffected by the proposed amendment even in its "unisex" version.

III. CONCLUSION

I come back to the point at which I started. I don't think that the controversy over the proposed amendment goes to the question whether invidious discrimination against women should be eliminated, but rather to the question of the appropriate means for accomplishing that objective. If the answer is to be by amendment, which I regard as unnecessary because the legislative power that it would confer already exists, the amendment should be something more than a license to the judiciary to create that kind of amendment that Congress was itself unable to frame. Congress should, at least, choose between a proposal that would purport to say that there are no differences between men and women that are cognizable by law and its alternative that would seek to protect women against discrimination.

THE SPACE SHUTTLE

Mr. BEALL. Mr. President, President Nixon has recently committed this Nation to a new goal in the continuing challenge of space exploration. I refer, of course, to the decision to develop the space shuttle as an economic means of increasing the potential use of space. I have no doubt that this decision will certainly rank with another Presidential decision of 11 years ago that committed our scientific and industrial resources to a manned lunar landing, and I applaud the President's foresight and initiative.

The space shuttle, as the name implies, will permit us to go into space frequently and relatively easily. Dale D. Myers, Associate Administrator of the National Aeronautics and Space Administration estimates that the shuttle cost will be about a quarter of that for the Apollo program. Additionally, Mr. Myers points out that the technology required for the shuttle for the most part is already present. Thus, Apollo and the shuttle compliment each other, the latter building upon the technical accomplishments of the former to increase many times the benefits available from space.

The space shuttle will allow us to explore the mysteries of space at a fraction of the present cost. Because it is reusable, the shuttle will reduce the cost of payloads going into space to less than $100, as compared to $15,000 per pound for small payloads to $1,000 per pound for large payloads currently. It will also reduce costs in another way. Since it can place satellites and other payloads into orbit, this Nation's number of conventional launch vehicles can be drastically reduced. We are learning to use satellites in global monitoring and management of natural resources, as well as agricultural applications and pollution control. Soon these versatile tools will guide aircraft and bring televised education to remote areas of the world. But these possibilities and others like them with direct bearing on human betterment cannot be fully realized so long as every orbited satellite is the result of massive effort and tremendous cost. Space shuttle will solve these problems. Clearly, it is a wise investment in the future.

Our expenditures in space are significant, but yet in 1972 this Nation will spend only 1.4 percent of its total budget on space, including the development of the space shuttle. This, I believe is a small price to pay for the invaluable return we receive in knowledge. Space, like any frontier is initially costly to explore. But this exploration promises to unlock untold secrets, and it is up to the space shuttle to carve the broad highways through the heavens, bringing the benefits of space to all minkind.

RULES OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SPARKMAN. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, requires that each committee publish its rules in the CONGRESSIONAL RECORD not later than March 1 each year.

In accordance with that section, I ask unanimous consent that the rules of the Committee on Banking, Housing and Urban Affairs be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

[Adopted in executive session, March 11, 1971]

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be cancelled at the discretion of the Chairman.

RULE 2.—COMMITTEE

Investigations

(a) No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

Hearings

(b) No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman and the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

Confidential testimony

(c) No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

Interrogation of witnesses

(d) Committe interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

RULE 3.—SUBCOMMITTEES

Authorization for

(a) A subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

Membership

(b) Membership to subcommittees shall be by nomination of the Chairman and the ranking minority member of the Committee and shall be approved by the majority vote of the Committee.

Investigations

(c) No investigation shall be initiated by a subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

Hearings

(d) No hearing of a subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

Confidential testimony

(e) No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Subcommittee.

Interrogation of witnesses

(f) Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

Special meetings

(g) If at least three members of a subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within three calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, additional, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

RULE 4.—WITNESSES

Filing of statements

(a) Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee before noon on the day preceding his appearance 75 copies of his statement to the Committee or Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

Length of statements

(b) Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

Fifteen-minute duration

(c) Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) Witnesses may be subpoenaed by the Chairman of the Committee or a subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

Counsel permitted

(e) Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

Expenses of witnesses

(f) No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority member of the Committee or by a majority vote of the Committee.

Limits of questioning

(g) Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10 minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10 minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

Vote to report a measure or matter

No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previous given. All proxies shall be kept in the files of the Committee, along with the record of the roll call vote of the members present and voting, as an official record of the vote on the measure or matter.

Vote on matters other than a report on a measure or matter

On committee matters other than the vote to report a measure or matter, a member of the Committee may request that his vote may be cast by proxy.

RULE 6.—QUORUM

Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

BUSINESS BEHIND THE IRON CURTAIN

Mr. SCOTT. Mr. President, during a trade mission to Poland, Hungary, and Czechoslovakia, the Director of the U.S. Department of Commerce Field Office in Pittsburgh, Lewis E. Conman, discovered that even top Communist officials have a genuine interest and curiosity about Americans.

Specifically, Mr. Conman says the Communist countries are interested in establishing trade relations with the United States. Conman says:

> A host of different kinds of products would sell behind the Iron Curtain.

Pursuing this subject in the Pittsburgh Press, William H. Wylie, business editor, has written an interesting and informative article which I commend to Senators and ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THERE'S BUSINESS BEHIND IRON CURTAIN, CITY FIRMS TOLD

(By William H. Wylie)

Has 25 years of anti-American propaganda poisoned the minds of people living behind the Iron Curtain?

Apparently not, according to Lewis E. Conman, director of the U.S. Department of Commerce Field Office in Pittsburgh.

He recently led a 15-day trade mission to Poland, Hungary and Czechoslovakia.

Conman related an episode that shows even top Communist officials sometimes have their "capitalistic foibles."

He said he was attending a very serious, top-level meeting sponsored by the Czech Trade Ministry in Prague. During a lull in the session, a Czech official turned to Conman and inquired:

"Who won the World Series this year?"

Surprised, Conman quickly brought the Czech up to date on the Pirates' No. 1 achievement in 1971 and asked, "How do you know about the World Series?"

"I was assigned to the Czech Consulate in Chicago for 12 years and became quite a Cub fan," the Czech explained. His next question was "where did the Cubs finish this year?"

Conman wasn't sure and told the Czech he thought they landed in third or fourth place—not bad information, considering the Chicagoans tied with the Mets for third place in the National League's Eastern Division.

Actually, baseball is incidental to this yarn. The point is that people in Iron Curtain countries are interested in Americans and want to do business with us, Conman said.

Dust from Soviet tanks that crushed the Czech insurrection has long since settled. Now a strictly-business attitude prevails, Conman said, and American businessmen are being edged out by other nations.

"The Japanese are everywhere," he said, "and the Germans, who are practically next door, are after the business, too."

Other European countries—England, France, Austria and Spain—are equally aggressive.

Nevertheless, Coman said the Czechs, Poles and Hungarians expressed genuine interest in American products and asked "Why don't the U.S. companies call on us?"

Evidently American business is losing by default. No real effort has been made to get business behind the Iron Curtain, Conman said.

The purpose of the trade mission was to change all this. Besides the Commerce Department official, representatives of six instrument manufacturers went along.

The initial payoff was impressive—$900,000 sales over the next 24 months. It cost the federal government $4,000 and the companies picked up their tab.

Although none of the instrument companies is located in Western Pennsylvania, the door is open to similar missions by local firms, Conman said. The Commerce Department sponsors approximately 40 missions a year.

A host of different kinds of products would "sell" behind the Iron Curtain, Conman said. Local firms manufacturing high-technology goods would have the best crack at these markets.

The export control list—once a barrier to trade with the socialist nations—is being trimmed, he continued. The door is open to many items once forbidden.

Demand is strong for electrical and non-electrical machinery, building materials, chemicals, crude petroleum, transportation equipment and pharmaceuticals.

Conman reported keen interest in American packaging techniques, mainly for food products. Office machines, especially computers and copiers, are a hot item, too.

And it's a big market—in the $8–$10 billion range in total. At present American companies are getting less than 2 per cent of it. Russia, of course, dominates with about 30 per cent.

Current U.S. exports to the three countries are mainly raw materials or farm products.

The Export-Import Bank is not permitted to finance trade with Poland, Czechoslovakia or Hungary, but the rules may be changed next year. Anyway, financing is no problem, Conman said. It can be arranged through banks in the foreign nations.

There's already a "U.S. flavor" in the Iron Curtain countries. Conman said while he was in Poland Coca-Cola and Pepsi-Cola negotiated contracts to distribute their products there. And Heinz products were on the tables "everywhere we went," he added.

A HAVEN FROM PERSECUTION

Mr. HUMPHREY. Mr. President, I rise today to speak in support of those proposals which have recently been introduced in the Congress to provide additional funds for the resettlement of Soviet Jews in Israel. I have repeatedly urged that our Government take an initiative in this direction and to work relentlessly to pressure the Soviet Union to end its persecution of Jews and other minorities in the Soviet Union. I have cosponsored several pieces of legislation which urge the President to take appropriate action and I intend to cosponsor the legislation now placed before the Senate. This legislation should receive the unanimous support of the Congress because of the basic humanitarian concern to which it addresses itself.

There are approximately 3 million Jews in the Soviet Union and they are not allowed to live a life free from religious, social, and political persecution. Many who have contributed a great deal to their country have been forced out of their jobs; their children are deprived of an education; and the elderly are left uncared for. Their lives are an all too chilling echo of the past, a past which the United States committed American lives, and treasure to rectify. We worked to build the United Nations just to avoid the human suffering and indignity that tainted the history of our civilization. The Senate now has before it the Genocide Convention which is designed to make acts of genocide an international crime. It is shameful to think that there could be any hesitation in this great Chamber to ratify such a treaty. I urge that the Senate consider it as a first priority. There is the United Nations Declaration on Human Rights which outlines a basic and universal standard of human liberties, an international bill of rights.

Against a backdrop of world law, there have been frequent instances, all too frequent I am afraid, of abuse of the law. Persecution of the Jews in the Soviet Union is the most flagrant example we have today of crimes against humanity. But there are others, perhaps smaller in scale, and still equally painful to enumerate. There are roughly 1,500 Jews in Iraq who are hostages of their own government. The same is true in Syria where there are 4,500 Jews living in the sleepless haunt of senseless and inhumane retribution, punishment for the crime of existing. According to some accounts, all the Jews of Damascas are confined to a zone beyond which they dare not venture. If they do, it is because of a major exception such as an illness requiring hospitalization. Jews are barred from public office and the professions, forced into degrading positions for no reason at all.

These are stories of religious prosecution. In the next chapter of the book of man you will find political prosecution: Eastern Europe, the Ukraine, China, West Pakistanis, and Baharis in Bangladesh, to name but a few.

Is it not, then, the obligation of the United States to do what it can to help take us out of this chapter and on to the next, one where world law and government prevail? We are still a rich Nation, at least rich enough to afford to help Soviet Jews resettle in Israel. The cost for Israel is $30,000 per family and predictions for the influx of Jewish emigres from the Soviet Union during 1972 are in the range of 40,000 to 50,000 people. For a country the size of Israel with a GNP in the range of $5 billion, and a foreign debt of over $3 billion, the cost is phenomenal. For the United States the cost is minimal, especially when expressed in human terms.

I prefer not to name a price when the subject is human lives and welfare. Israel has not asked the United States for help, anymore than the United States asked other countries for help when it felt the sudden growing pains of an influx of immigrants. But the United States was big and could easily absorb a burst in population. Israel cannot. Israel's wealth lies in her dedication to human freedom.

The United States has always considered itself a Nation of immigrants, and Israel wears the same robe. Now we must share it so she can continue to be the great haven from prosecution she has become.

SENATOR HAYDEN

Mr. JORDAN of Idaho. Mr. President, the rich and fulfilled life of the Honorable Carl Hayden has come to a close and it is with great sorrow and deep respect that I pay tribute to our esteemed colleague today.

The facts have all been given—little remains to be said about this "Arizona legend"—for Carl Hayden's record is a monument in itself, it needs no oral commentary.

The words of the English jurist and antiquary, John Selden—"They that govern the most make the least noise"—could well have been spoken in reference to the late Senator from Arizona. Indeed, Carl's silence wielded more power than most men's speech.

Men the caliber of Carl Hayden do not walk through the Chamber doors everyday—his departure from the Senate 4 years ago created a gap and his recent departure from this good earth creates an even greater gap. We shall all miss Carl Trumbull Hayden.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. MILLER. Mr. President, on February 3, while I was necessarily absent, the Senate voted (No. 32 Leg.) on an amendment offered by the Senator from Virginia (Mr. BYRD), to reduce the U.S. contribution to the Inter-American Development Bank. If I had been present, I would have voted "nay." I ask that the permanent RECORD reflect my position.

PRESIDENT'S INTERFERENCE WITH THE LEGAL SERVICES PROGRAM

Mr. KENNEDY. Mr. President, about once a year since the inception of the Federal legal services program, men of conscience have had to stand up to defend that program against short-sighted, narrow-minded, politically motivated agents of injustice. Whether it was the various so-called Murphy amendments, or the Reagan veto or other less notorious conflicts such as regionalization, by and large, the forces of justice triumphed each time in form if not in substance. Unfortunately, the time has come once again for men of good will to stand up in the name of justice, and this time the threat is open and blatant and comes from the man who stands a heartbeat away from the Presidency.

The newspaper stories of the past 2 days describing the Vice President's efforts to interfere with the proper functioning of both the OEO Office of Legal Services and the judicial system in the State of New Jersey, as well as the lawyer-client relationships between poor Americans and their attorneys, cannot be attributed to an isolated happenstance. Rather it is clear that he has embarked upon a concerted and deliberate effort, with malice aforethought, to tear down the structure that the Congress and the bar and the directors of legal services and, at least until 1969, the White House and the poor people themselves have built to give full meaning to the concept of equal justice under law. It is not by happenstance that the Vice President made a trip to Camden, N.J., last month to begin his campaign with a rash and irrational public attack on the local legal services program.

It is not by happenstance that the Vice President held his now famous meeting this week with OEO and Camden legal services officials after he had been specifically warned by executive branch attorneys that his continued public interference in the Camden litigation could well bring severe professional criticism that his statements were ethically improper and highly prejudicial, and would obstruct and delay the possibility of successful settlement negotiations.

It is not happenstance that at the Vice President's request the highly professional Bureau of Budget staff was asked to play the heavies and lean on the legal services office to cut off the Camden program, after the Vice President had received an unequivocal legal opinion that there was no basis whatsoever for such a cutoff and that the Camden program had been operated competently and fully within the applicable laws and regulations. And it is hard to believe that it is happenstance that delivered a transcript of his Tuesday meeting, prepared by the Vice President's office, to the New York Times on Wednesday, although it was unavailable to Members of Congress on Thursday.

Mr. President, I cannot fathom the Vice President's logic in arraying himself against the legal services concept—perhaps he feels the need to strengthen his own position on the ticket by pondering to the Reagan Republicans, or perhaps he thinks he is protecting the President's right flank during the Peking trip by this attack on the rights of the poor—but his rationale is unimportant. The simple fact is that after he has been told by his own party's executive appointees that the city of Camden has been in willful noncompliance with applicable State and Federal statutes and regulations affecting poor people's rights and racial discrimination and that suits against local government are necessary to vindicate the rights of the poor, the Vice President wants to ignore both the rights and the remedies to which the poor, like all citizens, are entitled.

I am left with only one question for the Vice President: Where, Mr. Vice President, would you rather see America's poor resolving their legitimate complaints—in the courts, or in the streets?

Mr. President, I think the RECORD should show the advice the Vice President received before his meeting this week, and I ask that the conclusions of the memorandum presented to him be printed.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CONCLUSIONS IN MEMORANDUM TO VICE PRESIDENT ON CAMDEN REGIONAL LEGAL SERVICES (CRLS)

Based on the information received and examined to date, several conclusions can be reached:

(1) There have been no instances of substantial noncompliance by CRLS with applicable statutory and regulatory requirements governing the operation of a Legal Services project.

(2) There is no credible evidence available to enable the federal government to prosecute successful termination proceedings against CRLS.

(3) Without reference to any specific case now in litigation, there is evidence that for several years there has been a pattern of willful non-compliance by the City of Camden with applicable state and federal statutes and regulations governing the relocation of displaced residents, effective community involvement in efforts to deal with urban decay, and the prevention of racial discrimination.

(4) Public comments by public officials concerning pending litigation subject the officials to the possibility of severe professional criticism that they are ethically improper and highly prejudicial when they purport to favor one party or attack the other.

(5) Continued reliance by governmental litigants on the prospect of pressures being brought by federal officials and funding agencies against the opposing litigants obstructs and delays the possibility of successful settlement negotiations.

(6) Camden Regional Legal Services in general, and attorneys David Dugan and Peter O'Connor in particular, are professionally competent, ethical lawyers deeply committed to obtaining equal justice for the poor.

(7) The Camden Coalition and other individual litigants represented by CRLS perceive grievances and seek judicial relief; and CRLS represents them in negotiation and litigation in the same manner as competent private counsel would represent paying clients—in both situations the clients retain ultimate control within the bounds of the law, of the decisions to be made concerning terms of settlement or insistence on continuing litigation.

(8) Community complaints about city inaction and failure to comply with the law pre-dated the existence of CRLS and led to the prior formation of the Camden Coalition.

(9) Effective legal representation of the poor in following the Congressional mandate to provide equal justice and attack the paradox of poverty requires a heavy emphasis on broad impact litigation to reform the law.

(10) In order to effectively vindicate the rights of the poor, it may be necessary to litigate cases against units of government at any level, for history is replete with instances of official abuse and denial of fundamental rights of individuals—with such litigation always constitutionally subject to ultimate review by an independent judiciary in our adversary system of justice.

Mr. KENNEDY. Mr. President, as a member of the Employment, Manpower, and Poverty Subcommittee and as chairman of the Administrative Practices Subcommittee, I have also asked Mr. Speaker's office and the Vice President's office to provide full information on these events, and I am awaiting that information now. I am hopeful that the Senate will give this matter its full attention.

SENATOR ROBERTSON

Mr. JORDAN of Idaho. Mr. President, it is with sadness that I join my colleagues in mourning the passing of another great American patriot, the late Senator A. Willis Robertson.

In the few years we served together, I developed a great respect for this fine Virginian, who served his State and country in a manner deserving of the highest of tributes and the greatest of praise.

The late Senator and I shared many mutual interests—among them finance, economics, and conservation—not to mention a great love and respect for the outdoors. Senator Robertson was a most versatile scholar and I can remember conversing with him on subjects ranging from the shenanigans of college football to the intricacies of international finance. Even though we wore different party labels, I often sought his counsel during my early days in this body. I had great respect for his nonpartisan judgment and openminded attitude for I knew that behind each word he spoke lurked a great amount of thought and wisdom.

Senator Robertson was a most effective and able statesman and none would deny that his 20 years of service in this Chamber were wellspent. Indeed, Virginia and the Nation have lost one of their finest public servants—and I have lost a dear friend.

SOCIAL SECURITY FINANCING—SOME ACTION NECESSARY

Mr. HUMPHREY. Mr. President, a recent article in the monthly review of the Federal Reserve Bank of Richmond examined the entire question of social security financing: How to change it; what assumptions currently underlie the present system; and what new assumptions are necessary if this system is to be made more equitable and efficient.

The article clearly shows what all of us in Congress already know: that though the social security system has served this country well over the years, the financing of social security has now reached the point where we must make significant changes in the fundamental assumptions that underpin the current system. The present system places an inordinate burden on wage earners of this Nation, and especially on low-income wage earners. It has created an intolerable situation, a situation which requires swift and comprehensive reform. As this Richmond article states:

> The adoption of a predetermined system to establish tax and benefit schedules has definite advantages. In the past, Social Security beneficiaries have had to rely on ad hoc decisions by Congress to receive increased benefits. Adoption of the recommendations by the advisory council would result in automatic adjustments of benefit payments following increases in prices. Revising the method of forecasting benefit payments and taxes to reflect more accurately anticipated economic conditions and maintaining trust fund balances equal to one year's benefits would allow payment of benefits to increase without comparable tax increases in the near future. This change, however, would not reduce the overall cost of payments. The new financing system might reduce the volume of Social Security tax receipts temporarily, but it would also necessitate a larger volume of tax receipts in the next century. An increase in benefits would have to be financed, sooner or later, from an increase in taxes.

Last November I introduced legislation which would have instituted a system of general revenue financing, raised the minimum monthly social security benefit to $100, and provided for a 10 percent across-the-board increase in other monthly benefits. As I pointed out when I introduced S. 2838:

> Social Security has been the psychological and financial breakwater against individual and family catastrophe. Millions of recipients have found their lives made more secure by it . . . Without a doubt, the economic status of the aged is bleak. These persons have worked a lifetime—they have contributed to society, they are responsible citizens; they are deserving citizens . . . We simply must make provisions for our retired persons that adequately support them without draining the resources of current workers.

We were late in establishing a system of social security for the aged; several other countries adopted their systems before we did. In many ways we are still behind. The welfare of our aged, as well as the burden placed on our taxpayers, is approaching crisis proportions. For the sake of all Americans, we must begin to consider proposals for change.

I ask unanimous consent that "Social Security Financing: A New Package or Just New Packaging," by James R. McCabe, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY FINANCING: A NEW PACKAGE OR JUST NEW PACKAGING?

INTRODUCTION

The social welfare activities of Government have grown significantly since the passage of the Social Security Act in 1935. Congress has progressively expanded the original social security program to include disability insurance, hospital insurance, and supplementary medical insurance, as well as old-age and survivors insurance.

The expansion in programs has been accompanied by expansion in coverage of workers. The proportion of persons in paid employment covered by social security increased from 58 percent in 1940 to 90 percent in 1971. By 1950, the Social Security Act has been amended to cover railroad workers, certain World War II veterans, regularly employed farm and domestic workers, nonfarm self-employed persons, and Federal civilian employees not under the Federal retirement system. Legislation in the 1950's and 1960's brought professional, self-employed individuals, members of the Armed Forces, and ministers into the programs.

Social security tax receipts also have grown over the past 35 years because of growth in covered population, higher tax rates, and higher maximum wage bases—the maximum annual wages to which social security tax rates are applied (Table I). Social security taxes paid in fiscal 1971 totaled $52.7 billion, compared to the $593 million paid in 1940. In 1937, covered employees and their employers each were taxed at a rate of 1 percent of the employee's annual wages up to $3,000. By 1971, the tax rate on individual employee wages paid by both the employee and employer had increased to 5.2 percent, and the wage base had risen to $7,800. The 1972 tax rate is 5.2 percent, with a maximum wage base of $9,000. Under present law (PL 92-5), the base is not scheduled to increase after 1972, but the tax rate will rise to 6.05 percent by 1987.

TABLE I.—MAXIMUM TAXABLE EARNINGS, TAX RATES, PREMIUMS, AND AVERAGE MONTHLY BENEFITS UNDER SOCIAL SECURITY, 1937–71

Year	Annual maximum wage base	Tax rate (percent)[1]				Monthly premium	Average monthly benefits		
		Total	OASI[2]	DI[3]	HI[4]	SMI[5]	Retired worker and wife[6]	Survivor—widow and 2 children[7]	Disabled worker—2 or more children[7]
1937–49	$3,000	1.0	1.0				[8] $38.40	[8] $47.90	
1950	3,000	1.5	1.5				71.70	93.90	
1951–53	3,600	1.5	1.5				78.90	103.90	
1954	3,600	2.0	2.0				99.10	130.50	
1955–56	4,200	2.0	2.0				104.70	138.20	
1957–58	4,200	2.25	2.0	0.25			109.80	149.00	$165.50
1959	4,800	2.5	2.25	.25			121.60	170.70	188.30
1960–61	4,800	3.0	2.75	.25			125.20	188.70	193.00
1962	4,800	3.125	2.875	.25			127.90	190.70	194.70
1963–65	4,800	3.625	3.375	.25			133.90	201.90	203.50
1966	6,600	4.2	3.5	.35	0.35	$3.00	142.50	221.90	217.80
1967	6,600	4.4	3.55	.35	.5	3.00	144.20	224.40	217.30
1968	7,800	4.4	3.325	.475	.6	4.00	166.30	257.10	242.00
1969	7,800	4.8	3.725	.475	.6	4.00	168.90	255.80	241.30
1970	7,800	4.8	3.65	.55	.6	5.30	197.00	295.00	272.00
1971	7,800	5.2	4.05	.55	.6	5.60	(9)	(9)	(9)

[1] Tax rate paid by each employer and employee. Self-employed pay 75 percent of combined rate paid by employer and employee for OASDI and the same rate as the employee rate for HI.

[2] Old age and survivors insurance.

[3] Disability insurance.

[4] Hospital insurance.

[5] Supplementary medical insurance. Monthly premium paid by participant and matched by Federal Government and determined annually by the Secretary of HEW.

[6] Wife's entitlement not dependent on having entitled children in her care.

[7] Wife's entitlement dependent on having entitled children in her care.

[8] Benefit payments began in 1940.

[9] Not available.

Source: Social Security Bulletin, Supplement, 1969, pp. 39 and 43; 1971 Annual Report of Trustees of FOASDI Trust Funds, p. 14.

Whether these future tax schedules will become effective is problematical. In accordance with the provisions of the Social Security Act, in 1969, the Secretary of Health, Education, and Welfare appointed an Advisory Council, composed of 13 members representing different public interests, to review the status of the social security trust funds in terms of long-term commitments, adequacy and scope of benefit coverage, and impact on public assistance.[1] The Council's recommendations, submitted in March 1971, call for provisions to increase benefits and the maximum tax base automatically and to formalize the present pay-as-you-go financing system. Limitation of trust fund balances at a level approximately equal to one year's benefit payments and revision of current conservative estimates of future tax receipts could result in larger benefit payments without comparable tax increases in the near future. Other recommendations, however, include larger benefit payments not currently scheduled.

If Congress were to adopt the financing and benefit payment reform recommended by the Advisory Council, increases in tax rates after 1972 might be postponed until after the year 2000. Under this proposal, the tax rate paid by both employees and employers would increase to 6 percent in 1972, and the maximum wage base would rise to $12,000 in 1974. Further increases would automatically follow gains in employee earnings (Table II). Even so, under this proposal, total social security taxes paid would increase. The Council's recommendations are discussed in a later section of this article.

Footnotes at end of article.

TABLE II.—SOCIAL SECURITY TAX RATES (EMPLOYEE AND EMPLOYER, EACH), 1972–2045

[In percent]

Year	Present law[1]			Advisory council recommendation[1, 2]		
	OASDI	HI[3]	Total	OASDI	HI and SMI[3]	Total
1972	4.6	0.6	5.2	4.70	1.30	6.00
1973	5.0	.65	5.65	4.65	1.35	6.00
1974	5.15	.65	5.65	5.45	1.55	6.00
1975	5.0	.65	5.65	4.45	1.55	6.00
1976	5.15	.7	5.85	4.40	1.60	6.00
1977	5.15	.7	5.85	4.40	1.60	6.00
1978	5.15	.7	5.85	4.35	1.65	6.00
1979	5.15	.7	5.85	4.35	1.65	6.00
1980–81	5.15	.8	5.95	4.35	1.65	6.00
1982–86	5.15	.8	5.95	4.20	(4)	(4)
1987–2020	5.15	.9	6.05	4.20	(4)	(4)
2021–45	5.15	.9	6.05	5.05	(4)	(4)

[1] Maximum wage base under present law would be $9,000. Under Council's recommendation, maximum wage base would be $9,000 for 1972 and 1973 and $12,000 for 1974. Thereafter, Council recommends that the maximum wage base increase automatically to reflect increases in the cost of living.

[2] Tax rates would be increased if benefits are increased to reflect adjustments for standard of living.

[3] Under present law, SMI is financed by contributions from participants. Revision of medicare financing under Council's recommendation would increase payroll tax to finance SMI.

[4] Not available since Council recommends estimates for HI and SMI to be made for only 10 years forward.

Source: Reports of the 1971 Advisory Council on Social Security, p. 73.

THE CURRENT PROGRAM

Financing

Employers withhold social security taxes from their employees and remit the proceeds, along with their own matching contributions and withheld income taxes, to the Treasury. Social security taxes are then transferred from the Treasury's general revenue fund to the social security trust funds according to the tax rates on wages of covered employees shown in Table I. Those who are eligible and elect to participate in the supplementary medical insurance program pay monthly premiums that are matched by Government contributions from the general revenue fund. Additional trust fund receipts from the general revenue fund finance certain benefit payments and cover interest on U.S. Treasury securities held by each trust fund.

Trust funds

Reflecting the concept that social security benefits are related to contributions, the tax receipts are placed in designated trust funds that are separate from the general revenue fund. The current method of financing and the present size of trust fund balances, however, reflect a current-cost financing system or a pay-as-you-go approach. Current balances in the OASI and DI trust funds would support benefit payments at their present level for only 13 months. This current-cost system certainly would not meet the actuarial standards of private insurance companies. To be considered actuarially sound, a private insurance fund should be sufficient to pay all accrued liabilities if operations were terminated. Social security actuaries and most policymakers, however, have an alternate conception of soundness for social security insurance. That is, expected future receipts should be sufficient to cover anticipated benefit payments and administrative costs over a specific valuation period. Under this theory, the benefits to be paid to current contributors depend upon the taxes to be paid by future contributors.

Cycle of financing and benefit payments

Congress has followed no official schedule or guidelines in increasing social security taxes and benefits over the years. In recent years, however, pressure to raise benefits has arisen because of sharp increases in prices and loss of purchasing power of benefits. In addition, a noticeable pattern has resulted, in part, from the method of forecasting future taxes and benefit payments used by the Social Security Administration.[2] Even though more accurate short- and intermediate-range estimates of future tax receipts are prepared, conservative, long-range forecasts have dominated Congressional decisions regarding increases in benefit payments. Benefit and tax schedules are determined so that the social security programs are actuarially sound according to social security insurance standards—long-run benefit payments equal long-run receipts. The long-range forecasts, though, have historically underestimated future tax receipts because they have underestimated future earnings. As a result, cash surpluses have been higher than estimated, and trust fund balances have increased to such an extent that the program has appeared to be overfinanced according to social security actuarial standards.

As a result, strong pressure to increase benefits has developed every year or so, and on several occasions Congress has amended the Social Security Act to liberalize benefits. When this has been done, however, Congress has usually set new tax schedules to provide for relatively small increases in the funds.

Footnotes at end of article.

Underlying assumptions

Projections of future social security tax receipts and benefit payments are largely dependent upon future taxable earnings and population growth and composition. Estimates for the various time periods shown in Table III are based on alternate assumptions. Short-range estimates for old-age survivors insurance and disability insurance are based on the assumption that tax and benefit schedules will not change from those under existing law. Intermediate-range estimates for both programs assume periodic increases in the maximum taxable earnings base. Because growth in both earnings and benefits is assumed in the short- and intermediate-range forecasts, these projections are more realistic than long-range estimates.

[In millions of dollars]

Calendar year	OASD[1]		HI[2]	
	Benefits	Balance	Benefits	Balance
Short-range:[3]				
1971	37,022	41,426	6,419	1,948
1972	38,999	48,606	7,593	819
1973	40,662	61,603	8,902	(4)
1974	42,347	76,503	10,149	
1975	44,087	93,115	11,499	
Intermediate-range:[5]				
1980	75,466	149,771	17,696	
1985	109,543	204,427	24,221	
1990	155,858	221,305	32,752	
Long-range:[6]				
1980	49,060	112,626		
1985	56,219	147,720		
1990	63,241	171,691		
1995	69,079	189,918		
2000	73,186	213,814		
2025	117,506	272,675		

[1] OASI and DI combined.

[2] Estimates reflect increasing earnings and benefits.

[3] Estimates for OASI and DI reflect increasing earnings and tax and benefit schedules of Public Law 92-5.

[4] Fund exhausted in 1973.

[5] Estimates for OASI and DI reflect increasing earnings and benefits.

[6] Estimates reflect level earnings and constant prices.

Source: 1971 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, pp. 25, 26, 36, 37, and 41. 1971 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, p. 14.

Hospital insurance (HI) estimates are based on assumptions that include growth in taxable earnings and rising costs of benefits because of a larger number of beneficiaries and higher hospitalization costs. The maximum wage base is expected to increase at the same rate as wages covered by social security.

Evaluation of the actuarial soundness of the supplementary medical insurance (SMI) program is made by comparing short-range estimates of benefit payments to estimates of tax receipts based upon the current contribution premium. If the contributions are projected to fall short of benefit payments, the Secretary of Health, Education, and Welfare may increase the monthly premium each December.

To insure ample trust fund balances, conservative, long-range projections, which underestimate future tax receipts, assume that average earnings and prices will remain unchanged from those prevailing at the time of the forecast. Policy decisions by Congress are usually based on intermediate-cost estimates of long-range forecasts that are simply averages of high-cost and low-cost estimates. Different projections of population growth result in a range of cost estimates rather than a single projection. Comparison of intermediate-range projections with long-range projections of trust fund balances for 1980, 1985, and 1990 shows that forecasts that assume no change in wages and prices consistently underestimate future trust fund balances. Therefore, if long-range forecasts were based on more realistic assumptions, Congress could increase the amount of current benefits and, at the same time, continue to provide for an actuarially sound program.

ADVISORY COUNCIL RECOMMENDATIONS

Selected changes in social security financing recommended in March 1971 by the Advisory Council on Social Security are summarized below:

1. Cost estimates for cash benefits should be based—as the estimates for the hospital insurance program now are—on the assumptions that earnings levels will rise, that the contribution and benefit base will be increased as earnings levels rise, and that benefits will be increased as prices rise.

2. Tax rates should be based on single, best estimates derived from a single set of assumptions that reflect likely future trends in factors that affect income and outgo of the program.

3. Current-cost financing should be adopted to include maintenance of trust fund levels equal to one year's expenditures.

4. Explicit procedures to determine benefit and tax schedules should be established. Increases in benefits should be automatic and based on increases in prices. The maximum wage base should increase to $9,000 in 1972 and to $12,000 in 1974. Thereafter, the maximum wage base should increase automatically at the same rate earnings increase. Tax rates increases would be established by Congress on an *ad hoc* basis at the time real improvement in benefit payments is granted.

5. General revenue financing of the combined Medicare program should eventually equal one-third of total program costs.[3]

EVALUATIONS OF RECOMMENDATIONS

The first three recommendations reflect the Council's desire for Congress formally to adopt and improve the present method of pay-as-you-go financing. More realistic estimates of future cash flows and trust fund balances would eliminate the conservative bias that usually results in overfinancing. Coordination of the new estimates with the plan to limit trust fund balances would mean that social security taxes, in this century, could be less than presently scheduled.

The Council's fourth recommendation is designed to eliminate the present financing cycle by establishing an explicit schedule to increase social security taxes and benefits. To supplement the automatic increases designed to maintain purchasing power of beneficiaries, Congress could finance *ad hoc* changes in real benefits—benefit increases greater than changes in price levels—by increasing social security tax rates.

Revision of Medicare financing, recommendation five, is necessary because the health insurance trust fund will be exhausted in 1973. Also, the Council believes that the current method of financing supplementary medical insurance from monthly premiums paid by current beneficiaries results in an excessive burden on contributors. Because supplementary medical insurance benefit payments are not based on prior earnings or contributions, increased financing from the general revenue fund is advocated. Benefits would be financed by equal contributions from employee, employer, and general revenue.

Comparative costs

The Advisory Council's proposal to stabilize social security tax rates at 6 percent would seem very appealing when compared to the alternative of rising tax rates scheduled under current law (Table II). The Council's recommendations, however, call for greater contributions by increasing the maximum wage base at the same rate as the earnings of workers covered by social security. Furthermore, the Council's recommendations include greater benefits than currently legislated. Yet, even though these larger benefits are not scheduled under current law, if the current financing system were maintained, benefits would be increased over time as overfinancing again resulted in surpluses.

Overemphasis of the declining tax rate for old-age, survivors, and disability insurance until after the year 2000 could lead to misunderstanding of the true cost of the recommended program. These declining tax rates would be offset by an increase in tax rates for Medicare, i.e., hospital and supplementary medical insurance.

The Office of the Actuary of the Social Security Administration has estimated that the cost of benefits recommended by the Council would average 15.82 percent of taxable payroll over the valuation period ending in the year 2045.[4] By comparison, the cost of benefits provided by present law would average 13.41 percent of taxable payroll. In addition, increased general revenue financing under the proposed program is estimated to total 1.3 percent of taxable payroll in 1975.

Stabilization of tax rates under the Council's program is predicated on the benefit schedule of the proposed system. After 1975, benefit payments under the Council's plan would rise more slowy than they have in the past because automatic increases in benefits would be tied to price increases. However, Congress could still decide to increase real benefits and finance the increase by hikes in the tax rate. Therefore, the Advisory Council's 6 percent tax rate figure might well be considered ony a minimum. Furthermore, the Council estimated wages—the source of taxes—to grow at twice the rate of increase of prices. A slower productivity growth would reduce this relationship and increase pressure to raise tax rates to finance scheduled benefits. Also, in the past, a large part of the increased financing resulted from expanded coverage of workers. Expansion of coverage in the future, however, will be limited because 90 percent of workers in paid employment are already covered by social security. Thus, it seems likely that in the future most unanticipated financing needs will have to be met by increasing tax rates or the maximum wage base.

Expected changes in the composition of the population after the year 2000 will affect both the proposed and current program. The ratio of beneficiaries, mainly those who are 65 years of age or older, to taxed wage earners, those who are 20 to 64 years of age, is expected to increase significantly. If the current-cost financing proposed by the Council is adopted, tax rates would have to increase sharply near the year 2011. Alternatively, if trust fund balances were allowed to increase as currently forecasted, these funds could be drawn down to supplement tax receipts in the next century.

PENDING LEGISLATION

In June 1971, less than three months after the Advisory Council presented its report to Congress, the House passed bill HR 1, which included certain reforms recommended by the Council.[5] At the time of this writing, the Senate has not yet acted on this legislation. Under this bill, liberalization of certain benefits would become effective in January 1972, in addition to an increase in benefits of 5 percent beginning in June 1972. The maximum wage base would increase to $10,200 in 1972 and to $10,800 in 1974; tax rates would increase to 5.4 percent in 1972, 6.2 percent in 1974, and 7.4 percent in 1977.

To maintain the purchasing power of the benefits, the bill provides for automatic increases if prices rose by at least 3 percent during the preceding year and if no increase in benefits had been granted during the preceding year on an *ad hoc* basis. The increase in benefits, to compensate for a rising cost of living, would be financed by an increase in the maximum wage base in proportion to the increase in the level of average covered wages.

The long-range estimates of taxes and benefits used to determine the actuarial soundness of the provisions in bill HR 1 were based on the assumption of constant prices and constant average earnings. As in the past, the long-range estimates to determine benefit and tax schedules were based on intermediate-cost assumptions. No single, best estimate, as recommended by the Council, was used. The House voted not to increase contributions from the general fund to finance social security programs, except to cover benefits extended to certain disabled beneficiaries.

In part, the automatic adjustments in benefit payments and maximum wage bases would incorporate the current-cost or pay-as-you-go financing system into the social security program. Short-range estimates of future balances of old-age, survivors, and disability insurance trust funds under bill HR 1 are closer approximations of yearly expenditures. Even so, under bill HR 1, long-range estimates of future trust fund balances are significantly higher than those estimated under current law. Under bill HR 1, it is estimated that the old-age and survivors trust fund would total $410.7 billion by the year 2025, compared to $272.7 billion under current law. Therefore, the pay-as-you-go financing system has not been completely adopted.

CONCLUSION

The adoption of a predetermined system to establish tax and benefit schedules has definite advantages. In the past, social security beneficiaries have had to rely on *ad hoc* decisions by Congress to receive increased benefits. Adoption of the recommendations by the Advisory Council would result in automatic adjustments of benefit payments following increases in prices.

Revising the method of forecasting benefit payments and taxes to reflect more accurately anticipated economic conditions and maintaining trust fund balances equal to one year's benefits would allow payment of benefits to increase without comparable tax increases in the near future. This change, however, would not reduce the overall cost of payments.

The new financing system might reduce the volume of social security tax receipts temporarily, but it would also necessitate a larger volume of tax receipts in the next century. An increase in benefits would have to be financed, sooner or later, from an increase in taxes.

—James R. McCabe.

FOOTNOTES

[1] U.S. Cong., H.R., *Reports of the 1971 Advisory Council on Social Security*, communication from Secretary of Health, Education, and Welfare, 92 Cong. 1st Sess., Apr. 5, 1971 (Washington: Government Printing Office, 1971).

[2] For more complete discussion see Joseph A. Pechman, Henry J. Aaron, and Michael K. Taussig, *Social Security: Perpsectives for Reform* (Washington: The Brookings Institution, 1968), pp. 149–164.

[3] For discussion of the recommendatons listed above, see *Reports of the 1971 Advisory Council on Social Security*, pp. 57–74.

[4] *Ibid.*, p. 87.

SPECIAL EDUCATION INNOVATIONS

Mr. DOLE. Mr. President, an innovation in handicapped education has been undertaken by a Kansas special education project headquartered in Dodge City.

The new system accommodates hard-of-hearing, visually impaired, and mentally retarded children of various age groups in special education classrooms. Each classroom is specially equipped to handle a specific disability. Eventually satellite centers will be set up in order to facilitate participation by eligible children who reside great distances from Dodge City.

I ask unanimous consent that an informative article from the January 29 Hutchinson, Kans., News, regarding this new technique in special education, be printed in the Record to obtain wide distribution and to call attention to the beneficial ideas introduced by this program. The information may be helpful to other school systems seeking ways to improve their special education programs.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dodge City Special Ed Project: Plan "Satellite" Schools

(By Mary Anne Crabb)

Dodge City.—Five more schools were accepted for membership this week in the Southwest Kansas Area Special Education Project headquartered in Dodge City.

They are Ness City, Dighton, Ransom, Bazine and Utica. They will participate in the comprehensive special education program set up last year by Dodge City and seven neighborhood school districts—Bucklin, Cimarron-Ensign, Ingalls, Jetmore, Minneola, Montezuma and Spearville-Windthorst.

Services now are centered in Dodge, but, with the addition of the new schools, satellite centers will be started, said Harold Hosey, assistant superintendent of schools at Dodge and director of SKASEP. The new schools will be surveyed as to needs, a staff will be hired and the program will be ready to go next fall.

NEED TWO MORE

At least two additional teachers, for the educable mentally retarded (EMR) and speech therapy programs probably will be needed.

Employment of three additional teachers was approved Wednesday for improvement of the current program by the board of directors. They are for the EMR program, speech therapy and a school psychologist.

The program will be financed 62 per cent by Dodge City and 38 per cent by the remaining schools, at $4,000 each.

About 500 children are receiving some type of special training this year, Hosey said. Dodge City has an enrollment of approximately 4,500 and the present seven other schools have a combined enrollment of 3,600.

WORK IN HOUSE

One of the unusual aspects of the SKASEP program is the training provided for the older group of trainable mentally retarded. Eleven students, ages 12 to 19, spend the school day in a six-room house where they clean, cook, wash, iron and work in a basement workshop, as well as attend classes in speech therapy, math, arts and crafts and reading. Each student buys food at the nearby supermarket.

The students are repairing pop cases in the workshop and are making a small profit on the work.

The house idea was borrowed from Omaha, Neb., Hosey said, and he recommends it for any special education program.

USE RANCH FACILITIES

Another unique part of the SKASEP program is use of the ranch facilities of Methodist Youthville Inc. near Dodge for emotionally disturbed students. Youngsters from throughout the district can be accommodated at day classes there. Usually the student remains at least a semester, but may attend

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Footnotes at end of article.

longer. SKASEP pays the teacher and Youthville provides the facilities.

The cooperative has the only program for hard-of-hearing children in Southwest Kansas, and children from as far away as Liberal are enrolled. The nine now enrolled formerly were being educated in Wichita, and Amarillo, Tex.

APPLY FOR GRANT

An application has been made for a federal grant of $13,000 for electronic equipment necessary to equip another classroom for the hard-of-hearing.

In the past, the project has had a class for the visually impaired, but enrollment was not great enough to require the program this year. The one youngster who is totally blind is enrolled in the second grade and is receiving special tutoring.

The current traveling staff includes two psychologists, responsible for evaluating and placing students in various programs, and four speech clinicians.

Five classrooms with six teachers are provided in Dodge City for educable mentally retarded children, ages six to 18.

The junior high program includes two teachers working with 25 students in team teaching.

Two classrooms have been set up for nine children, age six to 12, in the beginning level for the trainable mentally retarded.

Three teachers work in the area of learning disabilities, a program for students who have difficulty in the regular classroom due to hearing and sight problems. These are the first classrooms for learning disabilities in Southwest Kansas, Hosey said, and are serving approximately 21 students.

One teacher travels to outlying classrooms to train teachers in handling learning disabilities. Another learning disabilities teacher has been employed in the Dodge City school system through Title I of the federal education act.

NEW SERVICE

A new service initiated this year, with total federal funding, is an instructional materials center for special education programs, serving 28 counties.

Dodge City is one of seven satellite depositories from the main center at the University of Kansas. The Dodge center, staffed by three persons, contains equipment and materials used primarily for work with handicapped children. It has access to all materials housed at KU.

The Southwest Kansas program is a way for schools to comply with the September 1974 deadline set by the legislature for establishment of services for students with handicaps specified as educable mental retardation, trainable mental retardation, cerebral palsy and epilepsy, for which schools will receive state reimbursement. Other special education services, with state reimbursement, probably will be required later, Hosey said.

DOCK STRIKE HEARING RESUMED

Mr. PACKWOOD. Mr. President, yesterday the Labor and Public Welfare Committee resumed its hearings on Senate Joint Resolution 187, which Senator JAVITS and I have cosponsored in an effort to end the west coast dock tieup, now in its 17th week.

Testimony on the impact of this critical situation was presented by Transportation Secretary Volpe, Agriculture Secretary Butz, and Commerce Undersecretary Lynn. The statements brought to the committee by these distinguished gentlemen were tremendously informative, and I believe clarified for all who listened to the disastrous nature of the continuing dock blockage. I ask unanimous consent to have these excellent statements printed and further commend them to all Senators for their reading.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY JOHN A. VOLPE, BEFORE THE SENATE SUBCOMMITTEE ON LABOR OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, ON SENATE JOINT RESOLUTION 187, THURSDAY, FEBRUARY 3, 1972

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before you today in support of S.J. Resolution 187. I only wish, however, that my appearances before this Committee concerning a crippling strike in the transportation industry would be less frequent. My real regret, however, is that the Congress has had before it, for almost two years, a proposal which would provide a meaningful remedy for settling these disputes without congressional action.

In February 1970, the President first submitted to Congress his Emergency Public Interest Protection Act designed to amend our hopelessly antiquated transportation labor realtions legislation and bring to an end the devastating effects of strikes and lockouts in the transportation industry. The President again recommended that proposal (S. 560) to this Congress on February 3, 1971, and just two weeks ago, in his State of the Union message, repeated his urgent call for action. In submitting S.J. Resolution 187 to Congress, the President made it clear that we were again at the "flash point" because of Congress' inaction on his comprehensive labor legislation, which he has aptly renamed the "Crippling Strikes Prevention Act." As you know, Mr. Chairman, again yesterday the President issued another plea to the Congress for immediate action on both S.J. Resolution 187 and S. 560.

The last time I came before this Committee, I left hopeful that a permanent resolution of this problem was near at hand and that Congress was ready to act.

I am sorry to say I was disappointed. But I remain optimistic. It is through the Congress—through your efforts—that we shall solve this problem. I sincerely hope that this labor impasse is the last we shall have to solve by short term action.

The proposal we are considering today (S. J. Res. 187) is not a comprehensive solution for ending disputes in the transportation industry. It is yet another emergency measure meant to solve fully only the crisis at hand. Yet it must be passed—limited as it is—to protect the interest of the American people until a permanent solution is legislated for all transportation strikes.

As you know, Mr. Chairman, rare is the occasion that I come before the Congress and use harsh words. Unfortunately, this occasion demands harsh words.

I find my appearance today discouraging for another reason. As I believe most of you know, I have had a long association with labor unions and still hold a lifetime membership in the International Plasterers Union. I believe in the trade union movement. I know what it has meant to the American working man. Yet, I also know that the participants in the West Coast dock strike cannot be allowed to show a callous disregard for the American people. Frankly, the history of the current West Coast strike is a sorry one. Negotiations have continued on and off for 15 months. Both sides—management and labor—have been to blame for a seeming inability to resolve their differences.

Let me just say something which I know this Commission is certainly well aware of, but which I think bears repeatng. Strikes and lockouts are economic tools of labor and management. They are meant to assert pressure, to change values and constraints, to make settlement preferable to the continuation of the status quo. This dock strike, however, is similar to many transportation strikes in that its economic effects fall heavily on the shoulders of people not directly involved. People truly affected are the farmers whose crops lie rotting while the entire Pacific marketplace is closed to them. Other people truly affected are the Hawaiiian housewives who pay exorbitant prices for everyday goods which must be airlifted from the mainland. And we should not forget the thousands of union members—in all trades and industries—who are also affected.

What of the factory workers who must be laid off because their factory can neither receive its raw materials nor deliver its finished products? What of solidarity now?

And what of our country's economic health? We are now deeply involved in, and individually committed to, phase two of the President's new economic policy. All of us—not just management—not just labor—not just the housewife—but all Americans must strive to break the cruel inflationary spiral which saps our prosperity and standard of living. We are now, after a revaluation of our country's currency, for the first time in a great while able to compete successfully in European and Asian markets. How can we allow the approximately 13,000 participants in this dispute to frustrate the economic expectations of more than 200 million Americans? There is too much at stake to allow so few to harm so many.

If you think these are harsh words, just look at our projections, based on an analysis of last September's dock strike.

The losses in port service industries which are directly involved in the dispute are estimated to be about 8 million dollars a week. The loss to the shipping industry is estimated at 3 million dollars a week, and the loss to the inland transportation companies, 5 million dollars per week. Greater losses will appear in the wholesale and retail trade sectors—29 million dollars per week—and in the industrial and agricultural sectors of the economy—46 million dollars per week. These losses will add up to a 3.4 percent reduction in the regional product of the West Coast States measured at a weekly rate at the height of impact.

Since this Nation's transportation system is so complex and interrelated, the elimination of one of the modes has an immediate effect on the connecting modes. In this case, the initiation of the West Coast dock strike resulted in the embargoing of all rail and truck traffic destined for the West Coast ports.

Depending upon the inventories and amount of storage facility available, the losses caused by the strike would begin within days after the strike and would build to a peak in about 8 weeks. Due to the previous work stoppage, inventories are probably in a more serious condition now than at the beginning of the conflict in July.

The peak employment impact, not including agriculture, would be as follows:

Shipping, 5 thousand people out of work.

Port services, 18 thousand people out of work.

Inland transportation, 10 thousand people out of work.

Trade, 7 thousand people out of work.

Industry, 148 thousand people out of work.

Each day this strike is permitted to continue, the more burdensome the results will become and the more difficult a full recovery will prove to be. At this point in time we can only speculate on markets permanently lost, income losses from spoiled produce and nonrecoverable losses to surface transportation modes due to diverted or cancelled traffic. Be assured, however, that as the data come in and the impact is fully documented, it will make grim reading for all concerned—workers—industry—and government.

The proposal the Administration brings before you today was outlined and explained earlier by Secretary Hodgson. I shall not repeat his statement. Let me only say this: compulsory arbitration should be the last choice in any free economic society—a choice rightfully exercised only in extreme situations. But, Mr. Chairman, we have reached such a situation. We are at the point where there is left only that last choice.

The President and the Administration have reluctantly but responsibly reached that difficult decision. It is now time for Congress to exercise similar responsibility.

In the future—and I hope the very near future—you shall see fit to enact a more comprehensive measure. Now, however, you must move forward immediately to meet the crisis at hand. I am confident that the Congress will act in the public interest.

STATEMENT OF THE HONORABLE EARL L. BUTZ, SECRETARY OF AGRICULTURE, BEFORE THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE FEBRUARY 3, 1972

Mr. Chairman and Members of the Committee: I am grateful for your invitation to meet with the Committee and to discuss the need for emergency strike legislation. American farmers are being hurt each day by a strike that eliminates a major part of their overseas market. They are seriously concerned, and I am concerned on their behalf.

The farmer is much more dependent on exports than the operators of most other businesses. He ships overseas the production from almost one cropland acre out of four—even more in the case of such major crops as wheat and soybeans. Our agriculture must compete effectively in world trade, or it simply cannot exist on anything like the scale that we know it today.

U.S. farmers were seriously injured by last year's strikes—on the West Coast, at the Port of Chicago, and at Atlantic and Gulf ports. But they did have the benefit of injunctions that opened the ports and kept them open through a critical period during and following the harvest—a record harvest, by the way, for major crops.

The frightening thing to farmers, as we look ahead in 1972, is that they cannot look for further help from their government under existing legislation. The West Coast ports have again closed, and the injunction on the East Coast and Gulf ports is rapidly coming to an end. Farmers fear that their outlets to world markets will be totally closed.

To put this into dollar figures, the West Coast strike is reducing farm exports by almost $6 million every work day that it remains in effect. If East and Gulf ports again go on strike, this will reduce farm exports by $18 million a day. Moreover, there is good evidence that these strikes are damaging our reputation as a dependable supplier of farm products, and this loss could be immeasurable.

It is so important to realize that these strikes not only halt shipping and clog the ports, they also disrupt the entire system by backing up commodities into barges, rail cars, trucks, and warehouses all the way to the farm.

Farmers, along with other major users of the transportation system, have long been concerned by the danger in protracted and crippling strikes. Almost two years ago, President Nixon requested legislation that would give him certain options in the case of strikes such as those now occurring. That legislation was reintroduced last year.

Now, with a specific strike causing untold losses and hardship to farmers and others who are not a party to the issues being negotiated, the President simply is asking for authority to take reasonable action. This is the proposal embodied in S.J.R. 187.

WEST COAST

The short run impact of the dock strikes last summer and fall on agricultural exports is now apparent. The 100-day West Coast dock strike which began July 1, 1971 and was interrupted October 9 by a Taft-Hartley injunction reduced agricultural exports from the West Coast during the June–September period from $288 million a year earlier to $73 million in 1971.

Moreover, this coincided with the harvest of one of the largest wheat crops in the history of the Pacific Northwest. At the peak of harvest over 30 million bushels of wheat were on the ground due to a lack of transportation caused by the dock tieup. Some of this wheat suffered quality deterioration.

The 100-day strike and the threat of a continuation have created uncertainty in the wheat market. Based on purchases by the Japanese Food Agency, the U.S. farmer's share of this market for the March-December period fell from 55 percent to 40 percent. U.S. losses of sales are in the neighborhood of 25 million bushels valued at $40 million, and this loss continues to build. On January 19, the day after the West Coast dock strike resumed, the Japanese purchased 8.7 million bushels of wheat for March-April delivery; yet only 1.6 million bushels were purchased from the United States.

If the strike continues for another 60 days, we will lose wheat sales in Japan and other Asian countries for the rest of this fiscal year. This will result in the buildup of huge wheat stocks in the Pacific Northwest which will compete with next year's crop.

Other Far Eastern countries are looking to other sources of supply. A Korean tender for 110,000 tons of barley off the West Coast was recently cancelled due to the strike, and this barley has been purchased from Australia.

Korean imports of U.S. wheat in July-December 1971 were only 17 million bushels, compared with 28 million bushels in the same months the preceding year. The most affected varieties were hard red winter and soft white. The Koreans have purchased their needs from Australia.

Taiwan's imports of U.S. wheat in July-December 1971 were only 5.0 million bushels, compared with 12.4 million bushels the year before—a decline of almost 60 percent. In western soft wheat alone, the decline in U.S. sales to Taiwan was from 5.4 million bushels in July-December 1970 to only 1.6 million bushels the same months of 1971.

Thus wheat exports were the largest casualty of the 100-day strike, although other commodities were affected too, particularly fruits, vegetables, rice, cotton, and livestock products. Even those commodities that succeeded in reaching foreign markets did not represent a total plus.

Of those commodities which did move about one-half were fruits and vegetables and other non-bulk commodities. Lemons were flown to Japan, and fruits and vegetables were moved overland to Gulf and Canadian ports. Some Oregon seed producers were forced to ship overland to New York City to insure that their contracts would be met with foreign buyers.

The results of these costly diversions were less than encouraging. For example, two shipments of raisins and one shipment of prunes arrived in the United Kingdom contaminated by insects. The shipments have been investigated and the infestation was found to be directly attributable to the required diversionary hauls.

There is normally a constant flow of tallow from renderers to markets. The West Coast dock strike rapidly backed up exports and filled the limited storage available. For a time tallow was diverted to Canadian ports, but now this outlet is no longer available and the tallow is being diverted to the Midwest, at an increased marketing cost of over one cent per pound.

However, for most products the cost involved in diversion was too high, and consequently there were significant losses. In California ten alfalfa meal dehydration plants were forced to close during the West Coast strike. Since exports usually account for about two-thirds of the California output, the domestic market was quickly flooded with alfalfa that would normally be dehydrated for exporting. Furtheromre, alfalfa cubes and pellets destined for export and held by the strike were exposed to the sun which reduced carotene content to no more than that of ordinary hay. As a result their value dropped to $30 per ton compared to the pre-strike price of $50 per ton.

The West Coast strike has had a serious impact on prices for acala cotton. This is a specialty cotton grown in the far West which normally sells for a premium of 4 cents per pound above regular cottons. Substantial quantities of acala cotton are exported, and the export market is necessary to maintain the price differential. During the strike and with the threat of a new strike, acala cotton lost its normal premium price and is now selling below the levels of other cottons which do not have acala's unique qualities.

The loss of agricultural exports has a serious impact on port economies. Seattle, a city already beset by serious unemployment problems, is suffering additional losses in employment due to the dock strike. Last year agricultural export losses cost the port district over $1.0 million monthly in wages and $3 million monthly in sales and revenues for local businesses.

CHICAGO

The problems which arose on the West Coast last summer were repeated on the Gulf Coast, the East Coast and in Chicago on the Great Lakes last fall.

The Chicago strike of 9 elevators out of a total 11 in that port began September 1, 1971. These elevators were open from October 9 to November 3 under a temporary restraining order. The court, however, refused to issue an 80-day Taft-Hartley Injunction. The elevators have been closed since that time, and this will again be an acute problem once warm weather reopens the Great Lakes shipping route. Export capacity of the 9 closed elevators was estimated for September-December at 35 million bushels of corn and soybeans. The closing of this vital port during the height of harvest of a record corn and soybean crop was deeply felt in the corn belt. Cash farm prices for corn and soybeans were discounted well below the normal differential between the near term Chicago futures quotation and cash country prices in Indiana and Illinois.

EAST AND GULF COAST

The East and Gulf Coast strikes started October 1, 1971 and ended in late November when Taft-Hartley injunctions were issued. These injunctions expire in the middle of February 1972. An evaluation of the impact of this strike is difficult because some ports were open during part of the October-November period. As an example, the West Gulf Ports which are important outlets for wheat, sorghum, rice, and cotton, continued to work until November 15. New Orleans, the major export point for soybeans and corn was opened from October 28 through November 15 due to an NLRB action. Mobile, Beaumont, and Baltimore were open for shorter periods. Philadelphia was open from October 26 to November 15 under a state court action.

The East and Gulf Coasts normally account for about two-thirds of our total agricultural exports. During the October-November period in 1970 these ports exported $917 million of agricultural products compared to $400 million during the same period in 1971.

The strike impact was especially severe in October on exports of soybeans and corn from Gulf ports. Corn exports were down from $67 million to $9 million and soybeans were down from $95 million to about $16 million. By the time the Taft-Hartley injunction had been issued on the East and Gulf Coasts, 25 ocean-going vessels were idle at Gulf ports, the port elevators were filled, and an estimated 50 million bushels of corn and soybeans were backed up the Mississippi River Valley in barges and railroad cars.

Some of the soybean crushing mills along the Mississippi were forced to close temporarily while others operated at sharply reduced capacity. During this period tallow stocks on the East Coast increased and over 100 million pounds of tobacco were stalled at dockside.

THE COST TO AGRICULTURE

In total, the dock strikes on the East, Gulf and West Coasts reduced U.S. farm exports during the shutdowns by over $700 million from year earlier levels. Diversionary movements to open ports during the strike, anticipatory shipments off the East and Gulf Coasts before the strike, and heavier than normal shipments following the strike will assist in reducing the losses. However, some losses are permanent, and the impact of these strikes will be felt in lost future sales.

The strike impact is not limited to lost export sales. It is felt in the form of reduced farm prices, increased marketing costs, and spoiled crops. This is especially true for those products for which the export market is substantial. We export over one-half of our rice, wheat, and soybean production; nearly two-fifths of the cattle hides; over one-third of the tallow, tobacco and cotton produced; and one-fifth of total feedgrain sales by U.S. farmers.

For example, if past performance is a guide, we expect that at the height of the strike during October and November, our farmers sold over 800 million bushels of corn and over 500 million bushels of soybeans. The price discounts received by farmers during this period were a direct result of the reduced foreign demand for these commodities caused by the dock strikes.

U.S. agricultural exports this fiscal year could very well be down $400–$500 million below last year. Part of this decline is due to lower unit values for some of our commodities but American agriculture is not getting the volume gains that could come from these lower prices. Without work stoppages Canada is experiencing a record year for barley exports. Some of our key customers are turning to Canada and Australia for more of their wheat supplies. The Russians were forced to purchase part of their corn requirements from Argentina because of the uncertainty of our port situation. Foreign customers are telling American agriculture that they are shifting their purchases elsewhere where they can get assured delivery. That is the real tragedy of these work stoppages—the loss of future sales to our competitors not only for this year but for years to come.

It is of utmost importance that these dock work stoppages be ended promptly, and that provision be made to prevent future tieups in our transportation system. Not to do this, promptly, will be to subject American farmers to an erosion of income which they cannot and should not be expected to endure. They are growing weary of being bloodied, as innocent bystanders, by someone else's fight. They are justifiably incensed and frustrated at not being able to move to market at harvest time the product of a whole year's labor, because of unresolved arguments among small groups of people in transportation. Our farmers want protection from this kind of restrictive action—and they want it *now*.

PACIFIC COAST EXPORTS—JULY-SEPTEMBER, 1970 AND 1971

[Dollars in millions]

Commodity	1970	1971	Percent, 1971 of 1970
Grain and feed	$141.8	$13.8	10.0
Wheat and flour	88.7	1.4	2.0
Rice	25.7	5.6	22.0
Prepared feed/alfalfa meal	8.8	.7	8.0
Fats and oils	12.3	7.4	60.0
Tobacco	0	0	....
Cotton	17.4	2.5	14.0
Dairy	7.0	1.5	21.0
Poultry	2.8	1.1	39.0
Livestock and meat	32.4	13.7	42.0
Tallow and greases	10.9	4.3	39.0
Hides and skins	12.0	5.3	44.0
Fruits and vegetables	69.3	30.9	45.0
Citrus fruits	11.0	8.5	77.0
Fruit cocktail	2.7	.3	11.0
Fruit juices	3.3	1.1	33.0
Other fruits and nuts	37.6	14.8	39.0
Vegetables	13.0	6.2	48.0
Sugar and tropical products	5.3	2.1	40.0
Total—all agricultural commodities	288.3	73.0	25.3

STATEMENT OF JAMES T. LYNN, UNDER SECRETARY OF COMMERCE, BEFORE THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, ON SENATE JOINT RESOLUTION 187, FEBRUARY 3, 1972

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before your committee to present my views in support of Senate Joint Resolution 187, a resolution to provide procedures for the settlement of the dispute on the Pacific Coast and Hawaii among certain shippers, associated employers and their employees.

In light of Secretary Hodgson's testimony, I will not dwell on the facts of the current longshore dispute. Suffice it to say that the negotiations have been underway since October 1970 and that all attempts to resolve it have failed. The exhaustive mediation efforts by the Director of the Federal Mediation and Conciliation Service and the good offices of the Governors of the Western States have proved to be of no avail. All the procedures for resolving this dispute under the Labor-Management Relations Act of 1947 have been exhausted.

In September of 1971, the President personally met with the disputing parties in an attempt to settle the impasse. The President's efforts were in vain and he is now asking the Congress for emergency legislation to avert further economic hardship to this Nation.

If the Congress does not act promptly, this strike will cause serious human suffering and economic losses resulting from unemployment, market dislocation, food shortages and higher prices.

Let me spell out these losses in more detail—

BALANCE OF TRADE

Continuation of this strike can only aggravate the U.S. balance of trade position. This could raise serious questions in the minds of our trading partners as to our will and our ability to resolve our economic problems.

As you know, in recent years, U.S. imports have been growing at a faster rate than U.S. exports, progressively diminishing the favorable balance of trade we have long enjoyed. Last year, for the first time since 1893, the United States had a trade deficit. The trade deficit, which was $2 billion, is a matter of highest national concern and vigorous action has been initiated by the Administration and the Congress ot reverse the situation.

Many American export commodities have close substitutes in world markets. If our products are not readily available, our foreign customers can obtain and will seek substitutes elsewhere. Moreover, if the strike continues, foreign customers may shift permanently to non-U.S. sources of supply, resulting in a continued loss of export markets.

West Coast ports are important to the conduct of U.S. foreign trade. In 1970, vessel shipments through those ports accounted for $4.2 billion in U.S. exports whereas in 1971, only $3.3 billion in exports were shipped from the West Coast. Although part of this was due to lessened demand by our foreign customers, our figures indicate that the West Coast dock strike has had a significant adverse effect on U.S. shipments to foreign markets. Also, during the 100 day strike which began on July 1, 1971, U.S. exporters were able to divert some shipments to Canadian and Gulf ports at additional expense.

This option has been significantly more limited since the resumption of the strike. Tuesday, pickets at the Mexican Border had to be enjoined from preventing diversions to Mexican ports, and as of yesterday, the Canadian longshoremen were still refusing to load any U.S. products diverted from the West Coast to Canadian ports, although I understand that an injunction was also issued there last night.

Continuation of the present strike would cause our export losses to increase further, particularly since our foreign customers have already been severely inconvenienced and are even less likely to tolerate additional delays in delivery of U.S. products. Exports which depend heavily on West Coast dock facilities for access to international markets would be particularly affected. Among these are exports of logs and lumber, about 75 percent of which normally move through the affected ports, 40 percent of woodpulp exports, and over 33 percent of wheat exports. For example, the Western Wood Products Association estimated that its members suffered actual losses of $943,000 per day during the 100 day strike.

So much for exports; but, what about imports? Obviously, these have also been affected by the West Coast dock strike. A case in point is the Japanese automobiles normally unloaded on the West Coast. These are transported on specially designed ships which have the flexibility to unload in any U.S. port. Although this would involve some delay in delivery schedules, these automobiles can be unloaded in Gulf ports, as they in fact were during the 100 day strike. Because products imported through the West Coast are essentially finished and semi-finished manufactures which have a considerably greater dollar value per ton than the agricultural products and other raw materials exported from the West Coast, the diversion of imports is economically much more feasible than the diversion of exports. Estimates predicated on data available in the Department indicate that the net effect in 1971 on our balance of trade resulting from the 100 day strike was a deficit of $500 million.

MARITIME LOSSES

The renewal of the strike continues to severely affect U.S. flag operators. Their financial losses directly impair our efforts to rebuild the U.S. merchant marine

As of today, loss of earnings in the longshore segment of the maritime industry resulting from the current strike are estimated to amount to $410,000 per day in losses of wages. During the 100 day strike, direct wage losses to U.S. ships' crews amounted to $5 million, exclusive of fringe benefits. Some 46 U.S. flag vessels and 203 foreign flag vessels were laid up during the peak of the strike's impact resulting in a loss of over 3,000 ship days for U.S. flag vessels alone. When I testified before the House Subcommittee on Labor, only two days ago, I stated that 17 U.S. flag vessels and 69 foreign flag vessels were already strike bound. Today, there are 22 U.S. flag vessels and 71 foreign flag vessels strike bound. The number is growing daily!

DOMESTIC LOSSES

Most of the food supplied to the State of Hawaii normally is shipped from the West Coast ports subject to the strike. During the 100 day strike, food supplies had to be shipped from other ports or by air freight

at significant additional expense. Rice, an important food staple in Hawaii, had to be rationed. Retail food prices in Hawaii went up approximately 8 percent in the six week period from July 1, to the date of the wage-price freeze.

Approximately 95 percent of Hawaii's sugar output normally is shipped to the West Coast ports subject to the strike. During the 100 day strike, significant losses were incurred as a result of higher shipping costs to other ports and emergency storage costs for these shipments which were delayed.

I'm sure you are aware that a group of Hawaiian small businessmen have formed "Operation Black Eye" and have brought to Washington a petition signed by 80,000 residents of Hawaii pleading for an immediate termination of this strike to alleviate the critical situation in that State. Considering the fact that the total population of Hawaii is approximately 769,000, we believe that the number of signatures reflects the concern with which Hawaiians view this strike.

The small businessmen who organized "Operation Black Eye" have indicated to the Department of Commerce that the true impact of the strike cannot adequately be measured by statistics, but must also be seen in human terms, in terms of consumers, particularly those in lower income levels, and in terms of small businessmen. The lower income consumer finds himself unable to purchase many necessities because of the extra costs of air freight and the scarcity of products. The small businessman finds himself lacking the resources to weather the financial burdens of the strike. In short, the people of Hawaii see themselves the victims of a situation over which they have no control and for which they are in no way responsible.

Additional losses occurred in other states affected by the strike. Based on state government statistics, we estimate that cargo losses during the 100 day strike amounted to $17.5 million per day through California ports and $6 million per day through Oregon and Washington ports. Losses of $1 million per day were reported in the states of Washington and Oregon in the form of lost wheat and lumber sales alone. Food prices increased in Alaska, prior to the wage price freeze, as a result of having to ship food by truck or from other ports.

The strike also has a severe, if not disastrous, impact on some small nearby port neighborhoods and businesses. The halt in port activity adversely affects small truckers, importers and exporters whose livelihood depends on a steady flow of merchandise and also affects small retail establishments.

In closing, I believe that continuation of the dock strike would be a severe blow to the welfare and economy of this Nation. Accordingly, I urge prompt enactment of Senate Joint Resolution 187.

YOUTH FOR UNDERSTANDING

Mr. HUMPHREY. Mr. President, I want to pay tribute today to the exchange program for high school and college students, Youth for Understanding. Ever since 1951, Youth for Understanding has played a leadership role in promoting international understanding through a wide-based program of cultural exchanges. The underpinning of the entire program is the belief that a youth's education must involve a living experience in some foreign country. How else can we move toward the kind of international understanding that we have been striving for over centuries?

YFU has grown rapidly and impressively over this short period of time. Since its inception, more than 19,300 students from 47 countries in Europe, Asia, Latin America, and Africa have come to the United States. Since 1956, more than 11,300 American high school students have gone overseas under the auspices of YFU, particularly in the Latin American countries of Bolivia, Guatemala, the Dominican Republic, and Nigeria. Each program has a unique quality that is adjusted to the general character of the community where the YFU participant is living. In addition, there are special programs such as the YFU Chorale and the Community College program which have been a tremendous success.

The admirable record of YFU is greatly due to the work and dedication of Dr. Rachel Andresen, executive director, and all those people who have supported YFU throughout the years. The State Department has also been of great assistance.

Each year the YFU continues to gain momentum. It is an organization for youth and an organization which operates at a youthful pace with a youthful spirit. I congratulate YFU on the fine work it has done and will continue to do.

THE LATE SENATOR CARL HAYDEN, OF ARIZONA

Mr. CURTIS. Mr. President, one of the men who I have always admired very much is the late Senator Carl Hayden of Arizona. His death last month marked the end of one of the most unusual careers in American politics. He was a distinguished and unusual man.

Senator Hayden began to represent his beloved State of Arizona in the U.S. Congress when that State came into the Union in 1912. He continued with his service in the Senate and had a combined service in the House and Senate of almost threescore years.

The value of public service is not how long we serve, but how well. Senator Hayden served well. It was my privilege to serve on the Committee on Rules and Administration for a number of years with Senator Carl Hayden. I marveled at his memory, his keen mind, his grasp at governmental affairs and world affairs. I often thought that he knew more about the operation of the U.S. Government than any man I have ever met.

Senator Carl Hayden was a kindly man. I never heard him speak harshly of anyone. If Carl Hayden participated in a matter it was for the purpose of helping.

The historians will have ample material in the life and works of Senator Carl Hayden for many volumes. There is so much to write concerning his accomplishments. I would not attempt it here. I merely wish to express my sorrow at his passing and my sympathy to those he has left behind.

The poet, Mattie Richard Tyler, of Washington, was a personal friend of Carl Hayden. Upon his passing she wrote the poem, "The Senate Patriarch Goes Home." Mr. President, I ask unanimous consent to have the poem printed as a part of my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE SENATE PATRIARCH GOES HOME—SENATOR CARL HAYDEN, 1877–1972

(By Mattie Richards Tyler)

One winter night, a few brief years ago,
I sat and listened to you reminisce.
Across the street, your Capitol was aglow
With lights; and you were such a part of this
That when you spoke of "going home real soon"—
To Arizona and your friends out there—
I wondered if your thoughts would drift each noon
To Congress, and your Senate desk and chair.

For fifty-six full years, you quietly served
The nation, and the state that you loved best.
Your path, so strewn with honors, never swerved . . .
Through dedicated work you met each test.
Your life is ended; but your work survives
And blossoms in the fields of countless lives.

A CLARIFICATION ON THE RECORD

Mr. BROOKE. Mr. President, some time ago a most controversial document was issued by Congressman DOWDY's House District Subcommittee concerning an FHA insured rehabilitation project, the Clifton Terrace Apartments located in Washington, D.C. Most of the charges made in that report have been contradicted by the findings of the General Accounting Office and the Department of Housing and Urban Development. Further, the report was disavowed by subcommittee members who never participated in, reviewed, or saw the report prior to its publication.

Yet the report stands as a Government document, and certain inaccuracies contained therein have never been officially refuted. I would like to set the record straight regarding a charge made against a former member of my staff who until recently was the general counsel to Housing Development Corp., the nonprofit sponsor of the Clifton Terrace Apartments.

The report made the claim that Miss Marilyn Melkonian had been employed by the Neighborhood Legal Services project, a federally funded program, at the same time she was employed on my staff. This information is not accurate. Miss Melkonian was employed by the Neighborhood Legal Services project from June 18, 1967, to August 31, 1967. She was not employed as a member of my staff until September 9, 1967. I hope this statement for the record will avoid any reference to the inaccuracies of this report in regard to Miss Melkonian in the future.

SUDDEN INFANT DEATH SYNDROME

Mr. BEALL. Mr. President, on Tuesday, January 25 one of my constituents, Mr. Saul Goldberg, presented testimony on a little known subject before the Subcommittee on Children and Youth.

Mr. Goldberg is president of the International Guild for Infant Survival, Inc. of Baltimore, Md. The guild was started in November of 1964 by Mr. and Mrs. Saul Goldberg and now has more than seven chapters in the United States and one in Wales.

In his presentation before the subcommittee, Mr. Goldberg discussed the mysterious phenomena of sudden infant death, more commonly called crib death which claims the lives of 10,000 to 15,000 babies. This disease, as the name denotes, strikes suddenly and unexpectedly, and in light of present medical knowledge there is no known way to prevent it. Research has begun, theories advanced; however, very little is still known. I am certainly pleased that the subcommittee hearings were held, not only to bring a focus to this disease, but also to stress the fact that additional research is certainly needed. An example of the need for funding is evidenced by the campaign currently embarked upon in my State by the International Guild for Infant Survival to raise $100,000 for medical research. I will certainly support additional research and highly praise the fine work of the International Guild for Infant Survival.

I would also like to point out to my colleagues that the February 8 episode of "Marcus Welby, M.D." will feature an exploration of the sudden infant death syndrome. I congratulate ABC Television for this public service and recommend the program to my colleagues. I also recommend the moving testimony of Mr. Goldberg which follows and also the articles featured in the Baltimore Sun and the Washington Post on the Sudden Infant Death Syndrome.

I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement Before the U.S. Senate Subcommittee on Children and Youth, Committee on Labor and Public Welfare

January 25, 1972.

Thank you, Mr. Senator, for this opportunity to exercise my participation in our democratic form of government. Accordingly, I speak before you as a private citizen, as a father for his family, as a parent who has personally experienced the tragedy of Sudden Infant Death, and as President of The International Guild for Infant Survival and Chairman of the International Council for Infant Survival. In all these capacities, I thank you and the Committee for your interest in what we call Sudden Infant Death and for your holding this hearing. On behalf of everyone I represent here today, we greatly and gratefully appreciate your concern for the very lives of our young children.

I need not dwell on the characteristics and details of Sudden Infant Death for I would like to assume we all understand something of its nature and tragedy. But I would like to say a personal word for background purposes.

My family experienced our own Sudden Infant Death tragedy when we suddenly lost our daughter Suzanne on Wednesday, December 4, 1963, a scant 12 days after the tragic assassination of President Kennedy. If you can recall the magnitude of your own shock and our nation's grief at the loss of this great leader, then you have some insight into the magnitude of our own personal shock and grief at the loss of our normal, healthy, beautiful little 2-month-old girl! Multiply this by the thousands of similar sudden deaths of equally precious babies and you begin to obtain some idea of the disastrous proportions and extent of this major problem of infant mortality.

In trying to discover as much as possible about this unknown killer of infants, we were frustrated as individuals to learn that little or nothing was being done anywhere to get to the bottom of this phenomenon, and that very, very few people, including physicians and public health officials, knew anything about it. In fact, many never heard of it before, or had some misconception about it. So, in the true spirit of American togetherness, friends and strangers banded together for common purpose in pursuit of this killer in our midst.

And so The Guild for Infant Survival was founded in Baltimore in late 1964 . . . to fight this killer, to help solve the mystery of Sudden Infant Death, to eradicate it from the face of the earth and save the lives of thousands of infants here in our own country and around the world as well. From the beginning, we established three main purposes: to help families understand about Sudden Infant Death and its ramifications, to educate and arouse the general public to an awareness of its seriousness and scope, to support and encourage medical and scientific interest and activity in the study of this puzzling mystery.

The Guild for Infant Survival has grown to 10 affiliated autonomous groups, 25 regional representatives in various states and communities from coast to coast, plus personal or medical contacts in almost a dozen countries over the globe. The Guild is a membership organization of both stricken parents who know first-hand about Sudden Infant Death and those who have the good fortune to be spared but share our concern—who have a voice in what we do and how we do it. Their work is done on a voluntary, spare-time, unpaid basis. In addition to members and contributors, there are many who serve and support us in a variety of ways individually and through other groups and organizations, so that there are literally thousands of citizens involved with us.

In communities where Guild groups are most active, the problem of Sudden Infant Death is no longer unheard of. For people have come to realize that, instead of sticking their heads in the sand, or ignoring this problem, the way to solve a problem is to face it, honestly . . . squarely . . . meaningfully. At least 4 research projects have been given impetus due to the efforts of our Guild groups, and there may be more. We estimate that Guild contributions directly for Sudden Infant Death research now approximate $30,000 without large corporate, foundation, or public funds, donated by ordinary, wonderful people who really care about our kids.

The Guild reaches out its hand of friendship and its heart full of understanding to hundreds, perhaps thousands of "crib death" families. You can imagine how heavy the burden of self-guilt must hang over the family and anyone else with the baby at the time, and how important it is to relieve that unnecessary weight with information and compassion. Our Guilds bring these parents and the public in closer contact with researchers themselves and their facilities, sponsor meetings with health personnel, and held the first parent-medical conference in 1969.

We have succeeded in bringing our own state health officials to recognize Sudden Infant Death as a legitimate cause of death on medical certificates, to undertake special studies and statistical tabulations, and to call on us in time of need and cooperation. In Maryland, state appropriations to complete the research floor of the new Medical Examiners Building were obtained with Guild help so there would at least be a place in which research could begin, and in which it has.

Our Guild groups are satisfied that we can successfully aid and console the families of these young victims, provided we can expect the cooperation of medical authorities and public health officials, especially in verifying the serious extent of Sudden Infant Death. Much of this is also true when we reach out to the general public but the need for greater Government participation is more so. This is because the mass media which influence public knowledge and opinion so dramatically and extensively turn to those in a position to know and inform.

In the first few years of Guild for Infant Survival activity, it was very important for us to impress upon those we contacted that there was such a phenomenon as Sudden Infant Death and that it was serious. Although much correspondence was exchanged with Federal health officials and visits made to the National Institutes of Health, we could not obtain a relatively simple written statement acknowledging the true nature and extent of Sudden Infant Death. Nor could we find even one reference to this problem in any available Government publication on health, infant care, or mortality statistics. And I am speaking in general terms, not in specifics more difficult to come by. In fact, it wasn't until a year or two ago that we finally received statements in writing that were pertinent and helpful. I don't think these services of Government, which exist for public good, should be so withheld, and I certainly shudder to think that the National Institutes of Health has a "head in the sand" attitude.

Beyond this, most of the problems we have encountered lie in the direction of skimpy medical activity to stamp out this killer, and our intention as a Government to seriously pursue this goal. In order to ascertain the status of basic knowledge and information known about Sudden Infant Death, our Guild in Baltimore undertook a nationwide survey. A questionnaire concerning Sudden Infant Death was mailed to the chief health official of each of the 50 states and the District of Columbia in June 1971. Within 2 months or so, replies had been received from all but 9 states. Thirty-nine (39) states and the Distirct of Columbia returned completed questionnaires and two states submitted their information in letter form. I should like to refer to the preliminary analysis of this survey in this statement now.

It seems logical to assume that before we attack a problem, we should all understand what the problem is. This involves terminology, definition, description. In the 8 years of our involvement, there is still no uniform, accepted definition, no standardized description—and worse, no universally designated name or term. We are all familiar with the variety of names in current use: Sudden Infant Death, Sudden Unexplained Infant Death, Sudden Death Syndrome, Sudden Death in Infancy, etc. It is difficult to believe that we have yet to take this obvious initial step in official recognition.

Our questionnaire replies revealed 16 different names or phrases being used to identify what is essentially the same phenomenon. "Crib death" was most frequently named, by 20 of the 42 jurisdictions replying; Sudden Infant Death was second with 7 states. Nine (9) states used no official designation at all and 6 states were guided by the certified cause of death or pathological diagnosis. In only 14 states was a single designation employed, but there were still 7 different terms used among these 14 states! Nine (9) states used two terms and 4 states used 3. This illustrates a confusing situation in naming the problem we are talking about and trying to solve.

The Guild for Infant Survival recommends use of the term "Sudden Infant Death" in cooperation with other parent groups. To use "crib death" implies death in the crib, but this is not always true and may be misleading if officially adopted. It may, however, have value in colloquial usage. Sudden Infant Death is simple, direct, and easily understood by stricken parents and scientific researchers.

Along with a name should be a definition. No uniform or standard phraseology exists. I understand that just recently the National Institute of Child Health and Human Development has circulated a suggested one. But earlier this year, the Guild delved into this shortcoming with our medical advisors and proposes the following working definition: The death of an ostensibly healthy infant or young child which occurs suddenly and unexpectedly and which remains unexplained after post-mortem examination.

Before any name and definition agreed upon can be of value, their use must be recognized and accepted by the state filing information. In our survey, 5 states replied that no term is acceptable. Twenty-seven (27) states said they did recognize and accept one of the terms but 8 more qualified their affirmative response; for example, only if no other cause could be found or if the certifying authority used it.

Another fundamental piece of information needed before a logical attack can be made on Sudden Infant Death is, we think, to know the frequency and its relation to other health problems and causes of infant mortality. We all know about the International Classification of Diseases and Causes of Death (Adapted) and its detailed classification of all health problems with accompanying code number identification. One would expect to find some specific category within this system for our subject today, Sudden Infant Death (or some related terminology). There is none. Yet if we look far enough, we find a catch-all category of ill-defined causes or conditions.

Our survey revealed use of two such categories in this section frequently mentioned by state health officials. The state of Indiana put it the best way: "Sudden Infant Death is recorded in accordance with the 8th Revision International Classification of Diseases and with instruction from the National Center on Vital Statistics. SID is classified in the Symptoms and Ill-Defined Conditions Category '795 Sudden death (cause unknown).' A crib death diagnosis is charged to '796.2 Found dead (cause unknown).' If a more specific cause is indicated the death is charged to that category; e.g., interstitial pneumonitis, axphyxia, etc. . . ." In our discussion here, I think it is agreed among the experts that Sudden Infant Death and crib death are one and the same. Yet the International Classification is used to split these into two parts (above). Note also that neither category makes any reference to age. Adults as well as infants can and do become tabulated in both classifications. In the Guild survey, 8 states use both categories, 18 states use one or the other, 4 states use some variation of the two, 2 use a supplemental number, a couple of states use the accidental death category (E913); one used other conditions of newborn (778.9) for crib deaths under 28 days. Thirty-one (31) states mentioned some code number, 5 mentioned none, 5 were indefinite. Mention was also made of the imprecise or vague specification as to age, as not being sufficient for Sudden Infant Death.

The Guild for Infant Survival believes it is important for the National Center for Health Statistics to officially propose before the forthcoming Revisions Committee of the International Classification of Diseases a separate and specific classification term and code number for Sudden Infant Death. With the Federal health authorities showing the way for the states—as formally proposed by resolution of the state assembly of California—this revision would be a monumental step in the right direction.

This special classification and coding is essential to the accurate state tabulations of crib deaths. Fifteen (15) states reported no official tabulation in state health statistics; 25 said they do, especially when age is considered, but noted variables. Minnesota responded when asked if SID's are tabulated in state statistics: "Yes but, the variations in methods of certification and coding lead to some confusion. ICDA 795 should include the total—but some are coded 796.2 for various reasons." Tennessee said: "Those rules for selecting and classifying the causes of death are quite sensitive to the manner in which the medical certification is completed. Thus, in interpreting data regarding cause of death it is important to remember that a slight variance in the statement of cause of death may result in an appreciable difference in the cause to which the death is assigned by using the standard rules."

North Dakota noted the extra effort required: ". . . No separate tabulation has been made of 'crib deaths' or 'sudden death of infants' other than the fact that these would be in the total of 'Ill-defined' causes. To tabulate differently would require individual examination of each infant death certificate by a qualified medical person which service is not available to the Division of Vital Statistics (N. Dak.) at this time."

The National Institute of Child Health and Human Development is fond of quoting statistics which we believe are, in reality, too low. References are continually being made to projections based on 2 to 3 sudden infant deaths per 1,000 live births, to rationalize estimates as low as 7500 and as high as only 12,000. We believe even the higher estimate to be too low in the overall significance of the problem. Our reasons are these: Projections for the entire country are based on only 2–3 study areas like Seattle and Philadelphia. Yet the Chief Medical Examiner of Maryland noted the Sudden Infant Death rate in Baltimore as 6 per 1,000 live births. Since we are told there is a correlation between Sudden Infant Death incidence and general infant mortality, it would seem that SID incidences would be higher in areas with greater infant mortality, as in the South, thus increasing the total annual number.

Then there is the problem of finding and tabulating every Sudden Infant Death. Even as successful and enlightening as we have been in Maryland, there are still occasions when there is no official record of a Sudden Infant Death which we have discovered privately, as through a hospital or the family itself or a relative or neighbor. It is likely these "hidden" cases are more frequent in less enlightened communities. It is not difficult to accomplish this, especially where affluence and influence coincide. Finally, no consideration of this syndrome can be complete without regard for the phenomenon of "near" Sudden Infant Deaths . . . when normal, healthy infants suddenly are found near death but for some unexplained reason pull out of this situation, recover and return to normal. Yet competent medical examination cannot explain this strange occurrence. These, too, should be included in the SID count. For all these reasons, our Guilds and our local advisors believe it is quite possible the frequency of Sudden Infant Death could reach as high as 25,000 infants/yr.

For all this concern, with all these uncertainties and lack of knowledge, relatively little research funding has been granted by the National Institute of Child Health and Human Development (NICHD) down through the years. Here again, we have never been able to ascertain the exact extent of research funding. This continuing inability to pin down specific information, which should be available to the public, may lead to suspicious conclusions.

As of last year, the Guild was able only to estimate the extent of specific SID research funding by NICHD at about $700,000 in the 8 years of Institute existence. It is also conceivable at the time that up to 200,000 American babies were lost to SID in 8 years.

Simple arithmetic reveals that only $3.50 per lost child was being spent. Even if we conceded the Institute's upper estimate of 12,000 SID losses per year, we would still be spending only about $7.00 each.

In an honest attempt to prove or disprove our $700,000 figure, we asked the Institute to provide us with a yearly breakdown of funding since its inception. It would seem logical that an index of research grants by title or specific subject would yield this data conveniently. Yet it took more than 2 months to obtain these statistics, and then only for the 1971 fiscal year. The information sheet listed 43 grants totalling $1.8 million relating to infant mortality/SID, but only one specifically for Sudden Infant Death of $46,000 (or $2–4 per child). In 1970, there was only one grant, for $33,000 ($1.50–$3 per child). Yet the total NICHR budget rose from $76 million to $94 million in 1971, with a $5.7 million increase for support of general child health research, which includes crib death.

It is our position that the problem of Sudden Infant Death is too devastating and horrible to be explained away by 43 funding grants which may indirectly relate to the problem—that the magnitude and significance of the problem are so great as to demand commensurate and specific funding.

This lack of substantial funding is further explained by Government officials by a lack of "meritorious research ideas" or "qualified researchers." There are many potential researchers ready and willing to investigate SID in new and potentially promising directions. Although they may not meet the established standards of scrutinizing study sections, these are respected men of competence and position in their own fields and are worthy of a chance to explore their theories. It just may be that such a bizarre problem may require a bizarre or non-conformist approach, instead of standard or restricted technique.

We say this for two good reasons: First, we must always keep in mind the lives which are lost every day. I find it indecent and inhuman to wait for just the proper meritorious ideas to come along for consideraion while our babies are being struck down before our eyes day in and day out. Second, the funds to support research are public funds, derived from us the taxpayers. The very fact that these same taxpayers in many numbers voluntarily and anxiously contribute their own monies to our private efforts to fund research serves as a mandate to public officials to put their taxes to use to save lives now!

Our proposal is sensible and meaningful: Establish a certain substantial sum of money earmarked specifically for Sudden Infant Death research. Invite all interested researchers to apply for funding. Then choose those most capable and promising for funding. Make the most of what there is now; don't wait for an ideal who may never come. Only in this way will we know that our Government really cares about our babies!

Down through the years, NICHD has calmed us with repeated phrases that Sudden Infant Death has a high priority for attention and action. That it is the greatest single killer of infants from one month to one year of age. And more. Looking back, however, relatively little has been undertaken and even less has been accomplished. It is almost as if there were no such entity as Sudden Infant Death if you search the records and literature . . . even though thousands of empty cribs, tiny graves, and broken hearts bear mute evidence of the total destruction of this killer in our midst.

Is this, then the record of a Government which serves the people? In seeking to solve every problem of man's development from prenatal care to geriatrics, does a problem like Sudden Infant Death get lost in the overwhelming responsibilities of this comprehensive Health Institute? Is Government's priority and present preoccupation with birth control and population growth conflicting with the saving of the lives of newborn babies? The time has come for our Government to back up its words and intentions with dollars and sense! We spend millions in research to perfect birth control devices, but paltry thousands to save new human lives we love so much. Where is our sense of values?

Experience indicates that Government does not act on its own initiative to solve serious problems, but only reacts when some unexpected, disastrous episode compels it to positive action. Are these daily unexpected disastrous episodes too commonplace to attract urgent, serious action? Are these infant tragedies therefore being compounded by inaction?

We of The Guild for Infant Survival cannot keep silent and watch more children die in vain without lifting a finger and raising our voices. We cannot ignore these daily tragedies happening before our very eyes . . . watching these precious babies slip through our hearts and homes! And America cannot afford to sit idly by while millions of hours of manpower and talent which could be put to peaceful and productive purpose are buried forever.

These departed children can no longer speak for themselves . . . so we of The Guild for Infant Survival speak for them, so they shall *not* have died in vain. We come to plead for the lives of future generations who face this same horrible threat of sudden death at the very beginning of life.

No one can say who will be touched in the weeks and months ahead. We do know there will be many; unfortunately, far too many. How much longer will our babies—yours and mine—die so tragically and so unnecessarily? How much do we really value life itself?

Today, you have a golden opportunity given to very few: to save thousands of lives every year in every future generation of mankind . . . by considering and acting on what we have said here today . . . to speed the day when no more babies will die . . .

John Donne said it best:

"No man is an island, entire of itself. Every man is a piece of the Continent, a part of the main . . . Any man's death diminishes me, because I am involved in Mankind. And therefore never send to know for whom the bell tolls, it tolls for thee . . ."

[From the Washington Post, Jan. 26, 1972]

The Mystery of Crib Death

Among the many baffling mysteries of the human body, few remain as persistently unsolved as crib death. The disease is known medically as sudden infant death syndrome (SIDS). Estimates vary on how many victims die every year; the National Institute of Child Health and Human Development believes between 7,400 and 10,500 occur annually, while two private groups—the National Foundation for Sudden Infant Death and the Guild for Infant Survival—put the figures between 10,000 and 20,000. Whatever the number, little argument exists that SIDS is a definite disease and is the number one cause of death in infants after the first week of life. Mystery is present because it can neither be predicted or prevented. The infant is usually under six months of age. Typically, the baby is healthy and normal, though sometimes a common cold may be present; he or she has been put to bed routinely but some hours later, with neither a cry or an indication of pain, is found dead.

On Tuesday, the Senate Subcommittee on Children and Youth held one day of hearings on crib death. One expected and much needed result of these hearings is that greater public attention will now be focused on this dangerous and widespread disease. Dr. Abraham Bergman of Children's Orthopedic Hospital in Seattle and president of the National Foundation for Sudden Infant Death, believes that the urgent problem about SID'S "is ignorance among the medical profession and lay public. In the vast majority of communities, parents who lose children to SIDS are treated as criminals . . . Many medical examiners and coroners are still calling the disease suffocation or a variety of other names." In addition to normal reactions of grief, parents of SIDS victims often suffer guilt or emotional pain unmatched by other diseases. "The toll of broken families around the country for sudden infant death is shocking," said Dr. Bergman.

As a beginning sign of congressional interest in SIDS, the hearings were useful. As Sen. Walter F. Mondale, the subcommittee chairman noted, it was only three years ago that crib death was finally identified and described as a specific disease. What needs to be done now is for NIH to examine its research posibilities, first to discover the cause of SIDS and then to see how it may be prevented. Neither goal will be easy to reach, but with annual deaths ranging in the 10,000 area, the reduction of infant mortality should at least be a major concern of both Congress and the government. No one can deny that SIDS is surely a major concern to tens of thousands of parents.

[From the Baltimore Sun, Jan. 30, 1972]

Crib-Death Study Needs $100,000

A Baltimore-based organization dedicated to exploring the mysteries of sudden infant death has embarked on a campaign to raise $100,000 for medical research.

The drive is being led by Mr. and Mrs. Saul Goldberg, a Baltimore couple who founded the international Guild for Infant Survival in November, 1964, less than a year after the sudden, unexplained death of their 2-month-old daughter.

There has been little research into sudden infant death—also known as crib death—and its cause and prevention are unknown. A recent Senate hearing noted there are 10,000 deaths annually and that the federal government spent only $46,000 in 1971 for research into crib deaths.

In a typical situation, a mother enters her child's room in the morning and finds the infant dead in his crib. There is no clear medical reason for the child's death and the parents, wrongfully, often blame themselves for the tragedy.

In the Batlimore area last year there were 94 deaths attributed to the sudden infant death syndrome; statewide, the total was more than 150.

Because of the lack of a uniform reporting system, the failure of doctors to list the syndrome on death certificates and the lack of experience on the part of some coroners, the Goldbergs feel the problem is grossly underreported. They estimate the national death total at 25,000 annually.

For years, Mr. and Mrs. Goldberg said in a recent interview, they labored under the belief that, once made aware of the syndrome, people would identify with the tragedy and support research aimed at its elimination.

But this has not happened.

"Can't Hide From It"

"People clam up about it instead of reachout to the problem," Mr. Goldberg said. "There is tragedy in this world, people must realize it, they can't hide from it," he added.

Consequently, the couple announced their intention to abandon the organization's "low profile" and begin soliciting help from charitable organizations, corporate foundations and "affluent and influential" persons in the community.

At the same time they are planning a campaign to attract donations from persons in stores, offices and shopping centers. They will do this through posters advertising a February 8 episode of the "Marcus Welby, M.D." television series in which the sudden infant death syndrome will be explored.

Mr. Goldberg takes credit for initiating the show in a letter he mailed to the show's producers in the summer of 1970 suggesting a program on crib death.

They have no deadline for obtaining the $100,000 but said most of it will go to Dr. Russell S. Fisher, the state's chief medical examiner, whose interest in crib death goes back 20 years.

Dr. Fisher, who participated in the interview, said the money will be applied to basic research on the problem.

Many Had Minor Infections

Dr. Fisher suspects that the syndrome is connected with the development of the infant's immunological system to ward off infection and disease.

Most of the deaths occur in the third or fourth month of life and sharply drop after the eighth month, he noted. It is during this period that the baby loses the immunological system inherited from its mother and begins to develop its own system.

Sudden infant death may be due to a defect in the development of this system which would render the infant fatally susceptible to relatively minor infections, he said. Many crib death babies have had minor infections upon autopsy, he added.

If these defects could be spotted, Dr. Fisher said, all children would be examined at four months of age and, if they possess the defect, their immunological defense system could be bolstered, say, by serum injections from the mother.

Dr. Fisher said it would take $100,000-a-year for five years to hire a staff of immunologists and immuno-chemists to probe this theory. "We don't have the money to get the talent," he said.

Mr. and Mrs. Goldberg hope, at least, to get this project initiated.

JUVENILE DELINQUENCY

Mr. COOK. Mr. President, last week I received a letter from a constituent concerning the designation of the first week in February as "We Appreciate Our Young People Week" in Kentucky. Let me be among the first to applaud this attitude. A healthy respect and concern for the young people of this country is an important first step in the eradication of many of our juvenile problems. This recognition serves as a fitting introduction to my remarks today regarding current juvenile delinquency legislation.

Over the past 3 years my position on the Senate Subcommittee To Investigate Juvenile Delinquency has made me increasingly aware of the inadequate attempts on the Federal level to deal with the root causes of juvenile delinquency. The current overcrowding in our correctional facilities and courts is a direct result of our inexcusable neglect in the area. Undeniably, the most effective and efficient approach to any problem is to address its cause rather than simply its symptoms. For this reason I am convinced that a strong and broad program of delinquency prevention should be a major priority of this session of Congress.

The Juvenile Delinquency Subcommittee has recently held hearings on two pieces of legislation in this area. Both are aimed at delinquency prevention and both have met opposition on the grounds that the authority to implement and fund projects such as they propose already exists. This authority is scattered through a wide variety of types of legislation and effects a number of different agencies and bureaus. For the most part, these titles have received little, if any, funding or development. Therefore, while delinquency prevention programs have been recognized as important and authorizations provided for, they have not received the funds and priority which would make them viable, working programs.

This is a situation which I personally deplore. Until someone is willing to take the initiative in developing these various pieces of legislation into a broad and effective delinquency prevention program, I will feel compelled to support the scattered pieces of prevention legislation that come before this session of Congress.

My concern today, however, is with the one preventive approach which I feel holds the only real promise in dealing with the problems of today's youth. That approach is basically one of helping kids to help themselves. It is exemplified by the efforts of YDDPA, the Youth Development and Delinquency Prevention Administration set up in HEW under the Juvenile Delinquency Prevention and Control Act of 1968, in its organization of Youth Service Bureaus in special pilot projects throughout the country. As a concept, it is quite simple: To go into an area, determine what public and private services are then available to the youth of that area, and to set up a system whereby these various groups and agencies work closely together in their efforts, complementing and cross-referencing children in need to each other. It is the natural—and quite logical—approach. It has, however, pointed out striking deficiencies in certain types of services badly needed by youth in most of these pilot communities.

One of these areas is the provision of alternatives to the juvenile justice system, alternatives which supply young people with the understanding and counsel that will keep them out of the juvenile justice system. Innumerable young people each day find themselves in police stations, courtrooms, and detention centers across the country, the perpetrators of no real crime beyond that of status: The truant, the incorrigible, the neglected, the runaway. Neither the police, the judiciary or the welfare systems in most of these areas have the time or money to help these kids. Their problems unresolved, these young people are too often hurried home or into juvenile institutions, only to reglut police stations, courts, and correctional institutions with their return.

In my years as a county judge, I saw far too many of these young people accumulating unnecessary police records and making return visits to our juvenile justice system. Unquestionably, many of them did not even belong there to begin with. The need to broaden and strengthen our efforts to help these children before they become involved in more serious sorts of crime is evidenced each day, as our courts, police departments, and juvenile institutions become increasingly overburdened.

The Runaway Youth Act, which I originally cosponsored in November of last year, is such an attempt. Its thrust is delinquency prevention through the encouragement of alternatives to our existing juvenile justice system. It has the support of police departments, juvenile judges, social workers, and national and local private groups throughout the country. It is a simple and relatively narrow piece of legislation, authorizing funds to HEW for grants and the provision of technical assistance "for the purpose of developing local facilities to deal with the immediate needs of runaways in a manner which is outside the law enforcement structure of the juvenile justice system." I feel, however, that its impact in the area of delinquency prevention will be extensive.

For this reason, I wish to clarify a number of points regarding this bill which I feel to be important.

In the first place, the shelter to be provided is only temporary. We are not encouraging our young people to leave home but giving them the immediate understanding and counsel which they so badly need in adjusting to life and the pressures of growing up. These shelters are meant to help bridge the gap between parent and child and to provide our youth with a place to go when leaving home seems their only alternative. As recent hearing testimony has shown, the average runaway is under 14 and part of the white working class. He is not the disgruntled older youth of middle America seeking adventure. He leaves home, because something is very wrong there. The greatest service we can do them is to respect them and help them respect themselves.

This brings me to my second point. How do you help these youngsters help themselves? What sorts of counseling and services do you provide them? Each person and each situation is different. Likewise, each area of the country is different. The variety of projects which have sprung up at the local level in response to local needs is indicative of the type of programs that are needed, locally initiated, locally sponsored and tailored to local needs. I fully support the more comprehensive efforts of national organizations such as the YWCA and Travelers' Aid along this line. I do feel, however, that the most effective programs are those designed to fill a gap in available youth services on the local level, projects funded by both public and private community groups. It is my sincere hope, therefore, that this piece of legislation will eventually fund, on a limited basis, a wide variety of shelter homes and counseling facilities, encouraging local initiative in broadening and strengthening services available to troubled youth in any area.

This bill is meant to fund a broad range of programs, to complement existing services and projects and to retain flexibility in a locality's response to delinquency prevention outside its juvenile justice system. It does not offer any comprehensive solution to our juvenile problems; it encourages each locality to find its own answers. I believe it offers far more than a superficial glance at its title, the Runaway Youth Act, can convey. For this reason I urge both the Members of the Judiciary Committee and the rest of Congress to carefully consider its eventual passage.

To this end I ask unanimous consent to have included in the RECORD a number of letters and articles which I have received regarding the Runaway Youth Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALTIMORE, MD.,
January 14, 1972.

Re: S. 2829, the Runaway Youth Act of 1971.

Senator MARLOW W. COOK,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR COOK: I am in receipt of your letter of December 21, 1971 enclosing a copy of the above Bill which has been introduced by you and Senator Birch Bayh.

I have read the Bill carefully and all of its explanatory material and must say that I totally and wholeheartedly endorse this legislation. Statistics are hard to come by on how many runaway youths we have each year in a given community—those who come to the attention of the authorities are, I fear, merely the tip of the iceberg. As the presiding judge in the Juvenile Court of Baltimore City, I can say that the best estimate of the total number of runaways each year in our city would be several thousand.

I think it is readily apparent what the ramifications and consequences of this extensive problem are. It is a problem that has always been with any society, but I think that it is clear that it is one which has grown very sharply over the last number of years—a growth far out of proportion of the rising juvenile population. This can be attributed to a wide variety of factors—the increased alienation between the young and their elders, the drug culture, greater mobility, more maturity and many other factors. For the purposes of your Bill it is not as important to pinpoint the causes as it is to pinpoint the effects.

Each of these youngsters is troubled in his own way—some to a more severe degree than others—but each needs a kind, firm and understanding hand which the child does not feel is available at home and probably not in his school either. There is practically no other place where the child feels he can turn to reach out for this hand. The very meager facilities which exist for these children are taxed many, many times beyond the breaking point. These youngsters do not need punishment—they need sound and proper counseling and guidance. Failure to provide this will be to reject scores of thousands of fine young people each year and in so many of these cases cause them irreparable damage. It is only through the establishment of the type of resources which your Bill proposes that we can attempt to meet in a meaningful way the very real problems of our troubled youth.

Sincerely yours,

ROBERT I. H. HAMMERMAN.

YOUTH HELP CENTER,
Chicago, Ill., January 17, 1972.

DEAR SENATOR COOK: The Youth Help Center of the Grace Lutheran Church is presently in its fourth year of operation, and as such is the oldest runaway agency in the state of Illinois. I have been following the progress of your bill, and some of the hearings as reported in the newspapers.

Enclosed you will find some older literature that we have that describes some of the things you seek to know about our program. I am aware that you have done excellent research in your bill, as we have spoken with the people of Runaway House in Washington about your bill. I do not wish to be redundant, and hope to make this letter short so that we are not tooting our own horn with data you have already encountered.

The bill is two years late. Chicago has always had large numbers of runaways, primarily from the suburbs. Lately, with the increase in community youth centers, primarily of drug orientation, there has been a decrease in the numbers coming through. The change has been from a white suburban youth of middle class parents to the white, urban youth of working class parents. The cases have been more complex due to more legal complications—from schools, from marital situations (unknown custody), and from past recorded with law enforcement officials. We have always had great cooperation from the local police.

From our annual report, you will notice that we are attempting to institute an approach similar to that of your bill with a group home. In 1969, the YHC operated a group home for 7 months, but was forced to close it due to inadequate funding. Our experience has been that without concrete temporary alternatives in housing to offer youth, so they have a reasonable chance to expect parents permission and some help, most will turn and go back onto the streets for their survival. I cannot overemphasize the need for the homes that your bill will provide for. Time and time again a youth's situation has crumbled due to the simple fact we were unable to provide him with an alternative living environment for only a few weeks, while he was able to put his own head back together without the pressures of the home environment.

This bill will begin to provide the alternatives that have so long been sought by many youth agencies around this city, and the staff of the Youth Help Center gives it our whole hearted recommendation. It is truly heartening for us to see some of our legislators who are real enough to have some contact with this real problem that is now beginning to affect even the working class youth in greater proportions.

Celebrate life!

MARK THENNES.

THE RUNAWAY PROGRAM, YOUTH HELP CENTER—GRACE LUTHERAN CHURCH

Although this program began as the Grace Lutheran Runaway Program, it has always crossed all lines of race, creed, or color, both in its staff as well as those it sought to help. It was renamed Youth Help Center Association in recognizance of the fact that it is, and always has been, non-ethnic and non-denominational in character.

Since June 1968, in an innovative action program Grace Lutheran Church Runaway Program has sought out and worked with more than 1500 runaway juveniles of all faiths and social backgrounds. Working with a nominal budget, this program included extensive utilizations of volunteer services, while providing emotional support and encouragement when a teen is afraid to seek help from established social agencies. By creating an atmosphere with which the teens could identify, we created a place where he (or she) could feel safe . . . a place where he could find help within the framework of a lawful society.

As word-of-mouth publicity spread among the young people, juveniles contemplating running away from their families began calling the center. Through these contacts, other innovative measures for runaway prevention were added to the program. Several hundred juveniles, not included in the actual runaway program, were given runaway prevention counseling, with referral to cooperating agencies when possible. The program has reached approximately 3000 young people, half of whom are runaway juveniles.

Key elements of the program include activities such as:

Counseling for runaways and pre-runaways.

24 hour manned crises phone.

Liaison with police and other agencies.

Drop-in center.

Outreach into the community.

Artistic, musical and cultural activities.

Youth centered folk services.

This program began because we saw juveniles in need who didn't have a place to go. We started with:

An almost instinctive approach.

A basic philosophy—contact and help. We added prevention and cure.

A philosophy that the helped must become the helpers, and we emphasized that fact during any counseling.

We had no:

Guidelines to follow because there was no successful long-term program dealing with alienated youth.

Money to give us time to analyze the dynamics when we were able to do what responsible established social agencies using traditional methods had been unable to do.

In today's society, as long as a juvenile refuses to stay at home he is either a fugitive or a prisoner. Neither circumstance is beneficial to anyone. Despite these deterrents, if a teen becomes sufficiently desperate about his home situation, real or imagined, he will run away from that situation.

Increased force and control will only lead to further overtaxing of present agency resources. It will result in more bitterness by young people toward adult authority in general . . . their parents and law enforcement people in particular. A runaway's respect for the law will be greatly enhanced when efforts are made to deal with his feelings and needs, instead of only his actions.

[From the Washington Post, Jan. 20, 1972]

ANN LANDERS: YOUR BASIC INCORRIGIBLE

DEAR ANN LANDERS: Our 17-year-old son left home last June because in his words he wanted to be a hippie. He lived with friends all over the country, bumming from one place to another, getting kicked out by parents regularly. Now he has come home, stone broke, hair down to his shoulders, smelling like a six-week-old hamburger.

My husband and I talked it over and decided he could live here but he'd have to clean himself up and stop running around nights. He had been out until 2 and 3 a.m. every morning with a couple of creepy kids who look and smell just like he does. Our son informed us in very plain language that he has no intention of meeting any of our conditions and we can't throw him out because the law says we are responsible for him until he is 21.

The entire family is in a constant state of tension because of this boy. He does whatever he pleases with no regard for anyone. What can we do? Please come up with an answer.—Lake George, N.Y. Parents.

DEAR L.G.: You have just handed me the most difficult question of the century. Thanks a lot.

First let me assure you that your son is as sick of himself as you are. He is angry, insecure, rudderless and miserable. A hostile kid is a troubled kid. Since there is no communication between him and you, I suggest an intermediary, someone the boy can talk to—a physician, a clergyman or a counselor. This boy needs therapy but it can't be forced on him. He must want it.

He is right when he says you cannot throw him out because he's a minor. You can, however, put him in a detention home—which I do NOT, repeat NOT, recommend—if he becomes unmanageable. Most detention homes are factories that produce hardened criminals. Your son's recalcitrance and hostility did not develop overnight so don't expect miracles. Be patient and remember that the child who is least lovable needs love the most.

CHICAGO, ILL.,
January 4, 1972.

Re: Senate Bill No. 2829, the Runaway Youth Act.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We are extremely impressed with the depth of your interest in the problems of our youth population.

Looking Glass, presently a division of Travelers Aid, started about two years ago. Its origins, while small and all volunteer, grew quickly to include paid professional and paraprofessional staff augmented by a volunteer staff of 40.

Those of us who have been a part of Looking Glass since its inception have been astounded at its growth and can only account for it in terms of need. During the past 23 months, we have served over 2,000 adolescents and their families.

I am enclosing some background information about the center and a copy of a preliminary critique from Northwestern University for your review.

While our agency is located in a familial setting, we do not provide housing at the center location. We have found that the use of emergency foster homes (specialized in the care of adolescents) provides a positive experience during crisis and is helpful in further determining a plan for the youngster beyond the crisis point.

We feel the need for both kinds of alternatives, the runaway house and the use of runaway centers and foster homes. It would seem logical that in serving the complex needs of youth, more than one kind of program be developed in their interest. This we feel provides a better selection of alternatives than presently exist.

In terms of comments and criticisms on the Runway Youth Act as it presently is written, kindly allow me to comment point by point.

Under Section 2 beginning "The Congress hereby finds that—":

We are in general agreement with Sections 1, 2, 3, 4 and in specific agreement with 5 & 6. We have long felt that placing a "criminal status" on a juvenile with "runaway syndrome" is not appropriate, and that in some way this particular area of problem solving should not be under the jurisdiction of the police department and the courts unless there are specific acts of delinquency involved during the runaway episode.

Under Title I:

We fully support the narrative as described in Sections 101 & 102. Under specifics (a) (b) we would recommend the word "house" be changed to "program" throughout the Bill. As we indicated earlier, while we do not use a formalized "house" setting, we find our program using foster homes as a creative alternative to the institutionalization process which a network of houses might perpetuate. Furthermore, let me again reiterate the need for both our client and in-residence centers to serve the needs of adolescent youth.

In Section (2) of Section 102:

While we would agree that a maximum of 20 is appropriate in a shelter setting, we would like to point out that the involvement of foster parents facilitates a greater number of emergency placements at a lesser expense. Although most of our foster parents do not receive payment for care, when there is money available either through the natural parents or through the state Illinois Department of Children and Family Services, a payment not to exceed $3.50/night is made. Based on a cost accounting of in-residence centers, the average cost of sheltering a youngster in an in-residence center is approximtaely 40% more on a per diem basis over a year's period of time.

Again, we would support the development of an adequate plan according to the best interest of the child. We would like to point out however, there are a small number of occasions when it is impossible to contact parents. We recommend that this Bill provide for *authorized licensed* child placement agencies not to be in jeopardy under the law when it becomes necessary for the agency to act in loco parentis because contact with parents within a given period of time is not possible.

Item (4):

Of course, while we support the context of the provision, our concern lies in how to achieve "proper relations" with the law enforcement personnel. With most youth agencies already considered suspect by police departments, we would hope legislation would not reinforce already reluctant attitudes on the part of youth serving agencies or the police department.

Item (5):

Again, while supporting this provision we would hesitate to see a limit placed on the distance from the center in terms of an involvement of youth and family in after care counselling or family therapy. It would seem more appropriate if the decision was made by the client and/or his family.

Item (6):

Our only recommendation would be to phrase the provision to include the word *confidential* so that the rights of clients and their families are not in any way placed in jeopardy.

Section (7):

While the importance of accurate data collection and research cannot be denied, our concern is that the word "goals" implies "concretes" which are not always visible during the time of contact in youth serving agencies. Long term speculation based on empirical study would indicate to us that "concretes" are not possible much before a service is about 3 years old. We feel the intent of such a provision needs clarification to prevent misinterpretation by personnel in the Department of HEW.

We have further comment on (8) and (9). Sections 103–107 inclusive have our support with no comment at this time.

In terms of comments and recommendations on Title II:

While we recognize the need for comprehensive study, we would implore Congress not to duplicate existing studies. The Secretary of HEW should be ordered to gather all existing information and research presently being conducted nationwide and evaluate the findings before further study.

We would not be supportive of an appropriation of ½ million for primary research proposed which in fact may already exist. In fact, that amount of budget appropriation could adequately fund 4 or 5 centers such as Looking Glass in Chicago alone, with each center doing its own research and being able to facilitate services to 1–2,000 youth per annum each.

Again, in summation, comprehensive study of the runaway population is imperative. Beyond that, it seems that a great deal of study of the myriad of youth serving agencies that have sprung up nationwide in the past 3 years would be useful in further determining appropriate services to adolescent youth and families by the Department of HEW.

As a final comment, we feel that the origin and development of the Looking Glass/Travelers Aid model can serve as a model in other communities that do not choose to have a "house" per se in their locale. Our model, using a center location, and involving the participation of foster parents and a large group of volunteers in key positions of responsibility creates a setting in which service can be rendered and the community involved concurrently in working out problem situations in neighborhoods, schools and other youth programs.

In conclusion, we would hope to be invited to participate in hearings to the Committee should they take place, and that all the senators would use such hearings to further make the general public aware of the severity of the situation of runaway children nationwide.

Respectfully,

Mrs. GERDA FLANIGAN,
Project Director.
Mrs. BETTY GORDON,
Executive Director.

[From the Courier-Journal, Jan. 19, 1972]

PROVIDING CARE AND COUNSEL FOR RUNAWAYS

We don't hear so much these days about that phenomenon of the 1960's, the teen-age runaway, but it's been estimated that one million youngsters are still running away from home each year. And that's why Indiana's Senator Bayh and Kentucky's Senator Cook are sponsoring legislation in Congress that would provide $10 million for local government agencies or private non-profit groups to help these young people.

The idea is to set up a chain of "runaway houses" across the nation, places where the youths could seek temporary shelter and receive some counseling before being persuaded, one hopes, to return home and try again. The staffs also would try to see that the runaway and his family get more assistance after the return in an effort to cure the causes of flight.

Similar facilities already are in existence in some cities, but most are underfinanced and only scratch the surface of the problem. And as was evident from testimony given to Senator Bayh's subcommittee last week, programs like two in Southern Indiana could get a big boost from this kind of federal aid. A Clark County judge spoke of his rehabilitation work with juvenile delinquents, 10 per cent of whom are runaways, and a Jeffersonville probation officer told of the use made of the Clark-Floyd youth opportunity center by children who have left home.

Wherever the "shelter and counsel" approach has been tried, it has seemed to work. Every parent—past, present or future—must know in his heart that the two Senators are on the right track.

[From the Louisville Times, Jan. 13, 1972]

CLARK OFFICIALS SUPPORT BILL TO HELP RUNAWAYS

(By Frank Fox)

Clark County officials were to tell their juvenile delinquency story to a U.S. Senate subcommittee today, and they had a five-year report to back up their testimony.

Superior Court Judge Warren W. Martin Jr. and Chief Probation Officer Mrs. C. B. Barthold were to appear before a subcommittee investigating juvenile delinquency. Chairman of the group is Indiana Sen. Birch Bayh.

Bayh and Kentucky Sen. Marlow Cook are co-sponsors of a bill that would arrange housing and rehabilitation services across the country for apprehended juvenile runaways. The Indiana Democrat and the Kentucky Republican propose that the federal government grant funds to organizations outside of the law-enforcement structure and juvenile Justice System to deal with an "alarming increase" in juveniles leaving home without parental permission.

The bill, called the Runaway Youth Act of 1971, would be financed by the U.S. Department of Health, Education and Welfare annually, beginning in fiscal year 1973.

Judge Martin and Mrs. Barthold, who yesterday released portions of a report covering juvenile court activities in Clark County during 1966, 1970 and 1971, said they are in favor of the proposed bill. It closely parallels what his Superior Court—which has exclusive jurisdiction over juveniles in Clark County—has been doing for some time, Martin said.

In a joint statement prepared for the subcommittee meeting, Martin and Mrs. Barthold said that "the bill comes closer to the real needs of runaway children in this country than any other piece of legislation proposed up to this time."

Martin and Mrs. Barthold in their report to the subcommittee included data from 1966 through 1971 showing that the percentage of runaway youths they handled ranged from 7.7 per cent of the total caseload in 1969 to 18.5 per cent in 1967. According to the report, 10.9 per cent of the 1,426 juveniles handled last year by the Clark County probation office were runaways.

In the subcommittee report Judge Martin also described his court's recently established intensive probation and foster-home programs as "alternatives to incarceration" concepts. He feels these concepts should be considered by any agency or committee charged with setting up interstate shelter houses if the act is passed. "In fact, both programs are partially funded with federal money," Martin said.

Preliminary figures from the five-year comparative study show, among other things, the delinquent behavior by teenage girls increased in 1971.

Some other statistics the two Clark County officials were to present to the Senate subcommittee and which will be included in the annual and 5-year comparative study are:

The number of juveniles referred to the Clark County Juvenile Court during 1971 is up almost 90 per cent over the 1966 total and 16 per cent above the 1970 total. The increase in 1970 over 1966 was 66 per cent.

Decrease in commitment of youths appearing in Superior Court to correctional schools, hospitals, state farms, prisons and private institutions. Fifty-three were committed in 1966, 30 in 1970 and 26 during last year.

A slight decrease in the number of youths returned to correctional institutions. Ten were returned in 1966, 11 in 1970 and eight in 1971.

A 5 per cent decrease in male juvenile referrals during 1971 over the previous year, while the number of female referrals increased 5 per cent in 1971 over 1970.

A total of 72 juveniles placed in the foster-home or intensive probation programs.

SENATOR HAYDEN

Mr. PELL. I deeply regret the death of our former colleague, Carl Hayden.

I well remember when I first came to the Senate the kindness and wisdom of Senator Hayden. He gave me good advice and guided my early steps in this body. I think part of the reason for his kindness to me was because he served with my father in the other body where they had known each other and had been friends. If ever there was a Senator who followed his own adage of being a workhorse, and not a showhorse, it was Senator Hayden. I know that my admiration and affection for him was shared by all who came in contact with this fine old pioneer.

To his nephews and family, I extend my deepest sense of loss.

A MAN FROM ALASKA

Mr. STEVENS. Mr. President, I would like to insert in the CONGRESSIONAL RECORD an article that appeared in the January 1972, issue of American Forests at page 26. This was entitled "A Man From Alaska" by James B. Craig. It concerned Mr. Burton W. Silcock, the present Director of the Bureau of Land Management. As some of my colleagues undoubtedly are aware, Mr. Silcock brought with him, when he was appointed Director of the Bureau of Land Management, a vast experience in Alaska and particularly a considerable amount of expertise in the 49th State. His record in combating innumerable forest fires was most commendable. The acreage loss dropped considerably as his innovations and improved techniques were utilized to hold down the rampant destruction caused by massive forest fires.

As the article points out, Mr. Silcock was a pioneer in organizing the Helitack instant attack system. This was but one of his contributions to the preservation of our national lands in Alaska.

I am sure that Mr. Silcock will be equally effective in his new job.

I commend this article to my colleagues for their information.

Mr. President, I ask that the article be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MAN FROM ALASKA

(By James B. Craig)

When Interior Secretary Morton last summer brought Burton W. Silcock to Washington and placed him in charge of the Bureau of Land Management, The American Forestry Association had more than ordinary interest in the event.

Forest protection is the number one plank in AFA's Program for American Forestry. When catastrophic fires swept Alaska in 1969, some man-caused as well as lightning strikes, the Association went to work to help strengthen BLM's fire-fighting apparatus in the State. The man who headed this effort was Silcock, for six years Alaska Director of BLM.

In 1969 fire losses in Alaska were appalling. A 14-year record of an average 923,078 acres a year was bad enough but in 1969 a total of 4,231,830 acres were consumed. Something definitely had to be done and something was done. While the number of fires did not decrease appreciably (511 in 1969, 504 in 1970) the acreage loss in 1970 was held to 118,237. While fire danger was not so serious in 1970, once explosive early season conditions let up due to rain, this was, nevertheless, a marked improvement and credit must be given to Mr. Silcock.

In 1969 when some fires burned for weeks at a time, AFA believed the principal thrust of a stepped-up control effort should be a strong air arm plus use of retardants and smoke-jumpers in a fire jurisdiction that extends 800 miles in one direction. The idea was to hit little fires quickly before they became big fires. This idea of instant attack, previously unknown in Alaska, proved to be part of the answer but a tactical air arm was not the whole answer by any means.

In a recent interview, Silcock conceded there is great tactical advantage in having a strong air arm in achieving early attack but he further indicated that air power will never supplant the Queen of Battles—well-trained fire-fighting infantry on the ground when it comes to winning Alaska's major fire engagements.

When fires are breaking out all over a big state, and spreading, a Fire Boss tends to run out of smoke-jumpers and airplanes and helicopters, Silcock said. Also it requires several days to drop a jumper, retrieve him, and get him started on a new assignment. While mobility is vital in winning the skirmishes, so is a well-trained army in winning the big engagements, Silcock said. As the forester described it, one visualized air power in Alaska fire fighting as being akin to Stonewall Jackson's cavalry in the Civil War—fast moving and fast striking. But Lee was always just behind with his main body of Virginians and other troops.

At any rate, Silcock, as field general of Alaska's fire-fighting forces, decided he needed more and better infantry as well as stronger and faster air attack. To get them, he sent his professional firemen into villages and hamlets all over Alaska to train native villagers to fight fires. He saw these people as a corps of satellite striking forces all over the state but concentrated on 12 special bases, always ready for immediate callup.

This effort has been successful, he thinks. More than 1,000 natives have been trained so far to serve as standby fire fighters. They are tough, know the country, and show keen interets in their work. That they are now recognized as a superb striking force was recognized in the lower Forty-Eight when 800 of them were imported to fight a forest fire in the Pacific Northwest.

In organizing the so-called Helitrack instant attack system, Silcock and his general staff saw three key thrusts: 1) improved communications; 2) standby crews of trained men; and 3) selection and placement of equipment, operators and supplies in the State's forested areas.

Silcock expressed some satisfaction with his improved communications network. Facilities in vehicles and in the towns and villages have been improved. Of substantial aid has been a series of "repeaters" placed strategically on mountaintops that are triggered by two high frequency FM channels at lower elevations, the batteries of which units are recharged by the sun. This has enabled the communications network to overcome the previous hurdle posed by the Alaska range.

While more vehicles and other fire-fighting materials are needed, the previous gap has been bridged to a degree with the result that more hardware is immediately available on short notice. The strategically-located fire-fighting infantry can be moved by marching, truck or helicopter as required.

"Right now, the attack pattern consists of air-flown retardants and jumpers to hit the small fires with the native villagers ready to move in if the skirmish becomes a battle" Silcock said. "But if fires are too close to centers of population or on extremely valuable land all the attack forces may converge at once."

When AMERICAN FORESTS asked him if he now had enough money, material and people to cope with Alaska fire emergencies, Silcock was guardedly optimistic.

"I think we are advancing about as fast as we can within the present limits of our own capabilities" he replied. "We *do* need more trained, permanent people up there and we need to fill out our equipment needs, more tankers, 'for example'."

Money presently is available in a pinch, he said. Regular fire appropriations inadequate for a major rash of fires can be filled out by supplemental appropriations. That would indicate the 1270 Regular Fire Appropriation for the state should be given more muscle. While some gaps exist, Silcock couldn't say enough for his own BLM fire personnel in Alaska and his native "army." They are superb, he said.

Born in 1922 in Burley, Idaho, Silcock, is a big, rangy man who earned three varsity letters at Utah State University in Logan, Utah, where he majored in range management. His first full-time federal position was in Texas in 1947 as a range conservationist with the Soil Conservation Service. He joined BLM in 1948 as a member of a field party in the Big Horn Basin of Wyoming. Since that time he has held a number of key posts in BLM and much of his work was concentrated on range management. He saw service in World War II.

Still feeling his way in his new post, he was reluctant to express views on some measures now pending in Congress including the Alaska native claims. But he has very definite views on BLM immediate and long-range basic goals.

First, BLM needs a new Charter in the form of an Organic Act that will enable the bureau to really practice multiple use management on its lands, he believes. He believes that the time for this action is now.

"The Public Lands are just being discovered," he said. "The horizons are very broad and our managers need new breathing room." he said. The implementation of the proposals of the Public Land Law Review Commission and other bills before Congress all point in the right direction, he feels. A new, modern look is a real necessity.

"Secondly, we've got to have planning" he said. "There is no more new land. We've reached both the Pacific and the Arctic."

This means that managers must become more people-oriented and that plans for land must be made before irreparable damage is done to both the land and the people on it.

BLM's so-called Multiple Use Bill expired in 1964. But Silcock points to the great progress that was made by BLM up to that time in Alaska alone. Complete land classification was carried out on the six million acres around Iliamna Lake and 22 million acres in the Copper River Basin. Unfortunately, similar programs in the White Mountains and Brooks Range areas were not completed prior to the expiration. Even so, a total of 70 million BLM acres in Alaska were classified for future use.

The need for planning for many areas, especially in Alaska, is due to the very fragility of some of the resources, he said. As regards people, he said he is always conscious of "vacant chairs" whenever he sits down to discuss needs and issues with any single type of resource user. If one does this any other way, he works with "blinders", Silcock said.

"There are always other people present whether they are physically there or not," he stressed. The public lands, he added, are going to be used "heavily" for practically every form of recreation activity.

What are his views on the proposed Alaska pipeline? "My hope is that if it's done, it's done right," he said. "And it's our job to see that it is done right if that is the decision." But if the pipeline is built, it should be above the ground and the needs of the fragile land and the wildlife thereon should be fully considered, he thinks.

Pointing to the pipeline dispute, Silcock recently told a western group that "the very existence of land creates conflicts." The North Slope is no ecological desert, he said, adding that "much of the vital habitat of migratory waterfowl depends on Alaska's water and tundra."

"When oil was found on the North Slope and development started, the approach was the same as elsewhere in the past", he said. "Heretofore, thousands of miles of pipeline have been installed in various areas with only the admonition to 'bury it well, fix the fences, and close the gates.' But now the public all over the country was concerned about various developments. Oil drilling offshore, transmission line locations, a proposed power plant installation in South Carolina, methods of timber harvesting and mining, and the proposed Alaska Pipeline were all coming under active scrutiny. The pipeline in particular aroused public interest, for it is a major undertaking with some unknown impacts on the environment—primarily the permafrost. But unfortunately, overall planning on the North Slope has received little attention. The North Slope has become an area of major attention and public concern because of the times, and even more so because of the size of the proposed development." There should be more uniformity, he believes.

Silcock said he supports the Administration and Secretary Morton in the proposal to create a new Department of Natural Resources. In a modern age, government bureaus should not have different ways of doing things.

"We're dealing with the nation's resources and yet we have different procedures instead of the same procedures," he said. "I think you see a need for this sort of thing out in the field somewhat better than in Washington. In many small communities, you find two government offices managing land, sometimes the same resources, both with their own procedures, rules and ways of doing things. This is confusing."

Silcock is one professional who is not afraid of change. "I believe that change is constant" he recently told Interior's National Advisory Board Council at Boise, Idaho. "I believe it is constant even though the principles of representative government stand firm. For example, the Environmental Protection Act is now the law of the land. In applying the concepts of ecology to natural resources management programs, we are seeking a gradual and a natural evolution—always forward—never backward. To do this we must always consider the people and their needs.

"Change, or even the threat of change, brings out the self-protective reactions of people. We all dislike sudden changes that disrupt us. We who have worked with natural resources and with people all of our lives know that this is true. But this is a changing world and we must change with it. If we are to make progress, we must accept—even welcome—change.

"At times it seems that change is overrunning us. This is because the growth of our population and the growth of our technology have increased demands upon our resources many times over. To meet the challenge of change we need to quicken our reaction time and to sharpen our insights. The modern application of the concepts of Federalism requires that we make decisions as close to the land as possible and that in the very beginning we make them wisely. This is our goal."

With the nation's resource structure on the threshold of change, Silcock believes there has got to be more advance planning. Even with the best of advance planning, there still will be conflicts, he thinks. But he is equally convinced that if advance planning had been better in the past, the nation would be further ahead today in resolving conflicts, and the number of contentions would be fewer.

"Cooperative planning helps us and the public to effect change better and to accept change more readily. This lessens the impact of change," he said.

Meanwhile, Silcock is seeking advice from every strata of conservation activity and conservationists will discover that he is a good listener.

CRITICISM OF THE PRESIDENT'S VIETNAM SETTLEMENT PLAN

Mr. FULBRIGHT. Mr. President, in recent days we have witnessed a well-orchestrated attack, no doubt composed and conducted by the White House, on one of the candidates for the Democratic nomination for President because he criticized President Nixon's recent proposals for a settlement in Vietnam, and offered some proposals of his own.

Of course, there is nothing really new about this attack. Those of us who have on occasion questioned the President's policies are accustomed to being accused of "jeopardizing the national interest." However, this most recent attack is notable for its harshness and the fact that it was led by the Secretary of State, who was later joined by several Republican Members of the Congress.

We have been through several so-called moratoriums on criticism of the administration, when we were told that any public voicing of differing views would be contrary to the national interest. Now, apparently the administration would like to quash any views contrary to its own, even among those who are seeking their party's nomination for the Presidency and thus have an obligation to make known their views on the most vital matters of the day.

We hear a great deal about the "national interest." If I have learned anything in recent years it is that the man in the White House thinks he is the sole arbiter of the "national interest."

I believe we ought to consider what the national interest really is. First, I am convinced that it is in the national interest for the Congress and the people to be fully informed about the foreign involvement and policies of its Government. This has not exactly been a characteristic of the present administration, nor of the preceding administration. As a corollary to having a well-informed public, I believe it is essential that those who aspire to the Presidency make every effort to make clear their views on these important questions.

I well recall that when Mr. Nixon was campaigning for the Presidency throughout the year of 1968, he consistently spoke of a "plan" for ending the war. He has had more than 3 years in office and has not ended the war.

Total American deaths in Vietnam are now about 56,000, of whom 46,000 were killed in action. About half of the American deaths have occurred since the presidential campaign of 1968. By March 1, nearly 1 million Americans will have been sent to Vietnam since President Nixon was inaugurated, and since he has come into office, 3 million tons of munitions have been dropped on Vietnam and another million on Laos and Cambodia. Therefore, I think it more than appropriate that his potential opponents make public their views on how the war can be ended. And we should be appreciative of the fact that some of the candidates are offering specific proposals, which is something Mr. Nixon should have been held to 4 years ago instead of escaping with a generality about a "plan."

I am somewhat surprised that the Secretary of State would be the leading spokesman in this attack. After all, he has been noted for his reticence to speak out publicly on foreign policy matters. When this administration has had something to say, it has usually been done in a "background briefing" by the President's assistant for national security affairs.

I also cannot help but note the strident tone of others who have joined in the Secretary of State's attack, including several members of the Senate. They have used terms like "gutter politics" and "blatant partisan purposes." Where could they possibly get the idea that there is anything political about the timing of statements and actions in regard to ending the war?

These various spokesmen for the administration resent any dissent and are apparently angered by any effort to carry out a honest and open dialog before the American people.

Let me recall the words of the President in his state of the Union address of January 20, 1972:

> There are more candidates for the Presidency in this Chamber today than there probably have been at any one time in the whole history of the Republic. And there is an honest difference of opinion, not only between the parties, but within each party, on some foreign policy issues and on some domestic policy issues.
>
> However, there are great national problems that are so vital that they transcend partisanship. So let us have our debates. Let us have our honest difference. But let us join in keeping the national interest first . . .

Mr. President, I submit that the national interest is not what one man says it is. This is not the concept on which our Constitution and our system is based. The previous administration floundered with its "politics of consensus" and its hypersensitivity to dissent. Incredibly enough, the current administration seems to be using a leftover "play book" for its "game plan."

I think Mr. Nixon was on the right track when he said, "So let us have our debates." But we cannot have a debate if only one voice is heard, if only one alternative is offered the American people, and if the executive branch and its supporters gang up to gag and impugn anyone who questions what the true national interest might be.

CARL HAYDEN

Mr. LONG. Mr. President, I would like to pay tribute to a great American, a man whose memory will be cherished by the people of this Nation for many years to come.

Senator Carl Hayden devoted his life to his country. No man ever served his State and our Nation in the Congress for a longer period of time. He entered the House of Representatives in 1912, the year Arizona joined the Union as the 48th State. When he moved to the Senate in 1927, he continued to serve with distinction and dedication until his retirement 2 years ago.

Senator Hayden was a pioneer in the development of the great resource projects. It was his contribution to the establishment of dams that provided water and power to the South and Southwest, thus aiding in the growth and development of America.

Mr. President, at this point I would like to quote the late Senator Richard Russell which, I feel, capture the essence of this great American:

> I can say without fear of successful contradiction that he has never failed to fight the good fight for the things in which he believes. Never at any time has this man departed from his honest opinions under pressure from any source.
>
> No man has ever served as long in the Congress of the United States. He has been here for 56 years and under 10 Presidents. He has an unusual characteristic that enables him to complete this service—this unparalleled service—without ever having made an enemy or ever having had his motives questioned at any time. I cannot conceive of any finer or higher tribute to any man.
>
> He was impartial in dealing with people

whether he agreed with them or not and he always reflected an integrity which was transparent. He has a personality that not only commands the respect of all who know him but we have many men with secure places in history who value or have valued his friendship among their most treasured possessions.

Vast areas of new opportunities have been opened for countless Americans as a result of the vision and energy of Senator Hayden. Today, industry and commerce thrive on once barren landscapes, and vineyards and gardens bear bountifully on what was sterile land when this man came to the Congress.

Mr. President, it was my privilege to serve with Carl Hayden for over 20 years. His record of accomplishment is an impressive one; he will be long remembered by both his colleagues and this Nation.

I join with the other Members of this body in mourning the passing of this great American.

QUORUM CALL

The PRESIDING OFFICER (Mr. TUNNEY). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order, the Chair now lays before the Senate H.R. 12067, which the clerk will state.

The second assistant legislative clerk read as follows:

H.R. 12067, making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The pending question is the amendment of the distinguished Senator from Illinois (Mr. STEVENSON), amendment No. 865, on which there is a time limitation of 20 minutes, with 10 minutes to each side.

STATUS OF PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute on the bill, on behalf of the distinguished Senator from Wisconsin (Mr. PROXMIRE), to ask unanimous consent that H.R. 12067 remain the pending business until disposed of or until 2:30 p.m. today, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time may be equally charged against both sides on the bill with respect to a recess on which I am about to make a motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 12 noon today.

The motion was agreed to; and at 11:05 a.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 12 noon when called to order by the Presiding Officer (Mr. STEVENSON).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

PLANS FOR BICENTENNIAL CELEBRATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on the District of Columbia:

To the Congress of the United States:

"Seafaring is necessary," says the Latin inscription on an old building in one of the great European port cities; "mere living is not." This same spirit of movement, venture, and quest animates the whole sweep of America's story—from its discovery by men who lived for sailing, to its founding as a nation by men who lived for liberty, to its modern maturity as the world's preeminent power—and it will do so still, 4 years hence, when we observe the Bicentennial of American Independence. The Nation could not if it wanted to, and should not if it could, drop anchor somewhere in 1976 and savor the occasion at leisure. By its very nature it can only speed through the year as through any other, under full sail, on into a new century.

The central challenge of our Bicentennial preparations, therefore, is to plan for an observance "on the move." Many groups—public and private, national and local—have already devoted several years of creative thought and effort to meeting this challenge. The common goal to which all subscribe has nowhere been stated better than in the 1970 report of the celebration's official planning and coordinating body, the American Revolution Bicentennial Commission (ARBC): "to forge a new national commitment—a new spirit for '76—a commitment which will unite the nation in purpose and dedication to the advancement of human welfare as we move into Century III of American National Life."

We can best forge such a spirit, the Commission went on to recommend, by approaching the Bicentennial as an occasion both for understanding our heritage better and for quickening the progress toward our horizons—not just in one chosen location or a few, but in every State, city, and community. The Commission's goal and the principles deriving from it have my strongest support, and I have followed with interest the ARBC's further work as well as that of the individual Bicentennial Commissions already set up or now being formed by each State and territory. Puerto Rico, and the District of Columbia.

THE BICENTENNIAL IN WASHINGTON

Since the Federal Government has special responsibility for District of Columbia affairs, my closest contact has been with the planning effort now underway here in the District—and I have found its progress thus far most impressive. And so it should be. For while no one city will dominate this truly national anniversary, Washington—which was built to be the Capital of the Republic born in 1776 and seat of the Government constituted in 1787, and which has been in many ways a center of the hopes of all Americans in all generations since—has a unique role to play. As its plans are made known, they may well serve as a stimulus and an example for the equally important plans being made in thousands of other communities. *Both to ensure that Washington itself is ready for 1976 and to spur Bicentennial activity all across the country, I shall outline to the Congress today an action plan for Federal partnership in the District of Columbia's Bicentennial observance.*

My proposals follow two basic themes. One is the quest for quality of life—today's name for the age-old aspiration which Jefferson at the Nation's birth called "the pursuit of happiness." Here is the very essence of a Bicentennial celebrated "on the move." The past success of this quest, its present vigor, and its future prospects will provide a telling measure for our self-assessment as the great milestone nears. Such a theme's immediacy will call up exertion as well as congratulation—not only a birthday party but an actual rebirth.

The second theme which I would stress is dual excellence for Washington. In choosing which Bicentennial projects to pursue among myriad worthy possibilities, an old question arises again and again: Washington for Washingtonians, or Washington for all Americans? A kind of civic schizophrenia has troubled this city from the earliest days of its double existence as both a national capital and a community in its own right. Solutions going to both extremes have had their advocates—yet there is a better answer than either making thousands of people reside neglected in a strictly Federal city that is "a nice place to visit," or making millions of other people receive their governance from a narrowly provincial and self-centered capital where officials and visitors are classed as outsiders.

The Bicentennial Era, I am convinced, is the right time for Washington to gain a new and more expansive sense of itself, and to find in its dual identity an opportunity for dual excellence unparalleled among American cities. The seat of government can excel as an exemplary living city, at the same time the home of 750,000 local residents excels as a gracious host to fellow citizens and foreign visitors who may number 40 million during 1976 alone.

The projects proposed in this message, then, treat quality of life in the Nation's Capital as indivisible. They aim for dual excellence, in the conviction that a more livable city is a more visitable one, and vice versa. For the most part, they emphasize physical construction—not by any means because public works are the sum total of our Bicentennial intentions for the District, but only because building time is already becoming critically short. Activities of many other types, such as commemorative events, pageantry, and social and cultural programs, which will of course be essential to the human dimension of the Bicentennial but which require somewhat shorter lead-times, are also being planned. Reports on these activities and, in many cases, requests for approval and funding will be submitted to the Congress as we move toward 1976.

One further note on Bicentennial concerns not mentioned here but certainly not forgotten: It is my feeling that nothing we could do for the District of Columbia during the next 4 years would be more meaningful or more appropriate to the Spirit of '76 than granting this city and its people first-class status: voting representation in the Congress. I am encouraged by the apparently warmer climate for this reform on Capitol Hill in 1972, and it will continue to have my support.

FORT LINCOLN NEW TOWN

Speaking at the National Archives last summer in a ceremony inaugurating the Bicentennial Era, I described an unusual painting which hangs in the Roosevelt Room across from the Oval Office in the White House. The scene portrayed is the signing of the Declaration of Independence—but for some reason the canvas was never finished, and many of the figures in the crowded hall are just sketched in, or left blank. The symbolism of this, I said, is that "the American Revolution is unfinished business, with important roles still open for each of us to play." A broad cross-section of District of Columbia citizens have now begun playing their roles in the continuing drama by serving on Mayor Washington's recently formed Bicentennial Assembly and Bicentennial Commission. We in the administration found the work of the old local Commission quite valuable in formulating our own plans for 1976, and we look forward to working closely with the reorganized, two-level planning group in the future.

One of the strongest strains of community opinion identified by local representatives like these is a commitment to revitalizing the urban heart of this Washington area. This, not flight to the suburbs or complacent satisfaction with the status quo, seems to arouse hope and determination at the neighborhood level. At the same time it seems a most appropriate cornerstone for a Bicentennial program designed to lift the quality of Washington life.

Accordingly, I shall initiate immediate Federal action to move ahead on plans for building a new town at Fort Lincoln in Northeast Washington. Fort Lincoln, over 300 acres of open land which received its name as a military post a century ago and which was long the site of the National Training School for Boys, offers an ideal chance to create not just another urban project where homes are razed and the human factor is designed out, but a totally new community planned around people. More than 4,000 dwellings for families of varied incomes are envisioned—three-quarters of them owner-occupied, to provide an anchor of stability in the development.

Innovative public transportation and communications systems and experimental educational programs would help knit the community together. Both the installation of these features and the construction work itself would be used as demonstration settings for some of the social-benefit technology applications which I proposed in my State of the Union message. Also integral to the new town would be a Federal employment center for 5,000 to 10,000 employees, and a possible satellite campus for the Federal City College. The development would be financed through public-private partnership, with the initial Federal investment (supplemented by District contributions which will need approval by the Congress) likely to be matched several times over in related private investment.

"The city lives!"—a rallying cry which meets with considerable skepticism in some quarters today—would be the assurance forcefully offered to Washingtonians and the world by a Fort Lincoln town occupied and operating in 1976. We are determined to make it happen.

NEIGHBORHOOD SOCIAL DEVELOPMENT

The Fort Lincoln idea is not new, but the impetus behind it is—a neighborhood, community-based impetus, with which I am delighted to associate this administration. *In order to demonstrate our support for this kind of bootstrap Bicentennial initiative, we shall ask the Congress to make available several million dollars in Federal funds to supplement the local funds set aside to carry out the social development project proposals which will be gathered by the local Bicentennial Commission and Assembly in neighborhoods all over Washington beginning this spring.* None of these latter projects will approach the scale of Fort Lincoln, but most will be no less soundly rooted in ordinary people's knowledge of their own needs. The process of listening and response, as well as the project implementation itself, will make for a healthier and more progressive city.

We are also increasing our efforts to assist in redevelopment of the inner-city areas devastated by the riots of April 1968. Two recent ground-breakings give evidence that the work is moving ahead, but also remind us of how much is left to do. The job, of course, is not the Federal Government's alone, but we must and shall contribute our full share and see the obligation through at an accelerated pace.

MORE COMMUNITY PARKS

One frequently voiced need is for more parkland—not just in the ceremonial center of the city, but out in the residential sections as well. *Planning is now underway for a joint Federal-District park development program focusing on underused, publicly owned land near the Anacostia River, close to some of the District's most crowded neighborhoods.* New recreational facilities will be constructed, to permit intensive use of the sorely needed new parks by Anacostia residents. Also within the Anacostia Basin, improvements will be carried out at the National Arboretum. *Another major green-space project planned for completion by 1976 is the Fort Circle Parks, 17 outposts of the Army's old defensive system around the periphery of the District of Columbia, some dating back as far as the War of 1812.* Strips of parkland are to link all the forts into a continuous belt containing bike trails, hiking paths, community recreation facilities, and campsites. Further, the District and the Interior Department will cooperate in rehabilitating and upgrading smaller parks in many areas of the city. I ask the Congress to approve the funds requested in my 1973 budget to move all of these projects forward on schedule.

A NEW DOWNTOWN CENTER

I also support, as vital to the kind of development momentum Washington must have to hold its head up among American cities in the Bicentennial Era, the District government's intention to construct a major convention center-sports arena complex near Mount Vernon Square.

This project would help to counter the centrifugal forces which are pushing both the leisure activities of local people and the major gatherings of out-of-town visitors away from the centers of many major cities. It would mean new business and investments and jobs for blocks around. And it would inject new life into nearby neighborhoods—provided, of course, that the legitimate concerns of merchants, working people, and residents in those neighborhoods receive fair consideration in the planning and location process. The scope of Federal assistance, however, should be appropriately limited, since I believe that a development largely local in function and benefits should have substantial local financing as well.

FOLLOWING THROUGH: EDUCATION AND TRANSPORTATION

New communities, new parks, new focal points for downtown business—all will help Washington carry through the ARBC's "Horizons '76" theme of honoring our founding principles by forging a better future with them. So too will two other ongoing District efforts, for which congressional assistance requested during the last session is still much needed: our public colleges and our Metro subway system.

Washington Technical Institute is proceeding with plans for buildings at its new permanent location on the north side of the former Bureau of Standards site in Northwest Washington. Federal City College remains in scattered lease space throughout the city despite explosive enrollment growth in the past 4 years; it hopes to occupy a campus of its own in and around the old District Library building north of Mount Vernon Square, as well as satellite locations elsewhere. *The Congress can help to expedite these campus development efforts by enacting the D.C. Capital Financing Act, which makes special provision for funding college construction through direct Federal grants rather than through Treasury loans as at present.*

In my D.C. message urging this action last April, I noted that WTI and the new International Center which is to share the Bureau of Standards site will in the future symbolize "side by side the Capital City's dedication to human development and to international understanding." Action by the Congress late in 1971 cleared the way for actual sale to foreign governments of lots at the International Center to begin last week. By 1976 the cluster of new chanceries there will be a pride to Americans and foreign guests alike. Let us now make sure that the District's public colleges will also be a showplace in the Bicentennial year. Ample and balanced opportunities in higher education are essential, if we are to convince millions of 1976 student visitors that the District takes care of its own.

Metro, and all of the other elements which with it will comprise a balanced modern transportation system for greater Washington, are central to Bicentennial plans for the District. We need the pride of achievement in areawide cooperation which the system will give all communities taking part. We need its people-moving capacity to cope with visitor traffic which may average up to 100,000 people daily throughout the anniversary year. *I am today renewing the commitment of all the agencies and resources of the Federal Government toward maximum progress on the entire transportation system—subway, freeways, bridges, parking, and support facilities—before 1976.* The action of the Congress in December to support continued Metro funding was enormously heartening to the people of the Capital region; it gave, in fact, a glimmer of hope to beleaguered commuters everywhere. The grim Thanksgiving prospect of a great many excavated streets to fill back in has now become the far brighter prospect of at least 24 miles of operating subway—the most modern anywhere—by 1976. *Urgently needed now is prompt approval by the Congress of Federal guarantees for Metro revenue bonds—the next essential step to getting the trains running.*

TO WELCOME 40 MILLION GUESTS

Both the sheer visitor volume anticipated at the height of the bicentennial observance, and the important goal of eliminating a "them and us" polarity between city residents and their guests from around the world, dictate that past patterns which have made the Mall and its immediate environs a sort of "tourist ghetto" must now go. All of Washington must be made not only hospitable and attractive to the visitor—which the proposals just outlined should go far toward achieving—but easily accessible as well. *I have directed the Secretary of Transportation to coordinate interagency action plans for supplementing those subway lines in service by 1976 with a coordinated network of other public transportation on which visitors can move from fringe parking areas (to be developed under these plans) to points of interest nearer the city center.*

At the hub of this network should be a new National Visitors Center in and around Union Station. Such a facility, desirable for all years, becomes indispensable as we look to the Bicentennial. *I have therefore charged the Secretary of the Interior, in consultation with the Secretary of Transportation, to take immediate action to move the National Visitors Center out of the talk stage, and to prepare new proposals for bringing it to completion by 1976.* When Union Station was built early in this century at the height of the railroad era, one of its express purposes was to permit removal of an unsightly terminal and tracks from the east end of the Mall. Its rehabilitation in the seventies as the Capital's principal reception and orientation point for travelers on all modes of ground transportation would be most appropriate, and would once again relieve the Mall and downtown areas of much traffic congestion. An "air rights" parking garage for buses and visitors' cars, convenient public transit connections, and a central information facility tied in with a citywide tourist guidance and information system would be the major features of the project.

Here is an opportunity for public and private resources to combine to fill a Bicentennial need. Notwithstanding the collapse of previous railroad financing plans for the Center at the time of the Penn Central bankruptcy, I have asked Secretaries Morton and Volpe to seek substantial railroad participation as they formulate the new proposals. I shall submit these to the Congress as soon as possible, with hopes of rapid approval.

Another step which should promote smoother tourist flow to major attractions is construction of a Metro station at Arlington National Cemetery. This station, for which planning funds are requested in my new budget, would speed movement from Washington over to the Arlington shrine, which by 1976 will be enhanced with numerous improvements including a new Memorial Chapel and columbarium. At the same time it would offer the arriving visitor one more convenient transfer point from private to public transportation on the way into the Capital itself.

BICENTENNIAL GARDENS

Moving in toward the center of the city, what will the 1976 visitor find along the Mall? *Most strikingly new and charming, perhaps, would be a park and recreation center called Bicentennial Gardens, which I propose be developed in the open land along Constitution Avenue between the Washington Monument and Lincoln Memorial.* Since the last of the old World War I "tempos" were removed from the West Mall in 1970, we have explored many alternative plans for developing in their place facilities for people of all ages, incomes, and interests, residents and tourists alike, to enjoy.

The Bicentennial Gardens plan, which will soon be ready to present in detail but which of course remains open to the ideas and desires of those for whom it is intended, might be called an American cousin of Copenhagen's beloved Tivoli. It follows the present contours of the land on a low profile in keeping with other Mall developments. A restaurant, smaller eating areas, an open-air theater, a bandshell, an area for ice skating, a children's play area, fountains, gardens, a boating lake, and walking paths are examples of the kind of features that might be included. There could be underground parking to accommodate tour buses, a terminal for the tourist trams, and a visitors center in the middle of the Gardens. With such a development, the Mall's attractions would be better balanced and dispersed, evening activities now concentrated in the Smithsonian Quadrangle would have a second focal point, and mingling of Washingtonians and visitors in a pleasant year-round setting would be encouraged. Quality of life for everyone in the Capital would be enhanced.

THE MALL IN 1976

The three major monuments and memorials in easy reach of Bicentennial Gardens are to be renovated and improved in a 4-year Park Service program beginning with this year's budget now before the Congress. Another facelifting project along the whole length of the Mall, and on the Ellipse as well, will reconstruct roadways, add walks, bikeways, plantings, and fountains, and provide for a new Ceremonial Drive. This work too is budgeted for fiscal year 1973 and beyond, to be completed by 1976.

The Mall east of the Washington Monument should also have a new look for the Bicentennial. Besides the Hirshhorn Museum and National Gallery of Art addition which are now being constructed, there will be a handsome new building for one of the Mall's oldest tenants, the Smithsonian Institution. *This structure, which will house the National Air and Space Museum with exhibits ranging from Kitty Hawk to Hadley Rille and with a former astronaut in charge, can be ready in 1976 if the Congress will move now to approve FY 1973 construction funds for it; the plans are nearly complete.* The Smithsonian also plans restoration of the historic Arts and Industries Building to its original 1880s appearance, as a fit setting for the Nation's Centennial exhibits which it displayed following the Philadelphia Exposition nearly a century ago and will display again for the Bicentennial, and construction of a major new "Nation of Nations" exhibit in the Museum of History and Technology to illustrate America's multi-cultural tradition. Both projects are the subject of FY 1973 budget requests.

A fourth important undertaking by the Smithsonian—not on the Mall but rather a part of the effort to give the bicentennial activities metropolitan scope—is the Bicentennial Outdoor Museum planned for old Fort Foote, Maryland, on the Potomac in Prince Georges County. The restored fort is to serve as the scene for re-creation of Revolutionary events such as encampments, war-time life, and parades for 1976. *I ask prompt congressional action on legislation to approve the Bicentennial Outdoor Museum and to authorize appropriations for planning it.*

REALIZING A VISION: PENNSYLVANIA AVENUE

As L'Enfant's majestic expanse of Mall provides an axis along which Washington visitors can honor and relive the American past, so Pennsylvania Avenue, leaving the Mall by the new reflecting pool in front of the Capitol and angling away from it a long mile up to the White House, forms the main axis of government activity shaping the American present and future. This avenue, then, also demands attention as we move to dress up the heart of the city for our two hundredth birthday. *By 1976, let us complete the great Federal Triangle office complex in the spirit of the McMillan Commission's original vision 70 years ago. Let us build at its center a Grand Plaza worthy of the name, by transforming what is now a parking lot into a people-oriented park for government workers and visitors to enjoy.* (Visitors will also benefit from the new information and orientation center to be opened in the Great Hall of the Commerce Building by 1976, intended to introduce citizens to the activities of all the executive departments and agencies.) I have requested funds in my budget for fiscal year 1973 to move forward on the Federal Triangle and Grand Plaza projects; with the cooperation of the Congress the work will begin in the near future.

The north side of Pennsylvania Avenue, and with it many blocks of the downtown area, can also be revitalized or well on the way by the time we celebrate the Bicentennial. The FBI building now rising north of the Avenue symbolizes half of the answer—Federal construction—and can stand completed and in use by 1976 with continued congressional support. A further appropriation for this project is included in my new budget requests.

The other half of the answer for Pennsylvania Avenue is coordinated development planning which will mobilize the private sector and help bring commercial and residential activity back to this part of the city. The heart of Washington must not become so dominated by Federal buildings that it sits abandoned and lifeless on evenings and weekends. The two Presidents before me initiated steps to prevent this, and to make the Avenue instead a corridor of lively and varied activity, public and private—and my administration has continued to press this effort. In September 1970 I announced my strong support for a legislative proposal to establish a development corporation to accomplish the needed revitalization. Since then the proposal has been substantially modified in a good faith effort to accommodate all interests and segments of opinion. *Once again, I urge the Congress to act quickly and favorably on the Pennsylvania Avenue Bicentennial Development Corporation bill.*

When I first expressed support for the corporation plan nearly 17 months ago, I called it "an opportunity to fulfill, in this city, at this time, a magnificent vision of the men who founded our Nation, and at the same time to create a standard for the rest of the Nation by which to measure their own urban achievement, and on which to build visions of their own." It is not an opportunity that waits forever, though; of the time available between that 1970 statement and the beginning of the Bicentennial year, more than a fourth is already gone. Every month that passes without this legislation further dims our chances of giving all Americans one birthday present they ought to have—a Capital "main street" to be proud of.

THE NEXT FOUR YEARS

Both local and Federal plans for the Bicentennial celebration here in the Nation's Capital are far from complete at present. It is right that they should continue to evolve and expand as we move toward 1976. This message, however, attempts to set the tone and theme for Federal participation over the course of the next 4 years, and also to convey some of the aspirations of Washingtonians themselves without presuming to dictate what those aspirations should be.

The various levels and jurisdictions of government in the Washington area are well organized to follow through on the proposals I make today and to supervise further planning. The American Revolution Bicentennial Commission, with its distinguished bipartisan membership headed by David J. Mahoney, continues to provide excellent national leadership. The District government is well served by the responsive local Assembly and Commission structure to which I referred above; Mayor Washington is also establishing liaison with suburban planning bodies and with State officials of both Virginia and Maryland. The massive and diverse physical construction effort outlined in this message has been coordinated through a full-time District of Columbia bicentennial task force within the General Services Administration, until recently headed with great skill by Administrator Robert Kunzig. Now that Mr. Kunzig has become a Federal judge, I shall ensure that this coordination work is carried forward at the same high standard.

Under such direction and with the support of the Congress, we can achieve our Bicentennial goal of dual excellence in the District of Columbia, and we can realize by 1976 a dramatic improvement in the quality of Washington life for all whose physical or spiritual home this great Capital is. And by so doing we can help to inspire and encourage the preparations of other communities all across the country for a truly magnificent Bicentennial.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

ORDER FOR FURTHER TRANSACTIONS OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of routine morning business with statements therein limited to 3 minutes, for a period not to exceed 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California (Mr. TUNNEY) is recognized for 3 minutes.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. TUNNEY. Mr. President, contained in the appropriations bill we are debating today are desperately needed funds for the unemployment trust fund to carry out the Emergency Unemployment Compensation Act. This act signed into law just 4 weeks ago to provide emergency relief to hundreds of thousands of jobless persons in States with severe unemployment.

The act provides an additional 13 weeks of emergency unemployment compensation for workers who have exhausted all regular and extended benefits. These benefits are available in States where the unemployment rate, counting both insured unemployed and those who have exhausted unemployment insurance, exceeds 6.5 percent.

Mr. President. This new emergency program took effect 3 days ago on January 31, 1972. At the present time, 14 States—Alaska, California, Connecticut, Maine, Massachusetts, Michigan, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, and Puerto Rico—have unemployment rates exceeding the 6.5 percent trigger. Thus, jobless persons in those States who have exhausted all benefits are now eligible for emergency aid to reduce the terrible hardships they suffer. These are people who have been out of work for over 10 months—many of them for a year or even more. In California alone there are over 300,000 persons who fall in this category.

Mr. President, virtually all of the States eligible for this new program have begun to implement it immediately by using their own funds to pay these benefits until Congress acts to appropriate the money to reimburse them as provided in the new law. The President has requested funds in his budget message for payment of these benefits but until we appropriate the funds, the States are forced to advance their own money.

Through the efforts of Senator MAGNUSON and others among us, the Appropriations Committee has agreed to speed up funds for these emergency benefits by including an appropriation in the bill before us. This action will assure that no delays occur in relieving the severe hardship of the many thousands of people who have exhausted all other sources of aid. And it will prevent them from being reduced to the terrible indignity of welfare. I therefore urge the Senate to enact this measure as quickly as possible and I urge the Senate conferees to keep the grave urgency of these funds before them as they meet in conference with the House.

Mr. President, the need, unfortunately, is especially critical in California because the Reagan administration is refusing to pay these desperately needed emergency benefits until Federal money is actually delivered. Such callous disregard for the hardship of thousands of jobless persons is inconceivable to me, but nevertheless, it is the reality which exists in California. This kind of hard-hearted pennypinching may be understandable from one who pays no State income taxes, but I do not think the Congress should allow it to happen.

By passing this bill today we can help prevent a needless hardship to 300,000 people in my State alone. In addition, we can relieve from all of the eligible States the burden of carrying this program on their own resources until we act on a supplemental bill in March. I urge that we do so immediately and I ask my colleagues in the Senate to join me in appealing to the House of Representatives to accept this very humanitarian amendment in conference.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business again be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

The question is on agreeing to the amendment (No. 865) of the Senator from Illinois (Mr. STEVENSON). Who yields time?

Mr. STEVENSON. Mr. President, I yield myself such time as I may require.

The amendment restores $50 million to the appropriation for the relief of refugees in East Pakistan. The authorizing legislation in both the Senate and the House has provided $250 million in assistance for the refugees. That same amount was requested by the President in his budget. The appropriation bill so far provides only $175 million. In other words, the amount authorized has been reduced by $75 million.

As I understand it, the reason for the cut is an assumption that adequate food is available in Bangladesh for the people of that nation, and that a $175 million contribution by the United States is a fair share of what it is assumed will be a multinational contribution of about $650 million.

In turn, I will explain the reasons for my amendment. Only now are the full dimensions of the relief needs in Bangladesh emerging. Only now, and somewhat dimly, are the horrors, of the recent past and the consequences of those horrors, becoming evident. Food is available in Bangladesh both from external and internal sources. But that is not the most serious difficulty facing the people of the new nation. The difficulty is that neither food nor other commodities can be distributed because the transportation system, never adequate, is now in shambles. Barges are needed, trucks are needed, bridges are needed, as well as food, medicine, and clothing. Shelter is needed and must be supplied. The transportation system must be repaired before the monsoons begin in late April.

The dimensions of the need far exceed the $650 million international effort assumed in this appropriation and upon which the $175 million is figured. The need is now, if it is not already too late, to help the millions of innocent victims of the atrocities in Bangladesh.

Mr. FONG. Mr. President, will the Senator from Illinois yield?

Mr. STEVENSON. I yield.

Mr. FONG. Would the Senator from Illinois accept an amendment to his amendment to raise the amount from $225 million to $250 million?

Mr. STEVENSON. I certainly would accept such an amendment. In fact, I had very much hoped, at the outset, to submit an amendment in a form which would release the full amount, which would make available $250 million, itself an amount completely inadequate for the needs of the people in Bangladesh. I would welcome such an amendment as the Senator from Hawaii proposes and be grateful for it.

Mr. FONG. Mr. President, I offer that amendment.

Mr. PROXMIRE. Mr. President, the yeas and nays have not been ordered. I think the Senator from Illinois can modify his amendment to make the amount $250 million.

The PRESIDING OFFICER. Does the Senator from Illinois so modify his amendment, or is he asking that a modification be offered?

Mr. STEVENSON. I ask that the amendment be so modified.

Mr. FONG. Mr. President, I ask unanimous consent that I may be a cosponsor of the modification.

The PRESIDING OFFICER. The Senator from Illinois has a right to modify his amendment, and the Senator from Hawaii is added as a cosponsor.

Mr. PROXMIRE. Mr. President, I have spoken with the Senator from Illinois about this amendment. First, I wish to explain to the Senate why the committee did not provide the $250 million to begin with.

We recognize that this is one of the saddest—probably the most tragic—human catastrophes, in modern times. More people are suffering, dying, and starving to death in this part of the world than at any other time, probably, in human history.

These citizens of Bangladesh are a people who have suffered what I think ought to be categorized as genocide. They have no property and no food. They were desperate before; now they are literally dying of great need.

The United States is, of course, in dire financial straits. We discussed that in some detail yesterday. I am very reluctant to approve any increase in the bill. But in spite of that, under these tragic circumstances we should be able to allow $250 million or perhaps even more. We simply felt that there had not been adequate detailing of how much money could be spent in the immediate future or the exact purpose for which it would be spent. This is particularly true considering the enormous amount of Indian rupees in counterpart funds that might be used.

The PRESIDING OFFICER. Would the Senator from Wisconsin advise the Chair on whose time he is speaking?

Mr. PROXMIRE. On the time in opposition to the amendment.

For this reason, because this proposal is something that does seem to require clarification, we felt that the sound and sensible approach was to provide $175 million, and then, as the year went on, to provide additional funds if the administration could make a case that more was needed.

However, the Senator from Illinois has made a direct, personal survey of the situation and has provided some information I did not know of before. I do not think that I or many other Senators ever knew about the desperate need for dollars. The money will be made available until expended, so it is not something that has to be expended rapidly over 4 months.

Under the circumstances, I am happy to join the Senator from Hawaii (Mr. FONG) in supporting the amendment of the Senator from Illinois. I think it is not only the humane thing to do, but the right and moral thing to do. We would not put any kind of dollar sign at all on human suffering and human life. This is the kind of investment that ought to be made in foreign aid.

Mr. FONG. Mr. President, I yield myself 5 minutes.

We in the committee felt that $175 million was not enough, but we were waiting for the supplemental bill to come up so we could add to it. Since the distinguished Senator from Illinois has asked for the $250 million, I am very happy to go along with it.

It is also estimated that we will send Public Law 480 food to East Pakistan. She will need 1½ million tons of grain a year over and above what she produces, which is about 11 million tons.

So over and above the amount which we will be providing in the foreign assistance bill will be the amount which will

be sent to East Pakistan through Public Law 480, which will cost from $65 million to $170 million.

I would like to call the Senate's attention to what we have done in regard to the Pakistani tragedy. As of January 24, 1972, according to the State Department, all the governments of the world contributed $243,959,762 and the international voluntary agencies contributed $59,222,286, or a total of $303,182,048. These contributions were in cash, in counterpart funds, and in goods such as food, medical supplies, clothing, blankets, and so forth.

I want to call the attention of the Senate to the U.S. contribution. The U.S. contribution was $90,057,000, and our voluntary agencies contributed $10,700,000, a total of $100,757,000, almost $101 million. In other words, the U.S. Government and U.S. voluntary agencies contributed one-third of the total world contribution to assist the Pakistani refugees in India.

Over and above that $101 million, the United States delivered $65 million in food and other essential relief, or over two-thirds of the $947 million the United Nations records as pledged by all countries.

So when we add the $65 million for East Pakistani relief to the $101 million, which was for Indian-Pakistani refugee relief, we have a total sum of $166 million which the United States has either provided or has pledged to use in East Pakistan and in India for East Pakistani relief.

This does not include additional U.S. contribution of food from earlier programs which arrived during mid-1971.

As against the $166 million which the United States and its various voluntary agencies have contributed, I would like to draw to the attention of the Senate what the U.S.S.R. has contributed. The U.S.S.R.'s contribution consisted of a portion of 100 million doses of smallpox vaccine, worth $1 million, 100,000 tons of rice, $20 million, and other commodities, $1,100,000, or a total of about $22 million, as compared with $166 million delivered by the United States.

So we have done a commendable job in this regard, and we have been in the forefront in helping our friends in East Pakistan in their tragedy.

Mr. PROXMIRE. Mr. President, as I understand it, when the Senator from Illinois yields back his time and the Senator from Hawaii and I yield back our time, it will be possible for the Senator from Arkansas to offer a perfecting amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. PROXMIRE. As far as I am concerned, I yield back my time.

Mr. FONG. Mr. President, I yield back my time.

Mr. STEVENSON. Mr. President, I have just one further word of gratitude to the distinguished Senator from Hawaii and the distinguished Senator from Wisconsin for their recognition of the depth of suffering in Bangladesh and for their recognition of the U.S. moral responsibility in that part of the world—a moral responsibility which results from our having supplied Pakistan with some of the arms and military equipment by which the suffering and atrocities were caused.

There is in this amendment a limitation which restricts the U.S. contribution to 40 percent of all contributions from whatever sources. It is certainly my intent in offering this amendment that the administration make reasonable assumptions of the contributions of other nations and, on the basis of those assumptions, go forward with the distribution of aid right away, before it is too late, when the monsoons begin in April. **The alternative to wait until other nations have made their contributions in order that we can calculate the amount we may contribute, would destroy the effectiveness of this assistance.**

I am prepared to yield back my time.

Mr. PROXMIRE. Mr. President, may I say I strongly endorse the principle. It makes sense. These are people who need help now. We should not base what we are doing on what the others are going to do, but should go ahead with ours, and we should move promptly.

Mr. FONG. Mr. President, I yield back my time.

Mr. PROXMIRE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment to the amendment and ask that it be read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The assistant legislative clerk read the amendment to the amendment, as follows:

> Before the quotation marks at the end of the amendment insert a colon and the following: "*Provided further*, That the funds appropriated under this paragraph shall be deducted from the sums provided under this title I".

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

When the Foreign Relations Committee first approved the authorization of $250 million for Pakistan refugee relief, it required that the money be taken out of other programs—the same as I propose with this amendment. But the committee's action was later reversed through use of Senator MUNDT's proxy.

For the last several years Congress has earmarked funds for population control programs—$125 million is earmarked for this fiscal year. Earmarking is an effective way for Congress to set priorities for the spending of foreign aid funds.

Earmarking for refugee relief will force the executive branch to rethink its aid priorities and result in additional emphasis on the side of humanitarian aid. This is the only justification for foreign aid that makes sense to most American taxpayers.

This approach will result in reducing the total in this bill for the regular foreign aid and military sales programs by $175 million, from $2.264 billion to $2.089 billion.

If my amendment is adopted, the total amount in this bill for the regular foreign aid program will still be $200 million more than Congress appropriated for the 1970 fiscal year. We had a $13-billion deficit in the administraitve budget that year. This year it is expected to be $45 billion—more than three times as much, and yet we are increasing the amount for foreign aid.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the distinguished chairman.

Mr. PROXMIRE. Mr. President, I would like to support the Senator from Arkansas. I think this is a sensible and wise amendment. In doing so, I ask the Senator from Hawaii if he will handle the time in opposition to the amendment since I support it.

I think the amendment is sensible for several reasons. It would provide needed aid for Bangladesh. It would provide what is needed for this terrible disaster. As I understand the amendment, the funds would have to come out of other parts of title I of the bill.

Mr. FULBRIGHT. That is correct.

Mr. PROXMIRE. Including the parts which the Senate has increased against the determination of the Appropriations Committee.

Mr. FULBRIGHT. That is correct. The $100 million is increased, yes.

Mr. PROXMIRE. It seems to me that is a sound way to operate. I think the chairman of the Foreign Relations Committee is offering an amendment which reconciles our moral obligation to assist the people in Bangladesh as much as we possibly can with the urgent need to do all we can to hold down our expenditures at a time when we are running an enormous deficit.

Mr. FULBRIGHT. I thank the Senator from Wisconsin. Just to reiterate what he has said, this amendment would not decrease the amount which would be available for this purpose, which the Senator from Illinois has requested. It would merely require that it come out of funds that are appropriated under title I.

I want to make one other comment. There is no limit, of course, to Public Law 480 funds—that is really commodities—which would be available. That is a big element for helping on problems in the food area. There is nothing, as far as I know, that would limit the availability of this assistance for the refugees.

I am bound to make one other point about a comment of the Senator from Illinois. He says we are morally responsible because we have supplied arms.

If Senators will look at the record of our supplying arms, it is very difficult to find any place in the world of any consequence in which we have not supplied some arms. If we look at this military aid program—it has been cut back a little—but look back over the years, and there are very few countries, unless one looks to Chad, perhaps, or Mali. I am not sure whether we have sent anything into Chad, though I expect we have. I use Chad only as one of the more remote and less controversial countries. I am not sure whether we have sent anything into the Maldive Islands, and I am not sure whether we have sent anything into Mauritius, but there are at least 80 or so countries to which we have supplied arms.

So for anything that happens, under this theory, almost anywhere in the world, we are morally responsible to pick up the tab for reconstruction, rehabilitation, and so on. I really do not accept that kind of argument, that we are morally responsible for everyone's ills. I do accept that we have been extremely stupid, shortsighted, and misguided in the program of supplying arms all over the world. I will accept that argument, and maybe we should pay something for it, to pay for our sins. We are going to have to pay an awful lot, I expect, in Southeast Asia, for the extent to which we have destroyed those countries.

As far as India and Pakistan are concerned, fortunately, we did not destroy those countries ourselves; all we did was give them the vehicle, the means to do it themselves; but the motive, that is, the final causative factor, as they would say in a court of law, would be the Pakistanis themselves. They did not have to use those arms to murder those people. That was their decision, and we did not give them to them with the idea that they would use them for that purpose. We gave them to them for use against the Russians, against communism. This is a part of the ideological obsession that started back in 1947 and 1948. That was the reason we were giving them to them, to contain communism wherever it might raise its ugly head.

There is no evidence that Mujib was Communist, or that the revolution in East Pakistan was a Communist revolution. So they violated the understanding with which we gave them the arms. Of course, they had already violated it when they used them against India.

We certainly did not give them to them to use against India; but under this broad generalization that, having given them arms, they used them against India, then we ought to be responsible for all the ills of India, because they certainly caused India to spend a lot of money, and certainly did a lot of damage, in the war that they fought several years ago.

My amendment does not affect the amount available for the refugees. But there the problem should no longer be as great as it once was because, as I understand from reading the newspapers, many of the refugees are returning. It will be primarily an aid program to Bangladesh; and I do not have any objection to that, although, to keep our lines straight, we ought to authorize aid to Bangladesh.

The fact is that our Government has not yet recognized the existence of Bangladesh. We had a meeting yesterday afternoon to discuss this in an executive session of the Committee on Foreign Relations. There is a resolution sponsored by the Senator from South Carolina and others to recognize Bangladesh, but the fact is that our Government has not recognized Bangladesh. Nevertheless, this is, in fact, a program of aid to Bangladesh. That is what it will amount to. I only point that out as one of the reasons why we ought to take a close look at the matter.

Mr. MANSFIELD. Mr. President, will the Senator yield to me so that I can ask for the yeas and nays on the pending amendment?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. I also ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. My question is, I assume that this aid to Bangladesh the committee chairman is referring to is really to the people of Bangladesh or what was formerly East Pakistan, rather than the Government of Bangladesh, which does not exist as far as the United States is concerned at the present time; is that correct?

Mr. FULBRIGHT. That is right, we do not recognize it, although I understand that a number of countries recognized it today.

But as I have pointed out, it seems to me that things have changed, that this is no longer a refugee program primarily, as it was presented in the committee when we passed on it. This aid will now go more to a country known as Bangladesh.

Mr. AIKEN. What the Senator means is aid to the refugees and the suffering people who are now in what was formerly East Pakistan, but is now called Bangladesh. It is the people he is thinking of, not the government, it is not?

Mr. FULBRIGHT. Well, that is true of all these governments. I mean, even if it is a development loan or anything, it is the people we are thinking of; the government is only the vehicle through which the loans are made or sought. I agree that in all these programs, it is the people whom we consider as the final recipients of our largesse.

Mr. AIKEN. Yes. My chairman has been a very strong advocate of multilateral assistance to various peoples in need in different parts of the world. That would apply to this additional assistance to the needy people, the suffering people of what is now Bangladesh as well?

Mr. FULBRIGHT. Well, I do think it is better administered through——

Mr. AIKEN. I personally think that. While I am in favor of relieving the suffering, I think it should be done on a multilateral basis rather than a unilateral basis, although that is directly contrary to my belief as to how we should deal with Latin American countries.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. AIKEN. I yield.

Mr. FULBRIGHT. Well, let me point out that——

The PRESIDING OFFICER. The time the Senator from Arkansas yielded himself has expired.

Mr. FULBRIGHT. I yield myself 2 additional minutes.

The conference report on the authorization for refugee aid reads:

> Such assistance shall be distributed to the maximum extent practicable, under the auspices of and by international institutions and relief agencies of United States voluntary agencies.

That is the requirement. Purely because of administrative problems, if nothing else, we are going to have to do it with the cooperation of that government. Governments do not usually welcome outsiders coming in without even asking "by your leave." But that does not bother me very much.

Mr. AIKEN. Would that not be up to the various organizations with whom we deal, whom we work through?

Mr. FULBRIGHT. I imagine the Government of Bangladesh will have something to say about it.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. I would like to point out that the Stevenson amendment does contemplate a very important element of international assistance, and provides that the United States shall not give more than 40 percent of the assistance. I realize that does not make it multilateral, but it does require that other countries enter into this assistance.

Mr. AIKEN. Well, until we recognize the Government of Bangladesh, until it has been established as a government, and more than 10 or 15 countries have recognized it, it seems to me that we should deal through the multilateral organizations in that and probably other parts of Asia.

The PRESIDING OFFICER. The Senator's 2 additional minutes have expired. Who yields time?

Mr. STEVENSON. Mr. President, will the Senator from Hawaii yield me 3 minutes?

Mr. FONG. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 15 minutes remaining.

Mr. FONG. I yield 3 minutes to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Hawaii.

Mr. President, there is no way in which this aid could be provided except through multinational agencies. Without recognition of Bangladesh, the United States will not and cannot establish bilateral relationships which could be used to distribute this assistance to the people of Bangladesh. So, until that time, all the moneys appropriated by this bill would have to be funneled to the people of Bangladesh through such agencies—all of them multilateral—as the United Nations, UNICEF, the International Red Cross, and the International Rescue Committee.

I am hesitant about embarking on a moral discussion, but the point should be made that the moral responsibility is to people who are suffering and in need. It is a responsibility which has been recognized by countries throughout the world. The United States, it seems to me, has a special responsibility in this case, not only because we did—to a rather limited extent—provide some of the arms which were used by Pakistan with which to commit atrocities in Bangladesh, but beyond that, and more significantly, we did nothing in Pakistan to restrain the regime of Yahya Khan from murdering the Bengalis, at the same time we were restraining the Indians from liberating the Bengalis. That is what, in my mind, makes this a moral question and, to a degree, a moral responsibility of the United States.

I have to oppose the substitute amendment because, as I understand it, its effect would be cut other programs in this bill by a quarter of a billion dollars.

The PRESIDING OFFICER. The Chair points out to the Senator from Illinois that this is a perfecting amendment, rather than a substitute amendment. It merely adds additional language. The Senator has been referring to it as a substitute amendment.

Mr. STEVENSON. I thank the Chair for the correction. My remarks apply to the perfecting amendment.

If the administration did decide to make available funds—under my amendment as perfected—to the people of Bangladesh, it would then take the funds from other programs for which Congress has appropriated moneys; and in so doing, it seems to me, it would be effectively overcoming the clear intent of Congress. It is a back door way of giving the administration far more power over funds appropriated by Congress for the programs established in our authorizing and appropriating legislation.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a clarification?

Mr. STEVENSON. I yield on the Senator's time.

Mr. FULBRIGHT. The administration is not forced to spend this money for that purpose. They do not have to spend it.

Mr. STEVENSON. That is my point.

Mr. FULBRIGHT. I mean, under the Senator's amendment. My amendment does not change that aspect of it. They can impound it as they want. They have impounded $12 billion. The Senator's amendment does not make them spend it. There is no way to make them spend it. The Senator is making the point here that in some way my amendment changes the pressure upon them to spend it for this purpose. If the administration does not want to spend it for that, even if my amendment is not adopted, they do not have to do so.

All I want to do is to clarify the matter. I do not want to leave the Senate under a misapprehension as to the effect of it.

Mr. STEVENSON. The effect of my amendment is to provide $250 million for the relief of refugees. The effect of the perfecting amendment would be to require that all that sum of money come out of other programs. That is my point. The effect of the perfecting amendment is to cut back other appropriations for foreign aid by $250 million.

Mr. FULBRIGHT. But they do not have to spend it, under the Senator's amendment. If their sense of priority is not the same as the Senator's they will not spend it, under his amendment, either.

Mr. STEVENSON. I understand that. But I offered my amendment as an addition, not a diminution, in the bill. Therefore, I still must oppose the perfecting amendment of the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FONG. I yield 1 minute to the Senator.

Mr. AIKEN. It is my understanding that if the amendment of the Senator from Illinois is agreed to, the funds would have to be deducted from some other appropriation which is contemplated by title II. That means that if we voted to increase the aid for the people of Bangladesh by $50 million, it could be taken out of the $175 million which is already included in the bill.

It could be taken out of the Alliance for Progress, for which we voted yesterday, and could nullify our vote of yesterday, or it could be taken out of development loans. Certainly, it would not come out of administrative expenses. Possibly it could be deducted from military assistance. But if it is the purpose to take take it out of military assistance, I think it should be so specified. Otherwise, the amendment offered by the Senator from Arkansas could completely nullify the amendment proposed by the Senator from Illinois; or it could nullify or could repeal the vote which was taken on this floor yesterday.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. FONG. I yield 1 additional minute to the Senator.

Mr. AIKEN. With this bill going to conference, I think it would be better to accept the amendment of the Senator from Illinois, because we would undoubtedly make some adjustments in the conference committee, anyway.

Mr. FONG. Mr. President, I yield myself 3 minutes on the amendment.

I vigorously oppose this amendment. This is as devastating an amendment as I have ever seen.

Mr. AIKEN. Which one?

Mr. FONG. The amendment by the distinguished Senator from Arkansas.

This amendment would destroy the whole foreign aid bill. Its destruction effect on our foreign assistance program is equivalent to that of a nuclear bomb.

Let us look at what the Senator has done. He would undo everything we have done so far, everything that the Foreign Relations Committee has done, everything that Congress has done.

Under title I, the fiscal year 1972 appropriation was $1.1 billion. The budget estimate was $1.6 billion. The authorization—and the distinguished Senator from Arkansas is chairman of the Foreign Relations Committee—was $1.2 billion. The continuing resolution which we operated under, and are still operating on, is $1.2 billion. The House passed $1 billion under title I, and the Senate Appropriations Committee recommended a little over $1 billion. By addition of the $100 million which went for the Alliance for Progress, from $50 million to $150 million, that raised the figures from approximately $1 billion in the Senate bill to $1.1 billion.

Let us see what this does. It takes out the $175 million which is already in the bill for Pakistani relief, reducing it to $925 million. Then, if the Administration decides to take the $250 million for Bangladesh relief, it reduces it another $250 million, to $675 million.

So what we will have is $675 million in title I as distinguished from the amount of approximately $1 billion as reported by the committee, as distinguished from $1.2 billion as passed by Congress in the authorization bill.

So, I say, Mr. President, that what the distinguished Senator from Arkansas (Mr. FULBRIGHT) has done has been really to put a nuclear bomb in the bill. He is really trying to destroy the whole bill.

I do not know what his intentions are, whether he intends to give any money to Bangladesh at all. He may not want to give any money to Bangladesh. But in the authorization provisions we have, the sum of $250 million is earmarked for Bangladesh relief.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from Hawaii has expired.

Mr. FONG. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 additional minutes.

Mr. FONG. Mr. President, I do not know whether he wants to give any money to Bangladesh, whether he wants to provide nothing for the Alliance for Progress, whether he wants to provide nothing for worldwide technical assistance, or whether he thinks no money should go to American schools and hospitals abroad, no money to international organizations and programs, no money to the Alliance for Progress, no money for develoment loans, because the money would have to come from all those figures which we have worked so diligently and so carefully to bring before the Senate.

Every item has been carefully worked on before the Appropriations Committee presented the bill to the Senate.

Now we are here debating on one amendment. Are we going to increase the amount we want to give to Bangladesh relief from $175 million to $250 million, or are we not? If we want to, then let us vote for that.

If we do not want to do so, then let us vote against it.

But, let us not say that if we give $250 million to Bangladesh relief we will force you to take the increase, which is another $75 million plus $175 million, which we have already appropriated under the bill according to the action of the Appropriations Committee, and say that all of that will have to come out.

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. FONG. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 additional minute.

Mr. FONG. So you can see, Mr. President, that I do not know what is the real intent of this provision by the distinguished Senator from Arkansas. If his intent is to "gut" the whole bill, then it will work. If his intent is to reduce the amounts going to all the other programs then, I think, he has done a great disservice to put in that amendment.

I ask my colleagues to vote against the

amendment because it is a devastating amendment.

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired. Who yields time?

Mr. FONG. Mr. President, I yield 2 minutes to the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I must say that I do not particularly enjoy these repeated forays with my chairman. I am only sustained by the fact that he is a thoroughly skilled parliamentarian and that I hope to be with him in many other struggles if he will forgive me on this one.

I must, Mr. President, in good conscience, identify with the position taken by Senators FONG, AIKEN, and STEVENSON with regard to this particular amendment.

We went through this particular approach in the committee as well. It is clear that if we do not agree basically with the proposition that a sum of money of roughly $2,900 million should be devoted to foreign aid and that that is a fair application of our priorities, then, of course, we have an absolute right to find every way we can to cut it down. This is one way to do it. As the Senator from Hawaii has stated, it is an atom bomb placed in the bill, but it is a way to do it, and it is a perfectly proper way to do it. But if we are satisfied with the overall budgetary situation, in spite of all of our troubles, trying not to be hardhearted or to have the hard feelings of a rich man walking along the streets of the world, which is a lot poorer than we are then we have got to devote something to the cause of world relief and world assistance. All other developed nations who are far poorer than we are engaged in such programs.

I know of nothing that would commend itself to us for humanitarian action more than the dreadful tragedies which have afflicted those people of the Indian subcontinent—especially in view of our own rather touchy relationship—in their efforts to disenthrall themselves from those who have been barbaric to them; to wit, the Government and Army of West Pakistan.

Under these circumstances, one can speak of this in human and personal terms.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Will the Senator from Hawaii yield me 1 more minute?

The PRESIDING OFFICER. All time in opposition to the amendment has expired.

Mr. FONG. Mr. President, I yield 1 minute on the bill to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from New York may proceed.

Mr. JAVITS. Mr. President, if it appeals to our hearts that these people who have been so terribly and tragically decimated by flood, conflagration, war, and fraticide shall now get help from us, with feelings from our hearts of generosity, the money should certainly not, and I repeat, not come out of the—if we do it and do it that way—other development assistance and humanitarian programs we have in title I of the bill. Each must stand or fall on its own.

In spite of our own troubles in this country, we are not so poor that we cannot heed our consciences and say that we cannot afford this money to help these people.

I strongly urge that the perfecting amendment be defeated and the Stevenson amendment be sustained.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Arkansas (Mr. FULBRIGHT) has 3 minutes remaining.

Mr. FULBRIGHT. Mr. President, I do not know that I can add anything, especially as there is no one here to listen except those already committed—which is the usual situation on the floor of the Senate.

For the RECORD, though, I should point out, on the question of our moral obligation that we should help Bangladesh because we gave arms to Pakistan, that Nigeria, for example, was given arms by us. They had an insurrection there and a lot of people were killed. I guess we should have had an amendment to the bill to pick up the tab or provide some relief for that.

We have also given arms to El Salvador, Honduras, and so forth—as a matter of fact, I have a list in my hand of 46 countries to which we have given arms. This is grant military aid. Many more countries we have given what are called sales—they are not really sales, but a kind of sales. and so forth. Thus, the idea that we are responsible for everyone does not appeal to me.

All my amendment would provide is that if we want the Government to do it, we should give so much money up to $250 million. They may still do so. The difference between my amendment and that of the Senator from Illinois is that mine takes it out of the money available under title I of the bill. That is the only difference.

Neither does the amendment of the Senator from Illinois force the administration to spend this money on this problem. It simply authorizes them to do so. If they think, in their idea of priority, that it comes above in importance to other items in the bill there is great and wide power to transfer. The President has much discretion to change the spending levels a great deal.

All my amendment seeks to do is not to increase the overall amount of the bill, because this country is in such dire financial straits.

So, that is all there is to it.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. FONG. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, I want to call the attention of my colleagues to the fact that the amendment of the Senator from Arkansas, if agreed to, would deduct another $175 million from the amount we already voted on in the committee on the committee bill.

We have $175 million for Pakistani relief. Now, the Senator from Arkansas proposes that we will take $250 million from all of the programs. So, that means that we will take $175 million out.

I say this will really gut and destroy the whole bill.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), and the Senator from California (Mr. CRANSTON), are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Virginia (Mr. SPONG), are necessarily absent.

I also announce that the Senator from Wyoming (Mr. MCGEE), the Senator from Nevada (Mr. CANNON), are on official business.

On this vote, the Senator from Arkansas (Mr. MCCLELLAN) is paired with the Senator from Washington (Mr. JACKSON).

If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from South Dakota (Mr. MCGOVERN).

If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from West Virginia (Mr. RANDOLPH) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from West Virginia would vote "nay" and the Senator from Georgia would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELL-

MON), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 24, nays 45, as follows:

[No. 33 Leg.]

YEAS—24

Allen
Anderson
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cook
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Hollings
Long
Mansfield
Miller
Montoya
Proxmire
Stennis
Symington
Talmadge

NAYS—45

Aiken
Beall
Bennett
Boggs
Brock
Brooke
Buckley
Case
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Fong
Griffin
Gurney
Hansen
Hart
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Mathias
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Thurmond
Tunney
Weicker
Williams

NOT VOTING—31

Allott
Baker
Bayh
Bellmon
Cannon
Church
Cranston
Gambrell
Gravel
Harris
Hartke
Hatfield
Hruska
Hughes
Jackson
Jordan, N.C.
Magnuson
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Randolph
Saxbe
Spong
Taft
Tower
Young

So Mr. FULBRIGHT's amendment was rejected.

Mr. FONG. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment, as modified, of the Senator from Illinois (Mr. STEVENSON) (putting the question).

The amendment, as modified, was agreed to.

PRIVILEGE OF THE FLOOR

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that Mr. Norvill Jones, of the staff of the Foreign Relations Committee, be permitted to remain on the floor during the remainder of the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SAFETY PROGRAM

Mr. FULBRIGHT. Mr. President, I offer the amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 11, between lines 8 and 9, insert the following:

SEC. 114. None of the funds appropriated or made available pursuant to this Act to carry out part I of the Foreign Assistance Act of 1961 shall be used for continuing public safety programs of the Agency for International Development.

Mr. FULBRIGHT. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

In its illustrative 1972 budget, the Agency for International Development requested $29,423,000 for carrying out public safety programs in more than 25 countries of the world. Of that $5,455,000 was to be from technical assistance, $20,573,000 from supporting assistance, and $3,400,000 from supporting assistance loans.

The proposed program and the detail of its financing are set forth in the table which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Countries and regions	Supporting assistance	Technical assistance	Supporting assistance loans
Southeast Asia:			
South Vietnam	$11, 148, 000		
Laos	425, 000		
Thailand	9, 000, 000		
Philippines		$800, 000	
Africa:			
Regional		100, 000	
Congo (Kinshasa)		1, 016, 000	
Ghana		106, 000	
Liberia		203, 000	
Nigeria			$3, 400, 000
Tunisia		125, 000	
Near East and South Asia: Pakistan		250, 000	
Latin America:			
Bolivia		115, 000	
Brazil		174, 000	
Colombia		340, 000	
Costa Rica		$198, 000	
Dominican Republic		370, 000	
Ecuador		135, 000	
El Salvador		56, 000	
Guatemala		377, 000	
Guyana		99, 000	
Honduras		171, 000	
Jamaica		96, 000	
Nicaragua		91, 000	
Panama		203, 000	
Uruguay		225, 000	
Venezuela		200, 000	
Total	$20, 573, 000	5, 450, 000	$3, 400, 000
Grand total			29, 423, 000

Mr. FULBRIGHT. Mr. President, over the years, I have come to realize that U.S. participation in the highly sensitive area of public safety and police training unavoidably opens the door to those who seek to identify the United States with every act of local police brutality or oppression in any country in which this program operates. It matters little whether the charges can be substantiated; they are made almost daily; they are widely circulated; they obtain credibility in some quarters; and they inevitably stigmatize the total U.S. aid effort.

I believe that in undeveloped areas of the world, the costs of public safety programs are better left to be underwritten from local resources and the U.S. assistance effort directed toward less sensitive and better justified areas of concern. As a move in this direction, my amendment would eliminate all public safety programs funded from technical assistance grants and development loans. This action would not, however, bar public safety programs in Southeast Asia, for which $20,573,000 in supporting assistance funds is requested, and concerning which I will not comment at this time.

That program has been widely publicized in a different connection.

While I question the need for continuing this highly controversial program, the Agency for International Development has testified in strong support of these activities which involve the operation of the International Policy Academy and the stationing of 335 public safety advisers abroad. Having achieved the limited objectives for which they were established, public safety programs in 23 countries have been terminated since 1962.

Public safety programs in Chile and Jordan were terminated in fiscal year 1971 and ongoing programs in Brazil and Korea will be concluded by the end of fiscal 1972. In trying to justify this program's continuance, an AID official has made the following observation which should be considered in passing judgment on the program:

> Violence has been a common factor in many of the world's societies and one which frustrates the effort of the people to realize their aspirations and also of governments in attempting to govern. Violence has been chosen by special interest groups, political factions and elements at both extremes of the political spectrum. Based on the recent experience of the 1960s, it is clear that during the decade of the '70s the task of governments in these societies will be much more important during this period. This importance lies not only in the civil security forces' ability to protect the lives, property and basic human rights of the citizens, but in their ability to create a climate for orderly change. Violence perpetrated by any group in society should be prevented and suppressed.
>
> In several countries, which have requested

> and are receiving Public Safety assistance, there are reports and allegations that some members of the police forces engage in illegal activity in the conduct of their business. We do not condone and do deplore this kind of behavior which is antithetical to the objectives of the Public Safety program and to the modern concept of law enforcement which the program attempts to inculcate at all levels in police forces it aids. The best chance for overcoming this lack of professionalism is the conduct of police operations is through technical assistance and training provided by the Public Safety program.
>
> U.S. Public Safety assistance is a low cost, low profile activity. Given adequate resources, it *can* be effective in influencing police leadership toward the professional and humane use of their resources and it *can* assist in the development of police abilities to prevent serious threats to internal order.

Unfortunately, there is a difference between can and is. I question the effectiveness of these programs in light of the adverse effects that result from our being so closely associated with local police brutality and consider further involvement in these programs to be against the best interests of the United States.

We have troubles enough with police/community relations in our own society. I suggest that our Government's efforts would be better directed to this, and our own crime problem, rather than to trying to teach foreigners how to run their police departments.

Mr. President, the overall effect of this, together with other aspects of our program, is to identify this Nation with the preservation of the status quo in all respects in all the developing countries, in which there are many people who believe that some changes in their economic or political systems are warranted. The United States is identified in nearly every respect with the preservation of the status quo in any effort to improve the lot of the people in those countries.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. This amendment was brought to the attention of the full committee, and we agreed that, because it was controversial with many people, it should be brought up on the floor rather than put in by the committee.

I think it is necessary for us to stop our aid in public safety programs because, as the Senator from Arkansas has said, not only do they become clearly identified with suppression of human rights, but also with the most reactionary and military regimes.

It is true, as the Senator from Arkansas said, that they may serve a useful purpose, but what the Senator from Arkansas would do in his amendment would be to provide that public safety programs and the police forces of those countries be run with local tax funds in accordance with the way the local governments want to set priorities.

I know what resistance there would be in this country to having a Federal police force. People would resist such a move. I know some people say the FBI is that. I do not think so. I have great respect for the FBI. I think it has done a marvelous job. But if we had a Federal police force supported with Federal funds, we would be concerned with all the effects that would have on the civil liberties of the people of our country.

What we are saying is that U.S. AID funds should be used to help countries without becoming involved with their police forces. These have violated human rights time and time again in the most brutal and tragic ways—Brazil is the most conspicuous example. There is no reason why the United States should unnecessarily be identified as the country which is supplying the police force to maintain order.

Mr. FULBRIGHT. I thank the Senator.

Mr. PROXMIRE. I support the Senator's amendment.

Once again, I ask the Senator from Hawaii if he will control the time in opposition to the amendment.

Mr. FULBRIGHT. I appreciate the support of the Senator.

Mr. FONG. Mr. President, I yield myself such time as I may need.

I rise in opposition to the amendment. The main thrust of these funds, under the public safety programs, is to have an efficient civil security force in the countries that are just developing. Many of these countries do not have an efficient police force and they need to have trained men to stop the inception of riots and the inception of other criminal activities.

Since 1954 the United States has provided assistance to police organizations around the world through the foreign economic assistance program. We must remember that we have only 4 or 5 more months left of fiscal year 1972 and that we have been operating on a continuing resolution to take care of the programs which are now in existence.

The primary thrust of this program has been to develop the institutional capability of civil security forces to maintain peace and order so that economic and social development can proceed and the affairs of government can be conducted within a constitutional framework.

By providing this assistance, civil police capabilities have been improved, thus permitting recipient governments to cope with internal disorders in their earliest phases rather than having to use military force when such disorders reach an unmanageable level.

Some police actions have been described as brutal. Many police forces in our own country, likewise, have been accused of police brutality. But the main thrust of this program is to see that the recipient countries have efficient police forces so they can nip insipient disorders in the bud, so they do not have to resort to military force later.

This program has been working very well, and it has been phasing out. During this same period the program level for assistance to 30 countries outside Southeast Asia has been reduced from $7.98 million in 1967 to $5.45 million in fiscal 1972.

Mr. President, we are talking about a very insignificant sum of money—$5.45 million to 23 countries.

Which countries and what amounts are we talking about? For example, for the Congo, $1 million; for Ghana, $106,000; for Liberia, $203,000; for Tunisia, $125,000.

Certainly these countries need to upgrade their police forces.

Likewise, we are appropriating for Jordan, $65,000. For Pakistan, $280,000. For Bolivia, $115,000. For Brazil, $174,000.

So it can be seen that the amounts appropriated for these countries are modest.

To abruptly terminate all assistance to countries other than those in Southeast Asia at this time would be very unwise and could waste a large part of the limited investment already made in those countries.

The expenditure of this amount of money is for equipment, for training, for bringing their people over to take a look at our police forces so they may learn from us, and for sending our technical advisers to these countries. So Senators can see that most of the money appropriated under this program is for expenditures for our technicians, and for foreigners to come to our country to learn what is happening here.

This is particularly true in terms of the major effort now being mounted to attack the worldwide problem of international narcotics control. AID's public safety program will play a key role in the total U.S. Government effort. It is imperative that civil police institutions be strengthened in order that individual country narcotic control laws can be enforced effectively. Specific plans for assistance to various countries are now being formed in coordination with the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs. Fourteen of these countries are now receiving some type of public safety assistance through AID.

Latin American is also rapidly becoming a major conduit for international narcotics traffic into the United States. Six countries, all in Central America and the Caribbean area and which are now receiving public safety assistance, may also require assistance in narcotics control.

In addition, the Congress has now enacted legislation—section 481 of the Foreign Assistance Act—which authorizes the President to conclude drug control agreements with other countries and to furnish assistance to any country or international organization for drug control purposes.

Mr. President, the significant impact of this restriction would be to force the closing of eight international police academies, where nearly 90 percent of the students expected during fiscal 1972 will come from 23 countries. It will result in the abandonment of public safety efforts to work with any but three countries in Indochina. Such assistance must be authorized in the Foreign Assistance Act and appropriated in part I of the Foreign Assistance and Related Programs Appropriations Act. Therefore, any effort to eliminate public safety activities outside Southeast Asia is contrary to a congressional view expressed so recently.

Opportunities for preventing further spread of international narcotics traffic and growth of related law enforcement problems cannot be disregarded. Although the United States cannot enforce the narcotics laws of another nation we do have a responsibility to assist in an area of national urgency through training and improved organization under the public safety program.

Mr. President, I think we would be doing a very sad thing if we were to disallow the use of this money for public safety programs. It would be most tragic because the main thrust of this program is to really give to the developing countries a good civil police security force in order to hold down the trafficking in narcotics, to nip subversive elements in the bud, and to protect constitutionally developed and elected governments.

So I oppose the amendment very vigorously, Mr. President.

Mr. PASTORE. Mr. President, will the Senator from Arkansas yield me 2 minutes?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, from year to year I have been a very strong supporter of our foreign aid program. I have done so because I have always believed that the effort was made in the spirit of brotherhood, and not in a self-seeking way to promote the prestige or enlarge the image of America throughout the world. We have spent billions of dollars in order to accomplish that.

But I dare say the program that we are talking about now, that has been outlined by the Senator from Hawaii, has been counterproductive. We are talking about a civil police force—First of all, this is a national concern. It is a matter of the sovereignty of the particular nation involved. Those people should furnish their own police forces. They should train their own policemen.

No one is advocating here that they do away with their policemen. All we are saying is, it is not the business of the United States of America to create a police force in any nation to guarantee the tenure of any specific dictator or any particular government. Frankly, in many instances, as the Senator from Arkansas has pointed out, we have been identified as being against a sound reform movement that might be salutary in that particular country.

We have said time and time again that America should not be the policeman of the world, and yet we are policemen by proxy here. I do not see why the United States of America should maintain an international police school. For what purpose? The first thing any nation does to protect its own security is to build up a good, formidable police force. To say that if we withhold this aid these police forces will go out of existence is something I just cannot believe at all. I say very frankly I think this is one part of the foreign aid bill that does irreparable harm to the foreign aid program as a whole.

We have seen instances time and time again where these civil police forces, as they are called here, have really become stormtroopers. We have had our experience with Hitler, who, piecemeal, wanted to suppress this and suppress that. Finally he wound up as a dictator and brought us into World War II.

I say if we are going to cut this foreign aid bill at all, this is the one best place to cut it, and I shall vote for the cut.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 1 minute.

As I have stated, the amounts of money here are used for the purpose of securing equipment, of sending advisers overseas to teach police work, and to have the students of recipient countries come over and learn some of our police techniques. We are not trying to set up police states in these countries. We are just teaching them advanced methods of civil security and public safety, and that is all we are doing for them.

This work is being phased out. We have operated under the continuing resolution now for approximately 7 months, and we have only 5 months to go. The program outside of Southeast Asia involves around $5 million. It is being phased out, and this is no time for us to cut it.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. FONG. I yield.

Mr. PASTORE. The Senator uses the expression that this is for "civil security protection" reasons. What do we mean by that? It certainly is not protection against an invader. It is an internal affair.

Mr. FONG. It is an internal affair.

Mr. PASTORE. Is it our business to get mixed up in it?

Mr. FONG. Many of our programs involve internal affairs. We have gotten into the matter of helping people who are starving and who are sick——

Mr. PASTORE. Oh, but that is a different matter. We want to put food in empty stomachs. I just voted against the Fulbright amendment that would affect the award of money to feed the starving people in Bangladesh. But there is no analogy between food and police.

Mr. FONG. We have sent our advisers over there, and we have brought their people over here, to study educational methods. This is nothing but a question of education.

Mr. PASTORE. That is not the way I have heard it. I have been with this program for a long time, and this is one element of the program with which I have become very weary. I think it is wrong to support this type of program. All that these security guards have been able to do is protect the bastion of authority in their particular State. Any time anyone speaks out against that authority, he goes to jail, sometimes without trial, and America is being blamed for it in many instances.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield 2 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, as I recall the days and the hours and hours spent in the Foreign Relations Committee——

Mr. FONG. Mr. President, if the Senator will yield, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COOPER. During all the time we put in on this measure in the Foreign Relations Committee, to the best of my recollection this subject was not mentioned. I may be in error, but I do not recall it.

I know that this has been referred to as a program which might prevent police brutality. I would like to say it is purely an educational program, in the same way that the FBI trains people, and in the same way as this Congress has appropriated money to assist in training local police. There is evidence of police brutality all over the world, and I am sure it exists in this country. But I think that countries which have systems such as ours, and the more advanced countries in Europe, would be more likely to educate and train these people in ways which would prevent police brutality. I think that is correct.

Also, we are engaged now in a great program throughout the world to try to bring narcotics and drug traffic under control, and this will be one element of the training which will be undertaken. I think many subjects have been discussed here which might be of much more importance, but this is important.

I do not go on the assumption that all our police are brutal. I would think it would be better to train these forces in the use of more humane methods. It is basically an educational program.

I hope the amendment will be defeated.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. FULBRIGHT. I yield myself 2 minutes.

Mr. President, I agree with the sentiments of the Senator from Rhode Island. It reminded me of a rather symbolic experience.

I think one of our first involvements in South Vietnam was a thorough public safety project in which we employed Michigan State University. I believe it is the same university of which the present Administrator of AID was president. We were engaged in teaching them police organization. Mr. Fishel of that school became very friendly with Mr. Diem.

One thing led to another. Diem spent time in the Maryknoll Seminary in New York State and became acquainted with some important figures in this country. He went back and we helped make him president and gave him a police force, and we are still there protecting his people.

It is rather interesting that out of this kind of program grew that very long and intimate connection with South Vietnam.

It is a very important program. It involves us in the internal affairs of many countries. But, for the life of me, I do not understand why the Senator from Hawaii feels that we should become involved in the creation of the local police forces of these countries. I think it now involves 25 countries. It is no small matter.

We already train army officers in more countries than that. We become identified with their police forces and whatever people think of their police forces. We know in this country how popular police forces are. I support our police forces. But we know that in many parts of this country the police are very controversial. I think it is most unfortunate, but that happens to be human nature. We also have become identified with foreign army officers. We bring thousands—and we have brought tens of thousands—of army officers to this country, to train them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 1 additional minute. We bring them here to teach them our most modern methods of how to stifle any kind of disorder of insurrection. That, in its proper context, is an essential part of an organized society.

I agree with and I underscore what the Senator from Rhode Island has said. Essential as these activities are to organized society, they are essentially local, and a big country like ours should not inject itself into those activities. We are being accused by our enemies all over the world of being of an imperialistic nature, seeking new and more subtle ways than, say, the British to control every part of the world we can by investments, by training of their military people, by training of their policemen, and other means.

So I think it is against our interests to keep this program in operation. It is not just a matter of money or saving money. It is against our interest.

I want to correct a misapprehension that I think was implicit in a comment just made, that my amendment to the amendment of the Senator from Illinois reduced the amount for the suffering or starving, or what have you, of people. My amendment did not reduce the amount. It only provided that the amount provided should come out of the overall amount in the bill. There was flexibility for the administration to take that amount from other less important activities. I did not want the record to show that I reduced the amount.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. It is a question of how one construes the flexibility. My belief was that it might have to be taken out of a more essential program, and I considered it a limitation in that respect. But I do not pretend for one moment that my heart is any bigger than that of the Senator from Arkansas. I hope he understands that.

Mr. FULBRIGHT. I thank the Senator.

Several Senators. Vote! Vote!

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legisative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from California (Mr. Cranston), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Louisiana (Mr. Ellender), the Senator from Idaho (Mr. Church), and the Senator from Washington (Mr. Magnuson) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) and the Senator from Nevada (Mr. Cannon) are on official business.

On this vote, the Senator from Louisiana (Mr. Ellender) is paired with the Senator from Washington (Mr. Jackson).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from West Virginia (Mr. Randolph) is paired with the Senator from Washington (Mr. Magnuson).

If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Arkansas (Mr. McClellan) and the Senator from South Dakota (Mr. McGovern) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), the Senator from Idaho (Mr. Jordan), the Senator from Ohio (Mr. Saxbe), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 37, nays 34, as follows:

[No. 34 Leg.]

YEAS—37

Allen
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Chiles
Cotton
Eagleton
Ervin
Fulbright
Harris
Hollings
Humphrey
Inouye
Javits
Kennedy
Mansfield
Metcalf
Mondale
Montoya
Nelson
Pastore
Pell
Proxmire
Ribicoff
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—34

Aiken
Beall
Bennett
Boggs
Brock
Buckley
Case
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Long
Mathias
Miller
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Thurmond

NOT VOTING—29

Allott
Baker
Bellmon
Cannon
Church
Cranston
Ellender
Gambrell
Gravel
Hartke
Hatfield
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McGee
McGovern
McIntyre
Moss
Mundt
Muskie
Randolph
Saxbe
Taft
Tower
Young

So Mr. Fulbright's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its leading clerks, announced that the House had passed the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, with an amendment, in which it requested the concurrence of the Senate.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Weicker). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. Fulbright) proposes an amendment:

On page 2, line 6, strike out "$165,000,000" and insert in lieu thereof "$140,000,000".

On page 4, lines 11 and 12, strike out "$150,000,000" and insert in lieu thereof "$100,000,000".

UNANIMOUS-CONSENT AGREEMENT—TIME LIMITATION

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 20 minutes, the time to be equally divided between the sponsor of the amendment and the ranking minority member.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, although the bill reported by the Appropriations Committee is a far better bill than that passed by the House, it did not reduce the total enough. And now even the committee's modest cuts have been partially offset by the Senate's vote to add $100 million for the Alliance for Progress.

I offer an amendment to reduce the amount for worldwide development loans by $50 million, from $150 to $100 million, and that for worldwide technical assistance by $25 million, from $165 to $140 million.

My amendment would reduce the total in this bill for the regular foreign aid and military sales items, titles I and II, from $2.339 billion to $2.264 billion. This is still $375 million more than Congress appropriated for these same programs in the 1970 fiscal year. I remind my colleagues that in fiscal year 1970 we had a budget deficit of only $13 billion. The official estimate for the administrative budget deficit this fiscal year is $45 billion, and, judging from past experience, likely to go much higher. My amendment will reduce that massive deficit by $75 million.

The new money appropriated by this bill is, by no means, all that will be available for development lending and technical assistance. Repayments on past loans, carryovers and funds from other sources which will be available for new loans under terms of this bill total $281 million, which, when added to the $100 million in new money allowed under my amendment, will make a total of $381 million for loans outside of Latin America. There will also be $15 million more available for technical assistance, to be added to the $140 million in new money proposed by my amendment, making a total of $155 million. I might point out that the administration suspended further lending to India and Pakistan and for those two countries alone $330 million in loans was proposed for this fiscal year. That action should be taken into account in determining how much the Senate provides for the loan program.

As of December 31, 1971, only $59 million has been obligated for development loans under the continuing resolution authority. At this rate the $281 million that would be available under my amendment will last, not just for the rest of this year, but for another 2 years. And, as for technical assistance, only $95 million was committed in the first half of the fiscal year. My amendment would, thus, require only a slight cutback in the current spending rate. There is no reason whatsoever for glutting the foreign aid pipeline further.

I call attention, also, to the fact that the committee has included a separate item of $125 million for population activities, which have heretofore been funded out of the development lending and technical assistance programs. In effect, this action frees $125 million in loans and grants that would otherwise be used only for population activities. My amendment will reduce these programs to reflect, at least partially, this change in the source of funding.

Mr. President, I do hope that the Senate will support this very modest reduction in these two items.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. Mr. President, I oppose this amendment very vigorously.

The amendment would reduce the amount of the worldwide technical assistance from $165 million, which the Appropriations Committee has recommended, to $140 million.

The amount in 1971 was $166,750,000.

The budget estimate requested by the administration was for $232,929,000. The authorization was $175 million.

This is the authorization which was just passed last week.

The continuing resolution which we have been operating under for the past 6 or 7 months was $165,272,000. The committee recommended $165 million. This amendment would reduce that by $25 million.

Mr. President, when the President of the United States recommended that we follow the Nixon doctrine in our worldwide policy, he told us in no uncertain terms that we must provide more technical assistance to our allies and friends. Instead of providing more assistance to our allies and friends, this amendment would cut down the technical assistance that will be given to our allies and friends at a time when we are reducing our military assistance to them, we say, "You must take care of yourselves militarily. We will give you all the help we can to bolster your economy to see that you remain viable." This amendment on the other hand would cut down the amount so that we will be offering these countries, after we withdraw from these countries militarily and in many other ways, less than we have been offering them previously.

As I have said, in fiscal 1971, we appropriated $166 million. The amendment seeks to reduce that amount to $140 million, whereas the committee had agreed on a sum of $165 million. The other part of the amendment deals with the Development Loan Fund, on which we have agreed on $150 million. The amendment seeks to reduce that amount by $50 million, or to $100 million.

I invite the Senate's attention to the fact that the fiscal 1971 appropriation—that is, the appropriation last year—was for $420 million. The budget estimate as presented by the administration was for $400 million. The authorization was for $250 million. We have been operating under a continuing resolution providing $550,779,000. The House appropriation on this item was $250 million, and the Senate has cut the House appropriation by $100 million. This amendment seeks to cut the House appropriation by another $50 million.

In other words, this amendment, if agreed to, will gut the Development Loan Fund appropriation, and we will be unable to make loans which I believe have been negotiated and which we have committed ourselves to make.

This amendment, like all other amendments, again seeks to cut down, so that our program will be ineffective in our worldwide commitments as to what we can do to strengthen the economy and viability of the countries that need help.

I ask Senators to reject the amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. FULBRIGHT. I yield back the remainder of my time.

Mr. FONG. I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. MAGNUSON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from Nevada (Mr. CANNON) are absent because of official business.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from West Virginia (Mr. RANDOLPH).

If present and voting, the Senator from South Dakota would vote "nay" and the Senator from West Virginia would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Washington (Mr. JACKSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Ohio (Mr. SAXBE), the

Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. Taft) and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 29, nays 41, as follows:

[No. 35 Leg.]

YEAS—29

Allen
Anderson
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Chiles
Cook
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gurney
Hart
Hollings
Inouye
Long
Mansfield
Montoya
Nelson
Pastore
Pell
Proxmire
Spong
Stennis
Symington
Thurmond

NAYS—41

Aiken
Bayh
Beall
Bennett
Boggs
Brock
Brooke
Buckley
Case
Cooper
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Harris
Hatfield
Humphrey
Javits
Kennedy
Mathias
Metcalf
Miller
Mondale
Packwood
Pearson
Percy
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Tunney
Weicker
Williams

NOT VOTING—30

Allott
Baker
Bellmon
Cannon
Church
Cotton
Cranston
Gambrell
Gravel
Hansen
Hartke
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McGee
McGovern
McIntyre
Moss
Mundt
Muskie
Randolph
Saxbe
Taft
Talmadge
Tower
Young

So Mr. Fulbright's amendment was rejected.

Mr. FONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FONG. Mr. President, on Wednesday I introduced an amendment to the foreign assistance appropriation bill which increased the amount for the Alliance for Progress Development Loan from $50,000,000 to $150,000,000. In my haste to submit the amendment for consideration, I inadvertently left out the distinguished Senator from Minnesota (Mr. Humphrey) as an original cosponsor. I, therefore, ask unanimous consent that Senator Humphrey be listed as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALIFORNIAN SERVES ETHIOPIA

Mr. TUNNEY. Mr. President, in authorizing and appropriating funds for the Agency for International Development, Congress has critically appraised the Agency, its purposes, its functions, and its effectiveness. This is our continuing responsibility to the citizens of this country. A number of us have urged our colleagues to continue their commitment to encourage economic and social development of the lesser developed countries.

I recently had the opportunity to visit with a constituent of mine, Daniel J. O'Laughlin, of San Leandro, on his return from 5 months' work with credit cooperatives in Ethiopia, and what I learned has only reinforced my conviction that development funds, some of which AID is channeling increasingly through and to private organizations, are are a wise and useful expenditure of the taxpayers' dollars.

I understand that the Ethiopian credit cooperatives themselves initiated this particular project. There are only 11 of them, and they have been loosely organized in the Ethiopian National Thrift and Credit Promotion Committee, with headquarters in Addis Ababa. Through Catholic Relief Services, the committee had secured funds to hire its first employee, a fieldman, whose responsibilities were to train the directors, treasurers, and committee members of these credit cooperatives.

Last spring the committee asked Volunteer Development Corps, headquartered here in Washington, to send an experienced volunteer to work with the committee's fieldman and to train him on-the-job in his responsibilities. VDC is funded partly with contributions from United States and overseas cooperatives and partly with a grant from AID. On the recommendation of Credit Union National Association and the World Council of Credit Unions, VDC asked Mr. O'Laughlin to volunteer his services to help the committee.

Mr. O'Laughlin is ideally qualified for this assignment. He holds a bachelor of science degree in business administration from St. Mary's College near Oakland (1963) and a master of science degree in business administration from Golden Gate College in San Francisco (1971). As a Peace Corps volunteer in Ghana in 1967–70, he had helped organize credit unions and a national credit union federation. Afterward, the World Council of Credit Unions asked him to help reorganize two large community credit unions in Liberia, and following his return to the United States, under the direction of California Credit Union League, Mr. O'Laughlin organized credit unions among low-income families in the San Francisco Bay area.

I understand that CUNA granted Mr. O'Laughlin leave with pay, and that as a VDC volunteer he went to Ethiopia in August to train the committee's first employee and to help the committee standardize accounting and other forms. VDC provided his travel to Ethiopia, his lodging, meals, and clothing care. The committee provided his travel within the country, a place to work, and secretarial assistance.

VDC had originally intended he stay 3 months. Indeed, VDC asks none of its volunteers to serve a longer assignment. However, I am advised that before these 3 months were up, the committee asked Mr. O'Laughlin to stay 2 months more: first, to organize and conduct a training seminar for leaders of potential, as well as existing, credit cooperatives and second, to help organize a permanent, dues-paying league of Ethiopian credit unions that can take its place in the African confederation of thrift and credit societies and in the World Council of Credit Unions. He agreed. In his 5 months of volunteer service, Mr. O'Laughlin feels that he saw these objectives achieved.

As a result of the seminar, Mr. O'Laughlin told me, the Ethiopians understand that they have the knowledge and skill to operate their own credit and thrift societies and that they can generate through the savings of even their very poor members most of the loanable funds these societies require.

Mr. President, I draw certain conclusions from Mr. O'Laughlin's experience that may be useful in our continuing evaluation of the Agency for International Development and its annual appropriations.

First, both in title V and title IX of the Foreign Assistance Act of 1961, Congress has directed the Agency to use cooperatives as a means of assuring maximum participation of the people of the developing countries in their own economic development. My constituent's assignment in Ethiopia indicates that the Agency is carrying out the policy of Congress.

Second, I am glad to see the Agency grant funds to an organization like Volunteer Development Corps that encourages U.S. citizens to volunteer their talents and experience to help people of the lesser developed countries move forward economically. The volunteer spirit has contributed tremendously to America's development—in our schools, in our churches, in our communities, in our politics, in our cooperatives and credit unions, and in many other organized aspects of our daily life. This volunteer spirit is a foundation of our greatness as a nation, and I am glad AID encourages it.

Third, my constituent's experience indicates that the Agency's funding of direct, cooperative-to-cooperative assistance is a wise and effective use of its resources. A private organization in Ethiopia requested help of a private organization in the United States, and the U.S. organization provided it. Neither our Government nor the Ethiopian Government was involved, except as Mr. O'Laughlin and the committee chose to involve them. Congress knows the Ethiopians wanted this help, because they asked for it and because they committed certain resources. It was not something foisted upon them, not something provided because an official in Addis Ababa or Washington felt these people ought to have it.

Fourth, by using organizations such as Volunteer Development Corps, the Agency can maximize the usefulness of its appropriated dollars. For United States and overseas cooperatives contribute substantially to VDC's administrative costs. U.S. cooperative technicians volunteer their services, either as retirees or as employees on leave with pay. The overseas cooperative itself must provide some services. And VDC's sponsoring organizations contribute the time and talents of their top officials to VDC's administration.

These sponsoring organizations include Agricultural Cooperative Development International of Washington, D.C., American Institute of Cooperation of Washington, D.C., Credit Union National Association of Madison, Wis., Foundation for Cooperative Housing of Washington, D.C., League Insurance Group of Detroit, National Council of Farmer Cooperatives of Washington, D.C., and National Rural Electric Cooperative Association of Washington, D.C.

I commend to my colleagues the experience of my constituent, Mr. O'Laughlin. It indicates at least one of the directions we should move if our annual appropriations for overseas development are to be increasingly useful and effective.

THE PEACE CORPS

Mr. PERCY. Mr. President, as a member of the Senate Appropriations Committee, I fully support our recommendation for an appropriation of $77.2 million to finance Peace Corps operations for this fiscal year. This is the full amount authorized earlier by the Senate and the minimum needed in my judgment to sustain and support this operation at this time.

I strongly urge each of my colleagues to join in support of this modest, but vitally needed, appropriation.

At this point in the fiscal year, any lesser amount would require the Peace Corps to begin immediately calling back large numbers of volunteers working overseas and to withdraw its participation in programs it has pledged to support in several countries.

Already the Peace Corps has taken drastic steps to comply with the temporary spending authorization imposed by the Congress last month: including suspending any further invitations to the increasing number of Americans wishing to join the Peace Corps. And this had to be done at a time when applications are running 40 percent higher than a year ago; higher, in fact, than at any other time in the past 5 years.

We again see a paradox in the sense of priorities of some who would deprive a program that has long since proven its value and that enjoys wide public support, of the relatively small amount of money it needs to operate effectively. Not only do we remove a measure of hope which the Peace Corps represents to the people of developing countries, but we also deny an opportunity to serve in a practical manner to the many idealistic Americans of all ages and backgrounds who desire this opportunity.

From my own State of Illinois, alone, there are now 443 men and women serving in such countries as Fiji, Tunisia, India, Malaysia, and Liberia, helping the people of these countries to improve their schools, increase their agricultural production, reduce disease, and generally build the basis for a more peaceful world society. Their work is vital—not only to the people of those countries—who see the volunteer as representing the concerns of all Americans for the betterment of their lives—but equally to the individual volunteer who finds purpose in helping others. It is significant to note that the most recent sampling of public opinion concerning the Peace Corps showed that 93 percent of Americans feel that volunteers become "more useful citizens" as a result of their service.

Probably no Member of the Senate has visited more Peace Corps volunteers in the field over the past decade than I, having been privileged to study Peace Corps volunteers at work in many countries of Latin America, Asia, and Africa. I can personally vouch for their devotion and energy under conditions of severe hardship. They ask but little and they receive but little; but they give of themselves a great deal. Teaching and working, many times in remote inaccessible villages; many times they are out of contact with developed civilization for months on end.

But these dedicated volunteers will return to our country with a far better understanding of the world in which we live and will be far better equipped to contribute constructively to our own country.

I know of no better investment that we can make abroad. I hope that my colleagues will join with me in a strong vote of confidence for one of the finest overseas efforts that our country has ever undertaken.

Mr. TUNNEY. Mr. President, I ask unanimous consent to have printed in the Record some remarks prepared for delivery by my colleague from California, with three editorials which he asks to have included with his remarks.

There being no objection, the statement and editorials were ordered to be printed in the Record, as follows:

Statement of Senator Cranston

Mr. President, I know this body is aware, the Peace Corps is one of America's finest contributions to international understanding and goodwill. I myself had the privilege of being associated with the Peace Corps as an evaluator in November, 1965. It would be tragic if, as a result of Congressional logjams over Foreign Assistance Act funding, the Peace Corps were to have no alternative except to bring home half its 8,000 volunteers and shut down its operations in 15 countries.

That, however, might very well be the unfortunate consequence if the Peace Corps were to receive an appropriation of $72 million, the annual rate at which it is currently authorized to spend under the continuing resolution. That must not be allowed to happen.

I do not mean to take issue with the Foreign Relations Committee action which led to the reduction of the Peace Corps' FY 1972 appropriation of $5 million less than was requested by the administration. I have the greatest respect for Chairman Fulbright, and I know that he and the Committee very carefully studied the Peace Corps program and its ability to economize before recommending the reduced authorization figure. However, the Peace Corps is confronted with the virtually impossible task of attempting in the last half of this fiscal year to make up for a cut of some $10 million from the basic level of spending under which it was operating—quite properly—for the bulk of the first half of this fiscal year. To achieve such an enormous net annual reduction would force something like an across-the-board 25% slash in spending in the last half of this fiscal year—one month of which is already past.

It is not the fault of the volunteers serving overseas and the host countries which they are serving that the Congress has been so delinquent in passing the Foreign Assistance Appropriations Act. Yet, it is exactly those volunteers and the host country nationals with whom they serve that will be sorely penalized if anything less than the full authorziation is appropriated for the Peace Corps. Programs have been planned and promised, host country decisions have been made in reliance on those plans and promises, and volunteers have unselfishly dedicated a portion of their lives—and, in some instances, health and safety—to carry out these programs and meet our international commitments.

It would be a foolhardy economy effort to reduce Peace Corps funds by a few million dollars at the very real risk of purchasing international bad will of an incalculable dollar value. Everything possible must be done to prevent reduction of the appropriation below $77.5 million.

California continues to lead the nation in the number of its citizens, young and old, who have joined the Peace Corps to lend their talents and skills to the people of developing countries. At present, 1,214 of the Peace Corps volunteers and trainees are Californians. That is 15 percent of the worldwide total. California has contributed by far the largest number of volunteers from any one state—as has been the case throughout the Peace Corps' history. Since the Peace Corps was founded in 1961, more than 8,000 Californians have served as volunteers.

Across the nation, as in California, Americans who want to help others are turning to the Peace Corps. Applications are at a five-year high. It would be folly for us now to close the door on those who wish to serve, and to deny their aid to the nations that seek their help.

Therefore, I congratulate the Appropriations Committee for its full funding recommendation of $77.2 million and urge the Senate to approve the full amount. Then it is absolutely essential that the Senate conferees hold firm to the full $77.2 million figure as the expression of the Senate's high regard and strong commitment to the Peace Corps.

[Editorial from the San Jose Mercury, Jan. 13, 1972]

Peace Corps Is Worth Saving

Congressional wrangling over funding for the Peace Corps has just about put that agency out of business. It would be a disservice to America—and the world—to let the Peace Corps die.

However, unless a House-Senate conference committee can agree on a $77.2 million budget for the agency within a few weeks, the Peace Corps will begin terminating 4,000 of its 8,000 volunteers. Programs may be cancelled in as many as 15 underdeveloped nations.

The Peace Corps was one of the brighter products of a generally dismal decade, the Sixties. It would be too bad if the Peace Corps were to be allowed to die just as the Seventies are getting under way.

[Editorial from the Press-Telegram, Long Beach, Calif., Jan. 14, 1972]

An Unwise Economy

Congress has so far refused to give the Peace Corps the $82-million appropriation requested by President Nixon.

As a result, the corps is planning to recall 4,000 of its 8,000 volunteers and to cancel programs in as many as 15 countries. Applicants for Peace Corps service are still being accepted, but no new volunteers will be signed up before July 1 unless Congress acts to restore funds for the agency.

Few American government efforts abroad have met with anything like the success of the Peace Corps. Under Democrats and Republicans alike, it has proved the United States to be a good neighbor around the world.

It would be tragic if the Peace Corps were to become the victim of quarrels in Congress over foreign aid. The House of Representatives appropriated only $68 million for the corps, although both houses had passed an authorization bill setting the level of Peace Corps financing at $77.2 million. In the last hour before it adjourned, Congress passed a resolution to give the Peace Corps a budget of $72 million.

That budget level is not adequate to sustain present corps activities. Joseph H. Blatchford, director of ACTION, the agency that oversees the Peace Corps, says the planned cuts will have to take effect unless Congress appropriates at least the full $77.2 million it had earlier approved.

Congress should do at least that. The corps has little more than half of the number of volunteers it had during its peak years in the 1960's. Rather than let it fall victim to a new isolationism, Congress should provide funds and encouragement for the Peace Corps to continue and expand.

[Editorial from the Los Angeles Times, Jan. 20, 1972]

PEACE CORPS FUNDING

The Peace Corps was not the least casualty of the congressional assault on the foreign aid bill late last year. President Nixon had asked $82 million to continue and expand the work of the overseas agency. The Senate authorized, but did not appropriate, $77.2 million. The House voted only $68 million. A final figure has yet to be decided by a conference committee. Meanwhile, uncertainty over how well it will be funded has forced the corps to halt all new recruitment and prepare plans for dropping half of its 8,000 members.

Such an action would be a misfortune for the United States, as most members of Congress agree. The Peace Corps continues to get good marks in both the House and Senate. The problem is that its budget became a victim of the anger, frustration and confusion which marked the general attack on foreign aid funds. Ironically, the threat to the Peace Corps comes at a time when an increasing number of persons are eager to serve in it, and when its popularity in foreign lands seems especially high.

The Peace Corps is too valuable an instrument of American foreign policy to be downgraded. Congress should assure it adequate funding through support for the Senate's $77.2 million authorization, and soon enough so that the drastic cutbacks threatened by delay can be cancelled.

[Appendix I]

PEACE CORPS OUTLINE OF "BUDGET CRISIS" FACTS

I. *Why a "crisis":* Peace Corps' current budget situation constitutes a genuine "crisis" for three major reasons:

1. *The slow pace of Congressional appropriation action.* We are now in the 7th month of the fiscal year. Peace Corps does not have an appropriation. The sequence of Congressional actions—and Peace Corps' response to the needs established by each step—were as follows:

The President's June 1971 amended FY 1972 budget request to Congress—*$82.2 million*—was the level of spending authorized by Congress in July, via a "continuing resolution."

Peace Corps spending in the first quarter of the fiscal year was, correctly, at this $82.2 million rate ($20.5 million).

Last October Congress approved a new, lower spending "authorization" at $77.2 million for the FY.

Peace Corps quickly and rigorously cut spending rates. Heavy reductions were made in staff, operating budgets world-wide were cut to barest operating minimums.

However, the 2nd quarter (Oct., Nov., Dec.) spending rate did not reflect savings from these decisions. This is because Peace Corps' budget is a "people" budget (no large grants made; no heavy spending for large equipment, etc.). There is a necessary time lag between the announcement of personnel reductions and the departure of personnel/actual cost savings.

In December, Congress set a still lower temporary annual spending rate for Peace Corps, of $72.0 million via still another "continuing resolution." This was apparently the result of a temporary compromise between the House appropriation figure passed at $68.0 million, and the $77.2 million authorization figure.

2. *The "magnificent effect" of a reduction in annual* budget, which occurs if *all* of the reduction must be taken during the last few months of the year.

As an example of this principle, a 10% reduction in *annual* budget has the *effect* of a 40% reduction in operation, if the whole amount must be taken in the *last quarter*.

Similarly, let us suppose that Peace Corps appropriation for FY '72 is passed at a low level of $72.0 million. This would be a 12% reduction from the President's June '71 request for $82.2 million, on an *annualized* basis. However, the reductions required in the last three months of the year (fiscal year) to *come in at* $72.0 million would mean a 37% *reduction* in operations during those months.

Thus, even though Peace Corps had acted dutifully in response to each *prior* cut, it would face the need to concentrate *all* of any *further* cut into a short end-of-the-year period, with consequent profound difficulty.

3. *The absence of "Fat" in Peace Corps now.* The fall, 1971 reductions trimmed Peace Corps "admin" capacities to the irreducible minimum.

The only remaining way to save money is by cutting overseas programs. This means disrupting ongoing programs in overseas countries, by bringing volunteers home in the *middle* of their tours of duty, just when their effectiveness is beginning to peak.

II. *How the Crisis can be Resolved:* The necessary steps are:

(1) When the Congress reconvenes, the Senate must appropriate at the $77.2 *million* level; and

(2) In the House-Senate *conference,* the Senate must *sustain* its $77.2 million position.

The danger is that some sort of compromise might be accepted by the Senate Conferees, between the Senate (potential) $77.2, and the House appropriation figure of $68.0. If such compromise were to occur, Peace Corps programs would be the victim.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business remain the pending business until disposed of.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I would like to have a short colloquy with the Senator from Wisconsin to clarify the effect of the item of $125 million for population programs which appears on page 2, lines 22 through 24.

This is the first time that there has been a separate appropriation item for population programs. In the past this work has been financed through the earmarking of funds from, primarily, the loan and technical assistance programs. The authorization bill for fiscal 1972 earmarks $125 million for that purpose, the same as the individual appropriation item in this bill. But the House appropriation bill contained only $50 million for this item and, in the normal course of events, the conferees will probably agree on an amount somewhere in between.

Yet, in my opinion, the language in the authorization act will still control. It reads: "Of the funds provided to carry out the provision of part I," of the Foreign Assistance Act, "for each of the fiscal years 1972 and 1973, $125,000,000 shall be available in each such fiscal year only to carry out the purposes of this title," meaning the title authorizing population control programs. The Foreign Relations Committee wanted to insure that at least this sum would be devoted to the population problem.

Does the Senator agree that this language in the authorization act is still controlling and that, regardless of the amount of the appropriation item that is finally agreed to in conference, a total of $125 million must be used by AID for population activities in this fiscal year?

Mr. PROXMIRE. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas has already used 2 minutes.

Mr. PROXMIRE. I yield the Senator 2 additional minutes.

Mr. President, it is my understanding that the intention of the Appropriations Committee in providing $125 million for population control was that that amount should be available for population control exclusively. As the Senator points out, there is only $50 million for this item in the House bill. But regardless of how the conferees compromise on this amount the full $125 million will be available for population control, because of the controlling language in the authorization bill. If necessary, it would have to be taken from other funds, but it would certainly be available, and for population control.

Mr. FULBRIGHT. I thank the Senator. That was my understanding, and I appreciate that clarification.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a current military assistance program table, with those few items which have been classified deleted, simply to illustrate the extent of our continued support of military regimes in so many different countries.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GRANT MILITARY ASSISTANCE PROGRAM

	Undelivered balance Mar. 31, 1971	Program fiscal year 1971	Illustrative program fiscal year 1972
Latin America:			
Argentina	$494,000	$801,000	$897,000
Bolivia	837,000	825,000	666,000
Brazil	2,656,000	906,000	892,000
Chile	2,236,000	803,000	856,000
Colombia	1,783,000	972,000	844,000
Dominican Republic	1,686,000	759,000	539,000
Ecuador	760,000	763,000	645,000
El Salvador	509,000	415,000	374,000
Guatemala	493,000	543,000	336,000
Honduras	594,000	403,000	467,000
Mexico	23,000	87,000	107,000
Nicaragua	354,000	583,000	568,000
Panama	150,000	258,000	173,000
Paraguay	645,000	419,000	387,000
Peru	1,428,000	697,000	792,000
Uruguay	693,000	521,000	400,000
Venezuela	265,000	933,000	734,000
Regional military costs	101,000	438,000	191,000
Total, Latin America	15,706,000	11,126,000	9,868,000
Africa:			
Congo (Kinshasa)	196,000	440,000	477,000
Ethiopia	11,593,000	12,000,000	12,790,000
Ghana	13,000	53,000	50,000
Liberia	290,000	513,000	500,000
Libya	1,000		
Morocco	806,000	801,000	
Mali			27,000
Nigeria	53,000	200,000	100,000
Senegal		48,000	50,000
Tunisia	2,377,000	4,480,000	
Regional military costs	12,000	50,000	100,000
Total, Africa	15,340,000	18,585,000	19,009,000
Europe:			
Austria		8,000	6,000
Denmark	754,000		
Norway	205,000		
Portugal	2,338,000	1,035,000	1,000,000
Spain	$38,051,000	$25,000,000	$13,000,000
Regional military costs	503,000	193,000	57,000
Total, Europe	41,851,000	26,243,000	14,082,000
Near East and South Asia:			
Afghanistan	50,000	200,000	250,000
Ceylon	144,000		
Greece	41,068,000	20,000,000	19,875,000
India	2,915,000	220,000	300,000
Iran	8,883,000	2,433,000	942,000
Jordan	9,599,000	30,164,000	
Lebanon	303,000	5,070,000	(220,000)
Nepal	11,000	13,000	26,000
Pakistan	44,000	220,000	85,000
Saudi Arabia	170,000	674,000	
Turkey	155,337,000	100,000,000	99,770,000
Regional military costs	5,000	17,000	19,000
Total, Near East and South Asia	218,529,000	159,011,000	167,000,000
East Asia and Pacific:			
Burma	854,000	66,000	
Cambodia	106,551,000	185,000,000	200,000,000
China (Taiwan)	34,194,000	20,017,000	19,500,000
Indonesia	12,431,000	17,996,000	24,990,000
Korea	243,673,000	290,802,000	239,400,000
Malaysia	57,000	224,000	134,000
Philippines	27,214,000	16,996,000	17,000,000
Regional military costs	64,000	99,000	76,000
Total East Asia and Pacific	425,037,000	531,200,000	501,100,000
Subtotal regional and country programs			711,059,000
Classified countries			
Nonregional	44,468,000	28,835,000	20,441,000
Grand total	760,931,000	775,000,000	731,500,000

Note: Area totals may not add due to rounding.

Mr. ERVIN. Mr. President, will someone yield me 5 minutes in opposition to the bill?

Mr. PROXMIRE. Mr. President, I yield the Senator 5 minutes on the bill.

Mr. ERVIN. When I had the privilege of being a student at the University of North Carolina at Chapel Hill, I sat at the feet of a very wise professor of geology, Collier Cobb, who remarked on on occasion that wise men learn by the experience of others and fools learn by their own experience, but the majority of mankind learn neither by the experience of others nor by their own.

I would have to say that those who have created and managed the fiscal policies of the United States during late years certainly fall into this third category. Shakespeare warned us through one of the characters in Hamlet:

> Neither a borrower nor a lender be, for borrowing dulls the edge of husbandry, and loan oft loses both itself and friend.

Our country has lost many loans and friends in scattering the patrimony of our people among 125 foreign nations. Those who administer our financial affairs do not seem able to understand, despite our said experience in this respect, that "loan oft loses both itself and friend." We have spent approximately $140 billion as the principal in foreign aid programs. Since virtually every penny of this money was obtained by deficit financing, the cost of our foreign aid program in interest on the money we have obtained by this deficit financing has run to more than $100 billion additional.

In other words. the United States has persistently borrowed money to give it away and the end of this folly is not in sight. If an individual were to borrow money to give it away, his family and his friends would institute an inquisition in lunacy and procure the appointment of a guardian to manage his affairs. But if an American politician advocates borrowing money to give it away, he is likely to be elected President, or Senator or Member of the House of Representatives. If he does not attain any of these offices, he is almost certain to become Secretary of State.

I rise to make these remarks and to express the hope that sometime the United States will regain a small amount of fiscal sanity and exercise a small amount of fiscal responsibility. I must confess, however, that this hope is rather forlorn. Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I am happy to yield.

Mr. BYRD of Virginia. Would the Senator from Wisconsin tell the Senate the total amount of the bill upon which the Senate will now vote, as amended by the Senate?

Mr. PROXMIRE. As amended by the Senate, the total amount would be $3,073,635,000.

Mr. BYRD of Virginia. If the Senator will yield me 1 minute, I will point out——

Mr. PROXMIRE. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. That that is more than the authorization bill of $2,914,870,000 that the Senate voted down on October 29. Although the items are somewhat different, the total dollar figure in today's appropriation bill is $159 million greater than the total dollar figure which the Senate voted down on October 29, 1971.

Mr. President, it seems to me, in determining our generosity to foreign countries, that we must have in mind our own financial situation at home. I ask unanimous consent to have printed in the Record a table showing our financial situation.

There being no objection, the table was ordered to be printed in the Record, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−1.4	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.2	19.3
1971	133.7	163.7	−30.0	20.8
1972[1]	137.8	182.5	−44.7	21.2
1973[1]	150.6	186.8	−36.2	22.3
20-year total	1,916.3	2,141.8	225.5	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. FONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All remaining time having expired or yielded back, and the bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BROCK (after having voted in the negative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. LONG (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Georgia (Mr. TALMADGE). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. INOUYE (after voting in the affirmative). On this vote I have a pair with the Senator from Georgia (Mr. GAMBRELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), and the Senator from Nevada (Mr. CANNON) are absent because of official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from North Carolina (Mr. JORDAN).

If present and voting, the Senator from Washington would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Iowa (Mr. HUGHES) is paired with the Senator from West Virginia (Mr. RANDOLPH).

If present and voting, the Senator from Iowa would vote "yea" and the Senator from West Virginia would vote "nay."

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from Arkansas (Mr. MCCLELLAN).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) would vote "nay."

The pair of the Senator from Texas (Mr. TOWER) has been previously announced.

On this vote, the Senator from Colorado (Mr. ALLOTT), is paired with the Senator from New Hampshire (Mr. COTTON). If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Wyoming (Mr. HANSEN). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Wyoming would vote "nay."

The result was announced—yeas 45, nays 23, as follows:

[No. 36 Leg.]

YEAS—45

Aiken
Anderson
Bayh
Beall
Bennett
Bentsen
Boggs
Brooke
Buckley
Case
Chiles
Cooper
Dole
Dominick
Eagleton
Fong
Griffin
Harris
Hart
Humphrey
Javits
Kennedy
Mathias
Miller
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Thurmond
Tunney
Weicker
Williams

NAYS—23

Allen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cook
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gurney
Hatfield
Hollings
Mansfield
Metcalf
Montoya
Spong
Stennis
Symington

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Brock, against.
Long, for.
Inouye, for.

NOT VOTING—29

Allott
Baker
Bellmon
Cannon
Cotton
Cranston
Gambrell
Gravel
Hansen
Hartke
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McGee
McGovern
McIntyre
Moss
Mundt
Muskie
Randolph
Saxbe
Taft
Talmadge
Tower
Young

So the bill (H.R. 12067) was passed.

Mr. FONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. WEICKER) appointed Mr. PROXMIRE, Mr. MCGEE, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. FONG, Mr. BROOKE, and Mr. YOUNG conferees on the part of the Senate.

EXTENSION OF DATE FOR TRANSMISSION OF A COMMITTEE REPORT

Mr. PROXMIRE. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration. It has been cleared on both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please come to order. Senators not participating in this discussion will please take their seats or retire to the cloakroom.

Mr. JAVITS. Mr. President, with all respect, would the Chair withhold his ruling?

The PRESIDING OFFICER. The ruling is withheld.

Mr. JAVITS. I wish to state that it was understood the EEOC bill would immediately follow the measure which has just been passed. I have no objection whatever to this joint resolution, but I wish to preserve our rights respecting the bill.

I will not object, but I wish to note that I understood the EEOC bill would be taken up immediately following adoption of the resolution.

Mr. MANSFIELD. Mr. President, if the Senator from New York will yield, I wish to corroborate what he has just said. He has been very diligent all day in making certain that this would be the case, and I want to assure him that once this joint resolution is passed, we will return to the pending bill.

Mr. PROXMIRE. Mr. President, let me say that I only asked that we take up this resolution now because I knew it would take only a couple of minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 196), which was read the first time by title and the second time at length.

THE PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 196

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee", approved December 22, 1971 (Public Law 92-216; 85 Stat. 778), is amended by striking out "March 10, 1972" and by inserting in lieu thereof "March 28, 1972".

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

S. 2515, to further promote equal employment opportunities for American workers.

The Senate resumed the consideration of the bill.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator from North Carolina kindly withhold that request?

Mr. ERVIN. I withhold the request.

Mr. JAVITS. Just so I can make a short statement.

Mr. ERVIN. Of course.

Mr. JAVITS. Mr. President, the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), and myself as the ranking member of both the committee and the subcommittee from this side, are engaged at the moment in hearing witnesses in opposition to the bill dealing with the west coast dock strike.

Having consulted with the leadership, I believe it is fair to say it was a duty which we have which is entitled to at least a few hours that it will take this afternoon. I understand that Members who wish to speak on the EEOC bill, of course, will be free to do so but I would also hope that the leadership would accommodate the Senator from New Jersey (Mr. WILLIAMS) and myself so that there are no votes or other actions taken which would be materially related to the future of the bill.

Mr. MANSFIELD. Mr. President, let me say that I am fully in accord with what the distinguished Senator from New York has just said. I realize that they have Harry Bridges and representatives of management before the Committee on Labor and Public Welfare this afternoon. Those hearings have been interrupted twice already. There will be no further votes today and I want to assure the Senator that even though he and the chairman will be absent, their rights will be fully protected, but I do not anticipate any difficulties whatsoever. I might say that we expect to adjourn shortly anyway.

Mr. ALLEN. Mr. President, may I state that there is no necessity at all for the distinguished Senator from New York (Mr. JAVITS) asking that the majority leader protect his rights. He knows full well that no advantage will be taken of him.

Mr. JAVITS. Mr. President, I was sure of that but I thought we had to make sure about the pending business and I wanted the RECORD to be made clear on it.

DRUG EFFORT ADVANCED BY UNANIMOUS HOUSE VOTE

Mr. PERCY. Mr. President, as chief sponsor of the Drug Abuse Office and Treatment Act of 1971 it is a source of tremendous satisfaction to me and to the Senate cosponsors of S. 2097 to view the responsible and timely action taken yesterday by the House of Representatives in approving by a unanimous 380 to 0 vote, a companion bill to concentrate the resources of the Federal Government in an all-out effort against drug abuse and drug dependence.

In one of the truly remarkable examples of bipartisan cooperation, the Senate passed S. 2097 last December 2, hardly more than 5 months after its introduction, by a vote of 92 to 0.

That vote taken together with yesterday's House action confirms that there is not even a scintilla of opposition to the clear need to revamp the Federal drug effort for the purpose of controlling narcotics abuse in this Nation and assisting its victims to lead more meaningful lives outside of the oppression of addiction.

The measure that was approved by the House, while differing from the Senate bill in several respects, provides an excellent basis for conference action. As such, it is a tribute to the tireless efforts of Congressman PAUL ROGERS of Florida, chairman of the Subcommitte on Public Health and Environment of the House Interstate and Foreign Commerce Committee. Indeed, all of the members of that subcommittee deserve especial praise from this chamber, including, of course, Congressman ANCHER NELSEN of Minnesota, the distinguished ranking minority member of the subcommittee, whose intensive work in this field is well known to all of us. Congressman HARLEY O. STAGGERS of West Virginia, chairman of the Interstate and Foreign Commerce Committee, and my good friend WILLIAM L. SPRINGER, its ranking minority member, are also to be commended for expediting full committee action on this critical legislation, characterized by the President himself as "emergency legislation."

As with the respective Senate committees involved, Chairman ROGERS' subcommittee held numerous days of hearings and journeyed far and wide to ascertain the extent of the drug problem and what most needs to be done to counteract it. I think it more than coincidental that in certain fundamental respects our analyses of the problem and the legislative formulas we have arrived at to address the problem are markedly similar. The basic difference, I would say, involves the extent of new Federal moneys that are needed in this effort—the Senate having proposed $1.8 billion over 4 years and the House $413 million over 3 years.

I do not mean to minimize the importance I attach to the authorization for these funds, but I am confident that when we compare notes in committee, we will be able to satisfactorily resolve this issue.

Several other omissions in the House bill that I personally regard as especially significant include the following:

First, a provision by which the President is directed to prepare a comprehensive national drug abuse strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate the victims of drug abuse. The strategy is to be developed through the establishment of a high-level strategy council consisting of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the VA Administrator, and such other officials as the President may designate. The Director of the Special Action Office would be authorized to provide whatever services are required in the preparation of such strategy. Thus, in that capacity, the Director would have a key role in pulling together the information, reports, studies, and evaluations which will form the basis of the Council's deliberations;

Second, a provision by which the Director of the Special Action Office would assist the Veterans' Administration in assuring that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service connected. Such services would include inpatient and outpatient care irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential halfway houses;

Third, a provision by which the Director of the Special Action Office shall consult with and be consulted by the Attorney General in the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970; and

Fourth, the establishment of a National Institute for Drug Abuse within the National Institute of Mental Health of the Department of Health, Education, and Welfare.

The need for a strategy council, to which I referred above, is highlighted by an outstanding account by Stuart Auerbach appearing in the Washington Post of January 28, 1972, and entitled "Pot Plan Gets a Bad Trip." The article documents the self-defeating, bureaucratic discombobulation which has resulted from the absence of a clear national policy on research and experiments involving marihuana, heretofore classified as a dangerous drug under the Controlled Substances Act of 1970. We are indebted to Mr. Auerbach for his investigative skill in digging out this story, and I ask unanimous consent that the article be reprinted in the RECORD, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. PERCY. Mr. President, I also ask unanimous consent that an excellent article by Peter Osnos reporting from Saigon, appearing in the Washington Post of February 2, 1972, entitled "Progress Seen in Drive to Curb GI Drug Use in Vietnam," be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 2.)

Mr. PERCY. Mr. President, particularly disturbing in his account is the observation that there has been a large-scale drop in the number of servicemen who have voluntarily turned themselves in to Army officials for treatment. Osnos attributes this to:

> . . . the belief that there is nothing to be gained any more by doing so since the notation made on the permanent medical record is the same as if one were caught. Under a previous amnesty procedure, no record was kept at all. That was quietly changed last August. Medical records are supposed to be confidential but soldiers fear they will be used against them should they ever apply for a government job or seek a security clearance. There seems to be good reason for the fear. Senior officers conceded that there might well be circumstances in which the substance of a medical record would be released to outside government agencies, including the FBI.

If Mr. Osnos is correct in his observations, then I think we have real reason to be concerned. I therefore intend to ask Dr. Jaffe, presently serving as Director of the Special Action Office pursuant to Executive order, to report to me on this matter.

Again, I congratulate Chairman ROGERS and his subcommittee and look forward to prompt action by the conferees on these two bills in order that the Federal drug program can be reoriented and made more effective. If we are able to deal with this parasitic dependency of illicit drugs that is afflicting our cities and suburban rural areas, that is nurturing crime, that is gnawing at individual and societal well being, that is preying upon our youth, that is ravaging our educational and military institutions and that is inflicting immeasurable pain and hardship on families and communities across the country—then we will have performed an invaluable service to this Nation.

Mr. President, I should like to add that from my own deep personal feeling about this matter, I do happen to know that in the tragedy that occurred in our own family, there was some evidence that it was drug addiction that caused the perpetrator of the crime to seek additional revenue.

I also have received evidence in the past few weeks in my own State of the way in which this tragedy reaches different families. The vice president of a Chicago company had a son who came back from Vietnam on drugs. Through special effort extended by David Packard, we found this young man who had left the service and was lost to his family and friends and community as a whole. He was found, taken back into a veterans' rehabilitation program. His dishonorable discharge has been reversed. As a result of the rehabilitation that has taken place, he is not only back in college, but has also assumed a part-time job and has been saved as an individual. All of this has transpired within a few months, ever since the Defense Department started treating this as an illness rather than a crime. That is the happy story.

The sad one is that in Henry County, Ill., a few weeks ago, I talked with a father who had just buried his son, a 19-year-old boy who was on marihuana and who had taken with that marihuana a hard drug that proved lethal within 24 hours.

It is hard to realize that this tragedy has spread from the city into the suburbs and is directly responsible for a dramatic increase in crime in the suburbs, particularly in the city of Chicago with which I am familiar.

Mr. President, this does not affect only those on drugs or those who are tempted to go on drugs or experiment with drugs, but it also affects everyone in the country concerned with the dramatic increases in crime, 50 to 75 percent of which is in the area of street crime involving mugging, robbery, and larceny or whatever it may be. It is directly related to drug abuse.

It is with great satisfaction that I can say that we have seen the problem, worked cooperatively with the administration and in record time will send to the President for his signature a bill that has passed both House and Senate. I am confident that in conference the differences can be quickly resolved.

EXHIBIT 1

POT PLAN GETS A BAD TRIP

(By Stuart Auerbach)

Dr. Nathan S. Kline was brainstorming one day last year about ways to help some of his severely depressed patients.

Marijuana, he thought, might be just the thing to fill the gap between the time a depressed patient begins treatment and the time drugs in current use take effect—generally two to three weeks. During that time, the severely depressed patient runs a great risk of committing suicide.

"I have a clinical intuition that marijuana might be useful," Kline said recently. It was this same kind of "clinical intuition" that led to his pioneering research 20 years ago in the development of tranquilizers.

Kline thought that a very small dose ("not even enough for a good pot party") of tetrahydrocannabinal (THC), the active ingredient in marijuana, would be enough to help his patients.

Last July he wrote the Food and Drug Administration for permission to use THC in a limited clinical trial—on 10 patients, over 21 years of age and excluding women of childbearing age.

He was told to supply more information about his proposed test to a joint committee of the FDA and the National Institute of Mental Health. And he was told he needed a license from the Justice Department's Bureau of Narcotics and Dangerous Drugs to use marijuana before he could get the FDA's approval.

Kline, who is a psychiatrist and pharmacologist, had no doubts about getting approval. Indeed, in 1970 at the request of NIMH he had carried 1,600 grams of marijuana and 12.11 grams of hashish into the United States from Nepal.

To do that he needed the approval of the BNDD, which he received in sextuplet. When U.S. Customs asked Kline if he had anything to declare, he replied, "Yes, 1,600 grams of marijuana and 12.11 grams of hashish."

The BNDD agents had faith in Kline this time too. Their inspection of his New York City office showed that the locked cabinet he uses to store drugs is strong enough to protect the marijuana from theft.

But they said he needed an OK from the state Narcotics Commission before they could give him the approval that the FDA required before letting him go ahead with his clinical trials.

That was a litle harder. The state narcotics agents said Kline needs a 900-pound specially built safe to hold the THC. So he spent $450 and bought the safe.

The state agents told him one more thing—they could give their approval for him to keep marijuana until he had the FDA's license to run the experiment.

"That," he said, "puts me back at the beginning of the circle."

The FDA won't give its approval without an OK from the BNDD. The BNDD won't say yes without the approval of the state Narcotics Commission. And the State Narcotics Commission requires FDA approval before it will say yes.

There is one possible way out. The joint FDA–NIMH committee on medical experiments with mind-altering drugs will be meeting and it could give its approval to Kline's proposal.

But the committee's next meeting is in November.

"It's stupid," said Kline.

"One of the most important scientific questions we have to answer at this time is whether THC is or is not dangerous, and whether there are or are not side effects from it, and whether it has any clinical applications.

"How we are ever going to find out in this lifetime is beyond me," he said.

EXHIBIT 2

[From the Washington Post, Feb. 2, 1972]

PROGRESS SEEN IN DRIVE TO CURB GI DRUG USE IN VIETNAM

(By Peter Osnos)

SAIGON, February 1.—The Army's drive to curb the heroin epidemic among GIs in South Vietnam, a job considered by many commanders as important as battling the Vietcong, has made some progress since it began last spring.

But at the same time, officers acknowledge that there are major problems still remaining that may only be solved when the last GIs board the plane for home.

On the positive side, the Army's greatest strides have been in overcoming the confusion about what needed to be done that prevailed at the time the drug crisis here began to be reported in Congress and the media last year.

Over the months, a reasonably systematic program of education, identification and treatment has evolved. As it is now, a GI should have a pretty good idea of what can happen to him if he uses heroin and where he can turn if he wants to stop.

As for the problems, the biggest is that high-quality and low-priced heroin continues to be plentiful on or very near most U.S. installations. Any GI who wants heroin, it is generally agreed, can still get it.

In the Mekong Delta city of Cantho, for example, the two most notorious drug establishments—"Fat Mama's" and "Shabazz"—are still thriving despite countless raids by American MPs and Vietnamese police.

"We hit them one day," said Maj. Kenneth J. Toso, the drug officer for the 9,000 U.S. troops still in the delta, "and the next day they're back in business."

The proprietors, it is said, have family connections with the local police.

Vietnamese authorities insist they have tightened up considerably on drug smuggling, but it evidently has not been enough. "Let's face it," one American observed, "they just don't care as much about it as we do."

This easy access to heroin accounts for the fact that the number of users among younger enlisted men remains dismayingly high.

especially in rear area support units where the epidemic has always been most severe.

Statistics released by the Pentagon show the overall rate of heroin use declining to somewhere between 5 per cent and 2.5 per cent, depending on the criteria used. But the percentages are misleading because they apply to everyone—majors and master sergeants as well as privates.

Among the lowest ranking and youngest GIs (whose numbers are diminishing rapidly in Vietnam) the rate of heroin use has dropped, according to drug experts, from a peak of perhaps 20–25 per cent to about 15 per cent.

Not all of these are addicts, by any means, and the number of users dips very significantly as the date approaches for the men to go home.

"Heroin is not part of the Vietnam experience they want to take home with them," said one young drug counselor.

But among those GIs staying behind, it is more difficult, officers have found, to get them to stay off drugs. Just as in the United States, drug specialists in Vietnam have discovered that physical withdrawal is only the first and easiest part of helping addicts.

"The best we're able to do is get the heroin itself out of their system and maybe get them pointed in the right direction," said Capt. James A. Walley, who runs a treatment center at Binhthuy in the Delta. "We're not kidding ourselves."

When it comes to dealing with repeaters, the army still hasn't figured out exactly what to do. The worst of the lot, over 100 soldiers a month, are simply processed out of the service as undesirables.

Although the army makes certain that the men are not using heroin the day they are actually returned to civilian life, the very fact that they have been kicked out means they are not rehabiliated and run a high risk of immediately starting up again.

In President Nixon's message to Congress declaring a "war on heroin" last June, he said the legislators would be asked to authorize the military "to retain for treatment any individual due for discharge who is a narcotics addict."

"All our servicemen," the President said, "must be accorded the right to rehabilitation."

The Pentagon has drafted and presented the legislation, but in the meantime, those drug users the army decides for one reason or another it can't help, it doesn't.

In bringing the present order to the Army's approach to the drug problems, by far the most important innovation appears to have been the urine test which made it vastly more difficult to take heroin without getting caught.

The tests have served first to identify heroin users so they can be dealt with and second as a deterrent to starting in the first place. The urinalysis machines have proven usually reliable and no method, short of going off drugs for a period of several days, has been found for getting around them.

At first, the tests were administered only as GIs were leaving Vietnam, but the program has been gradually extended so that every unit is now tested, randomly and without warning, at least once every three months.

When a soldier tests positive he is promptly dispatched to one of two detoxification centers set up in June at the still-massive support bases in Longbinh and Camranh Bay. Together the facilities can handle about 300 people at a time, and both are said to operate at or over capacity.

While not actually stockades, the centers are tightly guarded. The time a soldier spends there "drying out" is added to his time in Vietnam and his pay for those days is forfeited. A notation of drug use is made on the GI's permanent medical record.

Soldiers twice identified as users whose disciplinary records are otherwise poor are sent to a high-security "drug abuser holding center" at Longbinh where procedures for getting them out of the Army take place.

Besides doctors and nurses, Longbinh and Camranh Bay have staff psychologists and counsellors. But, as is so often the case with crowded and busy public institutions, they have little time for individual problems in the four to six days each GI spends there.

Ideally, after detoxification, a soldier would be sent to one of the nine rehabilitation centers around the country for more counselling. In practice, this almost never happens and the men are just returned to their units.

The rehabilitation centers began to appear about a year ago with the first signs of trouble. They open and close and go through one reorganization after another like so many fly-by-night businesses. Quality and commitment vary widely.

The centers are smaller than the detoxification facilities and less punitive. The most ambitious keep their patients for two weeks and offer genuine counselling and recreation as well as health care. Time spent there is counted as part of a Vietnam tour.

Until recently, the only way to get into a rehabilitation center was to volunteer for what used to be called the amnesty program and now is called "exemption." Anyone picked up through urinalysis is ineligible.

Now, however, probably because the rehabilitation centers generally operate with fewer GIs than they can take, the decision whether to send a drug user to Longbinh, Camranh or a local center has been left up to the man's commander.

The drop in the number of GIs turning themselves in has been attributed to the belief that there is nothing to be gained any more by doing so since the notation made on the permanent medical record is the same as if one were caught.

Under a previous amnesty procedure, no record was kept at all. That was quietly changed last August. Medical records are supposed to be confidential, but soldiers fear they will be used against them should they ever apply for a government job or seek a security clearance.

There seems to be good reason for the fear. Senior officers conceded that there might well be circumstances in which the substance of a medical record would be released to outside government agencies, including the FBI.

The colonel added that heavy drug users are also likely to have bad administrative records (court martials for possession of heroin and so on) that would give them trouble even if there were no notations on their medical records.

Another innovation in the antidrug campaign unpopular with the GI is an eight-page, 96-item questionnaire that each man must fill out whether he turns himself in or is picked up in the urine test.

Maj. Toso in the delta said the forms, which bear the drug user's name, are used to provide valuable raw data on the drug problems and the kinds of people who become involved.

He said the forms are kept in Vietnam and are not, as many GIs believe, routinely turned over to the FBI.

The major, who had no experience in the drug field until he arrived in Vietnam last October, oversees the regional education program (visits to units from reformed addicts and specially trained Drug Education Field Teams) and works closely with the rehabilitation center in the Binhthuy Army Base hospital.

The center has 30 beds but last week only two GIs showed up and after a day, one dropped out.

The soldier said he wanted to be with his buddies at the Longbinh detoxification center, even though it would cost him time and money to be sent there. He was placed on the first available plane.

The previous week, seven GIs came. As of last Tuesday three had dropped out, one because the Army had abruptly cut short his tour and sent him home.

For the most part, an official at the center said, the men coming to the center are the ones getting close to the end of their stay in Vietnam and want to get straightened out before they leave.

"The biggest thing in their lives is going home," said one of the social workers at the center, "that's the medicine that works best."

QUORUM CALL

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, FEBRUARY 7, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS CHURCH, FONG, RANDOLPH, MOSS, EAGLETON, HANSEN, GURNEY, AND PERCY ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the distinguished Senator from Tennessee (Mr. Brock), the following Senators be recognized, each for not to exceed 15 minutes and in the following order: Messrs. Church, Fong, Randolph, Moss, Eagleton, Hansen, Gurney, and Percy.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the unanimous-consent orders recognizing Senators on Monday next there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, before making a motion to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF DEBATE ON CERTAIN NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that there be a limitation of 1 hour on each of the nominations appearing on the Executive Calendar—Calendar No. 1, Calendar No. 2, and Calendar No. 3—the time to be equally divided between the majority leader and the minority leader, or their designees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE PENDING QUESTION

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 813, offered by the Senator from North Carolina (Mr. ERVIN).

PROGRAM

Mr. BYRD of West Virginia. Mr. President, on Monday the Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. BROCK, CHURCH, FONG, RANDOLPH, MOSS, EAGLETON, HANSEN, GURNEY, and PERCY.

At the conclusion of the unanimous consent orders recognizing Senators there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements limited therein to 3 minutes each.

At the conclusion of morning business, it is the intention of the distinguished majority leader to proceed with the consideration of three nominations; namely, the nomination of John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System; of George H. Boldt, of Washington, to be Chairman of the Pay Board; and of Mr. C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

There is a possibility of a rollcall vote on one of the nominations. I cannot be sure of that, but the majority leader thought it best to alert Senators to the possibility that there might be a rollcall vote on one of the nominations.

After the nominations have been considered and acted upon, the Senate will return to the consideration of the unfinished business. The pending question is on agreeing to amendment No. 813, offered by the able Senator from North Carolina (Mr. ERVIN).

Rollcall votes are possible at any time, and motions to table amendments may be made at any time and votes had thereon.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY, FEBRUARY 7, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 3:28 p.m.) the Senate adjourned until Monday, February 7, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 1972:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The following-named persons to be members of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency:

Robert Ellsworth, of Maryland, vice William J. Casey, resigned.

John A. McCone, of California, vice Cyrus R. Vance, resigned.

Earle Gilmore Wheeler, of West Virginia, vice Douglas Dillon, resigned.

David Packard, of California, vice Peter G. Peterson, resigned.

EXTENSIONS OF REMARKS

THE COURT AS A SUPER LEGISLATURE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, February 4, 1972

Mr. BYRD of Virginia. Mr. President, the January 25 edition of the Miami Herald included an interesting and reflective article written by Mr. Perry Morgan, who is the editor of the Akron, Ohio, Beacon Journal. The article concerns the recent U.S. District Court decision that would order the merger of the school systems of Chesterfield and Henrico Counties, Va., with that of the city of Richmond.

This Ohio editor went directly to the heart of the matter when he wrote:

> The court thus became, in a twinkling, not only a super school board but a super legislature.

I ask unanimous consent that the article, entitled "Judge-Made Law Threatens All," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE-MADE LAW THREATENS ALL

(By Perry Morgan)

Judicial activism seems to have reached its zenith in two lines of cases advancing toward the Supreme Court of the United States. If the court validates the reasoning in the cases, the principle of local control of education will be a thing of the past. Public schools, root and branch, will be remade according to judicial standards. The end result could be a national system of education.

The first line of cases arises from a quest for a school-by-school balance of races. In what New York Timesman Tom Wicker called a cataclysmic decision, a federal judge in Richmond has ordered the consolidation of three school districts because the defendant district had an insufficient number of blacks to produce a racial balance pleasing to the court.

The court thus became, in a twinkling, not only a super school board but a super legislature. It eradicated existing political subdivisions and ordered new ones created—changing tax rates, creating a new school board, and handling other details once thought to be the responsibility of the people acting through their elected representatives.

An educator quoted by The Wall Street Journal said: "The social and educational implications of the Richmond decision are overwhelming. Potentially, it could affect every American."

True, obviously. For the court in Richmond was not relying on a finding of official acts of discrimination or of discriminatory intent. It was saying that segregation North or South, whether the product of discrimination, circumstance, happenstance or free choice, must be ended and, with it, any local or state laws that permit it.

The court did not say this, as The Charlotte News had stated; "because the three school systems were designed for discriminatory or invidious or unconstitutional ends, but because court-ordered restructuring was an expedient way to achieve the goal of racial balance."

With an arrogance increasingly evident in the attitudes of some federal district courts, Judge Robert R. Merhige Jr. described his revolutionary mandate as a "strict constructionist" interpretation of the Constitution. The decision in truth, whatever its merits, is a radical expansion of judge-made law.

And that decision, like those from Texas and Minnesota voiding school financing methods in those states, invites the Supreme Court to preside over a revolution in American government.

The Texas and Minnesota decisions must be read as requiring a rough equity in the amount of dollars spent on each school child within a state. This means—instantly—more means of raising and distributing school monies.

But if it is unconstitutional to have disparities between districts within a state, it follows logically that no more may be spent on the education of a child in New York than on a child in Mississippi; thus, the next step is to push the power beyond the hands of the state and into the hands of the federal government.

The most disturbing element in these decisions is not that they are radical but that they may well be reckless and senseless as well. Judges are expert, more or less, on the law. They know little about education and seemingly care little about the delicate and complex blend of public attitudes and compromises by which public school systems are sustained by citizen interest and tax support.

Referring to the Texas decision on school financing, Harvard's Dr. Daniel P. Moynihan had this to say in the annual education supplement of The New York Times:

"One may sympathize—as I do—with the court's decision without having to suppose that the judges had the slightest awareness of the knowledge problems they were raising, nor yet of the political problems they were bringing about by ordering the Legislature to do something which on its own it was clearly averse to doing."

Similarly, lower federal courts have established racial balance as an antidote to racial discrimination without significant evidence that education will be improved for black or white. There is no certainty among educators, as contrasted with judges, about techniques that will bring about quality education for all American children. Yet legal remedies are constantly prescribed for what Moynihan calls a knowledge problem. "The courts," he says, "need a better understanding of what they are about."

William Raspberry, black columnist for The Washington Post, has put it another way.

"Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just . . . (but) it ain't necessarily so . . ."

Surely it is time for the Supreme Court—if it is to agree to judicial control over all aspects of public education—to set forth the educational data as well as the constitutional premises which would underlie such a sweep of authoritarianism.

MAKE FREE ENTERPRISE WORK FOR ALL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HANNA. Mr. Speaker, in a Washington Post article on January 31, Mrs. Alice Rivlin offers many telling comments on the pace and direction of welfare reform. As she correctly states:

> The biggest obstacle to agreement on reform of the welfare situation is the fact that the American people, and their representatives in Congress, have widely divergent views about how to make sure that able bodied poor people work.

When all the rhetoric is stripped away, the differences on this point come down to whether to use incentive or compulsion.

To a great extent, the difference of opinion on this question rests on a lack of understanding and knowledge about the poor—who they are, what they want, and what motivates them. Many Americans are guilty of assuming that the poor fit a stereotype image which has little, if any, basis in fact. As Mrs. Rivlin puts it:

> The compulsion advocates really believe that poor people are lazy and do not want to work . . . while the incentive advocates believe that many more poor people want to work than can find jobs.

While the "welfare chisler" is a popular whipping boy at election time, the facts are that only a very small percentage of welfare recipients are able-bodied males. Almost all welfare family heads are aged, disabled, or mothers with infant children. The tragedy is that, under the present system, work is discouraged even when it can be found. If a welfare mother takes a job, it is almost certain that medical care, food, and other benefits for her children will decrease faster than her income increases. She must decide between the well being of her children and her own self-pride.

If we are to reverse the cycle of welfare dependency, we must rationally construct an incentive system that is grounded on economic reality and not on political rhetoric. As long as the welfare family loses a dollar of aid for every dollar earned, where is the incentive to take and hold the low-paying jobs available to them? Economic logic tells us that only an incentive system providing for a percentage reduction of assistance will have some chance of success. The most reasonable incentive plan, it seems to me, would be to reduce assistance by 50 cents for each dollar earned in a job. Such a plan can be instituted without a major, comprehensive change in the welfare system.

Mr. Speaker, the House has twice passed the comprehensive welfare reform bill requested by the President. I supported his plan both times. It has become evident that the other body will not pass the plan and that some of its supporters are having second thoughts. The President has apparently backed off on his commitment to H.R. 1 and will settle for a "pilot program." If this is to be the case, Mr. Speaker, I feel strongly that part of the trial plan should be the "50 cents on the dollar" incentive plan. Once this is done, we will find out how many employable people are on welfare and how many jobs are available to them.

This country, it is often said, has prospered primarily as a result of the free enterprise system. Such a system relies on market incentives to accomplish both individual and collective goals. Our current welfare system grossly violates this principle. The provision in H.R. 1 which requires a person to accept a job would make the situation even worse unless the financial provisions are altered to provide a 50-cent reduction in benefits for every dollar earned. As the present system and H.R. 1 stand now, we are saying that we will force people to work and also see to it that they have less income in the process. This would make a mockery of the free enterprise system in America.

THE FAMILY VISITATION ACT OF 1972

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. KOCH. Mr. Speaker, one of the major complaints that is frequently voiced about our prison system is that the total confinement of a prisoner and resulting lack of sexual relationships have grossly affected prisoners adversely. It has encouraged homosexuality in the prisons and destroyed family ties, which are needed if the prisoner is to be reformed. The U.S. Parole Board has stated that one of the most important facets of the prisoner's return to normal life is his family. At present, the prisoner is only allowed to visit his family in case of emergency.

On February 3, I introduced the Family Visitation Act of 1972. This bill would afford prisoners in Federal prisons a 24-hour furlough during each month of their confinement subject to his or her good behavior during his or her incarceration. Any violation of the furlough privilege would be treated as an escape and subject to penalties under existing laws. The following is a statistical breakdown of our Federal prison population according to sex and marital status:

		Percent
Men [1]	20, 281	95.3
Women [1]	762	4.7
Single [2]	5369	26.8
Married [2]	4464	22.2
Widowed [2]	165	0.8
Separated [2]	1998	10.0
Divorced [2]	1246	6.2
Common Law [2]	877	4.4
Not Reporting [2]	5946	29.6

[1] Denotes population as of 1/13/72 (total: 21,043).

[2] Denotes population as of October 1971 (total: 20,065).

The benefits to the married are obvious since the bill would afford them an opportunity to maintain some familial relationships. The benefits to the unmarried prisoners would also be of positive nature since mothers, fathers, brothers, and sisters would be able to maintain better contact with their kin. And surely it must be recognized that unmarried adults also have sexual drives and needs.

While the Federal law presently provides for emergency furloughs, it does not provide for conjugal furloughs. Conjugal furloughs have several practical advantages over conjugal visits. First, conjugal visits pose the problem of suitable accommodations within the prisons and even when such arrangements are available, they are often distasteful to the couple or family because they are conducted to a prison facility. Second, conjugal visits present certain psychologically harmful effects and administrative impracticalities for unmarried inmates.

There has been much rhetoric recently concerning prison reform and many States are reexamining their penal codes. The Federal Government, by introducing a family furlough program in the Federal prisons, could take the lead in a meaningful way.

LA CAUSA COMUN—SELF-HELP FOR PUERTO RICANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BADILLO. Mr. Speaker, on numerous occasions over the past 14 months, I have discussed with our colleagues and others the many problems encountered by the 1½ million mainland Puerto Ricans in fully participating in the political, economic, and social life of our country. I have demonstrated that the aspirations of many of those who migrated to the United States from Puerto Rico have not been realized and that emigration to the mainland has often failed to result in the economic salvation many had so desperately hoped for.

The Puerto Rican seeks nothing more than what other immigrant groups have achieved. Our community is actively searching for economic security and independence; full access to our educational and social institutions; equal opportunities in employment, housing, and health services; and the enjoyment of basic human rights and freedoms and equal protection and treatment under law.

There is much to be done to secure fair and equitable treatment for Puerto Ricans. However, our community is proud of having a tradition of taking the initiative ourselves. In many areas the Boricua is working to achieve the goals of equality and fair treatment for his fellow compadre and himself. A number of grassroots programs are underway designed to help Puerto Ricans to compete on an equal basis with other groups, to secure their just share of governmental aid, and to participate in various Federal, State, and local programs on the same basis as other ethnic and nationality groups.

One of these efforts is a new and ambitious program—La Causa Comun—primarily aimed at assisting Puerto Ricans in the Northeast. Serving as a type of ombudsman and providing a variety of technical and resource capabilities, this development center and action agency will be staffed by young Puerto Ricans dedicated to assisting their fellow Puerto Ricans in New York, Philadelphia, Newark, Washington, Bridgeport, and the many other areas where our people have settled.

This unique undertaking is the result of the tireless efforts of two energetic and capable young men—José Gutierrez and Willie Vasquez. Individually and together they have contacted numerous Government officials, private agencies, educators, manpower experts, community development authorities, and others, briefing them on their proposal and eliciting their support These young men and their program reflect the deep concern the Puerto Rican has for his own community and his willingness to devote considerable time and effort to help it. I commend José and Willie for their dedication and perseverance.

I submit for inclusion in the RECORD, a brief description of La Causa Comun and its proposed services:

LA CAUSA COMUN

Puerto Ricans hold a unique place in American society. They are distinguished by both language and social and cultural differences. As a result, their socialization into the American mainstream is doubly disadvantaged. The recent economic decline has shown Puerto Rican persons to be particularly vulnerable to labor market fluctuations and discriminatory practices.

Of an approximately $3\frac{1}{2}$ million Puerto Ricans/Spanish surnamed persons located in the Northeast, there are a sizable number (at least 66% of those 25 or older) who have not completed high school and are in need of help, in education and job placement information and training, to at least establish a foothold in the economic mainstream. There is a dual constituency of those requiring assistance: (1) one concerns the Puerto Rican with a language barrier and cultural difference so great that he cannot become a functioning, employed individual without much help; (2) the other concerns the better educated Spanish surnamed person especially the unemployed, who needs a place for self-identification and stimulation.

La Causa Comun will be an outreach program aimed at Puerto Ricans in the Northeast. . . . The purpose of the organization is to be a national service center to administer to the comprehensive needs of its people. La Causa Comun will be a center run by young Puerto Ricans for Puerto Ricans.

La Causa Comun, a development center, will be a touch-stone, which the Puerto Rican and his agencies will use when in need. They will turn to La Causa Comun Development Center to help him enter the proper channels. The center will serve as a clearing house and will endeavor to keep Puerto Ricans and other Spanish speaking in the Northeast alert to all federal, local, private and state programs for minorities.

ACTIVITIES

Proposed programs include: Employment program, Medical Health program, Educational program, Housing program, Law and Justice program, New Business and Economic program, Welfare program, and Social Participation program. These activities indicate a concern for both scope and balance in the planning and administering of programs to deal with the Puerto Rican individual as a total person.

A comprehensive survey of the socio-economic characteristics and geographic distribution of Puerto Ricans in the Northeast. The survey will be continued to verify any changes due to migration or social-economic development. At the same time, respondents will be informed about their voting rights. There will be satellite stations developed, and similar surveys throughout the Northeastern states will be administered.

"La Causa" is a bilingual publication featuring articles in Spanish with corresponding translations in English; this source will serve as the main communicative link between the Center and Spanish surnamed persons in the northeast community.

There will be established a nominal counseling and referral service, predominantly in the following areas: Naturalization, Housing, Immigration, Legal Matters, Labor Relations, Discrimination, and Health. Competent specialists in these complex areas will be recruited to serve the universe of needy people.

HOUSING

La Causa Comun proposed to provide housing services in the following areas:

Home ownership—provide counseling (advertising, interviewing, referring, counseling) to low income Puerto Rican families to qualify them for eligibility for home ownership under the FHA section 235 mortgage payment subsidy program.

Rental Housing Referral Service—providing for a file of available realtors and for interviews for possible rent payment subsidy.

The implementation of the housing program would require the services of an Experienced Housing Counselor, who would train two Puerto Rican Housing Counselor Trainees. Thus, perpetuating the expertise.

LAW AND JUSTICE

Many Puerto Ricans are unable to understand and exercise their rights to Equal Protection Under the Law. The Law and Justice Project propose to see to it that the people are informed of their rights and that in fact, equal rights are delivered to them.

Executive Order 11246 orders that the ratio of minorities participate in a more equitable manner in employment hiring practices. In the Northeastern states, La Causa Comun can become an important monitoring agent to insure compliance by undertaking the following activities: defining the affirmative action requirement of the order (by consulting the Office of Federal Contract Compliance and others), monitoring the compliance programs already in effect (watchdogging the hiring practices, for one), and building a strong equitable construction compliance program (having some input in evaluating and planning improved programs).

The Puerto Rican Courts Program Activity would serve the needs of these minority group members through the following kinds of diverse functions; assisting courts by providing interpreter services, counseling for police detainees, assisting residents in obtaining legal aid, assisting in counseling and interpreter services for jury selectees and other court appointees, and aiding the employment of Spanish persons in law enforcement areas.

The Federal Prisons Program Activity is aimed at providing counseling, visiting, and administering a financial fund for Puerto Ricans, who are prisoners or ex-prisoners (and their families) of the State or Federal Prison System.

La Causa Comun hopes to conduct a talent search, campus visitation, and intensified school visitation program. This has grown out of the knowledge that many Puerto Rican students leave high school before graduation and, in fact, the Spanish surnamed community, as a whole, has a very low level of educational attainment, on the average, which is perpetuated through each succeeding generation. On-campus visitations would make college a realistic possibility in the minds of high school students. They would be encouraged to talk with Puerto Rican college students and counselors about admissions, financial aid, housing, and student activities. An intensified school visitation program to bring the college into a high school setting (through college representatives coming to the high school) would expose many Puerto Rican young people to college life and, hopefully, arouse interest. Similar programs, all aimed by upgrading the educational attainment and employability of young Spanish surnamed people, would be developed in addition to the two mentioned.

La Causa Comun hopes to deal with the whole issue of public employment. The organization proposes to develop a program to help create public employment career opportunities for the Puerto Ricans and Spanish surnamed in the Northeast. Unfortunately, the implementation of civil service laws have often failed to carry adequately equal employment provisions for these system disadvantaged people. La Causa Comun hopes to provide leadership in an action program.

It is planned that a Task Force of experts on public employment will review the issues and offer constructive change. Targets of concern will be: archaic laws, unrealistic selection standards, excess professionalism, petrified job structures, static recruitment, cultural bias in tests. Besides reforming the system, the Task Force would work with training and developing strong applicants, facilitating government cooperation, upgrading acceptance of Spanish surnamed, and offering better supportive services to applicants.

ON MULTINATIONALS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HANNA. Mr. Speaker, many Americans are concerned about and mystified by the growing trend of international corporations or multinationals, as they are called. There is a great deal that we need to know about them, particularly since demands are being made on the

Congress to take legislative action to restrict this development. Before we can do anything worthwhile, we had better have a clear picture of what we are dealing with.

I would like to call to the attention of the Members of the House a speech given by Mr. Allan L. Rudell of the Honeywell Co. at the November 9 meeting of town hall in Los Angeles. Mr. Rudell speaks from his personal experience as a vice president of one of the multinationals:

A DEFENSE OF INTERNATIONAL BUSINESS

(By Allan L. Rudell)

An American has been described as a person who drives home in a German car from a French movie; slips off his Hong Kong suit and Italian shoes; puts on his English robe and Mexican slippers; and sips Brazilian coffee from Dutch china while sitting on Danish furniture. Then he writes a letter to his congressman on Canadian paper with a Japanese pen—demanding that the government do something about all the gold that's leaving the country.

My remarks today are entitled "A Defense of International Business." It is not my intention to overstate the importance of the international business corporation, which most people today call multinationals, but I do feel that they play a vital role in world affairs. This is what I want to talk about: How they operate; Why they operate as they do; And what effect they have in broader international affairs.

Some brief background information is in order. For all the new talk about American multinational companies, it must be realized that this phenomenon is neither new nor strictly American. Corporations have operated on a global scale for centuries. Indeed, this nation got its start from European commercial interests who subsidized colonists in the New World. The St. James settlement in Virginia and the Massachusetts Bay Company in my home state are but two of the more prominent examples.

As to the second point, that multinationals are not strictly American; many of the larger international corporations are headquartered outside the United States. Shell, Lever Brothers, Bayer and Nestle are common household names throughout the United States—and yet all of them are European concerns. I sometimes wonder how many Americans realize that.

Thus multinational corporations are not new, and they are not the exclusive property of America. I think it is important to keep that in mind when we hear the strident voices of critics both in this country and abroad. These are the people who say these new American giants have given the world a new structure that is uncontrolled and are playing with the lives and economies of nations around the world for someone's private gain.

Quite the contrary. Many people around the world benefit from the operations of the so-called multinational companies. Certainly the stockholders of a company benefit from increased revenues, and hopefully profits, from the broader operations. Labor also benefits because more new markets mean more jobs. Local, or "host," economies benefit in many ways. The host gets infusions of capital from many new sources. New technology is introduced. New jobs are created, as are new tax dollars. Living standards rise, and consumers around the world can avail themselves of new products produced better than before.

To be sure, there have been abuses in the past, and abuses exist today. No system is perfect, and there is precious little that cannot be improved. But I think that today's international business operations are far more beneficial than harmful, and they should be viewed as builders of world peace and understanding, not as detractors from that goal.

In discussing the how and why of the international business system, or corporation, I will use my own company as an example. Honeywell manufactures and markets automation products throughout the world. These automation products include environmental control systems for residences and commercial buildings; sensing and recording instruments; systems to control and monitor industrial processes; control and guidance systems for aerospace and defense applications, and computers.

Because I am most familiar with the company's computer operations, I will concentrate on that portion of the business. Also, I think that the world computer business is a good example of the contributions and workings of the global company.

We are in the information business. Computers, as I'm sure you know, are electronic tools that accept, store, process and disseminate information that people put into them. Nothing more and nothing less than processing information.

The need and flow of information is not confined to any one country. The flow of information is not stopped by boundaries (the Iron Curtain is even being raised a bit), and hence the need for tools to process that information—computers—is worldwide in scope.

It is this fact that caused Honeywell to develop, manufacture and market computers on a worldwide scale. And of course it is this factor that causes any company in any business to go international. If the need for a product or service is international in scope, and the resources for design, development and manufacturing are international in scope, then the companies will be international in scope.

In Honeywell Information Systems we have four operating organizations, each corresponding to market territories. Since each geographic organization is also engaged in the design, development and manufacture of computers, I am not referring just to sales outlets when I refer to our international business. The operating components are vertical organizations, and we have facilities for the design, development and manufacture of computers and related equipment in the United States, Canada, the United Kingdom, Germany, France, Italy and, through licensing agreements, in Japan.

The coordination of these four components is something we call our Worldwide Mission Assignment Plan. I mention it because I think it is a fine example of the worldwide character of the information business, and, by inference, of other industries. Each of our four operations, in addition to their marketing responsibilities, has the total worldwide responsibility for the development, manufacture and distribution of certain computer systems and related equipment. As you might expect, the whole plan is a bit complicated, but as a rule, large and medium systems are produced in the United States, as well as minicomputers; small systems in Italy and very small systems in France. Medium scale and minicomputers are produced in the United Kingdom. Regarding peripheral equipment, the United States has the mission for mass storage devices. France has the mission for line printers and terminals, and Italy has the assignment for serial printers. Although that is a bit of an oversimplification, I think it indicates the faith we have in the international posture of our business and the capabilities of our people. It is also indicative of the worldwide cooperation that can result from people working toward a common goal.

Of particular significance is that much advanced technical work is done on an international scale. Whereas in the past, many companies went multinational by moving American-developed products and techniques offshore to protect foreign markets, today we see more and more companies fully recognizing the technical contributions that all employees can make no matter where they are found.

In addition to the technical abilities we find in our international operations, we also find enormous managerial and executive talent. As a measure of this, of the 28,000 employees in our non-U.S. operations, only 94 are Americans and only a handful of these are in upper management positions. The head of our United Kingdom operation is an American but senior management in France is French, in Italy they're Italian and so forth.

In some instances we find that we are partners with local companies. Compagnie Honeywell Bull, which operates in Continental Europe and parts of Africa and Latin America, is a joint effort between Honeywell and Compagnie Machines Bull, with Honeywell having a two-thirds ownership.

Another method of having local equity participation in a multinational company is by offering the corporation's stock on foreign exchanges. This Honeywell does in Brussels, and hopefully, soon in Paris.

To recap briefly the why and how of Honeywell's international computer business: The flow and processing of information is international in scope, and the lightning speed and power of the computer is making it more so. An example is one of our time sharing networks in Europe. A subscriber in Paris takes his telephone, which can be coupled with a computer terminal, dials a local number, and gets in touch with the central processing unit, which happens to be in Cleveland, Ohio. It is done by satellite, and for all the subscriber knows or cares, the computer might be in the next room. The subscriber only cares about getting his information processed in the most expeditious manner; if he can get his information processed in Cleveland efficiently and cheaply and just as fast, then so be it.

We operate on an international scale because the information business is international. We design, develop, manufacture and market around the world because that's where the business is. In each country in which we operate, we do so with nationals of that country; and we see equity interest in the concern around the world through minority ownership situations and through stock offerings on foreign exchanges.

Well, up to now, you've probably thought, "Well that's a fine commercial for Honeywell. But what significance does it have if I don't work for Honeywell or own stock in the company?"

I think that's a fair question, and the answer is that it is significant because it is an example of what international corporations are all about. What Honeywell does today may not be recorded or remembered in the long run. But the activities of all corporations operating around the world, taken together, will be important 100 or 200 years from now.

To move from the specifics of Honeywell to the generality of international business, I think that the existence and prosperity of the international corporation is vital for the United States economy. Such organizations provide outlets for American products and technology, and at the same time they are avenues for bringing internationally-developed techniques and products to the United States. In the computer business, we have learned that technology is not a one-way street out of this country. I'm sure the same holds true for other businesses and industries.

Multinational corporations also enable American firms to hold and protect their market shares abroad, thus furthering the well-being of the American economy. When there are worldwide markets for a variety of products, choosing not to participate in them is economic suicide. The economics of the day dictate that companies take advantage of scale in order to be efficient and profitable.

The multinational corporation is also a positive factor in this country's balance of payments situation. One-fourth of all U.S. exports are shipped to subsidiaries or operating units of U.S.-based international companies. Thus, if these companies did not exist, our exports would shrink by a quarter.

Another contribution made to the balance of payments situation is the money these businesses earn through their international operations. In 1970 American direct investment abroad totalled approximately four billion dollars, bringing the cumulative total to approximately $71 billion. The money this investment brought in, in the forms of profits, fees, payments for licensing, and so forth, was eight billion dollars. So foreign investment is not really a net outflow of American dollars. It is an investment that yields substantial returns.

As for the world in general, I firmly believe that the world is a better place to live because of international business. Of course I am not so naive as to think that the international corporation is a panacea for the world's ills, but I do think it is a positive contributor to world peace and understanding.

Twenty-five years ago saw the end of World War II. In those 25 years we have seen the economies of the Western world become intimately intertwined. Each of the Western countries has prospered as trade between them skyrocketed and as multinational firms flourished. Most important there has not been armed conflict between them. I think this is no accident. As countries and economies flourish, the possibility of war lessens. To put it cynically, the countries involved would have too much to lose.

In the underdeveloped world, we do see conflict, and we do not see flourishing economies and heavy involvement of multinational corporations. This too is no accident. The loyalties of people are being pulled and tugged one way and another. But the one common key is the promise of economic improvement and a raised standard of living.

We live in an imperfect world, and in a time when people often cannot live amicably because it is the moral thing to do, many people enjoy peaceful relations because it is the economic thing to do. The Europen Common Market has meant that a conflict between the states of Western Europe is virtually impossible. The EEC has tied the lives of the Western Europeans together to the point where war is unthinkable.

The relative peace but absolute prosperity of the past quarter century is due to many things. One of the key factors has been the proliferation of international business. Along with the international involvement of the United States government, and the turning of the attention of the American people to the international scene; along with the realization on the part of the member states of Europe that their future lies in cooperation; the international business organization has made the world a bit more livable.

The *Wall Street Journal*, in a recent editorial headlined "World Depression," indicated that the economy of each country in the Western World was dependent in varying degrees on the economies of all the others. It said that to avoid a world depression, we must avoid unilateral action, and aim for cooperation. We must cooperate with each other so that we all can prosper.

I might point out, however, that I recognize the unilateral decisions of a short-term nature are sometimes necessary to correct temporary imbalances in the world trade situation. The danger is that these temporary measures may become long-term measures that may well be counter-productive.

The multinational company has proven that such cooperation between different countries can exist. I deal every day with people from America, Canada, England, Italy, France, Germany, Japan and so forth. And I find that the cooperation we need for the mutual prosperity of all of us is there to be found.

If business organizations can do it, then there is no reason the rest of the world can't avoid conflicts. This is perhaps the most lasting impact that multinational business can have on the world. At a time when we can literally incinerate ourselves at the touch of a button, I think it would be prudent for critics, government heads, and the average citizen to take a look at the facts and the record of international business. Good will and prosperity can prevail, and the record of the international business system proves it.

But the fact that business has proven that cooperation and good will can be achieved is not enough. Too often in the past business has been content to ignore critics, even well-meaning critics, until the criticism has reached crisis proportions. Pollution, consumerism, auto safety and many other examples abound.

I think that what is needed are programs from multinational organizations that will further the causes of world peace and understanding on an international scale. For example, I would propose worldwide data banks dedicated to solving the social problems of the day. Such data banks would serve the needs of concerned people, professionals and technologists around the world by rapidly disseminating information to concerned parties to help them solve their problems.

Each data bank would be dedicated to a specific area of concern—a particular discipline, if you will. For example, we would have data banks dealing with medicine, housing, agriculture, nutrition, air pollution, marine biology, meteorology, and many many more. Each data bank would be under the sponsorship of an appropriate international organization or professional society dealing with the area of concern.

The professionals and technologists, the people who would use the data bank, could come from anywhere. Business, government, industry, academia—wherever. They would be able to share the information contained in the worldwide repository for the betterment of their societies.

The possibilities of such networks are astounding. For example, statistical data on housing problems in any given society could be transmitted to the worldwide data bank on housing. Their it could be instantly accessed by professionals anywhere in the world. They would take that knowledage and data, and work out solutions which would then be transmitted back to the appropriate people in the country involved.

An area of growing concern today is pollution of the oceans. A worldwide data bank on marine biology would be continually updated with the latest marine information from around the world, alerting people to dangers, and helping them with solutions.

Since the data banks would be under the sponsorship of international organizations such as professional societies, they would be free from control of individual companies or governments. Yet they would serve as the connecting links, the storehouses of timely and pertinent information, for the use of the professionals in the given discipline.

To create such data networks requires several steps and the cooperation of many people and organizations. First, of course, they would have to be funded, and here I think the United Nations could play an important role, along with concerned governments and private organizations.

Second, the relevant data would have to be given to the data bank. I think that all parties that have expertise in the given fields should cooperate in making their data available for use by the international data banks. Governments, universities and business organizations should contribute what they can in order to make as much information as possible available to people around the globe. I recognize that businesses would not give out proprietary information, and governments would not release material of a top secret nature. But I still believe that a vast wealth of knowledge would be available for these data banks.

I'm sure most of you are familiar with Alvin Toffler's book, *Future Shock*. Mr. Toffler states that if we divide the last 50,000 years of man's existence on earth into lifetimes of 62 years each, there have been 800 lifetimes. The first 650 of them were spent in caves. And, he states, "The overwhelming majority of all material goods we use in daily life today have been developed within the present, the 800th, lifetime."

The relevance of this statement is this: the Egyptians learned how to make bricks thousands of years ago, but there are some societies in the world that still do not know how to make bricks. Today we have a core of professionals and technologists throughout the world who are intimately involved with the day-to-day problems of their societies, and they are using technology to solve many of them.

With the worldwide computer-based network I have described, it will be possible to instantly transmit technology around the world to help solve the problems of all peoples. No longer will a society have to wait 5,000 years to make a brick . . . or to have all the knowledge available for combating social ills. For in an accelerating world, we also see accelerating social problems.

Again to cite Mr. Toffler, we are presently in an era of rapidly accelerating change, and the speed of change is causing people to fall behind. With the instantaneous capabilities of the computer and a force of dedicated people and organizations around the world, perhaps we can harness this rapidly developing technology and use it for the social benefit of all.

THE BLACK MUSLIM MOVEMENT—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the Nation of Islam or the Black Muslim movement. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON THE BLACK MUSLIM MOVEMENT

The January 10th ambush and massacre of deputy sheriffs and city police officers by identified Black Muslims resulted according to the latest count in the deaths of two white deputies and three black men with over thirty injured as well as in the disruption of race relations in a peaceful community. Four hundred National Guard troops were called to duty to bolster local and State police in enforcing dusk-to-dawn curfew which was imposed to protect the lives and people of the community.

Because of the violence and havoc wrought by the Black Muslim fanatics and because of the threat they pose to the domestic tranquility of any community, the people have a right to know the goals and background of this subversive group. So, I thought today we'd discuss the Black Muslims—their origin, background, beliefs, and activities.

Most of the facts I shall present about the Black Muslims are found in their own official newspaper, "Muhammad Speaks," and are contained in the report—Report No. 3 of January 9, 1963 of the Joint Legislative Committee on Un-American Activities of the State of Louisiana from hearings following a Muslim incident in Monroe, Louisiana in 1960. The report is entitled, "Activities of 'The Nation of Islam' or the Muslim Cult of Islam in Louisiana."

ORIGIN AND BACKGROUND

In 1930 while the communist leaders in Moscow were engaged in delineating their policy of "Self-determination for the Negroes in the Black Belt" of the United States which called for the establishment of a separate, free, and independent black nation to be made up from the States of Mississippi, Louisiana, Alabama, Georgia and South Carolina; an itinerant peddler appeared in the Negro community of Detroit and was going from house to house selling pots, pans, silks, raincoats and other wares. This man's name was W. D. Fard but he also went by the names Farrad Mohammad or Mohammad Ali. He had just recently been released from San Quentin Prison on a narcotics charge. During his business, he began to preach from the Koran, the Moslem Bible. He later devoted his full time to preaching. In 1930 he was joined by a Negro named Elijah Poole, a native of Georgia. The two acquired a few followers and began what they called the New Lost-Found Nation of Islam.

Fard took on an air of mysticism, dressing in a long flowing white robe, and claiming that he was originally from the Holy City of Mecca—that he had been sent to America as Savior of the "first people"—the "Asiatic black man."

After a while, Farrad Mohammad—Fard—who came to be known as the "prophet", began denouncing the white race and attacking the teachings of the Bible.

Thus began the movement known as The Nation of Islam or Black Muslims which today is ruled by their teacher Elijah Mohammad—who is Elijah Poole.

Who in reality was this W. D. Fard alias Farrad Mohammad and from where had he come?

In his book, *The Black Muslims in America,* Professor C. Eric Lincoln related numerous legends as to Fard's origin. Reporter Ed Montgomery, however, in an article in the New York "Mirror" of July 30, 1963, documented Fard's background with information contained in police records in California and Michigan. According to these police records, Fard is not a Negro, but a white man. His true name is Wallace Dodd. He was born in New Zealand on February 26, 1891. He married a Los Angeles waitress who bore him a son, Wallace Dodd Ford on September 1, 1920. On the son's birth certificate, Dodd alias Fard listed himself as "white."

So, from the research available, it appears that the founder of the Black Muslims was a white man who hides behind the cloak of religion to teach Negroes to hate white people, our country and our civilization.

As a result of his followers' offering a human sacrifice in 1933, Fard alias Dodd alias Mohammad Ali was run out of Detroit and since then there has been no trace of him. Before his disappearance, he named Elijah Poole to succeed him. Elijah Poole, who later changed his name to Elijah Muckmud, and then to Elijah Muhammad, says that Fard returned to Mecca to keep in touch spiritually. Reporter Ed Montgomery says that police records show Fard returned to New Zealand.

Elijah Muhammad later moved the headquarters, or the Temple, to Flint, Michigan and then to Chicago where it is presently located. He follows the teachings of Fard whom he describes as Allah himself who had come and gone and claims that he is the messenger of Allah.

BELIEFS AND ACTIVITIES

According to Muslim teachings of Elijah Muhammad, the blacks are not Negroes, they are Asiatic black men and were the first people on the Earth. Allah who is God appeared in the person of Master W. Fard Muhammad in July, 1930 as the long-awaited "Messiah" of the Christians and the "Mahdi" of the Muslims.

In a Muslim Training Manual obtained by the Monroe, Louisiana police during a 1960 investigation of the Muslims in Monroe, whites are referred to at least 16 times as "white devils" who overran and enslaved the original people—The Asiatic blacks. Muslims are taught that their last names are names given to them by the white devils and not their true names, so they adopt the name of "X" until such time as their name will be restored by Elijah Muhammad. However, New York police have said that the Black Muslims become eligible to use the letter "X" when they seriously maim or kill a white person. The Black Muslims are taught to believe that the white man is the devil incarnate and integration with the white man is rejected on this basis. New York State Police are reported to have a list of 75,000 identified Muslims in their state alone.

According to "Muhammad Speaks" of April 17, 1970, the Muslims believe the offer of integration is hypocritical and is made by those who are trying to deceive black peoples into believing that their white devil enemies are suddenly their "friends" and that such deception is intended to prevent black people from realizing that the time in history has arrived for the separation from the whites of this nation.

On October 11, 1963, Elijah Muhammad wrote:

"We believe our contributions to this land and the suffering forced upon us by White America, justifies our demand for complete separation in a state or territory of our own.

"If White people are truthful about their professed friendship toward the so-called Negro, they can prove it by dividing up America with their slaves."

The Joint Legislative Committee on Un-American Activities of the State of Louisiana found that Elijah Muhammad "has directly stated that the Negro Americans, for all of whom he purports to speak, 'insist' upon 'some land' in this United States of America for a separate nation, free from all currently existing governmental authority. The State of Louisiana was specifically mentioned along with several others as part of the land desired by the Muslims. The method of acquisition of this land is unspecified by Muhammad, but in view of his various teachings and speeches . . . there does not appear to be much doubt how this land is to be had. The cult members have in fact engaged in violence in several different places in this State and Nation, which violence was invariably directed against duly constituted authority as represented by police officers or custodians of institutions of correction and detention . . .

Elijah Muhammad has predicted there will be a "battle of Armageddon" in which white rule in the U.S. will be overthrown. The Muslims foresee their coming to power through a United Front of Black Men who will take the fight into the streets.

In Washington, D.C., as in many other large cities where the broadcasters are required by the FCC to program their shows to the racial minorities of the area, Black Muslims are given free time—just as is a church minister—but to preach their interpretation of black superiority and their diatribes of hatred for White people.

Washington, D.C., Chicago, and New York may be a long way from Louisiana but so were the Muslim leaders who provoked the Baton Rouge shoot out.

The program of the Black Muslims for forming a separate Black Nation out of several Southern States whether by coincidence or not seems to be the same program instigated and supported by the Communist Party. A group known as the Republic of New Africa has been purchasing land in several Southern States apparently to establish communes as bases of operations, and just last year there was a confrontation between the police and members of the Republic of New Africa when they attempted to establish a base near Jackson, Mississippi. Over 3 years ago, in a speech to the House of Representatives, I reported in some detail about the Black Secession Movement.

The muslims believe in allegiance to the Nation of Islam and not to the United States. Fard explained to his followers that it was stupid to pledge allegiance to a flag that offered no protection against "the depravities of the white devils" who by "their tricknology kept the black illiterates to use as tools and slaves. The American flag is referred to in Muslim doctrines and teachings as "the rag."

Further evidence as given in the Louisiana report of the use of the guise of religion by Muslims "to give credence and dignity to their programs of calculated disloyalty, sedition, and racial hatred" is a plaque which the Monroe Police seized in the Black Muslim temple in Monroe in 1960.

In the upper left-hand corner of the plaque is the American flag and under it is the word "Christianity" and a cross, and below that a rather crudely drawn picture of a colored man hanging from a treelimb by a rope, and the words, "Slavery, Hell and Death." Then in the center are the words, "Which one will Survive the War of Armageddon" and a question mark; and on the right side of the plaque is what purports to be the flag of Islam with the word Islam underneath it, and the words, "Freedom, Justice, and Equality."

Is there any tie-in between the Black Muslims and the Communist Party of the United States? An article in the Jackson Daily News of August 25, 1962 revealed that Claude Lightfoot, Vice-Chairman of the Communist Party, U.S.A., urged communists "to work for the growing, fanatical, all-Negro, Muslims, also known as the Nation of Islam, to get them involved in what they termed a mass-struggle." He told the Communists they were "duty bound to go along with our Muslim brothers to help light and understanding among them."

The Louisiana Joint Legislative Committee on Un-American Activities found:

"The influence of the communist conspiracy in the Nation of Islam appears to be significant and dangerous. The communists support the cult because of the classic communist doctrine of attempting to destroy the faith of the people in their own institutions. Through the Nation of Islam, the communists see hope for producing their desired goals of progressive disillusionment, dissatisfaction, and disloyalty."

"Muhammad Speaks," the official organ of the Black Muslims, while having no praise for black anti-communists such as the late Moise Tshombe, has openly praised not only Nkrumah and Kenyatta, who are black Communists, but also Ben Bella and Castro who are White Communists. Communism not race is the common factor worthy of praise by Black Muslims.

A report on the closed convention of the Socialist Workers Party in August, 1963 showed that in attendance at the sessions of this Communist organization were members of the Black Muslims who took part in discussions on resolutions relating to Negro activities which advocated closer orientation of the Socialist Workers Party toward the Muslim movement.

The Louisiana Committee conducting the hearing on the Black Muslims found that the Nation of Islam is a subversive organization within the meaning of Louisiana statutes. FBI Director J. Edgar Hoover in testimony before the Subcommittee of the House Committee on Appropriations on February 16, 1967 stated that the Nation of Islam was an "all-Negro violently anti-governmental and anti-white organization." He characterized the NOI as a "very real threat to the internal security of the Nation."

I have no quarrel with the Muslims as a religious group to believe what they wish and to practice their religion as they see fit so long as they do it legally. The Constitution secures freedom of religion for all in America.

However, when they preach sedition and disloyalty and practice violence to achieve their objectives, then it is time that they be brought to trial for their illegal actions.

Evidence exists that these Muslims have been allowed to tour by caravan across State lines and from city to city; and by use of intimidation raise money and conduct membership drives without any interference from the U.S. Justice Department.

The seriousness of such penetration into the Baton Rouge community in the January 10th shoot-out was not made available to the local law enforcement people by the Federal authorities. Some of the first police officers on the scene weren't even aware that Muslims were involved. Somewhere, there has been a serious laxity in Federal law enforcement and a breakdown in communications between Federal criminal intelligence and the local law enforcement officials.

So, I have urged the Committee on Internal Security, at the earliest possible opportunity, to conduct hearings into the Black Muslim movement so as to clarify any splinter movement or rebel faction as well as supply those of us in Congress with the investigation necessary toward additional Federal legislation, if necessary, to prevent any recurrence of such nomadic extremists upsetting race relations in peaceful communities in the future.

In view of the above facts, I have urged the President to invoke his Executive Order 11605 to recommend that the Attorney General petition the Subversive Activities Control Board to conduct appropriate hearings to make a determination as to whether the Muslims are a subversive organization.

Punitive measures must be taken to curb the illegal actions of any subversive group which attempts to destroy the nation.

In conclusion, I quote another finding of the Louisiana Joint Legislative Committee on Un-American Activities:

"The Committee notes that the responsible negro people of this State hold no sympathy for the Nation of Islam, and are firmly opposed to it or any organization which preaches disloyalty and violence. The Nation of Islam purports to offer to negroes, through so-called 'religion', three things which many people, both negro and white, greatly need, namely: personal and racial pride, self discipline, and good moral standards. The committee is convinced that negro citizens can readily acquire all of these things through personal responsibility within the framework of the Constitution of the United States and without being a part of a movement which openly advocates calculated disloyalty to all constitutional authority and bitter racial hatred to the point of actual murder of white people."

I have made this report and called for investigations by federal authorities because the people and especially local and State police officers have a right to know about the goals and activities of this black separatist organization which so affects their lives as well as who concocted the fantastic history of the origin of the black and white races as contained in their training manual. And I might add, who finances them. According to a story in "Newsweek" of January 31, estimates of the wealth of the Black Muslims ran as high as $75 million. Muhammad is building a new $500,000 mansion for himself and four other mansions for his children and aides costing $350,000 each. The multifarious business enterprises of the Muslims include 20,000 acres of farmland in Michigan, Georgia, and Alabama. In Chicago alone the Muslims have two supermarkets, a bakery and fish store, a restaurant, coffee shop and dairy—and more are in the planning. The Muslims have a $1.5 million printing plant for their newspaper and recently purchased a $4.4 million Greek Orthodox Church to be used as a new mosque. The four-engine Super Constellation which is available for Muhammad's use will be soon traded in for a jet. Where did the Muslims acquire this enormous wealth? You the people have a right to know.

PLAYING POLITICS WITH LEAA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. WALDIE. Mr. Speaker, for 2 months now I have been sitting quietly while the Law Enforcement Assistance Administration completes its funding allocations to the two cities that will host national party conventions this year. I have been waiting 2 months because it took that long for LEAA to finalize the grant that will go to the city of San Diego, Calif., to protect the Republicans.

Mr. Speaker, you and my colleagues will certainly remember a newspaper article, printed in December, which went into great detail concerning protective measures to be taken in Miami. At best, the article was sordid—describing how moneys would be spent on tanks, gas grenades, police helmets, handcuffs, and television monitor and taping equipment designed to make arrests more conclusive.

But, even more important, Mr. Speaker, is the fact that LEAA took it upon itself to advise Democratic National Chairman Lawrence O'Brien of the $395,424 grant and ask for his comments.

To put this in perspective, we must remember that LEAA made a big thing of detailing exactly what this equipment was being used for, then admitting that some of the bigger stuff would be transferred to California for the Republican Convention. Now we come to the crux of the matter.

On January 8, 1972, the Sacramento Bee ran an article detailing the LEAA grant to San Diego, with the general theme that law enforcement officials in the city were going to make sure nothing happened there like the incidents of Chicago, 1968. The grant, Mr. Speaker, is for $920,000, of which over $250,000 will be used for training alone.

The question is begging to be asked, Mr. Speaker: Was Robert Dole, Chairman of the Republican National Committee contacted by LEAA and asked for a comment? I do not think so.

The entire procedure is a simple one to understand. The Nixon administration is now in office and using every office under their command to wage a political battle on the road to the campaign. Mr. Nixon has the audacity to call on Congress for bipartisan support of his legislative concepts, while turning every facet of the executive branch into a separate, but equal, branch of the "Nixon for President" campaign. The two grants, to Miami and San Diego, were used as political toys for the administration. Another fundamental question rears its head amid all this, Mr. Speaker. Why did not LEAA simply wait 1 month and announce both grants at the same time—explaining details of each? Again, a simple answer, newsmen and voters all across the country would have easily seen that the city of San Diego is getting nearly two and a half times as much money to control crowds during the Republican Convention, even though some of the equipment to be used in Miami will be sent to San Diego at the Democratic Convention.

And so, Mr. Speaker, I come here today to set the record straight in a bipartisan manner. I wish to include both articles about the convention in the Congressional Record so that my colleague can get the full benefit of each, in relation to the other.

And, in doing so, Mr. Speaker, I would urge that my colleagues analyze each story with the full impact of some of the statements in mind. Please notice that the Republican Convention is intent on making sure all newsmen are taken to the front of the demonstrations—supposedly to get a better view, but also to restrict their activities.

And, finally, Mr. Speaker, I wish all my colleagues will realize that this entire matter was drummed up by the administration as part of a political campaign of paranoia. Get the Democrats sidetracked—expose the riots of 1968—delay the funding of San Diego until this entire funding matter for Miami has been allowed to sink into the subconscious of the voter. It is a comment on our leadership and its party when they openly play upon the emotions and paranoia of a public while betting on the belief that no one will look back at this development, place the facts in context, and realize what they have done.

As I said in the beginning, Mr. Speaker, I have been sitting back quietly for 2 months now, letting the LEAA spider weave its web and finish its work. Now, I only hope that inclusion of these two articles in the Congressional Record will open the eyes of the "voter-moth," so that it may make a sound decision on which way to fly in the elections of 1972.

The articles follow:

San Diego Is Prepared To Avoid Riots

(By John Berthelsen)

San Diego is taking every precaution to make sure there is no instant replay of Chicago '68 during the GOP nominating convention Aug. 21–25.

Paramount in those precautions is training for what James W. Connole, the San Diego police inspector in charge of the law enforcement task force for the convention, calls "crowd control, crowd management, constitutional protection of participants."

Of the city's total $920,000 Law Enforcement Assistance Act federal grant, $258,900 is budgeted for training, and not just training officers to tell how to tell demonstrators their rights as they are loaded onto the bus.

THE BEST, JUST IN CASE

"It's been said before," repeats the 20-year veteran of the force. "We are going to plan for the worst and hope for the best." And once planning is completed, he feels, "we will have some of the best-trained police, in case of a riot, in the United States."

Officers are being trained, he says, "to know the limits of the law (for them), the constitutional rights of the demonstrators, and so on. That is the constitutional protection we are talking about."

Almost since the day the city reluctantly accepted President Nixon's undisguised hint to invite the Republicans to San Diego, Connole has been making plans. And, he bristles:

"There are no goddamn armored cars (on order)." But there seems to be plenty of everything else, to make sure no long-haired, young heads are busted by flying nightsticks on the 6 o'clock news. Since last August, officers have been contacted from other demonstration-torn cities including Washington and Los Angeles to tell local officials how to cope with the situation.

LEARNING FROM OTHERS

They also are receiving help on how to handle conventions from Miami Beach, which was host to the Republicans in '68, and from San Mateo County where the GOP met in the Cow Palace in 1964. In addition, Police Chief Raymond Hoobler is expected to travel soon to Chicago where the Brobdingnagian American political brouhaha took place at the Democratic convention in 1968.

There, newsmen and spectators were assaulted along with demonstrators by police, as most of the nation looked on via television. The violence was considered a factor in the close defeat of Hubert Humphrey by President Nixon.

One of Connole's 20 two-man committees—all of them under an umbrella designation of a "general administration task force"—is setting up plans to escort newsmen to the front if a riot develops. Newsmen will not be allowed to get between demonstrators and police lines. Otherwise, he says, there are virtually no strictures on them.

Other committees are dealing with setting up communications, logistics, detention facilities, prisoner control, liaison with other agencies like the National Guard and the California Highway Patrol, and other facets of the problem.

In another unique approach, San Diego is bringing in sociologists "and people like that to come in and give us a little more insight into these people (demonstrators)," Connole says. His men are being taught crowd dynamics—the ability to spot and deal with the sparks that may set off major disturbances.

ALL REMAIN SILENT

No one on a state or national level is willing to talk about the specifics of contingency plans which climb up through the levels of regional law enforcement. But if the San Diego sheriff's office and the police department can't handle the problems, reinforcements from the six counties surrounding San Diego can be called in.

In addition, the California National Guard will be training men as part of their normal summer duties at a handful of military reservations; the closest is Camp Irwin, 175 miles from the convention city.

A spokesman for the guard in Sacramento refuses to discuss the size of units that will be kept on the alert to move if they are needed. But they do exist.

POLICEMAN FOR EVERY DELEGATE

WASHINGTON.—The U.S. government has awarded the city of Miami Beach nearly $400,000 to purchase sophisticated police equipment and to train Florida security forces for next year's Democratic national convention.

The federal grant, quietly approved by the Law Enforcement Assistance Administration, will be added to $178,313 in local funds to prevent a recurrence of riots that plagued the 1968 Democratic convention in Chicago.

The project is the first of its kind of LEAA, which has the discretion to fund innovative law enforcement projects. Florida-Atlantic University will study every phase of police activity during the convention and prepare a handbook for LEAA, which will distribute it to police agencies around the country.

Although the number of police was not included in Miami Beach's application for funds, one federal official guessed there would be a policeman for each of the 3,016 delegates attending the convention.

PHOTO RECORD

Some of the newest police hardware will be bought with the LEAA grant which includes $228,000 for equipment. There will be night vision and optical devices, metal detection sweepers and hand devices to locate guns or bombs, 35 police helmets that contain two-way radios, a radio transmission scrambling system that will prevent unauthorized persons from monitoring police communications, a closed-circuit television system complete with TV cameras mounted on telephone poles in the vicinity of Miami Beach convention hall feeding pictures back to a mobile command post.

A video tape recorder will keep a permanent record of any disturbances within the view of TV cameras, some of which will be placed in corridors and other sections of the convention hall itself.

In addition, federal funds will purchase 2,000 plastic handcuffs which have gained popularity among police in civil disturbances. The grant even provides for marking pens to write on the handcuffs the name of the person who has been arrested.

Also provided will be body armor, bull horns, mugging cameras, 12 Polaroid cameras, movie cameras, film and film processing equipment; 40 face shields for riot duty, 120 gas grenades, 20 gas grenade launchers, 45 portable radio transmitters and receivers, a portable fingerprinting field kit, two high-intensity portable lights, a mobile command van, a 22-passenger minibus to transport police and prisoners, plus maps and graphic arts materials for the police command post.

NEXT CONVENTION

Following the July 9 convention in Florida, some of the police hardware purchased by the government will be transferred for use at the Republican national convention, Aug. 21–25 in San Diego.

U.S. Justice department sources said they were uncertain as to the extent of the equipment transfer until San Diego submits its own application for federal anti-crime funds, which is expected by LEAA about Nov. 15.

Justice sources said that no federal funds were allocated for the purchase of "firearms, tanks or armored cars." Miami beach officials were told they would have to purchase these items from local or state funds.

Before final approval of the grant was made, LEAA notified Democratic national chairman Lawrence O'Brien it was funding the project and asked O'Brien for his comments.

PARTY SECURITY

O'Brien did not reply, but Richard Murphy, manager of the Democratic convention, said in a telephone interview the party attitude was that the $395,424 grant was "a matter between LEAA and Miami Beach." While not anticipating any trouble now, Murphy said, the Democrats will shortly name their own security committee, one of whose functions will be liaison with Miami Beach police.

Florida Gov. Reubin Askew has placed Miami Beach police chief Rocky Pomerance in complete charge of convention security. Pomerance will augment his 300-man force with police from all over the state, including fish and wildlife officers, highway patrol, deputy sheriffs and police from other municipalities. Pomerance, through the governor, also will have control of Florida national guardsmen.

RAND AND ITS WORK

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, the Rand Corp. has been the subject of public discussion since it became known that Daniel Ellsberg had been an employee of Rand at the time when he said he obtained possession of the so-called Pentagon Papers.

It is unfortunate that the actions of one person should reflect on Rand or on similar research organizations. Rand is too valuable to the Federal Government to permit it to suffer because of Ellsberg. It can best do its important work in an atmosphere of relative stability and quiet.

Rand should be judged, therefore, by its work and its value to the Defense Department and other agencies, not by the headlines or by the actions of a previous employee.

WHAT IS RAND?

Rand is a private nonprofit corporation engaged entirely in research and analysis of problems of American security and public welfare.

It is concerned primarily with the kinds of problems Federal, State, and local leaders face in making policy choices. The problems are usually large, complicated, long term, and expensive. The public is likely to benefit if they are addressed by public officials at least partially on the basis of objective, independent analysis.

Rand helps provide this analysis in areas of its experience and competence.

Rand began as a pioneering attempt by Government and California scientific leaders at the close of World War II to create the conditions and the institutional framework necessary for independent sustained analytic, interdisciplinary research designed to solve national defense problems.

The Rand Corp. is located in Santa Monica, Calif., with additional research facilities in Washington, D.C., and New York City. There are about 1,000 employees, about half of them professional researchers.

Rand professionals are trained in many disciplines, including engineering, mathematics, physics, economics, and the social sciences. The Rand function under its various contracts is, essentially, to apply interdisciplinary working teams to the task of developing preferred solutions and aiding the client in examination of the options.

The decisions, of course, are made by the Government officials, based on a variety of inputs, including Rand's.

RAND'S WORK

From its beginning, Rand dealt with a wide range of subjects related to the future security of the Nation. There were studies of rocket engines, high-energy fuels, computers, radar detection, and effects of high-energy radiation. Rand studies were backed up by a broad program of advanced research in mathematics, physics, electronics, and other fields relevant to the development and use of future aircraft, missiles, and satellites.

Over the past decade, Rand has applied the research methods and skills it developed in national security research to problems directly affecting the lives of Americans at home. The work has ranged from the analysis of water supply, urban transportation, weather modification, and the causes of teacher shortages in our school systems to biomedical studies involving the cooperative efforts of engineers, physical scientists, mathematicians, and physicians.

STRATEGIC POLICY

Rand is perhaps best known for its work on alternative nuclear-war policies. Rand analysts in the 1950's began a number of studies of the purposes, alternative uses and consequences of various nuclear postures. These studies provided an education for many government decisionmakers and offered specific alternative policies. One alternative explored by Rand in the late 1950's led to extensive changes in nuclear war targeting in the early 1960's.

Rand's study of air bases from 1951 to 1954 laid the foundations for the strategic concept of an assured second-strike capability, a major step in retaining limited war as an alternative to an all out nuclear exchange. It also decreased U.S. dependence on overseas bases, thus reducing international tensions. Finally, the base study developed a new concept of operations, which by Air Force estimate netted savings of $1 billion in installations alone, and was judged to provide the same security as other proposed systems costing many billions more over a 4-year period.

SYSTEMS ACQUISITION STUDIES

The Rand studies of the complex and expensive process of developing and buying major weapons systems has helped the Department of Defense to arrive at current reforms, including improved prototyping and sequential development.

Rand work on prototyping, which has been carried on since the early 1960's, has identified specific instances when there are substantial cost and performance advantages in prototyping. Rand analysts also have devised a method of measuring in advance the difficulty of meeting given technical improvements and the cost in time and money. Rand is able to contribute to current Defense Department changes because of its long continuity in analyzing the problems and its independence in developing alternative solutions.

MAINTENANCE AND MANAGEMENT

Almost all Rand analyses look for more economical use of resources, but some are aimed directly at identifying possible money-saving changes for the services. The resulting savings, easily pay Rand's cost to the Defense Department. Here are some recent examples:

Air Force Materiel Management. The Rand base stockage model was the basis of cumulative inventory savings which range upward to $200 million.

Air Force aircraft maintenance policies. Two recent studies, the culmination of 15 years' research, have led to an Air Force rethinking of basic inspection policies. Air Force cumulative and future savings flowing from this work can go as high as $100 million.

Avionics development and procurement practices. Rand suggested strategies for repair and maintenance of avionics, tailored to the needs in the field, which can save probably $4 million a year and provide better availability of systems.

URBAN PROBLEMS

Although the analytical methods developed at Rand can at best embrace only parts of any broad problem affecting society, they can nonetheless lay bare previously obscure aspects of the problems, supply data, stimulate relevant questions, and assist in defining alternatives for the policymaker. For instance, Rand is increasingly applying its experience to such domestic tasks as the appraisal of housing programs for the city of New York and development of methods for evaluating national manpower training programs for the Office of Economic Opportunity.

ANALYTICAL METHODS

Rand has been a leader in the development and application of many analytical methods now widely used in the scientific, governmental, and economic communities. One versatile analytical tool closely associated with Rand, for instance, is linear programing, which is used to optimize a particular objective while satisfying a constraint, such as minimizing costs of production or transportation, or maximizing profits.

STATUS OF RAND

Rand remains dedicated primarily to service in the national security area, but with a newer and growing contribution in domestic affairs. Its work is continuing in nuclear and limited war policy, force effectiveness, alternatives for weapons development, acquisition and support, personnel effectiveness and advanced analytical techniques.

Current funding restrictions applied to Federal Contract Research Centers by the Congress and Department of Defense have reduced Rand's DOD funding from about $19 million to $16 million. As a result, Rand is now reducing its employees dedicated to defense work by some 13 percent. This is a heavy blow to Rand, but its researchers and management continue to be dedicated to professional excellence and to public service. Their work can be of great continuing value to the Federal Government even at this lower manning level. The repercussions of the Ellsberg case should not be permitted to cut further into their productivity.

UKRAINIAN INDEPENDENCE DAY

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. SARBANES. Mr. Speaker, January 22 marked the 54th anniversary of the proclamation of Ukrainian independence—one of the proudest moments in the history of that noble land and a date which continues to inspire freedom loving men and women everywhere. It was on January 22, 1918, that the Ukrainian Rada established an independent Ukraine and on that same day in 1919 passed the Act of Union which incorporated all the lands of the Ukraine into one nation. Symbolizing the determination and courage of the Ukrainian people, January 22 provides an opportunity for all Americans to reflect upon the proud heritage which belongs to Americans of Ukrainian descent and to renew our dedication to the principles of freedom and liberty for which Ukrainian Independence Day stands.

A proud, courageous people, Ukrainians have a history stretching back over a thousand years. Theirs is a fertile, productive land. But its very fertility has been the source of its enduring tragedy, for the fine soil of the Ukraine, tilled productively by the industrious Ukrainian people, has been coveted by powerful neighbors throughout recorded history. Time after time these valiant people have been forcibly conquered by aggressor nations. Yet their soul and spirit have never been subdued. Even today while the Ukraine is held in Soviet bondage, reports reach the outside world of continuing resistance.

Mr. Speaker, the history of the Ukraine was first recorded by Herodotus and later Greek and Byzantine historians. By the ninth century the people of what is now the Ukraine had organized into a strong state called Rus with its capital at Kiev, and by the end of the 10th century the Ukraine had accepted the main features of Byzantine culture. Ancient Kiev with its Cathedral of St. Sofia became one of the most prominent outposts of Christian civilization. Then in 1240 came the invasion of the Mongol Tartars under Batu Khan which destroyed the Kievan state and reduced the capital to rubble. In the centuries that followed the fertile Ukraine passed into the constantly changing hands of powerful neighbors.

The 17th century saw a new force emerge—the freedom loving Zaporozhian Kozaks. Under their Hetman Bogdan Khmenitsky, the Kozaks defeated neighboring armies in 1648 and 1649 only to meet eventual defeat with the partition of the Ukraine in 1667 by Poland and Russia. By 1793 the Ukraine had fallen completely under the control of Russia.

its political autonomy and even its name disappeared.

Ukrainian nationalism was reborn in 1846 when 30 Ukrainian patriots under the leadership of the great Ukrainian poet, Taras Shevchenko formed the Secret Brotherhood of St. Cyril and St. Methodius. Though the leaders were all quickly arrested and either imprisoned or deported, the movement they started began a cultural revival which continued and grew, reaching its zenith during the Russian revolution.

When the Russian revolution broke out in 1917, Ukrainian nationalists seized the opportunity to establish an independent Ukraine. On April 7, 1917 a tremendous demonstration occurred in Kiev and Prof. Mykhaylo Hrushevsky, the great Ukrainian historian, called upon all Ukrainians to fight for their national rights. Out of that demonstration came the Rada—the governing council which eventually declared Ukrainian independence in 1918. The centuries' old dream of independence was realized only briefly however, for the Ukraine was invaded by the Red Army and by the end of 1919 the free republic of Ukrainia ceased to exist.

The Ukraine suffered severely between World War I and II under Soviet rule. World War II only intensified that suffering as it became a battleground for German and Russian forces. Despite the courage of the Ukrainian resistance movement, the war closed with renewed occupation of the Ukraine by the Soviet Union.

Today the Ukraine continues to be a captive nation, but the memory of that glorious period of freedom burns bright in the hearts of the Ukrainian people. Recalling the events which occurred 54 years ago in the Ukraine, I salute the Ukrainian people in deepest respect for their remarkable commitment to the principles of freedom and justice which they have so amply demonstrated throughout their history and for the continuing contribution Americans of Ukrainian background have made to the strength, progress, and prosperity of this Nation. Americans of Ukrainian background exemplify the finest tradition of American family life and love of country.

FEDERAL HOME LOAN BANK BOARD ACTION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HANNA. Mr. Speaker, it is with no small degree of consternation that I note today's action by the Federal Home Loan Bank Board in approving an application by a federally chartered mutual savings and loan to a State-chartered capital stock association.

As my colleagues on the Banking Committees of both the House and Senate are aware, conversion legislation has been introduced and was to be considered in this session of Congress. While I have been less than anticipathetical to such conversions—given an appropriate and defensible formula which would adequately meet the questions which have already been raised—I had sincerely hoped the House Banking and Currency Committee would be given the opportunity to explore further and more fully these and other questions prior to any precedential action by the Board.

Thus it is that we are placed in the position of insuring, after the fact, if you will, that this action will not have the negative consequences suggested by some of the more violent reactions but rather that the constructive results desired are as far as possible achieved. And I hasten to emphasize to my colleagues that this oversight function is made no easier by the lack of established policies and formulae for conversion which today's action may well foreshadow.

POLICING THE PLASMA PLANTS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. VEYSEY. Mr. Speaker, in yesterday's Congressional Record I include a stark account of how commercial "blood banks" bleed undernourished and impoverished Haitians for the U.S. plasma market. With virtually no safeguards, plasma from Haiti is shipped into this country to be made into various drug products. The same shortage of supervision and serious need for remedial legislation exists in the domestic plasma market.

An informative description of the U.S. plasma situation appeared in the August 17, 1970, issue of Time magazine. Although this article is now a year and a half old, the problems it describes have yet to be corrected.

The Government agency with responsibility for the purity, potency, and safety of plasma is clearly not doing its job on imported plasma and still claims to have no authority on plasma collected within single States in the United States. With the exception of Texas, few States are protecting blood recipients any better today than when the article appeared.

Mr. Speaker, the National Blood Bank Act, H.R. 11828, which I recently introduced would correct the scandalous lack of supervision of plasma operations. I will be pleased to provide my colleagues with any information they can use on this correctable problem:

Policing the Plasma Plants

Plasma, a clear, yellowish fluid that constitutes about 60% of human blood, is an important medical commodity. Hospitals use it for direct, life-saving transfusions to victims of burns and injuries, while pharmaceutical companies have been purchasing increasing quantities for use in the production of vaccines and serums. This growing demand has created a thriving business for hundreds of unlicensed private laboratories, which buy plasma for $5 and up per pint, sell it for at least a 100% profit. But it has also led to a serious public-health problem, and last week the National Academy of Sciences-National Research Council proposed strict new rules to police the plasma plants.

The prime target is the widespread use of plasmapheresis by commercial blood laboratories. An old technique, plasmapheresis separates the components of whole blood and returns the red blood cells—hardest for the body to replace—to the donor. The procedure as now employed can be both profitable and dangerous. Whole blood should not be given more often than every two months. But donors can and do sell plasma far more frequently, and often to laboratories that fail to protect either them or the ultimate user of their life-saving product.

LACK OF CONTROL

One of the dangers that blood donors face is serum hepatitis, a sometimes fatal liver disease transmitted by unsterile laboratory equipment. But the council is even more disturbed by the lack of adequate control over the majority of plasmapheresis programs now under way in the country. Coordination among programs is lacking, record keeping practically nonexistent.

Donors are both unscreened and untested. Though most whole-blood donors are volunteers in good health, many of the approximately 100,000 plasma donors are Skid Row bums and drug addicts. Desperate for money, they may involve themselves in several programs at once, selling plasma as often as three or four times a week. Many allow themselves to be hyperimmunized, so that their blood will produce disease-fighting antibodies. Others participate in programs that could create RH-factor incompatibilities, exposing them to illness or even death if they themselves should later require blood transfusions or certain types of medication.

Appalled by this situation, the Research Council has responded by drafting a set of guidelines aimed at protecting both the donor and the user of plasma products. To weed out the unfit, it proposes limiting participation in plasmapheresis programs to persons of "fixed address."

The council also wants to establish regional registries to identify qualified donors and to maintain records on them. Such a system would also prevent donors from either giving plasma too often or taking part in programs involving the injection of incompatible antigens. It also proposes strict limitations on the laboratories themselves. Under the suggested rules, a physician would be required to supervise all laboratory blood operations, examine all donors.

More than guidelines, however, are needed to deal with the burgeoning blood business. The council itself has no enforcement authority, and the U.S. Public Health Service's Division of Biologics Standards can regulate only the purity and safety of those plasma products shipped across state lines. Washington can exercise only limited control over the purchase of raw plasma from unlicensed laboratories. It is up to the states to regulate the commercial blood centers, and few, so far, have shown any inclination to act.

THE FEDERAL PRISON SYSTEM AND THE FIRST AMENDMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mrs. ABZUG. Mr. Speaker, during recent events at some of our Federal prisons it has been alleged from many sides that inmates are regarded by prison authorities as subhuman. This attitude, many of us feel, has been largely responsible for the bitter tragedies at the prisons which have shocked us in recent months.

To insure that such tragedies do not recur prison officials must work constantly from the principle that prisoners are human beings, entitled as such to basic rights and respect. Certainly the status of prisoners entails the deprivation of some of their civil rights, but prisoners should be subjected only to those deprivations which are essential to good order in the operation of prisons.

The right of prisoners to communicate freely by mail with the media is a right which cannot justifiably be infringed. What unique exigency of the prison situation can convincingly justify denial of prisoners' rights to participate in public discussion through the press? I say there is no such exigency.

Yet the letters I am inserting in the RECORD clearly describe the arbitrary denial of the above rights in the case of 36 inmates at Danbury Federal Prison.

Mr. Speaker, it is time that these human beings receive our attention. It is time that we call the Justice Department to task for its repression of the moral and political rights and beliefs of prisoners. It is time that we demand fairness and impartiality from our prison administrators.

I commend to your attention the following letters:

DANBURY, CONN., *January 17, 1972.*

Hon. BELLA ABZUG,
House Office Building,
Washington, D.C.

DEAR MRS. ABZUG: Enclosed is a letter that was submitted to the chief of classification and parole in this Federal prison on January 4. It is an "Open Letter to Richard Nixon" signed by 36 inmates and to have been sent to the New York Times. After ten days of individuals' efforts to discover the letter's fate (general inaccessibility, procrastination, and mindless equivocation mark the style of the best caseworkers). The letter was returned to the first signature; postal delivery was denied on grounds of "bureau policy." The specifics were never fully delineated. Something was mentioned that inmates were not allowed to write to newspapers.

This amorphous "bureau policy" is used as the catch-all regulatory index for most institutional commerce. It is a mysterious and sacred set of regulations summoned into being, molded to fit the occasion, and levied according to whim by which the prison machinery is stored and oiled. It is a big club to instill fear, maintain discipline, and slaveful obedience, prevent redress of grievances, and to tighten the screws until the administrators are made to stop. Power yields nothing without demand—it never did, it never will.

Sometimes interested and other than self-serving Congress people will confront "bureau policy." Sometimes inmates, braving the lethargy and uninterest of those in decision-influencing roles, will initiate action themselves—in the only way they have to guarantee a listening audience—and thus producing Atticas and Rahways.

So we have this letter, polite, reasoned, tolerantly respectful dissidence bespeaking good citizenship. To tell you the truth, Mrs. Abzug, some of us had serious qualms about signing anything so damn liberal. But it got turned back and you seem to be the only recourse right now.

It's certainly no big deal, especially in context of penal atrocity elsewhere. But it's indicative. Maybe you could read it into the Congressional Record. Maybe you could forward it to the New York Times with a copy of this letter. Maybe you could phone the Federal Bureau of Prisons about "bureau policy." Or maybe you, too, could say to hell with it.

Keep up the good work, Bella.

JOHN M. BACH.

AN OPEN LETTER TO RICHARD NIXON

(To be submitted to Mr. Key and forwarded to the New York Times)

DEAR RICHARD NIXON: It is with anger, shame and sadness that we write you to condemn the intensified bombing of North Vietnam and the continuation of the war throughout Southeast Asia.

We hope that the recent forays north will awaken this nation to the fact that the policy of the Nixon Administration is not "to wind the war down" but to continue the fighting in Southeast Asia under the cover of Vietnamization and troop withdrawal. We cannot imagine that it much matters to the people of Indochina whether they are killed and their villages and crops and cities laid to waste by American troops or by Asian troops equipped, trained and supported by the United States; nor do we believe it much matters to the people of Indochina whether death comes from the ground or under a rain of American bombs from the sky.

Merely tinkering with the policy of the Johnson Administration, or clothing the same deeds in new language, will not effectively alter the ongoing and horrible reality of the war for those it most effects—the Southeast Asians. When the Secretary of Defense chooses to refer to "limited-duration, protective-reaction strikes" instead of—more simply—"bombing raids," he does not lessen the destruction of those raids, nor does he quiet the cries of the victims.

We are not deceived. The conditions we opposed when we entered prison persist and we expect more men and women will follow us in order to underline their determined opposition to "Nixon's War."

(Signed by War Resisters and anti-war inmates at Danbury Correctional Institution.)

Michael McCord, John M. Bach, Kevin Messinger, Kevin Jones, Stephen E. Murray, Arthur Burghardt Banks, M. Henley.

Alfred A. Howell, Jr., Stephen Leeds, Daniel Berrigan, S.J., Tom Hosmer, Richard S. Stone, Stanley L. Clark, Michael Fuller, William Cox.

William R. Bowens, Donald D. Garner, Eddie Johnson, Timothy M. Pawlik, Ralph M. Howell, Paul McAlee, Ralph Almedrin.

John Sadler, Gus Edwards, William R. Lynas, William Cousins, Charles Hartwell, Salvatore Migliore, Wm. Witsey.

Frank Pezza, Gregory Mitchell, Harold Stone, Robert Barcella, Martin Goldman, Eugene S. Daniell III, Carl H. Dubitsky.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

STATE DEPARTMENT TO COOPERATE ON NEW POW CAMP INSPECTION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. ASPIN. Mr. Speaker, on February 1, I called upon Secretary of State William P. Rogers to insist that the South Vietnamese cooperate in a new effort by Amnesty International to inspect prisoner-of-war camps in both North and South Vietnam. According to this morning's Washington Post, the State Department does plan to cooperate in a new effort by Amnesty International to conduct an impartial inspection of prison-of-war camps in both North and South Vietnam.

I am happy to report that the executive commitee of Amnesty International is meeting in London this weekend to decide whether to attempt another visit to North and South Vietnamese camps. I assume that the Department of State will not allow the South Vietnamese Government to sabotage another mission by Amnesty International.

If Amnesty International gains entrance to North Vietnamese camps, it will be the first time that facilities containing American prisoners have been inspected by any competent international authority. Hopefully, with full American and South Vietnamese cooperation, a reciprocal visit of POW camps can take place.

This morning's Washington Post article follows:

U.S. SUPPORTS PROPOSAL TO VISIT POW'S

(By Sanford J. Ungar)

The State Department said yesterday that it will support an effort by Amnesty International, an organization with headquarters in Britain, to conduct an impartial inspection of prisoner-of-war camps in both North and South Vietnam.

If the organization gets a firm agreement from Hanoi that would permit it to visit American prisoners there, a State Department official said, "we would use whatever influence we have" in Saigon to persuade the South Vietnamese to permit a similar inspection.

Rep. Les Aspin (D-Wis.) announced a few hours later that Amnesty International is expected to launch such an effort after a board meeting in London this weekend.

American support for the mission would represent an apparent change of emphasis in U.S. policy, which has long regarded the International Committee of the Red Cross as the only organization sufficiently impartial to make such an inspection.

Frank A. Sieverts, a State Department officer with special responsibility for the prisoner of war problem, insisted, however, that no change of policy was involved. "We would like anyone to see the prisoners in North Vietnam," Sieverts said.

But Aspin said he was "suspicious" that the State Department had previously kept the organization from visiting prison camps in the south.

He called upon the State Department to "encourage" Amnesty International's new proposal and to put pressure on the South Vietnamese to go along.

Aspin released documents this week which he said demonstrated that the effort last spring by the organization to visit prisoners on both sides "blew up" when Saigon refused to grant visas for an Amnesty International delegation.

Sieverts denied that South Vietnam had actually turned down group's application, but had merely asked that it be "deferred" pending the efforts of South Vietnam to repatriate prisoners from the north.

He said he was skeptical, however, that Hanoi would actually permit a visit to American prisoners held in the north.

"If a visit to North Vietnam should take place," Sieverts said, "then we would support" a similar visit to the south.

But he added that "it would take an awful lot to convince us," in light of North Vietnam's refusal to let other groups visit the prisoners.

He pointed out that the International Red Cross regularly visits prison camps in the south, but has been turned down in its efforts to get into North Vietnam.

The State Department takes the position that the Red Cross qualifies under the Geneva convention on prisoners of war as a group that may conduct neutral international inspection of prison camps.

Sieverts said last night that Amnesty International, on the other hand, is a "political organization" whose impartiality is doubted in South Vietnam and elsewhere.

A non-governmental group which includes people of various ideological persuasions, Amnesty International generally has directed its efforts on behalf of "prisoners of conscious."

It has for example, investigated the conditions of political prisoners in Greece and the Soviet Union and recently prepared a report on British internment camps in Northern Ireland.

Aspin observed last night that it would be "unusual" for Amnesty International to get involved in a "shooting war situation." But he pointed out that the organization's request to the Saigon government included a desire to visit military camps as well as "civil camps," where political prisoners may be held.

The prospect for a new Amnesty International bid to visit the prisoners of war on both sides arose during testimony by William H. Sullivan, deputy assistant secretary of state for East Asian and Pacific affairs, before a House Foreign Affairs subcommittee.

The subcommittee chairman, Rep. Clement J. Zablocki (D-Wis.), raised the allegations made by his junior colleague from Wisconsin with Sullivan.

Sullivan answered that "we would welcome" a visit to the camps in the north by Amnesty International and would "encourage" a reciprocal visit to the south.

QUEENS VILLAGE-COMMUNITY SURVEY PROJECT-ECONOMICS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. HALPERN. Mr. Speaker, the students of Martin Van Buren High School in Queens Village, N.Y., have recently completed a project that, I believe, is worthy of your attention. These students undertook a study which traces the history of the Queens Village community and provides valuable information as to the social and economic complexion of the area. The data gathered in this study along with the well-written analysis makes this work equal to many professional efforts.

All too often, our younger generation is criticized for their lack of direction and their inability to do work of lasting value. Clearly the students of the honors economics class in Van Buren High School disprove this common cry. So interesting and illuminating is this study that copies are being sent to the Queens Village and Jamaica branches of the public library as well as to the local community organizations. I am sure that this study will be most valuable to those in government who plan and fund community facilities for this section of the Queens County.

The students covered the following areas in their research: history, people, location and physical setting, size of the community, occupation, politics and elections, health, recreation and culture, housing and school facilities, welfare agencies, transportation, and drug abuse. A bibiography of success is appended for each section of the study.

Every area was probed for all the facts it could yield, the students relying on standard source books, interviews, and surveys based on door-to-door research or questionnaires taken home by Van Buren students living in Queens Village. Each of the 12 sections of the book was prepared by a team of 2 or 3 students working together.

Students drew on every community resource available, including the parks department, borough president's office, local newspapers, human resources administration, Queens Board of Elections, Jamaica Social Services Center, Queensboro Council for Social Welfare, and so forth. Important reference works used were the "City Plan of New York, (Borough of Queens)," and the most recent census available.

After you examine this study, Mr. Speaker, I am sure you will understand why I am particularly proud of the young people who live in my community. It is a reflection of their concern for Queens Village as well as a fine example of their intellectual curiosity and abilities.

At this time, I would like to insert this study into the RECORD so that my colleagues may share in the insights and wealth of information published in this project:

QUEENS VILLAGE-COMMUNITY SURVEY: CLASS RESEARCH PROJECT-ECONOMICS IH3

(By Martin Van Buren High School, Social Studies Department)

Edward Kelso, Assistant Principal.
Richard DeFiore, Teacher.

CHAPTER AND TEAMS

History: Sylvanne Beck, Marlowe Schneidkraut.
People: Joanne Masiello, Sharon Grossman.
Location: Neal Buchalter, Stuart Forster.
Size: Andy Simon, Steven Finn.
Occupation: Jeffrey Liebowitz, Eric Skelnick.
Politics: Wayne Hamburger, Paul Fergione.
Health: Nina Schwartz, Lisa Cogen.
Recreation: Alan Grenadir, David Finkelstein.
Housing and Education facilities: Kennetth Roistacher, Jeffrey Strom, Bill Unger.
Welfare: Douglas Love, Alan Lipkin.
Drug Abuse: Mark Rosen, Jay Newman.

HISTORY

The history of Queens Village dates back to the 17th century—1640 to be exact, when ancestors of Mr. Charles P. Rose traded fresh bread for meat with the Indians.

The original founders were, of course, the regional Indians. Two tribes appeared to dominate the area—The Cauaisle—who dominated land from Sheepshead Bay and Coney Island to Jamaica—and The Matinecoc—a branch of the Algonquins who inhabited the Alley Pond Park area, Little Neck and Douglaston.

The first name of this tract (now the present Queens Village and Bellaire) was "The Little Plains" to distinguish it from the Great Plains of Hempstead. It was then a wilderness, transformed into fertile grounds yielding prosperous crops, and then into a New York City suburb located sixteen miles from Manhattan. The first roads were Hemptead Turnpike and Jamaica Avenue, originally Indian roads.

About 1824, Thomas Brush settled in what was known then as "The Little Plains."

In 1844, the Long Island Railroad (Brooklyn-Greenport, L.I.) was built and a railroad station was built at Brushville, although it was noted that the trains only "slowed down."

Adjacent to, and north of the Long Island Railroad Station, Brush built a hotel, chapel, grocery store, blacksmith shop and a tobacco factory.

On January 1, 1857, at a Public Meeting, the name of that part of Brushville was changed to Queens after Queen Catherine of Braganze, wife of King Charles II of England.

The area had its initial start as a residential, suburban community through the enterprise of Col. Alfred Wood, a civil war hero, and later Mayor of Brooklyn (1864–1865) and United States Consul to Italy. Col. Wood laid out a large tract in 1868 which he called "Inglewood" after his 200 acre estate.

In 1871, Wood arranged with the President of the Long Island Railroad to build a new station on land donated by himself. The railroad station was built, but the Long Island Railroad refused to honor the stop unless it was called "Queens." The "Inglewood" sign was pulled down and the "Queens" sign went up.

In September 1924, the name was changed to "Queens Village" to avoid confusion with the county. It was officially recognized and assigned a Post Office. A library was established in 1896 through the efforts to the Shakespeare Club of Queens. It became a branch of the Public Library in 1901.

After the World War II real estate boom, Queens Village was transformed from an agricultural community to a residential suburban community.

The area Queens Village includes: east of Francis Lewis Boulevard to Cross Island Parkway and the Nassau County Line; south of Grand Central Parkway to 114th Avenue.

Famous Buildings and Events:

Queens Village Reformed Church, built in 1858, Jamaica Avenue and Springfield Boulevard.

Lyceum Hall: 98–01 218 Street, oldest meeting place in Queens Village. Built in 1889 as a Woman's organization under the supervision of Mrs. Alfred Eno. No important events in regard to women's suffrage were noted and the organization soon moved. Today, it is a Veteran's meeting hall.

Callister Plant

A distinct "change of the times" can be noted at 212–50 Jamaica Avenue, once home of the Callister Plant, a carriage and farm wagon manufacturer. It is now a Lincoln-Mercury Dealer a showroom and sales office.

Veteran's Plaza

This is dedicated to the memory of all World War II martyrs from Queens Village. It is located at Amboy Place and Jamaica Avenue, across from the Railroad station.

Other points of interest include Cunningham Park, named for a blood-thirsty Revolutionary War general, the Queens Village

Public Library, the Queens and Community Theaters, Creedmoor State Hospital, and Alley Pond Park.

In 1927, Queens Village achieved nationwide notoriety as the scene of the Snyder-Gray Murder. An Art Editor, Albert Snyder was killed with a sash weight by his wife and her lover, a man named Judd Gray. The only reasons for putting it on front pages was the involvement of a sex triangle, and the Snyders were ordinary people in an ordinary suburb—the sort of people with whom the ordinary reader could identify. The Snyder-Gray case felt the nation's delight at vicarious horrors and was a result of the forces of ballyhoo. Mrs. Snyder was the first woman sent to the electric chair.

Queens Village Centennial: September 1971: This event, featuring parades and dances was held to honor the construction of Col. Wood's Long Island Railroad Station, September 1871. Guest speakers included Mayor Lindsay and Astronaut Alan Shepard.

Alley Pond Park

Alley Pond Park, 409 acres, bordered by Union Turnpike, Winchester Boulevard, Springfield Boulevard, Cross Island Parkway, and Northern Boulevard, were at first settled by the Matinecoc Indians.

In 1637, Thomas Foster, the first settler, obtained a royal land grant of 600 acres near the "Alley". He built his home, a beautiful stone house there, three years later. It was a refuge against Indian attacks, and the only way of entrance was by means of a creek.

An Englishman by the name of Bartlett sailed up the creek one day looking for Flushing. He stayed at Foster's home awhile and gave him a cutting from a pear tree upon his departure. From that cutting appeared the first Bartlett pears in the United States.

In 1752, a grist mill was built near the alley. It was the scene of filming of several shots for the silent movie, Zaza in 1920. The entire village was made to appear as a European hamlet, the general store, a Swiss Chateau.

The general store was built beside the grist mill in 1838. A post office was built in 1821. This was the official post office for the town of Flushing. "The Alley", the pass through the hills and swamps, was often used as a shortcut route from Roslyn to Flushing or from Refers to "Alley Pond" located off Northern Boulevard and Long Island Parkway, Roslyn to Jamaica or New York via Jamaica and Brooklyn.

All the historic buildings have since been torn down to make way for the Cross Island Parkway. "Alley Pond" before the parkway, was so beautiful it was often synonymous with Thoreau's "Walden."

It was established as a park in 1929. The park consists of a half mile nature trail, 16 tennis courts, playgrounds, wading pools, and fields for handball, softball, baseball, basketball, and football. It contains the borough's largest picnic spot. Two lakes, Oakland Lake and Alley Pond, are dying from the effects of the carbon monoxide of surrounding parkways. The enlarging of the Grand Central Parkway, which involved destruction of much of the park, has had devastating effects on residents and ecologists.

Creedmoor

Creedmoor (Boundaries: Hillside Avenue, Winchester Boulevard, Union Turnpike, Marathon Parkway) was established as the Creedmoor rifle range by the National Rifle Association in 1872 by General George W. Wingate and named for the Creed family who owned the land. It was acquired by the state in 1890 as a rifle range for the National Guard. Many famous International Rifle Meets were held there, the first being in 1874 between the Irish and American teams. The American team won 934–931. In 1876, the Centennial International Rifle Match was held at Creedmore. This attracted wide attention. The scores were:

American team	3,126
Irish	3,104
Australian	3,096
Scottish	3,061
Canadian	2,923

There were over 85 acres, with 30 targets ranging from 50–1200 yards. Regiments of the National Guard were required to practice here at regular intervals. An economic depression and "penny-pinching" governor left abandonment of Creedmoor in the 1890's. The National Rifle Association moved its range to Sea Girt, New Jersey.

Several reminders of the Creedmoor Rifle Range consist of a few street names: Winchester Boulevard, Pistol street, Range Street and Sabre Street.

A poem written by Dr. Charles Mil.er, a Queens Village poet, about the Creedmoor Range is on the following page.

A painting of the historic Creedmoor Oak Trees was exhibited at the National Academy of Design.

In 1910, the Brooklyn State Hospital was decided to be built. In 1935, it became an independent institution, involved in the care of mentally ill patients, and a center for psychiatric research. A farm complex was also constructed to raise fruits and vegetables for the hospital patients. The farm is still in existence, but it is no longer in use.

The Creedmoor complex consists of over 25 buildings, plus a 22 story building, the largest structure in Queens, and a children's psychiatric Institute. The entire complex consists of 312 acres.

Creedmoor has been under the constant blows of criticism. Due to lack of funds, it is overcrowded and understaffed. One critic called it a "blight to the community." Another more recent critic: "Today the existing treatment and residential areas are the abandoned stage sets; isolated stage sets; isolated from each other and the community outside the fence." A dysentery epidemic occurred in 1944, which brought national attention to the hospital and care for the mentally ill in general. Creedmoor was called the "Crematory."

Despite its constant blows of attack, Creedmoor's facilities and care for the mentally ill, have been steadily improving. There is no longer any need to call it a "blight to the community" but to look at it as an important service to the community, the city, and the state.

THE PASSING OF THE CREEDMOOR OAKS

"'Tongues in Trees' were most eloquent in these!
At Queens we rode by 'Doughty's Grove' today;
A favorite pastime on Jericho Highway
Has given one a half-century of real delight.
Afforded by nature's woodland beauty site
'Too old for ship timber a hundred years ago'
Alas! this venerable forest now must go!
How the heart of each noble tree broke
At tree murder's iconoclastic stroke
Indeed, precious are the traditions recorded true
Of historic rendezvous, 'festive barbecue'
'War Rally' where the immoral Beecher's voice
Made each patriotic heart rejoice
There firmly the old oaks stood
The same primeval wood
There native Indian chiefs and braves
Would protect the trees or fall in hero's graves.
Later, the nature-loving fortune telling gypsies came
With quaint tents and campfires enchanting the same.
Then one sad note of less romantic sound
'Neath underwood, solitary suicide was found.
A public park the brave old oaks should be today.
A noble object lesson 'oasis' has passed away."

Carl De Muldor Miller (Dr. Charles Miller).

The poem summarizes fame of Creedmoor, its oaks, the Rifle Range, and the great International shooting matches.

Queens Village is more or less, a small town with a simple but unique history located within the realms of a gigantic city, teeming with history and problems. In its brief one hundred year span of a few important recorded historical events, it has managed to keep a sense of pride and unity typically found in small American towns. Queens Village has undergone many transformations. Only one hundred years ago it was all farm lands. Only after World War I did residential homes begin to spring up.

Although Queens Village is not noted for any fantastic historical or cultural events, its unique old-time homes and castle houses and small shops, embedded in the atmosphere of a small town only 16 miles from a teeming metropolis, make it an interesting community.

PEOPLE

Collecting recent data for this report was an impossible task. As a result, all work was based in the 1960 census because the 1970 census figures were not yet available. Wherever we went in search of data, we were advised to return in six months when the 1970 census reports would be at our disposal.

We went to the Census Bureau in pursuit of information and were informed that some of the 1970 Census results were available but not for geographical subdivisions the size of Queens Village or Census tract 1301. Census tract 1301 is the census code for the area immediately surrounding Martin Van Buren. These would be ready at a later date. That same day, we visited the City Planning Commission. It was our hope that we could study the new city plans for Queens and that they might provide pertinent facts. However, we were advised that they were not available at present.

We called the Queens Village Chamber of Commerce, anticipating that they would have some relevant material pertaining to their own town; they were most apologetic but could offer nothing.

A telephone call to the Borough President's office, resulted in the suggestion that we go to the library. We telephoned the Long Island Press and the New York Times and were given the same advice. We did have some success when we called the Daily News. They were very helpful and did offer some information but, again, this was for the 1960 Census.

We visited the Long Island Room of the Central Branch of the Queens Borough Public Library twice and collected what little information they could offer. Most of this data dated back to 1960. The publications dated 1962 and 1966 had facts which were based on the 1960 Census statistics.

Telephone calls to the Civil Court, Ethnic Court, and the Marriage License Bureau proved fruitless. All were unable to offer any assistance other than to refer us to the Library.

When we called the Municipal Reference Library, we were told that they had some data—all of which was based on the 1960 Census. We had planned to research their files, but were unable to do so because they are open Monday through Friday only. We phoned the City Planning Library and the Library of Archives and Records, but they were unable to offer any assistance.

The school library had nothing and the librarian recommended we go to the Central Library, as did the local librarian. Therefore, statistics, unless otherwise noted, are from 1960 census tract 1301.

TABLE 1.—*Age distribution*

Under 5	431
5 to 9	812
10 to 14	789
15 to 19	329
20 to 24	99
25 to 29	137
30 to 34	351
35 to 39	643
40 to 44	709
45 to 49	454
50 to 54	240
55 to 59	145
60 to 64	112
65 and over	228

Median age—32.1 years.

TABLE 2.—*Sex distribution*

Male	2,703
Female	2,776

TABLE 3.—*Race distribution*

White	5,464
Negro	9
Puerto Rican	0
Other	6
Total	5,479

TABLE 4.—MARITAL STATUS

	Male	Female
Total 14 years and over	1,708	1,813
Single	295	284
Married	1,384	1,391
Separated	6	13
Widowed	25	112
Divorced	4	26

TABLE 5.—*Ancestry*

United Kingdom	103
Ireland	60
Norway	4
Sweden	21
Germany	291
Poland	555
Czechoslovakia	64
Austria	273
Hungary	100
U.S.S.R.	793
Italy	317
Canada	86
Mexico	0
Other	300

TABLE 6.—*Origin of birth*

Total people	5,479
Total foreign stock	2,967
Foreign born	511
Native, foreign, mixed parentage	2,456

TABLE 7.—*Religious distribution*

	Percent
Protestant	24
Roman Catholic	54
Jewish	20
Other	2

TABLE 8.—*Annual income distribution*

Total number of families	1,430
Under $1,000	20
$1,000–$1,999	8
$2,000–$2,999	21
$3,000–$3,999	30
$4,000–$4,999	92
$5,000–$5,999	231
$6,000–$6,999	235
$7,000–$7,999	158
$8,000–$8,999	160
$9,000–$9,999	125
$10,000–$14,999	260
$15,000–$24,999	74
$25,000 and over	16

Median annual income, $7,494.

I. Organizations

A. Religious:

(1) Churches:

(a) Betany Lutheran Church.

(b) Grace Lutheran Church.

(c) Hollis Avenue Congregational Church.

(d) Lutheran Church of the Redeemer.

(e) Methodist Church of Queens Village.

(f) Queens Reform Church.

(g) St. Joseph's Episcopal Church.

(h) Queens Baptist Church.

(i) Church of the Good Shepard.

(j) First United Presbyterian Church.

(k) Holliswood Community Church.

(l) Evangelical Lutheran Church of the Redeemer.

(m) Calvary Church of Queens Village.

(n) Church of Jesus Christ of Latter Day Saints.

(o) First Church of Christ Scientist.

(p) Incarnation R.C. Church.

(q) Our Lady of Lourdes R.C. Church.

(r) SS. Joachim and Anne R.C. Church.

(s) American Martyrs R.C. Church.

(t) Jehovah's Witness Kingdom Hall.

(2) Synagogues:

(a) Bell Park Jewish Center.

(b) Hollis Hills Jewish Center.

(c) Holliswood Jewish Center.

(d) Queens Jewish Center.

(3) Related Organizations:

(a) St. Anne's Council—No. 2429 Knights of Columbus.

(b) Court Our Lady of Lourdes—No. 1082, Catholic Daughters of America, Meetings every second and fourth Monday.

(c) Queens Chapter No. 732 Order of the Eastern Star, State of New York.

(d) Young Christian Society—The Evangelical Lutheran Church of the Redeemer.

(e) Catholic Traditionalists Movement.

(f) Catholic War Veterans No. 185.

(4) See Religious Distribution By Identification:

RELIGIOUS DISTRIBUTION BY IDENTIFICATION

[Population in thousands, 1970; communities Q and R total Queens Village; figures do not total because of rounding]

Communities	Estimated population	Protestant population	Percent	Roman Catholic population	Percent	Jewish population	Percent	Other population	Percent
R	50	12	24.0	27	54.0	10	20.0	1	2.0
Q	57	18	31.6	33	57.9	5	8.8	1	1.7
QV									
Total	107	30	28.0	60	56.1	15	14.0	2	1.8

B. *Fraternal*: According to the Queens Village by-laws, service clubs are composed of professionals and business people.

(1) Lions Club—largest international membership.

(a) local membership, 45.

(b) aims, sight conservation and combat of drugs addiction.

(c) goals. (1) Funded research on laser work and glaucoma; (2) established Braille libraries and print shops; (3) founded seeing-eye dog training school and related facilities; (4) sponsored summer camp for blind; (5) sponsored candy sale and raised approximately $3000 to be used to combat drug addiction.

(d) meetings from September to June. Weekly meetings are held on Tuesdays at Antuns.

(2) Kiwanis Club—International:

(a) Local membership, 27; international membership 400,000.

(b) Aims: Motto: "We Build"—to help in any way possible the youth of the community.

(c) goals:

(1) Kiwanis Baseball—sponsors 1600 boys from ages 8 to 13 years.

(2) Boys' camp—this year the club sponsored three local boys.

(3) Youth of the Month Program—honors senior students from local high schools for their scholastic achievements.

(4) Service award to high schools—recognizes students prominent in school activities.

(5) Cop of the Year Award—honors outstanding policeman of the year.

(6) Funds boy scouts and Girl scouts of America.

(7) Actively involved in Drug Alert Program—printed up and distributed posters and cartoons on the topic and distributed them to local schools.

(d) Meetings from September through June:

(1) weekly meetings every Wednesday at Antuns.

(2) Annual State convention.

(3) Annual international convention.

(3) Rotary Club—International:

(a) Local membership, 45; international membership, 15,000 clubs in 149 countries. For further information on joining, write: Brief Facts, P.O. Box 84, Queens Village, N.Y. 11429.

(b) aims—"service above self"; "The improvement of our community and the advancement of world understanding and peace."

(c) goals (1970)—water pipeline built and financed in Haiti.

(4) St. Anne's Council—Knights of Columbus No. 2429.

(5) Eastern Queens Business and Professional Women's Club, Inc.

Queens Chapter No. 732 Order of the Eastern Star, State of N.Y.

(7) Ancient Order of Hiberians—Viv. 17.

C. Social:

(1) American Legion—No. 980 and No. 301.

(2) Bell-Vill Civic Assoc.

(3) Catholic War Veterans—No. 185.

(4) Creedmore Civic Assoc., Inc.

(5) Eastern Queens Ad Hoc Committee for a Natural Attitude Toward Urban Recreational Environment (NATURE).

(6) Queens Village Rep. Club.

(7) V.F.W. Unity Post No. 1570.

(8) Rocky Hill Civic Assoc., Inc.

(9) Y.M.C.A.—Eastern Queens.

(10) Wayanda Civic Assoc.

(11) Queens Village Civic Assoc.

(12) Queens Village Stamp Club.

(13) Queens Village Camera Club.

(14) Young Republicans of Queens Village.

(15) Boy Scouts of America.

(16) Hollis-Bellaire-Queens Village Little League.

(17) Lioness Club of Queens Village.

(18) American Assoc. of Retired Persons Chap. No. 560.

(19) Queens Braddock Civic Assoc.

(20) Queens Village Boys Club.

(21) Queens Village Democratic Club.

(22) Twenty-First A.D. Democratic Club.

II. Cultural resources

A. Cultural Organization on the Arts:

(1) Goals—secured street closing for the Queens Village Centennial.

(2) Aims—promote the lively arts by sponsoring a/O presenting artwork, ballet, music, etc. to the public of the community.

(3) Funds—from N.Y.C. and N.Y. State organizations for the lively arts.

B. Theatres: (1) Community Theatre; (2) Century's Queens Theatre.

C. Libraries: (1) Queens Village Branch of Queens Borough Public Library.

D. Physical Activity Center: (1) Y.M.C.A. of Eastern Queens.

III. Delinquency—Crime

A. According to the Commissioner of Police: Queens Village has a comparatively lower crime rate than anywhere else in Queens, and therefore, does not need extensive coverage. Until the new building is completed, the Queens Village police precinct (No. 105) is stationed in Rochdale at the 113th precinct.

B. Community Policy Patrol for Queens Village.

(1) Headed by a police sergeant to provide expanded power and increased facilities.

(a) The sergeant is the acting police chief of the community.

(b) The community force is composed of 60 men; 20 men per tour in a round-the-clock patrol.

(c) Patrol coverage includes business and problem areas in the heart of Queens Village (on Jamaica Ave.).

C. Delinquency Statistics—Queens Village:

(1) No information on crime rate, delinquency, and staff coverage by police was dispensed for this report by the 105th precinct.

Delinquency (1967) *

Queens	33.6
Q**	25.6
R**	75.6
Queens Village	101.2

*Offenses (arrests and referrals of the Police Dep't) per 1000 youths from 7–20 years of age.

**R and Q are sections which make up Queens Village

IV. Mental Health

A. Creedmore State Hospital—only mental institution in Queens Village, funded by the State. There is however, a private organization for brain-injured children.

(1) Recently, Creedmore has established an Open Door Policy and an Out-Patient Policy to lessen the number of permanent patients per day.

(a) Open Door Policy—patients come and go as they see fit, everyday.

(b) Out-Patient Policy—Patients report to Creedmore only when they feel in need of help, and then sign out to go home, when appeased.

(2) Creedmore houses the mentally disturbed and brain-injured of all ages.

LOCATION AND PHYSICAL SETTING OF QUEENS VILLAGE

Climate: The climate of Queens Village is called continental by some and temperate by others. We have a seasonal climate. Neither extreme winters or burning summers plague us.

Many businesses are controlled by the seasons. Ice cream vendors (for example) sell their goods during the warm summer months. Other businesses, such as clothing stores, must restock their shelves for each new season.

Soil: Queens Village soil has a large amount of gravel in it. It also contains considerable amounts of clay. Under the loose top soil, we have a solid sedimentary rock base.

The soil can and was used for agricultural purposes, but it is not the best. The rock base allows the easy building of tall buildings with a minimum of time and money spent on the foundation.

Food Production: The production of food in Queens Village is very limited. Meat production is non-existent, however, many residents of the community grow some of their own fruits and vegetables. Those who do, do it as a hobby, not intending to support themselves by it.

Center of Population: Queens Village does not have very many dense population centers. Most of the housing units in the community are private one or two family houses. There is also a limited number of low rise apartment buildings. The center of population for New York City is far from Queens Village.

Our community does have two areas of fairly dense population. The first area is between 90th and 99th Avenues and 190th and 204th Street. The other area is bordered by Braddock, Ransom, Jamacia, and 87th avenues.

Natural Resources: Today, the natural resources of Queens Village are limited. We have wooded lands (at least as compared to the other parts of the city), waterways, and people.

The woods and ponds of Queens Village are scattered over the community. They are probably the most important resources we have. It's a shame that the few remaining areas are being destroyed. Now there are ponds such as Lily Pond and Pea Pond still left. Queens Village also has two major parks: Alley Pond Park and Cunningham Park. Both parks have baseball fields and similar facilities.

Queens Village has no direct contact with the ocean. Yet, it plays a significant role in the lives of many of the residents of our community. New York City, which supplies a large percentage of our employment, developed in the beginning, mainly due to the great seaport and harbor that it had. Today, many people use the not so distant beaches as a place of pleasure and entertainment, especially in the summer.

The people, if you can call them a natural resource, are last, but not least. The population tends to be a working, white, middle class society. Unfortunately, some people have grown unfriendly and cold; a tragedy caused by the vast population of the large cities.

Physical Setting: Queens Village has a very interesting geological significance. There is a steep hill, following and just north of Hillside Avenue. This hill marks the exact spot where the great glacier stopped.

Problem Growing Out of Location and Setting: Many of the communities problems stem from its out lying location. About sixteen miles from city hall, taxed by the city, yet feeling remote from it, residents believe they are slighted and unserved. Some grievances are legitimate; public transportation and connections with other parts of the city have been deficient; improvements, such as street paving and repair and sewer installations, have been slow. With the remaining vacant land quickly being developed, the need for services from the city is increasing. The district has an expanding air freight industry, and the community suffers from the noise of planes arriving and departing from Kennedy Airport.

Queens Village Location and Physical Setting: The location of Queens Village has many advantages. It is close enough to the city so that we have the advantages of the city. Yet, it's far enough from the city so that we don't have the pollution and extreme overcrowding.

The ground allows the little agricultural use we demand of it. It also has the solid bedrock which makes the buildings of tall structures much easier. Even the climate is helpful. The weather rarely freezes the activity of the community. With the different seasons, residents are exposed to all the different out door sports and activities.

Queens Village may not be the perfect community, but the location and physical setting don't harm it any.

SIZE OF THE COMMUNITY

The community of Queens Village is an area bordered by Union Turnpike and Grand Central Parkway on the north, 211 Street on the west, Jamaica Avenue, on the south, and Gettysburg Street, Braddock Avenue and Winchester Boulevard on the east. We studied the size of the community, particularly the population. Our research took us to the 1960 census where we found that Queens Village was broken down into eleven census tracts. In addition to our general study of Queens Village, we did an in-depth study of tract 1301. This tract, which contains Martin Van Buren High School, is determined by Union Turnpike and Grand Central Parkway on the north, Springfield Boulevard on the west, Hillside Avenue and Braddock Avenue on the south and Winchester Boulevard on the east.

In our study of Queens Village, we discovered certain trends in the population. We researched schools and trade areas in the neighborhood. This included banks, industry and business, and shopping centers. Finally, we conducted a survey of selected families in Queens Village and found out their attitudes towards the size of the community.

The typical types of housing in Queens Village are: single family detached, two-story garden apartments, row houses and small apartment houses. The maximum density in the area is from four, to about 29 housing units per acre.

There are numerous places to shop in Queens Village. The community has both large and small shopping areas. There are also many shopping centers outside of the neighborhood that are frequented by Queens Village residents.

On Hillside Avenue between Springfield Boulevard and 88th Avenue there is a minor shopping center that includes two supermarkets and an assortment of smaller stores. There is also a major commercial area on Jamaica Avenue between 216 Street and 220 Street. This area of stores, service facilities, commercial recreation, and offices include shopping centers at Roosevelt Field, Green Aces, Jamaica, Glen Oaks, and Lake Success.

Queens Village has more banks in a concentrated area than any other community in the city. A few of them are: Jamaica Savings Bank, Reliance Federal Savings and Loan Association, and the Kings Lafayette Bank. These banks pay varying amounts of interest, as much as 5¼% annually.

Industry and business are concentrated in two areas, both along Jamaica Avenue. On the south side of Jamaica Avenue, from 212 Street to 220 Street there is light industry. This includes light manufacturing and warehousing. On the north side from 212 to 216 Street there are heavy commercial and service activities. Among these industries are warehousing, motor vehicle repair, and amusements.

To find out the attitudes towards the size of the community, we took a survey of fifty students from Martin Van Buren High School that are residents of Queens Village. The survey consisted of eight questions involving population trends and school and community problems. The results of our survey can be seen on table 4. One interesting aspect of the survey was that 47 out of 50 students said that Van Buren is overcrowded, yet only 29 felt that there are not enough schools in Queens Village. We agree that there are not enough high schools in the area, but there is a sufficient number of elementary and junior high schools. Most of the students we spoke to stated that overcrowding is the major cause of the school's problems. Some of the problems they mentioned were, large classes, double session, and not enough personal attention from teachers as well as advisors.

We also looked into community problems stemming from the size of the area. Almost 50% of those surveyed said that Queens Village is overcrowded. More than 75% felt that the area is too segregated. The other questions that we asked were: Are there enough shopping centers and what do you think the average annual income of a family in Queens Village is? Community problems that were suggested are; crowded busses, segregation, not enough recreational facilities, and not enough job openings.

Through the course of our research, we found that the population of planning district 13, (which Queens Village is a member), has had an increase of 100,000 people in only two decades. However, we feel that this figure is not very significant because the population of most areas have been increasing at a similar rate.

We feel that the population of Queens Village is an adequate size now, but increases could cause severe difficulties. We also think that the community is too segregated. Queens Village could use another high school to relieve the pressure on Martin Van Buren.

TABLE I.—POPULATION

[Based on 1960 census data]

Category	Tract 1301			Queens Village	
	Number	Percent	Percent [1] Q.V.	Number	Percent [2] Q.V.
1. Preschool	631	11	25	2,473	9
2. Teens	542	10	20	2,668	10
3. Voting age	3,192	59	17	18,159	70
4. Over 65	156	3	6	2,406	9
5. Nonwhite	25	0.05	44	57	0.2
6. Negro	25	.5	81	31	.1
Total	5,347			26,194	

[1] Percent of the number of people in a particular category in all of Queens Village that are in tract 1301, 81 percent of the Negroes in Queens Village are in tract 1301.

[2] Percent of people in a particular category relative to Queens Village.

TABLE II.—SCHOOL POPULATION [1]

School	Students	White		Negro		Puerto Rican		Capacity	Plus or minus capacity	Percentage of rooms [2]
		Number	Percent	Number	Percent	Number	Percent			
Junior High School 109	1,581	1,020	65	544	34	17	1	1,684	−120	93
Public School 33	1,220	1,109	90	94	8	17	2	1,442	−169	87
Public School 18	386	3,117	82	64	16	5	1	689	−303	56
Public School 135	1,180	927	79	241	20	12	1	1,310	−130	90
Van Buren	4,470	3,393	88	482	11	55	1	3,468	+1,002	128

[1] Population based on plan for New York City, 1968.

[2] Percentage of rooms in use.

TABLE III.—INCOME

Category	Number of families	Percent
Tract 1301:		
Under $1,000	20	1.5
Under $5,000	161	11.0
$5,000 to $7,000	466	33.0
$7,000 to $15,000	703	50.0
$15,000 to $25,000	74	5.0
Over $25,000	16	1.0
Total	1,430	
Queens Village:		
Under $1,000	94	1.0
Under $5,000	1,344	18.0
$5,000 to $7,000	1,875	26.0
$7,000 to $15,000	3,416	49.0
$15,000 to $25,000	404	6.0
Over $25,000	53	1.0
Total	6,997	

[1] Income based on figures from the 1960 census.

TABLE IV—SURVEY [1]

Question	Response	
	Yes	No
Is area overcrowded	23	27
Is area segregated	38	12
Is Van Buren overcrowded	47	3
Is overcrowding the cause of school problems	41	9
Are there enough schools in Queens Village	21	29
Are there enough shopping centers	44	6
What are some school and community problems growing out of the size of the community	(2)	(2)

[1] Average income of families in area surveyed: Under $5 000, 3; $5,000 to $7,000, 8; $7,000 to $15,000, 24; over $15,000, 15

[2] Varied answers in body of report

OCCUPATIONS

The community of Queens Village encompasses a wide range of occupations, incomes, and other related factors. Since our report deals basically with the school community, we limited our survey district to the area between Jamaica Avenue and Union Turnpike on the south and north, and 233 Street and Bell Boulevard on the east and west. Occupations: The area which we have delineated is a typical middle class neighborhood. There is an abundance of people employed in municipal and community services. Included are policemen, firemen, sanitation workers, and postmen.

Production also plays a great occupational role in the life of this section of Queens Village. Machinery and other durable goods, textiles and apparel, and food and other kindred products make up the largest amount of employment in manufacturing among the people of the community.

Distribution is also an important factor in the occupational breakown of the people in the area. Included in this subheading are people involved in wholesale trade, retail trade, and the ownership of eating and drinking establishments.

Transportation is an integral part of the community though not an extremely large segment of the populace is employed in this field. Taxicab drivers, motormen, and bus and truck drivers are included in the above.

Educational and other professional service employees make up a fairly large segment of the community. This subdivision encompasses teachers, lawyers, doctors, dentists, and also engineers and architects.

Workers in communication also make their mark on the community. Included in this field are printers, publishers, telephone operators and repairmen.

Income: Income in this portion of Queens Village ranges from the moderately low to the upper brackets. It ranges from about $3,000 a year to $15,000 and over. As one proceeds north in this section of the community, one finds that income generally rises. The following is a chart showing income breakdown per family size. (Taken from plan for Queens.)

Size	3,000 to 5,999	6,000 to 9,999	10,000 to 14,999	15,000 and over
1 person	334	275	0	8
2 people	3,466	4,594	1,536	274
3 people	2,272	4,631	2,182	602
4 people	2,302	5,342	2,507	944

This chart shows us that the community is basically middle income with yearly earnings between $6,000 and $15,000 and that, in general, larger numbers of people earn more money to support larger families.

Unionism: Workers in the community belong to unions according to their occupational breakdown. Main unions include: Patrolmen's Benevolent Association, Uniformed Fire Fighters, United Sanitation Workers, Transit Workers Union, United Telephone Repairmen. Workers have gone out on strike when their unions led the way.

Unemployment: According to the Department of Labor, unemployment figures are given for a specific census tract only if there are one hundred people on unemployment in that tract and if that number constitutes 5% of the total population of the tract. It is conceivable to have 150 people unemployed, but that might only constitute 3% of the population of the tract. Therefore, this statistic will not be listed. None of the tracts for the section of Queens Village we are studying were listed at the Department of Labor, showing us that unemployment is either less than 100 families per tract or less than 5% per tract. In our survey, we came upon only two families who were unemployed.

Welfare: In this section of the community, 106 cases of welfare have been filed, constituting 201 people. This includes home relief, temporary aid to dependent children, old age assistance, and aid to the blind and disabled.

Transiency: There are no figures available for job changes. In our survey, we found only two or three cases of job changes or changes in occupations in the past year. According to Mrs. Handler, head of the Queens Village Chamber of Commerce, people keep the same jobs and occupations for practically their entire lives. This district is one of the stablest segments of Queens in this respect.

Child Labor: There are no reported incidents of child labor in our sampling district. We must assume that it is non-existent.

1960 CENSUS STATISTICS OF OCCUPATIONS IN TRACTS LOCATED BETWEEN JAMAICA AVENUE AND UNION TURNPIKE

Tracts	542	548	552	554	556	558	560	562	564	566	1,301
Total employed	1,827	837	1,017	927	813	684	622	454	620	481	2,015
Construction	63	30	56	29	46	43	46	17	30	22	66
Manufacturing (total)	439	210	225	197	169	167	133	89	139	119	544
A. Lumber products	3	3	8	9	4	4	0	0	8	0	4
B. Metal industries	32	12	9	0	22	0	5	0	0	4	41
C. Machinery	47	40	26	32	23	47	8	12	4	10	19
D. Transportation equipment	39	0	10	17	21	3	4	12	23	11	58
E. Other durable goods	57	26	27	20	26	27	29	14	23	11	58
F. Foods and kindred products	80	52	10	12	19	23	23	15	38	22	51
G. Textile and apparel	57	16	50	31	15	13	20	0	11	5	166
H. Printing, publishing and allied industries	60	16	50	31	15	13	20	0	11	5	166
I. Other nondurable goods	64	18	40	35	22	26	16	12	20	13	50
J. RR and RR Express	0	8	4	7	5	4	5	13	11	0	20
Other transportation	70	38	43	67	42	37	41	27	36	27	50
Utilities, sanitary	90	66	50	62	53	45	16	19	40	43	43
Wholesale trade	114	35	69	43	47	42	24	21	8	16	124
Eating and drinking places	32	17	28	13	13	12	8	3	4	33	46
Other retail trade	277	92	93	133	175	90	81	46	99	58	307
Business and repair trade	88	28	56	33	23	12	26	15	16	12	58
Private households	8	0	17	0	3	0	12	0	3	4	4
Other personal services	40	15	27	40	23	3	8	11	19	29	38
Hospitals	22	4	44	30	21	8	12	28	4	9	48
Educational services	80	26	30	15	49	35	26	17	24	20	132
Other professional services	120	22	43	20	25	42	33	15	57	34	120
Public administration	127	64	68	90	69	39	68	54	36	16	258
Other industries	253	182	164	148	150	105	73	78	94	39	----------

ELECTIONS AND POLITICS—HONESTY IN GOVERNMENT

There is no local government in Queens Village. We are represented however, by duly-elected officials in the City Council, State Legislature, and Congress. The Councilman representing Queens Village (16th Council District) is Matthew J. Troy, Jr., a Democrat. He has represented Queens Village in the City Council since 1964. He now also holds the post of Queens County Democratic Leader. He has recently come out in support of George McGovern (Democratic senator from South Dakota) for President. Mr. Troy has often been described as a conservative who votes liberal. Also representing the people of Queens Village, the two councilmen at large from Queens are Mr. Alvin Frankenberg, a Liberal, and Mr. Mastropieri, representing the Democratic Party. The Chief executive of Queens, or Borough President is Donald Manes, a Democrat. He became Borough President this year when Sidney Leviss resigned and decided to run for a judgeship in the court system. When Mr. Leviss announced his resignation, it was already too late for a primary election for Borough President to be held. A replacement (Donald Manes) was therefore appointed by the executive committee of the two major parties. Mr. Manes was then elected to the Borough Presidentship this year, with the support of the Democratic, Republican, and Liberal Parties. Queens District Attorney Thomas Mackell, Democrat, was also reelected with the support of these three parties.

The majority of Queens Village lies within the 20th Assembly District (A.D.) and is represented by Republican John Esposito. A northern portion of Queens Village lies in the 21st Assembly District, and is represented by Saul Weprin, a Liberal Democrat.

Queens Village lies within the 8th State Senatorial District and is represented by Murray Schwartz, a Democrat. He has been a State Senator since 1966. He wishes to encourage civic groups to press vociferously for reforms. He has always supported anti-busing bills and shows a wide range of concerns including election reforms and consumer protection. He gives solving the narcotics problem top priority because he says it leads to so many other problems.

Seymour Halpern, a Republican, has represented the 6th New York Congressional District since 1959. He often sponsors consumer protection bills.

All of our representatives have good reputations and there is really no question of dishonestly in government.

The registration in Queens Village is predominantly Democratic (approximately 3 to 1) but it is generally considered a basically conservative area and very often votes Republican. For example, Queens Village's representative in the State Assembly has been a Republican for approximatly the last three decades.

Queens Village has local branches of both the Democratic and Republican Clubs. The Democratic Club (which never seems to be occupied) is located at 220–24 Jamaica Avenue and meets the third Friday of every month.

This year's elections were marked by some of the most sweeping bipartisan endorsements of candidates in Queens County history. These included nominations for Judges, Borough President, District Attorney, and Surrogate. Of the four major parties, the conservatives were the only ones to put up their own slate. Under the agreement between Democratic County Chairman Matthew Troy and Republican County Chairman Sidney S. Wein, three Democrats and three Republicans received nomination to the State Supreme Court. Jules Kroll, A Democratic candidate for Queens Councilman at Large brought a suit in Federal Court to nullify the nomination charging that Troy and Hein plotted with residing judges to resign after the deadline for filing primary petitions and then nominated the same candidates. He charged these actions were designed to disenfranchise Queens voters by subverting the democratic process in the primary, then preventing a choice of candidates in the general election. This action violated the fourteenth amendment according to Mr. Kro. . . . However, the suit was dismissed.

In recent years, the city has tried to bring government closer to the people through neighborhood city halls, creation of the Mayor's Urban Task Force and the strengthening of Community (Planning) Boards established by the City Charter.

Mayor Lindsay proposed this June a plan that would establish a single community board for each community planning district in the city with a full time staff, community offices, and a community cabinet of local city officials. It would provide for a single local board to deal with all city problems, with a broadly based membership. It would have the capacity to effectively monitor local services, broaden citizen involvement in government decision-making and make agencies mor accountable to the community they serve. The new neighborhood governments would be given the powers that are now held by Community Planning Boards, Urban Action Task Forces, Neighborhood City Halls, and Neighborhood Conservation Bureaus. These powers would basically be to oversee city services and make recommendations with little or no power to allocate funds. It is estimated that this plan would not cost the city any additional money since the two million dollars now budgeted to the Community (Planning) Boards, Urban Action Task Forces, Neighborhood Conservation Bureaus, and Borough Improvement Boards would be rechanneled to be used by the new neighborhood governments.

The present Community (Planning) Boards in each community planning district would be strengthened. The members of these community boards would be appointed as follows: the Mayor, Borough President, and Councilmen for the district together with Councilmen at Large would each appoint seven members; also community school boards covering the district would appoint three members. This would make a minimum number of twenty-four.

In addition, any community corporation boards or model cities advisory committee included within the boundaries of the community planning district would appoint up to three members, in proportion to the total population of the district they serve. It is hoped that eventually these boards will be appointed. Then, there would be a community hall in each district.

A community director would be appointed by the Mayor from a panel of five names submitted by the community boards. The community director would chair regular meetings of the community cabinets. The officers of the community boards, the Borough President, and the city councilman or their designees would also attend.

The local boards would prepare annual district papers which should contain an evaluation of municipal services in the district and recommendations for improvements. They would hold hearings on the city's capital budget on projects located in the communities and then make suggestions to the Mayor, Board of Estimate, and City Council.

REGISTRATION OF VOTERS—JUNE 1971

20TH ASSEMBLY DISTRICT

	Republican	Democratic	Liberal	Conservative	Total
Election District:					
50	271	362	8	31	711
52	229	321	8	16	623
53	129	211	8	22	385
54	182	352	4	14	589
55	131	184	3	16	366
56	232	302	7	10	581
60	119	234	7	10	396
77	192	245	11	11	498
Total 20th Assembly District	1,485	2,211	56	124	4,149

21ST ASSEMBLY DISTRICT

	Republican	Democratic	Liberal	Conservative	Total
Election District:					
35	92	592	41	4	762
36	60	618	18	1	737
51	112	266	5	1	423
52	83	211	5	2	337
53	53	323	8	3	434
54	98	276	17	18	447
82	38	370	14	1	435
Total 21st Assembly District	536	2,656	108	30	3,575
20th Assembly District	1,485	2,211	56	124	4,149
Total	2,021	4,867	164	154	7,724

1971 ELECTION RESULTS

[Councilman at large: Muratori, Mastropieri]

	Republican	Conservative	Total	Democratic
20th assembly district	7,439	4,083	11,522	11,161
Queens total	82,943	49,231	132,174	216,488

[Assemblyman, 20th assembly district: Esposito, Laudun]

Republican	Conservative	Total	Liberal
9,005	4,490	13,495	2,231

TRANSPORTATION BOND ISSUE

	Yes	No
20th assembly district	9,365	17,126

HEALTH

The once sparsely populated areas of Queens Village and Floral Park have become increasingly populated due to the current desire for suburban life. This sudden rise in population has stimulated the need for more hospitals, old age homes and treatment centers for the sick and aged.

Health is an important aspect of community living; only one carrier of a contagious disease is needed to infect many others and then possibly create an uncontrollable epidemic. The typhoid crisis, many years back, is an illustration of this point. One "typhoid" Mary spread the typhoid sickness and caused it to reach epidemic proportions. On the following pages, the already existing health and nutritional programs and facilities that have been established to cope either successfully or unsuccessfully with the community health problems are listed. On the basis of the extensive research done, several conclusions have been made as to how effective they have been in combating and preventing sickness and malnutrition in the school community.

The ultimate source of water for the school community is the Catskill reservoir. In order to reach the tap at home, the water must pass through the two city tunnels in Brooklyn, enter the Ridgewood reservoir and travel through water mains to its final destination.

The city of New York has established definite rules in regard to sanitation in apartment buildings. When a building houses more than eight families, the landlord is obligated to have regular janitorial service available to his tenants. If he does not do the janitorial work himself, he is required to station a superintendent in the building or on the same block. In cases of more than 12 families, the landlord must either live in the apartment house, or have a janitor in the building or within 200 feet of it. If the landlord doesn't live in the building, he must have his name, address, and phone number posted in the entrance hall.

It is the landlord's responsibility to keep the halls, stairs, dumbwaiters, shafts, cellars, roofs, alleys, backyard and stoops clean and free of any vermin. The tenant is obligated to keep his apartment clean or face eviction. He is forbidden to shake mops and throw trash out of the windows or into the dumbwaiter shaft or into public halls. In areas where pets are allowed, the tenant is responsible for their actions on the sidewalk.

If an exterminator is needed, the landlord must provide one. When it snows, he must also see that the sidewalks are shoveled, then sanded or salted.

If there is no incinerator in a building, the landlord must provide alternate means for garbage collection and disposal. He must put out at least two cans daily from 7–9 a.m. and 6–8 p.m. The Department of Sanitation sends out day trucks and night trucks. The garbage is dumped in a landform on Fountain Avenue. These cans must have tight-fitting metal covers. All garbage must be placed in these cans and no garbage is permitted on top of the lids. Old magazines and newspapers must be tied up in bundles for collection. Bulky items that are to be disposed of will be picked up by phoning the Department of Sanitation. It is illegal to leave a refrigerator outside for pick up with the door still on.

The preceding paragraph in regard to garbage collection applies to apartments as well as private homes. In addition, there are special sanitation rules that apply to the cooperative development surrounding the school. Separate garbage rooms with cans are provided for the disposal of refuse. The litter cans on the sidewalks and the garbage cans in the laundry rooms are not intended for household garbage. They are used strictly for papers and empty detergent packages. In 90% of the communities in Queens, garbage is picked up twice a week.

The current rise in house construction has necessitated the need for improvements in the storm and sanitary sewers in Queens Village and Floral Park. The following are the plans for the location of storm sewers and the schedule to begin work:

East Williston Avenue, 74th Avenue from Little Neck Parkway to 225th Street (Spring, 1970) as well as 240th Avenue from 93 Avenue to Braddock Avenue (Spring 1970). According to the Plan for New York City these projects should have taken a year to be completed and they should be finished by now. The estimated costs for these projects and those mentioned below are:

Project:	Cost
East Williston Avenue	$800,000
Springfield Boulevard	3,390,000
226 Street	1,260,000

The state in January, 1970, if things have proceeded according to schedule, should have to do work on the installation of sewers along the prolongation of Springfield Boulevard from 2,900 feet south of 147 Avenue to 147 Avenue. This is supposed to be in conjunction with the construction of a Nassau Expressway. A second stretch along 226 Street has been planned, but no starting date has been set as yet.

BIRTH AND DEATH RATES: ILLNESSES

The birth and death rates for the health district including Floral Park and Queens Village show the following statistics for 1965:

Births	
White	6,808
Nonwhite	328
Total births	7,136
Deaths	
White	3,590
Nonwhite	115
Total deaths	3,705
Deaths by Cardiovascular disease	
White	2,111
Nonwhite	62
Total deaths	2,173
Deaths by malignant neoplasm	
White	735
Nonwhite	20
Total deaths	773
Fetal deaths by cestation	
White	714
Nonwhite	63
Total deaths	777

To summarize the statistics in Floral Park and Queens Village, cardiovascular diseases contributed to the most deaths, 2173/3705 or approximately 66%. The second most prevalent disease is malignant neoplasm, approximately 25%. The total number of births is approximately twice the total number of deaths. The statistics bear out the current ones for the U.S. The number one killer is heart disease, the number two killer is cancer.

Other disease present are the ones present in most middle class suburban areas. The common cold, the flu, throat infections, occasionally, the grip. Among children there is chicken pox and measles. Diseases such as small pox, polio and diptheria are obsolete due to the preventative immunizations. Recently, due to the bad air pollution, many people's throats have been bothering them, but hopefully this will be eliminated.

This district has more hospital beds than any other in Queens, although only a small number are general health facilities. The state's 6788-bed Creedmore Mental Hospital is now being modernized and the voluntary 300-bed Hillside Hospital, also voluntary, are both psychiatric facilities. Creedmore Hospital has about 200 acres of undeveloped land. Long Island Jewish Hospital and Deepdale Hospital are both general hospitals.

There are three kinds of hospitals in New York City, in terms of financial support:

(a) Municipal Hospitals, operated by CUNY.

(b) Voluntary Hospitals, private, non-profit.

(c) Propriety, profit-making.

Voluntary hospitals have somewhat higher costs and charge higher rates than Municipal Hospitals. They provide more extensive private care, and any person may be admitted. "Medicaid patients are eligible for treatment at Voluntary Hospitals. It is a fallacy that poor people can be treated at only Municipal Hospitals. Each type of hospital may be either a general hospital, handling many kinds of illnesses and conditions, or a special hospital. New York City pays through its charitable institution budgets, $130,000,000 to voluntary hospitals, for in-patient care of Medicaid patients. Additionally, the city pays $25,000,000 for out-patient care. This amounts to about 50% of voluntary hospitals income.

Medicaid is a state program designed to cover the major medical expenses for those medically indigent. Eligibility standards are still being worked out. To find out more information contact: Dept. of Welfare Information Services, 250 Church Street New York 10013 (PI 4 8700).

There is another medical program nearly all Americans 65 and over are eligible for, medicare. To join, a person must sign up and pay $3 monthly. 80% of all reasonable charges for the following are covered, after the first $50:

(a) Physician and surgeon bills in hospitals, doctor's office.

(b) Home health services up to 100 visits a year.

(c) Various other medical and health services such as diagnostic tests, surgical dressings, or rental of medical equipment. For further information contact: Greater New York Hospital Association, 3 East 54 Street New York 10022 (HA 13300)

Other health insurance programs include programs under Social Security hospital insurance. Hospital Insurance is provided automatically for people 65 and over, who are getting social security or railroad retirement benefits. A few months before 65, contact the Social Security Administration. Generally, this program covers:

(a) up to 60 days in a hospital except for the first $40.

(b) all but $10/day for an additional 30 days for each spell of an illness.

There is a lifetime limit of 190 days on payment of treatment in mental hospitals.

(c) up to 20 days in an extended care facility, skilled nursing home, or convalescent sections of a hospital, and all but $5 per day for an additional 80 days. These services are effective for only a hospital stay of at least three days.

(d) up to 100 home health visits by a nurse or other health worker in the year following release from a hospital or an extended care facility.

(e) 80% of cost of out-patient diagnostic tests in hospitals after the first $20 for each twenty day period of testing.

The Health Insurance Plan is joined through place of business and is supervised by the State Department of Insurance.

Blue Cross's purpose is to protect people in terms of hospital cost rather than a fixed dollar allowance. To contact, call MU 9–2800.

The Board of Health carries out administrative services. The Board consists of a commissioner of health who is the chairman of four members, at least two of whom must be doctors. The Board is a legislative body with broad powers, ranging from issuing of permits to trapping pigeons, to practical midwifery to mobilizing the city's facilities in an emergency. The closest district health center for Queens Village and Floral Park is located at: 90–37 Parsons Blvd., Jamaica, New York (018–6600).

It provides services for maternal and child health, school health, preventable diseases and adult hygiene, nutrition, public health nursing, social work, health education and maintains clinics for chest, veneral disease, cancer and diabetes check-ups.

There are two nursing homes located directly within these two communities: (a) Windsor Park Nursing Home, 212–40 Hillside Avenue; (b) Glen Oaks Nursing Home, 260–01 79 Avenue.

The visiting nurse service of New York provides part time skilled nursing care and home health aide services in home to the sick of all ages. Care includes, physical therapy, rehabilitation, family health supervision, and nutrition guidance. For further information contact: Visiting Nurse Service of New York, 160–16 Jamaica L.I., New York (JA 6–7787).

Public health nurses are assigned to child health stations, caring for infants and preschool children, render public health nursing service to elementary public and parochial schools and secondary schools, they act as consultants to teaching staff on problems of health, refer to proper community agencies for health and welfare services, assist in immunization programs, working paper clinics, veneral disease, cancer detection, adult diagnostic and TB clinics. Nurses visit homes of patients to instruct in nursing care, help arrange, teach isolation precautions, to obscure health hazards, to learn social and economic needs of families, to help solve problems or refer to other health or welfare agencies, to urge immunization or other preventative measures, to teach need for medical care, to assist in epidemics, to do case findings, and to keep informed of special field and public health problems.

Another division of health agencies is the Home Health Aide Services. Headed by the Community Service Society of New York (254–8900); families and individuals are serviced by the society's Dep't of Family Services and Central Services, by the special projects of the Department of Public Affairs or by the Social Services Department of a voluntary hospital with which the social services had established a Cooperative Homemaker Service Plan. The National Council for Homemaker Services, located at 1740 Broadway, N.Y. (245–8000) stimulates expansion and improvement of home. Home health aide services are throughout the country and membership is open to agencies directly concerned with providing home health services, and organizations and individuals interested in giving support. The Council's purpose is to provide a central source of information and medicine, through which knowledge and experience can be pooled to advance development of Home Health Services. It promotes development of sanitation. It sponsors conferences seminars, publishes a bimonthly newsletter and reports. The Bureau of Special Services, Division of Homemaker Services (340–5854). trains and provides services of homemaker to assume responsibility and care of children when mother is hospitalized or ill at home. The local bureau is at 92–16 147 Place, Jamaica, L.I. New York (990–5793).

The American Cancer Society, Queens Division, 116–55 Queens Blvd., Forest Hills, New York (BO 3 2222) distributes informational materials such as films, posters, literature and conducts lectures on smoking. Programs are conducted in schools with the public at large.

The United States Dept. of Health, Education, and Welfare, Washington, D.C., was established for grouping under one administration agencies whose major purposes are to promote social and economic security, educational opportunities, health of citizens, administer variety of grants in aid programs and offer professional advisory services in related fields.

The Queens County Mental Health Society located at: 192–08 Jana Avenue, Hollis, New York (479–0030).

It serves as a channel for citizens acting for conservation and advancement of mental health services. It fosters community organization and action to improve and expand services for mentally ill. It has programs for parent and civic groups, speakers' bureau, and a referral service .

The State Department of Health of CUNY located at: 125 Worth Street, New York (556–7711); Edward O'Rouke, President.

It regulates all matters affecting health in New York City, enforces all provisions of law for preservation of human life, and protects health. Public health services rendered by special bureaus are generally decentralized to Borough Offices and District Health Centers.

The Community Agencies Public Relations Association (CAPRA) c/o Community Council of Greater New York.

It is organized by professional public relation practitioners. It aims to promote high standards of public relations practices, to serve in the interest of the entire community to facilitate the exchange of information and ideas to build more effective public relations programs, to promote cordial relations among public relations.

The Bureau of Public Health Nursing located at: 125 Worth Street, New York (566–7074). It administers and supervises public health nursing services in homes, schools, and clinics of Department of Health.

The Medical Community for Health located at: 175–15 Hillside Avenue (AX 7 8398). It is a group of medical and paramedical who fight for adequate special health care for all citizens regardless of race or economic status. There is a non-political emphasis on provided information to community.

The Coordinating Council of the First District Branch, Medical Society of the State of New York located at: 37 New Dory Lane SL 10306 (987–3377) Joseph F. Shanopy, M.D. Chairman, William Wheeler, M.D. It represents the organized medical profession of the city of New York in matters of local concern pertaining to the practice of medicine, services. It sustains and promotes the public health and welfare and the scientific progress of the medical society of N.Y.C. It cooperates with the medical society of N.Y. in matters within its sphere. It is composed of medical societies of N.Y., Bronx, Brooklyn, Queens, and Richmond counties.

The Central Chapter of the American Red Cross located at: 90–07 Merrick Blvd., Jamaica, L.I., N.Y. 11432 (787–1000), Harold Bassett, Director. It offers blood, first aid, water safety, and volunteer programs.

The Food and Nutritional Council of Greater New York located at: 485 Fifth Avenue, Manhattan 10017 (PL 7200). Seymour I. Halpern, M.D., President, Stella Hope Page, Planning Chairman. It sponsors citywide Nutrition Month, Borough committees function in all five Boroughs.

There are these health and hospital clinics available:

(a) Booth Memorial Hospital; Main Street and Booth Memorial Ave., Flushing, 11385. Thursday by appointment.

(b) Jamaica Hospital: Van Wyck Expressway and 89th Ave., Jamaica, L.I., N.Y. 11418 (JA 6–7500). Thursday, 12:30 p.m., by appointment.

(c) Mary Immaculate Hospital: 152–11 89th Ave., Jamaica, L.I., N.Y. 11432 (291–3300). Monday by appointment.

(d) Anti-Rabies Clinic: 90–37 Parsons Blvd., Jamaica, L.I., N.Y. (658–6600).

(e) Cardiac Consultation Service Clinic: same as above.

(f) Child Health Station: same as above.

(g) Chest Clinic: Triboro Hospital, 162 Street and Grand Central Pkwy., Jamaica, N.Y. (JA 6 8600).

Child Health Services are available at:

(a) Queens Hospital Center: Queens General Hospital, 62–68 164 Street, Jamaica. L.I., N.Y. 11432.

(b) Well Baby Clinic: (990–2412) Tues. Thurs. 9 a.m., Premature Mon. 1 p.m.

The Jamaica Glaucoma Detection Center located at: 90–37 Parsons Blvd., Jamaica, L.I. N.Y. (OL 8 6600). It offers diagnostic and preventive services for residents of N.Y.C. 25 and over.

The Cerebral Palsy Speech and Hearing Center located at: 65–30 Kissena Blvd., Flushing, N.Y. 11367 (HI 5 7500). No residential requirements. Children and adults—ext. 358. It offers a rehabilitation program to the speech and hearing handicapped. Mon.–Fri. 9 a.m.–5 p.m., Sat. 9 a.m.–1 pm. Program and fees: individual therapy $6/hr; group therapy $3/hr.; interview fee $5; special diagnostic interview $10; hearing test evaluation $10; hearing aid evaluation $15; hearing test screening $5.

Care for the aged include:

(a) Catholic Charities, Diocese of Brooklyn, 145–22 Jamaica Ave., Jamaica, L.I., N.Y.

(b) Chapin Home for the Aging: 165–OI Chapin PKWY. Jamaica, L.I. Men, Women, Couples.

(c) Queensbridge Health Maintenance Service for the Elderly: Queensbridge Housing Project, 10–29 41 Ave. L.I. City (ST 6–0393).

(d) Salvation Army: Booth Memorial Hospital, Main Street at Booth Memorial Ave. Flushing (445–1000).

The problem of nutrition has become ever increasing due to diet fads and interest in organic foods. Many people undertake dieting and due to their lack of nutritional requirements become undernourished. Some organic foods have no mineral or vitamin content due to soil deficiencies. The current rise in the use of additives has consequences that are unknown by the average consumer. Lucky Whip and Cool Whip, two synthetic whip creams, have coconut oil as their primary constituent. Coconut oil is extremely high in saturated fat and is of little nutritional value. Diet margarine is simply margarine whipped with water. The consumer is paying more money for this product because of the added water. All of these "convenience foods" are high in caloric value. The four basic food groups of meats, cereals and breads, fruits and vegetables, milk and milk products must be met in the proper amounts for a nutritious diet.

"Health is a condition which depends upon certain factors; the balance between the susceptibility of the people as compared with the virulence of the organism."

Queens Village and Floral Park have various programs available to combat health and nutritional problems. Weight watchers meet every Wednesday night at the Bell Park Jewish Center, "Hillside Ave. and 232 Street, Queens Village, New York. For a small fee, persons who wish to lose weight are set on a nutritious diet. At every session, the dieter records his/her progress. Those who are on the weight watchers diet have mentioned that they never feel hungry. This program gives an overweight person the opportunity to lose weight by eating properly and not endangering his/her health.

The Jamaica Health Center has a number of nutritionists available to aid the consumer who is unaware of human nutritional needs. They try to insure proper diets.

The Home Economics Department of Martin Van Buren High School, under the direction of Mrs. Purnell, is trying to institute a consumer nutrition program in Pantry Pride, a nearby food store. They have suggested that a table, manned by several home economics students and a teacher, be set up in the store. In this manner, any consumer who wished to know the nutritional value of any product would be able to have her questions answered at this table. As yet, this plan has not been approved by the store manager.

Many schools are used at night as dental or medical clinics. The following list indicates where these services are available in Queens:

Dental Clinics:

(a) P.S. 45, 126–38 150 Street, Jamaica, J.A. 91853.

(b) P.S. 116, 107 Ave. & 173 Street, Jamaica, J.A. 64884.

(c) P.S. 131, 84th Ave. & 172 Street, Jamaica, R.E. 94229.

(d) P.S. 50, 146–26 101 Ave.

Diabetes & Glaucoma: P.S. 40, 109–28 Union Hall Ave.

The school system has always been concerned about health as evidenced by the numerous hearing tests, eye tests, recordings of weight and height, medical forms, dental forms, dieticians in the cafeterias, school nurses, hygiene and biology courses. In Martin Van Buren High School, the Home Economics Department offers several courses that are concerned with nutrition and health. Boys and girls are encouraged to take the two term Food Preparation Course which gives instruction on how to select and prepare food for its best nutritional value. Those who elect the one-term International Foods course are also given this instruction, in addition to consumer practices. Prospective nurses taking Introductive Nursing learn about the different diets that must be prepared for special patients.

The Health Careers course that is offered by the Biology Department is designed to teach the students the proper techniques of how to use microscopes, centrifuges, and other bacteriological equipment. The pupils are so effectively trained that many receive up to one year laboratory technician certification after completing the course. Health Careers is a twenty week course. The first ten weeks of class are taught by Mrs. McCarthy. Mr. Purnell teaches the remaining ten weeks. Blood tests are performed first using commercial blood. Once they have received this practice, the students test themselves. On the basis of those tests, pupils have discovered that they had mononucleosis, anemia, and certain allergies. Routine treatments on urine are performed. Physical and chemical (acetone, albumin, and urinary sugar) examinations are made. The course might possibly be extended to include histology or tissue techniques. Through the various courses mentioned previously, educators feel that "hopefully the students will learn something about health and nutrition, carry this information home, and irradiate others."

RESULTS OF HEALTH IN THE COMMUNITY SURVEY (35 RESPONSES RECEIVED FROM STUDENTS AT THE MARTIN VAN BUREN HIGH SCHOOL)

Question	Queens Village			Floral Park		
	Yes	No	Blank	Yes	No	Blank
Are you satisfied with the availability of health and welfare facilities in your community?	4	9	2	12	8	0
Are you satisfied with these facilities?	4	9	2	7	11	2
Do you feel that the New York City Department of Sanitation is functioning adequately to take care of refuse in your community?	8	7	0	9	11	0
Is the school that your child or you attend sufficiently teaching about the importance of nutrition and health?	9	6	0	7	12	1

The following are some selected comments that were typical of the answers given to two opinion portions of the survey:

I. In your opinion, how can health facilities in your community be improved?

"Increase emergency-room type facilities. When you have a serious accident and go to Long Island Jewish Hospital you have to wait up to 4 hours to see a doctor in the emergency room."

"We need facilities in Queens Village Proper before we can worry about improving them!"

"More facilities should be built and the ones already built should be modernized."

"In many of these homes, corrupt practices are practiced. Many welfare home directors do not want to take a patient in on medicaid. They want patients to pay privately. In some cases, they try to collect from both medicaid and from the private patient."

"They should be given some notoriety so that people will know of their existence."

"We have a shortage of doctors. If we could shorten the length of time of study, it would add incentive to potential doctors to complete study."

"Private institutions are very expensive to build and maintain so are public facilities. Improvements can be made with more funds, investigation into wasteful expenditures such as unemployment benefits to the young, healthy and lazy is one way. . . ." Queens Village Responses.

"Although there is some availability, there should be more."

"They could give prompter service, instead of letting people wait in their clinics so long."

"Speaking only as a member of H.I.P., the only center in this area is the New Hyde Park Branch. It is woefully understaffed with a resultant paucity of services. Another branch in the area would help."

"More information about birth control and abortions."

"Make the waits in hospital emergency rooms less."

"More community centers for older citizens, bingo groups, etc."

"Too expensive." . . . Floral Park responses.

2. Additional Comments:

There should be greater federal, state, and local assistance to health institutions."

"The school cannot do all of the educating in terms of health and nutrition. Whether or not local health (mental and physical) facilities are adequate must also hinge on community-wide surveys showing population breakdown." "Only in this way can we ascertain the need."

"The importance of nutrition and health should be instituted at home and reinforced on all levels in school; kindergarten, etc. . . . Queens Village responses

"Department of Sanitation should have more concern over our sanitation matters."

"The school should improve their hygiene course."

"Neither Biology nor Hygiene gives an adequate picture of nutrition and health. Recently the biology curriculum was revised, and the unit on health was omitted, with the expectation that it would be covered in hygiene. However, in hygiene the unit was also pretty much omitted."

"Nutrition is taught effectively in Home Economics, but someone not taking Home Economics receives no information." . . . Floral Park responses

Floral Park and Queens Village do not have adequate health facilities to meet the ever-growing demands and needs of its residents. The foremost issue, is the lack of hospitals. This health district has the most hospital beds, yet there is a shortage. This is a very serious problem. Patients are being discharged days ahead of time to provide room for more to be admitted. Residents of Floral Park are quite familiar with the five to eight hour wait in the Long Island Jewish Hospital's Emergency Room. The district health center's clinic is another example of overcrowding and long hours of waiting. If more hospitals and clinics were built, these problems would be eliminated. The reason there is an overcrowding in the health facilities, is that in the past ten years, there has been a large migration from the city to the suburbs. This is evidenced by the amount of new shopping centers. Finest on Hilside Ave., new schools, Hillcrest H.S. new homes, by the Glen Oaks golf course, and improvements in transportation, a direct bus to Manhattan. These new projects provide new homes, new jobs, more means of education and transportation, luring New Yorkers from the crime trodden, air polluted, overcrowded city.

To meet this growing population, the amount of medical care must correspondingly be increased. The number of agencies is large, but unfortunately, few are aware of their existence. The present community health programs should be increased to inform the residents what is available to them. A program is currently being set up to educate consumers how to shop wisely and expose the low calorie frauds and misconceptions. Community improvement begins with community awareness and knowledge. The school health offerings, biology and hygiene, have been supplemented by an excellent Health Careers Course. This course provides more depth into such hospital procedures, as blood grouping and urine analysis. The mandatory eye and teeth check ups have necessitated proper medical care for youngsters. By being weighed and measured throughout elementary school, children have been encouraged to eat properly and outgrow their friends. The services offered by the Department of Sanitation could be greatly improved. Biweekly collections are often not sufficient. Street cleanings and washings would give residents more pride in their community, instead of feeling ashamed at the filthy roads. Nassau County sands the icy streets in winter, the Dept. of Sanitation should follow this example. Many automobile accidents could be eliminated. The nursing homes located within the community are very small and very expensive. Homes for the elderly can be partially paid through pensions and social security, but often the family is burdened with heavy payments. Medicare and Mediciaid are wonderful ideas and have helped many people. But in individual cases, they have not provided enough. More extensive research should be done to make sure everyone has enough assistance to survive. The amount of illnesses and sicknesses have been fairly consistent, and have not reached staggering proportions.

The surveys taken reveal a great deal of dissatisfaction among students age 16 to 17 living in Floral Park and Queens Village. It is up to them, as future homemakers, to try to improve the existing conditions (whereever they live) by the proper means, or at least to make others aware of the problems. By community support, petitions, rallies, lobbys, etc. improvements could be made.

RECREATION AND CULTURAL OPPORTUNITIES

We have conducted a survey in Queens Village to determine the true recreational and cultural habits of the community residents. Forty residents on three blocks in the neighborhood were surveyed and the data for the fill-in questions collated. The comments of persons interviewed are stated in the report.

Among the problems encountered in searching this report were the lack of information in the public libraries (the information on recreation wasn't broken down into small areas like Queens Village) and the unavailability of one listing of all the recreational or cultural facilities in the area, thus forcing us to do our report in a piecemeal fashion, working mostly from the survey and from interviews. One other problem encountered was that many residents, leery of our intentions, would not cooperate in answering the surveys or granting interviews.

One of the most active centers for community recreation and culture is the Y.M.C.A. located at 238-10 Hillside Ave. It boasts of a membership of two thousand five hundred, and according to Mrs. Irene Handler secretary of the Queens Village Chamber of Commerce and a member of the Y.M.C.A.'s executive board, our "Y" is unique in that it is the only family-oriented "Y" in the United States. By a family-oriented "Y", she means that there are no facilities for boarders and that the activities taking place at the "Y" can be enjoyed by all members of the family.

Since the main objective of the Y.M.C.A. is to provide recreational activities to its members, the "Y" in our neighborhood sponsors the following groups and clubs: aquatic groups for all ages, volleyball teams, a "leaders club" for the teenagers of the community, a yoga class with a professional teacher, a Ladies Auxiliary which runs the adult social functions and takes care of entertaining visiting personnel from other Y.M.C.A.'s, and an "international gym" where the entire family can exercise together. The Y.M.C.A. in Queens Village is especially proud of its experiment in water instruction, the "Mom and tot swim." Young infants (as young as six months old) are placed into the deep section of the Y.M.C.A.'s pool along with their mothers and taught how to swim while under professional supervision. According to Mrs. Handler, astounding results have been achieved through this program.

Besides offering programs to its members, the Y.M.C.A. lends a helping hand to other groups. One of these favors to the community was the Martin Van Buren High School exchange program. From its inception in February, 1971 until the end of the school term in June, 1971, a limited number of students were offered full use of all the facilities at the "Y". The Y.M.C.A. also brings in groups of mentally retarded and underprivileged children to use their facilities. The swimming team of Van Buren also uses the Y.M.C.A.'s pool for practicing.

Outside groups using the Y.M.C.A. for their meetings include the Borough President's Planning Board No. 13, chapter 560 of the American Association for retired persons (members, although over 55 years of age, do not have to be retired), and the Rocky Hill Civic Association, Inc.

The churches and temples of the neighborhood are also active in providing culture and recreation for their members. The Bell Park Jewish Center, located opposite Van Buren H.S. on Hillside Ave. sponsors a basketball team, a youth group, a lending library, evening adult courses, and a lecture series. Groups using the center for meetings include Sophie's Weigh-in Ltd., L'Chaim B'nai B'rith Youth Adults (a singles club), and the boy scouts. Also offering the community reading material and a quiet study hall is the Christian Science Reading Room located on 217th Street and 93rd. Ave. It is open to all those interested in learning about the Christian Scientists.

Contrary to what you might think, Queens Village offers a multitude of organized sports activities. Among these are gymnastics, judo, karate, bowling, lifesaving, skin diving, scuba diving, aquatics for small children, yoga, little league, and all the teams organized by the various schools and churches in the community. According to our survey 40% of the interviewees participate actively in one type of sport or another. Those adults most involved in sports activities are those who have younger children.

Queens Village's major park facility is Alley Pond. The park offers tennis courts, handball courts, baseball field, football fields, and picnic areas. During the summer months rock concerts are held free of charge. One other major park is on Braddock Ave. Although it is minuscule in comparison to Alley Pond, it does offer tennis courts, handball courts, and basketball courts to those who live closer to it than Alley Pond.

As for the fine arts in the community Queens Village has two theaters, an oil painting group, and it is projected that a playhouse will be erected in the near future adding tremendously to the fine arts in the community.

A major social and cultural event in Queens Village was the Centennial Celebration which took place this past year. The functions that the Centennial Association ran were three parades, a street closing at which groups from various opera and ballet companies performed and the setting up of a Queens Village Museum. At this point the Association is pondering the possibility of continuing the celebration an extra year.

A survey by the Community Council of Greater New York has broken the city into 74 neighborhoods and set up indices for each neighborhood in each of several areas so that the average of the indices across the entire city is 100. Queens Village's index of playgrounds is only 15. However, our index of scouting membership among the community's youth is 23 (more than twice the city's average) and its index of scouting leadership, 271, if the highest in the city.

It is safe to say that most of the recreational needs of Queens Villagers are satisfied here in the community. However, the same cannot be said for culture. Fine arts of high quality are lacking in this area, and many people surveyed commented that they must travel to neighboring communities or to Manhattan to see stage performances and concerts. For example, Queens Village no longer has a concert series of its own, and those who want to join the series must sign up with the Laurelton or the New Hyde Park groups. Residents said they would like to see operas or a museum in this area.

The two motion picture theaters in Queens Village, the Queens and the Community, are located on Jamaica Ave. and Springfield Boulevard, and on Jamaica Ave. and 217 Street respectively.

The Queens Theater has two thousand seats and has two shows daily. On weekends "Kiddie Matinees" supplement the regular features at both the Queens and Community Theaters. It is estimated that 728,000 people visit the Queens Theater yearly. (It is to be noted that the statistics quoted about the movie theaters in Queens Village were obtained from the home office of Century Theaters). These figures are inaccurate for our purposes due to the fact that it was unknown to the source how many of the people involved actually reside in Queens Village.

The Community Theater holds 900 people and runs its shows on similar time basis as the Queens Theater. The two theaters, both Century, run different shows simultaneously. This offers a diversified choice of shows to movie-goers in Queens Village. Again, according to the Century's home office, it is approximated that 312,000 people frequent the theater yearly.

As for movie-going in Queens Village, 57.5% of the people surveyed claim to frequent the theaters less than once a month; 35% have been recorded as going to the movies one to three times a month, 7.5% go four to five times a month, and none surveyed attend the movies more than five times a month.

Television, by far, is the most utilized recreational source. Once again, those Queens Village residents surveyed supplied us with the following statistics: 5% watch less than one hour per day, 42.5% watch television one to three hours a day, 35% watch four to five hours per day, and 17.5% of those surveyed watch T.V. more than five hours per day.

Radio also seems to be a popular recreational facility in the houses of Queens Village. Our survey yielded the following data: 20% of those surveyed listen to the radio less than one hour per day, 50% listen one to three hours per day, 15% for four to five hours per day, and 15% for more than five hours per day.

The following comments were taken from the surveys: "I'd like to see more movies that were (sic) appropriate for the family."; "less expensive movies"; "more discount admissions"; "movies that a family can see together"; "eliminate restricted movies"; "better movies, for example, 'Love Story' was shown in Elmont, not Queens Village, 'Gone With the Wind' was shown at Glen Oaks, not Queens Village." "Movies should all be one dollar." Pertaining to television, one Queens Villager states that, "more T.V. stations like channel 13 should be on the air."

One can see that sex in the film arts and high prices at the box office are forcing Queens Villagers to avoid their local theaters. Most people would like to see the return of the family movie. In conclusion if you are watching your "boob tube" every night, you are not alone . . . Queens Village is watching along with you.

The most accessible source of reading materials for Van Buren students is the school library itself. However, not many students are taking advantage of this excellent facility. "Our students are taking advantage of this excellent facility. "Our students are not reading much," says Mrs. Schwartz, librarian in Van Buren. From September, 1969 to June, 1970, 15, 214 books were borrowed from the school library, and between September, 1970 and June, 1971, the number of books taken out was 17,044. Mrs. Schwartz comments that this averages out to about four books taken out over an entire year per Van Buren students. She attributes this to the fact that there are no study periods in Van Buren, many students take buses to get home and cannot stay late to browse in the library, and many students do not want to borrow books since they do not want to have the responsibility of returning them on time. Mrs. Schwartz states with pride that the library is a specialized library, purchasing books specially to satisfy teenage reading interests. "We try to fill all students," she adds, with a large collection of periodicals, paperbacks, and technical scentific books.

The single branch of the Queens Borough Public Library in our community is the Queens Village branch, located at 94–II 217th Street. Total book circulation for the period July, 1970 to June, 1971 at the Queens Village branch was 212,119, a decrease of 1,029 books from the year before, according to the library's own records. This makes the branch the seventh most active, out of the 55 branches in Queens. Of the books borrowed, 67% were adult books and the rest juvenile. In the same period as above, July, 1970 to June, 1971, there were 64,513 requests for information telephoned to the branch, 22,485 requests for instruction on use of the library, and 17,382 researchers helped by the librarians, the above statistics for the adult section of the library only. For the juvenile section, the corresponding numbers for the same period are 22,046; 10,259; and 7,320. This adds up to a total of 104,380 adult requests and 39,625 juvenile requests for reference and, putting the Queens Village in fourth place borough wide in total reference in July, 1970 to June, 1971.

In the same period, 2,914 adult and 2,422 juvenile library cards were issued to people registering for the first time, giving the Queens Village branch a total active registration of 8,862 adults and 7,121 juveniles, for a grand total of 15,983. (See appendix, figure 4, for the data obtained for the Queens Village branch from the Queens Borough Public Library circulation statistics: June 30, 1970 and 1971.)

The following distribution of reading habits was obtained from the survey conducted: 35% use the library less than once a month, 37.5% go to the library between one and three times a month, 10% go between four and five times a month, and 17.5% use it more than five times per month. One of the Queens Village residents surveyed, a blind man, receives recordings of recent issues of Newsweek and Reader's Digest from the Queens Borough Library main branch and hopes that the service will be widened in scope. Another resident who enjoys classical records would like to see more opera recordings circulated. Many people surveyed expressed the desire for longer library hours, and one requested that all libraries be opened on Sundays. In view of the recent vandalism of the local library, one person wanted "families to form a patrol to control and guard Q.V. library, so we have no more fires, etc."

From the comments received on our surveys, it is our conclusion that the limited use of the library is largely due to the fact that the hours kept by the library are inconvenient to a large segment of Queens Village's population.

From the decrease in circulation and the increase in reference at the Queens Village branch this year over the year before, it is our conclusion that the library is being used less and less as a source of entertainment and more as a source of pure facts. The surprisingly low utilization of the library by the residents surveyed can perhaps be explained by the popularity of television and other forms of recreation.

Van Buren is extremely active in providing a center for recreation and culture in the community.

From 7:40 AM to 5:15 P.M., Van Buren's responsibility is to its 4400 students. To provide stimulation for students of varying interests, a myriad of clubs and teams has been established, many clubs existing for the first time this year. Most meet in classrooms during the afternoon hours with faculty advisors for supervision except for activities such as the Sophomore Sing which meets in the morning, as many tenth graders are on late session at school. According to the listing of extra-curricular activities, there are about 34 non-athletic clubs and 4 boys and 6 girls athletic-oriented teams and clubs this fall term. Most teams are supported financially by the Senior Organization.

In the evening hours, the school is the scene of rehearsals for SING and the Senior Show. In addition, a full recreational program is provided by the evening community center. 384 students have purchased one dollar tickets to attend the five night a week center, and starting this year, girls are allowed to come on Mondays, Wednesdays, and Fridays, when they are under the supervision of Mrs. Kate Raynor. The main activities are volleyball, basketball, and gymnastics. Mr. S. G. Elstein, the man in charge, comments, "I'd rather have 'em (teenagers) in here than standing around on street corners. However, due to a shortage of funds, the community center opened late in the term and the staff has been cut.

The Office of Continuing Education sponsors a choral group made up of Junior High School 109 graduates and run by Mr. Santonocito which meets each Tuesday. Mr. Santonocito also runs an adult choral group which visits hospitals and old age homes to give concerts.

Many other groups make use of the school's facilities. On Friday evenings, the cafeteria is used by the Sea Rangers for marching drills. The Bell Park Jewish Center, American Martyrs, St. Gregory's, and Incarnation each use the gym once a week for basketball practice, and one section of the gym is partitioned off for this purpose. On Tuesday evenings, the United States coastguard Auxiliary offers a free course to adults and teenagers interested in learning about knots, buoys, and the handling of boats (participants must buy charts of the local coastal waters). Those completing the course are given a certificate for boating which is equivalent to a driver's license. The New York Stock Exchange provides speakers for a free course on investing in securities, given on five consecutive Mondays for one hour per lecture.

The rest of the courses in the Adult Education Center meet for eight sessions at a cost of $12. A total of 600 people are enrolled in 24 courses, with Van Buren students allowed to take the courses in typing, stenography, rapid reading, auto mechanics, and PSAT preparation, but not in the golf, bridge, or dancing courses where adults might object. Some of the more notable courses are the high school equivalency class, English for foreign born people, and which uses the school's science laboratory.

The $7,000 in fees collected by the Adult Education center make the courses self-sustaining, but Mr. Elstein is looking for even more community participation. He states, "There's room for plenty more activity. . . . They (Bell Parkers) have their social activities at home." Mr. Elstein is looking forward to a memory course.

A major conclusion of the interview with Mr. Elstein is that the school is being used by many groups in the evening, but it is not being used to its fullest capacity. Mr. Elstein remarked that he would be happy to hire more teachers and give more courses if he had sufficient enrollment.

In looking at the list of extracurricular clubs offered in Van Buren, it is our conclusion that the school offers enough clubs to satisfy anyone's needs and taste, and new clubs can be started by interested persons (the English Honor Society was created as a result of a one-girl crusade).

One of the biggest problems confronting Queens Village is that its parks and street corners are becoming teenage hangouts. The complaint mentioned most often by the residents surveyed was that Alley Pond Park and Braddock Park are no longer safe. Teenagers smoke and inject drugs there as well as indulge in the use of alcoholic beverages.

Vandalism is another problem facing the community. Some Queens Villagers reported that obscenities were written on sidewalks, doors, and cars with spray paint. The churches and temples of this area have all been vandalized at one time or another and fires are often set in mail boxes and trash cans.

Now that the 105th Precinct has been relocated in Rochdale, residents fear that muggings and robberies, which up until now have only been isolated incidents, will increase.

One last comment made by a concerned Bell Parker sums up the situation: "It is unfortunate that in a community such as this which has always been secure, we have had to resort to organizing an auxiliary police force to insure the safety of the residents. In addition, the recent vandalism at our local library is very distressing."

It is our conclusion that idle use of leisure time could be conquered by creating more teen-age centers where the young people of the community could congregate and pass the time in organized activities.

In the words of one Bell Parker, "The community needs a place where young people can meet and get together, socialize, and have any activities that they desire with a certain amount of supervision. Hopefully this would lessen the number of incidents of an unwholesome nature by giving our young people outlets and a place where they feel they can belong."

SURVEY SAMPLE

How often does your family:

(a) watch television: less than 1 hr. per day; 1–3 hrs. per day; 4–5 hrs. per day; more than 5 hrs. per day.

(b) listen to the radio: less than 1 hr. per day; 1–3 hrs. per day; 4–5 hrs. per day; more than 5 hrs. per day.

(c) use the library: less than once per month; 1–3 times per month; 4–5 times per month; more than 5 times per month.

(d) use parks in Q.V.: less than once per month; 1–3 times per month; 4–5 times per month; more than 5 times per month.

Number of people in your family.

List ages of children.

I. List the organized sports activities in which members of your family participate (Little League, bowling club, basketball team, etc.)

2. List the cultural facilities that your family utilizes and the fine arts activities in which they participate (concert series, evening courses, lectures, etc.)

3. What recreational facilities does your family frequent?

4. Comment on the quality of the facilities in Queens Village that you mentioned.

5. What evidences of unwholesome activity do you know of? Be specific.

6. How, in your opinion, could the facilities mentioned above be improved? (better movies, longer library hours, etc.) What facilities would you like to see here in Queens Village?

DATA COLLECTED FROM SURVEY

A. Watching Television:

1. Less than 1 hour per day: 5%.
2. 1 to 3 hours per day: 42.5%.
3. 4 to 5 hours per day: 35%.
4. Greater than 5 hours per day: 17.5%.

B. Radio Listening:

1 Less than 1 hour per day: 20%.
2. 1 to 3 hours per day: 50%.
3. 4 to 5 hours per day: 15%.
4. More than 5 hours per day: 15%.

C. Use of the Library:

1. Less than once per month: 35%.
2. 1 to 3 times per month: 37.5%.
3. 4 to 5 times per month: 10%.
4. More than 5 times per month: 17.5%.

D. Movie Attendance:

1. Less than once per month: 57.5%
2. 1 to 3 times per month: 35%.
3. 4 to 5 times per month: 7.5%.
4. More than 5 times per month: 0.0%.

E. Park Attendance (Queens Village)

1. Less than once per month: 67.5%.
2. 1 to 3 times per month.
3. 4 to 5 times per month.
4 More than 5 times per month: 12.5%.

QUEENS BOROUGH PUBLIC LIBRARY CIRCULATION STATISTICS: JUNE 30, 1970–1971, QUEENS VILLAGE BRANCH

[July 1969–June 1970 and July 1970–June 1971]

	Circulation						Increase or decrease	Adult reference statistics			
	Quarterly			Yearly							
	Adult	Juvenile	Total	Adult	Juvenile	Total		Information	Instruction	Research	Total adult reference
1969–70	35,929	18,743	54,672	139,576	73,572	213,148	−13,848	48,987	12,141	8,774	69,902
1970–71	34,055	15,466	49,521	142,630	69,489	212,119	−1,029	64,513	22,485	17,382	104,380

JUVENILE REFERENCE STATISTICS: JULY 1969 TO JUNE 1970; JULY 1970 TO JUNE 1971

	Information	Instruction	Research	Total juvenile reference
1969 to 1970	19,275	9,954	4,158	34,387
1970 to 1971	22,046	10,259	7,320	39,625
Total reference:				
July 1969 to June 1970				104,289
July 1970 to June 1971				144,005

REGISTRATION STATISTICS: JULY 1969 TO JUNE 1970; JULY 1970 TO JUNE 1971

	Annual-New			Total active members		
	Adult	Juvenile	Total	Adult	Juvenile	Total
1969 to 1970	2,857	2,472	5,329	8,212	6,940	15,152
1970 to 1971	2,914	2,422	5,336	8,862	7,121	15,983

HOUSING AND SCHOOL FACILITIES

Even though Queens Village is considered a middle class residential area, it is split into two definite economic sections; Jamaica Ave. is the boundary line between them. The upper middle class is located in the northern section while the lower middle class is in the southern section. The housing in each of these areas reflect positive differences in economic strata.

There are approximately the same number of private houses in both the northern and southern sections of Queens Village. In the north, the houses are between 20 and 40 years old. These houses are in excellent repair and sell between 40 to 70 thousand dollars. On the other hand, in the south, the houses are of lesser quality. Their age runs between 30 to 50 years old and their selling price is in the range of 20 to 40 thousand dollars except for a few newer additions in both sections.

The types of dwellings in the north are ranches, one and two family houses, colonials, up and down houses, old frame houses, and a few split levels. The south has old frame houses, one and two family houses, and some ranches. Comparing the similar type of houses in the north and south, there is one significant difference. The houses in the north are larger and they are on larger plots of land.

About eighty percent of all homes in this community are privately owned. Beside these houses, there is a New York State aided cooperative on both sides of Hillside Ave.; The Bell Park Manor and Terrace is low cost housing for veterans. The number of units are divided equally above and below Hillside Ave. There are also some apartment buildings. Most of these buildings are located on both sides of Jamaica Ave. The size of these apartment buildings vary between five and twelve stories high and cover about one quarter to one half of a city block. One of the largest of these buildings is located on the corner of Springfield Blvd. and Union Turnpike.

The problem of overcrowding and congestion does not exist. There are no places where large numbers of people live in a small area. This is due to the fact that there are no gigantic housing projects, few apartment buildings and large numbers of private homes. There are no slum areas in Queens Village because this is a middle class area which is well kept. Since most houses are owned by their occupants, the occupants have pride in their community and their property.

In 1922, Queens Village started to expand. New houses were being built to accommodate the influx of people moving into this community. Today, there is very little land left to have houses built on. There is only one new housing development in this vicinity. These are two family attached homes situated on Pontiac Street near P.S. 118.

An overall view of Queens Villiage is a middle class community composed basically of private homes with a few small apartment buildings. It has very little room for expansion but it is not overcrowded.

Local board 13 of the Borough President Planning Board is the only active community planning group. The function of this local board is to settle major fights over zoning problems, school problems and other problems of the community. There are twenty-seven representatives from this neighborhood on this board. Mrs. Hayes of the Borough President's Office is present during every meeting and she reports to the main board the results of the meeting.

There are many civic associations throughout Queens Village (over 20). These civic associations deal usually with the same problems the Borough President Planning Board has. These organizations are formed by concerned homeowners. The main functions of these associations is to protect the members from any infringement of their rights. These associations are all members of the Eastern Queens Civic Association. This parent organization is extremely strong because it is backed by a large portion of all the homeowners of Eastern Queens.

Martin Van Buren High School which is located on Hillside Ave. and 232 Street, is overcrowded. The rezoning of certain areas of Queens and the additional busing has caused Martin Van Buren to hold about 1000 students more than its capacity. Martin Van Buren can service Queens Village comfortably but, Van Buren doesn't only take students from Queens Village. Students from Bellrose, Floral Park, Springfield Gardens and parts of Queens Village do attend. Van Buren is the only school in the community which has this overcrowding problem. The following table lists the school's of the community, their enrollment and capacity.

School	Enrollment							Capacity	
		White		Negro		Puerto Rican			
	Total	Number	Percent	Number	Percent	Number	Percent	Total	Plus or minus
18	386	317	82	64	16	5	1	689	−303
33	1,109	998	90	94	8	17	2	1,278	−169
34	713	564	79	120	17	29	4	702	11
135	1,180	927	79	241	20	12	1	1,310	−130
109	1,541	1,020	65	544	34	17	1	1,701	−120
MVB	4,470	3,933	88	482	11	55	1	3,468	1,002

School	Construction	Grades	Address	Principal
18	1955	k–6	86–35, 235	Charles Strier.
33	1925, 1966	k–6	91–37, 222	Louis Abramowitz.
34	1898, 1930	k–6	104–12 Springfield	Eudice Stadlen.
135	1930, 1955	k–6	89 and 297	Irving Greenberg.
109 Q	1925, 1966	7–9	213–09, 92	Sidney Goodman.
MVB	1955, 1963	9–12	Hillside–232	Maurice Bleifeld.

WELFARE AGENCIES

One of the major problems facing our large cities today is the increasing number of people using the social services provided for the public. New York City is a prime example with almost one-eighth of its population on some form of welfare.

This study is concerned with the areas feeding students to Martin Van Buren High School. While a majority of pupils come from the Queens Village and surrounding areas, a few travel a considerable distance to attend this school. These areas do not truly represent the Van Buren students, and are not included as they would distort the true picture.

The vast majority of financial aid comes from the government: federal, state and local. However, there are a large number of private organizations that provide some service for the community. Church and other religious groups are an example. A spot check of a number of these organizations indicated that most merely provide social advice in the form of consultations and do not aid monetarily. Groups such as the Lighthouse help in rehabilitative areas. Also, a few organizations dealing with financial aid do exist, such as veteran or union groups.

However, problems arise in trying to obtain statistics from these people. They are either not available for public review, or cover such a large geographic area as to make them invalid in this study. Consequently, the bulk of this report deals with governmental assistance only.

All available statistics concerning numbers and locations of the cases can be found towards the end of the report. They are presently in as clear and accurate a manner as possible. It should be noted that some of the forms of comparison and areas involved may be overlapping or divided in seemingly illogical ways. This is due to the fact that the organization conducting these surveys do so in accordance with their own needs. They were adapted as best as possible to show the proper relationships involved in our study.

Governmental funds are made available from three levels: federal, state and local. This includes all types of welfare except for home relief which is shared equally by state and local agencies. Government, of course, obtains funds by the taxation of the populace. This leads into the question as to whether there are enough funds to carry out this project in the proper manner.

Much discussion has centered around this topic in recent months. In general, recipients of welfare feel that aid is at a level below a decent minimum. The average middle class worker on the other hand, resents paying money for someone who is not working. The area under study by this report consists mainly of the latter. Only a small percentage of the families of students attending Martin Van Buren receive some social service in comparison with the remainder of the city.

The only actual social service provided by the school is the free lunch program. It is federally funded and comes under the jurisdiction of the Central Board of Education.

A point Mrs. Anker constantly stressed was that of a very liberal attitude by Van Buren towards the project. They feel that some of the established rules and standards are outdated and thus cases are examined individually. Income versus dependents of the family are the deciding factors. However, Mrs. Anker does not adhere to exact numbers, correcting for such items as increases in the cost of living, abnormal situations, etc.

Each person receives one pass each month with a place on it for the date to be marked off. If the student loses the pass, he must bring his own lunch for the remainder of the month. In the entire history of the program at Martin Van Buren there has not been one reported case of a pass being stolen or lost. Of course, they are tolerant of the student who forgets his pass every once in a while and a call by Mrs. Anker to the cafeteria will allow him to eat that day.

In recent years the necessity for free lunch has decreased due to school policy of elimination as many lunch periods as possible. A majority of students go only for six periods which does not demand a lunch period. There are only fifty to sixty students using this program but there are a great number of people who are eligible but cannot utilize the program as they do not eat in school.

A major problem in getting information is that the people consulted either do not know how to get you the facts you desire, or are not at liberty to divulge it to the public. This was true of the Social Service Bureau in Jamaica which serves the general eastern Queens area. From here we were referred to the main branch located in Manhattan, who referred us to Community Relations, who referred us to the commissioner of Community Relations, who referred us to the Social Service Bureau in Jamaica. Having made a complete circle without obtaining any worthwhile information, we attempted to utilize every other possibility. These included the library, the Mayors Task Force, teachers in the school, etc. These all kept referring us to the Social Service Bureau in Jamaica.

Just before totally giving up we decided to try the telephone circle again. After completing the cycle up to Community Relations, this time the lady gave us a different number which turned out to be The Community Council of Greater New York. Fortunately they had much of the information we needed.

The moral of the story is that somewhere, someone has the information you need. This problem is simply finding a lady who happens to be in a good mood at that particular moment and who will take the time to help you. If we are to cope with welfare problems of the community, Welfare Information should be made readily available to community members.

These are the results of a survey taken in July, 1967. The city was divided into zones. The zones included in this report are: 21.40, 21.60, 21.70, 29.10, 29.20. Students from each of these zones attend Van Buren.

The results are divided into two main categories. They are: With Children and Without Children. These two categories are also divided up. The cases with children are divided into six columns. They are: Type of Aid, Cases (number of cases), Adults, Children Under 5 (CH. UN.) Total Number of Children (Tot. Ch.), and Total Number of People (Tot. Peo.). The different types of aid are: Home Relief, Aid to Dependent Children (A.D.C.), Temporary Aid to Dependent Children (Temp. A.D.C.) Temporary A.D.C. is aid to the family of a worker who temporarily is out of work. Someone who is in between jobs.

The cases without children are divided into eight columns. They are, Home Relief with one parent (H.R. I/P), Home Relief with two parents (FCASE), the number of adults in FCases, Old Age Assistance (O.A.A.), Aid to the Blind (A.B.), Aid to the Disabled (A.D.), Total number of cases (Tot. Cases), and Total number of people (Tot. Peo.). The H.R. I/P is aid given to one person living alone who is under the age of 65. An F Case is where two people (married) are receiving Home Relief. O.A.A. consists only of people over 65.

When you mention Welfare, most people think of Home Relief. There are very few Home Relief cases in the school area, 13 in all. The largest part of them, 9, are in the southern most zone, 29.20. There are 3 in 29.10 and 1 in 21.60. There are none in the two northern most zones 21.70 and 21.40. Zone 29.20 also has the only two Temporary A.D.C. cases in the area. Zone 29.20 has the highest number of welfare cases. It has by far the most A.D.C. cases. It also has the most O.A.A.

Zone 21.70 has the least amount of Welfare. There are 15 cases of A.D.C., 12 cases of O.A.A., 4 cases of A.D. and 2 cases of H.R. I/P. There is no Home Relief given to families. 21.60 has the second lowest number of cases. 21.40 is the third highest. This is due to the high number of A.D.C. cases in the zone. The second highest zone is 29.10. It has 64 Welfare cases.

These statistics show that in the school area, most of the Welfare cases are A.D.C., 184 or 47%. The next highest is O.A.A. with 130 or 34%. The next highest is Aid to the Disabled, with 6%.

In another survey taken in Queens and parts of Brooklyn, there were 22,000 cases. 85% of them were A.D.C. and 10% were O.A.A. In the city approximately 15% of the cases were O.A.A. The school area has an exceptionally high number of O.A.A. cases. Approximately 68% of the cases in the city are A.D.C. The school area has 20% fewer cases. The rest are about the same.

ZONE 21.60—WITH CHILDREN

Type of aid	Cases	Adults	Children under 5	Total children	Total people
Home relief	1	2	2	5	7
ADC	13	13	5	23	36
Temporary ADC	0	0	0	0	0
Total	14	15	7	28	43

WITHOUT CHILDREN

H.R. I/P	F cases	Adults	OAA	AB	AD	Total cases	Total people
4	0	0	19	0	6	29	29

ZONE 29.10—WITH CHILDREN

Type of aid	Cases	Adults	Children under 5	Total children	Total people
Home relief	3	6	5	15	21
ADC	19	17	14	49	66
Temporary ADC	0	0	0	0	0
Total	22	23	19	64	87

WITHOUT CHILDREN

H.R. I/P	F cases	Adults	OAA	AB	AD	Total cases	Total people
7	0	0	34	0	1	42	42

ZONE 29.20—WITH CHILDREN

Type of aid	Cases	Adults	Children under 5	Total children	Total people
Home relief	8	12	9	36	48
ADC	111	92	92	268	368
Temporary ADC	2	4	4	6	10
Total	121	108	105	310	426

WITHOUT CHILDREN

H.R. I/P	F cases	Adults	OAA	AB	AD	Total cases	Total people
14	1	2	51	2	9	77	78

ZONE 21.40—WITH CHILDREN

Type of aid	F cases	Adults	Children under 5	Total children	Total people
Home relief	0	0	0	0	0
ADC	26	28	35	78	106
Temporary ADC	0	0	0	0	0
Total	26	28	35	78	106

WITHOUT CHILDREN

H.R. I/P	F cases	Adults	OAA	AB	AD	Total cases	Total people
4	0	0	14	0	1	19	19

ZONE 21.70—WITH CHILDREN

Type of aid	F cases	Adults	Children under 5	Total children	Total people
Home relief	0	0	0	0	0
ADC	15	14	14	26	40
Temporary ADC	0	0	0	0	0
Total	15	14	14	26	40

WITHOUT CHILDREN

H.R. I/P	F Cases	Adults	OAA	AB	AD	Total cases	Total people
2	0	0	12	0	4	18	18

TOTALS WITH CHILDREN

Type of aid	F cases	Adults	Children under 5	Total children	Total people
Home relief	12	20	16	56	76
ADC	184	164	150	444	616
Temporary ADC	2	4	4	6	10

WITHOUT CHILDREN

H. R. I/P	F cases	Adults	OAA	AB	AD	Total cases	Total people
31	1	2	120	2	21	185	186

Total number of cases with children	198
Total number of cases without children	185
Total number of cases	383
Total number of people with children	698
Total number of people without children	186
Total number of people	884

TRANSPORTATION

Several different forms of transportation are available in Queens Village. Residents have a choice between private transportation and mass transit. Below are discussed the situations and problems with several types of both forms of transportation.

Residents of Queens Village rely heavily on the parkways of the area for transportation. Due to the lack of adequate mass transit facilities, there is often heavy congestion on the parkways.

The Grand Central Parkway runs through part of Queens Village. Westward it connects with the Long Island Expressway and later leads into the Triborough Bridge. Eastward it goes through Nassau County to Eastern Long Island.

Until recently, the part of the Grand Central Parkway running through Queens Village was one of the few remaining parts of the parkway which had only two lanes going in each direction. This should help greatly to alleviate some of these problems. One of the disadvantages of the widening has been the destruction of part of Alley Pond Park and other landscaping adjacent to the parkway.

The Clearview Expressway currently runs from the Grand Central Parkway northward to the Throgs Neck Bridge. Proposals have been made to extend the expressway southward past Hillside Ave. to provide North-South access and to tie together the expressway system of Queens. There has been considerable opposition to the expansion proposal. It centers around the fact that many homes and a great deal of parkland would have to be destroyed to make way for the expressway. Several plans are being considered that would minimize danger to the area. At the present no construction is underway because no plan has been approved by the New York City Board of Estimate.

The Cross Island Expressway is the main route used by residents of Queens Village to get to Kennedy International Airport. To reach the airport, the Cross Island is used in a Southern direction. Going northward, it crosses the Long Island Expressway.

Even though the L.I.E. doesn't run through Queens Village, many residents use it going westward for daily transportation to and from Manhattan.

During the morning and afternoon rush hours, the congestion on these arteries is the greatest. Accidents frequently tie up traffic, especially on the L.I.E. and the Grand Central Parkway. The construction on the Grand Central Parkway has caused increased rates of congestion and accidents.

There are other roads which are smaller than the parkways but are very important within Queens Village. These include Commonwealth Blvd., Hempstead Turnpike, Springfield Blvd., Winchester Blvd., Union Turnpike, Hillside Ave., Jamaica Ave., Braddock Ave., Bell Blvd., and Hollis Court Blvd.

Portions of Springfield Blvd. have recently been repaved and recurbed. Also, parts of Hillside Ave. have been repaved. Braddock Ave. is greatly in need of repair. No plans for it are scheduled in the near future.

Plans for repaving of Union Turnpike from Little Neck Parkway to Francis Lewis Blvd., and this work will be done at some time in the near future. Improvements on Jamaica Blvd. have been recently completed.

Private cars are used by the majority of Queens Village residents. Many of the local streets are greatly in need of improvement. When salt is put on the streets after winter snowstorms, there is a corrosive effect on the streets. This, along with melting ice and snow during the Spring, has caused potholes and cracks.

Some streets flood after rainstorms due to poor drainage. Installation of storm sewers has ended some of these problems in Queens Village, notably in the vicinity of Martin Van Buren High School.

Another problem in the streets is the lack of signs and lights to guide the motorist. Numerous accidents have been caused due to this problem.

One of the main problems of mass transit in Queens Village is the complete lack of subways. It is necessary to take a bus to reach the subway. This means that Queens Village residents must pay double fares to reach Manhattan.

Major improvements in mass transit that will help Queens Village have been approved by the State Legislature and the New York City Board on Estimate. The proposed Northeast Queens Subway Line will run along the Long Island Expressway. It is expected to be built to Kissena Blvd. at first and later extended to Springfield Blvd. This will still not penetrate Queens Village, but will bring the subway closer.

Also, the extension of the subway along Hillside Ave. past 179 Street has been discussed but nothing is on the agenda for the near future. If such action is taken, many Queens Village residents would only have to pay one fare instead of two.

There are several buses which may be taken to reach the subways. One method is to take the Q 43 bus along Hillside Ave. to the IND subway at 179 Street. According to the N.Y.C. Transit Authority, buses run every 2½ minutes during the morning rush hour and every 5 to 7½ minutes during the evening rush hours. During the non-rush hours and on week-ends, service is much less frequent. Waits of up to an hour for a bus are not uncommon. Also, the Q I can be used on Hillside Ave. The Q 36 bus runs along Hillside Ave. until 212 Street, and along 212 Street until Jamaica Ave. and continues along Jamaica Ave.

Another method of reaching the subway is to take the Q 44A bus, which runs along Union Turnpike to the Kew Gardens Station of the IND subway. The Transit Authority says that the buses run every 4 minutes during the morning and afternoon rush hours. During non-rush hours, and on week-ends, the service is much less frequent. Waits rarely exceed thirty minutes even on Saturday and Sunday evenings.

The subway can also be reached by taking the Q 27, which runs along Springfield Blvd. in Queens Village to the Flushing Main Street IRT subway station. According to the transit authority, this bus runs every twelve minutes during morning and afternoon rush hours. Waits supposedly never exceed forty minutes on this line. However, the authors of this report know from personal experience that waits usually run about one hour during non-rush hour periods. On week-ends, waits can be considerably over one hour. When taken towards Queens Village, the Q 27 ends by the Queens Village station of the Long Island Railroad.

Express buses which run along Hillside Ave. (stopping at Springfield Blvd. and other places in Queens Village) into Manhattan during the morning rush hours and home during the evening rush hours are being used experimentally. The cost of these buses is one dollar each way.

The Long Island Railroad can be taken from the Queens Village Station (Jamaica Ave. and Springfield Blvd.) either towards Manhattan or eastward towards Long Island. The cost of using these trains into Manhattan is considerably higher than that of the subway. Also, for many residents of Queens Village it would be necessary to take a bus to the railroad station.

The proximity of Queens Village to Kennedy International Airport is both an advantage and a disadvantage. It is an advantage because of the accessibility of the airport. It is an disadvantage because residents are often subjected to the noises emitted by jet planes. The city is cooperating with the Port of New York Authority and with appropriate federal agencies in the search for effective methods to reduce the disturbance. Proposed expansions to the airport are being carefully evaluated because of the noise pollution and other ecological problems.

Taxicabs are not easily obtainable in Queens Village, although it is possible to call a dispatching service and have a cab sent to your home. The cost of taxi transportation prohibits many people from using them.

Although bicycling is on the upswing, there are factors limiting it's use for transportation in Queens Village. For one thing, the designated bicycle paths are not used much because of broken glass and the possibility of crime on these paths. Cyclists are urged by the police not to compete with automobile traffic on main thoroughfares. Quite often, cyclists are involved in accidents.

The extension of the subway system to Queens Village is imperative to alleviate the mass transit deficiencies of the area. Along with the extension of the subway itself, improvement in the quality of existing lines must be made. The service on the bus lines, especially the Q 27, must be improved, also. Availability of express buses should be made more widespread. The price of these buses should be lowered so that they do not exceed the price of going to Manhattan by regular buses and subway. This would encourage people to use these buses who are now prohibited from doing so by the extra cost.

Although the improvements being made on arterial highways are commendable, improvements should be made on the smaller roads of Queens Village. Repaving is badly needed on many streets and should be done as soon as possible.

If the fare on the Long Island Railroad could be kept down and the quality of services improved, this would become a more significantly used means of transportation for Queens Village residents.

If more people would use forms of mass transit, congestion on the highways would be greatly reduced. This would make transportation easier for all residents of Queens Village.

DRUG ABUSE

According to the statistics furnished to us by the 105th Police Precinct, there were 62 felony arrests for narcotics in Queens Village in 1968 as compared to 166 in 1969—a 166% increase within one year. In 1968 there were 213 misdemeanors in comparison to 400 in 1969. There was a 92% increase in the number of misdemeanors between 1968 and 1969. Statistics as to the number of drug crimes in 1970–71 were not available, but we were informed that there was, once again, a startling increase. Various policemen informed us that although, superficially Queens Village appears to be in a state of decadence, it is not actually so; in comparison to many other communities, the drug abuse in Queens Village is small.

Drugs are very common and very easily obtained in Queens Village, In essence, drugs are a very visible phenomenon. Local pushers, adolescents in their tenns, can be seen every day outside of the local high school, junior high school and neighborhood hangouts, with a full array, which include pot, pills, and even heroin, nervously awaiting to make their sales, in many instances to support their own habits. To encounter the bourgeois prevalence of drugs, one only has to walk by some local hangouts to witness throngs of adolescents helplessly laughing from being high on smoke, or "nodding" out from either downs (barbiturates) or heroin.

In doing our research, we contacted Mr. J. Ponz, who in 1970, interviewed 202 people from Queens Village, ranging in age from 13 to 22, in reference to the extent of the use of drugs in the area. The majority of those interviewed ranged between 16 to 18 years of age, with the mean at 17.2. Mr. Ponz stated that out of the 202 people he had arbitrarily chosen to be interviewed, 144 had tried some form of drug or drugs, at least once, for the purpose of getting high or stoned. The remaining 58 had used drugs (e.g. pills, amphetamines or barbiturate) under prescription of a doctor. From his data, we compiled the following table:

Drug	Number of times taken			
	1 to 3	3 to 10	10 to 100	Habitual
Marihuana, LSD, mesculin, methadrine, and other hallucigenics	12	31	40	59
Pills (amphetamines or barbituates)	38	22	20	29
Hard drugs e.g., heroin or cocaine	27	11	6	21
Others e.g., glue or cough sirup	31	44	10	7

After analyzing what information we had obtained, we decided that there are three main reasons why people take drugs. The three main categories are as follows:

1. The person who is trying to escape.
2. The person who is trying to be "cool."
3. The person in search of "kicks."

Many times all three categories are interrelated and it could be difficult to isolate them.

What is the person, who uses drugs for an escape trying to escape from? Queens Village is a very economical and socially stable community. The adolescents in Queens Village do not have to fight for their survival. Queens Village is not dominated by violence in the form of street-gang warfare, nor is it in the midst of economic turmoil. It provides the inhabitant with a relatively stable and secure operating milieu. Then why the emphasis on escape? Listed below are reasons, stated by drug abusers in Queens Village, as to why they take drugs as an escape:

"Man. there's nothing to do around here but get stoned. No parties, no dances, no beaches. This scene is a drag man. I wake up each morning, go to school, get out at 12:30, and got the whole day off. Can't get a job, so what's left to do? I'm totally bored. My only escape is smoke. It makes everything a little groovier—it's like wearing "crystal spectacles." I feel better, more relaxed, not so hung up—like baby, I'm free. I've escaped the doldrums of a dead town. It's like I beat the system."

"The world is a bad place to live, and Queens Village is even worse. There aint a ——— thing to do or a ——— place to split to. As soon as I get my car I'm cutting out for good. Drugs bring me up—give me a boost. They don't really change anything permanently—you got to come down—but for a couple of hours you feel liberated, with no chains. It's a dynamite feeling, man. You oughta try it."

I'm very paranoid. There's too much happening too soon. Too much violence and too much trouble here. The world really scares me. On heroin everything is different. I'm uptight about the habit but it's worth it. When I'm stoned on horse the world's hangups don't get me uptight. I can leave all my problems behind—nothing really matters. When you're high the world's problems seem remote, far away, and vague. You've escaped the reality of a corrupt world. Nothing matters—not war, hate, social injustice—it's all miles and miles away."

"My home life really stinks. My old man cut out years ago and my old lady always hits the juice. I have no communication with my brother or sister. Living at home is hell, so I get high. It shields me from those people. What I'm actually doing is escaping—mentally—not physically, for a couple of hours every day. If I didn't get high I think I'd really flip out and end up in Creedmore. If I had bread, I'd really escape. I'd cut out for good."

"Reality is a bad scene. I'm only twenty but I feel that I have experienced everything positive in life. What is there left to live for? Drugs give me an out. When I'm stoned I feel optimistic—like a release from the misemotion that plagues us. It may be a false feeling of security but it's something to cling to. I don't want to sound too spiritual but that's where it's at. Drugs make things a little brighter, a little bit better."

"Why live—I mean go through all the cruel hassels of life knowing that someday you're going to die. Why become a slave to the system? To me its seems hopeless. Drugs are my avenue of escape into total liberation and self-realization. They let me leave the dismal world of the egomaniacs. They give me temporary happiness, temporary escape."

"Drugs make me free. They restore my faith in my fellow man. They are the only road to self-contentment in a world engulfed by hatred and hostility."

The person who uses drugs to be "cool" is in a completely different situation from the one trying to escape. He is not as pessimistic. His insecurities and sense of hopelessness is not as pronounced although he may also be peer group statue. Generally people are very concerned about being part of the group. This is evident in the following statement:

"All my friends get stoned and I don't want to be different. If I didn't get stoned with them they would think something was wrong with me an they wouldn't accept me. I'd be excluded from all their scenes. They would think I was a freak."

"Everybody, all my friends, use drugs. Why shouldn't I? If I didn't they wouldn't hang around with me. I'd be labeled a drag. Who wants to go out and make a whole new set of square friends? I like the people I stay with and I want them to like me. They get wrecked; I get wrecked."

"I like the people I hang around with. They all think its cool to get high. Why be different? Why rebel against the cats I grew up with. I have a groovy time with them. We have groovy smoke parties—we all get stoned. It's what's happening, man."

"I haven't lived around here too long. I'm from Brooklyn. The cats I hang around with from here all turn on. So I get stoned too. In Brooklyn all my friends thought I was hip, and I want to make the same impression around here. Without friends it's a real down—nobody to rap with. I need these people, and I want to be accepted by these people so I turn on with them."

"It's cool to use drugs—just don't abuse them. All my friends, even the chicks, get high, so I do too. If I didn't there'd be nothing to do. Right now I don't want anybody that doesn't at least smoke. So if I didn't turn on what would I do? I'd go crazy."

The third category that we drew was people in search of "kicks". In the fifties, and even very early sixties, youth did things just for "kicks." The only difference between today and yesteryear is that there is a shift in the methods of getting "kicks". Drinking, "hot-rods" and street-fighting are out. Today there is something new—drugs. Drugs are not really a new phenomenon. Beatniks, back in the fifties, were smoking pot, and Black people, in Harlem, were overdosing from heroin in the twenties. Then why has mass media suddenly switched its attention to the drug scene, to the point where at least two major periodicals have given front page coverage to drug users? The answer is that drugs, once thought as only a lower class entity has penetrated into the middle and upper classes. American youth, regardless of their nationality has found a new kick. American youth is turning on in unbelievable proportions. Why is this kick so popular—so fashionable? Some people responded in the following manner:

"Drugs are what's happening. Everything becomes groovier when you're stoned. Your senses are awakened, like you're really alive. Everything is just beautiful when you are high."

"I use to drink but that was a bad scene. I'd become all uncoordinated. I'd get sick and in the morning—forget it. Pot is much different—no sick feeling or hangover—nothing—just a good head."

"When I'm on acid or mesc' I can see things more clearly. I can really introspect—get into my head. It's like a learning experience, except it's a positive one. No teachers, no books—just reality. I really feel fantastic when I'm stoned."

"When you're stoned on acid the whole world looks beautiful. You feel super-groovy. There's nothing that can compare with it."

"When I'm spaced I feel alive. Everything is nice, I feel very happy. I'm not a paranoid person or depressed regularly, so you can imagine how happy I feel when I'm spaced."

The strangest answer received was that of a seventeen year old girl, "The answer my friend is blowing in the wind." She wouldn't explain this statement any further; I can only guess that she meant that not even she knew why she took drugs.

Most of us who live in the Queens Village area noticed that a crowd of about fifteen kids from fifteen to nineteen years old hang around the local candy store every night. The owner, in a conversation about them, identified them as mostly school dropouts. It is obvious to anyone passing by that they use drugs. Pot and pills are freely passed around. At times, one or another of the gang becomes particularly noisy or throws up. We were told that a few of them "snort" heroin—and listening to their conversations confirmed this.

While standing in the store we caught snatches of conversation. No attempt was evident to whisper or hide what was happening. A sample follows:

"Hey man, you got a cigarette?" "Naw I smoked my last one. Did you hear that Jerry copped some dynamite hash and we'll get it at Pat's pad?" "Go inside and see if Frank has any snort left. I can't go in—Sol (the owner) hates me." "Yeah, then we'll go to the laundry (an adjoining store) and get off."

Every night seems to follow this same pattern—at least the same kids are there saying almost the identical things every time we go to pick up a newspaper. Once we saw the group kicked out of the laundry store. The owner yelled, "Get out you dirty bums. Take your lousy pot with you or else I'll get the cops. You should all be in jail." One guy obviously stoned became very abusive and his friends pulled him away, warning him loudly that he had better shut up and leave before they all got into trouble.

Queens Village is not unusual in today's drug oriented society. Queens Village is everywhere, everywhere young people live. America has been struck with a new disease—drugs—and Queens Village is only symptomatic of America's illness. The fifties were characterized by drinking—the sixties by drugs. What about the seventies? No one can be sure. Suicide? Maybe. The rate has been steadily rising. In the meantime something must be done regarding our drug crisis—something positive. Legislation is not the real answer since it does not strike at the root of the problem. The problem is not and has never been political. Its roots go deep beneath our political institutions. America is drowning in a sea of alienation. North and South, Whites and Blacks, youth and their parents are all alienated from each other. Before we can solve any of our drug problems we must put an end to this situation. We must work to make America the America we read about, learned about in school texts, and was taught to protect. America must earn our respect. This is obviously a long range goal. The many addicts alive today need help now. A program of rehabilitation that will truly serve the needs of our community must begin functioning.

Rehabilitation facilities

Interfaith Hospital, 175–10 88th Ave., Jamaica, N.Y.; Executive Director: Thomas W. Matthews, M.D.; Chief of Professional Services: Benjamin Primm, M.D.

Identifying Data: Interfaith Hospital has both an in-patient and an out-patient department which service drug addicts.

Eligibility: Any drug addict is eligible.

Service: Medical service is offered in the form of detoxification and methadone maintenance. Hospitalization is arranged. Individual and group therapy as well as a therapeutic community are provided. Religious, family and vocational counseling is given. In addition, temporary food and shelter is provided.

Staff: 1 psychiatrist, 2 psychologists, 24 ex-addicts, 15 social workers, 14 physicians, 32 nurses, 1 teacher, 6 clergy, 251 volunteers. There are also staff members engaged in arts, crafts, music and recreation.

Program: There is a preventive program as well as a youth program in operation.

Statement by Director: (not verbatim): Dr. Matthews disclosed that the drug detoxification program at Interfaith Hospital is quite effective. His estimates indicated success with percentages ranging from 80 to 85 of the addicts who require treatment. He bases the success to the complete drug education program given to addicts. Besides using standard methadone treatment (to physically kick the habit), individual and group therapy are introduced. Ex-addicts themselves advise incoming patients.

Community and Narcotic Action Center, 602 Bergen Ave., Queens, N.Y., Director: Mrs. Elsie Brown.

Identifying Data: The Community and Narcotic Action Center is a private non-sectarian facility located in a storefront. Attendance is voluntary. The agency is accredited and funded by ASA.

Eligibility: A client can be paroled to the agency and also accepted if a court case is pending. He may remain in treatment if using drugs. There is no fee.

Staff: Full-time, 2 ex-addicts plus the director.

Services: Clients receive individual and group therapy as well as vocational counseliing. Referrals are made to private doctors and hospitals for medical detoxification. Referrals for urinalysis are also made.

Program: The agency participation in general community program meetings.

Additional comments: The agency subscribes to the philosophy of "different strokes for different folks."

Jewish Community Services of Long Island, 97–45 Queens Blvd., Rego Park, N.Y., Contact Mrs. Mildred Heller.

Identifying Data: Jewish Community Services of Long Island is a private family service agency which began a special experimental out-reach program for the young drug abuser in September 1969. It is a multifunction agency offering a wide range of services to families and children including marital counseling, psychiatric and psychological consultation and homemaker service. The agency is funded by the Federation of Jewish Philanthropies.

Eligibility: The agency services all of Queens, Nassau and Suffolk Counties with special concentration by the Drug Abuse Projects in Northern Queens. Heroin addicts referred elsewhere. Indigenous workers make initial contact with troubled youngsters on the street and set up appointments between adolescents and caseworkers in the project. Although parents are not seen initially, early involvement of parents in treatment process is a goal.

The agency continues to accept other referrals through its regular intake. Clients who have a court case pending are accepted by the agency but not paroled to the agency. A fee based on eligibility to pay is charged. Attendance is voluntary. Non-jewish clients accepted.

Staff: full-time, 3 social workers, 2 case aides; part-time, 2 psychiatrists, 1 psychologist.

Service: Individual and family therapy.

Program: The agency offers parent education workshops and special programs of family life education. Speakers and workshop leaders are available.

Samaritan Halfway Society, 130–15 89th Road, Richmond Hill N.Y., Director: Mr. Richard Balbi.

Identifying data: Samaritan Halfway Society is a private, non-sectarian facility with an in-patient capacity of 160 and out-patient capacity of 80. The facility was opened in 1966 and is accredited by NACC, ASA, and the Queens Medical Society.

Eligibility: No age or sex limitations. Telephone calls for interviews are preferred, but walk-in appointments are accepted. Clients may be paroled to the agency, and are accepted with a court case pending. Clients must detoxify first, and cannot remain in treatment if using drugs. There is a waiting period of two weeks, and no fee is charged.

Staff: full-time: 2 clergy acting as administrators, 10 ex-addicts, 1 physician, 1 nurse; part-time: 5 social workers, 1 psychiatrist, 2 psychologists, 1 vocational counselor, 4 teachers, 1 nurse.

Service: individual, group, family, recreational and occupational therapy as well as therapeutic community are provided. Vocational and employment counseling are also offered and urinalysis, medical and psychiatric examinations are given. Remedial tutoring is provided, and field visits made.

Program: Speakers and films upon request.

We interviewed rehabilitated people at various centers. We always asked the same basic questions before getting into a deep conversation with them. Below, are the questions we asked. The responses to them were extremely similar; the answers listed below were typical of approximately 75% of the people.

1. How long have you been hooked on drugs? This varied from six months to three years.

2. Why did you first try drugs? "Well, at first I was kinda pushed into it by my friends. Ya' know they'd come over and talk me into trying some of their cheap stuff and after a while, I just got to like the stuff. I mean there's nothing to do around this place anyway."

3. What if there were community activities? "Yea, man! Are you kidding! It's just boredom around here."

4. Why did you take drugs after knowing all the dangers involved? "Well, look—you take booze—it's just as bad. Now I don't give a damn what you tell me—you get high on booze just as easily as on drugs. Besides if you know what you are doing you won't get hurt."

5. Would you recommend drugs to your friends, now that you've tried it? This answer varied. Two of the most typical responses are as follows: "Yea, just as long as you stay clear of the hard stuff. It's a good experience." "No way man! I made a mistake. I can tell you what Hell is and how to get there—use drugs—it's a one way ticket there."

Whether the people of this community know it or not, they are all involved in the drug problem. No longer can any of us escape. The problem lies before us, and we must resolve it. Unfortunately for us, there is no simple solution.

The rest of the problem does not seem to lie in the emotional state of the user. We have observed that many of the drug users do not have conflicts that must be resolved. It seems in this community that simple boredom is a catalyst for use. Community recreation centers would be a great help. One student from Martin Van Buren High School indicated that when the night center was active, he and his friends stayed off their nightly drug habit. But this year, according to him, the night center is bad.

Fear is another cause of the problem. People are simply afraid of getting involved, reporting incidents, etc. A specific example of this is the local candystore. This store is a major hangout for drug pushers. When we asked the owner of the store why he has done nothing for the situation, he replied, "How can the police do anything—they'll be back again to attack me!" People must realize that they themselves are the only ones that can rid the community of pushers.

But, in spite of all this there is still hope for the community. On January 25 of next year the Parent Association of Martin Van Buren High School will give a program designed to discuss problems of our community. Of course we will be present. This program will concentrate specifically on the drug scene in Martin Van Buren. Hopefully, programs such as these will continue throughout the year as to increase parental knowledge of the drug scene in this community.

One of the problems that face us here today is the lack of knowledge of specific "tried and true" methods of preventing youngsters from falling prey to the drug habit, and of rehabilitating those who are already addicted. Recently, a meeting was held to discuss the possibility of opening a center at Creedmore. Those in favor of the project hoped that children and young adults could receive methadone. The Parents Association of Van Buren became involved. The President, Mrs. Helene Zaro, told us that the executive board had had ambivalent feelings and could not agree. Many of these parents stated that they did not approve of the center. While they wanted to help the addicted youngster, they felt that the center could not succeed if he were forced to return to the environment that had helped lead him to drugs. Mrs. Zaro stated "Unless the child can return to a home that offers him love and security, a school in which he is willing to function, a job when he needs one, the program is doomed." In addition, some parents feared the influence of "drug addicts" in the neighborhood. The proposal was defeated.

Jack Perna, the drug counselor in a Bronx school, informed us that there is a new approach to rehabilitation. In the past, most agencies felt that an informational approach, warning of the dangers of drug addiction was the best method of discouraging the would-be-explorer. Slides indicating graphing how heroin is prepared and injected were supposed to horrify the onlookers. Studies indicated they merely informed those who wanted to take drugs of the possible methods of preparation. The latest theory requires that there be a change—that an approach to change one's attitude towards himself, his family, his goals, and towards drugs was necessary. This is the approach to be developed in District 8. Perhaps District 26 will be working towards these same goals. Whether or not they will be successful remains to be seen. Only time will tell!

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THE LATE AIME J. FORAND

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. DULSKI. Mr. Speaker, the passing of my good friend and former colleague in the House, Aime J. Forand, has stilled the strongest voice of our day on behalf of our senior citizens.

This is not in any way to reflect on or minimize the diligent work of many, many others in this field. Indeed, I believe that all will agree with me that Aime Forand was the leader and inspiration for Federal action to assist our senior citizens.

My first term in the Congress was Aime Forand's last term. In those 2 years I came to know him well and respect his ability as a legislator and distinguished public servant.

In the years that followed, I found Aime Forand working harder than ever in behalf of the cause he felt needed urgent attention. I was and am in complete sympathy with his views.

He organized the National Council of Senior Citizens and mustered tremendous public support for legislative action. When President Johnson signed the medicare bill in 1965, Aime Forand was on hand and was singled out by the President for his persistent efforts over the years.

I appreciate the opportunity to join my colleague from Rhode Island (Mr. St Germain) in paying tribute to Aime Forand. I extend my deepest sympathy to the members of the Forand family in their great loss.

THE PLIGHT OF JEWS IN ARAB NATIONS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BADILLO. Mr. Speaker, in the 25 years since the United Nations voted for the partition of Jerusalem, much attention has been focused on the problems experienced by the Palestinian refugees. Yet, the world has almost virtually ignored the plight of the almost 1 million Jews who resided in Arab countries before 1948—a number which has now dwindled to 57,000.

Only during the aftermath of the 6-day war and at the time of the barbaric acts of the Iraqi Government in killing a number of Jewish citizens a few years later did most of the world realize that there are Jews still residing in a number of Arab nations. In some countries the Jews have faced bitter persecution and, eventually, expulsion. In other Arab lands they still remain, even though they are denied basic civil liberties and are victims of harassment and intimidation and of political, economic, social, and cultural oppression.

A most interesting and well-written article about the status of Jewish refugees from Arab countries appeared in the November 1971 issue of the "Middle East Information Series," a publication of the American Academic Association for Peace in the Middle East. Written by Dr. Heskel M. Haddad, president of the American Committee for Rescue and Resettlement of Iraqi Jews and clinical professor of opthalmology at the New York Medical College, this very perceptive piece not only discusses the problems experienced by Jews residing in Arab countries but also describes the difficulties Jewish refugees from these Arab States have encountered in adjusting to life in Israel and in fully enjoying the rights of Israeli citizenship.

I am pleased to present this article herewith, for inclusion in the Record, and commend it to our colleagues' attention.

THE JEWISH REFUGEES FROM THE ARAB COUNTRIES

(By Heskel M. Haddad *)

November 29, 1947, when the United Nations voted overwhelmingly for the establishment of a Jewish and an Arab state in Palestine, opened a fateful chapter in Middle East history. The Arab world rejected the resolution outright, a bloody war ensued and approximately two million people, both Arabs and Jews, were caught up in a great human tragedy. It involved not only those people living in the vicinity of British Mandatory Palestine, but, as it affected the Jews, those living in the vast expanses of the whole Arab world, from the borders of Persia and the Persian Gulf to the shores of the Atlantic Ocean of Africa, where a million Jews had lived for some 2,000 years. The refugee problem has continued to plague the region for two decades, with periods of ups and downs, depending on two major factors: the fluctuations in the degree of hostility between Israel and its Arab neighbors, and the revolutionary patterns of the Arab countries in which these Jews live.

Before 1948, there were 951,000 Jews living in Arab lands. In 1970, there were about 57,000, the majority having fled as refugees to Israel between 1948 and 1951. During the Arab-Israel war of 1948, 650,000 Arabs fled from their homes in the war zone and became the Palestinian Arab refugees. The plight of the Arab refugees has been a sad one for the past twenty-three years, because the neighboring Arab countries have generally refused to absorb these unfortunate people in their midst, and have forced the majority to live in makeshift refugee camps which were only intended as temporary. They have been used by the Arab states as a political weapon against Israel. On the one hand, their human tragedy has been stressed, while on the other, they are hostages.[1]

The Jewish refugees, uprooted from their homes in the various Arab countries, had no alternative but to immigrate to Israel, where they too faced the hardships of living in camps and tents, of making a cultural adjustment to a society which was largely European and Western, and of being refugees—hardships only a refugee can appreciate and understand. Yet, despite all the difficulties and the trauma of extreme change, these immigrants were quite speedily rehabilitated in the newly created, war-torn State of Israel. They were immediately granted citizenship and every effort was made to teach them Hebrew and to make them useful citizens. They lived in *ma'abarot* (tent cities) for an average of 4–6 years but then were able to move into permanent homes, as these were constructed, although their social and economic conditions still remain inadequate in housing, skills and education as compared with Israelis of European background (Israel is still paying the price of the mass immigration of impoverished, under-privileged Jews from Arab countries).

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*Dr. Haddad is Clinical Professor of Ophthalmology at the New York Medical College and President of the American Committee for Rescue and Resettlement of Iraqi Jews.

[1] They are "hostages" in the sense that they have generally not been permitted to leave their camps to live among the urban population of their host Arab countries.

To be a refugee is to have to endure all the traumatic processes, from flight to rehabilitation. It is an unhappy fact that the Arabs who fled Palestine as refugees were not given the same opportunity of rehabilitation by their compatriots as the Jewish refugees received in Israel. It is impossible to equate the suffering of one refugee with that of another on a balance sheet, and thus, one can never have a balanced reciprocal reparation. Yet it would be only appropriate to seek a just solution to this tragic problem. The Jewish refugees from Arab lands suffered as severe a trauma in the process of being displaced from their homes, environment and cultural habitat, of arriving in a Western-oriented and war-torn country, of being compelled to live in tents and huts in Israel as did the Arab refugees in their camps in the Arab states.

When the Arab countries, particularly Iraq, Syria, and Egypt and to some extent Lebanon, Algeria and Morocco decided to expel their Jewish populations, they announced publicly that they would like to create new homes for the Palestinian Arab refugees out of the dwellings vacated by the Jews. To some extent they have done so, as can be seen by anyone visiting the former Jewish quarters of Damascus and Baghdad. In a sense, therefore, the Arab governments did practice some sort of population exchange with Israel when they expelled their Jews. Yet, they kept the vast majority of the Arab refugees from Palestine in camps, and refused to rehabilitate them, merely dinning into their ears the theory that the only solution to their problem is repatriation to their lost homes in Palestine.

The 57,100 Jews who still live in the Arab states are badly treated by the host governments, who, since 1948, have been introducing progressively restrictive laws against them. Like the Arab refugees, they too are being used as virtual hostages both for the purpose of political bargaining with Israel and as scapegoats for the benefit of the military demagogic and dictatorial regimes which exist in many of these states. Worst off are the 2,500 Jews in Iraq and the 4,000 Jews in Syria. The regime in these two states is ultra nationalist, Ba'athist, strongly Arabist in sentiment, and highly repressive in action. The human rights and civil liberties of the Jews in both these countries have been completely suspended. The Jews of Iraq and Syria live under virtual house arrest. They cannot travel. They are debarred from communicating with one another and with their Arab neighbors. They are prohibited from working in their professions in order to earn a livelihood. They cannot own a car or have a telephone. They can be detained without warning or reason. For them, the rights of *habeas corpus* are completely suspended. Some of them were jailed and publicly hanged following sham trials. Some were tortured and secretly executed in prison as "Israeli spies" or "CIA Agents." Their property and assets have been frozen; they cannot sell their belongings for cash and even those who still have money in the bank cannot draw more than a severely restricted amount each month—a sum barely sufficient to keep them alive. The Jews of Iraq and Syria have virtually become paupers and beggars.

The lot of the Jews in Egypt has not been any better, and in fact deteriorated after the June, 1967 war.

Egyptian Jews were forced out of that country as refugees in two waves. The first came soon after the war of 1948 and the second came after the Sinai Campaign of 1956. After the war of 1967, the small remnant of the Jewish community still living in Egypt was placed under virtual house arrest. All the men were detained in jails. However, the late President Nasser did concede to the efforts of the United Nations High Commissioner of Refugees, Prince Sadrudin Agha Khan, and to the intervention of the Spanish Government, and allowed almost all the Jews of Egypt to assume refugee status and to leave Egypt.

The 3,000 Jews in Lebanon and the 10,000 Jews in Tunisia today live in relative freedom, though with the status of second class citizenship, and still fearful of reprisals whenever incidents occur between Israel and the Arab states. The condition of the 35,000 Jews of Morocco is a very sad one. Sequestered in a highly populated and impoverished ghetto, they have been reduced to extreme poverty and are not allowed to leave Morocco freely. And this despite the pro-Western policies of King Hassan II.

There are no Jews in Libya or Yemen and virtually none are left in Algeria. All of the Jews of these countries were forced out, immigrating mainly to Israel and also to France and Italy between 1948 and 1960.

But these 850,000 Jewish refugees left behind them considerable wealth in assets, belongings, and property. Even if each individual had been allowed to take out a mere $1,000, a reparation sum of $8.5 million would still be due to them. In Baghdad alone, in 1951, the pro-Western government of Nuri Al Said, confiscated £35 million held in cash by the banks ($140 million), in addition to vast amounts of other assets and property left behind in Iraq by the 150,000 Iraqi Jews. Assets, belongings, and other property of a similar amount have been confiscated in Syria, Egypt, Algeria, Yemen, Morocco and most recently, in Libya.

EDITOR'S NOTE.—The Association of Jewish Victims of Egyptian Persecution, composed of refugees who had been imprisoned in Egypt during the wars of 1948, 1956 and 1967, said in Tel Aviv on August 13, 1971 that it was claiming $1,000 million compensation for confiscated property. A convention of the refugees, meeting in Paris on July 23, recommended that legal steps be instituted for recovery of $500 million in personal compensation, $300 million for Jewish community property, and $200 million for confiscated religious articles. The association also demanded that Egypt pay a minimum of $10,000 to families who were forced to leave their homes and additional damages for those who were held in detention.

JEWS IN ARAB COUNTRIES

	1948	1970	Number of immigrants in Israel	Year
Algeria	140,000	[1] 1,500	110,000	1960
Egypt	100,000	[1] 500	90,000	1948–56
Iraq	150,000	2,500	125,000	1947–51
Lebanon	6,000	3,000	1,000	1948
Libya	35,000	[1] 100	33,000	1950
Morocco	300,000	[1] 35,000	250,000	1949
Syria	40,000	4,000	35,000	1948
Tunisia	100,000	10,000	75,000	1950
Yemen (and Aden)	80,000	[1] 500	75,000	1948
	951,000	57,100	794,000	

[1] Or less.

Note: There are no Jews in Jordan, Saudi Arabia, Sudan, or the emirates or sheikdoms of the Arabian Peninsula.

RESTORING POWER TO THE PEOPLE IN YUGOSLAVIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. RARICK. Mr. Speaker, on May 10, 1971—CONGRESSIONAL RECORD, volume 117, part 11, page 14276—I pointed out that General Tito, self-proclaimed "humanistic Marxist" dictator of Yugoslavia, faced serious opposition from his people and a possible counterrevolution.

According to press reports of the 3-day Congress of self-managers held in May 1971 at Sarajevo and attended by some 2,300 delegates from factories, firms, and institutions, Tito vigorously supported the concept of decentralization of government and sought to stem the open criticism among the country's ethnic groups, particularly the most numerous groups, Serbs and Croats.

President Tito even threatened a purge of Communist party members and bureaucrats opposing constitutional changes designed to limit the power of the central government and strengthen the authority of the 6 national republics.

In a special report from Zagreb, Yugoslavia, appearing in the Washington Evening Star of February 2, 1972, we learn that a massive purge of Yugoslav Communists—initiated by Tito's attack on the leadership of Croatia, Yugoslavia's second largest state—has been underway since mid-December.

Tito's denunciation of the Croatian nationalists apparently was motivated by the opposition of the Croatian leaders to the "power of centralist and authoritarian party bureaucracies and financial monopolies in Belgrade." Belgrade is the capital of Serbia as well as the Federal capital.

It is obvious from this latest development in Croatia that decentralization and democratization which would reform the government by restoring power to people at the local level are incompatible with the whims of a dictator. Decentralization to a dictator is acceptable only if ultimate power resides with the dictator and not with the people. Hence, the purge. The shadow of Mikhailovich looms again.

A very significant question is raised in the report:

> Is it true, as the official line now maintains, that the situation in Croatia, has become so threatening to the unity of the country, to peace among its nationalities (President Tito and others have spoken of the risk of a Serb-Croat civil war), or to Titoist socialism that drastic action was unavoidable.

The answer to the question, according to the writer of the news account, is regrettably yes as based on a view "more widespread in Zagreb than many Serbs are prepared to believe."

It appears that the decentralization of power which Tito ostensibly supported to appease nationalist groups has gotten out of hand. Tito has created a crisis for himself. His subjects believed him.

While the purgists have been proceeding in Yugoslavia, it is noteworthy that in December this body adopted S. 2819, the Foreign Assistance Act of 1971 which not only makes additional U.S. tax dollars available to Tito to continue his financial monopolies but the bill provides:

> OVERSEAS PRIVATE INVESTMENT CORPORATION
>
> SEC. 104. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:
>
> * * * * *
>
> (g) Except for the provisions of this title, no other provision of this or any other law shall be construed to prohibit the operation in Yugoslavia * * *

The above provision gives discretion to the President of the United States to guarantee Tito's financial monopolies with the full faith and credit of the U.S. taxpayers by the OPIC.

This week the House passed H.R. 8750 to increase the participation of the United States in the Interdevelopment Association, a branch of the World Bank in which operation Tito will also be permitted to obtain development funds—thanks to the U.S. taxpayers.

Pertinent news clippings follow:

[From the Washington Star, Feb. 2, 1972]

Purge of Croatians Creates Crisis for Tito

(By Dennison I. Rusinow)

Zagreb, Yugoslavia.—A massive purge of Yugoslav Communists continues to decimate the higher ranks of the Croatian League of Communists in what is the most serious domestic political crisis the Titoist regime has faced since 1948.

The purge, which got its impetus last month when President Tito denounced the leadership of Croatia, Yugoslavia's second largest state, for pandering to nationalists and separatists and for "rotten liberalism" in the face of a "counter-revolution," has been variously interpreted as:

An action necessary to preserve the unity of Yugoslavia and avoid the risk of civil war or an excuse for foreign (Soviet) intervention.

A coup, perhaps under army pressure, to restore Serbian domination over an eternally hapless and exploited Croatian nation.

A move by "conservative" Belgrade Communists to stop a Prague-like "liberalization" in Croatia.

The only way to stop development of a quasi-Fascist Croatian dictatorship based on a marriage of extreme nationalism and corrupted socialism.

Since the mid-December resignations of the triumvirate who had run the Croatian party since 1968, at least 300 resignations or dismissals of party or government officials at all levels have been recorded in the press. The total list undoubtedly is much larger.

Popular former Croatian leaders, originally accused only of letting Croatian nationalism get out of hand because they underestimated the danger and permitted nationalists and separatists to organize a dangerously powerful movement outside party control, are now being accused of deliberately encouraging or even leading separatist, antisocialist factions.

Although some low-level demands have been made that these leaders be arrested on criminal charges, they have not yet lost their party memberships.

The only arrests at first were of students who had led the late November strike at the university which precipiated the crisis, or who participated in later demonstrations in favor of deposed party and youth leaders. Most of the 550 arrested youths have been released, fined (276 of them), or given light sentences for disturbing the peace (155).

CRIMINAL PROCEEDINGS

But now criminal proceedings have begun against a group of older persons, some of them party members, who had been prominent in an allegedly separatist movement organized around the Matica Hrvatska, a Croatian cultural institution that had escaped party control and was now said to be controlling the party.

Meanwhile, although the continuing purge and the escalating accusations prevent a dust-free view of the crisis in Croatia, no evidence has been produced to support any of the widely circulating but contradictory rumors that Tito acted under pressure of the army (said to have threatened a coup if he did not move), the Russians, the West or anyone else.

Vladimir Bakaric, the astute 60-year-old Zagreb politician who was the undisputed boss of Croatia from the end of the war until he was summoned to Belgrade in 1969, categorically told two West European journalists in December that such rumors, and especially those alleging army pressure, were false and "a lie spread by Croatian nationalists."

CHALLENGE TO PROCESS

Tito acted, Bakaric contended, when he became convinced that nationalist forces in Croatia were attempting to turn to their own political purposes the process, which Tito himself had begun, of building genuine national equality among Yugoslavia's jealously competing ethnic groups.

Croatian politicians who opposed the nationalist course of the now ousted leaders were about to act on their own when Tito moved, Bakaric said in another interview.

Bakaric, who was the leader of this pro-Yugoslav or "unitarist" opposition within Croatia, was threatened with political extinction on the eve of the purge.

Revelations in recent weeks about such pre-purge infighting at the top of the Croatian party have exposed a far more complex political situation than most interpretations, in Yugoslavia or abroad, have recognized.

While roles and motives involved in the drama of the past weeks remain obscure, the picture of what was happening before the purge is becoming clear.

YOUNGER LEADERS

A group of younger, "progressive" Communist leaders came to power in Croatia in the late 1960s, as Bakaric's proteges, on a platform of decentralization, democratization and economic liberalism.

Such a platform was seen and welcomed as consistent with Croatia's long-term aspirations for a fairer deal in a Yugoslav federation in which Croats had, with some justice, felt exploited and oppressed by a centralized system in which their more numerous but poorer ethnic rivals, the Serbs, enjoyed preponderant influence.

In office and in alliance with like-minded comrades in other region, the new Croatian leadership therefore continued the battle against the power of centralist and authoritarian party bureaucracies and financial monopolies in Belgrade, which is not only the federal capital but also the capital of Serbia.

In seeking wider support in this political struggle for decentralized power, the Croatian new guard began to play with Croatian national sentiment, historically the easiest and surest way of arousing mass enthusiasm while also frightening one's negotiating partners with the implicit threat that nationalist forces may get out of hand if one's demands are not met.

DEMANDS ESCALATE

More extreme Croatian nationalists, in and outside the party, appeared with escalating demands.

Their activities centered around the Matica Hrvatska, which became again the aggressive defender of Croatian national interests that it had been in the late years of the Hapsburg Monarchy. To many, the Matica began to look increasingly like the nucleus of a new, nationalist political party outside Communist control and a challenge to it.

This development, combined with the "progressive" party leadership's toleration of nationalist "excesses" (which frightened non-Croatian minorities in multinational Croatia), and increasingly rigid negotiating positions in disputes with the federal center, frightened Croatia's allies in other regions.

The consequent isolation of the Croatian leadership forced it into greater dependence on mass popularity inside Croatia—a popularity based on nationalism.

The process was exaggerated further by splits within the Croatian leadership.

Bikaric and some members of the progressive new leadership, such as Josip Vrhovec and Jure Bilic, argued that the opening to the masses was proving an opening to chauvinism and separatism. They were accused of pro-Serbian "unitarism" and anti-democratic conservatism.

In fighting this internal Croatian battle, it is now said, the leaders whose platform had been liberal nationalist communism became more nationalist and less liberal, using every means to eliminate their "unitarist" opponents from political life and creating an atmosphere now described by many in the Croatian party as "intellectual terror."

It was this situation, in which it seemed to men in power everywhere except in Zagreb that the Croatian nationalist tail was wagging the Crotian Communist dog and moving in the direction of separatism or facism, that led to the crisis.

WELL-ORGANIZED STRIKE

The crisis was precipitated when students at Zagreb University, under partly non-Communist and strongly pro-nationalist leadership, went on a well-organized strike at the end of November and then refused to listen to the pleas of the belatedly alarmed party leadership that they go back to class.

The student revolt against party leaders who had claimed that nationalism was not dangerous and could be harnessed persuaded Tito that the party in Croatia had lost control of the situation and that those who were responsible must go.

But as the charges of "separatism" and "counterrevolution" grew and the purge continued, Yugoslavs here in the Croatian capital as well as in Belgrade have begun asking three basic questions:

1. Is it true, as the official line now maintains, that the situation in Croatia had become so threatening to the unity of the country, to peace among its nationalities (President Tito and others have spoken of the risk of a Serb-Croat civil war), or to Titoist socialism that drastic action was unavoidable?

2. Even if the answer is yes, are the actions now being taken the most appropriate ones? Or by including charges of "counter-revolution," do they contain what one observer called a dangerous dose of "ideological overkill" that will lead to an excessively widespread purge with criminal trials inevitable? And will this generate even more genuine separatists—prepared, perhaps, to support terrorism—among a disbelieving and embittered Croatian nation?

3. Will a widespread use of purge and police, backed by Tito's repeated demands for a strengthened Communist party, more central control and an end of "democracy for the enemies of our socialist democracy," carry Yugoslavia back toward the centralized party dictatorship of a few years ago?

The official line is that the Croatian leadership now being purged either deliberately or stupidly had permitted Croatian nationalists to organize a dangerously powerful separatist and anti-social movement, and that the nationalists' political methods were undemocratic and even Stalinist.

Thus desperate and even "undemocratic" measures were required. Nothing less than the current massive "cleansing" would have done the job.

At the other extreme are those who feel that the ousted but still popular Croatian leaders were merely trying to create the genuine, mass-supported socialist democracy that is Titoism's proclaimed goal.

Their flirtation with nationalism, it is argued, was not only a harmless positive contribution to mass popularity for the party and socialism, but also the best way to cut the ground from under the real nationalists and separatists who would appear and compete for popularity in a genuinely democratized atmosphere.

Another view, more widespread in Zagreb than many Serbs are prepared to believe, holds that the answer to the first basic question is regrettably yes, but the answer to the second is that the remedy now being applied is almost as deadly as the disease it is meant to cure.

Some people find particular alarming President Tito's statement, in his strongest post-purge speech, that the rot had started with the 1952 Congress of the Yugoslav Communist party, and that he personally had never liked that Congress.

For the "progressive" Communists who have dominated the party established since 1966 to call in question the 1952 Congress is to call in question most of the things that distinguish Yugoslav from Soviet communism.

So far, there are at most only marginal signs, like the recent flurry of arrests in Zagreb and elsewhere and pressures against "liberal" Communist leaders in the Serbian, Macedonian and Slovene parties, that this kind of alarm is justified.

It is discounted by those who are convinced—perhaps a little anxiously—that political and economic forces with a vested interest in the level of pluralism and decentralization already achieved are now too numerous and too powerful for the clock to be turned back more than an hour or two, even by Tito.

SENATE—*Monday, February 7, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who at the beginning gave man freedom under grace to have dominion over his own life, bless the people of this Nation and all whom they have set in authority, that this may be a good land where liberty is cherished and truth and righteousness mark our common endeavor. Set us free from pride and self-interest and all that obstructs Thy spirit in our national life. May we learn to lose the lower self and find the higher self in service and sacrifice and love. Guide the President and the Congress and all who assist them that the peace of the world and the betterment of all mankind may transcend all lesser concerns.

In the Redeemer's name we pray. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ACTIVITIES UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Government Operations:

To the Congress of the United States:

In accordance with Section 214 of Public Law 91–646, I am transmitting today the first annual report of each Federal agency whose activities are governed, in part, by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The agency reports describe initial steps which have been taken under the Act to provide for the uniform and equitable treatment of persons displaced from homes, businesses or farms by Federal and federally assisted programs and to establish uniform and equitable real property acquisition policies for these programs. The reports cover the period January 2, 1971 through June 30, 1971.

To assure equitable treatment and essential uniformity in administering the law, I requested in a letter to Federal agencies, dated January 4, 1971, that a number of actions be taken. First, the Office of Management and Budget was asked to chair an interagency task force to develop guidelines for all agencies to follow in the issuance of regulations and procedures implementing the Uniform Relocation Assistance Act. The Departments of Justice, Transportation, Defense, and Housing and Urban Development, and the General Services Administration were requested to assist in this development. These guidelines were issued February 27, 1971, and supplemental instructions were issued on August 30, 1971. As noted in the attached reports, the agencies have now promulgated regulations and procedures to implement the Act pursuant to the guidelines.

Secondly, I requested Federal agencies administering mortgage insurance programs to determine whether guarantees could be given to individuals who were displaced and might otherwise be ineligible because of age, physical, or other conditions. Studies completed early in 1971 indicated that such guarantees could be made, and I am advised that these agencies are now fully implementing Section 203(b) of the Act.

Thirdly, I directed the Secretary of Housing and Urban Development to develop criteria and procedures whereby all Federal and federally assisted programs could use the authority provided by Section 206(a) of the Act to construct replacement housing as a last resort. These criteria and procedures to assure uniform and equitable policies and practices by all agencies have been published in the Federal Register, and the Department is evaluating comments received for consideration in the preparation of final instructions on this subject.

The Department of Housing and Urban Development, pursuant to my request, is also developing criteria and procedures for implementing section 215 of the act. That section concerns loans for planning and other preliminary expenses necessary for securing federally insured mortgage financing for the rehabilitation or construction of housing for displaced persons. These procedures and criteria should be issued shortly.

I also directed the Office of Management and Budget to form and to chair a Relocation Assistance Advisory Committee. This committee includes representatives of the Departments of Agriculture; Defense; Health, Education, and Welfare; and Transportation; the General Services Administration; the Office of Economic Opportunity; and the United States Postal Service.

This Committee will continually review the Government's relocation program for the purpose of making recommendations to the Office of Management and Budget for improvements in the guidelines and for new legislation. In the interests of uniform and equitable administration of the law, it will also provide a vehicle for coordinating the relocation programs of each of the agencies.

Executive branch review of the relocation assistance program and of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 has disclosed a number of problem areas which require legislative consideration. The principal areas identified are detailed as enclosure 4 of this report, while other problem areas are identified in individual agency reports. Corrective legislation will be submitted to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 4, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 575, H.R. 7987.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN REVOLUTION BICENTENNIAL MEDALS

The bill (H.R. 7987) to provide for the striking of medals in commemoration of the bicentennial of the American Revolution was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–603), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill authorizes the American Revolution Bicentennial Commission (created by Public Law 89–491 to plan, encourage, develop, and coordinate the commemoration of the American Revolution Bicentennial) to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative national medals.

Specifically, the Commission would be authorized to arrange for the striking of a medal commemorating the year 1776 and its significance to American independence, and, in addition, a maximum of 13 separate medals commemorating historical events of great importance recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

The sizes of the various medals, their metallic composition, and the emblems, devices, and inscriptions thereon are to be determined by the Commission, subject to the approval of the Secretary of the Treasury. The medals are to be furnished to the Commission by the Secretary in lots of not less than 2,000 for each design or size, at prices equal to the cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. No medals may be produced under authority of this legislation after December 31, 1983.

BACKGROUND OF BILL

H.R. 7987 is an administration bill, submitted jointly by the American Revolution Bicentennial Commission and the Bureau of the Mint.

A companion bill, S. 1766 was introduced in the Senate by the chairman of the Banking Housing and Urban Affairs Committee. Senator Sparkman, for himself, and Senators Bennett, Proxmire and Tower. A similar bill, S. 2162 was introduced in the Senate by Senator Dominick. After consideration the committee agreed to report H.R. 7987.

The American Revolution Bicentennial Commission is an independent Federal Agency consisting of four Members of the House of Representatives appointed by the Speaker, four Senators appointed by the President of the Senate, 12 heads of Federal departments or agencies designated by status as ex officio members, and 17 public members appointed by the President. The chairman is the Honorable David J. Mahoney, of New York.

The Commission named an advisory panel on coins and medals, chaired by ARBC Commissioner George E. Lang, of New York, and including outstanding experts in the numismatics arts, as well as Government officials, to develop a program for the issuance of special medals and coins and/or currency to commemorate the events leading up to the creation of the United States of America before and during the War of Independence. The provisions of H.R. 7987 include only those recommendations of the panel, as endorsed by the Commission and by the administration, relating to the issuance of commemorative medals. There are no coinage or currency aspects to the pending bill.

It is your committee's understanding and intent that medals struck under the authority of this legislation will be made widely available to the American people at reasonable prices to assure the broadest possible public participation in this phase of the bicentennial's many proposed activities marking the Nation's birth and development. Proceeds from the sale of the medals are to be used in the furtherance of the bicentennial celebration.

Under instructions from President Nixon and Director Shultz of the Office of Management and Budget, all Federal agencies are to cooperate with and assist the Commission in carrying out its assignment to make the bicentennial, in the President's words, "a focal point for a review and reaffirmation of the principles on which the Nation was founded and for a new understanding of our heritage." The Bureau of the Mint, in accordance with such instructions, is planning to provide extensive assistance to the Commission's commemorative medals program, based on its expertise and experience in the production and distribution of numismatic materials, and hopefully plans to have the first medal in the projected series ready for issuance by the Commission on or before July 4, 1972.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971, UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Ervin amendment, which is pending, occur at 4 p.m. today and that the time, after the disposition of the three nominations which will be taken up at the conclusion of morning business, be equally divided between the manager of the bill and the sponsor of the amendment, the Senator from North Carolina (Mr. ERVIN).

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. For the information of the Senate, that will be a rollcall vote.

Mr. MANSFIELD subsequently said: Mr. President, earlier today, I asked unanimous consent that the vote on the Ervin amendment occur at 4 o'clock this afternoon. That consent was granted. Since then, I find that some Senators vitally interested in this bill have raised objection. So I ask unanimous consent that the consent agreement be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time under the standing order.

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Tennessee (Mr. BROCK) is now recognized for not to exceed 15 minutes.

VIETNAM

Mr. BROCK. Mr. President, for 20 years this Nation has been involved in the affairs of Vietnam. From the time of President Truman's first commitment of large-scale military aid to the South Vietnamese in 1950, we have sent billions of dollars in military supplies, millions of dollars in economic aid, and hundreds of thousands of our young to that faroff land. In the last decade, this Nation has made the ultimate commitment—it has sacrificed the lives of 55,000 of our sons, 55,000 parts of our Nation's future—so that another nation might be free.

Incredibly, prior national administrations have done all this without ever bothering—until very recently—to appreciate or understand the character of the nation we were helping and the nature of the people with whom we were dealing. It was not until the mid-1960's, long after our troop strength in South Vietnam had been built up into the hundreds of thousands, that our Defense Department had one academic Vietnam specialist in its employ. Even today, only a handful of our Nation's universities and colleges have programs in Southeast Asian studies. And while our broadcast media has done a superb job in reporting the day-to-day events of the war, not once in 20 years has any of the major outlets devoted so much as 1 hour to a systematic study of the culture and history of Vietnam.

American self-confidence is at the base of our tremendous historical success, but overconfidence is also at the root of such matters as our tragic failure in Vietnam. We were put there by a policy which presumed upon the basic idealism of the people of this land, but which had the mistaken objective of imposing our ideology, our methodology, our goals, and our standards on the Vietnamese. No matter that Vietnam contains political and social cultures more than 2,000 years older than our own. Our democratic methods created in this once raw and untamed land the world's greatest political, social, and economic success. So, in the minds of our leaders in the early 1960's, our democratic methods were best for the Vietnamese. And because we knew what was best, they believed it was our right to impose our standards on the Vietnamese—even against their will.

What was done in South Vietnam in the early and mid-1960's was not imperialism in the traditional sense. It was, instead, a devastating kind of cultural imperialism. It allowed us to justify to ourselves some of the most shameful acts an American Government has ever committed. In 1963, this Government took it upon itself to engineer the coup which led to the assassination of the one man who might have salvaged his nation without the death and destruction of the past 8 years, the mandarin President Ngo Dinh Diem. They did this, not because his people were against him, but because he did not fit the fashionable American standard of what a third-world nationalist was supposed to be. Diem was murdered with no idea of who might replace him—and no one could. So we replaced him ourselves with a series of puppet governments, a series which ended only with President Thieu. To shore up our puppet governments, and our ridiculous schemes for recreating South Vietnam in our own image, we were forced to send in more and more of our own people.

Less than 20,000 American advisers soon evolved into 549,000 American troops. While the Tet offensive in 1968 showed that the North Vietnamese and the National Liberation Front could not defeat us, it also showed that they had an impressive ability to inflict huge damage. For the first time in our Nation's history, we were in a war we could and would not win. Not all our machinery, not all our technical superiority, not all our military genius enabled us to impose our will on the Vietnamese people. Indeed, the more troops we sent in and the harder we fought, the worse the situation became.

And so, the thought soon came to the architects of these policies that the war must be wrong. If the best of our technical expertise, our democratic good will, half a million men, and $120 billion could not work, these men concluded, it was not that our methods and our standards were inadequate, it was that, somehow, the South Vietnamese were unworthy of us and unworthy of our support. We had not erred—they had. Because of their inability and unwillingness to adopt to our goals and our techniques, they did not deserve our support. And so we were justified in abandoning them.

It was not the first time that we have done this. We have regarded other sections of the world as if they were our children and have reacted in anger and bitterness, out of a sense of betrayal when they did not respond to our guidance. But rarely has this attitude caused more damage than it has in the past few years in our dealings with the distant and unfamiliar land of Vietnam.

For now this Nation is a world power with world responsibilities it has never had before. We are expected to behave in a mature and thoughtful fashion. We are not expected to act as if we were a parent bitter over his child's inability to make a football squad or gain admission into our alma mater. Yet that is exactly how many who fostered our programs have behaved in the past few years. Arrogant, prideful men, they seek now to justify their own tragic mistakes and punish the South Vietnamese for their "ingratitude" by sacrificing the freedom of 17 million people.

Daniel Ellsberg allegedly among the best of the "new breed" of thinkers brought in by the Kennedy-Johnson administration, a man who used to accompany the South Vietnamese army on its forays into the bush, steals secret documents in a vain attempt to end the war he did so much to expand. The New York Times, one of the earliest supporters of our involvement in Vietnam, carps at President Nixon for failing to end immediately a war it took 7 years to build up. The Bundy brothers, the Rostows, Harriman, Clifford, and the rest all back away from any responsibility for the mess they created.

In their colossal conceit, these men are still seeking in Vietnam to find mirror images of themselves. But now they are seeking it on the other side. North Vietnam has now become a center of enlightened "agrarian reformism." One candidate says, for example, he looks toward a united Vietnam under Hanoi's rule after we leave the South.

It does not matter to these men that only once in the 2,000-year history of Vietnam has the country been united, and then only for a 63-year period. It does not matter that the northern part of Vietnam has traditionally been the enemy of the south. It does not matter that the Northern Vietnamese have been hated by the other Indochinese peoples as hostile and aggressive neighbors who lust for their agricultural resources.

It does not matter, for Vietnam itself does not matter to these men. What is called "repression" under President Thieu in the south is trumped up, while the iron-handed dictatorship of the old men in Hanoi is ignored. South Vietnam is portrayed in this country as if it were Hitler's Germany, and North Vietnam as if it were an idyllic land of milk and honey.

What people seek in these misrepresentations of reality is not a better future for Vietnam, but a political future for themselves. Perhaps some seek to force this Nation to share their own sense of failure. I for one cannot accept such a consequence. Nor can I accept lightly the "new politics" of this tragic situation—even in the heat of a political campaign.

The Senator from Massachusetts, who once gave such unqualified support to the war which was escalated under his brother's administration, now asserts that his "opposition to the continuation of the war in Vietnam is full and unqualified." The Senator from Maine, who introduced Lyndon Johnson's war plank on the floor of the 1968 Democratic National Convention, now says that—

> It is not good enough—indeed it is indefensible—that people are still dying, at our hands, in a war that is wrong . . . a war most Americans rejected long ago.

Indeed, it is not good enough. But why was it good enough in 1968.

The North Vietnamese anticipated the present turn of events, for they, unlike those who ran the war from our side, took the time to understand our country, its strengths and its weaknesses. General Giap, the brilliant strategist who commands North Vietnam's military, believed that our will could be undermined if we could be dragged into an inconclusive military stalemate.

In speaking to the political commissars of the 316th Division of his army in the early 1960's, Giap spoke of the shortcomings of a democratic culture in the kind of war he had planned for Indochina:

> The enemy will pass slowly from the offensive to the defensive. The blitzkrieg will transform itself into a war of long duration. Thus, the enemy will be caught in a dilemma: He had to drag out the war in order to win it and does not possess, on the other hand, the psychological and political means to fight a long drawn-out war. . . .

Giap said that public opinion in a democratic country will insist upon an early end to the "useless bloodshed," or its legislature will insist on a final date by which expenditures must be ended. National unity will slowly erode. Political leaders will rush to disassociate themselves from the war they led the nation into. In the end, Giap predicted, the democratic nation will accept any settlement it can get. North Vietnam could win at the conference table, he said, what it could not win on the battlefield, at the polling booth, or in the hearts and minds of the South Vietnamese people. It had only to wait.

These statements were available to the policymakers of the Kennedy-Johnson administration. Indeed, President Diem, until he was murdered with the complicity of the Kennedy administration, resisted large-scale American military intervention in his country, knowing that our intervention would only play into the hands of Hanoi and undermine his country's unity, pride, and sense of self-respect. But we insisted. After all how could Diem presume to know more about his country than the Bundys and the Kennedys and the Hilsmans and the rest of the merry men of Camelot.

These statements by Giap are still available. But they are ignored by the people who helped create the conditions which allowed Giap's strategy to come close to success. Sadly, even that is not surprising. Take the junior Senator from Maine, for instance. Look at the men who advise him—Averell Harriman, Cyrus Vance, Clark Clifford, Paul Warneke—the very same men who masterminded our destructive strategy in Vietnam, the same men who now would use the South Vietnamese as scapegoats for their mistakes, the same men who cannot bring themselves to realize that there is not an American solution for every problem, who cannot understand that if we cannot do something for somebody, that somebody might be better able to do it for himself.

But I doubt that even General Giap, in his most hopeful moments, expected the kind of statements made recently, statements which served notice on the leaders in Hanoi that some would ask our President, like Neville Chamberlain 30 years ago, to make peace at any price; to sacrifice the South Vietnamese as Chamberlain sacrificed the Czechs, to sell out those who have fought for their independence for so long, many of them courageous Roman Catholics who gave up everything they had in the north to flee religious persecution, all of whom have suffered and sacrificed so that they could enjoy a future of their own making.

The Senator from Maine recently spoke of the North Vietnamese and the National Liberation Front, saying:

> We are asking them to stop fighting and concede Saigon's control over most of the

> countryside, abandoning their supporters to the police power of an enemy regime.

The second part of this statement is significant in that it is inaccurate. We are not asking the North Vietnamese and the NFL to "abandon their supporters to the police power of an enemy regime"; we are asking them instead, to submit to a free, internationally regulated political struggle so that the bloodshed can end and the will of the South Vietnamese can be expressed.

But the first part of the Senator's statement is more significant. It is unreasonable, he says, for us to ask Hanoi to stop fighting—to stop trying to get through death and destruction what they cannot win otherwise. Should we, on such terms as they dictate, give them what they want, allow them to win from us through negotiation what they cannot and have not won from the South Vietnamese through terror, through war, through murder and mutilation? For myself, I prefer the President's attempt to stop the killing with a ceasefire, to begin the peace with a settlement fair to all.

The junior Senator has told Hanoi what President Nixon should do. Would he do as much? Is it not possible that criticism of our peace offer voiced in this country before Hanoi had even had time to study it, may undermine the chances for a peaceful settlement until after the November election? The risk of falsely raising the hopes of Hanoi, by demonstrating a lack of national unity, is not worth its price.

Only a few short years ago, the Senator from Maine could stand before the American people and say:

> We believe that the credibility of our word as a Nation is at stake, and that its loss would be an enormous setback for the forces of freedom. We believe that containment of expansionist communism regrettably involves direct confrontation from time to time and that to retreat from it is to undermine the prospects for stability and peace.

Yet now, after seeing the failure of strategy he supported in Vietnam during the Kennedy-Johnson years, the Senator has changed his tune. Now that we have the first President in a decade who has shown that the freedom of the South Vietnamese is better guaranteed without large-scale American support, the Senator describes this President's actions as "unleashing terror and destruction to prop up a corrupt dictatorship" and as "immoral."

If the lack of a election opponent is evidence of corruption, the Senator need not look so far afield to invoke his criticism. I wonder if those in the Congress who have been so fortunate would argue with such an evaluation.

In the final analysis, nobody can escape their responsibility for the tragic failure of liberal internationalism in Vietnam by seeking to blame the Nixon administration or the South Vietnamese for his own failures. Nobody can bring the war to a faster end by nitpicking at the President's peace initiative. As David Brinkley pointed out right after the President released his proposals if the North Vietnamese were confident of their ability to defeat the South Vietnamese, they would agree to a ceasefire, give us back our prisoners, and then resume the war once we had left. The North Vietnamese and the NFL want nothing less than our surrender.

I believe there is still a chance to bring this sad and too long war to an early end. I want to take advantage of that chance. And so, I ask my colleagues, I beg them, to resist the temptation to allow pride or opportunism or shame to overcome reason. President Nixon is making a courageous, high-minded, and noble attempt to end this war on terms just to all parties. He has my fullest and complete support. He deserves yours.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for a period of not to exceed 15 minutes.

RECOGNITION OF SENATOR CHURCH

The PRESIDING OFFICER (Mr. MOSS). The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a statement prepared by the distinguished Senator from Maine (Mr. MUSKIE).

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THE STATE OF THE AGING

Mr. CHURCH. Mr. President, recently I told the White House Conference on Aging that our Nation seems to be falling behind, rather than advancing, in terms of achieving genuine security and well-being for older Americans.

Nevertheless, my message was not one of pessimism.

Instead, it was one of challenge.

That challenge, very briefly stated, is that the 1970's can be either a period of triumph or one of despair for older Americans.

We can seize this historic opportunity to translate the recommendations of the 1971 White House Conference on Aging into action—immediate and long-range.

Or we can fumble and fritter away our opportunity, with the result that the elderly will taste more disappointment and despair.

Quite bluntly, older Americans of today have already waited too long for too little.

They will not be willing—nor will their successors—to wait until the White House conference of 1981 for action to begin.

For these reasons, I have requested time to make the leadoff address today—the first in what might be called a state of the aging message to be delivered by members of the Committee on Aging and others.

Our purpose is to press home certain facts to the Congress and the administration about the issues now facing the elderly, the significance of the recently concluded White House Conference on Aging, the immediate and long-range opportunities for legislative action, and some thoughts about the future of aging Americans.

And my own personal goal is to help generate impetus for bipartisan congressional and administration efforts to make the 1970's a memorable decade of achievement.

To begin, I would like to make a few comments on comparative costs. What are we talking about when we ask for reforms that would help older Americans?

Well, we could abolish poverty among the elderly for what it costs to run the war in Southeast Asia for just 3 months.

We could broaden medicare coverage to include out-of-hospital prescription drugs for what we now spend for an aircraft carrier.

We could establish a comprehensive manpower program for older workers for the cost of one submarine.

Given such incongruities in our present spending patterns, it is easy to understand why the 1970's could become a decade of despair for older Americans.

They see a nation which boasts a gross national product of more than $1 trillion, but in which nearly 5 million older Americans subsist below the poverty line.

They see a nation where the median family income is almost $10,000, but in which nearly one-fourth of all aged couples have incomes below $3,000.

They see a nation in which $70 million is requested for military aid for Spain, but in which only $30 million is appropriated for service programs to enable elderly Americans to live independently.

But they also see a nation where there is new reason for hope. Through the voices raised at the White House Conference on Aging, all of us have heard a stirring declaration for action.

And that call has already produced momentum on two key fronts.

Throughout 1971, the Congress struggled with a reluctant administration for more adequate funding for the Older Americans Act. And rightly so. A budget assigning the Administration on Aging approximately the same amount of money that was allocated to the Pentagon for publicity purposes was not worthy of a great nation.

We questioned the administration on these spending priorities. And finally, we won some limited victories, including a $15 million increase in appropriations.

But it took a White House conference to turn around an administration that was first willing to settle for $29.5 million for the Older Americans Act, about $1.45 for each senior citizen. It took a White House conference to demonstrate that the elderly were deeply dissatisfied. And it took a White House conference to provide the necessary impetus to secure a $100 million appropriation for the Older Americans Act, the highest in its history.

There is also no doubt in my mind that the conference helped to marshal support for establishing a national hot meals program. For nearly 2 years, the administration had opposed this measure. During the week of the conference, though, the Senate rejected this advice and approved the nutrition program for the Elderly Act, S. 1163, by a vote of 89 to 0. This measure, which was sponsored by the Senator from Massachusetts (Mr. KENNEDY), is now before the House of Representatives. And, I understand that the House is scheduled to take action today on this proposal.

And behind it all, there is a firm bipartisan attitude in Congress when it comes to issues affecting older Americans. No where is this better demonstrated than in the Committee on Aging, on which I serve as chairman. We may have 11 Democrats and nine Republicans on our committee. But in our treatment of the issues affecting the elderly, we try to conduct our business in a bipartisan manner.

What is now necessary is a joint effort by Congress and a willing administration to construct a sound and coherent program for the aging.

HOW REAL IS THE ADMINISTRATION'S "GAME PLAN"?

Before discussing what form this action program should take, an examination of the administration's "game plan" is essential. This is not done in a partisan vein because no administration to date—whether it be Democratic or Republican—has really come to grips with the predicament of the elderly.

Despite the crying need, the administration, until recently, exhibited a narrow, negative attitude. Not only did it fail to propose new programs of its own, but it resisted, opposed, and even blocked several congressional initiatives.

Until last week, the administration opposed the enactment of the Nutrition Program for the Elderly Act. Yet, 8 million older Americans have diets insufficient for good health. And the administration's own White House Conference on Food, Nutrition, and Health strongly supported this type of legislation.

The administration has opposed legislation to create a midcareer development services program for older workers. But today, nearly 1.1 million persons 45 and older are unemployed. They account for less than 4 percent of all enrollees in our Nation's work and training programs, although they represent 21 percent of the total unemployment in the United States and 37 percent of all joblessness for 27 weeks or longer.

The administration has argued against the establishment of a National Senior Service Corps, although 4 million older persons may want to participate in this program. And many pilot programs under Mainstream—such as Green Thumb and Senior Aides—have shown beyond any doubt that community service employment is good for the elderly as well as the localities being assisted.

The administration opposed establishment of a National Institute of Gerontology and an Aging Research Commission. Yet our Nation probably spends no more than 8 cents per person for biomedical aging research. And the low priority assigned to aging research continues to be one of the major problems in the field of gerontology.

The administration has presided over the continued decline of the Administration on Aging. Today, AOA is no longer the strong Federal focal point which Congress intended. Instead, it is a crippled agency with no real clout in the Federal bureaucracy.

To make matters worse, the administration now proposes sharp cutbacks in the scope of coverage under medicare and medicaid. Medicare protection has already eroded to the point that the elderly, as a group, are paying almost as much in out-of-pocket payments for health care as the year before this historic law went into effect.

But the fundamental weakness in the administration's game plan is the failure to develop a real income strategy to provide security in retirement. Its policy of adding a few dollars every 2 years to monthly social security checks is just not going to get the job done.

Cost-of-living adjustments will also provide little protection if the administration continues to insist that this escalator should be pegged to an inadequate base. All this will do is perpetuate deprivation for persons who now receive low benefits.

We in the Congress have long supported automatic adjustments to protect the elderly from inflation. However, there is one crucial difference: The Congress wants to raise social security benefits to a more realistic level before employing this escalator mechanism. Only in this manner will older Americans have any meaningful protection from raising prices.

The retirement income crisis which now affects millions of older Americans is much too deep for the administration's shallow treatment. It cries out for much more far-reaching action on several key fronts. And it deserves no less than a national commitment to eliminate poverty for the elderly and to allow them to share in the economic abundance which they have worked most of their lives to create.

Yet the administration's income strategy has been pursued, to a large degree, in a half-hearted manner with no realistic goals.

In 1970, for example, the administration was first willing to settle for a 7-percent increase in social security benefits. Later it upped the ante to 10 percent when an avalanche of criticism forced reassessment. But the significant point is that neither of these proposals would even have kept pace with the rise in prices since the last social security increase.

Only because of bipartisan congressional insistence did the elderly win a 15-percent raise. And then the administration threatened to veto this measure because of its "inflationary" impact. But fortunately the measure was tacked onto a tax proposal which the President could not veto.

Again last year, the Congress and the administration had another go-around on social security. This time high-level administration spokesmen urged the Congress not to rock the boat by approving a raise in excess of 5 percent. Later the request was eased up to 6 percent. But, once again, this increase would have been wiped out by the time the elderly received their first checks. and once again, a bipartisan Congress ignored the advice of the administration and approved a stopgap 10-percent raise.

The net impact of this action is that social security recipients are now receiving about $4 billion more in benefits than they would have received, if the administration had prevailed. Equally significant, we would now have thousands more on the poverty rolls if the Congress had accepted the Nixon recommendations.

Now I turn to the President's address to the delegates at the White House conference. In some respects, his remarks represented a step forward, particularly his proposal for increased funding for the Older Americans Act. However, his statement fell far short of prescribing what is really needed to come to grips with the basic problems confronting the elderly—relating to income, health, and housing. And once again, this was symptomatic of the administration's failure to establish realistic goals.

The President, for example, recommended that H.R. 1 be approved "without delay." At the outset, I wish to express my support for early action on H.R. 1. In terms of numbers of persons affected, this could quite possibly be the most significant domestic legislation considered during this session. But many important changes are still needed to improve this bill and to eliminate some of its undesirable provisions. And I, along with other members of the committee, will have more to say about that later.

If the Congress were to accept H.R. 1 without any modifications, the elderly find themselves on the same old economic treadmill. The 5-percent increase in social security benefits would not become effective until this June. Even more significant, this raise may not be sufficient to keep the elderly even in their desperate race with inflation. By June, the jump in the cost-of-living, since the 1971 social security increase, which became effective last January, may well be in excess of 5 percent.

Additionally, the proposed $1,560 income floor for a single aged person is nearly $300 below the existing poverty line. By the time this income standard becomes effective, it will fall substantially below the poverty index.

There are also very crucial omissions of fact in the President's address. He did not, for instance, inform the delegates that his administration made no request for a social security increase for 1972. The 5-percent raise was principally the result of bipartisan efforts in the House of Representatives. Nor did he tell the delegates that his administration was first considering a $65 income standard for its welfare reform proposal for the aged. With such a low threshold, this was tantamount to no welfare reform at all. Now that standard has been doubled, but once again largely because of bipartisan congressional efforts.

During the last 3 years, our employment rate has jumped from 3.4 to 6 percent, adding nearly 2.5 million persons to the jobless rolls. Today more than 5.2 million individuals are looking for work. More than 1.1 million have been searching unsuccessfully for 15 weeks or more.

All age groups have felt the crunch of these economic policies—whether in the form of massive layoffs, shorter work weeks, smaller paychecks, rising prices, high interest rates, or just slow business. But older persons and their families have been especially hard hit.

Many have discovered that they have lost more than jobs. Thousands have also lost their pension coverage as well—even though they may have worked most of their lives for this little "nest egg."

And the elderly—perhaps more so than any other age group—have been especially hard-pressed by inflation. As prices go up, their limited purchasing power goes down.

REASONS FOR OPTIMISM

Yet, despite my earlier skepticism about administration policies, I still find many hopeful signs for 1972 to be a year of decisive legislation victories for older Americans.

First, White House Conference Chairman Arthur Flemming has repeatedly emphasized the need for early action to implement the policy recommendations of the 3,400 conferees. Second, the President's White House Conference speech has provided a possible signal that the administration may look more favorably upon categorical programs for the elderly.

Third, issues related to aging now enjoy strong bipartisan support in Congress. This has been demonstrated time and time again. It may be revealed when Congress stands up and demands that social security benefits be raised to a much more realistic level. Or it may be demonstrated when bipartisan efforts turn an inadequate funding request for the Older Americans Act into a $10.5 million victory for the elderly. Fourth, I believe that the Congress is ready, willing, and able to act on several major proposals during this session. Important momentum was generated during the week of the White House Conference, and I look for this impetus to continue during the months ahead.

THE CHALLENGE

Our Nation is now being challenged—as it never has been before—to develop and implement a national policy on aging. This will, of course, require a full fledged action campaign in several areas if the later years are to be a time for dignity and self respect.

Nowhere is this more evident than in the area of economic security. Today more than 4.7 million older individuals 65 and older fall below the poverty line, neary 100,000 more than in 1968. And for the first time since poverty statistics have been tabulated, their impoverished number have increased, instead of decreased.

Today older Americans are more than twice as likely to be poor as younger Americans. One out of every four persons 65 and older—in contrast to 1 in 9 for younger individuals—lives in poverty. And the threshold, I might add, is a "rock bottom" standard. According to the Census Bureau, it is $1,852 for a single person and $2,328 for an aged couple.

Perhaps one of the most economically disadvantaged groups in our society now is the aged widow. Approximately 50 percent live in poverty. And as they grow older, they seem to grow poorer.

Equally alarming is the high incidence of poverty among elderly minority groups. Their likelihood of being poor is nearly twice as great as for the white aged population, and four times as great as for our total population. Approximately 48 percent are victims of poverty, compared with 23 percent for elderly whites. Especially disadvantaged is the aged Negro woman who lives alone or with nonrelatives. More than 88 percent—or nearly nine out of every 10—are considered poor or marginally poor. And there is strong evidence to suggest that they suffer from greater extremes of impoverishment. More than 59 percent, for instance, have annual incomes below $1,500.

Another area of retrogression, in many respects, is in the field of health care. Today, less than 7 years after the passage of medicare, the threat of costly illness is still too real for too many older Americans.

Medicare now only covers about 43 percent of their health care expenditures. And that coverage is being eroded further with proposed cutbacks and rising medical costs.

The sad truth is that serious illness strikes with much greater frequency and severity at a time in life when incomes are most limited. Persons 65 and older have health bills averaging almost $800 a year, nearly six times that for youngsters and three times that for individuals in the 19 to 64 age category.

If our Nation is to assure true economic security in retirement, we must resolve the serious medical cost problems which pose an intolerable drain upon their limited incomes.

Our Nation has also made little progress in terms of maximizing employment and service opportunities for older persons. Many older workers are now being eased out of the work force. Only about 17 percent of all persons in the 65-plus age category have jobs, usually part-time and in lower paying employment.

Many persons now in their 40's or 50's are also discovering that advancing age may become a problem long before traditional retirement. It may occur when age may make it difficult to locate new employment, although we now have a law prohibiting such discriminatory practices. In large part, this is rooted in other fundamental problems which work to the disadvantage of middle-aged and older persons:

Inflexibility in adjusting employment patterns during the later working years;

False stereotypes about the undesirability or feasibility of employing older workers; and

The lack of training opportunities to prepare older workers for new and gainful employment.

Little improvement has also been made in developing a comprehensive and coordinated system for the delivery of vitally needed social services. According to a recent report by the Gerontological Society, no community in the United States has developed a comprehensive network of services to meet the varied and changing needs of the aging. And that message should be of major concern for all Americans, because an effective social service system can enable the elderly to live independently, instead of being institutionalized at a much higher public cost.

An effective income strategy must be complemented by social service delivery systems which are far superior to those that now exist. Adequate income will be of little consolation to aged persons who are unable to go to the doctor, the supermarket, or visit friends because suitable transportation is unavailable or inaccessible.

Much of this lack of progress or retrogression, in some respects, is reflected in the elderly's living environment. Less than one-quarter of a century ago, our Nation announced a goal for a decent home and suitable living environment for all Americans. But this objective is far beyond the means of too many older Americans. Nearly 6 million are estimated to live in dilapidated, deteriorating, or substandard housing.

Yet, our housing programs have lagged behind their demonstrated needs. Only about 350,000 units have been constructed for seniors under Federal programs during the past 10 years. This is only about the equivalent of the net gain in their population during any one year.

Large numbers of aged homeowners are also finding themselves in a "no-man's land" for housing. Rapidly rising property taxes and maintenance costs are driving them from their homes. And alternative quarters at prices they can afford are simply not available.

Complicating everything else is the fact that the elderly are among the chief victims of our Nation's most pressing problems: such as the decline in our cities, the migration from rural areas, the disintegration of our public transportation system, and the sheer wastefulness of a nation which overspends for military hardware while tightening its fiscal belt for human investment expenditures.

WHAT NOW MUST BE DONE

But even these problems can be solved if we insist on an appropriate national commitment and a soundly conceived strategy. And this session of Congress provides a splendid opportunity to launch a comprehensive action program to implement the goals of the White House Conference on Aging.

First and foremost, early action is needed to make H.R. 1 as strong as possible in terms of ending poverty for the elderly. Several features adopted by the administration—such as full social security benefits for widows, a liberalization of the retirement test, an age-62 computation point for men, and cost-of-living adjustments—provide a solid basis for genuine reform of our social security program.

However, essential finishing touches are necessary to perfect this measure. Heading the list, in my judgment, is the need for more substantial increases in social security benefits. And this raise should be retroactive to January 1, instead of taking effect in June.

The 5-percent increase proposed in the House-passed bill, though welcome, is simply not enough.

For these reasons, I am urging—as I have previously in my omnibus social security-welfare reform proposal—across-the-board increases in social security benefits which would average about 12 percent. This raise would also be weighted to provide larger percentage increases for persons who now receive low social security payments. Under my proposal, persons with very low benefits would receive benefit increases averaging about 21 percent.

My bill also would abolish old-age assistance and would replace it with a new income supplement program to be administered by the Social Security Administration. For persons who now receive social security benefits and old-age assistance—about 2 million older Americans—this would provide an efficient, single-step service. Another advantage is that the Social Security Office has the trust and respect of most aged persons; it does not have the same negative connotations associated with the local welfare office.

Particularly significant, my proposal would establish an income standard which would be sufficient for abolishing poverty among all older Americans. In contrast, H.R. 1 fixes the income floor for single persons only at $1,560 per year. This is certainly a step forward. But the income standard in H.R. 1 would still leave millions of elderly persons in poverty. For these reasons, I urge the Senate to raise the threshold in H.R. 1 to an amount which would wipe out poverty once and for all. Moreover, I recommend that there be cost-of-living adjustments to make this standard inflation-proof for low-income older Americans in the future.

Important as a realistic income strategy is, we must not overlook the need for further improvements in medicare through H.R. 1. For many older Americans, the single greatest threat to their economic security is the high cost of illness. Gaps still exist in medicare, causing a further drain upon their limited pocketbooks.

Two vital reforms, in my judgment, are needed: first, the elimination of the premium charge for doctor's insurance and second, coverage of out-of-hospital prescription drugs under medicare. These measures were strongly supported by the 1971 Social Security Advisory Council, as well as the delegates at the White House Conference on Aging. Now, I believe, is the time to extend this essential protection to the elderly.

Other changes are also necessary to improve the health care provisions in H.R. 1. Since other members of the committee will focus on these measures, I shall concentrate on two provisions, which may seriously cut back the availability of health care to the elderly:

The increase in the deductible for doctor's insurance from $50 to $60; and

The $7.50 copayment charge for medicare patients for each day in the hospital from the 31st to the 60th day.

The copayment charge, alone, could add $225 to the hospital bill of an older American. Ironically, this provision is likely to fall most heavily upon the very person medicare is supposed to help the most—the individual who may be exposed to costly health care expenditures because of a prolonged period in the hospital.

These increased levies, I believe, should either be stricken or substantially reduced by the Senate.

Another area for early action during this session is the establishment of a strong Federal spokesman to represent the elderly in the highest councils of Government. Recent reorganization moves during the past 5 years have raised very serious questions about the capability of the Administration on Aging to serve as an effective advocate for older Americans. Today, AoA is a weak agency with very little authority. Its program responsibility has been reduced by two-thirds during the past 2 years.

In short, we need a new, strong, and coordinated apparatus to serve as a cornerstone for a cohesive and comprehensive Federal approach on aging.

Within a few days, I shall introduce legislation to implement this objective. Basically, the bill will be patterned after the recommendations of the committee's advisory council on the AoA or a successor. Their proposal—later adopted at the White House Conference on Aging—called for:

Establishment of an independent office on aging at the White House level to formulate policy and monitor programs on aging;

Creation of an advisory council to assist this office and to prepare an annual report on the progress made in resolving the problems of older Americans; and

Elevation of the AoA by placing it under the direction of an Assistant Secretary on Aging in HEW.

Enactment of this measure, I believe, can provide the operating governmental framework for developing coordinated policies on behalf of aging Americans. And early action on this proposal becomes imperative, because June 30 is the deadline for extending the Older Americans Act.

Equally important, Congress should act promptly to enhance employment and service opportunities for aging Americans. With unemployment continuing to mount, mature workers are finding that they are among the first to be fired, but the last to be hired. Many now stand in need of a flexible manpower program which is responsive to their needs. Large numbers are jobless because their skills have been outdistanced by technology or because they are seeking the work of a bygone era.

For these reasons, I urge the administration to reassess its opposition to the Middle-Aged and Older Workers Employment Act. For thousands of unemployed or underemployed workers 45 and over, this measure could provide the training, counseling and other supportive services to enable them to move back onto the payrolls or to more productive work. It also authorizes placement and recruitment services in communities where there is a large scale joblessness because of a plant shutdown or other permanent reduction in the work force.

Another area meriting early attention is broadened service opportunities for older persons. Several mainstream pilot projects have amply demonstrated that there are thousands of older Americans who are ready and able to serve in their communities. We do not need any more proof that these programs will work. What is needed now is a genuine national commitment to build upon the solid achivements of these projects. And enactment of the Older American Community Service Employment Act, S. 555, can provide a basis for converting these projects into permanent, ongoing national programs.

HOUSING

Far-reaching action in the housing field is also essential if we are to assure a full and satisfying life for the elderly. We must begin at once to eliminate the conditions which force many older Americans to live in inferior and unsuitable homes simply because they cannot find or afford better housing. The chairman of the Subcommittee on Housing for the Elderly (Mr. WILLIAMS) will discuss in greater detail the committee's recommendations for improving housing programs for the aged; and my remarks will be brief.

Basically, I have two points to make. First, legislation should be considered during this Congress to make home repair services available for elderly homeowners who would otherwise have difficulty paying for these costs. Many urban and rural neighborhoods are deteriorating because essential home repairs must be delayed for several reasons—limited income, failing health, or the lack of necessary skills to perform the fixup work. But these blighted neighborhoods can be renovated with the establishment of a national home repairs program, utilizing the skills of older persons to assist aged homeowners.

Second, the administration should, I believe, spell out more clearly its housing goals for older Americans. This should be done early to enable appropriate congressional units to act on administration proposals during this session. In this fashion, a comprehensive housing package—combining the best features of congressional and administration initiatives—could be developed.

Concluding my list of suggestions for early action is a proposal that legislation should be enacted early this year to authorize mini-White House Conferences on Aging every 2 years. These periodic conferences would permit more intensive review, one at time, of specific issues raised at the 1971 conference—such as retirement income, health, housing, and others. Equally significant, this would establish a continuing mechanism for developing and implementing the policy recommendations of the 1971 conference. It would also provide vital followup work to assure that the proposals outlined by the 3,400 delegates lead to concrete action instead of more words. This concept, I am pleased to say, has been enthusiastically endorsed in the report of the 1971 White House Conference. In the very near future, I shall introduce legislation to implement this proposal.

WHAT MORE MUST BE DONE? THE LONG RUN

My earlier remarks have been directed essentially at action that can and should be taken now to meet immediate challenges. But the development and implementation of a national policy on aging would be incomplete without also establishing long-range goals and direction.

As chairman of the Senate Committee on Aging, I believe that the committee can play an important role in focusing on crucial issues with far-reaching and long-term implications for the aged of today and tomorrow. For example, the allocation of work and income is still a major unresolved problem in our country today. Instead of the "all or nothing" principle—100 percent full-time employment during the adult years and then complete inactivity during the retirement years—new lifetime work patterns must be considered.

Greater experimentation, for instance, with phased retirement, trial retirement, and sabbaticals, will be essential, particularly if the trends toward shorter workweeks and longer periods of leisure time continue.

The resolution of this crucial problem has a far-reaching impact for all age groups. This point cannot be understated, because more than seven out of every 10 children born today can expect to reach age 65. And they can expect to spend longer periods in retirement—perhaps a third of their entire lives.

But how will these retirees make use of their new free time? Will it lead to fulfillment and enjoyment, or just boredom and frustration? All age groups, now and in the future, have a very deep interest in these fundamental issues.

Another major question requiring immediate attention is the crushing burden of the property tax upon the aged homeowner. Many now find themselves financially paralyzed because their property taxes have doubled, or even tripled, during the past 10 years.

In 1970, property taxes hit an all-time high of $37.5 billion, nearly 35 percent higher than in 1967. This tax, moreover, frequently takes a much greater chunk out of an elderly homeowner's limited budget because it is regressive in the extreme. Renters also feel the pinch since landlords usually shift this burden to the tenant.

Several potentially helpful measures—such as the proposal sponsored by the Senator from Missouri (Mr. EAGLETON) to provide a credit for low- and moderate-income homeowners and renters who are 65 and older—have been introduced during this Congress, and can provide welcome relief. But in view of recent State supreme court decisions, other alternatives may have to be considered for the financing of our elementary and secondary schools. For these reasons, the Committee on Aging will focus on several issues of vital concern to aged property owners and tenants, such as:

If a substitute for the property tax is developed, what type of an impact will it have on the aged? Will it provide substantial relief for the elderly homeowner or tenant? Will it protect them from extraordinary burdens?

If the property tax is still retained, what would be the most effective method for providing relief for aged homeowners and tenants? Should it take the form of a Federal tax credit or rebate for individuals confronted with etxraordinary burdens? Should Federal assistance be made available to States which provide such relief?

Or, should other alternatives be developed?

Additionally, the committee will work with senior citizen organizations, educators, and others in the development of an effective system for the delivery of social and health services. The necessity for coordinating social and health services is now widely talked about, but it is still rarely practiced. But the much-sought goal—to assist aged persons to live independently, instead of being institutionalized—will not really be resolved until that principle is widely applied.

Another key concern is to find ways to involve the elderly more in programs meant to serve them. They must have a role, a voice, and an input in the decisionmaking process. One possibility is that our national policy should encourage the development of what might be called community councils of older Americans. Elderly council members could work with governmental and private agencies to make programs more responsive to the special needs of the elderly.

Eventually, as in the case of the council of elders in Boston, these units could incorporate and become contracting agents for such programs.

Establishment of these community councils can also enable the elderly, more and more, to manage the programs which are now meant to serve them. There are many experts and professionals in the field of aging. But there is really no expert like the elderly person who has lived and experienced the very problems we are attempting to resolve.

NEED FOR EARLY AND BIPARTISAN ACTION

Now 1972, it seems to me, can be a year in which we break away from false, fixed notions about aged and aging Americans. It can be a year in which we take advantage of the momentum of the White House Conference to make certain that its goals are implemented.

As we move toward these goals, we must also remember that the field of aging will be the big loser if the politics of expediency is practiced for narrow, partisan advantage. The elderly need the cooperation of Republicans, Democrats, and Independents alike.

The administration and Congress must also work together if we really intend to solve their problems, rather than debate them.

Today there are more than 20 million Americans who are 65 or older, about one out of every 10 Americans. The elderly's combined numbers are nearly equivalent to the total population in 20 of our States.

Equally important, each year 1.4 million Americans have their 65th birthday. And by the year 2000, approximately 45 million individuals will have become newcomers to this age group.

Today our Nation has a unique opportunity to make advancing age a time of fulfillment, instead of neglect and despair. Perhaps even more significant, there is already broad agreement on many crucial policy goals and the course of action our Nation should take now and in the future. In many respects, the report or the White House Conference is a ringing reaffirmation of recommendations advanced by the Committee on Aging and its advisory councils.

With this broad base for support, our Nation can begin to develop, for the first time in its history, a comprehensive workable national policy for the elderly American.

EXHIBIT 1

HEALTH CARE FOR THE ELDERLY

(Statement of Senator MUSKIE)

I said in 1961 that "our democracy may well be judged on the contributions it makes to those who have given so much during their active life in building the strength of our communities, states, and nation." I still feel that way.

We have made a great deal of progress in dealing with the problems of the aged. But, as the White House Conference on Aging last fall made clear, we still have an enormous distance to go.

What we need most is a new way of thinking about our aged citizens. We are talking about one out of every ten citizens. And in fifty years, 15 percent of all Americans will be over 65; a third of these people, fifteen million, will be over 75.

The Maine delegation to the White House Conference summed up best, I think, the mental approach we have to take. In their eloquent "The Credo of the Elderly—A Philosophy of Aging," they said:

America must consider and decide ways of achieving purposeful, primary goals to give aging man the choice of a return to a fuller existence, or America shall continue to relegate aging man to the back door stoop of history so he may invisibly and unnoticed slide into extinction. The last choice is not acceptable.

I agree with this credo. My distinguished colleagues of the Senate Committee on Aging are discussing today various aspects of the problems we must face. I want to talk about a field in which I have some special experience, the health problems of the elderly.

My special responsibility on the Aging Committee is as Chairman of the Subcommittee on Health. In addition, I have felt that health ranks with income as the twin issue of crucial importance to almost all older Americans.

I want to outline briefly the dimensions of the current health care crisis as it affects the elderly. In doing so, I will draw upon the findings of hearings conducted last year by my Subcommittee on Health of the Elderly as well as other special studies and inquiries made by that Subcommittee.

Then, I want to turn to the health recommendations of the White House Conference on Aging. These recommendations—if implemented promptly and effectively—can serve as a meaningful agenda for the '70's in the field of health care for our senior citizens.

The key to the health picture today for older Americans is rising costs and reduced programs. This situation is well documented in a report of the Senate Committee on Aging entitled, "A Pre-White House Conference on Aging Summary of Developments and Data," released immediately prior to the Conference. The following paragraph from that report summarizes the current crisis:

"Health care costs keep going up for all Americans. But for the older person the problem is compounded. He has only about half the income of those under age 65, but—even with Medicare—he pays more than twice as much for health services. He is doubly likely to have one or more chronic diseases than young people, and much of the care he needs is of the most expensive kind. And, while costs go up, services available under Medicare and Medicaid go down—a process which was accelerated considerably in 1971."

Several illustrations—out of many which could be cited—will demonstrate the problem of rising costs.

The premium for Part B of Medicare has increased greatly since the program went into effect in July of 1966. At that time the Part B premium was $3.00 monthly. By July 1 of 1971, the figure stood at $5.60 a month. And on December 31 of last year, the Administration—through HEW Secretary Richardson—announced that, as of July 1, 1972, the monthly premium would be raised to $5.80. That means the elderly will be paying almost twice as much for B premiums as they did when Medicare began.

Secretary Richardson made yet another announcement—earlier in 1971—that again led to increased health care costs for the elderly. On October 1 of last year, he declared that the deductible on the hospital bill of the elderly would increase to $68 on January 1, 1972. This deductible for Part A Hospital Insurance was $40 when Medicare began in 1966. Subsequent increases were to $44 in 1969; to $52 in 1970; and to $60 in 1971.

And still another increase in cost was placed on the shoulders of the elderly who became ill at the start of 1972. Medicare beneficiaries with hospital stays of over 60 days began paying—as of January 1, 1972—$17 a day for the 61st through the 90th day, up from the prior cost of $15 daily.

Charging Medicaid recipients for benefits received has recently emerged as a new problem affecting the indigent elderly citizen who is trying to cope with medical expenses.

In March of 1971 the Governor of California proposed co-payment charges for the welfare poor on Medi-Cal, which is the Medicaid program in California. The Department of Health, Education, and Welfare in Washington approved this plan in May of 1971, under a waiver of its regulations allowing States to initiate "small-scale experiments" in welfare administration.

A Medi-Cal Reform Bill became law in October of 1971. It required co-payment for provider services and prescription drugs.

The Administration—through HEW—ruled that the Governor of California could implement on an experimental basis the co-payment plan in the so-called reform legislation. The HEW ruling allows California to experiment with the co-payment approach for 18 months, beginning January 1 of this year.

The HEW approval of the California co-payment plan represents the first time that any jurisdiction has been permitted to impose charges on those receiving Medicaid. Such payments are prohibited by Federal law, but HEW lawyers have maintained that the law does not exclude experimenting with them, which is what was authorized in California.

My Subcommittee on Health of the Elderly conducted a hearing in Los Angeles in May of last year which attempted to assess the impact of cutbacks in Medicare and Medicaid. At the outset of that hearing, I said:

"Recent cost-cutting cutbacks and regulations have saved money, but at the price of denying urgently needed health care to our older citizens. By placing limits on care available and by increasing costs, we have merely decreased the health and happiness of our older people. Too often, the choice for them must be made between food and medicine."

Witnesses at my Los Angeles hearing discussed the co-payment provisions of Medi-Cal and other Medi-Cal cutbacks as well, including limiting reimbursements to two doctor visits a month; requiring prior authorization by a State consultant for all except emergency hospitalizations; and a slash of 10 percent of reimbursements to providers of health services.

—Dr. Robert Peck, Chairman of the Los Angeles Chapter of the Medical Committee for Human Rights, called the co-payment provisions "heartless and hopeless." "And if, in fact, the doctors will attempt to collect this one dollar per visit," Peck asserted, "they will find they will spend five dollars in the collection procedure and will end up not collecting after all."

One month after implementation of the Medi-Cal cutbacks, Los Angeles County faced a backlog of 26,000 cases. Dr. John Anthony Smith, President of the Interns-Residents Association of Los Angeles County, told us that the hospital where he is employed in Los Angeles saw 1,164 Medi-Cal patients in April of 1971, 218 of whom were referrals by private physicians. The 218 were a ten-fold increase over referrals of the previous month.

Another witness, Dr. Hugert L. Hemsley, President of the Charles Drew Medical Society of Los Angeles, testified that the Medi-Cal cutbacks were depleting the poverty area of badly-needed medical resources.

Further cutbacks—in both Medicare and Medicaid—are written into the provisions of H.R. 1, which is scheduled to reach the Senate floor sometime soon.

H.R. 1 would increase the deductible under medicare part B supplementary medical insurance from the present $50 to $60, effective January 1, 1972.

H.R. 1 would also make the elderly subject to a $7.50 daily copayment charge for each day in the hospital from the 31st to the 60th day. Under present law, the patient is subject to the $68 deductible, and, after meeting that charge, pays nothing on his hospital bill through the first 60 days.

H.R. 1 contains at least four cutbacks affecting medicaid.

One provision in H.R. 1 would repeal the existing provision requiring States to have comprehensive medicaid programs by 1977.

A second H.R. 1 provision requires maintenance of effort by the States for only the basic medicaid services. States can thereby reduce—without prior HEW approval or utilization control—other services, including outpatient prescription drugs, dental care, and eyeglasses.

Another H.R. 1 provision would impose cost sharing on medicaid recipients.

A fourth provision in H.R. 1 is designed to encourage greater outpatient care under medicaid. To accomplish this, there would be a cutback of Federal matching funds for medicaid by one-third after 60 days of care in a general or tuberculosis hospital; 60 days of care in a skilled nursing home unless the State establishes an effective utilization review program; or 90 days of care in a mental hospital.

From this summary it is easy to see what we face: for the elderly seeking decent health care, there are rising costs and reduced programs. We see this situation in announcements from HEW. We see this situation in the medicaid copayment schemes in California implemented with the approval of the administration. We see this situation in those provisions of H.R. 1 which, if enacted, would lead to further cutbacks in medicare and medicaid.

What did the President have to say about the health care crisis when he spoke to the delegates at the White House Conference on Aging just last month? And how did his remarks compare to the response of the delegates themselves to the serious and deepening health problems of the elderly?

The President—I am sorry to report—gave scant attention to health care in his remarks to the Conference delegates.

Mr. Nixon spoke of eliminating the $5.60 monthly premium for part B of medicare. Yet—as I have already indicated—the administration announced afterwards, New Year's Eve, that as of July 1 of this year the elderly would be paying $5.80 a month for this premium, making the charge about double the amount when medicare began. So where does the President and his administration stand on this issue?

The President also spoke of the desirability of extending Medicare to cover prescription drugs. Yet, the President's own Task Force on the Aging—almost two years ago—made this same recommendation.

Eliminating Medicare Part B premiums and extending Medicare to cover prescription drugs are both worthy objectives. Both were favored by the delegates to the White House Conference, as indicated in their recommendations. And I have been a strong supporter of these two Medicare reforms—restating my support for both on the floor of the Senate as recently as November 11 of last year.

It is comforting to know that the delegates to the White House Conference came forth with solid recommendations in the health field, which—if followed by quick and meaningful implementation—can lead to improved health care now for America's senior citizens.

The President has failed to lead—but the elderly are here to show us the way. What do they tell us?

First, the mental health special concerns session recommended the early establishment of a Presidential Commission on Mental Illness and the Elderly, with responsibility for implementing recommendations made at the White House Conference on Aging, and also charged, in general, with policymaking and oversight responsibilities in this long-neglected area. I am deeply gratified by this Conference recommendation, because it supports the bill which I introduced on December 1, 1971—S. 2922—for the creation of such a Commission. A proposal for this Commission came from a recent report of the Senate Special Committee on Aging—"Mental Health Care and Elderly: Shortcomings in Public Policy"—which was prepared at the direction of Senator Church and myself.

Second, the Conference section on physical and mental health asserted that "the U.S.A. must guarantee to all its older people health care as a basic right" and the delegates went on to say that "A comprehensive health care plan for all persons should be legislated and financed through a National Health Plan." I am in strong agreement with these sentiments.

I am a cosponsor of the Health Security Act that will provide national health care for all Americans. The time has come for this kind of program. As I said at Einstein Medical College last year, we need a Medical Bill of Rights for all Americans.

I said:

"The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet.

"The second medical right of all Americans is care within their reach. Even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services."

Third, the Conference section on physical and mental health also declared that special attention must be given "to the development of adequate, appropriate alternatives to institutional care." Legislation which I have cosponsored in the Congress—S. 882—would promote this objective by authorizing payment under Medicare for services performed by a household aide.

In addition, there is no doubt but that we have to move toward new and more extensive alternatives to institutional care. We need to do that and we need to think about systems of community health care for the elderly.

Fourth, conferees at the section on physical and mental health urged that "Special attention should be given to increasing the funds available for basic research and for operational research with a strong suggestion that a gerontological institute be established within the National Institutes of Health to provide the essential coordination of training and research activities." This purpose would be realized through S. 887 which I have cosponsored.

We need to pass S. 887. We will not be able to help the aged with their special problems as much as we should until we understand more. We need to know more about the processes of aging and we need to encourage our best scientists to work in this field.

Fifth, the Conference delegates were deeply concerned—as I am—with the cutbacks in Medicare that have threatened to erode completely this program which even now pays only 43 percent of the medical expenses of the elderly. I have outlined earlier some of the suggested cutbacks in Medicare and Medicaid contained in H.R. 1. The section on physical and mental health at the White House Conference called for "expanding the legislation and financing of Medicare" while a national health plan is being worked out by the Congress and the Nation. The hearings on "Cutbacks in Medicare and Medicaid"—conducted by my Subcommittee on Health of the Elderly—have vividly demonstrated the severe impact that any further diminution of Medicare would have on our Nation's older population. The Conference delegates are aware of this. I can only hope that the present Administration can and will show the same sensitivity to this—and every other—health care imperative for senior citizens.

We have at this moment a unique opportunity to move ahead in health—and in every area of concern to the elderly. White House Conference Recommendations are linked to election year momentum to provide this special chance to help those who have done so much for us. This is an opportunity that we must not pass by.

The PRESIDING OFFICER. Under the previous order, the Senator from Hawaii is recognized for not to exceed 15 minutes.

Mr. FONG. Mr. President, I appreciate deeply the opportunity this colloquy affords for the discussion of the needs of older Americans. The distinguished senior Senator from Idaho (Mr. Church) is to be commended for suggesting this important discussion. This is in keeping with his outstanding record of leadership as chairman of the Special Committee on Aging. As ranking Republican member of that committee, I want to thank him for his excellent work in behalf of our older Americans and for his cooperation with all members of the committee.

As in the past, it is my pleasure to share with him our bipartisan concern. I pledge my continued support to him in this regard—so essential to progress for our elderly.

The questions which he has raised relative to the needs of older Americans are problems of great concern to me and all members of the Committee on Aging, and I know these problems will be thoroughly discussed in our committee.

Mr. President, every Senator knows how difficult it is to schedule a time for colloquy suitable for all who want to participate. This morning is no exception.

Because some in the gallery may be unaware of this, and because of the importance of the discussion in which we are now engaged on needs of older Americans, I feel I should mention this scheduling problem.

Senators Miller, Fannin, Saxbe, Brooke, and Stafford, who are also members of the Special Committee on Aging and vitally interested in its work, wanted to participate in this colloquy, but were prevented by important commitments elsewhere.

It is now 9 weeks since completion of deliberations at the 1971 White House Conference on Aging called by President Nixon.

Nine weeks is a very short period, but it is appropriate that the Senate take a look now at where we stand and make a preliminary evaluation of what may be expected to follow the Nixon Conference on Aging.

Such assessment must be made on the basis of rather clear priorities which were reaffirmed by more than 3,500 delegates who came from all over the Nation to make recommendations for a sound national policy for older Americans.

Despite great diversity of experience and interests among the more than 20 million older Americans it is perfectly clear that our obligation to all of them demands that we respond effectively to their primary needs for economic and social independence, that we expand opportunities for involvement in community and national life, and that we change society's attitudes which now so often isolate them from America's mainstream.

In practical terms, this calls for minimum national commitments which will:

First. Assure all older Americans of an income sufficient to avoid the deprivation and degradation of poverty;

Second. Protect the income of older persons from the ravages of unbridled inflation;

Third. Remove ceilings on their share of America's great bounty including that which they may earn during their later years.

Fourth. Guarantee all Americans that their own efforts to achieve adequate and decent retirement incomes through private pension plans, and similar savings programs, shall be protected throughout their lives and that there be no denial of earned benefits through caprice or changes in employment.

Fifth. Expand opportunities for older men and women to make continuing contributions to America either through employment or volunteer service activities.

Sixth. Assure older Americans of safety of person as fully as possible—through development and implementation of more effective police protection, better safety standards in institutions where the elderly may be housed, and vigorous efforts against any and all threats to their safety.

Seventh. Increase availability of necessary services—at costs within reach of retirees—including comprehensive health care; decent housing; adequate nutritional services; readily accessible transportation; and worthwhile recreational and educational programs to broaden personal horizons, combat loneliness, and enrich the quality of life.

President Nixon recognizes the necessity of meeting these commitments. Certainly all members of the Senate Special Committee on Aging will do what they can to support the President in efforts he has already begun or will initiate in the future toward their achievement. Such support may be expected whether steps taken are through Presidential executive action or require additional legislation.

The magnitude of the task before us—and the task is a big one—should not deter us from addressing it as quickly and fully as possible.

No realist questions that our goals, and those of the White House Conference, will take time. No one expects this massive job to be done overnight, or even this year.

My contacts with older persons persuade me that older Americans understand this. But they have already been patient a long time. They should not be expected to continue acceptance of what for too many years was too often a counterfeit concern for their needs—a counterfeit concern which paid lipservice, which raised unreasonable hopes, and which then dashed them to the ground because the promises were not capable of delivery.

An end to counterfeit concern, and a beginning of valid responses to the plea of older Americans is, in my judgment, at hand. In truth, I believe that such a beginning is well underway through actions taken during the past 2 or 3 years and additional progress which may be instituted within weeks.

This is reinforced by testimony by Presidential Consultant on Aging Arthur Flemming and Commissioner on Aging John Martin at our committee hearing last Thursday which related to White House Conference followup.

Within weeks, the President will deliver a message on aging. It will at least address itself to the most pressing needs of older persons.

Within weeks, final passage of H.R. 1, the social security amendments now before the Finance Committee, should bring realization of several earlier major recommendations by President Nixon on behalf of older persons.

Noteworthy in this bill is provision for automatic cost-of-living adjustments in social security benefits. I take pride in the fact that the proposal, originally introduced by Senator Jack Miller, was first given serious support by Republican members of the Senate Special Committee on Aging and by President Nixon. We are pleased with the bipartisan endorsement which has since evolved for this important measure to protect social security benefits against inflation.

H.R. 1 will offer other badly needed improvements in social security. Included will be general benefit increases, provision of 100-percent benefits to older widows, liberalization of the earnings test, and more realistic and fair minimum benefits for workers with many years of covered employment.

The latter proposal—involving a new concept in minimum benefits for those long in the work force—is extremely important. Too little attention has been paid to it and what it will do for lower income workers.

In simplest terms, this change will assure social security beneficiaries, who have 30 years coverage, a minimum benefit of $1,800 a year at age 65. For the insured worker and spouse the minimum would be $2,700 a year.

Even more important for today's retirees with low incomes—and there are far too many—is the provision in H.R. 1 for a beginning of President Nixon's Older Americans Income Assurance recommendation.

It changes old age assistance provisions of the Social Security Act so as to offer income supplements which would bring every person 65 and over up to a national income standard regardless of whether they have regular social security benefits or not.

This older Americans income assurance plan, urged last year by President Nixon, is the most far-reaching legislative proposal to take the elderly out of poverty sent to the Congress in over 30 years by any President.

Probable adoption of this amendment is especially pleasing to me because the concept was first offered as legislation by my predecessor as ranking Republican member of the Committee on Aging, the late Senator Winston L. Prouty, of Vermont, and because it has long been urged by Republican members of the Special Committee.

Like the proposed new approach to minimum regular social security benefits, the President's income assurance plan, and details of its operation, have received too little attention in the news media. In consequence, it is little understood by older Americans.

Most importantly it will be a long step toward meeting income problems of single and widowed older women and other persons who had little or no chance to qualify for social security. Among the latter are countless retired public employees—whose contribution to America has been second to none—such as policemen, firemen, and teachers.

I do not believe the payment levels under income assurance provisions of H.R. 1 are quite high enough. I am sure President Nixon shares my belief. But adoption of this proposal will be a dramatic and far-reaching stride toward eliminating poverty among the elderly.

Initially the Federal income standard would be $130 monthly per individual and $195 per couple. In 1974 it would rise to $150 and $200. This, of course, is as passed by the House and may be amended in the Senate.

The manner of qualification for individual income supplement deserves special emphasis.

Certification and administration will be by the Social Security Administration, not by welfare offices.

A person whose income from other sources falls below the Federal standard may go to his or her social security office to make application and that office will process it.

Recipients will be treated with dignity due a person to whom America owes a great debt.

My emphasis on H.R. 1 in these remarks should not be interpreted as suggesting that I believe this one bill is either the beginning or end. I emphasize it only because of its immediate importance and time limitations on me today.

The truth is: America, and particularly the National Government under leadership of President Nixon, is engaged now in a major movement to improve the lot of older Americans.

Other aspects of America's dynamic involvement in creation of a new, realistic, compassionate and understanding policy toward the elderly will certainly be covered by other Senators in this morning's colloquy.

The 1971 White House Conference on Aging still lives.

Under instructions from President Nixon, the Honorable Arthur Flemming, distinguished Chairman of the Conference, and the administration's whole apparatus in aging is vigorously at work promoting continued involvement of older persons themselves in Conference objectives.

It was quite evident from Dr. Flemming's testimony before our committee Thursday that there is a real commitment to action. Other Senators this morning will undoubtedly comment on this in greater detail than my time permits.

That the highest levels of the administration are involved is manifest by the President's appointment of a Committee on Aging in his Domestic Council under chairmanship of HEW Secretary Elliot Richardson. Participation as members of this committee by other members of the President's Cabinet, assures a level of coordination of Federal activities in aging on a scale totally new in Government.

The President's personal concern is also shown by this appointment of Dr. Flemming as Presidential Consultant in Aging on a continuing basis. This concern unquestionably will be reaffirmed in the President's forthcoming message.

While we look to the future—and much remains to be done—it would be a great error to ignore progress made in the past 3 years. This Government has not been idle.

My time allows me only to mention a few examples. Other Senators will certainly, in the course of this colloquy, elaborate upon them and add others.

When we have passed H.R. 1, we will have increased social security benefits by over one-third in this short period.

President Nixon's price control program is striking vigorously at the terrible toll of rampant inflation which hits so hard at retirees.

The President's initiatives for improving care and standards in nursing homes will greatly help the quality of life for the elderly least able to care for themselves.

Increasing money for the Administration on Aging by fivefold will permit major expansions in services for older persons.

Growth in opportunities to older Americans for new involvement in life's mainstream are provided through increased funding of numerous programs including RSVP, the retired senior volunteers program, the foster grandparents program, and others.

To these ongoing items of encouragement to older Americans must be added the President's proposals for elimination of premium payments for part B of medicare, and new legislation on private pension programs to assure that they provide maximum benefits to participants.

America is on the move in the field of aging.

Let us resolve that we will all do what we can to maintain and accelerate momentum generated by the President and the White House Conference.

Older Americans deserve the best that we can offer: income adequacy; independence; full availability of necessary services and facilities; and opportunities for involvement in family, community, and national life.

Mr. President, I yield the remainder of my time to the distinguished Senator from Maryland.

Mr. BEALL. Mr. President, I thank the distinguished Senator from Hawaii for yielding to me, and congratulate him on his leadership and work on behalf of the problems of the aging that are so much in the national attention these days. I also congratulate the Senator from Idaho for sponsoring this colloquy on this very important subject.

Mr. President, the 20th century has seen tremendous strides in man's efforts to conquer disease, raise his standard of living, and in doing so prolong the life of each of us. While many, I would be inclined to say most Americans, are able to make adequate arrangements for their old age, an appalling number reach the twilight of their life without the resources to provide them with even the basic necessities of life.

I have a particular interest in and a fondness for America's senior citizens because these are the men and women who, by their hard work, patriotism and selfless efforts, have made 20th-century America the wealthy, powerful Nation that it is today. The Nation owes these senior citizens a decent standard of living, personal comfort, and self-respect. During his address to the White House Conference on the Aging, President Nixon stated:

> We will be guided by this conviction: any action that enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be completed for any generation.

The time has now come for definitive actions designed to solve the practical problems that confront our senior citizens. The findings and recommendation of the White House Conference will soon be forwarded to Congress along with the President's legislative proposals which are designed to implement them. The 92d Congress, if it chooses to do so, can go down in history as the Congress that accepted the challenge of meeting the needs of America's elderly citizens.

Obviously the No. 1 problem is to provide an adequate income. If each senior citizen can be assured of an income sufficient to meet his basic needs then we have come a long way down the road to solving this pressing national problem.

H.R. 1 contains provisions that could provide a minimum income floor under the elderly. Social security benefits can and should be increased, and future increases should be geared to the cost of living so that these benefits will be inflation proof. H.R. 1 also calls for the repeal of the $5.60 per month payment for part B medicare. In addition, Congress should consider substantially raising the ceiling on the amount a person may earn and still receive his full social security benefits. This would enable the elderly to remain active, constructive and productive citizens—if they are able and willing to do so. The time has come for us to greatly liberalize the tax deduction for medical and dental care for the aging. A realistic-graduate scale for these deductions would grant a degree of financial relief to these citizens while at the same time directly contributing to their physical and mental well-being.

Mr. President, I think it is appropriate to mention once again the bill that passed the Senate in late November and will, if approved by the House, provide a comprehensive nutritional program within title 4 of the Older Americans Act. I was delighted to hear the Honorable Arthur S. Flemming, Special Consultant to the President on Aging, unequivocally declare the administration's support for this program.

With the President's leadership, this landmark measure should clear the House of Representatives and become law later in this session. Dr. Flemming went on to state his determination to see that this program is fully implemented at the earliest possible date.

Mr. President, I ask unanimous consent that my remarks of November 30, 1971, with regard to enactment of S. 1163 be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, two areas of health care which should not be overlooked in any discussion of the problems of the aging are the obvious needs for additional research into the special health problems of senior citizens. Second, we must examine ways to provide adequate, long-term care for the elderly without automatically resorting to the expensive and frequently unsatisfactory institutions which now seek to fulfill this need. Practical alternatives must be found if our senior citizens are to derive the enjoyment from life that they so justly deserve.

During the first session of the 92d Congress, the Senate passed, with my support, a Federal tax credit—up to $300—for the property tax and/or rent of our retired citizens. Unfortunately, this provision was deleted from the Revenue Act of 1971 by the Joint House-Senate Conference Committee. I believe that a realistic approach should be implemented as soon as possible so as to provide immediate relief for our senior citizens who are property owners. In the long run we must seek imaginative new ways to finance State and local governments without such heavy dependence upon the regressive property tax. I would also hope that the President's Committee on School Finance will propose a viable alternative to the property tax which has traditionally supported our public school systems. This reform, coupled with the concept of revenue sharing—which has unfortunately remained stalled in Congress would offer significant relief for the hard pressed property owners in general and the elderly property owner in particular. Once State and local governments have received alternative sources of income it might become practical for Congress to devise a system that would dramatically reduce or eliminate the obligation of senior citizens to pay property taxes. Progress in this area would directly contribute to improving the housing conditions of our senior citizens, free still further their limited financial resources, and thus contribute to their general well being.

In closing, Mr. President, I would like to commend the President for the initiative that he has shown in efforts to come to grips with the problems confronting our nation's senior citizens. The dramatic increase in the budget for the Administration on Aging, and his strong commitment to meeting the needs of our elderly citizens clearly indicates to me that 1972 can be and should be a historic year of decision. I would be remiss if I did not pay similar tribute to Dr. Arthur S. Flemming, whose distinguished career as an educator, as Secretary of Health, Education, and Welfare, and in a multitude of other capacities, clearly qualifies and equips him for the task he has been asked to undertake. I look forward to working closely with the President, with Dr. Flemming, with Secretray Richardson, and with Commissioner Martin as well as with my colleagues on the Subcommittee on Aging as we seek to convert the ideas generated by the White House Conference on Aging into practical workable solutions to the problems confronting America's senior citizens.

Mr. President, President Nixon has clearly stated, not only his willingness but also his determination to lead this Nation in its efforts to solve the problems of the elderly. The executive branch is marshaling its existing resources, and the Nation's will for this effort. I believe that the executive branch is to be commended for its efforts to date, and the time has now come for the Congress to fully accept its responsibility to our senior citizens. I would hope that the 92d Congress would not only be prepared to accept this challenge but would relish the idea of contributing to this truly significant national effort.

EXHIBIT 1

[From the CONGRESSIONAL RECORD,
Nov. 30, 1971]

NUTRITION PROGRAM FOR THE ELDERLY UNDER THE OLDER AMERICANS ACT OF 1965, AS AMENDED

Mr. BEALL. Mr. President, as the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Aging, I strongly support S. 1163, a bill which authorizes a 2-year program of grants to the States for needed nutritional programs for senior Americans.

Mr. President, the overriding problem of senior Americans is inadequate income with the result that the income of nearly 5 million persons 65 and older is below the poverty level. Inadequate income is undoubtedly the reason why the nutritional food intake of senior Americans is often below the level deemed adequate. Food is a major expenditure for senior citizens, ranking second only to housing expenses and comprising about 27 percent of their limited budget.

S. 1163, builds on the successful experience under title IV which is the research and demonstration section of the "Older Americans Act." The nutritional projects funded under title IV have been most successful in responding to the nutritional needs of senior citizens. I am pleased that Maryland, in nearby Prince Georges County, had a demonstration project under title IV known as "Project Compas" which is being funded for its third year at the $62,918 level.

In addition, these nutritional projects have been successful in responding to other needs of senior citizens. For example, studies have indicated that the serving of meals in a group setting can overcome isolation, which is often a serious problem of senior citizens. The group meals also serve as a focal point for the delivery of other services to the aged.

Under this program $100 million is authorized in fiscal 1973 and $150 million in fiscal 1974 for grants to the States. Maryland, with 443,561 senior citizens over 60, would receive approximately $1.5 million in fiscal 1973 and $2.2 million in fiscal 1974. These funds would be used to underwrite the costs incurred by local projects for equipment, labor, management, supporting services, and food. To be eligible for Federal funds, a State would submit a plant to HEW which would guarantee that any nutritional project funded would provide at least one hot meal per day providing a minimum of one-third the recommended daily dietary allowance for an elderly citizen. The hot meal would be provided at least 5 days a week.

Mr. President, it is most appropriate that the Senate take action at this time, for at this very moment the White House Conference on the Aging is underway. This Conference will explore the full spectrum of senior citizens problems—income, housing, nutrition, transportation, education, and health, and property taxes—it is hoped that the Conference will provide the Nation, administration, and the Congress with the guidance and requirements necessary to meet the problems of aging. The ultimate test of the White House Conference will be the action taken to improve the living conditions of senior citizens. Senior citizens make up approximately 10 percent of the Nation's population and they are perhaps the most forgotten minority in the country. This is particularly tragic, for these senior Americans have worked hard to earn their retirement and are responsible in no small part for the high standard of living that the Nation enjoys today. The bill being considered by the Senate today, I hope, is indicative of the action that will follow the White House Conference. I, for one, intend to study carefully the recommendations and do all I can to make certain that senior Americans will be able to live their retirement years with the independence and dignity they deserve.

Mr. CHURCH. Mr. President, the distinguished Senator from Indiana (Mr. HARTKE) wished to participate in this colloquy, but he cannot be present at this time. I ask unanimous consent that a statement prepared by him be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HARTKE

Mr. President, I regret that I am not able to be present to engage in a colloquy with my distinguished colleagues of the Senate

Committee on Aging. Nonetheless, I would like to offer a few remarks on the problems of the elderly in contemporary America. Both as a member of the Senate Committee on Aging and through my travels I have witnessed the misery and suffering that daily confronts the elderly American. What I have witnessed leads me to one conclusion—we must make a national commitment to end the social and economic injustice that presently afflicts twenty million senior citizens and will affect millions more in years to come.

The elderly of this country are entitled to a life of dignity and economic security. They have the right to expect that the country they served through their most productive years will not forsake them in their time of need. I believe that every older person should have enough income to buy nutritious food, decent housing, adequate clothing and proper medical care. This past December delegates to the White House Conference on Aging recommended essentially the same goals. It is my sincere hope that the recommendations of the delegates be given priority consideration. It would add insult to injury if those proposals are simply pushed aside and forgotten.

Like the President, I feel legislative action for the aging should be forthcoming this session. Also, I am particularly concerned with some of the provisions of H.R. 1. Unfortunately, the President has not recognized the many inadequate provisions of H.R. 1. Therefore, I have introduced legislation that I hope my colleagues on the Finance Committee will favorably consider. The main thrust of the legislation that I have introduced is to provide for a 10 percent increase in social security cash benefits, an increase in the amount of money an older American can earn without suffering any loss in social security benefits, coverage under medicare of prescription drugs needed to treat chronic illness and reduction in the waiting period for disability benefits from six to three months. It is my opinion that this legislation will overcome the inadequacies of H.R. 1 and provide the economic independence for older Americans that is so essential if we are to break down the last segregation in America—segregation of the aged.

In addition to economic obstacles, the delegates to the White House Conference recognized that major barriers for the elderly exist in the areas of health, housing, transportation and other social services. If we are ever to have a better world for the elderly, we must provide the resources, and meet the service as well as the economic needs of the elderly. There has been some experimentation in providing services for the elderly but the existing programs are insufficient. Recently, Congressman John Brademas and other members of the House subcommittee with jurisdiction over the Older American's Act introduced legislation to bring about far reaching changes in providing services for the elderly. I have introduced similar legislation in the Senate. This is a broadly based and comprehensive effort to meet the needs of the elderly. It will establish programs to provide a full scale of health, education and social services for the elderly. The legislation is aimed at the coordination of the presently existing but fragmented services and the creation of new programs to deal with those needs that have been neglected in the past.

These are but a few examples of the type of activity that needs to take place if the needs of the elderly are to be resolved. The needs of the elderly have been neglected for too long. We must make economic and social justice for the elderly a reality. We need only the will and the commitment to concentrated purposeful action.

The PRESIDING OFFICER (Mr. CHURCH). Under the previous order, the Senator from West Virginia (Mr. RANDOLPH) is recognized for not to exceed 15 minutes.

STATE OF THE AGING: AN EMPLOYMENT POLICY FOR OLDER WORKERS

Mr. RANDOLPH. Mr. President, the recent White House Conference on Aging represented a notable achievement, not just for 20 million Americans now past 65 but for all Americans.

It brought together 3,400 delegates from every State in the Union and from all walks of life to deal with the every day realities facing the elderly. It provided a forum to consider a broad spectrum of issues—ranging from income, health, and transportation to long-term care, the special problems of minorities, and the rural aged. It even included a special session on aging and blindness, at which I had the privilege to speak. And the relationship between old and blind cannot be understated. Nearly half of all new cases of blindness will occur among persons 65 and older.

Equally important, the Conference provided an opportunity for a good, honest exchange of ideas. It was also a time to challenge many notions about aging, to take stock of existing programs, and to consider what future direction our policies should take.

That process was initiated more than 1 year ago when 6,000 community forums were held throughout the Nation. There, the elderly and others laid the groundwork for much of the discussion and policy proposals at the national conference. At these "speak out" sessions, older Americans discussed their problems fully and frankly. They told us in down-to-earth language what it means to be old, what it means to be poor, and what it means to be neglected after working most of their lives to make our Nation as great as it is today.

Even more importantly, the White House Conference developed an action plan with well-defined goals to make the later years a time to look forward to, rather than to fear or regret. And that is a major reason I have joined the Chairman of the Senate Committee on Aging (Mr. CHURCH) in this colloquy on the State of the Aging.

As chairman of the Subcommittee on Employment and Retirement Incomes for the Committee on Aging, I will direct my remarks primarily to issues and policies concerning job and service opportunities for the so-called older worker.

THE CRITICAL YEARS

Many key indicators now strongly suggest that the critical years in the work lives of adults occurs during their middle forties or early fifties. This is the time when large numbers of mature workers may find themselves in an impossible situation—they are too old to hire but too young to retire. Yet, this is precisely when their responsiblities are growing. At this point, the older worker is typically paying out on his car, home, furniture, or schooling for his children. And the loss of a job can create a double dilemma, not only in terms of his immediate responsibilities but also his economic situation 10 or 20 years from now—when his anticipated retirement benefits will be reduced markedly.

Along about 40 or 45, unemployment begins to increase. Once unemployed, the older worker runs a greater risk of being without a job for a longer period of time. For unemployed persons 45 and older, the average period of being without work is about 16 weeks. This is nearly 35 percent longer than the national average. Today about 1 of every 3 unemployed persons 45 and older—in contrast to 1 in 5 for younger individuals—has been searching for work for 15 weeks or longer.

Another very serious and growing problem is age discrimination in employment, even though legislation was passed more than 4 years ago to outlaw such practices. With unemployment continuing to mount during recent months, the pressures for forced or early retirement have been intensified. Now large numbers of older workers are finding themselves involuntarily retired because of subtle forms, and in some cases overt acts, of age bias.

In addition, many employed older workers find themselves in "dead-end" type jobs with no chance of advancement. As a consequence, large numbers are now underemployed.

Despite the very severe problems confronting mature workers, our Nation lacks an effective and coordinated manpower policy to maximize their employability. By whatever barometer one would choose to use, they have been largely ignored or overlooked in our work and training programs. Last year, persons 45 and older represented only 3.7 percent of all enrollees in our manpower programs. Yet, their proportion of the total unemployment, long-term joblessness, and the civilian labor force is at a level 6 to 10 times above their participation rate in existing work and training programs.

1971: HIGHEST UNEMPLOYMENT IN 10 YEARS

Before discussing what concrete steps can be taken to increase employment and service opportunities for older workers, a few comments about our unemployment situation would be appropriate.

Last year we were informed by high-level administration officials that 1971 would be a good year. Yet the evidence at the end of the year leads to only one conclusion: 1971 was a disastrous year for all workers, and especially for older job holders.

It was a year in which the jobless rate hovered at 6 percent. It was a year in which unemployment was at or near the 5 million mark. And it represented the highest unemployment in 10 years.

Unfortunately, those disconcerting facts do not stop here. Unemployment compensation payments, for example, reached an all time of $4.8 billion, nearly 73 percent higher than during fiscal 1970. The number of major labor market areas with substantial unemployment grew to 60, a tenfold increase when compared with January 1969.

During this same period, joblessness has jumped sharply from 2.7 million to 5.1 million, for an astounding 89 percent increase. Today more than 1.2 million workers have been unemployed for 15 weeks or longer, and 600,000 have been searching for more than 6 months.

Middle-aged and older workers—individuals 45 and older—have also felt the crushing effects of our widespread joblessness. Nearly 400,000 were added to the unemployment rolls during the past 3 years, representing a 67 percent increase since January 1969. Today 1 million mature workers are looking for work.

Yet, these figures—depressing as they are—reflect only a portion of the overall dismal jobs situation for mature workers. They do not, for example, include the labor force "dropouts," those who have given up the active search for work. Today, there are nearly 2.5 million men in the 45 to 64 age category who have withdrawn from the work force, oftentimes involuntarily. Assuming that just 25 percent of these individuals wanted and needed jobs—and this is probably a very conservative estimate—there would be another 625,000 middle-aged and older men added to the unemployment rolls. And this does not even include the many women in this age bracket who have also dropped out of the labor force.

A classic example of the high level of hidden unemployment in the United States was revealed in a recent Federal study right here in Washington, D.C. Under the standard method of calculating joblessness, the unemployment rate was 4.8 percent. However, if the "dropouts" were also added to this figure, the level would soar to about 13 percent.

However, even those lucky enough to have jobs are feeling the economic squeeze in other ways. Many older workers are now being asked to accept pay cuts, and in some cases rather steep reductions, only as an alternative to becoming unemployed. Yet, their household and family responsibilities continue to grow. Moreover, many workers in their forties and fifties are reaching a plateau in their capacity to increase their earnings by occupational advancement or promotion.

The net impact of these trends is that we may now be witnessing the emergence of a new class of elderly poor including:

Persons in their late fifties or early sixties who are now being eased out of the job market;

Individuals who take actuarially reduced social security benefits only as an alternative to sporadic work patterns prior to retirement; and

Workers who have just given up after prolonged periods of fruitless search for employment.

The latest poverty statistics provide additional evidence to support this ominous warning. From 1969 to 1970, for example, there was a 100,000 increase in poverty for persons aged 55 to 64, from 2 million to 2.1 million. In addition, another 100,000 persons 65 and older were added to the poverty rolls during this same period.

These trends, however, are not inevitable. They can be reversed because our Nation certainly has the ingenuity and capability to resolve these pressing employment problems.

What is needed now is a joint effort by the administration and Congress to translate the far-reaching goals of the White House Conference into action programs for mature workers.

EMPLOYMENT FOR OLDER PERSONS

One of the cornerstones of any national employment and training program for older persons must be based upon this very fundamental principle: Our policies must be sufficiently flexible and responsive to meet the many and varied needs of mature workers. A different approach or thrust, for example, may be necessary for varying age groups.

Most older Americans, and especially senior citizens, prefer to have meaningful choices depending upon their desires, capabilities, and needs. At a very minimum, these basic alternatives should be available:

To work or retire;

To work part time or full time; or,

To work for pay or as a volunteer.

Unfortunately, many elderly persons do not have these choices today. Increasingly our Nation seems to regard earlier and earlier retirement as inevitable, and perhaps even desirable. During the past 30 years, for instance, labor force participation for men 65 and older has declined from 42 to 27 percent.

But instead of forcing retirement at an earlier or arbitrary age, we should attempt to offer aged persons greater freedom of choice. One such option is service by the elderly in their communities. Today a growing need exists for the development of a national service corps. Many communities are practically crumbling at the core because they are unable to provide vital public services for their citizens. And one of the largest untapped sources of talent today is the older worker.

A major advantage of community service employment, in my judgment, is that it can be tailored to the special needs of the elderly participants. Equally, important, it can provide a dignified means for older Americans to help themselves by helping others.

Establishment of a national senior service corps is long overdue because there is so much that needs to be done in our country: in hospitals, community beautification, schools, libraries, conservation of our natural resources, antipollution programs, and a whole host of other areas. We have several prototypes under Mainstream which show beyond any doubt that these programs work. Now we need to go beyond the demonstration stage to a new national program which utilizes the talent and experience of older Americans. And the Older American Community Service Employment Act, which would provide new service opportunities for persons 55 and older, would be a major step forward in making this goal a reality. For these reasons, I urge early and favorable action on this measure, a bill which already has strong bipartisan support in the Congress.

Today many crucial services are not provided simply because of manpower shortages and the absence of adequate facilities. One striking example is in the field of day care.

It is now estimated that there will be a need for perhaps 500,000 additional day care workers during the next 10 years—particularly if more and more women continue to enter the workforce. Older persons, I strongly believe, can provide a valuable source of talent for providing these services. Several programs, such as Foster Grandparents, have clearly demonstrated the natural empathy between the elderly and young children.

In acting on day care legislation during this session, serious consideration should be given to adopting a provision to encourage the employment of older persons in these programs. For elderly individuals, this could provide an effective means to supplement their retirement income. Equally important, the young children in our Nation would be provided quality and personal care.

These same reasons would also be applicable for expanding the Foster Grandparent program, which enables elderly persons to render supportive services for neglected, retarded or disadvantaged children. Once again, I urge that this successful program be fully funded. Additionally, I urge that the concept of the Foster Grandparent be broadened to include services to homebound older Americans.

Today, many older Americans believe that retirement will shut them off from any meaningful participation in their communities. Quite frequently, this can lead to medical or psychological problems which purposeful activity might have avoided.

For many of these individuals, serving as a volunteer in their localities can be a time for fulfillment in allowing them to remain active during their later years. Many of these individuals have lived vigorous lives. And there is absolutely no reason for them to retire from life simply because they retire from their jobs. They have marketable skills, and can still make valuable contributions in a wide range of activities, including: rendering services in hospitals or nursing homes; tutoring young children; assisting schools as playground monitors or teachers aides; and many others.

One of the most potentially effective volunteer programs for older persons is RSVP, the retired senior volunteer program. For the coming fiscal year, I urge that RSVP be fully funded to provide more opportunities for older Americans to render services in their communities.

EMPLOYMENT FOR THOSE NOT "RETIRABLE"

A comprehensive employment program for mature workers must also take into account the special needs of those who are not retirable, particularly individuals in their forties and fifties. There are now about 42 million persons who are in the 45-to-64 age category. Yet, our Nation still lacks an effective and comprehensive policy to increase their opportunities for employment.

Lack of job opportunities for mature workers constitutes a tragedy, not only for them and their families, but also for our Nation. No economy can reach its maximum productive capacity when some of its most experienced, talented, and skillful players are sitting on the sidelines. In the same manner that any successful operation needs the blend of seasoned veterans and fresh new talent, so does our work force.

Much more can be gained, I firmly believe, through a national effort to establish a comprehensive program to provide training and other services to enable mature workers to compete in our technologically advanced society. And my Middle-Aged and Older Workers Employment Act can be an important step forward in achieving this goal. Already 18 Members of the Senate have joined me in sponsoring this legislation, which can provide the training and other essential supportive services to enable unemployed or underemployed individuals to move into new and better paying jobs.

Increasingly, it is becoming apparent that many older workers are without jobs because of circumstances beyond their control:

Their skills have been rendered obsolete by technological advances;

They lack the necessary training to move onto gainful employment; and

Massive layoffs have contributed to the widespread unemployment throughout the Nation.

Many of these individuals can, however, become productive citizens again with a flexible and coordinated manpower program which is responsive to their special needs.

The Middle-Aged and Older Workers Employment Act, I strongly believe represents a sensible and effective effort for meeting the unique and growing employment problems confronting older persons. There has long been a need for this approach, and I urge early enactment of this legislation.

Equally significant, we must not overlook legislation which has already been enacted into law. In many cases, these measures can also help to remove the barriers to job opportunities for older workers.

One significant example is the Age Discrimination in Employment Act, which was approved with bipartisan support in 1967. However, much more is needed than the passage of legislation. Effective enforcement and proper funding are also crucial. In fact, the implementation stage usually determines, to a very substantial degree, the success or failure of hard-won legislative victories.

Most candid authorities acknowledge that job discrimination on the basis of age is still a real problem today. This conclusion has been documented time and time again at hearings I have conducted as chairman of the Subcommittee on Employment and Retirement Income. Most recently, this was brought to the attention of the subcommittee during its hearing in Miami on the subject of "Unemployment Among Older Workers."

Unfortunately enforcement of the age discrimination law has been carried out in a very timid manner by the Department of Labor. The first suit was not filed until late in 1969. And only a small number of court proceedings have been instituted since that time.

Moreover, enforcement of the law is the responsibility of the Wage and Hour and Public Contracts divisions. However, these units also oversee the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Davis-Bacon Act, and several other related statutes. But, less than 10 percent of their time is allocated to age discrimination activities.

Since insufficient time is being devoted for enforcement of the act, it is no wonder that the age discrimination law is being thwarted. Quite clearly, the Wage and Hour and Public Contracts Divisions need to be beefed up to strengthen the enforcement of the act. For these reasons, I urge that the Congress approve full funding to hire additional personnel to enforce the law fully and effectively. Additionally, I recommend that these new individuals be assigned on a full-time basis to implement the act.

Today, many older persons are still being deprived of an opportunity to carry on their livelihood because of advancing age. But a job should not be off limits simply because a man's hair is "graying" a little bit at the temples. And, it is high time that we launched a systematic and forceful effort to eliminate employment bias solely because of age.

A PROGRAM FOR THE 1970'S

For far too long a time, our Nation has lacked comprehensive and coordinated policies to maximize employment and service opportunities for older workers. With unemployment continuing to remain at a persistently high level, many middle-aged and older persons will need further training to prepare them for technological changes in our society as well as new opportunities for public service jobs.

My policy proposals, I believe, represent a sound and sensible effort to launch a long-awaited national employment policy for older workers.

The benefits of this undertaking await us at all levels.

For many unemployed workers today, a job can provide a financial passport for independence and self-respect.

The worker's family will also benefit because a regular paycheck can mean a richer and fuller life.

And our Nation will benefit when persons on the welfare or unemployment rolls move back on to the payrolls and become taxpayers.

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, the distinguished Senator from Utah (Mr. Moss) is now recognized for not to exceed 15 minutes.

NURSING HOMES

Mr. MOSS. Mr. President, I join the members of the Senate Special Committee on Aging this morning as we present our state of aging message.

I am going to speak briefly on the subject of nursing homes. In this regard, I find myself in a rather unique position, for it is within this area that the administration has made its one major effort to help older Americans.

There seems to be little doubt that before June of last year, when the disintegration of plans for the White House conference caused the appointement of Dr. Arthur Flemming, the administration had a poor record on the subject of aging. I was moved to comment in 1969 that apparently aging ranked in Mr. Nixon's priorities just above raising funds for the Democratic National Committee. Few of us will ever forget the statements by Robert Finch, then Secretary of Health, Education, and Welfare, and other spokesmen who announced a shifting of policies from caring for the aged to caring for the young.

But with Dr. Flemming's help the White House conference must be counted a success. The delegates met their responsibilities admirably and issued a mandate to the Congress and the Executive. We ask the question today whether the administration will lead the way to improvement and whether we in the Congress can expect cooperation. We certainly hope for cooperation.

My subject today is nursing homes principally because I have been chairman of the committee's Subcommittee on Long-Term Care for the last 7 years.

This subcommittee has conducted numerous hearings, including some 19 in our current series which began in July 1969. These hearings have led to legislation, in fact, to the very legislation on which the Department of Health, Education, and Welfare is relying for its recent enforcement efforts.

While my first concern has always been America's most underrepresented and declassed minority, the 1 million who suffer the compound burdens of illness and advanced age I would join my colleagues as they highlight other issues.

Perhaps 16 million out of our 20 million elderly need more substantial income.

Medicare still only covers 47 percent of their health costs with premiums and deductibles rising continuously.

Some 6 million live in substandard housing.

Escalating real estate taxes rip into fixed retirement incomes are to the point of becoming confiscatory in many of our States.

We must come to grips with these important problems this year. Left neglected they will only return in amplified form an unwelcome legacy for the future.

With the same urgency, Mr. President, we must attack the problems of some of our nursing homes where unsanitary conditions, poor food, lack of dental care, theft, lack of adequate controls on drugs and negligence leading to death and injury are the order of the day.

More and more these conditions are being brought to public attention. Individuals and groups from levels all of society have protested these abuses.

We have encountered some resistance; some nursing home associations have sought to prove that abuses are few if not nonexistent. But others such as the American Nursing Home Association have been more positive. They admit the great problems and stress the reasons for them are inherent in our society. If only a fraction of the evidence we have received is valid then we have a serious problem.

President Nixon took notice of these conditions in a June speech before the American Association of Retired Persons. He promised the Secretary of Health, Education, and Welfare would announce proposals in implementation of his pledge to eliminate substandard homes. The Secretary did announce an eight point plan, the progress of which my subcommittee has been monitoring. At the same time the President promised that nursing homes would receive special attention at the White House Conference on Aging.

On this last point we can be positive. Nursing home problems received anything but special attention at the White House Conference. There was but one special concerns session on long-term care and that was an afterthought.

As far as the President's eight-point plan is concerned, it is still too early to judge but I was genuinely impressed by the testimony of Under Secretary John Veneman whose assurances were most welcomed.

On the whole, however, this eight-point package is strictly enforcement. It calls for the training of 2,000 State inspectors, the addition of 150 people in HEW enforcement, the consolidation of responsibility for enforcement in one individual as responsible and the insistence on compliance with Federal standards or face the cutoff of Federal funds.

Enforcement is certainly necessary. I have been asking the Department of Health, Education, and Welfare to take a vigorous role and enforce the standards that my 1967 bill wrote into law. But enforcement is only one of the five major problems in this field.

The other four upon which we need discussion are:

LACK OF A CLEAR POLICY WITH REGARD TO THE INFIRM ELDERLY

The rhetoric speaks of care and conconcern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available.

To deal with these root causes, I have introduced legislation providing under medicare:

First. Up to 100 days in a nursing home for all Americans over 65. Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.

Second. Establish outreach services, mobile health units, homemaker services, and expanded home health services which would look toward treating the elderly in their own homes.

Third. Senior citizen day care centers so working families could have the security of knowing their senior citizens had supervision by day.

Fourth. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

SECOND MAJOR PROBLEM: THE ABSENCE OF THE PHYSICIAN FROM THE NURSING HOME SETTING

Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. The committee discovered that doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates.

As a solution to these problems, I have introducing legislation including:

First. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

Second. A bill to provide followships and categorical grants to medical schools to establish pre- and post-doctoral programs in geriatrics.

Third. A bill authorizing up to $500,000 to six medical schools to establish departments of geriatrics.

Fourth. A bill to encourage medical schools to train a new category of health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

THIRD MAJOR PROBLEM: THE RELIANCE ON UNTRAINED AND INADEQUATE PERSONNEL

There are about 1 million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees or aides and orderlies are overworked and underpaid. It is little wonder that there is a turnover rate of 75 percent.

Legislative solution: My bill authorizing HEW to establish inservice training programs for aides and orderlies and to work out with colleges and professional organizations such as the American Nurses Association, a career ladder whereby aides with experience and educational training could progress from aides to LPN's to finally become registered nurses.

The last major problem is the lack of built-in financial incentives in favor of poor care.

Currently medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If one cuts back on food and nursing staff, you can make a fortune on $14 a day.

The solution that I have suggested for this problem is: Encourage States to adopt incentive reimbursement systems such as the Connecticut "points system" where a nursing home, in effect, is graded and placed into classes A, B, C and so forth. The better the nursing home in the State's estimation, the higher the rate of reimbursement. A class A home, for example, might receive $18 a day, a class B home, $17 a day and so forth.

These reforms are greatly needed and I hope we can act quickly to enact some of the bills that I have introduced. Other bills that I have introduced will plug major gaps into the existing law and provide greater tools to aid HEW in their enforcement effort. Of these S. 2924 is most significant. This bill will apply the life safety code of the National Fire Protection Association to intermediate care facilities. ICF's as they are called are currently the only category of federally assisted nursing homes which are not required to comply with this rigid fire code. It is worth noting that the last three nursing home fires that we have had, Salt Lake City in September, Honesdale, Pa., in November and Cincinnati this January have been in intermediate care facilities. Most experts agree that the code should be applicable.

As a companion measure to this bill I have introduced S. 2923 to provide FHA insured loans to help nursing homes purchase fire safety equipment. If we are going to insist on higher standards then we must be willing to help pay for them.

A bill to provide Government loans to enable nonprofit and proprietary nursing homes to purchase fire safety equipment.

A bill to provide for "campuses for the elderly," which would center in one location the broad spectrum of housing for the elderly, from acute hospital services on one end of the spectrum to housing for the ambulatory elderly on the other.

I am suggesting that we have a long ways to go to make our nursing home system. But I should like to end on a positive note. We recently held hearings entitled "Positive Aspects in Long-Term Care."

At these hearings I was genuinely impressed by the impressive and innovative programs which function so well in some of our nursing homes. The proposals ran the gamut from unit-dose drug systems to bringing some efficiency into the nursing homes dispensing of drugs to a unique program to train nursing staffs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. Mr. President, under the previous order am I now to be allocated 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. EAGLETON. Mr. President, I yield to the Senator from Utah such time of my time as he may require, but not to exceed 15 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. I thank the Senator from Missouri.

Mr. President, Marshall Horsman of the Beaumont Convalescent Center in Beaumont, Calif., talked about his implementation of a plan of "sensitivity training" for his staff. Each member of the staff must play the role of a patient for a full 24 hours. The experience of being totally disabled and dependent on the staff for food and comforts is very helpful in causing the staff to see things through the eye of the patient and results in better care, contends Mr. Horsman.

These are hopeful signs, and I am sure most of us who have been in this field for some time will agree that conditions in our nursing homes have greatly improved in the last few years. I am sure that we can expect further improvement in the near future. Working together, all of us, the Government, the provider and the employees of nursing homes can, I am sure hasten the day when going into a nursing home will not be looked upon as the first step of an inevitable slide into oblivion.

A FEDERAL ADVOCATE FOR OLDER AMERICANS

Mr. EAGLETON. Mr. President, one of the hallmarks of a civilized society is the degree to which that society esteems, and provides for its older members. If this Nation is to become truly civilized in this respect, there are responsibilities that must be met by all of the public and private institutions through which society operates—responsibilities that clearly are being shirked at present.

First and foremost, the Federal Government has a responsibility to guarantee an income above the poverty level for every older American and to protect that income against inflation.

Clearly, we have failed miserably in this responsibility. Today nearly 5 million older people—one out of every four—live in poverty. Fifty-one percent of all single or widowed elderly women have incomes below the poverty level.

These income problems begin even before persons reach age 65. Middle-aged and older workers, that is, those aged 45 and older, are a special case in today's troubled economy. As compared with the rest of the work force, proportionately more older workers are unemployed. They stay unemployed for longer periods of time and fewer opportunities and governmental resources are available to help them get back on the job. Since January 1969, the number of unemployed middle-aged and older workers has nearly doubled. About one out of every three unemployed persons 45 and older has been out of work for 15 weeks or longer. One out of five has been unemployed for longer than 27 weeks. Millions of others are not represented in these figures. Discouraged by their inability to obtain work, they have ceased looking for a job and have withdrawn from the work force altogether.

In many cases, loss of work today means a forfeiture of future security as well, in the form of nonvested pension benefits. The Labor Subcommittee of the Committee on Labor and Public Welfare, is currently conducting studies to inquire into the loss of pension benefits which so often occurs when a worker is laid off in midcareer.

We know that older workers have the accumulated skills and the strong motivation which employers claim are in short supply. They have the disciplined habits acquired through a lifetime of work. Yet, our youth-oriented society has a tendency to shunt this older group aside and to ignore the enormous resource it represents.

We also have a responsibility to make certain that our older citizens have access to adequate health care. Typically, older people have one-half the income of other Americans but their health care costs are twice as high. Today, older Americans as a group have out-of-pocket expenses for medical and hospital costs nearly equal to those for the year immediately preceding the advent of medicare. There are a number of causes underlying this condition—greatly increased costs, more awareness of need for services and a larger number of elderly, among other things—but it serves to point up the widely felt need for an improved health service program for senior citizens.

Meeting these and other needs will require the best efforts of all of us who are seeking to improve the circumstances under which older people live in our society—circumstances which today too often make for a cruel and impoverished existence. The Committee on Labor and Public Welfare's Subcommittee on Aging, which I have the honor of chairing, has sought to meet its responsibilities to senior citizens by working for the passage of legislation that deals directly with many of their major problems.

In the last session of Congress, we were successful in having enacted S. 1163 which provides funds to the States to conduct nutrition programs for those aged 60 and over—programs that furnish meals in a group setting and, further, deliver meals to the elderly homebound. We have conducted hearings on legislation to improve the employment conditions of middle aged and older workers by greatly expanding the modest existing program of community service employment (S. 555) and by authorizing special counseling and training programs for these workers (S. 1307). We expect to act on this legislation in ample time for floor action during the current session.

We have also conducted hearings on legislation relating to biomedical and behavioral research in aging and problems associated therewith. Legislation under consideration includes S. 887, my bill to establish a National Institute of Gerontology and S. 1925, introduced by the distinguished junior Senator from New Jersey (Mr. WILLIAMS) which would promote research in aging by establishing a comprehensive and systematic plan for such research. Additional hearings on this subject will be conducted in California under the chairmanship of the ranking majority member of our subcommittee, the very able senior Senator from California (Mr. CRANSTON).

In an effort to assist a part of our older population that is among the most impoverished, I have offered an amendment to H.R. 1 that would make immediately effective the minimum income provided therein in the adult assistance program, thus eliminating the 3-year phasein period contained in the House bill. Another amendment I have offered to H.R. 1 would insure that no person now receiving aid to the aged, blind, or disabled will receive a lesser amount under the new Federal program.

Beyond these concerns, the elderly face enormous problems in other areas such as housing, transportation, education, nursing homes, and so forth. It can truly be said that their needs and interests cover nearly the whole spectrum of governmental activity.

Unfortunately, there has been a dearth of the kind of leadership and coordination that is required if the various departments of the Federal Government responsible for particular areas of concern to the elderly are to function effectively. The Older Americans Act of 1965 established the Administration on Aging within the Department of Health, Education, and Welfare with the intention that it be a high level agency that could act as a focal point within the Federal Government for the interests of older Americans.

The Administration on Aging, however, has never fulfilled the high expectations held for it. Under both Democratic and Republican administrations, it has been downgraded and partially dismantled. Hearings held separately by our Subcommittee on Aging and jointly with the Special Committee on Aging have revealed an almost total lack of confidence in the ability of the Administration on Aging, buried three levels down in HEW, to act effectively as an advocate for the aging or as a coordinator of Federal programs for the aging.

Prior to the establishment of the Senate Special Committee on Aging, an analogous situation existed in this body. Numerous committees have jurisdiction over the problems of older Americans, each pursuing its own goals with little regard for the activities of the others. The Special Committee on Aging was created to overcome the difficulties resulting from this fragmentation of authority by focusing on the whole host of interrelated problems afflicting our senior citizens.

The record established by the Special Committee on Aging over the last decade has been magnificent. Without intruding upon the legislative authority of other committees, it has greatly influenced their work and that of Government at all levels through its leadership and advocacy of the cause of older Americans.

This experience provides a striking example for the executive branch. There, too, responsibility is diffused and leadership and coordination are lacking. The expiration this June of the Older American Act provides us with an opportunity to revive the hope embodied in the original act when passed in 1965. It has become evident that we cannot count on a minor office buried in the vast reaches of the Department of Health, Education, and Welfare to provide the leadership that is needed.

I intend to begin hearings next month that will develop the information necessary to determine the best possible organizational structure on the Federal level for older Americans. We have the benefit already of a number of studies and reports on this subject from such groups as the President's Task Force on Aging, the Advisory Council to the Senate Special Committee on Aging, and the White House Conference on Aging. We intend to give full and serious consideration to these and all of the other proposals that will be offered at our hearings.

I particularly look forward to receiving the views of the administration with respect to legislation to succeed the Older Americans Act. In recent months, President Nixon has on several occasions stated in general terms his commitment to improving the lot of the elderly. The real test of this commitment, of course, will come in the specific programs and policies the administration proposes to achieve that end.

Unfortunately our experience in the past has found, too often, that the word has failed to be matched by the deed as the administration has consistently opposed one after another of the programs for the elderly considered by our subcommittee. Older Americans do have many friends in Congress, as witnessed by our discussion here today. But Congress can authorize wonderful programs and they will come to nothing if those within the executive branch of the Government who set priorities, make the budgets and have the power to withhold funds appropriated by Congress do not really understand or care about the problems of senior citizens.

I hope that the President's recent statements mark a new direction in this administration's heretofore undistinguished record with respect to older Americans. If that be so, I pledge my full cooperation in the effort to enact the legislation and appropriate the funds so desperately needed. In any case, the Subcommittee on Aging will continue its work to promote the welfare of those who have gone before us and to whom we owe so much.

ORDER OF BUSINESS

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. EAGLETON. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAGLETON. Under the previous order, which Senator is to succeed me in his presentation?

The PRESIDING OFFICER. The Senator from Wyoming is to succeed the Senator from Missouri.

Mr. EAGLETON. I yield the remainder of my time to the Senator from Wyoming, and thus he will have my remaining time plus that which has been allotted to him.

The PRESIDING OFFICER. The Senator from Wyoming is now recognized, under the previous order, for not to exceed 15 minutes, plus the unexpired time of the Senator from Missouri.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Missouri for his courtesy in yielding me the remainder of his time.

HELP TO THE AGING

Mr. President, as one who has served some years on the Special Committee on Aging, and more recently on the Committee on Finance, I welcome today's review of progress in assisting the aging and reaffirmation of our hopes for full recognition of older Americans through prompt solution of problems which face them.

The splendid spirit of bipartisan concern which has distinguished the Committee on Aging—with its broad responsibility to review all matters affecting the elderly—and the Finance Committee—whose role in major legislation on behalf of older Americans, including social security, is so important—is a source of great personal satisfaction to me.

As evidenced in Wyoming's White House Conference and our other activities in aging, there is no partisanship in our State on this vital question. I am confident a similar spirit prevails elsewhere. Needs of older Americans are too important to permit division. We must all work together.

It is equally gratifying to observe a new spirit of dedication to the rights, needs and aspirations of older persons in the executive branch of the Federal Government.

Beginning with President Nixon's call, early in 1970, of the recent White House Conference on Aging, this new recognition by the executive branch and its several Departments has been amply demonstrated by efforts during the past 2 years to involve our elders in decision-making and policy formulation on matters related to age.

This leadership, springing from the highest levels of the executive branch, encourages my belief that America is on the move in meeting the challenge in aging.

If we are to meet this challenge to improve quality of life for our elders—through satisfaction of basic physical needs, protection of social rights, and promotion of new opportunities for involvement in America's mainstream—such dedication by all parts of government at all levels is essential.

Beyond this, there must be reinforcement of congressional and Presidential leadership by other elements of society in a spirit of unity which recognizes our debt to older Americans and the contributions they can still make—are eager to make—to their country.

At Wyoming's State Conference on Aging last summer, which I was privileged to attend, there was clear evidence of such spirit.

The Wyoming meeting, one of many which preceded the White House Conference of 9 weeks ago, recognized that satisfaction of basic needs for the elderly—adequate income, access to quality medical care, improved transportation, invigorating educational and recreational activities, and decent housing and nutrition—is of primary importance.

No less vital, in the judgment of those at the conference, is the need for enlistment of society's total resources to assure older Americans opportunity to participate in day-to-day responsibilities and privileges of America's life as fully as their capabilities and desire warrant.

At the Wyoming conference it was evident that older persons have much to offer. We will shortchange ourselves, and do injury to them, if we do not give them full opportunity to function as first-class citizens.

Our older citizens are an important national resource.

President Nixon has promised action to assure older Americans new opportunities which have never before existed. This is because he firmly believes that our senior citizens are a resource we need desperately today. I share his belief and endorse his commitment.

At a time when a recovery of family life is needed more than it has ever been; at a time when there are community service tasks which go begging for want of manpower; at a time when we need to restore the perspective of the past, older persons cannot and should not be forced to sit on the sidelines as mere observers as they too often have in recent years.

I am deeply impressed with the program President Nixon has developed to meet the needs of older Americans.

Through his program, President Nixon shows promise of meeting five goals which must be met if we are to make fullest use of our older citizens. Through his program, the President shows promise of creating a new national attitude on aging, bringing about a new prosperity for them, helping them to regain self-sufficiency, improving health and nursing home care, and giving older Americans an opportunity to serve where, for one reason or another, they could not before.

Let us take each of these one by one.

Changing national attitudes will take time. It will also take leadership from many sectors of society.

President Nixon has already demonstrated that he will provide leadership to bring to the fore the problems and importance of our older Americans. He has established two new positions on the White House staff—the position of Special Consultant to the President on Aging and Special Assistant to the President on Aging—held respectively by Arthur Flemming and John B. Martin. This is the first time in history that older people have had direct representation on the White House staff.

To reinforce these two officials in developing and implementing appropriate programs for older Americans, the President has established a Cabinet Committee on Aging.

He convened the second White House Conference on Aging—the first having been called by President Eisenhower.

Testifying last Thursday at a Special Committee on Aging hearing, Dr. Arthur Flemming, the President's Consultant on Aging emphasized the administration's intentions to vigorously follow up on work of the White House Conference. I suggest that every Member of the Senate should read Dr. Flemming's testimony when it is published.

The speed with which transmission of conference section by section recommendations and the administration's stated intention of effective follow-through is most encouraging.

This speed which contrasts with the languid treatment of the first White House Conference 10 years ago, suggests that a new commitment to America's elders is at hand. It is a tribute to the thousands who have worked so hard to bring a new awareness to our Nation that we must go full steam ahead.

To give sharper focus to the problems of the aged, the President included a special section on older Americans in his state of the Union message—another first.

Hawaii's distinguished senior Senator HIRAM L. FONG, has already spoken of the President's efforts to create a new prosperity for older Americans. Let me only add my conviction that he means business with them. The President knows that all the rhetoric and all the good wishes he or anybody else can offer will mean nothing unless they are coupled with a serious and sincere effort to assure older Americans a fuller share of life's material resources.

It is from that knowledge that the President's efforts to help older Americans gain self-sufficiency stems.

The President has ordered the establishment of a system through which older Americans can readily gain information on all benefits for which they may be eligible; has increased the Administration on Aging budget fivefold to $100 million so that new homemaker, transportation, nutrition, and community service programs can be made available; has made housing money more readily available to older citizens so that they can purchase homes in a variety of settings and has helped launch a major national effort to voluntary organizations which will help older Americans gain the service they desire in their homes. We can expect more action along these lines in the period ahead.

Despite medicare and medicaid, the problem of obtaining health and nursing home care have remained critical. Many studies, articles, and documentaries have demonstrated the disgraceful treatment some of our older citizens have received in their declining years. The President has faced this problem forcefully and courageously. He instituted an eight-point program to raise nursing home standards and even went so far as to prohibit Federal funds to those that were found substandard, something no other President has ever done. This program includes:

First. Training 2,000 nursing home inspectors within 18 months.

Second. Authorizing 100 percent Federal funding of State medicaid inspections.

Third. Appointing a single responsible high level official at HEW to direct improvements in nursing homes.

Fourth. Enlarging the Federal enforcement program by adding 150 positions.

Fifth. Establishing a program of short-term courses for health personnel who work in nursing homes.

Sixth. Assisting the States in establishment of investigative units.

Seventh. Undertaking a comprehensive review of long-term care.

Eighth. Cutting off medicare and medicaid funds to substandard homes.

Testimony by HEW Undersecretary John G. Venneman, and Assistant Secretary Merlin K. Duvall, M.D., who has responsibility for implementing the President's nursing home initiatives, was presented to the Committee on Aging in October. It was evident then that implementation of the 8-point program is well underway.

I was pleased this morning to hear the Senator from Utah (Mr. Moss), chairman of our Subcommittee on Long-Term Care, express a similar pleasure at prospects for nursing home progress.

President Nixon has asked the Congress to eliminate the $5.80 monthly medicare fee which will give older Americans a total of $1.5 billion in new benefits. He has implemented a strong program to upgrade nursing-home care. He has supported the Medical Manpower Act so that more doctors, nurses, and aides will be available to help care for all our Nation's citizens, including older Americans.

The programs I have mentioned so far are all exciting and important. But what is most exciting personally to me is the President's efforts to give older Americans an opportunity to serve where no such opportunity existed before. We have long focused on youth involvement—and involvement of our young people in public affairs and service is most important.

Young people have a dream of a fine new world. They have a desire and hope that they can play a major part in making that fine new world a reality. They should be given the opportunity to realize this dream. Older people want to help them realize these aspirations.

Certainly most older Americans have lived their lives with a primary goal of grandchildren—the young of today. They have worked hard to give the young tools for making a better life a reality.

For this, as well as their many other contributions, our elders deserve our thanks and a national commitment that independence and a chance to participate is not denied them in their later years.

Older Americans however, still have dreams which they want to achieve first hand, as persons. The right to pursue such dreams of service to their fellowman and country is as essential to their dignity as are adequate incomes and recognition of their past contributions.

President Nixon's commitment to assurance of that right is most gratifying to me.

That is why the President requested action to triple the retired senior voluntary program to $15 million; to double the foster grandparent program to $25 million; and Operation Mainstream funding—to help older people find jobs—to $26 million. If these programs continue to be successful, I am assured that they will be increased even more. As for myself, I am confident that they will work and we will find in our older citizens a resource of significant magnitude.

President Nixon has said:

> Old age, which should be a time of pride and fulfillment—pride and fulfillment looking back and looking forward—is too often a time of isolation and withdrawal. Rather than being a time of dignity, it is often a time of disappointment. And the growing separation of older Americans also means that we are not taking full advantage of a tremendous reservoir of skill and wisdom and moral strength that our Nation desperately needs at this moment in history.

I endorse those sentiments. I endorse also the substantive proposals President Nixon has made to back them up. I believe they should also have the full and complete support of every Member of this body.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for not to exceed 15 minutes.

Mr. GURNEY. Mr. President, we have heard a great deal this morning about the problems of the elderly and what might be done to improve their situation. No one questions that these problems exist and must be dealt with in a meaningful manner. The real crux of the matter is how they are to be dealt with; to consider the elderly as a special group with special problems is necessary, but to segregate them in the process of solving their problems, is doing them a distinct disservice. Comfort with dignity—and I cannot put enough stress on dignity—is the ideal goal.

Our senior citizens are special, not simply because of their present status but because of what they have contributed. They do not want to be treated "differently" from other parts of society any more than anyone else does. Nor do they like to be placed in the same category as welfare recipients. They have worked all their lives and have earned their retirement; to be lumped in with people who are, all too often, considered too lazy to work is repugnant to them. Mail from my elderly constituents indicates this only too clearly. Many senior citizens will refuse welfare assistance—such as food stamps—because they feel it to be degrading. Similarly, they feel degraded if they are shunted off from society because of their age; many feel they have much to contribute and looked upon retirement as an opportunity to do more for their community rather than less.

Our senior citizens have earned their retirement and they should be able to enjoy it rather than have to endure it. Providing for their physical comforts while overlooking their emotional well being—their sense of dignity and pride if you will—is not an adequate answer.

This problem of balancing physical comfort with emotional well being is further complicated by the unusual set of economic circumstances confronting most elderly Americans.

First of all, senior citizens constitute an evergrowing proportion of our population. In 1910, they comprised 4.1 percent of our total population; today about 10 percent. In my home State—Florida—that proportion is almost 15 percent. Quantitatively speaking, the under-65 population is two and one-half times what it was in 1900, but the over-65 group is six and one-half times as large. Add to this the nearly 10 million people age 60–65 in the country today—over 200,000 of them in Florida—and the proportion grows. Realistically, given the number of people 60 and over who are retired and given the fact that many of our programs for the elderly start with people 62 and over, it is more accurate to think in terms of 30 million senior citizens.

Unfortunately, this older population is essentially a low-income group, even though there are a good number of wealthy senior citizens. In 1970, half of the 7.2 million families having heads of household aged 65 or over had cash incomes of less than $5,953 and almost 25 percent made less than $3,000. Of the 5.8 million senior citizens living alone or with nonrelatives, half had incomes of less than $1,500. In many cases, the combination of reduced income and accelerating inflation has brought about a decline into the low income or poverty classifications. What we need to do is to fulfill the promise of social security which was—and is—to insure that a person is adequately provided for in his retirement years. People who have paid social security all their lives in this expectation and who, due to limited income, may not have had enough money to invest in other retirement plans, deserve no less.

I feel—and have felt—that an increase in social security benefits has been needed for a long time. I tried to get these benefits increased last year, independent of welfare reform, and I feel that they are essential this year, even if getting them passed means separating them from H.R. 1.

H.R. 1—as we have heard—contains a number of laudable proposals in the area of social security reform. I fully support changes that would:

First. Increase social security benefits by 5 percent effective July 1, 1972;

Second. Provide for an automatic cost-of-living adjustment in benefits;

Third. Increase a widow's benefit from the present amount of 82.5 percent of her husband's benefit to an amount equal to 100 percent of the deceased husband's benefit; and

Fourth. Eliminate the earnings limitation on social security recipients or, if that is impossible, to set the limit at a minimum of $3,000.

All these provisions would provide additional direct income for the recipient, a step recommended by the 1971 White House Conference on Aging and one consistent with preserving the dignity of the senior citizens. Increased benefits and safeguards against inflation simply fulfill the promise of social security and make the law more equitable. They do not carry the same stigma that is so often attached to the welfare programs that they would otherwise be forced to depend on. In this regard, President Nixon's older Americans' income assurance plan is right on target; by having applicants for benefits apply to a social security office rather than a welfare department, utmost dignity can be maintained.

Next to inadequate income perhaps the most vexing and worrisome problem for the elderly is health care. Medical costs have risen astronomically in the last few years, spurred by the same inflation that has cut so deeply into the purchasing power of the elderly. Faced with a much greater likelihood of needing medical care than the rest of us, the senior citizen finds himself with less money than ever to pay higher costs than ever. Even with medicare, the squeeze is causing many senior Americans to do without medical treatment they badly need. It is my belief that certain improvements are necessary to reverse this situation.

First, we must develop incentives for cost cutting in the provision of health services. These incentives do not exist at present. Demonstration projects, better planning, and more prudent funding are essential if health costs are to be kept down.

Second, there needs to be a limitation on coverage of costs by medicare. Medicare/medicaid patients should not have to pay for nonessential services; if guidelines were established setting forth what constitutes reasonable health costs in a given area, unnecessary charges might be avoided.

Third, extended care facilities should be required to meet certain minimum standards to insure patient safety and the proper use of medicare funds.

Fourth, the rules concerning coverage of physical therapy—a service so frequently needed by the elderly—under medicare should be relaxed to permit senior citizens to be reimbursed for therapy sessions at a therapist's office. Such a change should be more convenient and less costly to the person needing the treatment.

Finally, I believe that professional standard review organizations should be established to help insure quality health care.

Another concern of pressing importance to the elderly is where to live. I say, where to live, instead of just housing, because, while there is a definite need for additional housing units for the elderly, at least two-thirds of our senior citizens own their own homes—most of them mortgage free. The problem—more times than not, is—can the senior citizen afford to live in his own home or should he move into an elderly housing facility? It would seem, for several reasons, that every effort should be made to help those who have their own homes and want to continue living in them to do so.

First, a majority of senior citizens do not really want to live in elderly housing because such housing makes them feel like they are being segregated from the rest of society.

Second, there is often a sentimental attachment to living in their own home.

Third, it is less expensive for them, and for the Government, to live in their own homes, provided they are able to do so.

Fourth, these homes can often be a source of income if, for instance, rooms are rented out.

Various means have been suggested to help keep the elderly in their own homes. Aside from cutting inflation, which is essential and which is taking place, the burden of steadily increasing property taxes presents the biggest problem. The senior citizen, on his or her fixed income, cannot afford to pay out a good percentage of it to cover property taxes; if they could be given a tax break or better yet, if the burden of the property tax could be reduced, as President Nixon suggested in the state of the Union address, many senior Americans would not be financially forced to move.

Another factor that forces the elderly to leave their own homes is upkeep and repair. Both are expensive and often these tasks are beyond the physical capability of the senior citizen. However, if means were found to reduce these costs—for example, senior citizens co-ops that contracted for upkeep services—this problem could be at least alleviated.

Other ways of keeping the senior citizen in his own home include such things as volunteers—perhaps other senior citizens—looking after the needs of elderly homeowners on an organized basis within the community.

Improved transit systems—I shall discuss this a bit more in a minute—will help them get around to do the necessary errands. However, not all senior citizens by any means have the option of living in their own homes. For these people elderly housing, designed to meet their particular needs, is essential and at a cost they can afford. More detailed efforts should be made to better ascertain the "need" for such elderly housing, and to make sure that such programs that do exist are effectively administered and do not overlap.

In housing, as with everything else, the key to the problem is dignity. Segregating the elderly into retirement communities, while it has certain advantages, has the drawback making seniors feel that they are second-class citizens that have to be taken care of separately for their own good. To many senior citizens that thought is just as abhorrent as being associated with those on welfare.

One could go on for hours on the needs of the elderly, but rather than do that, I would like to touch upon one final trouble area—transportation.

Crucial to the desire of older people to be a part of the community is mobility. It is also essential if one is to shop competitively, or to run many of the day-to-day errands, or to have a social life. Mobility is freedom; for senior citizens it represents freedom to enjoy the fruits of their labors.

However, advancing years make it difficult and often dangerous to drive, harder to walk, and more difficult to negotiate public transit. Economic woes often rule out getting a chauffeur or taking taxis, so public transportation becomes very important. For some, even the bus is too expensive; for others, particularly those in the rural areas, public transit is unavailable or unaccessible and therefore useless. Several remedies come to mind. The most obvious is extension and improvement of our system of public transit. Another is reducing fares for senior citizens if they have a medicare card. The latter plan is being used in Washington, D.C., and its effects should be studied for future reference. Eliminating the need for the elderly to travel is not really an answer, for like most people senior citizens prize their ability and right to move about.

In going over these matters this morning, I have obviously left out or just lightly touched on a lot of things—things like employment for the elderly, social services, taxes and tax breaks, and safety standards. These are all relevant and related topics and they need attention. Obviously they cannot all be tackled at once but neither is it fair to expect the senior citizen to wait indefinitely. I think these hearings, the committee work, the White House Conference on Aging and the President's proposals and deep interest, are all indicative of a growing awareness that we cannot forget those to whom we owe so much. This, I believe you will all agree, is an encouraging sign. Our senior citizens deserve the best; they have earned it.

Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** Under the previous order, the distinguished Senator from Illinois (Mr. PERCY) is now recognized for not to exceed 15 minutes.

Mr. PERCY. Mr. President, I would first like to commend my distinguished colleague from Florida for an exceptionally fine statement. His service on the Special Committee on the Aging is of particular significance, as there are a very large number of retired people living in his State of Florida. His expertise in this area is appreciated by all of us because he has provided a great deal of insight on establishing a sense of priorities in this field.

Mr. GURNEY. I thank the Senator from Illinois very much for his kind comments.

Mr. PERCY. Mr. President, I am pleased to join the distinguished chairman of the Senate Special Committee on Aging (Mr. CHURCH), the distinguished ranking member (Mr. FONG), and my colleagues in this tribute to our senior citizens.

As my colleagues have pointed out, there are 20 million Americans over age 65. A full one-quarter of them live at or near the poverty level, and while poverty is declining among other age groups, it is increasing among the elderly.

In other words, a minority of the population, our elderly—I will not say aging because we are all aging—those 65 years or over, is the only minority group in America today where conditions are getting worse rather than better, where the incidence of poverty is increasing rather than decreasing for them.

The elderly are among our neediest citizens—if not the neediest—but because they are neither loud nor militant nor quick to complain, their poblems have gone largely unnoticed in years past.

Delegates to the recently concluded White House Conference on Aging did much to change this, however, in focusing the Nation's attention on senior citizens. During the conference, the problems of the elderly in such areas as income maintenance, health, housing, employment and transportaiton were stressed, and major recommendations for congressional action in each area were issued. In making these recommendations, the delegates laid the foundation for a national policy on aging—something we have always lacked but desperately need.

Although the delegates refrained from endorsing specific legislation pending before Congress, they did endorse certain ideas already incorporated into existing bills.

Mr. President, let me comment here on hearings that the Committee on Aging held last week under its chairman, the distinguished Senator from Idaho (Mr. CHURCH).

I can recall, when first coming on the committee, that the hearings were not very well attended. The hearings last week were overflowing with interested citizens. I am pleased to note that the average age level was not more than 60 years old—probably it was closer to 40 or 50. It is encouraging that an increasing number of young people are working in this field, trying to improve conditions for the aging.

The hearings held last week are evidence of national concern. We are developing, through the efforts of a great many people working in this field, a national conscience with respect to this problem.

One of those bills now before Congress which is of interest to the elderly is H.R. 1, the comprehensive Social Security Amendments of 1971. Among other features, this measure calls for a 5 percent across-the-board increase in social security benefits, full benefits for widows, automatic benefit increases to protect recipents against inflation, and a liberalized retirement test.

In recent testimony before the Senate Finance Committee, I endorsed each of the above proposals, and urged that the earnings limitation be raised immediately to $2,400, and to $3,000 by January 1, 1974.

I think among the most ludicrous situations we have today is the fact that if a person retires at 65 and continues to have an income of $100,000 a year in interest and dividends, he still gets his full social security benefits if he is not working. But if that social security check is necessary for a working man or woman in order to live, he can only get the full amount of the check up to $1,680. After that point, deductions are made, and once a person makes $2,880 he receives no benefits from social security despite the fact that he has paid into the system for years and years and years. In addition, even more ludicrous is the fact that if a person has to work beyond age 65, he has social security deducted from his wages before receiving his net pay. So, even after age 65, he continues to pay for social security and the deductions are made from his earned income. This system seems to indicate that there is something wrong with getting earned income.

If one receives unearned income from dividends or interest, he has no deductions made for social security.

However, if one has earned income necessary to supplement his social security income, he does have deductions made.

Of all the crazy things we have ever done, this seems to be the most unfair. We must eliminate the limitation. I am delighted that the Finance Committee this year is reconsidering the earnings limitation. I think we ought to literally take it off.

Social security is like insurance. We pay for it. And people resent very much indeed, after paying for perhaps over 40 years, not getting benefits if they have some earned income coming in.

H.R. 1 is now under active consideration by the Finance Committee, and I am pleased to note that Chairman LONG has given his word that the bill will be reported to the Senate floor by early March. And if he gives his word, he means it. The passage of H.R. 1 will enable us to further many of the goals set forth by the White House Conference on Aging.

Housing and transportation were cited earlier as areas of major concern to the elderly. It is noteworthy, therefore, that the Senate Banking, Housing and Urban Affairs Committee is currently meeting in executive session on housing legislation. When a bill is reported to the Senate floor, I hope it will contain two specific provisions.

The first provision would call for an additional Assistant Secretary of Housing who would deal exclusively with housing problems—and I add the word "opportunities"—for the elderly, and who would act as a spokesman and advocate for the elderly within the Department of Housing and Urban Development. We need a person within HUD who is sensitive to the housing needs of the elderly and who is high enough up in the bureaucracy to be able to cut through the redtape and present these needs directly and forcefully to the Secretary.

Secretary Romney has done a magnificent job in trying to get hold of the bureaucracy within HUD in the best sense of that term. That is his responsibility in HUD. He not only has improved the efficiency of his Department in Washington, but he has also done more than any other cabinet official to my knowledge to decentralize and place responsibility in the field. However, not until we get one Assistant Secretary whose life work is to take care of the housing needs of the elderly are we going to have them adequately taken care of.

I have discussed this matter with the Secretary and with his very able Under Secretary, Mr. Richard Van Dusen. I am hopeful that he can see fit to make this one personnel assignment, possibly by Executive order.

The second provision which I hope the Banking Committee will include would call for operating subsidies for failing mass transit systems. Good mass transit is of vital importance to the elderly, and yet mass transit companies are going broke across the country. We must take action to prevent mass transit from going completely under, lest the poor and the elderly, and others who are dependent upon mass transportation, become totally isolated.

On this subject, the White House Conference delegates said this:

> The elderly, like everyone else in society, must depend upon the ability to travel for acquiring the basic necessities of food, clothing, and shelter as well as employment and medical care. The ability to travel is also necessary for their participation in spiritual, cultural, recreational, and other social activities. To the extent the aged are denied transportation services, they are denied full participation in meaningful community life.

I know that the senior Senator from New Jersey (Mr. WILLIAMS) shares my interest in both an additional Assistant Secretary of Housing to deal with the elderly and in emergency financial assistance for failing mass transit systems. I am pleased to note that he is not only a member of the Senate Special Committee on Aging, but also of the Banking, Housing and Urban Affairs Committee. I know that it is his intention to see that action is taken.

These, then, are steps that Congress can take almost immediately to advance the goals of the White House Conference on Aging.

Actions taken recently by President Nixon to elevate the status of senior citizens in his administration are encouraging. The President has called for a fivefold increase in the budget of the Administration on Aging. He has submitted major legislation to Congress to remedy serious deficiencies in our private pension plans. He has indicated his administration is ready to implement quickly the Kennedy-Pepper bill to provide hot, nutritious meals for the elderly in community settings, when this measure passes the House—and I understand that this measure is under consideration on the House floor today. And through his appointment of Dr. Arthur Flemming as Special Consultant to the President on Aging, the President has acted to insure that the elderly will receive greater attention within the executive branch.

In his role as Chairman of the White House Conference on Aging, Dr. Flemming made every conceivable effort to make the conference a good and open one. Commissioner John Martin of the Administration on Aging has also done a fine job. I think they made a fine presentation when they appeared as witnesses before the Subcommittee on the Aging and Special Senate Aging Committee last week. They said there is a momentum building up in the country for the aging. I know that they have higher priorities in mind than the low status we relegate at the present time to the problems of the aging—lower, in fact, than other industrialized nations in the world accord to their aged citizens relative to their national resources.

I think Dr. Flemming deserves the recommendation of all of us for his handling of the conference, and I believe he will continue to act as a strong advocate for the elderly within the administration.

I think the Aging Commitee should call upon citizens outside of Government as well to assure a better life for our senior citizens.

Congress can pass laws, and the President can issue executive orders to help aged citizens, but we cannot hope to fulfill their spiritual, social and emotional needs. These needs can only be fulfilled by society as a whole. It is up to individual citizens to look after their parents and grandparents, and to honor their fathers and their mothers.

It almost makes one weep when he visits a nursing home for the elderly on a Sunday afternoon and finds 110 elderly people looking at the blank walls, at the television, or at each other. On some days there is not single visitor to talk to the patients in the nursing homes. This is something that the Government cannot do.

This shows an utter lack of compassion on the part of the American people for others, the lack of desire to visit others and to help each other.

This country was built with the spirit of helping each other, and cooperating with and assisting one another. Certainly that was true in the West. The country was developed there by means of people helping their neighbors.

The least we can do is to give a little attention, a little time, and a little thought and consideration to the poor and to the elderly who are in poverty.

Sometimes nourishment for the soul is much more needed than nourishment for the stomach.

The very fact that society, through many of the programs we have instituted, has reached out to care for the needs of the poor probably does more for their morale than for their physical being.

I am very appreciative of the fact that a number of the members of the Senate Aging Committee have appeared here today to give voice to our deep concern and to urge our colleagues to take care of this matter.

I would say that there is good reason to believe that this administration will continue to do—as it has done in the past—more to close the hunger gap than any other administration in history.

I trust that this administration also will go down in recorded history as the the administration that did more to alert the Nation to the need for assigning a higher priority to the aging and to those who need and deserve our support and help.

The elderly worked hard to make this country the great country it is and to provide the bountiful harvest we now have; it is only fitting and proper that they share in the benefits and proceeds of this great society.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

SPECIAL REVENUE SHARING—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

There are few issues of greater concern today, to the Congress and to the President, than the state of the American economy. We are passing from a period when the economy was inflated by the strains of war to a time when it will be challenged by the needs of peace.

Adding to the inevitable problems of transition has been the increasingly vigorous economic competition of other countries. We welcome this competition, but we must also realize that it requires us to give renewed attention to increasing American productivity—not only to ensure the continued improvement in our own standard of living, but also to keep our Nation's goods competitive in the world's markets, thereby providing jobs for American workers.

During the late fifties and early sixties our annual rate of increase in labor productivity averaged 3.4 percent. But by the mid-sixties it had begun its drop to an average of only 1.8 percent.

We are taking important steps to revive the productivity of American labor. Our New Economic Policy is shrinking the bulge of inflation. We are proposing a new program to promote technological progress—for advances in research and development are essential ingredients of rising productivity. But technological advance is not the whole story: increases in the skills of our labor force also play a large part.

We are not interested in the competitiveness of our labor force for its own sake. We are concerned about the individual American—concerned that he learn the skills to gain employment or learn more skills to gain better employment. We are concerned about the health of our economy, knowing that a strong, highly productive economy is the individual American's best insurance against unemployment. This is why the Federal Government provides manpower training—to increase the opportunities of jobless Americans to share in the abundance of America.

Today, I again urge that the Congress enable us to improve our manpower programs by enacting the Manpower Revenue Sharing Act.

Ten years ago, the Congress recognized Federal responsibility for comprehensive manpower training by passing the Manpower Development and Training Act of 1962. The MDTA and the Economic Opportunity Act of 1964 have grown to include over a dozen separate, narrow grant programs, each with its own purposes. Yet, even though manpower programs have grown in number, the need for manpower training has outpaced the capability of these older programs to provide services. Our commitment is strong, but we have not bridged the gap between the promises and the performance of Federal manpower programs. Something better is needed—on this we can all agree.

THE OLD WAY: A NEED FOR REFORM

Like the field of manpower training, many other areas of Federal assistance are suffering from a hardening of governmental arteries. Federal programs are meant to meet the needs of individual citizens living in 50 States and in thousands of communities, but those diverse needs are not being met by rigid, standardized Federal programs. Instead, the pressure on State and local resources is building to the breaking point. The traditional answer would be the establishment of even more separate categories of Federal aid.

Federal aid is needed, but the proliferation of Federal plans, programs, categories, and requirements has compounded the individual problems faced by American communities today. Frequently, Federal involvement has merely generated a false sense of security—a security which has been betrayed by the continuing multiplication of communities' social needs and the failure of government to meet those needs.

Federal aid outlays account for 21 percent of State and local revenues today, but many Federal grants require State and local officials to match some percentage of Federal aid with local money which could be better spent in other ways to solve local problems. In many cases, State and local officials must decide either to accept Federal aid with its accompanying allocation of State and local funds or to receive no Federal aid at all.

Federal maintenance of effort provisions further distort local priorities by requiring State and local governments to continue projects irrespective of their effectiveness in meeting their own needs. Once again, our communities lose more of the flexibility which would enable them to meet what they consider their most pressing needs.

Frustrating and time-consuming project approval requirements, a jungle of red tape, often make it impossible for State and local governments to count on having Federal money when it is needed. No matter how pressing some needs may be, communities must wait, sometimes months or even years, for the slowly grinding wheels of bureaucracy to consider each grant in minute detail.

The real problem lies not with the Federal Government's intentions, but with how it tries to meet communities' needs—by undertaking one narrow, inflexible program after another. The number of separate categories has grown until no one is sure of their boundaries. In 1963, there were only 160 individual grant programs amounting to about $8.6 billion, but now there are over 1,000 such programs amounting to almost $40 billion. Each rigid category of additional aid reflects the worst kind of arrogance: the presumption that only the Federal Government knows local needs and how to meet them.

If we have faith in the American people—and I for one do—then we must recognize that in thousands of communities, each with its own problems and priorities, there live people quite capable of determining and meeting their own needs and in all probability doing a better job of it than the Washington bureaucracy. Quite simply, today's local needs are likely to be met best by local solutions.

The time has clearly come to reform the way in which the Federal Government aids local and State authorities. The time has clearly come when those who serve at the State and local level and are charged with the responsibility for finding workable solutions to State and local problems should be given a chance. Clearly, it is time that Federal aid became truly that, aid, not rigid and often confusing control.

Waste, confusion, and inefficiency are too often the price paid by local and State governments for Federal aid under the present system. Last year the Federal Government discovered the following cases, to cite just a few examples:

—One North-Central State had 93 people on its government payroll to do nothing but apply for Federal *education* grants.

—A study of grant programs in one Western city revealed that only 15 percent of the Federal funds to that city went through its mayor or elected government.

—Federal demands on the time and attention of local officials is particularly serious. In one small Midwestern city, a part-time mayor had to attend sixteen separate evening meetings per month, one with Federal officials from each of the sixteen separate grant programs in which his small city participates.

THE NEW WAY: SPECIAL REVENUE SHARING

In a series of special messages to the Congress last year, I proposed Special Revenue Sharing, a new system of Federal aid which would serve the purposes of our State and local governments better than the system of narrow Federal grant programs now operating. I proposed that funds be made available to States and localities for six broad purposes—manpower, law enforcement, education, transportation, urban community development, and rural community development—to be used, for each of these purposes, as they see fit to meet their particular needs. Those proposals, if enacted, would consolidate over 130 separate programs into six general purpose areas. Under our Special Revenue Sharing proposals, in the first full year of operation, $12.3 billion in Federal funds would be provided to States and localities for those six broad purposes. These funds would be free from matching requirements, maintenance of effort restrictions, presently rigid prior Federal project approval requirements, and, best of all, inflexible Federal plans. But there are two major stipulations: (1) the money is subject to all the civil rights requirements of Title VI of the Civil Rights Acts of 1964, and (2) no government unit would receive less money under these proposals than it did under the old system of narrow Federal grants.

Special Revenue Sharing is not a wholesale dismantling of the Federal grants system, as some critics have charged. It is a careful effort to decide which level of government can best deal with a particular problem and then to move the necessary funds and decision-making power to that level of government. When a Federal approach is needed we should take that road, but when a local approach is better we should move the resources and power to that level.

I realize that these are challenging concepts, which have major implications for the structure of American government—Federal, State and local—and for the effectiveness with which government serves the people. They require us in Washington to give up some of our power, so that more power can be returned to the States, to the localities, and to the people, where it will be better used. It is appropriate, therefore, that the Congress give full consideration to all of these proposals for fundamental reform and move rapidly to create effective programs to meet today's needs.

MANPOWER SERVICES FOR THE SEVENTIES

I recognize that it is incumbent upon those who propose change to justify the changes. I believe our experience with Federal manpower programs over the last 10 years justifies the changes we are proposing.

All those represented in the current array of patchwork manpower programs—the schools, private employers, public agencies, nonprofit groups, not to mention the unemployed workers—know that the present system is not delivering the jobs, the training, and the other manpower services that this Nation needs and has a right to expect.

As we begin the second decade of comprehensive manpower assistance for our unemployed and underemployed citizens we know we must do better, and we can do better. It is time for a change.

Manpower experts throughout the Nation agree that the necessary reform of the Nation's system of manpower training should have as its three basic goals the decategorization, the decentralization, and the consolidation of existing manpower development efforts.

The Manpower Revenue Sharing Act that I have proposed would allow us to achieve those goals. It would benefit citizens in every corner of the Nation and offer renewed hope to members of our society who have lacked opportunity—hope for jobs, for advancement, and for a better standard of living. It would establish a new framework of constructive partnership for manpower training among Federal, State, and local governments. Its principles are simple and fundamental, yet far-reaching.

THE PRINCIPLES OF MANPOWER SPECIAL REVENUE SHARING

First, the Manpower Revenue Sharing Act does *not mandate* any existing categorical program or guarantee its perpetuation—irrespective of its performance—in any community. However, it would *not prohibit* the continuation of any project which a particular locality feels effectively serves its own and its workers' needs. It is time to end the restrictiveness of the old, narrow programs which have frustrated communities' efforts to develop manpower programs geared to their own needs and circumstances.

In its first full year of operation, the Manpower Revenue Sharing Act would provide $2 billion for manpower purposes, of which $1.7 billion would be divided among State and local units of government—without unnecessary red tape—using a formula based on the size of their labor force and the numbers of unemployed and disadvantaged. The remainder would be used by the Secretary of Labor to meet the generalized national needs of this new system.

It would authorize a broad range of services, including:

—classroom instruction in both remedial education and occupational skills;

—training on the job with both public and private employers, aided by manpower subsidies;

—job opportunities, including work experience and short-term employment for special age groups and the temporarily unemployed, and transitional public service employment at all levels of government.

These services, all designed to help move people toward self-supporting employment, augmented by temporary income support, relocation assistance, child care and other supportive services authorized by the Act, would make it possible for our communities to mount integrated manpower development programs truly responsive to their own priority needs.

The *second* major goal of Manpower Special Revenue Sharing is to increase substantially reliance upon State and local governments to manage major manpower activities. Local governments are often powerless when jobs are not to be had. It is time we equipped our local governments with the resources and decision-making power to meet their responsibilities.

The Manpower Revenue Sharing Act meets this objective. It would provide communities with the resources they need to help get people into jobs and job-training. Decisions on what needs to be done to improve specific local manpower conditions cannot and should not be made in Washington. They should be delegated to the area where the unemployed person lives and wants to work.

The *third* way to move toward a new era in manpower development is through consolidation of the multiple, frequently inconsistent, funding authorizations for manpower activities. Even members of the congressional Appropriations Committees frequently chafe under the unmanageable task of sorting out the confusing array of alphabetical "programs" created by existing manpower enactments. While a good deal of untangling has been done by administrative action, the only durable solution is an overall reform.

The Manpower Revenue Sharing Act would replace the two major pieces of legislation which have spawned most of the acronym programs—the Manpower Development and Training Act and Title I of the Economic Opportunity Act—with a single statute which incorporates the flexibility needed by State and local government.

The Manpower Revenue Sharing Act submitted to the Congress in March of 1971 incorporates all three of these vital concepts. I believe that the application of these principles in the Manpower Revenue Sharing Act is sound, but the principles are more important than the details. Reasonable men may disagree on the specifics of any important legislation, but there comes a time when its principles must be earnestly debated and decisions made. For the principles of Manpower Special Revenue Sharing, that time has come. The fine points of this legislation, which were discussed in my message of March 4, 1971, are open to refinement, but I believe the principles of Special Revenue Sharing are too important to be eviscerated.

Our country needs new manpower legislation. Let us now write a new chapter for the second decade of manpower development that will produce solid performance—for the economy, for the unemployed and underemployed, and for government itself.

RESTORING THE AMERICAN SPIRIT

The Special Revenue Sharing approach to providing Federal help would enable us to deal more effectively with many of this Nation's most pressing problems. But it would do much more. It would help to restore the American spirit.

In recent years many Americans have come to doubt the capacity of government—at all levels—to meet the needs of an increasingly complex Nation. They have watched as the power to effect change in their communities has moved gradually from the local level, with the reality of friends and community, to the national center, to Washington. There was a time when the increasing centralization of government fostered a greater sense of national purpose. But more recently, the weight of unfulfilled promises reinforced by the growing complexity of social problems has caused many Americans to doubt the capability of our system of government.

By providing new resources to the levels of government closest to the problems and closest to the people involved—people who may see their problems in a different light than the Federal Government—both General and Special Revenue Sharing will do much to revive the confidence and spirit of our people. A free and diverse Nation needs a diversity of approaches; a free Nation should invest its faith in the right and ability of its people to meet the needs of their own communities. No greater sense of confidence can be found than that of a community which has solved its own problems and met its own needs.

Confidence in government is nowhere under greater challenge than among the young, yet the future of America depends upon the involvement of our young in the day-to-day business of governing this land. By making resources available to the more localized units of government, where more people can play a more direct role—and by placing the power of decision where the people are—I hope that many of the young will come to realize that their participation can truly make a difference. This purpose—this philosophy—is at the heart of Special Revenue Sharing.

The people's right to change what does not work is one of the greatest principles of our system of government—and that principle will be strengthened as the governments closest to the people are strengthened. Though the Federal Government has tried with intelligence and vigor to meet the people's needs, many of its purposes have gone unfulfilled for far too long. Now, let us help those most directly affected to try their hand. American society and American government can only benefit from ensuring to our citizens the fullest possible opportunity to make their communities better places, for themselves, for their families, and for their neighbors.

RICHARD NIXON.

THE WHITE HOUSE, *February 7, 1972.*

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business not be laid down until morning business is concluded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf the Vice President, pursuant to Public Law 86-42, appoints the Senator from Kentucky (Mr. COOK) to the Canada-United States Interparliamentary Conference, Ottawa, Canada, February 17-20, 1972.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on speeches made by Senators.

QUORUM CALL

Mr. MANSFIELD. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT BY SENATOR MARGARET CHASE SMITH OF DECISION TO SEEK REELECTION

Mrs. SMITH. Mr. President, it has been my honor and privilege to serve and represent the people of Maine in the U.S. Senate since January 3, 1949. Three times they have registered their approval of my service to, and representation of, them in the Senate.

After very serious deliberation, I have decided to seek reelection and offer a continuity of that past approved service and representation. Among the considerations in my decision is the gratifying extent to which young people have expressed confidence in me and urged me to continue my service.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESS SHOULD ACT ON DOCKS STRIKE BEFORE TAKING RECESS

Mr. ALLEN. Mr. President, the present west coast shipping tieup is having adverse effects throughout the Nation. It is but the latest in a series of crippling public interest labor-management disputes which have brought on demands for legislative action to provide permanent machinery for preventing work tieups so harmful to all the people.

The west coast docks tieup should be ended by temporary legislation. But temporary measures for specific situations are not the final answer. Congress must devise permanent means of settling disputes after negotiations have broken down and thus prevent damaging nationwide economic effects of endless strikes.

The President is urging Congress to pass legislation to end the present strike and to provide solutions for the future. However, the committees in the Senate and House are dragging their feet on the issue.

Mr. President, Congress should not recess this Wednesday as planned, but should stay in session until this problem is solved.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Mr. Schweiker made at this point on the introduction of S. 3136 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR THE SENATE TO MEET AT 10 A.M. TOMORROW AND WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the close of business today, the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. MANSFIELD. And that at the close of business on Tuesday, the Senate stand in adjournment until the hour of 10 o'clock Wednesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, how much time remains for the transaction of morning business?

The PRESIDING OFFICER. There remains 5 minutes of the period designated for the transaction of routine morning business.

WAR POWERS LEGISLATION

Mr. JAVITS. Mr. President, on Saturday, February 5, I testified before the American Bar Association Standing Committee on World Order Under Law at its meeting in New Orleans, La., on the subject of the war powers of the President and the Congress, with particular reference to S.2956, the war powers bill which I have sponsored with Senators Stennis, Eagleton, Spong, Bentsen, and Taft, and which has been reported out of the Committee on Foreign Relations.

In view of the impending debate on this important and indeed historic measure, Mr. President, I ask unanimous consent that my testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

The Case for War Powers Legislation

Within the next few weeks, the United States Senate is scheduled to consider S. 2956, a War Powers bill principally sponsored by Senators Javits, Stennis, Eagleton, Spong, Bentsen and Taft.

The legislation to be voted upon is a carefully considered bill based on the proposals of the sponsors and tempered by year-long hearings conducted by the Senate Foreign Relations Committee. The hearings probed deeply into all aspects of the issues related to enactment of war powers legislation. One of the most striking results of the hearings on the bill was the very broad and strong consensus which emerged supporting the constitutionality of the bill, as well as the necessity for such legislation.

In brief summary, the bill first establishes four categories of situations in which the President may use the Armed Forces in hostilities or in circumstances where hostilities are likely, without a declaration of war by Congress. The first three categories are emergency situations, to repel attacks—or the imminent threat of attacks—upon the United States, its armed forces abroad, or upon U.S. nationals abroad in defined circumstances; and the fourth category of situations in which the President may act without a declaration of war is "pursuant to specific statutory authorization."

Second, the legislation provides a role for Congress right from the beginning by requiring the President immediately to make a full report of any action taken under the four categories—and most importantly—to obtain from Congress statutory authority to proceed beyond thirty days; and if Congress does not extend the President's authority within thirty days, his authority runs out after thirty days and he must terminate the use of the armed forces he has initiated.

These two provisions are the core of the bill. In its totality, of course, the bill has other features, as will be commented upon later. But as you are all lawyers, I will let you read the fine print for yourselves and judge for yourselves its prvoisions as well as its total effect and meaning.

The United States emerged from World War II as the dominant world power—a role quite alien to all our previous national experience. The unique challenge arising from this new role were such that slipped into a practice which ran counter to the genius of our Constitution and the underlying structure of our political institutions. Under this practice the President, by using his power as Commander-in-Chief to deploy our armed forces abroad into war situations, could put us into undeclared war without any direct declaration of war or enabling exercise of the power of Congress. This practice tended to concentrate the essential power of war and foreign policy in the institution of the Presidency and to leave to the Congress only an appropriations or confirmatory role. This practice has proved to be a most costly failure, as in Vietnam, which has dangerously strained the fabric of our whole society.

Publication of the Pentagon Papers, and now the Anderson Papers, has provided the public explicit "case histories" of how and why this post-war practice has failed. The War Powers Act corrects the basic flaw of the postwar practice by restoring to the Congress and to the people a meaningful role in the question of war or peace.

Congress has learned from experience that it must devise practical new means for exercising, in relation to "limited" and "undeclared" wars, the war powers reserved to it in Article I, Section 8 of the Constitution. The essential object is for Congress to devise ways to establish its authority at the *outset* of military hostilities which, in the absence of a declaration of war, heretofore have left Congress behind at the starting gate. Yet, Congress must assert itself in a manner compatible with the President's exercise of his Constitutional responsibilities as Commander-in-Chief. We have learned that the power of the purse, alone, is not an effective instrumentality for asserting Congressional authority in undeclared wars.

Under the "War Powers Act" the President for the first time would have statutory authority to take emergency protective actions in defense of American lives and American interests—in areas where Presidents previously have acted solely on the basis of unilaterally asserted authority which faced many subsequent challenges.

But the unilateral expansion of Presidential power in war-making has now reached dangerous limits and could undermine the whole system of checks and balances underpinning our constitutional system of government. The point has been reached where any effort simply to check the further expansion of Presidential war power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander-in-Chief are what the President alone defines them to be.

The implication that the Presidency is beyond the power of Congress to check in the exercise of war powers raises a constitutional danger. It could leave the nation solely dependent on the good judgment and benign intent of the incumbent President. While we have had a high standard for eminence in the Presidency throughout our history, experience has shown that our liberties require firmer institutional safeguards if they are to survive.

There has been considerable public note of recent efforts, particularly in the Senate, to reassert the war powers of Congress specified in the Constitution. What has not been noticed is that this reassertion of Congressional authority has been met by a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has stimulated a reaction. The situation is now one of dynamic tension. It is impossible for us to stand still; if we back off, we may not be able to preserve even the position we now hold.

Within the past year it has been asserted in the Senate that the President has the power to acquire foreign bases by executive agreement without reference to Congress, that he has the power to deploy the armed forces abroad without reference to the Congress; that he has the duty to take whatever action he deems necessary to protect the armed forces, wherever deployed, without reference to Congress. Moreover, it has been asserted that pertinent information required by the Senate to exercise its constitutional function of advice and consent can be withheld on "security" grounds—indeed, although details may be communicated to foreign governments who are not a party to the negotiations in question.

Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our Constitutional system of checks and balances. That danger now permeates the political climate beyond the immediate issues of the war *per se*.

The stress of the imbalance has reached proportions where the very credibility and bona fides of our Constitutional form of government has been called into question in the minds of many Americans, particularly younger Americans. They see the unchecked power of a President to prosecute an undeclared war as a barrier to their most fundamental aspirations and ambitions for the nation they will inherit. Many members of my own generation are also deeply disturbed by the unresponsiveness of our last two Presidents to Congressional and public pressures to control war and to give the nation the means to redirect our national energies and resources to even higher priority issues at home and abroad.

Critics of "The War Powers Act" have alleged most frequently that the provisions of the bill are too rigid; that the bill does not and cannot foresee all the "unforeseeable" contingencies which might face the nation at some future time. Such criticism is wide of the mark. The bill provides four categories of situations in which the President may take emergency military action in the absence of a declaration of war: First, to repel or forestall an attack—or imminent threat of an attack—upon the United States; Second, to repel or forestall an attack upon the Armed Forces of the United States located outside of the country; Third, to rescue endangered U.S. citizens abroad in defined circumstances; and Fourth, "pursuant to specific statutory authorization."

This last category is designed specifically to enable the President and the Congress together to meet any contingency the nation might face.

Over the past twenty-five years the Congress on a number of occasions has passed so-called "area resolutions" at the President's request—the most famous being the ill-begotten Tonkin Gulf resolution. The "'fourth category" of the War Powers Act envisages replacement of the old, loosely-worded "area resolutions" with precisely-worded, new resolutions—as needed—which establish a national policy, jointly constructed by the President and Congress, respecting developing crises or threats which could involve use of the armed forces and over which both continue to exercise a joint control. A Congress and a nation so badly burned by Vietnam and the Tonkin Gulf resolution can be expected to exercise more appropriate caution, prudence and precision.

The War Powers Act makes ample provision for emergency action by the President. Its unique feature is that, in doing so, it builds-in a "trip-wire" necessitating affirmative Congressional action within thirty days. If the President takes emergency action putting the armed forces into hostilities, he must immediately make a full report of the circumstances, authority for, and expected scope and duration of, the military measures he has initiated. If the President is unable to obtain the affirmative concurrence of the Congress by law to extend his authority, he must terminate such use of the armed forces within thirty days. The bill has strict provisions to prevent filibuster or other dilatory procedural delays.

The thirty-day period is an arbitrary one but it can be shortened or lengthened by Congressional action. To the sponsors of the bill, thirty days appeared to be an optimum time balancing the need to allow Congress to take truly deliberative action without being steamrollered in the first flush of an emergency, against the danger of allowing too long a period for the President to get the armed forces irrevocably dug into hostilities.

The War Powers Act cannot create national wisdom where there is none. But it can insure that the collective wisdom of the President and the Congress will be brought to bear with deliberations on the life and death questions of war and peace.

The Pentagon Papers and the Anderson Papers have shown us how dissenting and questioning viewpoints are screened-out or excluded altogether from the present Presidential decision-making process. The real danger to our national security today is not that the Congress might hamstring the President. The real danger is that Presidents can—and do—shoot from the hip. If the collective judgment of the President and Congress is required to go to war, it will call for responsible action by the Congress for which each member must answer individually and for restraint by both the Congress and the President.

I have been asked what the effect of the war powers bill would be respecting the Mideast situation. In my judgment, it would be a great advantage in pursuing an effective U.S. Mideast policy to have the war powers bill on the statute books. For one thing, the bill gives to the President important statutory authority which the President now has only on the basis of his unilateral claim to such powers as Commander-in-Chief and of recent practice, both of which are deeply contested.

Under the new conditions which would be created by the war-powers bill, the President would have an opportunity, as well as an inducement, to present to the Congress, should it prove necessary, a resolution setting forth for the Nation—and for the world—the policy which the United States intends to pursue in the Mideast under the given circumstances. A clear framework would then be established in a national policy having the mandate not only of the President but also of the advice and consent of the Congress. Both, sharing the responsibility, would have to proceed responsibly.

Therefore, the presence of the war-powers bill on the books, would have a very salutary impact on the policy of opportunism and "war of nerves" against Israel which the Soviet Union is now pursuing in the Mideast. The defense of American interests in the Mideast, would no longer be subject to the "doubts and dares" which the Vietnam war has bequeathed to U.S. policy everywhere else in the world.

In the process of structuring a bill which would fully meet the needs and challenges of the final decades of the twentieth century, the sponsors of this legislation have always kept in mind the overriding necessity to conform to the spirit as well as the letter of the Constitution. The genius of our political system, as it has been practiced—not only in recent years but throughout the two centuries of our history as a nation—has been the goal and the standard which the architects of this legislation kept before them.

The hearings conducted by the Senate Foreign Relations Committee delved deeply into the underlying thoughts and processes which went into the framing of the Constitution at the Philadelphia Convention of 1787, and actual workings of the Constitution were carefully traced and examined from Washington's first Administration right up through recent actions of the Nixon Administration. There is a clear continuum of principles and practices which emerge from such a study. In seeking answers to present dilemmas and tension regarding the relationship between Congress and the President respecting the war powers, we found the Constitution to be our best guide—not only for its authority but especially for its wisdom.

Clearly, the drafters of the Constitution had in mind the experience of the Continental Congress with George Washington when they designated the President as "Commander-in-Chief" in Article II Section 2. Thus, the "legislative history" of the Constitutional concept of a Commander-in-Chief was the relationship of George Washington as colonial Commander-in-Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander-in-Chief which was given to Washington on June 19, 1775.

I would like to quote the final clause of this Commander-in-Chief's Commission, because it establishes the relationship of the Congress to the Commander-in-Chief in unmistakable terms:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."

This historical background clarifies, and gives added meaning to, those phrases in the Constitution concerning the war powers which are the subject of such contemporary controversy.

The bill is rooted in the words and the spirit of the Constitution. It uses the clauses of Article I, Section 8 to restore the balance which has been upset by the historical disenthronement of that power over war which the framers of the Constitution regarded as the keystone of the whole Article of Congressional Power—the exclusive authority of Congress to "declare war;" the power to change the nation from a state of peace to a state of war.

The framers of the Constitution took pains to reinforce the central power of Congress to "declare war" by surrounding it with the power of Congress to "raise and maintain" the armed forces, "to make rules for the government and regulation" of these forces, and by limiting military appropriations to a two-year period. The Founding Fathers did not contemplate the existence of anything more than minimal standing armies. Consquently, they did not foresee the possibility of a President/Commander-in-Chief having the means at hand to engage in war without prior action by Congress (except in emergency defensive actions).

The foresight of the framers is reinforced in the crucial final clause of Section 8, Article I, which goes beyond the comprehensive and carefully specified war powers reserved to the legislature. That final clause gives to Congress the implementing authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

The War Powers bill will, after almost 200 years, do exactly that in regard to the most decisive power dealt with under the Constitution. The War Powers Act is needed to restore the balance between Congress and the President which is the lynchpin of our constitutional system. And it is particularly needed at this time to restore the confidence of a nation shaken to its very roots by exercise of Presidential authority to carry on the Vietnam War.

(The remarks Mr. JAVITS made at this point on the introduction of S. 3132 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of New York; to the Committee on the Judiciary:

"JOINT RESOLUTION No. 2

"Joint Resolution of the Legislature of the State of New York requesting President Richard M. Nixon to initiate a massive nationwide campaign aimed at the drug problems and memorializing the Congress of the United States to provide statutory authority for the Special Action Office for Drug Abuse Prevention by means of appropriate legislation

"Whereas, Drug abuse in the United States has assumed the dimensions of a national emergency involving totally unacceptable human and social costs in the form of human degradation, the destruction of families and communities, and the loss of labor productivity; and constitutes a danger to the public health and is a major contributor to crime; and

"Whereas, President Richard M. Nixon, in a special message to the Congress on June 17, 1971, outlined the magnitude of the problem of drug abuse, citing its domestic and international implications, pointing to the limited capabilities of the states and cities to deal with it, and calling for a coordinate national anti-narcotics program led by the Federal Government; and

"Whereas, President Nixon has already established by Executive Order in the Office of the President a Special Action Office for Drug Abuse Prevention which has the responsibility of developing overall Federal strategy for drug abuse programs, and has direct responsibility for all Federal drug abuse prevention, education, rehabilitation, training and research programs in all Federal agencies; and

"Whereas, President Nixon has recognized the central role of state and local authorities in the campaign against drugs and the need for close Federal-State cooperation, and in this connection, has made available to New York State through the Law Enforcement Assistance Administration substantial funds for increased enforcement, education, and rehabilitation activities; and

"Whereas, New York State recognizing the severity of the drug problem has established the most far-reaching program of all the states to combat narcotics addiction; and

"Whereas, New York State realizes that its efforts alone will not suffice to resolve this problem because of its national and international impact; now, therefore, be it

"*Resolved,* That the Legislature of the State of New York hereby requests President Nixon to initiate a massive nationwide campaign of investigations and prosecutions designed to return safety to the streets by removing drug pushers from American communities and lead to the eventual elimination of drug trafficking in the United States; and be it further

"*Resolved,* That the Legislature of the State of New York hereby memorializes the Congress of the United States to provide statutory authority for the Special Action Office for Drug Abuse Prevention by means of appropriate legislation; and be it further

"*Resolved,* That a copy of this resolution be transmitted to the President of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, and to each member of Congress elected from the State of New York and that they be urged to devote their best efforts to the task of accomplishing the purpose of this resolution.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, with an amendment:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes (Rept. No. 92-604).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS:

S. 3131. A bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such act with respect to the preservation of such rights. Referred to the Committee on Commerce.

By Mr. JAVITS:

S. 3132. A bill to encourage the preservation of old neighborhoods, to stimulate conservation and upgrading of low- and moderate-income housing, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. EASTLAND (for himself, Mr. Stennis, Mr. Cook, Mr. McClellan, Mr. Ervin, Mr. Burdick, Mr. Gurney, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Bentsen, Mr. Brock, Mr. Cooper, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Hansen, Mr. Hollings, Mr. Jordan of North Carolina, Mr. McGee, Mr. Miller, Mr. Packwood, Mr. Pearson, Mr. Sparkman, Mr. Stevens, Mr. Tower, Mr. Thurmond, Mr. Hatfield, Mr. Randolph, Mr. Bennett, and Mr. Young):

S. 3133. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 3134. A bill to repeal certain acts relating to exportation of tobacco plants and seed; naval stores; and wool. Referred to the Committee on Agriculture and Forestry.

By Mr. METCALF:

S. 3135. A bill to establish a trust fund for the support of vocational education, to impose a tax on amounts received under certain Government and Government-supported construction contracts to sustain the fund, and to provide for grants to the States from the fund for the support of vocational education. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 3136. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware. Referred to the Committee on Labor and Public Welfare.

By Mr. SPONG:

S. 3137. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 3138. A bill to provide price support for milk at not less than 90 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS:

S. 3131. A bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate-rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such act with respect to the preservation of such rights. Referred to the Committee on Commerce.

Mr. BOGGS. Mr. President, I introduce, for appropriate reference, a bill to amend the Rail Passenger Service Act of 1970, which seeks to honor the rights to which certain retired railroad employees are entitled.

The State of Delaware has among its citizens a rather large number of persons who have given many years of their working lives to service on the Nation's railroads. When these people reached retirement age, they were given, as part of their retirement compensation in some instances, permanent passes to ride free on the railroad system for which they had worked.

It has been called to my attention that when the Congress gave life to Amtrak, Amtrak was under instructions to run passenger train service throughout the United States. I, for one, and I am certain most of my colleagues in both Houses of the Congress, did not anticipate that Amtrak would not recognize what amounts to a contractual obligation existing between the railroads which formerly ran passenger trains and their presently retired former employees.

My constituents are disappointed, to say the least, with their treatment through Amtrak's refusal to recognize their heretofore valid railroad passes. I sympathize with them and I share the view that Amtrak should certainly recognize and honor the long service which these persons gave to railroad passenger service in America. It was certainly through no fault of theirs that the creation of Amtrak became necessary.

Mr. President, I ask unanimous consent that the text of this bill which I am offering be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 405 of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new subsection as follows:

"(f) Nothing in this Act shall be construed to give the Corporation authority to terminate or modify any right to free or reduced rate passenger transportation granted to an employee upon retirement by a railroad prior to the time when its passenger service was assumed by the Corporation. The Corporation shall restore, in accordance with the terms on which it was granted, any such right which it terminated or modified prior to the date of enactment of this subsection."

By Mr. JAVITS:

S. 3132. A bill to encourage the preservation of old neighborhoods, to stimulate conservation and upgrading of low- and moderate-income housing, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

NEIGHBORHOOD CONSERVATION ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference legislation to encourage the preservation of existing housing, to stimulate the conservation and upgrading of existing low- and moderate-income housing; and to generate private capital for housing repairs, maintenance, and rehabilitation.

In New York City approximately 180,000 units were abandoned between 1965 and 1970. In addition the existing housing shortages for low- and moderate-income families remain quite severe throughout New York State and the Nation. Heretofore, national housing efforts have focused mainly on the production of new housing while neglecting the existing housing stock. In New York City much energy and large resources have been poured into new housing for depressed communities, while housing in transitional or bordering neighborhoods have been deteriorating at an alarming rate. Transitional neighborhoods such as Washington Heights in Manhattan, Crown Heights, East Flatbush, and Bushwick in Brooklyn and Tremont in the Bronx can be the depressed communities of tomorrow. Therefore, at this time we need new initiatives to preserve and upgrade our existing housing while continuing production efforts.

Under the section 236 program, which involves a deep interest subsidy down to 1 percent, HUD has been unwilling as yet to permit the program to be used for large scale moderate rehabilitation. Also, because section 236 rehabilitation subsidies compete with subsidies for new housing, HUD has placed a limit on the 236 funds to be used for rehabilitation. Finally, under section 236, rehabilitation must be extensive with no provisions made for moderate rehabilitation. Thus, the existing programs are not adequate to cope with the crucial problem of abandonment and decay of housing in transitional neighborhoods.

The legislation I am introducing today provides for a three-pronged attack on the problem of conserving existing low- and moderate-income housing stock and generating private capital for repairs, maintenance, and rehabilitation.

First, the legislation provides for areas to be designated as "neighborhood conservation areas" by local governmental entities, which areas would then be eligible for grants by HUD to be used for repairs of streets, sidewalks, playgrounds, and schoolyards; improvements of private property to eliminate dangers to health and safety and other similar neighborhood-oriented activities and improvements calculated to aid in achieving the objectives of the legislation.

In order to receive grants, localities would have to submit a 5-year plan and demonstrate at the end of each year that significant progress was being made. It is hoped that this program along with the other parts of the bill will help localities make a coordinated attack on abandonment and decay of existing housing.

Second, the legislation would provide for a new mortgage insurance program covering residential property located in neighborhood conservation areas. All properties covered would be multifamily rental properties, or cooperative or condominium properties which are basically sound or capable of being placed in standard conditions without substantial rehabilitation.

In the case of a mortgagor who is an owner-occupier of a building containing two to seven units, or of a cooperative or condominium covering more than seven units, the mortgage could cover 97 percent of the value of the property. The mortgage could be upped to 100 percent of value for nonprofit organizations and would be for 90 percent of value in the case of limited dividend entities. However, only owners who lived on the premises would be allowed to secure mortgages under this legislation on property of less than seven units. This will serve to eliminate many of the abuses we have seen in existing insurance programs covering small dwelling units.

The mortgage program will allow for refinancing or sale of the property provided that repair and improvements are made to such property. HUD will have to take such steps as it deems necessary to insure that repairs and improvements have been or will be made.

Third, the legislation provides that rentals on properties which receive mortgage insurance shall not be increased for a period of at least 1 year from the date of final endorsement of the insurance or thereafter unless the increase can be justified on the basis on increased operating expenses. For the purpose of maintaining or reducing rentals the Secretary of HUD is authorized to make interest reduction payments on behalf of the owners of the properties—but for the benefit of the tenants which will reduce interest rates down to a minimum of 4 percent per annum. This "shallow subsidy" should enable rents to remain steady or perhaps decrease depending on the individual owner's mortgage terms.

Finally, the Secretary of HUD is authorized to take such steps as accelerated processing of applications under the program; implementing the Government National Mortgage Association's authority to purchase mortgages under this legislation and to coordinate with other Government departments to insure that manpower training funds and funds for small businesses and minority businesses are made available to neighborhood conservation areas.

Authorizations for neighborhood conservation area grants are $100 million for fiscal 1973, $150 million for fiscal 1974 and $200 million for fiscal 1975; and for mortgage interest reduction payments, $50 million for fiscal 1973, $100 million for fiscal 1974 and $150 million for fiscal 1975.

I believe that this legislation will provide the coordinated attack that is necessary to preserve many of the "transitional areas" in New York State and other States of the Nation. It is imperative that this new program be enacted as quickly as possible.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3132

A bill to encourage the preservation of old neighborhoods, to stimulate conservation and upgrading of low- and moderate-income housing, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Neighborhood Conservation Act".

PURPOSE

Sec. 2. The purpose of this Act is to encourage the preservation of older neighborhoods which are threatened with blight and housing abandonment and to stimulate the broadscale conservation and upgrading of existing low- and moderate-income housing by establishing a program of neighborhood conservation grants and a new program of mortgage insurance designed to generate private capital for housing repairs, maintenance, and rehabilitation.

GRANTS OF NEIGHBORHOOD CONSERVATION AREAS

Sec. 3. For the purpose of this Act, the term "neighborhood conservation area" means any area in which (1) the predominant residential area is housing for low- and middle-income families, and (2) such housing, though basically sound, is threatened with decay and abandonment or is in need of repair, maintenance, rehabilitation or refinancing.

PROGRAM AUTHORITY

Sec. 4. (a) The Secretary of Housing and Urban Development (hereafter referred to as the "Secretary") is authorized to make, and to contract to make, grants under this section to cities, municipalities, counties, and other general purpose units of local government to assist them in carrying out designated neighborhood conservation area programs designed to improve basic community facilities and services and bring about such other changes as may be necessary or appropriate to eliminate the threat of housing abandonment or decay in such areas and to restore and maintain such areas as suitable and stable living environments.

(b) Grants under this section may cover a period of not to exceed 5 years and may provide 100 per centum of the cost of any of the following types of activities within the neighborhood conservation area:

(1) The repair of streets, sidewalks, playgrounds schoolyards, paths, street lights, traffic signs and signals, publicly owned utilities, or public buildings which have an impact on the quality of life in the neighborhood.

(2) The improvement of private properties to eliminate dangers to the public health and safety.

(3) The demolition of structures determined to be structurally unsound or unfit for occupancy.

(4) The establishment of temporary or permanent public playgrounds or parks within the area to serve residents of the neighborhood.

(5) Other similar neighborhood oriented activities and improvements calculated to aid significantly in achieving the objections of this section.

(6) Assistance to qualified neighborhood based nonprofit organizations in carrying out development activities under other provisions of this Act or in carrying out management, training, maintenance, or tenant education programs.

(c) To be eligible for assistance under this section, a locality acting through its chief executive authority, shall designate a specific area and prepare and submit to the Secretary a plan specifying—

(1) the improvements in basic community facilities and services to be made in such area over the five-year period in which such improvements will be made;

(2) the programs to be introduced to improve the quality of housing in the area; and

(3) the public and private resources which will be marshalled to carry out such improvements and programs.

(d) Grants under this section shall be made, or shall continue to be in effect, with respect to any neighborhood conservation area if the Secretary finds that—

(1) the five-year plan submitted by the locality involved is workable and will provide an effective means of carrying out the purposes of this Act in such areas;

(2) the locality has the necessary resources to carry out in a timely fashion all of the improvements and programs set forth in the plan;

(3) the locality continues to make significant progress toward achieving its objectives it established for itself in the plan during the term of the grant; and

(4) the locality satisfies such other conditions and requirements as the Secretary may prescribe to insure that the purpose of this Act will be achieved.

(e) There are authorized to be appropriated for grants under this section not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, and not to exceed $220,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended, and any amount authorized for any fiscal year under this subsection which is not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

(f) The Secretary is authorized to designate an area which meets the requirements of this section as a neighborhood conservation area notwithstanding the unavailability of funds for grants under this section. Upon such designation, the Secretary may furnish other assistance (including assistance under any mortgage insurance or related housing maintenance program) to such area.

FEDERAL MORTGAGE INSURANCE TO FACILITATE SALE OR REFINANCING OF HOUSING IN NEIGHBORHOOD CONSERVATION AREAS

SEC. 5. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"MORTGAGE INSURANCE IN NEIGHBORHOOD CONSERVATION AREAS

SEC. 244. (a) The purpose of this section is to help preserve and upgrade the quality of housing in designated neighborhood conservation areas by facilitating the rehabilitation refinancing of such housing or its transfer to tenant- or neighborhood-based corporate ownership.

"(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section and to make commitments for such insurance prior to the date of the execution of the mortgage or disbursement thereon upon such terms and conditions as he may prescribe.

"(c) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers residential property located in a neighborhood conservation area approved for assistance under section 4 of the Neighborhood Conservation Act or any area designated as a neighborhood conservation area under section 4(e) of such Act, subject to the following conditions:

"(1) The mortgage shall cover a multifamily rental property, or a cooperative or condominium property which is basically sound or capable of being placed in standard condition without substantial rehabilitation and which contains—

"(A) more than 1 but less than 7 dwelling units if the mortgagor is an individual or entity described in paragraph (2) of this subsection; or

"(B) seven or more dwelling units if the mortgagor is an organization described in paragraph (3) of this subsection.

"(2) The mortgage covering property referred to in paragraph (1)(A) of this subsection shall be executed by—

"(A) an individual who owns the property and occupies the property and is refinancing outstanding indebtedness related to the property, or who is purchasing the property and will occupy one or more of the units in the property after its purchase;

"(B) a cooperative or condominium organization which consists of a majority of the residential units on the property; or

"(C) a private nonprofit organization which is based in the neighborhood in which the property is located and which is approved by the Secretary.

"(3) The mortgage on a property referred to in paragraph (1)(B) of this subsection shall be executed by—

"(A) a cooperative or condominium organized which consists of or includes a majority of the occupants of the property;

"(B) a private nonprofit organization or association approved by the Secretary; or

"(C) a limited dividend ownership entity (as defined by the Secretary) including, but not limited to, corporations, general or limited partnerships, trusts, associations, and single proprietorships.

"(4) In the case of a mortgage involving a mortgagor referred to in paragraphs (2)(A), (2)(B), and (3)(A) the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 97 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured on the property.

"(5) In the case of a mortgage involving a mortgagor referred to in paragraph (2)(C) or (3)(B), the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 100 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured in the property.

"(6) In the case of a mortgage involving a mortgagor referred to in paragraph (3)(C), the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 90 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured on the property.

"(7) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such terms (not exceeding 40 years) as the Secretary shall prescribe, except that in the case of a property referred to in paragraph (1)(A) such term shall not exceed 20 years;

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) on the amount of the principal obligation outstanding at any time at not to exceed such per centum per annum as the Secretary finds necessary to meet the mortgage market.

"(8) The Secretary shall not insure any mortgage under this section unless he has received satisfactory and enforceable assurances from the mortgagor that the refinancing or sale of the property (and any improvements thereto) will not result, directly or indirectly, in any increase in the rentals or other charges for dwelling units in the property for a period of at least one year from the date of final endorsement for mortgage insurance, or in any increases in such rentals thereafter in excess of such increases as the Secretary finds justified and approves on the basis of increased operating expenses. In addition, the Secretary may place such further restrictions on the mortgagor as to sales, charges, capital structure, rate of return, and methods of operation as, in the opinion of the Secretary, will best effectuate the purpose of this section.

"(d)(1) For the purpose of maintaining or reducing rentals or other charges for properties insured under this section, the Secretary is authorized to make, and to contract to make periodic interest reduction payments on behalf of the owners of the properties but for the benefit of the residents, which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements of this subsection.

"(2) Interest reduction payments with respect to a property shall only be made during such time as the property is operated as a rental housing and is subject to a mortgage which meets the requirements of, and is insured under, this section.

"(3) The interest reduction payments to a mortgagee by the Secretary on behalf of a property shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the property owner as a mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest such property owner would be obligated to pay if the mortgage were to bear interest at the rate of 4 per centum per annum.

"(4) The Secretary may include in the payment to the mortgagee such amounts, in addition to the amount computed under this subsection as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(5) As a condition for receiving the benefits of interest reduction payments, the owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe.

"(e) The Secretary may consent to the release of a part or parts of the mortgaged property from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(f) Prior to insuring any mortgage under this section, the Secretary shall obtain satisfactory and enforceable assurances from the mortgagor that all repairs and improvements necessary to place the underlying property in standard condition have been or will be made and that such property will be continuously maintained in standard condition.

"(g) The Secretary shall cooperate with the Secretary of Labor and the Secretary of Health, Education and Welfare, to insure that, to the greatest extent feasible, funds appropriated under the Manpower Development and Training Act of 1962, as amended, shall be made available on a priority basis for training and employment support use in connection with improvements financed by mortgages insured under this section. The Secretary shall cooperate with the Director of the Office of Minority Business Enterprises, the Director of the Educational Development Agency, and the Administrator of the Small Business Administration, to insure maximum utilization of minority and small business contractors in connection with improvements financed by mortgages insured under this section.

"(h) In administering the program established by this section, the Secretary shall use his best efforts to enlist the support and actual cooperation of State and local governments in establishing State or local mortgage lending funds, in providing adequate municipal services in low- and moderate-income areas, particularly in areas threatened by building abandonment, and in insuring, to the maximum extent feasible, the administration of laws and ordinances relating to existing housing stock, including building codes, housing codes, health and safety codes, zoning laws, and property tax laws, in such manner as will encourage maximum utilization of this program in accordance with the purposes herein expressed.

"(i) The Secretary shall develop and maintain full information and statistics regarding the utilization of an experiences incurred under this program, which shall include, but not be limited to, information and statistics concerning—

"(1) financial market conditions, including the interest rates, payback periods and other terms and conditions affecting housing eligible to be financed hereunder;

"(2) the character, extent and actual costs of repairs, renovations and moderate housing rehabilitation undertaken hereunder;

"(3) factors affecting and statistics showing the extent of actual and potential utilization of this program;

"(4) factors affecting the processing time of applications submitted hereunder and statistics showing processing times actually experienced;

"(5) mortgage arrearages and defaults on mortgage loans insured hereunder;

"(6) abuses of the program, actual or potential, and remedial or punitive actions taken in connection therewith; and

"(7) the costs of administering this mortgage-insurance program, provided by this section.

The Secretary shall submit each year to the Congress and to the President an annual report summarizing such information. Such report shall include his analysis of the effectiveness and scope of the program and his recommendations for its improvement and greater utilization.

"(j) If the Secretary determines that the unavailability of property insurance coverage is hindering the widespread utilization of the program, he shall take all practicable steps to ensure that the protections and benefits of the Urban Property Protection and Reinsurance Act of 1968 are utilized to provide adequate property insurance coverage for mortgagors and mortgagees under this program.

"(k) If the Secretary determines that widespread utilization of this program is hindered by the charging of points or discounts by mortgagees, he shall take steps to implement the Government National Mortgage Association's authority under section 305(j) of this Act to purchase and make commitments to purchase mortgages insured under this section, at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association.

"(l) If the Secretary determines that widespread utilization of this program is hindered by delays in processing and approval of projects, he shall establish procedures, to ensure, to the maximum extent feasible, the expeditious processing and approval of applications for insurance hereunder, including, where necessary and appropriate, the use of procedures and practices similar to those under Title I Home Improvement Loans.

"(m) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make interest reduction payments under contracts entered into by the Secretary under this section. The aggregate amount of outstanding contracts to make such payments shall not exceed amounts approved in appriation Acts and payments pursuant to such contracts shall not exceed $50,000,000 per annum prior to July 1, 1973, which maximum dollar amount shall be increased by $100,000,000 on July 1, 1974, by $150,000,000 on July 1, 1975."

By Mr. EASTLAND (for himself, Mr. Stennis, Mr. Cook, Mr. McClellan, Mr. Ervin, Mr. Burdick, Mr. Gurney, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Bentsen, Mr. Brock, Mr. Cooper, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Hansen, Mr. Hollings, Mr. Jordan of North Carolina, Mr. McGee, Mr. Miller, Mr. Packwood, Mr. Pearson, Mr. Sparkman, Mr. Stevens, Mr. Tower, and Mr. Young):

S. 3133. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, I am introducing legislation today which will enable an industry found in thousands of communities throughout the land to continue its historic methods of manufacture and distribution. For more than 70 years, the soft drink industry in the United States has operated under a franchise system which has continually and well served the American consumer. Few products at a price within the reach of all are more accessible to the general public today.

In mid-January of 1971, the FTC announced an intention to issue complaints against seven soft drink franchise firms which sell sirup to these local manufacturers. The complaints were finally and formally issued under date of July 15, 1971. They allege generally that the named companies have each hindered competition in the soft drink industry by restricting the soft drink manufacturers to designated geographic areas. There is no allegation by the Commission that interbrand competition is lacking in the soft drink industry.

In this action the Commission evidently is seeking to extend the decision of the Supreme Court in United States against Arnold Schwinn & Co. This case held that it was a violation of the antitrust laws for a manufacturer of bicycles to impose limitations on the territory in which, or the customers to whom, distributors could resell goods after a completed transaction had taken place between the manufacturer and distributor.

However, Mr. President, the Schwinn decision did not consider a trademark licensing arrangement comparable to the soft drink industry in which many local small businesses share with a franchise company the risks and rewards involved in manufacturing a trademarked product as well as those of distributing it.

Mr. Richard W. McLaren, former Assistant Attorney General for antitrust, while a member of the private bar, expressed the dissimilarity between the soft drink industry and the Schwinn doctrine with clarity when he questioned:

> What effect does Schwinn have upon 'good business purpose' restrictions imposed by a manufacturer selling ingredients or parts for final manufacture or installation by a dealer under the manufacturer's trademark? This would include such things as sales of soft-drink syrup to bottlers . . . . A strong argument can be made that the authorities upholding reasonable restrictions in this kind of situation are not affected by Schwinn. What is involved is a licensing arrangement including the use of a capital asset—a trademark—which historically has been governed by the ancillary restraints doctrine and the rule of reason. Schwinn, on the other hand dealt only with the resale of finished articles of commerce. . . .
>
> If the client is a licensor or franchisor selling ingredients or partially finished articles of commerce, or services, and licensing other to operate and serve the public under his trademark, I think that the ancillary restraints doctrine is still very much alive and will justify longer range territorial restriction.

Hearings have not as yet been scheduled on these complaints, but it is expected that adjudication before the commission's hearing examiner will begin shortly. The process of litigation, including appeals to the courts should they be necessary, may well require 4 to 7 years, during which these small plants will suffer the economic paralysis created by the legal uncertainties cast over them.

In my opinion the objectives sought by the FTC will be disastrous for the franchisees of this industry and certainly of questionable contribution to the public interest. Local soft drink manufacturers do not view the territorial system as an imposed limitation on their competitive freedom. To the contrary, this system is the only feasible means of assuring to the consumer the advantages of intensive local competition between national brand products, local label products, and store brands, owned and controlled by the major retail food and chain stores.

Mr. President, the soft drink manufacturers are generally small businessmen, but they represent a strong, local economic force in over 1,600 communities in our country. All but about 100 of the approximately 2,832 soft drink manufacturers fall within the Small Business Administration's definition of small business. Still, this industry which has clung so persistently for so long to the concept of local manufacture and local distribution, makes a meaningful contribution to the national economy. Its employment exceed 150,000 wage earners. The capital investments in plant and equipment of these businessmen and their families combine to exceed $1 billion. In 1970 alone they committed over $325 million to construct and equip new facilities and expand existing facilities.

The large capital investments made in this industry for four generations were made in reliance upon the legality of exclusive trademark rights—rights which have been conferred without successful challenge for almost a century. A number of State and Federal courts have had occasion to examine this right of exclusive trademark usage in the soft drink industry and has consistently upheld it; holding further, that these rights are indeed vested property rights of the soft drink manufacturer. As a result of this litigation, the status of the soft drink manufacturer as a truly independent businessman, free from the abuses that have attached to some recent franchising arrangements involving other products, has long been established.

The system has worked well. Soft drink brands compete for consumer acceptance in even the smallest outlets in the most isolated communities in America. Interbrand competition has always been pervasive and intense; and it has been heightened in recent years by the sharp increase in private and retail store controlled brands marketed and sold by the large grocery chains. Retail competition between brands of soft drinks is evident to everyone.

The results of the destruction of the traditional territorial system which the Commission seeks would likely include the elimination of the large majority of independent small bottlers who presently are active competitors in the industry and important contributors to their local economies.

Such governmental action would precipitate the loss of the millions of dollars of investments made by these people in reliance on court-tested contract provisions.

It can be confidently predicted that a substantial concentration of the soft drink manufacturing business into a handful of large, regional, metropolitan companies would follow the destruction of these local businesses, with a corresponding increase in the economic power of the major grocery chains to influence the soft drink market in favor of their controlled brands. Large producing soft drink units, severed from the intimacy of their markets and consumers, would mean elimination or substantial reduction of competition and availability for the many small volume retailers who depend upon the local bottler's route sales method of distribution.

Certainly, no long-term increase in competition or reduction in prices to the consumer can be readily foreseen.

Undoubtedly, Mr. President, the staff of the FTC is genuinely seeking to promote the public interest; and upon a superficial view, the elimination of these territorial restrictions might appear to serve that end. Such a theoretical analysis, however, ignores the hard facts and realities of the marketplace.

The traditional route delivery marketing method of the soft drink industry has produced intensive competition between soft drink manufacturers for the trade of virtually every restaurant, filling station, bowling alley, country store, and every other outlet imaginable in these territories. Competition for shelf space, aisle location, facings, and consumer attention in the supermarket is fierce. If the territorial system is destroyed as a result of the FTC action, warehouse delivery to grocery chains and other volume buyers will replace this individual outlet struggle.

The manufacturers fortunate enough to be located in close proximity to the chainstores' warehouses or who are in financial position to restructure their methods of operation to specialize in only large volume customers over a wide geographic area will be able to increase their sales. The majority of producers, however, who are neither fortunately situated nor financially able to quickly adapt will inevitably be placed in an untenable economic and competitive position.

Bottlers left with only the small volume outlets will immediately suffer sharp sales reductions and be forced to raise prices to their remaining customers. Only large metropolitan soft drink producers will have the customer base and financing necessary for the $1 million plus investment required for the production of nonreturnable containers demanded by the large food retailers as compatible with their warehousing systems.

Thus the success of the commission's complaints will inevitably lead to the demise of the majority of small local bottlers and any immediate, short term gain in intrabrand competition which might result from the commission's action will surely be far outweighed by a long term loss to competition in general. In addition to less service to the consumer in choices and availability, as well as likely increased costs, such restructuring of the industry, with its inevitable forward integration, will bring the total demise of the returnable package—the only consumer package available today acclaimed for its contribution to our environmental concern.

We have watched the disappearance of many local manufacturing and processing industries from the communities of America for several years. Local bakeries, ice cream plants, dairies and many others have fallen to the tide of mass merchandising and industrial concentration. The local entrepreneur with his intimacy to his consumers, his economic and social roots embedded in the fabric of local society and his personal reputation as a citizen inextricably interwoven in each transaction has made major contribution to the backbone of this Nation. What remains should not be destroyed, albeit through well intentioned regulatory zeal.

Mr. President, if as I fear, the FTC's action results in a restructuring of what is now a competitive industry of about 3,000 local manufacturing concerns into a highly concentrated one with only a few hundred regional companies, the antitrust laws, ironically, will have been used to achieve the opposite for the intent of the Congress.

The bill I am introducing today has the objective of assuring that, where the licensee of a trademarked food product is engaged in the manufacture, distribution, and sale of such produce, he and the trademark owner may legally include provisions in the trademark licensing agreement which, first, give the licensee the sole right to manufacture, distribute, and sell the trademarked food product in a defined geographic area or, second, which limit the licensee, directly or indirectly to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within that geographic area, subject to the conditions that:

First, there is adequate competition between the trademarked product and products of the same general class manufactured, distributed, and sold by others, second, the licensee is in free and open competition with vendors of products of the same general class, and third, the licensor retains control over the nature and quality of such product in accordance with the Trademark Act of 1946—the Lanham Act.

Thus, if the legislation is enacted, each territorial arrangement would be in the economic context in which it operates and the existence of competition in the market would be taken into account, subject to the further requirement that the nature and quality of the licensee's goods or services in connection in which the mark is used are legitimately controlled by the licensor in accordance with the Trademark Act of 1946. These are traditional, legal concepts

The legislation, Mr. President, seeks no more than to continue the climate created almost a century ago and which has been part and parcel of our national economy unencumbered until the current FTC action. It established nothing new and asks no more than to continue in the same atmosphere where vigorous interbrand competition has produced nationwide availability and a healthy, small business complex which has proven beneficial to all consumers.

By Mr. METCALF:

S. 3135. A bill to establish a trust fund for the support of vocational education, to impose a tax on amounts received under certain Government and Government-supported construction contracts to sustain the fund, and to provide for grants to the States from the fund for the support of vocational education. Referred to the Committee on Finance.

Mr. METCALF. Mr. President, I am pleased to introduce today a bill to establish a trust fund for the support of vocational education by imposition of a tax on amounts received under certain Government and Government-supported construction contracts.

There has been much discussion in recent years about the diminishing numbers of skilled craftsmen. So serious is the loss that officials responsible for the construction of the Washington National Cathedral determined to accelerate their building schedule to assure that the intricate and beautiful stone carvings so necessary to the design might be completed while there are stone carvers sufficiently skilled to do the work.

The transformation of our Nation has given us electronics and other technicians skilled in the use of machinery but has at the same time left us with far too few clockmakers, cabinetmakers, silversmiths, glassworkers and other fine craftsmen whose work in earlier times so enriched our culture.

Mr. President, my bill would establish a fund to be allocated to the States in proportion to population to be used for vocational education. The bill provides that the States will determine on which vocational educational programs the money will be spent and that the State will administer their programs.

This is in keeping with the view that local officials are best able to identify local needs for vocational training to meet local employment requirements. There might be a special project to train cabinetmakers in Georgia, while Montana might choose a training program for leatherworkers. Another State might need more tool and die makers.

My bill would impose a 1-percent tax on the amounts received under Federal construction contracts, the tax to be paid into a trust fund to support vocational training.

The builder of a school whose payment comes in part from a Federal grant, or the contractor who wins a bid to construct a hospital paid for in part with Hill-Burton funds, or of a highway paid for in part with highway trust funds, would be taxed 1 percent of the amount of the Federal portion of his contract. The revenue thus derived is to be held for later allocation by the Secretary of the Treasury in a special vocational education trust fund.

Mr. President, I believe that my bill would meet a growing need in our Nation and assure us of greater numbers of skilled craftsmen. I hope it will be enacted.

By Mr. SCHWEIKER:

S. 3136. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware. Referred to the Committee on Labor and Public Welfare.

Mr. SCHWEIKER. Mr. President, I introduce a bill to expand the authority of the Food and Drug Administration to protect the public from lead poisoning from improperly made ceramic or enamel dinnerware.

I have long been interested in the potentially dangerous effect of lead on the human body, particularly as this problem relates to lead-based paint.

Through the work which was done in developing the lead-based paint program, I became aware of the potential hazards of lead which might be taken into the body from other sources. I viewed with great concern reports that quantities of lead would contaminate food contained in certain types of dishes which have not been properly made.

In early 1971, for example, a 17-month-old Philadelphia child died as a direct result of drinking from a container which was found by FDA to leach extremely high levels of lead from the container into the liquid—levels of lead which greatly exceed industry standards.

My interest in this matter was stimulated further by a recent NBC television program, "Chronolog," which did a special report on the hazards of lead to humans from these products. The NBC–TV "Chronolog" program pointed out very clearly the dangers of this kind of lead poisoning. Tests done on this program on products purchased from various dealers in such goods indicated that certain types of improperly made dinnerware can cause lead poisoning. Mr. President, I ask unanimous consent that the transcript of the NBC–TV "Chronolog" program relating to the lead poisoning be inserted in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCHWEIKER. Mr. President, NBC–TV has contributed an important public service in focusing the attention of the American people on this lead poisoning problem.

Let me emphasize that on the whole the domestic dinnerware industry is producing safe dinnerware, earthenware, and stoneware products, and I am advised that many producers have completely removed lead and cadmium from their manufacturing processes.

The problem is with some smaller pottery shops and foreign imports.

The bill I introduce today is identical to a bill introduced today in the other body by Congressman Frank Horton, of New York. This legislation will affect those products which do not meet safety standards and will be a major step in insuring that all dinnerware on the market is safe.

Back in the 1930's the U.S. Potters Association became concerned about this problem. In 1969 the potters and FDA agreed to standards governing the release of lead and cadmium in the foods from dinnerware. At the present time, less than 1 part per million lead is released into food by most products made by legitimate manufacturers. The Potters Association tests the goods, issues seals of compliance, and submits reports to the FDA.

The problem is that many smaller shops and foreign producers are not subject to the tests. My bill would cover virtually all dinnerware products made in the United States and all imports.

Here is what my bill does:

First, requires the Health, Education, and Welfare Secretary, within 180 days after the legislation is enacted, to establish the maximum quantity of lead—and the manner of testing therefor—which may be released from dinnerware. This includes both lead and cadmium.

Second, until the Secretary establishes standards, the bill sets interim maximum levels of seven parts per million of lead and 0.5 part per million cadmium. The test used is the so-called atomic absorption technique.

Third, establishes labeling requirements so that each article of dinnerware bears name and place of business of the manufacturer or importer, so that consumers can determine whether their dinnerware is part of a recall campaign.

Fourth, adds "dinnerware" as a specific category subject to regulation under the Federal Food, Drug, and Cosmetic Act.

Fifth, adds a section prohibiting the manufacture or sale in interstate commerce, or in a manner affecting interstate commerce, or the importation into the United States, of dinnerware which does not meet the test.

Sixth, makes dinnerware subject to seizure by the FDA.

Seventh, adds recordkeeping requirements as to where such goods are shipped in interstate commerce.

Eighth, permits FDA to inspect manufacturers' plants.

Ninth, makes imported dinnerware subject to the act.

Tenth, applies to dinnerware manufactured 120 days after enactment.

Eleventh, requires FDA to undertake an educational program to alert the public to the dangers of lead-releasing dinnerware and to inform them of the provisions of the act.

This bill enlarges FDA authority in several important ways, including:

First, it adds a new labeling requirement. Each piece of dinnerware must be labeled so that, should the FDA have to recall specific products, consumers can easily determine whether their dinnerware is subject to the recall. The advantage of this is that it makes the FDA's burden of finding the affected products much simpler in that consumers themselves can check their own items.

Second, the bill allows the FDA to get into this problem at the manufacturing stage. Present legislation limits FDA involvement to the time when such products are in interstate commerce.

Third, the bill broadens the definition of interstate commerce to include situations affecting interstate commerce.

Fourth, it specifically includes dinnerware under the Federal Food, Drug and Cosmetic Act. At the present time, FDA authority is somewhat unclear and is the subject of existing litigation. This bill would make absolutely clear that dinnerware is subject to the provisions of the act.

In summary, it clarifies and strengthens existing FDA authority in this area, and adds new authority.

I believe this legislation represents another significant forward step in our fight in lead poisoning. Back in 1970, I introduced S. 3941, a bill to provide civil penalties for the use of lead-based paint in the use of certain dwellings. Although this bill was not enacted into law, I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970.

I also strongly supported the Lead-Based Paint Poisoning Prevention Act which President Nixon signed into law on January 13, 1971.

Just recently, I joined with Senator Kennedy in introducing a bill, S. 3080, to strengthen the lead-paint program and provide more funds for it.

We are making progress in the fight against the tragedy of lead-based-paint poisoning. We must continue this battle, but at the same time recognize serious dangers of lead from other sources. This bill, which adds to and strengthens the Federal Government's authority in this area, can allow us to take another giant step in this direction.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3136

A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

Section 1. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by add-

ing after section 409 (21 U.S.C. 348) the following new section:

"REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

"SEC. 410. (a) The Secretary shall establish the maximum quantity of lead and the maximum quantity of cadmium (and the manner of testing therefor) which may be released from dinnerware, and he shall publish such quantities and test procedures in the Federal Register within 180 days after the effective date of this section. Such maximum quantities shall be based on the best available scientific data and shall insure the safety of the public by reducing its exposure to lead and cadmium. The maximum quantities of lead and cadmium (and the manner of testing therefor), established by the Secretary under this subsection shall take effect on the 90th day after publication thereof in the Federal Register.

"(b) Until such maximum quantities of lead and cadmium (and the manner of testing therefor) take effect under subsection (a), the interim maximum quantities and manner of testing therefor shall be:

"(1) An article of dinnerware, upon being subjected to the test described in paragraph (2), may release a maximum of 7 parts per million of lead and a maximum of .5 parts per million of cadmium, calculated in the manner described in paragraph (2)(C).

"(2) Dinnerware shall be tested for release of lead or cadmium in the following manner:

"(A) The dinnerware shall be washed with a dilute alkaline detergent solution and rinsed with distilled water.

"(B) After being washed and rinsed, the dinnerware shall be filled to capacity with a 4 percent solution of acetic acid having a temperature of 68 degrees Fahrenheit and allowed to stand for a period of 18 hours at a temperature of 68 degrees Fahrenheit.

"(C) After the expiration of the 18 hour period referred to in subparagraph (B), the quantity of lead or cadmium present in the solution shall be determined by atomic absorption technique and expressed as the quantity of metallic lead or cadmium present in the total volume of the solution in terms of parts per million.

"(c) The Secretary may amend such maximum quantities (and the manner of testing therefor) where necessary or appropriate for the safety of the public. Such amendments shall take effect on the 90th day after publication thereof in the Federal Register.

"(d) The manufacturer (or importer) shall affix to each article of dinnerware he manufactures (or imports) a label, in accordance with regulations established by the Secretary, which shows the name and principal place of business of the manufacturer, or, if it is manufactured outside of the United States, the name and principal place of business of the manufacturer and of the importer."

CONFORMING AMENDMENTS

SEC. 2. (a) Section 201 of such Act (relating to definitions) (21 U.S.C. 321) is amended by adding after paragraph (x) the following:

"(y) The term 'dinnerware' means any dishware, composed in whole or in part of glazed ceramics or enamels, which is for use or which may be used in storing, preparing, or serving any food, or beverage."

(b) Section 301 of such Act (relating to prohibited Acts) (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The introduction or delivery for introduction into interstate commerce by the manufacturer (or importer) in the course of his business of any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d)."

(c) Paragraph (1) of section 304(a) of such Act (relating to seizure) (21 U.S.C. 334(a)) is amended by inserting after "cosmetic that is adulterated or misbranded" the following: ", or any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d,".

(d) Section 703 of such Act (relating to records of interstate shipment) (21 U.S.C. 373) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware", and by striking out "or cosmetic" each place where it occurs, and inserting in lieu thereof "cosmetic, or dinnerware".

(e) Clause (1) of the first sentence of section 704(a) of such Act (relating to inspection) (21 U.S.C. 374(a)) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware".

(f) The first sentence of section 704(b) of such Act (relating to written reports of inspection to owners) (21 U.S.C. 374(b)) is amended by inserting after "indicate that" "any dinnerware in such establishment releases lead or cadmium in excess of the quantities permitted under section 410 or is not labeled in accordance with the requirements of section 410(d), or that".

(g) Section 705(b) of such Act (relating to publicity) (21 U.S.C. 375(b)) is amended by striking out "or cosmetics" after "food, drugs, devices," and inserting in lieu thereof "cosmetics, or dinnerware".

(h) The first sentence of section 801(a) of such Act (relating to samples of imports) (21 U.S.C. 381(a)) is amended by striking out "and cosmetics" after "samples of food, drugs, devices," and inserting in lieu thereof "cosmetics, and dinnerware".

(i) Clause (3) of the third sentence (relating to refusal of admission of imports) of section 801(a) of such Act (21 U.S.C. 381(a)) is amended to read as follows: "(3) such article is adulterated, misbranded, in violation of section 505 of this Act, releases lead or cadmium in excess of the quantities permitted under section 410, or is not labeled in accordance with the requirements of section 410(d),".

(j) The second sentence of section 801(b) of such Act (relating to disposition of refused articles) (21 U.S.C. 381(b)) is amended by striking out "or cosmetic," after "other than a food, drug, device," and inserting in lieu thereof "cosmetic, or article of dinnerware,".

EFFECTIVE DATE

SEC. 3. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 201(y) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of this Act), and the amendments of the Federal Food, Drug, and Cosmetic Act made by sections 2(d) through 2 (j) of this Act shall take effect on the date of the enactment of this Act.

(b) In the case of dinnerware manufactured or imported on or after the 120th day after the date of the enactment of this Act, section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the 120th day after the date of the enactment of this Act.

(c) In the case of dinnerware manufactured or imported before the one-hundred and twentieth day after the date of the enactment of this Act, and introduced or delivered for introduction into interstate commerce on or after the one-hundred and twentieth day after the date of the enactment of this Act, which releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the one-hundred and twentieth day after the date of the enactment of this Act, unless each article of such dinnerware—

(1) bears a permanent, conspicuous, and easily legible warning label,

(2) such label states that the article releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), and

(3) such label lists the uses of such article to avoid so as to prevent the release of lead or cadmium into food or beverages.

If such dinnerware is labeled in accordance with paragraphs (1) through (3), then such sections shall not take effect with regard to such dinnerware.

EDUCATIONAL PROGRAM

SEC. 4. The Food and Drug Administration shall undertake a significant educational program to alert the public to the dangers of lead and cadmium released from dinnerware, and to inform them of the provisions of this Act.

EXHIBIT 1

CHRONOLOG

(Broadcast over NBC January 28, 1972)

GARRICK UTLEY. Good evening. I'm Garrick Utley. And welcome to NBC News Chronolog. Tonight we are going to try something different. We're dividing the program into two parts, Chronolog I and Chronolog II. . . .

. . . A major report tonight is going to be about lead poisoning. We will show how lead can harm both animals and human beings. We don't hear that much about the lead problem, but lead is everywhere in our lives. It's in the paint in our homes, it's in the ceramic dishware we eat and drink out of. And, of course, it's in the air all of us breathe. We will see what's being done about the lead problem, and what isn't being done . . .

UTLEY. Last year some of the animals in New York's Staten Island Zoo were poisoned. A few died. Others, including this black leopard, became paralyzed. The poisoning was a mystery. The zoo asked doctors at New York Medical College to solve it. Whatever the poison was, it came from the environment, and it was strong enough to do permanent damage to the black leopard's nervous system. Blood tests showed that the poison was lead.

Dr. RALPH STREBEL (New York Medical College). The blood levels of the great cats were very high in lead content, in the toxic range.

UTLEY. This news was so startling that the doctors expanded their study to other animals living in outdoor cages in other city zoos.

Dr. STREBEL. We found also at the Bronx Zoo that the great cats, eleven out of fourteen as I remember, were very high in terms of their blood lead.

Dr. EMIL DOLENSEK (Veterinarian, Bronx Zoo). According to Dr. Chow, who we've sent samples to, the levels are so high he didn't believe the animals were alive.

Dr. STREBEL. The same is true of very limited work that we did at the Central Park Zoo. There's one monkey that came in here with a lung condition, but upon autopsy after the animal died, we found that animal had very high lead levels in the vital organs.

Dr. EMIL DOLENSEK. Recently we thought it was related to lead in paint, and we did have analyses done on paint, and we found that some of the paints were indeed higher than acceptable levels for New York City. We are more concerned, though, in the case of animals like the lions, which we have here, because there is no contact at all with paint materials. Yet they're still running at levels which would indicate a chronic toxicity problem.

Dr. RALPH STREBEL. We have reason to believe that it certainly comes from the environment, from the air. Because otherwise the soil around the zoo would not be accumulating as much lead as they presently have. The normal amount of lead in the earth's crust is only about ten to fifteen parts per million. And when you consider that the soil at the Central Park Zoo had over five hundred parts per million, that answers your question.

UTLEY. The lead poisoning the zoo animals comes from leaded gasoline. Automobiles put two hundred thousand tons of toxic lead into our urban environment every year. It's too much for the animals to take.

DOLENSEK. I don't see where we can honestly continue to show large cats outdoors any more. As far as any new enclosures that we make, I think we're going to have to build indoor enclosures with filtered air systems.

Dr. DENNIS CRASTON (New York Medical College). These are dangerous conditions, not only for the animals who are living in the confinement of the zoo, but for the people who are also living in the close neighborhood or who come there just as visitors.

Dr. STREBEL. It seems that all young living things are most susceptible to lead. And that babies being born today have high lead levels. And this is an ominous sign, because they're starting out with a high lead level. And we know that lead accumulates over a lifetime, and therefore by the time they reach an adult age they may very well be in trouble.

Representative WILLIAM F. RYAN. Four hundred thousand children in this country are afflicted with lead poisoning. That is a tremendous number of children. That's a serious problem. There are more cases of lead poisoning among children today than there were cases of polio in this country before the Salk vaccine.

Senator EDWARD KENNEDY. There are scores, I believe it's even in the hundreds of children that are dying of lead poisoning, but haven't been diagnosed as such. So it's widespread in the urban centers, in the older centers of our country. And we know very well that something can be done to prevent it.

UTLEY. The air inner city children breathe is heavily contaminated with lead. But the major source of lead poisoning in the slums is peeling paint from dilapidated buildings. When these buildings were constructed, it was common to use lead based paints on inside walls. Now that paint is flaking off. Children like to eat the paint chips. The result is illness, brain damage, and even death.

WOMAN. The baby, he had it bad enough where he had to go in the hospital this year for it. Every time I look around there's one getting lead poisoning. And I'm afraid that one time one of them might get it, and it might be a little bit too late.

UTLEY. Norman Britt suffered severe brain damage eight years ago from lead paint. He will never be normal.

Mr. BRITT. And Norman was eating it. And all of a sudden, you know, he got kind of sick. So the doctor said he had lead poisoning. He like this the rest of his life; he'll never, you know, never grow out of it.

JACK NEWFIELD. What is most frustrating about this is that a few months ago I spoke to the lead poisoning clinic at Kings County Hospital in Brooklyn, to parents whose children had been lead poisoned. When I was there I looked at the admissions record for Kings County Hospital. There had been thirty admissions for lead poisoning in one month; and of the thirty, fifteen were repoisonings, which is a guarantee of permanent brain damage.

Dr. MICHAEL KLEIN. You don't replace brain cells. Once a brain cell has been destroyed, has swollen, and burst, and been destroyed it is never replaced again.

Mr. BRITT. He told me he had lead poisoning. I hadn't ever heard of lead poisoning, so I didn't know what it was, until, you know, he started having these seizures.

UTLEY. What are these seizures like?

BRITT. Well, some kind of change. Like the one time he had, like, he'd just go round and round. And the next he changed like he wanted to climb the wall. When something was close to him, he'd grab. And, boy, I had a time trying to pry him loose from it.

UTLEY. This is where Norman Britt was poisoned, the slums of Rochester, New York. But Rochester did something about it. A neighborhood group called SPAN, and the University of Rochester Medical School joined forces to find out how bad the lead problem is. The first thing they did was test slum houses for lead paint.

Two SPAN workers showed me how they did the survey. They also told me that part of the problem is that young children like the taste of lead paint.

MAN. It tastes very sweet. And that's the trouble, the kids under six, after they taste it, they keep up, and keep eating, and that's it, they get poisoned.

UTLEY. How many houses do you try to see a day?

WOMAN. About ten to fifteen houses.

UTLEY. Now in this house there has been lead poisoning, is that correct?

WOMAN. Yes, the Walters' child got lead poisoning in this house, right upstairs.

UTLEY. How long ago did that happen?

WOMAN. Well, they just found out about it a few weeks ago.

UTLEY. How serious was the lead poisoning in a house like this? How strong was the lead content?

WOMAN. The lead content was strong enough to kill.

UTLEY. The SPAN people took paint samples from places young children could reach. Then we tried a simple chemical test. Now this is some of the paint from inside this house.

WOMAN. Yes.

UTLEY. And you give it the test . . .

WOMAN. Pour a little bit of the solution on it, if it turns black . . .

UTLEY. It turned dark. And a child that lived in this house has gotten lead poisoning from this lead content paint.

WOMAN. Right.

MAN. That's correct.

UTLEY. The slum children themselves were tested for lead in their blood. The results were shocking.

Dr. BARRY PLESS. Over a third of the children in the random sample in Rochester, which is a good, valid random sample, are in danger of being lead poisoned, because they do have levels above fifty. There are people who believe that it may be the cause of some of the specific learning disabilities that we're now seeing. There are people who believe that it may be related to behavioral problems. There are many people who believe that the very high proportion of children who are retarded, who we never have a reason or diagnosis to explain their retardation, may in fact be attributable to lead poisoning.

UTLEY. Slum children can eat lead paint and show no outward signs of damage. Scientists disagree over how much lead it takes to hurt a child. Some feel it takes very little.

NAOMI CHAMBERLAIN (University of Rochester Medical College). The fact that we cannot prove that low levels of lead are dangerous does not mean that it isn't true. We can also not prove that it is not dangerous. And just as for years and years and years, nobody has really cared that children were being maimed, retarded and crippled, and dying, or maybe behavior problems, or reading problems—and it happens to people who can least afford to have it happen. Predominately the kind we're talking about happens to poor kids, who already have two thousand strikes against them.

And so you say that because I cannot prove, then let us wait, and objectively let somebody else's child become a statistic. That infuriates me. It's the worst kind of mass mutilation.

UTLEY. No one knows how many children over the years have been poisoned by lead, have been crippled mentally for life. Because those children are mostly poor, black, and ignored. But now even white middle class kids are suffering from lead poisoning, and we know what it can do.

And even though we know what it can do, lead is still present in dangerous amounts in too much of the paint we use in our homes, and in too much of the ceramic dishware we eat from. We'll look at those two areas in a moment.

Paint which is applied to interiors where children can get at it is not supposed to contain more than one percent lead. But there is a good deal of paint on the market available today in this country, which has more than that one percent lead content. It's been discovered here at the New York City Health Department Laboratory. And the man in charge of the program is Dr. Vincent Guinee, the head of the Bureau of Lead Poison Control.

Dr. Guinee, what put you on to this problem?

Dr. VINCENT GUINEE. The sanitarians from the Health Department have been checking paints for interior use periodically. And over the last several months we found that rather large numbers of paints labelled as for use in interior surface, and therefore presumably without much lead, were turning up. And in some of our surveys we found that from ten to twenty percent of cans labelled "for interior use," and sometimes even labelled "for use on children's toys, and playpens, and children's rooms" were found to have lead contents of five, ten percent.

The paint companies have been working under a voluntary standard since 1955. They, of course, have supposedly been operating under our current health code, which was in 1959. But many of the paint companies have slipped up, especially in certain colors of oranges, yellows and greens.

UTLEY. What is the consumer going to do now?

GUINEE. A doctor friend of mine asked me this question about two weeks ago. He said, "Look, I've seen the press releases about the fact that paint can have lead in it, although the label doesn't say anything about it. I want to paint my child's room, I'd like to use bright colors. Which paint should I use?"

And I had to say frankly I could not guarantee any particular brand or color of paint. The only thing I could say was that, if you take colors that are not red, or yellow, orange or green, you take the most recently made can of paint from the biggest company in the country, it's less likely that you'll have lead in it. But there's no guarantees on any can of paint right now.

UTLEY. The paint industry says it stopped using lead in paints for inside use thirty years ago. Here is the way a spokesman for the major paint makers put it, in testimony before a Congressional committee.

"There is no longer any purpose in using white lead pigments in paints intended for interior use, since better white lead-free pigments for this purpose now are available at lower cost." The industry told Congress that it voluntarily stopped making leaded paints for household use. Modern interior paint is not a major cause of lead poisoning in properly maintained homes, according to the industry.

Writer Jack Newfield and Congressman Ryan, who have been crusading against leaded paints for years, have petitioned the FDA—the Food and Drug Administration—to outlaw lead in household paints. To outlaw it, simply and totally. So far, though, the FDA's approach has been to require only warning labels on paint with more than a small trace of lead.

But labels on cans aren't of any help years later, when the paint starts to flake on the walls. We used to think that lead poisoning was exclusively a ghetto problem, something that middle class people just didn't have to worry about. After all, how many of us have paint flaking on our walls.

But now we're discovering there are a lot of other ways to get lead poisoning. Pencils, the kind children chew on when doing schoolwork, often were painted with leaded paint. Now the pencil makers say they've stopped making them that way. But a lot of these old pencils are still around.

And just this week the FDA told people across this country to get rid of two hundred thousand ceramic bowls given away in a soup company promotion. It turns out the glaze on the bowls contains dangerous amounts of lead.

This is Mrs. David Augustine and her son Philip, who live in a comfortable suburb near Rochester. They found out about lead poisoning the hard way.

Mrs. David Augustine. About two years ago Philip began to show symptoms of vomiting, he began falling down for no apparent reason, he could not stand to be at any height without saying he was going to fall down, "Hold on to me." And over a period of time stopped eating everything. He had had brain tests scheduled, and the pediatrician told me that they were looking for the possibility of a brain tumor. And, of course, I rather lost control at that time.

They took some more blood tests, and when the report came back it was stated that there was a large amount of lead in his blood.

Dr. James Sayre (University of Rochester). We tested his toys, we tested the paint, we looked at what we thought were conventional sources. It turned out that Philip had been drinking his orange juice every day from a ceramic lined vessel, made in a local ceramic class, which had, by actual test, a very significantly high lead release. And he had actually been drinking his lead with his orange juice, practically every day for a period of about three months.

Mrs. Augustine. I'm just thankful, thank God, that everything worked out, because it could have been much worse. We're supposed to be intelligent people, and yet here was a case of something that I had never been close to, I had never known anything about lead poisoning. So consequently I didn't have any idea what the symptoms were.

Utley. A Canadian child who drank from this pitcher was not as lucky as Philip. He died from lead poisoning. Hand crafted ceramic ware often is dangerously high in lead. But even some mass produced pieces can be potentially dangerous.

It is possible to test ceramics for lead. In Rochester the county health department tests dishes for local citizens. And we bought some pieces in New York gift shops to be tested there. Most of them were Mexican imports, which often have a very high lead content.

They should be safe to eat and drink out of, shouldn't they?

Dr. Margaret Rathburn (Lab Director). Well, if the glaze isn't fired sufficiently high, at a sufficiently high temperature, they may very well leak lead when acid is added. And that's what we're doing here.

Utley. In other words, if it hasn't been baked hot enough.

Rathburn. Right.

Utley. Are most of these problems with American produced ceramic ware, or that which is imported?

Rathburn. Well, there's problems with both, actually. We have in our own testing here, most of the problem has been from the imported. But we do have a positive piece made right here in Rochester; we have another positive from California; and one from Maine.

Utley. Mr. Gordon, what kind of a test are you running, what are you looking for?

Gordon. This is essentially a presumptive test for lead. It is one which was devised and developed by the FDA. If lead is present in this solution, we get an immediate transformation of color to red. If it is negative, it retains somewhat of its green color and nature.

Utley. Let's run the experiment now on one of these—say this one, for example.

Gordon. All right, we have already added acidic acid to this particular sample here. Now we take a few cc's of the acidic acid. Presumably it leaks the lead out. Next we add the dithyozone solution, which you notice is green in color. Then we shake it, and immediately get a cherry red color, which indicates that lead is present in this piece of ware.

Utley. Can you tell how much lead is present? Does that mean it's at a danger level, if it turns red?

Gordon. Yes, the dithyozone solution is so standardized that it gives the lower limits that are recommended by the FDA.

Utley. Is it possibly to tell which type of ceramic ware is likely to have a high lead content?

Rathburn. No.

Utley. There's no way a person at home can judge it.

Rathburn. No. The only way you can judge it is to test it.

Utley. We just ran a test on this, Mr. Gordon, and how did it turn out?

Gordon. This is a negative test, on this piece of pottery here.

Utley. Now we're going to test on this mug. This is the kind of a mug, or a jug, from which you would drink orange juice, or soft drinks.

Rathburn. Coffee or tea.

Utley. Coffee or tea. I have one in my own house. Let's see how it turns out. What does that mean?

Gordon. Now this is a borderline case.

Utley. It's neither red, nor . . .

Gordon. It's neither red, nor is it green. But this is one which we consider a borderline.

Utley. Is there any regulation in this country which oversees and controls the minimum standards of glazing for ceramic ware and pottery?

Rathburn. The FDA has guidelines. However, there are at present no actual laws. Canada has recently passed a statute regulating up to seven parts per million, bleaching out lead.

Utley. And it has to pass this test.

Woman. Yeah.

Utley. But we don't have that in this country.

Woman. We don't have it yet in this country.

Utley. That's another sort of bowl . . .

Gordon. No, I would consider this one to be negative.

Utley. This is the kind of bowl you'd use for everything from storing vegetables, or fruit, orange juice . . .

Rathburn. Salads.

Utley. Salads. Again, this is an imported bowl, the kind many tourists bring back from Mexico. But I imagine a similar type of ceramic ware is also hand-crafted in many parts of the United States. That has turned red right away.

Gordon. That's definitely positive.

Utley. It's definitely positive with a lead content.

Gordon. With a high lead content, extremely high lead content.

Utley. These pieces of dishware, which we picked up in a gift store in New York, the results are that this one is okay. These two are borderline. Wouldn't want to be too sure that what you're drinking or eating of them wouldn't harm you. And these three are all positive, they all contain lead, and they can poison you if you drink or eat too much out of it which has been kept too long in it, if what it was was acidic.

There are the kinds of things which we all have at home. I know I do, and perhaps many people watching this program do, too. So, doctor, what does it mean in practical terms for a person at home who uses this for storing food? Is it a danger?

Rathburn. Yes, don't!

Utley. Don't. The problem with lead simply is that it's so useful for industry for so many products: as an additive to paint to make colors brighter, to glaze to make pottery ware shine. And to gasoline to raise the octane level cheaply.

Lead becomes a danger in paint only when it chips and a child eats it, and in pottery which has not been glazed hot enough. But gasoline? Gasoline is something different. Because lead is put into gasoline deliberately, with the full knowledge it'll run through the internal combustion engine, out the exhaust pipe, and into the air you and I breathe. We'll look at that in a moment.

* * * * *

Utley. Lead gets into the air from leaded gasoline burned by cars and trucks. Since Southern California has so many cars, it also has the nation's worst lead problem. The amount of lead in the air in Los Angeles is increasing by seven percent a year. San Diego is almost as bad.

Even more alarming, one study showed a steady rise in the amount of lead in the blood of Pasadena housewives.

Air pollution authorities in California have concentrated mostly on other forms of contamination from automobiles. You can't see lead in the air, and it doesn't make your eyes water.

Kennedy. Lead poisoning can be found in the air, and has just as severe an effect in terms of life in these areas where there is a heavy concentration. This is something which I've been unaware of until relatively recently. And it again shows what has to be done.

California Health Official. Lead as an agent in the air is absorbed and retained in the tissues of the population here to a much larger extent than elsewhere, because the levels of lead are higher here. And there is a biochemical effect, even though it may not make people sick. But there is a measured alteration in body chemistry, which we think is undesirable.

Utley. There is so much lead spewing into the California air that it is even affecting the Pacific Ocean. Scientists at the Scripps Oceanographic Institute at La Jolla discovered that their precise analyses of the chemistry of sea water were changed by lead settling into the ocean.

That caused Dr. T. J. Chow of Scripps to start measuring lead throughout the environment. He's still doing it. And his work is often cited by those who want to ban leaded gasoline. Dr. Chow discovered there is even lead in rain water, bringing it very close to the federal danger level for lead content in drinking water.

He has been measuring the lead content of the air around San Diego for five years. The levels are often dangerously above California state standards.

Dr. Chow says airborne lead is the most dangerous of all. Half of the lead you breathe is absorbed by the lungs. The body has better defenses against lead contamination coming from food and drink.

These filters show there is less lead in the air where there are not many automobiles. The worst areas are downtown districts and suburban areas near freeways. The dust from these two places contains as much lead as the ore from a lead mine.

Dr. CLARE PATTERSON. I am convinced—I wouldn't be here if I weren't—that really millions of youngsters each year are being, their minds and their nervous systems are being irretrievably damaged, forever, for their whole lives, by the lead that they're breathing.

UTLEY. Dr. Clare Patterson of Cal Tech traveled to the Arctic and Antarctic ice caps to prove how much the worldwide levels of lead have gone up. A thousand years of snow have been preserved here. Dr. Patterson said the increase in lead since 1940 has been enormous, and he thinks it's essential to ban leaded gasoline at once.

PATTERSON. The most significant source of lead, of course, is from leaded gasoline. It contributes about ninety-nine percent of the lead in the air. And I might say that the lead in cities like New York, or Los Angeles, or Washington, D.C., any city, large city, the lead in that air is about ten thousand times above natural levels.

NEWFIELD. Congressman Ryan and Senator Kennedy introduced legislation; after hearings, after struggle, after lobbying the legislation was finally passed. Thirty million dollars to prevent and treat lead poisoning was finally authorized by Congress. And then the Nixon Administration wouldn't spend the money, even though Congress authorized it.

KENNEDY. One of the most overworked words, of course, of our time is changing priorities. But this is where they ought to be changed. Here you can actually have a direct impact in stopping retardation, for example, and also in saving children's lives. And ultimately saving the taxpayers from paying for institutionalizing children and others that are affected by it.

NEWFIELD. There are certain problems in this culture which I, and most, don't know the answer to. I don't know what you do about heroin; I don't know how you get garbage out of the slums; I don't know what the policy should be for the Middle East.

Lead poisoning is one of the few problems in this culture which is man-made, and we know what causes it, we know what the remedy is, and we just won't do it.

PATTERSON. We're so close to classical lead poisoning that I, and other people like me, believe that we're being affected right now by the lead that we're already absorbing. We're more irritable, we're less rational. It's affecting our central nervous system.

Dr. HENRY SCHROEDER. We are attempting to reproduce in the laboratory the experiments that man has unwittingly performed on himself since the beginning of the Industrial Revolution, which was when he began to dig up metals from the earth and spread them around through his environment.

What happens is that the rats have a high mortality rate when they're young. You get a shortened longevity. And the older animals look—they just sort of loll around without any energy. They have runts, dead litters, and dead offspring, and they don't breed, they fail to breed. And the mothers eat the young. There are all kinds of things that happen.

I think that this is certainly a warning. And if we don't pay attention to it, we're stupid.

UTLEY. We have had many warnings about the danger of lead in the atmosphere. A main source of it is lead-based gasoline. What are we going to do about it? And what is the government going to do about it? A man who can answer this question is William Ruckleshaus, the head of the Environmental Protection Agency.

Mr. Ruckelshaus, how long have you been conducting studies on this problem?

WILLIAM RUCKELSHAUS. Well, we've been conducting studies—not our agency, but the agencies that we inherited from the National Air Pollution Control Administration—for years on the impact of lead, not only in the atmosphere, but also from lead-based paint, and lead that you generally ingest in foods, for many years. We still have huge gaps in our knowledge, as to the precise health impact, at what level, of the ingestion of lead, and where the total body burden of lead comes from.

UTLEY. But in terms of gasoline, you are at least satisfied that there is enough of a health problem to go ahead with this program.

RUCKELSHAUS. Yes, we are. Our information shows that the health effects of lead in the atmosphere, above certain levels, can be serious. There is considerable dispute over just what the impact on health is of lead in the atmosphere. But we believe there is sufficient evidence of a deleterious impact on human health of lead above certain levels in the atmosphere, that it ought to be regulated.

And the way we think it can be regulated best is through regulating its existence in gasoline, and thereby reducing it from the emissions from the automobile.

UTLEY. What is the status of the program now? It starts in your agency, where you draw guidelines, or concrete proposals?

RUCKELSHAUS. We will issue regulations which will regulate the additives that are put in fuel, under Section 211 of the Clean Air Act. We have two authorities to regulate additives in gasoline, not only lead, but any other kind of additive.

One is, if that additive creates a health hazard, we can regulate it. And in this case we think it does. Or if the additive, the regulation of the additive is necessary in order for the automotive companies to meet the 1975 standards. And both of these apply under Section 211, and it's under this authority that we will issue regulations, generally regulating it in the fuel itself.

UTLEY. Does this mean that you are in favor of limiting lead-based gasoline, or of banning it, as of a certain date?

RUCKELSHAUS. Well, our regulations have not as yet been issued. But the approach that we're taking is to have at least one class, or one brand of gasoline generally available by 1975, and gradually phase out the use of lead as an additive in gasoline.

The pace at which it's phased out depends very greatly on how we view the impact, not only on health, but on the petroleum industry, and how best this phasing process can work, so as to cause the least amount of economic dislocation to the country.

UTLEY. You say it means that by 1975 there will be a guaranteed lead free gasoline on the market available to everyone. By what date would you like to see all lead-based gasoline removed from the market?

RUCKELSHAUS. Well, this is one of the things we're still considering, at what pace we will phase lead out of gasoline completely. And there are arguments, and valid arguments that can be made for one phasing process or another. And, really, before the regulation finally comes out, it's too early for me to say exactly what form it will take.

It will be probably very shortly after 1975 that the lead as an additive is phased out completely of gasoline.

UTLEY. Many problems in the environment field are finally acted on by government after a great deal of public opinion has been mobilized and articulated. Is that the case here? Or in the case of lead in gasoline, is it more due to scientific research?

RUCKELSHAUS. If the public says that we want clean air, and we want pure water, the government will respond to that legitimate public demand by providing clean air and clean water. But as to how they go about it, and what specific substances are taken out of the air so as to cleanse, or out of the water so as to make it pure, it should be left up to scientific determination.

Because there's no reason to respond to public pressure to remove a certain substance from the air or the water, if there is no public benefit to be gained thereby. And our decision to remove lead, or to phase it out of use as a gasoline additive is based on what we conceive to be in the public interest, the protection of the public health, and the insurance that these standards can be met by 1975.

UTLEY. Do you see any organized strong, or meaningful opposition to the removal of lead from gasoline, either in industry, or from other sectors? Or is everybody for clean gasoline?

RUCKELSHAUS. No, everybody's for clean gasoline, just as everybody's for clean water and clean air. But there are different degrees of fervor as to how strongly they believe that we ought to have clean air or clean water.

UTLEY. Mr. Ruckelshaus plans to abolish leaded gasoline shortly after 1975. Actually there is unleaded gasoline available today, but not many people are buying it. The petroleum industry began adding lead to gasoline in the 1920's. It was a cheap and easy way to increase octane levels, and lead has been added to most gasolines ever since.

Everyone knew that lead was poisonous, and that the lead in gasoline eventually was released into the air. But there didn't seem to be that many automobiles. And, after all, there was an awful lot of air.

Tonight we have seen and heard a lot about lead, what it can do to all of us, and what it already is tragically doing to some of our children. Lead is a new field of dispute involving the environment and public health. There are experts on both sides of the argument, some maximizing the danger, others minimizing it.

Admittedly there's not as much scientific knowledge about lead as there should be. There are many areas where research is only getting underway. Most important is the study of lead in the food we eat.

Lead is a problem we could easily ignore. It doesn't have high visibility. It is not the first problem our modern industrial society has dumped on us, and it won't be the last. It may not even be the most serious. But it's there. And the evidence shows that lead is a clear and present danger.

By Mr. SPONG:

S. 3137. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes. Referred to the Committee on the Judiciary.

Mr. SPONG. Mr. President, I introduce today a bill to amend the Safe Streets Act of 1968 to delay for 1 year the so-called hard-match funding requirement imposed on the States by a 1971 amendment to the law.

Where previously States have been able to provide equivalent-value goods and services in lieu of cash the amended act requires that effective July 1, 1972, at least 40 percent of the non-Federal funding be in money.

Mr. President, as a result of this and other amendments which require the States to assume a greater financial burden in connection with the program, my own State of Virginia stands to lose over the next 2 years about $14 million in Federal action grants which otherwise would be available to it.

In hard, cold facts this means Virginia's drug abuse prevention, treatment, and control program which is one of the major activities funded under LEAA, will be cut from a projected $1.6 million in 1973 and $2.8 million in 1974 to a mere $702,000 in both years.

This comes at a time when the Virginia State Crime Commission reports that "the trafficking in narcotics and dangerous drugs in the State is the most serious problem facing law enforcement" and rapidly approaching a point of being out of control.

Similar cutbacks will be necessary in other LEAA-funded programs—in efforts to deal with juvenile delinquency, organized crime, and civil disorders to name only a few—unless some means are found to increase State participation.

Mr. President, one of the main purposes of the 1971 amendments was to assure, in fact, that States spent more for crime prevention programs and did not simply substitute Federal funds for what were previously State and local expenditures. I support that goal. However, if it results, as it has in Virginia, not in increased spending, but in drastic reductions in State participation, I think we have to reexamine our premises and to hold our theory up against the facts.

I do not know what other States may be experiencing similar difficulties although I have asked LEAA for a report. I do know the problem my State faces and I believe it is essential that something be done to rescue the situation.

Mr. President, the amendment I am introducing today will provide only limited relief to the States. I am advised that in Virginia delay of the hard-match requirement would mean only about $253,000 in additional State participation but that, of course, would be matched by a much larger Federal grant. It is a partial solution but vitally important in terms of the serious drug and crime problem the program is meant to relieve.

Next year, the LEAA program again will be up for authorization and that will be the occasion for a long, hard look at all the funding provisions including the State "buy-in." Delay of the hard-match requirement until that review can be undertaken would be a helpful interim step and in no way would compromise the goal of increasing State participation.

At the same time, I am urging the Governor and members of the General Assembly to do everything possible to enable greater State participation in the LEAA program in 1973 and 1974. This will not be easy. The Commonwealth of Virginia, in common with other States and cities, has very serious financial problems. Even to meet the budget the Governor has recommended, in all probability will require some increase in taxes. Nevertheless, there is no item in the budget more important in my judgment than programs to deal with our growing drug problem.

The State Crime Commission report, which I referred to earlier, has some chilling observations to make on this subject:

> The abuse is becoming more prevalent at a younger and younger age, reaching down to the high school, junior high school, and sometimes even the lower grades. What is even more alarming is the fact that the use of heroin is becoming more prevalent among the youth and many young people have been found to be involved in the selling of heroin.

Against this background, the budget proposes in the new biennium to freeze expenditures for drug education, treatment and prevention at 1971 levels, less than half of what could be spent if the State fully met its matching requirement.

Many organizations, and community groups in Virginia are organizing efforts on a volunteer basis to do something about drugs. This is a very encouraging thing to see and I believe we need more of it if we are ever going to resolve the problem.

The people of Hopewell, Petersburg, and Colonial Heights, Va., for instance, have devoted enormous efforts to educating the youth of their communities about this problem. Fairfax County has enlisted the aid of older students to help in a drug education program for younger youth. My own city of Portsmouth has carried its program to the point of requesting funds for a drug rehabilitation and treatment center. Unfortunately, the request was denied for lack of funds.

How can we explain to these parents and community leaders that the State and Federal Governments are moving backwards in terms of funding the necessary facilities and materials to support their efforts? How can we tell them that although the State could spend $2.8 million in 1974, it has budgeted only $702,000?

Mr. President, when the 1971 amendments were being considered in the Senate, I offered an amendment to delay for 1 year the hard-match requirement. The floor manager of the bill and the ranking minority member of the committee accepted that amendment. I am hopeful that under the circumstances in which Virginia finds itself today the committee will again be willing to agree to a delay.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks a letter from Gov. Linwood Holton, of Virginia, explaining the State's difficulties in meeting the new matching requirements and a followup letter from Mr. Richard N. Harris, director of the State's division of justice and crime prevention, spelling out some of the details of the situation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RICHMOND, VA.,
December 21, 1971.

HON. WILLIAM B. SPONG, JR.,
U.S. Senate,
Washington, D.C.

DEAR BILL: A 1970 amendment to Public Law 90–351 (the Omnibus Crime Control and Safe Streets Act of 1968) increased the cost for states to continue to receive block grants for crime control under the Act by requiring the states to advance 25 per cent of the matching shares of local governments. This requirement, commonly referred to as a "cash buy-in" by the states, poses a serious threat to already overburdened state finances and to the ability of the state to continue to receive the block grants made available under the Safe Streets Act.

It is my understanding that this amendment was drafted by the House Judiciary Committee without public hearings on the issue. As enacted into law, it means that Virginia will lose its block grant funds under the Safe Streets Act on and after July 1, 1972, unless the state can provide at least 25 per cent of the nonfederal matching share normally supplied by local governments applying for sub-grants from the Virginia Council on Criminal Justice. The local governments have had no difficulties to date in supplying the total non-federal matching share.

The "buy-in" requirement assumes that Virginia has revenue in an amount sufficient to support this program, an assumption which is not necessarily valid. If the Commonwealth cannot find funds from its own resources to comply with this requirement, local units of government throughout Virginia, who might otherwise have sufficient funds to provide the total non-federal matching share, will be denied all the benefits available from the Safe Streets Act.

Prior to this 1970 amendment, sub-grants made by the Virginia Council on Criminal Justice to local units of government were matched entirely by resources produced by the local unit of government receiving the sub-grant. This was an effective method and caused no difficulty in Virginia. It enabled the entire state and its local units of government to receive the maximum benefit of the block-grant funds available. The new "buy-in" provision, however, places us in the position of possibly not being able to participate in the program at all, or to participate in it in a limited way, depending, of course, upon the revenues which the General Assembly can find to appropriate for the "buy-in" matching contribution by the state.

This "buy-in" amendment significantly changed the entire philosophy of the original block-grant concept of the Safe Streets Act. It is not compatible with the general revenue sharing concepts proposed by President Nixon for aid for law enforcement and the administration of justice. The President's proposal does not require a matching share for block-grants to states or for sub-grants by the states to local units of government.

When the Safe Streets Act was first passed in 1968, all the states moved quickly to initiate the program and to implement the provisions of the Act. We did this in full faith that the block-grant program as then constituted would remain in effect. We are now faced with having to dismantle what we have spent the last three years so carefully developing.

I am extremely disturbed that we may not be able to obtain the maximum amount of these federal funds. Virginia, in its overall effort, is surely doing its part in financing governmental services. This congressional suggestion that we must do yet more, in order to receive the federally appropriated funds, is based on the false assumption that we are not doing our part. I hope you can help effect a change in this legislation as soon as possible.

Cordially,

LINWOOD HOLTON.

RICHMOND, VA.,
January 28, 1972.

HON. WILLIAM B. SPONG, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: This is with further reference to Governor Holton's letter to you of December 21, 1971, and is in response to a request for certain additional information by Jack Lewis of your staff.

Under Part C of the Omnibus Crime Control and Safe Streets Act, Virginia received from the Law Enforcement Assistance Administration, $557,090 for FY 1969, $4.15 million for FY 1970, and $7.604 million for FY 1971. We will receive $9.33 million for FY 1972. Using a projection formula based upon the rate of increase during the four years indicated, we estimate that under Part C of the

Act, Virginia will be entitled to approximately $11.6 million for FY 1973, and $17.5 million for FY 1974. We used a rather involved formula to arrive at these projections. We feel that they are accurate and financial personnel at LEAA agree.

I understand that the President's budget for 1973 recommends a total of $850 million for the Safe Streets Act program, as compared with $698 million for FY 1972. If Virginia's Part C entitlement for FY 1973 is the same percentage of the total appropriation as our FY 1972 award, then our projection of $11.6 million for FY 1973 is quite accurate.

As you know, the General Assembly of Virginia appropriates on a biennium basis. The so-called "buy-in" and "hard match" amendments become effective on July 1, 1972, the beginning of the first year of the biennium. The biennium covers federal fiscal years 1973 and 1974. In the budget request filed by this Division with the Governor's Office for the preparation of the Governor's budget submission to the General Assembly at its 1972 session, we requested sufficient general fund appropriations to meet the "buy-in" and the "hard match" requirements to enable Virginia to receive, under Part C of the Act, the total estimated entitlements of $11.6 million in FY 1973 and $17.5 million in FY 1974. The general fund appropriation requested to meet this need was slightly in excess of $3.8 million.

The budget bill now before the General Assembly recommends a general fund appropriation of $1.9 million for the required "buy-in" and "hard match". An appropriation of $1.9 million would entitle Virginia to receive only $7.6 million in each of the fiscal years 1973 and 1974, but would not be sufficient to permit receipts in excess of that figure. In FY 1971, we received $7.6 million and the recommendation is related directly to that figure. If this budget recommendation is adopted, we estimate that Virginia will lose approximately $14 million in Safe Street Act funds during FY 1973 and 1974. Another $1.9 million in general fund appropriation is required to enable Virginia to receive the full estimated entitlements under Part C of the Safe Streets Act for FY 1973 and 1974.

To demonstrate the impact the loss of these funds will have. I am attaching a chart of multi-year projections in the 11 program categories provided for in Virginia's annual statewide comprehensive plans. These 11 categories represent some 36 individual program activities (i.e., Upgrading Criminal Justice Personnel (A) includes all training and education, professional standards, recruitment, training facilities construction, management improvement, etc., for *all* criminal justice personnel). You will note that the *totals* for each of the fiscal years listed are the figures already indicated above. Note that in each of the program categories, we have projected our planned levels of expenditure through 1976. Note also the rather dramatic increases planned for in many of the categories, on the assumption, of course, that we would be receiving the total entitlements. If we do not receive the total entitlements in FY 1973 and 1974, our levels of expenditure in those two fiscal years in each of the program categories will be the same as it was for FY 1971. Thus, each program category will increase in FY 1972, and then decrease back to 1971 levels in 1973 and 1974. As an example, in category K, Drug Abuse Prevention, Treatment and Control, we allocated and expended for FY 1971 $702,000 and we have allocated and will expend for FY 1972 $930,000. For FY 1973 and 1974 we have projected expenditures at the level of $1.6 million and $2.8 million, respectively, but both of these will revert to $702,000 for each of those fiscal years unless we have a sufficient state general fund appropriation to enable us to receive the full total entitlements. You may draw similar comparisons in any of the 11 categorical items. You will note that some categorical items increase more dramatically than others, and you will also note that some decrease slightly in certain years. The decreases in some years reflect successful planned improvement in those categories, enabling us to devote more resources to other critical categories. It is important to carefully note the overall length of increase and the relative distribution of funds among the different categories in different fiscal years. For example, note the significant increases planned in categories C, F, and K, in particular.

Of course, none of these increases will be possible under the present budget recommendations to the General Assembly.

I have tried to keep this simple and short. If you need anything further, please call me.

I did not include any information about Part E funds, because as you know, the "buy-in" and "hard match" requirements do not apply to Part E and we do not anticipate any particular difficulty in taking maximum advantage of available Part E funds. It is Part C that is giving us the trouble, because of the "buy-in" and "hard match" requirements.

With kind personal regards and best wishes, I am

Yours very truly,

RICHARD N. HARRIS,
Director.

COMMONWEALTH OF VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION, MULTIYEAR PROJECTIONS, PT. C FUNDS

	1971	1972	1973	1974	1975	1976
A. Upgrading criminal justice personnel	$1,207,000	$1,126,250	$1,520,750	$1,929,827	$2,631,472	$3,947,372
B. Prevention of crime (including public education)	294,000	290,000	350,942	877,194	1,578,883	3,552,635
C. Prevention, treatment, and control of juvenile delinquency	1,763,000	1,900,000	2,924,516	4,035,093	5,526,092	7,984,744
D. Improvement of detection and apprehension of criminals	1,284,000	2,126,250	1,403,769	1,754,388	2,105,180	3,157,897
E. Improvement of prosecution and court activities, and law reform	450,000	695,000	584,904	1,403,510	3,157,766	3,947,372
F. Increase in effectiveness of correction and rehabilitation (including probation and parole)	1,334,000	1,250,000	2,105,654	2,807,021	4,210,356	5,921,058
G. Reduction of organized crime	125,000	250,000	584,904	877,194	1,315,736	1,973,686
H. Prevention and control of civil disorders	75,000	250,000	116,981	175,436	263,147	394,736
I. Improvement of community relations	175,000	215,500	233,962	526,316	1,052,589	1,973,686
J. Research and development (including evaluation)	195,000	300,000	233,962	350,878	526,294	789,474
K. Drug abuse prevention, treatment, and control	702,000	930,000	1,637,731	2,807,024	3,947,209	5,921,058
Total	7,604,000	9,333,000	11,698,075	17,543,881	26,314,724	39,473,718

By Mr. McGOVERN:

S. 3138. A bill to provide price support for milk at not less than 90 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

MILK SUPPORT RAISE

Mr. McGOVERN. Mr. President, by April 1, Secretary of Agriculture Earl L. Butz will announce the price support level for milk. Under the terms of the bill I introduce today, he would be required to set the loan rate at not less than 90 percent of parity. This would raise the national average support price for milk used for manufacturing to about $5.41 per hundredweight. The December average was $5.05.

An increase in the loan rate to 90 percent of parity is clearly required if this Nation is to preserve a strong milk industry and to assure our dairymen an adequate income in the face of ever-increasing costs. While our Nation's dairy producers receive a price closer to parity than many other of our Nation's farmers, I think every Member of the Senate would agree with the statement that no one works harder for his pay. His is a day-in and day-out operation, twice a day, 7 days a week, all year long. It is difficult and arduous work.

Mr. President, when the Department of Agriculture analyzes this bill, it is my hope they will give ample consideration to the need for incentives to encourage young people to pursue careers in agriculture. The average age of the American farmer is now about 57 years old. Many young men do not elect careers as dairy farmers, for example, because of the long hours for little pay. Unless we take steps immediately, 10 years from now we may find a new system has taken over agricultural production, including our dairy farms. It will not be the sons of today's farm operators. It will be a system vertically integrated, owned by corporate conglomerates, with the employees on the farm relegated to the role of hired hands.

While it is imperative we act to control the acquisition of farms by the corporate few and eliminate the tax write-offs these Wall Street farmers enjoy, unless we provide farmers with a fair price, they will quit farming regardless.

So while the effect of this bill would put the dairy operator in better shape than many other farmers. Dairy farmers would still be receiving 10 percent less than a fair price.

The terms of the bill are very simple. For the benefit of the Members who are interested in this proposed legislation, I ask unanimous consent that the bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202 of the Agricultural Act of 1970 is amended by striking out the language preceding paragraph (a) and inserting in lieu thereof the following: "Effective beginning April 1, 1972—".

(b) Paragraph (b) of such section 202 is amended to read as follows:

"(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446 (c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not less than 90 per centum of the parity price therefor as the Secretary determines necessary to assure an adequate

supply. Such price support shall be provided through purchases of milk and the products of milk.".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325, a bill to establish a survivor annuity program for widows of military personnel.

Thirty-three Members of the Senate are cosponsors of this measure, and I am pleased that the Senator from Wyoming (Mr. McGee) has joined in cosponsorship.

I ask unanimous consent that at the next printing of the bill his name be added.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 869

At the request of Mr. Ribicoff, the Senator from Rhode Island (Mr. Pastore), was added as a cosponsor of S. 869, a bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1379

At the request of Mr. Jordan of Idaho, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 1379, to authorize the Secretary of Agriculture to establish a volunteers in the national forests program.

S. 2091

At the request of Mr. Cranston, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 2091, the Veterans' Employment and Readjustment Act of 1971.

S. 3000

At the request of Mr. Baker, the Senator from Nebraska (Mr. Hruska), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Hollings), the Senator from Ohio (Mr. Taft), and the Senator from Delaware (Mr. Roth), were added as cosponsors of S. 3000, the Coal Strip Mine Control Act.

S. 3057 AND S. 3058

At the request of Mr. Proxmire, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 3057, a bill which would impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxide; and S. 3058, the Solid Waste Management Act of 1972.

S. 3083

At the request of Mr. Moss, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 3083, the Truth in Food Labeling Act.

S. 3121

At the request of Mr. Scott, the Senator from Maryland (Mr. Beall) and the Senator from Hawaii (Mr. Fong) were added as cosponsors of S. 3121, a bill to extend the Civil Rights Commission for 5 years.

SENATE JOINT RESOLUTION 171

At the request of Mr. Mathias, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of Senate Joint Resolution 171, designating March 1972 as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 181

Mr. BEALL. Mr. President, on December 6, 1971, I introduced Senate Joint Resolution 181 to establish a Joint Committee on Aging.

In addition to its other responsibilities, this committee would be given the specific assignment of following up on the White House Conference on Aging.

I am pleased to add the name of the Senator from Ohio (Mr. Taft) to those who have agreed to cosponsor this measure, and I ask unanimous consent that at the next printing of the bill his name be added.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 189

At the request of Mr. Brock, the Senator from North Carolina (Mr. Ervin), the Senator from Michigan (Mr. Griffin), the Senator from New Mexico (Mr. Montoya), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), the Senator from West Virginia (Mr. Byrd), the Senator from Utah (Mr. Bennett), the Senator from New Jersey (Mr. Williams), the Senator from Wyoming (Mr. Hansen), the Senator from South Dakota (Mr. McGovern), the Senator from Kansas (Mr. Pearson), the Senator from Maryland (Mr. Beall), the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Tunney), the Senator from Delaware (Mr. Roth), the Senator from Minnesota (Mr. Humphrey), and the Senator from Alabama (Mr. Allen) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War, Missing in Action," and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

SENATE RESOLUTION 255—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. BYRD of West Virginia for Mr. Eastland, from the Committee on the Judiciary, reported the following resolution:

S. Res. 255

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 256—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. BYRD of West Virginia for Mr. Eastland, from the Committee on the Judiciary, reported the following resolution:

S. Res. 256

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate so far as applicable, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services or personnel of any such department or agency.

Sec. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $3,994,200 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution. For the purposes of this resolution, the committee or a duly authorized subcommittee thereof, or the chairman of the committee or of such subcommittees, or any other member of the committee or of such subcommittee designated by the chairman of the committee may issue subpoenas under the authority vested in the committee by section 134(a) of such Act.

Sec. 3. Not to exceed $353,900 shall be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 4. Not to exceed $769,500 shall be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 5. Not to exceed $244,000 shall be available for a study or investigation of constitutional amendments, of which amount not to exceed $7,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 6. Not to exceed $300,000 shall be available for a study or investigation of constitutional rights, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 7. Not to exceed $220,000 shall be available for a study or investigation of criminal laws and procedures.

Sec. 8. Not to exceed $13,500 shall be available for a study or investigation of Federal charters, holidays, and celebrations.

Sec. 9. Not to exceed $230,000 shall be available for a study or investigation of immigration and naturalization.

Sec. 10. Not to exceed $253,000 shall be available for a study or investigation of improvements in judicial machinery.

Sec. 11. Not to exceed $599,356.78 shall be available for a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended, (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States, and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence or otherwise threatening the internal security of the United States. Of such $599,356.78 not to exceed $3,600 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 12. Not to exceed $340,000 shall be available for a study or investigation of juvenile delinquency, of which amount not to exceed $14,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 13. Not to exceed $140,000 shall be available for a study or investigation of patents, trademarks, and copyrights.

SEC. 14. Not to exceed $74,900 shall be available for a study or investigation of national penitentiaries, of which amount not to exceed $1,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 15. Not to exceed $174,500 shall be available for a study or investigation of refugees and escapees.

SEC. 16. Not to exceed $61,900 shall be available for a study or investigation of revision and codification.

SEC. 17. Not to exceed $220,000 shall be available for a study or investigation of separation of powers between the executive, judicial, and legislative branches of Government, of which amount not to exceed $16,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date but not later than February 28, 1973.

SEC. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

GREAT SALT LAKE NATIONAL MONUMENT—AMENDMENT

AMENDMENT NO. 868

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. MOSS. Mr. President, I am today introducing an amendment in the nature of a substitute to S. 25, the bill I reintroduced last year to establish the Great Salt Lake National Monument on Antelope Island in the Great Salt Lake.

The bill as originally introduced provided that all of Antelope Island, which is 15 miles long, and 4 miles wide, be developed as the national monument. This amendment provides that some 2,000 acres of the island at the northern end, which the State of Utah has been developing as a State park, be excluded, and not contained in the national monument.

In excluding this area from the proposed national monument, it is understood that the State of Utah will continue to maintain close rapport with the National Park Service in developing the State park, and that any development of roads and recreation facilities which is undertaken will be fully compatible with the development the Federal Government will undertake in the national monument. This will assure that the island will be developed as a unified whole, and its full potential reached as a scenic, historic, geological, and recreational attraction.

The proper development of Great Salt Lake has been a goal of mine ever since I came to Congress in 1959. Beginning with the 86th Congress, and in each succeeding Congress, I have introduced national park and national monument bills on which extensive hearings have been held both in Utah and in Washington. In the 90th Congress, my Great Salt Lake monument bill passed the Senate, but never cleared the House

In the amended version of S. 5, which I introduce today, I feel confident we have the formula for a bill which can be widely supported both in Utah and in Washington. The State can continue to develop the 7-mile causeway which it has built to a graveled standard from the eastern short to the north end of the island, and which is now almost impassable at times, because of wind and wave action. It can also continue to build picnic areas, improve swimming beaches, and boat ramps and develop interpretative exhibits on the northern end of the island.

With passage of S. 5, as amended, the National Park Service can begin reconstruction of the causeway from the mainland to the southern end of the island, and to build a loop road which will circle the island, a visitors center, additional campgrounds, and beach and marina facilities. It can also begin to develop the interpretative exhibits which allow the public to appreciate the truly unique geological features of Antelope Island—some of the most remarkable in the United States.

I am convinced, Mr. President, that the type of joint effort I have described on Antelope Island would provide the preservation and treatment that Great Salt Lake should have. This concept has the support of the Governor of Utah, the Utah State Division of Parks and Recreation, and of officials of the Golden Spike Empire, a civic group dedicated to the full development of recreational and scenic assets in northern Utah.

I have requested the chairman of the Senate Subcommittee on Parks and Recreation, Senator ALAN BIBLE, to hold hearings on S. 25, the Great Salt Lake Monument bill, sometime during this spring. I am confident that the case can be made for reporting the bill, as now amended, and getting on with the job of preserving, and making accessible to all of our people, this most unusual island in Utah's unique inland sea.

I ask that a copy of the amended bill be printed at the conclusion of this statement.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 868

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior may acquire on behalf of the United States by gift, purchase with donated or appropriated funds, or exchange, lands, submerged lands, waters, and interests therein, within the area described in subsection (b) of this section for establishment as the Great Salt Lake National Monument.

(b) (1) The area referred to in subsection (a) of this section means, subject to the provisions of paragraph (2) of this subsection—

(A) all of that certain area which, under the Federal survey of 1876, was described as Antelope Island, in the Great Salt Lake, and which is within the metes and bounds of such island as established by the meander line under such survey, plus

(B) all of that certain area (consisting of submerged restricted lands and waters) appurtenant to the area described in paragraph (A) and bounded by a line which lies one thousand yards distant from the nearest portion of any part of the area described in paragraph (A).

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the area comprising the northern two thousand acres of Antelope Island and appurtenant waters (Utah State Park) shall not be included as a part of the Great Salt Lake National Monument.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the national monument, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Utah which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 2. When the Secretary of the Interior determines that lands and waters or interests therein within the area described in the first section of this Act have been acquired by the United States in sufficient quantity to provide an administrable unit, he may establish the Great Salt Lake National Monument by publication of notice in the Federal Register.

SEC. 3. (a) The Secretary of the Interior shall administer the Great Salt Lake National Monument in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented, and in connection therewith he shall provide such interpretive and educational facilities as are necessary to depict for the education and inspiration of the people of the United States the scientific history of the Great Salt Lake and its environs.

(b) Nothing in this Act shall be construed as requiring that the water level of Great Salt Lake shall be maintained at a constant level, and nothing in this Act shall be construed to prevent or inhibit the State of Utah or its authorized agents from exercising any right the State may have to build dikes on the bed of the Great Salt Lake, to raise or lower water levels bordering the Great Salt Lake National Monument, or after consultation with and approval of the Secretary, to build dikes within the national monument to establish or maintain water levels.

SEC. 4. Neither the provisions of this Act nor the establishment of a monument pursuant to this Act shall be construed as (1) restricting or preventing in any way the acquisition, on or after the date of its enactment, by the State of Utah, any political subdivision thereof, or any person of any right with respect to (A) any water flowing into the Great Salt Lake; (B) any water comprising a part of the Great Salt Lake; or (C) any minerals (including oil or gas) or chemicals within or which under the Great Lake; or (2) impairing, diminishing, or affecting in any way any valid right of any such State, subdivision, or person existing on the date of enactment of this Act with respect to any such water, minerals (including oil or gas), or chemicals; except that nothing in this section shall be construed as authorizing any such State, or a political subdivision thereof, or person to exercise any such rights referred to in this section within the boundaries of any monument established pursuant to this Act, except to build dikes within such monument, as provided in section 3 hereof; or (3) restricting or preventing the State from exercising any right it may have to construct roads or dikes across any part of the Great Salt Lake, to alter the shoreline, or to take any other lawful action on the shores or bed of the Great Salt Lake outside of such monument.

SEC. 5. There are authorized to be appropriated not to exceed $1,600,000 for acquisition and $9,135,000 for development to carry out the provisions of this Act.

HOUSING FOR THE ELDERLY—AMENDMENT

AMENDMENT NO. 869

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON. Mr. President, today I am announcing a 5-point program to provide the elderly with better housing.

In the form of amendments to S. 2049, the administration's Housing and Simplification Act, I seek to:

First, earmark for the elderly at least 15 percent, but not more than 25 percent, of the national allocation for multifamily projects. The administration bill does not provide this set-aside.

Second, make up to 40 percent of units in an all-elderly subsidized project eligible for rent supplement. Under the administration bill, up to 20 percent of a multifamily project may be rent supplement.

Third, grant the Department of Housing and Urban Development the authority to enter into agreements with the Department of Health, Education, and Welfare and the Department of Agriculture to provide social services and food service in subsidized housing projects for the elderly. HUD and HEW have a cooperative agreement to provide social services in public housing projects, but no provision extends such services to subsidized housing.

Fourth, subsidize the cost of constructing added space to common facilities in elderly projects in order to accommodate elderly persons living nearby the project. At present, no subsidy is provided to enlarge common facilities so that elderly living outside the project can be served.

My fifth proposal amends the Housing Act of 1964 by authorizing low-interest loans of up to $4,000 to elderly homeowners for home repair and maintenance. Such loans would become payable only after the homeowner died or transferred his property, and would be applicable anywhere.

These amendments reflect recommendations made by the 1971 White House Conference on Aging and by the National Council of Senior Citizens. I believe that when citizen groups make sound recommendations, legislators should help shape those ideas into laws.

With the exception of public housing, the elderly are not being adequately served by existing housing programs. Six million Americans 65 years and older continue to live in substandard housing units. We need to provide older Americans with more housing opportunities and a better choice of housing.

The first recommendation of the White House Conference on Aging asked that the elderly be guaranteed a fair share of all housing programs. According to the National Council of Senior Citizens, 17.5 percent of all poor are elderly persons, 62 years of age or over. The latest statistics we have available show that from the inception of the 236 multifamily program through December 31, 1970, approximately 112,841 units were built. Of these, 11,982 or 10.8 percent were devoted to housing the elderly. I am asking that we reserve the elderly poor a share of subsidized housing commensurate with their number in the population. A fair share, I believe, is to reserve between 15 and 25 percent of multifamily units for the elderly.

My second amendment provides that up to 40 percent of the units of an all-elderly subsidized housing project may receive rent supplement. The administration's bill would permit rent supplements for up to 20 percent of the units.

For individuals living below the poverty level, the subsidy provided for multiunit housing is not sufficient to make up the difference between actual rental cost and the maximum rent they may be charged—25 percent of income. In order for these individuals to afford to live in federally subsidized apartments, they must receive a rent supplement in addition to subsidy assistance.

In 1971, the likelihood of being impoverished was more than twice as great for Americans 65 years of age and older than it was for younger Americans. One out of every four persons 65 and older—in contrast to one out of every nine for younger individuals—lives in poverty, according to a report of the Senate Select Committee on Aging. In order to provide the elderly with equal assistance, twice as many should therefore be entitled to rent supplements.

By increasing the number of elderly individuals eligible for rent supplements, we will also make 236 projects economically viable in neighborhoods where the concentration of elderly poor is so large that it would preclude such housing. In a 1970 report to the Congress, for instance, HUD pointed out that one city which had recently completed a neighborhood survey found that one-fifth of its model neighborhood population was elderly, and of that, 93 percent had incomes below the poverty level.

Many elderly express the desire to remain in neighborhoods where they have lived for an extended period of time. They prefer to remain in a familiar environment rather than move to a strange one. Where neighborhoods have a high concentration of elderly poor, a 20-percent limit on rent supplements would preclude subsidized housing for all but a few. My amendment will help provide more housing opportunities for the elderly in neighborhoods where they are living.

The 20-percent rent supplement was imposed in part because of a finding that sociological problems such as juvenile delinquency and family dissolution increased in federally assisted housing with high concentrations of poor. This finding, however, did not apply to the elderly poor.

My third amendment provides that the Department of Housing and Urban Development can enter into agreements with the Department of Health, Education, and Welfare and the Department of Agriculture to provide certain services in section 236 housing.

HUD has already entered into agreements with HEW to supply services in certain public housing projects. These services include: housing and finance counseling; homemaking services; educational activities; recreational services; preventive, referral, and diagnostic health services; physical activity programs; mental health counseling; and tenant organization. Programs are currently being carried on in Philadelphia, Baltimore, Knoxville, and Atlanta. HUD pays 25 percent of the cost of the service, and HEW pays 75 percent.

Currently, there is no Federal program to provide these social or food services in 236 housing. According to HUD, only a small portion of nonprofit sponsors—less than 5 percent—could provide these services without financial assistance. Profit sponsors are unwilling to provide these services without compensation. But these services are necessary to make elderly facilities more than merely a shell, housing elderly citizens. They help to provide a community for elderly. They also enhance the possibility for the frail aged to maintain an independent style of life. Without the benefit of food, health, and homemaker services, many frail elderly, who are not seriously ill, are forced into nursing homes. By providing services in 236 elderly projects, we will help avoid this extreme step.

The amendment also provides that HUD can enter into contracts with the Department of Agriculture to provide food service in 236 elderly projects. Where food service is now provided in either public housing or 236 projects, the residents are charged a standard rate. As a result, projects are forced to exclude low-income residents who cannot afford the cost of the food service. Under my amendment, the ability to pay for food service would not be tied to eligibility for residence. All residents of a 236 elderly project would be entitled to the food service and would be charged according to what they could afford.

Another recommendation of the White House Conference on Aging was to have common facilities in subsidized housing serve not only the elderly within the project, but also elderly living in their own homes or apartments near the project.

My fourth amendment provides supplemental loans for the construction of common facilities in 236 projects that will accommodate elderly living in neighborhoods near the project. At present, there is no subsidy available for the construction of this additional space.

Many elderly would like to live in 236

housing but are unable to find available units. Others prefer to keep their homes or apartments rather than move into a new facility. These elderly, like those residing in the project, need supportive services. Some cannot cook for themselves or cannot afford a nutritious diet. They need health and recreational services but have none close at hand. Their circle of relatives and friends has dwindled—they feel isolated and alone.

By breaking down the barriers between project and nonproject residents, this amendment will make a 236 elderly project a neighborhood resource. It will provide elderly in close proximity to the project with the chance to share meals, recreation, and other activities. For those elderly who seek a renewed sense of community, this amendment will pave the way.

My proposal authorizes an appropriation of $10,000,000 to HUD per year for an experimental program of 3 years. These moneys will provide supplemental loans to construct additional space in common facilities to serve community residents. For example, a congregate facility plans a dining room to seat 200 residents. This amendment would allow a supplemental loan to construct additional space for 100 more outsiders. The outsiders would pay for the cost of the facility by fees charged for using the dining facility. Individual fees would be geared to income. The owners will receive a subsidy on the mortgage amount required to construct the additional common facilities. The percentage of the supplemental mortgage which will be subsidized will be equal to the percentage of subsidy on the building's mortgage without the supplemental loan.

A survey must be made by the owner or sponsors of the project to determine the number of outsiders likely to use the facility before a supplemental loan will be provided.

A large proportion of the elderly—nearly 70 percent—own their own homes; more than 80 percent own them mortgage free. To so many elderly, a home represents a life-long investment. Despite problems of a limited income and advancing age, they want to remain in their homes, but find that the cost of upkeep, daily operation, and structural repairs are far beyond their reach. I believe we should—we should help the elderly remain homeowners if that is their choice.

My amendment to section 312 of the National Housing Act would allow elderly homeowners with an individual income of $6,000 or less, or a family income of $9,000 or less, up to $4,000 in loans for repairs, maintenance—such as gas and electricity—and insurance. A revolving fund of $50,000,000 will be appropriated each fiscal year, beginning June 30, 1972, to carry out the loan program.

The home repair and maintenance loan will be made by the Department of Housing and Urban Development and will not become due until the homeowner dies or transfers the property. To be eligible a homeowner must have enough equity in his home to cover the loan principal plus interest payments—at least 3 percent interest—for 10 years.

At present there is no loan program to cover maintenance and insurance costs. Through this amendment, elderly persons with sufficient equity in their homes can reduce their monthly expenses. To older Americans on a very small income, this loan may mean the difference between holding on to the home or having to give it up.

HUD's current rehabilitation loan program is limited to urban renewal, code enforcement, and concentrated rehabilitation areas. Loans are only available to bring homes all the way up to urban renewal code standards. Where individuals do not reside in these areas, the only available assistance is in the form of short-term rehabilitation loans at high interest. Older Americans on limited incomes cannot afford such loans.

Under my amendment, no loan payments will be required of the elderly while they continue to own and occupy the property. At the time of transfer, the loan would be paid off from the proceeds of sale. Upon death payment of the loan will come from the liquidation of assets in the estate. The loan program will be applicable without any area restriction, and thus homeowners not served by loans under section 312 in particular, the elderly in rural areas—will derive benefit. Moreover, the extent and kinds of repairs will be left up to the individual homeowner.

I believe this loan program will give more elderly persons the opportunity to live out their lives in their own homes, in a manner which gives them dignity.

Last, I support the creation of an Assistant Secretary of Housing for the Elderly in HUD, as proposed in separate bills by Senators CHARLES PERCY of Illinois and HARRISON WILLIAMS of New Jersey. I concur with my colleagues that the housing needs of the elderly are unique and have so far not been adequately represented within the Department.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 870

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, under the present Social Security Act, as interpreted by the Social Security Administration, doctors cannot be reimbursed under medicare, part B, for services performed by physicians' assistants unless the assistants are physically in the same office or room with the supervising physician. This amendment would correct that situation.

The physician's assistant, or medex, is a new and growing paraprofessional in the health industry. He is intended to be an extension of the physician's arm, someone who can absorb a number of duties ordinarily performed by a physician, but which a physician's assistant can be trained to perform. In such a role, a physician's assistant can free a doctor for more demanding and complicated medical tasks. The goal of a doctor's having such a helper is to enable the doctor to see more patients. Studies show that this actually happens when doctors hire PA's.

The law as it is now interpreted precludes medicare reimbursement for the services of physicians' assistants who, although they perform under the supervision of doctors, may make house calls, nursing home visits and checkups, or perform certain tasks in a clinic where the supervising doctor is not physically present but is in electronic communication with the clinic and the physicians' assistant.

At present, there are an estimated 116 physicians' assistants employed around the Nation. Approximately 569 more are expected to graduate from training programs by June of this year.

The American Medical Association, which recently conducted a review of the use of PA's, reported that the demand for such trained personnel is overwhelming and likely to grow.

The Health Professions Education Act, a 3-year authorization for the training of health personnel, which was signed into law November 18, 1971, provides Federal support of $1,000 per year for students training to be physicians' assistants.

The Department of Health, Education, and Welfare is supporting training for PA's in several of its bureaus, under health manpower legislation, allied health legislation, research and development authorization.

Thus, it is inconsistent for the Federal Government to encourage the training and use of these type of health personnel on one hand, and to deny insurance reimbursement for some of their services on the other.

This amendment would add clarifying language to the Social Security Act, section 1861(2)(a), which contains definitions of medical services eligible for medicare coverage.

The amendment is not designed to allow physician's assistants to practice autonomously, or without supervision from the doctor who employs them.

It also would require that physicians' assistants be legally authorized to perform services under State law.

And, it recognizes that the doctor employing a PA must accept full legal and ethical responsibility for the PA's actions.

The AMA is currently drafting a national certification program for physicians' assistants. HEW is looking at the possibility of setting guidelines and standards for the training of them.

It is clear that this new category of health personnel is here to stay, and that clarifying language is necessary to insure that his services are reimbursable under medicare. To preclude such reimbursement defeats the purpose of having such personnel.

I ask unanimous consent that two articles on physicians' assistants and the complete text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment and articles were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 870

On page 176, between lines 13 and 14, insert the following new section:

COVERAGE, UNDER SUPPLEMENTARY INSURANCE PROGRAM, OF CERTAIN SERVICES PERFORMED BY PHYSICIANS' ASSISTANTS

SEC. 212. Section 1861(s)(2)(A) of the Social Security Act is amended by inserting immediately before the semicolon at the end thereof the following: "(including services performed by an assistant to a physician, whether or not performed in the office of or at a place at which such physician is physically present, if such services are services which such assistant is legally authorized to perform by the State or political subdivision wherein such services are performed, if such physician assumes full legal and ethical responsibility for the necessity, propriety, and quality of such services, and if any charge for such services is included in the physician's bills)".

[From the American Medical News, October 25, 1971]

"MD'S ASSISTANT" IN DEMAND

Six years ago Eugene A. Stead, M.D., then director of Duke U.'s Dept. of Medicine, proposed a new category of health professionals—the "physician's assistant"—as a partial answer to increased demands on America's physicians, demands which medical schools could not meet.

As of Aug. 31 of this year, there were 116 physician's assistants employed in the nation.

But the debate triggered by Dr. Stead's proposal six years ago is going on today. Some medical leaders are concerned that the assistant might become an independent practitioner, a "second-class physician"; that an unsatisfied assistant might "shop around" seeking the highest bidder for his services; that the assistant might be left stranded should his MD-employer die.

The AMA, noting some states have entertained proposals to exclude the use of PAs, warns it is in the public interest to preserve the doctor's right to use them. Meanwhile, studies are now underway on the feasibility of alternative measures of control, including a national certification program for various types of PAs.

In preparing a progress report on the PA movement, American Medical News talked to the men who originated the concept, to the assistants and would-be assistants themselves, and to their physician-employers. These interviews identified four major trends:

Demand for the most advanced prototype of PA, such as the type evolving in Medex, at Duke U., and those patterned after Duke, is at present overwhelming.

Programs are increasingly training PA "specialists" to complement the earlier PA "generalist." Job guidelines issued by the AMA and specialty groups have contributed to this trend.

More than half of employed PAs practice in institutional, rather than office settings.

Experimental approaches are being tested to use the PA in settings physically removed from the physician-employer, but linked by electronic communications.

Demand for the highly-trained PA, officially defined by AMA as "a skilled person qualified . . . to provide patient services under the supervision of a licensed physician," is at present overwhelming.

Graduates of the two primary educational models—the two-year Physician's Associate program at Duke U. and the 15-month Medex program at the U. of Washington—are in a "shoppers' market" and will be for some time. Students in the Medex program are guaranteed employment since they are not accepted without sponsoring physicians who pledge need for their services.

Of the 569 projected graduates of PA programs by June of 1972, these two primary models will have accounted for 198 of them. The Duke program is now being essentially duplicated at five other medical schools; and the Medex program, which started at the U. of Washington, has also spread to five schools.

In addition to the 116 PAs employed as of Aug. 31, another 25—who graduated last month from the Duke program—have found employment.

By year's end there will be an estimated 595 students in PA courses. And, the Air Force has announced plans to begin training the first of 400 PAs by next February. In all, AMA's Dept. of Health Manpower identified 51 PA programs, 39 of them operational and 25 of which will have graduates by June, 1972.

The recent trend toward training PA specialists is a departure from the original idea that the assistant would support the overworked primary-care physician, particularly in rural settings. That early concept of the PA has been broadened to include specialty training in surgery, pediatrics, radiology, community medicine, obstetrics and gynecology, psychiatry, and pathology.

D. Robert Howard, MD, director of the Duke program, commented on the specialist trend.

Duke is capable of training two classes of 40 students each year, he said. However, physical and faculty limitations permit only 50 of these 80 to be trained in primary care. And, once specialists at Duke saw the potential of the PA, they began to generate "an interest . . . in training, assistants who could support them," Dr. Howard said.

This also "provided us with a much bigger faculty because we could use all the departments . . . [this] made the basic curriculum much stronger," he added.

Richard A. Smith, MD, who with the medical school and state medical society founded Medex, noted that the program's first specialist—the "Flexner"—is now in training.

A Flexner, named after the late Abraham Flexner of medical education fame, is defined by Dr. Smith as a "physician's assistant trained in the surgical skills." Dr. Smith published a suggested nomenclature for healthmanpower, including the Flexner, in the Sept. 6 issue of *The Journal of the AMA.*

Despite the rise of PA specialists, the generalists are still well represented. There are 78 students in the Duke U. classes of '72 and '73 and 35 (45%) elected generalistic training; most of the rest (24) elected surgical concentrations.

The Medex program—with the exception of the recent Flexner—is limited to PA generalists to serve general practitioners on a one-to-one basis. AMA figures show that 37 Medex generalists have been certified, and another 70 are enrolled in the program which includes three months of medical school training and a 12-month preceptorship.

Perhaps the most striking fact disclosed by the AMA survey of PA employment is that of the 116 assistants in practice, more than half work in institutional settings. Two such PAs—both graduates of the Duke surgical program—were hired by a large Eastern hospital that had difficulty staffing its residencies; their reported salaries are $16,000 each.

One reason for the limited number of PAs in "office practice" at present is that many of the original graduates have been usurped as administrators and advisers to programs started at other schools.

Paul Toth, a 1970 PA graduate of Duke who specialized in surgery, is one such individual. He thinks the impact of the PA is just beginning to be felt.

Toth, now clinical coordinator for surgical rotations at Duke, said: "When you think that we have 71 [Duke] graduates in practice and it's taken us five years to do that, whereas this next class will graduate 40 students, you can see that in one year we'll turn out more than half the graduates it had previously taken us five years to train."

A final trend noted by *AMN* in its interviews is the use of electronic communications. Two recent Duke PA graduates now practice in rural areas in Florida and Wyoming. Though removed by many miles from their physician-employers, the assistants are directly responsible to the MDs and can consult with them via electronic hookups.

SUMMARY OF PHYSICIAN'S ASSISTANT PROGRAMS

	Training time	Estimated graduates, June 1972
Operational programs training generalists:		
Medex, University of Washington	15 months	33.
Medex, University of Alabama	1 year	22.
Medex, Charles Drew Postgraduate Medical School, Los Angeles.	15 months	0.
Medex, Dartmouth Medical School	1 year	22.
Medex, University of North Dakota	15 months	19.
Medex, University of Utah	do	12.
Physician's associate, University of Alabama	2 years	0.
Community health medid, Tucson, Ariz. 1	do	Unknown.
Physician's associate, Yale University School of Medicine	do	0.
Clinical assistant, University of Kentucky	do	1.
Physician's assistant, Northeastern University, Boston	18 months	0.
Medical services assistant, Brooklyn Hospital, Brooklyn, N.Y.	2 years	13.
Marine physician's assistant, U.S. Public Health Service Hospital, Staten Island, N.Y.* 1.	1 year	148.
Physician's associate, State University of New York, Stony Brook.	3 years	0.
Physician's associate, University of Oklahoma	2 years	7.
Physician's assistant, Hahnemann Medical College, Philadelphia.	do	0.
Physician's assistant, Federal Bureau of Prisons	1 year	4.
Clinical associate, University of Texas Medical Branch, Galveston.	2 years	Unknown.
Physician's assistant, Alderson-Broaddus, Philippi, W. Va	4 years	16.
Operational programs training specialists:		
Flexner, University of Washington Medical School	Undetermined.	0.
Physician's assistant, (diabetes), diabetes trust fund, Birmingham, Ala.	2 years	0.
Pathology assistant, University of Alabama Medical Center, Birmingham.	do	4.
Surgeon's associate, University of Alabama Medical Center, Birmingham.	do	8.
Child health associate, University of Colorado, Denver	3 years	9.
Ophthalmic technologist, Georgetown University Hospital, Washington, D.C.	2 years	15.
Anesthesia technology, Emory University School of Medicine., Atlanta, Ga.	21 months	3.
Dermatology assistant, Pritzker School of Medicine, Chicago.	2 years	Unknown.
Ophthalmic assistant, Columbia-Presbyterian Medical Center, New York, N.Y.	18 months	Do.
Surgical assistant and associate, Cincinnati Technical Institite, Cincinnati, Ohio.	2 years	0.
Anesthesia assistant and associate, Case Western Reserve University, Cleveland.	2 to 4 years.	0.
Circulation technologist, Ohio State University of Medicine, Columbus.	2 or more years.	6.
Ophthalmic assistant, Baylor University College of Medicine, Houston.	14 months	46.

Footnotes at end of table.

	Training time	Estimated graduates, June 1972
Operational programs training generalists—Continued		
Cardiopulmonary technician, Spokane Community College, Spokane, Wash.	2 years	35.
Special assistant, Cuyahoga Community College, Parma, Ohio.	do	19.
Operational programs training specialists and generalists:		
Physician's associate, Duke University, Durham, N.C	do	74.
Physician's associate, Emory University, Atlanta, Ga	3 years	13.
Physician's assistant, Wake Forest University, Winston-Salem, N.C.	2 years	8.
Physician's assistant, Marshfield Clinic, Marshfield, Wis	Preceptorships of varying lengths.	11.
Physician's Clinical assistant, Cleveland Clinic Foundation,	1 year, generalist; 2 years, specialist.	21.
Developing programs:		
Physician's assistant, Stanford University, Palo Alto, Calif.	1 year with extra year optional.	
Physician's assistant, University of Texas Southwestern Medical School, Dallas.	2 years	
Physician's assistant, University of Florida	do	
Physician's assistant, Medical College of Georgia, Augusta	Unknown	
Physician's assistant, Western Michigan University, Kalamazoo.	30 months	
Programs of unknown status:		
Physician's assistant, Rutgers University, New Brunswick, N.J.		
Physician's assistant, University of Oregon, Portland		
Physician's assistant, Harbor General Hospital, Torrance, Calif.		
Physician's assistant District of Columbia General Hospital		
Physician's assistant, Mercy Hospital, San Diego, Calif		
Cardiovascular technician, Washington Hospital Center, Washington, D.C.		
Surgical assistant, Massachusetts General Hospital, Boston		

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[1] Federal programs.

Note: Data compiled from (1) 1971 Survey of Operational Physicians Assistant Programs, (2) Informational Bulletin—September, 1971, Department of Health Manpower, American Medical Association, (3) Selected Training Programs for Physician Support Personnel Health Manpower Data Series, Public Health Service, U.S. Department of Health, Education, and Welfare, March 1971.

"THIS MAN CAN HELP US . ."

Larry B. King, at 33, is an example of the new breed of PA "specialist," who has opened new doors for his physician-employers.

King went to work as an x-ray technologist in Knoxville, Tenn. after completing a course at Duke U. in 1958. He continued in similar duties during his Army career and following that, in 1964, the native of Durham, N.C., went to work for a surgeon at Duke.

This is where he "got interested in the surgical side," King told *American Medical News*, and it was at this point, at age 31, that he became aware of the Duke PA program.

Had surgery not been offered as a specialty in PA training, King said he might not have entered it. But he did and with the help of his wife, also an x-ray technologist who worked to support them and their two young sons, King was able to graduate.

He went to work immediately for two young Cardiovascular surgeons in Asheville, N.C., MDs Frank Maxton Mauney and Charles A. Keller.

The two MDs had planned to perform open-heart surgery in the Asheville area, and with the assistance of King they have been able to do it. The intense level of care needed for such patients, the surgeons said, required a third person and it might not have been economically feasible to use a third surgeon.

King's proficiency in the use of specialized equipment, his previous background in radiology, his patient history-taking training, and his "aftercare" have added new "scope" and "extra dimensions" to their practice, the two surgeons said.

"We felt because of the way we wanted to conduct our surgery," Dr. Mauney said, "we needed a pump technologist to run the pump for us, according to our desires, because we feel totally responsible." But, rather than hire a technologist, it was decided to obtain the services of someone with a broader background who would be more useful "in the whole concept of our practice," Dr. Mauney said.

The acquisition of King's services has had three primary effects so far, his physician-employers said: It has allowed them to keep one person always free for emergency consultations; there is a more rapid response to consultation requests and diagnostic tests; and King provides better coverage for emergency surgery "because this man knows, and can anticipate, and can help us better than somebody we just have to find in the middle of the night."

"Eventually," Dr. Mauney predicted, "he will be a better first assistant because he'll be specialized in our area of surgery."

King cited two examples of the work he does:

It was 3 a.m. on Friday, Sept. 24, when the call arrived at the King household. An 87-year-old man with an aneurysm of the aorta. By 4 a.m. King was the first assistant in surgery, thus freeing Dr. Keller for the next day's hospital rounds.

On Sept. 28, two patients of Drs. Keller and Mauney were admitted to Memorial Mission's emergency room. The MDs were tied up and King was the only one available. "I came over to see them to evaluate whether this was an emergency that they (Dr. Mauney or Keller) should definitely come in on during the next 10 minutes or whether it would be all right for them to finish what they were doing," he said.

Being the first PA at Asheville's Memorial Mission Hospital is not easy. There are problems of acceptance, based on real concerns that other health professionals, primarily nurses, and patients have.

A spokesman for the hospital, told AMN that in the short period of time he has been there, King "has been outstandingly well accepted."

"There were the areas that I worried about most," King said, "whether I would be accepted in the O-R, because they had not been used to a non-MD working with the actual incision . . . (and) I worried about the intensive care unit."

"The nurses there are well-trained and know their business," King said. Consequently, King is able to go ahead and order blood if necessary, or start an IV, under guidelines laid down previously by his physician-employers. No call to the physician and a 20-minute wait or so is required of King as might be the case with a nurse.

Acceptance of the PA concept by other physicians has been gratifying, Drs. Mauney and Keller said. Now, after the initial break-in period, Dr. Mauney and King say other physicians are "beginning to open right up" over the telephone and reveal the nature of the patient's problem once they know King is on the other end of the line. "If it's something I can go ahead and give them an answer for I do and if not, I always know where the doctors are and I can get into them in the operating room or x-ray and give [the caller] an answer back very quickly," King said.

Obviously, such trust and independence transcends the normal employer-employee relationship.

As Dr. Keller put it: "Part of how good a PA is going to be is how good the people who have him strive to increase his capacity."

Stephen Joyner, one of the original graduates of the Duke PA program, is now an associate of J. Elliott Dixon, MD, in his clinic in Ayden, N.C. He said:

"We have a very close relationship, Dr. Dixon and I, in the sense that nothing is hidden from me and I'm quite well aware of everything that goes on in this office, including financially . . . I just don't see how I could get along with someone who kept me in the dark about everything."

Joiner added: "He has to be able, at any time, to listen to what I have to say . . . and never be too hurried to listen . . . and I also have to be able to listen to him and accept the final decision.

Dr. Dixon said that this close relationship exists partially because of their age difference. Dr. Dixon is 38 and Joyner 28. It is not an employer-employee relationship, nor is it an MD-MD relationship. He said one patient of his characterized the relationship by saying "you' all don't talk to each other very much." As with close personal relationships, sometimes words are unnecessary for understanding, Dr. Dixon said.

[From Northwest Medicine, October 1971]

INCREASING PHYSICIAN PRODUCTIVITY AND THE HOSPITALIZATION CHARACTERISTCS OF PRACTICES USING MEDEX—A PROGRESS REPORT

(By Richard A. Smith, M.D., James R. Anderson, M.A. and Joseph T. Okimoto, M.D., Seattle, Wash.)

Having developed a mechanism for employment of returning military medical corpsmen after additional medical school training the Medex Program has begun to determine the impact this new professional is having on the delivery of medical care. Comparing 18 practices, it appears that physicians working with Medex have been able to increase their productivity (as measured by patient visits) between 40 and 50 percent. Hospital utilization by a small sample of practices using Medex apparently offers another area for productive research.

It will be years before the full importance of Medex to the medical profession will be known. However, we can begin to collect certain data now that may further define the role and impact of this new professional.[1]

A continuous job (task) analysis is underway to refine and improve the training given to the former military medical corpsmen who become Medex. In addition, certain data have been and will continue to be collected and evaluated to measure parameters of vital importance to those of us interested in improving medical care.

This paper is concerned with the collection of data regarding the productivity of physicians using Medex as well as hospital utilization patterns of their practices (medical care units).[1] The productivity study has matched nine practices employing Medex (participating medical care units) with nine practices not employing Medex (non-participating medical care units). The hospitalization study relates experiences in five communities from which reliable hospitalization data were obtained.

PRODUCTIVITY MEASURED BY PATIENT VISITS

The underlyng objective of any pragmatic innovation in the health manpower area should be actual increase in the quantity of medical care and health services provided (accessibility), or an improvement in the quality of such care and service, or both. If the potential, or capacity, of a practice unit to see patients is increased, one has increased the accessibility to medical care of a specific population or geographic draw area. Measuring this productivity, as determined by patient visits made to participating and nonparticipating medical service units during a specified period of time, provides comparative data to determine whether or not significant changes occurred in practices that utilized Medex in the pilot project.

Method

The number of patient visits made to the participating medical service units was counted for the months of November, February, May and August of the year preceding the arrival of the Medex and repeated for those same months during the next year. Time and labor constraints made annual totals difficult if not impossible to obtain in some instances. We therefore settled for counts of patient visits during the second month of each quarter. This schedule allows for some seasonal variation and also contains known peak and low periods.

Enumeration was accomplished by individuals on the health team in the practice units, by Medex staff who traveled to the site of the practice, and by automated data processing equipment. A critical factor in this procedure was the fact that, in every instance, the individual who made the pre-Medex count returned to make the second count in exactly the same way. Thus, although the method of collecting the figures may have varied slightly from practice to practice, there was no change in data collection in any individual practice. Thus each could serve as a control for itself.

We wished to know whether changes in the number of patient visits handled by the practice unit would have occurred if the Medex had not been present. Thus, each of the participating practice units (with Medex) was matched with a nonparticipating practice unit (without Medex) on the basis of geographic location, size of community population served, and proximity to major referral centers.

To collect data for comparison with the nine "no-change" Medex medical care units under study, we counted patient visits for the same periods in the nine non-participating units. Enumeration procedures were the same as for the Medex practice units.

Results

The number of patients seen in the nine practices practices utilizing Medex had a percentage increase of 40.4 percent with range from 13.5 percent to 62.8 percent, Table 1. When multiple physician practices (partnership or group) and a solo practitioner with two Medex in different locations are excluded from the table (B, D, F), the increase is 50.2 percent. Those practices without Medex had an increase in paients visits of 1.3 percent, Table 2. Removal of the only non-solo physician practice (practice unit E) does not alter the figure significantly. (Increase becomes 1.25 percent.)

Discussion

Recognizing the limitations of data supplied by only nine medical service units, it is of significance to note the consistency of the increase in productivity as measured by the number of patient visits made to the units. The increase in patient visits is offset more vividly by comparing the medical service units with Medex with those medical service units that did not have the services of this new professional. A much more critical evaluation of the apparent increase in productivity (as measured by patients' visits) will await similar studies dealing with larger numbers of medical service units.

Probably the most intriguing aspect of the changes in productivity seen in these two tables is the fact that these changes occurred while the Medex were still in training status. It can be predicted that the productivity as measured by patient visits will continue to increase until a plateau is reached. Only by followup studies with these practices can the magnitude of the increases and the timing of the plateau be ascertained.

HOSPITAL ADMISSIONS DATA

It was anticipated that there would be some changes in the picture of patients hospitalized in communities utilizing Medex. It was felt that there might be alterations in the number of patients hospitalized as well as the length of average hospital stay. These changes were predicted on the basis of physisians having the opportunity to share the burden of practice with another professional. Collection of hospital data was limited to five practice units. Inadequacies in total annual patient visit data did not allow study of the number of patients hospitalized.

Method

The method of collecting data was simple. We talked with the hospital administrators in five of the communities involved with the demonstration program. We asked them to furnish us with the number of patients hospitalized by the Medex preceptor in that community and the total number of hospital days required for them. We needed this information to develop some parameters for discussion and to develop possible comparative figures. We requested the same information about patients of all other physicians who admit to that community's hospital, but who do not have Medex working with them. All of these data were collected for two periods: pre-Medex (September 1968-August 1969) and post-Medex (September 1969–August 1970).

The hospital data were obtained without difficulty from the hospital administrators in four of the five communities. In the fifth community two members of the Medex staff traveled to the community hospital and hand-counted patient admissions for the two periods under consideration.

Results

The total number of patients admitted from each of the Medex preceptor practice units increased during the period of observation in four of the five communities listed in Table 3. On the other hand, nonpreceptor hospital admissions declined or remained essentially the same in three of the five communities.

Of greater interest for future evaluation is the drop in the length of mean hospital stay in four of the five practices utilizing Medex. (The fifth practice [E] significantly altered its hospital utilization by scheduling more surgical procedures, once the skilled hands of the Medex were made available to first-assist at surgery.) Nonpreceptor hospital admissions followed such a pattern in only two communities. Again recognizing the extreme limitations of so few observations, the following tests of significance were performed testing the null hypothesis D=O:

1. Mean hospital stay of preceptor patients vs. mean hospital stay of nonpreceptor patients pre-Medex.
2. Mean hospital stay of preceptor patients vs. mean hospital stay of nonpreceptor patients post-Medex.
3. Mean hospital stay of preceptor patients pre-Medex vs. mean hospital stay of preceptor patients post-Medex.
4. Mean hospital stay of nonpreceptor patients pre-Medex vs. mean hospital stay of nonpreceptor patients post-Medex.

All tests resulted in acceptance of the null hypothesis indicating no significant differences between the groups compared.

Discussion

Although there is no statistical significance in the differences in the hospital picture pre- and post-Medex, the preceptors in these communities felt that the presence of the Medex allowed them to do a number of things they had been unable to accomplish prior to the Medex Program. They stated they were able to discharge patients from the hospital earlier since their practices now had the capability for follow-up visits in the home for minor procedures or observation. They also stated that they were able to devote more service unit time to patient workups and thus perform more thorough initial evaluations. Their statements indicated that this has resulted in some discharges earlier than would have occurred had not the assistance of the Medex given them more time with such patients.

It is not possible to draw conclusions from these five case studies; however, it is quite obvious that patient admissions and mean hospital stays should be considered important observations with larger numbers of practices in subsequent Medex Programs as we continue to determine the full impact of this health manpower innovation.

CONCLUSION

Development of new types of health manpower, such as Medex, appears to hold promise of quantitatively increasing the capability of the medical profession to produce quality medical services. Designed to be guided and controlled by practicing physicians, the development of Medex programs in New England, the North Central states, the Southeast, Southwest and the Northwest have followed a needs assessment and task analysis in each area.[2] Recognizing the limitations of the data contained in this paper, we are continuing the study to determine ultimate magnitude of increase in physician productivity (as measured by patient visits) and hospital utilization.

Physicians can be assured that something new is occurring, however, since 84 Medex are either in preceptorship, or employed, in 14 states, with more Medex about to be trained. Only one of the first 14 graduates is not involved with the provision of primary care. He has retired at age 58.

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[1] Smith, R. A., Medex: A demonstration program in primary medical care, Northwest Med 68:1023–1030 (November) 1969.

[2] Smith, R. A., Bassett, G. R., Markarian, C. A., et al, A strategy for health manpower—Reflections on an experience called Medex JAMA 217:1362–1367 (September 6) 1971.

TABLE 1.—NUMBER OF PATIENTS SEEN BY PRACTICE UNITS WITH MEDEX

Practice unit	Pre-Medex November 1968	February 1969	May 1969	August 1969	Subtotal, 1969	Post-Medex November 1969	February 1970	May 1970	August 1970	Subtotal 1970	Annual difference (+)	Percent change (+)
A	510	482	455	561	2,008	623	574	1,059	1,013	3,269	1,261	62.8
B	497	371	545	513	1,926	468	668	671	544	2,351	425	22.1
C	360	306	339	400	1,405	405	465	453	567	1,890	485	34.5
D	1,045	985	1,140	1,207	4,377	1,130	1,156	1,178	1,506	4,970	593	13.5
E	636	674	834	627	2,771	964	1,032	1,202	942	4,140	1,369	49.4
F	1,810	2,193	2,511	1,886	8,400	3,000	2,883	3,136	1,596	10,615	2,215	26.4
G	633	527	720	(1)	1,880	689	948	1,106	(1)	2,743	863	45.9
H	624	584	625	(1)	1,833	942	842	1,126	(1)	2,910	1,077	58.8
I	501	660	673	583	2,417	541	1,010	1,025	1,054	3,630	1,213	50.2
Total					27,017					36,518	9,501	[2] 40.4

[1] Physician on vacation.
[2] Mean.

TABLE 2.—NUMBER OF PATIENTS SEEN BY PRACTICE UNITS WITHOUT MEDEX

Practice unit	1st year November 1968	February 1969	May 1969	August 1969	Subtotal 1969	2d year November 1969	February 1970	May 1970	August 1970	Subtotal 1970	Annual difference	Percent change
A	618	562	639	501	2,320	581	493	729	783	2,586	266	11.5
B	518	469	610	405	2,002	522	460	657	310	1,949	53	2.6
C	1,055	1,050	1,180	1,190	4,475	1,209	1,215	1,250	1,125	4,799	324	7.2
D	784	745	743	647	2,919	625	1,105	779	642	3,151	232	7.9
E	300	275	280	290	1,145	226	365	268	292	1,151	6	.5
F	781	589	921	703	2,894	581	740	673	703	2,697	197	6.8
G	591	522	539	542	2,194	450	410	504	533	1,897	297	13.5
H	550	472	513	556	2,091	454	526	550	584	2,114	23	1.1
I	630	532	535	477	2,174	522	624	630	540	2,315	142	6.5
Total					22,214					22,660	446	1.3

[1] Mean.

TABLE 3.—HOSPITAL ADMISSIONS BY MEDEX PRECEPTORS AND OTHER PHYSICIANS IN 5 WASHINGTON STATE COMMUNITIES, 1968–70

Communities	Observation periods	Preceptor practice. Hospital days	Patients admitted	Average hospital stay	Other physicians Hospital days	Patients admitted	Average hospital stay	Number of admitting physicians
A	A	1,381	258	5.35	2,241	370	6.05	3
	B	2,261	440	5.14	1,285	197	6.52	3
B	A	1,785	309	5.8	2,963	559	5.3	3
	B	1,486	295	5.0	2,958	643	4.6	4
C	A	1,531	264	5.8	6,650	1,041	6.5	4
	B	1,238	302	4.1	5,702	1,011	6.2	4
D	A	2,235	431	5.3	3,206	684	4.7	3
	B	2,572	493	5.2	3,257	690	4.7	2
E	A	2,351	844	2.8	793	295	2.9	4
	B	4,329	1,185	3.6	2,009	595	4.4	4

Observations periods: A, September 1968–August 1969; B, September 1969–August 1970.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENT

AMENDMENT NO. 871

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on the following nominations:

William B. Camp, of Maryland to be Comptroller of the Currency;

Marina von Neumann Whitman, of Pennsylvania, to be a member of the Council of Economic Advisers;

I. H. Hammerman II, of Maryland, to be a member of the Board of Directors of the National Corporation for Housing Partnerships; and

Henry W. Meers, of Illinois, to be a Director of the Securities Investor Protection Corporation.

The hearings will be held on Thursday, February 17, 1972, and will commence at 10 a.m., in room 5302 New Senate Office Building.

ADDITIONAL STATEMENTS

SOCIAL SECURITY RETIREMENT TEST: OUT OF PHASE AND OUTMODED

Mr. MOSS. Mr. President, I recently received a reprint of an article by Truman D. Weller who states the case against limiting earnings of social security recipients. Mr. Weller points out some of the major concerns that I have had about the so-called retirement test which limits the amount of money a social annuitant can earn without sacrificing part or all of his social security check.

While there has been well-entrenched resistence to removing the retirement test, I last year cosponsored a bill which would have allowed those reaching their 65th birthday to have their social security check in full plus any sums in addition that they can earn. I believe the reasons for doing so are more and more compelling.

At the same time I am a realist. I doubt whether Congress will remove the retirement test, so I have proposed my bill S. 218 as a stopgap measure raising the amount that a senior citizen could earn without loss of his pension from the current $1,680 to $2,520 a year or $210 a month. I urge the enactment of the bill immediately to help with the severe income crisis affecting our older Americans.

I ask unanimous consent that Mr. Weller's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST LIMITING EARNINGS FOR SOCIAL SECURITY RECIPIENTS

(The following excerpts are reprinted by courtesy of Barron's National Business and Financial Weekly. The author is Truman D. Weller, a free-lance writer and member of the Association who during his career was affiliated with Cowles newspapers in Des Moines and later Minneapolis, where he was assistant to the publisher. When he retired he was northeast division manager for the U.S. Chamber of Commerce.)

In truth, Social Security is killing the initiative and incentive of thousands of people. An elderly Indiana farm couple, for example, found themselves hard-pressed because their interest in a small sorghum crop pushed their income over the prescribed limit, cutting Social Security payments.

Much of the unfairness is caused by the stringent, unjust rules governing the Social Security program. Basically, five points cause these difficulties.

(1) Limiting earnings to $1,680 during a calendar year, so as not to affect benefits. As a result, when a Social Security recipient approaches the ceiling, he is inclined to quit working for the remainder of the year.

(2) The inconsistency of a worker obtaining greater total spendable income by earning less. (In a chart which accompanied the magazine story, it was illustrated how a person on Social Security and earning $3,600 would have more disposable income than another Social Security receipient earning $4,800.)

(3) The inequities which arise from the narrow monetary advantage gained by the person who works and forfeits all or part of Social Security benefits, compared with the individual who only collects the benefits. In a typical example, an individual earning $6,000 a year will enjoy an advantage of only $150 a month more than someone with comparable retirement benefits but not working.

(4) The test which limits earnings by salary or wages in a single month unless benefits are forfeited. The test says those earning over $140 in a month must forfeit benefits for that month. In many instances, total benefits of husband and wife are greater than $140. Consequently, any earnings between $140 and up to the amount of the total benefits would represent a loss for the couple.

(5) Restrictions of the retirement test to the self-employed retiree and the handicaps to the operation of his own business. This part of the guideline deals with the amount of time a person over 65 may engage in his business and still collect benefits.

Here, the amount of profit is not a restricting factor. One can make $2,000 or $20,000 from his business. Instead, time is the criterion and anyone spending more than 45 hours a month in his business is, as a rule, deemed to be rendering "substantial service" and thus prone to forfeiture of benefits.

Social Security was adopted in this country during the Depression of the Thirties. At the time the legislation was being considered, unemployment varied between seven and 11 million, and the great hue and cry was to remove those over 65 from the labor market in order to provide jobs for the younger workers. Unfortunately, that philosophy still remains with the Social Security program. It does not square with the relative economic affluence of our present age, nor with a shortage of technical manpower predicted by the National Industrial Conference Board.

Every working retiree pays at least two taxes on earnings—the federal income and the Social Security levies. In some states, he also pays a state income tax and many metropolitan cities now levy a city wage tax as well.

Retirees with private pensions are required to pay income tax on their benefits, once the contributory part has been exhausted. Today, one out of five retirees pays such a tax and in another 10 years, the number is expected to double. This serves to put earnings of retirees in a higher bracket, since they already are liable for the income from their pension. And the necessity of paying tax on earnings in a higher range serves as another repressive measure to discourage earnings by retirees.

The choice of whether a person over 65 wants to live a quiet life of leisure or continue working should be an individual decision. But those who choose to work should be free to do so. Older persons should not be hampered by arbitrary rules and regulations.

COMMENDATION OF SENATOR PROXMIRE AND OTHERS ON PASSAGE LAST FRIDAY OF THE FOREIGN AID APPROPRIATIONS MEASURE

Mr. MANSFIELD. Mr. President, it gives me great pleasure to note the outstanding manner in which the foreign assistance appropriation bill last week was handled by the distinguished Senator from Wisconsin (Mr. PROXMIRE). He applied to this particular funding measure the great skill and high degree of efficiency that have marked Senator PROXMIRE's many years of public service as a Member of this institution.

The foreign aid program has come under vigorous attack in recent years and, in my personal view, the increased criticism has been fully justified. As this program has lingered on into the 1970's, it has, in my judgment, become increasingly apparent that it no longer satisfies this Nation's goals nor its role in the world today and that which it should assume in the world tomorrow.

The current program was created nearly three decades ago. Since its inception, nearly everything has changed about this Nation and its role in international affairs except its foreign aid program. In this regard it was with a degree of optimism that I noted that in this particular funding measure lay the seeds that may correct to some extent the nature and emphasis of the foreign aid program. Specifically, I view with encouragement its shift from too much and too great an emphasis on bilateral arrangements to the multilateral assistance that is addressed more realistically in this bill.

Overall, I was also greatly pleased that the subcommittee under the leadership of Senator PROXMIRE and the full committee under the leadership of Senator ELLENDER effected substantial cuts in the overall assistance programs—cuts which in turn will reflect savings that in turn can be used in the domestic area where the needs are particularly acute.

So, Mr. President, to Senator PROXMIRE and Senator ELLENDER in my judgment the Senate owes a deep debt of gratitude. Senator PROXMIRE's effective handling on the floor last week of this highly important bill was truly exemplary and I simply wish to take this opportunity to express the gratitude of the Senate for such an outstanding job.

May I say that the ranking minority member of that subcommittee, the Senator from Hawaii (Mr. FONG), deserves equally high praise. His support and assistance were indispensible to this great achievement. Also to be thanked are the many Senators who offered their own strong views and sincere opinions about this bill. The distinguished Senator from Arkansas (Mr. FULBRIGHT) is particularly to be commended. His views are always welcome, especially on a subject such as this in which his expertise has been sharpened over his many years as chairman of the Senate's Foreign Relations Committee.

To be thanked as well is the distinguished Senator from Virginia (Mr. BYRD) who contributed to the debate and offered certain suggested changes in the form of amendments. Similar praise must be accorded the distinguished Senator from Illinois (Mr. STEVENSON), the distinguished Senator from Wyoming (Mr. MCGEE), and the many others who joined in the debate and discussion.

To the entire Senate I am grateful for this fine achievement obtained last week with such great efficiency and with full regard for the views of every Member.

THE U.S. JAYCEES

Mr. SCOTT. Mr. President, today I would like to briefly pay tribute to a distinguished group of young citizens whose active participation in the mainstream of American affairs has been spent in service to humanity.

The U.S. Jaycees has come full circle since 1920, the year the organization was founded in St. Louis as the U.S. Junior Chamber of Commerce. In 1965, the name was shortened because of the popular misconception that the organization was affiliated with the National Chamber of Commerce.

Just as our national priorities have undergone dramatic change and revision in the 50 years, so have the goals and objectives of the U.S. Jaycees. Today the Jaycees, more than 300,000 strong, are working diligently and effectively in areas of vital significance to every inhabitant of these United States. Environmental improvement, health improvement, assistance for the disadvantaged, and campaigns against crime and drug abuse—these are some of the many areas in which today's Jaycees are deeply involved. Indeed, these are areas in which the public sector must have assistance from the concerned citizenry.

We will be fortunate to have as visitors this week some of the leaders of this organization. Jaycee presidents from every State in the Union, along with the National Jaycee Executive Committee, will again assemble in the Nation's capital for the organization's 11th Annual Governmental Affairs Leadership Seminar. Their objective is to become knowledgeable in the processes of government and to gain new perspective in areas of national concern.

May we always have young men like these; men whose courage and dedication and faith will help us forge a better America. They are the examples of a principle we must always maintain: that a Nation's richest treasure is its young people.

COUNCIL FOR A LIVABLE WORLD—10TH ANNIVERSARY

Mr. MOSS. Mr. President, this year we commemorate the 10th anniversary of the growth and development of the Council for a Livable World, an organization that has done a great deal to add rationality and substance to the public debate surrounding the military posture of the world. The council's aim since its inception has been an honorable one: it has sought to ease the tensions of the world through multilateral reduction in the weapons stockpiles and other military activities that have contributed to the tense cold war that has dominated the globe since World War II.

Public participation is the cornerstone of democracy, and the council has followed this procedure in developing its membership and activities. With a widespread membership of over 12,000, the council has developed the resource base that allows it to engage in public discussion of world issues in a way that provides an extremely important contribution to our governmental processes.

Moreover, the council has introduced valuable technical and scientific information in greater detail than any other private group on such matters as the ABM and test ban treaties. It is absolutely imperative that Congress receive independent evaluations of major weapon systems and other military matters, and the council has provided a public service by contributing such analyses consistently during its 10 years of existence. In doing so, the organization has helped to redress the imbalance that has occurred between the powers of the Executive and the powers of Congress on foreign policy and defense matters. Such aid is essential to a healthy and competitive democracy, and the council can be proud of the role it has played in strengthening America and its political institutions.

From the first efforts of Leo Szilard in organizing the Council for a Livable World, to the present work of Albert Gore, a former colleague in the Senate and a man who has always put the national interest above all else, the council has enjoyed the finest leadership possible. The activity of its board, coupled with the excellent staff work of Tom Halsted and Jane Sharp—the two most recent national directors of the Washington office—has provided Congress with over 60 seminars on questions of foreign and defense policy. The best minds of the country have been brought in from the scientific and academic communities to counsel with Congressmen who have to make the final decisions on bills that appropriate billions of dollars for defense purposes and establish long-lasting commitments in foreign policy.

The Nation and Congress owe a debt of gratitude to the Council for a Livable World, and it is fitting that we note the accomplishments of these fine people on the 10th anniversary of their outstanding efforts.

PRISON REFORM

Mr. BROCK. Mr. President, our Nation seems to be immersed in a nostalgia for the past that pervades the current fashion trends, literature, advertising, and even our verbal expressions. Yet we have overlooked some of our most pressing problems that have remained unchanged for decades. I am speaking specifically of America's anachronistic, insufficient prison systems.

With more than concern, the Senator from Arkansas (Mr. McCLELLAN) and I have introduced a bill that would establish a Presidential Commission to Recommend Minimum Standards for Federal, State, and Local Correctional programs. The Commission would consider such aspects as qualifications of personnel, health, safety, employment and counseling, general living conditions, recreation and other such programs designed to prepare inmates to cope with the rules of society and encourage them to be responsible participants.

The most in-depth study that I have come in contact with recently is a series of eight articles by Mr. Ben H. Bagdikian, running consecutively in the Washington Post.

Mr. Bagdikian's articles, on a variety of topics, portray a national debacle that has become a part of America's history. From our backed up judicial system to the grossly inadequate rehabilitation facilities employed in today's prisons, Mr. Bagdikian sheds a realistic light on what we are currently facing.

Mr. President, I ask unanimous consent that the first of this series be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 1972]

A HUMAN WASTELAND IN THE NAME OF JUSTICE

(By Ben H. Bagdikian)

If today is average, 8,000 American men, women and children for the first time in their lives will enter locked cages in the name of justice.

If theirs is an average experience they will, in addition to any genuine justice received, be forced into programs of psychological destruction; if they serve sentences most of them will not be by decision of judges acting under the Constitution but by casual bureaucrats acting under no rules whatever; they will undergo a significant probability of forced homosexualism, and they will emerge from this experience a greater threat to society than when they went in.

"Justice" in the United States today is so bad that conservative reformers talk openly of salvaging law-breakers by "diversion from the criminal justice system wherever possible" (The American Bar Association Commission on Correctional Facilities and Services).

It so efficiently educates children into crime that one official could say, "It would be better if young people who commit crimes got away with them because we just make them worse" (Milton Luger, Director of the New York State Division of Youth).

American convicts serve a majority of their sentences at the mercy of parole boards whose decisions on which prisoners to release are so irrational that it can be statistically proved that society would be better protected if some passerby pulled names of convicts at random out of a hat.

Coerced homosexualism is merely one of the psychological distortions built into the prison system. It appears to be prevalent among 80 per cent of all women prisoners, from 20 to 50 per cent of male prisoners, and an unknown but significant proportion of juveniles.

Ninety-seven per cent of all prisoners are eventually released back into society, where from 40 to 70 per cent of them commit new crimes.

Human prisoners in the United States are more carelessly handled than animals in our zoos, which have more space and get more "humane" care. Eighty per cent of all prison guards in the country are paid less than $8,000; all keepers of animals in the National Zoo in Washington are paid between $8,400 and $9,100.

Almost everyone seems to agree that our prisons are terrible.

President Nixon: "No institution within our society has a record which presents such a conclusive case of failure as does our prison system."

John Mitchell, Attorney General of the United States: "The state of America's prisons comes close to a national shame. No civilized society should allow it to continue."

Norman Carlson, director of the U.S. Bureau of Prisons: "Anyone not a criminal will be when he gets out of jail."

But the change is glacial. In most places there is no change at all.

The system is hardly a true system, but a disjointed collection of buildings and jurisdictions. The smallest is the federal, generally accepted as the more carefully designed, if bureaucratic.

On any given day the prisoner population in federal prisons is about 20,000, or less than 10 per cent of all sentenced prisoners in the country.

The states have 200 facilities ranging from the big state penitentiaries to an assortment of reformatories, forestry camps and juvenile halls, ranging from some of the most humane in the country to some of the worst. They hold over 200,000 prisoners each day.

There are 4,037 jails and uncounted city and town lockups where the range in conditions runs from fairly good to filthy and dangerous. Technically, "jail" is a place where a person is held awaiting trial, "prison" where he serves a sentence.

The county jails hold about 161,000 persons a day, 5 per cent of them juveniles (usually mixed with adults) and 5 per cent women. Including jails, the total incarcerated population is about 1 million. If one includes town "drunk tanks," 3 million Americans pass through cells each year.

Who are the Americans who find themselves behind bars?

They are overwhelmingly the poor, black and the young. A profound sense of being cheated runs through them. They may have been cheated by the environment they grew up in, by chaotic families, poor neighborhoods, ineffective schools, depressing career opportunities. But this is not the usual reason the average prisoner feels cheated. He feels that he has been unfairly treated by the criminal justice system. He is right.

A TINY MINORITY OF LAWBREAKERS

The President's Crime Commission in 1967 showed that from 3 to 10 times more crime is committed than is ever reported to police. They cite a survey showing that in a sample of 1,700 persons of all social levels, 91 per cent admitted committing acts for which they might have been imprisoned but were never caught. So most law-breakers are never caught.

If they are, the affluent tend to avoid imprisonment. The concentration in prison of the poor, the black and the young reflects, among other things, a special selection by which we decide whom to put behind bars.

Once found guilty, the fate of a sentenced man is subject to the wildest accidents of fate. Robert Apablaza sold a matchbox of marijuana and happened to find himself in a particular courtroom in New Orleans where he was sentenced to 50 years in prison; hundreds of others have done the same thing elsewhere and not gone to prison.

So every prisoner knows other offenders who received substantially better treatment than he did. He knows, and statistics prove, that justice is not evenhanded.

Once committed to prison, he is still governed by chance. The building he is in may be a 100-year-old fortress with four men in a narrow, dark and damp cell, or he may be in a clean one, one man to a cell. More than a quarter of all prisoners are in prisons 70 years or older.

If he is in Delaware, the state will spend $13.71 a day on his food and custody; if he is in Arkansas, $1.55 a day. If he is in Pennsylvania he will get meat and three vegetables almost every meal; if in South Carolina, meat once a week and other times greens and beans.

In some prisons he will be raped homosexually unless he is strong and has a weapon; in others he will be left alone. In some, the guards will abuse him and turn him over to psychopathic or racketeering fellow inmates, and censor his mail to make sure he get no word of it to the outside. In other prisons he will be treated humanely and can appeal punishments to an impartial board, including inmates, and communicate with the free world.

The people on whom such uncertain justice is visited are men, women and children who already have been unlucky. At least half have been involved in drugs or alcohol. They are generally of normal intelligence (the median for federal prisoners is 104 I.Q.; for a typical Midwest state, 99.73) but they test out between 7th and 8th grade achievement.

In a typical state 25 percent are in for burglary, 22 percent for larceny, 12 percent for robbery, 8 percent for forgery, 6 percent for assault, 5 percent for drugs, 5 percent for auto theft, 4 percent for homicide, and 2 percent for some sex offense.

THE PROTECTION OF SOCIETY

The President's Crime Commission showed that in 1965 there were 2,780,000 serious crimes reported to police and 727,000 arrests made and of these 63,000 people imprisoned. Thus just for reported crime, which is a minority, only 2 percent of criminals went to prison. If they were all released they would not materially increase the law-breaking population.

If they were released the prisoners conceivably could affect the crime rate in another way: by encouraging otherwise inhibited people to commit crimes because they felt they would not be punished.

But nobody knows this or can even guess intelligently.

For all the public clamor about crime and punishment, this field remains a wasteland of research, the most remarkable void of reliable analysis of any major institution in American life. The worst void is prison and prison programs where, in the words of one administrator, "we are sorting marbles in the dark." The American prison system is a monument to mindless procedures in the midst of a society that prides itself on being scientific and measuring everything in sight.

The result is that the lives of millions of prisoners, the billions of dollars spent on them (about $1.5 billion this year), the safety of citizens from crime and the loss of $20 billion to victims of crime, continue to be governed by archaic conventional wisdoms. The only thing we are fairly certain of is that most of these conventional wisdoms are wrong.

It is one of the conventional wisdoms that the current rise in crime is strongly influenced by excessive leniency by prosecutors and courts. Another is that harsh punishment will reduce crime. J. Edgar Hoover told a recent Senate committee, "The difficulty is with the district attorneys who make deals and judges who are too soft. Some are bleeding hearts."

According to the FBI, from 1960 to 1965 the crime rate per 100,000 rose 35 per cent. Beginning in 1964, federal courts and most state judges began giving out longer sentences. From 1964 to 1970, federal sentences became 38 per cent longer and time served was even more because the federal parole board began reducing paroles. California's sentences have risen 50 per cent.

But from 1965 to 1970 the national crime rate—during the harsher period—rose 45 per cent.

Robert Martinson studied every report on treatment of prisoners since 1945 and analyzed the 231 studies. He concluded:

". . . There is very little evidence in these studies that any prevailing mode of correctional treatment has a decisive effect in reducing recidivism of convicted offenders." "Recidivism" refers to crimes committed by released prisoners.

James Robison of the National Council on Crime and Delinquency, and Gerald Smith, of the University of Utah, made one of the most rigorous analyses of various treatment of American prisons and concluded:

"It is difficult to escape the conclusion that the act of incarcerating a person at all will impair whatever potential he has for a crime-free future adjustment and that, regardless of which 'treatments' are administered while he is in prison, the longer he is kept there the more he will deteriorate and the more likely is it that he will recidivate."

A CONFLICT OF MOTIVES

A fundamental reason for confusion is that unlike some countries, the United States has never decided what it wants its prisons to do. There are several motives for criminal punishment:

1. Hurting the prisoner so that he will feel free of guilt, having paid for his act;

2. Using the criminal as a scapegoat for others in society who feel the same criminal impulses within themselves and by punishing the criminal purge themselves;

3. The need of some to feel morally superior by sustaining outcasts in a despised and degraded condition;

4. Keeping the criminal out of circulation;

5. Revenge imposed by the state to prevent the victim or his family from taking private revenge, as in family feuds;

6. Revenge in the name of all society so that the public will not impose its own version of justice, as in lynch mobs;

7. Deterrence of the criminal who, by being hurt, will decide that committing the crime is not worth it;

8. Deterrence of others who, seeing the criminal suffer, will not imitate his crime; and

9. Reforming the criminal so that he will learn to live in peace with society.

Criminal punishment may accomplish a number of those objectives simultaneously. But some are contradictory and cannot be done together. It is not possible to cause a man to respect those who treat him with deliberate cruelty. Scapegoating does not eliminate the illicit impulse; where punishment of the individual is violent and cruel, it promotes violence and cruelty in society at large.

The confusion in goals for prison has its roots in a curious phenomenon: the most damaging practices in criminal justice were started as humanitarian reforms.

The prison itself is an American invention created out of genuine compassion.

For centuries, people were incarcerated only until the local lord or king could impose punishment. Punishment would then be death by hanging, drowning, stoning, burning at the stake, or beheading, usually with a large crowd observing to deter them from imitation.

A PLACE FOR PENTINENCE

In the 1780s, the Quakers of Philadelphia, taking soup to the jails, were appalled by conditions. They organized to pass laws substituting sentences of incarceration in permanent, well-designed prisons as a substitute for death, mutilation or flogging.

They designed the new prisons for solitude and meditation on the prevailing theory that men do wicked things because the devil has invaded them and only through contemplation of their sins could they become pentitent and innocent again. The new institutions for pentinence were called penitentiaries. The prisoners were forbidden to speak and saw no one, sometimes not even their jailers.

Europeans studying the new country reported on the new institution and adopted it, though some, like DeTocqueville and Dickens, observed that penitentiaries often produced insanity.

In the late 1800s, it was observed that country people on their farms had been law-abiding but after they moved to the impoverished industrial cities they became criminals. It was thought that there might be some connection between environment and crime, that prisons might be a way to counteract bad environment.

The impact of Freud and psychology complicated the view of human behavior, adding to the physical environment the emotional history of the individual. If prison was an opportunity to change the environment, it might also be a place to give the prisoner a more accurate view and control of himself.

But the conflicts have never been resolved between punishment and "treatment," between the purpose of protecting society by keeping the criminal locked up and the goal of protecting society by trying to condition him for peaceful return to the community.

THE USEFULNESS OF "INDUSTRIES"

Only this continuing confusion could explain the survival of irrationalities like "prison industries" and the decisions of parole boards.

Most work inside federal prisons, for example, is done for an independent corporation called Federal Prison Industries, Inc. It has a board of directors mostly of executives of private corporations who serve without pay. It maintains 52 shops and factories at 22 federal institutions where it employs about 25 per cent of all federal prisoners.

Historically, at the insistence of private business and labor unions (George Meany, head of the AFL–CIO also is on the board of FPI), they do not make goods that will compete with privately made goods, which means that they usually do not develop skills that will let the ex-convict compete in private industry after he gets out.

The chief customer is the federal government. Pay rates are from 19 to 47 cents a day.

FPI in 1970 had earnings of $9.9 million on $58 million in sales, or 17 per cent profit on sales. the highest of any industry in the United States (average for all U.S. industry is 4.5 per cent on sales, the highest being the mining industry at 11 per cent).

FPI has proudly announced that it declared a dividend every year since 1946 and that these dividends total $82 million. To whom was this dividend on captive labor issued? The American taxpayer—the general treasury of the United States.

Federal prison officials agree that a major reason for repeated crime by ex-convicts is their lack of skill in the jobs that are needed in free life—medical and dental technicians and other categories that will hire all the qualified help they can get. They also admit that they lack the money to train significant numbers of convicts in these marketable skills. Yet they have regularly turned back large profits made by prisoner labor.

THE EFFECTS OF PAROLE

Even prison industries cannot match the performance of parole boards for lack of success and lack of accountability. Parole is another humanitarian reform that was perverted. It was supposed to give the prisoner incentive to improve himself to earn a release earlier than his full term. It was supposed to shorten time spent behind bars. It has lengthened it.

Most prisoners are eligible to apply for parole after one-third of their sentences have been served. Judges and legislatures know that, so they have increased sentences on the assumption that most prisoners will be released in something like one-third their time. The prisoners have not been released at that rate. Consequently, American prisoners serve the longest sentences in the Western world.

But that is not the worst characteristic of American parole boards. Their purpose is to release the prisoner as soon as possible consistent with his own good and protecting society from repetition of crime. The boards are in the position of predicting human behavior, a difficult task for even the most perceptive and wise individuals.

Most parole boards are appointed by governors and include his cronies or former secretaries.

Parole boards regularly release the worst risks, as measured by the best data.

Take the case of Jack Crowell (not his real name, but a real person). He is a stocky, 41-year-old Navy veteran doing 10 years for voluntary manslaughter in a Southern state. He had such a good record in the state penitentiary that toward the end of his sentence he was permitted to join the state's work release program.

Under work release he left prison to live in an unlocked dormitory in a city. He got up each morning, drove his boss' truck to work site where he became a master plumber, supervising an assistant. At the end of the day he returned to the dormitory. He earned $140 a week and had saved $1800. He applied for a parole. The prison system recommended him. He was turned down.

Typically they didn't tell him why except that he wasn't "ready." They did parole some men direct from the state prison who had never had a chance to show that they could hold a good job and handle freedom.

WHO ARE THE WORST RISKS?

Crowell's is a typical case. One can guess what happened. He was in for manslaughter. Parole boards do not like to parole killers and sex offenders because it makes for bad public relations. They fear the headlines if such men repeat crimes while on parole. But contrary to conventional wisdom, murderers and sex offenders are the most likely not to repeat a crime.

In 1969 parole boards reporting to the Uniform Parole Reports released 25,563 prisoners before they completed their full sentences. Almost one-third of them were burglars who in their first year had their usual rate of repeated crime of 31 per cent. There were 2,870 armed robbers released and in the first year 27 per cent went back to prison. The boards released 2,417 forgers, 36 per cent of whom were re-imprisoned, and they released 2,299 larcenists, of whom 30 per cent went back for various violations. Murderers and rapists released had failure rates of 11 to 17 per cent.

These are the failure rates for various offenders as compiled by the most authoritative group, the Uniform Parole Reports of the National Probation and Parole Institutes of the National Council on Crime and Delinquency:

	Percent
Negligent manslaughter	11
Willful homicide	12
Statutory rape	15
Forcible rape	17
All other sex offenses	17
Aggravated assault	22
Armed robbery	27
Unarmed robbery	30
Burglary	31
Forgery	36

(These are failure rates for the first year on parole; the rate increases as the group is out longer but the rank order does not change significantly over the years.)

It appears reasonable for parole boards to be more cautious in releasing violent men. Even if burglars repeat their crimes, theft of property is less harmful to society than killing and raping. But here, too, the data do not support the parole boards: murderers and rapists on their second offense do not commit as many added murders and rapes as do other kinds of criminals. Of 30 cases of willful homicide that sent 1969 parolees back to prison in their first year of freedom, 24 were committed by people not originally in for willful homicide. Six released murderers went back to prison for another killing, but nine burglars went back for murders.

The 511 forcible rapists on parole, to take another example, committed four new forcible rapes; burglars during their paroles committed eight. All men whose original conviction was for property crimes while on parole committed 12 forcible rapes.

The rate of new homicides and rapes by all categories of released prisoners is about the same, approximately one-half of 1 per cent. Since murderers and rapists represent a small proportion of all released prisoners, about 12 per cent of all such categories, their one-half of 1 per cent represents less of a threat to society than do the violent new episodes by other kinds of criminals.

Because they regularly release the worst risks, parole boards would do better picking parolees at random.

Parole boards are not solely to blame. Whatever other notions are in their heads when they make their decisions, they are seriously influenced by public opinion. The police and the general public are outraged at the violent crimes of released prisoners; they don't know that 97 per cent of all prisoners are released anyway and that the longer criminals stay in prison, the more crimes they commit afterwards.

THE TORTURE OF UNCERTAINTY

In prison after prison, the uncertainty of the sentence was mentioned as the most excruciating part of prison. "Give me a fixed sentence anytime," is common.

Or, "I behaved myself, the warden recommended me, I had a job on the outside, my family said they had a place for me, and they turned me down. I ask them why and they say, 'You're not ready.'

"I ask them what that means and they don't say. What am I supposed to do? Give me five, give me ten but let me know how much time I have to do and don't keep me hanging all the time."

Society takes elaborate pains to assure that lawyers and judges are qualified to exercise their power over the freedom of their fellow citizens and that no person is deprived of his liberty without due process of law, including a review of grave decisions. Yet the gravest of decision—a majority of the time a citizen may spend imprisoned—is determined most of the time by untrained persons acting without adequate information in oppostion to the best data and without accountability.

During the last few years, the federal parole board has reduced paroles by 20 per cent.

In Louisiana they stopped giving all convicted armed robbers parole, after which armed robberies in the state rose 57 per cent.

It is tragic for the protection of society and the future success of prisoners that carefully selected boards do not use the best available data to decide the issue of liberty or impisonment. It unnecessarily exposes society to more crime, it stunts the potential for change within convicted criminals and it suffuses American prisons with frustration and bitterness.

THE LEAST STUDIED INSTITUTION

What remains after the available data on criminiality are sifted is the remarkable absence of other good data on American prisons and their effectiveness. Prisons would seem to be ideal laboratories for social scientists—controlled populations in a variety of conditions, available to be measured and compared. But they remain the least scientifically studied of any major American institution.

George Saleeby, associate director of the California Youth Authority, was asked why it is that a society apprehensive about crime, and a country anxious about criminals, did not insist on rigorous study and analysis.

"Wait a minute," Saleeby said. "Wait a minute. Who said society was concerned? Who said they give a damn? They want some people put away and then they want to forget about them."

Why don't prison administrators themselves look carefully at their own results? George Beto, director of Texas prisons, says:

"I know of no institution unless it be organized Christianity which has shown a greater reluctance to measure the effectiveness of its varied programs than has corrections."

The answer seems to be that what happens to prisoners inside American prisons has very little to do with the prisoners themselves or what will happen to them after they are released into the free world. The state of prisons seems mainly determined by the values of the American citizen who considers himself law-abiding.

John Irwin served five years in Soledad Prison for armed robbery. He is now a college professor at San Francisco State College, specializing in penal studies. He says:

"The radicals talk of abolishing punishment, but they really want to start punishing a new population of capitalist pigs. The liberals want punishment but call it 'treatment.' The conservatives are the only ones honest about it, but they want such disproportionate amounts that it's crazy."

It is hard to avoid the conclusion that what goes on inside American prisons tells more about the character of people outside the walls than it does about the inmates inside.

THE VIETNAM RESOLUTION

Mr. MANSFIELD. Mr. President, I am not interested in what North Vietnam may agree to or what South Vietnam may want. The Senate resolution on Vietnam was not based on either consideration. It was derived, introduced, and passed on the basis of a careful legislative judgment of what serves the vital interests of the people of the United States. The resolution states that those interests will be served by defining U.S. policy in terms of the withdrawal of all U.S. forces at a date certain conditioned solely on the release of the prisoners of war and the recoverable missing in action. That is all. Period. That is not yet the policy of this Government. It is the policy set forth by the Senate. To a degree, it is the policy set forth by the House. It is included among many other considerations in the statement of policy set forth by the administration.

But the resolution is not yet the policy of the United States. Let there be no mistake on that score. In the end, only the President can state that policy. Peace is not yet being pursued on the basis of the position of the Senate. If and when, it is, the Senate resolution will cease to be pressed. So long as it is not, it will be pressed. Indeed, the resolution must be pressed because what is at stake is more than words, more than a political campaign, more than who wins or who loses. What is at stake, in the end, is the vital—the vital—interests of this Nation. The word means what it says: The survival of this Nation in freedom.

THE KEYSTONE SHORTWAY

Mr. SCOTT. Mr. President, in the January 20, 1972, issue of the Pocono, Pa., Record, an article entitled "Keystone Shortway Creates Strong Economic Impact" presents some interesting points on what a highway across the breadth of the Commonwealth of Pennsylvania has done for one region of Pennsylvania. I ask unanimous consent that the news story be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Keystone Shortway Creates Strong Economic Impact

(By Tim Metz)

Stroudsburg.—So far in its 15-month history of use, the Keystone Shortway has brought the Pocono region just about what it was expected to bring—more people, more jobs, more money.

And, indications are more of the same can be expected this year and in the years ahead.

Of course, the 313-mile Pennsylvania section of Interstate Route 80 has brought similar benefits to communities all along its route. But as these communities vary in character and circumstances, so has the Keystone Shortway's impact on them.

At the Shortway's western terminus—the Shenango Valley region near Sharon—the trucking industry has substantially expanded its foothold. It expects to grow further in the future.

For example, in 1971, new relay truck terminals established near Sharon by Cooper-Jarrett Inc. and McLean Trucking Co., plus a substantial expansion at an existing Eazor Express Terminal, together added to some $5 million in new investment and brought over 600 jobs to the area.

More big trucking firms are expected to relocate near Sharon this year, and a housing boom is predicted to provide badly needed homes for the newcomers.

In the Central Susquehanna Valley region, the Shortway is having a somewhat different effect on economic development. The growth there is coming not from trucking itself, but from diversified manufacturing firms who rely on trucking to distribute their products.

In this region, however, the Shortway's impact appears to be less dramatic than in central or western Pennsylvania. That's because the Shortway opened in the midst of a continuing economic upswing in the Poconos, at a time when central and western Pennsylvania were trying to stave-off dwindling economic resources.

So while the shortway took on aspects of an economic lifesaver in these other communities, it was just one more positive force for growth in this region.

For example, the Poconos' bellweather tourism-recreation industry had a huge 20 per cent gain in 1970 over year-earlier levels. While the Shortway clearly helped, it couldn't be labelled the major cause of the 1970 boom, since it didn't open until mid-September of that year.

Likewise, it's difficult to tell precisely how much the Shortway contributed to the substantial 12 per cent to 14 per cent gain in tourism in 1971 over 1970.

IMPACT ON TOURISM

Nevertheless, nobody in these parts pretends the Shortway's impact on tourism hasn't been important. "It's really done two big things for our industry," says Bob Uguccioni, executive director of the Pocono Mountains Vacation Bureau.

"It's brought more people into the area, and, secondly, it acts as a kind of Main Street through the Poconos. People coming here on vacations are using the road to travel around to several places of interest in the area and that opens the door to greater potential spending by them," he says.

The shortway was a main consideration, behind the Howard Johnson Motor Inn planned for a May opening and for the decision by Ramada Inns to locate in the area, Uguccioni says. "And the Shortway is a major factor causing other big hotel operators—such as Hilton—to be looking closely at a Pocono development," he adds.

Will the Shortway lure hotellers into an expansion so big it will result in too many rooms in the area, thus hurting business? Uguccioni doesn't think so.

"You have to spend a lot of money these days if you want a facility that will really attract the public and before you make that kind of decision, you're bound to take a hard look at the market potential," he says.

And, he notes, the Poconos could easily absorb more hotels, and vacation spots. "Year-round average occupancy of our hotel and resort rooms is about 75 per cent right now, compared with a national average of 60 per cent. And, during peak periods, the occupancy rate here climbs to around 90 per cent," he says.

Because of the importance of scenic beauty to the vital tourism trade, the Pocono Mountains Chamber of Commerce moves very cautiously locating industries here.

THE SHAPE OF ONE MAN'S OPINION

Mr. MOSS. Mr. President, January 11, 1972, marked the eighth anniversary of the release by the Surgeon General's Advisory Committee of the report on smoking and health. At about the same time the current Surgeon General, Dr. Jesse Steinfeld, released his annual report on the health and consequences of smoking, a report required by the Public Health Cigarette Smoking Act of 1969.

Last week, the Committee on Commerce held hearings on the bill, S. 1454, which I introduced last April. The bill would give the Federal Trade Commission authority to set maximum limits for tar and nicotine and other hazardous ingredients. Additionally at these hearings we discussed other aspects of the smoking and health problem. We discussed the need for amendments to the Public Health Cigarette Smoking Act to eliminate broadcast advertising of some of the cigarette-like products which seem to masquerade as cigars thereby avoiding not only the ban against broadcast advertising, but cigarette taxation as well. Furthermore, we discussed the status of the Federal Trade Commission's efforts to require prominent conspicuous warnings in print media.

Back on January 11, the day after the 1972 report was released, Edward P. Morgan, of ABC news, in his daily talk spoke of these efforts and the general progress which has been made in combating cigarette smoking as a health hazard. I think his comments most interesting and worthy of our consideration.

Mr. President, I ask unanimous consent that the text of Edward P. Morgan's comment be printed in the Record.

There being no objection, the comment was ordered to be printed in the Record, as follows:

Speech of Edward P. Morgan

Eight years ago the Surgeon General's advisory committee found that:

"Cigarette smoking is a health hazard of sufficient importance to warrant appropriate remedial action." It tied smoking directly to such grave maladies as lung cancer, arteriosclerotic, coronary and degenerative heart disease, chronic bronchitis, and emphysema. It concluded that "cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate."

Despite this and other warnings, official and unofficial, the country has hardly kicked the habit. Indeed, yesterday the present Surgeon General, Dr. Jesse L. Steinfeld, in a report to Congress extended the dangers to non-smokers. The menace is carbon monoxide, raised by smoking in a closed room or car, to unhealthful levels especially for people already suffering from heart disease or bronchial troubles. The monoxide is in the smoke.

The impact of this new alert on Congress remains to be seen. Whether anybody will be successful in ventilating the smoke-filled room in which politicians proverbially make command decisions, especially in an election year, is doubtful. However, a non-smoking Don Quixote of Capitol Hill, Democratic Senator Frank Moss of Utah, will hold hearings of his consumer subcommittee in February on cigarette advertising and the possibility of more regulation. Moss was instrumental in getting enacted the legislation which, beginning a year ago, threw cigarette advertising off the air at an annual loss of revenue to the radio and television industry of about $200 million. Now the senator is unhappy about broadcast commercials for small cigars; he thinks maybe they should be made illegal too.

Nearly a billion small cigars were sold last year, a huge increase over previous years. The Tobacco Institute, the $9-billion industry's major lobby, among other things, complains there has been no professional condemnation of cigars and disputes the surgeon general's statement that there is "no disagreement" among medical scientists, that "cigarette smoking is deadly."

Despite such warnings and the broadcast ad ban, an estimated 44 million Americans smoked last year and at such a rate that if everybody in America, man, woman and child, smoke, they would have consumed 4,000 cigarettes per capita.

However it is estimated that some 29 million quit smoking and Dr. Steinfeld calculates that if the government hadn't started its antismoking campaign, some 75 million would have the habit, now.

In 1969 indications surfaced that the campaign was beginning to impress young people. If this becomes a trend it will be a major setback for cigarette companies which had counted on youth heavily as an expanding market—witness the fresher-than-springtime themes of gorgeous girls and virile young men smoking their way to success and happiness with their favorite brand.

But if we fall for that line, at any age, against the medical research, we ought to have our heads—and our lungs—examined.

TRIBUTE TO THE LATE CARL HAYDEN

Mr. CHURCH. Mr. President, on behalf of the Senator from Nevada (Mr. Cannon), I ask unanimous consent to have printed in the Record a statement by him relative to the late former Senator from Arizona, Carl Hayden.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Cannon

It is with great sadness that the Congress of the United States bids goodbye to one of its most revered members—Carl T. Hayden. I was grateful for the friendship that Senator Hayden gave to me during the 10 years it was my privilege to serve with him in the Senate. I will always be grateful too, for all his assistance.

I can speak as a neighbor. Not once, but on many occasions, the Senator from Arizona gave lavishly of his own counsel and aid to the people of Nevada.

There is a little story I used to enjoy telling on Carl Hayden which I think would be appropriate at this time. Carl Hayden was old enough to personally recall that the southern part of Nevada had once been part of the Arizona Territory. He would say that the land in question was only on loan and that he was sort of a trustee for the arrangement.

The West and, indeed, the Nation and the world have changed drastically in the last half century in ways that could not have been imagined when Carl Hayden began his service in Congress 60 years ago. Yet, Carl never looked back. I was privileged to attend the service in Arizona for this good man and to be impressed by the affection in which he was held.

We know of the monuments in Arizona, such as the Central Arizona Project, and other monuments elsewhere throughout the Nation that bespeak the character of the service Senator Carl Hayden rendered his country. They are to be found in the buildings, highways, irrigation projects, and other material contributions he had made.

However, instead of speaking of the material contributions he made, I wish to speak of the unique character of this great man.

Character—and the calm self-assurance that comes only with the knowledge of duty done to the best of one's ability, with fairness to all, and with rancor toward none. His voice was seldom heard in debate, but his influence was felt, and felt deeply, in every important action taken by this body.

He was a man perennially young in spirit and high in vigor, and the Senate will complete many sessions before seeing the likes of such a man again.

REFORM OF THE FEDERAL JUDICAL SYSTEM

Mr. SCOTT. Mr. President, while there is a great deal of discussion concerning the need for new legislation reforming the Federal judicial system, and I have participated in such discussions, we may not have noticed some of the judicial branch's own attempts at reform. The December 1971, issue of Judicature contains an article by Arlin M. Adams, circuit judge of the U.S. Third Circuit Court of Appeals, which describes one of these relatively small, but still important, efforts.

It is Judge Adams' feeling that the use of selected technological devices, such as computers and dictating equipment, can demonstrably alleviate some problems of court administration. Because I believe the article will be of interest to the Senate, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Generating Judicial Reform From Within

(By Arlin M. Adams)

Cases filed in the eleven United States Courts of Appeals have increased more than 300 per cent in the last decade.[1] Despite an increase in the number of circuit judgeships from 78 in 1961 to 97 in 1971,[2] filings per judgeship have increased in that same decade from 54 to 132.[3]

In order for the courts to give the time required for careful deliberation to each case filed, it is apparent that reform in the administration of our system is required. It is in the nature of our judicial process and in keeping with the goals set by Herbert Lincoln Harley in founding the American Judicature Society that fundamental changes in the process should be conceived and executed by members of the system. Yet, at the same time, we must be alert to and recognize the value of changes which can be effected from without the system. With this concept in mind, I should like to add a brief statement of my personal views to the ever-increasing body of literature in this field.

While the mere existence of a heavy caseload is not, of itself, cause for concern, the more than tripling of the backlog in the federal appellate system during the past ten years should alarm us. It is generally conceded that the creation of more judgeships—a change from without—"is at best a temporary stopgap, not a solution."[4] Recently, however, this same force, applied outside the judicial system through legislation, enabled the appellate process to function more efficiently.

I refer to the statute permitting the appointment of a court executive for each circuit to perform many of the non-legal duties ordinarily assigned to the chief judge.[5] Because the chief judge is appointed on the basis of seniority, he may not always consider administration his primary goal as a judge.[6] The court executive, by bringing his specialized training to bear on the day-to-day problems of operating a court of appeals, will thus free the chief judge to perform his manifold legal duties. Additionally, the court executive should be able to "give vitality to the administrative prerogatives now granted to, but not now effectively exercised by, the [judicial] councils."[7]

While legislative enactment may contribute meaningfully to the cause of administrative reform, significant progress can also be achieved within the system through more creative use of manpower, through employing technological advances and reorganizing administrative functions. Such reforms could ease the pressures on appellate courts.

For example, the Third Circuit has taken steps to decrease the time between entry of judgment in the district court and the hearing in the court of appeals by instituting a system for proctoring criminal appeals. Under this system, an individual judge is assigned all such appeals from a specified district. Shortly after the notice of appeal is filed, a conference of all counsel is convened and a briefing schedule adopted. In many instances, the need for a printed fecord is eliminated. Frequently, permission is granted for briefs to be reproduced and filed in other than printed form, namely, by photo-offset and xerography.

Last spring, all active judges on the Third Circuit agreed to submit detailed time sheets to the Federal Judicial Center for computer analysis in an effort to discover where the need for reform is greatest. The program has been in effect since August, and is expected to yield substantive data.

Optional use of advanced technology can materially aid the judiciary in reducing its backlog. For instance, a significant but unavoidable delay occurs in the appellate process between the date a case is submitted to a panel for consideration and the date the opinion is published. A decrease in this timespan and a concomitant increase in efficiency can be accomplished through the use of modern tools.[8]

Limitations of space do not permit a full discussion of the various methods which have been suggested. However, two brief examples are illustrative. A study indicates that by using dictating machines, work-product may be increased from 18 to 30 per cent.[9] Thus, at a cost which would not be burdensome, an appellate judge might reduce his backlog substantially.

Efficiency in the production of opinions may also be aided by the institution of a workable indexing filing system for decisions from a particular circuit. Before draft opinions are circulated to the court, it is necessary to review all the recent decisions of the circuit to avoid possible conflicts. Countless hours spent reviewing very current slip opinions could be saved if a reasonable information retrieval system were devised.

As members of the legal community, it is vital for us to institute reforms which will contribute to the efficient administration of justice. The American Judicature Society, as conceived by Herbert Lincoln Harley, serves a significant function in helping us to discharge this duty.

FOOTNOTES

[1] 1971 Annual Report of the Director, Administrative Office of the United States Courts II–3.

[2] *Id.* at II–9. By citing appellate statistics, I do not mean to imply that the increase in Federal District Court filings has not been commensurate with the appellate increase. In 1960, 89, 112 cases were filed in the district courts compared with 136, 553 in 1971—an increase of 53.2 per cent. *Id.* at II–20.

[3] *Id.* at II–8.

[4] 1971 Appellate Judge's Conference. Report of the Special Committee on Increasing Administrative Efficiency Through Technology, 2 (hereinafter referred to as Administrative Efficiency).

[5] Pub. L. 91–647 (1970).

[6] Tamm, *Are Courts Going the Way of the Dinosaur?* 57 *A.B.A.J.* 228, 230 (1971).

[7] Figinski & Miller, *Judicial Reform and the Tydings Legacy,* 55 Judicature 75, 77 (1971). The former Chief Judge of the United States Court of Appeals for the Second Circuit, J. Edward Lumbard, has pointed out the potential for progress of the judicial councils which, for a variety of reasons, has never been realized. Lumbard, *The Place of the Federal Judicial Councils in the Administration of the Courts,* 47 *A.B.A.J.* 169 (1961).

[8] For a more detailed exposition of these techniques, see Administrative Efficiency 7–20.

[9] *Id.* 8.

AMENDMENT TO UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, PUBLIC LAW 91–646

Mr. BROCK. Mr. President, the problems faced by persons and businesses forced to move by Federal and federally assisted programs prior to enactment of

Public Law 91–646 was intolerable. Thus, I consider the Uniform Relocation Assistance and Real Property Acquisition Policies Act to be one of the major accomplishments of the 91st Congress, as it provides for a uniform policy of assistance for those dislocated.

The history of the passage of the bill in December 1970, included a commitment by the Intergovernmental Relations Subcommittee of the Senate and the Public Works Committee of the House of Representatives to hold hearings early in 1971 in order to make necessary amendments that could not be considered in the tight schedule for passage late in 1970.

Last May, the Senator from Tennessee (Mr. BAKER) and I recommended such an amendment, based on the act as it finally passed, in light of administrative regulations now issued. Our bill, S. 1819, would extend indefinitely the period during which the Federal Government pays 100 percent of the first $25,000 of each individual relocation payment required by the act.

The bill is pending in the Subcommittee on Intergovernmental Relations, on which I serve as a member, and has the virtually unanimous support of redevelopment agencies and others affected by the act. Unless S. 1819 is passed by Congress by June 30 of this year, State and local agencies involved in federally assisted projects will be required to share relocation costs on the same basis as their project formulas, rather than receiving the 100-percent Federal contribution for relocation activities, as the situation is and has been in the past.

Mr. President, on the basis of convincing evidence from many local communities that they will not be able to meet this matching share requirement within their limited resources, I urge the support of Senators for S. 1819, to continue 100 percent Federal contribution for relocation assistance beyond June 30, and to insure the continuance of vital urban renewal activities.

A THIRD TERM

Mr. FONG. Mr. President, I was delighted at the recent news that my good friend J. CALEB BOGGS has offered to serve the people of Delaware for a third term in the U.S. Senate.

It has been my privilege to know "CALE" BOGGS ever since he came to the Senate in January 1961. I have served side by side with him on the Committee on Public Works, on the Committee on Post Office and Civil Service, and on the Committee on Appropriations. I can personally vouch for his ability, his integrity, his knowledge, his fairness, and his effectiveness.

No one is better qualified for the U.S. Senate, and no one is a more able champion in behalf of the people of the First State than CALE BOGGS.

Delawareans have been fortunate indeed to have CALE BOGGS serving them for more than 25 years—three terms in the U.S. House of Representatives, two terms as Governor of Delaware, and two terms as U.S. Senator.

In CALE BOGGS' wealth of exerience and long service for Delaware the people of his State have a tremendous investment, an investment from which they can reap still greater returns by reelecting him.

At the risk of seeming presumptuous coming as I do from the 50th and newest State, may I take this opportunity to point out to the people of the First and oldest State that they would do themselves a great disservice to give up the 12 years' seniority CALE BOGGS has accumulated for Delaware in the U.S. Senate.

In an institution where length of service counts heavily toward a Senator's effectiveness for his State, the higher up the seniority ladder your Senator rises, the stronger is your State's voice in the Congress, our Nation's highest legislative body.

With CALE BOGGS in the Senate, the people of Delaware can be sure they will have a voice and a vote on the powerful Appropriations Committee, which handles the appropriations for all Federal departments and agencies, for the judiciary, and for the Congress itself. A seat on the Appropriations Committee is greatly coveted and newcomers to the Senate seldom get on. It takes seniority, seniority which CALE BOGGS has and which a newcomer to the Senate would not have.

With CALE BOGGS in the Senate, the people of Delaware can be sure they will have a voice and a vote on the Appropriations Subcommittee on Agriculture-Environmental and Consumer Protection. Surely, both urban and rural Delawareans want to retain Delaware's seat on this crucial appropriations body.

Surely they want to retain Delaware's seat through CALE BOGGS on the Appropriations Subcommittees on Interior and Related Agencies; on Labor-Health, Education, and Welfare and Related Agencies; on Military Construction; on Treasury-Post Office and General Government where CALE BOGGS is top ranking Republican; and on the District of Columbia.

Surely they want to retain Delaware's seat through CALE BOGGS on the Senate Committee on Public Works, where CALE is the top ranking Republican on the Air and Water Pollution Subcommittee.

As top ranking Republican, CALE plays a key role in writing legislation to help clean up and protect our Nation's air and water and enhance our natural environment. Young people particularly should have a vital interest in keeping CALE BOGGS in the Senate to retain this strategic post for Delaware, for young people have the biggest stake of all in the kind of America we will have in the next several decades.

Moreover, with the announcement by the senior Senator from Kentucky (Mr. COOPER) that this will be his last year in office, CALE BOGGS will be the top ranking Republican on the Committee on Public Works, which in addition to air and water pollution has flood control, river and projects; improvements in navigation; bridges, dams, highways, and public buildings.

Surely all the people of Delaware are interested in retaining a seat for Delaware on the Post Office and Civil Service Committee, where CALE BOGGS is the top ranking Republican on the Subcommittee on Compensation and Employment Benefits.

Experience, ability, leadership, a proven record of accomplishment, seniority—these are all components of the investment CALE BOGGS has amassed for the people of Delaware. In their own self-interest, they should make sure CALE BOGGS remains in the U.S. Senate to strengthen even more Delaware's voice in our Nation's affairs.

Before concluding, may I say that there is one special attribute which CALE BOGGS has which should not be overlooked in assessing his qualifications for office, that is his ability to get along with everyone. Amiable of disposition, and true to his word, CALE has the happy faculty of being able to work well with others even on the most complex and difficult matters. He is universally respected and liked. The people of Delaware can be very proud of CALE BOGGS and rest assured such a man can do more for them.

I commend CALE BOGGS for his willingness to serve his people for 6 more years. I am confident they will have good sense to reelect him in November.

DOCK STRIKES

Mr. BROCK. Mr. President, the hour of crisis again faces the Nation in the west coast dock strike.

I am appalled that Congress has taken no action since the dock strikes started last July 1 on the west coast, and on October 1 at the east and gulf ports.

Inaction cannot be blamed on the President. Nearly 2 years ago the President proposed to Congress a realistic solution to emergency disputes in transportation. Again, on December 15, the President publicly requested Congress to consider the seriousness of the absence of statutory means to deal with further transportation emergencies. Now the administration has submitted special legislation setting up a three-man arbitration board to settle the current dispute.

Mr. President, these recent strikes have meant an enormous loss to our economy. The estimated loss to our Nation has been put at $5 billion as of December 1971. In terms of loss in trade, the amount nears $3 billion. The damage cannot be measured in dollars alone.

I am particularly concerned about the effect these dock strikes have had on our Nation's farmers. Officials of the Department of Agriculture estimate that the current tieups have reduced the price of a bushel of corn by 10 cents and the price of soybeans by as much as 25 cents per bushel.

During October and November of 1970, the east coast and gulf ports handled $917 million in agricultural exports. For the same period in 1971, these ports moved only $400 million in agricultural exports. The strike has also brought many thousands of barges and freight cars to a standstill. The results were to depress farm prices almost instantaneously.

On the west coast the dock workers' strike reduced agricultural exports by $215 million during July and September compared with the previous year. The majority of losses were in wheat, perishable vegetables and fruit.

Tobacco exports were also adversely affected. In October and November 1971, only $6 million of tobacco were exported from ports along the east and gulf coasts compared with $136 million for the same period the previous year.

Mr. President, the public's tolerance for strikes is clearly diminishing. The average citizen was foursquare behind the labor movement during the New Deal days of the 1930's. Most of us still are, for the workingman has made this country what it is. But is the workingman or woman really represented, or even protected, today? Both big labor and big business have put on muscle since those days of the Wagner Act. Because of everyone's dependence on the goods and services of our major industries, the public is often forced to bear the brunt of so-called national emergency strikes.

With the expiration of the temporary injunction on the west coast without a final settlement and the same fate threatened for the east and gulf port strikes, I believe the public interest has been abused too long. The right to strike or lockout is an important institution of free collective bargaining and of our democratic society. It was fashioned by free men in a free society and it can be modified and improved by those free men whenever and wherever it reduces rather than expands their freedom.

We cannot tolerate further tieups and stoppages forced upon us by big moneyed interests. The Taft-Hartley bill offered adequate public protection in the days when it was first proposed. It is no longer sufficient.

Neither, is the temporary legislation we are soon to debate sufficient to solve the problem. Certainly, I support the President in his attempts to bring an end to this strike but we must not stop here. We must provide a permanent apparatus that is specifically designed to cope with the prevention of impending work stoppages including power to require binding arbitration.

Since early 1969 I have proposed legislation before Congress which would have such power. My legislation would establish a permanent commission and court to deal with all such disputes. As with the President's special legislation, my bill removes Congress from direct arbitration and places this responsibility where it belongs with a high level tripartisan board. This proposal is modeled after the Australian system and would arbitrate and where necessary adjudicate disputes qualifying under Taft-Hartley criteria. An additional feature of this legislation is the voluntary participation clause. This permits any bona fide management and labor partnership to partake of the commission's facilities and expertise, provided both parties voluntarily agree to participation. Aimed at public service industries such as teaching, refuse collection, police and fire protection, it will offer these groups significant third party contribution which is frequently missing and yet critical to the success of negotiations.

The two most important elements of my proposals are their representation of public interest through a commission member with designated responsibility and their permanence so that we will not be faced with having to act upon stop-gap legislation after severe damage has already been done.

I am weary of the daily outpourings of Congress on the erosion of farm income and how we must legislate new programs to revitalize rural economies when this Congress has not acted to end a dock strike that has taken over a billion dollars from the pockets of American farmers. At a time when we are spending close to $3 billion to subsidize agricultural production, how can we deny access to farm markets?

Realizing that 53 percent of all wheat production in this country is for export and that we subsidize its production with $880 million in Federal funds, how can we then ignore this crisis?

Mr. President, this is pure folly.

Senators have openly deplored the occurrence of the first trade deficit in recent history, yet it is the failure of Congress to act that is bound to have far reaching implications on trade and possible future deficits.

Time and time again, the public interests have been overlooked in the handling of labor disputes.

We owe it to the people of the Nation who are increasingly victimized by vicious strikes to establish a permanent mechanism which would represent this same public as well as the rights of the disputing parties.

RAILROAD RATE STRUCTURE SUPERVISION

Mr. TAFT. Mr. President, during the past 10 months I have been very critical of the way in which the Interstate Commerce Commission has supervised the rate structure of America's railroads. I have pointed out that the Commission has permitted rate discrimination as to the nature and value of the commodities shipped and as to the direction in which the freight is moved. Both types of discrimination seem indefensible to me.

Recently, a group of students at the George Washington University, under Prof. John Banzhaf, have undertaken a study relative to the effect of railroad rate policies on the environment. The study concludes that freight rates discourage the use of waste materials at the very time when we are trying to promote recycling in the interest of protecting our environment.

A short time ago, I was visited by members of the scrap-iron industry, who made this same complaint.

I ask unanimous consent that there be printed in the RECORD an article entitled "Railroads Discourage Recycling," written by Michael Drezin, and published in The Hatchet, the student newspaper of George Washington University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANZHAF GROUP EXPOSÉ—RAILROADS DISCOURAGE RECYCLING

(By Michael Drezin)

A group of GW students investigating the effect of railroad rate policies on the environment has found that current freight rates discourage the use of recycled waste materials and favor the use of raw materials.

Students Challenging Regulatory Agency Procedures (SCRAP) as the five-member group is known, as formed in September and is part of an Unfair Trade Practices course taught by Prof. John Banzhaf.

According to SCRAP Chairman Neil Proto, the cost of transporting a ton of scrap iron and steel for use by the steel industry is approximately $5.30 a ton while the cost of transporting iron ore is only $2.20 a ton. Proto also pointed out that it is more expensive to transport paper waste than virgin timber used to make paper and paper products.

Citing a Nader study report, Proto suggested one possible reason for the rate structure preferred by railroads which favor the use of raw materials. According to the study "Several railroads are actively involved in mining operations which present a gigantic opportunity for increased income." The Union Pacific has mineral rights on ten million acres, the Northern Pacific has mineral rights on eight million acres. Both sections of land contain iron ore and lumber, the study reports.

SCRAP has accused the Interstate Commerce Commission, which regulates railroad rates, of not complying with provisions of the National Environmental Policy Act in granting railroads across the board rate increases in 1970 and 1971.

Proto said the NEPA requires federal agencies conducting activities which affect the environment to file an environmental impact statement with the President's Council on Environmental Quality. The ICC has failed to file this statement, he said.

In an unsuccessful challenge to the 1970 and 1971 rate increases, a petition filed by SCRAP before the ICC accused the ICC of failing to consider "the effect of the . . . rate increase on: The amount of energy needed to produce a product from recycled materials vs. raw materials; the effect of energy demands on the nation's finite natural resources; "the increased likelihood" of a health threat resulting from the inability of cities to move solid wastes; "the possible harm to water resources, fish, and wildlife" resulting "from an inability to move materials for purposes of recycling and the methods utilized for the extraction of raw materials."

In its most recent action, SCRAP has persuaded the ICC to deny—at least temporarily a request by the nation's railroads for a two and a half percent interim surcharge on freight service which would be followed by a request for a general increase on selected commodities.

The railroads which requested their latest increase on Dec. 13, 1971 to become effective Jan. 1, 1972, was denied the request by the ICC until at least Feb. 5.

In denying the request, the ICC said the railroads failed to provide environmental impact statements as required by agency rules in support of the NEPA.

According to a SCRAP publication, "the estimated increase temporarily denied . . . would have yielded the railroads an estimated $246 million annually, and the delay until at least Feb. 5, 1972 will cost an estimated $24 million.

SUPPORT FOR COMMUNITY COLLEGES

Mr. MATHIAS. Mr. President, I recently had the pleasure of attending a meeting of the Maryland Congressional Delegation with a most impressive group of about 50 students, faculty, and administrators from the Community College of Baltimore. Led by Dr. Harry Bard, president of CCB, the group presented a compelling case for several provisions contained in S. 659, Federal higher education support legislation currently before Congress.

Particular enthusiasm was shown for the Senate version's $1,400 direct student grant provision, as well as for the support directed specifically at community colleges in the form of construction grants and development funds. The representatives also favored the House provision for noncategorical institution aid.

Community colleges such as CCB, serving an urban, racially, and ethnically mixed student population, represent one of the key vehicles for expansion of educational opportunity in this country. However, without Federal support programs aimed at the needs of such institutions, that opportunity will be tragically limited.

Mr. President, I ask unanimous consent that, for the benefit of Senators, the statements of Mr. Doug Airey, a CCB student, and Mr. Clarence Gregory, a CCB administrator, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF DOUG AIREY, STUDENT, COMMUNITY COLLEGE OF BALTIMORE

My testimony, when added to that which you have already heard, may not be new or startling, but I must ask you to consider my statement in the light of my responsibility as representative of the Community College of Baltimore Student Government Association.

Our deep concern is that if this and other colleges should fail to receive some form of general aid as proposed in the House Bill HR7248, the alternative for hard pressed colleges would likely be an increase in tuition.

Those who would suffer most from the additional burden of increased tuition would be the very students that urban colleges as ours are working to attract.

The door would again begin to close part of the little distance from which it has been opened to students who are in financial need. Thus it would hurt most those who need, and WANT, the help most.

It is for this reason that we would like to ask for your support for a reasonable general aid provision in the final bill.

In support of this argument we would like to give you several specific examples of actual students and their financial situations.

Because of the confidential nature of this information, the names are omitted. I would, however, be willing to identify the specific students should you be interested in verifying this information.

The editor of the school newspaper is a veteran receiving $175.00 per month, which is his total income for 10 months. Out of this, he must support himself completely, paying for rent, food, utilities, clothing, transportation, and college expenses.

Another student, the Publicity Chairman of the Student Government Association, is more fortunate in that she can live at home. She needs work in order to provide money for transportation, books, and other costs essential, and part of college attendance. For students like her, the present situation in the job market makes life even more difficult than it has been now.

With recession businesses can get more experienced help with resulting keener competition for jobs, according to Mrs. Mullineaux (the College Job Placement Counselor). Stopping the war has cut jobs. At the same time, returning veterans are flooding the job market. All of this results in a more difficult work situation for the average college student.

The upgrading of requirements for numerous career jobs dictates that students who expect to get into these fields, in order that they may make a contribution to our society and economy, must spend more time to prepare themselves with necessary college education.

Another student is part of the vanishing number of those under work-study programs due to a greatly increased number of colleges vying for funds available, according to Mrs. Shirley Smith (Financial Aid Counselor).

Another student has come through the Upward Bound Program, which has motivated him to continue college. At the same time, he works at the United States Post Office to help support himself, while contributing efforts as Sophomore Class Chairman of the Student Government Association.

Another individual is an ex-con, continuing his education and rehabilitation through the National Student Defense Loan and Economic Opportunity Grant Programs. He would receive more funds under a wider definition of matching funds as proposed to you. This would include scholarships under the EOG provisions, and because the student also has a councilmatic scholarship, it would directly increase his benefits. Currently, he must work two full-time jobs in the summer to provide college costs.

A 24-year-old, married at 16, divorced at 22, supports two (2) children while working full time and continuing at night. She is also president of the Baltimore Social Club.

A final example is the full-time mother, married to a minister, while working and attending college both full time.

Another beneficiary of general aid would be the Community Services Division. They have a program starting this semester specifically helping upgrade the skills of under- and unemployed persons. In specific, their Construction Technology Program is undertaking the rehabilitation of Baltimore homes for Baltimore citizens at the same time that students learn.

Last year in testimony for increased aid at the Maryland Legislature, the Freshman Class Chairman concluded that "higher tuition would limit opportunities for many students to continue their higher education, consequently the student and community would lose."

In testimony before the same Legislature, the Student Government Association President said, "Once upon a time there was a college (school) which sat upon a hill. This college was like many other colleges: it was centered in the community, for the community, to educate and train workers to return to the community as productive citizens. These were mdidle-class, working-class people, poor people. Many of whom had to work twenty to thirty hours a week to stay in school—to 'better' themselves, as they would call it. Things were gay. The robin sang. The sky was blue. But then one day the sky clouded over. The robin vainly flew searching . . . searching . . . for a speck of light . . . a smile. But none were to be found."

"Why? Why? Students began to get dark circles under their eyes. Their faces, lean and fatigued, were tainted with despair."

"Why? Why? Was it because they would return home from work with barely enough energy to peel off their garments and then collapse into one mass of fatigue on their beds? . . . Why did the sky cloud over?"

Money, dust, and ducats made the sky cloud over. General aid must be provided to "make the sky blue."

STATEMENT OF MR. CLARENCE GREGORY, ADMINISTRATOR, COMMUNITY COLLEGE OF BALTIMORE

FEDERAL AID FOR COMMUNITY COLLEGES—EMPHASIZING THE CURRENT H.R. 7248 AND S. 659 OMNIBUS BILLS (THE HIGHER EDUCATION ACT OF 1971)

The Community College of Baltimore, like most other institutions of higher education around the nation, finds fiscal financing increasingly difficult. Urban colleges, such as ours, find themselves in a greater bind in this respect than some others. We exist primarily to attract and serve the needs of the so-called "inner-city or minority student." These students are those who had never considered college before, indeed, are in many instances the first of their families to attend schools of higher education. They are the victims of economic deprivation and the exigencies of providing for the basic necessities left no funds to pay for education. Many of them have to work full time in order to pay for a minimal study load and at the same time help their families, and provide for themselves.

Low family incomes make a high percentage of them eligible for student grants, loans, work-study, and other types of financial aid. CCB has the highest percentage of this low-income student of any Community College in the State of Maryland. As enrollment increases, this percentage goes up.

If we are to remain true to our reason for existence, then we cannot raise tuition and price our students out of the higher educational market. Noncategorical aid will keep us from having to raise tuition.

In addition to the above, urban colleges have some other problems to a greater degree than perhaps some colleges situated elsewhere. The reference is to expenditures for so-called ethnic studies and ecological studies. The "ethnics", including minorities, are in the nation's urban centers. Demands for ethnic studies, non-existent a few years ago, are greater there. Moreover, the problems of air and water pollution (ecological studies) have greater concentration in the cities, causing the demand to seek solutions which take the form of additional studies, which, in turn, increase expenses.

The "new" student and his college are also faced with expenses that were not a part of the college scene until recently. As previously stated, he is probably the first of his family to attend a school of higher education. His problems in this respect have to be met through a program of expanded special services. Various kinds of counseling such as admissions testing and measurements, psychological, job placement, financial aid, academic, vocational, personal, career, and transfer counseling, have to be made available. In other years, much of this was done by college-oriented families. In the absence of such help from the home, the college itself has to absorb this function. Special services alone add a great burden to ordinary college expense.

If the open-door policy of the urban college is not to become a closed door, expenses to the student must be kept within his ability to pay. One of the cruelest actions of one human to another is to crush hopes and aspirations once they have been raised. The Community College, by making higher education available to those for whom it was closed before, has opened pathways to a better life.

Now that at last Congress has put together noncategorical aid to colleges and special aid to students, these forms of assistance would prove of great help to the neediest students. The student in the general education program has the same expense as the one in vocational education. The making of economically secure students, who otherwise may never be, can only result in building a stronger nation.

DOCK STRIKE

Mr. FONG. Mr. President, at long last the press and people in all parts of our country are coming to the realization that something must be done, and done promptly, with regard to the west coast dock strike. For many months, since the strike began on July 1 of last year, the people of my Island State of Hawaii have felt that their plight has been little known or understood by the country at large.

An economic blockade, for that is what the dock tie-up has meant to Hawaii, is a slow death, like sand running out of an hourglass. A business fails for lack of imported supplies, and five or 10 or a hundred persons are thrown out of work. A laborer's workweek is reduced from 5 or 6 days to 2 or 3. Chlorine to purify drinking water is found to be in short supply. Warehouses run out of space because sugar and pineapple cannot be shipped to mainland markets. Tax revenues essential for the operation of public services drop sharply. Economic growth is set back for years to come.

Early last week a group of concerned citizens came to Washington from Hawaii. They represented an organization called Operation Blackeye, in reference to Hawaii having been struck hard by the economic consequences of the west coast dock strike. They brought with them 80,000 letters and petitions from citizens of Hawaii in all walks of life. This is approximately one-third of our total number of registered voters. Operation Blackeye came here to bring to the attention of Congress and the people of this country the critical situation in which the citizens of Hawaii find themselves as a result of this strike. They came to ask Congress to enact legislation promptly which will safeguard Hawaii.

I was glad to welcome this group and to do everything possible during their visit to enable them to inform Members of Congress of the disastrous effect the dock strike has had on Hawaii's people and economy. It is my strong hope that the appeal for legislative action contained in the 80,000 letters and petitions of Operation Blackeye will stir this Congress to immediate action on remedial legislation.

I ask unanimous consent that the text of editorials published last week in the Washingon Post and the Washington Evening Star and a news report published in the Christian Science Monitor be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Jan. 31, 1972]

DOCK STRIKE: FARM, LABOR IMPACT

(By Richard L. Strout)

WASHINGTON.—President Nixon has yanked the alarm on the West Coast dock strike but Congress is responding with a ho-hum.

The trouble is that Mr. Nixon wants compulsory arbitration, which is one of the most emotional issues in labor relations, and an election is coming up in which trade unions are likely to play a big part.

At the same time many elements in the country are becoming concerned over a situation in which a strike of some 100 days was interrupted by an 80-day so-called "cooling-off period" under the Taft-Hartley labor law, only to have it expire with no cooling off, and the strike resumed again Jan. 17.

The strike is developing from a regional issue into a national and international affair, with no certain modern precedents for government to follow.

Politically it is acute. In addition to the fellow-feeling which many unionists have for longshoremen there is the instinctive opposition to the precedent of compulsory action by labor and its frequently repeated charge that the Nixon administration is "anti-labor."

This was accentuated by the dramatic confrontation between Mr. Nixon and the AFL–CIO convention at Miami last November. This episode, and disputes over the Pay Board, are believed to have produced George Meany's bulldog enmity to the administration as head of the labor organization.

Farmers are deeply affected. The new Secretary of Agriculture, Earl L. Butz, is trying to whip up pressure to get Congress to act, as irritation gradually hardens to anger in Midwest farm areas over the tightening noose of the strike on agricultural exports.

International relations are involved as the West Coast longshoremen attempt to seal off cargo getting through in Canada and Mexico at the far ends of their 2,000-mile picket line.

James D. Hodgson, Secretary of Labor, says the strike costs millions of dollars a day and threatens to halt the nation's economic recovery.

LITTLE URGENCY FELT

Congress, Mr. Hodgson complains, shows "little sense of urgency."

Two weeks after the Democratic Congress returned to Washington a pattern is developing that recalls 1948, when a Republican Congress took a languid interest in a Democratic President's appeals.

Mr. Truman threw the kitchen sink at the 80th Congress, led by Arthur Vandenberg in the Senate and Speaker Joseph W. Martin in the House. He called a futile political session after the Democratic National Convention in Philadelphia, and made the "do-nothing 80th Congress" his principal campaign issue. He won.

Has the 92nd Congress a place in history, too?

With increasing frequency Mr. Nixon, in his State of the Union, budget, and economic messages, is stating or implying that Congress is holding up various projects. Now comes the dock strike.

CONGRESS CASTIGATED

In an appeal to Congress Jan. 21 Mr. Nixon called the dock strike "intolerable." He used such urgent words as "insensitive," "threatens," "damaging," "urgency," "vital," "implore" and declared that "our national economy [has] been made hostage to the interests of those few who persist in prolonging the dispute."

And, then there was this Nixon comment about Congress:

"For two long years, the Congress has had before it comprehensive proposals which I submitted and have repeatedly urged that it pass for the resolution of emergency transportation disputes. This legislation still languishes unenacted."

Congress hesitates like an uncertain team in a firehouse that hears the alarm but isn't sure its engine will run.

COMPULSION THE ISSUE

Should Congress now, a generation after the Taft-Hartley Act, write new federal legislation setting the pattern for compulsory arbitration which, in effect, tells a man that he must work, by order of the government?

It is one of the most delicate areas in a democracy, for it tests the social contract on which democracy is based, an implied agreement by major elements to work for the good of the whole.

A House committee starts hearings Monday, Jan. 31.

A Senate committee took testimony from Labor Secretary Hodgson, but not from two other Cabinet members the administration wants to testify.

The administration is organizing grassroots protests to Congress to stimulate the languid legislature.

Mr. Nixon's remedy—special congressional authority to set up a three-member arbitration board named by Mr. Hodgson from professional arbitrators; the strike (or lockout) to be illegal from the day of enactment, and the board's determination to be made within 40 days, and to be binding on all parties for a definite period of time, at least 18 months.

This is stern action for a deepening emergency. It would set a precedent probably unparalleled in peacetime.

[From the Washington Evening Star, Feb. 2, 1972]

LABOR STALEMATE

Congressional inaction on the administration's call for emergency legislation in the West Coast dock strike is in line with the legislators' generally sorry record on saving the nation from damaging labor stoppages.

The dispute that closed the Pacific ports for 100 days last year and, after expiration of a Taft-Hartley injunction, shut them down again on January 17, is the kind for which the law should provide a method of fair and certain solution. While many shippers have made alternate arrangements, and port activity was speeded during the cooling-off period in anticipation of a resumption of the walkout, a prolongation of the current disruption would pose a substantial threat of economic harm. With the nation struggling to recover from the first trade deficit in more than 80 years, important agricultural exports have been curtailed. The West Coast ports could lose business permanently to rivals in Canada and Mexico. Hawaii's major channel for supplies from the continent has been cut.

Though the differences between union and employers have been narrowed, the uncertainty of an early settlement has left the administration with little choice but to seek ad hoc legislation, in this case requiring a return to work and binding arbitration. As the House and Senate Labor Committees drag their feet on the administration request, it is clear that the legislative need has run afoul of election-year politics. Congressmen, particularly Democratic members dependent on labor support, do not want to offend powerful unions by embracing compulsory arbitration.

The Congress is even less likely, as labor girds for the attempt to hold President Nixon to one term, to act now on the two-year-old administration proposal for broader legislation to prevent costly strikes in the transportation industry. Such legislation is needed—covering other economically vital industries as well—because of the lack of legal tools to require settlements after exhaustion of delays under the Taft-Hartley and Railway Labor Acts.

The administration proposal would give the President a set of options—including possible imposition of the last offer of either side—for ending transportation labor disputes. The plan has merit, as do broader suggestions for adjudication of otherwise insoluble disputes through labor courts or some other binding mechanism.

As it is, Congress repeatedly in the last couple of years has had to legislate specific settlements ending nationwide rail strikes—cases in which national paralysis was so obvious that action could not be avoided. Labor law should not have to be made on a case-by-case basis, but only Congress' failure to approve more comprehensive solutions has made this necessary, as in the West Coast dock crisis.

The legislators eventually must face the fact that the nation cannot continue paying the costs of frequent failures of the collective bargaining system, when these affect indispensable segments of the economy on which we all depend.

[From the Washington Post, Feb. 3, 1972]

Congress and the Dock Strike

There is just one major problem standing in the way of legislation to try to deal with labor crisis like that brought about by the West Coast dock strike and that problem is named Congress. The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done, the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency.

Just this week, for instance, Secretary of Labor James D. Hodgson was up on the Hill urging a House Labor Subcommittee to pass President Nixon's emergency legislation to end that West Coast strike. The dockworkers were out for three months last summer and resumed their strike in mid-January after the President exhausted all the effective remedies available to him under existing law. The strike has severely damaged many West Coast businesses, its impact has been felt far beyond the confines of the docks, and international trade has been crippled. Yet the reception given Secretary Hodgson on Capitol Hill indicates that Congress couldn't care less.

The President has proposed that the dockworkers and shippers be forced into compulsory arbitration by a three-man board to be selected by Secretary Hodgson. The board's decision would be binding for at least 18 months. While this is not a particularly good way to break a labor-management impasse, it is better than letting the strike drag on and it is better than anything anybody in Congress has proposed. Yet a Republican member of the House subcommittee, Representative Reid of New York, told Mr. Hodgson that Congress won't act on an emergency basis and the committee chairman, Representative Thompson of New Jersey, said the committee couldn't act without going over the proposal with "a fine-tooth comb." We can't help wondering what the committee has been doing for the past few years if it doesn't understand already what this legislation means and what this particular strike means.

For more than two years, the administration has been asking Congress to deal with the problem of strikes in the transportation industries. These are particularly crucial to the economy since they tie up not only one industry but, eventually, most other industries as well. The attitude of Congress toward the administration's pleas has been to ignore them and to intervene in such strikes only when the situation got so desperate that something had to be done. Indeed, Secretary Hodgson has warned Congress that it better face the problem squarely and delegate power to deal with these situations or get ready to undertake the role of chief mediator itself. Since history suggests that Congress is perhaps the worst possible mediator of labor disputes, the proper course of action is quite clear. Yet, Congress not only refuses to take that course, it refuses even to seriously consider taking it as far as we can tell.

Dealing with labor questions like this is always hard for politicians and particularly hard in an election year. But sooner or later the public interest is going to have to be injected into this particular area of labor negotiations. Congress could save many innocent bystanders from considerable harm and do its part to keep the economy running smoothly by acting sooner rather than later.

TRAPPED RESIDENTS OF INNER CITIES

Mr. TAFT. Mr. President, many of the residents of our inner city neighborhoods feel trapped. They have worked hard to earn a living and raise a family. But the only investment they may have is their home. In all too many cases, however, these homes are beginning to deteriorate, as the neighborhood around them undergoes the signs of gradual decay.

Unable to afford the luxury of suburban living and too affluent for public housing, these residents frequently desire to remain in the old neighborhood, where their longtime friends and acquaintances still live. They are plagued by rising taxes and the fact that their homes are in need of costly repairs. For those who have retired and who are living on a modest, fixed income, these repairs become impossible to afford.

They want to help themselves but they simply cannot afford to do so. They do not want to wait for the bulldozer to renew their neighborhood. They would rather do it themselves.

It is for that reason that I have joined the Senator from California (Mr. Cranston), in introducing S. 3109, the Urban Rehabilitation Act of 1972.

This measure would permit residences to be rehabilitated without increasing the monthly mortgage payment. By using the credit of the Federal Government to guarantee mortgages, these property owners could gain a more favorable interest rate and thereby save the homes that they have worked so hard to build.

This approach is not designed for the neighborhood which has already become a slum. Rehabilitation will not work in such instances. This measure is designed to arrest urban decay, rather than to replace urban renewal. It is designed to protect old neighborhoods, rather than create new ones.

The physical deterioration which exists in our inner cities was dramatically reported in the February 3, 1972, issue of the Cleveland Plain Dealer. I ask unanimous consent to have that an article entitled "60 Percent of Cleveland Housing Is Rated Poor or Worse," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sixty Percent of Cleveland Housing Is Rated "Poor" of Worse

(By Donald Sabath)

Cleveland's housing stock continues to deteriorate and the abandonment of housing in four East Side neighborhoods has reached crisis proportions.

This was the report given last night by Howard B. Klein, who was elected chairman of the Cuyahoga County Regional Planning Commission. He spoke at the Royal Oak Room in the Terminal Tower at the organization's annual meeting.

The commission released the first two of three reports on the housing stock in the county.

Klein, a Higbee vice president, said it was no surprise that the most severe housing problem exists in the city of Cleveland.

"Six out of 10 dwelling units—fully 60%—of the housing in Cleveland is rated as poor or worse in terms of its conditions and general marketability," he said.

Klein said this percentage totals 150,000 units. The information came from the Cuyahoga County Auditor's office, he said.

"Over three-fourths of the housing in Cleveland was built before the Depression and over one-fourth was built before the turn of the century," he explained. "In short, most of Cleveland's housing is old, in poor condition and only marginally marketable."

The abandonment of housing is blamed on the exodus of 125,000 persons from Cleveland during the 1960s, he added.

"This has resulted in a housing crisis in the east central, Glenville, Hough and the west central areas," Klein said. "These neighborhoods together lost almost one-third of their population and about one-fifth of the housing units during the past decade."

In 1970, he explained, 13% of the remaining units in these four neighborhoods stood vacant.

"Unless something drastic happens to turn these present trends around, the population loss and abandonment of housing in these neighborhoods, and probably in others, will very likely become even more severe in the future."

Klein also said that new homes may soon be priced out of the market for not only low-income families, but also the wealthiest.

"In 1964, the average price of a new home in Cuyahoga County was $22,482," he said. "In 1969, the price jumped to $35,187. At the rate of inflation, the average new home today sells for over $40,000."

Klein said the reports show that the housing problems of Cuyahoga County are not confined to the city of Cleveland, nor are they confined to racial minorities.

"They affect almost everybody in the county," he said.

REVALUATION OF THE DOLLAR

Mr. JAVITS. Mr. President, it is now reliably reported that the administration will submit the legislation to formally revalue the dollar this week, having secured significant short- and long-term trade concessions from our major trading partners.

As was expected, the announcement that a "balanced package" of trade concessions had been negotiated with the European Common Market had the effect of calming the world's monetary markets which had shown considerable nervousness in the preceding weeks.

I ask unanimous consent that the excellent article published in the Wall Street Journal of February 7, on the subject of the devaluation bill and the trade negotiations, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Shortly To Ask Congress To Devalue Dollar by Lifting Price of Gold $3 an Ounce

The Nixon administration will formally ask Congress early this week to devalue the dollar by raising the price of gold, as the U.S. agreed to do seven weeks ago.

William Eberle, the President's international trade representative, cleared the way for the measure on Friday when he agreed in Brussels on what he called a "balanced package" of trade concessions with the Common Market. Terms, though, weren't disclosed.

The U.S. has sought, and apparently attained, other trade concessions from Japan and Canada in bilateral talks. It's expected that either the White House or the Treasury Department will summarize the results of these trade negotiations in a formal announcement early this week.

Japan has already disclosed its trade concessions to the U.S. These include reductions of tariffs on several items. Japanese Ambassador Nobuhiko Ushiba said the Japanese concessions would ease restrictions on items that account for about $650 million of U.S. exports to Japan annually.

The administration's bill will propose a $3 increase in the official price of gold, to $38 an ounce. Chairman Wright Patman (D., Texas) of the House Banking Committee said the panel wouldn't delay hearings on the bill. Other sources said the House committee hearings may take only a day or two.

Some monetary authorities predicted that transmission of the bill, and its passage, could go a long way to claiming world monetary and gold markets, which have been extremely skittish in recent days. Indeed, the announcement of the U.S.-Common Market accord in Brussels brought new strength to the U.S. dollar and prompted an easing in the free market price for gold.

Mr. Eberle described the U.S.-Common Market accord as "a proposed agreement in principle and in substance" on trade relations. The agreement, he said, contains "short, medium and long-term" elements that "help assure" the passage of a clean gold bill in Congress this week.

CONTAINS EUROPEAN CONCESSIONS

He believes, that is, that the pact contains enough concessions from the Europeans to forestall attachment of protectionist amendments to the U.S. devaluation bill.

But neither Mr. Eberle nor Ralf Dahrendorf, the European Communities commissioner for trade relations, would disclose the substance of the agreement. Mr. Eberle explained that its final text is still being drafted, that it remains subject to approval by the Common Market council of ministers and subject to "a last look by me" at the text when drafted.

Both men said the text would be published sometime this week in Brussels and Washington. But Mr. Eberle said he didn't know whether it would be published before the gold bill was submitted to Congress this week.

While declining to discuss the substance of the agreement, members of Mr. Eberle's negotiating team indicated that the problems that had caused a projected one-day wrap-up session to spill over into Friday involved "editing and wording." Any points that would have to go back to the Common Market's council of ministers for special approval would concern "wording but not figures," these sources said.

This indicates that the short-term "concessions" of the EC probably stand as the council mandated them to their negotiators.

The Common Market had offered to stockpile 1.5 million tons of grain from its 1971–72 harvest, up from the 1.2 million tons originally offered but well below the 3.4 million tons of the U.S. request. The object of the stockpile is to hold the wheat off world markets where it competes with U.S. exports and works to lower the world price. The Common Market had also offered to lower its tariffs on oranges for June through September to 4% from 15%, among other concessions.

On the question of tobacco, where the U.S. objects to internal Common Market taxes that tend to erect nontariff barriers against imports of U.S. leaf, it seemed likely as the talks ended that the EC will undertake to keep American interests in mind in setting such taxes.

In like fashion, the EC is expected to undertake to keep the U.S. informed of its trade talks with Sweden, Switzerland, Austria, Iceland, Finland and Portugal. The U.S. had asked to be direct observers in these talks to look out for U.S. interests.

The Common Market member countries are France, Italy, West Germany, Belgium, the Netherlands and Luxembourg.

One problem that delayed a settlement concerned a joint declaration of intent to hold a "complete reexamination of the totality of international economic relations," as the proposed text read. This would involve an examination of the problems, starting this year, and culminate in 1973 in broad and far-reaching negotiations, comparable with the Kennedy round of talks in the 1960s under the General Agreement on Tariffs and Trade.

PREFERENTIAL AGREEMENTS

At issue here was the U.S. distaste for preferential trade agreements that the EC has and might like to renew with other nations and groups of nations. Both sides believe they have arrived at a wording satisfactory to all.

The mere announcement of a U.S.-Common Market agreement, even in advance of terms, was enough of a hypo for the U.S. dollar on international monetary markets.

In Frankfurt, where the dollar had closed at 3.1912 marks on Thursday, the West German central bank was forced to intervene in early dealings Friday to keep the U.S. currency from plunging further. But then came the announcement, and the dollar jumped to close at 3.202 marks.

On the London Market, the pound also weakened against the dollar after the announcement, closing at $2.599, off from $2.6047 at Thursday's close.

The pattern was repeated, in reverse, on the London gold market, where speculators, industrial users and miners trade the precious metal.

National central banks, since March 1968, have refrained from trading on this market, valuing their gold among themselves at $35 an ounce, soon to be officially reset at $38 an ounce. The price on the so-called free market spared of governmental intervention, had skyrocketed early last week to near $50 an ounce on speculation that the U.S. wouldn't limit its increase to only $3 an ounce.

The price fell back later in the week when the U.S. Treasury insisted that it would stick with its $38 plan. It fell further Friday on the announcement of the Brussels accord. London dealers fixed the bullion price Friday afternoon at $47 an ounce, off fully $1 an ounce from the day before.

"It was a one-way market with speculators cashing in on their profits," one dealer said.

Mr. JAVITS. Mr. President, the submission of this devaluation legislation meets the U.S. commitment made in Washington on December 16 and which is an integral part of the interim package of currency realinements agreed to by the major industrial nations of the world. I emphasize the words "interim package" because many issues remain unresolved, a long and difficult period of negotiations lies ahead on the long-term reform of the international monetary system.

One of the most thoughtful studies that has been made on the long-term reforms that will be needed was prepared this January by 12 internationally known economists representing the United States, Canada, the Common Market, and Japan. The study entitled "Reshaping the International Economic Order" has been published by the Brookings Institution.

I ask unanimous consent that the section of the report which sets forth the pending long-term issues of monetary reform be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[From Reshaping the International Economic Order]

International Monetary Arrangements

The agreement reached in Washington on December 18 established some features of the international monetary system but left others to be settled later. There was agreement on the par values or central rates of the currencies of the leading industrial countries and on the width of the band within which exchange rates would be allowed to move around those parities. But there was no agreement on the conditions that should govern future changes in parities and the degree of flexibility to be expected in the new par values; on the conditions on which any one reserve asset would be convertible into other reserve assets; or on measures for the creation of new reserve assets. In other words, there was no explicit agreement on any one of the three fundamental elements in the international monetary system: the mechanism of adjustment to surpluses and deficits; the means of preserving confidence in alternative reserve assets; and methods of generating new international liquidity.

Such an agreement is indispensable to any long-term settlement. First of all, the mechanism of adjustment has to be improved. The reluctance of countries to allow changes in exchange rates to play their part, especially over the past ten years or so, has perpetrated imbalances that had to be financed and that generated increasing distrust of existing exchange rates. Less reliance on the financing of deficits and more on their elimination through exchange rate adjustments is obviously desirable, and the main issue to be determined is what form of flexibility in exchange rates would work best. Flexibility should not be abused, however, but should be used as a means of correcting external imbalance and never made a substitute for measures of domestic policy to raise the level of employment. It is not the function of exchange rate adjustments to secure full employment.

The achievement of a satisfactory adjustment mechanism to preserve international balance is the chief requirement—but by itself it is not enough. It is also necessary to ensure that existing reserve assets are firmly held. If central banks, for example, come to distrust the dollar because of the large total of U.S. external quick liabilities, a fresh crisis may be precipitated because these banks will be unwilling to accept more dollars or will try to secure convertibility into some other reserve asset. In all probability, this situation would give rise to sharp and undesirable changes in the dollar parities of other currencies and renew world uneasiness about the possibility of competitive devaluations.

This danger has to be viewed against the background of the very large total of U.S. dollars already held by central banks ($45 billion at the end of September 1971 and rising fast) and the possible need to go on financing a continuing U.S. deficit for some time. The urgency of international negotiation for a long-term settlement derives mainly from the need to deal with this large overhang of inconvertible dollars.

In addition, agreement will have to be reached on the future role of the dollar as a reserve asset and on how, if the world is not to be kept supplied with additional reserve assets indefinitely by means of a U.S. deficit, the genuine need for fresh injections of liquidity is to be satisfied. This is the third element required in any reconstruction of the existing system.

The use of the dollar as a reserve currency is widely thought to confer privileges on the United States that should be brought to an end. This is not, however, as easy as it may seem. The reserve currency role does not result from any initiative by the United States and cannot be terminated by a unilateral decision on its part. Moreover, so long as the dollar continues to be the currency of intervention, and the U.S. economy and financial institutions occupy a dominant position in international trade and finance, there is an unavoidable asymmetry in the system. This asymmetry makes it difficult, if not impossible, to reduce the dollar to the same status as that of other currencies or to ensure for the United States the same freedom of action in relation to exchange rates as that enjoyed by other countries. Nevertheless, it is not in the general interest to perpetuate a system that links the creation of additional liquidity with the continuation of U.S. deficits and multiplies the danger of switches between alternate reserve assets.

ADDRESS BY MRS. ANN BAKER FURROW, KNOXVILLE, TENN.

Mr. BAKER. Mr. President, I take this opportunity to recognize and applaud one of Tennessee's most outstanding women, Mrs. Ann Baker Furrow, of Knoxville. Last year, Gov. Winfield Dunn appointed Mrs. Furrow as a member of the University of Tennessee Board of Trustees. She is the first woman and also, at 26, one of the youngest members ever to be appointed to that body in the 176-year history of the university.

Mrs. Furrow's appointment is only the latest of her many achievements. As a fine sportswoman, runner-up for the National Women's Amateur Golf Championship and winner of the Tennessee State Women's Golf Championship, Mrs. Furrow, a native of Maryville, was the first recipient of the Robert Neyland scholarship for athletic and academic achievement while attending the University of Tennessee. While at the university, Ann served as president of Alpha Delta Pi sorority, was named to Who's Who, received a Mortar Board Senior Citation, and served as vice president of Associated Women Students.

Since her graduation, Mrs. Furrow has been active in many civic activities, including the Dogwood Arts Festival in Knoxville, the Knoxville Symphony Society, and the Tennessee Junior Golf Association, as well as working with a Knoxville real estate firm. She is married to Mr. Sam Furrow, a Knoxville attorney.

Last December, Mrs. Furrow delivered the commencement address at the University of Tennessee in Knoxville. Her remarks and advice to UT graduates describe the personal creed by which Mrs. Furrow has lived. They will, I think, be of value to all American youth. I ask unanimous consent that her address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS BY MRS. ANN BAKER FURROW

Today is an important day for each of you, not only because it is your graduation day, but also because it is the first day of the rest of your life. The greatest thing I could hope for each of you is that the rest of your life would be rich, fulfilled, and happy—what I would consider successful. To me, success is not defined in terms of prestige symbols or material wealth, but rather in terms of satisfaction, peace of mind, fulfillment, and creative accomplishment. Based on what I have observed in individuals I think we all would consider successful. I would like to give you only two suggestions that might aid you in obtaining this successful life:

1. Always have a goal before you, a sense of direction
2. Always think you can reach that goal.

Man is by nature a goal-striving, goal-oriented mechanism. In a sense, he is functionally like a bicycle. A bicycle maintains its poise and equilibrium only so long as it is going forward towards something—to some point. We are engineered along the same lines—as goal-seeking mechanisms. When we have no personal goal which we are interested in and which "means something" to us, we are apt to go around in circles, feel "lost" and find life "aimless" and "purposeless." Life becomes worthwhile when we have worthwhile goals.

Today you, and your parents, have reached a goal you set years ago, and I know you must feel a great sense of satisfaction and happiness from this accomplishment. But now with the rest of your life before you, you must set other goals—and this means any goal. It can be long range, such as becoming head of a company, writing a book, making discoveries to improve the environment, becoming a head football coach, or getting your children through college. They can be short range goals such as beating Arkansas, cooking a good meal, painting a picture, shooting an 80 in golf, getting a job promotion, or improving the aroma at Stinky Creek. The scope of the goal is not important—the fact that you have some goal is!

So my first suggestion that might help you attain a fulfilled, successful life is this—get yourself a goal; get a project; stay busy doing something creative; always have something ahead of you to "look forward to," to "work for" and to "hope for."

My second suggestion is to think you can accomplish whatever you set out to do. You might call this attitude positive thinking or self-confidence or any number of related titles. But the point is "Be the man who thinks he can" and you can do it. I have always felt that this was an important attitude to take towards life, and one day several years ago I found a poem that I frequently refer to when I need a "boost."

THE MAN WHO THINKS HE CAN

If you think you are beaten, you are;
If you think you dare not, you don't!
If you'd like to win, but think you can't,
It's almost a cinch that you won't.

If you think you'll lose, you're lost;
For out in the world we find
Success begins with a fellow's will;
It's all in the state of mind!

If you think you're outclassed, you are;
You've got to think high to rise,
You've got to be sure of yourself
Before you can win the prize.

Life's battles don't always go
To the strongest or fastest man;
But sooner or later the man who wins
Is the man who thinks he can!

By coincidence I saw two weeks ago in a Nashville paper where Coach Johnny Majors, who was just chosen Coach of the Year, used this same poem in a speech he gave there.

You do hear so much in sports about the necessity of a positive or winning attitude. It is very obvious in a sporting event, especially in a man-to-man confrontation, that if you go into a match with the idea that you can't win, then you never will. Henry Ford once said, "If you think you can or if you think you can't, then you are right on both points."

But this positive "can-do" attitude is just as important in all arenas of your life—in your business life, your home life, and your religious life. Many of you are probably sitting there saying "I just don't have the ability to do what I really want to do—to get my Masters or Doctorate, or to get a particular job. But this feeling is wrong. You can do anything you really want to do if you are willing to pay the price. A few of you are fortunate to have exceptional intelligence or ability, but each of you can be exceptional.

Any businessman, any educator, any person that is in a leadership position will say without hesitation that an individual with a positive attitude is much more valuable than someone with more ability or more intelligence but with a defeatist outlook. So always take the attitude that any goal or task may be tough, but that it can be licked; and you will be surprised at the things you can accomplish.

Today you are beginning the rest of your life; and if you can find true happiness, fulfillment and peace of mind, then I think you will have had a successful life. I sincerely believe that if you will always have some goal before you, no matter how big or small, how long-range or short-range, but just some goal; and if you will approach that goal *and* approach life with a positive "can-do" attitude, then you will be well on your way to that successful life; and I wish this for every one of you!

SOCIAL SECURITY CLAIMS PROCESS

Mr. PELL. Mr. President, although social security was never meant to cover the full financial needs of individuals, we know that millions of Americans today are forced to depend almost solely upon benefit checks, and moreover, a great many are completely dependent on those checks. This dependence is the consequence of many factors, such as disability which prevents a beneficiary from working, job discrimination, employers who have not provided expected pensions, and past earnings that were too low to permit adequate savings during a working lifetime.

Our senior citizens, already the prime victims of inflation, our cruelest tax, are being asked to bear the burden of yet another problem originating in Washington, that is, the bungling and delays in getting social security checks to their recipients.

These may be procedural matters to a faceless bureaucrat or a soulless computer in Washington. But, they are matters of acute misery and, yes, of disaster to the older man and woman whose often feeble body of life hangs from the thread of those green social security checks.

If such a check is 2 days late in arriving because a holiday forces a postponement in their being received in the mail, the result can be no food or some other horribly real hardship for the recipient.

From a longer term view, complains received by my office indicate that the handling of claims by the Social Security Administration has been the cause of much unnecessary heartache and hardship.

Disabled and elderly persons are suffering undue hardships and deep frustrations while enduring the time-consuming processing of applications and claims, errors in payment and delays in payment at a time in their lives when financial assistance is particularly needed.

My own office files continuously bulge further with complaints from social security beneficiaries. It seems to me that it is time that an examination of the social security claims process be made.

I would urge that the Secretary of the Department of Health, Education, and Welfare undertake an efficiency study of the claims process in the Social Security Administration.

It would be my hope that such a study might consider the implementation of new and more equitable procedures.

I believe this to be necessary if the unfortunate bungling that has characterized the claims process in the past year are not to be repeated.

Allow me to cite some examples of the impact which administrative delays have had upon some of my constituents.

After filing the initial application for benefits and then waiting the requisite 6-month period following her disability, a 51-year-old Providence woman, who was unable to work and in dire need of financial assistance to help defray medical expenses, had to wait an additional 6 months before a determination was made on her claim.

It took 4 months for payment to be reinstated to a Cumberland widow in her seventies because of an inadvertent error at the social security office. Another unfortunate incident in this case occurred after my constituent had notified the social security office that he had moved. The Social Security Administration, although recording the change of address on her own account, failed to do so on payment from her husband's account.

At still a later date, my constituent contacted my office after being advised that an overpayment had been made on her widow's benefits. A reply to my inquiry into this matter indicated that the notice of overpayment was in error and a check was to be made payable for the amount erroneously withheld.

A 68-year-old Providence woman received a notice of overpayment. Benefits were stopped. An investigation revealed that a duplicate financial report had been made. But, it took 4 months to recover the payments. To further complicate this individual's case, during the "waiting" period, Congress had passed an amendment to increase benefits which, of course, she could not receive. Unfortunately, the proper adjustments had not been recorded to this account and it was necessary to file a separate report so that a check for the increased benefits could be issued.

In October 1970, I intervened on behalf of a 75-year-old man from West Warwick, who had not received benefits from February 1970, because a question had arisen in his proof of age evidence. This claim traveled back and forth, to and from Rhode Island, Baltimore, and the New York payment center. In December 1970, the claim was approved on a local level. However, Baltimore and New York did not agree with this decision and requested still additional evidence. In May 1971, this claim was finally approved.

A Warwick man who is self-employed, working on a commission with no company benefits, has advised me that he filed several applications because the Social Security Administration had no record of his ever filing a claim, and that he had to wait 2 years for a decision to be made on his claim.

I first indicated my interest in the claim of a Manville, R.I. citizen when he informed me of his decision to request a reconsideration on his claim for disability benefits in October 1969. In December 1970 I received official notification that his claim for disability benefits had been approved. However, after being advised by his attorney that there would be no fee, the Social Security Administration took the liberty of making the 25-percent deduction. I was advised in April 1971 that a check was being mailed to my constituent.

A particularly sad experience was that of a widow and mother of six minor children. This woman became quite ill and was forced to place her children in a home supported by the Catholic charity. Benefits for the children were forwarded to the home. When she was well again, she regained custody of her children and notified the Social Security Administration to make the necessary corrections when mailing the children's checks. The address change should have received clearance so that the widow would receive the checks. Upon notification the first payment was made. However, it was learned that the correction of address did not, in fact, clear and further payments were not being made following the initial check. The family was forced to go on relief and, subsequently, seek legal assistance after failure to receive payment for 3 months.

Another most difficult case involves a Portsmouth, R.I. mother with three children who was twice widowed and had since remarried in 1966. This woman filed a change in status report with the Social Security Administration upon her third married. Three years later, she received a notification from that office that she had been overpaid benefits amounting to $2,234.20 and that an initial payment would be expected within 30 days. My constituent, after numerous attempts to clarify the situation, and after being told by a local social security representative that "he could not understand how it happened," asked for my help. I immediately intervened on her behalf only to be told by the Commissioner of Social Security that:

> Even though the Administration was in error in making incorrect payments, she could not be granted relief from repayment of such amount.

I have since advised my constituent of her right to request a hearing of the Bureau of Hearings and Appeals. I regret to say, however, that I was notified this past month that her appeal had been denied.

I have mentioned only a few cases, but there are many, many more.

While I realized that the work of the employees of the Social Security Administration is most difficult, and sometimes very tedious and boring, I think it is important that they remember that the faceless paper that they shuffle from desk to desk concerns the fate of real people—many of whom have already suffered their share of indignities and who could do well without suffering aggravation at the hands of careless bureaucrats in Baltimore and elsewhere.

The number of persons whose economic well being is dependent upon the largesse of the Social Security Administration is increasing each day. Within a year and a half the administration expects the Social Security Administration to take over the handling of welfare cases from the States.

If the Social Security Administration is to handle the increasing workload efficiently, and with a spirit of kindness, I believe steps must be taken now to reform their slow and clumsy procedures for handling claims.

EDUCATION BUDGET, FISCAL 1973

Mr. CRANSTON. Mr. President, on February 3, it was my privilege to testify before the Senate Committee on Appropriations regarding the administration's budget for education, fiscal 1973.

I ask unanimous consent that my remarks to the committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE BUDGET OF THE UNITED STATES FOR FISCAL YEAR 1973

Statement of the Honorable ALAN CRANSTON

Mr. Chairman, and distinguished members of the Committee: It is a great honor to appear before you in these hearings on the federal budget proposals for fiscal year 1973. I thank you for the opportunity to speak on behalf of the students, teachers, administrators, and school boards actively involved in serving the nation at every level and segment of the American educational system, public and private.

PRESSURES FOR CHANGE IN FUNDING PATTERNS

Senators are as conscious as I am that events are moving swiftly and with irresistible force, shaping and forming vastly different patterns of financing the systems which interlock to make up the totality of American education.

The Serrano case in California, decisions in New Jersey, Minnesota—the Austin, Texas, and Richmond, Virginia, holdings—all presage fundamental changes in our traditional patterns of school finance. These decisions, and others, reflect the concerns which informed the Task Force reports on educational finance of elementary and secondary schools of the past two administrations.

In the realms of vocational education, education for the handicapped, our two-year community and junior colleges, our four-year undergraduate institutions, and our graduate and professional training centers, the events of the past decade have produced pressures of such magnitude that only a further major enlistment of our national resources can resolve them.

Legislation on the verge of enactment, when operative and funded, may provide the necessary resources to do the job; but until these proposed programs can begin to operate effectively, it is all the more important that existing programs receive continued and increased financial support. Later this morning you will hear the case presented by my good friend Roger Heyns of the American Council on Education, specifically on the importance of fuller funding of the Higher Education authorities. As one whose present concerns as a member of the Senate Labor and Public Welfare Committee include the post-secondary educational areas, particularly the community colleges of my state, I know that his advice to you is well-considered. On a somewhat more constricted area, but one of deep concern and intense interest—the administration proposals for radical resection and revision of the funding patterns under P.L. 874 and P.L. 815 impacted areas assistance—the information being brought to your attention by Mr. David Fish of San Diego will merit careful consideration.

INCREASED MASKS CUTS IN STATE OPERATED PROGRAMS

The current proposal, even though they contain promises of funding when new proposed legislation is enacted, use the $6.1 billion recommended to mask an effective cut of $329 million under FY 1972 for programs characterized by one common factor. Each is a state-grant, state-formula program whose ground rules are fairly well understood because the programs have been in existence long enough to work out many of the difficulties which occur in the initial operational years of a new enterprise. Using the states of Louisiana, Mississippi, New Hampshire, New Jersey, New Mexico, North Dakota and Washington as models, let me illustrate:

For programs involving state grants funded in FY 1972, but with zero funding proposed for FY 1973 in the budget estimate, Louisiana would lose:

$1.6 million—Title III National Defense Act—matching grants for equipment and minor remodeling.

$2.9 million—Sec. 3(b) children under P.L. 874—School Assistance in Federally Affected Areas (unless such children have uniformed parent.)

$132.3 thousand—B-2 of Education Professions Development Act—Attracting and Qualifying Teachers.

$78.7 thousand—Title I of the Higher Education Act—University Extension and Community Services Act.

$228.5 thousand—Title VI of the Higher Education Act—Undergraduate Instructional Equipment.

$825.0 thousand—Title I and State Administration of the Higher Education Facilities Act.

$188.9 thousand—Bankhead-Jones Act—Land-Grant College support.

$174.6 thousand—Title II of the Library Services and Construction Act—Public Library Construction matching grant program.

$204.5 thousand—Title I of the Library Services and Construction Act—Public Library Services ($16.6 million cut nationally. Louisiana in FY 1972 received $836.2 thousand; estimated based upon a 25% cut.)

Total—$6.332 million.

For the same programs, the cuts in funds available under FY 1972 for the states indicated, would result in losses as follows:

Mississippi	$4,023,681
New Hampshire	2,262,677
New Jersey	13,532,210
New Mexico	7,086,612
North Dakota	1,556,389
Washington	12,262,423

SHADOW AND SUBSTANCE

Sums of greater magnitude would be involved for states such as New York, California, Michigan and Pennsylvania. But the point is that each and every state, under the budget proposal, will stand to lose substantial amounts for working programs despite the rhetoric which the Wall Street Journal commented upon as follows, in an editorial of January 28, 1972:

"PRINCIPLE AND PRACTICE

"The current budget reiterates as a guiding principle the President's belief that an increasing share of our national resources must be returned to private citizens and state and local governments to enable them—rather than the federal government—to meet individual and community needs."

Certainly in this area of discontinuance of established programs which provide, by formula, determinable sums for laudable purposes, the principle seems to have been honored in the breech.

But, Mr. Chairman, material such as the foregoing belongs more properly in the hearings ahead by the subcommittee on the specifics of line item funding. I have touched upon it as illustrative of the difficulties we face as we learn painfully that we cannot accept blindly, at face value, statements such as: "Funding proposed for Federal Education in FY 1973 shows a steep increase of 16% from actual 1971 spending." If across the board cost increases of 20% have occurred in the same period, then the statement should be rephrased to relate: "4% cut in goods and services expected to occur in FY 1973." The $6.1 billion for education programs in the budget needs to be viewed in the following perspectives:

$1.225 billion of the total is not legally fundable as of this date for new programs, until they become public law.

Some areas in the budget proposals carried under the general heading of Educational Renewal raise questions which I surmise will engender much controversy before they are settled.

EDUCATIONAL RENEWAL

A major question which might be raised concerns the propriety of an introduction of a new field operating program without substantive legislation behind it, including the creation of positions entitled Educational Extension Agents, as staff of some 30 "Renewal Sites" to effect a consolidation of Office of Education programs at the field level.

I pass no judgment upon the merits of the proposal. These will, I am sure, be debated before this Committee and elsewhere. I raise the matter only to express the hope that no matter how the vexing jurisdictional questions may be settled, that in the process, adequate funds be provided for the basic acts involved to do the job they were originally intended to do. The budget in this area carries a myth that should be exploded. I refer to the deletion of funding for EPDA B-2 and Section 504.

TEACHER SURPLUS A MYTH

The same myth appears as the rationale for the further reduction in support of Title IV NDEA, the fellowship program. The myth is that we have enough teachers trained to do the job of educating boys and girls. Evidence is cited of the number of applicants applying for each vacancy, graduates switching to other career fields because they cannot get jobs . . . and so forth.

This is a myth. We do not have a trained teacher surplus. We have a deficit. What is lacking is effective demand. We do not have enough money to run our schools as they should be run. Ask any superintendent of any major school system. Because we have reduced our school year, because we have postponed the maintenance of our school fabric, because we have eliminated in system after system whole categories of teachers such as librarians and physical educators to save money—and it has not been enough—we have been forced to curtail, against our professional judgment, the provision of classroom teacher after classroom teacher that we know we should employ.

Who suffers? The generations of children who are short-changed educationally. That is why we urge this Committee to raise the appropriations far closer to the authorizations in every program that is under-funded. To accept the budget figures for Titles I, II and III of the Elementary and Secondary Education Act, as hold the line figures of last year, means to take a 10% cut in either children served or services given. It is false economy.

ESEA TITLE I FUNDING

While congressional appropriations for Title I have increased gradually from $960 million in 1966 to the present funding level, the number of public and non-public schools served has never approached all those identified as eligible, and the number of students receiving service has declined since the inception of the program from approximately 8,200,000 to 7,400,000. This reduction may be attributed to both the increased costs of providing compensatory education services (inflation) and to efforts by school districts to concentrate a variety of needed services on the most educationally deprived students in schools with the highest concentrations of poverty.

Title I funds have, therefore, never been sufficient to serve all eligible schools, nor have they been in at a level to support the full range of instructional, health, nutritional, and psychological services needed to ensure that all the needs of participating disadvantaged students are met. The U.S. Office of Education has learned that truly successful programs for disadvantaged students require approximately $800 of special services per child over and above regular school programs. The current per pupil expenditure for Title I is $193.

Have we too many teachers of handicapped children? Here is what we are told by the Council for Exceptional Children.

EDUCATION OF HANDICAPPED

There are six million handicapped children of school age in our country. One million of these children have been denied access to any free public education. Of the five million who are in school, only half are receiving any of the special educational assistance they so desperately need. In California we have been trying over the years to right this injustice, but we are still a long way from the goal of full educational opportunity for these children.

Recent U.S. District Court decisions are clearly establishing their constitutional right to an appropriate education. Beyond the fact that handicapped children have a legal and moral right to an education, the evidence is overwhelming that it is cost beneficial to society to provide such an education. Considering the costly alternatives, such as institutionalization and welfare, it is obvious that our society can no longer afford to close the educational door to these children.

Commissioner Marland has established a priority of education for all handicapped children by 1980. If we are to achieve this goal, we must have the partnership of the federal government. The states are now spending over $2 billion for this purpose; we need an additional $3 billion. We must have substantially increased federal assistance to provide educational programs and train an additional 245,000 special education teachers. We cannot allow another generation of handicapped children and parents to remain cast-offs of the American education system.

VOCATIONAL EDUCATION NEEDS

Have we too many trained teachers in vocational education? Let us look at the record starting with a quotation from the report of the Advisory Council on Vocational Education, 1968 (President Johnson's Council):

"Why is vocational education necessary? It is the bridge between man and his work. Millions of people need this education in order to earn a living. Every man wants to provide for his family with honor and dignity and to be counted as an individual. Providing for an individual's employability as he leaves school, and throughout his worklife, is one of the major goals of vocational education."

The National Advisory Council on Vocational Education was created by the Congress through enactment of the Vocational Education Amendments of 1968. It is composed of 21 persons, appointed by the President from diverse backgrounds in labor, management, and education. It is charged with responsibility for advising the Commissioner of Education concerning the operation of vocational education programs, making recommendations for such programs, and preparing annual reports for the Secretary of Health, Education, and Welfare.

A second report of the Council recommended fundamental policy changes for the Federal government which are designed to make education become as relevant for those American citizens who do not graduate from universities as for those who do. The Council recommended that the Federal government invest at least as much money to reduce the flow of untrained youth as it invests in reducing the pool of unemployed.

In fiscal 1971, the Federal government appropriated $1.7 billion to support efforts to recruit, counsel, educate and train, provide job placement for 1.3 million persons who suffered economic, educational, or physical handicaps.[1] During that year, the unemployment rate in urban poverty neighborhoods showed an overall increase.[2]

Approximately 850,000 young men and women drop out of the Nation's high schools each year before graduating. Many of them flow into the pool of unemployed because they lack the skills and the preparation to make them employable. To reduce this flow, in fiscal 1971, the Federal government spent $7,500,000 for part-time jobs designed to keep youths in school and provided a vocational education expenditure of $20 million for career training for the disadvantaged.[3]

The Advisory Council on Vocational Education pointed out that "the allocation of far more Federal dollars to the problem of the pool than to the problem of the flow is wasteful and inefficient. This Nation will never reduce its pool of unemployed until the Federal government gives as much attention to reducing the flow as it gives to trying to reduce the pool."[4]

In fiscal 1971, approximately 5,523,527 high school students were enrolled in vocational education programs to which the Federal government contributed $183,569,000. The Federal investment, per student, was $33.23.

The total secondary school enrollment for 1971 was 13,329,000. If vocational education is to serve the 80% of our high school students who do not complete four years of college, high school vocational education programs should be doubled in order to serve an additional 5.1 million students. This means that the Nation's investment in vocational education must double if the Federal government continues to provide its proportionate share in financing high school vocational educational programs.[5]

The remedial manpower programs (financed 100% by the Federal government) costs four times as much as it costs to provide vocational education programs in the schools of the Nation.

88% of the enrollees in Manpower Development and Training Act programs come from the high school general curriculum, compared with 10% from the college preparatory, and 2% from the vocational curricula. Approximately 25% of all high school students are enrolled in the general curriculum.[6]

Vocational students placed in jobs in their fields of study consistently needed less time to get a full-time job, found higher job satisfaction on their first full-time and subsequent jobs, had better wage increases, spent more time fully employed, changed jobs less frequently, and had more favorable attitudes toward their former schools than did graduates of academic programs or vocational students placed outside their field of study.[7]

Vocational education has been attacked for excluding disadvantaged students. Often this attack is based on official statistics showing the number of disadvantaged students served in separate classes. Project Talent data indicate that vocational education is serving proportionately far more socio-economically disadvantaged students than other school curricula, and doing it in regular non-segregated classes. There is at least a possibility that some of the added costs of vocational education are due to and justified by the added educational needs of the student population served.[8]

All of this applies with equal or greater force to the postsecondary needs in vocational and occupational education. The Administration talks about launching a broad career education program, when in fact, the community colleges already have in progress a massive and dynamic career education effort. More bureaucrats need to take a hard look at what the community colleges already are doing in post-secondary occupational and technical programs. They are revolutionizing the scope and status of vocational studies in this country. The one glaring shortcoming in what they are doing is the lack of federal recognition and support. Neither the present authorizations nor appropriations begin to fairly reflect the significance of their contribution and development.

By this, I do not mean to suggest that we lower our support for Manpower programs. The situation which created that program exists still and must be met. But for the future to eliminate the need 8 to 10 years from now of a continuation of a remedial program, we should stress the preventative programs through greatly increased funding.

GUIDANCE, COUNSELING AND TESTING

Have we too many guidance counselors?

If we are to follow-up on the recommendations for improved and enhanced career education, as seems to be the thrust of the President's recommendation for expansion in this area, it will be necessary to assist, in far greater degree than is now possible, every school student not only in school placement, but also to a much greater degree than is now possible with limited personnel to help him and to help her develop vocational choice and career decision solidly based upon abilities, needs and achievement. This can best be done through a strong comprehensive guidance program beginning at the elementary level and continuing through secondary and post-secondary levels. The importance of this program as an essential component of Dropout Prevention and Drug Abuse programs, bringing as it does an understanding of the development of the individual into focus with the demands upon him, cannot be over-estimated. Here too, the desirability of far more adequate funding of programs within each state under Title III of the Elementary and Secondary Education Act is most apparent.

HIGHER EDUCATION TEACHER TRAINING

Mr. Chairman, the myth of the teacher surplus at the college level is most vulnerable to rebuttal. Let us look at the facts. We have in the pipeline now, children who will be attending college seven years from now. How many? Where we now have 8 million post-secondary students attending institutions, in seven short years, the time it takes to get buildings planned, site construction done and teacher preparation ready to meet the demand, we will have had to have made preparation for 3 million more students than are now in attendance. It will cost money. We should be investing $2 billion a year in academic facilities construction and renovation every year of the next seven, if we are to be ready.

Here is what I am told by those who have worked long and hard in this area:

Subsidy loan budget request for 1973 is $39,195,000. Of this $39 million, $29 million is to pay for ongoing interest in projects now constructed; $10 million is new money estimated to provide an additional $400,000,000 in additional new construction.

The need for Federal funds for Academic Facilities for Higher Education is stated in three independent national studies. The amount shown in all the studies demonstrates the necessity for more than $2 billion per year for the next seven years.

This construction will provide for an increase of present student enrollment of 8 million to an enrollment of 11 million. It will also replace temporary or unusable facilities.

These facilities are critically necessary if the United States is to continue its history of growth in education—a growth mainly initiated by Thomas Jefferson.

The Federal government this year should provide a minimum of $300,000,000 of the authorized $936,000,000 in grant funds to allow replacement of unusable facilities and to provide for backlog requests for essential new projects in needy public and private institutions as they struggle to meet accreditation norms and local building code ordinance and provide minimum increase.

In addition, $50 million in direct Federal loan funds, which exist in the revolving fund for Title III of the Higher Education Facilities Act, should be released for these projects since the small and needy public and private institutions cannot borrow by state bond routes or from banks.

The Interest Subsidy budget request should be increased to provide $500,000,000 of money borrowed from state bonds or private banks with the Federal government paying annual interest on interest rate above 3%.

Without the above balanced program, there is serious question as to whether the present space available for higher education would not shrink rather than have a modest increase for the students who will be on campus one or two years hence.

I have mentioned the community colleges. They are the fastest growing segment of education, particularly in the enrollment of disadvantaged and non-traditional students. For the budget to again recommend zero funding for community college construction is to propose the crippling of both higher and vocational education, since the two-year colleges are taking such a tremendous share of the growth load in both areas. The whole current authorization of $936 million annually could be spent to great national benefit on community colleges. It would, in fact, hardly dent the backlog of their urgent facility needs. Almost every estimate made of community college growth in the last two decades has fallen far short of their actual growth, and I think this applies again in the current estimates of their facility needs because such estimates cannot begin to recognize the true space needs of the many community colleges which are at present only on the drawing board.

STUDENT ASSISTANCE PROGRAMS

The student assistance programs in the post-secondary educational area bolstered as they are by the welcome FY 1972 supplemental being requested for this coming spring, may need your careful attention for increases when the new authorization ceilings come to you as the result of conference settlement of the legislation now pending. A review of this area is clouded by the intent foreshadowed to ask for a reduction in the Direct Loan Account of Title II NDEA of $288 million on the rationale that it will be unneeded. Should this request be submitted, before complying with it, I know that you will wish to examine most carefully the consequences to the students who rely on this program for financing their academic preparation. If this action should be justified to you, on the basis of a mythical surplus of teachers, then my comments elsewhere on this point may take on added importance and emphasis. Title II NDEA is a soundly conceived and working program which has justified the confidence that your Committee has reposed in it over the years, as you have attempted to meet the needs it has developed by consistently providing it with funding above administration recommendations.

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[1] *Special Analysis of the United States Government*, Fiscal 1973, Government Printing Office, Washington, D.C.

[2] *Employment and Earnings*, Bureau of Labor Statistics, Department of Labor, Government Printing Office, Washington, D.C.

[3] Division of Vocational-Technical Education, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

[4] *Second Report*, National Advisory Council on Vocational Education, Washington. D.C.

[5] Division of Vocational-Technical Education, op. cit.

[6] *Variable Related to MDTA Trainee Employment Success in Minnesota*, David J. Purcel, Department of Industrial Education, University of Minnesota, Minneapolis, Minnesota, 1968.

[7] *Selected Highlights from the Process and Product of Vocational Education in the United States*, M. U. Eninger. Pittsburgh, Pennsylvania: Systems Research Institute, Inc., Vol. 2, 1968.

[8] *Verbal Ability and Socioeconomic status of Night and Twelfth Grade College Preparatory, General, and Vocational Students*, Rupert N. Evans and Joel D. Galloway, University of Illinois.

BUDGET OMISSIONS: PUBLIC LAW 815 SCHOOL CONSTRUCTION

Mr. Chairman, I would be remiss if I did not bring to your attention some holes in this budget for FY 1973. I had hoped to see increases of $200 to $300 million for Public Law 815, so that the backlog of approved projects to build schools could be liquidated. They are badly needed on our military bases, on our Indian reservations and in almost every state in the nation. I applauded the action of the Senate last year as it strove to meet this obligation. I regretted as much as any Senator the opposition of the House conference managers to this item. At a time when unemployment rates are high, construction of this type serves a dual purpose leading to a healthier economy now and a better economy in the future. For this reason, I would urge that the effort be made again this year to get those schools built.

PART "C" OF PUBLIC LAW 874

The expansion of P.L. 874 to include payments for children living in public housing carried with it an authorization of $300 million. To date, no money for this purpose has survived the OMB seine-nets, and although your Committee, Mr. Chairman, has given endorsement to an initial funding to meet the needs in this area, the Senate-approved amounts have been casualties of the conference settlements. If we want to get help where it is most needed, the best delivery system at hand is an initial and substantial funding of this authority.

The attached chart which shows the flow of funding at one-third of the authorization sets forth the city systems which would benefit.

THE COUNCIL OF THE GREAT CITY SCHOOLS—RESEARCH DIVISION

ESTIMATED GRANTS FOR PUBLIC HOUSING BASED ON $100,000,000 APPROPRIATION

City	Projected number of children	Estimated grant
Akron, Ohio	4, 208	$355, 080
Albany, N.Y	2, 528	327, 694
Albuquerque, N. Mex	2, 040	71, 843
Allentown, Pa	1, 431	126, 556
Amarillo, Tex	0	0
Anaheim, Calif	0	0
Atlanta, Ga	19, 600	1, 353, 779
Austin, Tex	1, 755	124, 394
Baltimore, Md	18, 490	1, 651, 703
Baton Rouge, La	1, 196	82, 620
Beaumont, Tex	845	59, 894
Berkeley, Calif	1, 430	126, 126
Birmingham, Ala	8, 869	612, 733
Boston, Mass	26, 159	3, 207, 829
Bridgeport, Conn	3, 783	434, 099
Buffalo, N.Y	6, 354	923, 520
Cambridge, Mass	1, 884	230, 988
Camden, N.J	2, 825	338, 141
Canton, Ohio	0	0
Charlotte, NC	4, 781	330, 299
Chattanooga, Tenn	4, 005	276, 686
Chicago, Ill	54, 864	5, 863, 853
Cincinnati, Ohio	9, 698	818, 317
Cleveland, Ohio	16, 575	1, 398, 598
Columbus, Ga	2, 655	183, 353
Columbus, Ohio	8, 633	730, 140
Corpus Christi, Tex	2, 309	163, 648
Dallas, Tex	9, 590	679, 746
Dayton, Ohio	4, 869	410, 840
Dearborn, Mich	433	36, 623
Denver, Colo	5, 909	557, 117
Des Moines, Iowa	650	$61, 276
Detroit, Mich	13, 134	1, 111, 128
Duluth, Minn	1, 459	111, 918
Elizabeth, N.J	2, 051	245, 553
El Paso, Tex	6, 960	493, 239
Erie, Pa	1, 997	176, 557
Evansville, Ind	1, 535	118, 495
Flint, Mich	1, 781	150, 671
Fort Wayne, Ind	555	42, 843
Fort Worth, Tex	1, 396	98, 963
Fresno, Calif	2, 386	197, 519
Gary, Ind	3, 224	248, 828
Glendale, Calif	0	0
Grand Rapids, Mich	426	36, 073
Greensboro, N.C	3, 041	210, 052
Hammond, Ind	779	60, 100
Hartford, Conn	4, 018	461, 100
Honolulu, Hawaii	4, 841	344, 209
Houston, Tex	3, 970	281, 408
Indianapolis, Ind	4, 688	361, 804
Jackson, Miss	390	26, 941
Jacksonville, Fla	4, 560	314, 987
Jersey City, N.J	5, 205	623, 062
Kansas City, Kans	1, 782	111, 668
Kansas City, Mo	3, 507	269, 894
Knoxville, Tenn	4, 830	333, 622
Lansing, Mich	1, 097	92, 823
Lincoln, Nebr	1, 755	189, 540
Little Rock, Ark	1, 840	127, 073
Long Beach, Calif	910	75, 348
Los Angeles, Calif	14, 243	1, 179, 304
Louisville, Ky	7, 592	524, 455
Lubbock, Tex	476	33, 725
Madison, Wis	699	68, 143
Memphis, Tenn	9, 084	625, 036
Miami, Fla	11, 049	763, 134
Milwaukee, Wis	5, 842	569, 206
Minneapolis, Minn	10, 187	781, 633
Mobile, Ala	5, 251	362, 718
Montgomery, Ala	3, 593	248, 218
Nashville, Tenn	8, 382	579, 056
New Bedford, Mass	3, 453	423, 417
New Haven, Conn	2, 467	283, 134
New Orleans, La	18, 534	1, 280, 336
New York, N.Y	106, 690	14, 215, 837
Newark, N.J	18, 116	2, 168, 425
Newport News, Va	2, 213	181, 168
Niagara Falls, N.Y	1, 013	131, 246
Norfolk, Va	4, 836	395, 972
Oakland, Calif	6, 080	503, 432
Oklahoma City, Okla	4, 290	324, 324
Omaha, Nebr	4, 645	501, 650
Pasadena, Calif	325	26, 910
Paterson, N.J	3, 085	369, 263
Peoria, Ill	5, 355	573, 310
Philadelphia, Pa	29, 173	2, 579, 503
Phoenix, Ariz	2, 085	164, 210
Pittsburgh, Pa	14, 689	1, 298, 775
Portland, Oreg	5, 075	606, 385
Portsmouth, Va	2, 479	202, 981
Providence, R.I	4, 516	486, 756
Richmond, Va	5, 312	434, 930
Rochester, N.Y	2, 570	233, 085
Rockford, Ill	2, 188	233, 843
Sacramento, Calif	3, 010	265, 438
St. Louis, Mo	12, 613	970, 540
St. Paul, Minn	6, 000	460, 441
St. Petersburg, Fla	1, 232	85, 122
Salt Lake City, Utah	0	0
San Antonio, Tex	8, 878	621, 251
San Diego, Calif	1, 300	107, 640
San Francisco, Calif	10, 793	893, 627
San Jose, Calif	1, 937	170, 843
Santa Ana, Calif	0	0
Savannah, Ga	3, 666	253, 211
Scranton, Pa	1, 820	160, 927
Seattle, Wash	8, 588	635, 755
Shreveport, La	761	52, 535
South Bend, Ind	1, 268	97, 864
Spokane, Wash	0	0
Springfield, Mass	1, 511	185, 245
Syracuse, N.Y	3, 012	390, 368
Tacoma, Wash	2, 152	159, 276
Tampa, Fla	6, 026	416, 181
Toledo, Ohio	3, 868	326, 340
Topeka, Kans	697	56, 754
Torrance, Calif	0	0
Trenton, N.J	2, 638	315, 733
Tucson, Ariz	1, 010	79, 545
Tulsa, Okla	2, 981	225, 364
Utica, N.Y	602	78, 006
Washington, D.C	15, 652	1, 394, 593
Waterbury, Conn	1, 086	124, 561
Wichita, Kans	1, 344	109, 485
Wichita Falls, Tex	104	7, 362
Winston-Salem, N.C	4, 326	298, 868
Worcester, Mass	2, 394	293, 650
Yonkers, N.Y	2, 674	346, 563
Youngstown, Ohio	382	116, 605

HIGHER EDUCATION PROGRAMS

For the past two years the Senate has most creditably sought initial funding for programs authorized in 1968 in the Higher Education Act Amendments of that year, and for the International Education Act of 1965, now seven years aborning. Programs of this type, and I use Title XI of the Higher Education Act Amendments of 1968 as an exemplar, have repeatedly demonstrated that there is a continuing need for their activation despite repeated disappointments and an apparent bar against new starts that has appeared to govern the activities and approvals of the Office of Management and Budget. It presents a picture on a par with the frustrations brought about by Executive use of impoundment procedures to thwart the will of the Congress. If there is any route that can be used to break through this wall of indifference to needs that are valid, and to provide the useful services which would flow from the activation of these programs, I would certainly implore you to use them. Their cost is very modest on start-up. If they do not prove their worth within a five year test period, erase them from the books; but let them have their day of light.

Mr. Chairman, I have concentrated upon the myth, as I see it, of a teacher shortage. I think it is very shortsighted to curtain the training of teachers. For a short and limited time in the mid '70's, there will be a small dip in our student population, but our demographic experts tell us that the climb will start up again before the decade is out. The costs of educational opportunity for all of our children are staggering, so staggering that many of those who served on the Education Finance Task Force were afraid they would be laughed out of court if they set them forth as they found them to be. To testify before you as Chairman of the Senate Appropriations Committee, asserting that within eight years budget recommendations from a successor administration for funding programs administered by the Department of Education just for the elementary and secondary schools of this country may well be $20 billion a year more than the $1.8 billion of this budget, is to strain your credulity, I know. Yet, such are the implications of events now occurring. There is no better way to prepare ourselves for these choices which will be upon us very soon, than to decide that we will do it, and that we will pay for what is needed. A good way to start is to look at our present programs and fund them so they will not fail from anemia and attrition. This is the road to equal educational opportunity where the lights are being lit by the Court decisions. If we follow it, we will reach and truly attain that land of promise which is our America.

Thank you, Mr. Chairman.

THE BIG SPENDERS ARE STILL WITH US

Mr. CURTIS. Mr President, on January 11, the Joint Economic Committee released a most interesting and important staff study entitled "The Economics of Federal Subsidy Programs."

Among its many informative facts and valuable warnings is the following quotation:

> New subsidies are constantly being proposed, often enacted, and the total subsidy system grows in size and cost to the general public. The system of Federal subsidies seems to be somewhat out of control in the sense that it continues to grow despite the fact that we know so little about it.
>
> As these comments imply, difficulty in controlling the subsidy system stems from public ignorance about this fact of government activity. Neither the facts nor a framework for identifying, understanding, and evaluating the facts have (sic) been brought to the public arena. Subsidies have been allowed to exist in the shadows of public policy.

That new subsidies are constantly being proposed, often enacted, and the subsidy system is constantly growing in size and cost to the general public is certainly borne out by the study which I have twice earlier reported to you covering the cost of new domestic spending proposals introduced in the first session of the 92d Congress.

I certainly agree that these subsidies and, indeed, many other aspects of Federal spending and budgeting, "have been allowed to exist in the shadows of public policy." I am convinced that if the American people really knew the financial scope of the proposals of many of their elected representatives and were aware of the little apparent concern given to the cumulative cost of Federal subsidy and spending initiatives, they simply would not stand for it.

So I commend the Joint Economic Committee on this excellent study and the enlightenment it provides regarding the cancerous growth of Federal subsidies.

One of the principal reasons that I had the very difficult and time-consuming study on the cost of legislative proposals undertaken was in the hope of shedding some light on the topic, in a framework that would be understandable to the general public.

The Denver Post, in a September 6, 1971, editorial about my earlier reports on this study made this observation:

> Years ago the surest way for a politician to make hay with the voters was to promise to work for reductions in government spending and taxes.
>
> But the American public somehow over the years has lost its devotion to thrift. Politicians, of course, have been quick to sense the new popular rapture with the idea that more spending and bigger deficits will fulfill the dream of health, wealth and happiness for everyone.
>
> As a result, new multi-billion dollar spending schemes are appearing in Congress with such frequency that they seldom cause a raised eyebrow or a gasp of surprise, except among a few old-timers.

I am not at all sure I agree with the editorial premise that there is a new popular rapture with the idea that more spending and deficit budgets will fulfill all our dreams. I tend to think the public knows better, and it is only the politicians who have become enraptured with the idea.

If, however, the premise is true regarding the voting public, I submit it is because these spending panaceas have been sold to them on a one-at-a-time, piecemeal basis, and that the overall scope and impact of such schemes have not been sufficiently emphasized. This is a case in which, at least in one respect, the whole does not equal the sum of its parts. That is, a good case may be made on merit for many of the individual programs, but the cumulative economic chaos which results more than counterbalances the anticipated benefits to be derived from the component parts.

It is for that reason that I had the study structured to emphasize the cumulative impact of proposed legislation. For details of the framework of the study you may wish to refer to the previous reports—see CONGRESSIONAL RECORD, volume 117, part 8, pages 9652–9654, and part 23, pages 29940–29941.

Today I would like to bring the study up to date through the end of the first session of the 92d Congress. By way of background, I will again point out, in keeping with the basic framework of the study, the following categories of legislation were excluded from the study:

First, bills authorizing appropriations for the simple extension of existing programs.

Second, bills relating to defense and military spending.

Third, bills authorizing appropriations for public works.

Fourth, bills establishing repayable loan operations such as the Rural Telephone Bank, National Student Loan Association, and so forth.

Fifth, bills providing income tax deductions, exclusions, credits, or incentives.

Sixth, bills increasing benefits or modifying coverage under social security, veterans, civil service, and railroad retirement programs.

My last report on the study, covering bills introduced through July 15, 1971, included 197 measures for which cost figures or estimates were available. In the last half of the year, 68 additional bills were added to the study for a total of 265. As in the past, there were many additional bills which should have been included if cost figures had been available. This is a very important factor, since it means that all of the figures in the study are definitely on the conservative side. If the cost of these additional measures could be calculated, it would unquestionably add several billions of dollars to the totals reported in the study.

As they stand, the totals are truly astonishing. During 1971 there were 18,146 bills and resolutions introduced in the House and Senate. The fiscal year 1972 cost of the 265 included in the study comes to $166,222,819,700. The total projected cost—which, in general, assumes a 4-year life for continuing programs—runs to $441,849,322,455.

What do these astronomical figures mean in layman's language? They mean, for example, that, if enacted, we would in a mere 4 years more than double the current national debt of $423.77 billion. For make no mistake about this: The expenditures included in this study are for new or vastly expanded domestic spending proposals, and would be almost entirely over and above the current Federal budgets, which are already running substantial annual deficits.

In even more understandable terms, it would mean a single year additional tax bill of $796.96 for each of the 208,569,344 men, women, and children living in these United States on January 1, 1972. For the average family of four—a more realistic entity in considering the tax burden—that is a single year additional tax of $3,187.84.

The individual tax burden represented by the total projected cost of these proposals amounts to $2,118.48. For a family of four that means that, generally speaking over the next 4 years, their tax burden would be increased to the tune of $8,473.92 if all these proposals were enacted.

It is, again, worthy of note, I think, that six legislators widely discussed or already announced as presidential candidates are, among them, the authors or chief sponsors of bills totalling $148 billion or more than one-third of the measurable cost of the year's domestic spending proposals.

As in the past, the 68 bills added to the study since July 15 include greater expenditures for the Department of Health, Education, and Welfare than for any other agency of the Government. For fiscal year 1972, HEW's share, at slightly less than $969 million is only about one-tenth of the total $10,086,542,700 projected cost. However, its $61.1 billion share of the total cost leaps to more than two-thirds of the total figure, which is $90,544,677,700.

The reason for this discrepancy stems from the fact that there is no fiscal year 1972 estimate available for the single most costly of the 68 measures, S. 2747. This bill is a far more costly proposal for welfare reform than that contained in H.R. 1. It is drafted to become fully effective in fiscal year 1976. At that time it would provide a guaranteed annual income equal to $6,500 a year for a family of four.

Debate on H.R. 1 indicated that if its guaranteed annual income level were increased to $6,500, it would cost $70 billion a year. Since S. 2747 contains no cost figures and no official estimate of its cost has yet been made, the $70 billion has been used as a conservative estimate of its potential cost when fully effective in 1976, and no effort has been made to estimate its probable cost during the years 1973–75. This factor alone means that both the 1972 total and the 4-year total are substantially underestimated. Furthermore, since duplicative measures are not included in the study more than once, the cost of H.R. 1, included in the initial study, has been deducted from the estimate for S. 2747 in arriving at the new figures.

The Department of Health, Education, and Welfare continued, then, to dominate the picture insofar as expenditures for projected legislation are concerned. In terms of the entire study, bills attributable to this area account for two-thirds of the entire fiscal year 1972 costs and for more than half the total costs. Allotted to HEW would be $110.35 billion for fiscal year 1972 and $225.7 billion of the total.

Looked at in a slightly different light, Members of Congress were asking that the fiscal year 1972 budget of $229.2 billion be increased by half again and the increase be devoted entirely to programs within the purview of HEW. No one, including this Senator, doubts the importance to the well-being of our Nation of good health, good education, or care of the needy. But for elected representatives to seriously entertain the notion that adequate health, education, and welfare can be provided only by that kind of increases in public spending is sheer lunacy, and I believe the taxpaying public, if given the whole picture, will see these tax-and-tax-and-spend-and-spend postures for what they really are, and will reject them.

I invite the attention of Senators to a

measure, Senate Joint Resolution 129, of which I am a cosponsor. This joint resolution, presently pending before the Senate Judiciary Committee, proposes a constitutional amendment requiring the submission of balanced Federal funds budgets each year by the President and action by Congress to provide revenues to offset Federal funds deficits.

This measure already has 13 cosponsors and a similar measure in the House, House Joint Resolution 1004, has 50 cosponsors.

It was my pleasure earlier in the year to be host at a luncheon for visiting members of the West German Federal Legislature—the Bundestag. During our discussion, one of the visitors noted that the West German Constitution required a balanced Federal budget. Some of my Senate colleagues expressed surprise and pressed the gentleman to explain how the legislature managed to circumvent that provision, assuming there must exist some escape mechanism such as the U.S. Congress employs with regard to the myth of our "legal debt ceiling." In actual fact, however, there is no "looking the other way" with regard to this constitutional provision in West Germany. If revenues at the end of the fiscal year are insufficient to pay for all the programs, the programs are cut to balance the budget.

I feel strongly that this is one of the important reasons for the rapid economic recovery of postwar free Germany and for its strong economic position today.

I am convinced, too, that if our Constitution had a similar requirement, with no "escape hatches", this would be a healthier, better educated, and economically more stable nation than it is today. And we may be certain that if elected representatives found it incumbent upon themselves to suggest a source of revenue for their "new and expanded" domestic spending proposals, they would think twice before introducing some of the measures that went into the legislative hopper last year.

So long as legislators are free to assume that their grandiose schemes can always be financed by deficit spending, there will be no end to such schemes—until one day when the bottom drops out and no return to solvency is possible except through the penance of another period of economic dislocation and chaos, while the natural law sets things straight again. Unless we discipline ourselves, nature has a way of imposing discipline upon us. And in such times it is health, education, and welfare which suffer the greatest setback.

For these reasons, I urge Senators who share my concern for putting this country back on a sound financial basis to join as cosponsors of Senate Joint Resolution 129, if they have not yet done so. I would hope, too, that the Judiciary Committee might find it possible to schedule consideration of the resolution in the near future.

WILL THE GENOCIDE CONVENTION VIOLATE DOMESTIC SOVEREIGNTY

Mr. PROXMIRE. Mr. President, there are those who believe that the Genocide Convention poses a double edged threat to the U.S. Government. First they maintain that the convention would entitle foreign governments to determine and act upon incidents of possible genocide occurring within U.S. borders. This they feel would represent a violation of American sovereignty. Second, these critics are wary of any treaty which might require the United States to take similar punitive action in the internal affairs of a foreign state.

Certainly these fears are legitimate, but they are unjustifiably aroused by the articles of the Genocide Convention. For this treaty, endorsed by the United Nations and ratified by an overwhelming number of member nations, quite explicitly safeguards these nations against such difficulties. No action is unilateral. Rather, contracting countries employ appropriate agencies of the United Nations, according to the provisions of the Charter, to intervene in instances of obvious violations of the Convention's articles. Questionable situations are presented before an international tribunal acceptable to the parties concerned. Finally, all subsequent actions of the tribunal, including powers of extradition, must be consistent with existing extradition treaties and the constitutions of the nations involved.

In reality, those who remain skeptical of the Convention need only realize that no foreign state can intervene directly or indirectly in American domestic affairs. Only international organizations can mediate or arbitrate disputes, and the protections guaranteed by the U.S. Constitution and existing treaties cannot be superseded or abrogated.

What the Genocide Convention does represent is a tangible commitment to peace and human dignity. Therefore I call upon the Senate to act now to ratify this most important Genocide Convention.

ENDORSEMENT OF CEASE-AND-DESIST POWERS TO EEOC

Mr. PELL. Mr. President, the Permanent Advisory Commission on Women in Rhode Island recently passed a resolution endorsing the granting of cease and desist powers to the Equal Employment Opportunity Commission and the enlargement of the Commission's jurisdiction. These are provisions which I support.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Advisory Commission on Women
in Rhode Island,
Providence, R.I., January 20, 1972.

Hon. Claiborne Pell,
Providence, R.I.

Dear Senator Pell: The Permanent Advisory Commission on Women in Rhode Island submits the following Resolution:

Whereas to effectively combat sex discrimination the Equal Employment Opportunity Commission requires power to issue cease and desist orders in cases of sex discrimination, and

Whereas such procedures would relieve the individual employee seeking redress of the financial burden of litigation and the susceptibility to harassment on the job, and

Whereas coverage under the Equal Employment Opportunity Act should be extended to employees in educational institutions, in state and local governments, of private employers with eight or more employees, and to federal employees: Therefore, be it

Resolved, That this Commission urges Senator Claiborne Pell, Senator John O. Pastore, Congressman Robert O. Tiernan and Congressman Fernand J. St Germain to support legislation to accomplish these ends.

Very truly yours,
Maxine V. S. Nichols,
Chairman.

E. M. BRADY

Mr. McGOVERN. Mr. President, for 40 years, my hometown of Mitchell, S. Dak., has been inspired and enriched by E. M. Brady. Mr. Brady was the executive editor of the Mitchell Daily Republic for many years, and more recently was general manager.

On my many visits to the newspaper office, I never failed to gain fresh inspiration and new insight from a discussion with Ez Brady. He had that tough grasp of issues and events, that seasoned judgment, that special brand of commonsense, which comes only from long years on the beat. He insisted on standards of excellence in his own career as a newsman and civic leader, and he demanded it from those who worked with him. He battled for honesty and progress with the independence that earned him respect and influence in our State.

As one who leaned on Ez Brady for advice and counsel, I am saddened by his passing. I will miss him, along with my fellow townsmen in Mitchell, and the people of our State who relied on his editorial leadership.

My wife, Eleanor, joins me in extending our sympathy to his wife, Helen, and to the Brady family.

I ask unanimous consent to have printed in the Record an editorial published in the Mitchell Daily Republic of February 2, 1972.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

E. M. Brady

Ezra M. Brady, who retired in 1969 as general manager of The Daily Republic, died last Saturday at the age of 58 after an extended illness. At the time he left this firm, he had devoted more than half his own life and nearly half of this newspaper's life at that time, to his profession and to service to his adopted hometown—a total of 38 years.

He came here from Sanborn, Iowa, at the age of 18 and began work immediately as a cub reporter. He was, in the ensuing years, to rise to every higher position on the editorial side of the business, and to become for the last 27 years of his career, general manager. This writer was privileged to have been associated with him for more than two decades as both friend and employe. If one were to write an epitaph, he would look to a passage Abraham Lincoln once wrote in a letter to the most prominent newsman of his time, Horace Greeley: "I shall try to correct errors where shown to be errors, and I shall adopt new views as fast as they shall appear to be true views."

Ez Brady was a vital part of the development of The Daily Republic as a sort of maverick, if you please, among South Dakota newspapers. At a time when the state's press was almost totally on the same side of the political fence, this newspaper chose not to go with the herd. It chose to become an independent editorial voice. That it has long pressed for progress, opposed the status quo and mostly favored those issues and individuals of moderate to liberal persuasion, is a reflection of philosophy, not of partisanship. Ez expressed satisfaction on the many occasions when we were drawing criticism from leaders of both parties.

His strongest interests as a newspaperman influenced his most active personal roles in local, state and national affairs. In his earlier years, he joined a handful of others to organize the Mitchell Junior Chamber of Commerce, which group has since compiled a mass of credits in community service. He was in the forefront in the losing battle to change the Pick-Sloan Plan of highhead dams on the Missouri River to a system of small watershed and lowhead mainstream structures for a true multi-purpose development in the Missouri Basin. He served as a member of the South Dakota Water Resources Commission and he was one of two South Dakota members of the Missouri Basin State Commission years back. He also was at one time a director of the S. D. Parks Association and the S. D. Industrial Development Corp.

He served on a long list of boards, committees, and organizational groups in Mitchell, most notable of which were the City Planning Commission, Mitchell Board of Education and the Mitchell Industrial Development Corp. His favorite charity was S. D. Children's Aid, which operates Abbott House in Mitchell for children from broken homes; he served for several years on that organization's board of directors.

Ez Brady was one of the first recipients of the Outstanding Businessman's Award from the University of South Dakota's school of business. He was the very first person to receive the Mitchell Jaycees' Boss of the Year Award. And he was named several years ago to receive the Mitchell Area Chamber of Commerce Distinguished Service Award. All of this he deserved, and yet we're sure that he would want best to be remembered as "one damn good newspaperman." And that he will.

PRESS RELEASE CONCERNING SENATOR KENNEDY AND THE VICE PRESIDENT

Mr. THURMOND. Mr. President, I ask unanimous consent that a press release issued by me on Saturday, February 5, 1972, concerning remarks by the senior Senator from Massachusetts (Mr. Kennedy), about the Vice President, be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Press Release by Senator Strom Thurmond

Senator Strom Thurmond (R-SC) today expressed amazement "at the intemperate remarks of Senator Edward Kennedy (D-Mass.) on the Senate floor yesterday concerning the Vice President's efforts to mediate the Camden, New Jersey, Legal Service dispute."

Kennedy charged Friday that Vice President Agnew improperly interfered in the Camden situation.

Thurmond's statement follows: "Senator Kennedy's statement fails entirely to place the legal services controversy and the Vice President's activities in proper perspective.

"In the first place, this matter involves litigation against the duly elected public officials of a municipality, financed and directed by a federal agency funded with the taxpayers' money. Without commenting on the merits of the charges brought by the legal services lawyers, I think it is clear that Camden, New Jersey officials were acting properly in wishing to settle the dispute by contacting the federal government which, in the final analysis, is responsible for pursuing this litigation.

"Secondly, the Vice President has been charged by the President with the responsibility of serving as the Administration's liaison between the federal and local governments. It is entirely proper and appropriate that the Vice President should attempt to solve disputes such as this one, which can so easily form the basis of mistrust and bad relations between the federal government and local governments.

"Thirdly, Senator Kennedy makes much of the fact that the Vice President had received a memorandum by 'Executive Branch attorneys' warning him that he should not be involved in the matter. Senator Kennedy fails to point out that the memorandum came from the outgoing head of the legal services program and, as such, it should not be considered an objective opinion, but rather as a self-serving statement.

"Fourthly and finally, much has been made of the importance of the independence of the Office of Legal Services on the theory that it should be free of so-called political interference. The truth is, if democracy is to mean anything, large concentration of power in the hands of people who are not subject to the power of the people thru the political process must be avoided. The Vice President has acted responsibly and admirably in the Camden, New Jersey controversy and his efforts should be praised, not held up to attack with divisive and intemperate rhetoric.

"The Vice President's ethics are beyond reproach and I think Senator Kennedy's floor statement Friday was harsh, unfair, and unnecessary."

H.R. 1

Mr. RIBICOFF. Mr. President, in the last few weeks, debate on H.R. 1 has focused exclusively on welfare reform.

H.R. 1, however, contains many important changes in social security, medicare, and medicaid which will affect far more people than welfare reform.

Spencer Rich of the Washington Post wrote a perceptive article in the Sunday Post, February 6, 1972, describing these forgotten provisions of H.R. 1. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Welfare Battle Obscures Broader Benefits in Bill

(By Spencer Rich)

President Nixon's embattled family assistance plan has been getting the headlines. But other provisions of the massive social welfare bill moving through Congress will cost at least as much, affect more people and may ultimately have an equal or greater social impact.

Among the changes likely to be approved by the Senate next month are an increase of between 5 and 10 per cent in Social Security cash benefits for more than 27 million people, major changes in government medical care programs, boosts in Social Security payroll taxes and a guaranteed minimum income of $200 a month for indigent aged, blind and disabled couples.

Many of these provisions have already been passed by the House and are expected to be enlarged by the Senate Finance Committee or the full Senate before the bill goes to a House-Senate conference to compromise differences.

The proposal for family assistance involves a new system of welfare for low-income families with small children. In the form sought by the Nixon administration, it would add some 8 million persons in its first year to the 15 million now eligible for all forms of welfare.

But the other, little-publicized provisions of the legislation will touch the lives of a far greater number of people.

For the average person, the most important new benefit is likely to be the Social Security increase. The House-passed bill raises existing benefits by 5 per cent across the board for all 27.4 million recipients, with the minimum monthly benefit raised from $70.40 to $74 and a provision for automatic cost-of-living increases in benefits in the future.

With the 5 per cent increase, the average old-age benefit payable under the bill would rise from $133 a month to $141 for a single person, and from $222 to $234 for an aged couple. The maximum benefit payable to a person retiring this month with top entitlement would rise from $216 to $226.80, and for a couple from $324 to $340.

Senate Finance Committee Chairman Russell B. Long (D-La.) has hinted that he might favor higher minimum benefits and a 10 per cent increase instead of 5 per cent. It is possible that the Finance Committee will approve these boosts, with the difference between the House and Senate bills to be ironed out in the eventual House-Senate conference.

Another major change, affecting 3.4 million persons now on Social Security, would raise a widow's benefits from the present 82.5 per cent of the amount the dead husband would have received to 100 per cent.

The amount of additional income a Social Security beneficiary can earn without losing benefits would also be increased. Such earnings now can total up to $1,680 a year, and benefits are reduced by $1 for each $2 earned between $1,680 and $2,000. Under the House bill, no-loss earnings would be $2,000 and any earnings above that would be reduced on a $1 for $2 basis. More than 1 million aged persons would benefit under this provision.

These plus other, lesser Social Security changes would boost annual Social Security benefit payouts by $3.7 billion to a total of $43.5 billion.

HIGHER PAYROLL TAXES

To pay for these increases and to shore up the Medicare trust fund, the House bill raises Social Security payroll taxes to 5.4 per cent each on the first $10,200 of annual earnings. This works out to a $550.80 bit each for the employer and employee, compared with $405.60 in 1971 and $468 this year.

Although Social Security is the major government income program for the retired and permanently disabled, a substantial number of people are not eligible for it because they have not worked long enough—or at all—in a job subject to the Social Security tax.

More than 3 million such aged, blind or permanently disabled persons with little or no income from private sources now receive charity payments from the states, with the federal government bearing part of the costs. Benefits differ in each state, and ranged from $97 to $350 per month for the aged couple as of July 1970.

Under the welfare bill, however, the federal government would take over the operation of these programs, guaranteeing to supplement the incomes of beneficiaries from other sources so that they would have no less than $130 a month in 1973 for an individual, rising in two steps to $150 by 1975. A couple would be guaranteed $195 in 1973 and $200 in 1974 and thereafter.

States could provide added amounts if they wished. This will increase benefits overall for these categories nationwide, but they would drop in states which refuse to supplement the basic federal payment.

HEALTH CARE CHANGES

Still another major group of changes in the bill involves the Medicare program of medical insurance for the elderly through Social Security and the Medicaid programs of charity medical aid for the poor.

The biggest change in the House bill makes eligible for Medicare 1.5 million persons receiving federal Social Security disability insurance income payments, but only after they are on the disability insurance rolls for two years. The cost will be $2.8 billion a year. The House bill also tightens up on doctor costs and increases the deductible under the option insurance portion of Medicare from $50 to $60.

The bill also makes it much easier for states to contract for coverage in prepaid group health service plans.

It is possible the Finance Committee, or the full Senate, will add a number of highly significant provisions:

A proposal, sponsored by Sen. Joseph Montoya (D–N.M.) and many others, to have Medicare cover the costs of outpatient prescription drugs for insured Medicare beneficiaries. The administration estimates this could cost $1.8 billion a year, but Montoya says the cost will be lower. The proposal calls for federal establishment of a formulary (official list) of low-cost generic-name drugs that can be used instead of higher-price brands.

Long's proposal to provide "catastrophic illness" insurance giving the average person—not just Social Security recipients—a government-operated form of major-medical insurance to be financed by a payroll tax, the government would pick up 80 per cent of doctor costs in excess of $2,000 a year for a family, and 80 per cent of hospital costs in excess of charges for the first two months in hospital. Long has put this plan forward as a partial solution for middle-income families facing financial ruin through the long-term illness of a family member.

A proposal by Sen. Wallace F. Bennett (R–Utah) to establish local review groups of physicians to make sure that doctors don't pad charges under Medicare and Medicaid.

A plan by Sen. Abraham A. Ribicoff (D–Conn.) to set up a federal inspector general for health administration to review all federal health programs for inefficiency, hospital overcharges and the like. Increases in hospital and medical charges, at a rate much faster than the general rise in the cost of living, are a major reason for the near-bankruptcy of the Medicare trust fund and for states' desire to cut back on benefit levels under the Medicaid program.

RULES OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, section 133B of the Legislative Reorganization Act of 1946 as amended by the Legislative Reorganization Act of 1970 requires that the rules of each committee be published in the CONGRESSIONAL RECORD not later than March 1 of each year.

In accordance with this section, I ask unanimous consent that the rules of the Select Committee on Nutrition and Human Needs be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES AND PROCEDURES OF THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Adopted September 6, 1968)

(Amended November 5, 1969)

1. *Committee meetings:*

(a) The Chairman of the Committee, or if the Chairman is not present a member designated by the Chairman of the Committee, shall preside at all meetings.

(b) The regular meeting date of the Committee shall be the second Friday of each month at 10 A.M. The Committee shall convene at the call of the Chairman at such times as are necessary to transact Committee business.

2. *Executive sessions:*

(a) For the purpose of conducting an Executive session, seven members* of the Committee actually present shall constitute a quorum. No measure or recommendation shall be reported from the Committee unless a quorum of the Committee is actually present at the time such action is taken.

(b) Proxies will be permitted in voting upon the business of the Committee by members who are unable to be present; these proxies to be valid must be signed and assign the right to vote to one of the members who will be present.

(c) There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question which a "yea and nay" vote is demanded.

The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee.

(d) No person other than members of the Committee and members of the staff of the Committee, shall be permitted to attend the Executive sessions of the Committee, except by special dispensation of the Committee or the Chairman thereof.

3. *Hearings:*

(a) No hearing shall be initiated unless the Committee or the Chairman of the Committee has authorized such hearing.

(b) All hearings shall be open to the public unless an Executive hearing is specifically authorized by the Committee.

(c) Any witness summoned to a public or Executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

(d) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee.

(e) Any member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(f) The Committee shall so far as practicable, require all witnesses heard before it, to file written statements of their proposed testimony at least seventy-two hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

4. *Subcommittees:*

The above rules shall apply to all duly constituted Subcommittees of the Committee.

NEWSPAPERS UNANIMOUS ON FAILURE OF CONGRESS TO ACT

Mr. PACKWOOD. Mr. President, seldom does it occur that newspaper editorial policy around the country is unanimous in appraising the great issues which come before this body for judgment. But today we seem to have a unanimous press, unanimous in its sharp criticism of Congress for its callous disregard of the enormous impact the west coast dock tieup is having on the entire Nation and for its refusal to pass crucially needed legislation to settle the dispute, which is now entering its 17th month of talks.

The national press is further unanimous in strongly castigating Congress for its irresponsible failure to move permanent leigslation to provide improved procedures for protecting the public interest when emergency labor disputes occur in the transportation industry.

Just in the last 2 years, while Congress has been sitting on permanent legislation recommended by the administration, we have been forced to intervene four times in emergency transportation labor disputes. I know of no Senators who enjoy playing labor arbitrator in these disputes; yet until we provide the executive branch with new authority, we as legislators have no alternative but to continue in this ill suited and highly inappropriate role.

Mr. President, I am convinced that the national press, in pinpointing the irresponsible nature of Congress dillydallying, reflects widespread public opinion. The public is coming to realize what the Washington Post capsulized so well in an editorial on Februay 3.

> The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done, the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency.

Mr. President, this theme has been echoed again and again throughout the Nation's press, from the Washington Post to the Wall Street Journal, from the Chicago Tribune to the New York Times. I ask unanimous consent to have printed at this point in the RECORD a selection of editorials which have appeared in recent weeks around the country, including the Washington Post, Christian Science Monitor, Oregon Journal, Eugene (Oregon) Register-Guard, New York Times, Chicago Tribune, Washington Daily News, Baltimore Sun, Philadelphia Inquirer, Oregonian, Los Angeles Times, and Trenton (New Jersey) Times.

Let us not kid ourselves into thinking that the public does not care, or is not watching what we do, or fail to do, to protect them from the current paralysis and from repeat performances at any time in the future.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 3, 1972]

CONGRESS AND THE DOCK STRIKE

There is just one major problem standing in the way of legislation to try to deal with labor crises like that brought about by the West Coast dock strike and that problem is named Congress. The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done, the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency.

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* Amendment approved by the Committee on November 5, 1969, provided that seven members actually present shall constitute a quorum. The amendment was approved at the time the Committee requested an increase in its total membership to 14 by addition of one minority member selected from the Senate at large. The former Rule 2(a) provided that a majority of the Committee actually present constitute a quorum.

Just this week, for instance, Secretary of Labor James D. Hodgson was up on the Hill urging a House Labor Subcommittee to pass President Nixon's emergency legislation to end that West Coast strike. The dockworkers were out for three months last summer and resumed their strike in mid-January after the President exhausted all the effective remedies available to him under existing law. The strike has severely damaged many West Coast businesses, its impact has been felt far beyond the confines of the docks, and international trade has been crippled. Yet the reception given Secretary Hodgson on Capitol Hill indicates that Congress couldn't care less.

The President has proposed that the dockworkers and shippers be forced into compulsory arbitration by a three-man board to be selected by Secretary Hodgson. The board's decision would be binding for at least 18 months. While this is not a particularly good way to break a labor-management impasse, it is better than letting the strike drag on and it is better than anything anybody in Congress has proposed. Yet a Republican member of the House subcommittee, Representative Reid of New York, told Mr. Hodgson that Congress won't act on an emergency basis and the committee chairman, Representative Thompson of New Jersey, said the committee couldn't act without going over the proposal with "a fine-tooth comb." We can't help wondering what the committee has been doing for the past few years if it doesn't understand already what this legislation means and what this particular strike means.

For more than two years, the administration has been asking Congress to deal with the problem of strikes in the transportation industries. These are particularly crucial to the economy since they tie up not only one industry but, eventually, most other industries as well. The attitude of Congress toward the administration's pleas has been to ignore them and to intervene in such strikes only when the situation got so desperate that something had to be done. Indeed, Secretary Hodgson has warned Congress that it better face the problem squarely and delegate power to deal with these situations or get ready to undertake the role of chief mediator itself. Since history suggests that Congress is perhaps the worst possible mediator of labor disputes, the proper course of action is quite clear. Yet, Congress not only refuses to take that course, it refuses even to seriously consider taking it as far as we can tell.

Dealing with labor questions like this is always hard for politicians and particularly hard in an election year. But sooner or later the public interest is going to have to be injected into this particular area of labor negotiations. Congress could save many innocent bystanders from considerable harm and do its part to keep the economy running smoothly by acting sooner rather than later.

[From the Oregon Journal, Jan. 19, 1972]

ONLY CONGRESS CAN OPEN PORTS

Collective bargaining has broken down so completely on the West Coast waterfront that no other course remains than congressional action to get the ships moving again.

Congress in fact has two challenges before it in this area, one a piece of legislation aimed at ending the West Coast shutdown, the other a more comprehensive bill designed to deal with labor disputes in the whole transportation industry.

Historically, the federal government has shied away from intervention in purely regional labor tieups. President Nixon did not invoke the 80-day cooling off provision of the Taft-Hartley Act until after the West Coast waterfront had been idle for 100 days and until strikes on the East and Gulf coasts had shut down all the nation's docks.

But the West Coast stalemate has gone on for a scandalously long time, and it has so damaged the regional economy that the national welfare inevitably is affected. Unless Congress acts in this situation, economic recovery in the region and in the nation will be jeopardized.

Both sides, the Pacific Maritime Association (PMA) and the International Longshoremen's and Warehousemen's Union (ILWU) were at fault in the failure to bargain seriously through much of the initial 100-day shutdown.

Later bargaining was hung up on an issue where both the employers and the general public were victimized by an ILWU jurisdictional dispute with the teamsters over container handling away from the docks. While this was partly resolved by the PMA agreement to pay a $1-a-ton tax to the ILWU on container cargo handled in certain areas by the teamsters, the question of whether that revenue should be used to help pay a guaranteed annual wage is one that ought now to be settled by an impartial third party.

If the nation's collective bargaining procedures were not still at a primitive level, the jurisdictional question would never have been allowed by itself to shut down the waterfront in the first place.

Congress has been terribly negligent in this whole field for a long time. Oregon's Sen. Bob Packwood has been trying in the last year to persuade his colleagues to pass legislation which would provide permanent procedures for the settlement of labor disputes in the whole transportation industry. He wants them to be applicable to regional as well as national disagreements. Several bills are pending but have repeatedly been stalled.

Picket lines on West Coast docks Monday after a voluntary extension beyond the 80-day cooling off period had failed to produce an agreement signal a genuine crisis in our region. Oregon's Gov. McCall was not just grandstanding when he went to Washington with a plea in behalf of seven Western states for federal intervention. The time for stalling by Congress is long past.

[From the Chicago Tribune, Jan. 18, 1972]

WILL CONGRESS WAKE UP NOW?

Once again, the Taft-Hartley Law has failed to stop a dock strike. At 24 West Coast ports, longshoremen have resumed the paralyzing strike which the administration halted last Oct. 6 with a Taft-Hartley injunction.

The 80-day cooling-off period provided by the Taft-Hartley Law has now expired; the ship owners and the International Longshoremen's and Warehousemen's Union are still unable to agree on all the details of a new contract; and 15,000 dock workers have therefore walked off the job again. The issues involve the union's demand for a guaranteed annual income [pay for 36 hours a week of work whether it is performed or not] and a jurisdictional dispute with the Teamsters union over which union should handle containerized cargoes—those which reach the dock in prepacked truck-size containers. The employers have agreed to pay the dock workers a "royalty" on container cargoes loaded by the teamsters, but there is a dispute over how the money is to be used.

Meanwhile, negotiations between East and Gulf Coast shippers and another union, the International Longshoremen's Association, drag fatefully toward a possible resumption of that strike, too, presenting the country with the threat of a repetition of last summer's nationwide shipping paralysis.

The dock strikes of 1971 cost American farmers alone about $1 billion thru the loss of exports and the resulting depression of farm prices, especially for corn and soybeans. The West Coast ports never regained the business they lost; Japan and our other Pacific trading partners diverted their ships to more reliable ports such as Vancouver. A nationwide dock strike today would cripple the economy just as we are trying to recover from the damage which inflation has caused us both domestically and internationally.

It is worth noting that of all the Taft-Hartley injunctions issued since 1947, almost one-third have involved dock strikes. In the last 12 years there have been an average of 20 strikes a year, mostly on the East and Gulf Coasts, involving an average loss of nearly 500,000 man-days of work. Dock strikes, like railway strikes, tie up our lines of transportation and force unemployment in industries which have nothing directly to do with the dock workers.

So once again we are told that the only lasting solution to these crippling strikes lies with Congress. This is what we have been told time and again, especially during the railway strikes, and Congress has never aroused itself to do more than pass specific legislation aimed at solving an immediate crisis, usually by ordering employers to give in to the unions.

Congress has avoided any lasting solution like the plague—and understandably, perhaps, because such legislation would be worse than the plague for the many congressmen and senators who depend on organized labor to finance their election campaigns.

For 20 years, successive administrations have promised to protect the country from crippling strikes in essential industries. Two years ago, President Nixon offered legislation calling for a longer cooling-off period, authorizing the President to order part of any industry to be kept operating, and providing for compulsory arbitration, if all else failed, thru what is called the "final offer selection." This would require the arbitrator to pick one side's offer or the other's, with no compromises, and would thus encourage both sides to make reasonable offers. This in itself would tend to bring them together without the need for arbitration.

These are sensible proposals which would interfere as little as possible with the collective bargaining process. And if other laws were modified so as to reduce the advantage which unions now have over management, the need for compulsory arbitration might be reduced to almost nothing. How many disastrous strikes must we suffer before Congress awakens to its duty to do something?

[From the Trenton Times, Feb. 2, 1972]

MAKE THEM BARGAIN

Congressman Frank Thompson Jr. of Trenton has "great reservations" about using compulsory arbitration to end the West Coast dock strike, and well he might. Congress is ill-suited to legislate individual settlements of complex labor-management disputes. On an election year, union-backed congressmen are particularly reluctant to use a device that organized labor dislikes.

But four times since 1970 the Senate and House have found it necessary to overcome their reluctance and to legislate such solutions to strikes in the nation's railroads. Rail shutdowns, or threat of them, brought economic pressures too great for Congress to ignore. The shutdown of Pacific ports, renewed last month after a 100-day strike in 1971, is having a damaging effect upon economic activity using ocean-going transport.

The plain fact is that Congress, continually professing reluctance to use compulsory arbitration, has failed to come up with a usable alternative in dealing with national emergency strikes in transportation. Until the House subcommittee headed by the Trenton Democrat and or the Senate Labor Committee of New Jersey Democrat Harrison Williams act, they must share the blame for the economic losses and one-strike laws that come out of such walkouts. The more frequently Congress imposes individual settlements in those disputes, the more frequently one side or the other will seek advantage in that kind of outcome.

For two years the Nixon administration has pushed a plan that Labor Secretary Hodgson calls "compulsory bargaining." A neutral panel would select the "final offer" of either labor or management that is considered most fair. That would avoid the temptation in arbitration, fact-finding and other such procedures to make extreme demands so the inevitable compromise splitting the differences will be in your favor. Collective bargaining doesn't lend itself to ironclad guarantees, but compulsory bargaining might work better than what we have now. Why not try it?

[From the Los Angeles Times, Jan. 19, 1972]

Dock Strike—Phase 2

For 100 days last summer and fall, 24 West Coast ports were paralyzed by a longshoremen's strike. Farmers whose produce normally moves through these ports lost millions of dollars. The total impact on the economies of California, Oregon and Washington was serious.

Now that the cooling-off period ordered by the President has expired, the strike has resumed, raising the danger of what Labor Secretary James D. Hodgson calls "crippling and widespread economic hardship" in a region that has had too much already.

Unless the strike ends quickly, President Nixon will have no alternative but to request legislation ordering the longshoremen back to work. Congress, in turn, will have no responsible alternative but to honor the request.

The truth is, however, that the congressional wheels tend to grind slowly, particularly when a Democratic-controlled Congress is being asked to take action against the labor movement in an election year. Weeks would pass before the legislation was enacted. By that time, the dock strike could do a lot of damage.

The best hope for ending the dock strike soon, therefore, lies in a successful conclusion to the months-long negotiations. Despite the fact that the two sides are not really very far apart, the prospects for a speedy settlement do not appear bright at the moment.

Union and management representatives already have agreed to pay increases of 72 cents an hour, or 16.8%, in the first year—a settlement which may or may not prove acceptable to the federal Pay Board when it comes up for review.

The Pacific Maritime Assn., representing employers, also has agreed to pay workers a base salary for 35 hours a week, whether or not work is available. In a move to resolve a jurisdictional dispute between the longshoremen and the Teamsters Union the PMA also has agreed to pay a $1-a-ton penalty on cargo loaded in containers by non-longshoremen.

Two major sticking points remain: The employers refuse to promise that the pay increase will be retroactive to Nov. 14. And the union refuses to accede to the PMA's demand that part of the proceeds from the penalty payments be used to help finance the guaranteed annual income.

Both sides should ponder whether these differences are really great enough to justify a strike which will be painful and costly to so many.

[From the Oregonian, Feb. 3, 1972]

Congress in Thralldom

Congressional milquetoasts who quaver before the political power of organized labor must take responsibility for the paralysis of West Coast shipping, the insidious spread of unemployment, the losses to farmers and shippers, the new blow to the U.S. balance of trade.

Committees of the House and Senate are moving at a snail's pace, with no apparent intention of reporting out bills on President Nixon's emergency legislation to compel binding arbitration of the longshoremen's strike. And for two years Congress has done nothing about adopting Administration-backed legislation to end strikes when collective bargaining fails, as it has in the Pacific ports.

Had Congress adopted "The Crippling Strikes Prevention Act," now designated as S. 560, the longshoremen's strike would not have occurred, or it would have been settled long since. Instead, as President Nixon said to Congress in his special message Wednesday, "Our government stands idly by, paralyzed because the executive branch has exhausted all available remedies and the Congress has been unwilling to enact necessary legislation."

President Nixon said the strike, renewed Jan. 17 after expiration of the 80-day "cooling off" period of a Taft-Hartley Act injunction, is costing the people of California, Oregon and Washington $23.5 million a day, including an estimated loss of $600 million in blocked exports.

Sen. Bob Packwood of Oregon, a sponsor of legislation for final settlement of major strikes in transportation when bargaining fails, provided more details of the consequences of 100 days of last year's strike and the lengthening strike this year:

"At the same time the government was handing out $247 million in emergency employment funds in three states, the 15,000 striking longshoremen had caused additional unemployment of 2,000 seamen and 42,000 others in docks-affected jobs," said Sen. Packwood.

As the government was subsidizing farm production at a cost of $2.77 billion a year, including $880 million for wheat subsidies alone in fiscal 1971, the lockup of our ports reduced the 53 per cent of normal wheat export to 2 per cent, as well as causing the long-time loss of foreign markets by displacement from other nations.

Exports losses over-all have been at a rate of $9.5 million a day, including almost $1 million a day for the lumber industry, while the U.S. trade deficit mounts.

President Nixon said the West Coast longshoremen's strike has "thrust a spike into our progress toward economic recovery." Sen. Packwood testified to the subcommittee on Labor and Welfare:

"No union or industrial baron, individually or collectively, should have the right to strangle an economy and inflict untold injury on thousands and thousands of innocent victims. At some point, the public interest must take precedence, and I think we have reached that point."

The point actually was reached many times in the past, as Sen. Packwood's testimony delineated. In the 20 years since Taft-Hartley has been the law, strikes have occurred in 25 of the 30 disputes in which injunctions have been asked. Eleven of the 25 strikes against the national welfare were in the longshore and maritime industry, and in only two of the 11 were the strikes fully resolved within the 80-day cooling off periods.

The thralldom of the United States Congress to organized labor is a national disgrace.

[From the Eugene (Oreg.) Register-Guard, Oct. 29, 1971]

Ports Threat Underscores Peril

Congress has only from now until it recesses for its between-sessions holiday to enact legislation that will protect the nation against grave consequences of a major transportation tie-up.

Unless Congress enacts new legislation at least granting the President standby power to halt closure of major ports on both the East and West coasts, such an economy-wrecking closure may occur while members of the House and the Senate are still home languishing in the Christmas-New Year's mood.

Harry Bridges and Teddy Gleason, respective presidents of the West Coast and East Coast-Gulf Coast longshoremen's unions have made this tacitly plain. Meeting in New York Wednesday, the two powerful longshoremen's leaders did everything but publicly declare that when present Taft-Hartley law 80-day "cooling-off" restraints are lifted from their backs they'll join forces to cut U.S.-overseas maritime trade lines by simultaneously calling their men back on strike.

Once the Taft-Hartley cooling-off period runs out in late December Bridges and Gleason will be legally free to reinstate strike actions that began first on the West Coast in July and then spread to East and Gulf Coast ports three months later.

The U.S. economy, struggling to get rolling again after a recessionary period that threatens to hang on well into 1972 in any event, simply cannot be left in such jeopardy. The West Coast, especially, already has suffered all the adversity it can take from closure of its docks for almost a third of a year. Millions of dollars were lost by people of Oregon alone during Harry Bridges' summer-long tussle with managements of shipping lines and dock operators. This may be a major factor contributing to need for a special session of the Oregon Legislature and difficult solution of a state government financial deficit of more than $28 million. Oregon's industries suffered from July to October because of inability to export or import via shipping lanes. Corporate and personal income revenues to the state dropped accordingly.

Now, if a national docks tie-up is permitted to develop, Oregon's plight will be made worse—and the entire nation will be set back on its financial uppers. Jobs will be lost from coast to coast, and profits needed to make President Nixon's phase two recovery plan the all-round success it should be will be lost in the same wasteful way.

Congress, and the President, for that matter, should have acted aggressively long before this newest national transportation problem began taking shape. Years of labor-management strife in the railroad industry have been proving the ineffectiveness of existing U.S. emergency strike-control legislation. But Congress has acted only as it has been compelled to act to keep the railroads going. It has only nibbled at the core problem of firmly establishing national interest ahead of those of almost incessantly warring labor and management interests. The President has called for scrapping of the National Railway Labor Act. He has suggested some beefing up of the more broadly applicable Taft-Hartley law. But he hasn't pushed these issues even as hard as he has some of his most questionable Supreme Court nominations.

So the track record suggests the best that can be expected now is some temporizing action by Congress to somehow keep the Bridges-Gleason alliance from producing its promised bitter fruit. But this action must be taken before Congress recesses. Then the general American public, with malice toward none but with strong motivation, must set up a real clamor for better means of resolving all labor-management disputes which threaten national solvency or security.

[From the Washington Daily News, Jan. 26, 1972]

Still No Action

Mesmerized, perhaps, by momentous matters of politics, Congress is in no hurry to give President Nixon the power he needs to end the West Coast dock strike.

The best guess now is that no action will be taken until next week—and none will be taken at all if the longshoremen (backed by AFL–CIO President George Meany) have their way.

Meanwhile, the strike, which began last summer and resumed last week after an 80-day cooling-off period, is now in its 110th day. It is costing exporters—particularly farmers—millions of dollars in lost income, and raising serious questions about the nation's ability to protect its own economic interests.

Nobody, least of all Congress, likes to intrude in collective bargaining disputes. And it may well be that if the government sat on its hands long enough (how long is that?) the strike would be settled.

But this strike has gone on far too long already. Too many innocent people are being hurt. And, at this point, the issues can be thrashed out while the ports are open just as easily as while the ports are closed.

[From the Christian Science Monitor, Jan. 25, 1972]

Wrapping Up the Dock Strike

President Nixon has thrown the problem of the nagging West Coast longshoremen's strike, renewed last week by order of ILWU president Harry Bridges, back into the lap of Congress. This is Mr. Nixon's second resort to congressional help in settling the vexatious and costly strike that tied up West Coast ports for 100 days last year, and has shut down 24 ports again. Now the President is asking for a back-to-work-order, along with compulsory arbitration.

Congress is understandably reluctant during an election year, to carry the ball in a play guaranteed to offend organized labor. Yet it is the fault of Congress, and not of Mr. Nixon, that it is faced with this unpalatable choice. More than 18 months ago the President asked for permanent legislation to bar such crises, but his bill has never got through committee.

The latest White House request for action poses much more than a political problem for Congress. It threatens the power, perhaps even the existence, of the President's Pay Board. Should Congress appoint an arbitration panel, such a group would not likely hold itself to the 5.5 percent benchmark supposed to be the wage settlement ceiling in Pay Board deliberations. More likely, it would be influenced by the 32.2 percent direct wage increase tentatively agreed to by the ILWU and PMA (Pacific Maritime Association), along with a $5.2 million annual employer payment to a guaranteed annual wage fund. Beyond that, any such massively inflationary settlement would of a certainty carry over into the East Coast negotiations now going on with the International Longshoremen's Union.

The impact of such a settlement, bearing White House imprimatur, would be devastating on the tripartite Pay Board. Its five business members could be expected to walk off in protest, and the five public members might well follow suit.

It would be far preferable if other pressures could be brought to bear on the ILWU and PMA to continue to negotiate over their few remaining differences.

This is one instance to linger a little longer on legislation. But once the present crisis is ended, it should pick itself up in a hurry and give Mr. Nixon the permanent legislation he has been denied for the past two years.

[From the Baltimore Sun, Feb. 4, 1972]

Toward a Tipping Point in Labor Politics

The President asks for congressional action to resolve the West Coast dock strike and Democrats snap back that only the farmers, who vote Republican, are suffering. Yet the strike already has lasted 100 days in an earlier stanza and farmers, who are certainly affected, are not the only victims. In a trading country denied its commerce across the greatest ocean the harm is broadly generalized over the whole population.

That is easily enough demonstrated in an examination of a major issue remaining unsettled. It is not dock wages, not working conditions in any direct sense, not pension rights or assurances of stable employment. It is the quarrel over what shall be done with the proceeds of the private tax the dockers levy on employers to discourage the new containerization techniques in ship loading and unloading. The Pacific Maritime Association has already agreed to the levy itself, with its neutralizing effect on cost economies otherwise available.

But union efforts to neutralize cost economies deny to the whole public the lower prices otherwise probable in the free play of market forces. In effect the union converts cost reductions to a private tax in behalf of its own members. The impact is exactly that on view locally in the turbulence at construction sites where non-union workers are employed. The fact that they are non-union releases private and public contractors from "antiquated" work rules and the matching disbursements which otherwise would inflate hospital costs, education fees, fire protection expenditures.

As the interchange we cite above suggests, resistance to the President's plan for emergency and permanent legislation against paralysis strikes in the transport industries traces very largely to the 1935-type idea that it is better politics to serve union demands than the economic welfare of the country as a whole. In 1935 it could be argued with considerable persuasiveness that the two goals were one. No longer. And paralysis strikes and picket violence bring always nearer the now inevitable tipping point where narrow union partisanship will stop being good politics and turn bad. The President, by no means a slow learner, seems aware of this.

[From the Oregon Tribune, Jan. 29, 1972]

In Place of Raw Power

The image of the American industrial society as one of eternal conflict between management and labor in which labor represents the welfare of all "little people" is at least a generation out of date.

But it surfaces every now and then, and it did the other day in a letter on this page from a longshore defender. He argued that the West Coast dock workers really represent the interests of all laborers, including the unorganized, in their "struggle for self-respect."

The writer declared that any laws aimed at the settlement of such disputes are totalitarian in concept and would be tantamount to ushering in a police state.

This is too much!

We can't conceive that Harry Bridges, West Coast longshore boss, gives a damn about anybody outside his union. Furthermore, it is hard to believe that some of the attitudes taken by the union are really in the long-term interests of the longshoremen themselves. The destruction of oversea markets which will adversely affect this region for years to come certainly is not.

Whatever gains the longshore union wins over what could have been achieved months ago will in no way benefit rank-and-file citizens in or out of labor. Many farmers, businessmen and workers dependent on ocean commerce have suffered losses from which they will never recover.

Legislation designed to cope with these kinds of disputes would simply substitute the law of reason for the law of the jungle. Since when is that the mark of a police state? On the contrary, the misuse of raw power in labor relations reflected in the present primitive level of collective bargaining is out of harmony with a democratic, civilized society.

There is no proposed law that would destroy the collective bargaining process. The whole idea is to provide a mechanism in the transportation industry whereby the judgment of reasonable, disinterested persons can be brought to bear, for the benefit of all, when a simple power struggle for the benefit of a few jeopardizes the welfare of the whole society.

Such a refinement in collective bargaining is long overdue.

[From the Philadelphia Inquirer, Feb. 6, 1972]

The Shoe Fits Senator Williams

President Nixon's "persistent pretense" in faulting Congress, says Sen. Harrison A. Williams, is "not only outrageous but certainly detrimental to our efforts to search out ways to improve our Federal laws dealing with labor disputes."

To the contrary, it is the persistent failure of Congress to act which is outrageous. And as chairman of the Senate Labor and Public Welfare Committee, the New Jersey Democrat bears a heavy share of the blame.

The Washington Post, which hardly rates among Mr. Nixon's most enthusiastic fans, has neatly summarized the situation this way:

"There is just one major problem standing in the way of legislation to try to deal with labor crises like that brought about by the West Coast dock strike and that problem is named Congress. The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done and the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency."

It has now been more than two years since President Nixon sent to Congress legislation to deal with labor disputes in the transportation industry. But the lawmakers have blithely ignored his proposals. So now, for the fifth time in that two-year period, they are faced with the necessity to intervene in a labor crisis with hasty, one-shot legislation.

Where, then, are Sen. Williams' "efforts to search out ways to improve our Federal laws dealing with labor disputes?" It is time he quit talking about them and start making them.

[From the New York Times, Jan. 18, 1972]

Always Trouble on the Docks

The renewal yesterday of last year's hundred-day longshore strike in Pacific Coast ports reflects a triple breakdown—in the processes of collective bargaining, in the effectiveness of the nation's statutory safeguards against strike emergencies and in the credibility of Federal wage controls.

It is a bizarre abuse of union power that a single, rather rarified issue affecting the mechanics of employer payments into a wage guarantee fund could result in an order to cut off deep-sea commerce in the West. It is doubly strange that such a hang-up should develop after employers and union had agreed on wage increases and other benefits extravagantly in excess of the Pay Board's loosely monitored guideposts.

Unfortunately, it is not surprising at all that the eighty-day injunction provisions of the Taft-Hartley Act have proved no adequate defense against a resumption of the strike. The feebleness of that protection has been proved over and over again in the last quarter-century in tie-ups of Atlantic and Gulf ports.

Now the Administration must rush to Capitol Hill with hastily improvised back-to-work legislation of the kind it has repeatedly had to devise in the railroads. But any formula the White House proposes for final settlement of the West Coast dispute opens up a Pandora's box of new woes in this shaky stage of wage stabilization.

If compulsory arbitration is decreed, the umpire designated by President Nixon almost surely would limit his ruling to the one unresolved issue and certify the rest of the package as independently agreed to by the parties, in effect, that would put a governmental imprimatur on wage raises of 32.2 per cent in a contract with less than eighteen months to run. Such a pact would represent a green light for Federal approval of the tentative accord reached ten days ago on the East Coast for increases of 41 per cent over three years; it would shatter respect for the 5.5 per cent annual standard set by the Pay Board.

For Congress to act on its own to legislate a settlement embodying the basic terms of the West Coast wage understanding would be even more destructive of the stabilization effort. What is required is a formula for limited ship operation that would meet national needs without stripping the wage regulators of the authority that unions insisted they be given to determine what pay increases are "unreasonably inconsistent" with their anti-inflation mandate.

Strikes and strike threats by overstrong unions cannot become the make-or-break element in a program essential to America's economic welfare.

[From the Christian Science Monitor, Nov. 29, 1971]

UNLOADING THE DOCK STRIKE

Ending the dock strike at home was a vital step toward ending the United States trade impasse abroad.

Few would argue that there was not also a strong domestic motive behind the President's wielding the Taft-Hartley law to get East and Gulf Coast strikers back to work, two months after they had walked out. As with the West Coast strike, similarly breached by the President a few weeks ago, the East Coast strike had been hurting the pace of the American economic recovery.

But the dock strike was also causing much mischief in U.S. attempts to settle its trade and monetary disputes. It was distorting an already bad U.S. trade picture. Imports exceeded exports in October by more than $800 million. This was in part due to the fact that the West Coast strikers had been sent back to the job while the East Coast strike was still in effect; since the West Coast usually handles a greater percentage of imports and the East Coast a greater percentage of exports, the strike situation exaggerated the import/export imbalance in America's trade position.

Secretary of the Treasury John Connally will have enough on his hands when he meets with the Group of Ten in Rome this week, without the nuisance of the long dock strike confusing matters. The simple trade balance face he takes with him is that the United States now stands to run a $2 billion trade deficit in 1971. This deficit would be the reverse of the $2 billion surplus last year. It would make the first trade deficit for a full year since 1893. Such a deficit is not calamitous in itself. But from it stems the weakening position of the American dollar, and with that the need to rejig the free world monetary system and the relative value of most countries' currencies.

As it is, the chief resentment of America's trade partners, who are now held at sword point by the 10 percent surcharge, is that the U.S. wants them to do all the backing down. They would still prefer the U.S. simply devalue its own currency instead of trying to wrest a package of upvaluations from them. They feel the U.S.'s awkward trade position is its own fault, the result of such ventures as the Vietnam war. And in this context, for Washington to tolerate a dock strike while trying to make them swallow trade concessions would only add to the irritation America's trade partners already feel.

This is not to say Secretary Connally's mission will be noticeably easier in Rome. Hopefully, signs of give on the 10 percent surcharge will be flashed in his meeting with the Group of Ten finance ministers. The beginnings of some agreement shoud be laid, or Mr. Nixon's meeting two weeks hence with President Pompidou in the Azores and his other economic summitry could come to nought.

Again, with West European economies in recession, with Canada deeply anxious over a serious employment slump, with the 10 percent surcharge itself inhibiting trade, the emphasis in free world economic policy should turn to stimulating trade and production. Thus for reasons far greater than perking up the domestic economy, the U.S. dock strike could no longer be tolerated.

[From the New York Times, Dec. 18, 1971]

ACTION ON TRANSPORT STRIKES

The overwhelming vote of West Coast longshoremen to reject proffered wage increases that run nearly triple the Pay Board's basic 5.5 per cent guidepost confronts the country with the prospect of a new dock strike after the present eighty-day injunction under the Taft-Hartley Act expires on Christmas Day.

Many observers suspect that Harry Bridges, leader of the West Coast union, will defer an actual walkout until mid-February in the belief that such delay would enable him to join forces with Atlantic and Gulf longshorement, currently back on the job in response to a similar court order.

The East Coast dock workers have a long tradition of renewing strikes after going through the ritual of a Taft-Hartley "cooling off" period, and there is little reason to doubt that this routine will be repeated when they are free to strike again two months hence.

The danger of a three-coast tie-up to enforce inflationary wage demands just when the first glimmers of hope are emerging on the international trade and monetary front should be all the spur Congress needs to come to life on stronger statutory safeguards against crisis strikes.

For two years the Administration has been pushing a bill that would vastly improve the defenses against such strikes in the railroad, maritime, longshore and other vital transportation industries. Its distinctive feature is a provision for a modified form of arbitration that would assure an ending for disputes that now drag along for months or years and often wind up in ill-considered emergency legislation on Capitol Hill.

In testimony before a Senate Labor subcommittee last week, Secretary of Labor Hodgson made a strong new plea for fast movement on the Administration measure or on any other that would provide more dependable public protection. The impending new showdown on the docks underscores the urgency of his appeal.

[From the Chicago Tribune, Feb. 6, 1972]

ARROGANT LABOR LEADER

Harry Bridges, bellicose boss of the striking West Coast dock workers, has defied Congress and threatened a worldwide shipping tieup if a law to end the strike by compulsory arbitration is passed. Threatening at first to ignore such a law if passed, Bridges later told a House labor subcommittee that his longshoremen at least would stage a work slow down. Furthermore, he said, any law to end the strike would affect only ships touching at United States ports, and he might call on "friends" in other countries to prevent the ships from doing that.

Bridges represents 13,000 members of the International Longshoremen's and Warehousemen's Union, which is striking against the Pacific Maritime Association, representing the employers. Because of a jurisdictional dispute, the Teamsters Union also is involved in the strike. The strike, which resumed Jan. 17 after tying up the West Coast for 100 days last fall, has closed 56 ports.

Because of the serious economic dislocations the strike is causing, President Nixon on Jan. 21 asked Congress for speedy emergency legislation to settle it. Secretary of Transporation Volpe, Secretary of Agriculture Butz, and Under Secretary of Commerce Lynn have all testified that the situation requires urgent action. But this is an election year, and Democratic leaders in Congress are dragging their feet for fear of affronting the labor unions which traditionally support Democratic candidates.

This reluctance on the part of the Democratic leadership not only adds to the economic severity of the strike, but encourages Bridges' defiance. Even worse consequences could evolve if longshoremen on the East and Gulf Coasts should decide to emulate Bridges and resume their prolonged strike, which is currently in limbo under the 80-day cooling off provisions of the Taft-Hartley Act.

Bridges' arrogance should not be allowed to go unchallenged by Congress. If it is and the dock strike brings further disaster on the economy, the American people can blame Democratic leaders in Congress who are willing to put union-delivered votes ahead of the best interests of the country.

[From the Wall Street Journal, Dec. 23, 1971]

ADRIFT ON THE DOCKS

Once again a Taft-Hartley injunction is proving totally inadequate as a solution to a transportation strike. This time it's the West Coast dispute between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association, an organization of employers.

The workers have just gone through the ritual of rejecting the employers "last offer," the maritime association's contribution to the play-acting. No one expected the workers to vote otherwise, since union officials had urged a negative vote.

The offer was a hefty one by any standard, but Taft-Hartley history presumably persuaded the union it could do better. In the past the so-called last offer has usually been no more than a floor on which unions have been able to build.

When the Taft-Hartley injunction expires on Christmas Day, the ILWU will be free to strike, since the government's legal machinery will be exhausted. An immediate walkout is unlikely, though. Union leaders don't relish putting their men out of work over the holidays and, besides, if they wait a while the Taft-Hartley injunction will run out on the East Coast, setting up the possibility of much greater pressure on the public and the government.

If and when a strike does resume, J. Curtis Counts, the head of the Federal Mediation and Conciliation Service, says he will recommend a special federal law to settle it. This is becoming a pattern in transportation: Taft-Hartley fails, so Congress must deal with the resulting strikes on an ad hoc basis.

You would think that Congress would be growing tired of the pattern. Many months ago, however, President Nixon proposed new legislation to deal with transit strikes, and so far Congress has gotten nowhere either with the President's proposal or any alternative of its own.

Maybe a new dock emergency will be enough to make the lawmakers move. It should be apparent by now that present transportation labor policy is little better than no policy at all.

[From the Chicago Tribune, Feb. 1, 1972]

SETTLING AN INTOLERABLE STRIKE

Secretary of Labor James D. Hodgson made his second trip to Capitol Hill yesterday to urge Congress to end the 115-day West Coast dock strike which has shut down 56 coastal ports. The Longshoremen's Union has extended its picket lines to the Mexican and Canadian borders to prevent trucking in of cargoes unloaded in the two countries.

Hodgson told the House Labor Subcommittee, "You have one of two choices. Either gear up to getting into the labor disputes-settling business on a massive basis—or give the Executive Branch the tools to do the job."

He said that while he was opposed to compulsory arbitration, he had no course other than to support President Nixon's formula imposing an order for an immediate resumption of work while an arbitration board held hearings preliminary to an imposed settlement. The settlement would remain in effect for 18 months—the same period for which the Pacific Maritime Association, representing shippers, has been attempting to negotiate a contract.

Its offer of a 16.8 per cent wage increase for the first nine months and 8 per cent for the second period is accompanied by a guarantee of 36 hours' pay a week even when work is not available. Together with fringe benefits, the increase would amount to $2.335 an hour, which the association says far exceeds settlements in steel, railroad, telephone, copper, and aerospace industries.

Mr. Nixon has called the strike "intolerable" and has asked Congress to quit stalling while thousands of men are out of work, commerce is at a standstill, and heavy losses have been sustained by agricultural producers who can't move their crops.

The President's biggest obstacle is that this is an election year and Democratic majorities in Congress don't want to do anything to offend the unions. But the alternative, as Secretary Hodgson said, is further disruptions because of other transportation strikes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

> A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with the nomination of George H. Boldt of Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY BOARD

The PRESIDING OFFICER. The clerk will report the first nomination.

The second assistant legislative clerk read the nomination of George H. Boldt, of Washington, to be Chairman of the Pay Board.

Mr. PROXMIRE. Mr. President, I must oppose the nomination of Judge George H. Boldt to be the Chairman of the Pay Board. Judge Boldt is a decent, fine and honorable man. As I got to know him, when he appeared before the Joint Economic Committee last year, and when he appeared before the Banking, Housing and Urban Affairs Committee this year, I have talked with him several times. I like him. He is a fine person. I have no doubt that he is an excellent judge. But in my view, he is totally unqualified to be the head of the Pay Board. He has no experience in labor-management negotiations. He does not know his way around Washington. He brings no professional expertise to the job. He simply does not have the background and experience needed for the job.

There are literally hundreds of well-trained, experienced arbitrators who are much more qualified than Judge Boldt—men who command the respect of both labor and management. It is inconceivable that President Nixon could not have found a person with these credentials to head the Pay Board. Why must we settle for a person with no experience and reputation in the field? As Andrew Biemiller put it in testifying for the AFL–CIO against the Boldt nomination.

> We see no reason for anyone so unknowledgeable in labor management relations to receive such expensive on-the-job training.

Mr. President, my view of Judge Boldt is rather widely shared by those familiar with the operations of the Pay Board. As I indicated, he is opposed by the AFL–CIO and also by the United Auto Workers. How can Judge Boldt possibly do an effective job in bringing harmony to the divergent views on the Pay Board if he does not enjoy the confidence and respect of organized labor? Whatever other arguments may be made on behalf of Judge Boldt, the fact that he is so strongly opposed by organized labor makes it difficult, if not impossible, for him to do an effective job.

I call attention to the fact that this is not because Judge Boldt is antilabor. I do not think he is. There is nothing in his record to indicate that he is opposed to labor. After all, the man who is the Chairman of the Construction Board, one similar to this, but on a smaller scale, John Dunlop, highly respected by labor, no one says John Dunlop is prolabor or that he makes prolabor decisions. He is a man who is enthusiastically supported by both labor and business because of his competence and his ability.

Here is what the Secretary of Labor, James Hodgson, had to say about Judge Boldt in a telephone conversation with George Meany on October 19 when Judge Boldt was under consideration for the job. Secretary Hodgson said, and I quote—

> He [Boldt] is totally and completely unfit for this job. He has absolutely no experience in this field and he just couldn't handle it at all. He knows nothing about it.

Mr. President, that is the judgment of the Secretary of Labor before Judge Boldt was appointed. According to Senator TOWER, the Secretary of Labor is now supporting the nomination of Judge Boldt. Whatever Secretary Hodgson's reasons, it is understandable that a member of the administration would not publicly oppose a man nominated by the President. Once President Nixon made the decision to nominate Judge Boldt, it is natural and proper for members of his administration to swallow their disagreements and support his decision. Any other course of action would produce chaos. Not wishing to be another Hickel, I can see why Mr. Hodgson now supports the Boldt nomination. But I believe his earlier remarks, when he was not constrained by the administration, are far more revealing of his true feelings.

Incidentally, the Senate Banking Committee had an opportunity to explore the views of Secretary Hodgson about Judge Boldt in executive session. One member of the committee moved to postpone action on the Boldt nomination until a meeting with Hodgson could be scheduled. Unfortunately, this motion failed by a vote of 11 to 2; hence, we do not have the benefit of Secretary Hodgson's firsthand views.

The view that Judge Boldt is too inexperienced to head the Pay Board is not confined to Secretary Hodgson. An article in the December 28 New York Times says that—

> The Pay Board, by the testimony of a representative cross section of its members, has been ineptly led, acrimoniously divided and largely ineffectual in the first months of the second phase of President Nixon's economic stabilization program.

Th article went on to pin most of the blame for the Pay Board's failures on Judge Boldt. Let me quote from this article:

> Most discussions of what has gone wrong with the Pay Board thus far start with the quality of leadership provided by the 68-year-old Judge Boldt who is from Seattle.
>
> One business member described the judge as a "hard working, straightforward man who has earned the respect of every member of the board—he is a saint who has taken a tremendous amount of abuse without complaint."
>
> But another, and perhaps more representative, view on the board was expressed by a nonlabor member, who declared, "To throw an elderly, inexperienced judge into this bear pit was just not sensible. He has guts all right, but he just doesn't understand what is hitting him."
>
> Another nonlabor member asserted, "One of our chief difficulties is a lack of substantive leadership. The judge is a fine gentleman and I have a deep personal regard for him, but he doesn't understand the issues and he is unable to force accommodation among the conflicting interests. This is a rough and crude league, and the judge is no one to create harmony."

> The judge has also been unable to provide organizational leadership to the board, according to some of its members. One said, "He still thinks he is in the courtroom and all he has to do is go into his chamber and tell the bailiff what has to be done. But in the meantime we went for two months without anything resembling an adequate staff."
>
> One member said that the judge went without a secretary of his own for several days because he did not know how to obtain one. The same member also said that the judge had been unable to operate within the Washington bureaucracy. He said, "He [Boldt] just doesn't talk to the right people. We told him to talk to Connally to get something done and instead he called somebody who was nine levels down in the bureaucracy."

Mr. President, I have quoted extensively from the Times article because it indicates the off-the-record comments of the Pay Board members themselves about Judge Boldt's leadership. It is also important to note that many of the criticisms came from the business and public members as well as the labor members. To be sure, the comments were anonymous, and it is, therefore, difficult to evaluate them.

Moreover, the business and public members have written to the committee expressing confidence in Judge Boldt and urging his nomination. Thus the members of the Pay Board seem to be saying one thing off the record and another thing on the record. That was on the record. We could expect statements like that to be made for the record. However, when the members were asked to comment with the assurance that their statements would be protected, their answers were as I have indicated, to the effect that while they liked the judge as a man and as a person, they feel he is incompetent to do this job.

Of course, all the business and public members of the Pay Board were appointed by President Nixon, and undoubtedly they feel a need to support the President just as Secretary Hodgson does. No Presidential appointee wants to embarrass the President if he can avoid it. Thus I believe, in many respects, the viewpoints expressed in the New York Times article are probably more indicative of the true feelings of the Pay Board members about Judge Boldt.

Mr. President, it might be argued that in spite of Judge Boldt's lack of qualifications, we should confirm his appointment in order to maintain public confidence in the Pay Board and in the entire phase II program. Such an argument is extremely shortsighted. We will be much better off in the long run with a qualified, able head of the Pay Board who can command the respect of labor and business and put an end to inflationary wage settlements. Indeed, one of the reasons the business community still lacks confidence in the administration's anti-inflationary program is the apparent inability of the Pay Board to exert effective leadership. One of the best things we could do to promote business and public confidence would be to reject Judge Boldt's nomination and insist that President Nixon appoint someone with more experience.

Mr. President, I want to make it clear that I have no animosity at all for Judge Boldt. As I say, I like him as a person. I think he is probably a good judge and is perhaps qualified for other jobs, but not for this one.

Just think that the success or failure of the anti-inflationary effort hinges very considerably on the quality and ability of the Chairman of the Wage Board.

With the cost-push, wage-push inflation of the kind that we have had, if the Chairman of the Board is forceful and wise and effective, the likelihood of stopping inflation will be far greater. If he is weak, uninformed, and ineffective, our chances of winning the inflation fight are greatly reduced. No one can objectively consider the not-for-attribution comments on the judge by nonlabor Board members without severe reservations about the future of our anti-inflation effort. No one can hear the judgment of Secretary of Labor Hodgson without having a real concern that however gentle and kind and humble and decent Judge Boldt may be, he just should not be confirmed for this job.

The buddy system, the "I-never-met-a-man-I-didn't-like" attitude, is a marvelous thing about this body. But when we let that persuade us that we should appoint an incompetent to this critical anti-inflation position we, as Senators, are being weak and irresponsible.

Mr. President, it is not easy to get up and take this position, because I know the Senators I disagree with on this issue are men who are as honest and as sincere as I am in trying to achieve an effective anti-inflation program. However, we have to draw the line as I see it, and as I see it we are making a serious mistake in not considering the statement of members of the Board that as the head of the most important anti-inflation board, Judge Boldt is not a man in whom they have confidence.

Mr. BENNETT. With respect to the nomination of Judge Boldt, I yield myself such time as I may require.

Mr. President, the objections to the nomination of Judge Boldt to be Chairman of the Pay Board sound as if he is eminently qualified for nearly any position except the one for which he has been nominated and in which he is now serving.

The point was made that Judge Boldt is opposed by organized labor. It is interesting in light of this fact that the labor members of the Pay Board voted to give Judge Boldt authority to act in all cases before the Board, subject only to challenge by other Board members. Mr. President, it is only natural, by the very makeup of the Board, that any individual who was not under the control of organized labor would be opposed by the labor members of the Board. How can such members who are naturally biased and against any limits on wage agreements support a Chairman who does not agree with their position and, in fact, has been given the responsibility specifically to limit wage increments which are not in line with the phase II program to reduce inflation? It should probably be pointed out that labor also was critical of the public members of the Board other than the Chairman. This criticism must be taken for just what it is and not given overriding weight with respect to the confirmation of the nomination.

Mr. President, the comments about Judge Boldt, attributed to Secretary of Labor James Hodgson in a telephone conversation, were brought out at our hearings. I do not know what Secretary Hodgson knew about Judge Boldt at that time. It would appear that, at best, he had not been familiar with the judge's career to any extent and that he was passing on the comment of others who may have expressed an opinion to him. Frankly, it does not much interest me who said what about the appointment. We have all had the experience of having to take back our first impressions of a person. The important thing is what the Secretary of Labor thinks of the man after seeing him at work for a period of time.

It is my understanding that the Secretary's most recent view of Judge Boldt is that—

> Considering the cross currents and difficulties under which the Board has had to operate, Judge Boldt's work is to be applauded.

I agree with that assessment.

In our hearings, and again here on the floor, extensive quotations were used from an article in the New York Times which purported to contain comments from members of the Pay Board sometime last year. It is worthy of note that the comments were not attributed to any member of the Board. Furthermore, regardless of the problems that existed at the time the Board was set up and during the first few weeks of its existence, which were destined to be difficult ones, it seems now that a competent staff has been assembled, that the Board is operating well, and that the opposing factions are working as well together as could be expected. In the long run, the experience to date and the method of operation taken by Judge Boldt may prove to have been the best approach that could have been taken.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram that was sent to the chairman of the Committee on Banking, Housing and Urban Affairs just the day before our hearing and was signed by all public and business members of the Board, which seems to bear out my conclusion.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.:

We have been privileged to serve as members of the Pay Board under the Chairmanship of Judge George H. Boldt. During our tenure on the Board we have come to appreciate and benefit from his judicial qualities and his personal integrity. He came to the job as Chairman of the Pay Board on short notice, interrupting a distinguished career as a U.S. District Judge. In a short period of time, with patience and civility, and under the extreme pressure of events, he has had to guide the establishment of a new and complex administrative machinery and to insure the development of policies and regulations necessary to achieve the goal of economic stabilization.

These tasks are difficult in their own right but the problems have been made more demanding by the fact that the Pay Board is tripartite in nature and brings together spokesmen for different and often conflicting points of view. This aspect of the Pay Board has meant that Judge Boldt, as Chairman, has had to exercise great tact, skill, and, above all, fairness in the performance of his duties. In our judgment he has clearly demonstrated these attributes in the face of intense controversy. Moreover, because he assumed his position with no rigid views on many of the technical issues associated with labor-management relations, he has provided a broad perspective and fresh insight that otherwise would be lacking on the Board.

Under Judge Boldt's leadership, in less than three months the Pay Board has recruited a highly qualified staff, become a going concern, and has successfully weathered several controversies which have caused other wage stabilization agencies to founder in the past. Throughout these difficult early months Judge Boldt has performed his duties with a dedication to the national interest that sets a high standard of public service. We are pleased to convey to the Committee our confidence in the leadership of Judge Boldt and to strongly urge his confirmation by the Senate as Chairman of the Pay Board.

Judge Boldt is not aware that we are sending this message.

Sincerely,

Robert Bassett, Ben Biaggini, William Caples, Virgil Day, Kermit Gordon, Neil Jacoby, L. F. McCollum, Rocco Siciliano, and Arnold Weber; Public and Business Members of the Pay Board.

Mr. BENNETT. It appears that, in fact, Judge Boldt has been able to do an effective job, has weathered any problems that confronted the Board in the first few weeks, and has been able to obtain the confidence of all of the members of the Board except perhaps some who feel that an expression of support might be interpreted as an expression of weakness or a repudiation of some more or less official position.

Mr. President, I support his nomination, and I hope the Senate will confirm it.

Mr. SPARKMAN. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. SPARKMAN. The Senator just placed in the RECORD a copy of the telegram we received, signed by all the public and management members. Is it not true, though, according to the testimony over the past—well, over some weeks, probably—certainly several days—that Judge Boldt had been supported unanimously in various decisions that were made; and also was not their testimony to the effect that when the board voted to give him the power to make decisions, the vote of the members of the Board was unanimous?

Mr. BENNETT. Both of those things are true. It seems to me that the matter which I have referred to might best be illustrated by a statement a friend of mine used to make frequently, "We are inclined to be down on what we ain't up on."

I think there were many people who, before Judge Boldt actually took over and carried out the functions of his job, were not "up" on him and, therefore, because of some predilection or some background and perhaps some more or less formal relationships, felt that they had to be "down" on him automatically but now, I think, we are "up" on him, so to speak. I am sure that the chairman and most of the members of the committee would urge members of the Senate to follow their judgment and confirm the judge.

Mr. SPARKMAN. The point that I hoped to make, of course, and I am sure the Senator agrees with me on it, is that whereas at the very beginning there was a pretty bad rift, not directed at Judge Boldt at all, but just at the operations, as time went on apparently that has pretty well healed. Until within the recent past at least, the Board has been unanimous in its actions.

Mr. BENNETT. That is eloquent and evident testimony, among other things, to the leadership the judge has given to the Board. I can understand why there would be such antagonisms to start with. They always exist where there is a tripartite board with obviously conflicting views and another group in there, like being the "swing man" in the middle. It has not been an easy job for the judge, I am sure, but he has done well enough to deserve our expression of support.

Mr. MANSFIELD. Will the distinguished Senator from Utah yield me 3 minutes?

Mr. BENNETT. I am happy to yield 3 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, Judge George H. Boldt is listed on the Executive Calendar as being from the State of Washington. That is true because in late years, beginning with the Eisenhower administration, he has been sitting as a Federal judge with headquarters in Tacoma. Actually, he is a Montanan, a graduate of the Stevensville High School down in the Bitter Root Valley, and a graduate of the University of Montana. He has the full and wholehearted support of the two Senators from Montana.

Neither one of us had the opportunity, because of circumstances over which we had no control, to appear personally in behalf of Judge Boldt but both of us sent strong letters indicating our full support of this outstanding public servant.

Now we know that the Pay Board has not been in operation for too many months. We know that the members and especially its Chairman were called in "cold" so to speak. We know that there was a certain amount of friction in the beginning, as was natural, but we have an idea that that friction, based on statements made by the distinguished chairman of the committee, the Senator from Alabama (Mr. SPARKMAN), and the distinguished ranking member of the committee, the Senator from Utah (Mr. BENNETT) has been alleviated to a considerable extent.

It was a most difficult assignment, but I would urge my colleagues who have any questions about Judge Boldt to take into consideration his outstanding record as a Federal judge for the western district of Washington, and to be guided by the record which he has made as to his ability, as to his integrity, as to his courage, and as to his knowledge.

I believe that this Republican judge was a good choice for the position to which he has been appointed. I hope that the nomination of this outstanding man from Montana will receive an overwhelming vote of approval on the part of the Senate when it comes to a vote shortly.

Mr. SPARKMAN. Mr. President, I want to call attention to one thing. I do not want to prolong the debate. However, with reference to the statement quoted from Secretary Hodgson, that statement was made before any action was taken on any matter before the Board. That was his opinion expressed at that time. However, after he had seen him at work, he testified that he had been doing a good job.

Mr. BENNETT. Mr. President, I am ready to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG). All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of George H. Boldt, of Washington, to be Chairman of the Pay Board? (Putting the question.)

Mr. PROXMIRE. I vote "No."

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of George H. Boldt, of Washington, to be Chairman of the Pay Board.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield 30 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I thank the distinguished majority leader. Once again I find myself in a very small minority.

Mr. President, I am vigorously opposed to the nomination of John E. Sheehan to the Federal Reserve Board. Mr. Sheehan is an intelligent and able man. There are many jobs in Government for which he would be eminently qualified. He is a very successful businessman. He has a background which is similar to my own. Both of us went to the Harvard Business School, majored in financial management, and both of us graduated with distinction. But he is sadly lacking in the qualifications needed for a Federal Reserve Board member.

The Federal Reserve Board exercises a profound influence on our economy. There is widespread disagreement among professional economists on how monetary policy affects the economy and how it should be carried out. There is disagreement over the goals of monetary policy. There is disagreement over the immediate targets of monetary policy. Some say the Fed should concentrate on free reserves. Some prefer the monetary base. Others look to the money supply both narrowly and broadly defined. Still others argue the Fed should focus on interest rates and conditions in the short-term money markets.

However, virtually all economists agree that the subject is exceedingly complex, highly technical, and requires a great deal of economic expertise of a particular kind. They are also agreed that monetary policy is a highly delicate instrument which can work great harm upon the American economy if improperly exercised.

President Nixon is proposing to put on the Federal Reserve Board a man who admits he has no background in the technical problems of monetary economics. Moreover, in his appearance before the committee he seemed to make a virtue out of his ignorance. He presented himself as a talented amateur—a man who had no fixed position on controversies surrounding monetary policy, but a man who would study hard and try to come up with a reasonable decision.

One evidence of Mr. Sheehan's lack of sophistication can be seen in his appearance before the Committee on Banking and Currency. In the 14 years that I have been in the Senate, this was the first time I ever saw a witness so poorly qualified that he actually read answers to questions put to him by a committee member. I do not know who prepared Mr. Sheehan's answers, but it is obvious that he was not equipped to deal with the issues on his own. We ought to be able to find someone who can do better than merely regurgitate canned answers to questions put to him. One of the purposes of a nomination hearing is to see how a nominee thinks, how he handles himself, how he responds to questions, how he reaches conclusions. If Mr. Sheehan does not have enough confidence in himself to answer questions on his own without the benefit of a prepared text, then I submit he is not qualified to sit on the Federal Reserve Board.

When I asked Sheehan about one of the most rudimentary principles discussed in economic policy—the trade-off between unemployment and inflation in the Philips curve—he struck out.

Sheehan seemed to think the Philips curve referred to the pitching technique of a Chicago Cubs left-hander.

It is most unfortunate that on the most important and powerful economic policy agency in our Government—an agency that makes the critical decisions that determine the level of interest rates, and has profound influence on inflation and unemployment—the President could not find a single competent economist to serve.

Mr. Sheehan is obviously an intelligent, able, and honorable man, but so are Johnny Unitas, Muhammed Ali, and Coach George Allen, as well as millions of other Americans, but all of them, like Sheehan, are appallingly unqualified to serve as governors of the Federal Reserve Board.

Mr. President, I apologize for taking up the Senate's time on this nomination, for I am sure that Mr. Sheehan will be overwhelmingly approved. Nonetheless, I think a record must be made that we need qualified men on the Fed. I hope that in the future, Presidents will recognize that the Federal Reserve Board demands professional legal competence, and that it should be just as wrong to appoint a noneconomist to the Federal Reserve Board as a nonlawyer to the Supreme Court.

Mr. President, I submit that this simply is not the man for the Federal Reserve Board. There are literally thousands of professionally trained economists who are more qualified than Mr. Sheehan, who has been a businessman and management consultant most of his life. At this critical time in our economic history, we need trained professionals on the Federal Reserve Board. We cannot afford to appoint an amateur, however well intentioned he may be. The decisions of the Federal Reserve Board affect the lives and well-being of every American citizen. We need all of the professional judgment and expertise which the economic profession can bring to bear on monetary policy.

Mr. President, the Federal Reserve now has five trained and competent economists among its seven members. The appointment of professional economists to the Board has resulted in a considerable improvement in the conduct of monetary policy. True, the Board has still made mistakes. But the magnitude of those mistakes is nowhere near as great as the disastrous blunders committed when businessmen and bankers dominated the Board. Anyone conversant with Friedman and Schwartz' monumental work, "A Monetary History of the United States," must realize the grievous policy errors made by the Board. For example, during the 1929–33 depression when the unemployment rate reached 25 percent, the Fed incredibly permitted the money supply to shrink by 33 percent, thus exacerbating the economic decline and sending the country into the worst depression in its history. Many economists feel the erratic stop-and-go monetary policy pursued by the Fed in the 1950's—a policy which William McChesney Martin characterized as "leaning against the wind"—was largely responsible for the three recessions suffered during that period. Every time the Fed was leaning one way the economy had turned around and was also leaning in the same direction. With bankers and businessmen calling the shots, untrained in professional economics, the Fed, on balance, exerted a destabilizing influence on the economy during the 1950's.

The Fed has had a much better record in the 1960's. The professional economists appointed to the Board brought a new sophistication and a better sense of timing which kept it from making major mistakes. The two recessions experienced in the 1960's and early 1970's have not been nearly as great as the three recessions suffered in the 1950's.

One of the most difficult problems in monetary economics is measuring the lag effects of monetary policy actions. Policy actions taken today will not have an impact until some time in the future. How long is the lag? How is it distributed over time? How do we forecast economic conditions ahead of time so that our policy actions today are in harmony with future economic conditions? These are enormously complicated and technical problems. The Federal Reserve has one of the best staffs in Washington to analyze these complex issues. But only the members of the Fed can decide the course of monetary policy. I do not believe an amateur can make an informed decision on the many technical issues surrounding monetary policy. Why should we settle for an amateur when there are so many competent professionals?

Mr. President, constitutional law is an equally complex subject. The experts frequently disagree on constitutional issues. Why do we not appoint a nonlawyer to the Supreme Court to give the Court some balance? If Mr. Sheehan is such an able man, why do we not appoint him to the Supreme Court?

The answer should be obvious. It takes a trained legal mind to deal with the complex issues of constitutional law before the Court. Likewise, it takes someone trained in economics to deal with the difficult issues of monetary policy before the Federal Reserve Board.

Mr. President, already there are rumors that the Nixon administration is seeking a banker to replace Governor Maisel, an outstanding economist whose term on the Board expired last December 31. Thus the Nixon administration appears to be trying to turn the clock back to an earlier era when noneconomists dominated the Fed. I am under no illusion that the Senate will reject Mr. Sheehan's nomination. Nonetheless, I believe a record of protest must be made, not only with respect to this nomination but to possible future nominations which might be submitted by the Nixon administration.

If confirmed by the Senate, Mr. Sheehan will serve at least 10 years, and will be eligible for another 14-year term. Mr. Sheehan will thus be in a position to exercise judgment for 24 years on highly technical matters on which he has no present competence. Perhaps in time he can learn. But our economy cannot afford to indulge in on-the-job training for members of the Federal Reserve Board, especially when there are so many qualified men available who do not need a long period of training and preparation before they can be expected to pull their weight.

Mr. President, not only does Mr. Sheehan bring a lack of technical competence to the Board, he also brings the typical biases of the businessmen and bankers which have dominated the Board in the past. Mr. Sheehan made it clear in his testimony before the committee that he thought the problem of inflation was the No. 1 economic problem facing the country. He ranked it ahead of the problem of unemployment which is bad news for the millions of Americans who are out of work. Moreover, Mr. Sheehan seemed to be unaware that there is a trade-off between the goals of full employment and price stability.

It was this simple-minded faith in the primacy of anti-inflationary policy to the exclusion of other economic goals which caused the Fed to so mismanage monetary policy during the 1950's. We are now being asked to put another tight money man on the Fed—a man well versed in the conventional wisdoms espoused by bankers and businessmen. However, the problems of our economy are too complex for the conventional wisdoms. We need men on the Fed who have the professional background to apply a deeper and more sophisticated analysis to our economic problems.

I reserve the remainder of my time.

Mr. BENNETT. Mr. President, I yield myself such time as I may need.

Mr. President, I support the nomination of John E. Sheehan to be a member of the Federal Reserve Board. Mr. Sheehan has had a broad experience in business management, a background which Dr. Burns, Chairman of the Federal Reserve Board, apparently feels could be very helpful in the considerations which come before the Federal Reserve Board. As has been stated, Mr. Sheehan is not a professional economist. Neither was the Board member whom he is replacing a professional economist, nor is the present Vice Chairman of the Board, Governor Robertson.

At this particular time, it might be well to remember the old wisecrack that if all the economists were laid end to end, they would never reach a conclusion.

Some diversity among the Board of Governors was thought to be wise at the time the Federal Reserve Board was established in 1913, and it seems wise to have a diversity also today. Although Mr. Sheehan is not a professional economist, he was able to respond well to the many questions posed by members of our Banking, Housing and Urban Affairs Committee when we considered his nomination. It is especially noteworthy how well he answered the questions which appeared to be posed for the very purpose of trying to show that he was not qualified as an economist. Although Mr. Sheehan admitted that he was not an economic technician, his answers to questions were very responsive and, if I recall correctly, were satisfactory to all members of the committee except perhaps one member, and I imagine that even he was surprised that the nominee was able to respond so well.

I do not understand the criticism that Mr. Sheehan brings to the Board biases of the businessman and the banker. When asked about our balance-of-payments problem and the outflow of money that could occur if interest rates declined as compared with the problem of slow business if interest rates are high, Mr. Sheehan said that he felt it more important to take a policy that would stimulate the economy and this in turn would assist in our balance of payments. Indeed, the comment in this area could not have been better by the most competent of economists.

It is true that Mr. Sheehan stated that inflation is the No. 1 economic problem facing this country. However, he said that unemployment is a very close second. He added that the two are tied in together and that inflation has been partially the cause of our present unemployment problem. There is no doubt that this is true. Although there was an attempt to get Mr. Sheehan to comment on whether fiscal policy or monetary policy is the more important in achieving full employment and economic stabilization, Mr. Sheehan was sufficiently knowledgeable to state that he would keep an open mind in that area.

That particular subject has been debated for decades and ranks with the question, "Which came first, the chicken or the egg?"

He added that he doubted he would ever become associated with an extreme or rigid or fixed position on monetary policy and that at one time monetary policy may have a greater influence but that another time fiscal policy may loom larger than monetary policy. I must say that in the final analysis, Mr. Sheehan made a very credible showing before our committee, and on the basis of that showing, his nomination was approved by a bipartisan, nearly unanimous vote of the committee.

Mr. President, I have been interested in the comment that Mr. Sheehan read the answers to the questions asked. I should like to read from the hearings of the committee on what Mr. Sheehan's answer was to the accusation that this somehow meant that he was not fit to sit on the Board:

> Mr. SHEEHAN. Let me say this, Senator. You may be familiar with Marcus Aurelius' book "Meditations." In that book he suggests "I never made a public statement that I did not carefully write down beforehand." I have found this such a successful procedure that I even use it with my wife.

I would suggest that a man who is that cautious will make an excellent member of the Board of Governors in the Federal Reserve System.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

I may say to my good friend from Utah that there is no question that some of the responses by the nominee, Mr. Sheehan, were good responses, but the problem is, whose responses were they? Here was a nominee who came in and when we asked him a question, he read the answer. I submit that these are questions of monetary or economic policy, and yet he reads those answers, which could have been prepared by the staff of the Federal Reserve Board, by Mr. Burns, or anybody else. Even if he prepared them, it seems to me that is not a satisfactory way to respond to a Senate Committee. The Senator from Utah has been here more than the 14 years I have been here, and in that time I do not think he can think of any other nominee who appeared before the committee and read his answers to questions asked by committee members.

Mr. BENNETT. May I respond?

Mr. PROXMIRE. Yes.

Mr. BENNETT. The nominee learns quickly. He has learned to use the technique that most Senators use in making speeches on the floor of the Senate. They read material that is prepared by somebody else. I do not fault him for that. Here is a man nominated for a very important job, and I will admit that he had had no previous experience with respect to the job. He devotes himself for weeks in an attempt to learn all about that job and to master its intricacies, and realizes he is going to face a grilling before the committee. I do not blame him for trying to prepare himself to face the committee by recording his answers.

Mr. PROXMIRE. May I say to the Senator from Utah that I agree that Senators come in and read speeches, as witnesses come in before the committees and read their statements. They do. It is rather rare when a witness appears before us and ad libs. It is usually not as good as when they read their statements. I am not talking about that. I am talking about when Senators on the committee are interrogating the witness or interrogating the nominee and he has prepared answers and written out those answers in advance. That is entirely different. I think that rarely happens on the floor of the Senate. It does happen sometimes when we want to make complicated legislative history, but that is only on rare occasions.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. COOPER. While Mr. Sheehan is a resident of my State of Kentucky, I may say that I never knew him until he was appointed to this position. I sat by him that day while he was before the committee in the hearings on his nomination. I certainly have no great expertise in the field of economic matters which is very difficult and complicated. Many people have differing views. But I sat by him. I heard all the questions asked of him, and particularly I listened to those asked by my distinguished colleague from Wisconsin (Mr. PROXMIRE).

I think the committee agreed that he responded well to the questions. I would guess that the Senator from Wisconsin was rather surprised. I would like to point out that he did not read answers to all the questions asked him. I sat by him. On major issues he did have a statement which he read from.

I think this preparation indicates a quality which may be valuable, and that is a disciplined mind in one who thinks out in advance what the problems will be. With this kind of disciplined mind—and that is shown by his background—he was prepared. I see nothing wrong with that.

I must say to my colleague that, without his having definite knowledge that the answers were written by someone else, I do not think it is quite fair to say that the answers were not prepared by Mr. Sheehan.

I have talked to Mr. Sheehan since then, and he had heard the Senator's statement—I do not know whether the Senator made it or not, but I believe he made it—that these answers had been prepared by some member of the Federal Reserve staff. He was very upset about it, and said that, of course, it was absolutely incorrect.

He is a student. He had read hearings conducted by the committee upon which the Senator serves so ably. He knew, he told me, the Sentaor's position on various questions, and he prepared himself for them; I think that type of preparation shows the qualities of mind and discipline which are needed, not only on that Board, but I might say in many areas of the Government, both on the executive and legislative sides.

I am familiar with his background. As I recall, he is only 42 years of age, and yet in that time he has been successful in every field in which he has worked. I know he made a tremendous financial sacrifice to take this position, which shows that he wants to serve well. He wants to serve his country. He believes that the work of the Board is of great importance.

I make this comment only to say that I construed his appearance and his statement before the committee as that of a man who had a disciplined mind and who knew what he was talking about. And I say, in a general way, I do not think the Senator should charge him that some of his responses were written by someone else unless he has the fact. He told me absolutely that he wrote it himself.

In closing I would like to state that Mr. Sheehan is exceptionally well qualified by education, training, and experience for this most important position, and I strongly support his confirmation. President Nixon deserves our commendation for making this appointment.

Mr. President, I ask unanimous consent that a brief statement I made before the Senate Banking and Currency Committee on January 27, in introducing Mr. Sheehan to the committee at the time of the hearings on his nomination, be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR COOPER

Mr. Chairman, members of the Committee, it is an honor for me to come before this Committee to support the nomination of Mr. John E. Sheehan of Louisville, Kentucky to be a Governor of the Federal Reserve Board.

I have not had the opportunity to know Mr. Sheehan personally. Many citizens in the city of Louisville, Kentucky who know him well, among them Senator Cook, former Senator Morton, have told me about his fine qualities and abilities, and I support strongly his confirmation.

His résumé is before you, and I think it testifies to his abilities, his interest, his scholarship as a Naval Academy graduate and a graduate of Harvard Business School, and his capacity as an executive. Also I should note the fact that he served as a director of the Louisville branch of the Federal Reserve Bank of St. Louis.

Aside from his résumé, I have learned that he is one of ten children, all living. And all of these children have worked hard and accomplished a great deal for their country and for their families, and I think that, too, is a good recommendation.

I have heard only the highest tributes to his ability and his capacity and qualifications for this position, which is, of course, a very important position in our country. I shall strongly support his confirmation.

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I shall yield back my time in a moment, but I should like to discuss one point briefly. I yield myself 2 minutes.

I do not want to get off on a side issue. I think that the fact that the nominee read his answers is relevant, but it is not the fundamental objection. Whether he read them, or read them well, it seems to me, is not the pertinent point. The pertinent point I wish to make is this: The Federal Reserve Board, above all other agencies I know of, is a Board requiring high technical competence. What kind of competence is that? They do not require lawyers. They do not require people with business background and training in business, but what they require is a trained economist, a man like Arthur Burns. President Nixon made a splendid appointment in Arthur Burns. Some of the other members of that Board, including Governor Maisel and Governor Brimmer, are men who have fine economic backgrounds, who understand the complexities of monetary policy, who have dealt with them for a lifetime, who understand the complexities of the implications of the actions of the Federal Reserve Board on housing, on State and local governmental activity, and on employment.

I think Mr. Sheehan will learn about these things as time goes on. My point, however, Mr. President, is that this is a far too complicated, vital, and important a Board to use it to provide on-the-job training for anyone.

I just hope that in the future Presidents, whether it be President Nixon or any other President, will do their best to select men for the Board who have a good solid training in economics. I realize that in 1913 the Federal Reserve Board was not contemplated as a Board to have principally economic experts on it; and as I say, the whole record of the Board shows that was a bad misconception on the part of Congress. Recent Presidents, including President Eisenhower, President Kennedy, President Johnson, and President Nixon have appointed a large number of economists to the Board. I hope that Presidents will continue to do this in the future. I hope that in the future Congress and the country will consider it as shocking to appoint a noneconomist, a man with no training at all in monetary policy, which he has to deal with, to the Federal Reserve Board, as it would be to appoint a nonlawyer to the Supreme Court.

I realize that this is a new conception, and maybe it is asking too much of a President to make that kind of a shift; but that is the reason I am making the record this afternoon, and the reason I shall vote against Mr. Sheehan, although I do so with great respect to him as a man and as a person, and I wish him well on the Board. I hope he will get that on-the-job training in a hurry.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG). All remaining time having been yielded back, the question is, Will the Senate advise and consent to the nomination of John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

PRICE COMMISSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the third nomination on the calendar that of C. Jackson Grayson, Jr.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of C. Jackson Grayson, Jr., of Texas, to be chairman of the Price Commission.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the nomination.

Mr. BYRD of West Virginia. Mr. President, I yield 30 minutes to the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, I shall take far less than that. I am happy to say that in this case I enthusiastically support the nomination, but I would like to call the attention of the Senate to something extraordinary in connection with this nomination.

As I say, Mr. President, I plan to vote for the nomination of Mr. C. Jackson Grayson to be the Chairman of the Price Commission. Mr. Grayson is an enormously able and dedicated man. He has one of the toughest jobs in Washington and he brings a high degree of training and experience to it. He is also pleasant, personable, and modest in appearance. This should not disguise the fact that he is without doubt one of the most powerful men in Washington. He exercises a life and death control over vast segments of the American economy, a control that is carried out in almost absolute secrecy.

Before approving Mr. Grayson's nomination, I think the Senate should realize the vast amount of power delegated to Mr. Grayson and the absence of effective restraints on that power. The Economic Stabilization Act delegates sweeping power to the President to control the prices of every economic unit from the corner grocery store to the giant corporation. That power has been delegated to a seven-man Price Commision, and what the Commission itself did was to delegate the entire power without veto to Chairman Grayson. While it is true that the Commission sets the overall policy, Chairman Grayson has complete authority to approve or reject individual price applications from business firms.

In response to questions when he appeared before our committee, he stated that he has not, never has been, overruled by the Commission, although theoretically they can do so. But they have served for several months now, and the Commission has yet to exercise that authority; he has exercised it fully. Thus, we have delegated to one man virtually dictatorial power over the American economy—a man who is not elected by the American people and who operates in complete secrecy.

Chairman Grayson has already ruled on over 1,200 requests for price increases submitted to the Price Commision. Some of the increases were granted in full.

Some were rejected. Some were reduced. How reasonable were these decisions by Mr. Grayson? How many of the price increases were justified? Is Mr. Grayson being fair and impartial in his application of the price guidelines? Are certain companies favored and are certain companies discriminated against? The answer is that the public does not know. Under the present practices of the Price Commission, it has no way of knowing. We are being asked to accept on blind faith that the Price Commission is operating in a fair and equitable manner.

The only effective check on Mr. Grayson's enormous and unprecedented power is the spotlight of publicity. And yet despite the requirements in the Economic Stabilization Act—and my amendments were among the amendments that provided for this—the Price Commission has released virtually no information to the public. It has instead established an iron wall of secrecy. Those who have tried to obtain information about the decisions of the Price Commission have been rebuffed.

For example, a reporter from the Washington Star recounted this experience:

> An effort . . . to use a case picked at random to see what can be learned about the reasons for a price increase ruling led quickly to one conclusion: Not much.

The reporter chose the decision by the Price Commission on December 16 to grant the full 8-percent price increase requested by the National Steel Corp. Here is what happened as quoted from the Evening Star:

> The reporter was referred to the general counsel's office. Long interviews there produced no significant further information beyond the assertion that increased labor costs had been the major factor. "It was a catch-up," said Slawoson. [The General Counsel] "They suffered wage increases since their last round of price increases."
>
> How much had workers' wages gone up? "That's confidential." What was the impact of this onproduct unit costs? "Confidential." What about increased productivity? "That's confidential," And profit margins? "Confidential."

In other words, Mr. President, all the information a citizen would need to determine the validity of the Price Commission's actions is confidential. Here is a Government agency under the rule of one man, with enormous power, operating in complete secrecy. There is no way the public can check up on the Commission to see if it is doing a good job. I am sure that Mr. Grayson is doing his best to apply the price guidelines in a fair manner. But no man should be given such broad powers without some degree of public accountability.

Ralph Nader and his associates have also experienced frustration in getting any meaningful information from the Price Commission. In a letter to me which was included in the hearing record, Mr. Nader states:

> the Price Commission has shown abundant disdain for any public participation in deliberations dealing with price policy toward consumers. Under the banner of expeditiousness, the Commission has chosen to hear only the corporate voices concerned. The Commission's viewpoint can be seen in Chairman Grayson's answer to my recommendation for immediate establishment of procedures allowing for meaningful public participation. Mr. Grayson's letter of December 29 (first page) bluntly shows the Commission's lack of concern.

In his letter, Mr. Nader documents how the Price Commission has ignored public participation.

The Commission has not held one single public hearing on a requested price increase despite the clear intent of Congress, expressed in section 207(c), that public hearings be held to the maximum extent possible on significant cases. Mr. President, that was my amendment. As author of the amendment, I did not expect that the Price Commission would hold no public hearings—none. As Mr. Grayson said, they have no plans to hold any.

The Commission has not described the information available for public inspection, nor the procedures for obtaining such information, as required by the Freedom of Information Act.

The Commission offers no detailed reasons for its actions on individual increases, but rather recites that the price increases were justified by "increased labor and material costs and adjustments for productivity."

The Commission continues to issue rules and regulations without providing for public hearings and comment as required by the Administrative Procedure Act to which the Commission is subject.

The Commission has not adopted policies to judge whether specific data submitted by companies to justify a price increase should be considered confidential. Instead, it simply takes the company's word that the information is confidential.

The Commission has not released the final votes of members of the Commission as required under the Freedom of Information Act.

In other words, Mr. President, we have had almost a total information blackout on the activities of the Price Commission. Perhaps some of blackout is due to the problems of setting up a new Commission in a short period of time with insufficient staff. Mr. Grayson did assure the Senate Banking Committee that he is sensitive to the problem and that he will try to make more information available. For example, on the subject of public hearings, Mr. Grayson said:

> I anticipate we will have some open hearings. I have none scheduled at the moment, but we are certainly receptive to the request for open hearings.

Mr. Grayson went on to indicate that anyone could request an open hearing, including a Member of Congress. I hope the Members of the Senate will accept Mr. Grayson's offer and request open hearings on price increases whenever their constituents will be significantly affected.

Mr. Grayson also indicated that the Commission is considering revising its policy of automatically stamping "confidential" all information claimed to be so by the company which submits it. I certainly hope and expect the Commission will move in this direction. Much of the information claimed to be confidential by large conglomerate or multiproduct corporations is already publicly available with respect to smaller corporations and firms. There is no reason for the Price Commission to preserve the unfair competitive advantage already enjoyed by large firms over their smaller business rivals.

After all, it is often the large corporation which is seeking the price increase. If it is not willing to release information which its smaller competitors already make public, then the price increase should not be granted. The Commission is not at the mercy of large companies for information. Just the other way around. The large companies depend upon the Commission for approval for their price increases. To say that these large firms would not cooperate if their data were made public is nonsense. Corporations have no alternative but to cooperate if they expect to justify their requested price increases.

Mr. President, I hope that Mr. Grayson will take to heart the concern expressed by several members of the committee about opening up the activities of the Price Commission to the public. It certainly is in the best interests of the stabilization program that the public participate. The Commission cannot bring inflation under control if it hears only the company's arguments for a price increase. The Commission cannot maintain the public's confidence in its decisions if the public is systematically excluded from relevant information. The entire stabilization program depends upon voluntary compliance on the part of the American people. I believe the people will support the program if they think it is fair and equitable. The people will not support the program if they think decisions are being made behind closed doors without public accountability.

I believe the Senate should confirm the nomination of Mr. Grayson for the chairmanship of the Price Commission. As I have said, he is an able man. He is a fine economist, with a background as an educator. He has won the admiration of people who have worked with him in one of the most difficult and delicate positions in which a man could serve in Washington. But I hope the record of the Senate reflects the strong desire of Congress that the operations of the Commission be opened more to the general public. It is the only way the program can succeed.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission? (Putting the question.)

The nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Does that include the nomination of Mr. Sheehan?

Mr. BYRD of West Virginia. It does.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate resumed with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS) and I, as the ranking minority member of the committee, are currently engaged at this moment in a special meeting of the Committee on Labor and Public Welfare to get at the issue of the dock strikes. This is an immediate emergency. We have had to give it preference to our duties on the floor with respect to the bill on Equal Employment Opportunity Commission. The leadership is thoroughly acquainted with the situation and desires to give this measure the priority it deserves.

Mr. President, I make this explanation to the Senate with respect to our failure to actually be here currently debating the pending measure. We will, once we finish the matter we are working on, be free again to return to the floor. However, I felt that the Senate should have an explanation as to the situation this afternoon.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOGGS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

THE DOCK STRIKES

Mr. STENNIS. Mr. President, I wish to voice my deep concern regarding the dock strikes which with persistent regularity close the ports of this country. These strikes have such widespread effects that they are felt in practically every aspect of our national activities. However, because I am from an agricultural State, and because I am the chairman of the Senate Armed Services Committee, I will address my comments to the effects these strikes have caused, or can cause, in the agricultural community and in national defense matters.

American farmers, as a group, have been particularly effective in increasing their productivity. There have been striking increases over the years in crop yield per acre and per man-hour, so that our agricultural commodities have retained a favorable competitive position in the world market. Slightly over a quarter of the crop production is excess to the needs of this country, and is sold abroad. This is beneficial in many ways—to the farmers, to the shippers, to the recipients, and in assisting in the problem of balance of payments. Also, of course, if it were not for these foreign sales, this country would be faced with tremendous agricultural surpluses, and the solution to this, if there is one, certainly would involve monumental costs.

The foreign markets to which we ship our farm products have been painstakingly developed over the years. Quite naturally, they are to a large degree dependent not only upon the competitive price we establish, but upon the reliability of the delivery of the amounts that have been agreed upon by contract prior to the crop year.

Because of dock strikes, the international credibility of American contracts for agricultural commodities is jeopardized. We can no longer be sure of being able to effect delivery under the terms of the contracts. To our customers the dates and rates of delivery are of crucial importance. Therefore they are turning to other sources—other nations—for these farm products or equivalent alternative products.

Exports of Mississippi farm products in the last fiscal year were about $222 million. For a State with the population of mine, this is a tremendous amount of money. It means that, of the citizens of my State, a very high percentage are directly involved, and all are indirectly involved. The crops grown on 1 acre of each 4 in Mississippi are exported. The storage, handling, and shipping facilities are all sized to the crop cycle and the rate at which the tonnages are shipped abroad. If the shipping stops, the system clogs, crops rot, bankruptcy threatens growers and handlers, people are out of work, and there is hardship in the countryside.

During the Atlantic and gulf coast strike of last fall—from October 1 to November 27—Mississippi farmers shared heavily in agriculture's losses. During the October–November period in 1971, the east and gulf ports exported $400 million in agricultural products compared with $917 million in the same period of 1970. If that strike is resumed, it will halt farm exports amounting to $18 million a day for as long as the strike continues. These losses would be on top of those already being experienced on the west coast where a resumption of the strike has closed the ports to almost $6 million worth of farm products a day.

The gulf coast ports are, of course, of the greatest importance to Mississippi. Comparing October 1971, when the strike was on, with the same month the year before, soybean exports dropped from $95 to $16 million, and corn exports dropped from $67 to $9 million. Our Mississippi growers were trucking soybeans to New Orleans, when that port became open temporarily for 18 days, at great expense. When the gulf coast ports finally were opened by the Taft-Hartley injunctions of late November, about 50 million bushels of soybeans and corn were backed up, in barges and on rail sidings, in the Mississippi River Valley.

The Taft-Hartley injunctions for the east and gulf coast ports expire the middle of this month. Right now, American farmers are making their commitments and borrowing the money that will produce their crops this year—the same crops that must be shipped from those ports at harvesttime.

Mr. President, the American farmers are not a party to the labor disputes that close the docks. But they can be bankrupted by the disputes. A man who puts all his resources and energies for a year in producing a crop—a crop which is a part of a national asset—is entitled to market it. He needs protection from the quarrels among strangers at distant ports that destroy his livelihood. I strongly urge that he be given that protection.

Mr. President, I am also deeply concerned about the potential effect on our military preparedness posture. I fully recognize that some time ago there was voluntary union agreement that military cargo would be loading in spite of the strike against commercial cargo. And I further recognize that military cargo has been loaded, although certain delays and difficulties have been involved.

Nevertheless, there are several circumstances which pose a possible threat to our level of military preparedness for this country. First of all, even with military cargo being loaded there is roughly a 20-day delay involved in the loading process as compared to the situation before the strike. This results from the fact that previously military cargo could be combined with commercial cargo on a particular ship. Now, however, when the ship is loaded only with military cargo, the ship must go to several ports to obtain a full load, resulting in delay in departure overseas. Moreover, there are some extra costs involved in this process.

Another damaging aspect is the fact that a number of ships loaded with commercial cargo have been immobilized for an extended period of time. If the country were to be confronted with an emergency there would obviously be a delay in making these ships available in their present state.

Lastly, Mr. President, this strike if extended could have a damaging effect on the overall military strength of this country. This strike has interrupted the flow of commerce to and from many nations abroad; the strike, however, has the adverse effect of weakening many vital elements of our economy. This includes agriculture together with all industrial and commercial activities which depend in whole or in part on overseas business.

This strike, which in the long haul will weaken our economy can have no result but to weaken our defense which in turn depends on a strong and vigorous economic base.

Our Nation cannot maintain a strong and effective foreign trade policy with our ports closed. We cannot maintain a strong and effective economy at home with an appreciable part of our ports closed. Lacking a plan and a determination to open and keep open our ports, we will lack the ability to maintain a live and growing economy of our own, and this fact is being recognized by all nations, those friendly and those unfriendly.

This problem, existing now, is peculiarly a legislative problem. It is the Congress that is failing to act. Conditions being so urgent, congressional action is necessary on an emergency basis. If our committees cannot agree on a bill, I hope that a bill of some nature will be reported and its completion can be accomplished on the floor.

Mr. President, this strike should be ended for all America. In my view, a permanent legislative solution is desirable and necessary. Should this not be immediately possible, at least the west coast strike should be halted now and made subject to binding arbitration. The time for action on such legislation is now. The responsibility belongs with those of us here in Congress.

Mr. President, I hope and I believe that we will take constructive action in this field real soon.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, has time under the rule of germaneness expired?

The PRESIDING OFFICER. Time under the rule has expired.

(The remarks of Mr. SPONG made at this point on the introduction of S. 3137 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

THE STUDENT EXCHANGE PROGRAM

Mr. CURTIS. Mr. President, there is a great deal of misunderstanding between peoples throughout the world. In some places the world is torn by hatred and strife. In some places we have wars going on.

One of the things that will contribute to understanding among people and thus cause friendship is the student exchange program that takes place.

It seems to me that whenever families in this country open up their homes for a period of months to a foreign student, the gain that comes from that is really of great consequence. It gives the host family a better understanding not only of that individual, but also of the country from which he comes. It gives them an insight into the problems and the type of life and the manner of living of that student.

I am sure these foreign students who come to our country are amazed at many things, but perhaps more so at two or three of the things they witness. Overall, I am sure that they leave here having established many lasting friendships with individuals and with a most friendly feeling toward the United States as a Nation.

These programs have been going on in every part of our country now for several years. I am sure that we have reason to expect that out of all of these efforts great improvement will come in establishing peace and friendship in the world.

In recent years, Nebraska has entertained 250 foreign students. It has been my privilege to meet a number of these students, to talk with them, and to visit with them as individuals, and on an occasion or two I have addressed them in groups. I have always taken advantage of the opportunity to ask them questions concerning their reaction to our country. I have yet to find a student who did not have a high regard for this country, a student who did not like the American people and who did not leave here with a better understanding of the intents and purposes of the United States and the various actions in the field of foreign affairs. I believe it is a very worthy program.

During the same period of time about 100 Nebraska students have gone abroad, and they have been received by families in foreign countries in a most gracious and generous manner. There has been a widening of horizons, adding information and knowledge as to how the people live, understanding their culture, understanding their problems, understanding the aspirations of their country. All of this has been most beneficial.

These programs are sometimes referred to as Youth for Understanding. That is what these programs are, but it is my thought that the real benefit from these exchanges has not occurred yet, because it is something that will last. In years to come these students who have taken part in these exchange programs will be influential citizens over a period of many years in the future. Some of them will become involved in politics. They will become officer workers, they will have an opportunity to participate in policymaking, and the experience they have had by reason of these exchange programs will fit them eminently for that position. It will give them an understanding of the problems that face us. This is especially true of students who come to the United States.

I am not in any sense downgrading the accomplishments of our students who go abroad but we have such a story to tell those foreign students who come to the United States, because there never has been a country like the United States. We engage in programs, we tax ourselves, we give money away, we fight wars, and we do many things for somebody else. We do them without any thought or desire of expanding our own territory. We do it without any thought of trying to get an advantage in a commerical way or otherwise. Often this has been misunderstood around the world. The question in the minds of many people is: Why does the United States follow such a generous and helpful course toward other nations? What is the payoffs? Well, there is not any payoff. Americans do these things, because they so love and cherish the freedom they enjoy that their hopes and aspirations extend to all people of the world.

So today I wish to commend all the people in our country who have contributed to these programs: Volunteers have been involved, organizations have been involved, many homes have been involved, and many individuals. This is a fine program. It contributes not only to the United States, but to the world at large. It is an instrument for promoting peace and friendship and everyone engaged in it is entitled to the thanks and commendations of all the people of America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; and

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 871

Mr. DOMINICK. Mr. President, on behalf of Mr. HOLLINGS and myself I send to the desk, for printing and future consideration, an amendment to S. 2515, the Equal Employment Opportunities Enforcement Act of 1971.

This amendment offers probably the best opportunity to resolve a deadlock existing since January 25 when my court enforcement amendment was first voted on. Since that time the deadlock has solidified through three reconsideration votes and two cloture votes. During this period I have exhausted all reasonable sources and suggestions in seeking a fair compromise. In the course of such a search, I have carefully considered numerous compromises informally and formally. I introduced amendment No. 856 in an effort to resolve the deadlock. Unfortunately, all efforts have gone for naught and the Nation's employees and potential employees remain largely devoid of enforceable employment rights.

This amendment contains essentially the same court enforcement procedures as my earlier amendment. I remain firm in my resolve not to desert 45 of my colleagues who faithfully supported the court enforcement procedure and not to compromise my principles concerning the superiority of court enforcement.

Despite voluminous rhetoric to the contrary, my convictions that U.S. District Court enforcement provides employees and potential employees with the fairest, most effective redress of their grievances remain unshaken.

The most rational argument against court enforcement is the potential delay threatened by backlogged Federal courts. I acknowledge this problem and remedy it by incorporating in this amendment priority language from the same Civil Rights Act of 1964 that created the Commission. Pursuant to language contained in title I—voting rights, title II—public accommodations, and section 707—"Pattern or Practice," and included in this amendment, unfair employment practice suits will be accorded priorities in hearing and determination before Federal court judges. Upon certification that the case is of "general public interest," the case would be assigned for hearing and subsequent determination "at the earliest practicable date" before a three-judge panel with appeal to the Supreme Court. In the event the petitioner does not certify the case as being of general public interest, it would be assigned to a district court judge for an expedited hearing.

This newly incorporated language cures any alleged defects in the court enforcement procedures. The final result would be machinery in which the respondent's due process rights will be protected by an experienced, impartial judge relying on stare decisis while the alleged aggrieved is guaranteed an expedited hearing before a Federal forum which has in the past exhibited great compassion for minority rights.

The amendment contains several cosmetic differences from the original amendment as well as one substantial change which reduces the time period within which the Commission may file a civil action against the respondent from 180 to 150 days from the time the Commission first issues its informal charge.

The importance of this amendment should not be underestimated. As it represents my last best offer it signals, insofar as I am concerned, the final effort to resolve the court enforcement cease-and-desist issue while presenting a strong step toward salvaging the entire bill. Previous opponents of court enforcement would be well advised to consider the reasonableness of this amendment versus the very real prospect of no equal employment opportunity enforcement law at all—a most unfortunate and unnecessary consequence.

Consistent with my previous efforts on behalf of employment discrimination enforcement, I shall continue to keep an open mind concerning suggested compromises embodying substantial court enforcement machinery but I have exhausted my own resources, so the future of the bill now lies in the hands of the those who adamantly insist in cease-and-desist powers.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished senior Senator from Mississippi (Mr. EASTLAND), I ask unanimous consent that I may insert in the RECORD at this point a 7-day notice on four nominations.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

The following nominations have been referred to and are now pending before the Committee on the Judiciary:

Wilbur H. Dillahunty, of Arkansas, to be U.S. Attorney, Eastern District of Arkansas, for the term of 4 years (reappointment).

William D. Keller, of California, to be U.S. Attorney, Central District of California, for the term of 4 years, vice Robert L. Meyer, resigned, to which position he was appointed during the last recess of the Senate.

Ermen J. Pallanck, of Connecticut, to be U.S. Marshal, District of Connecticut, for the term of 4 years, vice Gaetano A. Russo, Jr., resigned.

Harold Hill Titus, Jr., of Washington, D.C., to be U.S. Attorney for the District of Columbia for the term of 4 years, vice Thomas A. Flannery, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, February 14, 1972, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I ask unanimous consent to insert in the RECORD an announcement of open hearings by the Subcommittee on Parks and Recreation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 AM each day in room 3110, on the following bills:

FEBRUARY 15 (TUESDAY)

S. 3129, Longfellow Historic Site, Cambridge, Mass.; and

S. 1426, Van Buren-Lindenwald Historic Site of Kinderhook, N.Y.

FEBRUARY 17 (THURSDAY)

S. 2725, Wolf Trap Farm Park, Virginia;

S. 1291, Piscataway National Park, Maryland; and

S. 1552, Cowpens National Battlefield, South Carolina.

HEARING TECHNOLOGIES FOR ENVIRONMENTALLY ACCEPTABLE GENERATION OF ELECTRICITY FROM COAL

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by Mr. JACKSON in connection with a hearing concerning coal gasification.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HEARING ON NEW TECHNOLOGIES FOR ENVIRONMENTALLY ACCEPTABLE GENERATION OF ELECTRICITY FROM COAL

Mr. JACKSON. Mr. President, the environmentally acceptable generation of electricity is a requirement of the future. For several years the Environmental Protection Agency has pursued as an air pollution control strategy the development and demonstration of new technologies for the generation of electricity which rely on coal gasification. An approach offering particular potential is an advanced or combined power cycle which integrates into one system the technology for on-site synthesis of gas from coal, a gas turbine and a steam turbine. Concurrently the Department of the Interior has been pursuing a program which has emphasized technologies for the synthesis of pipeline quality gas from coal. This effort also has promise for on-site gasification.

On February 8th the Committee on Interior and Insular Affairs will hold a hearing on Federal programs for the development and demonstration of advanced or combined power cycles employing coal gasification for the environmentally acceptable generation of electricity. The hearing will be convened at 9:30 a.m., in room 4200 of the New Senate Office Building, pursuant to the National Fuels and Energy Policy Study authorized by Senate Resolution 45. Witnesses will include:

Honorable Marlow W. Cook, U.S. Senator from Kentucky.

Honorable Albert Gore, former U.S. Senator from Tennessee.

Dr. Richard E. Balzhiser, Assistant Director, Office of Science and Technology.

Honorable Hollis M. Dole, Assistant Secretary—Mineral Resources, Department of the Interior.

Dr. Stanley Greenfield, Assistant Administrator for Research and Monitoring, Environmental Protection Agency.

James R. Garvey, President, Bituminous Coal Research, Inc.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS AND LAYING OF UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements limited therein to 3 minutes.

At the conclusion of morning business, the Chair will lay before the Senate the unfinished business, the pending question being on amendment No. 813 by the distinguished Senator from North Carolina (Mr. ERVIN), on which there is no time agreement.

Rollcall votes could occur during the day.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 2:34 p.m.) the Senate adjourned until tomorrow, Tuesday, February 8, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 7, 1972:

Department of Labor

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor, vice Arthur Fletcher, resigned.

Department of State

William A. Stoltzfus, Jr., of New Jersey, a Foreign Service Officer of class 2, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait, to the State of Bahrain, and to the State of Qatar, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman and to the United Arab Emirates.

U.S. Coast Guard

The following named graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Bienveni D. Abiles
James M. Alderson
Scott L. Anderson
William R. Armstrong
Merritt H. Aurich
Henry F. Baley
William H. Bannister
Paul L. Barger
Hampton E. Beasley
Dennis G. Beck
Danny D. Benefield
Philip T. Bird
Joseph E. Blanchard
Harold E. Blaney
Steven C. Borloz
Samuel R. Brooks
Clarence A. Brown
Erroll M. Brown
Lawrence G. Brudnicki
Richard T. Buckingam
Rex A. Buddenberg
Christopher G. Burns
Arthur R. Butler
John G. Calhoun
Stephen R. Campbell
William F. Carson
Willard M. Collins
James M. Cooper
Craig P. Coy
Gary B. Coye
Arthur E. Crostick
John M. Crye
Michael P. Decesare
Melvin H. Demmitt
Tim B. Doherty
Peter T. Dolan
Robert F. Duncan
Galen W. Dunton
Anthony J. Dupree
Dennis M. Egan
Martin C. Eger
David L. Engan
Charle A. Farnsworth
William H. Fels
Richard W. Fish
John P. Foley
William P. Foreman
Kenneth A. Forsythe
Harry W. Forster
Gary L. Frago
Clay A. Fust
Larry R. Gansz
Michael B. Garwood
John J. Giglio
Fredric R. Gill
Dennis J. Gillespie
Thomas H. Gilmour
Glenn A. Gipson
Ronald C. Gonski
James W. Gormanson
Hugh T. Grant
John M. Gray
Joel D. Gunderson
Laird H. Hall
Robert B. Hallock
Gordon N. Hanson
Dean L. Harder
Michael D. Hathaway
Timothy C. Healey
Gary M. Heil
Norman B. Henslee
Jeffrey A. Hibbitts
Jeffrey A. Hill
Paul J. Howard
Robert D. Innes
Frederick L. Johnson
Walter G. Johnson
Joseph H. Jones
Winston S. Jones
Francis J. Kishman
Charles F. Klingler
Richard A. Knee
Raymond K. Kostuk
Bruce W. Greger
Joseph M. Kyle
Gregory D. Lapp
John W. Larned
Gordon J. Lawrence
Craig A. Leisy
Fred F. Litchliter
Thomas J. Love
John C. Malmrose
Loren M. Marovelli
John A. Martin
Michael M. Matune
Charles F. McCarthy
James F. McCarthy
Bruce C. McCurdy
Brian L. McDonald
James F. McEntire
Richard R. Mead
Thomas C. Meisenzahl
Bruce E. Melnick
John S. Merrill
James W. Meyer
Thomas J. Meyers
Carlos M. Morales
James H. B. Morton
Robert G. Mueller
John J. Murray
James R. Natwick
Douglas S. Neeb
Terry W. Newell
Jimmy Ng
Bradley J. Niesen
Mark D. Noll
James W. Norton
Christopher C. Oberst
Wayne H. Ogle
Dennis E. Oldacres
John J. O'Neill
Stephen R. Osmer
Thomas C. Paar
Edward E. Page
Edward J. Peak
Steven D. Poole
Patrick J. Popieski
Michael W. Ragsdale
James H. Richardson
Norman D. Robb
John A. Rodgers
David A. Rogers
James L. Rohn
Edwin E. Rollison
Dennis D. Rome
Francis J. Sambor
Dennis A. Sande
Danny J. Sanromani
Kevin J. Scheid
Richard J. Sellers
Penn F. Shade
John R. Shannonhouse
John C. Shaw
Steve S. Sheek
Marlin L. Shelton
Michael D. Shidle
Carl R. Smith
Kirk A. Smith
Phillip C. Smith
Steven B. Spencer
Patrick M. Stillman
Joseph A. Stimatz
Benjamin J. Stoppe
John T. Sugimoto
Alan D. Summy
Gary L. Swan
John K. Synovec
Jan E. Terveen
Edmond P. Thompson
Robert B. Thornton
Narrie A. Travis
William B. Turek

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Ronald E. Meeker
Francis W. Miller
Eugene N. Tulich

U.S. Marine Corps

The following named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

Richard Mulberry, Jr.

The following named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Robert E. Friederich
Paul E. Godfrey

In the Navy

The following named Regular officers of the United States Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Anderson, Seth E., Jr.
Applegate, William R.
Asher, William M.
Bedell, Paul F.
Benninger, Charles J.
Bercier, Charles H., Jr.
Berg, Howard S.
Bethel, James W.
Bormanis, Peteris
Boyle, Robert S.
Bullock, Ronald E.
Busby, Dennis R.
Campbell, Walker H.
Case, Robert G.
Case, Roger S.
Chambers, John T.
Clark, Thomas L.
Connally, Thad F.
Corley, Thomas E.
Coyle, Radcliffe J.
Crafts, Bryan C.
Crawford, Alvin H.
Deely, William J.
Dodge, Herbert S.
Drake, Anthony M.
Dupuy, Theodore E.
Eder, Kenneth W.
Ehrlich, Frank E.
Fargason, Crayton A.
Fletcher, John R.
Gallup, Donald G.
Gay, Robert M.
*Georges, Leon P.
Gill, William L.
Greenberg, Earl B.
Guzik, "T" James
Hagen, Donald F.
Haugland, David O.
Hunsicker, Lawrence G.
Igleciafernandez, Raymond
Jennings, Rufus B.
Johnson, Francis C.
*Johnsonbaugh, Roger E.
Kaiser, Dale C.
Kirchner, Peter T.
Larese, Ricci J.
Lestage, Daniel B.
Maas, Charles F.
Marlowe, Frank I.
McCurley, William S.
Mock, Charles R.
Murdoch, Malcolm M.
Murphy, Michael O.
Nail, Richard L.
Nevel, William G.
Otto, Ralph N.
Permowicz, Stanley E.
*Peters, Norman E.
Pratt, Russell W.
Ratner, Irving P.
Raymond, Lawrence W.
*Romeo, Sam J. W.
Rundle, "T" "J"
Sass, Donald J.
Saunders, Marvous
Skoglund, Rayburn R.
Smith, Robert L.
Smith, Robert W.
Speck, Arthur L.
Stover, James F.
Taylor, Britton E.
Thompson, Bruce A.
Vieweg, Walter V. R.
West, Harold D., Jr.
Westervelt, Harold A.
Winker, Joel E.
Wood, Ernest M., Jr.
Zimmerman, Jack E.

SUPPLY CORPS

Allen, Raymond B.
Basley, Raymond C.
Basse, Warner P.
Bell, Ronald M.
Blazina, Joseph B.
Bonbright, John M., Jr.
*Booth, Stanley L.
Brown, James W.
Buell, Robert M.
Cobb, James L.
Cone, Paul J.
*Daughtridge, Gerald R.
Davis, John R.
Demayo, Peter
Eckelberger, James E.
Gilvary, Daniel J.
Charette, Paul E.
Cole, Brady M.
Connolly, Robert I.
Cooper, Jackie R.
Coon, Paul D.
*Costa, Richard D.
Cunningham, Philip T.
Davis, Arthur R.
Dellis, Donald O.
Driggers, Richard A.
Flanagan, Patrick P.
Gray, Lloyd S.
Greenhalgh, John E.
Gregory, Kenneth R.
Grogan, Arthur R.
Hardy, Allen
Harnad, Paul K.
Hazlett, Harry L.
Hinds, Douglas J.
Hoopes, Ronald G.
*Jensen, Nels P.
Jubinski, Stephen
Klein, Carl C.
Konopik, Joseph F., Jr.
Lingenbrink, Robert A.
*Liter, Theodore G.
*Lovelace, Donald A.
Lyman, Lawrence G.
Masters, Edward R.
McCarthy, Donald L.
McCauley, Joseph M.
McGee, William A.
McNary, William F.
*Mehrens, Arthur J., Jr.
Miller, Winston B.
Montgomery, Samuel S.
Nagele, Eugene E.
Olson, Engwall A., III
Owens, James C.
*Pacofsky, Bartholomew
Patterson, Jerry G.
*Peck, Joe D.
*Pliska, Robert F.
Randall, Harold N., Jr.
Rogers, William J., Jr.
Stutts, Jack H.
Sveen, Gerald E.
Tatten, Richard J.
*Tilley, Philip L.
Tyree, David M., Jr.
Upton, Thomas H., Jr.
*Vann, Louis E.
Wardrup, Leo C., Jr.
Wareham, Harry B.
Weaver, Johnnie R.
Weissinger, Thomas R.
Wheeler, Hugh H.
Willingham, David G.
Wood, Allen
Zanetti, Allen G.

CHAPLAIN CORPS

Ahern, Bernard J.
Ahrnsbrak, Leonard L.
Ammons, James E., Jr.
Beach, Stanley J.
Black, Gerald W.
Brennan, Joseph F.
Donan, William E., Jr.
Donoher, Thomas J.
Ecker, Robert J.
Gallagher, Edward L., Jr.
Garver, Frank E.
Gordon, Robert E.
Graham, Jack D.
Healer, Carl T.
Hunsicker, David S.
Johnson, Edward D.
McDonnell, Francis W.
Moran, Eddy B.
Murray, Frederick J.
Olson, William G.
*Ricard, Normand A.
Rice, Ben A.
Rushing, Leslie W.
Schade, Sigmond C.
Scheer, Rodney R.
Seibert, John F., II
Smith, William A.
Stewart, Wayne A.
Winslow, William J., Jr.
Witt, George R.

CIVIL ENGINEER CORPS

Alexander, Robert E.
Allgaier, Donald D.
Bednar, George J.
Bodamer, James E.
Boenninghausen, Thomas L.
Caughman, James B., Jr.
Cervenka, Norman L.
Christenson, Carl E.
Christiansen, Von O.
Cook, Jan W.
Dallam, Michael M.
Dettbarn, John L.
Devicq, David C.
Donovan, Lawrence K.
Gibowicz, Charles J., Jr.
Harned, David W.
Harrell, Haywood H.
Hartman, Paul K.
Holmes, Henry A.
Kau, Julian M. F.
Kirkley, Owen M.
*Kirkwood, Kenneth K.
Krauter, George E.
Leonard, Daniel B., Jr.
Lyons, James R.
Marshall, Jimmie G.
McLaughlin, Edwin W.
Miller, Robert K.
Montoya, Benjamin F.
Peltier, Eugene J., Jr.
Ruscyk, Joseph A.
Seeber, Earl R., Jr.
*Sowle, Martin L., Jr.
Thoureen, Thomas H.
Walter, John A.

JUDGE ADVOCATE GENERAL'S CORPS

Buhler, Conrad A.
Campbell, Hugh D.
Clark, Bruce A.
Gass, James D.
Hilligan, Thomas J.
Medlin, William R.
*Wilkins, Richard L.

DENTAL CORPS

Groff, Gordon B.
Hurst, Thomas L.
Martin, Lloyd R.
Matson, John E.
Oatis, George W., Jr.
Russell, Harold L.
Skyberg, Russell L.
Smith, Carl J.
Stefl, Charles T.
Zotter, Frank E.

MEDICAL SERVICE CORPS

Dewitt, James E.
Godfrey, Walter A., Jr.
Kovarik, Clifford V.
Lanier, Bobby M.
Woodard, Charles J.

NURSE CORPS

Allen, Janet N.
*Birkhimer, Marion L.
Brouillette, Marine J. E.
Calloway, Emily F.
Edwards, Karen E. C.
Frazier, Frances M.
*Harris, Vera
*Hettinger, Jeanette M.
Hosford, Barbara C.
Jennett, Jo A.
Kelly, Joann P.
*Lane, Grace A.
Lynch, Marie A.
Lyons, Barbara A.
*MacClelland, Doris C.
*Martin, Zuleime L.
Nelson, Marijean V.
O'Neill, Elizabeth
Orofino, Gloria A.
*Orr, Wanda S.
*Pickering, Julia E.
*Roberts, Catherine V.
Rollins, Jean C.
Shaffer, Bernardine L.
*Staab, Patricia L.
Sullivan, Elinor M.
*Sullivan, Nancy E.
*Surman, Mary S.
Walsh, Eileen C.
Watson, Beverly A.
Weidt, Bew P., II

The following named Reserve officers of the United States Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Baker, Richard C.
*Blanding, James D.
Blount, Edgar R., Jr.
Bucayu, Nemesio B.
*Cacdac, Manuel A.
Caress, Donald L.
Cary, Robert F.
Coran, Arnold G.
Delatorre, Juan F.
Fontanelli, Enio
Hutchison, David E.
Johnson, Willard O.
Jones, Ronald F.
*Jothi, Rishyur K.
Kiepfer, Richard F.
Lavenuta, Ferdinand
Lowrie, Edmund G., Jr.
*Mahaffey, William B.
McCormick, Timothy M.
Murray, Gordon F.
Nicodemus, Honorato F.
Pauly, Robert P.
Perry, Herbert S.
*Rigor, Benjamin M.
*Shetty, Kadanale R.
Tejano, Felipe M.
Villanueva, Jose E.
Woodrow, Steven I.

CHAPLAIN CORPS

Kukler, Richard
Sullivan, Alan P.

NURSE CORPS

*Pearce, Doris
*Rashley, Mable E.
Sparks, Beverly J.
*VanCleave, Patricia J.

The following named officers of the United States Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abbott, Richard L.
*Adams, James W.
*Adams, Raymond A.
Adams, Robert F.
Adkerson, Roy G.
Aeschleman, Vance E., Jr.
*Albaugh, Cleve W.
Albers, Steven C.
*Albert, William A.
Alexander, Marion R., Jr.
Allen, Harry B.
*Allwine, Robert A.
Amos, Robert E.
Anastasi, George M.
*Andersen, Oliver L.
Andersen, Robert V.
Anderson, Cecil C.
Anderson, Daniel S.
*Anderson, Gordon W.
Anderson, Harold M.
Anderson, John L.
Anderson, Russell F.
Anderson, Thomas P.
*Anglin, Hubert L.
Apple, Lester A.
*Arbogast, James B.
Argubright, Stephen F., Jr.
Armstrong, William L.
Arny, Louis W., III
Arrison, James M., III
Ashburn, Erich H.
Asher, Philip G., Jr.
Athanson, John W.
Atwell, Felton G.
Axtman, Darold S.
Bailey, Howard L.
Bailey, Jerry R.
Baker, Ronnie B.
Baker, William H.
Ballard, Michael H.
Ballback, Leonard J., Jr.
Bancroft, Ronald M.
Bankson, Rodney A.
Barber, Stanley D.
Barker, Kenneth D.
*Barnes, Harlan L.
Barnes, Thomas R.
Barnett, Thomas J.
*Baron, Michael
*Barrett, Hoyt S.
Barry, Robert F.
Barsosky, John J.
Barstad, David D.
*Bashaw, Lloyd W.
Bates, Arthur H.
*Batti, Donald E.
Bauman, James R.
Baumstark, James S.
Baxter, Peter C.
*Bazzel, Roderic C.
Beall, James M., Jr.
Beam, David M.
Beam, Sherrill W.
Beard, Garnet, C., Jr.
Beard, Tommy H.
Beardsley, John W.
Beaver, Jerald C.
Beckett, Robert S.
Belanger, Ronald F.
Bell, Duncan W. J., Jr.
Bell, John M.
Bell, Robert A.
Bell, Robert S.
Bell, Russell A.
Belser, Richard B., III
Belyan, Michael P.
*Benites, Robert D.
Benner, Francis J.
Bennet, David H., Jr.
Bennett, Bobby E.
Bennett, David C.
*Bennett, Hugh M.
Berkebile, Donald F.
Berry, William L.
Bienlien, Daniel E.
Bingham, Glenn S.
Bingham, John E.
Blackmon, Larry W.
Blakely, Frederick M. Jr.
Bledsoe, John F.
Bliss, Larry D.
Bloomer, John G.
Blount, Thomas E., Jr.
Bobo, Wilton C., Jr.
*Bohn, Charles J., Jr.
Bolger, Robert K.
Bollow, George E.
*Bond, Lawson G.
Bond, Rogers A.
Bondi, Robert C.
Bonewitz, Richard F.
Bookhultz, John W.
Borchers, Carl B.
Borchers, Doyle J., III
Borcik, Paul R.
Bosworth, Robin
Bowman, Gene M.
Boyer, Bruce A.
Boyle, Robert S.
Bozzelli, Philip A.
Bracht, Steven E.
Brackx, Omer M.
Bradbury, Donald T.
*Bradford, Alfred E.
Bradley, William H.
Brady, Charles R.
Brady, Timothy S.
Bragunier, William E.
Brannon, Michael L.
Brauer, Gordon R.
*Brayton, Gerald R.
Bretz, Benjamin C.
Brittain, Albert R., Jr.
Brooks, Leon P., Jr.
*Brooks, Robert H.
Brouwer, Frederick P., II
Brown, Charles J., III
Brown, David M.
*Brown, Donald H.
Brown, Hal G.
Brown, Jeffrey L.
Browne, Herbert A., Jr.
Browne, Peter A.
*Browning, Robert E.
Brugh, Lon E.
Bryan, George W.
Bryan, Herbert F.
Bryant, Leon C.
Buckley, Russell H., Jr.
Buckley, William C.
Budnick, Allen J.
Bunker, Mark A.
Bunker, Michael G.
Bunting, Daniel C.
Burger, James L.
Burgess, Clifford T., Jr.
*Burgett, Bernard E.
Burman, George A.
Burns, James L.
Burns, John C.
Burns, Richard J.
Burton, Hurshel B., Jr.
Burtram, Roderick
Busch, John R.
Bush, Gary A.
Butler, Richard M.
Buttram, Robert H.
Byerly, Kellie S.
Caler, John E.
Callahan, Gary W.
Calloway, Charles L.
Cameron, John R.
*Cameron, Thomas A.
Cameron, "V" King
*Camp, William P.
Campbell, David R.
Campbell, James J.
Canon, Olin C., Jr.
*Canup, Theodore, Jr.
Carder, William H.
Carey, David J.
Carey, James R.
Carlin, Daniel S.
Carlson, James L.
Carolan, James C.
Carroll, David L.
Carson, Joe W.
Carson, William H., II
Carter, James M.
Carter, Lynn D.
Carter, Ronnie G.
Carty, John R.
Caseman, Jerry B.
Cate, Eugene N., Jr.
Cavaluchi, Robert A.
Cebrowski, Arthur K.
Ceckuth, Richard E.
Cepek, Robert J.
Chalkley, Henry G.
Chandler, James F.
Chaney, William H.
Charette, Alfred A., Jr.
Charles, James R., Jr.
Chasey, August A.
Chenault, David W., II
Chotvacs, Charles J.
Christensen, Charles L.
Christensen, Ernest E.
Christian, George F.
Christian, Michael D.
Christie, Warren B., Jr.
Churchwell, Ralph N., III
*Cima, Frank J.
Cinco, Raymond, Jr.
Claassen, Steven H.
Clark, Jackie L.
Clark, James W.
Clark, Robert H., Jr.
Clark, William H.
*Clark, William T.
Clarke, Frederic T., Jr.
Clayton, Wililam B., III
Clemins, Archie R.
*Clemmer, Everett D.
Clime, Robert H.
Clough, Geoffrey A.
Cloward, Richard S.
Clyma, Dale C.
Clyncke, Donald R.
Coady, Philip J., Jr.
*Coates, Thomas A.
Coburn, Clarence D., Jr.
*Coffey, John A.
Cole, Robert S.
Collier, Arthur H.
Collins, James A.
Collins, Marshall B.
Collins, Walter S.
*Colonna, Michael A.
Colvin, Clarence E.
Combe, Andrew J.
Conant, Edward H.
Connell, Daniel E.
Conner, Bryan T.
Conrad, Harry S.
Cook, James R.
Coonan, John J., Jr.
Cooper, Samuel A., Jr
Cope, Alfred L., Jr.
Corgnati, Leino B., Jr
Cornia, Howard
*Cornwell, Alton E.
Corsette, Richard B.
Costello, Terrence W.
Couch, Dale M.
Counts, Jimmie A.
Covitz, Andrew J.
Coyle, Michael T.
Craft, James H.
Craig, Norman L.
Cramer, Charles R.
Crane, Stephen H.
Crawford, Frederick R
Crawford, Gerald R.
Crisafulli, Miguel J.
Cronin, Robert R.
Cross, Robert C., Jr.
*Cross, Stanley O.
*Crow, Robert L.
*Crowe, Lucious B.
*Cullipher, John O.
Curley, Richard C.
Curtis, Edward R.
Dahlvig, Alan L.
Daisley, Richard A.
Dalager, Neil R.
Daly, Edward L.
Dangel, John H.
Daniels, John H.
Dantone, Joseph J., Jr
Darsey, Edgar B.
Dasinger, William E.
Davidson, Wayne F.
Davies, William E., Jr.
Davis, Alden C.
Davis, Aubrey, Jr.
Davis, Dean D.
Davis, George H., Jr.
Davis, George M.
Davis, James W., Jr.
Davis, Ralph R.
Davis, Theron L.
Davis, Walter B.
Davis, William E.
Day, Charles J.
Day, James R., Jr.
Deberry, John M.
Deboer, James K.
Decker, Russell H., Jr.
Decrona, Donald A.
Dietrick, Jack L.
Dell, Julius B., Jr.
Demarra, Gilbert J.
Demchik, Robert P.
Denbow, Kenneth D.
Denham, Denny J.
Denlea, Edward P.
*Denson, James K.
Denton, William H.
Deroco, Alan P.
Derousie, William L.
Dersham, Dayton L.
Desrochers, Joseph O.
Dettman, Bruce M.
Devine, Thomas A.
Dewitt, Ward A.
Diaz, Donald G.
Dick, Albert G.
Dickson, James W.
Dickson, Ray R.
Dietzler, Andrew J.
Difransico, Thomas W.
Dillon, Leo G.
Dirkx, Peter C.
Dirren, Frank M., Jr.
Diselrod, John E.
Disney, Charles
Ditmore, Kenneth J.
Dix, Paul G.
Dixon, Thomas E.
Dobbins, William P., Jr.
Donahue, John C., III
Donnelly, John T., Jr.
Donnelly, Michael P.
Dopson, Michael I.
Douglass, Thomas N.

Dow, Paul R.
Dowd, James L.
Doyle, Dennis M.
Doyle, Michael W.
Draper, Robert A.
Drennan, Arthur P.
Driscoll, Thomas J.
Dryden, William T.
Duffy, James M.
Duhamel, Philip D.
Dunagan, Jerry M.
Dunbar, Perry J.
Duncan, Glenn L.
Dunlap, David B.
Dunn, Anthony T.
Dunn, Michael E.
Dur, Philip A.
Durden, John D.
Durham, Andrew C.
Durkee, Albert W.
Dyches, Fred D.
Dyer, Donald A.
Dykeman, Paul R.
Earnest, Richard L.
Earnhardt, John B.
Eddy, Rodman M.
*Edgar, Peter D.
Edmiston, James B.
*Edwards, Harry M.
Edwards, Harry S., Jr.
Ehlers, Theodore J.
Eidenshink, Gerald M.
Elder, Philip R.
Elkins, Rodger N.
Ellis, William C., Jr.
Elsasser, Thomas C.
Emerson, David C.
Ericson, Walter A.
Erskine, Donald A.
Escobar, Frank A., Jr.
Evanguelidi, Cyril G.
Evans, Gerard R.
*Evans, Jimmie W.
*Evans, Jimmie W.
Evans, John M.
*Everson, Richard W.
Faddis, Walter H.
Fagaley, Donald C.
Fant, Glenn E., Jr.
*Farley, Robert T.
Farris, Robert O., Jr.
Fast, Alger G.
*Fay, Vincent P.
Feeser, Henry R.
Fegan, Robert J., Jr.
*Felps, Lowell D.
Fenton, Paul H.
Ferguson, James B., III
*Ferguson, Norman C.
Ferguson, Robert L.
Ferguson, Robert D.
Feuerbacher, Dennis G.
Fickenscher, Edward R., III
*Fiedeldey, Joseph, W. Jr.
*Field, John B.
Fike, Burtis P.
Filippi, Richard A.
Finne, Peter C.
Finney, James H.
*Finucan, Thomas E.
Fitts, Joel R.
*Fitzgerald, John A.
Fladd, Wirt R.
Flanagan, William J., Jr.
*Fleitz, William V., Jr.
Flentie, David L.
Fletcher, Paul R.
Flynn, John P.
Fogerson, Arron S.
Fones, James M., Jr.
Formo, David J.
Forsberg, Gary L.
*Fortney, Doyle W.
Foster, John B., III
Fox, Arthur D.
*Foy, Basil W., Jr.
France, Frederick M.
French, Charles E.
French, Gary L.
Frenzel, Joseph W., Jr.
Frenzinger, Thomas W., II
Fricke, Harold J., Jr.
Fry, John L.
Fryer, James N.
Fuetsch, Carl T.
Fuge, Douglas P.
Fujimoto, Toshio
*Fulbright, Terrell W., Jr.
Fulkerson, Grant D.
Fulton, Rodney G.
*Furr, Jack C.
Gaal, Robert L.
Gall, Carl F., Jr.
Gamrath, James C.
Garber, John W., Jr.
Gardner, Richard W., Jr.
Garrett, Garland W.
Garrett, Philip T.
Gawne, John C.
Gay, John P.
Geddie, John M., Jr.
Gee, John C.
Gehman, Harold W., Jr.
Gemmill, John W.
George, Paul J.
Georgenson, Ronald G.
Gerard, Walter J.
Gibson, Richard A.
Gibson, Thomas L.
Gifford, Corydon R.
Gilmartin, John T.
Gist, David M.
Given, Robert O.
Gladin, Bennie R.
Glaeser, Frederick J.
Gleason, Thomas F.
Glennon, Robert C.
Glevy, Daniel F.
Gnilka, Charles W.
Godbehere, Richard G.
Goldt, Thomas G.
Goodlett, Wallace D.
Goodwin, Michael R.
Goolsby, Richard E.
Gottlieb, William A.
Graef, Peter J.
Granai, Gary C.
Grant, Richard F.
Grant, Stephen I.
*Granuzzo, Andrews A.
Grasser, Philip F.
Green, William G.
Greenan, Edward J.
Greene, Friedel C.
Greeson, Bernard D.
Griesser, Robert H.
*Griffin, Clyde W.
Griffin, Paul A.
Griffith, David H.
Griggs, Carlton A.
Grosser, Harold J., Jr.
Grostick, John L.
Guest, Robert E.
*Haan, Dale E.
Habermeyer, Howard Jr.
Hack, David F.
*Hadley, Richard J.
Haff, Edwin W., Jr.
Haines, William R.
Halenza, Hal R.
Hall, James O.
Hall, John P., Jr.
Hall, Leon E.
Hallahan, Edward T.,
Hamilton, Gerald K.
Hamma, John F.
Hammond, Thomas J.
*Hampson, Harry W.
Hanke, Robert R.
Hannam, Donald C.
Hannum, Edmund P., Jr.
*Hansen, Roy E.
Hanson, Dale E.
Hanson, Robert T., Jr
Harder, Ronald E.
Hardtarfer, Alan E.
Hardy, Richard W.
*Hargrove, James C.
*Harker, Donald A.
Harlan, Richard L.
Harris, Arthur C., III
Harris, Floyd S.
Harris, Michael J.
Harris, William R.
Harrison, Gilbert A.
Harrison, Russell W.,
Hart, Bruce H.
Hartkopf, Kenneth W.
Hartinger, Ronnie J.
Hartman, William R.
Hassett, Daniel F.
Hassler, Bobby V.
Hastings, Steven C.
Hawver, Jack H., Jr.
Heath, Charles M., Jr.
Heffernan, Richard F.
Heinecke, Walter R.
Helt, James F.
Helyer, Gordon D.
Henderson, Harry G.
Hendricks, Roy L.
Hennessey, Raymond
Hershey, David G.
Hess, Gerald R.
Hewitt, George M.
Heyer, Robert W.
Hickey, Robert P., Jr.
Hicks, Norman K.
Hiestand, Frank H.
Higgins, Edward P.
Hildebrandt, John L. III
*Hill, Andrew J.
Hilton, Jay I.
Himbarger, Robert L.
Hinds, James J.
Hiss, Roger A.
*Hite, Thomas H.
Hockman, Robert E.
Hodgdon, Walter G.
Hoepfner, Karl T.
Hoferkamp, Richard A., Sr.
Hofstetter, Lawrence L.
Hogan, Jerry F.
Holbert, William H.
Holliday, Harley J.
Hollinger, Merlin B.
Holmes, Thomas E.
Hood, John T.
Hood, William T. T., Jr.
Hoover, Charles B., Jr
Hoover, Joseph G.
Hopkins, Ralph W., Jr.
Horst, Rudolph A.
Horton, Douglas J.
Horton, Forrest A.
Howe, Michael E.
Howell, Melvin C.
Howell, Stephen H.
Hubbard, George D., Jr.
Huber, Donald H.
Huchko, William A.
*Hucks, Jerry P.
Hudnor, Francis L. III
Hudson, Lyndon R.
Huffman, Kenneth A.
Hughes, Gary M.
Hulick, Timothy P.
Hulsey, Virgil G.
Humphreys, Wayne I.
Hunt, Clark H.
Hunter, Robert S.
Hutmaker, Matthew A., Jr.
Hutt, Gordon W.
Hutton, Kenneth L.
Hyland, William W., Jr.
Hynes, Robert F.
Ilao, Peter A.
*Ireland, Delbert H.
Isaacs, Phillip W.
Jacobi, Leslie M.
Jacobs, Brent W.
*Jacobs, Lawrence R.
*Jacobson, Gerald
Jardine, David A.
Jarecki, Stephen A.
Jenkins, James A.
Jennings, Benjamin F.
*Jennings, Lawrence F.
Jensen, Michael G.
*Jeske, Donald C.
Jessup, Frederick D.
Joa, William R.
Johns, Constantine A.
Johnson, Claire R.
Johnson, Elton W.
Johnson, Kenneth H.
Johnson, Paul K.
Johnson, Perry E. J.
*Johnson, William L., Jr.
Johnston, Thomas M.
Jolley, Ronald S.
Jones, Dennis A.
Jones, James V.
*Jones, John R.
Jones, Robert D.
Jones, Stephen H.
*Josefosky, Kenneth M.
Judd, Raymond J.
Kaeser, Karl H.
Kafka, William J.
Kalal, Lindsey E.
Kalyn, Richard A.
Kamrath, Robert A.
Kanning, David W.
Karl, George J., III
Kastel, Bruce A.
Katz, Richard G.
Kearns, Walter E.
Keating, Michael L.
Keenan, Richard C., Jr.
*Keenum, Guy
Keith, Roy E.
Keithly, Roger M., Jr.
Kelley, William P.
Kellner, Gary E.
Kelsey, John P.
Kemp, William R.
Kemple, Morris M., Jr.
Kenneally, Thomas D.
Kennedy, James J.
Kenslow, Michael J.
Kent, Bennie R.
Kenton, Bruce H.
Kerley, Thomas O.
Killam, Kent H.
*Kimball, Darrell H.
Kimberling, Walter F.
King, Edward F.
King, John D.
King, John E., III
King, Preston B., Jr.
King, Robert N.
Kipp, John L.
Kirby, John R.
Kirk, Kerry E.
Kirkland, Richard G.
Kirkwood, William W.
*Kisieleski, Kenneth R.
Klein, John F.
Klein, Karl M., Jr.
Klemm, Richard E.
*Klimaszewski, Marcel P.
Koepke, William R.
Kolata, John D.
Kolipano, Dante A.
Konetzni, Albert H., Jr.
*Konewko, Everett L.
Kraft, James C.
Kraft, James N.
Krieger, Dennis H.
Kristensen, Edward K.
Krueger, Roger W.
Kuehn, Ronald E.
Kuepker, Donald L.
Kupfer, John B.
Lachance, Ralph R.
Lacher, Richard G.
*Lachnicht, John F.
Laib, Ronald J.
Laible, Norman W.
*Lain, Calvin E.
Lamb, James B., Jr.
Lambert, John F.
Landon, John L.
Lantz, Stephen P.
Larguier, Isidore, Jr.
*Larsen, Donald M.
Larsen, Kenneth J.
*Larsen, Richard M.
*Larson, Richard H.
*Lasch, Charles A.
Laskey, Charles E.
Lassen, Clyde E.
Lautrup, Robert W.
Lavarre, Claude A., Jr.
Laverty, William K.
*Lebrecht, Clifford W.
Lee, John D.
Lee, Kenneth A.
Lefavour, David A.
Lefevers, Jerry D.
Lemke, Anthony M.
Leon, Kenneth F.
Lessard, Norman R.
Letter, Thomas M.
Levien, Henry A.
Levin, Kenneth
Lewis, Leland G.
Lherault, David J.
Liechty, Kenneth R.
Liedel, George A.
Liemandt, Michael J.
Lilly, David E.
*Limongelli, Joseph L.
Lindt, Jimmie L.
Linz, Edwin R.
Lipscomb, David, II
Lischke, Erwin J., Jr.
Litrenta, Peter L.
Litvin, Frederick D.
Lloyd, Albert E., Jr.
Lockard, John A.
Lockhart, Albert L.
Long, Edward C., III
Long, John A.
Longeway, Kenneth L., Jr.
Loring, William J.
Losure, Edward R., Jr.
Loucks, Steven J.
Louk, John D.
Louy, Michael S.
Loveland, Richard S.
Lowas, Emil P.
Lowell, Bobbie R.
Lubking, John F., Jr.
Luck, David L.
Ludena, Roy
Ludlow, Ronald G.
Luksich, John W.
Lulchuk, Daniel
Lundstrom, Robert A.
Lyford, George, Jr.
Lyman, Melville H., III
*Lynch, Charles W.
*Lynch, James B., Jr.
Lynge, Oscar E., Jr.
Lyons, Arvid F.
MacDonald, Hugh H., II
MacFadyen, Bruce A.
Madden, Lynn M.
Maddox, Richard W.
Madigan, Paul J.
Maher, Thomas M., Jr.
Maixner, Harold V., Jr.
Malo, John A.
*Mamer, Edwin J.
Manke, Joseph W.
Manley, Jerry B.
Mann, Alcide S., Jr.
Mann, Charles E.
*Marano, Augustine C.
Marcely, James A.
Marciniak, Walter, Jr.
Marcinko, Richard
*Marinelli, Leonard F.
Markowicz, John C.
Marlowe, Gilbert M.
Marsden, Richard A.
*Mashall, James
Marshall, John S.
*Martel, Norman L.
*Martin, Frank
Martin, Jarome L.
Martin, Ronald E.
Martin, Virgil, Jr.
Mauney, Louie A.
*Mauro, Peter J.
*May, Cyril V., Jr.
May, Douglas E.
Mayfield, George A.
Mazach, John J.
Mazzi, Arnold O.
*McCall, James R.
McCarthy, James T.
McCord, Dennis M.
McCoy, Charles K.
McCusker, Arthur E.
McCutchen, Frank K., Jr.
McDanel, Brinley K.
McDaniel, Howard R.
McDaniel, Ronald A.
McDaniel, Ted O.
McDaniels, Joseph E.
McDermiad, Steven W.
McDevitt, James J., Jr.
McDonnell, Thomas E.
McFeely, Thomas E.
McGaraghan, Michael J.
McGarity, William D., Jr.
McGhee, Barry L.
McGivaren, John M., Jr.
McGonagle, Leo E.
McGuire, Jeremiah J.
McHenry, Wendell C., Jr.
McIntyre, James E.
*McKenney, George G., Jr.
McKillip, Donald S.
*McKimens, Paul K.
McKinley, David H.
*McKinley, Robert N.
McMillian, Robert H.
McMunn, David J., Jr.
McNease, Sollie, Jr.
*McQuaig, Clarence M.
McRae, Charles R.
Mecleary, Read B.
Meek, William A. J.

Melanson, Alfred J., Jr.
Melecosky, Timothy S.
Meneeley, William T.
Merchant, Michael G.
Merritts, Michael H.
Meserve, John S., II
Messman, Harold E.
Meyer, Donald R.
Meyer, Herman J.
Meyer, John F.
Michaels, Gregory A.
Michele, Dennis, A.
Michelini, Raymond T.
Midgard, John D.
Miles, Kenneth K.
Miles, Larry E.
Milhiser, Robert J.
Milioti, Louis D., Jr.
Millard, August V., Jr.
Miller, Calvin G.
Miller, Harry J., Jr.
Miller, John R.
Miller, Luke H., Jr.
Millis, Archibald E., Jr.
Mills, Michael J.
Milner, Scott F.
Mimms, James L.
Miner, John O., Jr.
Minnich, Richard W., Jr.
Mitchell, Charles S., IV
Mitchell, George F.
Mitchell, John T., Jr.
*Mitchell, Paul J.
Mitchell, William H., Jr.
Moffat, John W.
Mohns, Karl F.
*Moller, Arthur E., Jr.
Moloney, Robert W., Jr.
Mondul, Steven M.
Monell, Gilbert F., Jr.
Monish, Aubrey R.
Moore, Charles L., III
Moore, Durward E., Jr.
*Moore, James E.
Moore, John C.
Moore, Randall M.
Moore, Robert B., II
Moored, Allen W.
Mordhorst, Rwason B.
Morford, James R., III
Morgan, Jerry R.
Morgan, John H., II
*Morgan, Ottis N.
Morgan, Richard K.
Morgan, Thomas E.
*Morris, Clarence A., Jr.
Morris, James E.
Morris, James H.
Morris, Ricky K.
*Morris, Robert C.
Morrissey, Thomas K.
Morrow, Emil D.
*Morrow, Gary K.
Moseley, Thomas J., Jr.
Moyer, Clyde T., III
Mueller, James W.
Muller, George J.
Mulligan, William J., Jr.
Mundhenke, David J.
*Murdock, Charles D.
Murphy, Andrew J.
Murphy, Charles R., Jr.
Murphy, Francis J., Jr.
Murphy, Richard L.
Murphy, Thomas E.
Murray, Alan A.
*Murray, Richard S.
Murray, Robert L.
Murray, William M.
Murtha, William P.
Myers, Richard T.
Myron, Terry J.
Najarian, Moses T.
Naquin, John C.
Nash, Arthur R.
Navone, Peter F.
Neal, Jerome B.
*Neapolitan, Richard C.
Neely, Eugene G., III
Negin, Jerrold J.
*Neiman, Howard A.
Nelsen, Lynn H.
Nelson, Arthur W., III
Nelson, Leonard M.
Nelson, Thomas S.
Newby, Lewis R.
Newell, Robert B., Jr.
Newlon, Arthur W., Jr.
Newman, Martin H.
Nichols, Aubrey A.
Nicholson, Edwin P.
Nickelsburg, Michael
*Noland, Paul F.
Norris, Richard D.
Norton, James L.
Novak, Stuart M.
Novitzki, James E.
Nuernberger, John A.
Nute, Charles C.
Nutwell, Robert M.
Oatway, William H., III
O'Brien, John G.
O'Brien, Robert J.
O'Connor, James G., Jr.
O'Connor, Paul P.
O'Connor, Peter E.
O'Connor, Thomas R.
*Odell, Ralph V.
O'Gara, Edward F., III
*O'Hara, Robert E.
Ohler, Herman
Oien, Harley M.
Oliver, Daniel T.
Oliver, Michael F.
Oliver, Richard J.
Olsen, Dieter H.
Olson, Harold M., Jr.
*Olson, Leray
Olson, Waldemar M.
Olwin, James L.
Onorato, James R.
Orlosky, Robert A.
Orr, William S., Jr.
Osier, Charles J.
Oxboel, Eric H.
Page, Bruce D.
Pannunzio, Thomas W.
Parish, Charles C.
Parish, Roger D.
Parker, Brance J.
Parkinson, Robert
Parnell, Allan D.
Paron, John R.
Parry, David J.
Parry, Thomas L., Jr.
Parten, Gary L.
Pate, James W., Jr.
Patton, Kuemen B.
*Paul, Martin A.
Pauls, Francis E.
Payne, Charles S.
Peake, William W. F.
Pearson, Nils A. S.
Peck, Bert L.
Pemberton, Leander M.
Penn, Elmer E.
*Perez, Joseph S.
Perine, Philip C.
Perkins, Henry G., Jr.
Perkins, James B., III
Perini, James K.
*Perron, Joseph H.
Perron, Robert A.
Perry, Harold E.
Perry, Rightly R.
Pessoney, John T.
Peterson, Eric L.
*Peterson, Richard N.
Peterson, Richard S.
*Petrovic, William K.
Pettigrew, Kenneth W.
Pewett, Robert H.
Phelan, Richard H.
*Pickett, Larry J.
Picotte, Leonard F.
Pierce, David I.
Pierce, Peter W.
Pierson, Bruce K.
Pignotti, Dennis A.
*Pilcher, Charles R.
*Pippen, Merrill D.
Pirnie, Morgan S.
Pittenger, James A.
Platt, David V.
Plis, Kenneth J.
Plott, Barry M.
Plumb, Joseph C., Jr.
Plunkett, Garry R.
Poole, James L.
Porterfield, James H., Jr.
Poulin, Norman R.
Powell, Robert R.
Powers, Danny J.
Powers, Robert L.
*Pratt, George W.
*Presley, Thomas M.
Preston, William J.
Price, Joseph M.
Priest, Edgar D., Jr.
Probst, Lawrence E.
Provine, John A.
Prueher, Joseph W.
Pullen, James R.
Purdy, Randolph S.
Purdy, Robert F., Jr.
*Quade, Edward L.
Quanbeck, Brian R.
Quinn, Jeffrey
*Quinn, Joseph S.
Rabine, Virgil E.
Radigan, Matthew J.
Rainey, Hugh T.
*Rains, Donald R.
Ramsey, William J.
Ramskill, Clayton R.
*Ratcliff, John W.
Ratzlaff, Richard R.
Ray, Dennis E.
*Rea, John P.
Redd, John S.
Reddoch, Russell
Reed, John J.
Rejda, Dennis P.
*Remakis, John, Jr.
Reser, Gerald H., Jr.
*Reynolds, Dexter H., Jr.
Rhode, John R.
Rhodes, Gerry B.
*Ribolla, Romolo T.
Ricci, Enrico A.
*Richards, Frank M.
Richards, Jack B.
Riffle, Nathan L.
Rinehart, Virgil W., Jr.
Rinker, Robert E.
Riordan, Francis P.
Riordan, Robert F.
Risseeuw, Hugh J.
Ritchey, Glenn W., Jr
Robbins, Richard J.
Robbins, William A.
Roberts, William R., Jr.
Robinson, Arnold
Robinson, Louis N.
Robinson, William B., Jr.
Rock, Peter F.
Rodrick, Peter T.
*Rodriguez, Antonio B.
Rogers, Clyde W.
Rogers, Howard W.
Rogers, Will C., III
Ronsaville, William S.
Rosenthal, Joseph E.
Rosselle, William T.
Roy, James C.
Rozelle, Edward C.
Rubeck, James T.
Russell, David L.
Russell, Jay B.
Rypka, Allan E.
Sadamoto, Theodore K.
Saenz, Roland A.
Salonen, John O.
Samek, Dan W., III
*Sanderlin, Francis R.
*Sandstrom, John F., Jr.
Sapp, Charles N., Jr.
Sargent, William P.
Sartoris, Joel R.
Satrapa, Joseph F.
Saul, Joe M.
Saulnier, Steven C.
Sawatzky, Jerry D.
Scarlett, Bernard
Scearce, George E.
*Schaller, Martin N.
Schlichter, Ralph
Schmauss, Henry W., Jr.
Schmidt, Clifford B.
Schmidt, Kenneth A.
Schmidt, Richard H.
Schmidt, William C.
Schmitt, Stuart O.
*Schoonover, Ray R.
Schram, Richard W.
Schultz, David H.
Schultz, Henry F.
*Schultz, Willard E.
Schuyler, Philip
Schwing, Emil M.
Scott, Barry R.
Scott, Norman S.
Scully, Michael C.
*Seekell, Warren W.
Segen, John P.
*Seiden, Paul E.
Seligson, Harold E.
Shackelford, Boytle V
Shanahan, James F.
Shannon, John R., Jr.
Shapley, Frederick E.
*Shattuck, Oliver P.
Shepard, Michael J.
Shepherd, Patrick M.
Shields, Charles D., Jr.
Shields, Robert J.
Shiffer, William T., Jr
Shiller, Alfred T.
Shipway, John F.
*Shirk, Robert L., Jr.
Shoemaker, Charles L.
Shumway, Geoffrey R.
Shurts, Richard L.
Siddens, William M.
Sidney, Richard W.
Siebe, Alan E.
Siebert, Herro H.
Sifren, Gerald J.
Silver, Lawrence M.
Simeone, Joseph F.
*Simonelli, Norman W.
Singler, James C.
Singstock, David J.
Sisson, Harold D., Jr.
Sjuggerud, David M.
*Sleeper, Joseph R.
*Slick, Charles O.
Smalling, John A.
Smallwood, Frederick K.
Smith, Charles H.
Smith, David M.
Smith, Ernest M.
Smith, Esmond D., Jr.
*Smith, Frank R.
Smith, Gerald J.
Smith, Gordon L.
Smith, Herbert C. L.
Smith, Jessie M.
Smith, John W.
Smith, Philip A.
Smith, Ralph F.
Smith, Robert L.
Smith, Thomas N.
*Smith, Vernon G.
Smith, Wayne R.
Smith, William S., Jr.
Smittle, John H.
Snell, Alfred W.
Snyder, Keith R.
Snyder, Ronald D.
*Sordelet, James R.
Sowa, Walter, Jr.
*Spang, Norman W.
Spangenberg, Frank A., III
Spencer, James L., III
Spencer, Robert C.
Spigai, Joseph J.
*Spinelli, Domenick A., Jr.
*Spinks, Alfred H.
Spradlin, Dennis R.
Sprinkle, James C.
Sprowls, George F.
Spruitenburg, Fredrik H. M.
Stair, Sammy D.
*Stakel, Robert W.
Staley, Joseph J., Jr.
Staley, Richard J.
Stalter, James E.
Stamps, David W.
Stankowski, Robert J., Jr.
*Stanley, Joe M., Jr.
*Staples, Henry E., Jr.
Staplin, Ralph A.
Stark, James R.
*Stark, William C.
Starkey, Russell B., Jr.
*Starling, Frank E.
Starnes, Phillip V.
Starritt, Douglas R.
Stauffer, Barry C.
*Stauffer, Donald W.
Steele, Jon A.
Steiner, Morris W.
Stephan, Charles R.
*Stephens, Darrel L.
Stephenson, Max O.
Sterner, David L.
St. Martin, Ronald C.
Stock, George H.
Storms, Kenneth R.
Stranick, Francis J.
Streit, Raymond S., Jr.
Strickland, Henry W.
Strong, Barton D.
Struck, Allan P.
Stull, David A.
Suarez, Ralph
Sullivan, David C.
*Sullivan, Francis E.
*Surber, John S., Jr.
Sussilleaux, John F.
Sutton, Larry P.
Sutton, Robert
Swan, James N.
Swinger, Alan W.
Tackney, Michael O.
Taday, Alexander A.
Talbot, John H., Jr.
Tasler, Robert E.
Taylor, Donald O.
Taylor, John M., IV
Teague, Reginald B.
Tenanty, Joseph R., Jr.
*Terry, Donald L.
Thomas, Evan F., Jr.
Thompson, Bryce A.
*Thompson, Clifford J.
Thompson, Eugene C.
Thompson, Joseph C.
Thompson, Melvin E., Jr.
Thuente, John F.
Timm, Richard D.
Tinston, William J., Jr.
Tipper, Ronald C.
Tisaranni, James
Tobias, Walter A., II
Todd, John H.
Tolbert, James K.
*Tolbert, William H.
Tolley, Richard L.
Tracy, Robert N., Jr.
Trahan, Edwin C.
Trapnell, Robert G.
Trease, Charles J., Jr.
Treiber, Gale E.
Trembley, "J" Forrest G.
Triebel, Theodore W.
Tryon, Robert G.
Tsukalas, Denis N.
Tucker, Ronald D.
Tudor, Richard A.
Tufts, Herbert W., III
Tuma, David F.
*Turbeville, Fred M., Jr.
Turner, Harris W.
Turner, Laurence H., Jr.
Tuttle, Arthur J.
Tyree, Edward C. G., Jr.
Tyrrel, Norman L.
Ulrich, William S.
Umstead, Marvin F., Jr.
Ungerman, Michael K.
Unrau, Jerry L.
Urbanek, Keith A.
Vacin, Edward M.
Vajda, Thomas C.
Valenta, Norman G.
Vallance, Winfred D.
Vambell, James P.
Vanderschroeff, Coenraad
Vanduzer, Roger E.
Vanheertum, Bruce
Vanlue, Kenton W.
VanWinkle, Pieter K.
*Varley, Edwin R., Jr.
*Vaupel, David K.
Veeck, Charles R., Jr.
Vercessi, George P.
Viafore, Kenneth M.
Victor, Edward G.
*Vivian, Jack A.
Vogt, Frederick H.
Vollmer, Ernest P.
Vosilus, Robert B.
*Wagner, Fred D.
Walberg, Peter E.
Walchli, John C.
Walden, Kenneth A.
Walkenford, John H., III
Walker, Robert O.
Wall, James H.
*Wall, James M.
Ward, Allan, Jr.
Ward, Donald E.
Ward, Robert F.

Watkins, Edison L., II
Watkins, John R.
*Watt, Robert H.
Weal, Keith I.
Weber, Gerald W.
Weed, Wilson G.
Weir, Russell A.
Weisbrod, David S.
Weiss, John N.
Welborn, Paul B., Jr.
*Welenc, Joseph
Weller, Edward E.
Wellmann, Donald A.
Wells, Bruce
Wells, William E.
Welsh, Richard G. T.
Welty, Charles S., Jr.
Wenger, Charles A.
Weniger, Marvin J.
Werner, Keith M.
Werner, Michael C.
Wertzberger, Charles R.
West, William A.
*Wheeler, William W., Jr.
Whitaker, Ronold G.
Whitcomb, Winfield J.
*White, Arthur E.
White, Raymond M.
White, Walter E.
Whitehead, Albert E.
Whiteman, Herman L., Jr.
Whitten, Audrey B., Jr.
Wicker, Charles L.
*Wilcox, Mack R.
Wildman, Robert A.
Wilkins, Joe L.
Willever, Kent A.
Williams, Donald E.
Williams, Ivan W.
Williams, Walter D., III
Williams, Walter D., Jr.
*Williamson, James V. Jr.
Williamson, Robert V
Wilson, Charles E.
Wilson, Jack W.
*Wilson, Robert A.
Wilson, Thomas B.
Winslow, Donald E.
Wise, Aubrey L.
Wisenburg, Mark R.
Withey, Thomas A.
Witter, Ray C.
Witzenburg, Gary M.
Wojtkowski, William S., Jr.
Wolter, Richard C.
Womble, George C., Jr.
Woodford, Duval S.
*Woodruff, Harold H.
Woolett, Jerry F.
Workman, James F., II
*Worth, Charles W.
Wright, Daniel A.
Wright, Eugene
Wright, John R.
Wright, Robert E.
Wright, Webster M., Jr.
*Wright, Will R.
Wright, William H., IV
*Wright, William E.
Wyatt, Thomas W.
*Yeager, Dale A.
Yost, James A.
Young, David G.
Young, Harry M.
Young, Kenneth E.
Yule, Robert B.
*Zari, Albert B.
Zech, Gary G.
Zint, Harold O., Jr.
Zohlen, John T.
Zuberbuhler, William J.
Zwirschitz, Gary W.

MEDICAL CORPS

Anderson, Robert L.
Andrake, William
Blades, Frederick C.
Boardman, Sheffield, Jr.
Bobert, Duwayne H.
Boice, John A., II
Boldon, Douglas P.
Bowers, Larry H.
Boyle, Stephen
Bridenstine, James B
Broadrick, Gary L.
Brochard, Victor A.
Broomall, Robert H.
Brownell, Douglas A.
Chambers, John W.
Chandler, James L.
Cibula, Lawrence M.
Colosi, Nicholas J.
Combs, William A.
Conforti, Victor A.
Cortes, Edgar L.
Crenshaw, Roger T.
Crenshaw, Theresa L.
Cronin, Robert P.
Crucitt, Michael A.
Dascher, Phillip M.
Dean, Max A.
Dibona, Douglas D.
Drobocky, Igor Z.
Dyer, Norris L., Jr.
Elo, Tom
English, Joseph M.
Fisk, Henry J., Jr.
Fraioli, Richard L.
Frogge, Jimmy D.
Fuselier, Francis W.
Gastwright, John A.
Gaudet, Paul T.
Gellman, Arnold E.
Giasi, Robert M.
Glassgow, Richard D.
Graham, Robert G.
Gustavus, John L.
Hageman, Dean D.
Hahn, Delbert H. H.
Harms, Jon W.
Harrison, Carrington, II
Hash, Cecil J., Jr.
Hazen, Steven J.
Hennessy, Joseph P.
*Herschler, Jonathan
Hogan, James M.
Hogan, Michael J.
Hollis, Joseph B.
Horowitz, Irvin R.
Johnson, Thomas A.
Jones, Garry L.
Jordan, James P., Jr.
Kadyk, Jan M.
Kamm, Patrick W.
Kaufman, Joseph A.
Kean, Dennis W.
Kendrick, William R.
Knavel, James L.
Knepper, John G.
Knuff, Thomas E.
Kohl, Frank S.
Kollen, Robert S.
Lesesne, Edward H.
Lombardi, Dennis L.
Mahalak, Lawrence W.
Marshall, Larry J.
Masys, John H.
Maxwell, Daniel D.
McDaniel, Robert C.
Melton, Lee J., III
Mickal, Donald E. S.
Miller, James D.
Morris, Lawrence R.
Motes, James M., Jr.
Nagy, Robert E.
Nemeth, Clifford J.
Newton, Neil A.
Nichols, Trent W.
Ogle, Samuel G.
Opatry, David J.
Peterson, Neil T., Jr.
Pollard, John C.
Reinert, Carol G.
Rensink, Michael J.
Rice, Charles L.
Robinson, Cyrus M.
Rodgers, Stephen J.
Rowekamp, John D.
Sebastian, James A.
Smith, David E.
Smith, William R.
Snyder, John M.
Staker, Larry V.
Suitor, Roscoe F.
Terpening, Larry R.
Thomas, Douglas F.
Thompson, John W., Jr.
Townsend, Raymond E.
Walker, Frank W.
Walsh, Thomas E., Jr
Watson, William E.
Weiler, Harold H.
Wells, Arthur F., Jr.
Wickhan, Clayton W.
Williams, Edward D.
Williams, Thomas M., III
Willmore, Luther J.
Woods, James D.
Wright, Lewis E.
Youngblood, Frederick E.

SUPPLY CORPS

Allen, Robert F.
Anderson, John F.
Auerbach, Eugene E.
Bary, David S.
Basham, Carmen L.
Bauman, Thomas W.
Bezanilla, David G.
Bice, Fred J.
Biegner, Frederick, Jr.
Bishop, Phillip E.
Blaylock, James S.
Boalick, Howard R.
Brandt, Craig M.
Brighton, Edward E., Jr.
*Bryant, Verle E.
Burgess, Edward L.
Butler, Joel L.
Campbell, Richard P., Jr.
Canale, Vincent T.
Caudle, Allen D., Jr.
Christopher, Donald D.
*Cornelison, Charles H.
Cribbin, Thomas M.
Danforth, Lawrence L.
Dejanovich, James P.
Deloach, Stephen J.
Donato, Robert C.
Doran, William E.
Downer, Glenn I.
Draper, John V.
Drucis, Timothy J.
Dunkle, Charles T.
Dunkle, James A.
Ebbesen, Preven E.
Field, Leroy F., Jr.
Figueroa, Ernest L.
Flint, Ralph Q.
Fonda, George A.
Foster, Donald G.
Free, Willard D.
Freiberg, Leonard S., Jr.
Fronczkowski, Ralph E.
Gabor, John B., Jr.
Gayton, Lewie E.
Gibbins, Donald B.
Giffin, Donald H.
Gilliland, Paul E.
Gorham, Robert L.
Griffin, Leonard C., Jr.
Gross, Royce A.
Hamilton, Howard H.
Hamilton, James B.
Harper, Albert E.
Harris, Christopher B.,
Hartwell, William R.
Hatcher, Robert C.
Haynes, William M., Jr.
Heeb, Benny J.
*Heider, James M., Jr.
Hephner, Patrick J.
Hobbs, Wilbur N.
Hoffler, Robert E.
*Holmes, Clifford J.
Holtz, Richard E., Jr.
Hopkins, Bruce A.
Hoyt, Michael C.
Hunter, Don L.
Hurlbutt, James W.
*Hutto, John A.
Jaffin, Frederick T., Jr.
Jaquith, Linford J.
Jensen, Albert L.
Johnson, Jesse B.
Jones, Allan H.
Kelly, Timothy M.
Kieckhefer, Edward H
*Koselka, James A.
Kosmark, Alfred C.
Kowalski, Karl A., Jr.
*Landon, Stewart N.
*Lanza, Vincent
Larson, Richard D.
Leon, Albert
Lessa, Joseph G., Jr.
Lines, Donald P.
Long, Douglas A.
Lutz, Alan L.
Magrogan, Wililam F., Jr.
Malloy, Joseph M.
Mantonya, Robert R.
Marino, Stanley, Jr.
Martin, Patrick E.
Mayer, Carl M.
McCook, Kevin W.
McCowan, William B., Jr.
McGavran, Samuel B.
*Merritt, Frank W., Jr.
*Meys, Charles P.
Minnis, Mel W.
Mizer, Robert J.
Monteith, Gary H.
Moore, Stephen D.
*Mortensen, John J.
Mortrud, David L.
Murray, Thomas O., Jr.
Nemmers, Robert S.
Nichael, Robert H.
*Oberle, Michael J.
O'Connor, John, Jr.
*Parish, Anthony E.
Patterson, Kenneth L.
*Paulson, Alvin L.
Peck, Ronald K.
Privateer, Charles R.
Rapp, Carl A.
Rebarick, William P.
Riedel, William M.
*Roland, Billy J.
Rutherford, David O.
Sadler, David H.
Santucci, David M.
Sardella, Leo J.
Schaefer, John F.
Schewe, Norman L.
Schreiber, Dennis L.
Scott, William C.
Scroggs, Clifton R., Jr.
Shandy, Jerome C.
Shapack, Richard A.
*Simeon, Harlan L.
Simpson, Steven E.
Spiller, James T.
*Sprague, James A.
Spyrison, Joseph A.
Stangl, Larry F.
Sussman, Richard M.
*Swan, Aubrey E.
*Tarr, Nicholas W.
Tuggle, Richard C.
Tyson, George J., Jr.
VanDeveer, Charles E.
VanTassel, Russel D.
*Vieweg, Herbert H.
Vigrass, David H.
*Wachutka, James R.
Walker, Charles K.
Walker, Frances D., III
Weekes, James E.
Wilde, Charles L.
Wilkinson, Ronald C.
Williams, Jilson L.
*Zirnhelt, Alfred C.

CHAPLAIN CORPS

Bergsma, Herbert L.
Cook, Elmer D.
Ethridge, William M.
Hannigan, Richard F.
Holderby, Anderson B., Jr.
Hummer, George B.
Lyons, Richard M.
Macho, George S.
Mitchell, Zeak C., Jr.
Reese, Donald B.
Slattery, Maurice C.
Winterfeld, Eugene P.
Wright, John M.

CIVIL ENGINEER CORPS

Ahl, John S.
Aksionczyk, Leon
Baratta, Mario A.
Barron, Richard M.
Bates, Ronald G.
Bersani, Robert R.
Bohning, Lee R.
Bonderman, Warner E.
Bookhardt, Edward L., Jr.
Clarke, Wilmot F.
Clay, Joseph V. F., III
Clayton, James B.
Delmanzo, Donald D., Jr.
Donnelly, William P.
Drouin, Leon E., Jr.
Estes, George B.
Fowler, Richard S.
Frankum, Stephen D.
Fusch, Kenneth E.
Gagen, Robert E.
Gallen, Robert M.
Green, Joseph B., Jr.
Gregg, Ronald I.
Hadbavny, Ronald S.
Hall, Fredrick S., Jr.
Harada, Theodore I.
Hatter, William H., Sr.
Herrell, Orval G.
Hopper, Mark A.
*Hubel, Edward H.
Jacobs, Paul F.
Jokela, Carl R.
Jones, Lloyd S.
Kelley, Kenneth C.
Kelley, Timothy C.
Koepp, Gary E.
Laurance, Richard B.
Long, Thomas A., Jr.
Mitchum, William R., III
Nakahara, Jitsuo
Norvell, James D.
Olsen, Ole L.
O'Neill, Charles P., Jr.
Perry, John E., Jr.
Rein, David A.
Roberts, Ray D.
Runberg, Bruce L.
Schlesinger, Francis D.
Smith, Ray A.
Stamm, John A.
Stark, James R.
Swyers, Harry M.
Wadsworth, Robert W.
Zane, Sheldon S. H.

JUDGE ADVOCATE GENERAL'S CORPS

Coyle, Robert E.
Edington, Donald E.
Ford, William J., Jr.
Garrett, Henry L., III
Gordon, John E.
Granahan, Thomas E.
Oglesby, Douglas A.
Rogers, James N.
Schachte, William L., Jr.
*Sinor, Morris L.

DENTAL CORPS

Abrahamian, Richard B.
Anderson, William H., III
Ball, Melvin E.
Bate, William S.
Blank, Lawrence W.
Bruns, David J.
Cannon, Richard L.
Carson, Robert E.
Curreri, Robert C.
Dunny, James
Edwards, Douglas A.
Fisher, Earl F.
Fox, Bruce R.
Hammer, Dennis D.
Haney, Patrick J.
Heilman, Mark E. J., IV
Hellman, Larry F.
Hesby, Donald A.
Hix, James O., III
Jucovics, Robert L.
*Kimbrough, Kenneth J.
Kronzer, Richard L.
Kuntz, Darmon D.
Laquire, Anton K.
Maddox, James A.
McIntire, William O.
Nettelhorst, Ralph E.
Olson, Robert J.
Paulus, Helen M.
Poirrier, Maxime J. P.
Rippert, Eric T.
Robertello, Francis J.
Romero, Felix
Santucci, Eugene T.
Schamu, Carl W.
Siudara, Peter W.
Snell, Byron E., Jr.
Stratton, Russell J.
Theroux, William T., Jr.
Tidwell, Eddy
Tooker, Darrell T.
Troutman, Gary W.
VanBelois, Harvard J., Jr.
Wiley, Wayne M., Jr.
Yukna, Raymond A.

MEDICAL SERVICE CORPS

Bain, Donald K.
Barr, Kenneth B.
Bazzell, Samuel C.
Beuchler, Lamarr G.
Bienkowski, Faustyn J.
Biersner, Robert J.
Briand, Frederick F.
Burke, Daniel B.
Cash, Harold D.
Clarke, Norman B.
Cook, Elvis D., Jr.
Delisle, Gary R.
Devault, Richard L.
Duley, John W., Jr.
Eckmyre, Austin A., Jr.
Gaines, Richard N.
Gibson, Richard S.
Hill, James C.
Hutchins, Charles W., Jr.
Johnson, Larry W.
Karch, Larry L.
Lane, Norman E.
McCroddan, Donald M.
McIntosh, Wilton W.
Ozment, Bob L.
Peck, Robert
Pitts, Lucius L. II
Postel, Kenneth L.
Schweitzer, James D.
Scott, Kelvin P. G.
Smith, James D.
Snittjer, William J.
Sonntag, Robert R., Jr.
Stant, George M., Jr.
Thomas, Thomas E.
Veckarelli, Donald T.
Webb, Edgar P.
Wilson, Jason A.
Wood, Duell E.
Woods, Allen O.

NURSE CORPS

Armstrong, Kathryn A.
Beyerle, Doris C.
Boyle, Mary M.
Bronokoskie, Ann M.
Cascadden, Mary L.
Coltharp, Dove A.
Darcy, Darlene E.
Darrah, Elna R.
DeMartini, Dolores A.
Ferrell, Kirby A.
Flurry, Beverly J.
George, Kay A.
Grigg, Peggy J.
Hill, Shirley A.
Ibach, Maryanne T.
Langley, Ann
Linehan, Patricia A.
Lucius, Nina J.
McClelland, Jerry W.
Smith, Ruth H.
Tate, Catharine
White, Patricia M.
Zuber, Frances E.

Roy L. Huddleston for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law.

Herbert E. Stangl for temporary promotion to the grade of commander in the Civil Engineer Corps, U.S. Navy, pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law.

Nellie K. Maugans for permanent promotion to the grade of commander in the Supply Corps, U.S. Navy, subject to qualification therefor as provided by law.

The following named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps, subject to qualification therefor as provided by law:

Gonzalez-Liboy, Gonzalo V.
LeTourneau, David J.

Dale W. Lynch for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law.

The following named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, Section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Ackart, Leon E.
Alexander, Edward E., Jr.
Allman, John I., III
Baldwin, Edwin M.
Bell, Joe L.
Calkins, Delos S., Jr.
Chadick, Wayne L.
Christian, Richard A.
Comer, Robert F.
Cox, David R.
Cullen, Charles W.
Disney, Donald G.
Doe, Ralph F.
Felderman, John L.
Flynn, Gerrish C.
Freakes, William
Gustafson, Kenneth R.
Harbrecht, Raymond J.
Harris, Richard A.
Haynes, Jerry R.
Heck, Alger R.
Heckathorn, Clair E.
Hohmann, William D.
Holt, William C.
Kihune, Robert K. U.
Lamoureux, Robert J.
Lewis, Marwood D.
Major, James A.
Mott, George E., III
O'Neill, Cornelius T.
Owens, Ramon R.
Pizinger, Donald D.
Pidgeon, Robert H.
Rauch, Leo A.
Reimann, Robert T.
Richardson, Daniel C.
Royse, Perry R., Jr.
Salmon, Walter W.
Smith, Charles J.
Smith, Nepier V.
Susag, Gary R.
Tilger, Billy R.
Watson, Ian M.
White, Ervin E.
Withsosky, James H.
Wuorenmaa, John P.

SUPPLY CORPS

Bell, Ronald M.
Cone, Jaul J.
Maginnis, Christopher M., Jr.

CIVIL ENGINEER CORPS

Martin, Roger G.
Rinnert, Henry J.
Sayner, William V., Jr.
Smart, Robert D.

Lt. Comdr. John P. Milat, U.S. Naval Reserve for temporary promotion to the grade of commander in the line pursuant to title 10, United States Code, section 5787, while serving in or ordered to billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law.

The following named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

*Balink, Linda J.
*Beckley, Mary A.
*Cooperman, Mary S.
*Curry, Viola D.
Cusson, Susan F.
*Dombrowski, Katherine M.
*Francis, Sandra L.
*Graichen, Dimity L.
Hampson, Nancy E.
*Harman, Elizabeth L.
Haupt, Katharine L.
*Honeycutt, Betty S.
Lins, Dorothy K.
*Mathis, Marlene S.
Russell, Mary E.
Safford, Sylvania A.
*Smalley, Phillis E.
Summers, Lynda L. P.
Thomas, Daneen J.
*Tiller, Trudith D.
*Tyler, Paula J.
Walton, Margurite A.
*Watson, Kathryn A.

The following named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Frey, Michael L.
Hamilton, Charles D.
Harrison, Lloyd, Jr.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Bond, Lewis F., III
Clark, David W.
Longevin, Richard R.
Morgan, Michael D.

The following named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign:

Dempsey, Richard M.
Puncke, Frederick D., Jr.

Frederick S. Walter for transfer to and appointment in the Supply Corps in the grade of ensign, for temporary service as a limited duty officer.

Jo Ann Thiele for permanent promotion to the grade of lieutenant commander in the Supply Corps, subject to qualification therefor as provided by law.

Commander Richard A. McGonigal, Chaplain Corps, U.S. Navy for transfer to and appointment in the line, not restricted in the performance of duty, in the permanent grade of lieutenant commander and the temporary grade of commander.

(Asterisk (*) denotes ad interim appointment.)

In the Marine Corps

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Jesse W. Addison
Russell A. Andres, Jr.
John G. Baker III
Deryll B. Banning
Harry K. Barnes
Jane A. Batson
Albert E. Bauman III
Thomas C. Baumgaertl
Russell F. Beagent, Jr.
Jennings B. Beavers II
Michael R. Beggs
Charles R. Bell, Jr.
Martin R. Bender
Robert G. Bender, Jr.
David F. Bice
Wayman R. Bishop II
Joseph G. Blake
Richard K. Bloedau, Jr.
Alan R. Bonham
Charles J. Boyle
James W. Brady
James M. Bridges
Gary L. Bruno
William D. Bushnell
Marcus J. Bumm, Jr.
Francis J. Busam
William A. Carter
Garry R. Carver
Thomas E. Chandler, Jr.
Orville G. Chase
Ralph J. Chipman
Joseph F. Ciampa
William B. Clark
Leonard J. Comaratta
William C. Conrad
Michael L. Cook
Larry A. Craig
Wallace R. Creel, Jr.
Daniel D. Critchfield
Wayne T. Crowder
Ronald K. Culp
William H. Darrow
Michael A. Decker
David C. Duberstein
Richard H. Duff, Jr.
Keith M. Duhe
Gordon L. Duke
Theodore J. Dunn
George E. Dyer
Douglas C. Earle
Mary F. Edmonds
Harvey W. Emery
Terry W. Emmons
Jean V. Fitzsimmons
Walter G. Ford
James R. Forney
Rodney L. Fox
Kenneth D. Frantz
Kenneth R. Frederickson
Thomas N. Fremin
Kenneth R. Fugate
Milton J. Ganier
Cheryl A. Garbett
Aldon M. Garrett
Lyle D. Gearhart
Lonney D. Getlin
Joseph H. Girdwood
Glen D. Graves
John F. Grossweiler
John W. Ground IV
James M. Guerin
David R. Guernsey
Richard A. Hagerman
William M. Handel
Jerry G. Hanks
James E. Hatch
Thomas W. Hayes
Bruce E. Heath
Richard A. Hedin
Daniel S. Hemphill
Patrick H. Hill III
Michael D. Hoke
Assen A. Horster
Charles W. Hughes
Daniel L. Hughes
Marvin E. Hughes
Harry C. Hunt, Jr.
Stephen F. Hurst
David H. Jacobs
Dennis J. Jenkins
Harry Jensen, Jr.
Richard N. Jeppesen
Anthony L. Jucenas
Michael A. Kah
George C. Kahlandt
John W. Kartunen
Kevin P. Kelley
Bruce B. Knutson, Jr.
Bernard F. Kolb
Bazil Kostin
James A. Kuch
Ralph V. Lanning
Bernard F. Luby
William J. Lucas
David A. Lutz
Richard G. Mace
Thomas W. Mackie
Roger D. Marlow
John D. Martin, Jr.
John P. Martin
Gordon A. Matthew
Willard J. McAtee
John J. McCarthy
Terry J. McCormack
Craig S. McNey
Kenneth E. McNutt
Jerry W. McWhorter
John R. Michaud
Donald F. Miller
Hubert Minx, Jr.
Thomas J. Molon
Daniel J. Moseler
Charles D. Mowrer
Lorin L. Mrachek
Wallace L. Mueller
James M. Murray, Jr.
Stefan Mytczynsky
Deane A. Nelson
Leonard L. Nicholson
Robert L. O'Donnell
Richard J. Olsen
Roy A. Overbeck
Larry F. Parsons
George N. Perrault
Philip J. Persiani
Steven G. Pfeif
Gordon W. Phelps
James G. Plantz
Sherman A. Poling
Karl J. Porisch
Arnold L. Punaro
Theodore L. Quinter
Burton C. Quist
Charles E. Ramsey
Bruce J. Reed
Charles G. Reed
John H. Rickert
George R. Sickley
Charles L. Riley
Susan L. Roley
David R. Ross
Lester D. Roth, Jr.
Daniel M. Rowland
Charles B. Rupp
Charles A. Sakowicz
Martin E. Schechter
John W. Schmidt
John R. Scott

John T. Seabrook
William R. Seagraves
James P. Sheehy
Darrel W. Sheets
Charles F. Shepard
Kenneth P. Shrum
Joseph A. Silvoso
Crawford W. Smith
Carlton C. Steubing
Garth K. Sturdevan
Ronald L. Taylor
Sears R. Taylor II
Barry A. Teller
William G. Thomas
David F. Tomsky
Joseph R. Tosi, Jr.
Donigan D. Towers
David M. Tripp
Henry J. Vonkelsch III
Raymond L. Walters, Jr.
Edward F. Wells
Joseph W. Wilimek
Charles S. Williams, Jr.
Frederick C. Williams
Richard L. Wilroy
James W. Wilson
Marvin L. Wilson, Jr.
Mary G. Wilson
Willie T. Worrell
John D. Wright
Frank A. Yahner III
Robert A. Yaskovic

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1972:

FEDERAL RESERVE SYSTEM

John Eugene Sheehan, of Kentucky, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1968.

PAY BOARD

George H. Boldt, of Washington, to be Chairman of the Pay Board.

PRICE COMMISSION

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

HOUSE OF REPRESENTATIVES—*Monday, February 7, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The fear of the Lord is the beginning of wisdom.—Proverbs 9: 10.

Almighty God, in whose fear is the beginning of wisdom and from whose favor proceed all good desires, all wise counsels, all just works, we turn to Thee for refuge and strength and peace.

May we never be disloyal to the royal within ourselves, never betray those who love us, never disappoint Thy purposes for our lives and the life of our Nation. In this day when people would walk along separate ways and down different roads grant that we may be builders of bridges over which men and nations can travel to a new unity with liberty and justice for all.

Help us to use our privileges gratefully, to meet our difficulties courageously, to do our duties faithfully, and to come to the end of the day unashamed and unafraid with Thy peace in our hearts.

In the spirit of Him who is the Lord of life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; and H.R. 12067. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 748) entitled "An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Funds for Special Operations of the Inter-American Development Bank," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 749) entitled "An act to authorize United States contributions to the Special Funds of the Asian Development Bank," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2010) entitled "An act to provide for increased participation by the United States in the International Development Association," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12067) entitled "An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. MCGEE, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. FONG, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3122. An act to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972; and

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The message also announced that the Vice President, pursuant to Public Law 86–42, appointed Mr. CHURCH, Mr. BURDICK, Mr. HOLLINGS, Mr. SPONG, Mr. AIKEN, Mr. COOPER, Mr. STEVENS, and Mr. STAFFORD as members, on the part of the Senate, of the U.S. group of the Canada-United States Interparliamentary Conference to be held in Ottawa, Canada, February 17 to 20, 1972.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

RELATING TO THE TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

The Clerk called the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I have an amendment which I wish to offer to the bill at the proper time. I therefore withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Postal Service (hereinafter referred to as the Postal Service), is authorized and directed to pay, out of the Postal Service Fund to each individual eligible for reimbursement under section 2 of this Act the amount of money to which each such individual is entitled under section 3 of this Act. Any payment made to any individual pursuant to this Act shall be in full settlement of all claims by such individual against the United States arising out of—

(1) the expenses which resulted from the application by the Postal Service and the Federal Aviation Agency of certain requirements, and

(2) certain other expenses incurred (described in section 3 of this Act) with respect to such individual's transportation of mail by air at any time during the period commencing July 1, 1967, and ending December 31, 1968 (hereafter referred to in this Act as the "reimbursement period").

SEC. 2. Any individual who transported mail as a noncertificated air common carrier at any time during the reimbursement period is eligible to apply for reimbursement under this Act if application therefore, in such form as shall be prescribed by the Postal Service, is made by the individual within 180 days following the date of enactment of this Act.

SEC. 3. The Postal Service shall pay to any individual eligible to apply for reimbursement under section 2 of this Act an amount equal to the total amount of expenses incurred by the individual during the reimbursement period in order to meet (1) the requirement established by the Postal Service or the Federal Aviation Agency, or both, with respect to necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and (2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations.

SEC. 4. No part of any amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any claim made under this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 3 through 8, strike the first sentence of the bill, and insert:

"That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, such amounts as shall be determined by the United States Postal Service (hereinafter referred to as the Postal Service) to be payable to each individual in accordance with sections 2 and 3 of this Act."

Page 2, lines 15 through 25, strike all of Sec. 3, and insert:

"SEC. 3. The amount payable to any individual eligible to apply for reimbursement under section 2 of this Act shall equal the total amount of operating expenses, as determined by the Postal Service in accordance with industry practices and generally accepted accounting principles, that were incurred by the individual during the reimbursement period in order to meet—

"(1) the requirements established by the Postal Service or the Federal Aviation Agency, or both, with respect to necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and

"(2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations.

"In determining the reimbursement for amounts invested in capital equipment, the Postal Service shall include only the amount of allowable depreciation on such equipment during the reimbursement period."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Strike out the first section and sections 2 and 3 and insert in lieu thereof the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, the sum of $23,891.26 to Ross Aviation, Inc., and the sum of $11,667.02 to Sedalia, Marshall, Boonville Stage Line, Inc.

"SEC. 2. The payments made pursuant to section 1 of the Act shall be in full settlement of all claims by Ross Aviation, Inc., and Sedalia, Marshall, Boonville Stage Line, Inc., against the United States arising out of—

"(1) the requirements imposed on air taxi mail transportation operators by the Postal Service or the Federal Aviation Agency, or both, regarding necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and

"(2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations—

during the period commencing July 1, 1967, and ending December 31, 1968.".

On page 4, line 1, redesignate section 4 as section 3.

The SPEAKER. Is there objection to the amendment offered by the gentleman from Iowa?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to have the gentleman explain his amendment.

The SPEAKER. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. GROSS. Mr. Speaker, this would simply say to the Post Office Department that they should settle these claims in the amounts stated in my amendment, $23,891.26 and $11,667.02. It would say to the Postal Service that hereafter they should settle these claims on the basis of contracts which are flexible enough to cover payments of this kind rather than come to the Congress to settle them and that the settlement be made out of the funds of the Postal Service.

This amendment has been concurred in by the sponsors of the bill and the distinguished chairman of the subcommittee of the House Committee on the Judiciary (Mr. DONOHUE) I believe concurs in the amendment.

Mr. DONOHUE. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. DONOHUE. Mr. Speaker, the gentleman from Iowa has presented his amendment to me. I have read it, and I can state that in the subcommittee, and I know in the full committee, we have no objection to it.

The SPEAKER. Is there objection to the amendment offered by the gentleman from Iowa?

There was no objection.

So the amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISASTER LOANS

The Clerk called the joint resolution (H.J. Res. 893) to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HALL. Mr. Speaker, in view of the lack of a meeting of the Consent Calendar objectors, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

The Clerk called the bill (S. 1838) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

There being no objection, the Clerk read the bill as follows:

S. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), are amended by striking out "$1,500" in each place it appears and inserting in lieu thereof "$3,000".

SEC. 2. Section 7(a) of such Act (7 U.S.C. 499g(a)) is amended by inserting after the first sentence thereof the following: "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING THE STRATIFIED PRIMITIVE AREA AS A PART OF THE WASHAKIE WILDERNESS, HERETOFORE KNOWN AS THE SOUTH ABSAROKA WILDERNESS, SHOSHONE NATIONAL FOREST, IN THE STATE OF WYOMING

The Clerk called the bill (H.R. 1552) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may conduct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however*, That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however*, That corrections of clerical and typographical errors in such legal description and map may be made.

With the following committee amendments:

Page 1, line 7, delete the words "two hundred and eight thousand" and insert "two hundred and thirty eight thousand".

Page 1, line 9, and page 2, line 1, delete the words "September 12, 1970," and insert October 1, 1971,"

Pages 2 and 3, delete all of Section 5.

The committee amendments were agreed to.

Mr. BARING. Mr. Speaker, H.R. 1552, as amended and approved by the Committee on Interior and Insular Affairs, does two things. First, it designates approximately 238,000 acres of land within the Shoshone National Forest as wilderness. Second, it combines this acreage with the 483,130 acres within the existing South Absaroka Wilderness and renames the combined 721,130 acres the Washakie Wilderness.

The area is located about 200 miles northwest of Casper and 80 miles southeast of Yellowstone National Park. It is characterized by deep narrow valleys and broad, flat-topped ridges. Elevations range from 8,000 to 12,000 feet. Most of the timber is noncommercial. There is no mineral development. Wildlife is abundant and consists of elk, moose, sheep, mule deer, and black bear. There are numerous lakes and streams that afford excellent fishing. Recreation will be a significant use because of the unique high country character of the area.

After careful consideration, the committee adopted an amendment which added some 30,000 acres of land to the proposal. Testimony received by the committee indicated that while some early evidence of man was still visible in this area, it was not significant and should not preclude its designation as wilderness.

Mr. Speaker, I urge favorable consideration of H.R. 1552.

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which would designate a portion of the Clark's Fork River in my State of Wyoming for potential addition to the national wild and scenic rivers system.

The Clark's Fork River flows through the Shoshone National Forest in northwest Wyoming, the first national forest in the United States, created by President Benjamin Harrison on March 30, 1891.

Clark's Fork River, and the canyon it has carved through mountains of such altitude that their passes are closed for a major portion of the year, offers outstanding recreation opportunities. The river itself boasts superb fishing; the canyon serves as the habitat for several species of both large and small game and wildlife.

The Clark's Fork River is unique in its outstanding scenic beauty, and surely qualifies for inclusion in the national wild and scenic rivers system. I am hopeful that the House will see fit to consider this bill promptly.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BARING. Mr. Speaker, I asked unanimous consent for the immediate consideration of a similar Senate bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill as follows:

S. 166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom comprising an area of approximately two hundred and eight thousand acres as generally depicted on map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however*, That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however*, That corrections of clerical and typographical errors in such legal description and map may be made.

AMENDMENT OFFERED BY MR. BARING

Mr. BARING. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARING: Strike out all after the enacting clause of S. 166 and insert in lieu thereof the provisions of H.R. 1552, as passed, as follows:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and thirty-eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised October 1, 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1552) was laid on the table.

DESIGNATING PINE MOUNTAIN WILDERNESS, PRESCOTT AND TONTO NATIONAL FORESTS, ARIZ.

The Clerk called the bill (H.R. 3338) to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BARING. Mr. Speaker, H.R. 3338 proposes wilderness designation for some 19,569 acres of land in the Prescott and Tonto National Forests of Arizona. If enacted, H.R. 3338 would bring these lands within the purview of the Wilderness Act of 1964 and protect the area from the usual inroads of man and prevent exploitation or commercialization of the lands. The area would be designated as the Pine Mountain Wilderness.

The area is rugged, isolated, and largely devoid of any evidence of man. It abounds in small game and is highly attractive for outdoor recreational activities. Because of its rugged character and its proximity to relatively large population centers, it is highly suitable for wilderness preservation.

Mr. Speaker, I urge favorable action on H.R. 3338.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. BARING. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 959) to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There being no objection, the Clerk read the Senate bill as follows:

S. 959

An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Pine Mountain Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Pine Mountain Wilderness," dated April 1, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, comprising an area of approximately nineteen thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Pine Mountain Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Pine Mountain Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Pine Mountain Primitive Area is hereby abolished.

A similar House bill (H.R. 3338) was laid on the table.

DESIGNATING SYCAMORE CANYON WILDERNESS, COCONINO, KAIBAB, AND PRESCOTT NATIONAL FORESTS, ARIZ.

The Clerk called the bill (H.R. 3339) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

There being no objection, the Clerk read the bill as follows:

H.R. 3339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964, (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated April 15, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty six thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

With the following committee amendments:

Page 1, line 8, strike "April 15, 1966" and insert "September 30, 1971".

Page 2, lines 2 and 3, strike "forty-six" and insert "forty-eight".

The committee amendments were agreed to.

Mr. BARING. Mr. Speaker, H.R. 3339, as amended, proposes wilderness designation for 48,500 acres of land in the Coconino, Kaibab, and Prescott National Forest, Ariz., as the Sycamore Canyon Wilderness. The land would be protected under the provisions of the Wilderness Act of 1964 from the usual inroads of man and would be preserved in a natural and unspoiled state for the enjoyment of present and future generations.

The area is located 20 miles southwest of Flagstaff, Ariz., and encompasses an unusually scenic and unspoiled section of Sycamore Canyon. Wildlife is abundant within the area. Most of the timber is of noncommercial grade and none has been cut for commercial purposes. There is no mining or mineral development. While there is some cattle grazing, this activity will continue if conducted in conformity with the Wilderness Act.

Mr. Speaker, this area should be preserved for the enjoyment of future generations, and I, therefore, recommend favorable action on H.R. 3339.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BARING. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 960) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill as follows:

S. 960

An act to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated April 15, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-six thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

AMENDMENT OFFERED BY MR. BARING

Mr. BARING. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARING: Strike out all after the enacting clause of S. 960 and insert in lieu thereof the provisions of H.R. 3339, as passed, as follows:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated, September 30, 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-eight thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3339) was laid on the table.

REVISING DIVISIONS OF THE FEDERAL JUDICIAL DISTRICT OF SOUTH DAKOTA

The Clerk called the bill (H.R. 6745) to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota.

There being no objection, the Clerk read the bill as follows:

H.R. 6745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of paragraph (2) of section 122 of title 28 of the United States Code is amended by striking out "Gregory,".

(b) The first sentence of paragraph (3) of such section 122 is amended to read as follows: "The central division comprises the counties of Buffalo, Dewey, Faulk, Gregory, Haakon, Hand, Hughes, Hyde, Jackson, Jerauld, Jones, Lyman, Mellette, Potter, Stanley, Sully, Todd, Tripp, and Ziebach."

(c) The first sentence of paragraph (4) of such section 122 is amended by striking out: (1) "Mellette,"; (2) "Todd,"; and (3) "Tripp,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE W. ANDREWS LOCK AND DAM

The Clerk called the bill (H.R. 12488) to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam.

There being no objection, the Clerk read the bill as follows:

H.R. 12488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Columbia Lock and Dam on the Chattahoochee River, Alabama, shall be known and designated hereafter as the George W. Andrews Lock and Dam. Any law, regulation, map, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam by the name of the "George W. Andrews Lock and Dam", *and in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of "Lake George W. Andrews".*

On the first page, line 5, insert immediately after the period at the end of the sentence the following "The reservoir formed by such dam shall be known and designated hereafter as Lake George W. Andrews."

With the following committee amendments:

On the first page, line 5, insert immediately after the period at the end of the sentence the following: "The reservoir formed by such dam shall be known and designated hereafter as Lake George W. Andrews."

On the first page, line 9, strike out the period and insert in lieu thereof the following: ", and in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of 'Lake George W. Andrews'."

The committee amendments were agreed to.

Mr. SIKES. Mr. Speaker, I am very pleased to join in this deserved legislation. I congratulate the distinguished gentleman from Alabama (Mr. JONES) and his delegation for their interest in a bill to change the name of the Columbia lock and dam on the Chattahoochee River, Ala., to the George W. Andrews lock and dam. I have long felt that this is a proper step. My only regret is that it was not accomplished during Mr. Andrews' lifetime. Nevertheless, I am certain that this token of respect and appreciation for the efforts and achievements of George Andrews will further reveal to his family and friends the great confidence and esteem held for him by his colleagues in the Congress.

Mr. JONES of Alabama. Mr. Speaker, the purpose of H.R. 12488 is to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam, and the Columbia Reservoir created by the lock and dam as Lake George W. Andrews.

This legislation was introduced by all of the members of the Alabama delegation and by a large number of our colleagues who wish to pay tribute to the memory of the late George W. Andrews.

The bill has been unanimously reported by the Committee on Public Works.

The Columbia lock and dam is a feature in the comprehensive development of the Apalachicola, Chattahoochee, and Flint Rivers system in Florida, Georgia, and Alabama.

The Columbia lock and dam is located on the Chattahoochee River about 2 miles south of Columbia, Ala., in Houston County, Ala., and Early County, Ga.

It was authorized by Congress in 1946 as a part of the comprehensive development of the Apalachicola, Chattahoochee, and Flint Rivers system. Construction was begun in 1959, and the lock was opened to navigation in October, 1962. The project was essentially completed in 1963 at a cost of approximately $13 million.

The Columbia Dam backs up the naturally shallow Chattahoochee River to form a reservoir with a minimum depth of 9 feet. Fishing, boating, picnicking, and camping are enjoyed on the reservoir.

The late George W. Andrews served in the House of Representatives from 1944 until his death on December 25, 1971, and was serving as chairman, Legislative Subcommittee of the Committee on Appropriations at the time of his death. He served with great distinction during his many years in the Congress and enjoyed the respect and affection of his colleagues and constituents. Representative Andrews also served on the Public Works Subcommittee of the Committee on Appropriations, and was deeply involved in the construction of water resources projects throughout the Nation.

Because of his constant dedication to the proper development of the Chattahoocheee River Basin, it is particularly fitting that this lock and dam and the reservoir it creates be named in honor of our beloved colleague.

Congressman Andrews sought diligently the development of the Nation's waterways and was a stanch advocate of the internal development of our country.

His long service in the House is an indication of the unusual affection with which he is regarded by the people in the area he represented.

This lake and this lock and dam will mean much to the people of his district. I know this designation will be well received by those who singled him out by their trust as their representative in the U.S. House of Representatives.

Mr. Speaker, I recommend favorable action on H.R. 12488.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks immediately preceding the passage of the bill H.R. 12488.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

TO AUTHORIZE ADMINISTRATOR OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO CONVEY CERTAIN LANDS IN BREVARD COUNTY, FLA.

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, after line 10, insert:

"SEC. 2. The authority to convey land to the Chapel of the Astronauts, Incorporated, under this Act shall terminate two years after the date of enactment of this Act."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, will the gentleman from California explain the background on this proposal?

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield, this proposal was introduced by the gentleman from Florida (Mr. FREY) and it would establish the Chapel of the Astronauts at Cape Kennedy. We seek to convey to the people who will build and administer this chapel certain land at Cape Kennedy for this purpose, with a reversionary clause in it that when it has ceased to be used for this purpose it will revert back to the Government.

Mr. GERALD R. FORD. The Chapel would be built, however, by nongovernmental resources?

Mr. MILLER of California. That is correct, and by nongovernmental people, and it would be used as a memorial to the astronauts. It came about particularly, and was inspired by the loss of the three astronauts in the 204 fire.

Mr. GERALD R. FORD. The bill originated in the House?

Mr. MILLER of California. It originated in the House. We are just asking to take it from the table with the Senate amendment, and agree to the Senate amendment.

Mr. GERALD R. FORD. The Senate amendment did what, may I ask the gentleman?

Mr. MILLER of California. The Senate amendment adds a provision to the bill which will cause the authorization to terminate 2 years after the enactment of this act, so that they cannot use it to buy or sell for other land uses.

Mr. GERALD R. FORD. Mr. Speaker. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADOPTION OF "911" AS NATIONWIDE, UNIFORM EMERGENCY TELEPHONE NUMBER

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I rise today to reintroduce a bill I first proposed in 1968. This is a concurrent resolution stating that it is "the sense of Congress that the United States and the various political entities thereof should adopt "911" as the nationwide, uniform, emergency telephone number."

Early in the first session of this Congress I introduced a different kind of bill relating to the nationwide adoption of "911." Since 1968 and the announcement by A.T. & T. and the independent telephone companies that they would provide a three-digit number, "911," as the single, emergency number for cities throughout the United States, 108 communities had adopted "911" by early 1971, the number now is about 150 communities.

Experience in providing "911" in these communities had indicated that although the initial costs of the actual installation of "911" were not excessive and could be borne by many communities, researching the need for "911" led communities to discover technology and other lags in their communications system which would render "911" less effective as a tool in rapidly disposing of emergencies.

Accordingly I introduced a bill, with 58 cosponsors, in the last session of this Congress, which would provide for funds under the LEAA program to help communities with the additional costs incidental to the establishment of "911." That legislation is presently pending in the House Judiciary Committee awaiting committee action.

Meanwhile, I have decided that it would be of value still for Congress to go on record with a concurrent resolution stating its support for the idea of implementing this nationwide, uniform, emergency telephone number. I felt that such congressional action would put the stamp of approval on this urgently needed communications improvement and encourage additional communities to adopt "911" as their single emergency number. This concurrent resolution does that and simply that. My proposal does not require any community to adopt "911" but hopefully it will encourage them to do so.

WEST COAST DOCK STRIKE

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, on January 27, 11 days ago, House Joint Resolution 1025, the President's proposal for bringing an end to the west coast dock dispute, was referred to my Special Subcommittee on Labor.

Since that time, we have moved swiftly to try to determine the actual issues separating the parties to this dispute, and to study the President's proposal to determine whether it is the best vehicle for achieving a satisfactory resolution of the dispute.

Our staff lawyers flew to San Francisco to meet with the parties on the same day the President's proposal reached my subcommittee, and we held 3 days of hearings in Washington during the next week, including a day of direct testimony from the parties themselves on last Friday.

This morning we met in executive session and reported out a bill which we feel is best suited to deal with this dispute.

The bill provides for partial operation of this industry to assure the flow of military and agricultural cargoes, and goods moving to and from Hawaii.

Our purpose is to alleviate the economic impact of this dispute while allowing the parties to reach a final settlement through collective bargaining. Our information is that a settlement is imminent. We are convinced that the situation is not such as to warrant a radical departure such as compulsory arbitration.

I intend to ask the chairman of the Committee on Education and Labor to place this on the committee's agenda at its regular meeting tomorrow morning.

DISTRICT PLAN OF ELECTING PRESIDENT AND VICE PRESIDENT

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, I take this opportunity to advise the Members that I have today reintroduced a joint resolution for the so-called district plan of electing the President and Vice President of the United States.

The last time the Congress addressed itself to this problem was in the 91st Congress when the House passed a constitutional amendment for a direct popular vote for President. The Senate failed to act on the matter.

I envision that as a result of this year's presidential race interest will be rekindled in electoral college reform. I have long supported the district plan and urge the support of the Members for this approach to electoral reform. It must be recognized that the district plan brings the presidential election closer to the people by making electoral votes available to both parties in all States having more than three electoral votes. This would eliminate a much criticized feature of our current system which is the overwhelming attention devoted to the larger pivotal States.

Mr. Speaker, I support the district plan as the best approach for preserving our federal system. I regard this unique system as the greatest single strength of our form of government. The one-man, one-vote concept would actually be better served by the district plan where the population balance would be periodically adjusted than under the direct vote which would obliterate all traditions and political boundaries.

Mr. Speaker, I have no illusions of Congress acting on this proposal or similar ones this year, but I do believe that it is not too early for the Members to look ahead to the interest in this subject which the elections this year will create.

It is my hope that in 1973 Members who will be serving in the 93d Congress will carefully study the need for electoral college reform and will finally recognize that the district plan would be the most practical improvement available. That it could, in fact, receive the necessary votes in both bodies of Congress and ratification by the legislative bodies in the 38 States.

NORTH VIETNAM DEMANDS ARE CLEAR

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the chief delegate from North Vietnam to the peace talks in Paris has effectively torpedoed the words of U.S. Congressmen who have returned from foreign lands with "assurances" that setting a date for total withdrawal of U.S. forces would immediately bring about a release of U.S. prisoners of war. It is now plain that the North Vietnamese feel they have this country on the run and that they can exact a complete hand-over of South Vietnam and indeed of all Indochina to Communist control. While he demanded complete cessation of U.S. support for Saigon, the North Vietnam spokesman did not have the good grace to say they would cease military objectives or forgo support from Red China and Russia.

Comfort has been given to the enemy, and world opinion is confused by the sum total of the utterances on this subject by Americans who do not speak with authority. These comments have only increased the difficulty of obtaining a responsible way to peace. Now that the Communists have made clear their demand for surrender by the United States, it is hoped that the President will have the support of our country as he conducts his difficult efforts for peace.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 4, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:26 p.m. on Friday, February 4, 1972, and said to contain the first annual report required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91–646).

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

PUBLIC WORKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and together with the accompanying papers, referred to the Committee on Public Works:

To the Congress of the United States:

In accordance with Section 214 of Public Law 91–646, I am transmitting today the first annual report of each Federal agency whose activities are governed, in part, by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The agency reports describe initial steps which have been taken under the Act to provide for the uniform and equitable treatment of persons displaced from homes, businesses or farms by Federal and federally assisted programs and to establish uniform and equitable real property acquisition policies for these programs. The reports cover the period January 2, 1971 through June 30, 1971.

To assure equitable treatment and essential uniformity in administering the law, I requested in a letter to Federal agencies, dated January 4, 1971, that a number of actions be taken. First, the Office of Management and Budget was asked to chair an interagency task force to develop guidelines for all agencies to follow in the issuance of regulations and procedures implementing the Uniform Relocation Assistance Act. The Departments of Justice, Transportation, Defense, and Housing and Urban Development, and the General Services Administration were requested to assist in this development. These guidelines were issued February 27, 1971, and supplemental instructions were issued on August 30, 1971. As noted in the attached reports, the agencies have now promulgated regulations and procedures to implement the act pursuant to the guidelines.

Secondly, I requested Federal agencies administering mortgage insurance programs to determine whether guarantees could be given to individuals who were displaced and might otherwise be ineligible because of age, physical, or other conditions. Studies completed early in 1971 indicated that such guarantees could be made, and I am advised that these agencies are now fully implementing Section 203(b) of the Act.

Thirdly, I directed the Secretary of Housing and Urban Development to develop criteria and procedures whereby all Federal and federally assisted programs could use the authority provided by Section 206(a) of the Act to construct replacement housing as a last resort. These criteria and procedures to assure uniform and equitable policies and practices by all agencies have been published in the Federal Register, and the Department is evaluating comments received for consideration in the preparation of final instructions on this subject.

The Department of Housing and Urban Development, pursuant to my request, is also developing criteria and procedures for implementing section 215 of the act. That section concerns loans for planning and other preliminary expenses necessary for securing federally insured mortgage financing for the rehabilitation or construction of housing for displaced persons. These procedures and criteria should be issued shortly.

I also directed the Office of Management and Budget to form and to chair a Relocation Assistance Advisory Committee. This Committee includes representatives of the Departments of Agriculture; Defense; Health, Education, and Welfare; and Transportation; the General Services Administration; the Office of Economic Opportunity; and the United States Postal Service.

This Committee will continually review the Government's relocation program for the purpose of making recommendations to the Office of Management and Budget for improvements in the guidelines and for new legislation. In the interests of uniform and equitable administration of the law, it will also provide a vehicle for coordinating the relocation programs of each of the agencies.

Executive branch review of the relocation assistance program and of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 has disclosed a number of problem areas which require legislative consideration. The principal areas identified are detailed as enclosure 4 of this report, while other problem areas are identified in individual agency reports. Corrective legislation will be submitted to the Congress.

RICHARD NIXON.
THE WHITE HOUSE, *February 4, 1972.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 4, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:20 p.m. on Friday, February 4, 1972, and said to contain a Message from the President regarding the District of Columbia Bicentennial observance.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

BICENTENNIAL OF AMERICAN INDEPENDENCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–245)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

"Seafaring is necessary," says the Latin inscription on an old building in one of the great European port cities; "mere living is not." This same spirit of movement, venture, and quest animates the whole sweep of America's story—from its discovery by men who lived for sailing, to its founding as a nation by men who lived for liberty, to its modern maturity as the world's preeminent power—and it will do so still, 4 years hence, when we observe the Bicentennial of American independence. The Nation could not if it wanted to, and should not if it could, drop anchor somewhere in 1976 and savor the occasion at leisure. By its very nature it can only speed through the year as through any other, under full sail, on into a new century.

The central challenge of our Bicentennial preparations, therefore, is to plan for an observance "on the move." Many groups—public and private, national and local—have already devoted several years of creative thought and effort to meeting this challenge. The common goal to which all subscribe has nowhere been stated better than in the 1970 report of the celebration's official planning and coordinating body, the American Revolution Bicentennial Commission (ARBC): "to forge a new national commitment—a new Spirit for '76—a commitment which will unite the nation in purpose and dedication to the advancement of human welfare as we move into Century III of American National Life."

We can best forge such a spirit, the Commission went on to recommend, by approaching the Bicentennial as an occasion both for understanding our heritage better and for quickening the progress toward our horizons—not just in one location or a few, but in every State, city, and community. The Commission's goal and the principles deriving from it have my strongest support, and I have followed with interest the ARBC's further work as well as that of the individual Bicentennial Commissions already set up or now being formed by each State and territory, Puerto Rico, and the District of Columbia.

THE BICENTENNIAL IN WASHINGTON

Since the Federal Government has special responsibility for District of Columbia affairs, my closest contact has been with the planning effort now underway here in the District—and I have found its progress thus far most impressive. And so it should be. For while no one city will dominate this truly national anniversary, Washington—which was built to be the Capital of the Republic born in 1776 and seat of the Government constituted in 1787, and which has been in many ways a center of the hopes of all Americans in all generations since—has a unique role to play. As its plans are made known, they may well serve as a stimulus and an example for the equally important plans being made in thousands of other communities. *Both to ensure that Washington itself is ready for 1976 and to spur Bicentennial activity all across the country, I shall outline to the Congress today an action plan for Federal partnership in the District of Columbia's Bicentennial observance.*

My proposals follow two basic themes. One is the quest for quality of life—today's name for the age-old aspiration which Jefferson at the Nation's birth called "the pursuit of happiness." Here is the very essence of a Bicentennial celebrated "on the move." The past success of this quest, its present vigor, and its future prospects will provide a telling measure for our self-assessment as the great milestone nears. Such a theme's immediacy will call up exertion as well as congratulation—not only a birthday party but an actual rebirth.

The second theme which I would stress in dual excellence for Washington. In choosing which Bicentennial projects to pursue among myriad worthy possibilities, an old question arises again and again: Washington for Washingtonians, or Washington for all Americans? A kind of civic schizophrenia has troubled this city from the earliest days of its double existence as both a national capital and a community in its own right. Solutions going to both extremes have had their advocates—yet there is a better answer than either making thousands of people reside neglected in a strictly Federal city that is "a nice place to visit," or making millions of other people receive their governance from a narrowly provincial and self-centered capital where officials and visitors are classed as outsiders.

The Bicentennial Era, I am convinced, is the right time for Washington to gain a new and more expansive sense of itself, and to find in its dual identity an opportunity for dual excellence unparalleled among American cities. The seat of Government can excel as an exemplary living city, at the same time the home of 750,000 local residents excels as a gracious host to fellow citizens and foreign visitors who may number 40 million during 1976 alone.

The projects proposed in this message, then, treat quality of life in the Nation's Capital as indivisible. They aim for dual excellence, in the conviction that a more livable city is a more visitable one, and vice versa. For the most part, they emphasize physical construction—not by any means because public works are the sum total of our Bicentennial intentions for the District, but only because building time is already becoming critically short. Activities of many other types, such as commemorative events, pageantry, and social and cultural programs, which will of course be essential to the human dimension of the Bicentennial but which require somewhat shorter lead-times, are also being planned. Reports on these activities and, in many cases, requests for approval and funding will be submitted to the Congress as we move toward 1976.

One further note on Bicentennial concerns not mentioned here but certainly not forgotten: It is my feeling that nothing we could do for the District of Columbia during the next 4 years would be more meaningful or more appropriate to the Spirit of '76 than granting this city and its people first-class status: voting representation in the Congress. I am encouraged by the apparently warmer climate for this reform on Capitol Hill in 1972, and it will continue to have my support.

FORT LINCOLN NEW TOWN

Speaking at the National Archives last summer in a ceremony inaugurating the Bicentennial Era, I described an unusual painting which hangs in the Roosevelt Room across from the Oval Office in the White House. The scene portrayed is the signing of the Declaration of Independence—but for some reason the canvas was never finished, and many of the figures in the crowded hall are just sketched in, or left blank. The symbolism of this, I said, is that "the American Revolution is unfinished business, with important roles still open for each of us to play." A broad cross-section of District of Columbia citizens have now begun playing their roles in the continuing drama by serving on Mayor Washington's recently formed Bicentennial Assembly and Bicentennial Commission. We in the administration found the work of the old local Commission quite valuable in formulating our own plans for 1976, and we look forward to working closely with the reorganized, two-level planning group in the future.

One of the strongest strains of community opinion identified by local representatives like these is a commitment to revitalizing the urban heart of this Washington area. This, not flight to the suburbs or complacent satisfaction with the status quo, seems to arouse hope and determination at the neighborhood level. At the same time it seems a most appropriate cornerstone for a Bicentennial program designed to lift the quality of Washington life.

Accordingly, I shall initiate immediate Federal action to move ahead on plans for building a new town at Fort Lincoln in Northeast Washington. Fort Lincoln, over 300 acres of open land which received its name as a military post a century ago and which was long the site of the National Training School for Boys, offers an ideal chance to create not just another urban project where homes are razed and the human factor is designed out, but a totally new community planned around people. More than 4,000 dwellings for families of various incomes are envisioned—three-quarters of them owner-occupied, to provide an anchor of stability in the development.

Innovative public transportation and communications systems and experimental educational programs would help knit the community together. Both the installation of these features and the construction work itself would be used as demonstration settings for some of the social-benefit technology applications which I proposed in my State of the Union message. Also integral to the new town would be a Federal employment center for 5,000 to 10,000 employees, and a possible satellite campus for the Federal City College. The development would be financed through public-private partnership, with the initial Federal investment (supplemented by District contributions which will need approval by the Congress) likely to be matched several times over in related private investment.

"The city lives!"—a rallying cry which meets with considerable skepticism in some quarters today—would be the assurance forcefully offered to Washingtonians and the world by a Fort Lincoln town occupied and operating in 1976. We are determined to make it happen.

NEIGHBORHOOD SOCIAL DEVELOPMENT

The Fort Lincoln idea is not new, but the impetus behind it is—a neighborhood, community-based impetus, with which I am delighted to associate this administration. *In order to demonstrate our* *support for this kind of bootstrap Bicentennial initiative, we shall ask the Congress to make available several million dollars in Federal funds to supplement the local funds set aside to carry out the social development project proposals which will be gathered by the local Bicentennial Commission and Assembly in neighborhoods all over Washington beginning this spring.* None of these latter projects will approach the scale of Fort Lincoln, but most will be no less soundly rooted in ordinary people's knowledge of their own needs. The process of listening and response, as well as the project implementation itself, will make for a healthier and more progressive city.

We are also increasing our efforts to assist in redevelopment of the inner-city areas devastated by the riots of April 1968. Two recent ground-breakings give evidence that the work is moving ahead, but also remind us of how much is left to do. The job, of course, is not the Federal Government's alone, but we must and shall contribute our full share and see the obligation through at an accelerated pace.

MORE COMMUNITY PARKS

One frequently voiced need is for more parkland—not just in the ceremonial center of the city, but out in the residential sections as well. *Planning is now underway for a joint Federal-District park development program focusing on underused, publicly owned land near the Anacostia River, close to some of the District's most crowded neighborhoods.* New recreational facilities will be constructed, to permit intensive use of the sorely needed new parks by Anacostia residents. Also within the Anacostia Basin, improvements will be carried out at the National Arboretum. *Another major green-space project planned for completion by 1976 is the Fort Circle Parks, 17 outposts of the Army's old defensive system around the periphery of the District of Columbia, some dating back as far as the War of 1812.* Strips of parkland are to link all the forts into a continuous belt containing bike trails, hiking paths, community recreation facilities, and campsites. Further, the District and the Interior Department will cooperate in rehabilitating and upgrading smaller parks in many areas of the city. I ask the Congress to approve the funds requested in my 1973 budget to move all of these projects forward on schedule.

A NEW DOWNTOWN CENTER

I also support, as vital to the kind of development momentum Washington must have to hold its head up among American cities in the Bicentennial Era, the District government's intention to construct a major convention center-sports arena complex near Mount Vernon Square.

This project would help to counter the centrifugal forces which are pushing both the leisure activities of local people and the major gatherings of out-of-town visitors away from the centers of many major cities. It would mean new business and investments and jobs for blocks around. And it would inject new life into nearby neighborhoods—provided, of course, that the legitimate concerns of merchants, working people, and residents in those neighborhoods receive fair consideration in the planning and location process. The scope of Federal assistance, however, should be appropriately limited, since I believe that a development largely local in function and benefits should have substantial local financing as well.

FOLLOWING THROUGH: EDUCATION AND TRANSPORTATION

New communities, new parks, new focal points for downtown business—all will help Washington carry through the ARBC's "Horizons '76" theme of honoring our founding principles by forging a better future with them. So too will two other ongoing District efforts, for which congressional assistance requested during the last session is still much needed: our public colleges and our METRO subway system.

Washington Technical Institute is proceeding with plans for buildings at its new permanent location on the north side of the former Bureau of Standards site in Northwest Washington. Federal City College remains in scattered lease space throughout the city despite explosive enrollment growth in the past 4 years; it hopes to occupy a campus of its own in and around the old District Library building north of Mount Vernon Square, as well as satellite locations elsewhere. *The Congress can help to expedite these campus development efforts by enacting the D.C. Capital Financing Act, which makes special provision for funding college construction through direct Federal grants rather than through Treasury loans as at present.*

In my D.C. message urging this action last April, I noted that WTI and the new International Center which is to share the Bureau of Standards site will in the future symbolize "side by side the Capital City's dedication to human development and to international understanding." Action by the Congress late in 1971 cleared the way for actual sale to foreign governments of lots at the International Center to begin last week. By 1976 the cluster of new chanceries there will be a pride to Americans and foreign guests alike. Let us now make sure that the District's public colleges will also be a showplace in the Bicentennial year. Ample and balanced opportunities in higher education are essential, if we are to convince millions of 1976 student visitors that the District takes care of its own.

METRO, and all of the other elements which with it will comprise a balanced modern transportation system for greater Washington, are central to Bicentennial plans for the District. We need the pride of achievement in areawide cooperation which the system will give all communities taking part. We need its people-moving capacity to cope with visitor traffic which may average up to 100,000 people daily throughout the anniversary year. *I am today renewing the commitment of all the agencies and resources of the Federal Government toward maximum progress on the entire transportation system—subway, freeways, bridges, parking, and support facilities—before 1976.* The action of the Congress in December to support continued METRO funding was enormously heartening to the people of the Capital region; it gave, in fact, a glimmer of hope to beleaguered commuters everywhere. The grim Thanksgiving prospect of a great many excavated streets to fill back in has now become the far brighter prospect of at least 24 miles of operating subway—the most modern anywhere—by 1976. *Urgently needed now is prompt approval by the Congress of Federal guarantees for METRO revenue bonds—the next essential step to getting the trains running.*

TO WELCOME 40 MILLION GUESTS

Both the sheer visitor volume anticipated at the height of the bicentennial observance, and the important goal of eliminating a "them and us" polarity between city residents and their guests from around the world, dictate that past patterns which have made the Mall and its immediate environs a sort of "tourist ghetto" must now go. All of Washington must be made not only hospitable and attractive to the visitor—which the proposals just outlined should go far toward achieving—but easily accessible as well. *I have directed the Secretary of Transportation to coordinate interagency action plans for supplementing those subway lines in service by 1976 with a coordinated network of other public transportation on which visitors can move from fringe parking areas (to be developed under these plans) to points of interest nearer the city center.*

At the hub of this network should be a new National Visitors Center in and around Union Station. Such a facility, desirable for all years, becomes indispensable as we look to the Bicentennial. *I have therefore charged the Secretary of the Interior, in consultation with the Secretary of Transportation, to take immediate action to move the National Visitors Center out of the talk stage, and to prepare new proposals for bringing it to completion by 1976.* When Union Station was built early in this century at the height of the railroad era, one of its express purposes was to permit removal of an unsightly terminal and tracks from the east end of the Mall. Its rehabilitation in the seventies as the Capital's principal reception and orientation point for travelers on all modes of ground transportation would be most appropriate, and would once again relieve the Mall and downtown areas of much traffic congestion. An "air rights" parking garage for buses and visitors' cars, convenient public transit connections, and a central information facility tied in with a citywide tourist guidance and information system would be the major features of the project.

Here is an opportunity for public and private resources to combine to fill a Bicentennial need. Notwithstanding the collapse of previous railroad financing plans for the Center at the time of the Penn Central bankruptcy, I have asked Secretaries Morton and Volpe to seek substantial railroad participation as they formulate the new proposals. I shall submit these to the Congress as soon as possible, with hopes of rapid approval.

Another step which should promote smoother tourist flow to major attrac-

tions is construction of a METRO station at Arlington National Cemetery. This station, for which planning funds are requested in my new budget, would speed movement from Washington over to the Arlington shrine, which by 1976 will be enhanced with numerous improvements including a new Memorial Chapel and columbarium. At the same time it would offer the arriving visitor one more convenient transfer point from private to public transportation on the way into the Capital itself.

BICENTENNIAL GARDENS

Moving in toward the center of the city, what will the 1976 visitor find along the Mall? *Most strikingly new and charming, perhaps, would be a park and recreation center called Bicentennial Gardens, which I propose be developed in the open land along Constitution Avenue between the Washington Monument and Lincoln Memorial.* Since the last of the old World War I "tempos" were removed from the West Mall in 1970, we have explored many alternative plans for developing in their place facilities for people of all ages, incomes, and interests, residents and tourists alike, to enjoy.

The Bicentennial Gardens plan, which will soon be ready to present in detail but which of course remains open to the ideas and desires of those for whom it is intended, might be called an American cousin of Copenhagen's beloved Tivoli. It follows the present contours of the land on a low profile in keeping with other Mall developments. A restaurant, smaller eating areas, an open-air theater, a bandshell, an area for ice skating, a children's play area, fountains, gardens, a boating lake, and walking paths are examples of the kind of features that might be included. There could be underground parking to accommodate tour buses, a terminal for the tourist trams, and a visitor center in the middle of the Gardens. With such a development, the Mall's attractions would be better balanced and dispersed, evening activities now concentrated in the Smithsonian Quadrangle would have a second focal point, and mingling of Washingtonians and visitors in a pleasant year-round setting would be encouraged. Quality of life for everyone in the Capital would be enhanced.

THE MALL IN 1976

The three major monuments and memorials in easy reach of Bicentennial Gardens are to be renovated and improved in a 4-year Park Service program beginning with this year's budget now before the Congress. Another facelifting project along the whole length of the Mall, and on the Ellipse as well, will reconstruct roadways, add walks, bikeways, plantings, and fountains, and provide for a new Ceremonial Drive. This work too is budgeted for fiscal year 1973 and beyond, to be completed by 1976.

The Mall east of the Washington Monument should also have a new look for the Bicentennial. Besides the Hirshhorn Museum and National Gallery of Art addition which are now being constructed, there will be a handsome new building for one of the Mall's oldest tenants, the Smithsonian Institution. *This structure, which will house the National Air and Space Museum with exhibits ranging from Kitty Hawk to Hadley Rille and with a former astronaut in charge, can be ready in 1976 if the Congress will move now to approve FY 1973 construction funds for it; the plans are nearly complete.* The Smithsonian also plans restoration of the historic Arts and Industries Building to its original 1880s appearance, as a fit setting for the Nation's Centennial exhibits which it displayed following the Philadelphia Exposition nearly a century ago and will display again for the Bicentennial, and construction of a major new "Nation of Nation's" exhibit in the Museum of History and Technology to illustrate America's multi-cultural tradition. Both projects are the subject of FY 1973 budget requests.

A fourth important undertaking by the Smithsonian—not on the Mall but rather a part of the effort to give the bicentennial activities metropolitan scope—is the Bicentennial Outdoor Museum planned for old Fort Foote, Maryland, on the Potomac in Prince Georges County. The restored fort is to serve as the scene for re-creation of Revolutionary events such as encampments, war-time life, and parades for 1976. *I ask prompt congressional action on legislation to approve the Bicentennial Outdoor Museum and to authorize appropriations for planning it.*

REALIZING A VISION: PENNSYLVANIA AVENUE

As L'Enfant's majestic expanse of Mall provides an axis along which Washington visitors can honor and relive the American past, so Pennsylvania Avenue, leaving the Mall by the new reflecting pool in front of the Capitol and angling away from it a long mile up to the White House, forms the main axis of government activity shaping the American present and future. This avenue, then, also demands attention as we move to dress up the heart of the city for our two hundredth birthday. *By 1976, let us complete the great Federal Triangle office complex in the spirit of the McMillan Commission's original vision 70 years ago. Let us build at its center a Grand Plaza worthy of the name, by transforming what is now a parking lot into a people-oriented park for government workers and visitors to enjoy.* (Visitors will also benefit from the new information and orientation center to be opened in the Great Hall of the Commerce Building by 1976, intended to introduce citizens to the activities of all the executive departments and agencies.) I have requested funds in my budget for fiscal year 1973 to move forward on the Federal Triangle and Grand Plaza projects; with the cooperation of the Congress the work will begin in the near future.

The north side of Pennsylvania Avenue, and with it many blocks of the downtown area, can also be revitalized or well on the way by the time we celebrate the Bicentennial. The FBI building now rising north of the Avenue symbolizes half of the answer—Federal construction—and can stand completed and in use by 1976 with continued congressional support. A further appropriation for this project is included in my new budget requests.

The other half of the answer for Pennsylvania Avenue is coordinated development planning which will mobilize the private sector and help bring commercial and residential activity back to this part of the city. The heart of Washington must not become so dominated by Federal buildings that it sits abandoned and lifeless on evenings and weekends. The two Presidents before me initiated steps to prevent this, and to make the Avenue instead a corridor of lively and varied activity, public and private—and my administration has continued to press this effort. In September 1970 I announced my strong support for a legislative proposal to establish a development corporation to accomplish the needed revitalization. Since then the proposal has been substantially modified in a good faith effort to accommodate all interests and segments of opinion. *Once again, I urge the Congress to act quickly and favorably on the Pennsylvania Avenue Bicentennial Development Corporation bill.*

When I first expressed support for the corporation plan nearly 17 months ago, I called it "an opportunity to fulfilll, in this city, at this time, a magnificent vision of the men who founded our Nation, and at the same time to create a standard for the rest of the Nation by which to measure their own urban achievement, and on which to build visions of their own." It is not an opportunity that waits forever, though; of the time available between that 1970 statement and the beginning of the Bicentennial year, more than a fourth is already gone. Every month that passes without this legislation further dims our chances of giving all Americans one birthday present they ought to have—a Capital "main street" to be proud of.

THE NEXT 4 YEARS

Both local and Federal plans for the Bicentennial celebration here in the Nation's Capital are far from complete at present. It is right that they should continue to evolve and expand as we move toward 1976. This message, however, attempts to set the tone and theme for Federal participation over the course of the next 4 years, and also to convey some of the aspirations of Washingtonians themselves without presuming to dictate what those aspirations should be.

The various levels and jurisdictions of government in the Washington area are well organized to follow through on the proposals I make today and to supervise further planning. The American Revolution Bicentennial Commission, with its distinguished bipartisan membership headed by David J. Mahoney, continues to provide excellent national leadership. The District government is well served by the responsive local Assembly and Commission structure to which I referred above; Mayor Washington is also establishing liaison with suburban planning bodies and with State officials of both Virginia and Maryland. The massive and diverse physical construction effort outlined in this message has been coordinated through a full-time District of Columbia bicentennial task force within the General Services Administration, until recently headed with great skill by Administrator Robert Kunzig. Now that Mr. Kunzig has become a Federal judge, I shall ensure that this coordination work is carried forward at the same high standard.

Under such direction and with the support of the Congress, we can achieve our Bicentennial goal of dual excellence in the District of Columbia, and we can realize by 1976 a dramatic improvement in the quality of Washington life for all whose physical or spiritual home this great Capital is. And by so doing we can help to inspire and encourage the preparations of other communities all across the country for a truly magnificent Bicentennial.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1972.*

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS TO MEET TOMORROW WHILE THE HOUSE IS IN SESSION

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that tomorrow, while the House is in session, the Subcommittee on Accounts may be permitted to meet to consider the money requests of the various committees.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MANPOWER REVENUE SHARING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–246)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Education and Labor:

The message referred to the Committee on Education and Labor.

To the Congress of the United States:

There are few issues of greater concern today, to the Congress and to the President, than the state of the American economy. We are passing from a period when the economy was inflated by the strains of war to a time when it will be challenged by the needs of peace.

Adding to the inevitable problems of transition has been the increasingly vigorous economic competition of other countries. We welcome this competition, but we must also realize that it requires us to give renewed attention to increasing American productivity—not only to ensure the continued improvement in our own standard of living, but also to keep our Nation's goods competitive in the world's markets, thereby providing jobs for American workers.

During the late fifties and early sixties our annual rate of increase in labor productivity averaged 3.4 percent. But by the mid-sixties it had begun its drop to an average of only 1.8 percent.

We are taking important steps to revive the productivity of American labor. Our New Economic Policy is shrinking the bulge of inflation. We are proposing a new program to promote technological progress—for advances in research and development are essential ingredients of rising productivity. But technological advance is not the whole story: increases in the skills of our labor force also play a large part.

We are not interested in the competitiveness of our labor force for its own sake. We are concerned about the individual American—concerned that he learn the skills to gain employment or learn more skills to gain better employment. We are concerned about the health of our economy, knowing that a strong, highly productive economy is the individual American's best insurance against unemployment. This is why the Federal Government provides manpower training—to increase the opportunities of jobless Americans to share in the abundance of America.

Today, I again urge that the Congress enable us to improve our manpower programs by enacting the Manpower Revenue Sharing Act.

Ten years ago, the Congress recognized Federal responsibility for comprehensive manpower training by passing the Manpower Development and Training Act of 1962. The MDTA and the Economic Opportunity Act of 1964 have grown to include over a dozen separate, narrow grant programs, each with its own purposes. Yet, even though manpower programs have grown in number, the need for manpower training has outpaced the capability of these older programs to provide services. Our commitment is strong, but we have not bridged the gap between the promises and the performance of Federal manpower programs. Something better is needed—on this we can all agree.

THE OLD WAY: A NEED FOR REFORM

Like the field of manpower training, many other areas of Federal assistance are suffering from a hardening of governmental arteries. Federal programs are meant to meet the needs of individual citizens living in 50 States and in thousands of communities, but those diverse needs are not being met by rigid, standardized Federal programs. Instead, the pressure on State and local resources is building to the breaking point. The traditional answer would be the establishment of even more separate categories of Federal aid.

Federal aid is needed, but the proliferation of Federal plans, programs, categories, and requirements has compounded the individual problems faced by American communities today. Frequently, Federal involvement has merely generated a false sense of security—a security which has been betrayed by the continuing multiplication of communities' social needs and the failure of government to meet those needs.

Federal aid outlays account for 21 percent of State and local revenues today, but many Federal grants require State and local officials to match some percentage of Federal aid with local money which could be better spent in other ways to solve local problems. In many cases, State and local officials must decide either to accept Federal aid with its accompanying allocation of State and local funds or to receive no Federal aid at all.

Federal maintenance of effort provisions further distort local priorities by requiring State and local governments to continue projects irrespective of their effectiveness in meeting their own needs. Once again, our communities lose more of the flexibility which would enable them to meet what they consider their most pressing needs.

Frustrating and time-consuming project approval requirements, a jungle of red tape, often make it impossible for State and local governments to count on having Federal money when it is needed. No matter how pressing some needs may be, communities must wait, sometimes months or even years, for the slowly grinding wheels of bureaucracy to consider each grant in minute detail.

The real problem lies not with the Federal Government's intentions, but with how it tries to meet communities' needs—by undertaking one narrow, inflexible program after another. The number of separate categories has grown until no one is sure of their boundaries. In 1963, there were only 160 individual grant programs amounting to about $8.6 billion, but now there are over 1,000 such programs amounting to almost $40 billion. Each rigid category of additional aid reflects the worst kind of arrogance: the presumption that only the Federal Government knows local needs and how to meet them.

If we have faith in the American people—and I for one do—then we must recognize that in thousands of communities, each with its own problems and priorities, there live people quite capable of determining and meeting their own needs and in all probability doing a better job of it than the Washington bureaucracy. Quite simply, today's local needs are likely to be met best by local solutions.

The time has clearly come to reform the way in which the Federal Government aids local and State authorities. The time has clearly come when those who serve at the State and local level and are charged with the responsibility for finding workable solutions to State and local problems should be given a chance. Clearly, it is time that Federal aid became truly that, aid, not rigid and often confusing control.

Waste, confusion, and inefficiency are too often the price paid by local and State governments for Federal aid under the present system. Last year the Federal Government discovered the following cases, to cite just a few examples:

—One Northcentral State had 93 people on its government payroll to do nothing but apply for Federal *education* grants.

—A study of grant programs in one Western city revealed that only 15 percent of the Federal funds to that city went through its mayor or elected government.

—Federal demands on the time and attention of local officials is particularly serious. In one small Midwestern city, a part-time mayor had to attend sixteen separate evening meetings per month, one with Federal officials from each of the sixteen separate grant programs in which his small city participates.

THE NEW WAY: SPECIAL REVENUE SHARING

In a series of special messages to the Congress last year, I proposed special revenue sharing, a new system of Federal aid which would serve the purposes of our State and local governments better than the system of narrow Federal grant programs now operating. I proposed that funds be made available to States and localities for six broad purposes—manpower, law enforcement, education, transportation, urban community development, and rural community development—to be used, for each of these purposes, as they see fit to meet their particular needs. Those proposals, if enacted, would consolidate over 130 separate programs into six general purpose areas. Under our special revenue sharing proposals, in the first full year of operation, $12.3 billion in Federal funds would be provided to States and localities for those six broad purposes. These funds would be free from matching requirements, maintenance of effort restrictions, presently rigid prior Federal project approval requirements, and, best of all, inflexible Federal plans. But there are two major stipulations: (1) the money is subject to all the civil rights requirements of title VI of the Civil Rights Acts of 1964, and (2) no government unit would receive less money under these proposals than it did under the old system of narrow Federal grants.

Special revenue sharing is not a wholesale dismantling of the Federal grants system, as some critics have charged. It is a careful effort to decide which level of government can best deal with a particular problem and then to move the necessary funds and decisionmaking power to that level of government. When a Federal approach is needed we should take that road, but when a local approach is better we should move the resources and power to that level.

I realize that these are challenging concepts, which have major implications for the structure of American government—Federal, State and local—and for the effectiveness with which government serves the people. They require us in Washington to give up some of our power, so that more power can be returned to the States, to the localities, and to the people, where it will be better used. It is appropriate, therefore, that the Congress give full consideration to all of these proposals for fundamental reform and move rapidly to create effective programs to meet today's needs.

MANPOWER SERVICES FOR THE SEVENTIES

I recognize that it is incumbent upon those who propose change to justify the changes. I believe our experience with Federal manpower programs over the last 10 years justifies the changes we are proposing.

All those represented in the current array of patchwork manpower programs—the schools, private employers, public agencies, nonprofit groups, not to mention the unemployed workers—know that the present system is not delivering the jobs, the training, and the other manpower services that this Nation needs and has a right to expect.

As we begin the second decade of comprehensive manpower assistance for our unemployed and underemployed citizens we know we must do better, and we can do better. It is time for a change.

Manpower experts throughout the Nation agree that the necessary reform of the Nation's system of manpower training should have as its three basic goals the decategorization, the decentralization, and the consolidation of existing manpower development efforts.

The Manpower Revenue Sharing Act that I have proposed would allow us to achieve those goals. It would benefit citizens in every corner of the Nation and offer renewed hope to members of our society who have lacked opportunity—hope for jobs, for advancement, and for a better standard of living. It would establish a new framework of constructive partnership for manpower training among Federal, State, and local governments. Its principles are simple and fundamental, yet far-reaching.

THE PRINCIPLES OF MANPOWER SPECIAL REVENUE SHARING

First, the Manpower Revenue Sharing Act does *not mandate* any existing categorical program or guarantee its perpetuation—irrespective of its performance—in any community. However, it would *not prohibit* the continuation of any project which a particular locality feels effectively serves its own and its workers' needs. It is time to end the restrictiveness of the old, narrow programs which have frustrated communities' efforts to develop manpower programs geared to their own needs and circumstances.

In its first full year of operation, the Manpower Revenue Sharing Act would provide $2 billion for manpower purposes, of which $1.7 billion would be divided among State and local units of government—without unnecessary red tape—using a formula based on the size of their labor force and the numbers of unemployed and disadvantaged. The remainder would be used by the Secretary of Labor to meet the generalized national needs of this new system.

It would authorize a broad range of services, including:

—classroom instruction in both remedial education and occupational skills;

—training on the job with both public and private employers, aided by manpower subsidies;

—job opportunities, including work experience and short-term employment for special age groups and the temporarily unemployed, and transitional public service employment at all levels of government.

These services, all designed to help move people toward self-supporting employment, augmented by temporary income support, relocation assistance, child care and other supportive services authorized by the Act, would make it possible for our communities to mount integrated manpower development programs truly responsive to their own priority needs.

The *second* major goal of Manpower Special Revenue Sharing is to increase substantially reliance upon State and local governments to manage major manpower activities. Local governments are often powerless when jobs are not to be had. It is time we equipped our local governments with the resources and decision-making power to meet their responsibilities.

The Manpower Revenue Sharing Act meets this objective. It would provide communities with the resources they need to help get people into jobs and job-training. Decisions on what needs to be done to improve specific local manpower conditions cannot and should not be made in Washington. They should be delegated to the area where the unemployed person lives and wants to work.

The *third* way to move toward a new era in manpower development is through consolidation of the multiple, frequently inconsistent, funding authorizations for manpower activities. Even members of the congressional Appropriations Committees frequently chafe under the unmanageable task of sorting out the confusing array of alphabetical "programs" created by existing manpower enactments. While a good deal of untangling has been done by administrative action, the only durable solution is an overall reform.

The Manpower Revenue Sharing Act would replace the two major pieces of legislation which have spawned most of the acronym programs—the Manpower Development and Training Act and Title I of the Economic Opportunity Act—with a single statute which incorporates the flexibility needed by State and local government.

The Manpower Revenue Sharing Act submitted to the Congress in March of 1971 incorporates all three of these vital concepts. I believe that the application of these principles in the Manpower Revenue Sharing Act is sound, but the principles are more important than the details. Reasonable men may disagree on the specifics of any important legislation, but there comes a time when its principles must be earnestly debated and decisions made. For the principles of Manpower Special Revenue Sharing, that time has come. The fine points of this legislation, which were discussed in my message of March 4, 1971, are open to refinement, but I believe the principles of Special Revenue Sharing are too important to be eviscerated.

Our country needs new manpower legislation. Let us now write a new charter for the second decade of manpower development that will produce solid performance—for the economy, for the unemployed and underemployed, and for government itself.

RESTORING THE AMERICAN SPIRIT

The Special Revenue Sharing approach to providing Federal help would enable us to deal more effectively with many of this Nation's most pressing problems. But it would do much more. It would help to restore the American spirit.

In recent years many Americans have come to doubt the capacity of government—at all levels—to meet the needs of an increasingly complex Nation. They have watched as the power to effect change in their communities has moved gradually from the local level, with the reality of friends and community, to the national center, to Washington. There was a time when the increasing centralization of government fostered a greater sense of national purpose. But more recently, the weight of unfulfilled promises reinforced by the growing complexity of social problems has caused many Americans to doubt the capability of our system of government.

By providing new resources to the levels of government closest to the problems and closest to the people involved—people who may see their problems in a different light than the Federal Government—both General and Special Revenue Sharing will do much to revive the confidence and spirit of our people. A free and diverse Nation needs a diversity of approaches; a free Nation should invest its faith in the right and ability of its people to meet the needs of their own communities. No greater sense of confidence can be found than that of a community which has solved its own problems and met its own needs.

Confidence in government is nowhere under greater challenge than among the young, yet the future of America depends upon the involvement of our young in the day-to-day business of governing this land. By making resources available to the more localized units of government, where more people can play a more direct role—and by placing the power of decision where the people are—I hope that many of the young will come to realize that their participation can truly make a difference. This purpose—this philosophy—is at the heart of Special Revenue Sharing.

The people's right to change what does not work is one of the greatest principles of our system of government—and that principle will be strengthened as the governments closest to the people are strengthened. Though the Federal Government has tried with intelligence and vigor to meet the people's needs, many of its purposes have gone unfulfilled for far too long. Now, let us help those most directly affected to try their hand. American society and American government can only benefit from ensuring to our citizens the fullest possible opportunity to make their communities better places, for themselves, for their families, and for their neighbors.

Richard Nixon.

The White House, *February 7, 1972.*

MANPOWER SHARING REVENUE ACT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, revamping of Federal manpower programs is one of this Nation's most urgent needs.

This is why the President has today sent Congress a message repeating a recommendation he made more than a year ago urging a manpower revenue sharing program.

Manpower revenue sharing is vitally needed. It is mandatory if we are to realize the full potential of the funds that are being spent on manpower programs. Manpower revenue sharing as detailed by the President would consolidate important parts of the Federal manpower training effort and make our expenditures in this field far more productive.

The Manpower Revenue Sharing Act would decategorize manpower programs and place control of job training in the hands of the States and cities, where it belongs. There is an undeniable need to combine existing manpower programs so as to create a flexible system subject to local control. It is only such a system that is capable of delivering services tailored to persons needing work.

Mr. Speaker, the proposed Manpower Revenue Sharing Act is long overdue. It is the instrument needed to move the Nation toward manpower training reform.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Alexander
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspinall
Badillo
Bell
Biaggi
Bingham
Blanton
Blatnik
Brown, Mich.
Byrnes, Wis.
Cabell
Caffery
Carter
Chisholm
Clark
Clay
Conte
Corman
Crane
Danielson
Davis, S.C.
Davis, Wis.
Dellums
Dent
Diggs
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Ford, William D.
Forsythe
Gallagher
Gibbons
Goldwater
Gray
Green, Oreg.
Halpern
Hansen, Wash.
Harsha
Hawkins
Hébert
Helstoski
Kuykendall
Landgrebe
Lennon
Lent
McCloskey
McCormack
McDonald, Mich.
Macdonald, Mass.
Melcher
Mikva
Mills, Md.
Morgan
O'Konski
Passman
Patman
Pelly
Pickle
Pike
Poage
Pryor
Quie
Railsback
Rarick
Rees
Reuss
Robison, N.Y.
Roy
Ruppe
St Germain
Sandman
Sarbanes
Scheuer
Spence
Springer
Stanton, J. William
Steed
Steele
Steiger, Wis.
Stubblefield
Teague, Tex.
Waggonner
Whitehurst
Wiggins
Wyatt
Zwach

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1857), to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, as amended.

The Clerk read as follows:

S. 1857

An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b) (3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b) (4) is redesignated as section 2(b) (5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."

(3) by adding a new section 2(b) (4) to read as follows:

"(4) Four members of the Federal Judiciary to be appointed by the Chief Justice of the United States;".

Sec. 2. Section 6(b) is amended to read as follows:

"Sec. 6. (b) (1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

Sec. 3. Section 7(a) is amended to read as follows:

"Sec. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

Sec. 4. Add at the end thereof the following ing new sections:

"Sec. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial, and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicenntenial historical and commemorative significance.

"Sec. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"SEC. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

The SPEAKER. Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHWENGEL. In its present form, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I am opposed to the bill without the reservation "in its present form."

The SPEAKER. If a Member is opposed to the bill at any point, he is opposed to the bill.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. The bill, as I understand it, is brought up under suspension of the rules and therefore is not subject to amendment. Is that correct?

The SPEAKER. The gentleman is correct.

Mr. GROSS. Then, in its present form, it cannot be amended.

The SPEAKER. The gentleman to qualify, must be opposed to the bill.

Mr. GROSS. Mr. Speaker, I am opposed to it without reservation.

The SPEAKER. The gentleman from Iowa (Mr. GROSS), is recognized.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Is it possible to amend a bill that is brought up under suspension of the rules by unanimous consent?

The SPEAKER. It is not possible to amend by unanimous consent if the bill is brought up under suspension of the rules.

Mr. WILLIAMS. It is not possible.

The SPEAKER. The Chair will not recognize a Member for that purpose. The gentleman from Iowa (Mr. GROSS) qualifies for a second.

The gentleman from Massachusetts will be recognized for 20 minutes, and the gentleman from Iowa will be recognized for 20 minutes.

The gentleman from Massachusetts is recognized.

Mr. DONOHUE. Mr. Speaker, this bill amends the joint resolution establishing the American Revolution Bicentennial Commission so as to provide for a larger Commission, and contains provisions concerning personnel and administration of the Commission, and provides the Commission with authority relating to programs and grants-in-aid in connection with the bicentennial. Also the bill would authorize an appropriation for the American Revolution Bicentennial Commission of not to exceed $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 would be for grants-in-aid.

The bill S. 1857 was originally introduced in accordance with the recommendations of an executive communication transmitted to the Congress by the American Revolution Bicentennial Commission. The bill, as reported, is intended to provide the Commission with interim statutory authority and an organizational framework, for moving from the planning to the development stage of the bicentennial era.

The bill S. 1857 would enlarge the membership of the Commission from 37 to 50 members. The Commission would then be balanced as originally intended to include 50 percent public members and 50 percent of members representing the Government. The committee has been advised that the enlarged Commission would permit a wider geographic and other representation of various sectors of American life. It is further provided that the members named from private life are to be so chosen as to be broadly representative of the Nation's people. It is contemplated that this will provide for recognition of the contributions of various age groups, of racial and ethnic minorities, and of its creative arts, its useful crafts and its learned professions.

The committee has also been advised that the Commission has considered the issuance of commemorative medals and the minting of commemorative coins in connection with the observance of the bicentennial, and that studies are underway for possible changes in coins and paper currency which would have a relation to the bicentennial. In connection with these proposals, the assistance and counsel of the Secretary of the Treasury would be required and it is appropriate that he be made a member of the Commission. Accordingly, the bill provides that he be added as a member of the Commission.

The bill further provides that four members of the Federal judiciary are to be named as members of the Commission. With these additions, the Commission would have all branches of the Government included in its membership.

The new language added by section 2 of the bill concerns the powers and duties of the Director of the Commission and also the appointment and compensation of the Director and the three Deputy Directors. At a hearing on a companion bill on November 10, 1971, it was stated by the witness appearing in behalf of the Commission that in order to fulfill the obligations of the national bicentennial program, the Commission would require experienced staff personnel.

It was explained that this was the reason that the bill provides the authorization for placing the position of the Director in executive level IV ($38,000) and three deputy directors in executive level V ($36,000). In this connection, the witness stated that the Civil Service Commission and the Office of Management and Budget had evaluated the functions and duties of these positions. These evaluations had resulted in the determination that the proposed levels are consistent with similar positions elsewhere in the executive branch, and further that the levels and compensation are competitive with private enterprise. It was stated on the basis of equal pay for equal work and with full recognition for the relatively short time the Commission will be in existence, it is considered that the proposed salary levels are reasonable. The committee was further advised that the appointment and compensation authorities of the bill will permit the Commission to develop and retain a capable staff necessary to plan and administer the nationwide bicentennial program.

Section 2 of the bill would amend section 6(3) of the law to authorize the Commission to delegate to the Director the powers and duties it deems he should possess for the efficient operation and management of the work of the Commission. The delegation of executive authority authorized by these provisions would be made to the Director as the chief executive officer of the Commission in order to provide for the effective implementation of bicentennial plans. The Commission would determine the nature and extent of the power and duties delegated to the Director, and the responsibility for policy determinations would remain in the Commission.

The Senate committee in its report on the bill stated that it considered this an interim arrangement and requested that the executive branch submit organizational proposals which would be adequate for conducting the bicentennial program through 1976. The committee agrees that this additional step should be followed.

Section 3 of the bill authorizes appropriations for the Commissionf or fiscal year 1972. The previous authorization expired on June 30, 1971. Section 7(a) of the basic law would be amended by this bill to authorize an appropriation of $4,300,000, for fiscal year 1972. Of that amount, not to exceed $2,400,000 would be for grants-in-aid.

It should be noted that the new section 9, which would be added to the law by section 4 of the bill, provides for the grant-in-aid program for grants to States, territories, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of bicentennial commissions.

In his statement presented to the committee at the hearing on November 10, 1971, the witness representing the Commission pointed out that a primary objective of the Commission is to emphasize and stimulate local planning in connection with the observance of the bicentennial. It is further contemplated that this planning will take place mainly through State and local bicentennial commissions. The Commission views its function as a coordinator or, in effect, a catalyst in working with State and local bicentennial commissions and with large numbers of historical services, patriotic and other groups and organizations throughout the country.

Section 4 of the bill is intended to clarify and amplify the statutory authority granted to the Commission for planning, development, and coordination of a total program of local, State, national, and international activities in accordance with its basic statutory mandate. The section would add a new section 8 to Public Law 89–491, to authorize the Commission to arrange for the preparation of materials and objects relating to the bicentennial for their distribution, exhibition, and sale. It is anticipated that the Commission will work closely with State and local commissions and with patriotic, historical, and service groups and organizations to assure the availability of such materials.

The new section 8(2) to be added to Public Law 89–491 authorizes the Commission to conduct competitions for historical research essays, musical works, poems relating to the bicentennial and to commission and give awards for such works.

The new section 8(3) authorizes the Commission to initiate a bicentennial calendar of programs and projects and provide a central clearinghouse for information and coordination regarding such matters as dates, events, places, documents, personalities, of bicentennial historical and commemorative significance.

As has been noted above in connection with the discussion of section 3 of the bill, new section 9 to be added to Public Law 89–491 authorizes a program of initial grants-in-aid to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, to assist in the establishment or implementation of bicentennial commissions. As was also noted above, an objective of the Commision is to assist in making the commemoration national in scope, involving every State, city, and community so that it will truly be a grassroots commemoration.

The new section 10 of Public Law 89–491 would permit funds appropriated for any bicentennial purpose to be transferred between the Commission and other Federal departments and agencies for expenditures for such purposes. Any such transfer requires the concurrence of the head of both the Commission and the Federal department or agency concerned. This provision will provide flexibility in the planning and carrying out of bicentennial programs within the executive branch.

As has been noted, the bill as originally introduced included section 5 which would increase by 10 the total number of supergrade persons authorized in the executive branch. After a review of this aspect of the bill, the committee recommended the amendment to strike this particular provision.

On the basis of the needs of the Commission as shown in the facts presented to the Committee, it was determined that this bill, with the amendment recommended by the committee is necessary in order to provide the Bicentennial Commission with the authority and funds it needs to move forward the program for the celebration in 1976. Accordingly, the committee recommended favorable consideration of S. 1857, as amended.

Our committee held many hearings on this bill, and it was reported to the full committee, and the full committee has unanimously reported it to the House. Therefore, I recommend that it be favorably acted on.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Florida.

Mr. HALEY. This bill and the joint resolution provide for amending the American Revolution Bicentennial Commission, and there is no doubt for a fine purpose, but I just wonder sometimes why we do not use the knowledge and experience that is available, for instance, the president general of the Sons of the American Revolution. They have a fine group of people, and they have practical knowledge and information and experience, and it is devoted to this Nation. I just wonder why somebody does not wake up once in a while and use the knowledge of the people in such organizations. They have done so much and know so much, and yet they are not even consulted.

Mr. DONOHUE. It is my understanding that this Commission is enlisting the assistance of the States and local communities, and they have indicated their willingness to participate with the Commission in this celebration and making a success of it.

Mr. HALEY. But I just wonder why such organizations are not used. For instance, the President General of the Sons of the American Revolution could step forward on this Commission as one of the private parties and render great service to the Nation.

Mr. DONOHUE. If the gentleman reads the bill in full, he will find there is a provision in this amendment requesting that the commission be enlarged so that it will include all of the representatives of these patriotic organizations, so as to benefit by their views and suggestions.

Mr. HALEY. I might say if we appoint more members also, we might tie their hands. We will have representatives of the Supreme Court and the judiciary and so forth. So I want to call to the attention of the gentleman this particular suggestion, because it is something that for a good many years I have wondered about. Here is knowledge which can be useful to the Commission, and it could be useful to their deliberations.

Mr. DONOHUE. I might point out to the gentleman from Florida that the new language in the bill states that the members appointed from private life are to be broadly representative of the people of the Nation and are to be chosen so as to recognize contributions by various age groups, racial groups, ethnic minorities, creative arts, useful arts, and learned professions.

Mr. HALEY. I thank the gentleman. He has given me much encouragement, because I think here is a unique organization, and here is a Commission we established—it has been established for some time, yet they have not taken advantage of the fine knowledge available to them at no cost.

Mr. DONOHUE. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I find it difficult to stand here and oppose this legislation at this time.

All the Members know that I have supported commemorations of historic celebrations at various times. I served for a time as the Vice Chairman and as the Chairman of the Civil War Centennial Commission, which finally, with the help of all kinds of talent, was able to make a magnificent contribution to a better understanding of the history of that time, and to help us learn from it.

In the bicentennial time we can again do this with a greater impact within our country and worldwide than ever before.

I am opposing the bill now for two reasons.

First, the bill is not well written. For instance, on page 2, beginning on line 24, after the description of the power of the Commission, the language reads:

> The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission.

That is a very unusual section in a bill of this type. It is particularly bothersome to me, because the people I know in the history field, who are very competent and very fair, have on their own been making a study of the work of the Bicentennial Commission so far. Frankly, without exception, Mr. Speaker, they are disappointed that nothing has happened of great value which will pave the way for us to fully take advantage of this magnificent opportunity which is ours as we plan the bicentennial—some very respected historians say that if the leadership is not changed the bicentennial is doomed to failure.

I find this awfully hard right now, because I am pointing the finger at a person, but with reason, and it is in the public interest, so I must and will.

The present Director is a man by the name of LeVant. I have never heard of him in the history field. Others have not. Several interested people have made investigations, including myself. We are not satisfied. My suspicions were confirmed. Competent students of history have pointed out that unless some change is made in the directorship of this Commission this bicentennial is not going to amount to anything at all; it is just going to be a waste of a lot of money.

I wish we could lay this over and consider it under a rule, so that we could amend the bill and get some understanding and assurances on plans and programs. Certainly this section, to force the Commission to delegate powers, should be eliminated. It is unsound and inconsistent with precedent.

By the nature of a commission, a commission has always had the power to delegate. This is a thing we recognize in all commissions. We do not need this language. We should not legislate and say the Commission shall delegate powers—it looks suspicious. It indicates no confidence in the Commission.

I believe also we ought to have some assurance from some people. For instance, Dr. James Robertson, the Director of the Civil War Centennial Commission, ought to be counseled with. This man has had a world of experience with a lot of people in all aspects of the major interests that related to the Civil War Centennial.

The gentleman from Florida pointed out that there are voluntary groups which are standing and waiting to be helpful, all kinds of them. He named the Sons of the Revolution, and the DAR. There are other historical associations and societies of all kinds which would like to be involved. Until recently they have not even been contacted, or invited to do that.

Mr. Speaker, I believe it would be well for us to postpone consideration of this bill or to amend this bill by unanimous consent, if that is possible.

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. The provision to which the gentleman refers reads as follows:

> The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission.

Does the gentleman object to having someone in a position to efficiently operate and manage?

Mr. SCHWENGEL. Not at all. That is the very point I am making. Under the present directorship I am declaring to this House that there will never be efficient operation of that Commission.

Let me point out that in the Civil War Centennial Commission we had five employees.

Up to now they already have 62 employees. I grant this Commission will need more employees.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. SCHWENGEL. So I think the answer to this, Mr. Speaker, is to let some of us have some assurances from the Chairman of the Commission that certain things will be noted and done differently than they have been done up to now. It is due to fail unless we change it.

Mr. DONOHUE. Will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. DONOHUE. Might I ask if the gentleman from Iowa has been in touch with the Commission giving that Commission the benefit of his views up to now?

Mr. SCHWENGEL. Yes, I have been. I am a member of the committee dealing with medals, and I have met or represented in my office to meet with that committee every time, and we have passed legislation with the recommendation of the committee, and I supported that legislation, of course.

Mr. DONOHUE. Will the gentleman yield further?

Mr. SCHWENGEL. Yes.

Mr. DONOHUE. Has the Commission been responsive to the requests made by the gentleman from Iowa?

Mr. SCHWENGEL. Up to now they have not and mainly because we have not been able to get through to the Director At the suggestion of some of my friends, we brought in a very capable man for 2 weeks. He had probably 30 minutes in which to talk to the Director about some possibilities and ideas that he had. This is a man who is very interested in and capable of developing the very best. He is the former director of Broadcast Music, Inc. He is retired now but is greatly respected all across the country. I think that performance and reception by the director was a disgrace, and it proves once again that the director does not have the right attitude or concept. To say that he shall delegate powers I believe is not in the public interest nor in the interest of the Bicentennial Commission.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am not opposed to a reasonable bicentennial observance. However, this bill would fund this observance inordinately. Let us look at the figures. Last year there was made available for this purpose $670,000. This proposes to make available in the fiscal year 1972—and there remain less than 5 months of the fiscal year—$4.3 million for fiscal year 1972 or $3.63 million more than was allocated in the last fiscal year.

I will be glad to yield to the gentleman from Massachusetts for a correction or a comment.

Mr. DONOHUE. The gentleman in referring to section 7 of the bill mentioned $4.3 million.

Mr. GROSS. Yes.

Mr. DONOHUE. Of which $2.4 million would be by way of grants in aid to each of the 50 States.

Mr. GROSS. Yes; and that is one of the reasons I am opposed—because it starts another program of grants.

Mr. DONOHUE. And to the territories. In other words, each State would receive $45,000 in each of the 2 years.

Now, with reference to the difference between the $2.4 million and the $4.3 million, it would come to $1.9 million. That figure was presented to the Committee on Appropriations. And, they reduced that amount for the reasons pointed out by the gentleman from Iowa from $1.9 million to $1.4 million because of the number of months that had expired for the fiscal year of 1972.

Mr. GROSS. There is no such evidence in this report, and the gentleman I am sure will quickly admit that. We have no evidence to the fact that it has been reduced. Perhaps it has. I will take the gentleman's word for it. I am dealing with what I have before me in the committee's report.

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield further, that appropriation was to this Bicentennial Commission in the supplemental appropriation bill that we passed I think several months ago in which they reduced the $1.9 million to $1.4 million, conditioned upon this authorization bill being approved.

Mr. GROSS. All right, but if this is authorized, there would be nothing to prevent another supplemental, and we will likely have one before too long. There will be nothing to prevent the Appropriations Committee from coming in under this authorization with the remainder of the money, would there?

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes.

Mr. DONOHUE. I agree with the gentleman, but having in mind the prudent and skillful men on our Appropriations Committee, having appropriated $1.4 million for fiscal year 1972, for the reason that a certain amount of the year has expired, they would not likely put it in for the additional $600,000.

Mr. GROSS. I am glad that my good friend from Massachusetts has a crystal ball by which he can divine what the Appropriations Committee will do.

As I see things developing here thus far this year, and certainly, on the basis of the record of last year, I have not the confidence that the gentleman has that these spending proposals are going to be held down this year.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding, if for no other purpose than to point out that a mere two handfuls of us voted against this on June 21, 1971, not that we were opposed to a bicentennial celebration or a proper commission to handle it on a national basis; but again, because of the procedural matter of putting "the cart before the horse." It was an appropriation on an authorization bill, and passed.

The history indicates there was a continuing resolution for the spending of $684,000 or $57,000 a month under which we are still operating in the early days of 1972—the remaining part of fiscal year 1972. Just recently there was a $1.4 million appropriation passed under the proviso that it would finally be authorized by this very legislation before us here today. Then, to make matters worse insofar as getting "the cart before the horse" is concerned, we authorized the mint as a matter of urgent legislation to strike some 14 medals last week so that they could get their ducks in the row insofar as a proper medal and plans are concerned.

As stated, we are here today finally confirming the authorizing legislation which would make the appropriation in order, and by all logic should have preceded the funding.

Mr. Speaker, it seems to me that if we are going to have an excellent bicentennial celebration, as both of the gentlemen from Iowa have pointed out, we certainly ought to do it in an orderly procedure, in a prudent manner, and under the proper legislative process.

Mr. GROSS. I thank the gentleman from Missouri for his observation and say to him I think the best thing we could do here today is to defeat this bill and come back with a program that is within reason.

I note here that this bill provides for a level IV Director at $38,000 a year and two Assistant Directors at level V, which is $36,000 a year. Further, all of us know that there will be a sizable staff to take care of such an expensive Director and Assistant Directors as this bill provides.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SCHWENGEL. The gentleman from Missouri makes a very valid point. I would say that we should proceed in this manner only with the assurances from downtown that something would happen that would give us some ground to believe there would be a real sound program established, and that capable people would be hired and used to help do this. However, the evidence is not forthcoming, and so therefore I think we should hold this up until we get some assurances from the leaders of the commission. I am speaking of Mr. Mahoney in particular.

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. The reasons why this figure of $38,000 and the figure of $36,000 were established was because the committee witnesses stated that the Civil Service Commission and the Office of Management and Budget had evaluated the functions and the duties of these positions. These evaluations have resulted in the determination that the proposed levels are consistent with similar positions elsewhere in the executive branch. Further, that the levels of compensation are comparable with private enterprise. They also stated that on the basis of equal pay for equal work and in full recognition of the relatively short time the Commission would be in existence that these salaries were fair and equitable.

Mr. GROSS. I will say to the gentleman from Massachusetts we hear that story in every bill which provides for the establishment of a new commission in the Government. That is the normal procedure. There is nothing new about that, and no more reason or justification in this case.

Let me say this to the gentleman from Massachusetts, in the report there is a call for a "new spirit of '76." There had better be born in this Congress and in this House of Representatives a "new spirit of '72," one with some regard for the interests of the taxpayers of this country.

I can think of nothing that would better serve the Republic in its observance of this bicentennial—I can think of no better theme than getting back to sanity in this country with regard to the management of governmental affairs. At the rate we are going we will lose this Republic through moral and financial bankruptcy.

There will be no celebrations of a free Republic.

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. DONOHUE. The gentleman undoubtedly appreciates that this amendment was not initiated in our committee, it came to us from the executive branch, from the White House, by way of the Commission.

Mr. GROSS. That is no excuse for the acceptance of it. There are a lot of things we are going to get from the White House. A message was read here a little while ago involving the Bicentennial Commission, and calling for the construction, among other things, of a huge $100 million sports arena in the District of Columbia as a part of the bicentennial observance. In God's name where is it proposed to get the money to build a sports arena at a cost of more than $100 million? Obviously the District of Columbia is not going to put up the money. It will be the taxpayers of Iowa and all the other States who will be called upon to build it.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. WILLIAMS. I would like to call the gentleman's attention to the fact that the recommendation for a sports stadium did not come from the American Revolution Bicentennial Commission.

Mr. GROSS. No one said it did.

Mr. WILLIAMS. If the gentleman will yield further——

Mr. GROSS. Just 1 minute. It came from the administration, among others.

Mr. WILLIAMS. Fine.

Mr. GROSS. The President's message was read here a little while ago plugging for it.

Mr. WILLIAMS. If that is the case, please do not try to tie it in with the American Revolution Bicentennial Commission, on which Congress is amply represented.

Mr. GROSS. Read the message. You will find it is part and parcel of the bicentennial message.

Mr. WILLIAMS. The message stated that it would be nice to have this during the bicentennial year.

Mr. GROSS. If some people have their way, the taxpayers of the country will build the $100 million arena and when the bicentennial celebration ends, it would be turned over lock, stock, and barrel to the District of Columbia. This city is the original home of charity.

Mr. WILLIAMS. Mr. Speaker, can I inquire as to the time remaining?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. DONOHUE. Mr. Speaker, I yield such time as he may require to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts.

Mr. Speaker, I only want to say I hope that this country never becomes so poor in spirit that it would be unwilling to honor its glorious past.

Mr. Speaker, I support this measure.

Mr. DONOHUE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, we have just 4 years to prepare for the bicentennial in this country. The executive director to whom Mr. SCHWENGEL, the gentleman from Iowa, referred has been on board for approximately 3 months as executive director and he is just getting his feet on the ground.

As a member of the ARBC I can see the ARBC making progress—but they are making progress without money. One of the prime responsibilities of the ARBC is to see that every State in their own way celebrates the bicentennial.

Now, you notice on page 3 here, it calls for $4,300,000 for the fiscal year 1972, of which $2,400,000 shall be for grants-in-aid. For some time, based on the assurance from this Congress, the ARBC has been telling all of the States that they are going to get $45,000 each year for 2 years to help in planning the bicentennial in their State. Of course, the States are putting money in, as well as the Federal Government.

In addition to this, the city of Philadelphia has been selected as the exposition city, the international exposition city for 1976, and they are making some real progress with their own money.

All I can say is this: $2,400,000 is going to go to the States for planning money to help them plan how their States would celebrate the bicentennial.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from Massachusetts yield me 3 additional minutes.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman 3 additional minutes.

Mr. WILLIAMS. I thank the gentleman.

The remaining $1,900,000 is going to go to the continued operation of the ARBC and the establishment for some regional offices so that if somebody from the State of Washington or California wants to have some questions answered and wants a conference, they do not have to come all the way to Washington, D.C. This is the only place in which the ARBC maintains an office. So what I am saying to you is that in the membership of the ARBC you have a group of people who are doing a fine job for no remuneration at all.

I was placed on the ARBC when one of the Members of the House requested to be replaced. I think it was some time last summer or perhaps it was September. But I can say to you, we are making progress. Do not cut off the funds. The executive director whose ability has been questioned here today has been on board such a short time that we have not truly had a chance to evaluate his performance.

Mr. Speaker, I yield to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. I thank the gentleman for yielding. I want to ask the gentleman a question, which he may have already answered. I understand the gentleman is a member of the American Revolution Bicentennial Commission.

Mr. WILLIAMS. Yes, that is correct.

Mr. SMITH of New York. Is the gentleman, as such a member, in favor of the proposed legislation?

Mr. WILLIAMS. Yes; I am in favor of this proposed legislation. I have some slight reservation about that section to which the gentleman from Iowa (Mr.

SCHWENGEL) called attention, where it says:

> The Commission shall delegate such powers and duties to the Director * * * as necessary for the efficient operation and management of the Commission.

All you are doing is giving the Commission the power to do this, and the Commission does not have to delegate anything more to the executive director than they desire.

Mr. SMITH of New York. Would it not be true, I ask the gentleman, if the Commission delegated power to the Director, they could also take it away from the Director?

Mr. WILLIAMS. I would say there is no question about that. The statement "The Commission shall delegate such powers" does not mean that those powers have to be broad. It means we could give the Director the right to say "yes" or "no" in certain restricted areas where you cannot wait too long for an answer. Then, of course, he has to answer to the Commission in order to keep his job.

Mr. SMITH of New York. Would the gentleman yield further?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. SMITH of New York. I would like to say on behalf of the gentleman from Iowa (Mr. SCHWENGEL) that I have talked to the chairman of the Commission and to the people who work for the Commission and I have found them to be receptive and willing to cooperate.

Mr. MORSE. Mr. Speaker, I will reluctantly vote against the amendments to expand the operation of the American Revolution Bicentennial Commission.

It was Senator CHARLES McC. MATHIAS, then a Member of this body, and I who drafted the legislation which led to the creation of the Commission, and I remain convinced of the importance—indeed the extraordinary opportunity for national renewal—that an appropriate observance of the bicentennial presents. My "nay" vote will reveal no diminution in my commitment to the concept; rather, it is intended to make clear my dissatisfaction with the meager progress that the Commission has made to date, its failure to marshal the intellectual resources which can contribute to its works, and its apparent lack of sensitivity to the fundamental significance of the event which gave rise to its creation.

Although this is the sixth year of its existence, no overall national plans to commemorate the American Revolution have been forthcoming, and the Commission appears to be unwilling to respond constructively or creatively to the suggestions of the private and public agencies which have presented many thoughtful and provocative proposals. Indeed numerous imaginative and highly original plans for the bicentennial which have been submitted to the Commission have, unfortunately, languished for months.

To date the only bicentennial projects which have received the "official sanction" of the Commission are the Denver 1976 Winter Olympics; the Iowa Bicentennial Commission's 1976 World Food Expo; urban renewal plans for Niagara Falls, N.Y.; the Mount Rushmore National Shrine in South Dakota; and the city of Detroit's plans for an urban transportation center. While these projects are all worthwhile and commendable, I fear that the 200th anniversary of the American Revolution will come and go with no more engagement of the creative energies of the American people than the usual bonfires and fireworks displays, if the Commission continues to operate at its present pace.

Another disturbing aspect of the Commission has been its practice of holding business meetings in secrecy. All four of the 1971 meetings of the full Commission were held in private, as if the Commission were dealing with classified documents rather than a democratic celebration that belongs to all of the people. I deplore this lack of involvement of all citizens and the apparent mistrust of public judgment.

I feel that the bicentennial offers all Americans an especial opportunity to come together as a nation in renewing our commitment to the ideals of the American Revolution which are as relevant today as they were 200 years ago. There is the prospect of a celebration that will encourage the American people of every region, every race, every religion, and every ethnic group to develop a greater sense of common purpose and to deal with the problems facing our society today, just as a common purpose moved this country to great achievement 200 years ago.

I am sure that this bill will be adopted by the House today, and I pray that it will better enable the American Revolution Bicentennial Commission to live up to the goals of the Revolution and will provide it with a long-needed impetus.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts (Mr. DONOHUE) that the House suspend the rules and pass the bill, S. 1857, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 328, nays 36, not voting 67, as follows:

[Roll No. 26]

YEAS—328

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Andrews
Annunzio
Archer
Arends
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Boggs
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Meeds
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quillen
Randall
Rangel
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruth
Ryan
Satterfield
Saylor
Scheuer
Schneebeli
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—36

Anderson, Calif.
Ashbrook
Aspin
Boland
Bow
Collins, Tex.
Daniel, Va.
Dellenback
Duncan
Flynt
Griffin
Gross
Hall
Hechler, W. Va.
Heinz
Hutchinson
Kyl
McCollister
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Morse
Price, Tex.
Rarick
Roncalio
Scherle
Schmitz
Schwengel
Sebelius
Snyder
Steiger, Ariz.
Teague, Calif.
Waldie
Wilson, Charles H.

NOT VOTING—67

Alexander
Anderson, Tenn.
Ashley
Aspinall
Badillo
Bell
Biaggi
Blanton
Blatnik
Brown, Mich.
Byrnes, Wis.

Cabell
Carter
Chisholm
Clark
Clay
Conte
Corman
Crane
Davis, S.C.
Davis, Wis.
Dellums
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Forsythe
Gallagher
Gibbons
Gray
Green, Oreg.
Hansen, Wash.
Harsha
Hawkins
Helstoski
Kuykendall
Landgrebe
Lennon
McCloskey
McCormack
Macdonald, Mass.
Melcher
Mills, Md.
O'Konski
Patman
Pelly
Poage
Pryor, Ark.
Quie
Railsback
Rees
Robison, N.Y.
Roy
Ruppe
St Germain
Sandman
Sarbanes
Spence
Springer
Stanton, J. William
Steed
Terry
Thompson, N.J.
Whitehurst
Wyatt
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Blatnik with Mr. Davis of Wisconsin.
Mr. Cabell with Mr. Mills of Maryland.
Mr. Evans of Colorado with Mr. Bell.
Mr. Pryor of Arkansas with Mr. O'Konski.
Mr. St Germain with Mr. Brown of Michigan.
Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.
Mrs. Green of Oregon with Mr. Pelly.
Mr. Gibbons with Mr. Crane.
Mr. Rees with Mr. Quie.
Mr. Melcher with Mr. Conte.
Mr. Helstoski with Mr. Heinz.
Mr. Hawkins with Mr. Ashley.
Mr. McCormack with Mrs. Chisholm.
Mr. Clay with Mr. Sarbanes.
Mr. Dellums with Mr. Badillo.
Mr. Biaggi with Mr. Railsback.
Mr. Eckhardt with Mr. Harsha.
Mr. Gray with Mr. Kuykendall.
Mr. Roy with Mr. Ruppe.
Mr. Gallagher with Mr. Robison of New York.
Mr. Lennon with Mr. Carter.
Mr. Clark with Mr. Sandman.
Mr. Davis of South Carolina with Mr. Zwach.
Mr. Alexander with Mr. Spence.
Mr. Edmondson with Mr. Whitehurst.
Mr. Aspinall with Mr. Springer.
Mr. Blanton with Mr. Terry.
Mr. Corman with Mr. J. William Stanton.
Mrs. Hansen of Washington with Mr. Wyatt.
Mr. Anderson of Tennessee with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LAND AND WATER CONSERVATION FUND AMENDMENT

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6730), to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections 1 (a), (b), and (d) of the Act of July 15, 1968 (82 Stat. 354), as amended by the Act of July 7, 1970 (84 Stat. 410), are hereby repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601), is further amended as follows:

(a) Subsection (a) of section 2 is amended to read:

"(a) ENTRANCE AND SPECIAL RECREATION USE FEES; ESTABLISHMENT; REGULATIONS.—

"(1) ENTRANCE FEES.—Except for areas designated pursuant to subsection (3) of this section, no entrance fees shall be charged by any Federal agency having administrative jurisdiction over areas used for outdoor recreation purposes.

"(2) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense. Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors.

"(3) The Secretary of the Interior (hereafter referred to as the 'Secretary') may, from time to time, by publication of notice in the Federal Register establish or revise entrance fees for any national park, national monument, national historic site, or national battlefield area administered as a part of the national park system.

"(A) For admission into any such designated area, an annual entrance permit (to be known as the 'Golden Eagle Passport') shall be available, for a fee of not more than $10. Any person purchasing the annual permit, and any person accompanying him, in a single, private, noncommercial vehicle shall be entitled to general admission into any unit of the national park system designated as an entrance fee area during the calendar year in which the annual fee is paid, but such permit shall not authorize any use of specialized sites, facilities, equipment, or services for which additional fees are charged pursuant to subsection (b) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations etsablished pursuant to subsection (e). The annual permit shall be available for purchase through all post offices of the first- and second-class and at such others as the Postmaster General shall direct. The Secretary of the Interior shall transfer to the Postal Service from the receipts thereof such funds as are adequate for the reimbursement of the cost of the service so provided.

"(B) Reasonable entrance fees for a single visit or, not to exceed $3 for a series of visits at a single designated area shall be established by the Secretary for persons who choose not to pay the annual fee under clause (A) of this subsection or who enter such an area by means other than by private, noncommercial vehicle.

"(C) No entrance fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for any person for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any park thereof.

"(D) The Secretary shall establish procedures, commencing no later than January 1, 1973, providing for the issuance of an annual entrance permit to any person sixty-five years of age or older and his or her spouse, without charge, for use only in the State in which the individuals reside, but such permits shall admit the bearer only. No other free passes shall be issued to any person: *Provided,* however, That no fees of any kind shall be charged of any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business.

"(4) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that an entrance fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas.

"(5) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any entrance fee and/or special recreation use fee, as the case may be. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

"(6) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: Provided, however, That not less than 25 per centum of the amount so credited shall be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

"(7) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular

Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

"(8) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program."

(b) Subsection 2(c), as added by section 2 of the Act of July 15, 1968, is redesignated as subsection (d).

(c) In accordance with the provisions of the Act of July 15, 1968, the fourth paragraph of subsection 2(a) of the Land and Water Conservation Fund Act of 1965 is redesignated as section 10.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina (Mr. TAYLOR) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the bill now before the House was introduced by our colleagues, Mr. SAYLOR, Mr. HOSMER, Mr. SKUBITZ, Mr. KYL, Mr. STEIGER of Arizona, Mr. DON H. CLAUSEN, Mr. LUJAN, Mr. SEBELIUS, Mr. MCKEVITT, Mr. TERRY, and Mr. CÓRDOVA.

Both the committee version of H.R. 6730 now before us and the original bill significantly revamp the concept of the so-called golden eagle passport program. The original proposal would have converted the program into a $4 annual entrance permit. In contrast, the bill recommended by the committee provides for the continuation of the $10 annual carload permit which would admit the bearer and everyone in his noncommercial vehicle into all national parks, monuments, historic sites, and battlefields which may be designated for the collection of admission fees.

By way of background, when the Congress first approved the Land and Water Conservation Fund Act which authorized the creation of the annual carload permit, it seemed abundantly clear to everyone:

That the users of Federal recreation areas should contribute more to Federal recreation programs than nonusers;

That frequent users should contribute more than occasional users; and

That users of more sophisticated facilities should pay more than users of modest facilities.

In short, it does not seem unfair to ask the person who would be using these sometimes very expensive outdoor recreation areas and facilities to help foot a small part of the cost. This bill is based on that philosophy.

When the Land and Water Conservation Fund Act was first under consideration we could see that we would need money in order to acquire Federal recreation areas and aid the States in acquiring and developing State-owned recreation areas. In recognition of this fact, the Congress tried to develop a sensible program which would assure the availability of the dollars required. The golden eagle entrance and user fee program was to be a substantial contributor to the land and water conservation fund and it was expected to produce some $40 million per year for the fund.

Unfortunately, the golden eagle passport program never produced the amounts of revenue anticipated. It has never been a significant element in the land and water conservation program and there is no evidence that it will improve. It has averaged about $12 million per year in revenue, with about 78 percent of this coming from the National Park Service and 19 percent from the National Forest Service. This includes all fees—those received from golden eagle sales, from daily entrance charges, and from camping and other charges.

Notwithstanding the lack of success which it has had as a contributor to the land and water conservation fund, it has enjoyed a relatively favorable response from the using public.

Many people have considered it as a bargain because it allowed them admission to all federally operated outdoor recreation areas for one $10 annual payment. In some cases, contrary to the intent of the law, it was administered in a manner which permitted them to make use of developed campgrounds and other special use facilities without further charge.

Many people have failed to recognize that the main purpose of the program was to create revenue for the new Federal effort to expand the outdoor resources throughout the country.

Under the terms of the committee amendment now being considered, the old golden eagle program would be completely revised:

First, H.R. 6730, as amended, discards the concept that an entrance fee or admission fee should be charged at all Federal outdoor areas and limits such charges to certain types of areas in the national park system. As a result of this change, if H.R. 6730 becomes law, there will be no authority to impose any kind of an admission fee at any Corps of Army Engineers project, wildlife refuge, or national forest. In these areas, gates cannot be established and entrance fee collection is not practical.

Second, at the same time the committee recognized the value of retaining the $10 golden eagle carload permit as the annual admission fee for all of the designated national park entrance fee areas. The bill also requires reasonable daily and seasonal entrance fees at a $3 maximum to be available at each individual park unit;

Third, special recreation user charges are authorized to be collected for the exclusive use of recreation sites and equipment in which the Government has a substantial investment, such as campsites, and boat launching ramps. No special charge is to be imposed for the use of facilities which are basic or incidental to the day use of an outdoor area. In other words, the committee bill is intended to preclude additional charges for the use of visitor centers, roads, trails, overlooks or lightly developed or back country camp areas or for the use of picnic areas. Charging a fee for the use of a picnic table is too petty, too hard to enforce and causes people to picnic along roadsides and in pullovers, producing traffic and litter problems. We feel that these are facilities which almost all of the visiting public can be expected to use or where the collection of a special fee would be impractical;

Fourth, the old system granted no special relief for those persons who are 65 years of age or older, but H.R. 6730 recognizes the fact that our senior citizens deserve some special consideration so that their limited incomes are not unduly affected by the entrance fee requirements. Therefore, H.R. 6730 provides that the Secretary of the Interior shall establish a system by which individuals over 65 years of age can be granted free admission into any park area in their home State.

Fifth, unlike the old system which did not provide any simple procedure for purchasing the Golden Eagle Passport, H.R. 6730 provides that it shall be available at various post offices throughout the Nation and that the Post Office Department shall be reimbursed for the costs of the services which it provides from the sales made. This is similar to the duck stamp program.

Sixth, the committee members generally agreed that one of the reasons for the lack of success of the old fee system was lack of interest by the collecting agencies. The collecting agencies have not had manpower to collect fees and promote and enforce the program. I was told by the superintendent at Yellowstone National Park last summer that this park had 2,700 campsites and a charge of $3 per day was made for each campsite and that campgrounds had been full most of the summer. He stated that the honor system is used providing people a place to leave their money, and 45 percent had been paying. He stated that he had no manpower to enforce collection. Here we are losing millions of dollars and teaching people to cheat and become bad citizens.

As a contrast, in the Pisgah National Forest in North Carolina in the congressional district that I represent, a charge of $1 per car has been made to enter a recreation area, regardless as to whether a person enters to just walk around, picnic, or for camping. There is an honor system that has been used but those who did not pay were frequently given citations as they were leaving the area or while they were in it. It was estimated that collection is made from 98 percent. I received many letters from embittered constituents who were given citations, forcing them to go to court and pay $10. They could not understand why the Forest Service had no manpower to collect fees, but had manpower to make arrests and they accused the Government of entrapment.

The honor system has not worked. People who pay cannot understand why so little effort has been made to collect from others using the same areas and facilities.

The committee report on this bill States. "Unless a reasonable effort is made to collect from all visitors or users of a fee area, fees shall not be required of any user of that area." That is the intent of this bill. H.R. 6730, as amended, provides that the moneys collected by the various agencies for either admission fees—National Park Service only—or special recreation use fees—all agencies—are to be deposited into a special account in the land and water conservation fund to be reappropriated to the collecting agency for its use to accomplish any authorized recreation objective. When appropriated, these moneys could be used for example, to extend the season at popular campgrounds administered by the collecting agency or to develop facilities which could otherwise not be funded, or for a master plan or wilderness study.

The bill provides that at least 25 percent of the fees collected during the first 5 years shall be used to promote and enforce the fee program.

Finally, H.R. 6730 requires the Bureau of Outdoor Recreation to maintain surveillance over the activities of the various agencies and to report annually to the Congress concerning the golden eagle fee system.

The golden eagle program expired on December 31, 1971. If action is not taken by Congress, the fee collection system will continue except the anual entrance permit, known as the Golden Eagle Passport, will be a thing of the past. Daily admission charges will be made into parks and other recreation areas. In addition, special user charges will be made for camping and other uses of equipment as at present. The present poor enforcement system will continue.

Mr. Speaker, the land and water conservation program has been an outstanding success, and we are proud of that success. No one is more disappointed with the fact that the golden eagle part of of the program has not succeeded than are the members of the Committee on Interior and Insular Affairs. We have reviewed it thoroughly on two different occasions, and we have inquired about it almost annually at oversight hearings since it was created in 1965, so we believe we understand what is involved.

The only conclusion which the committee could reach is that the program should be revamped. The legislation which we recommend will, we believe, result in a reasonable, workable program. It should be an improvement over the present program.

I urge Members of the House to approve this bill as recommended by the Committee on Interior and Insular Affairs.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR), the ranking Republican on our committee.

Mr. SAYLOR. Mr. Speaker, this bill is unusual in one respect; it calls for no appropriation of any money, and will result in revenues being paid into the Treasury of the United States. This, in and of itself, makes it the most unusual of all the bills being considered here today under the suspension of the rules procedure.

I rise in support of H.R. 6730, amending the Land and Water Conservation Fund Act of 1965, as amended. This bill revises and extends the Federal recreation fee system, popularly known as the Golden Eagle Passport System, chargeable at outdoor recreation areas operated by the National Park Service, the National Forest Service, the Bureau of Sport Fisheries and Wildlife, and other Federal agencies.

The practice of charging fees for entrance to or use of federally operated outdoor recreation areas was considered appropriate by the 88th Congress since those being charged received a direct benefit from the program and, it was thought, should be wliling to make a contribution toward expansion of the program. That assumption proved to be correct, but the assumption that a coordinated uniform fee system could be established for the myriad of agencies involved proved to be incorrect. By the 90th Congress, it had become abundantly clear that cooperation among agencies was lacking and that receipts from the Golden Eagle Passport program were far below expectation.

Congress therefore decided to cover a portion of the revenues from the Outer Continental Shelf receipts into the Land and Water Conservation Fund and to terminate the golden eagle program by March 31, 1970. Additionally, revenues collected in the future were to be placed in a separate account in the Land and Water Conservation Fund to be reappropriated to the collecting agency without prejudice to the amounts regularly appropriated. By 1970, partly because of growing public acceptance of the golden eagle program, a secretarial study of the fee program was directed and the life of the golden eagle was extended to December 31 of this last year.

H.R. 6730 was introduced as a direct result of that secretarial study. The Committee on Interior and Insular Affairs has held extensive hearings on the proposal as well as on various related bills, including my bill, H.R. 1131, to provide free golden eagles to persons 65 years of age or older. In the opinion of the committee, this bill, as amended, provides a reasonable fee program that should encourage public use of our outdoor recreation areas without unjustly subsidizing users.

Briefly, this bill provides that the Golden Eagle Passport will henceforth be available for admission only at units of the National Park System. It will remain a $10 annual carload permit. Lesser charges would be permitted for daily and seasonal admission. Other agencies operating outdoor recreation areas would be prohibited from charging entrance fees. At units of the National Park System and at all other federally operated recreation areas, special recreation use fees would be imposed for the use of specialized equipment and services. Special provisions for senior citizens are included in the bill, although not at the full measure contemplated by H.R. 1131. The committee assumed that senior citizens of limited means would probably limit their use of federally operated outdoor recreation areas to those nearby their homes and that those able to travel could reasonably afford the fees charged at areas away from home. Consequently, the committee has directed that the Secretary establish a program whereby persons 65 years of age or older and their spouse would be permitted free access to national park units within their State of residence.

In keeping with the 1970 amendments to the act, the committee concluded that all fees collected should be deposited in a special account in the land and water conservation fund to credit of the collecting agency. These funds could be used by the collecting agency, when appropriated, for any authorized activity other than land acquisition. Twenty-five percent of those fees, however, are to be appropriated exclusively for fee collection improvement. An example for which these fees might be used, in the case of the National Park Service, is to accelerate their master planning activities. Defraying the cost of establishing and operating user reservation systems and extending seasons at camping grounds are other possible uses for which these funds could be appropriated. In order to facilitate the sale of the annual entrance permit, the committee has directed that it be made available at post offices throughout the country in much the same manner as the duck stamp is sold.

One aspect of this bill that merits emphasis is the direction to the Bureau of Outdoor Recreation to periodically report to the Congress on present and potential fee collection areas with recommendations for improvement, if any.

I hope that direction will produce meaningful material for constructive innovation and not merely reams of data that could just as easily have been produced by some data processing system.

This bill carries no new price tag. It does, however, represent the result of a thoughtful approach toward establishing what this committee thinks is a realistic approach for fee collection at federally operated outdoor recreation areas.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Missouri.

Mr. HALL. I appreciate the gentleman, the ranking minority member of the Committee on Interior and Insular Affairs, yielding. He and I have discussed this bill before; indeed, we discussed it on June 22, 1970, here on the floor of the House.

If I understood his first qualification correctly, this will not involve entrance fees to Corps of Engineers impoundments but may allow "user fees" with an incentive, all to be recovered unto the Treasury via the land and water conservation fund. Is that correct?

Mr. SAYLOR. That is correct.

Mr. HALL. And in that case it would

make me, as I have stated before, very strongly in favor of this program as long as it does not put us in the position of double jeopardy on entrance fees to natural water impoundments by the Corps of Engineers, when the land was acquired on the basis of a promise of universal and perpetual access to such impoundments.

I understand, however, a similar bill has been considered in the other body and the report pertaining thereto does not make the specific exclusion that the bill reported by the House would as far as the Corps of Engineers entrance fees are concerned. I repeat, I am not referring to "users" fees. I have always been in favor of those.

Would it be the opinion of the distinguished gentleman and the other gentlemen of the committee that the position of the House, as reported and hopefully to be passed here, would prevail?

Mr. SAYLOR. I might say under the rules adopted in our committee I can no longer tell you with assurance who the members of the conference committee will be, but as to following the pattern that has been followed by those representing our committee in the past, I can assure you they will conscientiously endeavor to support the position of the House in the conference.

Mr. HALL. I appreciate the gentleman's statement. I certainly would like to support that position without going into a long repetition of historical documentation on how we have been up and down the hill on this type of provision before. Southwest Missouri contains many Federal impoundments constructed and maintained by the Corps of Engineers, Department of the Army. During the planning period and when the Corps was attempting to sell the people of the Ozark Hills on the advantages of these lakes and reservoirs for multipurpose usage, and especially flood control, we were assured that there would always be free access to water.

In addition, to this, there are various congressional precedents in the Flood Control Acts of 1944, 1946, 1954, and 1962 which reaffirm the principle of free access to inland public waters. This is certainly not the time to break this equitable policy, and to break faith with the people.

Mr. Speaker, I have long believed that the American people should not be charged or taxed, to gain access to their own lakes and reservoirs. Their hard-earned tax dollars financed these impoundments, land acquisitions, and waters so that, therefore, any additional entrance fee constitutes double taxation. Also, I think the American people expect Congress to make clear, once and for all, the longstanding public policy of this country, of free entrance to use our reservoirs and lakes. I appreciate the gentleman's statement.

Mr. KYL. Will the gentleman yield to me?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. KYL. In further assurance to the gentleman from Missouri, let me say that we have written into the bill provisions which would not permit the collection of fees in park areas even where there was an original binding agreement that the fee should not be charged. So there is a precedent in the bill for that which the gentleman from Missouri seeks.

Mr. TAYLOR. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. TAYLOR. I would like to say to the gentleman from Missouri that chairman, WAYNE ASPINALL, authorized me to state that in conference he always endeavors to support the position of the House, but he has strong feelings on this bill and he would endeavor especially hard to see that the bill comes out of conference in the form in which it has been considered here.

I hope to be a member of the conference committee myself, and I will take exactly the same position.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may use to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, as a coauthor of this legislation to improve and extend the golden eagle passport program, I am pleased that we have before us a permanent extension of the Golden Eagle passport.

I fully share the fundamental philosophy upon which the Golden Eagle Passport is based. That is, that those who benefit most directly from access to our parks, forests, and other outdoor areas should be willing to absorb at least some portion of the costs of their acquisition and development.

The Golden Eagle Passport provides a conveniently available and reasonably priced means to implement this concept. While the passport by no means covers the full cost of the activities its possesion permits, it does allow an additional source of funds for the land and water conservation fund, whose resources are used for the improvement of existing park and recreation lands and for the purchase of new ones.

Significantly, this bill takes an important step forward with its provision requiring the Secretary of the Interior to establish a free admission program for senior citizens. I hope this provision can be implemented as rapidly as possible.

In addition, the bill permits the sale of Golden Eagle Passports in post offices. Nearly every American has easy access to a post office and, therefore, easy access to the Golden Eagle Passport program.

Our outdoor recreation lands are a precious commodity. Those who use them should assist in their acquisition and maintenance and the Golden Eagle Passport is the best way to enable them to do so. I am delighted we have obtained a permanent extension.

Mr. SKUBITZ. Mr. Speaker, the purpose of H.R. 6730—as recommended—is to revise and extend the established Federal recreation fee collection system, commonly known as the Golden Eagle Passport program.

At the present time this program is effective at various outdoor recreation areas operated by the National Park Service, the National Forest Service and other Federal agencies.

The "golden eagle" was born on September 3, 1964, when the President signed into law one of the most significant conservation enactments of our time—the Land and Water Conservation Fund Act.

One source of the money to be covered into that fund was to be the fees collected from those who used the recreation areas.

It was the feeling of Congress—and I think rightly so—that those who received the benefits should be willing to pay something for the benefit.

Hence a coordinated fee system for parks, forests, wildlife refuges, and other Federal outdoor recreation areas was envisaged.

Although the land and water conservation program has been a success, the contribution of the golden eagle program to that success has been minimal.

I think it fair to say that the reason for this was that the agencies themselves did not make an effort to push the program and the people themselves did not respond as anticipated.

During the 90th Congress it became clear that, if the land and water conservation program were to succeed, new sources of revenues were needed. The fee program was not providing the funds as had been projected.

The 1968 amendments to the Land and Water Conservation Fund Act recognized the fact that the fee program had produced less revenues than anticipated.

Fee collection was nevertheless deemed desirable.

In 1970, partly because of growing public acceptance of the "Golden Eagle Passport," Congress determined to extend its life to December 31, 1971, to increase the annual charge to $10, and to direct a secretarial study of the fee program.

That study, submitted to Congress in March of 1971, is a matter of record.

H.R. 6730 was introduced as a result.

The subcommittee on National Parks and Recreation held extensive hearings on the proposal, and, after considering alternative proposals and refinements, reported the bill before us today.

H.R. 6730, as amended by the Committee on Interior and Insular Affairs, continues the $10 annual carload "golden eagle passport," but limits its use, and the charging of any other entrance fees, to units of the national park system.

Lesser fees, but not more than $3, are authorized to be charged for daily and seasonal admission.

Reasonable use fees, as distinguished from entrance fees, are to be imposed by other agencies providing facilities, equipment, or services at Federal expense.

All of the fees are to be deposited in a special account, in, but separate from, the Land and Water Conservation Fund, to supplement regular appropriations of each collecting agency.

In order to facilitate sale of the golden eagle, it is to be available at post offices.

Special consideration is to be accorded persons 65 years of age and older and their spouses. They are to be given free annual entrance permits valid at park units in their State of residence.

Lastly, at the request of collecting agencies, at least 25 percent of fees collected may be used for a 5-year period, to promote fee-collection efforts.

I want to point out to my colleagues that there are no additional costs, other than those presently attributable to the costs of administering this program, engendered by this legislation.

I urge the favorable vote of my colleagues for H.R. 6730.

Mr. SEIBERLING. Mr. Speaker, will the gentleman from North Carolina yield to me for a question?

Mr. TAYLOR. I will be delighted to yield to the gentleman for a question.

Mr. SEIBERLING. Mr. Speaker, the latest concept on national parks involves putting them in the vicinity of large urban areas, you know. I wonder whether there will be some inconsistency if it is possible to charge fees for admission to parks in those areas. Would there be some inconsistency between that practice and the objective of urban national parks, which is to open up these areas to people from the inner cities who may not be able to afford the fees? Can you shed any light on whether this bill will give the Interior Department any authority to improve admission fees for entrance to such parks?

Mr. TAYLOR. I would like to state to the gentleman that most of the areas he is referring to established in urban areas are designated as "national recreation areas" or "national seashore" or "lakeshore areas."

Mr. SEIBERLING. Yes.

Mr. TAYLOR. They are not designated as national parks. This legislation authorizes the charging of entrance fees in national parks, national historical sites, national monuments, and national battlefields. We now have entrance fees being charged in all of these areas. It does not authorize charging of entrance fees in national recreation areas or national seashore or lakeshore areas.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 6730, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1, except subsection (c), of the Act of July 15, 1968 (82 Stat. 354) as amended by section 1 of the Act of July 7, 1970 (84 Stat. 410) and section 210 of the Flood Control Act of 1968 (82 Stat. 746), as amended, are repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is further amended as follows:

(a) Subsection (c) of section 2 as added by the Act of July 15, 1968, is redesignated as subsection (d).

(b) Subsection (a) of section 2 is amended to read as follows:

"(a) ENTRANCE AND RECREATION FEES; ESTABLISHMENT; REGULATION; ENFORCEMENT.—

"All proceeds from fees established pursuant to this Act: *Provided,* That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes.

"The President is authorized to provide for the designation of land and water areas administered by or under the authority of the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico) at which recreation fees are to be charged, and to provide for the establishment and revision of such fees as follows:

"(i) A fee of not more than $10 for an annual permit payable by a person entering an area so designated by a private noncommercial vehicle which, if paid, shall excuse the purchaser and all persons accompanying him in such vehicle from payment of any other fee for admission to that area and all other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid. Such permit shall be designated a "Golden Eagle Passport".

"(ii) A fee of not more than $25 for an annual recreation permit which shall entitle the purchaser and all persons accompanying him in a private noncommercial vehicle to all the benefits included under clause (i) of this paragraph and in addition shall entitle the purchaser to enter any designated area and to utilize camping and other facilities provided therein without payment of any other supplemental fees except areas which are designated by the President as not being within coverage of the permit, during the year for which the fee has been paid. Any citizen of the United States, entitled to receive a Golden Eagle Passport at no charge as provided elsewhere in this section, shall be entitled to obtain an annual recreation permit at a fee of not more than $15 upon presentation of proof of age. Such permit shall be designated a "Golden Eagle Recreation Passport".

"(iii) Fees for daily and multiple-visit entrance permits payable by persons who choose not to purchase the annual entrance permit authorized pursuant to clause (i) of this paragraph. Such permits shall be valid at only one area so designated, only during the day or period for which the fee has been paid, and only in accordance with regulations applying to that area.

"(iv) Fees for supplemental permits for the use of specialized sites, facilities, equipment, or services provided by the United States within any area so designated. Such fees may be in addition to the annual fee provided for in clause (ii) of this paragraph.

"(v) Fees for special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses.

"The above fees may be charged for access to or use of any Federal land area or recreational facility where fee collection is determined to be economically and administratively feasible.

"Entrance and admission fees may be charged at areas administered primarily for scenic, scientific, historical, cultural, or recreation purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters.

"User fees at recreation areas administered by the United States at Federal lakes and reservoirs shall be collected by officers and employees only from users of highly developed facilities constructed for reasons of public health, safety, and convenience, and which require a schedule of regular maintenance and supervision. Fees shall not be collected for entrance or access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

"The President shall provide for the development of appropriate guidelines for the establishment of a system of standardized fees. It is the intent of this Act that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

"All fees established under this Act shall be fair and equitable: *Provided further,* That nothing herein shall require that any fee be established at the same level charged by non-Federal public recreation agencies and by private enterprises for comparable facilities and services.

"The above fees may not be charged to any person who (1) is engaged in commercial or other activities not related to recreation; (2) is traveling over any national parkway or any road or highway established as part of the Federal-aid system, as defined in title 23, United States Code, section 101, or any road within the national forest system or within Corps of Engineers project boundaries, commonly used by the public as a means of travel between two places either or both of which are outside of the designated fee area; (3) is exercising a right of access to any land in which such person has any property right if such land is within a designated fee area; (4) has a right of access or hunting and fishing privileges under a specific provision of law or treaty; or (5) is engaged in the conduct of official Federal, State, or local government business.

"Clear notice that a fee has been established pursuant to this subsection shall be posted at each area to which it is applicable. The head of each Federal department and agency referred to in this subsection is authorized to prescribe rules and regulations for the collection of the fees established pursuant to this subsection for areas under his administration or authority: *Provided further,* That except as provided above, no free permits shall be issued to any Member of Congress or other Federal, State, or local government official. The collection of fees for the annual recreation permits, established pursuant to clauses (i) and (ii) of the second paragraph of this subsection, may be made by the head of such agency directly or by contract with any private or public agency. Any such contract may provide that the contractor will receive not more than 10 per centum of the total fees he collects for any one calendar year, and may be subject to such other terms and conditions as the agency head deems proper.

"Any person authorized by the head of a Federal agency referred to in this subsection to enforce any rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100."

"No citizen of the United States who is sixty-five years of age or over shall be required to pay any entrance or admission fee for entry or admission to any area or areas covered by clause (i) of this subsection." Such citizens will be given a nontransferable Golden Age Passport which will be renewable each year. This permit will be equal, in all respects, to the Golden Eagle Passport described in clause (i) of this subsection.

SEC. 3. Section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903) is amended by inserting immediately before the period at the end thereof the following: "except to the extent that the head of a Federal agency referred to in said section determines to be necessary to advertise and promote any recreation fees established pursuant to section 2(a) of this Act".

SEC. 4. (a) The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of "The Golden Eagle Insignia", originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.

(b) Chapter 33 of title 18 of the United States Code is amended by adding the following new section thereto:

"§ 715. 'The Golden Eagle Insignia'

"As used in this section, 'The Golden Eagle Insignia' means the words 'The Golden Eagle' and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses 'The Golden Eagle Insignia', or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of the Land and Water Conservation Fund Amendments Act of 1971, shall not be a violation of this section.

"A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior."

(c) The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereon:

"715. 'The Golden Eagle Insignia'."

(d) The rights in "The Golden Eagle Insignia" under this Act, shall terminate if the use by the Secretary of the Interior of "The Golden Eagle Insignia" is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.

SEC. 5. Subsection (a) of section 6 of the Land and Water Conservation Fund Act of 1965, as amended, is amended (1) by deleting the period at the end of paragraph (2) thereof and inserting in lieu thereof a semicolon and the word "and"; and (2) by adding immediately after paragraph (2) thereof the following new paragraph:

"(3) For defraying expenses incurred in connection with the operation and maintenance of Federal recreation facilities in or around Federal lakes and reservoirs administered by the Corps of Engineers, Tennessee Valley Authority, or the Bureau of Reclamation, and for recreation areas located on public domain lands administered by the Bureau of Land Management."

SEC. 6. The President shall submit a report to the Congress within one year following the approval of this Act on the progress which has been made to achieve a system of standardized fees.

SEC. 7. This Act may be cited as the "Land and Water Conservation Fund Amendments Act of 1971".

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 1893 and insert in lieu thereof the provisions of H.R. 6730, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6730) was laid on the table.

BUFFALO NATIONAL RIVER, ARK.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8382) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" numbered NR–BUF–7103 and dated December 1937, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided,* That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to the enactment of this Act: *Provided further,* That such reimbursement shall not exceed a total of $375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as "owner") of any improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or any owner of lands used solely for agricultural purposes (including, but not limited to, grazing) may retain, as a condition of the acquisition of such property or lands, a right of use and occupancy of such property for such residential or agricultural purposes. The term of the right retained shall expire upon the death of the owner or the death of his spouse, whichever occurs later, or in lieu thereof, after a definite term which shall not exceed twenty-five years after the date of acquisition. The owner shall elect, at the time of conveyance, the term of the right reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this Act or would affect the national river and the values to be protected by it under this Act.

SEC. 5. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the national river and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the national river for preservation as a wilderness, and any designation of any such area as a wilderness, shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 7. For the acquisition of lands and interests in lands, there are authorized to be appropriated not more than $16,115,000. For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to recommend the enactment of H.R. 8382 by our colleague from the State of Arkansas (Mr. HAMMERSCHMIDT). This legislation provides for the creation of the Buffalo National River which is located in the Ozark country in northern Arkansas.

DESCRIPTION AND SIZE

Late last spring, I had an opportunity to visit this area briefly to see for myself the values which it has to offer for the future enjoyment of the people of the Nation.

The river itself, of course, is the prime resource. From the time when the autumn rains begin, until the dry season which begins in the early summer, the entire river provides an outstanding opportunity for those who like to canoe or float. While some parts of the river may not be navigable for the entire year, the stream provides an excellent fishery habitat. It is relatively warm, unpolluted waters and gravelly streambed make it a classic smallmouth bass stream.

It would be difficult to enjoy the river, without enjoying the scenery, as well. The entire area offers the photographer an outstanding landscape to pursue his hobby. Multicolored cliffs, spectacular rock formations and forested hillsides are interspersed along the practically undeveloped riverway.

Naturally, such an area offers many associated recreational opportunities. Scenic vistas from the overhanging cliffs and interesting valleys and caves along the river provide the hiker, camper, and explorer with some relatively rare opportunities to escape from the day-to-day routine of the urban life.

In addition to all of these other features, Mr. Speaker, it is believed that this area may contain some valuable archeological sites. To date there has been no systematic effort to examine these values, but there have been several interesting discoveries which suggest that evidence of prehistoric times might be found and artifacts of more recent times have been uncovered in various places.

RECREATION POTENTIAL

Mr. Speaker, it is almost unbelievable that a resource of the magnitude of this area remains available today. Here in one long, but compact unit we have an opportunity to protect for all time a pure, free-flowing river with an amazing combination of values. It is fair to say that the Buffalo River, with its clean waters, its sports fishery and its associated water-oriented recreation values, combined with its scenic, natural, scientific, historical, and cultural qualities make it one of the outstanding conservation opportunities anywhere in the country.

More than 15 million people live near enough to the Ozark country to drive there in 1 day. Properly developed, the area can support a tremendous visitor load without giving the visitor the feeling of being crowded. In fact, it is estimated if the development program is undertaken promptly, the annual visitation rate will approach 2,000,000 visits after the first 5 years.

DISTINCTION WITH WILD AND SCENIC RIVERS PROGRAM

The area involved in this proposal stretches some 132 miles from the Ozark National Forest to its confluence with the White River. All but the upper reaches of the river are included in the proposal, and the remainder—about 16 miles—is within the national forest. The lands which are deemed worthy of inclusion in the boundaries total 95,730 acres and the corridor will vary in width from a half mile to about 4 miles depending on the nature of the adjacent lands and the potential which they offer for supplemental recreation opportunities.

Unlike the wild and scenic rivers program which is much more limited in size—100 acres per mile on both sides of the river—the national river will be administered in a manner similar to a national recreation area. Except for lands needed for public use, access and development, qualifying residents will be entitled to retain a right of use and occupancy of their homes and farmlands for their lifetime or for a period of 25 years if they wish. Of course, they will be compensated for the interest in the land which is acquired by the Federal Government.

COMMITTEE CONSIDERATION AND AMENDMENTS

This legislation has been carefully reviewed by the Members of the Committee on Interior and Insular Affairs. It has the endorsement of the congressional delegation from the State of Arkansas and it has the enthusiastic support of the Governor and other State officials.

For the most part, the committee amendments bring this legislation into conformity with the standards required at other areas which are comparable in nature.

The committee amendments do include one unprecedented change which results from unique circumstances. This amendment provides that the State of Arkansas may be reimbursed for its share of the cost of facilities which are to be developed in the future at a State park area which it has agreed to donate to the Federal Government for the purposes of the national river.

The State of Arkansas has approved a bond issue for state park improvements and secured a matching EDA grant. It has money available and plans made to make needed improvements at the Buffalo River State Park. The improvements include the installation of water and sewage facilities so as to control pollution as larger crowds visit the park. They include an underground electrical system, more adequate restrooms, additional picnic units, campgrounds and facilities. These plans have been approved by the

National Park Service to assure their compatibility with the development plans contemplated by the Federal Government.

The reimbursement authorized is for State funds used to make improvements after the bill is enacted into law—not for existing State park facilities which will be donated. The amount involved cannot exceed $375,000 and repayment is to be without interest.

Since construction costs are escalating each year, adopting the amendment will not only make the needed improvements available years earlier, but also may save the Government money in the long run. To my knowledge, no other State has offered to advance funds to make needed improvements in this manner. Of course, no reimbursement could be made unless appropriations for that purpose are approved by Congress.

COST

Altogether, it is estimated that the land acquisition program will require the investment of $16,115,000 and the bill contains the usual limitation on appropriations in this regard. These funds, as everyone knows, will be appropriated from the land and water conservation fund which was established for this purpose.

Under the terms of the bill, development of the area is authorized in annual installments, rather than in the usual lump sum. As the Members of the House are well aware, the development of our park and recreation areas is proceeding at a snail's pace. The language contained in this legislation is an honest attempt to prompt the Park Service, the Department of the Interior and the Office of Management and Budget to complete the job which they have indicated needs to be done. Far too many projects have been authorized where little or no develment work has been done and we all know that construction costs are escalating rapidly.

In this case, if the funds are not requested in accordance with the schedule which the Department submitted with the sanction of the Office of Management and Budget, then the authority to make the appropriations will lapse and the agency will be required to come back to the Congress to explain why the work has not been done and why the funds were not requested. We think this is a far better procedure than granting the usual lump sum development ceiling with a provision permitting the authorization be be automatically increased if construction is delayed, because that procedure has not been conducive to the orderly completion of the projects recommended.

CONCLUSION

Mr. Speaker, H.R. 8382 provides for the creation of an outstanding new addition to the national park system. I am delighted to have this opportunity to recommend its approval by the Members of the House and I urge its adoption, as amended.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I will be glad to yield to the gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding, and I have asked for this time for the purpose of asking the gentleman a question.

The State of Arkansas has already made some substantial improvement, and the reimbursement feature of this measure is for improvements made after the passage of this bill. Is that correct?

Mr. TAYLOR. The gentleman is correct. And the amendment so provides only for reimbursements made after the passage of the bill. The park as it now is would be donated.

Mr. HALEY. I thank the gentleman.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8382, a bill providing for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

The Buffalo River, from its beginning in the Ozark National Forest to its confluence with the White River, some 148 miles away, is a beautiful natural river. It is still a free-flowing stream of crystal-clear water. It abounds with fish. Its banks are scenic. And in my opinion, the outdoor recreational opportunities it provides should be conserved for all the American people. The Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments thought so in 1963, and in 1969 legislation passed the other body to establish the Buffalo as a national river. I am in favor of establishing the Buffalo as a national river—all 95,730 acres of its lands and waters. And I sincerely urge my colleagues' support for that purpose. There are two things about H.R. 8382 that bother me, however, and I think that the record should reflect these reservations lest we establish precedent detrimental to salutory past practices of the Committee on Interior and Insular Affairs and this Congress.

The Wild and Scenic Rivers Act, 78 Stat. 906, for which I and many others interested in preserving our natural assets worked long and hard, provides a method whereby rivers such as the Buffalo can be added as components of a national wild and scenic rivers system. The argument has been made that the Buffalo and its environs are too large an area to fit within the formula of that act—or, conversely, that land worthy of protection would not be so protected and hence lost to development. The argument is convincing. Nevertheless, I would rather have seen the Wild and Scenic Rivers Act altered to accommodate this river. Establishment of this river as a national river by means other than the Wild and Scenic Rivers Act will work no harm provided it is understood that this legislation is an attempt to accommodate a unique situation, not an attempt to undermine the policy of the United States as set forth in that act.

H.R. 8382 contains authorization to reimburse the State of Arkansas up to $375,000 for improvements it intends to make at a State park slated for inclusion within the national river. That money is to come from the funds authorized for appropriation for development purposes by this bill. This is the first time in my memory that the Committee on Interior and Insular Affairs has approved of such a measure. In behalf of the proposition, it must be stated that the State of Arkansas has indicated that it will donate that State park as well as another and 1,500 acres of State game management lands. The State has already obligated itself to a matching fund grant from the Economic Development Administration for construction of the facilities which include recreation oriented conveniences and a sewage and water treatment facility. And the legislation does provide that reimbursement may be made only for those facilities constructed after this bill becomes law and only for those facilities developed in a manner approved by the Secretary of the Interior. I do not question the reasonableness of the reimbursement provision. I do want to caution against its becoming a precedent. I do not object to that provision, provided it is understood that this, too, is an attempt at accommodation of a unique situation, not the precurser of a practice of the committee.

With the two caveats I have cited in mind, I think that this legislation is a significant step forward in preserving the remaining natural areas in this country and I urge its passage.

The SPEAKER. The Chair recognizes the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 8382—a bill providing for the establishment of the Buffalo National River in the State of Arkansas.

This river is one of the last significant free-flowing natural rivers in the country—a fact that has been officially recognized by the Secretary of Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The river originates in the Ozark Mountains and flows eastwardly through four counties to join with the White River some 148 miles from the beginning.

Along the stream—the scenery is constantly changing—from forested hills to high cliff walls interspersed with caves and waterfalls.

The river is suitable for canoeing and for float trips.

It is an understatement to say that the river is remarkably beautiful.

H.R. 8382 would create a corridor of 132 miles along the river starting within the Ozark National Forest—95,730 acres would be incorporated in the national river.

Only a small portion of that acreage is presently in Federal ownership—950 acres.

About 3,950 acres are in State ownership. Over 90,000 are privately owned.

In order to reduce the necessity for immediate acquisition of privately owned lands, three zones will be established. A development zone of about 9,000 acres will have to be acquired to develop needed visitor facilities.

A conservation zone of about 78,000 acres would be established wherein owners of residential or agricultural properties would be permitted to retain a right of use and occupancy for a life or 25-year term, provided that for residential property, to be eligible, construction thereof must have begun before

September 3, 1969—the date the other body first approved the legislation.

A private-use zone of about 9,400 acres would be established wherein private ownership would be permitted subject to scenic controls and rights-of-ways for necessary access. Most of the land in that area is used for farming.

Because almost all of the lands along the river are in private ownership acquisition costs are substantial—$16,115,000. State-owned lands—including the Buffalo River State Park and the Lost Valley State Park which will be within the borders of the national river—are to be donated.

Authorized appropriations for development within the national river are prescribed for 5 years in annual installments beginning fiscal year 1974 and totaling $9,371,000.

The sum of $375,000 is authorized to be reimbursed to the State of Arkansas for improvement at the Buffalo River State Park which the State is obligated to make under a matching funds contract with the Economic Development Administration—provided the Secretary of the Interior approves the facilities and they are constructed subsequent to the date this bill becomes law.

It seems eminently reasonable to authorize such a reimbursement, although somewhat unusual, since the State is going to donate the parklands on which the facilities will be constructed to the Federal Government for inclusion in the national river and the Federal Government would have to construct similar if not identical facilities.

This national river could have been established under the Wild and Scenic Rivers Act—82 Stat. 906. This legislation goes further than that act which was designed to protect rivers and areas of smaller magnitude: river corridors averaging no more than 100 acres per mile on both sides of the river.

Establishment of this national river will afford recreation opportunity for some 15 million people living within a day's drive. At the same time this outstanding recreation resource will be preserved for generations of Americans.

I urge the support of my colleagues for this bill.

Mr. Speaker, I now yield to the gentleman from Arkansas (Mr. HAMMERSCHMIDT) such time as he may consume.

Mr. HAMMERSCHMIDT. Mr. Speaker, I wish to associate myself with previous remarks of my colleagues on this bill. It is an amended version of the proposal which I introduced in the 90th and subsequent Congresses.

In brief, the Buffalo River flows almost entirely within the congressional district I represent. H.R. 8382 establishes the Buffalo as a national river to be maintained as a free-flowing stream.

It sets up a federally owned and supervised area along 132 miles of the river, comprised of 95,730 acres of land and water, to be administered by the Secretary of Interior as a unit of the National Parks System.

It is a beautiful river in an unspoiled and beautiful land.

The proposal has its controversial aspects. Many of those people whose living places and ways of life would be affected find understandable cause to oppose this bill.

Yet there is confirmation for the wisdom of establishing this national river for future generations to enjoy.

No sounder basis can be cited than the approval of the House Committee on Interior and Insular Affairs. The action followed extensive committee inquiry and investigation as directed by its distinguished chairman, the gentleman from Colorado (Mr. ASPINALL) whose support for sound environmental causes is known to us all. For his wise leadership in assuring a complete examination of this proposal, I am deeply grateful.

I wish also to express special appreciation to the chairman of the Subcommittee on Parks and Recreation, the gentleman from North Carolina (Mr. TAYLOR) for his astute shaping of the legislation.

Of immense help was the good counsel of the ranking minority member of the committee, the gentleman from Pennsylvania (Mr. SAYLOR). Both he and the gentleman from North Carolina (Mr. TAYLOR) visited the Buffalo area to become more knowledgeable about this beautiful land, as did the gentleman from California (Mr. JOHNSON).

My neighbor and colleague, the ranking minority member of the Subcommittee on Parks and Recreation, Mr. SKUBITZ, knows the area quite well, and has counseled with me numerous times on this legislation.

For their personal expenditure of time and effort, they have the thanks of those who have long sought enactment of this bill. A full measure of appreciation in fact, goes to all the members of the committee and the efficient and hard-working professional staff members, too.

This is true, I am sure, of my colleague from Arkansas (Mr. ALEXANDER), who in this Congress introduced an identical measure to mine; of the other members of the Arkansas House delegation, Mr. MILLS and Mr. PRYOR, we are united in support of the bill. So, too, are our colleagues in the other body, Senator MCCLELLAN and Senator FULBRIGHT, who introduced Buffalo River legislation, as I did, beginning with the 90th Congress.

There are many, many others to thank for their constructive assistance. Members of the Ozark Society of Arkansas, dedicated to the preservation of our great outdoor resources, gave unremitting support to the legislation.

The press has given strong support to the concept. In my district I wish to single out the backing of the Southwest American of Fort Smith and the Northwest Times of Fayetteville.

Elsewhere in Arkansas, the Pine Bluff Commercial, the Arkansas Democrat, and the Arkansas Gazette have been active editorial proponents of the measure, as have many other newspapers.

So many have been so helpful.

Mr. Speaker, the bill presented to the House today takes what I hope will be the final form of the law. It contains details important to the success of establishing the Buffalo as a national river.

The committee amended my original bill in several respects.

I would have preferred a land acquisition provision for "35-years or life occupancy" but am pleased for the "25-years or life occupancy" provision.

I would have preferred January 1971 as the date limiting reimbursement for property improvements, but I accept with thanks the committee suggestion of September 13, 1969, the date on which the other body first passed a similar bill.

I regret the deletion of my proposal for a special Federal payment to compensate the counties for their losses of taxable lands. However, I accept the judgment of the committee that such action would set an unrealistic precedent.

Most pleasing is the provision reimbursing the State of Arkansas up to $37,000 for Buffalo River development work it undertakes after enactment of the legislation, as a result of contractual arrangements recently accepted. It was most gratifying that the committee approved this fair and equitable provision, having assured itself of the close cooperation between the State of Arkansas and the Department of the Interior in the matter.

At the risk of being overly repetitive, I would like to state again important points about H.R. 8382 as brought to the House floor today, asking the understanding and support of my colleagues for its passage.

It preserves the Buffalo as a free-flowing stream so that more and more people may enjoy this magnificent natural resource.

The Buffalo's headwaters lie within the Ozark National Forest. All of the remaining 132 miles of the river can be preserved and administered as a single unit.

The river and its valley comprise a veritable natural museum and living outdoor laboratory.

It offers scenery unique and unmatched between the Rocky Mountains and the Appalachians, with massive bluffs and deep valleys providing spectacular settings along the entire reach of the river.

The Buffalo River is unspoiled, unmarred by heavy residential or commercial development, free from the pollution which generally accompanies such growth.

It is something "special" among rivers.

Moreover, it possesses qualities historical, geological, cultural, botanical in combination found nowhere else.

Within the proposed boundaries, there are many noteworthy natural features, including massive beds of cavernous limestone, displays of faulting sedimentary rocks; dolomite; sandstone, and shale formations; fossil remains of ancient life.

Some 1,500 species of plants have been identified along the river.

A variety of small animals exist in the area. Hunting and fishing will continue in accordance with State and Federal law unless dangerous to public safety or not in the interests of resource management.

Numerous archeological sites within the proposed national river boundaries tell a story of American Indian occupation over a span of some 9,000 years.

The proposed national river bounds would include virtually the entire river and land adjacent totaling 95,730 acres.

The river traverses four counties, rising in Ozark National Forest in Newton County, and cutting through Searcy, Marion, and Baxter Counties before flowing into the White River.

The land to be acquired is identified as to ownership as Federal Government 950 acres, State of Arkansas 3,950 acres, and more than 90,000 acres are privately owned.

The land is not densely populated—approximately one occupied dwelling per square mile. Many of the occupants are lifelong residents of the valley.

About 10 percent of the area could continue in private ownership subject to certain easements. The remainder would be acquired by the Department of the Interior—some 9,000 acres to be developed rather rapidly for public use and access. The remainder would be acquired with options to bona fide tenants of life occupancy or 25 years. For land acquisition, the amount authorized to be appropriated is $16,115,000. For development, the measure authorizes $9,371,000 over a 5-year period.

Mr. Speaker, I call to the attention of my colleagues these additional facts.

For several years, the State of Arkansas has been on record favoring the national river concept for the Buffalo. Such support began with Gov. Orval Faubus. It continued with Gov. Winthrop Rockefeller. It is carried on today in the administration of Gov. Dale Bumpers.

By way of further validating this proposal, I cite the recommendation of the White River Basin Coordinating Committee.

This group is made up of skilled and experienced career public servants who represent the Department of Agriculture, Army, Commerce, HEW, Interior, and the Federal Power Commission as well as the States of Arkansas and Missouri.

The committee carefully considered the multipurpose development alternatives, including flood control, irrigation, power production, protection of fish and wildlife, enhancement of recreation potential. It compared them with values to be realized by retaining the river in its free-flowing condition.

The committee then recommended—

> The National Park Service has proposed a plan for the preservation and development of the Buffalo as a National River (as a free-flowing stream).
>
> This project should be carried out as part of the recreation plan for the White River Basin.

Mr. Speaker, it is my belief that approval of this measure will be consistent with sound conservation and resource development practices. It will permit preservation of a unique river to the long-time economic and cultural benefit of our Nation.

Mr. Speaker, I urge passage of this bill which will assure for future generations preservation of the Buffalo River as a free-flowing stream and protection of the beautiful and relatively unspoiled adjacent land from further commercial encroachment.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman.

Mr. KYL. Mr. Speaker, I would like to get some kind of assurance from the gentleman in the well that he will continue to converse with me, at least on a frequent basis, now that he no longer has to contact me daily in furthering the passage of this piece of legislation.

Mr. HAMMERSCHMIDT. I would be pleased to keep the gentleman informed of the progress of this development. I thank my distinguished colleague, the gentleman from Iowa (Mr. KYL) for his good help.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time.

Mr. SKUBITZ. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 8382, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 7), to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, for the purpose of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River," numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of (1) improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or of (2) lands used solely for agricultural purposes on such acquisition date may retain the right of use and occupancy of such property for such respective purposes for a term, as the owner may elect, ending either (a) upon the death of the owner or his spouse, whichever occurs later, or (b) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned, and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or agricultural purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided,* That the Secretary may exclude from any improved property any waters or land adjoining such waters or land as he deems necessary for public access thereto.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and the values to be protected by it under this Act.

Sec. 5. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,102,000 (April 1971 prices) for development of the area plus or minus such amounts, if any, as may be justified by ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taylor: Strike out all after the enacting clause of S. 7 and insert in lieu thereof the provisions of H.R. 8382, as passed.

The SPEAKER. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8382) was laid on the table.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SUGAR ACT CLARIFICATION

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 958) to amend the Sugar Act of 1948, as amended.

The Clerk read as follows:

H.J. Res. 958

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 204(a) of the Sugar Act of 1948, as amended, is amended by striking the words "section 202(c)" and inserting in lieu thereof the words "Section 202".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Washington (Mr. Foley) will be recognized for 20 minutes, and the gentleman from California (Mr. Teague) will be recognized for 20 minutes.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the House Joint Resolution 958 is to correct a technical problem arising from the approval by the House of the conference report on H.R. 8866, the Sugar Act Amendments of 1971.

In the consideration of that conference report it became evident that a technical error in citing a Sugar Act subsection had frustrated the clear intention of the conference committee.

The conference report included authority for the President to assign deficits under the act to all those countries listed in section 202(c) of the Sugar Act. It was the intention of the conferees from both the House and the Senate to include all nations participating in the act in this authority of the President to assign deficits.

It was later discovered that section 202(c) in effect included all the nations participating in the act except the Republic of the Philippines. It was not the intention of the managers to exclude the Philippines but to include all nations participating under the act, and specifically to include the Republic of the Philippines.

This joint resolution would have the effect of merely striking section 202(c) and inserting in lieu thereof section 202. This substitution will have the effect of authorizing assignment of deficits to all participating nations, including the Republic of the Philippines, and comports with the intention of the conferees of both the House and the Senate.

I might call the attention of the House to the fact that the cosponsors of this joint resolution now under consideration include all the House conferees on the Sugar Act amendments, H.R. 8866. I am joined in cosponsoring this resolution by the distinguished gentleman from Texas (Mr. Poage) the chairman of the Agriculture Committee, and the gentleman from Mississippi (Mr. Abernethy), the gentleman from Oklahoma (Mr. Belcher), and the gentleman from California (Mr. Teague).

Again I assure the House this is merely a technical correction to conform the conference report with what was the intention of the managers of the House.

Mr. TEAGUE of California. Mr. Speaker, the gentleman from Washington has correctly and quite properly described what this is all about. It is purely a technical matter. All the Republicans who were conferees—all being the gentleman from Oklahoma (Mr. Belcher) and I—believe that was our understanding, and our understanding will be correctly set forth when this resolution is adopted. This is purely a technical matter and it should be adopted. There is no purpose in taking more time, and I hope we will not have the necessity for a rollcall vote.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. Foley) that the House suspend the rules and pass House Joint Resolution 958.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Joint Resolution 958, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXEMPTING POTATOES FOR PROCESSING FROM MARKETING ORDERS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2672) to permanently exempt potatoes for processing from marketing orders.

The Clerk read as follows:

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruit and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing".

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1937 Congress passed the Agricultural Marketing Agreement Act. This act authorized a marketing order for potatoes but included an exemption for those potatoes that were produced for canning.

In 1946 when amendments to the Agricultural Marketing Agreement Act were passed, technology had advanced to the point where potatoes were also being frozen as a method of processing. Frozen potatoes had then become a common commodity on the market, and the Agricultural Marketing Agreement Act was amended to include an exemption for potatoes for freezing as well as canning.

Two years ago it became apparent that again technology had created a new type of processed potato product in the processing of potatoes by dehydration. It was discovered that processors engaged in the dehydrating of potatoes were not exempt from the marketing orders, as were canning and freezing processors.

In those States where Federal potato marketing orders existed, dehydration processors faced a severe problem. Being subject to the marketing orders, they were obliged in some cases to pay a higher price for potatoes used in their processing operations than were processors who were freezing or canning potatoes or dehydration processors in other States where the marketing orders did not apply at all.

Consequently, the economics of the processing industry made it impossible for these dehydrators to continue to operate in those States where a Federal marketing order was in effect. Accordingly, the 91st Congress passed legislation to exempt all processing operations from marketing order controls. The final form of the legislation included a Senate amendment placing a 2-year limitation on the legislation in order to allow for a period of examination of the new exemption.

This month the 2-year period will expire, and the House Committee on Agriculture has reported a Senate-passed bill which would permanently extend marketing order exemption to all potatoes for processing.

It seems to me that this legislation is necessary in order to equitably apply the processing exemption that will otherwise exist only for the freezing and canning operations of the processing industry.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding.

I have read the committee report. I have no great potato producing facilities one way or the other in my district. I am just interested in the processes of good government.

As I understand the background here, it is that the people who process and dehydrate potatoes are more or less competing for the same marketing order exemptions, as those who freeze and can potatoes.

Mr. FOLEY. The gentleman is correct.

Mr. HALL. We made an exclusion for one group, and now the others want to be similarly excluded, to put it as simply as possible.

In other great production areas of food and fiber stuff we have marketing orders, with markoffs and advertising and promotion and so forth, as the gentleman well knows. I have no fault to find with that, when the people vote it as the individuals who are actually producers.

But are we not making a mistake by accepting more and more exclusions including everyone in the basic industry? For example, in the milk marketing orders and the checkoff system, if we excluded that portion of the milk which goes into cheese, would we not be in about a comparable situation with excluding potato producers or heavy carbohydrate producers as to any basic crop, who freeze and dry or dehydrate instead of using the total basic production as the baseline? It seems to me we are exempting more and more, to the point where we cut under the original intent of the process for making these things more consumable in the minds of the buying public.

Mr. FOLEY. The gentleman raises a very important issue and a very pertinent question. In fact, the Committee on Agriculture was faced with somewhat of a dilemma in the consideration of this bill. On the one hand, the great majority of the committee supports the marketing order concept and is reluctant, as the gentleman says, to erode that concept to any great degree.

The problem which arises, however, is that there are only two ways we can, in effect, treat processors equitably. One would be to extend a marketing order to all processing, repealing the exemption both for canning and freezing, and extending the provisions of such a universal marketing order to every State in which potatoes are raised or processed.

The only alternative is to extend the freezing and canning exemption to all processing operations as this bill does.

As I noted earlier, the canning exemption under the marketing order system is a very old one. It goes back to the agriculture marketing legislation of the 1937 act. The exemption for freezing dates from the 1946 amendments to the Marketing Act.

To be perfectly candid with the gentleman, I doubt very much if it would be easy for the committee or for the House to remove exemptions of such long standing.

I might note in recent years that the percentage of potatoes going into processing channels as that against the so-called fresh potato crops has increased dramatically in all major potato-raising States. In my own State of Washington between 70 and 80 percent of our potato crop is now being processed in one form or another. Similar developments have occurred, I believe, in the State of Maine and in Idaho. Throughout the Nation more and more of the potato crop is going into processing.

There is therefore a very real problem created when marketing orders exempt some types of processing but not others, and the only satisfactory and feasible resolution of this problem that the Committee on Agriculture can suggest is balancing the treatment of processors so that all processors stand on an equal footing with relation to marketing orders by means of a general processing exemption as provided in S. 2672.

I urge the House to suspend the rules and pass the bill.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield to me?

Mr. FOLEY. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Speaker, I ask your support of the bill S. 2672 to permanently exempt potatoes from processing from marketing orders. It is important that all potatoes sold for processing receive fair and equal treatment in marketing arrangements.

Historically there has been a legal distinction made between fresh agricultural commodities and those used for processing. The Agricultural Marketing Agreement Act of 1937 gave an exemption to potatoes used for canning. In 1946, the same exemption was extended to potatoes for freezing. At that time, frozen food was a great advance in processing technology.

In recent years, dehydration has become a widely used technique and a significant element in the potato processing business. However, it has taken some time for this development to be reflected in legislative changes. In February 1970, the exemption granted to potatoes for canning and freezing was extended to potatoes for other processing by Public Law 91-196, but only for a 2-year period. During this period of time, soon to expire, no difficulties have been experienced in connection with this extension of the law.

Now the time has come to make this temporary measure permanent so that henceforth all potatoes used for processing by any technique will be exempted from marketing orders. This is the way to insure equitable treatment for all engaged in the potato processing field.

The Maine Potato Council has endorsed the bill by a unanimous vote. I add my strong recommendation to theirs and ask that you join me in supporting the passage of S. 2672.

Mr. GOODLING. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would very briefly like to respond to the question the gentleman from Missouri (Mr. HALL) raised.

Fresh produce is pretty largely sold on eye appeal. With respect to potatoes we know that we can use potatoes that do not have eye appeal for processing and come up with just as good a product. This to my way of thinking and to the thinking of a lot of the people on the Committee on Agriculture should place better potatoes on the fresh market than we would otherwise.

The gentleman from Washington (Mr. FOLEY) explained the bill and I shall not go into it any further. He mentioned the technology that we have gained in processing and dehydrating potatoes. We have done exactly the same thing with regard to chip potatoes. Today we are producing a far better chip than we did 10 or 15 years ago.

One thing that is very, very desirable in my point of view is the fact that we will get the Government out of the potato marketing field to a certain extent rather than adding an additional burden to the Government.

This is a good bill, and I hope everyone will support it.

I reserve the balance of my time.

Mr. LEGGETT. Mr. Speaker, I urge that S. 2672 be passed under suspension of the rules. This bill is identical to H.R. 11175, which was introduced by Mr. HANSEN of Idaho and cosponsored by Congressmen MCCLURE, EDWARDS of California, FRENZEL, HATHAWAY, PURCELL, and me.

The purpose of this bill is to permanently exempt potatoes for dehydration and other processing from regulation under marketing orders. It would thus make permanent Public Law 91-196, which amends the Agriculture Act of 1937 to establish this exemption but which expires in 2 weeks, on February 20.

Potatoes for canning and freezing are already exempt from marketing orders. Since potato products compete with each other, it is only fair that all potatoes for processing be placed on an equal footing. This bill has the support of potato growers, shippers, and processors. I support it fully.

Mr. FRENZEL. Mr. Speaker, S. 2672, an act providing exemption for potatoes for processing from marketing orders under the Agriculture Adjustment Act, merits the attention and the vote of each Member of this House. It extends a partial exemption, due to expire this year, and in addition broadens the exemption to apply to all potatoes for processing. This legislation restores the position of potatoes which are to be dehydrated, putting them on the same basis as potatoes intended for canning and freezing. The total effect is to put potato processors, who market different, but essentially competitive products, on an equal footing. This bill is an important one for the people of my district, and I hope it will be passed today.

The SPEAKER. The question is on the motion offered by the gentleman from Washington that the House suspend the rules and pass the bill S. 2672.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

MERCHANT MARINE ACT AMENDMENT

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9756) to amend the Merchant Marine Act, 1936, as amended.

The Clerk read as follows:

H.R. 9756

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. Section 1101 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271), is amended by striking out the entire section and inserting the following:

"SEC. 1101. As used in this title—

"(a) The term 'mortgage' includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended on any vessel of the United States (other than a towboat barge, scow, lighter, car float, canal boat, or tank vessel of less than twenty-five gross tons), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended.

"(b) The term 'vessel' includes all types, whether in existence or under construction, of passenger cargo and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges and dredges which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwise trade within the meaning of section 2 of the Shipping Act, 1916, as amended, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction vessels owned by citizens of the United States;

"(c) The term 'obligation' shall mean any note, bond, debenture, or other evidence of indebtedness (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (d) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1108 of this title), issued for one of the purposes specified in subsection (a) of section 1104 of this title;

"(d) The term 'obligor' shall mean any party primarily liable for payment of the principal of or interest on any obligation;

"(e) The term 'obligee' shall mean the holder of an obligation;

"(f) The term 'actual cost' of a vessel as of any specified date means the aggregate, as determined by the Secretary of Commerce, of (i) all amounts paid on or before that date, and (ii) all amounts obligated to be paid from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

"(g) The term 'depreciated actual cost' of a vessel means the actual cost of the vessel depreciated on a straightline basis over the useful life of the vessel as determined by the Secretary of Commerce, not to exceed twenty-five years from the date the vessel was delivered by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual cost of the vessel depreciated on a straightline basis from *the* date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce; and

"(h) The terms 'construction', 'reconstruction', or 'reconditioning' shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping."

SEC. 2. Section 1102 of the Merchant Marine Act, 1936 (46 U.S.C. 1272) is amended as follows:

(1) By striking from the first sentence thereof the words "Federal Ship Mortgage Insurance Fund (hereinafter referred to as the fund)" and inserting in lieu thereof the words "Federal Ship Financing Fund (hereinafter referred to as the Fund)".

(2) By deleting the word "fund" immediately preceding the words "the sum of $1,000,000" and inserting in lieu thereof the word "Fund".

(3) By deleting the words "Section 1110 (46 U.S.C. 1279)" at the end of the first sentence thereof and inserting in lieu thereof "Section 1107 (46 U.S.C.)."

(4) By deleting the word "fund" from the last sentence thereof wherever it appears and inserting in lieu thereof the word "Fund".

SEC. 3. Sections 1103 through 1109 of the Merchant Marine Act, 1936 (46 U.S.C. 1273–1278) are amended by striking such sections entirely and inserting in lieu thereof the following:

"SEC. 1103. (a) The Secretary of Commerce, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this title.

"(b) No obligation shall be guaranteed under this title unless the obligor conveys or agrees to convey the Secretary of Commerce such security interest, which may include a mortgage or mortgages on a vessel or vesels, as the Secretary of Commerce may reasonably require to protect the *interests* of the United States.

"(c) The Secretary of Commerce shall not guarantee the principal of obligations in an amount in excess of 75 per centum, or 87½ per centum, whichever is applicable under section 1104 of this title, of the amount, as determined by the Secretary of Commerce which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary of Commerce, unless the obligor creates an escrow fund as authorized by section 1108 of this title, in which case the Secretary of Commerce may guarantee 75 per centum or 87½ per centum, whichever is applicable under section 1104 of this title, of the actual cost of such vessel or vessels.

"(d) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

"(c) Any guarantee, or commitment to guarantee, made by the Secretary of Commerce under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

"(f) The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one full time shall not exceed $3,000,000,000.

"SEC. 1104. (a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade; (D) in the fishing trade or industry; or (E) with respect to flooding drydocks, in the construction, reconstruction, reconditioning, or repair of vessels: Provided, however, That no guarantee shall be entered into pursuant to this paragraph (a)(1) later than one year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels, or facilities or equipment pertaining to marine operations;

"(2) financing the purchase of vessels theretofore acquired by the Fund under the provisions of section 1105 and reconditioning and reconstructing such vessels;

"(3) financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to title V of this Act, as amended; or

"(4) refinancing existing obligations issued for one of the purposes specified in (1), (2), or (3) whether or not guaranteed under this title, including, but not limited to, short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time.

"(b) Obligations guaranteed under this title—

"(1) shall have an obligor approved by the Secretary of Commerce as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary of Commerce;

"(2) subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary of Commerce, of the vessel which is used as security for the guarantee of the Secretary of Commerce: *Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is or would have been eligible for mortgage aid for construction under section 509 of this Act (or would have been eligible for mortgage aid under section 509 of this Act except that the vessel was built with the aid of construction-differential subsidy and said subsidy has been repaid) and in respect of which the minimum downpayment by the mortgagor required by that section would be or would have been 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost or depreciated actual cost: *Provided, further,* That the obligations which relate to a barge which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which said subsidy has been repaid, and is to be carried on a vessel, may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost thereof;

"(3) shall have maturity dates satisfactory to the Secretary of Commerce but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twenty-five years from the date of the delivery of the vessel which serves as security for the guarantee of the Secretary of Commerce or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) twenty-five years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary of Commerce;

"(4) shall provide for payments by the obligor satisfactory to the Secretary of Commerce;

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary of Commerce;

"(6) shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary of Commerce is a delivered vessel, the vessel shall be in class A-1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary of Commerce, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service; and

"(7) may provide, or a related agreement may provide, if the vessel used as security for the guarantee of the Secretary of Commerce is a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, and if the Secretary of Commerce approves, that the sole recourse against the obligor by the United States for any payments under the guarantee shall be limited to repossession of the vessel and the assignment of insurance claims and that the liability of the obligor for any payments of principal and interest under the guarantee shall be satisfied and discharged by the surrender of the vessel and all right, title, and interest therein to the United States: *Provided,* That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the security interest conveyed to the Secretary of Commerce under this title, (ii) in class, and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the obligor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the Secretary of Commerce of claims of the obligor under such policies.

"(c)(1) The security for the guarantee of an obligation by the Secretary of Commerce under this title may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary of Commerce under this title may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

"(2) If the security for the guarantee of an obligation by the Secretary of Commerce under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided,* That the Secretary of Commerce may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

"(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources.

"(e) The Secretary of Commerce is authorized to fix a fee for the guarantee of an obligation under this title. If the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. For purposes of this subsection (e), if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Fee payments shall be made by the obligor to the Secretary of Commerce when moneys are first advanced under a guaranteed obligation and at least sixty days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

"(f) The Secretary of Commerce shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, for services in connection with the escrow fund authorized by section 1108 and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided,* That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed.

"(g) All moneys received by the Secretary of Commerce under the provisions of sections 1101–1107 of this title shall be deposited in the Fund.

"(h) Obligations guaranteed under this title and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary of Commerce), liens and releases of liens, payments of taxes, and such other matters as the Secretary of Commerce may, in his discretion, prescribe.

"SEC. 1105. (a) In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this title, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of Commerce of the unpaid principel amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided,* That the Secretary of Commerce shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

"(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Commerce, the Secretary of Commerce may notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days from the date of such notice, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

"(c) In the event of any payment by the Secretary of Commerce under subsection (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of the sale shall be as approved by the Secretary of Commerce.

"(d) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) or (b) of this section, shall be paid in cash. If at any time the moneys in the Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) or (b) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms nad denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

"(e) In the event of a default under any guaranteed obligation or any related agreement, the Secretary of Commerce shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary of Commerce, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary of Commerce shall receive through the sale of property an amount of cash in excess of any payment made to an obligee under subsection (a) or (b) and the expenses of collection of such amounts, he shall pay such excess to the obligor.

"Sec. 1106. Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce to be guaranteed, or for the purpose of obtaining any extention or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues and security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act."

Sec. 4. Section 1110 of the Merchant Marine Act, 1936 (46 U.S.C. 1279) is redesignated "Sec. 1107."

Sec. 5. Sections 1111 through 1112 of the Merchant Marine Act 1936 (46 U.S.C. 1279a; 1279b) are amended by striking such sections and inserting the following in lieu thereof:

"Sec. 1108. (a) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel or vessels which will serve as security for the guarantee of the Secretary of Commerce, the Secretary of Commerce is authorized to accept and hold, in escrow under an escrow agreement with the obligor, a portion of the proceeds of all obligations guaranteed under this title whose proceeds are to be so used which is equal to: (i) the excess of the principal amount of all obligations whose proceeds are to be so used over 75 per centum, or 87½ per centum, whichever is applicable under section 1104 of this title, of the amount paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of the vessel or vessels; (ii) with such interest thereon, if any, as the Secretary of Commerce may require: *Provided*, That in the event the security for the guarantee of an obligation by the Secretary of Commerce relates both to a vessel or vessels to be constructed, reconstructed or reconditioned and to a delivered vessel or vessels, the principal amount of such obligation shall be prorated for purposes of this subsection (a) under regulations prescribed by the Secretary of Commerce.

"(b) The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the obligor is obligated to pay as interest on such obligations or for the construction, reconstruction, or reconditioning of the vessel or vessels used as security for the guarantee of the Secretary of Commerce under this title, to redeem such obligations in connection with a refinancing under paragraph (4) of subsection (a) of section 1104 or to pay to the obligor at such times as may be provided for in the escrow agreement any excess interest deposits, except that if payments become due under the guarantee prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such payments become due (including realized income which has not yet been paid to the obligor) shall be paid into the Fund and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the obligor with respect to the guaranteed obligations and (ii) to the extent not so required, be paid to the obligor.

"(c) If payments under the guarantee have not become due prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed to prepay the excess of the principal of all obligations whose proceeds are to be used to finance the construction, reconstruction, or reconditioning of the vessel or vessels which serve or will serve as security for such guarantee over 75 per centum or 87½ per centum, whichever is applicable under section 1104 of this title, of the actual cost of such vessel or vessels to the extent paid, and to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the obligor.

"(d) The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States with such maturities that the escrow fund will be available as required for purposes of the escrow agreement.

"(e) Any income realized on the escrow fund shall, upon receipt, be paid to the obligor.

"(f) The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to protect fully the interests of the United States.

"Sec. 1109. The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title."

Sec. 6. Nothing in this Act shall limit or affect the right of an obligor who maintains a capital reserve fund under section 607 of the Merchant Marine Act, 1936, to make deposits of the proceeds of guaranteed obligations into such capital reserve fund as provided in subparagraph (c) of condition (6) of section 1107 of the Merchant Marine Act, 1936, as in effect prior to the effective date of this Act.

Sec. 7. Any citizen of the United States to whom the Secretary of Commerce issued an approval in principle of an application for loan or mortgage insurance or a commitment with respect to such insurance under the provisions of title XI of the Merchant Marine Act, 1936, prior to the effective date of this Act may elect, with respect to the vessels covered by such approval or commitment, to be bound either by the provisions of title XI of the Merchant Marine Act, 1936, as in effect prior to the effective date of this Act or by the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill would amend title XI of the Merchant Marine Act in order to facilitate the financing of ship construction.

Under the title XI program, funds for financing ship construction are obtained in the private market and are insured by the Government, for which an annual premium is received.

The title XI program was first authorized in 1938 and has been very successful. Since the inception of the program, contracts or commitments have been entered into to finance 518 vessels, and 830 lighters, representing shipyard contracts of approximately $2.5 billion. There have been defaults on only eight vessels, all of which are now back in service. The Federal ship mortgage fund presently has a balance in excess of $30 million.

This bill will effect some needed improvements in the marketability of the title XI obligations and result in lower financing costs. It includes provisions which remove present restrictions on refinancing; permit the Government's undertaking to be in the form of a guarantee of obligations rather than the more cumbersome insurance of mortgages; reduce the qualifying tonnage of certain vessels to meet technological changes, permit the use of an escrow fund in all title XI financings, and authorize title XI financing of the repayment to the Government of construction-differential subsidy received in the construction of a vessel.

The bill has the support of the Maritime Administration, as well as the shipping, shipbuilding, and financial communities. I believe the proposed revisions will be of substantial benefit in providing the private capital needed to implement the building program of 300 ships contemplated by the Merchant Marine Act of 1970.

In conclusion, as to the cost of this legislation, I quote from pages 13 and 14 of House Report No. 92-688:

> The legislation will not result in any direct costs to the Government insofar as the merchant fleet is concerned. However, there is anticipated some additional increase in the cost of administering the legislation as it applies to the fishing industry. This will be so because of the unique characteristics of that industry, and the determinations that the Secretary of Commerce will be required to make regarding fishing resources. Your Committee was advised by NOAA that at present NOAA processes 30 Title XI applications per year at a cost of $60,0000. After the passage of H.R. 9756, the agency anticipates the filing of 70 additional applications for a total of 100 applications per year for a total cost of $260,000.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Committee on Merchant Marine and Fisheries has explained this rather technical bill and I want to simply support the position that he has taken.

Mr. Speaker, title XI of the 1936 Merchant Marine Act is one of three principal tools utilized by the Federal Government to promote the growth of our merchant marine. Title XI—ship mortgage insurance—represents the least costly of these methods. It, in fact, pays for itself. But it has produced the greatest results in terms of attracting private investment capital into all segments of the merchant marine. The remaining two incentives are, of course, direct construction and operating differential subsidy and tax-deferred capital construction funds which, until enactment of the Merchant Marine Act of 1970, were available only to a very limited segment of our merchant marine.

Title XI very simply provides a Federal guarantee for a mortgage held by a private investor and secured by a qualified vessel registered under the U.S. flag. It is analogous to the guarantee of an FHA home mortgage, although infinitely more complex in its terms and the paperwork involved.

Title XI ship mortgage insurance, as I have indicated, benefits all segments of the merchant marine, including ships engaged in foreign and domestic deepsea trades, and towboats and barges engaged in inland and coastwise transportation.

The Merchant Marine Act of 1970 amended title XI by increasing the maximum amount of mortgages which may be outstanding from $1 billion to $3 billion. This increase was essential in order that the new ship construction envisioned by the 1970 act could be insured under this program. With the exception of expanding the coverage of title XI to cover oceanographic research vessels, the 1970 act did not otherwise amend title XI in any significant manner.

The purpose of title XI is to create a favorable climate so that large sums of private capital will be attracted to the merchant marine. Institutional investors have a wide variety of investment avenues open to them. Many of them are unfamiliar with the merchant marine and are dismayed at the monumental amount of paperwork which accompanies a title XI ship mortgage under the existing act. H.R. 9756 attempts to simplify the placement of title XI offerings with the investment community through eliminating a great deal of useless paperwork without in any way reducing the security of the investor or of the United States as an insurer of the obligation.

Under existing law, the United States insures a mortgage held by the private investor. Upon enactment of H.R. 9756, the United States will insure a note held by the investor, while the United States will hold the mortgage on the vessel as its security. The investor, in reality, is interested only in the obligation represented by a note or other instrument of indebtedness and the Federal guarantee of payment in the event of default. There is really no need to burden the investor with knowledge of or obligations arising from the mortgage. The elimination of the investor as a party to the mortgage will greatly reduce the volume and scope of material with which the investor and his counsel must become familiar in order to enter the ship financing market. Testimony from representatives of leading investment houses in New York supported the adoption of these changes.

In addition to simplifying and facilitating the placing of title XI obligations, H.R. 9756 extends the coverage of title XI insurance to include fishing vessels of the United States and reduces from 200 to 25 gross tons the minimum tonnage for towboats, barges, and other relatively small commercial vessels. This will greatly assist the financing of commercial vessels on our inland rivers and will extend title XI coverage to LASH and Seabee barges being constructed for a number of our liner operators in foreign trades.

Mr. Speaker, these amendments to title XI of the 1936 act are the result of long and careful consultation between the shipping community, the Maritime Administration, and the investment community. The enactment of this legislation will complement the Merchant Marine Act of 1970, and I urge all my colleagues to support its passage.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 9756, a bill to improve the Ship Mortgage Insurance program's responsiveness to the current needs of both the shipping and the fishing industry for investment capital.

While the current ship mortgage insurance program has been successful, resulting in the construction of 519 vessels and 820 lighters, it needs revision in order to provide increased flexibility and lower financing cost.

The bill before us would remove restrictions on refinancing contained in the present law. The effect of these restrictions, during the period of high interest rates, was to force shipowners and the Government to enter into long-term financing commitments at record high rates. Because availability of financing was not assured for the refinancing of shorter term commitments, the Government and the shipowners were placed at an unnecessary disadvantage.

To correct this situation, H.R. 9756 would authorize refinancing of obligations subject to the requirement that the interest rate shall not exceed a rate determined to be reasonable by the Secretary of Commerce.

In order to simplify the mortgage insurance process, the bill, H.R. 9756, authorizes the guarantee of an obligation, that is, bonds or notes, rather than the more cumbersome insurance of a construction loan or mortgage.

Under the bill before us, the proceeds from the guaranteed obligations shall be used for three purposes:

First, the proceeds may be used to finance construction, reconstruction, or reconditioning of vessels, either during the construction or within 1 year thereafter.

Second, the proceeds of obligations relating to existing vessels may be used to finance the construction, reconstruction, or reconditioning of vessels.

Third, the proceeds of obligations from existing vessels may be used to finance the construction, reconstruction, or reconditioning of facilities or equipment, first, pertaining to marine operations such as port facilities, containers, or other cargo equipment or, secondly, facilities or equipment pertaining to commercial fishing operations.

An important provision of H.R. 9756 would permit financing of barges, including those to be carried aboard ships and similar vessels of more than 25 gross tons. Under current law, only barges of 200 gross tons or over could be financed.

Mr. Speaker, as a coauthor of H.R. 9756, I feel that this bill will assist vessel operations in acquiring the private funds necessary to successfully implement the ship construction program contemplated by the Merchant Marine Act of 1970. In order to provide a viable, modern, highly competent and efficient fleet, we must endorse this legislation. I urge my colleagues to support this bill with an "aye" vote.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN).

The SPEAKER. The question is on the motion offered by the gentleman from Maryland (Mr. GARMATZ) that the House suspend the rules and pass the bill H.R. 9756, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OLDER AMERICANS ACT AMENDMENT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1163) to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes, as amended.

The Clerk read as follows:

S. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDING AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelngs of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) administer the program through the Administration on Aging; and

"(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a) (1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Secretary in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

"(d) If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

"(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Secretary may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

"PAYMENT OF GRANTS

"SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 303 of this Act, shall be in the form of an amendment to the State plan provided in section 303. Such plan shall—

"(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 303(a) (1) of this Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State or local programs.

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary. In administering the State plan, the State agency shall—

"(i) make reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the Court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elecet to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals'):

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where apropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

"(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title,

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

"(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

"(10) to give perference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students, in the operation of the project; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

"(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan."

The SPEAKER. Is a second demanded?

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, consideration of S. 1163 by the House today has been made possible by a number of our colleagues who share my great concern that we are not effectively meeting one of the most urgent needs of our elderly citizens—their proper nutrition.

Principal among my many colleagues who have focused attention on the needs of the elderly is the distinguished gentleman from Florida (Mr. PEPPER). The program embodied in the legislation before us today was first presented to the Congress almost 2 years ago—in May of 1970—when Mr. PEPPER introduced the first bill of this type. Since that time, he has worked diligently and tirelessly for enactment. Evidence of his determination and effort is illustrated by the fact that bills similar to S. 1163 which have been introduced during this Congress by Mr. PEPPER are cosponsored by 112 Members of the House.

A strong and persuasive hearing record has been compiled by the committee on this legislation and companion legislation both in this Congress and the previous Congress. That the elderly have special nutritional problems is well documented.

They, more than any other group cannot afford a proper diet.

They more than any other group lack the skills to prepare nourishing well balanced meals.

They more than any other group have limited mobility which impairs their capacity to shop and cook and prepare food for themselves.

They more than any other group are isolated from the mainstream of social activity with the result that they have a feeling of rejection and loneliness.

The aged, more than any other of our population groups, cannot afford proper nutrition because as much as 30 percent of the elderly live in poverty, and one-third of all of America's poor citizens are to be found among our senior citizens.

Testimony before our committee indicated that over one-half of all elderly single individuals and 10 percent of all families of senior citizens have an income of less than $30 per week.

In an effort to begin to meet these special needs of the elderly in the field of nutrition, S. 1163 authorizes $100,000,000 in fiscal year 1973 and $150,000,000 in fiscal year 1974 to make grants to States which submit feeding plans to the Administration on Aging.

Funds will be allotted among the States on the basis of the relative population aged 60 or over. However, no State shall be allotted less than one-half of 1 percent of the sums appropriated. Federal funds are authorized to pay 90 percent of project costs. Non-Federal matching may be funds or in-kind resources.

The Secretary of HEW must administer the program through the Administration on Aging. At the State level, the program must be administered by the agency administering other programs authorized by the Older Americans Act unless the Governor of the State with the approval of the Secretary of HEW designates another agency.

Participants must be aged 60 or over, and they must meet one or more of the following criteria:

First, they cannot afford to eat adequately;

Second, they lack the skills to select and prepare well-balanced meals;

Third, they have limited mobility; or

Fourth, they have feelings of rejection or loneliness which obliterates incentive to prepare and eat their meals alone.

Spouses of persons qualifying for the program automatically qualify for participation.

Each project must provide at least one hot meal per day 5 or more days a week to an eligible participating elderly citizen and each such meal must assure a minimum of one-third of the daily recommended dietary allowance as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council.

Projects must furnish a site for the provision of meals and, where appropriate, provide home-delivered meals or supply transportation between the project site and the residences of eligible individuals who otherwise would be unable to participate.

Nutrition projects operated under such State plans are eligible to receive surplus commodities.

I know of no opposition to this legislation and I urge my colleagues' support of the legislation.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding at this time.

This is a curious way to handle a bill that involves hundreds of millions of dollars in the 2 years it covers. Even though there is about a 10-percent allotment for administration by each State, I wonder if the gentleman would take just a little more time and explain to the Members, before we pass this by suspending the rules, how it would actually be determined that our senior citizens, or our aging or elderly, or whatever other definition there is—and I might paraphrase that by saying that I am getting dangerously close to that category myself, so I am not in outright opposition to the bill—but I would just like to know, since most of these senior citizens have seen fit to secure their own future, what the yardstick would be for determining whether they are undernourished, or whether we are going to have a host of dieticians calling upon our senior citizens. So, would this be up to the State administration to decide, or upon request of the senior citizen in his home, or how do we determine it?

Second, Mr. Speaker, if the gentleman would be good enough, in order to attempt to win my support for this bill, in spite of its costliness at a time when we are bankrupt, to explain whether or not this food would come out of our surplus commodities, or the CCC, or whether it would be by way of food stamps, or still yet by direct cash reimbursement for the purpose of upgrading nutrition?

Mr. PERKINS. Let me say to the distinguished gentleman this is a supplemental program—a program that is additional to the food stamp program. We expressly provide in the legislation that the program be administered and coordinated with other food and nutrition programs administered by the Department of Agriculture, but we do not put the administration of this program with the Department of Agriculture. It remains with the Secretary of HEW and the Administration on Aging to work out the best method possible for providing meals to the needy elderly. Each State must submit a State plan. The bill contains specific basic requirements that the State plans must meet. Funds are allocated on an equitable formula. They are distributed on the relative number of people over 60 in the State as compared to the number in the whole country.

The bill focuses on the elderly and this group is among the poorest in our society. We have all the evidence in the world to substantiate that.

Mr. HALL. The gentleman surely does not mean that they are poorer than the undernurtured children that we passed special legislation for just recently; does he?

Mr. PERKINS. I did not say that. But I repeat that more than 30 percent of the elderly live in poverty and one-third of all of America's poor citizens are to be found among our senior citizens. Tragically and unfortunately we have far too many children who are destitute in this country. By and large however one of the major groups that live in poverty are the elderly.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. BRADEMAS. Mr. Speaker, I thank the distinguished chairman for yielding.

Mr. Speaker, I would like to try to respond to some of the questions raised by my friend, the gentleman from Missouri.

It should be pointed out that nutrition projects that are operated under the proposed legislation would be eligible to receive surplus commodities donated by the Secretary of Agriculture, which, I believe, was one of the questions of the gentleman from Missouri.

Second, with respect to the participation of older citizens, there is no means test in the bill. However, the bill does provide that the States must give preference to projects serving primarily low-income individuals.

I think it is appropriate at this time, Mr. Speaker, to note that this measure was reported unanimously by the full

Committee on Education and Labor and that the other body last November approved it unanimously.

Mr. Speaker, it is ironic in a day when obesity is a major health problem, when our diets are prime targets of conversation, that we should be here today talking about hunger and malnutrition. Yet even in America—known worldwide and envied by other countries for its wealth, productive agricultural resources, and its highly developed food distribution system—the White House Conference on Food, Nutrition, and Health found in 1969 that:

> Hunger and povetry exist on a disgraceful scale in the United States. The Nation's conscience will no longer stand for the toleration of these conditions. Funds must be provided to get food to needy people on an emergency basis. The President and the Congress must supply the leadership in closing the hunger gap.

The President further in April 1970 in a report by his Presidential Task Force on Aging was urged to direct the Administration on Aging and the Department of Agriculture to deliver a program that would result in a nutrition program for the elderly.

Indeed, Mr. Speaker, the recent White House Conference on the Aging endorsed exactly the kind of program our committee has reported.

The bill before the House today represents an effort to meet our responsibilities with respect to a particular group—the aged.

Thus far, our efforts in this field have been on a project basis and totally inadequate to meet the needs.

Now is the time to turn to the needs of our citizens.

Mr. Speaker, the measure before us would authorize grants to States to pay up to 90 percent of the cost to establish a nutritional project to those persons 60 and over and their spouses. Funds granted to the States would be awarded by them to political subdivisions or private nonprofit organizations, through grant and contract, for the establishment and operation of such projects within the State.

Mr. Speaker, the Select Subcommittee on Education of the House Education and Labor Committee has conducted hearings on a similar proposal over the past 2 years. It was originally introduced by Congressman CLAUDE PEPPER and supported by Members of both parties.

The need for this legislation has been adequately demonstrated. The bill is based upon the experience of the administration on Aging which has conducted some 32 nutritional demonstrational projects for the aged over the past 3 years. With the overwhelming success of these projects I am convinced that it is now the time to institute a national program of this kind.

Mr. Speaker, the appropriations authorized under this bill are not large—they are $100 million in fiscal year 1973 and $150 million in fiscal year 1974.

Mr. Speaker, I think it is important at this point to note that the Federal Government spent approximately $500 million on nursing home care in 1970 and about $1.3 billion on medicaid. Total medicaid outlay is approaching $8 billion.

Geriatric authorities emphasize the important role of nutrition in obtaining and maintaining good health for elderly persons so that they can maintain a substantial degree of self-sufficiency.

The nutritional program authorized by S. 1163 will help achieve these ends and represent a substantial savings in one of the fastest growing elements of the Federal Government.

Mr. Speaker, I think it is important once again to point out that this bill is based upon the recommendations of the 1969 White House Conference on Food, Nutrition, and Health, the 1970 Report of President Nixon's Task Force on Aging, and the 1971 White House Conference on the Aging.

As chairman of the Select Subcommittee on Education having jurisdiction on a variety of programs for the elderly, I intend to do everything in my power to see that proposals emanating from the White House Conference on Aging will be given serious consideration by this body.

Mr. Chairman, I would like at this time to pay special tribute to Congressman PEPPER who has worked hard and long to fulfill this urgent need in our society. The commitment he brings to this bill is characteristic of his overall concern for the aged. Without his efforts, this bill today would not be a reality.

In like fashion, I must commend the leadership of the distinguished senior Senator from Massachusetts, the Honorable EDWARD M. KENNEDY, for championing this legislation in the other body. Mr. Speaker, in conclusion, I would say that the principal theme of the White House Conference on Aging, held a few weeks ago here in the Nation's Capital, was that the time for talking about meeting the problems of the aging was over and that the time for action for the aging had now come. As this measure has had such wide bipartisan support both in the Committee on Education and Labor and in the other body, I would hope very much that the nutrition program for the elderly would find similar support here in the House today.

Mr. SCHEUER. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, hunger and malnutrition know no age limits, but over 20 million elderly citizens in this rich country of ours are particularly hurt by the lack of an adequate diet. It is high time that we establish a national priority that the old should not be hungry and adopt a program that will achieve that end.

Today we are considering a bill, S. 1163, that will make great strides toward eliminating malnutrition of the elderly.

I am pleased that the committee accepted two amendments that I offered to the bill. One provides that the elderly themselves should be involved in the design of the nutrition programs since they best understand their own needs. The elderly themselves must have a share in that responsibility. My second amendment provides that volunteers from other age groups, particularly the young, should be encouraged to participate in the operation of the nutrition projects. While the elderly should contribute services, we must not allow this program to further isolate the elderly from the mainstream of society, by failing to encourage the use of other volunteers from other age groups.

The elderly are in desperate need of these nutrition programs. They will not only contribute to the health of the elderly, but also enable them to escape the boredom and isolation which now make their lives sad, dreary, and lonely. The bill is a major breakthrough, not only in care for the elderly, but in giving them a responsible role in programs meant to help them.

I urge my colleagues to vote overwhelmingly for this urgently needed and long overdue legislation.

Mr. BRADEMAS. Mr. Speaker, I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman, the distinguished chairman of the subcommittee, who has brought this bill to the floor, for yielding to me. And I wish in the warmest way to commend the distinguished chairman of the Committee on Education and Labor along with the distinguished chairman of the subcommittee who held hearings on this measure for having dedicated themselves to the production of this bill by holding numerous hearings, giving their strong support to it, and bringing the companion measure passed by the other body to the floor.

Mr. Speaker, I think the best summary of this bill can be gleaned from part of the debate in the Senate where the companion bill was considered and, as was stated by the distinguished chairman of the subcommittee, passed by the other body by a vote of 89 to zero. I refer to the statement of Senator KENNEDY, a sponsor of the companion bill in the other body. As you know, the bill is for a 2-year period. It provides an authorization of $100 million for the fiscal year 1973 and $150 million for 1954. The Federal Government under this bill would pay 90 percent of the cost of such a program; the other 10 percent to be paid by the States, the local communities, or by nonprofit groups or organizations.

The States, of course, will offer appropriate plans for the setting up of the program in the several States. Senator KENNEDY said:

> The bill also provides that, first, each program must provide at least one hot meal a day, 5 days a week. Each meal also must contain a minimum of one-third of the recommended daily dietary needs for elderly persons.
>
> Second, the meals will be served in sites accessible to the majority of elderly within the community. Schools, senior citizen centers, churches, and other public and nonprofit locations can be used.
>
> Third, Outreach Services to locate the isolated elderly will be part of each program so that those who most need the program will be aware of it.
>
> Fourth, the sponsor will provide a setting conducive to the inclusion of other social services as a corollary to the meal itself.
>
> Fifth, preference for staffing will go to the elderly. The talents of elderly are often wasted as a youth-oriented society forces able men and women into early retirement and the frustration of feeling useless.

Mr. Speaker, I would add only this: I do hope that the administration, which has come out with a strong endorsement of this bill recently, this bill which has bipartisan support on both sides of the Capitol, will see to it that there is a supplemental budget request of the full $100 million authorized by this bill for 1973. There are over 20 million senior citizens who will be eligible for the benefits of this bill, most of them, at least. The $100 million is a minimum amount that should be provided to try to give better nutritional sustenance to those people at least once a day for at least 5 days a week.

So I just want to express the hope, Mr. Speaker, that the administration will make an appropriate request for full funding of this measure for 1973.

During consideration of S. 1163, the companion bill in the Senate, Senator CRANSTON recalled the history of this legislation, which I call to the attention of my colleagues. He said:

> On May 28, 1970, Congressman Claude Pepper introduced H.R. 17763, a nutrition program for the elderly. Because the Congress failed to act upon this measure during the 91st Congress, Mr. Pepper reintroduced his bill as H.R. 5017 on February 25 of this year. Senator Kennedy introduced his similar legislation, S. 1163, on March 10. We in the Senate now have the opportunity to take the first initiative in moving this important legislation. I urge my colleagues to support S. 1163 and send it to the House with an over-whelming approval.

This was accomplished on November 30, 1971, and S. 1163 was referred to the Committee on Education and Labor and on December 8, 1971, the committee ordered reported S. 1163, as amended, unanimously by voice vote.

Mr. Speaker, I remind my colleagues of the spectacle here in America, the richest of countries, to the fact that one-fourth of older Americans, the mothers and fathers of this generation, are living below the poverty line. This legislation will not only provide one hot nutritious meal, 5 days per week, for so many of these Americans, but it will help dispel the loneliness and isolation that is a terrible burden to so many. It will provide, in addition, recreational and counseling opportunities, which so many older Americans also so urgently need.

I hope eventually we will recognize a responsibility all over America to provide this program for every senior citizen who needs it and that their lives may once again be enriched and blessed. This is the direction of life Robert Browning expressed:

> Grow old along with me.
> The best of life is yet to be,
> The last of life for which the first was made.

Mr. Speaker, I am grateful for the support of my colleagues who joined with me in the sponsorship of this legislation. They were:

LIST OF COSPONSORS

James Abourezk of South Dakota, Bella S. Abzug of New York, Joseph P. Addabbo of New York, Glenn M. Anderson of California, William R. Anderson of Tennessee, Frank Annunzio of Illinois, Thomas L. Ashley of Ohio, Herman Badillo of New York, William A. Barrett of Pennsylvania, Nick Begich of Alaska, Jonathan B. Bingham of New York, John Brademas of Indiana, Frank J. Brasco of New York, William S. Broomfield of Michigan, J. Herbert Burke of Florida, James A. Burke of Massachusetts, Phillip Burton of California, James A. Byrne of Pennsylvania, Shirley Chisholm of New York, Frank M. Clark of Pennsylvania, William Clay of Missouri, George W. Collins of Illinois, James C. Corman of California, R. Lawrence Coughlin of Pennsylvania, W. C. (Dan) Daniel of Virginia, Dominick V. Daniels of New Jersey, John H. Dent of Pennsylvania, John D. Dingell of Michigan, Harold D. Donohue of Massachusetts, John G. Dow of New York, John Dowdy of Texas, Robert F. Drinan of Massachusetts, Thaddeus J. Dulski of New York, Bob Eckhardt of Texas, Don Edwards of California, Joshua Eilberg of Pennsylvania, Marvin L. Esch of Michigan, Dante B. Fascell of Florida, and Walter E. Fauntroy of Washington, D.C.

Daniel J. Flood of Pennsylvania, William D. Ford of Michigan, Donald M. Fraser of Minnesota, James G. Fulton of Pennsylvania, Cornelius E. Gallagher of New Jersey, Edward A. Garmatz of Maryland, Joseph M. Gaydos of Pennsylvania, Robert N. Giaimo of Connecticut, Henry B. Gonzalez of Texas, Gilbert Gude of Maryland, Seymour Halpern of New York, James M. Hanley of New York, Julia Butler Hansen of Washington, Orval Hansen of Idaho, Michael Harrington of Massachusetts, William H. Harsha of Ohio, William D. Hathaway of Maine, Augustus F. Hawkins of California, Ken Hechler of West Virginia, Henry Helstoski of New Jersey, Floyd V. Hicks of Washington, Louise Day Hicks of Massachusetts, Frank Horton of New York, James J. Howard of New Jersey, Albert W. Johnson of Pennsylvania, Harold T. Johnson of California, James Kee of West Virginia, Edward I. Koch of New York, Dan Kuykendall of Tennessee, Peter N. Kyros of Maine, Arthur A. Link of North Dakota, Paul N. McCloskey, Jr. of California, Spark M. Matsunaga of Hawaii, Lloyd Meeds of Washington, Ralph H. Metcalfe of Illinois, Abner Mikva of Illinois, George P. Miller of California, Joseph G. Minish of New Jersey, Patsy T. Mink of Hawaii, Parren J. Mitchell of Maryland, William S. Moorhead of Pennsylvania, F. Bradford Morse of Massachusetts, John M. Murphy of New York, Morgan F. Murphy of Illinois, Lucien N. Nedzi of Michigan, Robert N. C. Nix of Pennsylvania, David R. Obey of Wisconsin, James G. O'Hara of Michigan, Thomas M. Pelly of Washington, Carl D. Perkins of Kentucky, Bertram L. Podell of New York, David Pryor of Arkansas, Roman G. Pucinski of Illinois, and William J. Randall of Missouri.

Thomas M. Rees of California, Ogden R. Reid of New York, Donald W. Riegle, Jr. of Michigan, Peter W. Rodino, Jr. of New Jersey, Robert A. Roe of New Jersey, Benjamin S. Rosenthal of New York, Edward R. Roybal of California, William F. Ryan of New York, Fernand J. St Germain of Rhode Island, Paul S. Sarbanes of Maryland, James H. Scheuer of New York, Fred Schwengel of Iowa, Keith G. Sebelius of Kansas, Robert H. Steele of Connecticut, Louis Stokes of Ohio, James W. Symington of Missouri, Fletcher Thompson of Georgia, Frank Thompson, Jr. of New Jersey, Charles Thone of Nebraska, Robert O. Tiernan of Rhode Island, Guy Vander Jagt of Michigan, Charles A. Vanik of Ohio, Joseph P. Vigorito of Pennsylvania, Charles H. Wilson of California, Lester L. Wolff of New York, Jim Wright of Texas, and Gus Yatron of Pennsylvania.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. REID).

Mr. HEINZ. Mr. Speaker, will the gentleman yield?

Mr. REID. I am happy to yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, I rise in support of the bill, S. 1163, to amend the Older Americans Act of 1965. First, let me commend the members of the Education and Labor Committee for favorably reporting out this urgently needed bill.

There should be no question about the social, economic, or fiscal wisdom of this sensible and overdue legislation.

In providing for the establishment of nutritionally sound, low cost meals and related services, we are taking another important step in making it possible for our proud and independent senior citizens to maintain and extend their essential independence and human dignity.

The enactment of this bill will in many instances make it possible for our older citizens to continue to reside independently by making available, on a local basis and in the vicinity of where they reside, at least one hot meal per day at least 5 days a week. In many cases these services will make it unnecessary for a somewhat handicapped senior citizen to give up his or her place of residence and move into either expensive or less satisfactory living quarters. In postponing or precluding the need to move into a nursing home or similar facility, we have saved the individual, his family, or the taxpayer literally thousands of dollars in each case. At the same time, we have preserved for that individual a healthier and more dignified environment in which to live.

By locating nutrition projects in areas having high concentrations of eligible recipients, providing meals to shut-ins and supplying transportation to the project, this legislation, although limited in scope and application, will insure provision of these vital services to those who need it and desire it.

I urge my colleagues to vote in favor of S. 1163.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. REID. I am happy to yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, having introduced similar legislation of my own, I rise in enthusiastic support of S. 1163 which would provide for the establishment and expansion of low-cost meal projects for the elderly.

During the White House Conference on the Aging held last November, I met with many of the delegates and also hosted a reception for the Massachusetts representatives. One of their foremost concerns was the passage of this bill. I was most disappointed that final House action on the measure could not be completed in the last session but I am gratified that it is now before this Chamber for approval.

The bill authorizes grants to the States for the purpose of paying up to 90 percent of the cost of establishing and operating nutrition projects to provide low cost, nutritionally sound meals and related services to individuals 60 years of age or older and their spouses.

The States will be required to give preference to projects serving primarily low-income individuals and minority groups. Efforts must be taken to insure that the maximum number of eligible individuals will have an opportunity to participate. Additionally, participants must be provided with supportive services such as recreational activities, health and welfare counseling, and informational and referral services.

There can be no question as to the need for the legislation. A survey taken in connection with the White House Conference indicated that 55 percent of the elderly who were questioned stated that they cannot afford to buy the food they like. Besides a lack of income, lack of physical mobility or transportation and downright loneliness are all too often preventing the elderly from getting the proper nutrition they need.

The scattering of nutrition programs for the elderly in this country falls far short of what is required. This legislation will go a long way to fill this gap. In my home State of Massachusetts alone, a total of $7.3 million in grants is authorized under the act for such programs during the next 2 years.

As a member of the Labor-HEW appropriations subcommittee which will have jurisdiction over the funding of these programs, I pledge to do my utmost to insure that the amounts authorized will be provided.

Thank you, Mr. Speaker.

Mr. REID. Mr. Speaker, I rise in support of S. 1163, which would add a new title VII to the Older Americans Act of 1965, authorizing a program of grants to the States to establish projects which provide at least one hot meal each day at least 5 days per week for qualified persons aged 60 or over.

This program is, I believe, soundly conceived and completely proven in research over the past several years, something that is not always done in the case of legislation. Clearly it is badly needed.

Mr. Speaker, this bill has the support of the administration and has the support of Secretary Flemming, the Assistant to the President for research and action in the field of the aging. It has the strong backing of the White House.

Further, it is clearly a first step in carrying out President Nixon's pledge to the delegates at the recent White House Conference on Aging to undertake new initiatives to assist the Nation's elderly citizens.

The Task Force on Aging, established by the President in 1970, reported that insufficient income is only one of several causes of incidences of malnutrition among the elderly. Loneliness, isolation, physical infirmity creating an inability to travel, and ignorance of nutritional needs are also major factors.

Mr. Speaker, I might quote at this point one specific recommendation from the White House Conference on Food, Nutrition and Health:

> The U.S. Government, having acknowledged the right of every resident to adequate health and nutrition must now accept its obligation to provide the opportunity for adequate nutrition for every aged resident.

President Nixon's Task Force on Aging in 1970 recommended the following:

> The Task Force believes that programs can be designed which not only provide adequate nutrition to older persons, but equally important, combat their loneliness, channel them into the community, and educate them about proper nutrition and afford some of them an opportunity for paid community service.

This program has not been developed hastily. Over the past few years there has been developed a very sound research and demonstration effort in the Administration on Aging to develop good models for these nutritional programs. Currently, some 19 of these demonstration projects are being funded around the Nation. All of these projects are designed with a particular goal in mind—to overcome the social problems underlying inadequate diets among older people. They test techniques for nutrition programs that not only may improve diet but also enhance self-esteem and self-reliance. All aim at providing: A reaching out into the community to locate those most in need; building nutrition education into the project; providing a variety of ancillary social services, and establishing a means for systematic and objective evaluation.

It is my judgment that, based on this research and demonstration effort, we have proceeded in a fashion all too rare in Government—which is to thoroughly field test a concept under varying conditions before it is put into operation. We are embarking, then, upon a course of action which we have every reason to believe will produce the desired results.

We are presently supporting under the regular program operations of the Administration on Aging, some 112 nutritional programs of group meals and home delivered meals for the elderly. However, these are relatively small and scattered operations. There is no room for doubt concerning the need for a greatly increased effort, particularly for the elderly poor.

And, we must squarely face the fact that our older population is essentially a low-income group. Using the poverty guidelines developed by the Social Security Administration, in 1968, 4.6 million persons aged 65 or older—or about one-quarter of all older persons—lived in households with a total income below the poverty line.

The bill now before the House is centered upon the problem of inadequate nutrition, but it is really far broader in its scope. While centering upon nutrition, it provides a perfect vehicle for attacking related problems of loneliness, physical isolation from the community, and inadequate social services which threaten the quality of life, and in some cases, life itself. It has a central purpose of helping more elderly people maintain a life of independence and dignity outside an institution. I think that this is highly desirable, not only in humane terms, but in terms of cost in tax dollars. Even the very best institutional care is not a desirable alternative to independent living where that is possible, and even inadequate institutional care is vastly more expensive than the kinds of programs such as this which assist the elderly to live independently.

In a nation of abundant agricultural resources it is sad indeed that we should speak today of hunger and malnutrition among our Nation's senior citizens. The bill before the House today represents a clear effort to meet this problem head on.

Authorities in the field of geriatrics continually emphasize the importance of nutrition as preventative medicine for the elderly—preventative medicine which will help them maintain good health and thus also some measure of self-sufficiency. S. 1163 would certainly be a significant step toward achieving these goals.

Mr. Speaker, I urge that we give overwhelming support to this urgently needed program.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. REID. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. First I should like to ask my friend from New York if he can answer the question I asked my friend from Indiana as to whether the $250 million provided here is or is not included within the budget?

Mr. REID. As the gentleman knows, the authorization is $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

In the budget message which I have here, the U.S. Department of Health, Education, and Welfare, states, on special programs for the aging, that there is an increase in the 1973 budget to $100 million. And the President stated in his speech to the White House Conference on Aging:

> We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

In addition, the HEW budget on aging clearly states that—

> The primary goal will be prevention of unnecessary institutionalization for the elderly permitting them to live self-sufficient, independent, and dinified lives in their own homes and residences.

S. 1163 clearly is designed to meet these objectives.

I specifically asked the White House about half an hour ago as to the posture of the budget submission for 1973 and the position of the Office of Management and Budget. They told me it was being worked on, but that clearly the President intended in fiscal 1973 that part of the $100 million to be used for the purposes of this bill. As regards 1974, that is under study now. However, it has the total backing of the President's principal aide, Secretary Fleming, who testified to this effect just a few days ago in the Senate.

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. I yield 2 additional minutes to the gentleman from New York, Mr. Speaker.

Mr. DENNIS. Will the gentleman yield further?

Mr. REID. Yes, I yield to the gentleman.

Mr. DENNIS. The gentleman's answer, then, amounts to this: That this bill provides $100 million in 1973 for this specific program?

Mr. REID. That is correct.

Mr. DENNIS. The budget provides $100 million for aging people but not all for this specific program?

Mr. REID. That is correct.

Mr. DENNIS. This bill provides $150 million for 1974 for which the budget at this time provides nothing whatever?

Mr. REID. That is correct.

Mr. DENNIS. If I may ask one more question just to clear up this matter——

Mr. REID. Certainly.

Mr. DENNIS. Am I correct that there is no means test in this bill in that the criteria set forth here in section 701 are merely in the nature of guidelines?

Mr. REID. There is no means test. However, the criteria are relatively explicit although they could be characterized as guidelines in 701.

Mr. DENNIS. In other words, I might be eligible under this measure even if I did not have a feeling of rejection and loneliness. Is that not correct?

Mr. REID. As the gentleman knows, there are several criteria. I listed some in 701. There is also a requirement in section 705 of the legislation that priority be given to projects serving primarily low-income individuals. I think it is quite clear that the criteria and the legislative history would not apply to the gentleman.

Mr. DENNIS. But the criteria are not criteria. They are guidelines for priority. But actually even a millionaire is eligible. Is that not true?

Mr. REID. No.

Mr. STEIGER of Wisconsin. Will the gentleman yield to me?

Mr. REID. Yes.

Mr. STEIGER of Wisconsin. In answer to the gentleman, let me say on page 24 of the bill under the State plan section, I would urge the gentleman from Indiana to read the language that says:

> Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

So it is not true that a millionaire would be eligible to receive free meals under this bill.

Mr. DENNIS. It is a priority, but he is still eligible.

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 5 minutes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. Absolutely.

Mr. GROSS. The gentleman from Indiana (Mr. BRADEMAS) said that the food to be used would be derived from surplus agricultural supplies.

Mr. BRADEMAS. No, he did not. If the gentleman would yield?

Mr. STEIGER of Wisconsin. I am happy to yield.

Mr. BRADEMAS. That is not what the gentleman from Indiana said. The gentleman from Indiana said, rather, and to be very clear about it for the benefit of my friend from Iowa, to quote from the report:

> Nutrition projects operated under this title are eligible to receive surplus commodities donated by the Secretary of Agriculture.

Mr. GROSS. Would the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield further.

Mr. GROSS. Is the food to come from surplus supplies or not?

Mr. STEIGER of Wisconsin. The program under the law authorizes the use of surplus commodities. I would judge, frankly, that there would be some cases in which surplus commodities would be used but not always in these nutritional programs.

Mr. GROSS. What if we had a crop failure in this country? We have had such failures although not in recent years. Or suppose the farmers organized and went on strike, as the dock workers are doing, and refused to produce a surplus. With all of these programs geared to surplus supplies of food, what would be the result?

Mr. STEIGER of Wisconsin. The result it seems to me would be simply to shift to the purchase of that food which was available should a strike in the farm belt areas occur and surplus food not be available.

Mr. GROSS. There would be available Polish, Danish, and Czechoslovakian hams?

Mr. STEIGER of Wisconsin. The gentleman from Iowa knows full well that I do not want Danish or Norwegian or Dutch cheese to be used. Perhaps, Polish hams might be acceptable but, so long as it is not imported——

Mr. GROSS. The gentleman, in other words, is not interested in oleomargarine?

Mr. STEIGER of Wisconsin. I tried to get into this question during the consideration of this bill, the oleomargarine question, but I lost to the urban bloc.

Mr. GROSS. I suspect that even suffering from loneliness, at least some of those who have been accustomed to American farm products would probably gag on foreign imports.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield for a couple of questions?

Mr. STEIGER of Wisconsin. I would be happy to yield to the gentleman from California.

Mr. TEAGUE of California. I lived alone for about a year during the terminal illness of my wife, and I am well over 60. I certainly lack the skills to select nourishing and well-balanced meals. However, I was rejected by about 100,000 voters in my district and I felt quite lonely during that time.

Would I be eligible to receive benefits under the provisions of this bill?

Mr. STEIGER of Wisconsin. I doubt seriously that you would since you do not have the limited mobility which prevents you from shopping.

Mr. TEAGUE of California. Yes; I have bursitis in my shoulders.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I rise in support of this bill.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. Yes, I yield to the gentleman from Indiana.

GENERAL LEAVE

Mr. BRADEMAS. I would like to ask unanimous consent that at the conclusion of the debate that all Members be permitted to revise and extend their remarks on this bill and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of this legislation, remarks concerning imported hams and rejection notwithstanding.

I would, however, want to at least pursue a caveat that I think the House should be aware of.

The idea as to how to improve the nutritional capability of older citizens is one which no one seriously objects to, but I think in order to be fair it must be clearly understood by the House that this is, in effect, an expanded demonstration program which will provide increased nutritional capacity for a limited number of elderly in the United States of America.

Even if the full $100 million authorized for fiscal 1973 were available for this program, the number of people who could participate at any one time would be very small. I would argue that there are far more effective ways of insuring the ability of older people to get nutritional food, such as, for example, increasing the cash available to them to do their own shopping, rather than going through the process of establishing this kind of nutritional program.

I would hope that at least all of us who vote for this will understand that there will only be a limited number of the elderly who will be eligible to participate and only a relatively small number of projects started under this program, even if the full appropriation is approved. We are saying to those who would fortunately live in the area that receives the grant, they will be taken care of, but those who are not so fortunate will suffer from this lack of being so located.

Mr. Speaker, I urge the House to vote for this bill because it makes sense, but it is not a panacea for the problems of older Americans. However, it is one small step in the right direction.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of this bill. As a cosponsor of similar legislation, I am pleased to express my support for S. 1163, which will establish a program of grants for nutritional projects for the elderly. These projects would provide at least one hot meal a day, at least 5 days a week, to the elderly persons served by the projects.

Under the formula contained in S. 1163, my own State of Hawaii would be allocated $500,000 during fiscal year 1973 and $750,000 for 1974.

Mr. Speaker, much has been written and spoken recently about the plight of America's elderly. Nowhere is that plight more tragic than among the elderly poor, who often find themselves isolated from society, with no friends or family. The bill now before us would not only lessen that isolation, but it would also provide a regular, nutritionally sound meal for thousands of older Americans. It would, in fact, build on the successful experience of the pilot projects funded by Congress under the provisions of the 1968 amendments to the Older Americans Act.

Although none of the 32 projects funded under the 1968 law was located in Hawaii, a similar project was conducted on the island of Kauai with funds obtained through the Economic Opportunity Act. That project, which operated from September 1969 until last June, served up to 50 elderly persons with a hot noon meal, 5 days a week. Mr. Speaker, that project was a resounding success. An evaluation of the project prepared by an independent consultant described how the program worked:

> Around 10 a.m., the van begins to collect participants at their homes and deposits them at the parish hall. A Volunteer Aide is usually there to assist the participants with special games, entertainment, dancing, and other activities designed to promote fellowship. Limited exercise programs are also conducted.
>
> Shortly before 11 a.m., the caterer delivers the food, which is then served promptly by three Serving Aides. These Aides, it should be noted, have also developed a warm rapport with the participants. Prior to and during the meals, special nutrition classes are held. Afterwards, the van returns people to their homes and also takes individuals to dentists and doctors for appointments made in connection with the program."

It is important to note, Mr. Speaker, that the project sponsors were sensitive to local food tastes, a factor specifically provided for in S. 1163.

In the short time during which the Kauai project functioned, its impact was substantial and beneficial. The key finding was described by the consultant in the following manner:

> According to all observers, the major impact of the program is that people feel better as a result of it. "I feel good now," one lady in her seventies told the evaluator, "I even walk faster!" The psychological impact is difficult to measure, but manifests itself in various ways. Some of the women now bring flowers for the tables. Many of the men now wear new aloha shirts, whereas at first they came in clothes that apparently had not been changed in weeks. Participants' dispositions have changed too, according to people who have known them.
>
> One 76-year-old lady, who used to complain continuously, has amazed everyone with her cheerfulness as the program progressed. Many of the participants have obtained new dentures through the program's Medical Services, and perhaps as Dr. Haruki, DDS, suggested, they no longer find it embarrassing to smile: Whatever the cause, the participants appear noticeably happier than when the project began.

Mr. Speaker, our great Nation was established in "pursuit of happiness." S. 1163, when enacted, will bring a small measure of added happiness to thousands across the country in keeping with our national goal, and I urge its overwhelming approval by the House today.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 3 additional minutes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. What happens with reference to these feelings of rejection and loneliness which obliterates the incentive to prepare and eat a meal alone? Is this surplus food to come out of restaurants, prepared and ready to eat? Or is this surplus food to be prepared in common kitchens for the elderly?

Mr. STEIGER of Wisconsin. It is the hope, I think, of the members of the Committee on Education and Labor that, in fact, you do go to preparing meals which can be served in a location that will make possible a number of elderly coming to it for the purpose of eating that meal.

We have, may I say to the gentleman from Iowa, an excellent program which is underway in almost every State called the "Meals on Wheels" program, which involves the preparation of meals at a central location, and then the delivery of those meals to individual elderly persons who cannot get out of their homes. That is the kind of thing that has been done in the past. What we are trying to do here is to provide some degree of balance between those who cannot get out of their own homes and thus must have the services such as the "Meals on Wheels" program, and those who are more ambulatory but, for whatever reasons included in the criterion, can be served by this nutritional program—but, McDonald's, no. In fact, this bill is based on a number of pilot projects already underway.

Mr. GROSS. So it is a $250 million demonstration program that the gentleman from Wisconsin thinks may or may not be permanent? Is that the gentleman's estimate of it?

Mr. STEIGER of Wisconsin. How much money?

Mr. GROSS. $250 million.

Mr. STEIGER of Wisconsin. $250 million; that is correct.

Mr. GROSS. And it is a demonstration process, as it stands in this bill; is that correct?

Mr. STEIGER of Wisconsin. In many places that is exactly what we are doing.

Mr. GROSS. Of course, it will never become permanent. Nothing ever becomes permanent around here that starts as a pilot program, does it?

Mr. STEIGER of Wisconsin. Well, it is an expansion of pilot programs, but I do not want the gentleman from Iowa to hold his breath waiting for it to expire.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, let me say that this is one of the few programs that has really been tested in the field. There have been over 30 different research and development grants across the country testing the feasibility of developing, and evaluating a system for the delivery of meals. We are faced in this country with the fact that about a quarter of all our senior citizens, that is at least 4 million, live below the poverty line. Beyond this, there are many who do not fall below the poverty line, but are not ambulatory.

I believe it is the intention of the White House to proceed with some vigor in this program to try and reach the basic problem of nutrition, and also the prevention of serious disability which may come from poor nutrition.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. REID. I yield to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I thank the gentleman for yielding. I rise in enthusiastic support of the bill S. 1163.

May I commend the chairman of the Committee on Education and Labor, the gentleman from Kentucky, and the gentleman from Indiana (Mr. BRADEMAS), for bringing us this amendment to the Older American Act, which will provide grants to the States for low-cost meal projects.

I am pleased to tell the House that the gentleman from New York (Mr. REID) and myself were speakers at one of the three luncheons for the delegates to the White House Conference on the Aging in the latter part of 1971. We left the luncheon that noon in early December believing the bill we consider today would be considered that afternoon. Now it is 2 months later, but even so passage today may be in time for the Appropriations Committee to consider this authorization for this appropriation year.

Mr. Speaker, the bill which I introduced, H.R. 12035, is substantially the same as S. 1163, which as a matter of information passed the Senate during the time the White House Conference on the Aging was meeting here in Washington. I believe it is significant to point out that when the Senate passed S. 1163 it was by the unanimous vote of 89 to 0. The bill before us today amends title VI of the Older American Act of 1965 which amendment is redesignated as a new title VII. The amendment authorizes grants to the States for the purpose of paying up to 90 percent to establish and operate nutritional programs which will provide low-cost, nutritionally sound meals and related services to individuals 60 years of age or older and their spouses.

S. 1163 authorizes $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for grants to those States which submit an acceptable State plan and provides for administration of the program by the Secretary of HEW through the Administration on the Aging. Participating States may designate a single State agency to have responsibility for administering the nutrition program within the State. When a State receives an allocation, it is to be disbursed by grant or contract to public or private nonprofit institutions, organizations, agencies, or political subdivisions of the State which agree to establish a nutrition project.

All recipients of a grant or contract must agree to follow the advice of persons competent in the field of nutrition, and when a nutrition project is established a site must be furnished where the project is to be located which must be in an area with a concentration of eligible individuals and, as the report puts it, "preferably within walking distance."

Furthermore, the project may provide

home-delivered meals to eligible individuals who may be homebound. Also, the group sponsoring the project has the authority to supply transportation between the project site and the residences of eligible individuals who would otherwise be unable to participate in the project.

It is interesting to note that while this bill has its main objective the provision for low-cost meal projects, in the title of the bill there is contained the wording the grant may be used to provide the opportunity for social contacts and for other purposes. According to the report, these supportive services may include such things as recreational activities, health and welfare counseling and informational and referral services where they are not otherwise available.

State allocations under this program shall be allotted under a formula which recites that each State shall be allotted an amount which bears the same ratio to the total authorization as the population age 60 or over in such State bears to the population age 60 or over in all 50 States, provided, however, that no State shall be allotted less than one-half of 1 percent of the total sum appropriated for the fiscal year for which the formula is applied. Now, according to the report on page 3 there are about 28,900,000 60-plus in the population in the United States.

Missouri has 783,600 of this age group. That means 2.71 percent of the total of the 60-plus population, and, upon the assumption for fiscal year 1973 there was an authorization of $100 million, it would mean Missouri would be allocated $2,595,400, and for fiscal year 1974 where the authorization will be $150 million, the State of Missouri would then be allocated $3,893,000.

Mr. Speaker, as chairman of the Special Studies Subcommittee of the House Committee on Government Operations which was assigned as one of its duties to conduct hearings on the problems of the aging, I can report to the House that proper nutrition is one of the foremost needs of our older citizens and particularly those who may not enjoy enough income to be able to provide themselves with a sufficiently nutritional diet. Since about September 1 our committee has held over 30 days of hearings here in Washington, and in Baltimore, Chicago, New Orleans, suburban New Jersey and elsewhere. There are over 40 separate problems of the aging which our committee has identified. However, these separate or break down into four or five general categories including income maintenance, health needs, housing, transportation, and last but certainly not least, nutrition.

We are considering an important bill today. It is one that just about all the membership of the House should be able to support. Those who, for one reason or another, may oppose the extension of the poverty program—because of the expensive comprehensive child care provision—can vote for this bill with good conscience. Those who may regard themselves as conservatives and sincerely believe that we must try diligently to reduce total Federal expenditures will find that this bill provides the opportunity to save money. Oh, I know there will be those who will refuse to believe this kind of statement. Let me hasten to explain how this can be accomplished.

For those who may not have thought of it in these terms it should be instructive and informative to note that the Federal Government spent approximately $500 million on nursing home care under medicare in calendar year 1970. During this same calendar year the Federal Government spent $1.3 billion on nursing home care under medicaid. Mr. Speaker, S. 1163 which provides for nutrition projects for our older citizens, when viewed in its proper perspective is really a measure that provides for preventive health care. Good nutrition is a form of preventive medicine. In the science of gerontology, geriatric authorities have emphasized again and again the importance of nutrition in maintaining good health for elderly persons. Put in its simplest terms, the longer we can help sustain large numbers of our older Americans with some degree of self-sufficiency in their own homes and their own surroundings, then the less we will have to spend on nursing home care under medicare and medicaid. The fact that the nutrition program authorized by S. 1163 and the degree that it reduces the population of our elderly persons in nursing homes, to that extent it represents a substantial saving in one of the fastest growing items of our entire Federal budget.

Mr. Speaker, S. 1163 is a measure that should enjoy the support of conservatives and liberals alike. In that regard, it is not only a good bill but a rare piece of legislation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 1 additional minute to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, I would like to say to my colleague, the gentleman from Missouri (Mr. RANDALL), that I very much appreciate the interest and initiative that the gentleman has shown in the development of this program. The gentleman has held some significant hearings in his Subcommittee on Government Operations. I would say to the gentleman that I share his convictions, and his hope that this program will help in a medical sense to prevent the kind of debilitation that occurs to our senior citizens, and perhaps relieving arthritis, and other illnesses which might be aggravated by nutritional deficiencies.

I believe this significant initiation by the White House reflects its commitment to the White House Conference on the Aging, and I hope therefore that we can start to make meaningful progress in this area for our senior citizens who clearly and desperately need our help.

Mr. PRICE of Texas. Mr. Speaker, S. 1163, the Nutrition Program for the Elderly Act, which we are considering today would establish a categorical grant program. Under this program the Federal Government would pay 90 percent of the costs incurred by local projects to carry out a national nutrition program for older Americans.

We all realize that our older citizens deserve our continuing support and assistance. However, as I have said to this House before, we need to maximize our capacity to help these older persons by turning more to private programs, voluntary organizations, and State and local government agencies.

The most fundamental problem facing the elderly is that of an inadequate income. We all agree that we need to take concrete steps to assist our elderly to achieve a higher level of income. Through an effective income strategy, many nutrition and related problems will be significantly lessened. Malnutrition is often related to poverty and once an older person has sufficient income he can provide for his own nutritional needs. The type of action I feel is most apropriate therefore is the sort of provision contained in H.R. 1 which liberalizes the amount of annual earnings exempt under the social security retirement test. For older persons who wish to continue working, this amount would be increased from $1,680 to $2,000 for 1972 and thereafter would be adjusted to increases in wage levels. Where annual earnings exceed the exempt amount, benefits would not be reduced by more than $1 for each $2 of earned income. This type of provision enables an older person to retain his dignity and help himself. At the same time we are taking this type of constructive action, we should eliminate those existing programs which do little more than make recipients feel like wards of the State.

As the administration pointed out in hearings on S. 1163, a categorical feeding program for the elderly cannot be totally effective in meeting their multiple needs. For instance, in the area of nutrition, there is already a provision in H.R. 1, the social security amendments that have been passed by the House, which would directly provide for nutrition services for the elderly. Moreover, on January 11, 1971, the President signed into law the "Amendments to the Food Stamp Act of 1964" which include a provision that permits persons 60 years of age or older, who are homebound or feeble, to use food stamps to purchase meals delivered to them by nonprofit organizations or local government agencies.

The costs associated with this program are also of concern to me. If the goal of the program is to reach a substantial number of older persons then the program as envisaged in this legislation will be very expensive. To date, even though the Administration on Aging has been conducting demonstration in this area for some 3 years, there is no available information on how to reduce the costs of these programs. We need to explore the use of the private sector in the provision of nutrition services as a way of reducing costs. For instance, I understand that cafeterias in various parts of the country are successfully experimenting with furnishing reduced price meals for older persons in off-peak hours.

In summary, Mr Speaker, although I am a strong supporter of programs to effectively help our older citizens to maintain their independence and dignity, I do feel the legislation being considered today helps meet this objective.

Mr. BURKE of Florida. Mr. Speaker,

I rise in support of S. 1163, to amend the Older American Act of 1965 and which will provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training, and education projects, opportunity for social contacts, and other purposes. H.R. 5017, which I cosponsored and which was introduced in February 1971, contains most of the pertinent provisions of S. 1163.

The State of Florida has almost 1½ million residents 60 years of age or older. Its over-65 population represents more than 13 percent of the total population of the State. It is significant that nationally the over-65 population is less than 10 percent of the total. People from every State in the Union have come to Florida. The warm, sunny climate enjoyed by most of the State makes it an attractive place for our elder citizens to spend their retirement years. Broward County is one of the most attractive areas in the State and the cities of Fort Lauderdale and Hollywood, which I represent, have large populations of our older citizens.

The problems of the aged are the problems of all Shakespeare eloquently reminded us of this when he wrote:

> All the world's a stage, and all the men and women merely players. They have their exits and their entrances; and one man in his time plays many parts, his acts being seven ages. At first the infant, mewling and puking in the nurse's arms. And then the whining school-boy, with his satchel and shining morning face, creeping like snail unwilling to school. And then the lover, sighing like furnace, with a woeful ballad made to his mistress' eyebrow. Then a soldier, full of strange oaths, and bearded like the pard; jealous in honour, sudden and quick in quarrel, seeking the bubble reputation even in the cannon's mouth. And then the justice, in fair round belly with good capon lined, with eyes severe and beard of formal cut, full of wise saws and modern instances; and so he plays his part. The sixth age shifts into the lean and slipper'd pantaloon, with spectacles on nose and pouch on side; his youthful hose, well saved, a world too wide for his shrunk shank; and his big manly voice, turning again toward childish treble pipes and whistles in his sound. Last scene of all, that ends this strange eventful history, is second childishness, and mere oblivion, sans teeth, sans eyes, sans taste, sans everything.

Age comes to all. The rich, poor, weak, strong, black, white, yellow, and red all succumb to the ravages of time.

It is sad that in America today, many of our citizens born in the 1800's and early 1900's suffer from hunger and malnutrition. This generally results from an inadequate income and/or a lack of nutritional knowledge. Lack of physical mobility or of transportation may impair ability to shop for food. Those living in rented room may not have cooking and refrigeration facilities. Then, to, there are social and psychological considerations—many elderly people who live alone isolated from family and friends, simply lack the motivation to prepare adequate meals for themselves. The loneliness and sense of alienation of single elderly persons removes the incentive to plan and prepare nutritious meals. These factors combine to produce a way of life which incorporates malnutrition and persistent physical and mental deterioration. When we realize that 25 or 30 percent of the 20 million aged in this country have incomes below the established poverty level, we can see how urgent the need is for this legislation.

Mr. Speaker, S. 1163 authorizes the expenditure of $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for grants to States submitting acceptable State plans. It also provides for the administration of this program by the Secretary of Health, Education, and Welfare through the Administration on Aging. The funds so appropriated will be allotted to States are to be dispersed by grant or contract, to public or private nonprofit institutions, organizations, agencies, or political subdivisions of the State which agree to establish a nutrition project.

Recipients of a grant or contract must agree to: first, establish a nutrition project with the advice of persons competent in the fields of nutrition and services to the elderly; second, furnish a site for the nutrition project preferably in an area having a concentration of eligible individuals within walking distance; third, provide home-delivered meals to eligible individuals, where appropriate, and supply transportation to and from the project site; fourth, provide participants with supportive services such as recreational activities, health and welfare counseling and informational and referral services; fifth, utilize methods of outreach that will insure the maximum number of eligible individuals have an opportunity to participate; and sixth, provide special menus to meet particular dietary needs arising from the health requirements, religious requirements, and ethnic backgrounds of participants.

Since history judges governments by how well they care for the weak and infirm within its society, it seems proper, that our Nation as a government "by the people, for the people and of the people" should start today to insure the health of our needy senior citizens by establishing, maintaining, and operating a low-cost meal project with nutrition training and educational and social opportunities.

Mr. BROOMFIELD. Mr. Speaker, our country has seen fit, and rightly so, to insure that our senior citizens receive the medical attention and aid that many of them need. Through medicare and medicaid, we have launched an ambitious program to ease the financial squeeze that rising medical costs impose on this country's elderly population.

Time and time again studies have shown that all too many of America's elderly are suffering from inadequate diets. While the reasons and the causes for this situation may be many, it is clear that they demand a solution. If we are truly committed to helping our senior citizens meet their health needs then, surely, this measure which would provide low-cost nutritious meals is part of that commitment.

We have no way to estimate how much of the cost of medicare is the result of the inability of the elderly to obtain a balanced diet. However, it is undisputed that good health and diet go hand in hand. We can make no better investment than in a program to upgrade and improve the diets of senior citizens.

That opportunity is before us today. This legislation, which I am proud to have introduced in this House during the last session, is a logical extension of our present commitment.

Mr. Speaker, should there be any doubt as to the necessity of the measure before us today, let us look to the facts in order to get the true picture.

As a group which represents 20 million Americans, our senior citizens are burdened with the highest degree of poverty. In an age when inflation has almost become an accepted fact of life, they, more than any other group, live on restricted incomes.

Because of their advancing age and consequently their reduced mobility, transportation is not a luxury but a dire necessity. Living in older neighborhoods, they are often isolated from shopping centers, medical personnel, and other facilities which we take for granted but which for them are almost impossible to reach.

We know full well, Mr. Speaker, the extent and depth of their peculiar situation which they have patiently and silently endured. These Americans have worked for and placed their trust in their country and Government. They are confident that we will respond to legitimate needs. They do have legitimate needs and we do have a duty to respond. We cannot and must not ignore their plight.

While I am gratified to see action being taken to translate this legislation into public law, I would hope that this measure represents a new round of legislation to aid the elderly. As worthy as this measure is, it should be but the first step.

The needs of older Americans are not restricted to health alone. We must insure that low-cost and moderate housing is available. Mass transportation and jobs for those who wish to work are only two more areas which are vitally important to these people. They are, therefore, areas which we must confront.

Legislation dealing with these questions are now pending before Congress. For the sake of 20 million citizens, I hope that this session will witness the consideration and eventual passage of this legislation.

Mr. FISH. Mr. Speaker, I rise in support of S. 1163 which amends the Older Americans Act of 1965 to provide for a system of grants to States for nutrition programs for senior citizens. This legislation represents a landmark step in a delivery system to insure adequate health and nutrition for older Americans.

The scope of this serious problem was recently outlined in the report of President Nixon's Task Force on Aging. It stated:

> In examining the incidence of malnutrition among the elderly, the Task Force concluded that insufficient income was only one of the several causes. The lonely older person who can afford an adequate diet but does not eat properly; the older person who finds going to the store too great a burden; the older person who is nutritionally ignorant; the chronically ill older person unable to prepare a hot meal—are all part of the problem.

This bill authorizes $100 million for

fiscal year 1973 and $150 million for fiscal year 1974. Funds so appropriated will be allotted to States on the basis of each State's proportionate share of the Nation's population aged 60 and older. This means for example, in my own State of New York, over $23 million will be allotted to fight malnutrition among the elderly.

This legislation will initiate a program of low-cost, nutritionally sound meals, at or near areas of a concentration of eligible elderly. Churches, schools, community centers and senior citizens centers will be utilized. This progressive and humane program deserves the support of each Member of the House of Representatives and I strongly urge my colleagues to vote accordingly.

Mrs. HECKLER of Massachusetts. Mr. Speaker, too many senior Americans are living—and dying—on tea and toast.

In the winter of their lives, when comfort, warmth, ease and good food is the least they deserve, many senior citizens live alone in furnished rooms, on the margin of poverty, in poor health, unable or indisposed to shop or to cook or even to scavenge.

The result is that they subsist in a twilight to which the darkness comes sooner than it ought.

This House, Mr. Speaker, has rightfully and dutifully provided for the children of America with hot lunches, breakfasts, and an array of services designed to prepare and fortify them to become valuable, productive citizens. They are properly regarded as the Nation's insurance of its own perpetuity. They represent something we owe to ourselves.

In their own way, our senior citizens are just as helpless as children and just as deserving of our attention and concern. They have built this Nation. They have passed it on to us better than it was when they received it. They have paid their dues.

It is our obligation, then, Mr. Speaker, to see to it that the status of rest and retirement that they have earned is made as pleasant and as comfortable as possible.

We have the chance to do just that in this bill, S. 1163, which makes available to them at least one hot meal a day, 5 days a week, from which they can draw not only sustenance and nutrition but also the well-being that comes from knowing that someone cares enough to see to their needs.

This bill also provides that State programs set up to feed senior citizens must bring other kinds of help to them, such as recreation, health and welfare counseling, and other information which they need but cannot get.

Seniors are no exception to the rule that man does not live by bread alone.

This is not just another welfare bill, Mr. Speaker, because it makes these meals and these services available according to ability to pay. Those who can afford a nominal fee will be required to pay it, which easily removes it from the something-for-nothing category.

Pride is still an important possession, even to people over 60, and the fact that they do not eat well is many times the result of their not being able or disposed rather than not having the wherewithal. They are not slighted in this bill.

In so diverse a society as ours, particularly in a senior society which clings more strongly to such things, the ethnic, religious, and dietary distinctions must be observed. And they are in this bill. Focus is also directed at the low-income and non-English speaking who are every bit as deserving.

Mr. Speaker, this is good legislation, strongly needed, strongly deserved in justice, in charity, in common concern for those to whom we owe so much. I urge its overwhelming passage.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation. Making what are called major revisions in the 1965 Older Americans Act—indeed, adding an altogether new section—the bill would help put sound nutrition into the diets of millions of the elderly. Its approach is open and straightforward, calling for grants to all 50 of the States—$100 million in fiscal 1973, $150 million in fiscal 1974—to finance low-cost meals for men and women over 60. It would assure most participants of at least one hot, nutritious meal 5 days a week.

To round out this new program, the bill would set up a brace of ancillary services: health and welfare counseling, for example, and educational projects designed to school the elderly in their nutritional needs.

The merits of this legislation hardly need emphasis here; it is no secret that the elderly's eating habits are uneven, at the very best. One of the biggest problems is money. Living on fixed incomes—modest social security benefits are the sole source of income for millions—the elderly are pushed deeper and deeper below the Government's poverty level each time the cost of living inches upward. Many of them cannot afford a balanced diet.

Often the victims of muggings and assaults, the elderly are seldom willing to brave the city streets; an errand as routine as grocery shopping has taken on the dimensions of an adventure. Many of them, moreover, lack the fundamental knowledge of nutrition to prepare sound meals. Still others, living cheerless lives in solitary apartments, simply do not care any more; a sandwich or a hurried bowl of cornflakes fills the stomach, after all, and does away with the half hour or so of dreary toil it takes to fix a meal.

The White House Conference on Aging has already laid bare the problems I have just outlined.

The elderly's plight, growing bleaker and bleaker every year, should be among the very highest priorities of this Congress.

The bill now before us is a step in the right direction.

I urge its passage.

Mrs. GRASSO. Mr. Speaker, the need for adequate nutrition is a major concern of the elderly in America today. It is disturbing, indeed, when it is determined that for a variety of reasons half of the elderly have diets deficient in essential nutrients and caloric content. It is tragic that in a nation so abundantly endowed so many of our people lack the diet needed to remain healthy and functioning members of society.

I have previously stated the overriding importance of comprehensive nutritional services for the elderly. The complexities of a nutritionally deficient diet combine with other factors—finance, the strength to prepare a series of meals when one is in failing health or living in loneliness—to add to the distress of the agony. The Congress today met its responsibility and approved legislation to provide better nutritional services for the elderly.

S. 1163 authorizes $250 million over 2 years for grants to the States to pay up to 90 percent of the cost of projects to provide low cost, nutritionally sound meals to individuals above 60 years of age and to their spouses. In my State of Connecticut over 400,000 people would benefit from the $1.38 million for fiscal year 1973 and the $2.07 million for fiscal year 1974 allocated under this bill for the State. While a single State agency will administer the funds and help coordinate projects, the major emphasis will be placed on assistance provided by local public and private nonprofit institutions. Grants will be provided to those institutions which establish a program to provide the elderly with one hot meal a day, at least 5 days a week. The project directors must furnish, where feasible, a conveniently located site for the program and supply transportation to those individuals who cannot easily reach the meal center.

Under this legislation, different plans are available. Meals will be disbursed at local centers—programs that will allow many individuals the opportunity to meet people of their own age and interest. In addition these facilities will also provide needed health and welfare counseling information and services for the elderly.

But happily, those people confined to their homes will also benefit from these local projects. In conjunction with and as a supplement to the group meals programs, volunteers will provide home delivered meals to the bedridden and shut-ins. The "Meals on Wheels" programs, which are already enjoying great successes in many parts of the country, will be expanded and increased in scope to help local projects reach the maximum number of people possible within the financial resources of the local grants.

Mr. Speaker, an adequate nutritionally balanced diet is essential to the well-being of the elderly. We cannot, and indeed must not, be satisfied so long as millions of Americans who worked for this land in their youth are faced with unnecessary misfortunes in the autumn of their lives.

I wholeheartedly endorse the provisions contained in S. 1163 and am pleased to see the support it received from my colleagues. Passage of this legislation is the initial step in enacting a new comprehensive national program of assistance which will provide a better life for all the elderly in our Nation today.

Mr. FORSYTHE. Mr. Speaker, I would like to take this opportunity to express my support for S. 1163, authorizing grants to the States to establish nutrition projects for our older Americans.

I believe this can be a very meaningful program for this important segment of our society, one that can reduce unnecessary suffering and provide valuable social experience as well as meeting nutritional needs.

In New Jersey, and in my district, the senior citizen population is growing in increasing numbers each year.

Many of these people, who have made invaluable contributions to their country during their lifetime, are not able to provide themselves with the food they need.

They deserve better than this.

S. 1163 will not solve all of the problems. But it will help. By providing nutritional services at nearby community facilities, such as schools, churches and community centers, elderly Americans will be able to eat some of their meals in the company of others with similar interests. The program has the potential of improving the morale and spirit of senior citizens as well as their health. In fact, it has the potential of prolonging life and of helping to make that life more meaningful.

I believe society owes a debt to the older American.

This program is one way in which it can be repaid.

Mr. DULSKI. Mr. Speaker, I support the pending legislation, S. 1163, and urge its passage.

As you know, I suggested to the committee a clarification of one section of the bill, specifically section 706(a) (3).

I believe the intent is well understood by those close to the subject, but to insure that there arises no question I would like to tender the following as a part of the legislative history.

I would preface my remarks by pointing out that my home city of Buffalo, N.Y., has been in the forefront on pilot endeavors toward improving nutrition for the elderly.

The Buffalo program is operated by Food and Nutrition Services, Inc., which has received excellent cooperation from various civic, public, and private organizations. Such cooperative spirit is an essential ingredient.

There are four broad groups of elderly persons who need meal service.

NEEDING MEAL SERVICE

Such men and women range from individuals who cannot leave their homes, to those who simply would benefit by daily meals at a subsidized price, combined with activities.

For all four groups, food that is more nutritious would be both a preventive and a therapeutic measure. Throughout the country, there are considerable numbers of persons in each group who require that food services of differing types be provided by the community.

The four groups are:

First. Adults, of any age, who need home-delivered meals. These include the homebound, those able to be transported once a week to a center for dining and activities, and others capable of walking to a nearby location for group dining and activities.

Ill and handicapped persons may need special attention and care in regard to their nourishment for either part or the remainder of their lives.

For various and often multiple reasons they cannot prepare or obtain adequate meals. Other aspects of their lives are affected by illness and/or handicap. Such situations can be present regardless of income level. This group can benefit substantially from a professionally directed community meals service agency.

Second. Elderly persons who can cook, or live with someone who does, but who cannot get out readily, are more-or-less homebound, and need socialization. Auto transportation to a group-dining and activity center, once or twice a week, is desirable for this group.

Third. Elderly persons who get out, but have poor eating patterns, or have problems in relation to meals, such as need for a special diet.

Fourth. Elderly persons who do not have the above difficulties, but would benefit from meals at a subsidized price, accompanied by social activities, in various types of centers placed strategically throughout the city and county.

INTENT OF LEGISLATION

The intent of section 706(a) (3) is that those State approved eligibles under this program:

First. Furnish sites for group dining, sociability, and nutrition and consumer education projects in as close proximity to the majority of eligible individuals' residences as feasible, and preferably within walking distance where possible;

Second. Operate home-delivered meals' projects for eligible individuals who are homebound;

Third. Provide portal-to-portal transportation to the group dining sites for those infirm who do not need delivered meals, also for those normally receiving home-delivered meals as often as the latters' strength permits; and

Fourth. Carry out a sound community plan for coordinating services specified in first, second, and third, especially for persons whose needs and status change; further that such services may or may not be under the same auspices depending upon a community's structure of responsibility.

Mr. Speaker, the experience of the various pilot projects has been most informative and has made clear that the problems of nutrition for the elderly are complex.

NEED FOR FLEXIBILITY

It is because of these complexities and the variations in need from community to community that we require flexibility in the law within reasonable bounds to permit a proper accent according to the needs and possibilities within a particular community.

As I have pointed out, there are many groups of public, private, religious, charitable, and so forth, which can easily provide leadership in the field of group dining. But where the need exists—as it does at least to a degree in most communities—for individual attention through home-delivered meals, there is a fundamental necessity for professional supervision and an active system for taking advantage of the information that can flow from the individual visits to the homes.

In Buffalo, home-delivered meals are provided generally where warranted on a five-times-a-week basis. Delivery is made by a volunteer who has been properly instructed in careful observation of possible changes in the physical condition of the individual who is homebound.

When a Buffalo volunteer recognizes circumstances which appear to require urgent attention, there is provision for immediate reporting by telephone to the operating agency where trained individuals take appropriate action.

In all cases where a meal is home-delivered, the volunteer makes a written observation which is checked by professionals before it is added to the individual file. These observations often indicate patterns of development, some of which show up gradually. The cumulative reports can indicate changes and provide alerts which initiate investigation and action by professional staff members.

Mr. Speaker, as I said at the outset, I am in full support of S. 1163 and urge its passage.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill S. 1163, as amended.

The question was taken.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—**yeas 350, nays 23, not voting 58,** as follows:

[Roll No. 27]

YEAS—350

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews
Annunzio
Arends
Aspin
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Denholm
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway

Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—23

Archer
Ashbrook
Blackburn
Camp
Clawson, Del
Collins, Tex.
Colmer
Dennis
Devine
Flynt
Goodling
Gross
Hall
Michel
Rarick
Robinson, Va.
Rousselot
Satterfield
Schmitz
Steiger, Ariz.
Teague, Calif.
Waggonner
Wiggins

NOT VOTING—58

Alexander
Anderson, Tenn.
Ashley
Aspinall
Badillo
Bell
Biaggi
Blanton
Blatnik
Brown, Mich.
Byrnes, Wis.
Cabell
Carter
Chisholm
Clay
Corman
Crane
Davis, S.C.
Davis, Wis.
Dellums
Dowdy
Downing
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Forsythe
Gibbons
Green, Oreg.
Hansen, Wash.
Harsha
Hawkins
Helstoski
Kuykendall
Landgrebe
Lennon
McCloskey
Macdonald, Mass.
Melcher
Mills, Md.
O'Konski
Pelly
Poage
Pryor, Ark.
Quie
Railsback
Riegle
Robison, N.Y.
Roy
Ruppe
Spence
Springer
Stanton, J. William
Stubblefield
Whitehurst
Wyatt
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Stubblefield with Mr. Landgrebe.

Mr. Blatnik with Mr. Harsha.

Mr. Macdonald of Massachusetts with Mr. Forsythe.

Mr. Roy with Mr. McCloskey.

Mr. Evans of Colorado with Mr. Bell.

Mr. Blanton with Mr. Carter.

Mr. Biaggi with Mr. Quie.

Mr. Ashley with Mr. Brown of Michigan.

Mr. Helstoski with Mr. Clay.

Mr. Corman with Mrs. Chisholm.

Mr. Downing with Mr. Mills of Maryland.

Mrs. Green of Oregon with Mrs. Dwyer.

Mr. Pryor of Arkansas with Mr. O'Konski.

Mrs. Hansen of Washington with Mr. Pelly.

Mr. Alexander with Mr. Crane.

Mr. Aspinall with Mr. Byrnes of Wisconsin.

Mr. Lennon with Mr. Kuykendall.

Mr. Melcher with Mr. Davis of Wisconsin.

Mr. Eckhardt with Mr. Hawkins.

Mr. Anderson of Tennessee with Mr. Railsback.

Mr. Badillo with Mr. Riegle.

Mr. Cabell with Mr. Robison of New York.

Mr. Gibbons with Mr. Dellums.

Mr. Davis of South Carolina with Mr. Spence.

Mr. Dowdy with Mr. Springer.

Mr. Edmondson with Mr. Ruppe.

Mr. J. William Stanton with Mr. Whitehurst.

Mr. Wyatt with Mr. Zwach.

Mr. THOMPSON of Georgia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 748, U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, GONZALEZ, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

APPOINTMENT OF CONFEREES ON S. 749, AUTHORIZING U.S. CONTRIBUTIONS TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, GONZALEZ, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

APPOINTMENT OF CONFEREES ON S. 2010, PROVIDING INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2010) to provide for increased participation by the United States in the International Development Association, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, GONZALEZ, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

EXTENDING DATE FOR TRANSMISSION TO CONGRESS OF JOINT ECONOMIC COMMITTEE REPORT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 196) extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 196

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee", approved December 22, 1971 (Public Law 92-216; 85 Stat. 778), is amended by striking out "March 10, 1972" and by inserting in lieu thereof "March 28, 1972".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TINICUM NATIONAL ENVIRONMENTAL CENTER

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7088) to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation from imminent destruction, the last remaining true tidal marshland in the Commonwealth of Pennsylvania, with its highly significant ecological features, including prime habitat for many species of wildlife, and a feeding and resting place for migratory wildfowl, the Secretary of the Interior is authorized and directed to establish the Tinicum National Environmental Center and administer same as a unit of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee).

Sec. 2. In fulfillment of the purposes of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands in the vicinity, or otherwise, such lands or interests therein, or other property in the counties of Delaware and Philadelphia, Commonwealth of Pennsylvania, as he may deem necessary for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh. The area to be acquired for the foregoing purposes shall not exceed 1200 acres: *Provided, however,* That said limitation shall not preclude such boundary adjustments as may be deemed necessary for effective administration of the Tinicum National Environmental Center. Lands of interests therein, title to which is held by the Commonwealth of Pennsylvania or a political subdivision thereof, may be acquired only by donation. A description by metes and bounds of the proposed Tinicum National Environmental Center shall be published in the Federal Register, and a scale drawing thereof shall be available in the Office of the Secretary, and such other place or places in the immediate vicinity of the proposed center as will afford all interested parties easy access to information respecting the proposed center.

The area to be acquired will be generally bounded on the west by Wanamaker Avenue, on the south by Interstate Highway I–95, on the east by the easterly edge of the Tinicum Wildlife Preserve and the lands owned by the United States Department of the Interior and the United States Army Corps of Engineers, and on the north by the developed areas and parklands of Darby Township, Folcroft, Norwood, and Prospect Park Borough, exclusive of the portion of marshland which has been filled by the Folcroft Landfill Corporation.

Sec. 3. The Secretary shall construct, administer, and maintain at an appropriate site within the Tinicum National Environmental Center hereby authorized a wildlife interpretative center for the purpose of promoting environmental education, and to afford visitors an opportunity for the study of wildlife in its natural habitat.

Sec. 4. Nothwithstanding any other provision of law, any Federal property located within any of the areas described under the provisions of the second section of this Act may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of the Act.

Sec. 5. The Secretary of the Interior may enter into cooperative agreements with the Commonwealth of Pennsylvania, political subdivisions thereof, corporations, associations, or individuals to carry out the provisions of the Act.

Sec. 6. There are hereby authorized to be appropriated $2,250,000 to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. KEITH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 7088 is to preserve the last true tidal marshland in the Commonwealth of Pennsylvania.

This valuable marshland is located just west of the International Airport at the southwest edge of the city of Philadelphia. It is known as Tinicum Marsh.

Mr. Speaker, Tinicum Marsh originally consisted of approximately 6,000 acres. Since World War I, more than 5,000 acres of this tidal wetland have been deeply covered with fill to construct railroads, highways, boatyards, the International Airport, disposed sites, and residential and industrial sites.

As of today, the remaining original pristine tidal marsh consist of only about 200 acres.

Mr. Speaker, in achieving the purpose of this legislation to preserve from destruction, the last remaining true tidal marshland in the Commonwealth of Pennsylvania, briefly explained, section 1 of the bill would authorize and direct the Secretary of the Interior to establish the Tinicum National Environmental Center. The center would be administered as a part of the national wildlife refuge system.

Section 2 of the bill would direct the Secretary to acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands within the vicinity, such lands as may be necessary in the counties of Delaware and Philadelphia for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh. The size of the refuge would be limited to 1,200 acres, however, the Secretary would be authorized to make boundary adjustments whenever he deemed it advisable to do so.

Lands or interests therein owned by the Commonwealth of Pennsylvania or any political subdivision thereof could be acquired by the Secretary for inclusion within the refuge by donation only.

Section 2 of the bill would also describe in detail the area within which the refuge could be established.

Section 3 of the bill would require the Secretary to construct, administer, and maintain at an appropriate site within the refuge a wildlife interpretative center, to be used for environmental education purposes and to afford visitors an opportunity to study wildlife in its natural habitat.

Section 4 of the bill would authorize the transfer of any Federal property within the desired area, without consideration, provided it is with the concurrence of the head of the agency having custody of the property.

Section 5 of the bill would authorize the Secretary to enter into cooperative agreements with the Commonwealth of Pennsylvania and any political subdivision thereof, corporations, and associations or individuals in order to more effectively carry out the provisions of this legislation.

Section 6 of the bill would authorize to be appropriated $2,250,000 in order to carry out the provisions of the legislation.

Mr. Speaker, all witnesses testifying at the committee hearings were in strong support of this legislation. In addition, the committee received numerous resolutions from various clubs, societies, associations, and guilds in the Tinicum area in strong support of this legislation. Testimony produced at the hearings indicated that the city of Philadelphia, Delaware and Philadelphia counties, the Commonwealth of Pennsylvania and all Federal and State agencies concerned were fully cooperating in an effort to preserve and maintain this valuable remaining marshland.

Mr. Speaker, H.R. 7088 was unanimously ordered reported by the Merchant Marine and Fisheries Committee and I urge its prompt passage.

We received, during our consideration of the bill, the testimony of a number of our colleagues, including our good friend from Pennsylvania, Mr. Williams, who is one of the sponsors of the bill—indeed, the principal sponsor—and our good friend from Pennsylvania, Mr. Green, who has joined in support of this legislation and who testified in support of it. Practically the entire membership of the congressional delegation from Philadelphia appeared in support. The gentleman from Pennsylvania (Mr. Barret) was most interested. Our friend from New Jersey, Mr. Forsythe, a member of the committee, was also most interested in it.

At this time I make a series of unanimous-consent requests.

(Mr. GARMATZ (at the request of Mr. Dingell), was given permission to revise and extend his remarks at this point in the Record.)

Mr. GARMATZ. Mr. Speaker, I rise and join my colleagues in urging the passage of H.R. 7088.

Basically, H.R. 7088 is designed to authorize the Secretary of the Interior to assist in the preservation of the last true remaining tidal marshland in the Commonwealth of Pennsylvania, by establishing the Tinicum National Environmental Center.

Mr. Speaker, it is urgent that this refuge be established at the earliest possible date, because the valuable marshland to be included in this refuge is rapidly being diverted to other uses. In fact, out of the approximately 6,000 acres originally contained in Tinicum Marsh, only 200 acres of this marshland remain.

Mr. Speaker, this marshland serves as habitat for at least 119 kinds of waterfowl and shore birds and 177 species of land birds. It also serves as a valuable resting and feeding ground for tens of thousands of migratory waterfowl in the Atlantic Flyway, and for this reason alone, it should be preserved.

Mr. Speaker, H.R. 7088 was unanimously ordered reported by my Committee on Merchant Marine and Fisheries and I urge its prompt passage.

(Mr. FORSYTHE (at the request of Mr. Dingell) was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. FORSYTHE. Mr. Speaker, I want to express my enthusiastic support for H.R. 7088, a bill that is designed to preserve the last remaining marshland in Pennsylvania.

The tip of this sanctuary for wildlife is actually in the city of Philadelphia, within sight of the busy Philadelphia International Airport, near oil refineries, large industries, and a proposed site for the Bicentennial Exposition.

There are approximately 5 million people living within a 12-mile radius of the Tinicum Marsh, now a refuge for wildlife, a major stopping and feeding place for migratory wildfowl, and a place rare in this sprawling metropolitan area where people can observe nature.

Under the bill, the 1,200 acres of the Tinicum Marsh will be acquired and preserved by the Interior Department as the Tinicum Environmental Center.

The legislation authorizes $2 million for the purchase of the privately owned portions of the marsh. Unless this property is quickly acquired, it will be developed as the suburban sprawl continues, and the Tinicum Marsh will be destroyed.

We New Jerseyans, living in the most densely populated State in the Nation, know well the value of nature areas such as this.

I would like to strongly urge my colleagues to support H.R. 7088. As the New York-Washington corridor continues to grow in population, it is essential that natural areas like the Tinicum Marsh are preserved.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from Michigan yielding, and I appreciate his statement. I think I can understand why all the gentlemen from Pennsylvania would appear and testify as they have, and I certainly can understand the gentleman's interest in wildlife preservation. I do understand that this is one of the resting places that has been befouled by man in his own effort to survive on earth, as ill-begotten as that sometime may be. But in view of the fact that most of the contamination comes from the airport authority and/or the city of Philadelphia land-fill operation, and the county of Delaware in particular according to the committee report; I wonder why they cannot in part be honorbound and beholden to "pick up the check" for this, instead of asking the Federal Government and taxpayers to do so.

Mr. DINGELL. I shall yield to my good friend from Pennsylvania in a moment, but I wish to reply to the question of the gentleman from Missouri. First, I should like to point out that we are handling pollution matters in other ways. But we are trying to acquire this land so that it cannot be dredged, filled, or further befouled, and also to save precious marshland, the only remaining marshland in the area.

Mr. HALL. The report itself states they—the city, authorities, and county—have already done this, is that not correct?

Mr. DINGELL. The function of the legislation is to protect the marshland area from pollution. The principal purpose is to place the marsh in public ownership so that it can be enjoyed by all the people.

I believe my good friend and colleague, sponsor of the bill, Mr. WILLIAMS, of Pennsylvania, has some comments that he would like to make. I yield to him.

Mr. WILLIAMS. Mr. Speaker, I would like to say to my distinguished colleague from Missouri that within the last year and a half one sewer authority has spent over $5 million in improvements to their operation.

Another sewer authority has the plans to double its capacity and go from a secondary treatment facility to a tertiary treatment facility with onsite sludge burning facilities with the ultimate in air pollution control. In addition to that, the plans for the regional treatment plant in Philadelphia, the Philadelphia southwest plant, are being prepared so that this plant will be upgraded and expanded at a cost close to $300,000 or $400,000 by 1975. This has all been done within the past few years.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I rise in support of this bill. As the original legislative sponsor of the concept of saving Tinicum Marsh, I am delighted that this committee has acted. Gathering support for this concept was difficult. A full year passed before many who support the concept were willing to join in this effort.

Today that old opposition is behind us and we in the Philadelphia area are united behind this bill even though it is not as comprehensive as the original bill I introduced.

No small measure of credit must go to the editorial staff and board of the Philadelphia Evening Bulletin whose untiring and forceful prodding did so much to expand support for the preservation of Pennsylvania's last tidal marsh, Tinicum.

The thanks of the people of Philadelphia and the surrounding area and indeed those people of the country who wish to reverse the trend of urban ugliness should go to Representative DINGELL, of Michigan, chairman of the Fisheries and Wildlife Subcommittee, who demonstrated interest in this bill as if it were in his background, not ours.

I personally wish to thank you, Mr. Chairman, for your assistance in this matter. I hope this bill passes and the Senate acts quickly.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. KEITH. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in support of H.R. 7088. It will establish the Tinicum National Environmental Center in the counties of Delaware and Philadelphia in the Commonwealth of Pennsylvania.

The Tinicum Marsh is located in a high-density population area just a few miles from the center of the city of Philadelphia, and is close to the major urban centers of the northeast corridor. It is the last remaining true tidal marshland in Pennsylvania, is a prime habitat for many species of wildlife, and a feeding and resting place for migratory wildfowl. Reports from the Environmental Protection Agency's Middle Atlantic Regional Office in Philadelphia confirm the unique ecological characteristics of this area.

H.R. 7088 would authorize and direct the Secretary of the Interior to establish and administer the Tinicum National Environmental Center, acquiring for that purpose such lands or other property in the counties of Delaware and Philadelphia up to 1,200 acres as he deems necessary to preserve, restore, and develop the natural area known as Tinicum Marsh. The boundaries of the proposed area are defined to include lands presently owned by the Army Corps of Engineers, and the bill would authorize the transfer of any Federal land within the boundaries to the Secretary of the Interior without consideration.

Much of the Tinicum marshland is in private ownership, and I understand from the sponsor of this bill (Mr. WILLIAMS of Pennsylvania), that a regional director of the Bureau of Sport Fisheries and Wildlife, and others have met with the owners and have every reason to expect their full cooperation in acquiring these lands. The sum of $2,250,000 would be authorized to carry out the purposes of this legislation.

Several years ago, the Smithsonian Institution established its Chesapeake Bay Center for Environmental Studies on the western shore of the Chesapeake Bay just south of Annapolis comprising some 1,500 acres of land which include a wide selection of ecosystems. The purposes of that center are similar to those envisioned for the Tinicum Environmental Center. Located near a large city—in that case, Baltimore—and surrounded by a growing suburban population, this center provides an excellent site for studying the effects of increasing density and urban development on the natural environment. It is hoped that these studies, in addition to warning of dangers of various forms of pollution, also will help resolve some of the problems. Few areas of the country today need such a Center as much as the Philadelphia area.

Tinicum Marsh was originally a part of the Tennakon-Minquas Island marshes that occupied 5,700 acres at the time of first settlement in 1643. Since the advent of World War I, more than 5,000 acres of tidal wetlands have been deeply covered with fill to construct railroads, highways, boatyards, the Philadelphia International Airport, and residential and industrial sites, and for trash disposal. In 1968, the last tidal wetland in the State of Pennsylvania had been reduced to only 523 acres. Although vastly reduced from its original expanse, Tinicum remains a vital link in the Atlantic flyway for important numbers of waterfowl, shorebirds, and wading birds. Scientists have analyzed and confirmed its high usefulness as a purifier of polluted water, as a nursery for a variety of aquatic organisms, as a nutrient base for the fisheries of the Delaware Estuary, and as a catch-ment basin for the flood waters of Darby Creek—far more economical and efficient than any man-made reservoir.

During the disastrous floods of the Chester Creek near this section of Delaware County last fall, many areas suffered heavy damage as a result of Hurricane Doria and associated storms with thousands of people being driven from their homes and untold financial loss in both residential and business sections of the surrounding communities. However, Tinicum Marsh is a flood plain and serves as a great regulator of floods. Darby Creek which runs through Tinicum Marsh had minimal flooding conditions during recent very heavy rains, yet Chester Creek only several miles to the west had a flooding disaster. Should Tinicum Marsh be filled for development, its flood storage volume would be decimated.

The potential of the area to be set aside under this bill in its value as a recreational area can best be judged by the success of the Tinicum Wildlife Preserve, a part of the area designated for preservation in H.R. 7088. Without any active promotion by the city of Philadelphia, the number of visitors to the preserve has reached 46,000 annually. The city has not had the funds to improve the access roads to the preserve, or to provide for accommodation of a large number of visitors. It has been left, therefore, entirely to the interested individual citizen to seek out the preserve. If funds were available to administer the preserve adequately, it is hard to guess what the annual visitation might be.

Unfortunately, as with many of the urban areas today, the Tinicum Marsh is now beginning to feel the effects of the degradation of the environment around it. For this reason, it is necessary to act and act as quickly as possible in order to preserve this area and the tremendous amount of wildlife it serves. The quality of the water in Tinicum Marsh has been degraded to the point that much of the wildlife in the area is now seriously threatened. This legislation would provide an adequate vehicle for preserving, restoring, and developing this unique natural area. In addition, it would provide the inhabitants of one of the largest cities in the country with a nature preserve practically within a stone's throw from the city line. I, therefore, urge my colleagues' favorable consideration of this bill and their vote for the passage of H.R. 7088.

Mr. Speaker, in order that the bill may be more fully explained by its chief sponsor, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Williams).

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Pennsylvania (Mr. Barrett).

Mr. BARRETT. Mr. Speaker, I associate myself with the remarks the gentleman from Pennsylvania made prior to taking the well.

Mr. Speaker, I rise in support of H.R. 7088, to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania. The area known as Tinicum Marsh is the last remaining marshland in Pennsylvania and is under the serious threat of extinction. The area has long been a wildlife refuge, undoubtedly longer than recorded history.

The encompassed acreage includes almost 300 acres which has been set aside in southwest Philadelphia as a waterfowl and wildlife refuge. More than 250 species of birds have been observed. Ducks, geese, and other water birds are in abundance during spring and fall. It attracts herons, egrets, and other marsh birds in summer.

The bill would authorize the Secretary of the Interior to acquire as much as 1,200 acres for establishment of the environmental center. At the time of the first settlement in 1643, Tinicum Marsh was a part of the Tennakon-Minquest Island marshes that occupied 5,700 acres. Since World War I more than 5,000 acres of tidal wetlands have been converted to man's use. By 1968, the last tidal wetland in the Commonwealth had been reduced to 523 acres.

The preservation of the marsh has the support of virtually every citizen and organization in the area, as well as the local governments. Even those private landowners have expressed their willingness to cooperate.

As pointed out in the committee report, time is of the essence in this situation and immediate action must be taken to protect the last few remaining acres of tidal marshland in Tinicum Marsh.

Mr. Speaker, I most strongly urge that this measure receive the full support of the Members of the House.

Mr. WILLIAMS. Mr. Speaker, H.R. 7088 is a bill that is important, not only to the people of my congressional district, but to a vast segment of the American public. In this bill we are attempting to preserve and protect the Tinicum Marsh for future generations.

Tinicum Marsh is located in the center of the Eastern Megapolis which stretches from Boston to Virginia. It is a vital sanctuary for waterfowl along the Atlantic flyway, but it is also within easy reach of a great portion of the population of this country. It is 6 miles from Philadelphia's City Hall, less than 10 miles from Camden, within 95 miles of New York and Baltimore, and 130 miles of Washington and New Haven. In fact, there are approximately 5 million people living within a 12-mile radius of the Tinicum Marsh. The tip of the marsh is located in Philadelphia, with the balance of Delaware County, Pennsylvania. The Tinicum region is at the southwest edge of the city of Philadelphia, just to the west of the International Airport.

What we are attempting to save in this bill is the last 1,200 acres of marsh, from an original area of almost 6,000 acres. Marshlands have been filled in to meet man's needs, and now there is almost none left to meet nature's needs. Tinicum is the last remaining tidal marshland in Pennsylvania, and deserves to be saved while there is still time.

In 1968 the Conservation Foundation of Washington, D.C., cited Tinicum Marsh as a classic example of prime urban open space threatened by numerous developmental pressures, under a Ford Foundation grant a complete study was done of the marsh.

That study showed that the marsh is a prime resting and feeding place for tens of thousands of migratory waterfowl and shorebirds. Almost 300 different species of birds are found in the marsh area. It is, indeed, a stirring sight to see flocks of Canada geese, mallard, black, and pintail ducks and blue wing teal coming in to land on the marsh. I would add, that it is a sight we must act to preserve for generations yet unborn.

Years of enroachment and neglect have taken their toll on Tinicum. The blight of pollution has been deeply felt. But, I assure you that Tinicum can be saved. Despite the fact that 6,000 acres of tidal marshland which supported its own major ecosystem and balanced the ecology has been reduced to only 1,200 we can still preserve the remainder if we act now.

The Tinicum National Environmental Center will encompass the remaining 1,200 acres of pristine tidal marsh and save them for posterity. The Tinicum Marsh contains large stands of wild rice and other vegetation on which the migratory wildfowl feed.

A preserved Tinicum will serve as a vital resting and feeding place for waterfowl, and as a place for man to study nature and the environment. But, the value of Tinicum does not stop there.

Studies made of the marsh have shown that it is of incalculable value in flood control. Just last fall our area was hit by major flooding which did great damage. The area surrounding Darby Creek, which flows into Tinicum Marsh, was little touched by this flood. Tinicum is so receptive and capable of holding great amounts of water that the floodwaters caused only an insignificant increase in the water level.

Should Tinicum not be saved, but rather filled in and developed, surrounding communities would be in danger from flooding in future storms.

The value of saving Tinicum Marsh is well known to many, and the cost is low in comparison. H.R. 7088 authorizes $2¼ million for the purchase of the privately owned portions of Tinicum Marsh. Unless the land is promptly acquired, it will undoubtedly be developed and Tinicum will be lost forever.

This property is an amazing piece of real estate in that it is located close to an industrial area, and on the very edge of the largest city in the State. The marsh itself is a prime habitat for many species of wildlife and a feeding and resting area for huge numbers of waterfowl. It is a rare thing to find such an area as this in this close proximity to a dense human population center. The area, if properly preserved can serve not only as a preserve for wildlife, but as a unique environmental study area easily accessible to many.

This bill, H.R. 7088, is cosponsored by almost every Pennsylvania Congressman, and, also, by Congressman John Hunt, whose New Jersey district is directly across the Delaware River from the area which includes the Tinicum Marsh. We have the support of a number of important ecology and nature organizations in our efforts to save Tinicum. The Sierra Club, the Audubon Society, the National Wildlife Federation, the National Parks and Conservation Association, and the Ecological Society of America, the only society of professional ecologists, all join us in urging passage of this bill.

In conclusion let me say that passage of the bill would be a significant step to preserve, restore, and maintain the Tinicum Marsh as the Tinicum National Environmental Center. The National Wildlife Refuge System administration of U.S. Department of the Interior will operate the center as a part of their system. The center will serve as a refuge for wildlife, a stopping and feeding place for migratory waterfowl, and a place where people can observe nature and enjoy recreational activities. We will, thus, be preserving Pennsylvania's last remaining true tidal marshland with its rich ecological values for the future to also enjoy.

I have been notified by Mr. William Gifford at 3:07 p.m. today that the OMB has no objection to this bill and the report submitted on this bill originally by the Department of the Interior was highly favorable.

However, this favorable Department of the Interior report was not presented to the committee when the OMB originally objected.

I urge my colleagues to favorably consider this bill.

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

DEAR MR. CHAIRMAN: We respond to your request for comment on H.R. 7088, a bill "To provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes".

To assure the preservation of this natural tidal marsh at the city limits of Philadelphia, we recommend enactment of H.R. 7088 with the amendments suggested herein.

H.R. 7088 would direct the Secretary of the Interior to acquire by donation, purchase or exchange not to exceed 1,200 acres of the natural area known as Tinicum Marsh, in Delaware and Philadelphia Counties, Pennsylvania. The lands and interests in lands so acquired would be administered by the Secretary as the Tinicum Environmental Center for the purpose of preserving, restoring and developing its natural values. The Secretary would be authorized by section 4 to acquire administrative jurisdiction of Federal property within the Environmental Center, if such transfer is approved by the custodial agency, and by section 5 to enter into cooperative agreements with the Commonwealth of Pennsylvania or its political subdivisions, private organizations, and individuals. Section 6 would authorize the appropriation of $4 million to carry out the purposes of this legislation.

Local interests have long sought protection for those portions of the Tinicum Marsh which remain unspoiled by the rapid pace of urban development. From its natural state as a thriving component of the Delaware River estuary, Tinicum Marsh and its indigenous wildlife have been brought to the brink of total destruction. Land fill for commercial and residential development, waste disposal and highway construction have all contributed to its diminution. Despite these encroachments, however, the Tinicum Marsh constitutes an area of wildlife habitat imminently worthy of preservation. At its eastern end, the City of Philadelphia administers a 250-acre Tinicum Wildlife Preserve. One hundred-nineteen species of waterfowl and shorebirds, 177 species of land birds, and many small mammals, including mink, muskrat, river otter and fox, have been known to inhabit the Preserve. Although the Preserve attracts nearly 40,000 visitors a year, its recreation potential has not been well-developed.

The threat to ecological values of the marsh prompted establishment last year of the Tinicum Ad Hoc Committee, composed of representatives from our Bureau of Sport Fisheries and Wildlife, the Bureau of Outdoor Recreation, and the National Park Service, in addition to a spokesman for area conservationists. In its report of July 26, 1970, "Tinicum Marsh Preservation: A Proposal", the Committee urged immediate Federal action "to provide a sanctuary for wildlife, a center for environmental education and outdoor recreation for people". Because of its proximity to a metropolitan population of nearly 5 million, the Committee's report stated that:

> "Tinicum's greatest asset is its potential for an urban wildlife habitat area of national significance—an enviromnental center where man could come to know better the natural world of which he is a part. It offers an opportunity for a new design which harmonizes the needs of wild creaturess and man, the hope of a fuller life for urban dwellers."

H.R. 7088 conforms to the Committee's recommendation that there be established a Federal environmental center at Tinicum Marsh. We propose that the Center be administered through the Bureau of Sport Fisheries and Wildlife as a unit of the National Wildlife Refuge System, and that there be constructed a visitor center and interpretative facility to provide a meaningful experience for some 400,000 visitors annually. Plans for wildlife-oriented recreation include a system of nature trails, bicycle, paths, and a canoe concession. Picnic-lunch facilities and benches would be located at appropriate places along the hiking trails. The interpretive center would afford to individual visitors and groups of students a unique opportunity for environmental education. In short, enactment of H.R. 7088 would protect the residual Tinicum Marsh from further encroachment, provide a natural ecological area for the enjoyment of urban dwellers and contribute to recreation in the Middle Atlantic region.

The amendments we suggest would authorize administration of the Tinicum Environmental Center as a unit of the National Wildlife Refuge System and provide specifically for establishment of a wildlife interpretive center. We estimate the current cost of acquiring privately held interests in land at $4 million, with an additional $1 million required for development, including construction of the interpretive center. The authorization contained in section 6. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I am happy to cosponsor this bill with the gentleman from Pennsylvania, that is H.R. 7088. I remember the Tinicum Marsh since its past heyday. It is one of the great resting places for the migratory fowl on the eastern flyway. Today it is one of our few remaining resting places for the migratory wildfowl in that area. We are now bounded on one side by a new highway, I-95. If we continue to take away from this marsh, from this marvelous sanctuary, there will be no place for the migratory fowl to come in and rest, and no place in the area for people to observe wildfowl.

In addition to that, this is one of the few large remaining reservoir basins for rainwater, because of the considerable drop in the altitude from the immediate inland sector to the river. The rainwaters will collect here.

We are at that point directly over the Brandywine and Raritan stratas, which replenishes most of the water in this area.

There is so much to be said for this bill that one could not say it at one time. I strongly support the issue. It is of great importance to us.

I congratulate the gentleman from Pennsylvania and the members of the committee for bringing this to the attention of the House. I urge your support.

Mr. WILLIAMS. I thank the gentleman. I concur thoroughly with his statements.

Mr. KEITH. Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Iowa.

Mr. GROSS. This, as I understand it, provides $4 million for the purchase of 1,200 acres of swamp?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the figure is $2,250,000.

Mr. KEITH. I believe the amount suggested is about double what is called for in the bill before us, which is $2,250,000, not $4 million.

Mr. GROSS. The language reads:

> Hereby authorized $4 million to be appropriated to carry out the provisions of this Act.

I am reading from H.R. 7088, of the date of April 1, 1971.

Mr. DINGELL. The gentleman is reading from the wrong bill.

H.R. 7088, as reported by the committee, on page 4, section 6, line 16, reads as follows:

> There are hereby authorized to be appropriated $2,250,000 to carry out the provisions of this Act.

The committee very carefully went into the cost and held it to the bare minimum.

Mr. GROSS. That still makes the swamp cost about $1,500 an acre.

Mr. DINGELL. I would be glad to point out to my good friend from Iowa that this swamp will produce more protein per acre than the best Iowa corn land. It is a good buy.

Mr. GROSS. More protein for what?

Mr. DINGELL. Food for human beings. It happens to be right in the middle of Philadelphia, where it can be enjoyed by the people.

Mr. GROSS. What do they grow in a swamp in New Jersey?

Mr. DINGELL. Almost every one of our marine fish species is dependent upon the coastal and tidal marshes. That is a most important asset.

Mr. GROSS. But, if the gentleman will yield further, this means the Postal Service must have made a big mistake by going into that swamp near Secaucus, N.J., with a mammoth bulk-mail facility, because that will deprive the ducks of food.

Mr. DINGELL. The gentleman is correct on that point. As a matter of fact, I understand they will not be able to operate that facility now.

Mr. GROSS. Is there anything else that is proposed to be purchased through this method, and is this swamp also full of methane gas?

Mr. DINGELL. If the gentleman from Iowa will introduce legislation of this kind, with regard to this particular matter he is discussing, I can assure the gentleman we will consider it.

Mr. GROSS. That is not the question.

Mr. DINGELL. I cannot give the gentleman an answer to new legislation which will be considered at some time in the future.

The committee tried to set aside a very important natural resource for future generations. Everybody in the area is for it, and I certainly hope my friend from Iowa, who is a fair-minded man, would join the entire Pennsylvania delegation in support of this bill.

Mr. GROSS. Well, New Jersey seems to be involved in this, too, you know.

Mr. KEITH. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker and Members of the House, I rise in support of this legislation.

I might say to my colleague from Iowa who raised a question of cost that if you permit this to continue to be filled, it will not be worth $1,500 an acre. Certain of the land that has been filled has been sold for $20,000 an acre, and the people who bought it thought they were getting a bargain, very frankly, because of the nature of it, we are fortunate in being able to get this tract of land at the price for which they have taken an option on it at the present time.

Mr. GROSS. Will the gentleman yield further?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. GROSS. I do not know how fortunate the Postal Service was in getting that site in New Jersey, because they have to pump the human effluent out of that huge bulk mailing center of more than 1 million square feet. They will have to pump that out over the roof because they cannot dispose of it through the bottom of the building.

Mr. SAYLOR. One of the nice things, I might say to my colleague from Iowa, is we are not going to build a bulk mail plant in this area and we will not be bothered with those problems here.

Mr. CONTE. Mr. Speaker, I rise to express my unqualified support of H.R. 7088, which would preserve the last, true tidal marshland in the State of Pennsylvania. In my years of service on the migratory bird conservation commission, I have become well acquainted with the necessity of preserving the Nation's remaining wetland areas to protect our migratory waterfowl. To accommodate their needs, we must act with dispatch to preserve sufficient acreage to provide essential breeding, feeding, resting, and wintering areas.

Establishment of the Tinicum National Environmental Center, as authorized under this bill, would help meet this need. Studies of the area have shown that it is a classic example of desirable property that must be protected from the further destructive aims of urban developers. Tens of thousands of migratory waterfowl use the Tinicum marshes to rest and feed. And, as the committee report indicates, at least 119 kinds of waterfowl and shore birds and 177 species of land birds have been sighted at Tinicum.

My long standing concern for the protection of this area has been reflected in questions I have raised during Transportation Appropriations Subcommittee hearings. Original plans for the construction of Interstate Highway I-95 in this area had it pointed like a knife through the preserve. However, I have since been informed that a satisfactory solution as to the design and location of the highway has been reached among the Department of the Interior, the State of Pennsylvania, and wildlife interests. I intend to keep close tabs on this situation.

Meanwhile passage of the legislation currently under consideration is vital if we are to preserve and reclaim these marshlands. The cooperation of the State and of private owners of the desired lands has been assured. Let us show our good faith by committing the Interior Department to this most important project.

Thank you, Mr. Speaker.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 7088, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 361, nays 8, not voting 62, as follows:

[Roll No. 28]

YEAS—361

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews
Annunzio
Archer
Arends
Aspin
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie

Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—8

Colmer
Gross
Hall
Miller, Ohio
Rarick
Rousselot
Scherle
Schmitz

NOT VOTING—62

Alexander
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Badillo
Bell
Biaggi
Blanton
Blatnik
Brinkley
Brown, Mich.
Byrnes, Wis.
Cabell
Carter
Chisholm
Clay
Corman
Crane
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellums
Downing
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Forsythe
Frelinghuysen
Gibbons
Hansen, Wash.
Harsha
Hawkins
Helstoski
Kuykendall
Landgrebe
Lennon
McCloskey
McDonald, Mich.
Macdonald, Mass.
Melcher
Mills, Md.
Minshall
Murphy, Ill.
O'Konski
Pelly
Poage
Pryor, Ark.
Quie
Railsback
Robison, N.Y.
Roy
Ruppe
Spence
Stanton, J. William
Stubblefield
Whitehurst
Widnall
Wyatt
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The clerk announced the following pairs:

Mr. Stubblefield with Mr. Harsha.
Mr. Blanton with Mr. Mills of Maryland.
Mr. Aspinall with Mr. Crane.
Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.
Mr. Cabell with Mr. Ashbrook.
Mr. Davis of Georgia with Mr. Davis of Wisconsin.
Mr. Evans of Colorado with Mr. Bell.
Mr. Pryor of Arkansas with Mr. O'Konski.
Mr. Helstoski with Mrs. Dwyer.
Mr. Ashley with Mr. Minshall.
Mr. Alexander with Mr. Carter.
Mr. Biaggi with Mr. Forsythe.
Mr. Brinkley with Mr. Brown of Michigan.
Mr. Lennon with Mr. Landgrebe.
Mrs. Chisholm with Mr. Corman.
Mr. Eckhardt with Mr. Dellums.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Blatnik with Mr. Frelinghuysen.
Mrs. Hansen of Washington with Mr. Hawkins.
Mr. Murphy of Illinois with Mr. McDonald of Michigan.
Mr. Roy with Mr. Clay.
Mr. Gibbons with Mr. McCloskey.
Mr. Downing with Mr. Pelly.
Mr. Badillo with Mr. Robison of New York.
Mr. Melcher with Mr. Quie.
Mr. Davis of South Carolina with Mr. Ruppe.
Mr. Edmondson with Mr. Railsback.
Mr. Spence with Mr. Zwach.
Mr. J. William Stanton with Mr. Wyatt.
Mr. Widnall with Mr. Whitehurst.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MURPHY of Illinois. Mr. Speaker, I was necessarily detained in responding to the rollcall on H.R. 7088, to establish the Tinicum National Environmental Center, Pa., since I was conferring with members of the Illinois Hospital Association in my office. Had I been present for the vote, I would have voted aye. I ask that the permanent RECORD so reflect this vote.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. DINGELL. Mr. Speaker, I move to suspend the roles and pass the bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge, as amended.

The clerk read as follows:

H.R. 12143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation and enhancement of highly significant wildlife habitat in the area known as south San Francisco Bay in the State of California, for the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction, and to provide an opportunity for wildlife-oriented recreation and nature study within the open space so preserved, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to establish, as herein provided, a national wildlife refuge to be known as the San Francisco Bay National Wildlife Refuge (hereinafter referred to as the "refuge").

SEC. 2. There shall be included within the boundaries of the refuge those lands, marshes, tidal flats, salt ponds, submerged lands, and open waters in the south San Francisco Bay area generally depicted on the map entitled "Boundary May, Proposed San Francisco Bay National Wildlife Refuge", dated July 1971, and which comprise approximately twenty-one thousand six hundred and sixty-two acres within four distinct units to be known as Fremont (five thousand five hundred and twenty acres), Mowry Slough (seven thousand one hundred and seventy-five acres), Alviso (three thousand and eighty acres), and Greco Island (five thousand eight hundred and eighty-seven acres). Said boundary map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 3. (a) The Secretary shall establish the refuge by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the refuge, but the total area within the boundaries shall not exceed twenty-three thousand acres of lands, marshes, tidal flats, salt ponds, submerged lands, and open waters.

(b) Prior to the establishment of the refuge and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee); except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary may acquire lands and waters or interests therein within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange: *Provided, however,* That lands, waters, and interests therein owned by the State of California or any political subdivision thereof may be acquired only by donation.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the period beginning July 1, 1972, and ending June 30, 1977, not to exceed, however, $9,000,000 for the acquisition of lands and interests therein as authorized by section 4 of this Act, and not to exceed $11,300,000 for the carrying out of the other provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 12143 is to preserve and enhance wildlife habitat for the protection of migratory waterfowl and other wildlife in the south San Francisco Bay area and to provide an opportunity for wildlife oriented recreation and native study.

The need for this legislation arises from the fact that during the past 25 years it is estimated that 67 percent of the estuarine wildlife habitat in the State of California has been destroyed by dredge and fill activity. What is even more alarming is the fact that 75 percent of the habitat in San Francisco Bay itself has been reduced by 75 percent because of dredge and fill activity.

Mr. Speaker, south San Francisco Bay constitutes an ecological system that supports a rich diversity of fish and wildlife. Its marsh, mudflats, open water and salt ponds afford natural habitat to large numbers of migratory waterfowl, shore and water birds, fish and aquatic animals, including a colony of harbor seals. Nearly 70 percent of the Pacific Flyway or shore birds at some time of the year depend upon the south bay tidal flats for food and related life requirements. In addition, a number of endangered species inhabit the bay area such as the California least tern, the California clapper rail, and the salt marsh harvest mouse.

Mr. Speaker, in achieving the purposes of the legislation, briefly explained, section 1 of the bill would authorize and direct the Secretary of the Interior to take the necessary steps to establish a national wildlife refuge in the south San Francisco Bay area to be known as the San Francisco Bay National Wildlife Refuge.

Section 2 of the bill would provide for inclusion in the refuge of approximately 21,662 acres of lands consisting of marshes, tidal flats, salt ponds, submerged lands, and open waters in the south San Francisco Bay area. The refuge would encompass four distinct units, briefly described as follows:

The Fremont Unit—consisting of 5,520 acres;

The Mowry Slough Unit—consisting of 7,175 acres;

The Alviso Unit—consisting of 3,080 acres; and

The Greco Island Unit—consisting of 5,887 acres.

Section 3 of the bill would require the Secretary of the Interior to officially establish the refuge by publication of a notice in the Federal Register whenever he determined that the lands, waters and interests therein sufficient to constitute an efficiently administrable refuge have been acquired.

The Secretary would be given authority to make corrections in the boundaries of the refuge whenever he deemed it advisable, provided the total acreage in the refuge does not exceed 23,000 acres.

In addition, section 3 of the bill would require the Secretary to administer the refuge as a part of the National Wildlife Refuge System. However, in carrying out the purposes of this legislation, the Secretary would be authorized to utilize such additional statutory authority as may be available to him and as he may deem appropriate for the conservation and management of wildlife and natural resources, and the development of outdoor and interpretative education opportunities.

Section 4 of the bill would authorize the Secretary to acquire lands and waters or interests therein within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange: provided, however, that with respect to lands and waters and interests therein owned by the State of California or any political subdivision thereof, those lands could be acquired by donation only.

Section 5 of the bill would authorize to be appropriated such sums as may be necessary to carry out the provisions of the act for the 5-year life of the program—from July 1, 1972, to June 30, 1977—provided, that not to exceed $9 million would be authorized for acquisitions and not to exceed $11.3 million for carrying out the other provisions of the act.

Mr. Speaker, H.R. 12143, has the strong support of the Secretary of the Interior, all county and municipal governments concerned, all conservation and recreational organizations in the area, the State of California, and all witnesses testifying at the hearings. In fact, Mr. Speaker, I am not aware of anyone who is opposed to this legislation.

The Merchant Marine and Fisheries Committee ordered the bill reported unanimously, and I urge its prompt passage.

Mr. Speaker, I would like to pay particular tribute to our colleagues from California who worked so hard to bring this bill to fruition and consideration.

Also, Mr. Speaker, I would like to pay tribute to our good friend, the gentleman from California (Mr. Edwards), who is the principal sponsor of the bill, our friend and colleague (Mr. Mailliard), the gentleman from California (Mr. McCloskey), the gentleman from California (Mr. Leggett), and the other Members from California who have joined in the sponsoring of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with pleasure that I rise to support H.R. 12143 establishing the San Francisco Bay National Wildlife Refuge.

Today we are entering upon a new program of wildlife management and wetlands conservation. The bill previously considered (H.R. 7088) establishing the Tinicum National Environmental Center, together with this legislation, mark our first effort to preserve viable wildlife habitat literally at the doorstep of major metropolitan areas, Philadelphia and San Francisco.

In the past, wildlife refuge acquisition has been concentrated in relatively remote areas which have felt little impact from our industrial society. This was essential in order to insure preservation of the thousands of acres of habitat needed to sustain our migratory waterfowl along the traditional flyways.

While the preservation of wetlands, particularly breeding grounds, in more remote areas will continue unabated, we are now seizing the opportunity to preserve unique habitat areas that have survived man's encroachment—the hard core that nature has kept alive in the midst of society and in spite of land filling, intense pollution and general neglect.

Tinicum Marsh, as described previously, and south San Francisco Bay are two such unique areas where people will have the chance to observe and enjoy the phenomena of nature without traveling hundreds of miles.

More than 4 million people live within an hour's drive of the south bay refuge area. Many people will visit the refuge for its varied educational and recreational values. A careful balance between these uses and protection of wildlife values must, of course, be struck. Wildlife-oriented activities will be emphasized to enable visitors to better understand and appreciate the contributions and relationships of wildlife and wild areas to man.

Only through understanding the complex chain of life which occurs in wetland habitat can one appreciate and respect such an area. Trained guides, information centers, and a variety of exhibits will acquaint visitors with the unique features of the refuge.

Only four miles of the 276-mile bay shoreline have been set aside for public parks. This limited access prevents most people from approaching and enjoying the wildlife values of the bay. Carefully planned access routes leading to vantage points at the edge of natural marshes and salt ponds will be provided. Footpaths will encourage hiking. Some marshes will feature floating or elevated walkways. In some sloughs and channels, self-guided boat tours will be developed. Throughout the refuge, facilities will promote the unhurried study and understanding of wildlife. In essence, the San Francisco National Bay Wildlife Refuge will provide a unique outdoor classroom for environmental education with programs designed for all age groups.

The value of this refuge to man cannot be measured in dollars. Yet there is a limit to the funds which can be devoted to the preservation of such areas. The cities and counties surrounding the proposed refuge have all taken the necessary steps to freeze further zoning changes and development within the refuge lands—a vital step to hold down land values and thus insure that the sums authorized for land acquisition will be sufficient. Unfortunately, we have seen in the past rising land values eat up appropriations for park and refuge acquisition at alarming rates. The communities of the south bay area are to be commended for their concerted efforts to make this refuge a reality.

Mr. Speaker, San Francisco Bay is a unique national asset which is worthy of preservation. We must act now while there is still enough of these wetlands remaining to make the effort meaningful.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to my colleague from California.

Mr. GUBSER. I thank the gentleman for yielding and I rise in support of this legislation.

Mr. Speaker, it is with particular pleasure that I rise today in support of H.R. 12143. On September 23, 1968, I introduced the first bill—H.R. 19946 of the 90th Congress—providing for the establishment of a national wildlife refuge in the South San Francisco Bay area. I am indeed gratified by the support for this proposal which has been evidenced since that time by hundreds of persons both in and out of Congress.

Special credit for doing some of the ground work which has brought us to this stage in the legislative process goes to Dr. Arthur L. Ogilvie, recording secretary of the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee. We have also been ably assisted by Dr. H. Thomas Harvey, who is with San Jose State College. Dr. Harvey has been honored in the past by being named Conservationist of the Year.

I would like to pay special tribute to my colleague, the Honorable Don Edwards, who has coordinated this legislative effort. His leadership has been in a large measure responsible for bringing this legislation before the House.

By reviewing my file on this legislation, which now measures close to a foot in thickness, it is apparent that this is one of the most timely, thoroughly planned, and widely—and enthusiastically—supported proposals I have had the pleasure of sponsoring. This citizen support, from all levels, is tremendously encouraging. It has been responsible and constructive. In my view, prompt action on this bill is vital not only because the concept of the refuge is real and urgent and right, but because Congress as an institution must be responsive to the will of the people which, as I said before, has in this instance been positively expressed and conscientiously pursued.

I am sure everyone in this Chamber is thoroughly familiar with the details and history of this proposal, which would set aside approximately 21,000 acres of tidal flats, marshlands, and sloughs so that what is left of the once abundantly flourishing wildlife there may have some chance for survival. For the record, I am including at this time a summary of the major objectives of the proposal, which follows:

1. Preservation of tidelands vital to a large percentage of the Pacific Flyway canvasback

> and scaup populations and major concentrations of shore birds;
>
> 2. Protection of a few small segments of tidal marsh inhabited by California clapper rails, salt marsh harvest mice and two subspecies of song sparrow, all depleted due to habitat loss;
>
> 3. Protection of one of the few remaining harbor seal hauling grounds still existing in San Francisco Bay;
>
> 4. Perpetuation and enhancement of nesting areas for avocets, black-necked stilts, Caspian terns, great blue and black-crowned night herons, snowy and common egrets and other water and marsh birds;
>
> 5. Provision of a unique, close to home wildlife area for the enjoyment of nature enthusiasts, including areas for photography, bird watching, hiking, ecological interpretation, hunting, fishing, and other nature-oriented activities;
>
> 6. Protection of the open Bay to help fight water pollution; and
>
> 7. Protection of the open Bay and salt ponds, to help fight air pollution and to insure the even climate of the Santa Clara Valley and the South San Francisco Bay is not changed for the worse.

Each of these objectives, alone, is important. Taken together, this is a situation where the whole is greater than the sum of its parts. To one who has known the San Francisco Bay area all his life, it is truly heartbreaking to watch the effects of the relentless onslaught of ever increasing numbers of human beings on what I believe is one of the most beautiful areas in the United States. The damage has been severe. We have seen baylands filled in for more living space and raw sewage dumped into the bay's sparkling waters. Animals and birds of all kinds find it harder and harder to survive. There is a point of no return in the ecological balance of a living thing like the bay, and we must act now before that point is reached, before it is simply too late.

I believe the importance of saving the bay is especially well expressed in an excerpt from the Bureau of Sport Fisheries and Wildlife's excellent report on the San Francisco Bay National Wildlife Refuge, which I would like to read at this time:

> San Francisco Bay, a place of incomparable beauty, is a great living natural resource, a theater where wildlife, winds, clouds, rain, and sunshine play roles in a continuing drama unfolding before the changing backdrop of rising and falling tides.
>
> To the four million Bay area residents and millions of visitors, the Bay is the principal feature, a focal point. It provides food and recreation, moderates the weather, and absorbs human and industrial wastes.
>
> But the Bay is changing. Since the first explorers and settlers came, haphazard filling of its shores has shrunk the Bay from 680 to 400 square miles. If this continues, it could become an ugly sewage ditch.
>
> Concerned citizens recognized this danger and, in 1962, organized the Save San Francisco Bay Association, culminating an establishment of the San Francisco Bay Conservation and Development Commission in 1965. The Commission made a detailed study of the Bay's characteristics, leading to preparation of plans for conserving the Bay's waters and controlling shoreline development.
>
> This approach to preserving environmental quality in a major land and water complex is a landmark achievement in land use planning and regional consensus.
>
> This effort must not fail. Seldom has America had the opportunity to implement a natural resource plan so directly concerning the lives of so many millions of people. Success in preserving the Bay as a healthy, life-enriching environment has implications far beyond the borders of California. Here may be an indication of man's ability to life in harmony with his environment, or destroy it and himself.

I have spoken many times before of the need to preserve our natural heritage so that future generations will have more than depleted, barren wasteland surrounding them, and I reiterate that belief now. Exposure to nature in its most free and beautiful state tends to bring out the best of human aspirations. Preserving the bay is one step we can take now to establish such a spiritual, as well as visual, legacy.

As far as I can tell, everyone, with the exception of the Leslie Salt Co., is for this proposal. Virtually every citizen group and affected governmental unit, including the California State Legislature, is backing it. I understand most of the zoning and coordination problems have been ironed out or will be within the foreseeable future. All the effort which has gone into this proposal must not culminate in failure, and I hope and pray that the House will approve this legislation promptly. In so doing, not only will a magnificent area be preserved from further desecration, but the legislative process will have worked in a meaningful way for the thousands of individuals who have dedicated their energies to this goal.

Mr. GARMATZ. Mr. Speaker, I rise and join my colleagues in urging the passage of H.R. 12143, a bill I cosponsored with 24 other Members of the House.

As has been aptly explained by the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation, JOHN DINGELL, H.R. 12143 basically is designed to authorize the Secretary of the Interior to establish a national wildlife refuge in the south San Francisco Bay area.

Mr. Speaker, it is urgent that this refuge be established as soon as possible, because the valuable lands to be included in this refuge are rapidly disappearing, due to the ever-increasing demands of commercial, industrial, and urban development.

Unless action is taken now to protect and preserve this last remaining wildlife habitat in South San Francisco Bay, a number of endangered species of fish and wildlife will become extinct, our migratory waterfowl program will be adversely affected, and millions of people will be deprived of valuable recreational and educational opportunities.

Mr. Speaker, I strongly urge the passage of H.R. 12143.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to my good friend and distinguished colleague from California, the chairman of the Committee on Science and Astronautics (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I think as the gentleman from California (Mr. MAILLIARD) has said, San Francisco Bay is a refuge if properly developed and preserved as such is within striking distance of 4 million people. It is a wonderful place to have.

Mr. Speaker, I want to see this accomplished, but I would like to point out to my friends from California and I would like to point out to the people of the bay area, particularly those peoplle who were so active and aggressive in trying to get this done, that if they will just clean up the pollution in San Francisco Bay, the species of fish and wildlife that are now jeopardized will be back there as they were heretofore.

Mr. Speaker, I think I can speak with some authority on this question because for some period of years I was the executive officer of the California Fish and Game Commission and knew that there were 3 million people dumping their sewage into San Francisco Bay. The biggest violator happens to be the city of San Francisco itself.

Mr. DINGELL. I thank my good friend from California and I yield to the sponsor of the bill, my friend and colleague, the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. I thank the chairman of the subcommittee for yielding.

Mr. Speaker, on behalf of not only the people of northern California, but the entire West, we are so very much indebted for the work that has been done by the Committee on Merchant Marine and Fisheries in bringing this bill to the floor after many years of hard work.

Mr. Speaker, it is with great pride that I participate today in the culmination of the effort of so many outstanding groups and people of the California bay area to support and pass legislation establishing the San Francisco Bay National Wildlife Refuge.

In recapping a little of the history and the saga of this idea and project I am going to borrow liberally from the words of Dr. Arthur Ogilivie, who is the recording secretary but really the father of the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee.

The embryonic wildlife refuge idea really took hold when the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee was formed early in 1968 with representatives from Federal, State, county, and local agencies, and bay area conservation groups.

This committee after studying the problems and resources of the south bay, recommended the establishment of a national wildlife refuge as an important step in preserving the open space and recreational values in the natural environment of the bay. After extensive study three major areas were identified as particularly rich in habitat values and in wildlife population. These areas lie within each of three south bay counties: San Mateo, Alameda, and Santa Clara.

Studies were undertaken and in 1969 the Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior endorsed the refuge complex. In fact, to this date, the Department of the Interior has maintained that this will be their "Wildlife Refuge Showcase."

I will not recap or document the legislative history of this bill but do want to extend a word of appreciation and gratitude for myself and on behalf of the citizens of the bay area to the chairman of the Merchant Marine and Fisheries Committee, my colleague from Maryland, (Mr. Garmatz) and a special word of appreciation to that great conservationist from the State of Michigan and very able legislator and chairman of the Subcommittee on Fish and Wildlife, John Dingell. Their work and cooperation on this bill are deeply appreciated.

The Bureau of Sport Fisheries and Wildlife and the Bureau of Outdoor Recreation should be commended for their planning, their interbureau cooperation, and their understanding. Assistant Secretary Nathaniel Reed has shown outstanding leadership and given sensible direction to the activities of the U.S. Department of the Interior. His visualization of this refuge as the keystone of a plan to protect San Francisco Bay is accurate and timely.

There has been a tremendous ground swell of support in the bay area for the concept of a San Francisco Bay National Wildlife Refuge and this bill proposing it. Hundreds and hundreds of letters have been received by my office and the Baylands Committee from schoolchildren, college students, Girl and Boy Scouts and private citizens.

Resolutions supporting the refuge have been adopted by the following bay area government entities and agencies:

Bay Conservation and Development Commission.
Alameda County Board of Supervisors.
Santa Clara County Board of Supervisors.
San Mateo County Board of Supervisors.
East Bay Regional Park District.
Alameda Creek, Coyote Hills Aquatic Park Joint Agency.
Santa Clara County Planning Policy Committee.
Alameda County Planning Commission.
Santa Clara County Planning Commission.
San Mateo County Park and Recreation Commission.
Albany City Council.
Hayward City Planning Commission.
Hayward City Council.
Alameda County Parks Advisory Committee.
Fremont City Recreation Commission.
Fremont City Council.
Milpitas City Council.
San Jose City Goals Committee.
San Jose City Parks and Recreation Commission.
San Jose City Council.
Palo Alto City Council.
Menlo Park City Council.
San Mateo City Council.
Union City City Council.
Santa Clara City Council.
Redwood City City Council.
Alviso Economic Development Services.
State of California, Assembly Resolution.

While it would be impossible to list all of the individuals who have contributed to the success of the refuge, special mention must be made of the three gentlemen who journeyed here to Washington and testified before Chairman Dingell and his Fish and Wildlife Subcommittee. Dr. Arthur Ogilvie the father of the wildlife refuge who has devoted his untiring efforts and initiative in a constant pursuit of this goal. Dr. H. Thomas Harvey and Christian Nelson whose testimony added immeasurably to our success.

Last but by no means least, the efforts of those organizations concerned with our environment and with ecology in general must be taken note of. These organizations who work actively year round to preserve for all of us the precious heritage of nature. Organizations such as:

The Audubon Society.
California Associated Sportsmen.
California Bowman Association.
California Farmer-Consumer Association.
California Retired Teachers Association.
California Wildlife Federation.
Committee for a Green Foothills.
Committee for Governmental Responsibility.
Consumers Co-op of Palo Alto, Mountain View and Sunnyvale.
IMPACT of Southern Alameda County and Northern Santa Clara County.
League of Woman Voters of Fremont.
National Wildlife Federation.
Garden Clubs of California.
San Jose Rod and Gun Club.
San Jose State College Conservation Forum.
Santa Clara County Central Labor Council.
Save San Francisco Bay.
Sierra Club.
Nature Conservancy.
American Association of University Women.
Izaak Walton League.

These lists while seemingly endless I know are by no means complete. But I wished at least to acknowledge and thank as many of those who have helped as possible.

The San Francisco Bay National Wildlife Refuge will show that San Francisco Bay is not just a habitat for birds and fish but is part of man's habitat as well. While man should not be able to establish residence on the bay, he should be able to visit it often and there to find a place to renew his relaitonship with nature and its wildness.

This refuge will provide a living school where the young can learn for themselves, discover the recreational, scientific, and cultural benefits to be derived and hopefully help them to understand man's place in the total community of living things.

While human values can never be measured in dollars alone, this refuge will provide tangible human benefit in the form of pollution reduction. It can and will make us humans more aware of our surroundings and our need for a quality environment, including the preservation of wildlife and wild places.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 12143, a bill to establish the San Francisco Bay National Wildlife Refuge.

South San Francisco Bay, within 1 hour's drive of the bay area's 4.5 million people, is a haven for wildlife, and a peaceful retreat for man.

In this unique area, rare and endangered species have found a home, and sizable populations of migratory waterfowl reside during the winter. Approximately 33,000 of the Pacific flyway's canvasback population winter on San Francisco Bay. Estimates of over 50,000 scamp have been recorded in the south bay. The blue and black crowned night herons and snowy egrets are provided refuge in the bay.

Two endangered species, the California clapper rail, and the salt marsh harvest mouse, live in the marshes of the San Francisco Bay. A third endangered species, the California least tern, feeds and nests throughout the area.

The refuge created by this bill would protect a harbor seal resting and nursery area for an estimated 400 animals.

The bill, H.R. 12143, would provide a place for man to escape the confinement of the city, and enjoy the open spaces of the refuge where he could fish, study nature, and photograph the fauna and flora.

My only regret on this legislation is that it should have passed 10 to 20 years ago. The sooner we get this bill passed establishing a refuge area, the quicker we will be able to get united support in saving what remains of the bay.

I am pleased to be a coauthor of this bill, and I urge my colleagues to support H.R. 12143 so that the dream of a National Wildlife Refuge in the south San Francisco Bay will become a reality.

Mr. CONTE. Mr. Speaker, as a member of the Migratory Bird Conservation Commission which oversees many of the Government's wildlife refuge programs, I wish to express my support of H.R. 12143 and urge its prompt adoption by the House.

The legislation we are considering would authorize the Secretary of the Interior to establish a wildlife refuge in the southern part of San Francisco Bay. Anyone familiar with that area will readily concede the need for such action. As the committee report indicates, the total area of San Francisco Bay in 1850 was almost 700 square miles. Today, following years of extensive diking and filling, it measures only 435 square miles. Moreover the wildlife habitat in the bay has been reduced by a shocking 75 percent. The relentless march of urban development must not be permitted to trample the remaining wildlife areas in this region. The south bay tidal flats provide food and related life requirements for nearly 70 percent of the Pacific flyway's shore birds at some period during each year.

The absence of a comprehensive land-use policy and the need to protect this habitat from further human onslaught both call for establishment of a national wildlife refuge. The refuge would preserve the natural resources of the south baylands, conserve remaining open space, and provide for wildlife-oriented recreation and environmental education opportunities. As an ardent conservationist, I lend my wholehearted support for passage of this legislation.

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to take this opportunity to express briefly my strong support for H.R. 12143, the bill to establish the San Francisco Bay National Wildlife Refuge.

The creation of this new refuge is an important and necessary step both in terms of the fish and wildlife of the bay and also the vast majority of birds who travel along the Pacific flyway.

The refuge will halt any further encroachment on these important wetlands, preserve additional and vital open space areas in the bay area and provide unique recreational and educational activities.

As a stanch supporter of this legislation, I urge its favorable consideration today.

Mr. DELLUMS. Mr. Speaker, it is hard to fully express the feelings a person goes through as he sees the destruction of a precious natural resource.

Growing up in the San Francisco area, I saw what was happening to the bay. Slowly, but surely, it was dying. Even in the east bay area—Oakland, where I lived—it was obvious.

The bay still is sick. This bill is not the ultimate panacea. Yet, this important legislation ranks as one of the most crucial measures before us this year.

We are not only creating a wildlife refuge. Indeed, we are aiding all forms of life in the bay area. It is that important.

I am proud to be a sponsor of this legislation, and I congratulate my colleague from San Jose (Mr. Edwards) for his efforts in making this bill a reality.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) that the House suspend the rules and pass the bill H.R. 12143, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 12143.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BALD EAGLE PROTECTION ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12186) to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668), is amended—

(1) by inserting "(a)" immediately before "Whoever",

(2) by inserting "knowingly, or with negligent disregard for the consequences of his act", immediately before "take";

(3) by striking out "shall be fined not more than $500 or imprisoned not more six months, or both: *Provided,*" and inserting in lieu thereof the following: "or whoever violates any permit or regulation issued pursuant to this Act, shall be fined not more than $5,000 or imprisoned not more than one year or both: *Provided,* That in the case of a second or subsequent conviction for a violation of this section committed after the date of the enactment of this proviso, such person shall be fined not more than $10,000 or imprisoned not more than two years, or both: *Provided further,* That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further,* That one-half of any such fine, but not to exceed $2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further,*"; and

(4) by adding at the end thereof the following new subsections:

"(b) Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this Act, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this Act, may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

"(c) The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this Act or of any permit or regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section."

Sec. 2. Section 2 of the Act of June 8, 1940 (16 U.S.C. 668a), is amended by striking out the period at the end thereof and inserting the following: ": *Provided further,* That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking, possession, and transportation of golden eagles or eggs or nests thereof for the purpose of falconry."

Sec. 3. Section 3 of the Act of June 8, 1940 (16 U.S.C. 668b) is amended to read as follows:

"Sec. 3. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this Act may, without warrant, arrest any person committing in his presence or views a violation of this Act or of any permit or regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and may, with a search warrant, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this Act, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this Act. Any judge of any court established under the laws of the United States, and any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All bald or golden eagles, or parts, nests, or eggs thereof, taken, possessed, sold, purchased, bartered, offered for sale, purchase, or barter, transported, exported, or imported contrary to the provisions of this Act, or of any permit or regulation issued hereunder, and all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid in the taking, possessing, selling, purchasing, bartering, offering for sale, purchase, or barter, transporting, exporting, or importing of any bird, or part, nest, or egg thereof, in violation of this Act or of any permit or regulation issued hereunder shall be forfeited to the United States.

"(c) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act: *Provided,* That all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this Act, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

Sec. 4. Section 4 of such Act of June 8, 1940 (16 U.S.C. 668c), is amended by inserting "poison" immediately after "shoot at," and by striking out "otherwise willfully".

The SPEAKER. Is a second demanded?

Mr. KEITH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 12186 is to extend additional protection to bald and golden eagles.

As I am sure many of the Members will remember, there appeared an article in the August 3, 1971, issue of the Washington Post which described in detail one of the most detestable outrageous slaughters of birdlife ever to occur in the history of mankind. I refer to the article which concerned the gunning down in flight of approximately 500 bald and golden eagles from helicopters over ranches in Wyoming and Colorado.

Mr. Speaker, I would like to read just a few brief excerpts from that article which I think clearly spells out the need for this legislation and which prompted me and 23 other Members of the House to introduce the legislation we have under consideration at this time.

The article reads as follows:

> A helicopter pilot told a Senate Subcommittee that nearly 500 rare bald and golden eagles were gunned down in flights last winter over ranches in Wyoming and Colorado.

James O. Vogan, the pilot of the helicopter, testified that he ferried sharpshooters on the flights but never shot any of the eagles himself. Sheep ranchers paid $80 a day, or from $10 to $25 an eagle, but some of the hunters were not paid and shot the eagles just for the sport, according to the testimony.

The ranchers ostensibly paid to have the eagles killed to protect livestock.

The eagles were shot while roosting or in flight with 12-gage shotguns. The helicopter would retrieve the carcasses.

The 48-year-old pilot said:

> We had a regular haystack of these eagles when we first started bringing them in. At one time last November, more than 65 dead eagles were piled up at the Bolton Ranch in Wyoming and that Wyoming game and fish wardens saw them there but did nothing. After that, he was instructed to stack the dead eagles in a sheep-shearing shed and later the carcasses were buried.

The article also told of the 23 deaths of eagles by thallium poisoning near Casper, Wyo., in June of last year.

Mr. Speaker, the legislation we are considering today, H.R. 12186, will, I am convinced, put an end to these detestable acts, both as to the killing of eagles by poisoning and shooting.

Briefly explained, section 1 of the bill would amend the Bald Eagle Protection Act to make it unlawful for anyone to knowingly, or with negligent disregard for the consequences of his act, to take, possess, sell, barter, offer to sell, purchase or barter, transport, export or import at any time and in any manner any bald or golden eagle alive or dead or any part, nest, or egg thereof.

Mr. Speaker, this particular language would have the effect of lessening the amount of knowledge that would be required to be proven in order to convict an offender under the act since under present law an offender can be convicted only if he willfully commits one of the acts I just enumerated.

Also section 1 of the bill would rewrite the penalty provision of present law, which makes violators of the act subject to a $500 fine, or 6 months imprisonment, or both—to increase such penalties as follows: First time offenders would be subject to a $5,000 fine or 1-year imprisonment, or both; and second time offenders would be subject to a $10,000 fine or 2 years imprisonment, or both.

In order to assist in the enforcement of this provision, one-half of any criminal fine levied, but not to exceed $2,500, would be paid to any person giving information leading to a conviction. In addition, section 1 of the bill would authorize the Secretary of the Interior to assess a civil penalty of up to $5,000 against any person who, without permission to do so, takes a golden or bald eagle in violation of the act.

Finally, section 1 of the bill would authorize the head of any Federal agency who has issued a lease, license, permit or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation under this act to have such instrument immediately cancelled.

Section 2 of the bill would authorize the Secretary of the Interior to permit the taking of golden eagles, under such regulations as he may prescribe, to be used for falconry purposes.

Section 3 of the bill would in effect broaden existing law with respect to the enforcement provisions of the act. In addition to existing law, the Secretary of the Interior would be authorized to enter into cooperative agreements with State fish and wildlife agencies in order to delegate some of the enforcement authority to State law personnel. Also, any vehicles, aircraft, traps, nets, guns and other instrumentalities used in committing the violation would be forfeited along with the eagles, nests, or eggs thereof illegally taken. Finally, all powers, rights and duties conferred or imposed by the customs law upon the Secretary of Treasury with respect to the seizure, forfeiture and condemnation of a vessel would, for the purpose of this act, be exercised by the Secretary of the Interior or by such persons as he may designate.

Section 4 of the bill would amend the act to make it unlawful for anyone to poison golden or bald eagles.

Mr. Speaker, in closing, I might point out that all witnesses testifying at the hearings were strongly in favor of this legislation; the Committee on Merchant Marine and Fisheries received favorable departmental reports on the legislation and the bill, as reported, incorporates all of the departmental suggested amendments; and the bill was unanimously ordered reported by the Committee on Merchant Marine and Fisheries.

Mr. Speaker, I urge its prompt passage.

Mr. GARMATZ. Mr. Speaker, I rise to join my colleagues in urging the passage of H.R. 12186, a bill I cosponsored with 23 other Members of the House.

As has been so aptly explained by Congressman DINGELL, the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation, this bill will hopefully put an end to the inhumane killing of eagles from aircraft or by poisoning.

The slaughter of approximately 500 bald and golden eagles in the States of Wyoming and Colorado last year was a deliberate defiance of Federal and State laws—and it was one of the most outrageous acts against wildlife ever committed by so-called civilized mankind.

I sincerely feel that the stiffer penalties embodied in this legislation will tend to discourage any repetition of such callous and wanton destruction of these beautiful birds.

Mr. Speaker, I urge the prompt passage of H.R. 12186.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. Speaker, I rise in strong support of H.R. 12186, a bill designed to strengthen the penalties imposed for violations of the Bald Eagle Protection Act. I wish to associate myself with the explanatory remarks made by our distinguished colleague (Mr. DINGELL), the chairman of the Subcommittee on Fisheries and Wildlife Conservation, Merchant Marine and Fisheries.

The bald eagle, America's national bird and symbol, is already in serious trouble and in danger of extinction from hard pesticides, a rapidly diminishing habitat, and harmful actions of man. The total bald eagle population in the entire United States may be no more than 6–11,000 northern bald eagles. The entire North American population estimate for golden eagles is no more than 8–12,000 birds.

Under the existing Bald Eagle Protection Act, shooting or otherwise molesting bald eagles has been illegal since 1940, with golden eagles now protected under the same law. Violations of that act are subject to a $500 fine and/or 6 months imprisonment, or both.

The effectiveness of the existing act in halting or deterring the wanton destruction of these fine birds of prey is extremely weak. Past experience of the Department of the Interior and the U.S. attorney's office indicates that the existing provisions of the law are not a sufficient deterrent to prevent killing or poisoning of these birds. In addition, numerous State courts continue to treat these prosecution cases under the Bald Eagle Protection Act as petty offenses, and are reluctant to convict offenders. The national furor which occurred recently as a result of the wholesale slaughter of both golden and bald eagles by airborne bounty hunters and use of poisoned antelope carcasses in the Midwest amply illustrates the need for further protection, increased penalties, and a reduction in the kind of proof required in a prosecution in order to more amply provide legal safeguards for eagle protection and conservation.

Basically, this bill would lessen the knowledge required to be proven in order to convict an offender for violation of the act, would increase the maximum criminal penalties from $500 fine/6 months' imprisonment to $5,000/1-year imprisonment, or both, for first offenders; $10,000 fine or 2 years' imprisonment or both for second offenders. To assist Federal and State law enforcement officials in implementing the provisions of the act, one-half of the total criminal fine, not to exceed $2,500, would be paid to those who supplied information leading to prosecution and conviction.

Other provisions would be added to the law by this bill in order to give the Secretary of Interior authority to, first, assess civil penalties for violation of the act, subsequent regulations and the permits issued thereunder; second, cancel grazing licenses on Federal lands issued to any person convicted under the act; and, third, obtain the forfeiture of the instrumentalities—such as vehicles, aircraft, traps, nets, guns, and so forth—used in committing the violation. In addition, the provisions of the act would be extended so as to make it a violation of the act to poison a golden or bald eagle.

Recent events have made it abundantly clear that much sterner measures are necessary to provide an adequate deterrent to would-be violators of the existing act. These increased penalties, together with a requirement of less specific criminal intent, should serve to deter future violations and to make more effective the prosecution of alleged violators. Mr. Speaker, unless some definitive action, such as this bill pending before the House now, is taken, this country will be faced, within a short period of time, with the possible extinction of our national symbol—the bald eagle—due to the actions of some Americans who have a wanton and negligent disregard for the preservation of one of the most important birds in our Nation's history. I urge speedy passage of this measure today and its enactment into law during this Congress.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. LUJAN. Mr. Speaker, if I may have the attention of the gentleman from Michigan (Mr. DINGELL) I would like to ask him a question.

Does this amendment mean that if a sheep rancher saw an eagle swooping down on one of his lambs and the eagle was ready to take it and kill it, that if he shot that eagle in order to protect that lamb that he would be subject to a $5,000 fine or a year in prison?

Mr. DINGELL. The answer to that is—yes.

Mr. LUJAN. Would that mean that we would be encouraging that sheep rancher's neighbor by giving the neighbor $2,500 to snitch on him and reporting that?

Mr. DINGELL. The answer to that question is also—yes.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 10450, a bill designed to provide additional protection to bald and golden eagles.

The revelations that nearly 50 bald and golden eagles were killed last year in Wyoming and Colorado brought vivid proof that the current penalties under the Bald Eagle Protection Act are inadequate. In addition to the bounty hunters who hunt from helicopters, the eagle has fallen prey to those who wantonly spread poisons to kill "predators."

Obviously, stern measures are necessary to provide an adequate protection. The golden eagle population in the conterminous 48 States was an estimated 702 in 1971; the bald eagle population was an estimated 2,519.

The bill before us today, H.R. 10450, would increase the penalties for harming these great birds.

The current fine for taking or poisoning a bald or golden eagle is for not more than $500 and/or imprisonment for not more than 6 months. This has not served to deter those who attempt to eliminate the eagle.

This bill, H.R. 10450, would increase the penalty from $500 or 6 months imprisonment, or both, to $5,000 or 1 year imprisonment or both for the first violation of the act. Upon conviction of a second violation, a person could be fined up to $10,000 and/or imprisonment up to 2 years.

In addition, H.R. 10450 extends the Bald Eagle Protection Act to make it abundantly clear that poisoning an eagle is a violation of the law.

In the past, a person who spread poisoned bait that was eventually consumed by an eagle, could not be prosecuted because killing an eagle was not his intent.

The bill, H.R. 10450, will cover those people who bait and who know, or should know, that eagles frequent the area, and thus are likely to consume the poison bait.

Mr. Speaker, a rancher in Wyoming who was responsible for the death of at least 26 eagles was fined $674. In fact, he was not even in violation of Federal law.

The bill before us today is designed to remedy the problem by increasing penalties and by making it a criminal offense to poison an eagle. I urge my colleagues to support this measure with an "aye" vote.

Mr. LLOYD. Mr. Speaker, this is a case of extremism—of indignation run out of hand.

There is already a stiff penalty against killing eagles, which is $500 and 6 months in jail. This bill raises the penalty to $5,000 and 1 year in jail.

In a day when we are trying to get people out of jail, here we are putting them in jail for an offense which is certainly obnoxious and against the public interest in a very deep and genuine way, but which certainly does not warrant the extreme penalty inflicted here.

The Interior Department and law enforcement officials should use existing law to impose the stiff but reasonable penalties which already apply.

Mr. CONTE. Mr. Speaker, as an ardent and an outspoken protector of our natural resources, I eagerly welcome this opportunity to express my support of H.R. 12186, the Bald Eagle Protection Act.

H.R. 12186 is the strongest action that has been proposed in our fight to prevent the American, or bald eagle from becoming extinct. As a natural resource, the eagle is priceless. Here is a creature that is a symbol of our Nation, pictured on our currency and official Government seals. Yet in recent years it has become the target of unexplainable abuse. There are only an estimated 5,000 to 11,000 bald eagles remaining, and extinction of these wild creatures is a very real threat.

There have been increasing numbers of violations of the present Eagle Protection Act, and it is time that stronger legislation be passed to serve as a deterrent to such activities. This bill would greatly increase the fines and terms of imprisonment that would be levied on violators. All types of violations would be covered. And negligence would not serve as an excuse. These provisions are vitally needed to strengthen the current act and provide added protection for the bald eagle.

Present law allows eagles to be disposed of if they are causing havoc among livestock. But outrageous incidents such as the reported mass killing of 500 eagles are senseless and inexcusable. Who benefits from these actions? Not the eagle, not nature, and not us.

H.R. 12186 would provide needed help to insure that the bald eagle remains a vital part of the wild kingdom. There is a poster in my office that says, "Ecology: A Wild Idea." It shows an eagle with one of its young perched in a nest. The beauty of the picture and what it represents is a vivid manifestation of the necessity for passage of this legislation. National Wildlife Week is fast approaching and I would hope that final congressional action will be completed by that time.

Thank you, Mr. Speaker.

Mr. BROOMFIELD. Mr. Speaker, in 1782, the Continental Congress adopted the bald eagle as our national symbol. Today, we know that these regal birds are fighting against almost insurmountable odds in order to survive.

Their numbers have been reduced to an estimated 6,000 in this country. Realizing this fact, it is sadly ironic to consider that as this Nation approaches its bicentennial anniversary, the bald eagle, so long its symbol, may soon become extinct.

The loss of any animal is tragic in itself, for once lost they can never be replaced. Man can never duplicate the simple and majestic beauty of nature's kingdom. But, as our national symbol, the extinction of the bald eagle would serve as an especially sad commentary upon our civilization and way of life.

Yet, Federal protection for these magnificent birds is hardly new. It was in 1940 that Congress first moved to protect their numbers from hunting. However, the record shows that success has not measured up to our good intentions.

Indeed, the past 30 years have in all probability, been even more difficult for our living national symbol. The poisoning of our atmosphere, waterways, and the increasing use of pesticides and herbicides have taken their toll on all of our wildlife. Unfortunately, the bald eagle has been no exception.

Furthermore, only last fall, the country was both shocked and saddened to learn that some individuals have taken to shooting these birds contrary to law from planes and helicopters. In testimony before Congress, one witness admitted to seeing over 500 of these extremely rare birds shot from planes which he piloted.

It was that information which motivated and moreover justified the creation of this legislation. I applaud the speedy action of the Committee on Merchant Marine and Fisheries in compiling this measure. By raising the penalties for the wanton killing of these animals and by easing the requirements for conviction, perhaps we can translate protection into reality for the few bald eagles that remain.

Mr. Speaker, protection of the bald eagle is important not only because it is our national symbol but also because they are an irreplaceable, unique member of our animal kingdom. The bald eagle has become more than America's national symbol, its preservation has become America's hope for the protection of all our wild animals from extinction and the fight to preserve the quality of our environment.

Mr. RONCALO. Mr. Speaker, I am aware that many of my colleagues and particularly my friend (Mr. DINGELL) chairman of the Subcommittee of Fisheries and Wildlife of the Merchant Marine and Fisheries Committee, have introduced legislation in the hope that the diminishing numbers of the bald eagle, who number less than 2,000, may be preserved, and that the useless, wanton killing of eagles during the past year can be stopped.

I have supported strict enforcement of the law in punishing those who were guilty of this senseless killing, and I previously supported legislation which would make it a felony to kill eagles for no reason. I am a cosponsor of legislation which would ban the use of certain poisons in predator control.

But, Mr. Speaker, I cannot in good conscience support H.R. 12186. To me it represents a basic contradiction to the right any man has for the protection of his property from predators. This bill, which would make a 2-year prison sentence mandatory for the killing of a bald eagle, even if the rancher confronts the eagle in the actual act of swooping down on a lamb, seems unfair and harsh and opens the door for mischievous prosecution. I believe present statutory law, both State and Federal, can adequately protect our diminishing eagle population and other rare species without a bill which carries penalties to the lengths proposed in this bill.

I recognize that my position will be overwhelmed by the votes of my colleagues, but I submit that in Wyoming there has been an excess of heat on the subject and little enough done to see the livestock men's side of this matter.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL), that the House suspend the rules and pass the bill, H.R. 12186, as amended.

The question was taken.

Mr. RONCALIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 7, not voting 72, as follows:

[Roll No. 29]

YEAS—352

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews
Annunzio
Archer
Arends
Aspin
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Long, La.
Long, Md.
McClory
McClure
McCollister
McCormack
McDade
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quillen
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—7

Burleson, Tex.
Fisher
Lloyd
Lujan
McKay
Purcell
Roncalio

NOT VOTING—72

Alexander
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Badillo
Bell
Biaggi
Blanton
Blatnik
Bow
Brinkley
Brown, Mich.
Byrnes, Wis.
Cabell
Carter
Chisholm
Clark
Clay
Corman
Crane
Davis, S.C.
Davis, Wis.
Dellums
Downing
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Evins, Tenn.
Forsythe
Garmatz
Gibbons
Hansen, Wash.
Harsha
Hawkins
Hébert
Helstoski
Keith
Kuykendall
Landgrebe
Lennon
McCloskey
McCulloch
McDonald, Mich.
Macdonald, Mass.
Melcher
Miller, Calif.
Mills, Md.
Minshall
Morse
O'Konski
Patman
Pelly
Poage
Pryor, Ark.
Quie
Railsback
Robison, N.Y.
Rooney, N.Y.
Roy
Ruppe
Smith, Calif.
Spence
Stanton, J. William
Stubblefield
Thompson, N.J.
Whitten
Widnall
Wyatt
Zwach

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Harsha.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Stubblefield with Mr. O'Konski.
Mr. Blanton with Mr. Forsythe.
Mr. Aspinall with Mr. Bow.
Mr. Cabell with Mr. Ashbrook.
Mr. Evans of Colorado with Mr. Bell.
Mr. Pryor of Arkansas with Mr. Davis of Wisconsin.
Mr. Helstoski with Mr. Minshall.
Mr. Ashley with Mr. Badillo.
Mr. Alexander with Mr. Mills of Maryland.
Mr. Blatnik with Mr. Brown of Michigan.
Mr. Lennon with Mr. Crane.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Dellums with Mr. Eckhardt.
Mr. Roy with Mr. Clay.
Mr. Corman with Mrs. Chisholm.
Mrs. Hansen of Washington with Mr. McDonald of Michigan.
Mr. Gibbons with Mr. Landgrebe.
Mr. Hawkins with Mr. Biaggi.
Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.
Mr. Davis of South Carolina with Mr. Carter.
Mr. Hébert with Mr. Railsback.
Mr. Rooney of New York with Mr. Robison of New York.
Mr. Melcher with Mr. McCloskey.
Mr. Edmondson with Mr. Quie.
Mr. Downing with Mr. Pelly.
Mr. Miller of California with Mr. Ruppe.
Mr. Evins of Tennessee with J. William Stanton.
Mr. Clark with Mr. Morse.
Mr. Brinkley with Mr. Smith of California.
Mr. Patman with Mr. Spence.
Mr. Whitten with Mr. Widnall.
Mr. Wyatt with Mr. Zwach.

Mr. FISHER changed his vote from "yea" to "nay."

Mr. BLACKBURN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TUNA FISHERIES DEVELOPMENT PROGRAM

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12207) to authorize a program for the development of tuna and other latent fisheries resources in the central and western Pacific Ocean, as amended.

The Clerk read as follows:

H.R. 12207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central and Western Pacific Fisheries Development Act".

SEC. 2. The Secretary of Commerce (hereafter referred to in this Act as the "Secretary") is authorized to carry out, directly or by contract, a three-year program for the development of the tuna and other latent fisheries resources of the Central and Western Pacific Ocean. The program shall include, but not be limited to, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

SEC. 3. In carrying out the purposes of this Act, the Secretary shall consult, and may otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

SEC. 4. The Secretary shall submit to the President and the Congress, not later than June 30, 1975, a complete report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

SEC. 5. The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this Act. Any contract entered into pursuant to section 2 of this Act shall be subject to such terms and conditions as the Secretary deems necessary and appropriate to protect the interests of the United States.

SEC. 6. As used in this Act, the term "Central and Western Pacific Ocean" means that area of the Pacific Ocean between latitudes 30 degrees north to 30 degrees south and from longitudes 120 degrees east to 140 degrees west.

SEC. 7. There is authorized to be appropriated for the period beginning July 1, 1972, and ending June 30, 1975, the sum of $3,000,000 to carry out the purposes of this Act. Sums appropriated pursuant to this section shall remain available until expended.

The SPEAKER. Is a second demanded?

Mr. DELLENBACK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. DINGELL) is recognized.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks on the bill, H.R. 12207.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 12207 is to assist in the development of tuna and other latent fisheries resources in the central and western Pacific Ocean.

The need for this legislation arises from the fact that the tuna fishing industry appears to be the only important private enterprise that can be developed that will give the islanders of the central and western Pacific a sound viable industry. With the exception of a single bottomfishing operation, the present commercial fishing industry in American Samoa consists solely of foreign longline vessels which supply the two local canneries with large deep-swimming tunas. The untapped resource with the greatest potential around the Island of American Samoa appears to be the skipjack tuna.

Guam has no readily available raw material which can be used to develop an industry. On the other hand, the island is surrounded by thousands of miles of ocean that potentially could yield much valuable raw material. The only developable raw material presently available in substantial quantity in this area is the skipjack tuna which presently is being harvested by the Japanese.

The economic structure of the Trust Territory of the Pacific Islands is similar to that of Guam. By far the greatest immediate potential source of economic growth appears to lie in the sea and its resources of which the skipjack tuna resource holds the greatest promise.

Mr. Speaker, the only hope of utilizing the skipjack tuna resource is to develop a purse seine technique—similar to that used by U.S. fishermen off Latin America shores—that will work in the clear tropical waters of the Pacific Islands where the mixed layer is much deeper and the school behavior much more erratic.

Mr. Speaker, in carrying out the purposes of the legislation, briefly explained, section 1 of the bill would cite this act as the "Central and Western Pacific Fisheries Development Act."

Section 2 of the bill would authorize the Secretary of Commerce to carry out, either directly or by contract, a 3-year program for the development of the tuna and other latent fisheries resources of the central and western Pacific Ocean. Included in the program would be exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development, and an economic evaluation of the potential for tuna and other fisheries in those areas.

Section 3 of the bill would require the Secretary, in carrying out the act, to consult, and otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, and in addition, educational institutions and the commercial fishing industry.

Section 4 of the bill would require the Secretary to submit to the President and the Congress—not later than June 30, 1975—a complete report on the results of the study together with any recommendations he may deem appropriate.

Section 5 of the act would direct the Secretary to prescribe such regulations as he may deem necessary in carrying out the act. In case he should decide to contract out any part or all of the program authorized to be carried out under the act, then he would be required to take the necessary steps to see that the interests of the U.S. Government are fully protected.

Section 6 of the bill would describe that part of the central and western Pacific Ocean to be covered by the act. Included in this area would be primarily the islands of the Trust Territory of the Pacific Islands, the islands of American Samoa, and Guam, and the islands of Hawaii.

Section 7 of the bill would authorize to be appropriated $3 million to carry out the 3-year program, which would begin July 1, 1972, and end June 30, 1975.

Mr. Speaker, all witnesses testifying at the hearings were in strong support of the legislation; the Committee on Merchant Marine and Fisheries received favorable departmental reports on the legislation; and the committee was unanimous in ordering the bill reported to the House.

Mr. Speaker, I urge the prompt passage of H.R. 12207.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Yes, I yield to my friend from Iowa.

Mr. GROSS. Is this bill for the benefit of Hawaii or for the benefit of the outlying islands?

Mr. DINGELL. The principal benefit of the bill, in the expectation of this Member and the committee, will be to the outlying islands—Samoa, Guam, and the Trust Territories.

Mr. GROSS. I cannot see that they are going to get very much from this expenditure of $3 million by way of actually harvesting tuna.

Mr. DINGELL. If the gentleman will permit me, I would like to point out to my good friend that the function is not to set up a program for catching, but merely to have the exploration and the development work done, and the research which will make it possible for the islanders and the people of the area to develop a fishery. We are going to try to find out if there is a commercially exploitable fishery in the area and find the kind of gear necessary to catch tuna and other fish in this particular area, and lay the basis for processing, and so forth in the area, and to do the other things that are necessary to bring commercial fishing to the area.

Mr. GROSS. Then the gentleman means to say there has been no previous research?

Mr. DINGELL. There has been research, I would say to my friend, but I am satisfied that it has not been sufficient to generate the kind of information that is necessary to create the kind of fishing industry we would like to see in the area, if it is possible to do so.

Mr. GROSS. Will loans for the construction of fishing craft be available to these people, or is this leading to a much larger expenditure for the construction of fishing vessels?

Mr. DINGELL. I will say to my good friend that there is no money in the bill for the purpose of lending for the construction of fishing vessels. If it turns out that the Department, as a result of the study, recommends that kind of activity, they have to come back to Congress. The committee will then have to scrutinize the request and ascertain whether or not that in fact ought to be done.

Mr. GROSS. In other words, one subsidy at a time; is that correct? We can expect this to come on; or is there legislation already on the books to supply the fishing vessels?

Mr. DINGELL. If a subsidy becomes justified in the opinion of the Department of Commerce under the legislation, then they will have to report back to Congress and suggest that legislation be enacted, and I am sure we will be before the Congress and the gentleman will have an opportunity to make such comment as he deems necessary if the committee finds it appropriate.

Mr. GROSS. If and when they start to harvest tuna in that area, will the tuna be sold to Japan or to some other foreign country?

Mr. DINGELL. I cannot tell the gentleman where the tuna would be sold. I can tell the gentleman that right at this very minute, because of a quirk in our law, the Japanese are enabled to land tuna which are caught in that particular area in Guam and Samoa and some of the American Territories in the Pacific for processing, which is then sold in the United States. If tuna is going to be landed for processing in that area, I would like to see that it be American tuna for sale in the United States or, better yet, to Japan in order to get foreign exchange.

Mr. GROSS. I am sure the gentleman is aware that tuna is an expensive item to the American consumer.

Mr. DINGELL. I am, indeed.

Mr. GROSS. If we are going to put this kind of money into the program, I would hope there would be some return to the taxpayers of this country who are putting up the money by way of perhaps less costly tuna coming to this country. I would not like to see the tuna sold to some foreign country.

Mr. DINGELL. I certainly would like that, too. I thank my good friend for his comments.

Mr. GARMATZ. Mr. Speaker, I rise and join my colleagues in support of my Tuna Fisheries Research bill, H.R. 12207.

The purpose of my bill is to assist in the development of the tuna and other latent fisheries resources of the central and western Pacific Ocean.

In accomplishing this purpose, my bill would authorize the Secretary of Commerce—either directly or by contract—to carry out a $3 million research program over the 3-year life of the program. The research program would cover, among other things, exploration for and stock assessment of tuna and other fish; improvement of harvesting techniques; gear development; and an economic evaluation of the potential for tuna and other fisheries in the central and western Pacific.

The beneficiaries of this program would be the residents of American Samoa, Guam, Hawaii, and the Trust Territory of the Pacific.

Testimony produced at my committee hearings indicated that all of these islands had one thing in common—there was no readily raw material which could be used to develop an industry. The only developable raw material presently available in substantial quantity in this area is the skipjack tuna resource that the Japanese are now harvesting in great numbers. It appears that the only hope of survival for these islanders is to develop a purse seine technique that will work in the clear tropical waters of the Pacific Islands as it has worked so well for our American fishermen in the South and East Pacific.

Mr. Speaker, this is the main purpose of my bill, and I urge the other Members of the House to join me in urging its early passage.

Mr. KEITH. Mr. Speaker, I rise to support H.R. 12207, the Central and Western Pacific Fisheries Development Act.

The Trust Territory administered by the United States under United Nations trusteeship encompasses 3 million square miles of ocean dotted with 2,000 islands. The islands of America Samoa, the island of Guam, and the Trust Territory are inhabited by some 230,000 people of whom 102,000 Guamanians are American citizens.

The economy of these islands varies is extremely poor. There is little industry and virtually no raw materials on the land to sustain a viable economy. Yet we know that there is a potential source of wealth in the tropical waters surrounding these islands. The Japanese have begun to tap this resource and now supply the only canneries in the area—two situated in American Samoa.

The United States has pioneered modern tuna-seining techniques which have made possible the large tuna fleet based in southern California. These techniques were developed for the waters of the eastern Pacific Ocean off Central and South America. More recently our ships have successfully fished off the west coast of Africa. But we have not yet developed gear and techniques which will work efficiently in the clear, warm waters of the western Pacific. Nor do we fully understand the migrations of tuna in the western Pacific. Basic fishery research coupled with gear development is essential if the tuna resource of this vast area is to be harvested.

The development of a viable fishing industry would be of inestimable value to the economy of these islands in terms of employment and capital investment.

At the same time, the United States must be mindful of the fact that the tuna resources of the Eastern Pacific—our traditional fishing grounds—are not unlimited. In addition, we are approaching the 1973 Law of the Sea Conference which hopefully will see the adoption of a new international fisheries regime, recognizing the right of coastal States to adopt resource conservation measures beyond narrow territorial belts. Hopefully, our relations with the countries of Latin America bordering the Pacific Ocean will be improved, and a new climate of understanding will emerge from that conference which will enable us to continue fishing these productive waters. Nevertheless, we must begin now to develop alternate sources of supply of this valuable food fish. To remain so dependent upon the waters off Latin America is foolhardy, to say the least.

This legislation, therefore, serves two important functions—the development of the economy of the Pacific islands and the exploitation of tuna resources of value to the entire Nation—resources which will not be the subject of international disputes.

Finally, Mr. Speaker, it should be stressed that the funds authorized for this program are to be utilized exclusively in this effort to develop the latent fishery resources of the Central and Western Pacific and not simply to augment ongoing programs. We expect a new direct effort. We also expect that the Secretary of Commerce will recognize the initiative of the Pacific Islands Development Commission and will cooperate to the maximum possible extent with the Commission in this undertaking.

Mr. Speaker, I urge my colleague to support the passage of this important legislation.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 12207, legislation to establish a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean.

I believe this is one of the most beneficial measures, in terms of cost as compared to potential benefits, that I have had the pleasure of sponsoring during my service in Congress. The bill is designed primarily to benefit our U.S. territories in the Pacific, Guam, and American Samoa, as well as the islands of Micronesia for which we are responsible under a United Nations trust, and the State of Hawaii.

This legislation has been proposed for several years, and there has been no opposition of which I am aware, as to its objectives. It would permit the development, through research and testing, of new techniques for harvesting tuna and possibly other fisheries resources in the waters surrounding the areas I mentioned. Presently, the fish are there in abundance but we lack the means of catching them. This is a terrible waste of valuable resources in our territorial and trust areas where there are precious few opportunities for self-sustaining production.

Our commercial fisheries have been unable to invest the rather large amounts of capital on the equipment and the long voyages which will be required to develop and test new techniques for catching the tuna we know are there. They have, however, indicated a willingness to make a sizable contribution to this effort, as have the State of Hawaii and the territorial governments.

The potential reward is clear. A report issued last year, titled "An American Fisheries Opportunity in the Central and Western Pacific," indicated that some 880,000 tons of skipjack tuna may be available in the Pacific. The report said:

> At $250 per ton, this would be worth about $200 million to the fisherman, $500 million to the processor, and some $800 million at the retail level. Even if only half of this resource

> is developed in the next decade, it would be a significant contribution.

The bill before you authorizes a Federal expenditure of only $3 million over the next 3 fiscal years for such purposes as improvement of harvesting techniques, gear development, biological resource monitoring, and an economic evaluation of the potential for tuna and other fisheries in such area.

As the original sponsor of H.R. 4380, on which this bill is based, it is my intent that any fisheries resources developed under this program would fully meet our Nation's obligation to protect the environment and avoid the depletion of world fisheries. We envision a careful scientific study to determine the size of the tuna fishery and the amount that can be taken each year without reducing the size of the basic stock.

We should note that the methods now used for taking large deep-swimming tuna cannot suffice for the taking of smaller skipjack tuna. The program calls for conducting high seas purse seine operations in the Hawaii and Samoa area with medium and small seiners and bait boats in the trust territory and Guam area.

Unless the United States begins now to develop these resources, soon the opportunity will be lost. Already other nations, led by the Japanese, are exploring these fisheries with their advanced fishing boats. I was advised only last month by the Governor of Guam, the Honorable John M. Haydon, of reports which show—

> The tremendous increase in Japanese activity in the skipjack fishery and—the urgency for action on legislation to provide entry of American tuna vessels into the Western, Central, and South Pacific to develop the skipjack fishery.

This legislation is supported by the Department of State, which pointed out in its report to the committee that—

> The Trusteeship Council of the United Nations, which oversees our administration of the Trust Territory of the Pacific Islands, has long urged that steps be taken to improve the fisheries industry in the Territory. To the extent that the proposed legislation achieved that end, our efforts would undoubtedly be warmly received by the Council and by the people of Micronesia, whose continuing good will we desire.

A leading role in the development of this legislation has been taken by the Pacific Islands Development Commission, which is comprised of the chief executives of Guam, American Samoa, the trust territory, and Hawaii. Their joint initiative underlines the strong support for this tuna fisheries program throughout our Pacific areas.

The program would be administered by the Commerce Department, which would consult with the Commission and other interested parties to develop this resource. The Commerce Department presently has fisheries development authority, under the Farrington Act, but this act does not name the trust territory as one of the areas which can be included. H.R. 12207, the Commerce Department noted, "would fill in this void."

I realize that this measure involves a new expenditure by our Government, of approximately $1 million a year for 3 years, but I feel that few better investments could be made. There is a growing world market for tuna and other nations are moving to fill it. Unless we pass this measure, the United States will lose this important phase of its effort to remain one of the world's leading fishing nations. We should not permit this to happen when we have a welcome opportunity to lead the way through adoption of H.R. 12207.

I urge the adoption of this legislation.

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of H.R. 12207, with Mr. GARMATZ and Mrs. MINK, I rise in support of the bill. This legislation would provide for the development of tuna and other fisheries resources in the Central and Western Pacific.

I take this opportunity to commend and thank the chief sponsor of this bill, the distinguished chairman of the Merchant Marine and Fisheries Committee, the gentleman from Maryland (Mr. GARMATZ), without whose cooperation this measure would not now be on the floor. I wish also to commend and thank the distinguished chairman of the Fisheries and Wildlife Conservation Subcommittee, the gentleman from Michigan (Mr. DINGELL), who virtually exhausted every power and means at his disposal to conduct timely hearings on the bills which were before his subcommittee and finally to report out a clean bill satisfactory to all interested parties. Without the continuing and most generous assistance of my good friend from Michigan (Mr. DINGELL) we would not be considering this measure today.

Mr. Speaker, H.R. 12207 provides for a 3-year, $3 million program to be administered by the U.S. Department of Commerce for the exploration of ways to develop the tuna and other latent fisheries resources of the Central and Western Pacific. The U.S. tuna industry itself has pledged $212,500 toward this program in its first year, and contributions are expected from the governments of the State of Hawaii, Guam, the Trust Territory of the Pacific, and American Samoa. Senate hearings on similar legislation have already been held.

Mr. Speaker, H.R. 12207 is designed to deal with three distinct problems: A looming shortage of tuna to meet fast-growing demand, the relative decline of the U.S. tuna industry, and a serious need for economic development in America's Pacific territories.

Because of the immense and growing popularity of tuna as a food, a high likelihood of serious future shortages now looms. The projected increase of the total world consumption of tuna is indeed staggering. From 1.7 million tons in 1970, consumption demand is expected to exceed three times that amount—some 5.5 million tons—by 1990. The actual supply, however, will probably fall far short of the projected demand.

It is a highly disturbing fact that in the face of this rapidly increasing demand for tuna, the U.S. tuna fleet—the most modern in the world— is providing a decreasing proportion of the supply. In 1961, domestic catch accounted for about 44 percent of all the tuna consumed in America. By 1969, that percentage had declined to about 38 percent. During that period, consumption of tuna caught by foreign vessels increased by some 83 million pounds, while American vessels increased their catch by only 17 million pounds. This happened despite the fact that the U.S. tuna fleet is far ranging and able to compete, without subsidy, with any fishing fleet in the world.

The U.S. tuna resources suffered further adverse effects in 1966, when a voluntary quota system was established in order to conserve the yellowfin tuna resource in the eastern tropical waters of the Pacific. Since the quota system was instituted, the open season for the regulated yellowfin tuna has been reduced from a period of 8½ months to less than 3½ months. Estimates of the resultant loss in catch have gone as high as 50,000 tons, which, at the average price of $250 per ton, means a loss of some $12.5 million per year.

Clearly, something has to be done, and done quickly, if we are to save our modern tuna purse seining fleet, valued at more than $200 million, and give continued employment to the thousands of Americans whose livelihood depends on the Pacific tuna industry.

H.R. 12207 offers what I believe is a viable alternative. It would provide for the development of new fishing grounds and new fishing methods outside the regulatory area, particularly in the Central, Western, and South Pacific. Instead of the yellowfin, which in 1970 was the largest volume species canned in the United States, the proposed new fishing grounds are the home of the skipjack tuna, which has a dramatic potential. Exact estimates of the amount of tuna resources in the Central and Western Pacific are not available; indeed, one of the purposes of H.R. 12207 will be to develop such data. However, most estimates indicate that a minimum of 800,000 tons of skipjack tuna are available from the Pacific. At $250 per ton, that much tuna would be worth $200 million to the fisherman, $500 million to the processor, and some $800 million at the retail level. Even if only half of this resource were developed in the next decade, the tremendous potential for economic contribution is evident.

This is particularly important, Mr. Speaker, to the developing economies of American territories in the Pacific. There is a clear need for development of private industry in these areas, to cope with growing populations and present low-income levels. The potential impact of the tuna industry is perhaps best illustrated by looking at the economy of American Samoa, where two tuna canneries are already in operation. One-half of the total employment in the private sector in American Samoa is directly connected with the tuna canneries; most of the other half is involved in supporting businesses and services. Of American Samoa's $27 million worth of exports in 1967, all but $79,000 were from the tuna industry. Similar benefits can be easily envisioned for Guam and the Pacific Trust Territory, once the skipjack tuna resource is adequately developed.

In summary, Mr. Speaker, H.R. 12207 will help meet the demand for more tuna; begin to reverse the decline of the American tuna industry; provide a badly needed spur to the economic development of America's Pacific territories; and mean a profitable investment for the American taxpayer.

I urge my colleagues to help in the attainment of these desirable goals by approving H.R. 12207.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 12207, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12741) to extend the Federal Water Pollution Control Act through June 30, 1972.

The Clerk read as follows:

H.R. 12741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5(n) of the Federal Water Pollution Control Act (33 U.S.C. 1155(n)) is amended by striking out "$7,000,000 for the period ending October 31, 1971," and inserting in lieu thereof "$52,000,000 for the fiscal year ending June 30, 1972.".

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act (33 U.S.C. 1157(a)) is amended by striking out "and for the four-month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000.".

SEC. 3. The second sentence of section 8(d) of the Federal Water Pollution Control Act (33 U.S.C. 1158(d)) is amended by striking out "$650,000,000 for the four-month period ending October 31, 1971." and inserting in lieu thereof "$2,000,000,000 for the fiscal year ending June 30, 1972.".

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, since June 30, 1971, the programs under the Federal Water Pollution Control Act have been carried out under the authority of two temporary resolutions. The latest extension expired on October 31, 1971. It had been expected that this would allow sufficient time for the Committee on Public Works to complete its hearings and recommend new legislation to extend and revise the water pollution control program. The committee on December 15, after completing the most extensive and constructive hearings ever held on this program, ordered reported H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972. However, it is not anticipated that this will be enacted into law in the immediate future.

Section 1 of H.R. 12741 extends section 5(n) of the Federal Water Pollution Control Act and provides an additional authorization of $45 million for the period ending June 30, 1972, for research, investigations, training and information programs.

Section 2 provides an additional $11 million for section 7(a) of the Federal Water Pollution Control Act for the period ending June 30, 1972. This will permit the States to continue the planning of their programs in an orderly fashion.

Section 3 increases the authorization for the basic grant program for waste treatment facilities under section 8(d) to $2 billion, or an increase of $1.350 billion.

Mr. Speaker, although H.R. 12741 authorizes a total of $1.406 billion, it should be noted that the enactment of this legislation will not require the appropriation of any additional moneys. Public Law 92-73 approved last August included the necessary moneys for this program subject to later authorizations. This bill is the authorization to utilize the funds previously appropriated.

Mr. Speaker, I wish to express my appreciation to the gentlemen from Ohio (Mr. HARSHA) and New York (Mr. GROVER) for their splendid assistance in expediting this needed bill so as to prevent further delays in continuing this extremely important program.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Missouri.

Mr. HALL. I say to the gentleman, is it not true that this bill increases the authorization for the water pollution program by $1,406 million.

Mr. JONES of Alabama. The answer is "Yes."

Mr. HALL. If the gentleman will yield further, we are again in the position of authorizing legislation after the fact for an appropriation that has already been committed, but in a sense this does, in continuing the authorization, add on additional billions of dollars to the previously authorized act. Is that not true?

Mr. JONES of Alabama. I would say to the gentleman that the appropriations have already been made in Public Law 92-73. The bill merely authorizes the use of these previous appropriations.

Mr. HALL. Can the gentleman explain the last sentence in his report wherein it says:

> Section 3 increases the authorization for the basic grant program for waste treatment facilities under section 8(d) to $2 billion, or an increase of $1.350 billion.

Does not the money here add any increased authorization?

Mr. JONES of Alabama. The gentleman is correct.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, H.R. 12741 would extend the Federal Water Pollution Control Act until June 30, 1972. In my view, this extension is needed to enable us to work out some very serious problems created by the administration in connection with the pending water pollution legislation, particularly the Senate-passed bill S. 2770.

Last week, the administration sent to several Members of Congress, including myself, a farreaching amendment to the Federal Water Pollution Control Act which is designed to limit severely the scope of the National Environmental Policy Act of 1969. The amendment would do two things:

First, with respect to Federal license or permit applications covering activities "which may result in any discharge into navigable waters," a section 102 environmental impact statement would be required, but the permitting or licensing agency would not be required to examine any problem of water quality. The chief objective of this amendment is to render moot one of the principal conclusions of the court in *Calvert Cliffs* v. *Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1971).

Second, environmental impact statements will not be required in the case of "specified environmentally protective regulatory actions"—whatever that means—taken by EPA or any other Federal agency identified by regulations issued by the Council on Environmental Quality. Under this amendment, the CEQ, not Congress, would decide which agencies and agency actions require environmental impact statements, and which do not. The chief objective of this amendment is to render moot the conclusions of the court in *Kalur* v. *Resor*, 3 ERC 1458 (Dec. 22, 1971).

These are amendments to the National Environmental Policy Act. That law emanated from the Merchant Marine and Fisheries Committee, and not the Public Works Committee. EPA and CEQ know that. I do not look kindly to the administration proposing to another House Committee amendments to NEPA that would bypass our committee.

The matters to be considered here are fundamental. The objective of NEPA and the environmental impact statements is to require that all Federal agencies review and put down on paper the environmental effects of a proposed action before the agencies decide whether or not to take or permit that action. At this juncture, the public and other Federal and State agencies have an opportunity to review this paper and to learn of the agency's judgments and reasons which support a proposed action. Only a few weeks ago, the Corps of Engineers—to its great credit—abandoned a proposal in Florida on the environmental grounds after preparing an environmental impact statement.

In my view, this approach to the decisionmaking process is sound. I see no reason why EPA—like the corps or any other agency—should be exempt from this requirement of NEPA. Even environmentally oriented agencies make decisions that are not always environmentally sound or are subject to pressure that cause them to strike a balance weighted toward approving a permit which, absent that pressure, they might not approve. The recent newspaper articles revealing that the CEQ had abandoned a proposed executive order on clear-cutting after protests by timbercutters show that such pressures are quite effective.

Environmentally concerned citizens have successfully fought in the courts to require Federal agencies to consider the environmental impact of their decisions through these statements. These NEPA amendments of the administration seek to wipe out many of those successes. I strongly oppose those amendments.

The House Subcommittee on Fisheries and Wildlife will soon be holding extensive hearings on the implementation of NEPA. These hearings will include a comprehensive review by the General Accounting Office of NEPA and its implementation. We will be looking into the concerns which the administration cites as the reasons for these amendments. We will want concrete facts, not just conjecture, that a real problem exists. I recall that early last year, the administration and industry were crying the blues over the prospects of 40,000 to 100,000 Refuse Act permit applications, only to learn that a more realistic number was 20,000.

I urge environmentalists to review these proposed administration amendments and those that would repeal the Refuse Act of 1899 and tell the administration, and the Congress, about your concerns.

I also call to the attention of all environmentalists a provision in section 511(b) of the Senate-passed bill (S. 2770) which would amend the Fish and Wildlife Coordination Act. This statute now requires that, before the Corps of Engineers or any other Federal agency issues any Federal permit or license which would modify a waterway, the agency must obtain the views and recommendations of the Bureau of Sport Fisheries and Wildlife, NOAA, and the State fish and game agencies. This amendment would eliminate that requirement as to Refuse Act permits and as to discharge permits issued by EPA.

I oppose that amendment. The Fish and Wildlife Coordination Act has proven to be a most valuable means for protecting environmental issues and requiring Federal permitting and licensing agencies to take actions that would protect our fisheries and wildlife resources.

It will be a black day for environmentalists if the Refuse Act is repealed, the National Environmental Policy Act weakened, and the Fish and Wildlife Coordination Act gutted, all in the name of water pollution control.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Has this money been budgeted?

Mr. JONES of Alabama. Yes. All the amounts have been budgeted, I will say to the gentleman from Iowa.

Mr. GROSS. Does the gentleman have any idea as to where it is proposed to get this kind of money?

Mr. JONES of Alabama. I am sorry; I fail to understand the gentleman.

Mr. GROSS. Where is it proposed to get this kind of money, this kind of an increase, up to $2 billion? Where is it proposed to get the money? Does the gentleman have any good idea as to where it is coming from—off a printing press, or where?

Mr. JONES of Alabama. I guess it is off the same press that has been printing it since the beginning of the Republic. I do not know of any new source. It has already been appropriated. We sat here and voted for it.

Mr. GROSS. As sure as death and taxes, it is not in the U.S. Treasury, is it?

Mr. JONES of Alabama. I will say to the gentleman from Iowa, I believe that one of the most important things we can do for our country is to preserve the waters of the great land. The Appropriations Committee has already made the necessary appropriations. All we are trying to do is to legislate the authorization for their proper expenditure.

Mr. GROSS. Is there some reason why those doing the polluting cannot take care of it?

Mr. JONES of Alabama. The Public Works Committee recently ordered reprinted H.R. 11896, the Federal Waters Pollution Control Amendments of 1972. In this bill which we will shortly bring to the floor we make some very specific recommendations as to the responsibilities for paying the cost of water pollution by those who create the situation.

Mr. GROVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support of H.R. 12741 as an essential continuation of the Nation's water pollution control program during the period which the House Public Works Committee continues its drafting of H.R. 11896 and the preparing of the bill report.

The House Committee on Public Works has spent many weeks in hearings, committee deliberations, and staff preparations in order to complete work on H.R. 11896. The Committee on Public Works on December 15, 1971, ordered H.R. 11896 to be reported. At the present time the staff is incorporating the amendments to H.R. 11896 which were passed by the committee during executive sessions held in December. There were a number of amendments which required a detailed and thorough study of their effect on other sections of the bill. Because of the length and complexity of this bill, the Committee on Public Works has taken the position that sufficient time will be made available to complete the committee report in the detail and with the thoroughness that is required for a bill as complex and with as broad a spectrum as H.R. 11896. The committee fully intends that the bill and the report will not be allowed to suffer from a lack of the necessary time to complete this task in the manner our Nation's water pollution control program deserves. Thus, the time needed to complete this large task plus the time which will be required for conference on the differences with the other body makes it necessary that we again extend the funding authorizations under the existing law, as we said previously we would have to do.

While it can be argued that to not have an extension would put added pressure on the committee to complete the bill and report it at an earlier date, to do so would be foolhardy. We must give this bill the time it deserves.

Mr. Speaker, I have two comments on the report of the Committee on Public Works accompanying H.R. 12741.

First, in the second paragraph of page 2 of the report, we state:

> Grants at this increased level will be applicable to construction during the fiscal year ending June 30, 1972.

By this we mean that such—at least up to 70 percent—grants will be applicable to funds obligated from the $2 billion authorized and appropriated for the fiscal year ending June 30, 1972.

Second, this bill does not change the authority of the Administrator of the Environmental Protection Agency to make grants from the $2 billion authorized for the fiscal year ending June 30, 1972, for reimbursement of prefinancing of the Federal share of treatment works construction costs in any fiscal year ending on or before June 30, 1971. Portions of the $2 billion for grants for the construction of treatment works for the fiscal year ending June 30, 1972, may be used for outstanding prior-year reimbursables.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from New York (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I should like to ask the gentleman a question with respect to the report. I refer to page 2 of the report, where it is stated:

> Neither reimbursement nor advanced financing are authorized by this bill and there is no provision in the law for the States or municipalities to recover their expenditures if, because of the increased Federal grant levels, the allotment to the individual State is insufficient to recover the grant levels at the increased rates.

I wonder if the gentleman might clarify the meaning of that language?

Mr. GROVER. If I may respond, the bill does not change the authority of the administrator of EPA to make grants from the $2 billion authorized for the fiscal year ending June 30, 1972, for reimbursement or prefinancing of the Federal share of treatment works and construction costs in any year ending before June 30, 1971.

Mr. TERRY. Then is it the intent of Congress that no State or municipality can prefinance the Federal share of the cost of any project approved after July 1, 1971, for which they would be eligible for reimbursement?

Mr. GROVER. I think there is a caution in there, and that is that the funds authorized in this bill do not permit it. However, we do hope to incorporate in the legislation we are working on now prefinancing conditions and language which I think will be satisfactory to all of those who are prefinancing. However, there just does not seem to be enough money to go around, so we are very cautious with this.

As I thought I indicated earlier in my comments, it would be very difficult for the other body in its present mood to accept the prefinancing regulation language in this bill.

Mr. JONES of Alabama. The gentleman is, of course, aware that probably one of the most complicated issues which the Committee on Public Works had to deal with in the Federal Water Pollution Control Act Amendments of 1972 was the matter of reimbursement to States for advanced construction. The gentleman has been quite diligent and active in raising this point before the committee on numerous occasions.

Gov. Nelson Rockefeller testified convincingly on this subject on two occasions during our many months of hearings. As a result of our hearings, we have in our bill, which is waiting for the completion of the committee report, provisions for generously reimbursing those communities and States which went forward by prefinancing their own treatment plants. We have also included generous provisions permitting reimbursement for prefinancing in the future. The Senate has also included provisions for repayment in its bill which it has passed.

However, we had to draw the line somewhere. There has in fact been no prefinancing since July 1971. This is February. I would hope that the Federal Water Pollution Control Act Amendments of 1972 would be approved in the next few months. A further extension of the existing prefinancing or reimbursement procedures in H.R. 12741 might seriously hamper the implementation of the new policy requirements of the pending legislation. Accordingly, I suggest that the provisions of the Federal Water Pollution Control Act Amendments of 1972, which we anticipate bringing to the House shortly, will resolve the problems which have been raised before the committee and I am sure will be most satisfactory to the gentleman.

Mr. GROVER. I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Speaker, I would like to inquire concerning the question of the intent of this measure. I am going to address myself to either the gentleman from New York (Mr. GROVER) or the gentleman from Alabama (Mr. JONES), and my question is this:

Several of the States are now faced with a problem. Following this colloquy, I will insert letters from New Hampshire testifying to the problem. The Senate has passed a bill that increases the Federal share from the current level, from 30 to 55 percent, to a level of 60 to 70 percent. The House committee reported a bill which increases the level of Federal participation by an even greater amount; that is, up to 75 percent.

The question facing many States and municipalities at this time in history is that if they proceed with the current financing, will they get the old or the new rate? The Senate and the House bills go back 1 year and give that retroactive feature, but in this measure which we are authorizing now, the question is raised the State or municipality will be able to obtain the larger Federal participation.

It is my understanding it is the intent of the Congress that it will be at the new and increased rate of participation. I want to make this crystal clear, because otherwise a great many projects will come to a grinding halt in this country and in New Hampshire.

Mr. GROVER. The gentleman from New Hampshire has raised a good point.

When the pending amendments to the Federal Water Pollution Control Act are enacted, it is anticipated that the maximum grant for treatment works construction for this fiscal year, which ends June 30, 1972, will be between 70 and 75 percent because these higher levels are reflected in S. 2770 as passed by the other body and H.R. 11896 which was ordered to be reported by the House Committee on Public Works. They compare with the 30 to 55 percent level in existing law. States upon passage of H.R. 12741 may go ahead with new projects at the 30 to 55 percent level. However, they must clearly recognize that such new construction will be eligible for the higher grant levels from the 1972 authorizations when the pending legislation is enacted.

Thus, they must use care to make sure they do not exceed their allotment of the $2 billion for this fiscal year. In fact, the States, if they chose, could proceed with a prefinancing of the 70 percent Federal grant level with the high probability of enactment of the higher grant levels.

Again, however, a word of warning. The States must exercise extreme care to not exceed their allocation of grant funds for fiscal year 1972, so as to be able to increase the Federal share of the costs of all projects for which grants have been made from 1972 authorizations.

Mr. CLEVELAND. Then, let me say this: Precisely then the gentleman is assuring me that if New Hampshire acts under this authorization we can expect to do it under the rate of 70 percent participation or the 75 percent participation rate, whichever one is finally enacted into law sometime later this year, assuming if course such rates are enacted.

Mr. GROVER. Assuming it is enacted into law with the present language we are contemplating in the House bill, I think it will do so.

Mr. CLEVELAND. Can you be any more positive?

Mr. GROVER. I am pretty positive.

Mr. JONES of Alabama. Will the gentleman yield to me?

Mr. CLEVELAND. I yield to the gentleman.

Mr. JONES of Alabama. I concur in the answer of the gentleman from New York.

Mr. CLEVELAND. Mr. Speaker, the letters I referred to earlier are as follows:

CONCORD, N.H.,
January 21, 1972.

Hon. JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR JIM: The purpose of this letter is to bring your attention to the fact that the pollution control construction program in New Hampshire is rapidly coming to a grinding halt because of continued lack of action by the Congress with regard to funding for the pollution control program.

We are aware that both the House and Senate bills which would amend the Federal Water Pollution Control Act promise substantial increases in the level of Federal participation as well as authorizations for the associated funds. However, we cannot, in good conscience, in the face of the present inaction of Congress, encourage communities to proceed with construction of needed projects. Obviously, if the participation formula is changed from fifty percent to seventy or seventy-five percent, (as provided for in the legislative proposals) financial losses are in prospect, not only for communities, I might add, but also for the State Government, itself, which is heavily engaged in our State aid program.

Since many other states are in similar position, it seems to me that the Congress should move expeditiously in the matter or at the very least immediately incorporate an appropriate provision in the legislation which would assure states and communities that they will not be penalized by reason of having proceeded in good faith, pending final action on these bills.

Sincerely,

WALTER PETERSON,
Governor.

WATER SUPPLY AND POLLUTION
CONTROL COMMISSION,
Concord, N.H., January 21, 1972.

Hon. JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR JIM: This will confirm my discussion with you of earlier today concerning the status of program grant funds allocated to New Hampshire under the Federal Water Pollution Control Act.

As you know, while the legislation extending the Federal pollution control program has been pending, funds were appropriated for both construction and program grants by means of a continuing resolution. Under this system, this agency has received a total of $25,960 as of October, 1971, when the last payment was made. The regular allocation for New Hampshire for Fiscal 1971 amounted to $64,300, and a like sum would certainly be minimum for Fiscal 1972. In any event, expenditures to date amount to $34,049; thus, we are in the position of prefinancing not only construction grant money but also program grant funds. Four members of the staff are employed by reason of Federal contributions; hence, there is an obvious degree of urgency involved.

Undoubtedly, many other states are similarly being deprived of the Federal assistance to which they are entitled. In this sense, if you are successful in securing favorable action on our behalf, it will provide parallel relief for administrators in other states who are equally concerned that this matter be resolved.

Enclosed is a copy of my recent communication to Mr. John A. S. McGlennon, Regional Administrator of EPA in Boston, on this same subject. I am sure he would be interested in being aware of our appeal to you for assistance, and a copy of this letter is being forwarded to him.

Kind personal regards,

Sincerely,

WILLIAM A. HEALY,
Executive Director.

JANUARY 18, 1972.

Mr. JOHN A. S. MCGLENNON,
Regional Administrator, Enviornmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass.

DEAR MR. MCGLENNON: The purpose of this letter is to request your assistance in obtaining program grant funds in accordance with the payment schedules normally adhered to by your office. At this writing, our records indicate that only $25,960 has been received by the State of New Hampshire to date for fiscal 1972, and that last payment occurred in October, 1971.

We are aware that full appropriations have not yet been authorized by the Congress because of still pending amendments to the Federal Water Pollution Control Act. Nevertheless, program funds are utilized here to employ personnel and the absence of regular payments threatens the security of these positions.

We would urge your assistance in obtaining additional funding or, failing this, a letter of assurance that the State of New Hampshire will be reimbursed for any funds which it may have to advance for the period until Federal program funds are made available.

Very truly yours,

WILLIAM A. HEALY,
Executive Director.

(Mr. CLEVELAND asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GROVER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I would like to comment at this time that I very much support this bill.

I think the gentleman from New Hampshire raised a question, and I am glad to have the assurance that this does mean money under this act would be available at the rate of either 70 or 75 percent.

I would like to point out to the House that in my own State of New York the Congress really committed itself as far as the State of New York is concerned, anyway, to making up nearly $1.3 billion that our State prefinanced on the assumption that the Congress was going to make this money available for programs.

Now, this move right now in the House, as I understand it, will produce approximately $109 million for the State of New York.

New York State 2 weeks ago canceled 167 programs dealing with water pollution and water pollution abatement because of insufficient funds and because the prefinancing was not available any longer under Federal programs.

So, No. 1, it is my hope that this bill will pass and, second, it is my hope that the bill that is going to be acted on in the House will contain the provisions of retroactive pay to the State of New York and many other States that are prefinancing in order that they can go ahead with their programs.

Mr. REUSS. Mr. Speaker, while I favor the early enactment of an effective water pollution bill such as S. 2770 which passed the Senate last fall, I am anxious that this program continue while the pending legislation is being considered. I therefore think that an extension of the program as proposed today in H.R. 12741 is sound.

A few days ago, the administration pushed the panic button and circulated in Congress two amendments to the water pollution control legislation now pending in Congress. One of these would emasculate the National Environmental Policy Act. The other would repeal the Refuse Act of 1899 as an antipollution tool.

I oppose both of these amendments of the administration. I urge all environmentally concerned citizens to do so.

I note, too, that the Senate-passed bill does not repeal the Refuse Act, particularly its provisions regarding citizen participation.

This 1899 law, for 2 years now, has been the backbone of the Federal antiwater-pollution program. Under this law, the Government has initiated over 100 enforcement actions against polluters. In many instances, the moving force behind the Government's action has been the citizen. The citizen has provided information that has caused the Government to file a criminal or civil suit against the polluter.

Take, for example, the Armco case. Last December, Attorney General Mitchell announced a suit against Armco Steel Co.'s Sheffield, Tex., plant for violating the 1899 Refuse Act. The Justice Department charged then that the "effluent wastes being deposited in the waters of the Houston ship channel" daily by Armco without a corps permit "are highly toxic and constitute an immediate health hazard to all life—which might come into substantial contact with such waters—and cause irreparable injury to the ecological balance" of the channel and the Gulf of Mexico. The wastes are described as cyanide, phenols, sulfides, chlorides, manganese, and ammonia.

The Justice Department took this action when Mr. Don Berthelsen, a resident of southwest Houston, filed a complaint with the U.S. attorney. Last August, the Houston Post said that Mr. Berthelsen filed the complaint against Armco because "they seemed to be our most gross polluter and their management attitude was most flippant about the problem." At that time, Mr. Berthelsen said he "was fairly proud of the response of the Government." He said it "gives you faith that if you just will make an effort, the thing is likely to work."

We have also seen examples where criminal actions have been filed and the citizen is entitled to one-half the fine. Only yesterday the New York Times reported that the Hudson River Fishermen's Association would receive $25,000 for supplying evidence of pollution by the Anaconda Copper Co. which led to its conviction of violating the Refuse Act.

But the administration's new proposal would effectively repeal the Refuse Act and preclude forever any further citizen participation of this nature.

The Nixon administration has adopted the position of the National Association of Manufacturers, which last September urged the House of Representatives to amend the Refuse Act so as to limit it to consideration of navigation only. This in effect repeals the Refuse Act. Ships can navigate through a sea of crud, but this does not make pollution desirable.

Mr. Nixon would take away an effective and simple tool for citizen participation and substitute a complex and cumbersome law which will result in less effective pollution control. Not even an empty shell would be left of the 1899 law.

The administration has said that citizen participation in the environmental movement is a healthy thing. But here we have a law which enables the citizen to act environmentally and to see the fruits of his efforts and, rather than retain it and urge its use, the administration seeks to repeal it. This law lets the citizen discover polluters and gather evidence against them at little or no cost to him. He does not need a lawyer to file a lawsuit for him. He does not need expert witnesses. He needs only to ferret out the polluter, tell the appropriate U.S. attorney, and wait for him to act civilly or criminally.

The Refuse Act has given the citizen this role. The Federal Water Pollution Control Act has not. Nor will the pending legislation. Oh yes, it will provide for civil suits—a much needed provision—but those cost money. The average citizen who is environmentally concerned cannot afford the costs or time associated with such suits.

I urge that the administration drop its efforts to repeal the Refuse Act. The administration should reject the arguments of the NAM and think of the citizens of this Nation who deplore the condition of our waterways. The Refuse Act and the Federal Water Pollution Control Act have operated successfully in tandem for 2 years. Let them continue to work together for many more years until our waterways once again are of good quality.

I also join in the remarks of my colleague from Michigan, Congressman DINGELL, opposing the administration's proposed amendments to weaken the National Environmental Policy Act and the Fish and Wildlife Coordination Act.

Mr. KEMP. Mr. Speaker, I rise in support of the continuing resolution. Last Monday, January 31, I introduced H.R. 12751, a bill to extend the Federal Water Pollution Control Act until June 30, 1972. This legislation, which was referred to the Committee on Public Works, was cosponsored by my distinguished colleague (Mr. DULSKI).

Since October 31, 1971, the Environmental Protection Agency has been without authorization for important areas of the Federal Water Pollution Control Act. Authority had been extended since the expiration date of June 30, 1971, by Public Law 92-50 and Public Law 92-137.

Last Thursday, February 3, our colleagues in the Senate considered and passed a bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972. This legislation would provide funds to assure the payment of salaries and expenses, $9 million, and

$15 million to meet contract obligations until the end of this fiscal year.

Mr. Speaker, I am delighted that the Senate has acted promptly on this important matter, but I very much regret that they did not include in their bill provisions contained in proposed House legislation which would provide for vital environmental programs.

The bill reported to the House today by the Committee on Public Works would not only accomplish the aims of the Senate-passed legislation, but would also provide an additional authorization of $45 million for the period ending June 30, 1972, for research, investigations, training, and information programs. I am disappointed that we cannot specifically earmark funds at this time for the crash program to help restore the Great Lakes and for reimbursement. However, it is my understanding that the increase to $2 billion in the grant program from $1.3 billion does include moneys for the Great Lakes and particularly Lake Erie.

Mr. Speaker, the costs of not instituting a program to abate pollution on the Great Lakes would incur damages which far exceed the expenses of such a program.

The pollution of the Great Lakes, and particularly Lake Erie, have been an environmental focal point for more than a decade. No other body of water has been given more attention by the media. As early as 1960 the then Secretary of the Interior declared that Lake Erie had the highest priority with respect to cleanup over any other river or lake in the Nation. Numerous elected and appointed officials, as well as most of the leading aquatic scientists in the world, have stated that the rejuvenation of Lake Erie will be the model and incentive for the saving of our Nation's water resources.

To curtail this effort would be a serious blow to the morale of our country as well as a serious blow to Canadian-United States relations. The Canadian federal, provincial, and local governments have kept their pledges made at meetings of the International Joint Commission and other conferences. The percentage of their economy which has been and will continue to be expended on water pollution is more than triple even the most costly of the proposed U.S. plans. Most of the Canadians' efforts as well as the nearly one-half billion dollars of previous abatement efforts by the public and private sector of our economy will be for naught if we do not implement the proposed clean-up program.

It is imperative that we keep in mind two essential facts. First, we have the technology and manpower to abate the pollution. The only factor blocking our path is the lack of funding. Secondly, the actual cost of not abating the pollution or postponing our efforts far exceeds the cost of clean-up. I would like to give some examples of the latter.

The cost of municipal sewage plant construction has more than doubled during the past 5 years. Even with inflation under restraint, it will cost considerably more 2 years from now if we put off construction. At least one of the Lakes—Lake Erie—is on the brink of an ecological cliff. A joint 1970 study by the Governments of Canada and the United States—Project Hypo—has shown that unless the wastes being added to the lake, particularly from cities and towns, is substantially reduced in the next 5 years, Lake Erie may go beyond the point where it can be changed from a liability to an asset. These scientists found that a larger section of the lake bottom was becoming devoid of oxygen for a longer period of time each summer. This was due to the death and decay of algae, whose overpopulation had been caused by municipal wastes. When the oxygen level at bottom reached zero, the nutrients that had accumulated on the bottom for more than a hundred years were released. Swept up into the water, these nutrients induced the growth of more algae. This perpetuated the vicious cycle. Conditions are now being approached that the amount of nutrients released may be sufficient to perpetuate a year-round algae bloom. If this occurs, even if we cease all pollution of the lake, it will remain a festering pot of foul smelling slime.

Under oxygen-less conditions, other undesirable processes occur. Mercury and other heavy metals are released in the water. The mercury that was added to Lake Erie and the Niagara and Detroit Rivers probably would have caused little problem if it were not for the low dissolved oxygen in the bottom of these waters.

Mr. Speaker, the mercury pollution damage to the Lake Erie fishing industry, which was the most profitable of all the Great Lakes for both the United States and Canada, will exceed $60 million. The costs on the sports fishing industry probably will exceed $100 million.

The impact of pollution on recreation should not be ignored, particularly from an economic point of view. Despite the fact that more boats are owned by people residing in the Great Lakes Basin than any other area of the country, the percentage of those people who sail on the Great Lakes is less than 25 percent. Instead, they trailer their boats to other areas, particularly Canada. One survey, conducted by the Great Lakes Laboratory of the State University College at Buffalo, demonstrated that the money spent by Americans who crossed into Canada via three bridges on the Niagara Frontier for summer boating vacations in Canada, far exceeded the amount spent by Americans in Europe during a comparable number of months. When asked why they had not taken a similar vacation on the Great Lakes, the overwhelming reply was that they did not like the pollution.

The closing of beaches along Lakes Michigan, Erie, and Ontario has not only resulted in the loss of revenue for local governments but it has induced further spending for the construction and maintenance of municipal and private pools. Likewise, the closing of motels and other tourist oriented businesses along the Great Lakes in Wisconsin, Michigan, Ohio, Pennsylvania, and New York has dealt serious economic blows to these areas. If the problem is not checked, even more losses can be expected.

It is clearly evident that when all the costs are examined, it is far less expensive to abate pollution of the Great Lakes now, rather than postpone our efforts.

Mr. Speaker, I have received assurances that reimbursement provisions will be in the omnibus bill which will be brought to the floor in March, where I will continue the fight for New York and our Great Lakes at that time.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 12741, the bill to extend the Federal Water Pollution Control Act through next June 30.

The need for this resolution is obvious. Action is long overdue. The House has sought to deal with this matter before, but our earlier action now is outdated.

It is indeed strange how this crisis should arise when we are dealing with a subject which everyone seems to feel is urgent. Yet, we find the program now in such a bind that the Agency does not even have the money needed to pay salaries, let alone act on the hundreds of pending pollution control applications.

In speaking critically, I want to make it very plain that I have no complaint either against this body or, in particular, against the distinguished gentleman from Minnesota (Mr. BLATNIK), chairman, and the members of his Committee on Public Works. All have tried hard to break the deadlock.

The problem, it seems to me, lies with foot-dragging downtown. They claim to want a pollution control program, but they are nit-picking it to death.

OWN BILL WENT FURTHER

A week ago, I cosponsored, with Congressman KEMP of New York, a resolution which is similar in part to the pending bill. My resolution went one step further and authorized payments to States which have prefinanced water pollution control work.

The omission of the reimbursement feature from the pending resolution hits New York State in an extremely tender spot—its treasury. New York already has prefinanced eligible Federal projects to the tune of more than $1 billion.

With no Federal funds in sight, the State has ordered an end to prefinancing until the Federal payments catch up. As a result, the State has put 157 sewer projects on the back burner, including some 29 in my own western end of the State.

This is a deplorable backward step in our all-out effort to deal with water pollution.

INTERNATIONAL ASPECTS

What is more, it has international implications since it means the United States is going to move even slower in dealing with pollution on the Great Lakes and the connecting channels.

Our colleague from Minnesota (Mr. BLATNIK) is fully aware of the situation as it applies to the Great Lakes since he is chairman of the Conference of Great Lakes Congressmen.

Mr. Speaker, I support the pending resolution as a step in the right direction. I am quite aware that the Committee on Public Works has ordered reported a basic pollution control bill and floor action is expected to be scheduled by mid-March.

I regret very much the stumbling blocks that have been put in the way of final action on the basic legislation. I am even more distressed, if that is possible, by the difficulties we have encountered in trying, at least, to keep the old program in force until the new one is enacted.

Mr. Speaker, I urge full support of the pending bill.

Mr. Speaker, as part of my remarks I include a pertinent recent editorial from the Buffalo (N.Y.) Evening News:

FEDERAL SEWAGE AID IS VITAL

A memorandum from the State Department of Environmental Conservation, laying down tougher guidelines for new building developments that would add to existing water pollution in Erie County, underscores the severity of the sewage treatment problems now facing the county.

The state agency stops short of requiring or encouraging a countywide moratorium on construction. But that could obviously come to pass if sewage overloading and stream pollution in the county continue to worsen. In that event, the adverse economic as well as environmental consequences for the county would be obvious.

Although some communities, as the state agency notes, are well along in planning new sewage facilities, too many others have been dragging their feet. Hence, the new state memorandum makes it more vital than ever that this county and all localities do everything possible to accelerate measures aimed at abating stream pollution.

However, the most pressing need of the moment is for Congress to appropriate adequate funds to finance the federal share of water pollution control projects. It was the inexcusable failure of Congress to deliver on promised federal aid that largely caused the state to suspend plans for 157 sewer projects, including 29 in Western New York. The U.S. already owes New York State more than $1 billion which the state prefinanced as the federal share for pollution-abatement projects.

Because of the resulting breakdown of the state's pure waters program, the immediate outlook for stepping up the attack on water pollution in Erie County, as elsewhere, is discouraging indeed. This, in turn, has grave international implications since the United States has pledged a joint cleanup of boundary waters with Canada.

Our representatives in Congress thus have a clear and urgent incentive to press for the fastest action to provide the needed pollution-abatement funds.

Mr. Speaker, I urge full support of the pending bill.

Mr. KEE. Mr. Speaker, I rise in support of H.R. 12741, the extension of the Federal Water Pollution Control Act. The Public Works Committee will shortly bring to the floor H.R. 11846, probably the most important environmental legislation ever to be considered by the Congress. This will be a $27 billion program to combat water pollution and to make our waters safe for the American people.

In the meantime, however, the existing program has expired. H.R. 12741 will extend the water pollution control program to June 30, 1972, and permit the Congress to continue its careful and diligent work on H.R. 11846 which will follow shortly.

Passage of H.R. 12741 would permit EPA to carry on its research, training, and information programs. At the same time, the States will be able to continue their own planning programs without undue delay. Furthermore, EPA will be able to move forward with the waste treatment construction program.

I urge the passage of H.R. 12741.

Mr. CONTE. Mr. Speaker, I support H.R. 12741 which would extend provisions of the Federal Water Pollution Control Act through June 30 of this year. We are all aware that new water pollution control legislation has been passed by the Senate and that the House Committee on Public Works has reported out its own bill.

Because of the many sweeping changes in Federal policy such legislation would effectuate and because of the many uncertainties that have been raised in the minds of the public about these new proposals, it is unlikely that final legislative action on them will occur in the immediate future. Hence the need to insure the interim continuation of the present program.

Few would argue with the necessity of further support for the waste treatment facilities construction program authorized under this legislation. Authority to meet existing contract obligations and for the payment of salaries and expenses is likewise required.

To continue the fight to reclaim and preserve the purity of our Nation's waterways, I urge adoption of this legislation.

Thank you, Mr. Speaker.

Mr. GROVER. Mr. Speaker, I have no further requests for time.

Mr. JONES of Alabama. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. JONES) that the House suspend the rules and pass the bill H.R. 12741.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 340, nays 7, not voting 84, as follows:

[Roll No. 30]

YEAS—340

Abbitt
Abourezk
Abzug
Addabbo
Anderson, Calif.
Andrews
Annunzio
Archer
Arends
Aspin
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—7

Abernethy
Flynt
Gross
Haley
Hall
Rarick
Schmitz

NOT VOTING—84

Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Badillo
Baker
Bell
Betts
Biaggi
Blanton
Blatnik
Bow
Brinkley
Brotzman
Brown, Mich.
Byrnes, Wis.
Cabell
Carter
Chisholm
Clay
Collins, Ill.
Corman
Crane
Davis, Wis.
Dellums
Diggs
Dowdy
Downing
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Evins, Tenn.
Forsythe
Garmatz
Gibbons
Hansen, Wash.
Harsha
Hawkins
Hébert
Heckler, Mass.
Helstoski
Kluczynski
Kuykendall
Landgrebe
Landrum
Lennon
McCloskey
McCulloch
McDonald, Mich.
Macdonald, Mass.
Mailliard
Melcher
Miller, Calif.

Mills, Md.
Moss
O'Konski
Patman
Pelly
Pepper
Poage
Pryor, Ark.
Quie
Railsback
Reid
Robison, N.Y.
Rooney, N.Y.
Roy
Ruppe
Sisk
Smith, Calif.
Spence
Stanton, J. William
Stephens
Stubblefield
Thompson, N.J.
Ullman
Widnall
Wyatt
Zwach

So—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Harsha.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Stubblefield with Mr. O'Konski.

Mr. Blanton with Mr. Forsythe.

Mr. Aspinall with Mr. Bow.

Mr. Cabell with Mr. Ashbrook.

Mr. Evans of Colorado with Mr. Bell.

Mr. Pryor of Arkansas with Mr. Davis of Wisconsin.

Mr. Helstoski with Mr. Mailliard.

Mr. Ashley with Mr. Badillo.

Mr. Alexander with Mr. Mills of Maryland.

Mr. Blatnik with Mr. Brown of Michigan.

Mr. Lennon with Mr. Crane.

Mr. Anderson of Tennessee with Mr. Kuykendall.

Mr. Dellums with Mr. Eckhardt.

Mr. Roy with Mr. Clay.

Mrs. Chisholm with Mr. Corman.

Mrs. Hansen of Washington with Mr. McDonald of Michigan.

Mr. Gibbons with Mr. Landgrebe.

Mr. Hawkins with Mr. Biaggi.

Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.

Mr. Kluczynski with Mr. Carter.

Mr. Hébert with Mr. Railsback.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Melcher with Mr. McCloskey.

Mr. Edmondson with Mr. Quie.

Mr. Downing with Mr. Pelly.

Mr. Brinkley with Mr. Ruppe.

Mr. Adams with Mr. J. William Stanton.

Mr. Sisk with Mr. Smith of California.

Mr. Stephens with Mr. Baker.

Mr. Ullman with Mr. Anderson of Illinois.

Mr. Miller of California with Mr. Betts.

Mr. Moss with Mr. Brotzman.

Mr. Evins of Tennessee with Mr. Zwach.

Mr. Collins of Illinois with Mr. Pepper.

Mr. Patman with Mr. Landrum.

Mr. Dowdy with Mr. Spence.

Mr. Diggs with Mr. Reid.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is further amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $9,000,000 for the period commencing November 1, 1971, and ending June 30, 1972, for the purpose of salaries and related expenses incurred during that period under this section, in addition to funds made available under Public Law 92–50 and Public Law 92–137."

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by striking "and for the four month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000."

AMENDMENT OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Alabama: Strike out all after the enacting clause of S. 3122 and insert in lieu thereof the provisions of H.R. 12741, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read:

To extend the Federal Water Pollution Control Act through June 30, 1972.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12741) was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill H.R. 12741, previously considered.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

RESIGNATION FROM COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following resignation from the Committee on Government Operations:

WASHINGTON, D.C.,
February 7, 1972.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Please accept my resignation from the House Government Operations Committee effective this date.

Sincerely,

WALTER E. POWELL,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted. There was no objection.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 806) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 806

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Agriculture: LeMar Baker of Tennessee;

Committee on Armed Services: Walter E. Powell of Ohio;

Committee on Government Operations: Richard W. Mallary of Vermont.

Committee on Post Office and Civil Service: Richard W. Mallary of Vermont.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO DESIGNATE FEBRUARY 20 A NATIONAL DAY OF PRAYER FOR THE CAUSE OF WORLD PEACE

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ARENDS. Mr. Speaker, I am introducing in the House a companion resolution to that being introduced today in the Senate by ROBERT DOLE, of Kansas, asking that Sunday, February 20, be designated a national day of prayer for the cause of world peace.

In 1969, this Nation sent three men on a journey to the moon. Their vehicle bore the inscription, "We come in peace for all mankind."

On Monday, February 21, one man—the President of the United States—will begin a journey as historical and as hopeful as the first moon landing. He also goes in peace for all mankind.

I know that we all support the purposes for which he embarks on this long and arduous journey. I know that we are united in our hopes for his success. I know that we all wish him Godspeed.

But if this effort is to be crowned with success, it must find favor in the eyes of God. So as we unite in hope, let us unite as a people in prayer.

A national day of prayer will enable us, as one people, to reaffirm our faith—"In God We Trust"—and our determination to achieve peace in the world.

H. CON. RES. 524

Whereas the American people share with all the peoples in the world an earnest desire for peace and the relaxation of tensions among nations; and

Whereas it is the policy of the United States to engage in negotiations rather than confrontations with other nations; and

Whereas on February 21, 1972, the President of the United States will begin an historic visit in the Peoples Republic of China to confer with that nation's leaders with the purpose of seeking more normal relations between the two countries and exchanging views on questions of mutual concern; and

Whereas the people of the United States hold the highest and most fervent hopes for the success of the President's mission;

Now, therefore be it

Resolved, That it is the sense of Congress

(1) That Monday, February 21, 1972, be commemorated as a day of united support for the President's efforts in pursuit of the relaxation of international tensions and an enduring and just peace;

(2) That the leaders of all nations and men of good will throughout the world be urged to devote all possible efforts to promote the cause of peace and international harmony as set forth in the preamble to the Charter of the United Nations;

(3) That the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace; and

(4) That copies of this resolution be sent

to the Governors of the several States and be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

INSENSITIVITY OF ADMINISTRATION TOWARD VETERANS' HOSPITALS

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, the insensitivity of the administration toward the need for veterans' cemeteries was demonstrated last Tuesday when the land surrounding the earthquake-destroyed San Fernando Veterans' Hospital was given to Los Angeles County for use as a park.

Veterans have been making a concerted effort to try and get this property dedicated as a national cemetery without success. Many of us have introduced bills proposing a national cemetery somewhere in Los Angeles County—an area with probably more veterans concentrated within a few miles than anywhere else in the Nation.

The special ceremonies were attended by White House aide Robert H. Finch, and the administration's lack of knowledge of the cemetery situation was displayed when he was accosted by one veteran with the statement that:

> Veterans who die in this state are being shipped to New Mexico and Oregon.

Mr. Finch replied:

> They don't have to go to New Mexico or anywhere else. They've got Sawtelle.

Sawtelle, Mr. Speaker, is part of the VA Hospital Center. The cemetery is very nearly filled and is available only to those who pass away while housed in the domiciliary facilities. It is not part of the national cemetery system. Burial space for veterans has not been available for nearly 4 years.

I ask unanimous consent to include with my remarks the article from the Los Angeles Times of Wednesday, February 2, 1972, describing the ceremony.

VA Hospital Land Given to County—Veterans Demand Site for Cemetery But Acreage Will Be a Park

(By Roy Haynes)

The earthquake-damaged San Fernando Veterans Hospital property was turned over to Los Angeles County Tuesday to be used as a park despite protests of veterans.

The special ceremonies were attended by Robert H. Finch, presidential aide.

The action was part of President Nixon's year-old program to relinquish control of land no longer needed by the federal government and give it to state and local governments for recreational use.

The 92 acres of grounds surrounding the former convalescent facility already had been made into a park for the use of the veteran patients.

After the earthquake last year the buildings were condemned and the federal government decided the location was not suitable for rebuilding the hospital.

Veteran groups have urged that the property be used for a cemetery but residents of the Sylmar area have requested it be made into a park.

Finch told about 50 persons attending the ceremony that the federal government now controls one-third of the nation's land and one-half of the land in the West.

Whenever possible, he said, the President would like to work out agreements with local governments whereby some of this property can be returned to the people.

"Public recreation is a very high priority indeed," he said.

As he started to speak, four women, wearing the hats of a veterans auxiliary group, held up signs which read "We need cemeteries, not parks."

One protester, who identified himself as John Sutorius, said 25,000 veterans had signed petitions requesting that a cemetery be built and accused Finch of ignoring their needs so he could play politics.

"Veterans who die in this state are being shipped to New Mexico and Oregon," Sutorius yelled at Finch as he stepped down from the bandstand.

"They don't have to go to New Mexico or anywhere else. They've got Sawtelle," Finch told him. He added there is presently a $1 million appropriation pending in Congress for the expansion of the West Los Angeles cemetery.

Supervisor Warren Dorn in accepting the certificate of transfer from Finch said any time the federal government decided to build a cemetery on the site the county would be happy to return the deed to the federal government free.

City Councilman Louis R. Nowell joined in the protest with a press release from his office Tuesday afternoon stating, "They refuse to make any consideration by a large group of veterans seeking a cemetery which is so vitally needed.

"The federal government apparently cares not about these veterans, instead they want to make the property into a park."

SHAPE UP OR SHIP OUT

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, on February 5, 1972, the Toledo Blade carried an editorial entitled "Shape Up or Ship Out" which I am sure will be of interest to all the Members. For this reason, I ask that it be inserted at this point in the Record. The editorial follows:

Shape Up or Ship Out

Few labor disputes have resisted civilized settlement in the United States as have those between the dock workers and ship owners, especially on the west coast. It may be in the nature and roughness of the work and the men it attracts to the union hiring halls along these coastal ports. In any event, it is necessary labor affecting hundreds of thousands of other workers for good or ill depending upon the reliability of those who move the mountains of cargo to and from our shores.

The renewed strike by west coast longshoremen when they had gained all but the most technical of contract concessions would, we believe, cause many a union man elsewhere in the country to throw up his hands in impatience. Their 100-day strike last summer before Taft-Hartley was invoked lost jobs for thousands and millions of dollars to farmers and businesses with no direct ties to the dock workers.

This is not to say that a tie-up of import-export commerce is paralyzing the whole economy, as other presidents from Mr. Truman through Mr. Johnson have implied and President Nixon has repeated while invoking the national emergency provisions of the Taft-Hartley Act. Few would dispute, however, that these incessant work stoppages that have become chronic practice on the docks have inflicted costly losses and created endless uncertainties for our trading partners as well.

The Government's traditional position is that it should not tamper with the freedom of collective bargaining between labor and management. But that process has broken down (if it ever prevailed) on the docks. In the past 12 years, longshoremen have averaged 20 strikes annually; they have made a sham of collective bargaining and the country has been punished beyond all reasonableness.

The AFL–CIO and other organized labor groups have pledged to fight President Nixon's renewed strike bills and any other legislative proposals to curb strikes because they see the potential for arbitrary settlement extending to their contract negotiations. But what the country is confronted with is gross irresponsibility by a strategically located organized work force that imposes its will with crippling impact.

When the President, his executive powers exhausted, told Congress that the dock strike has "thrust a spike into our progress toward economic recovery," he was not indulging in political rhetoric. A law to force settlement when all voluntary procedures have failed finally is mandatory, no matter what the reluctance to intervene legally. Work on the docks attracts a special breed of public-be-damned attitudes. The only remedy is to answer it with legal means and the backbone to invoke it. That puts it squarely up to Congress for a test of its own backbone.

SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, our House District Committee will open hearings on self-government for the District of Columbia tomorrow—appropriately, in February, a month we associate closely with Lincoln the emancipator.

It is also appropriate that in this month a measure providing full voting representation in Congress to the citizens of the city has also been reported by the House Judiciary Committee.

These steps in a month that means freedom to so many, are appropriate because, although we seldom speak of it, the basic question underlying discussions of self-government and voting representation in recent years has been racial. The unspoken question has been—and continues to be—whether a Nation with a white majority will have the grace and the fairness to grant these rights to its Capital City when that city has a black majority.

Of course, there are other questions too. One is: Under self-government, how do we arrange for and assure continued Federal financial support for the city, whose economic integrity has been undermined by the tax-free status of its unique concentration of Federal, foreign and other related properties? Another is: Under self-government, how do we assure that local regulations and policies will not impede the work of the Federal Government here?

Unfortunately, we find some in Congress who would worsen these two problems in their eagerness not to face the basic issue. They, in a parody of self-government, would submerge the city's black majority in the State of Maryland and, in effect, eliminate the District of Columbia.

But neither financial support nor protection of the Federal Government's legitimate needs are insurmountable problems for those of us with the basic resolve to enfranchise this city, whether its majority is white or black.

And neither of these additional problems attach to voting representation in Congress.

Therefore as a supporter of both voting representation in Congress and greater self-government here, I hope that this Nation and this Congress will again be stirred by the principles of democracy that are the strength of this Nation.

A Congress that has preached democracy to others—throughout this Nation and throughout the world—will be remiss if it cannot find the will to practice democracy in its own backyard, the District of Columbia.

INTERNATIONAL PIRACY—THE WAVE OF THE FUTURE?

(Mr. **ANDERSON** of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ANDERSON** of California. Mr. Speaker, the bureaucratic bumbling by the State Department has seriously jeopardized the traditional right of freedom of the seas.

Dating back to our birth as a Nation, we recognized the international law which allows a country to claim jurisdiction over only that part of the sea which extends 3 miles from shore; later this was extended to 12 miles from shore.

In recent years, Ecuador has violated this law by claiming jurisdiction over the sea extending 200 miles from her shores. This has led to the repeated illegal seizure of our fishing vessels which have ventured into the 200-mile zone. Due to Ecuador's success in collecting ransom, and due to the State Department's inaction, other nations have extended their sovereignty to 200 miles offshore.

What has the State Department done to prevent this? What has the State Department done to keep the seas open? What has the State Department done to protect our vessels which are fishing on the high seas?

By doing nothing, the State Department has encouraged Ecuadorian piracy to prosper, and has encouraged other nations to become pirates.

After a meeting with Ecuadorian officials, the State Department bureaucrats stated that they may recommend that U.S. fisherman bow to piracy and, instead of having their vessels illegally seized, pay tribute to Ecuador for the right to fish on the high seas.

The results of this State Department blundering are twofold.

First, our fishermen have stopped looking to the U.S. Government to protect the freedom of the seas, and have begun to purchase licenses to fish in international waters.

Second, other nations have taken note of the State Department's position and have, themselves, established jurisdiction over 200 miles offshore.

The effects of the State Department's policy of sanctioning piracy may have repercussions affecting not only the fishing industry, but the entire U.S. maritime industry.

If Colombia establishes a 200-mile limit, then our entry into the Panama Canal would be subject to the demands of Colombia.

If Cuba established a 200-mile limit, our vessels in south Florida may not be allowed to venture out of port without a license purchased from the Castro regime.

Next year, when the nations of the world meet at the International Law of the Sea Conference, our official position will undoubtedly endorse the establishment of the 12-mile limit for nations bordering on the ocean.

But, Mr. Speaker, other nations are not dumb. They have heard our officials say, "Watch what we do, not what we say."

They have followed this advice and watched what we have done. When they meet with us in 1973 to settle the 200-mile controversy, they will remember that while we protest loudly, our actions have been nonexistent.

The nations of the world know that we speak loudly, but do not even carry a twig when it comes to protecting the traditional right of freedom of the sea.

PRISONER WORK-RELEASE PROGRAMS

(Mr. **FREY** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **FREY**. Mr. Speaker, many of us, I am sure, are familiar with the debate in criminal law concerning the dominant purpose or purposes of punishment. The classic confrontation, of course, has been the "recriminatory school" on the one hand, and the "rehabilitation school" on the other.

Nowhere has this debate been more reflected than in the operation of the prisoner work-release programs. The Congress has on one hand authorized the creation of a Federal work-release program to rehabilitate Federal prisoners; and, on the other prohibited the employment of work releases on Federal contracts under Walsh-Healey "convict labor clauses."

The Federal work-release program which was enacted by the Congress in 1965 permits the Attorney General to allow a Federal prisoner "whom there is reasonable cause to believe will honor his trust" to "work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner" provided that "representatives of the local unions are consulted;" "such paid employment will not result in the displacement of employed workers or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for service;" and "the rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality." (18 U.S.C. 4082(a)(2).)

Many States have enacted similar prisoner work-release programs.

However, the standard Walsh-Healey "convict labor clause" included in most Federal contracts prohibits the use of either Federal or State convict labor on such contracts. Specifically, the Walsh-Healey Act prohibits the use of convict labor to be "employed by the contractor in the manufacturing or production or furnishing of any of the materials, supplies, articles, or equipment" included in any contract exceeding $10,000. (41 U.S.C. 35.)

Other Federal statutes prohibit the use of convict labor on projects for airport development (49 U.S.C. 1722), equipment or supply contracts with the Postal Service (39 U.S.C. 2201), highway construction projects (23 U.S.C. 114), and naval vessel construction projects (10 U.S.C. 7299). In addition, no Federal agency, department, et cetera, may "place any order for material, supplies, equipment, work, or services to be furnished or performed by convict labor." (31 U.S.C. 686B.)

Furthermore, a section of the criminal code makes it a criminal offense for "an officer, employee, or agent of the United States or any department or agency to contract with any person or corporation, or to permit any warden, agent, or official of any penal or correctional institution to hire out the labor of any prisoner confined for the violation of any laws of the United States."

Since many of the potential employment opportunities for work releasees are on federally funded projects, these various laws prohibiting the use of either Federal or State prisoners on Federal contracts has seriously affected both Federal and State work-release programs. Moreover, how can the Federal Government expect private employers not on Federal contracts to employ work releasees, when they refuse to do so?

Some individual agencies have recognized this incongruity and have interpreted the "convict labor clause" as not being applicable to Federal or State prisoners on work release; that is, the Department of Labor and the Federal Highway Administration.

However, each Federal agency has acted independently in interpreting the "convict labor clause" as it relates to the hiring of work releasees on projects they fund.

In order for the work-release program to function effectively, therefore, both Federal and State prisoners should be exempted from "convict labor clauses." The legislation I am introducing today will accomplish that purpose and also abolish the criminal penalty for entering into convict labor contracts involving prisoner work-release program.

With substantially increased employment opportunities available, many highly motivated, qualified, trusted prisoners will be given the opportunity to develop new skills and accrue savings that will make their later adjustment to society upon release considerably easier and less costly to society.

I invite my colleagues to cosponsor this legislation which I will reintroduce at a later date. The text of the bill follows:

H.R. 12955

A bill to clarify the intent of Congress to exclude prisoners in work release programs from the provisions of Federal law forbidding the use of convict labor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no law of the United States forbidding the use of convict labor by any agency or entity of the United States or under any contract made with such agency or entity shall be construed to prevent the employment of Federal prisoners under section 408(c)(2) of title 18, United States Code (respecting work release of Federal prisoners), or of State prisoners participating in generally similar work release programs, and no officer, employee or agent of the United States shall be penalized under section 436 of title 18, United States Code (respecting convict labor contracts), on the grounds that such employment is the labor of any prisoners under such section.

LEGISLATION PROPOSED TO STRENGTHEN BATTLE AGAINST LEAD POISONING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced legislation to prevent further cases of death and crippling from lead-releasing ceramic dishes and pottery commonly used across the country. I am pleased to announce that Senator RICHARD SCHWEIKER, the ranking minority member of the Senate Health Subcommittee, is introducing an identical measure in the other body.

Mr. Speaker, as NBC's Chronolog program pointed out recently, lead poisoning is no longer exclusively a ghetto problem—something the average citizen need not worry about.

Lead is present in many forms throughout our environment. Our air is contaminated by lead from antiknock additives in gasoline. Our food is grown in soil which contains lead. Our homes are covered in many instances with highly toxic lead-based paint. But a more subtle source of lead poisoning has remained anonymous to the American public despite its tragic effects. Ceramic dinnerware, if not properly manufactured, can prove to be a deadly purveyor of lead poisoning.

A number of fatalities and cases of mental retardation have been directly attributed to ingestion of foods from dinnerware containing lead. A child in the Rochester, N.Y. area of my district, suffered serious illness from a lead-releasing pitcher in which fruit juice he drank every morning for 3 months had been stored. The Food and Drug Administration has said it knows of at least five deaths caused by lead-leaching—releasing—pottery, including the death of a 17-month-old infant in Philadelphia.

The hazard arises from the glaze used to seal the surface and enhance the esthetic beauty of dishes. Some glazes contain heavy metals, including lead and cadmium. If the glaze is not properly applied or fired, lead and cadmium can be released when attacked by mild acids in many foods and beverages, such as fruit juices, milk, salad dressings, soft drinks, or coffee, which are stored or served over an extended period of time in such dinnerware.

Lead is particularly dangerous because it is a cumulative poison. Small doses of lead can be excreted from the body, but larger doses are stored in the body and can lead to chronic lead poisoning.

Another complication is that the early symptoms of lead poisoning are vague—irritability, loss of appetite, abdominal pain, and lethargy are common signs. But these symptoms often go undiagnosed at the same time the disease is progressing rapidly. Because their tolerance level is lower, young children are especially susceptible to lead poisoning. Lead attacks their brain cells, causing them to swell. If not treated in time, the result is permanent mental retardation or death.

Mr. Speaker, the dangers of lead in dinnerware were brought to my attention by a vigorous community committee on lead poisoning in the Rochester, N.Y., area, composed of representatives of the Consumer Association of New York, the Monroe County Health Department, and the University of Rochester. Our study revealed that current law does not sufficiently safeguard the public from lead in pottery.

The Food and Drug Administration currently tests imports of dinnerware and since 1970 has detained more than 500 shipments. However, FDA does not have specific statutory authority to regulate the amount of lead contained in U.S.-produced ceramic dinnerware. FDA now relies mainly on tests of dinnerware already on the market and available to consumers.

The bill I have introduced today will attack the problem of lead in dinnerware in several ways:

First, it will prohibit the manufacturer or importation of dinnerware which releases lead exceeding the current FDA lead guideline of seven parts per million—PPM. Manufacturers would have 120 days to transform their production techniques to comply with the 7 ppm level. Any dinnerware produced before the deadline but sold after the 120 days must bear a permanent, conspicuous warning label.

Second, the bill calls for a restudy of the current 7 p.p.m. guideline to insure that it is as low as it should be. Many toxicologists view 7 p.p.m. as too high and FDA itself has stated that 7 p.p.m. is being used only on an interim basis. The Swedish Government has already lowered the permissible level to 3 p.p.m.

Third, the bill will require that each article of dinnerware bear a label showing the name and place of business of the manufacturer and importer, enabling the origin of all dinnerware to be easily traced.

Fourth, the bill sets similar requirements for cadmium, an even more toxic metal than lead. Manufacturers and importers would be required to adhere to a cadmium-releasing level of 0.5 p.p.m.

Fifth, the bill calls for an extensive educational program by FDA to alert consumers to the hazards involved with dinnerware.

Mr. Speaker, the steps I have outlined will insure the safety of all dinnerware offered for sale to the American public in the future. However, there are precautions that should be taken with dishes already in the home. Since there is no way other than laboratory testing to determine the safety of dinnerware, consumers should not store acidic foods or beverages in ceramic containers for prolonged periods of time, even overnight. If in doubt, housewives should use plastic or glass substitutes.

Mr. Speaker, I am extremely pleased that Congressman BILL RYAN, who has led our fight against lead poisoning caused by house paint, has asked to be the first House cosponsor of my bill. With his crucial support and that of Senator SCHWEIKER, who will be the prime sponsor of this bill in the Senate, I am hopeful that we will see action on this legislation prior to adjournment.

At this point, Mr. Speaker, I would like to include the complete text of the bill I have introduced:

H.R. 12958

A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

SECTION 1. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding after section 409 (21 U.S.C. 348) the following new section:

"REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

"SEC. 410. (a) The Secretary shall establish the maximum quantity of lead and the maximum quantity of cadmium (and the manner of testing therefor) which may be released from dinnerware, and he shall publish such quantities and test procedures in the Federal Register within 180 days after the effective date of this section. Such maximum quantities shall be based on the best available scientific data and shall insure the safety of the public by reducing its exposure to lead and cadmium. The maximum quantities of lead and cadmium (and the manner of testing therefor), established by the Secretary under this subsection shall take effect on the 90th day after publication thereof in the Federal Register.

"(b) Until such maximum quantities of lead and cadmium (and the manner of testing therefor) take effect under subsection (a), the interim maximum quantities and manner of testing therefor shall be:

"(1) An article of dinnerware, upon being subjected to the test described in paragraph (2), may release a maximum of 7 parts per million of lead and a maximum of .5 parts per million of cadmium, calculated in the manner described in paragraph (2)(C).

"(2) Dinnerware shall be tested for release of lead or cadmium in the following manner:

"(A) The dinnerware shall be washed with a dilute alkaline detergent solution and rinsed with distilled water.

"(B) After being washed and rinsed, the dinnerware shall be filled to capacity with a 4 percent solution of acetic acid having a temperature of 68 degrees Fahrenheit and allowed to stand for a period of 18 hours at a temperature of 68 degrees Fahrenheit.

"(C) After the expiration of the 18 hour period referred to in subparagraph (B), the quantity of lead or cadmium present in the solution shall be determined by atomic absorption technique and expressed as the quantity of metallic lead or cadmium present in the total volume of the solution in terms of parts per million.

"(c) The Secretary may amend such maximum quantities (and the manner of testing therefor) where necessary or appropriate for the safety of the public. Such amendments shall take effect on the 90th day after publication thereof in the Federal Register.

"(d) The manufacturer (or importer) shall affix to each article of dinnerware he manufactures (or imports) a label, in accordance with regulations established by the Secretary, which shows the name and principal place of business of the manufacturer, or, if it is manufactured outside of the United States, the name and principal place of business of the manufacturer and of the importer."

CONFORMING AMENDMENTS

SEC. 2. (a) Section 201 of such Act (relating to definitions) (21 U.S.C. 321) is amended by adding after paragraph (x) the following:

"(y) The term 'dinnerware' means any dishware, composed in whole or in part of glazed ceramics or enamels, which is for use or which may be used in storing, preparing, or serving any food, or beverage"

(b) Section 301 of such Act (relating to prohibited Acts) (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The introduction or delivery for introduction into interstate commerce by the manufacturer (or importer) in the course of his business of any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d)."

(c) Paragraph (1) of section 304(a) of such Act (relating to seizure) (21 U.S.C. 334(a)) is amended by inserting after "cosmetic that is adulterated or misbranded" the following: ", or any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d),".

(d) Section 703 of such Act (relating to records of interstate shipment) (21 U.S.C. 373) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware", and by striking out "or cosmetic" each place where it occurs, and inserting in lieu thereof "cosmetic, or dinnerware".

(e) Clause (1) of the first sentence of section 704(a) of such Act (relating to inspection) (21 U.S.C. 374(a)) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware".

(f) The first sentence of section 704(b) of such Act (relating to written reports of inspection to owners) (21 U.S.C. 374(b)) is amended by inserting after "indicate that" "any dinnerware in such establishment releases lead or cadmium in excess of the quantities permitted under section 410 or is not labeled in accordance with the requirements of section 410(d), or that".

(g) Section 705(b) of such Act (relating to publicity) (21 U.S.C. 375(b)) is amended by striking out "or cosmetics" after "food, drugs, devices," and inserting in lieu thereof "cosmetics, or dinnerware".

(h) The first sentence of section 801(a) of such Act (relating to samples of imports) (21 U.S.C. 381(a)) is amended by striking out "and cosmetics" after "samples of food, drugs, devices," and inserting in lieu thereof "cosmetics, and dinnerware".

(i) Clause (3) of the third sentence (relating to refusal of admission of imports) of section 801(a) of such Act (21 U.S.C. 381(a)) is amended to read as follows: "(3) such article is adulterated, misbranded, in violation of section 505 of this Act, releases lead or cadmium in excess of the quantities permitted under section 410, or is not labeled in accordance with the requirements of section 410(d),".

(j) The second sentence of section 801(b) of such Act (relating to disposition of refused articles) (21 U.S.C. 381(b)) is amended by striking out "or cosmetic," after "other than a food, drug, device," and inserting in lieu thereof "cosmetic, or article of dinnerware,".

EFFECTIVE DATE

SEC. 3. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 201(y) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of this Act), and the amendments of the Federal Food, Drug, and Cosmetic Act made by sections 2(d) through 2(j) of this Act shall take effect on the date of the enactment of this Act.

(b) In the case of dinnerware manufactured or imported on or after the 120th day after the date of the enactment of this Act, section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the 120th day after the date of the enactment of this Act.

(c) In the case of dinnerware manufactured or imported before the 120th day after the date of the enactment of this Act, and introduced or delivered for introduction into interstate commerce on or after the 120th day after the date of the enactment of this Act, which releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the 120th day after the date of the enactment of this Act, unless each article of such dinnerware—

(1) bears a permanent, conspicuous, and easily legible warning label,

(2) such label states that the article releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), and

(3) such label lists the uses of such article to avoid so as to prevent the release of lead or cadmium into food or beverages.

If such dinnerware is labeled in accordance with paragraphs (1) through (3), then such sections shall not take effect with regard to such dinnerware.

EDUCATIONAL PROGRAM

SEC. 4. The Food and Drug Administration shall undertake a significant educational program to alert the public to the dangers of lead and cadmium released from dinnerware, and to inform them of the provisions of this Act.

Mr. RYAN. Mr. Speaker, I want to take this opportunity to commend our esteemed colleague from New York (Mr. HORTON) for his contribution to the fight to eradicate the menace of childhood lead poisoning. I support his legislation regulating the use of lead in dishes.

Each year thousands of small children throughout the Nation fall victim to lead-based-paint poisoning. Their affliction is marked by mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavioral disorders, kidney diseases, and even death. The actual number of children poisoned is unknown, for there are still far too few screening programs to identify and treat those afflicted with this deadly disease. But even so, the Department of Health, Education, and Welfare has estimated that some 400,000 children between the ages of 1 and 6 fall victim to childhood lead poisoning each year.

The prime cause of this dread illness is the ingestion of lead-tainted paint and plaster chips which have fallen from the walls and ceilings of dilapidated dwellings. But although lead-based paint is the main cause of lead poisoning, it is not the sole one.

Another—all too often overlooked—source is the lead-containing glaze used to seal the surface and enhance the beauty of ceramic dishware. If this glaze is not fired at sufficiently high temperatures, the lead therein can be released when placed in contact with acidic foods and beverages. Just last month some 100,000 soup bowls distributed across the Nation as part of a sales promotion campaign by the Campbell Soup Co. were found to present a significant lead poisoning hazard.

The striking fact is that this disease—regardless of its source—is totally preventable. We know how to identify it; we know how to treat it; we know how to avert its recurrence. All that is needed is the will to do so. Congressman HORTON is to be commended for his concern with the health of our children and his efforts to alert the public to this danger. The bill, which he has introduced today and which I am pleased to cosponsor, should help by regulating the use of lead and cadmium in dinnerware.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD in connection with the special order I have today at the conclusion of legislative business.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation. American ingenuity has provided the world with a number of time-saving inventions. The invention of the commercial adding machine is credited to American William Burroughs in 1885.

THE FEDERAL PAROLE BOARD

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the structure and procedures of the Federal Parole Board in the United States today are shrouded in confusion and secrecy. The Board's methods are unpublished, its discretionary power is unchecked and unstructured, its decisions are absolute and unreviewed, and its effectiveness has never been thoroughly evaluated.

In 1945, the Central Parole Board, composed of eight members, was made an independent agency in the Department of Justice. It is both an administrative and policymaking body having jurisdiction over all persons convicted of committing a Federal crime.

This body, with a small group of examiners, is called upon to make some 20,000 decisions on parole applications annually. In addition, it issues warrants for parole violators, administers parole for deportation, conducts revocation hearings, and issues rules and regulations for the supervision, discharge from supervision, or recommitment of parole prisoners. Only five members can concentrate on adult cases, since three members of the Board are assigned to juvenile criminals under the Federal Youth Corrections Act.

The avowed purpose of the Parole Board is rehabilitation. The Board is intended to give the Government an opportunity to take into account the changed attitudes and behavior of a prisoner during the course of his incarceration. Unfortunately, the Parole Board turns out to be merely an omnipotent disciplinary force which takes upon itself the right to define good and evil.

It seems reasonable that, given its awesome power, the Parole Board should clearly state what standards of behavior are expected of prisoners, and the basis for granting or denying parole.

No such written procedural guidelines exist. The only published records indicate that decisions are made in such a manner as to, "one, protect the public; two, conform to the law; and three, provide fair treatment to the offenders."

With these guidelines in mind, Mr. Speaker, why is it that those who are paroled earliest are those guilty of "crimes of force," including assault, kidnaping, and robbery? The average inmate in this category, according to the latest figures, served only 33.8 percent of his sentence—less than any other Federal offender. Those in jail because they refused to take part in the Vietnam war served the highest percentage of their sentences.

The main reason for the Board's failure to publish guidelines, and for its insistence that it has no general policies, seems to be self-protection. With no rules, the Board cannot be accused of violating any, and the absence of written procedures provides an effective defense against accusations of bias or malice. This convenient lack of written regulations also enables the Board to decide cases in a completely arbitrary manner.

During the actual parole hearings no brief is permitted to be presented by either the prisoner or the institution. Only the prisoner's files, which in many cases are inconsistent or inaccurate, are reviewed. In addition, no legal counsel may advise or represent the prisoner.

When a decision is reached by the Board members, there is no argument, rationale, or justification presented. No research division exists to review the Board's decision, and recourse to the courts is practically impossible.

Why have such arbitrary Parole Board operations been tolerated for so long? The primary reason is probably administrative, judicial, and legislative apathy, coupled with a lack of public awareness of Parole Board procedures.

The Parole Board will not change until the public becomes aware that the Board is its servant, the prisoner its trust, and that every man is entitled to justice.

LEGISLATING AN END TO THE WEST COAST DOCK STRIKE: A REFINED PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, the continuation of the west coast dock strike is a matter of grave concern to us all, but particularly to those in Congress who, as I, bear the responsibility of representing the people of the State of Hawaii, whose lifeline has been severed by this tieup.

I was heartened, therefore, by the appearances Friday before committees of both Houses of Congress, of representatives of the Pacific Maritime Association—PMA, and the International Longshoremen's and Warehousemen's Union—ILWU. During those hearings, it appeared that Mr. Bridges of the ILWU, and Mr. Flynn of the PMA, were very close to total agreement. In fact, it was disclosed that virtually all of the major issues separating the parties had been resolved. Each side indicated some willingness to submit the remaining issues to binding arbitration.

Perhaps Mr. Flynn and Mr. Bridges are at this very moment shaking hands across a table in San Francisco, sealing a final agreement to end the strike. But if they are not—and I have not been informed that such is the case—the Congress must exercise its responsibility and act quickly to settle this crippling dispute immediately and finally.

As many Members know, 2 weeks ago I introduced an emergency resolution to accomplish that purpose. Its thrust was to get the ships moving again immediately, while bargaining continued for 30 days. In view of the publicly disclosed closeness to settlement, I believe that this extension of bargaining time would permit the PMA and the ILWU to come to a voluntary agreement. If, however, they were not able to agree, my resolution provides for the invoking of the "final offer selection" process advocated by the administration in its permanent legislation to deal with transportation strikes.

Today I am introducing a revised resolution, which clarifies my intent that the final offer selection device be applied only to those issues which remain in dispute at the time. In the current strike, agreement has been reached on the major issues: Wages, guaranteed minimum income, and the disposition of the $1 per ton royalty on container cargo not loaded by ILWU members. In view of this substantial agreement, I believe that the resolution I am introducing today, providing that the final offer selector panel would decide only those issues which remain unresolved, offers the best solution. It provides latitude for the parties to come to a voluntary agreement, while insuring that the shipping so desperately needed by much of America begins moving at once. It builds on the substantial progress made in recent days from the ongoing negotiations between the parties. It draws the parties closer together on those issues still in disagreement. Most importantly, it provides for a definite and complete end to the dock strike itself.

Mr. Speaker, my resolution combines two of the three features that the President asked for in submitting his request for permanent legislation for settling transportation strikes. Yet he and his representatives have eschewed both of these features—an additional cooling-off period and final offer selection—while opting for immediate compulsory arbitration, the single most distasteful departure from the free-bargaining process in the views of both management and labor. Secretary of Labor Hodgson, speaking for the administration, has often expressed his preference for the final offer selection method over compulsory arbitration.

Why this sudden change in the administration's position? In his latest dock strike message to Congress, President Nixon rejected another cooling-off period, because it would increase "the uncertainties in foreign markets"; the final offer selection process, he argued, was unsatisfactory "because the parties have already been bargaining under different ground rules for many months." But it should be clear, Mr. Speaker, that my resolution, by coupling these two processes, eliminates the objections against both.

Under my proposal there would be an additional 30-day cooling-off period, but there would be no uncertainty connected with it. If the parties were unable to agree voluntarily during that period, the automatic invoking of final offer selection as to the unresolved issues would provide a definite settlement, without possibility of a resumption of the strike.

Similarly, the parties would have a full month to negotiate before the "ground rules" called for the use of final offer selection. Bargainers would have ample opportunity to adjust their respective strategies, if that was felt to be necessary.

In short, Mr. Speaker, the objections to more cooling-off time and to final offer selection, whatever their validity when considered separately, are completely without substance when the two processes are combined in a single legislative proposal such as mine.

Mr. Speaker, I hope that the parties reach a voluntary agreement, but that has not yet occurred. I regret that any legislation is needed, but such a need is evident. And it is incumbent upon the Congress to legislate wisely, even when we must legislate in haste. My resolution, I submit, assures a complete and final settlement, yet disturbs the free collective bargaining process only so much as necessary to achieve that final settlement.

For the information and convenience of my colleagues, I include at this point the text of my revised resolution:

H.J. RES. 1054

Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees

Whereas there is a dispute between employers (or associations by which such employers are represented in collective-bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called "employers"), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called "Longshoremen's Union"); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in the United States versus International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring, and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring, and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That immediately upon the enactment of this resolution the Attorney General shall petition any district court of the United States having jurisdiction of the parties to enjoin the continuation of any strike or lockout arising out of a dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union. The Court shall have jurisdiction to issue such an injunction, and to make such other orders as may be appropriate, if it determines such strike or lockout meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relations Act, 1947. Such injunction may be issued for a period not to exceed thirty days. Upon the settlement of such dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 2. If no settlement is reached prior to the twenty-fifth day after the issuance of an injunction obtained pursuant to section 1 of this resolution, the Attorney General shall petition the district court involved to extend the injunction then in effect for an additional thirty days following its original expiration date. Upon settlement of the dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 3. (a) (1) If no settlement has been reached by the thirty-first day following the issuance of the original injunction, the Secretary of Labor shall direct each party to submit to him within three days a final offer as to all unresolved issues and a full and complete statement covering all issues upon which agreement has been reached.

(2) If any of the parties refuses to submit a final offer, as described in subsection (a) (1) of this section, the last offer, if any, as to each unresolved issue made by such party during previous bargaining shall be deemed that party's final offer.

(3) Any offer submitted by a party pursuant to this section, together with those issues with respect to which agreement has been reached by the parties, must constitute a complete collective-bargaining agreement and resolve all the issues involved in the dispute, and must propose a contract period of not less than eighteen months' duration.

(b) The Secretary, upon receipt of such final offers from both parties, shall transmit them, one to the other, at the same time, and parties shall bargain collectively for a period of five consecutive days after they receive the other party's final offer as to unresolved issues. The Secretary may act as mediator during the period of the final offer selection proceedings.

(c) If no settlement has been reached before the end of the period described in subsection (b) of this section, the Secretary shall appoint a special panel of three impartial members to act as the final offer selector.

(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

(e) If a settlement is reached by the parties to the dispute at any time prior to the panel's selection of a final offer as prescribed below, the panel shall adjourn its proceedings and report to the Secretary within five days the fact that a settlement has been reached and the terms of such settlement.

(f) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

(g) From the time of appointment by the Secretary until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

(h) Beginning with the direction of the Secretary to submit final offers as to unresolved issues and until the panel makes its selection and the final agreement is signed, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed thirty days.

(i) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining as to the unresolved issues in this dispute, including offers of settlement not contained in the final offers. The panel shall, however, in order to ascertain the completeness of the final offers submitted for selection, determine which of the issues have been agreed upon by the parties, and are therefore outside the scope of such final offers.

(j) The panel shall, upon concurrence of two or more of its members, select what it deems to be the most reasonable of the final offers submitted by the parties. The panel may, in reaching its decision, take into account the following factors:

(1) past collective-bargaining contracts between the parties including the bargaining that led up to such contracts;

(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

(3) comparison of wages, hours, and conditions of employment as reflected in industries in general, and in the same or similar industry;

(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

(5) the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment.

(k) The final offer selected by the panel, together with its findings as to issues on which agreement had been reached by the parties, shall be transmitted immediately to the Secretary, who shall issue an order requiring the parties to accept and sign as the final contract between them the selected offer as to the unresolved issues, together with the agreement previously reached on all other issues. The Secretary shall immediately transmit a copy of such order, together with the final contract to each of the parties.

(l) The determination by the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 1 of this resolution.

(m) If any of the parties refuse to sign the final agreement as selected by the panel within twenty-four hours after the issuance of the Secretary's order, the Attorney General shall immediately petition the district court which issued the injunction pursuant to section 1 of this resolution, to enjoin the further refusal by the party or parties to sign the agreement as provided in the Secretary's order. The court shall have jurisdiction to issue such an injunction, if it determines that the strike or lockout still meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relation Act of 1947.

(n) The following rules of procedures shall be applicable to the panel's functions under this subsection:

(1) NOTICE OF HEARING.—Upon appointment by the Secretary, the panel shall promptly notify and inform the parties of the time, place, and nature of the hearings, and the matters to be covered therein.

(2) HEARING TO BE PUBLIC.—The panel shall hold public meetings, unless it determines private hearings are necessary in the interest of national security, or unless the parties agree to present their positions in writing. The record made at such hearings shall include all documents, statements, exhibits and briefs which may be submitted, together with the stenographic record. The panel shall have authority for the conduct of an orderly public hearing. The panel may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

(3) Participation by the Panel in the Hearing.—The panel, or any member thereof, may, on its own initiative at such hearing, call witnesses and introduce documentary evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

(4) Participation by the Parties in Hearing.—The parties or their representatives shall be given reasonable opportunity (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues; (D) to ask questions of the opposing party or witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness on the issues in the case; and (E) to present to the panel oral or written argument on the issues.

(5) Stenographic Records.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

(6) Rules of Evidence.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

(7) Requests for the Production of Evidence.—The panel shall have the power to subpena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

Sec. 4. (a) The panel established under section 3 of this resolution may act by majority vote.

(b) A vacancy on the panel shall not impair the right of the remaining members to exercise all of the powers of the panel. In case of a vacancy due to death or resignation, the Secretary may appoint a successor to fill such vacancy.

(c) Members of the panel shall receive compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the panel as prescribed by this resolution, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Federal Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(d) For the purposes of carrying out its functions under this resolution the panel is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently, while so employed.

Sec. 5 Definitions.—(a) The term "Secretary" when used in this resolution refers to the Secretary of Labor.

(b) The term "parties" wherever used in this resolution shall mean the parties who were under the jurisdiction of the United States District Court, Northern District of California, in United States versus International Longshoremen's and Warehousemen's Union, et al., docket numbered C–17–1935–WTS, October 6, 1971, who have not settled their dispute prior to the enactment of this resolution.

Sec. 6. Appropriations.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 7. Separability.—If any provision of this resolution, or the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, but shall remain valid and in full force.

Sec. 8. Effective Date.—This resolution shall take effect immediately upon its enactment and the legality of any action authorized herein and taken thereafter shall be governed by the Act regardless of when such action is initiated.

OBSERVATIONS ON PRESIDENT'S PEACE PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, the President's new peace proposals were dramatically revealed on nationwide television, disclosing a series of secret negotiations in Paris between Henry Kissinger, the President's national security adviser, and North Vietnam's chief negotiators.

THE PROPOSAL

The President's proposal includes a total cease-fire throughout Indochina, the withdrawal of all United States and allied forces from Vietnam within 6 months of North Vietnam's acceptance of the proposal and a political solution which includes three elements: a new presidential election in South Vietnam; an agreement by President Thieu to resign his office 1 month before the new election; and the creation of an independent body representing all political forces in South Vietnam, including the National Liberation Front, to organize and run the election.

Under the proposal, North Vietnam and South Vietnam would agree to release all prisoners of war captured throughout Indochina, with the exchange of prisoners carried out in tandem with the troop withdrawals.

This new proposal, now placed before the Paris Conference for discussion, is the first new proposal for a general settlement submitted to the Conference by the United States since October 8, 1969.

THE REACTION

Although North Vietnam's statement did not formally reject the proposals, it did denounce them and made plain that the new proposals are unacceptable.

Most observers believe the North Vietnamese will not accept the President's proposal because of their deep suspicions of the electoral process and their belief that the existing South Vietnamese Government would influence the outcome despite any safeguards the allies offered to assure an independent election.

Although it is doubtful that the President has succeeded in shoving Vietnam into the background as a campaign issue, he probably made some political points with his new proposal. The disclosure makes the Nixon record on negotiations clearer and better. The plan, at least for Americans, is fair and just, with free elections, international supervision, Thieu stepping down, and a cease-fire. As expected, the Republican leadership in Congress strongly endorsed the President's position and even some of the aspiring Democratic Presidential candidates declined to attack him. Nonetheless, if the proposal is not accepted by North Vietnam, and it does not appear as if it will be, and the war drags on, it will undoubtedly be a political issue in November.

ISSUE CLARIFIED

More than anything else, the disclosures surrounding the proposal illustrate that the critical barrier to settlement of the Vietnamese war is: Who will eventually control South Vietnam? This political issue has caused the deadlock in the secret negotiations. The military questions, including a date for U.S. troop withdrawals and the release of American prisoners, apparently are negotiable on both sides, but the political issue is not.

The Vietnamese have reiterated their insistence that the two basic conditions for settlement are fixing a date for total U.S. military pullout and the withdrawal of all support for the Thieu regime.

WHY WERE SECRET NEGOTIATIONS DISCLOSED?

One question after the President's speech was why he revealed the secret proposals at this time. Such a move will, after all, cut off, at least, temporarily, the President's most productive channel of communication with North Vietnam. Apparently it was done at this time: First, to end, or at least reduce, domestic disharmony by demonstrating the administration's good faith; second, to try to end criticism at home, especially from the President's political critics, who have intensified their attacks recently; third, to shift the onus of the stalemate to North Vietman; fourth, to create a climate at home that would accept stiff retaliatory attacks to any North Vietnamese offensive; fifth, because the U.S. negotiators feel that the private contacts had reached a point of diminishing returns; and sixth, because the hope that the public disclosures might force North Vietnam to consider the plan on a more urgent basis.

The President's proposal may also help his China trip. Now that he has made a public offer to withdraw all American troops from Indochina, and even though the offer may not be accepted, it will help create a better atmosphere for successful discussions with the Chinese. The very prompt denunciation of the President's proposals by the North Vietnamese, however, suggests that the President will not find the solution to Vietnam in Peking. Dr. Kissinger said:

> We expect to settle this war with Hanoi, not with Moscow and not with Peking.

As mentioned, the President's proposal also puts him in a stronger position to counter the expected enemy offensive, which is expected soon. Having put forth a comprehensive peace proposal and apparently created a climate at home that will permit stiff retaliatory action, he is now in a position to strike back at any enemy offensive in the next few weeks and blame the North Vietnamese for choosing war instead of peace.

HANOI'S RECORD

Hanoi's record in these negotiations looks bad. They agreed to secret talks, and then made a public proposal. Their proposal separated political and military issues, and later were linked in another proposal. They accused President Nixon of not responding to their proposal, when he had done so in private, and then they refused to respond to his proposal. Their terms hardened as the negotiations progressed, insisting that the United States overthrow the Thieu government. They come off as tough, determined negotiators, willing to exploit every opportunity, including the American prisoners of war, and willing to play skillfully to their advantage the sentiments for peace in this country.

The lesson from this record is clear. Hanoi is not interested in either a fair settlement or "looking good." They want a unified Vietnam under their control.

THE PRESIDENT AND HIS CRITICS

After the President's disclosure, the principal complaint of his critics was that he failed to make a straightforward offer of a withdrawal date in exchange solely for the release of prisoners. The President did disclose a proposal made to the North Vietnamese on May 31, 1971, under which the United States would agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire.

At the next meeting on June 26, the North Vietnamese rejected the American offer, insisting that any settlement had to include political elements.

The President, thus, has not offered a simple withdrawal of American forces in return for prisoners of war. He tied withdrawal to the acceptance of a cease-fire throughout Indochina. The Communists oppose this because, in their view, under existing conditions, total cease-fire would simply solidify Saigon's political control over most of the South Vietnamese population. They see a simple cease-fire as the same as losing the war because it requires them to give up their struggle to achieve their goal. The Communists have proposed a partial cease-fire between their troops and withdrawing allied forces, but it would take effect only after a political settlement was reached.

The President responds to his critics by saying that his proposal for a fixed date of withdrawal, a cease-fire, and an exchange of prisoners was rejected by the Communists, not because there was an objection to a cease-fire, but on the grounds that there must be a political solution in Indochina alongside a military solution. He also says that although his proposal is complex, with provisions for a political and military settlement, he is prepared to revert at any time to the simpler proposition offered in the private talks on May 31, for a withdrawal of American troops unilaterally in return for a cease-fire and an exchange of prisoners.

WHERE DO WE GO FROM HERE?

The apparent failure of the President's peace proposal to break the deadlock raises the question as to what happens next. Administration spokesmen have been reluctant to speculate on the future. The President said that the only alternative is to continue the Vietnamization program, which means that American troop withdrawals will go on and so will periodic bombing of North Vietnam, Laos, and Cambodia.

The hope, of course, is that the President's revised proposals, and the spirit in which they were offered, will serve as a beginning point for what could become the first real bargaining since the frustrating negotiations at Paris began 3 years ago.

The hopeful view is that the wide gap between the two sides on the political questions has been narrowed. The President made a major concession by offering the resignation of President Thieu 1 month before the supervised elections. Even though the North Vietnamese are suspicious of these elections, especially when the President suggested that a Thieu supporter, the chairman of the senate, should head the caretaker government, the timing of Mr. Thieu's departure is surely negotiable, as is the makeup of the electoral commission. The President has made a proposal which could lead to a change of government in South Vietnam. There is room for negotiation on the political arrangements, the cease-fire, the withdrawal of troops, and the exchange of prisoners. The proposal at least begins to focus on the central issue of how power is to be exercised in South Vietnam when the war is over.

This hopeful view emphasizes that the Thieu government is growing stronger, its economy improving, its military able to maintain security, and Hanoi will want to negotiate now rather than later.

The pessimistic view is that the discussions have only emphasized that the North Vietnamese are adamant on gaining political control of South Vietnam, and anything less than assurance of a takeover will not be acceptable to them. They have sought that goal for over 30 years and they are not about to give up now. They want to drive out all the foreign soldiers and unify the nation under the control of the Communist Party of Vietnam.

In this view, Hanoi just does not have much reason to negotiate. If they withstood everything that South Vietnam could offer, when it had the help of 550,000 Americans and all kinds of extra firepower and mobility, they can certainly do better after the Americans are gone, taking most of their helicopters and guns with them. And no matter how successful Vietnamization may be, the improvement of Saigon's fighting capabilities will not offset the American withdrawal. As one American analyst put it:

> Why should the North Vietnamese compromise. Instead they will just wait.

In the long run, the North Vietnamese appear to have great leverage. The U.S. military effort is declining, and even large amounts of U.S. assistance to South Vietnam will not be acceptable to a nation that wants to forget this war. U.S. bargaining power recedes with its declining military power.

But, the South Vietnamese Government, although plagued with problems, is not near collapse and their military power is no pushover for a war-weary North Vietnam.

The effect, then, of the negotiating deadlock is that the war will go on. Each side has presented the other with unacceptable demands. Hanoi wants the United States to get out, take everything with them, and stop all aid to South Vietnam. The United States wants Hanoi to stop fighting, withdraw its troops, give up the goal it has sought for decades, and enter into an election they feel will be controlled by Thieu's agents.

Somehow, this frustrating war must end. I do not see how unless we set a date for withdrawal and end our military activity, and unless Hanoi returns our POW's as we withdraw and refrains from attacking our forces as they withdraw. We should also press South Vietnam to work out a political accommodation with North Vietnam.

This may leave most questions unanswered, including the central one of who controls South Vietnam, but it would permit the process of accommodation in South Vietnam to begin in earnest.

COMPENSATION FOR VICTIMS OF CRIME

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 30 minutes.

Mr. ST GERMAIN. Mr. Speaker, our present system of justice has tragically neglected the innocent victims of violent crime. In an effort to relieve this needless suffering, I have introduced the Victims of Crime Act of 1972.

This legislation is designed to help the ordinary people who suffer personal injuries and monetary losses as a result of robberies, assaults, and other criminal acts. I am thinking of the owner of the corner grocery store who was robbed and beaten in a holdup. His day's receipts are gone. He is out of work for 2 or 3 weeks from his injuries. He has doctor bills and he is losing money, because there is no one else in the family who can run the store.

I am thinking about the grandmother who was knocked to the ground and broke her hip when her purse was snatched. Her monthly retirement check is gone and she has no money to pay the rent or buy groceries for herself and her husband. Her medicare benefits will not cover all the hospital bills.

I am thinking about the two policemen who were shot down on a sidewalk in New York last week; their families deserve some kind of assistance.

And what about the firemen who was paralyzed from the neck down when his truck overturned on the way to a false alarm? Or the families of those guards who were killed during the Attica prison riot last summer?

I am thinking about the unsuspecting victim of rape, the ghetto dweller and the surburbanite who have been victimized by unknown hoodlums.

These are the innocent victims of violent crime. It could happen to anyone.

The intense public concern about the nationwide increase in crimes of violence has focused attention on the criminal. But the victim of these crimes, who has suffered painful personal injuries—and even death—through no fault of his own, has been forgotten.

The facts show that this public concern has ignored the basic problems: The victims are unable to bear the burden of serious financial losses without undue hardships; the offenders, when apprehended and convicted, are often not financially responsible; there are a growing number of crimes directed against public safety officers, including policemen, firemen, and prison guards.

In short, society has failed miserably in its obligation to provide basic protection for its citizens, and thus has an obligation to compensate them for its failure.

The effect this failure is having on the attitudes of many Americans was pinpointed in a 1965 report by the President's Commission on Law Enforcement and the Administration of Justice:

> Every American is, in a sense, a victim of crime. Some have been impelled to uproot themselves and find new homes. Some have been afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly. Some have become distrustful of the Government's ability, or even desire, to protect them. Some have lapsed into the attitude that criminal behavior is normal human behavior and consequently have become indifferent to it, or have adopted it as a way to get ahead in life. Some have become suspicious of those they consider to be responsible for crime: adolescents, or Negroes, or drug addicts or college students or demonstrators; policemen who fail to solve crimes; judges who pass lenient sentences or write decisions restricting the activities of police; or parole board that release prisoners who resume their criminal activities.

It has been said that the institutions of justice have become more concerned with the protection of the rights of the criminal than the need for law and order in society. I believe a major liability of our present system of justice is its almost total failure to consider the plight of the innocent victim.

The victim's sole recourse, within our Federal jurisdiction, is to seek civil damages against the guilty criminal. At best, this remedy has proved woefully inadequate.

The Federal Government has recognized its obligation to other innocent victims: The disabled veteran, the aged, the unemployed, and the sick. Thus it logically follows that the Government should fulfill its obligation to those persons who have suffered personal injuries through no fault of their own.

The Victims of Crime Act of 1972 offers a practical and timetested plan to compensate victims of violent crime who have suffered serious financial hardship.

In addition, this act provides life and disability insurance and a $50,000 death benefit for policemen, firemen, and other public safety officers who daily put their lives on the line for each of us.

Compensation for victims of crime is not a new idea. It dates back 3,000 years to the Code of Hammurabi, a landmark of western civilization. In recent years crime compensation has proved quite successful since the first program was established in New Zealand in 1963. Similar programs have been adopted in England, 1964; Canada, 1967; Sweden, 1971; and seven of our 50 States: California, 1965; Hawaii, 1967; New York, 1966; Massachusetts, 1967; Maryland, 1968; Nevada, 1969; and New Jersey, 1971. Canada is also studying a uniform Federal statute.

Under title I of the proposed Victims of Crime Act of 1972, victims must have incurred a minimum loss of either $100 or 2 weeks continuous earnings, reported the crime to police within 72 hours, and suffered serious financial hardship to be eligible for compensation. Claims must be filed within 1 year of the crime. Overall recovery is limited to a maximum of $50,000, based on financial need.

Federal law enforcement officials would be required to inform victims of their right to apply for compensation, just as criminals are now advised of their legal rights.

Payments from life, health or disability insurance from the offender or from similar sources would be deducted from the Federal compensation award. When an offender has been convicted, the court could authorize that part of his fine be paid to the Federal Criminal Victim Indemnity Board. This fund would be used to help pay compensation to the victims.

Compensation claims would be heard by a three-member Federal Crimes Compensation Board. Its jurisdiction would be limited to the area of primary Federal police power, chiefly the special maritime and territorial jurisdictions of the United States, and the District of Columbia.

The second part of title I would provide Federal matching grants to States for up to 75 percent of the cost of similar compensation programs.

Experience has shown that initial concerns about fraud and excessive cost are not a problem, due to very careful investigation of each claim.

Title II would establish Federal-State group life insurance and disability insurance programs for public safety officers. The insurance would become effective the day this act becomes law.

Many States and cities provide no such insurance, or else none is available at reasonable rates which public safety officers can afford.

Under title II, each public safety officer would be entitled to coverage equal to his annual salary plus $2,000, with minimum coverage of $10,000. Coverage would apply on or off the job, with double indemnity for accidental loss. The Federal Government would pay 25 percent of the premium.

Existing law enforcement grants could be used to establish statewide group life, accidental death or disability insurance programs for public safety officers. The Federal Government could establish a direct life insurance program if the Law Enforcement Assistance Administration determined that commercial insurance or State or local plans did not provide insurance at a cost comparable with other occupations, discounting the high risk factor.

Title II would provide a direct, minimum $50,000 death benefit to the spouse or dependents of a public safety officer killed in the line of duty within the last 5 years. This payment would be made independent of compensation in title I or title II. Payment would also be made for loss of limb or sight. No individual contribution would be required.

During the past 9 years, programs to compensate victims of crime have proved very effective in responding to the needs of the victims. In addition they have significantly helped to increase cooperation between citizens and police. And I believe this is the real key to reducing crime.

Typical of the response to these programs have been these reactions from the New York Compensation Board's 1970 annual report:

> Crime compensation programs aid in the prosecution of criminals. When a victim is fairly treated by society, he certainly is more willing to cooperate with the law enforcement officials.

A letter from a victim noted:

> It is indeed gratifying to find someone does care.

The English compensation board, in its 1970 report to Parliament, noted:

> It is true that many of the applications submitted related to comparatively minor injuries and the compensation is correspondingly small. But no one who is called to deal with those cases in which a blameless victim has been seriously disabled, sometimes for life, or those cases in which the elderly and infirm have suffered injury and shock, can fail to deeply appreciate what a worthwhile part is played in the full administration of justice by the power to award compensation.

NO DEBT CEILING INCREASE WITHOUT TAX REFORM DIRECTIVE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, President Nixon, faced with $90 billion of budgetary deficits during the 3 fiscal years 1971–73, has asked Congress for a $50 billion increase in the debt limit. The Ways and Means Committee has reported to the floor a bill to increase the limit by $20 billion, with a suggestion to come back for the remaining $30 billion before June 30.

During my 17 years in Congress, most of them under Republican Presidents, I have been faithfully voting for requested increases in the debt limitation.

Throughout this period, I have seen the Federal revenues erode, particularly in the last 3 years. While the progressive Federal income tax has been reduced by $22 billion a year since 1968, regressive Federal and State payroll, sales, and property taxes have greatly increased.

As a result, income shares in this country are being distorted in favor of the well to do. For 1967, the most recent year for which figures are available, the lowest one-fifth of American families received 3.2 percent of the national income, the highest fifth, 45.8 percent. The top 1 percent of American families received 6.8 percent of the national income—more than twice that of the lowest 20 percent. The spread between rich and poor since 1967 is getting worse, due to increased unemployment and the reductions in the progressive income tax. Of the tax cuts in the period 1964–73, for example, those in the $3,000 to $5,000 income bracket got 12.9 percent of the cuts, those in the $10,000 to $20,000 bracket got 29.6 percent of the cuts, and those in the $20,000 to $50,000 bracket got 10.3 percent of the cuts.

This steady erosion of progressive taxation, and increase in regressive taxation, explains why we have today almost 6 percent unemployment and a $39 billion fiscal 1972 deficit.

Loopholes in the Federal income, estate, and gift tax system are largely responsible for our inequitable Federal tax system. If 112 income taxpayers with earnings of more than $200,000 nevertheless escaped any Federal income taxation whatever in 1970, it is obvious that the average taxpayer—with an income between $5,000 and $15,000 a year—has to pay just that much more.

The money that is given away to taxpayers who do not need it by the loopholes performs little or no job-creating function. Typically, it goes into bidding up the price of assets such as real estate or stocks, or into foreign investment and speculation.

Indeed, some of the loopholes undoubtedly cost jobs. Thus, the crazy-quilt capital gains tax system results in a misallocation of capital resources that actually reduces employment. Still other loopholes—such as the system of allowing an American corporation to deduct a foreign business tax at approximately double the rate it can deduct a business tax imposed by one of the 50 States—induce a corporation to develop job-creating industry abroad, rather than here.

The upcoming fiscal 1973 deficit of $25 billion could be reduced substantially by plugging Federal tax loopholes, without hurting economic growth in the least. Reducing our unnecessary and staggering budget deficits would restore confidence in the international dollar as well.

Yet nothing is done about closing the loopholes. Loophole plugging is no easy political act. One thing that is very clear is that only firm leadership by the administration can lobby such a bill through the Congress. Yet the administration will not act. Its spokesmen as recently as last week proclaimed that they had no intention of moving to plug any loopholes.

Are those in Congress who believe that the loopholes must be plugged helpless? Must they automatically ratify the President's request for an increase in the debt, without asking that he take steps in good faith to diminish the deficit and thus the need for an increase?

We think not. We intend to do everything we can to attach to the current legislation raising the debt limitation an instruction to the President to prepare and bring to the Congress no later than May 1, 1972, a comprehensive program for plugging loopholes in the income, estate, and gift tax system. Such a timetable would permit favorable action on the loophole-plugging program in this session of the Congress.

I hope that the House Ways and Means Committee will accept this amendatory language, and that the Rules Committee will make it in order.

If not, we shall attempt to attach the amendment on the House floor. The first crucial vote will come on the motion on the previous question on the adoption of a closed rule. A "no" vote on the previous question—a vote to permit the tax reform amendment to be brought up—will be a vote in favor of tax reform. If this fails, a vote against the debt ceiling increase will be a second vote in favor of tax reform. Should the debt ceiling increase be voted down, it could be easily resurrected and passed the next day if Mr. Nixon then indicated—as he would have to—that he would submit a tax reform program by May 1. Thus, we who vote for tax reform are not voting to bring the Federal Government to a halt. We are voting to compel Mr. Nixon to do what responsible government requires—take steps to diminish the size of the deficit before we give him a blank check.

I include an excellent article on tax reform by Leo Rennert of the McClatchy newspapers, which appeared in the January 16, 1972, Sacramento Bee, and the text of the amendment we intend to offer to H.R. 12910, the debt ceiling increase legislation:

Tax Reform—Rickover Saw No Easy Solution

(By Leo Rennert)

WASHINGTON.—"The events that led to the French Revolution can teach us a lesson," the witness told the House Appropriations Committee behind closed doors . . .

"In Louis XVI's time, the only way ordinary people could exert any control over their government was by refusing to provide the money the king needed.

"The parallel with our own situation today seems clear to me.

"I am not sure but that it is going to take some form of revolt by the majority of Americans to bring us more equitable taxation."

If the speaker had been Jerry Rubin or even Ralph Nader, this would be familiar radical rhetoric.

But addressing some of the most powerful men in Congress last May 11 was an esteemed friend of the Capitol Hill establishment, Vice Adm. Hyman Rickover.

Once a year, the committee invites his views on defense topics and other matters he deems important.

This time, however, his hosts seemed unprepared for what turned out to be a slashing indictment of their own role in maintaining a privileged class through special tax favors.

MIDDLE-CLASS REVOLT

Warning that public "frustration and disillusionment" are reaching dangerous levels, Rickover recalled the French monarchy was overthrown when the middle class felt similarly helpless and aggrieved over money matters.

To replenish his treasury, Louis XVI convened a meeting of noblemen, clergy and popular representatives—only to be confronted by an ultimatum for radical reforms. Royal resistance sparked a revolt in which the king and Marie Antoinette eventually lost their heads to the guillotine.

"I mention these well-known facts because I believe they remain relevant today," Rickover remarked.

America, he said, may not have noblemen with fancy titles. But it does have "privileged segments of the population" who enjoy great wealth while bearing only a "small share of the burdens of citizenship."

Those in the top 1 per cent bracket, he noted, still have an income higher than those in the bottom 20 per cent—a pattern unchanged for the last 25 years. The top 5 per cent still make more than the bottom 40 per cent.

"Capital gains, depletion allowances, and tax-free bonds provide loopholes for the upper-class taxpayer who is able to take advantage of them," Rickover declared. "The middle classes rarely can."

Warming up to his topic, he called tax reforms one of the most urgent tasks before Congress.

"No man who has an income of several million dollars a year should be allowed to pay little or no income tax," he said.

At stake, he stressed, is the durability of the American system itself.

NO EASY WAY

"Our officials should bear in mind that by this failure to carry out their responsibilities they are undermining the very system which has made it possible for them to attain to high position," he remarked.

As a realist, Rickover sees no easy path to tax reform.

"Those who benefit most from present tax laws are also those best able to make large campaign contributions," he observed.

His assessment was correct. A few months later, Congress enacted a tax bill with virtually no reforms but plenty of new benefits for business and the affluent.

The new measure will mean an income tax reduction over a three-year period of $872 million for those in the $20,000-and-up bracket.

Taxpayers in the $100,000-and-up category will enjoy a $95 million windfall during the same interval.

True, low- and middle-income groups also were given reductions.

But failure to close major loopholes coupled with new benefits for the rich assure a continuation of whopping budget deficits in the next few years. In turn, this income drain is bound to intensify White House and congressional resistance to the funding of many domestic programs.

And when the day of reckoning finally arrives and taxes have to be raised, it is a safe bet that those who already bear a disproportionate share of the burden will be asked again to cough up some more.

Trial balloons now emanating from the Nixon administration about a value-added levy—a form of national sales tax—follow a predictable pattern.

Under the guise of relieving pressure from local property taxes for financing of public schools, Washington would come to the rescue with a new sales tax which could bring in as much as $20 billion a year.

The new levy, of course, would not disturb those benefiting from tax loopholes. Their merry ride would continue without interuption.

Interestingly, there would be no need for a national sales tax if many special tax breaks were eliminated. That kind of reform would be just as effective a revenue raiser—also in the range of $20 billion a year.

At this stage, it appears likely that Congress will pass any significant tax legislation in an election year.

"UNDESIRABLE TREND"

A year hence, however, the prospects again will be strong that under the pressure of some fiscal crisis, reforms will be shelved and additional taxes imposed on those who already pay more than their fair share.

As Rep. Sam Gibbons, D-Fla., a maverick member of the House Ways and Means Committee, points out:

"We are in the process of chipping away at our best tax, the income tax, both individual and corporate, and moving toward greater reliance on the Social Security tax and possibly a federal sales tax.

"This is an undesirable trend."

Gibbons estimates the last two tax bills approved by Congress will mean a revenue loss of $170 billion during the period 1969–1980 and wonders who will end up paying the piper.

Rep. Henry Reuss, D-Wisc., another in a small band of reformers, warns:

"We are faced with a fiscal situation where revenues are going to be drastically too low for needs, or budgetary deficits too high for a sound economy, or both."

Yet, he notes, more than 100 taxpayers with incomes of more than $200,000 paid no federal income taxes in 1970—a year after passage of the 1969 Tax "Reform" Act!

Three persons in the $1 million-and-up bracket, he adds, also managed a free tax ride in 1970.

Reuss estimates a "sensible" loophole-plugging reform bill could raise $20 to $30 billion a year.

MOSS COSPONSORS BILL

"Ever since 1954 the federal revenue system's progressiveness has been progressively impaired," he complains.

To reverse the trend, California Rep. James C. Corman, D-Los Angeles County, is pushing legislation to close up to $20 billion a year in loopholes.

Rep. John Moss, D-Sacramento, an opponent of the value-added tax who voted again the 1969 and 1971 tax bills, is a cosponsor.

But there is no sign of any interest on the part of the House Ways and Means Committee Chairman Wilbur Mills, D-Ark., who usually controls the fate of tax legislation on Capitol Hill.

Mills converted the 1969 tax "reform" bill into a tax reduction bill and readily went along with the White House last year in pushing through more tax cuts. Like President Nixon, he thinks economic and social gains should be achieved primarily by stimulating the private sector of the economy.

This leaves the Democratic presidential ticket in 1972 as the only potential source for any momentum on tax reform.

Economist John Kenneth Galbraith suggests that liberals evaluate Democratic contenders in upcoming primaries largely on the basis of their readiness to seek elimination of tax loopholes.

Like Rickover, he thinks the problem is urgent, the present system a scandal and time a dwindling commodity.

When the admiral testified before the Appropriations Committee, Rep. Daniel Flood, D-Pa., sought to soften his warning about a burgeoning taxpayers' revolt.

"You are using the term in a philosophical sense," he suggested.

"Yes, sir," Rickover replied. Then he added: "But in a few years it may be a fact."

AMENDMENT TO H.R. 12910

On page 1, line 3, insert "SEC. 1" before the word "That".

On page 1, following line 8, add the following:

"SEC. 2. In order to provide guidance concerning future revenues for Congress to consider in advance of any request for a further increase in the public debt limit, the President shall submit to Congress, not later than May 1, 1972, a comprehensive tax reform proposal to close loopholes in the Federal income, estate, and gift tax system."

REFORM OF OUR JUVENILE AND ADULT PRISONS

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, today I submit the final five segments of the Washington Post series of articles entitled "The Shame of the Prisons." In these, Post Writer Ben H. Bagdikian examines the juvenile prisons, the Federal Reformatory for Women at Alderson, W. Va., the drive for inmates' rights, and Mr. Bagdikian's own thoughts of what needs to be done to shift the emphasis from punishment to rehabilitation of the sentenced offender. In addition, Reporter Leon Dash authored the sixth article in the series entitled "Rehabilitation: A Frayed Hope," which concentrates on the correctional program of the District of Columbia.

Before inserting these exemplary articles into the RECORD, I would like to take a moment to comment on juvenile prisons.

With several other members of the Select Committee on Crime, I traveled to five States and personally visited seven juvenile correctional institutions in the summer of 1970. What I learned was truly startling.

Money, for example, is of secondary importance to trained personnel in working with juvenile offenders. How else can you explain the fact that one institution we surveyed spent $13,000 per boy and was plagued by a rate of recidivism of at least 60 percent whereas another—at Red Wing, Minn.—spent $7,600 per boy and boasted a recidivism rate of 19 percent.

Beyond the statistics, there was an air of excitement and sense of accomplishment and participation at the Minnesota School that was lacking at any of the other six institutions we visited.

What is particularly sad is the fact that what they are doing at Red Wing, Minn., could easily be adapted to most other juvenile institutions if the enlightened prison personnel and program were made available.

In the year since we published our third report entitled "Juvenile Justice and Corrections," there has been an increased tempo to change the manner in which we attempt to rehabilitate both juvenile and adult offenders and to be even so bold as to examine the myths of punishment which has produced this harvest of shame inside our prison walls.

I consider the effort to reform our juvenile and adult prisons to be of the highest priority of any program that purports to offer solutions to the problem of crime in America.

The series of recent articles on prisons and prison reform which have appeared in the Post, the Evening Star, and the Christian Science Monitor, are the highest public interest. I am grateful for the opportunity to insert into the RECORD these well researched and written articles.

Mr. Speaker, I insert the final five segments of the Washington Post series entitled "The Shame of the Prisons" at this point in the RECORD:

[From the Washington Post, Feb. 2, 1972]

FEMALE HOMOSEXUALITY PREVALENT

(By Ben H. Bagdikian)

So far as anyone knew, she had a conventional sex life on the outside. But shortly after she arrived at the Federal Reformatory for Women in Alderson, W.Va., she stopped telling people her name was Charlotte and said it was "Charlie."

Charlie soon discovered the mysterious ways some of the inmates get hold of men's clothing—desert boots, dungarees, T-shirts, zipper jacket, visor cap. She began walking with a masculine swagger, talked tough, held a cigarette in the corner of her mouth, and shortly afterward established a relationship with another woman inmate whose manner was obedient and submissive while Charlie acted strong and protective. They were thought of by the other inmates and by the staff as husband and wife.

One of the peculiarities of women's prisons is widespread homosexuality. Estimates run to 80 and 90 per cent, far higher than for men's prisons.

But homosexuality is only one of the distinctive qualities of female imprisonment.

Women's prisons are the step-sisters of corrections. The literature on them is sparse, statistics on the female prisoner even less reliable than on males. The massive nine-volume report of the President's Crime Commission in 1967 barely mentions women.

The unkindest cut was from prisoner reformers, whose publication, The Freeworld Times, listed prisons that experienced unrest after Attica but ignored the sympathy strike of 130 federal women prisoners in West Virginia who were teargassed and 66 of whom were punitively transferred to other states.

One reason for lack of attention is small numbers. Of 21,000 federal prisoners, 800 are women. Of the third of a million prisoners in state, county and local imprisonment on any one day, 5 per cent are adult women.

But another reason is the peculiar status of women in criminal justice. In some offenses judges tend to be more forgiving of "the gentler sex." But when a woman violates moralistic codes, she gets harsher treatment than men.

Prostitution is a major cause of female imprisonment. For every prostitute there are dozens of male customers. The male participant is seldom arrested and when arrested seldom tried and when tried seldom imprisoned. In 1968 in the District of Columbia, 112 men were prosecuted for patronage of prostitution; 800 women were prosecuted for soliciting.

The impact of imprisonment on women appears to be profoundly different from that on men. Except in the most savage jails and state prisons, women inmates do not suffer the physical brutality and sense of imminent threat typical of the average male prison.

For one thing, women's prisons usually look less grim. They tend to resemble low-budget junior colleges. The buildings are called "cottages" and they may or may not have bars on the windows.

Women's prisons vary in their discipline, but all are less regimented and formal than the average male prison.

DISRUPTION OF FAMILIES

But the locked-up woman has special pains. The worst is separation from her children. At Alderson, 55 per cent of the inmates have dependents. When they were convicted, the law wiped out their rights as mothers and made the children subject to adoption. Once the children are placed in a foster home, the adoption agency may forbid the mother to communicate thereafter with her children.

Another special trauma is prison's disruption of the conventional role assigned females in society—homemakers, helpmate to a male, repository for the gentle virtues in humankind. Women are usually brought up to behave as though they are tender, accepting and sensitive. All these are antithetical to prisons.

Males are conventionally taught that they are supposed to be strong, tough, aggressive and able to endure privation. Prison reinforces all of these.

While homosexuality is common in men's prisons, it is more so in women's. Most women are conditioned to feel less than complete beings unless they have a man. But it is socially acceptable to touch each other, hold hands, and kiss. Confidential relationships among women in normal society are more common than among men.

A man without a particular woman is not considered deficient in outside society. There is glorification of the bachelor as supermale.

So the woman entering the all-female society of prison has special problems of social and sexual identity.

Jane Meyerding, 21, was imprisoned at Alderson. She says of her first week in prison:

"In orientation, I was in a dorm with eight or nine people and we'd spend a couple of hours talking before we went to sleep. You could just hear people trying to find themselves. Some who had never been exposed to homosexuality or to this kind of very compact social structure, they were throwing out ideas, just trying to decide who they were going to be while they were in there because they were so completely separated from anything they'd been before.

"Maybe they had been a mother and this was their whole thing—being a mother. But now they don't have their kids. So what are they?"

The result is homosexuality as an almost standard phenomenon among a majority of female prisoners everywhere. Whether it is in West Virginia or in South Carolina or in California, there is a typical scene in the yard of a womens reformatory:

A "butch," the male-like partner, dressed the same masculine style everywhere, hair bobbed as short as local regulations will permit, with her arm around the waist of the "femme," the female partner who is dressed conventionally, hair usually long.

The physical brutality and rape that can accompany male homosexuality in prison is usually absent in women's prisons, partly because of anatomy and partly because of the difference in socially acceptable closeness among women.

ATTITUDES TOWARD HOMOSEXUALITY

In some women's prisons, staffs are obsessed with homosexuality and inmates are literally forbidden to touch each another. In such places, women seated in groups to watch television or movies must keep an empty seat between each person. This does not stop homosexual affairs which, like heterosexual affairs in the outside world, have a way of transcending barriers. But thoughts of homosexualism dominate such institutions.

Virginia McLaughlin, warden at Alderson, speaks in a relaxed way about it.

"One of the problems in a women's prison is staff preoccupation with homosexualism. My own personal feelings are that what goes on between consenting adults is their own business. We try to say that we're not moralistic about it."

Some inmates and former inmates of Alderson dispute the total tolerance. "At Alderson," one former inmate said, "the staff will bust you if they catch you."

Mrs. McLaughlin isn't sure that all the apparent homosexualism is consummated in physical relations.

"Who knows how much real homosexualism goes on here? There's a lot of role-playing. I suppose that 80 or 90 per cent of the residents here are in boy-girl play. Within our culture, if you ain't got a man, you ain't got nothing. That model carries into this institution. So a lot of people dress and act in boy-girl ways. But a lot of it is just role-playing to fill out the public image we've said women are supposed to project."

She thinks that whatever happens sexually at Alderson is reversible.

"If you come into this joint heterosexual, you leave here heterosexual. You may play games here and spend 20 years doing it. But darn few women who have developed a permanent pattern on the outside get turned around permanently in here."

Mrs. McLaughlin, the first married warden of Alderson—she married the local football coach—presides over the most famous of women's prisons, the only federal one specifically designed for females and one obviously more relaxed than the mass of state and county institutions.

Like most prisons, Alderson is 100 miles from nowhere. There is no public transportation. The train doesn't stop there any more, only at the Greenbrier resort hotel 20 miles away.

It is an unlikely-looking prison. The setting in the foothills of the Appalachians is among forested hills and fast-moving creeks. The security is less than that in some fashionable girls' schools, the low chain link fence no challenge to a moderately athletic woman. It has 17 residential buildings in red-brick, vaguely Georgian colonial style, actually called "dormitories," arranged in quadrangles around tree-filled malls actually called campuses.

Mrs. McLaughlin is a shrewd, sharp-eyed, sophisticated woman whose office is decorated in abstract non-inmate art and whose non-government-issue coffee table has a shingling of highbrow magazines—The American Scholar, Intellectual Digest, Trans-Action, New Yorker . . .

Prisoners are called "residents"; they can dress almost as they wish and pay a lot of attention to the latest fashions. The food is good as institutional feeding goes, rooms are decorated individually and there are few matrons visible to the visiting eye. Two honor cottages are self-governing and have no staff in them at all (and are unkindly called "snitch houses" by other inmates; in prison an informer is known as a "snitch").

Mrs. McLaughlin knows she has the perennial problem of modern prisons: white rural staff, hired from the surrounding area, in total control of the lives of prisoners who are mostly from big cities and mostly blacks.

She has a staff of 261 overseeing 530 inmates. Eleven per cent of the staff is black, compared to 54 per cent of the inmates.

"It's very important to have blacks on the staff, important for the role they play. The black residents need to see blacks who have made it and are 'square.'

"There's an immediate communications gap. There's the gap between the very young, inner-city residents and the older, white, middle-class oriented staff. But even between black staff and black residents there can be a gap nobody likes to talk about, a class gap."

One afternoon recently, she had her final interview with a young, fashionably dressed black woman who was about to join the staff. The woman nodded as she left, "Thank you, ma'am." Mrs. McLaughlin smiled innocently and replied, "Why don't we drop that s——. 'Thank you ma'am' is lower-class white, you know."

Mrs. McLaughlin is sure that women prisoners are changing in attitude.

"Our drug problem's not so different. I looked at some board meeting minutes from 1950 and they had 40 per cent addiction then. But we are seeing more young offenders and a small but growing number of women who are active parties in regular crime. They don't just drive the getaway car or hide the money any more. They're pointing the guns.

"And we have militancy. They have a just concern with their rights. That's the way it is. Blacks have taken all they are going to take, being kicked around. Everyone has a right to say how they're feeling. Inside or out, we have to be concerned with individual rights. I don't care whether a person is in prison or out, they have fundamental rights."

WHO THE INMATES ARE

Mrs. McLaughlin is asked about the unprisonlike "dormitories" and "campuses." She enjoys smashing the stereotype of the hard-hat warden issuing public relations mush.

"I don't care if this was the Greenbrier Hotel, it isn't fun. This is a prison with 500 miserable people forced to be together. It can't be good, they can't go home, they can't relieve the pressures by going out to the street to a show." '

She is not euphoric about the power of an authoritarian figure bringing inner change. "These aren't 'girls,' the way they used to be called around here, and I'm not their mother."

But many of the inmates are, in fact, girls. Seventy per cent of the residents are 30 years or younger and a few are 15 and 16. They come from 40 different states and about 30 of them from foreign countries, convicted of crimes in the United States, usually smuggling dope. Thirty per cent have a history of prostitution.

"How are you going to teach a woman a trade that will earn her $1.25 on the outside when she's been in the habit of make $500 a night?"

If the women work in the prison industries they make from 19 to 47 cents an hour.

Forty-two per cent have a history of narcotics use. Only nine per cent have ever had a significant alcohol problem.

Like all prisoners, women inmates do not lack intelligence but have lacked sufficient schooling and what schooling they received obviously was deficient. About 60 per cent have average IQs or higher. About half of them went no higher than 9th grade but they test out at a demian of sixth grade level.

They are serving federal sentences for postal violations such as mail fraud, 22 per cent; narcotics, 20 per cent; forgery, 18 per cent; involvement with stolen goods in interstate transportation, 12 per cent.

There have always been about 30 robbers and about 30 in for conspiracies of various kinds, with only a few murderers and kidnappers.

Federal offenses are different from state. In one state prison for women, half were in for killing their husbands or boy friends and most of the rest for prostitution.

Like male prisoners, 90 per cent at Alderson have histories of prior arrests, with criminal arrests starting as young as age 7. Half of them earned less than $3000 a year before their imprisonment, but only 26 per cent had ever been on welfare.

The statistics support the bias of the criminal justice and of the outside society. Mrs. McLaughlin tells interviewers, "If you're poor, if you're black, if you're twenty-six and you're a woman, the dice are loaded against you."

She likes to tell that to the residents and then add:

"But prisoners have responsibilities. I'm sorry if your mother didn't love you and I'm sorry if you have no money, but you've got to face the future."

"AN EMOTIONAL BINGE"

For all its bucolic grace, tolerant atmosphere and the warden's anticipation of traditional complaints, Alderson has had its troubles. It has its "hole," the segregation cells in which women are punished by being locked in a bare tiled cell with no transparent windows, a toilet, and a cot. There are tensions and bitterness.

In September, residents of Alderson held a memorial for the prisoners in Attica. It evolved into a strike for reforms at Alderson, with 130 residents occupying the prison's garment factory building for four days. Mrs. McLaughlin sent in food and blankets for the strikers and received their list of 42 demands.

Like most prisoner demands, these would be agreed to by many prison administrators if they were free to do so: reasons to be given for denial of paroles; more halfway houses; work release programs for qualified inmates; more caseworkers on the staff; more psychological counseling; more vocational training; better education within the institution; published standards for changing inmates' level of restraint; unlimited mail; disinfectant for all cottages; reasons given for severe disciplines, and so on.

But at some point, Mrs. McLaughlin decided the strike had gone on long enough. She called in help from other federal prisons. Male guards went through the campus, used tear gas, rounded up a predetermined list of inmates thought to be ringleaders, put them into a waiting bus (by mistake including one staff member), and transferred the women to maximum security institutions in Ashland, Ky., and Seagoville, Tex.

Mrs. McLaughlin refers to the strife as "an emotional binge" and the result of "two or three very troubled people; our psychiatrist says that we have about 50 people who are in and out of psychosis all the time." But the demands were consistent with what most correctional administrators are themselves asking for, at least when outside their own institution.

Nevertheless, Alderson is a far more humane institution than the average state and county prison for women. Elsewhere there are female prisoners subjected to terror and degradation and the same kinds of psychological pressures that afflict male prisons.

Tom Murton was a warden in Arkansas who unearthed murdered inmates and tried to reform the institutionalized savagery before he was fired by Gov. Winthrop Rockefeller. Because prisons are typically closed institutions protected by secrecy, their worst characteristics usually come out only with a riot or after an administrator has been fired.

A warden who preceded him at Cummins prison farm, Murton says, had an electric buzzer installed next to his bed in the warden's residence on the grounds of Arkansas State Penitentiary. When he pushed the button, the staff would select a woman inmate to go to the house to perform sex acts on the warden.

Black women were forced to "clip" grass on the prison grounds with their bare fingers, and for meals were permitted to eat only whatever white women prisoners left behind them. Women prisoners were beaten with leather straps.

When prisoners under sentence to the state prison were transported from the local county jail, all the prisoners—men and women—were put in the same covered van and it was usual that the women began their prison term by being gang raped in the van.

Lawsuits claim brutality to women in some prisons that match those in some men's institutions. In Louisiana, seven women prisoners brought suit recently in a federal court claiming that at the state prison the seven women were punished by being beaten, stripped to their underwear, three of them handcuffed together in one cell, four of them handcuffed together in another cell, and gassed repeatedly with a spray that burned their eyes and made it difficult for them to breathe, and that this went on for four days.

Last October in Miami, a civic committee of business and professional women protested "inhuman living conditions" for female prisoners in Dade County Jail.

The committee said women, often incarcerated for months, had total recreational facilities consisting of one incomplete deck of cards. It said 18 women lived in one large cell, rain leaked through windows soaking beds, very young girls in jail for their first time were left alone with experienced older prisoners and no exercise was permitted for weeks at a time.

In Michigan, Carole Morgan, a teacher for two years for women prisoners in the Detroit House of Corrections, said that an 18-year-old girl prisoner, finishing her term on a drug charge, once came to her hysterical because shortly before she was scheduled for release she was visited by a detective from the city narcotics squad who told her that if she did not become an undercover agent for them they would make sure that she served more time in jail.

LISTENING TO THE INMATES

Jane Meyerding, 21, was held in Monroe County Jail, N.Y., while being tried on charges arising from raids on Selective Service and FBI offices in Rochester. She said she and other women were stripped and searched before and after each court appearance, a process in which they did not resist but did not cooperate.

"When we were convicted and brought back to the jail they had a real field day . . . There was a man there when we were searched . . . The men brought us up the stairs and when it was my turn he put the handcuffs on me and dragged me over to where they wanted to strip-search me. He didn't take too much part in the actual stripping because I was just being passive . . . During the trial I wrote the judge a letter and he told the marshals to come over and stop the strip searches. But after the conviction they started all over again."

Compared to the institutionalized cruelty and neglect typical of many women's prisons, the residents of Alderson are fortunate and the experienced ones (40 per cent have been in prison before) know it. But even there they suffer destructive anxieties and psychological pressures.

For about an hour, the Resident Council, two women elected from each dormitory, discussed their anxieties. About 28 gathered around a long, polished table near the warden's office. Some of the women were stylishly overdressed, the others casual and cool. The accents ranged from Deep South black to university British. To the casual eye, it could have been the board meeting of an integrated middle-class PTA.

Some of the bitter complaints would require relocation of Alderson. For example, the separation of women from children because of Alderson's remoteness and lack of public transportation. Of twenty-eight women, 22 raised their hands when asked how many had minor children. When asked how many had not seen their children since their imprisonment, the same number of hands went up.

But the most bitter and impassioned complaint would take no revolution: quick response on parole applications, together with a detailed reason for denial of parole. At stake are years of a woman's life, but present procedure is casual.

A parole examiner visits the institution and interviews the prisoner in sessions that inmates say range from three to five minutes, with a few 10 or 15 minutes. Then there is silence for up to four months. If the parole is denied, there is no reason given except, possibly, "lack of progress."

Nothing causes more frustration in prison than the mysterious and indefinite working of parole boards.

As one young woman, interviewed at random in her dormitory said, "I got five. I know I did wrong. I'm doing good time. I take courses. I have a good record here. My mother is taking care of my kids. I get no answer from the parole board except not enough progress.

"I ask what that means and nobody can tell me. Why keep trying? I mean, if you want to drive someone crazy, then put them in an institution and never let them know when they're getting out."

In that respect, men and women in prison have a common experience.

PRETENDING TO BE STUPID WINS PAROLE ON SECOND TRY

Dottie Mather, 21, was arrested in Washington, D.C., on drug charges. She served 21 months in Alderson Federal Reformatory for Women.

When I was sentenced, the judge—and I really think he believed this—said that if I was good and did what they told me for six months, then they would release me. My lawyer and my parents were all under the same impression . . .

Well, I met the parole board the first time and they gave me a 20-month contract, which means there's no way to get out before 20 months . . .

Q. How long did you meet with the parole examiner?

A. It was about three minutes. He asked a little bit about my drug record . . . Then you walk out and wait about a month or two till they send you back an answer.

Q. Did they give a reason for denying parole?

A. No. They don't say. "Continue with a review hearing in January, 1972," is how it read . . . Well, you can ask for a reconsideration. That means you know that you think you're ready to get out . . . my case worker and treatment team thought I was ready to be out . . . so they wrote Washington . . .

Q. How did you know what else you could do to help you get a parole?

A. The case worker tells you . . . Usually they set goals for you, like earning your high school diploma. But I already had a high school diploma so I just had to think of things that I thought would look impressive.

I got into therapy because I thought it would look as if I cared about myself and I was admitting I had problems, which is one thing they really like you to do . . .

I wrote down every little thing I could think of. I was in pottery class. I was in two different therapies. I was in key punching. I was going to school taking advanced studies. I was getting any extra things I could, just to say, "Look, I'm doing something, let me out." . . .

So I met with the examiner again in September of '71 . . . I was in a tight position at the time because people at the prison didn't like the people I was hanging with, the political people . . . I had a promise of a job as a key puncher working for the Central Committee for Conscientious Objectors and the examiner asked me if this wasn't like the blind leading the blind . . .

And I did a thing which I really don't believe in doing but I thought it was the only way to get out and that is to act like I didn't know much of what he was saying and that I was really stupid . . . I'm kind of sorry I had to do that but I really felt it was necessary to get out.

Q. How long were you with the examiner?

A. About 10 minutes that time.

Q. And this time parole was granted?

A. Yes.

THREE BLACK WOMEN IN JACKSON JAIL: STRIPPED, SEARCHED ALMOST DAILY

Iasha Salim, 25, was one of a group of blacks in the Republic of New Africa aimed at carving a sovereign state from land in the Deep South. She, two other women and several men were arrested in a morning raid in Jackson, Miss., and held without bail for two weeks in the Jackson City Jail.

There were three of us women. One of the sisters, Njeri Quaddus of Camden, was pregnant. She said she was tear-gassed while she was in the police van on the way. Each of us was put in a tiny cubicle with no blankets and no sheets and very thin mattresses. Next to me was a white insane woman, hollering and screaming. They had to move her after awhile. There were mice and bugs everywhere . . .

At city jail they let us out once in two weeks for our only shower. There were three of us and by the time the third girl got to the shower, they shut off the water.

We were searched almost every day. We were stripped and had our clothes thrown outside the cell. They'd take us to a special cell for this where we'd be in charge of a very timid black woman. While we were naked the uniformed police would walk by and laugh at us.

We couldn't eat the food. There was one cup of coffee in the morning with no sugar and no milk, and cold corn bread with worms in it. We got by on candy bars brought for us by male prisoners who got money from visitors.

The guards and the police were foul-mouthed. They kept asking us why we didn't wear bras and they threatened to handle us. They had arrested us early in the morning and one of the sisters was still in her nightgown and they wouldn't give her anything else to wear.

Once we were all together, all three of us women, and all stripped for our daily search. Sister Njeri was four months pregnant and showing it, and one big fat jailer came up and he said, "Aren't you the one with the filthy nasty worm inside you? You must have had a ball with all those men, nasty filthy niggers. Are you a Christian?"

[From the Washington Post, Feb. 3, 1972]

JUVENILE PRISON: SOCIETY'S STIGMA

(By Ben H. Bagdikian)

The price list is posted in big red letters for every kid in the classroom to see. Coffee break? $40. Sit in the teacher's swivel chair for a whole period? $20. Take a trip to the library for a book? Only 50 cents.

Get out of here entirely? $7,875.

You don't have the money? Just sign one of these contracts. "I will remain in my seat during the testing period. I will not talk to other wards . . ." up to $50 payment. "I will not fight with Chuck over the TV program"—$100. "I will write out as closely as I can remember exactly what I said and exactly what Chuck said when we fought and then I will write out what I could have said to avoid a fight and still get my point across"—$300.

The assorted young burglars, car thieves, murderers, rapists and robbers are being "paid" to behave the way the state of California wants them to.

They are not charged or paid United States dollars but "Karl Holton Dollars," the medium of exchange in the place. But in Karl Holton Dollars they really mean it. Coffee can cost $40, a pool game $35, a five-minute phone call $150, an afternoon nap $25.

Each boy carriers a small blue book, "Karl Holton Bank" with his savings listed. His daily expenditures and pay are also posted publicly so that no private deals are possible.

Karl Holton School is a prison for boys in Stockton, Calif. It's surrounded by a 14-foot chain link fence, the top four feet of sheer metal to frustrate agile climbers (it doesn't; the boys turn the tines of forks and grapple their way over the top). There are almost 400 juvenile criminals inside.

A couple of football fields away is another prison for boys, constructed to be almost a mirror image of Karl Holton. It is the O. H. Close School, with about the same population. But it has an entirely different and similary innovative philosophy of treatment.

Side by side, these $35 million experiments are symbolic of the desperation of a society bewildered by the defection of its young. The most distressing criminals in the United States are its juveniles—as young as 7, mostly in the mid- and upper-teens.

One in every six American citizens is a child between the ages of 10 and 17; three of every six arrests for serious crimes are of someone in that age bracket.

Crime rates among youth are alarming in every segment of the country—both boys and girls; inner city, suburban and rural; rich and poor; white and black (though, as with adults, the poor and the black, after arrest, are sent to court and prison more often than affluent law breakers).

Once juveniles are convicted, they do worse than adults. From 40 to 70 percent of adult prisoners repeat crimes after their punishment; from 74 to 85 per cent of juveniles do so.

The dismal record of juvenile "corrections" is especially frustrating because it deals with presumably pliable youths still forming their characters.

An alarming number of juvenile criminals apparently want to kill themselves, either directly by drugs or engagement in suicidal violence, or by symbolic death through repeated imprisonment.

What happens to these imprisoned youths raises questions about the society that produced them. All over the country, the men and women who run juvenile institutions say similar things, typified by:

We inherit the failures of all the other institutions of our society, the failure of our homes, of our schools, of our churches, of our economy. We get the products of a culture that worships material things—money, cars, clothes—and of a culture that glorifies violence and sanctifies guns. And what can we do about the father who's an alcoholic or the mother who's a drug addict, or the uncle who's a child-beater, or the 10 to 30 per cent of girl offenders who have been the object of incest with their fathers and stepfathers? And what do you expect when our graduates go right back into that environment?

They are profound questions. But they do not relieve the institutions completely. Once juvenile "homes" receive convicted youths, a large proportion of the institutions do things for which the law would prosecute a parent:

Lock them in terrifying isolation; beat them; put them into circumstances in which forced homosexuality is predictable; crowd them into inhuman densities; force them to associate with promoters of violence.

One expert in criminal justice said, "Juvenile corrections isn't better than adults, it's just more hypocritical."

There are still juvenile jails and prisons—"halls" or "homes" or "camps" or "schools" or "centers"—where the chief instruction for a new guard—"counselor" or "correctional officer" or "dorm leader"—consists of how to rough up a juvenile without leaving marks: always use forearms and whole body, never fists or feet.

Most places are still crime schools. "Let me tell you a little story," an experienced worker in corrections said recently. "We were in a new, nice-looking jail in the northwest and interviewed two 14-year-old girls sitting by each other. We asked the first girl what she missed most and she said, 'Speed and men.' "

"Speed" is the street term for methedrine, a chemical stimulant that increases heartbeat and raises blood pressure and in large doses produces hallucinations and sometimes death.

"We asked the second girl what she missed most. She obviously was not initiated yet in speed or men. But she was a very unhappy girl and we all felt that it was almost certain that the moment the second girl got out of jail she would rush to find comfort in speed and men."

OVERCROWDING AND BRUTALITY

In Miami last October, the director of the Dade County Youth Hall admitted that the jail was built for 52 but now held 250 and it was necessary to put juvenile in the same room not by offense or personality but by physical size, so that each child would have a better chance of defending himself physically.

"There just not enough room to do it any other way," Everett Clime, the director said. "Many of them are runaways, many have drug problems, I wouldn't doubt it if a few were prostitutes. There wouldn't be any way to keep them from teaching these things to one another."

In Detroit last November, lawyers brought suit against the Wayne County Youth Home on behalf of five children who were jailed only because they had been abandoned by their parents or had been taken away from parents who were brutal or alcoholics. Once in the protection of the state, these children, the suit claimed, were placed for as long as three days at a time in a bare cell with only a mattress and a toilet, punished by being forced to stand with arms outstretched and not move for hours, and struck on the head with keys.

They allegedly received these punishments for speaking without permission, not answering questions fast enough or looking out of windows without authorization.

Several weeks ago, a Harvard student posing as a 16-year-old delinquent, entered the John J. Connelly Youth Center in Roslindale, Mass. and wrote in the Boston Globe that the place held 200 boys though built for 88, and that staff members held boys head under water for punishment.

Two boys found talking without permission were punished by having to run between two lines formed by all the other teen-age inmates. The other inmates were required to punch the offenders with a closed fist between the waist and the shoulders. If any boy in the line failed to hit the two boys, he would then have to run the gantlet himself.

How many juvenile centers are run like this in unknown. It is a world closed to the public and to the press. When there are visits, it is usually during hours when the inmates are in classrooms, thus centering attention on the clean hardware and concealing the extent of overcrowding.

There are many humane and purposeful juvenile institutions but they tend to be the ones most heard about because they are less secretive.

State and local programs are varied and unintegrated. The federal government, which presumably would have the most sophisticated talent and the most money, is fragmented and disorganized in its programs.

CALIFORNIA'S TWO EXPERIMENTS

Though 48 percent of arrests for serious crimes are of juveniles, the chief agency for juvenile corrections research and support, the Law Enforcement Assistance Administration is spending less than 15 per cent of its budget on juvenile delinquency. Work on juvenile delinquency is scattered among a minimum of nine different federal agencies, ranging from the Department of Housing and Urban Development to the Department of Agriculture.

This is why experiments like the two centers in Stockton stand out by contrast. Theirs is the latest attempt in a long search.

For decades, waves of new approaches have washed over millions of troubled children. It began with moralistic instruction, preaching at bad children to be good, still a popular prescription for making adults feel better. Some places concentrate solely on vocational training, though usually in an obsolete or depressed trade.

Some spend most of their time testing the child and making sophisticated analyses. Or they concentrate on academic achievement.

Others believe that what the bewildered soul of a child needs more than anything else is fresh air and competitive sports.

Psychiatry in its various forms dominates some institutions, including every conceivable permutation of counseling and group therapy.

None of them works. Or at least none works if the measure is that most of their graduates will thereafter avoid arrest.

Richard C. Kolze, superintendent of the Karl Holton School, does not pretend that the "Karl Holton Dollars" will buy guaranteed solution either, but his institution is permeated by a religious devotion to trying it.

The theory back of it is "Behavior Modification," a practice that accepts the fact that either we do not know why human beings do the things they do, or if we do there isn't much we can do to change people by rearranging their thoughts and emotions. It aims at a seemingly modest goal: whatever the causes, just change actions; reward behavior you consider good, punish what you consider bad. Since it is known that punishment produces minimal learning, the emphasis is on reward for desired behavior.

From the first moment a convicted boy enters Holton School he gets a contract, a formal written agreement signed by him and his counselor, providing so many Holton Dollars for certain performances.

The "Get Acquainted Contract" says, "During my first week, I will: 1. Introduce myself to every staff member on my hall team; 2. Carry on a 5-minute conversation with every staff member on my hall team; 3. Following each conversation, get the signature of the staff member; 4. Learn the name of every staff member on my hall team; 5. Name (from memory) each staff member on my hall team to my assigned counselor. For this I will receive: 1. 75 points for each signature obtained. 2. 25 points for each name remember. Some contracts are for "convenience behavior"—managing time well, relations with other inmates, getting out of bed on time, finishing meals on time. The boy must earn $3,525 this way.

Other contracts are for academic achievement. All instruction is individual, so the boy can move as fast as he wishes, competing only with himself. He gets Holton Dollars for good grades, completing tests properly and other tasks related to schooling. He has to earn $2,250 that way.

Finally, he has Critical Behavior Deficiencies to earn dollars. Each month, three staff members and the boy himself fill out a checklist of 80 items believed to be important in predicting how a person will do on parole. These include the number of contracts filed and satisfied, various measures of "positive behavior" and the ingenuity of the boy in doing his tasks. He must earn $2,100 this way.

LIKE THE REAL WORLD

The school discovered that it had created a replica of the economic world and now need a fulltime economist. The recordkeeping is overwhelming. Dollars earned are computed on the spot and reports sent to a central computing office where debits and credits are calculated and posted. They plan to get a computer.

"There are some things we have to watch out for," Kolze says. "We limit the number of 'Dead Man Contracts' that the boy earns for simply not doing something bad. Otherwise, of course, he'll do a lot of bad things so he can get credit for stopping them.

"We watch the contracts the staff writes all the time. Everything depends on the quality of the contracts. If a kid gets dollars just for keeping his shirt tucked in or for going to church, then all we have here is a funny game. But if you contract with the kid to analyze why he's angry at his mother or fights with the other boys, then it means something.

"You see, this puts everything out in the open. The staff can't play games with the kids or the kids do it with the staff. You know: 'Let's hit Mr. Jones up for a favor, he's in a good mood today.' The kid knows what's expected of him and exactly where he stands. There's no guessing, no subjectivity.

"We don't let the staff write up bad attitudes. They can't threaten anything. If they have a problem with a kid it's up to them to handle it some other way.

"We keep a constant analysis of dollar flow patterns. For example, if some kid is accumulating too much money and not spending it, we know that he's getting too rich and won't have to work. We look at what's selling in his hall—maybe pool is a favorite pasttime or phone calls, it varies from hall to hall.

"In some halls, private rooms are the big thing. In others sleeping in. Whatever it is, when some kid in a hall is saving up too much, we raise the prices on the popular items in that hall. We cause inflation so he has to work harder."

Just like the outside world?

"Exactly."

How do you know that the kids won't learn how to manipulate the economic system?

"They aren't smart enough to do that."

Boys pay rent for private rooms—there are dormitories and private rooms in each unit—but they get dormitory beds and meals "free."

"We tried to charge for room and board but it wouldn't work because it meant inevitably that some kids wouldn't be able to pay. And obviously we weren't going to keep them from bed and board, so we'd have to have a welfare system. We planned that, too. But it got so complicated it overloaded the system. Besides, we couldn't sell the welfare system to the other kids who wanted to know why they should give up 10 per cent of their bank account."

Just like the outside world?

"Right."

THE CATCH IS PAROLE

When the Holton School inmate has earned $7,875, he is eligible to apply for parole. But there is a catch. Despite all the daily computations, data processing and elaborate manipulation of the economy, when the big prize has been earned, it is simply eligibility for parole. The real pay-off, the parole, is run on a different system.

"We measure everything on performance of the young man," said Kolze. "But we're dealing with a parole board that is time-oriented. We feel that a lot of our boys could move out of here much sooner. But the board disagrees because they consider the original offense and the amount of time spent in the institution."

A brisk walk from the gate of Holton School is the O. H. Close School, the same kind of physical plant with roughly the same number and kind of boys. "We have everything here," Harold Richards, the superintendent says. "You name it, we've got it—burglary and auto theft are the biggest offenses, but we've got child molesters, murderers, armed robbers, rapists. . . ."

Close School is devoted entirely to Transactional Analysis, self-examination based on the assumption that each person has within him three major approaches to life: a built-in Parent, who admonishes; a built-in Child, who reacts emotionally; and a built-in Adult, who is a creature of facts and logic. These interact within the individual, causing him confusion. And each person's three ego states interact with other individuals' three ego states, causing a variety of hidden messages and games between people. (A basic book on the technique is Eric Berne's "Games People Play.")

"What we would hope for," Richards says, "would be that a kid by the time he left here would be able to plug into his own mind before he does something to evaluate the situation before he acts, to find out, as we say, what ego state he's in when he is about to do something."

Instead of the price lists of "Holton Dollars" in the institution across the street, Close School has posters poking fun at games inmates play. "Let's Make Counselor Sorry" and "Look What They've Done To Us" and "I'm Just a Typical Teenager." The staff isn't immune: "After All I've Done for You—" "I Let You Go On a Furlough and Now See What You've Done" and "Kick Me."

Games, in transactional analysis, are a series of secret messages with a gimmick designed to produce some emotional payoff. The best emotional state and the motto of the technique is, "I'm Okay, You're Okay."

A LIFE SCRIPT QUESTIONNAIRE

When each of the 390 boys enters the school, he fills out a Life Script Questionnaire designed to give insight into the boy's conscious and subconscious expectations for himself.

"The number of kids who have as a lifetime script a violent death, or a lifetime spent behind bars of some sort is just incredible . . . Usually a life script is a reflection of what parental expectations were . . . Many parents unconsciously want their kids to fail. They unconsciously want them to fail. They unconsciously want them to take drugs, for example, even as they say, 'Don't take drugs.' The hidden message is, 'Do take drugs.'"

The staff described one boy committed for forcible rape.

"A brutal crime," Paul McCormick, a worker at the school, said. "A gang of kids grabbed a couple who were up in the hills necking and they robbed the guy and raped her.

"This boy was unaware that he had any anger in him. I finally got him to see that he had brutalized another human being, a complete stranger, so it's an evidence of some kind of hate or anger within himself and not related to that particular girl. That it's in him.

"He wasn't aware of it, but he had been programmed by his mother and father from about the age of 12, who kept saying, 'Now don't get in trouble' when they were really telling him all the time, 'You're the kind of kid who's gonna be bad, bad, bad' . . . What's the worst kind of bad? Rape."

"Well, it's kind of ironic because I got busted for rape and I could have been with my girl friend that very night, and we could have been balling the way we always did."

He says that his companions kept urging the rape. He wanted to return home. But in the end he led the group. He said he didn't enjoy it.

Why do it if he didn't enjoy it?

"It didn't strike me in my mind as forcible rape, kidnap and whatever else. No, it didn't strike me as that.

"I was with my friends and I could only explain this through what I've learned here about myself. I needed strokes—my friends said things I liked. I went along with the group.

"I relied more on my friends than I did on Mom and Dad . . . All my Mom and Dad would do would say that everything I did was wrong. There'd always be, 'You're gonna get in trouble.'

"And I never thought much about what I would do in the future. I wanted to be out of the House. I wanted to go to parties. I wanted to ball chicks. I never thought much about it. I never had any insight into myself until I came here.

He spoke softly.

"I don't have to please nobody. I don't have to make anybody love me or hate me. If I reject stealing a car that my friends want to take, it isn't that I reject my friends, but just the idea of stealing. After that, if they want to reject me, then I can say, 'F— you.' Now that's a change because before I had to go along with my friends. Same as with my Mom and Dad."

Does it work? Does it work better than Behavior Modification across the street? Nobody knows. Typically of corrections systems nationwide, California spent $13 million to build the two institutions and has spent $22 million operating them but didn't appropriate research money to measure their relative effectiveness. The federal government had to do in a study still in progress.

Superintendent Richards was asked whether it was possible that he was merely producing more insightful car thieves and rapists.

He shrugged.

"We don't know. But I have trouble believing that we are not doing some good. I think it's justified to use the medical analogy of treatment: you don't measure it by sudden cure but by the number of relapses. I'd be surprised if our kids don't have fewer relapses. But we just don't know. We won't know for a long time."

They Wanted Citizen Involvement, and They Got It—The Hard Way

Thomas Callanan, 35, father of seven, was a social worker with Juvenile Court, a probation officer for ten years and is now president of the New York State Probation and Parole Association.

Callanan. We wanted to open a foster home in the South Bronx. This would be a nice approved apartment with four or five bedrooms and eight kids. They'd live with carefully selected parents, a man and a woman who liked kids and have been selected and trained to live with these kids.

So we thought we'd do this in the community these kids came from. It's a lower-middle-income area, integrated—whites, blacks and Puerto Ricans. The kids come from there and none of them had serious offenses, all truancy and runaways. But they came from terrible households—drugs, alcoholism, beatings.

So we held a big meeting in the local high school to explain the thing. We didn't want these kids who never committed any crime except truancy or running away from home to be sent to an institution.

So in came the community groups, the parochial school principal and the heads of the PTAs and groups like that. I thought they were going to kill the poor probation officer. They were all for "community involvement" but they were violently opposed to lettin gthose kids move into that house.

The nun who is principal of the Catholic school said they already had enough kids around with severe problems. The head of the PTA said they didn't want problem kids in their schools.

What you've got to remember is that these people live in a high-crime area—I mean drugs, armed robbery, pocketbook snatching. These were eight 14- and 15-year-old kids, about six blacks and a couple whites, and they had to go back to their old household—parents beating them, couple of parents absolutely out on drugs, a couple of alcoholics—living in the same neighborhood. The kids are going to end up in an institution.

Youths Unaware They Are Suicidal

Paul McCormick is on the staff of the O. H. Close School for Boys, in Stockton, Calif., an institution for juveniles convicted of serious crimes.

McCormick. It's amazing how many kids are suicidal and are not aware that they are, that they are setting themselves up to kill themselves.

Question. If they don't know, how do you know?

A. They overdose, they drive a motorcycle at 95 miles an hour on a rainy night. Here they become aware that they had been setting themselves up deliberately that a part of them was looking forward to the escape of death.

Q. Why would a child subconsciously be trying to kill himself?

A. Because his mother had told him, for example, that they would both be better off if they had never been born . . .

The parent from conception on may be disappointed in bringing a new kid into the world. The kid is born and he's programmed to believe, "Gee, if it weren't for me, my mother could have a happy life." The secret, magical message is: "I would approve of you if you didn't exist."

Down in the child part of the kid he gets the feeling, "Mother will love me when I'm dead." In order to bring that awareness we ask some very pointed questions, like, "How long do you think you'll live?" Answer, "Oh, if I keep up what I'm doing, I'll be dead before I'm 20."

Q. This isn't just melodrama on the part of the kid?

A. Oh, no. These kids have overdosed. They've been taken to the hospital and had their stomachs pumped out. They've been saved from death. They've been cut down from trees where they hanged themselves.

Q. So what do you do with a kid like that?

A. You alert him to the magical messages he's been getting all his life. Here's a conversation that's very common:

"You think you'll die before you're 20? How are you going to die?"

"Well, I may overdose."

"O.K. you've overdosed and you're dead and you're lying in your coffin. Who's at your funeral?"

"Well, I guess my mother and my father."

"What's your mother feeling?"

"Well, I guess she's feeling terrible."

"What's she saying to herself?"

"She's saying, 'My whole life is over now. He's dead.'"

What this kid means is that he's waiting for his mother to tell him that he means everything to her, but the only time she's going to say it is when he's dead. Part of him knows that, so he has set that up.

And when I say this is not in his awareness, I mean it's not something that he has thought out in a very rational, overt way. But part of him knows that and we can bring that into his awareness.

[From the Washington Post, Feb. 4, 1972]

Rehabilitation: A Frayed Hope

(By Leon Dash)

The 12-year-old boy thought he was alone in the dormitory of Cottage 7, sweeping under the beds. But he wasn't alone. A creaking wooden floorboard caused him to turn. A 14-year-old fellow inmate of the old Industrial Home School for Colored Boys (now Junior Village) was sneaking up behind him.

"He said he'd been watching me and said I was either going to fight him or let him have sex with me," Lawrence Smith Jr. recalls.

Smith refused. The bigger boy grabbed him. Smith pushed back. They fought and Smith says he won that battle.

This was one boy's introduction, 18 years ago, to the world of District of Columbia "corrections"—to sexual assaults, fights and beatings behind the walls of institutions where juveniles and adults from Washington have been sent for the announced purpose of being rehabilitated.

In the years since young Smith was first locked up, the D.C. prison system has undergone drastic changes. There have been pioneering reforms that others have seen fit to duplicate.

But today Smith is back in prison. There he joined his father, who preceded him into prison. And while the Smiths' history is not necessarily typical, it tells a lot about the prison system in the District of Columbia.

The longest period the younger Smith (who calls himself Smith-bey) has spent outside of jail since the age of 12 was eight months. He is now 30.

His father, Lawrence Smith Sr., now 47, has just completed more than 12 years at Lorton for the sale of narcotics and for parole violations.

Smith Sr., who was addicted to heroin early in adult life, typifies an older generation of unskilled, undereducated criminals. He talks in a dry, even monotone which lacks the rhetorical cadence and hostility to the "establishment" characteristic of many of the younger Lorton inmates.

In December, 1956, while his son was still at National Training School, Smith Sr. was paroled from Lorton with $45 and what he describes as an "old suit," after serving a three-year sentence. His wife and five other children were living on welfare.

During most of his stay at Lorton, Smith Sr. had worked as a grinder in the institution's old foundry—smoothing the rough edges of sewer tops, fire hydrants and police callboxes that were being made for the District government. "Back in those days," the older Smith said, "we were only makin' $3.60 a month."

Upon release from Lorton, Smith Sr. rethree years at Lorton. There were no foundry work like that he had been doing for three years at Lorton. There were no foundries in Washington. It wasn't too long, he said, before he was back to using heroin and selling it to support himself and his family.

His son, Smith-bey, is representative of the younger, more aggressive inmate at Lorton today. He is six years over the average age of the Correctional Complex's 1,800 inmates, which is 24, but their median level of education is the same as Smith-bey's—eighth grade.

The younger Smith has spent most of the last 18 years inside prisons or hospitals; after the Industrial Home School, then Cedar Knoll in Laurel, Md., the old National Training School for Boys, three federal prisons, the federal drug treatment hospital in Lexington, Ky., almost four years under psychiatric care at St. Elizabeths Hospital and the Lorton Youth Center.

He finally joined his father at the Lorton Correctional Complex last summer following conviction of armed robbery, assault with a dangerous weapon and carrying a concealed weapon. Sentenced to five to 15 years, he'll be eligible for parole when he is 35 years old.

As it happens, Smith-bey's father's sentence expired Jan. 20, following the longest single period he has seen his son since 1954. But Smith Sr. is facing a fresh indictment from 1970 of conspiracy to sell drugs while he was out on parole.

Whatever the differences between father and son, there are important similarities. With the exception of some clerical work the father has done at Lorton, both men lack marketable skills after almost two decades of jail sentences.

And both father and son ended up at Lorton.

Stories such as the Smiths' are not uncommon among Lorton's inmates. Fathers and sons, brothers, cousins and childhood friends have all, together or separately, passed in and out of Lorton's main gate.

Although there are no statistics a large number of the 2,200 inmates at Lorton's Correctional Complex, maximum security facility and Youth Center have been recycled through the District's juvenile delinquent institutions only to end up, finally, as young-adult offenders at Lorton.

The two Smiths typify the depressing cycle of crime and imprisonment, more crime and more imprisonment that seems to characterize the graduates of District reform schools and prisons. The products of chaotic, unproductive backgrounds, they drift into crime and serve time in "correctional" institutions where their problems deepen and they get no practical skills.

THE PRESSURES OF CHANGE

That history illustrates something else: the acute political and public-relations pressures aroused within a community when a prison system tries to change.

In the last four years, the corrections department has undergone drastic changes. They were directed first and with apparent success, to reducing the incidence of riots, racial battles, homosexual assaults and other destructive forces inside the prisons.

More important, the reforms have tried to alter the endless recycling of former prisoners back into crime. This has been the major concern of the D.C. Department of Corrections since the mid-1960s.

A prison sentence can break up a home and expose a family to the shame and burden of welfare subsistency, and it can increase the chances that the children will turn to crime. It can compound problems of alcohol and drug addiction.

The reforms have had several aims. They have been directed at gradually letting prisoners get used to freedom they will have after they have served their sentences. Another aim has been to teach them skills that will earn them money legally. There have also been efforts to give the prisoners guidance in the personal problems that might have caused their criminal careers in the first place, and which may have been deepened by the experience of being locked up for long periods of time.

The department's innovative programs

have been aided by Lorton's location near this city. Most state and federal prisons are in rural areas far from inmates' families and remote from jobs and qualified staffs. But most of the Lorton inmates, over 90 per cent of whom are black, have grown up in Washington. They have family and community ties in Washington, an important element of community-based correctional efforts.

Corrections director Kenneth L. Hardy feels convicts should be released from prisons gradually through community projects that give them a chance to adjust to life outside of prison walls. "Release a man gradually," Hardy said recently. "Give him a chance to re-establish himself, find a job, see his family."

But community-based programs, allowing convicts back onto city streets before their sentences are completed, have met with harsh criticism from the Metropolitan Police Department and officials of the District government and Justice Department, as well as private citizens.

The central issue is new crimes committed by convicts while participating in any one of three community-based programs—halfway houses, weekend evaluative furloughs or "community outreach" programs such as group visits to the city to put on dramas.

DISPUTE OVER HALFWAY HOUSES

Critics of the department's programs, led by Deputy Mayor Graham W. Watt, Police Chief Jerry V. Wilson and a local lawyer now on the City Council, Tedson Meyers, point to crimes against persons as the basis for their concern. Community programs, they contend, epose Washintgon's citizens to unnecessary danger.

One focus of dispute is the halfway houses, which expanded from one in the fall of 1969 to 13 by June of last year. Part of a police report issued last November lists re-arrests of 34 halfway house residents and of 18 halfway house escapees between July and September.

The combined total of 52 new arrests represents fewer than 10 per cent of the 618 convicts who lived in halfway houses during the three-month period, and of the total, 43 were charged with lesser crimes. But three were charged with homicide (a major sore point with critics) and six with armed robbery.

An October corrections department report says that 81.6 percent of the men who go through halfway houses were not arrested for new criminal activity. The rate among inmates directly released from Lorton is 69.8 per cent.

"These figures tend to prove," said Stuart N. Adams, the corrections department's associate director for planning and research, "that our halfway house program is working."

But Blair G. Ewing, former director of the city's office of criminal justice plans and analysis, said Adams' statistics give an unclear picture of what is happening inside the halfway houses. Ewing, a consistent critic of the house, said that if there is still an incidence of 23 to 29 per cent of drug use and a 24 per cent rate of escape, then the program is not working as it should.

The central argument about halfway houses is simply not answerable now. Defenders say, in effect, that almost all convicts will be back in society one day, that halfway houses appear to reduce the incidence of repeated offenses and that, therefore, society is better served by such efforts to re-integrate the inmate into the outside world.

Critics, in effect, base their case on the simpler truth that halfway house residents couldn't commit any of these crimes if they were still in Lorton.

Until the data are sufficient to show whether the total number of repeated offenses is reduced or increased by halfway houses, the argument is likely to go on.

Other pieces of evidence are elusive, too. In the past, for example, Allen M. Avery, associate director of community services in the department of corrections, has claimed that most of the problem in halfway houses was residents who had been committed either by the courts or through the District's bail bond agency.

But a breakdown supplied on request by Avery's office showed that 45 of the 52 men rearrested after they had been sent to halfway houses had come either from the Lorton Youth Center, through the parole board or on the recommendation of counselors—and Avery's office has a voice in each of these. Only five of the 52 re-arrested men had been committed by the courts and two were bail-bond felons.

Asked why the data differed from his previous statements, Avery said that in the future a closer check would be kept on how inmates are committed.

OTHER COMMUNITY PROGRAMS

The rapid expansion of community projects and other innovative programs began in 1969 following a disturbance at Lorton the previous year.

Two penologists identified with reintegration programs, M. Robert Montilla and John O. Boone, were brought into the corrections department with a mandate for reform.

Consistently on the defensive over the last year, both Montilla and Boone insisted their programs had real rehabilitative value that would reduce the number of such classic examples of criminal recidivism as the Smiths. But both men, angered by criticism of their programs and apprehensive about reversion to old custodial policies in which prisons simply hold people until the end of their sentences, resigned at the end of last year.

Last July, Boone was ordered to stop the furlough program. Following 21 drug overdoses and one drug overdose death at Lorton, all of the community-outreach programs were also halted on grounds that these could have been the way convicts got the drugs. Those community-outreach programs in which Lorton inmates make trips to Washington to work with District youths have since been resumed on a restricted basis.

Corrections officials had been pushing community efforts in part because of overcrowding in all of the District's prisons. The renewed overcrowding if the community programs end will lead to a breakdown in their rehabilitative efforts within Lorton, they claim.

Former Lorton superintendent Boone said that idleness, a feeling of hopelessness and lack of motivation caused by "warehousing" prisoners create tensions that lead to strife among inmates.

Programs such as evaluative furloughs or Lorton's Federal City College program provide inmates with high levels of motivation, Boone said. "A man doesn't want to get a DR (disciplinary report) and thereby, lose his privileges," Boone added.

The future of the community programs is now unclear.

All community programs, Deputy Mayor Watt said in a recent interview, will remain in their present status until five-member mayoral committee, chaired by former Corporation Counsel Charles T. Duncan, completes a five-month study of corrections.

What the committee decides will affect not only future prisoners at Lorton but also the citizens of Washington whom Lorton is designed to protect.

The committee's choice is personified by the lives of Lawrence Smith and his son, Smith-bey. The father was kept behind bars as much as possible—arrested first at age 29 and in jails and prisons for 12 of the following 18 years and back in prison again until last January.

And one of his sons has been repeating the same cycle. While father and son were behind bars, the citizens of the District were protected from them; but when they emerged they repeated crimes at an accelerated rate.

The District of Columbia, like the country at large, is now deciding whether the greater threat is to keep criminals off the street as much as possible and then suffer the consequences when the offenders come back, or to have them serve shorter sentences with more time spent in teaching the offender how to live legally and peacefully, with fewer relapses.

DISTRICT OF COLUMBIA SYSTEM'S FINAL STOP

The last stop in the District of Columbia system of criminal justice is the Lorton correctional complex for adult offenders.

Built as the Lorton Reformatory in 1916, the complex is located 21 miles south of Washington near Interstate 95, just on the outskirts of northern Virginia's suburban sprawl. Perched on top of a hill in undulating Fairfax County farmland, the complex's 70-odd acres are surrounded by a 20-foot high chain-link fence topped with barbed wire.

Among inmates, it is known as "The Hill." It has 25 dormitories designed to hold 1,400 prisoners.

Next to "the Hill" is a maximum security prison on 10 acres of land surrounded by a 30-foot high brick wall. Known as "the Wall," the maximum security prison has three double tiered cellblocks in which about 300 inmates spend up to 24 hours a day.

A half-mile away in a grassy 38-acre hollow is the Lorton Youth Center. It is surrounded by two chain-link fences, 15 feet apart, topped with barbed wire. There are four buildings with 324 one-man rooms. An admissions building doubles as a dormitory when the number of youths goes above 324, which happens often.

A section of the old Workhouse is now the fenceless minimum custody institution. Located a mile south of the Youth Center, minimum custody has three 100-man dormitories.

AFTER LORTON, AN UNREAL HALF FREEDOM

David Irving (Beachball) Sims wasn't sure he would make it through a halfway house when he first left Lorton the day before Thanksgiving.

Sims is 23, with an eighth-grade education. He served almost six years of a 5-to 12-year term for manslaughter. Now he was entering a program that allows offenders to hold jobs and visit family and friends, while living under supervision in a halfway house.

In and out of institutions since he was sent to Cedar Knoll in 1963, Sims recalled that it had been a nightmare when had first gone outside of Lorton last June for an "evaluative furlough" to see whether he could handle life on the outside.

"It just hit me that I was out on the street after five years," he said. "It didn't feel real. I left like gettin' a taxi and coming back" to Lorton.

And when he first arrived at Community Correctional Center 5 at 1817 13th St. NW last November, he felt the same anxiety. Center 5, which administered by former correctional officers, has the reputation among District offenders as the toughest halfway house to "walk," or get through.

"Man, you never know about these houses," he said shortly after he arrived. "They might send me back to Lorton today."

But after a two-hour orientation, Sims was granted an afternoon furlough. "I got to get over to Anacostia," Sims said as he waited impatiently for a counselor to open the electrically locked door. Outside, he expressed puzzlement over why he had been assigned to a halfway house in the Shaw area. "I don't even know where I am. I've never been over here before."

But after stops to buy a coat, a bottle of Chivas Regal scotch and two cases of beer, Sims reached the National Capital Housing Authority's Garfield Terrace housing project in Anacostia, where his parents, a sister and most of his childhood friends live.

Sims' mother, a stout, middle-aged woman, was surprised to see him, and said she was glad he was working his way out of prison. Sims' father was not at home.

After a short conversation, Sims changed clothes and left, promising his mother he would see her the next day "for Thanksgiving."

He went to see an old friend who lives nearby. The friend was not at home, but his wife, another childhood friend of Sims', invited him in.

Three youths sitting around the kitchen table momentarily raising their drooping heads when Sims walked through the door. They greeted him halfheartedly through partially closed, bloodshot eyes.

"How ya doin,' Irv?" one of them said in a slurred voice. Then he nodded off back to sleep before Sims could answer.

Sims talked briefly with two middle-aged persons who sat in the dimly lit living room, drinking beer and listening to a rock and roll record that played over and over.

Anxious about his 9 p.m. curfew and seemingly uncomfortable, Sims told them he would see them again soon and left.

Outside, while threading his way through the piles of garbage and trash that littered Garfield's grounds, Sims said he would have to stay away from his old friends. "I think they're on dope," he said. "Everyone aroun' here is on dope."

Sims now works at a suburban country club as a kitchen helper, the only daytime job he could find. He is now positive he can "walk" the restrictions of Center 5, but is not sure what will happen if he is released on parole in March.

Faced with parole supervision until 1978, Sims is very unsure of his ability to stay out on "the street" that long.

"I don't know what I'm going to do as far as holding people up. Very few (ex-convicts) stay out there that long."

THE OLD METHODS DIDN'T WORK, BUT MAYBE THE NEW ONES WILL

Kenneth L. Hardy, director of the District of Columbia's Corrections Department since 1967, has overseen the rapid two-year expansion of community-based rehabilitation programs. Last year, Hardy was ordered by Deputy Mayor Graham W. Watt to halt the evaluative weekend furlough program and hold all other community programs—halfway houses in particular—at their present levels. All community programs are presently being studied by a citizens committee appointed by Watt.

Our goal is to try to work with the man so that he will come out as a less hostile, bitter person plus one who wants to live by the law.

There is no doubt that [inmates] have committed new crimes while in the halfway houses, there have been new crimes committed by people who are on parole, there have been new crimes committed by people who have been released at the expiration of their sentence.

Are we to keep the men locked up in warehouses even though they'll eventually be back on the streets? Ninety-seven per cent of our prison population will be back on the street one day . . .

The length of sentence is no deterrent to a man's criminal behavior when he comes out. There is nothing in research that we know of that says that a man who serves a lengthy sentence is less inclined to recidivate or commit a crime than one who serves the shorter sentence.

I believe in a very low, minimum sentence. You can wave maximum statutes goodby. If robbery is 5 to 15 years in the statute, then I say a minimum sentence of two years and that would give the correctional people or the board of parole the opportunity to work with that man when he demonstrates that now is the time to put him into the community with controls hanging over his head for an extended period of time.

You've got to try new things. You've got to, 'cause the old way hasn't worked.

The evaluative furlough program: the staff wanted to try it despite my reservations as director. It was tried and with a 98 per cent success . . .

So why do they hate furloughs? Because it is known not to be legal, in the interpretation of the (D.C.) corporation counsel. It was illegal at one time to let a man out of prison except on parole. I say if it's not legal, then let's change the law . . .

I have a family. I live in Washington, D.C. My family is exposed to the community just like any other family and I'm not sitting outside the front lines of the District of Columbia and saying this should be done and that should be done. Why should I think of some scheme that's going to be a drastic threat or real threat to the safety of this community?

The pressure is most unfortunate. You just don't kill the whole program.

A POLICE CHIEF EXAMINES THEORY OF LONG-TERM INCARCERATION

Metropolitan Police Chief Jerry V. Wilson has been a consistent critic of the corrections department's community rehabilitation programs. In December, 1970, Wilson created the major violations branch of the police department to maintain surveillance on halfway house residents and Lorton inmates coming to Washington on community outreach programs.

My own observation is that incarceration serves [a] purpose that is now being lost, and that is the purpose of preventing the offenders from committing a crime while he is incarcerated.

But the whole method of dealing with persons that are convicted of crimes has sort of taken on a tone of arguments, that one: incarceration does not serve to rehabilitate, . . . and, two: incarceration is not dignified treatment, . . . and, then, three: that incarceration is not a method that is useful for compensating victims of crimes.

All of which, of course, are perhaps true. We don't know whether they're true or untrue, but I think most everyone would tend to agree that the logic has appeal.

I can't prove this, but it's my guess that if you look at persons in halfway houses, you're going to find that the problem is that a lot of them are hard-core [criminals] that I would probably argue should not be free in the community.

I think they have to be very selective in terms of what individuals you put into community corrections. The way the system's working here, according to reports I've seen . . . the guy gets a five- to six-year sentence, and serves three months and he's in a halfway house. Now, I'm not sure that I agree that that makes sense.

The studies say that men released [from prison] at 20 years of age, 70 per cent will be back in an institution in less than three years. Well, if they take men that are 30 years of age, they're going to find that very few of them get back in.

One factor [of a high crime rate] is probably the distribution of the population by age group . . . a very heavy population of post-World War II babies

The second [factor] . . . is a great deal of drug usage, which . . . moves individuals to crime to obtain funds to support their habit.

If you take any individual who is committing five robberies before he is caught by police, which is statistically what happens, and then he is convicted and given probation the first time . . . I don't care, you know.

But the second time he comes in, I think he ought to go to jail for three or four years, and . . . if he goes out and commits another crime, put him away for another three or four years and then, by the time he comes out, age will have rehabilitated him.

And at least during that period of time—the eight years he was in jail—he won't have committed crime.

[From the Washington Post, Feb. 5, 1972]

THE DRIVE FOR INMATES' RIGHTS

(By Ben H. Bagdikian)

"It used to be that the favorite recreational activity of prisoners was playing baseball. Now it's filing lawsuits," says Evelle J. Younger, attorney general of California.

Is there a new kind of person behind bars in the 1970s? More interested in politics than athletics? More militant, organized and rebellious?

Younger is right about the growth of lawsuits. There is a swelling tide of civil petitions flowing out of prison cells into courtrooms. These are not the traditional jailhouse appeals on criminal cases, which continue. The new phenomenon is civil petitions suing prison administrators for allegedly violating human and civil rights.

In 1938, federal courts received only 625 such petitions from prisoners, less than 2 per cent of all federal civil suits that year.

Last year there were 12,266. By now, one of every six civil suits in a federal district court is from an American prisoner claiming that his treatment inside a penal institution is illegal.

Evelle Younger is wrong about this being "recreational activity." Prisoners are dead serious.

Judges have been just as serious. Judges all over the country, horrified when they see conditions to which they have condemned defendants, are dropping their traditional "hands off" policy toward prisons and are taking responsibility for the nature of the punishment they order.

This is forcing the freshest air into the American prison since its invention in 1790.

Judges have called some prisons unconstitutional—for example, Holmesburg, Pa., and the entire Arkansas state system. In Florida, West Virginia, Virginia, Illinois, California and Maryland, judges have declared particular prisons unconstitutional, usually for cruel and unusual punishment or administering serious punishment without due process.

Robert N. C. Nix Jr., presiding judge in the Holmesburg, Pa., case said, "Prisons aren't supposed to be torture chambers. The separation from society is supposed to be enough.

Judge Israel Augustine of New Orleans District Court said that unless the local jails ceased being "medieval and archaic" he would resign rather than send prisoners to them.

There is reason to think that American prisons are no worse today than they used to be. Except for overcrowding, they probably are better. But increasingly inhumane conditions are no longer being tolerated, for reasons including a change in the attitudes of prisoners and of society:

1. Nonwhites in America—blacks, Mexican-Americans, Puerto Ricans, Indians—are 12.5 per cent of the total population, but they are from 40 per cent to 50 per cent of all persons in prisons. The entire criminal justice system—police, prosecution, Judges, jails and prisons—is largely whiterun. Ninety-five per cent of prison guards are white. Nonwhites are rebelling against their depressed status in the outside world.

2. Many impoverished white prisoners, though unsupported by organized ethnic lobbies, are newly activated by the realization that prisons are essentially places for punishment of the poor. Though there is severe tension between black and white inmates, and though many prisons do not discourage this enmity since it helps the staff

maintain control over a divided population, when it comes to protest against the institution there is usually racial unity.

3. During this period of heightened sense of injustice in the criminal justice system, penalties have become harsher, increasing bitterness behind the walls.

4. Though the vast majority of prisoners is poor, there is a new, small insertion of affluent middle-class prisoners from cases involving drugs, the draft and civil protest, and this has mobilized much of the previously uninterested middle class to examine their prisons.

5. A new cadre of prison administrators is sufficiently sophisticated in sociology, psychology and statistics to be sensitive to the self-defeating nature of most prison punishment. Many wardens agree privately, and some publicly, with the reform demands of their inmates and feel inhibited by lack of money, political pressures and an unsympathetic public.

The most noticeable new kind of prisoner in the United States is the black militant. He sometimes appears as a member of the Muslims, the disciplined and puritanical followers of Elijah Muhammed. Their influence goes far beyond their membership, establishing codes of conduct and attitue for many non-Muslins. Because Muslims will not eat pork, for example, many non-Muslim blacks also refuse to eat it and many prisons now serve pork substitutes.

Black militants (and some others) frequently refer to themselves as "political prisoners." It is a term that sets wardens' teeth on edge. "We don't have any political prisoners here," says Noah Alldredge, warden of Lewisburg Federal Penitentiary, "only men who broke the law." Dr. Norval Morris, a leading American penologist, says, "What happens is that the inmate invests ordinary criminal activity with the idea that he is a part of political change. That way, you end up with the absurdity that killing a policeman or robbing a store is somehow a political act."

Blacks sometimes use "political prisoner" to refer to their depressed economic and social status, conditions that produce crime and therefore an inevitable product of "the system." At other times they use it to describe official harassment and punishment of special styles of life. Where they use it to describe their systematic unfair treatment within the criminal justice system, there is more than rhetoric support the complaint.

The criminal justice system screens out the affluent and makes special selection of blacks. All social classes commit significant amounts of crime. In 1947 James Wallenstein and Clement J. Wylie listed 49 serious crimes with a minimum sentence of two years; of 1,698 responses from a cross-section of New York inhabitants weighted toward the more affluent, 91 per cent admitted to one or more crimes without ever being arrested. Average for all men was 18 crimes each. There are not enough American blacks alive to account for unreported and untried crime.

Austin Porterfield compared criminal offenses of college students with 2,000 boys who had been sent to juvenile court; 100 per cent of male and female students had committed at least one of the offenses for which the 2,000 other boys had been sent to court.

So of 1,000 crimes committed in the United States, only 80 are ever reported to the police. Of these 80 reported, only 18 result in an arrest which is the first point of special selection of blacks.

Entry into the criminal justice system usually depends on the decision of a policeman. It first depends importantly on where a policeman is.

Poor black neighborhoods are high crime areas, at least in reported crime, so they tend to be watched more closely. The closer they are watched the higher percentage of persons will be arrested.

Entry into the justice system can depend on the discretion of the policeman: Whether to make an arrest, and if so, on what charge, or to let the person go as innocent or with too weak evidence to prosecute. It is an important decision for the citizen because once he is perceived as potentially criminal by the authorities and once he has been picked up or booked, thereafter the odds go up that he will continue to be considered crime-prone.

It then becomes significant that surveys of urban policemen show overwhelming prejudice against blacks, 72 per cent according to a survey by the President's Crime Commission. Even where there is no conscious bias, there may be unconscious bias, an example of the self-feeding, self-fulfilling prophecy of guilt: Since blacks are so obvious within the criminal justice system and because they are distinctive by their color, law enforcement officials with no personal racial bias may believe that blackness is related to a higher probability of criminal activity. The result is that blacks enter the first, crucial step toward guilt in disproportionate numbers.

A study of 10,000 Philadelphia males between the ages of 10 and 17 showed that one-third of all whites had been taken into custody at some point but more than half of all blacks.

Dr. Nathan Goldman found that of all children picked up by police, twice as many black children as white had afterward been charged with a crime and sent to court.

This association of blackness with crime is not limited to policemen. In Florida, a judge placing a guilty person on probation may do so with the usual finding of "guilty" on his record or, if he thinks the person is a good prospect for probation success because he is a first offender or for other similar reasons, he can send him on probation with no guilt finding on his record. Three social scientists analyzed 2,419 such decisions by Florida judges and found that when cases had similar backgrounds, from 40 per cent to 60 per cent more blacks were sent out with the "guilty" label than whites.

So where the system selects citizens for surveillance, for picking up by the police, for booking on charge and taking to trial, it selects a disproportionate number of blacks.

Of the original 1,000 crimes committed, 14 result in court appearances and 9 are found guilty. Practically all studies show that when persons are tried on the same charges, blacks more often than whites are found guilty. A study in Stanford, Conn., for example, found that guilty findings per 100,000 ethnic inhabitants was eight times higher for black defendants than white.

Of nine Americans found guilty in a court, fewer than four actually serve time in a prison. Here, too, whites more often get probation or suspended sentences. In the Stamford study, the rate of commitment to prison per capita for each racial group was ten times more for guilty blacks than for guilty whites.

Once in prison, blacks stay there longer, partly because they get longer sentences and partly because they get from 10 per cent to 14 per cent fewer paroles. On burglary charges in Los Angeles, the longer sentences went to blacks: sentences of four months or less, 45 per cent white, 27 per cent black; sentences of 4 to 9 months, 42 per cent white, 47 per cent blacks; 10 to 20 months, 13 per cent whites, 27 per cent blacks. Median time served for all white prisoners in the United States is 20 months; for blacks, it is 23.5 months.

Death sentences and executions are most plainly biased against blacks. Between 1930 and 1966, when blacks were about 10 per cent of the total population, 3,857 persons were legally killed in the United States; 53.5 per cent of them were black.

This was not because only blacks commiited capital crimes. Between 1940 and 1964 in Florida, 285 men were found guilty of rape. Of the 133 white men, less than 5 per cent received the death penalty. Of the 152 black men, 35 per cent received the death penalty.

Similar bias against color appears in statistics for Mexican-Americans, Puerto Ricans and other non-whites. In addition, Spanish-speaking people suffer serious communication problems because most prisons still censor all prisoner mail and will permit only English-language letters.

The reasons for malevolence of the criminal justice system toward particular * * * a society of growing complexity there are more laws against certain acts than ever before; about one-third of what we call crimes today were not called crimes in 1900. This conglomeration of laws is selectively enforced. Lack of money is clearly a major factor—poorly dressed people often "look" more "criminal" and when picked up lack lawyers to defend them vigorously at every stage, including the crucial time when law enforcement officials decide how serious an offense to select.

Lack of money for bail while awaiting trial is a serious detriment to equal justice. A man in jail cannot prepare as sound a defense as a man out of jail. A study of New York prisoners by the New York City Rand Institute showed that for those of comparable cases men out on bail before a trial are less often found guilty. The poor lack good legal help for appeals and applications for parole and this affects their treatment while in prison: Prisons are more careful with prisoners who have outside connections.

Inevitably, rebels against prison find a quick response among prisoners and always will. But this has special meaning now when so many blacks are conscious of the nature of their unfair treatment. George Jackson, one of the "Soledad Brothers" recently killed in a shooting in San Quentin prison, and Angela Davis, a Communist professor charged with complicity in a fatal shootout in a California courtroom both black, are the two photographs most often found in cells of black prisoners in prisons where individual decoration of cells is permitted.

The issue of prisons has become a public one from a non-racial source—the introduction of middle-class convicts. A decade ago a high-income inmate was an exotic, a rare murderer or an unlucky embezzler.

But because of drugs and civil protest, the middle classes of America are now getting an authoritative view of the inside of prisons.

During civil rights demonstrations of the 1960s hundreds of college-educated white Americans found themselves herded into southern city and county jails and occasionally into a state prison. When protests against the war in Vietnam occurred in the North, it spread this knowledge from Southern jails to Northern jails. The resulting shock of discovery contributed to the examination of all prisons now current in the country.

The expansion of drug use into middle-class America also sent more affluent citizens behind bars. An estimated 12 million persons use marijuana and in some places the penalties are severe. Even when there is no prison sentence, the intensive law-enforcement searching for marijuana, especially routine stop-and-frisk routines of police, have helped make a large proportion of American youth anti-police and anticriminal justice. It contributed to the conclusion of much of the middle class that jails and prisons were not just places for others.

Added to this are draft cases—evasion of Selective Service or conscientious objection—which has sent 2,600 young men into prison in the last five years, most of them affluent and from college-background families earnest about social causes.

Middle-class Americans have high standards of personal relations. They expect to be treated civilly and justly. When confronted with primitive prison conditions, cruelty and capricious handling, they are not so likely as a ghetto veteran to accept it as the inevitable harshness of a harsh world. The middle-class prisoner often is skilled in the arts of communication, has affluent parents and has access to influential lawyers and friends. Consequently, prison brutality and unfairness has been recorded and transmitted to the outside world as never before.

Some of the middle-class prisoners are committed to varying degrees of social reform or revolution, and have been willing while still incarcerated to dramatize prison conditions with strikes, fasts and passive resistance. Peace inside a prison is fragile, relations between staff and inmates always tenuous, and disturbances in any prison creates shock waves in all others. So even prisoner protests far short of riots have caused correction administrators to examine their operations.

Wardens generally dismiss the influence of the protesting inmate. "They have very little influence with the regular inmates," Noah Alldredge, warden of Lewisburg Federal Penitentiary, said recently. But in Allenwood, an associated minimum security colony of Lewisburg, when one prisoner serving time for burning draft records in Catonsville, Md., was being transferred to maximum security, about 115 inmates, half the population of the camp, stood in silent protest in the yard. "That was an exception," Warden Alldredge said. At Alderson, W. Va., Federal Reformatory for Women, Warden Virginia McLaughlin similarly dismissed the impact of "political prisoners". She said, "The other women pay no attention to them." But after Attica, such prisoners led a sympathy strike of about 130 minutes, with enough large-scale involvement to require importing of guards from other prisons.

On the other hand, the political fervor of prisoners can be exaggerated. Frank Callahan, 21, a former broadcast journalist, served a year in Lewisburg for destroying draft records in Rochester, N.Y. He described his imprisonment with inmates in for conventional crimes:

"You know, we would start talking about the war and it seemed so artificial and distant from the situation at hand . . . after awhile I just stopped dealing with that. It was a thousand years away to talk about Vietnam. If a guy was a bank robber, he'd tell us about the jobs he had done, or we'd talk about the movies we'd seen. You know, just fairly average conversations. When things got political, they were political in the sense that here we are getting screwed. . . ."

Groups tended to stick to their own but, Callahan says, they banded together if inmate interests within the prison conflicted with policies of the prison administration, on pragmatic treatment rather than ideological commitment.

In dozens of prisons across the country, inmates have formed unions, councils and associations to obtain personal protection against violation of "rights." It has raised the question of what rights a prisoner has, if any.

The answer is murky. American law for convicts has evolved mainly from feudal England and some of it is applied today in apparent contradiction to reason, logic and the U.S. Constitution.

"Civil death," for example, was spelled out in feudal society. Lower-class convicts were killed or mutilated. An upper-class person might escape death by permanent banishment to a distant place or by becoming a monk. In either case, he was no longer a part of the feudal community, he was declared "civilly dead" and his property was distributed to his heirs as though he were physically dead. Since he could never return, "civil death" was logical.

To this day, American convicts suffer some of the same feudal punishments: Thirteen states have "civil death" statutes.

In 17 states "civil death" is imposed if a man gets a life sentence. His property is redistributed, his marriage is dissolved and his children become subject for adoption, even though most life sentences end in parole.

A "civilly dead" prisoner is nevertheless still obligated to support his wife and children.

In most states, imprisonment is automatic grounds for divorce, though most prisoners are in for less than two years.

The best-known loss of rights is the right to vote. This loss probably had its origins in the Greek statute for persons convicted of "infamy." In three-quarters of the states, felons lose the right to vote by statute and in most of the remainder by administrative policy of local boards of election. It is defended as protecting the honesty of the ballot box from disreputable persons and as denying influence over laws and lawmakers to those who have set themselves against the law. It is criticized as adding no protection to the society and inhibiting the integration of the ex-prisoner into normal life.

Prisoners lose other rights and opportunities by law, varying from state to state. Some private and much public employment is denied them. Prisoners cannot sue others but others can sue them.

Three states (North Dakota, Virginia, Washington) prohibit marriage of offenders with three felony convictions to a woman under the age of 45 (presumably to prevent birth of children with the felon's "corrupted" blood). Seven states authorize sterilization of "habitual criminals." In at least three states, the law provides for complete or partial forfeiture of a convict's property.

All of these originate with another feudal English concept, that of "corruption of blood." Article III, Section 3 of the United States Constitution specifically forbids forfeiture and corruption of blood except during the lifetime of a person convicted of treason.

Most "prisoner's rights" moves are directed to his treatment inside prison. The assumption is that there are some punishments so cruel as to be prohibited in any case—like driving a man insane—and that others are so severe that they constitute a serious punishment that ought to be imposed only with due process to prevent its being done unjustly and without independent review.

The movement toward prisoners' rights represents hope on the part of inmates, since these rights focus on the need for a prisoner to accept relations with society. But they also represent explosive tensions. All institutions in society are being re-examined for their goals and the ineffectiveness in attaining those goals. Failures are no longer as quietly accepted as in the past. The prisoner who universally hears he is being "rehabilitated" no longer passively accepts cruel and capricious treatment. Ninety-seven per cent of prison inmates return to society, and each prisoner emerging gauges his future relations with society.

A very unpolitical young man, emerging from five years in a state prison, said:

"All the time I was in, I remembered what they called out at my trial: 'The People versus . . .' and then my name. The people against me. I'm not sure whether they're still against me."

Two New Breeds of American Prisoners: An Effort at Building Pride in Prison

Iasha Salim, 25, is a member of the black independence group, New Republic of Africa. She was arrested and imprisoned last August in connection with a shooting incident in Jackson, Miss., in which a local policeman was killed, and another patrolman and an FBI agent were wounded. While in the state penitentiary at Parchman with two other women members of RNA, she did her best to win over to her social views white and black male inmates in cells within hearing distance.

Miss Salim. At first we didn't talk to the men prisoners on the other side of the corridor. At first they could hear us and knew we were women and they'd curse and talk tough about sex.

There were two white men and the rest black. They'd boast about their sexual conquests. It was pretty sad.

Then the men began asking us what was going on on the outside and up North. I would explain the need for respect for women. Sometimes this would degenerate into sex talk but most of the time they were serious and so were we. We would explain why it was important to have a strong family, how we as black women felt about the movement, how Daniel Moynihan could tell white America about the weakness of the black family.

We impressed on them how every mind and all the dedication is needed to make this world in such a way that we black people are not going to be annihilated.

We would build pride of the men on the other side by telling how the black men had been kings in Africa, and how many great civilizations there were in Africa. We told them that even if they were incarcerated they did not have to be slaves in their minds. . . Some of the men had been there in those cells six months and some 10 years, but they all listened.

At first, the two white men were very insulting and skeptical. They'd laugh and snicker and say, "Why, you ain't nothing but a little old nigger gal," but as we progressed, everyone got more articulate and intelligent.

By the time we left, all the black men were giving the New Africa Oath of Allegiance at breakfast and at bedtime. We were doing our nation-building all the time we were in prison. And it changed them as persons. . .

At the end if we said, "Please quiet down, Sister Njeri is sick," they'd quiet down and the next day they'd ask how she was.

When we left every prisoner said goodby. The white men said, "Best wishes." The black men sang, "Power to the People," and the matrons thanked me for helping them with their books. I felt that something good had come from it.

Russo Recalls Jail Mistreatment

Anthony Russo, 35, was a research analyst at Rand Corporation and was recently indicted in connection with Daniel Ellsberg and distribution of the Pentagon Papers. Before that he was imprisoned for 47 days for refusal to testify before a grand jury. His description below is of Los Angeles County Jail.

Russo. About 6 o'clock I was called to the booking room . . . where clerks take the valuables you weren't supposed to have in jail. . . . The lady behind the window didn't want me to keep my reading glasses nor my fountain pen . . . I said, "Please, I'd like to keep those because I need them to read. The glasses I have on are for long distance . . ." And she replied, "Well, you're not gonna need them because you're not gonna be doing much reading where you're going." Which kind of upset me. I always thought that one could read in jail . . . I said, "You're not serious, are you?" . . .

A guard walked up, and he said, "You got a problem here?" And I looked at him and I said, "No, I don't have any problem. Do you?" . . . As I was talking with the lady clerk, the guard walked up, grabbed me by the arm and started pushing me out of the room . . . I walked down the hallway about a hundred feet, when all of a sudden, four guards turned on me and they bodily . . . pushed me through this door, and there I was in a maximum security cell . . . Concrete, solid, no windows . . . Six other guys . . .

[Russo said he had not made a phone call after he surrendered himself and wanted to call his lawyer. He says he tried unsuccessfully to get a response from two guards sitting outside his door.]

So I began to yell out through there about how those guys were violating my constitutional rights . . . I was getting madder and madder . . . and I began to kick the door . . . as hard as I could and these big metal doors make a lot of noise . .

I did that for about five minutes and all of sudden the door flew open and a flying wedge of guards came through, four or five and I was flattened . . . they came through hit me, pushed me up against the wall, said, "Turn around, put your hands against the wall." I did . . . and one hand was jerked away and pushed up behind me really tight.

I felt like my arm was going to be pulled out of its socket. And then the second arm was pulled behind me . . . And then someone kicked my legs out from under me. I felt knees all over me, knees on my head, on my neck. I wasn't struggling . . . it would be ridiculous to struggle . . .

They began to chain up my legs, and they put my wrists in handcuffs . . . really tight . . . so they tied my hands cuffed behind me and my legs shackled together. Then they tied my hands to my ankles, so I was done up in a little neat bow there, lying on my belly . . .

After about half an hour we had the chains loose so I could stand up . . . I was really so mad then that . . . I spun around and chained the door bam!—and did that a couple of times . . .

And all of a sudden the door flew open and . . . the captain was there. He had real authority . . . and he said, "Are you Mr. Russo?" I said, "Yes." He said, "We didn't know who you were." . . . and that made me mad as hell because what that meant was that this was par for the course . . .

Blacks Feel Jailed by Color

Robert Johnson, 46 a former social worker, is warden of Graterford state prison in Pennsylvania, one of the first blacks named to head a major prison. His prison staff is 80 per cent white; 80 per cent of the inmates are black.

Q. What kind of a problem did you have coming in as a black warden in a largely white correctional staff?

Johnson. Everybody seems to think that's a big problem, but really I haven't seen any big problem . . . I'm interested in what's happened to prisons because of the influx of blacks, young blacks. In many ways the American prison system has become a system which imprisons black people, at a time when race consciousness is very high in the country, and that's very special. Many black prisoners feel that they're in prison because they're black . . . There's a very convincing argument that there is a special penalty in the correction system for being black . . .

Q. Does this make for internal problems in the corrections system?

A. No question about it . . . You're asking the prisons to resolve a problem that the whole country is faced with. Prisons can't do it. Prisons are probably the worst places in the world to re-socialize people . . .

Q. Well, why are you in corrections? It's a tough job.

A. Sometimes I ask myself the same question. Social consciousness, really. With so many black people being involved in the criminal justice system, really. This is one of my main reasons for staying . . . So many people are there because of a lack of love . . .

Q. Are you saying that you use the crux of your job as introducing a humane and loving relationship into the lives of men?

A. No question about it.

Q. . . . How do you take people who are in an institution built of ceramic, concrete and steel, and introduce the idea of human love and trust?

A. By practicing it myself by getting other people in the institution to practice it.

Q. How do you say that to a man to whom you're also saying, "You get into that cell and I'm going to lock the door on you and I'm going to determine when you get out"?

A. There are ways to do that even.

Q. How?

A. For one thing, by not saying, "Get in there, you black m———er."

An Agenda for Reform of a Hell Behind Walls

(By Ben H. Bagdikian)

For the last four months, Ben H. Bagdikian has studied prisons and jails in America and Leon Dash has examined the correctional system of the District of Columbia. Today, Bagdikian concludes with a personal assessment of possible remedies.

When you turned down Fourth Street you saw all the usual clues: the 14-foot cyclone window frames looking normal but precisely too small for the passage of the human head, the high intensity lights around the perimeter.

But something was wrong. The gate was wide open and nobody was guarding it.

Inside it was eerie. Everything was in place. The plastic chairs were set around tables in the dining hall. The electric clocks were working but they were on daylight saving time, in the winter. In the Catholic chapel, the Virgin Mary was still wrapped in cellophane and on the Protestant side there were cobwebs on the candelabra.

Nobody was there.

The "new," five-year-old prison had never been used. The DeWitt Nelson Training Center eight miles from Stockton, Calif. was finished in 1967 for $5,800,000 completely furnished for $500,000 and in 1968 was on the verge of accepting the first of 400 juvenile inmates when suddenly everything stopped.

A lot else stopped, too. Through the fence you can see 800 acres of farmland, remarkable to the naked eye only for the magnificent oaks that stand against the sky. Unseen, below the surface, is a complex of water mains, sewers, gas lines and steam pipes already in place for connection to nine more prisons just like DeWitt.

Except that the new prisons were never built.

California made a shocking decision. Like the rest of the country its crime rate was rising—faster, in fact, than the national rate. Like the rest of the country, it was sentencing more people to prison, only for longer terms, up 50 per cent in ten years. It decided to try something else: keep more criminals free in their own communities with special help.

In the last five years, the equivalent of 15,000 California criminals who ordinarily would have spent time in prison walked freely in their home towns. Instead of spending $6,500 a year to maintain each prisoner in an institution, the state spent $4,000 to help him keep out of trouble at home. The state saved $196 million in new prison construction and its crime rate went up at no more than other urban states. The policy was promulgated by a governor, Ronald Reagan, not known for permissiveness toward crime.

The men who run prisons seem to agree that most of their inmates shouldn't be there. In visiting prisons, I asked every warden, deputy warden and director of corrections what percentage of his prisoners he felt needed to be locked behind walls. The highest estimate was 33 per cent, the lowest 5; most were between 10 and 20 per cent.

DETERRENCE OR DETERIORATION

Most also believed that American sentences are too long, that after a time deterrence is replaced by deterioration.

American society already turns loose most of its convicted criminals. About two-thirds of people found guilty of crime are out on probation or parole. Probationers repeat crime at an apparent rate of about 27 per cent, compared to 40 to 70 per cent for people who spend time in prison.

This does not mean that no one ought to be restrained. Criminals dangerous to society will be imprisoned and have been in the most idyllic societies. But the country has to decide what it wants to happen inside the walls. Is the act of imprisonment itself the punishment? Or is punishment what happens after the criminal arrives inside the walls?

The way most jails and prisons are run, the walls are used to provide secrecy while varying degrees of deliberate damage are done to inmates.

Men are put in a harsh environment and subjected to uncertain anguish, psychologically and physically. They are further punished by placement in "the hole," a standard part of every prison in which the prisoner is isolated without normal sights, sounds or tastes and is denied reading material or anything to occupy his mind and senses in a normal way. Psychologists say it can induce insanity.

Most prisons normally keep the prisoner as cut off as possible from his family and normal contacts. It is typical that outgoing mail is limited in quantity—sometimes ten letters a month—and is censored. It can be written only to persons approved by the prison. Incoming letters are limited to persons approved by the prison and these, too, are censored. Visiting is limited, typically to four hours a month. Often contact with visitors is limited to speaking by microphone through a wire mesh. Food is sparse and bad, treatment by guards frequently brutal and insulting. Overcrowded inmates prey on each other and the most ruthless establish the standard of conduct. Day after day is spent either in idleness or in dreary work at pennies an hour.

PATTERN ITSELF REPEATS

In riot after riot, the same pattern emerges; months or years of warden's requests, without results, for improved conditions in food, program, crowding and character of guards; followed by peaceful petitions of prisoners, with no result; followed by a riot; followed by promises, followed by minuscule results.

When he was in Sweden, David A. Ward, chairman of the department of Criminal Justice Studies at the University of Minnesota, took the list of 28 demands made by prisoners in Attica with him to meetings of the inmate councils and to Swedish prison authorities.

"I really felt ashamed," he says. The prisoners and their keepers were astonished. There was only one Attica demand—full pay for work—that was not established practice there. They kept asking me, "You mean that in America you still have to negotiate for adequate food inside prisons?' "

The courts are sentencing more criminals and decisions have to be made for their disposition. If no new facilities are built and more inmates are put into present prisons, densities will go even higher and there will be more human wreckage and riots: the formula for a bomb is to build an escape-proof container and increase the pressure inside.

If present prisons are modernized, it will cost from $15 billion to $18 billion. New prisons will cost about $22,000 per inmate capacity just for construction and from $5,000 to $10,000 a year to maintain each prisoner. Society, already balking at the expense of building schools, is not likely to spend such money.

It is not the noblest of reasons, but prison reform could come because it costs too much to do anything else.

RE-EXAMINING "VICTIMLESS CRIMES"

The first reform should be to keep out of prison persons whose problem is chiefly medical or psychiatric. A place with custom-built locks and steel bars and untrained staff is not the place to treat drug addiction, for example.

The law and social standards need to be re-examined for "victimless crimes," illegal acts by which the offender affects only himself—drugs, alcoholism, prostitution, gambling. While the country is overwhelmed with crimes against innocent persons, it spends billions of dollars and millions of man-hours pusuing people who only do things to themselves.

Where there are victims to crime, society should compensate them. This would not reduce crime but would diminish its social cost.

It is irrational for a society concerned with crime not to compensate its innocent victims. Nothing can pay for a murder or rape (though the police and hospitals should stop treating the victims of rape as though they were the criminals). But at least medical and psychiatric costs could be compensated. Property crimes are clearly payable.

The money involved is not a large amount, except to the victims. The average burglary loss is $150, which averages $6 per taxpayer a year; the average taxpayer already spends $17.20 a year to prosecute and jail burglary cases. In California the loss to owners is $7 million a year in car thefts, though the state spends $38 million in finding, prosecuting and imprisoning car thieves.

CHANGES ON THE INSIDE

For offenders who need to be locked up, prisons need to change.

Prisons should be small, the smaller the better. Large populations require regimentation and impersonal management and cause perpetual crises in control. The federal government recommends adult prisons with no more than 400 inmates, though it supports construction of larger ones. Some think 400 is too large.

Prisons should be in cities. Prisoner families are usually poor and cannot afford long trips by private transportation to remote locations where commercial lodging is required. Prison staffs need professionals, who are not found in rural areas and don't like to move there. Inmate programs for advanced education and practical occupational training require visits outside the wall, but outside the walls of rural prisons there are usually farms and villages.

The deliberate internal isolation of prisoners should end. Mail should be unlimited and uncensored except for inspection for physical contraband. Visiting should be unlimited except for common-sense rules. Sexual deprivation should end wherever possible. Conjugal visits inside the prison are better than nothing but they are demeaning and force the prison to decide who may conjugally visit an inmate. Regular home furloughs for all nonviolent inmates would end sexual deprivation and most induced homosexualism, and they would have other important benefits. Where all these things have been tried there has been a net gain for everyone, prisoner and keeper.

Prisoners and ex-prisoners need much practical help in returning to society and to repair personal problems that may have sent them to prison in the first place. They need contacts while in prison to keep in touch with families and employers, to provide reading material and crucial information. Maintenance of these contacts make the critical weeks after discharge less dangerous. Jobs need to be lined up, housing arranged, family ties reshaped. There are not enough professional workers to do this and if there were there is not enough money to pay them. Volunteers on a massive scale are needed, including ex-inmates. (In Sweden parole officers are all volunteers, many of them lawyers, doctors and teachers.) In New York City, some churches have adopted cell blocks of the city jail. In many prisons, the Junior Chamber of Commerce has opened chapters inside the walls. Prisoners desperately need volunteer lawyers.

Within the walls, prisoners need basic rights that no prison administration can violate. Physical and psychological torture should end. Other punishments—removal of privileges, transfer to other cell blocks, cancellation of furloughs, transfer to another prison, serious downgrading of assigned work—should be done only with a hearing by committees that include elected inmate representatives.

The perversion of indeterminate sentences and parole should end. Short, fixed sentences with time off for good behavior would be better than the unfair agonies imposed by uncertain sentences decided by anonymous administrators. A judge can sentence a man to 12 years but an unaccountable guard or parole examiner may decide the last nine years and do it beyond the reach of any judge. The indeterminate sentence has meant that men can serve life for stealing $100 because they displease their jailers. Parole should end, and with it parole boards. Or else parole board decisions should be based on open, reviewable procedures with precise reasons given for denials. Since parole boards control more of a prisoner's life than any judge, they should be as accountable as judges and as subject to review and appeal.

The elaborate procedures of "treatment" have been ineffective and have dubious ethical grounds. The modern philosophy is that the criminal is "sick" and can be "cured" by rearranging his thinking and emotions. Genuine change of attitude comes voluntarily from within and there is nothing voluntary in imprisonment: prisoners do what they can to be paroled and avoid further punishment but it usually produces cynicism. "Treatment" has not reduced repeated crime. "Treated" prisoners repeat crime just as often as "untreated" ones. Self-examination or counseling can produce benefits to inmates. But they don't reduce crime by themselves and they create an elaborate game of fake conformity. One group that does avoid future crime more successfully are the "alienated," that is, those who do not do well in "treatment." What is needed more than anything else is practical, convincing job training and effective education.

Artificial barriers for ex-convicts and parolees should be removed. Parolees must get permission to marry and change apartments; they cannot get driver's licenses without permission or associate with people of poor repute. "My God," one parole worker said, "the parents of half of my clients have prison records—and they're not supposed to associate with them?" Many parolees come from neighborhoods where it is difficult to avoid people with police records.

Job barriers for ex-convicts are destructive and governments themselves are most guilty. Large categories of federal, state and local jobs are denied anyone with a criminal record, yet federal, state and local governments urge private industry to "hire the ex-convict."

Most licensed jobs are denied ex-convicts. New York State trains barbers in its prisons; New York State will not license an ex-convict to be a barber. In Michigan, an ex-convict cannot be an ambulance attendant; in Illinois if you've been in prison you can't sell horsemeat. Ex-convicts usually cannot get auto and life insurance at normal rates.

The parolee and ex-convict are placed back into society and asked to compete with everyone else but they enter competition under heavier restraints than those who have not been to prison.

One result is that parolees and ex-convicts generally end up with the least attractive jobs with little future, making it easier to return to crime.

No prisoner should leave an institution directly to outside life without a period of relative freedom and preparation for coping with the real world. In South Carolina, all prisoners in their last 90 days are in an unlocked classroom facility where they are given courses in such practical problems as buying used cars, finding housing and filling out job applications.

There should be a multiplication of halfway houses, small facilities inside cities where prisoners live in open conditions doing work or attending school in a free atmosphere, with help available if it is needed.

The secrecy within prisons should end. Sophisticated men like to repeat that power corrupts and absolute power corrupts absolutely. There are few places in the world where anyone has absolute and complete power over another human being. Prison is one such place.

It is an awesome power, with the ability to produce physical pain, mental disintegration and protracted caging. Yet it is done almost entirely in secret, without accountability or inspection.

Openness of prisons is needed not because wardens are wicked but because they are human: in a closed arena of prisoner-and-keeper, the relationship almost inevitably leads to pressure and counterpressure.

THE PROSPECT OF TORTURE

Americans don't like to face it, but physical torture goes on in this country's prisons and there is little done about it. Court suits have produced some change, but these are occasional glimpses behind the wall. When the examination ends the tendency is to return to sadism and savagery.

A year ago, a federal judge ruled that Arkansas' state penitentiary, the scene of years of tortures, was "unconstitutional" and he ordered sadistic treatment stopped. Last November, the judge held a hearing to see what had happened. Still going on, according to inmates testifying under oath, was placing of naked prisoners into unheated punishment cells; beating of handcuffed prisoners; putting a prisoner naked in a bare, concrete cell for 28 days without bed, blanket, or toilet paper; macing of an inmate in his cell by drunken guards; placing an inmate on the hood of a pickup truck that went 60 miles an hour over the fields; stripping prisoners naked and forcing them to lean against a wall with their noses for six hours at a time.

Not all prisons match such torture but without supervision and openness, all have the potential of degenerating into it.

The answer is not rules and regulations or even court orders alone. Openness to inspection by the public and by the press is the best guarantee. Visiting committees of a mixture of citizens who can examine an institution without warning should be the rule of every prison and jail jurisdiction in the country.

At present, prisoners in most places are forbidden to make contacts with the press, or press with prisoners. Parolees are often told that they will be held responsible (meaning threatened with a return to prison) for anything appearing in the press about them or their prison.

THE OLD, EASY ANSWERS

Prisons do not stop crime. They only punish it.

Unless the sources of crime are stopped, all the prisons imaginable will not protect the public from new and repeating criminals. The easy answers for the cause of crime have been available for years: too much "permissiveness," not enough church-going, not enough hard punishment.

"Permissiveness" usually means that people have the money to move around and do what they wish and this has been more true of the middle classes who usually don't go to jail than of the poor who do. Slum families tend to be more authoritarian—hard rules with corporal punishment—than middle-class families.

In the last decade, church attendance has dropped only slightly but crime increased 143 per cent.

And in the last five years punishments have become more harsh and the crime rate increased faster than ever. Nor did hard punishment work in the past when unconnected with social change at the source. During the reign of the original Queen Elizabeth, vagrants were hanged in lots of 300 and 400 but vagrancy did not cease. Henry VIII hanged 72,000 persons but it did not bring civil peace.

THE THREAT TO SOCIETY

The less easy answer to the causes of crime may lie in the slum neighborhoods that most prisoners come from and from the phenomenal growth in use of drugs by the young. The poor are generally families caught in a radical change from uneducated rural life to technological urban demands, in a society that puts a high value on aggressiveness, possession of material goods, guns and other violence.

It is an incredibly rich society that nevertheless tolerates endemic poverty and racial depression and does it within sight of wealth. The poor usually live in chaotic neighborhoods with ineffective schools and poor career choices. The connection between poverty and antisocial behavior is historically clear and is pertinent today.

The withdrawal into drugs should warn about the lack of purpose that suffuses a society surfeited with material goods.

NO SIMPLER ANSWER

There is no simple answer to crime.

Under the best of conditions there will be some individuals dangerous to others who will be restrained. The first requirement of their institutionalization is that it ought to be humane and that their aggression not worsened. The two are related. Today prisons receive troubled men, women and juveniles and deliver them back to society more unsuited to normal life and more savage than before.

But personality traits are not unconnected to the world the individual grows in. David Bazelon, chief judge of the United States Court of Appeals in the District of Columbia, has said:

"Instead of facing up to the true dimensions of the problem and admitting that violent crime is an inevitable byproduct of our society's social and economic structure, we prefer to blame the problem on a criminal class . . . They may simply be responding to an environment that has impoverished them, humiliated them and embittered them."

Thomas Callinan, head of the New York State association of probation and parole officers, has spent his life trying to rehabilitate criminals:

"You know where it all comes from—the ghetto. They come from a sick environment. We pour money into the police and the courts and prisons but we don't put it into what causes it all in the first place—poverty and race."

Ennis J. Olgiati heads a New York project for keeping arrested persons from jail and prison by getting them jobs before they are tried and found guilty. He says it succeeds well but unless the problem of drugs and other destructiveness is solved, catastrophe lies ahead:

"All the storekeepers will have iron gates, all the homes and apartments will have bars on windows and doors. Then the addicts will turn to acetelyne torches and machine guns. And we'll lose the city."

Prison does not change this. Men come out with the same problems that sent them in. They need individualized education up to standards that let them compete in a technical society. They need modern training in modern jobs with a future at good pay. They need to live in decent housing in civilized neighborhoods at moderate cost. They need effective community services, volunteer and professional, for the personal and family crises that periodically overtake most people.

But this is a dilemma. Why do more for lawbreakers than for the ordinary citizen who needs the same things? The answer may be to provide it first for the ordinary citizen who needs such services and it is possible that in the future there will be fewer lawbreakers.

So far, society has not stopped the rise in crime despite added billions of dollars for more police and more punishment. The failure threatens a free society. Citizens in their homes and on the streets are justifiably frightened by threats to themselves and their property. Yet violence, including the adoration of guns, continues. The barricading of people in their homes and abandonment of public places goes on. It is an escalating war between the comfortable who want peace and the uncomfortable who don't.

If the only answer is to imprison the growing number of captives in this warfare, it could result in a society forced to be more concerned with physical security than with freedom, a nation of jailed and jailers where in the most perverted sense each person will be his brother's keeper.

South Carolina: The Employed Inmate

Like California, South Carolina has some of the worst prisons and some of the best. Its maximum security Central Correctional Institution may be the worst dungeon in the country, a 104-year-old five-story granite mass with iron catwalks from which, in the past, inmates had thrown guards and fellow inmates to their death below.

But architecture is not the critical judgment of a prison system. The state's director of corrections, William D. Leeke is trying to get rid of his dungeon, but in the meantime he has started a program of work release centers.

Leeke has leased small buildings near each of the state's major cities, turned them into open dormitories and moved in prisoners who have served at least a year in the regular prison without major trouble. Professional and volunteer workers find jobs for the prisoners, jobs that seem to have a future and that pay going wages. The prisoners leave each morning and return at night, unsupervised during the day.

At night the dormitory doors are locked only because neighbors occasionally sneak in and steal things from the convicts.

Donnie Lee Tyler of Greenville is on his second conviction, serving five years for breaking and entering. South Carolina spends less on its prisoners than almost any other state, $1,882 a year. In addition, Tyler's wife and three small children were on welfare, $89 a month.

In his work release dormitory, Tyler gets up at 6:30, has breakfast in the small dining room, picks up his bag lunch and drives to work in his boss's red pickup truck. He works for a dry wall company for $3.25 an hour.

Tyler earns $176.75 gross pay, out of which he pays $14.70 in federal taxes, $9.14 in Social Security, and $2.25 in state taxes. From his take-home wages he pays the state $24.50 for room and board at the dormitory, $100 to his wife (who has gone off welfare), $12 for his own spending (an occasional bought lunch or movie and a stereo set and records for his cubicle in the dorm) and the rest for a savings account when he gets out. He can go home on weekends. He could escape at any time but he hasn't.

South Carolina, like everyone else, has not kept very good records. But of all men in such programs over seven years, only 14 per cent have been sent back to the state prison system after their release. The usual rate for released prisoners is 40 to 70 per cent.

The men on release are already working at good jobs in their home cities and have noncriminal associations. For some unfathomable reason, parole boards regularly turn down such men's requests for parole, though such prisoners seem to have a spectacularly low return to crime.

California: Juvenile on Team Probation

Billy Summers (not his real name) is 14. He is on his second conviction, the first for truancy and stealing bikes, the second for running away, breaking into a trailer and stealing a gun. He was headed for an institution. If he followed the national average, he would be a threat to society and himself for most of the rest of his life: the national statistics say he would be arrested seven more times in a lengthy criminal career.

But Billy did not go to an institution. Instead, the State of California paid his home county, Yuba, $4,000 to keep Billy at home and school under special help from a team of young probation workers.

This is not ordinary probation. If it had been, Billy would have left the courtroom after his sentence, filled out a one-page form and been told by the probation officer to drop by once a month. Other than that, the only time the system would hear from Billy, or Billy from the system, would be when he was arrested again.

This time the probation team—two young men in their mid-twenties, two young women, plus their supervisor, Mrs. Maxine Singer—collected all the available records on Billy—criminal and school. The worker assigned to his case, Pat Clark, in her early thirties, visited Billy's school and home. Another member of the team interviewed Billy for 2½ hours with a tape recorder. The next Friday the team listened to the tape, making analyses and comments along the way.

Several times Billy is heard on the tape saying:

"My mother is always hollering at me."

"Why do you suppose she does that?"

"I don't know. I'd like to tell her to shut up but she'd knock me down. I did it once and she whupped me so I ran away."

He hated school. The teachers were "always hollering at me."

Billy described fights between his mother and his father (now in jail), how once his father beat his mother and pulled a pistol on her and Billy and his older brother threw themselves on their father.

"Why do you think he did a thing like that?

"I don't know. Maybe he drinks too much."

His mother constantly tells him how terrible his father is.

"I don't like for her to keep saying bad things about my Dad. Maybe he does some wrong things but he's still my Dad."

A student probation officer sitting in for training suggests that Billy has a deeply ingrained resistance to any authority. The regular workers disagree and say they think the trainee is projecting his own standards of behavior into Billy's case. They think the facts of Billy's home and school life are more helpful in explaining his attitude toward parental authority than any theory of deeply ingrained antagonism.

"I guess we all agree on one thing," Mrs. Singer says with a smile. "Whoever works with Billy shouldn't holler at him."

They agree that he is immature, withdrawn and not very articulate and that he needs to experience a relationship with an adult that he can trust.

But Pat Clark discovers something that his school, his home and his pre-sentencing report hadn't found out: Billy can't read. His school had promoted him and refused remedial reading work. She arranges it.

"That could have something to do with his truancy and the teacher 'hollering.'"

Miss Clark genuinely likes to fish. So does Billy. They do it regularly. But the probation effort is more than buddyship. Miss Clark talks often with Billy's mother and has come to like her and see strengths. They are a white migrant family from Arkansas never involved with much city or town life. Miss Clark sees her job not as replacing Billy's mother, but in helping mother and son to deal with each other more successfully. She arranges for him to spend time with a man in the community who has kids in to work on engines.

If Billy had gone to an institution it may or may not have helped him. But in any event, when he came out he would have two choices—go off on his own with friends he made in the institution or return to his home, where conditions and relationships would have been the same as before. He may learn how to read, finally. And he may learn how to trust people and trust himself. There are no certainties in his present program. The only certainty is that conventional commitment programs usually fail.

INTERSTATE 75

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Georgia. Mr. Speaker, I would like to take a moment to address the House on a subject of great concern to the people of my district and to all the people of Georgia.

For some 8 years, completion of that portion of Interstate 75 which runs through Georgia's Seventh District has been delayed, even though a suitable route had been approved 5 years ago. The most direct route was rejected out of hand last year because of ecological considerations which have not been and are not now clear to me. A rerouting of the highway was proposed by the State highway department and this, too, has been disapproved by the Secretary of Transportation.

Every source of information available to me points to the fact that the new route, line "T," is feasible, follows sound engineering practices and is not ecologically harmful. The refusal of the Secretary of Transportation to approve this route is inexcusable and tragic.

The present section of highway which now serves the people of Cobb, Bartow, and Floyd Counties, as well as the majority of traffic between Atlanta and Chattanooga, is woefully inadequate. In the past 14 months, while the State highway department has labored to satisfy objections raised by the Transportation Secretary, 860 accidents occurred on that portion of highway which would be greatly relieved by completion of I–75. Eighteen persons were killed on this highway in the past 14 months, 337 persons were injured and untold property damage was done.

As the Georgia highway director said so aptly:

> The main concern of most Georgians is not where the route is going, but when it is going to be built.

The people of the seventh district and of Georgia have expressed a desire that I–75 be built. They have also expressed a desire that the natural wilderness of the area be preserved, insofar as is possible. They have endeavored to strike the very best possible balance between the need to protect our environment and the need to protect their own lives.

Mr. Speaker, the people of the seventh district have done everything possible to bring about completion of I–75. I, myself, have sent dozens of letters and telegrams on behalf of this road, and have held numerous meetings with the State highway director and Federal officials. This latest rejection by the Transportation Secretary of a good route has bewildered the people of the seventh district and of all Georgia.

Mr. Speaker, I am today calling on the citizens of the seventh district to write President Nixon, who must ultimately answer for the actions of his Transportation Secretary, and to tell the President of their frustration and concern over the routing and building of this highway.

The President represents the last resort in this case. I am hopeful that he will see fit to use his authority to reverse an unwise action on the part of one of his Cabinet members.

SAVE WGMS–AM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the editorial, "A Final Note" which appeared in this morning's Washington Post, brings to the fore the frustration which those of us who drive long distances daily and relieve the boredom by listening to varied programs of good music on Station WGMS, feel over the announcement by that station that high quality musical programs will no longer be broadcast over their AM facilities. Instead the station will carry the same depressing pop programs now emitted by the other area broadcasters.

The editorial, which follows, questions the FCC policy which has contributed to this unfortunate decision.

Surely this substantial audience should be considered by the FCC and a reversal of their exclusionary policy should be discussed by the agency.

If nothing else, the shift from Mendelssohn or Strauss to hard rock might increase the accident rate among commuting autoists. More importantly, this lone sprig of musical culture should not be extinguished without protest.

The editorial follows:

A FINAL NOTE

The cultural wealth of Washington will shrink a few painful degrees when radio station WGMS-AM drops its program of classical music this spring. Its owner, RKO General Inc., says that WGMS is losing in both its AM and FM operations. By turning the AM station over to the usual kind of pop music, RKO hopes to continue to devote WGMS-FM wholly to the classics. To give substance to that promise, the company is preparing to put a good deal of money into improving its FM transmission.

It is a reasonable position on RKO's part. But for those who depend on AM radio, it is a depressing prospect. The station argues that the vast majority of its serious listeners are already using the FM signal. But the great exception is, of course, the audience in automobiles. Something in the range of 90 per cent of all car radios receive only AM stations, and converting to FM is not inexpensive. For most drivers, there will be no more Mozart to assuage the traffic jams.

WGMS is, unfortunately, the only AM station audible in Washington that brings us classical music. There are already at least 20 that pump out the various categories of pop. Classical music has never been a very profitable endeavor for broadcasters. But it might be added that the Federal Communications Commission has helped to push WGMS–AM over the edge. Some years ago the FCC ruled a broadcaster with both AM and FM transmitters could not put the same program on both. The purpose of the ruling was to encourage diversity on the air. The effect, in the case of WGMS, was to increase operating costs. As Washington loses its only classical station on the AM band, and acquires its twenty-first pop music station, the FCC might ask itself whether that rule is serving its purpose.

NAVY REPORTS ON NUCLEAR SUBMARINE ACCIDENTAL DISCHARGE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, residents of the east coast were alarmed last month when it was reported that a nuclear-powered submarine, transferring its atomic reactor coolant to a submarine tender in the Thames River in New London, Conn., had inadvertently discharged 500 gallons of radioactive water into the river.

Upon learning of this, I wrote to Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations, requesting a full report and information on the potential danger involved and steps taken to insure that leakages do not occur again.

I have received a reply from Admiral Zumwalt which I feel satisfies the intent of my inquiry. Although we all are concerned over the fact that such an accident did occur, I am confident, from Admiral Zumwalt's reply, that the Navy is cognizant of the seriousness of the matter and has taken steps to prevent any recurrences.

Admiral Zumwalt's letter follows:

CHIEF OF NAVAL OPERATIONS,
February 1, 1972.

Hon. JOHN S. MONAGAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: Thank you for your letter of January 11, 1972 concerning the accidental discharge of atomic-reactor coolant in the Thames River in New London, Connecticut. The following is provided in response to your inquiry.

On 29 December 1971, the nuclear powered submarine USS *Dace* was moored alongside the submarine tender USS *Fulton* located at the State Pier in New London, Connecticut. A frequent and normal operation conducted under these circumstances is for the submarine to transfer excess water generated during operation of the reactor plant to the storage and processing tanks in the tender.

In shipboard reactors, pressurized water circulating through the reactor core picks up the heat of nuclear reaction. Reactor cooling water circulates through a closed piping system to heat exchangers which transfer the heat to water in a secondary steam system isolated from the primary cooling water. The steam is then used as the source of power for the propulsion plant as well as for auxiliary machinery. Discharges of radioactivity from ships occur primarily when reactor coolant water expands as a result of being heated to operating temperature; this coolant passes through a purification system ion-exchange resin bed prior to discharge to the tender. The tenders are further equipped with processing systems to remove most of the radioactivity from the liquid wastes.

In this particular instance the water transfer connections were arranged improperly between the submarine and the tender and were operated in such a manner as to permit about 500 gallons of the water to be discharged directly into the Thames River.

Measurements of the level of radioactivity are required to be made prior to such transfers. In this case the measurements were made and found to be normal. Subsequent measurements confirmed these results. The levels measured were such that the total amount of radioactivity of the 500 gallons of water discharged into the Thames River in this instance was 0.0002 curies. If an individual worker in the nuclear industry were to drink all this radioactivity, he would not exceed the radiation exposure allowed annually by the Atomic Energy Commission and other federal or international regulations.

This event was reported immediately to Navy headquarters in Washington and Norfolk. The Navy immediately collected and analyzed samples of harbor water from the point of discharge and from surrounding locations. No radioactivity was detectable in these samples; this result would be expected since discharged water is rapidly diluted in the harbor. Harbor bottom sediment samples were also taken upon orders from Navy headquarters with the same procedures used for thorough surveys of the environment conducted by the Navy four times each year. Analyses of these sediment samples showed no increase in the radioactivity of the environment. The environmental radioactivity in New London harbor was lower than when previously surveyed by a radiological health laboratory of the U.S. Public Health Service. (This laboratory is now part of the Environmental Protection Agency).

The Navy decided no announcement was necessary. The assessment was made in headquarters that the amounts of radioactivity involved in this instance were well below those which could have possibly had any effect on the marine environment, water quality or health and safety of the general public. Under these circumstances there is no requirement for the Navy to notify on an urgent basis any outside agency such as the Environmental Protection Agency, State Health Department or the Atomic Energy Commission. All such discharges are published and provided to such agencies in an annual report.

Low level radioactive waste is generated in the operation of the more than one hundred Navy nuclear powered ships and in the maintenance on these ships performed by submarine tenders, bases and shipyards. The Navy's policy is to minimize the amounts of radioactivity discharged. This policy has been effective such that the total of all the radioactivity discharged to all harbors in the world from all these sources was less than 0.002 curies in 1971, including the recent inadvertent discharge in New London.

This total of all the Navy's radioactivity discharged into harbors is much less than most individual electrical power-generating nuclear reactors discharge each year. It is much less than the U.S. Atomic Energy Commission regulations permit a licensee to discharge into a single sanitary sewage system.

The Navy achieves these small discharges by using limits and procedures more stringent than those recommended by the Federal Radiation Council (incorporated into the Environmental Protection Agency in 1970), U.S. Atomic Energy Commission, National Council on Radiation Protection and Measurements, National Academy of Sciences, International Commission on Radiological Protection, and the International Atomic Energy Agency.

Each year the Navy prepares and issues a report entitled "Environmental Monitoring and Disposal of Radioactive Wastes from U.S. Naval Powered Ships and their Support Facilities." This annual report is published by the Environmental Protection Agency in its widely distributed monthly "Radiological Health Data and Reports." It describes the procedures used and presents results of all radioactive discharges made by the Navy's nuclear powered ships and their support facilities.

The latest issue of this report was also published in the Hearings before the U.S. Congress Committee on Atomic Energy on the Naval Nuclear Propulsion Program—1971. In the Foreword to these hearings the Joint Committee commented on this subject as follows:

"The committee takes special note of the report provided by Admiral Rickover on the safe disposal of radioactive wastes by the many facilities and activities under his direction, and of the remarkable record of achievement in environmental protection which is reflected in that report. With responsibility for some 110 shipboard reactors, nine shipyards, 11 tenders, and two submarine bases, Admiral Rickover has designed and operated his program from its inception with such care and technical skill that this vast complex of activities has no significant impact on the environment. Less than 0.024 curies of radioactivity was released to the environment during 1970 into all ports and harbors, both United States and foreign, by U.S. Navy nuclear-powered ships and their support facilities. The Joint Committee on Atomic Energy commends this achievement to the attention of both industry and the public as an example of what can be accomplished through technical skill and a disciplined concern for the environment in which we live."

I think you can see from the above and the enclosed report that the Navy has taken and continues to take this matter very seriously and has a record which demonstrates the care used. I can also assure you that we are continually searching for ways to improve our excellent record.

Warm regards,

E. R. ZUMWALT, Jr.,
Admiral, U.S. Navy.

AN AMENDMENT TO THE SHERMAN ANTITRUST ACT

(Mr. RONCALIO asked and was given permision to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation to amend the Sherman Antitrust Act to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize.

This would clear up uncertainties left by the Supreme Court in the 1967 franchising case of United States against Arnold, Schwinn and Co., dealing with the problem of territorial and customer restrictions imposed on the supplier by the purchaser. The Supreme Court distinguished between those cases in which the company retained title to the goods, treating its wholesalers as agents or consignees, and the cases in which it transferred title to the retailers. In the former case, the Court held the Arnold, Schwinn Co.'s restrictions on territories and customers to be lawful unless unreasonable under the Sherman Act's "rule of reason." But in the latter case where the company no longer owned the goods, the Court held that the vendor could not lawfully impose limitations on the vendee. Thus, the freedom of franchisers to impose territorial and customer limitations was limited under a "rule of reason," only to those cases of agency and consignment sales.

My proposal would do away with the distinctions made by the Supreme Court ruling and declare, with a number of qualifications, all such distribution arrangements—regardless of who held the title—not in restraint of trade as defined by the Sherman Antitrust Act.

This bill would amend the Sherman Antitrust Act by adding on a new section stating that a contract or agreement between a purchaser and supplier, which restricts the right of the purchaser to the distribution of the supplier's product to a clearly defined territorial area, shall not be an unfair method of competition, providing the following conditions are met:

First. The product or products, which are the subject of the exclusive territorial franchise agreement, must be in free and open competition with similar products produced by persons other than the supplier.

Second. The purchaser under the exclusive franchise must be in free and open competition with other vendors of similar merchandise within the defined territorial area.

Third. The purchaser must not be inhibited by the terms of such agreement from dealing in like or similar products of persons other than the supplier.

I respectfully urge that this proposal receive prompt and favorable action by the House.

THE DUNOIR LEGISLATION

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, in the 90th Congress legislation was first introduced to include all of the DuNoir drainage basin in the Washakie Wilderness. In the 91st Congress a bill was drafted to effect a compromise which would have included only about 30,000 acres of this area, known as the East-West DuNoir, and increased acreage to act as a buffer zone to the Ramshorn, as well as to provide the inclusion of additional acreage lying outside the stratified primitive area, in Fremont and Hot Springs Counties, which was of such quality that it should be given wilderness protection. At that time—1968—Congress concluded that the DuNoir was an unusually scenic area which deserves protection from additional encroachment, but clearly reported that "because of early tie-hack harvesting as well as four-wheel drive access roads which cross the area," all of the DuNoir did not fully qualify for wilderness classification.

The compromise thereafter arrived at designated a portion of the DuNoir as a "Special Management Area," and it is my understanding that the Forest Service was agreeable to this compromise, and agreeable to the language of section 5 of last year's act which would "not permit harvesting of timber or public or private vehicular use of any existing roads, and would not permit construction or expansion of any roads in this area."

At the beginning of this session of the 92d Congress—January 1971—Wyoming's two Senators introduced S. 166 in the Senate which was carrying alive the compromise from last year. I was happy to introduce into the House H.R. 1552, patterned identically on S. 166, in order that we might have companion legislation in this regards, and in the hope that this would quickly become law and the provisions of special management protection for DuNoir would conclude this matter.

As H.R. 1552 became scheduled for hearings in the House Subcommittee on Public Lands this summer, it became apparent that many in Wyoming were having second thoughts about this "Special Management Area" and about the assertions in earlier Senate reports that this area did, in fact, contain such evidences of "tie-hack harvesting and of four-wheel-drive access roads across the area" which would disqualify it from the wilderness. Also, the Forest Service maintained that it would favor the enactment of section 5 calling for special management care for DuNoir. Consequently, on the first day of hearings on H.R. 1552 last summer, Forest Service witnesses stated that the Forest Service was adamantly opposed to section 5.

It was therefore apparent to me that section 5 was going to be stricken and that we had a whole new ballgame regarding Washakie Wilderness.

During the August recess I visited the area to get a firsthand look at the so-called evidences of early tie-hack harvesting and of four-wheel access roads. It was readily apparent to me that the entire DuNoir basin was not only eligible for inclusion as wilderness, but was, in fact, probably the most desirable area in all Wyoming to be in wilderness. What were referred to as roads of four-wheel vehicles turned out to be slight paths, sometimes one single path rather than two, oftentimes untraversable because of a blow down or the restoration of the forest floor, all of which was considerably less a mark on the land than paths used by pack horses in present wilderness areas. I found that evidence of so-called tie-hacking of 50 years ago was nothing more than an occasional deteriorated stump, not from clear-cutting, not from mature harvesting program, but from the old practice of a selective cut of large and isolated trees leaving stumps which virtually distintegrated upon the push of a foot.

I also flew the area on several occasions. I noticed that for every lake or two that would be restored to wilderness in the DuNoir there seemed to be an equal number of lakes left available for four-wheel traffic in the forest south and west of DuNoir and around Brooks Lake.

I came to the conclusion that if "special management area" protection could not be afforded this area, then it would have to be a part of the wilderness, and so I acted accordingly.

I prepared an amendment to return all of the DuNoir drainage area into Washakie Wilderness, but I yielded to my chairman, Wayne Aspinall, to whose good judgment I am always pleased to defer, when he suggested that a better way to handle this ought to be to include not the entire DuNoir drainage area, but only that portion in the north that had been designated a special management unit. Thus, his substitute took the place of my amendment and the House version of this bill now reads that about 30,000 acres of the upper DuNoir will be included. This will exclude about 7,000 acres of virtually all heavily timbered land to the north and east of the middle fork Long Creek, in the southeast corner of DuNoir. This will still remain in the national forest. It is approximately 5 miles from the closest vestige of clear-cutting on the Forest Service lands which are adjacent to the DuNoir area.

The DuNoir is inestimably attractive land. It is truly worthy of inclusion as wilderness if any land in Wyoming is.

I am grateful that the House of Representatives has seen fit to pass H.R. 1552 this afternoon.

MARYLAND STATE SENATOR LAPIDES FOR ABOLITION OF STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the deep concern over the devastation and destruction caused by strip mining for coal is rapidly spreading. This is evidenced by the hundreds of letters flowing into my office from all over the United States and even from some foreign countries. In addition, a fine Maryland State Senator from Baltimore, the Honorable Julian L. Lapides, has responded to the call by many of his constituents and has introduced a bill in the Maryland Legislature to abolish the strip mining of coal.

The text of the bill and statement by Senator Lapides follow:

No. 261

A bill entitled an act to add new Section 662 (a–1) to Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1971 Supplement), title "Natural Resources," subtitle "Mining," subheading "Strip Mining," to follow immediately after Section 662 (a) thereof to ban strip mining on land owned by the State and providing penalties for the violation thereof

Section 1. *Be it enacted by the General Assembly of Maryland*, That new Section 662 (a–1) be and it is hereby added to Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1971 Supplement), title "Natural Resources," subtitle "Mining," subheading "Strip Mining," to follow immediately after Section 662(a) thereof and read as follows:

(a–1) (1) The Bureau of Mines shall not issue, extend or renew any permit to mine coal by the open-pit or strip method on any land owned by the State of Maryland whether the ownership includes the mineral rights incident to the land or not.

(2) Any person who mines coal by the open-pit or strip method without a permit issued by the Bureau of Mines shall be guilty of a misdemeanor punishable by a fine of not less than $1000 nor more than $10,000 or by imprisonment for not more than two years, or by both fine and imprisonment. Each day a violation hereunder exists shall be a separate offense.

(3) In addition to any fine imposed by a violation of this section, every person convicted hereunder shall pay to the Director a sum sufficient to reclaim the area mined.

Sec. 2. *And be it further enacted*, That this Act shall take effect July 1, 1972.

Explanation: *Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

Statement of Julian L. Lapides, Senate Floor, January 20, 1972 Strip Mining

Mr. President, Ladies and Gentlemen of the Senate: This morning I am introducing two bills which grapple with the problem of coal strip mining in Maryland. One bill would abolish all strip mining in Maryland by July, 1973; the other would prohibit any strip mining on state-owned lands after July 1st of this year.

The passage of these bills, I believe, is critical if we are to curb the present destructiveness and prevent its further growth.

This summer I visited a number of strip mining sites in Western Maryland where I witnessed firsthand the devastation that accompanies these mining activities. Strip mining inflicts irreparable environmental damage: it disfigures the countryside and, if left unchecked, is a contemptuous menace to natural beauty. Strip mining's negative impact is so great that it diminishes the State as a whole.

As a result of contour mining here in Maryland between 1500 and 2000 acres have been abandoned. The ugly scars left in the wake of strip mining blemish the state's attractiveness and ruin considerable tracts of land.

Strip mining's harmful effects, however, extend far beyond the aesthetic. It pollutes the air and the water, contributes to soil erosion, kills existing vegetation and destroys wildlife habitat. These dangers are obviously injurious to the environment and they can adversely affect the ecological balance of an entire region.

An inevitable argument used to defend strip mining claims that the land denuded by the mining can be and often is later reclaimed. Unfortunately, the evidence does not support this position. The land used by strip mining can never be restored; the ravaged highwalls remain and some extend upward 100 feet. Reclamation as it is practiced is little more than a cosmetic treatment that feebly disguises lasting destruction. I should also emphasize that only a fraction of the mined land receives the benefit of even this limited camouflage. The damage done by strip mining is real and it is irreparable; the visible results of reclamation only serve to strengthen this conclusion.

In my opinion a particularly heinous aspect of the problem here in Maryland involves strip mining on state-owned land. Mr. President, Ladies and Gentlemen of the Senate, you may not be aware of the fact, but such mining is taking place this very day on the campus of Frostburg State College and at Savage River State Forest. I do not believe that it is in the State's best interest to allow this to continue. The purpose of state land should not be to afford a private entrepreneur a profit; rather, the land must be available for public use. Surely it is incumbent on us as legislators to insure that the state meet its responsibilities with respect to environmental protection and further that it seek to protect its natural beauty for the pleasure of present and future generations.

If, here in Maryland, we face considerable problems resulting from strip mining, we, nonetheless, also have the opportunity to avoid the widespread devastation that plagues our sister states of West Virginia and Kentucky. To capitalize on this opportunity, though, it is urgent that we act immediately. Because of its quick profits, strip mining has enjoyed rapid growth and promised to continue expanding unless we intervene decisively to check any further destruction. The time to stop strip mining's assault on Maryland's countryside, I believe, is now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Price of Texas (at the request of Mr. Gerald R. Ford), from 2 p.m., February 9 and the balance of the week on account of official business.

Mr. Corman, for week of February 7, on account of official business.

Mr. J. William Stanton (at the request of Mr. Gerald R. Ford), on account of surgery.

Mr. Forsythe (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Carter (at the request of Mr. Gerald R. Ford), for today, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Veysey), to revise and extend their remarks, and to include extraneous matter:)

Mr. Conte, today, for 10 minutes.

Mr. Horton, today, for 10 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Buchanan, on February 8, 1972, for 1 hour.

Mr. Halpern, today, for 5 minutes.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks, and to include extraneous matter:)

Mr. Matsunaga, today, for 15 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Hamilton, today, for 15 minutes.

Mr. Reuss, today, for 30 minutes.

Mr. St Germain, today, for 5 minutes.

Mr. Pepper, today, for 5 minutes.

Mr. Davis of Georgia, today, for 5 minutes.

Mr. Mikva, on February 9, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Baring prior to passage of H.R. 3339.

Mr. Roncalio prior to the passage of H.R. 1552 on the Consent Calendar today.

Mr. Donohue to revise and extend his remarks on S. 1857.

Mr. Anderson of California to revise and extend his remarks immediately before the passage of H.R. 9756.

Mr. Murphy of Illinois to extend his remarks immediately following passage of H.R. 7088.

Mr. Reuss (at the request of Mr. Dingell) to extend his remarks on H.R. 12741.

(The following Members (at the request of Mr. Veysey), and to include extraneous matter:)

Mr. Landgrebe.

Mr. Springer.

Mr. Hogan in 10 instances.

Mr. Derwinski in three instances.

Mr. Bob Wilson in two instances.

Mr. Myers.

Mr. Nelsen in three instances.

Mr. Hosmer in two instances.

Mr. Terry in two instances.

Mr. Shoup.

Mr. Wyman in two instances.

Mr. Duncan in two instances.

Mr. McClory in two instances.

Mr. Price of Texas.

Mr. Don H. Clausen.

Mr. Morse in four instances.

Mr. Halpern in three instances.

Mr. Forsythe.

Mr. McClure.

Mr. Miller of Ohio in four instances.

Mr. Frelinghuysen.

Mr. Broyhill of Virginia in two instances.

Mr. Mosher in three instances.

Mr. Smith of New York.

Mr. Anderson of Illinois.

Mr. Buchanan.

(The following Members (at the request of Mr. Mazzoli), and to include extraneous matter:)

Mr. Gonzalez.

Mr. Rarick.

Mr. Waldie in four instances.

Mrs. Sullivan in four instances.

Mr. Vanik in three instances.

Mr. Baring.

Mr. Mollohan in five instances.

Mr. Foley in three instances.

Mr. Edwards of California in two instances.

Mrs. Hicks of Massachusetts.

Mr. Jacobs.

Mr. Drinan.

Mr. Hamilton in two instances.

Mr. Harrington in two instances.

Mr. Gallagher.

Mr. Dingell in two instances.

Mr. Griffin in two instances.

Mr. Mahon.

Mr. Daniels of New Jersey in two instances.

Mr. Rangel in two instances.

Mr. Blatnik in two instances.

Mr. Delaney.

Mr. Annunzio in three instances.

Mr. Stokes in 10 instances.

Mr. Hanna in five instances.

Mr. O'Neill.

Mr. Rosenthal in five instances.

Mr. Pepper in two instances.

Mr. Hathaway.

Mr. Symington in three instances.

Mr. Ryan in three instances.

Mr. Bingham in three instances.

Mr. Giaimo in 10 instances.

Mrs. Grasso in 10 instances.

Mr. Fauntroy in five instances.

Mr. Dulski in two instances.

Mr. Hagan in five instances.

Mr. Charles H. Wilson in five instances.

Mr. St Germain.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 8, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, INC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1559. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished from military functions appropriations to various countries, covering the second quarter of fiscal year 1972, pursuant to section 738(b) of Public Law 92–204; to the Committee on Appropriations.

1560. A letter from the Secretary of Defense, transmitting a report on the financial condition and operating results of working capital funds of the Department of Defense as of June 30, 1971, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

1561. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a delay in the submission of a report required by section 505(f) of Public Law 92–156; to the Committee on Armed Services.

1562. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a supplemental list of persons formerly affiliated with the Department of Defense who have filed reports for fiscal year 1971 indicating employment by a defense contractor, together with copies of their reports, pursuant to 83 Stat. 212; to the Committee on Armed Services.

1563. A letter from the Acting Assistant Secretary of Agriculture for Administration, transmitting a report for fiscal year 1971 on Department of Agriculture disposal of foreign excess property, pursuant to section 404 (d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

1564. A letter from the Secretary, Smithsonian Institution, transmitting the Annual Report of the Institution for fiscal year 1971, pursuant to 20 U.S.C. 57; to the Committee on House Administration.

1565. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

1566. A letter from the Acting Secretary of the Interior, transmitting a report on activities of the Geological Survey outside the national domain during the 6 months ended December 31, 1971, pursuant to 43 U.S.C. 31 (c); to the Committee on Interior and Insular Affairs.

1567. A letter from the Assistant Secretary of Commerce, transmitting copies of two petitions for amendment of the flammability standard for children's sleepwear published July 29, 1971, both of which were received during December 1971, and notice of an informal public hearing on the petitions; to the Committee on Interstate and Foreign Commerce.

1568. A letter from the Administrator, Environmental Protection Agency, transmitting notice of a delay in the submission of reports on the economics of clean air, and on the progress being made toward the implementation of the Clean Air Act, pursuant to sections 312 and 313 of the act; to the Committee on Interstate and Foreign Commerce.

1569. A letter from the Chairman, Administrative Conference of the United States, transmitting a draft of proposed legislation to amend the Administrative Conference Act; to the Committee on the Judiciary.

1570. A letter from the Administrator of Veterans' Affairs; transmitting a draft of proposed legislation to authorize the Veterans' Administration to forgo making a direct loan where a lender will make a guaranteed loan at a reasonable discount; to the Committee on Veterans' Affairs.

1571. A letter from the Federal and State Cochairman, Upper Great Lakes Regional Commission; transmitting the annual report of the Commission for fiscal year 1971, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

1572. A letter from the Federal Cochairman, New England Regional Commission, transmitting the Annual Report of the Commission for fiscal year 1971, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1573. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in January 1972, pursuant to Public Law 91–510; to the Committee on Government Operations.

1574. A letter from the Comptroller General of the United States, transmitting a report of two ways the Food and Nutrition Service of the Department of Agriculture could reduce the costs of donating commodities; to the Committee on Government Operations.

1575. A letter from the Comptroller General of the United States, transmitting a report on the limited impact of the Environmental Protection Agency's demonstration grant program on the national solid waste disposal problem; to the Committee on Government Operations.

1576. A letter ffrom the Comptroller General of the United States, transmitting a report on continuing problems in paying State claims for administrative expenses of public assistance programs administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare; to the Committee on Government Operations.

1577. A letter from the Comptroller General of the United States, transmitting a report on the effects of Federal expenditures on the economy of Johnson County, Ky.; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on February 1, 1972, the following report was filed on February 4, 1972*]

Mr. PERKINS: Committee on Education and Labor. H.R. 12350. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; with an amendment (Rept. No. 92–815). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on February 3,1972, the following reports were filed on February 4, 1972*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 7088. A bill to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes; with amendments (Rept. No. 92–816). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12186. A bill to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes; with an amendment (Rept. No. 92–817). Referred to the Committee of the Whole House on the State of the Union.

Mr MILLS of Arkansas: Committee on Ways and Means. H.R. 8975. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of commuter fare revenue; with amendment (Rept. No. 92–823). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 9463. A bill to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals, and any fragment or part thereof, exported contrary to the laws of the country of origin, and for other purposes; with amendments (Rept. No. 92–824). Referred to the Committee of the Whole House on the State of the Union.

Mr. VANIK: Committee on Ways and Means. H.R. 9900. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; with amendments (Rept. No. 92–825). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 11196. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of unrelated business income; with amendments (Rept. No. 92–826). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENNIS: Committee on the Judiciary. H.R. 2076. A bill for the relief of Vladimir Rodriguez LaHera (Rept. No. 92–818). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 4679. A bill for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; with amendment (Rept. No. 92–819). Referred to the Committee of the Whole House.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 6201. A bill for the relief of Lesley Earle Bryan (Rept. No. 92–820). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 6907. A bill for the relief of Matyas Hunyadi (Rept. No. 92–821). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 7011. A bill for the relief of Adriano Botelho Moniz; with amendment (Rept. No. 92–822). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 12948. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 12949. A bill to amend title II of the Social Security Act to provide a 20-percent benefit increase with a $100 minimum primary benefit and subsequent cost-of-living increases, to increase the earnings base to $12,000, and to liberalize the retirement test, and to amend title XVIII of such act to to provide medicare coverage for disability beneficiaries without regard to age and to include payment for chiropractic services and prescription drugs, and for other purposes; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 12950. A bill to amend title 38, United States Code, to authorize special rates of disability compensation for certain veterans awarded the purple heart; to the Committee on Veterans Affairs.

H.R. 12951. A bill to amend section 110 of title 38, United States Code, to liberalize the standard for preservation of disability ratings; to the Committee on Veterans Affairs.

H.R. 12952. A bill to amend section 312 of title 38, United States Code by providing a 3-year presumptive period of service connection for malignant tumors (cancer) which develop within 3 years from the date of separation from active service; to the Committee on Veterans Affairs.

H.R. 12953. A bill to amend subsection (b)(1) of section 415 of title 38, United States Code, to increase the maximum annual income limitation governing payment of dependency and indemnity compensation to certain parents; to the Committee on Veterans Affairs.

By Mr. FRASER:

H.R. 12954. A bill to require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients, either by disregarding such amount in determining their need or otherwise; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12955. A bill to clarify the intent of Congress to exclude prisoners in work release programs from the provisions of Federal law forbidding the use of convict labor; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.R. 12956. A bill to amend title II of the Social Security Act to provide that an individual otherwise eligible may be paid full widow's or widower's insurance benefits at age 55, or reduced widow's or widower's insurance benefits at age 50 (age 45 in case of disability); to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 12957. A bill to facilitate fresh pursuit of criminals in the District of Columbia; to the Committee on District of Columbia.

By Mr. HORTON:

H.R. 12958. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE (for himself, Mr. ICHORD, and Mr. RANDALL):

H.R. 12959. A bill to amend section 1979 of the Revised Statutes to provide that certain civil actions for the deprivation of rights may not be brought by certain persons convicted of crime and to provide a time limitation with respect to such civil actions; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 12960. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. JONES of Tennessee:

H.R. 12961. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

H.R. 12962. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Bingham, Mr. Brasco, Mr. Dow, Mr. Eilberg, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Mitchell, Mr. Ryan, and Mr. Stokes):

H.R. 12963. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Badillo, Mr. Bell, Mr. Dellums, Mr. Fauntroy, Mr. Halpern, Mr. Mikva, and Mr. Mitchell):

H.R. 12964. A bill to provide for monthly furloughs for Federal prisoners; to the Committee on the Judiciary.

By Mr. O'HARA:

H.R. 12965. A bill to ban the usage of diethylstilbestrol (DES) as a growth promotant; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 12966. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act; to the Committee on Interstate and Foreign Commerce.

H.R. 12967. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 12968. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas:

H.R. 12969. A bill to provide for the establishment of an "Older Workers Conservation Corps," and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 12970. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 12971. A bill to amend the Wild and Scenic Rivers Act Of 1968 by designating a portion of the Clark's Fork River, Wyo., for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12972. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 12973. A bill to provide self-government for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. THOMSON of Wisconsin:

H.R. 12974. A bill to assist in the provision of housing for low- and moderate-income families by authorizing Federal Housing Administration mortgage insurance and Veterans' Administration guaranteed and direct loans for modular or industrialized housing meeting applicable code requirements but having less living space than is required under existing programs administered by the Department of Housing and Urban Development and Veterans' Administration; to the Committee on Banking and Currency.

By Mr. WALDIE:

H.R. 12975. A bill to amend section 1072 (2) of title 10, United States Code, to include a child being adopted within the definition of dependent; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 12976. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 12977. A bill to amend title 10 of the United States Code to permit the appointment by the President to the service academies of sons of certain persons in missing status; to the Committee on Armed Services.

By Mr. WINN:

H.R. 12978. A bill to amend title 18 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 12979. A bill to amend title 28, United States Code, to authorize the recall of retired commissioners of the United States Court of Claims for temporary assignments; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 12980. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 12981. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft arriving or departing on flights between the United States and Canada or the United States and Mexico at night or on Sunday or a holiday from provisions requiring payments to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 12982. A bill to amend the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 12983. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12984. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12985. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for the interest on certain governmental obligations the proceeds of which are used to provide hospital facilities; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. Dingell, Mr. Mailliard, Mr. Downing, Mr. Pelly, Mr. Leggett, Mr. Mosher, Mr. Biaggi, Mr. Ruppe, Mr. Anderson of California, Mr. Bray, Mr. Kyros, Mr. Snyder, Mr. Tiernan, Mr. Forsythe, Mr. Moss, Mrs. Griffiths, Mr. Karth, Mr. William D. Ford, Mr. Conte, and Mr. Nedzi):

H.R. 12986. A bill to amend the Endangered Species Conservation Act of 1969 to increase the limitation on the amount of funds authorized to be appropriated for the purpose of conserving, protecting, restoring, and propagating selected species of native fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HATHAWAY:

H.R. 12987. A bill to amend part B of title XVIII of the Social Security Act to terminate the financing of supplementary medical insurance benefits through premium payments by beneficiaries, and to provide that such benefits will hereafter be financed instead from general revenues; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 12988. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 12989. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12990. A bill to amend title II of the Social Security Act to provide that a woman otherwise eligible who is permanently unemployable may be paid full widow's insurance benefits at age 55; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 12991. A bill to continue until the close of June 30, 1975, the existing suspension of duty on certain copying shoe lathes; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Obey, and Mr. Coughlin):

H.R. 12992. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 12993. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542), to include the EEl, Klamath, and Trinity Rivers as components of the National wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 12994. A bill to establish a national recreation area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

H.R. 12995. A bill to designate certain land in the State of Wyoming as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 12996. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 12997. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 12998. A bill to establish the Gates of the Arctic National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12999. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in

Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13000. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 13001. A bill to provide for the addition of certain lands to the Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13002. A bill to establish the French Pete Creek National Woodlands Recreation Area; to the Committee on Interior and Insular Affairs.

H.R. 13003. A bill to establish the Missouri Breaks Scenic River in the State of Montana; to the Committee on Interior and Insular Affairs.

H.R. 13004. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13005. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. ROE (for himself, and Mr. Hunt):

H.R. 13006. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 13007. A bill to amend section 396 of the Communications Act of 1934 to increase and extend for 1 year the authorization for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 13008. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. VANIK (for himself Mr. Scheuer, Mr. Madden, Mr. Hechler of West Virginia, Mr. James V. Stanton, Mr. Yatron, Mr. Badillo, Mr. Harrington, Mr. Rosenthal, Mr. Kee, Mr. Mikva, Mr. Dent, Mr. Podell, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mr. Byrne of Pennsylvania, Mr. Halpern, Mr. Brasco, Mr. Tiernan, Mr. Coughlin, Mr. Eilberg, Mr. Drinan, Mr. Ryan, Mr. Alexander, and Mr. Koch):

H.R. 13009. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 13010. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

By Mr. HAGAN:

H.R. 13011. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.J. Res. 1053. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 1054. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. MIZELL:

H.J. Res. 1055. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.J. Res. 1056. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. ZWACH:

H.J. Res. 1057. Joint resolution providing for a 5-year moratorium on railroad line abandonment; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.J. Res. 1058. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas:

H.J. Res. 1059. Joint resolution proposing an amendment to the Constitution of the United States for the reconfirmation by popular vote of certain Federal judges; to the Committee on the Judiciary.

By Mr. ARENDS:

H. Con. Res. 524. Concurrent resolution: National Day of Prayer for cause of World Peace; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. Blatnik, Mr. Denholm, Mr. Link, Mr. Nelsen, and Mr. Quie):

H. Con. Res. 525. Concurrent resolution expressing the sense of the Congress that a moratorium be declared on any further abandonments of rail services or facilities within the rural and non-metropolitan regions of the United States until December 31, 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H. Con. Res. 526. Concurrent resolution expressing the sense of Congress with respect to those individuals who refused to register for the draft, refused induction or being a member of the Armed Forces fled to a foreign country to avoid further military service; to the Committee on Armed Services.

By Mr. ROUSH:

H. Con. Res. 527. Concurrent resolution that it is the sense of Congress that the United States and the various political entities thereof should adopt "911" as the nationwide, uniform, emergency telephone number; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H. Res. 801. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

H. Res. 802. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. DRINAN:

H. Res. 803. Resolution calling for peace in Northern Ireland and the establishment of a United Ireland; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H. Res. 804. Resolution to provide funds for expenses of the investigations and studies authorized by H. Res. 5 and H. Res. 19; to the Committee on House Administration.

By Mr. ZWACH:

H. Res. 805. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the needs of rural America for adequate railroad services; to the Committee on Rules.

By Mr. GERALD R. FORD:

H. Res. 806. Resolution providing for the election of members of standing committees.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

302. By the SPEAKER: A memorial of the Senate of the State of Washington, relative to amendment of the Soil Conservation and Domestic Allotment Act to provide for a Columbia-Snake-Palouse Conservation Program; to the Committee on Agriculture.

303. Also, memorial of the Legislature of the State of South Dakota, relative to depicting the Mount Rushmore National Memorial on U.S. currency; to the Committee on Banking and Currency.

304. Also, memorial of the Legislature of the State of Colorado, relative to freedom of religion in the Soviet Union; to the Committee on Foreign Affairs.

305. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to expansion and revitalization of the merchant marine of the United States; to the Committee on Merchant Marine and Fisheries.

306. Also, memorial of the Legislature of the State of Wisconsin, relative to authorizing State public assistance programs to use vendor and voucher payments in certain circumstances; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severely referred as follows:

By Mr. CLEVELAND:

H.R. 13012. A bill for the relief of Manuel H. Silva; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 13013. A bill for the relief of Zoila Lozova; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 13014. A bill for the relief of Gene E. Trowbridge; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 13015. A bill for the relief of Edward R. Davies; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

185. The SPEAKER presented a petition of Charles Thomas, Jr., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

KEEP AIR POLLUTION STANDARDS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. WALDIE. Mr. Speaker, I would like to present for my colleagues interest and information, a resolution which was unanimously adopted by the Los Angeles County Board of Supervisors on January 20, 1972. Ths resolution concerns the supervisors' adamant opposition to a 1-year suspension of the 1975 vehicle emission standards under the Clean Air Act. The supervisors feel that because local agencies have no jurisdiction over the control of vehicular emissions, but are restricted to control of stationary sources, it is up to the Environmental Protection Agency to strictly enforce this standard.

Mr. Speaker, I myself, am not thoroughly convinced that the requirements cannot be met by 1975. The motor vehicle emissions report of the National Academy of Sciences concluding statement cites:

> While there is no certainty today that any 1975 model year vehicles will meet the requirements of the Act, the status of development and rate of progress make it possible that the larger manufacturers will be able to produce vehicles that will qualify, *provided* that provisions are made for catalyst replacement and other maintenance, for the general availability of fuel containing suitable low levels of catalyst poisons. Conversely, if the above provisions are not deemed acceptable by EPA, it appears most unlikely that any manufacturer will be able to meet the requirements of the Act. The Committee believes that the emission levels required in the Clean Air Amendments will not be achieved in service, in any event, unless regular, periodic maintenance of the emission-control system is required of the owner.

I urge that my colleagues consider the provisions made in this report that would make it possible for the automobile manufacturers to meet the 1975 emission standards. If it is possible to meet the standards established by Congress with a device that does not have the specified durability period required by law—section 202(d) of the 1970 Clean Air Act—then perhaps Congress should reconsider the definition of "useful life" with regard to vehicles and engines.

RESOLUTION BY THE BOARD OF SUPERVISORS, COUNTY OF LOS ANGELES

On motion of Supervisor Hahn, unanimously carried, the following resolution was adopted:

Whereas, air pollution has been defiling the environment of Los Angeles County for more than 25 years and still lingers as a most urgent and sensitive problem; and

Whereas, the Board of Supervisors is responsible for the health and welfare of over seven million residents of Los Angeles County; and

Whereas, medical science has accumulated epidemiological, experimental, and clinical evidence that levels of air pollution in Los Angeles County affect significantly the breathing of normal subjects during high exposure periods and constitute a hazard to the health and welfare of the people in the County; and

Whereas, the Los Angeles County Medical Association has affirmed repeatedly that air pollution constitutes a hazard to the health of persons living in this County and, because of air pollution, a comprehensive School and Health Smog Warning System has been implemented by this Board of Supervisors, in accordance with the county medical association's recommendations, to protect the health of the students and people of this County; and

Whereas, the Federal air quality standards are exceeded for nitrogen dioxide and hydrocarbons in Los Angeles County, and the standard for photochemical oxidant is exceeded on 250 days per year (and every day in the summertime), and in addition the standards for carbon monoxide are exceeded on 200 days per year; and

Whereas, virtually the only contaminants for which air quality standards are often exceeded are those emitted by motor vehicles, or created by photochemical reactions of contaminants emitted by motor vehicles; and

Whereas, these motor vehicle emissions will prevent Los Angeles County from complying with the Federal air quality standards by 1975, as required by the Clean Air Act; and

Whereas, further delays in compliance with 1975 vehicular emission standards will delay still further the date when compliance with the air quality standards can be attained; and

Whereas, such further delay will subject the residents of Los Angeles County to additional exposure to these harmful contaminants; and

Whereas, this Board of Supervisors as the Air Pollution Control Board of the Los Angeles County Air Pollution Control District has enacted and enforced the most stringent Rules and Regulations for stationary sources in effect anywhere in the world; and

Whereas, local agencies have no jurisdiction over control of vehicular emissions, and are restricted to control of stationary sources; and

Whereas, emissions from stationary sources under this program are now more than 80% controlled; and

Whereas, emissions from motor vehicles contribute more than 90% of the total pollution in this County and constitute its only inadequately controlled source of emissions; and

Whereas, this Board of Supervisors has, since 1953, by repeated communications, strongly informed and constantly reminded the automobile manufacturers of the urgent need to control motor vehicle emissions at the earliest possible date; and

Whereas, the automobile manufacturers, through procrastination, agreement, and other dilatory tactics, have failed and refused to comply with emission standards except when they were forced to do so; and

Whereas, the Committee on Motor Vehicle Emissions of the National Academy of Sciences has recommended to the Environmental Protection Agency that enforcement of the requirements of the Clean Air Act for 1975 vehicles be deferred until 1976.

Now, therefore, be it resolved that the recommendation of the Committee on Motor Vehicle Emissions of the National Academy of Sciences should be rejected, and that any request by any automobile manufacturer for a one-year suspension of the 1975 Vehicle Emission Standards under the Clean Air Act be denied by the Administrator of the Environmental Protection Agency; and

Be it further resolved that any program, procedure, or attempt to delay effective control of exhaust emissions from motor vehicles is unacceptable to the County of Los Angeles; and

Bt it further resolved that copies of this resolution shall be sent to the President, each member of Congress from California, and to the Administrator of the Environmental Protection Agency.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, James S. Mize, Executive Officer-Clerk of the Board of Supervisors of the County of Los Angeles, do hereby certify that the foregoing is a full, true and correct copy of the original Minute Entry (No. 4) of an action taken January 20, 1972, by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities, for which said Board so acts, by the following vote:

Ayes: Supervisors Hahn, Debs, Chace, Dorn.

Noes: None.

Absent: Supervisor Bonelli.

In witness whereof, I have hereunto set my hand and affixed the seal of the County of Los Angeles this 20th day of January, 1972.

JAMES S. MIZE,
Executive Officer-Clerk of the Board of Supervisors of the County of Los Angeles.

CORPORATE FARM OPERATIONS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 7, 1972

Mr. BYRD of Virginia. Mr. President, the January 3 edition of U.S. News & World Report included an excellent article on the effect of corporate ownership of many of the Nation's farms.

The article points out that the growth in large scale agricultural business has profound effects both on the production of crops and livestock and on the lives of millions of Americans.

The serious issues involved in the question of future control of farming operations are closely examined in this excellent report.

I ask unanimous consent that the text of the article, "What's Ahead for the Family Farm," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS AHEAD FOR THE FAMILY FARM?

Today, corporations have only a toe hold in agriculture. Tomorrow, they could move in. Would that be good for the country? It's a growing debate.

Survival of the family farm is a fast-growing economic and political issue in Washington and across the country.

City dwellers, as well as rural people, have a stake in this problem. The reason, according to Don Paarlberg, top economist of the U.S. Department of Agriculture:

"America's system of family farming has produced for this country the most wholesome, nutritious and abundant diet enjoyed by people at any time in history. All things considered, I doubt that large-scale corporation farming would serve the public as well."

President Nixon's new Secretary of Agriculture, Earl L. Butz, has said that he will do everything he can to get "decent prices and fair income" for family farms. But he points out that neither Republicans nor Democrats have been able to slow the trend to fewer and larger farms in the U.S.

DWINDLING NUMBERS

During the Republican Administration of President Eisenhower in the 1950s, the number of U.S. farms declined by 28 per cent. In the 1960s, under Presidents Kennedy and Johnson, there was a reduction of 33 per cent. In the first three years of the Nixon Administration, another 10 per cent drop was recorded.

Latest official figures put the total of American farms at 2.9 million. Secretary Butz predicts that another million or so of these will have been absorbed into larger units by the end of this decade.

This trend has concentrated more and more of farming income in the hands of relatively few operators. In 1970, according to the Agriculture Department, 226,000 large farms—8 per cent of the total—received 55 per cent of cash receipts from farm marketings.

These were farms that sold $40,000 or more of produce in 1970. Some had sales running into millions of dollars. The majority still are regarded as family farms, but they survive by using big-business methods. And they worry about the future. Take California, which probably has more large-scale farming than any other State.

Near Modesto, Jack Bowen's 350-acre peach orchard displays a sign that proclaims: "A family business for four generations." Sales top $300,000 a year. Mr. Bowen has replaced hundreds of migrant pickers with a giant machine that clutches trees by the trunk, shakes the fruit onto a conveyor which carries it to waiting trucks.

But California peach growers already are plagued with overproduction. They fear factory-type farming will worsen this problem. One big corporation, an oil company, grew 640 acres of peaches last year as an experiment.

Says Mr. Bowen: "If corporations with plenty of capital get serious about this business, we've had it."

John Cronin owns and operates a 2,000 acre cattle "spread" near Pleasanton in the San Francisco Bay area. He says, "The biggest problems facing cattlemen today are taxes and the rush of people to the countryside." His tax assessment jumped from $125 an acre to $1,200 in one year. He managed to get it cut to $600.

"You've got to be a politician, lawyer, accountant, scientist, public-relations man, environmentalist and just plain hard-working if you're going to cut it," says Mr. Cronin.

New Waterford, Calif., Wes Sawyer and his son run a dairy farm of 1,500 acres. Most of their 1,000 cows never see pasture. Fed a scientifically controlled diet, they are milked at the rate of 130 per hour with the help of automated equipment that washes udders with warm water before milking machines are applied and applies a disinfectant when they are removed.

FAMILY CORPORATIONS

Actually, only a small proportion of U.S. farms are now incorporated. Mr. Paarlberg, who is director of agricultural economics for the Agriculture Department, said in a recent speech:

"Only about 1 per cent of our commercial farms are incorporated, and more than 90 per cent of these are family corporations, set up primarily to facilitate the passage of the farm from one generation to another."

Mr. Paarlberg based his statistics on a study, "Farm Numbers and Sizes in the Future," by three economists on his staff.

If there is so little corporation agriculture in the U. S. today, why the deep worry over survival of the family farm?

The answer, according to Mr. Paarlberg, is that in the past "most farm-raised boys would have or could obtain the requirements for successful farm operation: a bit of capital, suitable manual skill, and modest managerial ability." But now, he said:

"With the advance of agricultural science, the burden of management has become intense. The technical knowledge which an up-to-date farmer must master is much broader than is required of most businessmen with equal investment. The capital needed to operate a modern farm is beyond the reach of most farm-raised boys."

RISE OF COOPERATIVES

Family farmers have had to adapt to this situation—or get off the land, as millions have done. One way in which they adapt is by forming co-operatives.

"The co-op," says Henry Schacht of California Canners and Growers Co-operative, "is the means by which the relatively small and medium-sized can band together to get advantages of size and a piece of the marketing action."

California leads the nation in business done by farm co-operatives, with more than 2 billion dollars in annual sales and 85,000 members.

Mr. Schacht's group, for example, has combined with Tri-Valley Growers and Pacific Coast Producers to put up more than half the State's output of canned pears, apricots, freestone peaches and cherries.

ROLE OF CONGLOMERATES

This past June, four big cotton-marketing co-operatives in various parts of the U. S. merged into AMCOT.

This new organization represents 25 per cent of U. S. cotton output, and has worldwide markets.

But many farm-co-operative officials worry over possible competition from conglomerate industries that enter agriculture with access to capital.

Tenneco, Inc., bought out the Kern County Land Company and recently added a large fruit and vegetable-marketing firm to form Heggblade-Marguleas-Tenneco, Inc., which is committed to "a concentrated program to integrate agricultural operations from seedling to supermarkets."

Mr. Paarlberg notes that corporation farming is not necessarily a sure-fire formula for success, citing failure of half a dozen large ventures in recent years. He predicts:

"I think we will get more large-scale units, but that this trend will be selective, gradual and never total. I expect to see hog production and cattle feeding move in this direction, but to move slowly."

Mr. Paarlberg expects dairy farming to remain largely in the hands of family farms, because "cows are individual and in need of individual care."

Large farms, says Mr. Paarlberg, are vulnerable to unionization of their labor supply, which can increase costs sharply. Another disadvantage:

"Large-scale farms have very high fixed costs, of which hired labor is perhaps the greatest. In a bad year, these costs eat them up. The family farmer, who supplies his own labor, meets a bad year by paying himself a lower return and taking in his belt a notch or two."

Government payments, in the Paarlberg view, have spurred development of large farms "by providing them thousands of dollars, while giving only nickels and dimes to the small ones."

There is growing pressure in Congress to lower the present ceiling on payments—$55,000 per farm on major crops. A leader in this movement is Representative Paul Findley, an Illinois Republican, who urges total payments to one farm be limited to $20,000.

Mr. Paarlberg puts the question of survival of the family farm in these terms:

"We now supply ourselves with food—the best diet ever, anywhere—with something less than 17 percent of our income. If we stay with the family farm and improve its efficiency, the percentage of income spent for food will go still lower. . . .

"Should we sacrifice a form of agricultural production that has served us well, that has produced good people as well as good crops and livestock? . . . I believe this to be a major farm-policy issue of the decade ahead."

FRIENDS FILL CHURCH AT RITES FOR FREDERICK M. DARROW

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. TERRY. Mr. Speaker, in every community there are people who dedicate themselves to serving their family, their friends and other residents of the area. The village of Solvay, and the entire county of Onondaga in my congressional district, recently lost such a man. Frederick M. Darrow served the entire central New York area as a lay preacher. He communicated his spiritual faith to others, as we would wish to be able to talk with those closest to us.

In his memory, and in gratitude to the service he contributed to countless central New Yorkers, I would like to include in the CONGRESSIONAL RECORD, a report from the January 17, 1972 Post Standard.

FRIENDS FILL CHURCH AT RITES FOR FREDERICK M. DARROW

(By Ramona B. Bowden)

People from every walk of life and a wide variety of professions filled the Solvay United Methodist Church to capacity yesterday, to pay their respects to Frederick M. Darrow. This gave eloquent evidence of how greatly he was loved, not alone in the community, but in the Central New York area where he served many denominations as a lay preacher.

Mr. Darrow's death Thursday at Community-General Hospital was a shocking grief to all.

The service was conducted by the pastor, the Rev. Franklin J. Weaver and by Dr. W. Ralph Ward, bishop of the United Methodist Church.

Mr. Weaver declared he was acting as a spokesman for all who came to pay tribute to a common friend.

"Were I not to speak, the very walls would cry out—the Sunday school where Fred learned about the Bible and where he later taught, the sanctuary where he found joy in worship, the choir loft where he sang, the pulpit from which he often preached his faith, the altar before which he knelt experiencing the presence of God, the Communion rail where he was confirmed. All these and everywhere we turn have their own way of telling of the unforgettable Christian who has been ours to love," he said.

"Fred not only believed he should seek the kingdom of God, but should practice God's love in every area of life, and this he did till it touched each one of us and left its imprint for good. His very presence was a priceless treasure of great humility mingled with a warmth of personal concern," said the minister.

"As your spokesman, I hope you will agree when I say, what a man, what a friend, what a God-given spirit and what an honor to have worked with him and have him teach us how to be an exponent of all that makes life worthwhile," he said.

"To the bereaved family we say 'thank you for letting us share this beautiful fellowship." May we continue to be strengthened by that life whose remembrance will ever bless us as a benediction," he said.

Said Bishop Ward, "Fred Darrow was not an ordained minister, but as a layman he gave himself to this sacred and singular calling. He was significantly blessed by the presence of the Holy Spirit," he said.

"He was an outstanding preacher, for he had faith in Jesus Christ and he enjoyed testifying to his faith, as his life well illustrated. He was a devoted husband, father and churchman, a faithful servant and a good person to have around in all the offices he so effectively fulfilled. He held the highest office of responsibility in the Central New York Conference of the United Methodist Church, he was active on the laity board, roles he gave himself to fully as he did in a new responsibility he had just picked up—director of the United Methodist Foundation. But essentially Fred was a preacher and he brought life and light to immortality through the gospel he lived and to which he bore testimony in the pulpits in the whole region.

"But more importantly, his business life brought affirmation in a quiet way to the unseen and the eternal. His desk in the bank was an altar, his hobbies and books were his lecterns, and his daily life a litany for praising God," said the bishop.

"He used the pulpit well, but in Fred Darrow the light of immorality came through wherever he was," affirmed Bishop Ward.

Mr. Weaver closed the service by reading one of Mr. Darrow's favorite hymns, "Take my life and let it be consecrated, Lord, to Thee."

A NEW CONCEPT OF NEIGHBORHOOD PHYSICAL FITNESS CENTERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. BOB WILSON. Mr. Speaker, an exciting new concept of neighborhood physical fitness centers which bring families together has been developed in various areas of San Diego by two prominent citizens, Mrs. Deborah S. Szekely, owner of the famed Golden Door health spa, and Dr. John L. Boyer, eminent cardiologist.

I ask to include as a portion of my remarks the following newspaper article which describes the program:

FAMILY FITNESS AND FUN—A NEW CONCEPT, A NEW EXERCISE PROGRAM, A NEW SUCCESS STORY

SAN DIEGO, CALIF.—Appointment to the President's Council/Conference on Physical Fitness and Sports brought together two San Diegans who previously had known each other only by reputation, and out of this meeting grew San Diego's unique program of free Family Fitness Fun Nights, now operating three consecutive nights a week in six centers throughout the city.

"Of course I was familiar with Dr. John L. Boyer's work in connection with the San Diego State College Jogging Clinic," says Mrs. Deborah Szekely. "It was this pioneer clinic which did so much to popularize jogging throughout the country. And I also was aware that Dr. Boyer was an eminent cardiologist. But curiously enough we had never met.

"When we did, we discovered that our very different careers and backgrounds had brought us to a similar conclusion: that to prevent heart disease in adult life, we have to begin with the young. We agreed that to do this we must break up the existing patterns of family life and offer an attractive alternative," Mrs. Szekely continues.

BETWEEN THE DARK AND THE DAYLIGHT

"Our principal area of concern is the period immediately after work and after school. This is the time when too many Americans follow hours of daily sitting with even more hours of remaining absolutely immobile in front of a television set.

Unfortunately, according to C. Carson Conrad, executive director of President Nixon's Council/Conference on Physical Fitness and Sports, it is also the most important time of day for the body to release its tensions, carbon monoxide and tissue accumulations.

"It is our hope to keep these people on their feet just before dinner and to start them moving," Mrs. Szekely explains. "Eventually, enjoyable pre-dinner-hour exercise could become a national habit, exactly as all of us now are accustomed to brushing our teeth at about the same time every morning.

"Several years before Dr. Boyer and I had our preliminary discussions, I had had the idea of a fitness program that would utilize existing public facilities. Fortunately, my friend Miss Pauline des Granges saw merit in this plan. An outstanding woman, Miss des Granges is director of San Diego's splendid City Park and Recreation Department. She brought us together with other recreation experts in San Diego City Schools and in our colleges.

"The first three Family Fitness Night programs began October 19 of last year at three City Park and Recreation Centers, Tuesdays through Thursday, 5:30 to 7:30 p.m. They were tremendously successful from the start, maintaining an average of 70–80 participants a night even through the Thanksgiving-holiday week. Three more Family Fitness Centers opened January 11. It is our expectation that eventually we will have a total of 16.

THAT MAGICAL NUMBER "3"

"Regular attendance is not compulsory. People are told to attend when they can, but we find most of them signing in three nights a week.

"I cannot place too much emphasis upon the importance of 'three times a week' in a program such as ours. This has been substantiated by other experts. Even while we were training the youthful instructors for the first three centers, D. Jean Mayer, President Nixon's health advisor, stated in an article for the September issue of *Family Health* Magazine that a mere 15 minutes of exercise three times a week can do a lot for your heart. Then, just this year, Dr. James A. Peterson, speaking from the viewpoint of research being conducted at USC's Ethel Percy Andrus Gerontology Center, revealed that three hours of exercise weekly can even help failing memories and make older people younger."

The Centers are open to old and young, beginning with children five years of age. The median adult age has proven to be 32. Single people are welcome, but family fun is the big attraction.

"Today there is general agreement that the problems of lack of exercise, over-weight and heart disease are locked in together. Dr. Boyer's expertise in the latter is one of his chief contributions to the Family Fitness program. As he says, if heart disease is not checked, it soon will constitute the greatest epidemic the world has ever known.

HOW TO MAKE A NIGHT OF FAMILY FITNESS AND FUN

"Family Fitness Nights have commenced to spread in San Diego County itself, and we invite others to observe and train with us. We are also receiving far flung requests for information about how the Family Fitness program works.

"First of all, we explain that it is necessary to back off from the anathema connected with ordinary calisthenics classes. People consider the calisthenics system dull. If it hadn't been dull, it would have become so widespread that we would not be faced with heart disease attacking increasingly younger and younger people.

"Even the first 30 minutes of warm-ups in our Centers are performed to *now* music. Then, as the group really begins to move, the beat grows stronger and the music faster.

"The young Center leaders have a lot of latitude. In the final half hour, some choose to break up their crowds into groups: jogging for men, spot reducing for women, energy-consuming games for children. But we encourage a format that concludes with some rousing games that the entire family can play. Think what this does for a family's together feeling and ability to communicate! Besides, we know from what our participants tell us that those in the program are experiencing a very tangible sense of well-being that grows and grows."

On January 26, Mrs. Szekely will address a meeting of the President's Council/Conference on Physical Fitness and Sports on the subject of San Diego's Family Fitness Centers. In the Spring, between speaking engagements, she and Dr. John L. Boyer will commence preparing a manual to be distributed in response to the many queries asking how to create Family Fitness and Fun Nights—not only for civic recreation centers but for use by industry, schools and churches.

URBAN TRANSPORTATION RUSH HOUR PROBLEMS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SHOUP. Mr. Speaker, the rush hour traffic problem is one of the major dilemmas our urban transportation systems face today.

I have with me a report, written by my administrative assistant, Chester Roy Julian, when he was with the Department of Transportation. It provides information on a plan for staggering of work hours to relieve peak hour traffic demands.

The paper describes in detail the techniques used and the factors considered in developing and implementing staggered work hours traffic plans. Such a plan has been introduced in the Washington, D.C. area and has had favorable results. Other plans have been undertaken in Atlanta, New York, and Philadelphia, and smaller cities.

The 1971 World Traffic Engineering Conference, which was held in Montreal, Canada, on September 19–24, 1971, recognized the value of this subject by including this technical report in their program on increasing capacity of existing street networks.

I feel this plan provides possibilities for greater efficiency and improved service on streets and highways, and warrants consideration in all areas of the United States where peak hour traffic congestion is troublesome, even in relatively small rural towns that cannot afford expensive bus and subway systems.

I include the text of this report in the RECORD for the information of my colleagues:

STAGGERING WORK HOURS TO EASE EXISTING STREET CAPACITY PROBLEMS

(By Chester Roy Julian)

(NOTE.—Figures mentioned not reproduced in the RECORD.)

INTRODUCTION

Staggering work hours in specific areas of a community can contribute to efficiency of existing transportation services and possibly reduce the need for some facilities. While various work hours arrangements are in use today, from "swing" shift factory operations to individuals working more than official hours, there has been little recent discussion about this relatively simple and inexpensive "decongestant" for some of our larger cities' traffic problems.

This paper describes an effort by the Federal government to schedule the official work hours for a large complex housing Federal agencies in an area immediately south of Washington, D.C. It covers the techniques used and the factors that should be considered in developing and implementing staggered work hours plans.

Experience by two governmental studies in the Washington, D.C. area in 1969 and 1970 has shown that our society and its work oriented functions presently will not tolerate drastic changes in work hours. A change of fifteen minutes to one hour—usually to earlier starting and quitting times—is considered not too drastic. Thus, the author is not suggesting optimum usage of each twenty-four hour day, seven days a week. Instead it is suggested that staggering work hours within maximum possible changes would be worthwhile, especially if the bulk of persons involved can shift their work hours by more than 30 minutes. From a traffic congestion reduction viewpoint, one hour time shifts seem more preferable.

BACKGROUND

On May 4, 1970, a two-month study was initiated by the Federal Government through the General Services Administration's Task Force for Employee Relocation Assistance. The study was to determine and recommend a plan for staggering the official work hours for those Federal agencies located along the Jefferson Davis Highway (U.S.–1) corridor in Arlington, Virginia. Figure 1 shows the National Capital Region in which the study area commonly known as Crystal City is located. Figure 2 shows the Jefferson Davis Highway (U.S.–1) corridor along which the Federal agencies involved in this study are located. The agencies in the study area included the Navy commands who were moving from Washington and the Federal agencies already located at Crystal City. In all, 18,050 Federal employees in twenty-four agencies or components were located in the area.

The duration of the study was limited in order to establish duty hours for the Navy commands prior to the completion of moves beginning May 15, 1970, to be completed by July 15, 1970.

STUDY OBJECTIVES AND APPROACH

The study was initiated to determine a staggered work hours plan which could, if implemented, assist the individual employees with the traffic problems they faced at Crystal City. Because of the limited highway and bus improvements that could be made, it was agreed that staggering work hours should be attempted.

The study benefited from the results of a completed GSA sponsored Personal Transportation Questionnaire which aided in the determination of the travel habits of all involved Federal employees. The results, although highly speculative, formed the core data for this study. Automobile drivers were asked where they parked their car, and workers in car pools were surveyed on driving and parking behavior; bus riders were asked what bus company and bus routes they used.

To determine how the relocated Navy personnel and existing employees of Crystal City would travel to their location, they were surveyed to determine their planned mode or combined modes of travel and the factors influencing their choice of mode.

MAIN NAVY MUNITIONS PERSONNEL TRAVEL HABITS

The existing mode of transportation of Navy personnel was 52.5 percent use of private automobile, 44 percent use of bus, and the remaining 3.5 percent walked or used some other mode of transportation.

The transportation survey revealed that the anticipated use of the private automobile increased significantly over existing use. Approximately 28 percent of the personnel indicated they would travel in a car pool, a slight increase over what now exists, and the number of personnel who expected to drive alone increased from the existing 18.8 percent to 28.0 percent.

The increase in auto users can be partly attributable to the fact that there was a very high person per parking space ratio at Navy's previous location (due to very little parking availability) and a much lower ratio (4.5 average) for those occupying the seven buildings at Crystal City.

AGENCY INTERVIEWS

Each of the nine agencies already located in the Crystal Mall-Crystal Plaza complex were individually briefed on the staggering of work hours study, and the existing and anticipated traffic problems. The interviewing and briefing proved helpful in obtaining the confidence of the agencies' chief administrative officers and keeping the communications channels open.

An attempt was made to inventory the official constraints and flexibilities of the non-Navy agencies. Each agency was asked:

How many people in your organization?

What time do these people actually work?

What is the earliest and latest starting time your agency would consider?

Would your agency consider splitting your work hours?

Their answers were extremely important, particularly because no one, except the Patent Office, would consider shifting or splitting their existing official work hours.

TRAFFIC CONSTRAINTS

There are only two major highways capable of serving the area. These are U.S.–1 and the George Washington Memorial Parkway. Usage of the Parkway, however, is somewhat circuitous and involves mixing, on the southern extreme of the Crystal City area, with traffic generated by National Airport (Figure 1). Generally, U.S.–1 was operating at or near capacity, prior to adding new Navy traffic.

The limited accessibility of the Crystal City area prompted an early decision to primarily develop staggered hours plans based on the traffic loads at these three principal intersections of 15th, 20th and 23rd Streets which controlled ingress and egress to the Crystal City complex. The traffic counts at these three intersections along U.S. Route 1 were obtained and were directly used as base data for relating to capacity calculations and evaluating alternative staggered work hours plans.

The capacity figures generally showed, that the three intersections were close to capacity. When Navy generated traffic was added to existing traffic, then the intersections were above capacity.

BUS REQUIREMENTS

The results from the survey questionnaire permitted an analysis of existing and anticipated users of buses. The bus riders' desires, especially those living in the Maryland suburbs, was an especially important factor affecting the possibilities of instituting early work starting times. The unavailability of bus service in the early mornng hours on other than the major routes in Washington, D.C. is an example of a constraint requiring remedial action if times other than 0745 and 0800 were to be utilized.

Express bus service was especially arranged by the Washington Metropolitan Area Transit Commission (WMATC) for the Maryland suburbs bus riders. This service developed on the basis that the first Navy unit relocating to Jefferson Plaza would start work at 0715.

While there was no appreciable increase in the peak hours traffic congestion on U.S.-1, there was a drastic reduction in bus ridership which was much lower than the level of anticipated users. Bus rider counts after initiating new and expanding service to the new site revealed a higher loss factor so that the actual ridership totaled about 25 percent vs. the previous 44 percent. The factors for this diversion appear to involve increased distance and travel time, higher fares, transfers between different bus companies, earlier starting times and fewer bus routes directly serving Crystal City area as compared to the original employment site.

ALTERNATIVE PLANS

The basis for studying various possible staggering of work hours plans was the need to determine an acceptable one that would aid the relocation of the Navy personnel. Their duty hours needed to be established prior to their relocation or shortly thereafter so employees could make car pool arrangements and determine bus routes and schedules. Also, the existing streets and highways traffic situation in the vicinity of Crystal City was not subject to significant change prior to moving the Navy units. Thus the plan, as finally determined, had to meet the existing situations and still be flexible enough for later revision.

The addition of new Navy units to the relocation sites was originally proposed by Navy in a fashion which would not require any time changes for the non-Navy agencies already there. The first plans that were developed were built around this position.

The Navy further assisted the study by providing their suggested plan in various forms related to the individual building sites within the complex, which would accomplish their general objectives and would place 5,900 of their personnel in the 0715 to 1545 time period. Their reasoning was based on the fact that the units proposed for the 0715 to 1545 times would be located at the two extremities of the corridor, since no other agencies were using that time period, and those hours would get them in and out of the area without conflicting with Pentagon and other large traffic generators (Figure 6 [Navy proposal]).

Since the first Navy unit moved prior to finalizing the study, the 0715–1545 time was temporarily approved. This development was interesting because it permitted some experience to be gained for the early starting time prior to making other changes. The decision proved to be a good one which met with employee approval, permitted good access in the morning, but as expected did not entirely eliminate the difficulties in vacating the area and getting onto U.S.-1, even at 1545 hours. This experience also ultimately convinced Navy officials that it would be helpful to split their starting and quitting times into at least two 15-minute time periods for the large units of more than 1,000 personnel. (Figure 6 [Splitting]).

Six work hour plans were examined. In all cases traffic conditions were determined to be critical at the three key intersections adjacent to the site, when the new Navy traffic was added.

After tabulating the new automotive traffic for each Navy unit by its origin sector, factoring car pool riders at 3 per car, making an arbitrary manual traffic assignment, and routing the vehicles through the three key intersections for determining their additive effects, six plans were graphed to show the traffic for each 15 minutes of the morning hours (0700–0900) at the three intersections for northbound and southbound traffic in U.S.-1. The plans were (a) the Navy's initial proposal, (b) Suggested with Splits in Certain Organizations, (c) Navy in Early Hours—0700–0800, (d) Average Traffic Plan, (e) Recommended Compromise and (f) Accepted Compromise Plan.

The Accepted Compromise (Figures 4 and 5) is the only plan used here to illustrate the technique. The six alternates, as shown in Figure 6 and Figure 7, are derived by plotting total authorized personnel for each 15 minutes between 0700 and 0900 for the three main sites and the total area. However, these figures do not reflect traffic flow, only concentrations of people.

COMPROMISE PLAN

The Average Traffic Plan, which did not change the existing agencies, attempted to balance existing and new traffic but was finally rejected. This was because of drastic time changes for some Navy units and the average traffic levels being predominantly greater than capacity at 15th Street for southbound traffic and 23rd Street for northbound traffic. However, the Recommended Compromise Plan was accepted by the Navy. The other agencies remained unchanged except for three units that were already located in Crystal Mall—Crystal Plaza complex, and one existing unit which was shifted to an earlier time.

The accepted plan permitted Navy to change from previous predominantly 0800 hours starting time to 0700, 0715, 0730, 0745, 0800.

RESULTS

Subsequent to the initial writing of this paper, the author surveyed the principal affected organization—the various Navy components—to determine the effects of the accepted and applied staggering work hours plan. The survey revealed that the plan was working very well. Congestion levels on the streets were deemed bearable, partly because many employees made adjustments in their arrival and departure routes plus their actual arrival and departure times. The only recorded official complaint was one from a U.S. Congressman, on behalf of a constituent, concerning the early work hours and the need for better bus service.

Also, numerous employees found it difficult, especially during the winter months, to come to work in the dark and leave in the dark. Also, it was difficult for some to adjust from their previous 0800 reporting time to a 0700 or 0715 one. These adjustment problems probably will subside during the late spring and summer months when more daylight hours are available and employees begin to enjoy returning home early enough to run errands, garden or play golf. This latter point is probably one of the most important factors in the employees' initial acceptance of the plan when it was implemented during the summer month of July 1970.

SUMMARY

A study of staggering work hours should include considerations of (a) employee preferences, (b) agency or employer requirements and preferences, (c) transit service needs and availability, (d) parking availability and demand, (e) car pools, (f) street and highway capacities, (g) views of public and private persons and agencies charged with implementing necessary improvements, (h) transit operators' preferences, (i) existing and new generated traffic, (j) other public and private traffic generators, (k) costs of transportation, (l) arrival and departure problems at the critical locations and (m) the short and long-range transportation improvement plans affecting the study area.

Practical realities may limit the opportunities for spreading traffic in the best manner, however, in this case using traffic congestion levels proved valuable in obtaining more flexibility in the agencies desired work hours. In the final analysis, the wishes of the administrators and employees partly overrode pure traffic congestion minimizing solutions.

This study attempted to consider all the above factors. The author recommends similar studies including at least these factors. After implementation and a three to six month experience with staggered work hours, it would be desirable to reexamine the conditions and make any necessary adjustments.

Based on the experience in the case study and discussions with experts in various disciplines, the author strongly favors the more widespread use of staggered work hours plans to improve the quality of highway transportation service, and particularly for home-to-work trips.

The D.C. Government used a staggered work hours plan during World War II and more recently GSA implemented a plan in Southwest Washington, D.C. With so many Federal employees in the D.C. area it was an especially favorable setting for such plans. The author recommends that responsible persons should examine their possibilities for using this practical approach to reducing some of the current congestion levels in applicable areas of our large cities.

RESEARCH NEEDS

A micro-traffic simulating model using transportation study data and techniques that could stimulate over several hours the effects of traffic on the key intersections and on more than one main roadway would be helpful in such studies as this one. Perhaps it can be developed.

Socio-Economic studies in addition to traffic analysis should be done for staggering of work hours situations prior to making decisions for scheduling relocations. In any case, research on the effects of staggering hours could assist reducing the many problems caused by the required changes of various plans.

Research on the correlation of the many factors involved in staggering work hours is needed to determine the significant relationships that contribute to successful plans.

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COMMENT ON INSTANT ANALYSIS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. MYERS. Mr. Speaker, "instant analysis" is the political commentator's answer to the sportscaster's "instant replay". However, there is one significant difference between the two. "Instant replay" provides us with an opportunity to see every slow motion detail of the actual play. "Instant Analysis", on the other hand, provides the media representatives with the opportunity to tell the viewer what he, the analyst, feels we should have heard or seen.

I feel that Bob Collins, columnist with the Indianapolis Star, put his finger on the attitude many people have toward "Instant Analysis" in his article of January 27. I would like to share that column with my colleagues today:

SWAP NEWS ANALYSIS FOR MICKEY MOUSE!

"I've never really figured out how television works. And at this date in my journey, I guess I never will.

Without a doubt, it is some kind of electronic marvel, put together with a lot of components, the names of which I wouldn't recognize it they came to dinner with name tags.

However, Monday night I think I gained a little on 'em. Somewhere in those million dots that form a picture I recognized a big ingredient—gas.

It was right after the President's speech on the secret peace talks. No sooner had his image disappeared than—presto—here came the experts.

Their opinions ranged from the ludicrous—Senator Unbright or whatever his name is saying we didn't offer enough (perhaps we should throw in Hawaii, Arkansas and three draft choices)—to the tedious.

There sat these people with the calender voices, note pads perched on their knees, trying to act as though they weren't every bit as surprised as the rest of us.

More than a few analyses started off, "the President said . . ." Just as though we missed the speech.

My only thought—as they talked the night to death—was that the man in the White House is a master politician. And don't get me wrong. I'm not being cynical. I still believe that the best politics deals in the art of possible.

Reaction (I am sure without reading a word) will be divided along the lines of party, ideology and prejudice. Let us only hope that the end result will be for the common good. End of sermon."

"President Nixon so far is doing such a virtuoso job of relieving his opponents of issues that, by campaign time, the only one left may be whether or not his tie clashes with his shirt.

In the meantime, I wish the networks would fill in the time after speeches with Mickey Mouse cartoons. We're not all that stupid. We deserve better than the polysyllabic palaver we have been getting."

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the December 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures.

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of December was 2,865,902 as compared with 2,868,350 in the preceding month of November. This was a net decrease of 2,448.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of December totaled 2,826,523. This was a net decrease of 1,964 as compared with employment reported in the preceding month of November. Employment by months in fiscal 1972, which began July 1, 1971, follows:

Month	Employment	Increase	Decrease
1971:			
July	2,903,151	20,157	
August	2,809,160		12,991
September	2,844,539		45,621
October	2,833,068		11,471
November	2,828,487		4,581
December	2,826,523		1,964

Total employment in Civilian Agencies of the Executive Branch for the month of December was 1,696,691, an increase of 1,013 as compared with the November total of 1,695,678. Total civilian employment in the Military Agencies in December was 1,129,832, a decrease of 2,977 as compared with 1,132,809 in November.

The civilian agencies of the Executive Branch reporting the largest decreases were Agriculture Department with 1,951 and Interior Department with 1,007. The largest increases were reported by the Postal Service with 2,800 and Treasury Department with 1,401. These changes were largely seasonal.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 1,158 and Air Force with 1,011.

Total Executive Branch employment Inside the United States in December was 2,639,693, a decrease of 578 as compared with November. Total employment Outside the United States in December was 186,830, a decrease of 1,386 as compared with November.

The total of 2,826,523 civilian employees of the Executive Branch reported for the month of December 1971 includes 2,528,631 Full Time Employees in Permanent Positions. This represents a decrease of 2,068 in such employment from the preceding month of November.

The Executive Branch employment total of 2,826,523 includes some foreign nationals employed abroad, but in addition there were 97,604 Foreign Nationals working for U.S. agencies overseas during November who were not counted in the usual personnel reports. The number in November was 97,885.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of December totaled 31,216 a decrease of 488 as compared with the preceding month of November. Employment in the Judicial Branch in the month of December totaled 8,163, an increase of 4 as compared with November.

DISADVANTAGED PERSONS

The total of 2,865,902 reported by the Committee for December includes 25,490 disadvantaged persons employed under Federal Opportunity programs, an increase of 1,174 over the preceding month of November.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full-time in permanent positions by executive branch agencies during December 1971, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	December 1971	Estimated June 30, 1972[1]
Agriculture	82,912	84,252	83,832	83,000
Commerce	25,427	28,435	27,875	28,500
Defense:				
Civil functions	30,297	30,063	30,127	30,600
Military functions	1,129,642	1,062,741	1,065,165	1,011,000
Health, Education, and Welfare	102,297	104,283	106,418	102,000
Housing and Urban Development	14,661	16,030	15,951	15,200
Interior	59,349	57,570	57,441	56,900
Justice	38,013	42,662	42,410	45,100
Labor	10,217	11,352	11,935	11,800
State	23,618	23,398	22,986	22,700
Agency for International Development	14,486	13,477	12,957	12,400
Transportation	63,879	68,482	68,113	66,400
Treasury	86,020	90,135	93,221	98,500
Atomic Energy Commission	7,033	6,920	6,843	6,700
Civil Service Commission	5,214	5,324	5,239	5,600
Environmental Protection Agency[2]		5,959	6,751	8,000
General Services Administration	36,400	38,076	36,462	39,400

Major agencies	June 1970	June 1971	December 1971	Estimated June 30, 1972[1]
National Aeronautics and Space Administration	31,223	29,478	28,455	27,500
Panama Canal	14,635	13,967	13,986	14,200
Selective Service System	6,665	5,569	5,791	6,200
Small Business Administration	4,015	4,004	4,001	4,000
Tennessee Valley Authority	12,657	13,612	13,765	14,000
U.S. Information Agency	9,989	9,773	9,626	9,400
U.S Postal Service	565,618	564,782	563,131	[3] 613,400
Veterans' Administration	148,497	158,635	161,173	162,700
All other agencies	29,807	31,333	32,204	34,300
Contingencies				2,000
Total	2,552,571	2,520,312	2,525,858	2,531,500
Public Service Careers (disadvantaged persons in Federal opportunity programs)		1,899	2,773	
Total	2,552,571	2,522,211	2,528,631	

[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Includes approximately 39,000 postal employees subject to reclassification by June 30, 1972, under a labor-management agreement.

LEAKING GOVERNMENT SECRETS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. McCLORY. Mr. Speaker, it is some time now since the sensational revelations of columnist Jack Anderson during the Pakistani-Indian conflict. However, the issue involved in the leaking and publicizing of such private closed-door conversations is of continuing interest to our Government—or to any government.

The distinguished columnist, Roscoe Drummond, referring to comments by noted journalists, puts the Jack Anderson revelations in a realistic context. I am attaching his column of January 22, 1972, which appeared in the Christian Science Monitor:

LEAKING GOVERNMENT SECRETS

(By Roscoe Drummond)

WASHINGTON.—Liberal columnists who are usually critical of the Nixon administration on the ground of oversecrecy are unexpectedly taking a quite different line on the leaking of the "Anderson papers."

They don't condone it even a little bit.

It could be expected that conservatives like William Buckley, David Lawrence, William S. White, or a middle-road independent like Howard K. Smith would decry the act of a dissident bureaucrat in turning over current government secrets to the press. They did decry it.

THREATENS CONFIDENCE

But now C. L. Sulzberger of the New York Times and columnists Joseph Kraft and Tom Braden join the gathering condemnation.

Says Sulzberger: "Dangerous frontiers are being trespassed when highly classified information is made public and thereby U.S. relations with foreign countries are jeopardized. This threatens confidence in the United States of those large areas abroad which depend upon our stability and discretion for their own security."

Says Kraft: "There is no case for lionizing or even protecting the sources of the leaks. On the contrary, for once there is a case for a presidential crackdown. Mr. Nixon's interest—and that of the country—is to find the source of the leaks and fire them fast."

Says Braden: "Nobody will argue against the public's right to know the logic behind its foreign policy. But the difference between reporting the making of foreign policy and reporting private conversations is the difference between the reporter and the spy."

RIGHT OF PRIVACY

When something like leaking the private discussions within the national security is condemned all the way from Buckley to Braden, it can't be all good.

How can high officials of other governments, including their ambassadors in Washington, talk freely with the President and the Secretary of State and others with the prospect that notes on their talks will be leaked? And this because some U.S. bureaucrats don't like the President's policies or are out to try to destroy Henry Kissinger.

Indeed, in light of the Anderson leaks, will Premier Chou En-lai feel he can talk candidly and safely with President Nixon? How can he be sure that a précis won't find its way to Moscow?

There has to be a right of privacy within the councils of government in the process of evolving policy as well as outside the government.

Think how outraged CBS would be if a dissident member of its staff scooped up and made public the discussions and memoranda which went back and forth while the editors were deciding how to piece together and juggle the interviews in order to give a particular impression during the making of the famous "Selling of the Pentagon" show.

"FIRE THEM FAST"

Many will see a parallel between the leaking of the "Anderson papers" and the leaking of the "Pentagon papers." I think there is a parallel, but there are important differences. The Pentagon papers dealt with the past. They did not bear on matters currently under negotiation between governments. The Supreme Court decided that, as far as publication was concerned, this did not damage the national interest.

The parallel seems to me to be that, unless so authorized, no individual in the government should appropriate to himself the right to decide what private government papers must be safeguarded and what can be publicized to suit his own purposes. Daniel Ellsberg is not a newspaper. He was not acting under the protection of the First Amendment. He had taken a vow to respect classified government documents. The prime culprit is the leaker—the person or persons inside the government who violate their oath of office by making public private. confidential, official discussions. This is why Joseph Kraft strongly argues that President Nixon should find the leakers and "fire them fast."

THE DEPARTMENT OF LABOR FAILS TO ENFORCE ITS OWN STANDARDS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, Congress worked long and hard formulating what it felt was crucial legislation to protect the lives and health of 57 million American workers. Now the hopes of this Congress and their constituents have been undermined by the inept and lax administration of important parts of the occupational safety and health law.

A spirit of protecting the lives and health of our workers is barely discernible in many of the Department of Labor's actions. One of the most blatant examples is the issue of exposure to asbestos. This substance is so toxic that the most minute exposure is likely to produce a rare type of cancer. Further exposure causes the fatal disease of asbestosis. After pressure from labor groups, the Secretary issued an emergency standard reducing allowable concentration of 10 fibers was too ineffective.

Even with a dubious standard on the books, the Department of Labor has made even more dubious moves to punish violators. The Occupational Safety and Health Letter, published by Gershon Fishbein, reports on a recent penalty of $210 for a flagrant case of overexposure of employees to as much as 19 times the safe amount of asbestos at a Texas insulation plant.

The Oil, Chemical and Atomic Workers Union is furious, and rightly so. As the chairman of the committee charged with oversight of this act, I feel that if the Department does not speedily correct its attitudes and actions in this matter, I will exercise full authority to bring about these changes.

The story follows:

UNION ENRAGED BY $210 PENALTY IN TEXAS ASBESTOS CASE

The Oil, Chemical and Atomic Workers Union is boiling mad over a proposed $210 penalty imposed on the Pittsburgh-Corning Corp. in a case involving what the union contends is a flagrant case of asbestos exposure at the company's asbestos insulation plant in Tyler, Tex.

The citation was issued Dec. 16 by the Dallas regional office of the Labor Department's Occupational Safety and Health Administration and signed by C. R. Holder, Assistant Administrator for Compliance. It mentions dust, failure of employees to wear respirators—but nowhere, to the amazement of OCAW and the IUD-AFL CIO, does the citation mention asbestos.

OCAW plans to raise a storm about it at a meeting Jan. 26 of labor and industry representatives called by OSHA to consider details of its Target Health Hazards Program (Occupational Health & Safety Letter, Jan. 8). There is a distinct possibility of legal action by the union and others, although OCAW would not tip its hand in advance.

IUD-AFL-CIO is gathering data not only on the Tyler case but what it considers many other instances of excessive exposure to asbestos for a large-scale indictment in a few months of OSHA for neglect of its responsibilities under the law.

The Tyler case goes back to 1967 when the former Bureau of Occuptional Safety and Health inspected the plant and found excessive concentrations of asbestos fibers and dust, and told the company about it. But apparently little action was taken.

The plant also underwent a Walsh-Healey inspection in 1970, with the same results.

On August 30, 1971, the Texas State Department of Health requested a hazard evaluation study by NIOSH and the same request was made on October 7 by OCAW. Dr. Joseph Wagner of NIOSH's Cincinnati office and others inspected the plant in October pursuant to those requests.

They reported finding average concentrations of 75 fibers in mixing operations and a maximum of 189 fibers.

By contrast, the emergency asbestos standard proposed by the Labor Department calls for a maximum exposure of 5 to 10 fibers.

The NOISH investigators microfilmed the employment records of all 63 employees in the factory and also had access to x-ray data (after some delaying actions by company officials).

They found one mesothelioma death definitely attributed to asbestos exposure and in seven out of 18 workers with ten or more years of employment they found evidence of asbestosis. In making this diagnosis, they used seven criteria, including pulmonary depression, finger clubbing, dyspnea and other factors.

In several other cases of workers with less than 10 years of exposure they found depression of pulmonary function consistent with the early effects of asbestosis.

The data was forwarded to OSHA, as required by law, and a Labor Department inspector arrived in late November to conduct air sampling in the plant.

The citation which resulted from this inspection, signed by Holder, established deadlines for cleaning up the various violations in the next two months, but one unconfirmed report was that the company was considering closing down the plant before then.

(NOTE.—Asbestos is being singled out as a special target by union leaders, who are confident that they have the requisite health data to a degree unmatched by any other toxic substance.)

RADIO EDITORIAL—WHEN ALL ELSE FAILS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DERWINSKI. Mr. Speaker, the Congress is continuing to fiddle while Rome burns, and the west coast dock strike creates a greater and greater problem for the economy.

A very timely editorial of Tuesday, February 1 by WGN Continental Broadcasting Co. emphasizes this point.

The editorial follows:

WHEN ALL ELSE FAILS

Pending before Congress is special legislation to end the west coast dock strike. This is the fifth time in two years Congress has had to enact special legislation to put an end to a labor dispute in one part or another of the transportation industry.

In submitting his proposal to Congress hard on the heels of his State-of-the-Union message, President Nixon outlined the history of the present impasse and listed the damage this labor dispute has done to the economy. He also reminded Congress, as he reminded the law-makers in mid-December, of another piece of proposed legislation still before it.

That legislation, which the President has labeled the "Crippling Strikes Prevention Act," is designed to stop labor disputes from reaching points of impasse, points of crisis so serious to the nation that Congress must pass special bills to halt them.

The necessity for special legislation so often in so short a time should be clear enough indication to Congress that broader legislation is needed. Congress must act now to re-open the docks on the west coast. But this stop-gap approach hardly can be in the interests of labor or management, when one side or the other knows it can sit back and wait for Congress to settle its disputes. And this approach certainly is not in the best interests of the nation.

Congress must get busy on the real issue . . . a process of resolving labor disputes when bargaining fails but before the whole country suffers.

TRIBUTE TO JOHNNIE DiGRAZIA

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. BARING. Mr. Speaker, I am placing in the RECORD a eulogy which was given at the funeral of a constituent of mine, Johnnie DiGrazia. There is seldom in a lifetime a man of his caliber. This man truly stands out as an immigrant who came to this country and fulfilled the great American dream. His recent death deeply saddened me for he was one of the best friends I ever made. The eulogy, given by Snowy Monroe, editor of the Elko Independent, does so portray this man and the life he led that I am introducing it into the CONGRESSIONAL RECORD as an inspiration to all. Johnnie became what I call a great American. He was my friend, and I loved him. All of the people of the great State of Nevada will miss him.

The eulogy follows:

TRIBUTE TO JOHNNIE DiGRAZIA

We are assembled here today to pay homage to Johnnie DiGrazia, our friend and neighbor and a man who truly stands out as one who has fulfilled the great American dream.

An Italian immigrant, he came to this country as a mere youth and worked his way up from the lowliest of employment to a position of affluence, political prestige and community leadership, his career has proven once again as it has in thousands of other cases that America truly is the land of opportunity—of equality for all.

Outside of his home community of Wells, Johnnie was best known in Nevada for the prominent part he played in decomratic politics in the state. Many a successful political candidate on both state and county tickets could credit their victories to the tireless efforts in their behalf on the part of Johnnie DiGrazia. Not only his direct, personal influence with hundreds of voters but his ability to raise sorely needed funds for political campaigns set him apart from the ordinary run of political party workers.

But Johnnie was something more than a worker within the party. He possessed that rare ability to appraise a man's political potential and to throw his support behind men who his judgment told him could be elected and who he knew would also become leaders and serve the people of the county or of the state in a commendable manner.

It was this keen judgment of men which motivated Johnnie and some of his friends to awaken Elko County District Attorney Grant Sawyer at his home late one night early in 1958 and convince the young attorney that he should become a candidate for the office of governor of Nevada. Sawyer's election was proof positive of Johnnie Digrazia's great political acumen and leadership.

But that was only a single incident in the long political career of this great Nevadan. His voice was heard often in the high councils of the Democratic party in Nevada—a voice that spoke for northern Nevada and for Elko County with effectiveness.

Johnnie's claim to a position of prominence in Nevada was not based entirely on his political activities. He was a shrewd businessman who invested money in a number of profitable enterprises in the city of Wells, his greatest desire was to serve his own community—to build it and improve it. Over the years he dedicated much of his time and energy to the improvement of his home town. He served for many years as a city councilman and as the mayor of Wells and in these offices he gave the city the benefit of his business judgment and desire for progress.

When the chips were down and Wells needed help, Johnnie never hesitated to travel to Carson City or to Washington and without fail his presence in these important capitals resulted in benefits for the people of his community.

Johnnie was also a unifying force—a balance wheel as it were—in the county, working always for cooperation between the various communities within the county with the thought in mind that a unified Elko County could be a much stronger force both politically and economically in the State of Nevada.

Like all fine citizens, Johnnie served his city, his county, the State and the Nation in many ways. He served with the U.S. Army in World War I, joining in the defense of the world against a European tyrant, following his return from the war he became active in the Veterans of Foreign Wars and the American Legion, working through these groups to obtain benefits for those veterans who were not so fortunate to return with good health. He gave further assistance to his fellow man through membership in such organizations as the Elks Lodge and the Wells chamber of commerce, both contributing to a better world in different fields of human assistance.

By his affiliation with the Catholic Church and his support of this great religious organization he not only gained great personal inspiration and guidance but his contributions made it possible for hundreds of others to be served by this faith.

These many activities have all been apparent to those of us who have known and loved John DiGrazia, perhaps less apparent has been his never failing devotion to the members of his family. He and his wife Cora had been married more than 50 years at the time of his death and their loving companionship through half a century has been a highlight of the family history. Johnnie and Cora took great pride in the three fine children born to their union and the devotion of the parents has been many fold returned by the two fine daughters, Margaret and Julia and by the son, John Jr., who has risen high in rank in the United States Army and is now serving his country in Vietnam.

Adding it all up, we get the composite of a man who truly deserved the admiration and respect of his fellow man, who has left us an example of what all of us as citizens of this great democracy should strive to accomplish in our own lives. It was no easier for John Digrazia to be a great citizen than it would be for many of us. He overcame adversity, he struggled against the heritage of a foreign birth and language. he was motivated by native intelligence and shrewdness unrefined and assisted by education. But he was fascinated by the great opportunity offered the individual in our free society and he adopted America as his country even as our great democracy has adopted millions of other immigrants like him and the goals he was able to dream for himself in this new world he set about to accomplish with a firm resolve and a strong will, necessary ingredients for success in the life of any man.

And so today his career has come to a conclusion. The infirmities of age and the body have brought an end to his life. His birth in Lucca, Italy, June 25, 1894 was a natural event which no doubt brought joy to members of his family. His death on January 12, 1972 was also a natural event but a sorrowful one not only for his family but for his legion of friends. I hope that our reflections here today on the many facets of this great friend's life will help to alleviate some of the sorrow which his passing has occasioned. May the pride which his accomplishments must stir in the minds of his family here today help to erase some of the sense of great loss and suffering they feel in his passing.

DR. JOSEF CERNY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DERWINSKI. Mr. Speaker, I direct the attention of the House to the fact that Dr. Josef Cerny, a member of the prewar Czechoslovak Parliament, Minister of the Interior of the Czechoslovak Government and political leader in exile here, died on December 7 at Goldwater Memorial Hospital in New York City. He was 86 years old.

Dr. Cerny was born on February 28, 1885, in Nepolisy, Bohemia. He attended Vienna University and received his doctorate in law from Charles University, Prague, in 1911.

It was before the First World War when he was still a student at Vienna University that Dr. Cerny became interested in politics and especially in the activities of the Czech Agrarian Party whose main program was the social advancement of the peasant masses. The Agrarian Party was the leading Czech party at the Vienna Parliament. At that time, Cerny became a member and cofounder of the party's academic youth organization.

In 1918, when the Czechs and Slovaks founded an independent state, the Agrarian Party delegated Dr. Cerny to the Prague Revolutionary Parliament. He served as a member of Parliament during the 20-year existence of prewar democratic Czechoslovakia, which is also called the Masaryk Republic.

In 1934, Dr. Cerny became Minister of the Interior. At that time, the pressure and subversion of Hitler's German Reich against Czechoslovakia had become extremely dangerous in the agitated Sudeten area. Dr. Cerny built an excellent administrative system and police force to assure order through democratic procedures. This administrative system helped to preserve Czechoslovakia as an exemplary democratic country even in her most difficult days.

After the 1938 Munich sellout, Dr. Cerny tried to preserve national unity and stability in dismembered Czechoslovakia.

When the Nazis occupied the truncated country, Dr. Cerny took a strong stand against the occupation, retired from public life and became part of the anti-Nazi underground. With complete disregard of their political affiliations, he gave financial and moral support to the families whose members had either lost employment, were in prisons and concentration camps or had been executed by the Nazis because of patriotic activity. From the very beginning of the war, Dr. Cerny believed in an Allied victory and inculcated his belief in the members of the underground in order to keep their morale high.

When at the end of World War II, the Soviet armies advanced into East Central Europe, the agrarian leaders of these countries who had suffered under the Nazi occupation were again persecuted, this time as notorious anti-Communists. At that time, the Soviet scheme was supported by some non-Communist politicians who were ignorant of the ultimate aim of the Soviet Union and local Communists.

Dr. Cerny was jailed but the court that tried him refused to condemn him. Even during those days of terror and political confusion there were still brave patriots in responsible positions who opposed the trend. Letters supporting Dr. Cerny were sent to the court by the survivors of Nazi persecution testifying to his patriotism and his courage during the occupation.

In stating its ground for acquital, the court attested:

> Dr. Cerny was an apostle of uncompromising patriotism and of social and political peace; he demonstrated his love for the Czechoslovak Republic in our nation's most difficult days.

After the Communist putsch of 1948, Dr. Cerny left Czechoslovakia with his wife, stayed in Germany and France for awhile and finally settled in the United States—first, in Washington, D.C., and later in New York.

In exile, Dr. Cerny renewed the activities of the Czechslovak Agrarian Party, became a vice president of the International Peasant Union, a member of the Council for a Free Czechoslovakia and, later, a member of the Committee for a Free Czechoslovakia. He was also a member of the Czechoslovak delegation to the Assembly of Captive European Nations and a member of the Czechoslovak Society of Arts and Sciences in America.

Dr. Josef Cerny was the only surviving member of the prewar government of Masaryk Czechoslovakia living in the free world.

Surviving is his wife, Helena and his kin in Czechoslovakia.

Mr. Speaker, in eulogizing Dr. Cerny, I believe it is proper to make the point that his efforts on behalf of freedom for the people of Czechoslovakia and other peoples oppressed by communism will be remembered, and that freedom and legitimate government will ultimately be restored in Eastern Europe.

THE LATE HONORABLE AIME J. FORAND

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1972

Mr. BLATNIK. Mr. Speaker, I am, of course, deeply distressed at the death of my friend and colleague, Aime Forand, of Rhode Island. However, this sorrow is necessarily tempered by the knowledge that Aime Forand went to his reward after a life full of service to his fellow man. This is a great consolation—knowing that his life was full and rich—full of dedication and accomplishment; rich in wisdom, family, and friends.

Aime Forand was not a large man physically—nor indeed is Rhode Island a large State. However, in neither case is size the measure of greatness. Rhode Island gave us Aime Forand and Aime Forand gave us medicare, as the culmination of his personal dedication and concern for the American people.

There is no need for me to list the veritable catalog of Aime Forand's accomplishments, distinctions, and honors. They are as numerous as the number of Americans Aime served in his years of public dedication—dedication that continued beyond his 24 distinguished years in Congress.

Mr. Speaker, Aime Forand's dedication was matched by his scope of intellect, accomplishment, and expertise. He was able to match his deep and current knowledge of tax systems—a somewhat arid though demanding field, with the human compassion and deep feeling that prompted him to be the champion of America's senior citizens long before it became wise to talk about "senior power" or court that special constituency. Aime Forand was the champion of older Americans and today the lives of America's elderly are easier, healthier, and more secure because of the dedication and understanding of Aime Forand.

What I have said here today is, indeed, a tribute to Aime Forand. But Aime Forand now needs no tribute from any of us. His immortality is not dependent on the notice we take of him and his accomplishments. Rather, I hope, most sincerely, that my words will ease somewhat the sense of deep pain and personal emptiness felt by Aime Forand's wife, Gertrude, and by other members of the family. I hope that they will take some small strength and consolation from my own deep appreciation in having known and worked alongside a man who in death has left us all a legacy of how to live.

DRUG CULTURE—ALIVE BUT SICK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. WALDIE. Mr. Speaker, the drug culture has been the subject of many articles and many speeches. However, on few occasions do we seek and understand the view of the young people who are most involved in the problem.

Brian Murphy is a staff writer on a student newspaper. His concern for the problems created by drugs is evident in an article he recently wrote for the Diablo Valley College Enquirer entitled "Drug Culture Alive, but Sick."

I believe there are several important lessons contained in this article. First, the attitudes of the young are conditioned, rightly or wrongly, by the attitudes of their parents toward all the pharmaceutical conveniences advertised on television. Second, the problem of drugs thrives on the boredom of the young, upon their inability to do anything else for entertainment. And finally, the drug culture is a world of exploitation. There is little love and little brotherhood which comes with those chemicals. This is not surprising to anyone who is aware of the fraud, the deceit and the ruthlessness associated with pushing.

The article follows:

DRUG CULTURE ALIVE, BUT SICK

(By Brian Murphy)

What's it like trying to grow in a society that takes Excedrin for headaches, Geritol for tired blood, Doan's Pills for those nagging backaches, Alka Selzer for indigestion, Sleep-Eze for insomnia, and Haley's M.O. for occasional irregularity.

Then you are arrested for smoking grass instead of drinking Hamm's beer, for dropping bennies and sniffing cocaine instead of taking No Doz or Vivarine, for dropping reds instead of taking Sleep-Eze or Sominex, and for escaping reality for dropping acid and mescaline instead of drinking too many cocktails.

Parents complain about the terrible drug problem in the community, but nobody wonders why the problem exists.

Let's face it, just what exciting and interesting things are there for young people to do in the community?

Well there are about 18 different movie theatres in the area. Going to the movies every Friday and Saturday night gets to be a drag and expensive. Concord has a teen center, but that's only open till 10 p.m. Pleasant Hill, Lafayette and Walnut Creek have virtually nothing for young people to do on weekends.

Danville has finally started a teen center. You can listen to folk music on Friday and Saturday nights till midnight. You can also play pool and ping pong.

I have discussed things that you can do, and things that some people do. The following is what a large number of people do on Friday and Saturday nights because of nonexistent alternatives.

"Parties" have the most variety of things that young people can do. You can go to a "party" and

A) Drink beer, wine, or hard liquor.
B) Smoke grass, or hash.
C) Drink beer, wine, and drop "Reds."
D) Drop "Bennies," or sniff cocaine.
E) Drop "acid" or mescaline.
F) All mentioned above (and it happens).

Parties these days sure seem to have a great deal to offer providing that you're not willing to suffer the consequences, not interested in rational thinking, and not interested in using your imagination. So if none of this appeals to you, there you are sitting at home watching TV.

From all of this you can just see how concerned the community is about it's young people. Apparently parents and the community at large don't care about people under 21. By doing virtually nothing, they are advocating, and promoting the use of alcohol, and drugs. (What else is there to do?)

WHAT WOULD HAPPEN IF

What would happen if the community decided that it's really a good thing to promote the use of drugs by their young people because of nothing better to do on weekends? And then decided to find out what young people would like to do. And then decided that those things were better to do than to use drugs.

But all that takes a great deal of time, energy, and money. I'm sure that the community has better things to do, otherwise they would have done something about it a long time ago.

The community and law enforcement agencies are very reluctant to set up drug rehabilitation centers. Could you imagine the opposition to setting up programs that would serve as alternatives to drug abuse?

THE RIP OFF

"Wow!!! that was sure good mescaline that guy sold me!" Ignorant to the fact that according to the Sheriff's Vice Squad there is no organic or synthetic mescaline around regardless what the guy that sold it to you said.

The mescaline that you buy from the pusher you trust is really a low grade LSD adulterated with things like sugar, drano, and other unbelievable fillers. Did you know that Organic mescaline takes a long time to grow, and synthetic mescaline is very expensive to make? So it would cost you a fortune to buy organic or synthetic mescaline. So you got ripped off.

"Reds" are still the "in" thing to take, and for financial reasons (PROFIT) "reds" are cut with rat poison, drano, stricknine, and other fillers. So you got ripped off again.

"Bennies" are still really "in" also, to keep you going. "Bennies" are cut with various poisons, drano, rat poison, stricknine, and then fillers like sugar, flower, dextrose, and other fillers. Ripped off again.

Then cocaine will soon be the "in" thing to sniff or shoot and it's only 40 to 63% pure. With fillers like novicaine, silocaine, sugar, or dextrose. It will cost you $20 to $60 to stay high for one evening, and it's addictive. You never know what percentage of filler you get, nor do you know what filler you are getting when you buy the drugs mentioned above.

Grass is sometimes cut with oregano, but most of the time you never get an ounce. You get cheated. Isn't it a drag getting ripped off?

They'll sell you anything to make a buck, rat poison, drano, and you'll buy it and drop it because the dealer is your friend? What a friend!

According to the Pleasant Hill Police department, there have been five drug related deaths in the past year in Pleasant Hill, several in Concord, and the drug problem still thrives.

OBITUARY: DEATH OF THE INDIVIDUAL

Some people say that marijuana leads to other drugs, but ignorant people are inclined to say anything. This is my theory on how people move on to other drugs. First I have to be so insecure that without my little group of friends, I'd feel lost. ("You trade your freedom for a little security, and never realize what a bad deal you get" Murphy).

I'll start out with drinking beer. You go to parties with your group of friends and drink beer or wine, then someone in the group starts drinking hard liquor. Then the rest of the group starts drinking hard liquor so you have to follow along (because of peer pressure) and you find yourself drinking hard liquor.

Then someone in the group starts smoking grass, and so you won't be left out you start. Then someone starts dropping "Bennies" because when you come down from grass, it will pick you up, so you follow. Then you have been drinking wine, smoking grass, dropping "Bennies" and you want to come down, so someone turns you on to some "reds." So the problem evolves.

Thanks to your friends that you would feel lost without "said your security's your prison, but you weren't listening" (Murphy). So the individual that runs his own life is gone, long live the sheep! The theory makes a little bit of sense.

ANTIPOLLUTION FUNDS AND THE PROPOSED 1973 BUDGET

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SYMINGTON. Mr. Speaker, in reviewing the administration's proposed fiscal year 1973 budget, I noted with regret that antipollution funds comprise only 1 percent of the total budget. The administration plans to spend $2.4 billion for natural resources and the environment. This compares with $85 billion for "national defense," as that term is presently understood. There will be increasingly less to defend if pollution worsens while the Environmental Protection Agency—EPA—remains underfunded to deal with it. Of the $2.4 billion requested for EPA, $2 billion, the same amount as requested last year, will be the Federal share for sewage treatment facilities. The administration proposes a decrease of $15.5 million in the solid waste management program and also a decrease of $5.4 million in development of new methods of waste water treatment and control.

Does this reflect a sense of urgency?

The National Wildlife Federation's Conservation Report of January 8, 1972 contained an excellent summary of this kind of proposed spending on environmental problems.

It should be clear to anyone that the Government's plans for funding antipollution efforts are inadequate. Again it is up to Congress to play the vital role in assuring that our priorities are changed. In the House of Representatives, I am pleased our Public Health and Environment Subcommittee, under the able leadership of Chairman PAUL ROGERS, plans oversight hearings on air pollution abatement. Such hearings would complement the subcommittee's recent study of auto emissions standards under the Clean Air Act. Moreover, the Public Health and Environment Subcommittee will soon act on a water hygiene bill and participate in the Commerce Committee's work on the noise pollution bill. It is not the national debt that needs hiking but the national awareness of where the money should go. We cannot wait to fund environmental projects defined as essential by science, possible by technology, and ready by the communities affected.

ANNIVERSARY OF CEYLON'S INDEPENDENCE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. FOLEY. Mr. Speaker, February 4 marked the 24th anniversary of Ceylon's independence.

Ceylon's history is unique in many respects but surely among the most impressive of its accomplishments has been its continued adherence to the parliamentary tradition. She has seen governments change five times since 1948, all by means of peaceful democratic elections, and has shown that a parliamentary system of government can establish itself and continue to flourish in Asia. In addition, Ceylon has the distinction of having Mrs. Sirimavo Bandaranaike, one of the world's woman heads of government, as her extremely capable and respected Prime Minister.

Throughout her existence as an independent state Ceylon has devoted a major portion of her economic resources to economic and social development. She has long realized that an educated and healthy population is the key element of her drive to achieve a program of economic growth which will provide her people employment and prosperity. This program has three major priorities: First, economic transformation without alteration of the country's fundamental democratic principles; second, maintaining current social welfare measures in spite of generally tightened economic circumstances, and providing the necessities of life to the people at reasonable prices; third, achieving a program of economic growth which can absorb the sizable number of unemployed.

In light of Ceylon's continuing self-development efforts, her friends were shocked and saddened when a terrorist insurrection broke out on April 4 and 5, 1971. This insurrection was clearly part of a carefully organized plan to rapidly seize control of the country and impose a system of government that would have been contrary to the democratic and parliamentry tradition that had governed this gentle and peaceful country throughout its independent life. Ceylon's self-development program had, of course, led to a required concentration of resources on economic and social needs. Nevertheless, the unity of her people and the loyalty of her military enabled her to defeat the insurrectionist forces. The aid furnished Ceylon during this hour of need by the United States and other countries helped her to preserve her democracy and has been deeply and gratefully appreciated.

The wise words the Prime Minister spoke during the insurrection are worth recalling at this point:

> Democracy could appear to be slow-moving and even a cumbersome process but, it is definitely better than the rule imposed and continued by the shotgun and the hand bomb.

Mr. Speaker, as you know, I have in the past told this House that in my travels to Ceylon I have found her to be a beautiful country, one enjoying good and friendly relations with the United States. Given her recent trials, I feel that it is most appropriate to add that she is a brave country and one with which, I am sure, the United States will continue to enjoy close and mutually beneficial ties.

It is, therefore, with respect and pleasure that I pay tribute to Ceylon on her 24th anniversary of independence.

THE WEST FLORIDA WATFORDS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SIKES. Mr. Speaker, west Florida, which is rich in history, has a number of outstanding family groups whose antecedents came into the area soon after Florida became a part of the United States. One such family is the Watfords, who have been highly respected for their contributions over a period of many years. As in the case of other well-known family groups, the Watfords have a family reunion tradition which extends well into the past century. The reunion, held annually, is a custom that signifies the strong family ties that remain meaningful to descendants of the area's pioneer settlers.

Watford family historians are not sure when the first reunion was held, but a yellowed copy of the Chipley Banner, a weekly newspaper, dated June 18, 1898, shows that one was held that year. They quote a family legend that says the custom may date to the post-War Between the States era, soon after Nelson Watford returned from service with the Confederate Army.

Meeting each year on the oak-shaded grounds of Galilee Methodist Church, in western Jackson County, are descendants of the same Nelson Watford, who was born July 20, 1816, in Darlington District, S.C. He came with his parents to Florida in 1828, settling in that part of Jackson County that is near the boundaries of Washington and Holmes Counties.

Nelson Watford married Mary Taylor, and they settled about midway between today's Chipley and Graceville. To them were born 13 children, all but one of whom lived to rear big families of their own.

The lone exception was Ellis, their firstborn, who died in 1862 as a soldier in the War Between the States. His father, also a soldier in that war, continued to fight for nearly 3 more years after his son's death.

Mrs. Watford, during her husband's absence, maintained the home and cared for the children as best she could. Living in what was then a sparsely settled area that, by later standards, could be described as a wilderness, she and the children managed to produce an adequate supply of common farm food. They stored some each summer and fall for winter use.

During the raid of a Union expeditionary force, commanded by Brig. Gen. Alexander Asboth in the fall of 1864, troopers paid an unwelcome visit to the Watford homestead. They ran off the cows, on which the family had been dependent for milk, and confiscated the pork and other food supplies that they found on hand. Unable to haul off the barrels of cane syrup, they removed the bungs and let the golden sweet liquid drain into the dirt.

Mrs. Watford and the children had a difficult time during the winter that followed. It is a tribute to their stamina, character, and resourcefulness that they were able to avoid starvation or death from other hardships.

The late Chester Miller, longtime Marianna, Fla., police chief and reunion chairman for many years, once described the annual family gathering as "a pilgrimage into the past, a sentimental journey home, for a rekindling of faith, to reassess one's spiritual values and to seek renewed inspiration; to renew ties of kinship with those having a common heritage, and to honor and pay tribute to our dead whose graves are nearby. He stated it well.

Names allied with the Watfords, through marriage, at the reunion include other large and prominent west Florida families, including the Crutchfields, the Sweatts, the Whitakers, the Syfretts, the Balls, the Barefoots, the McCrarys, and the Williamses. The Watfords and their kin are now scattered across the Nation and beyond its borders.

The reunion is also a homecoming each year for many of these who return from distant areas, giving each a chance to refresh old memories, get a renewed sense of belonging and to strengthen the ties of kinship with relatives whose blood-ties are becoming more distant with each passing generation.

Members of the family have sentimental attachments to rural churches, such as Salem, Galilee, and Springhill, in the region they still call home. Several members of the family are ministers. Others have provided leadership in a broad field of activities, including the ministry, education, politics, pharmacy, law, agriculture, commerce and the sciences. One of these, Euless Watford, a Chipley druggist, was mayor of his town for years.

The Watfords of west Florida have climbed a long way and contributed much to progress. Great Grandfather Nelson Watford walked home after fighting a final battle in a disastrous war. They started anew, with only the land they had homesteaded, and they have lifted themselves to positions of leadership and influence along the way. Through exemplary citizenship and strength of character individual members of the family have helped make Florida and the Nation a better place to live.

CITIZENS FIGHT "CONCRETE JUNGLE"

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SPRINGER. Mr. Speaker, throughout the United States, we are having problems of pollution.

One of the problems almost as important is the overcrowding complex in very limited areas in metropolitan situations. Washington is going through some of this trauma at this time.

The corner of Western and Wisconsin Avenues NW., is one of the important crossroads at the limits of the District of Columbia. The growth in that important area has simply been fantastic in the last 10 years. Now there is a proposal on the Maryland side to develop a project known as Galleria-Chevy Chase, allowing for the construction of office buildings and apartment buildings.

This has been opposed as a "concrete jungle" of intensive community development on the Maryland side of the northwest corner of Wisconsin and Western Avenues. The effort made by the people in that part of Montgomery County have at least held this matter up until the responsible officials in Montgomery County can determine what the impact will actually be. A few days ago, there was a hearing in the Board Room of the District of Columbia Zoning Commission to protest plans for a $35 million development of stores on the Maryland side of Wisconsin and Western Avenues that would include a Neiman-Marcus store. Every prestigious store in the United States wants to be located at this far Northwest corner because, as Edward Marcus, chairman of the board of Neiman-Marcus, said:

> It is surrounded by an unusual concentration of high-income families.

At that hearing, Elizabeth Rowe, former chairman of the National Capital Planning Commission, suggested that this would be a $1 billion complex extending nearly a mile along Wisconsin Avenue.

From those people living in the far northwest area, it has come to me that the resultant monstrous traffic jams, confusion, and noise pollution would simply be enormous. As many of the developers have learned, one stop on the underground Metro will be at the intersection of Western and Wisconsin Avenues. The result will be that the number of parking places will be trebled or quadrupled. The number of high-rise apartment houses in the area at the present time in addition to the projected new apartment developments will bring a serious congestion of people as well as automobiles in the immediate area. Certainly, nothing should be done about anything on either side of Western and Wisconsin Avenues until the planning officials in Montgomery County and the District of Columbia have determined what the overall proposal will do. From my preliminary investigation, it would appear that the major intersection surrounding the Montgomery County site would present an almost intolerable congestion of automobiles.

In order that my colleagues may be more fully informed, I am attaching an article from the Washington Post of Sunday, January 30, and Monday, January 31, as well as an article from the Bethesda-Chevy Chase Tribune, of January 21. I am doing this in an attempt to have my colleagues, and especially those on the District of Columbia Committee, informed as to what is likely to happen unless an overall plan is developed by the District of Columbia and Montgomery County. The economic interests in this matter are so great that there ought to be some hesitation until the public interest in the matter is fully determined.

[From the Washington Post, Jan. 30, 1972]

Groups of Citizens Charge Planning Abandoned in District of Columbia

(By Kirk Scharfenberg)

A growing number of citizen groups in Washington, famed as one of the nation's most carefully designed cities, are charging that planning here has been abandoned as city officials seek new developments and more tax revenue.

In the course of opposing rezoning applications sought by developers, these groups have challenged the way in which development decisions are made in the city, the sufficiency of information on which they are based and the long-run impact of those decisions on life in the Nation's Capital.

"The motto of city officials seems to be 'development at any price,'" Washington attorney Peter Hornbostel charged last week.

"There is a ready assumption that any new development is going to increase the tax base of the city and therefore it should be approved," declared Peter S. Craig, another local lawyer.

Both Hornbostel and Craig will represent citizens of Far Northwest in what is looming as the city's next major zoning fight, an effort by a subsidiary of the Humble Oil Co. to win approval for a $30 million office and retail complex at Western and Wisconsin Avenues.

The development would be the first phase of a projected $1 billion redevelopment of the Friendship Heights area along Wisconsin Avenue on both sides of the Montgomery County-District of Columbia line.

Criticism of the way in which development decisions are made in Washington is not limited to disgruntled citizens. "It's a seat-of-the-pants operation. The whole thing is backwards," said one member of the city's small staff of land planners.

Citizen opposition to the rezoning requests of developers has intensified as the developers sought permission to erect large complexes in or near well-to-do-neighborhoods.

Such organized citizen action has been commonplace in the burgeoning suburbs for more than a decade. As in the suburbs, the city groups generally have argued that major developments would alter the character of their residential neighborhoods and cause intolerable automobile congestion.

Drawing the strongest attacks in Washington are plans to build an office building near residential areas of Capitol Hill and plans for several complexes along upper Wisconsin Avenue.

"I just shudder to think what's going to happen to Wisconsin Avenue," Hornbostel said. "They're just going to drive the city's remaining family people out."

Similar views have been expressed in staff memorandums on the proposed $1 billion Friendship Heights complex circulated in the city's office of planning and management.

"Development at Friendship could have several effects on (that area's) population. The planning staff is concerned that such an effect not upset the balance of this stable community."

Despite such concerns, the zoning commission has given preliminary approval to the Humble Oil development, the first section of the project, and is scheduled to hold final hearings on Wednesday. The commission could reverse or modify its preliminary approval.

Gilbert Hahn, Jr., chairman of the D.C. City Council and vice chairman of the zoning commission said last week he was unaware that planning staffers in both Montgomery County and the District have generally agreed that the proposed Friendship Heights development should be scaled down by about one-third.

The harshest attack thus far on zoning commission policies has been made in a suit filed with the D.C. Court of Appeals here challenging the commission's decision last year to permit an office building to be constructed at Pennsylvania and Potomac Avenues SE.

Filed by the Capitol Hill Restoration Society, the suit maintains construction of the building "is wholly at odds with the present and desired future development plans and policies of the District of Columbia. Moreover, rather than enhancing the neighborhood, it would radically alter and destroy it."

In a friend-of-the-court brief filed in the same case, the Committee of 100 on the Federal City charges, "This case exhibits all the characteristics that have made the administration of the zoning law a minor element in the death of American cities."

The Committee's brief also argues that the zoning commission should not be allowed to consider arguments on the effect of a proposed development on the city's tax base when considering a zoning decision. Such arguments are made in almost all major cases.

Zoning laws by their very nature limit the type of development on a piece of land, the Committee argues, and therefore limit the tax revenue that can be derived from it. The issue, the Committee contends, should be solely whether a proposed project is consistent with the city's development plans.

The brief states:

"An applicant for a zoning change should no more be heard to make that argument (that a particular development will produce more tax revenue) than a defendant indicted on burglary should be heard to argue that his spoils, if kept, would improve the standard of living of his deserving family.

Hahn, who is the most outspoken member of the zoning commission on that body's role, disputes this interpretation. He said the commission considers itself a "policy-making body" free to consider economic arguments, personal appeals and any other information relevant to the "city's well-being."

As to the need to follow approved city development plans, Hahn said, "A plan is just that, only a plan."

In any event, Hahn said that between the National Capital Planning Commission, a federal agency, the work of the nine planners within the city government and the advice of other city officials, the commission receives sufficient planning information to make its decisions.

That view was concurred in by two other members of the five-man zoning commission interviewed, City Council Vice Chairman Sterling Tucker and Capitol Architect George White.

Tucker acknowledged flatly: "We have no comprehensive planning."

Most city officials believe that the NCPC gives detailed consideration primarily to the area in and around the Federal Triangle.

John Ingram, head of the city's office of planning and management, said last week that while his office has the capacity to review development plans submitted by others, it is too understaffed to initiate plans on its own.

Repeated efforts by the city to get Congressional approval for a fully staffed planning office have been rebuffed.

Ingram frankly acknowledged that his office does not have the capability to develop a plan that could serve as an alternate to that developed by the backers of the proposed $1 billion complex at Friendship Heights.

The NCPC has said it will develop a plan for the Friendship Heights area in concert with District government planners and Montgomery County. The NCPC was pushing, until recently, a plan almost identical to that developed by the private interests there.

"It's scandalous," declared Hornbostel. "They didn't even make any independent evaluation."

According to a memorandum prepared by the Montgomery County highway department, the private plan would lead to intolerable congestion during rush hours at six of nine major intersections.

In addition, estimates prepared in Ingram's office indicate widening of Wisconsin Avenue that might eventually be required could cost $28 million.

Much of the Restortation Society's argument in the Capitol Hill case rests on a challenge to the procedures employed by the zoning commission.

A suit on similar grounds may result from the commission's decision earlier this month to approve a massive development of apartments and offices at McLean Gardens on Wisconsin Avenue, a mile south of Friendship Heights. The lawyers' committee of the Citizens for City Living, a Cleveland Park group that opposed the McLean Gardens project, has recommended a suit to block the project. A final decision is expected this week.

The procedural arguments that were made by the Restoration Society, and which McLean Gardens opponents may adopt, challenge the zoning commission's view that it is a legislative body not required to swear in witnesses, not required to permit cross-examination, not bound to base its decisions on testimony at public hearings and not required to issue formal opinions on why it reaches a particular decision.

In addition, all commission meetings at which decisions are reached are held behind closed doors.

Hahn and other commission members have said they believe commission meetings should be open and while the issue apparently has been discussed privately, the commission has made no announcement that future deliberation will be public.

The commission flatly rejects the view of the Restoration Society that its hearings and orders should be more formal.

In the view of the Restoration Society, expressed in its court brief. "The commission continues to operate in a vacuum of absolutism impervious to . . . the fundamental principles of due process. Despite its obvious disinclination, this old dog quickly must be taught to perform some new tricks."

[From the Washington Post, Jan. 31, 1972]

THIRTY-FIVE-MILLION-DOLLAR SHOPS COMPLEX IN FAR NORTHWEST PROTESTED

(By Kirk Scharfenberg)

More than 200 persons crowded into a hearing before the D.C. zoning commission yesterday to protest plans for a $35 million development of stores and offices at Western and Wisconsin Avenues NW that would include Neiman-Marcus, the prestigious Texas-based department store.

Edward Marcus, chairman of the board of Neiman-Marcus, made clear why he wanted to locate in the area: "It is surrounded by an unusual concentration of high-income families."

However, the residents who traveled through the early morning snow from Far Northwest to attend the 7-hour hearing indicated they don't want the store if it is to be part of a long-range $1 billion redevelopment of Friendship Heights planned by a group of land owners in the area.

Elizabeth Rowe, former chairman of the National Capital Planning Commission said the proposed $1 billion complex, which would extend nearly a mile along Wisconsin Avenue, would "drain vitality and (office) tenants from downtown" and inflict upon Far Northwest traffic jams, noise and air pollution.

"It will reverse the flow of plasma to the city's heart," declared John Daponte, a resident of the area, "and afflict upon its appendages a severe case of gout."

Norman M. Glasgow, the Washington zoning lawyer who has coordinated development of the $1 billion package, maintained that the development that would include Neiman-Marcus could be considered separately from the larger plans.

The smaller project would occupy a triangular parcel of land bounded by Western and Wisconsin Avenues and Jenifer Street. It would contain four levels of underground parking and a four-level shopping mall topped by a seven-story office structure.

The complex would be directly connected to the Metro station planned for the intersection of Western and Wisconsin Avenues. Glasgow urged the commission to act promptly on the plans, noting that the developers of the project must make financial arrangements with Metro for the subway link by May 1.

However, Peter Hornbostel, a lawyer who represented opponents of the project, urged the commission to delay any approval until planning commissions in Montgomery County and Washington develop an over-all plan for the Friendship Heights area.

Hornbostel said planning staffs in both

jurisdictions are working on such a plan and already have determined that the over-all proposal prepared by Glasgow's clients should be reduced in size by at least 30 per cent.

He introduced staff reports prepared in Montgomery County that found six major street intersections in the area would suffer "intolerable congestion" under the $1 billion plan.

The $35 million project under consideration yesterday received preliminary approval from the zoning commission in September, but the commission could reverse or modify its previous decision.

Joseph B. Simon, president of a Humble Oil Co. subsidiary that is developing the complex, said that a contractor already has been hired and $2.5 million in leases signed.

Marcus said that if the project wins speedy approval, his store would open in the fall of 1973.

[From the Bethesda-Chevy Chase Tribune, Jan. 21, 1972]

VILLAGE FIGHTS DEVELOPMENT—CITIZEN REVOLT AIMED AT CONCRETE JUNGLE SEEN FOR CHEVY CHASE

(By Dean Hill)

Over two hundred residents of the Village of Chevy Chase crowded into Village Hall Monday night and quietly and efficiently gave birth to a brand new citizens association dedicated to the premise that all future development of the Chevy Chase, Friendship Heights area must be watched with a hawk-eye.

Politely but persistently they insisted that the new association was in no conflict with the Board of Managers which currently handles the Village affairs.

The development that whipped this association into being is a project known as Galleria-Chevy Chase which is planned for some eighteen plus acres on the west side of Wisconsin Avenue, south of Dorset Avenue in Bethesda. This is better known to many as the Bergdoll tract; it has long been the center of a zoning controversy. At present it is zoned R-H which would permit high rise apartment buildings; R-O-CBD zoning is requested which would allow office buildings, a department store, various shops, and a theatre as well as apartment buildings. The technical staff of the Planning Board has recommended that this change be denied.

The Galleria-Chevy Chase complex proposal includes four office buildings, two high rise apartment houses, a theatre, department store, and upper and lower shopping malls among other features. The developer is Community Somerset Associates.

Anxious to win the approval of both the Town of Somerset and the Village of Chevy Chase which are immediate neighbors to the project, Community Somerset back in 1969 and 1970 worked out agreements with both Somerset and Chevy Chase Village, subsequently signed by the Mayor and Town Council of Somerset and by the Managers of the Village, and, still legally binding.

Briefly, the meat of the agreements is this: for certain considerations—such as lower building heights, more set back from the street, proper and limited access roads both into and out of the Galleria—the Village of Chevy Chase agreed not to oppose the development.

Somerset gave more—but, they got more. In return for a parcel of land which the Town made into a Town Park, Somerset agreed to actively support the development of the Galleria. One other stipulation made by Somerset and agreed to by the developer was that there be no entry or exit from the project onto adjacent Dorset Avenue.

Somerset executed its agreement in 1969; the Village followed in 1970.

Members of newly formed Citizens Association of the Village of Chevy Chase admit they are late getting into the act; however, a study of Galleria-Chevy Chase, along with other proposed development in the general area of Friendship Heights, plus an analysis of the widely touted Koubek Plan which outlines the redevelopment at Wisconsin and Western Avenues, has convinced the group that unless they act soon they'll be bang-smack in the middle of a jungle of concrete and commercialism.

Mrs. John Davis of the Village outlined the possible future of the areas with a presentation of facts, figures and slides; the picture she presented proved that if the Koubek Plan goes through, and if other developments are realized, the Friendship Heights area would end up being the "equivalent of four Crystal Cities or two Rosslyns."

Attacking the general thesis that would make the Friendship Heights area an uptown city unto itself, Mrs. Davis pointed out that there was sloppy thinking concerning the regional market; that too much emphasis had been placed on the coming Metro station which is due in 1976; and that it would "radically alter the neighborhood relationship with the neighboring communities." This, she pointed out, would very likely mean the deterioration of the communities.

Emphasizing that the area will be the scene of almost constant re-zoning in coming years, she said a one billion dollar development is eventually slated for the section.

Among upcoming events which would determine the future of the area is a zoning hearing scheduled for January 26 on the so-called Humble Tract, which is on the D.C. side of the District line and which is slated to be the site of a new Neiman-Marcus store.

She pointed out that Neiman-Marcus will occupy only three stories—but, will be in a thirteen story office building.

GEICO, which is on the Maryland side of the line, has a hearing upcoming on February 3 in Rockville. The issue at stake here is GEICO's application to cut trees for a 584 car parking lot. This, it was said at the meeting, was seen by residents of the Brookdale district as a prelude to additional high-rise development proposals.

Mrs. Davis also mentioned the present Chevy Chase Center—a semi-circular shopping center with ample parking at the corner of Western and Wisconsin Avenues on the Maryland side, on land owned by the Chevy Chase Land Company.

She said an interview with Hunter Davidson of the Land Company had confirmed the fact that the Company would seek to redevelop the site. Reportedly, vice president Davidson said the Land Company "fairly soon" would redevelop the parcel to one million square feet of office space, plus retail space. "This would mean razing the existing Chevy Chase Shopping Center.

Admitting the total prospect was "overwhelming," the group said they refused to be overwhelmed. The point was made that the battle lines were beginning to form and the time for constant alertness and planned action was now.

It was reported at the meeting that the decision on the Galleria case had been postponed (at the developers request) until June; however, Dr. William Mohler, who conducted the meeting, warned those present not to take this as any sort of victory. Instead, he suggested that now was the time to go back to the drawing boards, back to the planning sessions, and come up with a compromise.

Mohler alerted the residents that "this is the first in a long series of fights." He predicted a "10 or 15 year battle or period of activity."

Residents of the Village of Chevy Chase indicated overwhelmingly that the fight was worth it. "There's no longer any place to go," was the thought expressed by many who had viewed in horror the slides picturing walls of concrete lining an eight-laned Wisconsin Avenue.

Already aware of the mounting problems concerning the redevelopment of the Friendship Heights area, the Montgomery County Planning Board announced this week the formation of a Friendship Heights Advisory Committee. Their function will be to work closely with the Planning Board in preparation of a detailed plan for the area. Various communities and citizens groups will be represented on that committee. Mr. Seymour Auerback of the Village of Chevy Chase was named as was Mayor Jerald Goldberg of the Town of Somerset. Various persons of the newly formed Chevy Chase Village Citizens Association expressed the hope that someone from their group will also be invited to sit with the group.

Among several reasons given by the technical staff for recommending denial of the zoning change for the Galleria-Chevy Chase project, was the traffic problems it would generate.

The recommended denial also cited there was inadequate open space. Another point made was that "although Friendship Heights may currently be a prime location in the metropolitan area, the economic data submitted does not factually justify 1.3 million square feet of office space at this particular location within the given time frame of development." The tract in question is located on the outside perimeter of what is termed the Friendship Heights area.

Stokes Tolbert was named temporary chairman of the newly formed Citizens Association; Wylie Barrow was appointed temporary treasurer. Their task will be to organize the association and guide it through the next formative weeks. Already a petition is being circulated by the group requesting that "no further piecemeal zoning" be permitted in the area, instead, the petition asks for a coordinated planning approach and close cooperation with the citizens.

The next meeting of the group is scheduled for Monday, January 31. Note: Meeting changed to Thursday, Feb. 3, at 7:45 pm at Village Hall. The place will be announced and all residents of the Village as well as interested citizens are invited to attend.

UKRAINIAN INDEPENDENCE DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, on January 22, 1972, I had the honor and privilege by invitation of my good American friends of Ukrainian descent to participate in the flag-raising ceremony commemorating the 54th anniversary of the proclamation of the Ukrainian National Republic. The Ukraine is presently the largest captive non-Russian nation both in the U.S.S.R. and Eastern Europe. The ceremony which took place at City Hall Plaza, Boston, Mass. was most impressive and served as a reminder to all the participants that truly no man is free while another is enslaved.

I take this opportunity to insert in the RECORD the following material which reflects this year's observance of Ukraine's independence in Boston: Mayor Kevin H. White's declaration of January 22, 1972, as "Ukrainian Independence Day" in Boston; the resolutions adopted by Americans of Ukrainian descent in Boston on January 23, 1972, in connection with the arrests of Ukrainian intellectuals in captive Ukraine; and a letter

written by Orest Szczudluk, director of public relations, Boston Chapter of the Ukrainian Congress Committee of America, which appeared in the Boston Herald Traveler on January 25, 1972:

DECLARATION

Whereas: January 22, 1972, marks the 54th anniversary of the proclamation of a free Ukrainian National Republic; and

Whereas: the 54th anniversary of Ukraine's independence serves to dramatize the legitimate right and aspiration of the Ukrainian people for freedom and independence; and

Whereas: Americans of Ukrainian descent in Greater Boston, under the auspices of the Ukrainian Congress Committee of America, desire to protest the latest wave of Communist terror and genocide against Ukrainian national and religious and cultural heritage; and

Whereas: Americans of Ukrainian descent desire to direct the attention of the American people to the continuous violation, by Moscow, of human rights in captive Ukraine; and

Whereas: Americans of Ukrainian descent demand the release of all Ukrainian political prisoners from Communist concentration camps; and

Now, therefore, I, Kevin H. White, Mayor of the City of Boston, desiring to provide the opportunity for Americans of Ukrainian descent to adequately commemorate the significance of the memorable day, do hereby declare Saturday, January 22, 1972 to be Ukrainian Independence Day in the City of Boston, and direct that the Ukrainian National Flag be raised at the City Hall on Friday, January 21, 1972, as a symbol of Ukrainian freedom and independence.

RESOLUTION

We, Americans of Ukrainian descent, assembled on January 23, 1972, in Boston, Massachusetts, for the purpose of commemorating the 54th anniversary of the Proclamation of free and independent Ukrainian National Republic on January 22, 1918, unanimously approved the following resolutions:

1. We declare that Moscow continues to violate human rights in Ukraine, by denying the Ukrainian people freedom of expression, assembly and religion.

2. We consider the latest imprisonments of Ukrainians, especially Ukrainian intellectuals who have spoken out against Moscow's oppressions in Ukraine, as further evidence of Moscow's genocide toward the Ukrainian people.

3. We appeal to President Richard M. Nixon to intercede, in the name of freedom and justice, before the Soviet Government, on behalf of imprisoned Ukrainian intellectuals.

4. We appeal to Massachusetts Senators and Congressmen to introduce resolutions to Congress, which would instruct our delegation to the U.N. to place the national, human and religious oppressions in Ukraine and all other captive countries before the U.N. Commission on Human Rights for investigation.

5. We appeal to the U. N. Commission on Human Rights to investigate, according to the U.N. Universal Declaration of Human Rights, Communist oppressions in Ukraine and to demand the immediate release of Ukrainian political prisoners. We especially appeal for the release of: Valentyn Moroz, Ivan Dzyuba, Vyacheslav Chornovil, Ivan Kandyba, Ivan Svitlychnyi, Evhen Sverstiuk, Halyna Didyk, Odarka Husak, Lev Lukyanenko, Dr. Volodymyr Horbovyi, Archbishop of the Ukrainian Catholic Church, Vasyl Velychkovskyi.

6. We authorize the Executive Committee of the Boston Chapter of the Ukrainian Congress Committee of America, Inc., to bring our resolutions to the proper authorities.

THE HERALD TRAVELER'S READERS WRITE:
A FITTING TIME TO HELP UKRAINIANS

To the Herald Traveler Editor:

Fifty-four years ago on Jan. 22, 1918, the Ukrainian people proclaimed an independent Ukrainian National Republic in Kiev, capital of Ukraine. Many countries, including the U. S., either recognized or were in process of recognizing the Ukrainian National Republic as the sovereign state of the Ukrainian people.

In 1941, Ukraine fell victim of Russian Communist aggression. However, the Ukrainian people continue their struggle for freedom and independence.

Hundreds of Ukrainian intellectuals who have spoken out against Moscow's oppression have been arrested and tried in Communist courts for demanding freedom for the Ukrainian people and for demanding the application of the provisions of the UN Universal Declaration of Human Rights in Ukraine.

The anniversary of Ukraine's independence serves to dramatize the need for our government to instruct our delegation to the UN to present the national, human and religious persecution in Ukraine and other captive countries before the UN Commission on Human Rights for investigation and demand an immediate release of all political prisoners from Moscow's concentration camps.

OREST SZCZUDLUK.

BOSTON.

FARMERS VICTIMIZED BY STRIKE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. NELSEN. Mr. Speaker, tragically, the more than 100-day-old strike on the west coast continues with no settlement in sight. As President Nixon has noted, this strike "continues to impose a cruel and intolerable burden upon the American people." The overwhelming majority of the farmers of the Second Congressional District which I represent fully share the President's view.

The Department of Agriculture estimates the Nation's farmers have lost hundreds of millions of dollars during the dock strikes which began last summer. The tieup cut 10 cents per bushel from the price of corn and perhaps as much as 25 cents per bushel from soybean prices, both of which are primary commodities in my district.

Renewal of the west coast dock strike on January 17 makes it mandatory to act now on the proposal that would lead to the concrete settlement of these costly and disruptive strikes.

It has been my strong belief that every possible effort should be made to settle all disputes between labor and management through collective bargaining. When this process fails, however, jeopardizing the Nation as a whole, there should be permanent legislation available which could be relied upon to protect the public.

The shameful failure of Congress to act up to now threatens the jobs of millions of farmers and workers. We are risking the permanent loss of oversea markets because of our failure to provide a steady, reliable source of supply.

Mr. Speaker, I insert at this point in the RECORD copies of telegrams and letters expressing the feelings of a representative sampling of those who are so adversely affected by the dock strike:

LANDOLAKES FELCO,
January 26, 1972.

Hon. ANCHER NELSEN,
Representative from Minnesota,
House of Representatives,
Washington, D.C.

DEAR MR. NELSEN: In a few short days the effectiveness of the Taft-Hartley injunction on the Gulf Port strike will expire. Prior to the injunction, United States grain farmers lost millions of dollars in overseas trade.

This 1971 farm income loss actually understates the setback to the United States economy. The stoppage of flow of agricultural products overseas marks us as unreliable suppliers. In effect, we force our foreign customers to develop other, more dependable sources from other nations. At any time this is intolerable, but it is especially true now with our trade deficit.

As an upper-midwest cooperative serving over 300,000 farm families, we urge you to take legislative action to prohibit the recurrence of the dock strikes and thus preserve the foreign markets for United States agricultural products.

Very sincerely yours,
RALPH HOFSTAD,
Manager, Agricultural Service Divisions.

WASECA, MINN.,
January 29, 1972.

Congressman ANCHER NELSEN,
House Office Building,
Washington, D.C.

DEAR SIR: I am one of the many American farmers taking a terrific financial beating because of the coastal dock strike. This situation simply cannot continue without disastrous results. I figure that having to sell already 7000 bushels of corn and 900 bushels of soybeans has cost me an unnecessary $1000.00 because of this situation.

So I'm asking in behalf of myself and my neighbors to please do what you can in Congress to put an end to this devastating situation.

Thank you.
Sincerely,
VERNON WELKENING.

KUITERS FARM,
Clarks Grove, Minn., January 31, 1972.

Representative ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR SIR: The effect of the recent dock strike has been estimated at a loss of 10–15 cents per bushel on corn and 25–30 cents on soybeans. For my father and I, who farm together, this means a loss of $3,500–$4,200 on our 1971 crop of soybeans and a loss of $7,000–$11,000 on our 1971 crop of corn. The difficulty in regaining foreign markets will also cause a loss in future years. This $10,000–$15,000 loss on our 1971 crop forces us to curtail considerably our purchases of machinery, fertilizer, and chemicals as well as some of the needed and desired additions for family living.

Since every American grain farmer is experiencing losses as we are, I would like to encourage you to help get this present dock strike settled and to aid in passing legislation to prevent a repeat of this disastrous strike. It would seem that House bill 3596 merits your support. Thank you.

Sincerely,
KEITH S. KUITERS.

Sauk Centre, Minn.,
February 3, 1972.

Representative Ancher Nelsen,
House Office Building,
Washington, D.C.:

If we are to prevent recurrence of the chaos created by the 100 day strike of last summer, during which the economy suffered a $2 billion dollar loss in export trade, it is most urgent that you take positive action on SJR187 to force compulsory arbitration of the Pacific coast dock strike. This strike is severely crippling our total econoomy and action is needed now.

W. D. Egeland.

Minnetonka, Minn.,
February 3, 1972.

Representative Ancher Nelsen,
House Office Building,
Washington, D.C.:

If we are to prevent a recurrence of the chaos created by the 100 day strike of last summer during which the economy suffered a $2 billion dollar loss in export trade it is most urgent that you take positive action on HJR 1025 to force compulsory arbitration of the Pacific coast dock strike. This strike is severely crippling our total economy and action is needed now.

R. P. Hyams.

Albert Lea, Minn.

Congressman Ancher Nelsen,
House of Representatives,
Washington, D.C.:

It is imperative that Congress take immediate and positive action to permanently solve the west coast dock strike. The economic impact on Midwest farmers approaches a billion dollars and the west coast loss of jobs and income in an already depressed area merits your attention now.

Leonard Johnson.

St. Paul, Minn.,
February 3, 1972.

Representative Ancher Nelsen,
House Office Building,
Washington, D.C.:

If we are to prevent a recurrence of the chaos created by the 100 day strike of last summer during which the economy suffered a $2 billion dollar loss in export trade it is most urgent that you take positive action on HJR 1025 to force compulsory arbitration of the Pacific coast dock strike. This strike is severely crippling our total economy and action is needed now.

G. G. Eitel,
Specialty Products Manager, Weyerhaeuser Co.

St. Paul, Minn.,
February 4, 1972.

Hon. Ancher Nelsen,
U.S. House of Representatives,
Washington, D.C.:

The St. Paul area Chamber of Commerce urges congressional action without delay to effect immediate settlement of dock strikes. Continued tie-up of port facilities causing irreparable harm to area business, Minnesota industry and agriculture and entire US export economy. Prompt legislative action, is imperative.

Robert C. Chinn,
President, St. Paul Area Chamber of Commerce.

White Bear Lake, Minn.,
February 4, 1972.

Representative Ancher Nelsen,
House Office Building,
Washington, D.C.:

It is urgent that you take positive action on S.J. Res. 187 forcing arbitration of the west coast dock strike. The crippling 100 day strike last year and present strike adds to the Nation's unemployment problems. A balance of trade can't be accomplished unless we get the longshoremen back to work.

R. L. Kiewel.

Albert Lea, Minn.,
February 2, 1972.

Congressman Ancher Nelsen,
House of Representatives,
Washington, D.C.:

It is imperative that Congress take immediate and positive action to permanently solve the west coast dock strike. The economic impact on Midwest farmers approaches a billion dollars and the west coast loss of jobs and income in an already depressed area merits your attention now.

Roger Olson.

Albert Lea, Minn.

Congressman Ancher Nelsen,
House of Representatives,
Washington, D.C.:

It is imperative that Congress take immediate and positive action to permanently solve the west coast dock strike. The economic impact on Midwest farmers approaches a billion dollars and the west coast loss of jobs and income in an already depressed area merits your attention now.

H. G. Morton.

Albert Lea, Minn.,
February 2, 1972.

Congressman Ancher Nelsen,
House of Representatives,
Washington, D.C.

It is imperative that Congress take immediate and positive action to permanently solve the west coast dock strike. The economic impact on midwest farmers approaches a billion dollars and the west coast loss of jobs and income in an already depressed area merits your attention now.

David Furness.

Edvera Farm,
Oakland, Minn., January 22, 1972.

Representative Ancher Nelsen,
Washington, D.C.

I thank you for the quick reply to my letter. I appreciate it.

I think it is extremely important to bear in mind what it is that caused the severe drop in corn prices. There are of course the fact that the Dept. of Agriculture took into consideration the blight scare and encouraged enough extra production to take care of it. The other was the favorable weather last spring that encouraged farmers to keep on planting corn when they should have been switching to beans. However the real cause of distress is the dock strike and despite the fact that it has caused at least 25¢ a bushel loss in the price of soybeans and about 10¢ in the price of corn, nothing has been done.

The soybean association of which I am a member had markets for beans that would have assured us of a very favorable price. This would have made up for the drop in corn prices, for the most part. Just because the new farm program has not had an opportunity to function does not give excuse enough to neutralize it. If the proposed bill 1163 is adopted we will be right back where we were 30 years ago, with the left wing clamoring for controls.

The most critical legislation for today is to make arbitration compulsory in the transportation industry. If legislation is not passed now what will the situation be when all transportation unions tie together?

It boils down to this. Farmers have suffered severe losses this year because we do not have permanent legislation to settle transportation disputes. I have talked to a number of farmers who do not belong to any general farm organization and I have yet to hear of one that believes that the H.R. 1163 will improve farm income, except temporarily. I know that it is designed to garner votes but I doubt that it will do that. On the other hand it will put the farmer back in the pocket of regimentation with acreage allotments. While the only real incentive to favorable prices is acreage set asides. Had the dock strikes not been in effect we would have ended the year with fairly reasonable incomes. Something must be done and soon.

I thank you again for your prompt attention.

Edwin B. Petersen.

FUTURE OF THOUSAND SPRINGS, IDAHO, IN QUESTION

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. McCLURE. Mr. Speaker, 2 million years ago a catastrophic flood—the third largest in the recorded history of the world—ripped across the face of central Idaho and permanently marked the land. It surged down the 200-mile canyon of the Snake River and ground the sides of the gorge under a 300-foot wall of water. The marks of this Pleistocene disaster are still there and among them, the remains of the emerging early man.

The people and government of Idaho are now agonizing over the future of this geological storehouse. Within a complex system of rivers and canyons, the management of natural springs, fossil beds, wildlife preserves, and the strewn rubble of the great flood beg for preservation. At the same time, progress and development has come to the area, and the rights of these interests must be safeguarded, too.

To Idahoans, the area is known as the Hagerman Valley, or Thousand Springs. The springs themselves are only a small part of the collection of unique phenomenon in the region. They are the massive outlet of several water sources, including the fabled Lost River that sinks into the Craters of the Moon National Monument many miles away. It reappears along the high cliffs overlooking the Snake River and tumbles down in thousands of frothy, miniature falls. In recent years, many of these falls have been harnessed to produce electrical power for the area.

Only one major area has not been altered by progress or development. This is Box Canyon, the site of the world's 11th largest spring. Every 3 minutes, the spring pours out a million gallons of crystal pure water to nourish the polluted Snake River. Like a world in itself, the canyon harbors a complicated and finely balanced population of wildlife. More than any section of the Hagerman Valley, the geology of Box Canyon tells us the story of what happened during the great flood. The Boy Scouts of America maintain a year-round camp at nearby Banbury Springs in order to study this unique life system.

Forming a triangle on the Snake River with Box Canyon are the Sand Dunes fed by Blue Heart Spring. Sands from beneath the crusty acres of lava that comprise the Craters of the Moon 125 miles away bubble up in the crystal waters of that turquoise spring. Sand is suspended above the bottom of this estuary by the constant percolating of the spring, creating an ever-changing pattern. Eventually the pull of the Snake's current washes these sands across the river and throws them up onto the shore in great, shifting dunes. While the dunes are easily recognizable to the casual traveler, the spring itself is carefully hidden in a deep, small valley between rocky cliffs and can be reached only by small boat or canoe.

Further upstream, Federal islands on the Snake house a unique bird sanctuary. And along the shore, mud-dabbers have covered the overhanging cliffs with nests that could only have been inspired by the ancient ancestors of the Hopi Indians. Their only neighbors are precarious nesting owls. A bit of colorful history of the Old West exists side-by-side with this wildlife. Here, an old hotel still stands where it served the stage coaches of the Old Oregon Trail. Its ferry, still in use, carried the early travelers to the opposite shore to continue their journey.

The inner canyon of Sand Springs adjoins the northern islands of the sanctuary. In this amazing place, water literally "flows" upsidedown. The phenomenon is the result of strong canyon winds which whip the waterfall back into the air. Freezing winter winds create a fairyland display of ice.

Plans are already underway to create a State park in Malad Gorge. Here, the shortest river flows through the deepest canyon in the world. Early French trappers spent their winters trapping the Gorge's beaver and living off its variety of fish and wild game. An inadvisable craving for beaver tail, though, led to their illness, and hence the French term for sickness—"malad"—became synonymous with the region.

More must be said about the attractions which make Box Canyon and its neighbors one of the "geological wonders of the world"—the words of a former U.S. Geological Survey official.

From 1928-31, the Smithsonian Institution worked to remove some 30 zebra-like horses about the size of a dog which appear in the primary fossil bed of the region. Their efforts unearthed over 350 other varieties of fossils, and since that time geologists and archeologists have flocked to the springs to chart a history which extends back millions of years. The work is far from done, and the full interpretation of this work will be years in the making. For this reason alone, it is important that the primary features of the area be given protection.

Few disagree that something must be done in recognition of the unique phenomenon that occurs in the valley network along the Snake. But the legal and economic considerations are nearly insurmountable at this time. Involved are some thorny and complex questions involving water rights—both of private individuals and the State. It is important to note that the Idaho constitution does not give priority to designation of water for recreational use and may prohibit it. This problem alone frustrates efforts to adopt any of the many suggestions for national monuments, State parks, and so forth, that have come forward. Attempts to amend the constitution on this point in the past have failed.

It is clear, then, that any decision which the people of Idaho might reach on the future of the springs will involve some complex negotiations. But it is my hope that we might achieve a balanced program—one which recognizes the legitimate interests of all and still serves to preserve the appropriate natural features.

At this time, I am contacting the various agencies of the Federal Government to determine what the role of this Congress might be in assisting in those decisions.

I am particularly calling upon the National Park Service to develop a proposal which encompasses the needed measures within the framework of legitimate private interests. I know from conversations over the last 4 years that they have a very great interest in the area and I am sure we can come up with some solutions in the very near future.

BILL WOULD RELIEVE ELDERLY AMERICANS

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. HATHAWAY. Mr. Speaker, today I am introducing a bill to provide financial relief to older Americans by eliminating the $5.80 monthly fee now charged to persons enrolled in part B of medicare. The present system of financing the supplementary medical insurance program through premium payments based on cost imposes an increasingly severe financial burden on our elderly citizens which they can ill afford.

Statistics compiled by the Bureau of Census provide a vivid index of the economic crisis facing older Americans. Of the 20 million elderly in our Nation today, one out of every four lives in poverty. Another 25 percent live close to the poverty level. For nearly all the rest, the "golden years" are a time of belt tightening and self-denial in a constant struggle—after a lifetime of work—to make ends meet. The inflated food prices and rents, increased property and sales taxes, plus rising medical costs that afflict us all, present a compounded difficulty for millions of older persons living on fixed incomes.

The problem is particularly acute with regard to health care costs. While these costs are rising for all Americans, the older American has only about half the income of those under age 65, but—even with medicare—he pays more than twice as much for health services. He is doubly likely to have one or more chronic diseases than young people, and much of the care he needs is the most expensive kind. And, as costs have gone up, the deductibles and copayments required under both parts A and B have accelerated considerably, while covered services have been reduced to the point where the Social Security Administration estimates that medicare now covers only 43 percent of the medical expenses of the elderly.

Inflation of health care costs has been reflected in the significant increase in premium payments for part B of medicare which covers physician services, diagnostic tests, medical supplies, and certain home health services. Part B is financed with monthly premiums paid by the enrollees, with the Government matching these premiums dollar for dollar.

Under present law, the Secretary of Health, Education, and Welfare promulgates a premium in December of each year for individuals enrolled in the supplementary medical insurance program under part B. The dollar amount of the premium is the amount the Secretary estimates will be necessary so that the aggregate premiums for the upcoming year will equal one-half of the total costs of the program for the year. The Federal Government pays the other half of the costs by matching the premium amount paid by each enrollee.

During the 6 years the program has been in effect, it has been necessary to increase the premium more than 90 percent—from $3 per month in 1966 to $5.80 in 1972. The premium is likely to continue to rise, given the method of computing it, and it will do so without regard to the ability of the beneficiaries living on reduced retirement incomes to pay.

The bill I am introducing today would end the financing of supplementary medical insurance benefits through payment by beneficiaries, and provide that such benefits be financed instead from general revenues. This proposal is in keeping with the recommendation of the White House Conference on Aging that Federal financing of medicare be expanded. It is estimated that enactment of this proposed legislation would provide an additional $1.5 billion to the income of our elderly citizens.

In my own State of Maine, which ranks fourth nationally in the percentage of residents age 65 or over—more than 12 percent of our total population—this legislation would be particularly beneficial. For the 118,000 Maine citizens enrolled in the part B program, the changed method financing set forth in my bill would mean $684,400 in increased income that could be used to meet other pressing needs of our older citizens.

A far greater commitment at the Federal level is essential to turn the tide in the worsening economic plight to the aged. In the wealthiest nation in the world it is neither socially acceptable, nor economically necessary for millions of older Americans to live in or near poverty. In our efforts to enhance the quality of life for all Americans, a first priority should be to extend financial security to all our senior citizens. I view passage of this bill as a first step in that direction.

TOTAL TEST BAN OVERDUE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. ROSENTHAL. Mr. Speaker, I speak today about an issue that has the potential to overshadow all others, the nuclear arms race. I applaud recent efforts to slow down this deadly game, and

I would like to address myself now to various aspects of this problem.

Arms races are truly created in the minds of men. They start because nations, or perhaps more accurately, the men who represent nations, cannot agree to work together for their common benefit. Instead, each nation must devote increasing resources, energy, and emotional commitment to an almost completely unproductive effort. The arms race preceding World War I has been extensively analyzed and the conclusions are clear: An increment by one side led to an even larger increment by the other until the temptation and technology attending the arms race made war inevitable.

Yet, it has been nearly three decades since the last global war. In part, this is because for most of that period there has been one overriding conflict—the one between the United States and the Soviet Union. The two superpowers have learned to manage and normalize their conflicts; in fact, common interests have been discovered where none were perceived before. We find ourselves in a relatively stable global system due also to the preponderance of two major powers, both of whose weapons are so overwhelming that their use has been paradoxically proscribed.

But can we not do better? Can we not develop the trust, or some technical substitute for trust, so that both we and the Soviets can begin to devote ourselves to constructive ends. I think, Mr. Speaker, that we can, and I know that we must. As a recent article in Scientific American by Henry R. Myers indicates, the chances that we might not detect an underground test by the Russians are extremely remote; so remote, in fact, that these chances would make any clandestine attempt by the Russians to violate a ban on underground tests even more improbable.

I am a sponsor of House Resolution 522 to initiate earnest negotiations for a comprehensive test ban treaty, to include France and China in any such ban, and finally, to unilaterally declare a moratorium on all nuclear test explosions. This last provision may seem precipitous to some, but I think it is a wise course to follow.

Social scientists, among others, have been telling us for some time now that a unilateral conciliatory action could be the spark to set off a downward spirally arms race. Charles Osgood, Anatol Rappaport, and Dean G. Pruitt, among others, have demonstrated through laboratory experiments, through historical case studies, and through simulations, that such concessions might in fact work. Very often, the other party to a conflict will reciprocate a pacific move, and the first party can keep the ball rolling, so to speak, by making another conciliatory action. Thus, the downward spiral would begin. If the other side failed to reciprocate, or tried to take advantage, we could each reverse our course of action.

The initial move need not be tremendous in substance or at all dangerous to our national security; politics and diplomacy, as we know, are to a large extent symbolic. But let our motives be clear. We want peace, and we want it now.

It further seems to me that the military benefits that accrue to us from underground testing are so miniscule that they do not justify failing to make an attempt to end the arms race. I am, therefore, proud to sponsor House Congressional Resolution 522.

Mr. Myers' Scientific American article follows:

EXTENDING THE NUCLEAR TEST BAN

(By Henry R. Myers)

Treaties to ban the testing of nuclear weapons have been a subject of widespread interest since the middle 1950's. The history of the matter is marked by turgid international negotiations, conferences of scientific experts, acrimonious domestic debates, changes in position by one side or the other, a three-year informal moratorium on testing suddenly terminated by a series of Russian tests in the atmosphere, "breakthroughs" in the technology of detecting clandlestine tests, supposed "breakthroughs" in the technology of conducting clandestine tests, proposals that were sincere and proposals that were not so sincere, a limited treaty banning all but underground tests, accusations of minor violations of that treaty and—most recently—renewed talk of extending the limited treaty to cover underground test, stimulated primarily by reports of significant new advances in seismic techniques for distinguishing underground explosions from earthquakes.

Advocates of a test ban have over the years pointed out that such a treaty would be a major step toward terminating the strategic-arms race, that it would bring an end to radioactive pollution by nuclear explosions, that it would make the proliferation of nuclear weapons less likely and that it would increase barriers against the use of nuclear weapons in warfare. Those opposed to a test ban have tended to argue that a treaty would address the symptoms rather than the disease, and that whatever advantages there might be were outweighed by certain military and political disadvantages.

Throughout this meandering history there has been little consensus on answers to a series of related questions: How important are the advantages of treaties that limit the testing of nuclear weapons? It is really a good idea to accept such limitations even if there could be confidence that other countries had done the same? How much assurance could there be that others would live up to the agreements? What developments might stem from clandestine bomb-testing by others?

Questions related to the problem of detecting violations have dominated the test-ban dialogue out of all proportion to their significance. The reasons for this anomaly are interesting in themselves. One is that the verification question is the one aspect of an otherwise complex issue that appears amenable to quantitative analysis. (Actually it is much less so than appearances suggest.) A second reason is that there seems to be a widely held obsession with the possibility of violations rather than with their probability or their significance. A third is that opponents of limitations on nuclear testing have exploited this obsession by encouraging fears that have little basis in fact.

Following the established tradition, much of the present discussion will be concerned with the problem of detecting violations. This is done, however, not to emphasize that aspect of the matter but to place it in proper perspective, so that the political and military implications of continued nuclear testing or a complete cessation of it may receive the greater attention they deserve.

Some people have feared that the U.S. Government, in its eagerness to make arms-control agreements, has not been concerned enough about its ability to detect violations. Such fears have never been well founded. An often-stated precondition for the U.S. to enter into a treaty limiting underground nuclear testing has been that there be adequate assurance that the national security would not be placed in jeopardy by developments growing out of clandestine testing by other countries. Indeed, the failure to arrive at a ban on underground tests has in part reflected the inability to negotiate a treaty that provided the U.S. with the assurance of compliance with the terms of the treaty that many officials and citizens believe is necessary.

Such assurance can be derived from several sources: (1) seismological records, intelligence observations or on-site inspections indicating that particular events were earthquakes and not explosions; (2) awareness that any significant clandestine program would involve a large enough number of tests so that eventually a mistake would be made that would reveal the prohibited activity; (3) knowledge of the relative insensitivity of the balance of strategic power to further developments in nuclear-weapons technology; (4) the belief that a potential violator would probably find an excuse for withdrawing from a treaty rather than run the risks inherent in violating it.

On the last point Herbert Scoville, Jr., a former deputy director of the Central Intelligence Agency and assistant director of the Arms Control and Disarmament Agency, has suggested that consideration be given to the experience of the 1958–1961 moratorium on all nuclear testing. At that time the ability to acquire information concerning violations was much inferior to what it is today. In addition, nuclear-weapons technology was less advanced, and there was more incentive to cheat. Yet even then the U.S. was willing to rely for assurance on its own verification systems. The moratorium ended not because of mutual suspicions about cheating (although these did exist) but because of the initiation by the U.S.S.R. of a massive atmospheric-testing program.

In discussing the various interacting factors that influence assurance I shall begin with the area in which the significant new developments have emerged, namely seismology.

Both earthquakes and explosions cause elastic vibrations in the ground that propagate as seismic waves through the earth (body waves) and along its surface (surface waves). Seismometers are used to detect such waves, and the data obtained from a number of instruments, separated by hundreds or thousands of miles, can be used to determine where the event took place, to define its seismic magnitude and to learn something about the nature of the source mechanism.

Seismic magnitude is an approximate indication of the energy released by an earthquake or an explosion. It is a logarithmic quantity based on the average of measurements of the amplitude of certain portions of seismic waves. For some purposes magnitude is based on measurements of the body wave; in other circumstances it is based on the surface wave.

The largest earthquakes have a bodywave magnitude slightly in excess of 7 and a surface-wave magnitude slightly in excess of 8.5. On the average there are one or two such earthquakes a year. Underground explosions in the megaton range can have a body-wave magnitude of 6.5 to 7. Explosions in the low-kiloton range typically have a body-wave magnitude of 4. The seismic magnitude associated with underground explosions depends not only on the explosive yield but also on the material in which the detonation is set off.

Determining the location of seismic events eliminates the large majority of earthquakes from the "probably suspicious" category. For example, unless there are other grounds for suspicion, it is possible to immediately eliminate events under the ocean floor or in countries where there is no reason to believe a nuclear test might have been conducted.

If an event cannot be discarded on the basis of its location, analysts can exploit the fact that in terms of the spectral distribution and the partition of energy among wave modes the seismic signals generated by explosions are quite different from those generated by earthquakes. At distances within 1,000 kilometers of an event, explosions in excess of a few kilotons can easily be differentiated from earthquakes. The effects of the paths along which the waves travel, however, are such that as the waves propagate they increasingly assume a form that is determined more by the characteristics of the path than by the characteristics of the source. Moreover, the seismic wave is attenuated with distance, and diagnostic features contained in it (and for small events the entire signal) can be obscured at the point of detection by seismic noise generated by winds, nearby road traffic or distant ocean waves.

An enduring tenet of the test-ban dialogue has been that the negotiability and viability of a prohibition on underground testing were related to the amount of verification information that could be extracted from the seismological data. More specifically, such a ban was dependent on the ability to understand and reduce the effects of travel paths and seismic noise. As a result the U.S. undertook in 1959 to sponsor a research program intended to lead to improved capabilities for detecting seismic events, for determining their location and for establishing whether the events were earthquakes or explosions. The ultimate objective was to develop monitoring procedures that could provide sufficient assurance in a treaty situation while calling for a minimum of provisions that would be difficult to negotiate, namely on-site inspections or internationally supervised seismological observations inside the U.S.S.R.

Since 1959 more than $300 million has been spent on the U.S. seismological research effort. A lesser effort was mounted by the United Kingdom. As a result there has been a considerable advance in the understanding of earthquake mechanisms and of the structure of the earth. Other significant developments have come in instrumentation, in data-handling and analysis procedures, in the ability to separate signals from noise and in the ability to determine the location of events and to isolate information that might help in determining whether the event was an earthquake or an explosion. On the other hand, the rate at which this progress has been translated into a more negotiable position at the nuclear-test-ban discussions at Geneva has not been as great as might have been hoped. Nevertheless, there have been two notable advances that have led to a substantial improvement in the ability to collect and abstract useful information from the seismological data.

The first major "breakthrough," announced in 1962, amounted to a reduction in the annual number of earthquakes in the U.S.S.R. that might be confused with explosions. Part of the basis for this reduction was a thorough study of earthquake and explosion data that resolved the existing uncertainties about the rate at which earthquakes occur and the relation between earthquake magnitude and explosive yield. In addition, it was determined that the depth of seismic events could be better inferred from the data than had been believed. It became possible to conclude that many more events were too deep to be explosions and therefore were earthquakes. These results were the basis for dropping from the U.S. negotiating position the requirement that there be manned, internationally supervised, seismological observatories in the territory of the U.S.S.R.

The second such major advance has emerged in the past few years from a series of studies initiated by Jack F. Evernden, a seismologist formerly employed by the Department of Defense and now working at the Arms Control and Disarmament Agency. The most significant result of this work, which has been carried on by groups at several universities, was to verify the hypothesis that for a given total release of seismic energy, explosions were much less efficient at generating long-period surface waves than small, shallow earthquakes were. Although there were indications before 1962 that this was a worthwhile line of investigation, the early analyses were based on limited data and were not pursued to the point where results would have had a strong impact on the U.S. position in the test-ban negotiations. Moreover, it had been suggested that as the total seismic energy released became smaller, the differences between explosions and earthquakes would tend to diminish to the point where they would not be observable.

It has now been demonstrated that the difference persists for the smallest events of any interest, and that the average ratio of surface-wave magnitude to body-wave magnitude for explosions is less than the average ratio for earthquakes at least as far down as a body-wave magnitude of 4, and probably lower. For the comparatively small number of events that cannot be eliminated on the basis of location, depth or surface-wave criteria there are other diagnostic methods that can be applied to the data. These criteria include the relative complexity of the seismic wave (earthquakes generally produce more complex signals than explosions do) and the ratio of compressional-wave energy to shear-wave energy (earthquakes usually produce larger shear waves than explosions do).

Other research has demonstrated that through the use of seismometer arrays, which have the effect of enhancing seismic signals with respect to the background noise, it is possible to detect both surface waves and body waves at distances of thousands of miles from events with a body-wave magnitude of 4.

As a result of these studies it is now known that it is possible to build a network of seismological observatories, located many thousands of miles from seismic sources of interest, that will acquire data that can be used to identify "virtually all" earthquakes in the U.S.S.R. having a body-wave magnitude in excess of 4. It also means that in the absence of active evasion procedures there would be a substantial probability of detecting and identifying explosions in the U.S.S.R. with yields greater than one or two kilotons. At such yields a nuclear-test program would have little significance. The significance of these conclusions of course depends on the meaning of "virtually all." Some seismologists suggest it means that each year there will be as many as 25 earthquakes in the U.S.S.R. with a body-wave magnitude above 4 that could not be differentiated from explosions on the basis of the seismic data. Others believe that the number will be 10 or less. These estimates are to be compared with the average expected number of unidentified events, ranging from 75 to 150 events above a body-wave magnitude of 4, that would have been anticipated before the surface-wave techniques were developed.

The spread in present and past estimates is partly a reflection of natural fluctuations in the rate of occurrence of earthquakes. Monthly, however, it results from different interpretations of the data and different estimates of the likely outcome of ongoing studies. The data themselves are sometimes subject to diverse interpretations because the great variability in the source mechanisms and the transmission properties of the earth creates a corresponding variability in the observations; therefore questions are sometimes raised concerning the validity of conclusions based on a particular set of measurements. Also contributing to the diversity in estimates is the fact that there are very different views concerning the elaborateness of the seismological network that might exist at some future time. This uncertainty is important because the degree of differentation that is possible depends directly on the number, distribution and quality of the seismometer stations providing the raw data.

The residual number of events that cannot be identified on the basis of the seismic data would be further reduced by the analysis of data supplied by intelligence systems. In particular it has been hypothesized that satellite photography should be capable of providing information that might alleviate doubts about specific occurrences. For example, a seismic event might be detected and its location determined on the basis of seismological data but without there being enough information to provide confidence that the event was an earthquake. Photography from space might indicate that in the area where the event took place there was no sign of activity of the kind associated with a nuclear test. On the other hand, if the photography were to reveal activity such as mining, it would not serve to decrease suspicion. It is therefore probable that satellite photography would serve much more to reduce suspicions about earthquakes than to provide evidence that a prohibited explosion had occurred.

Nevertheless, a country deciding to undertake clandestine tests would be constrained to do so in away that would not be susceptible to observation. The possibility that violations might be observed from space would thus have the effect of imposing substantial restrictions on a potential violator. This would tend to deter attempts to carry out secret tests.

On-site inspections have been another omnipresent element in the test-ban dialogue. In the beginning there was a generally held belief that seismological data would be much less useful and inspections more useful than either are now known to be. By supplementing information provided by seismic instruments and intelligence systems, inspections were considered a mechanism that would make a substantial contribution to the verification process. As a result of the recent developments in seismology, inspections would apply only to the very small number of events that are large enough to be detected but that produce signals of insufficient signal-to-noise ratio to allow the application of seismic identification techniques. As usually envisioned, inspections would be conducted after the presentation of ambiguous seismic data and under the auspices of an international body. They would involve visits to the area of origin of seismic events that could not be identified after analysis of the seismic and intelligence data. The inspection area would extend over some several hundred square kilometers, an area reflecting the expected error in determining the point at which the seismic event had occurred.

The procedure for deciding that a seismic event could not be identified, and therefore should be subject to an inspection, is not easily articulated. As a practical matter it would be exceedingly difficult to specify in a treaty, in a manner that would be acceptable to all parties, the data that would need to be provided in substantiation of a claim that an inspection was necessary.

The ability of on-site inspections to uncover evidence of clandestine testing, should there be such testing, would depend on a chain of probabilities: the probability that an explosion would be selected as a candidate for inspection, the probability that the inspection area would encompass the point of detonation and the probability that the inspectors would actually uncover positive evidence should the inspection area include the shot point. The foregoing factors would in turn depend on the quality of the evidence on which the inspection decision was based, the number of inspections that might be conducted in a given time period, the accuracy of locating the source point of seismic events, the size of the area covered by an inspection, the duration of the inspection, the number and training of the inspectors and the elaborateness of the inspection procedures.

Since a country that had violated the treaty would be unlikely to allow access to inspectors who might uncover the clandestine activity, inspections would probably be undertaken only in areas where earthquakes had actually occurred. Because the seismic data would be adequate for identifying large earthquakes, inspections would be directed toward smaller events that typically would produce no ground effects that might be found by inspectors. Moreover, Defense Department experts now say their research has indicated that careful planning and execution of a clandestine test would proclude the existence of surface manifestations that might be found by inspectors. Therefore on-site inspections could not be expected to turn up any evidence of either explosions or earthquakes. Finally, if an evader should be successful in employing active evasion techniques, there would be no seismic evidence on which a request for an inspection might be based.

If this is the case, do inspections serve any purpose even in theory? Yes, according to some. The lack of evidence of an explosion would supposedly provide a limited amount of assurance (skeptics say false assurance) that there had been no explosion. In addition, the prospect of an on-site inspection and the possibility that one might miscalculate or make a mistake would be at least a slight deterrent to a potential violator.

Whatever the theoretical utility of inspections, it is questionable that a treaty that provided for meaningful inspections was ever a realistic possibility. The Russians have always had a negative attitude toward inspections on the grounds that they are not needed and would be used as a pretext for espionage. During periods when the Russians did seem willing to consider the possibility of some small number of inspections (allegedly for the purpose of diminishing some American domestic opposition to a treaty), it was not clear that the nature of these inspections was even close to the elaborate procedures envisioned by the U.S.

With the recent advances in seismological research, doubts concerning the usefulness of inspections have been intensified. To continue to maintain that a ban on underground tests is important but that inspections are still necessary implies the acceptance of the following dubious propositions: (1) that significant tests might escape the various monitoring systems operated by the U.S., (2) that inspections would play a substantial role in deterring violations or in alleviating suspicions that might arise and (3) that the Russians would agree to inspection procedures of the kind that would be required if they were to serve their purpose.

To put the matter in perspective it should be noted that new ground would not be broken if the demand for inspections were dropped because they were deemed unnecessary. The U.S. is already a party to a series of arms-control agreements that contain either no provision for inspections or provision only for inspections of a kind that would yield virtually no assurance in addition to the assurance acquired by other means. These agreements include the ban on nuclear explosions in the atmosphere or outer space, the ban on placing nuclear weapons in orbit around the earth, on the moon or on other celestial bodies, the ban on placing weapons of mass destruction on the ocean bottom and the ban on nuclear weapons in the Antarctic. In each case unilateral means are considered adequate to provide the necessary confidence that the impact of possible undetected violations would be so minuscule as to make them not worth worrying about.

In effect the data provided by seismological and intelligence systems and, to a much lesser extent, by on-site inspections would serve to reduce the background "noise" against which the "signal," or positive evidence, of clandestine test activity would be detected. This "noise" is a factor that a potential violator would take into account in making a decision about conducting a clandestine test. Would he assume that his activity would be lost in the "noise," that it would be discounted as a spurious earthquake in the residuum of unidentified seismic events? Or would he believe that he should play a more active role in attempting to conceal his tests?

Since a complete test ban became a serious possibility several such active schemes for clandestine evasions have been proposed. These include the muffling of the explosion so that the resulting seismic signals would be unlikely to be detected, modification of the character of the seismic waves so that even though they might be detected they would not be characteristic of waves associated with explosions, and testing to the aftermath of a large earthquake so that the explosion signals would be concealed by the ground motion caused by the earthquake.

The muffling of seismic signals might be achieved by conducting the tests in an underground material where a comparatively small fraction of the energy of the explosion would appear in a propagating seismic wave. For example, a 20-kiloton explosion in a dry desert alluvial deposit might produce a seismic signal as small as the one produced by a one-kiloton explosion in hard rock. If a country were to seek to test in such an alluvial deposit, it would first be confronted by the fact that a deposit deep enough and dry enough is very uncommon. There is, in fact, reason to believe these deposits do not exist in the U.S.S.R. in depths that would allow tests of more than one or two kilotons. Since dry alluvial deposits, or other dry materials that might be useful for the same purpose, are usually found in areas that are relatively free of clouds and lacking in human activity, any attempt to conduct clandestine tests in these circumstances would be particularly vulnerable to observation from space. Further restrictions arise from the fact that the alluvium must be deep enough not only to contain the immediate effects of the explosion but also to make it possible to set off the explosion at a depth that would not leave a collapse crater. This is an indirect effect in which the cavity produced by the nuclear explosion fills with material from above. The result is a propagating void that ultimately appears at the surface as a characteristic subsidence crater. Such craters are common at the U.S. testing ground in Nevada. If such a crater were to be observed from space, it would be telltale evidence of a nuclear explosion.

A more elaborate muffling technique calls for detonating the nuclear device in a spherical cavity. It is predicted that with a cavity of the right size the seismic signal would be about 100 times weaker than it would be without the cavity. The diameter of the required cavity increases with the cube root of the explosive yield. A 10-kiloton explosion would call for a cavity 300 feet in diameter 3,000 feet below the surface. It is questionable whether the cost of excavating such a cavity would be commensurate with the gains that might be made from a clandestine nuclear test conducted in it.

For a time it seemed that such muffling, or decoupling, schemes had fallen out of the domain of plausible evasion possibilities. In recent Congressional testimony, however, decoupling was resurrected by Defense Department experts, who implied that decoupled detonations with yields of 50 to 100 kilotons were feasible and could be carried out at costs that were within reasonable bounds. The assertion raised the question of why, if the possibility of decoupling was considered to be significant enough to bring up, there had been only one small experiment to check out the predictions. This test had involved a 300-ton shot in a cavity created by a 5,000-ton nuclear explosion in a salt deposit in Mississippi. Because the observed decoupling was less by a factor of two than had been forecast, and because there are serious questions concerning the validity of extrapolating the results of this experiment from a yield of 300 tons to one of 50,000 or 100,000 tons, it would seem important to have conducted experiments with much larger explosions. The willingness to extrapolate results here (where the extrapolated conclusion is consistent with the desires of many Defense Department experts to avoid a complete ban on nuclear-weapons tests) conflicts with the Defense Department's usual position on nuclear-weapons development. For example, the five-megaton Cannikin test conducted on Amchitka in November was supposed to be necessary because it was not possible to base conclusions on data obtained from a one-megaton explosion.

At various times it has been suggested that a series of nuclear detonations, appropriately located and timed, would produce a composite seismic signal that was more typical of earthquakes than explosions. Although this procedure might generate waves that in some respects were similar to waves made by earthquakes, it would be difficult for a treaty violator to be confident that the similarity was sufficient to avoid creating suspicion.

A violator might also try to conceal illicit test activity by setting off an explosion almost immediately after an earthquake. If this were done properly, the seismic signals associated with the explosion would be masked by those generated by the earthquake. One disadvantage of testing in this fashion would be the need to maintain the nuclear device and the apparatus associated with the experiment in a constant state of readiness for a period that would range from months to years, depending on the size of the test detonation. It would also be necessary to determine rather quickly that the earthquake was suitable for purposes of masking. That would require an interconnected network of seismometers from which data would be fed to a computer. The computer would immediately calculate the location and size of the earthquake, and it would give a "go" signal when the earthquake met the preset conditions. As with other imagined evasion techniques, the practicality of this method would depend on how badly a country wanted to test, on the size of the test and on how the country evaluated its chances of being caught.

The usefulness of on-site inspections in deterring such efforts would be contingent on procedures that had been established for submitting requests to conduct an inspection. If it were necessary to base the request on specific kinds of seismic data indicating that an unidentified event had occurred, there would be much less deterrent value than if it were possible to base the request on unrevealed intelligence information with only scant reference to publicly available seismic data.

Scoville notes that an easy, although seldom discussed, way for a country to cheat a weapons-test ban would be for it to mount a program of setting off nuclear devices for peaceful purposes, such as the U.S. Plowshare program. One part of Plowshare is the development of nuclear explosive devices for use in nonmilitary projects. Since these devices are in many ways identical with

weapons, it would be virtually impossible to determine the kind of development activity being undertaken without being given access to the experimental apparatus. Such access is not likely to be granted by either the Russians or ourselves. Therefore if there is going to be a complete ban on nuclear-weapons tests, it will be necessary either to live with the possibility of some weapons development under the shelter of Plowshare-like programs or to forgo the yet to be established economic benefits of this type of activity.

A further consideration affecting a country's assurance that it could detect clandestine tests (or evade detection) is the possibility that there might be a mistake or an accident in such a test. An unexpected collapse crater or the venting of radioactive debris could lead to the discovery of prohibited activities. There is a significant chance of unintentional venting and a significant probability that such venting, if it occurs, will be detected. In the past radioactive debris has been unintentionally emitted from underground explosions conducted by both the U.S. and the U.S.S.R. The possibility of such accidents would tend to deter violations.

A useful device for summarizing the concepts that enter into evaluations of the likelihood of detecting clandestine test activity or of escaping detection is represented by the graph on the opposite page. (Illustrations not furnished in the RECORD.) The abscissa represents the product of the annual number of tests and their average yield; for instance, a value of 10 could mean 10 tests with an average yield of one kiloton or two tests with an average yield of five kilotons. The ordinate is a measure of the confidence that a test or series of tests with the specified yield-number product would be detected.

The "deterrence" curve represents the situation as it might be viewed by a country undertaking a clandestine test program. The "assurance" curve represents the situation as it might be perceived by countries concerned about their ability to detect violations by others. The deterrence curve invariably lies to the left of the assurance curve because the country concerned about violations by others will, in comparison with the evaluations of the potential violator who presumably places a high premium on not being caught, tend to underestimate the chances of a violation's being detected.

For example, the great variability in seismic data may cause a violator to "play it safe." He would assume, as actually happens, that his explosions would produce at some observation points seismic signals substantially greater than the signals suggested by the averages implied by the curves in the top illustration on the opposite page. (Illustration not furnished in the RECORD.) The violator would have to conservatively evaluate his chances of being observed from space or having an accident that resulted in the venting of radioactive debris. On the other hand, countries seeking assurance might well assume that explosions would produce seismic signals of an average size implied by the average curve, that the violator would make sure that there was no substantial deviation from the average, that there would be no basis for counting on anomalously large signals to reveal a clandestine test, and that the test would be conducted in a manner so as not to produce a collapse crater or other evidence that might be collected by intelligence systems.

Such curves or their conceptual equivalent are an aid in evaluating the risks associated with a nuclear-test ban even though they are necessarily imprecise because of the large number of intangibles and uncertainties they encompass. The inability of anyone to develop more quantitative estimates has caused consternation among presidents, members of Congress and interested citizens. Adding to the uncertainty is the fact that the detection of clandestine tests must be considered an integral part of the broader question of how significant undetected violations would actually be.

It is fortunate that the recent advances in verification technology have simplified the issue. Many informed observers now conclude that the U.S. need no longer be concerned about developments that might result from *clandestine* nuclear-test activities, since such developments would not affect the strategic position of the U.S. with respect to its adversaries. It is thus possible to focus on the role of *any* nuclear tests at the present juncture of the arms-development cycle.

In discussing nuclear testing it is necessary to consider global questions, including what the intentions of adversaries are, how nuclear testing would influence the probability of a nuclear war's starting and what effect nuclear testing would have on the outcome of the war if it should start. It is clear that such complex questions cannot be answered conclusively, but certain facts, opinions and speculations can be stated, and inferences can be drawn from them.

The public record contains very few details of the U.S. nuclear-weapons program. Information about what goes on in the U.S.S.R. is even scantier. Nevertheless, it is possible to get an idea of both the objectives and the costs of U.S. activities from official testimony before committees of Congress and from committee reports based on that testimony. From these sources it appears that during each of the past six years the U.S. has spent approximately $450 million on the development and testing of nuclear weapons. The objectives are to develop weapons that have greater explosive yield for a fixed weight, to develop weapons in which certain nuclear effects are either increased or decreased with respect to other effects, to verify that the performance of existing weapons does not decline with the passage of time and to gain confidence in safety against accidental nuclear detonations. Some nuclear explosions are used as sources of radiation and blast in experiments to determine their effects on weapons systems and their components.

Nuclear detonations for these purposes can be justified to some extent on the grounds that in the long run they will make it possible to save money. For example, it may be that a missile warhead with a certain explosive power and a specified weight could be developed only through nuclear testing. If tests were not allowed, the same destructive power would have to be put into, say, three missiles instead of two, thus preventing a saving in the cost of producing a given amount of damage.

Similarly, there could be uncertainties about the performance of stockpiled weapons or the effect of nuclear explosions on military hardware that could be resolved only by subjecting the hardware to the effects of a nuclear explosion. If such uncertainties could not be eliminated by nuclear tests, it would be necessary to eliminate them through the more costly route of conservative design. In "National Security and the Nuclear-Test Ban," an article that appeared in the October 1964 issue of *Scientific American*, Jerome B. Wiesner and Herbert F. York addressed the uncertainty question at some length. They pointed out that whatever uncertainties might be resolved by nuclear testing would be very small compared with those that abound in military planning. The fact that some of these uncertainties might be removed by nuclear tests would, in their view, "contribute virtually nothing more to management of the real military and political problems, even though it would produce neater graphs."

Some have argued that nuclear testing must continue because of the possibility of surprise findings: either findings that lead to important new developments or, what is more likely, findings that expose a problem where none had been expected. Others argue that tests are necessary to help ensure that the Russians do not acquire knowledge not in the possession of American experts. It is of course not possible to demonstrate that surprise result will not be obtained. Nor is it possible to prove that the Russians do not know things of which American experts are unaware. As for the likelihood of there being a surprise of the kind that suggests a new line of weapons, one may take note of York's belief that the rapid technological advances of recent decades are neither typical of the past nor predictive of the future.

It is sometimes suggested that the U.S. could not forgo testing as long as China or France was continuing its tests. This contention has little validity. For the indefinite future whatever dangers might arise from the fact of Chinese or French nuclear-weapons developments are most unlikely to be ameliorated by the products of U.S. tests. Such dangers must be countered by other means.

More generally, the need for continued testing should be considered in the light of the fact that in this 27th year of the nuclear age some thousands of nuclear weapons of proved design are fully deployed. No foreseeable weapons developments based on further nuclear tests, conducted either openly in the absence of a complete test ban or clandestinely in the presence of one, would affect the ability of either the U.S. or the U.S.S.R. to deliver a substantial portion of its strategic stockpile to an opponent's cities. McGeorge Bundy has remarked on the implications of even a small fraction of these weapons being detonated over urban targets: "In the real world of real political leaders—whether here or in the Soviet Union—a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder; 10 bombs on 10 cities would be a disaster beyond history, and 100 bombs on 100 cities unthinkable."

In brief, the advanced status of nuclear-weapons development, the existence of very large weapons stockpiles and the deterrent value of the ability to destroy even one city suggest that neither the continuation of nuclear-weapons tests nor the cessation of such tests will affect the strategic position of one superpower with respect to the other. If this is the case, it should mean that continued testing need not necessarily be a source of international tension and a motive force in the arms race.

Yet in spite of the decline of the substantive importance of nuclear tests, testing has developed a life of its own and, as was evident in the Cannikin episode, does exacerbate international discord. If only because there are such strong feelings concerning the need for either an indefinite continuation of testing or its elimination, the matter retains a large symbolic importance. Accordingly there is much to be said for a treaty that removes nuclear testing as an issue that obscures the real problem: how to avoid nuclear war.

The ban on atmospheric testing grew out of the fears generated by the Cuban missile crisis of 1962 and the increasing radiation levels caused by fallout. The superficial reason the treaty did not encompass underground tests was the inability of the signatories to reach agreement on verification procedures. Underlying the omission of such tests was the opposition of persons in and out of the U.S. Government who believed it was essential that this country continue its test activities. At the same time the importance of a prohibition on underground tests was recognized in the preamble of the Limited Test-Ban Treaty of 1963 and later in the Nonproliferation Treaty of 1970, both of which incorporated a commitment to continue negotiations toward a ban on all nuclear-weapons tests.

Not only has little been done to fulfill this commitment but also it is debatable that the atmospheric ban has had much effect on the development of nuclear weapons. In order to secure the endorsement of the U.S. Joint Chiefs of Staff for the Limited Test-Ban Treaty the Kennedy Administration agreed to implement a program of safeguards that included "the conduct of comprehensive, aggressive and continued nuclear-test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future." This was to counter the Joint Chiefs' concern that the treaty might presage a "euphoria in the West which will eventually reduce our vigilance and willingness of our country and of our allies to expend continued efforts on our collective security." The result of these safeguards has been what many believe is a nuclear-weapons development effort that is indistinguishable in scope—if it is not even larger—from the one that had been under way before the treaty.

Since 1963 there has been little serious discussion of extending the Limited Test-Ban Treaty to include underground tests. The ostensible obstacle remains: the U.S.S.R. continues to maintain that on-site inspections are not needed; the U.S. asserts the contrary. The verification issue is still a pretext for not achieving agreement. As the foregoing discussion suggests, however, the plausibility of the pretext has dwindled to the vanishing point.

The failure to prohibit underground tests plays into the hands of those in the non-nuclear nations who press for the acquisition of nuclear forces; it tends to reinforce the contention that the statements of the superpowers are not matched by actions, and it undermines the credibility of the U.S. Government, which has maintained for more than a decade that unresolved verification problems are the obstacle to a ban on underground tests.

The attainment of a treaty banning underground tests would demonstrate to the non-nuclear countries that the major nuclear powers would accept substantial restrictions on their own nuclear activities, a demonstration that would strengthen arguments against the acquisition of nuclear weapons by other countries. As a result of its symbolic value, a cessation of underground testing, particularly in the absence of a major agreement at the Strategic Arms Limitation Talks, would more than any other likely step signify an almost irrevocable commitment to seek security through arms-control agreements rather than through the never ending cycle of weapons and counter-weapons that has characterized the period since World War II.

MORE OF THE GOOD THINGS ABOUT NEW YORK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. HALPERN. Mr. Speaker, earlier this month I had occasion to read into the RECORD a newspaper article which called attention to a few of the pleasant, humanizing features of New York City. This great metropolis has for years been the favorite target of a host of authors and journalists.

It is most refreshing to note that more and more people—some residents of New York, others mere visitors—have decided to strike back at these prophets of doom and to recount the many wonders of New York City.

New York Magazine recently published just such a delightful article by Bruce Kovner. Mr. Kovner manages to put all the criticism of New York in true perspective by having his readers look at the other side. He points to such distinctive New York traits as the growing number of multicolor adventure playgrounds, minority television programs and theater, and on-the-street gourmet food stands—to mention only three of the many described by Mr. Kovner.

Mr. Speaker, I insert this fine article in the RECORD. It is appropriately titled "101 Signs That the City Isn't Dying."

The article follows:

THE 101 SIGNS THAT THE CITY IS NOT DYING

(By Bruce Kovner)

A backlash of good news seems to be upon us. Kind words about the city are cropping up all over. Certain New Yorkers we know may have to stop congratulating themselves on their survival as the fittest just because they live within city limits.

There will always be complainers, of course—people who vaunt their pioneer ingenuity in getting from home to office. But we forgive them. With all that's going on in New York, it's possible to overlook signs of life and growth. Where else, for example, would an expenditure of $1.9 billion for a sewage treatment program go unremarked? Or a new $35-million ocean liner terminal look like business as usual?

We decided to do a little pleasant calculating of our own, to take a look around town for signs of change and vitality in New York to counterpoint those death knells that someone is always ready to ring. It didn't take us long to find more than a hundred reassurances, large and small, that New York is, if not yet in the pink of health, at least constantly renewing itself. (Obviously, the accomplished nay-sayer can find something amiss in nearly all our citations. But just because he doesn't have a rose garden is no reason to slight elegant new Green Acre Park.)

So here's our idiosyncratic list of urban encouragements. We could easily have come up with 1,001. We stopped at 101. Go on, if you like.

1. Every day is Arbor Day. A mighty feat in the asphalt canyons: New York City is planting more than 8,000 trees a year, twice the figure of five years ago; 2,000 trees are paid for by private organizations, the rest by the city.

2. Creme de la creme. Baskin-Robbins, an ice cream chain now owned by United Fruit Company, has been expanding madly. Six new stores opened in Manhattan in 1971, and there are another twelve scheduled to open in 1972. Grand Central Station has just gotten a Baskin-Robbins parlor of its own, and there are another 34 parlors in the four other boroughs.

3. Upward mobility. The New York Bicycle Racing Association, a predominantly black racing club, has grown from one bike shared by 400 kids (in 1966) to some 40 bikes and 1,500 kids (in 1971). Steven Rockefeller donated 25 racing bikes; the Union Theological Seminary has paid for others. The Association uses the attraction and discipline of bicycle racing as well as special guidance programs to help black kids cope with personal and school problems. Though woefully underfinanced, it's still growing.

4. Ay! Que Triste Estoy! Now you can weep in Spanish. Since July, Channel 9 has been giving us *Nino*, a Spanish soap opera made in Argentina. There are 264 chapters, so there's still time to catch most of it.

5. Fast tracks. Remember trains? They're coming back. Now there's hourly service from New York to Washington, just as there was in 1937, and there are now 11 trains daily to Boston—an increase of two over last year. More suburban stop have been added (e.g., Rye and the new Metropark in New Jersey) and trip times have been shaved a little. Two of the New York/Washington Metroliners are nonstop, and the trip takes only two hours and 50 minutes; you can't do much better than that by air these days.

6. Adventure playgrounds. The city continues to build small parks with ropes to swing from, waterfalls to got wet in, and unusual things to crawl through. The most recent adventure is at 139th Street and Lenox Avenue, where a gift from the Reader's Digest made possible a park with a regulation-size basketball court, seating for 500 spectators, splash areas for cooling off in warm weather, built-in chess and checker boards, and special lights for night-time use of the park. There is also a 90-by-14-foot mural painted by neighborhood children.

7. The new sound of music. The New York Philharmonic is a vastly improved orchestra under Pierre Boulez—both in sound and in adventurous programming. Among the Boulez innovations, all designed to make symphony-going a part of today's world: pre-concert recitals with commentary; concerts of new music at Joe Papp's Public Theater with lots of post-concert rap, taking the orchestra out of its archaic white tie and into something more nearly resembling clothes.

8. Remember the Brooklyn. Now in private hands, the Brooklyn Navy Yard is showing a great deal of life. Twenty-three companies have leased space and Seatrain Corporation is building the largest tankers in the American fleet there.

9. More day care centers. In 1971, the number of the city's day care facilities nearly doubled, to 270 centers caring for 15,700 kids. In the next two years, another 243 centers will open. Call 433–2960 for location and eligibility information.

10. Finger-lickin' good. There may be bleak days ahead for knife-and-fork manufacturers, considering the number of places around town where you can get a wide variety of hand-held food. Think past the pizza slice and the hot dog; the range includes Japanese sushi, various kinds of Chinese dumplings filled with anything from soup to nuts, Greek souvlaki and gyros (various sauces on the lamb) and, of course, the omnipresent knish in its many guises.

11. Work now, play later. La Guardia Community College, which opened last fall, is the first in the City University complex to concentrate on work/study programs. The 550 students attend school for five 13-week terms, and work for three terms. The school actively places students in study-related jobs in the area. Temporary quarters: 31–10 Thomson Avenue, Long Island City, Queens.

12. Myerson's marauders. It's the law now; stores doing more than $2 million in retail sales must display unit pricing on most goods. Food stores must now display dating on dairy and bakery products (among others) that don't require a cryptographer to decipher. These are among the breaks the consumer is now getting in New York, and if the consumer still has something to beef about, complaining has also been simplified. The Department of Consumer Affairs will listen to you 24 hours a day on 964–7777, and there are local Neighborhood Complaint Centers now in East and Central Harlem, the Lower East Side and Forest Hills.

13. Take a deep breath. Some day it's hard to believe, but New York's air improved last year. As measured by the city's Environmental Protection Agency, there were 61 days rated "good" as opposed to zero days in '69 and '70; 198 were rated "acceptable," against 86 in 1970; the number of "unsatisfactory" and "unhealthy" days last year

dropped accordingly. Much of this improvement has been in the sulfur-dioxide-level controls imposed on Con Ed and industrial polluters. Of course, improvements still have to be made in controlling hydrocarbon and particulate levels.

14. Child centered theater. Opened in January, 1971, on an experimental basis, the Children's Theater at City Center is now running year round, offering five shows a week for children of different ages (131 W. 55th St., JU 6-2828).

15. Up from H. Since November, 1970, the city has opened 21 methadone clinics, treating 2,500 drug addicts. By the end of 1972, the program will be expanded to four times that number.

16. Town Hall tonight. After years of decline, Town Hall has begun to show signs of life. In the spring of 1971 Jerold Ross took over as director. Since then, Town Hall has started a Great Artists series, jazz concerts, and, for the midtown worker waiting out the rush hour, early-evening "interludes" of dance, jazz, classical music or rock. They're every Wednesday, 5:45 to 6:45.

17. Care close to home. New York's Health and Hospitals Corporation has started a series of neighborhood family care centers all over the city to supplement the outpatient services of the city hospitals and provide clinical care in areas where services are otherwise short. The first, the Sydenham Center at 215 W. 125th St., opened last October. Two more are being built in the Bronx, and others are on the board for Brooklyn and Manhattan. Each center will have over 50 people on its staff and will provide general and preventive health care as well as dental, optometric, psychiatric and other services.

18. Greasy spoons. Now you can find out which of your favorite restaurants is as dirty as you fondly suspected. Read about rats, grease-encrusted stoves, ice cream freezers being used for fish storage, rusty refrigerators and improperly functioning dishwashers. The city's Health Services Administration (and most of the city's newspapers) now publish the lists which describe the violations in lurid detail, and, even better, follow up with reports on whether or not these violations have been corrected.

19. Air space. A completely new $200-million passenger terminal is nearing completion at Newark Airport. A new runway is now open, and the rest will be done within 18 months. The passenger capacity of the airport will be nearly tripled and there will be fancy devices like moving sidewalks to reduce the wear and tear on passengers.

20. Thespians of the thoroughfares. New York City now has more than 20 street-theater companies which bring dramatic works to the streets during the summer months and to Lincoln Center at Christmastime. There is the Puerto Rican Traveling Theater, the Afro-American Folklore Troupe, the Soul and Latin Theater, and the Bedford-Stuyvesant Theater, among others. The city's Department of Cultural Affairs sponsors the groups.

21. Lights, camera. Otto Preminger says that New York is the easiest city in the country in which to shoot movies, and the movie and television companies are proving it by coming to New York in greater and greater numbers. Last year, in spite of labor difficulties which stopped filming for several months, 41 films were shot here. In 1971 you could have watched the filming of *The Godfather*, *The French Connection* and *The Gang That Couldn't Shoot Straight*, among others; this year watch such movies in the making as *Come Back Charleston Blue*, *Heartbreak Kid* and *Hard Feelings*.

22. Little red schoolhouses. Haaren High School, at 899 Tenth Avenue, has divided itself into 14 mini-schools, with from 50 to 500 students in each. The project is designed to break down the impersonality of big schools and crowded classrooms; in the Haaren experiment, students have a hand in planning their own curriculum, which includes courses in aerospace, automotive training, business and performing arts.

23. Penny wise, pound foolish. When you are down to your last seven cents, tired and hungry in New York, you can still get your fill at the Penny Candy Store (183 W. 10th St., at Sheridan Square). The store has more than 100 varieties of the kind of candy you used to get sick on when you were a kid: licorice whips, Mary Janes, spearmint leaves, jordan almonds, chocolate babies, Tootsie Rolls, candy bananas, Turkish Taffy, and more. The Store is in a tiny space (it used to be an open alley between buildings), about 4 feet wide and 12 feet deep.

24. Break for bikes. Bike racks are going up all over the city; Bloomingdale's, Bonwit's, McGraw-Hill, McCann-Erickson, Trans-Lux Movie Theater, and the Manhattan School of Music, to name a few. Even the Plaza has a new bike rack. There are special park closings for bicycles, and new bicycle paths, but bicycle proponents have yet to win approval for bicycle lanes on city streets.

25. Run of the mill. A little over a year ago, Burlington Industries opened a full scale working exhibit of a modern textile mill (54th St. and 6th Ave.) which is attracting more visitors than either the New York Stock Exchange or the U.N. You don't have to move a muscle since a moving sidewalk takes you through it all.

26. Best beds. Even with all these signs of life, people get sick sometimes. The city is now building six new major hospital facilities, in addition to the expansion at Bellevue; the New Lincoln Hospital (950 beds); Woodhull (650 beds); North Central Bronx (412 beds); Metropolitan (a 14-story 250-bed unit largely for psychiatric care); New Gouverneur (200 bed) and Seaview (312 beds for long-term-care patients). New Lincoln and Woodhull will also have teaching facilities.

27. A treat, a tweet. Next spring, the Bronx Zoo will open its largest natural habitat exhibit, "The World of Birds." The two-story structure will not have conventional cages; all 28 exhibits will be either glassed-in or entirely open and there will be a large rain forest for the birds which visitors will be able to walk through at two levels.

28. The commuter computer. Automobile traffic along Northern, Jamaica and Queens Boulevard is now controlled by a central computer that actually works. It measures volume and speed of auto traffic and adjusts signals accordingly. Traffic speed and volume have been increased by the system.

29. Rebirth at the Brooklyn Museum. In November of 1969, the Brooklyn Museum announced that it was closing down its art school because of big deficits and lack of community interest. The students and teachers had other ideas, however, and convinced the Museum to keep the school open. A new director, Jolyon Hofsted, a ceramics teacher, was installed. Since then, the school has increased its course offerings by more than a third (to more than 100), established special programs for high school students, added faculty and cut class size. Now there's a budget surplus, and the school is now looking for larger facilities.

30. The business of art. The Association for a Better New York (a group of Manhattan businessmen) has donated six large sculptures to the city, to be placed outside and moved periodically to different locations around town. *Curved Cube* by William Crovello went into place in front of the Time-Life Building on January 20. The other five will be up probably by the middle of February. Locations: 24th Street and Fifth Ave., The Brooklyn Museum, Times Square, 54th St. and Park Ave., 91st St. and Broadway.

31. The bogey men. New York is a city of almost compulsive moviegoers, and to satisfy cravings for old classics and other cinematic tastes, repertory film theaters have begun appearing all over the city. In addition to the old stand-bys, the Thalia and the Elgin theaters, there are now the Bijou, the Garrick, the St. Marks, the Olympia, and the Theater 80 St Marks. And classics are reappearing occasionally in first-run movie houses, drawing crowds when new films can't.

32. Hedging the easy life. Last year, city gamblers bet about $30 million on the state lottery's longshot road to riches. This year, with the introduction of the 50-cent lottery, ticket sales are running way ahead of the old dollar lottery. Last year's big winners in the city—two families from Middle Village, Queens—split $25,000 a year for the rest of their lives.

33. Glass with class. Last October, Greenwich Village dedicated its Patchwork Plaza in Washington Square, a 1,600-square-foot area of 700 individually made mosaic designs of Venetian glass and etchings in cement. The New York City Community Art Workshop is ready to help businesses and communities carry out similar projects.

34. Fast track to the cleaners. Now you can lose your money in any one of 42 local Off-Track Betting parlors. By the end of 1972, another 60 are planned.

35. Quick, who am I? Red Tape Department: it no longer takes two months to get a copy of your birth certificate. A new computerized system handles most requests within 48 hours. Call 247-0130.

36. A square deal for fish and people. Water pollution is still pretty bad, but getting less so. New York is now building or upgrading 14 sewage-treatment plants at a cost of over $1.9 billion. When the project is completed—1976 is the target date—New York will be the first city on the Hudson with fully treated sewage. When New Jersey gets into line, some now-polluted beaches at Coney Island and Staten Island could be open for swimming again.

37. Tough but oh so gentele. Goeran Gentele has already made his impact felt at the Metropolitan Opera, although he doesn't officially take over from Rudolf Bing until September. His opening-night *Carmen* will be conducted by Leonard Bernstein and directed by Gentele himself; he says he conceives the sappy hero, Don José, as a real killer. Gentele's immediate plans include bringing more students into the house, in a series of "look-ins" that will show the kids what goes on backstage at an opera. "Poison their minds early," he says, "and they'll love opera for life."

38. Andrew would approve. It's hard to believe, considering the activity at Carnegie Hall these nights, that the building was once slated for demolition (as recently as 1960, in fact). Bookings are up, beyond what they were before the Lincoln Center was built, and the Carnegie Hall Corporation sponsors all kinds of musical events on its own: visiting symphony orchestras, jazz and hard-core new music, singers' series, etc. Furthermore, as part of the international Jeunesee Musicale movement, Carnegie regularly sponsors concerts by young artists on the way up.

39. And so would Abe. Lincoln Center, too, does a lot more than merely rent out halls. Its educational program sends out performing groups to public schools all over the Northeast, and other school groups are brought in for concerts, operas and plays at the auditoriums in the Center.

40. Welcome wagons. The variety of food and merchandise you can find on pushcarts around town is staggering: not just hot dogs, but all kinds of exotic foreign foods suitable for curbside eating, handmade candles, clothing and more. Last summer half a dozen vendors wheeled into Lincoln Center Plaza to create an impromptu outdoor restaurant, and the idea is catching on all over.

41. Free for all. Open admissions have been in effect at the City University for over a year, and thousands of students, who could not otherwise have attended college, benefit.

Freshman enrollment has doubled, from 19,500 in 1969 to nearly 38,000 last year. Rockefeller's new budget, however, threatens to kill the program by inadequate support.

42. The expensive spread. Since it began operations six months ago, Interbaco Manhattan Corporation has been spreading good Fench bread all over town. It is now available in many French restaurants in the city, as well as Bloomingdale's, Macy's, Charles & Co., D'Agostino's, and other stores.

43. Parks-on-wheels. In 1971, the Parks Department introduced 24 special-purpose vehicles, including a zoomobile (live animals), a puppet-mobile (with full stage and show), a sportsmobile (with, among other things, a trampoline), and an arts and crafts mobile. These vehicles, touring the city during the summer, bring their wares to about 75,000 kids per month.

44. Wet and wonderful. The two tunnels supplying New Yorkers with all their drinking water are very old, strained to capacity, and have never been shut down for repairs. So the city decided to build a third tunnel, to avoid the possibility of a major catastrophe. It was started in January of 1970, and the first stage will be finished in 1977. The entire project, extending over a decade, will cost $1 billion.

45. Puck power. It's becoming as big as Little League Baseball: ice hockey competition for boys five to nineteen. Since its founding in 1965, the Greater New York City Ice Hockey League has grown from 60 boys to more than 1,500. There are 46 teams in five divisions (beginning with the "Mosquitoes," ages 5 to 8), training clinics for boys not on the teams, and all-stars who travel to New England and Canada for their games.

46. You, too, on the tube. In July, 1971, the two cable television companies in New York City began to make available, free to all comers, "public access" television channels on their cable TV lines. Anyone can get free time, and Open Channel (49 E. 86th St.), a foundation-funded group, will help you produce your program. About 25 hours per week of public-access programming is now available on each of the two cable systems.

47. The five-foot shelf grows longer. Even as the New York Public Library struggles to keep its main building and research collection open (they are privately financed), new branches are cropping up around town. The branch system is financed by the state and city, and by fines, which amount to more than $600,000 a year. The Mid-Manhattan Library at 8 E. 40th St. opened a year or so ago; it accommodates 1,033 readers and has 350,000 books and the largest collection of open-shelved periodicals in the city.

48. The Upper West Side story. Twenty blocks, between Central Park West and Amsterdam Avenue from 87th to 97th Streets, are rapidly returning to the ranks of prime real estate. Private money, plus $63 million from Federal, state and city government, has gone into renewal in the area—new housing, and brownstones restored to better-than-pristine state. By the end of 1972 there will be more trees, new sidewalks, gaslights, and shopping and play areas.

49. Hot cuisine. Szechuan cooking, a spicier variety of Chinese food, from China's western provinces, has caught on and Szechuan-style restaurants are appearing all over. Among them: Szechuan Gardens, 40 Bowery, off Canal.

50. Soho, ho! The growth of SoHo (the area just south of Houston Street between Sixth Avenue and the Bowery) as an artists' colony continues apace. Four new galleries opened in 1971 at 420 West Broadway (Leo Castelli, John Weber, Andre Emmerich, and Sonnabend), as well as others on Prince Street and Greene Street. And artists continue to move into empty lofts in the area, following zoning changes in 1970 which legalized their use.

51. A new school. Founded in 1970 by blacks, the Uhuru Sasa School (10 Claver Place, Brooklyn) emphasizes African tradition and heritage in teaching the more than 100 students enrolled. Tuition is graduated—$10 a week up—depending on the parents' ability to pay. Or parents may contribute work at the school in lieu of pay. The school is ungraded and has pre-school, elementary, and secondary divisions.

52. Underground art. Subway riders who use both the Sixth Avenue and Flushing lines have a new pedestrian tunnel under Bryant Park at 42nd Street (between Fifth and Sixth Aves.) connecting the two lines. The tunnel has been brightly lit and tiled with 8 big porcelain enamel murals of New York scenes, such as the Crystal Palace, the Croton Reservoir, and the present Bryant Park and 42nd Street Library.

53. Hell on wheels. In March, 1970, roller derby returned to New York. "The Chiefs" now make Madison Square Garden their home, and attendance has been averaging more than 11,000 per game this season.

54. Orbiting academe. The Board of Education has opened three small "Satellite Academies" to provide special work-oriented training to students in non-school, non-institutional settings. Students spend half their time in school, half at nearby jobs in banks, brokerage houses and hospitals. More than 400 students now participate at academies located at 2 New York Plaza, 132 Nassau Street, and (temporarily) 430 Southern Boulevard, South Bronx.

55. Theater: Black and bountiful. The variety of drama, music and dance programs produced by blacks in New York has been increasing. There is the National Black Theater, the New Lafayette Theater, the Bedford-Stuyvesant Theater, the Alvin Ailey Dance Company, the Arthur Mitchell Dance Theater, the Harlem Chorale, and many more. The Negro Ensemble Company is putting on three new plays by black playwrights, plus works-in-progress. And we have seen productions of *The Dramatic Life and Death of Malcolm X, Ain't Supposed to Die a Natural Death, Black Girl, and others.*

56. Small times. There are more than 50 neighborhood newspapers in New York City, from the *Brooklyn Home Reporter and Sunset News*, to the *Carnarsie Digest*, and they are bulging with advertising, editorials and gossip. These are the papers that take up the local crusades against crime waves and housing problems, or report local marriages and social doings. And they usually contain more information on neighborhood politics than the metropolitan dailies.

57. Home port. The days of fighting your way through drafty, ratty dockside sheds to board an ocean liner at a Manhattan pier are about over. Ground has been broken for a new, modern terminal where all the liners will dock. Located on the West Side between 48th and 52nd Streets, the terminal will cost $35 million and be open in 1974. If there are more liners than the terminal can handle, the refurbished Holland-America Pier 40 at Houston Street can take up the slack.

58. First of its kind. With the opening of The Center for Multiple-Handicapped Children in 1971, New York becomes the first city in the country providing special public education for children with multiple handicaps. Kids are bused in from all over the city to the Center, at 105 E. 106th Street, for schooling and therapeutic services from doctors, psychologists, therapists and teachers at no cost to the families. The 125 students are referred from public schools, private agencies and individuals.

59. Seeds and weeds. Health food stores are cropping up all over the city like dandelions in a pasture. *The Natural Guide to Health Food Stores and Restaurants In and Around New York* by Lynne Skreczko (Ballantine Books, 1971, $2) lists more than 120 in the area, and that doesn't include new places like Food (127 Prince Street), The Front Porch (253 W. 11th St.), The Great Harmony (203 E. 60th St.), or Winter House (60th St. and Third Ave.), which becomes Summer House with the first thaw.

EVERYTHING GROWS IN BROOKLYN

All over the borough, signs of life hang upon every tree. Old neighborhoods are being turned into handsome residential streets, blighted swamps are becoming modern industrial parks. The result of all this is more than economic: it is making Brooklyn into a genuine urban state of mind, in which community spirits are everywhere apparent. It's what the Dodgers used to provide, but the new ground-swell of Brooklyn spirit is everybody's doing. Here are some of the developments:

60. Downtown Brooklyn development. In downtown Brooklyn, in December, a 6-story Con Ed building was topped. An 18-story office tower is under lease. So is a six-story diagnostic center. Other retail, education, and medical facilities will be built, and there will be 1,500 units of middle- and low-income housing. In addition, $55 million of city money is being spent on various projects in a 19-block downtown area.

61. Flatlands industrial park. A 96-acre swamp out Canarsie way has become an industrial park employing more than 4,000 people, and among the modern conveniences is a day-care center for workers' children.

62. Park slope. Private companies as well as private citizens have been taking a hand in community restoration work. In an attempt to stimulate renovation in the area and show what can be done with abandoned buildings, the Brooklyn Union Gas Company recently took over three abandond stores on Prospect Place and converted them into townhouses (they will be finished in March). The Company is also helping residents fix up the exteriors of their brownstones on the block.

63. Red Hook development. In this South Brooklyn area the Urban Coalition is sponsoring the building or restoration of 31 townhouses, each with two apartments. Only residents of the district will be eligible to rent, at $155 for a two-bedroom apartment and $208 for a four.

64. Clinton Hill. This area west of Bed-Stuy is experiencing large-scale renovation. The builders have been buying up houses along the main thoroughfares—Green Avenue, Grand Avenue and Cambridge Place—and putting them back into shape. As a further sign of life, new stores, nice stores, have been opening on Myrtle Avenue, where none would have dared before.

65. Fort Greene. This busy renewal area behind the Brooklyn Academy now has its own campus: the Medgar Evers College C.U.N.Y. It opened last fall for an enrollment of 1,200, offering two- and four-year degree programs in education and technical fields. Counseling and remedial work are available, and the college is actively recruiting veterans and school dropouts.

66. In the knick of time. When Earl "The Pearl" Monroe, the ultimate one-on-one player in basketball, arrived in New York last November, he raised the trampled spirits of the Knicks and their fans. Though bothered by ankle and foot trouble, he still manages to draw opposition blood in the few minutes of each game he has played.

67. In the swim. In 1971, nine major swimming pool facilities were opened in the largest pool constructon program since WPA days. Another 20 new "mini-pools" (temporary above-ground pools) were opened, too.

68. Our lady of the calories. When Lady Godiva came to New York in November, 1969, it brought to 701 Fifth Ave. some of the best chocolate in town. Now the company has opened up another "chocolate boutique" to satisfy expensive cravings (821 Madison Ave. at 68th St.).

69. A better life on welfare. Last May the Welfare Island Development Corporation broke ground on a $325-million development of housing, schools, offices, recreational facilities and shops to be completed in 1977. Instead of private automobiles, there will be a new subway stop, electric mini-buses and, perhaps, an aerial tramway from Manhattan.

70. The village re-villaged. Furniture, antique and leather stores, a pottery workshop, a bakery and a hand-crafted jewelry store, have all opened recently on East 9th Street (between First and Second Aves.). There was a street closing for a Halloween festival last fall. In short, it's what a street in the Village is supposed to be.

71. A new Bellevue. The city is building new hospitals everywhere, or so it seems. The new Bellevue Hospital will be 25 stories—1.6 million square feet, 1,274 beds—and cost $138 million before it is finished (1973).

72. Down to the sea in shifts. The new C.U.N.Y. Institute of Oceanography, located at City College but serving the entire university system, is a research and training facility for graduate and undergraduate marine and oceanographic studies. The Institute, which has a 90-foot twin-hulled steel catamaran equipped for maritime research, is investigating, among other things, possible methods of converting waste into protein-enriched food for oysters; the effects of thermal pollution; cooling problems of nuclear power plants; designs for deep water reclamation projects; and the ecology of unpolluted marshes to determine their natural ecological balance.

73. Wings of the dove. Not all restaurants in the city are going out of business. At The Sign of the Dove (Third Avenue and 65th Street), proprietor Dr. Joseph Santo is expanding, turning the four-story building into a sensual environment. For the past 18 months he has been adding a greenhouse, tile floors, a new kitchen, a duplex dining room for private parties, the only glass elevator and movable glass dome ceiling in New York, a wine cellar established for President Kennedy (and bought from the Carlyle Hotel). His program to restore all four stories will be finished this year. Now, if the victuals only come up to the visuals . . .

74. Ms. on the job. Newtime, Inc. (156 E. 52nd St., Pl 5–0505), an employment agency that has been going for nearly a year and a half now, has placed more than 150 women (and occasionally men) in responsible permanent 25-hour-a-week-jobs—and has given the business higher-quality personnel for less money.

75. In on the ground floor. Melvyn Kaufman has transformed the ground floors and roofs of his office buildings at 77 Water Street and 127 John Street into whimsical pedestrian happenings. There are fountains, flowing streams, bubblers heaving and gurgling sculpture, benches, a candy store, a light show (at John Street, the office worker enters through a corrugated steel tunnel which is lit by electric-blue neon lights). The roof at 77 Water is graced by a full-size sculpture of a Sopwith Camel, while the roof at John Street is taken up by a gravel mosaic of a 50-foot-long cat stalking an enormous bird.

76. A tree grows in the Bronx. Zion and Breen Associates, the landscape architects for Paley Park and the new Welfare Island development, have saved Co-Op City from the near-total dreariness that seemed its destiny. They have covered the more than 300 acres of landfill that the city is built on with hills, walks and gardens, and over 22,000 trees. And there are no "keep off the grass" signs.

77. The going public. In the last few years, the New York Shakespeare Festival Public Theater has become the most attractive performing arts center in town. There are four productions now at the downtown theater at 425 Lafayette Street, plus an avant-garde film theater, Philharmonic concerts, etc.

78. Ships, ahoy! Across from South Street at Pier 16 on the East River you can see a variety of old ships; an iron sailing ship, a Gloucester fishing schooner, a lightship, a steam tug, and the last survivor of the Fulton Street Ferry run. There is also a small museum, a bookstore, and plans to restore the 19th-century buildings in the area.

79. Wandering minstrels. Many musical groups—Puerto Rico Sings, the Urban Arts Corps, and several steel-drum bands—take to the streets and parks during the summer months. One concert of Puerto Rico Sings was attended by more than 100,000 people in Central Park last summer.

80. Meanwhile, at the Mercer. In fast pursuit of the Public Theater is Seymour Kaback's Mercer Art Center (in the former Broadway Central Hotel building at 240 Mercer Street). Mr. Kaback has converted the old hotel into four theaters, a cabaret and several lounges with satire and entertainment. Several drama workshops call the Mercer Center home. There are plans for a repertory company started by Rip Torn and Geraldine Page, and a sidewalk cafe.

81. Mall without pall. Cheers for this passageway in the newly renovated C.U.N.Y. Graduate Center at 33 W. 42nd St., between Fifth and Sixth Avenues. It is beautifully designed, a delight to the pedestrians.

82. How do you rob a robot? Chemical Bank is experimenting with automatic banking machines at several of its branches (Penn. Station, 60th Street and Lexington Ave., Lefrak City, Rockville Centre, and Bensonhurst) which allow the user to withdraw money automatically at any time of the day or night. The needy one inserts a specially coded credit card and punches a 6-digit identification number onto a keyboard to confirm he's the real account holder. If the number checks out, the machine and its computer issue the cash (either $25 or $50). If the card is invalid, or if the wrong number is punched (you get three tries), the machine holds the card.

83. Art for the hoving. The Metropolitan Museum, already plenty big, is expanding in all directions. The new Lehman Wing, housing the magnificent Lehman collection, is underway, and the Museum's Costume Institute has re-opened in new quarters after being closed for five years. The Temple of Dendur, sealed mummy-like in an airtight plastic bubble, awaits its new quarters. One of the Museum's many new features is the Andre Mertens Galleries, which will house the marvelous collection of musical instruments. When you've seen what people used to put on the outsides of pianos and harpsichords, today's blank boxes could make you weep.

84. Outdoor art. Bright multi-storied paintings have been appearing on various blank walls around the city—at Houston and West Broadway, Lafayette and Bleecker, at Third and Mercer, and at the Alfred Smith Housing Project in the Two Bridges area of the Lower East Side, to name a few. City Walls, Inc. and the Community Arts Workshop are responsible for bringing a little more color to New York.

85. Cross the river and over the bridge. Since Harvey Lichtenstein took charge four years ago, the Brooklyn Academy has become one of the hottest culture centers around town. The 1971–72 season has already presented an Afro-Asian Dance festival (six countries represented, five for the first time in the United States.) There are also Marathon Concerts by the Brooklyn Philharmonia and a Dance Festival including Merce Cunningham and Dance Company and the Netherlands Dance Theater. It's a lovely, lively place.

86. No more going around in circles. Part of the $68-million Bruckner Interchange has just been opened to traffic, shortening the driving time from East Bronx to West Bronx by as much as, on some days, twelve hours. The rest will be done by early 1973, shortening north-south driving and lengthening drivers' tempers (and life expectancies) considerably.

87. Starving artists, eat. During 1970–71, its first year, the Creative Artists Public Service Programs (CAPS) paid professional fees to 123 creative artists for new work and for making themselves available for lectures around the city and state. The program is jointly funded by the New York State Council on the Arts and the city's Cultural Council Foundation. New work is being generated in all areas of the arts: sculpture, painting, photography, music, choreography, film, literature and drama, video, and multi-media work—and being viewed by a wider audience.

88. Garden of delights. At Hammarskjöld Plaza, at the corner of Second Avenue and 47th Street, there is now a 10,000-square-foot sculpture garden, built and endowed by Harry Marlowe (the owner of the adjoining office building) and designed by the architectural firm of Raymond and Rado. The garden will have a different sculpture show every three months. Now showing: the work of Robert Murray.

89. The beautiful men. From high-heeled Italian boots to elegant French suits and English shirts, high fashion for men has arrived on the U.E.S. Pricey boutiques abound as courtier turns haberdasher: Pierre Balmain (795 Madison Ave.), St. Laurent (543 Madison), and St. Germain (231 E. 53rd St.) are but a few examples. The nude male torso in the St. Laurent window has a special allure of its own.

90. Walkers' Delight. A comprehensive and pioneering program of zoning requirements and financial incentives for developers is beginning to transform the lower Manhattan area. The Greenwich Street Plan, as it is called, convinced U.S. Steel and Fisher Brothers to build enclosed pedestrian shopping arcades, underground connections between buildings, and at the U.S. Steel building, a two-acre park on a deck above the street. A round of applause to the Office of Lower Manhattan Development and to the Downtown-Lower Manhattan Association, a city agency and a private group, respectively, which speak the same language.

91. Landmarking. The city's Landmarks Commission has been busy classifying areas and buildings around the city as off-limits to real estate developers. Four new districts have been named in the last 18 months; Stuyvesant Heights, Mount Morris, Chelsea, and Jumel Terrace. The Commisioner has also persuaded the city to buy some 15 acres on Staten Island that include 5 magnificent Creek Revival buildings built in the 1830s as a retired sailors' home (at the bequest of one Captain Robert Randall). Now that the supply of retired sailors is running out the city will turn the buildings over to the Staten Island Museum.

92. Working It Off. In April, 1971, the Vera Institute of Justice established the Pioneer Messenger Service (206 E. 52nd, 688–4700) to provide employment to former drug addicts or ex-convicts who are trying to put their lives back together. Pioneer now has 33 full-time messengers serving more than 220 firms. Messengers start at $2.25 an hour, are given periodic raises and, eventually more responsible and better-paying jobs.

93. Abortion and family planning. More than 278,000 abortions have been performed in the city since legalization in July, 1970. Planned Parenthood's Family Planning Information Service (677–3040), among others, directs women to inexpensive abortions, and the Catholic Church has set up

its own organization, Birthright (260-2700), to help unwed mothers who choose not to have an abortion.

94. Oasis on 51st. New York millionaires are developing an admirable tradition of sponsoring elegant little parks in midtown Manhattan. Mrs. Jean Rockfeller Mauze (sister of the Governor) has paid for such a park, Green Acre (51st St. between Second and Third Aves.), which, like Paley Park, comes complete with waterfall, refreshments, attendants, and a special endowment for upkeep.

95. The Great White Way. There will be four new theaters on Broadway in the next few years. In addition to the newly opened American Place Theater, a 1,640-seat theater will soon open on the site of the old Astor Hotel at Broadway and 44th St., and two theaters will open in the building now under construction at Broadway and 50th. All of these theaters are a direct result of the important change in zoning laws which gives developers an attractive floor-area ratio bonus for including theaters.

96. On a clear day you can see Long Island City. Construction has begun on Waterside, a 6.1-acre project on the East River between 25th and 30th Streets. There will be 1,460 apartment units, shops, restaurants, and terraces on a deck overlooking the East River.

97. Exterior Decorating. Companies and block associations are beginning to put up "street furniture" and other amenities for the pedestrian. Check out the benches in front of the Chemical Bank Building (65th Street and Broadway). The Urban Improvements Program of the Parks Council (80 Central Park West) helps firms, associations, and individuals with tax-deductible contributions for bike racks, street lighting or repaving. Write for the Council's brochure or call 799-6000 if you want to help decorate.

98. Good news from the underground. The Second Avenue Subway, long a myth, a dream or a joke, is now about to become a reality; construction begins this year. Work is already underway on a new East River tunnel, linking Manhattan to Welfare Island and making Queens more accessible; extension of the BMT and Sixth Avenue Lines are also under construction. And running through these new holes in the ground will be some new and, they say, noiseless cars.

99. Sole on ice. Last season the city opened new ice skating rinks in the Bronx (Mullaly Park) and Staten Island (Clove Lakes Park), bringing to seven the total number of municipal rinks.

100. On the Avenue, Fifth. The new Fifth Avenue District Plan, which gives builders financial incentives to provide arcades, enclosed public spaces, bridges, tunnels between buildings, and other pedestrian amenities, promises to be one of the most important planning changes midtown New York has seen. The Olympic Tower (at 51st Street) will have two floors of retail stores, 19 floors of offices, and 27 floors of residential apartments. Another building incorporating similar features wil be built on the site of DePinna's, at 52nd St.

101. Easy riding. There are now express buses to Manhattan from most outlying residential areas in the other boroughs and New Jersy—Riverdale, Co-op City, Douglaston and Lefrak City, for example. Some are privately run, some are under the Transit Authority. The T.A. has just added two lines from Queens and one from Bay Bridge, bringing its total express lines to eight. The buses' routes have been speeded up by new express lanes on the L.I.E. and New Jersey's Route 3, which can save 15 minutes or more on an average trip.

DEMOCRACY IN ACTION: HOW EDUCATION GAINED PUBLIC SUPPORT ON A BOND ISSUE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased to submit an article authored by Herbert L. Garris, president of the Arlington County Council of Parent-Teacher Associations with an introduction written by Dr. Robert L. Chisholm, superintendent of schools, Arlington, Va.

This article describes the community effort which brought a very favorable vote on school bond issues totaling $7.6 million in the general election of November 1971.

The article follows:

INTRODUCTION TO ARTICLE BY HERBERT L. GARRIS

(By Robert L. Chisholm)

Mr. Garris has described this article as a case study in an atypical community. This is true to some degree, for Arlington, Virginia, a highly urbanized county, is unique in many respects. Nevertheless, the process he details is one containing many transportable elements and thus may be of help to other school systems.

Of particular interest may be consideration of the kind of mix this bond issue represented. Fiscal dependency of the school system forces reliance upon the governing county board for operational support and approval for the submission of bond proposals. A greater wisdom, however, appeals to both the school system and to the county government to cooperate, mutually support, and to search out ways and methods to work together for the eventual benefit of the identical populations served by both units.

Some of the steps taken in Arlington to assure voter support are taken in other places. The combinations of efforts herein described are somewhat unusual. Certainly the extensive use of citizens-at-large for overall management and direction suggests possibilities for helping to reverse the anti-bond trends all too common today.

DEMOCRACY IN ACTION: HOW EDUCATION GAINED PUBLIC SUPPORT ON A BOND ISSUE

There is a grave situation in America in the field of education. When we stop and regard the questioning of our many institutions since World War II and the Viet Nam War apart from education, we could call this inquiry a mark of the 70's. This is particularly true in education, which has entered a head-on collision course with its requested support from several segments of our society which have begun to show serious doubts about the overall effectiveness of our educational system and the present approaches being utilized. At the same time doubt seems to stem from a lack of information, or misinformation, both of which lead to mounting disaffection in the usual support given for public funds to the degree required for the continued operation and growth expectancy of America's schools.

This leads us to this case study in an atypical community which has developed a need for four educational facilities at a cost of about 7.6 million dollars and the struggle attendant to educating and persuading an electorate to vote favorably in a referendum as a part of a general election.

The Community.—Arlington, Virginia is a twenty-five square mile city-county combined metropolitan government. The lessons of Miami, Toronto, and Nashville are all applicable to some extent here. Its affluence is attested to its position in rank among the first five richest per capita incomes of counties throughout the United States. Yet with such affluence, there are below the surface of apparent wealth some persons who live in far less attractive conditions and approach poverty levels. It enjoys a most progressive council type of government with a forward looking planning and execution type of leadership therein. The advantages of its small size, good communications, and a compactness far overshadow the relatively few disadvantages of its proximity to metropolitan Washington. It shares nonetheless the urban and rural adjoining neighborhoods of Washington, Maryland, the City of Alexandria and Fairfax County, all of which add many dimensions to an already attractive environment. Thus in short, the community is atypical.

Moving to the purpose of this article, we shall see an educational need announced, reasonable hearings follow, and the placement of the requisite needs in descriptive wording on a ballot with approximate costs of each proposal, the educational process adopted to show the electorate the way, and finally the response of the electorate at the polls.

The Announced Needs.—When an elementary school plant has served for forty-five to sixty years, it is obviously in need of replacement to meet today's needs. The physical plants and their internal layouts obtain to a 19th century educational process. Innovative ideas, programs, and their implementation are difficult, if not totally impossible, under such handicapped conditions. By building a new school on the available real estate in one case and by adding a new separate facility to an already centrally located school, which would consolidate three schools, reduced the requirement to *two elementary schools*, no acquisitions were necessary.

The willing acceptance that the noncollege bound population has not enjoyed a centrally, well orchestrated effort to train them adequately means progress in itself. Thus the three high schools and the six junior highs need a new separate vocational-technical center with superior facilities, a highly qualified staff, and the latest equipment to better answer the needs of this often relegated segment of young people. This proposal acknowledges the shortfalls of satellite and often marginal quality programs within the nine facilities mentioned above and a segment which has increased by 17% in five years.

The two senior highs already have excellent new libraries with their incorporation of the latest advances in educational technology, information retrieval and storage. The third high school has a need to bring its media center up to date in a corresponding degree of quality.

In short, the four proposed facilities described have been carefully studied and reviewed by the County Board and the School Board and will meet the standards required in the educational needs at this time.

The Hearings.—The hearings were scheduled and accomplished over the late spring and summer of 1971. Each presentation was directed toward a basic model which the architects drew up to meet the educational specifications. At this point there may be, and certainly will be, plan modifications: to improve, to save money, or even to drop less feasible characteristics from the original plans. In short, the architects' plans were such that great flexibility of reasonable change was insured.

At any rate, the hearings at both levels of administration generated favorable response and a lingering negative reaction in a limited but noticeable way. The key points favoring the proposals were generally concentrated in the superintendent's adequately stated needs in keeping with his assessment of the social and economic motions in tune with the school population of the county, both now and at long range, and its requisite educational facility needs.

Finally after many trying and tiring hours of frequent and even repeated questioning by those who failed to understand fully what the professional educators were trying to portray on the four basic proposals, they were assuredly given a place by the County Board on the items for referendum on the November 2d ballot.

The Educational Process.—Basically, referenda items fare poorly when placed on a general elections ballot. Experience has shown that only an approximate fifty percent of those that vote on such occasions even bother to read or vote on those issues. In contrast, the same voters rarely fail to cast a vote for the respective candidates of their choice. The reason for this is twofold: first, the electorate hears and sees the candidates regularly in the media and becomes somewhat familiar with the face and his chief views. In this manner an opinion is formed to some limited extent for or against the candidate. This is often correlated to the charisma, experience, reasonableness, temperament, and events in which the candidate has participated and in which an observation has been made possible. Secondly, the position of the referenda items or their placement on the ballot seems a trivial matter; yet if they are placed at or near the end, there is an even stronger tendency that they may go unnoticed.

The last point must have received serious attention over the past few years for the State of Maryland and the Commonwealth of Virginia have made an attempt to move these items nearer the top of the ballot. A sample ballot has been included to show this important consideration. (Enclosure 1)

Before the electorate went to the polls and faced this crucial and final step for or against the education support, many steps were taken to insure that the message, in a proper and correct portrayal, had been disseminated. Let us examine a few, but surely not all, of the sequence of steps taken in this regard.

The County School Board following a 1968 similar referendum pattern appointed a dynamic and dedicated committee chairman to head a group to guide this effort. He was given wide latitude in his selection of his staff and their assistants. The chart attached shows the organization as it was finally adopted. (Enclosure 2)

You will notice that the committee used no chief of staff or administrative assistant to centralize the coordination. At the initial stages as the progress went slowly but smoothly it did not require more than three to five telephone calls among the chairmen and the principals to study and make decisions on the recommended proposals as they came forth.

In the first week of October (one month before the election) a Speakers' Briefing was conducted by the committee. Most staff members attended and they heard the chairman of the School Board, the superintendent, and two top administrative assistants to the superintendent present details on the proposed items for inclusion.

The County Council of PTA's had already met and found unaminity among all members present for the endorsement of the proposals. At the same time a list of some 150 civic, service, and community organizations and civic associations was produced. Since it contained the identity, presidents, addresses and telephones of each organization, it made the assignment of ten names to each member present that evening a rapid way of reaching them. Over the weekend as many as could be reached were called and a request was made for a reservation of a small amount of time at the next executive or general meeting for someone to present, in ten minutes, the highlights of the proposed items.

The PTA unit presidents had been called the weekend before and were asked to place the bond issues before their respective executive and general groups for consideration and a vote of support as well as to assist financially within their means in the support of the campaign for the bond issues of the educational drive.

There was a favorable response in the week following the Speakers' Briefing by numerous requests for speakers and that continued through the drive as well as request for displays with handouts of pertinent materials and for persons to answer questions.

On Friday of the following week at noon, a kick-off presentation took place at a luncheon at the New Glebe Elementary School. An opportunity was provided for the principals to speak for five minutes each on their areas of concern with the bond issues. Those speakers and their positions are as follows:

Chairman of the County Board.

Chairman of the County School Board.

Superintendent of Schools, and County Manager.

The four page fact sheet was placed in their hands and in one brief hour the highlights were covered and the attendees left with a good overview of what the ten county referenda items really were.

By that evening twenty-five copies of the fact sheets had been placed into the mail for all unit PTA presidents to assist them in their task of getting the right information into all possible voter hands. They had already been given an abbreviated narrative description of the three school bond issues, whereas this fact sheet was slightly more detailed and included costs and other important facts. It was considered that this was about as far as the PTA presidents could go at this time and allowed a chance for them to decide the best possible approach in their respective units to attain full support for the issues.

In this connection, it must be made clear the concern which some PTA's held for supporting all of the ten issues in which only three were oriented directly to education. At a test case at the County Council level, it was apparent that unanimity was not available—that the best and most sensible approach would be a compromise to support only the three educational issues under the name of PTA. Obviously all seven others would indirectly affect the old and new school developments in some way or another insofar as the physical plants were concerned. In short the PTA's were given no mandate to provide support except to the salient issues of the education proposals which have since proved a wise piece of discretion.

The last period or the remaining two weeks of October were marked with quiet optimism and a rare burst of parochial opposition usually based upon erroneous information. In each case, as these items of false information came to light, they were quickly reported to the truth squad to evaluate and to be properly countered henceforth. As the speakers made the rounds, these rebuttal inserts were especially helpful when such opposing views were expressed in question or in statements.

The effectiveness of the speakers before some audiences remains a question that an empirical measurement would be hard to come by. Generally, the reception accorded to all of them was warm and cordial and it appeared that in each case the audience was composed of devoted citizens who wanted more information upon which to base their deciding vote.

One or two other segments that were on hand to give support in a visible way were the parents and young people who volunteered to stand near the polls and the bridge tenders to remind the voters of the need for school assistance. Innumerable Arlington residents commute daily across the Potomac River and work in Washington and Maryland. These bridge tenders, with appropriate signs handed to drivers when possible a neat and short fact sheet with the highlights of the issues and a request for a favorable consideration. The last group was one which concentrated at the ten largest food store entrances on two weekends before the election and passed out similar materials. One energetic member of the Youth Council, also a bridge tender, and his friends developed a poster which not only was attractive but most meaningful with its message.

What were the rewards that these civic minded groups received? They were the identical ones that the same groups would expect to enjoy from any such community directed effort toward improvement. New and better schools, motherhood, and apple pie are somewhat synonymous and the electorate had to be reminded of the virtues of at least one in this case. The system of organization that has been portrayed was a highly successful one, easily managed, and skillfully directed with a great sense of responsibility and devotion to duty. Such an organization may be geared to mainspring any such community action and is truly representative of the American democratic process. The main result is that the results of this drive could easily be converted, for example, to give the required support to the mandate that the new Constitution of July 1971 has given to the Commonwealth's General Assembly holding it responsible for Standards of Quality Education in this state or support for an effective educational cable television program for communities who desire it.

Conclusion.—The story ended at 7:00 p.m. as the polls closed for the 1971 elections and referenda items. The recorded votes are as shown below:

	Proposal—		
	8	9	10
Votes for the school bond issues	16, 381	15, 099	14, 920
Votes against the school bond issues	11, 000	12, 229	11, 984
Percentage for	60	56	56
Percentage against	40	44	44

The Superintendent of the County Schools gave a convincing argument to the County School Board of the validity of his need for the 7.6 million dollar expenditure for the continuing educational effort in the form of new structures. The County Board was persuaded to provide a place on the ballot for the electorate to consider the feasibility of the expenditure scheduled in November. The committee that the School Board appointed went to work with its enlightenment program to insure that the facts relating to the program were clearly understood by as much of the electorate as could be reached. The process of majority rule in a democracy is clearly demonstrated as the ballots were counted after each eligible voter declared his respected and honored wish on the issue at hand.

SCHOOL BOND ISSUES TO APPEAR ON THE NOVEMBER 2, 1971 BALLOT

PROPOSAL 8—TECHNICAL EDUCATION CAREER CENTER BONDS

Shall the County Board of Arlington County, Virginia, contract a debt, borrow money and issue bonds of Arlington County, Virginia, in the aggregate principal amount of $4,600,000 for the purpose of providing funds for the construction and acquisition of school improvements in the County consisting of a technical education career center building for vocational training, including a technical and community library and the acquisition of any necessary land and equipment?

PROPOSAL 9—ELEMENTARY SCHOOL BONDS

Shall the County Board of Arlington County, Virginia, contract a debt, borrow money and issue bonds of Arlington County, Virginia, in the aggregate principal amount of $2,600,000 for the purpose of providing funds for elementary school improvements, including the construction of elementary schools in Arlington County, and including the acquisition of necessary land for school buildings or additions to school buildings, the construction of school buildings or additions to, or alterations of existing school buildings, and the furnishing and equipping of school buildings or additions to school buildings?

PROPOSAL 10—WAKEFIELD HIGH SCHOOL LIBRARY BONDS

Shall the County Board of Arlington County, Virginia, contract a debt, borrow money and issue bonds of Arlington County, Virginia, in the aggregate principal amount of $470,000 for the purpose of providing funds for school improvements, consisting of the reconstruction and remodeling of the library at Wakefield High School in Arlington County, including the acquisition of necessary land and equipment?

THE AUTHOR

Herbert L. Garris is a retired military officer who has in four short years become a dedicated activist in community relations, especially secondary education support. In addition to a B.G.E. from the University of Omaha and an M.A. from the University of Maryland, he will complete his Ph. D. in Government and Politics at Maryland next June. His dissertation is entitled "Constitutional Revision: An Evolution of the Democratic Process in the Commonwealth of Virginia in 1970." His service on the committee described in the following article is a continuation of his devotion to the duty of the President of the Arlington County Council of PTA's which embraces forty unit PTA's and some 15,000 members. He is presently a part time instructor of Political Science at Montgomery College in Rockville, Maryland

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WEST COAST DOCK STRIKE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. LANDGREBE. Mr. Speaker, cargo losses are almost $24 million per day. Crops of our American farmers are being lost daily as they are exposed to the elements. Huge losses are accruing to businesses dealing directly or indirectly in foreign trade. Jobs are being jeopardized. The American economy is suffering serious damage.

All this is occurring because the Congress has failed to act to resolve the west coast dock strike. For 2 years, the President has had permanent legislation to deal with transportation strikes pending before Congress. It remains there, tied up in the Interstate and Foreign Commerce Committee. Congress must enact emergency legislation to end the west coast dock strike immediately.

To this end, I am proud to join with 11 of my colleagues in sponsoring a resolution to establish a procedure for the settlement of the dispute. Our presidentially endorsed resolution calls for the appointment of a three-man arbitration board to resolve the conflict.

The need is great. The strike has gone on for more than 100 days with no end in sight, while bargaining began 15 months ago. Efforts to resolve the dispute under procedures established in the Labor-Management Relations Act of 1947 and through exhaustive mediation efforts have failed to result in settlement. Under present law, there is no further effective action available to bring about agreement.

I agree with President Nixon that Government intervention in collective bargaining processes must be avoided whenever possible. However, as the President has said repeatedly, this critical situation affecting untold numbers of Americans in all walks of life dictates prompt congressional action. Legislation is imperative to provide the legal resources to end the west coast dock strike and work stoppage. I urge all dedicated Americans to call upon my congressional colleagues for enactment of this urgent legislation.

MISSISSIPPIAN HONORED BY NATIONAL INSTITUTE OF ARTS AND LETTERS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. GRIFFIN. Mr. Speaker, on May 17, 1972, Miss Eudora Welty will receive the gold medal award of the National Institute of Arts and Letters for her distinguished achievement in the arts. I can think of no more deserving individual to receive this high honor than Eudora Welty. This lady, a native Mississippian has spent her life writing about those things dear to her and familiar to those of us fortunate enough to have been raised in Mississippi.

Eudora Welty's prose style is simple and without pretention. Yet, it rings with truth and sincerity and reflects Miss Welty's love of her homeland. Throughout her writing, it is apparent that she has come to terms with herself and that she sees clearly the value of unadorned honesty in writing.

Miss Welty's credits are far too numerous to mention, but most recently published was her best-selling novel, "Losing Battles."

I join with her many Mississippi friends in lauding Miss Welty's latest honor. As a part of my remarks, Mr. Speaker, I include an editorial which appeared in the Clarion Ledger, Jackson, Miss., on Thursday, February 3, 1972.

The editorial follows:

A GOLD MEDAL FOR EUDORA WELTY, LATEST HONOR FOR GRACIOUS LADY

Mississippi's distinguished novelist, Eudora Welty of Jackson, was named as this year's recipient of the Gold Medal award of the National Institute of Arts and Letters, a coveted award given each year in two categories for distinguished achievements in the arts.

The other recipient is Henry Steele Commager, famous historian and lecturer regarded as one of the most notable figures in his field.

The Gold Medal for Fiction and the Gold Medal for History were last given to Katherine Anne Porter and Arthur Schlesinger Jr., in 1967.

Miss Welty and historian Commager will be honored with formal presentation of the medals this May 17th at the joint annual Ceremonial of the National Institute and its affiliate, the American Academy of Arts and Letters in New York.

Chartered by Congress in 1913, the National Institute of Arts and Letters and the American Academy of Arts and Letters encourage and further the arts by their broad program of giving awards and honors to members and non-members.

Eudora Welty, recognized as one of America's foremost novelists and short story writers, is a native Jacksonian. She studied at the Mississippi State College for Women, the University of Wisconsin and Columbia University School of Advertising.

Among Miss Welty's works are "A Curtain of Green" (short stories), 1941; "A Robber Bridegroom" (novella), 1942; "The Wide Net" (short stories), 1943; "Delta Wedding," 1946; "Music From Spain," 1948; "The Golden Apples," 1949; "The Ponder Heart," 1954; "The Bride of Innisfallen" (short stories), 1955; "The Shoe Bird," 1964; "A Sweet Devouring" (autobiographical essay), 1969; "Losing Battles," 1970.

Miss Welty held a Guggenheim Fellowship in 1942, and received an O'Henry Memorial Award in 1942 and again in 1943. She received a National Institute of Arts and Letters Award in literature in 1944, the William Dean Howells Medal of the American Academy of Arts and Letters in 1955, the Creative Arts Medal for Fiction from Brandeis University in 1966, and the Edward MacDowell Medal in 1970. She was elected to the National Institute of Arts and Letters in 1952, and to the American Academy in 1971.

In addition to her brilliance as a top authoress, Eudora Welty is endowed with sterling qualities which have made her esteemed and beloved by fellow Mississippians who are proud of her latest honors.

UKRAINIANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mrs. GRASSO. Mr. Speaker, the Ukrainians are a noble and freedom-loving people. Yet, for so many years these brave patriots have been forced to bear the heavy yoke of Communist oppression.

Fifty-four years ago, for all too brief a time, Ukrainians experienced the contentment and inner peace of personal and political freedom. Unfortunately, their brilliant torch of freedom was quickly extinguished through reoccupation by the Bolsheviks.

Though the period of democratic rule in the Ukraine was shortlived, these courageous people have maintained their strong spirit, their conviction that someday they may regain what is their right—the sovereignty of their homeland.

All over Europe, Ukrainian exiles keep alive these treasured hopes. In the Ukraine itself, more than 30 prominent intellectuals have been arrested and sentenced over the past 10 years by ruthless officials who resent and fear the nationalistic sentiments expressed by these freedom lovers. The same energy and selfless devotion to the cause of democracy has been the legacy of Ukrainian immigrants to this country—from their heroic contributions to the army of Gen. George Washington to their daily contributions to our way of life in America.

It is my great honor to pay tribute to our citizens of Ukrainian ancestry and to their kinsmen who have distinguished themselves by their courage and have endeared themselves to free people everywhere.

NEW YORK TIMES ARTICLE BY ENID NEMY EXPLORES PROBLEM OF COSMETICS SAFETY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mrs. SULLIVAN. Mr. Speaker, yesterday's New York Times carried an article on cosmetics safety which I hope every Member of Congress will read, and which I am therefore placing in the CONGRESSIONAL RECORD.

Written by Enid Nemy, the articles, "Cosmetics Safety: Admittedly A Problem, But What's The Solution?" is a low-key, balanced summary of attitudes of government officials, consumerists and the cosmetics industry on the pros and cons of various approaches to more effective regulation of the cosmetics industry.

But there is a concensus reflected in the article that the present system of regulation is woefully inadequate and is not protecting the public.

INGREDIENTS NOT DISCLOSED

Most consumers assume that cosmetics products are demonstrably safe or they could not be offered for sale. This is not the case. Any cosmetic product can be marketed by anyone who wishes to go into the business, without clearance of the product by the Food and Drug Administration and without disclosure to the customer, or even to the FDA, of what the product contains. Since most consumer injuries from cosmetic products result from individual allergic reactions to ingredients which are generally not harmful, it is essential that the ingredients be listed on the labels for the protection of users who know what they are allergic to but have no way of knowing which cosmetics products may contain those materials except through painful, and expensive, trial, and error. And even when they find a cosmetic product they can use comfortably, the formula may be changed overnight without their knowledge.

NO REQUIREMENT FOR PRETESTING

A much more serious problem is that new materials can be introduced into cosmetics without pretesting of any kind, and it is only after sufficient injuries have been brought to light that the FDA learns that there is a problem and then begins the long-drawn-out process of trying to determine if there is enough legal evidence of danger to enable it to ban the product from sale.

The burden of proof of the safety of any cosmetic ingredient should be placed on the cosmetics industry. Drug manufacturers must prove the safety of a product before marketing it; so must food manufacturers. But the cosmetics industry has successfully fought this idea since Congress began to consider the Food, Drug, and Cosmetic Act, which brought cosmetics under regulation for the first time in 1938.

As Enid Nemy's article points out, the cosmetics industry has recently been proposing various "voluntary" approaches to the cosmetics safety problem. The industry has had 34 years to make the "voluntary" method work, and it has not been effective.

Mr. Speaker, along with the article from yesterday's New York Times which appears below as part of my remarks, I urge Members interested in knowing more about this problem to read also statements of mine in the CONGRESSIONAL RECORD, volume 117, part 15, pages 19393–19394, 19406–19407; part 18, pages 23628–23632.

60,000 COSMETICS INJURIES A YEAR

With 60,000 injuries being reported annually to insurance companies from the use of cosmetics, but with only 314 consumer complaints on cosmetics being filed last year with the Food and Drug Administration, it is obvious that the Government agency is not able to keep up with the situation under present limitations on its powers.

I disagree completely with the statements made to the New York Times writer by some of those she interviewed that it would be either impractical or unnecessary to require pretesting of cosmetics for safety. The recent developments in connection with the widespread concern over the use of hexachlorophene in cosmetics products show the importance of adequate testing of the safety of any ingredient before it is used in cosmetics, rather than waiting for the customer, who is now serving as an involuntary human guinea pig for the cosmetics industry, to experience injuries from it before anyone takes a look to see if the product should remain on sale.

The article referred to from the New York Times, by Enid Nemy, is as follows:

[From the New York Times, Feb. 6, 1972]

COSMETICS SAFETY: ADMITTEDLY A PROBLEM, BUT WHAT'S THE SOLUTION?

(By Enid Nemy)

Most people assume (cosmetics) products are safe or the Government wouldn't let them be sold.

Marketing of a product constitutes an inherent, implied warrant or fitness for its labeled purpose, including safety in use.

People don't read labels . . . nothing is as bad as a law that isn't helpful.

Most women assume that cosmetics are a harmless way of trying to improve on nature. It isn't always so.

Despite the fact that the vast majority of cosmetics are safe, some aren't. The "some" according to a 1970 report of the National Commission on Product Safety, annually injure 60,000 people. The injuries are mostly to women and involve such complaints as skin eruptions, loss of hair, severe allergic reactions, burns, and itching, all considered sufficiently serious to restrict activity for one day or require medical attention.

Another survey by the same Presidential commission indicated, too, that beauty aids accounted for the second largest group of personal injury claims among American insurance companies. The survey took in the 30 products most frequently linked to injuries, from glass bottles and containers, which ranked first, to stairs, cleaning agents, clothing, ladders and lawn mowers. It excluded automobiles, foods and drugs.

Unlike food and drugs, cosmetics are almost completely unregulated. There are no mandatory standards in the $6-to-$8-billion-a-year industry, in which about 200 of the estimated 1,000 cosmetic companies account for 90 per cent of the sales. Nor are there requirements for pre-marketing testing, although some manufacturers maintain both on a voluntary basis. There is also no necessity to list ingredients on a label.

"The public becomes the guinea pig to test the safety of cosmetics," said Representative Leonor Sullivan, the Missouri Democrat, who has unsuccessfully been introducing cosmetic legislation since 1954.

"The burden of proof is on the Food and Drug Administration to show that a product is not safe, rather than on the manufacturer to prove it is safe," she said.

The latest version of her bill is still pending before a House committee, but a spokesman for Mrs. Sullivan conceded that "there's not much hope" when asked about its chances.

"Not unless there is much more consumer interest than there has been up to now," he added. "Most people assume products are safe or the Government wouldn't let them be sold, but the Government doesn't know whether or not they are safe until they get complaints."

The Government does get complaints, although they are minimal considering the millions of cosmetics products sold each year. The complaints in no way reflect those reported to other sources, such as doctors and insurance companies. Dr. Charles Edwards, the F.D.A. commissioner, has acknowledged that the agency "receives only a fraction of the total number of cases of adverse reactions."

Last year, for instance, the F.D.A. received 314 consumer complaints, up about 40 per cent from 1970, the last year for which there is a breakdown of figures. Thirty per cent of the complaints dealt with hair cosmetics, including bleaches, dyes, shampoos, straighteners and wave sets (Government authority over coloring in food, drugs and cosmetics does not include coal tar hair dyes, which are used in many permanent hair dyes).

Both preparations, particularly bubble baths, some of which were found to have an excessive amount of wetting agents that caused bladder problems, accounted for 11 per cent of the complaints and another 9 per cent stemmed from mouthwashes and dentifrices. In the latter area, inflamed lips were attributed to chloroform, which has since been excluded from most of these products.

Deodorants and antiperspirants added 7 per cent and so did eye preparations, and nail preparations and facial creams were each responsible for 6 per cent. The remainder was divided among many areas.

At the moment, the F.D.A., with some cooperation from the industry, is reviewing certain hair dyes, doing research in mercury reactions, testing the possible asbestos content in talcum powder and investigating the effect of certain shampoos on eyes.

It is also investigating aerosol sprays, considered potentially harmful to people with heart conditions, continuing the evaluation of hexachlorophene in many areas, including vaginal deodorants, and carrying on general testing of bacterial contamination in cosmetics, with special emphasis on eye make-up.

Realistically, the F.D.A., and most proponents of consumer legislation, are well aware of two facts:

The first is that pre-testing would not entirely preclude the possibility of potentially harmful ingredients being used in cosmetics. This would apply particularly if the possible danger came from a cumulative, or long-term effect, such as is thought to be the case with hexachlorophene and mercury. It would also not eliminate the possibility of sensitive or allergic reactions to some products by some people.

The second is that pre-testing would not mean that the product would have to be cleared by the F.D.A. before being marketed. A pre-clearance policy would, an F.D.A. official pointed out, require considerably more staff ("several hundred or more"). An industry official noted that it would also delay the introduction of new products for what could be a considerable period of time.

Although Representative Sullivan has attributed some of the continued resistance to her proposals to the cosmetics industry . . . able to convince the all-male committee that the women of America would rise up in revolution if Congress in any way interfered with their "right to be beautiful," there is little doubt that more stringent regulations or guidelines of some kind are being seriously considered.

On the Government level, bills affecting cosmetics have already been introduced by Representative John Moss, a California Democrat, and Senator Warren Magnuson, Democrat of Washington. The Moss proposal would set up a Products Safety Commission that would have stand-by authority to regulate the safety of cosmetics should other Federal agencies with jurisdiction fail to take action. The Magnuson bill is similar in effect.

Representative Frank Evans, Democrat of Colorado, has also drafted, and is continuing to research, a bill that would provide certain mandatory standards for the cosmetics industry. It would require registration of cosmetics manufacturers, listing of ingredients, expiration dates and manufacturer's addresses on labels, and pre-testing in 13 acres, including toxicity, irritancy, eye irritation, microbiological contamination and stability of preservative systems. It would also require quarterly reports to the F.D.A. on consumer complaints received by cosmetics companies.

On the industry level, the Cosmetics, Toiletry and Fragrance Association (C.T.F.A.), has filed two petitions with the F.D.A., and prepared a third, which would set up voluntary procedures for its membership. And the F.D.A., in a proposed statement of policy, has taken a new approach to cosmetics control.

The F.D.A. proposal, conceived by Peter Hutt, the agency's general counsel, would provide controls without a law being enacted by Congress. It is a theory of "implied warranty" where, in effect, the agency concedes that it has no pre-marketing clearance authority over cosmetics but "the marketing of a product constitutes an inherent, implied warrant of fitness for its labeled purpose, including safety in use."

The new concept could become a major point of argument in court cases against products alleged to be unsafe by the F.D.A.

The C.T.F.A. petitions would provide voluntary registration of such information as headquarters and plant locations and product ingredient formulations (to the F.D.A. and Poison Control Centers). The as-yet unfiled petition would make available to the F.D.A. adverse reaction or complaint files of consumer experience.

As yet, the industry has filed no petitions on pre-testing, although it has issued a number of guidelines "designed to upgrade the entire manufacturing process."

"A substantial amount of testing is now being done," said James H. Merritt, president of the 200-member association. Asked how many members, or what percentage of the membership did, in fact, pre-test, he had no precise figures. "I get the impression that a wide amount is being done," he said.

The industry, he said, was in favor of self-regulation, rather than mandatory controls and most members of the association agree with this view.

Dr. Robert Shaffner, director of product technology in the F.D.A., agreed that a voluntary program would be "a good starting place." However, other consumer experts favor some form of mandatory control, contending that "fly-by-night" manufacturers and others might not comply voluntary.

"You can't have A, B and C saying 'we'll cooperate' and D saying, 'go jump,'" said Dr. Cyril H. March, former chairman of the American Medical Association's committee on cutaneous health and cosmetics.

Dr. Marsh, an associate professor of dermatology at New York University, favors a scientific advisory board on cosmetic ingredients. The board could consist of representatives from industry, Government, law and medicine.

Although he favored more explicit "warning" cautions on certain products and the availability of product formula information in central locations, he did not approve the concept of ingredient labeling for the public.

"People don't read labels . . . nothing is as bad as a law that isn't helpful," he said.

The industry, "as a general proposition," also opposes ingredient labeling. Some of the reluctance has been attributed to fear of disclosing formulae to competitors and complicating package design.

Last year, Barnaengen AB, a major Swedish company, began listing its ingredients on packages and inserts, to enable customers to avoid substances to which they might be allergic and at least two American companies, Revlon, one of the largest, and Estee Lauder, one of the most prestigious, are considering their own ingredient labeling. Spokesmen for both companies said they were not concerned at being copied.

"Products can be copied without even knowing the ingredients," said Norman Grief, a Revlon vice president.

Avon Products Inc., the largest manufacturer ($870-million last year) said it recognized "the consumers' right to know" with a recently adopted policy of sending product ingredient information to anyone requesting it.

All three companies are also among those with extensive research and testing programs.

To Leonard Lauder, a member of the C.T.F.A. board of directors, the industry's increased concern for self-regulation stems from greater sophistication and awareness on the part of the consumer.

"Things that were taken for granted before are not taken for granted anymore," he said.

THE YOUNG WILL GET OLD TOO SOME DAY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. OBEY. Mr. Speaker, no one knows like the person who has been there.

After reading in my hometown newspaper, the Wausau Daily Record-Herald, about legislation to provide outpatient prescription drug coverage under medicare, a 69-year-old woman in Hatley, Wis., wrote me a moving letter about the problems she and her husband face. Here are some excerpts:

> . . . . you and other Congressmen introduced a bill, I hope it comes thru . . . . my medicine, pills, his medicine, pills are so expensive . . . . I can't pay $22.00 for shoes for my husband, so we look around for something cheap as I have to put away money for our pills and medicine . . . . I get $76.40, my husband gets $107.70 . . . . If we could only get help sometimes. His medicines and mine over $20.00–$25.00, so we pinch on that to make them last longer . . . . Please support that bill. It would mean a lot for all us elderly . . . . The young will get old too some day, only some are more fortunate with money . . . .

Mr. Speaker, letters like this one help explain why 113 Members are cosponsoring my bill (H.R. 2355) to provide outpatient prescription drug coverage under medicare, and why 23 Members of the Senate are cosponsoring companion legislation by Senator JOSEPH MONTOYA that is pending before the Senate Finance Committee as an amendment to H.R. 1.

Here is her letter:

> January 27, 1972.
>
> DEAR MR. OBEY:
>
> I read my Record Herald over very carefully and in the Jan. 20–72 I read something very interesting, you and other Congressmen introduced a bill, I hope it comes thru.
>
> I am 69 in good health so goes for my husband he is a heart patient at the Stahmer Clinic I have so much to say, every month I want to put away some money for some clothes, well my medicine, pills, his medicine, pills are so expensive, I told him to get a check up but really it cost's so much he doesn't go my husband is 66 yrs. I need eyeglasses but can't afford that I cant pay 22.00 for shoes or my husband so we look around for something cheap as I have to put away money for our pills and medicine, I get 76.40 my husband gets 107.70 its church dues, gas for house heat as he gets cold have to fire more—Elec. Tel. gasoline & car to get to Hatley and no trips. Clothes that all goes all we do is live, if we could only get help sometimes his medicine's and mine over 20.00 25.00 so we pinch on that to make them last longer! sure we belong to Medicare, but it helps if we go to hospitals but have to pay 60.00 to hosp. so we have to part with it there same is the doctor we have to pay too.
>
> Please support that bill it would mean a lot for all us elderly, when I got to be 65 at the Battery works I had to quit stay at home, I could go out and earn a little money—but I am 65 they tell me I would feel lot better if I worked then to look out and kill time.
>
> Thank you for reading this, and hope that Medicare drug coverage bill passes.
>
> The young will get old to some day only some are more fortunate with money, if there was work many of us still can do it maybe would feel better to get out.
>
> God Bless you with everything you wish for.
>
> Mr. & Mrs. Frank J. Kosidowski.

FTC ELIMINATION OF EXCLUSIVE FRANCHISE AGREEMENTS—SOFT DRINKS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. MOLLOHAN. Mr. Speaker, in mid-January of last year, the Federal Trade Commission announced its intention to issue complaints against seven soft drink franchise firms for the purpose of eliminating the exclusive franchise agreements which these firms sign with local distribution companies. At this time the major companies follow a practice of entering into agreements with local companies for an exclusive franchise within a given geographical area. The impact of this agreement is to provide competition between brand names of different soft drink products, but not between two companies distributing the same brand name soft drink.

The purpose of the FTC's proposed action was to increase competition and to give the public the benefit of competition within the same market area between companies distributing the same brand name soft drink.

And, Mr. Speaker, if the real impact of this action would conform to the impact intended by the FTC, there would be no problem. However, just the opposite effect will be the result if the FTC is allowed to carry out its purpose.

For the beneficiary of this action will not be the public, but the large chain food and drug companies. The economics of this business require that the local distributor sell a substantial volume of the soft drink in order to break even, and while there may be certain areas of the country where the FTC's actions might give the public the benefit of more competition, throughout most of the country the reverse is true. All but about 100 of the nearly 3,050 local distributors are classified as small businesses by the Government, while the major chain food and drug stores are virtually all classified as large business in that they do more than $5 million worth of business per year.

These small distributors sell not just to the large food and drug stores, they also service the gasoline service stations, and motels and retail outlets.

Naturally, since it is more profitable to do a large volume in this business, the food and drug stores are prime customers for the local distributor. To deprive the local distributor of this most profitable section of his market while leaving him with only the small volume customers, and at the same time require further competition through more distributors is to drive the small businessman up against the competition of the large chain store, and there can be little doubt who would survive that competition.

This would be bad for the small distributor, though if it resulted in price savings for the public it might be justifiable. But the impact does not end there, for the chain stores certainly cannot be relied upon to go into a service business that would give service to the many small outlets in the community that sell soft drinks, and certainly they could not be depended upon to properly service their smaller competitors in the food or drug store business.

Another impact would be to remove the decision making process from the locality where the distributors are presently and shift it to the warehousing centers of the chain stores.

In my State of West Virginia, there are presently 43 soft drink distributors. If the chain stores were allowed to move into these areas, their shipping points would be in Ohio, Pennsylvania, and Kentucky, not West Virginia, and the decisions about who to sell to on what terms would be made in those centers, not locally. This cannot give the residents of West Virginia better service. Rather it would give us less service, with no guarantee of a less expensive price. Indeed, because of the differences in volume, the chain stores could virtually destroy the small distributor on the basis of initial price competition, and then leave the small outlets with no service whatever.

Most of us believe that competition should start at home, and that we should be opening new areas of competition rather than encouraging the concentration of capital and decisionmaking away from the actual market place.

There can be no doubt that the present exclusive franchise agreement limits competition. But there can be even less doubt that the elimination of this system would give us even less competition, poorer service, and more economic concentration.

Because of this, I am today introducing legislation on behalf of Congressman JOHN SLACK, KEN HECHLER, JAMES KEE, and myself to protect competition in our State in this industry. I urge that this legislation be given immediate consideration and that we overturn the unwise decision of the Federal Trade Commission.

DISCRIMINATION AGAINST HANDICAPPED VETERANS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. VANIK. Mr. Speaker, over 4 million men and women have been released from military services since the beginning of the Vietnam conflict. Unemployment among Vietnam era veterans at the end of 1971, was 7.8 percent. For younger veterans, aged 20 to 24 years old, the unemployment rate is 8.8 percent. While these statistics point out the problems facing the healthy returning veteran, the statistics reveal a more critical unemployment situation for the disabled veteran.

Of all the handicapped veterans registered with the Veteran Employment Services, only 1.6 percent of registered handicapped veterans were placed as a result of job contacts made in 1971, while 87.7 percent were unable to be placed in regular nonagricultural jobs. While the handicapped veteran represents nearly 10 percent of all veterans registered at the Employment Services Center, he received inadequate attention in both the areas of job placement and job development.

The handicapped veterans' barriers are medical, psychological, and educational. He seeks insurance, and is rebuffed by private agencies' exemption clauses concerning Veterans' Administration hospitals—he seeks medical care in the Veterans' Administration hospital, and is provided with inadequate care and unduly long hospital stays. He seeks counseling and is placed on a waiting list. He seeks employment and is rebuffed either by the private employer as incompetent, or by his Government as being essentially unplaceable.

It is of particular humiliation to all of us that our soldiers return only to find that peace, like war, is hell.

Executive Order 11598, dated June 16, 1971, created special programs for job counseling and placement for both the healthy and disabled veteran in the belief that the "Nation owes these veterans not only its deepest thanks for their service and sacrifice, but also its assistance in their efforts to resume normal civilian activities." While I do not doubt the sincerity of such counseling and placement programs, statistics question the effectiveness of this program.

The program can be defined as threefold. First, the inability of our Government to reach and counsel the handicapped veteran as to the availability of additional programs to help him; second, the overall inability of our programs of job contacts and job development to be successful in creating new jobs—and lastly, the inability of our Government to help the citizen who is discriminated against because of a physical or emotional handicap.

My own State of Ohio became the first in the Nation to compile a listing of all its Vietnam veterans who are looking for work. Winning praise from the White House, the compilation is expected to be reproduced in the remaining 49 States. But the divergence between intent and action in the United States is also reflected in the failure of the States to provide jobs and placement. Ohio, for example, lagged well behind the national average in providing both jobs and placement for the veteran. While the Employment Services Center, on a national average, was able to counsel 20 percent of all disabled registered veterans, Ohio counseled only 11.2 percent of their registered disabled veterans.

The Ohio average of placing only 0.6 percent of its registered handicapped veterans is only slightly outdistanced by the disgraceful national percentage of 1.6 percent.

The situation is not the result of a lack of funding for counseling and placement centers. Rather, it is the result of the inability of centers to reach the disabled veteran or to make him aware of the programs available to him.

The money exists. The programs exist. Indeed, the Committee on the Disabled Veterans states that its No. 1 problem is a lack of publicity. Veterans groups and businessmen must be informed to act now on how to support the disabled veteran.

One important instance bears out the contention that while the money and organizational structure is available to groups to start rehabilitation programs, groups do not take advantage of that money. One Ohioan, Patrick McLaughlin, a student at Ohio University and vice-president of the National Association of Collegiate Veterans, stated that:

> Education and training cannot be separated from unemployment.

The predischarge education program, is an educational program available to disabled veterans to notify them as to the education and job opportunities available to them. Yet many hospitals have not instituted such programs, even though the Committee on Disabled Veterans is quick to point out that both the authority and money is available to the hospitals to institute such programs. While we eagerly inaugurate new programs, such as jobs for veterans, veteran jobs, national alliance of businessmen, we fall terribly short in the successful implementation of such potentially far-reaching programs.

The Federal Government is, in effect, defeating its own purposes. While Executive Order 11598 requires that federally related job contractors list their job openings with the Federal Government, the Federal Government itself is practicing a subtle form of discrimination against the veteran. The Veterans Employment Service of the Department of Labor's Manpower Administration reports that while 255,419 handicapped veterans were available for work and registered at the 2,400 local Public Employment Service offices for the fiscal year 1971, only 31,442 handicapped veterans were place in regular nonagricultural jobs. This means that seven out of eight handicapped veterans who registered with the Government to find employment were not placed.

The Manpower Administration has emphasized programs relating to minority and disadvantaged groups, and is trying implementing those programs. But at the same time the Department of Labor has permitted a disproportionately small number of disabled veterans to utilize MDTA benefits. Statistics illustrate that 4,453 handicapped veterans were enrolled in MDTA programs. This, of course, is much too low, when you consider that more than a quarter of a million disabled veterans were available. These figures, obviously, do not reflect the intent of Congress as expressed in chapter 41, title 38, United States Code, which asserts that veterans will receive "maximum employment assistance."

The Veterans Preference Act provides that the positions of guards, custodians, messengers, and elevator operators will be restricted to veterans as long as qualified veterans are available. However, in recent years, Federal agencies have contracted these services from independent businessmen with no provision for veterans preference. The Federal Government's plea cannot be that few veterans have a particular skill to market. It is estimated that 80 percent of our veterans, able and disabled, have marketable skills. In compliance with the Veterans Preference Act and to our veterans themselves, it is suggested that contractors provide preference for veteran applicants in their independent contracting arrangements.

Pursuant to Executive Order 11246, title 41 of the Code of Federal Regulations was amended by adding part 60–2, the affirmative action program. This program requires prime contractors and subcontractors of the Federal Government to initiate active recruitment programs for the disadvantaged. Would it not be equally meritorious to employ qualified disabled veterans and to accord a degree of preference to such veterans with respect to federally funded programs? Why not develop an affirmative action program for disabled veterans?

Money is not at the heart of the issue here. The Veterans' Administration and the President's Executive order of last June have initiated a wide ranging variety of programs in each State to combat the unemployment of veterans. The problem is one of motivation. The programs exist, but are not actively used on behalf of the disabled veteran. The problem is also one of publicity. The programs are known to the project director, but not to the general public.

One group endeavor, an attempt to provide publicity for the disabled veteran, is the Job Fair concept. Employed already in 32 States, they have been very successful. They estimate that they have placed 10 to 15 percent of those veterans who have attended and who were seeking employment. This program, the result of citizen action and VA sponsorship, illustrates the need for publicity, in order to bring the plight of the disabled veterans to national attention.

While the GI educational benefits could benefit many, VA educational funds go unused in many instances. Many institutions, such as the University of Massachusetts, have provided 4 years of tuition—free education to recent veterans. For years, GI educational benefits have existed. Publicity and effort can make their importance better known to the veteran.

While the President's Council on the Handicapped has made an effort to publicize the handicapped citizens plight, veteran or nonveteran, society continues to ignore them. Only the most recently constructed public buildings contain ramps for wheelchairs. Army base theaters exclude the wheelchair. Most public transportation facilities require companions for the blind and handicapped.

The average American discriminates by his attitude against the disabled veteran. The State governments discriminate by their apathy. The Federal Government, large and unwieldy, has cooperated in this discrimination by multiplying programs rather than services to the disabled veteran. The Federal Government has not been active enough in the attempt to include the disabled veterans in their placement programs.

The handicapped in this country constitute another minority group and should be provided for in our society.

I introduced legislation on December 9, 1971, H.R. 12154, to amend the Civil Rights Act of 1964 to specifically include the handicapped. This bill would make it illegal to discriminate against any handicapped individual or to deny him access to federally assisted programs, unless there is a bona fide qualification reasonably necessary to the normal operation of the particular program. This amendment will reinforce prior efforts on behalf of the disabled American by making the spirit and the implementation of the law equal.

While the amendment will make the letter of the law supportive of the disabled veterans, other efforts must be made to make this proposed amendment effective. We must increase the national awareness of the veteran as a job candidate by emphasizing the skills he brings to the civil employment market. We must improve utilization of existing programs that can link the veteran with job and training opportunities. We must stimulate the further formation of action groups at the State and local levels to marshal available resources. And finally, we must encourage the public and private employers to actively seek out and hire veterans.

It is my hope that this legislation will receive early hearings and support from my colleagues. This endeavor to insure the protection of the legal and constitutional rights of our handicapped citizens is an effort that deserves the support of all Americans.

INDIAN ARMY LOOTED MILLS, PLANTS, AND FACTORIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DERWINSKI. Mr. Speaker, in my judgment, there has been an unfortunate lack of objectivity by the U.S. press over the developments in the Indian-Pakistani conflict going as far back as the original problem when the Pakistani Army cracked down on Bengali political leaders.

A story in the Washington Post of January 26, was of special interest to me since it reported on problems that Bangladesh is evidently facing as a result of certain actions by the Army of India. As a news article, this speaks for itself, and I insert it in the RECORD:

INDIAN ARMY LOOTED MILLS, PLANTS, FACTORIES, BANGLADESH OFFICIALS SAY

(By Martin Woollacott)

KHULNA, BANGLADESH.—Systematic Indian army looting of mills, factories and offices in the Khulna area has angered and amazed Bangladesh civil officials here.

The looting took place in the first few days after Indian troops arrived in the city Dec. 17, but in the words of one official, it was not "ordinary looting."

Mill and factory storerooms where spare parts for the machines were kept were broken into and their contents loaded on trucks and taken back to India.

Electric motors for machinery were particularly sought after. Also taken were typewriters, duplicating machines, telephones and other office equipment.

In the case of one jute mill, it is claimed, virtually every machine there was carried off. A port official who refused to be identified said that when he went into his office after the end of the fighting, it was completely bare. Desk, telephone, filing cabinets, all had been taken.

Another Bangladesh official said, "This was organized looting which for a few days was on a large scale. Fortunately, new spare parts were the main target in the factories, so with the existing machinery we have been able to restart the work. We also had looting by the Mukti Bahini East Pakistan guerrilla army but that was the random looting you expect of soldiers. As far as the Indian army looting was concerned, we think there may have been a tie-up between certain army officers and merchants in Calcutta."

Khulna district authorities have reported the looting to the new Bangladesh government. The current estimate of the value of the stolen machinery stands at about $1 million.

The Bangladesh government is understood to have protested to the Indian government, which is taking steps to recover the stolen goods.

According to officials here, another problem in the Khulna area, easily accessible from India, is that the amount of illicit trade both ways is increasing daily. Indian cigarettes, oil, kerosene, matches, salt and other goods are coming in while eggs, fish and milk are going out.

Indian calendars featuring Prime Minister Indira Gandhi, Bangladesh Prime Minister Sheikh Mujibur Rahman and Gen. Manekshaw, the Indian army commander in chief, are on sale at every bazaar.

Bangladesh as yet has no trade pact with India, and in any case the country's new state trading corporation is supposed to handle all import and export deals.

Two-way smuggling, which has developed in the Khulna area and no doubt elsewhere, means that trade with India is subject neither to control nor to customs duties and tariffs.

In an effort to reduce smuggling, civil officials have directed that the border posts once manned by the old East Pakistani Rifles, an elite military unit, should be reoccupied by men of the new national militia, formerly Mukti Bahini.

SST OR ATC—IMPLICATIONS OF A POLITICAL DECISION

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. MOSHER. Mr. Speaker, tomorrow the House will consider the creation of an effective new arm for the Congress, an Office of Technology Assessment, as proposed in H.R. 10243.

I submit there is solid evidence of the need for H.R. 10243 in our torturous experience last year, dealing with the SST issue, a prime example of how the Congress too often wrestles almost blindly, lacking its own adequate sources of information, when making decisions which involve complex technologies and their potential for immense good, or bad.

Therefore, I call to the urgent attention of the House a fascinating and I believe accurate analysis of our struggle over the SST decision, written by a very respected friend of many of us here, Dr. Edward Wenk, Jr., now professor of engineering and public affairs at the University of Washington, in Seattle.

His article, titled "SST—Implications of a Political Decision," was published in Astronautics and Aeronautics for October 1971.

I doubt that anyone alive knows better from his own practical involvement, plus scholarly study, the strengths, and many weaknesses of our congressional process for making decisions concerned with science and technology, than does Ed Wenk.

In his analysis of the SST decision-making, which follows here, one conclusion is this:

> Every participant . . . needs to be better prepared by technological assessment.

And he declares specifically that approval of H.R. 10243 "would take a major step toward reinforcing congressional access to expert analysis."

I submit the Congress crucially needs that major step, and I urge all my colleagues to study Ed Wenk's analysis:

SST—IMPLICATIONS OF A POLITICAL DECISION

(By Edward Wenk, Jr.)

With the dust settled and the battle cries stilled, a postmortem search for clues to the demise of the late-lamented SST may help prepare us for the future. Similar issues will likely be examined in a public forum on the beneficient application of technology to meet national goals and on new opportunities for partnership between the governmental and the private sectors to create and manage large new enterprises.

In retrospect, both sides would probably agree on a number of points concerning the SST:

Among the contending parties there was confusion both about the nature of the key issues and how to resolve them. Judging by the public record at the moment of truth, one might have supposed the SST decision was largely an environmental issue. In fact, this was only one among perhaps a dozen in a web of complex and unprecedented questions involving technology for which familiar patterns of decision-making and planks of national policy were conspicuously lacking.

The magnitude of the project and its risks called for supportive efforts by both government and industry, but a balanced relationship never matured.

Insufficient homework was done on both sides in winnowing from the plethora of information and guesses a meaningful array of verifiable facts. In the absence of a convincing rationale, the last-minute, belated burst of lobbying by both sides proved naive and even counterproductive.

The SST cutoff was a political decision—not economic, social, technological, or environmental—but political. Politically determined issues inevitably tend to be accompanied by as much heat as light, and, sadly, the very word "political" has come to have negative connotations for much of the public.

Future technological issues may suffer the same fate in a deluge of rhetoric because of inadequate or belated technological assessment.

Case History of the Patient: First, a brief chronology.

Early 1950s—Faint stirring of the concept of a civilian supersonic transport.

1956—Feasibility study launched by NACA of requisite powerplants for supersonic flight.

1958—B-70 bomber, prelude to SST, contracted for with North American Aviation. Program soon scrapped after $330 million of research, on grounds that ICBM rendered manned bombers obsolete. Federal Aviation Act created Federal Aviation Agency and authorized development of civil aeronautics. The aerospace industry began independent studies of a privately financed SST, but found a prototype development necessary to solve key technical problems and the cost of this beyond its borrowing capacity.

1960—General Elwood R. Quesada, chief of the new FAA, undertook studies of an SST, contending the U.S. could not neglect the competition in market, prestige, and leadership from the USSR and the Anglo-French consortium. His request for funds was trimmed by Budget Bureau. Quesada's successor, Najeeb Halaby, assumed SST advocacy, urging through "Project Horizon" and the Supersonic Transport Advisory Group that development of a commercial SST with governmental assistance be deemed a national objective.

1961—Appropriated for supersonic-transport development: $11 million.

1962—Appropriated: $20 million.

1963—British-French decision announced to proceed with Concorde. June 5, President Kennedy announced U.S. commitment to supersonic plane (with an additional $60-million appropriation). He said, "Neither the economics nor the politics of international air competition permit us to stand still in this area . . . An open preliminary design competition will be initiated . . . If these initial phases do not produce an aircraft capable of transporting people and goods safely, swiftly, and at prices the traveler can afford and the airlines find profitable, we shall not go further. . . ."

1964—First Congressional debate on issue; cutoff rejected by the House of Representatives, 109 to 26. Early in a long series of special feasibility studies by various parties, one by Stanford Research Institute concluded that there was "no economic justification for an SST program."

1965—President Johnson called for 18 months of additional research before construction.

1966—Intensive opposition developing in Congress, especially from Representative MacGregor and Senator Proxmire, leading to cuts in every subsequent appropriation bill. Studies by NASA and OST raised questions about noise. December 31, Boeing and GE announced as winners of design competition.

1968—Johnson Administration continued support for SST, including explicit assignment of project to newly hatched Department of Transportation. In autumn, Boeing announced its swing-wing design would be scrapped, resulting in a technological setback of 18 months.

1969—*Ad hoc* committee chaired by Under Secretary of Transportation James M. Beggs appointed by President Nixon to review the SST. Resultant report not released until October 31, under severe Congressional pressure. Final draft of committee report apparently watered down members' criticisms and exaggerated positive findings, bringing sharp and bitter comment from other government officials representing the Council of Economic Advisers, Department of Interior, Surgeon General's Office, etc. Confidential study undertaken by outside experts, through office of the President's Science Advisor, recommended withdrawal from SST prototype on various grounds, detailed later. Report not accepted by President, but rather held under executive privilege until court action compelled its release late in 1971.

1970—SST debate caught fire, with full parliamentary maneuvering in Congress. National Environmental Policy Act of 1969 adopted in response to newly aroused public concern. Environmental implications of SST began to emerge staccato. In May, DOT appropriations request of $290 million for SST squeaked by House by 102-to-86 vote on an amendment to delete all SST funding. Test vote of 176 to 162 shut off debate. In Senate, amendment by Senator Proxmire used environmental issue to cut off SST (vote of 52 to 41). Conference committee met to reconcile controversy; their resolution favoring SST was backed by House 205 to 185 but opposed in the Senate by a filibuster which overrode two attempts at cloture. With time running out on the 91st Congress, a compromise was reached to continue to fund at the $210-million level until next Congress.

1971—March, House reversed earlier position and acted twice to delete SST funding (217 to 203, and 215 to 204). March 24, Senate gave the *coup de grace*, 51 to 46. May, House attempted to revive issue with $85.3-million appropriation passing House twice (201 to 195, and 201 to 197) but failing in the Senate (58 to 37). The conference committee then agreed with Senate position.

The patient expired, but it is clear that the SST had suffered for a long time from a series of ailments in the course of its early maturation.

Background: Behind these events lurked other causative situations evolving at different rates and in different forums.

In the land of free enterprise, we have a strong and proven tradition of responding to the call of the marketplace with goods and services targeted on a consumer body of some predictable characteristics. Where only the private sector is involved and profit is a clear motive, perceptive market analysis usually can determine whether a project should be undertaken. But the case of SST was complicated by a mix of public and private goals which neither government nor industry could (or should) be expected to satisfy independently, further clouded by the project's sheer magnitude and high risk, attended by market and technological uncertainties. Unique characteristics of each partner, it was hoped, would promote a profitable collaboration. But in the development, cooperation seems to have burned out in the fever of jurisdictional precedence and misunderstanding: The industry began to assume a subsidy that was initially thought unnecessary, and the government assumed a design state of the art that had not been achieved.

TECHNICAL UNKNOWNS

On this latter point, sight had been lost of the large number of technical unknowns confronting the project. Symptomatic of the design problems was the fact that the movable-wing design had to be hastily changed to a fixed wing. The gaps might have been filled if the fallout from B-70 development had been available, as expected when the SST fuse was lit in 1963. But when the B-70 was phased out, the full burden of development fell on industry, which had largely grown accustomed to dependence on governmental support when undertaking research. (Some of Boeing's SST research proposals, however, were rejected by the government.) Moreover, the government itself was seriously remiss in allowing space exploration to absorb almost all aerospace research talents and funds. As far back as 1963, Congress had been calling for a re-balance of goals, which only now, in 1971, is perhaps being effected.

During the SST development, the airlines never demonstrated great enthusiasm over the big new contender for their favor. They were experiencing low load-factors along with increased costs, and were having difficulty even honoring their commitments for jumbo jets. None of the lines was in a position to pay the cost in a free market. In a psychologically ho-hum mood, they seem to have been nudged into orders mainly by the threat of their competition moving to SST, although FAA and CAB support of SST was also a gentle spur.

Baffled by indifference of the future employers of the SST, the public had its confidence further shaken by the F-111, C-5A, and repeated criticism by the GAO as to the validity of predictions about cost and performance.

Simultaneously, the new ethic of environmental conservatism was taking root, reflecting a major shift in social values.

The body politic came to realize that a closed environmental system can absorb only so much abuse. The new awareness had been forced largely by burgeoning technologies powerful enough to produce conspicuous damage to the biosphere or the social environment, usually in the form of unwanted and unpredicted consequences of some technological initiative which succeeded admirably in its primary purpose. To this mood was added the political counterpart of consumerism—more citizens wanting a piece of the action. Responding, the Congress made preservation of the environment a political issue and enacted sweeping new legislation.

Concurrently, the House Science and Astronautics Committee introduced the notion of an "early warning system" by inquiries of technology assessment—processes of study to foresee the socio-economic impact of technological initiatives and then, from the standpoint of public interest, to identify and evaluate alternatives which could avoid or reduce unfavorable consequences.

As to the SST, its vulnerability had been pointed out in 1969 in the two adverse reports submitted, respectively, by the in-house Beggs Committee and by the outside experts assembled by the President's Science Advisor.

The first report reached the damaging conclusions that—

1. Regarding balance of payments, "an adverse impact of speed-induced supersonic travel on the U.S. travel account is likely to be greater than the estimated beneficial impact of supersonic aircraft sales."

2. On economics, there was uncertainty because of "unverifiable matters of judgment" of experts, coupled with military experience that "production costs have often been more than three times what they were predicted to be."

3. As to demand, estimates varied from 200 to 500 units, involving conflict between corporate profits and return of government subsidy, since cost recovery to the government would not be possible at the smaller total of 350 planes at $48 million each, at which point profits to the manufacturer would be maximized.

The second report, in recommending unequivocal withdrawal from the SST prototype program, cited among other items that The Boeing Co. had defaulted because the required takeoff and landing runs were 50% greater and speeds substantially higher than specified in the contract (not an unusual problem with untried technology); that the balance-of-payments effects were likely to be small; that returns to the government on its projected $1.3 billion investment would come only after the 300th aircraft, whereas the market was probably fewer than 250; that air-traffic delays in major airports would reduce interest in flights except for a small group of international businessmen; and that public reaction to the sonic boom in both the U.S. and Europe could be expected to lead to prohibition of operation over land.

The first report, toned down and built up, was not released until severe Congressional pressure brought it out in 1969. The second report was never unwound from the wraps of executive privilege until long after the demise of the patient. A suit brought by the American Civil Liberties Union, Friends of the Earth, and the Sierra Club under the Freedom of Information Act of 1966, and fought to the U.S. Court of Appeals, finally brought the report to light in August 1971, with an accompanying press release by Presidential Science Advisor Edward E. David seeking to dispel "certain impressions which have arisen depicting the government as attempting to conceal hitherto undisclosed factual data."

Postmortem Diagnosis: Both proponents and opponents of the SST failed in critical ways to serve their cause through wise use of the political process. Indeed, it seems to have gone almost unnoticed that a key element of political decision making is the capacity to sway opinion by a clear, reasoned, and sophisticated presentation of facts. Presidents Kennedy, Johnson, and Nixon were each motivated by a separate vision, but none of them seems to have had the benefit of unadulterated objective analysis.

The issues involved were patently complex and interrelated; some were without precedent. Yet there was inadequate effort by governmental and industrial participants to lay out all the issues at the beginning, before political trends were accelerated by massive vested interests or psychological commitment. Had the issues been raised early enough and satisfied, the debate would have been more constructive.

On the side of the proponents, the arguments included maintenance of national prestige and technological superiority; the historical role of speed as a positive advance in transportation; underutilization of a brilliant aerospace capability; market requirements for travel in the 1980s; a desirable liaison of governmental and industry in promoting public social goals; and the side benefits to be expected for balance of payments and for employment.

The opponents talked of worthier alternatives for national priorities, of environmental hazards, of the effect of further governmental expenditures in firing up inflation, of general hostility to uncontrolled technology, and whether the fast craft was really needed.

National prestige has two sides. As a desirable alternative to force, in a world that continues to be jarred by nationalism, prestige remains a critically important goal in its own right. Historically, different aspects of our national prestige have earned durable respect in the world community—our spirit of independence and love for freedom; our willingness to accept, even to promote, change; our open society and technological prowess. But there can be honest differences of opinion as to what steps taken in the 1970s may be respected in a 1980 world. The widely admired manned lunar landing might not gain in the 1980 world acclaim that could be accorded a breakthrough in cancer research, effective alternatives to DDT for malaria control, and automobiles free of exhaust emissions. When proponents pointed out that SST could aid the nation in efforts to maintain world order and economic growth, a responsibility undertaken by the U.S. after WW II, they may not have considered such adverse effects as the sonic boom, which could prove an embarrassing environmental albatross. And certainly it was unjustified to question the patriotism of SST opponents (as was done in debate) on grounds of their undermining national prestige.

As the decision came closer to the wire, other levels of prestige came into view; the prestige of executive-branch departments and even of the individual protagonists themselves. At the end, the loftiest possible level of prestige was involved—the Presidential office itself. Although the White House staff usually proves cautious about leaving open an escape hatch of Presidential options when defeat appears likely, alternative exits here were closed. Further concerned by growing unemployment, the President's only reasonable tactic left was to fight hard for victory. In the frantic scramble to mount a last-minute blitz, the office of the President's Science Advisor entered the campaigning, five major airlines were enlisted to support the SST in some contradiction to their earlier coolness toward SST in reaction to the Beggs Committee 1969 study, and a governmentally facilitated lobby of industry and labor raised $350,000 for full-page ads and a campaign of high-pressure tactics.

At the end, proponents raised two important economic issues. The development of SST, they contended, would support the national objective of full employment and would improve the balance-of-payments picture. Yet, it is a matter of record that almost all nationally known economists opposed the SST. They disagreed sharply with proponents, as to whether SST production would actually generate jobs or would simply divert the labor force from subsonic jumbo jets. And on the question of gold flow, many felt that the effect might actually be adverse in that more Americans would be stimulated by the SST to travel abroad and spend far more than would be recaptured.

A more cogent argument involving employment was the contention that a powerful, talented aerospace capability had been assembled as a public investment over a period of 25 years to protect our national security, but in the face of military cutbacks together with that of the SST this capability would be dismantled and lost. Moreover, unemployment in the Seattle area was then at a peak of 15 percent, and the loss of the contract to Boeing would compound the regional short-term depression that was affecting many, many families.

LACK OF POLICY

Both considerations reflected a deeper problem: *the almost complete lack of a national policy as a frame of reference on utilization of our nation's scientific and engineering talents.* How much was the capability worth? How could the surplus capability be converted to other socially viable goals? How could a problem of regional unemployment be met on a longer-term basis? The SST argument represented a makeshift effort of a single program to fill a vacuum of policy without solving fundamental questions. Seattle unemployment thus joined prestige as a somewhat masked but powerful issue in the final incandescent moments.

Simultaneously, the opponents were scattering their shots over a wide range of targets not propped up too firmly by carefully reasoned arguments. Pointing out that the Vietnam conflict had already drained off any surplus of the nation's productive free-enterprise system, they asserted that a whole bevy of desirable progams and social ambitions should be ranked ahead of SST development. Urban sprawl, traffic congestion, growing medical costs, a disadvantaged one-third of the population deprived of effective citizenship—these were of far more crucial importance than what was alleged as a plaything for the elite who could afford to pay the premium for fast travel—even assuming some beneficial economic fallout from the project. Realistically, however, tradeoffs with SST were unlikely.

The issues of environmental hazards were advanced more with fervor than facts; each newly issued and unevaluated scientific observation was rushed nervously into the public forum if it undercut the SST. Some old-fashioned demagoguery was practiced with the cancer scare. As to economics, a map was produced showing that only seven states could be expected to benefit directly from the SST; that at a time state and local governments were hoping to receive fruits of a new Federalism, 43 would lay out in taxes more than they would receive. This latter meat-and-potatoes exercise may have been far more potent than the environmental issue to a Congress impatient with White House priorities that pushed "citizen concerns" further and further back.

With such a variety of issues swirling in the political brew, the main one seemed almost lost. Was the SST really needed?

Very little was said either by carriers or by the government about the results of market studies. The traffic was at first forecast as though the faster and more frequent shuttling of SSTs could replace subsonic jets of any size. Such questions as water versus land routes, suitable airport runways, and intercity flight patterns received only belated attention. When cost estimates were given by proponents, they were based on a 500-craft fleet, thus unfortunately fuzzing up the real issue of the feasibility and wisdom of constructing two prototypes. Only toward the end did proponents mention that, once those two had been flown, a review might determine the wisdom of proceeding in light of an objective evaluation then of costs and environmental effects. By then, dismayed by the momentum of the advocates' lobby, opponents had doubts whether the enterprise could be stopped by some future review after $1.3 billion were invested. As a matter of plain common sense, a projected technological development should include a built-in checkpoint where cool appraisal can determine whether to go forward or to terminate because priorities have changed, serious impediments have arisen, or cost estimates have proved dangerously faulty.

All parties, moreover, failed to predetermine the share of the cost burden to be borne respectively by industry and by government. *The Wall Street Journal* in opposing SST wanted to reduce the argument to a private-enterprise marketplace issue; but clearly public as well as private goals were at stake. All components of our national transportation system have depended on governmental partnership in funding—e.g., for roads, seaports and channels, ship construction, and passenger-train operation. Hinged as it was on nascent technology, the SST issue had few precedents. Peaceful application of nuclear energy to electrical power generation was perhaps the only analogue; but lacking the military muscle which hurled us into the nuclear age, the SST was without a strong precursor. An earlier Kennedy proposal would have limited government investment to $750 million, leaving the greater burden to industry. How much government support should buoy up new technology if industry is unwilling or unable to share the risk remains a moot question in the wake of the SST debate.

Finally, it should simply be noted that neither side lobbied reasonably and logically for the same reason: neither had a base of consistent, well-knit judgments to back up its position on an issue of such high technological content wherein the decision depended critically upon scientific fact. The role of objective expert was sadly confused with those of politician and advocate.

While SST proponents charged the environmentalists with uninformed emotionalism, they had egg on their own faces. As much as six years earlier, in 1966, both NASA and OST had issued pessimistic reports about noise.

As late as 1969, the President apparently received a staff report that filtered out the uncertainties, over objections by officials who raised questions. Congress approached the issue with both sides having their minds made up and not necessarily wanting to be bothered by facts. The Congressional Research Service—a research arm of the Congress—had made valiant efforts to assemble an objective analysis of the situation; but while their study dealt effectively with environmental issues, it did not consider policy, economic, and administrative questions.

LACK OF SURE FACTS

It being thus incomplete, the report was marketed by SST supporters as evidence that the opposition was overwrought. Between that missed congressional opportunity and the executive privilege that was exerted over expert opinion available to the President (justifiable in this author's mind), *nowhere in the process was there an objective, authoritative, fact-gathering, and analytical body, adequately protected by prestige and position so that it could lay out for the public as well as clients the facts, implications, gaps, and alternatives without fear of retaliation.*

The public witnessed the whole contest, dismayed but no better informed.

The inevitable result, in an argument confused by legitimate differences in expert interpretation of facts: the process of decorous lobbying, which is part and parcel of the American political system, was violated on both sides by naivete and by assertion of unproven claims. The last-ditch appeals by affected industry, the coalition between private and governmental vested interests, and the frantic scrambling by all parties left a bitter taste with everyone who emerged from debate—even those who "won."

The Senators and Congressmen from the intimately affected State of Washington did their best, but at what political cost is hard to tell. The aggregate of congressional energies invested on both sides squeezed out for months other major issues which might better have been acted upon. And the horsetrading implicit in such efforts to mobilize votes may still cost dearly in future sessions.

Prognosis for Technology-Management Issues: On the basis of this diagnosis, a few major prescriptions emerge for those complex and fascinating "children of the future"—issues which involve the utilization of technology to serve jointly public and private goals and which are likely to require administrative reforms in new coalitions of government and industry.

First and foremost, any such issue can be resolved in one way and one way only: by frank acknowledgment that it is a political decision. Approving substantial public funds is one way of setting national priorities. Where else can such action legitimately take place but at the highest political levels in the land?

This means, first, that the issue involves several factors of our social-economic framework, and the outcome of any decision may affect each differently. Very likely some will win and some lose. What is "good for the country" is difficult to assess in a pluralistic society where a whole spectrum of public and private interests are in competition, and perhaps in disagreement about what constitutes the public good. The political process is the melting pot for different points of view and the essential arena for compromise, bargaining, and accommodation. Congressmen are obliged to consider the local constituency in a given issue—be it geographical, some vested interest related to his sponsoring state, or a committee under his jurisdiction. Scholars consider only the President to have a universal constituency, but in practical terms his concern is likely to oscillate between interest groups—depending on all the other issues on his agenda, on his political equilibrium, current strength, and opportunities for future reelection.

Next, a political decision means that the issue seldom heats up in isolation. It may be intricately bound up with questions ostensibly unrelated in content or in time, so that in dealing with a number of decisions within the same time frame, domino effects occur as each in a sequence of separate decisions nudges its neighbor. In turn, the substantive issues may be colored by political ambitions, partisan polarity, and relations of the Congress with the President.

Third, a certain onus attaches to the concept of political decision-making. Certainly the hysteria attending the last days of the SST did nothing to allay this feeling in the mind of public or participants. The clumsy tactics that accompanied the public act of making one of the most important technological decisions of our history left the contenders exhausted and the system shaken. They surely reinforced a public anxiety that some elements of the political process are inimical to our national interest in that powerful lobbies thwart the will of the majority.

This anxiety can be dealt with only by a more informed, reasonable, and sophisticated approach to such problems. (Perhaps the only reasonable, conservative statement in the final moments came from Boeing's president when he reestimated costs to restart—only to infuriate the executive branch and congressmen who wanted a different reappraisal to support their commitment.)

If there is a single lesson to be learned from the SST debacle, it is that none of the advocates was prepared from the beginning to deal with the issue in exactly this way as a political decision.

New Homework for Political Decisions: Homework for future political decisions of this magnitude must include sound analysis in advance of public debate, not only of the issues but of the very process of political decision-making. The environmental policy signed into law Janurary 1, 1970, for which both President Nixon and the Congress proudly took a bow, imposed on all future technological initiatives involving the federal government a requirement for published assessment to identify possible adverse environmental effects, their external social and economic costs, and alternatives considered and rejected. The SST escaped that public review until congressional debate, and then, under pressure, harsh tactics developed.

In the open forum of such decision-making, the aerospace industry and its governmental sponsors are not used to the rough-and-tumble adversary proceedings of a political system that depends on public consensus. In the future, industry, technologists, and participants in the political process must all come to the forum armed with facts and garrisoned with virtue—the virtue of acknowledging a common obligation to protect the planet we live on and to meet the needs and claims of the citizen. It is a travesty on our technological age that our institutions are so slow that we find a single Ralph Nader as major institutional critic.

Both politicians and industry must listen more attentively to the dissenters. The environmental warnings, especially as to noise and sonic boom, had been sounded repeatedly but brushed aside until too late; thus the opportunities for a technological fix were wasted. As part of this attention to dissent, when one sector of government becomes a promoter it tends to behave so as to enhance its relative influence and minimize adverse factors inimical to its development. Another must play watchdog, a role now shared by the Council on Environmental Quality and the Environmental Protection Agency. Their performance thus bears watching.

A new factor is the growing public hostility to science and technology. To be sure, a small and articulate group of environmentalists wants to turn off technology entirely. Some in this group intemperately ignore what technology has contributed to a society increasingly freed from hunger, ignorance, disease, and disability. But others concerned with our social well-being look more analytically at the overbalancing adverse potential of a new phenomenon: the power of technology to affect the natural and social environment, the pace of change, the evolving concern for quality of life, and the sheer size of technological creations spawned by a military-industrial-scientific complex essential to our post-war national security. At what critical size, they ask, will such behemoths become immune to social control—their rampant energies unleashed from any purposeful goals and beyond the reach of any destruct button?

In seeking civilian applications of their know-how, the aerospace industry may have to take a new approach to market analysis and include in their reckoning the continuous advice of non-technical disciplines to examine socio-economic implications. Such technological assessment by the private sector necessarily assumes a heightened sense of social responsibility, with special attention to social priorities and second-order consequences when goals are jointly public and private.

Failure of proponents to meet such requirements simply hands an ammunition train to those who would gun down all technological innovation. In the SST debate, proponents were obliged to compensate by a hasty lobby for their procrastination over five years during which questions about the environment and costs were avoided. If comparable decisions are to be handled that crudely in the future, technology faces serious danger indeed.

The concern for proper utilization of underemployed talent should be treated as a separate issue, to overcome the default in national policy. The conservationists concerned with waste avoidance may recognize, for instance, problems with human as well as natural resources.

In short, the proponents of new technological change and innovation must consider the socially desirable as well as technically feasible. Every participant in the technological process needs to be better prepared by technological assessment, with anticipatory rather than reaction analysis. Timing is of the essence—to elicit light rather than heat. This places an obligation on government, on industry, and on the professions. It also places an obligation on the public. But where will they find expertise?

Some authoritative, sophisticated body, perhaps independent of both branches of government and better sheltered from winds of interest and gales of emotion, should be available to examine both human values and technological opportunities, lay out the facts with objectivity and candor, and illuminate alternatives. This could be in effect a technological ombudsman, as I proposed in the form of a future-oriented "Commission on Social Management of Technology" to collect, evaluate, and publicize such information. (Proceedings of October 1970 National Conference on Goals, Policies, and Programs in Federal and State Governments.) Such steps would maximize room for maneuver and assist the decision-maker with evaluated options; it would also give the affected but unrepresented some opportunity for an informed voice in the political process. This concept has been picked up by Senators Warren Magnuson and Philip Hart in S–1800, introduced May 6, 1971.

A bill to create a Congressional Office of Technology Assessment has progressed much farther through the legislative mill. The House Subcommittee on Science, Research and Development chaired by John W. Davis has recently reported out the House version, H.R. 10243, and the Senate Rules and Administration Committee under B. Everett Jordan has the Senate variant, S–2302, under consideration. If enacted, the bill would take a major step toward reinforcing congressional access to expert analysis.

The industry that mobilized American genius to meet threats to the Free World in the 1940s and 1950s is challenged by new opportunities of dealing with peaceful applications of technology. The aerospace industry, which distinctively excels in systems analysis, will be called upon to translate its skills to a broader scheme of people, their concerns, and institutions. Since the process involves a curious blend of science, economics, law, and politics, a new dimension of industrial capability must be developed to meet a full range of social needs and human values to make our constitutional system more rational in a technological age.

Technological prowess might then be better matched by political wisdom. The SST trial illustrates why we should all hope it will be.

SUMMARY OF SOIL AND WATER CONSERVATION ASSISTANCE ACTIVITIES IN THE NINTH CONGRESSIONAL DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. HAMILTON. Mr. Speaker, the Soil Conservation Service, working in Soil and Water Conservation Districts, plays a vital role in the development not only of rural areas, but of areas which are making a transition from rural to urban in makeup.

This role is especially apparent in the rural counties of the Ninth Congressional District of Indiana. Officials of the Soil Conservation Service and the Soil and Water Conservation Districts have been anticipating and promoting a shift from completely rural programs to programs which meet the needs of rural and urban residents alike.

From July 1 through June 30, 1971, 546 land-users in the district were assisted in preparing inventories and evaluations of conservation plans. In all, 2,494 land-users applied one or more of the recommended conservation practices, ranging from recreational developments to plant, wildlife or woodland management improvements.

I am pleased to submit the following summary of accomplishments for the year in the Ninth District:

SUMMARY OF SOIL AND WATER CONSERVATION ASSISTANCE ACTIVITIES IN THE NINTH CONGRESSIONAL DISTRICT

There were 428 new Soil and Water Conservation District Cooperators in FY 1971 bringing the total District Cooperators to 8,923 as of July 1, 1971.

From July 1, 1970 through June 30, 1971, 546 land users in the District were assisted in preparing inventories and evaluations or conservation plans and in revising 79 additional conservation plans.

For the same period: 4,622 individual land users were assisted; 11,562 total technical services were provided to individual land users; 2,494 land users applied one or more conservation practices; 173 units of government were assisted; 26 groups were assisted; 875,110 acres have been soil surveyed and mapped to date; 141,272 acres of these soil surveyed acres were accomplished in FY 1971.

As follows are a number of other conservation accomplishments which took place in the District with Soil Conservation Service technical assistance. These accomplishments were carried out primarily on rural agricultural land.

	Fiscal year 1971	On the land June 30, 1971	Units
Noncommercial recreation developments	229	2,922	Number.
Public recreation developments	3	89	Do.
Conservation cropping system	19,875	437,524	Acres.
Critical area planting	422	27,149	Do.
Crop residue management	22,671	382,168	Do.
Diversion terraces	25,300	1,149,445	Feet.
Ponds	264	6,337	Number.
Fish pond management	213	1,879	Do.
Field windbreaks		8,525	Feet.
Grade stabilization structures	71	1,418	Number.
Terraces gradient	1,000	2,620,156	Feet.
Terraces parallel		35,072	Do.
Grassed waterways	301	6,082	Acres.
Minimum tillage	12,037	127,881	Do.
Pasture and hayland management	13,758	97,319	Do.
Pasture and hayland planting	8,764	197,163	Do.
Recreation area improvement	166	2,434	Do.
Tile drains	1,100,983	22,201,289	Feet.
Tree planting	374	18,224	Acres.
Widlife wetland management	58	69	Do.
Wildlife habitat management	4,406	27,621	Do.
Woodland improved harvesting	2,481	77,745	Do.
Woodland improvement	626	206,300	Do.
Land reported as adequately treated	59,703	1,159,531	Do.

RÉSUMÉ OF EXAMPLES OF SOIL CONSERVATION SERVICE ASSISTANCE IN BROAD RESOURCE PLANNING AND DEVELOPMENT ACTIVITIES PROVIDED THROUGH SOIL AND WATER CONSERVATION DISTRICTS IN THE NINTH CONGRESSIONAL DISTRICT

Fayette County Soil and Water Conservation District

A Special Project to solve flooding problems was completed with SCS technical assistance in cooperation with REAP, that will benefit agricultural land and protect 45 homes in a subdivision and will also protect state and county roads.

Jackson County Soil and Water Conservation District

The SCS working through the SWCD:

Is assisting in the preparation of the draft work plan for the Vernon Forks Watershed Projects.

Provided soils information and interpretations including water management and erosion control for the establishment of four sanitary landfills in Jackson County.

Assisted in conducting an environmental workshop for teachers.

Assisted the Brownstown school system in the development of a outdoor science laboratory on the school property.

Assisted in development of plans for the second outdoor teaching laboratory in the county for the Crothersville school system.

Washington County Soil and Water Conservation District

The SCS working through the SWCD:

Provided technical assistance to the County Highway Department for erosion control and drainage.

Provided soils information and interpretations to City of Salem for its sanitary landfill site selection and also developed an erosion control plan for the site.

Provided technical assistance to the town of Campbellsburg for erosion control and drainage.

Provided technical assistance to the three county school corporations for land shaping, grading and erosion control.

Provided technical assistance to the City of Salem for operation and management of Henderson Park.

Developed a drainage plan for the Salem Airport.

Assisted other USDA agencies in a countrywide grassland program.

Completed Structure No. 1 in Delaney Creek Watershed and have Structure No. 2 under construction. Both structures are for flood prevention and irrigation water.

Lawrence County soil and water conservation district

The SCS working through the SWCD:

Assisted other agencies in a REAP Special Project for pasture and hayland establishment and management.

Provided FHA the soils information and interpretations for suitability of soils for waste disposal using septic tanks and filter fields at proposed new development sites.

Soil surveys

Scott County has completed and published a soil survey report with SCS technical assistance. Floyd, Clark and Shelby Counties soil surveys are ready for printing. (An interim report has been developed for local use.) In Bartholomew and Jennings Counties field work was essentially completed in FY 71. Both SWCDs are planning to circulate an interim report. SWCD Supervisors in Dearborn, Ohio, and Jefferson Counties are making a concerted effort to secure county funds to accelerate the soil mapping in their area.

Stucker Fork Watershed in Scott County SWCD now has completed 8 single purpose structures and plans are being made to construct 4 more this fiscal year. The completed structures are beginning to have an impact on the flooding problems in the valley.

The SCS Watershed Planning Party is continuing its planning efforts on the two Vernon Forks projects and hope to formulate the plans in early 1972. This project includes several multi-purpose structures for water supply, recreation, fish and wildlife, as well as land treatment.

Local sponsors of Indian Creek Watershed Project are currently working with the SCS Planning Party trying to arrive at a solution to their areas problems. A discovery of a geologic fault in one of the structure sites has caused planning people and the local sponsors to look to other alternative sites.

Resource Conservation and Development

The Historic Hoosier Hills RC&D Project is now approved for planning. The Education Committee has been extremely active with its primary purpose to start a community college type program in the Versailles Vocational School. Presently, Purdue University and Ball State are cooperating in this venture. Recreation Committee has been working diligently promoting recreation and tourism in the area. It has printed and distributed signs to business places and exchanged numerous material to advertise the area. The Council has made plans to formulate a forestry committee and give consideration to other needed committees.

Resource Planning

SCS and SWCD have been active in resource planning in each of the counties. SWDC programs are continuing to shift rapidly from a completely rural oriented program to one of an assistance to all within the District. Many units of government are being assisted with soils information to help them in their planning programs. Many of the SWDCs are encouraging local leaders to implement zoning regulations that assure orderly development and proper uses of land. This is a slow process. The SWDC and SCS are assisting and progress is being made. SWDC Supervisors in Dearborn and Ohio Counties are working with the SWDC Supervisors in the other counties in the Ohio, Kentucky, and the Indiana Regional Planning Authority (OKI), and are assisting the Planning Authority by providing resource data.

SUPPORT FROM ALL SEGMENTS OF SOCIETY FOR SELECT COMMITTEE ON PRIVACY, HUMAN VALUES AND DEMOCRATIC INSTITUTIONS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. GALLAGHER. Mr. Speaker, I rise today to briefly discuss some of the support which has been received for the proposal to create a Select Committee on Privacy, Human Values and Democratic Institutions. This proposal, sponsored by primarly myself and our distinguished Republican colleague, Congressman FRANK HORTON, will be voted upon tomorrow, February 8. I would urge all my colleagues who have yet to reach a firm decision on this matter to consider the excerpts from various letters, articles, and editorials I am inserting into the RECORD today. They disclose a range of support that I regard as unprecedented—all segments of our society have some reason to be concerned about the erosion of individual privacy in this country and are rightly alarmed at an overwhelming trend toward eliminating the diversity and spontaneity which has been a central creator of our national power and prosperity.

SENATOR SAM J. ERVIN

Senator SAM J. ERVIN of North Carolina is quite probably the most distinguished authority in the Congress of the United States on constitutional law. The actions of his Subcommittee on Constitutional Rights have been enormously effective in moving the Nation toward a respect for the continuing relevance of the Bill of Rights. I know of very few Americans who would dispute the opinions of Senator ERVIN in this area, and I am very proud to insert the Senator's personal letter to me in the RECORD at this point:

U.S. SENATE, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
Washington, D.C., May 4, 1971.

Hon. CORNELIUS E. GALLAGHER,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN GALLAGHER: I was sorry to learn that your special Subcommittee on Privacy had been abolished. You and your colleagues did a magnificent job in bringing to the attention of Congress and the public the consequences of a national data bank and the serious threats to privacy from some current attitudes and practices of government and private organizations.

There is a real need in the Congress for a committee which can devote its full attention to a study of privacy as a human value necessary to our society. In particular, I see a need for a continuing study of those elements of the new technology, the machines, devices, instruments, methods, and attitudes which bring many benefits to society but which also may sometimes be used to violate privacy and threaten the liberty of individuals.

Therefore, I wish you all success in your efforts to win the establishment of a Select Committee on Privacy, Human Values, and Democratic Institutions.

With kindest wishes,
Sincerely yours,
SAM J. ERVIN, JR.,
Chairman.

Mr. Speaker, there are those who might say that since the Senator is taking dynamic and continuing action in the area of privacy, there is no need for a special group here in the House. I would argue to the contrary for several reasons. First, the Senator himself sees a need for a group whose entire focus is on privacy and the multifaceted attacks on that right—attacks which come actions in the Federal area, in the private sector, and from academic and professional groups. As impressive as SAM ERVIN's work has been in this area, he recognizes that the problems are so immense that even he and his splendid staff cannot alone deal adequately with the preservation of our American values.

Second, the fact that a Senator has made a fine record in this field is no reason for the House to ignore its responsibilities. In point of fact, my Special Subcommittee on Privacy within the Committee on Government Operations was the first focus on the issue of privacy in either body. The House must continue to assure its responsibility. If the Government Operations Committee had retained jurisdiction I would not be urging a new select committee.

THE ST. LOUIS POST-DISPATCH

On December 30, 1971, the St. Louis Post-Dispatch, one of the truly great newspapers in this Nation, editorially supported the creation of the select committee. The Post-Dispatch points out that when the Committee on Government Operations declared the Privacy Subcommittee outside its jurisdiction, it abolished "a lonely outpost against incursions directed at one of a citizen's most precious rights—the right to keep parts of his life to himself."

Mr. Speaker, I can offer personal testimony in support of the Post-Dispatch's view that the privacy struggle I have been waging for some 8 years is indeed a lonely outpost.

I insert the Post-Dispatch's important editorial at this point:

> AN OUTPOST FOR PRIVACY
>
> At a time when threats to individual privacy were greater than at any other moment in American history, the House Government Operations Committee last spring incomprehensibly decided to drop its support for a continuing inquiry, under the leadership of Representative Gallagher of New Jersey, into problems of privacy. Next month, the House will have the opportunity to correct this mistake by voting to create a Select Committee on Privacy, Human Values and Democratic Institutions.
>
> Understaffed and underfunded as it was (it received just $75,000 over seven years), Mr. Gallagher's special inquiry nonetheless rendered the nation a distinct service. Among other things, its hearings on the proposed computerized national data bank provided Congress with a valuable early warning on the dangers inherent in such a system. Perhaps even more important, the inquiry served, along with Senator Ervin's Subcommittee on Constitutional Rights, as a lonely outpost against incursions directed at one of a citizen's most precious rights—the right to keep parts of his life to himself.
>
> The Select Committee, of which Mr. Gallagher presumably would be chairman, would not confine its activities to monitoring assaults against privacy that emanate from Government, although that, of course, remains the largest single source of unnecessary surveillance and information gathering. It also would pay attention to the dangers to privacy that exist in the private use of advanced technology and in the use of new behavior modifying chemicals. Not only should the House approve the Select Committee, it should provide it generous support as well, for its proposed task is one of great importance for the country.

COMPUTERWORLD

Mr. Speaker, Computerworld is the leading journal of the computer community and it is very concerned about the creation of an atmosphere in which the industry can fulfill its anticipated growth potential. During the years I have been concerned about the computer's capacity to invade privacy, some of the most vocal support I have received has come from computer people, because they fully understand the dangers of the misuse of their machines. I would agree with Computerworld that the Select Committee on Privacy, Human Values and Democratic Institutions would be a responsible and continuous "watchdog" and I insert the editorial at this point:

> WATCHDOG NEEDED
>
> Eighty-four percent of U.S. adults think the government should be concerned about regulating the use of computers and 57% think the government will determine what computers can or cannot be used for, according to the Afips-*Time* survey. From what we've seen so far, government concerns seems to be a very spotty affair. If this situation is allowed to continue, pressure for government action may build up to the point where some single computer-related scandal will result in an outpouring of restrictive legislation.
>
> What is needed is a permanent government watchdog committee to continuously monitor the situation and to recommend, as needed, the minimum amount of legislation required to protect the public interest.
>
> This month the U.S. House of Representatives is expected to vote on creating a Select Committee on Privacy, Human Values and Democratic Institutions. We urge the House members to establish this committee so that computer use can be "watchdogged" now rather than "hounded" later.

DR. NICHOLAS N. KITTRIE, DIRECTOR OF AMERICAN UNIVERSITY'S INSTITUTE FOR STUDIES IN JUSTICE AND SOCIAL BEHAVIOR

On January 18, 1972, at page 204 in the CONGRESSIONAL RECORD, I inserted a paper by Dr. Kittrie which gives example after example of his contention that:

> There is a human modification revolution upon us, which in its magnitude is not unlike the industrial revolution of nearly two hundred years ago.

Techniques to monitor, manipulate and absolutely control the life of each American are in use now and their number and potential are known only to an elite of experts. I contend that since these new devices and techniques will have such a great impact on the very foundation of human values, the House of Representatives must have a body which can understand and, hopefully, evaluate their use. As in the case of the computer and its applications, there can be and are useful roles for these scientific wonders but, as Dr. Kittrie puts it:

> They can seek to impose a totalitarian and authoritarian culture of uniformity.

One easy way for that to happen is if public men permit it to occur by default, and the select committee would allow the Congress to reassert the balance in which public policy decisions are supposed to be made. Now, these devices are being advanced by their proponents who never have to answer the searching questions we public men are obliged to reply to.

I am proud that Dr. Kittrie supports the creation of the select committee and I insert his letter at this point:

> THE AMERICAN UNIVERSITY,
> *Washington, D.C., January 25, 1972.*
>
> Representative CORNELIUS E. GALLAGHER,
> *Congress of the United States, House of Representatives, Washington, D.C.*
>
> DEAR REPRESENTATIVE GALLAGHER: I have read with great care your statement before the Rules Committee in support of the resolution to create a Select Committee on Privacy, Democratic Institutions and Human Values. I fully endorse your position.
>
> Science, which has long concentrated on the natural world which constitutes man's environment, is increasingly developing tools which will directly affect man's very being. I firmly believe, as I stated recently at the A.A.A.S. Conference, that there is a human modification revolution upon us, which in its magnitude is not unlike the industrial revolution of nearly two hundred years ago. But while the industrial revolution concerned itself with the production of goods the new revolution concerns itself with the improvement and control of man.
>
> Expectedly, the new sciences are capable of diverse forms of utilization. They can help foster a pluralistic society, in which conflicting ideologies, religions, races and life styles are encouraged, or they can seek to impose a totalitarian and authoritarian culture uniformity.
>
> It is vital to our society to know and understand the tools of the new sciences and to provide adequate societal scrutiny and control over their development and utilization. We should not allow a rehappening of the industrial revolution, where technological advance went on for a century and a half before we fully realized its societal implications. Only a few nineteenth century thinkers were alarmed by the prospects of the Industrial Revolution when it first came on the scene. Many more people of diverse philosophical persuasions are now concerned with its manifestations as they have become apparent over the years: the unequal distribution of its benefits, and its effects on the family, on employment, on natural resources, on the environment, and on the quality of life generally.
>
> I wish to commend you for your foresight in urging the formation of a Select Committee on Privacy, Democratic Institutions and Human Values. It is not too soon for us to concern ourselves with the future uses of science in such areas as information gathering and data banks, behavior control and human modification. We cannot stop science but we can help direct it. And it is the duty of this society's leaders to do so.
>
> Sincerely yours,
>
> NICHOLAS N. KITTRIE,
> *President of Law and Director.*

PSYCHOLOGY TODAY

A phenomenon of the publishing world is the emergence of specialized magazines which bring a particular expertise to bear on specific areas. Psychology Today is probably the most successful, the most widely read, and often quoted of these new magazines. In its January 1972 issue there is a discussion of behavior modification, triggered by Vice President Agnew's attack on the basic attitudes of its practitioners and my own revelation that the National Institute of Mental Health had funded Prof. B. F. Skinner with $283,000 during the time he wrote his very popular but deeply antidemocratic "Beyond Freedom and Dignity." See CONGRESSIONAL RECORD, Volume 117, Part 36, page 47185, for my complete remarks on this Skinner grant.

What I regard as most important about this article is that the editors and reporters of Psychology Today are extremely knowledgeable about the new behavioral technology and might be expected by some to disagree totally with anyone who had doubts in the area. But just as in the case of the computer industry's support for the select committee, so the psychological community recognizes the necessity for careful evaluation of what they do. For example, Kenneth Little, executive secretary of the American Psychological Association, is quoted in the article as follows:

> All I hope is that the Executive and Congress take Fred Skinner's book seriously. Behavior shaping is here. If they dismiss Skinner's book, decisions will be made at a level beyond their control.

Mr. Speaker, understanding "the technology of behavior" and giving the people's representatives the opportunity to exercise their responsibilities before behavior-shaping gets out of control is exactly what the proposed Select Committee on Privacy, Human Values, and Democratic Institutions is intended to accomplish. The Psychology Today article follows:

It Can't Be All Bad—Agnew Dislikes It

(By Kenneth Goodall)

The great public debate has begun on the behavioral sciences. With Vice-President Spiro T. Agnew's caustic attack on child-care proposals, on behavior modification and control, on psychodrama, on psychoactive drugs, and on two major figures—B.F. Skinner and Kenneth B. Clark—the behavioral sciences entered the political arena and are likely to remain there through the closing decades of the 20th century. Despite its shotgun nature, the attack can be valuable if it leads to a thorough national exploration of the character of freedom and control in a technological age.

The Vice-President's speech is a concise statement of a widely prevalent view of the behavioral sciences and their attempt to perform "radical surgery on the national psyche," as Agnew calls it. Agnew's speech pinpoints the areas of major concern to a great many Americans: problems that Skinner and Clark and hundreds of other behavioral scientists have spent lifetimes exploring. Until now, they usually explored in quiet desperation. Spiro Agnew has relieved them of their quiet if not of their desperation.

Skinner, whose best-selling book *Beyond Freedom and Dignity* probably was the single most important catalyst of the debate, welcomed the Vice-President's interest. It is a sign, he told Tie Line, that "people in high places are beginning to think about behavioral science and policy." He doesn't care whether the politicians are for his ideas or against them, he said, but "I think they will come around when they think about it."

Kenneth Little, executive officer of the American Psychological Association, said, "All I hope is that the Executive and Congress take Fred Skinner's book seriously. Behavior shaping is here. If they dismiss Skinner's book, decisions will be made at a level beyond their control."

At least one Congressman is well aware of this possibility. Representative Cornelius Gallagher, a New Jersey Democrat who is no fan of Skinner or Clark, has prodded the House to set up a special committee to probe issues emerging from "a whole new era of behavioral technology." Gallagher praised Skinner and Clark for initiating public debate of their ideas. The problem is not controversial ideas, he said, but the possibility that they might insinuate themselves into public policy without public and Congressional knowledge. "If these issues are not publicly aired," he warned, "I fear that one of these days we will have a new Luddite movement." And when the vigilantes organize, he said, "behavioral scientists will be strung up from the nearest skyscraper."

On specific Agnew points, Skinner said that he stands by his ideas on child care. "Unless we can teach the mothers," he said, "child care should be taken over by the state. With the rise of working mothers especially, day-care centers become practical. They are good for the children's social development. Instead of being isolated at home, they are with others their own age."

Edward Zigler, director of the U.S. Office of Child Development and the Administration's top psychologist, cautioned against any simplistic acceptance or rejection of behavioral products, including the use of amphetamines on hyperkinetic children, innovative classroom techniques, and child-development centers. He strongly defended day-care centers but deplored the "ridiculous concept which is all too quickly sweeping the country that every child ought to be taken from the family and put in a center because such wondrous things happen there."

T. George Harris, editor of *Psychology Today* and author of the *P.T.* lines Agnew quoted, said he was glad to see the social sciences take their proper place alongside other Agnew targets—the effete corps of impudent snobs, numerous Democratic Senators, student protestors, Nelson Rockefeller, and "that fat Jap" and most of the rest of the press corps. "We're honored," said Harris. "Unless you've been blasted by Mr. Agnew, you can't be sure you're doing anything useful. And the issue involved—how human beings retain control over their destiny—is too basic to be wasted. Serious people will still deal with it in spite of the fact that Agnew has taken it up."

So the great debate is on, and it means that behavioral scientists, who have spent so much time detecting and analyzing the ills of the individual and the society, will be forced to prove that they have found a better way to alleviate them.

PROF. ARTHUR R. MILLER

Professor Miller, now visiting professor at the Harvard University Law School, is renowned as one of America's leading authorities on privacy. He is the author of "The Assault on Privacy—Computers, Data Banks and Dossiers." the most recent and probably the best of the many books on privacy. Professor Miller wrote to Chairman Colmer of the Rules Committee in support of my resolution to create the select committee and I think some remarks in that letter put the case very well:

My experience in this field leads me to one inescapable conclusion. Technology is changing our lives so rapidly that we must develop new mechanisms to insure that the people receive the full benefits of the genius of our scientists but at the same time are protected against the possible abuse and misuse of their productivity. Nowhere is it more essential to have expertise for achieving a balance between democracy and technocracy than in the United States Congress. Given the pace at which technology moves, the importance of preserving our delicate democratic institutions and the desirability of propagating the freedom and humanistic spirit of our citizenry, it strikes me as dangerous to rely exclusively on the appropriations process and the often ponderous reactions of the courts.

To me, House Resolution 164 is an important step in the right direction, a step that is amply justified in light of the work of Congressman Gallagher in recent years.

THE SCOTT REPORT

Mr. Speaker, Paul Scott is one of the outstanding conservative columnists in the Nation today. His report is carried in hundreds of newspapers as well as in a leading journal of conservative opinion, Human Events. Mr. Scott's column of January 5, 1972, discusses my remarks about the ideas of B. F. Skinner and those who propose to educate our children according to rigid formulas with only a cursory consideration of the concerns of the children's parents. I insert Mr. Scott's column in the Record at this point:

Behavioral Studies Stir Thought Control Fears

(By Paul Scott)

Washington.—One of the best kept secrets in government today is the amount of federal funds being spent in the behavioral research field and the scope of these investigations.

No one in Congress or the Executive Branch is willing or can tell you the government's full involvement.

Not even the General Accounting Office, the congressional watchdog on government spending, claims to know.

This is the amazing finding of Rep. Cornelius E. Gallagher, D-N.J., who is seeking a full-scale congressional investigation of government activities in this highly sensitive field.

Gallagher's inquiry request, which the House will vote on when it convenes later this month, was triggered by the discovery that the National Institute of Mental Health had granted $283,000 to Dr. B. F. Skinner, author of the controversial book "Beyond Freedom and Dignity."

The highly questionable grant, running through 1974, was made by NIMH to free Skinner, chairman of the Psychology Department at Harvard, from teaching and research responsibilities so that he could pursue "scholarly activities."

These activities have consisted mainly of his writing the controversial book and appearing all over the country on television and at symposiums to talk about and promote his idea of government controls over the way we think and live.

When Gallagher sought information about the Skinner grant and the scope and amount of government spending in the behavioral research field, the General Accounting Office reported back that the task was virtually impossible.

Agency officials stated that there were tens of thousands of behavioral research projects being financed by government agencies.

A preliminary check turned up 70,000 grants and contracts at the Department of Health, Education and Welfare (HEW), and 10,000 within the Manpower Administration of the Labor Department.

Thousands of additional behavioral projects, costing millions of dollars, also are being financed by the Defense Department, National Aeronautics and Space Administration, and the Atomic Energy Commission, according to the General Accounting Office's survey.

While the main center of the government's behavioral research activities appears to be concentrated within HEW, now the biggest spender in government, so many other agencies and departments are involved that GAO officials claimed they had neither the money nor the manpower to make a meaningful investigation.

In circulating to House members these and other details of the government's deep involvement in this field, Gallagher hopes to convince lawmakers of the need for an extensive inquiry to determine if there is any "grand design" to these activities.

It is Gallagher's contention that the Skinner grant is only the tip of the iceberg and that millions of dollars in federal grants are being spent in such a way that could bring about what is proposed in "Beyond Freedom and Dignity"—to alter modern life by conditioning the behavior of each citizen by positive or negative reinforcements.

Gallagher doesn't oppose Skinner's right to advocate his thought-controlling proposals as a member of his profession or a private citizen but he does question whether the government should subsidize them since "they threaten the future of our system of government by denigrating the American traditions of individualism, human dignity, and self-reliance."

The power of computerized information systems, coupled with mood creating or altering biochemical discoveries, provide an overwhelming new tool for those who, like Skinner, feel that social engineering is more important than individual freedom.

In Gallagher's opinion, these technical

developments answer those who would dismiss Skinner's ideas as being impossible to implement and are the basic reasons why members of Congress should take the threat he represents very seriously.

Wide influence—Most disturbing to Gallagher is the great influence that Skinner has among psychiatrists in and out of government.

The huge grant by the National Institute of Mental Health clearly indicates his influence within the government.

In a recent Johns Hopkins University poll, psychology faculties and graduate students around the nation named Skinner as the most respected social scientist alive despite his thought controlling proposals.

A Southern Methodist University poll found that he was the only living man among the 10 great minds in the history of psychology.

These single facts, Gallagher says, reveals the need for Congress to take a long, hard look at the federal government's role in promoting Skinner and his "new man" concept that in many ways is like that proposed by Aldous Huxley in his novel "Brave New World."

Other lawmakers will be given a chance to show whether they agree with Gallagher when a proposal to create a Select Committee on Privacy, Human Values and Democratic Institutions, comes to the House floor this month.

THE NATION

One of the most liberal journals of opinion in the country today is The Nation. As a means to show my colleagues in a forceful manner that the issues I discuss today are totally beyond any ideological disputes, I insert at this point an article about my Skinner disclosures from The Nation of January 10. It is unlikely that Mr. Scott and the editors of The Nation agree on much else beside the importance of human values but on this issue they are as one. In the past, the columns of Carl Rowan and James J. Kilpatrick both supported my privacy activities. At this very moment, the Washington office of the American Civil Liberties Union is actively lobbying for the creation of the Select Committee, while the Daughters of the American Revolution are also in support.

Truly, since privacy touches a most basic part of every human being, support for the proposed Select Committee on Privacy, Human Values and Democratic Institutions is to be found everywhere there are people who believe in the American experiment in democratic government.

The article follows:

GRANT K6–MH–21775

Every day, in a variety of small ways, our world is becoming a bit more Orwellian. When B. F. Skinner's *Beyond Freedom and Dignity* was published—it was of course an outstanding publishing success of the 1971 fall season—it was reviewed in most of the mass media as though the reviewers had long been waiting for someone to provide them with the ammunition that Dr. Skinner so bountifully presented. These reviewers seemed to feel that such old-fashioned notions as freedom and dignity should be downgraded the better to prepare the way for a more ordered, controlled, and in some respects authoritarian society. Regardless of the author's intentions, the book—(to borrow one of his favorite words)—"enforces" the sensed need to control and direct human behavior.

Now one learns, courtesy of Rep. Cornelius Gallagher (D., N.J.), that the National Institute of Mental Health has made grants to Dr. Skinner that total—or will total by 1974—$283,503. The first phase of the grant, from 1964 to 1969, totaled $137,296, but the grant was renewed in 1969 for $146,207, covering an additional five-year period. The grant, we are told (CONGRESSIONAL RECORD, vol. 117, pt. 36, p. 47186) made it possible for Dr. Skinner to take off from his academic work to write *Beyond Freedom and Dignity*. Specifically the grant, made under the Research Career Program, was to enable Dr. Skinner to carry out "a research project in Behavioral Analysis of Cultural Practices." More specifically: to read, discuss, publish, lecture, and write free of academic burdens so that he might have an opportunity to consolidate his theories and ponder the "consideration of their application to the problems of society."

Dr. Skinner is, of course, our leading behavioral psychologist. His academic credentials are impeccable. And given the way Washington ladles out huge sums these days for a wide variety of improvident corporate subsidies, it is most refreshing to see that some individuals at least are able to "rip off" relatively modest funds so that they may devote their full time to scholarly research and writing. All the same there is something truly Orwellian about the notion that society should pay for research which generates theries and techniques for the manipulation and control of human beings and popularizes the assumed need for such control. Future administrations may not share even Dr. Skinner's diminished concept of the importance of the dignity and freedom of the individual. In Representative Gallagher's view, Aldous Huxley posed the underlying problem correctly when he wrote: "Who will mount guard over our guardians, who will engineer the engineers? The answer is a bland denial that they need any supervision. . . . Ph.D.s in sociology will never be corrupted by power. Like Sir Galahad's, their strength is as the strength of ten because their heart is pure; and their heart is pure because they are scientists and have taken six thousand hours of social studies."

AFL–CIO MARITIME TRADES DEPARTMENT COMMITTEE ON INVASION OF PRIVACY

Mr. Speaker, organized labor has not been silent on the issue of privacy over the years and I am very pleased to release a letter I have received from Mr. Edward J. Carlough. Mr. Carlough is general president of the Sheet Metal Workers' International Association and is also chairman of the AFL–CIO Committee on Invasion of Privacy. Mr. Carlough worked long and hard to have a special committee considering privacy matters within labor and his group has issued two reports—one of the lie detector and one on the credit bureau, credit reporting industry. My privacy subcommittee had initiated congressional consideration of the credit industry in 1968 and I also attach at this point in the RECORD an editorial from the New York Times of February 29, 1964 which comments on my early interest in the polygraph. Both of these documents reveal again the need for a select committee to bring informed scrutiny to bear on continuing problems facing our society.

The articles follow:

SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION,
Washington, D.C., December 17, 1971.
Hon. CORNELIUS E. GALLAGHER,
Congress of the United States,
House of Representatives
Washington, D.C.

DEAR CONNGRESSMAN GALLAGHER: I understand that the House has scheduled a vote in January on your proposal to create a Select Committee on Privacy, Human Values and Democratic Institutions.

As Chairman of the AFL–CIO, Maritime Trades Department Committee on Invasion of Privacy, I want you to know that we deem it essential to create the Select Committee. Our studies over the past two years have demonstrated to us that the privacy of all Americans, in and out of the labor movement has been invaded during the past few years to an insidious degree, and this is why we fought two years ago to create our own Select Committee on the privacy issue. The enemies of privacy work on a twenty-four hour, seven day week basis, and those of us who believe as we do, that the question of privacy is an integral part of liberty can afford to do no less.

You can be assured of our full support in the House on this fight when it occurs.

Incidentally, I am enclosing a copy of a Convention last month concerning the privacy issue.

Sincerely yours,

EDWARD J. CARLOUGH,
General President.

FEDERAL LIE DETECTORS

The use of lie-detectors as a condition of employment is growing in the Federal Government. That is the startling report made in a preliminary Congressional study. Job applicants and those already on the job have been subjected to polygraph tests—some, it is believed, by hypersensitive instruments without their knowledge—not only by the Pentagon but by many Federal agencies.

The Government owns hundreds of such machines. Lie detecting is said to be a five-million dollar enterprise. In fiscal 1963 the Government carried out 23,122 lie-detector tests. Most were conducted by the military.

The methodology of lie-detecting is haphazard and the effectiveness in dispute. Operators of the equipment are often mere high-school trainees without the ability to form pertinent questions and weigh responses; these are matters which cannot be left to machines. The Congressional study discloses that questions have been asked about political affiliation, union and organizational membership, even social friendships.

Hearings to determine the manner and extent of this Government intrusion into the lives of its employees are proposed by Representative Gallagher of New Jersey. He also advocates legislation to set up minimum standards for polygraph operators because they—more than their equipment—are the real "lie detectors." Many Americans feel that there is something repugnant about underhand detection or even open detection tests as a condition of employment.

THE NATIONAL HEALTH FEDERATION

Mr. Speaker, the National Health Federation is a group of American citizens vitally concerned about drugs and food additives. It now has some 50,000 members, from every State in the Union, and they became interested in privacy when, in September 1970, our inquiry held a hearing on the use of behavioral modification drugs—most often, the amphetamines—on grammar school children. We disclosed that at least 250,000 children were now receiving this therapy and that the diagnosis of minimal brain dysfunction had to be based exclusively on the behavior of the child at home or at school. A blue-ribbon panel was formed 2 short weeks after our hearing by the Office of Child Development at HEW and its report repeated many of the criticisms surfaced by the privacy inquiry.

Incidentally, I received a personal letter from Dr. Edward Zigler, Director of the OCD, which contained the following sentence:

> All of us who are concerned over the education of children are grateful to you for arousing national concern over this treatment.

And the blue ribbon panel's director, Dr. Edward X. Freedman, chairman of the department of psychiatry at the University of Chicago, wrote me that:

> Together, we may have slowed down a fad.

I mention these two gentlemen, both experts on the therapy, to show that the concerns of ordinary citizens are shared by professionals, but that corrective action only comes when vigorous exposure is given an issue. Now, since the abolishment of my Privacy Subcommitee, there remains no formal forum within the House where legitimate doubts can be raised.

Some 15,000 copies of the following form letter from the National Health Federation have been sent to Members of the Congress.

——— 19 —.

The Honorable ———,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I approvingly note the Rules Committee of the House has voted favorably on the Gallagher Resolution (H. Res. 164) and that the proposal is to come to a vote on the floor of the House within the near future.

I respectfully urge you to cosponsor and/or support and vote for H. Res. 164 to establish the House Select Committee on Privacy, Human Values, and Democratic Institutions.

I agree with Newsweek (July 27, 1970) that it would help protect our privacy . . . "if his (Gallagher's) colleagues would just vote him some money" and that his "fight for privacy for five years on a single Congressional appropriation of $65,000 (is) the most economical campaign since Joshua's at Jerico."

There was never more evidence of the need for a major fully funded and fully staffed congressional select committee working in the area of preserving Bill of Rights guarantees.

Respectfully,
——— (Name, print).
——— (Signature).
——— (Street).
——— (City).
——— (State, Zip).

PROFESSOR VERN COUNTRYMAN OF HARVARD LAW SCHOOL

Mr. Speaker, I believe it would be fair to say that almost every member of the National Health Federation would describe himself as a conservative. Certainly, its top national leadership is composed of life-long Republicans. To show again how little ideology means to the mounting concern over privacy, I insert at this point a letter I received from a man who must be classified as a leading liberal in our Nation. Prof. Vern Countryman is one of America's premier law experts and he has recently written extensively on the threats of computer technology by both public and private bodies, the theory of privacy, and the danger of the potential irrelevance of the Bill of Rights in our sophisticated technological society. I venture the opinion that few members of the National Health Federation agree with Professor Countryman on anything other than the absolute necessity for a Select Committee on Privacy, Human Values, and Democratic Institutions.

The letter follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., December 22, 1971.
Hon. CORNELIUS GALLAGHER,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE GALLAGHER: As your own stalwart work in the Congress has done so much to reveal, the public and private practice of compiling personal dossiers on literally millions of citizens, combined with the advent of the computer, poses a threat to individual privacy of truly Orwellian proportions.

I know of few problems in the country today more deserving of Congressional attention. I therefore heartily indorse your resolution to create a select Committee on Privacy, Human Values and Democratic Institutions.

Sincerely,
VERN COUNTRYMAN,
Professor of Law.

DR. EMMANUEL G. MESTHENE, DIRECTOR, HARVARD UNIVERSITY'S PROGRAM ON TECHNOLOGY AND SOCIETY

Harvard's Program on Technology and Society has done magnificent work for some 4 years in attempting to bring our actions as a society into consonance with the wonders of technology. The program has produced extremely valuable research materials on all the ramifications of technological development to the social and political spheres, and I am proud that Dr. Mesthene endorses the select committee. I particularly call my colleagues' attention to Dr. Mesthene's opinion that the select committee could promote opportunities for the positive use of technology as well to disclose its negative consequences. I do not regard the work of the proposed select committee as being either naive or anti-intellectual. It should oppose the new Luddites as vigorously as it should oppose the blind technocrats and I commend Dr. Mesthene's opinions, contained in a letter he sent to a number of Congressmen, to the attention of all of my colleagues:

HARVARD UNIVERSITY,
PROGRAM ON TECHNOLOGY
AND SOCIETY,
Cambridge, Mass., June 8, 1971.
Hon. MICHAEL J. HARRINGTON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I understand that the Rules Committee of the House has voted favorably on the proposal to establish a Select Committee on Privacy, Human Values, and Democratic Institutions and that the proposal is to come to a vote on the floor of the House within the near future.

I am taking the liberty of writing to urge you to support this resolution. A Select Committee on Privacy, Human Values, and Democratic Institutions would provide a useful congressional forum for airing the issues pertaining to the political and social effects of technology. It would serve as an input and complement to technology assessment efforts currently being planned in both the Congress and the Executive Branch. By seeking and making known information about the effects of technological programs, it would both promote research and enlighten the public as well as the Congress.

It seems to me particularly desirable to have an interjurisdictional, cross-disciplinary committee of the sort proposed, because of the nature of the problem. Decisions to develop technologies in our country, by and large, are made by individuals—by individual entrepreneurs, individual firms, individual government agencies, or individual military services. All such decisions are made in pursuit of the individual goals and mandates of these groups.

This decision-making context, with its emphasis on individual decision-making, makes for inadequate attention to the potential indirect consequences of technological development on third parties. These indirect consequences tend to go untended, to fall between the stools of innumerable individual decisions to develop individual technologies for individual purposes.

This means, not only that these indirect negative effects get inadequate attention, but also that potential technological opportunities are missed bcause they are not responsive directly to the individual goals for which the technologies are introduced.

The present committee structure of the Congress is not, in my view, the one best designed to handle that kind of problem, because in most cases the jurisdictions of existing committees and subcommittees coincide with the jurisdictions of the individual agencies or the individual economic sectors—the armed services, agriculture, industry and commerce, space—which are charged with technological development. This tends to lead to a fragmentation of concern, to a partial view of the implications of technological development.

Such partial views are inadequate to assessing the dangers and stimulating the opportunities of new technologies that cut across individual interests, individual goals, and individual decisions.

It seems to me, therefore, that a select, cross-jurisdictional committee could be particularly responsive to this defect in the existing committee structure, because it would be able to take an overall view and to concentrate specifically on the indirect effects of technological development.

Sincerely yours,
EMMANUEL G. MESTHENE.

SHARON L. HAANSTRA OF ORINDA, CALIF.

Mr. Speaker, Miss Haanstra is a high school senior in Orinda, Calif., and I insert her letter as an example of the literally thousands of letters I have received through the years from young people. One of the major accomplishments of my privacy subcommittee was to encourage courses in high schools and colleges on the social impact of the computer and Miss Haanstra's statement about "better balance is needed" is exactly the point I have been making to my colleagues through the years. Perhaps this would be a good place to mention that the College Debate Topic for 1972 is directly related to privacy—Should greater controls be put on agencies collecting information about Americans? Especially in a year when 18-year-olds will vote for the first time, it seems appropriate to form the select committee.

The letter follows:

ORINDA, CALIF.,
January 28, 1972.
Congressman CORNELIUS E. GALLAGHER,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN GALLAGHER: The purpose of this letter is to encourage you in your efforts to protect the constitutional rights of individuals. I am a Senior at Miramonte High School in California, and have been studying the issue of data banks versus personal privacy of individuals, for a project in my government course.

Review of your comments on the subject, along with those of others, has brought home to me the importance of the issue. Professor Charles Freed's view that "Privacy creates the moral capital which we spend in friendship," was particularly meaningful to me.

From what I have read, the managers of the data banks seem to place all too much importance on their data and not enough importance on the basic human value of privacy. Better balance is needed, and you are helping to bring this about.

Sincerely,

SHARON L. HAANSTRA.

DR. ALAN F. WESTIN, DIRECTOR, NATIONAL ACADEMY OF SCIENCES PROJECT ON DATA BANKS AND DUE PROCESS

Mr. Speaker, Dr. Westin has probably been the single most active American, outside the Congress, in studying the impact of the computer on our law. Dr. Westin has testified numerous times before the Congress and I remember with great pleasure his informed and incisive testimony before my privacy subcommittee when we considered credit bureaus in 1968. He is director of the American Civil Liberties Union committee on privacy, editor of the Harvard University's Program on Technology and Society's brilliant source book "Information Technology in a Democracy," and is now completing a 2½ year study of the problem for the National Academy of Sciences' Computer Science and Engineering Board. I am very pleased to be a member of the National Advisory Panel of Dr. Westin's project and, after reading drafts of the project's report, I know that their disclosures will have a major impact on the continuing debate over computerization.

One purpose I would envision for the select committee would be to insure that the policy recommendations of Dr. Westin's project receive full congressional hearing. In my judgment, what the project will disclose is too important to the future of our Nation to allow it to gather dust on some committee's shelves—the fate of far too many prestigious outside commission reports. The Congress must have a means to bring expert opinion on the computer into our own decisionmaking process.

Mr. Speaker, I commend Dr. Westin's words, as contained in a letter to Rules Committee Chairman COLMER to the attention of my colleagues and I hope they give the Select Committee on Privacy, Human Values, and Democratic Institutions the same favorable consideration as was given by the Committee on Rules.

The letter follows:

COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK,
New York, N.Y., April 30, 1971.

Representative WILLIAM COLMER,
Chairman, House Rules Committee,
Washington, D.C.

DEAR REPRESENTATIVE COLMER: I understand that your committee will be considering on May 4th a resolution to create a special committee on Privacy, Human Value and Democratic Institutions, as proposed by Representative Cornelius Gallagher.

As a Lawyer and Political Scientist who has worked in the field of technology and civil liberties for two decades, including service as an expert witness and consultant for seven Senate and House Committees, I wish to endorse strongly the creation of such a committee.

At a time when developments in new survieliance technology as well as in the technology of data collection pose so many new opportunities and dangers simultaneously for American society and its Constitutional System, it seems to me important that a well financed and well staffed committee of Congress provide the nation with both information and leadership in dealing with these problems.

In addition I believe that Congressman Gallagher has earned a position of both Congressional and National leadership that will be of great value for this committee. His pioneer work in the National Data Center, on computers and privacy in general, on abuse by credit bureaus and preemployment investigators have served to both alert and mobilize national opinion. In addition, Congressman Gallagher's writings in this field have shown precisely the insights into the hard problems of balancing technological progress and democratic values that such a committee would require.

I hope that your committee will vote to authorize this effort.

Respectfully yours,

ALAN F. WESTIN,
Professor of Public Law and Government.

FEDERATION OF AMERICAN SCIENTISTS

Basically, the select committee would try to bring the gifts of science to all the American people. We have all seen how some applications of science have caused grave, perhaps irreversible, damage to our physical environment. My contention is that we must also consider the pollution of human value, by technology. This point is well expressed in a letter I received from the Federation of American Scientists' chairman, Marvin L. Goldberger. This distinguished group of scientists was extremely active in the debate over the SST and the ABM, and I am pleased they see similar issues in the social sphere, which could be meaningfully addressed by the select committee.

The letter follows:

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., January 24, 1972.

Hon. CORNELIUS E. GALLAGHER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GALLAGHER: As an organization of natural and social scientists concerned with problems of science and society, we deal constantly with the interactions between technology and human values. None of these interactions is more complicated, and more important, than the relationship between privacy and the American democratic institutions which we cherish. The rate and importance of technological changes in areas related to privacy and human values is very rapid. And many of these changes deeply and directly influence the ways in which our institutions can and do function. We wholeheartedly endorse the idea that this issue deserves a Select Committee on Privacy, Human Values, and Democratic Institutions. At one future juncture or another, such a committee could well be of critical importance to the survival of our Republic.

If we can be of assistance to you in securing the approval of the resolution authorizing such a committee, do not hesitate to let us know.

Respectfully,

MARVIN L. GOLDBERGER,
Chairman.

ROBERT P. BIGELOW, ESQ.

Mr. Bigelow is the former chairman of the Association for Computing Machinery's Special Interest Group on the Computer and Society and is one of the leading practicing lawyers in th area of computer applications. I am pleased that Mr. Bigelow again emphasizes the role of the select committee in assuring the beneficial aspects of computerization and I believe that Mr. Bigelow's professionally based opinions should be influential.

A letter from Mr. Bigelow follows:

HENNESSY, MCCLUSKEY, EARLE &
KILBURN, ATTORNEY AT LAW,
Boston, Mass., January 20, 1972.

Hon. CORNELIUS E. GALLAGHER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GALLAGHER: The computer has served as a catalyst in awakening the American public to the problem of personal privacy in a data bank society and has prompted a reexamination of the ground rules for information acquisition and dispersion by both government and private industry. The work that your Subcommittee of the Government Operations Committee and Senator Ervin's Subcommittee of the Senate Judiciary Committee have done in investigating problems of personal privacy in the computer age has been instrumental in alerting the citizenry to the dangers that could follow from uncontrolled growth of dossier collection and centralization.

I understand that House Resolution 164, establishing a Select Committee on Privacy, Human Values and Democratic Institutions, is scheduled for a vote before the end of the month. The establishment of the Select Committee wtih a broad opportunity to consider both the useful and pernicious aspects of the personal information industry from multiple viewpoints would be a distinct service to both government and to the individual citizen. May I wish you great success in the establishment of such a Committee.

Very truly yours,

ROBERT P. BIGELOW.

JAMES SPROAT GREEN—ASSISTANT PROFESSOR OF INFORMATION SCIENCE AT LEHIGH UNIVERSITY

Mr. Speaker, I insert Professor Green's letter because I worked very closely with him when he established a course at Lehigh University to consider the social impact of computerization. His letter is very thoughtful and I would urge special attention to his remark that:

> The members of the House of Representatives have traditionally acted as the closest thing we have in the United States to ombudsmen. The proposed Select Committee on Privacy, Human Values and Democratic Institutions represents a very necessary and meaningful extension of this great tradition.

Professor Green is saying, in my view, that we can do our own job better and can serve our constituents and our Constitution better if we establish the select committee.

The letter follows:

LEHIGH UNIVERSITY,
Bethlehem, Pa., June 9, 1971.

Hon. CORNELIUS E. GALLAGHER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GALLAGHER: In order to build and sustain the long term confidence of the people in the effectiveness of their government it is necessary that the government, at all levels, safeguard the sovereignty of the individual citizen. Aside from the government's self interest in maintaining the support by the people it is, in a democracy, one of the prime reasons for its existence.

It is the individual contrasts and differences in character and belief that collectively comprise the broad foundation upon which this nation stands. To narrow, erode, or to compromise this base in any way will rob the national character of its essential resiliency such that we, as individuals and as a nation, may not be equal to the unknown challenges of the future.

The members of the House of Representatives have traditionally acted as the closest thing we have in the United States to ombudsmen. The proposed Select Committee on Privacy, Human Values, and Democratic Institutions represents a very necessary and meaningful extension of this great tradition. I wish to be included among those who go on record in support of this committee.

Sincerely,

JAMES SPROAT GREEN,
Assistant Professor of Information Science.

DR. PETER F. BREGGIN AND PSYCHOSURGERY

Mr. Speaker, Dr. Peter F. Breggin is a psychiatrist and is on the staff of the Washington School of Psychiatry. In a letter to me endorsing the select committee, Dr. Breggin discloses that there is now a new wave of brain-mutilating operations which have replaced the older forms of lobotomies. These operations, totally irreversible in their effect on citizens, are now being employed for only minor deviations from so-called normal behavior. I would urgently call my colleagues' attention to Dr. Breggin's example of these operations being used for hyperactive children, and I would remind the readers of the RECORD of the privacy subcommittee's disclosures about the difficulty of accurately diagnosing hyperactivity during our September 1970 hearing. I would regard a prompt and extensive investigation of psychosurgery as a first order of business for the select committee, for nothing strikes more disastrously at the right of our people to develop their talents in their own way than does irreversible brain mutilation.

The letter follows:

THE WASHINGTON SCHOOL
OF PSYCHIATRY,
Washington, D.C., January 19, 1972.

DEAR CONGRESSMAN GALLAGHER: I am a psychiatrist in private practice here in Washington, D.C., where I also teach on the faculty of the Washington School of Psychiatry. I am writing to you to strongly endorse your concerns about mind control and deprivation of basic human liberties through psychiatric and psychological interventions, including the use of drugs, electroshock, and lobotomy, as well as the use of social engineering as urged by B. F. Skinner.

As well as my endorsement, I wish to offer you a large amount of current data concerning the use and abuse of lobotomy and psychosurgery. I have just completed the most extensive survey and analysis of the return of lobotomy and psychosurgery and I would be glad to make it available to you. In addition, I am in the midst of completing a book on the general theme of totalitarian technology in psychiatry. And finally, you may find my novel, *The Crazy from the Sane*, Lyle Stuart Publisher, 1971, of considerable interest in support of your concerns about the use of drugs, electroshock and involuntary hospitalization as a threat to basic American ideals and freedoms.

Of chief interest, psychosurgery and lobotomy is now being revived for use on relatively normal individuals with diagnoses of anxiety and neuroses, and its main targets have been women, old people and little children. While small children have been done in the thousands around the world, it is only beginning here in the United States at the University of Mississippi Medical School where "hyperactive children" as young as age five are being subjected to multiple mutilating operations on their brains. The current overall rate in America right now is 400–600 operations a year, but a second wave is just beginning. The first wave affected about 50,000 people.

Let me know if I can be of help to you and if you want the full data on the return of psychosurgery.

Sincerely,

PETER R. BREGGIN, M.D.

RICHARD BOETH, GENERAL EDITOR, NEWSWEEK MAGAZINE

Richard Boeth wrote a cover story for Newsweek in July 1970 and it was his words that were used in the National Health Federation's form letter I inserted earlier in these remarks. In a letter to Chairman Colmer shortly before the Rules Committee vote, Mr. Boeth makes a point beyond his emphasis on privacy and I think the Members of the House would find it particularly relevant to our own role. Mr. Boeth writes:

> But the establishment of this new Select Committee would accomplish a great deal in addition to moving forward on the privacy issue. There is a tendency in many quarters to dismiss the organs of government in this country as outmoded, fossilized and incapable of the necessary evolution to meet the evolving needs of the times. The establishment of this Select Committee, with its broad mandate to preserve and protect so many matters vital to the quality of American life, would demonstrate a continuing pertinence and flexibility on the part of the Congress that would be most welcome and most effective.

If nothing else, Mr. Speaker, that statement by a perceptive and influential journalist discloses the genuine importance of the vote tomorrow. If we do not establish the select committee we would give fuel to the inflammatory statements of those who today find the House of Representatives irrelevant to the great issues of our time. We would, in a very real sense, be abdicating our ability to remain relevant in the future. We would confirm the view of those who dismiss the organs of government as fossilized and outmoded. We in the House need the Select Committee on Privacy, Human Values, and Democratic Institutions for our own survival, just as the Nation needs it for the survival of freedom.

RIGHT OF THE POOR TO SUE THE GOVERNMENT MUST BE PROTECTED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. FAUNTROY. Mr. Speaker, the Washington Post of February 2 and the New York Times of February 3 carry stories that Vice President AGNEW is greatly concerned and angered about the suits brought on behalf of the poor by OEO Legal Services. The Vice President's contention is that it is wrong for the Federal Government's money to be used in suits against either itself or against other locally elected officials who are alleged, by Vice President AGNEW and Governor Reagan, to be fully or better representative of the people. It appears that Mr. AGNEW is attempting to intimidate the personnel of OEO Legal Services so that they will not press suits against the government(s) on behalf of the poor.

Unfortunately, Mr. AGNEW apparently does not understand the role of the public interest lawyer in a democratic system. Government in this Nation operates through its agents who often make mistakes or follow policies that are clearly contrary to the spirit or the letter of the Constitution. When they are wrong or when people disagree with them there are two basic alternatives they may pursue—they can wait and vote them out or they can challenge the validity of the program or policy in a court of law. If they are denied the latter, the ills wrought by the policy may very well be incorrectable or only at a great cost at a later date. The idea that the sovereign, which is the state, can do no wrong is a vestige of the monarchial period and the era when the king thought his right to rule was devinely vested. We have left that age; and, one would have thought that every government official knew that.

When Government officials are wrong or when the people think they are wrong, they ought to be sued. There is no reason that poor people should be denied this right when, in fact, the rich manage to find a means to sue the Government over farm payments, zoning, welfare, and contracts. To deny to the poor and to other minorities the ability to seek a redress of a grievance in court is to deny to them the opportunity to obtain any justice within a reasonable and relevant time period. One would hope that instead of denying or discouraging people to seek a redress in the courts, this administration would encourage it.

The opposite has occurred. The fact that a highly placed administration official would suggest that poor people should not have the ability to sue the Government is really a suggestion that they are second-class citizens. It is also to suggest that the programs and policies which would be challenged quite probably fail to meet the requisite standards of conduct that we expect of Government programs and policies. If, however, the programs which are challenged meet every standard enunciated in the laws set forth by this Congress, then I do not understand why anyone would fear a suit. I know that these things are time-consuming and expensive for the Government; but, I cannot overemphasize the fact that this Nation is a nation of people striving together to find the truth and the practices which are consistent with democracy. The ability to assure that laws are followed must not become the private preserve of the rich. It is the responsibility of the Federal Government to assure that it does not become such a preserve by default or through the intimidating actions of its own agents, in this case, the Vice President.

This can be done through the creation of the Legal Service Corporation which will protect the integrity of the poor to sue the Government by removing the personnel from the intimidating reaches of politically minded officials. I hope and urge this Congress to establish the Legal Service Corporation in order that we do not continue to see episodes such as this one.

For those who perhaps did not see the article, I am attaching the Times article in order that it can be fully understood as to why I have this concern:

AGNEW QUESTIONS U.S. AID FOR POOR TO SUE OFFICIALS

(By Jack Rosenthal)

WASHINGTON, Feb. 2.—In moves that are likely to touch off a heated national debate, Vice President Agnew has opened a challenge to the right of poor people, using federally paid lawyers, to sue elected officials.

A spokesman said today that Mr. Agnew "is undertaking a serious national study" of the Federal Legal Services program, particularly the issue of federally funded suits against government agencies.

Mr. Agnew's seriousness was evidenced by the fact that, after an inquiry by the Vice President, two White House budget officials at the national Legal Services headquarters arrived at 9 A.M. today to inquire about how Federal funds for local offices could be cut off.

Other evidence of Mr. Agnew's rising concern was contained in a transcript, obtained by The New York Times today, of his meeting yetserday concerning a poor people's suit against the city of Camden, N.J.

This meeting led to an assertion yesterday by Fred Speaker, head of the Legal Services program of the Office of Economic Opportunity, that Mr. Agnew may have exercised improper political influence over the suit.

The transcript showed a sharp exchange between Mr. Speaker and the Vice President, after which Mr. Agnew said:

"I want you to be clearly on notice that I'm not satisfied. I'm not talking only about the problem of the city of Camden; I'm not satisfied with the whole ball of wax [concerning Legal Services]."

Mr. Agnew said that he would discuss with President Nixon and members of Congress the issue of suits against elected officials. And he said that he would "pursue the administration of the O. E. O. Legal Services a lot more completely than I have."

The Vice President expressions brought to the surface once more a bitter philosophical difference that has ignited repeated controversies over the Legal Services program since it began in 1965.

VIEWPOINT OF REAGAN

On one side, some public officials, notably Gov. Ronald Reagan of California, have argued that it is wrong for the Federal Government to finance court efforts by political minorities that restrict the ability of elected officials to carry out their programs.

On the other side, lawyers and other officials have insisted that the poor should have the same unrestricted right to their day in court as do paying clients, even if that means suits against public officials.

Previous challenges to this position have generated protracted protest from conservative and liberal lawyers alike. Mr. Agnew's challenge is likely to provoke another storm tomorrow, when the American Bar Association convenes its annual midwinter meeting in New Orleans.

Mr. Agnew's advocacy of the first position appeared to be at odds with that of the President. Last year, in a message to Congress, Mr. Nixon proposed establishing Legal Services as an independent, public corporation.

BACKS LOCAL OFFICIALS

"Much of the litigation initiated by Legal Services has placed it in direct conflict with local and state governments," Mr. Nixon said. "If we are to preserve the strength of the program we must make it immune to political pressures and make it a permanent part of our system of justice."

At the meeting yesterday, however, Mr. Agnew invoked Administration support for his position, saying:

"My situation in this case is because the Nixon Administration philosophically believes in the right of state and local officials, properly representing the people in an area, to carry out what they campaigned to do and were elected to do."

If political minorities are able to prevent such officials from carrying out their programs, "we have perverted the entire concept of democracy which is a majority government," Mr. Agnew said.

Victor Gold, Mr. Agnew's press secretary, said today that the Vice President had not come to a conclusion on the issue. But, reaffirming Mr. Agnew's role as the Federal liaison man with local government, he said the Vice President believed it was a problem "that needs to be looked into."

After the two officials of the Office of Management and Budget appeared at the Legal Services office today, one employe of the legal unit said, "The questions were clinically neutral, but how could we help but feel intimidated?"

In response to questions about this visit, Mr. Gold said that there had been emphatically no intention to intimidate. The interview, he said, was "probably over-diligent."

INQUIRY MADE BY AGNEW

He acknowledged that Mr. Agnew yesterday asked the Office of Management and Budget for general information about the Legal Services program and about the Camden office specifically. But this request, he said, did not contemplate that officials "would go park on somebody's doorstep this morning."

The two budget officials, G. Phillips Hanna and James A. Rotherhan, spent an hour questioning Legal Services attorneys about the program generally. They reportedly asked what authority might be available to end the $550,000 annual grant to the Camden office. This grant was renewed last month.

One specific result of the meeting yesterday in Camden was the reopening of negotiations today between Legal Services attorneys and Camden city officials over the controversial law suit there.

After a two-hour meeting today, David H. Dugan 3d, director of Camden Regional Legal Services, said "It was amicable. I regard it as progress." Another meeting on the suit is expected soon.

The suit, brought by poor blacks and Puerto Ricans, seeks to force the city to provide relocation housing for people displaced by two urban renewal projects.

This action, filed in August, 1970, has blocked construction on those projects, which city officials have argued are critical to the future of the city. Its population of 100,000 is about 40 per cent black and about 10 per cent Puerto Rican.

Gov. Francis W. Sargent of Massachusetts, a Republican, came to the defense of Legal Services today in a telegram to Massachusetts Congressmen.

The telegram, which an aide acknowledged was partly a result of Mr. Agnew's new stance, said in part, "recent events emphasize the need for a separate Legal Services corporation. The program, I feel, has been very successful in Massachusetts."

POLLUTED POLITICS CHARGED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DINGELL. Mr. Speaker, I include the text of an article carried in the February 4, 1972, issue of the Christian Science Monitor at this point in the CONGRESSIONAL RECORD:

ATTACK ON MUSKIE?—POLLUTED POLITICS CHARGED

(By Peter C. Stuart)

WASHINGTON.—One day after Congress' best-known environmentalist, Sen. Edmund S. Muskie (D) of Maine, announced his presidential candidacy, the Department of Justice charged a Maine industry with polluting the state's St. Croix River.

"An obvious political hoax aimed at embarrassing some of the nation's leading antipollution campaigners," countered pulp and paper producer Georgia-Pacific Corporation, objecting to "being placed in the middle of political in-fighting."

The government denies the charge. But an investigation by this reporter suggests that during the past two years—while environmentalist Muskie rated as President Nixon's leading Democratic challenger—Maine may have encountered more than its share of federal pollution lawsuits.

Calculated or coincidental, it's the latest sign that as "the environment issue" enters its first presidential campaign, clean air and water may become increasingly clouded by the charges and countercharges of White House politics.

FIGURES DISCLOSED

Justice Department figures disclose that in 1970 and 1971 Maine received from three times as many to nearly 20 times as many federal pollution lawsuits as might be expected on the basis of its population and land area.

Maine accounted for approximately 10.3 percent in 1970 and 3.0 percent of 1971 of the civil and criminal lawsuits filed nationwide by the Justice Department's Land and Natural Resources division. Yet the state contains less than 0.5 percent of the nation's population and under 0.9 percent of its land area.

Maine's busy caseload contrasts sharply with two other coastal states (lacking presidential contenders), picked at random and checked by this newspaper.

Oregon—with twice Maine's population and three times its land area—experienced no federal pollution lawsuits at all in fiscal 1970 (calendar-year figures unavailable) and fewer than Maine in fiscal 1971.

COMPARISON STRIKING

Maryland—four times more populous than Maine, although smaller geographically—also faced fewer lawsuits during the past two-year span. (As in the case of Oregon but unlike Maine, suits increased from 1970 to 1971.)

Nationally, in eight United States attorney districts selected by the Justice Department "where activity might be expected," only one accumulated more criminal pollution lawsuits in the two-year span than Maine—New York City (with two more suits than Maine's 17). The Maine criminal caseload exceeded such prominent pollution hotspots as northern Ohio (Cleveland), western Pennsylvania (Pittsburgh), and northern Alabama (Birmingham).

In civil pollution lawsuits (under the Refuse Act of 1899), Maine's two year total is topped only by New York City, Cleveland, and Birmingham. Two-thirds of the nation's 93 U.S. attorneys filed no civil pollution suits at all during the two years.

The apparently high rate of federal intervention in Maine might be easily explained if the state were a backwater of unattended pollution problems. Far from it, Maine ranks in many ways as a model of environmental leadership—boasting such innovations as a state veto over proposed development sites and a coastal oil-spill protection fund financed by petroleum fees.

Spokesmen for the Justice Department and Environmental Protection Agency (EPA), Washington's team of antipollution law enforcers, deny that politically-sensitive cases (such as those in Senator Muskie's home state) are systematically cleared with the White House.

LOCAL DISCRETION CONSIDERABLE

The 93 local U.S. attorneys—some of whom may choose to stress environmental prosecution—work at loose rein, according to a Justice official. Any of them may file a civil pollution lawsuit strictly on his own, or a criminal suit after checking only with the local EPA office.

But an EPA staffer concedes that in ticklish cases "at the highest levels, word could be passed."

A Muskie aide in Portland, Maine, says only that White House influence "is within the realm of possibility." He points out that the Justice Department is headed by Attorney General John N. Mitchell, Mr. Nixon's past and, it is reported, future campaign manager.

Other actions by the Nixon administration suggest, to some observers, attempts to blur the leading Democratic contender's "Mr. Environment" image:

The government launched its billboard removal program last April—in Maine. Secretary of Transportation John A. Volpe personally directed the razing of the first sign. A departmental spokesman explains that Maine was "the first state ready" to participate in the program. But it also made good politics for a Nixon Cabinet officer to visit Senator Muskie's home base to tear down unsightly billboards.

The administration has quietly helped bottle up in Congress for nearly a year the creation of a Joint Committee on the Environment—which Senator Muskie would cochair. Both houses have approved legislation lopsidedly and most agree the concept would bring badly-needed coordination to Capitol Hill's disjointed environmental responsibilities.

The White House pointedly failed one year ago to invite Senator Muskie to Mr. Nixon's ceremonial signing of the historic Clean-Air Act, to which the Senator had served as both father and midwife. The President never mentioned the one who wasn't there.

"ROCKY PRIDE" OF ROCKFORD

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I take this opportunity to insert into the CONGRESSIONAL RECORD a prime example of what has often been called "the unsinkable American spirit." My hometown of Rockford, Ill., has embarked on an innovative program to fight inflation at the grassroots level. The group, "Citizens for a New Prosperity"—CNP—have undertaken as their task the accomplishment of three very ambitious goals: First, halting inflation; second, obtaining full employment; and, third, keeping U.S. goods competitive here and abroad. The membership of the CNP cuts across political party lines, business and work affiliations, economic, personal, and professional interests; in sum, it includes everyone interested in fighting inflation. The CNP sees its task mainly as an educational one.

I am particularly enthusiastic about the CNP's approach, because all too often it is assumed that the Government can cure all our economic ailments, an attitude that has not helped in our current struggle against inflation and unemployment. As the distinguished Chairman of the Price Commission, C. Jackson Grayson, pointed out most succinctly in his speech of January 20 in New York:

> While public Government can supply—and is supplying—temporary relief from the symptoms (of inflation), the cure can only be engineered, fought for, and won by private hands, and private will.

Organizations like the CNP can contribute immensely in this battle against inflation.

The CNP is also engaged in a battle against "popular economic misconceptions," which are so rampant in the body politic today. And although it hurts to admit it, I sincerely believe that some of the principal perpetrators of these economic myths and hobgoblins have been the politicians of America. I praise and fully support the citizens of Rockford, and other communities across the country that have undertaken this initiative, and I hope that their example will be emulated by other communities in the United States.

The material follows:

[From the Rockford (Ill.) Register-Star, Nov. 20, 1971]

SATURDAY NOTEBOOK: REACTION TO OUR TIMES

The new Rockford group known as a "Citizens for a New Prosperity" has cut out for itself a pretty ambitious assignment.

How, you must ask, do they hope to achieve the goals of 1) halting inflation; 2) obtaining full employment; and 3) keeping U.S. goods competitive here and abroad?

That's a pretty tough project, as any self-respecting President of the United States will also admit.

But, then, look again. Actually, isn't this new organization of men and women from all spectrums of the community really a reaction to our times?

Isn't it true that in times of inflation such as ours the American economic-free enterprise system actually becomes its most efficient?

It is true that economic pressures force us to look again at our own productivity, at our own job skills, and explore how we can do the job better. That's what Citizens for a New Prosperity is all about.

And, if it happens in Keokuk, Birmingham, New Rochelle, and Rockford all at the same time, maybe the job isn't as tough as it first appears.

[From the Rockford Morning Star, Nov. 17, 1971]

ROCKY PRIDE MAKES DEBUT IN ROCKFORD

There's a new face in Rockford—that of Rocky Pride, the symbol for Citizens for a New Prosperity (CNP).

Formation of the group was announced Tuesday at the Faust Hotel by Clifton W. Beggs, steering committee coordinator. Beggs, 2509 Driftwood Lane, is president of C. W. Beggs & Associates, management consultants.

Goals for the new organization will include stopping inflation, obtaining and keeping full employment and keeping U.S. goods competitive here and abroad.

Rocky Pride means "Pride in having a job in the Rockford area. It also stands for Prosperity-in-Rockford-Involves-Determined-Effort." Throughout CNP's campaign, he will be shown representing various styles of work and professional life.

CNP is an extension of a nationwide movement including similar groups in many cities, according to Alan T. Mann, president, Upstate Illinois Chapter, Public Relations Society of America, which is aiding CNP as a community service project. A resident of Marengo, Mann is director of public relations for Sundstrand Corp., 2531 11th St.

"To help accomplish our goals, we hope to correct much of the erroneous information about our nation's free enterprise system and what makes it work. This group will conduct a comprehensive program to educate and help inform Rockford-area citizens of these matters," Mann said.

Beggs described the new organization as "strictly an information organ which will encourage action on an individual or group basis. We won't become engaged in lobbying activities ourselves at any time."

Membership will cut across political party lines, business and work affiliations, economic, personal and professional interests, Mann said.

He said the program will be supported by members of Rockford's medical, clergy and minority groups and political service and volunteer organizations.

"We're in support of Phase 2 of President Nixon's economic program, but we feel that there are other areas where we can help enlighten people and answer their questions about what causes inflation and how to stop it," Beggs said.

"We're not going to do anything because we back President Nixon per se. We're out to stop inflation. It will be nonpolitical and we want everyone to help us," Beggs said.

PRODUCTIVITY

As long as productivity gains for the country were 2 to 3% a year—and wage increases were being forced up to 3 to 4%—the difference going into inflation was more or less tolerable. But recent pay increases have been running two to four times any productivity increase, and the whole difference has had to go into higher unemployment, or higher prices, or,—as we see—too much of both.

After we have hopefully arrested inflation, we will still have the job of deserving and securing the ever higher level of living that is both the desire and the wide-open opportunity of us all. This can and will come only from saving and investing more, than working harder or more intelligently as specialists producing more for each other, and being sure we eliminate all senseless waste in the process.

Contrary to what is being too fashionably taught and assumed, all real progress comes from some temporary self-denial in order to be able to *invest* toward the hoped-for later enjoyment of larger and more rewarding benefits. This is what we do when we go to school, protect our health, develop a reputable character, and save some money for the rainy day or brighter satisfactions.

Increased productivity *per man-hour* is one of our great hopes right now. As already indicated, this can come primarily from two sources: First, from increased investment in arm-lengthening ideas and equipment. Second, from making full use of skill, care and effort.

To come by the required investment, we must get to understand the private business process well enough to appreciate how we simply must see that people have a favorable economic, moral and political climate for the creation and investment of savings. To get the application of the required skill, care and effort, we must again understand private business well enough to appreciate that we are on a something-for-*something* basis and that, if *we* expect to get what *we* want, we simply have to offer in return an *equal value* judged from the *other fellow's* standpoint.

But increased productivity *per man hour* will not solve inflation and give us a higher level of living—*if* we let the drain from taking care of non-productive citizens increase faster than the output of the citizens still producing. Our level of living is determined by the output *per year* spread over each man, woman and child in our country.

INFLATION—A LOOK IN THE MIRROR

Most of us are now deeply concerned about who and what are causing our inflation, what will stop it, and who meanwhile should or does pay the cost of inflation. Here are some views, for what they are worth, to put alongside the many others you are getting on this controversial subject from all sides.

Inflation comes from our government believing it is politically necessary to create worthless extra money (and credit) for which there are no extra goods and services to match—and doing so for these two reasons:

1. To provide the money for the government to pay for those goods and services which the public majority wants or permits some or all of the public to receive at so-called "government expense".

The public majority loosely assumes the money is going to come from somewhere else, and would flatly refuse to pay the bill visibly or knowingly. Thus our government—believing it politically necessary to at least *appear* to be doing what its constituents demand or allow—is forced by the public to resort to the deceitful process of collecting the cost from that same unsophisticated public through the tax of inflation hidden in higher consumer prices.

2. To pump out added worthless cash—which increases the number and cuts the value of all our dollars—so that consumers will have enough cheapened dollars to buy at the higher consumer prices now necessitated by the *total* of the artificially higher pay—that is, the total of the higher wages *and higher cost-of-living allowances*—which higher total is imposed in the absence of higher output to match, would only kill or reduce jobs if money is left at its old value, and is in accordance with the pay practices demanded or permitted by the affected but unseeing consuming public itself. Thus what government is really doing is, first, to promote or sanction the unworkable pay increase and then promptly wipe out the expected buying power increase in an attempt to mask or to delay temporarily the job-killing power increase in an attempt without correspondingly raised output.

To stop or minimize inflation, *both* No. 1 and No. 2 above must be stopped or minimized. And in connection with No. 2, it is this *total*—of *both* wage increases and cost-of-living allowance increases—which has to be tapered down to at least 3% a year for the country as a whole (to match the presumed or hoped-for productivity increase) if inflation is to be arrested.

UNEMPLOYMENT

In our present situation, unemployment is understandably much in the news and a source of real worry to us all.

What most of us need clearly in mind is the hard fact that where a citizen wants to work on a something-for-*something* basis—and is not getting it—the reason is almost always that his services are just not worth what they would cost the ultimate consumer from whom the bill has to be collected in the end and who is the sole final arbiter of the worth in question.

We, who make up the public majority, need to realize what we are doing to ourselves when we force or even sanction higher pay without higher output to match. This always causes inflation, or unemployment, or both.

In this area, most of us are probably the worst fooled by minimum wage laws. They seem so fair and so innocent of any bad results of real consequence.

The first effect of such laws is to price out of the market so many present and prospective workers who are precisely those whom the laws are wrongly presumed to help—such, for instance, as the blacks, youth and other unskilled whom the rest of us, who are still employed, then have to support in idleness.

The second effect of these so-called minimum wage laws is to raise all the other rates which are above the minimum. The formerly ruling differentials between the various skills are simply reestablished from the bottom clear up to the top.

We of the majority also need to get the vivid picture of how this pricing pay out of the market forces employers to eliminate jobs through increasing investment in technology *much faster than is economic* for the public—and this on top of the public being also saddled with the support of the displaced idleness.

In short, the public majority's employment policy—as implemented by the public's representatives and negligently accepted by the majority of us—is forcing employers to keep limiting their employment to those higher and higher up the skill and productivity scale just as fast as the services of the lower producers are progressively priced beyond what consumers will refund to the employers.

DRINAN CRACKS MEDIA'S VENEER

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. O'NEILL. Mr. Speaker, I would like to submit for the RECORD an article which appeared in the Boston Globe on Tuesday, February 1, 1972, and the address of the Honorable ROBERT F. DRINAN before the New England Broadcasting Association.

Congressman DRINAN has already distinguished himself as a forthright and able legislator who is interested in both worldwide and nationwide issues. He has exhibited an expertise and a sincere concern for the problems of prison reform, the youth vote and environmental quality. I recommend to my colleagues this article about my esteemed colleague from Massachusetts, the Honorable ROBERT F. DRINAN:

[From the Boston Globe, Feb. 1, 1972]

DRINAN CRACKS MEDIA'S VENEER

(By David Nyhan)

We shall henceforth refer to him as "Fighting Bob" Drinan, after the way the priestly-congressman took on the local broadcasting barons.

While they were serving up the ice cream and strawberries, the liberal Democrat rose with a smile, told a couple of pretty good jokes ("We don't allow our priests to become Republicans") and then wiped the floor with the Federal Communications Commission in general, the television industry in particular—and even had a saucy word left over for local newspapers, charging them with ignoring obituaries of distinguished black citizens.

It all took place Friday afternoon at a downtown restaurant, where Fighting Bob spoiled lunch for 100 members of the New England Broadcasting Assn.

The speech lambasted the FCC for never lifting a broadcasting license—not even one of 7200—for inadequate programming; repeated what we all know about the frequently flatulent fare offered on prime time TV; castigated broadcasters for allegedly ignoring the blacks, the Spanish-speaking, the anti-war people and other protesters; and talked about greed and the sham of regulation.

The real dessert was not the ice cream and strawberries—it was the exchange between Drinan and Perry Ury, general manager of Boston radio station WRKO.

Ury, whose station has a reputation for making some public service efforts despite the relentless quality of its top-40 pop music format ("and the hits just keep on coming"), arose to defend his industry.

He began by saying Drinan should tell the young man who does the research to check his facts more carefully. Ka-boom. What followed was enough to send a newsboy rushing down Tremont street, shouting, "Extry! Extry! Read all about it—congressman claims he writes his own speech!"

"I wrote that myself," exploded Drinan, who demanded—and got—a retraction from Ury on the correctness of the statistics used to figure the average profit (18 percent) or the amount of time spent on selling soap and spaghetti.

Drinan proceeded to take on the crowd, at one point almost taunting the audience into challenging him, rocking back and forth on his toes and saying, "Go ahead, it's good for the soul."

The former dean of the Boston College Law School, no mealy-mouthed cleric when confronting the broadcasters, does not draw the line at bawling out those who invite him to dinner.

Ury was unhappy, as were others (one ad salesman blessed himself as Drinan spoke), with what they claimed was Drinan's blanket indictment of the broadcasting scene.

Drinan countered he was only trying to raise some legitimate issues about how blacks and peace people get jabbed routinely in the media. It is a fact that the adversary process is the basis of American justice, American politics, and, it seems, even American marriages. But not until very recently has anything approaching the adversary process reached the media with opposition views.

If you happened to catch a WBZ-TV premier during the weekend, the black-produced "Sixteen-72" show, with Lovell Dyett as host, you saw that maiden effort conclude on a piece of television dynamite.

Dyett's crew was out Thursday, hardly 24 hours before Drinan spoke, asking blacks at Washington street and Massachusetts avenue to talk about what they liked about TV.

"I don't like anything about TV," shot back a young mother who lives nearby. They didn't use her name, but she had on a gorgeous slouch hat—and she unloaded a bombshell.

The rest of the show had been sort of predictable—how hany times will Malik Hakim be aired locally?—but this girl at the end talked about what it's like to be black and watch television.

She treated the token "Julia" show the way it deserves to be treated she said she's tired of the token black in commercials. "We come in pairs," she said; she talked about coming home from work, tired, and not finding anything on TV to make her treat her child or her husband in a more loving fashion; she said TV ignores the pimps and drug pushers and knife-fighters that clog her street.

She lives under the elevated, the El, and that one brief sketch howled out of the tube, as a beautiful black girl with dynamite in her mouth talked about how TV had gone away from her and left her. TV is the train that doesn't stop here.

If we get a few more people like Fighting Bob and this black woman in the slouch hat, we'll be getting somewhere in this media game.

ADDRESS OF CONGRESSMAN ROBERT F. DRINAN

DOES THE FEDERAL GOVERNMENT REALLY PROTECT THE PUBLIC'S OWNERSHIP OF THE AIRWAVES?

It has always been astonishing to me that in the whole history of the Federal Communications Commission not a single one of the present 7,200 licensees of TV and Radio has ever been deprived of a license for inadequacy of broadcasting. The one example of the apparent removal of a license from a TV station in Boston was not for that reason.

I would like to talk with you about three urgent topics related to broadcasting: 1. The relatively low standards required for the retention of a license, 2. The faults of the media and especially the inability of all groups to have access to the airwaves and, 3. The political potential and perils confronting broadcasting in the next 300 days prior to November 7, 1972.

1. THE INADEQUATE REGULATION OF THE MEDIA BY THE FCC

I have never heard of a radio or television station going into bankruptcy. It was the British press baron, Lord Thomas, who said that a television license is like "being given a license to print money". In the United States the broadcasting industry averages a profit of about 18% a year. The license to a channel, is in the nature of things, a monopoly even though the channel is technically the property of the public.

In view of the profitability of broadcasting it probably is no surprise that the industry which the FCC regulates tends to dominate the very agency by which it is regulated. This happens too infrequently in Washington where farmers, railroads, businessmen and labor groups make frequently successful efforts to control the agency which regulates them. No industry, however, has been as successful as the broadcasting industry with the FCC. It truly is unbelievable that 7,200 outlets should have survived without a single mishap since the establishment of the FCC in 1935!

Can anyone even imagine 7,200 students having examinations in which no one failed? Can anyone imagine 7,200 young adults having physical examinations without a single illness or disease being discovered?

The FCC has regularly conceded that it has an insufficient number of examiners to make much of an inspection of the media barons over whom the FCC has jurisdiction. The FCC, however, does not beg the Congress for more help. The FCC abdicates its duty just as it did recently when it blithely announced that it would not investigate telephone rates because it did not have the personnel necessary to carry out the statutory obligation of the FCC.

If the Congress will not give personnel to the FCC to do something about its routine triennial relicensing of profitable monopolies over a public trust then perhaps some other system has to be devised. It might be possible to suggest that at least 1% of all broadcasters or some 72 out of 7,200 would be delicensed each year or each third year. On the other hand it might be realistic to adopt a maximum period of years in which the proprietor of the airwaves could enjoy his monopoly.

I have noticed among broadcasters lately not a little anxiety about the possibility that they or other persons holding a license to broadcast might have trouble with the FCC. In view of the traditional permanency of a license once it is granted I cannot fully understand the widespread anxiety. It may be that the anxiety is a symptom of deepening guilt concerning the exploitation of a public trust for private gain. It may be, on the other hand, that the anxiety about a possible delicensing springs from the ever mounting disaffection of millions of Americans for the "boob tube" or for the horrendous stream of annoying commercials which affront the listener for some 18 minutes of every hour of radio time.

I am not faulting the proprietors of television or radio stations for the virtually total lack of regulation or forced improvement which they receive. It is the FCC which has refused systematically over the years to develop any sort of precise standards with which to measure the programming of TV and radio stations. It is the FCC which has allowed licensees to govern their conduct almost by financial considerations alone.

If licensees through the year had been forced to keep a watchful and fearful eye upon a field of alternate candidates prepared to pounce on their licenses if they fell beneath a certain level of performance these licensees would have been impelled by fear to have improved their quality of performance. The Communications Act exhorts the licensee to serve the "public interest, convenience and necessity". The FCC, however, has allowed all too many licensees to reap whirlwind profits and build secure empires without any threat of censure, suspension or delicensing.

The FCC has the inherent power to exercise a number of sanctions short of the act of transferring a license. The law is very clear. As was said in the Red Lion Broadcasting case "There is nothing in the First Amendment which prevents the government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves. . .". The same decision made it clear that "It is the right of the viewers and listeners, not the right of the broadcaster which is paramount".

I am afraid that one must conclude that the "right of the viewers and listeners" cannot be said to have been made paramount either by the Congress or the FCC.

2. THE FAULTS OF THE MEDIA—ESPECIALLY IN DENYING ACCESS TO EVERYONE

It is regrettably true that there is no way by which the public can secure redress for the faults of the media. The process of license renewal is theoretically designed to give the public the opportunity to be heard on the question of replacing the incumbent licensee. As two Commissioners of the FCC said in June 1968, however, the process of review "is a ritual in which no actual review takes place. . . . The licensees describe the more or less unscientific method they have employed to define the needs of their community. These needs are often not specified. When specified, they often have little relation to the programming decisions the licensee has made. This entire ritual, which is a burden on broadcasters and a boon to the Washington, D.C. communications bar, has no real point. It is a sham."

This "sham" is an affront to the participation of the public which should be essential in the renewal proceeding. The U.S. Court of Appeals in the District of Columbia affirmed the right of listeners and viewers to intervene in a renewal proceeding when the license of a TV station-owner in Mississippi who had denied the black community access to programming was in question. The Court stated that it did not believe the ancient myth that the FCC "always effectively represented the listeners interests in a renewal proceeding". Perhaps the next step will be to insist that responsible and representative groups be required to intervene in the community where a private individual or corporation seeks the triennial renewal of the monopoly of a public trust which has been granted to him. Some such action will in my judgment occur unless there is more access to the media by all of those members and groups of society who are now actually excluded from presenting their viewpoints to the public. The blacks of America took to demonstrations as a substitute for having access to radio and television. Similarly the peace movement turned to marches and parades because they were locked out of the media which featured President Johnson and President Nixon trying to justify a war 12,000 miles away from San Francisco.

The *Red Lion* decision was the Supreme Court's unanimous rejection of the broadcasting industry's argument that the "fairness doctrine" was unconstitutional. The Court, having found the fairness doctrine constitutional, went beyond it to set forth the groundwork for the newly emerging doctrine of "access".

The doctrine of access still has a long way to go. A group of anti-war businessmen (BEM) desired to buy time for anti-war "commercials" on WTOP in Washington, D.C. WTOP refused. The FCC sustained the station but the Court of Appeals reversed. This decision may be a baby step towards "access" but it is still a long, long way from anything approaching "participatory television".

Access means that broadcasting must look to social needs rather than to private greed. If the FCC and the broadcasting industry are to give true access to all Americans they cannot continue to assume or assert that the American public prefers entertainment shows and that consequently 75% to 90% of all program time will be taken up with this form of leisure.

The FCC and the broadcasting industry must, moreover, recognize that access in any real sense means that we have to take seriously the proposal of the Federal Trade Commission to the FCC that consumers should have a right to answer the hucksters who sell their soap or spaghetti during 13 minutes of a one-half hour newscast.

True access to the media in Greater Boston would mean that the 90,000 members of the black community would be offered prime time to explain why they desire integrated schools. True access to the media in Metropolitan Boston would mean that some 50,000 Spanish-speaking people would be able to acquire the information which they need in the language which they understand. True access to the media would mean that commercial broadcasting rather than public television would develop shows for children such as Sesame Street.

In short, if true access to the media existed in America two-thirds of the nation who allow their minds to be manipulated during prime time almost every night would not be suffocated with noncontroversial programs about middle America and public service announcements that praise the Marine Corps and the Girl Scouts. Rather they would see the life and the problems of the blacks, the poor, the aging and the radical dissenters,—all of whom are almost systematically excluded from television in prime time if not always.

3. THE POTENTIAL AND PERILS OF POLITICAL BROADCASTING IN THE NEXT 300 DAYS

The Presidential election of 1972 will more than ever before depend upon what the image-makers in the TV industry do for the candidates.

It is to be hoped that the Federal Election Campaign Act of 1971, which regulates expenses in Federal elections, will prevent the broadcasting industry from allowing its greed for profits to induce it to place on the screen the subtle and not always fair spot advertisements which led to the defeat of Senator Yarborough, Senator Gore and Senator Goodell.

It is to be hoped that the broadcasting industry will recognize its solemn obligation in view of the fact that, according to a recent Elmo Roper survey of some 2,000 persons over the age of 21, 67% indicated that TV was the prime source of their news. It seems very clear that the two-thirds of adult America for whom the tube is now the prime source of their information will almost inevitably be influenced to vote or not vote, or vote for the candidate whom they have seen in an attractive and favorable way on television. The traditional fairness doctrine may possibly be subject to some expansion during the next few months if individuals or groups such as an environmental organization demand equal time to dispute what candidates may or may not have said about anti-pollution measures. Someone indeed may say that if anti-smoking messages to balance cigarette commercials are permissible why not anti-pollution messages to balance the political rhetoric and the subliminal messages of partisan advertisements?

It seems unlikely that the broadcasting industry or the nation will receive any further guidance from the FFC concerning the application of the doctrine of fairness in a year in which we can expect a titanic struggle on the part of challengers to an incumbent President to secure what they consider to be a fair share of television and radio time.

The FCC seems clearly determined not to make judgments in specific instances of the fairness of the applicability of the fairness doctrine. The FCC has denied a request by the Los Angeles Chapter of BEM for time for this organization to answer President Nixon's Southeast Asia speeches. The FCC has similarly denied a request for a ruling that broadcasters must sell time for comment on public issues. The FCC ruling that CBS must provide Republicans with time to answer the Democrats "loyal opposition" program does not wash out the FCC denial in August 1971 of the complaint of 14 U.S. Senators requesting that the FCC "require networks to provide time to any substantial group of Senators opposing the President's view on a controversial issue of national importance whenever the issue is one in which the Senate has a role to perform in seeking resolution of the issue, and the President has initiated debate by a nationwide television".

The evening of Tuesday, January 25, 1972, probably indicates the imbalance which will persist in the months remaining of the Presidential campaign. The President of the United States had on sudden notice access to the three major networks for 20 or 25 minutes beginning at 8:30 p.m. None of the challengers to the President appeared on television until all of them who could be located received a minute or two long after 11:30 p.m. that evening. If fairness or access can be interpreted to mean a reasonable equivalent of what the incumbent President receives it is obvious that none of the challengers received anything approximating what the incumbent President received for his address on the war.

Virtually nothing in any official doctrine of the FCC gives any clear guidelines as to what type of access the broadcasting industry should give to challengers to an incumbent President during an election year. In 1949 the FCC, in its first attempt at explaining the doctrine of fairness, stated that in the presentation of news and comment "The public interest requires that the licensee must operate on the basis of overall fairness, making his facilities available for the expression of the contrasting views of all responsible elements in the community on the various issues which arise".

In 1959 Congress acknowledged that fairness doctrine in an amendment to the Communications Act of 1934 but without any significant addition to the language already enunciated by the FCC.

In 1964 the FCC issued an updated notice on the fairness doctrine which seemed to add little except that broadcasters possess wide discretion in the matter. The FCC made it clear that in passing on any complaint in this area "The Commission's role is not to substitute its judgment for that of the licensee . . . but rather to determine whether the licensee can be said to have acted reasonably and in good faith".

I am not saying that broadcasters will not during the next several months seek to give adequate and substantial time to the challengers of the incumbent President. I am saying, however, that there are no clear guidelines as to what this type of access means in the situation that confronts the country during the next 300 days.

In the absence of any indication that the near future will bring any notable change in the FCC's administration of the fairness doctrine I have the hope that the broadcasting industry in America will recognize that it is confronted with a situation in which quite literally the industry may, consciously or otherwise, advertently or inadvertently, elect the next President of the United States.

I can hope only that the industry will remember as never before a statement by the FCC issued in 1949 with which I will close:

"It is this right of the public to be informed, rather than any right on the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting".

GREEK PRESS ENTERS 61ST YEAR OF PUBLICATION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. ANNUNZIO. Mr. Speaker, the Greek Press, one of the outstanding ethnic newspapers in Chicago, has entered its 61st year of publication. Its record of service to the Greek-American community in the Chicagoland area has been outstanding.

The present editor of this weekly publication, Mr. Aris Angelopoulos, follows in the footsteps of his inspired predecessors who sacrificed and labored under great odds in order to make the Greek Press a reality.

I commend Mr. Angelopoulos for his astute leadership in guiding the destinies of the Greek Press as it enters its 61st year of serving our community, and I take this opportunity to extend my best wishes to him and to his able staff for continuing fruitful service in the years ahead to Americans of Greek descent in Chicago and Cook County who have benefited over the years by the publication of the Greek Press.

An article about this milestone in the history of the Greek Press follows:

STRONGER THAN EVER

The "Greek Press" entered its 61st year of publication.

This newspaper can look back over the years with pride. Its record of service to our Greek American Community is marked by excellence.

Created by inspired men like Damaskos and the Salopoulos brothers, Paul Javaras and Elias Georgopoulos, preserved by their toil and sacrifices, against huge odds, the "Greek Press" became since its birth, an institution for the enlightenment of our people, both immigrants and American-born Greeks.

Today, the "Greek Press" is a vigorously crusading weekly. When it comes to issues of national importance this newspaper never dodged its responsibility to the public it serves. It never hesitated to criticize and castigate the actions of civic and public officials, no matter how high they stand.

Especially the "Greek Press' relentlessly exposes those self-appointed "leaders" who exploit our people, taking their money under all kinds of pretenses and using it for their own selfish aggrandizement.

Swindlers who collected public funds promising to build Homes for the Aged, buy road building machinery for Greece, installing statues of Hippocrates in the Medical Center here and, instead, placing the moneys to banks and loan associations in exchange of titles and all kinds of personal profiteering found their Nemesis in the "Greek Press."

Our public recognizing the sincerity and guts of this independent publication, rallied behind it and made the "Greek Press" the leading and most influential Greek-American publication in America. And the only metropolitan weekly serving all the people, not those who suffer from the self-delusion that they can fool the public. You can't fool the public any more than you can fool the children at home.

This issue of the "Greek Press" marks the beginning of a new era in its long and glorious history. By completing the link between Chicago and Athens the "Greek Press" is now stronger than ever. This link became imperative for an omnipotent reason, the all-important reason of the newspaper's existence: its bilingual content.

The "Greek Press" does not subscribe to the idea that it can fool the public by clipping Greek newspapers, photographing the clippings and presenting them as its own material. The "Greek Press" is the epitome of originality. It has a staff of its own reporters of the highest caliber bringing week after week to our subscribers and readers up to date news, interpretative analyses and enlightening comments on timely issues.

Everything that is of interest to the Greek American reader is in the "Greek Press." And it is published both in the English and Greek languages in order to serve all those who may have a handicap in either one—although this publication subscribes to the philosophy that all of us should know at least two languages, thus being able to read the "Greek Press" from its first to the last line.

The "Greek Press" now enjoys the services of an ultra-modern printing plant and looks forward to a continuous growth and improvement in both its contents and technical appearance.

And, of course, the "Greek Press" will ceaselessly search for and uncover graft and corruption in high places, in exposing racketeers preying on the charitable sentiments of our people, campaigning for progressive projects to the betterment of our hard working Greek American Community.

Devotion to the truth is deeply embedded in the "Greek Press." This is our genuine dedication.

The motto of the "Greek Press" is the motto of Chicago: I WILL.

ELDERLY CITIZEN'S DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mrs. GRASSO. Mr. Speaker, all day every day should be Elderly Citizen's Day.

More than one out of every 10 Americans has reached or passed his 65th birthday, and some 70 percent of this group have joined since 1961. Nearly 46,000 elderly persons live in Connecticut's Sixth District alone.

To their credit, our older citizens are speaking out. They tell us of their needs.

Last December, at the close of the White House Conference on Aging, the words of the elderly were inscribed in a report containing recommendations in the areas of income, health, housing, employment/retirement, nutrition, transportation, education, planning, research and demonstration, training, retirement roles and activities, facilities, programs and services, Government and non-Government organization, and spiritual well-being.

The report is truly an historical document. It is a thoughtful statement of pressing needs. The Congress must take this report for the purpose it was meant: A blueprint for action by all who care.

Today, I am glad to say, the House passed the first significant legislation for the elderly this year—a nutrition bill authorizing grants to States to provide low cost, nutritionally sound meals to millions of Americans 60 years and older. With 20 to 30 percent of our elderly living in poverty, and many others unable to afford an adequate diet, unable to go shopping or in failing health, this program is essential to insure older Americans the strength that comes from balanced meals. People who cannot leave home will have meals delivered, while others will have the opportunity for companionship and counseling at drop-in centers and other facilities. In Connecticut, over $1.3 million will be allocated for the nutrition program in fiscal year 1973 and over $2 million in fiscal year 1974—for the benefit of nearly 415,000 State residents 60 years of age and older.

Last year the Congress enacted a 10-percent increase in social security benefits, an increase that was desperately needed. The House also passed a massive piece of legislation known as H.R. 1, which provides for an additional 5-percent increase in benefits, and an automatic increase for any year in which the Consumer Price Index rises 3 percent or more. This bill would also extend medicare to 1.5 billion social security and railroad retirement fund recipients who were not previously eligible. The Senate has yet to act on H.R. 1, a bill which, to be sure, is far from adequate, but offers added assistance to many in need. It is to be hoped that the 50-percent increase in benefits will be raised in order to more realistically reflect the inflation and high costs of the past years.

There are so many areas in which the elderly need help. This is why several pieces of important legislation have my cosponsorship and strong support. For example, I have cosponsored bills to increase social security benefits by 50 percent, to establish a comprehensive drug insurance program for the elderly and social security payment for eye glasses; to permit an exemption of the first $5,000 of retirement income under a public retirement system, and to remove the outside income limitation for social security recipients.

I have also cosponsored a bill to provide a Federal income tax credit to older Americans of low income in order to ease the crushing burden of State and local property taxes, whether the individual owns his own home or pays rent. This would be a valid extension to Connecticut's present tax credit program for the elderly. Legislation to provide low-cost transportation, expanded work service opportunities, coordination of Federal aging programs, a strengthened role of HEW's Administration on Aging, preretirement training programs, health, education, and other services, improved delivery of services, community centers, gerontological centers to study the aging process, and expanded services under the Older Americans Act also has my strong support. So does a bill to create a Select Committee on Aging in the House.

Gov. Thomas J. Meskill proclaimed Sunday, February 6, as Elderly Citizens Day in Connecticut. In my district, there were special events to mark this occasion in Bristol, Enfield, Southington, and Torrington. For all of us in Connecticut it was an important day.

It was a time to extend gratitude for the loving gifts of service our older citizens have rendered to their community and State.

It was a time to say thank you for the gracious hand they have long extended to all around them.

A poet once described that which should accompany our later years as honor, love, and troops of friends. I would add dignity and comfort, and the hope that a commitment on the part of each of us will soon provide a better life for all our older citizens.

For the benefit of my colleagues, I am including in the Record, the Governor's proclamation which designated February 6, as Elderly Citizen's Day:

A PROCLAMATION

Deserving of recognition are the contributions made to economic, cultural and social progress by Connecticut's older citizens.

We acknowledge our indebtedness to them for their efforts, over many years, toward enrichment of life for all people of this State.

The General Assembly has directed that a day be reserved annually to render due honor to elderly citizens. I do therefore proclaim, in accordance with the Statutes, Sunday, February 6, to be Elderly Citizen's Day.

I urge the people of Connecticut to take particular note of this occasion and to lend their support to the activities conducted in communities throughout the State in connection with the celebration of Elderly Citizen's Day.

CATHOLIC NUNS EXPRESS VIEWS ON INDOCHINA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith a letter sent to President Nixon by the national board of the Leadership Conference of Women Religious—a group representing and speaking on behalf of some 150,000 Catholic nuns in the United States.

This letter reflects the unanimous resolution passed by the national board of this leadership conference for the Nation's nuns in which this organization urged the President to bring about a total and immediate withdrawal of all men and war materials from Indochina.

The strong and unprecedented expression of opinion on behalf of the Catholic teaching and nursing nuns of America deserves the considered attention of every Member of Congress.

The letter follows:

LEADERSHIP CONFERENCE
OF WOMEN RELIGIOUS,
Washington, D.C., January 24, 1972.

RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Awakened to a greater consciousness of our responsibility with regard to the agonizing situations of the Indochina War, the National Board of the Leadership Conference of Women Religious representing the directors of orders of Roman Catholic Sisters in this country wish to affirm their solidarity with Pope Paul and with the United States Catholic Bishops in urging: (1) the total and immediate withdrawal of all men and war materials in Indochina; (2) the pardon of those convicted under the Selective Service Act; (3) amnesty to self-exiled conscientious objectors; (4) participation in a multinational rebuilding of Southeast Asia; and (5) strengthening of United Nations as an alternative to war.

This is an urgent plea, Mr. President. It comes from women who this day pledge themselves to join our effort with other national organizations of Christian women throughout the country in prayer and responsible action on behalf of justice and peace for the whole human family. We intend this day to inaugurate a program designed to awaken the consciences of American Sisters about this war and their responsibilities in its regard.

We consider the total cessation of the destructive war in Indochina to be an imperative of the highest priority. We believe that if the United States Government does not completely withdraw from Indochina, our words, be they of peace or friendship, will lose all credibility for the men of our times. We urge you to effective action for the cause of world peace. It is within your power, Mr. President, to "take the giant step" for peace among nations. Please do it. Stop the war in Southeast Asia. Set the date now.

We can only imagine the demands and complexities of your office, the global dimension of the problems and anxieties that confront you daily. We ask God's blessing upon you, your family, and the many concerns which occupy your heart and mind.

Respectfully yours,
Sister M. THOMAS AQUINAS CARROLL, R.S.M.,
President.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the Record the Monthly Calendar of the Smithsonian Institution. The February Calendar of Events follows:

CALENDAR OF THE SMITHSONIAN INSTITUTION

CONTINUING EXHIBITION

Freer Gallery of Art

Early Christian Manuscripts. Illuminated leaves and ancient Biblical manuscripts from the Freer Gallery's outstanding collection of early Christian works.

Museum of History and Technology

Music Machines—American Style. From barrel organs and player pianos to the most up-to-date high fidelity equipment, with tapes of the sounds of the machines and musical films shown continuously as follows:

Feb. 4–10, Musicals of the Thirties (II).

Feb. 11–17, Highlights from MGM Musicals.

Feb. 18–24, Songs of Disney.

Feb. 25–March 2, Musicals of the Thirties (I).

Museum of Natural History

Greenland: Arctic Denmark. A total view of Greenland—its culture, history, natural resources and contemporary life. Through March 12.

National Collection of Fine Arts

John Steuart Curry: Themes and Variations. Four oils and 33 watercolors and drawings by this Midwestern regionalist. Part of the series of exhibitions on 20th century American artists. Through Feb. 29.

The Renwick Gallery (17th and Pennsylvania Ave., N.W.)

Woodenworks. Contemporary furniture.

Design Is.... An exploration of the nature of design.

James Renwick in Washington. A study of the architect's career.

Selections from the Index of American Design. Renderings of articles from Colonial times.

The Glass of Frederick Carder. Creations by the founder of Steuben Glass Works.

Pueblo Pottery. Honoring the American Indian as this land's first designers.

The Four Continents. 19th century European ceramics, textiles.

American Architecture. Photographs by the late Frank Roos.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. For further details on tours, listed below, write to Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

Australia and New Zealand: March 24–April 28.

Mexico and Guatemala: April 3–22.

No-Tour Tour: Dulles-Paris-Dulles. May 29–June 19.

Eastern Turkey: May 30 (three weeks).

Greece and Yugoslavia: June 12–July 10.

No-Tour Tour: New York-Frankfurt-New York. July 3–25.

King Arthur's England: July 12–Aug. 2.

The Pilgrimage Road: Sept. 11–Oct. 9.

No-Tour Tour: Dulles-London-Dulles, Sept. 11.

Russia: Sept. 12–Oct. 3.

Pakistan and Afghanistan: Oct. 9–Nov. 8.

HOURS

Smithsonian museums: 10 a.m.–5:30 p.m., 7 days a week.

Cafeteria: 11 a.m.–5 p.m., daily, MHT.

Snack Bar: 10 a.m.–2 p.m., daily, MHT.

National Zoo buildings: 9 a.m.–4:30 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

MUSEUM TOURS

Highlight Tours, conducted by Smithsonian volunteers, begin at the Info Desks by the Mall entrances, on the following schedules:

Museum of History and Technology: Monday through Friday, 10:30, 11:30 a.m.

Saturday and Sunday, 10:30, Noon, 1:30, 3 p.m.

Museum of Natural History: Saturday, 11 a.m., 1, 2, 3 p.m.

Sunday, 1:30, 3 p.m.

Arts and Industries Building (Air and Space Museum): Saturday, 10:30, 11, 11:30 a.m., 1, 2, 3, p.m.

Sunday, 1, 2, 3 p.m.

National Collection of Fine Arts: Saturday and Sunday, 2:30 p.m. (Tour begins at 9th Street entrance.)

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program scheduled for February:

6th—*Rodin: True or False.* Kirk Varnedoe of the National Gallery of Art explains how you can tell a real Rodin drawing from the many fake ones. *Carbon Dating: What Is It?* Dr. Robert Stuckenrath of the Smithsonian Radiation Biology Laboratory tells how he determines the age of organic remains.

13th—*Folk Concert.* A program of old-time fiddle music.

20th—*Exploring the Meaning of Discovery,* with Dr. Melvin Jackson, Curator of Maritime Transportation, and Dr. Wilcomb Washburn, Director of the Smithsonian's Office of American Studies.

27th—*Listening to Brain Waves.* Dr. Reginald Bickford, a neurophysiologist, discusses and plays recordings of "brain music." *Cotton Comes to America.* Mrs. Grace Cooper of the Division of Textiles talks about Samuel Slater, considered the father of the American textile industry.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entries in the March Calendar: February 4.*

DEMONSTRATIONS

Museum of History and Technology

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m. Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor.

Spinning and Weaving. Tuesday, 10:30 a.m.–12:30 p.m.; Wednesday through Friday, 10:30 a.m.–12:30 p.m. and 1:30–3:30 p.m.

DOMESTIC STUDY TOURS

The Smithsonian Associates sponsor tours dealing with natural sciences, history and notable areas of wildlife habitat in the United States. For further details, write Mrs. Kilkenny, Smithsonian Associates, Washington, D.C. 20560.

Death Valley National Monument: April 14–20. Study of the history, geology, and plant, animal and bird adaptation to temperature and moisture extremes experienced in a desert environment.

Navaholand: May 20–28. The cultural history of Southwestern Indians is explored, in cooperation with the Tribal Councils. Tour encompasses some of the country's most majestic scenery.

Schooner Cruise: June 25–July 1. Sailing on a converted fishing schooner among the islands of Penobscot Bay, Me., with shore excursions.

Dial-A-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

SMITHSONIAN PUPPET THEATRE

Eureka!—The story of a small boy, Murphy, his unusual friend Worm and their travels through time and ideas. A new fantasy performed by Allan Stevens and Company and presented by the Division of Performing Arts. Wednesday through Friday, 10:30 and 11:30 a.m.; Saturday and Sunday, 10:30 a.m., 12:30 and 2:30 p.m., in the History and Technology Building auditorium. Admission: $1 children; $1.25 adults; group rates available for 20 or more. Tickets are on sale at the box office, or call 381–5395.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

FEBRUARY AT THE SMITHSONIAN

2 Wed. Free Film Theatre: *Life in a Tropical Rain Forest*—A general introduction to the Smithsonian Tropical Research Institute in Balboa, Canal Zone; *When Oceans Meet*—A study of the possible ecological results of a sea level canal through Central America. Two-film program begins at 12:10 and 1:10 p.m., Natural History Building auditorium.

Film: *The Music Rack.* Wendell Castle, artist-craftsman, makes a music rack. Works by Mr. Castle are currently on display at the Renwick Gallery. Continuous half-hour showings beginning at 11 a.m.; last showing at 2:30. Grand Salon, The Renwick Gallery.

3 Thu. Seminar in Origin of Life, Genetic Engineering and Evolution: *Introduction: The Origin of Corn.* Lecturer: George W. Beadle, University of Chicago. First in a series of graduate level lectures on current related research, sponsored by the Consortium of Universities of the Washington metropolitan area and the Smithsonian Institution. A question and answer period follows each program. 7:30 p.m. History and Technology Building auditorium. Additional lectures will be held Feb. 10, 17 and 24. Public is invited.

Creative Screen: *Matrioska*—Russian dolls in a delightful presentation; *Umbrella*—Mood and music tell a story without dialogue of a happy young couple whose lives are changed by a mysterious umbrella. Produced by contemporary Russian filmmaker Mikhail Kobakhidze. Continuous half hour showings from 11 a.m.; last showing at 2:30 p.m. National Collection of Fine Arts.

Free Film Theatre: *Life in a Tropical Rain Forest; When Oceans Meet.* Repeat. See Feb. 2 for details.

4 Fri. Link Lecture: *New Science in the Space Age,* by Dr. Edward Teller. Eighth Annual Edwin A. Link Lecture. 8:30 p.m., Natural History Building auditorium. Public is invited.

5 Sat. Creative Screen: *Matrioska; Umbrella.* Repeat. See Feb. 3 for details.

Chamber Concert: *Music from Marlboro.* Selections by Schubert, Ravel, Faure, and Brahms will be performed by Betty Allen, mezzo-soprano; Cristina Ortiz, piano; Hiroko Yajima, violin; Rainer Moog, viola; Madeline Foley, cello; and Paula Robison, flute. 5:30 p.m., Natural History Building auditorium. For reservations call 381–5395.

8 Tue. Illustrated Lecture: *Symbolism of Yüan Dynasty Painting,* by Dr. Chu-tsing Li, The University of Kansas. 8:30 p.m., Freer Gallery of Art.

Lecture: *George Nakashima—Woodenworks.* This noted designer-craftsman and architect explains his position in relation to the arts. Mr. Nakashima's creations are currently on display in the Renwick. Sponsored by the Resident Smithsonian Associates. 8:30 p.m., The Renwick Gallery.

9 Wed., Lunchbox Forum: *Student Rocket Safety—Science Motivation Progress.* Informal discussion by George S. James, Astronautics Department, National Air and Space Museum. 12 noon, Room 449, Smithsonian Institution "Castle" Building—Bring your lunch.

Free Film Theatre: *The Man Who Talks to Frogs.* An intensive study of the Smithsonian Tropical Research Institute produced by the BBC, showing research on such creatures as spiders, birds, frogs, and the flora of a tropical rain forest under nearly ideal conditions. 12:10 and 1:10 p.m., Natural History Building auditorium.

Film: *Design and Manufacture of Glass.* An educational film being shown in conjunction with the exhibition of glass by Frederick Carder. Continuous half-hour showings from 11 a.m.; last showing at 2:30 p.m. Renwick Gallery, Grand Salon.

10 Thu. Seminar in Origin of Life, Genetic Engineering and Evolution: *Origin of Life: Spontaneous Formation of Organic Compounds Under Primitive Earth Conditions.* Lecturer: John Oro, University of Houston. See Feb. 3 for seminar details. 7:30 p.m., History and Technology Building auditorium. Public is invited.

Exhibition: *2500 Years of Persian Art.* Decorative work from manuscripts, metalwork, ceramic objects and architectural decorations, dating from the Achaemenid period (559–331 B.C.) to the Safavid dynasty (1501–1732 A.D.), and exhibited in observance of the 2500th anniversary of the founding of the Persian empire. Freer Gallery of Art. Through December 1972.

Free Film Theatre: *The Man Who Talks to Frogs.* Repeat. See Feb. 9 for details.

11 Fri. Exhibition: *Contemporary Paintings and Sculpture.* First of a series of exhi-

bitions of works from the permanent collections, including some never-before displayed. National Collections of Fine Arts. Through March 8.

Concert: *Bill Williams* plays and sings old time blues. The guitar style and songs of Williams, who was discovered at age 73, reflect his personal contacts with the legendary bluesman Blind Blake. For tickets call 381–5395.

12 Sat. Lecture: *Naum Gabo and the Constructive Idea,* by Professor Clifford T. Chieffo, Chairman of the Fine Arts Department, Georgetown University. A look at one of America's greatest living sculptors by one of his former studio assistants. 3 p.m., National Collection of Fine Arts.

13 Sun. Exhibition: *The Evolution of a Community.* First of a two-part exhibit depicts the history of Anacostia from 1608 through World War II, based principally on taped interviews with residents of Anacostia. Included are photographs, past and present; recreated street scenes; and two slide presentations. Anacostia Neighborhood Museum, through May.

14 Mon. Audubon Lecture: *Shenandoah's Outdoor Classroom,* by Bruce McHenry, Assistant to the Chief Naturalist of Shenandoah National Park. Mr. McHenry will describe a new environmental education program which he is pioneering for the National Park Service. Sponsored by the Audubon Naturalist Society: 5:15 and 8:30 p.m., Natural History Building auditorium.

Exhibition: *Washington in the New Era (1870–1970)*. Portraits, manuscripts and photographs depict the history of Washington's black community in the period between territorial government and the election of a non-voting delegate to Congress. Through June 2. For group tours call 381–6347.

15 Tue. Free Film Theatre: *The Redwoods*—The tragic destruction of the majestic redwood trees and the efforts for preservation of the remaining groves; *Teamwork on the Potomac*—Pollution of rivers, the improvements being made and the many problems yet to be solved. 12:10 and 1:10 p.m., Natural History Building auditorium.

16 Wed. Free Film Theatre: *The Redwoods; Teamwork on the Potomac.* Repeat. See February 15 for details.

Film: *The Music Rack.* Repeat. See Feb. 2 for details.

17 Thu. Seminar in Origin of Life, Genetic Engineering and Evolution: *Origin of Amino Acids and Peptides.* Lecturer: Sidney Fox, University of Miami. See Feb. 3 for seminar details. 7:30 p.m., History and Technology Building auditorium. Public is invited.

18 Fri. Lecture: Slide presentation of the Appalachian Trail. Sponsored by the National Parks and Conservation Association. 8 p.m., Natural History Building auditorium.

19 Sat. Lecture: *Richard Leakey* discusses his discoveries at East Lake Rudolph, Kenya, Africa. 8 p.m., Lisner Auditorium. Sponsored by the Friends of the National Zoo. $5 nonmembers; $3 members. For reservations call 232–4500. Mr. Leakey currently is Director of National Museums of Kenya and chairman of the Wildlife Clubs of Kenya and Kenya Exploration Society.

22. Tues. Illustrated lecture: *Stately Ghosts,* by Lord Montagu of Beaulieu. Lord Montagu, author of *More Equal than Others* and *The Gilt and the Gingerbread,* lectures on the favorite ghosts of Beaulieu, built in 1204, and of other stately homes. Sponsored by the Resident Smithsonian Associates. 8:30 p.m., Natural History Building auditorium.

23 Wed. Lunchbox Forum: *First Business Fights in History.* Informal discussion by Ernst M. Cohn, NASA. 12 Noon, Room 449, Smithsonian Institution "Castle" Building—Bring your lunch.

Free Film Theatre: *Americans on Everest.* An account of the spectacular record of the first transverse crossing of Mount Everest, narrated by Orson Welles. 12:10 and 1:10 p.m., Natural History Building auditorium.

Film: To be announced. Showings begin at 11 a.m. Grand Salon. The Renwick Gallery.

24 Thu. Seminar in Origin of Life, Genetic Engineering and Evolution: *Prospects for Genetic Intervention in Man.* Lecturer: Bernard Davis, Harvard Medical School. See February 3 for seminar details. 7:30 p.m., History and Technology Building auditorium. Public is invited.

Creative Screen: *The Eye Hears, The Ears See*—Filmmaker Norman McLaren discusses his films and ingenious techniques. Included are excerpts from his film. 11 a.m., 12, 1 and 2 p.m., National Collection of Fine Arts.

National Capital Shell Club: *Study group* conducted by staff members of the Smithsonian's Division of Mollusks, 7:30 p.m. *Monthly meeting and slide program,* 8:15 p.m., Room 43, Natural History Building. Public is invited.

Free Film Theatre: *Americans on Everest.* Repeat. See Feb. 23 for details.

25 Fri. Exhibition: *Drawings by William Glackens (1870–1938)*. Approximately 60 works, many from the collection of Ira Glackens, son of the noted Ash Can School artist, and his wife. National Collection of Fine Arts. Through April 30.

26 Sat. Creative Screen: *The Eye Hears, The Ears See.* Repeat. See Feb. 24 for details.

Concert: *New Music Making—Steve Reich and Musicians.* Presented by the Resident Smithsonian Associates and the Division of Performing Arts. 8:30 p.m., Grand Salon, Renwick Gallery. Admission $5; student tickets $3 with identification. For reservations call 381–5395.

29 Tue. Exhibition: *Ballooning: Man's First Aeronautical Adventure.* The entire story of ballooning from earliest ideas to a modern science, told through a world-wide collection of prints, paintings, lampoons; furnishings with a balloon motif, including marquetry, needlepoint and china; rare medals and historic documents; and many articles resulting from the balloonomania which swept the world beginning in 1783. A fully inflated Fugo Weapon, the Japanese WWII attack balloon, will be displayed as well as a number of actual gondolas. Also included are working scale models of the first gas and hot air balloons and continuous recorded balloon music. A humorous puppet show, starring an animated balloon, will tell the story of the Blanchard and Jeffries crossing of the English Channel in 1785. A photo center will be set up for picture taking, posing in simulated flight—bring your camera! National Air and Space Museum exhibit in the Arts and Industries Building.

Changes of address and calendar requests: mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. When applicable, please include old calendar label.

CONGRESSIONAL BLACK CAUCUS COMMENTS ON PROPOSED FDA REGULATIONS REGARDING LEAD-BASED PAINT POISONING PREVENTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. RANGEL. Mr. Speaker, the congressional black caucus has submitted formal comments to the Food and Drug Administration for its consideration as it makes a decision on the amount of lead to be permitted in household paint.

We know what lead-based paint poisoning does in young children, how it destroys their minds and bodies, often resulting in blindness or death. We know that the major victims are residents of the inner cities of America, hungry and curious children who nibble the chips of paint peeling from the walls of the rundown buildings where they live.

We also know that in New York City black children are the prime targets of lead-based paint poisoning. The Health Services Administration of New York City reported in December that three times the proportion of black children tested showed positive signs of lead poisoning:

HSA Study Shows Black Children in New York City Are More Likely To Get Lead Poisoning

According to a recent study, black children in New York City are more likely to get lead poisoning than white or Puerto Rican children of the same age, Health Services Administrator Gordon Chase announced today. A recent study done by HSA's Bureau of Lead Poisoning Control showed that of 79,199 children tested for lead poisoning from January–September 1971, 6 percent of the black two-year olds had a lead level in their blood of at least .06 mg. At this lead level a child is considered to be a case of lead poisoning. In contrast, only 2 percent of the two-year old Puerto Rican children tested, and 2 percent of the two-year old white and other children were considered to have lead poisoning.

Of a total of 27,958 black children of all ages tested during this period, 890 cases of lead poisoning were identified. This compares to 348 cases among 29,903 Puerto Rican children tested, and 67 cases among 5,520 white and other children tested. Among 15,818 children tested where ethnic group was not specified, 134 cases were found.

Chase said the findings were important because "several hundred thousand children throughout the country get lead poisoning every year. New York City has the largest lead poisoning testing program in the country, and anything we learn here that increases our knowledge of the causes and prevention of lead poisoning will be valuable not only in New York but in other cities with the same problem."

According to Dr. Guinee, "findings we have now would lead us to investigate the possibility that pica is more prevalent among blacks."

The same survey found that very young children, those one to three years of age, face the greatest risk of lead poisoning. Of 33,723 children one to three years old who were tested, 2.8 percent or 960 were cases. Only .07 percent of seven year olds tested had lead poisoning. Altogether, of 1,439 cases found in the period January–September 1971, 960, or 67 percent, were children one to three years old.

Another survey conducted by HSA's Bureau of Lead Poisoning Control found that children with lead poisoning are much more likely to live in dilapidated housing than children with normal blood lead levels. According to Dr. Vincent Guinee, the Bureau's Director, apartments of 135 children with lead poisoning were compared to those of 233 children of the same age with normal blood lead levels. Only four of the 135 apartments, or 3 percent, were found to be in good condition, compared to 64, or 27.5 percent, of the control apartments. Leaded paint was present in 76 percent of the apartments of children with lead poisoning, compared to 38 percent of the control apartments. Even when leaded paint was found in the control apartments, it covered fewer areas than in apartments occupied by children with lead poisoning.

The Bureau of Lead Poisoning Control

was established in 1970. Bureau personnel, operating in Health Department Child Health Stations, District Health Centers, and in special mobile units, give children blood tests to check for lead poisoning. When a case of lead poisoning is identified, a public health nurse visits the child's home to ensure that the parents have arranged for proper treatment. A sanitary inspector also visits the apartment to obtain samples of paint or plaster from apartment surfaces. The samples are brought to the Health Department Bureau of Laboratories to be analyzed. If the paint has a lead content greater than 1 percent, the landlord is notified by the Health Department to cover the wall with wallboard. If he fails to comply within five days, the City's Emergency Repair Program makes the repairs and bills the landlord.

Under New York City's Health Code, the sale of lead based paint for use on interior surfaces is illegal in the city. Older apartments, however, frequently have coats of leaded paint beneath more recent coats. When the plaster peels, these older coats become exposed. Nibbling on this exposed paint is a major cause of lead poisoning in children.

In 1971, HSA stepped up its testing program significantly, taking some 110–120,000 (on a projected basis) blood tests, compared to 87,007 tests in 1970. One thousand eight hundred and thirty nine cases of lead poisoning were identified through November 1971, compared to 2,649 for the year before.

According to Dr. Guinee, the number of cases identified has dropped desipte the increase in the number of blood tests taken. "One reason for this drop," Dr. Guinee said, "is that in its first year, 1970, the program reached a large number of backlog cases—children who had been developing lead poisoning over a period of time but had not previously been reached for testing."

In another important finding, HSA has discovered that a commonly used urine test for the detection of lead poisoning is inadequate as a mass screening procedure. The test, which detects delta aminolevulinic acid in the urine could not distinguish between children who had high blood lead levels and those with normal levels. It falsely suggested the possibility of lead poisoning in some children while failing to identify other children who had high levels of lead in their blood. This finding was reported in the November 1971 issue of the Journal of Pediatrics.

That is why the congressional black caucus finds it totally inexcusable for the Food and Drug Administration to adopt anything less than a total ban on lead in this type of paint. We know the cumulative effects of lead, and we must safeguard the children of the future from the horrors of this disease.

Mr. Speaker, I include the letter from the congressional black caucus at this point in the Record.

CONGRESSIONAL BLACK CAUCUS,
Washington, D.C., February 7, 1972.

DIRECTOR,
Office of Legislative Services,
Food and Drug Administration,
Rockville, Md.

DEAR SIR: The Congressional Black Caucus wishes to comment upon the proposed regulations regarding lead-based paint poisoning.

We urge the adoption of a regulation banning all lead from household paints. We do this based on the recommendation of the American Academy of Pediatrics that the limit for lead be revised downward to "minimum traces" or less than the .06% of the total weight of the paint in order to protect the health and safety of children who may ingest paint chips.

We know that over 400,000 children annually who have picked up and eaten sweet-tasting paint chips have become victims. While it is true that many of these children may have ingested chips of old paint which contained a higher lead content than the paint of today, we are concerned that future generations not be endangered by the paint we put on our walls today. Under current standards, the paint can contain 1% lead. The FDA now proposes that if the paint contains more than .5% lead that it have a warning on the label. This labeling requirement as proposed is clearly inadequate. It's a touch-up job.

People don't read labels. Persons selling paint don't always ask customers where they intend to use the paint. Ofter a person will use left-over exterior paint to paint window sills and interior surfaces accessible to toddlers. Finally, once the paint is removed from the can, there is no label, no way of knowing whether it is a health hazard. Once the paint is on the walls, the label doesn't follow it. A family of the future will have no idea what the landlord or prior occupants have used to coat the walls of their living quarters.

The countervailing considerations in a ban of all lead are minor. It is true that lead is a good color carrier for the pigment in paint and that it causes better paint flow. But the fact of the matter is that there is no technological reason why the paint industry could not comply with a ban. In fact, an estimated 85% of the industry already is or with minor adjustments in quality control could be, in compliance with such a ban on lead in household paint.

The important consideration is not the percentage of lead allowable in paint—1% or .5%—but quantity. Unless lead is *completely* banned, children eating the chips in quantity will still be subject to lead poisoning. With all the medical evidence favoring a complete ban, it would be an abuse of discretion for the Food and Drug Administration to settle for anything less.

Sincerely,
Charles C. Diggs, Jr., Charles B. Rangel, Augustus F. Hawkins, Shirley Chisholm, Ronald V. Dellums, John Conyers, Ralph H. Metcalfe, William L. Clay, Parren J. Mitchell, George W. Collins, Walter E. Fauntroy, Robert N. C. Nix, Louis Stokes.

ADL ABUSES ITS TAX-EXEMPT STATUS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. RARICK. Mr. Speaker, in remarks during the first session of this Congress—CONGRESSIONAL RECORD, volume 117, part 8, pages 10459–10466, and part 11, pages 14489–14492—I pointed out the abuses by certain foundations and other organizations of their privileged tax-exempt status granted them by the Internal Revenue Service.

It is unjust, inequitable, and immoral that small businessmen, factory workers, farmers, and other hardworking taxpayers—who produce in the free market economy to build America—must pay taxes while some tax-exempt organizations, which accumulated their wealth through the free enterprise system, should escape paying even their fair share of taxes while promoting socialism and communism—the antithesis of free enterprise.

Again, on January 24, 1972—CONGRESSIONAL RECORD, pages 964–966—I identified the B'nai B'rith organization as another example of tax-exempt abuse. A privileged tax-exempt status should not be granted to any dual-nationality organization which carries on fund raising drives in this country, aiding and abetting the activities of a foreign nation whose national goals may or may not be in the national interests of the United States, and which assumes the role of an agent of that foreign country.

Mr. Saul E. Joftes, secretary general of the international council of B'nai B'rith from 1959 to 1967, has charged that:

> B'nai B'rith should not be allowed to enjoy its present tax-exempt status as a charitable, religious, and fraternal organization but should be required to register as an active agent of Israel under the Foreign Agents Registration Act.

Mr. Joftes has stated that:

> Despite nobility of original intent, B'nai B'rith now engages in international politics and more often than not does the bidding of the government of Israel . . . Its leaders make frequent trips to Israel for indoctrination and instructions. I had tried to prevent this change. That is why Rabbi Kaufman tried to fire me.

I have previously pointed out that the Anti-Defamation League is the educational arm of B'nai B'rith. Illustrative of the type of educational material emanating from this tax-exempt organization is a limp-cover cartoon publication entitled On Civil Rights, copyright 1966, ADL of B'nai B'rith, Library of Congress Catalog Card number 66–28014. The book written by the Un-American Jules Feiffer and published by the ADL of B'nai B'rith, consists of a series of 25 vignettes in the form of comic strips.

In the foreword, written by Un-American racial agitator Bayard Rustin, violence by civil rights groups is actually condoned:

> Feiffer is absolutely right to point out that the entire society is rotten-ripe with violence. If, then, I think it tragic when Negroes take up arms and strike out in riots and turmoil, I also think that it is understandable . . . To reply to these people in pious sermons—to grandly tell them, as Mr. Whitey Backlash does, that "extremist tactics are losing the Negroes their many moderate friends"—is a vicious irrelevance.

This ADL publication is a masterwork of prejudice, hate, bigotry, racism, and hypocrisy. In a deft manner replete with insinuations, inferences, and innuendos, the majority of white people of the United States are ridiculed and portrayed as weak, stupid, prejudiced, and unjust.

One sketch derides American whites for not inviting colored persons into their homes. While there may be Negroes and whites who socialize in the homes of each other, the matter is really a private concern of individual Americans—not tax exempt foundations.

It is not in the interests of America for the ADL through such inflammatory sensitivity training type propaganda to attempt to reorient the thinking of Americans in accordance with its designs, especially when such instructions may be influenced by a foreign nation.

While the apparent major theme of the cartoons is ostensibly to show the hypocrisy and bigotry of white Americans, a secondary theme impresses on the reader the need for total racial integration in order to promote ADL brotherhood and thereby stop violence.

Instead of holding persons responsible for their own actions and promoting personal individual responsibility a characteristic which made America great, the ADL-published work leaves one with the impression that when man does good, it is because he is good; but when man does evil, it is because society made him that way.

One sketch promotes student dissent and unrest instead of fostering among students obedience to parents, teachers, and other lawful authority; and another downgrades prayer in school.

Another vignette portrays the policeman as having been eliminated and replaced by a dog which looks more like a pig. This is a good example of the subtlety found in this ADL-published work.

The ADL publication stirs up animosity and hatred between whites and blacks by attributing the prejudices of a few to all. No mention is made of the right of free speech, free association, nor of the ideal of racial pride.

In view of the fact that the ADL is so adamant in bringing about a totally integrated America . . . it is strange that they have not produced an educational booklet denouncing as un-American the racist attitude of the Black Muslims who refer to whites as "white devils." Nor has the ADL in purporting to prevent the defamation of people and groups, come to the aid of our police officers and other patriotic Americans who have been defamed by the Communists, their dupes, allies, and fellow travelers.

It is ironical that an organization which is subsidized by U.S. taxpayers in that it is allowed to enjoy a tax-exempt status should publish a work written by two men who advocate the destruction of the very Government which has granted such status. Jules Feiffer took part in January 1968, in Havana, Cuba, in the International Cultural Congress, which was a gathering of Communists and other revolutionaries whose aim was to violently overthrow the non-Communist governments of the world.

Are these the kind of people we continue to grant tax-exempt status to these days?

I insert at this point in the RECORD background information on the activities of Jules Feiffer and Bayard Rustin, the two writers of the ADL-sponsored publication, On Civil Rights:

SUBVERSIVE BACKGROUND OF JULES FEIFFER

COMMUNIST FRONTS

1967—Committee to Free Morton Sobell.

1968—Honorary Sponsor [Letterheads, December 1967, May 3, 1968].

1963—New York Council to Abolish the House Un-American Activities Committee. Signer of statement [Press Release, NYCA-HUAC, May 6, 1963, p. 2].

1965—Scheduled to take part in meeting of the organization, New York City, April 11, 1965 [National Guardian, April 3, 1965, p. 81].

COMMUNIST PARTY PUBLICATION

1968—Freedomways. Sponsor of DuBois Centennial Year under the auspices of Freedomways 1968–1969 [Programs dated February 23, 1968 and February 22, 19691.

NEW LEFT

1967—Spring Mobilization Committee to End the War in Vietnam. (Now known as National Mobilization Committee to End the War in Vietnam).

Sponsor [Ad, "A Call to Protest", from the Professional Committee of the Spring Mobilization, San Francisco Chronicle 4/11/67, p. 17, 1967, p. 5; New York Times 4/13/67, p. C–29; National Guardian, March 25, 1967, p. 5].

Endorser of Call to Protest the War in Vietnam [Newsletter, Women Strike for Peace, April 1967].

1971—National Peace Action Coalition [pp. 1445 and 1446 of the HCIS hearings on "National Peace Action Coalition (NPAC) and People's Coalition for Peace and Justice (PCPJ)", May 18, 1971, Part 1; "Continual friction between the Communist Party [U.S.A.] and the Socialist Workers Party within the New Mobe over tactics led to a split in mid-1970. The Socialist Workers Party and its youth affiliate, the Young Socialist Alliance, together with the Student Mobilization Committee, were instrumental in organizing the National Peace Action Coalition (NPAC) to serve as a successor to New Mobe in sponsoring massive rallies in Washington and San Francisco on April 24, 1971."]

Listed among signers of ad soliciting contributions for NPAC's Spring antiwar activities [Guardian, new name of National Guardian, February 27, 1971, p. 6 (ad)].

Listed among those who signed an ad in the New York Times supporting NPAC's actions in April and May and appealing for funds [The Militant, official publication of the Socialist Workers Party, February 26, 1971, p. 3].

Scheduled to participate in "An Evening of Peace" April 18, New York City, co-sponsored by the New York Peace Action Coalition and Publishers for Peace [The Militant, April 16, 1971, p. 13].

1971—National Coalition Against War, Racism and Repression and People's Coalition for Peace and Justice [pp. 1445 & 1446 of the HCIS hearings on "National Peace Action Coalition (NPAC) and People's Coalition for Peace and Justice (PCPJ)", May 18, 1971, Part 1: "Continual friction between the Communist Party [U.S.A.] and the Socialist Workers Party within the New Mobe over tactics led to a split in mid-1970. * * * numerous groups favoring a more militant posture joined with the CPUSA faction of New Mobe to organize the National Coalition Against War, Racism and Repression (NCAWRR), the name of which was subsequently changed to the People's Coalition for Peace & Justice (PCPJ), to serve as the action group for carrying out other protest demonstrations following the April 24 NPAC action."]

Listed among those issuing invitation to "A Concert to End the War!" December 6, (1971) at the Cathedral of St. John the Divine, New York City, proceeds of which were to go to PCPJ [Guardian, November 10, 1971, p. 13 (ad)].

Listed among individuals calling for a joint program of antiwar actions October 13 and November 6, 1971 and soliciting contributions to the Joint Fall Peace Fund co-sponsored by NPAC and PCPJ [New York Times, September 28, 1971, p. C–26 (ad)].

EXTREMIST GROUP

1969—Black Panther Party [In testimony before a Subcommittee of the Committee on Appropriations, March 5, 1970, pp. 742 and 744, FBI Director J. Edgar Hoover stated that the organization ". . . continues to be most active and dangerous from an internal security standpoint * * * BPP leaders admit that they use the Marxist-Lenist doctrines as their guide to action. They have proclaimed their revolutionary intentions and have openly called for the assassination of the President of the United States and the violent overthrow of the Government." As reported in the Daily World, May 15, 1969, p. 9, the 19th National Convention of the Communist Party, U.S.A., met in plenary session in New York City on May 3 and passed a resolution that the Party "join forces and initiate cooperation with the Black Panther Party."]

Member of newly formed organization International Committee to Release Eldridge Cleaver [People's World, Communist Party newspaper on the west coast, June 8, 1968, p. 2].

Sponsor, International Committee to Defend Eldridge Cleaver, former Minister of Information for the BPP [The Black Panther, official organ of the BPP, May 31, 1969, p. 22].

[The Review of the News June 26, 1965]

CORRECTION PLEASE

Correction: We can't imagine a more innocuous description of Bayard Rustin who joined the Young Communist League at the City College of New York in 1936 and remained a member for at least five years. He claims that he "broke completely" with the YCL when it accepted racial segregation in the Armed Forces after Hitler invaded the Soviet Union in 1941. The scruples which prompted this decision apparently were lacking two years earlier when the Communists allied themselves with the Nazis in the Hitler-Stalin Pact.

But Hitler's invasion of the Soviet Union did not prompt Rustin to enlist in the fight against Hitler. Not only was Rustin a conscientious objector, but he also refused to report for "work of national importance"—a requirement for conscientious objectors. Rustin served 28 months in prison for violation of the Selective Service Law.

In the early 1940's Rustin was Field Secretary of CORE and the Race Relations Director of the pacifist and leftist Fellowship of Reconciliation.

In 1952, Rustin became Executive Secretary of the War Resisters League, which has been active in establishing the left-wing magazine, Liberation; in staging massive demonstrations against Civil Defense; and, in organizing "peace marches" from San Francisco to Moscow, calling upon "East as well as West to disarm unilaterally."

In 1953, Rustin was convicted of lewd vagrancy in Pasadena, California and sentenced to sixty days in jail.

From 1955 to 1960, Rustin served as an aide to Martin Luther King. While in that capacity, Rustin attended the 1957 convention of the Communist Party, USA as an "impartial observer." During the same period, Rustin was a member of the American Forum for Socialist Education, an organization infiltrated by Communists and the subject of an investigation by the Senate Internal Security Subcommittee.

In 1958, Rustin organized a march of young people from San Francisco to Moscow to protest against nuclear weapons. In the same year, he helped Martin Luther King organize a "March on Washington," which The Worker described as a Communist project. In 1963, under the supervision of A. Philip Randolph, the veteran Communist-Fronter, Rustin coordinated the "March on Washington for Jobs and Freedom."

Rustin's enthusiasm for Leftist and pro-Communist causes is evident by his affiliations with the Socialist League for Industrial Democracy, the pacifist Committee for Nonviolent Action, the pro-Castro Emergency Committee for Disaster Relief to Cuba, and the Monroe (N.C.) Defense Committee. The latter group was established to defend Robert Williams, the Negro integration leader who fled to Cuba and to Red China, when sought by the FBI on a kidnapping charge. For several years Williams has been inciting American Negroes to open rebellion against law and order.

Along the way, Rustin's "social reforming" has led him to cultivate a friendship with Kwame Nkrumah, the Communist President of Ghana, and Rustin also earned a most unique invitation to a private cocktail party at the Soviet Union's UN mission in 1964.

[From the New York Times, Feb. 1, 1972]

RUSTIN AT LIBERTY ON SWORD CHARGE

(By George Goodman, Jr.)

Bayard Rustin, who was arrested here late Sunday night on a charge of possessing a dangerous weapon, was released on his own recognizance yesterday after waving his right to a hearing pending action of the Manhattan grand jury.

Mr. Rustin, who is executive director of the A. Philip Randolph Institute and a prominent figure in the civil rights and antiwar movements, was accused of having in his possession a cane with a sword concealed in it. He was arraigned yesterday before Judge Hyman Solniker in Criminal Court at 100 Centre Street.

The charge in Mr. Rustin's case, a Class D felony, is a recent alteration of language in the State Penal Code. It is a misdemeanor except when the person arrested "has been previously convicted of any crime," according to the statute.

REFUSED ARMY SERVICE

"Of course I've been convicted before," said Mr. Rustin in an interview at his home following his court room appearance. "I served three years in Federal Prison in 1943 because, as a Quaker, I refused to serve in the Army."

Mr. Rustin said he had been arrested on other occasions for civil rights activities along with the Rev. Dr. Martin Luther King, with whom he had long been associated prior to the murder of the civil rights leader in 1968.

"I find it quite ironic," said Mr. Rustin, "that a man who has preached nonviolence all his life should be charged for such a thing and for God's sake didn't know the cane had a knife concealed within it."

According to the police, Mr. Rustin was arrested about 11:15 Sunday night while walking east on 42d Street.

"I was with a married couple, friends of mine," he said. "We had dined earlier and were off to see 'The French Connection.'

"Arriving at the theater, we discovered we were too late for the movie and we decided to call it an evening."

Mr. Rustin said that moments later, policemen stopped all three as they walked toward the IND Avenue subway on Eighth Avenue.

Mr. Rustin said that after the policeman "politely asked to inspect" the cane, he twisted the crown and found the sword, then told Mr. Rustin he would "have to be booked at the station house."

"I told my friends to go on home," he recalled "and I went along with the officers in the patrol car."

Patrolman Philip Fehr of the Tactical Patrol Force could not be reached for comment, but a sergeant at the 14th Precinct station said the arrest record did not show Mr. Rustin was in the company of friends. "But it wouldn't anyway, unless his friends had been arrested, too," he said.

Mr. Rustin, recently returned from a vacation in the Virgin Islands, said he was hospitalized for three weeks last October after a serious heart attack.

Giving a broad sweep of his hand, Mr. Rustin said: "You can see I have a virtual museum with statuary and carvings from practically every continent in the world." The collection includes more than 100 walking sticks.

"I want to emphasize," he concluded, "the police were most gentlemanly in their handling of the whole thing."

RALPH NADER AND THE CONCEPT OF THE PUBLIC CITIZEN

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. RYAN. Mr. Speaker, since Ralph Nader appeared on the public scene in 1965 with a critique of automobile safety, he has broadened the scope of his activities to include a whole range of consumer and environmental issues, including coal mine and pipeline safety, air and water pollution, meat inspection, enforcement and administration of the antitrust laws, the workings of the Interstate Commerce Commission, the Federal Trade Commission, and the Food and Drug Administration, to name only some of them.

Perhaps even more significant than the work that Ralph Nader and his Raiders has produced is the concept which Nader espouses: the concept of public citizenship. This is the idea that citizens, working directly in their communities, can control and affect governmental decisions. To this end Ralph Nader is now engaged in setting up local citizen groups concerned with local problems, to work along with the several Washington-based groups he has organized.

Recently several newspaper feature articles have appeared giving a good, balanced description of Ralph Nader and the organizations with which he is working. Two of the articles appeared in the Washington Post of December 5 and 6, 1971, written by William Greider. The third appeared in the December 25, 1971, National Observer, written by Michael T. Malloy. I commend these articles to the attention of my colleagues.

[From the Washington Post, Dec. 5, 1971]

INSTITUTIONAL "LONE RANGER"—RALPH NADER STRIVES TO INSPIRE "PUBLIC CITIZENS"

(By William Greider)

In the late evening of another long day, Ralph Nader indulged himself for a moment, thinking about the good old days when he played Lone Ranger for the American consumer.

"There are lots of things that I no longer do which I would like very much to do," Nader confessed. "I had a book a year planned."

Even relaxed, his long frame scrunched down in a chair, Nader seems lean and intense, like an underfed seminarian who studies too hard. Under the broad brow, his eyes are dark and unsmiling, though his voice is soft and less aggressive than his public image.

"And I could produce a book a year, at least," he said. "All kinds of material." Nader's last book, the only one done alone, was "Unsafe at Any Speed," published in 1965, which savaged the auto industry and helped to inspire the Highway Safety Act of 1966. Lately, he has written the introductions for a line of books in the same genre, but done by others under his supervision. He has signed a lot of letters drafted by subordinates.

"Project the scene," Nader said, reflecting on the road not taken. "Start with 'Unsafe at Any Speed' and then you put out a book a year on each industry. See? You get a law through and you just repeat the same cycle . . . Very nice, very comfortable. You know, the Lone Ranger. The establishment loves Lone Rangers. Because they can always point to them and say, SEE, this country can do it. They love the prop."

The Lone Ranger was laughing at himself, making light of his own myth. Somehow, that quality of humor is seldom revealed in the public figure called Nader, the caustic young man who is constantly wagging his finger at government and industry. The omission puzzles his friends, some of whom blame it on the media.

Instead of the romantic role of free-lance crusader, Ralph Nader has deliberately institutionalized himself. "I decided three years ago," he explained, "that it was much more important to train people and get a lot of people to do this thing and to develop the concept of public interest firms."

So now, while he still stubbornly guards the personal privacy which lends mystery to his public image, Nader is surrounded by people and paperwork and a bewildering network of organizations, all devoted to a staggering array of public issues. From the Fishermen's Clean Water Action Project to the Center for Concerned Engineering, Nader supervises more than 50 people, not counting the scores of summer recruits. Most of them are young professionals probing and assaulting a Naderesque panorama of corporate sin and governmental sloth—from commercial blood banks to international price-fixing by the airlines to "brown lung" disease among textile workers.

The marketplace has been swamped by their prolific production of hard-hitting "public interest" critiques. In the past six months alone, 10 massive volumes of Nader "task force" reports have been issued. Some attempted broad and profound analysis of such fields as antitrust enforcement ("The Closed Enterprise System," in two volumes) or the politics of land use ("Power and Land in California," two volumes). Others zeroed in on public and private institutions like the First National City Bank of New York ("Citibank," 547 pages) or the U.S. Department of Agriculture ("Sowing the Wind," 482 pages). Still more are on the way (mental health, the American Automobile Association, food marketing to children).

Quite contrary to his original intentions, "Ralph Nader" has become a brand name, the label of credibility which sells a report or a news item to the media and to the general public. Newspaper reporters who follow consumer issues find themselves glutted with more than they can cover (or more than their editors will print). It is not at all rare these days for Nader news to compete for attention with other Nader news—Nader himself testifies before Congress, a Nader task force blasts a federal agency, a Nader lawyer files a "public interest" lawsuit.

Inevitably, both supporters and critics, especially the critics, begin to describe Nader in the same language of commerce and bureaucracy which he has employed so skillfully in his attacks. Like GM or Esso or ITT, Nader is being badgered increasingly about his own quality control and corporate responsibility.

Caspar Weinberger, the White House budget director, former chairman of the Federal Trade Commission: "I get the impression of a person who's franchising himself who doesn't have control over the quality. It's like anything else—the franchise in Chicago may not be the same as the Old Master."

A friendly journalist: "Three or four years ago, he was a one-man band. Now he's a conglomerate."

A lawyer-lobbyist whose industry clients are frequent targets for Nader attacks: "He is suffering from some of the problems of bigness and organization that he's been criticizing. He's aware of that. It's the kind of trade-off that business makes every day. In order to proliferate what he could do and take advantage of the young people interested in what he's doing, he has to rely on others—and some of them are simply not as good as he is."

Nothing conveys the irony of Nader's new status better than the friendly complaint from Douglas W. Toms, chief of the National Highway Safety Administration, a federal official who admires Nader as an "enormously able" watchdog for the public. The trouble is, said Toms, "I can't always reach Ralph when I want to." It used to be the other way around.

As the volume of Nader activity increases, so does the frequency of the rebuttal attacks, from complaints of inaccuracy and distortion to hints that Nader harbors a dark lust for power.

When Nader charged that General Motors had advance knowledge of the Nixon administration's wage-price freeze, Cabinet-level officers challenged him to prove it. Nader backed off, insisting that the circumstantial evidence put the burden of proof on the government, not him. When he complained about the staining effects of stannous fluoride toothpaste, two Public Health Service dentists rebutted his claim—the same dentists whose research he was citing.

The Nader task force report on California land and water development drew a universal chorus of boos from politicians as well as newspapers in that state. His task force report on antitrust enforcement was reviewed caustically in the New Republic, the magazine that gave Nader one of his first platforms.

As his focus shifts from single-product consumer issues to more fundamental critiques of wealth and power, Nader is increasingly characterized with unflattering labels. According to various publications. Nader is a neofascist, a soviet collectivist, an authoritarian zealot. Car and Driver Magazine called him: "A pain in the ass."

Nader himself measures these comments with a mixture of pique and whimsy. His entire apparatus, he likes to note, is about the size of a Chevy dealership. The news coverage has never been better; the quality of the product will be judged by the ultimate consumers—the public. Besides, he remarks with some feeling, it is ludicrous for businessmen and bureaucrats to raise alarms over the "public interest" handiwork of a handful of young lawyers and students—when there ought to be 10,000 doing the same work, not just in Washington, but in every community, every state.

ANSWERING THE CRITICS

"We neither have government authority nor do we have corporate wealth and power," Nader said, "so the extent of our acceptance is pretty much in proportion to the acceptance of values and facts by the community. Where else does our power come from?

"We can't prosecute anybody, tax anybody, regulate anybody, can't bribe anybody, can't get campaign funds, we can't generate three million votes or anything. It's the classic model of accountability. Every day some columnist says, 'Ah, they've gone too far' and this and that. We can't make many mistakes."

Nader himself is privately fearful about the problem of creeping bureaucracy and he is almost obsessive in his efforts to combat it. Still, in a way, he is right when he complains that the critics miss the point. A more fundamental question about Nader is, not whether he is spreading himself too thin, but rather, as one tongue-tied interviewer asked, is he spreading himself too thick.

In other words, if the explosion of Nader-style citizen action never generates beyond the brand-name shelf, then he will have failed in his principal objective. For Nader preaches an inspired vision of reform: the flourishing of "public citizens," a broad phalanx of activities which would create a new center of influence in American life, a "public interest" presence which alters the way government and business govern. The vision hinges on a Jeffersonian assumption that other people, normal everyday people, can do what he has done. For "models" Nader offers his own work and the growing stack of task force reports as evidence of what "public citizens" can accomplish.

This is a basic article of faith with Nader and his associates. "There are extraordinary manifestations in Ralph that are the potential in all of us," Richard Grossman, his publisher, philosophized. "It's not that special."

Reuben Robertson, a 31-year-old lawyer who left Covington & Burling three years ago to become a charter member of Nader's Center for the Study of Responsive Law, put it this way:

"What happens to the idea of citizen participation if someone throws up his hands over a problem and says, 'This is a job only Nader can handle'? What is he? some kind of Capt. Marvel? He's a uniquely qualified guy, but what does that attitude say about other citizens?"

Nader's idea of citizenship contradicts, of course, the conventional cynicism of Washington. But it also collides with the mystique of Nader himself. For example, Nader and his associates resent the "Nader's Raiders" label which the press uses so freely because, as Robertson said, "It conveys a specialness to what we're doing that is very unfortunate."

Yet they also recognize—and exploit—the public-relations impact of Nader's name. Even when they do not employ their brand name to sell a story or spark congressional interest or raise money, the press invariably fills it in for them, a convenient shorthand for the readers.

The trouble is, the Nader name conveys a romantic notion of commando-style assaults on established institutions, whereas he and his people are trying to sell something different and far more challenging: a new way of regarding a citizen's continuing responsibility.

"The image is so far off," complained Robert Fellmeth, a 26-year-old Stanford graduate who is one of Nader's most prolific writers. "It's not the dashing young Cossack charging in and laying waste to the establishment. It's working long hard hours, reading day after day what is boring trivia, hearings, memos, letters, scholarly treaties. It's just hard tedious work."

So perhaps Nader would be judged more fairly, not simply on ordinary standards of reliability, but in terms of his own objectives. It is much too early to attempt a verdict; his results so far are promising, but mixed. The final test will be how many ordinary citizens pick up his models and do his thing, all over America, without the need to invoke his name, without being regarded as peculiar.

Though his friends may protest, Ralph Nader really is different. He doesn't own a car. He doesn't smoke. He doesn't eat Wonder Bread or hot dogs or other processed meats ("because I know what goes into processed meats"). He doesn't drink soda pop or frozen orange juice (though he does like wine). He brushes his teeth with baking soda ("super infinitely better"). Not exactly your garden-variety consumer.

Ralph Nader's personal income last year was somewhere in six figures (book royalties, magazine articles and lecture fees usually booked at $2,500 to $3,000 per). That's not counting the $270,000 invasion-of-privacy settlement which he won from General Motors for shadowing him five years ago with private detectives, the incident which launched his public presence. Nevertheless, by his own account, Nader spent only about $5,000 on his own livelihood.

He likes to follow sports in the newspapers, but he never gets to a game. The center's offices on 19th Street are within walking distance of his $80-a-month apartment (Nader's landlady told him "she doesn't want to raise the rent, she's seen it so much in print"). According to associates, he has two or three dark suits, three or four quiet neckties.

Ralph Nader's idea of a big splurge is to stop at a newsstand and buy half a dozen copies of The Washington Post, the same for The Evening Star, The New York Times, the Wall Street Journal. Then he tears them apart and sends dozens of news clippings to various people. The man is addicted to information.

And to work. His recent critics notwithstanding, Nader is conversant with a staggering array of public issues, from the advertising claims of fluoride toothpaste to the hidden corporate subsidies in local property taxes. He juggles many more items than, say, the average U.S. senator. He probably works harder than most of them—18 to 20 hours a day, holidays and weekends, dodging the social entanglements which sap so much public energy in Washington.

No one has even been able to discover any contrivance in this. Nader is just like that, without apologies, without striking people as either a grind or a saint. In this era of flower-child exhortations, do it if you feel like doing it, Nader offers his young legions the opposite creed, an old-fashioned Yankee ethic:

"In this kind of work, you have to have the following attitude: if you think it should be done, then you enjoy doing it—not the reverse."

This moralism, coupled with the mystique of his personal example, draws thousands of applicants to his door. Most of them are young college students or recent graduates, many with law degrees, though some are older professionals, including a few engineers and doctors. The Nader organization is sensitive to the suggestion of an "elitist" cadre—the predominance of bright, white, middle-class strivers. So many were trained in Cambridge, Mass., that they joke about the "Harvard Mafia." Special efforts to recruit black lawyers have not been successful. Projects with "blue collar" roots—like the conference for truck drivers—are encouraged.

SELECTING THE "RAIDERS"

From all of the applicants, Nader selects a few by employing his own form of "motivational screening"—low pay. The lawyers start at $4,500 which is less than the secretaries earn (second-year legal salaries are set according to personal need, up to $9,000, a heretical concept for any profession).

Nader apparatchiks are deployed all over town in sparely furnished offices, a couple are even working for congressmen. The center on 19th Street, the spiritual nucleus, is Nader's tax-exempt "think tank," upstairs from a visual-equipment store. The center's seven or eight senior associates have produced, with the manpower of summer students, most of the major Nader studies—"Vanishing Air" by John Esposito, "Chemical Feast" by James S. Turner, "The Interstate Commerce Omission" by Robert Fellmeth.

The Public Interest Research Group—PIRG—is Nader's law firm and action arm, autonomous except for its link to the man himself. The "Pirgatorio" office at 15th and L has the ad lib look of youth, ecology posters and tie-dyed shirts. Its dozen lawyers, however, are busy advocates—litigating against five federal departments (from HEW's regulation of birth-control pills to Treasury's proposed depreciation tax break for business), petitioning agencies to get moving on problems (the Federal Trade Commission on phosphate detergents), filing comments on agency rule-making (implementation of the Poison Prevention Packaging Act). They also channel testimony to a flock of congressional committees.

A variety of other "public interest" action groups are in different stages of spin-off. The 15-member Center for Auto Safety has four full-time people monitoring and prodding the Department of Transportation, while the Center for Concerned Engineering is, at present, one engineer testing products (firemen were called to that center's office in the National Press Building the other day when an electric blanket caught fire).

Until recently, the money came from Nader, who personally put up the $175,000 last year for PIRG, and from foundations, which underwrote most of the tax-exempt, non-lobbying activity. Now, however, Nader is going public in a big way, hoping to raise between $500,000 and $1 million the first year through direct-mail solicitation and a series of newspaper ads. He regards it as a more stable source of future income, one that would allow expansion and ease the personal burden of a heavy lecture schedule and would stimulate a public following. "Public Citizen, Inc.," will be the financing conduit for all of the other Nader nameplates.

So far, the first ad in The New York Times yielded about $55,000 against a $10,000 investment, according to Ted Jacobs, Nader's chief of staff, an old friend from his days at Princeton and Harvard Law School. Jacobs said the first test mailing of 180,000, aimed at magazine subscription lists, produced a return of 3 per cent to 4 per cent (at $10 each), which they consider good. Another mailing of 750,000 is planned.

"We did very well with the good solid liberal lists, the New Republic, Progressive, Nation, the Bulletin of Atomic Scientist," he said. "But some went nowhere—TransAction, Avant Garde."

The Nader books, 15 titles so far, have been another source of income, but somewhat disappointing so far. The best seller is "The Chemical Feast," more than 150,000 copies, but that is far short of the mass market potential which Nader and his associates envisioned. Last month they switched from Ace to Bantam paperbacks in the hope of improving.

Working for Nader apparently is rewarding, despite the pay, based on the past and present associates who speak fondly of the experience. His style is anti-bureaucratic—no staff meetings, no inter-office memoranda, no regular hours, supervised only by Nader's hit-and-run advice and his close scrutiny of their finished work. But he is something of a penny pincher about office supplies.

"When you're working on policy questions, Ralph is open and reflective and encourages full participation," said Jim Turner, a charter member who has since departed. "But, boy, if you use too much Xerox paper, watch out."

A TOUGH TASK MASTER

Nader enforces the work ethic in various ways. "Somehow," said Fellmeth, "when he's around, you don't bring up things like the fact that you have a backache. It doesn't seem proper."

Once, when Reuben Robertson was in the midst of battling a proposed merger involving ITT, he packed up his work and took the family to the seashore for the weekend. When he returned, there was a note in his desk: "Bad day for the beach—was Geneen (the president of ITT) at the beach?"

"I'm not a very tough task master," Nader said. "Whoever works hard with us works hard because he wants to, or she wants to. Whoever doesn't doesn't get pushed very much, he just doesn't get renewed and that has happened very infrequently." About a half dozen times, he said.

The Nader apparatus did run afoul of the problems of bigness, however, and scaled down its ambitions somewhat. The summer recruits—known internally as the "Raiders"—grew from the original seven in 1968, who studied the Federal Trade Commission, to 100 in 1969 to 200 in 1970. But this past summer it was cut back to 50, partly because Nader faced a small-scale rebellion from within the 1970 group. A group of dissatisfied "Raiders" held a series of rump sessions, complaining about dictatorial treatment, poor supervision, lack of meaningful assignment and other grievances.

Nader's staff people denied any trouble at the time, but they acknowledge now that they bit off too much. "We assumed, wrongly as it turned out, that every student who indicated a willingness to work would be a self-starter, a mini-Nader," said Jacobs. "Some students could just revel in the freedom, others just thought it was anarchy."

Nader is less charitable toward the 25 or so who complained. "There's a lot of freedom here, some students can't deal with it," he said. "So some of them wanted, you know, soft-ball teams. They wanted to develop a sub-society, they wanted people to sit with them in the morning and say, 'How are you doing?' Hand-holding."

THE NADER DISCIPLINE

Despite the evident freedom, there is a subtle discipline within the Nader organization—the discipline of style. Nader, after all, became famous, not just for his hard digging for obscure data and shrewd analysis, but the way he packages the information. When he is on the attack, Nader's prose has all the subtlety of a Panzer division. He wants it that way and his associates emulate it.

Nader says things like: "The level of incompetence in the agency is only exceeded by its penchant for secrecy." And: "The auto industry's claim . . . is as phony as the simulated air scoops on many American automobiles." Businessmen, says Nader, are guilty of "crime in the suites."

So, for example, when Harrison Wellford describes the Department of Agriculture's enforcement of the meat-inspection law, he does not simply write that it is inadequate. He writes: "By 1971, it has been transformed from a triumphant steed carrying meat inspection to the goal of uniform federal standards into a Trojan Horse delivering pretexts for dismantling the federal inspection system . . ."

Countless similar examples are available The hyped-up prose, of course, has its purpose—it sharpens the conflict and aggravates the target, often provoking charges of distortion and gross exaggeration. But, more to the point, the Nader language, what Fortune magazine called "coating his facts with invective," makes the information more marketable in the news media.

One Nader task force report, a study of the medical profession's self-regulation by Dr. Robert S. McCleery, a former FDA official, was not written in that hard-hitting style. Its tone was low-key. And it was not published by Grossman of New York, the house which has issued most of the others "It's just not like a study group report," Grossman said. "It's much more of a philosophical thing." McCleer's report was published by a small Washington firm, with disappointing sales, according to Nader. It might be regarded as an object lesson for other authors in his stable.

In any case, though the suggestion rankles Nader, his influence is directly linked with his skillfullness at gaining access to newspaper space and TV time. Mike Pertchuk, general counsel for the Senate Commerce Committee, a congressional aide who has worked closely with Nader on many issues, remarked:

"People get tired of hearing from Nader, but his influence will remain strong as long as his access to the media remains strong. If Nader can go to the newspapers and denounce a senator as a sell-out to special interests then he will remain strong, whether they like him or not."

As Nader points out, there is nothing mysterious about that. Presidents and corporation executives, likewise, depend upon access to communication to influence events. What is unique is that Nader is merely a citizen. What remains to be answered is whether this vital access is linked to the magic of his name and his special skills of media combat—or whether it can be passed on to "public citizens" everywhere, whether the media will begin to recognize the non-official sources of information as equals in public debate with the constituted authorities—without the reflex of invoking the "raider" mystique.

That is another way of asking: Is Nader a freak? Or can any public-spirited American do it? Nader believes the latter and he currently is devoting great energy and prestige to prove it. The gamble is probably his most important enterprise; the results so far are mixed. Nader organizers are attempting to establish "public interest" groups across the nation, tied to universities and states even based on special-interest groups such as truck drivers (safety) and fishermen (water pollution).

STUDENT EFFORTS ON CAMPUS

In two states so far, Oregon and Minnesota, a majority of university students have petitioned successfully to raise their student fees by $1 per quarter to finance their own SPIRGs—student public interest research groups (students who object can get their $1 refunded). Similar petition drives are under way among students in 18 other states. Donald Ross, a 28-year old lawyer in charge of organizing, hopes that at least six will succeed. The latest Nader book, "Action for Change," is a manual on how to do it.

Armed with steady income from the fees, the student PIRG would hire its own lawyers and researchers, independent of Nader and supervised by a student-elected board. Using Nader reports as "models" and source material, the local groups could then turn to whatever local public issues seemed worth attacking.

"This project," said Ross, "has the potential for creating a legal revolution, in the best sense of the word."

Likewise, when it seemed that the Oregon and Minnesota drives might stall out, Nader staged fund-raising campaigns in Connecticut and Ohio to launch off-campus "public interest" groups supported by the citizens of those states. These will remain under his control for the first year, then spin off under some form of citizen board of directors.

The concept is a long way from proving itself, either as an organizing technique or as a practical way to spread "citizen action." Student petition drives failed in Illinois and Utah. While Minnesota's student PIRG has hired a staff and is off pursuing public issues, mainly centered on pollution enforcement, the Oregon project is still bogged down by staff problems and opposition, including the threat of a lawsuit.

In Connecticut, the fund drive raised $50,000 and the PIRG has already zeroed in on Colt Industries, alleging intentional shoddiness in the manufacture of M-16 rifles. In Ohio, the fund drive produced $100,000, according to Ross, but it relied on a public relations blitz which promised a great deal more than was delivered. Now the Nader people can't find a "public interest" staff.

"The trouble is," said Ross, "we can't find anyone who wants to live in Ohio." That brand of arrogance was expressed by Nader himself, suggesting complicated sociological reasons why Ohioans do not share the Nader vision of idealism and citizenship.

HEAVY ON PUBLIC RELATIONS

The campaigns also have been heavy on public-relations work. An advisory bulletin to the student PIRG organizers suggests the kind of double standard which Nader so abhors in business: "Strong-armed advertising techniques have been perfected often to the detriment of society . . . These same techniques can be used effectively by you in the public interest."

Jim Turner, author of "The Chemical Feast," parted company with Nader over that very problem, the question of how consumer-action groups are to be organized—from the top with Ralph Nader providing the P.R. razzle-dazzle, or from the grassroots. Turner is on his own now, trying to put together much smaller citizen groups to work on food issues, generated by their own concern and talent, not the magic of a national leader. Their disagreement was amicable, but fundamental to the question of how one goes about raising the quality of "public citizenship."

"I talked it over with Ralph—there were definitely some differences about how to go about it." Turner said. "We sort of agreed, 'You try your way, I'll try mine and we'll see which one works.' "

Likewise, there was some sentiment among Nader's associates for making the fund-raising apparatus of "Public Citizen, Inc.," into a national membership organization which really functions, which might, for instance, consult its members on policy questions. Instead, as one Nader man put it, Public Citizen, Inc., "is a post office box that you can send money to, with even the promise that you will not get a thank-you note in reply."

Nader's vision for the future, however, is not of a mass movement so much as mass awareness which backs up the full-time "public citizens," the young people and professionals who are willing to work at it full-time and the "whistle-blowers" inside government and business who feel compelled to speak out.

"What we're trying to do is say, okay, 98 per cent of the people who know of a certain abuse aren't going to say anything," Nader said. "We want a kind of society that will permit that 2 per cent or that 1 per cent—that will encouraging that 2 per cent or that 1 per cent to speak out, to do things, to change systems, and they'll be supported and defended if they do so."

If "public citizens" proliferate in coming years, that wind of leverage should develop. When newspapers no longer feel compelled to describe such activity as "Nader-style," when government and business accept it as a permanent part of the process, then Nader's idea can be certified as consumer-tested.

[From the Washington Post, Dec. 6, 1971]

A "RAIDER" RATING OF NADER: INEFFECTIVE

(By William Greider)

Let's suppose, just to be mischievous, that some public-spirited citizen appointed a "task force" to investigate Ralph Nader.

Following Nader's example, he probably would recruit a dozen or so college students, very bright and self-confident, to spend their summer poring over what Nader has done for the American consumer. After months of legwork, they call a press conference and issue their massive report, couched in language which is appropriately inflammatory:

"The purity of Ralph Nader's outrage is exceeded only by the ineffectiveness of his solutions—most of which are proving about as reliable as Corvair. Like the auto makers who design cosmetic tailfins, Nader has added more remnant parts for the already-cluttered governmental machinery. Thanks to Nader, consumers pay higher prices; their tax dollars support more bureaucrats. The results are mixed at best and, in some cases, have actually resulted in extra protection for the producers, not the consumers whom Nader supposedly represents."

Nader's many admirers, including some congressmen who steered Nader legislation to passage, would be outraged no doubt. They might denounce the "task force" report as grossly unfair, a distortion of facts loaded with invective (which is what government officials and businessmen often say about Nader's own reports).

Nader himself, however, might react with less rancor. After all, he has been telling people for years that his triumphs were really failures, but people didn't listen. Now he might say, if people finally grasp the limitations of regulatory legislation, they have begun the search for genuine solutions.

There is more truth than fancy in this make believe scenario. It expresses both the dilemma that confronts Ralph Nader the reformer and his potential, as yet unmeasured, for resolving it. Nader's concrete contributions in the five years since he became a public figure usually are summarized in the list of legislation which he either inspired or promoted to passage. It does not take hard digging by energetic young "raiders" to determine that, so far, the 'overall results fall far short of what Nader might call a victory.

The one dramatic exception is the auto safety measure, Nader's first interest and the one which still gets more attention from his organization than any other issue. Last year, for the first time in five years, the number of highway fatalities went down instead of up, from 56,000 in 1969 to 54,800 in 1970. That saving of 1,200 lives is attributed to lots of facts but even Nader's enemies concede that the new-car safety features required by law, particularly the collapsible steering columns and the flexible windshields, were important contributors.

In other areas, however, the statistics suggest that safety regulation is much more difficult when it is aimed at how an industry performs rather than setting measurable standards for a finished product like cars.

Since the coal mine safety law was enacted in 1969, deaths in the mines have climbed, so have injuries. The "Get tough" enforcement provisions have bogged down in legal controversy, 260 miners were killed in 1970 (compared with 203 in 1969) and 158 died in the first nine months of this year, almost identical to last year's rate, before the coal strike interrupted production. Even with the increased coal production, the new regulatory powers have not made much impression.

The same could be said for the federal regulation of gas pipeline safety, a Nader cause in 1968. Since the regulating was born, deaths from gas pipeline explosions have gone up substantially, which may or may not indicate that the potential hazard from unreported leaks is also increasing. Several states like New York are complaining that the new federal standards have actually lowered their level of safety enforcement.

Measuring the quality of other Nader-inspired legislative proposals is more difficult but the performance which followed congressional action has been widely criticized—most persuasively by Nader himself and by his many associates who are monitoring federal agencies.

The meat inspection law, for example, was supposed to extend federal standards of purity to the intrastate packing houses, whose filthy conditions were so vividly described by Nader. So far, several hundred packing houses have been cited as substandard, but Nader's "task force" on the Department of Agriculture described the law's implementation as slow and spotty, compliance as a "fiction."

The legislation, the Nader report warned is in danger of being "turned on its head" because intrastate meat packers, claiming that they now comply with the higher federal standards, are demanding the right to ship interstate.

Furthermore, according to the Nader study, the Department of Agriculture is toying with the idea of turning over its enforcement machinery to the state government, now that they ostensibly comply with the federal standards. Thus the net result would be to dismantle the regulatory system created by an earlier era of consumer reform, the Progressives like Upton Sinclair whose exposes outraged the American public 70 years ago.

The Nader task force offered this melancholy observation: "Emasculation of a consumer law is, unfortunately a very boring affair. When bureaucrats blink at the law in this manner, their evasions and delays are gradual and technical; they rarely make news."

Nader himself frequently expresses the same frustration. Before the Senate Commerce Committee, for instance, he scolded the senators for proposing still another "fraud" on consumers, an auto-repair measure which Nader considers too feeble to fulfill its promises:

"The Committee should know by now that no more than 10 per cent of what any consumer law tells the Executive Branch to do ever gets done. In some cases, the percentage is much less."

Congress itself, Nader said, is an accomplice in the "deceptive packaging" because it enacts laws to protect the consumer, then fails to provide adequate appropriations or the close oversight required to fulfill the law's intentions. Inevitably, he argues, the industry lobbyists stick around, long after the public's interest has faded, to see that their special interests are served. A new Nader task force is forming to scrutinize Congress and how it functions in these matters.

Nader's lament is familiar to congressmen who have dealt with him. He always seems to want more, always belittles the accomplishments by complaining about the compromises. For Nader, this is not just a matter of tactics (though obviously that is part of it).

Nader sees it as honestly confronting the lessons which his historical precedents have taught him: namely, that old-line regulatory laws do not work by themselves. Sooner or later, most of them have fallen into misuse or decay, either neglecting their original purpose or serving the special interest of the industry they were meant to regulate.

"That's why we feel an obligation, whenever a law is passed, to follow through," Nader said. "It would be really irresponsible to get a law passed and then go back to the cottage on the lake, so to speak."

The central dilemma confronting Nader and the contemporary version of the "consumer movement" is this: Nader and his associates have provided brilliant critiques of regulatory government. Yet, again and again, when Nader and his colleagues expose a social problem, their recommended remedy is usually, yes, more regulatory government.

James Q. Wilson, the Harvard political scientist, expressed the irony neatly: "Consumer advocates, including as they do many of those most skeptical on other grounds of the manageability of large government organizations, should be the last to suppose that bigger consumer protection agencies will work as intended; but of course, they are among the first to suppose it."

As Wilson points out, both Left and Right share a low opinion of the liberal middle trying to attach more regulatory powers to the federal government. Classical conservatives regard it as still further intervention in the dynamics of the marketplace, producing unintended side effects, often to the detriment of consumers. The Marxist Left considers most regulatory proposals reformer sham, a device to divert public grievances from the deeper questions of power and ownership, while the government agencies make secure the position of established wealth.

Nader's reply is confident, though somewhat ambivalent. Skepticism about the old-line regulation, he argues is merely the beginning of wisdom. Beyond that, he sees the possibilities of new, more sophisticated regulatory laws which would protect citizen-consumer rights, rather than simply regulate product design or manufacturing processes or price-setting. At the same time, he insists that the existing regulatory machinery can be made to function—according to his ideal—if the leverage of citizens action is applied.

"The idea that you can have any public interest mechanism operate in government without a renewed or different brand of citizenship is absurd," Nader declares with feeling. "Why was the thinking any different? That is the myth itself that has to be coped with. Why anybody should have thought in 1910 that a regulatory agency can do anything when it's completely surrounded—Congress, the media, the bureaucracy, the special interest groups, the campaign funds . . ."

The most persuasive example of what Nader has in mind is the constant monitoring and pressuring which he and his associates at the Center for Auto Safety have applied to the federal regulatory agency the Highway Safety Bureau. Their regular "public interest" comments have become an accepted part of the process there and, while Nader's people have won some and lost some on particular decisions, their constant presence has provided backbone for the regulatory agency in staring down the delays urged by the auto industry. Even Nader describes the results as a "limited success." His idea is that more manpower in public interest activity—a new law firm for every new law—would show similar results.

"That's one of the weaknesses of reformers," he said, "that they despair easily because they tend to be so sincere in what they're trying to do . . . They don't have the concept of incremental growth. If somebody says, 'We tried and we failed,' that's ridiculous. If somebody says, 'You haven't straightened out that meat inspection,' my answer to that is, 'well, I'll start getting slightly dismayed if, after we have ten people working full-time on the meat and poultry inspection area, we haven't had major breakthroughs.'"

Nader's preoccupation with citizenship is reminiscent of that earlier reform period when the Progressives rallied around the high-minded notion that ordinary people devoted to the public interest could counteract the excess of the special interests. Many of the issues were the same then—product quality, safety, honesty in the marketplace, anti-trust enforcement and an enduring fear of concentrated corporate power. The Progressives also drew their strength from the middleclass, professional ranks. But, by comparison, they mustered far more intensity and clout than the contemporary "movement" has so far. Certainly, Nader and his allies have not yet found a political champion with the stature and power of a Theodore Roosevelt or a Woodrow Wilson.

The most striking similarity, of course, is between Nader's style of expose and attack and the "muckraker" journalist of that period (a comparison which Nader welcomes). The historian, Richard Hofstadter, might have been describing the present ethos of Nader's "raiders" when he wrote about the "muckrakers":

"Their criticisms of American society were, in their utmost reaches, very searching and radical, but they were themselves moderate men who intended to propose no radical remedies. From the beginning, then, they were limited by the disparity between the boldness of their means and the tameness of their ends. They were working at a time of widespread prosperity and their chief appeal was not to desperate social needs but to mass sentiments of responsibility, indignation and guilt."

The historical symmetry is complete when one recognizes that a vast portion of the Nader energy and intelligence has been devoted to criticizing the regulatory legacies from the earlier era, describing all the bad things which have come to pass with the agencies launched by Progressive and New Deal reformers.

But is there any reason to believe that Nader's "reforms" will be any different, any more immune to the processes of decline and capture? His prescriptions for "citizen action," after all, depend upon a continuing social idealism, a force which has moved American history at many turns, from the Abolitionists to the Prohibitionists. Yet idealistic ferment has a way of dissipating itself or seeking out other causes before its goals are reached.

The answer, of course, is entirely speculative. It depends in part on what one thinks of Nader's new concepts of regulation. It also depends on whether he reflects merely a passing ripple of middle-class irritation or whether Nader is the vanguard for a deeper social discontent, not simply with watered hot dogs and cars that are lemons, but with the broader questions that he raises about "private" government by giant conglomerates—the corporate power to set prices, to dictate environmental quality, to foster a "junk economy" which ignores more pressing problems of poverty and concentrated wealth.

In this regard, there is one striking difference between Nader and his Progressive predecessors. While many of them started from broad structural critiques of American society (some were Socialists) and settled in the end for particular and narrow reforms, Nader seems to be moving hesitantly in the other direction. He is progressing from the single-issue attacks, which made him famous, toward a broader conception of what's wrong. A friend mused: "He might just leave behind the Dayton housewife who loves him because he told her why the pop-up toaster doesn't work."

In any case, Nader and the movement enjoy a unique status at this jucture buoyed by public credibility which is the envy of politicians. Three authors are racing to press with books about him. A Louis Harris poll found 69 per cent of the people favorably disposed to "Nader style" activity, a better job rating than any recent President could claim. At the same time, market research specialist Daniel Yankelovich reported a "nose dive" in public confidence in business. Yankelovich recently warned the Sales Executive Club of New York:

"Only a minority of the public (29 per cent) believes that business achieves the proper balance between profits and service to the public. The majority has lost a great deal of its confidence in business. Such a wide swing of the public mood is full of danger. Here is another sign of trouble: Over the past year the desire for more government regulation of business has increased from 50 per cent to 69 per cent."

To date, Nader has not found a way to harness the potential influence which those statistics suggest and translate it into political power—making the national candidates talk about his issues, such as antitrust enforcement or challenging corporate secrecy. However, as he expands his organizational apparatus across the country and gets into mass fund-raising the politicians are increasingly suspicious that, perhaps, Nader himself will become one of them, seeking elective office.

"I think he's heading now in that direction," said Caspar Weinberger, the White House budget director. "I think it would be fairer if he made that clear to the public. One of his enormous strengths is the importance the media attaches to everything he says and the feeling that he is some how above all this unseemingly scrambling for office."

Nader's quick, tart answer is no, he's not interested "because then the best you could be is a good politician. A good politician is not considered even as good **as a good** citizen."

Behind that lofty talk, however, Nader essentially agrees with Weinberger's analysis—that his credibility with the public rests squarely on the absence of any personal payoff in his work. The hint of political ambitions would wipe that out: The press would treat his utterances quite differently. "An old politician like Weinberger knows that you can try to discredit somebody doing this kind of work by saying, 'Well, he just has political ambitions,'" Nader observed.

In addition, Nader has thought about it and concluded that, for the present he can exercise more influence over events from the outside, by leading citizen pressure, than from inside Congress or a federal agency. Last year, when his home state of Connecticut was faced with a three-way race for a U.S. Senate seat, Nader was urged to jump in (he votes there regularly, registered as an independent). "If anybody had wanted to leap into politics, that was the opportunity," he said.

"You could do a lot of good as a U.S. senator," Nader mused, "but . . . Congress itself is not going to be effective unless it's got this kind of professional citizenship behind it. And that's what I think is the most important thing. The great delusion of people who want to change things through political systems is that it has to be done through political systems. And I'm realistic enough to know that the head of any bureaucracy is going to be completely swallowed up by it unless he's got someone to support him from the outside."

Analytical talk such as that, and Nader's insistence on "pragmatic" solutions to single issues, has protected him from simple political labels which would put him into a convenient ideological pigeonhole. Indeed, there's occasional confusion about whose side he is on (especially when he attacks one of his congressional allies). Nader draws on the traditional conservative values suspicion of concentrated power, a reverence for individualism and the pre-industrial sense of free enterprise; yet he invokes liberal solutions which convince his business adversaries that he is secretly leading the nation toward collectivism.

New Left groups, which used to scorn Nader as a reformer, have been regrouping lately around the idea that "Nader style" activities would be a good tool for organizing people toward their own Socialist goals.

Political diversity is also reflected in the idealistic young men and women around Nader. Robert Fellmeth, who directed the controversial California land and water study, was a Goldwater campaign organizer on the Stanford campus in 1964. James Turner, author of "The Chemical Feast," campaigned for Eugene McCarthy in Ohio in 1968. Others worked for Rockefeller, Nixon, Kennedy and Humphrey.

Nader's thinking is hard to categorize because it is directed to process more than to structure to questions of situational ethics more than ideology. He is for example, quite skeptical of many of the New Deal and Great Society social welfare programs on the grounds that they are "short-term crisis" solutions which "become tremendously abused and manipulated when they're for the long term."

The core of what Nader preaches is a new ethical standard for individuals who find themselves surrounded by mammoth institutions in a highly complex technological society. As he defines it, they must learn how to exercise a higher responsibility to the broad public interest obligations which rank above loyalty to a single institution.

As individuals accept that responsibility, society must learn to honor them, or at least to protect and make a place for them. The cynic may suggest that Nader is simply announcing that, gee whiz, if everyone were nicer, the world would be a nicer place to live. Nader replies: "There will be more good people if you give them a career role that brings out the goodness in them."

Nader's point is that new reform efforts should be directed at strengthening, encouraging and protecting the new "public citizen," whether he is a full-time lawyer working in a public-interest law firm or one of Nader's "whistle blowers" like the Chevrolet inspector in St. Louis who told the public what he knew—and 2½ million Chevys were recalled.

Nader can envision laws to crack open corporate data on product quality (thus aiding the public-interest monitors), or to alter philanthropy (so more doctors, engineers and lawyers can afford to work in the public interest) and to "regulate" citizen rights (laws to protect the "whistle-blowers from retaliation, regulatory agencies to guarantee citizen access to government decision-making and even provide free representation).

Future "regulation" to Nader could mean government agencies which explore and promote new technology, as the auto safety industry has, even though it might displace the investments of private industry. "Creative regulation," in Nader's phrase, might provide citizens with the expertise to bring their own lawsuits or the volumes of data on quality and safety to make wise choices in the marketplace.

These concepts are not as visionary as they may sound. The bill for a consumer protection agency, pending in Congress, would be a first step, giving consumers an advocate who could speak for them before all the other regulatory agencies. "That bill is modeled after Ralph Nader's work," said one congressional aide.

Even so, there are bitter controversies over how much power of advocacy that agency should be given. Some of Nader's closest allies, notably Rep. Benjamin S. Rosenthal (D-N.Y.) and Sen. Philip A. Hart (D-Mich.), have raised alarms that a watered-down version creating a consumer agency which is not truly independent may be worse than none at all. Nader himself shares their concern but believes, "Nothing could be as bad as it is now."

Nader's concept of "whistle blowing" is progressing, too, despite accusations that he is promoting "Gestapo tactics" of disloyalty. The Senate Public Works Committee has been writing "whistle blower" provisions into air and water pollution bills to protect company employees who report violations by their corporations. If the workers are fired or suffer discrimination, they may complain to the Secretary of Labor for relief.

The "whistle blower" protection got knocked out of the air pollution bill, but it is still part of the Senate-passed water bill, along with another provision which allows citizen lawsuits to compel government agencies to enforce pollution standards against violators.

In the past, a citizen would have to compile evidence of personal damage from the pollution before he could begin such a suit. If these items become law, they could encourage the citizen action Nader talks of—and the example could be extended to other areas of government regulations, from prescription drugs to pipelines.

Nader's business adversaries have listened to this talk and it alarms them. It does not take much imagination, after all, to envision an ultimate world where the government determines product lines and sets the quality, guided or controlled by what Fortune Magazine called "Consumer Soviets," who make decisions in their own elite fashion. Who elected Ralph Nader?

Nader regards the "consumer czar" talk as amusing because, from his viewpoint, that is comparable to what America has now, a government of corporate power which makes private decisions ruling everyone's life without any mechanism for review or veto by the people.

The checks and balances on "public citizens" are infinitely greater, Nader argues, and much closer to democratic principles.

From Nader's perspective, the growth of "citizen power" would simply restore balance. Just as the Progressives legitimized the concentration of power in the federal government, as a way to counter corporate power, Nader nourishes the grand dream of re-vitalizing the third leg for that stool, the public.

Nader's vision of the model society does not yet speak in terms of private versus public ownership or other structural questions which have traditionally dominated political dialogue. Instead, he offers a couple of operating principles which convey his preoccupation with continuing renewal and his conviction that victories are never final and complete, that the old business about "eternal vigilance" is still relevant:

"The model society is, first of all, where any institution which has power over people has a built-in insecurity of power. That is, any institution, in order to behave responsibly, has got to feel that it can lose its power. Responsible power is insecure power. That's the theme whether it's for GM or the Pentagon . . .

"The second is a system that accretes power to victims, whoever the victims may be. We know the traditional definition of victims—poor, minority groups and so on—but victims in whatever context. Say a guy is a millionaire and he lives in a home and is being terribly polluted by a foundry. He's a victim of that pollution . . . In a system where power accretes to the victims, you would not just have rights, which we have plenty of, you would have remedies, which we have fewer of. And you would have representation, which we have even less of . . .

"The third one is that we've got to have systems in our society that will plan alternative futures . . . and allow the displacement of existing technologies by superior ones. That is absolutely critical because, if that isn't done, we can destroy the world."

Nobody has yet figured out a convenient label to describe that, but obviously Nader is a long way beyond the "consumerism" of hot dogs and automobiles.

"If you can't get people concerned about the hot dogs and the autos that involve their daily lives," Nader said, "you damn well sure are not going to get them concerned about much else."

[From the Washington Post, Dec. 6, 1971]

REGULATION NEEDS AUTHORITY, CITIZEN ADVOCATES, NADER SAYS

(Excerpts from a tape-recorded interview with Ralph Nader.)

Question: Did you read the piece James Q. Wilson had in "The Public Interest?". . . His thesis was essentially that the net result of the consumer movement, for all of its good intentions, may be that you have extended the myth of regulatory government beyond its natural death, and that everybody was just beginning to understand that somehow the government ought to break out of that format, when you came along with all of the gas pipelines and the rotten meat and so forth, and now as a result we have enlivened the myth. How do you respond to that?

Answer: Well, one is, what is the alternative? That is—when you've got conflicts in the private sector between various groups—producers, sellers, buyers and the like—and these conflicts or competing needs have to be resolved, there seems to be no other role that resolves these conflicts except the governmental role. And that governmental role is a regulatory role, but it doesn't have to be like the old-time regulatory role—for example, in our ICC report we recommend certain deregulation to make other regulatory policies more effective. For example, deregulating in the rate-approving.

And secondly, the real good regulation gives private citizens more rights. For instance, if you require advertisers to substantiate their claims with the FTC and this information is published, it will give consumers a greater awareness of what's going on.

Furthermore, if you have a consumer protection agency that gets better procedures before other regulatory agencies, then private citizens or citizen groups can participate more easily without paying through the nose or having to wait five years.

Another thing is antitrust, which is considered regulation. What it does also is, at the end point, it decentralizes the private economy so that competition can work.

Another thing is, for example, by generating a lot of research and development in the auto area through the regulatory agency, it can help advance the state of the art in the industry because the advanced state of the art can no longer be covered up or monopolized by the industry. So these are examples.

The other dimension of regulatory action which the traditionalists' rejection—like Wilson's—overlooks is that there are very good reasons why it hasn't worked doesn't lead to the rejection of the principle of regulation seen in these various dimensions itself. And it's obvious it hasn't worked because there's only one vector of advocacy working on these agencies, and that's special-interest pleading, which uses the economic, political and congressional and all possible systems to bear down on the regulators.

Question: Let me use some of the examples of the bill that you were associated with on the context of what he is arguing . . . gas pipelines, meat inspection, where your own task force makes the argument that they're now using the legislation as a vehicle perhaps to dismantle the fairly good inspection. We could add coal . . . You've already gotten the kind of captive regulatory mechanism that you complained about, haven't you?

Answer: Well, regulation needs two things . . . to work—it needs authority, it needs citizenship. And all of these bills just gave the agencies authority, which is the first step. Now what we need is to fill out the second stage, which is this concept of building professional citizen advocates with broad citizen constituencies around the country.

Now take the ones that you've talked about. The natural gas one has done very little. It has never had more than a $400,000-a-year budget. The meat one has had some good advances.

Question: I don't remember you ever really addressing the distribution of wealth directly. Obviously, some of the things you've talked about affect it indirectly.

Answer: Yeah, a lot of it does. And the whole consumer thing is that. That's operational redistributing wealth. You have more for the dollar. And the antitrust breakup is part of that too—breaking it down into less conglomerated forms of capital.

Question: Am I right in that you would bring the same suspicion to a kind of socialist program that you would to the other?

Answer: Yeah, in terms of ownership of the means of production. Once again that is the ultimate in secure power. Everything that GM does for consumers proceeds from the fear of losing something, and a government agency just doesn't fear losing something . . .

Question: You've never been in a position where you directly advocated the kind of service state, social welfare programs. Are you . . . leery of those proposals and how they really function?

Answer: Well, let's put it this way, for the short run I don't believe anybody should be in any social straits, hungry or anything. What I'm saying is that we should never misconstrue short-run services with long-run solutions. Because if we do, one of three things happens: The short run begins to have its own vested interest finally and fights against more basic change. You know, if you've got soup kitchens, why worry about anything more basic.

Or second, the short run becomes so profitable to certain business interests that you can't shake it. And it becomes manipulated completely opposite its goal to help the poor or the unfortunate. Like urban renewal.

And the third, and the worst, in many ways the worst of all, when the shortrun solution corrupts the victims. Because you can have hope in any society up to the point of the corruption of the victims.

Question. Take a favorite of recent years in Washington as a liberal idea, food stamps, does that bother you for those three reasons?

Answer. It doesn't bother me as a short range, what bothers me is if it substitutes for a more basic revision of the whole distribution system and income system . . .

Well, first there's the distribution of wealth, which is even more basic than a distribution of income and that's a hell of a complex issue. You want to start with land. You'd deal with such things as the reconcentration of land ownership by corporations . . . I mean like you try to take the consumer into the area of corporate reform, oh, it's a big step. I mean take the consumer movement into government reform, procedures, secrecies, a big step.

However, the great virtue of it is, is that when you do move into those areas, you move with a lot of understanding on the part of the public, because if the public becomes concerned, first about hot dogs and autos, then they can become more concerned about the companies that produce the hot dogs, etc. . . .

[From the National Observer, Dec. 25, 1971]

RALPH'S PROGENY: NADER WANTS TO ENLIST YOU IN A CRUSADE TO BRING BACK INDIVIDUAL RESPONSIBILITY

(By Michael T. Malloy)

"Who are you, Ralph Nader, and what do you want?" Amazing. Here is a man who has been in the public eye since 1965. A man who the polls say is better known and more popular than some Presidential candidates. A man whose name may appear a half-dozen times in a single issue of your daily newspaper. No other man in this country is so feared, loved, hated, and yet so mysterious that people still feel a need to ask that question.

Here is an answer: Ralph Nader is a prophet of a secular religion. What he wants is to change the way you think.

His gospel is individual responsibility. He calls it citizenship; others might call it ethics. Whatever you call it, the same theme runs through his shotgun blasts at government and industry and his innumerable speeches to advertising men, lawyers, engineers, and students, students, and more students.

"The first question they ask is, 'Why are you doing all this?' " Nader says. "My answer is, 'Why aren't *you* doing it?' "

Crouched over an endless series of lecterns like a charcoal-gray crow in his ill-fitting 1950s suits, Nader relentlessly preaches the doctrine that citizens are responsible for the actions of their governors, that businessmen are responsible for the quality of their products, that an individual can't check his conscience at the door when he enters the institution where he works.

"He does think the only solution for the problems we have is a different concept of the citizen's role," says Theodore Jacobs, the former New York lawyer who is Nader's chief of staff. "Our institutions are so massive that unless individuals take greater responsibility for what goes on in these organizations, we're never going to have a responsive and responsible democracy. A lot of what he does falls into place then."

Nader is best known for the book-length exposes that his "raiders" churn out every few months on everything from the workings of Federal bureaucracy to the faults of automobiles. The chief raider certainly wants to right all these wrongs that he thinks he sees. But the studies are also parables on his doctrine that individual citizens should expose and combat the evils around them without waiting for government, newspapers, or Ralph Nader to do the job.

"I just think the most important thing to be done in this country . . . is to get citizens to realize they have got to be citizens," Nader says. He is responsible for at least half a dozen pieces of consumer legislation, but his main target is the concentration of power in corporations, unions, and Government bureaucracies. So he heads his own list of accomplishments with "the minor attempt to show that individuals can have impact on large organizations.

"They all try to prove the same thing," he says of the raiders' studies. "That it can be done, and that it should be a continuing thing, not just a Lone Ranger study."

When the ripples of publicity subside from the impact of a Nader report, the less-publicized work goes on. A Nader report on water pollution, *Water Wasteland*, is now a permanent project intended to enroll sport and commercial fishermen, who have personal interests at stake, in antipollution pressure groups. Nader's original interest in automobile design is now institutionalized in the permanent Center for Auto Safety, which has its own sources of money and no official connection with the man who inspired it. Nader has spun off at least half a dozen other independent crusading groups, and a dozen more are planned.

"What you see here is the beginning of putting into practice what Ralph's theory is: That there has to be a duplication of what we are all about," says chief of staff Jacobs. "It's not enough for Ralph to have 20 or 30 or 40 people working in Washington. It has to be expanded in diverse ways and not associated with only one man. Ralph has tried his damnedest to de-emphasize his role in local groups and have them focus on local problems, local people.

But Nader can't reduce the length of his shadow when his reputation is still the main attraction for funds and converts. His campus appearances are needed spark plugs for the independent Student Public Interest Research Groups—local miniatures of his Washington, D.C., organization—that he is trying to inspire in more than a dozen states. His speaking fees of up to $3,000 are a major source of money for his movement.

So Nader spends a lot of time on airplanes, sustaining himself on peanuts and penny candy. One recent segment of his schedule called for stops in Cleveland, North Carolina, Montreal, Vermont, and California within 48 hours. Wherever he goes he is recognized. "Great job, Ralph!" they tell him on airplanes.

NO AUTOGRAPHS—ACTION

Nader ducks his head with an embarrassed smile, but he doesn't like it. "I don't give autographs," he says, shrugging his shoulders in distaste. "It's not as slavish as asking for a lock of hair, but I don't want them to think they can vicariously participate by saying, 'Great job,' and going home with my signature. I want them to say, 'What can I do, Ralph?' "

Nader's brand of secular Protestantism demands of his hearers: Make your own moral decisions about the problems around you; don't let employers and government decide for you. "Sit down and make a list of things you'd like to do or say for which you would get fired," he advises a group of engineers. "Then you've got the issues on the table."

The message hits a nerve. Some denounce it as a call for disloyal employes to use "Gestapo" spy tactics against their employers. Others cluster around Nader after he speaks, pressing their business cards into his hands and pleading for an address to which they can communicate the institutional sins that burden their consciences.

"He's training people to take a new view of their lives and of the issues they confront, to react to them in an active manner and not just throw up their hands and say, 'Who can fight City Hall or General Motors?' " says Alan Rauzin, a 25-year-old law student who spent last summer organizing truck drivers under Nader's guidance, and against what he says was the hostility of the Teamsters Union, into a permanent lobby of truck drivers for highway safety.

So a Nader speech or magazine article is usually tougher and more personal than the "what's wrong with society" litany his audiences often expect.

A Nader speech to college students derides "this student age of free think and free do." He demands that they ask themselves, "What kind of citizen am I?"

A Nader article on "Making Congress Work" ignores the usual complaints about the seniority system and committee assignments, instead offering eight ways that individual congressmen can get things done without hiding behind these excuses.

FUNDAMENTALIST VALUES

And a Nader-written introduction to a handbook for student activism doesn't prescribe any specific political goals. It only tells them how to get there: "Character, stamina, self-discipline, and consistency of behavior . . . conviction, work, intellect, values, and a willingness to sacrifice normal indulgences."

He sounds like a fundamentalist preacher, and that's the point. American reformers traditionally talk about revenue-sharing, socialism, or some other institutional change that requires nothing from the citizen but his vote. But Nader argues that, "Political change without a change in the citizenry is not going to be real change." He talks ethics and personal responsibility, and that's something we only expect to hear in church on Sunday morning.

This is why Nader can speak from one end of the country to the other without projecting any recognizable political program. "I don't have any specific thing," he explains. "It renders you very inflexible."

This is why Nader's opponents have so much difficulty tagging him with any leftist "ism." "We've got to avoid the fallacy that if we take power from one basket and put it into another, we'll get change," he tells the would-be young Socialists in his college audiences. "The French government produces the Renault, and municipal power plants pollute like hell."

This is why Nader's accusations ring with personal hostility and words such as "fraud," "crime," and "dishonesty." The standard American reformer is supposed to address the "issues" and omit personalities. But Ralph Nader sees more than abstract issues when he looks at unsafe cars or children's flammable nightgowns. He sees *sin*.

Nader lives, as well as preaches, this harsh devotion to principle. He has trained himself to get by on four hours of sleep per night, and some nights he doesn't sleep at all. He believes that he must drive himself harder than his associates to justify the 1 a.m. telephone calls and staggering work loads he imposes on them. At 37, he has ruled out marriage because he cannot have a family and a crusade without neglecting one or the other.

Principle governs even minor details of his life. "I don't believe in credit cards," he says, "because somebody's got to pay that 7 per cent, and it's the consumer." So Nader insists on traveling all over the country without using airline and telephone credit cards. He squints at airline schedules (very nearsighted, Nader rarely wears his glasses) and pops in and out of phone booths, his pockets sagging with change ("I can feed quarters into a telephone faster than anyone in the world").

"Get a four-door," Nader mutters to a traveling companion at a car-rental counter. "They're safer." It's really true that he won't ride in a Volkswagen, that he doesn't own a car, that he buckles up all the available seat belts in any car he does ride in. And he really does live in an $80-per-month room, although it's nicer than it sounds because his landlady, who likes him, hasn't raised his rent in at least six years.

Nader can be likeable. In a crowd of admirers he is more given to diffidence than to bombast. In private he is an engaging companion, ready to laugh at the ironies of his position. But his most striking quality is his lack of big-shot pretentiousness, a complete absence of social and emotional distance between himself and whomever he is talking with. This rapport leads even bashful undergraduates to call him "Ralph" after two minutes of conversation.

A recent magazine article about his missionary efforts was entitled "St. Nader and His Evangelists," but Nader hasn't attended a religious service in years. "My work is my church," he says. But he did attend Methodist church and Sunday school during his boyhood in Winsted, Conn. "It rubbed off on me in an ethical sense," he concedes, "but nothing like the parents."

His parents were socially conscious Lebanese immigrants who ran a restaurant in Winsted. "Seven days a week, it never closed," their son recalls, explaining his own 18-hour work day.

"And we didn't just talk about the weather all the time." The elder Naders steered meal-time conversation toward social injustice and the individual's duty to society.

All three Nader children were pointed early toward professional careers. One of Nader's sisters is a political scientist; the other is an anthropologist. "My father wanted me to be a lawyer; to be a lawyer was to fight injustice," Nader recalls. "I wanted to be a lawyer when I was 4. I used to hang around the courtroom. It was right downtown, near the restaurant."

THE HOLE IN THE DOUGHNUT

Nader's automobile crusade started at Harvard Law School, in a medical-legal course. "I did a paper on car design, arguing that liability extended to design," he says. "I began thinking about cars protecting people in crashes, like the old 'dodge-em' cars." But other issues continued to bubble in Nader's mind (he was writing about the plight of the American Indian before he was out of college), and they still do.

He has an unerring eye for the hole in the doughnut. "They don't seem to have any oxygen on this plane," he says as he folds his six-foot-four frame into a tourist-class airline seat. "I'll have to look into that." As the plane lands bumpily, Nader remarks: "They took some kind of stabilizer off these planes for economy reasons. The pilots were complaining about it."

Nader first tasted fame after publication of his attack on auto design, *Unsafe at Any Speed*, which criticized General Motors' Corvair. But he really attracted national attention, and bankrolled his crusade, when GM hired a private detective to spy on him. That led to televised congressional hearings and a $425,000 settlement of Nader's invasion-of-privacy suit against GM.

That money is running out. Nader earned $100,000 last year from speeches and royalties, but plowed $175,000 into a staff of 35 paid employes and a horde of volunteers that approaches 200 in the summertime. He recently incorporated a fund-raising arm, Public Citizen, Inc., that he hopes will collect $1,000,000 per year through newspaper and direct-mail solicitation.

A few of Nader's key aides earn up to $15,000 per year, though most of them start at $4,500. Each gets the kind of personal responsibility that Nader preaches. They can work from 9 to 5 or from noon to midnight, as long as they produce. His action arm—the Public Interest Research Group—has no overall director for its projects to organize students, retired people, truck drivers, and others into independent, Naderlike groups. When Nader and one of his volunteers submitted similar articles to the New Republic magazine, says Managing Editor David Sanford, "Nader deferred to the kid."

Even the full-blown reports that issue from Nader's research arm—the Center for Study of Responsive Law—are prepared with little day-to-day guidance from the master. "I don't always agree with their recommendations," he says. "I don't change them: It's their recommendations. My main thing is to make sure the argument and the facts are well done."

Nader can repose this degree of trust in his staff because they aren't the wet-behind-the-ears college kids that the raiders' image suggests. His banking expert is a 62-year-old Philadelphia lawyer and registered Republican on a one-year leave of absence. Nader's controversial report on California land use was prepared by a staff that holds more than 30 university degrees; it included two economists, a city planner, a biologist, and a clutch of lawyers. Even the students who do so much of Nader's legwork are mostly law students, and therefore college graduates who frequently have served in the armed forces or held civilian jobs.

CRITICISM, BUT NO LAWSUITS

Nader is editor-in-chief to these investigating crews, sending their manuscripts back again and again with, "Where's your source?" or "Document this" scrawled in the margins. A recent blast at the Volkswagen went through five drafts before he accepted it. A study of a state consumer-protection agency was killed outright this summer because its documentation didn't meet Nader's standards.

The raiders' reports are almost always condemned as sloppy and inaccurate by the institutions they criticize and by some outside observers too. But nobody has ever sued for libel. Jacobs says nobody has even threatened to sue.

Nader, characteristically, says the law should make it easier for an aggrieved party to bring a libel suit. That's in keeping with his philosophy that individuals should have more tools, judicial or otherwise, to challenge the bureaucracies that he believes have too much power and too little public accountability for the way they use it.

Almost all Nader proposals contain that component. He wants private corporations to open their boards of directors to "public interest" members whose loyalty would be with the consumers rather than the company. He wants government agencies and private companies to open their inner workings to public view, so that a pesticide regulation or a new car design can be debated and influenced before being set in concrete. He wants laws to protect the jobs of employes who expose errors of their employers. "A corporation cannot afford to be a villain," Nader says, and in a Nader-designed world the first hint of villainy would be publicly known, and a host of Naderlike organizations would be ready to pounce on it.

Such proposals offer no pat solutions to problems; at best they can only make it easier for citizens to cope with new problems that arise. And that's what Ralph Nader is all about: He believes it is more important to alert and arm citizens against their institutions than just to shuffle the institutions around.

"Some young people think you can pick this system up and replace it," Nader says. "But institutions are things in flux; they can be abusive at times, they can be pretty good at times, depending on who inputs. And then you're back to politics, power, voting power. The question is whether there is going to be sufficient pressure and organization from the people."

[From the National Observer, Dec. 25, 1971]

MR. NADER'S CONSUMER EMPIRE

Ralph Nader's consumerist empire is built on four organizations that he directly and officially controls: the Center for Study of Responsive Law, the Public Interest Research Group, the Corporate Accountability Research Group, and Public Citizen Inc.

They have spun off other organizations that he hopes will eventually become independent: The Fishermen's Clean Water Action Project, the Retired Professionals Action Group, the Health Research Group, the Ohio Public Interest Group, and the Connecticut Public Interest Group.

Some spin-offs have become officially independent but still look to Nader for guidance: the Center for Auto Safety, the Aviation Consumer Action Project, the Center for Concerned Engineering, Professionals for Auto Safety, and the Professional Drivers Advisory Council.

Other spin-offs are independent in fact as well as name: the Center for Science in the Public Interest, Consumer Action for Improved Food and Drugs, the Oregon Student Public Interest Research Group, and the Minnesota Student Public Interest Research Group.

Also planned are a group to work with the problems of blue-collar workers and Student Public Interest Research Groups, in California, Indiana, Iowa, Massachusetts, Rhode Island, Vermont, Washington, Wisconsin, West Virginia, New Jersey, South Carolina, Nebraska, North Carolina, Hawaii, New York, Michigan, Pennsylvania, and the District of Columbia.

SHAME IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. EDWARDS of California. Mr. Speaker, the military government in Greece continues, encouraged by the Nixon administration's open approval and support. Freedom loving Americans are ashamed with our tawdry relationship with this totalitarian regime.

The following article from the February 6, 1972, New York Times describes accurately how U.S. support bolsters the Greek junta:

MANY GREEKS VIEW UNITED STATES AS BARRIER TO DEMOCRACY

(By Henry Kamm)

ATHENS.—After nearly five years of authoritarian rule by the junta, many Greeks rank the United States, alongside Premier George Papadopoulos as a principal barrier to the restoration of democracy.

This view emerged as a consensus of scores of interviews in the course of an 18-day visit, including trips to two provincial centers.

While persons formerly active in public expressed their disillution with America most explicitly, conversations with people in all walks of life disclosed a high degree of identity of views between the former leaders of Greek political life and ordinary citizens.

Politicians were less fearful, however, about allowing their opinions to be quoted.

The conversations covered the spectrum of political leaders, from Panayotis Canellopoulos, the conservative Premier whom Mr. Papadopoulos overthrew, to Ilias Iliou, leader of the legal substitute of the Communist party, outlawed since the Greek civil war. (All party activities are outlawed now.) Among those interviewsd were left-wing activists, right-wing generals cashiered by the junta, intellectuals of many political persuasions, former and present officials and urban workers.

While conversations did not include peasants because most do not feel free to talk politics with strangers, people in regular touch with rural areas asserted that the same views on the Government and the United States prevailed there.

In the most extreme—and most commonly held—form, the view is that the United States sponsored the military coup d'etat of April 21, 1967, or had advance knowledge, but failed to warn the Canellopoulos Government.

"I don't believe the United States was responsible for the coup," said Mr. Canellopoulos, "but 99 per cent of Greeks do."

However, the former Premier, who represents the most moderate attitude toward the United States, shares the view that American policy is determined primarily by military considerations and that the Americans will therefore give their friendship to any government in Greece that lives up to arrangements allowing them ample military facilities.

The current negotiations for the granting of "home port" facilities to the Sixth Fleet, which would allow thousands of dependents of sailors to take up residence in Greece, worries and angers many Greeks. They see such a move as another sign of friendly recognition conferred upon the junta to satisfy American military desires at the expense of the political wishes of most Greeks.

STRATEGIC VALUE SEEN

The talks are adding fuel to the widely voiced complaint that the United States considers Greece essentially as a piece of real estate of strategic value in the event of a renewed outbreak of fighting in the Middle East.

John Zigdis, a political moderate and highly respected former Cabinet minister, was interviewed in a hospital the day after his temporary release because of illness from the four-and-a-half-year prison term he is serving for having expressed opposition views. "I hope the American Government will soon understand that it is more important to have the traditional friendship of the Greek people than only the free use of Greek territory," he said.

The official United States position, as expressed here, lends weight to the argument: "The national security of the United States has top priority here and will continue to have."

The friendship for the United States, which in the past was almost palpable in this hospitable country, appears to have eroded astonishingly. In the consensus of Greek and diplomatic observers, including Americans, this is the result of a view expressed by the strongly pro-American former Foreign Minister, Evangelos Averoff-Tossizza.

"In the minds of the Greeks, the regime is American, created by the Americans and supported by the Americans," he said. "Everybody tells me that the Americans have only to lift a finger to bring them down."

MINISTER NOTES A CHANGE

However, the former Minister, who, while hostile to the Papadopoulos Government, has been the leading proponent of a widely unpopular policy of remaining in touch with its representatives, said he did not believe that the United States could do much to topple the junta. In the days of democracy, he explained, the United States could perhaps have one Greek government replaced by another, but he said he doubted that it could do so to what he called a "police regime."

He said that the United States had contributed through what he called "stupid errors" to create the impression that it not only accepted the coup for American national reasons but also actually supported Mr. Papadopoulous and that it believed his occasional assertions early in his regime that he planned to return representative government to Greece.

Among the errors charged by Mr. Averoff was the coupling in 1970 of the full resumption of military aid, reduced after the coup, with an assertion that it was being resumed because progress toward democracy was being made.

"They should have coupled it with a statement that America hoped it would lead to such progress," the former Minister said.

Mr. Averoff differs from sterner critics of the United States in not favoring an immediate halt in military aid. But he agrees with the generally held opinion that such signs of American esteem as the visit by Vice President Agnew last autumn and earlier visits by Secretary of Defense Melvin R. Laird and the Secretary of Commerce, Maurice L. Stans, were unnecessary gestures used by the junta to bolster their standing in Greece and abroad.

GIVING THE GREEN LIGHT

"Agnew was the first important Western personality to come here since the coup," Mr. Averoff said. "He will give the green light to many others."

Many former close friends of the United States are more hurt and disappointed than Mr. Averoff, who described himself as a man "without illusions."

On this subject, as well as on many others, differenecs that formerly divided not only the principal parties, the liberal Center Union and the conservative National Radical Union, but also groups within each party have faded in the face of common opposition to the junta.

Among those who have drastically revised their views of America is Michael Papaconstantinou, a former Deputy Defense Minister and Center Union deputy. He felt so strongly that Greece needed to remain close to the United States, even after the coup, that he used his time in prison, where the junta had put him with many other elected politicians, to draft two books about the United States. He completed them after his release and both were published but his disappointment has grown so deep that he has withdrawn them.

A SADDENED GENERAL

On the other side of the political fence, a former general of conservative and strongly royalist tendencies returned from exile last year saddened to learn that in his absence his wife had received tokens of continuing friendship only from the European officers with whom he had served in the Atlantic Treaty Organization. The Americans, with whom he had also formed many friendships, had not been heard from, he said.

"I should not be surprised," the general said bitterly. "The mother of the junta is the Pentagon, the C.I.A. and the American arms manufacturers."

Bitterness at the United States is reflected in the attitude of Greeks who once had extensive relations with the American Embassy and social relations with its members. Individual accounts can be summarized in an accusation that in the first years after the coup the United States Embassy ostracized those who had been its friends. Since then, according to the accounts, American officials have sought to renew old friendships—often to find that the Greeks were unwilling.

The embassy has also been embarrassed by a practice, began in 1969, of having children from the American community school sing Christmas carols for Premier Papadopoulos. The minor event is treated by state television and the pro-Government press with elaborate attention, enraging opponents of the junta.

Embassy officials tell inquiring newsmen that the idea originated with a Greek on the faculty at the grade school at the Athens air base and that the embassy had no control over the school. However, the teacher, Miss Freddi Kalogerxkis, interviewed by telephone, said she was "100 per cent American," from Chicago. She expressed admiration for the junta's achievements. Her pupils are American airmen's children whose school fees are paid by the Defense Department.

GREEKS BITTER ABOUT ISSUE

The caroling controversy, dismissed as insignificant by American officials, was brought up with bitterness by most of the Greeks interviewed, from former Cabinet ministers to workers.

The deposed politicians, represented by Mr. Canellopoulos, George Mavros, leader of the Center Union, and Demetrios Papaspyrou, president of the last parliament, said that after a long period of ostracism, the American Embassy, led by Ambassador Henry J. Tasca, resumed social relations with them in the middle of last year.

There is a feeling among Greeks and diplomats that after an address by Mr. Papadopoulous in December, 1970, ruling out improvements in the political situation during 1971, and after Congressional staff reports critical of the embassy, an American decision was made to nuture once more relationships with deposed politicians.

The rising esteem for the opposition was underlined for a caller on Mr. Tasca recently. The Ambassador was seated before a low table with two books conspicuously displayed. One was a historical work by Mr. Cannellopoulos, published last year in Britain; the other was "The Truth About Greece," an opposition work published in Switzerland.

A page had been marked with a paper clip, and the visitor's attention was drawn to what it said about the failure of the Greeks to stage effective resistance to the dictatorship. The present official American view here, in reply to accusations that the United States backs the regime, is that the nine million Greeks themselves are not resisting and will get back their democracy only when they want it badly enough.

RESISTANCE IS WEAK

The Greeks interviewed conceded that the junta faced no effective resistance. On about 60 occasions small explosive devices have been set off in protest and a variety of clandestine newspapers and handbills are circulated. More than 400 dissidents remain imprisoned.

Greeks, from Communists to royalists, described the opposition as passive, limiting itself largely to withholding support from the Government. A diplomat noted that the most effective opposition of which he was aware was the absence of the best qualified younger men in important technical and economic positions.

The most disillusioned Greeks ascribed the lack of resistance to apathy. Others said that political apathy was the result of political terror. "I have to tell you that torture is a fact," said Mr. Canellopoulos.

The extreme left is no more active in resistance than royalists or liberals. The Communists are split and demoralized.

Pros-Moscow Communists have lost much of their following because of the Soviet Union's "normal" relationship with the Papadopoulos Government. Soviet officials here have tried to explain Moscow's attitude to leaders of the left by stressing the hope that Mr. Papadopoulos might eventually become "neutralist" along the lines of the late Egyptian President, Gamal Abdel Nasser.

Political activity remains outlawed and deposed politicians are under close surveillance. Black, unmarked cars are parked in front of the homes of Mr. Canellopoulos, Mr. Mavros, Mr. Papasyprou and others. They usually contain three plainclotehsmen who display an ostentatious interest in callers.

Students reported that the universities, considered likely resistance centers, were heavily infiltrated by young people in the pay of the security services. A belief frequently expressed in university circles is that everything that is said is overheard by informers.

Education Minister Gerasimos Fragatos denied in an interview that there were informers on the campuses. He said that the Government commissioners, usually retired officers, installed in each university since the coup were often very popular among the students.

Labor unions have been stripped of their elected leaders since the coup and are generally considered to have ceased to be a political force.

RESTRICTIONS ON PRESS

The press, while freed from censorship, continues to operate under martial-law conditions, with publishers and editors subject to severe penalties. Anti-Government newspapers have come under heavy economic pressure, through both taxation and the withholding of Government advertising and advertising from business concerns with rich Government contracts.

All political leaders interviewed emphasized that they did not want direct United States interference. But many people who suspect the Central Intelligence Agency of having arranged Mr. Papadopoulos's accession to power said they wanted it to depose him.

The consensus among political figures was that as long as the regime could keep alive the impression that it enjoyed American support, opposition political activity would be inhibited by the feeling that the forces against the dissidents were too strong to be tackled.

No one interviewed believed that Mr. Papadopoulos would call general elections.

In the absence of indications that Mr. Papadopoulos plans to restore democracy, many Greeks look to their allies to use their influence in their behalf. They believe that the United States wields more influence than the other members of the Atlantic alliance.

"The United States must stop all moral support of this regime," Mr. Canellopoulos said. "From then on the task—and it is our task—will be made much easier."

SENATE—*Tuesday, February 8, 1972*

The Senate met at 10 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, we thank Thee for the hallowed memories which cluster about the commemorations of this week. We thank Thee for the life and labor of the Great Emancipator, for the Union which has been preserved, for the elevation of free men under Thy rulership, for equal justice under law, for the wider opportunities for life's fulfillment opened to men and women of every race and religion, and for the measure of brotherhood achieved in this good land.

May the mantle of Abraham Lincoln cover our efforts in this age, that we may be kind as he was kind, magnanimous as he was magnanimous, firm as he was firm. Inspired by his memory, may we go to our duties uplifted and strengthened.

In the name of Him who came to set men free. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., February 8, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Robert C. Byrd, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 2672. An act to permanently exempt potatoes for processing from marketing orders; and

S.J. Res. 196. A joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The message also announced that the House insisted upon its amendments to the bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Gonzalez, Mr. Widnall, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, and Mr. Brown of Michigan were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendments to the bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Gonzalez, Mr. Widnall, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, and Mr. Brown of Michigan were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 2010) to provide for increased participation by the United States in the International Development Association, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Gonzalez, Mr. Widnall, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, and Mr. Brown of Michigan were appointed managers on the part of the House at the conference.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 7, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR MARGARET CHASE SMITH TO BE A CANDIDATE FOR RE-ELECTION

Mr. AIKEN. Mr. President, on July 15, 1964, it was my privilege to nominate at the Republican National Convention in San Francisco a person whom I considered fully qualified to be President of the United States.

That person was Senator Margaret Chase Smith, of Maine.

Although she did not receive the nomination, she did receive the finest ovation I have ever seen given a candidate at a national convention.

I now ask unanimous consent that the nominating speech which I gave at that time be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Mr. Aiken

Mr. Chairman and Delegates: I intend to nominate for President one of the most capable persons I have ever known and one with whom I have been associated in public service for 24 years.

I don't like to start a nominating speech with a confession, but the circumstances are compelling.

In introducing my candidate, I find myself in a most peculiar position; I am severely restricted in what I can offer for your support.

I can't promise you a cabinet job, an ambassador's appointment—or even a shot at a nice government contract.

I can't even offer you cigars or chewing gum.

For a while, it looked real promising. I thought I could at least invite you all out for coffee because I knew my candidate was having checks and $10.00 bills and $1.00 bills and pennies sent her from most every State in the Union. Pennies came from school children—and dollars from low income people who couldn't afford it. Then there were some beautiful checks in three and four figures from real important business people.

The outlook looked as rosy as a Pacific sunset.

You and I were going to have a wonderful time here in San Francisco.

Then do you know what happened?

Do you know what my candidate pulled on me?

She took every big check—every little check—every $10.00 bill—every $1.00 bill and every penny and sent them straight back to where they came from. My candidate wants the nomination solely on her record and her qualifications for the job. And that's why I can't offer you any candy or cigars or chewing gum or even ask you all out for a cup of coffee.

The only thing in the world left for me to offer you for your support is the best managed government the United States ever had—a government headed by the best qualified person you ever voted for.

Before setting forth the qualifications of the candidate I shall shortly present to you, let it be distinctly understood that I am concerned solely with the nomination of one who is best qualified for the job and who can bring victory to our Party in November.

I am not making this nomination for the purpose of embarrassing any other candidate.

I intend to support the nominees of this Convention next November.

What do we have a President for?

Certainly not to do just those things which you and I as individuals would like to have done.

Certainly not to run this country exactly as he or she would like to run it.

If that is the way we feel, we should promptly scrap our Constitution and become a monarchy.

Until we reach that state of political depravity, however, the President of the United States will be required to perform the duties of the office as set forth by our Constitution and to administer laws and carry out programs as laid down by the Congress.

In carrying out programs and administering laws as determined by the Congress, the President will necessarily use the great powers which originally were vested in the Congress but which have long since been delegated to the Executive Branch.

There are some Republicans who still insist that Congress rescind these delegations of authority.

Let us not kid ourselves, however. The next President, whether Republican or Democrat, and regardless of race, creed, color or sex, is not going to recommend that Congress rescind the powers that have been delegated to the White House over the past century.

In view of this situation, it is far more important to elect a person of integrity and ability to the Presidency—one who owes allegiance to no special interests—either domestic or foreign—one who will conscientiously perform the duties of the office as prescribed by the Constitution—than it is to elect one on the premise that he or she may agree with our particular viewpoints.

I have definite ideas as to the qualifications our candidate for President should have. I say unequivocally that the candidate I will propose most nearly meets that criteria.

1. A President should have integrity. Whether dealing with foreign nations or the folks at home, integrity is a priceless asset. My candidate stands ace-high in this respect.

2. A President should have ability. Good intentions alone are not enough. We don't want the floors of the White House paved with good intentions.

If my candidate does not have ability, then the 44 universities and colleges that have awarded her degrees based solely on merit have been wrong.

3. A President should have had wide experience in government.

Well, if 24 years' experience on the roughest-toughest Committees of the Congress—Defense, Space, Appropriations, Government Operations and Rules don't qualify my candidate then the other candidate whose names are being submitted to you cannot possibly be qualified for none of them can approach her record.

4. A President should have courage—courage to stand for the right when it may not be popular to do so—courage to stand for decency in the conduct of public affairs—courage to stand alone if necessary against formidable odds.

Does my candidate have this kind of courage?

I can refer you to several high ranking officers of the United States Armed Forces who have learned from experience that she is ably qualified in this respect.

As a sincere testimonial to her courage the Reserve Officers Association has recently designated her as "Minute Man of the Year"—the first time that this great honor has ever been conferred upon a person of her sex.

5. A President should have common sense.

My candidate stands par-excellence in this respect.

Time and again I have watched her keep her head "when all about her were losing theirs" and blaming it on everyone but themselves.

She wants to get things done that ought to be done—and she wants them done right.

She does not panic when things don't go to suit her. She just keeps on headed for her goal—which at this moment is the Republican nomination for the Presidency.

We need a candidate that does not panic in a crisis, not even a campaign crisis.

Nor should we support a candidate just because we are partial to any particular industry either at home or abroad. We don't want an industry in the White House. We want a living, capable, conscientious human being.

We want to nominate and elect a President who will promote the interests of our Nation both at home and abroad with impartial consideration for all.

We want a candidate who enjoys the confidence of people in all walks of life.

The one I shall nominate has demonstrated time and again that she "can walk with Kings nor lose the common touch".

She never forgets her own people and the glare of glory has never turned her head.

The record majorities which the people of her home State have given her with each passing election are eloquent testimony to this trait of her character.

Her conduct during this campaign has been rather unusual. She has not neglected her work in the Senate to chase down delegates to this Convention. The job she was elected to do has come first.

Running solely on her record and her qualifications for the office, she has spent no money for advertising—has hired no paid workers—has made no promises—and will have nothing to do with the wheeling and dealing—the trading and raiding practices which I understand have sometimes been used in political campaigns.

I now aks you two questions:

Do you want the United States to have good government? If you do—then vote for the candidate best qualified to give good government.

Do you want to win the November election? If you do—then vote for the candidate who enjoys the confidence and respect of all people and who can get the votes necessary to win.

I am now proud to nominate that candidate—The Senior Senator from the Great Republican State of Maine, Senator Margaret Chase Smith.

Mr. AIKEN. Mr. President, it may have been fortunate for this Senate that Senator SMITH did not receive the nomination or become President because, during the past 8 years Congress has continued to be the beneficiary of her sound judgment and advice.

I was delighted when she announced yesterday that she would be a candidate for reelection from the State of Maine.

Not only does that mean that the State of Maine but the Nation as well will have the benefit of her services in the future, services enhanced by experience, commonsense and integrity.

No one in this body has a greater knowledge of our national needs than our esteemed colleague, MARGARET CHASE SMITH.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE ON CONSIDERATION OF WEST COAST DOCK STRIKE LEGISLATION

Mr. MANSFIELD. Mr. President, for the information of the Senate—and I wish attachés on both sides would contact each Senator individually—it is the intention of the leadership to bring up the bill reported by the Committee on Labor and Public Welfare having to do with the west coast dock strike at some time between 4 and 5 o'clock this afternoon.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Additions to National Wilderness Preservation System

A communication from the President of the United States, transmitting, pursuant to law, proposals for 18 additions to the National Wilderness Preservation System (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Vietnamese Support Costs

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a confidential report on Vietnamese Support Costs (with an accompanying report); to the Committee on Appropriations.

Report on Working Capital Funds

A letter from the Secretary of Defense transmitting, pursuant to law, a report setting forth the financial condition and operating results of working capital funds (with accompanying report); to the Committee on Armed Services.

Report on Military Personnel Policy

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on military personnel policy, for fiscal year 1971 (with accompanying papers); to the Committee on Armed Services.

Report of 1971 Quadrennial Review of Military Compensation

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, an errata sheet for inclusion in the report of the 1971 Quadrennial Review of Military Compensation (with an accompanying paper); to the Committee on Armed Services.

Report on Progress of ROTC Flight Instruction Program

A letter from the Secretary of the Navy, transmitting, pursuant to law, a report of the Naval Reserve Officers Training Corps flight instruction program, for fiscal year 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Exemplary Rehabilitation Certificates

A letter from the Secretary of Labor, reporting, pursuant to law, on exemplary rehabilitation certificates, for calendar year 1971; to the Committee on Armed Services.

Delay of Report Required Under Defense Procurement Authorization Act of 1971

A letter from the Assistant Secretary for Congressional Relations, Department of State, informing the Senate that there has been an unavoidable delay in submitting the report required under the Defense Procurement Authorization Act of 1971; to the Committee on Armed Services.

Report on Flammable Fabrics

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on flammable fabrics, for fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Hearings on Amendment of Flammability Standard

A letter from the Assistant Secretary of Commerce submitting a copy of a press release and petitions for amendment of the flammability standard of children's sleepwear (with accompanying papers); to the Committee on Commerce.

Report of the District of Columbia Armory Board

A letter from the Chairman of the District of Columbia Armory Board transmitting, pursuant to law, its financial statement and annual report (with accompanying papers); to the Committee on the District of Columbia.

General Accounting Office Reports Issued or Released

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued or released by the General Accounting Office, for the month of January, 1972 (with an accompanying report); to the Committee on Government Operations.

Report on Disposals of Foreign Excess Property

A letter from the Acting Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, a report on disposals of foreign excess property, for fiscal year 1971 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Two Ways the Food and Nutrition Service Could Reduce Costs of Donating Commodities," Department of Agriculture, dated February 4, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Continuing Problems in Paying State Claims for Administrative Expenses of Public Assistance Programs," Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated February 7, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Demonstration Grant Program Has Limited Impact on National Solid Waste Disposal Problem," Environmental Protection Agency, dated February 4, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Economies Available by Better Selection of Office Copiers by Federal Agencies," General Services Administration, dated February 3, 1972 (with an accompanying report); to the Committee on Government Operations.

A report of the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Effects of Federal Expenditures on the Economy of Johnson County, Ky." (with accompanying report); to the Committee on Government Operations.

Report on Activities of Geological Survey Relating to Activities Outside the National Domain

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, on activities outside the national domain, for the 6-month period ended December 31, 1971; to the Committee on Interior and Insular Affairs.

Proposed Acquisition of Big Cypress National Fresh Water Reserve, Fla.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report on Administration of Federal Metal and Nonmetallic Mine Safety Act

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on administration of the Federal Metal and Nonmetallic Mine Safety Act, for the year 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of Economic Development Administration

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Economic Development Administration, for fiscal year 1971 (with an accompanying report); to the Committee on Public Works.

Report of the Upper Great Lakes Regional Commission

A letter from the Chairman of the Upper Great Lakes Regional Commission transmitting, pursuant to law, its report for the period July 1, 1970 to June 30, 1971 (with accompanying report); to the Committee on Public Works.

Postponement of Submission of Reports on the Economics of Clean Air

A letter from the Administrator, Environmental Protection Agency, reporting, for the information of the Senate, that reports on the Economics of Clean Air, required by law to be made by January 10, have necessarily been postponed; to the Committee on Public Works.

Report of New England Regional Commission

A letter from the Federal and State Cochairmen, New England Regional Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for fiscal year 1971 (with an accompanying report); to the Committee on Public Works.

Report of Veterans' Administration

A letter from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report of the Veterans' Administration, for fiscal year 1971 (with an accompanying report); to the Committee on Veterans' Affairs.

Proposed Legislation Relating to Direct Loans

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to authorize the Veterans' Administration to forgo making direct loans where a lender will make a guaranteed loan at a reasonable discount (with an accompanying paper); to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Harold C. Crotty, of Michigan, to be a Member of the National Commission on Libraries and Information Science; and

John A. Penello, of Maryland, to be a Member of the National Labor Relations Board.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPONG (for Mr. Jackson) (for himself, Mr. Allott, Mr. Chiles, and Mr. Gurney) (by request):

S. 3139. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself, Mr. Gurney, Mr. Percy, Mr. Metcalf, Mr. Javits, Mr. Humphrey, and Mr. Roth):

S. 3140. A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation. Referred to the Committee on Government Operations.

By Mr. MUSKIE (for himself and Mr. Gurney):

S. 3141. A bill to amend the Intergovernmental Personnel Act of 1970 to provide for the employment of younger citizens of States and local governments as a means of increasing administrative, technical, and professional skills available to local and State governments, thereby strengthening the Federal system. Referred to the Committee on Government Operations.

By Mr. MUSKIE (for himself, Mr. Javits, Mr. Ribicoff, and Mr. Schweiker):

S. 3142. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel. Referred to the Committee on Foreign Relations.

By Mr. CHILES:

S. 3143. A bill to exclude service performed by certain nonresident alien circus performers from covered employment under the Social Security Act. Referred to the Committee on Finance.

By Mr. ANDERSON:

S. 3144. A bill to designate certain lands in Bosque del Apache National Wildlife Refuge, Socorro County, N. Mex., as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (by request):

S. 3145. A bill to amend to Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 3146. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. GRAVEL:

S. 3147. A bill for the relief of Brian B. Brinkley. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 3148. A bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes. Referred to the Committee on the Judiciary and when reported, by unanimous consent, to the Committee on Government Operations.

By Mr. FONG:

S. 3149. A bill for the relief of Julita Funtanilla and her children, Wilhelmina Funtanilla, Sylvia Funtanilla, and Josephine Funtanilla. Referred to the Committee on the Judiciary.

By Mr. HUGHES, from the Committee on Labor and Public Welfare:

S.J. Res. 197. An original joint resolution to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees. Considered and passed.

By Mr. BAYH:

S.J. Res. 198. A joint resolution to authorize the President to issue a proclamation designating the week of March 20–26, 1972, as "American Football and Basketball Coaches Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPONG (for Mr. Jackson) (for himself, Mr. Allott, Mr. Chiles, and Mr. Gurney) (by request):

S. 3139. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. SPONG. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I introduce a bill and ask unanimous consent that a statement prepared by Senator Jackson and a letter from the Secretary of the Interior be printed in the Record.

There being no objection, the statement and letter were ordered to be printed in the Record, as follows:

Statement of Senator Jackson

Mr. President, I introduce by request a bill submitted by the Secretary of the Interior to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida and for other purposes. I have been joined in the introduction of this departmental bill by the ranking minority member of the Committee on Interior and Insular Affairs (Mr. Allott) and both Senators from the State of Florida (Mr. Gurney and Mr. Chiles).

Mr. President, last August the junior Senator from Florida and I introduced S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida. I conducted a hearing on this legislation on November 30, 1971, in Miami, Florida. One week before that hearing on November 23, I was most pleased to learn that the President announced his support of the concept to preserve this important area which has such a direct relationship to the well-being of the Everglades National Park. The bill I am introducing today by request is the Administration bill. I am pleased that progress is being made toward the eventual protection of this highly valuable ecological area. There may be differences of degree on just how to protect the area, but the important point to remember is that there appears to be a consensus on the need to move forward before it is too late. Now that the Administration has presented its bill, I will shortly announce a date for the resumption of the hearing on this proposal.

The field hearings to which I referred earlier should be available for distribution within the next two weeks.

U.S. Department of the Interior,
Washington, D.C., February 4, 1972.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a bill "To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Evidencing a deep concern and understanding of the conservation problems involved in protecting the Big Cypress area of south Florida, President Nixon on November 23, 1971 stated:

"About 35 miles west of Miami lies the Big Cypress Swamp, a unique ecological preserve of paramount importance to the future of Southern Florida. In order to protect Big Cypress Swamp from private development that would destroy it, and to insure its survival for future generations, it is now essential for the Federal Government to acquire this unique and vital watershed. I will therefore propose legislation to acquire the requisite legal interest in 547,000 acres of the swamp."

The enclosed draft bill would authorize the implementation of plans announced by President Nixon on November 23, 1971.

The bill authorizes the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within an area depicted on a map of file with the National Park Service of this Department. The area to be acquired, consisting of not to exceed 547,000 acres of private land and approximately 37,000 acres of publicly owned land, shall be known as the Big Cypress National Fresh Water Reserve.

The reserve shall be administered by the Secretary of the Interior in accordance with the laws applicable to the National Park System. However, the bill authorizes the Secretary to enter into an agreement with the State of Florida or an appropriate political subdivision thereof, pursuant to which the State or local political subdivision may manage and administer the lands acquired for the reserve for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions to limit or control such uses as motorized access, exploration for an extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, and new construction of any kind. The bill directs the Secretary to permit hunting, fishing, and trapping within the reserve in accordance with applicable State and Federal laws.

Section 5 of the bill authorizes the appropriation of such sums as may be necessary, but not to exceed $156 million for the acquisition of lands and interests therein. We anticipate the use of proceeds from the Land and Water Conservation Fund to acquire such private property over a 10-year period, with an expenditure of $15.6 million in each of the first 5 years following enactment, and the balance of $78.0 million to be spent during the next 5 years.

Everglades National Park, authorized in 1934, represents one of the most unique ecosystems in the world. The biological values of the park, which include habitat for the continued existence of several endangered species, depend on fresh water supplies. In 1971, an estimated 1,420,000 people will visit Everglades National Park.

In the past, the eastern half of the park was threatened due to development along the Shark River drainage, and by development and draining of the Northern wetlands which lie east and south of Lake Okeechobee. This threat has been offset by guarantees of water flow by the Corps of Engineers and the State of Florida. There is now a working arrangement with the Corps and the State which furnishes an optimum water supply to the eastern side of the park. All of the remainder of the park, considerably more than half of the 1,400,533 acres within the authorized boundaries, is dependent upon the Big Cypress for its supply of fresh water.

To describe the resources of the Big Cypress and its basis in the South Florida ecosystem, is to answer the question of why it should be protected.

Aside from its manifold benefits as one of the vital underpinnings of the ecosystems which provide critically important esthetic and economic benefits for much of the southern Florida Gulf Coast, Big Cypress is a highly significant resource in itself. The larger ecosystem of which it is a part is the Nation's only significant subtropical marsh community complex.

The Big Cypress is an intricate mosaic of marsh and lowland forest types—a wilderness of sloughs, tree islands (or hammocks), and bay and cypress heads. Cypress dominates, and gives the area its name.

A vital factor in the Big Cypress-Everglades ecosystem is the almost imperceptible slope of the land. This results in exceedingly slow drainage, which extends the "wet months" well beyond the period of actual rainfall. The unrelieved flatness of the area's topography makes sheet flow the predominant drainage rather than flow in well-defined channels or courses. Thus, a water level change of only a few inches ofttimes affects thousands of acres. Much of those areas still experiencing natural drainage stands under water for as long as 4 months after rainfall ceases in a year of normal rainfall. During the normal dry season, about one-tenth of the land remains inundated.

The Big Cypress Watershed serves as a natural water storage area, and supplements the man-made storage areas in conservation areas one, two, and three, that are considered vital for the protection of an adequate fresh water supply for south Florida.

Nowhere outside the tropics are epiphytes, or "air-plants", which include orchids, some ferns, and fromeliads, found in such abundance and variety as they are in Big Cypress. Seven species of orchids found nowhere else in the world grow in the Big Cypress, and because of depredation by orchid hunters can be classed as endangered flora.

Large portions of Big Cypress have so far experienced little man-made disturbance. The scars left by the early loggers have nearly healed. Nearly all the wildlife species native to semitropical Florida are contained within the watershed. Animal life is diverse and abundant. Large, showy, long-legged wading birds are a major natural attraction. Big Cypress provides important feeding, nesting and wintering areas, as well as a resting place for birds migrating to and from Central and South America. Acquisition of the Big Cypress Swamp would preserve important habitat for at least nine species of wildlife determined by the Secretary of the Interior to be threatened with extinction. Ultimate loss or mismanagement of the area would be most damaging to the endangered Cape Sable sparrow and the peripheral roseate spoonbill, reddish egret, and mangrove cuckoo. To another group of species that have far wider ranges, Big Cypress, along with the adjacent Everglades National Park, serves as a stronghold or retreat. This group includes the endangered American alligator, Florida panther, Florida Everglade kite, and Southern bald eagle, and the rare great white heron. The Big Cypress provides excellent hunting for deer, turkey, quail, and wild hog.

As stated earlier, Everglades National Park is utterly dependent upon a plentiful supply of high quality water flowing through the region in an overland sheet pattern for up to 8 or 9 months of the year.

A major portion of its water supply comes from rainfall over the park itself. The remainder historically comes from Lake Okeechobee drainage system and from Big Cypress Watershed, the latter accounting for about 56 percent of all outside water entering the park.

Because of the extremely slight elevation differences in the park's terrain, the effects of dessication and inundation resulting from seasonal changes in water levels are extraordinarily widespread. Only the alligator holes and ponds retain water throughout the natural annual cycle.

The summer wet period normally inundates extensive areas, allowing expansion of the aquatic populations—phytoplankton, crustaceans and fishes. Subsequently, water levels must sink to concentrate the summer production of food organisms sufficiently to supply the nourishment essential to larger fishes, amphibians, reptiles, mammals, and many species of birds.

This seasonal wet-dry cycle must coincide with the natural reproductive cycles of the many varieties of predatory animals that feed upon the small aquatic organisms supported by the water. If any of the links in this process are broken, the reproduction of the larger animals at the top of the food chain will fail. Either excessively high or low water can cause reproductive failure. So can too short a delivery period.

The coastal zone within the influence of the Big Cypress Watershed contains about one-third of the total mangrove-estuarine complex of Everglades National Park. Levels of productivity and diversity of species as high as any to be found within the United States characterize the coastal zone. In addition to its very large bird population, the area produces or maintains hundreds of species of aquatic organisms. The mangrove forest is considered among the finest in the world.

Following acquisition of the land the bill contemplates that the Secretary of the Interior will enter into an agreement with the State of Florida for the management of the area. Existing uses where compatible with the management objectives will be allowed to continue. Management would be directed toward maintaining the pattern, quantity and quality of waterflow. Hunting and fishing are present, acceptable uses but limitations will have to be placed on travel through the swamp by air boats, swamp buggies, and other "all terrain vehicles" to insure against rutting, and other impairment of the area. Increased use should result from campers, bird watchers, naturalists, and picnickers. Many will seek escape into near-tractless wilderness-type areas over hiking nature trails. Some portions would be managed as scientific ecological study areas.

Acquisition of the Big Cypress will be expensive—a monumental commitment in terms of funds for environmental protection—but at no time in the future will it be less so. As President Nixon stated on November 23, 1971:

"The Nation, as a whole, will benefit through the protection of Everglades National Park and through the addition of another major wildlife haven and recreational area."

We therefore urge the Congress to take early and favorable action to authorize the Big Cypress National Fresh Water Reserve, as proposed herein.

Enclosed is a draft of an environmental impact statement, prepared in accordance with section 102(2) (C) of the National Environmental Policy Act of 1969.

The Office of Management and Budget has advised that the enactment of the enclosed bill would be in accord with the Administration's program.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

S. 3139

A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That the Congress finds—

(a) the unique natural environment of the Big Cypress area of southwestern Florida should be protected from further development which would significantly and adversely affect its ecology;

(b) the Big Cypress is a fragile area, ecologically interlocked with Everglades National Park and the continued viability of Everglades National Park and certain of the estuarine fisheries of south Florida are directly dependent upon fresh water of adequate quality and volume from the Big Cypress area; and

(c) appropriate measures must be taken by the United States and the State of Florida to assure the conservation of fresh water from the Big Cypress area.

It is, accordingly, the purpose of this Act to provide for the protection of the Big Cypress area and for apropriate uses thereof through cooperative action by the Federal Government and the State of Florida.

SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida", numbered BC–91,001, and dated November 1971, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided,* That the boundaries of the area may not encompass more than 547,000 acres of privately owned land. Property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

SEC. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Cypress National Fresh

Water Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the National Park System, and in a manner consistent with the findings and purposes of this Act. The Secretary is authorized to enter into an agreement with the State of Florida, or any political subdivision thereof having jurisdiction over the lands, waters, and interests therein within the reserve, pursuant to which such State or political subdivision may agree to manage and administer any property acquired by the Secretary pursuant to this Act for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions which, as applied to the area within the reserve, will limit or control the use of the lands and waters therein for the purposes of motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, new construction of any kind, and such other uses as the Secretary determines must be limited or controlled in order to carry out the purpose of this Act: *Provided, however,* that the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, the Secretary may authorize members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue-producing visitor services, the Secretary shall provide those members of the Miccosukee and Seminole Indian Tribes who on January 1, 1972, were engaged in the provision of similar services, a reasonable opportunity to continue providing such services within the reserve in accordance with such terms and conditions as he may by agreement, hereby authorized, provide.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $156,000,000 for the acquisition of lands and interests therein.

By Mr. MUSKIE (for himself, Mr. GURNEY, Mr. PERCY, Mr. METCALF, Mr. JAVITS, Mr. HUMPHREY, and Mr. ROTH):

S. 3140. A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs: to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation. Referred to the Committee on Government Operations.

INTERGOVERNMENTAL COOPERATION ACT OF 1972

Mr. MUSKIE. Mr. President, I introduce for appropriate reference, the Intergovernmental Cooperation Act of 1972, a bill to streamline our system of Federal grants-in-aid, or categorical grants, to State and local governments, on behalf of myself and Senators GURNEY, PERCY, METCALF, HUMPHREY, JAVITS, and ROTH.

I ask unanimous consent that the bill and section-by-section analysis be included in the RECORD at the conclusion of these remarks.

This measure is directed to strengthening the management of our categorical grant-in-aid system, the chief means by which the Federal Government helps the States and localities solve national problems. It is a necessary supplement to the Intergovernmental Cooperation Act of 1968—Public Law 90–577—the first major piece of legislation to improve administrative relationships between the Federal, State, and local levels of government.

The bill is the result of over 4 years of investigation and legislative hearings by the Senate Subcommittee on Intergovernmental Relations. It deals with the question of overlapping and time-consuming auditing, accounting, and fiscal reporting activities; the difficulties facing grant applicants seeking to package grant applications; the tough issue of controlling excessive fragmentation of grant authorizations and categories; and the problem of achieving more effective executive and legislative oversight with respect to these programs.

To meet these problems, the bill provides for:

Authorization in the President to promulgate rules to simplify and unify financial reporting requirements of Federal assistance programs, including reliance on State and local audits which meet Federal criteria.

Provision for an expeditious method—using the Executive Reorganization Act approach—for congressional approval of grant consolidations involving closely related grants in a functional area.

Authorization for simplifying administrative and technical requirements to permit joint management and joint funding of Federal assistance programs on a departmental, and to a lesser extent, on an interdepartmental basis.

Establishment of a more comprehensive policy of congressional and Executive review of the operation of grant programs, and provisions for grant review specialists on substantive committees in the Congress.

Mr. President, portions of this bill, particularly the grant consolidation title, touch on a fundamental question: How should responsibility be divided between the Federal Government on the one hand and State and local governments on the other?

There are many areas with which State and local governments are best qualified to deal; there are others where it is necessary for the Federal Government to share responsibility. The National Government is best placed to have a broad view of national interest, to identify national priorities and to see that they are met. There are critical problems, national in scope, which must be attacked by the Federal Government because States and localities are unable to deal with them alone. It is to meet this national responsibility that the Federal Government distributes and administers funds in the form of categorical grant programs.

Many of these grant programs, created by the Congress to deal with specific problems during the past decade, should be listed among the most significant legislation ever passed. Programs like model cities, the antipoverty program, title I of the Elementary and Secondary Education Act, and the air and water pollution control program have made vital and significant contributions to the betterment of our Nation. They have provided opportunities for millions of our citizens who previously have had no chance to become productive members of society.

During the past decade, however, these programs have multiplied. Between 1960 and 1970, the amount of Federal assistance allocated through categorical grant programs increased from $7 billion annually to $30 billion—20 percent of the total revenue of State and local governments. The number of Federal grant programs has risen as well—from 160 in 1962 to more than 530 by the end of the last Congress.

It is understandable, with this rapid expansion of categorical grant programs that some overlapping, duplication of effort and lack of coordination has occurred. This bill is intended to remedy that situation. Inefficiency squanders resources which should go toward solving the problems for which the grants were authorized by Congress; confusion makes it hard for the Executive to administer programs to the maximum benefit of the intended recipients.

It is the purpose of this bill, therefore, not to blunt or destroy the thrust of categorical grant programs, but to sharpen that thrust by eliminating overlapping and duplication, improving coordination and promoting better administration, planning, economy, and efficiency.

This bill differs fundamentally from the proposals for special revenue sharing under which the President would have the power to lump funds of a large number of categorical grants together and transfer these funds to State governments with only skeletal controls and no provision for Federal-State administrative cooperation.

I want to underline that the legislation which I am introducing today is not intended to undercut either the concept of categorical grants-in-aid or individual grants. It is intended to strengthen grant-in-aid assistance by giving the President the means to make grants more effective and efficient.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 3140

A bill to improve the financial management of the Federal assistance programs to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1972."

TITLE I—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

SEC. 101. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new title:

"TITLE VII—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourge simplification and standardization of financial reporting requirements of Federal assistance programs, to promote among Federal agencies administering such programs, accounting and auditing policies that rely on State and local financial management control systems meeting certain standards, and to authorize the issuance of principles and standards governing the auditing of Federal assistance programs.

"MORE UNIFORM FINANCIAL REPORTING

"SEC. 702. Notwithstanding any other provision of law, the President shall, to the extent feasible, promulgate rules and regulations simplifying and making more uniform the financial reporting required by Federal agencies of recipients under Federal assistance programs.

"STANDARDS OF AUDITING TO BE DEVELOPED

"SEC. 703. (a) The Office of Management and Budget or such other agency as the President may designate, in cooperation with the Comptroller General, is hereby authorized to develop and issue principles and standards of auditing for the guidance of Federal executive agencies and State and local governments, as well as independent public accountants, engaged in the review and audit of Federal assistance programs. Such principles and standards shall serve the purpose of providing technical guidance to the various audit organizations but shall not be construed as relieving such audit organizations of their responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall include in his audits of Federal assistance programs reviews of the extent of utilization made by the Federal departments and agencies of audits performed by State and local government auditors or outside auditors and of the implementation of the principles and standards issued pursuant to subsection (a) of this section. He shall include in his reports on such audits information on the extent of such utilization and implementation.

"(c) The Comptroller General shall from time to time make such recommendations to the Federal agencies administering Federal assistance programs as he determines desirable to assist such agencies in complying with the provisions of this title and any regulation or principles and standards of auditing prescribed pursuant thereto.

"FEDERAL AGENCIES' RELIANCE ON THE FINANCIAL MANAGEMENT CONTROL SYSTEMS OF STATES AND THEIR POLITICAL SUBDIVISIONS

"SEC. 704. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, rely on evaluation of internal or independent accounting and audits of such programs performed by or for States and units of local government without performing a duplicate audit unless deemed necessary.

"(b) Heads of such agencies shall determine the adequacy of the internal financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (1) whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records: (2) whether audits are carried out with adequate coverage and in accordance with the auditing principles and standards issued pursuant to section 703(a); and (3) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Where such control systems are found to be acceptable, heads of such agencies shall, in the absence of substantial reasons to the contrary, authorize an evaluation of audits performed under such systems to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. Where the agency determines that audits performed under financial management control systems are acceptable, it will not perform duplicate audits. Where the agency does not accept audits performed under such systems in lieu of its audits, such agency shall make whatever audits are necessary to assure that the Federal funds are expended for the purpose of the Federal assistance program involved.

"(d) Periodic review and testing of the operations under such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purposes of subsection (c) of this section.

"(e) Each Federal agency administering a Federal assistance program shall encourage greater cooperation with the personnel operating the internal financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, collaborating in accounting systems development and the interchange of audit standards and objectives and collaboration in the development of audit programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate and make uniform the auditing requirements of individual programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency would conduct the audits for another.

"(h) The Office of Management and Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section.

"NO DIMINUTION OF AUTHORITY OF COMPTROLLER GENERAL

"SEC. 705. Nothing in this title shall be construed to diminish the authorities and responsibilities of the Comptroller General of the United States under existing law."

TITLE II—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAM

SEC. 201. Title 5, United States Code, is amended by inserting the following immediately after chapter 9 of such title 5:

"Chapter 10—FEDERAL ASSISTANCE PROGRAM CONSIDERATION

"Sec.
"1001. Purpose
"1002. Definitions
"1003. Federal assistance program consolidation plans.
"1004. Limitations on powers
"1005. Effective date and publication of consolidation plans.
"1006. Effect on other laws and regulations.
"1007. Rules of Senate and House of Representatives on consolidation plans.

"§ 1001. Purpose

"(a) The President shall from time to time examine the various Federal assistance programs provided by law and with respect to such programs shall determine what consolidations are necessary or desirable to accomplish one or more of the following purposes:

"(1) to promote better administration and more effective planning;

"(2) to improve coordination;

"(3) to eliminate overlapping and duplication; and

"(4) to promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"§ 1002. Definitions

"For the purpose of this chapter—

"(1) 'agency' means—

"(A) an executive agency or part thereof; and

"(B) an office or officer in the executive branch.

"(2) 'officer' is not limited by section 2104 of this title;

"(3) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Federal Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(4) 'consolidation plan' means any Federal assistance consolidation plan proposed under section 1003 of this title.

"§ 1003. Federal assistance program consolidation plans

"(a) When the President, after investigation, finds that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title, he shall prepare a Federal assistance consolidation plan for the making of program consolidations, and shall transmit the plan (bearing an identification number) to the Congress, together with a declaration that, with respect to the consolidation included in the plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title and a declaration as to how each program included in the plan is functionally related.

"(b) Each such consolidation plan so transmitted—

"(1) shall place responsibility for administration of the consolidated program in a single Federal agency;

"(2) shall specify in detail the terms and conditions under which the Federal assistance programs included in the plan shall be administered, including but not limited to matching, apportionment, and other formulas, interest rates, and planning, eligibility, and other requirements; except that the President shall, in selecting applicable terms and conditions, be limited by the range of terms and conditions already included in the Federal assistance programs being consolidated.

"(3) shall set forth in the message transmitting the plan to the Congress the difference between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and those that will be consolidated after the plan goes into effect, and shall also set forth the reasons for selecting such terms and conditions.

"(c) The President shall have a consolidation plan delivered to both Houses on the same day and to each House while it is in session, except that no consolidation plan may be delivered within 30 calendar days following the delivery of a previous plan in the same functional area.

"§ 1004. Limitations on powers

"(a) A consolidation plan may not provide for, and may not have the effect of (1) continuing any Federal assistance program or part thereof beyond the period authorized by law for its existence or beyond the time when it would have terminated if the consolidation plan did not take effect, (2) consolidating any Federal assistance programs which are not in the same functional area, (3) providing any type of Federal assistance included in such a consolidation plan to any recipient who was not eligible for Federal assistance under any of the programs included in the consolidation plan, (4) excluding from eligibility under the consolidation plan any recipient who was eligible for Federal assistance under any of the programs included in the consolidation plan, or (5) transferring responsibility for the administration of the program or programs contained in a consolidation plan in an agency, office, or officer who was not responsible for the administration of one or more such programs prior to the taking effect of the consolidation plan.

"(b) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(c) A provision contained in a consolidation plan may take effect only if the plan is transmitted to Congress before April 1, 1973. Section 905(b) of this title shall not limit any consolidation plan prepared under this chapter.

"§ 1005. Effective date and publication of consolidation plans.

"(a) Except as otherwise provided in subsection (c) of this section a consolidation plan shall become effective at the end of the first period of 60 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60 day period, either House passes a resolution stating in substance that the House does not favor the plan.

"(b) For the purposes of subsection (a) of this section,

"(1) continuity of session is broken only by adjournment of Congress sine die, and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 60 day period.

"(c) Under provisions contained in a grant consolidation plan, a provision of the plan may become effective at a time later than the date on which such plan otherwise is effective.

"(d) A consolidation plan which becomes effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"§ 1006. Effect on other laws and regulations

"(a) To the extent that any provision of a consolidation plan which becomes effective under this chapter is inconsistent with any provision of any statute enacted prior to the effective date of the plan, the provision of the consolidation plan shall control, to the extent that such plan specifies the provision of the Statute to be superseded.

"(b) Any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan which becomes effective under this chapter shall be deemed to be modified to the extent of any inconsistency thereof with the consolidation plan but shall otherwise continue in effect.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a consolidation plan under this chapter. On motion or supplemental petition filed at any time within 12 months after the plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action or other proceeding to be maintained by or against the successor of the head or officer under the consolidation plan or, if there is no successor, against such agency or officer as the President designates.

"(d) A consolidation plan may provide for transfers of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in such plan shall be available for any or all such programs; and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed an authorization of appropriations and other budget authority for any or all of such programs. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the Treasury.

"§ 1007. Rules of Senate and House of Representatives on consolidation plans

"(a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resoutions in subsection (b); and it supersedes other rules to the extent that it is inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(b) The provisions of sections 910 through 913 of this title, shall apply with respect to a consolidation plan and, for such purposes—

"(1) all references in such sections to a 'reorganization plan' shall be treated as referring to a 'Federal assistance program consolidation plan', and

"(2) all reference in such sections to 'resolution' shall be treated as referring to a resolution of either House of the Congress, the matter after the resolving clause which is as follows: 'That the ——— does not favor the Federal assistance program consolidation plan numbered ——— transmitted to the Congress by the President on ——— 19—, the first blank therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.' "

TITLE III—JOINT FUNDING SIMPLIFICATION

SEC. 301. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 USC 4201) is further amended by adding after title VII, as added by section 101 of this Act, the following new title:

"TITLE VII—JOINT FUNDING SIMPLIFICATION

"STATEMENT OF PURPOSE

"SEC. 801. The purpose of this title is to enable States, local governments and other public or private organizations to use Federal assistance programs more effectively and efficiently, to adapt such programs more readily to their particular needs through the wider use of joint projects drawing upon resources available from more than one Federal program, appropriation, or agency and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is further the purpose of this title to facilitate the development of joint project and joint funding arrangements at the national level by giving primary emphasis to those arrangements involving intradepartmental actions and by placing interdepartmental joint projects and management funds on an experimental and limited demonstration basis.

"INTRADEPARTMENTAL JOINT PROJECTS

"SEC. 802. (a) The head of every Federal department and agency administering two or more Federal assistance programs is authorized to approve combined applications for joint projects requiring funding from two or more such programs administered by his department or agency.

"(b) To develop the necessary departmental or agency capability to achieve the purposes of section 801, the head of such department or agency, among other actions, shall—

"(1) identify related programs within his department or agency likely to be particularly suitable or appropriate for providing combined support for specific kinds of joint projects;

"(2) develop and promulgate guidelines, model or illustrative joint projects, common application forms, and other materials of guidance to assist in the planning and development of joint projects drawing support from different Federal assistance programs;

"(3) review program requirements established administratively within his department or agency in order to determine which of those requirements may impede combined support of joint projects and the extent to which these may be appropriately modified, and make modification accordingly;

"(4) establish common technical or administrative rules among Federal assistance programs administered by his department or agency to assist in the support of specific joint projects or classes of joint projects;

"(5) create joint or common application processing and project supervision procedures or mechanisms including procedures for designating a lead office or unit to be responsible for processing of applications and supervising joint projects approved by him; and

"(6) develop common accounting, auditing and financial reporting procedures that will facilitate establishment of fiscal and program accountability with respect to joint projects aided by Federal assistance programs administered by his department or agency.

"(c) Where appropriate to further the purposes of this title, and subject to the conditions prescribed under subsection (f) of this section, the head of every Federal department and agency administering two or more Federal assistance programs may adopt uniform provisions respecting—

"(1) inconsistent or conflicting departmental or agency requirements relating to financial administration, including accounting, auditing, and fiscal reporting, but only to the extent consistent with the provisions of clauses (2), (3), (4), and (5) of subsection (d) of this section;

"(2) inconsistent or conflicting departmental or agency requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the joint project as a whole;

"(3) inconsistent or conflicting departmental or agency requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

"(4) inconsistent or conflicting departmental or agency requirements for merit personnel systems, but only to the extent that the joint project contemplated would cause those requirements to be applied to programs or projects administered by recipient agencies not otherwise subject to such requirements;

"(5) inconsistent or conflicting departmental or agency requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the joint project as a whole; and

"(6) other inconsistent or conflicting departmental or agency requirements of an administrative or technical nature as defined in regulations authorized by subsection (f) of this section.

"(d) To further carry out the purposes of this title, the head of every Federal department and agency administering two or more Federal assistance programs—

"(1) may provide for review of combined applications for joint projects to his department or agency by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law;

"(2) may prescribe rules and regulations for the establishment of joint management funds with respect to joint projects approved by him so that the total amount approved by any such project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation; and such rules and regulations shall provide that there will be advanced to the joint management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee and amounts remaining in the hands of the grantee at the completion of the joint project shall be returned to the joint management fund;

"(3) may prescribe rules and regulations governing the financial reporting of joint projects financed through joint management funds established pursuant to this section; and such reports shall, as a minimum, fully disclose the amount and disposition of Federal assistance received by recipient States and local governments, the total cost of the joint project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the joint project supplied by other sources, and such other records as will facilitate an effective joint project audit;

"(4) shall have access for the purpose of audit and examination to any books, documents, papers, and records of recipient States and local governments that are pertinent to the moneys received from joint management funds authorized by him; and

"(5) may establish a single non-Federal share for any joint project, authorized by him and covered in a joint management fund, according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the joint project account from each of those programs.

"(e) Subject to such regulations as may be established pursuant to subsection (f) of this section, the head of every Federal department or agency administering two or more Federal assistance programs may enter into agreements with States or appropriate State agencies to extend the benefits of this title to joint projects involving assistance from his department or agency and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions involving the establishment of uniform technical or administrative requirements, as authorized by this section. Such agreements ordinarily will focus on those program areas wherein Federal assistance is normally channeled through the States.

"(f) In order to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental joint projects authorized under this section and to assure energetic and more uniform departmental and agency administration of the functions authorized by this section, the President may prescribe such rules and regulations as he deems necessary to achieve these purposes.

"INTERDEPARTMENTAL DEMONSTRATION JOINT PROJECTS

"SEC. 803. (a) In order to extend selectively the benefits of joint projects and joint management funding on a governmentwide basis and in recognition of the administrative difficulties involved in this undertaking, the President is authorized to approve on a demonstration basis combined applications for joint projects, requiring funding from two or more Federal assistance programs administered by more than one Federal department or agency.

"(b) In order to develop the necessary capability within the Executive Office of the President for achieving the purpose of this section, the President shall have authority to exercise, with reference to interdepartmental demonstration joint projects, the same responsibilities and authorities assigned to heads of Federal departments and agencies with reference to intradepartmental joint projects under subsections (b), (c), (d), and (e) of section 802.

"(c) To facilitate the expeditious processing of applications for interdepartmental demonstration joint projects or their effective administration, the President is authorized to establish rules and regulations requiring the delegation by heads of Federal departments and agencies to other such departments and agencies of any powers relating to approval, under this section, of programs or classes of programs under an interdepartmental demonstration joint project, if such delegation will promote the purposes of such project. Such rules and regulations may also provide for the delegation to other Federal departments and agencies of powers relating to the supervision of administration of Federal assistance, or stipulate other arrangements for other departments or agencies to perform such activities, with respect to programs or classes of programs subject to this section. Delegations authorized by such rules and regulations shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions or policies.

"(d) To facilitate the establishment of joint management funds on an interdepartmental basis, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal department or agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected departments and agencies. Such rules and regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to those departments and agencies, to the Congress, and to the Executive Office of the President. They shall also provide that the department or agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to accounting and auditing policies consistent with title VII of this Act. They may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to participating Federal departments and agencies in accordance with a formula providing an equitable distribution; and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

"(e) During the seventh month after the end of each fiscal year, starting with the first full fiscal year after the effective date of this section, the President shall submit to the Congress an evaluation of progress in accomplishing the purposes of this title.

"(f) This section shall expire three years after it becomes effective, but its expiration shall not affect the administration of joint projects previously approved.

"FUNDING AND PERSONNEL AVAILABILITY

"SEC. 804. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects approved for joint or common funding involving that program and any other Federal assistance program.

"(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this title or the administration of approved projects.

"AUTHORITY OF THE COMPTROLLER GENERAL OF THE UNITED STATES

"SEC. 805. For the purpose of audit and examination, the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of interdepartmental and intradepartmental joint projects that are pertinent to the moneys received from joint management funds established for such projects.

"DEFINITIONS

"SEC. 806. As used in this title—

"(1) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Federal Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(2) 'Joint project' means any undertaking which includes components proposed or approved for aid under more than one Federal assistance program or appropriation or one or more Federal assistance programs or appropriations in combination with one or more State or local programs, if each of those components contributes materially to the

accomplishment of a single purpose or closely related purpose."

EFFECTIVE DATE

SEC. 302. Sections 802 and 803 of the Intergovernmental Cooperation Act of 1968, as added by section 301 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 401. Section 601 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new subsection:

"(c) If any law enacted on or after the date of the enactment of the Intergovernmental Cooperation Act of 1972 authorizes the making of grants-in-aid over a period of three or more years, then during the period beginning not later than the twelve months immediately preceding the date on which such authority is to expire, the committees of the House and Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special reference to the considerations cited in clauses (1), (2), (3), and (4) of subsection (a) of this section. Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire."

SEC. 402. Title VI of such Act is amended—

(1) by redesignating section 604 as section 606; and

(2) by inserting immediately after section 603 the following new sections:

"CONGRESSIONAL REVIEW SPECIALISTS

"SEC. 604. Each standing committee of the Senate and House of Representatives which is responsible for the review and study, on a continuing basis, of the application, operation, administration, and execution of two or more grant-in-aid programs is entitled to employ a review specialist as a member the professional staff of such committee in addition to the number of such professional staff to which such committee otherwise is entitled. Such specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this title.

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Such reports shall include—

"(1) the overall progress and effectiveness of administrative efforts to carry out each program's statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination of headquarters and in the field with other related Federal assistance programs;

"(4) efforts and progress in simplifying and making more uniform (A) application forms and procedures and (B) financial reporting and auditing requirements and procedures;

"(5) efforts and progress in relying on the internal or independent audits performed by or for States and political subdivisions;

"(6) the feasibility of consolidating individual Federal assistance programs with others in the same or closely related functional areas, where they exist;

"(7) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(8) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(9) the extent to which such programs are adequate to meet the growing and changing needs for which they were designed.

"(b) The President shall transmit to the Congress, no later than January 31 of each year, a summary report on Federal assistance activities of the preceding fiscal year. The first such report shall be transmitted not later than January 31 following the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Each report shall (1) summarize and analyze the **findings** of the department and agency reports **provided** in subsection (a) of this section; (2) **set forth** such recommendations as he may **deem** appropriate to convert the existing system of Federal assistance programs into a more effective vehicle for intergovernmental **cooperation**; and (3) such other matters that are considered pertinent."

TITLE V—MISCELLANEOUS

SEC. 501. Section 202 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 USC 4201) **is amended to read as** follows:

"SEC. 202. No grant-in-aid to a State or a political subdivision shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State or political subdivision. All Federal grant-in-aid funds made available to the States or to political subdivisions shall be properly accounted for as Federal funds in the acounts of the State or of the political subdivisions. In each case the agency of the State or of the political subdivisions concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers and records that are pertinent to the grant-in-aid received by the States or by the political subdivisions."

SEC. 502. Section 203 of such Act is amended to read as follows:

"SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the date of transfer of such funds from the United States Treasury and the date of disbursement thereof by a State or by a political subdivision; or between the date of disbursement by a State or by a political subdivision and the date of transfer by the United States Treasury. States and the political subdivisions shall not be held acountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1972

TITLE I—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

Title I amends the Intergovernmetnal Cooperation Act of 1968 (P.L. 90-577) by adding a new Title VII which deals with the accounting, auditing, and reporting of Federal assistance funds. Section 701 sets forth the purposes of this new title: to encourage the simplification and standardization of the diverse financial reporting requirements of Federal assistance programs, to promote among Federal grant agencies accounting and auditing policies that rely on State and local fiscal control systems if they meet certain professional standards, and to empower the Comptroller General of the United States to establish rules and regulations for use of certain State and local audits in meeting GAO's responsibilities regarding Federal assistance programs.

More uniform financial reporting

Section 702 authorizes the President, notwithstanding any other provisions of law, to establish rules and regulations that will simplify and, where possible, make more uniform the financial reporting requirements associated with Federal assistance programs. The purpose here is to bring greater order to a situation where widely varying forms, differing time schedules, and divergent data requests have undermined the basic objectives of meaningful fiscal reporting on Federal assistance programs.

Standards of auditing to be developed

Section 703 authorizes the Office of Management and Budget, with the cooperation of the Comptroller General, to promulgate principles and standards of auditing for the guidance of Federal, State and local agencies, and independent public accountants, in their review and audits of Federal assistance programs. This section further directs the Comptroller General to include in audits of Federal assistance programs reviews (i) of the extent of utilization by Federal agencies of audits performed by State and local agencies, and (ii) of the extent of implementation of principles and standards of auditing issued pursuant to this section. This section further directs the Comptroller General from time to time to make recommendations to Federal agencies to assist them in implementing the provisions of this title as they relate to Federal assistance programs.

Federal agencies reliance on the financial management control systems of States and their political subdivisions

Section 704 directs Federal agencies which administer Federal assistance programs to adopt accounting and auditing policies which, to the maximum extent feasible, rely on the financial management control systems of States and localities, so as to avoid performing duplicate audits unless necessary.

Under this section, heads of agencies are assigned the responsibility of determining the adequacy of the internal financial management control systems utilized by recipient jurisdictions. In meeting this responsibility, such heads will among other things ascertain whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records, whether audits are carried out with adequate coverage and in accordance with the auditing principles and standards issued pursuant to section 703(a), and whether the auditing function is performed in a timely fashion by a qualified professional staff that is sufficiently independent—in an administrative and political sense—from program operations, so that a comprehensive and objective audit can be performed. Where such control systems are found acceptable, agency heads, in the absence of substantial reasons to the contrary, are required to accept the audits performed under such sy tems as a substitute for those which otherwise would be performed by their own agency personnel. The periodic sample testing technique is cited as the chief means of verifying the continuing reliability of accepted control systems.

In order to strengthen the cooperative relationships among fiscal management personnel, each Federal agency administering assistance programs is required (under section 703(e)) to maintain continuous liaison with counterpart State and local fiscal control administrators and the interchange of audit standards and objectives and interlevel collaboration in the development of audit schedules are specifically cited as means of furthering this liaison. To reduce the proliferation of accounting and auditing systems within and between Federal agencies, Federal agency heads are required, to the extent feasible and permitted by law, to cordinate the auditing requirements of assistance programs coming under their jurisdiction (section 703(f) and to establish cross-servicing arrangements with other agencies for audit purposes (section 703 (g)). The Office of Management and Budget, or such other agency as may be designated by the President, is authorized to prescribe government-wide rules and regulations for the effective implementation of this section.

TITLE II—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

This title amends title 5 of the United States Code which sets out procedures authorized for an executive reorganization: a proposal by the President becomes effective in 60 days unless either House passes a resolution saying it is not in favor. This title adds a new chapter 10, which places a new approach to consolidation of "closely related" Federal assistance programs within the framework of the executive reorganization procedures.

Section 1001 declares the title's basic purposes and states that the President from time to time shall examine the various Federal assistance programs and, in the case of programs falling within the same functional area, promote better administration and planning, improve coordination, eliminate overlapping and duplication and promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

Section 1002 contains certain definitions applicable to the new chapter 10 added by this Act.

Federal assistance consolidation plans

Under section 1003, the President, after finding that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes of section 1001(a), is authorized to prepare and transmit to Congress a consolidation plan, together with a declaration indicating his finding that the plan will further the purposes of this title and a declaration as to how each program in the plan is functionally related.

In his transmission of a consolidation plan, the President is required to place responsibility for the consolidated program in a single Federal agency and is required to specify in detail the term, under which the Federal assistance programs included within the plan shall be administered.

In selecting applicable terms and conditions, the President is limited by the range of terms and conditions of programs which are consolidated under the plan.

The President is required to set forth differences between proposed terms and conditions and corresponding provisions of the programs to be consolidated, along with the reason for such changes.

Subsection 1003 (c) stipulates that a consolidation plan must be delivered to both Houses of Congress on the same day and to each House while it is in session.

No consolidation plan may be delivered within 30 calendar days following the delivery of a previous plan in the same functional area.

Limitations on powers

Section 1004 sets forth limitations on the scope of a proposed consolidation plan. The limitations are as follows:

1. No plan shall continue any consolidated program beyond its authorized period. Section 1004(a)(1).

2. Consolidation of programs must be in the same functional area, or closely related functional areas. Section 1004(a)(2).

3. The plan must not extend assistance to any recipient not eligible under any program included in the consolidation. Section 1004 (a)(3).

4. The plan must not exclude from eligibility any recipient eligible under any program included in the consolidation. Section 1004(a)(4).

5. Responsibility for administration of the plan cannot be transferred to any agency which was not previously responsible for at least one of the consolidated programs. Section 1004(a)(5). It is stipulated that each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

In line with traditional Congressional limitations on the duration of reorganization legislation, subsection 1004(c) provides that authorization to transmit a consolidation plan under this legislation shall expire two years after enactment of this title.

Effective date and publication of consolidation plans

Section 1005 follows the procedure for Congressional action on executive reorganizations. This section provides that a consolidation plan shall become effective at the expiration of sixty days of continuous session of the Congress, unless before termination of the sixty-day period either House passes a resolution stating in substance that it does not favor the consolidation. A consolidation plan which becomes effective shall be printed in the Statutes at Large and in the Federal Register (subsection 1005(d)).

Effect on other laws and regulations

Subsections 1006 (a) and (b) provide that the provisions of a consolidation which has become effective shall take precedence over any preexisting law, regulation, rule or order to the extent that any inconsistency exists. However, legal actions commenced prior to the effective date of a consolidation plan would not abate solely as a result of changes effected by the plan. (Subsection 1006 (c)).

Under subsection 1006 (d) a consolidation plan may provide that the unexpended authorizations and appropriations for merged programs shall be transferred for use under any or all programs which are part of the consolidation.

Rules of the Senate and the House of Representatives

As an exercise of the rulemaking power of the Senate and the House of Representatives, section 1007 provides that consideration and action on a consolidation plan in either House shall be pursuant to the provisions of sections 910 through 913 of title 5, relating to executive reorganizations.

TITLE III—JOINT FUNDING SIMPLIFICATION

Section 301 further amends the Intergovernmental Cooperation Act of 1968 by adding a new Title VIII dealing with joint funding simplification. Section 801 states that the purpose of the title is to enable States and other public or private organizations to use Federal aid programs more effectively and efficiently, to adapt these programs more readily to their individual needs by facilitating the broader use of joint projects involving more than one aid program, and to acquire experience that would lead to additional legislative proposals regarding consolidation, coordination, and simplification of Federal assistance programs. The statement of purpose also indicates that primary emphasis is to be given to developing widespread use of joint projects and joint funding arrangements within individual departments and placing counterpart efforts at the interdepartmental level on an experimental and limited demonstration basis.

Intradepartmental joint projects

Section 802 deals wholly with procedures involving intradepartmental joint projects and joint funding arrangements. Under it, the head of each Federal department and agency administering more than one Federal aid program is authorized to approve combined applications for joint projects requiring funding from two or more such programs falling under his jurisdiction. To develop the necessary departmental or agency capability for achieving the purposes of this title, section 802(b) requires departmental heads, among other things, to identify related aid programs within his agency that are likely candidates for joint projects; to develop and promulgate guidelines, joint project examples, common application forms, and other materials that will facilitate development of an intradepartmental joint project program; to review the various administrative requirements of departmental assistance progams in order to identify those that might impede the expeditious processing of joint project applications and where appropriate make the necessary modifications; to establish common technical or administrative rules for related departmental assistance programs; to create common or joint application processing and project supervision procedures—including establishing a single unit for handling these functions; and to develop common auditing, accounting, and fiscal reporting procedures to facilitate establishment of fiscal and program accountability with respect to joint projects approved by him.

In order to provide the means of cutting the red tape arising from the varying procedural requirements associated with individual assistance programs, the head of each Federal department and agency administering two or more such programs is authorized under section 802(c) to adopt, subject to such regulations as may be promulgated by the President pursuant to section 802(f), uniform provisions regarding inconsistent or conflicting agency requirements involving financial administration, the timing of Federal payments, whether assistance must be extended in the form of a grant or a contract, merit personnel systems (but only to the extent that a proposed joint project would cause these requirements to be applied to programs not otherwise subject to them), the accountability for or the disposition of property or structures acquired or constructed with Federal assistance, and other relevant administrative technical items defined in regulations issued pursuant to subsection (f).

To develop the intradepartmental financial arrangements necessary for expediting joint projects, each head of a department and agency administering two or more Federal assistance programs is permitted under section 802(d) to set up a single board or panel for the review of combined applications to his department; to prescribe rules and regulations for establishing joint management funds with respect to joint projects approved by him, so that the total amount approved for any project may be accounted for as if the funds had been derived from a single aid program or authorization; to establish uniform rules and regulations governing the fiscal reporting of projects financed through joint management funds; to have access, for the purpose of audit and examination, to relevant records and other data of recipient States and local governments relating to moneys received from joint management funds authorized by him; and to establish a single non-Federal share for any joint project authorized by him and covered in a joint management fund.

Section 802(e) permits such heads of departments and agencies, subject to such regulations as may be established pursuant to subsection (f), to enter into agreements with States to extend the benefits of joint projects and joint management funds to cover combined applications involving not only assistance from programs administered by his department but also from those administered by one or more State agencies. In most instances, such arrangements will be restricted primarily to those programs areas where Federal assistance is normally channeled through the States.

Under section 802(f), the President is authorized to prescribe such rules and regulations as he deems necessary to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental projects authorized by this section. While fewer administrative problems can be expected to arise in establishing meaningful departmental joint project programs than in the case of interdepartmental projects, energetic and consistent departmental efforts may not always be forthcoming—hence, the need for this section.

Interdepartmental demonstration joint projects

Section 803 extends selectively the benefits of joint projects and joint management funding on a government-wide basis. This is done in recognition of the administrative difficulties involved in this commendable but complex undertaking. Section 803(a) authorizes the President to approve on a demonstration basis combined applications for joint projects requiring funding from two or more Federal assistance programs administered by more than one Federal department or agency.

Section 803(b) gives to the President with respect to interdepartmental projects authorities comparable to those assigned to heads of departments and agencies under section 802 (b), (c), (d), and (e). This is done in order to facilitate the development of the necessary capability in the Executive Office of the President for processing and administering interdepartmental joint projects and joint management funds.

Section 803(c) authorizes the President to establish rules and regulations requiring the delegation by heads of Federal departments and agencies to other departments and agencies of project or program approval authority insofar as it involves programs or classes of programs included in an interdepartmental joint project (s). Without this authority, it is doubtful whether the goals of this section can be achieved. Such rules and regulations may also call for the delegation to other Federal departments and agencies of powers relating to the supervision by Federal assistance programs. These rules and regulations are conditioned by the proviso that they must be appropriate to assure that the powers and functions delegated are utilized in full conformity with applicable statutory provisions or policies.

Section 803(d) is geared to permitting establishment of joint management funds on an interdepartmental basis. Accordingly, the President is authorized to make rules and regulations, not inconsistent with other applicable law, governing the setting up of joint management funds involving moneys derived from two or more Fedral assistance programs administered by more than one Federal department or agency. These rules and regulations will assure that the necessary accounting, auditing, and other fiscal information will be made available to the departments involved, the Congress, and the Executive Office of the President. They also shall stipulate that any department or agency administering a joint fund shall be accountable for the total amount provided for the purposes of each account established in the fund and shall practice accounting and auditing policies consistent with new Title VII of the Intergovernmental Cooperation Act. Such rules and regulations may include procedures for determining on a periodic basis whether amounts in the account are in excess of those required, for returning that excess to participating agencies according to an equitable distribution formula, and for making returns to applicable appropriations, subject to fiscal year limitations.

Section 303(e) requires the President to submit annually to Congress a report evaluating the progress in accomplishing the purposes of this title. This report will be submitted every January beginning with the first January following the end of the first fiscal year after the effective date of this section.

The final subsection stipulates that this section will become effective 120 days following the date of enactment and will expire three years after it has become effective. Such expiration, however, shall not affect the administration of interdepartmental joint projects previously approved.

Funding and personnel availability

Section 804(a) is designed to help provide technical assistance to State and local governments involved in developing combined applications for joint projects. Under it, appropriations available to any Federal aid program for technical assistance or personnel training may be made available for the provision of such assistanc in connection with joint projects involving that program and any other Federal aid program. In addition, the personnel of any Federal agency (pursuant to section 904(b)) may be detailed from time to time, where ncessary, to other agencies to assist in processing combined applications or in administering approved joint projects.

The authority of the Comptroller General of the United States

Section 805 states that the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of intradepartmental or interdepartmental joint projects relating to moneys received from joint management funds for the purpose of GAO audit and examination.

Definitions

Section 806 contains definitions of "Federal assistance," "Federal assistance program," and "joint project" as used in this title.

Effective date

Section 302 states that section 802 and 803 of the Intergovernmental Cooperation Act of 1968, as added by section 301 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

Section 401 of this Act amends the Intergovernmental Cooperation Act of 1968 by adding a new subsection at the end of section 601. This amendment is designed to strengthen Congressional review procedures for grants-in-aid having termination provisions of three or more years. During the year preceding the date on which the program authority is to expire, the relevant substantive Committee of Congress, either separately or jointly, will conduct studies of the program and advise their respective Houses of their findings with special reference to the factors cited in section 601(a) (1), (2), (3), and (4). The Committee report will be filed with the respective Houses not later than one hundred and twenty days before the program is slated to expire.

Section 402 amends Title VI of the Intergovernmental Cooperation Act of 1968 by adding two new sections following section 603 and appropriately renumbering section 604. The first of these new sections authorizes establishment of the position of review specialist of each standing committee of the Senate and House responsible for the review, study, and oversight of two or more assistance programs. This additional professional staff member will be selected and appointed by the Chairman of the standing committee with prior approval of the ranking minority member. He would serve on a permanent basis, without regard to political affiliation, and solely on the basis of professional competence. His basic assignment would be to assist the Committee in its performance of functions assigned by this title and he would be under the joint direction of the Chairman and the ranking minority member.

The second new section (section 605) is geared to strengthening Executive Branch oversight with respect to Federal assistance programs. Under it, heads of Federal departments and agencies administering more than one program would submit annually a report to Congress and the President on the operations of these programs, beginning with the first fiscal year following the date of enactment. These departmental reports among other things would cover the progress and effectiveness of administrative efforts to carry out the programs' statutory goals; the consultative procedures utilized under each program to afford recipient governments a chance to review and comment on proposed administrative regulations and basic program changes; the various intradepartmental and interdepartmental arrangements for achieving proper headquarters-field program coordination; efforts to simplify and make more uniform application forms and procedures as well as fiscal reporting and auditing requirements; effort and progress in relying on audits performed by or for States and localities; the feasibility of consolidating functionally related assistance programs; the practicability of delegating more administrative authority—including project or program approval power—to departmental field offices; whether the purpose, management, administrative procedures and requirement in such programs should be changed; and the degree to which such programs are meeting the growing and changing needs they were initially designed to support.

This new section (section 605) concludes with the requirement that the President shall submit a summary report on these various departmental studies not later than January 31 of each year following the first fiscal year after the date of enactment. This report would be a synthesis of the materials presented in the various departmental studies and would stress the broad problems confronting grants-in-aid as effective government-wide devices for intergovernmental cooperation. Presidential proposals for reform might well be a concluding feature of this report.

TITLE V—MISCELLANEOUS

The purpose of this title is to extend to the political subdivisions of a State the provisions of sections 202 and 203 of the Intergovernmental Cooperation Act of 1968 which now apply only to States.

Section 202, as amended, by this title, would eliminate the requirement that political subdivisions maintain separate bank accounts for grants-in-aid. At the same time the amended section extends to political subdivisions the requirement of keeping proper accounts, making regular fiscal reports, and providing Federal agencies and the Comptroller General access to the books of the political subdivision for purposes of audit.

Section 203, as amended by this title, would require that Federal agency heads schedule transfers of grant-in-aid funds in such a way as to minimize the time elapsing between the date of transfer and the date of disbursement by a political subdivision. Present law limits section 203 to transfers to States under grant-in-aid programs.

Mr. GURNEY. Mr. President, I am pleased to cosponsor the Intergovernmental Cooperation Act of 1972 introduced today by Senator MUSKIE. This legislation differs only slightly from that reported unanimously by the subcommittee on Intergovernmental Relations to the full Government Operations Committee in the last Congress (S. 2479).

Since the end of World War II, and especially in the last decade, Federal expenditures in the area of civilian-domestic needs have relied heavily on categorical grants to States and local governments. Today, these sometimes narrow-purposed, project-oriented grants have proliferated until we have more than 530 specific Federal programs operating through categorical grants. In the fiscal year ending June 30, 1971, some $30 billion was dispersed to States and localities through these programs.

The multiplicity and complexity of this growing maze of grants has caused serious problems for States and localities which are the intended beneficiaries of the various programs. Among these problems are the difficulty in determining just what programs are available and what are the differences and similarities among them; the loss of flexibility caused by the necessity to work within the framework of numerous small grants rather than with a limited number of consolidated programs; the needless inefficiency and waste resulting from overlapping and duplicated efforts; and the bureaucratic redtape which hinders recipients attempting to comply with differing requirements of many separate grants.

This bill, which is based on over 4 years of subcommittee investigation and hearings and encompasses studies and recommendations of the advisory committee on intergovernmental relations, moves toward a solution of these problems by:

First. Authorizing the President to establish simpler and more unified auditing regulations governing Federal assistance programs;

Second. Providing for expeditious congressional approval of executive proposals for consolidation of related grants in the same functional area;

Third. Authorizing simpler administrative requirements to permit joint management and funding of Federal assistance programs; and

Fourth. Establishing more comprehensive executive and congressional reviews over grants programs.

This bill accomplishes the desired streamlining of grants' administration without sacrificing congressional prerogatives. This is done through a combination of congressional review and restrictions on consolidation plans which prohibit:

First. The continuance of a consolidation program beyond its authorized period.

Second. The consolidation of programs which are not of the same or closely related functional areas.

Third. The extension of assistance to any recipient not qualified under one of the programs to be consolidated.

Fourth. The exclusion of any recipient qualified under any of the programs to be consolidated.

Fifth. The transfer of administration of a consolidated program to any agency not previously responsible for administration of one of the programs to be consolidated.

Sixth. The submission to Congress of more than one consolidation proposal from the same functional area, within the same 30-day period.

Mr. President, this bill promises a more rational and efficient participation by State and local governments in Federal assistance programs, without surrendering the principle of congressional oversight. This bill will do much to reduce the bureaucracy and redtape which threatens to smother the Federal relationship between our national, State and local governments. I urge the assistance of all Members of the 92d Congress in the passage of this legislation.

By Mr. MUSKIE (for himself and Mr. GURNEY):

S. 3141. A bill to amend the intergovernmental Personnel Act of 1970 to provide for the employment of younger citizens of States and local governments as a means of increasing administrative, technical, and professional skills available to local and State governments, thereby strengthening the Federal system. Referred to the Committee on Government Operations.

INTERGOVERNMENTAL PERSONNEL ACT AMENDMENTS OF 1972

Mr. MUSKIE. Mr. President, I introduce for appropriate reference an amendment to the Intergovernmental Personnel Act of 1970. Senator GURNEY, who is ranking minority member of the Subcommittee on Intergovernmental Relations, joins me in sponsoring this measure. I ask unanimous consent that the bill and a cost estimate of these amendments be included in the RECORD at the conclusion of these remarks.

The Intergovernmental Personnel Act expressed the conviction of Congress that strong State and local governments are essential to the federal system. Through that act, the Federal Government helps State and local governments strengthen their personnel by training, education and related programs.

This amendment adds a new ingredient. It will bring outstanding young Americans into State and local governments.

The measure creates a Federal-State Fellows program and a Federal-Urban Fellows program. The Civil Service Commission administers both, though they differ slightly in structure. Both are aimed at bringing talented young people from a variety of ethnic and occupational backgrounds into government service for a year. The Federal, State, and local governments share the cost.

The creation of these national programs of Federal-State Fellows and Federal-Urban Fellows is neither complicated nor expensive. Yet they have a most important purpose—to join an underutilized national resource with an obvious, serious national need. The need is for additional talented and committed people to help State and local governments face problems that are ever increasing both in scope and complexity. The resource is a generation of Americans whose energies and talents are demonstrably great.

This measure encourages local governments to reach out toward talented young people. It will attract them to careers in government services; it will give them the opportunity to acquire a commitment to better government and public service, whatever their ultimate careers.

The Federal-State Fellows program is patterned after the highly successful White House Fellows Program which began in 1964. Under it, exceptional young Americans from outside government are chosen in a nationwide competition and join the Federal Government for a year. They serve as assistants to members of the President's Cabinet and other top officials. After their year in Washington, some have remained in government service. Many have returned to the government for short periods to carry out important special assignments. Virtually all have become deeply involved in the civic or governmental process in their home states and communities.

The proposed Federal-State Fellows program creates a program similar to the White House Fellows for every State interested in participating. The Federal Government contributes three-fourths of the cost the first year, with its share dropping to no more than one-half by the third year. The Civil Service Commission makes grants to each State which then selects outstanding young people to serve for a year in the State government. Recruiting, selection, and program administration would be done on State-by-State basis.

Guidelines will be general, stressing excellence and the nonpartisan nature of the program. Selection should be competitive and service would normally be in both executive and legislative branches. The Council of State Governments will act as adviser to the Commission.

The Federal-Urban Fellows program would also bring outstanding young people into government service for a year—in this case, into city and urban county governments.

Urban governments are numerous and diverse. Because of this, it is my view that this program would be most effective if administered on a national basis by a central organization. The most effective arrangement, at this stage, would be for the Commission to contract for administration of the program with the National League of Cities/Conference of Mayors, which already has a program functioning successfully called the National Urban Fellows program.

The National Urban Fellows began in 1969. Young men and women from many professions are selected in national competition to serve in key positions in city and urban county governments. They undergo a 10-month internship and supplementary academic training which equip them for high level administrative, technical, and professional positions in local governments.

An expansion of this concept into the proposed Federal Urban Fellows program would multiply the number of young administrators and professionals with first-hand knowledge of the tremendous challenges facing urban governments in America today. It would enlarge the pool of talent available to meet these challenges.

This legislation recognizes that various cities and States will devise imaginative programs which could supplement the fellowship programs in achieving their basic objectives. Therefore, it contains a provision in this measure for supplementary programs. The State of Ohio, for example, has a successful summer intern program for young people. New York and other cities have urban fellows programs. The Civil Service Commission is authorized to make grants to such existing efforts, when they would serve as imaginative complements to the measure's two primary programs.

If the programs outlined in this legislation are fully utilized, they will cost some $10 million a year. It will be well spent, and I recommend that funding be provided the Civil Service Commission to cover this new program.

One aim of this measure is, of course, long range: It will provide for the gradual development of valuable new personnel resources for State and local governments. But I believe that there will be an immediate return: When the most talented of our young citizens are placed in positions of responsibility, one of the natural outcomes is the development of needed new approaches and ideas. The young do not have a monopoly on prescience; but in a world where we must accept dazzlingly rapid change as a fact of life, we need not only their energy but their insights.

There being no objection, the bill and estimates were ordered to be printed in the RECORD, as follows:

S. 3141

A bill, to amend the Intergovernmental Personnel Act of 1970 to provide for the employment of younger citizens of States and local governments as a means of increasing administrative, technical and professional skills available to local and State governments, thereby strengthening the Federal system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Personnel Act Amendments of 1972".

SEC. 2. Section 2 of the Intergovernmental Personnel Act of 1970 is amended by adding at the end thereof the following new paragraph:

"That the commitment, imagination, energy, and skills of younger citizens constitute an available source of talent that should be broadly utilized in the strengthening of personnel resources available to State and local governments, thereby strengthening the Federal system."

SEC. 3. Title III of the Intergovernmental Personnel Act of 1970 is amended—

(1) by striking out—

"TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES"

and inserting in lieu thereof—

"TITLE III—STATE AND LOCAL GOVERNMENT EMPLOYMENT

"PART A—TRAINING AND DEVELOPMENT"

(2) by striking out of section 301 the word "title" and inserting in lieu thereof "part"; and

(3) by adding at the end thereof the following new part:

"PART B—DEVELOPING ADDITIONAL EMPLOYEE RESOURCES

"SEC. 321. The purpose of this part is to develop additional employee resources for State and local governments and simultaneously to create new avenues of Federal, State, and local government service for younger citizens of the United States by establishing programs of Federal-State Fellows and Federal-Urban Fellows, and by authorizing support for related supplementary programs.

"DEFINITION

"SEC. 322. For the purpose of this part, 'organization' means—

"(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

"(2) an association of State or local public officials; or

"(3) a nonprofit organization, one of whose principal functions is to offer professional advisory, research, development, educational, or related services to governments.

"FEDERAL-STATE FELLOWS

"SEC. 323. (a) The Commission, or an organization designated by it, is authorized to make grants to a State to establish, develop and carry out a Federal-State Fellows program for that State. Each State program shall provide opportunities for learning and service in other work of State governments by younger citizens of the United States of diverse backgrounds. Each such program shall—

"(1) emphasize the development of a group of informed and experienced citizens who, following their internship as Fellows, may subsequently be available to State governments, and also to Federal and local governments, for career employment or special periodic service.

"(2) provide for the appointment of Fellows from among outstanding young citizens at least 21 years of age;

"(3) be administered on a non-partisan basis; and

"(4) provide for carrying out such programs by a State agency designated by the Governor or chief executive authority of the State or pursuant to an agreement with an organization (unless State law otherwise prohibits such an agreement).

"(b) The Council of State Governments shall be designated as adviser—

"(1) to the States, with respect to the development of appropriate qualifications, standards, and methods of selection of Fellows; and

"(2) to the Commission, with respect to the development of criteria for awarding grants to States.

"(c) Grants to a State shall be for not to exceed 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, up to 50 per centum) of the costs of such program of that State, including—

"(1) costs of stipends of not to exceed 10 Fellows per State a year;

"(2) administrative costs; and

"(3) related expenses as may be authorized by the Commission.

"(d) Each State shall agree to be responsible for the non-Federal share of the costs of its program. The State agency or the organization administering the Federal-State Fellows program for the State may seek public or private funds to pay for the non-Federal share of the cost of its program and for educational activities designed to supplement or complement the work-service experience of Fellows.

"(e) For costs incurred in connection with its advisory role, the Council of State Governments shall be reimbursed by the Commission, out of appropriations made pursuant to this Act, in such amounts as may be determined by the Commission.

"FEDERAL URBAN FELLOWS

"SEC. 324. (a) The Commission is authorized to establish, develop, and carry out a Federal Urban Fellows program which shall provide opportunities for learning and meaningful participation in the functioning of local government. Such program shall—

"(1) recognize the common national implications of local problems and seek to build a coordinated national personnel resource for local governments;

"(2) provide for the appointment of Fellows from among outstanding young persons, 20 through 39 years of age, representing a variety of ethnic groups and occupational backgrounds, including the appointment of such persons from volunteer programs and community service organizations, and with business, labor, medical, teaching, community action, and other kinds of experience relevant to the needs of local governments; and

"(3) provide for the assignment of Fellows, by agreements with a local government, or a local governmental or non-governmental agency, designated by the mayor or chief executive authority of the local government.

"(b) Except as otherwise provided in subsection (c) of this section, the Commission shall enter into an agreement with an organization or another Federal agency to carry out such program for the Commission. If the Commission enters into such an agreement, it is authorized to reimburse such organization or agency for stipends for the Fellows and administrative and other costs determined by the Commission to be related to carrying out such program. In no event, however, shall the Commission reimburse any such organization or agency for more than 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, up to 50 per centum) of the total amount of stipends for five Fellows to each local government or non-governmental agency each year.

"(c) If the Commission determines it is not practicable to have an organization or other Federal agency carry out such program, the Commission is authorized to carry out such program by making grants directly to a local government or to a local governmental or non-governmental agency (designated by the mayor or chief executive authority of the local government) to establish, develop, and carry out Federal Urban Fellows programs of that government or agency. Any such grant shall not exceed 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, up to 50 per centum) of (1) the costs of each such program of that local government or agency (including administrative costs and other costs authorized by the Commission to be paid out of the grants), and (2) the total amount of stipends for more than five Fellows to that government or agency each year.

"(d) Each such local government or agency shall agree to be responsible (1) in the case of Fellows provided by an organization or Federal agency under subsection (b) of this section, for that portion of the total amount of the stipends for Fellows provided that local government or agency and not reimbursed by the Commission, or (2) in the case of a grant directly to that government or agency under subsection (c) of this section, for the non-Federal share of the costs of its program.

"(e) The local government or agency may seek public or private funds to pay the non-Federal share of the amounts of the stipends for Fellows provided under subsection (b) of this section; or its program under subsection (c) of this section.

"SUPPLEMENTAL PROGRAMS

"SEC. 325. (a) The Commission is authorized to make grants to States, general local governments or combinations of governments that serve fifty thousand or more persons, or other organizations, for support of additional programs which, as determined by the Commission—

"(1) are consistent with the provisions of subsection (a) of section 323 and subsection (a) of section 324 of this Act;

"(2) do not duplicate programs established under such sections;

"(3) constitute imaginative complements to those programs; and

"(4) in the case of programs proposed by organizations, have the endorsement of the appropriate State or local governments.

"(b) Grants may provide up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, for up to 50 per centum) of the costs of such programs, as determined to be appropriate by the Commission, including stipends and administrative costs."

ESTIMATE OF FUNDS NEEDED FOR INTERGOVERNMENTAL PERSONNEL ACT AMENDMENTS OF 1972

Attracting persons to an internship who have the talent to be in demand elsewhere and who have administrative, technical, and professional skills requires a stipend in the range of $10,000 to $15,000 per year. The experience of similar programs suggests the following budget approximation for a program of 1000 fellows:

500 Federal-State Fellows average stipend $12,500/year	$6,250,000
500 Federal-Urban Fellows average stipend $12,500/year	6,250,000
Supplemental Programs	1,000,000
	13,000,000
Administrative costs, educational expense, advisory committee	5,000,000
Total annual cost	18,000,000
Federal share	13,500,000
State and local share	4,500,000

PROJECT FEDERAL EXPENDITURES

1st year—start up: 300 state, 300 Urban Fellows, no supplemental programs	10,500,000
2d year: 500 State, 500 Urban Fellows, supplemental programs	13,500,000
3d year: 500 State, 500 Urban Fellows, supplemental programs	13,500,000
4th year: (50% Federal share)	9,000,000
5th and subsequent years: (50% Federal share)	9,000,000

Mr. GURNEY. Mr. President, I am pleased to cosponsor the Intergovernmental Personnel Act Amendments of 1972 introduced today by Senator MUSKIE. This legislation will provide for the training and involvement of young people in State and local government through a Federal fellowship program.

We hear from young people throughout our Nation, an increasingly serious criticism of our governmental institutions and the ability of these institutions to respond to the people whom they serve. Too often, these criticisms are rooted in ignorance of the actual operations of governmental bodies and agencies; also, too often, there is legitimate basis for such accusations.

This legislation will serve to familiarize hundreds of our Nation's brightest, most talented young people with the day-to-day problems and activities of State and local government. All who participate in it will share an opportunity for increased knowledge and respect for the realities of government; some will choose careers in government and remain to change and improve the very institutions from which they have learned.

The program will operate through two types of fellowship plans: the Federal State Fellows and the Federal Urban Fellows. Overall administration would be through the Civil Service Commission, with each State administering its individual program for fellowships in State government; and with a contracting agency or organization such as the National Urban Fellows program of the National League of Cities and Conference of Mayors, administering the fellowships in local governments.

The program will be financed on a 50-percent matching basis, with the Federal share of the costs less than $9 million annually, following slightly higher start-up costs of the first 3 years.

Mr. President, I speak as a fiscal conservative when I say I believe this program to be a wise investment in the future of our country. It would be irresponsible to ignore the proper education and preparation of youths who will be tomorrow's leaders in our society and government.

By Mr. MUSKIE (for himself, Mr. JAVITS, Mr. RIBICOFF, and Mr. SCHWEIKER):

S. 3142. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel. Referred to the Committee on Foreign Relations.

SOVIET JEWISH REFUGEE ASSISTANCE ACT OF 1972

Mr. MUSKIE. Mr. President, I am introducing today a bill to authorize $85 million for assistance to Soviet Jewish refugees in Israel—The Soviet Jewish Refugee Assistance Act of 1972.

The plight of Jews in the Soviet Union has for some time been a matter of great concern and sorrow in this country. We cannot fail to be greatly moved, because of our own tradition of religious and personal liberty, with the example of a minority in the Soviet Union struggling against such overwhelming odds to preserve its ancient religious and cultural traditions in what appears to be an increasingly hostile environment. In recent years the attention of the world has been focused sharply on the plight of Soviet Jewry by the victims' own courageous public protest and demand for the right to emigrate to Israel.

In Congress there have been several bipartisan efforts to call attention to this problem and to do what little we can to influence the Soviet Government in the direction of a nondiscriminatory policy toward the Jewish people of the U.S.S.R. We have tried to render what small assistance we can to the struggle of this brave people to maintain their identity and their right to worship God as they see fit. And we must continue to do what we can as long as repression of the Jewish people continues in the Soviet Union.

But in recent months there has been a surprising new development in Soviet policy. The motivations remain obscure, but the results are dramatic—a sudden increase in the number of Soviet Jews allowed to emigrate to Israel. In the one month of December 1971, three times as many Jews emigrated from the Soviet Union as in all of 1970. The increased rate is continuing in 1972, and it is now anticipated that between 40,000 and 60,000 Soviet Jewish immigrants will arrive in Israel this year.

On January 8 of this year, I suggested in a statement that the United States should be prepared to assist these refugees resettle in Israel—for it is to Israel that they strongly desire to go. I pointed out that this new Soviet policy was a blessing—but a blessing accompanied by staggering financial and social burdens for Israel. We know from our own experience with some 650,000 Cuban refugees in the past 12 years and some 30,000 Hungarian refugees in 1958 and 1959 how difficult it is to absorb substantial numbers of refugees—and we are a nation of more than 200 million.

For Israel's 3 million people, the task is awesome. Given our relative populations, it is as if the United States was suddenly confronted with the need to absorb into its social and economic structure an additional 2 to 3 million people, roughly the size of Philadelphia or Los Angeles. Housing must be built, food provided, and jobs created. A new language must be taught. Health and educational facilities must be found. New communities must be developed. Counseling and training are required. None but the Israelis can build the homes, teach the languages, find the jobs, and otherwise pay the social costs of giving freedom to Soviet Jews. But there is a financial cost as well—estimated at several hundred million dollars—and that is something I believe we can and must help with.

When I raised this problem last month, I suggested that there were three principal reasons why the United States should help in this effort. These reasons are worth repeating:

First, since World War II, the United States has contributed more than $2.8 billion to refugee assistance, directly and through intergovernmental organizations. We spent close to $600 million to assist Cuban refugees. From 1947 to 1951, we contributed $237 million to the International Refugee Organization. In the early 1950's, we contributed almost $85 million to aid Korean refugees. And for Arab refugees, we have contributed more than $500 million. We have never forgotten that we were founded and populated by the refugees of an earlier world. Our commitment to this cause is inscribed on the base of the Statue of Liberty.

Second, there is the long history of our concern with persecution on account of religion and, in the last half century, particularly with the persecution of Jews.

Beginning in the early 1900's, our national leaders have fought for the freedom and dignity of the world's Jewish community. We played a major role in the creation of Israel; we have been its firm defender ever since.

Third, beyond humanitarian concerns, there is our clear self-interest in the health and well-being of Israel. War is not the only danger to a healthy Israel. Economic disaster can accomplish what war could not, if we let it. A country the size of Israel, with its heavy defense burdens, cannot afford the several hundred million dollars that will be required for the anticipated influx of Soviet Jews over and above Israel's normal budget for immigrants—and Israel has already spent enormous sums in recent years receiving and integrating hundreds of thousands of Jewish refugees from Middle Eastern countries.

For all these reasons, therefore, we must be prepared to help Israel cope with the new influx of Soviet Jewish refugees. Since proposing such assistance last January, I have asked my staff to explore the best possible means of providing it. We have consultated with Members and staff in both Houses of Congress, with the Department of State which administers current refugee programs, and with many individuals and groups outside the Government who are most familiar with the present situation. The result of these consultations is the legislation being introduced today.

First, the bill we are introducing today is bipartisan. This is the kind of humanitarian issue which attracts bipartisan support, and it is imperative that it be made clearly bipartisan and not the creature of any one man or party. I am particularly pleased, therefore, to be joined by my distinguished colleagues on both sides of the aisle, Senator RIBICOFF, Senator JAVITS, and Senator SCHWEIKER, in introducing this legislation today. We are eager for the widest possible cosponsorship, and we invite other Senators to join us in this effort.

This same legislation is being introduced on a bipartisan basis in the House today by Congressmen JONATHAN B. BINGHAM and SEYMOUR HALPERN. Congressmen BINGHAM and HALPERN are also seeking the widest possible cosponsorship in the House.

Second, we are suggesting as the most appropriate level of assistance to Israel a sum of $85 million. We are well aware that the financial burden on Israel for resettling these new immigrants will amount to several times this figure. If the current rate of immigration from the Soviet Union continues next year and into the future, we would most certainly want to consider additional assistance. For the moment, however, we believe that $85 million is an appropriate and realistic initial commitment.

Third, we believe that the most appropriate vehicle for such assistance is the Department of State which has been designated by the President as the administering authority for our refugee assistance programs abroad. We note with satisfaction that the State Department is already providing some funds, albeit at a very modest level, for maintenance costs in Vienna for Soviet Jewish refugees in transit to Israel. We applaud this effort, and we hope that in this same spirit the administration will provide substantially more funds in the State Department budget for resettlement costs in Israel—a much larger financial commitment, to be sure, but one which we believe to be amply justified. The administration has already indicated that aid to Israel should not be a political issue this year. It is all the more appropriate that humanitarian assistance of this kind should be taken completely out of the political arena.

We hope, therefore, that the legislation we are proposing today will receive the broadest possible support in Congress and in the administration. The burden on Israel and on the refugees is already enormous. We must not delay in acting—and in acting generously.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel, including assistance for housing, clothes, food, medical care, education and training, for the resettlement in Israel of Jewish refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this Act.

Mr. RIBICOFF. Mr. President, I would like to commend Senator MUSKIE for his introduction today of a bill to furnish much needed assistance to Soviet refugees in Israel. I am pleased to be a cosponsor. This is the most appropriate legislative vehicle for helping Israel bear the heavy burdens of absorbing these thousands of newcomers.

I am particularly pleased that Senator JAVITS and Senator SCHWEIKER have joined in this bipartisan effort. As the time draws near for active consideration of this measure, I am certain we will be joined by many of our colleagues who share our deep concern for the well-being of these refugees and for the economic well-being of Israel.

America, like Israel, is, after all, a nation composed of refugees, and American assistance to refugees from many nations is part of our tradition and is a matter of record. Cubans, Hungarians, Arabs, Koreans, and most recently, Bengalis, have all been helped. Today there are new refugees who need our help. Faced with the sudden influx of immigrants from the Soviet Union, Israel's economy, already under enormous strains, because of heavy defense expenditures, is seriously threatened. Despite these new burdens, the Israelis are determined to provide new lives for those who have suffered from persecution, because of their religion.

The Israelis will continue to welcome their Soviet brethren no matter what the costs. Some 15,000 arrived last year, and another 40,000 to 50,000 are expected. The need for assistance in this awesome task is becoming critical. So much must be done for these refugees in the way of housing, medical care, job placement, and language-skills training before they can become absorbed into the mainstream of Israeli life.

The bill being introduced today authorizes the Secretary of State, who is charged with the overall responsibility for administering refugee assistance programs abroad, to provide $85 million to assist Soviet refugees in Israel. Precedent of such assistance to third countries exists with our aid to Czech refugees in third countries. The amount called for in our bill represents only a small fraction of Israel's total cost. But this amount will be of significant help. It is also a realistic amount, in view of our Nation's many commitments elsewhere in the world and at home.

I urge my colleagues, particularly those who have spoken out so eloquently against Soviet persecution of Jews in the past, to give their active support to this legislation. In doing so, they will be acting in the highest traditions of humanitarian concern for those in need in other lands.

By Mr. ANDERSON:

S. 3144. A bill to designate certain lands in the Bosque del Apache National Wildlife Refuge, Socorro County, N. Mex., as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, I am today introducing legislation which will establish the Bosque del Apache wilderness within the Bosque del Apache National Wildlife Refuge as a unit of the national wilderness system. The wildlife refuge is located along the Rio Grande in central New Mexico and is fully suitable for inclusion within the wilderness system because of its untrammeled and unexploited scenic and scientific qualities.

As is provided in the Wilderness Act of 1964, the area has been reviewed by the Secretary of the Interior who supports the inclusion of the acreage within the wilderness system, as does the President.

The proposed wilderness is made up of three units within the wildlife refuge totaling 32,500 acres. The three units consist of uplands on both sides of the Rio Grande and are predominately desert country with vegetable cover typical of the Lower Sonoran Life Zone. Animal life includes mule deer, antelope, quail, cottontail, and occasional mountain lions, coyotes, and bobcats.

The Bosque del Apache National Wildlife Refuge was established in 1939 as a refuge and feeding area for migratory birds and other wildlife. It is located about 13 miles south of Socorro, N. Mex. Within the three proposed wilderness unit, 232 species of wildlife have been recorded, primarily including shrikes, mockingbirds, nighthawks, owls, and king birds.

As required by the Wilderness Act, a public hearing was held and the comments received were predominately favorable. The only negative portions dealt with technical matters involving appropriate boundaries of the wilderness area. As I have stated, the measure has the full support of the administration. I ask for speedy approval of this legislation, which is in the public interest and which will preserve this scenic and valuable area for future generations.

By Mr. BENTSEN:

S. 3146. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. BENTSEN. Mr. President, the quality of programs which today's veteran has available to him upon leaving the armed services is a vitally important matter. Because of currently high unemployment levels, because of rises in the average educational level, because of the constant increases in the costs of education, we must go further toward assuring that veterans' educational benefits and vocational opportunities are fully adequate. That the need is great cannot be denied.

Disturbing figures exist which underline the plight of returning Vietnam veterans. Unlike veterans coming home from past wars, these young men are statistically in worse straits today than their contemporaries who did not serve. The unemployment rate last month for young veterans ages 20 to 29 was 8.5 percent while it was 7.5 percent for nonveterans. This 1 percentage point represents a tremendous number of unemployed individuals. Clearly, we have to do more in creating educational and employment opportunities to correct this situation.

I see no justification for expecting veterans from Vietnam to be content with programs which are inferior to those during and after World War II and the Korean conflict. The veterans involved in all of these conflicts have the same basic needs and aspirations. The programs we enact and fund today must meet the needs that exist now, just as those in the past met the needs of their times.

Accordingly, I am here presenting legislation designed to improve and broaden the administration's proposals in the fields of veterans education and employment. While their legislation calls for increased benefits, I am persuaded that some of their proposals will prove inadequate by the time they actually become law and subsequently take effect. The effectiveness of the legislation would be therefore diluted.

The administration proposal asks an increase of 8.6 percent in basic education allowances and a 48-percent increase in rates for on-the-job and apprentice trainees.

While I have no disagreement with the second figure—the need is greatest in these areas and a 48-percent increase should stimulate veterans' job opportunities—I feel the first figure should be increased from 8.6 to 14 percent.

It should be noted these increases will probably not be available to veteran students until the start of fall semester in 1972. The larger benefit increase I propose takes into account the time lapse which occurs during the "proposed-enacted-instituted" time period. It will increase the present rate for a veteran alone from $175 per month to $200, rather than the $190 figure suggested in the administration proposal.

This measure also authorizes advance payment of a veteran's rehabilitation subsistence and educational assistance allowance to prevent delays from halting his planned program. Safeguards would exist to prevent double payments.

Provision is also made for the Veterans' Administration to employ student-veterans who are participating fulltime in educational or training programs, in order to help them meet expenses.

Seeing that wives and widows share veterans' educational and vocational opportunities is a major aim of this measure. Evidence exists to show that these dependents or survivors often have the same need for training as does the veteran himself. Provisions of this bill also extend various benefits to female veterans of the armed services, heretofore not included.

Other important rule changes and benefit improvements are contained in this comprehensive legislation, along with a detailed section on farm training opportunities. I ask that the full text of the Veterans Educational and Training Amendments of 1972 appear in the RECORD following my remarks, in order that my colleagues can fully examine and evaluate the contents of this measure.

Mr. President, there are few investments which we can make in the future of our country which can match the training and educating of young Americans. We have seen the great benefits which our veterans' programs of World War II and Korea engendered. That the GI bill has produced outstanding and productive careers in many fields is, I think, obvious.

I want to see the Vietnam veteran have an equal chance to prepare himself for an active and rewarding civilian life. To assure him of this opportunity is the least we can do, for he has given the best of himself in the service of his country. If we make a fair and equitable investment in him, I know he will make the same kind of investment in the future well-being of this Nation. I urge my colleagues to join me in support of this worthwhile and critically needed legislation.

By Mr. BAYH:

S. 3148. A bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes. Referred to the Committee on the Judiciary and when reported, by unanimous consent, to the Committee on Government Operations.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

Mr. BAYH. Mr. President, I send to the desk a bill, the content of which I have discussed with the distinguished Senator from Arkansas (Mr. MCCLELLAN), the Chairman of the Committee on Government Operations. He has agreed that it would be appropriate to refer this bill to the Committee on the Judiciary and thereafter to the Committee on Government Operations. I ask unanimous consent that the bill be so referred.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, juvenile crime in this country is reaching crisis proportions. During the past decade, arrests of juveniles for violent crimes increased by 148 percent, and arrests of juveniles for property crimes, such as burglary and auto theft, jumped 85 percent.

I am deeply alarmed by these rapidly accelerating arrest rates for young people. But I am even more alarmed by the fact that juveniles now represent almost half the crime problem in this country. Children between the ages of 10 and 17 compose only 16 percent of the national population, yet they account for more than 48 percent of all arrests for serious crimes. And the problem is even worse than these figures indicate, because a large proportion of adult arrests for serious crimes are those we failed to rehabilitate as young offenders.

Our dismal failure to rehabilitate is dramatically clear from the recidivism rate for juvenile delinquents, estimated at 74 percent to 85 percent. Our attempts to redirect young lives by the traditional means of incarceration in large training schools simply do not work; they succeed only in producing more sophisticated, more alienated young criminals.

The hard facts indicate that juvenile crime has reached crisis proportions. To respond to this crisis with half-measures would be worse than doing nothing at all, for it might well give us a false sense of accomplishment. We must face this crisis of delinquency in all its severity, and recognize that our approach must be completely restructured.

A juvenile justice system that resorts to incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime. What is needed is an approach that concentrates on producing productive citizens.

When juvenile crime costs our society billions of dollars each year, such an approach makes good sense not only from a humanitarian point of view, but from an economic point of view as well. So long as we tolerate a system of juvenile justice that turns delinquents into hardened criminals, our crime rate will continue its upward spiral.

Today I am introducing a new bill—the Juvenile Justice and Delinquency Prevention Act—which will provide the comprehensive, coordinated Federal effort combined with the massive resources that have so long been needed.

My bill restructures the Federal approach to the problems of juvenile delinquency under a new National Office of Juvenile Justice and Delinquency Prevention. It insures national coordination, supervision, and evaluation of federally assisted delinquency programs. It authorizes substantial new resources to develop and implement effective delinquency prevention, treatment, and rehabilitation programs. It creates a centralized research, training, data collection, and technical assistance effort in a new Institute of Juvenile Justice. Through a National Commission on Standards for Juvenile Justice, it provides for the development of model uniform standards for the administration of the juvenile justice system, including conditions of confinement in detention and correctional institutions. Finally, it establishes basic procedural rights for juveniles who come under Federal jurisdiction—rights that are already enjoyed by adult criminal defendants. I believe that my bill will give us the kind of comprehensive national program which we need to deal effectively with the massive problems of delinquency.

During my first year as chairman of the Subcommittee to Investigate Juvenile Delinquency, I have carefully reviewed the numerous juvenile delinquency programs administered by more than half a dozen Federal agencies. In March and April 1971 the subcommittee conducted hearings to examine the effectiveness of the Federal effort in this area.

Unfortunately, these hearings and subsequent investigation confirmed what had already been painfully suggested—that existing Federal programs have not provided the requisite direction, coordination, resources, and leadership needed to deal with the crisis of delinquency. They have had virtually no impact on the devastating effects of juvenile crime—crime which results in immeasurable loss in human life, personal security, and wasted economic and human resources.

Testimony of both governmental and nongovernmental witnesses indicated that there is at present no central responsibility within the Federal government for juvenile delinquency programs. Even those agencies which administer the substantial portion of delinquency funds—the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare—are unwilling to claim a primary role in coordinating and sustaining the overall Federal effort in this area.

The Juvenile Deliquency Prevention and Control Act of 1968 was clearly intended by Congress to coordinate all Federal efforts in the area of juvenile delinquency. Unfortunately, this mandate has never been carried out. In fact, the the Youth Development and Delinquency Prevention Administration, the agency charged with the responsibility of administering the act, has conceded its failure to implement the goals set forth by Congress. Its annual report, issued in March 1971, concluded that there is:

> Little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention . . . The present array of programs demonstrate the lack of priorities, emphasis, and direction in the Federal Government's efforts to combat delinquency.

In approving a 1-year extension of the Juvenile Delinquency Prevention and Control Act last June, we provided for the creation of an Interdepartmental Council to coordinate all Federal juvenile delinquency programs.

We hoped that this new Council would pull together the fragmented delinquency programs into a cohesive, effective Federal effort. However, I now believe that this Council does not have sufficient authority or independence from existing agency structures to do the job. Nor does it have the mandate, the resources, or the national prestige to become a forceful advocate for the thorough-going reform demanded by our present crisis of delinquency.

My bill establishes a new National Office of Juvenile Justice and Delinquency Prevention within the Executive Office of the President. This new office is charged with the responsibility of supervising and coordinating all Federal juvenile delinquency programs. The multidisciplinary approach afforded by the participation of several agencies, such as the Departments of Labor, Justice, Health, Education, and Welfare, and Housing and Urban Development, is valuable in developing an effective response to the many facets of the delinquency problem. However, as past experience has demonstrated, without centralized coordination and planning, a multifaceted approach can degenerate into fragmentation and confusion.

My bill does not propose the termination or the relocation of existing juvenile delinquency programs; rather, it provides the authority to supervise Federal planning and policy and to establish priorities and objectives for all Federal delinquency programs, including training, evaluation, research, prevention, rehabilitation, and treatment activities. The Director of the new National Office of Juvenile Justice would be the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He would have broad supervisory review over the operation of programs in other agencies, and would be responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President.

The need for centralized authority has been recognized by both major Federal agencies operating in th field of juvenile delinquency—the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare. In announcing the decentralization of authority to regional offices on May 18, Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, specified that juvenile delinquency programs would be excepted from this decentralization and that supervisory control would remain in headquarters. Mr. Leonard said:

> This is a real problem area—the apparent inability of all of the programs that we have in the juvenile delinquency field to dovetail and address the problem on a very broad and effective base. That is something that cannot be done at the regional or State level; the coordination effort has got to come from the National Government and from Washington.

The Youth Development and Delinquency Prevention Administration—within the Department of Health, Education, and Welfare—in its annual report of Federal activities in juvenile delinquency, concluded that Federal efforts to combat delinquency demonstrate "a lack of priorities, emphasis and direction," and that State planning has been "spasmodic and ineffective." The report recommended that a new national program be created to provide coordination and leadership for all delinquency related efforts—Federal, State, and local.

Not long ago the President responded to the crisis of drug addiction facing our Nation by creating a new Special Action Office for Drug Abuse Prevention with far-reaching powers over the numerous drug programs scattered throughout the Federal Government. My bill recognizes that a similar response is warranted in the area of juvenile delinquency—a response which will focus Federal resources to have a meaningful, effective impact on the terrible social, economic, and human cost of juvenile delinquency.

The Federal effort to combat delinquency has failed not only because of lack of direction and coordination, but also because we simply have not allocated resources commensurate to the size of the problem. Despite the fact that juveniles represent at least half the crime problem, the Federal Government allocates only a small fraction of its total crime prevention money to the problems of juvenile delinquency. In fiscal 1970, LEAA spent less than 12 percent of its appropriation on juvenile delinquency programs; in fiscal 1971, although the percentage increased somewhat, it still remained well under 15 percent.

Further, although accurate figures on the actual amounts allocated to juvenile delinquency by model cities programs of the Department of Housing and Urban Development are not available, a rough estimate indicates that no more than $8.3 million of the model cities supplemental funds was spent in the area of juvenile delinquency in fiscal 1970. Moreover, the amounts requested by the Department of Health, Education, and Welfare under the Juvenile Delinquency Prevention and Control Act have never approached the amounts authorized by Congress. In fiscal 1970, of the $50 million authorized, $15 million was requested; in fiscal 1971, of the $75 million authorized, only $15 million was requested. This fiscal year, the Department of Health, Education, and Welfare requested even less than it has in the past: $10 million of an authorized $75 million.

We can only conclude that to date no Federal agency, including those specifically charged with the prevention and control of crime and delinquency has responded to the fact that juveniles constitute at least half the crime problem in our country. On the contrary, juveniles seem to be last on the list of priorities when it comes to allocating vitally needed resources.

My bill authorizes substantial appropriations—a total of one and a half billion dollars over the next 4 years—for the new National Office of Juvenile Justice so that funds will be available for developing and implementing delinquency prevention, rehabilitation, and treatment programs. Federal agencies would be qualified recipients of such grants, as well as public and private agencies, organizations, institutions, and individuals.

My bill provides for substantial Federal assistance for State and local juvenile delinquency programs. These funds will be distributed by the States through designated planning agencies in accordance with comprehensive State plans approved by the new national office. My bill also provides funds for direct grants to public and private agencies to develop and implement new methods of delinquency prevention, treatment, and rehabilitation. This formula will maintain the funding flexibility required to develop innovative approaches to the problems of delinquency. Moreover, the ability of the Director to develop and implement an effective, coordinated Federal delinquency effort will be enhanced by making funds available for direct grants over which he has supervisory control. This will allow him to implement his decisions as to what must be done in the area as well as to supplement existing efforts. Further, by making funds available to nonprofit private agencies, institutions, and individuals, participation by a wide spectrum of the community in developing ways of dealing with the problems of juvenile delinquency wil be encouraged.

Most important, all grants, whether made to State agencies, public or private agencies, institutions, or individuals, will be made in accordance with broad guidelines which reflect the views of people who have long worked in the field. These guidelines encourage the development of viable alternatives to the traditional juvenile justice system, with particular emphasis on replacing large, outmoded juvenile detention and corrections institutions with community-based services and facilities.

For example, my bill requires that at least three-quarters of the funds a State planning agency receives must be spent on the development and use of facilities designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional detention and correctional facilities used for the confinement of juveniles. Witnesses who have appeared before my subcommittee have testified again and again that large, custodial institutions rarely succeed in rehabilitating their inmates. Rather, the conditions in these institutions usually produce physical and psychological damage which is permanent. The statistics confirm this tragic picture: the recidivism rate of institutionalized delinquents is the highest of any age group—74 percent.

My bill will provide States with the incentive and with the resources to develop alternatives to these large institutions, such as group homes, halfway houses and foster-care programs. Through the use of community-based services and facilities, juveniles will be able to receive the help they need while remaining in their communities, close to the families and friends so necessary to rehabilitative efforts.

My bill also provides that children who have committed "juvenile status offenses," such as truancy, or running away from home, be treated separately from juveniles who have committed serious criminal offenses. Witnesses have told us repeatedly that approximately one-half of the children presently confined in large institutions for juvenile delinquents are there because they are runaways, truants, or have destructive home situations. These children are victims of societal and parental neglect, and should not be treated in the same way as juveniles who have a history of criminal activity.

In order to provide the kind of care needed for a particular child, it is crucial to have adequate diagnostic facilities. Many localities do not have such facilities, and thus are unable to differentiate among the children sent to institutions in any meaningful way. The bill includes the development of diagnostic services on a statewide, regional, or local basis as a requisite part of State juvenile delinquency plans.

One of the most successful alternatives to institutionalization has been the probation subsidy program, which is now operating in several States. Under this program, a county or unit of local jurisdiction is reimbursed for every juvenile it retains in the community, rather than committing to a State correctional institution. This program allows a child to stay at home while receiving intensive probation services, and, in fact, costs far less than institutionalization. For example, in California, during the 5-year period that the probation subsidy program has been operating, commitments to State institutions have been reduced by 15,301. My bill provides for the development of these and similar probation programs, for the expansion and improvement of probation services in local communities, and for the training of probation officers and other professional and paraprofessional personnel.

One of the best documented problems facing our youth today is that of drug abuse. Not only do drugs destroy the lives of many young people, they are also the direct cause of serious delinquent behavior. The Subcommittee to Investigate Juvenile Delinquency has conducted an extensive investigation of the problems of nonopiate addiction among young people, especially with regard to amphetamines and barbiturates. We have found that a shockingly large percentage of our high school, and even elementary school, population have become involved in the abuse of these dangerous drugs, often without realizing their tragic consequences. Numerous young witnesses have told us of their first experiences with these drugs, of their increasing dependence and eventual addiction, and of the delinquent, often criminal activity to which their drug habits led them.

My bill provides for comprehensive programs of drug abuse education and prevention which will reach even the youngest children before they become hopelessly enmeshed in the destructive cycle of drug addiction and criminal activity. For those children who are already involved with drugs, my bill provides for rehabilitation and treatment programs. As many correctional authorities have indicated, drug abuse is a grave problem both within juvenile correctional institutions and in the communities in which the juveniles live. We must make a concerted attack on this evil if we are ever going to reduce the numbers of children for whom crime becomes a necessary way of life.

Many of the early signs of delinquent behavior, or of problems at home, first show up in the schools. Any approach to delinquency prevention must include intensive services within the elementary and secondary education systems which will detect and divert from the juvenile justice system delinquent and potentially delinquent youth. My bill emphasizes the need to develop such programs through the use of individual and family counseling, and other supportive services within the structure of the schools. Grantees are also encouraged to provide training for professionals and paraprofessionals working with juvenile delinquents and predelinquents in all aspects of the problem.

One of the major features of my bill is the creation of a National Institute for Juvenile Justice within the new National Office of Juvenile Justice and Delinquency Prevention. The need for such an Institute has long been recognized. Many of my colleagues in both the Senate and House have responded to this need by supporting a similar, although far more limited, concept in the Institute for the Continuing Studies of Juvenile Justice. My proposal would give the Institute the national prestige, the authority, and the resources required to develop long-range strategies for dealing effectively with the problems of juvenile delinquency. Even more important, the Institute would be an integral part of the new National Office. Promising research results developed through the Institute could be translated promptly into operating programs in the field. By closely relating the functions of the Institute to the activities of the National Office, we will be effectively closing the information gap that has severely hindered Federal efforts to combat delinquency until now.

The new National Institute would provide technical assistance to Federal, State, and local agencies, courts, institutions, and individuals involved in developing and implementing delinquency programs. The current unavailability of effective technical assistance at the State and local levels is well documented and has a serious adverse impact. The Youth Development and Delinquency Prevention Administration's annual report found that State delinquency planning and proposed projects had been poor largely because "a sufficient theoretical knowledge base was lacking and only an extremely limited amount of technical assistance was forthcoming."

In conjunction with the technical assistance function, the Institute would serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country. There is general agreement that the impact of various research and demonstration program results has been severely limited due to the fragmented Federal structure and the lack of any centralized source of information. Further, it is extremely difficult for a prospective grantee to obtain comprehensive information on Federal resources available in the area of juvenile delinquency. The Institute would serve as a clearinghouse for delinquency information, including statistics, research, availability of resources, and Federal, State, and local prevention, rehabilitation and treatment programs.

Research on the problems of juvenile delinquency would be a primary function of the Institute. My bill provides substantial funding for research to be conducted both by Institute personnel as well as by public and private agencies, institutions, and individuals. The quality of these research projects would be regularly evaluated and the findings widely disseminated.

The Institute would also be responsible for conducting training programs throughout the country for persons working in the area of juvenile delinquency, such as policemen, judges, probation officers, corrections personnel, and lay and paraprofessional workers. In addition, the Institute would develop technical training teams to aid in the development of on-going State and local training programs for juvenile justice personnel, including those who work with young people to prevent delinquency. An Advisory Council consisting of Government officials and representatives of groups actively involved in juvenile delinquency prevention and control would consult with the Director and the Administrator concerning the overall policy and operations of the Institute.

The Institute would provide vitally needed leadership in developing effective research, training, technical assistance, and information services relating to juvenile delinquency. It is an essential part of the new comprehensive, coordinated Federal approach I am recommending. Appropriations of $500 million over the next 4 years are authorized for the vital work of the Institute.

Another component of my program to improve juvenile justice in America is a series of specific amendments to existing Federal law, designed to guarantee certain basic protections to juveniles under Federal jurisdiction.

I would require that, whenever possible, juveniles be processed through State and local juvenile courts and correctional systems, and not in the Federal courts. Under the Federal Juvenile Delinquency Act, a district court is authorized to sit as a juvenile court to judge minors who are charged with Federal offenses not punishable by death or life imprisonment. Unfortunately, neither the Federal courts nor the Federal correctional system has ever been properly equipped to handle large numbers of juveniles. The result has been that great numbers of juveniles have been shipped away from their home communities, especially for the purpose of institutionalization. This dislocation has been repeatedly criticized, for one of the most important factors in the success of efforts at rehabilitation is the access the juvenile has to stabilizing influences in the community he will return to after release. And this dislocation makes very difficult—or totally prevents—contact of the juvenile with members of his immediate family.

By their very nature, State courts are more likely to be community based. My bill requires Federal courts to defer to State courts, as long as the State court has jurisdiction over the offense and has adequate rehabilitation programs and services.

My bill contains an absolute prohibition against the detention or confinement of any juvenile alleged or found to be delinquent in any institution in which adults—whether convicted or merely awaiting trial—are confined. We have heard a lot of unpleasant evidence about the conditions in all our prisons, whether they deal with adults or juveniles.

And my bill is designed to improve these conditions. But, in the meantime, allowing adult and juvenile offenders to be confined together only exacerbates an already difficult problem.

Juveniles who are incarcerated with hardened criminals are much less likely to be rehabilitated. The older criminals become the teachers of graduate seminars in crime. In addition, we have heard repeated charges about the homosexual attacks that take place in adult institutions, and confining juveniles in such institutions only increases the likelihood of such attacks. There is no reason to allow adults and juveniles to be imprisoned together. Only harm can come from such a policy, and I would forbid it completely.

Under present law it is possible to treat a juvenile alleged to have committed an act which if committed by an adult would be a felony either in juvenile proceedings or in criminal proceedings. Juvenile proceedings are designed to rehabilitate a youthful offender and to avoid the stigma of having a criminal conviction on a young person's record. If at all possible, therefore, no one eligible for juvenile treatment should be made to face adult criminal charges without the benefit of full constitutional protections. Of course, there are cases in which referral to the juvenile courts would be pointless.

My bill would require a hearing before a Federal district judge before transferring an eligible juvenile to adult criminal jurisdiction. Only if the Federal judge found, after hearing all of the evidence, that "there are no reasonable prospects for rehabilitating" the juvenile before he reaches the age of majority could the criminal prosecution take place. Transfer proceedings could be instituted only against a juvenile age 16 and older. In all other cases, he would be treated as a juvenile.

I have heard too many stories of juveniles being detained for long periods of time without having the nature of the charges against them precisely stated, and without sufficient evidence against them to make their detention legal. I propose to include an explicit statement in the Federal statutes dealing with the treatment of juveniles, requiring that immediately after arrest, each juvenile be advised of his legal rights. My bill further requires that the juvenile's parents or guardian be notified forthwith of such custody. The juvenile must then be brought before a magistrate who shall release him to his parents or guardian, unless, after hearing, the magistrate determines that detention is necessary to secure the juvenile's timely appearance before the appropriate court or to protect the safety of others.

My bill would also implement recent Supreme Court decisions dealing with the right to counsel. The arresting officer and the court would be required to inform the juvenile that he has the right to be represented by legal counsel at all critical stages of the juvenile proceedings. And if the juvenile does not retain counsel, legal counsel will be appointed by the court.

The proposed amendments would also establish safeguards for juveniles under Federal jurisdiction, guaranteeing them the constitutional protections against self incrimination, illegal searches and seizures, and cruel and unusual punishment. These guarantees are fundamental to our system of justice, and I believe that they should be extended to juveniles in our Federal laws.

Finally, my proposed Juvenile Justice and Delinquency Prevention Act would create a National Commission on Standards for Juvenile Justice, composed of 15 members appointed by the President. The commission would be broadly representative of juvenile judges, corrections officials, probation and welfare workers, lawyers, and young people who have had extensive contact and experience with the juvenile justice system. The commission would be specifically charged with the responsibility of studying the administration of juvenile justice at the Federal, State, and local level, including juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities. The commission would, of course, draw upon the considerable body of work already done in these areas.

Within 2 years of its inception, the commission would make its recommendations and report its findings to Congress. These recommendations would be widely publicized, and State and local governments would be urged to adapt their practices and procedures to the standards recommended by the commision.

To prevent the commission from becoming another impotent study group, the Director is authorized to use these recommendations as guidelines in establishing funding priorities as well as in making individual funding decisions. Thus, the Director might determine that a State agency or institution would require additional funds to bring it up to national standards established by the commission, or in the alternative, should not receive funds at all since it merely perpetuates outmoded, ineffective practices.

We have been told again and again of the wide disparities in the procedures governing the treatment of juveniles at all stages of the adjudicatory and dispositional process. Many State juvenile laws are archaic and even unjust; further, they are often inconsistent with laws in neighboring jurisdictions. The result is that children in trouble frequently are deprived of basic procedural safeguards, depending on the particular laws of the jurisdiction they are in. I believe that by creating a National Commission with sufficient prestige and authority, we can develop basic standards governing the treatment of juveniles that will be used as models by State and local governments in revising their procedures.

The Juvenile Justice and Delinquency Prevention Act provides an effective new approach to the problems of juvenile delinquency. We have failed too long to respond in any meaningful way to the crisis of delinquency facing our Nation. We cannot afford to delay any longer. I urge my colleagues in the Congress to give my bill careful consideration. I hope that they will act expeditiously to give this country the comprehensive coorlinated juvenile delinquency program it so desperately needs.

Mr. President, I ask unanimous consent that the bill and certain analyses in connection therewith be printed at this point in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 3148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1972".

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

Sec. 101. The Congress hereby finds—

(1) that juvenile delinquency is increasing at an alarming rate in the United States;

(2) that the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources;

(3) that existing Federal programs have not provided the requisite direction, coordination, resources, and leadership to deal effectively with the crisis of delinquency;

(4) that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective response by the Federal Government.

PURPOSE

Sec. 102. It is the purpose of this Act—

(1) to focus the resources of the Federal Government to bring about an immediate reduction in the rate of juvenile delinquency;

(2) to provide the necessary additional resources to improve the quality of juvenile justice in the United States and to develop and implement effective methods of preventing and treating juvenile delinquency;

(3) to increase the capacity of State and local governments, and public and private agencies and organizations to conduct innovative, effective juvenile justice and delinquency prevention and rehabilitation programs, and to provide adequate research, evaluation, and training programs and services in the area of juvenile delinquency;

(4) to provide for the development of national guidelines for juvenile detention and corrections facilities, and for the administration of juvenile justice;

(5) to amend title 18, United States Code, to guarantee certain basic rights to juveniles who come within Federal jurisdiction;

(6) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(7) to provide technical assistance to agencies, institutions, or individuals in developing and implementing delinquency programs and to provide for the effective and prompt evaluation of all Federally assisted juvenile delinquency programs;

(8) to establish training programs for personnel working in the juvenile justice system; and

(9) to establish a new National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President to coordinate, review, and evaluate all Federally assisted juvenile delinquency programs.

TITLE II—AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT

Sec. 201. Section 5032 of title 18, United States Code, is amended to read as follows:

"Sec. 5032. Proceeding against juvenile delinquent

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available to it programs and services adequate for the rehabilitation of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If Federal jurisdiction is retained over a juvenile, the Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency. With respect to a juvenile 16 years and older alleged to have committed an act which if committed by an adult would be a felony, criminal prosecution may be begun if the Attorney General moves in the appropriate district court of the United States that criminal prosecution be undertaken and such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his majority.

"Once a juvenile has entered a plea with respect to an alleged act of juvenile delinquency a criminal prosecution based upon such alleged act of delinquency shall be barred."

Sec. 202. Section 5033 of this title is amended to read as follows:

"Sec. 5033. Jurisdiction and constitutional safeguards

"District courts of the United States shall have jurisdiction of proceedings against juvenile delinquents. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise.

"A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional right guaranteed an adult in a criminal prosecution against unreasonable searches and seizures, against self-incrimination, and against cruel and unusual punishment."

Sec. 203. Section 5034 of this title is amended by adding at the end of the third paragraph the following new sentence: "The Attorney General shall not cause any juvenile alleged or found to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are incarcerated."

Sec. 204. Section 5035 of this title is amended to read as follows:

"Sec. 5035. Detention of alleged juvenile delinquent

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, and immediately notify the Attorney General and the juvenile's parents, guardian, or other custodian of such custody.

"Such juvenile may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are confined. The juvenile shall not be detained longer than a reasonable period of time required to produce the juvenile before a magistrate.

"The magistrate shall, with all reasonable speed, release the juvenile to his parents, guardian, custodian, or other responsible party upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to protect the safety of others.

"Any magistrate before which the juvenile may be brought shall advise such juvenile, his parents, guardian, or other custodian of his right to be represented by legal counsel at all critical stages of the juvenile proceeding and that legal counsel will be appointed by the court if the juvenile is unable to secure such counsel."

Sec. 205. The table of sections of chapter 403 of this title is amended to read as follows:

"Sec.
"5031. Definitions.
"5032. Proceeding against juvenile delinquent.
"5033. Jurisdictions and constitutional safeguards.
"5034. Probation; commitment to custody of Attorney General; support.
"5035. Detention of alleged juvenile delinquent.
"5036. Contracts for support; payment.
"5037. Parole."

TITLE III—NATIONAL COMMISSION ON STANDARDS FOR JUVENILE JUSTICE

COMMISSION ESTABLISHED

Sec. 301. (a) There is established within the National Office of Juvenile Justice and Delinquency Prevention (established under title IV of this Act) a National Commission on Standards for Juvenile Justice (referred to in this Act as the "Commission") to develop standards for the administration of juvenile justice at the Federal, State, and local level, including juvenile court procedures and conditions of confinement in juvenile detention and correction facilities.

(b) The Commission shall consist of 15 members who shall be appointed by the President by and with the advice and consent of the Senate for terms of two years without regard to the provisions of title 5, United States Code, in accordance with the provisions of this subsection. Each member so appointed shall be a person who as a result of his training, experience, or special knowledge is especially qualified to make recommendations on standards for juvenile justice, including conditions of confinement, to serve as models for Federal, State, and local governments. As least five members so appointed shall not have attained 26 years of age on the date of their appointment and shall have actual experience with the juvenile justice system in the United States. Two of these five members shall be former adjudicated juvenile delinquents.

(c) The Commission shall select its own Chairman and Vice Chairman.

DUTIES OF THE COMMISSION

Sec. 302. (a) The Commission shall make a complete and full study and investigation of all aspects of the juvenile justice system in the United States, with particular emphasis on juvenile court procedures, and the conditions of confinement in juvenile detention and correctional facilities, in order to develop standards for the administration of juvenile justice to serve as models for Federal, State, and local governments.

(b) Within two years after the appointment of the members of the Commission under this title, the Commission shall submit to the President and the Congress a final report which shall include—

(1) recommendations for standards of ju-

venile justice and the reasons underlying such recommendations; and

(2) recommendations and proposals for Federal action which would facilitate the adoption of these standards.

(c) The Director shall make use of the recommendations of the Commission as guidelines in establishing funding priorities or in making individual funding decisions, as he deems appropriate and advisable.

(d) The Commission shall cease to exist 30 days after the submission of its final report.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 303. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings as may be required for the performance of its functions under this Act, administer oaths for the purpose of taking evidence in any such hearings and issue subpoenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearing. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code, and

(2) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(d) (1) Subpoenas issued pursuant to subsection (a) of this section shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpoena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States Attorney for any judicial district in which such person resides or is found, such Attorney shall proceed by information for the prosecution of such person for such offense.

COMPENSATION OF MEMBERS

SEC. 304. (a) Members of the Commission who are otherwise employed by the Federal government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(b) Members of the Commission not otherwise employed by the Federal government shall receive compensation at a rate not to exceed $150 a day, including travel time, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Commission.

EXPENSES OF COMMISSION

SEC. 305. There is hereby authorized to be appropriated for the work of the Commission the sum of $600,000 without regard to fiscal year limitation.

TITLE IV—NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

ESTABLISHMENT OF OFFICE

SEC. 401. (a) There is hereby established in the Executive Office of the President, an office to be known as the National Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

(b) There shall be at the head of the Office a Director (referred to in this Act as the "Director") who shall be appointed by the President by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed three Assistant Directors who shall be appointed by the Director. Each Assistant Director shall perform such functions as the Director from time to time assigns or delegates.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 402. (a) The Director is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necesary to perform the functions vested in him and to prescribe their functions.

(b) The Director is authorized to select, appoint, and employ not to exceed five officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Director, the head of any Federal Agency is authorized to detail, on a reimbursable basis, any of its personnel to the Director to assist him in carrying out his functions under this Act.

(d) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now are hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

VOLUNTARY SERVICE

SEC. 403. The Director is authorized to accept and employ, in carrying out the provisions of this Act or any Federal juvenile delinquency program, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

DEFINITIONS

SEC. 404. For the purpose of this Act—

(1) the term "juvenile delinquency programs" means programs and activities related to juvenile delinquency prevention, diversion, treatment, rehabilitation, education, training, research, and the improvement of the juvenile justice system which are conducted directly or indirectly by the Departments of Health, Education, and Welfare, Labor, Housing and Urban Development, Justice, and the Office of Economic Opportunity. With regard to those Federal programs which appear to have only a tangential or indirect involvement in the area of juvenile delinquency, the Director of the Office of Management and Budget, upon consultation with the Director, is authorized to determine whether such programs come within the purview of this Act; and

(2) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

CONCENTRATION OF FEDERAL EFFORT

SEC. 405. (a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and programs to improve the juvenile justice system in the United States.

(b) In carrying out the purposes of this Act, the Director is authorized and directed to—

(1) advise the President as to all matters relating to federally assisted juvenile delinquency programs and Federal policy regarding the problems of juvenile delinquency;

(2) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) recommend changes in organization, management, personnel, standards, and budget requests which he deems advisable to implement the policies, priorities, and objectives he establishes;

(4) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) coordinate Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(6) develop yearly, and submit to the President and the Congress prior to March 1 in each year, an analysis and evaluation of such programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems discovered in the operation and coordination of such programs; and

(7) develop yearly, and submit to the President and the Congress, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system.

(c) The Director may require departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this Act.

(d) The Director may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Office.

(e) In administering the provisions of this title, the Director is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

JOINT FUNDING

SEC. 406. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by an agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be designated by the Director to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

TRANSITIONAL PROVISIONS

SEC. 407. (a) The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director of the National Office of Juvenile Justice and Deliquency Prevention until the office of Director is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition, to other compensation from the United States to which such person may be entitled.

(d) No Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency had on the date of enactment of this Act with respect of any federally assisted juvenile delinquency program.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 408. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Director, National Office of Juvenile Justice and Delinquency Prevention.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Deputy Director, National Office of Juvenile Justice and Delinquency Prevention."

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Assistant Directors, National Office of Juvenile Justice and Delinquency Prevention."

APPROPRIATIONS AUTHORIZED

SEC. 409. There are hereby authorized to be appropriated to the President $15,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this title.

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS AUTHORIZATION

SEC. 501. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $50,000,000 for the fiscal year ending June 30, 1973; $75,000,000 for the fiscal year ending June 30, 1974; and $100,000,000 for the fiscal year ending June 30, 1975, for grants to States to assist them in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, prevention, diversion, treatment, and rehabilitation programs to deal with juvenile delinquency and programs to impove the juvenile justice system.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Director shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population of people under age 18, financial need, and need for more effective juvenile delinquency programs (as defined in section 404) except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Director determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Director, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Director deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Director determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Director, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Director deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Director for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act and will include representatives of nongovernmental organizations or groups, and of public agencies specifically concerned with juvenile delinquency prevention, treatment and rehabilitation;

(3) set forth, in accordance with criteria established by the Director, a detailed survey of the local and State needs for the prevention and treatment of juvenile delinquency, and the improvement of the juvenile justice system, including a survey of the juvenile facilities, services, and programs needed throughout the State to provide an effective comprehensive, coordinated approach to juvenile delinquency prevention, treatment, and rehabilitation, and a detailed plan, including itemized estimated costs, for the development and implementation of such a program;

(4) provide for coordination and maximum utilization of existing and planned juvenile delinquency programs and activities within the State, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support this title;

(5) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Director an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

(6) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds;

(7) provide that not less than 75 percent of the funds available to such State under this part will be expended on the development and use of facilities, programs, and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to detention and correctional facilities used for the confinement of juveniles;

(8) provide that the State will detain and treat juvenile who are not charged with or who have not committed offenses that would be criminal if committed by an adult in separate facilities with separate and distinct programs from juveniles who are charged with or who have committed offenses that would be criminal if committed by an adult;

(9) provide for the development of an adequate research, training, and evaluation capacity within the State in accordance with criteria prescribed by the Director;

(10) provide for advanced techniques in the design of programs, services, and facilities, such as, but not limited to—

(A) community-based programs, services and facilities for the prevention of juvenile delinquency, for pre-trial diversion from the juvenile justice system, and for the treatment and rehabilitation of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential, community-based treatment or rehabilitative facility or service;

(B) diagnostic facilities and services on a statewide, regional, or local basis;

(C) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other professional and paraprofessional personnel according to standards promulgated by the Director, and community-oriented programs for the supervision of juvenile probationers and parolees;

(D) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted and drug dependent youth (as defined in section 2 of the Public Health Services Act);

(E) delinquency prevention programs, including individual and family counseling, use and training of professionals and paraprofessionals and other supportive services within the elementary and secondary education systems to detect, work with, and divert from the juvenile justice system delinquent and potentially delinquent youth;

(11) provide for special training of professional and paraprofessional personnel to work effectively in the prevention and treatment of juvenile delinquency;

(12) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement of an accurate accounting of funds received under this title;

(13) provide assurances that assistance will be available on an equitable basis to migrant, Indian, and other minority group youth;

(14) contain such other terms and conditions as the Director may reasonably prescribe to assure the effectiveness of the programs assisted under this title:

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section.

(c) The Director shall approve any State plan and any modification thereof that meets the requirements of subsection (a) of this section.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 504. (a) The Director is authorized to make grants to public and private non-profit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals—

(1) to develop and implement new approaches, techniques, and methods with respect to juvenile delinquency prevention, diversion, treatment and rehabilitation;

(2) to evaluate those new approaches, techniques, and methods;

(3) to foster the establishment of new or expanded juvenile delinquency programs and activities (as defined in Section 404);

(4) to develop and implement effective means of diverting juveniles from the formal adjudicatory process and from traditional forms of institutionalization: and

(5) to develop and implement programs and activities to improve the juvenile justice system in the United States.

(b) Any such agency, organization, institution, or individual desiring to receive a grant, or enter into any contract under this part, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Director may prescribe. Each such application shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes set forth in subsection (a) of this section;

(3) provide for a proper and efficient administration of such program;

(4) provide that regular reports on program activities shall be made in such form and containing such information as the Director may require; and

(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(c) There are authorized to be appropriated $75 million for the fiscal year ending June 30, 1972; $150 million for the fiscal year ending June 30, 1973; $225 million for the fiscal year ending June 30, 1974, and $300 million for the fiscal year ending June 30, 1975 to carry out the purposes of this part.

SEC. 505. Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

WITHHOLDING

SEC. 506. Whenever the Director, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Director shall notify such recipient of his findings and no further payments may be made to such recipient by the Director until he is satisfied that such noncompliance has been, or will promptly be, corrected.

TITLE VI—NATIONAL INSTITUTE FOR JUVENILE JUSTICE

NATIONAL INSTITUTE

SEC. 601. (a) There is established within the National Office of Juvenile Justice and Delinquency Prevention a National Institute for Juvenile Justice (refererd to in this Act as the "Institute").

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Director of the National Office of Juvenile Justice and Delinquency Prevention. Acting through the Institute, the Director shall take any action consistent with the intent and purpose of this Act, including but not limited to the functions stated in this title.

COORDINATION AND TECHNICAL ASSISTANCE FUNCTIONS

SEC. 602. The Institute, under the supervision and direction of the Administrator, is authorized to—

(1) assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of a full range of programs, facilities and services for education, diagnosis, prevention, counseling, training, treatment, and rehabilitation with respect to juvenile delinquency problems;

(2) encourage and assist State and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement juvenile delinquency programs;

(3) serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies, institutions, or individuals on juvenile delinquency, including, but not limited to, programs for prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders; and

(4) serve as a clearinghouse and information center for the collection, preparation, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH FUNCTIONS

SEC. 603. (a) The Institute under the supervision and direction of the Administrator is authorized to—

(1) conduct, encourage, and coordinate all forms of research relating to the causes, sociological aspects, prevention, diagnosis, and treatment of juvenile delinquency; and

(2) make grants to any public or nonprofit private agency, institution, or organization, and to enter into contracts with any agency, organization, institution, or individual to carry out such research; and to otherwise carry out the purposes of this section.

(b) The Administrator shall prepare an annual report to the Director on the research programs funded under this section, including a review of the results of such research, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for further research to be conducted under this section.

TRAINING FUNCTIONS

SEC. 604. (a) The Institute, under the supervision and direction of the Administrator, is authorized to—

(1) devise and conduct in various geographical areas of the United States, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

(2) devise and conduct a training program of short term instruction in the latest proven effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, correctional personnel, and other persons, including lay and paraprofessional personnel, connected with the prevention and treatment of juvenile delinquency;

(3) develop technical training teams to aid in the development of training programs for professional and paraprofessional personnel within the several States and with State, local, and private agencies which work directly with young people to prevent and treat juvenile delinquency.

(b) The Administrator is authorized to make grants to or enter into contracts with any public or private agency, institution, or individual to carry out training programs authorized by this title, to evaluate their effectiveness, and to otherwise carry out the purposes of this section.

ADVISORY COUNCIL

SEC. 605. (a) There is hereby established an Advisory Council which shall advise, consult with, serve as a sounding board for, and make recommendations to the Director of the National Office and to the Administrator of the Institute concerning the overall policy and operations of the Institute.

(b) The Advisory Council shall consist of the Administrator of the Law Enforcement Assistance Administration, the Director of the Bureau of Prisons, the Administrator of the Youth Development and Delinquency Prevention Administration, the Director of the National Institute of Mental Health, the Director of the United States Judicial Center, and 15 persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

(1) law enforcement officers (two persons);

(2) juvenile or family court judges (two persons);

(3) probation personnel (two persons);

(4) correctional personnel (two persons);

(5) representatives of private organizations concerned with juvenile delinquency (five persons); and

(6) representatives of State agencies established under the Juvenile Delinquency Prevention and Control Act of 1968, Title I of the Omnibus Crime Control and Safe Streets

Act of 1968, or the Juvenile Justice and Delinquency Prevention Act of 1972 (two persons).

(c) Members appointed by the President to the Advisory Council shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Council, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each of these member's terms shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member appointed to the Council may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) While performing their duties, members of the Council shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Director shall act as Chairman of the Advisory Council. The Council shall establish its governing rules of procedure.

AUTHORIZATION OF APPROPRIATIONS

SEC. 606. To carry out the purposes of this title there are hereby authorized to be appropriated $50 million for the fiscal year ending June 30, 1972; $100 million for the fiscal year ending June 30, 1973; $150 million for the fiscal year ending June 30, 1974, and $200 million for the fiscal year ending June 30, 1975.

SUMMARY AND ANALYSIS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

TITLE I: FINDINGS AND DECLARATION OF PURPOSE

This title sets forth the need for a comprehensive, expanded Federal approach to the problems of juvenile delinquency, and briefly outlines the activities encompassed by the Act.

Findings. This section essentially summarizes the problem and includes general statements concerning the alarming increase in juvenile delinquency, the adverse impact of juvenile delinquency on our society, the failure of Federal delinquency programs to provide the necessary direction, coordination, resources, and leadership, and the need for an immediate and effective Federal governmental response to the crisis of delinquency.

Purpose. This section sets forth the objectives the Act is designed to achieve. Such objectives include coordination of Federal delinquency programs; authorization of additional resources; creation of centralized research, training, technical assistance, and evaluation activities; development of national guidelines for the administration of juvenile justice, including conditions of confinement; and finally, adoption of basic procedural protections for juveniles under Federal jurisdiction.

TITLE II: AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

This title sets forth a series of specific amendments to the Federal Juvenile Delinquency Act (Secs. 5032–5035 of Title 18) designed to guarantee certain basic rights to juveniles who come within Federal jurisdiction.

Deference to local courts. In cases involving juveniles, Federal courts would be required to defer to state courts whenever the state court has concurrent jurisdiction over the offense and has adequate rehabilitation programs and services. The Federal courts and the Federal correctional system have never been properly equipped to handle large numbers of juveniles with the result that Federal juvenile delinquents are frequently transferred away from their home communities for treatment. By deferring jurisdiction to state courts, the harmful effects of this dislocation would be reduced.

Transfer hearing. In Federal cases where a juvenile age 16 and older could be prosecuted either as a juvenile or as an adult, a Federal District judge would be required to conduct a hearing and find that "there are no reasonable prospects for rehabilitation" before a juvenile could be prosecuted as an adult criminal. The Attorney General now has sole discretion to make this determination.

Procedural safeguards. The bill requires that juveniles be advised of their rights and taken before a committing magistrate immediately upon arrest, and that pre-adjudication detention is permitted only if a magistrate determines, after hearing, that detention is necessary to secure the juvenile's timely appearance before the appropriate court or the safety of others. The bill also accords juveniles the constitutional protections against self incrimination, unreasonable searches and seizures, and cruel and unusual punishment.

Right to counsel. The bill implements Supreme Court decisions guaranteeing the right to counsel, including the right of indigent juveniles to have court appointed counsel.

Prohibition against commingling. The bill prohibits the detention or confinement of juveniles in institutions in which adults who are convicted or awaiting trial are confined.

TITLE III: NATIONAL COMMISSION ON STANDARDS FOR JUVENILE JUSTICE

The Act creates a National Commission composed of 15 members appointed by the President with the advice and consent of the Senate. The Commission is to be broadly representative of persons who have had extensive experience in the juvenile justice field, such as juvenile judges, corrections officials, probation and welfare workers, lawyers, and young people. At least five of the members will be under twenty-six years of age, including two who are former * * *

Charge. The Commission is specifically charged to study the administration of juvenile justice at the Federal, State and local level, including juvenile court procedure and conditions of confinement in juvenile detention and correctional facilities. The Commission would, of course, draw upon the considerable body of work already done in these areas. The Commission is authorized to hold hearings, administer oaths, and issue subpoenas in accordance with the purposes of this Title.

Within two years of its inception, the Commission would report to the Congress its recommendations for standards for juvenile detention and correctional facilities, and guidelines for the administration of justice within the juvenile system. The recommendations of the Commission would be widely publicized, and state and local governments would be urged to adapt their practices and procedures to conform to the national standards.

Implementation of recommendations. Upon completion, these recommendations may be used by the Director as guidelines in establishing funding priorities as well as in making individual funding decisions. For example, the Director might determine that an applicant agency or institution would require additional funds to bring it up to national standards established by the Commission, or in the alternative, should not receive funds at all since it merely perpetuates outmoded, ineffective practices.

Authorization. Authorization for the hiring of a professional staff and for a two year appropriation of $600,000 is provided.

TITLE IV: NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

This title establishes a new National Office in the Executive Office of the President, charged with the responsibility of administering the Juvenile Justice and Delinquency Prevention Act. The Office is administered by a Director, appointed by the President with the advice and consent of the Senate. The Director is assisted by a Deputy Director, three Assistant Directors, and such other employees as are necessary to perform the duties vested in him. The Director also has the authority to hire consultants and to request the detailing of personnel from other Federal agencies.

Patterned after the new Special Action Office for Drug Abuse Prevention, the National Office of Juvenile Justice and Delinquency Prevention would have supervisory and coordinating power over all Federal juvenile delinquency programs. This concept is central to the bill. There is general agreement that the Federal effort to date has been badly fragmented and lacking in direction, and has had virtually no impact in reducing the spiralling rate of juvenile crime. The President responded to the drug abuse crisis by proposing a centralization of program authority in one office; this bill recognizes that a similar response is warranted in the area of juvenile delinquency.

Programs included. The programs which come under the supervision of the new National Office of Juvenile Justice include those conducted directly or indirectly by the Department of Health, Education and Welfare, Labor, Housing and Urban Development, Justice, and the Office of Economic Opportunity. The Director of the Office of Management and Budget, on consultation with the Director of the National Office, is authorized to determine whether additional programs come within the purview of the Act.

Authority and powers of the Director. The Director will provide overall planning and policy and establish objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and programs to improve the juvenile justice system. Specifically, he would be authorized to:

"(1) advise the President as to all matters relating to Federally assisted juvenile delinquency programs and Federal policy regarding the problems of juvenile delinquency;

"(2) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, procedures and budget requests in accordance with the policies, priorities, and objectives he establishes;

"(3) recommend changes in organization, management, personnel, standards, and budget requests which he deems advisable to implement the policies, priorities, and objectives he establishes;

"(4) conduct and support evaluation and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and,

"(5) coordinate Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort."

The Director of the National Office of Juvenile Justice would be the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He would have broad supervisory review over the operation of programs in other agencies, and would be responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President.

The need for centralized authority has been recognized by both major Federal agencies operating in the field of juvenile delinquency—LEAA and the Department of Health, Education and Welfare. In announcing the decentralization of authority to Regional Offices last May, the Administrator of LEAA specified that juvenile delinquency programs would be excepted from this decentralization and that supervisory control would remain in Headquarters. The exception was justified on the basis of the national scope of juvenile delinquency problems and the need for central coordination and review. Further, the Youth Development and Delinquency Prevention Administration (within D/HEW), in its annual report of Federal juvenile delinquency activities, concluded that Federal efforts to combat delinquency demonstrate "a lack of priorities, emphasis and direction," and that State planning has been "spasmodic and ineffective." The report recommended that a new national program be created to provide coordination and leadership for all delinquency related efforts—Federal, State and local.

Annual Report. The Director will be required to report annually on the activities of the Office, on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal efforts to deal with juvenile delinquency. He is also required to develop annually a comprehensive plan for Federal juvenile delinquency programs with particular emphasis on prevention and diversion.

In addition, there are certain routine, housekeeping sections in Title IV, such as transitional provisions, joint-funding, voluntary service, and personnel provisions.

Appropriations. Appropriations of $15 million for Fiscal '72, $20 million for Fiscal '73, $25 million for Fiscal '74, and $30 million for Fiscal '75 are authorized.

TITLE V: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

In addition to exercising supervisory power over existing Federal efforts, the Director is authorized to make grants and enter into contracts to carry out the purposes of the Act.

Formula Grants. Funds appropriated under this part will be reserved for grants to state planning agencies in accordance with certain basic goals set forth in the bill. These goals include:

(1) the development and use of facilities and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternative to traditional detention and correctional institutions;

(2) the use of advanced, innovative techniques in the design of programs, services, and facilities, such as, but not limited to the following:

(a) community-based services, programs, and facilities for the prevention of juvenile delinquency, for pre-trial diversion from the juvenile justice system, and for the rehabilitation of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential, community-based treatment or rehabilitative facility or services;

(b) diagnostic facilities and services on a statewide, regional, or local basis;

(c) expand use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other professional and paraprofessional personnel according to standards promulgated by the Director and community-oriented programs for the supervision of juvenile probationers and parolees;

(d) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted and drug dependent youth; and

(e) delinquency prevention programs, including individual and family counseling, use and training of professionals and paraprofessionals and other supportive services within the elementary and secondary education systems to detect, work with, and divert from the juvenile justice system delinquent and potentially delinquent youth.

Grants will be allocated among the states on the basis of population of people under age 18, financial need, and need for more effective juvenile delinquency programs.

Appropriations of $250 million are authorized over the next four years for state grants.

Special Emphasis Prevention and Treatment Programs. Funds under this part will be used for grants or contracts with public or private agencies, organizations, institutions, and individuals. These grants will develop and implement new approaches to the problems of juvenile delinquency, foster the establishment of new or expanded juvenile delinquency programs, including efforts to prevent juvenile delinquency and improve the juvenile justice system, as well as develop programs to divert juveniles from the traditional juvenile justice system.

Direct funding authority will allow the new Office to provide additional overall resources for juvenile delinquency programs and to maintain the funding flexibility required to develop innovative approaches to the problems of delinquency. Moreover, the ability of the Director to develop and implement an effective, coordinated Federal delinquency effort will be enhanced by making funds available for direct grants over which he has supervisory control. This will allow him to implement his decisions as to what must be done in the area as well as to supplement existing efforts.

Authorization. The Act authorizes $75 million for Fiscal '72, $150 million for Fiscal '73, $225 million for fiscal '74, and $300 million for Fiscal '75 for grants under this part.

TITLE VI: NATIONAL INSTITUTE FOR JUVENILE JUSTICE

This title establishes a National Institute for Juvenile Justice, which will be the research, training, and technical assistance arm of the National Office. It is under the direction of an Administrator, appointed by the Director of the Office. The Institute is closely tied to the operation of the Office, and the Director is authorized to act through the Institute to carry out any of the purposes of the Act. For example, although establishing a uniform evaluation system for delinquency programs is the responsibility of the Director, he may choose to delegate that responsibility to the Institute.

Technical assistance. The Institute provides technical assistance to Federal, State, and local agencies, courts, institutions, and individuals involved in developing and implementing delinquency programs. The current unavailability of effective technical assistance is well documented and has had a serious adverse impact. The YDDPA annual report found that state delinquency planning and proposed projects had been poor largely because "a sufficient theoretical knowledge base was lacking and only an extremely limited amount of technical assistance was forthcoming." The Institute will provide a central source for this vitally needed technical assistance.

Information clearinghouse. In conjunction with the technical assistance function, the Institute will serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country. There is general agreement that the impact of various research and demonstration program results has been severely limited due to the fragmented Federal structure and the lack of any centralized source of information. Further, it is extremely difficult for a prospective grantee to obtain comprehensive information of Federal resources available in the area of juvenile delinquency. The Institute is intended to serve as a clearinghouse for delinquency information, including statistics, research, availability of resources, and Federal, State, and local juvenile delinquency programs.

Research and demonstration. Research will be a central function of the Institute, conducted both by Institute personnel and by outside agencies, institutions, or individuals. The quality of these research projects will be regularly evaluated and the findings widely disseminated. Those which prove effective can then be adapted for use on a broad scale in various parts of the country. By relating the research function closely to the program funding function of the National Office, the bill will permit promising research results to be treanslated promptly into operating programs in the field.

Training. The Institute is also responsible for conducting training programs (directly or by contract) throughout the country for persons working in the juvenile justice system, such as policemen, judges, probation officers, corrections personnel, and welfare workers. In addition, the Institute would develop technical training teams to aid in the development of on-going state and local training programs for professional and paraprofessional personnel who work with young people to prevent and treat juvenile delinquency.

Advisory Council. The Bill establishes an Advisory Council to advise and consult with the Director of the National Office and the Administrator of the Institute concerning the overall policy and operations of the Institute. The Council will consist of 20 persons, including Federal officials and representatives of the major groups working in the area of juvenile delinquency. Members of the Council will be appointed by the President for terms of four years.

Authorization. Amounts authorized for appropriation to the Institute are $50 million for Fiscal '72, $100 million for Fiscal '73, $150 million for Fiscal '74, and $200 million for Fiscal '75.

SECTION-BY-SECTION ANALYSIS OF THE PROVISIONS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

TITLE I: FINDINGS AND DECLARATION OF PURPOSE

This title sets forth the need for a comprehensive, expanded Federal approach to the problems of juvenile delinquency, and briefly sets forth the objectives the Act is designed to achieve.

TITLE II: AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

This title amends sections 5032-5035 of Title 18 of the United States Code, which deal with proceedings in Federal courts against juvenile delinquents to provide that:

1. Juveniles otherwise eligible to be treated as juveniles in Federal courts shall be tried in State courts unless (a) the State court does not have jurisdiction, or (b) the State courts do not have adequate rehabilitation and treatment services;

2. Adult criminal prosecutions of juveniles age 16 and older alleged to have committed a felonious act may be commenced only if a Federal judge finds, after a hearing, that "there are no reasonable prospects for rehabilitating" the juvenile before he reaches the age of majority;

3. Juveniles shall be accorded the constitutional protections against self incrimination, unreasonable searches and seizures, and cruel and unusual punishment;

4. No juvenile may be detained or confined in any institution in which adults are incarcerated;

5. Juveniles must be advised of their rights and taken before a committing magistrate immediately upon arrest;

6. No juvenile may be detained prior to adjudication of delinquency unless the magistrate determines, after hearing, that such detention is required to secure the juvenile's timely appearance in court or to protect the safety of others;

7. Juveniles must be advised of their rights to counsel, and if they do not obtain counsel, the court must appoint counsel for them.

TITLE III: NATIONAL COMMISSION ON STANDARDS FOR JUVENILE JUSTICE

Sec. 301. This section establishes a National Commission on Standards for Juvenile Justice, consisting of 15 members appointed by the President for terms of 2 years. The Commission will be broadly representative of persons who have had extensive experience in the juvenile justice field, such as juvenile judges, corrections officials, probation and welfare workers, lawyers, and young people. At least 5 of the members must be under 26 years of age on the date of their appointment, including two who are former adjudicated juvenile delinquents.

Sec. 302. This section sets forth the duties of the Commission. Specifically, the Commission is to make a complete study of all aspects of the juvenile justice system in the United States with particular emphasis on juvenile court procedure and the conditions of confinement in juvenile detention and correctional facilities in order to develop standards for the administration of juvenile justice which will serve as models for Federal, State, and local governments. Within two years, the Commission will report its findings and recommendations to Congress. These recommendations may be used by the Director as funding guidelines.

Sec. 303. This section sets forth the powers and the administrative functions of the Commission. Specifically, the Commission, or any Subcommittee thereof, is authorized to hold hearings to perform its duties, to administer oaths, to take evidence in such hearings, to issue subpoenas to compel witnesses to appear, and to compel the production of documentary evidence in any hearing. The section also directs the executive branch of the Government, including independent agencies thereof, to furnish information to the Commission upon the request of the Chairman or Vice Chairman. The Chairman is further authorized to appoint and fix compensation of staff personnel and to procure the services of experts and consultants. Subpoenas issued by the Commission shall bear the signature of the Chairman, and the provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear. A subpoenaed witness who willfully neglects or refuses to appear, or who refuses to qualify as a witness or to testify, or who fails to produce subpoenaed evidence, shall be punished by a fine of not more than $500, or imprisoned for a term of not more than six months, or both. Upon the certification of the Chairman of any such willful disobedience, a United States Attorney shall proceed by information with the prosecution of the person for the offense.

Sec. 304. This section establishes compensation rates for members of the Commission.

Sec. 305. This section authorizes appropriations of $600,000 for the work of the Commission without regard to fiscal year limitation.

TITLE IV: NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 401. This section establishes a new National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President, administered by a Director appointed by the President. The Director is assisted by a Deputy Director and three Assistant Directors.

Sec. 402. This section authorizes the Director to employ personnel, hire consultants, and request the detailing of personnel from other Federal agencies.

Sec. 403. This section authorizes the Director to accept voluntary service in carrying out the provisions of the Act.

Sec. 404. This section establishes the definition of "juvenile delinquency programs" to mean those which are conducted directly or indirectly by the Departments of Health, Education, and Welfare, Labor, Housing and Urban Development, Justice and the Office of Economic Opportunity in the area of juvenile delinquency prevention, diversion, treatment, rehabilitation, education, training, research, and the improvement of the juvenile justice system. The Director of the Office of Management and Budget, on consultation with the Director, is authorized to determine whether additional programs come within the purview of this Act. This section also defines the term "state" to include the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Sec. 405. This section sets forth the functions and authority of the Director. He is the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He has broad supervisory review over the operation of programs in other agencies, and is responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President. Specifically, this section authorizes the Director to provide overall planning and policy and to establish priorities and objectives for all Federally assisted juvenile delinquency programs and activities. Further, he is authorized to recommend changes in organization, management, budget request, and standards in accordance with the policies and priorities he has established; to conduct evaluations of the performance of Federal juvenile delinquency programs; and to coordinate Federal juvenile delinquency and related activities among all Federal agencies. The Director is required to report annually on the activities of the Office, on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal efforts to deal with juvenile delinquency. He is also required to develop annually a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. In addition, there are certain routine provisions regarding cooperation with other Federal agencies, and delegation of functions.

Sec. 406. This section establishes procedures for joint funding of programs by more than one Federal agency, including a single non-Federal share requirement.

Sec. 407. This section sets forth transitional provisions regarding the appointment of an Acting Director and Deputy Director.

Sec. 408. This section sets forth routine amendments to Title 5 of the United States Code to include the National Office for Juvenile Justice and Delinquency within its purview.

Sec. 409. This section authorizes appropriations of $15,000,000 for Fiscal '72, $20,000,000 for Fiscal '73, $25,000,000 for Fiscal '74 and $30,000,000 for Fiscal '75.

TITLE V: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Part A—*Formula Grants*

Sec. 501. This section authorizes appropriations of $25,000,000 for Fiscal '72; $50,000,000 for Fiscal '73; $75,000,000 for Fiscal '74; and $100,000,000 for Fiscal '75 to assist the States in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, prevention, diversion, treatment, and rehabilitation programs to deal with juvenile delinquency and programs to improve the juvenile justice system.

Sec. 502. This section provides that funds under this part are to be allocated equitably among the States on the basis of the relative population of people under age 18, financial need, and need for more effective juvenile delinquency programs as defined in Section 404. No allotment to any State, except the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands shall be less than $200,000. The Director is authorized to reallocate unused or surplus funds to other states as he deems advisable.

Sec. 503. This section authorizes the Director to make grants to state agencies to develop and implement comprehensive state plans for juvenile delinquency programs and services. The requirements which these plans must meet are set forth in the following subsections:

Sec. 503(a)(1). This subsection requires the plan to designate a single state agency for supervising the preparation and administration of the plan.

Sec. 503(a)(2). This subsection requires that the designated State agency will include representatives of organizations and groups concerned with juvenile delinquency prevention, treatment, and rehabilitation.

Sec. 503(a)(3). This subsection requires the State agency to submit a detailed survey of State and local needs for the prevention and treatment of juvenile delinquency and a comprehensive program to meet those needs.

Sec. 503(a)(4). This subsection requires that the applicant State provide for maximum coordination and utilization of existing juvenile delinquency programs within the State.

Sec. 503(a)(5). This subsection requires regular reporting by the State agency of the effectiveness of programs carried out under the State plan.

Sec. 503(a)(6). This subsection requires adequate assurances that Federal funds will be used to supplement rather than supplant State funds.

Sec. 503(a)(7). This subsection requires that at least three-quarters of the funds a State receives under this part will be spent on the prevention of juvenile delinquency, the diversion of juveniles from the juvenile justice system, and the development of community-based alternatives to traditional detention and correctional facilities.

Sec. 503(a)(8). This subsection provides that juveniles who are not charged with or who have not committed substantive, criminal offenses must be detained or treated in separate facilities with separate programs from juveniles who are charged with or who have committed criminal offenses. This would include runaways, truants, neglected children, persons in need of supervision (PINS), and incorrigibles.

Sec. 503(a)(9). This subsection encourages the states to develop research, training, and evaluation activities related to juvenile delinquency.

Sec. 503(a)(10). This subsection encourages the States to develop community-based prevention, diversion, and rehabilitation efforts, including development of foster-care and shelter care facilities, group homes, halfway houses, and other community-based, residential facilities and services. The subsection provides for diagnostic services and facilities, and the expanded use of probation, the funding of probation subsidy programs, the recruitment and training of probation personnel, and community-oriented programs for the supervision of probationers and parolees. This subsection also provides for comprehensive drug abuse prevention and education programs and treatment and rehabilitation programs for drug addicted and dependent youth. It further requires a juvenile delinquency prevention effort which includes family and individual counseling, use and training of professional and paraprofessional personnel for work within the schools in order to detect, work with, and divert youngsters who are either delinquent or potentially delinquent from the juvenile justice system.

Sec. 503(a)(11). This subsection requires States to provide special training of professional and paraprofessional personnel to work in the prevention and treatment of juvenile delinquency.

The remaining sections contain routine administrative provisions regarding accounting and reporting procedures, equitable assistance to minority group youth and use of funds under this part to develop the required State plan.

Part B—*Special emphasis prevention and treatment programs*

Sec. 504. The Director is authorized to make grants and enter into contracts with public or private agencies, institutions, and individuals to develop and implement new approaches to the problems of juvenile delinquency; to evaluate those new approaches; and to foster new or expanded juvenile delinquency programs and activities. It also provides for the development of diversion programs and programs to improve the juvenile justice system.

Authorized appropriations for the purposes of this part are $75 million for Fiscal '72; $150 million for Fiscal '73; $225 million for Fiscal '74, and $300 million for Fiscal '75.

This section also contains routine administrative provisions regarding accounting, administrative, and reporting procedures for grantees.

Sec. 505. This section establishes payment procedures for grants or contracts under this title.

Sec. 506. This section authorizes the Director to withhold funds from a grantee for failure to comply with the provisions of this title. The Director is required to give reasonable notice and opportunity for hearing.

TITLE VI: NATIONAL INSTITUTE FOR JUVENILE JUSTICE

Sec. 601. This section establishes a National Institute for Juvenile Justice within the National Office of Juvenile Justice and Delinquency Prevention under the supervision of an Administrator appointed by the Director.

Sec. 602. This section sets forth the coordination and technical assistance functions of the Institute. The Institute is authorized to encourage and assist public and private agencies, courts, institutions, and individuals involved in developing and implementing delinquency programs. In addition, the Institute will serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country.

Sec. 603. This section authorizes the Institute to conduct, encourage, and coordinate all types of research relating to juvenile delinquency. Research will be conducted both by Institute personnel and through grants and contracts, by public or nonprofit private agencies, institutions, and individuals. The Administrator is required to report annually on research activities, including a review of research results and an assessment of their applicability to operating programs.

Sec. 604. This section authorizes the Institute to devise and conduct training programs throughout the country for persons working in the juvenile justice system, such as policemen, judges, probation officers, corrections personnel, and paraprofessional workers. In addition, the Institute will develop technical training teams to aid in the development of on-going state and local training programs for professional and paraprofessional personnel who work directly with young people to prevent and treat juvenile delinquency.

Sec. 605. This section establishes an Advisory Council to advise and consult with the Director of the National Office and the Administrator of the Institute on the policy and operations of the Institute. The Council shall consist of 20 members, including Federal officials and representatives of groups specifically working in the area of juvenile delinquency. Members of the Council shall be appointed by the President for terms of four years.

Sec. 606. This section authorizes appropriations of $50 million for Fiscal '72, $100 million for Fiscal '73, $150 million for Fiscal '74, and $200 million for Fiscal '75 for the work of the Institute.

By Mr. BAYH:

S.J. Res. 198. A joint resolution to authorize the President to issue a proclamation designating the week of March 20–26, 1972, as "American Football and Basketball Coaches Week." Referred to the Committee on the Judiciary.

AMERICAN FOOTBALL AND BASKETBALL CONFERENCE—1972

Mr. BAYH. Mr. President, I am introducing today a resolution to designate March 20 to March 26 as "American Football and Basketball Coaches Week."

During that period, the 1972 American Football and Basketball Conference, designed to instruct coaches in the most sophisticated training and coaching techniques, will be held at Notre Dame University at South Bend in my home State of Indiana.

I am constantly impressed by the important role which amateur and professional athletics play in American society. At the age of 8 years, Little Leaguers learn about the discipline and sportsmanship which accompany the best competitive sports; these habits as well as pride in physical coordination are strengthened for boys and girls during the next 10 years in high school physical education classes. But this Nation's enjoyment of athletics does not stop upon graduation from school; the overwhelming attendance records at professional games is ample tribute to the satisfaction brought by spectator sports.

Unfortunately it is sometimes forgotten that behind the spotlight, away from the glare of publicity, are the men and women who provide the foundation and expertise for the football and basketball which spectators so enjoy. I refer to the athletic directors, coaches, trainers, and physical fitness specialists who work year round to prepare for a short season of fast, exciting games, and high competition.

Despite some of the notions that sports are simple skills, the truth is that properly played athletics require a great deal of planning and a lot of hard work before the opening whistle. The Notre Dame Conference provides clinics and lectures on subjects as diverse as offensive drills, passing, ball control offense, zone press drills, and orthopedic conditions involving the developing athlete.

Besides the expected discussions of offensive and defensive techniques in both football and basketball, the participants in the conference will consider the impact of social attitudes on team compatibility, motivation, morale and will hear a presentation by three doctors on potential injuries from which coaches must protect their players.

The conference this March promises to be exciting and worthwhile for those participating. It is another step toward making popular sports as safe and sophisticated as possible. I urge Senators to cosponsor this resolution so as to recognize the importance of the occasion. I ask that the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 198

Whereas, hundreds of the nation's top coaches, athletic directors, officials, trainers and other physical fitness educators will be gathered in South Bend, Indiana, March 23–26, 1972, at the University of Notre Dame, for the 1972 American Football and Basketball Conference, and

Whereas, the eyes of the whole sporting world will be focused on the Conference and the four days of coaching clinics, seminars, panel discussions and demonstrations taking place there: Therefore it is

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 20–26, 1972, shall be known as "American Football and Basketball Coaches Week."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2659

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2659, a bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 3121

At the request of Mr. SCOTT, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 3121, a bill to extend the Commission on Civil Rights for 5 years.

S. 3022

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3022, a bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony.

S. 3131

At the request of Mr. BOGGS, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 3131, a bill to amend the Rail Passenger Service Act of 1970.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of Senate Joint Resolution 4, a joint resolution providing for the proclamation of School Bus Safety Week.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from New Mexico (Mr. MONTOYA), the Senator from Kentucky (Mr. COOK), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of Senate Joint Resolution 171, designating March 1972 as Exceptional Children's Month.

SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from Virginia (Mr. BYRD), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Ohio (Mr. SAXBE), the Senator from Florida (Mr. GURNEY), the Senator from Washton (Mr. MAGNUSON), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the week of March 26, 1972, to April 1, 1972, as National Week of Concern for Prisoners of War–Missing in Action and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 180

At the request of Mr. RIBICOFF, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of Senate Resolution 180, calling for an end to the violence and bloodshed in Northern Ireland.

SENATE CONCURRENT RESOLUTION 59—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE LOAN OF A PAINTING TO THE SMITHSONIAN INSTITUTION

(Referred to the Committee on Rules and Administration.)

Mr. SCOTT. Mr. President, what do Rufus King, Lewis Cass, John Breckenridge, Horatio Seymour, and Alton Parker all have in common? The answer is that each man was an unsuccessful contender for the White House.

As we move into 1972, a presidential election year, the Nation once again girds itself for the onslaught of candidates, noncandidates, and other assorted pretenders to the throne. In commemoration and remembrance of America's unsuccessful candidates for the Presidency, the Smithsonian Institution's National Portrait Gallery will host a special exhibit of their portraits.

Beginning on April 14, 1972, and extending through September 5, 1972, the National Portrait Gallery will feature the portraits of men and women who ran for the roses, but who got caught in a briar patch along the way. The exhibition will include over 75 portraits and hundreds of items of political memorabilia relating to elections from 1796 to 1968.

The resolution I am today introducing authorizes the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery for use in the exhibit. This historic painting will be an invaluable aid in the visual representation of the very important Tilden-Hayes contest of 1876, which will be discussed at some length in one of several historical essays to be incorporated in the exhibition catalogs.

Mr. President, as a member of the Smithsonian Institution's Board of Regents, I am delighted to offer this resolution. Its adoption will enable thousands of Americans to see history through art. I urge the Congress to give this matter speedy and favorable consideration.

The resolution reads:

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol shall, on behalf of the Congress, lend the Cornelia Fasset painting, "The Electoral Commission of 1877", located in the Capitol, to the Smithsonian Institution for the National Portrait Gallery exhibit of political memorabilia relating to elections from 1796 to 1968. Such loan shall be made so that the portrait shall be available for display by the National Portrait Gallery not later than April 14, 1972, and under procedures that will assure its proper preservation, display, and return to the Capitol as soon as practicable after September 5, 1972.

SENATE CONCURRENT RESOLUTION 60—SUBMISSION OF A CONCURRENT RESOLUTION TO PRINT ADDITIONAL COPIES OF HEARINGS ON THE ENVIRONMENTAL PROTECTION ACT OF 1971

(Referred to the Committee on Rules and Administration.)

Mr. BYRD of West Virginia for Mr. MAGNUSON submitted the following concurrent resolution:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Commerce two thousand additional copies of the hearings entitled "Environmental Protection Act of 1971" held before the Senate Committee on Commerce.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. DOLE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Concurrent Resolution 48, relating to the Holy Crown of St. Stephen.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. HOLLINGS, the Senator from Indiana (Mr. HARTKE), the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. MAGNUSON), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Concurrent Resolution 55, calling for the recognition of Bangladesh as an independent foreign country.

FOREST LANDS RESTORATION AND PROTECTION ACT OF 1971—AMENDMENT

AMENDMENT NO. 872

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. METCALF. Mr. President, for far too many years, our forests have been overcut. If those practices continue, ultimately there will be no forests. "Ultimately" may be much sooner than we think.

One consequence of this overcut practice has been the employment of increased numbers of men engaged by the timber industry, men whose jobs are now threatened by the changing priorities of our Nation and growing environmental concerns.

Some individuals may experience job losses as a result of reduced Federal timber sales as we regear forest management to quality, multiple use management. These job reductions will probably be local or regional in nature and will require that individuals be retrained for productive work.

I believe that the Federal Government is obligated to these individuals. The Nation is demanding changing priorities in our national forests, and rightly so. At the same time, we have a continuing obligation to the men who work in the woods, an obligation to prevent their loss in income or employment.

Therefore, today I introduce an amendment to my bill, S. 1734, for comprehensive management of the Nation's forest lands. My amendment to the bill provides for financial assistance, job retraining, relocation assistance, and employment counseling to any employee in the timber industry who should be adversely affected by enactment of the bill. The amendment provides job protection to the men in the woods and insures that they shall have jobs. It assures that no man shall be wanting, because of implementation of this bill.

A nation can be no less concerned about its human beings than about its land. This amendment will make the total bill protective both of humans and the land.

COMMUTER EMERGENCY RELIEF ACT—AMENDMENT

AMENDMENT NO. 873

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. CRANSTON. Mr. President, last November I cosponsored an amendment to the Revenue Act that would have retained the automobile excise tax as a source of funds for mass transit and related programs.

I proposed using the excise tax for this purpose because I am convinced that to create an efficient national public transportation system, we must have an assured and adequate level of funding. We do not have that today.

In fiscal 1971, the Federal Government spent 62.9 percent of the transportation dollar on highways as contrasted with

2.8 percent on mass transit. The present congressional authorization of $3.1 billion for mass transit for a 5-year period ending in fiscal 1975, falls far short of the $32 billion that the urban mass transportation administration estimates is required over the next decade. To compound the problem, the administration has frozen $300 million out of this year's already insufficient $900 million budget for mass transit.

I urge Congress to continue to seek ways to increase the amount of funds for mass transit. In the meantime, I believe we need to extend emergency assistance to transportation systems that are caught in the vise of increased costs and decreased riders. For more and more systems, this financial squeeze is becoming fatal.

Senator WILLIAMS has introduced the Commuter Emergency Relief Act (S. 870) that would provide such relief. I fully support the Williams bill and today offer two amendments to S. 870 that will make it easier for cities to sustain, improve, and expand their transit systems.

The first amendment would change the ratio of assistance for emergency grants and interim assistance, as defined in the Williams bill, from a 67:33 ratio of Federal to local dollars, to a 90:10 ratio. The second amendment would amend the Urban Mass Transportation Act so that the 90:10 ratio would apply to all capital improvement grants and loans.

Mass transit systems simply cannot be constructed on the basis of anticipated fares from future passengers. And local property taxpayers, already overburdened by fiscal demands, usually cannot afford the one-third matching fund requirement. Where a 50 percent local share is demanded, the financial burden is, in many cases, prohibitive.

The Nation's highways have been built with 90 percent Federal funds and 10 percent local moneys. I believe the same ratio that has been so successful in building the Nation's highways should be applied to the task of building an adequate public transportation system.

Recently, citizens of New York State voted down a $2.5 billion bond issue for both mass transit and highways. While the State's share would have been greater for mass transit than for highways, the different ratios—67:33 for mass transit, 90:10 for highways—meant that the highway program would get a larger infusion of Federal dollars. Had the ratios been equal, I think it is fair to speculate that the voters would have approved the bond issue. I think they felt that the disparity in the ratios subverted their desire for more mass transit.

By establishing equivalent ratios for mass transit and highways, we will be giving expression to a widespread desire for better public transportation. The 10 percent local share proposed in my amendments will enable communities to preserve their existing transit systems and construct new ones. If these amendments are passed, I think we will have a better chance to improve the quality of life in our urban areas.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 873

On page 3, between lines 5 and 6, insert the following:

"(1) by striking out 'two-thirds of the net project cost' in the fifth sentence of section 4(a) and inserting in lieu thereof '90 per centum of the net project cost';

"(2) by striking out 'one-sixth of the net project cost' in the proviso to the second sentence of section 5 and inserting in lieu thereof '40 per centum of the net project cost';".

On page 3, line 6, strike out "(1)" and insert in lieu thereof "(3)".

On page 3, line 8, strike out "(2)" and insert in lieu thereof "(4)".

On page 4, strike out lines 5 through 8, and insert in lieu thereof the following: "90 per centum of the net capital charge, and the amount provided by the applicant shall not be less than 10 per centum of the net capital charge. The net capital charge is that portion of the total amount required to pay such interest and discharge such obligations which cannot reasonably be paid out of current revenues during the year in which the grant is made, as determined by the Secretary."

On page 5, strike out lines 22 through 24, and insert in lieu thereof the following: "exceed 90 per centum of the total amount required to defray such deficit, and the amount provided by the grant applicant shall not be less than 10 per centum of the total amount required to defray such deficit."

HIGHER EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 874

(Ordered to be printed and to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (S. 659) to amend and extend the Higher Education Act of 1965 and other Acts dealing with higher education.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 875

(Ordered to be printed and referred to the Committee on Finance.)

Mr. PERCY. Mr. President, no human problem has been of greater concern to me than that of the plight of our elderly and handicapped citizens. One of the major challenges of our time is to enable our older and handicapped Americans to participate in the bounty of this prosperous Nation.

Many of the elderly and handicapped men and women of America have not shared in the affluence of our country, for one of the most serious consequences of age and disability is its effect on one's capacity to earn a livelihood. Over 3 million aged, blind and permanently disabled persons, poor for reasons beyond their control, must rely on welfare for subsistence.

Many of these men and women, regardless of their age and disability, still want to work. For them, work is the only means to supplement meager welfare payments. More important, work is a chance for a little bit of independence and dignity, and an end to total isolation and helplessness. Poverty, one must remember, is far more than a state of income; it is also a state of mind, a state of health, and a state of purposefulness.

Yet, H.R. 1 places strict limitations on the amount of money a recipient can earn without suffering a loss in benefits, discouraging many elderly and handicapped persons from seeking meaningful employment. Under H.R. 1, the earnings disregard for blind or disabled persons or couples is only $85 plus half the balance of earned income per month. For aged persons or couples it is the ludicrous sum of $60 plus one-third the balance of earned income per month.

I have repeatedly argued against the wisdom of earnings limitations which contradict the high value our society places on independence and the willingness of individuals to support themselves. I have already introduced legislation to increase the earnings limitation for the elderly on social security. Today, I am introducing this amendment to liberalize the earnings disregard for the aged, blind and disabled on welfare to allow these men and women an opportunity for a fuller and more productive life.

I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 875

On page 292, beginning with line 3, strike out through line 10 on page 293 and insert in lieu thereof the following:

"(3) in the case of an individual or an eligible spouse of an individual, (A) the first $1,500 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof, (B) an amount equal to any expenses reasonably attributable to the earning of any income, and (C) such additional amounts of other income, where such individual or such spouse has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan;

On page 294, between lines 7 and 8, insert the following new subsection:

"COST OF LIVING ADJUSTMENT

"(c) (1) For any calendar year commencing after December 31, 1973, the dollar amount specified in subsection (b) (3) shall be deemed to be whichever of the following is the greater:

"(A) the dollar amount specified in subsection (b) (3);

"(B) the dollar amount in effect (after application of this subsection) for the preceding calendar year; or

"(C) the dollar amount prescribed for such year under paragraph (2).

"(2) (A) For purposes of this paragraph—

"(i) the term 'base quarter' means the calendar quarter ending June 30, 1972;

"(ii) the term 'computation quarter' means any calendar quarter ending June 30 of any year after 1972; and

"(iii) the Consumer Price Index for the base quarter or for any computation quarter shall be the arithmetical mean of such index for the 3 months in such quarter.

"(B) If, for any computation quarter, the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, such index for the base quarter, the dollar amount specified in subsection (b)(3) shall, for the calendar year commencing on the following January 1, be deemed to be an amount equal to the amount specified in such subsection plus a percentage of such amount equal to the percentage (rounded to the nearest one-tenth of one percent) by which the Consumer Price Index for such computation quarter exceeds such index for the base quarter. Such deemed amount shall, if it is not a multiple of $1.00, be increased to the next higher multiple of $1.00.

"(3) The Secretary shall, on or before November 1 of each calendar year after 1972, publish in the Federal Register the amount which the amount specified in subsection (b)(3) will, after application of this subsection, be deemed to be for the succeeding calendar year.

On page 294, line 8, strike out "(c)" and insert in lieu thereof "(d)".

COMMUNITY DEVELOPMENT ASSISTANCE ACT OF 1971—AMENDMENT

AMENDMENT NO. 876

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (S. 2333) to provide Federal assistance to local governments in support of community development activities.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENT

AMENDMENT NO. 878

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS (for himself and Mr. Javits) submitted an amendment intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

NOTICE OF HEARING

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 2732, the Offender Rehabilitation Act, beginning at 11 a.m. on February 15, 1972, in room 457 of the Old Senate Office Building.

The purpose of the proposed legislation is the quieting of old criminal records that serve as a barrier to the employment of rehabilitated first offenders. I believe it represents a vital step needed to begin facing the problem of recidivistic crime in our Nation.

These are continuation hearings on this legislation, and additional days will be necessary to carefully consider this proposed legislation. Additional hearings have been scheduled for February 22, 23, and 24 in room 2228 of the New Senate Office Building, at 10 a.m.

Any person who wishes to testify or submit a statement for inclusion in the Record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

ANNOUNCEMENT OF HEARING

Mr. MATHIAS. Mr. President, on behalf of the chairman of the Committee on the District of Columbia and myself, I wish to announce that a public hearing will be held on February 23, 1972, at 9:30 a.m. in 6226 New Senate Office Building on S. 2196, a bill to establish the District of Columbia Development Bank.

Persons wishing to testify on this legislation should contact Miss Carrie Johnson, minority staff director, 6222 New Senate Office Building or 225–8797, by the close of business on Friday, February 18.

ADDITIONAL STATEMENTS

THE ECONOMY IMPROVES

Mr. SCOTT. Mr. President, much has been said about the economy. In the Pittsburgh Post-Gazette, a feature article quoting the executive vice president of the prestigious Western Pennsylvania National Bank makes a point that conditions of the economy are getting better. I ask unanimous consent that the article be printed in the Record and urge Senators to analyze carefully the comments offered by the professional bankers.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Pittsburgh Post-Gazette, Feb. 4, 1972]

WPNB: The Recovery Is Upon Us

(By Jack Markowitz)

Sure, say the skeptics, everybody's forecasting stronger business but when is it going to get here?

Well, Western Pennsylvania National Bank's top economists say it already is here—visibly—and that, in fact, Pittsburgh's economy shows leading signs of it.

"We're feeling stronger about our forecast than before, and we've raised it on a few points," Dr. Maurice Mann, WPNB executive vice president, told newsmen yesterday.

As tangible recovery signs he cited: strong gains in retail and auto sales, improvements in the government's "leading indicators" for both November and December; higher marks in consumer sentiment, and "the production numbers are better."

Retail sales, if they continue spirited are bound to stir up inventory rebuilding, Mann thinks.

As for the federal budget, with its deep Deficits for this year and next, it's a storm signal for possible renewed inflation up ahead—but meanwhile, a massive boost to the economy's spending stream, what with increased defense outlays, federal employe pay raises and a hike in Social Security benefits.

"Public policy," said Mann, "is doing everything it can to make the forecast a reality."

Dr. David L. Smith, WPNB vice president and economist, said 1971 was a "disappointing" year for Pittsburgh's economy, but the crying towel was more suited to their first eight than the last four months.

Since the August low point, after agreement on a new steel contract, employment in this region has grown faster—seasonally-adjusted—than in the nation as a whole.

And those gains, said Smith, cover the waterfront from primary metals (steel)—with a seasonally-adjusted 18 per cent more hands at work now than in the summer doldrums—to retail trade, other services, government employes and construction.

In manufacturing, Pittsburgh employment has gained twice as fast as the nation's. In non-manufacturing, three times faster. One puzzlement: a sharp rise in the district's state and local government employees.

Vigorous auto sales here, says Dave Smith, are one sign of the better jobs picture: "the last four months have laid the basis for an even stronger 1972." His guess for area unemployment by year's end: "under 5 per cent," versus over 6 per cent now.

Mann and Smith are far less sanguine, though, about the likelihood of a market drop in unemployment nationally.

Most joblessness chronically will not respond to better business activity, according to Maurie Mann, because it is "structural"—that is, frozen into certain depressed localities, or wounded industries (like aerospace) or in the hard-core unemployed.

The solution would involve massive training programs, a challenge to restrictive union practices and other hot political potatoes that Mann—a onetime high official of the U.S. Office of the Budget—does not see the Administration reaching for at this point.

Someday someone's going to have to, he says.

Meanwhile, despite a forecast of sharply rising corporate profits—19 per cent up! to $57 billion, he looks for relatively slow rehiring of work forces laid off during cost-cutting drives.

"Everybody's aim is to improve productivity," he says.

Hence, unemployment will average 5½ per cent in 1972, only dipping toward 5 per cent at the end of the year.

Mann also warns that the wage and price control program may be "emasculated before the job of curbing inflation is completed." If the WPNB forecast is overly optimistic, it's in the price area, he admitted.

The bank predicts just 3½ per cent inflation in 1972, which would be the lowest in five years, versus 1971's 4.6 per cent.

Mann also expects:

Long and short-term money rates to begin rising. ("I could be wrong tomorrow but we think we've seen the last prime rate cut.")

A 10 per cent rise in Gross National Product, to about $1,155 billion.

Real growth of 6½ per cent (the first time in four years it will beat the inflation rate.)

A 10 per cent boost in business spending for plant and equipment, picking up speed as the year progresses.

Nine per cent gains in consumer spending; special strength in durable goods.

NORTHERN IRELAND—FAITH IN THE SYSTEM IS SHATTERED

Mr. RIBICOFF. Mr. President, last week the Senator from Massachusetts (Mr. Kennedy) and I had the opportunity to meet privately with Irish Foreign Minister Hillery to discuss the present situation in Northern Ireland in the aftermath of Londonderry. I hope that Minister Hillery's visit to our country will help to convince our leadership that our country should take a stand on this issue.

It is unfortunate that the basic issues at stake in Northern Ireland have too often been obscured by the more dramatic events taking place there. I hope that more Senators will take the time to acquaint themselves with the long and complex background to the violence in Ulster and examine the measures called for in Senate Resolution 180. In this connection I note that the distinguished Senator from Rhode Island (Mr. Pastore) is the most recent cosponsor of this proposal to end the bloodshed.

Last Sunday's New York Times presented two excellent analyses of the present situation in Great Britain and Northern Ireland. I previously had printed in the RECORD articles by both of these writers, Anthony Lewis and Bernard Weinraub. These two newspapermen have continued their excellent job of reporting a very volatile and little understood subject. I ask unanimous consent that both of their articles, entitled "Can't Stay In, Can't Get Out," written by Anthony Lewis, and "Faith in the System Is Shattered" written by Bernard Weinraub, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BRITAIN: CAN'T STAY IN, CAN'T GET OUT

(By Anthony Lewis)

LONDON.—"Now for our Irish wars," says King Richard II, full of confident vigor in Act II of Shakespeare's play. He returns from Ireland in the next act a broken man, ready to say:

> For God's sake let us sit upon the ground
> And tell sad stories of the death of kings.

English kings and politicians have been trying to master the Irish problem for 800 years, and few of them to their benefit. The struggle has most often turned out to be self-destructive, draining their energies abroad and producing division at home.

Now once again Ireland dominates British political life. The pressures have been building up, along with the toll of violence in Ulster, for three years. Then, last Sunday, came the killing of 13 Catholic civilians by British soldiers in Londonderry. It was one of those incidents that dramatizes history, making clear the direction of events.

The political effect for Britain became quickly visible. There was an immediate flow of emotion in the House of Commons, almost a throwback to the unruly Irish debates there a century ago. Bernadette Devlin, the Catholic radical from Ulster, crossed the floor to punch the Home Secretary, Reginald Maudling—and was not even called to order by the Speaker lest martyrdom raise the temperature even higher.

More significant than Miss Devlin's assault, or the fiery words in many Commons speeches, was the new sense of division between the parties on the Irish issue.

Conservative ministers and backbenchers cheered the British Army and had hardly a word of sympathy for Sunday's victims. On the Labor side, member after member identified himself with the Catholic underdogs in Northern Ireland. An experienced Parliamentary observer, Alan Watkins of The New Statesman, wrote: "I have rarely seen the House of Commons so polarized."

A previous bipartisan truce on Irish matters had been pretty well frayed by the violence of the last two years, but last Tuesday night was the first time Labor forced a Commons vote on the Ulster problem. The issue they chose was a demand that London take over all security responsibility from the Ulster Provincial Government in Stormont.

The Tory majority held. But the vote was only a mild hint of the partisan conflict that could lie ahead on Ireland. The leader of the Opposition, Harold Wilson, is desperately trying to avoid a real fight. But his backbenchers, centrist as well as left-wing, want him to take stronger positions—against the whole policy of internment without trial, for example, and for a commitment to a united Ireland.

Prime Minister Edward Heath and his colleagues faced a general demand from their critics for a "political initiative" on Ireland. But each idea that is suggested the Conservative Government has reason to fear.

End internment? The critics point out the terrible alienation of the whole Catholic community that has occurred since the Government began putting men in prison without trial last Aug. 9. The Government's reply is that it cannot put suspected terrorists back on the streets.

Take control of security away from the Protestant regime in Stormont? The argument for that step is that it would restore Catholic confidence in the impartiality of British forces. But officials are skeptical that, for example, it would have made any difference to Catholic feelings in Londonderry on Sunday if the troops had not been nominally working for Stormont.

Impose direct rule of Northern Ireland from London, eliminating the Stormont regime altogether? This, it is argued, would recognize the inescapable truth that Stormont is a sectarian system and can never win back the Catholics' allegiance. But the British Government fears that Britain would then be caught between the Catholics and Protestants in Ulster—Protestants aroused by what they would see as the beginning of British abandonment of the province.

Withdraw the troops? More and more voices are calling on Britain to pull her forces out on the ground that they are provocative. Such a man as Dr. Conor Cruise O'Brien, the writer who is a Labor member of the Irish Parliament and who until recently opposed withdrawal as a formula or civil war, now has changed his mind. But the Government has no intention of taking a step that it thinks would lead to massacres for which it would be blamed.

Any idea that can be suggested will have flaws, for the intractable problem remains underneath: the existence of two communities that hate and fear each other in one small island. But it does seem essential for the British Government to take some political step soon. For the posture of the army at the moment has the appearance of coercing people for no positive goal. And meanwhile the politics and daily life of Northern Ireland keep disintegrating.

The irony is that over most of the terrible Anglo-Irish history, Britain's goal in Ireland was conquest. Now it is withdrawal, and that is proving to be just as difficult and bloody a challenge.

IRELAND: FAITH IN THE SYSTEM IS SHATTERED

(By Bernard Weinraub)

LONDONDERRY.—An icy rain fell on the bleak hilltop overlooking Londonderry. One by one the 13 coffins were borne from St. Mary's church, the names of the dead echoing through the streets from loudspeakers. "Patrick Doherty . . . William Nash . . . Michael Kelly . . ."

The sight of frenzied children weeping, women shrieking in the agony of loss, men trembling and bereft—somehow the tragedy of Northern Ireland reached a brutal peak with the burial of the men who were killed by British soldiers last Sunday during a massive demonstration by Roman Catholics.

Londonderry is, in some ways, where it all started and Londonderry is, perhaps, where it will all end.

The second largest city in Northern Ireland and the fourth largest in Ireland, Londonderry was the site of a Protestant victory in 1689 when James II of England, a Catholic convert, was defeated at the Battle of the Boyne by William of Orange, the beloved "King Billy" of Ulster's Protestants.

Londonderry's narrow streets were the site in October, 1968, of civil rights demonstrations that spread to the countryside and touched off mass riots in Belfast the following August.

The city is a site of Catholic power (over 60 per cent of the citizens are Catholic), of Irish Republican Army strength and now, of sullen, total fury at the political Establishment. After "Bloody Sunday" the situation, in effect, is one of war against the British Army and the Northern Ireland Government.

"People are stunned and angry, people are hopeless," said the Rev. George McLaughlin, a 39-year-old priest standing inside the packed church where requiem mass for the 13 dead was held. "This tragedy is the final blow."

To the Catholic minority the deaths of the 13 symbolize the death of Northern Ireland in its present political form. Virtually all Catholics have withdrawn from government. Catholic lawyers are seriously discussing a boycott of the courts. Thousands of families have stopped paying rents and electricity bills.

The demand for civil rights—such as the march set for today at Newry, a border town—has been overtaken by a surge of feeling that both the Belfast and London Governments are no longer tolerated in the Catholic community, which forms one-third of the population in Northern Ireland. Catholics have been radicalized, and even moderates now see their future only in the context of a united Ireland.

To the Protestant Union Government the prospect of unity is abhorrent because it would mean being swallowed up by the Catholic majority to the south. The Protestants have offered housing and voting reforms, but Catholics insist these measures came too late and offered too little. At the same time, Catholics here feel that reforms are now out of the question in view of the Government's policy of interning suspected terrorists without trial.

The Londonderry killings—with soldiers insisting that they attacked only after Catholics tossed nail-bombs and opened sniper fire, and Catholics furiously denying the allegations—turned the minority even further against the Protestant Establishment and the British Army.

"Derry has closed the book on Britain as an arbitrator, a neutral force in Northern Ireland," said Tom Conaty, the head of the Central Citizens' Defense Committee, a powerful group in Belfast's Catholic ghettos. "People are now seeing Northern Ireland only in terms of unity with the Republic. For most of us, there is no other answer."

The depth of feeling about last week's killings—and the controversial British role in the tragedy—was underlined in Dublin, across the border, when a mob estimated at up to 50,000 marched with mock coffins on the British Embassy (see picture at top) and burned the building down.

Clearly the question of Irish unification is now intertwined with the simmering historic anger that the Irish feel toward the British. And one need only read the British newspapers, or watch British journalists in Belfast questioning Catholic civil rights leaders, to realize that among many Britons the Irish are still viewed with remarkable, quite personal, disdain.

The Irish Government itself has taken its firmest action in years over the developing crisis in Ulster. Previously, Premier John Lynch had sought to steer a delicate course over his country's involvement in Northern Ireland and had given lip service—but little beyond that—to the prospect of unification. Now, sensing the surge of anger over the Londonderry killings, Mr. Lynch has harshly criticized Britain and struck up his demands for unity.

British soldiers who were welcomed in the Catholic ghettos less than three years ago with tea and biscuits are now the enemy. That change in attitude began with a British act that most observers now regard as a blunder.

The army, in July, 1970, ordered a 42-hour curfew in the Lower Falls ghetto, placing under virtual house arrest 10,000 Catholics in the search for weapons. Gun hunts continued in Catholic areas—with many homes indiscriminately searched—while the Protestant ghettos of Belfast were untouched.

Provacative Protestant marches in Catholic areas were protected by the army in its role in guardian of law and order, leading to confrontation between soldiers and Catholics.

Most important, the army was used by the Protestant Government to implement the policy of internment without trial, a policy to root out terrorists that has clearly had a disastrous impact in Northern Ireland. The violence that followed internment—which the minority views as blatantly anti-Catholic—shook the British Government. Almost overnight, the army was identified with a Protestant regime that Catholics detest. And the I.R.A., who were a mere handful of cranks and desperadoes in the early sixties, turned into a symbol of liberation.

A sense of crude tragedy now grips Northern Ireland. An outraged minority, which began with demands for job equality and better housing, has torn away from the government and refuses to accept it. The Protestant majority is haunted by fears that the British will take over Northern Ireland completely—and will then wash their hands of Ulster and take steps to erase the border with the Republic, where 95 per cent of the population is Catholic.

The 15,000-man British garrison here is serving as an occupation force, defending the Protestant Government of Premier Brian Faulkner whose policies have aliented a restless and powerful minority. Physically and emotionally, the Catholics and the British Army have moved into warning camps.

"It's all over with what we have now," said Kevin McRory, a civil rights leader, shortly after the funerals of the Londonderry victims. "People feel helpless. Their faith in the system is shattered. And it's the system that now has to be replaced. It will be."

TRIBUTE SERVICE TO JOHN EDELMAN

Mr. CHURCH. Mr. President, tomorrow, Wednesday, February 9, at 1 p.m., a very unusual event will take place in the Senate caucus room. The distinguished Senator from Vermont (Mr. AIKEN) and I have made it possible for the American people to pay deserved tribute to a great citizen—Mr. John Edelman.

For a quarter of a century, John Edelman was an eloquent and effective part of the congressional scene—a part, unfortunately, that is not fully appreciated. John Edelman did perhaps more than anyone I have ever known to make the term "lobbyist" an honorable and highly respected title. He was a lobbyist for the miserably treated textile operator or migrant worker. He was a lobbyist for the farmer who needed rural electrification. He was a lobbyist for the rights of all people regardless of color or age or national origin. He was, in the best and fullest sense of the word, a lobbyist for the people.

So tomorrow, at 1 p.m., in the room where some of our most historic debates have taken place, the Senate caucus room, hundreds of John Edelman's friends and associates will assemble to give thanks for his life and his works. Members of Congress and their staff are invited to join in this tribute to a fine man.

SENATOR A. WILLIS ROBERTSON—A TRUE SOUTHERN GENTLEMAN

Mr. McINTYRE. Mr. President, I am moved today by the memory of my distinguished and truly respected late colleague from the State of Virginia, Senator A. Willis Robertson. He was a man who always did bring to my mind the images of a U.S. Senator and of the true southern gentleman. For he was a man devoted to the institution he served in so well for over 20 years. And he was a man devoted to his deepest being to his beloved Virginia.

His code was different from mine. Yet serving under him on the Committee on Banking and Currency I could not help appreciating his gentle humor and keen knowledge of the many tasks faced by the committee of which he was chairman.

Senator Robertson's greatest accomplishments, however, did not obscure his deep humanity and love for life. An avid and, I understand, quite successful dove hunter, Senator Robertson merged his great love for the outdoors with his desire to serve the public. Virginians well remember his accomplishments as chairman of Virginia's Commission on Game and Inland Fisheries. And sportsmen around the country commemorate him as the Senate sponsor of the Pittman-Robertson Act.

Senator Robertson was also a man who was keenly aware of and extremely proud of his roots. I can well remember the twinkle in his eye as he spoke of his grandfather's service with the Army of Virginia and of his gallantry in the Battle of the Wilderness. He was proud as he spoke and never wavered in that pride or his love for his State.

I am happy to have known this man and to have had the opportunity to serve with him on the Committee on Banking and Currency. I know that all Senators share my sense of loss at his passing.

WHO PROLONGS THE VIETNAM WAR?

Mr. SCOTT. Mr. President, since the peace proposal address by President Nixon I have placed in the RECORD various editorials, all from big city newspapers.

Today I ask unanimous consent to have printed in the RECORD the front page editorial "Hanoi Prolongs Vietnam War, Not the President," published in the DuBois, Pa., Courier-Express. The editorial was written by the newspaper's managing editor, Herb Martin, who refers to himself as "a registered voter in the Democratic Party of 25 years standing."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN EDITORIAL—HANOI PROLONGS VIETNAM WAR, NOT THE PRESIDENT

(By Herb Martin)

As a registered voter in the Democratic Party of 25 years standing and as a newsman of 30 years seniority I have two bones to pick with fellow colleagues who have continually sided with Hanoi, North Vietnam and Viet Cong leaders in this nerve-wracking matter of getting a peace settlement in the Vietnam conflict that has been bugging us Americans for a decade.

Soon after the President of these United States revealed to the nation Tuesday night the proposals offered a very stubborn enemy to end U.S. participation, the national Democratic leaders and national news media wasted no time tearing apart the noble effort by our government. This certainly must have delighted Hanoi and NV-VC officials who for too long a time have been riding the coattails of self-styled spokesmen in this country who have completely exonerated the Communists for prolonging the war and place the entire blame on the present administration. This is hogwash.

The latest terms offered by the United States are certainly fair and in keeping with expressed desires of the enemy. The withdrawal date has been set . . . within six months of an agreement between the two sides. That means if Hanoi is sincere in closing out the fighting they will have achieved their objective of withdrawal of all U.S. and Allied forces from South Vietnam as early as this summer. Add to this a cease-fire throughout Indochina, new presidential election in South Vietnam, exchange of prisoners, U.S. aid to help reconstruct North and South Vietnam, international supervision and conferences involving neutral parties.

Hanoi would probably have agreed to some of the past proposals if it had not been for those in this country who insist on stirring up a hornets nest on any kind of settlement. Until this kind of useless talk (especially by senators and news commentators) subsides, Hanoi will remain pat knowing there is diversion in U.S. ranks over peace initiatives.

I, for one, feel President Nixon has done an admirable job in winding down a mess he inherited from Democratic regimes that got us into (Kennedy) and escalated (Johnson) this war. How any Democrat can fault Mr. Nixon about the war takes a lot of gall. If anyone is playing politics with the war it is the Democrats and not Mr. Nixon.

He has not deceived us by conducting secret negotiations. The newsmen use the term loosely because they are pouting over the fact they weren't able to scoop the President in advance.

I'm ashamed of the Democratic Party because they have occupied leadership of this country almost every time we have gone to war. Then, the Republicans have to come along and bail us out.

I fail to understand the reasoning of the young people who are flocking to the Democratic Party as registered voters because they are against war. It doesn't make sense to join a party that has been responsible for most of the wars in which the U.S. has engaged. Make no mistake, of the two major political parties the Democrats have a far poorer war record.

Maybe the young people, by joining the Democratic Party, can change the war stigma image that has plagued us long-time Democrats for years.

Giving credit where it is due, President Nixon gets one solid Democratic vote from this reporter come November because he has kept his promise to the American people to do everything within reason (and even beyond that) to end the war. Hanoi has blocked a settlement, not the President of the United States.

Why don't the critics start hammering at Hanoi, North Vietnam and the VC for their bold refusal to accept the one-sided terms in their favor? How much more do they want?

No longer can this nation bear the brunt of accusations either at home or abroad. We have taken our share, the finger now points directly to the enemy. The full responsibility for continuing the war henceforth lies completely in the laps of those Communistic dictators across the Pacific Ocean.

Those numerous Democratic entries in the presidential nomination race ought to soon realize the issue of peace proposals has been thoroughly covered by the President's address, and they would be wise to concentrate their campaigns on other problems.

THE ARARAT LODGE—120 YEARS OF SERVICE

Mr. RIBICOFF. Mr. President, the Ararat Lodge of B'nai B'rith, located in Hartford, Conn., recently celebrated its 120th anniversary.

As a member of the lodge, I take particular pride in marking this significant milestone. Ararat is mentioned in the Bible as the mountain upon which Noah's ark came to rest, and from which the dove returned with an olive branch. The lodge's link with this symbol of peace is appropriate, given the distinguished record of devoted service to humanity rendered by the lodge membership over the years.

The Connecticut Jewish Ledger saw fit to devote two of its pages to tributes to the lodge last month. I ask unanimous consent that two of the articles, describing the activities of the Ararat Lodge since its creation in 1851, along with an agenda for the future by the lodge's current president, William Singer, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ARARAT LODGE—A STORY OF 120 YEARS OF SERVICE

HARTFORD.—Since its inception in 1851 Ararat Lodge has devoted itself to the services of humanity generally. Its records and communications indicate that funds of the Lodge have been used to help people in need, all over the world.

As far back as 1873, requests were made for Lodge funds to assist Jews and oppressed poeples in Rumania, Persia and Galicia. Monies were contributed for the relief of B'nai B'rith members in the southern United States of America, who suffered from the scourge of yellow fever. During the first World War monies were used for the B'nai B'rith War Relief Fund. Individual Lodge members who were sick were assisted by the Lodge during their illness.

In 1853 and 1917 the Connecticut State Legislature incorporated the Ararat Widow and Orphan Fund, which fund continues to the present time—its sole project being to provide monies for the relief of widows and orphans of deceased members.

Ararat Lodge has contributed funds towards the development of youth generally, it sponsors baseball teams affiliated with the West Hartford Boys League, and the B'nai B'rith Team in the Little League of Hartford.

The B'nai B'rith Team in Hartford has won championships in its respective league, namely, the McGinley League. A $100 Savings Bond is given annually by a Fund established by Morris Marks, Jr. in memory of his parents. It is given to the most valuable player, selected by the team manager, who is not only a good baseball player but also has high scholastic grades in his school.

Ararat Lodge has also established a Hall of Fame for Jewish Athletes. The first recipient was Louis 'Kid' Kaplan, now deceased, the former featherweight champion of the world. It has also sponsored AZA and AZA Adler Boys Club for high school youth, and developed an intramural basketball team.

BOY SCOUT TROOP

Since 1939 the Lodge has sponsored Troop 90 of the Boy Scouts of America. In keeping with the national goals of the B'nai B'rith movement in supporting youth, it has made itself available through Troop 90, to 1,000 boys of all races, colors and religions, in both the north end of Hartford and now in West Hartford.

Through the ranks of Troop 90 have passed many boys who now serve the community as lawyers, doctors, teachers and professional people including a professional naval officer. The first scoutmaster of Troop 90 was Herman Davidson, and later there were other prominent citizens, Dr. Seymour Saltzman, Paul Sack and presently Dr. Jay Smith.

Jack Paull, a member of the Lodge for over 30 years, joining it as a boyscout, and who is now vice president of the lodge.

This week, the Troop awarded to four of its members—Scouts Stuart Freedman, Alan Paull, Mark Schor and Ronald Soltz—the highest honor in Scouting, that of Eagle Scout. The award was presented by Louis Nassau, a member of the lodge and past president of the Charter Oak Council, BSA.

The Lodge has pioneered in an organization called Brotherhood in Action, composed of the Knights of Columbus, the Masons, the Prince Hall Masons, and B'nai B'rith. The idea of Brotherhood in Action was conceived by the late Samuel Arons, a past president of Ararat Lodge.

Meetings have been held in various cities in Connecticut, and fund raising drives have been jointly conducted to raise monies for such worthwhile projects as the Mansfield Training School for Retarded Children, and the Newington Hospital and Home for Crippled Children.

Social affairs have also been conducted and recently a gathering was held at the State Capitol where over 1,000 members attended.

Samuel Kellin, a member and past president of Ararat Lodge, has contributed towards the development of Brotherhood in Action. The Lodge has been invited to attend a Brotherhood in Action meeting conducted by the St. John's Lodge No. 4 Masons, in Hartford, on Jan. 19, 1972.

SELL ISRAEL BONDS

Ararat Lodge in conjunction with the State of Israel, and the Hartford Israel Bond Committee, has been instrumental in selling over $100,000 of Israel Bonds. Its Annual Cafe B'nai B'rith has featured national entertainers and artists.

The Hartford Israel Bond Chairman has declared, "I am glad to see that the Hartford Community is helping Israel, and B'nai B'rith as usual is playing a leading role in providing much help and encouragement."

As a service organization it has provided and participated in many community services. The lodge, through its membership, assisted the Hartford Heart Association Fund Drive, wherein 1,500 Red Plastic Hearts were placed in virtually every retail store in the area. These hearts were later collected full of coins and bills for the research and cure of heart disease.

In 1955 following the flood and damage in the Torrington-Winsted area, Ararat Lodge, B'nai B'rith, with other service organizations joined and helped raise $180,000. These monies were used to rehabilitate small businesses. Also it collected toys for children of families who had suffered as a result of the floods.

Samuel Kellin, as president of the Connecticut Valley Council, B'nai B'rith, and a member of the lodge, was given a citation in connection with the flood relief work.

During World War II, and after the War, the lodge volunteered services at USO service centers, provided a complete set of musical instruments for blind veterans being rehabilitated at the Avon Old Farms Center, and has accompanied disabled veterans to public places and outings of a personal nature.

An organ was presented to the Connecticut State National Guard and annual Hanukah parties have been held at the Veterans Hospital in Newington, with professional entertainment, gifts and refreshments provided to the veterans.

WORKS WITH ADL

As part of its work, Ararat Lodge has worked with the Anti-Defamation League of B'nai B'rith. Through its services it has fought against discrimination in employment and protected individuals prior to the establishment of the Civil Rights Commission and Fair Employment Practices Act.

Particularly through the efforts of Dr. Eugene Sockut, now of Israel, Joseph Ress and Barry Gordon, an officer of the lodge, it has conducted itself to transmit democratic ideals in everyday life. With A.D.L. it has combatted anti-semitism, secured justice and fair treatment for all citizens, it has served to strengthen in growth, understandings, through public communications and seminars, it has worked vigorously to expose radical groups. It has worked to strengthen local communities and during times of tension has established rumour clinics. In summary, the lodge through the A.D.L. has consistently demonstrated the democratic and American way of life.

The Lodge has dedicated itself to providing youth generally with educational and vocational information, to encourage boys and girls to plan for career choices through the processes of vocational and occupational information.

The B'nai B'rith Vocational Service has provided for guidance and counseling. Ararat Lodge has over the years arranged for and assisted youth of the Greater Hartford area in receiving such testing, and in many cases where there was need, has provided scholarship funds to cover the cost of the services. In the future, the Lodge through its vocational services chairman will provide for a survey and development of a human resource directory of businesses and individuals interested in helping young people obtain first hand information about careers that they may be considering.

HILLEL EFFORTS

Since their inception in 1923, Hillel Foundations and Counselorships have served the cultural, religious and counseling needs of Jewish college students. Its function has been to give students an understanding of their Jewish heritage, and to strengthen their identity, and to serve as the spokesmen of Jewish values in the Jewish community.

The State of Connecticut has four such foundations and counselorships, namely, Yale University, University of Connecticut, Trinity College and University of Bridgeport.

Ararat Lodge was instrumental in establishing the counselorship at Trinity College which has since 1951 been under the guidance of Rabbi William Cohen of Beth David Synagogue of West Hartford, and was responsible, in good measure, for the solicitation of funds and establishment of a foundation, chapel, meeting house and building at the University of Connecticut, which in August of 1951 was dedicated as the Moses A. Savin Hillel House.

The University of Connecticut has 1,200 Jewish students and the majority of them are Hillel members. It provides for a synagogue, social center, chapel, library and kitchen, and has a full time permanent director, Rabbi Hirsh Cohen.

At Trinity College, Danny Freedlander is the chairman. The college has a student population of approximately 200 Jewish students and about 100 of them are members. It conducts four courses for all students in the Talmud, Hebrew, Yiddish and modern Jewish literature. It also offers creative services each week and discussion groups on the weekly Torah portions.

With pride, these students attend and teach at various faculties of religious schools in Hartford and also serve as youth advisors.

In the words of its chairman, Mr. Freedlander, a junior from Worcester, Mass., he states "Hillel's prime purpose is to offer Jewish students an opportunity to search out and examine their Jewishness in whatever ways and means they can accept."

In addition to the foregoing, through its program chairman, Joseph Dubitsky, the lodge has collected monies for the planting of trees in Israel, particularly in the B'nai B'rith Martyrs Forest. In that manner the land which was previously debased has been reclaimed to become primarily a land of milk and honey.

Ararat Lodge No. 13, B'nai B'rith continues to be an organization dedicated to the services of humanity, and it looks forward to that task.

HISTORY OF ARARAT LODGE—LAUNCHED BY HANDFUL OF JEWS DECEMBER 18, 1951

Ararat Lodge No. 13, B'nai B'rith, will be 120 years old this Saturday.

A handful of Jews assembled on Dec. 18, 1851, at the fashionable New England House on State Street, near Front Street, Hartford, and organized Ararat Lodge No. 13, B'nai B'rith.

At that time there were approximately 100 Jewish families and the population of Hartford was only about 18,000. Its founder and first president was Alexander Rothschild and it was sponsored by the founder of B'nai B'rith, Henry Jones.

Meetings were held on Sundays and the debates that took place were so noisy that they could be heard as far as Market Street. At the second meeting of the Lodge on Dec. 19, 1851, Gershon Fox, the founder of G. Fox & Company, was elected a member. On Dec. 25, 1851, a committee was appointed to draft the by-laws, and on Jan. 15, 1852, the first set of by-laws were adopted.

The charter members of Ararat Lodge were Alexander Rothschild, Henry Selling, H. W. Katzenberg, Henry Wallach, L. Hornthal, Jacob Baum, M. L. Strauss, Abraham Hollander, L. Rothenberg, Simon Mayer, Leser Mossbacher, and A. Bernheim.

Other familiar and respected names who joined Ararat Lodge in the early days included Jacob Fox, Phillip Wallach, Tobias Kohen, David Selling, Ferdinand Mayer, Feist Wallach, Nathan Raymond, David Mayer, Joseph Henry, Mayer Katzenberg, Harris Segalla, Joseph Worms, and Getz Rosenberg.

The minutes of the lodge were written in German until July 15, 1882, at which time Solomon Wohl made a motion which was hotly debated to conduct the business of the lodge in English, and after much discussion, it was adopted.

NAMED FOR MOUNTAIN

The charter members decided upon the name of Ararat in memory of the mountain at the foot of which Noah's Ark rested, when the flood waters subsided, and from which a dove was sent out, and returned with the biblical olive branch, to indicate that all was well.

The first Jews in the City of Hartford were believed to be Spanish and Portuguese Jews. German Jews had followed and were the organizers of the lodge. In 1882 Jews living in Russia found life intolerable, and thereafter, immigrated to Hartford, and other parts of the U.S.A.

The result was that the lodge room was an assembly place for all groups of Jews, and was in effect a schoolroom for new immigrants. Ararat Lodge has participated to a marked degree in the development of the business, civil and political life of Hartford, through its membership. Its history and the celebrations of its various anniversaries are described in the pages of the Hartford Courant, Hartford Times, and the book entitled "Hartford Jews, 1659–1970" by Rabbi Morris Silverman.

Its first anniversary was held on Dec. 18, 1876. The Hartford Courant describes the weather at that time to be "a 'howling snowstorm', which filled the streets and air and made out of door existence undesirable, notwithstanding, a large and happy audience composed chiefly of children of Israel, assembled at the Allyn Hall to commemorate the 25th Anniversary of the Lodge."

The paper further described the appearance of the stage as being striking and beautiful, with a scenery representing the interior of a temple with pillars and arches. In front of the middle arch was a massive seven-branch candlestick, this being the symbol of the lodge.

The members of the Executive Committee for the celebration were Dr. Nathan Mayer, A. Hollander, David Mayer, H. Aishberg, S. Lorsch, A. Rothschild, J. Stern, Julius Wallach and L. C. Abrahams. Music was provided by the Colt's Band. A hymn was written for the occasion by Dr. Nathan Mayer, and sung by a choir. The grand feature of the evening was a Ball with 24 dances on the program.

FIFTIETH ANNIVERSARY

The Lodge's 50th Anniversary was celebrated at the Footguard Hall, and consisted of a banquet, concert and ball. The Hartford Courant dated Jan. 2, 1902, described a painting displayed for the celebration, the painting was of Mount Ararat with the Ark resting upon it, and a dove with the olive branch winging homeward to signify that all was well.

The chairman of the event was Solomon Wohl, and in his address he stated that the brethren made a wise choice in the selection of the name "Ararat" and further explained that Mount Ararat was mighty peak which towered above the valleys, plains and lesser hills, similar to the high principles of the order of B'nai B'rith, benevolence, brotherly love and harmony, above worldly selfish motives.

The president of the Lodge was Nathan Morris, and the history of the lodge was given by Joel Samuels. Charles Rosenthal, who was first elected secretary of the lodge in 1868, having served in that office for 30 years, was honored at that celebration. Dr. Nathan Mayer, lodge physician, delivered an eloquent address.

The lodge's 60th Anniversary was distinguished by a banquet and ball held on Feb. 7, 1912, at the Putnam Phalanx Hall. Proceeding this, on Feb. 6, 1912, the lodge contributed and participated in the installation ceremony of a beautiful stained glass door for the Ark of the Congregation Beth Israel, which at that time had its synagogue on Charter Oak Avenue.

When the congregation moved to Farmington Avenue, in West Hartford, in 1936, the Ararat Window was removed and installed in the present building where it still remains.

It was noted in the celebration that the lodge barred all political and religious discussions, as its members were of all classes of Jews and members of all political parties, and sought to teach patriotism and work primarily for the interests of humanity as a whole. At that time the lodge numbered 200, and included some of the most important Jews in the City of Hartford.

DEGREE TEAM

At that time its members were initiated by a ceremony and ritual, and its degree team for the initiation of candidates was composed of Morris Older, Rabbi Harry Ettelson, Henry Marks, Samuel Nussbaum, Benjamin Kashman, George L. Rapport, and Milton Bachrach. The chairman of the celebration was Joseph Leipsiger. The guests were invited for dinner at the Heublein Hotel.

The Lodge's 75th Anniversary was held in the Ballroom of the Hotel Bond, in Hartford, on Jan. 23, 1927, and 500 guests were invited to celebrate and to listen to the Secretary of the United States Department of Labor, James L. Davis.

Judge Solomon Elsner was the toastmaster, Jacob Leipsiger was general chairman for the celebration, Morris Blomer was president of the lodge, Jacob L. Fox and Isadore Wise were in charge of the reception, Walter K. Katzenstein was in charge of invitations. Rabbi Abraham J. Feldman of Congregation Beth Israel participated. It was noted that through the courtesy of Radio Station WTIC, the entire program was broadcast.

Interestingly enough the lodge absorbed the entire expense and no charge was made to the membership of the lodge. The Hartford Times described the ballroom as having been transformed into a luxurious garden with four large American flags serving as a background.

The Lodge's 100th Anniversary was held at the Bond Hotel in Hartford, on Feb. 16, 1952. A gala banquet was held. Francis S. Murphy, publisher of the Hartford Times, was presented with a brotherhood award. The main speaker was Governor John Lodge. Colonel Milton Richman was president of the lodge, and Samuel Kellin was chairman of the 100th Anniversary Committee.

The toastmaster was Milton Nahum, who cited two reasons for the growth of the lodge in Hartford—1) that the lodge kept abreast of the changing needs in its services to the community and 2) because of its leadership. Rabbi Morris Silverman related details of its history, which were later incorporated in his book, "Hartford Jews 1859–1970."

PARTICIPATED IN WARS

The members and officers of the lodge participated in the Civil War, Spanish American War, World Wars I and II and the Korean War. The descendants of the original founders have joined the Lodge and continued in its work of service, e.g. Morton A. Elaner joined Ararat Lodge in 1939, and continues to be a member.

His great-grandfather, Harris Segala, was a founder of the lodge in 1851, his grandfather, Aaron Segalla, was a member and president of the lodge, his father Solomon Elaner was a member from 1909 until his death in 1962, and was a president of the lodge.

Its preamble, unchanged in 120 years, is as follows:

> B'nai B'rith has taken upon itself the mission of uniting persons of the Jewish faith, in the work of promoting their highest interests, and those of humanity; of developing and elevating the mantel and moral character of the people of our faith, of inculcating the purest principles of philanthrophy, honor and patriotism; of supporting science and art; alleviating the wants of the poor and needy; visiting and attending the sick; coming to the rescue of victims of persecution; providing for, protecting and assisting the widow and orphan on the broadest principles of humanity.

Millions of dollars have been raised by the membership for such purposes. Almost all of the philanthropies which began are still maintained and others have been added. Its history has been called a record of service for the good and welfare of all humanity.

ARARAT LODGE PRESIDENT LOOKS TO THE FUTURE

(By William Singer)

When a handful of men founded Ararat Lodge No. 13 B'nai B'rith in Hartford on Dec. 18, 1851, they could not have imagined what the world would be like in the 1970's. There were only 100 Jewish families at the time and the great majority of them were foreign-born. This tiny Jewish community had many needs, religious, social and cultural.

Ararat Lodge was designed to be a truly Jewish organization based on the principles of Judaism and devoted to the best interests of mankind as a whole. Committed from its inception to the unification of Jews and the promotion of their highest interests and those of humanity, Ararat Lodge has been untouched by doctrinal differences.

Ararat Lodge is rooted in a fundamental policy of service to the Jewish people and to the community, flexible in its programs to conform to the changing needs of the times and as dynamic as the world in which we live.

Ararat Lodge is affiliated with B'nai B'rith Sons of the Covenant, which was founded on Oct. 13, 1843 in New York City. B'nai B'rith is the largest and oldest Jewish organization in the world representing a membership of one half million. Ararat Lodge today has a membership of 550 members.

To adapt our program to the changing times, the Lodge has lowered its membership age to 18 and has included younger men on its executive board, its officers and committees. Ararat Lodge concerns itself with the strengthening of Jewish loyalties in our young through its Hillel Foundations on the college campuses and AZA B'nai B'rith Youth Organization.

The Lodge has adult Jewish education programs to increase Jewish knowledge in our adults. It battles anti-Semitism, discrimination, prejudice and extremism through the Anti-Defamation League of B'nai B'rith. It will focus on new areas such as the Jewish poor, drug addition amongst Jewish youth and problems affecting the stability of the Jewish family.

It will continue in its programs to help Israel survive and prosper. It dedicates itself to assist the Soviet Jew in his struggle to assert his Jewishness, peace in our times and problems of the aged.

We look forward to the observance of the 120th anniversary of the founding of Ararat Lodge as an occasion for reaffirming the ideals for which B'nai B'rith has stood devoted to the best interests of humanity.

Ararat Lodge stands ready today seasoned by experience and enhanced by the dedicated service and enormous prestige of its illustrious membership to face the challenges of our people and all people in the decades to come.

NOVEMBER 22, 1971.

Mr. WILLIAM SINGER,
Attorney at Law,
Hartford, Conn.

DEAR BILL: Thank you for your letter.

Enclosed is my statement in commemoration of the Ararat Lodge's 120th Anniversary.

When I receive the full page of the December 17 issue of the Connecticut Jewish Ledger, I will be pleased to insert it in the Congressional Record with appropriate remarks.

Sincerely,

ABE RIBICOFF.

WILLIAM SINGER,
Attorney at Law,
Hartford, Conn., November 17, 1971.

U.S. Senator ABRAHAM RIBICOFF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: It is my privilege and honor to be President of Ararat Lodge No. 13, International Order of B'nai B'rith. This Lodge was instituted in Hartford, Connecticut, on December 17, 1851. As such, it has been in continuous existence in this community for 120 years. Its members and officers have been active in the civic and community affairs of the City of Hartford. For example, Solomon Elsner, Jacob Fox, Gershen Fox, Rabbi Abraham J. Feldman, Rabbi Morris Silverman, Attorney Milton Nahum, Samuel Kellin and many other leaders too numerous to mention.

I note that you have been a member of our Lodge for many years and have offered insights in the B'nai B'rith publication, The National Jewish Monthly.

The Connecticut Jewish Ledger has kindly and graciously offered a full page of its December 17th edition in connection with the Lodge's 120th Anniversary.

I believe it would be appropriate to record this event in the Congressional Record and I am hoping that you may deem it proper to offer such resolution. I would appreciate receiving your congratulations and any other records or statements in commemoration of this Anniversary.

The deadline for the publication requires me to receive and furnish to the Ledger the appropriate materials prior to December 3, 1971. Please forward them to me.

Thank you in advance for your kind and gracious consideration.

Very truly yours,

WILLIAM SINGER,
President, Ararat Lodge No. 13.

STATEMENT OF SENATOR ABE RIBICOFF

My heartiest congratulations to the Hartford Ararat Lodge No. 13 of the International Order of B'nai B'rith on the commemoration of this exceptional milestone in its long history.

As a proud member of the Lodge for many years, I am well aware of its many fine contributions to the entire Connecticut Jewish community.

I look forward to the Lodge's continued successes for many years to come, and am most pleased to be able to add my own best wishes to this joyous 120th Anniversary celebration.

OREGON WELFARE MOTHERS EDUCATE THEMSELVES IN ORDER TO LEAVE WELFARE ROLLS AND HELP OTHER RECIPIENTS DO THE SAME

Mr. HATFIELD. Mr. President, earlier this month it was my privilege to introduce to the Senate Finance Committee several fine women from the community of Eugene, Oreg. They were Mrs. Lyndia Wilt, president of the Aid to Dependent Children Association of Lane County, Oreg., who testified on behalf of the federated self-help groups of Oregon on the Welfare Reform bill.

With her were: Mrs. Robin Derringer; Mrs. Patricia Ban and Mrs. Loretta Daniels. All were recipients—none receiving over $200—of the Federal/State welfare program in Oregon, but they have taken very uniquely constructive initiatives to educate themselves for jobs so that they may leave the welfare rolls. They are also working constructively, and with quiet effectiveness, with State and local authorities, with members of the State legislature and with the local community college and the University of Oregon in Eugene, to educate other recipients so that they, too, may work themselves off welfare. In the process, they have been reeducating the citizens of Oregon and changing the "image" of those who receive welfare aid.

Mrs. Wilt submitted testimony, not only as to what should be done about the present and proposed welfare program, but tried to apprise the Finance Committee, as well, of the tremendously worthwhile self-help program which they have had in operation for several years.

Too often the newspapers print only the sensational and the bad news about those on the welfare rolls—just as they print oftentimes too much of the negative and destructive forces at work in our political system which has led to great polarization and estrangement between social groups. The media too often ignores the quiet, constructive efforts of hundreds of men and women—such as is under way in Oregon—and those who testified from my State who have done so much to relieve human suffering. They have also brought a renewed sense of hope to those on welfare and have brought a chance for a changed life to many people in the State.

These women made fine witnesses before the Finance Committee. I ask unanimous consent that Mrs. Wilt's testimony be printed in the RECORD so that others will become aware of this innovative program which Oregonians have undertaken.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

OREGON WELFARE MOTHERS HELP OTHERS

I am Lyndia Wilt. I am president of the A.D.C. Association of Lane County, Oregon. I am testifying today in behalf of the federated self-help groups of Oregon.

The materials we have entered as testimony will indicate the extent of the self-help programs and their effectiveness in Oregon. These are programs designed by the poor, implemented by the poor and financed through the efforts of the poor.

Under HR 1 most of our programs will be discontinued. Our scholarship program, the telephone aides program, and the Confidence Clinic will be eliminated. We would suggest that the federal government allow the states to pay up the number of quarters that anyone on welfare is lacking, so that the aged, blind and disabled can be eligible for total Social Security benefits. The federal government should incorporate federal regulations which state that all states are required to adopt A.D.C.-UN programs to eliminate the increase in family breakdown. They should eliminate certain categories of need, and substitute categories for people in need. The federal government should establish a federal minimum standard of living for each area. On acceptance of these standards, the federal government would assume the cost on a 9 to 1 matching basis. The federal government should recognize their responsibility for all people in need. In particular, we refer to those persons currently declared as unmatchable. For example, those currently receiving unemployment, those receiving workmen's compensation, and those receiving general assistance. They should guarantee basic training and development funds for innovative programs designed by the poor.

It has long been accepted as a part of our industrialized society that those who work hard are entitled to the goods of our society. It is time we recognized that this concept is not necessarily true. Tell the unemployed aircraft workers from Seattle that they did not work hard. Tell the unemployed workers from the closed factories that have now relocated in Thailand, Samoa and other underdeveloped countries that they did not work hard. But tell them that children are now working in some of those factories, and they apparently do work hard.

It is time that this country responded to the necessity of a guaranteed income for the poor. These standards must be set at one of the more realistic levels set by the Department of Agriculture. The guaranteed income not unlike the present welfare system would merely designate a larger amount of money passing through the hands of the poor, directly back into the local economy. A guaranteed income for the poor merely follows the precedent introduced by the middle class in the form of soil banks, civil service, teacher tenure and oil depletion allowance.

The poor of this country are not depositing their money in Swiss banks. They are not buying tax free school bonds, municipal bonds or state bonds. They are not investing money in ventures that will pay off far into the future, thus adding to the already pressing problem, of not enough money in circulation. They are taking their monthly welfare checks, and immediately sending them back to middle class pockets. They pay rent, heating and light bills, buy food and clothing, and they do not stick money away in banks. The money they receive goes directly back into the economy to keep it moving. I submit to you at this time, that welfare was never created to take care of people, but to take care of an economy that depends on money passing through many hands to stay alive.

The increase in the number of A.D.C. recipients is not the result of self-inflicted wounds; it is the result of a society that has broken down. This society no longer pays off for hard work, for education, or for wanting to be a good parent.

We are aware that no one should be exempt from the due process of law, but due process should also include equal opportunity. Equal opportunity to choose one's destiny, equal opportunity to live in decent housing and partake of adequate nourishment, to be properly clothed and to participate in the decision making policies of our government.

The federated self-help groups of Oregon are an example of the poor in this country who have been involved. We are involved at the state and local levels of our government, we are involved with agencies, civic groups, fraternal organizations, education and the working classes. We have proven that the poor can be responsible and concerned for the future of our country. They are concerned with the decisions their law makers are called upon to make. They are aware of the low priority given to the wishes, hopes and dreams of their class. They resent handouts, condescending attitudes and categorizing. They resent the lack of response to their cries for understanding. They will respond to any offer of involvement in their future, or to any hope for opportunity. Basically, they are reiterating again and again that when a man is starving, give him a hook and line, not a fish.

HR 1 is not welfare reform. It will not cure the disease of poverty, nor will it put all the poor to work. It will provide an avenue to build a new bureaucracy designed to administer a "get tough" policy, which is doomed to failure. This new bureaucracy will not be trained in the problems of the poor, they will not be trained in the problems of society. The new bureaucracy will learn as the charitable workers of the 1800's did, that poverty is a result of the society, not the sin of the poor.

We are not living in the 1800's nor are the poor as ignorant as their earlier counterparts. True reform must incorporate incentive, equality of opportunity and due process of law.

We must question whether or not HR 1 is true reform. Does it incorporate equality of opportunity and the due process of law, as guaranteed under the constitution? If it does not guarantee the rights and opportunities for all citizens, then it cannot be reform, it becomes repression.

You must examine the constitutionality and the intent of HR 1. We have merely brought to your attention some of our feeling concerning HR 1, a few suggestions for alternatives, and a showing that self-help programs in Oregon are working.

REVIEW OF H.R. 1

I. HR1 establishes an eligibility scheme that excluded many classifications of needy persons from welfare benefits. Generally, HR1, provided that certain families, as defined in the act, are eligible for benefits. A family, in order to be eligible, must contain at least two or more individuals at least one of whom is a child, (Section 2155(a) (4)).

This definition excluded the following persons:

(a) the single persons over the age of 18 who are childless.

(b) married couples without children or whose children are over the age of 18 and not attending school.

(c) a single woman who is pregnant and has no other children.

(d) an unmarried person whose child is over the age of 18 and not attending school.

Undoubtedly other classifications of ineligible persons can be derived from the restrictive definition of family as defined in the act.

The above classifications are derived from the definition of "family" as found in Section 2155(a) (4). There is one significant and specific exclusion found in the act. *If the head of the household is a full time undergraduate or graduate student at a college or university,* he or she is excluded from the benefits, Section 2155(a) (4) (a).

II. GENERAL ELIGIBILITY REQUIREMENTS

Every eligible family is entitled to benefits upon registration for manpower training and employment, Section 2102. Those individuals who are determined by the Secretary of HEW to be a member of an eligible family and available for employment, must register with the Secretary of Labor for man-power services, training, and employment, Section 2111 (a).

If the Secretary determines that an individual is unable to engage in work training by reason of illness, incapacity, or advanced age, he is not required to accept employment, Section 2111(b) (1). Until July 1, 1974, a mother of a child under the age of six is not eligible for employment. Thereafter, a mother of a child under the age of three is not eligible for employment, Section 2111(b) (2).

The only standards for the employability of an individual is whether he is able to engage in work or training by reason of illness, incapacity or advanced age. There is not requirement that the work be suitable or gainful. The act specifically requires that employment cannot be refused if the wages for the work offered are at an hourly rate of not less than ¾ of the minimum wage. As specified in Section 6(a) (1) of the fair labor standards act of 1938, Section 2111 (c) (2) (d).

The effect of this provision would create a vast pool of unskilled cheap labor that would be utilized by industries that were not subject to the fair labor standards act. These persons could be compelled to work for the sum of $1.20 per hr. gross, or otherwise be ineligible for benefits provided in HR1.

The act contemplates that women with children will be deemed employable.

The act therefore provides that childcare and other supportive services will be provided, Section 2112. The Secretary of Labor is authorized to make provisions for the furnishing of childcare services. There appears to be no provision in the act that allows a mother to decline child-care services if they are at an inconvenient location, or unsuitable because of unsafe or unsanitary conditions. Therefore, it is not clear whether a mother who declines employment because of the unavailability of suitable childcare facilities would remain eligible under the act for benefits, because there are no provisions in the act allowing her to justifiably refuse employment under these conditions. It is likely that the Secretary would determine that she was ineligible. The Secretary of HEW must establish standards assuring the quality of child care services, Section 2134.

III. ELIGIBILITY FOR AN AMOUNT OF BENEFITS

Resources of an eligible family cannot exceed $1,500, Section 2152 (a) (2). The Secretary of HEW has the power to determine the resources of a family that should be excluded from the $1,500 maximum. The Secretary has the power to determine the value of the home that should be excluded or included in the $1,500 maximum as well as the value of the household goods, personal effects and other property which the Secretary deems essential to the families means of support, Section 2154 (a). These guidelines have not been formulated. In cases where the Secretary determines that a family has assets above the $1,500 maximum that are not excludable, he can prescribe a period or periods of time and the manner in which this property shall be liquidated. The funds that the family receives through this liquidation process is considered an overpayment if benefits are being paid during the time of disposal, Section 2154 (b).

The amount of benefits for a family are paid at the rate of $800 yearly for each of the first 2 members, plus $400 yearly for each of the next 3 members, plus $300 yearly for each of the next 2 members, plus $200 for the next member, Section 2152 (b).

The act, therefore, clearly does not compensate eligible families that are greater than 8 in number.

The amount of benefits payable initially to an eligible family must be based upon the Secretary's estimate of the families income for such quarter.

The Secretary must take into account the families income from preceding quarters in any modifications which are likely to occur on the basis of change of circumstances or conditions.

The amount of benefits payable to any family for any quarter of a calendar year shall be determined by the Secretary in the quarter immediately following such quarter; and, to the extent that the amount actually paid to such family for such quarter; was more or less than the amount so determined, proper adjustment, or recovery can be made, Section 2152 (d) (1). This would allow the Secretary to deny benefits to the family whose earnings for appreciating quarters were high in relation to the benefits that they would be entitled to receive under the act. The act undoubtedly contemplates that the family has "saved" this difference when in fact it may not have been saved because it was necessary to apply these sums on pre-existing family indebtedness.

IV. THE HEARING PROCESS

HR1 specifically allows the Secretary to make determinations that would deny benefits, recover overpayments, and assess penalties without a prior hearing. The Secretary can make adjustments for overpayments, Section 2125(d) (2), and assess penalties and fines if certain data is not furnished. Section 2031(e) (1) and redetermines benefit levels at any time he receives notice or has reason to believe there has been a material change in the families circumstances, Section 2152(d) (1).

The impact of the Secretary's power is that benefits can be denied, curtailed or fines imposed without a prior hearing. The Supreme Court of the United States has repeatedly held that once a person is entitled to benefits that they cannot be limited, withdrawn, or denied without a prior hearing. This casts a serious constitutional question on the validity of the hearings provisions.

In all such cases, the recipient must request a hearing after the fact and carry the burden of proof that the Secretary's action was unwarranted. This invokes a hearing process that is equally oppressive.

HISTORICAL BACKGROUND OF THE LANE COUNTY ADC ASSOCIATION

Prior to the 1966 state general election, the Y-ettes (a recipient group taking part in a socialization training program of YM/WCA and the welfare department) were encouraged to sponsor a candidate fair. The candidates fair was an opportunity for all those people running for state and local positions to appear as a group to speak on the welfare issues. As a result of the candidates fair, interested members of the Y-ettes, the mother's group sponsored by the Lutheran Family Services. Friendly House counseling group, and other welfare recipients began meeting informally to discuss what they needed to do about some of the more common problems shared by welfare recipients. Although they were well aware that there was an urgent need for changing policy, laws, rules and regulations pertaining to welfare, the immediate needs of the group were related to survival. It was just before Christmas, and the most loudly voiced question was, "How can we get free Christmas trees, and free turkeys, so we can still buy a toy for the children." This is an indication of why it is essential for poor people to be in charge of their own groups, because only poor people could understand that you can not solve state or national problems of the poor until you have solved your own immediate needs of food, shelter, and clothing.

With the help of Vista volunteers, and the co-operation of the Forest Service, they arranged for the cutting and delivery of truck loads of Christmas trees. With the help of friends and businessmen in the community they were able to supply turkeys at a drastic discount. They referred to the turkeys as disabled rejects, since they came to them with various portions of their anatomy missing; such as a missing wing, neck, leg, or large patches of skin . . . but they were turkeys and they were *very* cheap.

Once the group had satisfied its immediate needs it was willing to look at some of the reasons behind those needs. Again, with the assistance of some Vista volunteers, the group learned how to draw up its statement of purpose, and gave the organization a name; ADC Association of Lane County.

They realized that using "ADC" as part of their legal name would classify them solidly within the welfare stereotype, but they also agreed that they could use this label to their advantage and work to reduce the stigma that had always been attached to it.

In formulating the initial operational strategy, they borrowed liberally from a beginner's book on public relations that they found at the public library (these books are abundant and may be very useful to groups that are in their formative stages). Some of the ideas that they adopted from this book and that have been used are:

a. To present ourselves honestly, including admitting our condition and dealing with it straightforwardly.

b. To be willing to be questioned on any point dealing with our own personal situations and to discuss openly the causes of our being on public assistance. (It should be mentioned that any member who was unwilling to follow these precepts was encouraged to participate in areas that did not involve public representation.)

c. To be representative in appearance and thought of all recipients as much as possible, thus avoiding the extension of our own personalities into issues that really belong to an entire class.

d. To use a factual, informative approach and to avoid emotionalism in presenting issues.

e. To use peer groups in bringing pressure to bear on the people we are trying to convince.

In short, they learned how to use "the system" for the benefit of the people represented. The next step was to work up the constitution and by-laws, and file for articles of incorporation.

They came to an agreement, by consensus, that they would follow a line of public relations procedures, using as their motto, "When a man is starving, don't give him a fish . . . give him a hook and line and teach him to fish for himself". Getting input from the entire Association now that they had a statement of purpose, constitution and by-laws, was made much easier because the association had a direction in which to go. From there they could concentrate on changes that were needed for the entire recipient population. They chose the things that they felt were to be achieved immediately. They realized that some goals would take a little longer, perhaps as long as ten years. They proceeded to recruit sympathetic local people who were politicians, but who had experience dealing within the political arena. These people worked as associate members. They were from both political parties and from all educational backgrounds, i.e., sociologists, psychologists, economists, representatives from business, social work, education, law, and public administration. Other valuable associates were ex-legislators and the wives of politically influential persons within the community.

They were also fortunate in finding a film which was designed to teach people how to get a bill written, sponsored, and how to lobby in the legislature.

The thirty minute movie was nothing like the real thing, and they couldn't see the long educational process ahead of them for the next six years. The movie made the process look simple, and motivated them to action. They soon realized that there was no better way to learn than by experience.

Don't hesitate in getting involved because you're afraid of making mistakes. Every session mistakes have been made, however, we have profited from those mistakes, and avoided making them a second time. For instance, during the first session the "hard sell" was given to a man thought to be a legislator, only to find out he was the man from the supply room. From then on identity was an essential part of the format.

This drive to learn, also drove our lobbyists to the need to be there representing the group, even when they were working under adverse conditions. For instance, one of the two people who was going to the legislature was suffering from an attack of asthma complicated by emphysema. One day it was decided that she would sit in the ladies room which had a cot in it and would rest while the other member of the team did the leg work. After a period of two hours the leg man returned to report that she had gotten three legislators to sign the bills. With a gasp, the the reclining lobbyist replied, "I have been working too. I have been catching the lady legislators as they came through here. It's like having my own office." It generated the natural reply, "You may have your own office but you're sure limiting your clientele with the sign you have outside."

The next step was to take the ideas that were felt to be attainable, present them to a sympathetic legislator and have them drawn into legal bill form. Note: don't ever put all your eggs in one basket; the mistake in the first session was in allowing one liberal legislator to be the chief sponsor of all the Association's bills. Unfortunately, they were not aware that they would also inherit all of his enemies, which would cause future problems in getting the bills out of committee. Our tactics in later legislative sessions were to strategically divide the bills between the House and Senate and to get conservative legislators to sponsor them. Our reason for doing this will become clear in any lobbying effort that is undertaken by anyone.

While the lobbying effort was in progress, other members of the Association were reading and absorbing information on subjects that ranged from child care to legal procedure. They were investigating ways to fund the Association, by looking at the possibility of O.E.O. funds, and other agencies monies. The Association chose not to accept any funding if it necessitated relinquishing their self-governing principles. Since they found that usually there were stipulations requiring that relinquishment, they looked elsewhere for funding. Since the need for funds was present, some of the members worked on cake sales, rummage sales, movies, dinners and other fund raising projects. This money was partially used for expenses incurred in lobbying. One of these expenses was a result of the lobbyists having to coax the life out of a series of old cars owned by the members of the Association, in order to get to the capitol which was eighty miles away. Besides the expense of gas, the lobbyists also found that they had to have a lunch every day and parking. Certs were essential so the lobbyists did not "bad mouth" the legislators.

Other members were engaged in recruiting new members in order to get more welfare recipients involved in determining the goals of the Association. Still others were mailing out news-letters informing recipients in the county about the activities and how they could participate. The news-letters were put out with money contributed by some friends within the community. They were run off on different mimeograph machines from churches, university departments, and business people. They rotated the use of equipment in order to keep as many community groups as possible involved in their progress. They took it to the first person that expressed an interest and told them it was the only copy that they had. If they wanted to use it to make a copy for themselves they were asked to make a few extras for the Association. Research in the law library was being done by another committee in order to back up testimony for the lobbyists. People were recruiting by personal contact, telephone, and other means.

The willingness to work led to the programs that exist today. The cohesiveness of the people involved has led to the success of those programs. For the first time there were alternatives.

NEIGHBORHOOD VOLUNTEERS PROGRAM

Plan—To recruit, train and make use of Public Welfare recipients in supplementing social services for the purpose of improving understanding between recipients and social service staff; improving understanding of human resources and of the Public Welfare Department. The primary technique is the use of the telephone in geographically distant areas. Recipients are recruited because of their connection with the informal communication network among low-income people. It has been demonstrated that recipients find it easier to seek information from their peers.

Need for this service—Public Welfare recipients are residing in areas which are geographically distant or isolated from the County Welfare Office. Most recipients do not have telephones and must borrow a neighbor's phone or use a pay phone. Telephone communications between recipients and service workers are usually lengthy and frequently in response to a crisis situation. Telephone lines into the office are frequently busy so the caller must wait. A neighborhood volunteer can channel telephone calls by knowing who to call for help. The call itself is usually briefer when the volunteer is calling in behalf of the recipient, thus saving some caseworker time. Geographical isolation from the county office presents a transportation problem. Almost no small community has adequate public bus transportation. Telephone communication is therefore more important for these people.

Recruitment of neighborhood volunteers is usually done through casework staff who are able to identify those recipients who meet the desired criteria.

The caseworker looks for recipients who: (1) have shown an interest in being of help to others; (2) have knowledge of the social and economic conditions in their specific community; (3) have some knowledge of local resources; (4) have demonstrated an identity with and commitment to their community; and (5) are in communication with other low-income people in their area. In addition, the volunteer should have reasonably good health and should be able to drive a car.

Successful recruitment depends upon how well the staff knows their clients. In some areas, client groups or CAP agencies may be able to suggest neighborhood volunteers.

Publicity about the services of a neighborhood volunteer is done through articles in local newspapers and announcements by radio stations. The primary method of notifying the recipients is done by the caseworkers who send letters or notify their clients verbally. Newspaper publicity by itself is not effective since most newspapers do not wish to print telephone numbers.

Activities

The neighborhood volunteer must be available on a twenty-four hour basis to provide advice and help to those recipients who are faced with an emergency arising from a fire, medical needs, housing eviction, and other personal or family crises.

To advise local recipients and residents about the resources of the welfare department, education and training resources, availability of housing, availability of medical care, specialized resources for children, day care and emergency baby sitters.

To advise recipients and residents on how to make use of the resources.

To accept and record messages for the caseworker as requested by the agency client, by other community residents, or by the caseworker to be relayed to a specific client.

To provide supplementary service in behalf of the caseworker and to act, when appropriate, as a liaison for the caseworker.

To provide emergency transportation or locate transportation for an agency client.

To notify the caseworker or other appropriate staff of requests for service, date and hour of the request and disposition of the request; and to provide periodic reports.

To help locate and to solicit certain items such as appliances, furniture, or clothing from the local community in order to help the recipient supplement their assistance grant.

The neighborhood volunteer is likely to be in a position to give supportive help in a wide range of situations. Examples are: death in the family, money management, utility shut off, washer breakdown, eviction notices, etc.

The volume of contacts, either in person or by telephone, varies greatly between neighborhood volunteers. Factors influencing activity are: isolation or distance from County Welfare Office, experience and personality of the volunteer, and the density of the client population.

An experienced neighborhood volunteer may record as many as 155 contacts a month. Most contacts occur during the regular working day, and most of the activity revolves around the use of the telephone.

Training the volunteers

Training consists of two parts; initial orientation and on-going training.

1. *Orientation.* Each neighborhood volunteer should undergo an intensive period of orientation for one week. Included is an in-depth review of public welfare resources and services and other human resources in the community. Each volunteer should be given a resource directory or manual which contains current information about resources. The volunteer should tour the office and meet the county staff. Duties of the volunteer should be discussed with concrete illustrations being used to teach them their functions. The basic function and role of the caseworker should also be discussed. Training responsibility should be centralized in one county staff person who has demonstrated the ability to teach and to communicate with low-income people.

2. *On-going training.* A monthly session should be planned for the volunteers during which problems should be aired and resolved. Caseworkers should also participate in these sessions, to help clarify the difference in caseworker-volunteer roles. Tours should be planned to other major resource agencies such as: Social Security, Employment Office, Mental Health, CAP, and Legal Aid. During the sessions the training goal should be focused on providing information which is specific and relevant.

Costs

Neighborhood volunteers should be partially paid volunteers. A monthly fee for service should be paid to each volunteer to help them to cover expenses of additional clothing and personal items which they believe to be important in helping them to meet the public. The fee for service also represents a concrete form of recognition for services being given by recipient-volunteers. The monthly telephone charge should be covered as well as the original telephone installation cost when the selected volunteer has no telephone. Reimbursement for private car mileage should be paid when necessary, and child care to enable the volunteer to attend training sessions or to be away from home when providing emergency transportation.

INFORMATION FORUM

On vital issues concerning large portions of welfare population such as medical care, education, food stamps, H.R. 1, etc., we felt that public information forums for welfare recipients and for the general public should be held so that the greatest number of people could have the facts. The way we went about publicizing these forums was to get public service announcements on television, write-ups in newspapers, in Democratic/Republican newsletters, flyers to students and recipients, posters, and word of mouth. In some instances more than one forum was set aside for these depending on content and interest. An example of this was an open forum held in a public hall on H.R. 1 which stimulated a great deal of interest from the general public and the recipients which required many smaller meetings, especially with the League of Women Voters. Members of the League seemed to be upset by our stand on H.R. 1, since we opposed it, so we asked to be put on the agenda of their smaller group meetings where our members presented arguments in opposition to H.R. 1. We also were asked to speak before many classes at the University of Oregon, the University of Oregon YWCA, to labor unions, social concern groups of churches, a community college, granges, honorary sororities, the Lane County Council of Governments, and the City Council. The positive response from these meetings, came in the form of volunteers, for writing letters to legislators, for carrying petitions opposing H.R. 1, raising funds for lobbying and for sending recipients to testify at hearings in Washington, D.C.

Another example: Results from an informational open forum on medical care for the underprivileged brought about a much better understanding between the medical profession and welfare recipients, an understanding of doctor's problems by recipients, and an agreement between the two groups to work on better medical services for welfare recipients in the county. A system has been devised whereby everyone who needs a doctor may call the county medical office and a doctor's name will be given and he must respond to the request. Sub-standard drug lists, i.e., no liquid penicillin, no prophylactics, no fluorides, were brought to the attention of the Association. In turn these grievances were taken to the Governor's Advisory Committee on Medical Assistance for the Underprivileged by the Association's representative and as a result these items have been added to the drug list. Also, we were asked to elect a representative to attend the meetings of the charitable division of the Lane County Medical Association. In addition the Lane County Medical Association appointed as a consultant the ADC representative from the Governor's Advisory Committee on Medical Assistance for the Underprivileged.

TELEPHONE AIDES PROGRAM

Agreement to purchase services from neighborhood aides

The Oregon State Public Welfare Commission agrees to purchase, through the Lane County Public Welfare Commission, specified services from the Lane County ADC Association, to be provided in the communities of: Leaberg, Mapleton, Cottage Grove, Oakridge and Junction City. It is intended that current members of the ADC Association who reside in these communities will be available to clients living in these communities, to provide emergency service and referral services. Services will be available on a twenty-four hour basis to provide advice and help to those recipients who are faced with an emergency arising from a fire, medical needs, housing eviction, etc. The aide is expected to notify the caseworker as soon as the county office is open. The Neighborhood Aide will also be expected to advise local recipients about the resources of the Welfare Department, educational and training agencies, availability of housing, availability of medical care, specialized resources for children, day care and emergency babysitters.

The Lane County Welfare Commission staff will prepare lists which identify resources and how to contact resources when the caseworker is not available or when the county staff has requested referral activity from the aide. The aide is expected to keep a record of these activities.

The neighborhood aide will also be expected to take messages for the caseworker as requested by the welfare recipient, by other community members or by the caseworker to be relayed to a specific recipient.

It is intended by this agreement, that the neighborhood aide be available to provide supplementary service in behalf of the caseworker and to act, when appropriate, as a liaison for the caseworker. The neighborhood aide will not act for the caseworker, unless specifically requested to represent that caseworker.

Training of the neighborhood aide will be carried out by designated staff of the Lane County Welfare Commission with consultation from Mrs. Loretta Daniel. Training will include knowledge about community resources, the Assistance and Service Programs of the Lane County Welfare Commission, telephone techniques, etc. On-going consultation will be made available by the Lane County staff. The resources of the staff of the State Public Welfare Commission will be made available. Expenses to be covered by this agreement include installation of a telephone when necessary, the monthly telephone bill and a thirty dollar fee per month. The Lane County Public Welfare Commission will be billed by the Lane County ADC Association who will handle the reimbursement of the individual Neighborhood Aide.

The period of time to be covered by this agreement will begin ——— and will continue in effect until ———.

SPEAKERS BUREAU

The Speakers Bureau was developed because of our lobbying efforts at the State Legislature. Many groups in the community were interested as to why we went to the legislature and the results of our efforts. Because the burden of the speaking requests fell on two people, it was necessary to develop more versatility in the group.

Buddy System—The simplest way to remedy the situation was to divide into two groups, with each experienced speaker taking an inexperienced member to a speaking engagement. As the member developed experience, she in turn sub-divided and took a new member along.

The least experienced member spoke before small groups and as they gained experience, moved to appearing before large groups; they started with WIN orientations, university classes, business sororities, churches, civic clubs, and to Demo forums, conferences, and eventually to participating in lobby efforts. The main things we found to develop confidence in conjunction with speaking, was to give our people vast amounts of information on welfare policy, law conditions, housing, food stamps, medical aid, and our own programs, (statistics, etc.; and, always, *to work in pairs*. We also found it essential for success, to be frank, open, and willing to discuss personal experiences in public.

The Flash Card System—People who were very timid about giving speeches, used note cards with brief reminders concerning essential points. From these notes and from the information they accumulated, it was easier to go through lengthy speeches.

Results derived from the speakers bureau have been: contributions for transportation to the legislature, for our scholarship program, donations of clothing for our students and children, and a better understanding by the community of welfare problems. In addition, a great deal of respect within the community has been generated by the self-help concepts of our organization. As an example of this respect, the ADC Association and its self-help concept was mentioned in the application of the City of Eugene for All-American City, an award it won for the year 1970.

INFORMATIONAL BACKGROUND—A.D.C. ASSOCIATION OF LANE COUNTY, A.D.C. SCHOLARSHIP PROGRAM

I. HISTORICAL BACKGROUND

The Lane County A.D.C. Scholarship Program was conceived and designed around a kitchen table by a group of A.D.C. recipients. They presented it to the 1967 Oregon State Legislature and lobbied to ensure its passage.

The program was originally designed to receive token funding from the state. When passage of the bill setting it up was in danger for lack of funding, the A.D.C. group instead, to specify that needed funds would be raised by the local A.D.C. association. Because originally no state money was appropriated for staffing, the program was poorly administered until 1970 when some staff was added at the local level to try to provide services for the large growth in numbers of students.

The A.D.C. Scholarship covers costs for tuition and books only. The Lane County Welfare Commission has appointed an A.D.C. Scholarship Committee to approve scholarship applicants and administer funds. Membership on the Committee includes welfare recipients and representatives from the ministerial association, business community, labor organizations, and educational institutions.

Most students attend Lane Community College but approximately 6 percent attend the University of Oregon.

II. PHILOSOPHY

The program operates on a philosophy that all people should have an opportunity for education regardless of financial status, test scores, professional evaluations, previous failures and past problems.

III. CASE STUDIES

These case studies of typical A.D.C. Scholarship students provide examples of some of the program successes:

Mr. M.—Age 25–30; wife and 2 children, had nervous breakdown—not eligible for other programs, one year training in Radio Broadcasting, employed 1970 in California as a radio broadcaster.

Mr. C.—Age 33; wife and 2 children, severely handicapped by polio—refused training by all other agencies and judged to be physically unemployable. Wife hospitalized for emotional problems. Two-year program in Technical Drafting. Employed 1971 as a draftsman for local construction firm.

Mrs. G.—Age 36; three children; divorced, one-year Secretarial/Social Science course on welfare on Thursday, enrolled in school the following Monday. Employed 1970 by City of Eugene as a community development worker.

Mrs. M.—Age 29; 2 children; divorced, two-year Accounting Clerical course, honor student—member Phi Theta Kappa honor society, employed 1971—ten days after graduation by local restaurant.

IV. GROWTH AND SCOPE OF PROGRAM

During the 1967–68 school year 19 people attended school on an A.D.C. Scholarship. As knowledge of the program spread, the number of students increased so that during 1971–72 between 200 and 300 people are expected to take advantage of training opportunities.

The A.D.C. student population is comprised of divorced or widowed mothers with children, children in A.D.C. homes, unwed mothers, school dropouts, men refused by other programs, foster children and physically or mentally handicapped people.

Seventeen per cent of the students are children (under 21) from A.D.C. homes and the rest are adults ranging in age from the early twenties to the forties and fifties.

At present (1971–72) we have over 200 students at Lane Community College and 20 at the University of Oregon, our students continue to succeed. This is evidenced by their grades (2.5 average) and by their increasing involvement in the community at many levels.

V. FUTURE OF THE PROGRAM

The explosive growth in the numbers of A.D.C. scholarship students since 1967 has caused a funding and service crisis. There has not been adequate counseling, follow-up, or welfare servicing. Even in light of financial difficulties, A.D.C. Association members are continuing to raise funds and adjust the program to meet current needs. However, this adjustment does not include turning away eligible applicants for lack of funds. Our policy continues to be one of enrolling the student first and raising the money afterward. This is consistent with the distinguishing characteristic of the A.D.C. program which is its philosophy of concern for the worth and success of individuals. This differs greatly from the philosophies of other programs which, when implemented, appear to be more concerned about statistical information and showing results, often to the neglect of the individual's real interest.

As a part of this concern for our students, we are constantly on the alert for possible violations of Federal and State laws and regulations. Sometimes our information comes to us through our friends, thus, illustrating the importance of establishing firm contacts within, and beyond, the community.

In one case, we received information from an educational Financial Aids officer in California through a local friend, who told us that the Welfare Department was illegally deducting school expenses (NDEA loans, grants and scholarships) from regular assistance checks. We wrote a letter to the regional HEW office in Seattle to check this information, and their replies showed us that the Department was clearly in error.

Following are copies of the letters we received. We keep these in our files, along with all other correspondence to use at any time that there is a dispute over the validity of our statement or our actions. Then, we can produce Xerox copies of whatever we need, while retaining the originals for future use.

Our issues such as this, where large groups of people are involved and legal rights are threatened, we make our information available to everyone concerned as quickly as possible.

Knowledge is protection against unnecessary distress. It is our obligation to provide an education regarding the students rights and privileges under the welfare system as well as encouraging them in an education toward self-sufficiency.

CONFIDENCE CLINIC

One of the most exciting programs we're beginning to establish in Oregon, is the Confidence Clinic Program, designed to increase the level of morale and feeling of self-worth among recipients so that they will be better able to take direction of their own lives. Although this intent of the contract itself is to prepare persons for eventual training and employment, the philosophy inherent in the Association is to make recipients aware of their full potential as human beings and to give them enough confidence to exercise that potential in whatever manner best fits their individual desires.

Programs have already been established in Medford, Klamath Falls, and Roseburg. Lane County is in the process of establishing one in Eugene. These programs vary somewhat in format, to allow for differences in regional resoures and emphasis, but all the programs share the common goal of personal self-worth.

The Confidence Clinic has tremendous potential for expanding our thinking on welfare reform and rehabilitation, by creating a program that is multi-focus in nature, and that draws from the recipient population allowing recipients to become their own change agents, we are perhaps making an even more dynamic statement about the nature of professionalism and human service in this country. We are saying, that the client is his own best resource and that paraprofessionals, as trained through active participation in our program, will be able to perform quality services to the community in areas that were formerly thought to be the exclusive province of the college educated.

With this program, we are possibly taking a critical step in answering the questions "How does a person get out of the welfare cycle?", and more important, "What can be done about the welfare problem?"

Our contract as follows:

AGREEMENT TO PURCHASE SERVICES

Whereas, Lane County ADC Association, Inc., hereinafter referred to as Association, is a nonprofit corporation of the State of Oregon, and

Whereas, the Children's Service Division, hereinafter referred to as the Division, desires to obtain services through a purchase of services agreement, from available funds,

Now, therefore, Association and Division agree as follows:

Association Agrees to:

1. Furnish the following services through the Confidence Clinic, for the purpose of providing pre-employment or pre-training services which will help the individual become better prepared for employment or training.
   a. Basic education
   b. GED training
   c. Grooming
   d. Job search techniques
   e. Individual and group counseling
   f. Referrals to Divorce Clinic
   g. Office training
   h. Speech
   i. Locate housing and child care in emergencies

2. Through the combined efforts of members of the Association to provide mutual encouragement and support to each individual

referred to them for the above services (see #1).

3. Confer and help develop an individual plan for each individual referred by the staff of the Division.

4. Provide progress reports on each individual and other reports as may be required by the Division.

5. Provide reports which will demonstrate and document individual change in response to services received from the Association.

6. Provide for a periodic internal audit following established auditing procedures to insure accountability of expenditures and costs.

7. Abide by the applicable state and federal statutes, the applicable rules and regulations of the Division, and the applicable rules and regulations of the U.S. Department of Health, Education and Welfare.

Division Agrees, through the Lane County Department, to:

1. Screen and refer AFDC recipients who appear to be in need of confidence building as part of their general rehabilitation, to the Association for the above services (see #1. through 1.).

2. Encourage the participation of the individuals who have been referred, in the services of the Association.

3. Provide information to the Association which will help the Association in providing services to individuals.

4. Arrange and provide child care costs and training allowances in accordance with current Division policies.

5. Provide consultation and technical assistance to the Association through the staff of the Division and the Lane County Welfare Office.

6. Payment for services provided for individuals referred to the Association as follows:

a. Monthly payment of service for each individual—$110,00.

b. Cost of service is based upon an average of 20 referrals each month for a period of service up to 90 days for each individual.

The Parties Mutually Agree That:

1. Association shall act as an independent agency and Division shall be in no way associated with or otherwise connected with the actual performance of this agreement on the part of the Association, nor shall this agreement in any way render the Division or its staff responsible or liable in any way for any act or omission of Association or its staff in such performance.

2. This agreement, each and every part, rights and duties, is not assignable.

3. Either party hereto may terminate this agreement by at least 90 days' written notice or it may be terminated by mutual consent, but, if not so terminated, it shall be in effect from ——— day of ———, 1971–, through the ——— day of ———, 197–, and shall be automatically renewed each year on a year-to-year basis unless ——— days' written notice is given to the other party expressing an intent that the contract shall not be automatically renewed.

J. DUANE SQUIRES—A ROAD TAKEN

Mr. McINTYRE. Mr. President, I wish to take a moment to share with Senators, a short reminiscence about a distinguished citizen of New Hampshire, Dr. J. Duane Squires. This man's life and experience came to mind as I read a recent issue of New Hampshire Echoes, a magazine for and about the people of my State.

Dr. Squires only recently concluded a full and eventful career as a professor at Colby Junior College, in New London, N.H., and his shift to new endeavors brings to mind how fortunate our State has been to count him as one of its citizens.

Dr. Squires came to New Hampshire some 37 years ago and by his own admission has never had cause to regret his choice of homes. A short passage from one of Robert Frost's better known poems typifies his path:

Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

It is fitting that we consider the peace of mind of men like Dr. Squires who have had the courage to take the less traveled road in life—for the times are not so different now than they were when Duane reached the fork in the road 37 years ago.

I can only hope that those who now reach that fork will be able to make a choice so filled with contribution, happiness, and peace.

I ask unanimous consent that the article published in New Hampshire Echoes be printed in the Record. It states well some things that we all can consider and provides a rare insight into the life of one of New Hampshire's finest citizens.

There being no objection, the article was ordered to be printed in the Record, as follows:

J. Duane Squires—A Road Taken

J. Duane Squires, retired chairman of the Social Studies Department at Colby Junior College, believes that little-known New Hampshireites "who strove mightily in many diverse careers" deserve remembrance. In a recent issue of Echoes, he wrote about some of those "who achieved distinction during their lives but who had largely faded from memory today."

Though one could scarcely say that Duane Squires had faded from memory, nor would his activities allow it, his name can surely be added to that group who strove mightily and deserve remembrance.

George Washington once wrote that "it should be the highest ambition of every American to extend his views beyond himself . . ."

Nearly two centuries later, his words were answered with the presentation of the New London Service Organization Third-of-a-Century Award:

"For professional, community and public service in the town of New London, New Hampshire, his adopted home for thirty-seven years.

"As Chairman of the Social Studies Department of Colby Junior College, he has expanded and inspired young minds;

"As the author of *Mirror to America* and many other important historical writings, he has brought distinction to this Town and State;

"As a lay preacher, he has comforted and uplifted all those who have had the privilege of listening to him speak;

"As a member of the New London Baptist Church, he has served on local, state and national boards to their betterment;

"As a husband and father, he has had in his work the cooperation and devotion of a lovely wife and the respect of two sons who, although in different fields, are filling, like their father, an esteemed place in their communities;

"As a Municipal Judge, he has tempered impartiality with understanding;

"And as a charter member and present president of the New London Service Organization, Inc., he has added immeasurably to the usefulness, dignity and beauty of our village.

"His high professional skills, his outstanding intellectual capacity and his knowledge of human needs has indeed enriched the cultural development of our Town and our State."

In his own words, Duane Squires states it simply: "For better or for worse I have attempted to live a life out from myself in helping others."

Born in Grand Forks, North Dakota, on November 9, 1904, James Duane Squires was educated in the Grand Forks public schools, received his Bachelor's degree from the University of North Dakota, his Master's degree from the University of Minnesota, and his Doctor of Philosophy from Harvard University. Before coming to Colby Junior College in 1933, he held lecture posts at the University of North Dakota and at the State College in Mayville, North Dakota.

Last year at a dinner honoring his retirement from Colby, Dr. Squires said, "A few weeks ago an article appeared in the paper that stirred my feeling. It was entitled VE Day Plus 25, and was written by a man who during 1944–45 had fought his way across Europe from Paris to the Rhine. Then it took him months of struggle to make the trip. This spring he easily motored the same distance in three hours.

"Tonight I retrace an even longer journey in an even shorter time, thirty-seven years in five minutes. The road back to 1933 is long, but we have had sterling friends on every step of the way. We have glad memories and sad memories, but the balance has been worthwhile. As Robert Frost once said in his poem about two roads which branched into woods, the one which was chosen 'made all the difference.'"

For all his years at Colby, Dr. and Mrs. Squires made a practice of entertaining his students each year at informal teas in their home. Many so appreciated the opportunity to meet with a faculty person in a setting outside the classroom that they have unfailingly written each year at Christmas time to express thanks for the courtesy. One alumna of the Class of 1935 has written each year since her graduation.

Dr. Squires himself, writes about 50 letters a month to congratulate friends on their birthdays, wedding anniversaries or other events in their lives. Some of these friends have grown to accept his letters as a part of the event itself. One octogenarian lady recently wrote that she counted her annual letter, along with flowers from her husband, and *the* two events of the wedding anniversary each year!

Modestly, Dr. Squires admits that some "high points" of his life included the thrill of nominataing Henry Cabot Lodge at the National Republican Convention in San Francisco in 1964, meeting General Eisenhower and Richard Nixon, and taking part in the 1954 World Council of Churches meeting in Chicago with more than 100,000 people in attendance.

During World War II, General H. H. Arnold appointed Dr. Squires as a member of a secret committee of historians to study Germany's war potential. It is only in recent years that existence of the committee has become known.

According to Dr. Squires, the allies had hoped to smash Germany's desire to continue its struggle by massive bombardment of its cities, factories and military bases, eliminating the need of a land invasion of Europe. However, the conclusion of the secret committee was unanimous—that the spirit of the German army and people could not be broken and that an end to the war could only be accomplished by a land invasion. Thus, Normandy.

One of Dr. Squires' several hobbies is floriculture, and he takes as much pride in his roses, peonies, gladioli and lilies as in his so-called intellectual pursuits. On one occasion at a flower show sponsored by the New London Garden Club, his flowers won a blue ribbon. It is proudly displayed in his study at home, along with rare books and other collections of a lifetime.

He is also a devoted baseball fan. When the two Squires boys were in their teens, on one or two days each summer the entire family made the trip to Boston to see the Red Sox in action. Her older son, Vernon, made a collection of player autographs which the family still has carefully stored in an upstairs closet, of the 1940's and 1950's.

A life fulfilled? Not for J. Duane Squires. Before him lie several new volumes to be completed—The History of the Baptist Church in New Hampshire and a History of Colby Junior College. And this past year, Governor Peterson appointed him Chairman of the New Hampshire Revolution Bicentennial Commission.

Dr. Squires left Colby after thirty-seven years with these words from Alfred Noyes:

"I caught the fire from those who went before,
The bearers of the torch who could not see
The goal to which they strained.
I caught their fire,
And carried it a little way beyond;
But there are those who wait for it, I know,
Those who will carry it on to victory."

The task of carrying forward the torch from a man such as J. Duane Squires is indeed an enormous challenge, and one is reminded of a line by Patrick Henry:

"I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past."

James Duane Squires—historian, teacher, author and friend. Each life he has touched has been, as a result, far richer.

FINANCIAL STATEMENT OF SENATOR STEVENSON

Mr. STEVENSON. Mr. President, I have made it a practice for some years to disclose publicly my economic interests. In accordance with that practice, I ask unanimous consent that a statement of my assets and liabilities as of January 1, 1972, be printed in the RECORD. I update these statements quarterly, keeping copies in my Washington and Chicago offices available for public inspection.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Financial Statement by Adlai E. Stevenson III, January 1, 1972

January 1, 1972.

Real Estate:	
Fractional remainder interest in farm, McLean County, Illinois	$10,000
Home, Chicago, Illinois	90,000
Home, Washington, D.C. (cost)	125,000
One-third interest, residence, Beverly, Massachusetts	30,000
Interest in farm, Jo Daviess County, Illinois	60,000
Fractional interest, Fisk Building, Amarillo, Texas	3,200
Fractional interest, 1776 Pennsylvania Avenue, Washington, D.C.	20,000
Fractional interest, 633 Folsom Street, San Francisco, California	12,000
Real Estate—St. Maarten Island	8,000
Stocks and Bonds:	
12,640 shares, Evergreen Communications, Inc. (publishes Bloomington, Ill. Daily Pantagraph, operates WROK, Rockford, Ill. and WJBC, Bloomington, Ill., owns 10% of Bloomington, Ill. CATV)	160,000
34.1 shares, R. R. Leaseholds, Inc.	5,000
533 shares, KBA Townbuilders Group Limited, Tel Aviv	550
10,000 bonds, Baltimore, Md. 6.25%, 10-15-84 (market value as at Dec. 31, 1971)	11,346
70,000 bonds, New York State Antic Note 3/31/72 (market value as at Dec. 31, 1971)	69,979
27 shares, International Tel & Tel, $4 Cv. Pfd. (market value as at Dec. 31, 1971)	2,876
68 shares, International Business Machines (market value as at Dec. 31, 1971)	22,882
400 shares, International Tel & Tel (market value as at Dec. 31, 1971)	23,350
150 shares, Xerox (market value as at Dec. 31, 1971)	18,788
492 shares, Harris Intertype (market value as at Dec. 31, 1971)	25,338
25 shares, Doubleday & Co. (market value as at Dec. 31, 1971)	8,500
200 shares, Mesa Petroleum Co. (market value as at Dec. 31, 1971)	9,025
400 shares, U.S. Gypsum (market value as at Dec. 31, 1971)	12,950
Cash:	
Less current obligations	3,000
Personal property, including securities of nominal value, furniture, cars, paintings and clothing	$45,000
Total	776,784
Debts:	
Mortgage—Perpetual Building Association, Washington, D.C.	78,941
Mortgage—Continental Bank, Ill.	19,143
Note payable to Charles J. and Charlotte T. Whalen	5,200
Notes payable to Warwick Anderson (father-in-law)	12,000
Total	115,284

UKRAINIAN INDEPENDENCE

Mr. BROOKE. Mr. President, throughout the world are peoples who strongly desire to be recognized as free and independent peoples. Among them are the Ukrainians, who recognize January 22 of each year as the anniversary of the birth of their short-lived but nevertheless memorable Ukrainian National Republic.

In commemoration of this event, I ask unanimous consent that a proclamation issued by Governor Francis Sargent, of the Commonwealth of Massachusetts, and resolutions adopted by Ukrainian-Americans in Boston, Mass., be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, BY HIS EXCELLENCY FRANCIS W. SARGENT, GOVERNOR

A PROCLAMATION—1972

Whereas, January 22, 1972, marks the 54th anniversary of the proclamation of free Ukrainian National Republic, and

Whereas, The Ukrainian people continue, with fierce determination and great human losses, to struggle for a free and independent Ukrainian State, and

Whereas, The 54th anniversary of Ukraine's independence serves to dramatize the legitimate right and aspiration of all captive nations, which find themselves under Russian Communist domination, for freedom and independence;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusetts, do hereby proclaim January 22, 1972 as Ukrainian Independence Day and urge the citizens of the Commonwealth to take cognizance of this event and to participate fittingly in its observance.

Given at the Executive Chamber in Boston, this eighteenth day of January, in the year of our Lord, one thousand nine hundred and seventy-two, and of the Independence of the United States of America, the one hundred and ninety-sixth.

FRANCIS W. SARGENT.
DONALD R. DWIGHT.

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC., BOSTON CHAPTER,
Jamaica Plain, Mass.

RESOLUTIONS

We, Americans of Ukrainian descent, assembled on January 23, 1972, in Boston, Massachusetts, for the purpose of commemorating the 54th anniversary of the Proclamation of free and independent Ukrainian National Republic on January 22, 1918, unanimously approved the following resolutions:

1. We declare that Moscow continues to violate human rights in Ukraine, by denying the Ukrainian people freedom of expression, assembly and religion.
2. We consider the latest imprisonments of Ukrainians, especially Ukrainian intellectuals who have spoken out against Moscow's oppressions in Ukraine, as further evidence of Moscow's genocide toward the Ukrainian people.
3. We appeal to President Richard M. Nixon to intercede, in the name of freedom and justice, before the Soviet Government, on behalf of imprisoned Ukrainian intellectuals.
4. We appeal to Massachusetts Senators and Congressmen to introduce resolutions to Congress, which would instruct our delegation to the U.N. to place the national, human and religious oppressions in Ukraine and all other captive countries before the U.N. Commission on Human Rights for investigation.
5. We appeal to the U.N. Commission on Human Rights to investigate, according to the U.N. Universay Declaration of Human Rights, Communist oppressions in Ukraine and TO DEMAND the immediate release of Ukrainian political prisoners. We especially appeal for the release of: Valentyn Moroz, Ivan Dzyuba, Vyacheslav Chornovil, Ivan Kandyba, Ivan Svitlychnyi, Evhen Sverstiuk, Halyna Didyk, Odarka Husak, Lev Lukyanenko, Dr. Volodymyr Horbovyi, Archbishop of the Ukrainian Catholic Church Vasyl Velychkovskyi.

We authorize the Executive Committee of the Boston Chapter of the Ukrainian Congress Committee of America, Inc., to bring our resolutions to the proper authorities.

KONRAD HUSAK, *President.*
M. FRANKIWSKY, *Secretary.*

ALF LANDON COMPARES NIXON FOREIGN POLICY WITH THAT of J.F.K.

Mr. PEARSON. Mr. President, the foreign policy positions of this country have, in recent days, been the subject of wide and intense partisan debate. And been known and described as a body which reacts to the issue or the crisis of the day, let me suggest that we reflect for a moment on the ideas and the wisdom of a man whose perspective in the field of foreign affairs is as broad and as deep as his experience in the political life of this Nation.

Former Gov. Alf Landon, of Kansas, in an interview with Lew Ferguson, of the Associated Press, has traced the foreign policy course of the present administration back to the broad outlines of the strategy urged by President John F. Kennedy in his commencement address at American University in Washington, D.C., on June 10, 1963—5 months before his death. With attention to historical fact, Governor Landon, in careful and thoughtful terms, makes clear how the foreign policy decisions of our Government have been the subject and the result of bipartisan thinking. The current debate about our policy with reference to Vietnam, the Middle East, China, or the Soviet Union might well be made more sensible, it seems to me, if proper attention were paid to the historical and factual account of our foreign policby during the last decade, as made clear by the thoughts and remarks of Governor Landon.

Mr. President, I ask unanimous consent, therefore, that the interview with former Governor Landon, as written by Lew Ferguson for the Associated Press, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Policy Said Revised J.F.K. Plan

(By Lew Furguson)

Alf M. Landon said Thursday President Nixon is following a foreign policy course of normalizing relations with the world's other superpowers which was outlined in broad terms more than eight years ago by the late President John F. Kennedy.

"His foreign policy has been carefully planned from the begining," the former Kansas governor and 1936 Republican presidential nominee said in a yearend interview. "In a nutshell, the President is following the broad outlines of President Kennedy's American University speech."

STRATEGY OUTLINED

Kennedy enunciated what many consider to be his administration's foreign policy in an address entitled "The Strategy of Peace: Disarmament is the goal," at commencement exercises at American University in Washington, D.C., on June 10, 1963, just five months before he was assassinated in Dallas.

In that address, Kennedy said:

"Our military forces are committed to peace and disciplined in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

"For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not need to use threats to prove that we are resolute."

Kennedy concluded the American University address by saying:

NOT HOPELESS

"This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just.

"We are not hopeless before that task, or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace."

Landon said he was pleased and encouraged at the time that a U.S. president would advocate such a course in foreign policy, which represented a departure from the policy of containment of communism.

KENNEDY POLICY EXTENDED

Landon said President Kennedy, "because of the untimely tragedy, did not have time to develop that policy."

Nixon's frequent references to a "generation of peace," Landon said, "are an extension of what Kennedy advocated.

"In Nixon's campaign speeches in 1968, you will find general references to it," Landon said. "The first gesture made toward accomplishing new, normalized relations was in February, 1969, 30 days after his inauguration. It was a mere gesture, a mention in a speech, but it was the first step.

"President Nixon is now taking advantage of the changes in the heads of government around the world to lead the way in abandoning the jingoism of the foreign policy of his predecessors. By that, I mean the belligerent, warlike policy of his predecessors."

ANALYSIS MADE

Landon said Nixon is "encouraging Russia and China to meet him on this new basis" in the President's visits to Peking and Moscow early in 1972.

"What we have," Landon said, "is a replacement of the containment by force and brinksmanship policies; he is taking the lead in encouraging the three major powers to abandon their jingoism."

Landon said the Nixon foreign policy may have been responsible for the India-Pakistan war not expanding and continuing longer.

"Expansion of the India-Pakistan war, which everyone feared, did not take place," he said. "His new policy may have worked there. Russia and China could have come into that situation, but they didn't."

Landon said he doesn't expect "any great sensational development" from Nixon's Peking trip, but concluded, "I don't think the establishment of diplomatic relations with Peking is outside the realm of possibility."

ELMO ROPER POLL SHOWS WOMEN AGAINST EQUAL RIGHTS AMENDMENT

Mr. ERVIN. Mr. President, one of the recurring myths that surround the equal rights amendment, or unisex amendment, is the allegation that all women are for the amendment. I know that this is not true, particularly among laboring women, because most labor unions, including the AFL–CIO, would not be so strongly opposed to the amendment if their constituency were for it.

Elmo Roper, a well-known pollster, took a sample opinion last year on women's views of women's liberation. I think the results of this poll should be very interesting to Members of the Senate because legislators sometimes fail to consider what the people want when they are constantly confronted by a highly vocal and publicity conscious pressure group, such as many of the women's organizations supporting the equal rights for women amendment.

The Roper poll shows that:

First, 69 percent of American women disagree that, "women are discriminated against and treated as second-class citizens."

Second, 83 percent of American women disagree that, "wife should be breadwinner if better wage earner than husband."

Third, 69 percent of American women disagree that, "a divorced woman should pay alimony if she has money and he has not."

Fourth, 77 percent of American women disagree that, "women should have equal treatment regarding the draft."

In interpreting these figures, it is important to recognize that these large majorities of Americans do not want the very things the ERA proposes. The primary sponsors of the ERA, including Congresswoman Griffiths, maintain that: A wife should have the legal responsibility for family support if she is the better wage earner; the alimony laws should apply equally to men and women with the result that a divorced woman should pay if she has the money; the draft laws should apply equally to men and women with the result that women will serve in combat.

So what we have with the equal rights amendment is a proposition that will destroy all legal distinctions between men and women and the majority of men do not want this and the majority of women do not want this.

I hope that every Senator will have a chance to review Elmo Roper's Poll which appeared in the September 26, 1971, issue of Parade magazine. I ask unanimous consent that it be printed in the Record.

There being no objection, the poll was ordered to be printed in the Record, as follows:

A Special Roper Poll on Women's Rights

The Women's Liberation movement is making headlines, but seven out of ten American women feel they are not being discriminated against. What's more—seven out of ten men agree with them.

These are the findings of a special Roper Poll to determine the effects of Women's Liberation on the thinking of Americans.

Perhaps the most startling result uncovered by the poll is the close agreement of men and women on many key issues.

The survey put various questions to a large equal sampling of men and women, with this introduction:

"A lot has been said about the rights of women—in fact, there is a movement called 'Women's Liberation,' as you probably know. I'm going to read you several different statements and for each one I'd like to know whether you agree or disagree."

The results follow:

MEN'S CLUBS AND LODGES SHOULD BE REQUIRED TO ADMIT WOMEN

	Everyone	Men	Women
Agree	19	25	13
Disagree	72	67	76
Don't know	9	8	11

WOMEN EMPLOYEES SHOULD NOT EMPHASIZE THEIR FEMININITY

	Everyone	Men	Women
Agree	34	34	34
Disagree	59	61	58
Don't know	7	5	8

WIFE SHOULD BE BREADWINNER IF BETTER WAGE EARNER THAN HUSBAND

	Everyone	Men	Women
Agree	16	22	10
Disagree	76	69	83
Don't know	8	9	7

MEN SHOULD STOP APPRAISING WOMEN ON BASIS OF BEAUTY AND SEX APPEAL

	Everyone	Men	Women
Agree	43	38	48
Disagree	50	56	44
Don't know	7	6	8

IF A WOMAN CAN PLAY FOOTBALL AS WELL AS A MAN SHE SHOULD BE ON TEAM

	Everyone	Men	Women
Agree	38	42	33
Disagree	57	54	61
Don't know	5	4	6

A DIVORCED WOMAN SHOULD PAY ALIMONY IF SHE HAS MONEY AND HE HASN'T

	Everyone	Men	Women
Agree	36	52	20
Disagree	53	38	68
Don't know	11	10	12

SHOULD HAVE FREE/LOW-COST CHILD CARE CENTERS FOR WORKING WOMEN

	Everyone	Men	Women
Agree	65	61	68
Disagree	27	30	25
Don't know	8	9	7

WOMEN SHOULD GET EQUAL PAY WITH MEN FOR DOING THE SAME JOBS

	Everyone	Men	Women
Agree	88	86	89
Disagree	9	12	7
Don't know	3	2	4

PRETTY WOMEN SHOULD NOT GET BETTER JOBS/PAY THAN OTHERS

	Everyone	Men	Women
Agree	74	73	75
Disagree	21	22	20
Don't know	5	5	5

MEN SHOULD NOT HOLD DOORS OR GIVE UP SEATS TO WOMEN

	Everyone	Men	Women
Agree	4	15	12
Disagree	82	80	84
Don't know	4	5	4

WOMEN SHOULD HAVE EQUAL JOB OPPORTUNITY WITH MEN

	Everyone	Men	Women
Agree	73	71	74
Disagree	23	25	21
Don't know	4	4	5

WOMEN SHOULD HAVE EQUAL TREATMENT REGARDING THE DRAFT

	Everyone	Men	Women
Agree	24	31	17
Disagree	71	64	77
Don't know	5	5	6

WOMEN ARE DISCRIMINATED AGAINST AND TREATED AS 2D-CLASS CITIZENS

	Opinions by percentages		
	Everyone	Men	Women
Agree	24	24	24
Disagree	70	71	69
Don't know	6	5	7

CARL HAYDEN

Mr. FANNIN. Mr. President, the Arizona Republic on January 28 published three very fine tributes to former Senator Carl T. Hayden. One was an editiorial written by publisher Eugene C. Pulliam; another was the reminiscenses of Republic Washington Bureau Chief Ben Cole; the third was an article by Ben Avery, a veteran reporter who is an authority not only on politics but on just about anything else connected with Arizona.

Mr. President, I ask unanimous consent that the three articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ARCHITECT OF TODAY'S ARIZONA

Carl Hayden was the architect of Arizona's present status as one of the most attractive states in the West. He was a leader in bringing Arizona out of territorial uncertainties and giving it almost immediate national recognition as the land of opportunity with its unsurpassed natural beauty and a fresh and undying faith in the future of the United States.

Carl Hayden, more than any other man, created what America knows today as Arizona. Although a loyal Democrat, both by inheritance and conviction, he believed wholeheartedly in the two party system. He always insisted that splinter parties would destroy the republic, and he wanted none of them.

He served in Congress for nearly 57 years, and 75 per cent of his working hours were devoted to "doing something for Arizona." Almost all his service to the state was nonpartisan. He was for Arizona first, last and always. He had the courage to say yes as well as to say no. He had the respect of all senators, both Democrats and Republicans, who came to know him as an honest and faithful friend. Somehow, some way, this present generation of Arizonans must find a way to keep his memory and his service forever before our eyes and in our hearts.

E. C. P.

WARM AND WHIMSICAL: A REPORTER'S REMINISCENCES OF A FRIEND

(By Ben Cole of Republic's Washington Bureau)

WASHINGTON.—Among people of Celtic origin it is not unusual for the passing of a good man to be marked not in grief but by recalling the warm and happy and often whimsical episodes of his life.

It seems fitting to remember the late Sen. Carl Hayden of Arizona in that manner. Senator Hayden died in Mesa, Ariz., last Tuesday. He was 94 years old, had lived a rich, busy, exciting and rewarding life. He served in the Congress of the United States 57 years—longer than any man in history.

Among newsmen he had the reputation of being inaccessible, and he liked it that way. Somewhere back in the early days of his career he got misquoted, and from that day on he was disinclined to talk to reporters.

But he decided that Ben Avery of the Arizona Republic and this reporter were his friends, and for the two of use he was always a helpful and reliable source of news.

The first time Carl Hayden decided to talk to me was in the Summer of 1950 while I was sweating over a hot lawnmower in my backyard. My wife came out of the house wearing a baffled expression and said, "Somebody on the phone says he's Carl Hayden and he has a story for you."

It was too hot a day for practical jokes, and I stumped into the house with not too much joy in my heart. Then I discovered it really was Carl Hayden, breaking his silence on a particularly important legislative issue that my paper wanted to quote him on.

Evidently my quotations passed his sharp inspection. From then on I had the run of his busy office and frequently sat in front of his broad, cluttered desk wondering how long it would be before he burned off his forefinger down to the second joint by ramming it into his smoking pipe.

He used to grow restive if the congressional sessions dragged on into the late Autumn and he was deprived of a visit to his native Arizona.

"They ought to vote the money and go home," he would say abruptly, referring to the primary task of Congress to levy taxes and appropriate funds to run the government. He was convinced that if Congress sat too long, it only found mischief to do in the form of building more and more bureaucratic structures.

For all the great power that he wielded, Senator Hayden somehow always thought it was fun to be able to call famous statesmen by their first names.

One day, for my benefit, he rang up Secretary of State Dean Acheson and when the Cabinet officer came on the phone he grinned and said, "Hello, Dean. How are ya?" Then he looked at me impishly as if to observe, "How about that? I can call Dean Acheson by his first name."

You got the feeling that down in Foggy Bottom the Secretary was busy impressing his callers by replying, "I'm fine, Carl, old boy. How are you?"

For most of his years in the Senate, the venerable Arizonan and his frail invalid wife, Nan Downing Hayden, lived in the Methodist Building on First Street, a hop and a skip from the Senate Office Building and the Capitol.

Hayden's staff was given weekends off, but the senator always made it a point to visit his office on Sunday and check through the mail. Letters from Arizona always caught his eye, and he would carefully open them and read them through. Then, with a stub of a lead pencil, Hayden would meticulously write out the replies and leave them for his longtime secretary, Mrs. Edna Judge, to type the next day. He also wrote his own speeches—he didn't make many—and gave the longhand texts to Edna for typing.

One day I asked Mrs. Judge what she did with those precious hand-written documents after she finished with them.

"I throw them in the waste basket, of course," she replied.

When she was informed that she was probably breaking the hearts of every archivist in America, she started saving them. Hayden's papers are now at the Arizona State University where the Carl Trumbull Hayden Library was established after his retirement in 1969. He eschewed microfilm, despite the urging of his longtime friend and colleague, Senator Barry M. Goldwater.

When Senator Hayden's beloved wife died seven years before his retirement, Hayden's grief was silently intense. I was in Chestertown, Md., that Sunday delivering my daughter to a young people's church seminar at Washington College. It was late in the afternoon when I returned, and Senator Hayden had been trying all day to reach me.

I rushed to his office and found him there with two members of the staff. They had never confronted the situation before of dealing with the news of a beloved wife's death. Somewhat painfully, I sat down with Senator Hayden while he told me the particulars of Nan Hayden's life for an obituary. I typed out a short summary and gave it to Hayden's aides for telephoning to the local newspapers and wire services, then took care of writing the story for my own newspaper.

At Nan Hayden's funeral, the Senator sat in silent grief; but Senator Goldwater wept openly. He was devoted to both of the Haydens. By the time Hayden reached the end of his seventh Senate term, he was tired and burdened with some of the afflictions of age. His 1962 reelection campaign had been particularly bitter. Militant right-wing groups in Arizona exploited a respiratory illness that kept Hayden from campaigning. The old warrior, in fact, was confined in the Naval Hospital at Bethesda, Md., and while he was able to sit up and talk with a few friends he was a long way from being able to hit the campaign trail.

Moreover, his opponent back in Arizona was being helped by a telephone campaign almost nightly that spread the word Senator Hayden had, in fact, died and was hidden away in a Navy vault until after the election. The city editor of the Arizona Republic could withstand the inquiries for only so long, then about 3 A.M. Washington time he would phone with a plea, "I know it isn't true, but please make just one more check and let me know." I would phone the hospital's duty officer who in turn sent a Navy corpsman in to check on the powerful chairman of the Senate Appropriations Committee. Then I'd send back word to Phoenix, "Don't worry. He's fine—just a little weak from the flu." By the time the election drew near, nobody in Arizona believed me anymore.

Then on the rainiest Saturday of 1962, Hayden called a news conference at the hospital. Sitting between Vice President Lyndon B. Johnson on his right and Senator Richard B. Russell, D-Ga., on his left, he testified to his ability to fill out another term. He was 85 years old.

And fill out his term he did. In his latter days he even grew to like having his name in the paper and would emerge from his office to ask, "What's Ben been writin' about me?"

On one occasion—it was the only time in our long friendship—he let me feel the sting of his disapproval. It was at the time of the 1964 civil rights bill when a vote was being sought under the Senate rule providing for cutting off debate (cloture). Hayden never voted for cloture in his life on grounds his state of Arizona would have belonged to New Mexico had it not been for a filibuster on the admissions bill.

I reported (truthfully, by the way) that Hayden was caught between loyalty to his friend President Johnson and his distaste for cloture. So he sat out the vote in the cloakroom, ready to vote "aye" if necessary. It was the kind of report to bring criticism on a Senator.

Next day Hayden bearded me with, "What the hell you think you are? Some kind of an oracle or something?"

Members of Hayden's staff loved him devotedly and sought to protect his health every way they could. One youngster was assigned to follow him through the corridors and make certain he didn't fall on the marble floors. Hayden, who used to chase bandits as an unarmed Arizona sheriff, didn't like the idea. One day a terrified young man turned a corner to face a livid Hayden, heavy blackthorn cane poised for action. "Don't you follow me anymore, young man," thundered the irate Senator.

Early in 1968, Hayden decided to lay down his power and his honors and return to the warm sunshine of Tempe, Ariz. Reports circulated that he might decide to call it a day. Barry Goldwater, who had left the Senate to run for President, was ready to seek the vacant seat if Hayden retired. But he was adamantly disinclined to run against his friend.

Goldwater hopped on a plane and flew to Washington expressly to ask Hayden if he intended to seek reelection. "If you want to run, I wouldn't think of running against you," Goldwater said. Hayden assured him he was ready to go home.

When he announced his plan to retire, he chose a reception in the great hearing chamber of the Appropriations Committee which had been built to his own specifications. The room was packed. Many those present were gray haired Senate technicians whose whole careers had been served under the Senator from Arizona. Senator Russell was there again, and President Lyndon Johnson who declared with complete accuracy that Carl Hayden knew more about the Constitution of the United States than any man alive. Tears fell on Hayden's cheeks.

And so Carl Hayden left Washington to go back home. There will be other great men who will come after him. But there will never be another like him.

[From the Arizona Republic, Jan. 28, 1972]

CARL HAYDEN WAITED LONG FOR HIS PROMOTION TO COLONEL

(By Ben Avery)

Col. Carl T. Hayden (AN Ret.) had to wait until 1952 to achieve one of his secret desires—to get his retired status rank boosted to colonel.

In that year, his old Arizona National Guard fellow officer, Lt. Gen. Alexander M. Tuthill, accomplished the senator's promotion from major to colonel, retired.

In appreciation, Hayden wrote Gen. Tuthill, who was nearing the end of his own service as state adjutant general:

"I have always wanted to be a colonel, and your thoughtfulness has made it so."

But a little digging into the records of the Arizona National Guard reveals that Hayden turned down a promotion from major to lieutenant colonel when he was elected to Congress in 1911.

"I did not think that it was right to hold that rank in the regiment without performing any duty," Hayden said in explaining his refusal.

Over the long years, he never faltered from that code of honesty.

But typical of Carl Hayden, and also of Tuthill, the senator's honorary retired rank promotion was given no fanfare. And so his friends never did get around to calling him colonel.

The Arizona National Guard and America's military strength always were close to Hayden's heart. And through my own interest in marksmanship training and the fact that I served as captain of Arizona's civilian rifle team at the Camp Perry National Matches for several years, I became privy to his thoughts in these and other areas.

He was one of the first congressmen to volunteer for service during World War I and served as a major and battalion commander at Camp Lewis. He was a strong booster of the civilian marksmanship training program of the National Rifle Association of America (NRA) and made it possible for NRA clubs across the nation to provide pre-induction military training for 1.5 million young men during World War II. In recognition, he was made the first honorary lifetime member of the NRA—an honor accorded only three others.

In Washington Hayden gained quite a reputation as a western sheriff because he left the Maricopa County sheriff's office to go to the House of Representatives in 1912.

One day in 1964 when he and I were testifying before the Senate Commerce Committee against Sen. Thomas Dodd's gun bill, Sen. Strom Thurmond grilled the Arizona senator about his sheriff activities.

"I never had to use a gun," Hayden recalled for Thurmond, "and I never rode a horse."

Then, with a broad grin, he regaled the committee with an account of how he once chased down three outlaws in his Apperson Jackrabbit automobile and captured them near Chandler.

As a representative, Hayden was devoted to Arizona people.

My first recollection of him was as a 4- or 5-year-old hanging onto my mother's skirts at a gathering in Willcox when she went up to the congressman from Arizona to thank him for the garden seeds we received periodically from the Department of Agriculture with Hayden's name on them. I've always remembered that because those seeds stood between us and some pretty hungry times before World War I.

Little has ever been publicly known of the life of Sen. Hayden in Washington in the days before he became a power figure, and before the tragic illness that made Mrs. Hayden an invalid.

They were a devoted couple, but not inclined to take part in Washington social life. They lived in a small apartment across from the Library of Congress where Mrs. Hayden kept house and did the grocery shopping and cooking. Usually one of the young men from the senator's staff would drive her to a grocery store, and this chore at one time fell to Dix Price, who is now secretary of the Arizona Education Association.

"After supper Carl would almost invariably go across the street and spend two or three hours doing research in the library," Price recalled.

Price was one of a number of young men on Hayden's staff, several of whom he inherited when Ernest McFarland defeated Henry Fountain Ashurst in 1940.

Price recalls that Sen. Hayden was a strict taskmaster, insisting that every letter from Arizona be handled the day it arrived.

"But some of those letters were simply undecipherable," Price recalled. "We were instructed never to throw them away, but to put them in a box on the senator's desk. Once a week he would take them down to the Post Office Department where they had a deciphering clerk, and a few days later we would get them back with neatly typed copies.

"I remember one that came in . . . we were convinced no one could ever decipher the scrawled note. But back it came, and it was from an old prospector near Yuma who wanted a Bureau of Mines bulletin on zinc."

For many years Hayden and Ashurst formed a powerful team for Arizona.

Ashurst once put a friend on the spot by asking: "If you were going back to Washington and wanted to get some business taken care of, who would you see, me or Carl?"

The friend started to stammer.

"That's all right, I'll answer for you," he said. "You should go see Carl. But if you want to see the President, come to see me. Carl's a workhorse, and I'm a race horse. Arizona is fortunate to have this kind of team."

At the time, Ashurst was chairman of the Senate Judiciary Committee and Franklin D. Roosevelt was president. The two were very close until Ashurst opposed Roosevelt's court-packing plan.

On one of my last visits with Sen. Hayden in Washington, I was accompanied by my wife and youngest daughter, Mary. We had just left Camp Perry, where Mary had been beaten for the women's national service rifle championship by WAC Sgt. Barbara Hile. So Sen. Hayden consoled her by taking her on a personally conducted tour of the Capital while my wife and I attended to other business. He told us to join him in the senator's dining room for lunch.

After the meal, he made a futile search for his billfold, then confessed he had left it home. But he would not let me pay for the lunch. Instead he called over an ancient black waiter and asked him to charge the meal. Then the senator introduced us. These two had come to Washington as young men the same year, and had been close friends throughout the years.

One more story: During the depression a young black man from Arizona entered Sen. Hayden's office. He had holes in his shoes and clearly showed the economic impact of the depression. He asked to see the senator and was ushered into the office.

A short while later, Sen. Hayden brought him out and directed his staff to find a job where the man could work and go to school. In due time a job was found as night elevator operator in a building that was used very little at night so he could study medicine.

> Dr. David M. Solomon of Phoenix remembered that episode yesterday and commented:
>
> "All he asked was that I come back to Arizona to practice medicine and help my people."

UNIVERSITY OF CALIFORNIA LIBRARIAN OPPOSES EQUAL RIGHTS AMENDMENT

Mr. ERVIN. Mr. President, the November, 1971, issue of the Library Journal contains a letter written by a librarian at the University of California Library, Laurel Burley, on some of the drastic consequences which will result from passage of the equal rights for women amendment, or unisex amendment, as Professor Kurland of the Chicago Law School has called it.

Although I do not subscribe to all her propositions, I do believe that her statement should make some very interesting reading for the middle and upper class women who are the most vocal supporters of the equal rights amendment and who have such small awareness of the benefits of protective labor legislation for women who are performing primarily physical tasks in their jobs.

She states that—

> The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the States to protect working women from exploitative employers . . . Protective legislation not only sets maximum hours and minimum wage standards, but also mandates such provisions as rest areas, toilet facilities and elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farmworkers), and protective garments and uniforms.

Maybe the upperclass women that are pushing so hard for the equal rights amendment say, "Fine, do away with all protective legislation," but I hope their dilettantish concern for lesser well-off women will not be lost on Members of the Senate.

Mr. President, for an interesting statement on one woman's view of the effects of the equal rights amendment on laboring women, I recommend Laurel Burley's letter. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Protective Laws

(By Laurel Burley)

As a professional librarian, working woman, and union member, I disagree strongly with the statements concerning the Equal Rights Amendment (ERA) and protective legislation in the article "The Legal Status of Women" by Kay Cassell (p. 2600–03). The amendment as it stands is destructive to all working people, would in no way guarantee equal pay for equal work, and would not extend rights to women beyond those in the 5th and 14th amendments to the Constitution. The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the states to protect working women from exploitative employers, protective legislation which has been granted de facto to working men in some cases.

Protective legislation not only sets maximum hours and minimum wage standards, but also mandates such provisions as rest areas, toilet facilities and elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farmworkers), and protective garments and uniforms. The only other protection women have in these areas is through union contracts (only 15 percent of working women are unionized), or through the Fair Labor Standards Act, which only covers about half the women connected in some way with interstate commerce. Protective legislation, in the few states where it remains, has sometimes been extended to men, the discriminatory aspects of not giving, for example, lunch breaks or toilet facilities to men in the same plant being obvious.

Some idea of what might be expected were the ERA to pass can already be seen in the use being made of Title VII of the Civil Rights Act. In late 1969 Fibreboard Corporation in Antioch, California began to force women to work 16 hours a day and to lift backbreaking weights. Pacific Telephone in 1970 began ignoring state protective legislation relating to minimum hours. In fall 1970 Oregon took away the right of women to have two ten-minute rest breaks in an eight-hour day; and another large California corporation, Crown Zellerbach, began denying meal breaks to both men and women working in the Antioch plant. In summer 1971 a U.S. Court of Appeals struck out the sections of the California Labor Code regulating maximum weight lifting and the eight-hour day, 48-hour week for women. All these actions were justified on the basis that Title VII and EEOC guidelines superseded state protective legislation. Such instances are mounting at an incredible rate. On the basis of Title VII, 17 states have either totally or substantially annulled or repealed protective legislation covering women. The ERA as it stands will add the finishing touch.

No one should be so naive as to assume that if the ERA passes and protective legislation is wiped out, working women not protected by union contract are somehow going to be granted decent working conditions, a living wage, and a minimum work week by benevolent employers. The National Right to work Committee has already stepped up its activity in several states. The ERA as it stands will put the lot of every working person, man, woman, and child back in the 19th Century. We have fought too hard and too long for what little legislation we have which betters our working conditions. The ERA should be amended to extend protective legislation to *both* men and women. Laws dealing with equal pay for equal work and equal employment opportunity should be strengthened and enforced. Women should continue to fight for full equality under the law, not forgetting that the struggle is to better our lot, not to worsen it.

NUTRITION FOR THE ELDERLY

Mr. PERCY. Mr. President, to those of us who have taken an interest in nutrition services for the elderly—particularly for the elderly poor—the passage yesterday of the Kennedy-Pepper nutrition-for-the-elderly bill in the House of Representatives comes as welcome news indeed. This action virtually assures that a highly successful, on-going demonstration program which provides hot, nutritious meals for the elderly will be expanded and established on a more permanent basis.

The origin of this program goes back to 1968, when the Administration on Aging undertook a research and demonstration project whereby nutritious meals and nutrition education were offered to the elderly in communal dining facilities—such as schools, churches, and other public and nonprofit settings. The program operated on the premise that many elderly people suffer from inadequate nutrition, and that if their health could be improved by means of better nutritional service, so, too, could their emotional and spiritual outlook on life.

The program proved highly successful. One elderly participant described it in these terms:

> It is hard for us as Seniors to put into words just how we feel about our Senior Citizens program. It has enriched our lives to the extent that we now have a real zest for living. The meals program has been a tremendous tool to get us together around a table twice a week. Besides the good we get from the nutritious meals, we also have a grand time socially.

Thirty American cities, including Chicago, were originally selected for participation in the demonstration program. As of last June, the program was still operating in 22 of the original sites. Yet despite the program's great success, it faced almost certain termination last June, as no provision had been made for funding it beyond that time.

To keep the program alive until such time as Congress could pass more permanent authorizing legislation. I offered an amendment within the Senate Appropriations Committee to extend the program for one year. My amendment passed the Senate, but subsequently failed to meet House approval when the appropriations bill went to conference. Fortunately, however, the administration agreed to save the program by refunding existing funds through Executive order.

On the second day of the White House Conference, the Senate version, S. 1163, passed the Senate by a unanimous vote of 88 to 0.

On February 3, in hearings before the Senate Special Committee on Aging, Dr. Arthur Flemming announced that the Administration is prepared to implement this legislation quickly upon House passage.

It is with great pleasure, therefore, that I take note of the House action of yesterday in passing this vitally important legislation.

Our next concern should be to assure the adequate funding of this program through the appropriations process. As a member of the Senate Appropriations Committee, and cosponsor of S. 1163, I intend to continue following its development and to make every effort to see that it is funded.

The passage of this legislation marks the logical culmination of the current demonstration project which has proved so successful. It is, in a sense, a known quantity, and I believe it offers us a partial alternative to expensive, institutionalized care for many senior citizens.

I am sure that many elderly people share my feelings of appreciation for Senator Kennedy and Congressman Pepper for introducing this legislation, as well as for the administrations promise to implement the program quickly.

Mr. President, I ask unanimous consent that an article on the nutrition program for the elderly, published in this morning's New York Times, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

House Approves Meals for Aged

(By Majorie Hunter)

Washington, Feb. 7.—The House approved today a $250-million program to provide daily hot meals for the nation's elderly. The vote was 350 to 23.

Almost identical legislation passed the Senate unanimously several months ago. The Senate is expected to accept minor House amendments, thus sending the bill to the White House.

The program is geared primarily toward the poor, but meals and other nutrition services would be available to the more affluent elderly on an ability-to-pay basis.

Under the two-year program, the Federal Government would finance up to 90 per cent of the cost of state-sponsored feeding projects for persons 60 years old and older.

New York's estimated allocations would be $9.3-million in the fiscal year starting July 1 and $13.9-million the following year.

The projects would be operated for the states by public or private institutions, organizations, agencies or political subdivisions.

Community feeding services, offering at least one nutritious hot meal daily, would be set up in schools, churches, senior citizen centers or other centrally located facilities. Funds could be used to transport the elderly to the facilities and to provide home-delivered meals to shut-ins.

Nutrition experts have said that many of the more than 20 million elderly in the nation suffer from malnutrition.

TEA AND TOAST

Some have insufficient income. Others are too feeble to shop for food and prepare their own meals. Still others, suffering from loneliness and isolation, have no incentive to prepare nutritious meals and have been referred to as "the tea and toast" generation.

Each feeding project would be required to provide at least one hot meal a day, five or more days a week. The meals would be required to contain at least a third of the daily recommended dietary allowances established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council.

Some such projects are already being conducted by church groups and other organizations, but a recent survey showed that only about 12,000 shut-ins throughout the nation were now being served by such programs.

The bill now passed by both houses was recently endorsed by President Nixon. The special feeding program was proposed by the White House Conference on Food, Nutrition and Health in 1969 and more recently by President Nixon's Task Force on Aging.

The bill was sponsored in the House by Claude Pepper of Florida and John Brademas of Indiana, both Democrats, and in the Senate by Edward M. Kennedy, Democrat of Massachusetts, and Charles H. Percy, Republican of Illinois.

WHY SPACE SHUTTLE, AND AT WHAT PRIORITY?

Mr. CRANSTON. Mr. President, America's space program has been one of this Nation's most important technological and scientific achievements. And the Apollo trips will go down as one of the greatest scientific accomplishments in man's history.

I believe Apollo was not an end, but a beginning of space exploration and space technology.

Now we are ready for the next step—the development of the space shuttle.

I welcome President Nixon's announced support of development of the space shuttle. In the Senate, I will do everything possible to make sure that this program goes forward.

For I am convinced that it is important not only to America; I believe it is vital to the future of the world.

In California, I was joined by Governor Reagan in helping to form a California Space Shuttle Task Force which has been arguing the case both for the creation of the shuttle program and establishment of the space shuttle base in California.

The task force has just published a new pamphlet entitled "Why Space Shuttle, and at What Priority?" which explains in lay terms the need for the shuttle.

This is an excellent publication. I recommend it to my fellow Senators and others interested in the future of the space program. I ask unanimous consent that the text of "Why Space Shuttle, and at What Priority?" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Why Space Shuttle, and at What Priority?

(By James A. Cook, Executive Director, California Space Shuttle Task Force)

These are legitimate questions. In the midst of the urgency to proceed with the Shuttle, the need and the priority may not have been fully conveyed.

A NATIONAL PROGRAM

The Shuttle program is of national necessity and international influence. The need encompasses more than California's qualifications for sharing in the manufacture, interest in obtaining the testing program, and the extensive technical justifications for utilizing California's launch and landing facilities as the Shuttel's base-site.

RESOLVING EARTH NEEDS

Earth-located needs of our country and others will command the services of the Shuttle initially and for decades to come. Tasks include: assessing pollution of air and water, warning of crop disease, charting land use, evaluating the status of mineral reserves, foretelling of capricious weather, sorting out the crowded communications airwaves and . . . just as we are also observed from space . . . improving the reliability of our prudent observations of the international scene.

A major emphasis of the entire space program is increased attention toward resolving needs of earth. It is this orientation toward the earth that underscores the legitimacy of California as a launch site. From here launches rise into orbit without passing over another nation or crowded metropolitan center during ascent. Such launches go on to circle the earth from pole to pole in low or medium orbit while the earth rotates below from West to East. Thereby, all portions of this planet are viewed perpendicularly synchronized with the illumination of the sun, a conveniently desirable feature of launches from California.

By contrast, launches on several southward angles from Cape Kennedy are generall unfeasible because of overflight during launch of heavily populated southern Florida and the preference to avoid ascending overflight of Cuba. Historically, the Florida launch site was invaluable during the early years while we were still developing thrust capability and needed the eastward rotational spit of the earth to assist in lofting payloads into orbit and for safe ocean dump while we developed reliability. Flights into equatorial orbits or on toward the moon have been among the major contributions of that site.

SHUTTLE PRIORITIES

Priorities exist now. But other priorities are also arising within the short span of the Shuttle's developmental years that urge commencement now.

PRACTICAL APPLICATION

America is in the process of converting space capabilities from scientific exploration into practical application. The advantages and potential have been demonstrated. As the next logical step, the Shuttle is conceived to do these tasks less expensively, more routinely, and with the capability to satisfy a wide range of flight missions using a single space transport vehicle rather than the several sizes of missiles now required. The Shuttle will replace all but the smallest and the largest.

REQUIREMENTS OF THE 1980'S

The diversity, shapes and capabilities of space payloads of the late 1970's and 80's require Shuttle capabilities. For instance, the Shuttle could be the truck that transports to space a tug capable of moving from orbiting satellite to orbiting satellite.

NECESSITY OF MAN

Man in space provides the judgment, response, discernment, and ability to rectify problems that are otherwise costly, if not impossible, to solve in unmanned spacecraft as well as the difficulty of their retrieval can be reduced as the Shuttle is perfected to carry men safely to and from space.

FOREIGN COMPETITION

Foreign competition requires staying abreast of space transport trends which now include the Shuttle. If we are to earn a commanding respect in the modern world wherein space-ability is now equated with national capabilities we must assume the responsibility of proceeding with the Shuttle.

STRATEGIC NEED

Strategic need demands a capability to respond by Shuttle, to counter or to deter foreign space activity. As we place satellites in orbit, we will also prefer to intercept our own space packages for purposes of observation, repair and return to our base site on earth. The maneuverability of the Shuttle will provide that skill rather than abdicating that ability to another space power.

FOREIGN TRADE ADVANTAGE

Foreign trade and balance of payments competition has demonstrated that our margin of overseas sales advantage lies in aerospace products and related fallout. Without diminishing our standard of living or reducing our workers' wage level to undercut foreign competition, our most remunerative contribution to world trade could exist in Shuttle-related products, jet aircraft, exotic metals, electronic miniaturization, computer advancement and software, high technology development, etc.

ECONOMIC STIMULUS

While earth-oriented needs can be observed and evaluated by the distant view from space that "sees" conditions in relationship to the surroundings the economic solutions to those needs can be assisted and made financially attainable through a healthy, viable, taxpaying, trickle-down and "multiplier" effect inducing Shuttle industry and its employees.

CONVERTING RIDDLES TO PRODUCTS

Governmental endorsement of a program as advanced as the Shuttle provides the impetus to solve technical and scientific riddles. Solutions to those riddles often provide the follow-on revelations that can be converted into commercially feasible products. Traditionally the aerospace industry has made most of its commercial advances on the basis of programs initiated by the Government.

The Shuttle is destined to inspire solution to specific problems that could readily convert to commercial application. Among them: heat resisting metals and fibres for the Shuttle's thermal protection system, conversion of missile structures into aircraft capabilities, novel load-bearing landing gear, continued miniaturization, and long-life reusability for one of this century's most appropriate developments . . . the environmentally desirable liquid hydrogen and liquid oxygen engine wherein the only residue is a slight bit of water vapor and hydrogen.

The desirability of the liquid hydrogen engine underscores another California justification as a launch and landing site. California is unique in having the largest production capability currently in existence for the creation of liquid hydrogen from natural gas. By contrast large amounts of liquid hydrogen or natural gas would have to be made laboriously available from distant suppliers if the Shuttle's schedule of regular, frequent flights were to be maintained at a Florida location.

A NEW INDUSTRY

Modern America's economic survival hinges, in part, on the continued development of promising new industries. The Shuttle may hold the promise of another entirely new industry, without displacing an alternate one. During the past two and a half decades America has demonstrated a unique capability at development of such "new" industries as television, computerization and software, peaceful applications of atomic energy, and initial outer space endeavors. Besides lofting weights from earth to space, it is conceivable that the Shuttle may eventually return to earth some materials which are now being depleted here, such as the return of rare and vanishing gases.

RETAINING TALENT TEAMS

The retention and inspiration of America's technical talent teams can be nurtured through Shuttle development. Among this Nation's most fortuitous resources are our imaginative, creative, problem-solving scientific and technical teams. The Shuttle will challenge the outer limits of their capabilities; a more gratifying employment of those talents than diversion into less demanding tasks that utilize only a portion of their skills.

REEMPLOYMENT

Remployment of some of California's most talented technicians could occur if the Shuttle proceeds. During the six year period of development about one-half of the estimated 50,000 workers engaged in constructing the vehicles could be Californians; initially, engine manufacture will engage about 3,000 employees.

Location of the launch and land base-site in California could have a long term, follow-on, economic levelling stability for approximately 19,000 Shuttleport employees as well as hundreds of nearby payload servicing technicians. The base is anticipated to be the Western world's primary Shuttleport for many decades and could exert an economic gravitational pull toward the region in excess of that exerted by Cape Kennedy in recent years. The increasingly large components of the now-concluding Saturn/Apollo era gradually draw much intermediate and final assembly away from California to Gulf Coast ports where barges could move the large segments to the Cape. The enormity of the logistics problems involving the Shuttle could urge an efficient location of much final manufacturing in convenient relationship with the launch base site.

Despite the magnitude of the Shuttle program it still represents only about one-fourth to one-third the scope of the Saturn/Apollo program in either dollars or workers. In that respect, Shuttle development will not absorb all of the Nation's out-of-work aerospace workers, nor even all of California's. However, the Shuttle will maintain a strong nucleus of employed aerospace talent.

APPLES AND ORANGES OF COMPARISON

The forthcoming Shuttle era can be unique in its contribution. Cancellation of the program would not necessarily result in solution of the earth's ills. The modest development level for the Shuttle, in dollars budgeted, would not alternatively nor necessarily buy relief from other social problems. The apples and oranges of our varied alternatives and priorities don't readily compare. The Nation's diet is mixed. But, the apple of space can be utilized to make the orange of life on earth more gratifying.

A CURRENT EXAMPLE FORETELLS THE SHUTTLE

Our capabilities from space as well as the legitimacy of a California launch site are emphatically demonstrated by a series of orbiting space shots lofted from California in Spring 1972. This series of shots placing Earth Resources Technology Satellites in orbit symbolize the kind of activity which can be accomplished less expensively and more extensively in the forthcoming Space Shuttle era.

ERTS–A "senses" each corner of the world every 18 days for a year, recording the land use of the United States in 550 "pictures". A U–2 aircraft, sensing remotely, would need to take a million pictures to do an equivalent task.

Among the hundreds of experiments conducted, Californians will be particularly interested in those that:

Determine whether to expect shortfalls or bumper crops of grain in the northern and southern hemisphere;

A monitoring to determine how much mercury is being dumped into the Gulf of Mexico and where it is coming from;

Detection of forest insect infestation in the Sierra Nevada Mountains of Yosemite;

Study of measures to control pink bollworm infestation of cotton in the Imperial Valley;

Remote monitoring of haze over Los Angeles;

Determination of the aerosol content in the atmosphere of southern California;

The movement of sediment plumes in San Francisco Bay;

The grazing of wild and domestic animals on the public lands of the Far West;

The color of the ocean for the improvement of commercial fishing off the coast of Oregon;

The extent of snow cover for river and flood forecasting in the Sierra Nevada Mountains; and

Thermal surveillance of active volcanoes in the Cascade Range.

TOOL TO IMPROVE LIFE ON EARTH

This, then, foretells the usefulness of the shuttle. Our aerospace skill has risen to another new plateau. Awareness of the potential and our command of the technology can now combine to give us increased knowledge that provides a guide for improving life on earth.

THE CRUSH OF HABEAS CORPUS PETITIONS

Mr. GURNEY. Mr. President, discussions concerning the continuing woes of our criminal justice system seem to be appearing on a regular basis in national magazines and newspapers as well as law reviews and other legal publications.

One of the most serious problems effecting this system today is the crush of habeas corpus petitions, and its resultant burden on our already overloaded courts.

Judicature magazine is one of the better legal journals in the country and is the official publication of the American Judicature Society, an organization deeply interested in the effective administration of justice. Its December 1971, issue contains an excellent article by Attorney General John Mitchell concerning the problems of administering habeas corpus. As the article points out the serious need for reform in this area, I recommend it to Senators, and ask unanimous consent that it be printed in the Record.

In light of the need for habeas corpus reform, I intend to introduce proposed legislation in the near future which would expedite its procedural aspects and relieve this tremendous burden on our courts.

There being no objection, the article was ordered to be printed in the Record, as follows:

RESTORING THE FINALITY OF JUSTICE

(By John N. Mitchell)

The story is told that many years ago a bishop and a judge were arguing with one another as to who was the more powerful. The bishop said to the judge, "All you can say to a man is 'You be hanged,' whereas I can say to him 'You be damned.' "

To this the judge responded, "Yes, but when I say 'You be hanged,' you *are* hanged."

Certainly this tale proclaims its own antiquity. Fortunately the day is long past when a single sentencing judge had unreviewable discretion in determining the fate of a convicted criminal.

But today, both in the federal and state criminal court systems, we have gone to the other extreme. In federal courts alone, petitions for appeal in criminal cases more than quadrupled during the 1960's. It is not unusual for cases to drag through the courts for years. Frank Hogan of New York, the dean of American district attorneys, has said, "there is virtually no such thing as finality in a judgment of conviction."

This is a serious misdirection of justice. The process of rehabilitating offenders is seriously impeded when they never reach the point of recognizing their own guilt. Justice must be fair, impartial, and protective of human rights, but it should also have another attribute—finality.

As you know, President Nixon has been very concerned about the effectiveness of the American judicial system. Last March, at the National Conference on the Judiciary in Williamsburg, Virginia, he delivered a major address calling for court reform. The United States Department of Justice is dedicated to this cause, and is doing what it can within its jurisdiction. It drafted and promoted the passage of the District of Columbia Court Reform and Criminal Procedure Act of 1970, which is an important example of reform. The Department's Law Enforcement Assistance Administration is providing funds to states and localities for improvement of their court systems. One of the most important of such projects was proposed to LEAA by the 23rd Judicial Circuit. It suggested that it study the causes of court solutions. This project has been approved, and LEAA is granting nearly $57,000 for this purpose. The 23rd Circuit is contributing the time of the four circuit judges and courtroom staff, of County Bar Associations personnel, and other operating expenses. It is hoped that the proposals from this project will be a model for other circuits.

As you can see, court reform is in the air, and there are a number of people who are already involved in the process. In this respect, I would like to concentrate on one factor which in recent years has done more than any other to compound the problem of finality.

Today, final judgments of convictions are subject not merely to direct attack on appeal, but to collateral attack through post-conviction remedies seemingly derived from the writ of habeas corpus. This means that when a criminal defendant has been convicted and sentenced in the state courts, and has exhausted his right of direct appeal to higher courts, he may nonetheless relitigate the case all over again in federal courts on claims of constitutional violations, using the theory of habeas corpus.

The writ of habeas corpus became of importance in England during the fight against the prerogative of the King to commit persons without disclosing the cause of the arrest. Without the cause of the arrest made known, the prisoner could neither be bailed nor tried. The writ of habeas corpus was used by the courts to force the jailer to bring the person arrested before the court so that the court could determine the legality of the detention. It was only a pre-trial device to force the disclosure of the cause of detention. It could never be used after conviction.

HABEAS CORPUS MISUSED

In the United States the present form of the writ bears little resemblance to its early counterpart. The federal writ was made available as a post-trial remedy for federal prisoners as early as 1789, and for state prisoners in 1867. Since then its use in this manner has been greatly expanded by court decisions, especially since 1953. Today in the post-conviction proceedings derived from habeas corpus, a single federal district judge is called upon to redetermine questions of federal constitutional law which may well have already been passed upon by the trial courts and the highest court of the state. Sometimes these involve new interpretations which change the legal concept on which the trial had been based years earlier. If he determines that a federal constitutional violation has occurred and that it prejudiced the defendant's trial, he will order the conviction overturned. His decision is appealable by the losing party to the appropriate federal court of appeals, and thereafter review may be sought in the Supreme Court.

Under existing law there is no limit to the habeas corpus-type petitions that can be filed by a prisoner. As the Supreme Court has construed the habeas corpus statute passed by Congress in 1867, a prisoner may raise a new claim at any time regardless of the number of petitions he may have filed earlier. The only limitation—and one very difficult to enforce—is that he must not have consciously and deliberately withheld the claim from his earlier petitions. Thus there are instances substantiated by federal court records in which prisoners have filed as many as forty or fifty petitions, and there is one case with 57 petitions.

It is entirely permissible under existing law for a prisoner to file a federal petition claiming that a confession given by him was coerced. Much later he may file another contending that evidence seized in his home was the product of an unreasonable search and seizure. Still later he may challenge the composition of his jury, or claim that adverse publicity prior to the trial prejudiced the result.

The federal court must consider the merits of each of these claims, notwithstanding full prior adjudication of these same issues. In short, prisoners are almost entirely free under present law to have their convictions relitigated again and again on the basis of alleged constitutional infirmities, many of which are new interpretations suggested by an imaginative defense attorney.

COURT SYSTEM EXPLOITED

This is an exploitation of the court system. Today's notions of habeas corpus are not only inconsistent with the writ's historic tradition, but serve more often than not to frustrate justice rather than to promote it. This is not to imply that we should deny the right of the prisoner to challenge the constitutionality of the proceedings that led to his conviction; however, the use of collateral attack, which was intended only as an extraordinary remedy, must be brought under manageable control in order to restore some balance to the judicial process.

The abuse of habeas corpus not only distorts the function of the courts, but gives an undue legal advantage to the offender who can afford to retain an attorney on a continuing basis to think up new modes of attack. The indigent prisoner must, without legal training think up his own grounds for attack, and the court determines whether the merit of his petition warrants assigning him a paid lawyer. In my opinion this represents an unequal application of justice.

There is another serious reason for such reform. The lack of finality has an effect on the rehabilitation of convicted persons. Writing in the *Harvard Law Review*, Professor Paul M. Bator of Harvard Law School has argued persuasively for more finality, and has pointed out its impact on the rehabilitation process. He observed that the first step in rehabilitating offenders is a "realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation. . ."

Lack of finality may well have similar negative effects on the respect for law generally. Do we not demonstrate a certain lack of confidence in our legal processes if we must keep avenues open for endless redetermination of questions long ago passed upon by competent judicial tribunals? As Judge Henry Friendly, Chief Judge of the Court of Appeals for the Second Circuit, recently observed, "It is difficult to urge public respect for the judgments of criminal courts in one breath and to countenance free reopening of them in the next." In the same vein, Mr. Justice John M. Harlan, concurring in a recent Supreme Court opinion, observed:

> No one, not criminal defendants, not the judicial system, not society as a whole, is benefited by a judgment providing that a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved.

If some substantial percentage of the petitions filed were determined to be meritorious, perhaps there might be a basis for concluding that the expanded writ is necessary and that, on balance, it should be retained as it is. However, the statistics indicate that less than one percent of the petitions filed in the federal courts are found to be meritorious. For every sound petition, there are scores of patently frivolous ones. As Mr. Justice Robert H. Jackson noted nearly twenty years ago, "It must prejudice the occasional meritorious application to be buried in a flood of worthless ones."

MANPOWER BURDEN INTOLERABLE

The manpower burden which the abuse of habeas corpus imposes on the courts, defense attorneys, and both local and federal prosecutors is intolerable. It even contributes to the significant delays that exist in certain jurisdictions between arrest and trial. The number of petitions filed by state prisoners in the federal courts each year is staggering, and the increases in that number over the past two decades are equally staggering.

Twenty years ago, for example, the number of petitions filed annually was less than 500. By 1960 the number had risen to 900, and since then the filings have multiplied more than eightfold to more than 7,500 in 1969.

The petitions could be disposed of in only one of two ways—either by consuming a substantial amount of time of lawyers and judges, or by being relegated to a sort of second-class type of federal action, to which all parties concerned would give short shrift. Neither of these methods of disposition is a sound basis for administering criminal justice, in my view. Justice is not served when the litigation of frequently frivolous habeas corpus petitions diverts the energy and resources of the legal community from criminal cases, thus further undermining the constitutional guarantee of speedy trial.

Now, if this is a fair statement of the finality problem, what can be done about it? Three alternatives can be considered.

In his address on the subject of federal habeas corpus, Judge Friendly has proposed that certain constitutional claims be open to review only if the petitioner makes what the judge terms a "colorable showing of innocence." Since the prisoner has already had a chance to challenge constitutionality at his trial and on direct appeal, there may be something to be said for limiting habeas corpus to claims which may demonstrate the petitioner's innocence.

MODIFICATION SUGGESTED

Another alternative would be to limit the habeas corpus claims to those concerning the reliability of the fact-finding process. For example, where the constitutional claim does not affect the reliability of the evidence adduced—as in the case of unlawful searches and seizures, or the failure to warn of the right to counsel—such a claim could be made on direct appeal, but not on the use of the so-called federal habeas corpus appeal. This is the same principle applied by the Supreme Court in determining whether certain of its constitutional decisions will or will not be retroactive.

Still another response could be to establish a federal forum, other than the Supreme Court, to provide direct review of state and federal convictions. This review could be a substitute for the present-day application of federal habeas corpus. It could provide more opportunity for review than the Supreme Court now has time for, and there could still be the possibility of appeal from its rulings to the highest court. This could tighten up the review process and hasten finality.

You will note that none of these proposals contemplates revoking the federal habeas corpus statute, but only providing some modification. In identifying these various alternatives, I do not mean that we should adopt them all simultaneously or that we should choose only one. A combination of two or more, in varying degrees, might be desirable. Each has its own merits and its problems.

They have been catalogued, not to endorse any or all, but to further expand the dialogue that must occur within the legal profession if the element of finality is to be restored to the justice process. The Department of Justice is examining these various alternatives so as to make recommendations; other interested organizations are urged to do the same. The Judicial Conference of the United States, too, should play an instrumental role in developing any remedy. Views should also come from the Conference of State Chief Justices, the National Association of State Attorneys General, and appropriate representatives of the criminal defense bar. Since the present-day use of habeas corpus as a post-trial remedy stems from a federal statute, it is hoped that Congress will join in this review, looking toward meaningful amendment of the law.

Above all, some consensus must be reached without too much delay. As matters now stand, the unrestricted application of habeas corpus is robbing the judicial process of whatever finality it had a few years ago. Partly because of this abuse, our courts are fast moving toward a state of, to borrow Milton's words, "Confusion worse confounded." There is no doubt in my mind that collateral attack using the writ of habeas corpus must be brought within reasonable bounds. If so, we can restore to American justice that moment of truth in which the guilty may begin rehabilitation, and the innocent may go free.

ENVIRONMENTAL IMPLICATIONS OF GENERATION OF ELECTRIC POWER

Mr. HART. Mr. President, the environmental implications of the generation of electric power is a subject with which we are becoming increasingly familiar. Fossil, fission, fusion, geothermal, solar—each energy conversion technology has environmental costs associated with it. This state of affairs suggests three possible responses:

First. Minimize the environmental impact of existing technologies as much as practicable;

Second. Develop alternate technologies which would have fewer associated environmental risks; and

Third. Consider the methods and consequences of reducing the demand for energy.

The necessity for action in the first two areas has lead to several efforts in the Congress which hopefully will reach fruition in the current session. The third course of action is one which by its nature must confront some of the most fundamental assumptions underlying our "growth ethic," Mr. President, I ask unanimous consent to have printed in the RECORD an excellent paper which concentrates on this third alternative. It was written by Prof. Herman Daly, of the Louisiana State University economics department, and was recently delivered by him before the annual meeting of the American Association for the Advancement of Science. The paper, entitled "Electric Power, Employment and Economic Growth," provides some thoughtful analysis which I hope Senators will have time to consider.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

ELECTRIC POWER, EMPLOYMENT, AND ECONOMIC GROWTH

(By Herman E. Daly)

"Every living thing is a sort of imperialist, seeking to transform as much as possible of the environment into itself and its seed."—Bertrand Russell

I. INTRODUCTION

The saillent fact about electric power production is that it is growing at 7% annually, doubling every ten years. Even ardent supporters of energy growth recognize the absurdity of projecting such a rate very far into the future, lest the entire environment be transformed into electric power and generators thereof. For example, Mr. John W. Simpson, president of Westinghouse Power Systems Company says the following:

"At some point in time, well before power plants crowd us into the ocean or we change the climate of the earth through the rejection of heat into the atmosphere, we will reach an energy plateau, a level at which our technology will have placed us through the super-efficient utilization of power. In other words we will have learned to do so much more with so much less power that more power plants as we know them today probably would be superfluous." (CONGRESSIONAL RECORD, vol. 117, pt. 4, p. 5429.)

How far in the future is this "energy plateau"? Mr. Simpson says only that "Well before that hypothetical 200 years from now, we will have seen a leveling off in the rate of increase of power consumption" (Ibid.) Within 200 years he forsees a "leveling off in the rate of increase"? Presumably this means a zero rate of increase rather than some constant positive rate. But the important concept of an energy plateau is left vague, and for the forseeable future (30–50 years?) he argues for more power plants as we now know them. Congressman Holifield (Joint Committee on Atomic Energy) puts a minimum figure of 30 years on the "forseeable future" in stating that ". . . the doubling factor every decade for the next 30 years is basic to our standard of living, now and in the future." (*Congressional Record*, vol. 117, pt. 14, p. 18056). According to this point of view, one can make the loose inference that at the minimum eight times our present electric power output might be enough—then we can begin to talk seriously about an energy plateau, not before. But certainly we could not abruptly decelerate from 7% to zero growth immediately at the end of 30 years. It would probably be necessary to double at least once more over a longer period, in order to overcome the inertia of growth without shaking up the economy too badly. Thus the "energy plateau" appears to be at least sixteen times the present output! Furthermore we are to grow as rapidly as we can (at least at 7% for the next 30 years, which is to say the next generation or sufficiently far in the future not to affect the capitalized market values of electric utility "growth" stocks. After us, the energy plateau—or perhaps the deluge?

For the regulated electric utilities growth and profitability are closely related. The regulated "fair rate of return on capital" has just been interpreted by the courts to involve three criteria. The rate of return must: (1) be commensurate with returns on investments in other enterprises having commensurate risks, (2) be sufficient to insure the financial integrity of the enterprise, (3) be able to maintain its credit and attract capital. The relevant criterion is the last. In order to attract capital to finance the rapid expansion of capacity the rate of return must be *higher* than in other investments of equal risk. The need for rapid growth, if established to the satisfaction of regulatory agencies, must lead to a higher allowable rate of return. Higher rates have already been granted in some cases and many petitions are pending. Furthermore, even if the regulated rate of return is held constant the utilities have abundant incentive to expand productive capacity in order to increase the base to which the regulated rate is applied, and thus increase total profits. If the rate of return must be raised to attract capital, so much the better. But in order to expand and to raise the rate, the regulatory commission must be convinced of the need for expansion. To convince the commissions the utilities must be able to point to a "shortage." To get a shortage demand must increase. To increase demand it is necessary to advertise and give lower rates for large quantities. Perhaps this explains the curious fact that the electric utilities, a public monopoly, spend eight dollars on advertising for every one dollar spent on R and D. (Neil Fabricant and Robert Hallman, *Toward a Rational Power Policy*, p. 7). Another incentive to growth beyond the optimum is that a large part of the cost of increased electric power is the social cost of environmental deterioration, which is paid by society in general, rather than by the parties directly responsible for the costs. Although one is not accustomed to thinking of electric utilities as a "growth stock," Standard and Poor now informs the investor that "electric power is not only the backbone of the American economy[!], it is also a vigorous growth industry." (Standard and Poor's Industry Surveys, *Utilities-Electric, Current Analysis* May 27, 1971).

Electric power is now used to burn neon signs in the daytime, to run electric toothbrushes and moveable sidewalks. With so many trivial uses of electricity in current vogue, one wonders just what we will do with twice as much in 1980, four times as much in 1990, etc. It is not my intention to belittle the tremendous importance of electrical energy or of production in general. The French economist de Jouvenel has put the issue very well:

"But if I do not at all object to the much enhanced status of Production, I may point out that Production has come to embrace so much that it would be foolish to grant any and every productive activity the moral benefit of an earnestness not to be found in so-called "nonproductive activities." When popular newspapers propose to bring out their comic strips in color, I find it hard to regard such "progress in production" as something more earnest than planting flowering shrubs along the highways. I am quite willing to regard poetry as a frivolous occupation as against the tilling of the soil but not as against the composing of advertisements."

"When organizers of production have to relieve a situation of hunger, efficiency is the one and only virtue. But when this virtue has been thoroughly developed and comes to be applied to less and less vital objects, the question surely arises of the right choice of objects." (Bertrand de Jouvenel, "Efficiency and Amenity", reprinted in Edwin Mansfield, ed. *Microeconomics*, W. W. Norton, 1971, p. 428).

The importance of this declining intensity of needs for increased production to satisfy is recognized also by advocates of growth, but as an *obstacle to be overcome* in order to increase the flow of output and employment. For example, economist Joseph N. Froomkin:

"The big challenge to the U.S. and other Western economies is to bring out cheaply, through automation or otherwise, new products that will tempt the consumer's jaded tastes. These new products in turn will stimulate investment. (Joseph N. Froomkin, "Automation," *International Encyclopedia of the Social Sciences*, Vol. I, p. 488)

Again, if the "big challenge" presently is to tempt the consumer's "jaded tastes" what are we going to do with sixteen times as much electricity? Population growth will absorb only a small and declining portion. The big increase will be, and has recently been, in per capita consumption. Perhaps we must all learn to imitate President Nixon's idiosyncracy of turning the air conditioner on full blast so that he can enjoy warming himself by the fireplace in mid-summer![1] This is rather logical. Central heating in the winter makes it too warm inside to enjoy the hearth fire, which man has loved from earliest times. In the summer air conditioning makes it too cold inside, and thus possible to enjoy a fire. Such self-cancelling uses are capable of absorbing great amounts of electric power, and perhaps of jading consumer's tastes to the very limit. But is such "production" more earnest than weeding a flower garden? The question of electric power for the poor is considered later.

The above considerations raise doubts about whether the impossibility of growing forever at 7% is really taken seriously, or if the notion of an "energy plateau" is not just mentioned in passing in order to fend off an easy *reductio ad absurdam* by opponents. At least the concept is left undeveloped. These doubts are increased as one reads the four main arguments by which the growth position has been defended in the media and in congressional hearings. (See previous references to *Congressional Record* for statements of these arguments.) These arguments are stated below, critically examined, and found to be grossly deficient both in their logic and premises. The growth advocates state that we must have continued rapid growth in energy in order to:

(A) increase the standard of living (level of consumption) of the present population, and extend that rising standard of living to some 70–100 million more Americans by the year 2000.

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[1] Interview with Tricia Nixon, reported on national news.

(B) clean up the pollution and recycle the waste which inevitably result from current and increased levels of production and consumption, and which have accumulated from past production and consumption.

(C) maintain an acceptable level of employment, since (1) labor is used directly in the production of electric power, and more importantly (2) power indirectly affects employment since it is an input in most production processes which also use labor, and it is a necessary complement to many consumer goods whose production employs people.

(D) produce the devices which give us the military defense and deterrent capacity "upon which world peace depends."

Our attention will mainly be directed to reasons (A) and (C), but it is important by way of introduction to realize that the four reasons are part of a whole point of view and are not independent of one another. The tacit, unifying point of view, the unarticulated preconception, is that of open-ended growth. Although open-ended growth is sometimes deneid by refusing to project the growth of the energy sector beyond one generation, it remains an implicit assumption of each of the four arguments for the "temporary" necessity of continued rapid growth.

Reason (A) postulates the goal of an increasing level of consumption with no mention of a "consumption plateau." But even the growth-oriented President's Council of Economic Advisors has told us that "growth of GNP has its costs, and beyond some point they are not worth paying" (*Economic Report of the President,* 1971, p. 88). Such a point does not enter into reason (A). Although there is a growing body of opinion that suspects that in the United States we may have already passed the critical point, reason (A) fails to recognize even the existence of such a point. As total output continues to grow and grow so does total waste and pollution. Reason (B), more energy needed to clean up, is thus guaranteed by reason (A), as well as by a backlog of accumulated pollution. Since matter and energy can be neither created nor destroyed, the more we "consume," the more waste we must clean up. Thus the first round of matter-energy degradation (production) requires a second round to clean up after the first, and in turn the second round of matter-energy degradation requires a third round to clean up after it, etc. There is an infinite series of clean-up uses of energy, although the terms of the series, like the dirt remaining after each sweep into the dust pan, probably diminish rapidly. Nevertheless there is something of a vicious circle in burning coal to power industry, and then having to burn more coal to produce the energy to blow away the smog, to clean up the buildings, to run the washing machines and dryers more hours to clean white shirts more often, to produce more washers, dryers, and white shirts to replace the more rapid wearing out of these items resulting from greater use, etc. What is ultimately scarce in the physical world is not energy but low entropy. The more energy we use, even for the purpose of cleaning up, the more rapidly we use up the stock of low entropy—i.e. the more rapidly we degrade the total environment. Thus reason (B) derives from reason (A) and also reinforces reason (A) by falsely suggesting that cleaning up *cancels* the environmental cost of production growth. Cleaning up is itself a *part* of the environmental cost of production, and while necessary, is certainly not an activity to be pursued beyond some limits. At some point the degradation cost of energy needed to clean up will be greater than the cost of the pollution which is to be cleaned up. Reason (C) argues for more energy in order to provide more employment. But inanimate energy is a *substitute* for human labor, as well as a complement. With a given total output an increasing supply of inanimate power will surely be used to substitute for labor (what else could it be used for?) and will result in higher productivity per worker, but *less* employment.

The reduced hours of employment would probably result in fewer men employed, although it could result in the same number of men working fewer hours. But since no mention is made of reducing the hours worked per man, and since this can increase men employed independently of changes in energy use, it is clear that argument (C) assumes that total output is growing at a rate faster than the rate at which power substitutes for labor. In other words we are back to reason (A) and unlimited growth in total product. Reason (D) appeals to national defense or deterrence needs for energy. But deterrence is not a thing or even a state. It is a self-escalating process of open-ended growth, a balance of power equation in which both sides continuously grow in tandem until the arms of the balance break. It meshes perfectly with the growthmania assumption of reason (A). The more the military depletes the civilian economy of resources and technical personnel, the lower will be growth in productivity of the civilian economy. The slower the growth in productivity the greater must be the growth in raw material and energy inputs to maintain a given rate of increase in product. The technical depletion of the civilian economy by burgeoning military "needs" has reduced possibilities of the one kind of growth which we all welcome, growth in productivity, or less input per output. It makes the "energy plateau" much harder to attain.

For the above reasons one cannot escape the strong impression that the fleeting mention of limits or plateaus is nothing but a base-touching digression, a debating parry, and that the paradigm underlying the four arguments remains one of "growthmania." In addition to the absurdities of projecting high growth rates of electric power into the future, we must add the absurdity of projecting high growth rates of total output, if we are to take the four arguments at their logical face value. To paraphrase Mr. Simpson, it seems that at some time in the future, well before power plants crowd us into the ocean, we will have already been crowded into an already polluted ocean by our commodities, their effluents, and their corpses! Our economy, a living thing, is succeeding too well in its imperialist drive to "transform as much as possible of the environment into itself"—i.e. into commodities and people. The electric power industry has simply been more successful in doing what all other industries are striving to do—namely to grow, and when possible to avoid paying the full social cost of the increased production. This points to serious irrationalities at the overall systems level of our economy, some radical implications of which will be treated in section III.

Further attention must be given (in section II) to reason (C), the employment argument, since it is both particularly influential in a period of unemployment, and particularly fallacious. The key argument, however, is (A), open-ended growth in consumption. If (A) falls the other arguments fall with it, so it will merit our special attention in section III.

II. ENERGY AND EMPLOYMENT

Bernard de Mandeville in the "Fable of the Bees" argued in favor of the most extravagant luxury consumption by the upper class on the grounds that it provides employment for the poor. Frederick Bastiat in his "Petition of the Candlemakers—"argued in favor of blocking out sunlight from all houses and buildings in order to increase employment among candlemakers, who in turn, through their increased expenditures, would stimulate employment in whaling, matchmaking, wick production, and in effect all industries, to the immense benefit of all the classes of the realm. These two gentlemen were of course speaking tonge-in-cheek with the object of satirizing some of their contemporaries who were making analogous arguments in all special-pleading sincerity. Whether the employment arguments of today's electric power interests belong to the same category I will leave for the reader to judge, presuming only to list a number of considerations which might be relevant in making such a judgment.

(1) Physical labor is at the margin a negative factor in the enjoyment of life. Leisure is at the margin a positive factor in the enjoyment of life. Thousands of years ago man domesticated animals to relieve his toil by substituting non-human for human animate energy in production. Later man "domesticated" inanimate energy and again substituted it for human energy and leisure previously sacrificed to production. It would appear that historically the dominant relation between human and non-human energy is that of substitution. The more of one, the less of the other, a negative correlation. Yet we find in fact a positive correlation. Historically the number of men employed has increased as non-human energy use has increased. Therefore one is tempted to argue that more employment necessitates more use of inanimate energy. But this crude empiricism will not stand up to simple rational analysis. The observed positive correlation between non-human energy and employment means only that energy use and employment are both correlated to some third factors which have been increasing historically, namely total output and total population. The positive indirect correlations via the growing third factors outweighed the negative direct correlation between energy and employment themselves. For a constant level of output and population we know that the correlation between energy and employment is bound to be negative for as we previously asked, what conceivable use of non-human energy is there besides either substituting for human labor in producing the same or a smaller quantity of goods, or complementing human labor in order to produce a greater quantity of goods? If we rule out the second we are left with the first. If we insist on more employment and more non-human energy we must also insist on more output. In the real world both substitute and complementary uses of inanimate energy are occurring simultaneously. Only if total product growth creates more jobs than are eliminated by the growth of non-human energy will employment increase. This is self-evident.

Congressman Chet Holifield, a supporter of energy growth, nearly proved too much in extolling the importance of energy.

"Our standard of living is the highest of any nation in the world because we use the highest ratio of mechanical power versus manpower."

"One man can do the work of 350 men." (CONGRESSIONAL RECORD, volume 117, part 14, page 18059).

This is a clear recognition of the overwhelming importance of increasing substitution as the major factor in increasing the standard of living. Furthermore, for one man to do the work of 350 men means that 349 men must do something else. If they are employed doing something else total product must increase. If total product does not increase they must be unemployed. Clearly what is responsible for increasing total employment is the increase in total product, not the increase in inanimate power consumption which in fact, taken by itself, must *decrease* employment.

(2) As non-human energy has replaced human energy in agriculture it has not been possible to provide much employment in this sector, even with vast increases in total agricultural product. Employment was provided by growth in the new sector of industry. As non-human energy replaces men in industry, even with large increases in total

output of the industrial sector, the major source of new employment has been the "new" service sector rather than industry. The service sector's share of total employment has grown from approximately 40% in 1929 to over 55% in 1967. Of the total net increment of 14 million jobs between 1947 and 1965, the service sector accounted for an increase of 13 million, industry an increase of 4 million, and agriculture a decrease of 3 million. (See Victor R. Fuchs, *The Service Economy* NBER, Columbia Univ. Press, 1968, p. 2). Services, the least energy-using of the three sectors, have provided nearly the entire net increase in employment since 1947. Service institutions such as banks, hospitals, retail stores, schools, insurance companies, etc. are the providers of new employment, and their energy requirements are for lighting, space heating and cooling, and office machines—perhaps no more energy intensive than the average household, on a per capita basis. The most energy-intensive sectors are also the most highly capitalized and automated, and consequently are not significant providers of new employment. Thus the alleged need for large increases in energy input to provide new jobs seems to presuppose that the average new worker will work in a steel or aluminum plant. This is counter-factual. He will work in a service institution.

What is the reason for the drastic shift of employment toward the service sector? The authoritative study by Victor Fuchs (cited above) considers three hypotheses: (1) a more rapid growth of final demand for services, (2) a relative increase in the intermediate demand for services, and (3) a relatively slow increase in output per man in services. Reason (1) could not be very important since the service sector's share of total output was the same in 1965 as it was in 1929, when measured in constant dollars. Measured in current dollars it increased only from 47% to 50%. Hypothesis (2) is examined statistically and found to account for less than 10% of the total change. The major explanation is hypothesis (3), that output per man grew much more slowly in the service sector than in the other sectors. This means that the amount of labor required for a given output fell more rapidly in agriculture and industry than in the service sector. In other words, services employ relatively more people because agriculture and industry need relatively less labor year after year.

But why has productivity per man risen more slowly in the services than in industry? Are services inherently less subject to technological improvement than manufacturing? Perhaps so, as Fuchs seems to suggest, but there is another reason which should not be overlooked. The industrial sector of the economy is characterized by much greater monopoly power than is the case with services. This power tends to be "countervailing" with oligopolistic managements offset by monopolistic labor unions. More than half the persons employed in industry are union members, while the service sector is only about 10% unionized. (Victor Fuchs, op. cit. p. 8). Unionized labor succeeeds in temporarily pushing wages above the marginal revenue product of labor (MRP_L). Management reacts by seeking to reestablish the equality in order to keep short run profits at a maximum.[2] As wages rise the firm would produce less in the short run, which would tend both to increase the product price and the marginal physical product of labor, and consequently the productivity per man measured in value terms. In the long run management reacts to union power by seeking to substitute capital for labor, thus further increasing the productivity of labor and reducing the number of laborers needed. In the service sector, by contrast, we witness neither much unionization nor much monopoly power, since entry into services is not blocked by high initial capital outlays as in industry. Such "cartelization" as does exist in services (physicians, lawyers) involves no conflict between labor and management with the resultant upward pressure on productivity per man. It seems, therefore, that at least a part of the difference in productivity and employment between industry and services has its origin in differential market power rather than a differential susceptibility to technological progress.

One-third of service sector employment is in non-profit institutions where the employment-limiting rule of wage equal to MRP_L loses its rationale from the very beginning. Also the service sector has a much higher incidence of self-employment where the wage equal to MRP_L rule applies with less force and where a decline in employment often takes the work-sharing form of fewer hours worked by the same number of people. Many small entrepreneurs in services are also, however unintentionally, "non-profit institutions" and are providing temporary employment while in the process of slowly going out of business. Retail gasoline stations are a case in point. Finally, for many services output is so hard to measure that it is estimated for national income purposes by the value of input (e.g., government services), with the result that productivity loses, all meaning. Often productivity in services, even when it can be roughly measured, depends as much on the consumer as on the producer. For example, a physician's productivity depends on the patient's ability to supply an accurate medical history, and the teacher's productivity varies according to the interest and intelligence of the student. In sum, the whole notion of productivity in the service sector is often very vague (may depend on consumer as well as producer), or completely meaningless (as when we estimate the value of output by the value of input), or of little consequence in determining employment (as in non-profit institutions, both intentional and unintentional). The upshot is that service sector employment is much less strictly limited by productivity considerations than is industrial employment.

On the demand side ever rising standards of minimum consumption levels for certain services (education, medical care, legal counsel, insurance, government welfare services) have helped to keep demand up with supply and to make possible growing employment in these areas. But there is a limit to the amount of services people will voluntarily consume. Much service consumption is already involuntary—e.g., compulsory schooling, quasi-compulsory college attendance in order to get a job, compulsory insurance and retirement services and related medical exams, compulsory psychiatric care for the "mentally ill," etc. How far such forced consumption is justifiable is now becoming a hotly debated issue. Books are written on "Deschooling Society" and on "How to Avoid Probate" and the associated legal fees. The notion of "legal insanity" and forced consumption of psychiatric services is also under attack.

It has long been argued that in underdeveloped countries the service sector, particularly government services, serves distribution more than it serves production, by acting as a sponge to absorb the unemployed. Might not the same apply to the United States?

(3) One must recognize of course that men are employed directly in energy extraction, refining, pipeline transportation, and utilities. This employment amounted to 2.6% of total employment in 1947, 2.3% in 1955, and 1.8% in 1965. The energy sector accounted for a much larger percentage of total investment; 16.1% in 1947, 22.0% in 1955, and 19.4% in 1965. The percentage of GNP originating in the energy sector was 4.5% in 1947, 4.7% in 1955, and 3.8% in 1965. Note that the share of energy in investment is very high relative to its share in total product. Note also that energy's share in employment is low relative to its share in total product. Thus it requires a relatively large investment in energy to produce a relatively small amount of employment. (See RFF, *U.S. Energy Policies*, p. 22). Energy transformation is probably the most capital-intensive, labor-saving sector of the economy. Direct employment from its growth will be very small.

(4) Indirect employment effects are another matter, and have been touched on already. We may consider two kinds of indirect employment effects: those arising from interdependence on the supply side, and those arising from the demand side. On the supply side it is undeniable that energy is a necessary input to nearly all sectors. But it does not follow that increasing the production of energy will increase the number of jobs in these sectors. To the extent that increased supply lowers the price of energy the result is more likely to be a reduction in employment as cheaper energy is substituted for human labor. Nor does it follow that other sectors cannot expand employment without an increase in energy input, except in the special case of fixed coefficients of production. In general therefore an increase of energy input to the supply side of the economy is neither a sufficient nor a necessary condition for increasing employment. Furthermore the same supply interdependence arguments would apply equally to many other sectors, not just energy. Minerals are necessary inputs to most sectors, so the jobs of all people in all sectors depend on minerals. Likewise for water. For some production processes a ¾'' no. 8 counter-sunk chromium plated brass wood screw is a necessary input. Therefore the jobs of all people in those sectors depend on this type of screw. And so on, all of which proves nothing.

On the demand side there are indirect employment effects resulting from new investment in the energy sector. As we have seen the energy sector does account for a significant amount of new investment, some 20%. This high percentage of investment results from rapid growth and high capital intensity. These investment expenditures generate a chain of respending, or "multiplier effects" throughout the economy, stimulating output and employment (and inflation). But once again this Keynesian argument is perfectly general and can be applied to new investment in any sector. Indeed, it can be applied to increased expenditure of any kind (increased welfare payments, unemployment compensation, or military spending), not just investment. Arguments appealing to indirect employment effects, either via supply or demand, are therefore obvious cases of special pleading—they apply to all sectors, not just energy. Such arguments, when they rely on investment as they usually do, are also promised on open-ended growth in total product (reason A).

(5) An occasional variant of the employment argument is what might be called the "power for the poor" argument. To quote Mr. Simpson again,

"If we were to freeze our rate of power generation and consumption, we would effectively deny those millions who are below the average any chance to improve their lot in the future." (Congressional Record, volume 117, part 4, page 5428).

The statement is a non sequitur. The lot of those below the average does not depend on electric power alone, and even if it did their lot could still be improved by cutting down the consumption of those who are above average—evidently a thought too horrible to contemplate! No evidence is presented to the effect that the increment in power would go largely to the poor. There is reason to expect just the opposite.

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[2] As long as the wage is less than the marginal revenue product of labor the firm can increase profit by hiring more laborers. If the wage is greater than the marginal revenue product of labor profits are increased by hiring fewer laborers (i.e. the last laborers hired cost more than they were worth to the firm). When wage equals the marginal revenue product of labor it is impossible to increase profit by hiring either more or less labor—in other words profit is at a maximum.

Consider the same argument as expressed in the "Energy Marketing" section of *Electrical World* (March 15, 1971, p. 147). In an article entitled "Zero Growth Power Advocates Ignore Effect on the Poor" it is argued that zero growth in power is a policy "which, by sort of grandfather clause, would seek to prevent those of lower income and darker skin from sharing in the not-inconsiderable comforts and conveniences afforded by modern electric appliances. . . ." As "evidence" we are presented with the following interesting table which shows that a much larger percentage of the wealthy and white own major electric appliances than is the case for the low income and non-white.

APPLIANCE OWNERSHIP BY INCOME AND RACE (NEW YORK CITY) PERCENT OWNERSHIP

Income	Air conditioner	Dish-washer	Vacuum cleaner
$0 to $3,000	12	1	40
$3, 000 to $5,000	11	2	46
$5, 000 to $10,000	28	5	69
$10, 000 to $15,000	48	15	89
$15,000 and over	58	36	95
White	40	12	81
Nonwhite	8	3	[illegible]

Source: Electrical World, Mar. 15, 1971, p. 148.

The "conclusion" that the reader is encouraged to draw from these statistics is that, "future growth will consist of gradual accumulation by lower income families of the more modern appliances first accumulated by their wealthier cousins." But if the latter comes about it will be because of general economic growth and the resulting growth in employment, not from growth in electric power, which taken by itself is likely to have the opposite effect, as we have already seen. More importantly the conclusion which follows from the fact that the rich own relatively more appliances than the poor is that the rich use relatively more electricity than the poor.

How can the poor use much more electricity without buying air conditioners, dish washers, vacuum cleaners, frost-free refrigerators, washers, dryers, color T.V.'s etc? And how can they buy these appliances if they are poor? If the increment in electric power were truly directed to the poor, one would expect to find the energy marketing people striving to promote mainly simple, low-cost appliances with low operating and maintenance costs, designed to be advantageous to the poor. One would expect to see research and development receive eight times as much as advertising instead of one-eighth as much, as is now the case. One would also expect to see rate discrimination in favor of the small, rather than the large, users. That the energy marketeers prefer to concentrate on production for those who can pay high prices is obvious from the articles appearing in the "energy Marketing" section of *Electrical World*.

For example, consider the other two articles in this section of the same issue. One extols the virtues of a moving sidewalk projected for Boston, the object of which is to convey consumers from the parking area to the shopping area more quickly. It would seem that since conveyor belts have speeded up production, bringing the commodity to the market more rapidly, we must also speed up consumption by putting the consumer on conveyor belts. A moving sidewalk will surely be a boon to the ghettos. The other new dimension in energy marketing is the Gold Medallion home, all electric so as to avoid pollution [!], with central vacuum systems and electronic security systems, the latter no doubt to safeguard the other electric appliances of the poor! Sandwiched between these two articles on the latest technological advance in trivializing energy consumption to "tempt the jaded tastes" of the affluent, the article defending the poor against the selfishness of the zero growth advocates raises suspicions of trumpery.

Needless to add, no consideration is given to the fact that power production pollutes, and that while the benefits of power go mainly to the rich, the external costs fall mainly to the poor. For example, in Baton Rouge, where I live, the oil refineries, petrochemical, and aluminum industries are located mainly in north Baton Rouge, which is the low income end of town, and which receives the most pollution. The executives of these companies live in southeast Baton Rouge. They drive to work along a north to southeast freeway in an air conditioned car and work in an air conditioned office. The manual laborers live in north Baton Rouge, drive with windows open through narrow streets to work in a polluted plant. The average skin color in north Baton Rouge is much darker than in southeast Baton Rouge. The external costs of energy production are distributed regressively—the poor pay more. And not only in Baton Rouge.

(6) It should be clear that growth in efficiency is not being questioned. If we can get more service from the same physical fund, that is all to the good. But increasing the physical fund is clearly a limited process. No one objects to getting "more kicks per kilowatt" or more kilowatts per BTU of primary fuel. But if kilowatts keep on growing we will witness a decline in the ratio of kicks (satisfaction per kilowatt. We have had a falling trend in the ratio of energy to GNP. But since 1966 the actual ratio has risen sharply and in 1970 was 13% greater than it would have been had the pre-1966 trend continued. (See Figure I.) Thus a dollar's worth of satisfaction) now costs more kilowatts than in 1966, and the new trend seems to be rising. Furthermore, new products and quality improvements notwithstanding, the amount of satisfaction represented by a dollar's worth of GNP is itself probably falling. We satisfy our most pressing wants first, and each extra dollar of income is dedicated to the satisfaction of a less important want.

Furthermore GNP increases currently overstate welfare increases since more and more of what is counted in GNP is the cost of defending ourselves from the unwanted side effects of production. Therefore the fact that GNP per capita has been growing means that the incremental dollars represent less satisfaction. With decreases in both satisfaction per dollar and in dollars per kilowatt it is very clear that satisfaction per kilowatt must also have fallen. This does not square very well with Mr. Simpson's prediction that "we will have learned to do so much more with so much less power. . . ." It seems instead that we are learning to use more power to do less, at least in terms of the significance of what is done. This by itself does not mean that we have overshot the optimum. Falling marginal benefits of kilowatts may still be greater than rising marginal costs. We do know that the marginal cost of a kilowatt, in terms of alternative satisfactions sacrificed, is bound to rise. There is a thermodynamic limit to the efficiency of converting energy, so improvement in kilowatts per BTU of primary fuel is limited.

Continued increases will require more primary fuel, more rivers and lakes for cooling, which implies the sacrifice of ever more important alternative satisfactions derived from these resources in their other uses. We are now learning that many such former uses were "invisible" and that the ecological services provided by the resource *in natura* are often far greater than the services rendered within the economy of pecuniary calculation. Externalities have become so important relative to internalities that monetary price calculations have become, if not blind at least one-eyed guides, deficient in depth perception and less to be trusted than common sense.

The common sense reasoning above does not prove, but does suggest that one or two, or three more doublings of electric power output will probably push marginal cost well above marginal benefits.

In any case those who are proposing the increase might undertake the burden of proving that such increases will not overshoot the optimum. The power growth arguments offered so far, and analyzed earlier, fall pitifully short of establishing even the mildest presumption that the benefits of sixteen times as much electric power will outweigh the costs. Ironically, continued growth of electric output when marginal cost exceeds marginal benefit is one case in which employment might well be stimulated. Since we would in effect be getting poorer by producing more, our experience of reduced wellbeing would probably be combatted in the traditional way of increasing production and employment even more, which would make us still worse off, etc.! Indeed, this is painfully similar to reason (B) and the inept arguments to the effect that we must grow more so that we will be rich enough to afford the cost of cleaning up. That neatly begs the question whether growth is not already making us poorer instead of richer!

III. ECONOMIC GROWTH

As noted in the introduction and seen repeatedly in section II, employment arguments for power growth (reason C) must, if they are to make any sense at all, presuppose continuing growth in total product (reason A). Reason (A) is in fact the linchpin of the whole case for continued power growth at current rates. But it is a linchpin that is rapidly being shorn. Also a number of fundamental questions have necessarily arisen about the goal of employment itself. After all labor is a cost, and like all costs it is pushed to a minimum by the long run logic of technical and economic progress. These are difficulties at a system level, but since the energy sector has no reason for existence other than its role in the total economy, its attitude toward growth or non-growth cannot be understood apart from the total context. Furthermore the electric power industry is causing problems not because it is aberrant, but because it has succeeded so well in doing what all other industries are trying to do.

Why, since labor is a cost of production, do we not rejoice instead of fret whenever jobs are eliminated, whenever one man can do the work of 350 men? Why, in the face of idle capacity do we insist on increased investment to create still more productive capacity? The answers to these questions, of course, have little to do with production but everything to do with distribution. In a profit-maximizing capitalistic economy in which most people own no productive assets save those embodied in their own person, employment, income through jobs, is the major distributive institution. The possibility of a conflict between the efficiency of production and the equity of distribution is a familiar theme in the history of economic thought. The productive efficiency of a high-energy, automated economy conflicts very sharply with distributive efficiency and equity under present institutions. To see this conflict more clearly consider the following diagram [not printed in the RECORD].

Let TP_1 represent the total product of labor for an economy (rising and then leveling off to reflect eventually diminishing returns to labor). TP_2 is the total product curve after the economy has shifted to a high-energy automated type of production—

a much higher total product is attained with a much smaller number of laborers, and beyond a certain limited number of laborers further employment does not increase total product. The slope of the total product curve at any point represents labor's marginal product at the corresponding quantity of labor employed (L). Marginal product falls to zero more rapidly on TP$_2$ than on TP$_1$. In a capitalistic profit maximizing economy wages tend to equal marginal product. But wages—unlike interest, rent, and profit—cannot be zero. There is a lower positive limit, call it a minimum acceptable wage, or "subsistence". Let "subsistence" be the (equal) slopes of line S and line S^1. The maximum number of jobs under the mode of production corresponding to TP$_1$ is L$_1$, and that corresponding to TP$_2$ is L$_2$. Assuming that L$_1$ represented full employment, then the distance L$_2$L$_1$ represents technological unemployment. The TP$_2$ mode of production supports fewer workers, even thought total output is vastly greater. A smaller proportion of total output will go to wages, a larger proportion to interest, rent, and profit. Distribution of income would become more concentrated, with a corresponding increase in luxury production.

How realistic is this "scenario"? If we apply it only to the transformation of the agricultural sector over the last 50 years it is highly realistic. If we apply it to the current changes in industry it also seems realistic. If we apply it to the service sector it is unrealistic. As noted previously the service sector now accounts for over 55% of total employment and almost all net new employment. The ability of the service sector to absorb this quantity of employment results from the fact that so far it has not experienced a shift in the product curve as shown in the diagram, and from the fact that employment is not so strictly limited by the wage equal marginal revenue product rule, for reasons discussed earlier.

What this means is that we have maintained employment by "bending" the wage equal marginal product rule in the service sector. We have also "bent" the income-through-jobs principle with the rise of the "grants economy" and increased government transfer payments. This is what has allowed the energy-using, labor-saving techniques in agriculture and industry to take place without mass unemployment. If one advocates the use of ever more energy, one should, it seems, seek to reduce the necessity of employment by advocating alternative distributive institutions, (or a further relative expansion of the service sector), rather than by trying to make the case that more energy means more employment.

There is, however, one alternative and that is to push L$_2$ out to the right by pushing TP$_2$ higher and higher. This does not mean a vertical parallel shift in TP, because that would leave the slope at each L (marginal product of labor) unchanged, and with it the maximum employment. The curve must not only shift upward, but also "lean forward"—i.e. point L$_2$ must move to the right as the curve shifts up. In other words the further growth in total product must not be cancelled out by further increases in labor-saving technology in terms of its effect on employment.

Thus economic growth (growth in TP) does not by itself guarantee an increase in employment, but for future argument we will grant that one can always increase employment by increasing total product fast enough. This is, at basis, the proposition on which the power growth advocates rest their case. How realistic and how reasonable is it?

We already know that physical growth is a limited process, and long-run dependence on it is unrealistic. But there are shorter run dilemmas as well, such as that noted by Evesy Domar in his classic article on growth and employment.

"In a private capitalist society where the [marginal propensity to consume] cannot be readily changed, a higher level of income and employment at any given time can be achieved only through increased investment. But investment as an employment creating instrument is a mixed blessing because of its [productive capacity increasing] effect. The economy finds itself in a serious dilemma: if sufficient investment is not forthcoming today, unemployment will be here today. But if enough is invested today, still more will be needed tomorrow.—So far as unemployment is concerned, investment is at the same time a cure for the disease and the cause of even greater ills in the future." ("Expansion and Employment," *American Economic Review*, March 1947).

The way to employ unused capacity is to build still more capacity, to grow! But how to induce businessmen and corporations to invest more when they already have idle capacity? By giving all sorts of "bribes" such as lower interest rates, faster depreciation write-offs, etc. An alternative would be to encourage consumption by those at the bottom of the income pyramid rather than investment expenditures at the top. If via tax reductions and negative income taxes new expenditure is fed in from below, it will "trickle up" as the poor spend it, without being bribed. Businessmen will then expand output and employment as they produce more of the things lower income people buy. This is indeed consumer sovereignty, subsidizing the consumer not the producer. In this way we reduce the infinite regress of ever-increasing productive capacity needed to maintain full employment, while moving the distribution of income toward equality.

The remaining gap between private saving and private investment could be filled by public investment in social goods and services, and by government purchase and stockpiling of goods. The stockpile of goods could be saved for use in disaster, or until such time as we have discovered better institutions of distribution. The real counterpart to private monetary saving would then be a stockpile of unused commodities, rather than unused productive capacity. Unused commodities can be used in the future, whereas unused productive capacity is irrevocably lost, since time cannot be accumulated. Selling from the commodity stockpile could be used as an effective anti-inflation policy, as has already been done with some strategic materials. Under such a policy productive capacity would be increased only after all existing capacity had been used, and only in response to actual demand of the lower income segregated society. This truly would be growth for the poor. Those who are so anxious to sell more electric power to the poor should welcome such a plan.

But a continually growing economy offers further anomalies. Let us start from the premise that the legitimate goal of economic activity is the satisfaction of human wants. The satisfaction of wants is a non-material service, a flow of psychic income that is rendered or yielded by the stock of all physical wealth.*

All goods and all people who perform services constitute the stock of wealth, i.e., physical capital. To maintain this nonphysical flow of services requires the maintenance of the physical stock of wealth. To maintain the physical stock of wealth requires a physical flow of production to offset the physical depreciation, or using up, of the stock resulting from wear and tear, and the mere passage of time. Let us think of the physical stock as being maintained in a steady state by a "maintenance throughput," i.e., an outflow of high-entropy matter energy (waste), matched by an equal inflow of low-entropy matter-energy (primary resources). That this maintenance throughput is a cost is clearly seen by looking at each end of the pipeline. Inputs necessitate depletion, outputs necessitate pollution. Furthermore the maintenance of the stock requires human labor, the sacrifice of leisure to production. Depletion, pollution, and labor are all costs, therefore the flow of maintenance throughput (production) is a cost. Production in the sense of a physical maintenance throughput is *not* something to be maximized.

Any technology advance which allows more service to be yielded by the same physical stock is always to be welcomed. Physic income is non-material, and its increase may be unlimited. Likewise any technological advance which allows the same stock to be maintained by a smaller flow of throughput is always to be welcomed. This kind of growth is limited by the second law of thermodynamics. But to increase the throughput for its own sake is insane, and to increase it for the sake of building up a larger stock is a limited process. It is limited physically by ecological interdependence and spatial finitude, and it is limited economically by the laws of diminishing marginal utility and increasing marginal costs.

In the light of the above observations GNP becomes a largely irrelevant number. For the goods component of GNP we may interpret the number as an index of the annual flow of quantity of goods produced (something to be minimized for a given stock, not maximized). The service component presents problems. To be logically consistent we should not even try to count services but count instead the new production of the physical things (skilled people) that yield the service—just as we do in the case of durable consumer goods. But there is no market for buying and selling skilled people, only renting them, therefore we do not know the price of say a physician, although we could take the present value of expected future earnings.

Even though service in the sense of psychic income is non-physical, service in the sense of the national income accountant measures something physical, a stock at one's disposal for a certain duration of time. Service in this accounting sense has a physical dimension, so we cannot say that GNP could grow forever because the component "services" is non-physical. Service in the sense of psychic income is non-physical, but not measured service in the sense of the participation of a physical stock for a certain duration of time. A physician cannot sell a thirty minute consultation and then just leave his disembodied medical knowledge in his office while his body is out playing golf. His services require the participation of his entire physical self. More measured medical service in the GNP requires more physical bodies functioning as physicians, more hospitals, X-ray machines, etc. Thus we do not escape physical limits on GNP by appealing to the service component.

Why this "flow-fetishism", this emphasis on the throughput which eclipses the stock dimension from view? In a society in which the stock of wealth is very unequally distributed (see Table I) demands for social justice are more conservatively "met" by focusing on the flow of income, seeking to direct more of it to the poor, but without requiring the rich to get less. This is only possible if that flow is growing. Since a stock is measured at a point in time it must always be seen as a constant as of the moment measured. More of the stock to the poor means less to the rich. Better to think in terms of the flow, the additions to the stock. Let us channel a bit more of the flow to the poor through our tax system (or rather let's pretend that is what we are doing). Still better, let's make sure that the flow grows year after year, so that even with the same relative division, the poor will get absolutely more, and after all, that is all that really counts! Furthermore welfare economics teaches us that a policy represents an unambiguous increase in social welfare only if it makes some people better off without making anyone worse off. Otherwise we are forced to make interpersonal comparisons of utility, and that is an ethical matter with which science cannot deal. Once again the policy of increasing A's income without diminishing B's requires growth in total income.

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* For a fuller development of the following ideas, see K. E. Boulding, "The Economics of the Coming Spaceship Earth" in Henry Jarrett, ed., *Environmental Quality in a Growing Economy*, Johns Hopkins Press, 1966, and H. E. Daly, "Toward a Stationary-State Economy" in John Harte and Robert H. Socolow, eds., *Patient Earth*, Holt, Rinehart, and Winston, 1971.

We are used to hearing that we do not have enough, and even if income were evenly distributed it would amount to mere distribution of poverty. This view has always been morally questionable since if there is really not enough for all then it is even more objectionable that the few should receive so much more than the average while the many receive much less. However, with current United States per capita disposable income in the neighborhood of $3,000, even this pseudo-argument is no longer possible. (*Statistical Abstract of the U.S.*, 1969, p. 313). The average after tax income for a family of four is now around $12,000, which would mean an income before taxes of over $15,000—not exactly poverty! Of course this is a very unrepresentative mean, since the distribution of income is so badly skewed. In 1968 the twenty million Americans in the top 10% of income recipients got around 27% of total income, while the twenty million in the lowest 10% received about 1.0% of total income. (See Table II) Contrary to the assumptions of growthmania, distribution is, at the margin, a more pressing issue than production.

Nevertheless, there are strong vested interests in growth throughout our society. The growth aspirations of any one industry, such as electric power, cannot be properly understood apart from the context of the system's overall functioning. Although an annual growth goal of 7% is high compared to other industries, the case of electric power is important not because it is an exception, but because it so clearly illustrates the general rule of growthmania.

The alternative to growthmania is the steady-state economy, and the big task for physical and social scientists is to work out the technologies and institutions which will allow us to attain such a steady-state. The even bigger task is for all citizens to find the moral resources necessary to overcome the vested interests and hag-ridden compulsions of growthmania.

TABLE I.—A2=SIZE OF WEALTH, DEC. 31, 1962

[Percentage distribution of consumer units]

Group characteristic	All units	Negative	Zero	$1 to $999	$1,000 to $4,999	$5,000 to $9,999	$10,000 to $24,999	$25,000 to $49,999	$50,000 to $99,999	$100,000 to $199,999	$200,000 to $499,999	$500,000 to $999,999	$1,000,000 and over
All units	100	2	8	16	19	16	23	11	4	1	1		
1962 increase:													
$0 to $2,999	100	1	23	19	18	15	17	7	1				
$3,000 to $4,999	100	3	8	29	20	11	17	8	2	1			
$5,000 to $7,499	100	2	1	15	25	21	22	8	5				
$7,500 to $9,999	100	2		7	18	18	36	14	3	1	1		
$10,000 to $14,999	100	1		2	13	16	35	20	10	3	1		
$15,000 to $24,999	100				3	10	21	29	24	7	5	1	
$25,000 to $49,999	100						5	8	22	27	27	7	4
$50,000 to $99,999	100							1	9	7	45	20	17
$100,000 and over	100									1	5	56	38
Age of head:													
Under 35	100	5	9	36	26	14	8	2					
35 to 44	100	2	7	14	20	21	25	8	4	1			
45 to 54	100	1	7	10	20	10	31	14	5	1	1		
55 to 64	100	1	8	7	12	16	28	16	8	3	2		
65 and over	100		11	8	13	18	25	15	5	1	2	1	

Source: Dorothy S. Projector and Gertrude S. Weiss, Survey of Financial Characteristics of Consumers, Board of Governors, Federal Reserve, 1966.

TABLE II.—SHARE OF INCOME FOR EACH 5 PERCENT OF RECIPIENTS FROM LOWEST TO HIGHEST 1, 2 TO 20. AND TOP 10 PERCENT

5 percent quintile	Year								
	1960	1961	1962	1963	1964	1965	1966	1967	1968
1st and 2d	0.64	0.67	0.71	0.77	0.77	0.85	0.94	0.94	1.03
3d	1.04	1.02	1.08	1.06	1.08	1.10	1.12	1.14	1.20
4th	1.50	1.45	1.53	1.51	1.52	1.54	1.56	1.58	1.64
5th	1.95	1.89	1.97	1.95	1.95	1.97	1.99	2.00	2.07
6th	2.40	2.32	2.40	2.39	2.38	2.40	2.42	2.43	2.49
7th	2.84	2.75	2.82	2.83	2.82	2.83	2.85	2.84	2.91
8th	3.27	3.18	3.24	3.27	3.25	3.26	3.28	3.26	3.33
9th	3.70	3.61	3.66	3.70	3.68	3.68	3.71	3.67	3.74
10th	4.13	4.04	4.08	4.14	4.12	4.12	4.14	4.09	4.16
11th	4.57	4.48	4.52	4.58	4.56	4.55	4.58	4.52	4.58
12th	5.00	4.92	4.97	5.03	5.01	5.00	5.01	4.96	5.00
13th	5.44	5.37	5.45	5.49	5.46	5.45	5.45	5.41	5.44
14th	5.89	5.83	5.95	5.95	5.93	5.92	5.90	5.88	5.89
15th	6.35	6.30	6.48	6.42	6.40	6.40	6.35	6.37	6.49
16th	7.04	7.00	7.05	7.14	7.12	7.07	7.09	7.00	6.94
17th	7.67	7.76	7.81	7.76	7.81	7.74	7.71	7.64	7.54
18th	8.61	8.73	8.73	8.66	8.71	8.65	8.61	8.56	8.44
19th	10.29	10.47	10.34	10.26	10.31	10.26	10.21	10.22	10.06
20th	17.66	18.18	17.21	17.09	17.13	17.19	17.08	17.50	17.05
Top 10 percent	6.08	6.33	5.77	5.73	5.74	5.80	5.76	6.01	5.81

Source: Edward C. Budd, "Postwar Changes in the Size Distribution of Income in the U.S." American Economic Review, Papers and Proceedings, May 1970, p 253.

POLAROID AND SOUTH AFRICA

Mr. **BROOKE.** Mr. President, over a year ago the Polaroid Corp., based in Cambridge, Mass., undertook an experiment unique in the annals of corporate history.

Polaroid is one of several hundred American companies doing business in South Africa. It has no plants, no subsidiaries, no investments, and no direct employees in that country. But it does have a local distributor, Frank & Hirsch, which for many years has pioneered not only in the business field of optics, but in the social field of employee benefits and relations.

In early 1971, Polaroid was requested, by a group of its own employees, to sever all connections with South Africa. Polaroid's management met with the concerned employees, and together they worked out a plan whereby four representatives of the company, representing all strata of employment and including two blacks and two whites, would visit the company's distributor in South Africa on a fact-finding mission. The employees were to look into wage and benefits scales, talk to black and white employees of the company, and try to determine the impact which Polaroid could have if it withdrew, or if it stayed in South Africa.

The four employees returned unanimous in their commendation: Polaroid should stay in South Africa.

Since their visit some months ago, Polaroid has worked closely with its local distributor in South Africa to upgrade even more the wages, benefits, and working conditions of all its employees. The result has been an even further improvement and in many cases an equalization in the wages received by the company's employees and in the working conditions and responsibilities of black employees.

Mr. President, I applaud the conscientious effort which the Polaroid Corp., has made to respond in its own way to the most crucial social question of our time. No country's racial problems are easily resolved, as we have found in the United States. But there are alternatives to violence and to higher barriers among men. Polaroid, and its South African distributor, Frank & Hirsch, have found one means to help bring down the absurd and debilitating system of apartheid.

This one company is a relatively small one; it employs less than 200 workers in South Africa, and its volume of business is minuscle compared with the giant corporations which have invested or originated in the rich economy of South Africa. But one company which pays equal wages for equal work, and which provides equal working conditions and benefits for its employees regardless of race, can have a tremendous impact on the economy as a whole.

This is what has happened in the Polaroid case. Numerous American companies are now turning to the management of Polaroid, and of Frank & Hirsch, for advice and assistance in improving their wages and working conditions. British companies have followed suit, including the two biggest British banks in South Africa. Improvements have already been made, and more will follow. What is more, South African companies are being compelled to follow suit by the very pressures of the marketplace and of scarce labor. Polaroid, truly, is helping to effect an economic revolution in South Africa.

Mr. President, I believe that all Senators should be aware of the fine work of this one American company. Therefore, I ask unanimous consent that three articles explaining Polaroid's efforts in more detail be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AN EXPERIMENT IN SOUTH AFRICA

Polaroid sells its products in South Africa as do several hundred other American companies. Our sales there are small, less than one half of one percent of our worldwide business.

Recently a group has begun to demand that American business stop selling in South Africa. They say that by its presence it is supporting the government of the country and its policies of racial separation and subjugation of the Blacks. Polaroid, in spite of its small stake in the country, has received the first attention of this group.

We did not respond to their demands. But we did react to the question. We asked ourselves, "Is it right or wrong to do business in South Africa?" We have been studying the question for about ten weeks.

The committee of Polaroid employees who undertook this study included fourteen members—both black and white—from all over the company. The first conclusion was arrived at quickly and unanimously. We abhor *apartheid*, the national policy of South Africa.

The *apartheid* laws separate the races and restrict the rights, the opportunities and the movement of non-white Africans. This policy is contrary to the principles on which Polaroid was built and run. We believe in individuals. Not in "labor units" as Blacks are sometimes referred to in South Africa. We decided whatever our course should be it should oppose the course of *apartheid*.

The committee talked to more than fifty prominent South Africans both black and white, as well as many South African experts. They heard from officials in Washington. They read books, papers, testimony, documents, opinion, interpretation, statistics. They heard tapes and saw films.

They addressed themselves to a single question. What should Polaroid do in South Africa? Should we register our disapproval of *apartheid* by cutting off all contact with the country? Should we try to influence the system from within? We rejected the suggestion that we ignore the whole question and maintain the status quo.

Some of the black members of the study group expressed themselves strongly at the outset. They did not want to impose on the black people of another country a course of action merely because *we* might feel it was correct. They felt this paternalistic attitude had prevailed too often in America when things are done "for" black people without consulting black people.

It was decided to send four of the committee members to South Africa. Since this group was to include two black and two white members, it was widely assumed they would not be granted visas. They were.

It was assumed if they ever got to South Africa they would be given a government tour. They were not.

It was assumed they would not be allowed to see the actual conditions under which many Blacks live and would be prevented from talking to any of them in private. They did see those conditions in Soweto and elsewhere. And with or without permission they met and talked to and listened to more than a hundred black people of South Africa. Factory workers, office workers, domestic servants, teachers, political leaders, people in many walks of life. They also talked to a broad spectrum of whites including members of all the major parties.

Their prime purpose in going to South Africa was to ask Africans what they thought American business should do in their country. We decided the answer that is best for the black people of South Africa would be the best answer for us.

Can you learn about a country in ten days? No. Nor in ten weeks. But our group learned one thing. What we had read and heard about *apartheid* was not exaggerated. It is every bit as repugnant as we had been led to believe.

The group returned with a unanimous recommendation.

In response to this recommendation and to the reports of the larger study committee, Polaroid will undertake an experimental program in relation to its business activities in South Africa.

For the time being we will continue our business relationships there (except for sales to the South African government, which our distributor is discontinuing), but on a new basis which Blacks there with whom we talked see as supportive to their hopes and plans for the future. In a year we will look closely to see if our experiment has had any effects.

First, we will take a number of steps with our distributor, as well as his suppliers, to improve dramatically the salaries and other benefits of their nonwhite employees. We have had indications that these companies will be willing to cooperate in this plan.

Our business associates in South Africa will also be obliged (as a condition of maintaining their relationship with Polaroid) to initiate a well-defined program to train nonwhite employees for important jobs within their companies.

We believe education for the Blacks, in combination with the opportunities now being afforded by the expanding economy, is a key to change in South Africa. We will commit a portion of our profits earned there to encourage black education. One avenue will be to provide funds for the permanent staff and office of the black-run Association for Education and Cultural Advancement (ASECA). A second method will be to make a gift to a foundation to underwrite educational expenses for about 500 black students at various levels of study from elementary school through university. Grants to assist teachers will also be made from this gift. In addition we will support two exchange fellowships for Blacks under the U.S.-South African Leader Exchange Program.

Polaroid has no investments in South Africa and we do not intend to change this policy at present. We are, however, investigating the possibilities of creating a black-managed company in one or more of the free black African nations.

Why have we undertaken this program? To satisfy a revolutionary group? No. They will find it far from satisfactory. They feel we should close the door on South Africa, not try to push it further open.

What can we hope to accomplish there without a factory, without a company of our own, without the economic leverage of large sales? Aren't we wasting time and money trying to have an effect on a massive problem 10,000 miles from home? The answer, our answer, is that since we are doing business in South Africa and since we have looked closely at that troubled country, we feel we can continue only by opposing the *apartheid* system. Black people there have advised us to do this by providing an opportunity for increased use of black talent, increased recognition of black dignity. Polaroid is a small economic force in South Africa, but we are well known and, because of our committee's visit there, highly visible. We hope other American companies will join us in this program. Even a small beginning of co-operative effort among American businesses can have a large effect in South Africa.

How can we presume to concern ourselves with the problems of another country? Whatever the practices elsewhere, South Africa alone articulates a policy exactly contrary to everything we feel our company stands for. We cannot participate passively in such a political system. Nor can we ignore it. That is why we have undertaken this experimental program.

POLAROID CORP.

AN EXPERIMENT IN SOUTH AFRICA

STATEMENT BEFORE SUBCOMMITTEE ON AFRICA OF THE COMMITTEE ON FOREIGN AFFAIRS, BY THOMAS H. WYMAN, SENIOR VICE PRESIDENT, POLAROID CORP., MAY 4, 1971

Polaroid sells its products in South Africa as do several hundred other American companies. Our sales there are small, less than one half of one percent of our worldwide business.

About six months ago a group began to demand that American business stop selling in South Africa. They say that by its presence it is supporting the government of the country and its policies of racial separation and subjugation of the Blacks. Polaroid, in spite of its small stake in the country, has received the first attention of this group.

We did not respond to their demands. But we did react to the question. We asked ourselves, "Is it right or wrong to do business in South Africa?" We studied the question for about ten weeks.

The committee of Polaroid employees who undertook this study included fourteen members—both black and white—from all over the company. The first conclusion was arrived at quickly and unanimously. We abhor apartheid, the national policy of South Africa.

The apartheid laws separate the races and restrict the rights, the opportunities and the movement of non-white Africans. This policy is contrary to the principles on which Polaroid was built and run. We believe in individuals. Not in "labor units" as Blacks are sometimes referred to in South Africa. We decided whatever our course should be it should oppose the course of apartheid.

The committee talked to more than fifty prominent South Africans both black and white, as well as many South African experts. We heard from officials in Washington. We read books, papers, testimony, documents, opinion, interpretation, statistics. We listened to tapes and saw films.

We addressed ourselves to a single question. What should Polaroid do in South Africa? Should we register our disapproval of apartheid by cutting off all contact with the country? Should we try to influence the system from within? We rejected the suggestion that we ignore the whole question and maintain the status quo.

Some of the black members of the study group expressed themselves strongly at the outset. They did not want to impose on the black people of another country a course of action merely because *we* might feel it was correct. They felt this paternalistic attitude had prevailed too often in America when things are done "for" black people without consulting black people.

It was decided to send four of the committee members to South Africa. Since this group was to include two black and two white members, it was widely assumed we would not be granted visas. We were. We left for Johannesburg on November 30.

It was assumed that when we got to South Africa we would be given a government tour. We were not.

It was assumed we would not be allowed to see the actual conditions under which many blacks live and would be prevented from talking to any of them in private. We did see those conditions in Soweto and elsewhere. And with or without permission we met and talked to and listened to more than a hundred black people of South Africa. Factory workers, office workers, domestic servants, teachers, political leaders, people in many walks of life. We also talked to a broad spectrum of whites including members of the major parties.

Our prime purpose in going to South Africa was to ask Africans what they thought American business should do in their country. We decided the answer that is best for the black people of South Africa would be the best answer for Polaroid.

Can you learn about a country in ten days? No. Nor in ten weeks. But our group learned one thing. What we had read and heard about apartheid was not exaggerated. It is every bit as repugnant as we had been led to believe.

Our group returned with a unanimous recommendation.

In response to this recommendation and to reports of the larger study committee, Polaroid has undertaken an experimental program in relation to its business activities in South Africa.

For the time being we will continue our business relationships there (except for sales to the South African government, which our distributor has discontinued), but on a new basis which Blacks there with whom we talked see as supportive to their hopes and plans for the future. In a year we will look closely to see if our experiment has had any effects.

First, we will take a number of steps with our distributor, as well as his suppliers, to improve dramatically the salaries and other benefits of their non-white employees.

Our business associates in South Africa will also be obliged (as a condition of maintaining their relationship with Polaroid) to initiate a well defined program to train non-white employees for important jobs within their companies.

We believe education for the Blacks, in combination with the opportunities now being afforded by the expanding economy, is a key to change in South Africa. We will commit a portion of our profits earned there to encourage black education. One avenue will be to provide funds for the permanent staff and office of the black-run Association for Education and Cultural Advancement (ASSECA). A second method will be to make a gift to a foundation to underwrite educational expenses for about 500 black students at various levels of study from elementary schools through university. Grants to assist teachers will also be made from this gift. In addition we will support two exchange fellowships for Blacks under the U.S.-South African Leadership Exchange Program.

Polaroid has no investments in South Africa and we do not intend to change this policy at present. We are, however, in the process of creating a black-managed company in one or more of the free black African nations.

Why have we undertaken this program? To satisfy a revolutionary group? No. They have found it far from satisfactory. They feel we should close the door on South Africa, not try to push it further open.

What can we hope to accomplish there without a factory, without a company of our own, without the economic leverage of large sales? Aren't we wasting time and money trying to have an effect on a massive problem 10,000 miles from home? The answer, our answer, is that since we have looked closely at that troubled country, we feel we can continue only by opposing the apartheid system. Black people there have advised us to do this by providing an opportunity for increased use of black talent, increased recognition of black dignity. Polaroid is a small economic force in South Africa, but we are well known and, because of our committee's visit there, highly visible. We hope other American companies will join us in this program. Even a small beginning of co-operative effort among American businesses can have a large effect in South Africa.

How can we presume to concern ourselves with the problems of another country? Whatever the practices elsewhere, South Africa alone articulates a policy exactly contrary to everything we feel our company stands for. We cannot participate passively in such a political system. Nor can we ignore it. That is why we have undertaken this experimental program.

The program is well under way. Both our distributor and one of his suppliers have granted wage increases to all their non-white employees ranging from 13% to 33%.

An additional increase of 28% for a group of 20 non-white Frank and Hirsch employees was anonunced last week. Further increases are being negotiated.

Frank and Hirsch and one of their suppliers have agreed to guarantee the educational expenses for the children of all of their non-white employees through the high school level. This includes the complete cost of school tuition, transportation and books.

The first installment of a $15,000 gift to ASSECA has been made to enable them to establish a permanent office and staff.

A grant of $10,000 has been made to the U.S.-South African Leader Exchange Program and two African leaders will be spending a 3-month study period in the United States later this year.

We have been instrumental in setting up a black owned and managed distribution company in Nigeria which will handle our sunglasses there. They will be in business in Lagos as of May 21.

We have been working hard these past weeks to accomplish one more step, an educational foundation in South Africa. The legal mechanism is now complete and the six trustees have been nominated. They include four distinguished leaders of the non-white African community: Mr. M. T. Moerane, editor of *The World,* the largest black newspaper in South Africa; Chief Gatsha Buthelize, Paramount Chief of the Zulus; Mr. R. S. Naidoo, President of the Natal Indian Teachers Association; and Prof. W. M. Kgware, Professor of Psychology at the University of the North. The two white trustees are Helen Suzman, the sole opposition representative in the parliament, and Mr. Hirsch, our distributor. This foundation will be charged with selecting 500 black students and providing financial assistance for them. They will be chosen from all levels, grade school through university. Administration of this program will be handled by the highly respected Institute of Race Relations.

Reactions to our experiment have understandably been mixed. So far we have not met formal South African government opposition though we presume they are unhappy with our rejection of the apartheid system. The response from black South Africans has been very positive. Those in the U.S. pressing for withdrawal are unhappy with the experimental program. The great majority of our employees and shareholders have endorsed the program. Many companies have asked for background information on what we are doing and why we are doing it. We are not sure what the longer term decision will be regarding Polaroid's relationship with South Africa, but we are convinced that the basic approach of working for change from within deserves this kind of trial.

Thomas H. Wyman, Senior Vice President, Polaroid Corp.

Joined Polaroid in 1965 as Vice President, International Division. In 1966 made responsible for company's domestic and overseas sales. In April 1971 named Chairman of the Management Executive Committee and President of the International Division. Formerly with Nestle Alimentana SA (Switzerland) and The First National City Bank of New York.

Amherst College BA 1951.

Management Development Institute (IMEDE) Lausanne, Switzerland 1959–60.

United States Army (Korea) 1953–55 1st Lt.—Corps of Engineers.

A Report on South Africa

About a year ago Polaroid Corporation undertook an experimental program in South Africa. We were challenged to stop selling our products there as a gesture of opposition to the *apartheid* system of that country. A committee of black and white employees at Polaroid was formed to study the question. They sent four members of their group (two black and two white) to South Africa to gather information first hand and to talk to black South Africans. This group returned with a recommendation which the company adopted. We publicly stated our abhorrence of *apartheid*. We stopped sales of Polaroid products direct to the government. But we decided not to turn our backs on the problem. We would continue our business and attempt to achieve some basic improvements in the lives of black people there. This is a report on that experiment.

Since it was to involve the areas of employee benefits and education, both stringently restricted by the *apartheid* system, the assumption was made by some that the government of South Africa would actively oppose this program, perhaps take punitive action of some sort against us or our distributor there, Frank and Hirsch (Pty.) Ltd. This did not happen. There was no overt government opposition to any of the steps we have taken. Our distributor's business (which includes cameras, film and sunglasses) has continued with no adverse effects.

What specifically did we do in South Africa? Our first step was to ask the distributor and his associated companies (Polaroid has no company or investments of its own in South Africa) to improve "dramatically" the salaries and benefits of their non-white employees. This has been done with diligence and some success. The principle of the same pay for the same job has been accepted and announced publicly. The average monthly salary including bonus for black employees has increased 22%. Individual increases have ranged from 6% to 33%. The average is now 91 Rand (about $127 a month) up from R75. The minimum wage including bonus has been raised to R70. Whereas there were 98 black employees in the lowest salary category a year ago, there are only 39 there now. Twenty-one black employees (out of a total of 151) now make more than R130 per month (about $182). We feel that further progress is possible in this area. Wage discussions including Polaroid, our distributor and the Black Employees Committee of that company have already taken place regarding next year.

Eight black supervisors have been appointed during the course of the year in the Computer, Administration, Services and Distribution departments. One of the first black computer operators in South Africa is one of this group. Some of these positions were formerly held by whites. The black supervisors are being paid on the same pay scale as their predecessors. In addition two men have received instruction outside the company to qualify them to run on-the-job training courses.

A pension plan with death benefits is already in operation with equal provisions for blacks and whites. Our distributor has also set up a plan that will pay the educational expenses of children of black employees as well as for vocational or scholastic training for the employees themselves. A loan service for black employees is in operation and applications are now screened and recommended by the Black Employees Committee.

A second, smaller company associated with our distributor has also instituted wage increases for its black employees of from 16½% to 33⅓%. They have adopted pension and educational aid plans similar to the distributor's.

Another of the goals of our experiment was to create some mechanisms for change in the area of black education. In addition to the steps taken by our distributor and his allied company to aid the children of black employees, we have attempted three specific programs. A grant of $15,000 has been made by Polaroid to a black organized and operated institution, the Association for the Educational and Cultural Advancement of the African People of South Africa (ASSECA). This group was formed to encourage and improve black education in South Africa. The grant has provided funds for staff, transport and administration. ASSECA has embarked on several ambitious schemes in the past year including coaching classes for high school examinations, lobbying for new classrooms to be built in Johannesburg, and a million Rand fund drive to aid black students.

A second grant of $10,000 was made to the U.S.-South Africa Leader Exchange Program, a private, non-governmental organization. Under this grant two black South Africans and their wives have come to America for an extended period of travel and study. Mr. Seth Manaka, who has a Master's degree in library science, spent three months in this country and visited libraries in 14 cities across the country. Dr. Noel Manganyi, a clinical psychologist, is currently here visiting hospitals, clinics and universities in various parts of the country.

A third grant of $50,000 (derived, as were the others, from profits earned by sales of our products in South Africa) was used to establish a foundation to underwrite educational expenses of black students and teachers in South Africa. This foundation, called ASSET (American-South African Study and Educational Trust) was organized in May, 1971. Its trustees include some of the most distinguished black leaders in South Africa: Mr. M. T. Moerane, Editor of *The World*; Chief Gatsha Buthelezi, Chief Executive of the Zulus; Mr. R. S. Naidoo, President of the Natal Indian Teachers Association; Professor W. M. Kgware, Professor of Psychology, University of the North; and Mr. David Curry, a leader of the "colored" community. There are two white members as well, Mrs. Helen Suzman, Progressive Party Member of the South African Parliament and Mr. Helmut Hirsch, Managing Director of Polaroid's South African distributor. ASSET has made a promising beginning. In its first nine months it has given scholarship grants to 679 students from all the major regions of South Africa. Recipients have included blacks, "coloreds", orientals and Indian students at all levels from high school through college and post graduate study. Teacher training and vocational training have also been funded. Another 2,000 students have benefited from five special grants made for teacher's salaries in various schools. The number of applications for aid, however, has been overwhelming. ASSET has hardly scratched the surface.

We have also participated in the formation of a black owned and operated distribution company in Nigeria (another of the goals we set for ourselves). The company has been operating out of Lagos since September.

This, then, is what the Polaroid experimental program has accomplished in the year it has been in existence. But what effects has it had? What conclusions have we drawn? What is the future of such a program?

Its effects have been quite visible in press reports from South Africa, England, Canada and the U.S. Apparently Polaroid has been the first company from any country to take a public stand against *apartheid* and for the improvement of black working conditions in South Africa. Literally thousands of articles and editorials have been written about the "Polaroid program". Reactions have ranged from applause and support to thoughtful criticism to revolutionary rhetoric.

In South Africa the press (which is not controlled by the government) has enthusiastically reported every detail of the program to its readers.

What have other companies done? One of the most important announcements in recent months came from the two largest international banks in South Africa, Barclay's Bank and the Standard Bank, stating that they would pay black employees the same rate for the job as white employees. About 400 black workers are affected. A major American automobile manufacturer also announced recently that they will pay equal wages for equal work, regardless of color. To date, however, whether they have instituted changes or not, most companies in South Africa have been reluctant to make any public statement of their current or future wage policies.

Polaroid has received inquiries from many American companies asking what difficulties we have encountered in South Africa and what pressures have been brought to bear on the implementation of our plans. The answer is simple. We have encountered no major difficulties, have faced no pressures that would alter what we have hoped to achieve. On the contrary, we have been surprised at how much progress has been made in a relatively short time.

Two comments that have come to us in recent months have helped to crystalize our feelings on the complex subject of South Africa and our presence there. Alan Paton, novelist, poet and a leading South African liberal, spoke at the Harvard Commencement in June.

"I'm often asked the question as to whether Americans should withdraw all investments in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled 'An Experiment in South Africa', would improve dramatically the salaries and other benefits of their non-white employees then I have no doubt that this would exert a moral pressure on South African employers to do the same. . . . Therefore I stand not for the withdrawal of American investment, but for this dramatic improvement in salaries and benefits."

The second was from a black African worker who met our four employees when they were in South Africa. He recently wrote a letter to one of the members of the group.

"The Polaroid program has brought about great ferment in this country and many people seem to be trying to do something about improving the lot of the African people. We have had the case of (a large) bank, which gave a directive to its employees to accord African people the same courtesy accorded the other racial groups. The policy makers of that institution banned the use of the appellation 'boy' or 'girl' when addressing adult Africans. We are to be addressed as Mr. or Mrs. now. . . . What was started by Polaroid is gaining momentum and if it goes on in this way we hope that sanity may eventually be restored to our troubled country. . . . Among the African people, the 'experiment' has been applauded and . . . become the talk of the townships. This I have been able to get from people personally. . . . We would like to repeat what we said to you in December, that we are totally opposed to (your) withdrawal from South Africa. What has happened has in fact been the thin edge of the wedge, which will—we hope—lead to a breakthrough."

We share this hope also. In our opinion relatively little has happened prior to this experiment that could encourage hope for change. The alternative courses of action, after close examination, seem equally bleak to us. Although in a year's time the visible effects on other companies of our experiment have been limited, the practical achievements in salaries, benefits and education have shown what can be done. In this respect the experiment has exceeded the expectations of many. Therefore, we have decided to continue our program in South Africa.

POLAROID CORP.

[From the Wall Street Journal, Sept. 22, 1971]

EXPERIMENT IN SOUTH AFRICA: SOME U.S. FIRMS IGNORE URGINGS TO LEAVE, INSTEAD SEEK TO UPGRADE STATUS OF BLACKS

(By Ray Vicker)

JOHANNESBURG, SOUTH AFRICA.—In an air-conditioned office here, Samuel Mokone, a balding 39-year-old black man, checks the console of an IBM 360 computer.

Sitting in the offices of Frank & Hirsch (Pty) Ltd., Polaroid Corp.'s South African distributor, Mr. Mokone grins broadly as he describes how some months ago he was promoted to computer supervisor as part of an experiment to upgrade black workers. One of the few blacks in South Africa to hold such a highly skilled job, Mr. Mokone has seen his base pay rise to $252 a month from $205; his take-home pay, with overtime, now runs close to $300 a month.

"I'm well off," he says cheerfully. Then his features cloud as he adds, "Those people who are agitating to get Polaroid out of South Africa don't know what they're talking about. If that happened, it would be black men like me who would suffer."

The Polaroid experiment is part of a campaign by a number of companies to raise wages and benefits for blacks instead of leaving South Africa in a protest against the national policy of apartheid, or racial separation. Support for the program is coming from most blacks in this country and from a surprising number of whites. The Polaroid experiment is part of a broader campaign to reduce economic discrimination against nonwhites. Some American companies are leaders in that drive; others are among the biggest foot-draggers.

ECONOMICS AND CONSCIENCES

Economic considerations, of course, are a major factor in forcing this country to make greater use of its black labor. It is impossible to determine how much influence is being exerted as a result of pressure from outside

South Africa and how much from guilty consciences within. In any case, the repercussions reach well into the $1 billion book value of the 300 companies here and beyond that into much of the nation's economy.

Such foreign investment has become a target for militant American civil-rights groups, which advocate a disengagement from South Africa. But scores of interviews with people of all races here indicate that such views have relatively little support even among blacks in this country.

"Who are these people who want foreign investments pulled out of South Africa? They certainly aren't friends of South African blacks," says M. T. Moerane, editor of the 100,000-circulation Johannesburg World, southern Africa's largest black newspaper. Mr. Moerane, a short, heavyset African of modest manner, sits behind a cluttered desk and insists that black betterment must come from efforts of blacks within South Africa rather than from outside pressure. He says he receives many letters from readers endorsing that position.

"Disengagement of foreign investments is the strategy of the African National Congress and groups like it that are headed by blacks who left this country a dozen years ago," Mr. Moerane says. "They no longer know what is going on here. They don't represent blacks in South Africa."

Sharing his opinion is Peter Mathihare, a slender, goateed 1961 graduate of the University of Witwatersrand. An articulate member of the Tswana tribe, he now handles all incoming correspondence for Polaroid's affiliate here. "You don't help a man by taking his livelihood from him," Mr. Mathihare says. "Yet, this is the program advocated by antiapartheid demonstrators and by African National Congress members who are 10,000 miles away from South Africa."

Ian J. Hetherington, managing director for the abrasives subsidiary of Norton Co., Worcester, Mass., says: "A better case can be made for the opposite approach, for pouring investments into the country to offer more jobs and opportunities for the black man." Norton has a broad program for advancing nonwhites on its payroll.

Of course, not everyone agrees. "To the extent that U.S. corporations are agents that support and strengthen the South African economy, they are also responsible for the strength of apartheid," says Timothy H. Smith, who heads southern African activities of the United Church of Christ. A healthy South African economy "strengthens white control" and "white ability to keep blacks oppressed," adds Mr. Smith, who is considered one of the principal U.S. spokesman for this viewpoint. His conclusion: "U.S. companies must withdraw from South Africa."

Groups espousing that view are difficult, if not impossible, to find in South Africa—one reason being that radical organizations are barred from this country of 21.3 million population. Of these, the 14.9 million Bantus, or blacks, face the greatest discrimination and have the lowest average pay. The pay, and status, scale rises for the two million coloreds, or persons of mixed blood; it continues upward for the 600,000 Asians, and reaches its peak for the 3.8 million whites.

GOVERNMENT TO BLAME?

Companies sometimes blame the South African government for the wide differences in pay between white and nonwhite employes. This is one of the misconceptions often cited about South Africa. These facts emerge from a study of government regulations, trade-union rules and labor-managements agreements:

There is no limit on what a company may pay a black or any other nonwhite for any job. A company is free to decide to pay equal wages for equal work.

The government does insist, however, that blacks not supervise whites.

There are government job reservations that save certain posts for whites. These currently affect fewer than 3 percent of the jobs available. Reserving jobs for whites more often results from labor-management agreements.

No legal machinery prevents a company from establishing in-service training to help nonwhite workers advance.

Frequently a black produces only a fraction of what might be expected of a white worker on the same job. But many observers say the fault lies with management for providing inadequate training.

Managements are free to establish black productivity committees that can serve as valuable channels between executives and black workers.

Such a committee is a major reason that black labor relations are amicable at Frank & Hirsch, Polaroid's subsidiary here, say all four members of the black committee. "We are not alone in trying to improve the position of the nonwhite," says Helmut Hirsch, managing director of Frank & Hirsch. "Many others are aware of the fact that increases in wages commensurate to the work done are justified for blacks."

Frank & Hirsch now employs about 300 persons, nearly even split between white and nonwhite, says the 56-year-old Mr. Hirsch, who arrived in South Africa in 1935 as a refugee from Hitler's Germany. Since the first of the year, blacks at the company have received pay rises averaging 22%; the increases have ranged from a low of 6% to a high of 39%, he says. The minimum wage was raised to $98 a month from $70. Since the start of the experiment, the company has increased the number of its black supervisors to eight from two.

Only two of the company's white employes quit after the campaign was announced to upgrade black workers. "This experiment is a good thing," says one white employe, John Cawood, assistant manager of stores. "A man should be paid for what he does."

POLAROID AS A CATALYST

The Polaroid campaign is proving to be a catalyst in the drive to upgrade nonwhite workers. At least a dozen American firms have contacted Polaroid, its distributor here or Africans connected with its educational programs seeking information for possible parallel projects. Included have been J. R. Watkins Co., the Winona, Minn., cosmetics firm; Warner Bros.; Coca-Cola Corp., and Chase Manhattan Bank. Well before Polaroid announced its program, several American and some South African companies were moving in the same direction.

Norton Co., Worcester, Mass., is introducing an aptitude testing system among nonwhites at its subsidiary here to upgrade these workers. It already has a 15-man African plant committee to serve as a link between blacks and management. International Business Machines Corp. says its subsidiary here pays one scale for equal jobs, regardless of the employes' color. Kellogg Co., the breakfast-food concern, just introduced a free medical plan for all its employes. General Motors says its pay scales for nonwhites at its big Port Elizabeth facilities, the largest auto works in Africa, are "well above the average" but gives no figures. Minnesota Mining & Manufacturing Co.'s subsidiary here trains blacks for key jobs.

Harry Goldberg, chairman of Ellis Furnishers Ltd. and of Lewis Appliances, two South African companies, has been working to upgrade the lot of the black worker for many years. He is a founding father of the country's Bantu Wage and Productivity Association, a group that includes 130 companies, most of them South African.

EMPLOYING BLACKS AT WHITE SCALES

Lewis Appliances, the Norge distributor in South Africa, now employs 300 workers, 200 of them black, Mr. Goldberg says. Twenty jobs involving sheet-metal stamping and cutting were established at white pay scales of $25 to $50 a week. When no white could be found for the jobs, the company filled the posts with blacks and says they are doing well. "This is not typical," Mr. Goldberg concedes. "I merely mention it to show that it can be done."

Despite its official policy of apartheid, even the South African government is taking some steps to narrow the pay gap between whites and nonwhite workers.

South Africa's Public Service Commission is making a comprehensive study of industrial-relations policies with the intention of promoting "a more satisfactory ratio" between salaries for whites and nonwhites. Theo Gerdener, minister of the interior, says, "It is the government's intention to develop a salary structure based on international principles." Currently 130,000 nonwhites are employed in government service. Any move to raise their salaries could have repercussions on pay scales throughout the country.

Jan Loot, South Africa's minister of colored affairs, recently urged industry to pay higher wages to colored employees. He notes that the gap between colored and white pay scales can't be closed overnight, but he adds, "The government will strive to narrow the gap as rapidly as possible."

PROFIT WITHOUT PUBLICITY

The South African Medical Association is considering possible establishment of salary scales based on the job, not on color. But there's a long way to go. The white doctor in the government medical service, for example, is paid from $7,980 to $11,340 a year. His black compatriot on the same job draws from $4,872 to $7,560 a year.

The subject of pay scales causes discomfort, however, to some American companies that, while making money here, don't even like it known that they are operating in South Africa. The attitude of these firms disturbs many whites as well as blacks here. "I don't have much respect for any company that comes here, earns a big profit in South Africa, then tries to hide the fact that it is even doing business in this country," says an official of one South African trade association. "Some of these American companies don't even want to contribute to trade associations in this country for fear that their names might be on association rosters."

Other American companies say they are "conforming" to the existing pay pattern. "Unfortunately, this is often only too true," says Fred Van Wyk, director of the South African Institute of Race Relations, a liberal organization that has been focusing attention on discrimination in the country.

He reaches for a file of pay scales on his desk. It shows that in industry after industry the black worker consistently is paid far less than whites. At the end of 1970, for instance; in manufacturing—a field in which American companies are heavily concentrated—the average pay for whites was $430 a month and for blacks $73. Moreover, the gap widened during the year; wages for whites rose an average of 10%, those for blacks 8%.

Mr. Van Wyk contends that many U.S. companies resort to buck-passing when they are approached about improving the lot of non-white workers, contributing to African education or joining trade associations. Managements based in South Africa shrug and contend that such decisions are made at home offices in the U.S. On the other hand, officials in America shrug and contend that they don't interfere in operations of overseas subsidiaries.

LLEWELLYN E. "TOMMY" THOMPSON: AMBASSADOR EXTRAORDINARY

Mr. MANSFIELD. Mr. President, Llewellyn E. "Tommy" Thompson has died. It is with the deepest regret and most profound sadness that I note his passing. If there is truly to be a thaw in the cold war between East and West, it will in large measure be because Tommy Thompson worked to reduce the tension to ease the strain, and to generate the warmth that in turn will melt the ice. Ambassador Extraordinary. That is his epitaph. A diplomat's diplomat; not an engineer, but a builder of the strongest bridges that have spanned gulfs of the widest misunderstanding.

Tommy Thompson's counsel and advice were sought by heads of state and by all who were interested in establishing peace for mankind. The trust and confidence he engendered were truly monumental. When called out of retirement by President Johnson in 1967 to assume once again the role of one who has the chief responsibility for asserting this Nation's interest within the Soviet bloc, that call went out not because he was the only man for the job but because he was the best man for the job. And that is the legacy he leaves.

Tommy Thompson was the best in his field. He was an Ambassador to whom all others in the diplomatic service and indeed all who seek to improve relationships between nations can aspire today and in the years ahead. Tommy Thompson—Ambassador Extraordinary—will be missed. His passing leaves a vacuum and void within this Nation's policymaking processes that will not be filled.

I ask unanimous consent that the following editorials and articles concerning Ambassador Thompson in which are recounted his numerous achievements and distinctions be printed in the RECORD:

An editorial entitled "Ambassador Extraordinary," published in the Christian Science Monitor, on February 8, 1972;

An editorial entitled "The Quiet Diplomat," published in the Washington Daily News, on February 8, 1972;

An editorial entitled "Llewellyn E. Thompson," published in the Washington Post, on February 8, 1972;

An article entitled "Tommy Thompson—A Diplomat With a Rare Intuitive Touch," written by Chalmers M. Roberts, and published in the Washington Post, on February 8, 1972;

An article entitled "Llewellyn Thompson, Diplomat, Long-Time Envoy to Moscow, Dies," published in the Baltimore Sun, on February 7, 1972;

An article entitled "Llewellyn Thompson, Leading U.S. Kremlinologist, Dies at 67," published in the Los Angeles Times, on February 7, 1972; and

An article entitled "Llewellyn Thompson Dead at Age of 67; Ex-Envoy to Soviet," published in the New York Times, on February 7, 1972.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Feb. 8, 1972]

AMBASSADOR EXTRAORDINARY

When Llewellyn E. Thompson left Moscow at the end of his second tour of duty there as Ambassador of the United States, he remarked:

"I don't think I ever made things worse, although there are great opportunities for causing harm here."

The remark was characteristic of a career American diplomat who was outstanding in his time for what he accomplished by patience, perseverance, and keeping his personality out of the way of his work.

Too often in foreign affairs the channel of communication between governments gets cluttered or even clogged by the personality of the individual. An ambassador, at his best, is a clear channel for such useful and constructive work as the two countries involved are capable at any time of doing.

Ambassador Thompson began working at understanding the Russians when he was posted to Moscow in 1941. He studied the language and the culture of Russia during the siege of Moscow. He had been left behind to mind the embassy buildings. The people of Moscow never forgot that he stayed among them through the uncertain days of the siege when so many foreigners and high Russian officials moved to a safer distance.

After the war his first big work was on settlement of the dispute over Trieste between the Yugoslavs and Italy, with the Russians watching from the sidelines. His experience in helping bring that matter to a satisfactory conclusion led to his assignment to Vienna where his efforts were centered on negotiating the withdrawal of Russian troops from Austria. That was achieved in 1955.

In the process Mr. Thompson had come to understand the Russians perhaps better than any other American diplomat. And they trusted him to be honest with them. He went to Moscow as Ambassador in 1957 and stayed on through the U-2 crisis of 1960 and the Berlin crisis of 1961. He was in Washington advising President Kennedy during the Cuban missile crisis of 1962 and was credited with a major role in keeping that affair from turning into a nuclear war.

At the end of his 42-year career in American diplomacy Mr. Thompson was adviser to the American delegation to the SALT (strategic arms limitation) talks. Whenever there was important business to be done between Moscow and Washington he was sought as a channel because all trusted him to represent, accurately and impersonally, what the other was trying to say. He was always urging people in Washington to judge the Russians impersonally, not on the basis of preconceived assumptions.

Llewellyn Thompson had a lot to do with the fact that there has been no war between Russia and the United States in spite of the enormous strains of the "cold war."

[From the Washington Daily News, Feb. 8, 1972]

THE QUIET DIPLOMAT

Llewellyn E. "Tommy" Thompson, who has died at 67, was the most effective and successful American diplomat specializing in dealing with the Soviet Union since World War II.

A retiring, soft-spoken, self-effacing man with a strong belief in quiet diplomacy and avoiding publicity, Mr. Thompson was not as widely known as his talents deserved.

Nevertheless, in the difficult field of dealing with the Russians, he left a body of work second to none.

He negotiated the settlement that divided the Trieste region between Italy and Yugoslavia, and the Austrian State Treaty by which the Soviet Army withdrew from Austria in return for that country's permanent neutrality.

As ambassador to Moscow from 1957 to 1962, Mr. Thompson won the trust and friendship of Nikita S. Khrushchev, which enabled him to provide Washington with accurate, informed and shrewd reports on Soviet policies.

Mr. Thompson was instrumental in arranging Mr. Khrushchev's 1959 trip to the United States and his meeting at Camp David with President Eisenhower. In his quiet way, Mr. Thompson did much to push the American bureaucracy toward cultural exchanges and disarmament agreements with Russia.

In the 1962 Cuban missile crisis, his advice to President Kennedy was invaluable in helping the two superpowers avoid a nuclear showdown. Characteristically, he came out of retirement to advise President Nixon on the current round of strategic arms limitation talks.

With Tommy Thompson's passing, the country has lost a wise counselor and an exemplary public servant.

[From the Washington Post, Feb. 8, 1972]

LLEWELLYN E. THOMPSON

Those of us who stay around this town for a while, watching the passing parade of presidents and political appointees, come to put a high value on the career civil servant who makes it to the top and then serves on while the in-and-outers from academia, or the short-timers from private industry, come and go. The good careerists are a selfless breed, by and large, because they have to be; there is a ceiling on their earnings and they cannot expect to recoup the high cost of government service by moving on to comfortable jobs on the outside after a short stretch in Washington. They are also, by definition, a non-partisan, if not apolitical, breed. And so they act as stabilizers, bringing continuity and great expertise to a system largely manned at the top by political partisans who have barely mastered their jobs before they are back in private life. Such a public servant was Llewellyn ("Tommy") Thompson, who is the subject of an affectionate and admiring farewell by Chalmers Roberts in an article elsewhere on this page today. Tommy Thompson was among the most astute and accomplished and, if you will, the kindest of the diplomats who rose to prominence in the American foreign policy hierarchy through the cold war years. Twice ambassador to Moscow, he won the trust of successive Presidents for his judgment on likely Soviet turns. In the 1950s it fell to him to negotiate the Austrian peace treaty and the Trieste settlement. These agreements established his repute as a consummate diplomat, though characteristically "Tommy" deprecated his own role.

He first took over the Moscow embassy in 1957–62, establishing a personal relationship with Nikita Khrushchev which gave him—and through him, the Washington foreign-policy community—new insights into the necessities and possibilities of Soviet-American cooperation. The advice on Soviet reactions which he gave President Kennedy in the Cuban missile crisis was proven out by events, further enlarging his esteem. By holding out the prospect of a key part in strategic-arms talks, Lyndon Johnson lured him from retirement and returned him to Moscow in 1967–69. Vietnam undercut the prospect, to Mr. Thompson's keen regret.

The model of the discreet diplomat—perhaps even more, the model of the bureaucrat who by style and choice worked on the inside—Tommy Thompson kept his personal views to himself, both before and after retirement. It is not possible to say how fully he shared the postwar American consensus, now loosening, that held the chief threat to international stability to lie in Moscow. One suspects, however, that his service to his nation consisted not only of being one of the experts who "knew" the Russians but of being a man who knew his fellow Americans and their ways and who used his influence quietly, selflessly, steadily and devotedly within the councils of state for decency and peace.

[From the Washington Post, Feb. 8, 1972]

TOMMY THOMPSON—A DIPLOMAT WITH A RARE INTUITIVE TOUCH

(By Chalmers M. Roberts)

Llewellyn E. ("Tommy") Thompson's finest hour, I think, came in the 1962 Cuban missile crisis. After Nikita Khrushchev had installed the Soviet missiles Tommy confessed that "I just didn't believe the Russians would do it." But once there was no doubt about the presence of the missiles, Thompson became, by everybody's account, almost indispensable to President Kennedy.

Robert F. Kennedy, in his posthumously published "Thirteen Days," paid Tommy the highest tribute by writing that his "advice on the Russians and predictions as to what they would do were uncannily accurate" and that his "advice and recommendations were surpassed by none."

Some diplomats write splendid cables. Some are great on the social scene. But the ones who really count, and whose accomplishments last, are the rare few who have an intuitive feel for the country to which they are assigned and to the leaders who run that country. No ambassador I have known in the past two decades had a better feel for this than did Tommy Thompson.

During the midst of the missile crisis I asked Tommy why President Kennedy had not confronted Soviet Foreign Minister Andrei Gromyko with either the facts or the photographs. Thompson said that at that time there was a question in the executive committee (the so-called Ex-Com composed of JFK's key advisers) of whether the Soviets were intending a surprise attack on the United States, whether the bases were somehow related to the internal situation in Cuba or whether they were being built to give Khrushchev a diplomatic card in a game of nuclear blackmail. Uncertainty breeds caution in the experienced diplomat and so Tommy advised caution when Gromyko came to see the President.

As Tommy put it: "It is rather like a man finding his wife unfaithful. She may know that he knows. But when he tells her, things are different. Then he had better be prepared, for things will begin to happen." He served three tours of duty in Moscow, twice added that "we went very far to give Gromyko an opening which he did not take."

Tommy Thompson never had any allusions about the Russians but he didn't believe in the devil theory of history. He served three tours of duty in Moscow, twice as the American ambassador, and his every waking moment was consumed in trying to understand that country and its leaders. He was as icily unexcitable as a man could be. And when he didn't know the facts he didn't dissemble and try to make you think he did.

He was a great believer in the efficacy of human contacts to overcome ideological blinders. He constantly promoted the idea of having leading Russians visit the United States to see for themselves and that included Khrushchev as well as lesser men. He once told me he thought it had been "a great tragedy" that John Foster Dulles had rebuffed a suggestion that Marshal Georgi Zhukov come here to visit his wartime friend President Eisenhower. Dulles hadn't bothered to let Tommy know that the idea had been proposed by the Gridiron Club and that Ike had said okay if Dulles would agree.

Thompson was a major promoter of the American fair in Moscow, the one at which then Vice President Nixon, engaged in the kitchen debate with Khrushchev. Mr. Nixon, like his predecessors, had a high regard for Tommy. When candidate Nixon, about to be nominated in 1968, announced he intended to go to Moscow before election day he added that of course he wouldn't do a thing without Amb. Thompson's full knowledge and approval.

Before he went to Moscow as ambassador Tommy was first high commissioner in Vienna and then, after the Austrian State Treaty that ended the Red Army occupation, the first post war American ambassador. He patiently sat through hundreds of meetings on the treaty. And then, when Moscow suddenly moved, he found himself being charged by the Austrians for being a roadblock. Even Dulles raised a question but bowed to Tommy who had that intuitive feeling that, if Vienna would just bargain a bit longer, more would be gained. The Austrians grumbled and did. And more was gained.

Tommy was a detente advocate. He could sense when the Kremlin leaders were in the mood or not. When they were he quietly urged a positive American response though his advice was not always heeded. Early on he saw the depth and meaning of the Sino-Soviet split. But he never lost sight of the basic Soviet antagonisms toward the capitalist world, especially the United States.

The war in Vietnam, to Thompson, seemed an interference in his hopes for Soviet American accords. In this he was "big power" minded. Asia was his forte for in 1966 he told me he felt Vietnam would be over in a year. Here hope exceeded judgment.

Tommy's last task was as a member of the American delegation to the Strategic Arms Limitation talks (SALT) and there his health kept him from the most recent sessions. But a SALT agreement, in a way, would be a fitting monument.

Tommy Thompson was one of those largely unknown but highly indispensible servants of the national interest. He could distinguish between fact and propaganda. He was a superb poker player—at the table with friends or in the conference room negotiating with the Russians. He could be most useful to newsmen or he could keep totally silent. He was, indeed, a paragon as a career foreign service officer and the most decent of human beings one will ever meet.

[From the Baltimore Sun, Feb. 7, 1972]

LLEWELLYN THOMPSON, DIPLOMAT, LONG-TIME ENVOY TO MOSCOW, DIES

WASHINGTON.—Llewellyn E. Thompson, a former United States ambassador to the Soviet Union whose foreign-service career spanned four decades, died yesterday at age 67.

Mr. Thompson died at the National Institutes of Health in Bethesda, Md., where he had been hospitalized since January 31 for an undisclosed illness.

Mr. Thompson, a quiet and unassuming man, served six presidents and had three tours of duty totaling 11 years in Moscow, a longer period than any other American diplomat has spent in the Russian capital.

The length of residence was not all that made him one of the top American Kremlinologists. Mr. Thompson, his peers acknowledged without reservation, had more success in negotiating with the Russians than any U.S. envoy since the United States established diplomatic relations with the Soviet Union in 1933.

Mr. Thompson was appointed high commissioner to occupied Austria by President Truman in 1952 and served in Vienna for five years. There his cool patience and unflappable negotiating style helped bring about the 1954 agreement on Trieste and the 1955 Austrian State Treaty that ended the four-power occupation of that country.

For nine years the Russians resisted a settlement of the Austrian question, but finally, after 380 sessions, in the spring of 1955 an agreement was reached ending the occupation.

Mr. Thompson then became the first postwar U.S. ambassador to an independent and neutral Austria.

Mr. Thompson was born at Las Animas, Colo., August 24, 1904. He graduated from the University of Colorado in 1928 and joined the Foreign Service the following year.

After holding several minor posts abroad Mr. Thompson was sent to Moscow in 1940. Four years in the Soviet capital gave him a working knowledge of Russian and his reputation as a courageous diplomat was established during the grim winter of 1941 when the Nazis threatened Moscow.

Mr. Thompson refused to leave, though most of the diplomatic corps followed the fleeing Soviet government.

In 1944 he was transferred to London and between 1946 and 1949 he worked at the State Department, ending as deputy assistant secretary for European affairs.

Between 1950 and 1952 he was counselor at the embassy in Rome, before Mr. Truman sent him to Vienna.

In 1957, Mr. Thompson returned to Moscow as ambassador, replacing Charles E. Bohlen, another of the State Department's four top Kremlin-watchers. The other two were George F. Kennan and Foy D. Kohler.

During the five-year tour in Moscow Mr. Thompson managed to establish an unusually friendly relationship with Premier Nikita S. Khrushchev who even during the U.S.-Soviet tensions in 1960 repeatedly and publicly stressed that he had nothing against the diplomat.

This sometimes resulted in strange situations.

Mr. Thompson once told of a Kremlin reception where, after delivering one of his angry tirades against the United States, Khrushchev asked Mr. Thompson to join him in a toast.

"What shall I drink to after what you have said?" the diplomat asked, and he put down his glass without touching its contents.

The late Soviet leader did not seem to be offended.

While in Moscow, Mr. Thompson reached the top of the ladder in the Foreign Service: In 1960 he was named a career ambassador.

He returned to Washington in 1962 as an ambassador-at-large, in effect the administration's resident Kremlinologist.

Though Mr. Thompson wanted to retire, former President Johnson persuaded him to go back to Moscow in 1966 for another three years as ambassador.

Mr. Thompson finally retired in 1969, after 40 years in the Foreign Service, but when the strategic arms limitation talks started, he was asked by the Nixon administration to participate as a consultant.

[From the Los Angeles Times, Feb. 7, 1972]

LLEWELLYN THOMPSON, LEADING U.S. KREMLINOLOGIST, DIES AT 67; FORMER AMBASSADOR TO SOVIET UNION SERVED SIX PRESIDENTS OVER FOUR DECADES, INCLUDING THREE TOURS OF DUTY IN MOSCOW

WASHINGTON.—Llewellyn E. Thompson, former U.S. ambassador to the Soviet Union whose foreign service career spanned four decades, died Sunday. He was 67.

Thompson died at the National Institutes of Health in nearby Bethesda, Md., where he had been hospitalized since Jan. 31 for an undisclosed illness.

Thompson—Tommy to his friends—a quiet and unassuming man, served six presidents and had three tours of duty in Moscow.

But it was not the number of years that made him a member of the exclusive club of top American Kremlinologists. Thompson, his peers acknowledged without reservation, had more success in negotiating with the Russians than any U.S. envoy since the United States established diplomatic relations with the Soviet Union in 1933.

Thompson was appointed high commissioner to occupied Austria by President Harry S. Truman in 1952 and served in Vienna for five years. During this period his cool patience and unflappable negotiating style resulted in the 1954 agreement in Trieste and the 1955 Austrian State Treaty which ended the four-power occupation of that country.

Both problems had defied solution since World War II ended. Trieste, the port city on the Adriatic, belonged to the Austro-Hungarian monarchy until the end of World War I, then it became part of Italy, and Tito's Yugoslavia claimed it after World War II.

In eight months of quiet negotiations Thompson persuaded everybody, including the Russians, to accept partition of the Trieste area, leaving the city and port in

Italian hands, but giving most of the Istrian peninsula to the Yugoslavs.

For nine years the Russians resisted a settlement of the Austrian question, but finally, after 380 sessions, in the spring of 1955 an agreement was reached ending the occupation. Thompson became the first postwar U.S. ambassador to independent and neutral Austria.

Thompson was born at Las Animas, Colo., Aug. 24, 1904. He graduated from the University of Colorado in 1928 and joined the foreign service the following year.

After several minor posts abroad Thompson was sent to Moscow in 1940. Four years in the Soviet capital gave him a working knowledge of the Russian language and his reputation as a courageous diplomat was established during the grim winter of 1941 when the German armies threatened Moscow. Thompson refused to leave, though the diplomatic corps followed the fleeing Soviet government.

In 1944 he was transferred to London and between 1946–1949 he rose in the ranks at the State Department, ending as deputy assistant secretary for European affairs. From 1950 to 1952 he was counselor at the embassy in Rome, before Mr. Truman sent him to Vienna.

In 1957 Thompson returned to Moscow as ambassador, replacing Charles E. Bohlen, another of the now-legendary foursome of the professionals who had dominated the State Department's Kremlin-watching. The other two were George F. Kennan and Foy D. Kohler.

During the five-year tour in Moscow Thompson managed to establish an unusually friendly relationship with Nikita S. Khrushchev who even in the period of the U–2 incident in 1960 repeatedly and publicly stressed that he had nothing against the diplomat.

This sometimes resulted in strange situations.

Thompson once told of a Kremlin reception where, after delivering one of his angry tirades against the United States, Khrushchev asked Thompson to join him in a toast.

"What shall I drink to after what you have said?" the diplomat asked, and he put down his glass without touching its contents.

The late Soviet leader did not seem to be offended.

While in Moscow, Thompson reached the top of the ladder in the foreign service: in 1960 he was named a career ambassador.

He returned to Washington in 1962 to be ambassador-at-large, in effect the resident Kremlinologist of the administration.

Though he wanted to retire, former President Lyndon B. Johnson persuaded him in 1966 to go back to Moscow for another three years as ambassador.

Thompson later said he was disappointed by the men who ousted and replaced Khrushchev: he never could establish personal contact with Leonid T. Brezhnev, the party boss, or Alexei N. Kosygin, the premier.

Thompson finally retired in 1969, after 40 years in the foreign service, but when the strategic arms limitation talks started, he was asked by the Nixon Administration to participate as a consultant.

Thompson did not marry until he was 44 years old. He leaves his wife and three daughters.

[From the New York Times, Feb. 7, 1972]

LLEWELLYN THOMPSON DEAD AT AGE OF 67; EX-ENVOY TO SOVIET

WASHINGTON, February 6.—Llewellyn E. Thompson, former Ambassador to the Soviet Union, whose diplomatic career spanned four decades, died today. He was 67 years old.

Mr. Thompson had been hospitalized at the National Institutes of Health in Bethesda, Md., since Jan. 31 for treatment of cancer.

The diplomat's retirement in January, 1969, was short-lived, for President Nixon soon named him to the United States delegation to the strategic arms limitation talks (SALT) with the Soviet Union. He took his customary self-effacing part in both the Helsinki and Vienna sessions, which made tentative progress toward curbing the arms race.

Mr. Thompson leaves his wife, the former Jane Monroe Goelet, and two children, Jenny and Sherry, as well as a step-daughter, Fernanda.

COLD WAR ENTENTE

(By Alden Whitman)

Perseverance, patience, a willingness to talk and a capacity for friendship were all qualities that served to make Llewellyn E. Thompson Jr. one of the nation's most effective diplomats in often-difficult dealings with the Russians during the cold war. As an exponent of the art of quiet diplomacy, he managed to keep open the channels of communications between the United States and the Soviet Union at times when the two superpowers were barely on speaking terms.

For almost 30 years, starting in 1940, Mr. Thompson was involved with the Russians. He was twice Ambassador to Moscow—from 1957 to 1962 and from 1967 to 1969. For 10 years, ending in 1955, he talked with the Russians about an Austrian State Treaty. There were 379 meetings before the accord was finally worked out, a feat of endurance for which he received the United States Distinguished Service Award.

Once asked how he managed with the Russians, Mr. Thompson replied:

"I am a great believer in quiet diplomacy. I think that in the long run it gives a better chance for finding successful solutions to our problems."

The tall, slim, rather reserved envoy might have added that he was a great practitioner of personal diplomacy. When he was in Moscow, a day seldom passed when he did not meet high-ranking Soviet officials in one social setting or another and engaged them in conversation. He was on cordial terms with Andrei A. Gromyko, the Foreign Minister, and on friendly ones with Nikita S. Khrushchev, the Premier, often talking with him for hours on end.

EXONERATED BY KHRUSHCHEV

In the severe Soviet-American crisis in 1960 over the U–2 flight, Mr. Khrushchev publicly exonerated Mr. Thompson from responsibility for the incident. And during the Berlin crisis of 1961, the Soviet leader went out of his way to drink a toast to the Ambassador.

Soviet confidence in Mr. Thompson's integrity (which did not always extend to his Government) sprang in part from the fact that he spoke fluent Russian, that he took the trouble to see as much of Soviet life as possible and that he entertained thousands of Russians at Spaso House, his official residence.

Keeping himself at low pressure professionally produced many strains on Mr. Thompson, who was widely known as Tommy. One evidence was the glass of milk and the package of graham crackers that were prominent amid the clutter of his desk and attested his stomach ulcers. He also sought relief from his tensions in skiing, golf and poker.

"Tommy had the patience of a marble statue at the poker table," a fellow player recalled recently. "I've never seen anyone fold so many hands while waiting for the right cards. His judgment was superb."

HIS OWN ASSESSMENT

Although Mr. Thompson's achievements in Moscow were considerable—the cultural exchange agreement, paving the way for the nuclear test ban treaty, setting up the Vienna "summit" between Mr. Khrushchev and President Kennedy—he himself thought they were essentially negative.

"I don't think I ever made things worse, although there are great opportunities for causing harm here," he said at the end of his second Moscow mission in 1969.

As a Soviet expert, Mr. Thompson ranked with George F. Kennan and Charles E. Bohlen, who also served in Moscow. Unpretentious and conservative in dress and manner, Mr. Thompson was almost the reverse of the confident, elegantly casual Mr. Bohlen. And he was more down to earth than the rather intellectually arrogant Mr. Kennan, who was an author of the American containment policy toward the Soviet Union.

Discussing Mr. Thompson's ambassadorial role, Prof. Adam Ulam of Harvard, the Soviet affairs specialist, said recently:

"Within the limitations of American policy toward the Soviet Union, Mr. Thompson was the most effective of our Moscow envoys over the last 20 or 25 years. He understood Soviet motivations very clearly, as he demonstrated in the Cuban missile crisis of 1962. He recalled then that the Russians were not so much concerned with Cuba or missiles as with obtaining a bargaining position on other matters. His advice to President Kennedy was more profoundly based than that of many of his counselors."

BORN IN COLORADO

The son of a rancher, Mr. Thompson was born in Las Animas, Colo., on Aug. 24, 1904. As a youth, he worked on his father's spread, in a general store and in a logging camp in western Washington. On a boat trip from Seattle to Los Angeles, he met a retired consul, whose account of his life as diplomat excited and inspired the young man. Back home, he enrolled in the University of Colorado and worked his way through.

After receiving his bachelor's degree in 1928, he attended the Foreign Service School of Georgetown University in Washington and was appointed a Foreign Service officer in January, 1929. He began his career as a vice consul in Ceylon, shifting to Geneva in 1933 and moving up to consul in 1937. Meantime, he served as an American adviser at conferences in Geneva of the International Labor Office. During most of 1940, when the war in Europe was escalating into World War II, Mr. Thompson attended the Army War College in the United States.

The following year he was posted to Moscow as second secretary and consul at the American Embassy. In the summer of 1941 the Germans were hammering at the gates of Moscow, and the diplomatic corps moved with the Foreign Ministry and most of the Soviet Government to Kuibyshev on the middle Volga. Mr. Thompson was assigned to stay in Moscow to look after the embassy and other United States property and interests.

"VERY GRIM PERIOD"

In what he later called "a very grim period," the diplomat studied Russian and attended the theater. The Nazi siege was lifted in August, 1942, but the Russians did not forget that Mr. Thompson had shared their hardships in good part. Their special feeling for him traced to his having stuck it out in the menaced capital. From the United States he received the Medal of Freedom for handling the embassy "at the risk of capture" by the Germans.

In 1944, Mr. Thompson was assigned to London and two years later he was brought to Washington. There he was given a series of increasingly important administrative jobs—chief of the Division of European Affairs, deputy director of the Office of European Affairs and Deputy Assistant Secretary of State for European Affairs. In his progression up the ladder, he acquired the professionalism that was to distinguish his diplomacy. He also gained a reputation for imperturbability, which was to help advance his career.

In June, 1950, Mr. Thompson was assigned to Rome as counselor of embassy, and two years later President Harry S. Truman sent him to Vienna, first as High Commissioner and then as Ambassador. Much of his time was occupied in negotiations for a Trieste settlement and with the Austrian State Treaty.

Both Italy and Yugoslavia claimed Trieste, the key port at the head of the Adriatic. It took nine years, ending in 1954, to divide the region between them on terms both could accept.

"EVEN RUSSIANS APPROVED"

He spent the climactic eight months of the talks in London, meeting regularly and quietly with Italian and Yugoslav representatives.

"It [the accord] was one of the few things we have done that even the Russians approved of," Mr. Thompson said at the time.

Simultaneously, he was working behind the scenes on the Austrian treaty, by which Austria regained her independence in 1955, in return for a pledge of neutrality. The military forces of the United States, Britain, France and the Soviet Union were also withdrawn under the treaty. Its final terms were worked out in 11 days of furious and arduous bargaining, during which Mr. Thompson lost 17 pounds.

The experience with the Austrian treaty and the Trieste accord reinforced his belief in the value of careful negotiation out of the spotlight of publicity. Mr. Thompson often referred to these pacts as "open covenants secretly arrived at."

At one of the peaks in the cold war in 1957, President Dwight D. Eisenhower chose Mr. Thompson as Ambassador to Moscow. Within a few months the Soviet leaders began to press for a summit conference, and the new envoy was called up to undertake the sensitive reporting and negotiating job that cautious United States policy required.

URGED KHRUSHCHEV TRIP

Although a formal summit did not eventuate, Mr. Thompson urged on the State Department the wisdom of inviting Premier Khrushchev to the United States. This trip, which required months to arrange, took place in 1959 and resulted in a notable relaxation of Soviet-American tensions. Mr. Thompson accompanied Mr. Khrsuhchev on his visit, which culminated in a meeting with President Eisenhower at Camp David Md. "The spirit of Camp David," hailed by Mr. Khrushchev, was a fruit of Mr. Thompson's patient and tenacious diplomacy.

Mr. Thompson also helped lay the groundwork for the Paris summit of 1960, which was aborted after a U-2 overflight of the Soviet Union that was directed by the Central Intelligence Agency. The envoy's relations with Soviet leaders remained good despite the episode, and he was continued at his post for almost two years by the Kennedy Administration.

Having been made a Career Ambassador in 1960, he was retained as a State Department adviser when he left Moscow in the fall of 1962, and he was Acting Deputy Under Secretary of State for Political Affairs from 1964 to 1966, when President Lyndon B. Johnson appointed him to Moscow again. Arriving there in January, 1967, he helped to arrange the meeting later that year between the President and Premier Alexei N. Kosygin in Glassboro, N.J.

SECOND TOUR DIFFICULT

Mr. Thompson also sought to deepen the détente by keeping alive the possibility of limiting the Soviet-American nuclear missile race. But his second tour in Moscow was difficult, owing chiefly to the Vietnam war, and he never had a single serious talk with Leonid I. Brezhnev, the principal Soviet leader.

FILLING OF VACANCIES FOR FEDERAL JUDGESHIPS

Mr. COOK. Mr. President, yesterday, the senior Senator from Iowa (Mr. MILLER) spoke at the 59th midyear breakfast meeting of the American Judicature Society at the Roosevelt Hotel, in New Orleans, on his use of a merit plan in the selection of nominees for appointment to fill a vacancy in the Federal district judgeship for the southern district of Iowa. As the president of the society, Mr. Robert Hall, observed in announcing Senator MILLER's appearance, this was "the first time such a procedure has ever been used for a Federal judgeship, and a milestone on the path to nationwide acceptance of the merit plan for the filling of all judgeships, Federal and State."

I ask unanimous consent that the Senator's address be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE IOWA STORY—REFORM IN THE EXERCISE OF SENATORIAL COURTESY

In April of last year, the U.S. Department of Justice commenced the active processing of a prospective nominee for the Eighth Circuit Court of Appeals. Inasmuch as the nominee was a sitting Federal District Judge in my State who enjoyed a high reputation, it appeared probable that he would be nominated and confirmed, leaving the Federal District Judgeship open for appointment.

It is well known that the senior United States Senator from the Party in control of the Administration has a great deal to say in such an appointment. Of course, the Administration may see fit to indicate a preference; but if the Senator specifies a preference, it will customarily be honored if processing by the Department of Justice, which includes evaluation by the American Bar Association's Standing Committee on the Judiciary, results favorably. If it doesn't, the Senator will usually be asked to provide another name. If he declines to do so, the President may simply do nothing, or he may send over the name of the individual whom the Senator had designated, with the understanding that the Senator bears the burden of obtaining confirmation by the Senate. Such a burden may be a heavy one, as was the case with Francis Morrissey of Massachusetts, whose nomination was on the point of rejection by the Senate when it was withdrawn on October 21, 1965. (I might add that, since then, no President has sent over a nomination following an unfavorable report from the ABA Standing Committee on the Judiciary.)

Of course, a President is not going to send over a name which is objectionable to the senior Senator from his Party. Senatorial courtesy extended by the Senate Judiciary Committee to that Senator would preclude favorable action on such a nomination.

The real question is how should the Senior Senator from the Party in control of the Administration go about having a great deal to say" when it comes to the President's sending over to the Senate a nomination to the Federal bench. Although it might be conceded that the processing by the Department of Justice, which includes an FBI check and evaluation by the ABA's Standing Committee on the Judiciary, tends to prevent appointment of incompetent or undesirable individuals, there is no guarantee that it won't happen. The Morrissey case is an example of one that nearly happened—even after an *unfavorable* report by the Standing Committee on the Judiciary. And the nomination of Abe Fortas to be Chief Justice was blocked in the Senate notwithstanding a *favorable* report by the ABA Standing Committee, which stated: "Our Committee is of the view that Associate Justice Fortas is highly acceptable from the viewpoint of professional qualifications." The Committee Chairman at that time pointed out, however, that the Committee's responsibility is to express its opinion "only on the question of professional qualification" and "to express no opinion at any time with regard to any other consideration not related to such professional qualification which may properly be considered by the appointing or confirming authority". Thus, what could be vital matters of judgment and outside activities are left for the consideration of the President or the Senate.

More importantly, however, is the fact that these procedures are negative. They are calculated to avoid bad appointments; whereas what is needed to obtain maximum confidence of the public is the appointment of people with the capacity to be outstanding judges.

And so, it seems to me, this should be the guideline of a Senator when he undertakes to "have a great deal to say" about a nomination to the federal bench. At any rate, it was the guideline I chose. The next question was how best to follow it.

I suppose I could have looked over the field of lawyers and state and local judges in Iowa, many of whom I know personally, and come up with one, two, or three names to send over to the Department of Justice for processing; and I like to think that the people of Iowa would have ended up with an outstanding judge. I could have informally contacted Party officials or community leaders or bar association officials or all of them and come up with one, two, or three names; and I like to think the people of Iowa would have ended up with an outstanding judge. However, there was another question that needed to be answered: "Would the people of Iowa *think* they were getting an outstanding judge?" And I couldn't help but recall a Gallup poll in 1968 which showed that 60 percent of the people held an unfavorable view towards the Supreme Court. Add to this the special concern of many of our new, young voters over the need for reform in our system of justice, and it seemed to me that the time was most appropriate to follow a selection procedure which would be calculated to not only result in the appointment of an outstanding judge, but to cause the people of Iowa to *think* they were getting an oustanding judge.

The best approach that came to mind was to call upon my own State bar association to make the selection of three names for me to send over to the Department of Justice. Not only has the Iowa State Bar Association long maintained an outstanding reputation for integrity, but it has been in the forefront of support for improved procedures in the selection and retention of judges. For example, it provided great leadership in securing ratification of a constitutional amendment and the implementing legislation under which nominees for our State Supreme Court and District Court judgeships are selected through a screening process involving judicial nominating commissions, with final appointment by the Governor, and stand for retention in office by popular vote which coincides with their terms of office.

Accordingly I formally requested the State bar association, through its president, to select three names for me to furnish the Department of Justice for the purpose of deciding upon a nominee to fill the upcoming vacancy for the Federal District Judgeship. I stated that the guidelines furnished me by the Department of Justice were age fifty or under and extensive trial experience, but I added these words: "I believe the age factor would be subject to some variation, particularly if other factors are strong, although my feeling is that someone age sixty or very close to that age would not be favorably considered."

I also noted that it was not necessary to limit selection to someone residing in the particular judicial district and pointed out that we presently have a sitting Federal District Judge who, at the time of his appointment, resided in another district.

Finally, I expressed my belief that this was a most appropriate undertaking for the association and would be consistent with the need to maintain public confidence in our judiciary.

The President of the State Bar Association promptly called a special meeting of the members of the Board of Governors to consider my request. The Board reacted favorably and directed the President to appoint a special committee of seven from the Board itself, such committee being charged with the responsibility of promptly submitting to the full Board a list of recommended names. From this list, the Board would then select the three names to be furnished me.

The President, who happened to be a Republican, appointed the Committee and named, as Chairman, one of the Members of the Board, who happened to be a Democrat. The Committee met promptly and determined upon the procedure it would follow: four-page questionnaires, being those used by the State Judicial Nominating Commission with respect to Iowa Supreme Court Justice vacancies, would be provided each member of the Board of Governors for distribution to those lawyers in their districts who, in their opinion, were qualified or wished to be considered. These were to be mailed back to the special committee within a few days for its consideration in preparing the list for the Board of Governors.

Information about this action and the procedures adopted was provided every member of the Iowa State Bar Association in a special letter from the President, who advised that any member of the Association who wished to be considered by the special committee should contact the Board member in his district and obtain the required questionnaire for completion and mailing direct to the special committee by a specified date. The President expressed his confidence that, under the procedure to be followed, the three names finally selected would have been determined with no partisan or political considerations involved. The concluding paragraph of his letter, I thought, set the tone which befitted the occasion:

"In this time in our history when our judiciary and the selection thereof is being criticized nationwide, we here in Iowa can be grateful for this opportunity to display for all to see a conscientious and impartial method of finally arriving at the appointment of a Federal District Court Judge and also that our lawyers and our Senator can and will rise above personal or selfish considerations."

I might point out that the four-page questionnaire is very comprehensive, covering such factors as state of health, legal, writing, court experience, including jury trial experience, a description of ten of the more significant litigated cases along with their citations, personal law violation charges and convictions other than traffic violations involving a fine of $25 or less, and outside business interests.

The special screening committee received a total of thirty-three questionnaires and, after most careful deliberation, submitted twelve of these to the Board of Governors. The Board held a special one-day meeting and, after thorough analysis, proceeded to vote by secret ballot to drop one name from the thirteen. This was followed by successive secret ballots until ten names had been dropped and three names remained. These three, along with their questionnaires, were then sent to me, listed in alphabetical order, by the bar President, who wrote:

"You would have been proud, Senator, of the impartiality and dedication demonstrated by the screening committee of the Board in the first instance and by the full Board itself when it finally reached its determination. The entire procedure was as fair as humanly possible and was done without regard to race, creed, color or political preference."

I thereupon wrote to the Attorney General, outlining the procedure that had been followed and presenting the three names, along with the questionnaires, in alphabetical order. I noted that this was an unprecedented procedure which had evoked very little criticism and a great amount of favorable reaction. I concluded with the statement: "I am satisfied that each of these nominees is fully qualified for appointment as Federal District Judge for the Southern District of Iowa."

The three nominees were two State District Court judges and one of our State Supreme Court justices. All of this had been covered by the press, and the typical comments around the State was that the people would be well served by any one of them.

Of course I still retained the option of designating a preference. However, I had decided to refrain from exercising it pending the outcome of the processing by the Department. In due course, I was notified that investigation revealed that all three were possessed of outstanding qualifications. I asked the Department whether it had a preference and was advised that its preference was the State Supreme Court justice who had, prior to his appointment to the Supreme Court, acquired extensive trial experience and had served in the Iowa State Senate for several years. That was good enough for me, and I requested that the Department forward his name to the President for nomination.

I am pleased to say that my junior colleague, who is a member of the other major party, was in full agreement with the nomination. This is important, because both Senators, regardless of party, must at least acquiesce in such a nomination before the Senate Judiciary Committee sets hearings promptly. If one Senator declines to acquiesce, the result will be, at the very least, a long, drawn-out process; and if the dissenting Senator can come up with some persuasive evidence, a nomination can be blocked.

The President quickly sent over the name of our State Supreme Court Justice, a hearing was promptly held, and the Senate confirmed the nomination, without dissent, in short order.

In striking a blow for reform in the exercise of senatorial courtesy with respect to federal judge appointments, I recognze that the procedure I followed is not the only one that could be adopted. The suggestion has been made that one could name a selection advisory board, which would consist of lawyers, judges, and laymen. However, if I had undertaken to name such a board, I can visualize a reaction by some members of the public that political connections had something to do with the composition of the board. Furthermore, I am not at all sure that laymen would possess the background and objectivity rquired for merit selection of judges. Professional qualifications are matters which would seem best left to the expertise of leaders of the bench and bar. "Popularity" of a State District Judge, for example, could be a major factor in a layman's decision; whereas, historians tell us that a "good" judge or a "great" judge has not always been a "popular" judge.

Reform, which is change for the better and not simply change for the sake of change, is needed if our political institutions are to regain the confidence of the public which must exist in a democratic system. Chief Justice Warren Burger has spoken out strongly for reform in our judicial system to make it more responsive to the need for both fair and prompt justice. The selection of judges is a very important part of the judicial reform picture, and essentially this means a process which will merit public confidence that professional qualifications rather than political connections are determinative in judicial appointments. I believe this is particularly important to the younger voters of the nation whose idealism should be matched by the reforms we can accomplish.

I well know that, during its fifty-nine years, the American Judicature Society and its members have been dedicated to reform in our system of justice, including reform in the procedures for the selection and retention of judges. I strongly feel that reform—voluntary though it must be—in the exercise of senatorial courtesy when it comes to appointing members of the federal judiciary is a major step that should be taken in achieving the goal to which you are dedicated—a goal which must be attained if ours is to be a "good" society.

CONGRESS MUST TAKE ACTION ON DOCK STRIKE

Mr. PERCY. Mr. President, I am gratified that the Committee on Labor and Public Welfare has reported emergency legislation to end the dock strike. The legislation before us today is vitally needed to end a strike which has caused grave harm to the economy of this country.

I am not in favor of the Government arbitrarily or capriciously involving itself in the collective bargaining process. But in this case, when the damage to the economy is so great and the national interest is so clearly involved, I feel the Congress must act and with dispatch.

Although the current dock strike has had repercussions on all parts of the American economy, its impact on American farmers has been particularly great. Secretary of Agriculture Butz has testified that the dock strike cost American farmers $750 million in lost export sales in 1971, compared to the same period in 1970. These lost sales are continuing at the present time. Every day that the strike continues, the American farmer will be hurt. This is especially crucial to the State of Illinois, which is the largest agricultural exporting State in the country.

The dock strike is resulting not only in lost export sales, but also in reduced farm prices, increased marketing costs, and spoiled crops. The dependability of the United States as a supplier of agricultural commodities is being severely damaged. Countries which formerly bought American agricultural commodities are now turning to other countries, such as Canada and Australia, for their food requirements. Markets lost now by American farmers may never be regained.

Mr. President, the Congress must act today. We must pass the President's special legislation to end the current dock strike and then move on at the earliest time to pass legislation to establish procedures to deal with all such disputes in the future. We must insure that we prevent such crippling strikes in the future. I commend my colleagues, Senator JAVITS, Senator WILLIAMS, and Senator

PACKWOOD, for their diligent efforts toward this end.

I ask unanimous consent that certain material on the subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 8, 1972]

HOUSE UNIT, SENATE ARE SET TO ACT TODAY TO SPEED AN END TO PACIFIC DOCK STRIKE

WASHINGTON.—The Senate is expected to take up legislation that would force a settlement of the West Coast dock strike.

But quick action will be required of both the Senate and House if Congress is to pass strike-settling legislation before the lawmakers head home tomorrow night for the long Lincoln Day recess.

The House Rules Committee meets today to consider sending a bill aimed at resolving the dispute directly to the floor for a vote.

In San Francisco, negotiations were continuing between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association, the employers' bargaining group.

The bill scheduled for floor action in the Senate today was cleared yesterday by the Labor Committee. It's basically similar to the legislation proposed by President Nixon Jan. 21 for settling the strike, with one exception. The Senate bill would permit the parties to choose an arbitrator, or panel of arbitrators, to fashion a binding settlement instead of leaving the selection to the Secretary of Labor.

Labor Committee Chairman Harrison Williams (D. N.J.) and Sen. Jacob Javits of New York, the ranking Republican on the panel, said the Senate is expected to take up the bill this afternoon. Both agreed the Senate could complete action on the bill before tomorrow's recess, but they declined to make firm predictions about final congressional passage.

The Nixon administration proposal, which will be one of the possibilities mulled by the House Rules Committee this morning, would halt the walkout and empower a three-member panel of arbitrators, picked by the Secretary of Labor, to impose a settlement within 40 days of its selection. The arbitrators' settlement would remain in effect for at least 18 months.

The Senate version would put pressure on the parties to chose a single arbitrator within three days of the bill's enactment. If that were impossible, the legislation spells out a complicated process in which a federal judge would pick either a single arbitrator, or name the chairman of a three-member arbitration panel.

There were indications that the procedure was calculated to encourage the parties to pick San Francisco arbitrator Sam Kagle to settle their dispute. Mr. Kagle was called into the talks by mutual agreement last week to serve as a mediator.

Events were more confused on the House side of the Capitol yesterday. A House Labor subcommittee cleared a measure that would authorize President Nixon to go into federal court to seek an injunction halting portions of the ILWU strike that are holding up military goods, agricultural cargo and shipments to and from Hawaii.

The full House Labor Committee will meet this morning to consider the measure. But it can't send the legislation to the floor for at least six days without unanimous consent, committee sources said, and that isn't likely to happen, they indicated.

This means any hope for speedy House action probably rests with the Rules Commitee. Provoked by what they believed was the Labor Committees' slow action on the administration's bill House GOP leaders and some farmstate Democrats are pressing the Rules Committee to take the legislation out of the Labor Committee's hands and bring it directly to the floor for a vote. But late yesterday, there apparently was little consensus on what bill would be best.

Backers of the administration's bill were the ones who initially pressed for Rules Committee action. But one nosecount indicates there are seven votes committed to the Nixon bill and seven against it on the 15-member committee. It's understood the swing vote could be that of Hawaii Democrat Spark M. Matsunaga, who may come up with his own alternative.

[From the Washington Post, Feb. 8, 1972]

PANEL VOTES TO END DOCK STRIKE

(By Sanford J. Ungar)

The Senate Committee on Labor and Public Welfare last night unanimously approved President Nixon's emergency legislation to end the West Coast dock strike, with only minor revisions in the administration's plan for compulsory arbitration.

Acting at 6 p.m. at a closed meeting that lasted all afternoon, the Senate panel revived the prospects that Congress may force an end to the seven-month-old docks dispute before breaking Wednesday afternoon for a Lincoln's Birthday recess.

Earlier in the day, a House Labor Subcommittee rejected the administration bill and approved a substantially weaker measure that would force only a partial resumption of work on the waterfront for 60 days while negotiations between shippers and longshoremen continued.

That measure, sponsored by subcommittee chairman Frank Thompson Jr. (D-N.J.), is expected to come before the full House Committee on Education and Labor this morning.

At the same time, however, the powerful House Rules Committee will meet this morning to consider rushing the administration bill to the House floor for immediate consideration.

Secretary of Labor James D. Hodgson, continuing the administration's pressure on Congress to end the strike, issued a statement last night denouncing the Thompson bill as "clearly unsatisfactory."

He implored Congress once again to adopt the administration approach.

In San Francisco, meanwhile, negotiators for the Pacific Maritime Association (PMA) and the International Longshoremen's and Warehousemen's Union (ILWU) were reported to be striving for an agreement that would circumvent congressional action.

Congressional leaders in both parties said they would prefer to drop all legislation if a voluntary settlement of the strike can be reached.

They were skeptical, however, of new reports that the PMA and ILWU were "terribly close" to resolving all issues remaining in dispute.

"We have been terribly close before," said Rep. John Dellenback (R-Ore.), chief sponsor of the administration bill in the House.

Unless the shippers and dock workers reach agreement by early this morning, they may be unable to have a settlement pact endorsed by both sides before Congress acts.

Testifying before the House and Senate committees last week, Harry Bridges, president of the ILWU, suggested that the longshoremen might defy the Administration bill if passed in its original form.

Thompson, who spoke with Bridges after the subcommittee session yesterday morning, said the union leader also opposed even the limited return-to-work legislation adopted by the subcommittee.

Edmund J. Flynn, president of PMA, on the other hand, endorsed the administration proposal last week, saying collective bargaining had failed.

The administration bill, as approved by the Senate Labor Committee last night, would provide for compulsory arbitration over a 40-day period, with even those issues already agreed upon by the shippers and longshoremen opened for renegotiation.

The arbitration board's findings would be binding for at least 18 months, but no more than 24 months, and the wage increase for the longshoremen would be exempt from approval by the Pay Board.

At the insistence of Democrats on the Senate committee, however, the bill provides that the arbitrators would be selected by the parties to the docks dispute themselves, rather than by the Secretary of Labor as proposed by President Nixon.

If the parties could not agree on a panel, the arbitrators would be chosen by the chief judge of U.S. District Court for the Northern District of California.

The Senate bill also drops the Teamsters Union from the compulsory arbitration plan.

The administration originally proposed that the Teamsters be included since they are in dispute with the longshoremen over who should perform some of the work on container shipping at West Coast ports.

Thompson's bill, in contrast, rejects compulsory arbitration, and provides only that the government may seek court action "to enjoin such portion of a strike or lockout concerning military cargoes, agricultural cargoes and shipments to and from Hawaii" for 60 days.

Any such court action would require a finding that "the national health or safety" is endangered and would permit negotiations to continue during the injunction. Any wage settlement reached would be subject to the approval of the Pay Board.

The preamble to Thompson's bill notes that "partial operation of the industry will . . . permit the major part of the strike or lock-out to continue."

Thompson's bill was adopted by the subcommittee on a 5 to 1 vote after a brief open session, with only Dellenback voting against it on grounds that it was "purely cosmetic."

The two other Republicans on the subcommittee, John M. Ashbrook of Ohio and Ogden R. Reid of New York, voted "present."

Earlier, the subcommittee voted 5 to 3 along strict party lines to reject the administration bill.

Thompson said of his bill, "cosmetic or not, it will do the job" of getting essential commodities to and from Hawaii and permitting U.S. agricultural exports to be shipped overseas.

The Senate committee acted after a morning caucus of its Democratic members, who overruled chairman Harrison A. Williams Jr. (D-N.J.) in his efforts to prevent any compulsory arbitration legislation from reaching the Senate floor.

Congressional sources said later that only Williams and Sen. Claiborne Pell (D-R.I.) held the line against the administration bill.

Twice during their afternoon-long session, the Democratic majority on the committee emerged from the meeting room to caucus.

The second caucus was prompted by the threat of Sen. Bob Packwood (R.-Ore.) to use the emergency dock strike legislation as a vehicle for bringing up on the Senate floor the administration's long-range legislation to end transportation strikes.

That administration bill has been before the Senate Labor Committee for two years.

To the chagrin of his colleagues on the committee, including ranking Republican Jacob K. Javits of New York, a defiant Packwood said after yesterday's meeting that he would attempt to force consideration of the long-range bill by the Senate today.

YOUTH FOR UNDERSTANDING

Mr. PERCY. Mr. President, I take great pleasure in extending my congratulations to Youth for Understanding on the occasion of its 21st anniversary. This remarkable program, which seeks to promote international understanding by sponsoring world-wide student exchange programs, began its activities in 1951 by selecting 75 German teenagers for placement in American families in the Detroit area. Since 1951, the organization has greatly expanded its efforts. Youth for Understanding now gives high school graduates the opportunity to participate in a 13th year abroad program, placing them with host families in foreign countries to study at foreign secondary schools. For college students, the program offers the opportunity to tour Europe on special study programs. For musically inclined students, Youth for Understanding sponsors a chorale, a string ensemble and a wind ensemble which travel on concert tours each summer.

Over 30,000 students from 45 foreign countries have now participated in Youth for Understanding programs. In addition, American students from 42 States have been given the opportunity to expand their horizons through international living experiences.

I commend Youth for Understanding for its fine efforts to promote international understanding and world peace and wish it continued success in the years to come.

SENATOR MILLER SPEAKS ON TAX REFORM

Mr. GRIFFIN. Mr. President, last Friday, the senior Senator from Iowa (Mr. Miller) spoke on the subject of "Reform in the Taxation of Foundations" at the Eighth Annual Conference on Federal Tax Problems of Nonprofit Organizations which was held at the Washington-Hilton Hotel under the auspices of Organization Management, Inc.

Senator Miller outlined the problems which Congress sought to meet in the Tax Reform Act of 1969 in a particularly knowledgeable way because of his position on the Senate Finance Committee and the conference committee which produced the final version of the act.

I ask unanimous consent that his address be placed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Reform in the Taxation of Foundations

(By Jack Miller, U.S. Senator, Iowa)

Two years ago, you graciously honored me with an opportunity to speak at this luncheon. I undertook then to analyze the major problem areas of concern to the Congress on the subject of private foundations.

What I would like to do today is return to those major problem areas and discuss what the Congress did about them.

Let me repeat two premises which I set forth in that address and which, I can assure you, undergirded the action of the Congress. First, our public policy long has been and continues to be that private philanthropy should be encouraged through tax exemptions for charitable organizations and tax deductions for contributions to such organizations. Otherwise, the legitimate activities of these organizations would have to be taken over by government. Second, the loss of revenue from such tax exemptions and tax deductions should be matched by a reasonably concurrent benefit to the charitable purpose.

SELF-DEALING

In my statement two years ago, I said: "It would appear that self-dealing transactions have no relevance to the purposes of tax exemption for foundations and tax deductions for donors, and the conclusion is clear that present law does not prevent them. Moreover, since we are talking about only a relatively small percentage of foundations and donors, the benefits to charity and the public interest (not to mention public support of foundations) from a tightening of the law would seem to outweigh any losses which might result from such action." I also noted that limitations in the law as it then stood—prohibiting loans by a foundation to a donor which do not have adequate security and do not bear a reasonable rate of interest, or substantial purchases of property by a foundation from a donor for more than an adequate consideration—were terribly difficult and time-consuming to administer.

To minimize the need to apply such subjective arms-length standards, to avoid the temptation to misuse private foundations for noncharitable purposes, to provide a more rational relationship between sanctions and improper acts, and to make it more practical to properly enforce the law, the Finance Committee went along with the House in removing private foundations from the arm's-length self-dealing requirements and, in prohibiting self-dealing altogether.

The specific transactions between a private foundation and a disqualified person which are now prohibited are:

1. The sale, exchange, or leasing of properties;
2. Lending of money or extension of credit;
3. Furnishing of goods, services, or facilities;
4. Payment of compensation;
5. Transfer to or use by, or for the benefit of, disqualified persons of the income or assets of a private foundation; and
6. Agreement by a private foundation to make any payment of money or other property to a government official (other than an agreement to employ such individual for certain periods after termination of government service).

The Senate added a seventh category, namely: payment by a private foundation of the taxes imposed upon any disqualified person for engaging in self-dealing. This was dropped by the Conference Committee as already covered by the prohibition against the transfer for the benefit of a disqualified person of income or assets of a private foundation. The Senate Finance Committee Report also noted that "use by, or for the benefit of," a disqualified person may consist of securities purchases or sales in the open market by a foundation in order to manipulate the prices of the securities to the advantage of a disqualified person.

The House and Senate were in harmony over establishing a graduated series of sanctions against the self-dealer and against a foundation manager who willfully engage in the prohibited transactions. In the case of willful repeated acts or a willful and flagrant act, the Internal Revenue Service can require the foundation either to pay back to the Government the income, estate, and gift tax benefits (with interest) which the foundation and all of its substantial contributors had received; or it can require the foundation to distribute all of its assets to a public charity or to operate as a public charity. Also, a foundation from engaging in self-dealing.

DELAY IN BENEFIT TO CHARITY

My comments two years ago included the following: "Inasmuch as charitable undertakings are looked upon with favor because government would otherwise have to assume the burden, it would be logical to expect that a current tax deduction for a contribution to a foundation, or exemption from tax of a foundation's current income, both of which result in loss of revenue to the government, would be accompanied by a current benefit to charitable activities. . . . The 1950 Act sought to deal with the problem by denying tax exempt status to an otherwise qualifying organization for the year that its accumulated income is unreasonable in amount or duration, used to a substantial degree for purposes other than charity, or invested in such manner as to jeopardize the carrying out of charitable activities." As in the case of the self-dealing provisions, I noted the administrative difficulty in enforcing standards of "unreasonable" and "substantial" as a result of which there were problems of foundation lending to private parties, foundation speculation, and "capitalizing on the tax exemption."

As many of you know, the Senate and House agreed to opt for simplified administration by providing that, to avoid tax, a private foundation must distribute *ALL* net income (other than net long term capital gains) currently, with graduated sanctions for failure to distribute; and with the further requirement that not less than the following annual payouts be made: 4½ percent of investment assets for 1972, 5 percent for 1973, 5½ percent for 1974, and 6 percent for 1975 and later years. However, the Secretary of the Treasury is authorized to adjust the rate prospectively from time to time based on changes in money rates and investment yields using as the standard the 6 percent rate in relationship to rates and yields for 1969. The lower payout rates for 1972, 1973, and 1974 would be adjusted proportionately. We made it clear that these minimum payout requirements do not preclude a foundation from investing in low-yield investments; but, if it does so, it may have to sell capital assets in order to meet the payout requirements. Also, the words "payout" or "distribute" include distributions to a foundation or public charity, direct expenditures for charitable purposes, and costs of assets used for charitable purposes.

Assets used directly for the active conduct of the foundation's exempt purposes are not included in the investment base for computing the minimum payout requirement. Payouts in excess of the minimum can be carried forward to be applied against required payouts for the next five years. The payout must be made in the year in which the foundation's income is received or during the following year, except that it may be set aside (with advance approval of IRS) for periods of up to five years for certain major projects where relatively long-term grants must be made to assure continuity of projects or where the continuity of a matching grant program is involved. An additional year's delay in benefit to charity can be obtained if the foundation makes a payout to another private foundation or Sec. 501(c)(3) exempt organization if the funds so distributed are used for charitable purposes by the end of the taxable year after the year of receipt by the donee organization. The donee cannot, in turn, obtain a further year's delay by following the same procedure.

Provisions for penalties for repeated or flagrant violations are the same as those for self-dealing violations.

FOUNDATION INVOLVEMENT IN BUSINESS

I noted two years ago that there were four policy problems in this area: (1) unfair competition with taxpaying businesses; (2) possibilities for subtle and varied forms of self-dealing not readily covered by legislation; (3) deferral of charitable benefits through accumulations by the business itself rather than by the foundation, and (4) preoccupation of officers and directors of a foundation with business rather than charitable activities for which the tax break accorded foundations was intended. And I pointed out that action by Congress in 1950 to tax the unrelated business income of foundations and to remove the immunity formerly enjoyed by so-called "feeder" organizations had not resolved the problem of competition with taxpaying businesses. For example, because contributions to foundations are deductible, capitalization of foundation business could be achieved with tax-free dollars rather than, as in the case of other business, after-tax dollars.

The Senate Finance Committee vigorously declined to go along with the House limitations insofar as they pertained to existing holdings. The House proposed to limit to 20 percent the combined ownership of a corporation's voting stock which may be held in the future by a foundation and all disqualified persons together, with the proviso that if it could be demonstrated that some unrelated party has effective control over the business, the 20 percent limit is raised to 35 percent. We changed this to permit a holding of up to 50 percent in the case of existing holdings. We added a provision that stock in a passive holding company is not to be considered a "business holding"; rather, the foundation is treated as owning only its proportionate share of the underlying assets of the holding company. We also provided that passive investments generally are not to be considered business holdings—for example bonds, or stock in a company which itself receives income in the nature of a royalty. And we further provided that business holdings do not include investments in small businesses in central cities or in corporations which are formed to assist in neighborhood renovation in connection with a foundation's charitable program.

The House went along with a more liberal approach to existing holdings, but it was over the divestiture rules that the principal arguments arose. The House bill called for divestiture to reach the 20 percent (or 35 percent) holding requirement within 10 years, with interim requirements of progressive partial divestiture at the end of 2 years and 5 years. The Senate changed this to provide that if existing holdings exceed 50 percent, there would be 10 years allowed for divestiture down to 50 percent; and if the holdings exceeded 75 percent, an additional 5 years would be allowed. If the holdings were between 20 and 50 percent, no divestiture would be required, but no additional holdings would be permitted.

The Conference Committee reached this compromise: Where existing holdings are in excess of 50 percent but not in excess of 75 percent, ten years will be allowed to get down to 50 percent. If the holdings are in excess of 75 percent, but not over 95 percent, 15 years will be allowed to get down to 50 percent. If the foundation itself holds over 95 percent of a corporation's stock, 20 years will be allowed to get down to 50 percent. If, at the end of the 10, 15, and 20 year periods provided for, the foundation and all disqualified persons combined have holdings that do not exceed 50 percent, and if the foundation's own share does not exceed 25 percent, no further divestiture is required. If the foundation's share exceeds 25 percent, and the disqualified persons combined hold no more than 2 percent, the foundation's holdings within the 50 percent rule can exceed 25 percent, but it must get its holdings down to 35 percent within another 15 years. If the foundation's share exceeds 25% and disqualified persons combined hold more than 2%, the foundation must divest sufficiently to get down to 25%.

I realize these conference provisions are somewhat complicated. I personally authored the Senate amendment in this area and quite naturally regarded it as both perfect and infinitely better than the House provisions. However, one learns in a Conference with the House—especially with Wilbur Mills chairing the Conference—that improvement over House provisions rather than perfection is an achievement.

FAMILY USE OF FOUNDATIONS

In my discussion of two years ago, I noted that some taxpayers had contributed voting stock in a corporation, which their family controls, to a foundation which the family also controls; that they had received income and gift tax deductions for the donations, cut down their estate tax, and secured tax-free control of a corporation to the younger members of the family by later shifting control of the foundation to them. It was my reaction that any abuses in such situations relating to self-dealing, excessive investment in business, and delay in benefit to charity could be dealt with regardless of who the contributors are or who controls a foundation or business, instead of condemning family-type foundations per se as Treasury had apparently felt at one time. This is exactly the way we met the situation.

FINANCIAL TRANSACTIONS UNRELATED TO CHARITABLE FUNCTIONS

One of the problem areas I discussed here was foundation lending to private parties—not in the self-dealing category—which bears no relationship to the needs of charity for protection of the foundation's investments. The House and Senate agreed to prohibit investments of corpus of a foundation in a manner which would jeopardize the carrying out of its exempt purposes in accordance with the "prudent man" rule. However, we made it clear that a program-related investment, such as low-interest or interest-free loans to needy students, high risk investments in low-income housing, and loans to small businesses where commercial credit is not available, is still permitted. There are sanctions provided for violation.

Two other problems areas I discussed were "capitalizing upon the tax exemption" and investment in unproductive property. I believe we covered these problems adequately under the new minimum payout requirements.

I also called attention to the problem of expenditures of foundations which were of questionable "charitable," "scientific," "literary," or "educational" value. We sought to deal with this problem in the 1959 Act.

The standards of permissible political and legislative activity under prior law were quite vague and subjective; and so-called "educational grants" had, upon investigation, sometimes turned out to be more in the nature of paid vacations abroad. One of the responses of Congress was to specifically prohibit the incurring of expenses in connection with local campaigns or other attempts to influence legislation through an attempt to affect the opinion of the general public; also to prohibit direct attempts to persuade members of legislative bodies or government employees to take particular positions on specific legislative issues, except in the course of technical advice or assistance furnished in answer to a written request from a legislative committee or similar body, rather than from a single official. The Conference Committee makes it clear that these prohibitions are not to prevent the examination of broad social, economic, and similar problems of the type the government could be expected to deal with ultimately. By "broad" we did not intend to include specific matters proposed for legislative action. Nor do these prohibitions preclude making available the results of nonpartisan analysis, study, or research covering such subjects as air and water pollution, population growth, and the welfare picture.

The Senate Finance Committee's report proposed to exempt from these prohibitions a noncommercial educational broadcasting station's operations in adherence to FCC's regulations and the fairness doctrine; also the grants by a private foundation to such a station for the presentation of issues, without editorializing, in accordance with the fairness doctrine. The House agreed.

The House had proposed to prohibit voter registration drives. However, the Senate decided to permit such activity on the part of 501(c)(3) subject to certain guidelines. These were tightened up in Conference as follows: (1) the organization's principal activities are non-partisan; (2) the organization's activities are carried out in five or more States; (3) not over 50 percent of the organization's support is derived from gross investment income; (4) no more than 25 percent of the support (other than gross investment income) may come from any one exempt organization in five consecutive years (this was calculated to preclude undue influence by such a supporting organization); and (5) voter registration drive contributions may not be subject to the condition that they are to be used in only one election period, but rather are for a continuing type program.

Congressman Patman's ire, over the Ford Foundation's study grants totaling $131,000 for travel throughout the world by eight staff members of the late Senator Robert Kennedy, was soothed by a provision which imposes sanctions on the making of grants to individuals unless the grantees are chosen in open competition or on some other objective and nondiscriminatory basis in accordance with procedures approved in advance by the Internal Revenue Service.

Another provision requires what we termed "expenditure responsibility" on the part of a private foundation with respect to its grants to organizations, other than public charities, to see that funds are spent for the purposes of the grant and also to enable it to make full and detailed reports to the Internal Revenue Service. Our report suggested that independent audits of donee organizations covering use of the funds would be one way of exercising "expenditure responsibility."

For violation of these provisions, an initial sanction is imposed of 10 percent of the amount improperly spent plus a tax of 2½ percent up to a maximum of $5,000 on the foundation manager who knowingly made the improper expenditure. A heavier sanction of 100 percent is imposed if the foundation refuses to correct the earlier improper action to the fullest extent possible; and of 50 percent up to $10,000 on the manager if he refuses to agree to take corrective action. Penalties for repeated or flagrant violations are essentially the same as those applying in cases of self-dealing or violation of the payout requirements.

CONCLUSION

There are, of course, several other provisions in the new Act which are important; the excise tax on investment income to cover the cost of a comprehensive audit system of private foundations and exempt organizations; more comprehensive reporting and publicity requirements of activities, contributors, and highly-compensated employees, and repayment to the government of tax benefits upon termination of an exempt organization's status. However, I have covered what I hope most of you will regard as both the most important and the most glamorous areas.

I would be the first to concede that our wide-ranging changes in the law probably are considered unduly harsh in certain specific cases. In others, a trial period will probably reveal that we did not adequately deal with some problem areas. Such results are inevitable when there is a change in philosophy, from one of broad provisions which leave an almost impossible burden of discretion upon the administrators, to specific provisions which seek to lift that burden from the administrators. I do believe, however, that the net result will be avoidance of most of the abuses which seemed to be getting out of hand, with the inevitable result of loss of public support. Absent the abuses, I believe that public support will be assured.

Meanwhile, Treasury has no proposals for change, and most of us feel that a reasonable trial period of two or three years will be required before any changes should be considered. Congressman Patman has returned to his favorite subjects of high interest rates and the abolition of the Federal Reserve system, the Senate is engaged in a filibuster, Senator Ribicoff and Governor Reagan have teamed up to defeat the Administration's Welfare Reform bill, and it looks like things may get back to normal in Ways and Means and Senate Finance, whatever that means.

CARL HAYDEN

Mr. GOLDWATER. Mr. President, the Record has thoughtfully been kept open for additional tributes to former Senator Carl Hayden who passed away last month.

Because so much has been said of the influence on Senator Hayden by his father, Charles Hayden, and his wife, Nan Hayden, that it would be appropriate, in my estimation, to include résumés of both of these wonderful peoples lives.

I ask unanimous consent that the résumés be printed in the Record and subsequently be included in the Senate Document. They are an article entitled "Charles Trumbull Hayden," by Bert Fireman, and an article about Mrs. Hayden, by Carolyn Woodard.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Mesa Tribune, Jan. 29, 1972]

Wife Died in 1961; Designed State Flag: Love, Devotion Shared by Haydens

(By Carolyn Woodward)

As public funeral services are held today for Sen. Carl Hayden in Grady Gammage Auditorium the state flag will fly at half-mast and remind the knowing that it was the senator's mate of 53 years who designed it.

Theirs was a love story told in both devotion to each other and their country.

The romance began on the campus of Leland Stanford Jr. University, Palo Alto, Calif. where the senator was a budding football player and facing his first and only electoral defeat. He lost the post of student body president by just two votes.

He loved to recall his first glimpse of "Nan" in the fall of 1899, a tall good-looking girl striding across the campus quad.

A mathematics major, Mrs. Hayden lived in the Kappa Kappa Gamma sorority house. One of her sorority sisters and classmates was Lou Henry . . . who became Mrs. Herbert Hoover. It was through the girls that Hoover and Hayden met and became fast friends.

Sallie Hayden, the senator's sister, lived on campus at Stanford and was another girl friend of Nan's. She invited her to visit the Hayden ranch and the whole family soon fell in love with her.

Then on Feb. 15, 1908 Hayden and Nan were married in San Bernardino, Calif. The bridegroom was sheriff of Maricopa County and the couple honeymooned at the Grand Canyon.

Just a few days after their fourth wedding anniversary in 1912, Hayden was elected to the House of Representatives as the state's first Congressman.

His bride, who taught school at Los Angeles High before becoming Mrs. Hayden, decided to buy some material and create a flag while her husband attended a match in Camp Perry, Ohio as captain of the state rifle team.

The legislature adopted the exact flag as the official banner just three years after the state was born.

Affectionately, the senator referred to his mate as his 'pal" and "blocker." He said they bought their first car in 1915, a four-cylinder Overland. When it would stall on a hill, "Nan would jump off the running board and put a rock under a wheel until the engine started again."

At the age of 68, Mrs. Hayden suffered a stroke and until her death on June 25, 1961 required round the clock nursing service.

One of these nurses, Florence Doll, has remained with the Haydens since that time. She is now tenderly putting together the couple's mounds of scrapbooks, correspondence and cherished mementoes.

Like the note from Mamie Eisenhower inviting Nan to a buffet luncheon, Christmas greetings from LBJ and Lady Bird, the Kennedys, Nixons and Agnews; notes from FDR, Harry Truman and Herbert Hoover, and a letter from Jaqueline Kennedy expressing thanks for the Senator's part in securing funds for and the naming of the John F. Kennedy Center for the Performing Arts in Washington, D.C.

It was Miss Doll who watched the Haydens share their precious hours together at the capitol and at home in Tempe, the way "his eyes would light up just to hear her voice on the other end of the phone line . . . and the way he would say to her 'kid, you can have anything you want'."

Some men shrink from their wives when they are stricken with illness, remarked Miss Doll, but the Senator and his wife became "a picture of love and devotion that few who saw will ever forget," wrote one admirer.

Together they criss-crossed the country twice a year, "the senator lending her physical and moral support of the sort she had so often given him in his senate fights."

Charles Trumbull Hayden

(By Bert M. Fireman)

The oldest building of the Anglo-American period in central Arizona has for two decades been a prospering restaurant. Far from degrading the historic significance of the site, the owners of the popular establishment have capitalized upon its heritage without resort to ugly exploitation. True, with typical exaggeration of the advertising art, they proclaim with variants that Monti's La Casa Vieja, at the foot of the bridge in Tempe, is a "bit of Americana, the original birthplace of Senator Carl Hayden." One may wince at the syntax and redundancy of the slogan, but examination of the establisment is more pleasing. The pioneer mode has been retained in original portions of the building erected nearly a century ago, and has been added thoughtfully in a recent enlargement. The plastered outside adobe walls bear imperfections of indigenous workmen as contrasted to the slick craftsmanship of neo-modern buildings at the Arizona State University a half mile away.

Beside the Salt River, where Tempe began, the boyhood home of Carl Hayden clings to the riverbank and nestles close to the twin eminences of the Buttes which attracted his father to the location in 1871. Charles Trumbull Hayden was then a Tucson merchant. Family tradition holds that on a business trip from the Old Pueblo to Prescott he was delayed on the south bank of the Salt River, so swollen by spring floods that he could not cross. While waiting for the flood to recede he climbed a nearby hill, and from that vantage point his vision and perception conceived the advisability of erecting a water-powered grist mill at the foot of the hill and a ferry to carry travelers and their rigs across the river when it was in flood.

A few months later he was back with workmen, surveying the line of a projected canal and erecting a shelter of willow poles and brush that soon had been enlarged into an adobe house. It was on the site of the steak house called La Casa Vieja—the old house. Actually, it was the first unit of the structure that became a rambling manor house with the passage of years. That initial building in 1871 with nearby corrals and the millsite first was dubbed Butte City, but soon was being called Hayden's Ferry for the most important facility on the Salt River east of the new farming settlement of Phoenix. The larger of the twin buttes bears the name officially of Hayden's Butte, although usually it is called Tempe Butte.

La Casa Vieja stands on the west side of Mill Avenue at the south foot of the Salt River bridge at Tempe. Traffic is heavy at the location, with U.S. highways 60 and 70 passing between the restaurant and its twin landmark on the other side of the street. There, almost anomalous in a university town so far from the nation's grain belt, rise the multiple elevators of the Hayden Flour Mills. Looking eastward as a pilot does on the main runway of Sky Harbor airport, six miles away, the white elevators and buildings of the mill resemble the front sight of a rifle aimed precisely at Hayden's Butte. Planes taking off follow the bed of the Salt River, passing only a few hundred yards above and north of La Casa Vieja and the Hayden Four Mills. Each time a jet plane thunders into the sky to the east, the streamer of smudge it leaves behind seems to punctuate the lively biographies of the two men, father and son, whose remarkable achievements and careers have revolved about this site.

Within two generations for the Hayden family the full span of the history of the American Southwest has unrolled. The father, buried at Double Butte Cemetery about three miles from the old family home, had helped create that pioneer chapter of Western history characterized by oxen pulling wagonloads of merchandise westward along the Santa Fe Trail more than 120 years ago. The son, who served longer in the United States Congress than anybody in our national history—from February 1912 to January 1969—recently retired to Tempe, flying back to his birthplace from Washington in less than half a day.

The splendid, unprecedented service of Carl Hayden to Arizona as its Representative in Congress from 1912 to 1926 and as United States Senator for 42 years more will be felt in Arizona for generations to come. Revered beyond the strictures of partisanship in his native state, his retirement came when he was 91 years old. Returning to his home town, he opened an office in the handsome new library at Arizona State University, named the Charles Trumbull Hayden Library in honor of his father. There, surrounded by mementoes of his political career, he turned his attention to the hobby that had engaged his leisure during the fifty-seven years he spent in Washington. All during that time Senator Hayden had collected information about the pioneers of Arizona. His focus was upon these residents of Arizona listed in the federal censuses of 1860 and 1870 and the special census of 1864 taken a few months after the Territory of Arizona was erected separate from New Mexico. These pioneers who interested Senator Hayden and whose life stories he has collected were his father's contemporaries, many of them old friends of the family when Carl was a small boy, and visitors to their home in Tempe.

Senator Hayden's avid appreciation of pioneer accomplishments is an extension of his respect and admiration for his father. It is no less than amazing that two generations within one family could encompass and be involved in such a wide scope of regional history, from the days of Apache terror before the Civil War to times of racial and educational unrest during the unpopular war in

Vietnam. This was in part due to the longevity of Senator Hayden, but also because he was a child of a September marriage. Senator Hayden's father was 52 years old and his mother 34 when Carl was born. By then his father already had spent 30 years on the Western frontier in important pioneering roles. He was a pioneer among pioneers, well known from the Missouri River to the Sea of Cortez as a freighter and a Yankee merchant.

Charles Trumbull Hayden was born in the little village of Haydens near Windsor, Connecticut on April 4, 1825. "His ancestors were of the good old Puritan stock and had lived in or near Windsor for seven generations before him." His father died of a fever when the boy was only six. He grew up on a small farm, but at sixteen began clerking in a store in Warehouse Point on the Connecticut River. At nineteen he went to New York to prepare himself for the law but his health failing him he soon afterwards went south by sea to Old Point Comfort near Hampton Roads, Virginia, and there engaged himself in teaching school. At the end of the year he returned home but soon left for the West again, this time over the Alleghenies by stage coach, passing through Kentucky where he met Henry Clay at his home.[1]

Young Hayden continued his travels to New Albany, Indiana, where he taught school the following winter. Then, significantly, he crossed the Mississippi to teach near St. Louis, Missouri, where by sheer force he subdued a difficult gang of boys. Hayden did not relish strife in the classroom. Abruptly, he turned his back on the teaching profession at the age of twenty-three, entering upon his career as a merchant by accepting a position as clerk in the store of William G. Moore at Wayne City, Missouri.

Missouri flourished in the commerce that had developed with the opening of the Sante Fe Trail. This was further stimulated by the activity of the Mexican War which sent Missouri Volunteers all the way to California and southward into Mexico, and with the increasing caravans of travelers moving westward toward the Rocky Mountains and along the Oregon Trail. St. Louis, where Hayden had first paused, had become the pioneer trading center in the opening of the Great West. It had grown strong with the fur trade and as the central hinge of steamer commerce on the heartland river systems of the Mississippi, Missouri and Ohio. By the time Hayden reached Missouri the fur trade was in decline, but ordinary trade continued to expand. The riverbank was crowded with goods to supply restless Americans steaming southward toward emerging Texas or northwesterly into the Oregon country. Manifest destiny now was the doctrine of American expansion. From pulsating St. Louis the flow of goods and men and the mainstream of opportunity lay to the west. Young Hayden moved with the tide. At Independence, Missouri, from which the metropolis of Kansas City grew, he worked as a clerk, carefully noting that freighters were returning from Sante Fe rich with profit from the New Mexicans' passion for American goods.

Hayden decided to give up the security of his paid job for the greater risks and opportunities of trading to Santa Fe. He ventured out on the Trail when its courageous wagon masters were the Western thrust of American enterprise. First he went down to Santa Fe as the representative of his Missouri merchant employer, but soon afterwards was shipping his own goods and finally bought his own wagons and more than a dozen span of oxen to dare the dangers of Indian raids and extremes of weather on the plains. It was a calculated risk, that could yield handsome returns—if one returned.

On March 14, 1848, only a few weeks after the accidental discovery of gold in California but considerably before the fact was known in the Midwest or East, Hayden wrote to his mother from Independence that he planned two trips across the prairies to Santa Fe that summer.[2] He asked her to purchase and ship to him by June 1st if possible, an order of goods that included two dozen clocks, a dozen pair each of hip boots, thick boots, thick shoes, and calf boots, pocket dictionaries in Spanish and English, four dozen playing cards, novels of the day and other trade goods—and also for himself, one fine black Italian cravat, one pair of fine kid gloves, a pair of suspenders and other personal items.

That letter was a testimonial of the young man's supreme confidence in himself; it was also a token of Yankee trading ingenuity, and a prophesy of the path Charles Trumbull Hayden would follow for the remaining years of his life. He was to be a trader and merchant, an exponent of free enterprise, an investor and builder, a man of thrift and also of generosity, a person of great vision and foresight but sadly one also to suffer many shattered dreams. A pioneer who endured danger and personal disaster, Hayden overcame these odds to leave Arizona a name everywhere respected and revered—a legacy more valuable than his physicial estate. He was survived by his wife, two daughters, and by the one son whose own career was to merit the fond hopes that his father bequeathed him along with but a fraction of the worldly goods he had earned.

This paper can do no more than barely introduce the highlights of Charles Trumbull Hayden's remarkable career. Sadly, no biography—and only a brief newspaper article or two—have been published which attempt to record his contributions to Arizona.

Having profited by his foray into the Santa Fe trade, Hayden in the next several years penetrated into the Comanche and Seminole country as a wagon trader in the closer Indian Territory. He was a man of considerable wealth when again he turned westward to New Mexico in the mid-1850s. The next year or two we find his teams and wagons coursing up and down the Rio Grande Valley, reaching the Mesilla Valley and even Chihuahua, Mexico. Following the Gadsden Purchase and the establishment in the area of mining by the Sonora Exploring and Mining Company, we find Charles Trumbull Hayden arriving in southern Arizona in 1858 on the first overland mail coach. Thereafter, to the end of his life, he was an Arizonan, but never a sedentary one. He traveled widely, to Guaymas on the Gulf of California; to San Diego and San Francisco; to Kansas City and Chicago; even to his old home in Connecticut with stops in New York to purchase goods for the stores he established everywhere he saw opportunity beckoning.

Hayden is remembered in Arizona mainly in four branches of enterprise: As a miller, a freighter, a merchant and a farmer. He was an incomparable entrepreneur. It was as a miller that he made his greatest success. He established the Hayden Mills, a landmark on the south bank of the Salt River at Tempe, and ninety-eight years later Arizona's only major flour mill.

As a freighter: the Hayden teams of mules and oxen crisscrossed the Southwest before there were roads and while the Apache scourge took the lives of both freighters and stock. It was as a freighter he first came to Arizona, hauling U.S. Army supplies and mining equipment. Every shipping center in the Southwest knew the Hayden outfits—Santa Fe and Tucson, Chihuahua City, Guaymas, Hermosillo, Fort Smith, Ark., Independence, Mo., Port San Vaca, Texas, Prescott, Phoenix, San Diego, Los Angeles, Hardyville, Ash Fork, Globe, Fort Apache. The newspapers of the last century were filled with accounts of Hayden teams hauling barley and flour to Prescott and bringing back sawn lumber for houses of Phoenix and Temple; of hauling manufactured goods from Guaymas that had come around the Horn to San Francisco and then were shipped back to the Gulf of California; of at one time 125 tons of Arizona freight being loaded at the San Diego docks, at a time when a freight wagon could be loaded with only four or five thousand pounds. In the days before the railroad, Charles Trumbull Hayden recalled, "I always hauled my goods in my own wagon trains."

Beside his mill at Tempe he always had a blacksmith shop and a wagon shop. Once he employed five blacksmiths and six carpenters. They were busy repairing the damage done on the nameless trails and roads that the Hayden outfits followed.

He was a Yankee trader who came to the mining country of the Southwest to provide the needs of the miners and the military—not to hunt for gold or silver himself. He had stores in a succession of Arizona towns. In Tubac soon after his arrival in Arizona and well before the Civil War his partner was the well-known Palatine Robinson, reputed to be a Secessionist. During the war Hayden threw his hat in the Union ring, but the movements of his teams once raised some doubts in military circles about his allegiance, so he was induced to haul and trade only for the North.

Hayden opened a business in Tucson just before the Civil War but along with other Union sympathizers left the city when it was occupied by Rebel troops for a few months in 1862. He came back after the California Column had driven the Southern forces back into Texas and made it possible once more for freight outfits to bring in needed goods from Santa Fe and Independence. An early issue of the *Arizona Miner* on March 23, 1864, carried an advertisement for Hayden's store that was as simple as a professional * * * stating simply in a small space:

C. Trumbull Hayden
Merchant
Tucson . . . . Arizona

Four weeks later Gov. John N. Goodwin announced the appointment of civil officers for the ninth Judicial District, comprising the southern part of the new Territory, and Hayden was named probate judge. The office required but little of his time, and that could be spared from his business because he again had acquired a partner, Matthew J. Flournoy, an old friend from Hayden's days of trading with the Comanche and Seminole Indians in what is now Oklahoma. Their relationship was dogged with tragedy, the events best told in columns of the *Weekly Arizonian* of Tucson in the consecutive issues of June 26th and July 3rd, 1869:

"Strange Affair:—Mr. Matthew J. Flournoy—firm of Hayden and Flournoy—of this city, has been drinking freely of strong liquors for some time past, and, on Wednesday night last, he arose from his bed and in a half nude condition, mounted a horse and rode away. A party of men went in search of him on the following morning and has not yet returned. The direction which he took, as indicated by a trail discovered by some Mexicans, is toward the mountains west of the valley."

* * * * *

"Mr. Flournoy, who, it will be remembered rode off from this city on the night of the 23d ult., lost his life in the event. A reward of $200 having been offered for his recovery, the greatest diligence was exercised in searching for his whereabouts. The return, upon the third day of his absence, of the horse upon which he rode, was regarded as evidence that he had perished; and on the fifth day of his absence he was found dead among the mountains, some twenty-five miles from town. Mr. Flournoy was a shrewd businessman when not under the influence of liquor."

Three years later Hayden had a new partner in his Tucson enterprises, which included

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Footnotes at end of article.

wholesale and retail trade in every variety of merchandise. The partner was Newton G. Flournoy, apparently a brother of his former unlucky associate. That partnership was also to be dissolved by tragedy. The younger Flournoy, only 21 and employed by Hayden as his bookkeeper at the time of the 1870 census, was in poor health, and had been for some time when Hayden placed the following notice in the *Arizona Citizen* on August 23, 1873:

TO THE PUBLIC

"The long continued illness of Mr. N. G. Flournoy, junior partner in charge of our house at this place, makes it necessary to close out our stock of goods at Tucson."

"To ladies needing elegant bonnets, dress goods and ornaments; gentlemen needing neat and useful hats, coats or suits; farmers, mechanics, artisans, owners of trains and merchants, our great variety of goods selected for you by the experience of the oldest house in the Territory, enables us to offer you all a great variety of articles exactly suited to your wants, while the necessities of liquidation places them at your disposal for prices that are sure to attract your interest and attention.

Charles T. Hayden & Co."

By the time the advertisment was printed in the Tucson paper, young Flournoy had been dead eleven days, passing away at Independence, Missouri, but word had not yet reached Hayden in Arizona Territory.

From December 1873, when he sold the store on Main Street in Tucson to Theodore Welisch, Hayden made Tempe his home and operated a large mercantile store adjacent to La Casa Vieja. The store was in an adobe building that stood just to the south of the family house, and within the area now included within the enlarged steak house at the same location.

Hayden also found time to establish stores with partners or agents at Prescott, where Judge Hezekiah Brooks was his associate; at the mining boom town of Tip Top and its milling adjacent, Gillette; at Sacaton where he was represented by the noted Presbyterian missionary and teacher, Charles H. Cook; and at Wickenburg. In Tempe, he had several kinds of business establishments—the flouring mill; his wholesale and retail stores which sold everything from Electric Soap to medicine and fancy lace; a meat market; a feed yard and livery stable; the blacksmith and wagon shops already mentioned, and several other undertakings.

Hayden's fourth foundation stone in pioneering achievement was as a farmer. While a merchant in Tucson he had raised some foodstuffs and feed on the Torreon Ranch. At Tempe he saw farming and stock-raising as a necessary adjunct to his milling operation, anticipating correctly that his freighting and mercantile endeavor would be supported in part by abundant crops that could be grown in the fertile valley. At the end of his first full year of residence in the Salt River Valley his crews slaughtered 1500 hogs, making them into bacon, hams, lard and soap. The bran from the mill was a major part of their diet. For several years he farmed the full section of land where downtown Tempe now stands, until the demands of the growing town and Territorial Normal School cut into the acreage. Just to the northwest of Las Casa Vieja, in the area now occupied by the picnic grounds of Tempe Beach, he planted an orchard that was the showplace of the Salt River Valley. He was the first farmer in the area to venture seriously in citrus culture, putting out 400 trees in the season of 1880. He grew as much as 500 acres of wheat at a time, and a hundred acres of alfalfa to fatten his hogs and keep his mules trim for their pulling chores. A dozen varieties of fruit trees grew in his orchard and several kinds of grapes in his vineyard. There was also that gentle side of Charles Trumbull Hayden which provided grass and flowers, vines and shrubs, a picket fence and a terellis with roses for the large courtyard of his home.

Charles Trumbull Hayden was not a businessman to the exclusion of civic interest. He had a strong feeling of personal responsibility for the advancement of his community and territory. In 1864 he had served as probate judge in Pima County. In 1874 he accepted a contract to carry the U.S. Mail from Maricopa Wells to Phoenix. He served as foreman of a memorable grand jury in Tucson in 1871 only a short time after the Camp Grant Massacre. The scorching comments of the grand jury reflected the public fervor which had led citizens of Tucson in an attempt to rectify Apache depredations with the equally-depressing attack upon the Indian encampment along Aravipa Creek. He showed equal fortitude as foreman of a grand jury at Phoenix which criticized the citizens for a double lynching in 1879, at the same time calling on the courts for speedier and more realistic application of justice to make lynch law unnecessary. He was elected to the Maricopa County Board of Supervisors in 1881. When he resigned 15 months later it was with enthusiastic editorial praise from local newspapers. Soon afterwards his popularity was demonstrated when Hayden, a lifelong Democrat, was nominated for councilman by a Republican county convention attempting to find some way to victory. He declined that honor with humor but was defeated soundly when he ran for a seat on the Territorial Council representing Gila and Maricopa Counties.

He was chairman of the first Board of Trustees of the Territorial Normal School at Tempe which he had so much to do with creating. Several newspaper items at the time praised him for selling 20 acres of choice land in the heart of Tempe to the Territory for only $800 when the fair market value was at least $2000. In 1882 he was the fourth largest taxpayer in Maricopa County, exceeded only by the Southern Pacific Railroad and Central Arizona Mining Company which had now opened the Vulture Mine, and the mercantile firm of Goldman and Company.

Hayden headed a committee challenging the attempted Spanish land grant fraud of James Addison Reavis. He was rewarded with public scorn for proposing, following the great flood of 1891, that the new iron railroad bridge that was to be built across the Salt River at Tempe should include a wagon road—although his would doom his own ferry business. He was so enthusiastic about the nomination of William Jennings Bryan after the Cross-of-Gold speech in 1896 that Hayden, by this time growing old and in ill health, wrecked his buggy after a breakneck, whoop-it-up dash down the main street of Tempe. He gave careful attention to a plan to form Butte County out of the eastern half of Maricopa County in 1897. Only a few months before his death he accepted appointment as a delegate to the National Irrigation Congress being held in Montana.

His life was busy, energetic, and productive. He did not marry until he was 50 years of age and his bride, Sally Davis, was 32. They had four children: Carl Trumbull; Sara who was called Sallie and who for many years after her graduation from Stanford University was a member of the teaching faculty at the college her father helped to establish; Mary, whom Tempe knew as Mapes; and another little girl, Annie, who died in 1885. Hayden was a tender father. Perhaps late parenthood gave him this great capacity for affection. Certainly it provided him with the poise and strength to deliver a graveside tribute at his daughter's funeral as his many friends, including Indians, and Mormons from the new settlements of Jonesville and Mesa City, gathered for that service on September 10, 1885.[3] Few men have the courage to speak so eloquently in an hour of grief. The grave of little Annie was opened in the garden of the Hayden home, as he spoke these words:

"Friends and Neighbors:—What is the lesson of the hour? Less than forty hours since the beautiful form that is now consigned to the grave was bright with life and activity, the joy of us all.

"She ate too much fruit; we were not wise enough to relieve her of the surfeit and in less than twenty hours her sweet spirit had left us. We need knowledge. Let us earnestly seek, find and impart it to mankind.

"To those dear friends that have with us enjoyed the dear two and one half years of her sunny life and through her drank in the spirit of love I would say her spirit will now hover around you urging you to good works.

"To the dear brother and sister I would say Annie is an angel now. The love you bore her will inspire her bright spirit to lead you on to deeds of love and charity.

"To the dear mother to whom every sound of those tiny feet, the graceful motion of those beautiful arms, the gentle touch of those tiny hands, the sprightly face alive with intelligence, and eyes that spoke their love through the accents of light, all called forth the fathomless love of a mother's heart that will soon draw around her that angelic spirit who will be her companion for all eternity, and who is now enjoying the love of our friends who have gone before us over the river we call Death.

"From the supreme power of the boundless love of a mother's heart, that has ever been the bright unfailing star that leads all near on to noble deeds and actions, we know God is love. This richest inheritance comes to all born in cottage, palace, or under a tree.

"As in this sweet child we can read in her life the bounteous flow of love she has inspired, we know she will ever shine as an everlasting blossom in heaven."

Fifteen years later in 1900, as Charles Trumbull Hayden himself was buried at Double Butte Cemetery, his son Carl, a recent graduate of Stanford University who had taken over the family business only the year before, showed equal spirit when with profound respect he eulogized his father as a pioneer builder. Carl evidently wrote notes for the funeral message as he waited in the Williams Hotel at Maricopa for the arrival of the Southern Pacific train bringing his sister Sallie home for their father's funeral. His first three pages of those notes have survived the passage of years. They are now preserved as a cherished part of the Hayden Family Papers in the Arizona Collection in the Charles Trumbull Hayden Memorial Library at Arizona State University.

Studies of Arizona history have revealed no pioneer who was more ambitious for the advancement and progress of Arizona than Charles Trumbull Hayden. The list of plans and schemes and undertakings to which he gave support and funds is almost endless. To mention a few:

On November 17, 1870—more than three years before he was able to terminate his Tucson business affairs and move to Tempe, and a year before the date generally given for Hayden's entering business life in Tempe—he joined with three other men in organizing the Hayden Milling and Farming Ditch Company.

NOTICE

Notice is hereby given that we, the undersigned, have taken up and do claim for milling, farming and other purposes, sections 28 and 29, Government survey, on the south side of Salt River, taking in two Buttes on either side the main road from Phoenix to Gila River, and all persons are hereby notified of the same.

Charles T. Hayden
J. W. Fields
A. F. Garrett
E. K. Brown[4]

Their announced plan was to homestead

Footnote at end of article.

the two sections of land which included the buttes, and to dig an irrigation ditch to bring much of that land under cultivation as well as furnish water power for a grist mill. Thus the Hayden milling enterprise was launched. Shortly thereafter Jack Swilling was in charge of a crew of men hired by Hayden to start bringing water to the land. He purchased shares in the McKinney-Kirkland Ditch, the first to be taken out of the Salt River along its south bank. To obtain delivery of the water Hayden directed Swilling and his workmen to bring it around the south flank of the buttes to the west side, where a drop of 23 or 24 feet was to furnish power to turn the stones of the mill. After emerging from the mill race the water would be directed westerly in a ditch that was to irrigate crops and the orchard that was being planted by summer.

Having begun his investment in the Salt River Valley with the Hayden Milling and Farming Ditch Company, he never ceased efforts to broaden the economic base of the community. All his lifetime he was the town's principal employer. Newspapers frequently told of new enterprises he had undertaken, either alone or with working partners. He traveled a great deal promoting and advertising buying and selling. In the winter of 1873 the Hayden Ferry was in operation making it possible for travelers to cross the river during the flood-swollen months when the Salt carried the melting snow of the high mountain country. During one rainy summer in 1884, the ferry was pulled loose from its mooring and lost downstream three times. Each time it was towed back to the crossing and new cable and ropes were strung across the river to restore traffic. Once a smaller boat owned by Hayden was pirated by boat-thieves. Since they were not caught, history fails to tell whether in pioneer Arizona the penalty for piracy was the same as for horse thieves. The boat was found at Gila Bend, which shows that the Salt and Gila were running strong. At another time he had that boat hauled by wagon to the Gila River on the road to Maricopa Wells when the Gila was in flood and its ferries had washed away.

As early as 1874 Hayden was energetically urging citizens of Arizona to give support to projected plans of the Texas-Pacific Railroad to extend its lines westward from Texas through southern Arizona, advocating a river crossing at Ehrenberg because that would bring the main line through the Salt River Valley.

Even before the flour mill was in operation at Tempe, Hayden had led a party eastward along the Salt River into the Sierra Anchas to cut logs and float them down the Salt River to Tempe. He hoped to have the Hayden Ditch at the same time provide waterpower for a flour mill and a sawmill. High up-river the men cut Ponderosa pine logs. They fashioned one into a canoe, then took to the canyons of the Salt in an attempt to drive the logs down to the Salt River Vally. The effort failed, the narrow canyons and boulders of the river jamming and tearing the logs and upsetting the improvised canoe. Ever resourceful, Hayden turned up the Verde, thinking it the next-best stream to provide logs for the needs of central Arizona. When this effort failed also, he salvaged part of the idea, at least, by devising a power take-off at the mill to operate power saws in his carpenter shop.

During his boyhood in Connecticut he saw the potential of using flatboats to haul goods. Before the Hayden Mill was ready to grind wheat, a flatboat loaded with five tons of grain at Hayden's Ferry was floated down the Salt to the point where the Swilling Canal took off from the north bank of the river, and then was poled along that canal for delivery to Helling's Mill at the present site of the state asylum. It was a unique effort, possibly one of the few times when canals in Arizona were used to transport farm produce.

Notwithstanding the fact that the small village on the Salt was first called Butte City and then Hayden's Ferry, a Tucson newspaper credited Hayden himself with giving it the name of Tempe. On April 23, 1892, the *Tempe News* reprinted a long article that had appeared in the *Tucson Citizen* a few days before reporting on a visit Hayden had made to the southern city. After recalling Arizona's battle for existence, the writer turned to comments on Hayden's involvement in the development of Tempe:

"He it was who settled that country first and gave that beautiful locality its classic name, after a narrow valley or gorge, about four and one half miles in the northeast of Thessaly, between Olympus and Ossa, through which flows the river Peneus. The classic poets praise it for its matchless beauty, and hence the name became with them a synonym for any lovely vale. The scenery of the classic valley of Tempe, above named, is characterized by wild grandeur rather than by soft sylvan charms. How appropriate the name. And how readily did Mr. Hayden conceive the idea of giving the valley by the buttes the name of Tempe. His conception was classic, and his home has not been misnamed."

This corrects the tradition that Tempe was named by Darrell Duppa, the sodden English remittance man who named Phoenix. Hayden's education was the equal of Duppa's. He too knew the Greek classics, and moreover, was a man of absolute sobriety. Hayden wouldn't sell liquor in his stores, ever, possibly a reaction to his unhappy experience with his Tucson partner. Matthew Flournoy, whose death came during a drinking bout. Although Hayden would not sell liquor, newspaper accounts of the many gala social affairs held at Hayden's first home in Las Casa Vieja and later in the Hayden country home two miles east of the town mentioned cake being served with wine. He was not a prohibitionist, but believed in moderation.

La Casa Vieja was the first house in Tempe to have running water and the first with wooden floors. The first pressure water system in town was developed by Hayden with tanks on the butte to provide fire protection for his mill, and water for his home and stores.

Sugar cane was one of the early crops grown in the Salt River Valley. In 1878 Hayden imported a cane crusher and soon had a sugar factory in operation, turning out the brown bar sugar the Mexicans call panoche. He maintained a business agent in Mexico—Don Antonio Perez—to look after his freighting interests and to purchase goods for his stores in Arizona.

By 1880, as the fields of grain spread with the development of more canals on the south side of the river, Hayden imported a steam threshing machine and headers and reapers. He hired crews to do custom threshing for farmers who lacked such equipment.

Several books and articles on the Mormon colonization of Arizona have paid high honor to Hayden for the liberal credit and the jobs he provided the early settlers of Lehi and Mesa. At one time the town of Mesa was called Hayden in his honor.

In March of 1880 Hayden hired eleven residents of the Mormon settlement, headed by Bishop A. F. Macdonald, to begin building the first road to extend eastward from Mesa toward the new mining camp of Globe. He and Macdonald surveyed a wagon route that substantially is the path followed by U.S. 60 today, and at his expense that first bit of mountain road was clawed out of the resisting rock with pick, shovel and crowbar.

A mile and a half west of Hayden's Ferry, he developed a lime kiln. A rock quarry at the northeast corner of the easternmost of the two buttes provided stone for foundations of Old Main, the largest of the Normal School buildings for a long while, a building still standing on the Tempe campus.

As the town began to grow he built a new blacksmith and wagon shop and added a second story over them to provide an office for the town's first newspaper, initially published by James H. McClintock and then for a half-century by the tireless Curt Miller. He had a livery yard and feed yard in partnership with J. T. Dennis. He planted carp in a fish pond to give some variety to the diet of local residents. When 20 families of Mormon colonists arrived from Utah in 1883 seeking homesites, he sold them half a section of his land—on credit, of course—and then smiled tolerantly when they started their own cooperative store and no longer patronized his mercantile establishment.

He took the leadership in promoting and financing railroad called Quijotoa, Tempe and Phoenix Wagon and Railroad Company. He sent work crews at his own expense to build a wagon road to serve the new mining boom town of Quijotoa in the Papago country. He accepted the chairmanship of a committee to undertake proper efforts to defeat the "iniquitous fraud" perpetrated by James Addison Reavis.

He imported, at different times, purebred Galloway and Pole-Angus cattle to improve the herds of the Salt River Valley. He shipped cattle as far as Chicago, making Tempe one of the first centers in Arizona for feeding range animals imported from Mexico, fattening them on the alfalfa of the local farms. The Tempe Free Liberal Library was established in one room of his own home in 1888, free to anybody who could read. He shipped carloads of home-grown raisins to St. Louis and Chicago, and went to the Columbian Exposition in Chicago in 1893 to sell several carloads of honey from Tempe apiaries.

With Charles D. Poston—who was born in Kentucky the same year that Hayden was born in Connecticut—he went into the mountains east of Mesa to survey a railroad line to supplant or supplement the wagon road to Globe. The two men, then 68, took a team as far as Superior but from there on rode burros on their exploration of the rugged mountains.

After building a new home on a farm two miles east of town, he converted La Casa Vieja into a hotel, adding a second story with eight rooms that, unfortunately, did not pay for themselves. Earlier he had added a row of rooms along the north side of the structure for the many single men employed in the Hayden enterprises. As many as 30 employees sat down for dinner at the huge table supervised by Mrs. Hayden and her Mexican helpers.

Hayden sold 305 acres of his holdings to the pioneer Tombstone lumber dealer, L. W. Blinn, for development of a townsite and subdivision at the site of present Tempe. This led to rather far-fetched plans for building a hotel on top of Hayden's Butte and a cable tramway to take customers to a restaurant there, but Hayden withheld the butte from the sale. Blinn and his associates were to develop the present Tempe townsite. Soon there was a Bank of Tempe, with Hayden as one of the stockholders and directors.

In association with his old friend, Charles D. Poston, Michael Wormser, the Valley's largest landowner, and Charles Goldman, another merchant Hayden was an incorporator of the Arizona Sugar Company which in 1892 hoped to build a large sugar factory on the southside. He had many business dealings with Wormser, who had come into possession of vast tracts of lands south of the river and became sole owner of the Broadway Ditch, which derived much of its water from the Hayden Mill tail-race.

The tragic death of little Annie in September 1885 marked the beginning of a period in which the Hayden enterprises suffered several setbacks. He traveled so much that actual day-to-day operation of his business efforts had to be entrusted to hired hands. Some of these were dependable and honorable, like Albert J. Peters, but there were several others who embezzled and absconded with funds belonging to Hayden. One pretended to drown in the Salt River but turned up later in Argentina and then in New Orleans. Several were caught but only one was ever convicted, and he for only a 15-months term in prison. In most instances Hayden refused to file charges. Hayden was not careful about credit. He shared the problems of his neighbors and extended credit often beyond their ability to repay. The *Arizona Republican* put it succinctly, saying Hayden's "business methods have at times been severely criticized on account of his lavish benevolence coupled with eccentricities . . ."

Without dams to hold back the winter and spring floods, the rampaging Salt River cut into his orchards and melted adobe buildings near the mill, at the same time destroying crops of farmers who subsequently could not pay their bills. Fire wiped out a warehouse. Trusted employees stole from him, and when hardship hit his customers he burned up the ledgers showing their indebtedness to give them a new start. Three times creditors had to take a hand, temporarily at least, in the management of the Hayden enterprises. Once his friends Michael Wormser and Neils Peterson took charge until accounts were collected and bills paid. Twice the San Francisco firm of Murphy, Grant & Co. placed Joseph A. Ford in charge of the properties. But each time the business was restored by the efforts of creditors who respected Hayden's integrity and understood his generosity. He might not have been a hard-nosed collector and businessman, but he was a tower of strength in a town that gradually grew larger and more prosperous with his leadership.

But Hayden had not always been popular. Debtors are not universally appreciative of their benefactors. Doers suffer the criticism of those less energetic. His business rivals sometimes circulated unfavorable comments. Hayden was outspoken. Although he was the beloved friend and patron of the Mormon colonists in the Salt River Valley, in 1885 he felt compelled to denounce publicly their practice of polygamy. As late as 1891 he was still trying to obtain compensation from the federal government for Apache destruction of a wagon train in 1866. He was a loyal friend of the Puma Indians living along the Salt and Gila, but urged punitive action against hostile Apaches. He became involved in water litigation in the trying years when farmers in the Salt River Valley were overdrawing the available surface flow and in that dilemma were trying to find a just method of dividing the stream's flow, a plan that could not be achieved until the Theodore Roosevelt Dam was built. These controversies, added to the business reverses and failing health, robbed his last years of the pleasure and glory he deserved.

Carl Hayden was graduated in the class of 1896 from the Territorial Normal School and then went to Stanford University. In 1899 he was back in Tempe, taking charge of the family business and incorporating as the C. T. Hayden Co., with himself as president and his sisters as Vice President and Secretary. His father was now 74 and failing. Charles Trumbull Hayden died in February of 1900, after giving 42 years of sterling life to the upbuilding of Arizona.

"The funeral of Hon. Charles T. Hayden took place Tuesday afternoon and not withstanding the disagreeable weather the procession was the largest ever seen on the southside. The services were conducted by W. A. Macdonald of Mesa, an old-time friend of the deceased. Carl, the eldest child, delivered a five-minute address which embodied a sketch of his father's life from the time he left his New England home and entered upon his struggle with the world, up to the time of his death. The story was one of manful struggle and honorable and useful achievements—a story that any son might well be proud to relate of his father. The music was conducted by Prof. James L. Johnston. The remains were laid to rest in Double Butte Cemetery."[5]

Young Carl was thrust into mercantile enterprises he did not particularly relish, and was burdened with large debts resulting from his father's generosity and bad luck. He operated the business only a few years before returning to a political career. Fortunately, he was able to sell the stock of goods in the general merchandise store to John S. Armstrong who was a merchant in Tempe at that time. Later he leased the flour mill to Alfred J. Peters, one of his father's former partners, at a good rental. He began his political career by being elected Maricopa County Treasurer, then its sheriff, and in 1912 became the new state's first Congressman. His own career has also been filled with dedication to Arizona's development. It is an epilogue of triumph to the remarkable pioneering successes of his father.

NOTES

The material for this sketch of the life of Charles Trumbull Hayden was drawn largely from items appearing in Arizona newspapers and from original documents in the Hayden Family Papers at the Charles Trumbull Hayden Memorial Library, Arizona State University. Many of the newspaper items are to be found in the Charles Trumbull Hayden folder. Hayden Files, Arizona Pioneers' Historical Society, Tucson. The pictures are from the Hayden Family Papers. The author is Curator of the Arizona Collection in the Hayden Library and a former Sheriff of the Phoenix Corral of The Westerners. He is a Lecturer in History, Arizona State University; Executive Vice-President of the Arizona Historical Foundation; a director of the Arizona Pioneers' Historical Society; and a member of the Arizona Historical Advisory Commission.

FOOTNOTES

[1] Holograph notes of Carl Hayden of Eulogy delivered at the funeral of Charles Trumbull Hayden, February 7, 1900. Hayden Family Papers, Charles Trumbull Hayden Library, Arizona State University.

[2] Letter from Charles Trumbull Hayden, Independence, Mo., March 14, 1948, to his mother, Mrs. Mary H. Heath, Warehouse Point, Conn. Hayden Family Papers.

[3] *Weekly Phoenix Herald*, September 10, 1885, 2:5.

[4] *Weekly Arizona Miner*, December 10, 1870, 3:4.

[5] *Tempe News*, February 10, 1900: 3:5.

APPRAISAL OF AMERICA'S CONDITION

Mr. GOLDWATER. Mr. President, in these days of change and war, it is sometimes very difficult for us to maintain a proper perspective of just where we stand in this country and just where we may be headed. And every now and then a leader comes along who devotes the time and the thought to an appraisal which provides a correct view of the American condition. One such appraisal was provided recently by the Honorable Jack Williams, Governor of Arizona, in a speech before the National Federation of Republican Women Convention at Scottsdale, Ariz.

Governor Williams listed 1972 as a "year of decision" for the American people and he depicted the Republican Party as that political unit which represents best the commonsense of America. At the same time, he described the many candidates for President in the Democratic Party as "a bewildering array of aspirants" who have mounted their steeds and are riding off in all directions across the land.

Mr. President, because of its timelessness and importance, I ask unanimous consent that Governor Williams' speech of January 21, 1972, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. JACK WILLIAMS OF ARIZONA

Voltaire once said that history is velvet shoes going downstairs and wooden shoes going up! The ebb and flow of great nations can be represented by its moments of highest courage and greatest heroism. Then the doldrums when it dons velvet slippers.

Not too long ago, in our history, heroes walked our land and were aware of honor, duty, country. Other heroes walk again today, but unknown to most, save in a few instances. These are men who promise no glittering, easy path of affluence and national cynicism, but instead, the blood, sweat and tears that Churchill once talked about.

Out of the crucible of the uneasy and ravaged sixties, when mobs stormed our streets and burned our buildings and shouted crude slogans against our national honor, will again come America's greatest hour.

This nation has faltered, of late, on the shoals of self-despair and criticism. No great nation can long endure when its traditions are twisted as Kipling once wrote, "To make a trap for fools; and knaves are allowed to carry banners, shout slogans and flaunt divisive symbols, that have their roots in foreign ideologies."

Since history's dawn, blight, pestilence and trouble have visited themselves upon both civilized and uncivilized people of the world. One by one, society has attacked these problems with force and energy and a great many of them have been solved.

Make no mistake about it. This is the year of decision, and you represent the Party of American common sense.

A bewildering array of aspirants for the presidential nomination, like Stephen Leacock's headless horsemen, have mounted their steeds and are riding off in all directions across our land. They extravagantly promise to better the things that have been commenced over the past thirty-seven months.

Free Angela Davis shouts one! Stop the war, I want to get off, screams another. Cut our defenses, shrieks still another. Their proposals have a ring of desperation as each candidate tries to outpromise the other contenders. They propose spending money as though it's going out of fashion. And they propose humiliating our nation by crawling on our stomachs to the peace talks at Paris.

Let me recall a moment not too long ago. The scene was the Dan Carmel Hotel atop a high bluff overlooking Haifa Harbor, and I was talking to a vice president of Technicron, the M.I.T. of Israel. Professor Herman Fenkel was curious about the United States.

"There is a desire for isolation abroad in our land," I said. "The peaceniks are on the streets, shouting—Peace at any price. A strong defense is to have no defense, they say. Make it evident to everyone that we offer no threat of any kind."

"You go back, Governor Williams," gravely remarked Herman Fenkel. "You go back to America and tell them that we tried that in Germany and six million of us went to the ovens!"

It's a hard prophecy to deny.

There is a tide in the affairs of men, that taken at its crest leads on to victory. As a friend said recently to me, "The waves recede, but the tide comes in."

History does repeat itself. And this nation has always had the right men at the right time to save it.

There is an excitement and a sense of destiny that we should feel today, in this Republican Party. And, you should feel it first. We have some surface symptoms of difficulty, but adversity is the spur to great success.

It's wooden shoes going upstairs that counts. I am an eternal optimist. I know, from the public prints and the electronic media, that we should be depressed and gloomy. But I can remember when things were really tough. Today, we are rich enough to afford to worry about the smoke coming out of smokestacks that indicate men are working. I can remember when the smokestacks across this land were not smoking and men were not working, and the cardboard was in the shoe; and the depression was upon the land.

Strangely enough, then, in extreme poverty we had faith, and in extreme unemployment we had neighbors.

Those who say that poverty is the seedbed of crime don't know what they're talking about. Affluence is. And those who say that a weak America will be a better America fail to understand the lessons of history.

It is only when we succumb to self-pity and despair that we encourage the possibility of failure. It is important to remember that lack of faith is the keystone to the arch of despair, and despair forms the framework for failure.

There are many who claim everything is wretched. I say that all is not wretched. I say a lot of things in this country aren't wretched at all. We have done wonderful things and left some ragged edges in the process. I trust that coming generations will smooth these ragged edges and, hopefully, go on to greater things.

Let us list some of our problems, painted and gilded into works of dishonest art by our opposition:

The false dream that one-third of the population can support the other two-thirds.

The abandonment of the family unit as the backbone of our society.

Respect for authority is under attack on all sides.

Respect for law, the courts, and more important, the parents, has become a joke with some.

The dope scene with the real cop-outs who refuse to face reality.

These are the ones in velvet slippers going downstairs.

Dishonesty is dishonesty, whether it is stealing from the income tax form or from your employer by failing to produce an honest day's work, but accepting a full wage.

An early criticism of our country related to the weakness of a democracy. We were warned when people learn they can vote themselves benefits from the public treasury, there is no stopping them until they have plundered it in its entirety.

Today, the motley crew of Democratic aspirants who have visited us, recently, have had one common theme. They have promised more from the public treasury.

My friends, the American people are not stupid. They know the old shell game very well. Those who have been running the shell game have tried to tell us otherwise.

But history shows over and over again, and the facts of life demonstrate it in our own time, that the only goal we can offer with any realistic promise of fulfillment is equality of opportunity. Let each put on his wooden shoes and go to work, climbing the long, hard, but exciting, stairs which lead to greatness in a nation and in man.

We are told, today, that America is the richest nation on earth. And somehow we swallow that guff. Actually, we are more in debt than all the other nations of the world combined, but our Democratic spend-thrifts keep promising more.

Do you know what a debt of four hundred billion dollars plus, is?

Let me try to describe it. If you stacked up one million dollars in thousand dollar bills, you'd have a stack eight inches high. If you stacked up a debt of four hundred plus billion dollars in thousand dollar bills, you would have a stack over fifty miles high.

But, we can handle this debt, and we can have a full employment budget, if we will but go back to work and produce. If we'll put on those wooden shoes and start climbing.

Essentially, America is a good nation, and a great nation. And we are a great people. We are almost without number in our infinity of skills, talents and abilities.

These national doldrums we face today result from prodigious, exhausting efforts in the past that won two world wars, put out a score of brush fires, spent two hundred billion dollars in feeding the poor around the world and restoring the ravaged. No nation has ever tithed itself so generously to help others. We may be disappointed that there is little, if any, gratitude from those we helped. But we didn't rebuild Germany and Japan's economy, expecting their thanks. We didn't send our foreign aid around the world to make ourselves rich. We did it because we have been taught that one does the decent thing and helps one's neighbors to fight communism.

Now is a moment that could have been predicted. Our former foes are challenging us, and our former friends are criticizing us, and within we are torn by conflicting ideologies only the unchallenged can afford. Our national goals have been lost in an euphoria of helping everybody and everything and being all things to all people.

It is time again to reset our compass and our course.

We have a destiny among nations. It is clear, shining and magnificent as when it was first voiced in that Declaration of Independence almost two hundred years ago.

Two hundred years isn't very old for a nation. Recently, in Spain, I saw the ruins of Moorish greatness that lasted six hundred years, until the French defeated the Moors at the Battle of Tours and decided at that moment the future of Europe, whether it would be a Moslem or a Christian future.

We are only beginning to sense our greatness and that greatness is to be found today in the article of our Republican faith. For too long have we wandered from the pathway outlined for us by those men who penned our Constitution and gave us the chance to be free. Men of industry teamed up in research and development to produce the necessities and the luxuries of life that some scorn today, even while they enjoy them. Millions of Americans have died and millions have suffered in the wars of this Republic that we might have greater freedom than any other citizen of any other nation in any other period in the history of mankind.

We should cherish those freedoms—to work, to love, to learn, to play; freedom to compete, to invent, to save, to invest, to create, to promote and to own; freedom to choose, to join, to vote, to speak, and to walk erect with head held high; freedom to be ourselves and to be free to glorify our God. Life would be a void, without a sense of purpose, if we were to lose these things.

We shall not lose them because the Republican Party stands ready to defend them. Mankind hasn't changed in a thousand years and more. Common sense tells us that. That is why I say that our Party is the Party of common sense and as the Party of common sense is really closer to the people.

The common sense I talk about should prove that people haven't changed. Aesop's Fables, written over two thousands years ago, depict our same foibles and personality, the laws of Leviticus apply today, as they applied when written.

If we are to base our decisions on common sense, we must recognize that each of us serves a particular purpose in our Party, and that the re-election of Richard M. Nixon is of paramount importance, whether you agree with every nuance of his political judgments or not!

Having some knowledge of the Executive demands related to the other two branches which represent checks and balances in our form of government, I know his dilemma. We have been taught in the past thirty years to believe that the President of the United States runs the country, should be credited with all useful advances and charged with every failure. Yet, common sense admits we are a nation of checks and balances; the Legislature and the Courts have a profound influence.

We blame the President if there is a slight recession in the economy.

We blame the President if war breaks out anywhere on this globe.

We blame the President for the price of bread or the cost of shoes.

The truth, my friends, is that the President is the administrative head of this nation. Congress determines the policy, and recently the Supreme Court has trimmed the sails.

You know—even those most strident conservative critics surely can't say that the President is all bad when he appoints a man like Arizona's Bill Rehnquist to the Supreme Court.

If you judge a man by the enemies he makes, Bill has a magnificent record.

In fact, the knockers give little credit. They never have, but, if there is one great achievement on the part of Richard M. Nixon, it could be in our eyes his shifting the balance of the Supreme Court away from its far left ideologies.

Some of the other criticisms, common sense tells us, are the inevitable result of being a doer. And, during the past year especially, none can accuse our President of not acting boldly, courageously and vigorously. The leadership of this world today demands such decisiveness and action if it is to be saved from drowning in a sea of confusion and cross purposes.

Indeed, we have a President who is leading our country with courage, intelligence and with a dignity and an assurance that we have not witnessed for some time, would that he had more support in the United States Senate and the House of Representatives.

Comes now that time of travail for any political leader, when the purveyors of calumny and slander have a field day, when the publishers of untruths and half truths start the presses, when the electronic media paints the picture of the little girl picking daisies. Remember?

Be prepared for even more slanders, half truths and outright lies.

A strange coterie of opponents are gathering. The party of the opposition is fielding men who have an ideological difference with us. But, that difference plays into the hands of those who would destroy us.

We should remember the man in the fable riding the little ass who tried doing everything the passersby asked him to do, wound up carrying his son, and his donkey, and his burden across the bridge and lost his little ass and everything.

The American people should remember how the world's most powerful military establishment was reduced to second-rate impotence, how inflation was permitted to soar, and how a welfare state that enslaved us all, either with debt or dependence, was encouraged.

At the turn of the 17th century, England under the leadership of King William, according to Churchill's Chronical, seemed to be laying, after generations of religious, dynastic and territorial wars, the foundations of a lasting peace for the whole world. (Does that sound familiar?) But, Churchill continued, at the very moment when all that the hearts of men desired was coming within their reach through his exertions, the King was woefully and even fatally weakened by the action of the House of Commons. They rejoiced in peace and clamored for freedom. Groaning and impatient, Commons plunged into a career of disarmament and constitutional assertiveness that found them vowing to break up the standing army. An orgy of insult and abuse, in which the civil population heartily joined, began around all uniformed men. (Doesn't that sound familiar?)

This nation has gone through it. History is replete with just what is happening. And common sense should tell us that those who advocate—Better Dead than Red, or any lesser interpretation of that slogan—either fail to learn from the lessons of history and lack common sense or are serving that worst of all roles, the role of the witting, or unwitting, traitor.

The party of the opposition has, unwisely, weakened our nation. They fought the ABM—a weapons system which the experts believed essential to our national survival. It passed by a single vote—the tie-breaking vote of Vice President Ted Agnew.

There was an honest difference of opinion about building an SST. The program was stopped. France, as a gesture of significance, flew its own SST to the meeting with President Nixon in the Caribbean recently, and Russia plans to bring its proto-type to the next air show. These gestures are not missed by those who want to believe that our nation is destined for a second-rate status.

Obstructionism is a giant industry in America today, and hundreds and thousands of men and women are being penalized.

The idea of wage and price controls is repugnant to a great many people, especially to most conservative thinkers. The President's critics in Congress called for such controls and passed the authorization necessary to give the President the power to invoke them. Now, these same forces are his most violent critics, and with a relaxation of some controls, everyone is complaining. Yet, he said over and over he would show us the way, and then ask for voluntary compliance. He did. And everywhere that the shoe pinched, the patient squawked. But the controls had an effect. It reminds me of a classic dictum: Those who will not control themselves from within must be controlled from without by force.

The Vietnam War has divided this country as all wars which are unwinnable must. It has dragged on interminably. MacArthur once said this: "War is a terrible thing, and a tragedy when resorted to to settle the differences between nations. However, once that decision is made to resort to war, then it is important to win it, to resolve the matter. If you don't resolve it, you simply will have to fight again later."

How true that the Korean sacrifice settled nothing and twenty years later we still meet at the peace table at Punmonjon. With Vietnam, there are those who support Hanoi and those who support Saigon. Most of the liberal criticism today is aimed at Saigon—corrupt, ineffective, and incapable of defending herself without our aid. Who points out that Hanoi cannot defend herself without Moscow's aid? In effect, why is Hanoi so pure, and if she is claiming purity, what is she doing in Cambodia and Laos? Common sense tells us that Moscow is on a fishing expedition and will absorb as much of the Far East as is permitted. Why do you think China is concerned today? She doesn't want to see the Pacific a Red Soviet lake.

Yet, in Philadelphia, one of the President's political critics declared it has taken Nixon longer to get us out of the war in Vietnam than it took us to defeat Adolph Hitler.

What he conveniently forgot to say was that from 1962 to 1968, when his Party was in power, they imposed a "no-win" policy on our military leaders and that in an agony of frustration we have sacrificed the lives of almost fifty thousand Americans, fighting in a war they were not permitted to win.

My friends, it is time for the American people to speak effectively against such unbelievable charges which not only frustrate our national life, but threaten our national future.

If we don't care enough to survive ourselves, we will be a very small footnote on the pages of history.

What has disappeared from our national scene is not only a sense of purpose, but a reverence for this country and its basic ideals. Thirty years ago, when the ominous cloud of World War II loomed on the horizon, we could truthfully say that politics ended at the water's edge. Many of us disagreed with President Franklin Roosevelt's domestic policies, but I would remind you it was the Republican leadership in the Senate and the House, joining hands with the Democrats and the President, which made it possible for the free world to survive that terror.

Don't ever forget the enemy at that time was intent upon world domination and extermination of all minorities that couldn't be used as slave labor. To the young today, World War II sounds like ancient history. But, from it we should learn one great lesson. Professor Herman Fenkel said it; I say it again. Six million Jews were exterminated in the ovens and the concentration camps.

War is an ugly thing, but not the ugliest thing. The decayed state of moral and patriotic feeling which insists there is nothing worth a war, is worse.

We forget that if we abandon the South Vietnamese before they can defend themselves, we deliberately condemn millions to the most brutal of deaths and retaliation. The same politicians who strongly condemn Richard Nixon's efforts in Southeast Asia to extricate our forces, appear to applaud the brutality which accompanied the recent difficulties in East Pakistan.

You saw the News and television shots of brutality and horror which accompanied India's armed intervention in East Pakistan.

Let those who complain about South Vietnam raise their voices in protest over the little boy kicked to death in East Pakistan. Let those who piously ask what we are doing in South Vietnam ask North Vietnam what they are doing in Laos and Cambodia.

As our Democratic friends trek the hustings, remember they were there when the Senate and the House voted appropriations which put us so deeply in debt—a federal debt, incidentally, which is largely responsible for the inflation that robs every man of a part of his paycheck. They were there when the Gulf of Tonkin Resolution was passed. They have been there during the whole dreary exercise that President Nixon is trying so desperately to correct under our system.

It is time for common sense again, the common sense that framed the words and actions of those great patriots who formed our country.

The common sense that is represented in the Republican Party's policies and participants today.

The common sense that reminds us to give up the velvet slippers of the welfare state and the impotence of disarmament and the breakdown in patriotism, respect and loyalty, and the common sense to don the wooden shoes of work . . . for duty, for honor . . . for country.

EQUAL RIGHTS FOR MEN AND WOMEN, 1972

Mr. BAYH. Mr. President, the full Senate Judiciary Committee will soon take up the equal rights amendment, and shortly thereafter the amendment will come to the floor of the Senate. I want to take this opportunity to bring to the attention of my colleagues several items of interest: first, the views of two distinguished constitutional scholars on the Ervin substitute for the equal rights amendment; and, second, a partial list of those organizations which support the equal rights amendment in its original form.

The equal rights amendment reads in operative part as follows:

> Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex.

This is the language which has been introduced in Congress ever since 1923. It is the language of House Joint Resolution 208, which was overwhelmingly approved in the House last October and which is presently pending before the full Senate Judiciary Committee, and it is the language of Senate Joint Resolution 8, which I introduced on behalf of myself and 48 other Senators.

Unfortunately, the Subcommittee on Constitutional Amendments, which I serve as chairman, jettisoned the traditional form of the amendment by a close vote last November. In its place, and over the strenuous objections of the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. TUNNEY), and myself, the subcommittee substituted language proposed by the Senator from North Carolina (Mr. ERVIN), which reads in operative part as follows:

> Neither the United States nor any State shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them.

I opposed the "Ervin substitute" in the subcommittee because it seemed obvious to me that, if approved, the language would permit and encourage the very sorts of sex discrimination which I am dedicated to eliminating in this country. I am glad to report that this view is shared by Thomas Emerson, Lines Professor of Law at Yale University Law School, and Norman Dorsen, Professor of Law at New York University Law School. Both Professor Emerson and Professor Dorsen are distinguished constitutional scholars. And both are deeply opposed to the "Ervin substitute" because it would undermine the cause of equal rights for men and women.

I commend to every Senator the penetrating analysis in the letters I received from these scholars. Professor Emerson demonstrates in his letter that the "Ervin substitute," far from being an equal rights amendment, in fact "contains no substantial guarantee of equal rights whatsoever." First, the substitute would give a constitutional basis to State action which discriminates against women in a variety of areas, including business and employment, criminal law, and education. Second, the substitute would reverse the minimal advances which have been made toward convincing the Supreme Court that sex discrimination is suspect under the 14th amendment. In short, to quote Professor Emerson's conclusion:

The Ervin substitute would not only destroy all hope of achieving equal rights for women through constitutional amendment, but would seriously impair such rights as now exist. A vote for the Ervin Amendment is nothing more and nothing less than a vote against equal rights for women.

I ask unanimous consent that the letters I have received from Professors Emerson and Dorsen be printed in the RECORD.

I also wish to call attention to the persons and organizations lined up in support of the equal rights amendment in its traditional, unamended form. Both the Republicans and the Democrats have repeatedly supported this proposal in their national party platforms. It has received the endorsement of Presidents Eisenhower, Kennedy, Johnson, and Nixon. The Citizen's Advisory Council on the Status of Women and the President's Task Force on Women's Rights and Responsibilities have recommended in strongest terms approval of the equal rights amendment. At least 11 States—California, Connecticut, Delaware, Florida, Louisiana, Maryland, Minnesota, Nebraska, New York, North Dakota, Pennsylvania—have taken official action in support of the amendment. And a great many national organizations have given their support to our efforts, too, among which are the following:

American Association of College Deans.
American Association of University Women.
American Association of Women Deans and Counselors.
American Association of Women Ministers.
American Federation of Soroptimist Clubs.
American Home Economics Association.
American Medical Women's Association.
American Nurses Association.
American Society of Microbiology.
American Society of Women Accountants.
American Society of Women Certified Public Accountants.
American Women in Radio and Television.
Association of American Women Dentists.
B'nai B'rith Women.
Council for Women's Rights.
Ecumenical Task Force of Women and Religion (Catholic Caucus).
Federally Employed Women.
General Federation of Women's Clubs.
International Brotherhood of Painters and Allied Trades.
International Union of United Automobile, Aerospace & Agricultural Implement Workers UAW.
Ladies Auxiliary of Veterans of Foreign Wars.
League of American Working Women.
National Association of Colored Women.
National Association of Negro Business and Professional Women's Clubs.
National Association of Railway Business Women.
National Association of Women Lawyers.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Woman's Party.
National Women's Political Caucus.
Professional Women's Conference.
St. Joan's Alliance of Catholic Women.
Unitarian Universalist Women's Federation.
United Automobile Workers.
United Methodist Church—Women's Division.
Women's equity Action League.
Women's International League for Peace and Freedom.
Women United.

Mr. President, there is a broad base of public and scholarly opinion in favor of the equal rights amendment. The need for the amendment has been demonstrated in three sets of hearings in the Congress in the past 18 months. The time has come for the Senate to stand up and be counted for in favor of equal rights for men and women.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., January 13, 1972.

Hon. BIRCH BAYH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: I am writing in opposition to the proposed constitutional amendment offered by Senator Ervin as a substitute for the Equal Rights Amendment. In my judgment the Ervin Amendment would nullify the whole purpose of the Equal Rights Amendment. More than that it would put women in a worse position than they are now.

The Equal Rights Amendment, as passed by the House of Representatives, provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." The fundamental objective of the Amendment is to eliminate sex as a permissible factor in determining the legal rights of women or of men. It contemplates that the law may make legal distinctions based upon characteristics or functions of individual persons, but not by grouping all members of one sex into a single overclassification.

The Ervin Amendment proceeds upon a totally different, and indeed opposing, principle. It provides that "Neither the United States nor any State shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them." It thus authorizes discrimination against an individual solely by reason of sex, in any situation where it can be said that a majority of one sex are different in some physiological or functional characteristic from a majority of the other sex. This means that the legislative rights and responsibilities of an individual are determined not by his own traits or functions but by those of his sex considered as a group.

To take a concrete example, if a legislature found that men on the average could lift heavier objects than women on the average, it could on that basis pass a law that no women could be employed in a job requiring the lifting of weights over a certain limit, regardless of the capacity of a particular woman to lift heavier weights. Or if the legislature determined that more women than men performed functions which required them to remain in the home, then it could provide that all women be excused from jury duty, regardless of the actual function performed by any particular woman.

To make the determination of rights and responsibilities depend on an arbitrary classification of this sort, rather than upon individual differences, runs squarely contrary to the basic principle that each individual has the right to develop his or her own potentialities. Equally important, as past experience has shown, it inevitably results in relegating women to an inferior status in our society. No effective guarantee of equal rights for women can be achieved upon such basis.

It should be emphasized, further, that the Ervin Amendment authorizes such unfair discrimination not only in a limited category of situations but in almost every area of the law. The term "physiological differences" would include not only average physical differences such as weight, height, or strength, but average psychological differences such as aggressiveness or sensitivity. Any characteristic of body or mind, in which some sort of measurement is alleged to indicate that men and women differ in terms of group averages, could serve as a basis for different treatment by the law.

Similarly, "functional differences" would embrace virtually the entire spectrum of human activity. If it were determined that more men than women, or vice versa, were engaged in the care of children, in other functions in the home, in clerical or secretarial positions, in executive positions, in particular forms of recreation, in a particular style of living, or in any other kind of work or leisure, such a finding could be used as grounds for imposing special obligations on members of that sex or granting them special benefits. The Ervin Amendment thus contains no substantial guarantee of equal rights whatsoever.

It would be possible to give hundreds of examples of how the Ervin Amendment would authorize a legislature, executive official, or court to maintain and in fact expand discriminatory treatment of women. In addition to the two examples noted above, perhaps three others will suffice to illustrate the consequences of adopting Senator Ervin's proposal:

(1) If the legislature were to find that women as a whole were less able to defend themelves against physical assault than men as a whole, it could prohibit employment of women in jobs requiring them to be out of the house at night.

(2) If it were determined that more women than men failed to pursue professional careers because they married and became occupied with household work, the government could give preference to men over women in admission to law, medical and other professional schools.

(3) If a study should reveal that, on the average, women had different psychological propensities for rehabilitation than men, a legislature could provide different criminal penalties for men and women for the same offense.

All of these results, and many similar ones, would be authorized by the Ervin Amendment. It is clear that this proposal would perpetuate, not eradicate, the whole range of inequities between the sexes which the Equal Rights Amendment is designed to eliminate.

In addition, it should be noted that adoption of the Ervin Amendment would leave women in a worse position than they are now. The Equal Protection Clause of the Fourteenth Amendment, and the similar guarantee embodied in the Due Process Clause of the Fifth Amendment, now require that differences in treatment on account of sex be justified as constituting a "reasonable classification". In deciding what is a "reasonable classification" the courts do more than simply determine whether the difference in treatment is "based on" some alleged "physiological or functional differences" between the sexes on the whole. They take into account such factors as the weight to be given the government interest alleged to justify the discrimination, the unfairness of treating all members of the sex alike regardless of individual differences, and other considerations which enter into the complex question of determining "equal protection of the laws". It is possible, also, that the courts will eventually come to the position that classification by sex is a "suspect classification," presumptively invalid and requiring a showing by the government of the most "compelling" reasons if it is to be sustained.

Under the Ervin Amendment this treatment of the constitutional right of women to equality under the law would no longer be possible. The Ervin Amendment, if adopted, would supercede existing law and require the courts to uphold differentiation in treatment so long as the law is "based on", that is, is reasonably related to, any average physiological or functional difference. The result would be to put in jeopardy even such slight advance as women made in the recent decision of the Supreme Court in *Reed v. Reed*, outlawing discrimination because of sex in the appointment of an administrator of an estate.

It is not unlikely, also, that the Ervin Amendment would undermine existing statutory provisions, such as Title VII of the Federal Civil Rights Act of 1964, prohibiting discrimination against women in employment, and various State anti-discrimination laws. Although the Ervin Amendment would not appear to prevent leigslatures from passing laws affirmatively prohibiting discrimination on account of sex, were they so inclined, the impact of the Ervin Amendment would undoubtedly tend to discourage legislatures from doing so and to encourage the courts to give a very narrow interpretation to existing anti-discrimination statutes.

In summary, the Ervin Amendment would not only destroy all hope of achieving equal rights for women through constitutional amendment, but would seriously impair such rights as now exist. The Committee must face this fact squarely. A vote for the Ervin Amendment is nothing more and nothing less than a vote against equal rights for women.

Sincerely,

Thomas I. Emerson.

New York University School of Law,
New York, N.Y., January 14, 1972.

Senator Birch Bayh,
United States Senate, Committee on the Judiciary, Subcommittee on Constitutional Amendments, Washington, D.C.

Dear Senator Bayh: I am responding to your letter of January 7, 1972, inviting my comments on the language accepted by your subcommittee in place of the original Equal Rights Amendment.

Although one cannot be confident about how the new language would be interpreted were the Amendment to become part of the Constitution, my view is that the substitute version should be opposed both because of its vagueness and because of the likelihood that it would not lead to a substantial elimination of sex discrimination beyond what the Constitution already forbids.

The nut of the issue of course is the qualifying phrase in Section 1, which would authorize legal distinctions between the sexes if they are based on "physiological or functional differences between them." The quoted phrase is obviously ambiguous; in particular, I am at a loss to understand what might be meant by a "functional difference."

Given the ambiguity, it follows that courts and legislatures would be capable of interpreting the language broadly or restrictively and thereby attack sex discrimination in a strong or weak way. This uncertainty is common in constitutional interpretation, but the particular difficulty here is that the Fourteenth Amendment's equal protection clause is already capable—if judges are willing—of being employed as an effective mechanism to end or sharply limit sex discrimination. There is, in other words, no need for an additional constitutional provision couched in vague language.

Accordingly, I conclude that it would be preferable at this stage to reject any formulation that is not cast—as was the original version of the Equal Rights Amendment—in unequivocal terms plainly designed to terminate sex discrimination.

Sincerely,

Norman Dorsen,
Professor of Law.

YOUTH FOR UNDERSTANDING

Mr. BAYH. Mr. President, I wish to commend the educational international exchange program, "Youth for Understanding." Begun in 1951 by the Detroit, Mich., area Rotary Clubs, its administration was soon shared by the Ann Arbor Council of Churches, with advice of the State Department.

In 1964 the Youth for Understanding was incorporated as a nonprofit corporation, in view of its increased size. As one indication of its size, the program has placed students from 45 different countries in 42 States of the United States.

A constituent of mine, Mrs. Kathryn Y. Hartman, from Hartford City, Ind., has hosted nine foreign students since 1959 and is particularly warm in her praise of the program. As Mrs. Hartman noted, Indiana has the privilege of hosting over 100 foreign students each year and of sending about 40 high school students abroad each year under the auspices of "Youth for Understanding."

I ask unanimous consent that the stated purpose and bylaws of "Youth for Understanding" be printed in the Record so that those interested can share in recognition of a fine program.

There being no objection, the item was ordered to be printed in the Record, as follows:

Purpose

Youth for Understanding is the largest and fastest growing organization in the field of teenage exchange programs. More than 30,000 students from 45 countries have participated in Youth for Understanding programs since its establishment in 1951–52. Youth for Understanding is one of the three teenage exchange programs officially recognized by the United States State Department.

The statement of purpose of Youth for Understanding is contained in Article II of its By-laws. It shall be the purpose of this corporation to:

A. Promote international understanding by sponsoring, developing and carrying out international student exchange programs, to arrange for international cultural exchanges and for exchange of youths desiring to accomplish needed services in other countries, and to do all things necessary to achieve these purposes, including raising and investing necessary funds, soliciting, receiving and accepting funds, gifts, grants, bequests and devices, in any form, acquiring, holding transportation and facilities, setting up auxiliary committees and organizations for these objectives, and cooperating with existing organizations and interested persons toward these ends.

B. To acquaint teenage students brought to the United States from other countries with American family and community life by having them live with American families for approximately one year and to enable the students to gain an understanding and appreciation of the American way of life through participation in typical high school, family and other aspects of community life.

C. To carry out, finance and implement fully an educational and cultural exchange program contemplating the sending of teenage youths from the United States to other countries for various periods of time, arranging for and administering their activities, and contemplating bringing teenage youths from other countries to the United States for educational and cultural purposes in the interests of international understanding and good will.

D. Recognizing that Youth for Understanding has had definite religious undergirding, both in the broad objectives for which it has stood and in the personnel connected with the program, it is to be understood that this aspect shall be retained in the corporate structure.

E. These purposes are meant to secure an interfaith and interracial approach to international good will by providing qualified young people with broad experience through living with families of other countries.

BATTLING WITH THE ATOMIC ENERGY COMMISSION

Mr. GRAVEL. Mr. President, what sort of mockery of fair play do we in Congress tolerate, when we tell citizens to go defend their own safety in contest against the combined power of the Atomic Energy Commission, the electric utility industry, and some of the country's largest manufacturing corporations including General Electric and Westinghouse?

The AEC's current "public rulemaking hearings" on nuclear safety are loaded in every way against the citizen participants.

FINDING HALF A MILLION DOLLARS

Let us consider the ability to intervene at all in a local or national AEC safety hearing. On the opening day of the present hearing, January 27, Dr. Ralph Lapp testified as follows:

> In order to match wits with the nuclear utility, the [citizen] intervenor needs time, money, and availability of competent technical authority. I would estimate that perhaps $500,000 is the sum needed to fund an adequate intervention.
>
> Very often an intervenor finds it almost impossible to obtain the services of qualified persons to serve as experts. Too often, the intervenor has felt that he was in contest with not only the utility and the nuclear vendors, but also with the Atomic Energy Commission.
>
> If local intervention is to serve as a check on deployment of unsafe reactors or on unsafe siting, then intervenors must have access to some independent authority with which to challenge the organized technical resources of the utility.

Of course, no such independent authority is likely to exist unless the Government realizes that public funding for independent adversary scientists is not only required by justice, but also by prudence.

GETTING THE BAD NEWS EARLY

Unless we fund scientists to oppose technological programs as routinely as we fund them to support such programs, there is simply no likelihood of uncovering bad news in a timely fashion. The adversary process, which reveals inconvenient information so effectively in many court procedures, could perform the same function in technology.

Of course, bad news will uncover itself sooner or later even without adversary science, but it would be better both for business and the general public to learn about the problems sooner. This is particularly so in the nuclear power industry, where one big nuclear accident could ruin the economy of several States overnight, and where near-perfection is required in handling the radioactive byproducts if this planet is going to remain habitable.

The protection of public health and safety is a duty of Government, but we see the Government recklessly licensing nuclear powerplants prior to a single integrated test of their most important safety system, and prior to any demonstrated ability to cope with the perpetual storage of their radioactive waste.

WHO HAS THE FAR-OUT IDEAS?

It certainly should not be up to the public to prove that the nuclear power program is going to be a disaster; obviously when the subject is a technology with which we could inadvertently poison the planet forever, the burden of proof belongs on the AEC and the nuclear industry to prove to the public that the program will not be a disaster.

Every person in this country—and of course that includes businessmen—owes a debt of gratitude to the citizen intervenors in AEC hearings. They are trying to do the job of public defense which the Congress and the AEC have failed to do.

For citizen intervenors, it means blood, sweat, and tears, as well as crushing dollar-debts and loss of precious lifetime. For some people, waking up month after month to face another day in a hearing room is like a Chinese water-torture.

FOURTEEN STATES REPRESENTED

Mr. President, so that my colleagues can more easily appreciate the coast-to-coast extent of citizen opposition to the premature licensing of nuclear powerplants, I ask unanimous consent to have the following nine items printed at the end of my remarks:

A State-by-State list of more than 45 citizen groups which have formed the coalition known as the National Intervenors. This is just a partial listing. More groups are joining the coalition all the time. I might add that the attorneys general of the States of Maine, Minnesota, and Vermont have also intervened in the current rulemaking hearing, and the State of Kansas, where the AEC has been hoping to bury the radioactive waste, has intervened in license hearings on some individual nuclear powerplants in other States.

The January 29 news release stating the position of the National Intervenors.

"Environmentalists Urge Reactor-Cooling, Tests," from the Washington Post, February 2, 1972.

"A-Plant Safety Will Be Debated," from the New York Times, February 2, 1972.

"Groups Ask AEC To Halt Licensing of Powerplants," from the Evening Star, Washington, D.C., February 2, 1972.

"Critic Wins Point at AEC Hearings," from the New York Times, February 3, 1972.

"Warn of Atom Power Leaks," from Chicago Today, February 6, 1972.

"Find Secret Memo at AEC Hearing," from Chicago Today, February 6, 1972.

"Charge AEC Muzzled Safety Panel," from Chicago Sun-Times, February 6, 1972.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Citizen Groups Which Constitute the National Intervenors

CALIFORNIA

The Sierra Club, San Francisco.

The Peoples Lobby, Hollywood.

WASHINGTON, D.C.

Environmental Action, Inc.

National Wildlife Federation.

ILLINOIS

Businessmen for the Public Interest, Chicago.

INDIANA

Community Action to Reverse Pollution, Gary.

Porter County Izaak Walton League, Chesterton.

Save the Dunes Council, Munster.

MARYLAND

Chesapeake Environmental Association, Edgewater.

Chesapeake Bay Foundation, Inc., Annapolis.

MASSACHUSETTS

Union of Concerned Scientists, Arlington.

MICHIGAN

United Auto Workers of America, Detroit.

Saginaw Valley Nuclear Study Group, Midland.

West Michigan Environmental Action Council, Inc., Grand Rapids.

University of Michigan Environmental Law Society, Ann Arbor.

Kalamazoo Nature Center, Kalamazoo.

NEW JERSEY

Delaware Valley Committee for Protection of the Environment, Moorestown.

Pompeston Environmental Committee, Cinnaminson.

Anti-Pollution League, Allentown.

NEW YORK

Natural Food Associates of Westchester, White Plains.

Mapleton Intervenors, Babylon.

Lloyd Harbor Study Group, Babylon.

Joint Schools Committee for Academic Excellence Now, Inc., New York City.

Ecology Action of Oswego, Oswego.

Cortlandt Conservation Association, Inc., Croton-on-Hudson.

Citizens Committee for the Protection of the Environment, Ossining.

Citizens Rights Committee, Hicksville.

Independent Phi Beta Kappa Environmental Study Group, New York City.

Rockland County Conservation, Spring Valley.

Citizens League for Education about Nuclear Energy, Inc., New Rochelle.

Rockland Ecological Coalition, Inc., Spring Valley.

Protect Your Environment, Albany.

Natural Resources Defense Council, New York City.

Citizens Committee to Save Lake Cayuga, Ithaca.

Citizens for Gregory Pond, Peekskill.

NORTH CAROLINA

Metrolina Environmental Concern Association, Inc., Charlotte.

OREGON

Oregon Environmental Council, Portland.

Eugene Future Power Committee, Eugene.

PENNSYLVANIA

Environment: Pittsburgh, Pittsburgh.

Society for Social Responsibility in Science, Pottstown.

Environmental Coalition on Nuclear Power, Morristown.

VIRGINIA

Federation of Homemakers, Arlington.

VERMONT

Conservation Society of Southern Vermont, Bennington.

Vermont Natural Resources Council, Bennington.

Lake Champlain Committee, Bennington.

New England Coalition on Nuclear Pollution, Inc., Brattleboro.

WISCONSIN

Protect Our Wisconsin Environmental Resources, Two Rivers.

Wisconsin Environmental Decade, Racine.

[News release from National Intervenors, Washington, D.C., Jan. 29, 1972]

Citizens' Coalition Challenges A-Plant Safety

WASHINGTON.—The National Intervenors, a coalition representing 60 citizen environmental groups from across the nation, is challenging the Atomic Energy Commission to suspend all licensing of nuclear power stations until it proof-tests the safety of reactors.

In a statement, the Coalition said:

"The AEC insisted that it had to conduct the Cannikin test to prove that the anti-ballistic missile warhead would work. We fail to see why the AEC refuses to insist upon the same precaution when it comes to proving that emergency reactor core cooling systems will work and remove all risk of a catastrophic accident in a nuclear power plant.

"As matters stand today, the AEC is proceeding with the licensing of large nuclear electric plants without having conducted realistic, operational tests of a system to prevent a reactor from running out of control and melting down. In the absence of valid experimental data on which to base the design of emergency shut-down systems, the AEC is needlessly jeopardizing the lives of hundreds of thousands of Americans.

"There should be a total suspension of all nuclear plant operating and construction licensing by the AEC until the research work is done to prove beyond all doubt the reactors and associated facilities will present absolutely no hazard to the public.

"Today, the AEC cannot guarantee the safety of the reactors it is licensing, yet it is permitting 22 nuclear power stations to operate right now and is allowing construction to proceed on 99 more, many of them near population centers.

"Our need for electricity can in no way justify or tolerate the operation of nuclear power stations having no proven safeguards. We must not permit the AEC to entertain the slightest risk of accident when we know there is enough radioactivity in one reactor to wipe out an entire city.

"Presently, the AEC is planning to conduct tests of emergency core cooling systems in 1975. That is three years from now—a period of time when more nuclear plants will be built and operating with no proven safeguards. It is also a time when the nuclear industry will be expanding when the financial stake by utilities will be growing—entirely in the dark as regards safety.

"The National Intervenors believes this course is the height of folly. If our government was as concerned about the safety of Americans as it is about the workability of ABM warheads, it would shut down the nuclear plant program today and await the outcome of the 1975 tests.

"We could spend the next three years profitably in examining our national energy needs and policies and developing alternate—safer—sources of electricity, such as the fusion process and solar energy."

The National Intervenors, a grass roots coalition, has formed in Washington to intervene in two consecutive AEC rule-making proceedings now underway. The first hearing, starting Wednesday, February 2, concerns interim acceptance criteria for reactor core emergency cooling systems. The second hearing concerns the setting of as low as practicable limits on radioactive emissions.

The Coalition is bringing to Washington numerous scientific authorities, including members of the Union of Concerned Scientists, Cambridge, Mass., to cross-examine AEC and nuclear industry witnesses and present expert testimony. Coalition members are raising the money for legal fees and to pay for the housing of witnesses over the duration of the hearings, which will extend about six months.

This is an unique undertaking. It is the first time local environmental groups have banded together to intervene in a national rule-making proceeding by the AEC. Previously, the organizations have intervened in individual nuclear station projects in their areas and have technical or other qualifications to contribute to the hearings in Washington.

The Coalition hopes to bring to the attention of the American public both the extent of the hazards inherent in nuclear power stations and the AEC's lack of proven knowledge in dealing with them. Until now, the AEC has been able to hide its ignorance from the general public because of the highly technical nature of safety design. It also has refused to tell the public the true nature of the hazards, claiming only that the reactors are "safe."

In the hearings Coalition scientists will focus first on the dangers arising from a reactor losing its cooling system—perhaps through the rupture of a pipe—and causing the reactor to melt down. Most present reactors use water as a coolant, circulating through the core much like the cooling system in an automobile engine. It is imperative that a reactor have an emergency core-cooling system should the primary one fail. Otherwise conditions could arise where radioactivity could burst from a reactor containment vessel.

A group from the Union of Concerned Scientists contends from recently conducted AEC experiments that present emergency core-cooling systems "may well be unable to perform the functions for which they are designed." And they add "the margin of safety previously thought to exist in these systems' operations during a loss-of-coolant accident is very much smaller than has been expected or may, in fact, be non-existent."

In a critique published in October, 1971, the UCS group pointed out that the AEC itself was disturbed enough by these experiments to temporarily delay nuclear power plant licensing last year and set up a review task force within the agency. However, the AEC not long afterward resumed its licensing without waiting for the task force to report.

Moreover, the agency adopted an interim set of criteria for emergency core-cooling systems as part of the licensing process without subjecting them to outside scientific scrutiny.

The Union of Concerned Scientists group said they found "abundant evidence of weakness in the Interim Criteria . . . they are substantially inadequate and, we believe, cannot add even marginally to the present narrow or possibly non-existent margins of safety."

The second phase of hearings will go into the AEC's standards to keep the levels of radioactive releases from nuclear power facilities "as low as practicable." The National Intervenors contends the AEC must first make a finding on what radiation level is unequivocally safe. Only when this has been done can the commission determine what levels of radioactive release will be as low as practicable in view of economic, technological and energy need factors. Otherwise it will be compromising the health and safety to the public.

[From the Washington Post, Feb. 2, 1972]

ENVIRONMENTALISTS URGE REACTOR-COOLING TESTS

(By Thomas O'Toole)

A coalition of 60 national environmental organizations yesterday asked the Atomic Energy Commission to suspend licensing of nuclear plants until it has proof-tested an emergency cooling system for atomic reactors.

"The AEC insisted that it had to conduct the Cannikin test to prove that the ABM warhead would work," said the National Intervenors in a statement. "We fail to see why the AEC refuses to insist upon the same precaution when it comes to proving that emergency reactor core cooling systems will work and remove all risk of a catastrophic accident in a nuclear power plant."

The statement referred to a method of supplying cooling water to a nuclear reactor if it overheats and its prime cooling system should suddenly fail. The AEC itself has expressed some doubts about the secondary cooling.

"Presently, the AEC is planning to conduct tests of emergency cooling systems in 1975—three years from now," the National Intervenors said. "This is a period of time when more nuclear plants will be built and operating with no proven safeguards.

"We believe this course is the height of folly," the Intervenors said. "If our government was as concerned about the safety of Americans as it is about the workability of ABM warheads, it would shut down the nuclear plant program today and await the outcome of the 1975 tests."

The AEC said it was holding hearings about the emergency cooling system, not the primary system that is the safeguard to the public against reactor hazards.

[From the New York Times, Feb. 2, 1972]

A-PLANT SAFETY WILL BE DEBATED; STRINGENCY OF RULES FACES PROLONGED DELIBERATIONS

(By Richard D. Lyons)

WASHINGTON, February 1.—The Atomic Energy Commission and 46 environmental groups will begin debate tomorrow on the safety of nuclear power plants, an issue that promises to rival, in duration if not intensity, the fight over the Amchitka bomb test.

The debate, which probably will extend well into the summer during rule-making hearings and commission deliberations—and possibly into the years ahead in the courts—involves the following basic questions:

Of what value is an atomic power plant safeguard apparatus called the emergency core-cooling system in preventing potentially catastrophic accidents?

What is the permissible limit of escaping radioactivity from a nuclear power plant to neighboring areas?

The A.E.C. has, in effect, opened to public challenge its current regulations along with proposed changes in them that are being made by the commission. The hearings that start tomorrow give the public a chance to present evidence that stricter standards are needed before the commission issues final safety regulations later this year.

The commission's position is that stricter guidelines may be needed, but the question is how strict.

The questions are directed more at the future, rather than the here and now, since only 23 nuclear power generating units are currently in operation throughout the country.

However, 100 plants are either under construction or on order, several hundred more are on the horizon, and in the two decades ahead almost half the nation's electric power is foreseen as being generated by various types of nuclear equipment.

Daniel F. Ford of Cambridge, Mass., a spokesman for the coalition of environmental groups, told a news conference here today that "the basic decisions affecting nuclear power plants should be made now, before 20 to 25 per cent of the nation's power is atomic."

STRINGENT RULES URGED

Mr. Ford said stringent safety standards must be set and put into effect now, rather than the years ahead when scores of plants will be in operation and it would be all but economically impossible to change their safety features.

Mr. Ford, an economist and a member of the Union of Concerned Scientists, one of the 46 groups that seek strict standards, said the coalition was not against atomic power as such.

"Nuclear power offers environmental advantages over fossil fuel, but nuclear plants have got to be safe," he said, adding that aside from the loss of life or property that a major accident might incur, it also might mean the end of the nuclear power industry.

The coalition, he said, challenges, the A.E.C.'s belief that the possibility of a major accident in a nuclear power plant is small. He cited one analysis that held that under the commission's current regulations one major mishap could be expected to occur every decade among American nuclear generating stations.

One type of safety equipment installed to prevent accidents from getting out of hand is the emergency core cooling system, or E.C.C.S. for short. This is designed to support a reactor's primary cooling system so that a rupture would not lead to overheating of the reactor, the melting of its radioactive core and the subsequent release of radioactivity into neighboring areas.

The system includes pumps, piping and a water supply to quench the reactor, should the regular water supply fail.

The A.E.C. has, in effect, itself questioned the safety of E.C.C.S. models and is asking concerned groups and individuals to offer suggestions for improvements.

CRITIQUE OF MODELS

A critique of the models offered by the Union of Concerned Scientists, based in part on tests at the commission's national reactor testing facility, at Idaho Falls, said:

"Recently developed evidence suggests that emergency core cooling systems may well be unable to perform the functions for which they are designed, and that the margin of safety previously thought to exist in these systems' operations during a loss-of-coolant accident is very much smaller than has been expected or may, in fact, be nonexistent."

The Union of Concerned Scientists and its allies in the coalition, known as the National Intervenors, also want the commission to stop issuing operating licenses for reactors under construction until the E.C.C.S. question can be resolved.

After all the evidence and testimony has been presented by the Intervenors, the atomic power industry, public utility corporations and other groups, it will be weighed by the five-man commission, which will issue new regulations. But both sides feel that the final decisions are many months away.

[From the Evening Star, Feb. 2, 1972]

GROUPS ASK AEC TO HALT LICENSING OF POWER PLANTS

(By Judith Randal)

A coalition of more than 60 citizen groups—ranging from the United Auto Workers and Chicago's Businessmen for the Public Interest to the Sierra Club and the Izaak Walton League--has urged the Atomic Energy Commission to halt further licensing of nuclear power plants, pending definitive development of dependable and safe emergency reactor core cooling systems.

The coalition, known as the National Intervenors, is depending on the technical expertise of a Boston group called the Union of Concerned Scientists to represent it at hearings the AEC is holding on the emergency core cooling issue. The hearings, begun last week in Germantown, Md., where AEC offices are located, continue today in Bethesda and will last about six months.

The AEC has acknowledged that its safety standards for the systems are only interim, the licensing of nuclear power plants is going ahead.

END NOT SOUGHT

The coalition does not seek to end the development of nuclear power in the nation, Anthony Z. Roisman, one of its lawyers, said at a news conference yesterday. Indeed, many of its members believe that in the long run nuclear power presents fewer threats to the environment than fossil fuels.

Its concern, rather, he said, is that the lack of reliable emergency core cooling systems will lead to a nuclear accident which could permanently discredit atomic power as a source of electricity.

A number of studies and scientific opinions, he said, support the belief that such an accident could—under some weather conditions—create a cloud of radioactive gas that would travel over a corridor up to two miles wide and 100 miles long and, in a matter of days or weeks, kill at least half the population in its wake. In all, he predicted, some 150,000 people might die—100,000 in the short run and an additional 50,000 of cancer and other long-term effects.

SIZE A FACTOR

The fact that the plants now beginning to open are in the 800–2,000 megawatt range—larger by a quantum factor than many of the 22 nuclear power stations now in operation—increases the likelihood of accident, he and Daniel Ford, a Harvard economist also at the news briefing, agreed.

At present, less than 1 percent of the nation's electricity is generated by nuclear power. But AEC plans, said Ford, call for 50 atomic plants by 1975 and about 500 by 2000. "The whole momentum of the program is such that unless you slow down now until the safety data is in, you get to the point of no return," he said.

Although fraught with technical intricacies, the issue of emergency reactor core cooling systems is a basically simple one, explained by Ford as "how to contain the genie in the bottle." The purpose of the core systems is to use water to contain radioactivity within a nuclear power plant should it escape from the reactor. If a system is incapable of doing this, it has failed.

"VANISHINGLY SMALL"

Dr. Glenn Seaborg, former chairman of the AEC, has said the chances of such failure are "vanishingly small." But Ford and Roizman maintain that many officially recorded near misses and the investigations of the Union of Concerned Scientists have demonstrated that the complex components of the systems, as presently constituted, are anything but reliable.

The danger is the greater because the systems must work within a minute to head off an accident, they said. And chances are good that there will be one failure of the safety system per decade unless it is approved, they said.

As the hearings get underway, however, the coalition is not discouraged. The complexion of the AEC has changed since Seaborg's resignation in 1971, they say, and his successor, Dr. James R. Schlesinger, impresses them as "a subtle and intelligent man" who—because of his experience as a weapons expert for the Rand Corp.—believes in the idea of "test first and then use," rather than vice-versa.

And they view William Doub, former chairman of the Maryland Public Service Commission, who became an AEC commissioner when Schlesinger succeeded Seaborg, as an advocate of the public's right to participate in making the decisions about issues of this kind.

[From the New York Times, Feb. 3, 1972]

Critic Wins Point at AEC Hearings; Granted Right To Participate in Reactor Safety Talks

(By Richard D. Lyons)

Washington, February 2.—The Atomic Energy Commission's hearing into the safety of the nuclear reactors of the future opened today with about six hours of wrangling over legal issues.

Lawyers, who were almost as numerous as spectators among the 100 persons at the hearing, devoted most of the time to procedural arguments, primarily on the right standards to take part in the legal and technical presentations.

The critic, Daniel F. Ford, an economic and environmental researcher at Harvard University, was allowed to take part in the hearing as an "expert interrogator" even though each of the three members of the hearing's presiding board said they did not believe him to possess sufficient scientific and technical background.

Mr. Ford is associated with a group called the National Intervenors, a coalition of 46 environmental groups that is seeking to have stricter standards set for reactor safety equipment and to prevent the escape of radioactivity from the atomic power plants.

The coalition's position is that strict standards must be put into effect while relatively few nuclear power plants are in operation, before hundreds are generating electricity and when it would be all but impossible to change their design.

The A.E.C.'s position is that stricter standards may be needed, but the question is how strict. The commission has appointed the presiding board to oversee the debate, has provided experts to give technical testimony and lawyers to argue the legal points, and eventually will set new safety regulations.

A third group at the hearing is composed of legal and technical representatives of nuclear equipment makers and public utilities, such as the Consolidated Edison Company of New York.

The interest of the vendors and utilities is primarily financial since stringent safety regulations would force increases in the prices of the power plants, which would be passed along to the utilities buying the reactors, and eventually to the consumers of power.

The questions on new regulations are not expected to be resolved until this summer.

[From Chicago Today, Feb. 6, 1972]

Nuclear Cuts Urged—Warn of Atom Power Leaks

The Nation's 23 nuclear power plants should be ordered to operate at 40 per cent capacity until their untested safety devices are proven adequate, a spokesman for a Chicago-based environmental group said yesterday.

The demand was made by David D. Comey, environmental research director for Businessmen for the Public Interest.

Failure of a cooling system of the type used by nuclear plants today could cause the plant's atomic core to melt, blanketing the surrounding area with a lethal cloud of radioactive debris, Comeny charged.

All present plants are equipped with emergency core cooling systems to avert such an accident, tho the Atomic Energy Commission admits that the fail-safe system never has been tested. Tests of the safety system have been in preparation for eight years, but are not scheduled for completion until 1974.

B. P. I. is one of 45 national environmental groups demanding that the AEC order interim safety measures until the tests are performed.

At a press conference yesterday in R.P.I. offices, 109 N. Dearborn St., Comey and Myron M. Cherry, an attorney for the 45 groups, said the AEC is "suppressing crucial information" on the safety issue.

The charge resulted from hearings on the safety of emergency core cooling systems opened in Bethesda, Md. last week by the AEC, which invited participation by interested public groups and nuclear plant manufacturers.

Cherry said the AEC has refused to let any witnesses appear from an AEC-appointed scientific advisory committee which has been urging tests of the emergency cooling system for several years.

"Are they afraid of what the advisory committee will tell the public about the reactor safety? The refusal of the AEC to produce witnesses from this committee is tantamount to suppressing important information on the safety and reliability of these emergency systems," Cherry said.

The emergency cooling system at the heart of the safety controversy was designed by AEC and industry scientists by methods based on mathematical analysis and computer projections.

Emergency core cooling systems include pumps, pipes and a supply of water to douse the 4,000 degree heat of a reactor core in the event that a plant's primary cooling system fails.

The safety of the emergency system was first questioned in 1970 following tests at the AEC's Idaho Falls, Idaho reactor testing facility which indicated that at least one of the calculations on which the system was based was incorrect.

A special test facility is under construction at Idaho Falls to put the emergency system thru its paces in a simulated reactor overheating incident. The $75 million test program will not begin until 1974.

In the meantime, 23 nuclear plants are operating with the emergency system, including Commonwealth Edison Company's Dresden station near Morris, Ill.

If the current AEC hearings raise sufficient doubt about the emergency system, the AEC will be forced to shut down all present reactors, Comey said.

"This would result in a temporary power shortage, especially in the Chicago area," Comey said. Commonwealth Edison Company, which supplies nearly all of Chicago's power, plans to generate 40 to 50 per cent of its electricity by nuclear power by 1990, he noted.

[From Chicago Today, Feb. 6, 1972]

Find Secret Memorandum at AEC Hearing

Witnesses at a hearing on atomic power plant safety were given "secret" hints on how to testify by the Atomic Energy Commission, a Chicago participant said yesterday.

David D. Comey, research director of Businessmen for the Public Interest, said an unsigned memorandum titled "Hints At Being A Witness" was discovered among AEC documents at the opening session of the hearing Thursday in Bethesda, Md.

Comey produced copies of the memo at a press conference yesterday at B. P. I. offices, 109 N. Dearborn St.

The memo presumably was given to AEC staff members and scientists employed at AEC laboratories who were slated to testify in support of the AEC position on the adequacy of a crucial nuclear power plant safety device, Comey said.

Among the memo's 15 "hints" were:

"Never disagree with established policy."

"Never fraternize with the other parties during the recess."

"Never discuss the case with anyone but your own staff."

[From the Chicago Sun-Times, Feb. 6, 1972]

Charge AEC Muzzled Safety Panel

(By Bruce Ingersoll)

The Atomic Energy Commission was accused Saturday of muzzling its own scientific advisers and suppressing crucial information on the safety of nuclear power plants.

The charges were made by a national coalition of 45 environmental groups that have intervened in a hearing, called by the AEC, on the reliability of current safeguards against a major nuclear accident.

Myron Cherry, a Chicago attorney representing the intervenors, said the AEC has refused to let any witnesses from its Advisory Committee on Reactor Safeguards (ACRS) testify at the hearing, which began last week at Bethesda, Md.

Cherry pointed out that the ACRS—an elite panel of 15 scientists that reviews the safety of every nuclear plant—long has been pressing for more tests on the emergency cooling systems of nuclear reactors. The AEC does not plan such tests on a full-scale reactor until 1974. By then, Cherry said, the nation will have about 60 nuclear plants in operation.

"After five days of hearings, it appears the AEC is still attempting to pursue its policies of illegally promoting the nuclear power industry without adequate regulatory safeguards," Cherry asserted at a press conference in Chicago.

"Are they afraid of what the ACRS will tell the public about safety? Why has the AEC instructed its witnesses never to disagree with established policy when the very purpose of the hearing is an evaluation of that policy?"

Cherry produced a "secret AEC memorandum" spelling out, point by point, what AEC witnesses should never say or do in a hearing. His translation of pointer No. 10—never disagree with established policy—was, "Don't rock the boat."

Martin Hoffmann, general counsel of the AEC, said in a telephone interview that such a list of "hints" exists. He added, however, that another memo, drawn up by his staff, says AEC personnel and consultants are free to express disagreement with the AEC consensus on nuclear safety.

Hoffmann conceded that the AEC won't let individual members of the ACRS appear at the Bethesda hearing.

"Appearance in an advisary proceeding is not consistent with the committee's function," he asserted. The intervenors should submit written questions to the ACRS instead, he said.

Cherry said the environmentalists are convinced the emergency cooling systems on all existing reactors, including those of Commonwealth Edison Co., are not capable of preventing the "melt-down" of nuclear fuel and the release of lethal radioactivity from the reactor.

What Cherry described as "a loss of fluid" to cool the superheated reactor core would cause such a major accident.

"We're confident we can win on the scientific case, but it's starting to look as if the AEC is playing legal games with us," Cherry said.

Cherry and David D. Comey, environmental research director of Businessmen for the Public Interest, 109 N. Dearborn, one of the intervenors, said the AEC is frightened of the implications of the environmental arguments.

"At stake is the future of the $40-billion nuclear power industry," Comey claimed.

"If the national intervenors prove their case, the AEC may have to stop licensing new light-water reactors and shut down or operate at reduced power the 22 nuclear plants already constructed.

"The only way to guarantee nuclear safety is to run these plants at 40 per cent capacity and that would render them uneconomical."

The AEC and the nuclear power industry must face the prospect of having to "phase out the present generation of reactors as bad technology," he said.

And the power-hungry public must be prepared for what Comey called a "temporary power crisis" that would come with limited operation of nuclear plants.

Because of Commonwealth Edison's huge commitment to nuclear power, Comey said, Chicagoans would be hardest hit of all. "I don't know of any U.S. city so dependent on nuclear power."

SMITH, JONES SPEAK UP

Mr. PROXMIRE. Mr. President, Richard L. Strout, of the Christian Science Monitor, eloquently has explained the regressivity of the valued-added tax.

His Washington dispatch on the front page of the Monitor of last Friday uses fictitious dialog to take the fiction out of the VAT.

Mr. President, I ask unanimous consent that Mr. Strout's piece be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Explaining Value-Added Tax, With Smith and Jones' Help

(By Richard L. Strout)

Washington.—No reporter can hope to explain intricate things—let alone the value-added tax—without Mr. Smith and Mr. Jones.

"Smith, Jones—will you please step forward?"

"With families?"

"Oh, yes, with families, of course."

Two bright-faced families of four—the standard family for economists and sociologists—appeared.

"Very well, Mr. Jones, for today's exercise you represent the affluent family with income of more than $20,000; Mr. Smith, you and Mrs. Smith are the under-the-poverty-line family, with income around $3,500."

Mr. Jones at once looked as though he had just stepped out of a Buick, while Mr. Smith took on a chastened and hungry look.

"As you are aware, the value-added tax, in effect, is a mass national sales tax. President Nixon appears to be moving closer and closer to it. He hinted a comprehensive tax change in his State of the Union message. The White House says specifically that Mr. Nixon has a 'positive' approach to the value-added tax. America's great annual ritual of making out its income tax is hardly known abroad—"

"CAN I SIT DOWN?"

"Sir," interrupted Mary Smith, age 4. "Can I sit down while you talk?"

"Certainly, but don't make a nuisance of yourself. Where was I? Now Smith—you're the poor one, remember—how much of your meager income goes to consumer items?"

"Practically all of it, sir. It's terrible; we spend it as fast as we get it. We can't save a thing."

"Stick to facts, Smith, my good man. Virtually all of it, eh? And now Mr. Jones, I admire that $20,000 of yours; how much goes to consumer expenses?"

"Food, clothes—that sort of thing?"

"Yes, and all the rest; heat, rent, cost of living generally?"

"Oh, about 62 percent, that's according to latest figures."

"Exactly, so if we have a national sales tax on consumer goods it will apply 100 percent to your expenses, Smith, and only 62 percent to Mr. Jones here."

"That's the way it always is," complained Mrs. Smith wistfully.

[The Nixon administration indicates that the regressive effects might be alleviated by rebates to taxpayers at or below certain income levels.]

INCOME TAX DIFFERENCE

"If the tax were raised by the graduated income tax, which is progressive—adjusted upward with income—how much tax would you pay, Smith?"

"None, sir," said Mr. Smith cheerfully, "I'm under the tax."

"Mr. Jones?"

"It's a despicable tax!" he replied: "Still I pay it from duty. I'm in the 25 percent bracket even after those tax-exempt bonds, and the reductions my lawyer showed me. Thank goodness Mr. Nixon is reducing the tax! In his economic message he said he'd cut it $22 billion in three years."

"Stick to the facts, please. You know a lot of economists are sorry to see the income tax cut; they say it helps narrow the gap between rich and poor. Now we will go on to the matter of dividends, dividends from common stock. Smith, what part of your paltry income comes from dividends?"

"Oh, none at all, sir."

"So you aren't taxed on what you don't get. . . . Mr. Jones?"

"Income from dividends in the over-$15,000 income rate averages around 6.7 percent, said Mr. Jones complacently. "I've done very well with my Xerox stock."

"Very good. So far as we've come, VAT or the national sales tax, probably would hit you a lot harder, Smith, than a rich man."

"Oh, yes sir," interrupted Mrs. Smith. "You should see the city sales tax we pay!"

"You're a jump ahead of me. The White House says a federal value-added tax to raise $16 billion is contemplated, probably to be called a 'school tax,' to pay about one-third of the cost of public and elementary schools. It would pay some of the property taxes. A 1 percent rate on a national sales tax would raise $5 billion—it's a gusher—so presumably a VAT of 2 or 3 percent is contemplated. Probably food and clothing would be exempt. That's in deference to all you low-income people, Smith.

"You say you have a city sales tax?"

"Three percent for the state and 4 percent for the city!" said Mr. Smith.

"Exactly. Right now 44 states have retail sales taxes, over 97 percent of our population lives in those states, with 97 percent of all retail establishments. The usual rate is 5 percent, but some run to 8 percent. They are regressive, and if you include concealed costs of property taxes, and taxes on social security—which are regressive, too—they are quite a burden. Smith, what is your tax rate—as a ratio of total income?"

In a sing-song voice Mr. Smith recited: "Families in the under-$2,000-a-year bracket paid 50 percent of their total income in taxes. Those between $2,000 and $4,000 paid 34.6 percent, of which 18.7 percent was federal—income tax 3.5; corporate profit tax, 4.3; and social security, 6.5—and 15.7 was state and local—property 7.5 percent and sales tax 4.9 percent."

"Very good; and that was for 1968?" Mr. Smith nodded.

"Now Mr. Jones?"

"I'm a self-made man," he said, swelling a little. "My income is $20,000. I pay about 30 percent in taxes."

"Why—that's less than Smith."

THE GENOCIDE CONVENTION: THE LEGACY OF LOCKE

Mr. PROXMIRE. Mr. President, in the days of America's struggle for independence, our Founding Fathers were confronted with a challenge as imposing as the battle itself, the formation of a new republic. Searching for the perfect form of government, these dedicated men were caught in the dilemma between the rights of individual freedom and the necessity of individual responsibility.

The American Revolution was fought to obtain the natural rights of life, liberty, and happiness. These were concepts kindled by the writings of John Locke and ignited by the British Commonwealth in the 1640's. But the goal was not so clear cut. For the American revolutionists were inescapably heirs of the Puritan tradition, the products of Winthrop and his pious brethren. The quest for freedom was tempered by this strict sense of temporal and spiritual duty. By the time the Constitution was penned, however, a unique republic had been constructed which resolved this tension through a revolutionary balance between individual freedom and responsibility.

But, of paramount concern is the fact that Washington, Franklin, Adams, and their compatriots welded together a union of 13 colonies which ultimately served the world as a model upholding human rights and dignity. The very words of Locke, which European intellectuals had debated a generation earlier, became reality for the American people. Tyranny and injustice were left behind, and a democracy predicated on the rights of man was constituted by an independent republic.

The history of the American people has been one of diligent support for human dignity at home and abroad. Enriched by the legacy of Locke we have long been in the vanguard for liberty and justice. Today, however, we have arrived at a moment of indecision. For over two decades the nations of the world have supported the Genocide Convention while we remain idle. Tragically the United States refrains from restating its true commitment to human life, liberty, and happiness by not endorsing the articles of this humanitarian convention. Tragically the principles for which Americans have lived and died, throughout history, remain unclaimed by our Government.

The time to reawaken the principles of Locke is long overdue and, therefore, I strongly urge the Senate to ratify the Genocide Convention and recommit itself to the natural rights of all men.

DRUG ADDICTION

Mr. GURNEY. Mr. President, perhaps the greatest problem confronting American society today is the curse of drug addiction. Our young people are faced by the infamous pusher in our pleasant suburbs as well as in the grimiest urban ghetto. The pusher, who can make $195,000 for each pound of heroin sold in tiny nickel and dime bags on the street, is a hateful individual, one who ruins lives and fortunes by plying his trade.

The men of the Bureau of Narcotics and Dangerous Drugs—BNDD—are engaged in a daily battle against the drug trade, from the individual street-corner pusher to the kings of organized crime, who import and distribute vast quantities of illicit drugs from abroad. These brave NARCS—as the agents are known—seized 226 pounds of heroin—worth an incredible $51,991,764—in fiscal 1971. In doing so, they risk their lives, helping to rid our country of the curse of illegal drugs.

Mr. President, on December 18, 1971, the National Observer reported on the tremendous work being done by these new tough guys, in an article by that name. So critical is this issue of drug addiction to all of us today that I ask unanimous consent at this time to have the article printed in the RECORD, and recommend careful consideration of it by my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW TOUGH GUYS

(By John Peterson)

Don't look now, Cosa Nostra, but "the legitimate brotherhood" is muscling in on your brotherhood's tough-guy reputation.

But wait! These new tough guys are on *our* side. They're young. They're flinty-eyed. They're courageous. They're mean. They battle the Mafia, kick down back-alley doors in gun-slinging raids, and work undercover in situations where discovery means certain death. They track their quarry through the mountains of Mexico, the jungles of Southeast Asia, and the arid dunes of the Middle East. They negotiate at the highest levels with foreign governments.

They're cops. Not plain cops, but agents of the Bureau of Narcotics and Dangerous Drugs (BNDD), the elite, gutsy Justice Deparment agency that is fighting narcotics traffickers under rules that would make the Marquis of Queensberry blanch.

ADDICTION MOVES TO SUBURBIA

Their mission is to shut off the flow of illicit drugs that in the past few years has increased the U.S. addict population by 100,000, to a BNDD-estimated total of 315,000. "This trend shows no signs of abating," says Charles Rhodes, BNDD statistician in Washington, D.C. "Every month we see the addicts coming more and more from the white middle class, from suburbia."

Such statistics make it obvious that the narcs aren't close to victory yet. In truth, perhaps no agency can ever completely stop the traffic in narcotics such as heroin, which brings pushers $195,454 a pound on the street. But the BNDD is making measurable headway in seizing illicit drugs, in arresting dealers, and in its crucial goal of identifying and infiltrating the illicit-drug networks.

"RIP OFFS" COMMONPLACE

Created by President Johnson and infused with money and manpower under President Nixon, the BNDD has become the Government's grittiest law-enforcement agency. "We're truly 'the legitimate brotherhood,'" says agent Bobby Canales, who is paralyzed from the waist down after being shot by a heroin peddler in East Los Angeles last summer. One of Canales' colleagues adds: "We've always been tough, but now we're getting mean because of guys like Bobby."

Their rough profession is getting rougher. This year five narcs have been shot, none fatally, compared with three shootings last year and none in 1969. "Ten years ago most crooks would never consider taking a shot at a Federal officer," says Larry Katz, BNDD intelligence officer in Los Angeles. "Today it's nearly commonplace, probably because there is so much violence between dealers, one 'ripping off' the other."

Not quite four years old, the BNDD has grown apace to meet the increased—and increasingly vicious—drug traffic. Its initial budget was $14,000,000; its proposed 1972 budget is $64,000,000. Manpower has more than doubled, to about 2,000 agents from 800. The burgeoning narcotics traffic, prompted Congress to direct the BNDD, which was already growing fast enough to double its strength this year, to add yet another 300 agents.

President Nixon also put his full weight behind the antidrug effort last summer. As a result, says one narc: "We ask for anything, and we get it. The pressure on us is severe. We had been crying for funds and support for years; now we get everything at once, which means too many rookies at one time. That's one of the reasons for our casualties: Agents need training and experience."

YOUNG, WELL-PAID AGENTS

The average narc is 29 years old, and most have some previous law-enforcement experience. Some switch to the BNDD from the FBI, the CIA, or the Defense Department. "It is *the* job today where an enforcement official can really believe that he is accomplishing something, a job that is essential and necessary," says one narc.

The pay isn't bad either. Inexperienced men start at $10,727 a year and can reach $17,919 in four years. Experienced investigators or men with law or master's degrees start at $13,087 and can reach $17,919 in three years.

They earn their money, as agent Bobby Canales can testify.

Earlier this year an informant who was in jail told Canales that a certain young Mexican-American was a heroin dealer. Canales telephoned the alleged dealer and set up a "buy," agreeing to meet him on a street corner.

The two met, talked briefly, and struck a deal. With the suspected dealer seated behind him, Canales drove his motorcycle—part of his cover—to an apartment building. While Canales waited outside, the dealer went inside to fetch the heroin.

REASONS FOR DANGER

"There were agents in two cars and another agent on foot keeping me under surveillance," Canales recalls. "I had $350 in my wallet and $700 in another pocket with a small pistol. The longer I waited, the less I liked it."

Canales knew that the risk of double-crosses, or rip offs, is high. "The average armed robber gets $1,500 or $2,000 if he is fortunate," says intelligence officer Katz. "But if you are going to sell several ounces of pure heroin, you know that the buyer probably has several thousand dollars on him. There are as many rip-off artists as righteous dealers on the streets. That's the big reason this job is so dangerous today."

This went through Canales' mind as he saw two young Chicanos walking diagonally across the parking lot in front of him. "They were about 25 yards away," he remembers, "and I watched them until they were almost behind me. The minute I turned my head, they pulled guns and came running up to me.

SHOT, BUT NOT AFRAID

"Maybe I had thought about staring into the muzzles of two pistols enough before, but for some reason I really wasn't afraid. I knew they were going to shoot me, though. One asked for my wallet, and I eased it out of my pocket. I can't really remember the sequence of things, but the one behind me shot and missed. I got off the motorcycle, but I hadn't even taken one step or gotten my pistol out when the other one shot me.

"I thought I had bought it, that I was bleeding internally," Canales recalls. The bullet lodged against Canales' spine, paralyzing him below the waist. He says that he is slowly regaining use of his muscles, "but the doctors simply cannot say how much I will get back."

Canales' assailants fled, but were arrested later that day. Late last month they were convicted of assault and armed robbery and sentenced to prison. Although those men "might not be back on the streets," Canales says grimly, "too many (narcotics dealers) are out on bail and pushing again the next day."

On the day that the doctors told him he would never walk again. Canales had a special vistor: BNDD Director John E. Engersoll. "He told me that I would always have a job with the bureau," Canales smiles. "I told him that I'd be back working on the street again, that I wouldn't need a desk job. He's a helluva man."

Canales' spirit and experience are typical of most narcs. He had worked as an investigator for an insurance company, a salesman for a pharmaceuticals house, and a Honeywell representative before applying to both the BDNN and the Secret Service. "I had offers from both at the same time," he says. Does he regret his choice? "Even now," he answers, "there's no question but that I made the right decision."

A graduate of San Diego State University, Canales married his high-school sweetheart when he was 21. They have an 8-year-old son, and Canales doesn't plan to be an invalid father. "If I can get my legs under me—and I'm optimistic—I'm ready to return to full service," he says. "I think that I would be a better agent because of what I've been through. My wife understands, and she believes in what I'm doing as much as I."

FROM RIVALS, A NEW AGENCY

BNDD agents say that this kind of spirit permeates their entire organization, coming down from the top—from Director Ingersoll. He was the 38-year-old police chief of Charlotte, N.C., when Lyndon Johnson created the BNDD in April 1968. Johnson merged the Treasury Department's Bureau of Narcotics and its rival, the Food and Drug Administration's Bureau of Drug Abuse Control, into a new Justice Department agency.

Until then, says BNDD Deputy Director John Finlator, "our effort was badly splintered, with more petty jealousy and corruption than direction and purpose." Ingersoll "took over a tough job at the worst possible time," adds Arthur Fluhr, an assistant regional director in L.A. "I believe the reason we have such dedication and commitment among our agents is because of the example he sets."

Ingersoll, a direct and candid man, returns the admiration. "I don't think the public knows just yet how fine a group of men are in this organization," he said recently at Lake Arrowhead, a resort east of here where he had called together his top lieutenants from around the world. "It takes a real commitment to get into this work. If a man thinks he can hang up his job in the locker room at quitting time, it's a gross error. It is a job you live and breathe."

DIPLOMATS AND ADMINISTRATORS

The narcs' director demands unremitting effort because, he says: "We're being visited with a tremendous tragedy among our young people, and our men realize it. And you have to remember that the nature of the agent's mission has been changing too. We now demand much more: that he be a diplomat and an administrator as well as a cop."

The BNDD has already learned, in other words, that having its agents play cops and robbers with small-time pushers isn't going to stem the flow of illegal narcotics. To do that requires stopping narcotics at their source, through both diplomacy and police action; identifying the suppliers and infiltrating their networks; and maintaining vigorous intelligence activities both at home and abroad.

Under Ingersoll the bureau has begun maturing into a sophisticated, international organization of diplomats, intelligence experts, and indispensably—law enforcers.

"DIRTY WORD" NO LONGER

Two years ago President Nixon agreed with Ingersoll that numbers and arrests and quantities of drugs seized meant little if the illicit drug-distribution channels remained intact. "Before, narcotics was a dirty word in our embassies abroad," smiles Daniel Addario, who will direct BNDD's antidrug efforts in Latin America beginning next month. "I could have expected a basement closet for an office in the embassy before, but now we are part of a 'country team.'"

The BNDD now has 125 agents working out of 43 U.S. embassies abroad, triple its strength of two years ago. This effort, combined with high-level diplomatic discussions, has already been markedly successful.

Turkey, for example, has traditionally been a major source of opium poppies, from which comes the morphine base that is refined—often in France—to make heroin. After U.S. assurances of financial and technical aid, Turkey has planted its last legal poppies. The Turks will now insist that their farmers, helped by U.S. experts, convert to other cash crops, and that Turkish police crack down on farmers planting illegal poppies.

INTERNATIONAL EFFORTS PAY OFF

The drug traffic from Mexico has been sharply curtailed within the past two years because of "Operation Co-operation," a joint Mexican-U.S. effort. Mexico now has a federal narcotics law, and Mexican federal police have destroyed thousands of acres of marihuana and poppy fields in Mexico. The United States has footed the bill for this too.

The BNDD has pushed hard to get other nations to develop specialists in enforcing narcotics laws. The result: numerous training sessions directed by BNDD officials in a score of countries; international conferences and agreements; and, in France alone, an increase in the number of narcotics agents to 100 from 4 and greater effort to shut down heroin-refining laboratories in France.

This ferreting out of heroin's raw material has had dramatic results. In fiscal 1969, narcotics agents seized overseas 568 pounds of morphine base worth $58,163,000; in fiscal 1971 agents seized overseas 2,693 pounds worth $526,357,622. Since morphine base refines into heroin pound for pound, this means more than a ton of potential heroin was kept out of distribution in fiscal 1971 alone.

The narcs have been pushing just as hard against domestic narcotics. In fiscal 1969 they seized 140 pounds of heroin worth $14,336,000 on the street. Fiscal 1971's seizures: 226 pounds worth $51,991,764. Cocaine seizures have soared from 73 pounds worth $7,964,000 in fiscal 1969 to 427 pounds worth $46,582,000 in fiscal 1971.

Still, the narcs are prouder of the toehold they have gained in shrinking the U.S. drug-distribution network. A fatter budget has helped, agents say. Joe Borkas, the narcs' communications expert in Los Angeles, says that he had only cast-off CIA equipment to work with until 18 months ago. "Now we can even design our own equipment," Borkas smiles. Three years ago the BNDD didn't even have a teleprinter; today it has a modern, international communications system and is able, for the first time, to utilize computers.

With this communications and intelligence network, says intelligence officer Larry Katz, "We have concentrated on identifying who the big peddlers are, how they get their drugs into the country, and how drugs are then distributed." Katz's principal concern is the flow of drugs across the Mexican border. "We know, for example, that there are 21 peddlers in Tijuana alone who deal in half-ton or larger quantities of marijuana," he says.

The narcs have identified 10 major U.S. "systems," either organizations or loose affiliations of individuals, that are responsible for nearly all of the nation's illicit drugs.

Mafia members have been identified in several systems dealing in heroin. Another heroin channel is the "Cuban System," which is run by former members of deposed President Batista's secret police. Perhaps the best-established is the "Maestre System," which is responsible for the still-huge quantities of heroin manufactured in laboratories near Marseilles, France.

The narcs say they have crippled 2 of the 10 major U.S. systems. One, run by members of five Mafia "families" in New York, was effectively shut down earlier this year when agents arrested more than two dozen alleged *mafiosi* in a series of raids dubbed "Operation Flanker." In another crackdown, "Operation Eagle," the BNDD "seriously disrupted" the system run by refugees from Castro's Cuba. "We think we got most of them, though we didn't destroy the system entirely," says John Warner, BNDD intelligence officer in Washington, D.C.

During both operations, BNDD Director Ingersoll moved into his "war room" on the fifth floor of a nondescript office building in downtown Washington. While honky-tonk music blared from the bars clustered near the building, Ingersoll directed his men throughout both operations.

The BNDD's frustration, like that of other lawmen, is that the real powers of the illicit-drugs racket are almost impossible to catch. Still, the narcs now have organizational charts for all the systems, and the names—even though hard evidence to convict them is lacking—are all filled in. "We find that we are having to move toward conspiracy and income-tax-evasion cases to get the 'big' guys," says Richard Brand, the San Francisco office's intelligence officer.

Brand explains the operation of the domestic system that manufactures hallucinogenic drugs, including "orange sunshine" and other types of LSD. "At the top you will have the financiers, men who never get close to the operation. Usually the man who runs the laboratory—which often costs as much as $100,000—has a big piece of the action too. He will have his consultants in marketing, chemistry, perhaps security, and often he will have an agent to procure his chemicals.

"Usually there is a 'front' business, such as land development. There will be a lieutenant in charge of transportation. They'll either have a fleet of airplanes, boats, or trucks and campers. And, finally, there might be as many as a dozen wholesale distributors with their own retailers."

Ingersoll concedes that the BNDD has been "playing catch up" in battling the international, well-organized, well-financed drug peddlers. Now that the BNDD is itself international, well-organized, and well-financed, he says, "There are signs that we are beginning to move ahead.

"We now know how it is manufactured and trafficked and who the people are. And we are receiving more and more assistance abroad. It isn't nearly enough yet; still, all of the training we have been doing in foreign countries and at home will start making a much bigger difference. But you must realize," Ingersoll adds, "that so long as there is a great demand for the drugs here and the profit remains so high, there will always be men supplying the product.

"It is much more than an enforcement problem. I was talking to a member of the National Council on the Arts about getting a variety of artists interested in education programs. It may sound silly for a law-enforcement official to talk with a sculptor, but if I can stimulate interest I'll chase all over the world to do it." So will his agents.

LIBERAL AND CONSERVATIVE

Mr. BROCK. Mr. President, the distinction between what is liberal and conservative in today's world has become increasingly unclear in the context of modern history. These two labels pass glibly from many lips without thought of their real meaning and significance. In order that further light may be shed on the true definition and derivation of these terms, I ask unanimous consent that the following article by Mr. George A. Reimann, executive vice president of the Tennessee State Rifle Association, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIBERALISM—CONSERVATISM

When the terms "Liberalism" and "Conservatism" are bandied about, it is evident that few Americans fully comprehend the concepts associated with these terms. The dictionary yields: Liberalism—favorable to progress or reform, as in political or religious reform; noting or pertaining to a political party advocating measures of progressive political reform; Conservatism—noting or pertaining to a political party whose characteristic principle is opposition to change in the institutions of a country. Boiled down to the residue, Liberalism equals innovation and Conservatism equals opposition. Satisfied?

An encyclopedia may be more enlightening, but here the emphasis is not on any uniqueness of American Liberalism and Conservatism, but on their histories. And as the evolution of these philosophies is traced, the trail grows colder as it nears the present time. A lingering impression persists of innovation vs. opposition, or good guys against bad guys.

Now it's our turn, and if you have already wagered that liberals will come in second, you can collect now. The term "liberal" stems from the word "liberalis"—pertaining to a free man. "Free man" in the context of current American Liberalism is largely based upon the philosophical theories of Jean-Jacques Rousseau (1712–1778). Rousseau did not invent Liberalism, however, he was an author and political theorist of considerable intellect and his philosophical forays included advocacy of popular sovereignty and a theory of democratic government. But having given credit where it was due, it must be observed that Rousseau became increasingly alienated from the established social and political order of his time. His "Discourse on the Origin and Bases of Inequality Among Men" (1754) indicted the political state and the concept of private property while it glorified "natural man". As Rousseau saw it, "natural man" was inherently good and feelings and emotions were the "primary values" in life. But natural man's primary values were corrupted by his own relationships, his institutions, and his environment. Civilization itself was to blame for man's impressive inventory of vices.

Today's intellectual elite dismiss Rousseau as some kind of nut, while at the same time cling tenaciously to Rousseau's romantic premise of inherent goodness. To question this premise is to commit high heresy and the intelligentsia react unintelligently, considering such questions to be outside the realm of rational discussion.

One is reluctant to invite Karl Marx into a critique of Liberalism, for to do so is to cause hysterical howls of indignant protest which drown out all subsequent discussion. Yet Karl Marx must enter, even if uninvited. Marx was one of many convinced of man's inherent goodness, believing that when the victims of capitalism, the working class, overthrew the owning class by violent revolution, wisdom and justice would miraculously accrue to the workers, thereby enabling them to rule the world beneficently. Marx concluded: "Qualities of human intelligence, personality, emotional and religious life merely reflect man's economic environment. The evil man does is just a reflection of his environment." Thus, if man's environment were corrected, his nature would automatically transform so that he would work according to his ability and desire to receive only according to his needs. Derision may greet Rousseau, but not Marx.

The Fabian Socialists organized in 1884, a year after Marx's death. The Fabians planned to reorganize society by gradually transferring control of property and capital from individuals to the "community" for the "general benefit", thereby establishing a socialistic, one-world order. George Bernard Shaw, a Fabian founder and its most articulate spokesman, endorsed Marx's Utopian concept of compulsory equality of condition but deplored open class warfare and violent revolution. Why chance open warfare and risk defeat when the alluring premise of inherent goodness can almost sell itself and guarantee victory? Also, in contrast to the gospel according to Marx, Shaw believed that the middle and upper classes should run the show rather than the workers.

So the Fabians began working for change by indoctrinating the young scholars. Eventually, they believed, these "intellectual" revolutionaries would acquire great power and influence in the opinion making and power wielding agencies of the world. In practice it meant slow, piecemeal changes in established concepts of morality, law, government, economics, and education. The Fabians rejected all suggestions that they form their own party, preferring to impose their influence and to change everything by administrative infiltration of existing educational institutions, political parties, civil service, etc. Salvation by subterfuge!

Thus, while Rousseau set the cornerstone, Marx and Shaw were architects of the socialistic monument built upon it. In an age of conditioned reflexes, Fabianism was to be the opium of the masses.

Liberalism is said to have matured in America during the social and economic changes wrought by the industrial revolution in the 19th century. Free enterprise and self reliance were in high esteem. Relative to earlier times, a high degree of individual liberty and freedom of action were achieved. But things were far from perfect. Inequalities and injustice were still evident everywhere in various forms. Liberals of that time brought pressure to bear on government to restrict individual freedom where it appeared to cause inequality. But inequalities persisted. Answer: More coercive government control.

Into these furrows plowed across the face of liberty were sown the seeds of Fabianism. The Fabians learned to couch sinister objectives in benevolent terms and keep euphemisms several steps ahead of general comprehension. They perfected their system of buying the vote of the electorate with its own money. And the seed of Fabianism grew and flourished. As the roots grew deeper, patriotism, religion, morality, and law competed for nourishment, so Fabianism began weeding them out. Reading, 'riting, and 'rithmetic were shown to retard emergence of inherent goodness in natural man by enabling him to organize his ingenuity and compete successfully with others. The 3 R's were inappropriate experiences—tools to further greed, aggression and brutality. Again, weed them out. Substitute appropriate corrective interventions. Condition the reflexes.

The earliest blossoms matured into the first Fabian fruit, and when they became overripe and fell, we perceived the image of the inherently good, natural man. Greed, aggression, half-witted hatred. Boulders through windshields from freeway overpasses. Razor blades and drugs in Halloween candy. Terrorism and murder for fun. Natural man is a delinquent, Cain's child, who pauses to sneer at his bewildered progenitors as they contemplate, in ineffective introspection, their immaculate misconception.

Were the definition of Conservatism restricted to its being the opposite (or opposition) of Liberalism, then the preceding text might pass as a definition, with apologies for indicating what something is by describing what it is not. But such a restriction assumes the pre-existence of Liberalism in order that Conservatism may rise to oppose it when in fact Conservatism signifies the established order which Liberalism seeks to change.

Scholars credit Edmund Burke (1729–1797) with laying the foundation for modern Conservative thought. Burke's philosophy does not lend itself readily to a summary, and a condensation risks injustice. Burke held to Christian theology and morality in expressing a coherent view of social order based on natural law. He believed that to achieve liberty and justice, a government must be in harmony with historical experience; that an enduring government is a contract of the eternal society, a willing obligation to the dead, the living, and those yet unborn. A viable government is not an artificial contrivance of the intellectual whims of the moment. Individuals are foolish but the species is wise, and the wisdom of the species, the natural aristocracy, should govern, preserving the method of nature in the conduct of the state, while blending the best of the old order into the changes required for society's survival.

Conservatism extends beyond Burke's views of the proper relationship between the government and the governed. Conservative tenets recognize that men are unequal in terms of ambition, ability, intelligence, and character; that human reason is prone to error, of limited reach, and often governed by emotion; that liberty takes precedence over equality, so that one cannot infringe upon the liberty of another in the name of equality; and that one must be free to choose between right and wrong and accept responsibility for the consequences of his actions.

In most recent times we have unearthed a wealth of information on the human heritage which in its own way buttresses the tenets of Conservative wisdom. Robert Ardrey—Skeptics are invited to read Ardrey's "African Genesis" (1961), "The Territorial Imperative" (1966), and "The Social Contract" (1970)—and other investigators have compiled accounts of discoveries little-known heretofore, and the conclusions drawn therefrom have troubled the waters in the Age of Pavlovian Salivations. Ardrey has assembled numerous pieces of the evolutionary puzzle and sketched an outline of many factors that contribute to the human condition.

Human and animal societies have many parallels. The need for territory, a society, and levels of dominance are concluded to be prime prerequisites for a species' survival. The superior cerebral equipment of prehistoric man enabled him to use weapons, and these weapons, combined with his memory and foresight, enabled primitive man to overcome his physical inadequacies and become a successful predator. Man has survived awesome prehistoric adversities, and his instinct for a code of order is a hereditary hand-me-down. This instinct is evident in the stone age taboos. But recorded history has enabled a transmission of heritage and has passed on to us the Ten Commandments, the Magna Carta, and the U.S. Constitution. Burke seemed to allude to all of this in 1970: "Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures."

All dynasties originate from the simple need for order, where members of a society willingly submit themselves to the leadership of the most capable of their group—the natural aristocracy. This leadership accumulates power and influence with the passage of time, but if it cannot maintain simultaneously the willing respect and submission of its followers, authority must be perpetuated by force. Leaders become rulers. Natural aristocracy becomes titled aristocracy. When willingness to follow becomes inclination to rebel, and force can no longer keep order, anarchy results. Scattered limbs and mutilated corpses. The survivors regroup, settle their differences, select leaders, and renew the cycle.

The fabric of our Constitution, the oldest written document still in force, was not woven from the theories of warm and inexperienced enthusiasts, but from the Conservative wisdom of the natural aristocracy of that day. Their firm grasp of the past and clear vision to the future wove a system of checks and balances into natural law to ensure society's survival against itself—against natural man, whose intellectual capability has never completely dominated his instinctual inclinations. Our Constitution is man's best effort to achieve a civilized accommodation with our evolutionary heritage.

Our system of elections, our periodic review and renewal of leadership, has, in the name of continuity and in spite of checks and balances, established a titled aristocracy. Permanent bureaucracies, fashioned in the image of those temporarily in elective office, have become the equivalent of monarchies of days past, always accumulating more power to do more "good". Legions of do-gooders, armies of sob-sisters, all independent of the will of the governed. It is a supreme paradox that entrenched Liberalism rises in opposition to the "innovations" of Conservative wisdom. Which shall prevail, natural man or natural law?

To summarize, a Liberal strives to achieve equality among men and believes that inequalities result from factors in man's environment. Various "unfavorable" experiences during a lifetime cause a person to misbehave. If a suitable environment were devised (presumably by the Government), man would cease being such a difficult creature and would become instead equal and agreeable. A Conservative accepts man's inequalities as part of his heritage and considers liberty and property to have priority over equality. Man must be free to make his own choices, not intrude into the affairs of others, and be responsible for his actions. Government should be guided by the sure footing of proven philosophies, and minimize its control over one's private affairs by functioning only to maintain the order and justice required to perpetuate a well-organized society.

And what has all this to do with firearms? Man's desire for weapons to defend himself and his territory is as old as man himself and is fundamental to his nature. It is part of natural law. Our Constitution recognizes the right of individuals to be secure in their persons and houses as well as the right to keep and bear arms to preserve this security. Natural law cannot be dissected to operate as separate, independent fragments. It is whole law or no law. It is whole law or scattered limbs and mutilated corpses. But a Liberal considers humanity to be more civilized today than when the Constitution was drafted, so the 2nd Amendment is obsolete and therefor unnecessary. In addition, firearms are an undesirable element in man's suroundings and cause him to be hostile and predatory. If firearms could be eliminated, then the aggressiveness man receives from this cause would be eliminated also. Since most Americans are still too uneducated to realize this, a Liberal politician often conceals these views in order to become elected. The educational process can begin after election.

A Conservative believes that man is essentially the same creature today as he was in 1787, so the reason for preserving the 2nd Amendment is quite clear and it cannot be severed from the Constitution without seriously weakening the rest of the structure. Man's right to defend himself and his property is basic, and personal firearms enable such defense to be effective. A person loses his right to own firearms only on an individual basis and as a direct consequence of his own actions.

Some among us advocate that we support "single issue" candidates, meaning in our case those who emphasize only our right to keep and bear arms. Such a position is tantamount to accepting taxation into poverty, dissipation of the family, and perversion of our offspring in exchange for our right to arms. It is equivalent to a surrender of several basic rights in order to keep another and indicates how our fundamental principles have been obscured by neglect. It indicates our willingness to accept rulers, not leaders; to submit to a titled aristocracy rather than respect a natural aristocracy. It invites the spectacle of scattered limbs and mutilated corpses.

U.S. JAYCEES

Mr. MILLER, Mr. President, for the 11th consecutive year, a group of concerned young Americans is meeting in the Nation's Capital to study the processes of our Federal Government.

This organization, the U.S. Jaycees, has been actively involved with social and individual progress for many years and, since its beginning more than 50 years ago, has increasingly taken an active position of leadership in helping find positive answers to many of society's problems.

This leadership has been translated into concrete action programs, involving more than 300,000 young men between the ages of 21 and 35 in more than 6,400 communities across the Nation. They demonstrate the great vitality, ingenuity and cooperation that can be achieved from within the private sector; together, they are working toward the betterment of mankind in many ways—through programs dealing with health, human improvement, the environment, community involvement, crime, and drug abuse.

The 11th Annual Governmental Affairs Leadership Seminar is characteristic of the increasing scope and changing direction of the U.S. Jaycees. They believe that meaningful progress must be effectuated within our framework of government which, for so long, has upheld the dignity of man.

To these young men, we wish continued success in their stated goal of service to humanity and in finding new ways to contribute to our society.

TRIBUTE TO THE LATE SENATOR A. WILLIS ROBERTSON

Mr. FONG. Mr. President, I pay my respects today to the late Senator from Virginia, A. Willis Robertson, a great man and good friend whose passing last November I deeply grieve.

Senator Robertson represented the people of Virginia well. He served for them in Congress for 34 years, first in the House of Representatives and then in this distinguished body.

Among his many accomplishments while in Congress was the recodification of our banking laws. Willis Robertson worked hard to insure proper legislation on the matter, and he was justly proud of the Banking Act which resulted.

He will also be remembered for passage of the Pittman-Robertson Act, which has done much to protect America's wildlife.

Willis Robertson was a man who loved and was loved by the people of beautiful Shenandoah Valley. He was their and his State's very able spokesman. Virginia is better and the Nation is better because of him.

For me, it was a special honor and privilege to have known him well. His warmth and friendliness I will always remember and cherish.

Willis Robertson had many good qualities. He was, among other things, deeply religious and especially devout.

Perhaps the best compliment I can pay him is to say that he was a Christian in the full sense of the word.

Mr. President, to Willis Robertson's sons, A. Willis, Jr., and Marion Gordon, and to other members of the family, my wife, Ellyn, and I extend our deepest sympathies and our most sorrowful aloha.

THE DEATH OF SINCLAIR WEEKS

Mr. BROOKE. Mr. President, the Nation, the Commonwealth of Massachusetts, and the Republican Party are diminished by the passing of Sinclair Weeks who died yesterday, fittingly enough, in Concord, Mass.—where American patriotism had its beginnings.

Sinclair Weeks was a patriot and a public man in the best sense of those overused words—always committed to a cause in which he believed, always caring, always giving of himself.

He was a versatile man, a wise man, a good man, who never lost his zest for and love of politics and business. He cherished his family. And he gave unstintingly of his time and talents to Harvard, Northeastern University, and—in the last years of his life—to the university of his adopted State—New Hampshire.

Sinclair Weeks did not hold public office, he filled the assignments he undertook with matchless esprit and a sure grasp of what needed to be done and how to do it.

It is comforting to know that the Weeks tradition of and for public service has been and will be carried on by his children. The trail of constructive and imaginative political action which their father and grandfather blazed will, I know, continue to be an inspiration to the children, grandchildren, and great-grandchildren Sinclair Weeks leaves behind.

THE PEACE CORPS IS WORTH SAVING

Mr. BENNETT. Mr. President, I am by nature a conservative man. Perhaps this is why I must speak out against attempts to destroy the Peace Corps—an agency that has come down from the idealistic ivory tower it was born in a decade ago and today is helping to meet the real needs of individuals in 55 countries.

Undoubtedly, we can all cite instances in the agency's history when mistakes of overeager or underdedicated Peace Corps volunteers have resulted in black eyes for the United States. However, the goodwill that has been generated for this Nation through the agency far surpasses the importance of these instances.

Under President Nixon's guidance, Peace Corps Director Joseph Blatchford has recruited older, more experienced men and women who are able to make genuine inroads in solving basic problems of the host countries. Rather than simply teaching people, these volunteers are able to teach teachers—thereby multiplying their influence and productivity.

Mr. President, it is well known that there are those in Congress who are bent on putting the Peace Corps out of business. Through failing to appropriate the $77.2 million we authorized the Peace Corps to spend this year, they can do just that. When the Senate conferees on the foreign aid bill meet with House conferees, it is vital that the $77.2 million figure passed by the Senate also be approved by the conference.

If the $68 million passed by the House prevails in conference, the Peace Corps will be forced to close its doors—since all of the savings will have to be realized between now and the end of the current fiscal year, which ends less than 5 months from now. In fact, I understand the Peace Corps would even require a supplemental appropriation on top of the $68 million to ship the 8,000 Peace Corps volunteers home.

At the present time, the Peace Corps is operating under a $72 million annual budget authorized in a continuing resolution. Director Blatchford has said that unless this level of funding is increased, he will be forced to bring home half of our Peace Corps volunteers within weeks, and close operations in 15 host countries.

Mr. President, we simply cannot allow this to happen. If America is going to continue to exert a strong moral force in the world, we must strengthen—not kill—those programs such as the Peace Corps which hold out the promise of a better life for all citizens of the world. We must save the Peace Corps.

IN-SHORE LEASING POLICIES NEED SERIOUS STUDY

Mr. HANSEN. Mr. President, our country is facing a very real energy supply crisis.

What must be done in this regard is to take steps to alleviate this crisis, not add to its impact.

One of the most devastating blows that could befall the oil industry, in the opinion of many experts, is proposed legislation to amend the Mineral Leasing Act of 1920.

The Senate Interior Committee may hold hearings on S. 2726, to substantially alter the Mineral Leasing Act.

While some changes may be needed in leasing regulations, provisions of S. 2726 would not be in the public interest.

Mineral production must be fostered by reasonable, long-range policies, not short-circuited by Federal fiat.

Unfortunately, S. 2726 contains language which could stifle exploration and production rather than encourage domestic activity. It is my feeling that continued mineral development on the public lands is absolutely vital to avoid excessive dependency on foreign supplies.

The bill's declared policy is to "foster, promote, and encourage the exploration for and the production of the mineral deposits in the leasable lands." However, certain provisions in the bill appear to be in direct contrast to that declaration.

The most obvious are the stipulation for issuance of leases through competitive bidding, the imposition of high bonus bids, and the suggested annual rental of $5 per acre.

Taken in total, the legislation as introduced would add to, not alleviate, the critical shortage of oil and gas and significantly contribute to the national energy crisis. It would increase the flight of risk capital from the continental United States to offshore sites and foreign areas. We just cannot afford for that to happen.

Because this is such an important area of concern in Wyoming, I have written the Secretary of the Interior today urging him to request the National Petroleum Council to undertake a study on Federal on-shore leasing policies before any final decisions are made on S. 2726.

Mr. President, I ask unanimous consent that my letter to Secretary Rogers Morton on this subject be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., February 8, 1972.

Hon. Rogers Morton,
Secretary of the Interior,
U.S. Department of the Interior,
Washington, D.C.

Dear Mr. Secretary: During this session of Congress, a number of bills have been introduced which would drastically change federal on-shore leasing policies from those established by the Mineral Leasing Act of 1920.

Let me urge that you request the National Petroleum Council to conduct a study and prepare a report thoroughly investigating federal on-shore leasing policies. Such a report should include the history and performance under the Mineral Leasing Act of 1920, as well as projections of the impact of proposed changes.

There is no doubt that the 1920 Act has provided a great incentive for the exploration and development of oil and gas on public lands. The Act itself is dedicated to the promotion of exploration and development of the public lands of the United States through the leasing of these lands to private enterprise. Since the passage of the Act, vast areas of public lands have been leased, making possible the exploration of millions of acres with the consequent development of production which has not only provided substantial income to the federal government, but has given a tremendous boost to economic development at the state level.

As we are all aware, we face in this nation today an ever-increasing demand for the development of oil and gas to satisfy the energy needs of our people and industry. More than ever before, we have a need to create additional incentives wherever possible to promote further exploration and production. For this reason, any proposed changes in Mineral Leasing Act policies should be carefully examined and their impact evaluated. It is imperative that every aspect of any change be analyzed before action is taken to change the 1920 Act which has served us so well.

A study of our nation's on-shore public lands leasing policies should include at least the following subjects:

1. A history of the federal on-shore leasing policies as promulgated in the mineral leasing act of 1920. It is important to document the accomplishments in the area of exploration, not only under the terms of the original Act, but also the effect of the amendments upon the actual leasing process.

2. A close examination should be made of any weaknesses or abuses, tracing these back to those particular sections or paragraphs that appear to have caused specific problems.

3. Any examination of present federal on-shore leasing policies should include a factual study of the effect of this legislation upon our economy. From the federal viewpoint, all income derived from leases and royalties over the 50 year history of the Act, should be analyzed, comparing the level of revenues motivating exploration. A summarization should be made of all disbursements of mineral royalty and leasing income, distributed by the federal government to evaluate the aid and assistance that it has provided to reclamation, education, highways, and projects in the general public interest. Further, economic evaluations should be made in the major public land states of the impact of present mineral leasing policies on state and local economic activity.

4. In those major public land states where mineral activity has taken place since the passage of the Mineral Leasing Act, an evaluation should be made of the effect that the Act itself has had upon the states, themselves, and their individual communities. It would be important to measure changes in population numbers together with the growth or reduction in business that has occurred as a result of leasing mineral rights on public lands under the present policies.

5. A careful examination should be made of the impact upon the environment of present policies. In addition, conservation practices of oil and gas commissions in public lands states should be carefully examined as to what part the mineral leasing act has played in the development, maintenance and adequacy of existing policies, practices, rules and regulations.

6. Present mineral leasing policies call for simultaneous drawings, open filing, and competitive bidding in areas of known geological structures. Every aspect of these particular leasing policies should be examined and analyzed to determine all the advantages and possible disadvantages of the present system.

7. The National Petroleum Council should also include in its study an examination of all proposed changes to present federal on-shore leasing policies. Each change should be examined in depth, taking into consideration not only the economic impact at the federal and state levels, but also the effect that any possible change might have on the promotion of exploration and development, recognizing the tremendous need we now face for additional energy reserves.

8. Careful consideration should be given to the history of mineral leasing practices at the state level, evaluating the various methods used to lease state lands for mineral development, together with an assessment of these practices as to their impact, not only upon the economy of each state, but the effect of the various state policies as an incentive toward development and production.

This list of contents is not suggested as all-inclusive, but with the purpose of making the point that we do not really have a careful, in-depth analysis of our present federal on-shore mineral leasing policies.

If the Congress should approve changes of any kind, then such changes should only follow a careful study done in conjunction with the Department of the Interior after receiving a report by its advisory body, the National Petroleum Council.

There is a limited amount of available information that relates to the subjects I have proposed for inclusion in a study by the NPC. In view of the number of bills that presently exist and the drastic changes that some of these bills demand, I sincerely believe there is a great deal of work to be done before members of Congress have as complete a picture as they should of the impact of proposed changes.

Sincerely yours,

CLIFFORD P. HANSEN,
U.S. Senate.

SOLID ROCKET MOTORS FOR THE SPACE SHUTTLE

Mr. MOSS. Mr. President, the Nation's principal space objective of the past decade was to demonstrate leadership in exploration by accomplishing a manned lunar landing and return. Our capability to bring together great national resources in undertaking and carrying out this bold and intricate task resulted in great technological advances and lifted our national spirit. The Nation's space objective in the forthcoming decade now must be directed toward a beneficial utilization of space with greater application to science, communication, business, medicine, and education. If we are to realize the full promise of space, however, the enormous costs of space flight must be reduced substantially.

The development of the space shuttle, I believe, is an important national objective that permits substantially reduced costs of space operations in the 1980's and beyond. The space shuttle is a viable program, however, only if development costs in the 1970's are held to a minimum and if cost per flight estimates in the 1980's are accurate. Moreover, it seems to me we should look to the future with the ultimate idea of developing a fully reusable booster. With this objective in mind, I believe it imperative that we develop the current shuttle system at the lowest possible development cost, so that excessive funds are not expended developing a booster that may be replaced after only limited operational use.

The major unresolved decision on the space shuttle program since the President's announcement is whether solid or liquid rockets will be used for the booster. This decision will have a major impact on development cost and risks.

It has been brought to my attention that the accepted cost estimate to develop a solid propellant boosted shuttle is $4.8 billion as compared to $5.5 billion for the liquid boosted version. Thus, the cost of developing a shuttle system with a solid propellant booster will cost approximately $700 million less than the liquid system. This represents a significant savings in development costs.

Moreover, because of the advanced demonstrated technology of large solid propellant rocket boosters, the development risk would be less.

The feasibility of large solid propellant rocket motors—100 through 260 inch diameter—has been demonstrated in a 4-year-long series of demonstration programs funded by the Air Force and National Aeronautics and Space Administration. Successful static tests of motors incorporating technology advancements were conducted by Thiokol Chemical Corp., Lockheed Propulsion Co., Aerojet-General Corp., and United Technology Center between 1964 and 1968. Further effort, especially directed at lowering costs of components, demonstrating new nozzles, and improving case and nozzle fabrication techniques, has been completed in the years since that time.

Development and extensive application of cast in place, case bonded solid propellant in strategic and tactical weapons systems, beginning in 1948, led to solids application in such long range strategic ballistic missiles as Minuteman, Poseidon, and Polaris, as well as a wide array of smaller tactical weapons systems. Their reliability and long shelf life prompted an assessment of possible applicability for space boosters.

Extensive studies were conducted in 1961 following successful development of the Minuteman to determine the feasibility of using motors ranging in size from 90 through 300 inches in diameter as a source of first stage booster propulsion. They were considered both for primary application and as a source of thrust augmentation when coupled with liquid first stage boosters. Weighing from 100,000 to 5 million pounds, these motors were to deliver single unit thrusts ranging from 300,000 to 15 million pound-foot.

As a result of the investigations, development of segmented motors 120 inches in diameter to augment the Titan II vehicle first stage liquid engines, and demonstration of 156- and 260-inch diameter motors were initiated during the 1962–63 time period.

The large motor programs were launched in 1960 with a 1-year study program. No specific mission requirements were used as guidelines other than that the motors being studied would fill future possible applications for military-missile and space launch programs. Large-motor development was initially managed by the Air Force, with NASA monitoring. Later, 156-inch motor-development was retained by the Air Force, while NASA assumed direction of the 260-inch program.

Ten motors were built and statically tested to demonstrate 156-inch-diameter motor technology. All of these motors incorporated flight-weight cases and nozzles, and all but two used head-end-ignition systems. Both monolithic and segmented cases were demonstrated using 4128 steel, 18 percent nickel maraging steel, and fiberglass reinforced plastic.

Nozzle types tested included gimbal, fixed ablative, and submerged movable. Thrust-vector-control methods demonstrated include gimbaling, jet tabs, liquid injection, secondary hot gas valve injection, and flexible bearing omniaxially movable nozzles.

Both 120-inch motors demonstrated under Thiokol's program contained submerged nozzles, one a gimbal type for thrust vector control, the other using hot-gas secondary injection.

Segmented 120-inch motors have been used as zero-stage boosters for the Titan IIIC vehicles since June 1965, when the first flight was launched. One of the most successful of all space programs, the Titan IIIC was launched 17 times without a failure in the R. & D. phase.

The Titan IIIC, part of the program managed by the Air Force Systems Command's then Space Systems Division—SAMSO—is the standard military heavy-duty-launch vehicle. It consists of a three stage common-core vehicle with two five-segment solid propellant booster motors as the zero-stage booster. The solid boosters have a combined liftoff thrust of 2.4 million pounds. The Titan IIIC has sent into space such payloads as the complete Initial Defense Satellite Communications System, the LES experimental COMSAT, a variety of USAF orbiting vehicles, Dodge, DATS–1, and the Hughes-built TACSAT. Other configurations include the Titan IIIB, known officially as the SLV–5B, which consists of the basic two-stage vehicle with a third stage, which may be Transtage, Burner II, Centaur, or Agena D. Prior to 1969, Titan IIIB had been used approximately 20 times to orbit classified USAF payloads.

Work also was accomplished under the Titan III/M—MOL—program toward qualification of the seven-segment configuration of 120-inch motors.

To date, approximately 200 million in production contracts have been awarded to United Technology Center for manufacture of solid motors for Titan strapon applications.

All three 26-inch motors demonstrated by Aerojet-General Corp., used 18-percent nickel steel in a monolithic case. All used fixed nozzles, none with TVC. And all were ignited from the aft end.

In addition to the already-demonstrated case, nozzle, and TVC technology, several additional technology areas have been investigated. Several low-cost ablative and carbonaceous materials for applications in large nozzles have been developed, and nozzles using them have been fabricated and tested. Improved manufacturing techniques applicable to segmented fiberglass reinforced plastic rocket motor cases have been developed. Explosive forming of solid rocket motor domes for steel cases has been demonstrated. And the flexible bearing omniaxially movable nozzle TVC system has been demonstrated on a 156-inch diameter motor.

Because of the amount of demonstrated technology, only minimal development work would be required to develop the large motor size for application as a source of booster power.

Numerous application studies conducted for NASA have shown the feasibility of using large solid motors to uprate existing launch vehicles and form new ones.

Mr. President, I strongly urge that NASA follow the philosophy of minimizing development costs and risks for the space shuttle program. To my thinking, this would lead to the selection of a solid propellant booster.

MANAGING OUR FOREST

Mr. BENNETT. Mr. President, I have received a copy of a recent resolution adopted by the Color Country Chapter of the Society of American Foresters concerning management practices on our Nation's forests. The Color Country Chapter is headquartered in Cedar City, Utah.

So that my colleagues may be aware of the Society of American Foresters earnest desire to be involved in future decisions concerning forest management policy in the United States, I ask unanimous consent that the resolution in its entirety be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Society of American Foresters, Color Country Chapter

"Be it hereby resolved by the Color Country Chapter, Intermountain Section Society of American Foresters in congress assembled that we are unalterably opposed to any Executive Order or Congressional action that would ban clearcutting in the Nation's forests as a management practice. Clearcutting is needed and often necessary as a management prescription for specific tree species and conditions.

"Be it further resolved that we strongly recommend that any future Executive or Congressional action which may affect the management of the Nation's forest resources first secure the prior involvement and advice of America's professional foresters—the Society of American Foresters.

"Adopted this twenty-first day of January 1972 at Price, Utah."

Adopted by unanimous voice vote at annual Business Meeting, Twenty-First Day of January 1972.

PRISON REFORM

Mr. BROCK. Mr. President, today's overcrowded prisons breed epidemics, perversion, and suicides.

In two of his most informative of a series of eight articles, Mr. Ben Bagdikian describes the injustice of an overloaded bureaucracy and the frightening inhuman experience of spending a week in a maximum security cell in Pennsylvania.

Mr. President, I ask unanimous consent that these Washington Post articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 1, 1972]

Bureaucratic Overload Turns Justice to Misery

(By Ben H. Bagdikian)

They look like a Norman Rockwell painting of democratic American life—kindergarden kids, some Orientals, some black, some Caucasian, cheeks rosy in the morning cold, skipping and laughing, paired hand-in-hand, with two good-natured teachers guiding them along the sidewalk of Baxter Street.

A few of the children look curiously at the scene across the street. Fourteen men, all blacks, handcuffed in pairs, shivering in their shirtsleeves, jump out of a police van and disappear into a steel doorway of the Manhattan House of Detention, the Tombs.

The first thought prompted by the sight of innocent eyes watching the gray scene is, "Thank God they don't know what it's like inside." The second thought is, "Perhaps they should. Some of them, some time in their lives, will be held in a jail."

Of all places of restraint, jails are the worst. They are detention centers where men, women and children get their introduction to the criminal justice system, where they are held after their arrest, where they stay awaiting trial unless they have bail money, or where they serve short sentences for minor crimes. Most are designed for only short stays; prisons are for sentenced people.

But for people too poor to make bail, an overloaded and creeping bureaucracy of justice keeps them in compacted misery for weeks, months or years, the majority of them not yet convicted of anything.

The Tombs is famous: 12 floors of cages, the scene of a spectacular series of prisoner rebellions in 1970 against overcrowding, racial abuse, vermin, court delays. It is now more than a year after the rebellions were put down with promises of reform.

I enter the public door.

Minutes later, the chairman of the City's Board of Corrections, William Van Den Heuvel, arrives, an old Kennedy hand in the Kennedy manner, big, shell-rimmed glasses, full of bounce. We are admitted and start taking elevators to various floors.

Each floor has a double tier of cells with adjoining small concrete and steel enclosure where prisoners spend the day playing solitaire or dominoes. As guards let us inside, Van Den Heuvel is surrounded by men, like a feudal lord beseeched by beggars inside the castle wall.

"Mr. Van Den Heuvel, please help me. They've lost my papers and I've been here four months. . . ."

"Mr. Van Den Heuvel, I'm afraid I'm gonna go out of my mind. They transferred me from Rikers a week ago but they didn't bring my medication and these headaches I can't stand. . . ."

"Please help me. I'm an addict. I been on heroin 17 years. I got on a methadone program on the outside and got off heroin. But I got arrested and brought to the Tombs. I'm on methadone now but they tell me that when I get out tomorrow I can't get back on the street program because I missed a treatment and they got a waiting list that takes 30 days. I'm afraid I'll go back on heroin. . . ."

"Please help me"—his hands reached through the bars of his cell—"I'm locked up because I'm a homicide case. But the sink here leaks and there's water on the floor all the time. My feet are wet. Can't you do something. . . ."

One whole floor holds homosexuals. On another floor a dozen young blacks do calisthenics in military formation. Our escort, Capt. Paul Feltman, 17 years a guard, says, "Look at 'em Panthers. Black Panthers. Killers."

An older white man with a painted smile cries out from a locked cell. "Hey, come here. I'm here by mistake. I'm locked up by mistake. I'm a native New Yorker. I know my way around. I've been to Harvard. I've been to Harvard twice. I know my way around. They made a mistake. Hey, hey, listen . . ."

I ask Van Den Heuvel what they do with psychotic prisoners. "If the psychiatrist says a man is psychotic, the man goes to Bellevue. Bellevue will hold him only while he's acute, meaning physically unmanageable. Then they send him back."

Why isn't he sent tc a mental hospital?

"No way. They're full, too."

He guesses that 15 percent of the prisoners are mentally ill. That would be about 220 men. There is one full-time phychiatrist.

EPIDEMIC OF SUICIDE ATTEMPTS

There have been 11 suicides and over 100 attempts in the last year. In the last few months, there has been an epidemic of men breaking the toilets in their cells and attempting suicide with the pieces. It takes the city nine months to replace a toilet.

Memory of the riots is still strong among prisoners. One shouts at us, "Hey, newspaperman. Ask them about the roaches and the rats. Ask them!"

Capt. Feltman yells at the prisoner, "Show me a rat! Go ahead, show one to me. Those aren't rats, they're mice. Don't you know the difference between a rat and a mouse?"

The day the riots began, the Tombs with a rated capacity of 902 men, had 1,416 prisoners, 57 per cent overcrowded, the day I visited, 13 months later, the rated capacity was 837 because of damaged cells, and there were 1,463 prisoners, 68 per cent overcrowded.

After the riots, the city somehow found $2 million in emergency funds. It added 24 tons of steel on each floor to increase protection of the staff.

Outside, the school kids were long gone. Over the door of the Tombscourt complex is the inscription:

"Justice Is the Firm and Continuous Desire to Render to Every Man His Due."

And under that a bronze plaque notes that this building was erected on the site of the underground railroad that helped free black men from slavery.

New York City is not alone in the misery of its jails. Last year a group of inmates in Baltimore City Jail petitioned the city court for relief from the following claimed treatment:

Officers in the jail regularly forced some retarded inmates to perform sexual acts on the officers; other retarded inmates were chained to the bars of their cells and beaten with keys; inmates in Sections N and O, while confined and peaceable in their cells, were Maced by guards because inmates had protested their treatment; when an inmate told a guard he was suffering from narcotics withdrawal the guard Maced him; inmates had been warned not to talk or write about conditions in the jail.

Riots over overcrowding and all that means—dirt, disease, homosexual rape, hysteria, exposure to psychotics—bring promises of relief.

In Wayne County Jail in Detroit, conditions did not lead to riots. Instead, there were 33 suicide attempts in two months.

Bad as city jails are, rural jails have their own special morbidity. Forrest County Jail, in Hattiesburg, Miss., isn't the worst but it isn't the best. The building may collapse. The cells are filthy, full of vermin, dirty rags and paper. The brick walls are so porous that some prisoners escaped by scraping away the mortar between bricks with a spoon.

In one year, the jail held 2,657 drunks, 688 people accused of felonies and 52 believed insane and awaiting commitment proceedings. It has held 12-year-old runaways and lost children in the same jail. Trials are held only every three or four months and it is not unusual for a person to wait in jail nine months before anyone decides if he is guilty.

Until this year, the sheriff in charge of Forrest County Jail got no salary. Instead, he got $4 for every arrest he made, 10 cents a mile for transporting the prisoner from place to place of arrest to the jail, $2 for logging the prisoner into the jail, and $2 for every prisoner held each day in the jail. There was no public money for food and other maintenance of the prisoners, so it came out of the sheriff's fees.

The state of Mississippi, as of this year, ended the fee system for sheriffs. But the practice continues in hundreds of counties across the country, rewarding sheriffs economically for making maximum arrests and jailings, and punishing him economically if he feeds and maintains the prisoners decently.

Forrest County is better than most in one respect. Its grand jury has regularly condemned the jail for years. Typical was their finding in 1968: "The grand jury is of the unanimous opinion that both the city jail of Hattiesburg and the county jails of Forrest County are unfit for human habitation."

Both are still being used.

No one knows how many jails, lockups and county camps there are in the United States. There is no way for inspecting them or imposing civilized standards on them.

The U.S. Law Enforcement Assistance Administration has counted those that are authorized to hold persons two days or more, and there are 4,037 with 161,000 men, women and children in them on a given day (5 per cent women and 5 per cent children).

LEAA says 86 per cent have no exercise or recreation for inmates; 90 per cent have no educational facilities; 50 per cent have no medical care; and 1.4 per cent have no flush toilets.

There are over 100,000 cells in these jails and more than 5,000 of them are over 100 years old. About 25 per cent of these cells are over 50 years old.

More people than ever are headed for such places. The President's Crime Commission in 1967 said that 40 per cent of all male children now living in the United States would be arrested for a nontraffic offense some time in their lifetime. Most of those will spend some time—hours or days or weeks or months—in a local jail.

THE PLANNING OF PRISONS

Unlike jails, prisons are built with the knowledge that they will hold inmates under sentence, usually for more than a year and sometimes for life. These institutions, usually for adult males are not accidental in their design and operations but are elaborately planned and constructed and operated by large bureaucracies of fulltime careerists.

It is depressing to consider what some men will plan and operate. It took a lawsuit in Virginia to expose the following treatment in the state penitentiary:

An inmate who attempted suicide had his neck taped to his cell bars for 14 hours and then was left naked in his cell for 17 days; a black prisoner screamed for help in solitary confinement for one week before dying unattended of sickle cell anemia; one inmate was locked in his cell without being let out for 743 days.

Federal Judge Robert R. Merhige ordered drastic changes in the Virginia prison system to eliminate atrocities by protecting prisoners' rights. The head of the state prison system said these rights are "not practical in the prison situation."

The State of Alabama, proud of refusing all federal aid, built a new maximum security prison, the Holman unit, in Atmore, Alabama.

Holman was originally planned for 500 men; it now holds 800. There is not one classroom, no gymnasium, no auditorium, no hospital, no teachers, no psychologists, no social workers. There are very few guards—about 18 to a shift—and they are paid $3,900 a year. The prison is heavily monitored by television and watched by a guard at a station with 30 monitor screens.

The prison is organized with some open dormitories, some multiple-occupancy cells and special cells for punitive segregation. Unfortunately, the television monitors show only shadows at night and men in dormitories make tents of blankets that the television can't see through. Homosexuals roam the dormitories freely and there are fights, stabbings, homosexual rapes and homosexual prostitution.

Rather than risk assignment to dormitories or to work details under brutal conditions, men sometimes prefer punitive segregation which is not exactly luxurious: the punitive cells have four men to a 5½-by-7½-foot cell with nothing in it but a single blanket and a five-inch-wide hole in the floor for a toilet. On one day, there were 145 men in segregation.

To avoid assignment to dormitories or segregation or work details with guards who are especially brutal, prisoners often cut their own Achilles tendons, an act that occurs about once a week.

The prison is shoddily built, leaks in the rain and leaks between floors. One official who works there says, "It must have been designed by a psychotic." The present warden was not associated with its design or construction.

Asked how he survived at Holman, one inmate said:

"One, you shoot dope. Two, you find yourself a boy and make out sexually. Three, you burn yourself out reading. Four, you just sleep."

THE RULE OF SILENCE

The deliberate debasement of human beings is not limited to Alabama state prisons.

The enlightened state of Wisconsin forbids prisoners in its maximum security penitentiary at Waupun to speak in their cells in the evening. In a special cell block, inmates may not speak at all and one inmate said he had spent 11 years without speaking except when spoken to by a guard.

Portsmouth County Jail in Virginia is a handsome, new high-rise structure overlooking the beautiful Elizabeth River and Norfolk harbor. It has a peculiar architectural feature: outside each barred window is a concrete slab held eight inches from the exterior wall. Its purpose is to prevent prisoners from seeing the view.

The most carefully designed prison system in the country is the Federal Bureau of Prisons. It has often been run with enlightened, humane administrators in Washington who recognize the prisoners are human beings who will return to mingle with their fellow citizens.

But Congress is the real boss of the federal prisons. In the past this has resulted, at best, in near-neglect. There has been a Senate committee on prisons since 1924. Its annual appropriation of $5,000 was usually turned back minus the cost of a few senatorial trips to a federal penitentiary for what the senators informally called "cockroach counts."

Many politicians, including some of the most fervent rhetoricians against crime in the street, have been shaping prison systems in ways that make it harder to protect society from crime.

A major problem in American prisons is their isolation in rural places, usually without public transportation. Families of prisoners cannot visit; marriages of inmates break up and normal ties are lost. The prison cannot find rural staff members who have rapport with the inmates, who are overwhelmingly urban and after a majority black. The prison has difficulty getting professionals—teachers, psychologists, psychiatrists, vocational trainers, social workers—to move to remote country locations. And if a prison decides to educate its prisoners or teach them marketable skills before their release, there are few local schools or factories where this can be done.

Nevertheless, prisons continue to be built in precisely the wrong places. The usual reason given is that land is cheaper and the isolation is better for security. Land is usually cheaper but that is not always a large factor; prisons are full of expensive hardware and cost as much as $22,000 a bed to construct. And most rural prisons have had periodic escapes, while there never has been an escape from the most urban of all institutions, the Tombs, in the heart of Manhattan.

The real reason prisons are located in the country is that legislatures used to be controlled by rural politicians who placed the prisons there as profitable industries and opportunities for patronage.

Federal prisons have not escaped. Convenience for visitors is a difficult problem for any federal prison, since it holds inmates from all parts of the country, (though location near a big city would simplify travel). But federal prisons, like state and local ones, also suffer from rural locations in obtaining professional staff from the surrounding countryside and providing access to work, study and volunteer contacts for its programs.

The newest penitentiary in the federal system is the maximum security prison at Marion, Ill.

The prison was planned in 1958 and opened as a maximum security unit in 1969. It is eight miles from the town of Marion, which has a population of 11,000. The nearest city of any size is Evansville, Ind., 75 miles away. The nearest metropolis is St. Louis, 100 miles away.

The formal reason for putting it there was the availability of a federal wildlife preserve and security, since it replaced Alcatraz. The real reason is that the late Sen. Everett Dirksen, in addition to being Senate minority leader, was ranking Republican on the Judiciary Committee, which has jurisdiction over federal penitentiaries. And he wished a federal facility in the southern tip of Illinois, where his strength lay and which at that time was suffering from economic depression.

For the first time, the past year has seen interest by some committees and individual members of Congress in the basic problems of prisons, prisoners and criminal justice. A few have gone into prisons for the first time to talk to inmates.

Their nearest stop is Lewisburg federal penitentiary, impossible to reach by public transportation, spacious, improbable Gothic arches and hand-carved stone in the dining room, carefully but bureaucratically run (visiting rules: one kiss at the start, one kiss at the end), not without the pathology of most prisons (an officer told one militant prisoner, "Why don't you get yourself a boy and settle down") but better than most.

Not all prisons in America are grim dungeons with iron idleness. Here and there, the system has produced amenities that begin to resemble outside life. At California Men's Colony East, at Los Padres, a medium security prison, one inmate was disciplined for breaking a window when he hit a golf ball too hard on the prison's miniature golf course.

But this does not eliminate the morbidity or the punishment. A survey of 871 inmates showed that most thought that from 30 to 50 per cent of the men would become involved in homosexualism before they left the prison.

At Leesburg, N.J., and Vienna, Ill., state prisons are designed to avoid the concrete-and-steel cage atmosphere.

There are many Americans, including many legislators, who feel that softening the harshness of male prisons will diminish the punishment and therefore encourage crime. A major theme of congressional appropriation hearings for prisons is the fear that inmates will be placed in "country clubs." It overlooks the fundamental punishment of any prison: to be deprived of liberty.

No. 50061, Inside Maximum Security: Six Days in State Prison Through the Eyes of a "Murderer"

(By Ben H. Bagdikian)

The aging forger slid over the bench where we were watching television.

"Did you really do it?"

"Do what?"

"You know. The murder."

I looked at him in astonishment. Prisoners don't say things like that to each other. It's the kind of question a clumsy informer asks.

"No," I told him coldly, "I didn't."

It was true. I was in a maximum security penitentiary for murder. But I hadn't killed anyone. No one at the prison—warden, guards, inmates—knew that. All they knew was that one night, two state policemen delivered me in handcuffs as a "transfer" from a distant county jail.

Huntingdon State Correctional Institution is a fortress behind high brick walls and gun towers in the mountains of central Pennsylvania. It was designed to make sure that no man would break out. It had been hard for me to break in. But finally I was here, in crumpled institutional uniform, Prisoner No. 50061, sitting in Cell Block A with my fellow inmates—murderers, rapists, armed robbers, forgers, burglars.

For three months, I had looked at the American prison system as an outsider, observing men behind bars and talking about them the way a tourist visits a zoo. Prison experts agreed that perception of what it means to be imprisoned in America remains dim unless you are on the other side of the bars. They were right. Months of interviewing prisoners, former prisoners, corrections administrators and research scientists, as well as reading dozens of books and reports, had not prepared me for the emotional and intellectual impact of maximum-security incarceration.

On the night of Friday, Dec. 17, two undercover Pennsylvania state policemen delivered me to the state penitentiary.

When they were gone, there was no one inside the prison who knew that I was not really "Benjamin Barsamian," county prisoner awaiting grand jury action for murder.

A trusty, an older prisoner, led me to cell No. 114. The door didn't close behind me with a "clang" as it does on television. It clicked, Firmly.

The cell has no window. It is about seven feet by eight, with a steel cot, small wooden table and chair, a metal shelf on the wall. In one corner near the door there is a porcelain seatless toilet and directly above it a porcelain sink with spring-loaded push-buttons for hot and cold water. Above that a square of shiny metal is riveted to the wall for a mirror.

Two sheets and blankets are on the cot. I make up the bed. The mattress is about an inch thick.

A guard puts a piece of paper on my cell door. "That has your name on it—in case you get lost."

The only light inside the cell is a square fixture above the door, aimed into the cell, casting a pale, yellow light into the eyes.

The corridor lights go dim. A turnkey comes by to double-lock each cell door for the night.

Suddenly I am very tired. I remember that I didn't have dinner. There is nothing to read and nothing in my pockets. It is hard to sleep.

The new sounds fill the mind. Unseen prisoners snore or call out in their sleep. Periodically, someone is heard urinating, followed by the explosive flush. Or there is the percussive bang of the faucet springs in the sinks. The telephone on the guard's desk rang all night. From time to time there is a quick footstep as a guard shines a five-battery flashlight into the cell for bed checks.

Sleepless, I experience the first surprise of imprisonment: it is difficult mentally to create the outside world. The prison is so drained of normal clues that it is hard to connect, even in the imagination, the reality of inside with the strangely remote reality of outside.

It takes a conscious act of will to recreate the events of that same day.

INFILTRATING A PRISON

The day started with a normal morning at The Washington Post; lunch in a favorite Washington restaurant with a favorite person; driving to Pennsylvania in the late afternoon with the long, yellow light of the setting sun lying gently on the golden stubble of cornfields and the still-green meadows; being stopped by a Pennsylvania State trooper for speeding and being unable to tell him I was late for my imprisonment for murder, and later laughing at myself for driving to the penitentiary in a rented automobile.

In my cell, it is hard to make vivid the memory that only four hours earlier I was in the Pennsylvania State House in Harrisburg, in the office of Attorney General J. Shane Creamer, who made the imprisonment possible and who, with his top assistants, gave me a rapid-fire briefing on my cover story. And the cold, two-hour drive from State House to state pen, arguing the pros and cons of capital punishment with the two undercover state policemen.

I worry for a moment if my project has been secret enough. Weeks earlier I was about to enter the Oklahoma State Penitentiary at McAlester when an ex-convict visited me and said, You'll never get out alive. Too many people know about it and the grapeline down there has picked it up."

A prisoner entering under false pretenses is automatically assumed to be a planted informer, an occupation with high mortality rates.

I also make sure that I remember Creamer's private home phone number, the only thing I might use in a jam to convince a guard that I'm not a real prisoner. A week earlier as we left Creamer's living room he asked Allyn Sielaff, his director of corrections, whether in the event that trouble developed at the prison I couldn't tell a guard I was really a newspaperman and wanted to speak to the attorney general. Sielaff broke into a grin.

"Oh, he could do that, all right. They'd just think he was crazy."

Only when the difficulty of vivid recollection of the outside world recurs day after day do I realize that it is not because of fatigue or tension or a bizarre day. In prison, the outside world quickly becomes unreal.

Around 5:30 in the morning, the turnkey comes by turning the bolts on each door. It does not release the door. Every cell on the tier is automatically locked by a 200-foot-long bar. Only when that moves about four inches, with an almost inaudible rattle, does it release the doors.

"New men—chow!" I was told last night to ignore that call. The bar moves and after 30 seconds closes the tier again. Five minutes later, at about 7 a.m., there is another shout, "DCCH—chow!" That's it.

Like all entering inmates, I am in DCCH, Diagnostic Classification Center, Huntingdon, the first weeks of prison when there is recording of personal and criminal histories, some testing and assignment to a permanent cell block and permanent prison work in the soap factory, printing plant or clothing mill. The bar moves to the open position and I step out of my cell.

SOME UNFIERCE COMPANIONS

I see my group for the first time, about 25 men with rumpled hair shuffling to line up along the wall. Mostly in their twenties, mostly with long hair, sideburns and some beards. Three blacks. All looking unfierce.

The guard says, "Let's go," and we walk in loose formation through the Center, the hub of the prison. I fall in next to an older man who nods briefly.

At the dining hall, a large room with about 20 rows of ten tables, each table with four wooden seats attached. All 700 prisoners eat together.

At the entry is a table with a large container of utensils. A uniformed guard wearing transparent plastic gloves picks up one knife, one spoon and one fork and hands them to each prisoner. We shuffle to the cafeteria line, taking metal, welled trays from a rack. Inmate workers hand out the food, sometimes helping it into the tray with hands encased in the surgical-looking clear plastic gloves: one fried egg, a cookie, box of dry cereal with milk, grits, coffee.

Each group occupies a single row of tables. The kid next to me asks if I'm new and I asked what it's like here.

"Guards here are pretty good. Used to be a lot of head-knockers here. Real rough. Used to hit you with pipes and clubs. But they got rid of most of them. A few ——— left, though.

SELF-SEGREGATION OF RACES

The dining hall is strictly segregated, self-segregated I'm told. Blacks all together, whites in their own rows.

At a sign from our guard we return our trays to the cafeteria line, rinsing our steel coffee cups. We carry our utensils to the door where another guard watches as each man deposits one knife, one spoon and one fork. No retention of weapons material.

We walk back to the cell block and are locked into our cells. There is nothing to do. Nothing to read. Razor and toothbrush and other personal effects were sealed up last night.

At lunch I sit next to Mack, a tall Hell's Angel type, unbuttoned shirt showing masses of tattoos long hair in the neck, chin whiskers, a cross tattooed on the left cheekbone.

He speaks with a curious Southern accent. As a black prisoner walks by he says loudly, "There goes a prince." Another black walks by, "There goes the king." He looks at me and laughs. I don't laugh. He scowls.

He eats a spoonful of ice cream from his paper container and then offers me the rest. I decline. He looks at me steadily and says, "Gettin 'pretty ——— in' bad when a man cain't give away some ——— ice cream just because he took a bite on it." Back at the cell block his cell is directly above mine on the second tier. As we wait in front of our cells for the bar to move, he drops a match on me. I figure I'll have trouble with him. He turns out to be my best friend.

In late afternoon. I am called to the hospital again. Still no pills and no razor. Return to cell block. As Christmas week extra, can watch television.

Mack is on the bench behind me. I remember some last-minute advice given me, "Don't turn your back to anyone's cell; they can stab through the bars. And keep your back to the wall." I remain conscious of Mack.

After supper comes the daily exercise in prison democracy: inmates vote on television programs. Between 6:30 and 9 prisoners have a choice of activity. They can watch television at one end of the corridor. They can play pinochle at tables at the other end. They can sit on the concrete floor and talk in the middle. Or they can choose to remain locked in their cells.

If men choose to watch television they can vote as a guard reads out the six choices for each half-hour segment. Men on the other side of the cell block join us, so there was close to 50 per cent blacksitting on the benches. Relaxed but separate.

The first vote is on "Hee Haw," an all-white country-and-western program. It's on racial lines, most whites for it, all the blacks against it. Whites win. Overwhelming vote for "All in the Family." On subsequent nights "Gunsmoke" is another big favorite. Also Dragnet.

CONVERSATIONS FULL OF DARING

Then begins what was to be repeated day and night, the catechism of prison conversation: daring crimes taking incredible chances, violent fights, big hauls on robberies with the money quickly spent. "So I put the muzzle of that ——— .38 right against the neck of the ——— and said "Jess drop your wallet . . ."

Psychological conquest of prison is an important theme. Long sentences are greeted with respect. If a man faces five years he says, "I can handle it." Someone asks how Huntingdon compares with other joints. "Man, I've seen 'em all, and I don't really see that much difference. I can get along in any of them. You just go in, don't ——— with anyone, pick your own group and stay with them." Or, "The hole? Why in Ohio State I was in the hole for 30 ——— days for fighting. First day I got out I find the same ——— and Phoom? I bust his jaw. Back in the hole for 60 days . . ."

A standard story told by a half dozen men on different occasions in various forms is the inmate's version of a profane and defiant speech to the judge who sentenced him.

"'Send me up for life if you want, you ———. I don't give a ——— what you do.' And I turned my back on the ——— and walked right out of the ——— courtroom." Like the sex fantasies of barracks life in the Army, it's almost certain most of the speeches were never made.

In personal conversations without an audience there is less bravado, less violence.

"See that guy over there from B block? He's the greatest escape artist ever."

"Yeah? Just escaped from the street into Huntingdon State Penitentiary?"

Toward the end of the evening, Ollie limps over and sits on the floor. He says he might have to be transferred for an operation. One of the group says, "Don't let them send you to Pittsburgh." Ollie asks what was wrong with the state pen at Pittsburgh.

"Niggers control that. This is our place." Mack shakes his head.

"Ah'll tell you wherever the niggers are, they try to take over. Indiana State, the ——— weren't even a majority and they took it over. You got to fight them or they'll do it every time. They ain't taking this joint over I'll tell you that."

That afternoon during the movie, the villian is shown fullface on the screen during his most despicable moment. From a black group of prisoners comes the shout, "That's a white man for you!" From a white group: "He's probably a Jew."

Although something like half the prison population is black, I see only one black officer on the staff. Most of the guards seem relaxed, able to small-talk their way around tense moments, avoiding harsh confrontations, establishing an atmosphere of easy relations with most of the prisoners.

Two or three of the guards are noticeable by contrast: rigid personalities, barking orders, speaking in contemptuous tones. It is remarkable how easy it is for a single harsh order to put everyone's teeth on edge. Prison is depressing and demoralizing, the walls and bars and guards and gates and steel and concrete remind one every moment that he is not free, that he is not a whole man because his whole physical being is under someone else's control. Easy-going guards keep that from being an intolerable challenge. A few barked orders in a harsh tone raise the level of felt hostility.

It makes you realize that a couple of guards could bring the place to a crisis in a short time. At Huntingdon, the guards do not seem very sophisticated or educated—many of the prisoners are obviously more so than the staff—but this doesn't seem related much to their effectiveness at preventing confrontations. Most are skilled at easy relations and relaxed manner. With whites.

There is little or no visible antagonism to blacks among staff, merely an evident lack of communication.

One day one of the blacks in my section is sweeping the catwalks, singing in a high-pitched voice like Ray Charles.

"What the hell are you doing?" the guard, an older man, yells harshly.

A young white inmates sitting on the floor near the guard says, "Oh, he's just that way, you know," and he twirls his finger around his ear, indicating nuttiness. The guard mutters, "They're all like that."

Up on the catwalk, the black continues his zany singing in a thin voice and only if you listen carefully can you hear him singing phrases that included, "goddam ——— honky . . ."

In the exercise yard a few days later the same young black, a Muslim, is not jiving as he argues with a white prisoner:

"Ours is *the* religion. God is in *us*. We have the power of God in us. You never see the guards ——— with any Muslims, do you? You know you haven't. Why you think that is?"

At 9 o'clock, the television set is turned off, its plywood container locked, the floor swept and everyone locked and double-locked in his cell for the night.

HUSBANDS AND WIVES

The second day, a large homosexual inmate is moved into the cell next to me. He is an outstanding athlete, which may explain why he is treated with some deference.

Homosexualism is evident. In the auditorium the queens are obvious, some primping their hair, others walking in tight trousers with swaying hips. Some arm-in-arm and referred to casually as husband and wife.

My neighbor is referred to as "she" and "her" and plays the role of woman openly. The first night he is on the cell block, he borrows a razor blade from me, saying, "My husband will pay you back tomorrow." At supper one night he says to me, "Does my lipstick show?" Back at the cell block he has a quarrel with another homosexual, shouting at him, "You walk around here like you are God's gift to men."

Later my neighbor turns hostile to me. One night he asks, "Are you a Jew?" and when I said I was not, said, "Then why have you got such a crooked nose."

There are jokes about my neighbor, but in anger they center on his blackness, not his sexual role.

At 2 a.m. one morning, my neighbor begins singing in a falsetto. Curses come from around the cell block as men wake up. "Shut up!" "For Christ's sake, stop it!" The whites refrain from too open anti-black epithets. But my neighbor shouts back, "white ———" When the other prisoners keep shouting, my neighbor goes to his cell door and rattles it, calling, "Guard! Guard! Come here. Hack! Hack! I need you."

The prison is not on the edge of racial conflict, at least to this eye. But hostility is near the surface.

We take daily showers in a room with two rows of shower heads controlled and observed by a guard behind a plate-glass window. Again there is self-segregation. Blacks shower together at one end, including my neighbor.

EARNING 25 CENTS A DAY

I still have no reading material on the third day. Mack gets some correspondence forms and lends me a ball-point pen.

Most of the time I still sit in the cell and stare at the standard view: the steel latticework on my cell door, silhouetted against the lighted corridor wall beyond. When you close your eyes you still "see" the scene, but in reverse like a photographic negative, the image burned into your retina.

Almost all the visible lines are straight and rectilinear, all the colors subdued, from the tan walls to the guard's grey uniforms. For some reason, my eye keeps going to a pipe entering my cell through the latticework and later I realize that it is one of the few curved lines in my scenery. Everything soft or tender of complex has been eliminated. Surfaces are all hard: tile, steel, concrete, brick. So sounds echo, harsh but indistinct.

Even the steel mirror on my wall is in a shadow and reflects only a blurred gray image. On the third day, still unshaven, I walk by a clear mirror on the cellblock wall that lets guards look around a corner and I see "another prisoner" appropriately crumpled and grim. It is my own image. Shocking.

One morning at 8, I hear the whistle from the prison soap factory. I envy the inmates their work. Shortly afterward a trusty comes to the cell door.

"Hey, want to work?"

As an unsentenced prisoner, I cannot be forced to work.

"You can make 25 cents a day."

I leap at the opportunity.

I mop the concrete floor of the cell block. As we work around the guard's desk, one young inmate says he's going to California when he gets out.

The kid next to him said, "What'll you do if you can't make it and you're on the West Coast?"

"I'll just pull another armed robbery."

An older guard, tipping back in his chair, said:

"That's where you're wrong. You better not do that in California. Ronald Reagan, he don't ——— around. He'll just put you in the gas chamber."

I'm called to the hospital to see the prison doctor. He has seen my shaving kit with the medication in it.

"I don't see any problem with giving him the synthroid," he says to no one in particular. "If he takes them all he can't kill himself."

He turns to some sleeping pills and then to me.

"I don't see why anyone needs medication to go to sleep at night. If he gets off his ——— and does some work he won't have any trouble sleeping."

I decide not to tell him that we're locked in our cells from 17 to 20 hours a day.

A HINT OF THE OUTSIDE WORLD

Even volunteering for work does not prevent the hours of idleness. But the idleness produces less clearness of thought than I expected. It is hard to think of life on the outside with any immediacy. Important places become blurred in memory in an alarmingly short time.

Prison is total. It strains out clues to normal life and in the void every petty detail on the inside becomes important. Relations with other inmates take on a profound quality. Nothing outside the wall seems real any more. It may be no accident that television news is voted down every night.

Yet what fragments of the outside world do intrude become desperately alive. In the early morning hours, if I go to the door of my cell, I can see a small patch of sky through a window in the upper corridor wall. In the predawn hours there is a strange anxiety because the sky is not visible, an uncertain grasp of time and reality. The first light of dawn becomes exciting, the sight of drifting snowflakes intensely moving, the shadow of a bird in flight miraculous.

The first time we are permitted outdoors is an almost explosive experience, an enormous view of blue sky. The yard is an asphalt surface 50 feet by 200, surrounded by the wall.

Another man and I walk the continuous oblong for two hours in bitter cold, but it seems like five minutes. He had been a woodcutter in Pennsylvania and a hunting guide in Montana and is doing 1-to-6. "I can handle it," he says. "If I do the six I'll only be 30 years old."

The guard on the tower watches us and when we begin taking larger corners into a blind spot, he has to come outside the glassed-in enclosure and stand on the outer parapet huddled into his coat. As we walk we talk about woods, animals in Montana, airplanes, cities, rural life.

When I return to my cell, Mack has deposited, through his genius at mobility and delivery, two eight-month-old Time magazines, one old Argosy, an old TV guide for Pittsburgh. I read them all, cover to cover.

The next day is library call. Practically every prisoner goes and some of them make surprising selections. After meticulous analysis of the October TV listings for Pittsburgh, it is exotic reading Dean Acheson, Simone de Beauvoir and Gore Vidal.

"YOU HERE FOR YOUR HEALTH?"

Anxiety about my cover, which means my safety, doesn't develop until the fourth day. It is at lunch. At my table is a man from our section who was friendly at first but then cooled off. He is well educated, likes to whistle Mozart and Bach themes, and has lots of reading material which he promised me but never delivered.

He has been increasingly suspicious of me and I have stayed clear of him, especially after I found out that he worked in the front office and has access to an outside telephone. If he called the county jail I was supposed to have come from they would never have heard of me. If he discovered that, the word would get to my friends who would make an unfriendly assumption.

"You here for your health?" he asks as we eat.

He means was I sent here to protect me from threats of other prisoners. I replied that I wasn't.

"What are you charged with?"

"Murder."

"Where?"

"Adams County."

"This is a long way from Adams."

"They think it will be a long wait before I get to the grand jury."

"They usually transfer men to Camp Hill."

I shrug. But I have a feeling time is running out.

I worry about confidences other prisoners had shared with me; they might be remembered if they heard I was under an assumed name. I begin walking away from crucial conversation.

But conversation is hard to avoid. It has special meaning in prison relations, where men are thrown together almost at random and must make crucial decisions about each other.

Prisoners live in fear of each other and in trust at the same time. They have fear because everyone is under total control of the authorities, who can influence whether a man will serve two years or six, or live in a savage cell block or a civilized one, have a pleasant job or distasteful one, avoid punishment or be sent to maddening isolation. The prisoner is forever navigating this jungle. Some do it with weapons for self-defense or for coercion, weapons usually fashioned from scavenged metal. But the more common weapon is information that can win a recommendation for parole or pleasant assignments. So fear of betrayal is constant.

But inmates need each other and need to trust each other. They are united in common hatred of the criminal justice system. They are united in loneliness. Wives, girl friends, parents, working colleagues, friends, the usual universe by which a man finds his identity and humanness, all are gone. In the void, fellow inmates become indispensable.

There is a code of etiquette in prison. You can ask a man what offense he is in for, how long his sentence is, maybe where he comes from and what other prisons he has been in.

After that, it is up to him to volunteer information. The result usually is a great deal of talk, personal history and reactions to people and life. You enjoy the trust of others but at the same time fear it. Everyone is trapped together and each man has the power to harm the others. Trust and betrayal are potential in every relationship.

After I feel the twinge of paranoia, I stay out of the blind spots in the exercise yard, the spots in the corneres out of view of the guard in the guntower two of which I have found in the mental game of "escape" that everyone plays. I stay away from bunched-up lines at the dining hall. All unneeded, no doubt.

THE VALUES OF PRISONERS

In his own way, Mack is a puritan. "There was that m—ing car, free and clear, not a cent owed on it, and I couldn't drive it. I didn't owe a m—ing nickel on it, not a dime. Took me two armed robberies to get it, but I owned it free of debt."

I wonder why my best friends are men whose social values I abhor. They are mostly racists who in their careers hurt innocent people. They are often liars and braggarts, not only in their dealings with the authorities, which was required, or in bull sessions, which is forgiveable, but also in their personal lives. Their talk is full of killing, shooting, pimping, treachery, treachery avenged and the endurance of suffering.

They exist beyond the bravado and toughness that in prison is necessary for self-defense. They have other feelings but they had no vocabulary for them. I marvel that for some unfathomable reason, after years of being bruised by their parents (Mack's mother laughed at him when he was arrested at age 14; thereafter he had four stepmothers and five stepfathers), by their families, after years of chaos and abandonment, years of imprisonment in various degrees of savagery and subjugation, their spirit is unbroken. They refuse to be beaten. Some are strange and withdrawn. Most are not.

One day, as I watch the population file out of the auditorium, they suddenly strike me as not so different-looking from the students I had seen a few months before at the University of Wisconsin: same cool shuffle, beards, sideburns, the quick quizzical eyes, clothes worn shaggily—prison clothes don't look so different any more—but very cool.

Most of the men are in their low 20s. If the men at Huntingdon had four more grades of median school achievement and $3,000 more in parental median income, they could be filing out of the auditorium of the state university instead of the state penitentiary. There is much talk about their experience at "Indiana State" and "Ohio State." But they mean state pens. The universities of the poor.

The morning I am supposed to be pulled out of prison I go to work as janitor in the schoolroom. I begin to wonder if they will pull me out today. Maybe there is a big crisis on the outside and everyone will forget.

Just before lunch, I am ordered to the identification office. They are finally going to complete my records, take my mug shot and fingerprints. Time is running out.

I give the man my name, charge, county and hearing judge. He asks my Social Security number. I remember the briefing in the attorney general's office: "You don't remember your Social Security number. Be clear on that. If they have your Social Security number, they can pick up their phone and in 30 seconds know everything they need to know about you."

The fingerprint man is working on me when a clerk walks up. "Hey, one of these guys has to go back to the county today. They're coming for him at 2 o'clock."

Two hours later, after my sixth day, two men in plain clothes issue the prison a "Body Receipt" for prisoner Benjamin Barsamian who, 40 feet beyond and two minutes later, outside the wall in the unlimited air, ceases to exist.

DEFAULTS AND FORECLOSURES

Mr. SPARKMAN. Mr. President, for some time I have been concerned about rising rates of defaults and foreclosures under the various FHA programs. To get more information on this subject, I wrote to Hon. George Romney, Secretary of the Department of Housing and Urban Development, requesting data on the extent of this problem and information on remedial and preventive measures which his Department is taking relative to it. I requested the information in two parts, the first part to be made available in January to enable the Subcommittee on Housing and Urban Affairs to use the results, if appropriate, in marking up 1972 housing legislation, now pending before the subcommittee. The second part could be submitted at a later date to assist the subcommittee in completing its study of this matter.

The Secretary's response to the first part of my request is a very interesting report on a number of facets of this subject. I believe it is of interest to many other Members of the Senate, I ask unanimous consent to place in the RECORD my request to the Secretary of Housing and Urban Development and his reply, with attachments.

Mr. President, the subject of FHA foreclosures is not new to the subcommittee. As part of its oversight function, the subcommittee keeps a watch on the experience of the programs for which it legislates. The last full investigation of this subject by the subcommittee was made in the mid-1960's when conditions, in some respects, were similar to what they are now.

Two big differences prevail today which the attached report emphasizes. One is the high rate of default on mortgages insured by the FHA to provide decent housing for lower income families. This was not entirely unexpected.

In fact, in 1968, a special reserve fund was established in anticipation of a higher loss due to the greater risk intentionally taken to enable the FHA to reach down and provide decent shelter for these lower income people heretofore living in slums and blight.

The other difference causing a higher rate of default is the rapid deterioration of inner city areas in most of the Nation's large cities. Like a cancerous sore, the disease of inner city areas is spreading and causing hundreds of millions of dollars of losses in value of properties of all types. FHA's losses are partly related to this widespread problem, which is not solely a housing problem but one encompassing a whole range of social and economic deficiencies of concern to the entire Nation.

I believe that much of the current problem of foreclosures could have been avoided by better administration and stricter adherence to regulations on inspections, appraisals and management. I have been told that HUD has tightened up considerably on these and that we can expect improvement on avoiding foreclosures in the future.

Mr. President, the Housing and Urban Affairs Subcommittee is deeply engrossed these days in marking up 1972 housing legislation which we hope will provide solutions to some of the problems highlighted by these foreclosure statistics.

The subcommittee has some 50 bills before it and countless amendments from which we hope to put together an omnibus housing bill for consideration of the Senate early next month. As Secretary Romney says in his letter:

> There are no panaceas.

Nevertheless, I am confident that, once the new legislative proposals are implemented and Secretary Romney persists in his efforts to tighten up on administration of the programs, we can look forward to many of today's problems disappearing and moving closer to our national goal of a decent home for all.

There being no objection, the following letters and attachments are ordered to be printed in the RECORD, as follows:

DECEMBER 28, 1971.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I have been concerned for some time about the trend towards higher rates of defaults and foreclosures among Government-assisted mortgage loans. My interest in this area has been heightened by the press coverage of the foreclosure situation in Detroit and the recent hearings there by the House Government Operations Committee. Discussions between my Committee staff and various HUD officials seems to indicate that the problem in not unique to Detroit and may be found in greater or lesser degrees in Philadelphia, St. Louis, Chicago and other large urban centers.

I am interested, therefore, in obtaining some information from your Department in two parts, the first to be submitted in mid-January and the second as soon thereafter as possible. First, I would like to receive your views on precisely what the current default problem in Detroit and other areas amounts to. Specifically, I would like you to address the following points:

1. What is the extent of the problem by program, and what trends are apparent? It would be helpful if summary data could be compiled to show single and multi-family experience, subsidized and unsubsidized, new construction and existing housing.

2. What do you believe are the underlying causes of the current problem? To what extent do they vary by area and program? Do you anticipate any change in the default situation in the near future?

3. What cities in addition to Detroit have had, and can be expected to have major default problems? Do you have any notion of which cities may be expected to have Detroit-like press coverage?

4. Given the seriousness of the present situation, what remedial actions does HUD contemplate to reduce abuses that may play a role in defaults and to ameliorate as much as possible any adverse impact on low and moderate income homeowners who might face foreclosure? What will be the effect of recent Michigan law which reduces the redemption period for vacant lots to thirty days?

5. What preventive measures are being considered by HUD to reverse the present default trend? Do you expect that these measures can be accomplished by a re-affirmation of existing policies, institution of new policies and/or adjustments in the existing housing legislation? What experience is there to indicate the utility of an intensive counseling program in conjunction with home-buying?

As a second part of my request, I would like to have any relevant information which you might be able to gather in the form of reports, studies, policy papers and the like which would be useful to my Committee staff in their investigation of the overall problem of defaults and foreclosures. Furthermore, I would appreciate any available information addressing the following topics as they relate to defaults and foreclosures: counseling, abandonment, forebearance procedures, mortgage banker v. thrift institution servicing, and appraisal policies.

When Congress returns in January, I expect that the foreclosure issue will be brought up before the Committee fairly early. So that I might be better prepared for this occurrence, I would appreciate your prompt reply to the above points. If the availability of the statistics or any other information would unduly delay your response, I would like to have whatever is readily available as soon as possible. The missing pieces may be filled in at some not too distant time.

Sincerely,

JOHN SPARKMAN,
Chairman, Senate Subcommittee on Housing and Urban Affairs.

SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., February 1, 1972.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your timely letter of December 28, 1971, inquiring about the defaults and foreclosures among HUD-assisted mortgages. For your convenience, I have attached separate responses to each of your five questions. Additional information, including the studies and reports which you requested, will be sent to you shortly.

I share your concern about increases in the frequency of defaults and foreclosures in HUD mortgage insurance programs. In general, increased defaults and foreclosures have occurred in those programs designed to assist lower income families. In the single family programs these problems have been concentrated in several cities, particularly Detroit and Philadelphia. In the multifamily programs the problems are not concentrated in particular localities but are more geographically dispersed. The problems, while critical in some localities, are not as serious as a nationwide basis as some press reports have indicated. This is particularly true in light of the higher degrees of risk and probability of defaults and foreclosures which were anticipated by the incumbent HUD Secretary and the Congress when the Special Risk Insurance Fund was established for mortgages insured under Sections 235, 236 and in declining inner city areas.

We are continuing to take remedial steps and initiate preventative measures to eliminate abuses and to insure that the Congressional mandates are carried out equitably and efficiently. The addition in the near future of 400 persons to area office staffs, particularly those offices with the greatest problems, should enable us to more effectively monitor and carry out program operations. The stress on quality production, the new project selection criteria, and increased input by management staffs in feasibility determinations should also assist in reducing default and foreclosure problems.

In Detroit, however, we are dealing with a situation which cannot be corrected by merely improving the administration of our housing programs. In Detroit as well as in many other metropolitan areas, the problem is loss of confidence and withdrawal from our central cities, resulting in neighborhood abandonment.

I call your attention particularly to our responses to Questions four and five which outline the need for a metropolitan approach to solving the social, economic and physical problems which have resulted in abandonment. I believe that it is time to bring these problems to the attention of state, suburban, and private leaders, as well as central city officials, in order to determine whether a metropolitan-wide strategy can be worked out. Through the meeting described in those responses, I plan to outline the possibilities for utilizing Federal programs on a metropolitan basis in order to provide the broad based effort which is required. There are no panaceas. Only a concentrated and coordinated approach will provide the restoration of confidence which is vital to the prevention of abandonment.

Sincerely,

GEORGE ROMNEY.

DEFAULT TERMINATIONS UNDER SEC. 221(D)(2) SELECTED LOCALITIES, 1967–71 [1]

		Default terminations, 1967–1971 [1]			
				Standardized expectations	
Locality [2]	Cumulative mortgages insured	Actual number	Percent of insured mortgages [3]	Based on actual national experience [4]	Based on actuarially standardized national pattern [4]
San Bernardino Riverside	4,683	677	14.46	178	202
Wilmington	2,410	305	12.66	104	134
Boston	444	42	9.46	14	17
St. Louis	2,144	185	8.63	82	107
Detroit	50,345	2,978	5.92	2,110	2,609
New York	3,571	194	5.43	225	251
Dallas	5,103	272	5.33	121	236
Los Angeles	21,372	1,123	5.25	669	793
Philadelphia	42,772	2,172	5.08	2,079	2,554
Seattle	17,349	882	5.08	652	999
Houston	11,627	501	4.31	446	597
Camden	4,860	191	3.93	189	270
Washington, D.C	1,308	30	2.29	31	44
Chicago	4,462	85	1.91	165	260

[1] Through June 30, 1971.

[2] County or counties, including the city named.

[3] Related to cumulative mortgages insured.

[4] Related to the age distribution of mortgages outstanding in each year.

QUESTION NO. 1

What is the extent of the problem by program, and what trends are apparent? It would be helpful is summary data could be compiled to show single and multifamily experience, subsidized and unsubsidized, new construction and existing housing.

This response discusses nation-wide default and foreclosure trends for all insurance programs combined and also focuses on individual default and foreclosure trends in each of several of our major programs—subsidized and unsubsidized. A brief discussion of the number and types of units in the housing inventory owned by the Department is also included. An analysis of the rate of defaults and foreclosures in various localities is contained in the response to Question No. 3.

We are unable at this time to comply with your request for a summary table breaking out new construction and existing housing. Current mortgagee reporting of defaults does not provide this information.

We are analyzing some special tabulations of Section 221(d)(2) default terminations in an effort to develop meaningful data distinguishing new and existing construction. We will report the results to you as soon as this analysis is complete. We are also requesting field input on this subject, which will be summarized for your information.

A brief glossary of terms used in this response and in the summary tables is attached. It may prove helpful to briefly review the defined terms before proceeding.

Defaults and default terminations

In 1971, defaults and default terminations increased above 1970 levels in both absolute numbers and as a percentage of insurance in force both for multifamily and single family insurance programs. While the number of defaults and default terminations in Departmental programs not specifically designed to serve lower income families remained relatively stable, there was a marked increase in the number of defaults and default terminations for both the multifamily and single family Departmental programs which assist lower income families.

Home mortgage programs

In summary, the combined home mortgage data show constantly rising levels of insurance in force, a significant increase in defaults (as a percent of insurance in force) above 1969 year-end levels and a modest increase in default terminations (as a percent of insurance in force) over the last two years.

Outstanding defaults increased from an all time low of .45% in 1957 (not shown on the tables) to a rate of 1.57% at the end of 1965. Following the tightening of credit conditions in 1966 outstanding defaults declined to a 1968 year-end level of 1.35%. Thereafter, outstanding default levels moved upward to a 1970 year-end level of 1.84% and increased again to a 1971 level of 2.31% (based on initial estimates from three-fourths of the required reporting offices).

The trend of default terminations through 1969 is essentially similar to the trend of outstanding defaults through that year: default terminations rose from 7,900 (.28%) in 1960 to a peak of 48,700 (1.19%) in 1966. From 1966 through 1969, the default termination rate declined at a far more precipitous rate than outstanding defaults. It was not until 1970 that the rate of default terminations turned upward, increasing to 31,000 in 1970, (.65%) and 34,900 (.69%) in 1971 (estimated), increasing at a far slower rate than the increase in the rate of outstanding defaults.

The difference in trends between defaults and default terminations in the period 1966 through 1971 is noteworthy and also significant for the future. The increase in interest rates after 1966 evidently enabled many borrowers with mortgages in default after 1966 to market their properties by selling them subject to a low interest mortgage, thereby avoiding foreclosure losses in spite of the outstanding defaults. As the time interval since 1965 increases, progressively fewer of the current defaulted mortgages can be expected to carry low rates of interest. With mortgagors unable to sell, mortgagees are forced to foreclose on the mortgage and file a claim for insurance proceeds. Since many defaulted mortgages now undoubtedly carry interest rates in excess of current market rates it can be expected that the trend of default terminations will be more similar to the trend of defaults.

The subsidiary tables for Table I–H reveal two important elements in this summary. Through the end of 1968 the combined home mortgage data is similar to Section 203 experience. In 1968, over nine-tenths of the homes covered by insurance in force were insured under Section 203 or more seasoned mortgages insured under other programs before 1960. After 1968, the expanding higher risk 221(d)(2) and 235 programs raised the total default levels above the Section 203 experience.

Under Section 221(d)(2), the yearly volume of insurance written, after declining from 1965 to a low of 30,535 in 1967, has risen progressively to a 1971 total of 115,400. Default levels, after declining from 2.49% at the end of 1965 to 2.13% at the end of 1968, reached 4.27% at the end of 1970 and an estimated 5.65% at the end of 1971 (based on three-fourths of required reports). A relatively large part of operations under Section 221(d)(2) is carried on in declining neighborhoods under the relaxed "acceptable risk" authority of Section 223(e) (about 13.5% since the latter part of 1968 compared with 6.0% under Section 203). In addition, a large proportion of the remainder covers properties only marginally different from areas where 223(e) is utilized.

Because of the short period of time that Section 223(e) has been operative, we do not yet have statistically meaningful nationwide default termination experience. However, in Detroit a GAO analysis of 221(d)(2) cases insured under 223(e) in 1968 and 1969 shows a default termination rate of 16.1% for such mortgages.

Because of the relatively short period of time that Section 235 has been operative, no firm conclusions can be reached concerning the validity of trends which have thus far emerged. However, the estimated default ratio of about 4.26% for this program is approaching the current Section 221(d)(2) default ratio of 5.65%. Both of these rates are well above the Section 203 default ratio of about 1.9% at the end of 1971. The 1971 default termination ratio for the Section 235 program of 4.45% is well in excess of the Section 203 ratio (0.64%) and is also in excess of the Section 221(d)(2) rate of 2.54%.

Project Mortgage Programs

In all project mortgage insurance programs combined (Table I–P), the annual levels of default terminations fluctuated between 1963 and 1968 within a narrow range of 9,418 units in 1967 to 10,817 in 1963 except for a high level of 17,526 in 1966 during the "credit crunch"—when some mortgages were very possibly liquidated for reinvestment purposes. In 1969, with rising interest rates and following a period of lower levels of multifamily activity, default terminations declined to a very low level of only 2,416 multifamily units under all programs.

In 1970 these terminations once more began to rise, totaling 5,348 units in that year—about half the level of the mid-sixties—and rose further in 1971, to a total of 14,900 units. This higher number in 1971 is at least partly reflective of the increase in project insuring operations since the 1968 enactment of new programs, especially under Section 236. The biggest increases in multifamily default terminations since the mid-sixties have been under the Section 221(d)(3) BMIR program, which rose from zero in 1967 to 5,500 units in 1971, and the Section 221(d)(3) market rate program (including rent supplement projects, which rose from zero in 1967 to 3,400 units in 1971. These two programs thus accounted for three-fifths of the 1971 multifamily default terminations.

The trends of outstanding defaults (which have roughly paralleled the patterns of default terminations)—ranged between a year-end 1962 ratio of 1.11% of outstanding insured units under all project programs and 1.88% at the end of 1967. In 1968 and 1969 this default ratio declined (to a low of .56% at the end of 1969), rising thereafter to 1.50% at the end of 1970 and to 2.77% at the end of 1971.

At the end of 1969, as indicated Table 1–P and its subsidiary tables, the Section 207 and Section 221 (market rate) programs had current default ratios which approximated the rate for all programs combined (.56%). The Section 221 BMIR program had a somewhat higher ratio of 1.60% at that date. (It may be noted parenthetically, that, because of the relative size of individual projects and the practices regarding modification agreements which eliminate defaults, default ratios for individual programs may move rather erratically from time to time.)

Recently under Section 207, default ratios have moved moderately upward and at the end of 1971 about 1.3% of these projects were in default.

The upward trend in outstanding defaults has been most apparent for the Section 221 (d)(3) programs—upward from 1.60% at the end of 1969 to 9.7% at the end of 1971 for the Below Market Interest Rate program and up from .49% in 1969 to about 3.33% in December 1971 for the Market Rate program (including rent supplement projects). As completions of Section 236 projects have increased, initial delinquencies are being reported for this program—reaching 2.52% at the end of 1971.

About half of current outstanding defaults are accounted for by the Below Market Interest Rate program under Section 221(d)(3) and a sixth of the total each in the Market Rate program under Section 221(d)(3) and Section 236.

Housing inventory

The latest figures for 1971 indicate that in both the single family and multifamily insurance programs, there was an increase in units acquired and a decrease in units sold.

As of November 30, 1971, the national acquired home property inventory on hand was 37,708. The November figure cannot at this time be broken down by programs. However, as of August 31, 1971, out of a home property inventory of 34,203, 7,407 were insured under Section 221, 2,389 under Section 235, and 3,264 under Section 223(e).

The current trend indicates an increasing number of properties in inventory under Section 221, 235 and 223(e) of the Act. In addition, many of these properties are large, older homes built prior to 1920. These houses generally require extensive repair because of age and vandalism, and result in larger losses to the reserve funds. Such properties frequently are found difficult to resell.

As of December 31, 1971, the national inventory of acquired multifamily property was 180 projects containing 23,467 units. The current trend indicates an increasing number of multifamily properties in inventory out of the subsidized programs, principally Section 221(d)(3), with a December 31 inventory from this section of 21 projects with 2,009 units.

Glossary

A "default" in an FHA insured mortgage occurs if payment is not made within 30 days following the due date. Because many transactions are briefly in technical default before payments are brought current default statistics for the single family programs are collected only for mortgages which are in arrears for 90 days or more. Since the absolute number of defaults in the multifamily programs is far less than in the single family programs and since there is a greater need for monitoring of project mortgages, information on multifamily project defaults is received from mortgages no later than 60 days subsequent to the payment date.

"Foreclosures" are generally under the direction and control of the insured mortgagee. In those situations where mortgages are assigned to the Secretary, however, foreclosure proceedings (if any) are instituted by the Department. This is particularly significant in the multifamily housing program since mortgagees may assign defaulted mortgages to the Secretary as a matter of right. In the single family home program a mortgage can generally only be assigned to assist a homeowner presently experiencing difficulty making his payments who has the potential of straightening out his financial problems. In addition, mortgages on properties insured under Section 235 which are abandoned may be assigned to the Secretary. Most of the single family assignments fall in this latter category. No separate foreclosure statistics are included in this response since information on mortgagee-initiated foreclosures as well as assigned mortgages is included in the category of "default termination."

"Default terminations" include mortgages which have been foreclosed with title tendered to the Secretary, mortgages which have been assigned to the Secretary, and mortgages foreclosed by a mortgagee who decides to retain title to the property instead of making a claim for insurance proceeds.

"Property acquisitions" includes the following: Titles transferred to the Secretary after foreclosure or the means of acquisition by the mortgagee; titles acquired by the Secretary through foreclosure of assigned mortgagees; and titles voluntarily transferred to the Secretary by mortgagors of assigned properties.

Properties included in the category of "property dispositions" include only those sold by the Secretary. Properties in the process of sale where no formal transfer of title has been made are not included.

Statistics on "insurance in force" include only those mortgages for which insurance is presently outstanding. Default terminations, maturities, prepayments (which usually occur when a property is sold and the mortgage is not assumed) and voluntary terminations of insurance contracts have been excluded from this category. The category of "insurance written" includes the total number of dwelling units covered by mortgages insured during a specified period of time for a particular program or progams.

QUESTION NO. 2

What do you believe are the underlying causes of the current problem? To what extent do they vary by area and program? Do you anticipate any change in the default situation in the near future?

As discussed in our response to Question No. 1, we have not yet completed our analysis of the data on defaults and foreclosures. However, based on experience, and the information presently available, we are addressing the following problems:

Central city environment

The problems of defaults and foreclosures are most visible and contagious in decaying neighborhoods of our central cities where they are related to the increasing problem of housing abandonment. It is important to emphasize that in these neighborhoods, where the problems are concentrated, abandoned, vandalized buildings are symptoms of the social, economic and physical ailments of our cities. Housing programs alone cannot solve the problems of these neighborhoods nor can unilateral actions by HUD solve the problems of foreclosure and abandonment. In fact, the availability of HUD financing for inner-city sales may, in some cases, be a cause as well as a cure for these problems.

Abandoned buildings are the end product of a depressing spreading process of blight which, though started earlier, frequently becomes discernible with the movement of middle income black families into older, but still good areas of the city. All too often the ugly pressures of racism cause white families, with sufficient economic flexibility, to flee to other neighborhoods in the city or the suburbs. This exodus is made possible for many homeowners by the recent inner-city availability of HUD programs which enables them to get money out of the homes they are selling through HUD financing, as well as finance their new homes with HUD or VA assistance in the suburbs.

Tenants also flee, creating vacancies which sometimes become burdens on landlords. Rather than maintain these vacancies while waiting for a family with adequate income to move in, a landlord may accept lower-income families, or welfare families. This adds social and economic differences to the racial differences and tends to accelerate movement out of the neighborhod by white families and middle income black families who had moved in to find better living circumstances. The neighborhood quickly becomes a low-income area. Early in the process, property owners and investors see reduced return and increased risk. They begin to disinvest. Those who do not sell out, frequently cut back or eliminate maintenance, the easiest cost to control. Buildings deteriorate—fulfilling a self-created prophesy.

Associated with these changes is the declining availability of public services in these neighborhoods, too frequently coupled with a substantial increase in crime. Increased risks of fire and crime are accompanied by the increased unavailability of property insurance. Fear—a lack of perceived and actual security—further accelerates the process of abandonment by economically mobile homeowners, tenants, and landlords.

In many neighborhoods, the process is well advanced. In others, it has only begun. It is clear, however, that this widespread disinvestment in a neighborhood, if not arrested, leads directly to defaults, foreclosures and abandonment, not only of FHA insured properties, but of other properties in the neighborhood.

We must address ourselves to the basic afflictions of our urban centers—social problems of crime and drug addiction, inadequate health, education and other public services, and the economic problems of soaring taxes and increasing unemployment caused by the flight of industry and business to the suburbs. The rot continues to spread, even beyond the boundaries of the central city, while a multiplicity of autonomous governments impedes or prevents the development of metropolitan solutions. The failures of government are clear at all levels. In the face of inadequate municipal efforts, state governments have provided insufficient leadership and resources while the Federal response has been characterized for too long by a confusing jumble of numerous uncoordinated single-purpose programs run by various Departmental bureaucracies from Washington.

Of course, part of the problem is a physical one. Many urban areas contain a large number of uneconomic, functionally obsolete housing units. These units are simply worn out. They cannot be rehabilitated or satisfactorily maintained at reasonable cost. Where such housing units exist in large numbers, the neighborhoods in which they are found will continue to run down and bring down with them the value of nearby housing which today may be standard. In some urban areas, the housing may not only be worn out, it may no longer be needed where it is located. The factories, the businesses, the transportation networks which originally provided the impetus for the construction of those now outmoded housing units may long since have disappeared or substantially diminished.

Homeownership programs

In our homeownership programs we must acknowledge the high risk in carrying out Congressional mandates to provide homeownership opportunities to very low income families and to insure high risk mortgages in older declining urban areas. Our foreclosure experiences in Detroit under the relaxed "acceptable risk" criteria of 223(e) among welfare families illustrates this vividly.

Inadequate Income

More and more the clientele served by HUD low income homeownership programs includes families where defaults must be anticipated. The low down payment, in many cases as low as $200, permits inclusion of families with little financial management experience. With limited financial resources many have difficulty surviving periods of unemployment, illness or unusually high expenses. For those with a very low inflexible income such as public assistance, unusual expenses lead almost inevitably to difficulties. When a homeowner is faced with inadequate income his only alternative to default is to sell the house. In the first years of mortgage amortization a sale may not be possible because the costs of sale, even assuming stable values, simply exceed the homeowner's investment in the property. Selling a home may be particularly difficult if the interest rate on the owner's mortgage exceeds the current market interest rate, thereby making an assumption of the mortgage unattractive to a potential buyer.

Inadequate Understanding of the Responsibilities of Homeownership

Many low income buyers are uninformed and unprepared to assume the responsibilities of budgeting and maintenance that go with homeownership. Not only must these new homeowners become accustomed to making regular monthly payments on their mortgages, they must also assume the new burdens of maintenance expenses that are customarily handled by landlords. For those lower income families moving to suburban areas, a new dimension of expenses arises from the need to maintain suburban standards of living in automobiles, clothing, house furnishings, education, lawn care, etc.

For those who strive to meet these tests, the financial burden is heavy. For those with less motivation, the low amount of equity required reduces incentive to change.

Physical Condition of Property

The problems of low income homeowners can increase very substantially when major repairs must be made to a house. Such a homeowner must either borrow the necessary funds for repairs at high interest rates, increasing the expenses beyond his financial capacity, or permit the house to deteriorate, perhaps to a stage where it becomes unlivable. Some families have been victimized by unscrupulous speculators. The failure of some HUD personnel to properly appraise and inspect older properties and to require necessary repairs compounded the problem. Also, in some cases defects in older homes are latent and cannot be discovered even by careful inspection. Usually as a result of a combination of these factors home buyers simply stop paying on their loans leading to default and ultimately foreclosure.

Multifamily programs

In the multifamily programs, both subsidized and unsubsidized, several factors have contributed to the rising default and foreclosure rates. They are frequently found in combination.

Inadequate Demand

A shortage of prospective tenants within the required income range may result because of a change in the local economy between the time the project was initiated and the time it is marketed. Other competing units may be built conventionally creating an excess supply in that segment of the market. In a few cases HUD has inadvertently contributed to this problem by exercising poor underwriting judgments in reviews of project proposals.

Locational Factors

Location of projects too great a distance from suitable community services and employment centers, and concentrations of low income housing, have both created difficulties leading to defaults. The site on which a project is located is crucial since success of a project, particularly one located in areas of dense population, depends not only upon the physical facilities included in the project, but also on the living environment surrounding the property which is created by the adequacy of public services and the accessibility to community facilities and employment. Our default experience with som rehabilitation projects which are not accompanied by a large scale neighborhoo rehabilitation effort demonstrates the negative influence of deteriorating neighborhoods on what otherwise might have been good projects.

Escalating Operating Costs

Taxes and maintenance costs are frequently rising faster than anticipated. HUD has sometimes approved projects as feasible on the basis of operating budgets which subsequently proved inadequate. Frequently such costs rise faster than tenant income in the subsidized projects. We are finding it necessary to approve substantial rental increases for sponsors to enable them to generate sufficient income to operate their projects even though this forces many tenants to move out or pay inordinately high percentages of their incomes. In a recent survey of the Section 236 program, for example, we found that many tenants in a cross section of projects throughout the country are paying substantially more than 25% of their adjusted income for rent.

Poor Management

The problem of spiralling operating costs is compounded by the shortage of experienced capable managers, particularly those skilled in handling problems of low income tenants. HUD personnel and project sponsors have too frequently given insufficient attention to such problems. It has become clear that housing management must be professionalized and given greater emphasis in project planning and processing.

Construction Defects and Delays

In a number of instances, contractors have exceeded their capabilities both in regard to the size of the job and in the financial resources necessary. Unrealistic cost estimates lead to overruns, liens and work stoppages. Defects have caused delays resulting in further excessive expenses, disrupted rent-up schedules and uninhabitable units.

The Near Future

Changes in the default situation in the near future cannot be predicted with precision. We believe that the actions, described below under Question No. 5, will reduce the type of situations in which hindsight has told us we may anticipate defaults.

However, changes in underwriting policy do not produce an immediate turn around in default rates. Mortgage insurance claims being paid today are most likely the result of actions taken one to four years ago. (Actuarial tables indicate that in only about 2/10 of 1% of mortgages insured is there an acquisition of title by FHA in the first year.)

(The actuarial rate is more than three times as great in the second through the fourth years diminishing thereafter but not falling below the first year rate until the ninth year.) Thus, while we have taken some preventive actions and are studying others, we cannot say that there will be a prompt decrease in defaults.

In the preceding discussion, we have not considered as a causative factor the large swings in local unemployment levels caused by changes in national allocation of resources, such as the reduction of size of Armed Forces installations or Government-oriented manufacturing. These are not completely predictable within a mortgage underwriting framework. While the adverse effect on a particular city can be great, there may be no implication of a need for remedial action in underwriting. Further, when taken into national averages, these defaults may well be actuarially acceptable.

One other factor which cannot be properly assessed in advance in underwriting is interest rate fluctuation. In cases in which mortgagors may have financed at interest rates up to 8½%, compared to the present rate of 7%, the relatively high monthly costs, where the costs of refinancing are not justified, may be a factor encouraging default, even though as originally underwritten such mortgages may properly have been considered to be within the mortgagor's ability to pay. This may apply equally to home and project mortgages.

QUESTION NO. 3

What cities in addition to Detroit have had, and can be expected to have major default problems? Do you have any notion of which cities may be expected to have Detroit-like press coverage?

Detroit

In Detroit, there were, as of November 30, 1971, 5,927 homes in the area office inventory, one-sixth of the nationwide total. The number of properties in default, in foreclosure, and being held in the redemption period was also substantial.

The particular intensity of the default and foreclosure problem in Detroit stems from several factors. First, the Detroit area has a very high percentage of single family homes with an attendant large volume of FHA insurance activity. A large absolute number of defaults and foreclosures should not, therefore, be considered unusual. Second, there is a large inventory of existing homes in the Detroit area with moderate prices (as compared with new construction) which are either in an acceptable condition or readily susceptible to rehabilitation. The availability of this resource led to the extensive utilization of the higher risk subsidy programs. Third, the relatively favorable welfare payments available in the State of Michigan and the overly-enthusiastic utilization of the Section 235 subsidy program for welfare families by the Detroit office, placed a large number of families ill-equipped to be homeowners in homeownership roles. Fourth, a high rate of unemployment in the Detroit area (which is heavily dependent upon the automobile industry and, therefore, subject to extreme cyclical variations) contributed to the problem. As of August 1971, the national percentage of unemployment was 6% while the Michigan figure was 9.6% and the Detroit figure was 8.9%. In all probability, these figures were significantly higher in the middle and innercity neighborhoods. A recent survey showed that almost 20% of the mortgagors in default reported that loss of income was the reason for their failure to continue to make payments. Finally, the heavy utilization of the 223(e) criteria, the significant number of defective homes which had been insured under Section 221(d)(2) and the attitude of potential purchasers toward certain areas of the city were contributing factors to the Detroit problem.

Homeownership—other cities

Several of the factors contributing to the area concentration of defaults and foreclosures in Detroit are found in other localities. Large numbers of moderately priced, relatively sound existing homes are located in Boston, Baltimore, Chicago, Wilmington, Los Angeles, Seattle and Dallas. The States of Michigan, California, Illinois, and Ohio all have relatively favorable welfare payments, especially to households with female heads and several children. Unfavorable local economic conditions exist in several cities: the cutback at Boeing Operations has caused severe unemployment in Seattle; the closing of an Air Force Base and the reduction in oil drilling have hurt the housing market in Lubbock, Texas; and the cutback in the space program has handicapped the city of Tampa, Florida. Inner-city problems are also not unique to Detroit—Cincinnati, Philadelphia, and the Hempstead area have all experienced problems with housing in the inner-city.

Although several of the factors contributing to the concentration of default experience in Detroit are found elsewhere, it seems very doubtful that any other locality combines the economic conditions and neighborhood characteristics of Detroit with the scale of inner-city program activity in mortgage insurance which occurred in Detroit.

In San Bernardino-Riverside, in Wilmington, in Boston, and in St. Louis we have experienced default terminations under Section 221(d)(2) which are proportionately greater than those in Detroit. However, because the scale of operations in Detroit substantially surpassed the other localities, the numbers of default terminations in Detroit were much higher than in the other cities. Only in Philadelphia has the number of Section 221 default terminations (2,172) through June 1971 approached the Detroit total (2,978). The attached table shows for selected cities with respect to the Section 221(d)(2) program, the cumulative insurance of mortgages through June 30, 1971, the default terminations from 1967 through June 30, 1971, and the numbers of default terminations which could have been expected on the basis of national total experience and on the basis of a standardized actuarial pattern of terminations. The cities are ranked in the order of their percentage of cumulative default terminations.

The Section 235 program has not been in operation long enough to establish meaningful default termination experience. However, year-end 1971 reports from selected insuring offices (three-fourths of reports received) suggest that outstanding defaults may warrant special attention in some jurisdictions, particularly in South Carolina and in southern Texas (where production costs permitted a vigorous expansion of housing production at a time when the rates of economic and household growth were slowing down) as well as in western Washington.

Multifamily—Other cities

With respect to multifamily program operations, there are a few localities where mortgage insurance claims during 1970 and 1971 or outstanding defaults at the end of 1971 have been in sufficient numbers to warrant special attention. At present, we can identify the following cities on the basis of default terminations:

Boston (Section 221 BMIR, rehabilitation).

Camden (rent supplement).

Chicago (Section 221 BMIR).

Dallas-Fort Worth (selected projects in several programs).

Detroit (selected projects in several programs).

New York City (experimental rent supplement).

Seattle (selected projects in several programs).

Wichita (rent supplement).

The defaults in Seattle, Detroit, Wichita and Dallas-Fort Worth stem in large measure from economic factors, particularly cutbacks in the aerospace and related industries.

The default rate in Chicago and Boston stems primarily from the failure of large socially motivated inner-city rehabilitation programs to live up to earlier expectations.

At the end of November, three additional jurisdictions reported outstanding defaults involving more than 1,500 units in multifamily projects—Columbus, Indianapolis, and Newark. These areas will also be watched closely.

Press coverage

With respect to the second part of your question, it is very difficult to forecast with any accuracy the specific cities which may be expected to have Detroit-like press coverage. This is because the treatment of news seems to us unpredictable—depending on individual reporters' initiative as well as the editorial policies of particular newspapers. Generally, however, it would not be surprising if sustained press coverage were given to the problem of defaults and foreclosures, at least in some of the cities mentioned above. This is particularly true now because newspapers in cities around the country are, as a result of the in-depth Philadelphia press coverage, probably far more sensitive to the default and foreclosure problem than they might otherwise have been. Particularly intensive press coverage can be expected in cities where the problems of default and foreclosure are concentrated in inner-city areas experiencing abandonment, where the houses being defaulted upon are substandard, and where legal service attorneys and public interest law firms are aggressively pursuing the interest of their lower-income clients.

QUESTION NO. 4

Given the seriousness of the present situation, what remedial actions does HUD contemplate to reduce abuses that may play a role in defaults and to ameliorate as much as possible any adverse impact on low and moderate income homeowners who might face foreclosure? What will be the effect of recent Michigan law which reduces the redemption period for vacant lots to thirty days?

Much of our effort to reduce abuses in HUD housing programs has, of course, been directed toward prevention. These steps are discussed in the answer to Question No. 5 Also more fully discussed in Question No. 5, among the preventive steps taken, has been increased investigative activity to identify and deal with abuses.

With regard to remedial action directed toward reducing the adverse impact of past abuses on low and moderate income homeowners, we have given primary attention to the effective implementation of our authority under Section 518(b) to correct or compensate owners of 235 "existing" houses for structural or other defects seriously affecting the livability of their homes.

Regulations and instructions implementing this program were issued in April of 1971 and have been periodically supplemented to improve our efforts to assist owners of homes which were improperly appraised. Further instructions are going out shortly to emphasize that our field offices must give prompt equitable relief and that the scope of such relief should be sufficient to satisfactorily compensate the owners within the limits of the statute.

We have recently written to Chairman Patman, in response to his inquiry, advising him that this Department would support an extension of the time limits for filing of claims under Section 518(b) in those cases where the mortgage was insured prior to December 31, 1970. He has indicated that he will propose such an extension and we have advised him that our field offices will continue to accept claims filed after the Section 518(b) deadline, but will postpone further action until the Congress determines whether to authorize an extension.

Although Section 518(b) is our most significant authority for providing remedial assistance, we are also continuing to utilize the long standing authority under Section 518(a) to provide assistance to homeowners of new homes constructed under FHA inspection procedures.

This Department has recommended in proposed 1971 legislation the extension of our remedial authority to cover all existing housing insured under the relaxed underwriting criteria applicable in declining urban areas. Our proposal would eliminate the present situation in which unsubsidized homeowners, who bought in declining urban areas under FHA insurance programs, are barred from Section 518(b) assistance. It is extremely difficult to justify a distinction between homeowners under the 235 program and other homeowners in deteriorating urban areas whose houses have serious defects which were missed in HUD appraisals or inspections. In many cases, the unsubsidized 221(d)(2) or 203(b) homeowner may have no greater available resources after making his mortgage payments than a 235 homeowner and, thus is equally unable to assume the burden of correcting major defects.

In cases where, because of abuses or insuring office failure to follow underwriting procedures, mortgagors may have purchased homes beyond their ability to maintain or pay for, the Department will use all of its authority to provide forbearance relief. Mortgagees are often reminded of the forbearance and mortgage assignment provisions in the home mortgage insurance programs and their responsibilities for prudent and humane servicing. Generally, they take the initiative in working out informal or formal forbearance arrangements on the basis of their judgment on the possibility of avoiding foreclosure. Only on relatively rare occasions have home mortgagors in distress scught assistance from HUD field offices. When such assistance is sought—and we are considering various proposals which would make it more likely that hardship cases are brought to our attention—we have and will continue to make every reasonable effort to assure that those seeking forbearance assistance receive all possible consideration.

In regard to the part of your question concerning the new foreclosure and redemption law in Michigan applicable to abandoned properties, the effect should be beneficial. The new law will reduce to 30 days the time after foreclosure sale in which a mortgagor who has abandoned his home may appear and redeem the property. This will provide a speedier way of obtaining control of abandoned property and may in some cases assist in reducing the impact of vandalism prior to rehabilitation and resale. Vandalism of a property, however, often occurs within days after its abandonment. If vandalism is to be arrested, therefore, it is crucial that knowledge of the abandonment be received immediately in order to permit quick boarding-up of a property. We are presently considering several proposals to provide prompt protective measures in the case of an abandonment, including the levying of surcharges against the lender where he fails to adequately protect the property and the authorization of fees to mortgagees or third parties to perform periodic property inspections.

Whether or not vandalism is substantially reduced by the new Michigan law, the property, by being more quickly rehabilitated and returned to use (or the site cleared if this is the better course), will not contribute so long to a general air of decay in a neighborhood. We believe that this will help relieve the snowballing effect that first one, then another, abandoned property has in contributing to neighborhood decay.

QUESTION NO. 5

What preventive measures are being considered by HUD to reverse the present default trend? Do you expect that these measures can be accomplished by a re-affirmation of existing policies, institution of new policies and/or adjustments in the existing housing legislation? What experience is there to indicate the utility of an intensive counseling program in conjunction with home-buying?

The first step in default prevention is clearly to emphasize quality in the administration of our housing programs. Only if our case-by-case processing is effective can we expect improvement. We have already made a number of reforms in our processing procedures and expect to implement additional steps in the near future. At the same time we are, through our newly decentralized organization, taking steps to provide increased supervision and review not only in area offices but in our regional offices as well. HUD has recently stressed the role of regional offices in providing careful supervision of the implementation of our programs. We expect that this strengthened supervision together with our newly functionalized management structure will provide a more effective follow through.

A number of the specific steps taken by this Department to reverse the present default trend in the cities are described below. The larger problem of abandonment and decay is addressed later in this response.

Selection criteria for subsidized programs

Utilizing the new Project Selection Criteria published in the Federal Register on January 7 of this year, we are giving increased emphasis to the screening of applications for our subsidized programs to insure that only the best available are funded. The utilization of these criteria requires a very thorough analysis of projects, even before feasibility processing is begun. Some of the items considered are:

(1) the degree to which the project responds to the most urgent needs for low income housing in terms of number of bedrooms and structure type;

(2) the extent to which the project provides opportunities for minorities to live in housing outside existing areas of minority concentration;

(3) the extent to which the project location avoids concentration of subsidized housing;

(4) whether it is located in neighborhoods containing adequate facilities and services and accessible to job opportunities;

(5) consistency with principles of orderly growth and development with particular attention given to multi-jurisdictional approaches such as metropolitan development plans;

(6) the relationship of the proposed project to physical environment avoiding adverse environmental conditions, natural or man-made;

(7) the ability of contractors to produce quality housing and to generate job opportunities for minority workers;

(8) provision for sound housing management such as occupancy plans, fiscal controls, realistic expense estimates, and plans for maintenance, tenant-management relations and social services.

This selection system is an extremely significant management tool for insuring that Departmental resources are used to support the best possible projects. Used properly it should enable us to eliminate, at the outset, many projects or conditions which contain the seeds of default and foreclosure.

Homeownership programs

We have taken a number of steps to improve the administration of our homeownership programs. Most of these reforms cover both subsidized and unsubsidized housing. First, a more careful screening of applicants: Instructions are being issued to field offices making clear that a firm commitment for mortagage insurance is to be issued only when the mortgage credit analysis indicates that the mortgagor can be reasonably expected to meet the mortgage obligation as well as other recurring family needs, property maintenance, and repair expenses. More emphasis will be placed on determining that the prospective mortgagor will not be obligating himself to spending a greater portion of his income for housing than he can reasonably be expected to carry. Also, the credit history of the borrower will have to indicate that he is able to accept the responsibility of homebuying or that counseling is being provided for that purpose. (A discussion of counseling is included below.)

Appraisal procedures have been strengthened, particularly in inner-city areas, in order to obtain more thorough and realistic appraisals. An intensive training program has been instituted for all staff and fee appraisers handling inner-city work. Sketch floor plans and front and rear photographs are being required in these areas. All appraisals of existing properties in such areas receive a full desk review and 10% receive an additional field review including an additional inspection prior to the issuance of the commitment. Appraisal techniques have been improved. We now make a practice of identifying ownership where the seller is not the owner-occupant and use a modified cost approach to appraisal in areas dominated by speculator activity.

For existing properties the requirements concerning repairs to be made before commitment are being strengthened. We have given particular attention to contractors' certifications concerning the condition of the mechanical equipment and the structure, and more careful inspections to determine whether required repairs have been satisfactorily completed before the property is sold. In Detroit, and in code enforcement areas in other cities, we have instituted an additional requirement for mortgage insurance that city inspections be performed. This procedure has provided an outside check on our own inspections.

In our implementation of Section 518(b) we have required that sellers agree to reimburse HUD for repairs made pursuant to that section. In the case of non-occupant sellers, we have required escrows. In addition to the remedial effect noted in the answer to Question No. 4, these procedures will have a salutary effect in inducing presale repairs.

By making a more careful assessment of the ability of an applicant to handle the costs and responsibilities of homeownership and by attempting to reduce the likelihood of serious defects or extensive maintenance problems, we should reduce defaults due to the purchaser's dissatisfaction or the purchaser's inability to cope with the physical or financial problems of maintenance repairs.

In addition to repairs which can be made to subsidized housing under the authority of 518(b), Title I regulations have been changed to permit home improvement loans to be insured for homeowners with irregular incomes (but adequate credit background).

For those in the lower end of the income brackets eligible as homebuyers under assisted programs, but not fully ready to discharge all ownership responsibilities, the Department will shift the emphasis from immediate purchase to purchase under the recently developed Turnkey III and IV programs, using local public agencies. This has the advantage of providing subsidies through the supervision of a governmental entity which has public responsibility for assuring that the objectives are being carried out. Under these programs initially, the occupants are not given title to their dwellings. Instead they are given the opportunity and the right to purchase them for the unpaid balance when they can afford to do so. During this period they are called "homebuyers" and have lease-purchase agreements protected by the annual contributions contract with HUD. These programs provide incentive to the families in the form of opportunities to eventually own the dwelling units in which they live as well as cash incentives for maintaining their dwellings while recognizing that until the family is fully able to discharge the responsibilities of financing, taxes, insurance, utilities, maintenance and replacements including reserves), homeownership may neither be good for the well-being of the family nor good for the continued well-being of the house and the neighborhood.

Multifamily housing

In addition to the implementation of the Project Selection Criteria for subsidized multifamily projects, we have instituted a number of other reforms directed to reducing the default and foreclosure rate on all multifamily projects.

We have initiated a much tighter feasibility analysis of applications with a particular emphasis on management. New directives require a careful examination of operating expense estimates to insure that they are adequate. A management plan is being required from each sponsor at the feasibility stage. The management agreement is to be checked and analyzed to insure that the fees are adequate to do the job. The rent-up procedures of owners are being closely examined with an eye to the utilization of rent supplements to avoid excessive rent for lower income tenants. We have also directed that particular attention be given to utility costs and property taxes to make sure that the estimates are realistic and accurate before a commitment is issued. Supplementing these efforts, we have initiated a process for certifying managing agents who will service multifamily projects and requiring sponsors to have managing agents involved in project development from the feasibility stage.

In addition to insisting on more careful attention to management at an early stage in processing we are taking other steps to improve the quality of our projects, particularly 236:

(1) Closer coordination with the Sponsor's architect during the design stage and better architectural oversight during construction;

(2) Project design emphasizing long term marketability, without unnecessary luxury so that costs are not excessive;

(3) More complete rehabilitation work specifications;

(4) Proper development and use of cost data banks for better cost estimation;

(5) Stronger credit analysis of sponsors and tighter controls over mortgage funds during construction.

We have also corrected a problem arising after construction by permitting interest reduction payments to be made during the rent-up period after completion of construction and prior to final endorsement for insurance. Delays in complying with cost certification and other legal and administrative requirements, after all interest allowed in the mortgage for the construction period had been used, made this step necessary; rentals during this period are based on Section 236 interest assistance payments being made by HUD and thus were inadequate to meet debt service without assistance.

Enforcement activities

As briefly noted in response to Question No. 4, the Department has taken several steps in the mortgage insurance programs to curb abuses which may lead to defaults.

In 1971, the Department substantially increased its investigation of abuses by participants in the mortgage insurance programs. The number of investigations conducted by the HUD Office of Investigation or by the FBI (initiated by the Department) increased from 532 in 1970 to 1136 in 1971. In the same period of time the number of persons or organizations debarred from participation in the mortgage insurance programs pursuant to Section 512 of the National Housing Act increased from 53 to 68. This activity occurred largely in the single family mortgage insurance program.

In the multifamily mortgage insurance programs, we continue to conduct a central office review of the Department's previous experience with sponsors, mortgagors, contractors, consultants and packagers. Because of the growing importance of the management function in multifamily projects, we have recently added management agents to the parties subject to such review. When the review discloses adverse information relating to the previous participation of these parties, a new project is not approved with respect to their participation, or approval is withheld until the problem is satisfactorily resolved. In 1971 the participation of 26 persons or organizations was disapproved because of adverse information and approval was withheld on 114 persons pending resolution of problems in existing projects.

In 1972, we expect to step up enforcement activity. In particular, we have plans to include as reasons for debarment certain kickbacks paid by mortgagees as well as the unauthorized and unwarranted use of phrases like "FHA Approved." We also expect that new procedures for inspections and repairs should permit effective enforcefent action against improper certification by repairmen.

Counseling experience

The counseling program has been operated with volunteer agencies with varying programs of counseling. The Department does not have hard statistical data on the effects of this counseling. However, we expect to carefully evaluate a new, more standardized program for purchasers under Section 235 and Section 237, which has been initiated in fifteen cities (including Detroit). The new program provides for payment of a fee that will be negotiated but cannot exceed $100 for each counseled applicant obtaining HUD-FHA mortgage insurance. The fee is to be withheld from the sales proceeds at time of settlement—it is not to be paid by the homebuyer.

Counseling agency contracts with HUD require them to screen all applicants for Section 235 and 237 programs referred to them by HUD and to individually structure a counseling program to meet the particular needs of each applicant. Depending on the applicant, counseling will include information on finances, housing selection, purchase procedures, and property maintenance. The agencies will also provide referrals to other community services. Post-occupancy counseling will be made available, as needed.

These efforts should provide some statistical evidence of the effect of counseling on defaults and eventual foreclosures. If the program proves effective we will consider expansion to include other homeownership programs for low and moderate income families and to provide such assistance on a nationwide basis.

Other housing policies for 1972

In 1972 we expect to give particular emphasis to insistence on quality production in subsidized multifamily programs. Quality will be an important control factor on subsidized processing. In order to emphasize quality the Fiscal Year 1973 budget request for 236 has been limited to $150 million of contract authority as compared to $200 million in Fiscal Year 1972.

In addition to insisting on quality ourselves, we are preparing a consumer education program to help homebuyers and renters look out for themselves. We will attempt to reach buyers and renters in the conventional market, as well as those using HUD programs. TV spots, as well as written material, are being prepared to implement this effort. A concerted effort will be made to educate the public about the potential pitfalls of purchasing housing.

In light of our experience in moving into full-scale production without adequate testing of complex subsidy programs, we will begin carefully testing other approaches to meeting the nation's housing needs. We expect to give particular attention to studying housing allowances as a technique for providing an efficient and equitable approach to subsidizing low income families. We also plan to look closely at the Section 23 leasing program as a tool for improving the quality of the existing housing stock.

Detroit "early-warning system"

With research funds, HUD is sponsoring the development of a computerized "early-warning system" on defaults of FHA-insured homes which will be immediately installed in the Detroit Area Office where the problem is severe. The computerized information system, which will consist of a comprehensive list of properties in default and their location, will enable the Detroit Office to take timely and effective remedial actions, such as mortgagor counseling and assisting lenders in providing relief to homeowners, to reduce HUD acquisition of such properties.

Realinement of department staff

The Department is presently planning to deploy additional staff now assigned in our Regional and Headquarters Offices to Area and Insuring Offices where they are needed the most to improve our program delivery, particularly in the housing programs. A Management/Manpower Review Team has been used to identify areas where additional deployment of staff can be made from these offices to the field. The over-all objective is to increase the staff in our Area and Insuring Office by at least 400 positions before the end of this Fiscal Year.

Metropolitan solutions to metropolitan problems

At the same time we are working to improve our housing programs, we must deal with the broader problems of our cities. These problems—the problems of crime, unemployment, drugs, declining tax base, inadequate public services, poor quality education, disinvestment, and the general lack of confidence in the economic and social vitality of an area—cannot be cured by housing programs alone. If these problems are not faced and dealt with, the result is widespread withdrawal from our central cities by private investors and private leadership.

On a neighborhood level, as we have seen in Detroit and other cities, the result is abandonment—empty homes, apartments and stores. The causes leading to the loss of confidence and disinvestment which result in abandonment, are complex and interdependent. It is clear that effective lasting remedies must be mutually supportive. The strategy for attacking these problems cannot be dictated by the Federal Government but must be developed by the leaders and residents of our metropolitan areas who are most directly involved. Only in this way can a concentrated, coordinated response be developed and a scatter-gun, band-aid approach avoided.

We have already taken steps at HUD to encourage such an approach. This year we grouped all of the community development programs under one Assistant Secretary to promote better coordination of HUD assistance. To implement this coordinated approach, the Department has already begun encouraging localities to prepare their own annual plans for coordinated community development. On the basis of these plans HUD has already entered into agreements with sixteen localities covering a full range of housing and community development projects for the year. On the basis of these "Annual Arrangements" both the Department and the local community reach agreement on commitment to a specific set of priorities.

We have also turned the Model Cities Program around to increase the capacity of state and local officials to set their own priorities and strategies for dealing with their problems. As a major step to encourage responsible local action, we have introduced "planned variations", a two-year demonstration program giving 20 cities greater flexibility in the use of model cities funds. Sixteen of these cities are able to use the model cities approach on a city-wide rather than just a neighborhood basis. This way of doing business can readily be adapted to a metropolitan attack on the causes of abandonment.

This Department, of course, does not have all of the answers or all of the resources to combat these problems. In addition to the tools available to HUD, however, other Federal Departments have programs which can be utilized in a comprehensive attack on these problems. The recent action of the Justice Department in making available funds to fight inner-city crime is an outstanding example of a federal effort to deal with a problem which is closely associated with neighborhood abandonment.

There is no single solution to the array of problems leading to neighborhood abandonment. The problems in each of our metropolitan areas—although having common elements—may have to be approached differently. We have, therefore, contracted for a variety of research studies—some of which have already been completed—in order to gain better understanding and clearer perspective of the process of neighborhood abandonment. We are also designing a program of experiments which will be carried out in several cities to test means of preventing neighborhood abandonment. We recognize that a neighborhood strategy in an area characterized by extreme decay and widespread abandonment must be different from that directed toward a neighborhood where blight is only threatened. It is in the latter neighborhoods that we have our greatest leverage and opportunity to alter the pattern of contagious spread of blight.

It is the thesis of the experimental program on prevention of abandonment, that those neighborhoods that are just beginning to show signs of trouble can be identified and that a combination of actions can be initiated which will keep them from becoming badly deteriorated. This is an effort of conservation, emphasizing prevention of decay over correction. A combination of neighborhood actions has to be designed to restore confidence in that neighborhood: confidence on the part of families who have the opportunity to move in or out, confidence on the part of potential investors and financial institutions that there is still a reasonable return on investment to be made in the area.

Steps have to be taken to restore this confidence while there is still enough of it left to work with. This implies working in threatened neighborhoods before crime and vandalism have increased greatly, before commercial vitality is sapped, before lending institutions have decided not to make further loans in the area, before economically mobile families decide to move and before there has been an irreversible erosion of the quality of the public services. We are working on the premise that intervention in a few key elements can have a major effect on the confidence of some of the major groups involved, the financiers, the mobile middle-class, and the city government itself.

Where the abandonment process is already well under way HUD also has tools to assist local leaders seeking corrective measures. Redevelopment of large areas is possible through the annual renewal program known as the Neighborhood Development Program (NDP). Municipalities may be provided funds to assemble vacant parcels, demolish buildings, install public improvements, relocate families and business and write down land costs to redevelopers. New land uses, including new housing, space for commerce and industry, parks and cultural institutions are often the only remedy available to cure the illness of neighborhoods affected by abandonment. Grants for urban parks and neighborhood facilities have permitted some cities to replace vacant structures with green spaces or community service centers that can contribute to a revitalization of the area. Other Federal agencies also have programs which can contribute to these efforts.

We have begun to call meetings in several key metropolitan areas—Boston, Detroit, Philadelphia, St. Louis and Wilmington for the purpose of determining the extent to which available resources and leadership can be applied in a more effectively metropolitan approach. The idea is to arouse an awareness that living or having one's business in the suburbs does not provide immunization against the rapid deterioration of core areas. These meetings will enable us to determine whether the action to be taken can be based on joint federal, state, metropolitan-wide, public and private effort, or whether it must for the immediate future be limited to federal and central city action.

The Department will not be bringing to these meetings any ready-made HUD plan, nor any other Government-agency plan. The purpose is rather to make government and private leadership, at all levels, aware of their options and of the various approaches which are available for dealing, on a metropolitan basis, with the problems associated with inadequate transportation, education, jobs and housing, as well as such problems as pollution, drugs and crime.

We will invite the governors, the mayors of the suburbs and the central cities as well as county and area-wide officials and representative private leadership. We have also invited key officials from other Federal Departments whose responsibilities include programs addressed to the social, economic and physical problems of the cities. We hope through these meetings to provide an opportunity for the creation of a metropolitan strategy.

This will be a time for decision making. Government and private leaders at the state and local level will have the option of invoking the various Federal programs available to solving metropolitan problems on a metropolitan basis—or—continue to approach these problems using the existing network of fragmented local government bodies. The Department is prepared to devote additional resources where promising possibilities develop for a metropolitan approach to these problems. It is clearly a choice which must be made at the local level. That is why we have called these the TOP meetings—The Option Process.

FHA MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, ALL SECTIONS, 1960-71

[Number of dwelling units]

				Default terminations[1]		Cumulative default terminations		In serious default[2]	
Year	Insurance written	Cumulative insurance written	Insurance in force	Number	As a percent of insurance in force at beginning of year	Number	As a percent of cumulative insurance written	Number	As a percent of insurance in force
1971[3]	207,149	1,796,737	1,190,000	14,872	1.41	174,464	9.71	33,000	2.77
1970	200,660	1,589,588	1,054,029	5,348	.61	159,592	10.04	15,813	1.50
1969	81,369	1,388,928	880,080	2,416	.30	154,244	11.06	4,950	.56
1968	76,195	1,307,559	813,534	10,038	1.32	151,828	11.56	7,101	.87
1967	40,962	1,231,364	760,420	9,418	1.28	141,790	11.47	14,299	1.88
1966	32,814	1,190,402	738,503	17,528	2.32	132,372	11.08	12,480	1.69
1965	36,950	1,157,588	755,675	10,726	1.42	114,844	9.89	12,851	1.70
1964	54,248	1,120,638	757,494	9,457	1.25	104,118	9.28	13,246	1.75
1963	53,344	1,066,390	756,895	10,817	1.44	94,661	8.88	11,460	1.51
1962	64,134	1,013,046	751,578	6,054	.84	83,844	8.28	8,368	1.11
1961	58,523	948,912	718,730	7,773	1.12	77,990	8.29	10,110	1.41
1960	49,101	890,389	691,857	10,425	1.51	70,017	7.86	3,781	.55

Footnotes at end of table.

FHA SEC. 207 MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1960–71

1971[3]	15,429	265,366	157,000	956	0.63	34,042	12.83	2,000	1.27
1970	15,890	249,937	152,953	846	.60	33,086	13.24	1,650	1.08
1969	1,210	234,047	140,659	495	.35	32,240	13.78	807	.57
1968	616	232,837	141,318	2,812	1.94	31,745	13.63	1,003	.71
1967	1,910	232,221	145,814	2,788	1.88	28,933	12.46	5,055	3.48
1966	3,912	230,311	148,060	4,365	3.04	26,145	11.35	4,031	2.72
1965	7,414	226,399	152,253	2,336	1.54	21,510	9.50	3,558	2.34
1964	14,310	212,089	152,131	3,916	2.66	19,174	9.04	3,003	1.97
1963	23,902	197,779	147,072	2,680	2.10	15,258	7.45	4,408	3.00
1962	27,061	173,877	127,801	1,300	1.25	12,578	7.23	1,399	1.09
1961	23,302	150,575	104,224	1,805	2.19	11,478	7.41	1,707	1.64
1960	19,447	131,128	82,558	1,754	2.68	9,473	7.22	1,356	1.64

FHA SEC. 221MR MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1960–71

[Number of dwelling units]

Year	Insurance written	Cumulative insurance written	Insurance in force	Default terminations[1]		Cumulative default terminations		In serious default[2]	
				Number	As a percent of insurance in force at beginning of year	Number	As a percent of cumulative insurance written	Number	As a percent of insurance in force
1971[3]	73,947	188,917	159,000	3,367	3.15	9,629	5.10	5,300	3.33
1970	44,830	114,970	106,732	499	.80	6,262	5.45	1,891	1.77
1969	25,296	70,140	62,401	343	.92	5,763	8.22	303	.49
1968	21,135	44,844	37,448	402	2.40	5,420	12.09	575	1.54
1967	6,213	23,709	16,715			5,018	21.16	608	3.64
1966	3,568	17,496	10,881	1,744	18.58	5,018	28.68	302	2.78
1965	3,049	13,928	9,384	432	6.38	3,274	23.51	1,616	17.22
1964	2,456	10,879	6,767	190	3.80	2,842	26.12	148	2.19
1963	1,303	8,423	5,001	1,538	28.62	2,652	31.49	346	6.92
1962	1,202	7,221	5,373	173	3.48	1,114	15.65	180	3.35
1961	686	6,019	4,977	11	.26	941	15.08	302	6.07
1960	1,663	5,333	4,302	930	26.06	930	17.78	84	1.95

FHA SEC. 221D3 BMR MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1960–71

1971[3]	6,857	188,658	170,000	5,534	3.36	10,964	5.81	16,500	9.71
1970	19,255	181,801	164,888	3,139	1.98	5,430	2.99	8,049	4.88
1969	35,759	162,546	158,865	889	.72	2,291	1.41	2,537	1.60
1968	49,090	126,787	124,264	122	.16	1,402	1.11	4,171	3.36
1967	25,415	77,697	76,417			1,280	1.65	1,826	2.39
1966	12,908	52,282	51,002	326	.85	1,280	2.45	1,236	2.42
1965	11,984	39,374	38,420	470	1.75	954	2.42	623	1.62
1964	14,507	27,390	26,906	484	3.76	484	1.77	326	1.21
1963	8,696	12,883	12,883					484	3.76
1962	3,867	4,187	4,187						
1961	320	320	320						
1960									

FHA SEC. 231 MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1960–71

1971[3]	190	40,636	23,200	489	2.02	15,372	37.83	200	0.86
1970	170	40,446	24,193	192	.79	14,883	36.80	732	3.03
1969	348	40,276	24,315	82	.34	14,691	36.48	275	1.13
1968	1,242	39,928	24,049	3,382	12.78	14,609	36.59	315	1.31
1967	869	38,686	26,463	1,878	6.84	11,227	29.02	2,845	10.75
1966	1,724	37,817	27,472	5,159	16.42	9,349	24.72	2,452	8.83
1965	4,603	36,093	31,410	1,921	6.64	4,190	11.61	4,144	13.19
1964	5,903	31,490	38,923	1,864	7.48	2,269	7.21	2,537	8.77
1963	7,743	25,587	24,909	405	2.27	405	1.58	838	3.36
1962	8,836	17,844	17,844					631	3.54
1961	5,760	9,008	9,008					74	.82
1960	3,041	3,248	3,248						

FHA SEC. 232 MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1960–7 1

1971[3]	9,900	85,815	72,900	1,635	4.34	4,787	5.58	2,000	2.74
1970	12,785	75,915	67,681	447	.80	3,152	4.15	2,350	3.47
1969	10,691	63,130	55,973			2,705	4.28	216	.39
1968	8,522	52,439	46,761			2,705	5.16	447	.96
1967	4,952	43,917	38,905	332	.95	2,705	6.16	100	.26
1966	5,806	38,965	34,796	728	2.38	2,373	6.09	932	2.68
1965	6,299	33,159	30,573	850	3.31	1,645	4.97	709	2.32
1964	8,747	26,860	25,658	745	4.18	795	2.96	331	1.29
1963	9,677	18,113	17,838	50	.59	50	.28	300	1.68
1962	6,635	8,436	8,436					75	.89
1961	1,630	1,801	1,801						
1960	171	171	171						

FHA SEC. 236 MULTIFAMILY MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, MORTGAGES IN DEFAULT 1969–71

1971[3]	100,557	224,588	210,000	1,969	1.59	1,969	0.88	5,300	2.52
1970	112,232	124,031	123,575					841	.68
1969	11,799	11,799	11,799						

Note: No date prior to 1969 (new program).

[1] "Default terminations" are mortgages foreclosed or assigned to HUD Secretary.

[2] "Serious defaults" for project mortgages are those in areas for 60 days or more.

[3] Figures for 1971 are preliminary.

FHA HOME MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, ALL SECTIONS: 1960–71

[Number of mortgages]

Year	Insurance written	Cumulative insurance written	Insurance in force	Default terminations[1]		Cumulative default terminations		In serious default[2]	
				Number	As a percent of insurance in force at beginning of year	Number	As a percent of cumulative insurance written	Number	As a percent of insurance in force
1971[3]	608,166	10,841,960	5,352,000	34,902	0.69	450,743	4.16	123,600	2.31
1970	471,981	9,965,368	5,067,933	31,095	.65	415,841	4.17	93,005	1.84
1969	453,676	9,493,387	4,792,523	27,701	.61	384,746	4.05	70,832	1.48
1968	425,339	9,039,711	4,573,459	36,098	.82	357,045	3.95	61,604	1.35
1967	395,814	8,614,372	4,401,885	45,260	1.06	320,947	3.73	63,184	1.44
1966	421,756	8,218,558	4,250,061	48,726	1.19	275,687	3.35	60,368	1.42
1965	537,851	7,796,802	4,090,458	46,033	1.19	226,961	2.91	64,018	1.57
1964	490,045	7,258,951	3,860,913	41,986	1.15	180,928	2.49	59,611	1.54
1963	412,779	6,768,906	3,643,981	37,518	1.14	138,943	2.05	51,551	1.41
1962	395,808	6,356,127	3,476,596	30,994	.94	101,425	1.60	46,186	1.33
1961	368,561	5,960,319	3,297,421	20,724	.67	74,909	1.26	40,713	1.23
1960	366,213	5,591,758	3,093,034	7,914	.28	50,909	.91	26,850	.87
FHA SEC. 203 HOME MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, MORTGAGES IN DEFAULT, 1960–71									
1971[3]	332,495	8,706,680	4,400,000	18,705	0.44	334,842	3.85	84,700	1.92
1970	273,946	8,374,185	4,270,264	21,783	.52	316,137	3.78	72,097	1.69
1969	341,518	8,100,239	4,162,713	21,255	.53	294,354	3.63	60,368	1.45
1968	371,123	7,758,721	4,021,422	28,822	.75	273,099	3.52	54,380	1.35
1967	351,398	7,387,598	3,866,836	35,970	.97	244,277	3.31	55,294	1.43
1966	368,687	7,036,200	3,724,696	38,744	1.08	208,307	2.96	52,520	1.41
1965	457,373	6,667,513	3,584,655	37,759	1.11	169,563	2.54	55,343	1.54
1964	424,896	6,210,140	3,399,793	34,835	1.08	131,804	2.12	52,789	1.55
1963	365,707	5,785,244	3,214,687	31,909	1.04	96,969	1.68	45,181	1.41
1962	354,141	5,419,537	3,063,888	25,330	.87	65,060	1.20	40,592	1.32
1961	340,345	5,065,374	2,896,288	16,846	.62	43,569	.86	34,799	1.20
1960	333,107	4,725,029	2,697,106	5,763	.23	23,879	.51	22,490	.83
FHA SEC. 221(d)(2) HOME MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1960–71									
1971[3]	115,407	551,931	460,000	9,492	2.54	46,327	8.39	26,000	5.65
1970	78,131	436,524	373,080	6,710	2.18	36,835	8.44	15,919	4.27
1969	72,143	358,393	308,236	4,644	1.87	30,125	8.41	8,506	2.76
1968	40,406	286,250	248,334	4,591	2.11	25,481	8.90	5,282	2.13
1967	30,535	245,844	217,938	5,315	2.71	20,890	8.50	5,158	2.37
1966	35,764	215,309	196,065	4,714	2.82	15,575	7.23	4,646	2.37
1965	55,327	179,545	167,003	3,547	3.05	10,861	6.05	4,154	2.49
1964	42,899	124,218	116,224	2,465	3.23	7,314	5.89	2,257	1.94
1963	28,819	81,319	76,238	1,712	3.48	4,849	5.96	1,648	2.16
1962	23,201	52,500	49,250	1,485	5.38	3,137	5.98	1,287	2.61
1961	7,383	29,299	27,597	1,296	6.04	1,806	6.16	1,205	4.37
1960	9,241	21,916	21,448	400	3.17	466	2.04	835	3.89
FHA SEC. 235(I) HOME MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS, AND MORTGAGES IN DEFAULT, 1968–71									
1971[3]	144,926	275,768	265,000	5,766	4.45	6,978	2.53	11,300	4.26
1970	105,229	130,842	129,608	1,771	4.58	1,212	.93	2,536	1.96
1969	25,574	25,613	25,571	41	(4)	41	.16	140	.55
1968	39	39	39						
FHA SEC. 223e HOME MORTGAGE INSURANCE WRITTEN, DEFAULT TERMINATIONS AND MORTGAGES IN DEFAULT, 1968–70 AND 1ST 6 MONTHS OF 1971									
1971[5]	10,644	84,166	80,302	1,335	(6)	3,446	4.09	(7)	(7)
1970	27,694	73,522	71,200	2,086	4.58	2,111	2.87	(7)	(7)
1969	38,814	45,828	45,578	25	.36	25	.05	(7)	(7)
1968	7,014	7,014	7,014						

[1] Default terminations are mortgages foreclosed or assigned to HUD Secretary.

[2] Serious defaults for home mortgages are those in arrears for 90 days or more.

[3] Figures for 1971 are preliminary.

[4] Data not significant.

[5] 1st 6 months only.

[6] Percentage based on 6-months period not comparable.

[7] Not available.

Note: Above figures are included in data presented on home mortgage tables covering operations under other programs.

THE DOCK STRIKE

Mr. COOPER. Mr. President, I ask unanimous consent that the message of President Nixon to the Congress on February 2, 1972, asking for emergency legislation to halt the dock strike be printed in the RECORD. I hope very much that the Committee on Labor and Public Welfare will immediately hold hearings and report to the Senate a bill which will protect the people and the security of our country against this type of transportation strike which proceeded without true collective bargaining. I have served 5 years on the Labor Committee and I know that legislation can be considered and enacted if we will do our duty.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MESSAGE OF PRESIDENT NIXON

To the Congress of the United States:

As the dock strike on the West Coast continues to impose a cruel and intolerable burden upon the American people, I appeal once again to the Congress for emergency action to end these transportation disputes.

There are now two bills before the Congress dealing with transportation stoppages, and immediate action is urgently required on both:

—S.J. Resolution 187, which would quickly halt the West Coast strike and lead to a fair and early settlement under binding arbitration.

—And the Crippling Strikes Prevention Act, S. 560, which would grant the executive branch sufficient authority so that future disruptions in the transportation industry could be averted.

The American public is rightly frustrated today by the inaction of Congress in ending the West Coast strike. Some crops are rotting while others are stalled in their bins, export customers are looking for more dependable trading partners, and jobs and businesses are threatened with extinction. Tens of thousands of people, who share no part of this dispute, are suffering needlessly.

Yet our Government stands idly by, paralyzed because the executive branch has exhausted all available remedies and the Congress has been unwilling to enact necessary legislation. This failure to act in time of need speaks directly to the question of why some Americans have lost confidence in their government.

We must act now, swiftly and decisively.

Twelve days ago I proposed special legislation to end this strike and asked for enactment within a week. For inexplicable reasons, that deadline has passed without a response, and I must report to the American people today that I cannot predict when relief will come. To say that I am disappointed is to state the case in its mildest terms.

For those who argue that the Government should not interfere with collective bargaining, the short answer is that the bargaining in this case has thus far failed—and failed badly for 15 months. I share the belief that Government ordinarily should not tamper with the freedom of bargaining, but when the processes have broken down and the Nation's health and safety are at stake we in public office have no right to turn our heads.

I am also aware that some members of Congress believe this strike will soon be settled at the bargaining table. I sincerely hope they are right, and I urge the parties to continue their bargaining, but the 15 months of fruitless bargaining which have already passed convince me that we cannot depend on this solution.

ISSUES OF GREAT URGENCY

In the absence of an agreement, the critical question is whether all of us in Washington sense the urgency of these issues. I can assure you that the farmer whose grain is wasting away and the exporter who has lost his contract regard this strike as a matter of utmost urgency, and I plead with the Congress to recognize their plight.

For two years I have been trying to impress upon the Congress the need for new legislation in this field. In 1970, during the 91st Congress, and again in 1972 during the 92nd Congress, I proposed the comprehensive crippling strikes prevention program so that future transportation stoppages could be resolved. There has been precious little response. Yet I am confident that if the Congress had enacted those measures, there might have been no strike on the West Coast and the issues in dispute would have been fairly settled.

Let us resolve that this stoppage on the West Coast will be the last of its kind. The Congress should act immediately to end the West Coast strike and, with utmost dispatch, pass the Crippling Strikes Prevention Act.

THE CRIPPLING STRIKES PREVENTION ACT

Certainly the more far-reaching of the two proposals on which I am seeking action is the Crippling Strikes Prevention Act. It would give the President additional—and, in my opinion, essential—new authority to deal with emergency disputes in the railroad, airline, maritime, longshore, and trucking industries.

First, it would discontinue the emergency strike provisions of the Railway Labor Act of 1926 and provide that all transportation disputes be settled under the Taft-Hartley Act. Currently, disputes in the railroad and airline industries are subject to the Railway Labor Act while all other emergency transportation disputes are governed by the Taft-Hartley Act. Of the two acts, the railway labor law is clearly the inferior. Under it, the President can delay a strike or lockout for 60 days by appointing an Emergency Board to study the issues and recommend a settlement. Unfortunately, these provisions only seem to discourage hard bargaining because the parties are hesitant to compromise their position before the Board is appointed, and then, recognizing that the Board will probably seek a middle position, the parties tend to adopt a more extreme stance in order to pull the Board in their direction. Thus the gap widens between the disputants and because neither the Board nor the President has any additional authority, strikes often resume at the end of the 60-day period. These resumptions have occurred at the rate of more than one per year since 1947, and four times during this administration alone I have been forced to ask Congress for special legislation. This is a sorry record, best consigned to our history books.

THREE NEW OPTIONS

Secondly, I propose a major revision of the Taft-Hartley Act to give the President three new options in the case of all emergency disputes in the transportation industry. Under current provisions of this Act, the President may appoint a Board of Inquiry when he believes that a work stoppage imperils the Nation's health or safety. Upon receiving a report from the Board on the status of the strike, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an 80-day "cooling-off" period. But there the formal authority of the Federal Government ends: the Board of Inquiry may issue no recommendation on a settlement and the President has no additional options when the 80-day period elapses except to ask for emergency legislation. On nine of 30 occasions when this machinery has been invoked since 1947, a strike or lockout has resumed after the 80-day period, as it has now on the West Coast.

To permit a more flexible Federal response, I propose that the President be granted three options when the "cooling-off" period fails to produce a settlement:

First, he could extend the period for 30 days, a most useful device if the dispute seems to be near an end.

Secondly, he could require partial operation of the troubled industry, so that those segments essential to the national health or safety could be kept in operation for an additional 180 days.

Or thirdly, he could invoke a "final offer selection" procedure whereby the final offers of each party would be submitted to a neutral panel. This panel would select, without amendment, the most reasonable of the offers as the final and binding contract between the parties. Unlike bargaining which now occurs under the Railway Labor Act or under arbitration, this approach would encourage the parties to narrow their positions so that they could persuade the panel of their reasonableness. Thus genuine negotiations and settlement would be encouraged automatically.

Among the additional features of this proposal is the establishment of a National Special Industries Commission to conduct a two-year study of labor relations in industries which are especially subject to national emergency disputes.

As I informed the Congress two years ago, the Crippling Strikes Prevention Act creates a balance between two cherished but sometimes inconsistent principles: the protection of the national health and safety against damaging work stoppages, and the protection of collective bargaining from interference by the Government. "Ideally," I said then, "we would provide maximum public protection with minimum Federal interference."

Without doubt, my proposal would tip the present scales back in the direction of greater protection for the public, but we must face up to the hard realities that the old way simply has not worked. The scales, in fact, have been heavily weighted against the public. The actions I propose would not only correct the balance but would also preserve and enhance the processes of collective bargaining.

THE WEST COAST DISPUTE

The present tie-up on the West Coast vividly illustrates why we need the Crippling Strikes Prevention Act. Both the failure of negotiations and the resulting economic losses have been a painful lesson for us all.

Talks and negotiations between the parties have dragged on for 15 months, and I have used every remedy at my command, but to no avail. The Taft-Hartley machinery has been tried, and it has failed. Two extensions in time have been arranged by Government mediators, and twice the mediators' efforts have fallen short. And I have met personally with the parties. Yet this strike has resumed. In my view, it is abundantly clear that present legislation is inadequate and that we need comprehensive solutions.

Only now are we beginning to realize the full damages of the first 100-day strike which closed down the West Coast ports between July 1 and October 9, 1971. I recounted some of these losses to the Congress in my message 12 days ago, but the facts bear emphasis:

It is estimated that American exports would have been $600 million higher during this 100-day period except for the work stoppage.

The strike was particularly hard on our farmers, who have been exporting the product of one cropland acre out of four. During the June-September period, farm exports from the West Coast dropped from $288 million in the same period in 1970 to $73 million in 1971.

Wheat farmers suffered the worst calamities of all, as their sales to major Far Eastern markets fell off drastically. Japan, for instance, purchases over 50 percent of her wheat from the United States. Since April, we have lost sales to Japan of at least 25 million bushels of wheat valued at $40 million. Ominously, the day after the strike resumed last month, the Japanese purchased 8.7 million bushels of wheat for a spring delivery, but only 1.6 million bushels were bought from the United States.

Our merchant fleet also sustained heavy losses, as did exporters of vegetables, rice, cotton, and livestock, and wood products, and numerous related industries.

APPALLING HUMAN COSTS

Overall, the 100-day strike thrust a spike into our progress toward economic recovery, threatened our balance of payments, and undermined the confidence of foreign buyers who need to rely upon dependable deliveries. But the most appalling costs were in human terms—those tens of thousands who were not parties to the dispute but suffered because of it.

Those same people are suffering needlessly again, as the costs of resuming the strike begin to mount. I met yesterday with the Governors of California and Washington, whose States along with Oregon lost an estimated total of $23.5 million a day during the 100-day strike, and they have reported to me that the cost of this resumption is intolerable to their economies. The State of Hawaii is also beginning to feel the punishment. If the strike persists for several weeks, we can anticipate a significant increase in unemployment on the West Coast and huge financial losses for many people across the country.

We can and must end this dispute. Because the parties have already been bargaining under different ground rules for many months, I do not think it would be fair or unwise in this case to impose the "final offer selection" solution which I am proposing in the more comprehensive Crippling Strikes Prevention Act. I also see no merit in another "cooling-off" extension, because it offers little hope of resolution and it only increases the uncertainty in foreign markets. Instead, I urge the adoption of a plan for settlement by arbitration. As I explained to the Congress 12 days ago, I am asking that a three-member arbitration board be appointed by the Secretary of Labor to hear all the issues and then issue a settlement that would be binding for at least 18 months. No strike or lockout would be permitted from the day this legislation is enacted until the expiration of the binding settlement established by the board.

I strongly favor free collective bargaining, but the time has come for decisive action. I call upon the Congress to take such action on both this emergency bill and the Crippling Strikes Prevention Act.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1972.*

THE TROJANS

Mr. BROOKE. Mr. President, last evening the Boston Opera Co. rendered an outstanding performance of "The Trojans."

Under the extraordinarily able direction of Sarah Caldwell, the opera company has been noted for its innovative and creative renditions of a multitude of difficult operas, some of which have never been performed in this country.

As chairman of the board of the Boston Opera Co., I was particularly pleased to see the Boston Opera Co.'s achievements described so favorably by Paul Hume in this morning's Washington Post. I ask unanimous consent that the review be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THE TROJANS" IN BOSTON

(By Paul Hume)

BOSTON.—Sarah Caldwell, this city's redoubtable operatic wizard, and the Opera Company of Boston should be enshrined along with Paul Revere and the men who ran Boston's big tea party.

Last week Miss Caldwell and her company made musical history, as they have in the past. This time it was by presenting the first fully staged, complete production in this country of Hector Berlioz' operatic masterpiece, "The Trojans." Few have ever been given anywhere.

There is no longer any question of the stature of this towering work, and you may get a glimpse into its immediate future in this country from the fact that at Sunday's performance, the audience included the incoming general manager of the Metropolitan Opera, Goeran Gentele, and Colin Davis, one of the Met's top conductors.

Davis is the man who led historic performances of "The Trojans" at Covent Garden three years ago and subsequently recorded the work. You may expect Gentele to announce that the Metropolitan Opera will finally catch up with history by producing the Berlioz opera either next season or the following one.

For anyone to produce "The Trojans" in a modern, fully equipped opera theater would be a major event. Sarah Caldwell not only put the entire work on its first American stage, but she was its director and conductor as well and brought it off despite the handicaps of Boston's Aquarius Theater.

Until lately the Aquarius was the Orpheum. It used to be one of the bright stars in the Orpheum circuit, specializing in vaudeville. Its orchestra pit is tiny, its stage only 28 feet deep and it is lacking all facilities.

But Sarah Caldwell is one of the determined giants of her generation. Stairways interspersed with platforms were built into the house, from which both action and much of the work's massive choral singing came with special immediacy. And by ingenious breaking up of the stage area itself, again with varying groupings of steps, ramps and towers, it was possible to give an illusion of Troy besieged, Troy invaded, and finally Troy in flaming ruins. During the second half of the opera, there was a semblance of African forest and the shores of Carthage.

To be sure, it was never possible to escape looking directly into rows of spotlights or catching glimpses of the essential closed-circuit TV sets that help to coordinate so vast a project.

But thanks to Caldwell's musical perceptions, the urgent drama and beauty of the music triumphed to a remarkable degree. Even severe limitations in the size and basic sonority of the orchestra—with only three double basses—could not keep the work's genius from shining through.

Remembered for her brilliant conducting of Verdi's "Falstaff" in the single season of the American National Opera Company Sarah Caldwell held the Berlioz work firmly in hand, pacing its sometimes languid pages with the right sense of forward motion, yet allowing its orchestral and choral grandeur full power and its sensuous love music time to speak.

The large cast had notable elements. The central figure in part one, "The Taking of Troy," is Cassandra. Marilyn Niska was vocally strong and theatrically effective in the part. Even the strong edge in her voice served well to increase the sense of doom in almost all she sang. Her Corebus, Louis Quilico, was splendid, as was Herbert Beattie as King Priam.

The second part of the opera, "The Trojans at Carthage," is dominated by Dido, with Aeneas always close at hand. Regine Crespin was the Carthaginian queen, singing with increasing opulence as the evening progressed, after a somewhat explosive effect earlier. In her final scenes of raging anger at Aeneas's departure, and her subsequent suicide, she was most impressive and her voice served her with marked ease.

Ronald Hedlund as Narbal, Grayson Hirst in the dual roles of Iopas and Hylas, and Eunice Alberts as Anna were on the highest level. But in the taxing role of Aeneas, the English tenor, Ronald Dowd, was barely satisfactory and that was principally in some fine quiet singing. His French, compared with almost the entire cast, was markedly wretched, and his vocal style often crude.

"The Trojans" is a work of sweeping beauty, full of great theater. Had the problems of the Aquarius Theater prevented such things as its waterfall, thunder and lightning in the royal hunt and storm scene, the flames and toppling buildings as Troy fell, or the sight of Greek sails against a starry night toward the end, it would have been easy to understand. But that was not the case.

Two glaring lapses in staging were, however, totally unrelated to the theater's physical setup. Nothing is clearer than that Hector's grieving widow, Andromache, and her son, Astyanax, are supposed to be dressed in white, the ritual color of mourning in Troy. Their moving scene, which Berlioz called the finest in act two, was marred by their solid black dress.

And the entire final scene of Dido's death was a total distortion of all that is called for. She had neither veil, wreath of flowers, nor Aeneas' sword, which should have been the instrument of her death. And the ritual removal of one of her sandals was left undone.

Worst of all, her final action occurred high up on the extended platform on the audience's right, instead of stage center where it belonged. It seriously injured the closing of the opera, with its nonexistent funeral pyre and final apostrophe.

None of this, however, can alter the basic importance of Sarah Caldwell's achievement. Her orchestra played handsomely. The excellent chorus of more than a hundred voices, included half that number from Tufts and Northeastern universities.

Miss Caldwell chose to perform the opera in two ways: On Thursday and Friday nights, it was given in parts one and two. On Sunday, part one ran from 2:30 to 4:45, part two from 7:30 to 11 p.m. Yet the playing time of the opera is actually less than that of Wagner's Tristan." It should be played in a single evening, which, by placing intermissions only after acts two and three, would be entirely practicable and dramatically apt. It is well to have heard the entire work uncut, but two or three brief cuts would not be indiscreet.

What Boston now owes Sarah Caldwell is not merely enthusiastic support, with which it is reasonably generous, but a proper theater. No one has given better proof of her right to one.

FRANKLIN SUNN NAMED PRESIDENT OF METCALF AND EDDY

Mr. FONG. Mr. President, it is always a source of deep satisfaction and pride to be able to report the rise to national prominence of a native son of one's home State. Such distinction has come to Franklin Y. K. Sunn, of Hawaii, who recently became president of Metcalf and Eddy, Inc. of Boston, Mass. Metcalf and Eddy is one of the largest architectural-engineering-planning firms in the United States, with offices in New York, Chicago, Palo Alto, Trinidad, Manila, Anchorage, and Guam.

Honolulu-born and raised, Franklin Sunn has long been a well known community leader and one of Hawaii's most active engineers. He has worked over the years in a variety of civic and governmental planning and developmental projects.

He was a cofounder of Sunn, Low, Tom and Hara, Inc., environmental consulting engineers. He resigned the presidency of this firm to take his new post as head of Metcalf and Eddy.

Mr. Sunn was also the founder of the Consulting Engineers Council of Hawaii and served as its first president. He helped organize the Hawaii Council of Engineering Societies, which integrates the engineering activities of 15 Hawaii organizations, and served as its chairman.

He founded Hawaii Architects and Engineers, Inc., the consortium of nine architectural, engineering, and planning firms which operates throughout the Pacific Basin. He served as its president and director since its inception in 1965.

Mr. Sunn's professional and civic affiliations are many and varied. They reflect the high standing he has attained in the field of engineering. They also attest to the valuable contributions he has made to numerous governmental bodies dealing with such complex subjects as environmental quality control, oceanography, and housing.

The State of Hawaii will feel the loss of one of her most versatile, energetic leaders. Although he will be far from Hawaii, we of the 50th State are proud that Franklin Sunn has advanced to his new post as president of Metcalf and Eddy. We wish him Godspeed, good fortune, and continued success.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? There being no further morning business, morning business is closed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on

February 7, 1972, the President had approved and signed the following acts:

S. 382. An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; and

S. 2819. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the provision order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, yesterday on the floor of the Senate I expressed the hope that Congress would not recess before action had been taken to bring to an end the crippling and devastating west coast dock strike, and I was much encouraged to learn from reading the newspaper this morning that last evening at 6 o'clock the Senate Committee on Labor and Public Welfare had voted to report out to the Senate floor legislation which would accomplish that end.

Mr. President, I would much prefer that the Senate at this time be considering that most important legislation, rather than to be considering S. 2515, which would extend the powers of the Equal Employment Opportunities Commission to grant to that commission powers that it has not had during the 7 years of its existence, powers that are not needed at this time, jurisdiction that it does not need, and jurisdiction that it has not had for the last 7 years of its existence.

So, Mr. President, it would seem to the junior Senator from Alabama that we are in the attitude of fiddling while the economic structure of this country is burning down.

It is hoped that soon today this measure, S. 2515, will be set aside, if not permanently—which would be preferable—than certainly temporarily, in order that the Senate may proceed to the consideration, I assume, of Senate Joint Resolution 187, which was introduced by the distinguished Senator from New York (Mr. JAVITS). Even though the committee voted to report the resolution, or a resolution, it is the understanding of the junior Senator from Alabama that the resolution has not yet been presented to the clerk, to become the property of the entire Senate.

So, whether a new resolution drafted by the committee itself or Senate Joint Resolution 187 is to be before the Senate, the junior Senator from Alabama does not know; but that will become known later in the morning.

To compare the need for S. 2515 with the need for the passage of legislation to bring to an end the dock strike is certainly to make an unequal comparison, because there is no comparison between the need for Senate Joint Resolution 187 and the need for S. 2515. It is the hope of the junior Senator from Alabama that the measure before the Senate will soon be set aside in order that we can proceed to legislation which is in the national interest, to bring to an end the work stoppage on the west coast, which is having an adverse effect on all the people of this country. This is a work stoppage involving the entire national interest. We are losing our markets abroad. If customers abroad are not able to depend upon supplies and goods from the United States, then, of necessity, they will have to turn to the products of other countries.

For the first time in 80-odd years, last year was the only year in which the United States has bought more goods from abroad than we have sold abroad. So this unfortunate trade deficit is being complicated by the continuation of the dock strike on the west coast.

Mr. President, I have previously discussed in great detail many of the inherent dangers and evils of S. 2515, the bill before the Senate.

The pending business is an amendment offered by the distinguished senior Senator from North Carolina (Mr. ERVIN) and myself, which would seek to nullify the effort of the sponsors of the bill to reduce from 25 to 8 the minimum number of employees that an employer must have in order to come under the provisions of the EEOC bill.

The sponsors of the bill and the committee seek to reduce that number from 25 to 8, so that, under the committee bill, every employer in this country who employs as many as 8 people would be covered by the provisions of EEOC. The pending amendment would nullify that effort and, if adopted, would leave the present law intact—that an employer must have as many as 25 employees to be covered by the EEOC.

Mr. President, let me hasten to say that I strongly favor the right of every person in this country to have a fair and equal opportunity to obtain employment, without discrimination of any sort against him, if employment is available. It has been made to appear that this bill would confer certain basic and fundamental and substantive rights on employees throughout the country. The bill does not change the basic right of anyone that he not be discriminated against. The bill does not change that right. Under the law, everyone has the right not to be discriminated against as he seeks employment.

This bill does not create a single job in the private sector. It does not make any jobs available that are not already available. It does not require that business or industry or small business or small employers create additional jobs for people; and, of necessity, if any jobs are filled that are now held by someone else, someone is going to lose his job, because not a single job is created in the private sector by this bill. The bill will create an army of additional bureaucrats, additional Federal employees.

Mr. President, there is no denying that the line is so well drawn as it is on this bill. We hear from people throughout the country—our constituents—the citizens of our respective States, that the Government is getting too big, that the Government is spending too much money. Yes, the Government is spending too much money. The accumulated deficits of this administration at the end of the fiscal year for which we are now considering appropriations will run in the neighborhood of $83 billion. So, yes, the Government is getting too big and it is spending too much money. It is taking too great control over the everyday lives of all our people.

Mr. President, while I was home for the Christmas recess, I received a telephone call from a small businessman, whom I did not know but who was and is a resident of my State. He called me not to protest against any specific piece of legislation—not to protest against S. 2515. He did not know anything about the pendency of this bill. That is one of the reasons this extended discussion is going on, Mr. President, so that the people of this country will find out and be informed as to the iniquitous provisions of the bill and so that they can protest against its enactment.

This man who is a small businessman was pointing out the heavy tax burdens under which he was operating, the government redtape he was required to submit to, and to the impositions of the Federal Government in putting him on the carpet and checking his records. He said to me, "Senator ALLEN, the small people of this country are getting to the point where they are afraid of their Government."

Mr. President, that is a pretty sad state of affairs for our people to feel that the Government of this great country is not on their side, that they have a fear against the actions of their Government, or that they fear the actions of their Government.

Mr. President, I did not have the heart to tell him what he is going to get hit with when S. 2515 is enacted into law—if ever it is.

If it is left up to the junior Senator from Alabama, it will not be enacted into law. I am hopeful that before very long it will be suggested that the junior Senator from Alabama conclude his remarks, in order that this piece of legislation can be laid aside, in order that we can take up legislation designed to end the disastrous west coast dock strike. I do not know whether this bill that has been supposedly reported out of the committee—I guess a more accurate statement would be that it has been voted out of the committee but has not yet been handed in to the clerk.

Mr. JAVITS. Will the Senator from Alabama yield to me?

Mr. ALLEN. I am delighted to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I should like to make a comment, that I heard the Senator say, with great interest, that he

felt we should deal with the dock strike, that it represents an infinitely greater priority for the country, and that we should not be debating the pending EEOC bill.

I rise only for the purpose of expressing my own disagreement with that. I believe that under the two-track system which the leadership has inaugurated, we can deal with the immediate emergency—to wit, the dock strike, and we can also deal with the EEOC bill.

My own deeply held view is that though it is less sensational in terms of its not being a burning fire day, right this morning, it could be a burning fire tomorrow, and has been before, so deep is the feeling of millions of Americans about the denial of opportunity in the most basic of all opportunities to any American—to wit, a job.

That is a commitment to housing. That is a commitment to education and to dignity, which we now learn is more important than anything else to the poor and to the minorities who feel themselves oppressed.

Thus, I know that the Senator and I have had our disagreements. It does not change in any way our regard for each other. But I think that the record should clearly show that we who are contending for the EEOC bill give extremely high priority to that bill for deep, social, and economic reasons in the country. We see nothing whatever mutually exclusive between the consideration of an emergency measure or a major strike which is a serious disadvantage to the national interest and a particular part of the country, and are pursuing a basic reform so critical to the future health, in a social and economic sense, of the United States.

I thank my colleague from Alabama for yielding to me.

Mr. ALLEN. I thank the distinguished Senator from New York (Mr. JAVITS) for his comments with respect to the pending measure and the other measure.

Might I inquire of the distinguished Senator from New York when it may be anticipated that the report of the committee with respect to the dock legislation will be reported to the Senate?

Mr. JAVITS. I believe within the next couple of hours. We have got it in galley and we are just looking over the galley proof.

Mr. ALLEN. I see.

Mr. JAVITS. We are looking it over now and I expect that the distinguished Senator from Iowa (Mr. HUGHES) will be reporting the bill unanimously on the part of the committee, by the way, within the next hour or two.

Mr. ALLEN. Mr. President, I would say to the distinguished Senator that when the bill is ready to be reported, the junior Senator from Alabama will be glad to yield the floor for that purpose.

Mr. JAVITS. I thank the Senator.

Mr. ALLEN. Mr. President, in my discussions of the bill, I have strongly denounced and criticized the fact that the legislation would violate the Constitution by empowering the Federal Government to interfere with the basic and fundamental functions of State and local governments by dictating their employment practices.

Mr. President, I might say parenthetically that this bill will, if enacted, extend coverage by the EEOC to some 10 million employees of State, county, and city governments and agencies of State, county, and city governments.

I say again that the States' power over their employment functions is not only basic, but essential, to the very existence of State sovereignty. If we deprive the States of their basic functions, it is pointless for anyone to maintain that we have a dual form of government.

Mr. President, we comment from time to time to the effect that the Federal Government is taking over the roles of the States, that the right to think is being invaded by the Federal Government. And certainly here is a classic illustration of that charge.

The EEOC is going to take over the employment practices of the local governments. The EEOC is going to determine who is going to be employed, not the elected officers of States, counties, and cities. If that is not a classic example of expanding the Federal power and expanding the Federal bureaucracy, I do not know what it is.

Mr. President, we have an opportunity to defeat this inequitous legislation. On two occasions efforts have been made to bring this debate to a close by resorting to a cloture motion and by resorting to what has been referred to by many as gag rule.

Mr. President, we hear that the U.S. Senate is the only deliberative body in the world that has unlimited debate by its Members. The Senate does have the right to unlimited debate on a debatable question. And amendments are certainly a debatable question, subject only to the right to try to invoke cloture. Cloture, according to the rules of the Senate, requires a two-thirds favorable vote of a quorum of the Senators present.

So, on two occasions since this bill was pushed out before us in the Senate, an effort has been made to invoke cloture. Both of those efforts were voted down in the Senate. And, Mr. President, I would anticipate that if another cloture motion is presented, it too, will be voted down. And I would hope that if the bill has not been set aside permanently by the majority leader before that time, that after the vote on a third cloture motion, if it be unsuccessful, the majority leader will then set this bill aside as not having come up to the requirement of the Senate rules as being such a bill as two-thirds of the Members of the Senate feel that it is so important that debate on the issue should be brought to a close. Thus far, I am pleased to say that two-thirds of the Senate has not seen fit to end the debate on this question and vote on the bill.

Mr. President, as I sense the feeling in the Senate, the Senate probably is willing to see the powers of the EEOC extended over State, town, and city employees, as the committee bill does and as the bill, as introduced, does.

The Senate is probably willing to extend, as the committee bill does, the provisions of the EEOC over every educational institution in the United States, including every university, every college, every high school, every elementary school, every private school, and every church-supported school.

The Senate is probably willing to swallow all of these provisions. But what the Senate has been unwilling to do, in the judgment of the junior Senator from Alabama, is to accept the provisions which give enforcement power to the EEOC, along with the powers it already has, of receiving complaints, investigating complaints, filing charges, and, in general, reaching a decision.

So, under the bill the function of the EEOC would be greatly extended with respect to its jurisdiction over the millions of people that it would cover, not only with respect to the extension of its jurisdiction but also with respect to the extension of its powers: the power to be a judge, a jury, and a prosecutor.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, I would be delighted to yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I was listening with interest to the remarks of the Senator from Alabama and particularly those he just made concerning the power and authority which this bill would give insofar as the employment of people by the colleges, universities, and educational institutions is concerned.

Mr. ALLEN. That is one of the provisions.

Mr. GURNEY. Mr. President, suppose we had a number of educational institutions in the country that were concerned about the political philosophy and whether their faculties should be liberal or conservative—and there are some on both sides of that question.

We also have colleges and universities founded by religious sects that still are very concerned about the fact that their curriculum and thrust should be oriented in a religious direction.

We have others that perhaps are concerned about political ideology or economic ideology; that is, they would prefer not to employ as a faculty member to teach economics someone who believed in the Socialist concept of government.

Now, my question is: As far as all of these colleges and universities that might have rather strong feelings on those various matters, would this bill mean that if they refused to hire a professor, for example, in a college that had a strong religious philosophy, an atheist, perhaps, who did not believe in any kind of religion, who applied to teach in the college, that this Commission could come in and say, "You have to hire or employ that person, otherwise you would be discriminating against him."

Is that what this bill means?

Mr. ALLEN. Yes, it certainly does. As to educational institutions that are not church supported or that are not religious educational institutions, there is no exemption whatsoever; but as to religious institutions, if they were church-supported schools, then the exemption would apply only to the teaching of religion or religious activities, but they could be forced to employ an atheist to teach economics in a church-supported school along with religious subjects. So the answer is, "Yes," the employer of such a person could be forced under the provisions of this bill.

QUORUM CALL

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield without losing his right to the floor?

Mr. ALLEN. I would be delighted to yield, if it is satisfactory with the distinguished Senator from Florida who was engaged in a colloquy with me.

Mr. GURNEY. Yes, indeed.

Mr. MANSFIELD. I thank the Senator.

First, I suggest the absence of a quorum, which will be brief.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST COAST DOCK STRIKE—UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, I am about to propose a unanimous-consent request.

Earlier today I indicated in good faith that the legislation affecting the west coast dock strike would be taken up between 4 and 5 o'clock today. However, in talking with other Members who are vitally interested in this matter, and because of the imminent need for the consideration of this legislation, I now wish to ask unanimous consent that at the hour of 2 o'clock the pending business be laid aside and that at that time the emergency strike legislation reported by the Committee on Labor and Public Welfare be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I shall not object; but I do wish to be clear that after the completion of this particular measure the EEOC legislation will again be the pending business.

Mr. MANSFIELD. Yes, indeed.

Mr. President, I ask unanimous consent that, once the Senate considers the dock strike legislation, and after its dispositon, and only after its disposition, the EEOC bill, which is the unfinished business, be laid again before the Senate and made the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that on the amendment to be offered by the distinguished Senator from Oregon (Mr. Packwood) there be a time limitation of 2½ hours, 2 hours under the control of the distinguished Senator from Oregon (Mr. Packwood) and one-half hour under the control of the distingiushed chairman of the committee, or whomever he may designate, with the further proviso that if there is to be a tabling motion—and I do not know that there will be one—it will not occur until all time for debate on the amendment is completed.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JAVITS. Mr. President, will the Senator wrap it all up and give the situation with respect to amendments to the amendment?

Mr. MANSFIELD. Yes. I am taking them one at a time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 1 hour on the bill itself, to be equally divided and controlled by the majority leader and minority leader or their designees, 20 minutes on each amendment or amendments to amendments, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. The amendment to the amendments, including also any amendments to the Packwood amendent. Is that correct?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. So the Senate should now be notified again that there has been a change in plans relative to the dock strike legislation. It will not be called up between 4 o'clock and 5 o'clock this afternoon but instead it will be called up at 2 o'clock this afternoon and made the pending business. The Senate will stay with the consideration of that legislation until it is completed and then the unfinished business will once again be made the pending business and we will return to the consideration of the EEOC bill.

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish to mention one point. I had an opportunity to check this with the Senator from Tennessee (Mr. Baker) and it has his agreement. I would like to suggest that included in the unanimous consent agreement would be the understanding that amendments, particularly since there are only 20 minutes, be germane to the Packwood amendment or the bill.

Mr. MANSFIELD. That is a fair enough request and I make that unanimous-consent request.

The PRESIDING OFFICER. Would the Senator clarify for the Chair whether the agreement includes appeals and motions?

Mr. MANSFIELD. It does.

The PRESIDING OFFICER. Is there objection to the further unanimous-consent agreement?

Mr. JAVITS. Twenty minutes on appeals and motions?

Mr. MANSFIELD. That is right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Alabama for his courtesy and usual graciousness in allowing the Senate to get on with his business, especially at this particular time when the issue is so imminent and must be faced up to at once.

Mr. ALLEN. I thank the distinguished Senator from Montana.

Mr. President, before I yield to the distinguished Senator from Florida again, I would like to commend the distinguished Senator from Montana, the majority leader of the Senate, for his statesmanship and for the method that he uses in controlling the flow of legislation in the Senate. I commend him for the two-track system of considering legislation in the Senate.

When a matter is under extended debate, he does not allow that to tie up the entire work of the Senate, but he schedules a second track and brings up other important matters for consideration, so that the extended debate on the original issue may continue without clogging the Senate Calendar.

Mr. President, I want to express my admiration of the distinguished majority leader for his statesmanship, for his fairness, for his recognition of the priorities as between matters of legislation.

The distinguished Senator from New York has said that the bill—and I assume the report of the committee—is in galley form, to be printed, and that the bill will probably come in within the next 2 hours. So it is obvious that the distinguished majority leader has provided for the scheduling for Senate action of legislation with regard to the dock strike at the earliest possible moment.

He recognizes, Mr. President, that legislation of that sort shall have priority over a measure such as S. 2515, which extends the powers of jurisdiction of the EEOC, granting it powers that it has not had during the 7 years of its existence. This does allow the Senate to give serious consideration to S. 2515 before finally acting upon it, at the same time getting an opportunity to take up important measures.

I agreed with the majority leader's putting the foreign aid bill on the second track, so to speak, so that it might be considered. Even though the junior Senator from Alabama voted against that bill, he felt that since the foreign aid appropriation was depending upon a continuing resolution and that this appropriation had to be acted upon, in fairness to those who supported that legislation, it should have been brought before the Senate. But the majority leader did not allow the consideration of this iniquitous bill, S. 2515, to hold up these others matters.

So it is the hope of the junior Senator from Alabama that the second track will be kept clear so that matters of legislation may be allowed to proceed on that track, and give those who want to debate S. 2515 an opportunity to develop their forensic skills and discuss this matter at length, until such time as the majority leader feels that the Senate is not going to change from its position of refusing to allow this measure to come to a vote.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Mr. ALLEN. Now if the distinguished

Senator from Florida desires to engage in further colloquy with respect to this bill, the junior Senator from Alabama will be delighted to yield to him.

Mr. GURNEY. I thank the junior Senator from Alabama.

Mr. President, I must say I agree with the sentiments the Senator from Alabama just expressed about the importance of the dock strike legislation as opposed to the bill that is now on the floor and which we are discussing.

I might go further and say that I would think any piece of legislation coming before the Senate at this time ought to have priority over this particular bill, which is such poor legislation. But if we can continue now to probe some of the provisions within the bill, I would like to pinpoint once more the religious aspects of the bill.

I am sure that the Senator from Alabama has had the same experience I have had over the years, and that is chats with parents who have expressed concern about the selection of a higher educational institution for their son or daughter. I know some of them are very concerned about putting their sons and daughters in a school that still does consider that religion is a powerful force in this country.

For example, there is a little preparatory school near my home in Florida whose main emphasis is on religion, and when boys and girls graduate from that school, they try to go to colleges which emphasize religion, too, usually smaller colleges.

I received a fund-raising letter in the mail last week from such an institution, seeking to raise funds for its expenses and its endowment. It underscores that fact that one of the things it still places emphasis on in this college is the teaching of religion.

Let us suppose that this college made known to the academic community that it wanted to hire a new instructor in economics, and it had, we will say, two applications for that opening, one from a very distinguished economics professor, who had a brilliant academic career, second to none in the country, and one from another, who perhaps had a good record, but not that distinguished, except that the second person believed also very strongly in religion and that was a basic precept in this individual's life.

Let us say the college wants to decide which one it wants to hire, and it actually hires the second person, on the basis that the second person does have a strong belief in religion and the school emphasizes that particular quality in all faculty matters. So it hires the second applicant and turns down the first.

Now suppose the first applicant goes to the Equal Employment Opportunity Commission. If this bill goes into effect, what happens, is my question?

Mr. ALLEN. Well, it would be up to the EEOC to investigate the complaint after having received it. Then, if it felt that this person had been discriminated against because of his religion, or lack of religion, the EEOC could have its general counsel prepare and file charges, not with an independent agency, not with the court, but file charges back with the Commission; and the Commission, having received the charges, investigated the charges, prejudged them to the extent that it turned them over to counsel for the filing of the charges, would then reach the decision as to whether this person had been discriminated against. Then, when it reached that decision, it could, with respect to this person, order the institution to cease and desist from discriminating against that man and require that the institution employ the person who had been rejected by the unisity or the school.

Then the university, if it saw fit to appeal that matter, would have to appeal to the circuit court of appeals, and the matter would not be tried de novo, but would be tried on the basis of the record which had been certified to the court by the Commission. So the EEOC, then, would receive the complaint, prosecute the complaint, judge the complaint, and enforce the authority.

Mr. GURNEY. In other words, the judge, jury, and prosecutor, all tied into one.

Mr. ALLEN. Exactly. That is what the bill would provide, and that is one of the iniquitous provisions which the junior Senator from Alabama objects to so strenuously.

Mr. GURNEY. What would happen in the meantime, while the school or college is without a faculty member? What would the bill provide as to that? Would they have to stop hiring this man they had proceeded to hire, and wait until the Commission had decided?

Mr. ALLEN. The bill wakes no provision as to that, but if the employee who is alleged to have been discriminated against does win out before the Commission, the Commission could order that he received back pay from the time he was not employed.

This provision would relate, for example, to a church school that would like to have its professors religiously inclined. It could require it to accept someone with another religion, or someone who had no religion whatsoever. That is just exactly the opposite from what the Senator from Florida suggests many parents want for their children, and what the children want for themselves.

Mr. GURNEY. And it could, I suppose, impose very serious financial burdens on a small school with a limited budget.

Mr. ALLEN. Oh, yes.

Mr. GURNEY. Most colleges these days operate at a deficit, anyway.

Mr. ALLEN. Yes.

Mr. GURNEY. And I suppose colleges that have to watch their budgets very closely would hesitate before they would take on a professor, if they anticipated the possibility that a big charge could be run up against them that they would have to pay eventually.

Mr. ALLEN. Yes; of course, the college would have to pay for its defense.

Mr. GURNEY. But let us take an extreme case. I posed the question of someone who did not believe very strongly in religion, or was an atheist as opposed to a faculty member who would believe strongly in religion.

Let us suppose the professor who was turned down had a well-known track record on this subject of atheism in all the other colleges and universities of which he had been a member of the faculty and in which he had taught, that he had not only made very plain that he was an atheist, but had spent a lot of time practicing and preaching, if we can use that word in this colloquy, that anyone who believed in religion and any faculty member who taught it ought to have his head examined, and that any college or university should fire any faculty member who believed in religion. Suppose you had an extreme example like that, and the college or university turned that man down; what would happen then?

Mr. ALLEN. Well, the Commission would be empowered, in its wisdom—or lack of wisdom—to say that that person had been discriminated against, and that the school would have to employ him because discrimination on account of religion would not be permitted. So it would be up to the Commission, and it is a judge unto itself. It is not answerable to anyone except to the court of appeals, based on the record that it sends up to the court of appeals for consideration.

Mr. GURNEY. Then, if I gather the meaning of this colloquy correctly, this motto that we have on our money in the United States, "In God We Trust," would sort of go out the window like the baby with the bath water, would it not?

Mr. ALLEN. Well, there are reasons for feeling that way about it, I would say to the distinguished Senator.

Mr. GURNEY. Let me pose another question. We claim to be a nation of private free enterprise in this country of ours, as opposed to the socialistic kind of government which exists in a great many nations of the world—chiefly, of course, in our principal adversary, Russia—and all of us know that on college and university faculties these days there is an ever-increasing tendency—at least I think I am correct in stating that—of professors and instructors, especially in the liberal arts colleges, to believe in socialism as opposed to free and private enterprise. At least that is what students tell me with whom I talk, and other people as well, that there is a growing number of people with that kind of economic belief.

Suppose a college or university believes very strongly in private enterprise. When they selected their professors to teach in the economic field, they would be particularly careful to try to get a professor who also believes in free private enterprise. Now, we have a vacancy on the economics faculty at this X college, and we have a couple of applications. One man, Professor A, believes very strongly in free private enterprise, but it happens that the other, Professor B, does not believe in it at all; as a matter of fact, he thinks it is a total failure, and that the only way to run any kind of a government, whether in Russia, the United States, or any other country, would be a socialist kind of economic system, where the government owns all the facilities of production and distribution, and everyone works for the government as they do in Russia.

The college makes a decision; they decide they would rather have Professor A, the free private enterprise professor, as opposed to Professor B, the socialist believer. So they hire Professor A, and then Professor B brings a complaint against the college before the Commission. What would be the result of a case like that?

Mr. ALLEN. Of course, it would be up to the Commission to judge whether there had been any discrimination. But I doubt if it would use a person's employment because of his economic philosophy. I doubt if that, even by the Commission, would be held to be discrimination. I feel that even the Commission would say that was not discrimination of the type forbidden by law. If it were discrimination because of sex or religion or race, then that would be discrimination that the Commission could make a case against, but possibly not as regards economic philosophy.

I wonder if the distinguished Senator has considered the damage that this Commission and its operations could do to the academic freedom of various institutions. I wonder if he would comment on his view with regard to that.

Mr. GURNEY. Well, let me pursue this other question one more step, which is what I really intended to do in the beginning, because I understand the bill forbids discrimination on those three grounds the distinguished Senator has outlined.

But now we get into the shadow area, and this is what I am concerned with. Let us take that same area of economic beliefs again, and let us inject into it one or two things: Sex—which, of course, is a more or less delightful subject to inject into anything—or we could inject race, but one or the other. Actually, so far as the institution is concerned, it is not opposing the hiring of the professor who believes in socialism, who might be a woman or might be a member of a minority group. Then the professor who is rejected brings the complaint before the Equal Employment Opportunity Commission, but he or she makes the complaint on the ground of sex or of race.

Would this not pose a pretty difficult and serious problem so far as the hiring institution is concerned, even though they were opposing it purely upon the belief of this person in a socialistic kind of government?

Mr. ALLEN. Yes, definitely. That would allow the EEOC to say that the institution had discriminated in these areas where protection is granted under the law. Even though they objected to that applicant on other grounds, the Commission could find that it was in one of the protected areas and force the employment of that person.

Mr. GURNEY. Is not that danger particularly true the way this bill is worded?

Mr. ALLEN. Yes.

Mr. GURNEY. We go right back to the point that the distinguished Senator from Alabama made a short time ago—that the Commission is the indicter, the prosecutor, the judge, the jury, and the fact finder.

Mr. ALLEN. That is correct.

Mr. GURNEY. In other words, it handles all these things. So that if you have people on a commission—heaven knows, all of us have prejudices one way or another; we cannot help it; it is ground into us in our upbringing and our teaching and where we have lived, all along life's path. We cannot completely disassociate ourselves from beliefs we have picked up earlier. So if you had a commission that was "gung ho" to prevent any possible violation of this act, they could easily make a finding of fact, I suppose, that the institution turned down this applicant on the ground of sex or of race rather than of economic beliefs in socialism. Is that not true?

Mr. ALLEN. Very definitely. They would be empowered to do that.

Mr. GURNEY. So, then, the institution finally could be saddled with somebody who had an economic belief that was violently opposed to what this institution was trying to teach its young men and young women. Is not that a fact?

Mr. ALLEN. That is correct.

Mr. GURNEY. And that is the real danger of this bill.

Mr. ALLEN. This procedure is somewhat reminiscent of the Star Chamber procedure back in England of some two centuries ago. It almost rises to the Inquisition back in medieval days in Europe. It is a pernicious business, setting up a system of harassment of every educational institution in the country, and every employer of as many as eight people would be covered.

Mr. GURNEY. As a matter of fact, have we not had a previous example of this kind of procedure? I am talking now about the procedure, not the substance of the bill. It seems to me that under the National Labor Relations Act, which set up the National Labor Relations Board, we had a similar example.

Mr. ALLEN. Somewhat, yes.

Mr. GURNEY. Where there was a judge, jury, and prosecutor all wrapped into one. In times past, it has been pretty difficult, under that procedure, to get more than a one-sided opinion, and the cards really have been sort of stacked in favor of one party as opposed to the other. Is that not true in some of the past history of that particular board?

Mr. ALLEN. Certainly, there is an analogy between the two procedures.

Mr. GURNEY. I would think that we would hesitate before we jumped into some other kind of trap.

My understanding of the position of the junior Senator from Alabama—at least on the procedural aspect we are talking about—is that if we really are going to follow the kind of legal proceedings that we have always thought we had in this country, we ought to have a check and balance there, too, and not have everything all tied up in one procedure. That is why the junior Senator from Alabama—if I correctly understand his argument—feels that the court process ought to be injected in the decisionmaking of this Commission rather than the whole thing being wrapped up in the decisionmaking in the early part of it. Is that not correct?

Mr. ALLEN. That is correct.

Mr. GURNEY. Would the junior Senator from Alabama explain that precise difference a little more for me, so that I can precisely understand it?

Mr. ALLEN. The Senator has reference to the procedure under the bill. Of course, at the present time the Commission has powers of conciliation, advisory capacity, and it has a backlog of about 18 months to 2 years of cases before it now. It is anticipated that this year approximately 32,000 more cases are going to be filed and that next year approximately 45,000 more will be filed.

The Commission receives these complaints and investigates them through its employees. By the way, I might suggest that it was pointed out, in answer to a question I propounded to the distinguished Senator from New Jersey (Mr. WILLIAMS), that it is anticipated that in the next year or two, the employees of the EEOC are going to double in number, to increase from approximately 1,000 to 2,000 employees. They would use some of these Federal bureaucrats to investigate these charges. Then, if they feel, at that stage in the proceedings, that there has been discrimination—they prejudge the matter, or they would not call on the general counsel to prefer charges—they refer the matter to the general counsel. He prefers the charges against the respondent, whether the respondent be an educational institution or a religious school or a private school or a small employer who employs as few as eight people. Then the matter is tried before the Commission itself, the very Commission that had turned the matter over to the counsel for prosecution.

So it seems to the junior Senator from Alabama that that provides no due process. The junior Senator from Alabama recalls that the Constitution says that nobody shall be deprived of life or property without due process of law.

Mr. GURNEY. It is at this point, as I understand it, that the junior Senator from Alabama would bring in a Federal judge.

Mr. ALLEN. That is correct.

Mr. GURNEY. To hear this matter and try it and decide it.

Mr. ALLEN. That is correct. They would be the jury and the prosecutor, but they would not be the judge.

I do not think that asking the Federal judiciary to take over this problem is in any way showing a lack of sympathy for those who feel that they have been discriminated against, because the record of the district judges over the country certainly is one of compassion and of sympathy with civil rights, with the desegregation of schools in one area of our country. I am not going to try to get into that situation. I will comment on that another day. But the district judges have been especially compassionate in matters of civil rights.

Also, in the judgment of the junior Senator from Alabama, the matter could be determined more readily, more quickly, by the court route, for this reason: There are 398 Federal district judges in the country. There is only one Equal Employment Opportunity Commission lodged here in Washington so that with this tremendous backlog of cases that the Commission already has, seeking to decide all the discrimination cases that would arise in the 50 States, and all of that to be decided by a five-man Commission, it would certainly seem to the junior Senator from Alabama to be the sure way to prevent a man getting a decision any time soon, whereas if the workload is divided out as the occurrence of the acts of discrimination might dictate, or if it is divided out among the 398 Federal district judges, it would be quite apparent that a final determination could be arrived at much quicker by going the court enforcement route rather than having the complaints aired before the Commission itself. So that they would get speedier action, in the judgment of the Senator from Alabama.

Mr. GURNEY. It would seem to me it would also obtain a much broader kind of decisionmaking if we had the Federal judges in the 50 States of the Union deciding these matters instead of one Commission located in Washington, D.C. It would seem to me we would get a much broader viewpoint and perhaps even a fairer viewpoint.

Mr. ALLEN. That is true. Also on the matter of witnesses, should a matter come up in the district where the discrimination took place, it would obviously be easier for the witnesses to appear in their district. Justice could be better done by handling it at the local level. Also Federal district judges that are, I assume, but have not always been in ivory towers, at one time they were practicing attorneys, have a familiarity with local conditions and local problems and they would obviously carry that knowledge with them to the bench.

Mr. GURNEY. On that very point, I was interested in the Senator's observation about the progress made in the field of civil rights, especially school desegregation and integration. While I realize it is not a subject matter under this bill, it certainly is a closely related subject——

Mr. ALLEN. Yes, indeed.

Mr. GURNEY (continuing). To the whole area we are discussing here. For the life of me, I cannot understand, and perhaps the junior Senator from Alabama can explain to me, the opposition of the managers of the bill to the Federal district courts, because we all know that the civil rights revolution—and I do not think there is any other way to term it but as a revolution which we have had in the past decade and a half, which has occurred mainly in the South where many people in the North think that people in the South do not understand the problem—in school desegregation and integration, and the furtherance of the cause of civil rights, came right out of the South, right off the benches of Federal district court judges. While it is true they were former practicing attorneys in the South, it is fair to say, so far as school desegregation is concerned, that probably 99 percent of case law on school desegregation has been made in the South and all of it by Federal judges. If we have that kind of track record of getting along, and getting along at a fairly rapid pace, and certainly in the past few years in the area of civil rights, why would it not work so far as equal employment opportunity is concerned?

It would almost seem to me as though the managers and the authors of the bill, seeing that the record would place a greater degree of sureness in their cause, would like to put it in the jurisdiction of the Federal district courts and the Federal judges. What answer would the Senator have for that?

Mr. ALLEN. They have not answered it to my satisfaction. I do not recall that they have given any plausible answer, not one that seems plausible to me, at least. Apparently they want the Commission to handle the whole package and not bother to take it before a judge, who would probably try the matter under the rules of evidence, who would see that the respondent had his day in court, that the matter was tried without any bias or prejudice; whereas possibly the Commission might be more inclined to go into a matter it had already investigated and had preferred charges on, so that they might already have their minds made up that discrimination did exist.

I agree with the Senator from Florida that they should have no fear to take a matter to the Federal district court with the track record, as the distinguished Senator from Florida refers to it, of the Federal judiciary in the Federal district court on civil rights matters. So the proponents of the bill come in and say, "We want some enforcement mechanism." Well, there is no opposition, so far as the junior Senator from Alabama knows, to giving an enforcement mechanism. The chief point of difference at that point—and I disagree with covering State and local government and I disagree with covering educational institutions—as to the matter of an enforcement procedure, I am willing to confer on the Commission an enforcement mechanism for their decision, and remove them from the lack of an enforcement procedure—that is, supply that need. They have been operating for 7 years. I assume they claim they have done a good job because they come back every year to state their case for appropriations, and they have never asked to be disbanded, so I assume that they say they are doing a good job under present law.

So it seems to me that the court decision enforcement right should be acceptable to all parties. By and large, that is what this whole discussion is about, because it is apparent from the temper of the Senate, as the junior Senator from Alabama assesses it, that the Senate is willing to cover State, county, and city employees, that it is even willing, based on the amendment which we offered but which was turned down, to cover educational institutions. I disagree with the wisdom of that, but apparently the Senate is willing to do that. But what it has been unwilling to do is to make of this Commission prosecutor, jury, and judge. Apparently it is willing to give it the mechanism of allowing it to prosecute these complaints and these charges in the Federal district courts throughout the country. So it is hard for the junior Senator from Alabama to see what the objection is all about. The court procedure route confers on the Commission a power it does not now have. So why they are not willing to accept that is something I find hard to understand.

Mr. GURNEY. One thing about this procedure is that under the Federal court system, and speaking now of the criminal side, or the cases where U.S. attorneys are involved as prosecutors, even in the case of a person who is beyond the Federal Government, the judiciary in part has suffered from the office of the U.S. attorney.

I mean by that that if the U.S. attorney has a matter before him or if he has a civil matter before him, he is the one who makes the decision as to whether to go ahead and prosecute it. The judge does not tell him what to do. He decides what he is going to do. Yet it seems to me that under the procedure that is set up in the bill, we do not even state anything beyond that, because the Commission, the general counsel's office, the whole kit and caboodle are wrapped up in one package and going in one direction.

Mr. ALLEN. The Senator is correct.

Mr. GURNEY. And seemingly his guidance over these things does not accomplish much, even in the Federal court; does it?

Mr. ALLEN. No, it certainly does not. Consequently, a better opportunity for the due process of law would be exercised under the court procedure route rather than having it wrapped all in one package, which would be the effect of the bill pending before the Senate.

Mr. GURNEY. Another thing bothers me about the way the bill is drafted, both as to its substance and as to what it includes and does not include at the present time and its procedures. We could go back again to the example of a religious school that wanted to hire a religious person, a person that is more religiously oriented than another person.

It seems to me that we have had examples in the past of zealots in some fields who have pinpointed certain areas that they want to zero in on, not only in the civil rights field, but also in the educational areas and institutions.

I can remember, for example, some years ago when the Department of Health, Education, and Welfare sent down to Florida during the summertime a group of college students that were still in college but were on summer vacation. The mission of these students was to come down to Florida and harass the boards of education in the State of Florida concerning their hiring practices.

This, of course, was in the civil rights field. But it actually happened. These young college students, who had not even had their first job in life as yet, came down to Florida like a swarm of locusts and proceeded to tell these people exactly what they had to do to get their institutions in shape or how to shape up, if we want to put it in that way, on a job that some of them had spent most of their lifetimes in doing. We have had an example like that.

It seems to me that if we are going to create a commission such as this and give it the judicial powers that this bill calls for, as well as the additional coverage, we can go back to the example of a college that wanted to keep itself as a religious institution and hire faculty members who believe in the religion of their own faith—whether it be Baptist, Congregationalist, which is my own faith, or whatever it be.

A bunch of people who were zealots and who wanted to change the concept of that particular college would zero on their target and apply to get on the faculty and keep that institution embroiled constantly before the EEOC. Also, if we had a commission that wanted to be overzealous on the kinds of suits they entertain and the kind of prosecutions they preferred, such an institution could be harassed almost out of existence. Does the Senator from Alabama see that danger in the bill?

Mr. ALLEN. I very definitely do. There is also the danger of the loss of academic freedom by educational institutions. With the constant harassment that is possibly under the bill, I see a possible loss of accreditation by some of our institutions.

As the Senator knows, there is always a constant battle by institutions of higher learning to have adequate libraries, adequate facilities and equipment, and adequate teaching staffs to maintain their accreditation so that the young people of the State can go to those schools feeling that they are going to an accredited institution from which they might transfer their credits to other institutions.

One of the causes that results in loss of accreditation by an institution of higher learning is that when politics creeps into the institution, it is felt that the institution is run, not by educators, but by politicians or by a government agency.

It is then the feeling that the institution is not there for education purposes, but for political reasons. And that sometimes results in the loss of accreditation by students. So, if the EEOC is constantly harassing institutions of higher learning, or a secondary school for that matter, there would be considerable alarm that the institution might lose its accreditation.

Mr. GURNEY. Mr. President, that brings to mind another interesting point on which I would like to ask a question of the distinguished Senator from Alabama. It is a well-known fact that the contributions to institutions of higher learning have dropped very considerably, with reference to alumni funds, for example, and also with reference to many of the large gifts that have been made in the past outside of alumni funds every year to colleges and universities in the Nation. It is a well-known fact that no college or university today of any size or worth or merit could get along financially with either the tuition that is paid by its students or from the income they receive from their endowments. Every single one of them needs a substantial income other than from the alumni and special gifts.

We know that this dropoff is chiefly because of two reasons. One has been the turmoil on the campuses which has discouraged some of the people who had contributed before. Another concerns the policies of institutions. That is the thing we talked about a little bit before. Many of the donors are unhappy and upset because of the policies of the institutions or the kind of instruction they give in political science or economics or special studies or because of the permissiveness they permit on the campus.

I am not making a general indictment of colleges or universities. I am simply saying that these are some of the causes why alumni are not giving any more or are giving less and why other special grants are not being brought in.

As we know, we have institutions that are strongly religious in their orientation and teaching. Suppose, for example, when this bill is passed, if it is passed in its present form, there were faculty members on the faculties of these particular colleges that did not believe in religion, so the whole thrust of that college or university as far as religious doctrine went out the window. Might that not affect giving by alumni, as well as others who wish to support that kind of institution?

Mr. ALLEN. I think definitely it would because if the institution has ceased to carry out the mission or the function approved by the alumni, obviously they are going to withdraw their financial support and transfer it somewhere else if they find an institution they feel worthy of their support.

So any institution that is constantly being harassed and that has a bad image and get the reputation of having on its faculty—and I am speaking of religious institutions at this time—people who are not in favor of carrying out the mission which has been conceived for the institution, obviously people are going to be dissatisfied and it is going to cause a lessening of their contributions. I think definitely it would be to the disadvantage of such institutions.

Mr. GURNEY. So one of the inherent dangers in this bill, in addition to the other dangers that the Senator from Alabama and others have discussed in debate on this bill, is the inherent danger that we may be shooting down the cause of higher education, at least to some extent in some schools that want to run their particular institutions in certain fashions that have been time honored, and as near as I can see, it has little to do with discrimination in employment of people; they want conditions as they have always been and it just has to do with how they want their curriculum and studies handled and what kind of instruction they want to have in their institutions as opposed to some other kind.

I thank the distinguished junior Senator from Alabama for this colloquy and for answering some of these questions that have troubled me and I know they are going to trouble a great many of my constituents in Florida, as they are now troubling them, as I know from the mail I receive from day to day. I think constituents of other Senators would be greatly troubled if they had any idea of what is in this bill and what might happen if the bill were passed in its present form.

I thank the distinguished Senator from Alabama for the real light, a sort of glare of the searchlight, he is bringing to this bill so we can be informed what it is all about.

Mr. ALLEN. I thank the Senator for his generous comments and for the contributions he made to the colloquy, as well as the background and provisions of the bill. He has made a definite contribution in pointing out some of the inherent dangers in this bill. I appreciate very much the contribution he has made.

Mr. GURNEY. I thank the Senator.

Mr. President, in my discussions of the bill I have strongly denounced and criticized the fact that the legislation would violate the very first item of the first article of the Bill of Rights by empowering the Federal Government to interfere with the free exercise of religion by dictating almost all of the employment practices of church-supported educational institutions.

That is in line with the colloquy I have been having with the distinguished Senator from Alabama. I say again that it would be difficult to imagine any practice more at odds with the idea of religious liberty than to say that the first amendment left it open to the Federal Government to compel church-supported schools at every level of education to capitulate the Federal Government's secular concept of "equal employment opportunity." If this is not true, the first amendment is but an empty pledge expressed in idle words.

In my discussions of the bill, I have strongly denounced and criticized the fact that the proposed legislation is a direct assault upon the free enterprise system. The bill brings within its orbit every employer having eight or more employees and every labor union having eight or more members. I assume that that would take in every labor organization in the country. It would be a mighty small one if it did not have as many as eight members. Thus, the small businessman, already overburdened, would encounter new regulations, investigations, hearings, and appeals far beyond his time, his energy, or his finances. If the bill becomes law—and I certainly hope that the Senate will reject the bill—many of the most cherished benefits which organized labor has attained in the last four decades would no longer become matters of right, but would automatically become matters of administrative grace to be doled out by EEOC bureaucrats as rewards for good behavior or withheld as punishment when any union does not comply with their demands.

I have had the privilege of discussing the bill on several occasions as the Senate has been considering it. The only purpose of extending debate on the bill is to allow the people affected—the people of the country—to be alerted to the dangers of the pending proposed legislation. The Senate can act very slowly at times; it can act with great speed at other times. The purpose of this discussion is not to seek to persuade any Senator to the position of the junior Senator from Alabama, because if he persuaded every Senator to support the position of the junior Senator from Alabama, he would not be able to defeat the bill outright. But he does believe that by an extended discussion of the bill, its dangers will become apparent to enough of the constituents of Senators who have voted against cloture and of Senators who have not voted against cloture that the bill should not be allowed to pass.

In the two instances when the Senate

has voted on the question of whether debate on the measure should be choked off, the votes have been decided in the negative. So apparently a sufficient number of Senators feel that the principle of providing due process of law for persons covered by the bill is so important that we who oppose the bill will be allowed to have our day on this subject.

Again, I commend the distinguished majority leader for not allowing the Calendar of the Senate to become clogged by other measures. He has set up a two-track system by which on one track we will have this item of legislation subject to extended debate, and are going to have the other track for important legislation that needs to be attended to by the servants of the people in the Senate.

Mr. President, looking at the calendar of the Senate, this Congress has been in session now for 13 months, and there are only 21 items of business on the calendar. That is a great record, Mr. President—only 21 pieces of legislation on the Calendar of the U.S. Senate. And one of those measures is the companion measure to S. 2515—H.R. 1746. So actually there are, in effect, only 20 measures on the Calendar of the U.S. Senate.

I point that out, Mr. President, to show that our discussion of this matter has not held up the consideration of any important business pending before the Senate. Mr. President, the strike legislation, the legislation that would bring to an end, and I hope provide a permanent solution to this problem, the west coast dock strike, is, at 2 o'clock, by unanimous consent of the Senate, being placed on track 2, if you might call it that, for consideration by the Senate. At 2 o'clock we go over to the second track and take up the so-called west coast dock legislation. So, Mr. President, the Nation's business is not being held up by this discussion.

One collateral benefit I might suggest—perhaps it is not a benefit; but I choose to call it a benefit—that we obtain from extended discussion of this bill and the amendments that are pending is that it enables some of our Members who are seeking higher office, if there be such, to come and go as they see fit. When they have been alerted that there is a cloture vote coming up, we will see them coming in, every single one of them, to vote for cloture. Every single one of the Members of this body seeking another office manages to drift in when the cloture vote comes up.

So, Mr. President—and I say it possibly is not of benefit; possibly it is of detriment—these Members are enabled to go their way and miss the votes. But the bad part of it, Mr. President, is that we are deprived of their presence and the contribution they could make on this legislation. We know how they are going to vote, because we see it time after time. But if we did have a series of votes, possibly some of them would come in and favor this body with their presence.

Mr. President, this bill should not be allowed to pass. It should not be allowed to come to a vote until it has been fully explained, not only to this body but to others, and I am assuming that the absent Senators will read my remarks in the Congressional Record. Not having been here to receive the benefits of my remarks, I feel sure they are going to peruse the Congressional Record and benefit thereby.

Mr. President, with only 20 pieces of legislation pending before the Senate, I say that this bill might be discussed for a considerable additional length of time—long enough, I hope, that the majority leader in his wisdom will lay it aside so that we can get back to the one-track system.

Mr. President, I like this two-track system. It allows those of us who want to stand up for principles to do so without imposing any hardship on the Senate or delaying the enactment of any bill that deserves to be enacted.

It is to be hoped that the people of the country will become alerted to the dangers of this bill. It is to be hoped that they would not like to see the provisions of the EEOC bill made applicable to any person who employs as many as eight. It is to be hoped that they would not like to see the provisions of the act made applicable to every one of some 8,000,000 employees of States, counties, and cities, and agencies of those local governments.

It is to be hoped that they would not like to see the EEOC provisions made applicable to every educational institution in the country, every university, every college, every private school, every church-supported school. It is to be hoped they would not like to see the pattern-and-practice suits, whose enforcement or prosecution now rests with the Justice Department, transferred to the EEOC.

But above all, Mr. President, it is to be hoped that the people of this Nation would not like to see this tremendous power lodged in an agency that receives complaints, prosecutes complaints, decides complaints, and then enforces orders that it makes.

Mr. President, here is our opportunity to take a stand against mushrooming or expanding Federal bureaucracy. Here is an opportunity for us to stop further encroachment by the Federal Government on our local institutions and on the everyday lives of our people. Here is an opportunity for us to prevent a Federal bureau from doubling in size and reaching out for more and more power.

It has been my observation, as a citizen and a Member of this body, that every Federal agency or bureau that is created seems to have an inherent quality or condition that makes it want to enlarge its size, receive greater compensation, obtain more power, and reach out for greater jurisdiction; and I guess Federal bureaucrats are not to be censored too much for that. I guess everyone wants a little bit more importance, and I guess the EEOC would rather have 2,000 employees than just a thousand. They would rather have jurisdiction over every person who is gainfully employed in this country, rather than a lesser number. So these things are understandable.

But, Mr. President, just because this agency or commission wants to double its size, wants to reach out for more power, does not mean that the United States Senate has to yield to the demand. So, Mr. President, I hope that Senators will stand firm against efforts to stop this debate, and that Senators will reach the conclusion that this matter should be laid aside so that the undivided attention of the Senate could be devoted to the 20 other items now appearing on the Senate Calendar, though I say that is a very small number. We read in the newspapers about several thousand bills being introduced in Congress; but we now have only 20 subject to consideration by the Senate on being called up.

Mr. President, I was pleased when the majority leader stated that at 2 o'clock today he was going to set this matter aside temporarily in order that we could take up the legislation to end the west coast dock strike. I have a number of other matters that I would like to call to the attention of the Senate, but I see other Senators on the floor who are no doubt anxious to speak on this bill, and it is the intention of the junior Senator from Alabama, in a moment, to suggest the absence of a quorum in order that another Senator might be able to speak.

So, Mr. President, with the assurance of the junior Senator from Alabama that he will return to the Senate floor to add to his remarks with respect to this measure, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stevenson). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 153) to designate the week which begins on the first Sunday in March, 1972, as "National Beta Club Week."

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 7. An act to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes;

S. 166. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes;

S. 960. An act to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona; and

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 1893. An act to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes; and

S. 3122. An act to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 6745. An act to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota;

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge;

H.R. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes;

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean;

H.R. 12488. An act to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Alabama, to the George W. Andrews Lock and Dam; and

H.J. Res. 958. A joint resolution to amend the Sugar Act of 1948, as amended.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Florida.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BYRD of West Virginia).

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 6745. An act to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota; to the Committee on the Judiciary.

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge;

H.R. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes; and

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean; to the Committee on Commerce.

H.J. Res. 958. A joint resolution to amend the Sugar Act of 1948, as amended; to the Committee on Finance.

RECESS TO 1:50 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 10 minutes before 2 p.m. today.

The motion was agreed to; and (at 12:48 p.m.) the Senate took a recess until 1:50 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ERVIN).

JOINT REFERRAL OF A MESSAGE FROM THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a message from the President of the United States today on protection of the environment be jointly referred to the following committees: Agriculture and Forestry; Banking, Housing and Urban Affairs; Commerce; Finance; Foreign Relations; Interior and Insular Affairs, and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have made this request inasmuch as the message proposes specific legislation falling within the jurisdiction of these committees.

The message from the President is as follows:

To the Congress of the United States:

From the very first, the American spirit has been one of self-reliance and confident action. Always we have been a people to say with Henley "I am the master of my fate . . . the captain of my soul"—a people sure that man commands his own destiny. What has dawned dramatically upon us in recent years, though, is a new recognition that to a significant extent man commands as well the very destiny of this planet where he lives, and the destiny of all life upon it. We have even begun to see that these destinies are not many and separate at all—that in fact they are indivisibly one.

This is the environmental awakening. It marks a new sensitivity of the American spirit and a new maturity of American public life. It is working a revolution in values, as commitment to responsible partnership with nature replaces cavalier assumptions that we can play God with our surroundings and survive. It is leading to broad reforms in action, as individuals, corporations, government, and civic groups mobilize to conserve resources, to control pollution, to anticipate and prevent emerging environmental problems, to manage the land more wisely, and to preserve wildness.

In messages to the Congress during 1970 and 1971 I proposed comprehensive initiatives reflecting the earliest and most visible concerns of the environmental awakening. The new cast of the public mind had to be translated into new legislation. New insights had to have new governmental forms and processes through which to operate. Broadly-based problems—such as air pollution, water pollution, and pesticide hazards—had to be dealt with first.

The necessary first steps in each of these areas have now been taken, though in all of them the work is far from completed. Now, as we press on with that work in 1972, we must also come to grips with the basic factors which underlie our more obvious environmental problems—factors like the use of land and the impact of incentives or disincentives built into our economic system. We are gaining an increasingly sophisticated understanding of the way economic, institutional, and legal forces shape our surroundings for good or ill; the next step is learning how to turn such forces to environmental benefit.

Primary responsibility for the actions that are needed to protect and enhance our environment rests with State and local government, consumers, industry, and private organizations of various kinds—but the Federal Government must provide leadership. On the first day of this decade I stated that "it is literally now or never" for true quality of life in America. Amid much encouraging evidence that it can and will be "now," we must not slacken our pace but accelerate it. Environmental concern must crystallize into permanent patterns of thought and action. What began as environmental awakening must mature finally into a new and higher environmental way of life. If we flag in our dedication and will, the problems themselves will not go away. Toward keeping the momentum of awareness and action, I pledge my full support and that of this Administration, and I urgently solicit the continuing cooperation of the Congress and the American people.

TWO YEARS' AGENDA

FROM CONSIDERATION TO ACTION

In my 1971 environmental message, just one year ago today, I sent to the Congress a comprehensive program designed to clean up the problems of the past, and to deal with emerging problems before they become critical. These proposals included:

Regulation of toxic substances
Comprehensive improvement in pesticide control authority
Noise control
Preservation of historic buildings
Power plant siting
Regulation of environmental effects of surface and underground mining
Ocean dumping regulation
More effective control of water pollution through a greatly expanded waste treatment grant program and strengthened standard-setting and enforcement authorities
A National Land Use Policy Act
Substantial expansion of the wilderness system
Expanded international cooperation

To date, most of the legislation on this list has been the subject of congressional hearings; most of it has attracted heartening interest and support; but none of it has yet received final congressional action. Last year was, quite properly, a year of consideration of these measures by the Congress. I urge, however, that this be a year of action on all of them, so that we can move on from intention to accomplishment in the important needs they address. Passage of these measures and creation of the unified Department of Natural Resources which I also proposed in 1971—by this 92d Congress—will be essential if we are to have an adequate base for improving environmental quality.

BUILDING ON THE BASE

As that base is being established, we must move ahead to build wisely and rapidly upon it. I shall outline today a plan for doing that, with initiatives and actions in the following areas:

- —Tightening pollution control
    - A Toxic Wastes Disposal Control Act
    - Legislation to control sediment from construction activities
    - An emissions charge to reduce sulfur oxide air pollution
    - Clean energy research and energy conservation measures
- —Making technology an environmental ally
    - Integrated pest management
    - Stepped-up research on noise control
    - Stepped-up research on air pollution effects and measurement
- —Improving land use
    - Expansion and strengthening of the National Land Use Policy Act
    - Protection of wet lands
- —Protecting our natural heritage
    - A ban on use of poisons for predator control on public lands
    - A stronger law to protect endangered species of wildlife
    - Big Cypress National Fresh Water Reserve
    - National Recreation Areas around New York Harbor and the Golden Gate
    - Conversion of 20 additional Federal properties to recreational use
    - 18 new Wilderness Areas
    - Regulation of off-road vehicles on Federal lands
- —Expanding international cooperation on the environment
    - Establishment of a United Nations Fund for the Environment
    - Further measures to control marine pollution
- —Protecting children from lead-based paint
- —Enlisting the young
    - President's Environmental Merit Awards Program for high schools
    - Youth opportunities in the Department of Agriculture Field Scout program.

TIGHTENING POLLUTION CONTROL

The legislative framework for dealing with our major air pollution problems has become law, and I have made comprehensive recommendations regarding water pollution control. But several problems remain to be addressed which are difficult to deal with under the general pollution control authorities.

DISPOSAL OF TOXIC WASTES

Increasingly strict air and water pollution control laws and their more effective enforcement have led to greater reliance on land—both surface and underground—for disposal of waste products from the toxic substances being used in ever greater volume and variety in our society. Without adequate controls, such waste disposal may cause contamination of underground and surface waters leading to direct health hazards.

—I propose a Toxic Wastes Disposal Control Act, under which the Environmental Protection Agency would establish Federal guidelines and requirements for State programs to regulate disposal on or under the land of those toxic wastes which pose a hazard to health. The act would provide for Federal enforcement action if a State should fail to establish its own program.

SEDIMENT CONTROL

Sediment, small particles of soil which enter the water, is the most pervasive water pollution problem which does not come primarily from municipal or industrial sources. Heavy loads of sediment interfere with many beneficial uses of water, such as swimming and water supply, and can change the entire character of an aquatic environment. Many of our great waterways are afflicted with this problem. In our urban areas, a significant amount of sediment comes from construction. However, if proper construction practices are followed, sediment runoff from this source can be greatly reduced.

—I propose legislation calling upon the States to establish, through appropriate local and regional agencies, regulatory programs to control sediment affecting water quality from earth-moving activities such as building and road construction.

The Environmental Protection Agency, together with other Federal agencies, would develop Federal guidelines for appropriate control measures. Federal enforcement would take place in situations where a State failed to implement such a program.

SULFUR OXIDES EMISSIONS CHARGE

In my 1971 Environmental Message, I announced plans to ask for imposition of a charge on sulfur oxides emissions, one of the air pollutants most damaging to human health and property, and vegetation. The Council on Environmental Quality, the Treasury Department and the Environmental Protection Agency have now completed their studies on this measure and have developed the details of an emission charge proposal.

—I propose a charge on sulfur emitted into the atmosphere from combustion, refining, smelting, and other processes.

This charge would begin in 1976 and apply in all regions where the air quality does not meet national standards for sulfur oxides during 1975. The charge would be 15 cents per pound on sulfur emitted in regions where the primary standards—which are designed to be protective of public health—have not been met within the deadline for achievement prescribed in the Clean Air Act. In regions where air quality met the primary standard but exceeded the secondary national standard—designed to protect property, vegetation, and aesthetic values—a charge of $.10 per pound of sulfur emitted would apply. Areas which reduce emissions sufficiently to meet both primary and secondary air quality standards would be exempt from the emission charge.

This charge is an application of the principle that the costs of pollution should be included in the price of the product. Combined with our existing regulatory authority, it would constitute a strong economic incentive to achieve the sulfur oxides standards necessary to protect health, and then further to reduce emissions to levels which protect welfare and aesthetics.

CLEAN ENERGY GENERATION AND CONSERVATION

Ours is an energy-based economy, and energy resources are the basis for future economic progress. Yet the consumption of energy-producing fuels contributes to many of our most serious pollution problems. In order to have both environmental quality and an improving standard of living, we will need to develop new clean energy sources and to learn to use energy more efficiently.

Our success in meeting energy needs while preventing adverse environmental effects from energy generation and transmission will depend heavily on the state of available technology. In my message to the Congress on energy of last June, I announced a series of steps to increase research on clean and efficient energy production. But further action is needed.

—As part of my new commitment to augment Federal research and development and target it more effectively on solving domestic problems, I have requested in the 1973 budget an additional $88 million for development of a broad spectrum of new technologies for producing clean energy.

In addition to carrying forward the priority efforts I have already announced—the liquid metal fast breeder reactor, pipeline quality gas from coal, and sulfur oxide control technology—the budget provides funds for new or increased efforts on fusion power, solar energy, magnetohydrodynamics, industrial gas from coal, dry cooling towers for power plant waste heat, large energy storage batteries and advanced underground electric transmission lines. These new efforts relate to both our immediate and our future energy problems, and are needed to assure adequate supplies of clean energy.

My message on energy also announced several steps that would be taken by the Federal Government to use energy more efficiently and with less environmental harm. One of these steps was issuance by the Secretary of Housing and Urban Development of revised standards for insulation in new federally insured houses. The new standards for single-family structures, which have now been issued through the Federal Housing Administration, reduce the maximum permissible heat loss by about one-third for a typical home. The fuel savings which will result from the application of these new standards will, in an average climate, exceed in one year the cost of the additional insulation required.

—I am now directing the Secretary of Housing and Urban Development to issue revised insulation standards for apartments and other multifamily structures not covered by the earlier revision. The new rules will cut maximum permissible heat loss by 40%.

The savings in fuel costs after a 5-year period will on the average more than offset the additional construction costs occasioned by these revised standards.

These stricter insulation standards are only one example of administrative actions which can be taken by the Federal Government to eliminate wasteful use of energy. The Federal Government can and must provide leadership by finding and implementing additional ways of reducing such waste.

—*I have therefore instructed the Council on Environmental Quality and the Office of Science and Technology, working with other Federal agencies, to conduct a survey to determine what additional actions might be taken to conserve energy in Federal activities.*

This survey will look at innovative ways to reduce wasteful consumption of energy while also reducing total costs and undesirable environmental impact.

RECYCLING

Recycling—the technique which treats many types of solid wastes not as pollutants but as recoverable and reusable "resources out of place"—is an important part of the answer to the Nation's solid waste burden. Last year, at my direction, the General Services Administration began reorienting government procurement policies to set a strong Federal example in the use of recycled products.

—*Because Federal tax policy should also offer recycling incentives, the Treasury Department is clarifying the availability of tax exempt treatment industrial revenue bond financing for the construction of recycling facilities built by private concerns to recycle their own wastes.*

THE ENVIRONMENTAL TRANSITION

Many environmental problems are influenced by the way our economy operates. Conversely, efforts to improve environmental quality have an impact on the economy. Our national income accounting does not explicitly recognize the cost of pollution damages to health, materials, and aesthetics in the computation of our economic well-being. Many goods and services fail to bear the full costs of the damages they cause from pollution, and hence are underpriced.

Environmental quality requirements will affect many of our industries by imposing new costs on production. We know that these impacts fall unevenly on industries, new and old firms, and on communities, but little concrete data has been available. Contract studies have recently been performed for the Council on Environmental Quality, the Environmental Protection Agency, and the Department of Commerce, under the policy guidance of the Council of Economic Advisers. These initial studies suggest that pollution control costs will result in some price increases, competitive trade disadvantages, and employment shifts. The major impact of these costs will be on older, and usually smaller plants.

As long as we carefully set our environmental goals to assure that the benefits we achieve are greater than the social and economic costs, the changes which will occur in our economy are desirable, and we as a nation will benefit from them.

MAKING TECHNOLOGY AN ENVIRONMENTAL ALLY

The time has come to increase the technological resources allocated to the challenges of meeting high-priority domestic needs. In my state of the Union message last month, I announced an expanded Federal research and development commitment for this purpose. There is great potential for achievement through technology in the fight against pollution and the larger drive for quality in our environment.

The temptation to cast technology in the role of ecological villain must be resisted—for to do so is to deprive ourselves of a vital tool available for enhancing environmental quality. As Peter Drucker has said, "the environment is a problem of [the] success" of technological society, by no means a proof of its failure. The difficulties which some applications of technology have engendered might indeed be rectified by turning our backs on the 20th century, but only at a price in privation which we do not want to pay and do not have to pay. There is no need to throw out the baby with the bath water. Technology can and must be wisely applied so that it becomes environmentally self-corrective. This is the standard for which we must aim.

INTEGRATED PEST MANAGEMENT

Chemical pesticides are a familiar example of a technological innovation which has provided important benefits to man but which has also produced unintended and unanticipated harm. New technologies of integrated pest management must be developed so that agricultural and forest productivity can be maintained together with, rather than at the expense of, environmental quality. Integrated pest management means judicious use of selective chemical pesticides in combination with nonchemical agents and methods. It seeks to maximize reliance on such natural pest population controls as predators, sterilization, and pest diseases. The following actions are being taken:

—*I have directed the Department of Agriculture, the National Science Foundation, and the Environmental Protection Agency to launch a large-scale integrated pest management research and development program. This program will be conducted by a number of our leading universities.*

—*I have directed the Department of Agriculture to increase field testing of promising new methods of pest detection and control. Also, other existing Federal pesticide application programs will be examined for the purpose of incorporating new pest management techniques.*

—*I have directed the Departments of Agriculture and of Health, Education, and Welfare to encourage the development of training and certification programs at appropriate academic institutions in order to provide the large number of crop protection specialists that will be needed as integrated pest management becomes more fully utilized.*

—*I have authorized the Department of Agriculture to expand its crop field scout demonstration program to cover nearly four million acres under agricultural production by the upcoming growing season.*

Through this program many unnecessary pesticide applications can be eliminated, since the scouts will be used to determine when pesticide applications are actually needed.

In my message on the environment last February, I proposed a comprehensive revision of our pesticide control laws—a revision which still awaits final congressional action. Also essential to a sound national pesticide policy are measures to ensure that agricultural workers are protected from adverse exposures to these chemicals.

—*I am directing the Departments of Labor and Health, Education, and Welfare to develop standards under the Occupational Safety and Health Act to protect such workers from pesticide poisoning.*

NOISE CONTROL RESEARCH

Scientific findings increasingly confirm what few urban dwellers or industrial workers need to be told—that excessive noise can constitute a significant threat to human well-being. The Congress already has before it a comprehensive noise control bill, which I proposed a year ago. A quieter environment cannot simply be legislated into being. We shall also need to develop better methods to achieve our goal.

—*I have requested in my 1973 budget a $23 million increase in research and development funds for reducing noise from airplanes. I have also requested new funds for research and development for reducing street traffic noise.*

RESEARCH ON AIR POLLUTION EFFECTS AND MEASUREMENT

Our pollution control efforts are based largely on the establishment of enforceable standards of environmental quality. Initial standards have often been based on incomplete knowledge because the necessary information has not been available. Also, the lack of adequate instruments to measure pollution and of models of how pollutants are dispersed has made it difficult to know exactly how much pollution must be controlled in a particular area. We need added research and development to make more precise judgments of what standards should be set and how we can most practically achieve our goals.

—*I have requested in my 1973 budget an additional $12 million to increase research on the health effects of air pollution, on regional air pollution modeling, and on improved pollution instrumentation and measurement.*

IMPROVING LAND USE

In recent years we have come to view our land as a limited and irreplaceable resource. No longer do we imagine that there will always be more of it over the horizon—more woodlands and shorelands and wetlands—if we neglect or overdevelop the land in view. A new maturity is giving rise to a land ethic which recognizes that improper land use affects the public interest and limits the choices that we and our descendants will have.

Now we must equip our institutions to carry out the responsibility implicit in this new outlook. We must create the administrative and regulatory mechanisms necessary to assure wise land use and to stop haphazard, wasteful, or environmentally damaging development. Some States are moving ahead on their own to develop stronger land-use institutions and controls. Federal programs can and should reinforce this encouraging trend.

NATIONAL LAND USE POLICY ACT

The National Land Use Policy Act, which I proposed to the Congress last year, would provide Federal assistance to encourage the States, in cooperation with local governments, to protect lands which are of critical environmental concern and to control major development. While not yet enacted, this measure has been the subject of much useful debate.

—*I propose amendments to this pending National Land Use Policy legislation which would require States to control the siting of major transportation facilities, and impose sanctions on any State which does not establish an adequate land use program.*

Under these amendments, the State programs established pursuant to the act would not only have to embody methods for controlling land use *around* key growth-inducing developments such as highways, airports, and recreational facilities; the States would also have to provide controls over the actual *siting* of the major highways and airports themselves. The change recognizes the fact that these initial siting decisions, once made, can often trigger runaway growth and adverse environmental effects.

The amendments would further provide that any State that had not established an acceptable land use program by 1975 would be subject to annual reductions of certain Federal funds. Seven percent of the funds allocated under sections of the Airport and Airways Development Act, the Federal-Aid Highway Acts including the Highway Trust Fund, and the Land and Water Conservation Fund, would be withheld in the first year. An additional 7 percent would be withheld for each additional year that a State was without an approved land use program. Money thus withheld from noncomplying States would be allocated among States which did have acceptable programs.

These strong new amendments are necessary in view of the significant effect that Federal programs, particularly transportation programs, have upon land use decisions.

PROTECTION OF WETLANDS

The Nation's coastal and estuarine wetlands are vital to the survival of a wide variety of fish and wildlife; they have an important function in controlling floods and tidal forces; and they contain some of the most beautiful areas left on this continent. These same lands, however, are often some of the most sought-after for development. As a consequence, wetland acreage has been declining as more and more areas are drained and filled for residential, commercial, and industrial projects.

My National Land Use Policy Act would direct State attention to these important areas by defining wetlands among the "environmentally critical areas" which it singles out for special protection, and by giving priority attention to the coastal zones. I propose to supplement these safeguards with new economic disincentives to further discourage unnecessary wetlands development.

—*I propose legislation to limit applicability of certain Federal tax benefits when development occurs in coastal wetlands.*

MANAGEMENT OF PUBLIC LANDS

During 1971, I acted to strengthen the environmental requirements relating to management and use of the Nation's vast acreage of federally-owned public lands administered by the Department of the Interior. I proposed new legislation to establish an overall management policy for these public lands, something which we have been without for far too long. This legislation, still pending before the Congress, would direct the Secretary of the Interior to manage our public lands in a manner that would protect their environmental quality for present and future generations. The policy which it would establish declares the retention of the public lands to be in the national interest except where disposal of particular tracts would lead to a significant improvement in their management, or where the disposal would serve important public objectives which cannot be achieved on non-public lands.

PROTECTING OUR NATURAL HERITAGE

Wild places and wild things constitute a treasure to be cherished and protected for all time. The pleasure and refreshment which they give man confirm their value to society. More importantly perhaps, the wonder, beauty, and elemental force in which the least of them share suggest a higher right to exist—not granted them by man and not his to take away. In environmental policy as anywhere else we cannot deal in absolutes. Yet we can at least give considerations like these more relative weight in the seventies, and become a more civilized people in a healthier land because of it.

PREDATOR CONTROL

Americans today set high value on the preservation of wildlife. The old notion that "the only good predator is a dead one" is no longer acceptable as we understand that even the animals and birds which sometimes prey on domesticated animals have their own value in maintaining the balance of nature.

The widespread use of highly toxic poisons to kill coyotes and other predatory animals and birds is a practice which has been a source of increasing concern to the American public and to the federal officials responsible for the public lands.

Last year the Council on Environmental Quality and the Department of the Interior appointed an Advisory Committee on Predator Control to study the entire question of predator and related animal control activities. The Committee found that persistent poisons have been applied to range and forest lands without adequate knowledge of their effects on the ecology or their utility in preventing losses to livestock. The large-scale use of poisons for control of predators and field rodents has resulted in unintended losses of other animals and in other harmful effects on natural ecosystems. The Committee concluded that necessary control of coyotes and other predators can be accomplished by methods other than poisons.

Certainly, predators can represent a threat to sheep and some other domesticated animals. But we must use more selective methods of control that will preserve ecological values while continuing to protect livestock.

—*I am today isuing an Executive Order barring the use of poisons for predator control on all public lands. (Exceptions will be made only for emergency situations.) I also propose legislation to shift the emphasis of the current direct Federal predator control program to one of research and technical and financial assistance to the States to help them control predator populations by means other than poisons.*

ENDANGERED SPECIES

It has only been in recent years that efforts have been undertaken to list and protect those species of animals whose continued existence is in jeopardy. Starting with our national symbol, the bald eagle, we have expanded our concern over the extinction of these animals to include the present list of over 100. We have already found, however, that even the most recent act to protect endangered species, which dates only from 1969, simply does not provide the kind of management tools needed to act early enough to save a vanishing species. In particular, existing laws do not generally allow the Federal Government to control shooting, trapping, or other taking of endangered species.

—*I propose legislation to provide for early identifications and protection of endangered species. My new proposal would make the taking of endangered species a Federal offense for the first time, and would permit protective measures to be undertaken before a species is so depleted that regeneration is difficult or impossible.*

MIGRATORY SPECIES

The protection of migratory species, besides preserving wildlife values, exemplifies cooperative environmental effort among the United States, Canada, and Mexico. By treaties entered into among these three countries, migratory species are protected. New species may be added by common agreement between the United States and Mexico.

—*I have authorized the Secretary of State, in conjunction with the Secretary of the Interior, to seek the agreement of the Mexican Government to add 33 new families of birds to the protected list.*

Included in the proposal are eagles, hawks, falcons, owls, and many of the most attractive species of wading birds. I am hopeful that treaty protection can be accorded them in the near future.

BIG CYPRESS NATIONAL FRESH WATER RESERVE

After careful review of the environmental significance of the Big Cypress

Swamp in Florida, particularly of the need for water from this source to maintain the unique ecology of Everglades National Park, I directed the Secretary of the Interior to prepare legislation to create the Big Cypress National Fresh Water Reserve. This legislation, which has now been submitted to Congress, will empower the Federal Government to acquire the requisite legal interest in 547,000 acres of Big Cypress.

NEW PARKLANDS AT THE GATEWAYS

The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration. Two of the Nation's major gateways to the world—New York City and San Francisco—have land nearby with exceptional scenic and recreational potential, and we are moving to make that land available for people to enjoy. In May of 1971, I proposed legislation to authorize a Gateway National Recreation Area in New York and New Jersey. This proposal would open to a metropolitan region of more than 14 million people a National Recreation Area offering more than 23,000 acres of prime beaches, wildlife preserves, and historical attractions including the nation's oldest operating lighthouse.

On our western shore lies another area uniquely appropriate for making recreational and scenic values more accessible to a metropolitan community.

—*I propose legislation to establish a Golden Gate National Recreation Area in and around San Francisco Bay.*

This proposal would encompass a number of existing parks, military reservations, and private lands to provide a full range of recreation experiences. Altogether, the area would encompass some 24,000 acres of fine beaches, rugged coasts, and readily accessible urban parklands, extending approximately 30 miles along some of America's most beautiful coastline north and south of Golden Gate Bridge. Angel and Alcatraz Islands in the bay would be within the boundaries of the National Recreation Area, as would a number of properties on the mainland which afford magnificent views of the city, the bay and the ocean. As part of this plan, I am directing that the Presidio at San Francisco be opened for dual military and civilian recreational uses.

CONVERTING FEDERAL PROPERTIES TO PARKS

Among the most important legacies that we can pass on to future generations is an endowment of parklands and recreational areas that will enrich leisure opportunities and make the beauties of the earth and sea accessible to all Americans. This is the object of our Legacy of Parks program, initiated early in 1971. As part of this program, I directed the Property Review Board to give priority to potential park and recreation areas in its search for alternative uses of federally held real property. The results of this search so far have been most encouraging. To the original 40 properties which I announced in my Environmental Message of 1971 as being well suited for park use, another 111 prospects have been added. And from this total of 151 prospective parklands, 63 have already been made available.

—*Today I am pleased to announce that 20 more parcels of Federal land are being made available for park and recreation use.*

These newest parcels, combined with those which have been announced over the past year, provide a legacy of 83 parklands for America which comprise 14,585 acres in 31 States and Puerto Rico. The estimated fair market value of these properties is over $56 million. In the months to come, every effort will be made to extend this legacy to all 50 States. The green spaces and natural retreats that we tend to take for granted will not be available for future enjoyment unless we act now to develop and protect them.

WILDERNESS AREAS

One of the first environmental goals I set when I took office was to stimulate the program to identify and recommend to the Congress new wilderness areas. Although this program was behind schedule at that time, I am now able to report that the September, 1974 statutory deadline for reviews can and will be met.

The Wilderness Act of 1964 set aside 54 areas, consisting of about 9.1 million acres, as the nucleus of our wilderness system. Since then, 33 new areas totalling almost 1.2 million acres within National Forests, National Parks, and National Wildlife Refuges have been added to the system. Thirty-one areas totalling about 3.6 million acres, including 18 areas submitted by this Administration, have been proposed to the Congress but have yet to be acted upon. One of the most significant elements of this process has been the active participation by the public in all of its phases. At public wilderness hearings held all across the country, fair consideration has been given to all interests and points of view, with constructive citizen involvement in the decision-making process.

—*I am today proposing 18 new wilderness areas which, when approved, will add another 1.3 million acres to the wilderness system.*

Eight of these proposals are within the National Forests, four are within National Park areas, and six are in National Wildlife Refuges.

Of these areas, 1.2 million acres would be in the following National Forests: Blue Range National Forest, Arizona and New Mexico; Agua Tibia and Emigrant National Forests, California; Eagles Nest and Weminuche National Forests, Colorado; Mission Mountains National Forests, Montana; Aldo Leopold National Forest, New Mexico; and Glacier National Forest, Wyoming.

A total of 40,000 acres would be in our National Park system in the following locations: Black Canyon of the Gunnison National Monument, Colorado; Bryce Canyon National Park, Utah; Chiricahua National Monument, Arizona; Colorado National Monument, Colorado.

Finally, a total of 87,000 acres would be in areas administered by the Fish and Wildlife Services of the Department of the Interior in the following locations: St. Marks, National Wildlife Refuge, Florida; Wolf Island National Wildlife Refuge, Georgia; Moosehorn National Wildlife Refuge, Maine; San Juan Islands, National Wildlife Refuge, Washington; Cape Romain, National Wildlife Refuge, South Carolina; and Bosque del Apache, National Wildlife Refuge, New Mexico.

The year 1972 can bring some of the greatest accomplishment in wilderness preservation since passage of the Wilderness Act in 1964. I urge prompt and systematic consideration by the Congress of these 18 new proposals and of the 31 currently pending before it. Approval of all 49 additions would bring the system up to a total of over 15 million acres.

Unfortunately, few of these wilderness areas are within easy access of the most populous areas of the United States. The major purpose of my Legacy of Parks program is to bring recreation opportunities closer to the people, and while wilderness is only one such opportunity, it is a very important one. A few of the areas proposed today or previously are in the eastern sections of the country, but the great majority of wilderness areas are found in the West. This of course is where most of our pristine wild areas are. But a greater effort can still be made to see that wilderness recreation values are preserved to the maximum extent possible, in the regions where most of our people live.

—*I am therefore directing the Secretaries of Agriculture and the Interior to accelerate the identification of areas in the Eastern United States having wilderness potential.*

OFF-ROAD VEHICLES

A recent study by the Department of the Interior estimated that Americans own more than 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others. The use of these vehicles is dramatically on the increase: data show a three-fold growth between 1967 and 1971 alone.

As the number of off-road vehicles has increased, so has their use on public lands. Too often the land has suffered as a result. Increasingly, Federal recreational lands have become the focus of conflict between the newer motorized recreationist and the traditional hiker, camper, and horseback rider. In the past, Federal land-management agencies have used widely varying approaches to dealing with this conflict. The time has come for a unified Federal policy toward use of off-road vehicles on Federal lands.

—*I have today signed an Executive Order directing the Secretaries of Agriculture, Interior, Army and the Board of Directors of the Tennessee Valley Authority to develop regulations providing for control over the use of off-road vehicles on Federal lands.*

They will designate areas of use and non-use, specify operating conditions that will be necessary to minimize damage to the natural resources of the Federal lands, and ensure compatibility with other recreational uses, taking into account noise and other factors.

EXPANDING INTERNATIONAL COOPERATION OF THE ENVIRONMENT

We are now growing accustomed to the view of our planet as seen from space—a blue and brown disk shrouded in white patches of clouds. But we do not ponder often enough the striking lesson it teaches about the global reach of environmental imperatives. No matter what else divides men and nations, this perspective should unite them. We must work harder to foster such world environmental consciousness and shared purpose.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

To cope with environmental questions that are truly international, we and other nations look to the first world conference of governments ever convened on this subject: the United Nations Conference on the Human Environment, to be held in Stockholm, Sweden, in June of this year. This should be a seminal event of the international community's attempt to cope with these serious, shared problems of global concern that transcend political differences.

But efforts to improve the global environment cannot go forward without the means to act.

—*To help provide such means, I propose that a voluntary United Nations Fund for the Environment be established, with an initial funding goal of $100 million for the first 5 years.*

This Fund would help to stimulate international cooperation on environmental problems by supporting a centralized coordination point for United Nations activities in this field. It would also help to bring new resources to bear on the increasing number of worldwide problems through activities such as monitoring and cleanup of the oceans and atmosphere.

—*If such a Fund is established, I will recommend to the Congress that the United States commit itself to provide its fair share of the Fund on a matching basis over the first 5 years.*

This level of support would provide start-up assistance under mutually agreed-upon terms. As these programs get underway, it may well be that the member nations will decide that additional resources are required. I invite other nations to join with us in this commitment to meaningful action.

CONTROL OF MARINE POLLUTION

Ocean pollution is clearly one of our major international environmental problems. I am gratified that in the past year the Congress has taken several steps to reduce the risks of oil spills on the high seas. However, further congressional action is needed to ratify several pending international conventions and to adopt implementing legislation for the various oil-spill conventions which have been ratified or which are waiting approval.

Action on these recommendations will complete the first round of international conventions to deal with marine pollution. We have taken initiatives in three international forums to develop a second and more sophisticated round of agreements in this area. We are preparing for a 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference to draft a convention barring intentional discharges to the sea of oil and hazardous substances from ships. In conjunction with the Law of the Sea Conference scheduled for 1973, we are examining measures to control the effects of developing undersea resources. And, in the preparatory work for the 1972 U.N. Conference on the Human Environment, progress has been made on an agreement to regulate the ocean dumping of shore-generated wastes, and further work in this area has been scheduled by IMCO. We hope to conclude conventions in each of these areas by 1973.

PROTECTING CHILDREN FROM LEAD-BASED PAINT

To many Americans, "environment" means the city streets where they live and work. It is here that a localized, but acutely dangerous type of "pollution" has appeared and stirred mounting public concern.

The victims are children: the hazard is lead-based paint. Such paint was applied to the walls of most dwellings prior to the 1950's. When the paint chips and peels from the walls in dilapidated housing, it is frequently eaten by small children. This sometimes results in lead poisoning which can cause permanent mental retardation and occasionally death. We can and must prevent unnecessary loss of life and health from this hazard, which particularly afflicts the poorest segments of our population.

To help meet the lead-paint threat, the Department of Health, Education, and Welfare will administer grants and technical assistance to initiate programs in over 50 communities to test children in high-risk areas for lead concentrations. In addition, these programs will support the development of community organization and public education to increase public awareness of this hazard. Other Federal agencies are also active in the effort to combat lead-based paint poisoning. ACTION and other volunteers will assist city governments to help alleviate lead paint hazards. The Department of Housing and Urban Development is engaged in research and other actions to detect and eliminate this hazard.

The resources of the private sector should also be utilized through local laws requiring owners of housing wherever possible to control lead paint hazards.

ENLISTING THE YOUNG

The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to the new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion: their energy in its behalf can be an impressive force for good.

Four youth participation programs of mutual benefit to the young and the Nation are now planned or underway:

Last October, I initiated the Environmental Merit Awards Program. This program, directed by the Environmental Protection Agency in cooperation with the U.S. Office of Education, awards national recognition to successful student projects leading to environmental understanding or improvement. Qualifications for the awards are determined by a local board consisting of secondary school students, faculty, and representatives of the local community. Already more than 2,000 high schools, representing all fifty States, have registered in the program.

The Department of Agriculture's expanded field scout demonstration program, designed to permit more effective pest control with less reliance on chemical pesticides, will employ thousands of high school and college students. These young people will be scouting cotton and tobacco pests in the coming growing season, and the program will be expanded to other crops in future years.

The Environmental Protection Agency has recently initiated in its Seattle regional office a pilot program using young people to assist the agency in many of its important tasks, including monitoring. EPA is working with State and local pollution control agencies to identify monitoring needs. ACTION and the youth training programs are providing the manpower. If this initial program proves successful, the concept will be expanded.

ACTION volunteers and young people employed through the Neighborhood Youth Corps, Job Corps, and college work-study programs will work with city governments to help alleviate lead paint hazards, gaining experience in community health work as they give urgently needed aid to inner-city families.

Young people working on environmental projects, learning the skills necessary for a particular job, must also understand how their work relates to the environmental process as a whole. Thus, all of these activities must be supplemented by continued improvement in many aspects of environmental education to help all of our citizens, both young and old, develop a better awareness of man's relation to his environment. In my first Environmental Quality Report, I stressed the importance of improving the Nation's "environmental literacy." This goal remains as important as ever, and our progress toward it must continue.

ONE DESTINY

Our destiny is one: this the environmental awakening has taught America in these first years of the seventies. Let us never forget, though, that is not a destiny of fear, but of promise. As I stated last August in transmitting the Second Annual Report of the Council on Environmental Quality: "The work of environmental improvement is a task for all our people . . . The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend." We shall rise to the challenge of solving our environmental problems by enlisting the creative energy of all of our citizens in a cause truly worthy of the best that each can bring to it.

While we share our environmental problems with all the people of the world, our industrial might, which has made us the leader among nations in terms of material well-being, also gives us the responsibility of dealing with environmental problems first among the nations. We can be proud that our solutions and our performance will become the measure for others climbing the ladder of aspirations and difficulties; we can set our sights on a standard that will lift their expectations of what man can do.

The pursuit of environmental quality will require courage and patience. Problems that have been building over many years will not yield to facile solutions. But I do not doubt that Americans have the wit and the will to win—to fulfill our brightest vision of what the future can be.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1972.*

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll..

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

THE DOCK STRIKE

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the dock strike bill, which will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 197) to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, there is a 1-hour time limitation on the joint resolution, with a 2½-hour limitation on the Packwood amendment, and 20 minutes on any amendments thereto.

Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS. To be equally divided, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself 5 minutes for now; first, to lay the groundwork for the debate on this joint resolution. The ranking minority member of the Committee on Labor and Public Welfare and I will present a description of what the committee has sent to the Senate.

There is one amendment we know of that will be offered under the time agreement.

It is hoped that very shortly copies of the joint resolution, as well as the amendment, will become available to Senators. Evidently this emergency measure has placed emergency demands upon the Government Printing Office, but copies of the joint resolution and the amendment will be here as soon as possible.

Mr. President, we are today considering Senate Joint Resolution 197, legislation which the Committee on Labor and Public Welfare ordered reported last night to provide for a settlement of the west coast dock strike.

This resolution is similar to the proposal made by the President on January 21st, 1972, and provides for the appointment of an arbitration board which would make a determination of all issues in the dispute to be binding on the parties to the dispute. The resolution calls for the establishment of an arbitration board by the following step-by-step procedure:

First. The arbitration board would consist of one individual agreed on jointly by the parties.

Second. If the parties are unable to agree upon a single individual, the board would consist of three members, one member to be designated by management, and the third member, who would also serve as the chairman, to be selected by the two members whom the parties previously designated.

Third. Should the two members designated by the parties be unable to select the third member to serve as chairman, the chief judge of the U.S. district court for the northern district of California would designate the third member to serve as chairman.

Fourth. Finally, should either of the parties fail to designate a member, the same judge would designate a single arbitrator to serve as the arbitration board. Pending the determination of the issues by the arbitration board and during the period in which the board's determination is effective, the parties to the dispute are prohibited from engaging in any strike or lockout.

In conducting its hearings on the issues to the dispute, the arbitration board shall give the parties and all other persons whom it finds to be directly affected by its determination, notice, and a full and fair hearing providing an opportunity to present their case in person by counsel or by other representatives whom they may select. This latter provision is specifically designed to give nonparties to this dispute, such as the Teamsters Union and the employers with whom the Teamsters have contracts, as well as employers who are not members of the Pacific Maritime Association, an opportunity to be heard by the arbitration board on any pertinent issues which are involved in this dispute. Such nonparties would not be bound by the board's determination unless, of course, they consent to be bound.

Finally, it should be noted that the determination of the arbitration board is required to be consistent with the policy of the Economic Stabilization Act of 1971.

The board's determination will be final and binding on the parties, subject only to review by the ninth circuit court of appeals which may set aside the board's determination only if it is found to be arbitrary and capricious.

Mr. President, as I had noted earlier, this resolution is substantially similar to the legislation sent to the Congress by the President as his proposal for ending the current longshore dispute on the west coast. The administration's proposal was introduced by the Senator from Oregon (Mr. PACKWOOD) and the Senator from New York (Mr. JAVITS)—by request—and was designated as Senate Joint Resolution 187. On January 26 the Labor and Public Welfare Committee began hearings on this proposal and on the longshore dispute generally, with the Secretary of Labor as its witness. On February 2, the Secretaries of Transportation and Agriculture, and the Under Secretary of Commerce testified before the committee.

On February 3, the committee concluded its hearings with testimony by representatives of the employers and the unions involved in the dispute.

Yesterday, on February 7, 1972, the committee met in executive session and by a roll call vote of 16 to 0 ordered this resolution reported to the full Senate.

I might outline briefly some of the background of this current dispute. The collective bargaining agreement between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association expired on June 30, 1971. On July 1, 1971, upon the expiration of the previous agreement, a strike began which lasted for 100 days On October 4, 1971, the President invoked sections 206 to 208 of the Taft-Hartley Act providing for an 80-day resumption of work. The injunction issued pursuant to the provisions of that act was dissolved on December 25, 1971, and the parties continued work until January 17, 1972, as a result of voluntary agreements to continue working despite intensive negotiations and mediation efforts, the parties were unable to reach agreement, and the strike resumed on January 17, continuing through today. While it is the committee's understanding that most of the major issues have been resolved, the parties have still not reached agreement although negotiations are continuing.

There are several points in regard to this resolution which I would like to make abundantly clear. First, the committee heard testimony presented by Secretaries of Labor, Transportation, and Agriculture, and the Under Secretary of Commerce indicating that the earlier 100-day strike and the current resumption of the strike has had critical economic impact upon the Nation. I emphasize that the impact stressed by these top Government officials was economic impact. At no time did the committee hear any convincing or well-documented testimony that this dispute had a major effect upon the health or safety of the Nation. In fact, while I invited the Secretary of Health, Education, and Welfare, and the Secretary of Defense to testify in this regard, both of these cabinet officers declined to do so. In addition, I have received communication from the Defense Department indicating that their interests in this dispute have not been substantially affected. It is precisely for these reasons that the committee deleted any reference in the resolution to the effect of this strike on the national health or safety, and stated instead that it is vital to the national interest that essential transportation services be maintained. I recognize that our export trade has been seriously hurt by this strike, and I recognize that it is particularly hard on our farmers who have been exporting a large portion of their crops abroad. And I realize that our merchant marine fleet has sustained heavy losses because their ships have been effectively shut down by the strike. However, there has been no impact on the health or safety of the American people.

Instead, we are suffering substantial economic hardships, hardships which go to everyone's pocketbook, and hardships which we would not have to endure had not this administration pursued economic policies which 6 months ago not this administration pursued economic disaster. That is the reason why the national interest requires the resumption of these services, and that is the reason why so many people in this country are crying for a quick settlement of this dispute.

It is in response to that that the committee moved expeditiously to a settlement and wisely, I think, did not complicate the solution by a great change in the President's proposal for ending the strike. We have reported to the Senate for the earliest possible action this proposal that can very shortly bring this economic loss to a halt.

Lastly, let me express my deep reluctance to impose the procedure of compulsory arbitration upon any of the parties involved in this dispute. Compulsory arbitration is, in my judgment, a method of handling labor disputes which is contrary to the spirit and the objectives of the collective bargaining processes. It does not encourage voluntary settlements, but as a general rule, it inhibits voluntary settlements. It takes away the flexibility which both parties must have in order to arrive at a peaceful settlement, a settlement which everyone involved must agree to implement. I wish that there were another way in which to handle this difficult and disturbing problem, and it is my fervent hope that before this legislation is signed into law the parties will have voluntarily come to terms.

Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. MAGNUSON), I ask unanimous consent to have printed in the RECORD a statement by him relative to the west coast dock strike.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

I am pleased that the Senate Committee on Labor and Public Welfare has reported emergency legislation to end the West Coast dock strike. This measure has my strong support. There has been great concern in the State of Washington about this strike and the many hardships that are resulting to innocent third parties. It has had a severe impact on employment, small business, agriculture, and other sectors of our Northwest economy. Particularly at this time, when our State's economy is so badly depressed, the additional burdens are difficult to sustain.

As all Senators know, in our free market system, the matter of collective bargaining is generally left to the negotiating parties and intervention by the Government is a last resort. Even now, a negotiated settlement to this dispute would be the best course; both speedier and more equitable than an imposed settlement. However, the indefinite continuation of this strike is intolerable; therefore, the Government must act. In that regard, I have long believed that, in general, the existing mechanisms of Taft-Hartley are inadequate for resolving disputes in basic transportation industries, and that new measures are needed. Of course, thorough hearings should be held before any permanent legislation is enacted.

I regret that the committee determined that compulsory arbitration is required in order to settle this protracted dock strike. I will not, however, second guess the judgment of the Senate Labor and Public Welfare Committee in light of their unanimous approval of this measure. The Committee did, however, provide in the legislation as reported that the arbitrators would be selected by the parties to the dock dispute themselves, rather than by the Secretary of Labor, as proposed by the Administration.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. Mr. President, I yield 4 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I yield first to the Senator from Oregon.

PRIVILEGE OF THE FLOOR

Mr. PACKWOOD. Mr. President, I ask unanimous consent that, in addition to my regular aide, Carol Crawford, that another member of my staff, Judy Freshman, be allowed to be on the floor during debate on the bill and during the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we do face a serious emergency, at the very least, that affects the national interest. And in view of that emergency, Congress has the right and, indeed, the duty to act. So, we are acting. This reflects, however, the abyss of the lack of our preparation and our improvidence in not having by now produced in Congress a piece of generic legislation which would enable the President to deal with such a situation.

Mr. President, in my judgment that trade unions of our country in pursuance of their own vitality and autonomy and integrity should long ago have helped in fashioning such legislation. And I hope they will still do so, because if they do not, one of these emergencies will come along and will breed such a repressive piece of antilabor legislation that they will rue the day they did not participate in shaping legislation which would be fair to them and to the country.

We all know as Americans that nothing can stop the country from operating. Much as we venerate collective bargaining, we cannot permit the country or any major part of it to grind to a halt. That is what all this legislation is about.

I support the legislation reported by the committee, as did the committee, unanimously. I think it should be passed. And I feel very deeply that we need generic legislation. I have fought for it for years.

I now have assurance that the committee will have additional hearings and will give consideration to the marking up of a number of bills, including mine, the chairman's, and the administration's, which is before us.

So I feel that we must pass the legislation which has been presented for the purpose of settling this dispute and use that as an object lesson as to why we must, without any delay, move into generic legislation.

Mr. President, I am heartened by the fact that the President has sent us a bill which, notwithstanding the emergency, will help to move us forward. I believe that if my party gets back of it, we will get it. And it is essential that we should do this this very year.

Mr. President, I wish to point out just a few details about this matter. I shall not now deal with the amendment of the Senator from Oregon (Mr. PACKWOOD), which seeks to put in this bill essentially the presence of a generic bill relating to the emergency strikes. We will argue that situation later at a time when the Senator from Oregon has time and we have time to do so.

There are procedural problems which will demand the attention of the Senate, but in connection with the instant bill I wish to make 2 points. One, we provide for the continuance of the Arbitration Board after it has made its findings so that it may deal with the implications of its findings, and other collateral disputes which may arise.

Second, and critically important to me, this recognizes that a regional emergency, to wit, this one in the Pacific coast area, is just as critically urgent for national attention by national legislation as a national emergency. I do not think that it takes a general strike in this country to create the emergency. A regional emergency should be adequate. That is what we are dealing with here and that is recognized by the whole committee and it is a remarkable step forward in the last year in connection with this matter.

For all of those reasons I hope this afternoon we will pass this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield to me for 1 additional minute?

Mr. WILLIAMS. I yield.

Mr. JAVITS. Finally, I wish to say that the Senator from Oregon (Mr. PACKWOOD), who had a deep feeling about the fact that generic legislation should be an amendment to the bill, could have tied us up in knots, as any one Senator can, notwithstanding any kind of motion, but he chose not to do so. I would like to express that fact on the floor and express my appreciation, and I am sure it is true of everyone in the Senate. He feels the matter should be disposed of, consistent with his convictions on principle. He has entered into a time limitation agreement which will assure action on this measure in whatever form the

Senate may prefer this afternoon. I wish to express my appreciation and the appreciation of others for that understanding on his part.

Finally, our chairman, the Senator from New Jersey (Mr. WILLIAMS), has absolutely devoted himself to bringing out a bill, and I know he and other members of the committee yielded very deep feelings of principle on the question of compulsory arbitration in voting for this bill in committee, and they did it because, as the President wanted it, it was the fastest way to get action; otherwise we might be in a hassle with the White House. I would like to pay my tribute for the statesmanship and patriotism shown by the chairman of the committee and other members of the committee in that connection.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, will the Senator from New York yield?

Mr. JAVITS. We have time problems unless the Senator from Oregon (Mr. PACKWOOD) calls up his amendment.

Could we yield 2 minutes to the Senator from Ohio?

Mr. WILLIAMS. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. TAFT. Mr. President, I thank the Senator for yielding. I will have more to say after the amendment is introduced. At this time I would like to say that if the Packwood amendment is not agreed to as part of the bill I shall have difficulty in supporting the bill as it comes from the committee, even though I voted to report it from the committee, because it involves the principle of compulsory arbitration. From the earliest hearings on the Taft-Hartley bill in 1946 and 1947 many of us have felt that compulsory arbitration would result in a deterioration of collective bargaining in this country. I think that has undoubtedly proven to be so, even where as here the ad hoc approach is taken.

I think Congress should examine whether acting on this precedent, great though the need may be, and serious though the emergency is in this country, we would not be establishing a further precedent. I think we need an ad hoc bill to settle the west coast matter now and probably I shall vote for it because of that. But we should recognize the harm we may be doing to collective bargaining in this country to take care of problems and to act in the public interest. I believe this can only be corrected by adopting at the same time and as part of this bill a generic provision which will go the route of the last offer selection process and offer in addition——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I wish to announce that the minority leader has transferred the one-half hour on the bill to me. Out of that time I yielded 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. I thank the Senator. I do not believe I will need more than a little time. I do not care to go into the merits of the amendment at this time or the merits of the bill. But I do think it is important to get the principle in mind. I refer to the principle that adding a generic provision to this legislation will have the effect to some extent of taking away that undesirable aspect of a compulsory arbitration solution to this dispute by providing the alternative remedies, and by expanding this to cover the regional problem, as the Senator from New York so carefully pointed out. The provision, I think, is tremendously important, especially in view of recent court decisions that seem to construe strictly the national emergency clause.

Finally, and most of all by putting into effect by permanent law a last offer selection process which will tend to bring the parties together without getting to the national emergency, we can greatly improve this bill.

There has been much talk about the hearings. At this time I have no comment to make about the national emergency legislation not coming out of committees of Congress on either side of the Capitol, but the fact is that it has not. We have been talking about this since early 1950. It is about time we got down to taking a vote and making a decision with respect to what we are going to do with this problem. The public is demanding it and Congress should respond to that demand.

Mr. INOUYE. Mr. President, I support the measure reported by the Senate Labor and Public Welfare Committee, but I must confess that I do so with grave reluctance. Throughout my adult life, and particularly and especially during my public life, first in the territorial legislature and later in the U.S. Congress, I have opposed measures which would impose compulsory arbitration on parties involved in a labor-management dispute.

I have felt, and I still do, that the best way to resolve labor-management disputes is through collective bargaining between the disputing parties. I am fearful that an agreement imposed by an outside arbitrator may not be as binding as is hoped and intended by those who will arbitrate the dispute. There are ways to frustrate agreements which are imposed from without; through slowdowns, through wildcat strikes, partial lockouts, and through a variety of devices which may be employed by both management and labor.

It is part of our American philosophy that we not impose on any man the conditions under which he must work, or on management the terms of his hire. However, in the case of the west coast dock strike, we may have an exception to the general rule.

I wish to speak first as a citizen of Hawaii. My constituents, not parties to the dispute, are the primary victims of the failure to reach agreement. The Hawaii members of the International Longshoremen's and Warehousemen's Union are not involved in any direct sense. They are not involved in the jurisdictional dispute with the Teamster's Union, and they are not involved in the interunion leadership struggle. But they are paying a part of the price shared by every other citizen of my State.

Mr. President, this west coast dock strike is not Hawaii's strike, but Hawaii's burden has been disproportionately greater than any other State of this Union.

Because of that fact, and because of our unique situation, I introduced last November 11, S. 2836, the Hawaii Public Interest Protection Act. With the approval of the distinguished chairman of the Committee on Commerce, hearings were held in Honolulu on January 18, 19, and 20. I will soon file a special report and I now urge my colleagues to read that report and the testimony of the effects of this dispute on the State of Hawaii.

Hawaii is not, and has not been starving as a result of this shipping stoppage. While 90 percent of our food is normally shipped in from the west coast, the people of Hawaii have, by extraordinary effort, and at exorbitant expense, been able to provide for normal needs. We may not be starving, but many have become unemployed and businesses have gone bankrupt.

In recent years, the national rate of unemployment has exceeded Hawaii's rate by some 50 percent. Today, Hawaii's unemployment rate is the highest in 17 years and above the national average.

The first 100 days of the strike cost the pineapple industry in my State some $10,700,000. It resulted in a $40 million reduction in retail sales on Oahu alone in the first 3 months of the strike. The sugar industry in Hawaii has lost some $30 million since World War II due to shipping strikes. State revenues which were scheduled to increase by more than 8 percent in the first half of the current fiscal year increased by less than half that amount and State services and employment are being cut accordingly.

Honolulu, already having the highest cost of living of any major city, has had a further sharp rise in prices. Fresh produce prices, not under the price freeze, went up more than 10 percent in the first 100 days of the strike. The overall price index climbed by 2.4 percent. Lettuce, at more than a dollar a head, and tomatoes at a dollar per pound are daily reminders of our dependence on west coast shipping and the price we are being asked to pay for a dispute not of our making and over which we have no control.

Should the strike spread, and there have been some threats of that happening, then Hawaii would be totally dependent on air. Air cargo can satisfy only some 3 percent of our transport needs.

As a resident of Hawaii, and as a public official representing the people of my State, I cannot just sit by and just hope that it will be resolved.

When this strike started on July 1, I hoped that it would be resolved by Labor Day. Then I hoped that it would be over by Thanksgiving, and then by Christmas, and then by mid-January, and finally by February. And still it continues, and no one can say with certainty that it will soon be resolved by the parties directly involved through the collective bargaining process.

I wish to speak not only as a resident of Hawaii, but as the chairman of the Foreign Commerce and Tourism Subcommittee. There is no question that we must preserve and improve our ability to compete in the international markets. For the first time since 1893, our Nation has this past year experienced an actual trade deficit as well as a balance-of-payments deficit. The causes are many and I cannot detail all of them here in this brief moment, but I would like to state that one lesson we must learn. When customers who have been relying on American sources for the goods cannot get regular and uninterrupted delivery, they go elsewhere. There is no question that agricultural and industrial sales have been lost due to the current dispute. Such sales are not only lost for now, but future sales are lost as well. These losses are not just temporary. Some are permament and many semipermanent. The process of regaining old customers is a long and arduous one and more than our economic health can well endure.

The continuing shipping stoppage does serious damage to our Nation's economic vitality. It has resulted in unique, direct, and most distressing damage to the health and welfare of the people of Hawaii.

Therefore, as an emergency measure, and despite my deep reservations and honest doubts, I support passage of this measure.

BILLION DOLLAR LOSS TO FARMERS

Mr. DOLE. Mr. President, the American farmers have lost over $1 billion in export sales and lower commodity prices as a result of the dock strikes since last summer. Many of the export sales were to customers who have been loyal customers for U.S. wheat, feed grains, soybean products and other agricultural commodities.

LOST MARKETS

These nations have been forced to turn to other suppliers—and several have indicated they will never become obligated to the United States again for a major proportion of their supplies since the United States is no longer a reliable source for their needs.

FARMER PAYS

Why should our farmers be forced to pay for the disputes between labor and management? Agricultural commodities, more than other commodities in our economic system, depend upon the export demand for price stabilization and increases. When exports slump, the prices paid to farmers slump. When large exports sales are made, prices rise and stabilize. The Department of Agriculture estimates that the west coast dock strike is costing our farmers $6 million a day, and if the east and gulf coast ports strike again, it will increase the cost to our farmers to $18 million a day.

CONGRESS DELAYS

For over 2 years, legislation recommended by the President to provide a realistic solution to such strikes has been pending before Congress. The current bill, S. 560, is pending before the Senate Labor and Public Welfare Committee, and would provide a mechanism whereby both management and labor unions would be drawn to a final settlement agreement. This legislation becomes effective only in the case of transportation strikes that endanger the economy of the Nation, such as we are experiencing in the present dock strike, but the committee has refused to act.

BALANCE OF PAYMENTS

Mr. President, we are all aware of the tremendous growth in our imports, at a rate far exceeding the growth of our exports, causing a serious outflow of capital to other nations. Since 1893 the United States has enjoyed a favorable balance of trade as our exports exceeded our imports. Last year for the first time since 1893, the United States experienced a trade deficit—of $2 billion. This situation should be of major concern to every Member of Congress, and they should make every effort to pass legislation that will assist in restoring a favorable balance of trade.

EMERGENCY MEASURE

A continuation of the west coast dock strike or a renewal of the eȧst and gulf coast strike will cause still further damage to our economy. For the welfare of this Nation—for the future of its farmers—I ask the support of my colleagues today in approving Senate Joint Resolution 197, which will bring about an immediate cessation to the west coast dock strike, and hopefully provide some means to our farmers to recoup some of the losses they have suffered as a result of the strike.

Mr. PACKWOOD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, reading of the amendment will be dispensed with, and will be printed in the RECORD.

(The amendment reads as follows:)

At the end of the joint resolution insert the following new title:

TITLE II—TRANSPORTATION CRISIS PREVENTION PROGRAM

PART A—FINDINGS AND PURPOSE

SEC. 201. (a) The Congress finds—

(1) That present procedures for dealing with national emergency disputes under the Railway Labor Act tend to encourage resort to governmental intervention in such disputes rather than utilization of the collective bargaining processes to solve labor-management disputes;

(2) That present procedures for dealing with disputes in the transportation industry, in general, have proved insufficient to prevent serious disruptions of transportation services.

(b) The Congress declares it to be the purpose and policy, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible that no strike or lockout in the transportation industry or a substantial part thereof will imperil the national health or safety or the health or safety of a substantial sector of the Nation—

(1) by providing a single set of procedures for dealing with emergency disputes in the transportation industries;

(2) by establishing procedures which will encourage the parties to make effective use of various private collective bargaining techniques to resolve disputes;

(3) by establishing procedures which will both protect the public interest and recognize the interests of the parties involved in the dispute;

(4) by providing the President with appropriate means for dealing with transportation emergency disputes;

(5) by amending the Railway Labor Act to lessen reliance upon Governmental machinery or intervention for adjusting grievances and for collective bargaining in the railroad and airline industries; and

(6) by establishing a National Special Industries Commission to study and make recommendations concerning those industries which are or may be particularly vulnerable to national emergency disputes.

PART B—AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT, 1947, RELATING TO EMERGENCY DISPUTES IN THE TRANSPORTATION INDUSTRY

SEC. 211(a) Title II of the Labor-Management Relations Act, 1947, amended, is redesignated as Title II, Part A.

(b)(1) Section 206 is amended to read as follows:

"SEC. 206. Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, or, when the strike or lockout is in an industry subject to Part B of this title, imperil the health or safety of a substantial sector of the Nation, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public."

(2) Section 208(a) is amended to read as follows: "Section 208(a) Upon receiving a report from a board of inquiry, the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof and if the court finds that such threatened or actual strike or lockout—

(1) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission or communication among the several States or with foreign nations or engaged in the production of goods for commerce; and

(2) if permitted to occur or to continue, will (i) imperil the national health or safety or (ii), when the strike or lockout is in an industry subject to Part B of this title, imperil the health or safety of a substantial sector of the Nation

it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate:

Provided, that when such petition is sought to enjoin a strike or lockout in an industry subject to part B of this title it shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code."

(3) Section 208(c) is amended by substituting a semicolon for the period at the end thereof and adding the following: "except that where the proviso in section 208(a) is applicable, appeal shall be to the United States Supreme Court in accordance with section 1253 of title 28, United States Code."

(4) Section 209(a) is amended to read as follows: "Section 209(a) whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health or safety, or imperil the health or safety of a

substantial sector of the Nation, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service."

(c) Section 212 is hereby repealed.

Sec. 212. Title II of the Labor-Management Relations Act, 1947, is further amended by adding a new part IIB at the end of part II A to read as follows:

"PART B—ALTERNATIVE PROCEDURES FOLLOWING INITIAL 80-DAY COOLING-OFF

"APPLICABILITY OF THIS PART

"SEC. 213. This part shall apply only to the following transportation industries: (1) railroads, (2) airlines, (3) maritime, (4) longshore, and (5) trucking.

"SEC. 214(a). If no settlement is reached before the injunction obtained pursuant to section 208 of this Act is discharged, the President may, within ten days, invoke any of the procedures set forth in sections 217, 218, or 219. The President may proceed under these sections in such sequence as he may deem appropriate until it is certified by the Secretary of Labor that the dispute is settled; *Provided*, however, that the President may only invoke the procedures of a new section immediately upon the termination of the procedures of the previously invoked section and that the procedures of a section may be invoked only once during a dispute.

(b) The President may, if he deems it consistent with the purpose of this Act, terminate any procedures invoked under sections 217 or 218. He may thereafter proceed under another of sections 217, 218, or 219.

(c) If the procedure set forth in section 219 is invoked, the President may not, in the same dispute, invoke subsequently the procedures of section 217 or 218."

"SEC. 215. The President shall immediately notify the Congress of each choice of procedure, unless the Congress has adjourned or is in a recess in which case such notice shall be transmitted as soon as Congress reconvenes.

"SEC. 216. If the President does not choose to invoke any of the procedures set forth in section 217, 218, and 219 of this Act, the President shall submit to the Congress a supplemental report including such recommendations as he may see fit to make.

"ADDITIONAL COOLING-OFF PERIOD

"SEC. 217. The President may direct the parties to the controversy to refrain from making any changes, except by agreement, in the terms and conditions of employment for a specified period of not more than 15 days from the date of his direction. During such period, the parties shall continue to bargain collectively and shall engage in no strike, lockout, or similar activity. The board of inquiry may continue to mediate the dispute with the assistance of, and in close coordination with, the director of the Federal Mediation and Counciliation Service.

PARTIAL OPERATION

"SEC. 218. (a) The President may appoint a special board of three impartial members for the purpose of having the board make the following determinations:

"(1) Whether and under what conditions a partial strike or lockout in lieu of a full strike or lockout in an entire industry or substantial part thereof could take place without imperiling the national health or safety, or the health or safety of a substantial portion of the territory or population of the Nation; and

"(2) Whether, under such conditions, the extent of such partial strike or lockout would, in the judgment of the board, appear to be sufficient in economic impact to encourage each of the parties to make continuing efforts to resolve the dispute.

"(b) (1) If the board makes a determination that there are conditions under which a partial strike or lockout can take place in accordance with the criteria specified in subsection (a), it shall issue an order specifying the extent and conditions of partial operation that must be maintained. The board shall make reasonable efforts to assure that no greater economic burden is placed on any party than that which would be caused by a total cessation of operations.

"(2) If the board makes a determination that a partial strike or lockout cannot take place in accordance with such criteria, it shall submit a report to the President.

"(c) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the board. The board's order shall be effective for a period determined by the board, but not to exceed 180 days.

"(d) The board's order or any modification thereof shall be conclusive unless found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"(e) (1) The board shall issue its order no later than 30 days from the date of its appointment by the President, unless the parties, including the Government, agree to an extension of time, but such extension shall reduce pro tanto the maximum effective period of the board's order.

"(2) On notice to the parties, the board may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes of this section.

"(f) Until the board makes its determination and during any period of partial operation ordered by the board no change, except by agreement, shall be made in the terms and conditions of employment, and no strike, lockout, or similar activity shall take place except as may be provided by order of the board. If the board determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, it may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"(g) The following rules of procedures shall be applicable to the board's functions under this subsection:

"(1) NOTICE OF HEARING.—Upon appointment by the President the board shall promptly notify and inform all parties, including the Government, of the time, place, and nature of the hearings, and the matters to be covered therein.

"(2) HEARING TO BE PUBLIC.—The board shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or the parties, including the Government, agree to present their positions in writing. The record made at such hearing shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The board shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The board may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

"(3) PARTICIPATION BY BOARD IN THE HEARING.—The board, or any member thereof, may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, including a plan for partial operation, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

"(4) PARTICIPATION BY PARTIES IN HEARING.—The parties, the Government, or their representatives shall be given reasonable opportunity; (A) to be present in person at every stage of the hearing; (B) to be represented adquately; (C) to present orally or otherwise any material evidence relevant to the issues including a plan for partial operation; (D) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness or on the issues in the case; (E) to present to the board oral or written argument on the issues.

"(5) STENOGRAPHIC RECORDS.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

"(6) RULES OF EVIDENCE.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

"(7) REQUESTS FOR THE PRODUCTION OF EVIDENCE.—The board shall have the power of subpoena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible. In case of refusal to obey a subpoena, the board may request the Attorney General to invoke the aid of any district court of the United States or the United States courts of any territory or possession within the jurisdiction of which such person is found or resides or transacts business and such court shall have juridiction to issue to such person an order requiring such person to appear or to produce evidence, if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(h) If a settlement certified by the Secretary is reached at any time during the hearing, the board shall adjourn the hearing and report to the President within 10 days the fact that a settlement has been reached and the terms of such settlement.

"(i) (1) Members of the board shall receive compensation at the per diem equivalent of the rate for GS-18 when engaged in the work of the board as prescribed by this Act, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"(2) For the purposes of carrying out its functions under this Act, the Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"SEC. 219. FINAL OFFER SELECTION. (a) (1) The President may direct each party to submit a final offer to the Secretary of Labor within 3 days. Each party may at the same time submit one alternative final offer. The Secretary of Labor shall transmit the offers to the other parties simultaneously.

"(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

"(3) Any offer submitted by a party pursuant to this section must constitute a complete collective bargaining agreement and resolve all the issues involved in the dispute.

"(b) The parties shall continue to bargain collectively for a period of 5 days after they receive the other parties' offers. The Secretary of Labor may act as mediator during the period of the final offer selection proceedings.

"(c) If no settlement has been reached before the end of the period prescribed in subsection (b) of this section, the parties may within two days select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"(e) The provisions of section 218(h) and 218(i) (1) and (2) of this Act shall apply to the panel.

"(f) The panel shall conduct an informal hearing in accordance with section 218(g) of this Act insofar as practicable, except that

"(1) the Government shall have no right to participate; and

"(2) the 30-day period in which the panel shall complete its hearings and reach its determination shall run from the time that the President directed the parties to submit final offers, but in no case shall the panel close the hearing until 5 days from the date of its appointment as provided in subsection (c) herein.

"(g) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(h) From the time of appointment by the President until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"(i) The panel shall entertain applications for intervention from any persons asserting an interest because of a conflicting claim to all or any portion of the work involved in the dispute subject to these proceedings. Such application must be filed within 5 days from the time of appointment of the panel as provided in subsection (c) herein.

The panel, thereafter, may, in its discretion allow such applicant to participate in the hearings, under rules established by the panel, solely for the purpose of presenting views in support of either of the final offers previously submitted.

"(j) Beginning with the direction of the President to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment, and no strike, lockout, or similar activity shall take place. In no instance shall such period exceed 30 days.

"(k) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in the dispute, including offers of settlement not contained in the final offers.

"(l) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties and shall state, in writing, the reasons for its selection. The panel may take into account the following factors:

"(1) past collective bargaining contracts between the parties, including the bargaining that led up to such contracts;

"(2) comparison of wages, hours and conditions of employment of the employees involved, with wages, hours and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations;

"(5) the views in support of either final offer of any additional persons permitted to intervene in the proceedings as provided by subsection (i) herein; and

"(6) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

"(m) The final offer selected by the panel shall be deemed to represent the contract between the parties, except to the extent that any provision is determined, under appropriate procedures, not to be in accordance with applicable law.

"(n) The determination of the panel shall be conclusive, unless modified pursuant to subsection (m), or found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"SEC. 220. (a) Any board or panel established under Part B of title II of this Act may act by majority vote.

"(b) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. In the case of a vacancy due to death or resignation, the President may appoint a successor to fill such vacancy.

"SEC. 221. Whenever the term Government is used in title II of this Act, it shall be deemed to mean the United States Government acting through the Attorney General or his designee."

PART C—AMENDMENTS TO THE RAILWAY LABOR ACT

SEC. 221. Subject to the provisions of section 222(b) of this title, the National Mediation Board is abolished, and its functions shall be assumed and carried out by the Federal Mediation and Conciliation Service and the National Labor Relations Board, as specified in subsections (f) and (g) of section 222 of this title.

SEC. 222. The Railway Labor Act is further amended as follows:

(a) Section 2 Seventh of title I is amended to read as follows: "Seventh. No carrier, its officers or agents, or representatives shall change or seek to change the rates of pay, rules, or working conditions as embodied in agreements or arrangements except in the manner prescribed in such agreements and in title I, section 6 of this Act, as amended."

(b) Section 3 First (i) of title I is amended by striking the period following the words "upon the disputes" and inserting thereafter:

": *Provided, however,* That all such disputes shall no longer be referred to the Adjustment Board commencing 60 days after the effective date of this amendment to the Act.

"All such disputes which are not so referred within such period and all such disputes arising thereafter shall be submitted to arbitration in accordance with the following procedure. Upon failing to reach a satisfactory adjustment at the level of discussion hereinbefore mentioned, the parties shall within 5 days seek to reach mutual agreement on the selection of an arbitrator. If the parties fail to reach agreement within such period, the Federal Mediation and Conciliation Service shall submit to the parties a list of five qualified arbitrators. Each party shall alternately reject a different arbitrator named on the list until one arbitrator remains who shall thereupon arbitrate the dispute. To the extent that the parties are unable to agree to the rules for arbitration, including the distribution of costs, the arbitrator shall make all necessary rules therefor.

"All disputes which have been referred to the Adjustment Board may be removed by the grievant to the arbitration process herein if the dispute is not then being heard by the Adjustment Board.

"The aforementioned method of arbitration shall prevail with respect to such disputes until such time as the collective bargaining agreements between the parties contain no-strike, no-lockout clauses and provisions for grievance machinery terminating in final, binding arbitration.

"The Adjustment Board shall be dissolved after it has processed to completion all of the disputes before it or upon two years from the effective date of this Amendment to the Act, whichever first occurs. If all the disputes before the Adjustment Board have not been processed to completion by the time of the Board's group or regional boards of adjustment."

(d) Section 3 Second of Title I is amended by adding the following language at the end of section 3 Second following the words "awards of the Adjustment Board.":

"No dispute which has not been referred to a special board of adjustment by the effective date of this Amendment to the Act may be referred to such special board thereafter."

(e) Section 4 Second of Title I is amended by striking the word "mediation" in the third sentence of paragraph Second and inserting the word "representation."

(f) Section 4 Fifth of Title I is amended to read as follows:

"Fifth. The National Labor Relations Board shall assume and carry out all functions of the National Mediation Board relating to the determination of bargaining representatives, including duties particularized in Title I, section 2 Eighth and Ninth of this Act, as amended."

(g) Section 4 of Title I is further amended by adding the following paragraphs after paragraph Fifth:

"Sixth. All functions of the National Mediation Board which in the judgment of the President are primarily related to mediation shall be transferred to the Federal Mediation and Conciliation Service.

"Seventh. All cases which are being mediated by the National Mediation Board on the effective date of this Amendment to the Act shall be transferred to the Federal Mediation and Conciliation Service no later than 30 days after the effective date of this amendment to the Act. All cases arising thereafter under this Act, as amended, requiring mediation, shall be subject to the jurisdiction of the Federal Mediation and Conciliation Service.

"Eighth. All unexpended appropriations for the operation of the National Mediation Board that are available at the time of the dissolution of the Board shall be apportioned between the National Labor Relations Board and the Federal Mediation and Conciliation Service by the President according to the relative needs of each based on the division of functions prescribed herein."

(h) Section 6 of Title I is amended to read as follows:

"SEC. 6. Carriers and representatives shall give the other at least 60 days written notice of an intended modification of termination in agreements or arrangements affecting rates of pay, rules or working conditions. The party desiring such change or termination shall simultaneously notify the Federal Mediation and Conciliation Service of the existence of the dispute. Upon notification, the Federal Mediation and Conciliation Service shall commence appropriate mediation efforts. The parties shall continue in full force and effect, without resorting to strike or lockout or other economic coercion, all the terms and conditions of the existing agreement or arrangement for a period of sixty days after such notice is given or until the expiration date of the agreement containing the rates of pay, rules, or working conditions sought to be changed, provided such agreement exists, whichever occurs later.

"With respect to rates of pay, rules or working conditions for which there exists no fixed expiration date, the time for serving the 60-day notice in the first instance, and the first instance only, shall be established by agreement of the parties to the arrangement; if they cannot agree, the party seeking to serve the 60-day notice may invoke the arbitration procedure prescribed in section 3 First (i), as amended, in order to fix the date on which such notice may be served. In making his decision, the arbitrator shall take into account the probable intention of the parties as revealed by custom and practice with respect to past adjustment of rates of pay, rules or working conditions. In no case, however, shall the arbitrator decide that the time for serving the first 60-day notice shall be more than 2 years after the enactment of this amendment to the Act.

"The parties shall bargain collectively with respect to such intended modification or termination which means that the parties shall have the mutual obligation to meet at reasonable times and confer in good faith with respect to rates of pay, rules and working conditions or the negotiation of an agreement and the execution of a written contract incorporating any agreement reached if requested by either party, but such ligation does not compel either party to agree to a proposal or require the making of a concession."

(i) Section 201 of Title II is amended by striking the words "except the provisions of section 3 thereof,".

(j) Section 202 of Title II is amended (1) by striking the words ", except section 3 thereof,", and (2) by adding the following language after the end of the first sentence therein:

"The functions and duties of the National Labor Relations Board, as prescribed in Title I, section 4, shall apply as well to carriers by air and their employees or representatives."

(k) Section 204 of title II is amended by striking the period following the words "upon the disputes" at the end of the first sentence and inserting thereafter—

": *Provided, however,* that if the parties, by mutual agreement elect to discontinue referrals to such adjustment boards and such election has been certified by the Secretary of Labor, no such disputes shall be referred to an adjustment board but shall thereafter be handled through arbitration in the manner specified in title I, section 3 First (i) as amended. Notwithstanding any other provision of this Act, the costs of adjustment board procedures and the compensation of all board members shall be borne entirely by the carriers and labor organizations involved and upon dissolution of the National Mediation Board, its responsibilities and functions in relation to the selection of members of adjustment boards shall be transferred to the Federal Mediation and Conciliation Service. Upon election of the parties to discontinue referrals to adjustment boards and certification of the Secretary of Labor as provided in this section, existing adjustment boards shall be dissolved after they have processed to completion all of the disputes before them.

PART D—TITLE III—SPECIAL INDUSTRIES COMMISSION

SEC. 231. (a) (1) The National Special Industries Commission is hereby established. The Commission shall be composed of seven members all of whom shall have a background by reason of education or experience in labor relations.

(2) The Commission members shall be appointed by the President for a term not to exceed 2 years.

(b) The Commission members shall receive compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the Commission, together with any necessary travel and subsistence expenses.

(c) The Commission shall be authorized to study and investigate industries (determined by the Secretary of Labor to be particularly vulnerable to national emergency disputes) combinations or groups thereof, and problems relating thereto, including but not limited to—

(1) the ways and means by which the collective bargaining process might be improved, altered, revised, or supplemented so as to avoid or minimize strikes and lockouts which effect an entire industry, or region, or a substantial part thereof;

(2) the effectiveness and usefulness of various forms of mediation, conciliation, arbitration, and other possible procedures and methods for aiding or supplementing the collective bargaining process;

(3) the administration, operation, and possible need for revision of this Act and its effect on collective bargaining, strikes,

(4) the adequacy of current legislation in encouraging work-rule arrangements that maximize productivity;

(5) such other problems and subjects which relate in any way to collective bargaining, strikes, or lockouts as the Commission deems appropriate.

(d) A vacancy in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as the original appointment was made. The President shall designate a chairman and a vice chairman among its members.

(e) In carrying out its duties, the Commission or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary: No recommendation shall be reported from the Commission unless a majority of the Commission assent. Subpoenas may be issued over the signature of the chairman of the Commission or by any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Commission or any member thereof may administer oaths to witnesses. The cost of stenographic services shall be fixed at an equitable rate by the Commission. Members of the Commission, and its employees and consultants, while traveling on official business for the Commission may receive either a $50 per diem allowance or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

(f) The Commission is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Commission is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

SEC. 232. The Commission shall, within a period of 2 years from the date of the appointment of its members, report to the President concerning its findings. Such report shall also contain any recommendations for dealing with problems caused by any weaknesses in the collective bargaining process, including any recommendations for legislation which the Commission deems necessary to the solution of such problems. The Commission may also recommend, if it deems it advisable, legislation to bring other industries within the coverage of Part B of title II of the Labor-Management Relations Act, as amended.

PART E—MISCELLANEOUS PROVISIONS

SUITS BY AND AGAINST REPRESENTATIVES

SEC. 241 (a) Suits for violation of agreements or arrangements between carriers or common carriers by air and their employees or the representatives thereof, as those terms are defined in the Railway Labor Act, or between any such representatives, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any representative of employees, as defined in the Railway Labor Act, and any carrier or common carrier by air, as defined in the Railway Labor Act, shall be bound by the acts of its agents. Any such representative may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against such representative in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purpose of actions and proceedings by or against representatives in the district courts of the United States, district courts shall be deemed to have jurisdiction of a representative (1) in the district in which such organization maintains its principal office or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpoena, or other legal process of any court of the United States upon an officer or agent of a representative, in his capacity of such, shall constitute service upon the representative.

(e) For the purposes of this section in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

REPEAL

SEC. 242. Sections 5, 7, 8 (both), 9 and 10 of title I, and sections 203 and 205 of title II of the Railway Labor Act, as amended, are hereby repealed.

INAPPLICABILITY OF THE NORRIS-LA GUARDIA ACT

SEC. 243. The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act.

RIGHTS OF EMPLOYEES

SEC. 244. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed as a strike under this Act.

RAILROAD UNEMPLOYMENT INSURANCE

SEC. 245. Section 4(a) (1) of the "Railroad Unemployment Insurance Act of 1938," 52 Stat. 1098, is hereby amended by inserting a semi-colon following the words "at which he was last employed" and striking the remaining language in the paragraph.

APPROPRIATIONS

SEC. 246. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY

SEC. 247. If any provision of this Act, or the application of such provison to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. Are copies of the amendment available?

Mr. PACKWOOD. Yes. I will give the Senator a copy of the amendment now.

The PRESIDING OFFICER. By prior agreement on this amendment the Senator from Oregon has 2 hours and the Senator from New Jersey has one-half hour. Who yields time?

Mr. PACKWOOD. Mr. President, I yield myself such time as I may need.

Mr. President, this country is in the throes of still another crisis caused by a breakdown of collective bargaining in one of the transportation industries. While the longshore strike is felt most deeply in the west coast States, including my own, it affects us all. If this tragic disruption is allowed to continue, its fallout of human misery—for the farmer, the manufacturer, the wage earner—will spread with increasing severity through the country. Our precarious trade position was one of the early victims of the strike, and the damage grows greater with every day the strike goes on.

That is why I introduced the President's proposal to end this dispute once and for all, with arbitration. But, I believe that arbitration does not offer the way out for the future, for it inhibits the process of free collective bargaining. And, I, for one, would prefer to see future disputes settled by the parties themselves whenever possible.

Because we can no longer afford to delay facing up to the need for emergency labor-management disputes legislation in the vital transportation industry, I am today offering for myself and Senators DOMINICK, TAFT, BEALL, PEARSON, WEICKER, CURTIS, GURNEY, FONG, BROCK, JORDAN of Idaho, DOLE, TOWER, HANSEN, FANNIN, and COTTON, an amendment to the emergency west coast dispute legislation now before us. Our amendment offers permanent legislation to deal with future emergencies in the transportation industry, and is to be known as the Transportation Crisis Prevention Act of 1972.

This amendment covers every major mode of transport subject to labor stoppages: railroads, airlines, longshore, maritime, and trucking. In so doing, it provides a measured response to the needs that have been revealed through hard experience. It is in the transportation industries, which provide essential links between all the other segments of the economy, that we have suffered repeated disruptions that gravely wounded the Nation. Two of these industries are now subject to outmoded Railway Labor Act procedures for resolving disputes. The others are under Taft-Hartley provisions that have been more effective, on balance, but which also lack any final device for solving the most stubborn disputes without ad hoc congressional action. With increasing frequency, unresolved rail disputes have found their way to the Congress: the 1963 fireman manning dispute, the 1967 shop craft union dispute—three separate congressional actions—in 1970 another shop craft dispute, and a strike of the United Transportation Union and three nonoperating unions, and in 1971 a signalmen's dispute. At this time, I need only mention the longshore and maritime industry to remind the Senate of the troubled labor history in that area. In summary, it is the transportation industry which stands at the center of our economy, absolutely vital to continued operation of all others, and which has compiled the most serious record of disruption. And so it is here that we must act immediately, while staying our hand in other areas pending study and firm evidence that there is the same pressing need for supplementing our basic mode of resolving disputes, collective bargaining.

If our amendment is accepted, I believe that future transportation disputes would be solved in a fair and orderly manner, without resorting to the Congress, which, we must admit, is not really equipped or eager to handle these complex problems. This amendment is comprehensive, applying to both regional and national transportation disruptions. It would give the President a broad choice of options which he could invoke to bring about a settlement—these procedures could even be used in combination. And it provides for the fairest possible harmonizing of the rights of the people to an efficient transportation system, and the rights of labor and management to settle their own affairs.

Part B of our amendment would amend the National Labor Relations Act. Three new procedures would be added onto the existing Taft-Hartley 80-day cooling-off period in the event that a transportation dispute were not settled before expiration of the injunction, a situation that has occurred frequently in transportation industry emergency disputes. The bill gives to the President the broadest possible lattitude to choose none, one, two, or all of the following options: first, an extension of the cooling-off period, second, partial operation, and third, selection of the most reasonable final offer. These procedures would be applicable only to transportation industries—railroad, airline, maritime, longshore, and trucking. The procedures would operate as follows:

First, additional cooling-off period: At the conclusion of an 80-day Taft-Hartley cooling-off period, the parties may be very close to settlement of a given dispute. Yet, for a number of reasons, the parties might be reluctant to agree on their own to an extension of the period until the settlement were finalized. For this reason, we are proposing that the President be given authority to extend the cooling-off period for an additional 15 days. Some have suggested that a 30- or 45-day extension be permitted. However, I believe that such an extended cooling-off period beyond the original 80-day period would be unnecessary. If a settlement is, in fact, so close as to warrant an extension in the first place, certainly 15 days ought to provide sufficient time for the parties to iron out their remaining differences. Furthermore, a 15-day extension would encourage the parties to reach a speedy settlement so that peace, and the public confidence in the collective bargaining process could be restored as soon as possible. If the additional 15-day stay were not successful, the President would be empowered to move to the other options.

Second, partial operation: It is usually their pervasive impact—jeopardizing the health and safety of whole areas, and sometimes of the Nation as a whole—that make transportation disputes such a burden to the public. For example, all of us have seen or heard about whole harvests piling up and growing rotten on the farms where they were grown, at trackside or dockside. This kind of senseless waste could often be greatly minimized if the magnitude of the dispute could be limited. Under our amendment the President, if he so chooses, would appoint a three-man board which, if it found that partial operation were practical in the given dispute, would regulate and limit the stoppage in the fairest possible manner. The purpose of this procedure is to allow the economic pressures on the parties to continue and therefore encourage settlement. At the same time, serious damage to the public interest would be avoided. This procedure compromises between the parties' rights to strike or lockout, and the public's interest in moving the goods. The economic pressure would be directed more against the parties where it belongs, rather than against a helpless public.

Third, final offer selection: Finally, the President could choose to have the parties submit one, or if they prefer, two final offers to the Secretary of Labor. Each offer without modification would comprise a total collective bargaining agreement of the parties. Collective bargaining based on these offers, would continue for 5 days more, with the assistance of the Secretary of Labor. If there were no agreement by then, a panel would be appointed either by the parties, or if they could not agree, by the President which would hold hearings and choose the most reasonable offer. Its merit and reasonableness would be the only reason for the panel's choice of a particular offer over the others. In my judgment, development of the "final offer selection" concept amounts to one of the most imaginative innovations in the field of labor law in many years. It would have the effect of bringing the parties closer together since it requires selection, without modification, of the most reasonable offer.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. PACKWOOD. I am happy to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Is the provision of the proposal which the Senator from Oregon sponsors such that if a decision is made on one of these offers, it takes one or the other without change?

Mr. PACKWOOD. Absolutely.

Mr. CURTIS. Does the Senator feel that that will put a responsibility on both parties to offer the fairest and most responsible proposal that it can come up with?

Mr. PACKWOOD. The distinguished Senator from Nebraska is absolutely right. Let me say that I have practiced labor law for a number of years and I have sat at the bargaining table. I have sat at the bargaining table when each side would try to buffalo the other side as to what its final offer was. What would be offered for arbitration would then be an offer as extreme as possible, with the hope that the arbiter would cut it off somewhere in between and give them some benefit.

In this proposal we do the opposite. The total offer of each side goes to the arbiter and they are the final offer. The arbiter picks one or the other of the total offer. He cannot jump back and forth and pick the best from each.

Therefore labor and management both will be careful and exert every effort to make an offer that is fair and reasonable. Not to do so would risk total rejection of their entire package.

Mr. CURTIS. That will mean that each side will be restrained from proposing that which it does not really believe in, because if an offer is obviously out of line, it will force the individual who sits in judgment to take the other proposal?

Mr. PACKWOOD. We have even gone a bit further. The Senator will note the legislation allows each side to present two final offers. The reasoning here is that the parties would be allowed to have one offer for show and one for go. If the parties have to placate their principles, the union, its membership, or the employer his trade association members, they may each, if they wish, present two offers. They may present one outrageous offer, so as to be able to say, "This is what we asked for." But they are also given the option of presenting another offer; but in that one, based on experience, they are encouraged to be very close together.

Based on our experience in labor negotiations, you never really know what the real final offer of the other side is. But in this situation, once the parties have exchanged their last offer, they will in most cases find they are so close together that they will probably be able to harmonize their differences without the arbitrator making the decision, anyway.

Mr. CURTIS. Will all these remedies be available prior to a work stoppage?

Mr. PACKWOOD. They will all be available prior to a work stoppage. The first option in the event of an actual or threatened emergency is still the 80-day Taft-Hartley cooling-off period. The President is not forced to invoke that option, but he has the power to.

Under this amendment, the emergency provisions will be expanded to include regional as well as national transportation disputes. And the President will be given three new options: Extension of the Taft-Hartley cooling-off period, partial operation, and final offer selection. These options may be invoked prior to a work stoppage, if a regional or national emergency is threatened.

Mr. CURTIS. Who makes the choice of the three options?

Mr. PACKWOOD. The President.

Mr. CURTIS. Could the Senator, for the record, enlarge a little bit on the change from a national emergency to a regional emergency?

Mr. PACKWOOD. Yes. Let me read exactly the language on regional emergencies, section 211 of the amendment:

> Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, or—

I am here reading the existing language.

This is the new language—

> when the strike or lockout is in an industry subject to Part B of this title imperil the health or safety of a substantial sector of the Nation, he may appoint a board of inquiry.

And then it continues with the existing procedures.

Mr. CURTIS. Another question. Is the President precluded from using two or three of the options? May he first opt to have the strike ended for 80 days, and still, at a later time, take one of the other options?

Mr. PACKWOOD. The only limitation on invoking the options is as follows: The Taft-Hartley 80-day cooling-off period is first. It must be invoked before any of the three new options can be used. After that, he would have three other options which are not available under current law: A 15-day extension of the cooling-off period, partial operation, and final offer selection. If he decides to choose final offer selection, he may not back up to the other two. But otherwise, he can take the options in any order.

Mr. CURTIS. There was a time when I found any method proposed that would interfere with free collective bargaining distasteful. My position on that has been altered for this reason: There is the great national need, but also the additional fact that it is a part of the whole American system of jurisprudence and court operation that, when parties disagree and they take their case to a court or other tribunal, they are in a sense submitting to arbitration, because the court decision is a decision made when the parties themselves cannot make a decision. So to use that procedure here is not any more un-American than to settle a boundary dispute between two farmers or a dispute over a car accident or anything else by letting the court and jury decide what the settlement should be, when the parties cannot.

Mr. PACKWOOD. Two things have happened in recent years, however. First, we have had in this Nation an increasing interdependence and mobility. In former years, a rail or dock strike could not really affect the whole Nation in the sense of goods moving all the way across the Nation. The impact was limited to 300 or 400 miles. We were not so interdependent then. The second significant development is that we did not have systemwide or nationwide bargaining agreements. We may play havoc with this Nation one day if an entire transportation system, such as the truckers, have one contract with one date of termination. If the truckers strike nationwide, or the employers have a lockout nationwide, this Nation will be paralyzed.

Mr. CURTIS. At present, is there any bar to a strike by the railroads, the longshoremen, the truckdrivers, the busdrivers, and the airlines all at one time?

Mr. PACKWOOD. At the present time we differentiate—irrationally, in my judgment—between the railroads and the airlines and the other industries. Rails and air are treated one way, and the other transportation industries another. The only procedure we now have to avert national emergencies is the 80-day extension of the Taft-Hartley Act, and even that is not available in the railway and airline industries. After the cooling-off period, there is not a single remedy which Congress or the President, under existing law, can invoke to settle a dispute.

Mr. CURTIS. Mr. President, my friend is making a splendid case. I shall not interrupt him further at this time. Later on, if time is available, I shall have some further things to say.

Mr. PACKWOOD. There will be time, and I shall be delighted to hear from the Senator.

The parties would be encouraged from the outset to bargain collectively in meaningful terms. Compulsory arbitration, on the other hand, forces the parties apart, because as a practical matter positions tend to rigidify if the parties knew that somewhere at the end of the one, an arbitrator will split the differences between them. There would be no incentive then to be reasonable, which so obviously exists with the final offer selection approach.

The final offer selection procedure in our amendment also provides a means by which related jurisdictional disputes may be taken into account, so that the final offer selected will contain reasonable provisions bearing on disputed work. This will be achieved by allowing a union with a valid interest to present before the final offer selection board its arguments for any final offer that has been submitted. I would like to stress again that in providing a mechanism for solution of emergency transportation disputes, we must not adopt devices which will jeopardize the future of collective bargaining. Over the past few years it has come under increasing attack, chiefly because of the crippling effects of strikes in the transportation industry. I, for one, cannot blame the citizens for becoming disgruntled and disillusioned as one strike after another disrupts their lives and traumatizes this whole country. I believe that our amendment will encourage better collective bargaining, as well as bringing about settlements. This is especially true with the final offer selection option, which, because it encourages the parties to bargain, will restore the public's faith in the basic collective bargaining system.

In utilizing the above three procedures, the President would be given the broadest possible capability to deal with whatever situation may arise. He would further be permitted use of these options in any sequence he finds appropriate in each case. The amendment we introduce today would permit the President to move freely from extension of the cooling-off period to partial operation or final offer selection, if he found that the procedure chosen is not working. Of course, he could only use each procedure once during a dispute. Furthermore, once the President opted for final offer selection, he would be foreclosed from going to either of the other two procedures, because selection of a final offer will in all cases bring the dispute to an end.

The mere presence of several options at the end of the Taft-Hartley cooling-off period would tend to bring the parties closer beforehand, since they would obviously be uncertain as to what action the President might take, if any. Yet the public and the Congress would have the assurance of knowing that the President possessed the tools to end the deadlock. With this bill, it would be highly unlikely that Congress would be called in to settle disputes in the future, as we have had to do all too often in the recent past. For, if one approach failed, or was obviously failing, the President could choose another. Ultimately, the dispute could be resolved by final offer selection.

So far, I have said a good deal about giving the President broad authority to deal with disputes in the transportation industry. All of us can agree, I think, that Congress is not the place to settle a strike. This lesson has been driven home to us all too often in the last decade or so. Nevertheless, the Congress cannot escape its responsibility for the enactment of a viable legal structure designed to avoid emergency labor disputes in the transportation industries where possible, and to cope with them when all attempts at voluntary resolution fail. Our amendment establishes such a basic framework.

To conclude this discussion of part B, I would like to turn to one of the most important features of the amendment. It proposes that the above described emergency transportation disputes apparatus be applied to disputes which, in the language of the bill, "imperil the health or safety of a substantial sector of the Nation."

When Congress first embarked on the route of providing emergency disputes legislation in the Taft-Hartley Act of 1947, it was a momentous step into uncharted territory. Quite properly, the initial movement was cautious and limited. Federal intervention was restricted to disputes with a specific impact on the health or safety of the Nation as a whole.

Over the intervening quarter century, as many emergency dispute situations occurred and were dealt with under the act, the concepts of coverage were redefined and expanded. The courts recognized that, in our increasingly interdependent economy, tremors from a major disturbance in one section of the Nation flow outward and are shortly felt in other areas. It became clear that a stoppage centered in one geographical area could be a national emergency, if the direct effects elsewhere could be shown.

Nevertheless, the language of the Taft-Hartley Act still sometimes presents a barrier to relief of severe economic hardship when bargaining or local governmental efforts cannot suffice, merely because the direct impact of the emergency is geographically limited.

Of course, there has been another barrier to resolution of crucial transportation disputes—lack of adequate procedures under either Taft-Hartley or the Railway Labor Act—for railroads and airlines—to deal with intractable disputes. As I have explained, our amendment corrects that problem. But without another change, to apply the regional concept to transportation disputes, the new procedures will not be applicable to many severe and destructive work stoppages.

This gap in our labor statutes can no longer be accepted. Even when direct ties cannot be shown, infliction of serious harm on any substantial part of the Nation is the concern, and ultimately the loss, of all. While the first resort is, and will remain, action by communities, by State and by local governments, there will continue to be cases where only the Federal Government, with the overarching power and control, can achieve the needed results. Too often we have had to watch the havoc caused by regional transportation disputes that were beyond the reach of effective governmental action. Now that we are giving the Federal Government the tools, we must allow them to be used.

The time has come to make the aid of Federal action available on the basis of real need, without outmoded and essentially artificial restrictions. Our amendment will accomplish this purpose.

Part C of the amendment we are introducing today would make certain amendments to the Railway Labor Act, in order to promote greater efficiency in the resolution of disputes in the railroad and airline industries.

First. The existing National Mediation Board would be replaced by the new structure established in part B of our amendment. The remaining duties of the NMB will be assumed by other well-qualified agencies: The Federal Mediation and Conciliation Service for mediation and the National Labor Relations Board for unit determinations.

Second. The current system of Railroad Adjustment Boards would be abolished, and the grievances which they handle would be transferred to private arbitration. The nearly 40 years of experience with the Railroad Adjustment Board has not been the happiest. For example, the current backlog of unresolved grievances is now in the neighborhood of 5,000. Arbitration should bring about much speedier resolution of these minor grievances resulting in more harmonious atmosphere in this industry.

On the other hand, both labor and management in the airline industry agree that they have been well served so far by the Adjustment Boards which they have established. Therefore, this amendment proposes that the Adjustment Boards in this industry be continued. There is no reason to disrupt a going system for the sake of change alone. If at some future time both parties wish to end the Adjustment Board procedure, they may do so, and the formal procedures for setting up adjustment panels prescribed in the Railway Labor Act will come into force.

Third. We have made necessary changes to insure that unemployment insurance benefits under the RLA will no longer be a factor distorting the economic balance in strike situations. Neither equity nor resolution of disputes is served by the present situation, in which employer-supported benefits are paid to striking workers whose lack of employment is voluntary.

There is no guarantee that our amendment will provide all of the answers to the hard problems involved in emergency disputes, but I believe the positive steps it takes are well justified. To assess future needs, part D establishes a National Special Industries Commission. The Commission will study the administration of this program, and problems in the transportation industry—labor-management relations generally—but its charter does not stop there. It is also directed to study the problems faced in other industries whose labor management relations are becoming of more and more concern to the Nation generally. Such a commission should be able to provide us with facts, and expert interpretation, with which we can arrive at informed decisions as to whether the provisions of this amendment, or other devices yet to be found, should be extended to cover new areas of the economy. Thus our amendment moves decisively where the need is clear, avoids undue haste where the issues need more exploration, and sets the stage for enlightened policy judgments in the future.

In conclusion, I respectfully urge that all Senators give this amendment their highest consideration. In my judgment this measure offers the most comprehensive approach yet proposed to solve one of today's most pressing problems. It is also a balanced approach between the interests of speedy resolution of transportation labor disputes and encouragement of the collective bargaining process.

Mr. President, had we had this legislation on the books 2 years ago, we would not have had last summer's tieup in the railway industry, we would not have had the west coast dock strike, we would not have had the east coast and gulf dock strike. It is really a question of how many emergencies we will tolerate and how much time we will spend sitting idly by in Congress while this Nation is economically strangled by a relatively small handful of industrial barons who happen to exist at the top management levels in the transportation industry and a small handful of unions which happen to have bargaining agreements in the transportation industry.

Most industries can stockpile or inventory. You cannot inventory transportation. The moment a transportation crisis comes along, the Nation approaches chaos very quickly.

I implore Senators, if we do not wish to face national chaos again and again, that we not turn down the legislation, but accept it, so that we may never again be faced what we are now facing on the west coast.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield 5 minutes to the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, at long last the Senate has an opportunity to fulfill its responsibility to the American public by approving legislation to settle the west coast dock strike. I strongly urge that we take action today to stop the untold waste caused by this strike.

The economic harm caused by this strike is intolerable. Western farmers have lost hundreds of millions of dollars worth of export sales of farm products. Markets which these farmers have slowly built up over the years are now being supplied by Canada, Australia, and other countries. Foreign buyers are losing confidence in the ability of U.S. producers to deliver the goods.

It has long been apparent that the parties to this dispute are more interested in their own private interests than in the public interest. The time has come for Congress to act on behalf of the American public and to put an end to this devastating strike.

We must all recognize, however, that the bill currently pending before us is a stopgap measure. It is the traditional haphazard and overdue response to a crisis situation in the transportation industry. The Senate can no longer ignore what is crystal clear to the American public: We must simply provide means for the settlement of labor disputes in the transportation industry so that these costly work stoppages will no longer plague our economy.

Current methods for dealing with these disputes are wholly inadequate. The public interest requires that new methods be enacted so that transportation tieups will not occur. Congress must act to insure that the public interest does not suffer for the benefit of the private interests of the parties to such disputes.

It has been over 2 years since President Nixon proposed legislation (S. 560) to provide the needed tools for dealing with transportation stoppages. Although hearings have belatedly been held on the President's proposal, it is becoming apparent that this legislation may never be openly debated on the Senate floor.

The need for favorable action on S. 560 is clear. It remains for Congress to show that it can respond in a responsible manner to the public needs. Hopefully, we will not have to again respond to a transportation crisis in this undignified, haphazard manner.

The amendment offered by the junior Senator from Oregon is a generic amendment, as is S. 560. It offers the opportunity today of a permanent, rather than an ad hoc, solution to transportation strikes that prolong and aggravate the unacceptable damage to a regional as well as a national economy. I am pleased to cosponsor this amendment, and I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield 15 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the distinguished Senator from Oregon for offering this amendment. I am happy to be a cosponsor and to speak in favor of it.

I am grateful for the fact that the committee having jurisdiction of this legislation has reported a measure, emergency in nature, which will lead to an end of the current dock strike. That should be done. But that is not enough; because if we are content here in Congress to wait until an emergency arises and then, after months and months of economic loss to our citizens, come in each time with emergency legislation, we will have failed the country in several respects.

In the first place, we are applying remedies too late, after great losses have occurred. In the second place—and in a very basic sense—we violate the principle that we are a government of law. Congress should lay down ahead of time what the law is to be, so that individuals and groups can govern themselves accordingly, knowing what the law is. For that reason, I think it is exceedingly important that the Senate adopt the Packwood amendment.

I want to stress, however, that I am very much for the committee bill which is now before the Senate. It is needed, and we should enact it. But we should take the next step and enact laws that would prevent a long series of crises that result in damage to our economy and result in loss of wages for many workers, rather than just sit idly by until a future emergency becomes so grave that the country prods Congress into acting at that time.

Mr. President, I do not believe it is overdramatization to say that should Congress fail to act on the legislation now before the Senate, the effect upon the agricultural economy of this Nation will be incalculable.

As a representative of the farmers of Nebraska, I would be derelict in my duty if I did not plead with the Members of this body to adopt the Packwood amendment now before us.

In the fiscal year ending last June 30, Nebraska farmers sold $287.5 million worth of agricultural products for export. This may not sound like much to those of us here in the Senate who deal with figures in the hundreds of billions of dollars. However, I would point out, Mr. President, that $287.5 million represents nearly 15 percent of the total cash receipts to farmers in my State. I would note further that every dollar's worth of farm crops sold generates several dollars worth of economic activity.

On last November 5, a subcommittee of the Committee on Agriculture chaired by the distinguished Senator from Florida (Mr. CHILES) held hearings on the effect of the labor-management dispute in the shipping industry on agriculture.

A constituent of mine, Mr. Ray Davis, a wheat farmer from Potter, Nebr., was one of the 62 witnesses heard during that 1-day hearing. He pretty well summed up the feeling of farmers this way:

> Strikes have caused great frustration and confusion in the farm community. Wheat producers have contributed millions of dollars and thousands of hours of their time to develop and maintain foreign markets for U.S. wheat. Likewise, producers have worked with the Department of Agriculture and the grain trade to build a reputation for the United States as a reliable source for a wide range of wheat varieties. Labor difficulties at our ports not only tarnish our standing as a reliable source for quality wheats but also cancel out much of the work and money that has gone into establishing and servicing overseas markets. Those losses cannot be recovered.

Those of us who value individual freedom, Mr. President, cannot deny the working man the right to withhold his services as a means of obtaining his economic goals. At the same time, I cannot help recalling the old adage:

> One person's rights end where another's nose begins.

Mr. President, the dock striker's fist is now at the farmer's nose. It is time that action be taken to protect the farmers' rights and to settle this very costly dispute which is taking $6 million a day out of his pockets.

In my view, the amendment now before us will give labor and management an equal opportunity to present their positions and arrive at a settlement that is in accord with American tradition.

Mr. President, a few moments ago, in colloquy with the distinguished author of the amendment, the Senator from Oregon (Mr. PACKWOOD), I pointed out that the approach here in the way of a settlement of labor and management disputes is not different from the way Americans have always settled their disputes. If they cannot agree among themselves, they go before a tribunal and both sides submit their case and a decision is made for them because they could not arrive at a decision and a settlement themselves.

That is not wrong. It is not anti-American. It is in the interests of our overall economy and, Mr. President, I believe that it is in the interests of the workers themselves.

A work stoppage under the most favorable circumstances for the workers involved is a loss that takes a long time to recover from, but a work stoppage in our transportation industries does injury to thousands—yes, millions of persons who are not parties to that dispute. Our export trade is very important to our agricultural economy. We raise more than twice as much wheat in this country as we consume, in spite of a reduction in acreage. Unless great portions of that wheat can move out or if it piles up at our ports, that pileup reaches clear back to the point where the wheat was produced and depresses prices.

It has been conservatively estimated that transportation strikes over the past 2 years have cost the producers of corn and wheat and feed grains a minimum of 10 or 12 cents a bushel. The loss that has been incurred in the soybean market would be even higher.

The new economic policy which the President is attempting to implement for the country cannot work, and the agricultural economy cannot recover, unless this misuse of union power is stopped.

Mr. President, when did a handful of men have the right to injure millions of other men and go on day after day, month after month, as has happened at times during the past 2 years? The public interest is entitled to consideration, but far beyond the interest of the public, I believe that the Packwood amendment is in the interest of both labor and management because it permits the economy to go on.

Mr. President, if we lose a market for exports that heretofore has gone to Japan and that market goes to Australia or some other wheat-producing country, our shipping industry, including labor, has lost a sizable piece of business for a long time to come. I believe that those labor chiefs who resist this legislation not only are mistaken but I believe they are unintentionally acting against the best interests of their own members and of all working men and women in this country.

Mr. President, I am sure that a great majority of the dock workers on strike are anxious to go back to work in order to be able to provide the necessities of life for their families. I know that a great majority of farmers and others who depend upon exports and imports for their livelihood are also anxious for the longshoremen to return to work.

Congress has the responsibility, and only Congress has the power to prevent further disastrous economic effects of this dock strike or any other strike in the transportation industries.

Mr. President, it is time for specific action and today we have the means for that specific action at our disposal.

Mr. President, when the Agriculture Committee held its hearings on November 5, 1971, a great deal of important testimony was assembled.

I want to read to the Senate a statement of Mr. Matt Triggs, who spoke for the American Farm Bureau.

He said in part:

> The welfare of millions of people, literally, is being directly affected by this strike. Although they have no direct involvement in the dispute, or any voice in the dispute, they are being adversely affected. It is our view that their interests ought to be better recognized in national legislation covering this area than is currently the case.
>
> Farmers, of course, are hurt more than most because the farm production is already there, it is ready to ship. Farmers cannot shut down their plant and stop production.
>
> When we recall that one of four acres of farm production are for export, we don't need to belabor the fact that the impact on net farm incomes and farm prices will be pretty adverse. Unfortunately, this often means permanent or indefinite loss of markets as well.
>
> But the public, too, is being hurt. And this may be less apparent. Farmers could make a much larger contribution to improvement of our national balance of payments if they were permitted to do so; they could ship much more than they have shipped in recent years if they were permitted to do so.

In those same hearings other valuable statements were made.

The PRESIDING OFFICER (Mr. ROTH). The time of the Senator from Nebraska has expired.

Mr. PACKWOOD. Mr. President, I yield 5 additional minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, I should like to read from the statement made by Mr. Kenneth D. Naden, executive vice president of the National Council of Farmer Cooperatives.

I read in part:

> In spite of tremendous increases in productivity on the part of U.S. farmers in recent decades and of the farm-to-city movement of millions, farmers still suffer from serious weaknesses in the markets in which they sell their products. This very productivity, coupled with limited nature of demand for their products and often fragmented marketing efforts, has contributed to depressed farm prices which have posed a continuing national policy dilemma for many years.
>
> Obviously, one more pressure such as restriction of exports resulting from longshoreman strikes is of crucial importance to a group already suffering from overproduction and with few, if any, market alternatives. In the case of heavy surplus crops this year, such as corn, the damage to farm income can be especially severe, as is being documented before this committee today. The cost to government is also substantial for commodities which have programs to establish floors or otherwise support farm prices.

Mr. President, I read now from testimony taken on that same occasion, the statement of Mr. Michael L. Hall, assistant to the executive vice president of Great Plains Wheat. The statement reads in part as follows:

> I would like to make one brief remark about the importance of exports to wheat. Of the $7.8 billion of agricultural exports in fiscal 1971, wheat and wheat flour accounted for about $1.2 billion, or a little more than 15 percent of the total agricultural exports and were second only to soybeans in value. For fiscal year 1967 through 1971 the total annual exports of the U.S. wheat and wheat flour as a percentage share of total U.S. wheat production were 56 percent in 1967, 49 percent in 1968, 34 percent in 1969, 41 percent in 1970, and 53 percent in 1971. And here it is well recalled that in 1968–69 the American wheat producers suffered heavy losses because of the 113-day strike on the Atlantic and gulf ports, an occurrence we also witnessed in 1964–65 for 63 days and in 1962–63 for 38 days.
>
> These figures also demonstrate that, in the years not marked by dock strikes, the American wheat producer exported approximately one out of every two bushels of wheat harvested.
>
> We have a very deep interest therefore in good labor-management relationships that permit our wheat to move into the export trade, but find it difficult to understand why our interests are not considered when such disputes occur.

Mr. President, I could go on citing from this record the case for American agriculture. The case for American agriculture is the case for all of us. The export of agricultural products is of benefit to the Treasury of the United States, and that affects all of us. When prosperity prevails in agriculture, it means that there is prosperity on the main streets of our country towns and cities. But that is not all.

The farmers are great purchasers of products from our great cities and our great manufacturing industries. They buy great amounts of petroleum products, steel products, machinery, and the like. They are the purchasers of very significant amounts of the country's rubber sales. We could go on and on enumerating those factors which cause agriculture to be so important to our total economy.

Mr. President, it cannot be denied that these transportation strikes very materially reduce the income of the American farmer. When that happens, the burdens of Government in the way of storage and support prices and the like become greater. Also, the business for the rest of our economy is greatly lessened.

Mr. President, we should, of course, pass the pending bill. It is our only means of ending the dock strike which should have been ended months and months ago. However, as I say, we should also pass the Packwood amendment. To fail to do that would mean that we would be deserting our post with our job less than half done. We should enact the necessary law so that future crises, such as those which we have endured in the past 2 years, will not occur again.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, I congratulate the persuasiveness of the distinguished Senator from Nebraska. While he was talking, news came over the wires that the dock strike has been settled. And I am sure that is in part due to the persuasive speech of the Senator from Nebraska. It is self-evident, I am sure, that this is the most encouraging word we have had in several months.

However, it should be borne in mind that this proposed settlement must be submitted to the ILWU coastwide caucus on Saturday, and then to the general membership for ratification. The ILWU is a very independent union. There has been much internal dissension in the union. There is unfortunately no guarantee one way or the other what the caucus will do on Saturday, or the membership after that. So, the fact that they have reached tentative agreement is no reason for us to drop the legislation.

Mr. President, if by chance we fail to pass the legislation and if by chance the caucus turns down the proposal for arbitration on Saturday, then we will be without legislation and still without a dock settlement despite the heartening news that has come over the wires. We hope that it is true, but we cannot afford to go into recess and have no fall back legislation at all.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. CURTIS. Mr. President, as of now, who has agreed to a settlement and what further steps must be taken before there is a settlement that is legally binding?

Mr. PACKWOOD. Mr. President, as I understand it, the parties have negotiated a settlement on the economic issues, and the noneconomic issues, relating to manning and unloading, will be submitted to an arbitrator who has worked with the parties.

As I understand it, they have agreed only on the economic issues. All of this agreement must go before the caucus on Saturday and will later be ratified or rejected by the members.

I would like to say, Mr. President, that the ILWU is one of the most democratic organizations that I know of and they take no action without the consent of their caucus and general membership. If the tentative agreement is ratified by the cacus and the members, the strike is over. However, we ought to wait and see.

Mr. CURTIS. So the need for permanent legislation is the same.

Mr. PACKWOOD. Absolutely, we are faced with a whole series of contracts coming due this year and next year, any one of which can trigger serious nationwide strikes, and we are back in the same situation again if that happens. Unless, of course, we have permanent legislation.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield to the Senator from Ohio.

Mr. TAFT. I would like to ask the Senator for an opinion. I recognize this is a new development which is difficult to assess fully with authority, but I would like to ask the Senator for his opinion as to what the situation would be with regard to the settlement said to have been arrived at, if presented to the Pay Board.

Mr. PACKWOOD. It will be subject to the Pay Board, as all settlements are. There is nothing parties can do to obviate that.

Mr. TAFT. I would like to ask the Senator from Oregon to comment on that situation he discussed as contrasted to the provisions of the Williams bill with regard to the Pay Board.

Mr. PACKWOOD. I have grave reservations about one of the provisions of Senate Joint Resolution 197. If settlement is reached by the arbitration procedures in the resolution, the Pay Board would have no right to approve it.

The legislation states arbitration shall be guided by policies of the Economic Stabilization Act, but there is no provision for the Pay Board to act, and they cannot overturn the settlement.

Mr. TAFT. So possibly if the strike were settled insofar as the parties are concerned, Pay Board action might result in a refusal to accept that agreement, in which case we need legislation aimed specifically at this situation on the west coast.

Mr. PACKWOOD. Yes.

Mr. TAFT. I thank the Senator.

Will the Senator from Oregon yield to me briefly so that I may comment on this matter?

Mr. PACKWOOD. I am happy to yield to the Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, I would like to express strong support for the Packwood amendment, of which I am a cosponsor. It is a measure which has long been needed, not so much to solve and resolve emergency strikes in this country relating to the Nation's health and safety generally and the health and safety of regions of the Nation, but also to prevent those emergencies from arising. I believe the very existence of a remedy over and above the 80-day injunction provision of the Taft-Hartley law, as in the Packwood amendment, will have a salutary effect on causing parties that might be involved in a strike to settle their differences.

I also would like to comment on the desirability of applying this measure only to transportation industries.

In my opinion, and I pointed this out when I offered an amendment to the Wage-Price Stabilization Act in December, trying to anticipate the situation in which we find ourselves now—a generic amendment should apply not only to transportation but to all industries in the United States—I am convinced we will have to have some such legislation.

The Nation may not realize it, but last fall a large portion of the Nation was faced with a very difficult and serious crisis that could have arisen if there had not been a settlement of labor disputes in the coal industry. Hospitals, major industrial concerns, electric generating plants, and many others depend on power supplied by steam or coal fuel plants. These plants throughout the Midwest were threatened and we were down to a 2- or 3-weeks supply. There was no prospect of obtaining coal.

I remember when I was in the Ohio legislature at least 15 years ago. We had a major telephone strike in an area of our State which extended to other States. There was not a thing we could do under the laws of the State or the United States at that time. We need some procedure to handle these situations.

The attempts here to handle this situation—the last offer selection process, especially—might apply favorably after we see how it works in a public-management type dispute, which is a new problem on the horizon to which the Congress has offered no solution. All of these matters call for the attention of Congress. However, all attempts have been defeated time and time again in Congress. There have been bills and hearings. I would welcome further hearings.

As to the transportation industry, we need permanent legislation now. The New York Times last week printed an editorial speaking not too favorably of compulsory arbitration and stating that permanent legislation is the answer. This bears on some of the reservations I have with respect to the Williams bill before us today. Unless there is a settlement it may be necessary in this situation to have legislation to extend the provisions of Taft-Hartley. There must somewhere be the element of finality to bring the parties to a just and fair settlement where the public interest is so deeply involved.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Dubious Emergency," printed in the New York Times on February 3, 1972.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 3, 1972]

DUBIOUS EMERGENCY

President Nixon's warning that the West Coast dock strike is spiking progress toward economic recovery might cause more concern in Congress if this Administration had not worked so hard in earlier years to persuade the country that the impact of waterfront tie-ups is always grossly exaggerated.

Studies initiated by George P. Shultz, in his period as Secretary of Labor, cast grave doubt on the necessity for the injunctions obtained by other Presidents, from Truman through Johnson, under the national emergency provisions of the Taft-Hartley Act every time Atlantic and Gulf ports were struck.

A particular target of these studies was the use by the Government of astronomic and usually amorphous figures on how many hundreds of millions of dollars the strikes cost in lost commerce—precisely the kind of figures currently being used by Mr. Nixon, Labor Secretary Hodgson and Agriculture Secretary Butz to buttress the plea for swift passage of a back-to-work law.

It is indisputable that the economic hurt inflicted by the current West Coast stoppage is heightened by the fact that the same ports were tied up for a hundred days before the President got a Taft-Hartley no-strike order last October. But the evidence of a crushing squeeze remains much too debatable to justify overhasty Congressional action in a situation that has fateful implications for the whole creaky effort to halt wage-price inflation.

The West Coast shipping companies and the longshore union already have reached basic agreement on a money package that runs at least triple the Pay Board's basic 5.5 per cent guidepost. Only one technical fund stands in the way of a full accord. If the dispute goes to compulsory arbitration, as Mr. Nixon proposes, a Government-appointed panel would take away from the Pay Board the right to pass on the appropriateness of the extremely high wage settlement now in prospect.

Such an upstaging of the Pay Board would damage, perhaps fatally, its status as monitor of wage controls. It would be infinitely preferable to focus maximum pressure on both the union and the employers to tie up the loose ends of their tentative pact—and then submit its terms to the Pay Board for review.

One form of such pressure, particularly on the vacillating union leadership, would be for Congress to move ahead—as it should have long ago—on the President's much sounder proposal for a permanent overhaul of the inadequate statutory safeguards against crippling strikes in transportation industries. With stronger basic protection for the public there would be no need for patchwork expedients of the type now being sought on the Pacific docks.

Mr. PACKWOOD. I yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I am happy to cosponsor the amendment to Senate Joint Resolution 197 offered by the distinguished Senator from Oregon (Mr. Packwood).

This amendment is most appropriately called the Transportation Crisis Prevention Act of 1972, and it seeks to effect a long-overdue reform in the Taft-Hartley Labor-Management Relations Act with regard to emergency disputes in the transportation industry.

Without question, we are in a transportation crisis at this moment. The west coast longshoremen went out on strike on July 1 of last year and stayed out until a Taft-Hartley injunction brought them back after 100 days. But the strike resumed on January 17, and the fate of the tentative agreement just announced is uncertain.

The extended failure of negotiations between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, which began in October 1970, 16 long months ago, has made it crystal clear that our available machinery for promoting labor dispute settlements is inadequate. Taft-Hartley, the only tool the Federal Government now has, manifestly failed in the west coast dock dispute, as it failed in seven out of the 10 maritime and longshore disputes in which it was previously used.

It is time that the public interest was engineered back into the machinery for settling our emergency labor disputes.

Yesterday, Secretary of Labor Hodgson, speaking at the White House Conference on the Industrial World Ahead, made this same point. "Public demand," he said, "not the wishes of labor or management, is the force that will shape future changes in collective bargaining. Public interest, not private influence, will prevail."

The Secretary noted that at one time a strike hurt primarily the participants, "with little damage to other than themselves." But management and labor have learned over the years to minimize the effects on themselves, and now the public "takes the brunt of the big strike."

Certainly the people of my island State of Hawaii have borne the brunt of the west coast dock strike. Hawaii lies 2,400 miles out in the Pacific Ocean from the west coast of the United States, and it is a simple, ever-present fact of life that the imports and exports necessary to sustain the economy of my State must travel by ocean commerce. When the ships no longer come to call at the ports of Hawaii, an economic crisis begins, as it began last July 1 and has commenced again, with gathering force, 3 weeks ago.

The people of Hawaii have been held hostage in the west coast dock tie-up. They are not parties to the dispute; they are its victims. As their spokesman, I say to my colleagues: "Enough." We must make sure by legislating reform of existing procedures that a transportation strike never again continues to the point where the people of a substantial part of this country are brought to their knees.

The Transportation Crisis Prevention Act follows generally the lines of the original administration measure introduced in the Senate 2 years ago as S. 560. It reflects my concern that the new alternatives made available to the President for dealing with emergency disputes be specifically applicable to disputes which imperil the health or safety of a substantial sector of the Nation, such as the State of Hawaii. This application was written into S. 2959, the Emergency Labor Disputes Act, which I cosponsored with the distinguished Senator from Ohio (Mr. TAFT).

The Transportation Crisis Prevention Act will give the President three options to follow when a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof engaged in interstate or foreign trade, commerce, transportation, transmission or communication, or engaged in the production of goods for commerce, imperils the national health or safety or the health or safety of a substantial sector of the Nation.

These options, which follow an initial 80-day cooling-off period and are applicable only to the transportation industry, would be: First, an additional 15-day cooling-off period to give the parties additional time to pursue collective bargaining; second, partial operation of the affected industry, which might, for instance, provide essential shipping services to the State of Hawaii; and third, the final offer selection process, whereby a neutral panel would select as the contract the most reasonable of the final offers submitted by the parties to the dispute, unless found arbitrary or capricious by a three-judge Federal district court. The President may invoke these procedures in any sequence he deems appropriate.

I believe the final offer selection process is one of the most original and hopeful concepts to emerge in labor-management relations for many years. It has many advantages over compulsory arbitration. Two parties going before an arbitrator for compulsory arbitration know that he will try to compromise their differences. They therefore have every incentive to state extreme positions, in hopes of gaining more when the compromise is made.

Two parties going before a final offer selection panel are confronted with an entirely different situation. They know that compromise is out—and that the panel will try to select the final offer that is most reasonable.

The burden of compromise, therefore, is placed where it should be, which is on the two parties to the dispute rather than on the arbitrator.

I believe that this legislation will benefit both workers and management by keeping jobs open and operations continuing while these procedures are being followed.

To place the public interest back into labor-management negotiations, to give the Government the flexible new tools which it needs to promote settlement, to face up to the need to safeguard all sectors of our country from the impact of emergency transportation disputes, the Transportation Crisis Prevention Act is necessary. I strongly urge my colleagues to adopt this amendment.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I have time of my own, and I yield myself 4 minutes.

Mr. WILLIAMS. Mr. President, will the Senator yield to the Senator from Texas (Mr. BENTSEN) for a privileged matter?

Mr. JAVITS. I yield.

EXTENSION OF SECTIONS 5(n) AND 7(a) OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. BENTSEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3122.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972, which were to strike out all after the enacting clause, and insert:

That the second sentence of section 5(n) of the Federal Water Pollution Control Act (33 U.S.C. 1155(n)) is amended by striking out "$7,000,000 for the period ending October 31, 1971," and inserting in lieu thereof "$52,000,000 for the fiscal year ending June 30, 1972,".

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act (33 U.S.C. 1157(a)) is amended by striking out "and for the four-month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000.".

SEC. 3. The second sentence of section 8(d) of the Federal Water Pollution Control Act (33 U.S.C. 1158(d)) is amended by striking out "$650,000,000 for the four-month period ending October 31, 1971." and inserting in lieu thereof "$2,000,000,000 for the fiscal year ending June 30, 1972.".

And amend the title so as to read: "An Act to extend the Federal Water Pollution Control Act through June 30, 1972."

Mr. BENTSEN. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives to the bill (S. 3122) and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. MUSKIE, Mr. EAGLETON, Mr. COOPER, and Mr. BOGGS conferees on the part of the Senate.

THE DOCK STRIKE

The Senate resumed the consideration of the joint resolution (S.J. Res. 197) to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

Mr. JAVITS. Mr. President, I yield myself 4 minutes.

If I may have the attention of the manager of the bill, the chairman of the committee, the ticker reports that a settlement on economic issues was announced today in the west coast dock strike. Negotiators announced a settlement in the longest dock strike in American history. Negotiators said all economic issues had been settled and certain specified noneconomic issues will be submitted to arbitration.

I ask unanimous consent that the ticker tape to which I have referred be printed in the RECORD as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO.—A settlement "on economic issues" was announced today in the west coast dock strike.

Negotiators announced a settlement today in the longest dock strike in American history—the 123-day walkout of longshoremen in 24 ports on the west coast.

Negotiators said all economic issues had been settled and "certain specified, non-economic issues" will be submitted to arbitration.

The International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association, representing shippers, told a news conference settlement had been reached at 11:50 A.M. PST.

It was attained in intensive bargaining as the negotiators raced to achieve a voluntary settlement before Congress dictated one in Washington.

ILWU President Harry Bridges said the settlement will go to a union caucus Saturday, which may call for a ratification vote next week.

Asked if he would recommend ratification, the 70-year-old union leader said, "I always do."

PMA President Edmund Flynn said the shippers were satisfied with the settlement "or we wouldn't have agreed to it."

If the settlement is ratified, it will end a strike which the government estimates has cost the economy nearly a billion dollars and which western agriculture and business leaders say may have caused irreparable damage to foreign trade.

It had been going on since July 1, interrupted by a Taft-Hartley injunction in October but resumed in January when the court order expired.

"I am authorized to announce that the ILWU and PMA negotiating committees have reached agreement on all economic issues," veteran arbitrator Sam Kagel, who sat in on final sessions, told newsmen.

"Certain specified non-economic issues will be mediated and if necessary, arbitrated, by Sam Kagel."

Kagel said details of the agreement will not be disclosed until "the negotiators report to their principals."

"The date for ratification and return to work is related to the need of ILWU to submit the agreement to its caucus and the caucus' determination on when the vote will be taken and whether or not there will be a return to work pending the vote," he said.

The negotiators bargained until 11 P.M. Monday and showed up today at PMA headquarters, where the meetings were held, smiling broadly.

At 10:20 A.M. they held a six-minute meeting, and then broke up into committee sessions for work on specific parts of the contract.

The settlement represented what could be a historic breakthrough in labor relations on the docks and settled dozens of issues, some of them insoluble for a decade.

Among them was a jurisdictional dispute between ILWU and Teamsters Union members about handling container cargo at locations off but adjacent to the docks.

Teamsters Union members, who had been doing some of the work, were given continued jurisdiction but the PMA shippers agreed to pay a $1-a-ton "tax" to the ILWU for such cargo.

The contract also provided a guaranteed annual wage to longshoremen, laid down specific rules for the employment of highly skilled "steady men" on the docks.

In Washington, committees in both the House and Senate acted on legislation to end the strike.

The Senate bill was the version advocated by President Nixon, which would subject both sides in the strike to binding arbitration.

The House Labor Committee, however, approved a different proposal, merely empowering Nixon to seek a 60-day back to work order.

Mr. JAVITS. Mr. President, ratification of this agreement will take place in the course of the ensuing few days.

Mr. President, the committee, of which I have the honor to be the ranking Republican member—the Senator from New Jersey (Mr. WILLIAMS) is chairman—devoutly hoped that this would happen. We are not at all caught by surprise. We are deeply gratified. We made provision for exactly this possibility. It will be noted that on page 2, at the bottom of the page of the joint resolution, is the following proviso:

> *Provided*, That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues.

Mr. President, we define the word "disposition" to include an agreement to arbitrate. In other words, disposition does not necessarily mean that there is a finite settlement of every issue; if there is a procedure by which there can be finality, that can be "disposition." This was at my own request. We expressly gave this authority to the Secretary of Labor so that there would be a Cabinet officer present capable of reaching a conclusion based upon the certification made to him by the parties.

So the joint resolution, if passed today, is completely self-operative, and there is no concern about the fact that we would be putting in motion some activity or board which would preempt the settlement of the parties. On the contrary, we fully contemplated that there could be a settlement, and so provided in the terms of the joint resolution itself that the settlement could take effect and that it would preempt the operation of the resolution.

I would greatly appreciate it, because so many Senators have asked me about this, if the chairman of the committee would state his view on this point.

Mr. WILLIAMS. Mr. President, I cannot add anything except to say I understand it as the Senator does. That was contemplated by both the Senator from New York and myself. We at our hearings last Friday heard from the parties. The parties many times said that they were willing to submit their dispute to voluntary arbitration. That gave me great hope. It gave the Senator from New York great hope. Notwithstanding that hope, we have brought this measure here. The measure does include the provision that takes account of what is happening and what the result will evidently be—a disposition of the dispute of the west coast dock strike by the parties, and the final settlement of some of the minor matters, noneconomic matters, being put to voluntary arbitration.

Mr. JAVITS. I thank the Senator.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. President, I rise to commend the distinguished Senator from Oregon on his amendment, in the hope that this body will pass it and will reject the joint resolution. I was prepared to make those comments even before hearing of the tentative settlement on the west coast. I say that because the business of government should be to anticipate, not to react, to crises.

It is all right to say that the measure of the committee is self-operative, but the fact remains that it shows a disposition on the part of the Congress, or specifically the Senate, to continue to act as a forum in individual cases of labor disputes.

Five times in the past, since I have been in Congress, we have provided such a forum, and on five different occasions I have heard how we should have national legislation. But I only hear that talk when we are in the midst of a dispute.

That is what is at issue here this afternoon. I want to make it very clear that this is not a question of a Senator from the east coast of the United States taking a stance he can get away with because it does not affect his constituents. I want to go on record right now that in case of a resumption of the east coast dock strike and similar legislation comes forth, I shall vote against it, and I shall keep on pushing for general legislation, for legislation which will be triggered in the event that the national health or safety is in jeopardy.

I repeat that the difference between the amendment of the Senator from Oregon and the original bill is that one—that is, the original bill—is a reaction to crisis, and the other anticipates crisis. The anticipation is or should be the proper business of Government. I find it highly ironic that Members of this body who certainly have been favored by labor in the past should be standing on this floor advocating compulsory arbitration—something that has been totally abhorrent to labor over the years, and I am sure still is.

By the same token, I would have preferred to see a greater push on the part of the administration for the original concept now embodied in the amendment of the Senator from Oregon.

Let me state some other examples of what I am talking about. I say that unless we pass this type of general legislation today at the time of the west coast dock strike, we are not going to pass it. We are not going to pass it until the next crisis comes along and then we will discuss it again.

To go afield in other areas, I have long said that the war powers bill that was presented by the Senator from New York and others, involving the powers of the President to commit American troops, ought to be the business of this Congress now? Why? Because as soon as the Vietnam war is over, and we are rapidly getting to that point, it will be forgotten, and the circumstances that permitted us to get into Vietnam will still exist, and sooner or later we will fall into another Vietnam situation.

Welfare reform: I remember that at the end of last year, several of us had gone home to our States and our State capitals and had been on the receiving end of welfare protests, and Governors whose States were going bankrupt. Some came back and suggested that we have an emergency $1 billion shot of money for the States instead of passing all encompassing, desperately needed national welfare reform.

That is the sort of thing we are talking about here as far as strikes affecting the national health and safety are concerned. The amendment of the Senator from Oregon is a fine piece of legislation. If enacted, it would mean we will not have to convene at some date in the future and arbitrate a labor dispute somewhere else in the transportation industry. So, Mr. President, I want to make it clear that I fully support the concepts presented in the amendment of the Senator from Oregon, but that I shall vote against the original resolution. That I shall vote against any such accommodation in the future even though it affects, let us say, the rail industry and the commuters of Connecticut. That I shall vote against any special exceptions being made should the east coast dock strike resume; and I am going to do this again and again until finally we get on the books one law that applies universally and is not just tailored to a particular industry or some geographical section of the country or some particular philosophical principle.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEICKER. I ask the Senator from Oregon for 1 more minute.

Mr. PACKWOOD. I yield the Senator an additional minute.

Mr. WEICKER. I think when we do that we fulfill the highest purposes of our job. Otherwise, we bump along case by case and keep the country in a constant state of anxiety as these labor disputes arise. I think the Nation has had it right up to here insofar as a few people—be they industry or be they labor—disrupting life in the United States.

But we are not going to resolve that problem by moving from a rail strike to an airline strike to a dock strike, et cetera. We are only going to correct that situation by setting up general legislation which would be there for all to see, for all to evaluate, now.

Mr. PACKWOOD. Mr. President, I thank the distinguished Senator from Connecticut. His sentiments are mine exactly. Each time we have waited, each time there has been a crisis, each time we have said there must be legislation of a permanent nature, we have failed. I am pleased and honored that the Senator is a cosponsor of this amendment, along with our other distinguished colleagues, Senators DOMINICK, TAFT, BEALL, PEARSON, WEICKER, FONG, CURTIS, JORDAN of Idaho, COTTON, BROCK, GURNEY, FANNIN, HANSEN, DOLE, and TOWER.

I might state to the distinguished Senator from New Jersey, that I shall need only about 10 minutes to close.

Mr. WILLIAMS. Mr. President, I do not intend to use very much time to explain why this matter, of these broad dimensions, should not, in my judgment, be attached to the emergency bill we have before us, and to explain why I shall move to lay it on the table. I could proceed now, but I am sure that the Senator from New York wants to speak. He is not here. If the Senator wants to take time now, while I see if the Senator from New York does in fact want to speak on the matter, that is agreeable.

Mr. PACKWOOD. Mr. President, I do not want to take any more time now, but I would like to close on the amendment after the distinguished chairman has spoken.

Mr. WILIAMS. Mr. President, I ask unanimous consent that two members of my staff. Mr. Nagle and Mr. Edes, be permitted to be present on the Senate floor during the votes on this measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey? Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time to be equally divided between both sides on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I did not hear the Senator's request.

The PRESIDING OFFICER. The time for a quorum call to be charged equally to both sides on the bill.

Is there objection to the request of the Senator from New Jersey? The Chair hears none, and it is so ordered. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that I be allowed 5 minutes on the time of the distinguished Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I rise to support the amendment offered by the distinguished junior Senator from Oregon.

It is almost inconceivable that in a democracy such as ours, we would allow a small group of people to trample on the basic rights of millions of Americans. Yet, that is exactly what is happening today and has happened for the past 4 months as a result of the dock strike.

On the radio this morning was a story about a woman, the wife of a wheat farmer, who said she is going on a hunger strike to call attention to the plight of innocent farmers who have been hurt by the strike. She said she will fast until the dock strike is settled.

Mr. President, I do not think our people should have to go to any such extremes to get action when the need is so evident. We simply cannot allow the monopoly power of a union of only 13,000 men to tie up commerce and bring suffering to millions of Americans.

Once again we have a dramatic demonstration of how, through our antiquated labor laws, we have handed life and death economic power to certain union officials.

Once again we have a shocking example of the public-be-damned attitude of certain union leaders.

We are in deep trouble today because our labor laws have left matters of vital public interest subject to the whim of men who have no regard for the public, the President, or Congress.

We had the spectacle last week of an arrogant labor official telling a congressional committee that there would be a worldwide shipping tieup if we attempted to end this disastrous dock strike through legislation.

Mr. President, Harry Bridges does not rule the dock workers through divine right. And the longshoremen's union does not rule the docks through divine right. They have the awesome power they have only because Congress has provided the legislation which establishes monopoly power for such unions.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial published in the Chicago Tribune, which I believe summarizes well the situation we face with Mr. Bridges.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARROGANT LABOR LEADER

Harry Bridges, bellicose boss of the striking West Coast dock workers has defied Congress and threatened a worldwide shipping tieup if a law to end the strike by compulsory arbitration is passed. Threatening at first to ignore such a law if passed, Bridges later told a House labor subcommittee that his longshoremen at least would stage a work slow down. Furthermore, he said, any law to end the strike would affect only ships touching at United States ports, and he might call on "friends" in other countries to prevent the ships from doing that.

Bridges represents 13,000 members of the International Longshoremen's and Warehousemen's Union, which is striking against the Pacific Maritime Association, representing the employers. Because of a jurisdictional dispute, the Teamsters Union also is involved in the strike. The strike, which resumed Jan. 17 after tying up the West Coast for 100 days last fall, has closed 56 ports.

Because of the serious economic dislocations the strike is causing, President Nixon on Jan. 21 asked Congress for speedy emergency legislation to settle it. Secretary of Transportation Volpe, Secretary of Agriculture Butz, and Under Secretary of Commerce Lynn have all testified that the situation requires urgent action. But this is an election year, and Democratic leaders in Congress are dragging their feet for fear of affronting the labor unions which traditionally support Democratic candidates.

This reluctance on the part of the Democratic leadership not only adds to the economic severity of the strike, but encourages Bridges' defiance. Even worse consequences could evolve if longshoremen on the East and Gulf Coasts should decide to emulate Bridges and resume their prolonged strike, which is currently in limbo under the 80-day cooling off provisions of the Taft-Hartley Act.

Bridges' arrogance should not be allowed to go unchallenged by Congress. If it is and the dock strike brings further disaster on the economy, the American people can blame Democratic leaders in Congress who are willing to put union-delivered votes ahead of the best interests of the country.

Mr. FANNIN. If Congress granted this power, which it did, and if this power has been abused, which it most certainly has, then it is not only our privilege but also our duty to intervene in this intolerable situation.

Members of this Congress have wailed time and again that the executive branch of Government is usurping legislative powers.

Well, now is the time for the legislative branch to respond to a crisis and work with the administration to end this crisis. President Nixon has repeatedly asked for legislation which would deal with tieups in the transportation industry, but this Congress has failed him and thus has failed the Nation.

It is time that we took some strong action to get this strike halted and to get our exports on their way. Needless damage has been done to our economy as a result of the selfishness of a few men. We already have suffered a tremendous setback economically as a result of this strike, and this damage has come at a critical time in our efforts to revive the economy.

It is time—it is past time—that we take action to protect the rights of those who are the victims of such vicious strikes.

While we are doing the job, we might as well do it right. Time after time, we have faced these crises in recent years. Each time, the majority of this Congress has tried to avoid and ignore the issue, hoping it would go away. Today we face a situation in which they say it may be settled. That usually happens when there is pressure, and certainly that is no time to stop. At the last minute, with our collective back to the wall, we have come up with piecemeal and patchwork solutions. These solutions have come only after extensive inconvenience and frequently economic hardship for many millions of people who are caught in the middle of struggles over which they have no control.

We hear a great deal about the fact that the strike is being settled, that legislation is not needed. I disagree with that. We should avoid the future problems and future crises that will arise if we do not have legislation to take care of these situations.

Mr. President, we are representatives of the people of this Nation. We must protect their rights to engage in commerce, to travel from one place to another; we must protect them from the damage that comes from labor disputes such as the dock strike. I strongly support the proposed legislation and urge that we move rapidly in passing it. It is needed just as much as it was before this so-called settlement was announced.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TOWER

I regret that I am unable to participate actively in the debate and be present to vote on the Packwood Amendment and the Senate Resolution to end the dock strike. At this time, I am in Europe reviewing with our European allies vital defense and trade policies. Of particular importance at the moment is the policy of the EEC restricting American agricultural exports. While there was some possibility when I left that the West Coast Dock Strike dispute would be considered in the Senate, the importance of the negotiations that I am now attending made it impossible for me to return to the United States and participate in this debate.

I have learned today that a tentative agreement has been reached between the Pacific Maritime Association and the Longshoremen's Union that will have to be voted upon by the union locals later in the week. I am gratified by this action. I had hoped that this would have occurred much earlier or that the Senate and House Labor Committees would have considered this legislation some time ago. Still, because the locals must vote on this agreement and the agreement must also be submitted to the Pay Board for approval, there remains a definite need for Congress to take action that assures the American people that the strike will be settled before Congress recesses on Wednesday.

The strike settlement does not at all diminish the need for Senator Packwood's outstanding amendment which I have joined as a sponsor. Basically this amendment adopts the President's earlier Emergency Public Interest Protection Act. In addition, the Packwood amendment would give the President the three options whether the strike is of a regional nature or whether it is of a national nature. This is a very important change when we consider the ramifications of the current dock strike.

We must act on the Packwood amendment now. Unless we do, Congress will have continued the pattern of reacting rather than anticipating this type of problem. If the action is not taken the Senate and House Committees who have evaded this issue for more than twenty months will allow the bill to lay fallow for another indeterminate amount of time. Unless we act now, the Senate will possibly be back in the same situation, re-enacting the same scenario when the 80-day cooling off period for East and Gulf Coast dock strike ends next week.

The time has come for the Congress to act in a responsible manner by passing general legislation that will put into motion options that will encourage disputants to find agreement without government intervention. In fact, I would hypothesize that the action taken by Senator Packwood in offering this amendment gave incentive to the disputants to find agreement before Congress had acted. After all, it is quite ironic that it was the day Congress was to consider general legislation on this subject, that the disputants came to a tentative agreement resolving their differences which they couldn't resolve under the present mechanisms available for more than fifteen months. Had the concerned Committees of the Congress acted on the President's request in a reasonable time, this continual, hectic, last-minute activity could have been avoided.

Mr. President, the extension of the cooling-off period under Taft-Hartley, the partial operation and the final offer selection are novel and innovative approaches that can only encourage labor and management to resolve problems long before our economy comes to a standstill and long before government intervention is considered. The Packwood amendment favors no special interest group except the American people as a whole. It should be adopted because it is fair, realistic, and creative. If we as legislators do not adopt something along this line, we can be sure that the current type of dilemma will continue in the future and we will again be called upon to resolve disputes of a specialized nature in which the Congress has no real business becoming involved.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. I yield myself 2 minutes.

Mr. President, the subject matter of the amendment offered by the distinguished Senator from Oregon is broadly covered in many, many bills that have been introduced in the Senate and have been referred to the Committee on Labor and Public Welfare. As a matter of fact, we have 11 bills dealing with emergency labor disputes. Senator GRIFFIN has a bill; Senator JAVITS has a bill; I have a bill; Senator TAFT introduced a bill on March 3, 1971. He offered another on November 12, 1971. Senator TAFT offered another on December 6, 1971. In addition, we have bills from Senator BROCK, Senator DOMINICK, Senator FANNIN, Senator MILLER, and Senator STAFFORD.

Piled beside me is the hearing record. I only want to make two points on the hearing record on the bills introduced. We have put out invitations broadly for people who are knowledgeable and interested and have concern about transportation strikes. Out of all of these hundreds of pages, I will tell you, Mr. President, there are very few paragraphs of support for any of the specific pieces of legislation. The objective is to find a way—the proper way—to deal with the emergency that faces the country when it is tied up in a transportation strike and the health and safety of the Nation suffers. Evidently no one has, from beyond the Senate Halls, found "the" way. We have work before us.

Let me say that the distinguished Senator from Oregon (Mr. PACKWOOD) has been reasonably diligent in attendance at the hearings we have had. I will say, however, that this measure he has introduced as an amendment to an emergency piece of legislation is not one of the bills we have before the committee. I hope that the Senator will, if his motion should be tabled, introduce this piece of legislation, I would say, in the regular order, and have it referred to the labor committee where it can be heard and where it can be before us when we meet in executive session on March 17 to consider the various pieces of legislation.

After the distinguished Senator from New York (Mr. JAVITS) has addressed himself to this matter and after the distinguished Senator from Oregon has concluded within 10 minutes, he has assured me that I can ask for the floor and move that his amendment be tabled.

I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. ROTH). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, for 10 years, and I think it is 10 years easily, one of the principal aspects of my own legislative program has been a permanent piece of legislation to deal with national and regional emergency strikes. For years it was impossible to get any administration, the previous administration or this one, to pay any attention to it. Certainly it was impossible to get the labor unions to pay any attention to it, or even to get employers to pay any attention to it.

Now, Mr. President, and I have reiterated this time and time again every time there was a crisis—and we have had a number of crises in transportation especially—the measure I always had in mind was one which applied across the board at all times which involved the national health and safety or regional health and safety. I originally started way back with the question of seizure, which was the traditional remedy and something we thought the labor unions might go for. My present bill, S. 594, provides for seizure, but also permits the President to invoke other remedies which would be appropriate to deal with the emergency. It does not tie the President's hands in any way.

Now, at last, the moment has come when the idea is ready to bear fruit, where the pressure of events is such that the country, I think, is pretty sick of these ad hoc approaches. The moment before dawn is the time to be intelligent and provident and to write a bill which really is worthy of the great reform which it will affect. I feel, therefore, that, given the assurances which I will spell out to the Senate, we should have that opportunity rather than because we are irritated by this emergency to ride the administration's present package, which has some problems in it, onto this measure.

What is going to happen if we adopt this amendment? Either this dispute will be settled and this resolution will not be spelled out at all—and that is what it looks like right now, as was explained a minute ago by the Senator from New Jersey (Mr. WILLIAMS) and I who provided against that contingency—or the other body will not consider it and it will go down the drain, instead of allowing the buildup to continue, which will bring us to permanent legislation.

The President's measure, which is what the Senator from Oregon (Mr. PACKWOOD) wishes us to pass today, deals with three remedies—the last final offer selection, partial operations and a straight extension of time. That may be the best or it may not be. Personally, I believe, and the best authorities in the field believe, that there should be a wide range of remedies available to the President and that among these remedies should be the following:

There should be fact finding. There should be an extension, perhaps of the cooling-off period, which is now 80 days—to which we can add 30 or 60 days. There should be fact finding with recommendations. There should be partial operations or selective strikes, which is something that trade unions have sought to do. There should be some form of seizure under the courts or the executive. There should be final offer selection. There should be regular compulsory arbitration or there should be mediation to finality as former Senator Morse of Oregon used to call it—that is, arbitration within the context of negotiations between the parties. Or, as in the 1970 shopcraft dispute, there might be a disposition to write in the Executive order covering the particular dispute the actual terms of settlement, as we did it in the 1970 shopcraft bill.

The only reason I say all this is to show what is needed on the threshold of being able to accomplish it. I do not want to see the whole thing dampened by precipitate action which will either fail and discourage everyone, or will get us off on a path which many do not agree with.

The alternative is the following: I have received from the chairman of the committee a commitment, and I know that he will keep it, that within 30 days we will have an executive session of the committee for the purpose of marking up one of the many bills before the committee—my own, Senator PACKWOOD's—he is a member of the committee—or any other Member who may be submitting these ideas.

Mr. WILLIAMS. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. WILLIAMS. I did say that within 30 days and I did announce that we will have an executive hearing or meeting to consider the bills on March 17. That date could be advanced. It will not be beyond that date. It was also my feeling that if the Senator from Oregon takes the amendment, which is labeled a bill in the copy I hold in my hand, and he will introduce that, it should have a hearing before we go to the executive meeting on all of the bills. But on the outside, I would say by March 17.

Mr. JAVITS. We will be ready for the executive meeting.

Mr. President, every one of us—and we are sophisticated—knows that an executive session does not mean a bill. So, I have, in addition to it—and I commit it to the Senate—that from that date on, as the ranking member of the committee deeply involved with this subject for years, I will feel free to put on any bill from the Labor Committee's bill such a measure, and then it can be decided and voted on. Under the circumstances, when we are not under this difficult situation we face now, of having to take imminent action in a given emergency, but we will get votes and amendments or whatever other procedures are entailed in respect of such a measure.

In view of that, assuring to the Senate action in an appropriate way, after giving the committee an opportunity to consider it and produce a product, if it can, I believe that I will be justified—and I shall—vote to table this amendment. I repeat, I am glad that the Senator from Oregon (Mr. PACKWOOD) brought this matter up, which adds to the pressure. It is desirable that it be considered, but as to taking provident action, we now have a problem that is——

Mr. HATFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HATFIELD. Mr. President, I have spoken many times on the floor of the Senate about the devastating effect of strikes on the west coast to the economy of the State of Oregon and its national implications. I would like to pursue a question along this line, just to make sure that I understand clearly what the Senator from New York has just stated to the Senate.

First of all, would the Senator make any comment as to the likelihood of the ad hoc bill passing with or without the Packwood amendment as it relates to the House of Representatives where we must get it passed in order to bring it into law?

Mr. JAVITS. I believe that a bill with the Packwood amendment on it will get nowhere in the other body, where we will be in conference on it and they will not consider it at all. This does not mean we cannot do it on some other labor bill, where we are not under this particular crisis.

Mr. HATFIELD. Mr. President, I want to make it very certain in the record that I have my own region's interests at heart as well as the interests of the Nation as a whole. However, I want to see that, conventionally speaking, the west coast dock strike is settled quickly and fairly. And I want to vote in such a way that I can bring that about. We have information that a tentative agreement has now been reached. However, to back that up, we should have a piece of ad hoc legislation.

Second, I reiterate to the Senator that we have had many complaints from constituents that we have done a lot of talking in the Senate about permanent machinery, but have done little if anything toward developing it.

We voted on the floor in 1967 to settle the railroad strike. My constituents think we should have learned from that experience and brought some permanent machinery into effect.

We are promised today by the Senator from New York, in whom I have all the confidence in the world, the ranking minority member of the committee, that we will have a chance on the floor to act on a measure either from the committee or by way of an amendment on a generic procedure and will be able to vote on the bill after it has been considered in the Labor and Public Welfare Committee in executive session. We have been promised that there will be hearings on the proposal of my colleague, the junior Senator from Oregon (Mr. PACKWOOD), and that there would be a vote on the proposal.

Mr. JAVITS. The Senator is correct.

Mr. HATFIELD. So we can have that assurance at this time, that we can move quickly on the west coast dock strike legislation.

Mr. JAVITS. The Senator is exactly correct.

Mr. HATFIELD. I thank the Senator. I am deeply troubled by this strike, not only as it relates to my constituents, but also as it relates to future strikes in the transportation field. I also urge that the committee consider other problems that might affect the health and welfare of the Nation in addition to transportation.

Mr. PEARSON. Mr. President, I am pleased to join my distinguished colleagues, the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. TAFT), and the Senator from Hawaii (Mr. FONG) in offering an amendment to pending legislation to end the Pacific Coast longshore strike.

The amendment we offer today would, if adopted, provide permanent legislation for the equitable resolution of emergency labor disputes in the transportation industry.

Called the Transportation Crisis Prevention Act of 1972, this amendment is a most carefully drafted amalgam of legislation proposed more than 2 years ago by the administration, and the legislation offered by the distinguished Senator from Ohio (Mr. TAFT) and cosponsored by the Senator from Hawaii (Mr. FONG) and myself in December, 1971.

The Transportation Crisis Prevention Act of 1972, in my judgment, combines the best features of both the administration's proposal and the Taft proposal. The Subcommittee on Labor has conducted hearings on emergency labor-dispute legislation through the first session of this Congress, and the elements of Senator Taft's bill (S. 2959) have been subjected to hearings as well. The legislation which we now offer for debate, after months of careful drafting and careful reflection, balances the interests of labor, management, and the public.

Throughout the American economy, a multitude of essential public services is provided by the private sector. The national defense, for example, depends upon private enterprise, and civilian employees of private enterprise, to perform without serious interruption certain responsibilities undertaken voluntarily and for profit. In some industries, the public interest cannot tolerate an interruption of essential services for a single day.

Mr. President, the Congress has not provided the executive branch of Government with the tools it needs to protect the public interest when crippling strikes or lockouts threaten or occur. The Railway Labor Act has proved ineffective: In 1943, President Roosevelt seized the railroads and arbitrated a dispute with railway employees. President Truman seized the railroads in 1946, but a strike occurred anyway. President Truman at that time asked Congress for authority to draft the striking workers. Congress was forced to act three times in 1967 to avert a nationwide rail strike. In December 1970, Congress halted a nationwide strike involving three nonoperating rail unions, and the United Transportation Union. The airlines have suffered a nationwide strike of more than 40 days because provisions of the Railway Labor Act were ineffective to avert work stoppage.

Experience under the Taft-Hartley Act has been somewhat better, but longshore and maritime strikes over the years have proved this landmark legislation ineffective. After expiration of the 80-day cooling-off period, six longshore strikes and one maritime strike have shut down the foreign commerce of the Nation with disastrous results to farmers, shippers, manufacturers, and workingmen throughout the economy.

Mr. President, American agriculture depends upon foreign trade, and orderly access to foreign markets. In the fiscal year ended June 30, 1971, $7.8 billion of agricultural products were exported by the United States, including about $6.8 billion of commercial sales. Two-thirds of this total, or $5.2 billion, were exported through east and gulf ports.

The gulf ports exported nearly $1.5 billion worth of agricultural commodities in fiscal year 1971.

West coast ports provide access to important agricultural markets, particularly Japan, our largest single dollar market. In the fiscal year ending June 30, 1971, Japan purchased $1.2 billion of agricultural commodities.

Exports for the last fiscal year accounted for the output of 1 out of every 4 acres harvested in the United States. More than 72 million acres of American cropland are devoted to production for export. The foreign market consumed over half of the rice, wheat, and soybeans produced; nearly two-fifths of the cattle hides; over one-third of the tallow, tobacco and cotton produced; about one-fifth of total feed grain sales by U.S. farmers.

Longshore strikes jeopardize these markets, so critically important to farmers and the economy of rural America. Longshore strikes depress farm prices, and create uncertainty which results in lost sales opportunities—perhaps forever.

The U.S. Department of Agriculture has estimated that the recent longshore strikes cost fruit and vegetable farmers $215 million in export opportunities. About $40 million in perishables was spoiled because of the strikes.

More than $95 million in wheat shipments were lost because of the strikes—at a time when surplus problems are growing and prices are severely depressed.

The November 23 issue of the Journal of Commerce reported that longshore strikes on all coasts this year cost farmers 1.2 million tons in lost grain export opportunities. These shipments will never be made up, according to USDA's Foreign Agriculture Service.

The lost shipments in corn and soybeans are estimated to total $75 million, all due to the longshore strikes. The Oregon wood products industry lost invaluable sales. And the list goes on and on.

Certainly, Congress must proceed promptly to adopt ad hoc legislation to end the renewed longshore strike on the west coast. But the Senate should seize this opportunity to adopt legislation which would provide an orderly method of resolving emergency labor disputes in both the coming months and years.

It is not enough, therefore, to end the current labor-management crisis between the parties to the longshore dispute. The public interest requires the Senate to confront the fundamental statutory inadequacies which precipitate, on a recurring basis, disputes and prolonged strikes and lockouts in the transportation industry.

Mr. President, the Transportation Crisis Prevention Act of 1972 would amend the Taft-Hartley and the Railway Labor Acts to provide to the President emergency powers to prevent work stoppages before they jeopardize the health, safety, and economy of the country or any region of the country. The amendment which we offer to the pending legislation makes available to the President a wide range of procedures designed to reduce the adverse impact of work stoppages in the transportation industry. These procedures include provisions for an additional cooling-off period, partial operation of essential transportation services, and/or final offer selection. The optional procedures may be exercised in such sequence as the President deems appropriate until it is certified by the Secretary of Labor that the labor-management dispute has been settled. However, only one of these procedures may be exercised at any one time and each may be invoked only once during a particular dispute.

These procedures would be invoked only when the national economy, or the economy interests of a significant region of the country, or the health and safety of the American people are threatened by a labor-management dispute. Many disputes within the transportation industry, throughout the national economy, would continue to be settled by collective bargaining. I think it fair to say, if this amendment is ultimately adopted, that parties to transportation disputes in the future would be more amenable to orderly resolution of their differences. Ultimately, the President of the United States must be granted the authority necessary to terminate transportation labor disputes when collective bargaining has utterly failed.

I urge Senators to proceed promptly to a vote on the amendment which we have offered this afternoon. The hearings have been held. The issues before us are clear. The public interest must be considered.

Mr. PACKWOOD. Mr. President, I would like to make some closing remarks. Is the Senator from New Jersey prepared to yield back his time?

Mr. WILLIAMS. I at this time will not yield back all my time. However, I do not intend to do anything further than to make a motion.

Mr. PACKWOOD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PACKWOOD. A motion to table is not in order until all time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PACKWOOD. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, will the Senator reconsider that? A motion to table is in order when the time expires. However, it is also in order when there is no further time if all time has been yielded back. It is my understanding from the Senator from New Jersey that all he wants to do is to save enough time to make a motion and not make a speech.

Mr. PACKWOOD. That would be agreeable.

Mr. MANSFIELD. The Senator stated that all he wanted to do was to save enough time to make a motion.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that all time, save 12 minutes for me to conclude, be yielded back and that at the conclusion of my time, if it be shorter than 12 minutes, the Senator from New Jersey be free to make his motion.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request and trust the chairman of the committee to comply with the request just made?

Mr. PACKWOOD. That would be fine.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

Mr. PACKWOOD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oregon has 38 minutes remaining.

Mr. PACKWOOD. Mr. President, I yield back all except 12 minutes; and, at the conclusion of my remarks, I will yield back the remainder of my time.

Mr. President, let me clarify for the Senate the colloquy between the Senator from Oregon (Mr. HATFIELD) and the Senator from New York (Mr. JAVITS) as to the effect of adding my amendment to the pending legislation.

If we add this amendment to the legislation now, we do not necessarily have to worry about whether the House acts. If they refuse to go along, the Senate is in a perfect position in conference to yield on our own amendment and agree with the House on a bill to terminate the west coast dock strike, assuming that it is not terminated voluntarily before then.

We are asking that we pass an amendment now that would remove from all of us the onus of being accused of being in favor of work stoppages in the transportation industry. And the best way to assure that we will not have one next summer or a nationwide strike the summer after that or an east coast or west coast dock strike on March 14 is to pass this legislation. This will assure that we will have continuity of services. Certainly the west coast dock strike will not be jeopardized by agreeing to my amendment.

Mr. President, let me read a list of the transportation contracts that will expire within this year. The Delta Air Lines contract with the Air Line Dispatchers Association will expire on January 1 next year. The contract between Delta Air Lines and the Air Line Pilots Association will expire on January 31. The contract between the Marine Association of Chicago and Independent Employers and the Longshoremen's Union will expire on March 31. The contract between the Western Air Lines and the Air Line Pilots Association will expire on March 31. The contract between Southern Airways and the Air Line Pilots Association will expire on April 1. The contract between Air West and the Air Line Pilots Association will expire on April 1. The contract between Allegheny Air Lines and the Air Line Pilots Association will expire on May 31. The contract between American Airlines and the Flight Engineers will expire on May 31. The contract between American Airlines and the Allied Pilots Association will expire on May 31.

The contract between the United Airlines and the Airline Pilots Association will expire on June 1. The contract between the major shipping companies, Atlantic, gulf and Pacific coast, and the Masters, Mates, and Pilots; Marine Engineers; Seafarers; National Maritime Union; Radio Officers; and others will expire on June 15. The contract between Pan American World Airways and the Teamsters Union will expire on July 1. The contract between Northwest Airlines and the Airline Dispatchers will expire on July 1. The contract between Eastern Airlines and the Transport Workers Union will expire on July 1. The contract between the National Airlines and the Airline Dispatchers Union will expire on July 14. On July 1, 1973, we face the possibility of a nationwide railroad strike and a nationwide truck strike because the contracts in both of those industries expire at the same time. The contract between Pan American World Airways and the Flight Engineers expires on September 1.

It is easy enough to say that a year from now we will not have to worry about it. So it is not too far down the road that we will be faced with major potential problems in the railroad industry, in the airline industry, the shipping industry, and in the trucking industry in the next year or so.

Any one of them could become a national or regional emergency. If we fail to act now and have no bill, the responsibility will be on the shoulders of the Senate and on no one else's.

In the 2 years since the President's proposal was submitted to the Congress, we have had 8 days of hearings and have had 3 days on ad hoc legislation. However, in those 2 years we have not had a single executive committee session.

In those 2 years, we have gone through two crises in the railroad industry, and now the east and west coast dock strikes.

But while our committee alone has moved a heavy schedule of legislation, including the Emergency School and Quality Integrated Education Act, the Omnibus Education Amendments of 1971, the Equal Employment Opportunity Act, the Wagner-O'Day Act amendments, the Health Manpower and Nurse Training Acts, the Conquest of Cancer Act, the Children's Dental Health Act, the Emergency Employment Act, the OEO and Child Development Acts, and the Sickle Cell Anemia Control Act, we have not acted on emergency transportation legislation.

It seems to me that we should have acted so that we would not be faced here again with a transportation emergency.

We have been through two strikes on the west coast in the last 2 months. We have had one strike on the east and gulf coasts. We are now down again to a point where we have a chance to display whether the Senate wants to prevent this kind of crippling strike in the future.

I would simply point out that a vote to table my amendment now may be a vote against having any emergency transportation legislation in the future. Congress reacts to public pressure. To say that we are not a responsive body is hogwash. Congress is very responsive to the wishes of the public. When the public is up in arms, the fever in Congress rises. When they are not up in arms about some transportation strike, the fever in Congress falls.

Mr. President, we have a chance to strike now while the iron is hot and while the public temper is sympathetic.

Mr. President, I hope the Senate does not table our amendment and wait until the next emergency to come to the floor of the Senate and then berate ourselves and the other body, and whom ever we choose for failure to pass some legislation that could terminate an intolerable and continual situation.

Mr. WILLIAMS. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has been yielded back or has expired.

Mr. WILLIAMS. I make my motion to table.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Oregon. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Texas (Mr. TOWER).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Texas would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Texas would vote "nay" and the Senator from Washington would vote "yea."

The result was announced—yeas 42, nays 39, as follows:

[No. 37 Leg.]

YEAS—42

Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cranston
Eagleton
Fulbright
Gravel
Hart
Hatfield
Hughes
Inouye
Javits
Mansfield
Mathias
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Stafford
Stevenson
Symington
Talmadge
Williams

NAYS—39

Aiken
Allen
Baker
Beall
Bennett
Brock
Buckley
Byrd, Va.
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Packwood
Pearson
Roth
Sparkman
Spong
Stennis
Taft
Thurmond
Weicker
Young

NOT VOTING—19

Allott
Anderson
Bellmon
Cannon
Harris
Hartke
Humphrey
Jackson
Kennedy
Long
Magnuson
McGee
Metcalf
Mundt
Muskie
Saxbe
Stevens
Tower
Tunney

So Mr. WILLIAMS' motion to lay Mr. PACKWOOD'S amendment on the table was agreed to.

Mr. MOSS. Mr. President, the Nation is now suffering under a dock strike that has been in effect periodically since last summer. Although the imposition of a solution from the outside is seldom desirable, it is a necessity in the case of the west coast dock strike.

I have always favored collective bargaining in the settlement of such disputes, and continue to view private negotiations as the most appropriate way to settle labor-management issues. But the present problem seems to require additional action.

The strike has delayed aid for victims of the war in East Pakistan and stifled our agricultural exports, thereby reducing farm income even further than its present depression levels. The strike has damaged many small businesses that do not have the inventories or capital to withstand long periods of inactivity.

Public patience has been exhausted. My mail is overwhelmingly for this type of solution. The parties have had sufficient time to work out their differences which, I point out, are jurisdictional within the ranks of labor. Congress has examined the proposed legislation carefully so that a patchwork solution is not forced through without full consideration. The time has come to act to protect the innocent victims of this dispute. Specific legislation to settle this particular strike should be enacted with speed.

LONGSHOREMAN SETTLEMENT INFLATIONARY—WRONG

Mr. PROXMIRE. Mr. President, I oppose the Williams resolution for at least two important reasons. First of all, with the settlement announced today, it is probably not needed. In fact, its passage could even make it more difficult to reach a final acceptance of the agreement than if it is passed.

It substitutes an arbitration board for free collective bargaining. We are ill-advised to act on that. It would circumvent the bargaining process if the agreement is not accepted by the members of the union when they meet to vote on it.

But it goes even further. It exempts the results from the review of the Pay Board.

It says that the arbitration board, if it is needed, "shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(i)."

I am told this settlement is for 32 percent in less than 2 years. That makes a shambles of the Pay Board's 5.5 percent guideline.

This settlement will foster strikes, not stop them. If high settlements, the result of strike action are accepted by the Pay Board or exempted from the Pay Board, this kind of settlement will be fostered. If there is no strike and a large settlement, it goes to the Pay Board where it will be stopped.

If there is a strike, and a large settlement, it is not vetoed. It is not under the Pay Board.

This sets an unfortunate precedent.

It not only will foster more strikes, it will foster higher settlements and continued inflation.

That is the main reason why I opposed the Williams resolution.

Mr. BUCKLEY. Mr. President, the subject of major labor disputes is one which affects every American, either directly or indirectly. Every American has a strong interest in maintaining the freedom of employers and employees to bargain over wages. Nevertheless, I recognize the need to take into account the grave damage that can be done by strikes having a national impact on the public welfare. I believe it necessary to find a mechanism which would rigorously identify those regional disputes which have so large an impact—such as the current west coast dock strike—that they should be settled in the context of a national formula.

I am, however, extremely concerned about the risks to free labor markets of extending the principle of limited governmental intervention through compulsory arbitration from disputes affecting the national welfare to those affecting regions. There are already in existence, regional compacts between two or three States. If there was intervention into labor disputes on a basis where a "region" was defined as only two or three States, the Government could well be far exceeding the bounds of wisdom and competence in becoming involved in the operation of labor markets.

I will vote against tabling to emphasize my belief that we must come to grips with this problem now that national antistrike legislation is being so widely discussed. But I will vote against the pending amendment as I believe more detailed study should be given to the definition of "national" and "regional" so that prudent and appropriate limitations on Federal intervention can be established

Mr. BAYH. Mr. President, I shall vote against this compulsory binding arbitration bill, because it is an unnecessary piece of legislation. In the midst of debate this afternoon on measures to force a settlement upon the parties to the west coast dock strike, the parties themselves—by the free and open process of collective bargaining—negotiated a settlement—which if ratified this weekend will finally bring an end to this long and costly strike.

I have been extremely concerned about this strike and its serious effects upon the economy of the west coast and of the entire Nation. And I am extremely concerned that disagreements among a few can cripple the economy of whole regions of this country. But I firmly believe that the only real solution to labor-management disputes is agreement freely reached between the parties—and not a settlement forced upon them by Congress. For us in the Senate to now pass a bill requiring compulsory binding arbitration after the parties themselves have freely reached agreement is to denigrate the free collective bargaining process.

I have never voted for compulsory binding arbitration before. And when labor and management—by themselves—freely agree on a settlement, to vote for compulsory binding arbitration would be a vote of no-confidence in the ability of labor and management to come to responsible and reasonable agreements.

I am glad that this lengthy and costly strike has been settled. It has caused great hardships around the country. But it has been settled as it should be—by the parties themselves—and we in the Senate ought not force this bill on the parties when it is simply unnecessary to do so.

Mr. STEVENSON. Mr. President, for the fourth time since I entered this body in late 1970, the Congress has been forced to legislate an end to a transportation strike. Congressional action in this area impresses me as being very different from and less satisfactory than the manner in which we act on other matters. In situations such as this one, we are forced to act hastily; we must inject ourselves into a complex situation which the parties have lived with for months or even years. Worst of all, each congressional settlement of a transportation dispute creates a further incentive for disruption, intransigence, and the attendant economic injury upon millions of farmers, merchants, workers, and other innocent third parties.

It is regrettable that this dispute has come to the Congress. I find it even more regrettable that the administration has couched its proposal in partisan, inflammatory rhetoric. Coming as it does at the beginning of an election year, the administration's crude and misleading salvos raise serious questions about its real motive in seeking legislation to end the dock strike. Was the administration proposal designed to end the strike, or to create an issue on which to run against the Congress?

Perhaps we will never know for certain, but we do know the President met with the parties only once—when the dispute was a year old and the strike had been on for 100 days. Then on January 21, he proposed an emergency bill—and demanded its immediate enactment by the Congress.

The Senate Labor and Public Welfare Committee acted with dispatch. It reported favorably an emergency bill last night. Now the parties have resolved their differences, subject to ratification by the Longshoremen and arbitration of certain unresolved noneconomic issues. I still support the emergency legislation, not because I believe that all regional disputes should be terminated by emergency legislation. I support it because we cannot risk the settlement coming apart if we fail to act. We cannot take that risk at a time when our balance of trade and general economic soundness are suffering from policies of neglect and ineptitude. We cannot afford the further loss of foreign markets by a continuation of the strike. At a time when 5.7 million Americans are out of work—the most since 1963—we cannot afford a strike which could put thousands of innocent people out of work.

By the same token, my support for this ad hoc bill—and my opposition to the Packwood amendment—do not mean that I prefer the ad hoc approach to permanent legislation. On the contrary, I am convinced that lengthy and destructive transportation strikes are not in labor's interest or in the national interest and that every effort should be made to enact permanent legislation in this session of Congress. The Labor and Public Welfare Committee, thanks to the efforts of Chairman WILLIAMS, has already conducted 9 days of hearings on the numerous proposals for permanent legislation, but many interested parties have yet to be heard from. The Senate does not now have the comprehensive hearing record on which the Packwood amendment or other permanent legislation should be based. The Secretary of Labor has publicly acknowledged the need for further study before enacting permanent legislation. What is more, adoption of the Packwood amendment now would mean no legislation whatsoever, ad hoc or permanent, because the House of Representatives would refuse to accept it.

Mr. President, none of us likes to pass bills dealing with specific labor disputes. I submit that we do not have to find ourselves in this situation again—if only we continue and redouble our efforts to formulate a general transportation strike bill which protects the legitimate interests of labor, management and the American public. It is reassuring to know that the distinguished Senator from New Jersey, the chairman of the Senate Labor and Public Welfare Committee, intends to continue hearings.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes on the bill, but first I ask for the yeas and nays.

The yeas and nays were ordered.

THE SENATE SCHEDULE

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, as the Senate knows, it has a very heavy schedule confronting it. We have almost completed a month of labor, and have produced nothing—not even a mouse. It is hoped that it will be possible to arrive at a vote soon on the amendments to the EEOC bill, which is the unfinished business, laid aside temporarily. It is my information that it will be possible next week, hopefully, to vote on certain amendments, which will at least get us over the hump as far as that bill is concerned.

I would make a personal plea to every Member of this body to not ask the leadership to delay on any aspect of this or any other legislation this year.

We have the higher education bill, which is going to take some time, because civil rights are involved in that bill also.

We have the women's equal rights amendment, which I support fully without change, but there are going to be arguments on that.

We have the voter's registration bill, which is a contentious piece of legislation and will take some time.

There is H.R. 1, which is coming out in some form, but no matter what the form is, it is going to cause a lot of argument.

There are other bills, which I cannot recall at the moment, but this is an indication of the type of schedule which confronts us.

Almost a month on the pending bill, and no progress. So I would hope that the Senate would face up to its responsibilities; that each Senator would act with maturity, so that we can do the job which the people are paying us to do.

None of us was drafted for this job. Every single Member of this body sought this position, and with the position goes a duty, a responsibility, which means not only facing up to the schedule in this year with conventions and elections, but also facing up to attendance on the floor of the Senate. The record of this body over the past month is, to put it mildly, abominable.

So I hope that this statement which I have made today will be taken to heart. I do not make it lightly, but I make it, I hope, on the part of the joint leadership, to every Member, so that we can get on with the business of the people. As far as I am concerned, there will be no sufferance, no exceptions made as far as any Senator is concerned regarding votes or a date certain on legislation or on amendments, and when I say that applies to all Senators, it applies to the Senator from Montana as well. As a matter of fact, Mr. President, I ask unanimous consent that I be excused from attendance in the Senate on Monday next because of official business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And if there are votes on that day, I shall have no regrets, because the Senate's business comes ahead of the wishes or the whims of any individual Member.

Mr. ERVIN and Mr. SCOTT addressed the Chair.

Mr. MANSFIELD. I yield first to the Senator from Pennsylvania; then I shall be happy to yield to the Senator from North Carolina.

Mr. SCOTT. Mr. President, we have been experiencing some difficulties here, some bipartisan difficulties, in the sense that we have really tried valiantly to bring about some form of understanding, some congruence of opinion with regard to certain amendments. We have unsuccessfully tried to invoke cloture twice on this bill, and we shall try again, perhaps for next Tuesday if I correctly understand the managers of the bill. We do have situations where some Senators prefer one day and some another. I have tried, to the best of my ability, to accommodate those concerns in view of the two-track system.

I can only express the hope that those Senators who are directly concerned in certain amendments now being discussed would do their best to see whether we could come to some sort of agreement at least as to voting them up or down, whether we can agree on compromise language or not, either today or tomorrow, because otherwise we will carry them over until Monday.

Of course, the distinguished majority leader is correct, that all of us are absent at some time or another for very necessary reasons, and very often on official business, and we certainly understand that. I have been absent for 2½ days myself, and it is remarkable how the votes roll up and, in those 2½ days alone, one can miss so many.

So I am pleading a collective cause here. The majority leader is understandably wroth, bearing in mind who is in the chair at the moment (Mr. ROTH), because Senators are fleeing from the Chamber. There is good reason that the distinguished majority leader has sort of got a flea in his ear about this matter.

I do hope we can work this out. I do think if we are going to have a filibuster on every bill that comes up this year, we are not going to get to the convention, which might be the better without us, including the candidates. But we ought to try. We ought to allow our senatorial Presidents or presidential Senators waving room for rhetoric outside of the Chamber, and diminish it in the Chamber; and I would hope that we can get our work done.

I am very sympathetic to the problems of individual Senators here, however, and that is why I make the plea that those who are considering amendments see what they can do, today or tomorrow, and see if we can work something out.

I thank the majority leader.

Mr. MANSFIELD. I yield now to the Senator from North Carolina.

Mr. ERVIN. Mr President, I should like to state to the majority leader that the distinguished Senator from Alabama (Mr. ALLEN) and I have an amendment to the EEOC bill which would strike out the provisions of the bill reducing the coverage below the present number of 25 employees, and we shall be perfectly willing to vote on that amendment as soon as the pending business is disposed of.

Mr. MANSFIELD. Mr. President, may I say the distinguished Senator from North Carolina did agree to a vote on his amendment at 4 o'clock on yesterday afternoon. The request was made, a difficulty arose, and the request was vitiated; and now I understand there is a possibility that there is an amendment that may be offered to the distinguished Senator's amendment, possibly next week sometime, the earlier the better. If we could do it tomorrow, that would be best of all.

So I do not fault the distinguished Senator from North Carolina on this particular amendment, nor do I pick out any Senator to blame, because it is the Senate as a whole which is to blame.

One thing that all of us will have to recognize and recall is that we are the servants of the Senate, and even though each Senator has a great deal of power, that power should not be used to thwart the will of the majority.

Mr. JAVITS. Mr. President, I yield myself 3 minutes. Will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, the Senator from New Jersey (Mr. WILLIAMS) and I—he will speak for himself, but I think I know his views on the matter—are quite prepared to see the EEOC bill through to a conclusion. We shall today file an amendment dealing with the principal argument respecting the bill, to wit, the cease-and-desist power, in an effort to meet the views of those who find problems with the cease-and-desist approach. We are prepared to deal with that amendment quite promptly.

As to the amendment of the Senator from North Carolina about the 25 employees, if the majority leader wishes to keep the Senate in session this evening, we have a pretty good attendance, and we would be prepared to offer our substitute to the amendment and have it voted on tonight.

Mr. MANSFIELD. That sounds good. We do have a good attendance today.

Mr. JAVITS. I have not consulted with Senator Williams, but I am trying, for myself, to respond to the Senator's views.

Mr. MANSFIELD. Oh.

Mr. HRUSKA. Is the amendment printed?

Mr. JAVITS. Well, it is so simple it would give no trouble. In fact, I can state what it is. Let me briefly state what both of these amendments would do.

The amendment to the amendment of the Senator from North Carolina to which I refer would reduce the coverage to 15 rather than eight. That is an effort to meet the views of certain of our Members, the Senator from New Hampshire (Mr. Cotton), for example, who feel strongly on this subject.

The other amendment which Senator Williams and I have prepared and will file today would preserve in the Commission the authority to conduct hearings and to certify the record together with its recommendations to the court, but only the court will be able to enter a decree. It was the feeling on our part that we are dealing with substance, not form, and if Senators have deep feelings—as the close votes have indicated—about cease-and-desist orders being issued by the Commission, we are trying to walk the extra mile ourselves.

These are two things which Senator Williams and I have agreed on, and as I understand the Senator from Colorado (Mr. Dominick) wishes to resubmit his amendment as a substitute for the latter of the two propositions I have referred to, so it is highly unlikely that we can do that this week. But certainly as to the number of employees involved, we can move, and if Senator Williams is willing, we are prepared.

Mr. MANSFIELD. Mr. President, that is good news, better than I anticipated.

I wonder if it would be possible, with the consent of the Senate, to agree to a time limitation. The only difference between the two amendments is the number 25, which is the present figure, and the number 15, compared to the bill which was reported out, which contained the number 8.

Mr. President, I ask unanimous consent that it be in order to make a unanimous-consent request at this time that when the Javits-Williams amendment is laid before the Senate, decreasing the number to 15 from the present 25, upping the number to 15 from the amendment now pending, which is eight, there be a time limitation of 30 minutes, the time to be equally divided between the manager of the bill and the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be allowed at this time to ask unanimous consent that on Monday next, on the amendment which approximates somewhat the Dominick amendment—the amendment to be offered by the distinguished Senator from New York (Mr. Javits) and the chairman of the committee, the distinguished Senator from New Jersey (Mr. Williams)—there be a time limitation, and that the vote occur at 3 o'clock on Monday afternoon next.

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. ALLEN. Mr. President, reserving the right to object, I do not believe the majority leader provided for the contingency of what would happen with respect to a vote on the Ervin amendment——

The PRESIDING OFFICER. All time on the joint resolution has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I do not believe the distinguished majority leader made provision for the contingency of the vote on the Ervin amendment, whether amended or not by the Javits amendment. The time was on the amendment of the distinguished Senator from New York (Mr. Javits).

Mr. MANSFIELD. I am delighted that the distinguished Senator from Alabama called my attention to that.

Mr. ALLEN. It would be satisfactory with the proponents of the amendment to have the vote immediately following the vote on the 15.

Mr. MANSFIELD. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I would suggest, respectfully, because I feel deeply embarrassed—I did not consult anybody about the question of time on this rather major proposition. I hope the Senator will not press that unanimous-consent request at this moment.

Mr. MANSFIELD. I will not press it. But the Senate is here in force; the Senate will be here in force tomorrow. We will come in fairly early. The Senate will be on notice that there will be votes tomorrow, and Senators should be prepared for votes on Monday next if, in the wisdom of the Senator from Colorado, the Senator from New York, the Senator from New Jersey, and the minority leader, such an accommodation is reached.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. May I make a correction? Amendments have been mentioned for me. They will be offered by Senator Williams with me, I hope.

Mr. DOMINICK. I say to the Senator from Montana, lest I be put in an untenable position, that so far as I am concerned, I can vote on my amendment this afternoon. I do not care. But I was told that I should not go this way and that the only thing we would be doing would be to try to say we wanted to vote on ours as soon as we could. So far as I am concerned, I can set a time limitation this afternoon and vote on it this afternoon, up or down.

Mr. MANSFIELD. I would de delighted. Would the Senator be prepared to offer his amendment this afternoon, after the Javits and Ervin amendments are disposed of?

Mr. DOMINICK. I would. I would accept a unanimous-consent agreement as to a time limitation and vote on it.

Mr. JAVITS. Mr. President, if the Senator will yield, I think we are getting a little ahead of ourselves, but it may be possible to do it.

The understanding I had with Senator Dominick was that if we submitted our amendment—to wit, the amendment-in-chief, which I described—his amendment would be a substitute for it; so that the first vote could come on his amendment and the second on our amendment. If that arrangement may be permitted to continue and the Senator wishes to keep the Senate in session for the time it would take, which would be 8 or 9 o'clock, I have no complaints about that.

I would like to retain, because that is what we agreed to and that is why we are putting in the amendment offering the compromise, the arrangement we made—that we would introduce our amendment to which the Dominick amendment would be a substitute.

Mr. MANSFIELD. May I suggest that the distinguished chairman of the committee and the distinguished ranking minority member of the committee get together with Senator Dominick, the distinguished Senator from Colorado, to see whether something can be done this evening.

Mr. SCOTT. And if not, tomorrow.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Are we not going to be in session tomorrow? We are going to be in session tomorrow, are we not?

Mr. MANSFIELD. That is right.

Mr. PASTORE. Why can we not have a unanimous-consent agreement to vote tomorrow sometime on the Javits-Williams amendment, which will have a substitute by the Senator from Colorado?

Mr. MANSFIELD. I would be delighted.

Mr. PASTORE. Why can they not agree on it?

Mr. MANSFIELD. Let them talk about it.

Mr. PASTORE. Rather than stay here until 9 o'clock, we could vote on it tomorrow.

Mr. JAVITS. We will not have to stay here until 9 o'clock. The majority leader has suggested that we get together, and we will do that.

THE DOCK STRIKE

The Senate continued with the consideration of the joint resolution (S.J. Res. 197) to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH (when his name was called). On this vote I have a pair with the distinguished Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would note "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 79, nays 3, as follows:

[No. 38 Leg.]

YEAS—79

Aiken
Allen
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Williams
Young

NAYS—3

Harris
Proxmire
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bayh, against.

NOT VOTING—17

Allott
Anderson
Bellmon
Cannon
Hartke
Humphrey
Jackson
Kennedy
Magnuson
McGee
Metcalf
Mundt
Muskie
Saxbe
Stevens
Tower
Tunney

So the joint resolution (S.J. Res. 197) was agreed to.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 197

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union; and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935 WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176-178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts and transportation services essential to the national interest are not being maintained; and

Whereas it is vital to the national interest that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding, and agreement between the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings between the parties: *Provided,* That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen months. During such period, there shall be no resort to strike or lockout as between the parties.

(b) From the date of enactment of this joint resolution until the arbitration board makes its determination, there shall be no resort to strike or lockout as between the parties, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971.

(c) For the purpose of this joint resolution the term "parties" means (1) the International Longshoremen's and Warehouseman's Union and (2) the Pacific Maritime Association, and all employers who are members of that association.

SEC. 2. (a) There is established an arbitration board (hereinafter referred to as the "board") which shall be constituted in the following manner:

(1) Within three days after the enactment of this joint resolution, both parties to the dispute, by agreement, may designate one individual to perform the functions and exercise the powers of the board.

(2) In the event that the parties do not agree upon an individual under paragraph (1) of this section, each party shall within three days immediately following the expiration of the three-day period under paragraph (1), designate an individual to serve on the board. The two members of the board so designated shall select, within three days after their appointment, a third individual to be a member and act as chairman of the board. In the event that the two members of the board designated by the parties cannot agree on the selection of the third member as chairman under this paragraph, within three days after their appointment, the third member who shall be the chairman shall be selected by the chief judge of the United States district court for the Northern District of California.

(3) In the event that either party does not designate a member under paragraph (2) of this subsection, then the chief judge of the United States district court for the Northern District of California shall designate one individual to exercise the powers of the board.

(b) The board shall make all necessary rules for conducting its hearings and giving to the parties and all other persons it determines may be directly affected by the board's determination notice and a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50).

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) The board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shll be final and binding in every respect, subject only to review as provided in section 2(i).

(h) In the event of disagreement as to the meaning of any part or all of a determination by the board, or as to the terms of all the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the board for clarification of its determination, whereupon the board shall reconvene and shall promptly issue a further determination, with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the board, be made with or without a further hearing, and shall be final and binding in every respect, subject only to review as provided in section 2(i).

(i) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the Ninth Circuit. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

(j) Members of the board shall receive compensation at a rate of $250 per day when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

(k) For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

SEC. 4. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. Presdent, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, it was my understanding that after the vote on the amendment to be offered by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from New Jersey (Mr. WILLIAMS), the manager of the bill, the vote was then to occur on the Ervin amendment. I now understand that objection was made. If so, I should like to have the record cleared up.

Mr. JAVITS. That was my understanding.

Mr. MANSFIELD. It was not mine, nor do I think it was the Senates understanding, nor do I think it was the understanding of the Senators who have an amendment pending at the present time.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. My understanding is that the unanimous-consent request obtained by the distinguished Senator from New York was that the vote would occur on the amendment of the Senator from New York and the Senator from New Jersey to the amendment of the Senator from Alabama and the Senator from North Carolina after debate of 30 minutes to a side. I am willing to limit the debate to 5 minutes to a side and then immediately proceed to a vote.

Mr. MANSFIELD. It was 30 minutes on the Javits amendment to the amendment of the Senator from North Carolina and the Senator from Alabama; and I understood that after that was disposed of, the vote would occur immediately without any further debate on the Ervin amendment.

Mr. ERVIN. That was my understanding.

CHANGE OF CONFEREE ON FOREIGN AID APPROPRIATION BILL

Mr. SCOTT. Mr. President, I ask unanimous consent for 1 minute, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from New Hampshire (Mr. COTTON) be substituted for the Senator from Hawaii (Mr. FONG) as a conferee on the foreign aid appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN SENATE JOINT RESOLUTION 197

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the engrossment of the joint resolution just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT RELATING TO RECONSTRUCTION OF THE ALASKA HIGHWAY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I hereby submit to the Congress a Report of the negotiations with the Government of Canada concerning the reconstruction of the Alaska Highway between Dawson Creek, Canada, and the Alaska border. Pursuant to Section 119 of Public Law 91–605, these negotiations were held in the summer and fall of 1971 between representatives of our Departments of State and Transportation and officials of the respective Canadian Ministries.

Based upon these discussions, the Secretaries of Transportation and State have concluded, and I have agreed, that a U.S. offer to Canada to undertake this project on a cost-sharing basis would not be justified at this time. Our negotiations closed with an understanding that this would be the United States position. The Canadian Government has also indicated that it does not wish to undertake such a project with its own resources.

Underlying these conclusions are the facts that alternative transportation routes are now being developed, especially in British Columbia, and that anticipated traffic volume on the Alaskan Highway should not be sufficiently heavy to warrant reconstruction and paving. The enclosed Report, submitted in response to Section 119(b) of the Federal-Aid Highway Act of 1970 (P.L. 91–605), spells out these findings in greater detail.

As a result of these conclusions, no further action seems necessary at this time.

RICHARD NIXON.

THE WHITE HOUSE.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona;

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities;

S. 2672. An act to permanently exempt potatoes for processing from marketing orders;

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; and

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The PRESIDENT pro tempore subsequently signed the enrolled bills and joint resolution.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 813 of the Senator from North Carolina.

Mr. ERVIN. Mr. President, on my amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On line 1, in lieu of the language proposed to be inserted, insert "fifteen".

Strike out line six and insert the following on page 33, strike out lines 6, 7, 8, 9, and 10 and insert in lieu thereof: "(4) In Subsection (e) strike out between "(A)" and "and such labor organization", and insert in lieu thereof "twenty-five or more during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, or (B) fifteen or more thereafter,".

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. WILLIAMS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. WILLIAMS. Mr. President, I think the amendments that have been offered speak for themselves. The bill would reduce the coverage of employers to those with 8 employees and of unions to those with 8 members. This would advance it to 15.

Mr. JAVITS. Mr. President, would the Senator from New Jersey yield me 1 minute?

Mr. WILLIAMS. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, this amendment is obviously our effort to meet deeply held views of Senators who are for this legislation who have concern about individual details. So, in order to endeavor to meet their views and after consultation with a considerable number of Senators and others interested in the legislation, the Senator from New Jersey (Mr. WILLIAMS) and I concluded that the way to contribute to trying to get a law instead of a debate is to make this demonstration of what the committee has done. We have done it. We hope very much that the Secretary will approve of it.

Mr. ERVIN. Mr. President, I hope the Senate will reject the substitute for the Allen-Ervin amendment and support the Allen-Ervin amendment.

If we reduce the coverage of the number of employees essential to coverage below 25, we are going to interfere with the success of virtually every small businessman in the United States, because when we get below the coverage of 25, we run into the situation where most of the employment is done on the basis of friends of the employers. The businessman wants members of his own church. He wants members of his own race. He wants people of the same national origin.

We are fast becoming the most law-ridden nation on earth. When we reduce the number below 25, we are taking away some of the most cherished liberties of Americans.

There are the most intimate relations between the small businessmen and various of his employees. We are entitled to let the man invest his capital, his skills, and his talents in a business instead of having the Government tell him whom he shall hire, whom he shall promote, and whom he shall discharge in order to make his business a success.

I have been informed that the most discriminatory organization in America is the EEOC. They employ people of the minority races, the most powerful of the minority races. They will not employ people of the majority race or of the other minority races.

If we want to put an end to the worst discrimination in America, let us go into the offices of the EEOC and look and see how they practice discrimination.

Let us leave some freedom for the American people. Let us let the people put their talents and their resources in small business and determine for themselves whom they shall hire to make their business a success instead of a failure.

I say that if we reduce the coverage below 25, the result is going to be one of two things. Either we are not going to have enforcement of this law because of the inadequacy of employees on the part of this discriminatory agency or they will have to increase their employees to such an extent that we will have a multitude of people going abroad in this land like oak locusts to eat up the sustenance of our people.

I, therefore, ask that the Senate reject the substitute and then proceed to agree to the amendment which would leave the coverage where it now is, at 25.

Mr. WILLIAMS. I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the Williams' amendment to the Ervin amendment (No. 813). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), and the Senator from Nevada (Mr. CANNON) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), and the Senators from Washington (Mr. JACKSON and Mr. MAGNUSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 56, nays 26, as follows:

[No. 39 Leg.]

YEAS—56

Aiken
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Fong
Gravel
Harris
Hart
Hatfield
Hughes
Inouye
Javits
Jordan, Idaho
Mansfield
Mathias
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevenson
Symington
Taft
Weicker
Williams
Young

NAYS—26

Allen
Baker
Bennett
Brock
Buckley
Byrd, Va.
Cooper
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—18

Allott
Anderson
Bellmon
Cannon
Griffin
Hartke
Humphrey
Jackson
Kennedy
Magnuson
McGee
Metcalf
Mundt
Muskie
Saxbe
Stevens
Tower
Tunney

So Mr. WILLIAMS' amendments to Mr. ERVIN'S amendment (No. 813) were agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN). On this question, by previous order, the yeas and nays have been ordered, and the clerk will please call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), and the Senator from Nevada (Mr. CANNON) are absent on official business.

I further announce that, if present and voting, the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

The result was announced—yeas 81, nays 1, as follows:

[No. 40 Leg.]

YEAS—81

Aiken
Allen
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Weicker
Williams
Young

NAYS—1

Harris

NOT VOTING—18

Allott
Anderson
Bellmon
Cannon
Griffin
Hartke
Humphrey
Jackson
Kennedy
Magnuson
McGee
Metcalf
Mundt
Muskie
Saxbe
Stevens
Tower
Tunney

So Mr. ERVIN's amendment, as amended, was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS subsequently said: Mr. President, to correct an error which was found by the assistant legislative clerk, I ask unanimous consent that on the amendment which was adopted, following the amendment of the Senator from New Jersey (Mr. WILLIAMS) and myself, of the Senator from North Carolina (Mr. ERVIN), No. 813, that the material in line 7 be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. We will call this matter to the attention of the Senator from North Carolina (Mr. ERVIN) specifically, and if there is any problem, I will, of course, undo the amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

(The remarks Mr. BAYH made at this point on the introduction of S. 3148 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR WASHINGTON'S FAREWELL ADDRESS TO BE READ ON FEBRUARY 21, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Washington Farewell Address be read on February 21, 1972.

The PRESIDING OFFICER. Without objection, and pursuant to the order of the Senate on January 24, 1901, as modified, the Chair, on behalf of the Vice President, designates the Senator from Texas (Mr. BENTSEN) to read Washington's Farewell Address on February 21, 1972.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 877

Mr. BYRD of West Virginia. Mr. President, I ask that the distinguished Senator from Nebraska (Mr. HRUSKA) be recognized for the purpose of calling up an amendment and making it the pending question.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HRUSKA. Mr. President, I offer an amendment and ask unanimous consent that the reading of the amendment be dispensed with at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, one of the more glaring defects of S. 2515 is that it permits a multiplicity of actions to be instituted against a respondent before a number of separate and distinct forums for the same alleged offense. A little later in my remarks I shall give a specific example of the unfairness and the burdens and harassment involved in this regard.

In addition to the unfairness, burden, and expense visited upon a respondent, there is the factor that such a multiplicity will have the inevitable and unfortunate effect of tending to inhibit respondent from entering into any voluntary settlement or conciliation agreement. This is so because any such voluntary agreement or conciliation will not eliminate the potential liability in actions brought in any of the other available forums.

To correct the defect described the amendment which I have introduced on this subject would provide that with certain named exceptions, a charge filed with the Commission shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice.

The amendment would have the tendency also to remove the possibility that an individual can utilize the potential for litigating two or more of the multiple actions as to a single alleged offense now available under the bill as written, but based upon nonmeritorious claims, with a view of "blackmailing" the respondent into settlements.

MULTIPLICITY OF SEPARATE ACTIONS INVOLVING THE SAME ALLEGED OFFENSE

Mr. President, the best way to illustrate the severe inequity perpetuated by S. 2515 in this regard is to provide a typical example of a single incident of alleged employment discrimination which could result in the virtual bankruptcy of a small employer or labor organization required to defend itself before a multiplicity of forums.

Assume a situation where, for example, a black female employee is denied a pay raise and/or a promotion to a better position which she believes has resulted from her employer's bias against blacks and/or females. Let us also suppose that her job is covered by a collective bargaining agreement. After going to her union and presenting her evidence, the union files a grievance on her behalf, but after investigating her claim, the union refuses to insist on arbitration under the union contract because of its belief that the company's action was justified and not based upon unlawful considerations. Under S. 2515 as presently written, the employee could institute the following proceedings against the employer and her union:

First, she could file a charge against her employer and union with the State fair employment practices agency where her employer and union do business. Since most of these agencies possess subpena powers, the respondent's books and records will probably be subpenaed and they will be called upon to produce evidence concerning the employment actions taken with respect to the allegations of her charge. In the meantime, she could also file an identical charge with the Commission which, under S. 2515, would only be required to withhold investigation of her charge for a period of 60 days from the date the charge was filed with the State agency. Once this 60-day period elapsed, the Commission would be authorized to commence its own investigation and, like the State agency, could also demand the production of records and evidence from the company and union to determine whether or not the charge had merit. Moreover, even if the State subsequently dismissed the charge or even settled it, this would not preclude the Commission from accepting the State's findings or conclusions; but the Commission could, instead, issue its own complaint against either or both of the respondents.

Second. In the event the Commission dismisses her charge, she could still institute a suit under title VII alleging that her rights under title VII had been violated. She could do the same thing in the event that the Commission failed to issue its own complaint within 180 days after filing her charge with the Commission. She could also institute suit even if the respondent has entered into a settlement agreement which is acceptable to the Commission since, under the provisions of S. 2515, the aggrieved party can veto any such settlement by simply refusing to become a signator to it.

Third. While at the same time pursuing her charge before the State commission and the Federal Commission and/or Federal court under title VII, she could additionally file a charge with the National Labor Relations Board. Under recent Board and court rulings, the Board would not only have jurisdiction to investigate a claim based upon the union's refusal to demand arbitration—*Miranda Fuel Co.*, 1962, 51 LRRM 1585—but would also have jurisdiction to determine whether the employer violated the Taft-Hartley Act by adhering to a "policy and practice of invidious discrimination on account of race."

In the event the Board found merit to her charge, it would also issue a complaint and would not be precluded from doing so merely because an identical complaint was outstanding before the Commission—whether State or Federal—or before a Federal court in a title VII action.

Fourth. The employee could, in addition, and while the foregoing proceeding were pending, file a complaint in Federal or State court under section 301 of the National Labor Relations Act based upon the union's alleged breach of its duty of fair representation in the handling of her grievance and upon the employer's alleged contract breach in denying her a promotion (*Vaca* v. *Sipes*, U.S. Sup. Ct., 1967, 64 LRRM 2369).

Fifth. In addition to concurrently pursuing each of the foregoing remedies, the employee could completely bypass both the EEOC and the NLRB and file a complaint in Federal court under the provisions of the Civil Rights Act of 1866 against both the employer and union. In addition, she could also file a complaint with the Labor Department against her employer in the event she believed she was receiving less pay than that being received by male employees performing comparable work.

Sixth. Concurrently with the foregoing, the Attorney General could also be pursuing "a pattern and practice" investigation against the employer and union either on its own initiative or as a result of a referral from the Commission. At the same time, in the event the employer is a party to a government contract exceeding $50,000, the OFCC could be conducting its own investigation on its own initiative or, as a result of a complaint by the employee, to determine whether the employer or union's action violated their commitments under the appropriate executive order.

This Senator questions the fairness of permitting liability to be imposed upon a respondent in a multitude of different proceedings. The fact that under S. 2515 an individual is permitted to institute a multiplicity of suits will inevitably inhibit respondents from entering into any voluntary settlements, because any settlement effectuated before one forum will not eliminate the potential liability in actions brought before any of the other available forums.

It is to correct the foregoing defect in S. 2515 that my amendment thereto is directed. It provides that, with the exception of actions first filed by the Attorney General pursuant to the authority granted in section 707; second, arising out of the provisions of the Equal Pay Act of 1963; or third, brought before State agencies, a charge filed with the Commission shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice.

This amendment will thereby prevent an individual from subjecting a respondent to the time-consuming and financial burdens incident to defending against a number of separate actions before a number of separate and distinct forums. The amendment also removes the possibility that an individual can utilize the potential for litigating inherent in S. 2515 as a means to blackmail respondents into monetary settlements based upon non-meritorious claims.

A copy of the amendment accomplishing this salutory objective is attached hereto, and I ask unanimous consent that its text be printed in the RECORD.

There being no objection, the amendment, No. 877, was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 877

After subsection 4(e), of page 38, line 6, the following new subsection (f) is added; subsection (f) of S. 2515 and all succeeding subsections are redesignated as appropriate:

(f) Except as provided in subsection (b) through (e), (n) and (q) of this section, section 707 of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–6), as amended, and the Equal Pay Act of 1963 (29 U.S.C. 206 (d)(1)), a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. If the distinguished Senator from Nebraska will yield to me briefly, I ask unanimous consent—having cleared this request with the distinguished manager of the bill, the distinguished author of the amendment, and the Senator from New York (Mr. JAVITS)—that time on the pending amendment by the Senator from Nebraska (Mr. HRUSKA) start running tomorrow at the close of morning business; that time on the amendment be limited to 2 hours to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill; that time on any amendment to the amendment, debatable motion, appeal, or point of order, be limited to 20 minutes to be equally divided between the mover of such and the distinguished manager of the bill, but in the event the manager of the bill favors such, then the time in opposition to such amendment, motion, or appeal be under the control of the distinguished minority leader or his designee; provided further that a vote on the amendment by the Senator from Nebraska (Mr. HRUSKA) as amended, if amended, occur no later than 2 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—if the Senator from Nebraska will allow me to proceed for another 30 seconds—that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 15 minutes; that thereafter there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the close of routine morning business the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the distinguished Senator for yielding to me.

For the information of the Senate, there will be no more rollcall votes tonight. I think it should be stated that a rollcall vote will occur tomorrow on the amendment of the Senator from Nebraska (Mr. HRUSKA).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEORGE WILLIAM ANDREWS LOCK AND DAM

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12488.

The PRESIDING OFFICER laid before the Senate H.R. 12488, an act to change the name of the Columbia lock and dam, on the Chattahoochee River, Alabama, to the George W. Andrews lock and dam, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, in view of the fact that H.R. 12488 is a companion bill to S. 3033, Calendar No. 573, I ask unanimous consent that S. 3033 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Mississippi (Mr. STENNIS) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business.

The pending question will be on adoption of the amendment—No. 877—of the Senator from Nebraska (Mr. HRUSKA) on which there is a time limitation of 2 hours, with a vote to occur on that amendment not later than 2 p.m. That vote will be a rollcall vote. There may be other votes, in the event there are amendments to the amendment.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6:09 p.m.) the Senate adjourned until tomorrow, Wednesday, February 9, 1972, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 8, 1972*

The House met at 12 o'clock noon.

Rabbi Albert A. Goldman, Isaac M. Wise Temple, Cincinnati, Ohio, offered the following prayer:

Lord, this month we recall with reverence the lives of the great Presidents who wove the character of our people upon the loom of history. From them we have inherited the legacy that free men alone can create the good society. Today, when the acids of disillusionment corrode our faith in democracy, when the young despair, we pray for a renewal of their vision and exultant faith. Help us to regain that idealism which moved America's races and peoples toward brotherhood, where, transcending differences, we can realize our individualities. Make us whole as we pray that tomorrow's great mission of peace will be the giant step for the recovery of man's humanity and the discovery of our oneness. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold that until the Chair receives a message from the White House?

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present and insist upon the point of order at this time.

The SPEAKER. Evidently, a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Abbitt
Abourezk
Alexander
Ashbrook
Aspinall
Badillo
Bell
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Cabell
Chisholm
Clark
Clawson, Del
Clay
Conyers
Corman
Davis, Wis.
Dellums
Downing
Dwyer
Forsythe
Fraser
Garmatz
Giaimo
Gibbons
Gray
Griffin
Hansen, Wash.
Hawkins
Heckler, Mass.
Helstoski
Jarman
Koch
Landgrebe
Lennon
Lujan
McCulloch
Macdonald, Mass.
Meeds
Melcher
O'Konski
Pelly
Pettis
Poage
Pryor, Ark.
Quie
Runnels
Ruppe
Scheuer
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steed
Stokes
Stubblefield
Vanik
Whitten
Wiggins
Wright

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

THE GOVERNOR-ELECT OF LOUISIANA, REPRESENTATIVE EDWIN W. EDWARDS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, on behalf of the other Members of the Louisiana delegation and myself, I am happy to note on the floor today for the first time since his election the new Governor-elect of the great State of Louisiana, our colleague the Honorable EDWIN W. EDWARDS.

His election on last Tuesday was indeed an historic event in our State. He is one of the few Members of the House of Representatives to have ever been elected Governor of Louisiana; he is the first Catholic Governor in almost a century, and the first Governor to come from south Louisiana since before World War II. He did not achieve the highest office in our State without tremendous determination and several years of the hardest kind of work. He faced two Democratic primaries and a general election, all of which were hard fought.

Mr. Speaker, he brings to the governorship splendid qualifications, among them being the years of training in the art of government which he obtained in this great representative body.

I know that all of my colleagues on both sides of the aisle join in wishing for him a most successful administration. The Louisiana delegation pledges to him our full cooperation.

[Applause, Members rising.]

Mr. Speaker, I yield to the gentleman.

Mr. EDWARDS of Louisiana. Mr.

Speaker, you can always tell that this is an election year.

I want to thank the distinguished majority leader and my fellow Louisiana colleagues and all of the Members of the House for the courtesies extended to me during the past year. I want to make it abundantly clear that having spent a great deal of time in Louisiana and having been elected Governor, I am absolutely in favor of revenue sharing at whatever level you gentlemen would like to see it happen.

Mr. Speaker, I wish to take this means to invite each of you, if I may do so, to the inauguration. You will receive a formal invitation. You have been close, loyal friends of the State of Louisiana and we invite you as well as your constituents to visit our State and enjoy its hospitality at any time.

Mr. Speaker, I look forward to seeing each of you in the future.

Thank you, Mr. Speaker.

OPTIMISTIC PROSPECTS FOR 1972

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, the Wall Street Journal recently surveyed fourth quarter profits of a number of major U.S. corporations. This survey showed that the aftertax profits of the 464 companies included in the tabulation rose 25.3 percent in fourth quarter 1971 over fourth quarter 1970. The Journal's interviews with executives in many industries revealed that these executives expect continued profit improvement for first quarter 1972 and during the whole year.

More than half of the increase in profits was due to a strong performance by General Motors Corp., during fourth quarter 1971. Removing GM from the Journal tabulation of major companies, the earnings of the remaining 463 companies during fourth quarter 1971 still rose 10.2 percent from yearend 1970. Although neither Ford nor Chrysler were included in the tabulation and although neither has yet reported fourth quarter profits, both are expected to show sharply higher profits for fourth quarter 1971, with the result that the auto industry is continuing a pattern of brisk growth. The steel industry also showed very strong profit growth during fourth quarter 1971, when compared with fourth quarter 1970. The earnings of 22 steel companies surveyed by the Journal showed that such earnings were up 43.6 percent from fourth quarter 1970, which was a time of depressed industry profits.

The optimism which such strong business performance is generating among industry executives is apparent from the present activity in television advertising, often a barometer of business confidence for the coming year. According to spokesmen for the three principal networks, national network advertising is booming, after a slow year during 1971. Advertising time is virtually sold out for the second quarter of 1972, and sales for the third quarter are brisk. Such advertising growth is a sure indication that business is becoming more and more optimistic about prospects for 1972.

ENVIRONMENTAL AWAKENING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–247)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

From the very first, the American spirit has been one of self-reliance and confident action. Always we have been a people to say with Henley "I am the master of my fate . . . the captain of my soul"—a people sure that man commands his own destiny. What has dawned dramatically upon us in recent years, though, is a new recognition that to a significant extent man commands as well the very destiny of this planet where he lives, and the destiny of all life upon it. We have even begun to see that these destinies are not many and separate at all—that in fact they are indivisibly one.

This is the environmental awakening. It marks a new sensitivity of the American spirit and a new maturity of American public life. It is working a revolution in values, as commitments to responsible partnership with nature replaces cavalier assumptions that we can play God with our surroundings and survive. It is leading to broad reforms in action, as individuals, corporations, government, and civic groups mobilize to conserve resources, to control pollution, to anticipate and prevent emerging environmental problems, to manage the land more wisely, and to preserve wildness.

In messages to the Congress during 1970 and 1971 I proposed comprehensive initiatives reflecting the earliest and most visible concerns of the environmental awakening. The new cast of the public mind had to be translated into new legislation. New insights had to have new governmental forms and processes through which to operate. Broadly-based problems—such as air pollution, water pollution and pesticide hazards—had to be dealt with first.

The necessary first steps in each of these areas have now been taken, though in all of them the work is far from completed. Now, as we press on with that work in 1972, we must also come to grips with the basic factors which underlie our more obvious environmental problems—factors like the use of land and the impact of incentives or disincentives built into our economic system. We are gaining an increasingly sophisticated understanding of the way economic, institutional, and legal forces shape our surroundings for good or ill; the next step is learning how to turn such forces to environmental benefit.

Primary responsibility for the actions that are needed to protect and enhance our environment rests with State and local government, consumers, industry, and private organizations of various kinds—but the Federal Government must provide leadership. On the first day of this decade I stated that "it is literally now or never" for true quality of life in America. Amid much encouraging evidence that it can and will be "now," we must not slacken our pace but accelerate it. Environmental concern must crystallize into permanent patterns of thought and action. What began as environmental awakening must mature finally into a new and higher environmental way of life. If we flag in our dedication and will, the problems themselves will not go away. Toward keeping the momentum of awareness and action, I pledge my full support and that of this Administration, and I urgently solicit the continuing cooperation of the Congress and the American people.

TWO YEARS' AGENDA—FROM CONSIDERATION TO ACTION

In my 1971 environmental message, just one year ago today, I sent to the Congress a comprehensive program designed to clean up the problems of the past, and to deal with emerging problems before they become critical. These proposals included:

Regulation of toxic substances

Comprehensive improvement in pesticide control authority

Noise control

Preservation of historic buildings

Power plant siting

Regulation of environmental effects of surface and underground mining

Ocean dumping regulation

More effective control of water pollution through a greatly expanded waste treatment grant program and strengthened standard-setting and enforcement authorities

A National Land Use Policy Act

Substantial expansion of the wilderness system

Expanded international cooperation

To date, most of the legislation on this list has been the subject of congressional hearings; most of it has attracted heartening interest and support; but none of it has yet received final congressional action. Last year was, quite properly, a year of consideration of these measures by the Congress. I urge, however, that this be a year of action on all of them, so that we can move on from intention to accomplishment in the important needs they address. Passage of these measures and creation of the unified Department of Natural Resources which I also proposed in 1971—by this 92nd Congress—will be essential if we are to have an adequate base for improving environmental quality.

BUILDING ON THE BASE

As that base is being established, we must move ahead to build wisely and rapidly upon it. I shall outline today a plan for doing that, with initiatives and actions in the following areas:

—Tightening pollution control

- A Toxic Wastes Disposal Control Act
- Legislation to control sediment from construction activities

  - An emissions charge to reduce sulfur oxide air pollution
  - Clean energy research and energy conservation measures
- —Making technology an environmental ally
  - Integrated pest management
  - Stepped-up research on noise control
  - Stepped-up research on air pollution effects and measurement
- —Improving land use
  - Expanding and strengthening of the National Land Use Policy Act
  - Protection of wetlands
- —Protecting our natural heritage
  - A ban on use of poisons for predator control on public lands
  - A stronger law to protect endangered species of wildlife
  - Big Cypress National Fresh Water Reserve
  - National Recreation Areas around New York Harbor and the Golden Gate
  - Conversion of 20 additional Federal properties to recreational use
  - 18 new Wilderness Areas
  - Regulation of off-road vehicles on Federal lands
- —Expanding international cooperation on the environment
  - Establishment of a United Nations Fund for the Environment
  - Further measures to control marine pollution
- —Protecting children from lead-based paint
- —Enlisting the young
  - President's Environmental Merit Awards Program for high schools
  - Youth opportunities in the Department of Agriculture Field Scout program.

TIGHTENING POLLUTION CONTROL

The legislative framework for dealing with our major air pollution problems has become law, and I have made comprehensive recommendations regarding water pollution control. But several problems remain to be addressed which are difficult to deal with under the general pollution control authorities.

DISPOSAL OF TOXIC WASTES

Increasingly strict air and water pollution control laws and their more effective enforcement have led to greater reliance on land—both surface and underground—for disposal of waste products from the toxic substances being used in ever greater volume and variety in our society. Without adequate controls, such waste disposal may cause contamination of underground and surface waters leading to direct health hazards.

> *—I propose a Toxic Wastes Disposal Control Act, under which the Environmental Protection Agency would establish Federal guidelines and requirements for State programs to regulate disposal on or under the land of those toxic wastes which pose a hazard to health. The act would provide for Federal enforcement action if a State should fail to establish its own program.*

SEDIMENT CONTROL

Sediment, small particles of soil which enter the water, is the most pervasive water pollution problem which does not come primarily from municipal or industrial sources. Heavy loads of sediment interfere with many beneficial uses of water, such as swimming and water supply, and can change the entire character of an aquatic environment. Many of our great waterways are afflicted with this problem. In our urban areas, a significant amount of sediment comes from construction. However, if proper construction practices are followed, sediment runoff from this source can be greatly reduced.

> *—I propose legislation calling upon the States to establish, through appropriate local and regional agencies, regulatory programs to control sediment affecting water quality from earth-moving activities such as building and road construction.*

The Environmental Protection Agency, together with other Federal agencies, would develop Federal guidelines for appropriate control measures. Federal enforcement would take place in situations where a State failed to implement such a program.

SULFUR OXIDES EMISSIONS CHARGE

In my 1971 Environmental Message, I announced plans to ask for imposition of a charge on sulfur oxides emissions, one of the air pollutants most damaging to human health and property, and vegetation. The Council on Environmental Quality, the Treasury Department and the Environmental Protection Agency have now completed their studies on this measure and have developed the details of an emission charge proposal.

> *—I propose a charge on sulfur emitted into the atmosphere from combustion, refining, smelting, and other processes.*

This charge would begin in 1976 and apply in all regions where the air quality does not meet national standards for sulfur oxides during 1975. The charge would be 15 cents per pound on sulfur emitted in regions where the primary standards—which are designed to be protective of public health—have not been met within the deadline for achievement prescribed in the Clean Air Act. In regions where air quality met the primary standard but exceeded the secondary national standard—designed to protect property, vegetation, and aesthetic values—a charge of $.10 per pound of sulfur emitted would apply. Areas which reduce emissions sufficiently to meet both primary and secondary air quality standards would be exempt from the emission charge.

This charge is an application of the principle that the costs of pollution should be included in the price of the product. Combined with our existing regulatory authority, it would constitute a strong economic incentive to achieve the sulfur oxides standards necessary to protect health, and then further to reduce emissions to levels which protect welfare and aesthetics.

CLEAN ENERGY GENERATION AND CONSERVATION

Ours is an an energy-based economy, and energy resources are the basis for future economic progress. Yet the consumption of energy-producing fuels contributes to many of our most serious pollution problems. In order to have both environmental quality and an improving standard of living, we will need to develop new clean energy sources and to learn to use energy more efficiently.

Our success in meeting energy needs while preventing adverse environmental effects from energy generation and transmission will depend heavily on the state of available technology. In my message to the Congress on energy of last June, I announced a series of steps to increase research on clean and efficient energy production. But further action is needed.

> *—As part of my new commitment to augment Federal research and development and target it more effectively on solving domestic problems, I have requested in the 1973 budget an additional $88 million for development of a broad spectrum of new technologies for producing clean energy.*

In addition to carrying forward the priority efforts I have already announced—the liquid metal fast breeder reactor, pipeline quality gas from coal, and sulfur oxide control technology—the budget provides funds for new or increased efforts on fusion power, solar energy, magnetohydrodynamics, industrial gas from coal, dry cooling towers for power plant waste heat, large energy storage batteries and advanced underground electric transmission lines. These new efforts relate to both our immediate and our future energy problems, and are needed to assure adequate supplies of clean energy.

My message on energy also announced several steps that would be taken by the Federal Government to use energy more efficiently and with less environmental harm. One of these steps was issuance by the Secretary of Housing and Urban Development of revised standards for insulation in new federally insured houses. The new standards for single-family structures, which have now been issued through the Federal Housing Administration, reduce the maximum permissible heat loss by about one-third for a typical home. The fuel savings which will result from the application of these new standards will, in an average climate, exceed in one year the cost of the additional insulation required.

> *—I am now directing the Secretary of Housing and Urban Development to issue revised insulation standards for apartments and other multifamily structures not covered by the earlier revision. The new rules will cut maximum permissible heat loss by 40%.*

The savings in fuel costs after a 5-year period will on the average more than offset the additional construction costs occasioned by these revised standards.

These stricter insulation standards are only one example of administrative actions which can be taken by the Federal Government to eliminate wasteful use of energy. The Federal Government can and must provide leadership by finding and implementing additional ways of reducing such waste.

> *—I have therefore instructed the*

Council on Environmental Quality and the Office of Science and Technology, working with other Federal agencies, to conduct a survey to determine what additional actions might be taken to conserve energy in Federal activities.

This survey will look at innovative ways to reduce wasteful consumption of energy while also reducing total costs and undesirable environmental impact.

RECYCLING

Recycling—the technique which treats many types of solid wastes not as pollutants but as recoverable and reusable "resources out of place"—is an important part of the answer to the Nation's solid waste burden. Last year, at my direction, the General Services Administration began reorienting government procurement policies to set a strong Federal example in the use of recycled products.

—*Because Federal tax policy should also offer recycling incentives, the Treasury Department is clarifying the availability of tax exempt treatment industrial revenue bond financing for the construction of recycling facilities built by private concerns to recycle their own wastes.*

THE ENVIRONMENTAL TRANSITION

Many environmental problems are influenced by the way our economy operates. Conversely, efforts to improve environmental quality have an impact on the economy. Our national income accounting does not explicitly recognize the cost of pollution damages to health, materials, and aesthetics in the computation of our economic well-being. Many goods and services fail to bear the full costs of the damages they cause from pollution, and hence are underpriced.

Environmental quality requirements will affect many of our industries by imposing new costs on production. We know that these impacts fall unevenly on industries, new and old firms, and on communities, but little concrete data has been available. Contract studies have recently been performed for the Council on Environmental Quality, the Environmental Protection Agency, and the Department of Commerce, under the policy guidance of the Council of Economic Advisers. These initial studies suggest that pollution control costs will result in some price increases, competitive trade disadvantages, and employment shifts. The major impact of these costs will be on older, and usually smaller plants.

As long as we carefully set our environmental goals to assure that the benefits we achieve are greater than the social and economic costs, the changes which will occur in our economy are desirable, and we as a nation will benefit from them.

MAKING TECHNOLOGY AN ENVIRONMENTAL ALLY

The time has come to increase the technological resources allocated to the challenges of meeting high-priority domestic needs. In my State of the Union Message last month, I announced an expanded Federal research and development commitment for this purpose. There is great potential for achievement through technology in the fight against pollution and the larger drive for quality in our environment.

The temptation to cast technology in the role of ecological villain must be resisted—for to do so is to deprive ourselves of a vital tool available for enhancing environmental quality. As Peter Drucker has said, "the environment is a problem of [the] success" of technological society, by no means a proof of its failure. The difficulties which some applications of technology have engendered might indeed be rectified by turning our backs on the 20th century, but only at a price in privation which we do not want to pay and do not have to pay. There is no need to throw out the baby with the bath water. Technology can and must be wisely applied so that it becomes environmentally self-corrective. This is the standard for which we must aim.

INTEGRATED PEST MANAGEMENT

Chemical pesticides are a familiar example of a technological innovation which has provided important benefits to man but which has also produced unintended and unanticipated harm. New technologies of integrated pest management must be developed so that agricultural and forest productivity can be maintained together with, rather than at the expense of, environmental quality. Integrated pest management means judicious use of selective chemical pesticides in combination with nonchemical agents and methods. It seeks to maximize reliance on such natural pest population controls as predators, sterilization, and pest diseases. The following actions are being taken:

—*I have directed the Department of Agriculture, the National Science Foundation, and the Environmental Protection Agency to launch a large-scale integrated pest management research and development program. This program will be conducted by a number of our leading universities.*

—*I have directed the Department of Agriculture to increase field testing of promising new methods of pest detection and control. Also, other existing Federal pesticide application programs will be examined for the purpose of incorporating new pest management techniques.*

—*I have directed the Department of Agriculture and of Health, Education, and Welfare to encourage the development of training and certification programs at appropriate academic institutions in order to provide the large number of crop protection specialists that will be needed as integrated pest management becomes more fully utilized.*

—*I have authorized the Department of Agriculture to expand its crop field scout demonstration program to cover nearly four million acres under agricultural production by the upcoming growing season.*

Through this program many unnecessary pesticides applications can be eliminated, since the scouts will be used to determine when pesticide applications are actually needed.

In my message on the environment last February, I proposed a comprehensive revision of our pesticide control laws—a revision which still awaits final congressional action. Also essential to a sound national pesticide policy are measures to ensure that agricultural workers are protected from adverse exposures to these chemicals.

—*I am directing the Departments of Labor and Health, Education, and Welfare to develop standards under the Occupational Safety and Health Act to protect such workers from pesticide poisoning.*

NOISE CONTROL RESEARCH

Scientific findings increasingly confirm what few urban dwellers or industrial workers need to be told—that excessive noise can constitute a significant threat to human well-being. The Congress already has before it a comprehensive noise control bill, which I proposed a year ago. A quieter environment cannot simply be legislated into being. We shall also need to develop better methods to achieve our goal.

—*I have requested in my 1973 budget a $23 million increase in research and development funds for reducing noise from airplanes. I have also requested new funds for research and development for reducing street traffic noise.*

RESEARCH ON AIR POLLUTION EFFECTS AND MEASUREMENT

Our pollution control efforts are based largely on the establishment of enforceable standards of environmental quality. Initial standards have often been based on incomplete knowledge because the necessary information has not been available. Also, the lack of adequate instruments to measure pollution and of models of how pollutants are dispersed has made it difficult to know exactly how much pollution must be controlled in a particular area. We need added research and development to make more precise judgments of what standards should be set and how we can most practically achieve our goals.

I have requested in my 1973 budget an additional $12 million to increase research on the health effects of air pollution, on regional air pollution modeling, and on improved pollution instrumentation and measurement.

IMPROVING LAND USE

In recent years we have come to view our land as a limited and irreplaceable resource. No longer do we imagine that there will always be more of it over the horizon—more woodlands and shorelands and wetlands—if we neglect or overdevelop the land in view. A new maturity is giving rise to a land ethic which recognizes that improper land use affects the public interest and limits the choice that we and our descendants will have.

Now we must equip our institutions to carry out the responsibility implicit in this new outlook. We must create the administrative regulatory mechanisms necessary to assure wise land use and to stop haphazard, wasteful, or environmentally damaging development. Some States are moving ahead on their own to develop stronger land-use institutions and controls. Federal programs can and should reinforce this encouraging trend.

NATIONAL LAND USE POLICY ACT

The National Land Use Policy Act, which I proposed to the Congress last year, would provide Federal assistance to encourage the States, in cooperation with local governments, to protect lands which are of critical environmental concern and to control major development. While not yet enacted, this measure has been the subject of much useful debate.

—*I propose amendments to this pending National Land Use Policy legislation which would require States to control the siting of major transportation facilities, and impose sanctions on any State which does not establish an adequate land use program.*

Under these amendments, the State programs established pursuant to the act would not only have to embody methods for controlling land use *around* key growth-inducing developments such as highways, airports, and recreational facilities; the States would also have to provide controls over the actual *siting* of the major highways and airports themselves. The change recognizes the fact that these initial siting decisions, once made, can often trigger runaway growth and adverse environmental effects.

The amendments would further provide that any State that had not established an acceptable land use program by 1975 would be subject to annual reductions of certain Federal funds. Seven percent of the funds allocated under sections of the Airport and Airway Development Act, the Federal-Aid Highway Acts including the Highway Trust Fund, and the Land and Water Conservation Fund, would be withheld in the first year. An additional 7 percent would be withheld for each additional year that a State was without an approved land use program. Money thus withheld from noncomplying States would be allocated among States which did have acceptable programs.

These strong new amendments are necessary in view of the significant effect that Federal programs, particularly transportation programs, have upon land use decisions.

PROTECTION OF WETLANDS

The Nation's coastal and estuarine wetlands are vital to the survival of a wide variety of fish and wildlife; they have an important function in controlling floods and tidal forces; and they contain some of the most beautiful areas left on this continent. These same lands, however, are often some of the most sought-after for development. As a consequence, wetland acreage has been declining as more and more areas are drained and filled for residential, commercial, and industrial projects.

My National Land Use Policy Act would direct State attention to these important areas by defining wetlands among the "environmentally critical areas" which it singles out for special protection, and by giving priority attention to the coastal zones. I propose to supplement these safeguards with new economic disincentives to further discourage unnecessary wetlands development.

—*I propose legislation to limit applicability of certain Federal tax benefits when development occurs in coastal wetlands.*

MANAGEMENT OF PUBLIC LANDS

During 1971, I acted to strengthen the environmental requirements relating to management and use of the Nation's vast acreage of federally-owned public lands administered by the Department of the Interior. I proposed new legislation to establish an overall management policy for these public lands, something which we have been without for far too long. This legislation, still pending before the Congress, would direct the Secretary of the Interior to manage our public lands in a manner that would protect their environmental quality for present and future generations. The policy which it would establish declares the retention of the public lands to be in the national interest except where disposal of particular tracts would lead to a significant improvement in their management, or where the disposal would serve important public objectives which cannot be achieved on non-public lands.

PROTECTING OUR NATURAL HERITAGE

Wild places and wild things constitute a treasure to be cherished and protected for all time. The pleasure and refreshment which they give man confirm their value to society. More importantly perhaps, the wonder, beauty, and elemental force in which the least of them share suggest a higher right to exist—not granted them by man and not his to take away. In environmental policy as anywhere else we cannot deal in absolutes. Yet we can at least give considerations like these more relative weight in the seventies, and become a more civilized people in a healthier land because of it.

PREDATOR CONTROL

Americans today set high value on the preservation of wildlife. The old notion that "the only good predator is a dead one" is no longer acceptable as we understand that even the animals and birds which sometimes prey on domesticated animals have their own value in maintaining the balance of nature.

The widespread use of highly toxic poisons to kill coyotes and other predatory animals and birds is a practice which has been a source of increasing concern to the American public and to the federal officials responsible for the public lands.

Last year the Council on Envronmental Quality and the Department of the Interior appointed an Advisory Committee on Predator Control to study the entire question of predator and related animal control activities. The Committee found that persistent poisons have been applied to range and forest lands without adequate knowledge of their effects on the ecology or their utility in preventing losses to livestock. The large-scale use of poisons for control of predators and field rodents has resulted in unintended losses of other animals and in other harmful effects on natural ecosystems. The Committee concluded that necessary control of coyotes and other predators can be accomplished by methods other than poisons.

Certainly, predators can represent a threat to sheep and some other domesticated animals. But we must use more selective methods of control that will preserve ecological values while continuing to protect livestock.

—*I am today issuing an Executive Order barring the use of poisons for predator control on all public lands. (Exceptions will be made only for emergency situations.) I also propose legislation to shift the emphasis of the current direct Federal predator control program to one of research and technical and financial assistance to the States to help them control predator populations by means other than poisons.*

ENDANGERED SPECIES

It has only been in recent years that efforts have been undertaken to list and protect those species of animals whose continued existence is in jeopardy. Starting with our national symbol, the bald eagle, we have expanded our concern over the extinction of these animals to include the present list of over 100. We have already found, however, that even the most recent act to protect endangered species, which dates only from 1969, simply does not provide the kind of management tools needed to act early enough to save a vanishing species. In particular, existing laws do not generally allow the Federal Government to control shooting, trapping, or other taking of endangered species.

—*I propose legislation to provide for early identification and protection of endangered species. My new proposal would make the taking of endangered species a Federal offense for the first time, and would permit protective measures to be undertaken before a species is so depleted that regeneration is difficult or impossible.*

MIGRATORY SPECIES

The protection of migratory species, besides preserving wildlife values, exemplifies cooperative environmental effort among the United States, Canada, and Mexico. By treaties entered into among these three countries, migratory species are protected. New species may be added by common agreement between the United States and Mexico.

—*I have authorized the Secretary of State, in conjunction with the Secretary of the Interior, to seek the agreement of the Mexican Government to add 33 new families of birds to the protected list.*

Included in the proposal are eagles, hawks, falcons, owls, and many of the most attractive species of wading birds. I am hopeful that treaty protection can be accorded them in the near future.

BIG CYPRESS NATIONAL FRESH WATER RESERVE

After careful review of the environmental significance of the Big Cypress Swamp in Florida, particularly of the need for water from this source to maintain the unique ecology of Everglades National Park, I directed the Secretary of the Interior to prepare legislation to create the Big Cypress National Fresh Water Reserve. This legislation, which has now been submitted to the Congress, will empower the Federal Government to acquire the requisite legal interest in 547,000 acres of Big Cypress.

NEW PARKLANDS AT THE GATEWAYS

The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration. Two of the Nation's major gateways to the world—New York City and San Francisco—have land nearby with exceptional scenic and recreational potential, and we are moving to make that land available for people to enjoy. In May of 1971, I proposed legislation to authorize a Gateway National Recreation Area in New York and New Jersey. This proposal would open to a metropolitan region of more than 14 million people a National Recreation Area offering more than 23,000 acres of prime beaches, wildlife preserves, and historical attractions including the Nation's oldest operating lighthouse.

On our western shore lies another area uniquely appropriate for making recreational and scenic values more accessible to a metropolitan community.

—*I propose legislation to establish a Golden Gate National Recreation Area in and around San Francisco Bay.*

This proposal would encompass a number of existing parks, military reservations, and private lands to provide a full range of recreation experiences. Altogether, the area would encompass some 24,000 acres of fine beaches, rugged coasts, and readily accessible urban parklands, extending approximately 30 miles along some of America's most beautiful coastline north and south of Golden Gate Bridge. Angel and Alcatraz Islands in the bay would be within the boundaries of the National Recreation Area, as would a number of properties on the mainland which afford magnificent views of the city, the bay and the ocean. As part of this plan, I am directing that the Presidio at San Francisco be opened for dual military and civilian recreational uses.

CONVERTING FEDERAL PROPERTIES TO PARKS

Among the most important legacies that we can pass on to future generations is an endowment of parklands and recreational areas that will enrich leisure opportunities and make the beauties of the earth and sea accessible to all Americans. This is the object of our Legacy of Parks program, initiated early in 1971. As part of this program, I directed the Property Review Board to give priority to potential park and recreation areas in its search for alternative uses of federally held real property. The results of this search so far have been most encouraging. To the original 40 properties which I announced in my Environmental Message of 1971 as being well suited for park use, another 111 prospects have been added. And from this total of 151 prospective parklands, 63 have already been made available.

—*Today I am pleased to announce that 20 more parcels of Federal lands are being made available for park and recreation use.*

These newest parcels, combined with those which have been announced over the past year, provide a legacy of 83 parklands for America which comprise 14,585 acres in 31 States and Puerto Rico. The estimated fair market value of these properties is over $56 million. In the months to come, every effort will be made to extend this legacy to all 50 States. The green spaces and natural retreats that we tend to take for granted will not be available for future enjoyment unless we act now to develop and protect them.

WILDERNESS AREAS

One of the first environmental goals I set when I took office was to stimulate the program to identify and recommend to the Congress new wilderness areas. Although this program was behind schedule at that time, I am now able to report that the September 1974 statutory deadline for reviews can and will be met.

The Wilderness Act of 1964 set aside 54 areas, consisting of about 9.1 million acres, as the nucleus of our wilderness system. Since then, 32 new areas totalling almost 1.2 million acres within National Forests, National Parks, and National Wildlife Refuges have been added to the system. Thirty-one areas totalling about 3.6 million acres, including 18 areas submitted by this Administration, have been proposed to the Congress but have yet to be acted upon. One of the most significant elements of this process has been the active participation by the public in all of its phases. At public wilderness hearings held all across the country, fair consideration has been given to all interests and points of view, with constructive citizen involvement in the decision-making process.

—*I am today proposing 18 new wilderness areas which, when approved, will add another 1.3 million acres to the wilderness system.*

Eight of these proposals are within the National Forests, four are within National Park areas, and six are in National Wildlife Refuges.

Of these areas, 1.2 million acres would be in the following National Forests: Blue Range National Forest, Arizona and New Mexico; Agua Tibia and Emigrant National Forests, California; Eagles Nest and Weminuche National Forests, Colorado; Mission Mountains National Forest, Montana; Aldo Leopold National Forest, New Mexico; and Glacier National Forest, Wyoming.

A total of 40,000 acres would be in our National Park system in the following locations: Black Canyon of the Gunnison National Monument, Colorado; Bryce Canyon National Park, Utah; Chiricahua National Monument, Arizona; Colorado National Monument, Colorado.

Finally, a total of 87,000 acres would be in areas administered by the Fish and Wildlife Services of the Department of the Interior in the following locations: St. Marks, National Wildlife Refuge, Florida; Wolf Island, National Wildlife Refuge, Georgia; Moosehorn National Wildlife Refuge, Maine; San Juan Islands, National Wildlife Refuge, Washington; Cape Romain, National Wildlife Refuge, South Carolina; and Bosque del Apache, National Wildlife Refuge, New Mexico.

The year 1972 can bring some of the greatest accomplishment in wilderness preservation since passage of the Wilderness Act in 1964. I urge prompt and systematic consideration by the Congress of these 18 new proposals and of the 31 currently pending before it. Approval of all 49 additions would bring the system up to a total of over 15 million acres.

Unfortunately, few of these wilderness areas are within easy access of the most populous areas of the United States. The major purpose of my Legacy of Parks program is to bring recreation opportunities closer to the people, and while wilderness is only one such opportunity, it is a very important one. A few of the areas proposed today or previously are in the eastern sections of the country, but the great majority of wilderness areas are found in the West. This of course is where most of our pristine wild areas are. But a greater effort can still be made to see that wilderness recreation values are preserved to the maximum extent possible, in the regions where most of our people live.

—*I am therefore directing the Secretaries of Agriculture and the Interior to accelerate the identification of areas in the Eastern United States having wilderness potential.*

OFF-ROAD VEHICLES

A recent study by the Department of the Interior estimated that Americans own more than 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others. The use of these vehicles is dramatically on the increase: data show a three-fold growth between 1967 and 1971 alone.

As the number of off-road vehicles has increased, so has their use on public lands. Too often the land has suffered as a result. Increasingly, Federal recreational lands have become the focus of conflict between the newer motorized recreationist and the traditional hiker, camper, and horseback rider. In the past, Federal land-management agencies have used widely varying approaches to dealing with this conflict. The time has come for a unified Federal policy toward use of off-road vehicles on Federal lands.

—*I have today signed an Executive Order directing the Secretaries of Agriculture, Interior, Army and the Board of Directors of the Tennessee Valley Authority to develop regulations providing for control over the use of off-road vehicles on Federal lands.*

They will designate areas of use and non-use, specify operating conditions that will be necessary to minimize damage to the natural resources of the Federal lands, and insure compatibility with other recreational uses, taking into account noise and other factors.

EXPANDING INTERNATIONAL COOPERATION ON THE ENVIRONMENT

We are now growing accustomed to the view of our planet as seen from space—a blue and brown disk shrouded in white patches of clouds. But we do not ponder often enough the striking lesson it teaches about the global reach of environmental imperatives. No matter what else divides men and nations, this perspective should unite them. We must work harder to foster such world environmental consciousness and shared purpose.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

To cope with environmental questions that are truly international, we and other nations look to the first world conference of governments ever convened on this subject: the United Nations Conference on the Human Environment, to be held in Stockholm, Sweden, in June of this year. This should be a seminal event of the international community's attempt to cope with these serious, shared problems of global concern that transcend political differences.

But efforts to improve the global environment cannot go forward without the means to act.

—*To help provide such means, I propose that a voluntary United Nations Fund for the Environment be established, with an initial funding goal of $100 million for the first 5 years.*

This Fund would help to stimulate international cooperation on environmental problems by supporting a centralized coordination point for United Nations activities in this field. It would also help to bring new resources to bear on the increasing number of worldwide problems through activities such as monitoring and cleanup of the oceans and atmosphere.

—*If such a Fund is established, I will recommend to the Congress that the United States commit itself to provide its fair share of the Fund on a matching basis over the first 5 years.*

This level of support would provide start-up assistance under mutually agreed-upon terms. As these programs get underway, it may well be that the member nations will decide that additional resources are required. I invite other nations to join with us in this commitment to meaningful action.

CONTROL OF MARINE POLLUTION

Ocean pollution is clearly one of our major international environmental problems. I am gratified that in the past year the Congress has taken several steps to reduce the risks of oil spills on the high seas. However, further congressional action is needed to ratify several pending international conventions and to adopt implementing legislation for the various oil-spill conventions which have been ratified or which are awaiting approval.

Action on these recommendations will complete the first round of international conventions to deal with marine pollution. We have taken initiatives in three international forums to develop a second and more sophisticated round of agreements in this area. We are preparing for a 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference to draft a convention barring intentional discharges to the sea of oil and hazardous substances from ships. In conjunction with the Law of the Sea Conference scheduled for 1973, we are examining measures to control the effects of developing undersea resources. And, in the preparatory work for the 1972 U.N. Conference on the Human Environment, progress has been made on an agreement to regulate the ocean dumping of shore-generated wastes, and further work in this area has been scheduled by IMCO. We hope to conclude conventions in each of these areas by 1973.

PROTECTING CHILDREN FROM LEAD-BASED PAINT

To many Americans, "environment" means the city streets where they live and work. It is here that a localized but acutely dangerous type of "pollution" has appeared and stirred mounting public concern.

The victims are children: the hazard is lead-based paint. Such paint was applied to the walls of most dwellings prior to the 1950's. When the paint chips and peels from the walls in dilapidated housing, it is frequently eaten by small children. This sometimes results in lead poisoning which can cause permanent mental retardation and occasionally death. We can and must prevent unnecessary loss of life and health from this hazard, which particularly afflicts the poorest segments of our population.

To help meet the lead-paint threat, the Department of Health, Education, and Welfare will administer grants and technical assistance to initiate programs in over 50 communities to test children in high-risk areas for lead concentrations. In addition, these programs will support the development of community organization and public education to increase public awareness of this hazard. Other Federal agencies are also active in the effort to combat lead-based paint poisoning. ACTION and other volunteers will assist city governments to help alleviate lead paint hazards. The Department of Housing and Urban Development is engaged in research and other actions to detect and eliminate this hazard.

The resources of the private sector should also be utilized through local laws requiring owners of housing wherever possible to control lead paint hazards.

ENLISTING THE YOUNG

The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to the new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion: their energy in its behalf can be an impressive force for good.

Four youth participation programs of mutual benefit to the young and the Nation are now planned or underway:

Last October, I initiated the Environmental Merit Awards Program. This program, directed by the Environmental Protection Agency in cooperation with the U.S. Office of Education, awards national recognition to successful student projects leading to environmental understanding or improvement. Qualifications for the awards are determined by a local board consisting of secondary school students, faculty and representatives of the local community. Already more than 2,000 high schools, representing all 50 States, have registered in the program.

The Department of Agriculture's expanded field scout demonstration program, designed to permit more effective pest control with less reliance on chemical pesticides, will employ thousands of high school and college students. These young people will be scouting cotton and tobacco pests in the coming growing season, and the program will be expanded to other crops in future years.

The Environmental Protection Agency has recently initiated in its Seattle regional office a pilot program using young people to assist the agency in many of its important tasks, including monitoring. EPA is working with State and local pollution control agencies to identify monitoring needs. ACTION and the youth training programs are providing the manpower. If this initial program proves successful, the concept will be expanded.

ACTION volunteers and young people employed through the Neighborhood Youth Corps, Job Corps, and college work-study programs will work with city governments to help alleviate lead paint hazards, gaining experience in community health work as they give urgently needed aid to inner-city families.

Young people working on environmental projects, learning the skills necessary for a particular job, must also understand how their work relates to the environmental process as a whole. Thus, all of these activities must be supplemented by continued improvement in many aspects of environmental education to help all of our citizens, both young and old, develop a better awareness of man's relation to his environment. In my first Environmental Quality Report, I stressed the importance of improving the Nation's "environmental literacy." This goal remains as important as ever, and our progress toward it must continue.

ONE DESTINY

Our destiny is one: this the environmental awakening has taught America in these first years of the seventies. Let us never forget, though, that it is not a destiny of fear, but of promise. As I stated last August in transmitting the Second Annual Report of the Council on Environmental Quality: "The work of environmental improvement is a task for all our people . . . The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend." We shall rise to the challenge of solving our environmental problems by enlisting the creative energy of all of our citizens in a cause truly worthy of the best that each can bring to it.

While we share our environmental problems with all the people of the world, our industrial might, which has made us the leader among nations in terms of material well-being, also gives us the responsibility of dealing with environmental problems first among the nations. We can be proud that our solutions and our performance will become the measure for others climbing the ladder of aspirations and difficulties; we can set our sights on a standard that will lift their expectations of what man can do.

The pursuit of environmental quality will require courage and patience. Problems that have been building over many years will not yield to facile solutions. But I do not doubt that Americans have the wit and the will to win—to fulfill our brightest vision of what the future can be.

Richard Nixon.

The White House, *February 8, 1972.*

PRESIDENT'S MESSAGE ON ENVIRONMENTAL AWAKENING

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, the President has sent Congress a new message outlining new policies and proposals to improve this Nation's environment and urging on the proposals he sent to us last year.

As the President has said, 1971 was a year of consideration and this year should be a year of action. I join with him now in urging enactment this year of the environmental proposals the President has previously submitted and prompt consideration of his new recommendations in the most critical area.

The President's latest environmental message points up the importance of decisive action by the Congress to adopt and implement measures that would strengthen present programs, control emerging problems and promote overall environmental quality.

The President has proposed a comprehensive program aimed at improving the quality of our environment. This is the first time in our history that any President has demonstrated such great concern about our ecology.

The environmental issue is one which lends itself to rhetoric rather than action. I urge that we translate the rhetoric into meaningful measures based on the President's recommendations. The President has made explicit proposals which back up his expressed ecological concern. Let us act on them.

AMERICAN HISTORY MONTH

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 190) designating February of each year as "American History Month".

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 190

Whereas the study of history not only enlivens appreciation of past but also illuminates the present and gives perspective to our hopes;

Whereas a knowledge of the growth and development of our free institutions and their human values strengthens our ability to utilize these institutions and apply these values to present needs and new problems;

Whereas Americans honor their debt to the creativity, wisdom, work, faith, and sacrifice of those who first secured our freedoms, and recognize their obligation to build upon this heritage so as to meet the challenge of the future;

Whereas February 1967 has been designated by the President as "American History Month"; and

Whereas it is appropriate to encourage a deeper awareness of the great events which shaped America, and a renewed dedication to the ideals and principles we hold in trust: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as "American History Month", and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools and other suitable places with appropriate ceremonies and activities.

Mr. BOB WILSON. Mr. Speaker, I rise to urge the House's favorable consideration of my resolution, House Joint Resolution 190, to designate February as American History Month. Since February is the birth month of two of our greatest national leaders and guiding spirits, Presidents Lincoln and Washington, it is a particularly appropriate time to focus national attention on the great men and events which have shaped our past and the legacy of freedom and self-government they bequeathed to us. With the change in the date of observing several of our patriotic holidays, such as Washington's birthday, we do not want to lose sight of the real significance of these occasions. Designation of February as American History Month is therefore especially fitting at this time and I urge my colleagues to set this month apart as a time to pay homage to America's past and the ideals upon which our future rests.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Edwards of California: On pages 1 and 2 strike out the preamble.

On page 2, line 3, strike out the phrase "each year" and insert in lieu thereof "1972".

On page 2, line 5, strike out the word "annually".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Designating February of 1972 as 'American History Month.'"

A motion to reconsider was laid on the table.

NATIONAL BETA CLUB WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 153) to designate the week which begins on the first Sunday in March 1972 as "National Beta Club Week."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 153

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week which begins on the first Sunday in March 1972 as "National Beta Club Week," to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

Mr. MIZELL. Mr. Speaker, it is with great pride that I rise at this time to urge my colleagues to join me in voting for passage of the resolution designating the first week in March 1972 as "National Beta Club Week" in honor of that outstanding youth organization.

As my colleagues know, I first introduced a similar measure last September, with the provision that this designation be an annual occurrence. The bill we consider today calls for the designation to be made in 1972 only, in compliance with a resolution passed by the Senate some weeks ago.

I would have preferred to see the designation made permanent, but I am quite pleased to see that so many of my colleagues from all across the country and from both sides of the aisle have seen fit to honor this club which does so much to recognize meritorious achievement in our young people.

As its constitution states:

> The National Beta Club's purpose is the promotion of the ideals of honesty, service and leadership among high school students of America . . . and to encourage and assist students to continue their education after high school.

This is, indeed, a noble and worthwhile purpose, and the Beta Club has admirably fulfilled that purpose from its inception in 1933.

Now, with more than 4,000 chapters representing some 130,000 members, the Beta Club symbolizes all that is the best in youth, and, as we honor the club, we honor youth as well.

I thank my colleagues for their support of this legislation, and I urge them to join me now in paying this tribute to the National Beta Club and its outstanding membership by voting in favor of this resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two joint resolutions just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SELECT COMMITTEE ON PRIVACY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 164

Whereas the development of technology is advancing at an unparalleled rate of speed and is rapidly coming to affect every level of American life; and

Whereas the operations of industry and Government are coming more and more to rely on highly sophisticated computer technology to assist them in their operations; and

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown; and

Whereas computers and other technological innovations aid in the gathering and centralization of massive information of all kinds of individuals and, consequently, call into question the effect of technology on the right of privacy; and

Whereas Congress needs a committee ready and able to evaluate the effects of technology on the operations of Government, on the democratic institutions and processes basic to the United States, and on the basic human and civil rights of our citizens: Now, therefore, be it

Resolved, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operations of industry and Government, the consequences of using computers to solve social questions which traditionally have been addressed without the assistance of computers and other machines, and the effects of technology and machines on democratic institutions and processes. The committee shall also study the use of computers and other technical instruments in gathering and centralizing information on individuals and the effect of such activity on the human and civil rights.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places and within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

With the following committee amendment:

On page 3, line 5: Strike the words "act during the" and insert "act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the".

The committee amendment was agreed to.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA). I yield myself such time as I may consume.

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

House Resolution 164 would create a Select Committee on Privacy, Human Values, and Democratic Institutions, to be composed of nine Members to be appointed by the Speaker.

The committee is authorized and directed to investigate the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operation of industry and Government; the effects of technology and machines on democratic institutions and processes, and the effects of the use of computers and other technical instruments on individuals and the human and civil rights.

The committee may sit and act within the United States, its Commonwealths and possessions and is to report to Congress as soon as practicable. The resolution contains no authorization for the use of counterpart funds.

In accord with the Legislative Reorganization Act of 1970, the resolution was amended and is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House, which provides that committees—with some exceptions—may not sit while a bill is being read for amendment on the floor of the House.

Mr. Speaker, I urge the adoption of House Resolution 164.

Mr. LATTA. Mr. Speaker, way back in May 1971 the Rules Committee reported House Resolution 164, sponsored by the gentleman from New Jersey (Mr. GALLAGHER) and others, to create a special Select Committee on Privacy, Human Values, and Democratic Institutions to be composed of Members of the House of Representatives to "evaluate the effects of technology" on Government, et cetera. Just by coincidence today, the House will also consider H.R. 10243, to establish an Office of Technology Assessment, as an aid to the Congress in identification and consideration of existing and probable impacts of technological application, to amend the National Science Foundation Act of 1950, and for other purposes.

Mr. Speaker, I think the Members of the House would like to take a very serious look at the purposes of these two pieces of legislation, House Resolution 164 and H.R. 10243. As I read them, they would concern themselves with the same subject matter. In my humble judgment we do not need both. Whenever we consider another select committee of the Congress, we must concern ourselves with the matter of space. One of the most serious problems around this House is space, and we do not have it. This select committee would require space.

Another thing we are seriously concerned with is money. Creating a select committee is going to require $150,000, or $200,000. I do not think anybody can dispute that.

We have a very serious problem involved in the creation of this select committee in the matter of jurisdiction. Questions have arisen as to whether or not such a select committee would be trespassing on the jurisdiction rights of the Committee on the Judiciary. The Committee on the Judiciary maintains that it has jurisdiction over matters contained in this resolution at the present time. The question then is, why should not the Committee on the Judiciary continue to have jurisdiction over the areas covered by House Resolution 164 and do it without additional space and without another select committee and without additional cost?

I am certain we will hear further from the members of the Committee on the Judiciary on this matter of jurisdiction.

The Crime Control Act of 1970 established the National Commission on Individual Rights. Four appointed by the House, four by the Senate, and seven by the President. The Commission will cover the same ground as that proposed to be covered by the new select committee.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I rise today to endorse in the strongest possible terms the proposal to create a Select Committee on Privacy, Human Values, and Democratic Institutions. House Resolution 164, cosponsored by NEIL GALLAGHER and myself, will allow the House to deal effectively with something the citizens of this Nation regard as a major problem.

Mr. Speaker, I certainly am not a practitioner of the currently popular art of doomsdaymanship, but it does not take an especially perceptive observer of the American scene to detect a rising tide of disenchantment with government on all levels.

The House of Representatives today has the opportunity to take a significant corrective action by bringing into being a Select Committee on Privacy, Human Values, and Democratic Institutions. Everywhere we look privacy is in the news, but we Members of the House cannot point to a single committee or subcommittee now structured to deal with the incredibly complex question of privacy.

I believe that Mr. GALLAGHER did a magnificent job as chairman of the Privacy Subcommittee of the Government Operations Committee when it was in existence, and one of the achievements of which I am most proud is that I worked closely with him to make that job even more effective. Today, the House can take a major step to recapture public esteem and to insure its own relevance in the future by creating the select committee under consideration.

This will be the year in which 18-year-olds vote for the first time and one of the most impressive features of my long association with the Privacy Subcommittee was the immense amount of interest in the privacy issue on the college campuses. Everywhere I have been among young people I have been asked variations of the same question: What kind of country are today's political leaders going to pass on to the next generation? Privacy matters are at the heart of a positive answer to that question. As an indication of the concern, the college debate topic for 1972 relates to increasing control over Federal agencies who collect and disseminate information about Americans. In a year when the young people will have the vote for the first time, it would seem to me to be an immensely valuable position to each Member if he could say that he supported a select committee to consider privacy.

I regard the actions of the select committee as being completely beyond partisanship or ideology. The long list of supporters for the select committee named by Mr. GALLAGHER clearly demonstrates the fact that party politics, in the traditional sense, would play little part in the actions of the select committee.

If one were to look at the record, one could see that the vast majority of the Privacy Subcommittee's investigations, hearings, and reports took place under a Democratic administration. In fact, during what was perhaps our most significant achievement—the elimination of a plan to create a National Data Bank—we learned that the plan was totally unknown by the top political advisers of the Johnson administration.

The select committee would bring public attention to such plans and proposals buried deep within the bureaucracy and allow public scrutiny before they were so far advanced that they became divisive issues.

Mr. Speaker, I believe the select committee could and should take a number of positive steps to reassert the very basis of the American democracy. Let me list several:

First, we simply must have a continuing body in the Congress to investigate the sophisticated use of the computer. The computer is being used in Government and in the private sector in ways that few of us appreciate. It is being used to create huge data banks of information, in immediately retrievable form, without congressional guidelines or, frankly, much congressional interest. The computer can have enormous benefits to our society, but society's leaders must assume a responsibility to guide the growth of computer application. That is not being done now.

Second, the recently passed Fair Credit Reporting Act covers only a small part of the threats posed by huge data repositories in private hands. While data banks used for credit, employment, or insurance coverage are partially within the act's ambit, there remains a great deal to be done. The select committee, free from any legislative responsibilities or specific oversight of individual agencies, would have the freedom to follow these threats to our liberties.

Finally, there is a behavioral modification revolution in our society, but no existing committee of the Congress has the jurisdiction to evaluate these new tools of human manipulation. A select committee could pursue the issues where no current committee now can.

The basic point, Mr. Speaker, is that every American—liberal or conservative, white or black, Republican or Democrat—is threatened by proposals which are advanced by men never held accountable as we elected officials are. If we are to monitor and predict the effects, both adverse and positive, which technological advances have on our freedom as individuals, then the Congress must provide the monitoring body. Otherwise, we will awaken one day and find that our lack of attentiveness to guarding our democratic institutions has meant that they have one by one been eroded or discarded in the name of efficiency and progress.

Mr. Speaker, I do not want to leave the impression that privacy has been completely ignored by current committees in the Congress. The Committee on Government Operations allowed our Privacy Subcommittee to proceed for some 8 years and, as a member both of the Privacy Subcommittee and of the full committee, I regard the actions of the subcommittee as very significant. Our Subcommittee on Foreign Operations and Government Information is going to hold hearings on the proposals of myself to control the private use of federally compiled mailing lists as well as the Federal privacy bill of Mr. KOCH. But as welcome as these steps are, they surely are not enough.

Subcommittees of the Post Office and Civil Service Committee have also held privacy-related hearings and the chairmen of those subcommittees—Mr. NIX, Mr. WILSON, and Mr. HANLEY—all support the select committee as does the full committee chairman, Mr. DULSKI. Mrs. SULLIVAN held hearings on the Fair Credit Act with her Subcommittee on Consumer Matters of the Banking and Currency Committee and Mrs. SULLIVAN supports the select committee.

Mr. Speaker, the area of privacy is so diverse, so complicated, and so far-reaching that there is room for dozens of committees to become concerned. All during the time that our Privacy Subcommittee was blazing the trail here in the House, we never received a single complaint from other legislative committees. I know this responsible record will continue under the select committee.

We need a formal, continuing, sophisticated group to help each of us meet our own responsibilities to those we represent. The proposal to do that is before us, and I urge support for House Resolution 164 to create a Select Committee on Privacy, Human Values, and Democratic Institutions.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

The SPEAKER. The gentleman may do that. Without objection, it is so ordered.

Mr. HALL. Mr. Speaker, reserving the right to object, and I hate to object, but is it in order to have a unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules to bring the bill on the floor?

Mr. GALLAGHER. I asked for the time to close the debate since there will be objections, and I would like to respond to those objections. It was my understanding that I would have the time at the conclusion of debate.

Mr. HALL. Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

The SPEAKER. The Chair will notify the gentleman when 5 minutes are up.

Mr. YATES. That is right. He has been allotted that time.

Mr. GALLAGHER. Mr. Speaker, up until several days ago this resolution appeared to have broad support. Now the issue of jurisdiction has been raised by the chairman of the Committee on the Judiciary.

This resolution is about privacy—the many aspects of privacy; something that affects everything that this Congress does and something that affects the life of every single person in the United States.

Now, that is a pretty broad order, but I want to remind everyone that the Congress has done virtually nothing about it. Unless the Congress begins to deal with privacy, it may well be that the Congress itself will become irrelevant in the twilight of this decade and unless we wake up, it may well be that the most important thing that Congressmen will do will be to have their picture taken out on the steps with graduation classes, for we are allowing ourselves to sleep through a time of America's greatest challenge to its freedom This may well happen, because the policy options, the whole thrust of the way we are developing policy in this country has passed to the bureaucracy. All we do is approve en bloc those things that are done by the bureaucracy, and that limits our options on what we can do here in the Congress. The President and the Congress who are elected by the people need new tools if public men are to continue to bear the responsibility of public office.

I would like to point out one or two other things. On privacy, Prof. Charles Fried gave one of the best definitions I have heard:

> Privacy is the necessary context for relationships; we would hardly be human if we had to do without—the relationships of love, friendship, and trust. Intimacy is the sharing of information about one's actions, beliefs, or emotions which one does not share with all and which one has the right not to share with anyone. By conferring this right, privacy creates the moral capital which we spend in friendship and love.

Privacy is the necessary context for relationships. We would hardly be human if we had to do without the relationships of love, of friendship, and trust. Intimacy is the sharing of information about one's actions, beliefs, or emotions which he does not share with one who has the right not to share with anyone else. By conferring this right privacy creates the moral capital which we spend in friendship and love.

I would like to say to my colleagues that the Speaker himself supported this proposition when he spoke to the press this morning, it is unfortunate that time precludes from this debate the feelings of so many who view their problem in the same context as I do.

I have spoken with various Members on the other side of the aisle and they see the merit of it.

Mr. Speaker, this is an issue where conservatives meet liberals: Liberals primarily from the standpoint of expanding human dignity and human values, those basic rights that are in our Constitution, but which today may no longer exist. Conservatives join on the point where the Federal Government is delving into the personal business of too many people.

And, Mr. Speaker, what has Congress done about it?

Congress keeps pouring the money out for purposes which deny human rights and let the Government invade more people's privacy.

Is it not the duty of the Congress to do something more responsible, something more basic than merely serve as the manure to fertilize the miracle growth of dehumanizing bureaucracies. They do not believe in what we are doing and they do not take us into consideration? We provide all the money and virtually none of the policy.

I am not talking about Republican or Democrat, or liberal, or conservative. I am talking about making public men, elected men relevant to the democratic process. I am talking of keeping people in the forefront of our concern.

Mr. Speaker, I asked for this committee long before the current administration was in power. These are common problems in all administrations and they affect every citizen of our country.

I know that the distinguished chairman of the Committee on the Judiciary is going to come to the well and tell you that there is a jurisdictional problem, one where we may transgress upon his committee's jurisdiction.

However, late last night, I thought we had an agreement and I would live up to the agreement whether the Judiciary Committee wants to accept it or not. We will not get involved in any matters within the responsibility or the jurisdiction of the Judiciary Committee.

Mr. Speaker, we know the members of the Judiciary Committee have made some great arguments in the past when we talked about the Bill of Rights. They imply that they are rather old-fashioned and old hat. Most of the Bill of Rights has already disappeared without any public outcry and with the active participation and approval of the Judiciary Committee.

I have heard the argument made by the Judiciary Committee many times when they say the problems of our country are so great that the jurisdiction of the States, of the counties, and the cities must give way.

Well, if that is true then, perhaps, the jurisdiction of some committees yield and they should at least consider the new problems in this terribly complex age in which we live.

Let me expand on that point, Mr. Speaker, because it is of central importance to the argument over jurisdiction and the argument over privacy. Many bills passed by the Congress and many actions of the Executive demand that local jurisdictions yield their rights and prerogatives to ever more widely based organizations. Privileges which once belonged to States, counties or cities are now taken over by interstate groups. We have not only allowed it to happen in this House, but we have encouraged it by legislative initiative.

Could not then we also do something about the jurisdiction of committees here in the House? Should we not be so parochial and petty in guarding the absolute right of each committee to control the Nation's future by its insistence of control over all inquiry into an area.

To put it bluntly, Mr. Speaker, we have destroyed much of the traditional independence of States, counties, and cities in this Nation in our pursuit of the lawbreaker. It seems to me that we should think about insisting that certain jurisdiction bend a bit in a new way to defend the lawabiding American citizen from outrageous and continuous prying by the Government. There is no reason why the committees cannot work together to serve our common responsibility; namely, the preservation of the basic freedoms in this country and in a larger sense the principles of the Republic for which we are supposed to stand, not sleep.

The SPEAKER. The gentleman from New Jersey has consumed 5 minutes.

Mr. GALLAGHER. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair must advise the gentleman that the time is under the control of the gentleman from Indiana (Mr. MADDEN) and the gentleman from Ohio (Mr. LATTA).

Mr. GALLAGHER. Mr. Speaker, I was granted 10 minutes and I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, the gentleman cannot reserve the balance of 5 minutes.

Mr. GALLAGHER. I am not speaking under the 5-minute rule.

Mr. GROSS. It does not make any difference.

PARLIAMENTARY INQUIRY

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Iowa for a parliamentary inquiry?

Mr. MADDEN. I yield to the gentleman from Iowa.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. The gentleman under the rules cannot reserve time. Only the gentleman——

The SPEAKER. The gentleman from Indiana has control of the time and the Chair has so advised the gentleman from New Jersey of that fact.

If the gentleman from Indiana desires to yield further time at this time he can do so.

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Speaker, as you and my colleagues know, I am chairman of the Census and Statistics Subcommittee of the House Post Office and Civil Service Committee. Our subcommittee has been exploring in depth the methods and procedures utilized by the U.S. Census Bureau in taking the 1970 Census.

In particular, we have been concerned with the multitudinous questionnaires being forced on our citizens by various Federal Government departments. It is my feeling that these questionnaires constitute a real and present danger to the privacy of our citizens. While I feel my subcommittee's work has been important, there is no doubt in my mind that the need exists for an all-encompassing review and control of snooping into the private lives of our citizens.

During the hearings that were held by my subcommittee, it was demonstrated time and again by hundreds of citizens who in one way or another had contacted our subcommittee that they were very concerned that their right to privacy be maintained. Recently, a number of surveys have demonstrated that an overwhelming majority of citizens fear the regulation of their lives by computers. Many citizens sincerely feel that "Big Brother" is watching them. I sincerely hope, Mr. Speaker, that these fears are unfounded.

However, recognizing both the importance of the issue of invasion of privacy and the genuine validity of the public's concern, I strongly support and urge my colleagues to support the establishment of a Select Committee on Privacy, Human Values, and Democratic Institutions—House Resolution 164—a proposal sponsored by Congressman CORNELIUS GALLAGHER.

Based on my experience, I feel that the House of Representatives needs a committee which will represent the people and protect their right to privacy. After all, Mr. Speaker, the Federal Government is ever increasing in numbers and widening in scope of activities. It possesses tremendous moral authority and operates in a way which is more and more evident as an example to the private sector. I would hate to see the type of creeping totalitarian control that is envisioned by George Orwell in his "1984." This becomes increasingly possible with the development of technological means of control over people's lives such as electronic data banking. James Madison alerted us to the dangers of not protecting the rights of citizens when he said:

> I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations.

Mr. Speaker, invasions of personal rights must inevitably damage our Nation. Victor Hugo's observation that nothing can stand in the way of an idea whose time has come is certainly relevant here. It is time to guarantee that the House of Representatives will be alert to any attempt by any source to deprive our citizens of their uninalienable right to privacy and the security of their homes by passing House Resolution 164 establishing a Select Committee on Privacy.

The SPEAKER. The time of the gentleman from California has expired.

Mr. LATTA. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, if there were ever any questions as to why the U.S. Congress needed a Select Committee on Privacy, Human Values, and Democratic Institutions—the committee proposed today and which I am proud to support—that question was answered yesterday at the White House.

Herman Kahn, head of the Hudson Institute, well-known and somewhat controversial, deep-thinker but still provocative in his ideas, told the 1,500 corporation executives and others attending the first White House Conference on the Industrial World that—

> The biggest single problem facing us is meaning and purpose. Why do we stay alive? What are we here for? . . . My grandfather walked with God and knew why, but we didn't . . .

Mr. Kahn went on to list an assortment of possible dangers and disasters that could overtake mankind sometime in the next two decades. Among them was technological control of man, perhaps by new forms of humanity like live computers.

This prospect is close—much closer than many think or wish to admit. From an article in the Christian Science Monitor of October 18, 1971:

> Steadily growing prospects for test-tube babies and manipulated thought are forcing humanity to reconsider its concept of man. . . . Take for example the concept of new forms of thought control. Prof. B. F. Skinner of Harvard University believes human behavior to be largely a matter of conditioning. He has worked out sophisticated techniques for controlling behavior which, he explained, could alter the thought of people confined to institutions. However, his suggestions also have opened the scepter of 'big-brother' control of society at large. Meanwhile, dimly seen possibilities for direct chemical and electrical manipulation of the brain are developing similar concerns. . . .

From Behavior Today, January 18, 1971:

> Nestor Terleckyj of the National Planning Association in Washington, D.C. believes he has come up with a system that could increase life expectancy by 10 years and cause a dramatic reduction in physical disabilities in this country by 1980. The spending of $43 billion in the health field, Terleckyj told the recent convention of the American Association for the Advancement of Science, could produce major behavioral changes so that in 10 years 90 per cent of the smokers will have stopped, 70 per cent of the obese and under-exercised will be physically fit, 80 per cent of the alcoholics and alcohol abusers will achieve contented sobriety and 90 per cent of drug abuse will be eliminated. . . .

From "The New Science of Sociobiology," by Dr. Edward O. Wilson, professor of zoology at Harvard, as it was reprinted in Intellectual Digest of January 1972:

> The dilemma of mankind is that technology and population growth have propelled us to the point where we could perhaps operate better as a society with termite-like altruism and regimentation, yet we cannot and must not forsake the primate individuality that brought us to the threshold of civilization in the first place. . . .

This cannot help but be disturbing and unsettling to many, yet this trend of thought is not new by any means. Anthony Standen, in his provocative little book, "Science Is a Sacred Cow," quoted from Oliver Wendell Holmes that:

> Science is a good piece of furniture for a man to have in an upper chamber provided he has common sense on the ground floor.

Standen then goes on to demonstrate that common sense has often been lacking on the ground floor. He notes that in "Survey of Social Science," by Marion B. Smith, professor of sociology at Louisiana State University, neither term "freedom" nor "liberty" appears in the index. However, they are discussed in the text as a subsection under "Regulations."

He quotes from G. A. Lundberg's "Can Science Save Us?":

> It may be that through properly administered public opinion polls, professionalized public officials can give us all the efficiency now claimed by authoritarian centralized administrators and yet have the administration at all times subject to the dictates of a more delicate barometer of the people's will than is provided by all the *technologically obsolete paraphernalia of traditional democratic processes.* (Italic supplied.)

Standen cites the remarks of Otis W. Caldwell, late general secretary of the American Association for the Advancement of Science:

> What science may *do for* men is not enough. This must become subordinate to what science may *do to* men. (Underscoring in original.)

And Aldous Huxley:

> The most important Manhattan projects of the future will be vast government-sponsored inquiries into what the politicians and the participating scientists will call "the problem of happiness"—in other words, the problem of making people love their servitude.

I would like to comment briefly on the foolishness of putting too much reliance on government-sponsored inquiries such as Huxley mentioned. For some years now, going back into the fifties, I along with some of my colleagues on House Armed Services Committee have been deeply disturbed by the trend in our Defense Establishment to come to rely more and more on what I call a footnote mentality.

It seemed to me that practically every problem facing us in the defense sector had to be contracted out to some think tank to be researched and studied. To be sure, in the field of the physical sciences, this often made quite good sense and I am sure the money and time was well spent, when it came to matters of weapons performance and technical questions. But—and this became especially so in the early sixties—it seemed that the human factor was being ignored in all problems, that an attitude had developed in the Pentagon which felt everything could be reduced to a line on a graph, a dot on a chart, a symbol in an equation, signals on computer tape, or holes in punch cards. If you will, there was no room for, and no consideration given to, what for lack of a better term can be called a gut feeling.

What has been the result? Let us consider some other options. First, Corelli Barnett, in Horizon magazine, summer 1971:

> Since 1945, under the stimulus of the Cold War, an immense apparatus has been created in the United States to apply academic minds to the problems of war in international relations. Learned volumes and monographs, stuffed with impressive calculations and formulas, have poured forth. A new jargon has been invented to enhance the mystique of the authors and obscure their meaning. Mathematicians, lawyers, economists, sociologists—all have enthusiastically joined the Pentagon irregulars.
>
> However, the climax of more than twenty-five years of intense and nationwide intellectual study of war has unfortunately proved to be the American defeat in Vietnam. How much the academic think-merchants share in the responsibility for the mess cannot yet be known. . . .

But Colin S. Gray, in the fall 1971 issue of Foreign Policy, has no doubt at all as to responsibility:

> In 1961 the promise was high. The civilian strategists came to Washington to assume an influential role in a new administration. Yet in 1971 it is fair to say that their performance has not lived up to their promise. And that's putting it mildly. . . . If policy prescription may be described as the advocacy of 'viable solutions,' so scholarship should be viewed as the pursuit of truth. The civilian strategist has fallen between the two extremes. The 'think-tank' world as exemplified by the RAND Corporation, has been the middle group between academe and government. Yet because of its dual loyalty—to the needs of problem-oriented officials and to the disinterested or 'policy-neutral' standards of scholarship—it has tended to produce both irrelevant policy advice and poor scholarship. . . .

In passing, a good comment on the above situation—although written years before it became an issue—is found in Standen's book from which I have already quoted:

> The problem of war is something more subtle than any social scientist can understand. As a problem in human motives, there is certainly no easy cure for it. Men are not angels, and the only reason science has not found this out is that science knows nothing about angels. A deep piece of wisdom was uttered on the Senate floor, in the course of the debate on inclusion of the social sciences in the proposed National Science Foundation, by Senator Willis: "It is a question of keeping selfishness in restraint, that is all." Senator Willis understands the problem of government in all its simplicity and its tremendous difficulty. He is quite unlike any social scientist. That is why he is in the United States Senate and they are not. . . .

Incidentally, for the record, the above remark was by the late Senator Raymond Willis, of Indiana, and was made during debate in the Senate on July 1, 1946.

Congressional attention to these disquieting and disturbing trends is not new. The country owes much to the gentleman from New Jersey (Mr. GALLAGHER) for his work during the 7 years he headed the Special Subcommittee on

Invasion of Privacy of the Committee on Government Operations. He has been well aware that what is today's theory can easily become—without anyone really recognizing the fact—tomorrow's reality. Just how far—if to any distance at all—have some of these theories influenced policies and actions of the Federal Government? There are, unfortunately, some indications that such influence has already taken hold at certain levels.

I refer here to the "group sensitivity" sessions—or by whatever name they go under—carried on in some agencies—most notably HEW and Agriculture—with the intention of abolishing discrimination by eliminating racist thoughts in individuals. A November 1970 directive in the U.S. Public Health Service, written in that fine style of bureaucratic-academic jargon I call higher murkiness, put it this way:

> All headquarters, regional, and field program managers and supervisors shall participate in intensive training and working conferences designed to develop the racial and cultural awareness and skills in applying EEO (equal employment opportunity) policies, goals, and practices to their own immediate circumstances. All designated staff shall have participated in such training programs by the end of the fiscal year.

Note "shall participate," "shall have participated." One of these sessions, held in February 1971 for supervisors in the Chicago HEW office, had these questions, in the form of partial sentences, which the participants, paired off and facing each other, had to complete:

> "My weakest point is . . ." "I love . . ." "I believe in . . ." "I am most ashamed of . . ."

The whole issue has crystallized once again, following publication of Dr. B. F. Skinner's latest book "Beyond Freedom and Dignity." One sentence sums up the thesis of the book:

> It is not difficult to demonstrate a connection between the unlimited right of the individual to pursue happiness and the catastrophes threatened by unchecked breeding, the unrestrained affluence that exhausts resources and pollutes the environment and the imminence of nuclear war.

In essence, man's behavior has to be reshaped. Since each of us are unique, shaped by our environment and nothing more, then the environment must be reshaped and controlled—our culture in which we develop—and society must structure a new environment which by carrot and stick will make us behave.

As has been pointed out, Communist China is the only instance in recorded human history where society—for this Red government—has tried to so condition behavior, reaching in China's case for strict and unvarying egalitarianism, by shifting the entire mental atmosphere. But there is a difference between Mao and Skinner; Mao believes in self-criticism and punishment, whereas Skinner would use genetic engineering and behavioral conditioning. His thesis calls for his followers—and he has many, as well as some very sharp and vocal critics—to take these theories into every last facet of life.

This idea of Skinner's is not new with him; some years back he wrote that:

> As scientific explanation becomes more and more comprehensive, the contribution which may be claimed by the individual himself appears to approach zero. Man's vaunted creative powers, his achievements in art, science and morals, his capacity to choose and our right to hold him responsible for the choice—none of these is conspicuous in the new scientific self-portrait.

We have behavior-modification programs, impelled in part and in whole by Skinner's theories, and others, already at work in private therapy, in mental hospitals, in schools, and in business. No one says these ideas should be suppressed. Skinner's critics, I must point out, give him and his ideas more latitude and freedom than he would be willing to give the subjects of the ideas. But it is essential they be made known, and if anyone doubts this, then I would refer him to a remark by Kenneth Little, executive officer of the American Psychological Association:

> All I hope is that the Executive and Congress take Fred Skinner's book seriously. Behavior shaping is here. If they dismiss Skinner's book, decisions will be made at a level beyond their control.

I do not know what Mr. Little means by his last sentence and I do not care to wait to find out. Quite frankly, what we are dealing with here is a not too subtle attempt to shift power and control over the citizens of the American Republic into a different set of hands. I do not imply there is a large-scale plot; I do not imply incipient subversion or anything of the sort. Someone else has an idea as to how he and his followers could do it better; that is not at all unusual in our history.

But it is utopian in concept; it is no accident, I think, that Dr. Thomas Molnar called the idea of utopia the perennial heresy, and it is appropriate at this time to quote him on would-be utopians and the logical extension of their theories:

> . . . in the popular mind the utopian is regarded as an idealist who is dissatisfied with conditions in this Valley of Tears and wants to overcome the powers that be and to bring happiness to earth. Viewed in this light, the utopian is a poet, a prophet, a benefactor of the human race, the very salt of the earth.
>
> The facts in the case are otherwise. At utopia's roots there is defiance of God, pride unlimited, a yearning for an enormous power and the assumption of divine attributes with a view to manipulating and shaping mankind's fate. The utopian is not content with pressing men into a mould of his own manufacture; he is not a mere despot, dictator or totalitarian leader holding all temporal and spiritual power. His real vice is, first, the desire to dismantle human individuality through the dissolution of individual conscience and consciousness, and then to replace these with the collectivity and coalesced consciousness. In a raving moment, so the story goes, Caligula wished that mankind had only one head, so that he might chop it off with one blow. So, too, the utopian; he wants to deal with one entity to as to simplify his own task of transforming human nature into a slave. . . ."

In a purely chronological sense we are only 12 years away from 1984, the date made famous by Orwell's chilling novel of a future world where individuals are under an iron control truly hideous to contemplate. But the theories of Dr. Skinner and the behaviorists cannot help but make me think that we are even closer. We ignore the potential danger in these things only at our peril. What the Federal Government does today—influenced in whole or in part by ideas radically at variance with the most basic concepts of our Judeo-Christian heritage—cannot help but to some degree shape the lives of each of us.

I earlier quoted Dr. Skinner on his ideas of what would be the new scientific self-portrait. Skinner, like all utopians, paints this portrait in the most glowing colors. For myself, I believe the description was quite accurately written, some years ago, by Orwell, in his "1984":

> If you want a picture of the future, imagine a boot stamping on a human face—forever.

There are many things ahead of the American Republic, but dealing with our citizens as if they were a cage of white rats is not one of them.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I am opposed to this resolution. At the outset, I wish to state that the Committee on the Judiciary unanimously—and I emphasize the word "unanimously"—passed a resolution opposing this resolution offered by the gentleman from New Jersey (Mr. GALLAGHER) and other cosponsors.

Why? For the simple reason that the entire subject matter of the so-called Gallagher resolution is within the purview and jurisdiction of the Committee on the Judiciary, and the Committee on the Judiciary, through its various subcommittees, is at the very present time engaged in studying the various subject matters contained in the so-called Gallagher resolution.

House Resolution 164 would authorize a duplication of effort and an unnecessary expenditure of funds—and, by way of interpolation, another select committee was set up last year, and for the first session of this Congress the cost was $900,000. Now, do you want to spend another $900,000 when a standing committee can do the very same work? I do not think you want to enter into that kind of a tangle.

Now beyond that in the Organized Crime Act of 1970 Congress established the National Commission on Individual Rights. This Commission will deal with same subject matter as that deal with under the Gallagher bill. The National Commission on Individual Rights is composed of 15 members—four to be appointed by the Speaker of the House, four to be appointed by the President of the Senate and seven by the President of the United States.

Eight Members have already been appointed. They are:

In the House: Representative CELLER, Representative MIKV.., Representative McCULLOCH, and Representative SANDMAN.

In the Senate. Senator McCLELLAN, Senator ERVIN, Senator GURNEY, and Senator ROTH.

The White House is now considering

its seven appointees to this important Commission.

The statute charges the Commission with the responsibility for conducting a comprehensive study and review of Federal laws and practices relating to special grand juries and to special offender sentencing, wiretapping, and electronic surveillance, bail reform, and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action.

The Commission is authorized to make interim reports as it deems advisable and shall make its final report to the President and the Congress within 6 years of its establishment.

Mr. Speaker, the Committee on the Judiciary processed the legislation establishing the Commission on Individual Rights and four of its members have been appointed to serve on the Commission. The Committee on the Judiciary is clearly involved.

The charge to the National Commission on Individual Rights is broad—it is empowered to consider all Federal laws and practices "which in its opinion may infringe upon the individual rights of the people of the United States." No one should minimize the significance of this Commission nor of the contribution it can make to privacy and personal liberty.

Mr. Speaker, the Committee on the Judiciary is proud of its achievements and trust it may be permitted to continue to fulfill its obligations.

Today the Committees on the Judiciary of both Houses have liaison with the work that this Commission on Individual Rights is to perform.

Now should we have another group, a third entity, the so-called Gallagher committee, to do the very same work that the Commission is authorized to do—to examine invasions of privacy by data processing and wiretapping, electronic eavesdropping and surveillance, all of which are embraced in the Gallagher resolution? These also are the subject matters within the jurisdiction of the Committee on the Judiciary.

I must, if I am a responsible chairman, protect the integrity of the Committee on the Judiciary. I am very proud of the members of my committee. They are all well-known lawyers with great expertise. They have fine reputations.

The Committee on the Judiciary has been the very citadel of civil rights—a fortress that protects the Nation in a great degree from the diminution of civil rights and the invasion of privacy.

Where have we been derelict that you must substitute for our work by the establishment of another committee?

Mr. Speaker, I defy anyone to say where we have been derelict.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the distinguished gentleman from New York.

Mr. ROSENTHAL. Would the distinguished gentleman from New York detail for us the activities of the Committee on the Judiciary, for example, in the last session of the Congress concerning the invasion of privacy?

Mr. CELLER. We have been engaged in those subjects that I have just mentioned.

Now with reference to the collection of criminal histories and data processing, currently the Committee on the Judiciary is actively involved in developing a variety of legislative programs intimately connected to questions involving the right of privacy.

For example, the committee staff has obtained a selected sample of actual arrest records used by law enforcement agencies. The staff is analyzing these records and is engaged in drafting a bill relating to the extremely troublesome problems generated by the compilation of such records and other data collected by law enforcement agencies.

Subcommittee No. 4 under the chairmanship of the distinguished gentleman from California (Mr. EDWARDS) plans in the near future to hold hearings on this subject—the abuses and evils resulting from the collection, accumulation, and dissemination of arrest records.

They will consider the so-called national data bank containing criminal histories to which reference is made in the pending resolution.

The Judiciary Committee also has pending before it legislation recommended by the administration which deals directly with the law enforcement administration's programs affecting police information.

In the Congress the Committee on the Judiciary has also established a Subcommittee on Civil Rights Oversight which has become extremely active in monitoring the policies of the executive branch in the civil rights area. If the avowed purpose of House Resolution 164 is to concern itself as stated on page 2 of the resolution with "civil rights," then I submit that the function of the select committee clearly overlaps and unnecessarily duplicates the oversight responsibilities of the Judiciary Committee.

So I say to the gentleman from New York that we are actually working on the very subject matters of this resolution.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the distinguished gentleman from New Jersey.

Mr. GALLAGHER. There is not one word involved in this resolution about bugging, wiretapping, or surveillance. That is all within the purview of your committee, and I would hope that you would begin to do something about that. That is not within the scope of my resolution.

Mr. CELLER. I do not think the gentleman is familiar with the words of his resolution.

Mr. GALLAGHER. I am familiar with the words.

Mr. CELLER. I will read from page 2 of the resolution the following:

> Whereas Congress needs a committee ready and able to evaluate the effects of technology on the operations of Government, on the democratic institutions and processes basic to the United States, and on the basic human and civil rights of our citizens—

What do you call civil rights?

Mr. GALLAGHER. A civil right could be a right that is not affected by wiretapping, bugging, or surveillance. That is what I am talking about.

Mr. CELLER. But I know human nature, and you would expand that very phrase to embrace——

Mr. GALLAGHER. I would not get involved with the jurisdiction of the Committee on the Judiciary.

Mr. CELLER. I want to answer you. I know human nature, and human nature is resonant within your bosom. You would expand that to a fare-thee-well. You would cover the waterfront.

Mr. GALLAGHER. My bosom is full of concern, Mr. Speaker. I have been involved in this for 7 years and it is a bigger concern in the bosom of all Americans than the parochial concern of a possible overlapping of jurisdiction.

Mr. CELLER. Do not interrupt me, please.

Mr. GALLAGHER. You asked me a question.

Mr. CELLER. I am willing to yield to the gentleman in a parliamentary way, but I am now pointing out that I am sure you would expand those phrases to mean anything and everything involving civil rights, and who has the jurisdiction by virtue of the rules of this House concerning civil rights? Not a select committee, but the Committee on the Judiciary.

Mr. Speaker, there is no committee in the House of Representatives which is more cognizant of the importance of the right of privacy than the Committee on the Judiciary. I urge that our committee's jurisdiction not be dismembered and that House Resolution 164 be opposed.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr POFF To underscore and reenforce what the distinguished chairman has just said, I suggest that there is a more likely field in the language of House Resolution 164 for venturing into investigations involving civil rights. That language begins on line 17 of page 2 and reads in part as follows:

> The committee shall also study the use of computers and other technical instruments in gathering and centralizing information on individuals—

That is clearly the field of investigation of civil rights.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LATTA. Mr. Speaker, does the gentleman desire more time?

The SPEAKER. Does the gentleman from New York desire additional time?

Mr. CELLER. Yes, just 2 more minutes.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York.

Mr. CELLER. I just want to say to the gentleman from Virginia that there are a few other words that he might read beginning at line 17, page 2. I read now on line 19, as follows: "in gathering and centralizing information on individuals and the effect of such activity on the human and civil rights."

In other words, there is a repetition

of the references to civil rights. I cannot for the life of me see why the gentleman from New Jersey would be willing to confine himself in such a way as not to poach on the preserves of the Judiciary Committee in relation to civil rights. I therefore submit that it would be highly unfair to adopt this resolution. It would be equivalent to a blow on the escutcheon of the Judiciary Committee. I ask in the utmost good faith that you let us do our work untrammeled. We have justified, I think, the faith that you have in us, and we will, by the dry light of reason and with an understanding heart, conduct these inquiries that are demanded by the country generally and which are envisaged in this resolution now before us.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, I oppose House Resolution 164. I oppose House Resolution 164 not because I oppose an inquiry into the impact of computer technology on our lives but because I oppose the unnecessary proliferation of House committees and the encroachment upon the jurisdiction of a committee most vigilant in protecting the right of privacy.

The Committee on the Judiciary has been charged by this body with the duty of safeguarding civil liberties. In my opinion, the committee has done its duty, is doing its duty, and will continue to do its duty. There is no need for a new committee to study the impact of computers on the right of privacy. We members of the Committee on the Judiciary are well aware of the intricate and complex problems raised by technological advances. I have introduced a bill, H.R. 10789, cosponsored by all the other Republican members of Subcommittee No. 5, which would be a start at balancing our desire for progress with our desire for privacy. The chairman of the committee has also introduced a bill, H.R. 10892. And I understand that the chairman of Subcommittee No. 4 is working on legislation regarding the accuracy and security of arrest records.

Mr. Speaker, I am inclined to remind the Members of the House that this committee's jurisdiction over the right of privacy was reconfirmed several years ago when we first assigned the duty to explore the use of electronic systems.

The Congress works best when it uses the committee system and the committees work best when they divide the work and develop expertise. The success of the system depends upon our ability to resist the temptation to do somebody else's work so that we can capture a few headlines. Thus I urge the Members of this body to resist that temptation, preserve the committee system, and vote no on House Resolution 164.

Mr. LATTA. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Keating) such time as he may consume.

Mr. KEATING. Mr. Speaker, at this time I rise in opposition to the creation of this committee.

Mr. Speaker, I am strongly opposed to the Enactment of House Resolution 164. calling for the establishment of a Select Committee on Privacy, Human Values, and Democratic Institutions.

While sharing the concern of my colleagues for the protection of our privacy, I am also concerned with making the House an effective legislative body.

It is my belief that this proposed select committee, while intended to deal with legitimate issues, would only duplicate existing jurisdiction of the House Judiciary Committee.

The creation of this committee would necessitate the hiring of more staff, the expenditure of more money, and the allocation of additional resources to an area adequately covered at the present time.

It is my strong belief that it would be irresponsible for Congress to create a separate committee to deal with each issue affecting our Nation. If we were to adopt this policy across-the-board, we would witness the disintegration of the committee system into utter chaos.

Senator Sam Ervin is now conducting extensive hearings on these very issues in the Senate Judiciary Committee. I have complete confidence the House Judiciary Committee will address itself to any urgently needed legislation in this area and hopefully will have its own hearing shortly. I am sympathetic to the stated purpose of this resolution.

Nevertheless we have an obligation to organize the committees of Congress in such a way as to operate in an effective manner, and in a manner responsive to the needs of our Nation. The bill presently before us, however, will not move us in that direction.

Mr. LATTA. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia (Mr. Poff).

Mr. POFF. Mr. Speaker, I shall vote against House Joint Resolution 164.

I shall do so reluctantly. I am reluctant because I am fearful that a "nay" vote may be interpreted as a criticism of the purpose of the bill. Such an interpretation would be a misinterpretation. I favor the purpose of the bill.

Indeed, in company with several colleagues on the Committee on the Judiciary, I introduced H.R. 10789, a bill with a similar purpose. In part, the title of our bill is "to insure the security and privacy of criminal justice information systems." It is addressed to the same concern which prompts House Joint Resolution 164, namely, the impact of computer technology upon individual privacy. It regulates the accumulation, storage, retrieval and use of criminal offender record information and criminal intelligence and prescribes both criminal penalties and civil damages for violations.

To repeat, I share the concern which motivates the authors of House Joint Resolution 164. We need to master the machine before the machine masters us.

I am voting against House Joint Resolution 164 in order to register a vote for the committee system. Without the committee system, the legislative process would collapse. The sweep of congressional jurisdiction is so broad and the issues with which Congress deals are so complex that no single member can master every single item of legislation. Accordingly, the congressional workload is subdivided and compartmentalized. It is subdivided by jurisdictional subject matter and compartmentalized among the standing committees. Working within these compartments, committee members have tended to specialize in the subject matters assigned to their committee. Undistracted by extraneous matters, they have developed an expertise which equips them to make sound judgments. This subdivision of jurisdictional responsibility has improved the quality of the legislative product.

But the committee system itself will not work unless the rule of exclusivity of jurisdiction is rigidly enforced. Rule XI of the rules of the House of Representatives reads in pertinent part as follows:

> All proposed . . . matters relating to the subject listed under the standing committees named below shall be referred to such committees, respectively:
>
> 13. Committee on the Judiciary . . . (d) civil liberties.

As I said earlier, the principal concern of House Joint Resolution 164 is the impact of technology on civil liberties. The mandate of the committee it would create is found in the language on page 2 of the bill. That language cannot be construed except as a license to trespass upon the jurisdictional domain of the Committee on the Judiciary.

The issue is not whether the House has the power to grant that license. Clearly, the House has such a power. Indeed, the House has the power to abolish the Committee on the Judiciary if it chooses to do so.

Rather, the issue is whether it is wise for the House to exercise that power. Is it wise to bypass the standing Legislative Committee which was created to oversee and protect civil liberties? I submit that for the sake of the preservation of the committee system, it is unwise. I suggest that neither is it justified ever to bypass a standing committee except when that committee has failed to perform under its legislative mandate.

The Committee on the Judiciary has not failed in the past. It is not failing today. It will not fail tomorrow. Subcommittee No. 4 has already undertaken the drafting of legislation to protect the privacy of those with criminal arrest records. Although hearings have not been scheduled on H.R. 10789, I am confident that hearings will be held as soon as the extremely heavy workload of the committee permits. I fully expect that one of the subcommittees will act on this or similar legislation in this session.

The Committee on the Judiciary has not been derelict in its duties. It does not deserve a rebuke. House Joint Resolution 164 should be defeated.

It is not as though this were the first exposure that the Congress had to this subject. As has already been detailed by the distinguished gentleman from Ohio, the very next bill on the calendar will establish an office with essentially the same legislative mandate; namely, to advise the Congress concerning the impact of computer technology on individual privacy.

In 1970 this Congress passed the Organized Crime Control Act of 1970. Title XII of that act created a new commission to be called the National Commission on Individual Rights. The mandate of that commission is, and I quote from that act:

> To conduct a comprehensive study and review of Federal laws . . . and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action.

That commission will operate with an open-end authorization. The new office which the Congress is about to consider will have an authorization of $5 million. The Committee on the Judiciary goes before the Committee on House Administration tomorrow to get its annual appropriation, and I suggest it is only fair, proper, and prudent to commit to the Committee on the Judiciary where it belongs the responsibility for legislative oversight of this delicate matter.

So, Mr. Speaker, I earnestly trust that the legislation will be rejected.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, during the first session of this Congress the Committee on Rules reported to the House a resolution, House Resolution 164, which would establish a Select Committee on Privacy, Human Values, and Democratic Institutions. The Committee on Rules recommended that this resolution be passed and the measure now awaits the action of the full House. It is my opinion that the creation of this select committee is quite unnecessary as it both duplicates and invades the jurisdiction of one of the standing committees of the House.

The Committee on the Judiciary, one of the oldest standing committees of this Chamber, is specifically empowered under the rules of the House to consider all legislation in the area of civil liberties introduced in this Chamber. While the intent in creating this select committee may be the desire to focus exclusive and exceptional attention on the problem which is its subject matter, we cannot so easily dismiss the established outstanding record of the Committee on the Judiciary in the area of civil liberties and, most recently, civil rights. Since 1965 it has been my privilege to serve on this committee and to observe and participate in its proceedings. I can, therefore, testify to both the dedication of my colleagues serving on this panel and their appreciation of the guarantees of the law regarding the rights of the citizenry.

Mr. Speaker, those of us who serve on this committee under the leadership of our distinguished chairman, the gentleman from New York (Mr. CELLER) are prepared to consider the issues and problems this select committee might discuss. I believe I can speak for my fellow committee members when I say that we have met our responsibilities in the past, we stand ready to meet this task now, and we are firm in our commitment to maintain our vigilance in the future when the rights and liberties of the people are threatened. While special and select committees may be created in some particular hour of need and later fade away, the standing committees of this Chamber are continuous in their dedication, resourcefulness, and concern with the problems facing this Nation.

Mr. Speaker, in the consideration of the organized crime bill at the last session of the Congress, a general prohibition against private wiretapping was included. The measure authorized limited electronic surveillance—with court approval—or—in cases of national security—with the approval of the Attorney General. Mr. Speaker, during this Congress the oversight Subcommittee of the House Judiciary Committee has investigated the exercise of civil rights with respect to voting, housing, education, and other subjects. I am privileged to serve on this subcommittee—which specializes in protection of basic civil rights. The staff of the House Committee on the Judiciary is professionally equipped for and fully capable of conducting the investigations relative to protecting rights of privacy which are threatened and jeopardized by modern technological and scientific equipment and practices.

Mr. Speaker, I urge the defeat of House Resolution 164.

The SPEAKER. The gentleman from Ohio has 7 minutes remaining, and the gentleman from Indiana has 10 minutes remaining.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker and Members of the House, I wholeheartedly subscribe to the principles and objectives set forth in House Resolution 164, but I am concerned about the thrust of the resolution into the area of intelligence gathering in the field of crime and subversion.

In this area I would say to the sponsor of the resolution I do not think that the problem lies in the amount of information compiled or whether or not computers are being used but, rather, as to who is gathering the information and how the information is being used. The recent donnybrook concerning intelligence gathering by the Army is a good example.

This is an area where we experience a large number of complaints concerning the invasion of individual privacy, but I say that intelligence gathering in this area is highly essential, if not indispensable, to the preservation of individual rights.

Police agencies, for example, must have good intelligence or individual rights will be violated. Indeed, most of the legitimate complaints in this area arise out of the fact that inadequate and insufficient intelligence work has been done. Mistakes will be made from time to time, but poor intelligence or the lack of any intelligence enhances the possibility of mistake.

So I would like to ask the gentleman if he intends his resolution to get into the area of the jurisdiction of the House Committee on Internal Security.

Mr. GALLAGHER. No, it does not. I think there is a definite jurisdictional question here, and I recognize it. What this select committee would like to get into is not criminal surveillance or surveillance of genuine subversives. We will take action that will protect the average good American citizen who is not a subversive, not a criminal, but who finds the Federal Government breathing down his neck, modifying his behavior, and turning over his future and the future of his children to an elite which has contempt for the Congress and a hatred of individualism and human values. We would try to prevent America moving "Beyond Freedom and Dignity."

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding. I rise in opposition to the resolution.

Mr. SEIBERLING. Mr. Speaker, I rise in opposition to the proposed resolution. It not only invades the jurisdiction of the Judiciary Committee to the extent that it deals with the right of privacy, but it goes far beyond that. I will read what the resolution says, starting on line 9, page 2:

> The committee is authorized and directed to conduct a full and complete investigation and study of the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operations of industry and Government—

It goes on to say:

> and the effects of technology and machines on democratic institutions and processes.

This resolution goes way, way beyond the question of the right of privacy and would, in fact, overlap the jurisdiction of one of the other committees of which I am also a member, the Science and Astronautics Committee, which is coming up with a bill just after this resolution, which bill, among other things, will establish an Office of Technology Assessment to assist all committees of the House in getting information about the effects of technology on matters coming within their particular province. I will read from that bill. It reads as follows:

> The present mechanisms of the Congress do not provide the Legislative branch with adequate, independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

I share the concern of the gentleman from New Jersey about the impact of technology on the rights of citizens, including the right of privacy, but I believe that the Judiciary Committee can and will deal with that within its own particular area of expertise.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Speaker, I think these issues that we have been discussing this afternoon are quite simple and quite clear. To me, at least, it is abundantly clear that all of us are affected by governmental intrusion into our private lives. So, while we agree that something must be done, we then come up to the difficult question of who should look into it.

My judgment is that through the years oversight has been our one weakness. Legislative committees have not had the momentum nor the initiative to do a good oversight job and as a result thereof new or select committees have to be established which cross jurisdictional lines and it is often the case that the jurisdiction of many committees are touched.

But, Mr. Speaker, it seems to me that the objections stated in the well by those members of the Judiciary Committee who are naturally loyal to my distinguished chairman, the gentleman from New York (Mr. Celler), who objects earnestly and honestly—and I say this with some trepidation, those objections are rather picayune and parochial.

If you want the job done, let us get it done. Let us not continue to beat this dead horse of "jurisdiction." We all agree that we do not want an invasion of individual rights. But, the existing committees are surrounded by the moats of jurisdiction much as are castles. I believe there is an urgent need for this massive job to be performed by a select committee.

I am delighted that there are Members of Congress such as the gentleman from New Jersey (Mr. Gallagher) who are willing to accept the responsibility. I am dismayed that there are members who are still standing on the parochial view, "Please do not invade our jurisdiction."

I think we ought to rise above this kind of parochial view if we really want to do anything to prevent this intrusion into our private lives. Therefore, Mr. Speaker, we ought to support this resolution wholeheartedly.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Heinz).

Mr. HEINZ. Mr. Speaker, I rise to indicate my opposition to House Resolution 164, not just because I feel that it is duplicative of existing committee assignments and structure, but because I think it is time we took a critical look at our priorities and the resources available to deal with them. Mr. Speaker, the enactment of this unwise legislation not only would cause conflicts with existing committee jurisdictions, but also will clearly signal that we have turned our backs on our senior citizens as well, and at a time when have every reason to expect fair and equitable consideration of their special problems by the Congress.

I would like particularly to recall that in August of last year, when there was considerable justification to establish a select or special committee for the benefit of the 20 million older Americans in this country today, it was pointed out at the time that we did not have sufficient space resources here in the Congress to actually make the facilities available for such a committee.

I serve on the Committee on Government Operations, and on the Subcommittee on Special Investigations thereof, under the gentleman from Missouri (Mr. Randall) and the gentlewoman from New Jersey (Mrs. Dwyer) that deals with the problems of the aged. I must say that I feel very strongly that the establishment of the committee proposed under the resolution now under debate would serve unkind and unfortunate notice that we care little if at all for the 20 million older Americans, many of whom have very real problems maintaining their very dignity as human beings.

I cannot justify the establishment of the select committee proposed by House Resolution 164 when I believe its creation would dilute and detract from the efforts of this Congress in other areas vital to the national interest.

Mr. Speaker, I want to make clear that I firmly believe that the invasion of privacy and the misuse of the power of modern information technology is a legitimate and serious problem that we must recognize as a treat to the basic principles of democracy.

There are far too many examples of individuals having been harassed, deprived of credit or the opportunity for gainful employment. This national concern has been properly recognized by many of us in Government. Only last June, a U.S. district court, in barring the distribution of arrest records by the FBI to nongovernment sources, pointed out the necessity of a national regulatory policy on credit reporting.

But I would respectfully point out that two existing committees, the Judiciary Committee and the Government Operations Committee, have potential and actual jurisdiction over this problem, and that I am convinced this problem can be dealt with by using existing committee resources and saving the taxpayer considerable additional expenditures by doing so. I am sure these committees and the specific subcommittees involved are capable of conducting the necessary oversight and investigatory activities so that effective monitoring can be a fact right now.

Frankly, I think we have here a case of mistaken and confused priorities to the detriment of the national interest, and I respectfully urge my colleagues to join me in opposing the measure known as House Resolution 164.

The SPEAKER. The gentleman from Ohio (Mr. Latta) has 3 minutes remaining.

Mr. LATTA. Mr. Speaker, I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield 6 minutes to the author of the resolution, the gentleman from New Jersey (Mr. Gallagher).

CALL OF THE HOUSE

Mr. ROSENTHAL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. TEAGUE of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Abourezk
Alexander
Ashbrook
Aspinall
Bell
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Cabell
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Colmer
Corman
Davis, Wis.
Dellums
Diggs
Dorn
Downing
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Ford, William D.
Forsythe
Galifianakis
Garmatz
Giaimo
Gibbons
Griffin
Hansen, Wash.
Hawkins
Helstoski
Hillis
Kemp
Koch
Kuykendall
Landgrebe
Leggett
Lennon
Macdonald, Mass.
Melcher
Monagan
Moorhead
O'Konski
Pelly
Poage
Pryor, Ark.
Quie
Rees
Ruppe
Ruth
Satterfield
Scheuer
Skubitz
Springer
Stanton, J. William
Steiger, Ariz.
Stubblefield
Thompson, N.J.
Vanik
Wiggins
Wyman

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SELECT COMMITTEE ON PRIVACY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

The SPEAKER. The gentleman from New Jersey (Mr. Gallagher) is recognized for 6 minutes.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the distinguished gentlewomen from Missouri.

Mrs. SULLIVAN. Mr. Speaker. As I understand it, this proposed special committee would not have any legislative powers, and would not, therefore, take away any jurisdiction from the committee on which I serve—the House Committee on Banking and Currency.

I say this, because our committee had many days of hearings on the privacy of the individual in connection with the Fair Credit Reporting Act.

That act was the first Federal law ever written to regulate the heretofore anonymous and unsupervised credit reporting bureaus and has given consumers important new protections against false, malicious, erroneous, or incomplete credit reports.

Prior to the passage in October 1970, of title VI of Public Law 91–508 as a new title VI of the Consumer Credit Protection Act of 1968, untold numbers of Americans were denied credit, insurance, or employment because of adverse reports from credit bureaus, without knowing what information had been used against them, or where it had come from. They had absolutely no recourse. Now, they do have recourse.

The gentleman from New Jersey (Mr. Gallagher) was one of the strongest supporters of that legislation, which I call the "Good name" Protection Act, and was the first witness we heard on the legislation in the Subcommittee on Consumer Affairs during hearings in 1970. So I know how deeply concerned he is over the whole problem of invasion of privacy.

As long as the proposed special committee is intended to study the whole problem of invasion of privacy from a variety of standpoints, rather than merely second-guess our work in the Banking and Currency Committee on the Fair Credit Reporting Act, I have no objection to the bill.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. Yes, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I support House Resolution 164. I believe it is essential that the House move promptly to investigate the impact of the computer on the privacy of the American citizen.

Today we have an opportunity to resume our inquiry into the fate of the individual in a highly technological society. From 1965 to March 1971, the Special Subcommittee on Privacy of the Government Operations Committee called our attention to a number of disturbing conditions:

In 1966 the subcommittee investigated the proposal to establish a national data center to centralize and computerize the records of the individual Federal agencies. The proposal had been made without sufficient consideration of its implications for private citizens. There was danger of consolidating individual dossiers, of incorporating inaccurate information, of misusing the information collected, and of breaching any safeguards of germaneness and legitimate need to know.

In 1968 the subcommittee looked into commercial credit bureau operations and found them amassing and trading not merely financial but even political and behavioral data on some 100 million citizens—information which might or might not be accurate, information which could result in loss of job or home, information which could be obtained by practically anyone. Wisely, the Congress responded by enacting the Fair Credit Reporting Act.

In 1970 the subcommittee disclosed Federal support for the use of amphetamines to modify the behavior of some 200,000 to 300,000 American schoolchildren. The drugs were intended to treat certain dubious learning disabilities in hyperactive children.

Finally, by giving notice to hold hearings, the subcommittee shot down a proposal under serious consideration in the administration in 1970 to test all children for personality disorders. The purpose was to attempt to predict delinquent behavior.

A year ago the subcommittee was terminated, not for lack of business but rather because the parent committee supposedly lacked jurisdiction. Having made a promising start, it is well that the work should be continued.

The Constitution established certain fundamental principles for the protection of individual privacy—for due process and free religious belief, against self-incrimination and unreasonable searches and seizures. But the Bill of Rights was written in a far simpler world.

Today few practical obstacles to invasion of privacy still exist. Advances in information technology, medicine, and behavioral science make it relatively easy to affect, for better or worse, the lives of millions of people with the best of intentions.

We are all aware that the computer has produced an information revolution. Never before has so much information about so many individuals been so accessible and easily disseminated. Generally speaking, this is a desirable development. It promises to increase our capacity to make intelligent, rational social policy choices.

In theory the computer is a superbly impersonal machine. It does not, by itself, pry into the private affairs of citizens nor make insidious discriminations among them. However, personal facts which are fed into computer information systems always involve evaluation in the process of selecting what to record, the language in which it is formulated, and the classification of these with other facts.

According to Prof. Alan Westin, author of "Privacy and Freedom," these evaluations become the significant facts about an individual, first in his dealings with large public and private bureaucracies, potentially his relations with his associates, and perhaps ultimately in his estimation of himself. The result can be to curb personal initiative, interfere with free expression and association, and make it impossible for people to escape from errors of their past.

The hearings of both the special Subcommittee on Privacy and the Senate Subcommittee on Constitutional Rights proved that apprehension about this prospect is well founded and demonstrated that adequate safeguards for the collection and use of personal information by Government and private concerns have yet to be written.

I urge support for this resolution.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from California.

Mr. SCHMITZ. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, the danger of a massive, Orwellian invasion of the privacy of the American people as a result of the explosive growth of our technological capabilities transcends all partisan and ideological lines. It ought to be of deep concern to every Member of this body. It is far too important an issue to be smothered in petty arguments over committee jurisdiction. It is so important that it ought to override even the great reluctance felt by those of us who are committed to fighting big government, to create any new committee for any purpose in view of the large numbers of committees already in existence in every part of the Federal Government and their general record of ineffectiveness or worse.

Establishing this Select Committee on Privacy, Human Value, and Democratic Institutions—I would have preferred the Americanism Institution—is like setting up a new branch of our Armed Forces. It could—and the past performance of Congressman GALLAGHER's Special Subcommittee on Privacy of the House Government Operations Committee has indicated that it would—stand in the front lines of the battle against tyranny. It would be a new committee to protect us from new committees of behavior controllers such as B. F. Skinner, who would use the new technology to destroy human freedom and dignity, as the title of his latest book unabashedly proclaims, programing our lives and even our thoughts along the lines they think are socially desirable.

In September of 1970 the gentleman from New Jersey (Mr. GALLAGHER) chaired the subcommittee which held hearings on the use of the widely abused drug amphetamine to modify the behavior of hundreds of thousands of young schoolchildren throughout the Nation who have no detectable physical or mental disease, but are merely a little more rambunctious in class than average. He brought before Congress and the Nation evidence of the tremendous pressures put on parents of lively little boys in public schools to give their consent to the administration of mind-deadening drugs to their children—pressures which, according to testimony presented to the committee, emanated from administrators and teachers who seem to have regarded the drugs as a shortcut to solving classroom disciplinary problems and from doctors who found wholesale prescription of amphetamine-containing pills such as Ritalin to be financially profitable.

As the gentleman from New Jersey has said:

> The use of behavior modification drugs on at least 250,000 grammar school children, as disclosed by the Privacy Inquiry's hearing in September 1970, only hints at the widespread biochemical manipulation of Americans in all walks of life. Psychosurgery or brain mutilation is now increasingly popular to control those who show only minor deviations from supposedly acceptable behavior. Genetic engineering is low gaining prestigious support as a means to assure American society a tranquil work force.

Yet despite these looming dangers, the special Subcommittee on Privacy has been dropped by the Government Operations Committee. Without the new committee this resolution would create, we have nothing to take its place, no committee willing and ready to undertake the task of investigating the latest startling disclosures in the field of behavior control, presented in the following article by nationally syndicated columnist Paul Scott, released January 5:

> WASHINGTON, January 5.—One of the best kept secrets in government today is the amount of federal funds being spent in the behavioral research field and the scope of these investigations.
>
> No one in Congress or the Executive Branch is willing or can tell you the government's full involvement. Not even the General Accounting Office, the congressional watchdog on government spending, claims to know.
>
> This is the amazing finding of Representative Cornelius E. Gallagher (D. N.J.), who is seeking a full-scale congressional investigation of government activities in this highly sensitive field.
>
> Gallagher's inquiry request, which the House will vote on when it convenes later this month, was triggered by the discovery that the National Institutes of Mental Health had granted $283,000 to Dr. B. F. Skinner, author of the controversial book "Beyond Freedom and Dignity".
>
> The highly questionable grant, running through 1974, was made by NIMH to free Skinner, Chairman of the Psychology Department at Harvard, from teaching and research repsonsibilities so that he could pursue "scholarly activities".
>
> These activities have consisted mainly of

> his writing the controversial book and appearing all over the country on television and at symposiums to talk about and promote his idea of government controls over the way we think and live.
>
> When Gallagher sought information about the Skinner grant and the scope and amount of government spending in the behavioral research field, the General Accounting Office reported back that the task was virtually impossible.
>
> Agency officials stated that there were tens of thousands of behavioral research projects being financed by government agencies. A preliminary check turned up 70,000 grants and contracts at the Department of Health, Education and Welfare (HEW), and 10,000 within the Manpower Administration of the Labor Department.
>
> Thousands of additional behavioral projects, costing millions of dollars, also are being financed by the Defense Department, National Aeronautics and Space Administration, and the Atomic Energy Commission, according to the General Accounting Office's survey.
>
> While the main center of the government's behavioral research activities appears to be concentrated within HEW, now the biggest spender in government, so many other agencies and departments are involved that GAO officials claimed they had neither the money nor the manpower to make a meaningful investigation.
>
> Tip of the iceberg—In circulating to House members these and other details of the government's deep involvement in this field, Representative Gallagher hopes to convince lawmakers of the need for an extensive inquiry to determine if there is any "grand design" to these activities.
>
> It is Gallagher's contention that the Skinner grant is only the tip of the iceberg and that millions of dollars in federal grants are being spent in such a way that could bring about what is proposed in "Beyond Freedom and Dignity"—to alter modern life by conditioning the behavior of each citizen by positive or negative reinforcements.
>
> Gallagher doesn't oppose Skinner's right to advocate his thought-controlling proposals as a member of his profession or a private citizen but he does question whether the government should subsidize them since "they threaten the future of our system of government by denigrating the American traditions of individualism, human dignity, and self-reliance."
>
> The power of computerized information systems, coupled with mood creating or altering biochemical discoveries, provide an overwhelming new tool for those who, like Skinner, feel that social engineering is more important than individual freedom.
>
> In Gallagher's opinion, these technical developments answer those who would dismiss Skinner's ideas as being impossible to implement and are the basic reasons why members of Congress should take the threat he represents very seriously.
>
> Wide influence—Most disturbing to Gallagher is the great influence that Skinner has among psychiatrists in and out of government. The huge grant by the National Institutes of Mental Health clearly indicates his influence within the government.
>
> In a recent Johns Hopkins University poll, psychology faculties and graduate students around the nation named Skinner as the most respected social scientist alive despite his thought controlling proposals. A Southern Methodist University poll found that he was the only living man among the 10 great minds in the history of psychology.
>
> These simple facts, Gallagher says, reveals the need for Congress to take a long, hard look at the federal government's role in promoting Skinner and his "new man" concept that in many ways is like that proposed by Aldous Huxley in his novel "Brave New World".
>
> Other lawmakers will be given a chance to show whether they agree with Gallagher when a proposal to create a Select Committee on Privacy, Human Values and Democratic Institutions, comes to the House floor this month.
>
> Sponsored by Gallagher and Representative Frank Horton (R.N.Y.), the proposed investigating committee would undertake the inquiry to determine where the government's behavioral research is taking the nation.
>
> Powerful forces within the American Psychiatric Association are already putting intense pressure on vacationing members of Congress to vote against the Gallagher-Horton inquiry. Apparently they are opposed to having the American people learn how their money is being spent to change their way of living. The shock might wake up the nation to the possibility that 1984 is much closer at hand than most of us ever dreamed.

Senator ERVIN of North Carolina, well known as a champion of the right to privacy, has said:

> There is a real need in the Congress for a committee which can devote its full attention to a study of privacy as a human value necessary to our society. In particular, I see a need for a continuing study of those elements of the new technology, the machines, devices, instruments, methods, and attitudes which bring many benefits to society but which also may sometimes be used to violate privacy and threaten the liberty of individuals.

The privacy destroyers by all indications are smoothly organized and well financed. We need to know a lot more about them, and can well afford the comparatively small cost and the minor jurisdictional problems involved in setting up the proposed new Select Committee on Privacy, Human Values, and Democratic Institutions, to find out what we need to know. House Resolution 164 deserves a strong vote of support by this House.

Mr. GALLAGHER. Mr. Speaker, I have but a few minutes to try and sum up what I think is going to be the significant issue of the seventies when the war is concluded. That is the preservation of human values and democratic institutions, and the expansion of meaningful guarantees of the Bill of Rights in our technology-dominated society.

Mr. Speaker, we have heard a great deal said about jurisdiction. Now we find that everyone has a bill by which they are going to protect privacy, but the fact of the matter is that none of these bills have passed, and while it may be true that the Committee on the Judiciary does have jurisdiction, I am not poaching on that jurisdiction. And the fact is the Committee on the Judiciary has done nothing about the privacy issue other than to its new invasions of privacy.

Mr. Speaker, I am deeply distressed by the opposition of the dean of the House—the distinguished chairman of the Judiciary Committee and civil libertarian of long standing, Mr. CELLER—to the creation of the Select Committee on Privacy, Human Values, and Democratic Institutions. I yield to no one on this floor in my high regard for the Congressman from New York for his outstanding service in defense of our constitutional rights and liberties. In truth I am more than a little shocked and surprised to find the distinguished chairman on the opposite side of the issue on this first clear-cut and all-important vote on privacy in the House.

I would like the House to know that I have met with Chairman CELLER, written to Chairman CELLER, offered compromise language to amend this resolution any way he wants it, indeed pleaded with Chairman CELLER so that we might not be on opposite sides on this issue. But as you can see without success.

I would like the House to know what I said to the distinguished dean. I reminded him of the fact that privacy is an issue of paramount importance both to the people of this country and to the House which represents them. A vote for the select committee is a vote to insure a constant continuing focus by this House upon potential invasions of privacy—whether intended or unwitting. With this focus we hope to achieve the kind of early warning system that will ring bells and flash lights as the right of our people to be let alone is threatened.

Once the select committee fulfills this function of alerting the House to such dangers it has done what it is supposed to do. From that moment it can and will step aside and let the various standing committees with their legislative jurisdiction take up the challenge.

That is what I told the chairman. And that is my understanding of how select committees are supposed to operate—on privacy or on any other issue, for that matter. In effect a select committee is a servant both of the House and its legislative committees. It provides constant and undivided attention to an area that Members feel is worthy of such attention and that does not fit neatly into the jurisdictional ambit of any particular legislative committee. And as the select committee does its job it feeds its results to the legislative committees with the appropriate jurisdiction so that they can consider and frame the appropriate legislative remedies.

I also reminded the distinguished chairman of the Judiciary Committee that this pattern of service to the legislative committees and subcommittees of the House was my method of approach during the 7 years that I headed the Government Operations Committee's Special Inquiry on Privacy. There are many chairmen of legislative committees and subcommittees here today who know the truth of this. For we have worked together—I for my part providing them with the information they needed to hold hearings and to pass legislation.

Mr. Speaker, let me single out several of these distinguished chairmen—all of whom, incidentally, are strong supporters of a vote to establish the Select Committee on Privacy.

I would mention first my pleasure in cooperating on abuses of the credit reporting industry with the gracious Congresswoman from Missouri—LEONOR SULLIVAN. I was able to spotlight some of the more flagrant abuses in hearings of March and May of 1968. Then Mrs. SULLIVAN took over with her Consumer Subcommittee of the House Banking and Currency Committee.

Another subcommittee chairman with whom I have worked to advance the cause of privacy is Chairman NIX of the Subcommittee on Postal Facilities. Chairman NIX has already held two hearings—and plans another further along in this session—on the abuses of the junk mailers in their access to and use of computerized mailing lists.

And the distinguished Californian and subcommittee Chairman CHARLES WILSON and I have been able to join forces to attack privacy problems inherent in census taking. His Subcommittee on the Census has held fruitful hearings in this area.

I would like also to mention the services in the cause of privacy of two distinguished subcommittee chairmen of the Education and Labor Committee—EDITH GREEN and JOHN BRADEMAS. Both of these chairmen are alert to the dangers that lurk behind the so-called technology of behavior advocated by Harvard psychologist B. F. Skinner. The use of drugs to modify behavior and of psychosurgery to pacify those who have the misfortune to deviate slightly from whatever some expert or another considers as "normal behavior" are the sorts of monstrous invasions of citizens' bodies and brains that demand the attention of the Education and Labor Committee.

There are, of course, other chairmen of legislative committees and subcommittees and members of both who also have helped to fight the good fight for privacy. And I would like to take this opportunity to salute them and to pledge the unstinting support of the Privacy Select Committee to their future efforts in this regard.

What I am saying today—and what I said to the distinguished chairman of the Judiciary Committee—is that privacy is the business of the whole House and of its legislative committees. Privacy is so all-embracing a matter that it is as much the concern of the Education and Labor Committee in one context as it is of the Judiciary Committee in another.

I should underscore my strong conviction that the constitutional aspects of the invasion of privacy are of special importance and that they cry out for consideration by the Judiciary Committee of this House. Indeed, I have on many occasions, respectfully urged and even implored the distinguished chairman, MANNY CELLER, to hold hearings on the privacy issue. But he never has—and so the harsh fact is, that the record of service to privacy by the Judiciary Committee that would today claim exclusive legislative jurisdiction, superseding the legislative jurisdictions of other legislative committees in the privacy area, is a record of no accomplishment whatsoever.

By their performance the Post Office Committee or the Banking and Currency Committee, for example, have a far better claim to exclusive legislative jurisdiction over privacy. But these committees which have done important work in this area are making no such claim. Instead, as I have noted, they have done their bit to protect our citizens from threats to privacy within their legislative ambits and the chairmen I have cooperated with are unanimous in their support of a select committee.

In brief, what the distinguished chairman of the Judiciary Committee is urging, is patently inconsistent and absurd. He has done little work in the privacy area. He has not been willing to shoulder his important responsibility to safeguard the right of privacy from unconstitutional attack. Yet he would claim exclusive legislative jurisdiction for his committee and opposes the establishment of a Select Committee on Privacy. Conversely, those chairmen who have fulfilled their legislative responsibilities in the privacy field, are strongly in favor of the establishment of this select committee.

What I am respectfully suggesting is that the distinguished chairman of the Judiciary Committee—rather than opposing the establishment of this select committee—should welcome the sort of help the select committee could—and I assure you—would give the Judiciary Committee in fulfilling its important responsibilities in the privacy area. I know that I would welcome the opportunity to be of service to the dean of the House—a man for whom I have the most profound respect and regard—in highlighting issues for his committee's consideration.

In another sense, Mr. Speaker, I welcome the oppositon of Chairman CELLER to the establishment of the Select Committee on Privacy—paradoxical though this may appear. For 7 years I have held hearings, testified at hearings of other committees, prodded administration experts, given speeches, written articles, done everything I knew how to do and was capable of doing, in sometime lonely service to the ideal of privacy, as I understand it.

It is an ideal that on reflection should commend itself to all of us. We are citizens of a giant industrialized nation. We are responsible as citizens, to uphold the laws and accept the administrative rulings and judicial opinions of Federal, State, and local governments. We see around us the continuing spiral of bigness—of big government, and big business, big labor and big agriculture, big welfare, and big educational systems and institutions. So much bigness—and with this bigness comes the power to impinge on the right of a person to a certain quantum of solace, a right to be left alone, to keep some of his thoughts for himself and his wife and his friends, to perhaps make a mistake and not have it haunt him for the rest of his life, a right to redemption, if you will, a chance to say indiscreet, wrongheaded, stupid things, in effect to think out loud, the right to have decisions that directly affect him, made by persons alert to the invisible, but all-important boundaries behind which we maintain our composure and even our very sanity at times—not by indifferent technocrats or machines. I could go on, but this is some of what privacy means to me.

I said before, that paradoxically I welcomed in one sense, the opposition of Chairman CELLER to the establishment of the Select Committee on Privacy. What the chairman may be signaling is that privacy is indeed of crucial importance to us all. After all, if the dean wants to take over an area for himself, it presumably is worthy of concerted House attention.

Privacy is certainly worthy of such attention. But, as I have urged, the way to go about equipping this House to fulfill this key responsibility is through a select committee that will serve the legislative committees as a scout serves the main body of his battalion. All I propose, is that the select committee fulfill this early warning service so that the House and its legislative committees can take up the major responsibility for repelling threats to privacy. Which I hope and feel confident that you will.

I have heard criticism that this committee is going to get involved in investigations of wiretapping, electronic surveillance, and bugging—we will do nothing of that sort.

We will not invade the jurisdiction of the Judiciary Committee and we will leave the record of the House exactly as that committee has made it—no inquiry, no investigation, and no concern. Asserting jurisdiction seems to mean guaranteeing inaction—we would not change that.

I heard the gentleman say that this is a question of civil rights. It is a question of human values far beyond civil rights. The civil rights aspect of this can remain with the gentleman from New York, and I must say he has done a splendid job in that area.

Is it not a human value and a civil right when a 17-year-old girl, seeks a nonsensitive clerical job with the Federal Government, and has to submit herself to all kinds of sexual innuendoes from a 21-year-old polygraph operator during a lie-detector examination.

I chaired the Privacy Subcommittee in the Committee on Government Operations 7 full years and never once did I hear an objection from any committee that we poached on their jurisdiction and, as I mentioned earlier, the subcommittee chairmen who followed up in the legislative area on issues I investigated all support the Select Committee. They are the knowledgeable Members of the House about the area and they support action now.

Mr. Speaker, several Members have spoken in the most glowing terms of what they regard as a major achievement of Judiciary—the Commission on Individual Rights. This was tacked onto the Organized Crime Act, in my judgment, as an attempt to distract attention from the antipoverty thrust of that bill and perhaps to salve the conscience of some of our Members. During debate on the act, I called the commission "a pale placebo" and "a puny palliative." I hope it really will do some kind of a genuine job, but I suspect my remarks of October 7, 1970, will be proven more accurate than the allegations today that it was a great achievement in the privacy area. The commission is not yet appointed but the "no knock" provisions and preventive detention and preemptive surveillance as well as other constitutional mutations are very much part of the law of the land. So you see the priority privacy has.

But let me now talk about a subcommittee which received but $75,000 in its 7 years of existence and which was declared outside its parent committee's jurisdiction in March 1971. I think two brief examples will suffice to show why the Select Committee on Privacy, Human Values, and Democratic Institutions must be established to continue the work of our Privacy Subcommittee.

THE NATIONAL DATA BANK

There would today be a formal National Data Bank, with the records of every American's contact with the Federal Government in a centralized, computerized system, if the Privacy Subcommittee had not taken action in 1966. Not only did we hold public hearings and give the bureaucratic proposal public visibility, but I personally went to President Johnson and informed him that his statistician's were preparing to create a "big brother" system which could smother the civil liberties of our society.

Now, much has been said about President Johnson, but in the area of civil rights and personal freedom, no American President was more concerned or more aware. When I informed him what officials of his own administration were up to, he responded in his typical style with words which would not be suitable for either a family newspaper or the floor of the House.

He ordered Budget Bureau Director Charles Schultze and his Assistant Charles Zwick to be in my office the next day and the result was a 1968 letter which is suitable for the CONGRESSIONAL RECORD. One paragraph from Mr. Zwick will suffice:

> In our study of the data center idea, we are proceeding along the lines we discussed when Director Schultze and I met with you over a year ago; that is, we will prepare a specific, concrete plan which could be exposed to the critical review of a group representing the broad variety of interests in the matter. Only after that would we consider that we have a proposal for appropriate consideration by the Congress. In view of the priorities which we must give within the total program of the Bureau, it is doubtful if we will reach this latter stage in time to make a formal presentation to this Congress.

The formal idea for the National Data Bank was killed at that time and without a concerned congressional committee, ready to take prompt action, such a plan could have gone forward because no congressional approval was required. The statisticians were ready to go ahead until I brought their idea to President Johnson. Now, there is no similar committee in the Congress.

THE HUTSCHNECKER PROPOSAL

In March of 1970 I learned, in my capacity as chairman of the privacy inquiry, that there was under consideration at the very highest levels of our Government, a proposal to give every American child a predictive psychological test to determine his potential criminality. The plan, by Dr. Arnold Hutschnecker, proposed to take those children who flunked the test and send them to rehabilitation camps. I branded those camps "American Dachaus" and immediately launched a full scale investigation with my privacy inquiry.

The plan was studied within the Department of Health, Education, and Welfare for almost 3 months. It was only after I had announced my intention to hold public hearings on the issue that the plan was abandoned.

Here is a stark and dramatic example of the necessity for the House to equip itself with a formal body which can move in a timely and effective manner. Without the fact that I was chairman of a formal group within the Committee on Government Operations, this absolutely absurd plan might have been implemented. There is now no group to confront the proponents of similar suggestions with the kind of searching inquiry I was prepared to confront Dr. Hutschnecker and the responsible officials in HEW with.

Tomorrow's headlines, I feel confident, will reveal similar absurdities and we desperately need a group able to move immediately. The select committee would be the only group so constituted.

Mr. Speaker, let me now describe three pilot projects which are going forward now which contain potential for disaster for American freedom.

MONITORING OF PAROLEES

There are now pilot projects in which parolees are released, but first, they are affixed with an electronic device under their skin which is tied into a central computer. This device constantly monitors the location of the individual and a potential extension employing existing technloogy, could activate the device to allow monitoring of the parolees conversations. Certainly, given the current state of our corrections institutions, such a release of prisoners may well be in the public interest.

But again, who is asking the questions about future applications of this technology? Since modern science makes science fiction seem naive, what of this application? As a means for a future loyalty test, it could be required that all good Americans be implanted with this device. A national data bank could then be fed information on their associates, working conditions, and intimate conversations.

Since privacy concerns are met now with the question "why be concerned if you have nothing to hide?" who could resist such a proposal? This, of course, would turn Americans into nonpersons who, in a very real sense, would be wards of the State. The right questions must be asked now by public men of the proponents of these schemes because it is the future of American freedom that can be eliminated by these devices now being used on parolees.

MOE, THE ENSLAVED ELK

Moe the Elk was a pilot project in Yellowstone National Park. He was affixed with an electronic sending device which was connected with the orbiting satellite, Nimbus. Nimbus sent information on Moe's movements to scientists' computers over 2,000 miles away and every action of Moe and the other Elks which have followed in Moe's monitored footsteps, is known to people.

Now, to preserve the Elk population, this plan has considerable merit. But what of its application to the human population? We should always recall that we sent monkeys into space before we entrusted a human life to the rocket's nosecone, so who can say that this pilot project for animals will not be used to ground individual human freedom.

Moe may be nimble, but he can not beat Nimbus and we may now be free men but can we stay free if a Nimbus hovers over our future?

ORBIS III

Many State highway departments around the Nation are installing Orbis III. This system contains a sophisticated camera which can penetrate tinted glass or dark glasses worn by the car's occupants. It is tied in to computerized vehicle registration lists and produces automatic ticketing of speeders. A report is sent containing the picture of the occupants, the license plate number, the time, the weather conditions, the speed of the vehicle.

Now this is undoubtedly valuable to find speeders, but it is a singular example of the new surveillance technology. Its future applications may very well be to be put in the driveway of anyone ever suspected of a crime to automatically tell when he leaves his home. Similar technology is being used to monitor on a 24-hour-a-day basis downtown street locations in towns.

This represents a total surveillance society which is within the capabilities of our technology today. Unless questions are asked and future applications are evaluated, we all will be under the camera's eye and in the computer. What kind of freedom will Americans have then?

The system probably does have valuable applications but if it is blindly installed everywhere, will not the people tear it down and thus destroy its useful work? The use of Orbis III and similar systems is a matter for all society to consider and only a group like the select committee would be able to ask the right questions.

RESEARCH GRANTS

Mr. Speaker, I will now discuss what the Federal Government is funding, and how a select committee could help restore some prestige to the House.

Many people regard the Congress as merely the manure which fertilizes the magic seeds of bureaucratic growth. And many of the grants the money we authorize and appropriate allows to sprout, creates a giant king on the top of the beanstalk who "smells the blood of a Congressman." By that I mean that most of these grants are used by people who have no respect for the democratic system of government and they create fancy theories proving that all public men are dumb, irrelevant, corrupt, and unworthy to serve in the positions their constituents have elected them to.

The select committee could chop down a few of those beanstalks or at the very least, prune off some of the deadwood.

We need a group who can speak to the experts in their own terms and which can make them respond to searching inquiry in exactly the same way we have to respond to questions.

THE TECHNOLOGY OF BEHAVIOR

The most important part of the technology of behavior is a choice by a superior person as to what is good behavior. The leading man in this field is Harvard Prof. B. F. Skinner who expressed in the title of his book what parts of human life are not to be involved in the choice of good behavior. He called his book, "Beyond Freedom and Dignity," and he received $283,000 from the National Institute of Mental Health. So we see that those of us who believe in freedom and dignity are to have no chance to participate in the choice—the choice will be made by an elite who have contempt for individualism.

Once the decision as to what constitutes good behavior is made, there are powerful tools to be used by the elite to impose their view on the rest of us.

First would be the computer. If you know everything about a man, you can devise exactly the right approach to convince him that loyalty demands exactly what the State wants and what the computer discloses can be manipulated personally in that man.

Second are drugs. My Privacy Subcommittee disclosed that 250,000 grammar school children are being fed "speed" to change their behavior in the schoolroom. This in spite of the fact that everyone knows bright children are bored in most classrooms. Other drugs have been developed to change the moods and alter the ideas of people at every age. We truly are a "drug culture," but the important part as I see it are the drugs taken legally, which are just as disastrous in this context as is the incredible problem of drug abuse in the rest of society.

Third is psychosurgery. These brain mutilation operations are now being used on troublesome grammar school children and on others, mostly women and old people who deviate from what is allegedly "normal" behavior.

Shocking—yes, but it is happening and no one is doing a thing about it.

SYSTEMS ANALYSIS

Highly skilled and highly verbal research groups exist all around the Nation in what are called think tanks. These individuals employ a computer oriented method known as systems analysis and its popularity is best expressed in the cliche "Let us put the technology that got us to the moon to work solving problems here on earth."

Well, that is quite probably extremely simplistic. The goals of the diverse and independent groups that make up our society are not as easy to see as is the moon and human emotions cannot be reduced to machine readable form as easily as mathematical formulas. The language of the systems analyst is confusing to the ordinary citizen and he feels excluded from the decisionmaking process. Because the means to reach a goal are established so far in advance, he never really has the opportunity to know what his leaders plan for him until the idea is practically ready for action.

Systems analysts are frequently a member of Government on one project, member of a private team soliciting the contract on another, and an independent contractor after another bid. This easy ability of these influential men to desert a project when the time comes for the people to find out about it leaves we public men in a vulnerable exposed position and, of course, the contacts made in his work do suggest some conflict of interest.

No one can withhold information from the systems analysis computer on such fragile grounds as personal privacy, because the public good is alleged to be so overwhelming. Here we have machines dictating human behavior and forcing a denial of freedom. The Congress needs a committee to approach this new decision-assisting science from the angle of privacy and only a select committee could perform such a function. If the Ellsberg Papers proved one thing it is that public men cannot abandon their responsibility to the mystique of systems analysis.

PARTICIPATORY AND ANTICIPATORY DEMOCRACY

Mr. Speaker, we know nothing of these kinds of plans in the House, and we do not have a mandated structure which can consider them.

I think the establishment of the select committee would give us a very real chance to once again practice participatory democracy. We find decisions being made at a level over our heads here in the House, and those decisions are accompanied by a new vocabulary which we just do not speak. The select committee would have the necessary sophistication, I trust, to speak to the experts on their own terms.

But even more important than participatory democracy would be what Alvin Toffler referred to in his best selling book as "anticipatory democracy." That is, the instruments of Government would be sufficiently knowledgeable about the rate and the substance of technological change to have some ability to anticipate the effects on human values and democratic institutions. The select committee could investigate in depth the rationale behind giving drugs to grammar school children, for example, and bring forward to the public and to the decisionmakers downtown much evidence suggesting this therapy is both harmful to the child and to society. The therapy is predicted to "zoom" and it will "zoom" at a level beyond our understanding.

If we think we are in trouble now controlling the activities of the executive branch, think of how difficult it will be when the new decisionmaking—long range and machine dominated—fully takes over. The select committee would enable us to play a participatory role now and would allow us to anticipate what our role will be in the future.

NATIONAL DATA BANK OF CREDIT INFORMATION

Another crucial area, again totally outside the jurisdiction of the Committee on the Judiciary, is the credit investigating industry. At least 150 million people are now on file in the National Data Bank of Credit Information. While their rights are somewhat protected by the Fair Credit Act, it is now obvious that much more needs to be done and done soon.

I held the first congressional hearings on this industry and during our hearings we learned that anyone's record in the computerized credit systems can be retrieved anywhere in the Nation in 2 minutes. Our colleague Mr. ROSENTHAL volunteered himself and the machine produced his record.

Retail Credit Co., the subject of our hearing in May, would not allow insurance companies who turned down applicants to even tell the individual who provided the bad information. Retail credit deleted that clause from their basic contract after we spent the whole hearings hammering away at it, but Retail Credit is now expanding at an incredible rate. They alone now have nearly 100 million citizens in their data bank. The Federal Trade Commission is investigating as well as private groups like the Nader's Raiders, and individuals are suing. But we have no positive assurances that the House, which started the concern over these organizations, will continue its focus. Of course, the select committee will check carefully any jurisdictional problems with bank and currency, but I do think more needs to be done to assure each American his right to deserved credit, employment, or insurance which can be dicated by these organizations.

WHAT THE SELECT COMMITTEE WOULD DO

Mr. Speaker, nothing is now being done in the following six areas which demand attention—the people insist that their Representatives take action. And the select committee would be the only group which could give them action.

First. Lay out fully on the public record the state of privacy.

Second. Understand the new threats to privacy posed by the computer. This means not only the public and private agencies which apply the computer to their records but also certain new steps which can be taken by the computer recordkeeping. The speed of the computer and its capacity to absorb so much information permits "inferential relational retrieval" which can relate any action to any other action. This permits guilt by association on a hitherto unimagined scale. Other technical developments pose similar threats to freedom and perhaps almost as important to the anticipated and necessary growth of the computer industry itself.

Third. Private data banks, many untouched by the Fair Credit Act, which have information on voting habits, lifestyles, alleged deviations from some kind of norm, and others which can only be described as "hearsay machines."

Fourth. Dozens of scientific inventions are being used which permit the monitoring, control and observation of Americans. The select committee would disclose the nature of these devices, both good and potentially bad.

Fifth. The technology of behavior, like drugs to grammar school children, is not being considered since the abolishment of the privacy subcommittee. We would continue to assert humanist concern in a world increasingly relying on biochemical manipulation. The proponents would know they would have to answer the same kind of searching questions public men must answer.

Sixth. A full investigation of the funding of the Federal Government for Behavior Modification and Human Manipulation. No one now knows how much of this is going on and useful research is hurt by the random nature of the current disclosures.

THE WONDERS OF TECHNOLOGY

Perhaps most people are unaware of the kinds of devices mentioned in example 4 above. Let me list six.

First. A miniature satellite can fly as

high as 20 stories, photograph all documents through an office window, hear every sound in the room, and send the information to an observer up to 30 miles away.

Second. A single reel of plastic computer tape 20 feet long can contain the complete life history of every man, woman and child in the country. A 5-page dossier can be found within 10 minutes, according to current technological applications.

Third. The infinity transmitter is inserted into a telephone and is activated by the caller blowing a whistle before the phone rings. The telephone then acts as a receiver, disclosing every sound in the room to anyone who is listening on any phone which allows direct dialing.

Fourth. In 1970 Sylvania announced a 25-pound TV camera which can be activated by light levels below those required for human sight.

Fifth. An organization required employees to take lie detectors every 2 weeks. A lady flunked hers because her son had died between tests, yet millions of employees must regularly undergo these indignities.

Sixth. About $300,000 in Federal funds used to determine which young men have the XYY chromosome, supposedly a trigger to antisocial behavior. During the test phase the information was not withheld from the Criminal Justice System and no consent forms were employed before privacy subcommittee raised concern. Now, the XYY has been shown to be totally inaccurate as a predictor of violence and dozens of young men have been unfairly branded.

And, Mr. Speaker, the New York Post of February 7 discussed another example of the new technology. I insert the article at this point in the Record. Should there not be some group in the House which would make it its business to disclose the harmful aspects of this kind of thing? If the Committee on the Judiciary will do it, splendid, and the select committee would gracefully withdraw from bringing this information to the concerned legislative committee. But if not, and the record seems to speak against the possibility of such purely informative investigative hearings, then the select committee which would not have legislative jurisdiction or oversight of particular Federal agencies, could perform what I would regard as a vital function.

The article from the New York Post follows:

Two-Way TV Vulnerable to Wiretaps

(By Margaret Gentry)

Washington (AP).—Spies armed with sophisticated listening devices could tap your television set if it is hooked to a special kind of cable now being developed.

Without your knowledge, they could listen to and record the programs you watch, your transactions with department stores and banks, even your living room conversations.

This new dimension in electronic eavesdropping would become possible with installation of two-way cable television, a development now being tested in some communities and likely to come into limited use within five years.

Expansion to a two-way system would require equipping the home TV set with a transmission terminal.

With two-way cables, TV specialists say, department store and banking transactions could be conducted by television, pollsters could question citizens via the tube, and water and electric meters could be read that way.

Henry Geller, special assistant to FCC Chairman Dean Burch, said two-way cable systems are now in a rudimentary stage. He agreed that they could be tapped but said that "nobody would dream of doing it."

The American Civil Liberties Union isn't so sure, however. Jerrole N. Oppenheim, staff counsel of the Illinois ACLU, wrote in a recent issue of the national organization's newsletter that cable TV "could be a serious threat to personal privacy," and he added: "Cable-tapping is no less of a threat than wiretapping. Imagine a TV camera in your home controlled by the FBI."

ACLU associate director Alan Reitman of New York commented: "The information being recorded by wire might be of interest to some third party. If there's a wire, it's possible to tap it."

Bob Stengel, a staff assistant with the National Cable Television Association, agreed that taps would be possible. He predicted a limited use of two-way systems within five years and widespread use after the cost of home terminals is reduced.

Stengel said virtually all one-way cable systems now being installed are being wired in such a way that the two-way capability could easily be added later.

CONCLUSION

Mr. Speaker, I have just laid out for the record a list of problems which are not being addressed in a concentrated, major effort by any current committee and which the Select Committee on Privacy, Human Values, and Democratic Institutions would be able to take the kind of prompt action which is often the difference between a bureaucrat's dream and a citizen's nightmare. I think these examples stated above show what privacy is, what human values are, and why democratic institutions are in grave peril. Let me conclude my remarks today with a brief discussion of the concept of privacy and what its abandonment would mean.

One of the most distressing things I see in our Nation is that today's generation of young people fight just as hard to stay out of society as our generation fought to get in. They do this, I believe, because they recognize we are rapidly becoming a one-chance society—a society in which a single misstep or youthful stupidity will haunt them for the remainder of their lives. We formerly held out a beacon to the oppressed peoples of the world as the Nation of the second-chance—the full implementation of "the technology of behavior" will make this a society in which anyone who wishes to adopt a slightly different life style will have no chance at all. This would definitely have happened to any child who had the XYY chromosome unless the privacy inquiry could move promptly, and it might well have happened to millions of children if we had not scuttled the absurd Hutschnecker proposal.

Using all of the devices and attitudes—there are hundreds of others—I have mentioned, and finding a Congress so unwilling to consider the hard questions they create, we run the grave risk of moving into postconstitutional America. I believe that the Age of Aquarius may well become the Age of Aquariums, in which all our lives are lived in a fishbowl. I personally would have been delighted to have received major support from the Committee on Government Operations to continue and expand my work there—instead, it declared the Privacy Subcommittee outside its jurisdiction. I would never have brought to the floor of the House a proposal for a select committee if Government Operation had shared my vision of privacy. And I quite probably never would have come to a time for an up or down vote on the issue of privacy if our Committee on the Judiciary had shown the kind of wide-ranging interest and indepth attention the problem demands.

Unfortunately, Mr. Speaker, this world falls far short of the best of all possible worlds and so I now must implore my colleagues to create a select committee which could at least study the problems and at least give us the kind of expertise to ask the proponents of these many programs searching and meaningful questions. It could also demonstrate to our constituents that each of us is as concerned over privacy as they are. But most important, Mr. Speaker, the Select Committee on Privacy, Human Values and Democratic Institutions could allow law-abiding Americans the right to live their lives in their own way, free from overt or subtle coercion, and to have the right to pursue happiness in their own manner.

Earlier in the debate, I had a discussion with Mr. Ichord about gathering intelligence on subversives and I said the select committee would not engage in any actions which would hinder the legitimate collection of necessary information. But we too would gather information on subversives—on those who propose to change American traditions and values in pursuit of efficiency and economy or for other less worthwhile purposes. We would permit the Nation's lawmakers to know for the first time what the technocratic elite plans for our future.

If this select committee is voted down, we are really saying that we do not want to know, that we prefer the safe jurisdictional road to the dangerous road of true understanding. Privacy is just too important to be buried in petty squabbles and, should we not vote for creating this new group, we may very well see the death of freedom in our land. There was a very fine book written about my computer/privacy hearings called "The Death of Privacy." Today, we decide whether to breathe some life back into the corpse or to shovel dirt over the coffin. The choice is ours, Mr. Speaker, and I pray we make the right one. Congress cannot slumber like Sleeping Beauty only to be awakened by the gentle kiss of a Prince Charming. If we remain on our present course the awakening will be by Big Brother who will shock the Congress out of its slumber and its relevancy long before 1984. The awakening will be gentle to neither Congress nor the people we represent. They cry out for action now before it is too late.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Celler).

Mr. CELLER. Mr. Speaker, the gentleman from New Jersey asked what is the Committee on the Judiciary doing about it and what will the Committee on the Judiciary do about it.

Well, if he examines the records of the Committee on the Judiciary, he will find ample evidence that we have been working most assiduously on the very subject matter of his resolution. He reminds me of a man looking through a telescope with a blind eye—he just cannot see. If he would come to the office of the Committee on the Judiciary——

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield? The gentleman cannot hear.

Mr. CELLER. If the gentleman would come to the office of the Committee on the Judiciary, we would be very happy to open the books and show him exactly what we have done on almost every one of the subject matters contained in his resolution.

He makes much of the data bank and the national data banks and how modern methods are interfering with private rights. That is a matter that has been engaging our attention for quite some time. As I mentioned before in my main statement, one of our subcommittees headed by the distinguished gentleman from California (Mr. EDWARDS) is at this very moment working on this matter with the committee and with the staff. They are amassing a great deal of material preparatory to offering a bill.

What I say with reference to the data bank refers to computerization and its relation vis-a-vis private rights. We are working on that.

Now if the gentleman from New Jersey knew of these facts I am sure he would not come into the well of House and say that nothing has been done. I hope you gentlemen and ladies will have confidence in the Committee on the Judiciary. We have worked very hard and laboriously on these matters over the years and we will continue to do so. We are not resting on our laurels. We have adopted many civil rights acts which clearly indicates the intentions of the Committee on the Judiciary to protect civil rights and human rights and we will continue on that course.

Therefore, I hope that the resolution will be voted down.

Mr. LATTA. Mr. Speaker, I would just like to say to the Members, if they feel that the Committee on the Judiciary has not done a job in the area of civil liberties, if the Crime Control Act of 1970 which establishes the National Organization of Individual Rights will not do a job, and if you think the bill we are going to take up next, H.R. 10243, which would authorize the establishment of an Office of Technology Assessment for the Congress cannot do the job—then you should support this resolution.

If the Members think they can do the job, which needs to be done in this area, then Members should oppose this resolution as being unnecessary and a costly duplication of work already authorized.

Mr. CRANE. Mr. Speaker, in considering the question of whether or not the House should create a Select Committee on Privacy, Human Values, and Democratic Institutions—House Resolution 164—it is essential that we ask ourselves the question: are privacy, human values and democratic institutions in danger?

The sponsors of this legislation seek to continue and expand the work done by the Subcommittee on Privacy of the Government Operations Committee which was abolished on March 31, 1971. Is there really a need for such a congressional committee?

There are many examples which would lead to the conclusion that such a need really exists. In many instances, it has been the Federal Government itself which has violated the right to privacy, not only of the public at large, but of its own employees in particular.

The Supreme Court has made "illegal searches and seizures" an unlawful procedure for governmental authority, yet similar searches into the private lives and personal thoughts and feelings of Government employees has long been a policy of our bureaucratic agencies.

PRIVACY FOR GOVERNMENT EMPLOYEES

One example is a letter circulated among employees at Andrews Air Force Base Hospital. It urged employees to buy savings bonds and asked them to sign one of these three statements: a. I am now supporting the President by adding to my allotment or by beginning an allotment; b. I wish to show my support for the President by adding to my allotment or by beginning an allotment, and c. I do not accept my responsibility to support the President in his U.S. Savings Bond campaign.

This kind of choice without a choice is similar to the question asked in a questionnaire used by the Federal Aviation Agency: "When telling a person a deliberate lie I have to look away, being ashamed to look him in the eye." (a) True, (b) Uncertain, (c) False. In this kind of "When did you stop beating your wife?" situation you find yourself in a difficult position no matter what your reply.

The Senate Subcommittee on Constitutional Rights reports of a case in which an applicant for a nonsensitive job was strapped to a lie detector and asked such questions as: "How many times have you had sexual intercourse?" "When was the first time you had intercourse with your wife?" "Did you have intercourse with her before you were married?" "How many times?"

What are tests of this kind attempting to discover? Are they concerned with a potential employee's mental health and his ability to do his job or with some more abstract criteria such as his conformity to prevailing norms?

Government employees should be protected, but are not, against interrogation without the presence of counsel or other person of the employee's choice. Employees, to cite another example, should be protected against the kind of experience suffered by an 18-year-old college student who had previously worked for the State Department and was being considered for summer employment.

The girl was interviewed by a young investigator who questioned her about her personal life, with particular attention to matters of sex. The girl was also questioned about a visit to a psychologist while in high school. In effect, this girl was penalized because her parents took advantage of the counseling services of psychologists and psychiatrists to assist in resolving what may have been the usual problems of teenage children.

There are those, however, who urge Government to do much more far-reaching things in connection with the personal lives of its citizens.

CHILD DEVELOPMENT BILL

Let us consider the child development bill, passed by the Congress, but vetoed by the President. The very term "child development" is so vague that no one really seems to know what it entails. Under the bill which was passed, every American child would have instantly become a ward of the Federal Government.

In fact, the fears raised about this legislation have been confirmed by its most vigorous supporters. Dr. Reginald S. Lourie, President of the Joint Commission on the Mental Health of Children, suggested why he wanted this network of federally controlled child-care centers: so he and his fellow doctors would have a giant laboratory to tinker with children's minds. He stated that:

> The . . . important information we should keep in mind is that in the first 18 months of life, the brain is growing faster than it ever will again. It is then also more plastic and most available for appropriate experience and corrective interventions.

What the child development bill proposed without saying so were mental clinics to replace schools and a form of "indoctrination" to replace education. At the present time, sensitivity training is being conducted in many public school systems with money funded by the Department of Health, Education, and Welfare—even though Congress has appropriated no money for this purpose. These programs are set forth in the volume, "Pacesetters in Innovation, U.S. Office of Education, 1969."

SENSITIVITY TRAINING

Writing in the Washington Daily News, Solveig Eggerz recently reported that Government employees are compelled to attend sensitivity-training sessions for several days away from their families. They often listen to degrading language and in a series sponsored by the psychological testing corporation, Curber & Associates, they were subjected to a racial tirade via a recorded message from black militant Dick Gregory. Any employees who refused to participate in such sessions could be certain of impairing their jobs.

SCHOOL TESTING

Miss Eggerz also reported that in Montgomery County, Md., children of all ages in the public schools are forced to participate in so-called psycho-dramas in which teachers frequently ask them to act out actual incidents from the home, something which parents consider a clear invasion of their privacy. There have also been "talk-ins" in Montgomery County where two or three children will go to the school counselor and answer highly personal questions, such as "What does your father wear when he shaves?" or "Do you love your parents?" One Maryland child was assigned an essay on the subject, "Why do I hate my mother more than my father?"

Children have been asked, "Do you go

to church" and "How do you feel about going to church?" While prayer is unconstitutional, prying into a child's religious beliefs is, somehow, acceptable, and even federally funded. Parents object to the use of the "sociogram," a diagram used to trace intragroup relationships. It shows the likes, dislikes, revulsions and attractions within the group—children are asked to indicate who they like most in the class and who they dislike most. This has resulted in many hurt feelings, and some emotional problems.

There are, as can be easily documented, innumerable other examples of how Government, and many nongovernmental bodies, have invaded the privacy of individuals.

RIGHT TO PRIVACY

The Founding Fathers did not specifically write a "right to privacy" into the Constitution. They felt that this was understood by civilized men, but history has shown us that this is not the case. In fact, Mr. Justice Brandeis felt the need in Olmstead against United States in 1928, to state clearly that "The right to be alone—the most comprehensive of rights, and the right most valued by civilized men" was one guaranteed by our laws.

BIG BROTHER

Is it possible that our citizens are to be subjected to a Big Brother government which has all of the elements George Orwell so eloquently described in "1984"? And, if government, as we have seen, cannot treat its own employees with decency and fairness, how can Members of Congress, many of whom advocate far-reaching welfare state programs which would subject all of us to governmental control, argue that they are really serving their constituents by denying that a problem exists in this area?

For all of these reasons, it seems clear that there is a need for a congressional committee to consider the serious challenges to individual freedom and privacy which exist in our society today. Americans of every viewpoint and station in life share an interest in maintaining privacy and, since privacy is today under attack from so many different sources, those of us who seek to represent our constituents must assist them in resisting that attack.

Mr. FRENZEL. Mr. Speaker, I rise in support of House Resolution 164. I am not satisfied that the critically important area of personal privacy is getting enough attention under our present organization.

I do not like select committees, and generally vote against them. In this case, however, I believe the issue is of such importance that the creation of a select committee to deal with it is warranted. I think the House now lags too far behind the Senate both in its study of personal privacy and its enthusiasm to protect it. I urge an affirmative vote on House Resolution 164.

Mr. RANDALL. Mr. Speaker, I rise to oppose House Resolution 164, which would create a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions. The only reason I take this time is to spread on the record by a clear recitation, the reasons why this particular resolution should not be approved.

After a few months pass by, and during the fall campaign, there is the likelihood that either an opponent or someone else will come forward to be critical of a vote which seems to be against the protection of such lofty concepts as individual privacy, human values, and democratic institutions.

Even if some of us cannot support this particular way of protecting personal privacy, I think every one of us must admire the handiwork of the wordsmiths, who in the preparation of the many whereases, and then the resolving clause, have prepared some phrasing and terminology which, although it is stated in prose, sounds, almost poetic.

Who among us can be against "the democratic institutions and processes basic to the United States" as recited at the top of page 2 of this resolution? Who would want to put anything in the way of protection of "the basic human and civil rights of our citizens" which was contained in one of the whereases preceding the resolving clause? The fact of the matter is, no Member of this House can ever afford to be against the protection of privacy or the perpetuation of our democratic institutions and processes so basic to our way of life. Again, no Member could possibly take a stand against the perpetuation of the basic human and civil rights of our citizens, unless he wishes to leave the impression our Constitution is an instrument that has of its objectives to protect human liberties.

All of the language of the resolution makes it seem that if we fail to support House Resolution 164, then we all stand indicted as being against democratic institutions, human rights and civil rights and become advocates of the violation of one's right to privacy. Well, of course, in spite of all of the lofty language of this resolution, those who oppose it are not against the protection of privacy. We simply believe there is a better way to protect these basic rights than the creation of one more select committee.

Those who oppose House Resolution 164 are not even required to assume the burden of proving there is a better way. We only have to prove that there are now established at least three other ways by which these rights can be protected. There are two standing committees of the House and one commission created by the Congress a short time ago. Surely if there should be any problem to have to prove that these other committees can do a better job than this new select committee, then there should certainly be no difficulty in being able to prove that they can do an equally good job.

Now the reason for this last foregoing assertion or allegation is the fact that the matters covered by this resolution are now within the assigned jurisdiction of the House Judiciary Committee, one of our standing committees. Moreover, the gentleman from New Jersey, the author of House Resolution 164, in the closing remarks of the debate mentioned that for some 7 years he had chaired a select subcommittee in the House Committee on Government Operations. These remarks amount to an admission that another standing committee of the House, the Committee on Government Operations, surely has jurisdiction over privacy because he said during all these 7 years, there was no objection from the Judiciary Committee that his work during those years were imposing upon the jurisdiction of the Judiciary Committee.

Third and finally, there has now been established by law a National Commission on Individual Rights, set up under the Organized Crime Control Act of 1970, and which has just been commenced to do its work in January of 1972.

Mr. Speaker, in addition to the fact that there are two standing House committees and one national commission already organized and staffed to do this job, which should be reason enough to oppose this resolution, there is the additional reason that to create this select committee could cost the taxpayers as much as $1 million a year, if the $900,000 annual cost of the Select Committee on Crime is any kind of an indication.

But there are other considerations than the cost and the duplication of effort which we should not overlook. How is it that the Rules Committee, way back in May, 1971, could pass out this resolution when they have since concluded they should not approve a rule to create a Select Committee on the Aging because there is no available space on Capitol Hill for office facilities or hearing rooms for any more select committees?

I am not sure that there has been a recent or an accurate count of all of the subcommittees of all of the standing committees of the House of Representatives. Somewhere in my mind I recall there are a total of approximately 170 standing subcommittees, already organized, staffed, and working on their assigned jurisdiction. I am confident there must be some overlapping of jursidiction and duplication of effort among this great number of already created subcommittees. Surely, then, there should be no further duplication by the creation of yet another new select committee. I am not sure how much work our House Judiciary Committee has done on this matter. I know for a fact that the Senate Judiciary Committee has done considerable work on the matter of privacy. Surely our House Committee on the Judiciary can perform equally well.

Because we oppose this resolution, are we then for the invasion of individual privacy? Are we against the protection of this same personal privacy? The answer should be easy. It would be ridiculous for any Member to make an affirmative answer to either of these questions. What we are against is the costly or expensive duplication of effort by a new committee. Those who oppose this bill are for all of the lofty objectives including the study of the effect of the use of computers and other technical instruments on human and civil rights, including data banks. We are for the objective of House Resolution 164 but at the same time are recognizing there are now two committees and one commission already established to do the job. To establish a fourth would lead to an unneeded, unjustified and most expensive result.

Mrs. ABZUG. Mr. Speaker, I am pleased to rise in support of House Resolution 164, which would establish a House Select Committee on Privacy, Human Values, and Democratic Institutions.

The technological and scientific revolution which has occurred within our lifetime has done much to improve our society, and I fully expect that future discoveries will continue this course of improvement. These great advances, however, are not without their shortcomings.

Electronic technology, for example, has been used to bug our meeting rooms and even our bedrooms.

Computer technology has been used to amass vast amounts of "credit" data on private individuals—usually with little regard for whether it is accurate. This material is usually distributed to anyone who will pay for it—except of course, to the hapless subject.

Newly developed drugs have been used to make placid zombies of hyperactive children.

The U.S. Army—supposedly under civilian control—has spied on civilian political activists, violating their right of privacy in an effort to chill their exercise of their right of free speech.

Private employers require employees and prospective employees to undergo lie detector tests and to answer questions which bear no conceivable relation to the jobs they do.

There has been some opposition to this resolution on the ground that it infringes upon the jurisdiction of the Judiciary Committee. For one thing, as I understand it, the jurisdiction of this new committee will be limited to infringements upon the right of privacy resulting from technological developments. Second, the select committee will not have the power to report legislation, so it certainly will not infringe upon Judiciary's authority in that regard. Finally, if the Judiciary Committee does have jurisdiction in this area, it has not made much use of it thus far. If the creation of the select committee spurs the Judiciary Committee to take an active role in this area in the future, then we can reconsider the question of the select committee at some future point, but for the present, I think we need it.

Activities such as these must be closely watched by the representatives of the American people. This House, in concert with our Constitution and the people of this Nation, can play a major and successful role in focusing attention on this problem and seeing to it that positive steps are taken to protect this cherished and fundamental right of a free people. I urge the adoption of this resolution.

Mr. RODINO. Mr. Speaker, today I have voted to disapprove House Resolution 164, which would have established a Select Committee on Privacy, Human Values, and Democratic Institutions.

I wish to emphasize that my vote was not directed at the purpose or objective of this legislation. I have long opposed any governmental interference with the human rights and privacy of our citizenry. Instead, my opposition to this resolution is based on a firm belief that the subject matter jurisdiction of the select committee which would have been established, would have seriously invaded the jurisdiction of the Judiciary Committee, on which I serve.

The Judiciary Committee has continuously manifested its active concern for protecting the civil liberties of all people. The long record of achievements of this committee sufficiently demonstrates that it has been a strenuous defender of civil rights.

Furthermore, a Special Subcommittee on Civil Rights Oversight has been established by the Judiciary Committee under the able leadership of the distinguished gentleman from California (Mr. EDWARDS). The primary responsibility of this subcommittee is overseeing the administration and enforcement of all civil rights laws. During the present Congress, this subcommittee, along with Subcommittee No. 4, has been actively engaged in various legislative and nonlegislative matters pertaining to the individual rights of all citizens.

Therefore, although I voted against this proposal because of this jurisdictional conflict, I wish to commend the distinguished gentleman from New Jersey (Mr. GALLAGHER) for his efforts in this area. For some time, he has been extremely interested in the effect of technology on government operations and its impact on the human and social rights of all men. Mr. GALLAGHER has recognized the need for examining the potentially deleterious effect of computerization on individual privacy.

However, the issues raised by House Resolution 164 are far reaching and concern matters which have been and are presently being considered by the Judiciary Committee, and I, therefore, in all good conscience and in my best judgment, had no recourse but to vote against House Resolution 164.

Mr. DONOHUE. Mr. Speaker, neither I nor any other Member of this House, I am sure, has any opposition toward or quarrel with the timely and wholesome objectives of House Resolution 164, which are to adequately protect the citizens of this country from any technological invasion of their constitutionally guaranteed privacy and the resulting diminution of their civil rights and liberties.

The only question that is presented here for our legislative determination is how these objectives can be most effectively and prudently accomplished.

It has been very clearly demonstrated here, I believe, that the House Judiciary Committee, of which I am very proud to be a member, has the acknowledged original and continued jurisdiction and responsibility in this legislation area. It has also been very clearly evidenced here that the House Judiciary Committee has a recognized and respected record of diligent and effective action in the defense and preservation of personal freedom and all human values. That admirable record is being extended every day through the dedicated efforts of its distinguished chairman, its devoted membership, and competent staff.

In other words, we already have an established committee in this House that is exceptionally well equipped to preside over, and is already presiding over, for their protection and preservation, the very same objectives recited in this resolution.

Obviously, the creation of any new and special committee for this same purpose would only duplicate the existing and proper unit of jurisdiction. It would necessitate the allocation of additional money, staff, and resources to an area that is very adequately covered now.

Mr. Speaker, in this Chamber, practically every day, we are urging most agencies of our Government to eliminate unnecessary spending and the duplication of energy and resources.

It would be both contradictory and ironic if we were to approve a resolution, however well meant, that would inevitably tend to create the very factors, in our own legislative operations, that we criticize in the executive department units.

In simple summary, Mr. Speaker, it would be obviously imprudent and unwise if it were made to appear here this afternoon that this House was in any way establishing an across-the-board policy of setting up a special and separate committee to deal with the different and various issues affecting this Nation. I feel confident that this House will avoid, in its traditional wisdom, the creation of any such impression by rejecting this resolution.

The SPEAKER. All time has expired.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. THOMPSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 216, not voting 47, as follows:

[Roll No. 33]

YEAS—168

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Betts
Blanton
Boggs
Boland
Bolling
Brademas
Bray
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Caffery
Carney
Clark
Collins, Ill.
Collins, Tex.
Conte
Cotter
Crane
Culver
Daniels, N.J.
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Diggs
Dingell
Dorn
Dow
du Pont
Esch
Evins, Tenn.
Fascell
Foley
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Fulton
Gallagher
Gaydos
Gettys
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hathaway
Hays
Hechler, W. Va.
Hicks, Mass.
Horton
Howard
Ichord
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
Lujan
McDade
McDonald, Mich.
McFall
Madden
Mazzoli
Meeds
Metcalfe
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Neill

Patten
Pepper
Perkins
Pike
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Rangel
Rarick
Rees
Reid
Reuss
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Runnels
Ryan
St Germain
Satterfield
Saylor
Scheuer
Schmitz
Shipley
Sisk
Slack
Smith, Iowa
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Thompson, N.J.
Thone
Tiernan
Udall
Vander Jagt
Vigorito
Waggonner
Waldie
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Yatron
Zablocki

NAYS—216

Abbitt
Abernethy
Abourezk
Addabbo
Archer
Arends
Baker
Baring
Belcher
Bennett
Bevill
Biester
Bingham
Blackburn
Bow
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Colmer
Conable
Conyers
Coughlin
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Donohue
Drinan
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frey
Fuqua
Goldwater
Goodling
Gross
Gubser
Hagan
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hastings
Hébert
Heinz
Henderson
Hicks, Wash.
Hogan
Holifield
Hosmer
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landrum
Latta
Lent
Lloyd
Long, La.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McEwen
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
O'Hara
Passman
Patman
Pettis
Peyser
Pickle
Pirnie
Poff
Powell
Price, Tex.
Purcell
Quillen
Railsback
Randall
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rooney, N.Y.
Roush
Rousselot
Roy
Roybal
Ruth
Sandman
Sarbanes
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steiger, Ariz.
Stephens
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Ullman
Van Deerlin
Veysey
Wampler
Ware
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Young, Fla.
Young, Tex.
Zion
Zwach

NOT VOTING—47

Alexander
Ashbrook
Aspinall
Bell
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Cabell
Chisholm
Clawson, Del
Clay
Corman
Davis, Wis.
Dellums
Dowdy
Downing
Dwyer
Edwards, La.
Forsythe
Galifianakis
Garmatz
Giaimo
Gibbons
Griffin
Hansen, Wash.
Hawkins
Heckler, Mass.
Helstoski
Hillis
Landgrebe
Lennon
Macdonald, Mass.
Melcher
Monagan
O'Konski
Pelly
Poage
Pryor, Ark.
Quie
Ruppe
Stanton, J. William
Stubblefield
Teague, Tex.
Vanik
Wiggins
Wyman

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mrs. Dwyer for, with Mr. Pelly against.

Mr. Forsythe for, with Mr. Wyman against.

Mrs. Heckler of Massachusetts for, with Mr. Landgrebe against.

Until further notice:

Mr. Garmatz with Mr. Wiggins.

Mr. Teague of Texas with Mr. Ashbrook.

Mr. Stubblefield with Mr. Vanik.

Mr. Aspinall with Mr. Del Clawson.

Mr. Blatnik with Mr. Quie.

Mr. Cabell with Mr. Bell.

Mr. Macdonald of Massachusetts with Mr. Ruppe.

Mr. Monagan with Mr. Brown of Michigan.

Mr. Melcher with Mr. Davis of Wisconsin.

Mr. Pryor of Arkansas with Mrs. Hansen of Washington.

Mr. Corman with Mr. Clay.

Mr. Hawkins with Mr. Giaimo.

Mrs. Chisholm with Mr. Helstoski.

Mr. Lennon with Mr. O'Konski.

Mr. Alexander with Mr. Brown of Ohio.

Mr. Biaggi with Mr. Dellums.

Mr. Downing with Mr. Gibbons.

Mr. Galifianakis with Mr. Hillis.

Mr. Griffin with Mr. J. William Stanton.

Mr. SCHWENGEL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the resolution, House Resolution 164.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WEST COAST DOCK STRIKE SETTLEMENT

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker and Members of the House, this morning this Committee on Education and Labor reported favorably the resolution reported by my subcommittee yesterday, House Joint Resolution 1056.

The Committee on Rules has that resolution and several others before it.

We have just been informed that the west coast dock strike has been settled but we do not yet know the details. I shall proceed from here to talk to the principals involved and will be back a bit later in the afternoon to report details as they report them to us.

If this happy news is in fact so, then of course we will be spared the need tomorrow to consider one or another of the various resolutions relating to the solution of that dock strike.

WEST COAST DOCK STRIKE SETTLEMENT

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, I share the delight of all of us that the dock strike on the west coast has been resolved.

I would like to point out once again that this agreement is a tribute to the collective bargaining process.

The PMA and the ILWU have had most effective labor-management relations for over 22 years and during the course of that time there has never been a strike resulting from a breakdown in collective bargaining. Because their last contract was signed some 5 years ago without a cost-of-living wage increment, this particular negotiation was a very difficult one for all parties concerned.

I am delighted that this House did not act with undue haste because, if we had been too hasty, perhaps this very fortuitous event may have been foreclosed.

ESTABLISHING THE OFFICE OF TECHNOLOGY ASSESSMENT AND AMENDING THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 791 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 791

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, and all points of order against section 8 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bills shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER**. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA). I now yield myself such time as I may consume.

The SPEAKER. The gentleman is recognized.

Mr. DELANEY. Mr. Speaker, the proposed legislation is long overdue. House Resolution 791 provides an open rule with 1 hour of general debate for consideration of H.R. 10243 to establish the Office of Technology Assessment and amend the National Science Foundation Act. All points of order are waived against section 8 of the bill for failure to comply with the provisions of clause 4 of rule XXI—there is a transfer of funds.

H.R. 10243 would establish an Office of Technology Assessment in the legislative branch, thereby extending the congressional information-gathering function. The National Science Foundation Act would be amended to conform therewith.

The Office would be composed of a policymaking Assessment Board, composed of 11 members, and an operational unit headed by a Director, who would be responsible for the day-to-day operations. The Director would be appointed by the Board for a 6-year term.

The Office would appraise the probable impacts of the applications of technology and coordinate information to assist the Congress in determining the priorities of programs.

The Office is authorized to promulgate rules and regulations, make contracts, hire personnel, fix compensation, and so forth; it is authorized to sit and act whenever and wherever necessary and has subpena powers.

Arrangement is made for cooperation and supportive services of the Library of Congress and the GAO.

Coordination and cooperation with the National Science Foundation would be maintained to avoid unnecessary duplication or overlapping of research activities in the field of technology assessment techniques and programs.

Assessments could be initiated by any congressional committee chairman or ranking minority member, or by a majority of the committee members.

All results would be available to the public except in cases involving national security or where public information statutes would prohibit its release.

The sum of $5 million as authorized for fiscal year 1972 to establish the Office.

Mr. Speaker, this legislation could be very beneficial to the Congress and I urge adoption of the rule in order that it may be considered.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by the gentleman from New York.

I wish to point out one thing that was brought up before the Committee on Rules. In the committee report on page 1, at the bottom of the page, the report reads as follows:

> The Office would be composed of a policymaking body called the Technology Assessment Board.

Really "policymaking body" is a poor choice of words, as actually it is not going to be a policymaking body in the real sense of the word, but it is only going to be permitted to make its own rules. It is going to work for this Congress and not be making policy for it.

I yield to the gentleman from Georgia if he would like to say anything on this matter.

Mr. DAVIS of Georgia. Mr. Speaker, I agree with the gentleman from Ohio. He is absolutely correct. Perhaps "policymaking" was an unhappy choice of words. Certainly it is not contemplated the Office of Technology Assessment would have any policymaking powers whatsoever with respect to Congress.

Mr. LATTA. I thank the gentleman from Georgia for his contribution.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DELANEY

Mr. DELANEY. Mr. Speaker, there is a technical error, and I ask unanimous consent to correct it. On page 2, line 3, the word "bills" should be "bill."

Mr. Speaker, I ask unanimous consent that the resolution be so amended.

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10243), to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10243, with Mr. DANIELS of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. DAVIS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 10243 would establish an Office of Technology Assessment within the legislative branch of the Government. In addition to authorizing the establishment of the Office, the bill would authorize $5 million for fiscal year 1972. I might say in that connection that the committee has an amendment which will extend that authority for the years 1973 and 1974. As the bill now stands, additional authorization would be required for additional fiscal years. Because of the lateness of the fiscal year and the normal delays in appropriations in such cases, we will offer a committee amendment which will not increase the $5 million, but we do propose to offer the amendment.

The bill was reported from the committee following 5 years of extensive, careful work. It was reported unanimously and, together with its companion bill, H.R. 10246, has the cosponsorship of all members of the committee. The comprehensive background and spadework done on this bill includes two voluminous sets of hearings in 1969 and 1970, the completion of four contract studies on the subject, special seminars, and so forth.

It is important to note that the bill is designed to provide informational aid for the Congress, not for the executive branch. The OTA would be at the disposal of any committee of the Congress, but it would not assume any congressional function—oversight, investigative, or otherwise. It would function entirely in a supplemental fashion.

At this point one may well ask—what is technology assessment? A definition which seems accurate for our purposes is as follows: Technology assessment is a mechanism which may be used to evaluate the impacts, good and bad, which new or developing technology may be expected to have on legislative programs with which the Congress must deal; the intent is not to evaluate the technology itself, but to evaluate the impacts—physical, economic, social, and political. Most importantly, it is designed not only to provide Congress with early warnings of possible troubles—but to help move new technologies into action rapidly in areas of society where they can be helpful.

Let me describe briefly the organizational arrangement of the OTA.

First, it would be composed of a technology assessment board, the functions of which would be limited to the formulation and promulgation of the office's internal policies. The board would be composed of 11 members as follows: Two Members of the House, one for each party, appointed by the speaker; two Senators, one from each party, appointed by the President pro tem of the Senate; the Comptroller General of the United States; the Director of the Congressional Research Service of the Library of Congress; four specially qualified members from the general public, appointed by the President with Senate approval; and the Director of the Office.

The four public members of the board would be appointed for 4-year staggered terms; the terms of two members would expire every other year and two new members would be appointed. Such members could be reappointed once, making a maximum service of 8 years.

Second, responsibility for the day-to-day operations would be carried out by a director. The Director would be selected by the board for a 6-year term. Once appointed, he would also become a member of the board and would be a voting member on all matters, except with respect to his own reappointment. No limit is placed on his reappointment.

The OTA would not itself carry out technological assessments, but would arrange for them to be done through contract with appropriate outside groups—industrial, nonprofit, academic, or ad hoc. Such assessments would be undertaken upon request of any congressional committee or upon the initiative of the Director of the office or its governing board. It is expected that the office itself would remain a small, highly skilled unit somewhere between 50 and 100 persons.

The office should be valuable not only in updating the machinery of Congress for dealing with technological issues, but in improving the congressional image with regard to legislative efficiency.

It is expected that the office would pay for itself many times over in the money which could be saved with its help. This should result from the fact that assessments provided to the various committees would permit them to begin their hearings and investigative procedures from a more advanced and sophisticated level.

The office is designed to provide the Congress with first-rate information with regard to the probable impact of technological programs the Nation may be called upon to support or regulate. It is not designed to make recommendations as to courses or legislative action, nor would the office have any regulatory powers.

The authorization figure of $5 million was arrived at as follows: The new OTA, in its organizational structure and purpose of serving Congress is roughly comparable to the General Accounting Office—GAO. In 1923, the first year of funding for the GAO, Congress appropriated $2.5 million. By extrapolation, and taking into account the inflation over the past 50 years, the amount requested for the new OTA is probably about one-third or less of what Congress provided GAO to get organized, get its basic staff on board, its housekeeping arrangements set up, and so on. We believe that it is reasonable to request less authorization at this time than GAO had, since it is not intended that the OTA staff would approximate the size of GAO and since actual assessments would not be done inhouse, but would be contracted through outside groups with special expertise.

Mr. Chairman, I urge the committee to support and approve this legislation.

Mr. MOSHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I join in strong support of this bill (H.R. 10243), to establish an Office of Technology Assessment as an entirely new arm of the Congress. I gladly second the plea for support just made by our subcommittee chairman, the gentleman from Georgia (Mr. DAVIS).

In fact, for purposes of emphasis, I will repeat several of the points he made.

But first let me emphasize that this proposal has the unanimous backing of the minority side of the House Science Committee, and it was approved in the full committee without a dissenting vote.

It is the product of several years of hard study in our Subcommittee on Science Research and Development, originally under the vigorous, creative leadership of a former colleague, Mim Daddario, of Connecticut, and more recently JOHN DAVIS. I feel privileged to have worked closely with those two distinguished gentlemen, with Chairman GEORGE MILLER, and with the exceedingly competent Phil Yeager of our committee staff—and with many others—in perfecting the technology assessment concept, and attempting to apply it to the needs of the Congress.

I know that I speak for all of the minority on our committee in expressing the urgent hope that H.R. 10243 shall win the overwhelming approval of the House Members here today.

Incidentally, it appears that the other body may move rather quickly and favorably on this legislation, if we send it over to them. It is being cosponsored there, on a bipartisan basis by Senators JORDAN of North Carolina, STEVENS, KENNEDY, ALLOTT, and PASTORE.

It was in April 1970 that former Congressman Daddario and I first joined in cosponsoring a bill which was basically the same as the bill before us today.

And on September 16, 1970, we attempted by amendment to the congressional reorganization bill, to include this legislation, creating a congressional Office of Technology Assessment.

But at that time, in 1970, our bill had not yet had a hearing before the House Rules Committee. Members of the Rules Committee were understandably uncertain concerning its relationship to other elements in the reorganization bill, and they challenged our amendment on the grounds that it was not germane to the legislation then before the House. But at the same time they made it clear that they were friendly to our proposal and would consider it carefully later. So, our amendment was ruled not germane.

Now, I am happy to report, members of the House Rules Committee gave our bill a very friendly, receptive hearing last week. Several members stated their strong support. Our request for a rule was approved. And today we urge the House to approve the bill.

We are convinced that the Congress and the country urgently need the services of the Office of Technology Assessment which H.R. 10243 would authorize.

The solid evidence and valid arguments, the several very responsible, expert studies and reports accumulated over recent years by our subcommittee, all increasingly point to that important need here in the Congress.

Too often, we in the Congress are flying blind—or at least much more in the dark than is necessary or good—to the extent that we do not obtain better information and advice than we now have so as to be more sure of what we actually are doing when we make decisions which involve the use of new technology.

I submit that the Congress faces a very real and serious need for better information, more accurate, comprehensive, significant information. Too often we act without knowing enough about what we are doing.

That is especially true as to the impacts of today's complex, sophisticated new technology developments.

It is much too easy for us to accept on faith proposals to put new technologies to work, when really we are sublimely ignorant of what some of the vitally important results of it—for good of evil—are likely to be.

I point especially to the often terribly significant secondary and tertiary consequences of new technologies, the domino and ripple effects that we too easily fail to anticipate. Particularly, I mean the social impacts, the ecological, environmental, or health changes that are wrought, and the economic changes, the effects that easily are overlooked when we consider the claims made for new proposals.

Nearly every congressional committee today is forced to make extremely important decisions which include significant technology components, and that will be increasingly so as we move ahead. We increasingly contemplate projects that require huge expenditures of public funds, prospects that would have huge social, environmental, health, or economic impacts, not very readily evident to us.

There is, therefore, a crucial need that we know better and assess more accurately those impacts, before we vote our decisions.

We can accomplish that effectively only by the use of highly competent skilled systems analysis techniques—supplementing the common horsesense and practical instincts on which we traditionally depend.

Today, there is strong, competent staff help for many of the congressional committees. But I submit that our present staffing does not even pretend to provide, nor could today's staffs provide, the comprehensive systems analysis assessments of complex technologies, and their consequences, which we are proposing in this legislation, and for which there is a vital need.

Also, let us clearly recognize that the Congressional Research Service in the Library of Congress does not and will not provide the assessment services we are proposing in this bill, even though all of us do certainly recognize and appreciate the tremendous helpfulness of the increasingly excellent services the CRS do perform for us.

Let us face it, Mr. Chairman, we in the Congress are constantly outmanned and outgunned by the expertise of the executive agencies. We desperately need a stronger source of professional advice and information, more immediately and entirely responsible to us and responsive to the demands of our own committees, in order to more nearly match those resources in the executive agencies.

Many, perhaps most of the proposals for new or expanding technologies come to us from the executive branch; or at least it is the representatives of those agencies who present expert testimony to us concerning such proposals. We need to be much more sure of ourselves, from our own sources, to properly challenge the agency people, to probe deeply their advice, to more effectively force them to justify their testimony—to ask the sharper questions, demand more precise answers, to pose better alternatives.

It is very important to recognize that the Office of Technology Assessment, as proposed in this bill, will be strictly supplemental to the services performed for us by the Congressional Research Service and the General Accounting Office. It will not be similar to, nor duplicate their services.

The new Office of Technology Assessment will be somewhat analogous to the GAO and to the Library's Research Service, only in that it will be distinctly an arm of the Congress alone, an instrument for the Congress alone to use, and responsible only to the Congress. It will greatly strengthen our staffing, our sources of information—in short, it will greatly strengthen our own competence to do the job we are supposed to do, in the public interest.

Of course, we considered carefully whether this technology assessment function should be placed in the already existing GAO or Congressional Research Service, and the evidence was convincing that it should not be. To be effective, it should be separate. GAO makes its examinations after the fact, after the water is over the dam. The essence of our bill is to anticipate far more accurately in advance the consequences of our decisions here. And even though the Congressional Library has great competence in many respects, it does not have the type of competence, nor traditionally the thrust, the interests and attitudes intended by this new legislation.

It is significant that responsible representatives of both the GAO and of the Library of Congress testified before our subcommittee in favor of this OTA concept.

Technology assessment often is referred to as an early warning system, to alert us much more accurately and fully both to the potential dangers and threats and to the potential good, the opportunities, in new or expanded technology proposals.

In making these complex decisions, we urgently need better insights in advance into their consequences further down the river, over the dam. We need to define and to measure much more clearly and accurately what are the options and the alternatives available to us.

We believe the new office could begin to function effectively with a small cadre of a dozen to 20 very competent people, carefully selected, a staff broadly knowledgeable in the sciences, technology, Government and public problems, and especially experienced in the management of public enterprises.

Obviously, as a starting team they will have to feel their way carefully but vigorously and imaginatively, in this new enterprise. There will have to be a certain amount of trial and error, and a lot of initiative.

The growth and the boundaries of activity in the new office, this new arm of the Congress, will depend entirely on the Congress itself. We can use it, accept it, expand it, or cut it off, depending on how usefully effective it proves to be. It will have to prove itself, and we on the committee are convinced that it can and that it will.

We contemplate the possibility, sometime in the future, after proved success, that the Congress might authorize an ultimate staff size of somewhere between 50 and 100 for the Office of Technology Asssessment.

Its original housing and housekeeping functions probably would be in the General Accounting Office. We understand the Comptroller General approves that idea. Later, the OTA staff might well be housed in the new annex of the Congressional Library, now going up just east of the Cannon Building.

It is very important to recognize that the staff of the new OTA will not themselves do the actual assessment studies and reports that the Congress will ask of them. The essential function of the OTA staff will be administrative. They will be expected to identify, recruit, and employ the best available expert talent, wherever it may be found, to do the actual assessment studies and reports on an ad hoc basis—undoubtedly different experts or groups in almost every case, depending on the proposal to be assessed.

This usually would be on a contract basis, just as many of the executive agencies contract for technology assessment services. The OTA staff would be expected to use the professional competence of the National Academy of Science and Engineering, the universities, the industrial science and technology organizations, the private research institutions, the great Federal laboratories, the most competent individuals or groups wherever they can be found.

Now, it will be asked, who shall have the privilege of asking or demanding assessment reports from the new Office of Technology Assessment? As we conceive it, in the bill before us, the OTA shall be responsive only to official requests from the committees of the Congress, acting through their respective chairmen; or, of course, the OTA also could respond to requests and instructions from the Congressional leadership.

It is an important point that the OTA would not be expected to accept or respond to just any request made upon it by an individual Member of the Congress. In that respect, it definitely would not be like the Research Service in the Library of Congress. The studies and reports contracted by the OTA will usually be of a much larger, more comprehensive scope, applying to major technology decisions that are before a committee.

Also, the OTA staff will be expected to anticipate the assessment needs of the various committees, to identify problem areas, and to initiate proposals for the needed assessments, subject to committee approval.

Obviously, the new OTA staff and the purchase of those expert assessment services will cost a very considerable amount of money, requiring some increase in our legislative appropriations.

Perhaps the most important point we can make here today is this, that such money can be mighty well and wisely spent: Not so much spent as invested, invested effectively to pay big dividends to prevent in advance some huge mistakes we might otherwise make; or to point the way for us to use much more effectively and economically opportunities we do not now recognize.

In a committee amendment which will be offered for H.R. 10243, we will request an authorization of $5 million in the aggregate, for the 2 fiscal years of 1973 and 1974. We believe that is a sound estimate as an expenditure ceiling. After those 2 beginning years, the OTA would then have to come back to the Congress, the parent body to which it is solely responsible—not to the executive branch—to justify the quality of its services and to obtain any further authorizations the Congress may decide it deserves.

Now, finally, one other crucial point should be made very clear. Please recognize that both the new Office of Technology Assessment, and the board that shall oversee its operations, are being created to perform only staff work for the Congress, not to make our decisions for us, not to make national policy.

I repeat, with emphasis, the OTA will not be a decisionmaking body, nor a policy making body. It is absolutely fundamental to our entire concept, and it is the very essence of this bill, that the OTA shall not in any way usurp any of the intrinsic powers or functions of the Congress itself, nor of any of the congressional committees, it will be only supplemented.

The OTA shall be solely a servant of the Congress; its fundamental function will be to supply us with much more comprehensive, accurate, significant technical advice and information than is now available to us. It will be created solely to help us do a better job.

In conclusion, let me remind you of that basic truism, that science and technology are only tools. In themselves they are neither good nor bad. Their quality and consequences depend completely on how wisely and effectively in the best interests of ourselves and of all mankind, we use these complex, fearsome or amazingly and increasingly useful tools.

I submit that that is precisely the very valid, vital reason why we should vote in favor of H.R. 10243 here today. The Congress itself urgently needs this legislation in order to make far wiser, more effective, more economical use of the wonderful tools of science and technology which are so readily available to us.

Mr. DAVIS of Georgia. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Indiana (Mr. ROUSH).

Mr. ROUSH. Mr. Chairman, I would like to comment on the bill we are now considering, H.R. 10243, a bill that would enhance congressional information gathering by the creation of a special Office of Technology Assessment in and for the legislative branch.

I was a cosponsor in the first session of this Congress of an almost identical bill, H.R. 3269; H.R. 10243 provides certain changes from that proposal which are mainly perfecting amendments, none are substantive changes. And I have cosponsored similar legislation in Congress before. I am happy to have a chance to speak to the importance of this legislative proposal before the House today.

H.R. 10243 has as its purpose, according to the accompanying report, to set up an Office of Technology Assessment which would "provide an early appraisal of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it."

Actually as Members of Congress we are assessing technology all the time, consciously or unconsciously, effectively or inadequately. We vote funds or disapprove projects based on our assessment of the value of the project involved, such as the SST or pollution control, atmospheric research, or new defense equipment. Yet none of us can be a specialist in all these fields, so we critically need the sound advice of an Office of Technology Assessment, such as this legislation proposes, a "highly skilled, problem-oriented, independent office" as the report describes the recommended Office of Technology Assessment. This is an office designed to serve the Congress alone, an office coordinating information on technology from committees, agencies, private organizations, universities, to bring this information to bear upon our knowledge needs.

I have also introduced into this Congress a bill that is closely related to technology assessment. This is a bill, H.R. 9379, to create an Office for Federal Technology Transfer, to coordinate the disparate Government efforts to more fully utilize information derived from the expenditure of Federal funds for research and development. The Office of Technology Assessment would provide information concerning the relative benefits and dangers of technology utilization. My proposal would take up at that point. Once a particular technology has been endorsed and funded by the Federal Government, and many have, the Office for Federal Technology Transfer would endeavor to make sure that we secure the full benefits of that technology, that we guarantee that the money spent by the Federal Government on research and development is turned to full use for the whole American community, in medicine and education, business and the professions.

Only one of these bills is before us today, so let me concentrate my remarks on H.R. 10243, creating an Office of Technology Assessment.

Indeed today most of our national problems are related in one way or another to technology and its application. Our cities are the product of new technology, our transportation, communications, medicine, education, defense have been revolutionized and are continuing to be revolutionized, by technological innovations. Accordingly our way of life changes with the introduction of new modes of operation.

Yet we have not been prepared for the changes required. We are surprised and distressed when the blessings of progress purvey unexpected problems. Who would have thought that detergents might clog our streams, that jet planes might clutter the air with noise, that pesticides could threaten man's food supply? Well, they have and are. Yet, would we want to abandon any of these totally?

Some would. Some even insist we must, if we want to survive. Reputable scholars are now recommending that in face of this challenge, this Janus face to technological progress, that perhaps we should turn the clock back, perhaps advancing civilization technologically is not worth it. We should depopulate the cities, return to small community living, abandon mechanized transportation, processed foods and other luxuries we have learned to expect, to demand, to depend upon.

I reject such a solution. I have more faith in man's ability to discern his needs and rationally choose technology that will meet those needs, avoiding potential detrimental effects. The American people have traditionally been the leaders in technological progress. We have now reached a stage when we must reassess, reevaluate what that technology, whether machinery or new methods of operation, can do for us and has done to us. This is, what Mr. Moynihan would call, a "knowledge problem." And that is exactly what it is. That is the reason that I am supporting H.R. 10243, for it is the Congress which deliberately or inadvertently makes many of the choices regarding technology and its use or misuse.

Dr. Jerome B. Wiesner cogently described the task we face in an appearance before the House Science and Astronautics Committee when he said:

> Our task in dealing with these problems is two-fold: To anticipate and avoid destructive applications of technology and to stimulate and emphasize those uses which would point us in the direction of a more humane, decent, happy society. We must learn to recognize and avoid those uses of technology which would be destructive or demeaning to people, no matter what their material yield: in other words, we must learn how to create a humane technology.

Creating that humane technology, making it possible for the Congress to contribute toward that task or goal, is what H.R. 10243 is all about. H.R. 10243 has my full support and I hope that of the other Members of the House of Representatives.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. Winn).

Mr. WINN. Mr. Chairman, as a cosponsor of H.R. 10243, I would like to add my support. In America today there is an increasing need and demand for legislation which will result in immediate and concrete social benefits. The major role that science and technology must play in these programs cannot be denied.

The rapidly changing and expanding technology base which exists in our Nation, and its influence on much of the legislation we consider, places great stress on the Congress in terms of understanding all the possible physical, economic, social, and political ramifications of a particular bill which is being considered.

The establishment of an Office of Technology Assessment would represent a major step forward in providing the Congress with the unbiased information that is required to create legislation which is both beneficial to the American public and which utilizes public funds and resources in a cost-effective manner.

This office would provide us with the ability to visualize the potential influences of technology allowing us to ascertain its optimum use. This would better enable Congress to control and direct emerging technologies so as to maximize the public benefits while minimizing public risk.

The profit motive and the traditional market mechanism that we have long relied upon for the task of sorting out what technology should be used is no longer sufficient. With the establishment of OTA, the interactions, side-effects, byproducts, and trade-offs among constantly developing technologies would be scrutinized in order to fully understand the effect of technology which is often the cause of unforeseen and undesirable results.

Mr. GOLDWATER. Mr. Chairman, I would like to rise in support of H.R. 10243, to establish an Office of Technology Assessment for the Congress.

As one of the cosponsors of this legislation, I share the view of my esteemed colleague, Mr. Davis of Georgia, that such an office is essential if the Congress of the United States is to be properly informed on the potential and immediate effects of our exponentially increasing technological growth.

As a Representative from southern California, I am especially familiar with the rapidity of "spin-offs" from the aerospace industry. I can say with all honesty that it is humanly impossible for one man to keep track of all of these "spin-offs," much less their potential impact on our society. Yet the collation and dissemination of this type of information is, it seems to me, especially critical for the Congress, for a number of reasons.

First of all, we must consider the billions that Congress spends each year to advance technology and to further basic research. We have always acted on the basic premise that this type of investment is good, that it will produce concrete returns, and that these returns will be of value to society. The Office of Technology Assessment will take this basic premise and put it to the test; by so doing, it will present the Congress, for the first time, with rational options for program activity. We will be able to trace out the possible effects of varying forms of investment, as well as to identify areas of critical need.

Mr. Chairman, I wish to compliment Mr. Davis for his fine efforts on behalf of this bill; passage of this legislation will enable the Members of Congress to serve more knowledgeably and responsibly in setting the technological goals for this country and in allocating America's resources for the achievement of these worthwhile goals.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. Chairman, I have served but 3 of the 5 years on the Committee on Science and Astronautics, during which time the committee has considered the need for an Office of Technology Assessment, but I can honestly say that I had only served a few weeks on the committee, during the period of the early hearings in 1969, when I recognized the need for such an office. I think that it is interesting and perhaps fortuitous that we have only within the past hour concluded the debate on a recommended resolution highly relevant to the questions that we raise in our discussion here. As you will recall, that was House Resolution 164, the preamble of which reads in a sense almost identically with the preamble of the bill before us, and yet was addressed, the meat and thrust of that legislation, toward but one particular, imperative problem which was the problem of protecting the rights of privacy, and the civil rights aspects of a man's personal life from the, unwitting at times and perhaps sometimes deliberate, encroachments of technology. The 168 Members who supported that resolution undoubtedly recognized that problem, and perhaps did not know that we were about to present an overall piece of legislation which would attempt to provide the Congress with resources to answer many, many questions of technology assessment that can arise out of every committee in both Houses of the Congress. And that is the bill that is before us today.

I am proud of our chairman, the gentleman from Georgia (Mr. DAVIS), for taking the baton from our former colleague, Mr. Daddario, who was the great chairman that preceded him in producing this legislation, because I honestly feel that this bill will help the Congress know what it is doing in many other pieces of legislation that will come before it.

We cannot exactly call this an America-first type of bill because in the remarks which I hope will receive consideration in the Extensions of Remarks it is clear that West Germany, Britain, Japan, Sweden, Canada, and, in fact, most of the major developed countries of the world have established such an office, either serving their parliaments directly or stemming from their ministries of trade or economy in order to make them competitive, which is what we would like to continue to be, and which is why I would very much hope that the Congress would avail itself of this opportunity, not so much as an offset to the executive powers in this regard, though they are clearly ahead of us there, and much information we receive from the administration is highly useful to us.

But there are times when we would feel more comfortable developing our own views, and the basis for them, not necessarily in contradistinction, but often in support of initiatives the executive asks of us. This Office of Technology Assessment would provide such resources. Moreover, I do believe the suggested authorization of an appropriation of $5 million is not out of line with the kind of sums that we ought to be saving our Nation should such an office be established, warning us away from erroneous uses of technology and encouraging us to make correct uses of it.

Our committees are simply not staffed nor are any of our individual offices so staffed that we can make these assessments ourselves. This bill provide us with a much-needed and much-lacking resource, and I do hope it will receive the earnest and positive consideration of the House.

Mr. Chairman, technology assessment is a response to the public demand that science serve all human needs and values.

This feeling is apparent throughout the world, not just in our own country.

People continue to use technology to make a living, of course, but they also want to steer its application to improve the environment and the quality of life.

Citizens everywhere are telling their governments and business enterprises to make sure that new technologies and new projects return a net benefit when social and environmental as well as economic costs are added up.

In considering this bill to establish an office of technology assessment I wish to point out the number of parallel activities going on in other countries and in international organizations.

In the United Kingdom the Ministry of Trade and Industry has for some time operated a program analysis unit to study broadly the costs and benefits of alternative government investments in technological projects.

A special "Crown Commission" was formed to assess the social and environmental impacts of a third airport for London as well as its economic feasibility.

As some of my colleagues here recall, Mr. Peter Walker, the British Minister for the Environment, told a group of Senators and Congressmen at the recent joint colloquium on International Environmental Science that because of their effort in assessment the quality of Government decisionmaking had been greatly improved.

In West Germany an institute for systems planning has been set up at Heidelberg and the Bundestag has empowered a committee to assemble information on assessments of the impacts of roads, dams, waterways projects, and other public works.

In Japan the Ministry of Trade and Information has undertaken a massive study of probable opportunities and hazards in future technological capability.

The Swedish Board for Technological Development is studying the "problems of monitoring and abatement of negative side effects of existing technologies."

Other nations beginning technology assessment include the Netherlands, Canada, Norway, and France.

These concerns are not limited to the capitalist world.

I have obtained a copy of a report, "Science of Science—Effective Management of Technology" by G. M. Dobrov of the U.S.S.R. Academy of Sciences. It purports to discuss the Russian experience with side effects of technology and is now being translated into English by the Congressional Research Service.

Just a few days ago representatives from 12 countries met at the Organization for Economic Cooperation and Development—OECD—in Paris to discuss technology assessment.

A recent report by the OECD on science policy for the 1970's has concluded:

> That the new orientation of our societies towards the qualitative aspects of growth and towards broader concepts of welfare will require a much closer integration of science policy with the totality of economic and social policy, especially in relation to the long range human objectives of economic development.

The 12 nation technology assessment seminar compared experiences and methods of assessment. They agreed that technology assessment must be performed and the results communicated to parliamentarians and other decisionmakers.

A cooperative program to exchange assessment information is being formed by the OECD.

The North Atlantic Treaty Organization through its science committee has planned a meeting of member country experts on technology assessment for this next fall.

UNESCO has begun to apply assessment of the noneconomic consequences of technological development to its program planning for the emerging nations.

These less developed countries are well aware of the chance they have to avoid unwanted side effects as they expand their economies.

The council of Europe will hold its third parliamentary and scientific conference in April of this year in Switzerland.

The theme is "Management of Technology and Parliamentary Control" to insure "that decisions necessary to make modern government both effective and democratic are taken on the basis of the most relevant information at the right level, under parliamentary control and at the right time."

A New International Institute for the Management of Technology has been established in Milan, Italy, under the auspices of Austria, France, Germany, Italy, the Netherlands and the United Kingdom, with the support of over 20 major European corporations.

The purpose of the IIMT is to train government and business leaders in the new techniques of management, and technology assessment is a principal part of the curriculum.

The European Industrial Research Management Association — EIRMA — a private sector organization, has recognized the importance of technology assessment in its programs and plans.

Finally, Mr. Chairman, the U.N. Conference on the Human Environment to be held in Stockholm this spring will discuss environmental consequences as a part of the total impact assessment process which is becoming recognized throughout the world as a necessity for the rational progress of civilization.

Thus the Office of Technology Assessment proposed in H.R. 10243 would become a major link in a global network of institutions which are assisting decisionmakers to do a better job.

Technological matters have many international aspects and the assessment of impacts is an appropriate subject for the exchange of information and methodology.

The U.S. Congress can gain a great deal from the experiences of other governments if it establishes the functions described in our bill.

The OTA can channel assessment results accomplished elsewhere to bear on our domestic problems where technologies are similar.

There will be differences in value systems among countries which may cause implementation of technology assessments to differ—but the surging interest in this analytical method throughout the world should be of benefit to all nations.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Chairman, I would like to join Chairman Miller and Mr. Mosher in offering my endorsement of H.R. 10243. I would also like to comment further about the pressing need for creating an Office of Technology Assessment.

The term technology assessment has an appealing sound of relevance about it, and yet, I am not sure that the contribution such an Office would make to the Congress is fully appreciated.

Technology in essence means change. This change can mean great advantages for society. But it can also mean major threats. The automobile's air polluting engine as well as the jet's noise polluting engine come immediately to mind.

In the past few years, as a result of some of the unforeseen implications of our advancing technology, technology has been scored for its detrimental impact on society. The basis of the problem, however, is that society has failed to anticipate the impacts of the technological age—rather we have merely reacted to them.

We need to be concerned, therefore, not only with the obvious, first-order effects of technological innovation, but also with the less obvious and sometimes nearly imperceptible second-order effects.

Most of us have been able to recognize the first-order effects of damming a river or developing a supersonic transport or introducing a new pesticide. But an Office of Technology Assessment would try to determine the effects beyond that which might otherwise be overlooked, whether those effects be beneficial or harmful.

An Office of Technology Assessment would thus permit the Congress to foresee and to understand in full the implications of a perspective change, and to help society share this understanding so that we can be ready to make the most of the advantages and to lessen, insofar as possible, the dangers.

In essence then, an Office of Technology Assessment would consist of a small core of multidisciplinary experts who would investigate the unexpected impacts of technology on the natural and social environments; look for conditions in which technology might solve our problems and benefit our society; identify Government programs with a high or novel technology content; and identify for the Congress promising technological and scientific developments.

One of the great challenges of our time is to apply science and technology to enriching the quality of life, to enhancing the satisfaction of daily work, and to improving the environment. It is obvious that one of the most promising frontiers for future technological efforts is in the direction of human, environmental, and resource development—a "big picture" approach—rather than simply a multiplication of gadgets. Technology is something to be adapted to the needs of man to serve man—with the task of an Office of Technology Assessment to direct that technology to the fulfillment of important human purposes.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Camp).

Mr. CAMP. Mr. Chairman, I join with Chairman Miller and the ranking Republican member of the committee, Mr. Mosher, in offering my enthusiastic support of the bill to create an Office of Technology Assessment.

I feel that the creation of this Office responds to one of the more immediate and pressing needs of society. I see this Office as an outgrowth of the increasing public concern which has developed over the deterioration of many aspects of our quality of life—a deterioration tied in many cases to technology.

It is wrong of course to lay the complete blame on technology for such problems as air pollution, noise pollution, inadequate transportation, and urban crowding. Still, these and many of our other major problems distinctly involve technology—not only in terms of how the problem arose, but also in terms of how the problem will be solved.

This in essence is what technology assessment is all about. Past progress in such diverse fields as defense, transportation, and agriculture has advanced in rather haphazard, or at best, undirected fashion. Society is now having to bear the consequences. Many of the goods and concepts we have come to consider as benefits are now being viewed more skeptically. Much of our past progress is instead seen as contributing directly to the very ruination of our environment and our standard of living. It is not surprising therefore that a strong desire has emerged to eliminate or minimize these undesirable effects.

One clear outgrowth of this desire is the bill before the Congress today—a bill designed to better exploit the advantages of technological innovation while reducing the disadvantages. While an Office of Technology Assessment will not be able to answer all the questions on every issue, it certainly will be able to better explore and evaluate the uncertainties inherent in technological developments, particularly in its initial stages. I further emphasize that technology assessment does not mean putting controls on technology. What it does mean is integrating the technological with the social, governmental, and political.

In summary, Mr. Chairman, I think the creation of an Office of Technology Assessment represents a major move both in the direction of remedying present ills and in reassuring those who doubt or fear technology. The wise and imaginative application of technology can do much to alleviate current problems while simultaneously bringing about new social benefits. I ask my colleagues to join with me in supporting this new Office as it is designed to carry out this essential responsibility.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Chairman, one of the noteworthy aspects of the bill we are considering today is that the underlying concept of technology assessment has already begun to appear in the deliberations of the Congress. There is a realization of the need for technology assessment not only in terms of the general discussions heard in this body about the impact of modern technology on our society and its environment, but also terms of the specific actions which we take.

Let me suggest a few examples. In the conference report on the appropriations for the Environmental Protection Agency in the last session of this Congress the conferees stressed the need for Government agencies to review new projects not only for their environmental impact. They also directed that "all required reports from departments, agencies, or persons shall also include information—on the effect of the economy, including employment, unemployment, and other economic impacts."

The same concern for broad technology assessment and for the methods of performing such assessments can be found in the debate on the water quality amendments last year. One Member noted that the act already calls for determinations to be made of the social benefits and costs which would result in specific cases from the imposition of higher standards of effluent control. He proposed an amendment giving the Environmental Protection Agency responsibility for the development of "the most effective practicable tools and techniques for measuring the social costs and benefits of activities which are subject to regulation."

Let me note as a final example the language contained in the Rivers and Harbors Appropriations Act for fiscal year 1972. Section 122 called on the Chief of the Army Engineers to study the adverse economic, social, and environmental effects of new projects. These adverse effects were enumerated in some detail and include air, noise, and water pollution, esthetic values, community cohesion, and effects on employment, taxes, property values and community growth, and the general displacement of people, businesses and farms.

These examples suggest two things.

One is that the Congress has become thoroughly aware of the need for technology assessment. The other is that up to now very little of this has been done by the Congress itself. In almost every case the buck has been passed to the executive branch.

In my opinion the time has come for the Congress to begin doing its own technology assessments. I am strengthened in that view by a survey made a few years ago of the proposals introduced in the Congress regarding the establishment of new committees with special interest in science, technology, and the environment. In the 89th Congress, nine such proposals were introduced. In the 90th Congress, a total of 27 proposals were introduced. In the 91st Congress the figure jumped drastically to 132 proposals for the establishment of such new committees in the field of science, technology, and the environment.

I think that it is clear that as a nation we have recognized the need for technology assessment. And I think that it is equally clear that in the Congress we have a need for a capability to do at least part of the job of technology assessment as an integrated part of the legislative process.

Mr. MOSHER. Mr. Chairman, I have no further requests for time at this time.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the chairman of our full committee, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, those of us who have been thinking about an Office of Technology Assessment for some time have long since concluded that it will more than pay for itself in money saved.

Not that the advanced type of information the OTA could provide will guarantee there will be no unnecessary Government expenditures—but it certainly should help the legislative branch in its efforts to hold these to a minimum.

No doubt each of us could cite offhand various instances of stop-and-start Federal activities which have resulted in the loss of hundreds of millions of taxpayer dollars.

This brings me around to the question of what the size and cost of the OTA itself may be. Clearly we cannot get accurate data on this question for two main reasons.

One is that the answer depends to a great degree on the quality of work done by the OTA, and hence how much use Congress chooses to make of it.

Second, since actual assessments will not be made by OTA itself but would be contracted to outside organizations, institutions, or ad hoc groups, we cannot state with accuracy what the studies will cost.

Obviously some will be inexpensive and some may be quite expensive, depending on their nature. And, we must remember that inflation must always be considered.

We believe, however, that the OTA in-house staff itself, though highly skilled, will remain small. The eventual professional staff is visualized at somewhere between 40 and 60, and we would expect the total personnel would level out at a somewhat higher figure.

If we estimate the annual cost per professional at about $30,000—which costs would include supporting services, overhead, administrative, and other expenses—then the operational costs eventually should be in the neighborhood of one and a half million per year.

Turning now to the cost of the assessments themselves, it is my understanding that on the basis of experience in the executive branch regarding somewhat similar activities, we might expect an average assessment of between $50,000 and $80,000, though some might run as little as $5,000 and some as high as $500,000.

If we assume that the OTA would handle 100 assessments of all types in a typical year, the average cost being $60,000, this would result in a contractual outlay of about $6 million.

If experience proves that the assessments run at a considerably higher figure, it is our expectation that the policy of the Office would be to exert stringent priorities and decrease the number of assessments initiated by the Office itself.

Hence, if it turned out that the assessments averaged, say, $150,000, we might reasonably expect the number performed in a typical year to be considerably fewer.

In any event, at this point in time, it would seem reasonable to estimate that a fully operative OTA would cost in the neighborhood of $7 or $8 million, annually.

In the long run, the cost of the Office, as I have suggested, will depend on the regard with which it is held by its constituency—that is, the Congress. The budget level must eventually be determined by the use that is made of it and the quality of its work.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I support H.R. 10243 to create an Office of Technology Assessment to aid Congress in its decisionmaking on the many technological issues that will confront us in coming years. Not only would such an Office be of invaluable assistance to Congress and to the various committees that deal with complex technological matters, but such an Office would pay for itself many times over in the prevention of wasted expenditures of public funds.

In recent years we have seen a tremendous increase in concern for certain physical and social values and in the realization that the side effects of technological developments can sometimes far outweigh the intended purposes of the developments themselves. Because of this new awareness, many public works projects and programs of support to technological development which Congress has authorized have subsequently encountered strong resistance.

If Congress had access to better information about these technological programs and a clearer picture of what their ramifications might be, many costly mistakes might be avoided. How much more sensible it would be to decide for or against a program after a small investment of time and money that told us something of its consequences, than to abandon investments of millions and even billions of dollars because the liabilities of a program were not realized until it was half constructed. Let me cite a few examples of some of the better known projects that have been abandoned or delayed because of concerns which erupted after they were already well underway. The money lost on any one of these projects would justify—even more than justify—expenditures for technology assessment.

Everyone is aware of the environmental focus that was brought to bear on the Cross-Florida Barge Canal but not everyone remembers that close to $50 million had already been invested in the project when it was halted. That is $50 million down the drain with practically no benefits. As of last November, the Corps of Engineers had five other projects that were stopped because of law suits, and eight more that were the subject of litigation. The corps is not the only case; water resource projects of TVA and the Bureau of Reclamation similarly are subject to opposition because of side effects—not merely environmental effects, but economic, social, and political ones.

Last year's drastic reversal of policy on the prototype SST was the result of a number of factors, including the possible environmental effects of a fleet of SST's operating in the stratosphere. Chief among these was the possible destruction of stratospheric ozone by the release of large quantities of nitrogen oxides in the stratosphere. Some scientists projected a substantial reduction of such ozone, with a resulting sharp increase in the amount of ultraviolet radiation reaching the surface of the earth. While there is no question that such an increase in radiation would be catastrophic for life on earth, there was and is no consensus as to whether such an increase would occur. Research is continuing on this question.

If the question had been raised and resolved before Government and industry had invested a billion dollars in the SST project, the waste of money and effort represented by the belated curtailment of the project might have been avoided.

Airports are often begun before careful scrutiny has been given to their environmental impact. The Big Cypress Jetport is now a $10 million patch of concrete, a huge scar in a tropical wilderness that will probably never serve its intended purpose. At least three Federal grants involving a million dollars went in the jetport.

Highway construction is notorious for its lack of consideration for side effects. I am sure all of the Members have cases in their districts of highways that have wiped out parks or low-income housing, or have split a community in two. We are just beginning to realize the tremendous impact that highway programs have on urban development, urban sprawl, the decay of center cities, and so on.

I will mention just one more category of projects: powerplants. Our needs for power are great and increasing, but our concern for the disruptions that powerplants can cause is also great and increasing. We must be sure that the best possible assessments of these technological developments are made before making decisons on them; otherwise there may be great blunders of economic and environmental disruption, severe local power shortages, and a multiplicity of lawsuits. Significant changes may be made in many nuclear plants following the Calvert Cliffs decision. This could result in substantial increased cost—all because of inadequate technology assessment during early planning stages.

Technology assessment would not necessarily reveal reasons for stopping such projects. More likely, it would point out probable consequences in time to take corrective action. The proponents of progress could then devise alternatives or remedies to make the projects acceptable. It is certain that prior knowledge of potential adverse reactions will prove less expensive than changes after the project is underway.

I urge passage of H.R. 10243. Congress, as the chief decisionmaking body for the Nation, should have the best possible technology assessment at its disposal.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 3 minutes at this time to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I thank the chairman for yielding.

I am sure there are more than an adequate number of cases for this legislation, as pointed out in the remarks that have been made and that will be made.

It does strike me as rather singularly important that this body should answer the question to the people of the United States: Who is in charge? Everywhere we look we see that the Congress is reacting to conditions that have been established by the decisionmakers whom the people of the United States have not put in charge. They are the people who are pursuing activities in this country the results of which become extremely burdensome to the American people.

Those persons do not have any constituency to whom they must respond. They are simply going out to take advantage of all the opportunities to carry out to the greatest extreme the activity to which they have addressed their time, talent and money. Yet inevitably the results of that activity create in our society conditions which are then brought to this Congress, and we are asked to do something about it. By that time the load factor is so great it would give the Jolly Green Giant a double hernia, and the costs of doing something about it are so great, we find ourselves facing deficits the like of which even some of our most concerned gentlemen in this House would never have dreamed possible we would have to face in this country and in this Congress.

So here we have an opportunity to do something constructive, something that we possibly should have done some time ago before this tremendous velocity of change was upon us.

The impact of scientific knowledge and technological advance has been so dominant in decisionmaking, but whether we like it or not, that is who is in charge. It is the conditions that are being created by this tremendous avalanche of so-called progress which leaves in its wake the tremendous problems which are then the business of this House.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. HANNA. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Would the gentleman agree that without this kind of assistance, the Congress is going to find itself in the course of time unable to deal with its constitutional responsibilities, and, therefore, it is going to experience a continual erosion of its constitutional authority?

Mr. HANNA. I could not agree more with the gentleman. The challenge is before us. We simply have to pick it up and take charge in a manner which we have not heretofore done.

This legislation gives us a vehicle by which we can do just that. I should hope it would put in our hands that decision making ahead of the facts instead of after the facts, so instead of being the cleanup crew, the salvage crew of the United States, the Congress can be a constructive decisionmaker in helping to determine the future of this country.

Mr. DAVIS of Georgia. Mr. Chairman, may I inquire how much time remains on this side?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, may I ask my distinguished colleague from Ohio if I might have 2 or 3 minutes of the time on his side?

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio.

Mr. BROOKS. Mr. Chairman, we are all acutely aware that Congress does not command the information resources—the analytical capability independent of the executive branch—it should have for policy determination and program review.

In this context, the objectives envisioned for an Office of Technology Assessment in the legislative branch are certainly desirable.

But I question whether this new agency, as described in H.R. 10243, would in fact be an Office of Technology Assessment for Congress.

Let me explain my reservations:

H.R. 10243 gives the Office and its Director extremely broad authority to provide an "early warning" on the results of applying technology, thereby assisting "the Congress in determining the relative priorities of programs before it."

Overall policy guidance for the office is the responsibility of an 11-member board made up of private citizens and public officials. Its chairman and vice chairman are private-citizen members. A majority of its members are either appointed by the President or selected by a Presidential appointee. Moreover, as a practical matter, the President—through judicious selection of the private citizen contingent—can insure control of this board by members of his party.

The Office may hold hearings and take testimony under whatever procedures it may wish to establish. This authority may be delegated to the Director or to a private-citizen-member of the Board.

Its Director, appointed by the Board, may initiate assessments on his own authority. And he may issue subpenas on his own authority or designate any person to do so for him—a power well beyond that of any Representative or Senator acting in his individual capacity.

Mr. Chairman, my amendment returns the Office of Technology Assessment to the legislative branch.

First, it creates a Technology Assessment Board made up of elected Members of the U.S. Congress. It provides for appointment of five Senators by the President pro tempore, three from the majority and two from the minority. Similarly, it provides for appointment by the Speaker of five Representatives. The chairmanship will alternate between the Houses every 2 years.

Second, it establishes responsibility for initiation of assessments in the committees of Congress and in this congressional Board of Technology Assessment; and

Third, it eliminates section 6(d) and the far-reaching authority to conduct hearings under unspecified conditions and procedures. It also eliminates the Director's subpena power.

Mr. Chairman, I am convinced that in our representative system the experts should be on tap, not on top.

The activities of an Office of Technology Assessment must supplement—not supplant—the work of the congressional committees. My amendment will insure that this Office is both responsive and responsible to the Congress.

Mr. DAVIS of Georgia. Mr. Chairman, I have no further requests for time.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in support of H.R. 10243 which would establish an Office of Technology Assessment for the Congress. Congress has needed an organization like the Office of Technology Assessment for a long time. The reasons for this are straightforward.

Legislative programs have become increasingly technological in character over the past decades. As a result, the committees of the Congress have had to depend more and more on experts from the executive branch or upon outside groups which have vested interests in the issues under consideration. Let me cite some figures which will illustrate to some extent the quantitative trends we are facing.

In 1954 total expenditures of the Federal Government for research and development were only slightly more than $3 billion. Of this total, $2.5 billion were by the Department of Defense and almost $400 million by the AEC. In fiscal year 1973 the administration has proposed obligations of almost $18 billion for R. & D. Over $2 billion of this total is for programs within the Department of Health, Education, and Welfare, and billions more are for other civilian R. & D. programs. The complexity of the programs which these expenditures represent make adequate congressional review very difficult. Our hard-working legislative and appropriations committees need the expert assistance which an Office of Technology Assessment can provide.

Another example of how we can expect technology to be woven ever more closely into the fabric of legislative issues is the new program to help stimulate R. & D. in American industry which the administration is expected to announce shortly. During the last few years we have seen the U.S. surplus in international trade turned into a resounding deficit. A growing sense of worry about a reverse technology gap is apparent to those of us that have some knowledge of the condition of America's technology based industries.

Since the Second World War we have seen most of the world's airlines flying U.S. made jetliners. Our industrial companies have built petrochemical plants all over the world based on American expertise. Recently we have seen foreign steelmakers forge ahead of our domestic steel companies with new technological advances and large capital expenditures. European and Japanese corporations have taken the lead in high technology activities all the way from extra high voltage electrical transmission lines to polypropylene; from optical equipment to semiconductors.

It is expected that the President will be sending up a special message in the near future outlining a "new technological opportunities" program. It is the duty of Congress to carefully scrutinize these proposals. At the same time, we will find it difficult to marshal the sophisticated, systems-analytic approaches needed to perform these indepth reviews. The Office of Technology Assessment could provide just that kind of analysis if it were in existence.

In conclusion, let me reemphasize that in the coming years legislation which we as lawmakers must grapple with will be increasingly technological in nature. If Congress is to be adequately equipped to deal with these complex issues, it must have an independent source of expertise. We in the legislative branch must have an organization capable of finding answers to our sometimes complicated questions in an unbiased manner. I am convinced that we can take a giant stride toward this objective by establishing the Office of Technology Assessment, as proposed in H.R. 10243.

Mr. PELLY. Mr. Chairman, I wish to add my support to H.R. 10243, establishing the Office of Technology Assessment. Throughout history benefits from a new technology have been accompanied by unforeseen social effects resulting from that new technology. However, the unexpected consequences of today's scientific research are even more significant, and occasionally more devastating, than those in past history. This is due to the enlarged scope and capability of many of our modern technological products.

In our rapidly advancing Nation, the pressure for immediate application of a new technology is great. Frequently, the time and knowledge necessary for impartially weighing the definite benefits of a particular technology against the possible undesirable side effects is not available prior to its implementation.

Too often, the little information available to the Congress regarding the desirability or undesirability of a new technology comes from a variety of special interest groups—each with their own point of view to foster.

The Office of Technology Assessment will bring within the legislative branch of our Government the means to impartially assess the possible consequences of the use of particular technologies. Potential impacts on our society may be examined which tend to be overlooked by organizations whose interests are focused elsewhere. This Office will provide Congress with a technology-predictive tool, since its efforts will be directed at examining the effects of the choice of a particular technology at a time when the application of that technology lies in the future, or is still hypothetical.

The Congress will also be able to focus more on the possible second-order effects of technology that result from little understood or wholly unsuspected relations between technology and society.

Again, I fully endorse this bill to establish an Office of Technology Assessment to provide Congress with a much-needed means of improving our decision-making capability.

I thank the gentleman for yielding.

Mr. FUQUA. Mr. Chairman, as a cosponsor of H.R. 3269, a bill essentially identical to the one we are considering today, I strongly urge my colleagues to support this measure as the Congress is in dire need of a responsive and efficient technology assessment pipeline. The Congress is called upon daily to deal with legislation of complex technological matters and the establishment of the Office of Technology Assessment would greatly aid Members in voting on the basis of sound scientific information.

The committee report on this important legislation shows that 39 congressional committees or subcommittees, plus four joint committees or subcommittees, whose activities and needs are directly applicable to technology assessment. The Congress was at a similar informational watershed when the Congress inaugurated the Legislative Reference Service in 1915, and the Government Accounting Office in 1921. The Office of Technology Assessment authorized in the bill would be fully within and responsible to the legislative branch and would be an important conduit for information regarding the state of our technology and its support, management, or control.

The bill has the attractive feature of being closely coordinated with the National Science Foundation as the NSF has important experience in the research and development of technology assessment methodology. Grants and contracts which would contribute to the assessment of technology would be coordinated through the two bodies to insure that there is no duplication of efforts.

The President's Task Force on Science Policy noted that the legislative branch should have an effective technology assessment structure to create a forum not only for governmental activities but those in the private sector. The task force supported the establishment of the Office of Technology Assessment as a major contributor in developing a national growth policy to insure that technological advances are understood and applied in the most prudent manner possible.

The Congress must act to stay current on the changing tides of technology and its impact on this society. H.R. 10243 provides an important aid in the identification and consideration of existing and probable impacts of technological application, and I urge its enactment.

Mr. BELL. Mr. Chairman, I strongly support H.R. 10243 to establish an Office of Technology Assessment. I would also like to associate myself with the remarks made by my distinguished colleagues, Chairman MILLER and Mr. MOSHER.

The need for a comprehensive approach to technology assessment is now almost universally agreed upon. Where Congress has traditionally based most decisions on first-order consequences, the Office of Technology Assessment would permit investigation and consideration of secondary and even tertiary consequences—both positive and negative.

I think none will dispute that Congress is being faced with an ever-increasing burden of technological problems. More and more we are seeing heavy technical and scientific content in the bills brought before us. But the Congress today simply has no adequate vehicle for the type of in-depth, expert, and objective analysis so many of our bills require. Regrettably, therefore, we are too often placed in the position of being unable to penetrate the implications of the technical and scientific language to determine the "direction" in which the bill will lead or the consequences of its recommendations.

I know that many of my colleagues can think of issues in which the Office of Technology Assessment would have played an invaluable role. Two major examples are the development of the ABM and the SST. On both of these issues, many of the often conflicting technical and scientific arguments were fully comprehensible only to Ph.D's in the particular speciality area.

The Office of Technology Assessment, designed and staffed specifically to serve the needs of the Congress, would help to fill this "information gap." In essence, the Office would provide a comprehensive intelligence gathering and early-warning system for the Congress. The result would be a more enlightened Congress and more effective legislation.

Mr. Chairman, I would like to raise one final point. The hope in creating this new Office is that the Congress will be provided with an independent expert counsel in scientific and technological matters. H.R. 10243 vests responsibility over the Office in a Board whose majority represents the legislative, rather than the executive, branch of our government. And since regular review of the Office's performance is required, I am confident that OTA will be able to maintain its professional independence in providing for the needs of the Congress.

Mr. Chairman, I attach great importance to seeing that the Congress maintain its preparedness to serve the people. I feel that the creation of an Office of Technology Assessment will serve as the keystone to our future progress in evaluating and managing scientific and technological issues.

I ask my colleagues to join with me in supporting H.R. 10243.

Mr. McCLORY. Mr. Chairman, I congratulate the Science and Astronautics Committee on developing this measure (H.R. 10243)

Mr. Chairman, it has become the fashion to denounce the increasing complexity of science and technology and their undesirable effects. But we know we cannot turn back the clock. What is the alternative? We can continue to use science and technology while we provide the means for directing its orderly progress. Instead of following blindly where science leads, we must learn how to do the leading. The bill under consideration today will help the Congress to provide such leadership.

We are beginning to recognize that science can no longer be left completely free. The direct and indirect impacts of new science and technology are so vast and far-reaching that they can no longer safely be turned loose on our society. Technology is national in scope, national in effect, and national in its organizational instrumentalities. We need an effective national mechanism for exploiting the good and restraining the harmful. Moreover, we cannot afford to wait to initiate remedial action until a problem reaches crisis proportions.

Increasingly the executive branch has expanded to meet the challenge of new science and technology and to direct it to its own ends. But what guarantees have we that the scientific activities of the bureaucracy will indeed serve society rather than bureaucratic self-interest?

Mr. Chairman, a well-informed, knowledgeable Congress, through its oversight functions, can help assure that science and technology serve the national interest. We can no longer permit highly controversial and sometimes questionable activities to be hidden from sight or lost in a welter of conflicting statements.

It should be emphasized that the main purpose of this bill is to extend the information-gathering capabilities of the Congress, not to recommend or control. These latter functions remain with the Congress. As the institution responsible for public decisionmaking on technological issues, Congress needs reliable information to make these decisions wisely. The information should be available as early as possible, before a technical issue has reached the stage of heated controversy. We know from experience that information developed on a crash basis is unlikely to be as useful as that developed carefully and deliberately under more objective circumstances.

Mr. Chairman, this bill would provide us with an early-warning system to assess the existing and probable impacts of both present and emerging technologies. It would inform us, well in advance, of the probable primary and secondary consequences of any developing technology. It would help eliminate guesswork and would allow us to apply greater skill and judgment in determining scientific priorities. I strongly urge the passage of H.R. 10243, the Technology Assessment Act of 1971.

Mr. ANDERSON of Illinois. Mr. Chairman, I wish to speak on behalf of H.R. 10243, creating an Office of Technology Assessment. The formation of this Office will crystallize a concept that has been a long time percolating in this body.

I was fortunate to be involved in what might be termed a precursor to this Office when I was a member of the House Select Committee on Government Research—the Elliott committee. While the aim of that committee was to look at an overall American science policy, an important element of its findings was to identify how Congress could take better advantage of scientific knowledge in formulating legislation. The recommendations of the committee, sensible though they were, were probably ahead of their time.

Technology assessment in the Congress was an idea whose time had to come. Two powerful currents in the past decade contributed to it.

First, there was the geometrical growth of technology and the boom in research and development output—the latter chiefly financed by the Government—along with a concomitant information explosion in all scientific fields. This was a technical and knowledge expansion which Congress felt ill equipped to evaluate.

The second current came to fruition late in the decade. It was a new skepticism about production-for-production sake, a new awareness of resource limitations and population pressures—all that has come to be summed up in the terms "ecology" and "the environment." At first faddish, later voiced by a spectrum from concerned researchers to strident neo-Luddites, it settled into what I hope is a permanent American critique of technology's effects on society and the ecostructure.

I have seen the evidence of these currents over the years sitting on the Joint Committee on Atomic Energy. Committee members have seen tremendous advances at the cutting edge of the most sophisticated technology together with a new questioning of energy balances, radiation levels, new installations. We may sometimes be staggered by the complexities the committee's business presents to us, yet, although laymen, we must continue to make informed decisions on abstruse questions.

Let me cite but one example of how an Office of Technology Assessment might have benefited this Congress. Last session we saw an epic debate on the supersonic transport plane. Without resuscitating the arguments of that acrimonious period, we can all recognize how much Congress could have used an independent, objective account of the social and environmental effects of that project. At its worst, that debate degenerated into an exchange of bombast, an exchange which could have been made more rational by better congressional backgrounding in technology assessment.

Some Members surely felt they were too dependent on the justifications of the executive branch for the plane and lacking countervailing information of their own. An Office of Technology Assessment would not have made the SST debate less controversial, but it might have added an element of clear reason to the whole issue.

The many Members who have contributed to this legislation over the years deserve the applause of this body, as do those Members from both parties on the Science and Astronautics Committee who have given it final form. A congressional "early warning system" on how this country's technology defines our tomorrow is long overdue.

Mr. CABELL. Mr. Chairman, the bill we are considering today aims to strengthen the capability of the Congress to assess the national impacts of technology. I think it is of interest that executive and legislative decisionmaking bodies in the 50 States are also beginning to feel the need for a technology assessment capability.

State research and advisory units are providing the Governor or the legislature with facts about technological trends offering opportunities for growth, or which need to be regulated to protect their citizens. Some of these are supported with matching grant funds from the National Science Foundation.

For example, the State of Hawaii recently established a Center for Science Policy and Technology Assessment. It will analyze the social, environmental, and economic effects of new technology and recommend appropriate actions by the State in response. The immediate task is to develop a systematic approach using the growing literature in this field, and relying also on experiences in other States.

In Georgia, the Center for Technology Forecasting and Assessment, under the Science and Technology Commission, has prepared for the Governor some noteworthy assessment reports on such issues as alternatives to the pending shortage of natural gas, hazards of exposure to radiation, environmental education plans for the Chattahoochee River Valley; and development of research and training centers for health sciences, biotechnology, and information technology. A forthcoming report assesses the merits of earth resource satellite technology.

In Pennsylvania, the uniquely constituted "Operation Alert," under the sponsorship of the State Government Advisory Committee, alerts decisionmakers to technological threats or opportunities impacting significantly upon the growth and well-being of the citizens of that State.

Several other States which have not yet established a systematic institution for technology assessment have, nevertheless, recognized the need to advise State officials of the benefits or hazards of new and existing technologies. Drawing upon the special resources of university and industrial scientists, and citizens with special qualifications, these States have authorized by statute or have created on an ad hoc basis groups to evaluate the merits of some specific technological innovation.

New York is assessing the design of a sensible regulation of weather modification. The New York State Assembly science advisory staff is also beginning research to devise noise pollution standards and has recently completed a technology assessment of certain types of motor vehicle accessories.

The California Science and Technology Advisory Council is considering problems of invasion of privacy due to expanded police use of computers. Another assessment recently performed in California was to evaluate the relative merits of leaded versus nonleaded gasoline with respect to air pollution.

Both California and Washington State science advisory groups have long alerted the Governor to problems of environmental quality and water resources planning.

Regional and national conclaves have addressed the question of improving State science advisory units to enhance the application of science and technology by State governments. Notable among these are the National Academy of Public Administration Conference on State Government and Technology Assessment, the Science and Technology Project of the Council of State Governments, and the deliberations of the Committee on Intergovernmental Science Relations of the Federal Council for Science and Technology.

Mr. Chairman, the creation of an office of technology assessment for the Congress is not only essential—but will carry these beginning State efforts further along by the development of much broader national issues and assessment techniques.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technology Assessment Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(a) Emergent national problems, physical, biological, and social, are of such a nature and are developing at such an unprecedented rate as to constitute a major threat to the security and general welfare of the United States.

(b) Such problems are largely the result of and are allied to—

(1) the increasing pressures of population;

(2) the rapid consumption of natural resources; and

(3) the deterioration of the human environment, natural and social,

though not necessarily limited to or by these factors.

(c) The growth in scale and extent of technological application is a crucial element in such problems and either is or can be a pivotal influence with respect both to their cause and to their solution.

(d) The present mechanisms of the Congress do not provide the legislative branch with adequate independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

(e) It is therefore imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the rationale enunciated in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic responsibilities and duties of the Office shall be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it. In carrying out such function, the Office shall—

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible establish cause-and-effect relationships;

(3) determine alternative technological methods of implementing specific programs;

(4) determine alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraphs (1) through (5); and

(8) undertake such additional associated tasks as the appropriate authorities specified under subsection (d) may direct.

(d) Activities undertaken by the Office may be initiated by—

(1) the chairman of any standing, special, select, or joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director.

(e) Information, surveys, studies, reports, and findings produced by the Office shall be made freely available to the public except where (1) to do so would violate security statutes, or (2) the information or other matter involved could be withheld from the public, notwithstanding subsection (a) of section 552 of title 5, United States Code, under one or more of the numbered paragraphs in subsection (b) of such section.

(f) In undertaking the duties set out in subsection (c), full use shall be made of competent personnel and organizations outside the Office, public or private; and special ad hoc task forces or other arrangements may be formed by the Director when appropriate.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of eleven members as follows:

(1) two Members of the Senate who shall not be members of the same political party, to be appointed by the President pro tempore of the Senate;

(2) two Members of the House of Representatives who shall not be members of the same political party, to be appointed by the Speaker of the House of Representatives;

(3) the Comptroller General of the United States;

(4) the Director of the Congressional Research Service of the Libraray of Congress;

(5) four members from the public, appointed by the President, by and with the advice and consent of the Senate, who shall be persons eminent in one or more fields of science or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities; and

(6) the Director (except that he shall not be considered a voting member for purposes of appointment or removal under the first sentence of section 5(a)).

(b) The Board, by majority vote, shall elect from among its members appointed under subsection (a)(5) a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Board may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall fulfill the duties and functions of the Chairman.

(c) The Board shall meet upon the call of the Chairman or upon the petition of five or more of its members, but it shall meet not less than twice each year.

(d) Seven members of the Board shall constitute a quorum.

(e) Any vacancy in the Board shall not affect its powers, but shall be filled in the manner in which the vacant position was originally filled.

(f) The term of office of each member of the Board appointed under subsection (a)(5) shall be four years, except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of such members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, two at the end of two years and two at the end of four years after the date of the enactment of this Act. No person shall be appointed a member of the Board under subsection (a)(5) more than twice.

(g)(1) The members of the Board other than those appointed under subsection (a)(5) shall receive no compensation for their services as members of the Board, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Board, without regard to the provisions of subchapter I of chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(2) The members of the Board appointed under subsection (a)(5) shall each receive compensation at the rate of $100 for each day engaged in the actual performance of duties vested in the Board, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided in paragraph (1) of this subsection.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director, except with the approval of the Board, shall engage in any other business, vocation or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) prescribe such rules and regulations as it deems necessary governing the manner of its operation and its organization and personnel;

(2) make such expenditures as may be necessary for administering the provisions of this Act;

(3) enter into contracts or other arrangements as may be necessary for the conduct of its work with any agency or instrumentality of the United States, with any foreign country or international agency, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or education institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(4) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from, the exercise of authority granted by this Act; and

(6) accept and utilize the services of voluntary and uncompensated personnel and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation.

(b) the Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensations of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

(c) The Office shall not, itself operate any laboratories, pilot plants, or test facilities in the pursuit of its mission.

(d)(1) The Office or (on the authorization of the Office) any of its duly constituted officers may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Office deems advisable. For this purpose the Office is authorized to require the attendance of such persons and the production of such books, records, documents, or data, by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued by the Director or by any person designated by him. If compliance with such a subpena by the person to whom it is issued or upon whom it is served would (in such person's judgment) require the disclosure of trade secrets or other commercial, financial, or proprietary information which is privileged or confidential, or constitute a clearly unwarranted invasion of privacy, such person may petition the United States district court for the district in which he resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, and such court (after inspecting such books, records, documents, or data in camera) may excise and release from the subpena any portion thereof which it determines would require such disclosure or constitute such invasion. Where the subpena or such portion thereof would require such disclosure or constitute such invasion but the books, records, documents, or data involved are shown to be germane to the matters under consideration and necessary for the effective conduct by the Office of its proceedings or deliberations with respect thereto, the court may require that such books, records, documents, or data be produced or made available to the Office in accordance with the subpena but subject to such conditions and limitations of access as will prevent their public disclosure and protect their confidentiality.

(2) In case of contumacy or disobedience to a subpena issued under paragraph (1) the Attorney General, at the request of the Office, shall invoke the aid of the United States district court for the district in which the person to whom the subpena was issued or upon whom it was served resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, or the aid of any other United States district court within the jurisdiction of which the Office's proceedings are being carried on, in requiring the production of such books, records, documents, or data or the attendance and testimony of such person in accordance with the subpena (subject to any conditions or limitations of access which may have been imposed by such court or any other court under the last sentence of paragraph (1)). Such court may issue an order requiring the person to whom the subpena was issued or upon whom it was served to produce the books, records, documents, or data involved, or to appear and testify, or both, in accordance with the subpena (subject to any such conditions or limitations of access); and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(e) Each department, agency, or instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Office, upon request by the Director, such information as the Office deems necessary to carry out its functions under this Act.

(f) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner shall be prescribed by the Director, and such books and records (and related documents and papers) shall be available to the Director and the Comptroller General or any of their duly authorized representatives for the purpose of audit and examination.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 7. (a) Pursuant to the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance by the Congressional Research Service as may be appropriate and feasible.

(b) The foregoing services and assistance to the Office shall include all of the services and assistance which the Congressional Research Service is presently authorized to provide to the Congress, and shall particularly include, without being limited to, the following:

(1) maintaining a monitoring indicator system with respect to the natural and social environments which might reveal early impacts of technological change, but any such system shall be coordinated with other assessment activities which may exist in the departments and agencies of the executive branch of the Government;

(2) making surveys of ongoing and proposed programs of government with a high or novel technology content, together with timetables of applied science showing promising developments;

(3) publishing, from time to time, anticipatory reports and forecasts;

(4) recording the activities and responsibilities of Federal agencies in affecting or being affected by technological change;

(5) when warranted, recommending full-scale assessments;

(6) preparing background reports to aid in receiving and using the assessments;

(7) providing staff assistance in preparing for or holding committee hearings to consider the findings of the assessments;

(8) reviewing the findings of any assessment made by or for the Office; and

(9) assisting the Office in the maintenance of liaison with executive agencies involved in technology assessments.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organization entities as may be necessary to carry out the objectives of this Act, including the functions enumerated in this section.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Chairman of the Board and the Librarian of Congress.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment, and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended, is hereby amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 9. The Office shall submit to the Congress and to the President an annual report which shall, among other things, evaluate the existing state of the art with regard to technology assessment techniques and forecast, insofar as may be feasible, technological areas requiring future attention. The report shall be submitted not later than March 15 each year.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 10. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office, with or without reimbursement from funds of the Office, as may be agreed upon by the Chairman of the Board and the Comptroller General of the United States. The regulations of the General Accounting Office for the collection of indebtedness of personnel resulting from erroneous payments (under section 5514 (b) of title 5, United States Code) shall apply to the collection of erroneous payments made to or on behalf of an Office employee, and the regulations of the Comptroller General for the administrative control of funds (under section 3679(g)) of the Revised Statutes (31 U.S.C. 665(g)) shall apply to appropriations of the Office; and the Office shall not be required to prescribe such regulations.

APPROPRIATIONS

SEC. 11. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 for the fiscal year ending June 30, 1972.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

Mr. DAVIS of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. GROSS. Mr. Chairman, reserving the right to object, is there any disposition to foreclose anyone from speaking on this bill?

Mr. DAVIS of Georgia. Absolutely not.

Mr. GROSS. On the amendments or on the bill itself?

Mr. DAVIS of Georgia. Not in either instance.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENTS OFFERED BY MR. DAVIS OF GEORGIA

Mr. DAVIS of Georgia. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. DAVIS of Georgia: Page 1, line 4, strike out "1971" and insert "1972".

Page 10, line 19, strike out "the" and insert "The".

Page 18, lines 15 and 16, strike out "not to exceed $5,000,000 for the fiscal year ending June 30, 1972" and insert the following: "not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974".

Mr. DAVIS of Georgia. Mr. Chairman, the first two amendments are purely technical conforming amendments and are self-explanatory.

The third amendment would simply change the time covered by the authorization figure. The total amount would remain unchanged at $5 million, but it would cover both fiscal year 1973 and fiscal year 1974. The reason for this is, I think, clear. It would simply be impossible to fund this program in fiscal year 1972, and in all likelihood funds could not be made available before most of fiscal year 1973 had expired.

Our intent here is simply to carry out the original plan of the bill for at least a complete year of authorization.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, to hear this bill explained, one would think that the millenium had been achieved or we are on the threshold of the millenium; that the creation of a new board in Government is going to save I do not know how many billions of dollars. Yes, we are told, there will be wondrous savings accruing from the creation of another board that will cost us $5 million to get started, under the terms of the gentleman's amendment, and $7 million to $8 million a year after that.

This is a board that is going to have a "small but skilled staff," and I have heard varying figures on that. I believe the gentleman from Ohio (Mr. MOSHER) said there would be between 10 and 20, another member of the committee says it will be 50 to 60, and the member who made the last estimate of the staff that is going to handle this technology assessment business, whatever it is, says that it will probably be much higher than that.

Mr. MOSHER. Will the gentleman yield to me?

Mr. GROSS. I am glad to yield to the gentleman since I used his name.

Mr. MOSHER. Mr. Chairman, let me say to the gentleman that my earlier remark was that we contemplated a beginning cadre of around 12 to 20 people, highly skilled, as the gentleman from Iowa said.

Mr. GROSS. I did not say that. I was quoting somebody else as saying that they would be highly skilled. But go right ahead.

Mr. MOSHER. The gentleman has raised a very good question. The beginnings would be small, as the chairman of the committee suggested, but if the Congress finds that this new office operates as effectively and is as helpful as we hope it might be, it might increase to around 40 to 60 people or even 100. However, it will certainly be within the control of the Congress at every point as to how large this board would be.

Mr. GROSS. If it would save the hundreds of millions and billions of dollars that we are led to believe would be saved, I would have no quarrel with it. But I have been here a few years and I have seen more boards, bureaus, and commissions created and I have seen nothing but Government expense go up and up and on and on and there is seldom if ever a proposal to disband any board, bureau, or commission in the Federal Government so far as I know.

I have heard no claim made here today that no matter how successful his technology assessment business might be that there is any thought of abolishing anything. This is going to add one more boondoggling board to what we already have.

I wonder if there is not something somewhere in this scheme of things that will somehow have some power to persuade many of the Members of the House that the time has come when we cannot continue to create more boards, bureaus, and commissions at $5 million a clip, because this country is on the verge of bankruptcy.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. SEIBERLING. I do not know how many people are employed by the General Accounting Office, but would not the gentleman agree that there is one agency that has saved the taxpayers a lot of money?

Mr. GROSS. Yes, they have helped. Of course, they have helped. Why, then, not turn over to the General Accounting Office this technology assessment, and let them hire the few people that would be needed? Why create another board in Government?

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, if the General Accounting Office were equipped to do the job, I suppose that might be a good idea, but this requires quite a different kind of expertise than accounting.

Mr. GROSS. We have boards, bureaus, and commissions all over this Government. They are running out of our figurative ears and I cannot understand why we have to create another one. I just do not understand this.

I thought you had a large and well-equipped staff on the Science and Astronautics Committee, but apparently somebody has got to go outside now and create another lineup here. Look at this language on page 11:

> . . . except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

In other words, the Director of this new board could hire and pay almost at will, for the discharge of the responsibilities of the Office.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. In just 1 second or 2 I shall be glad to yield to the gentleman.

This is wide open, carte blanche authority for the Director of this Board to go out and hire anyone he chooses and pay them anything he wants to.

Now I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would say that the Science and Astronautics Committee does indeed have a good staff. It is, however, a small staff and it was primarily concerned in its early years with the oversight of the National Aeronautics and Space Administration. It is now, of course, also deeply involved in the programs and over view of the National Science Foundation and the National Bureau of Standards, among many other things. But, it cannot begin to cope with evaluating the problems which face this country as a result of the impact of technology.

I would say that the problem of going to the moon is not one-hundredth as difficult as the problems which now face our country in matters such as the environment, transportation, housing, civil disorder, and other matters which have been brought on at least in part by technology.

Mr. GROSS. I thoroughly agree with the gentleman. One of the biggest problems facing this country is bankruptcy, the desperate financial situation of this Government, and I do not believe this is aiding it in any way. If I could be convinced otherwise I could support the bill, but I do not believe this is aiding that situation at all. It will only make it worse.

Someone, I believe it was the gentleman from Ohio, mentioned that some agency had built a road in the jungles somewhere. Would the creation of this Board stop the building of all of those foreign giveaway projects?

Mr. SEIBERLING. Could I answer the gentleman's question?

Mr. GROSS. Yes; certainly.

Mr. SEIBERLING. What I was referring to was that we have spent $10 million to start a jet airport in the middle of the Everglades before someone woke up to the fact that it would destroy the Everglades. If we had known that would be the result before we started the project we could have saved the $10 million. That is just one example of the kind of information such an office could give to the Congress, and thus help us to avoid such situations in the future.

Mr. GROSS. How about all the hundreds of billions of dollars that have been wasted overseas?

Mr. DAVIS of Georgia. I would expect this could help us evaluate some of those, too.

Mr. GROSS. Perhaps this Board could also give us some advice before we get into another war. I do not know whether it is prepared to go that far, but from what I have heard here today, just about everything under the shining sun will come under the surveillance and scrutiny of this new Board. I must say that something that intrigued me very much in the report was a quote from a Dr. Wolfle, who said that:

> The staff of the proposed Office will owe primary loyalty to Congress and to the national welfare, not to the Navy, the Sierra Club, General Motors, the AFL–CIO, or any other special interest group.

In the past has too much attention been paid to the Navy, the Sierra Club, General Motors, the AFL–CIO? Just what prompts that kind of a statement?

Mr. DAVIS of Georgia. The thing that prompted that, I am sure, on Dr. Wolfle's part, was an effort to point out the fact that the findings of this office will be impartial. They will not be the reflection of any special interest whatsoever. It will be beholden to no one but Congress, and in the public interest.

Mr. GROSS. Well, has too much attention been paid in the past? I just do not understand what prompts a statement of that kind. There must be something back of it.

Mr. DAVIS of Georgia. One of the difficulties that we as Members of the Congress face, as the gentleman in the well knows, is trying to decide what side some witness represents, or to what interests that witness may respond, and therefore I think it would be a good thing for the Congress to have an agency of its own that it can depend upon.

Mr. GROSS. I will say to my friend, the gentleman from Georgia, that that is going to be the day, when some board or agency of the Government, any part of the Government, can make up the collective minds of this House when they want to spend money.

It is the easiest thing accomplished around here, to spend the public's money; it does not appear to belong to anybody, therefore it is easy to bestow it on somebody.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The Speaker resumed the chair.

The SPEAKER. The Chair will receive a message.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

ESTABLISHING THE OFFICE OF TECHNOLOGY ASSESSMENT AND AMENDING THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, first of all, I would like to compliment my colleague from Iowa (Mr. GROSS) who is the ranking member of the Committee on Post Office and Civil Service. He has to deal with this problem of expanding bureaucracy constantly. Somehow the Members of this Congress should begin to come to grips with the problem of controlling this massive expanding bureaucracy that grows all around us here in Washington. His genuine interest in trying to make sure that we are not just creating more and different agencies every time somebody gets a new idea, is a proper legislative concern.

I would like to direct a question to the gentleman from Georgia and ask if it is not possible to give more adequate staffing to our present congressional space committee that we have right here in the House. Maybe such a properly staffed committee could serve many of the functions considered in this legislation.

Mr. DAVIS of Georgia. I know that our good chairman, the gentleman from California (Mr. MILLER) will be glad to answer the gentleman, if the gentleman will yield to him.

Mr. ROUSSELOT. I yield to the distinguished gentleman from California.

Mr. MILLER of California. I think we have an excellent staff. We try to keep staff control, but we could use more money, like most committees, and if the gentleman will help us, we would appreciate it.

May I say to the gentleman that the whole field of science today is a very broad one and in order to meet the requirements, quite frequently this committee has turned for some of its best reports through contracts with the National Academy of Sciences or the National Academy of Engineering or some of the sophisticated private agencies that make these investigations. We have had to turn to them. That has been costly, but it has in the long run saved Government money and has utilized the very best tools that are at our disposal. It is such tools that we are trying now to formulate into an organization that will be available to all of the Congress.

Mr. ROUSSELOT. I appreciate the answer of the distinguished chairman of the committee. My question was why could we not just expand upon the already existing committee and continue to contract out in proper way rather than creating another full agency.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I am glad to yield to the gentleman.

Mr. MILLER of California. I suppose we could do what you suggest and then set up within the Congress a committee that would perhaps be too big for its own good. Such a committee might not be as responsive to the Congress as the present committee is.

I have no desire to head a supercommittee any more than the Committee on Ways and Means should take over the work of the General Accounting Office or any of the other agencies that have been established to protect the interests of the Government.

Mr. ROUSSELOT. I thank the gentleman for his answer. In other words, it could be done through the congressional committee as you have suggested.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The depth and breadth of the impact of technology upon our country is so wide and is felt in so many places, I dare say that the committee staff of every congressional committee, both in the House and in the Senate, would have to be drastically enlarged to encompass the function which the gentleman suggests.

Mr. ROUSSELOT. But at least we could start with our Committee on Science and Astronautics to establish the purposes of this legislation in a more reasonable way. I think the gentleman from California and chairman has already suggested that it would be possible through the existing committee. I know Mr. MILLER favors this particular legislation. I am not trying to put words in his mouth, but he did say that we could move in the direction suggested here through the committee maybe a step at a time and that would be a more appropriate way to handle it.

I have one further question if I may, to direct to the gentleman from Georgia.

We are expanding and soon undertaking to utilize more fully data processing equipment purchased by Congress and also will construct a whole building that will house this equipment. Couldn't we plug into this new congressional operation an adequate accumulation of technical data and accomplish what is anticipated in this bill? Won't this be existing machinery and equipment that we will already have and which can be utilized by your Science and Astronautics Committee and could help solve many of the informational questions of data gathering that is recommended by your legislation here?

Mr. DAVIS of Georgia. I think that in the minds of very many people there is too great a mystique that surrounds the use of computers.

Mr. ROUSSELOT. I have no illusions about what computer equipment can or cannot do.

Mr. DAVIS of Georgia. I am sure that is so. But I would say that just because a person has a computer, it does not necessarily mean he is going to be any more able to solve a problem than before.

Mr. ROUSSELOT. No, but it means you have the capability of gathering far more data, more rapidly, and to a greater extent than you had before such equipment was under our control. What I am saying to you is this: Is it possible, because we are already purchasing this kind of equipment to more fully utilize what we will soon have in our possession.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I am glad to yield to the distinguished chairman.

Mr. MILLER of California. I was just going to say that if you want us to do what you suggest, I would hope that you would come in here and support a measure for facilities to house the agency which we would have to set up. We do not have enough space now actually to take care of our committees. That is true only with our committee, but with all committees. Perhaps we could build another Rayburn Building to handle all the proposed enlargements.

Mr. ROUSSELOT. You do not believe that the new building which will be built adjoining the Cannon facility where we have the huge hole out there now, where incidently the computers will be located, are not also adequate to handle this proposed effort.

Mr. MILLER of California. That is going to be a part of the Library of Congress.

Mr. ROUSSELOT. I understand this particular agency that is contemplated would be put in that building.

Mr. MILLER of California. Eventually it may. And I think it is very desirable to put the computers there.

Mr. ROUSSELOT. But I realize the gentleman from Georgia is suggesting that this agency should be under the control of Congress—and I definitely believe that is a step in the right direction. Rather than creating a whole new agency, rather than turning it over to the executive branch—why would it not be possible to expand the staff of the Science and Astronautics Committee and utilize the equipment that will be in the new building? Would we not achieve the same basic objectives that are being sought by this legislation?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Georgia.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 1 additional minute.)

Mr. ROUSSELOT. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would merely like to repeat what I said earlier. Maybe I did not make myself clear. The jurisdiction of the Committee on Science and Astronautics is primarily science and astronautics. The problems that technology poses to our society include problems which affect every committee of the Congress on either side of the Capitol. The fact that you might try to put all of this in the Committee on Science and Astronautics would pose any number of problems which would involve the jurisdictions of the Committee on Interstate and Foreign Commerce, the Committee on Agriculture, or almost any other committee you might want to name.

Mr. ROUSSELOT. But this would be the right committee with which to start the proposal suggested in this legislation.

Mr. DAVIS of Georgia. I would not quarrel with that, but please note this bill has the approval of the General Accounting Office and the Librarian of Congress. It has the approval of many knowledgeable witnesses. It strikes me as the most sensible solution to the problem of handling the impact of technology on our society today. Moreover, it is the result of some 5 years of study on the part of our subcommittee.

Mr. ROUSSELOT. I thank the gentleman.

Mr. ESCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate very much the remarks of the subcommittee chairman because I think it is important to recognize that the proposed Office of Technology Assessment would in effect reach out and serve all committees of Congress and not merely the Committee on Science and Astronautics. That point should certainly be made loud and clear here today.

I think there is another point that should be reemphasized, and that would be in response to the gentleman from Iowa who spoke earlier. I think there is no one who has been a more effective watchdog for the people in Congress on the purse strings than the gentleman from Iowa. Few would dispute that. But in a time of great technological change, Congress as an independent branch of Government does not have currently the resources available in order to make totally analytical judgments on the issues facing this country. The purpose of this new Office of Technology Assessment would be just that: to serve the Members of Congress as an independent branch, as a research branch, so that the Congress might, without reliance upon the executive branch and without reliance upon outside resources, have, hopefully, a more—and, granted, it would not be completely analytical—a more analytical resource to turn to independent of the executive branch. And as the monumental questions arise, brought about by technological change and, indeed, as the pressures of establishing priorities in the budget continue, we in this Congress must fully utilize the resources available in the social and physical sciences in order to make those competent judgments that will affect the future of this country.

That is why I would surely hope that the gentleman from Iowa and the gentleman from California and others would recognize that in total the money spent for competent staff and resources for this Congress in order that it may make adequate judgments and establish programs in this country is perhaps the wisest investment this body can make. So I suggest to the members of the committee that we look with favor upon this action as perhaps one of the most significant congressional reform actions that this Congress will take in this decade. When all of us in a together-like mood feel pressed by the pressures of the times, when perhaps the most significant enemy to public policy decisionmaking today is that "enemy of time," we need to use all the resources available that this country has. This would be the channel through which the social and physical scientific community could channel information into Congress for proper decisionmaking.

Mr. Chairman, I am pleased to speak in support of the establishment of an Office of Technology Assessment. The OTA will provide Congress with an independent source of technical information.

The proposal for an Office of Technology Assessment was first developed under the leadership of our distinguished former colleague, "Mem" Daddario, in 1967, although the idea for such a capability goes back to a 1937 Congressional Report.

When JOHN DAVIS assumed the chairmanship for the Subcommittee on Science, Research, and Development, he undertook a revision of the subcommittee report, "Technical Information for Congress," to help develop the case for the establishment of an OTA. The preface of the study stated succinctly a condition with which all of us have to live: "Few politicians are scientists, and few scientists are politicians. In the communication of technical information from one group to the other, some members of the receiving group, as well as the members of the transmitting group, need to have special qualifications."

With an ever-increasing frequency, Congress is being required to deal with issues which arise from this country's rapid advances in science and technology. These issues have ranged from nuclear power to household detergents, from the SST to the automobile air bag, and from the Alaskan aid pipeline to the computer invasion of privacy.

When considering these technology-based issues, the Congress must carefully assess the potential progress that this country could attain by proceeding with a particular scientific project against the adverse effects that might be encountered as a result.

Too often, as has become painfully clear to most of us, very pertinent information affecting the desirability of technological legislation comes to the attention of the Congress only after a good deal of damage has been done—after funds from the public purse have been unnecessarily spent, or after it is discovered that equivalent technology has already been developed elsewhere.

To better deal with these technological issues, we must improve the capability of the Congress to assess the probable impacts of technology, good and bad.

Historically, congressional interest in science, and conversely the interest of the scientific community in assisting the governmental bureaucracy, has been casual and sporadic at best. Actions like funding the Lewis and Clark expedition to the Pacific Northwest and underwriting Samuel Morse's telegraph were taken by a generally indifferent Congress.

On the other hand, during the depression days of the 1930's, President Franklin Roosevelt attempted unsuccessfully to enlist the resources of the scientific community in programs of research pertinent to the overriding national problem of economic depression. Scientists were unprepared to accept the constraints imposed in working with the national bureaucracy.

Under the compulsions of the Second World War, however, an enforced teamwork evolved and proved dramatically rewarding. Thereafter it became easier for scientists to accept the proposition that a Government grant did not necessarily compromise their professionalism. Likewise, the bureaucracy learned that grants could and usually had to be made available without expectation of immediate and explicit public benefit.

The outstanding success demonstrated by this arrangement became a justification for its continuance in peacetime. In fact, the national scientific policy between the years of 1945 and 1968 is best characterized by its free and unconstrained support of scientific research. The belief underlying this policy was that every "worthwhile" scientific proposal should receive sponsorship.

Then, in about 1968, there came a period of intense reevaluation. The pressure for economy; reservations about the secondary effects of many technologies; the campus revolts over military research by the universities; growing congressional resistance to the continued spending of large amounts of public funds by the Department of Defense for basic research; and perhaps a general sense that things were getting out of hand, combined to induce Congress to put on the brakes.

That is where things stand today. Today, research laboratories are closing down for want of support, universities are facing loss of Federal contracts and grants for basic research, the aerospace industry is laying off its work force, and it is not unheard of for scientists with doctoral degrees to be seeking jobs as shop clerks and door-to-door salesmen.

This marked reversal in government policy toward support of scientific research indicates the great need for Congress as a whole to be better informed as to the potential benefits and impacts of this Nation's proposed scientific research programs. Better information will not only insure that those programs which are necessary or desirable to provide for the common good receive the support they deserve, but will also minimize the wasteful funding of programs which are limited in their potential public benefits.

I would like to make one point clear. I am referring to the needs of the legislative branch of our Government. The executive branch of our Government has similar needs for scientific counsel. However, the needs of the executive branch are met in the form of the Special Assistant to the President for Science and Technology, the Office of Science and Technology, the President's Scientific Advisory Counsel, and the Federal Counsel for Science and Technology, among others.

The executive and legislative branches of our Government, through our constitutional system of checks and balances, are two distinct and separate entities and I believe that each branch should have access to its own group of scientific and technological experts—experts objective in their technical analyses, but loyal to the role and vested governmental interests of whichever branch they serve.

Congress, due to lack of sufficient scientific support, has in too many instances been unable to respond effectively to scientific issues, and it has too often fallen to the executive branch to evaluate the impact of a particular new technology and find solutions to any resulting problems. This pattern has recurred too many times over the years, affecting the ability of Congress to exercise an effective leadership role in anticipating the problems and opportunities raised by our country's scientific and technological developments.

What is required is an organization whose sole purpose is to provide the legislative branch with competent, unbiased information concerning the physical, economic, social, and political effects of the applications of specific technological issues.

I realize that there are differing viewpoints on the issue of scientific advice to Congress. Many people feel that Congressmen use technical information and advice only where it suits them. That is, the lawmaker is very likely to select an approach to a particular problem that supports his personal political philosophy regardless of its technical merits. If faced with a set of alternatives which are politically very sensitive he will, because of society's tendency to view technical solutions as being objectively correct and apolitical, look for a technical excuse for making his decision.

Others feel that the present system of hearings, staff investigations, the Congressional Research Service, and outside advisory groups already produce more technical information than a Congressman could hope to cope with.

We must also recognize the question in the minds of certain prominent scientists as to whether the scientific community should assume voluntary responsibility for attempting to insure that the results of their scientific work are properly used. They say the greatest contribution that science can make to society is excellent scientific work. Why, they ask, do we not hold the miner responsible for the use of the iron which he mines from the earth?

Further, they argue the scientific community has of late been engaging in a good deal of soul-searching about values and priorities in science. It is possible for an individual scientist to become an ardent advocate for a particular application, or nonapplication, of his scientific findings. Since his views will obviously command a certain respect, he may not, if his personal convictions are strong, be capable of presenting technically objective information.

I obviously do not adhere to the foregoing philosophies. I believe Congress is very much aware of its need for a better technology assessment capability. The leaders of the scientific community are not only capable of providing this assessment capability, but are even anxious to participate in this function.

The basic responsibilities and duties of this Office of Technology Assessment would be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop information which might assist the Congress in determining the relative priorities of programs before it.

In carrying out these functions the office would first, identify existing or probable impacts of technology or technological programs; second, where possible establish cause and effect relationships; third, determine alternative technological methods of implementing specific programs; fourth, determine alternative programs for achieving requisite goals; fifth, make estimates and comparisons of the impacts of alternative methods and programs; sixth, present findings of completed analyses to appropriate legislative authorities; seventh, identify areas where additional research or data collection is required to provide adequate support for the assessment of estimates derived, and eighth, undertake such additional associated tasks as the appropriate authorities may direct.

It should be emphasized that these are informational functions; not functions of control, or even recommendation. These functions are designed to supplement existing systems of acquiring information, such as the hearing system. Examples of matters with which the present Congress must deal and which will be benefited by this Office of Technology Assessment are the northeast corridor transportation experiment, weather modification, nuclear power development, the Alaskan pipeline, offshore drilling, alternatives to the internal combustion engine, new health services, and crime reduction.

Of particular significance is the assistance the Office of Technology Assessment would be able to provide in the area of new technology to assure adequate, clean energy sources for the future.

If this new office is approved it would be the first such authorization toward the creation of a new mechanism to aid the Congress since the GAO was founded in 1921. It would also be the first action to create a new information aid for the Congress since the Legislative Reference Service was established in 1915.

An organization such as the Office of Technology Assessment has become crucial to the Congress because of the high technological content of so much legislation being considered today. This is the natural result of the technological society within which we live.

The Office of Technology Assessment as contemplated would also help the Committees in Congress to approach their respective hearings at a higher level of knowledge and with sufficient information to permit them to solicit more complete and pertinent testimony. I emphasize again that the Office of Technology Assessment is not intended to make recommendations as to what course the Congress should follow, nor to predetermine any issues.

Incidentally, the present version of the bill to create an Office of Technology Assessment has strong support from both of the two independent legislative agencies with which it will work, the General Accounting Office and the Library of Congress. In addition, the bill also has wide bipartisan support in the Senate, as well as in the House.

Finally, I would like to discuss an issue which has been receiving a great deal of attention: How is the Congress to receive counsel on the social sciences? The legislative branch should in fact have competent, professional advice in the social sciences. What is uncertain is what type of organization would best provide this counsel.

If it is determined that an advisory group similar to the Office of Technology Assessment would best provide this guidance to Congress, then it should be a group separate from the Office of Technology Assessment. The essential point is that the Congress has no illusions whatsoever as its qualification as a body of technical experts. Our collective strength is not in the high technology fields. But when one considers social problems, politicians tend to regard themselves as professionally qualified as any other social scientist.

Because of this tendency, the relationship which would be established between the Congress and a social sciences advisory group would, and should be, different than the relationship between the Congress and a scientific advisory group. Therefore, the two groups should be separate from each other to insure independent development of the best working relationships with the Congress.

In closing, the U.S. Congress is an integrating institution. It arrives at a collective decision only after considering the many aspects of an issue and after reconciling the oftentimes conflicting desires of society. Congressmen, through personal experience, training, and specialization, are generally confident in their evalution of the social, legal, and economic impacts of the issues which face them from day to day.

On the other hand, since very few Congressmen are scientists a very real need exists to develop and examine the technical facts, theories, and informed opinions dealing with the technological aspects of legislation so that this information may enter the legislative debates and records.

The establishment of the Office of Technology Assessment is an important and very necessary step forward in providing the legislative branch with the technical counsel required to properly pass on the ever-increasing number of technological issues which face the Congress today.

Mr. RHODES. Will the gentleman yield for a question?

Mr. ESCH. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, as I read the committee report on this bill, there is no intent to allow this office to develop an in-house scientific capability. In other words, it is not intended to be a scientific resource. It is to be a clearinghouse and a purveyor of knowledge which has been gathered by other governmental or nongovernmental bodies and which is made available to this office for that particular purpose.

Mr. ESCH. The gentleman from Arizona is correct. It is intended that it would be a filtering or channeling of information down to specific committees rather than conducting intensive research "in-house."

Mr. RHODES. If the gentleman will yield further, I am a little bothered by this. It states in the report—and the report is very well done—that this is an innovation, that this is the first such body which has been created since the Legislative Reference Service was created. I feel the House should know it is doing something quite a bit different, when and if we do create this office.

Does the gentleman have any figures to show the probable cost of this office in the first year or second year?

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio.

Mr. MOSHER. Mr. Chairman, in answer to the question of the gentleman from Arizona, this has been discussed already, and the authorization we are asking for is $5 million in the aggregate to be spent over the 2 fiscal years of 1973 and 1974. Whether or not this full amount would be used in those first 2 years is anyone's guess. It is going to be pretty difficult to control, because it is difficult to know how much use Congress will make of this body eventually.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to point out to the gentleman from Arizona that it was stated in the earlier discussion of this bill that the amount of money asked for in this bill is much less than was asked for when we created the General Accounting Office in 1921, which was perhaps $2.5 million at that time. In our judgment this is a much smaller request than that was at that time, and the staff will be smaller.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. ESCH was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I will say to the gentleman from Arizona that we had one member of the Committee say this afternoon that the cost after the first 2 years will probably be up to $7 million or $8 million annually. Now it develops that this is a clearinghouse for information. Why not go to the Library of Congress and give them a few additional employees, if it is a clearinghouse for information, rather than create a whole new body?

Mr. ESCH. I would say to the gentleman from Iowa, if it is to go up to $7 million or $8 million instead of $5 million over the next 2 years, it would be a small cost to pay considering the size of the budget and the decisions that this Congress has to make.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I should like to say, in response to the observation of the gentleman from Iowa (Mr. GROSS) this is far more than a library function. This office would generate information which is not now in existence. It would generate knowledge where that knowledge is needed, in addition to putting facts together in a way that can only be done by a task force which is designed to make sophisticated evaluations.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

I take this time in order to further clarify some questions I have about this legislation.

In the first place, I am really at a loss to know, if his is indeed a clearinghouse, why the clearinghouse cannot be housed somewhere in the Library of Congress. I happen to serve on the Legislative Subcommittee of the Appropriations Committee. I assume that the Legislative Subcommittee will be called upon for funds for this office, if it is established. Therefore, it is of some importance, I believe, to get the legislative history correct on this.

Is it the idea of the Committee on Science and Astronautics to have this office be a repository or collector of information, fulfilling largely a library function, or is it the position of the committee that this should be an office to generate requests for information? If so, for what purpose?

I am asking a lot of questions, but I have a lot of questions.

Where is the plug in to the Congress? This calls for setting up an independent office. Apparently the Director is to be appointed by the board of directors of the office. Apparently he has no responsibility to the Speaker of the House directly, or indirectly through the Clerk of the House.

I am a little bit at a loss to know exactly what we are creating here; whether it is fish, fowl, or otherwise.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. This is in the nature of the General Accounting Office, which was formed in 1921, and the Library of Congress, which was formed early in the history of the country.

The point of this office is not only to gather information but also to generate and evaluate information. It would make studies in a way not comparable to the function of a librarian.

Mr. RHODES. At whose request would it generate information?

Mr. DAVIS of Georgia. That is in the bill.

Mr. RHODES. Give me an example. Say, for instance, the Committee on Agriculture wants some information. What does it do about it?

Mr. DAVIS of Georgia. The chairman of the Committee on Agriculture can initiate the request by simply asking that a certain study be made. If he does not do it, then the majority of the committee can. He must do it on the request of a majority of the committee. Or the ranking minority member can. An inquiry or a study could also be initiated by the Director of the Office of Technology Assessment himself, or by the Board. Those are the three ways.

We worried for fear there might be too much of a proliferation of requests. This is the reason why these restrictions were made about the way action may be initiated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Iowa.

Mr. GROSS. There is no similarity whatever with the General Accounting Office, because any Member of Congress can go to the General Accounting Office and ask for assistance. This is a devious method the gentleman outlines here for getting information from this proposed technology assessment outfit.

Mr. DAVIS of Georgia. If the gentleman will yield further, I cannot agree that there is no similarity. We are trying to narrow down the number of requests that would be made. The nature of the requests would be quite similar. Both are arms of the Congress. They are there to serve the Congress, the GAO as well as the OTA.

Mr. RHODES. With regret, I have to say to my good friend from Georgia that I am not yet convinced of the necessity of setting up a special office to do this job. It does seem to me that we have facilities available in the executive departments to get this information, and it can be channeled, certainly, to any committee of the Congress, without the intrusion of this particular office.

I am at a loss to know why we need it.

Mr. DAVIS of Georgia. Let me see if I can help the gentleman. I will say that neither the General Accounting Office nor the Library of Congress normally has a function of evaluation—although the GAO does this in regard to auditing functions. As I view this Office of Technology Assessment, it will perform a function somewhat like the function performed by people who go out and mark a river channel by putting channel markers along a water course. It would not give the Office of Technology Assessment any power, but simply give them the functions of marking it to see where the channel was in a water course, if you want to look at that as a parallel.

Mr. RHODES. The gentleman from Georgia, I am sure, will recall that under the Reorganization Act last year, we set up a very expensive operation which is aimed at gathering information for the Congress. I am worried about the proliferation and the possible conflict of jurisdiction between that which was set up after great study and this, which I am sure was also set up after great study.

Mr. DAVIS of Georgia. It was.

Mr. RHODES. I know it was.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. RHODES was allowed to proceed for 1 additional minute.)

Mr. RHODES. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. We did look at the Reorganization Act and did not feel it performed this function. We had studies made ourselves as to whether this sort of office is necessary. The studies—and, as a matter of fact, we had two studies made—were to the effect that we did need this and that it would fill a vacuum which now exists.

Mr. RHODES. Did the gentleman's study go to the point of trying to determine whether this could be done by amending the Reorganization Act to include in the duties of the new agency being set up, duties similar to these?

Mr. DAVIS of Georgia. Not only that, but we tried to amend the Reorganization Act and include this bill in it, but a point of order was sustained against our efforts as not being germane.

Mr. RHODES. Will the gentleman agree with me that the best possible procedure would be to go back and put it under the agency created under the Reorganization Act?

Mr. DAVIS of Georgia. It was not germane then, and I suppose it would not be now.

Mr. RHODES. There is always a legislative way to accomplish a desired result.

Mr. MOSHER. Will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. MOSHER. I thank the gentleman for yielding.

The newly created or expanded Congressional Research Service, as I view it, under the Reorganization Act, in no way purports to do the type of assessments contemplated here. That point was made when we attempted to amend the Reorganization bill. It was ruled not germane then simply because the functions proposed in the bill before us today were considered not germane to those proposed for the research service as contemplated in the reorganization bill.

Mr. RHODES. Mr. Chairman, I yield back the balance of my time.

Mr. WYDLER. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I would like to add my endorsement to H.R. 10243, which would establish an Office of Technology Assessment for the legislative branch of our Government. Several trends in our society make it imperative that we improve our means of forecasting and evaluating the influence of new technology on our lives and on our world.

First, our society is growing increasingly complex both technologically and socially. Evidence of involved technology is apparent in almost everything we do or utilize in our everyday lives. Our social institutions are now extremely interrelated and interconnected with our technology base.

Second, man is achieving increasing power over nature. For most of recorded history man has waged war against nature, but nature, while challenged, was rarely beatable. Today, it is evident that man is slowly learning to control nature. The Congress has the responsibility to provide the for judicious application of our newly emerging control capability.

Third, and possibly most important, is the shift in values of our society due to the increasing prosperity of our Nation. Where we were once concerned with getting enough food and shelter, we now seek amenities, such as more beautiful and pleasant surroundings. Smoke belching from factory smokestacks and noisy jet aircraft shrieking overhead were once tolerated because they symbolized jobs and prosperity. Today, they mean air pollution and unacceptable noise intruding into our daily lives. The American people are now outraged by many of technology's less esthetic side effects.

The foregoing observations indicate that it is virtually mandatory that we, as the representatives of society, develop new early warning techniques, and better aids to planning and decisionmaking. The Office of Technology Assessment represents a means by which the Congress could anticipate and evaluate the impacts of new technology on all sectors of society It would assist us in the task of making technology our servant rather than our master.

Science and technology have very definite, major roles to play in our Nation and in the world. However, the results of our science and technology must be directed toward and fitted into our economic and social frameworks if they are to be effective and publically acceptable.

The Office of Technology Assessment will permit the Congress to establish a balanced concern for all aspects and ramifications of proposed technological legislation. I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Georgia (Mr. DAVIS).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 11, beginning in line 2, strike out: "; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act".

Mr. HENDERSON. Mr. Chairman, I yield to the gentleman from Georgia, the chairman of the subcommittee.

Mr. DAVIS of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I have examined this amendment, and the committee has no objection to it. The committee accepts it.

Mr. HENDERSON. Mr. Chairman, the purpose of my amendment is to strike out language in section 6(b) of the bill which authorizes the Director to fix the compensation and employ technical and professional personnel without regard to the usual controls placed by law on the employment of Federal employees and the fixing of their compensation.

Section 6(b) of the bill provides that the Director of the Office of Technology Assessment shall appoint and fix the compensation of necessary personnel in accordance with the provisions of title 5, United States Code, governing the competitive service, the classification of positions, and the General Schedule. However, section 6(b) further provides that the Director may employ and fix the compensation of certain technical and professional personnel without regard to such provisions of title 5.

The effect of this language would be to authorize the employment of an unlimited number of individuals without any limitation on the amount of compensation which could be paid to such individuals. The existing statutory controls over supergrade positions would not be applicable.

Our Committee on Post Office and Civil Service consistently has opposed legislative provisions which propose to exempt a new organization from the statutory provisions governing the competitive service, the classification of positions, and the General Schedule. There is considerable flexibility under existing law for agencies to appoint the necessary personnel and pay them a reasonable salary should exceptions to the general rules be necessary and justified before our committee.

The committee report on H.R. 10243 contains no specific justification for authorizing the appointment of technical and professional personnel without regard to the civil service laws and the General Schedule.

Mr. Chairman, this is another illustration of action being taken in several of our standing committees which will conflict with the standards and controls prescribed by law for employment in the Federal service.

The Post Office and Civil Service Committee has the primary and basic jurisdiction over all matters relating to the civil service, including the compensation, classification, and retirement of employees of the United States. The restrictions on the top salary that may be paid Federal employees is very specific.

In the case of employees under the General Schedule, the limitation prescribed by law is now $36,000.

The language on page 11 of the reported bill, which this amendment proposes to strike, would authorize the Director to fix compensation of technical and professional personnel without regard to any limitation.

The language also authorizes the employment of such personnel without regard to any of the statutory prohibitions or requirements, and would permit the Director to discharge his responsibilities in this respect in such manner "as he may deem necessary."

In the case of scientific and professional people who are employed to carry out research and development, the limitation under the law (5 U.S.C. 5361), is that the head of the agency shall fix the annual rate of basic pay at not less than the minimum rate for GS–16, nor more than the maximum rate for GS–18. Such rates today are $29,678 and $36,000, respectively.

Mr. Chairman, our Committee on Post Office and Civil Service intends to examine with a scrupulous eye all legislation that comes to the floor providing exemptions to the usual statutory controls relating to Federal employees. Unless the justification for any such exemption is adequate, we intend to exert every effort to have such exemptions eliminated from the legislation.

Mr. Chairman, in this case we have been furnished no justification for the exemption. I urge the adoption of the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I shall be glad to yield to the ranking member of the House Post Office and Civil Service Committee.

Mr. GROSS. I commend my friend from North Carolina for offering this amendment, and I thank the gentleman from Georgia for accepting it on behalf of the committee.

To me, this language epitomizes what is being attempted in this bill. It is hard to conceive that a committee would put language of this kind into this legislation providing that they can hire as many professional and technical employees as they want and pay them whatever they want to pay. This, to me, pretty well describes the kind of a boondoggle this is.

I thank the gentleman for yielding.

Mr. HENDERSON. I should also point out that our committee did not attempt to make a judgment on the pay of the Director of the Office of Technology Assessment, since it had been determined by the committee handling the legislation. However, I would point out to the Members that the Director will receive a basic salary rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, which is $42,500 per annum and which I am sure all the Members of Congress recognize is the equivalent to the salary of the Members.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 4, strike out lines 18 through 25, and insert the following:

"(d) Activities undertaken by the Office may be initiated by—

"(1) the chairman of any standing, special, select, or joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members; or

"(2) the Board."

Page 5, strike out lines 15 through 24; page 6, strike out lines 1 through 25; page 7, strike out lines 1 through 24; page 8, strike out lines 1 through 8; and insert the following:

"SEC. 4. (a) The Board shall consist of ten members as follows:

"(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

"(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

"(c) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

"(d) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member."

Page 11, strike out lines 10 through 25; page 12, strike out lines 1 through 24; and page 13, strike out lines 1 through 15.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HENDERSON. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Texas if his amendment has any effect on the previous amendment just agreed to?

Mr. BROOKS. I do not believe so.

Mr. HENDERSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, I look at this bill, and it says, "to establish an Office of Technology Assessment," and I agree with that point, but when it says, "for the Congress," I just cannot see why any executive should have us create an agency for him when he already has all of the authority that he needs. Kennedy had it, Johnson had it, and President Nixon has all the authority he needs to assess and evaluate, set up commissions, and to do this until the world looks absolutely level. I am saying that we do not need to do it again. That is all we are doing; we are giving another agency to the Executive under the guise of good intentions by my distinguished and able friends, but, nevertheless, we are giving another agency like that to the President, and he does not need it; the Executive already has it.

The difficulty is this: Senator JORDAN said on the 4th day of February:

> An Office of Technology Assessment would reduce the dependency of the Congress on the executive bureaucracy and other groups, many of whom have special, vested interest either for or against certain legislation. We need objective, unbiased information on the many complex issues facing us. We desperately require sound alternatives and options, carefully arrived at, which we can consider when legislation is before us. In this regard, we cannot, as legislators, be fully expected to deal specifically, and in detail, with the many complexities posed by rapid technical and scientific progress, unless we first have all the necessary information upon which sound judgments must be made.

It goes on to say:

> This bill does not call for the creation of another bureaucracy, but for establishment of a desperately needed system for providing timely information and sound alternatives concerning pending legislation for the Congress. I emphasize the term "alternatives."

Now, this bill—and I say this sadly, because I have the highest regard for the gentleman from Georgia, JOHN DAVIS, and I like this committee—does not do this. I think that the Committee on Science and Astronautics can perform this function and I will vote for the money, and I want you to know it, but I want it run by somebody that works for the Congress. I do not want to give it to somebody else.

This bill provides for the executive branch to run and control this office. Any Executive can do it, you can go back down the line from Roosevelt, from Truman and on, to Eisenhower—any of them could control this agency with this legislation.

The President appoints four. The House of Representatives appoints two—one Republican and one Democrat. Then the Senate does the same thing; they get two so you have four. Then you have the Comptroller General who the President appoints, then you have a director of congressional research. That is another two. So you have six out of the total appointed by the President or selected by a Presidential appointee. Then you have the director, who is going to run the whole thing—with the absolute authority to issue subpenas on his own right. So the President then in effect picks out this Director and that gives him 7 to 4.

Now, you do not have to be very good to run an agency of that kind when you have got 7 to 4.

My amendment is simple. It recommends that we have five board members appointed from the House, three from the majority side and two from the minority side, appointed by the Speaker; and five appointed by the President pro tempore of the Senate, three from the majority and two from the minority. You can then elect the director, and that agency will then be responsive to the U.S. Congress, not to the Executive.

We are trying to create an agency to give Congress technical information, so if we must create one let us create one that we control. And I am not critical of the need for additional information. But I say that this amendment should be passed. If no one else is able to perform this service and if we must create another agency, then let us do it. But let it be ours.

The executive branch really does not need another agency of this kind. They have enough money in the Department of Defense and other agencies for such research. Really, a very great deal of this expertise is available to them.

Now my amendment will provide for appointment of a Congressional Technology Assessment Board of 10 members.

The amendment will do two other things. It will take away from the director of the office the power to initiate assessments and run the whole business the way he pleases. This director now has subpena power and the right to call people and set hearings and initiate hearings and report findings.

Instead my amendment provides that the initiation of work will be by the congressional committees and the OTA Board.

My theory is simply that experts are to be employed by a committee and utilized by a committee to give their advice and to listen to it and appreciate it and make the decision yourself. It is just like a computer. Computers do not make you any smarter. They just give you the information upon which you base a valid decision. I say that we would be wise if we are going to spend enough money to have 50 or 60 or 70 experts that we, the Congress of the United States, are going to name them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. BROOKS (at the request of Mr. RHODES) was granted permission to proceed for 2 additional minutes.)

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. RHODES. If the gentleman will yield for a clarification of his amendment, it is my understanding that your amendment changes on page 4 the identity of persons who may initiate an inquiry so that the chairman of any standing special, select or joint committee of the Congress acting for himself or at the request of the ranking minority member may do so.

Then I understood you to say, "Or by a majority member of the committee." That would obviously, if my understanding is correct, mean that any majority member of the committee could initiate activities, but that any minority member could not.

Mr. BROOKS. No, no. The language is that—

> The chairman of any standing, special, select or joint committee of the Congress acting for himself or at the request of the ranking minority member or a majority of the committee members.

Mr. RHODES. I did not understand that.

Mr. BROOKS. That is the language.

Mr. RHODES. That is the language in the bill now, but my understanding is that the gentleman's amendment changes that so that it would read: "or a majority member of the committee" which, if I am correct, would certainly not meet with the approval of the minority.

Mr. BROOKS. I say to my friend, the gentleman from Arizona, that the amendment reads just as I read it to you and that is the amendment that has been submitted.

Or the board itself, of course, could initiate activities.

Mr. RHODES. If the gentleman will yield further, I think the gentleman's amendment as he proposes it makes a lot of sense. I still doubt I would vote for the bill, but I would come closer to voting for it with the amendment.

Mr. BROOKS. I thank my friend from Arizona.

So, if we are going to have an Office of Technology Assessment in the Congress, let us make it for the Congress, Mr. Chairman. I do not want to make it for the Executive—if they need it, they will ask for it.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. WHITE. I agree with your intention on your amendment and I will support your amendment. From what you say, could we not accomplish about the same thing this bill endeavors here to do if we provide by legislation that the Congress or any branch thereof or any chairman could obtain any information from any agency that was not classified so that no agency would restrict or refrain from furnishing whatever information is necessary. You would be using the collective information agencies of the executive department. Would not this accomplish the same thing without having a double expense?

Mr. BROOKS. I do not know if I follow the gentleman's point too well.

Mr. WHITE. At the present time if any agency declines to furnish a full disclosure of information that is gathered in this technological area.

Mr. BROOKS. We are not changing the power of this organization to acquire information. I am just changing the makeup of the Board, not the exercise of power.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. BROOKS (at the request of Mr. WHITE) was granted permission to proceed for 1 additional minute.)

Mr. WHITE. Do you feel the present powers of the Congress in gathering information from agencies then has some deficiency or is inadequate and that something further is needed by the Congress to gather information for legislative purposes?

Mr. BROOKS. Basically, there is a continuing need for more pertinent and usable information. Even so, I think the Science and Astronautics Committee has done a great job. The Joint Committee on Atomic Energy, the Armed Services Committee, and other legislative committees have also.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Ohio.

Mr. MOSHER. May I comment on the question of the gentleman from Texas. The prime purpose of the proposed legislation is to relieve us of the necessity of relying on the executive agencies. You are suggesting that we can get adequate information from the executive agencies and, of course, I agree they are responsible. But we think that the Congress should not have to rely for its own information on the executive branch.

Mr. BROOKS. Yes, I would say this is exactly what Senator Jordan stated when he said "That an Office of Technology Assessment could reduce the dependency of the Congress on the executive bureaucracy and other groups, many of whom have special, vested interests either for or against certain legislation." This is the thrust of the legislation, to give independent expertise to Congress, not to give it to the executive branch, and not to necessarily be "hat in hand" asking them for their evaluation.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. DAVIS of Georgia. Mr. Chairman, I would merely like to say that the committee did consider the course of action suggested by my friend from Texas (Mr. Brooks). We considered this alternative at length, and we concluded that it would be an inadequate answer and that the Board needed a mixed and more balanced representation.

In the first place, I do not think that there are many Members of the Congress who could afford the time that ought to be given as a member of the Board. You will notice that among other things the Board would be required to submit an annual report, which I think will have a big impact on many Government agencies.

The purpose of the committee bill is to set up as good a board as we know how to set up. We decided that there ought to be two Members of the House of Representatives on the Board and two Members of the other body on the Board. We thought that the head of the Congressional Research Service of the Library of Congress ought to be on the Board, and we also thought that the Comptroller General ought to be a member.

We then determined that there shall be four very highly qualified public members. We talked about that matter at great length, and the only person that we could think of who would be appropriate to name those four public members was the President of the United States. The President did not ask to be named. So far as I know, the Executive has had a completely "hands off" attitude toward this whole bill, this whole piece of legislation, apparently viewing it as a matter for action by Congress, since it is an arm of Congress.

I share Mr. Brooks' fear of executive encroachment upon the legislative branch of the Government, but I would like to point out that in this instance we are not dealing with an agency that has any power at all. This Office of Technology Assessment is not even empowered to make recommendations. That is beyond the scope of its power. The only thing it is empowered to do is to develop information, to evaluate the information that it develops. That is the intent of that. If we were placing some of our power in somebody else's hands, that would be a horse of another color. But we are not doing it, and I think in this instance my friend from Texas (Mr. Brooks) has found he is on a witch hunt. He has found a danger that just does not exist. We think we have set up a Board that will be a good Board. We think the four public members will count it a very high honor to serve on the Board.

We have set it up so the Director of the Board will be a well-paid man. He will enjoy a status as high as that of the head of the National Science Foundation. If the Board is really a well operating Board, if it establishes for itself a high reputation, it will be a great force and Congress will look to it with confidence.

As has been said so often here this afternoon on the floor, I think it will save our taxpayers millions upon millions of dollars if the Office of Technology Assessment fulfills the function we hope to give it today. For these reasons, Mr. Chairman, I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Brooks).

The question was taken; and on a division (demanded by Mr. Davis of Georgia) there were—ayes 29, noes 19.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Daniels of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, pursuant to House Resolution 791, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 118, not voting 57, as follows:

[Roll No. 34]

YEAS—256

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Baker
Begich
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton
Byrne, Pa.
Caffery
Camp
Carey, N.Y.
Carney
Carter
Celler
Chappell
Clark
Clausen, Don H.
Cleveland
Conte
Conyers
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dent
Derwinski
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frey
Fulton
Fuqua
Gallagher
Gaydos
Gettys
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Holifield
Horton
Hosmer
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Railsback
Randall
Rangel
Rees
Reid
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Veysey
Waggonner
Waldie
Whalen
Whitehurst
Whitten
Widnall
Winn
Wolff
Wright
Wydler
Yatron
Young, Tex.
Zablocki

NAYS—118

Abbitt
Abernethy
Andrews
Archer
Arends
Aspinall
Belcher
Bennett
Betts
Bow
Bray
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Casey, Tex.
Cederberg
Chamberlain
Clancy
Collier
Collins, Tex.
Colmer
Crane
Curlin
de la Garza
Denholm
Dennis
Devine
Dowdy
Duncan
Edmondson
Edwards, Ala.
Eshleman
Findley
Flynt
Ford, Gerald R.
Frelinghuysen
Frenzel
Goodling
Gross
Grover
Haley
Hall
Harsha
Heinz
Hicks, Wash.
Hogan
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
King
Kyl
Lujan
McClure
McCollister
McEwen
Mahon
Martin
Mayne
Michel
Mizell
Myers
Natcher
Nelsen
Nichols
Passman
Pickle
Pirnie
Powell
Pucinski
Purcell
Quillen
Rarick
Reuss
Rhodes
Roberts
Robinson, Va.
Roncalio
Ruth
Sandman
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Stratton
Stuckey
Teague, Calif.
Thomson, Wis.
Vigorito
Wampler
Ware
Whalley
White
Williams
Wilson, Bob
Wilson, Charles H.
Wyatt
Wylie
Yates
Young, Fla.
Zion
Zwach

NOT VOTING—57

Alexander
Ashbrook
Baring
Barrett
Bell
Biaggi
Blanton
Blatnik
Brown, Mich.
Brown, Ohio
Cabell
Chisholm
Clawson, Del
Clay
Collins, Ill.
Conable
Corman
Davis, Wis.
Dellums
Dickinson
Diggs
Downing
Dwyer
Edwards, La.
Evins, Tenn.
Forsythe
Galifianakis
Garmatz
Giaimo
Gibbons
Griffin
Hansen, Wash.
Hawkins
Hébert
Helstoski
Hillis
Kemp
Kuykendall
Landgrebe
Lennon
Macdonald Mass.
Melcher
Minshall
O'Konski
Pelly
Poage
Pryor, Ark.
Quie
Rooney, N.Y.
Ruppe
Springer
Stanton, J. William
Stubblefield
Ullman
Vanik
Wiggins
Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Springer.
Mr. Rooney of New York with Mrs. Dwyer.
Mr. Blanton with Mr. Ashbrook.
Mr. Barrett with Mr. Forsythe.
Mr. Stubblefield with Mr. Davis of Wisconsin.
Mr. Hébert with Mr. Kuykendall.
Mr. Blatnik with Mr. Minshall.
Mr. Cabell with Mr. Bell.
Mr. Macdonald of Massachusetts with Mr. Quie.
Mr. Evins of Tennessee with Mr. Brown of Michigan.
Mr. Melcher with Mr. Conable.
Mr. Corman with Mr. Clay.
Mr. Hawkins with Mrs. Hansen of Washington.
Mrs. Chisholm with Mr. Baring.
Mr. Lennon with Mr. Dickinson.
Mr. Alexander with Mr. Brown of Ohio.
Mr. Biaggi with Mr. Dellums.
Mr. Galifianakis with Mr. Kemp.
Mr. Griffin with Mr. Hillis.
Mr. Giaimo with Mr. Diggs.
Mr. Downing with Mr. Del Clawson.
Mr. Helstoski with Mr. Collins of Illinois.
Mr. Gibbons with Mr. Landgrebe.
Mr. Ullman with Mr. O'Konski.
Mr. Vanik with Mr. Pelly.
Mr. J. William Stanton with Mr. Ruppe.
Mr. Wyman with Mr. Wiggins.

Mr. EDMONDSON changed his vote from "yea" to "nay."

Mr. HAGAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 3122) entitled "An act to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. MUSKIE, Mr. EAGLETON, Mr. COOPER, and Mr. BOGGS to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed (H.R. 10243).

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON S. 748, U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on S. 748, to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, when would it be proposed to call up this legislation?

Mr. PATMAN. Whenever the House is willing. Tomorrow would be an acceptable day if it is all right with the membership.

Mr. GROSS. Does the gentleman mean to file it tonight and call it up tomorrow?

Mr. PATMAN. It will be printed in the RECORD tonight and available tomorrow.

Mr. GROSS. It will require unanimous consent to consider it tomorrow; will it not?

Mr. PATMAN. I do not know about that.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I ask the gentleman from Texas if the matter has been cleared with the minority?

Mr. PATMAN. It the gentleman will yield, yes; it has been cleared with the minority staff and the ranking minority Member.

Mr. ARENDS. Yes; I have been so informed.

Mr. GROSS. Mr. Speaker, I am not satisfied with the gentleman's answer. Is the gentleman saying this would be called up tomorrow?

Mr. PATMAN. We had hoped to call it up tomorrow.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. It would require unanimous consent to call it up tomorrow; would it not?

The SPEAKER. It would.

Mr. GROSS. What is the haste in calling up this bill?

Mr. PATMAN. To make it available to Members for consideration, filing it tonight and having it printed tomorrow morning.

Mr. GROSS. Is this one of the three bills to beef up the overseas giveaway through so-called lending institutions?

Mr. PATMAN. It is for the Inter-American Development Bank. This is the one dealing with South America and is very important to our country.

Mr. GROSS. Is it the gentleman's intention to call up all three of those bills?

Mr. PATMAN. To call up either one of them or all of them that can be called up.

Mr. GROSS. Have the conferees reached agreement on all three bills?

Mr. PATMAN. On all three bills. It is a unanimous agreement.

Mr. GROSS. And it would be the gentleman's purpose to call them up tomorrow?

Mr. PATMAN. Yes, sir, because the recess commences pretty soon.

Mr. GROSS. I beg the gentleman's pardon.

Mr. PATMAN. The recess, I assume, commences Wednesday, does it not?

Mr. GROSS. We are not in that kind of bind again, are we, to have to scuttle the ship in order to have a recess? Are we in that kind of bind? We concluded several weeks of recesses just a short time ago.

Mr. PATMAN. My reply was by reason of the gentleman's question about whether we wanted to take it up. I am just calling to the gentleman's attention that if we do not take it up tomorrow, it will be after the recess before we can take it up.

Mr. GROSS. Mr. Speaker, would the foreigners be satisfied with that, or would they raise some kind of sand over it?

Mr. PATMAN. We are not legislating for the foreigners.

Mr. GROSS. If this is not legislation to benefit the foreigners, any one of the three pieces of legislation in the nature of foreign handouts, I do not know what the gentleman is talking about.

Mr. PATMAN. That is not the object of it. The object of it is to help our country and to help the world.

Mr. GROSS. If it is the gentleman's purpose to call these up tomorrow, I believe most Members would like to get a reasonable start on the recess. If it is the gentleman's purpose to call them up tomorrow, I will object.

Mr. PATMAN. Of course, the Speaker ruled awhile ago, I believe, it would take unanimous consent, did he not?

Mr. GROSS. I can make pretty certain of it by objecting tonight.

Mr. Speaker, I do object.

The SPEAKER. Objection is heard.

Mr. PATMAN. Mr. Speaker, I had two other requests, but in view of the objection by the gentleman I will not ask unanimous consent for those.

APPOINTMENT OF CONFEREES ON S. 3122, EXTENDING FEDERAL WATER POLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. Jones of Alabama, Johnson of California, Dorn, Harsha, and Grover.

REPORT ON NEGOTIATIONS CONCERNING RECONSTRUCTION OF THE ALASKA HIGHWAY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works:

The message and accompanying papers were referred to the Committee on Public Works.

To the Congress of the United States:

I hereby submit to the Congress a Report of the negotiations with the Government of Canada concerning the reconstruction of the Alaska Highway between Dawson Creek, Canada, and the Alaska border. Pursuant to Section 119 of Public Law 91–605, these negotiations were held in the summer and fall of 1971 between representatives of our Departments of State and Transportation and officials of the respective Canadian Ministries.

Based upon these discussions, the Secretaries of Transportation and State have concluded, and I have agreed, that a U.S. offer to Canada to undertake this project on a cost-sharing basis would not be justified at this time. Our negotiations closed with an understanding that this would be the United States position. The Canadian Government has also indicated that it does not wish to undertake such a project with its own resources.

Underlying these conclusions are the facts that alternative transportation routes are now being developed, especially in British Columbia, and that anticipated traffic volume on the Alaska Highway should not be sufficiently heavy to warrant reconstruction and paving. The enclosed Report, submitted in response to Section 119(b) of the Federal-Aid Highway Act of 1970 (P.L. 91–605), spells out these findings in greater detail.

As a result of these conclusions, no further action seems necessary at this time.

Richard Nixon.

The White House, *February 8, 1972.*

THE WEST COAST DOCK STRIKE

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, earlier in the day I announced that the west coast dock strike had been settled. I have further details at the moment, but not entirely complete ones.

I can say that Mr. Harry Bridges, the ILWU president, said that the settlement is satisfactory to him. He will recommend its ratification, and on Saturday there will be a caucus, as is required in these circumstances, by his union for ratification.

The Pacific Maritime Association president, Mr. Edmund Flynn, said that the shippers are satisfied with the settlement, "or," to quote him, "we wouldn't have agreed to it."

There are several minor unresolved issues. The agreement to settle includes handing those issues to Mr. Sam Kagel, who has been a negotiator in the maritime industry and is highly respected by both parties, and he himself will have the authority to settle the unresolved issues.

Quoting Mr. Kagel:

> I am authorized to announce that the ILWU and the PMA Negotiating Committees have reached agreement on all economic issues. Certain specified non-economic issues will be mediated and if necessary arbitrated by myself, Sam Kagel.

Now, in the circumstances, Mr. Speaker, I feel action by this House, in the light of the settlement, and notwithstanding the action taken by the other body—action by this House tomorrow would impede further the inevitable settlement of this strike by next week. In other words, I express complete and total confidence that every major issue is out of the way and that the minor issues will be submitted to arbitration, binding arbitration, by Mr. Kagel.

I yield to the gentleman from Oregon.

Mr. DELLENBACK. I appreciate the gentleman yielding.

Is the gentleman able to inform the House when it is that the men will go back to work? As of the present moment is there any certainty of their going back to work?

Mr. THOMPSON of New Jersey. First there will be a caucus as required under the ILWU constitution, on Saturday. That caucus has the power to order the longshoremen back to work pending ratification.

Mr. DELLENBACK. Then, will the gentleman yield further?

Mr. THOMPSON of New Jersey. I do.

Mr. DELLENBACK. Do I interpret your statement, Mr. Chairman, as saying that as of the moment the men do not go back to work; in the event the ratification vote should be in the negative, there would be no understanding they would go back to work. Even if they do in the caucus on Saturday approve it, there would be no going back to work until there is a further ratification and in that series of events the earliest that they would go back to work sans legislation would be the end of next week. Is that correct?

Mr. THOMPSON of New Jersey. I would say no later than the end of next week, although I do not agree completely with your interpretation of what I said.

Mr. GERALD R. FORD. Would the gentleman from New Jersey yield to me so that I might ask the gentleman a question?

Mr. THOMPSON of New Jersey. I yield.

Mr. GERALD R. FORD. If the House should pass the bill that was reported out by the Committee on Rules and then there was an agreement between the Senate version and the House version and that became law, what harm is there in having that legislation on the statute books while this other process goes on?

Mr. THOMPSON of New Jersey. In answer to the gentleman, I respectfully say that action by the House on the bill reported by the Committee on Rules, which took the matter away from the Committee on Education and Labor, would constitute, in my judgment, a very serious impediment to final agreement and to the men getting back to work, which is the desire of all of us from the President on down.

Mr. GERALD R. FORD. Let me ask the gentleman this question: He says——

Mr. THOMPSON of New Jersey. It would exacerbate the difficulties, and it could serve no useful purpose.

Mr. GERALD R. FORD. Would the gentleman yield further?

Mr. THOMPSON of New Jersey. I do.

Mr. GERALD R. FORD. The gentleman says an agreement has been reached.

Mr. THOMPSON of New Jersey. Yes.

Mr. GERALD R. FORD. He tells us of this process that is necessary for ratification. He tells us that it will be a week or 10 days before——

Mr. THOMPSON of New Jersey. No. I did not say that.

Mr. GERALD R. FORD (continuing). The men get back to work. Just a minute. Let me ask this question. What harm is there in passing a bill and having it in a standby status on the statute books to be effective if all of these steps that the gentleman has described do not take place?

Mr. THOMPSON of New Jersey. I reiterate that it would, in my judgment, cause such distress as possibly to revive the dispute, because of the determination of the union not to accept compulsory arbitration. I think if we can get a clear and decisive statement from the President that if we were, for instance, to take the Senate bill and pass it, that he would wait at least 10 days before signing it in order to give the parties this opportunity to complete their collective bargaining process without interference by us, that would help.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman yield further?

Mr. THOMPSON of New Jersey. I shall yield further in just a moment.

That would give us the assurance, although I do not recommend it as the best course of action, but it would certainly give us and the President the assurance that if within a period of, say, 10 days, if here is not ratification and the men are not back to work, he could then sign the bill, but the House should certainly have that assurance.

Mr. GERALD R. FORD. If the gentleman will yield further, in effect what the gentleman has just said is what I was suggesting we do. In other words, we act and the legislation, in effect, would be held in abeyance pending the step-by-step process, but at the same time if there is no affirmative action on the schedule he has indicated, then the act would become effective. That seems to me to be the best insurance for the resolution of the problem.

Mr. THOMPSON of New Jersey. I would say to my distinguished friend from Michigan I understood everything except that I ask the President to give the parties at least 10 days, following the adoption, if we do, of any legislation before signing it so we can avoid that compulsory arbitration process. This does not mean that I will support the legislation in any case. It would simply be reassuring.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman yield further?

Mr. THOMPSON of New Jersey. Indeed.

Mr. GERALD R. FORD. I think we are in agreement in virtually every instance except on this; that is, at this time I am in no position to make that assurance, but for our own protection I believe we ought to take the step that he and I discussed in this latest colloquy in order that we have this insurance in case things do not go the way we want them to with the settlement.

Mr. THOMPSON of New Jersey. May I say to my distinguished friend that the president of the union and the four Cabinet members who testified and the distinguished author of the President's bill, the gentleman from Oregon (Mr. DELLENBACK) and I have worked very hard. Now, the ILWU caucus can on Saturday order the members back to work and if they tentatively accept it on Saturday they probably will order them back to work.

The gentleman is in a much better position than I, certainly, to communicate this good news to the President, who no doubt knows it, but also to bring back to us an assurance that in the event we do act—and, frankly, I hope we do not—but in the event we do act that he will wait the 10 days in order to give them the opportunity to go back to work without having to do so because of the signing of the compulsory arbitration piece of legislation.

Mr. GERALD R. FORD. If the gentleman will yield further, I will communicate with the White House and see whether this is feasible or not. But in the meantime, I think under the current circumstances, as I know the facts at the moment, it seems to me it would be wiser for us to plan on acting tomorrow, and I will get to the gentleman and other Members of the House whatever answer is forthcoming.

Mr. THOMPSON of New Jersey. I appreciate that, and I would hope you would do it at the earliest possible hour tomorrow. Nevertheless, I oppose the legislation.

May I point this out—the bill reported as I understand by the Committee on Rules is that of our colleague, the gentleman from Hawaii (Mr. MATSUNAGA). It differs considerably from the Senate-passed version and, obviously, that would require a conference, following which it would require action by both bodies to adopt the conference report.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield for a correction of the RECORD?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. The bill which was reported out was the Dellenback bill, but the Matsunaga bill was made in order to be offered as a substitute.

Mr. THOMPSON of New Jersey. I did not understand that.

Thank you for explaining the situation.

Mr. MATSUNAGA. Mr. Speaker, if the gentleman will yield further, I might say that the committee bill as reported out by the gentleman's committee and approved by the whole committee was considered and rejected by the Rules Committee.

Mr. THOMPSON of New Jersey. I am aware of that unhappy fact.

Mr. MATSUNAGA. I supported the gentleman.

Mr. THOMPSON of New Jersey. I know that, and I appreciate it.

Mr. SMITH of Iowa. If the gentleman will yield, is it not true the reason that the officers of the union and the management cannot sign today is because the Congress' order in the Landrum-Griffin bill is that they must have a ratification meeting, and with due notification, and that that is the reason they cannot do it?

Mr. THOMPSON of New Jersey. I believe so, but I would have to check the act.

Mr. HALL. Mr. Speaker, if the gentleman will yield, is there not some fallout benefit to be had by legislation on the books for those Members of the House of Representatives who are tired at having to provide remedies for these crises in transportation that affect the national defense and health and safety?

Mr. THOMPSON of New Jersey. I believe the response to my friend, the gentleman from Missouri, is that it is only reasonable to say that the Congress must take some action so that we do not face these crises each and every day, but I might state that the President's so-called Crippling Strikes Prevention Act had it been on the books, would not have applied in this case because of the third-party dispute; namely, the Teamsters.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I am perfectly willing to leave the colloquy as it is, and the tenuous arrangement that the gentleman has contrived here to be developed according to the will of the House. But I think it is important for the Members of the House to know, since we do not have advance copies of this information, whether or not it would be permanent legislation that would preclude in the future any such disabling or crippling, or whatever adjective you want to use, strike against the national safety, health and, indeed, the defense of this Nation?

Mr. THOMPSON of New Jersey. The answer to that, I would state to the gentleman from Missouri (Mr. HALL) is that the Dellenback bill and, indeed, the Matsunaga bill, if it is substituted, are both ad hoc, temporary solutions going no more than 24 months, and apply only to the west coast strike. They would not relate at all to the possibility of an east coast or Gulf coast strike. And the situation there is that the parties in dispute on the east and Gulf coasts are now operating under a Taft-Hartley 80-day injunction with an agreement to go 30 days beyond that. So, then if they cannot agree we would be faced with the same ad hoc solution again.

Mr. HALL. Then I submit that Congress had best get on with the job, whether it be the ILWU or the ILA, the Teamsters, or whatever, that is holding this Nation up.

Mr. THOMPSON of New Jersey. The best way to do it is to let them settle it themselves, to give them the opportunity, and if they do not do so, and I earnestly hope they will, then we should act.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, I think it is important to know, did the rule provide that at the conclusion of the deliberations on the bill that was reported out and the substitute, that the Senate bill could be substituted in place of what we approve?

Mr. MATSUNAGA. There was some discussion, and although—the gentleman from California (Mr. SISK) has just stepped from the Chamber——

Mr. GERALD R. FORD. I know there was to be some discussion, and I hoped for action.

Mr. MATSUNAGA. The rule provides that after hearing the Democratic bill, or the Matsunaga bill, as passed, the rule provides this could be in order to take from the table the Senate-passed bill for immediate consideration.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

gentleman yield?

Mr. COLMER. Mr. Speaker, would the of the Committee on Rules could reply to the question I think it would be very helpful.

Mr. COLMER. I am a little apprehensive that my friend, the gentleman from Hawaii (Mr. MATSUNAGA) and I are confused. The resolution provides that at the conclusion of the consideration of the resolution making in order the so-called Dellenback bill and the Matsunaga bill as a substitute, after that is adopted, it will be in order to go into the House and consider the Senate bill. Is that correct?

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. SISK. Mr. Speaker, here is the amendment that was adopted to the resolution 796 which we reported as a closed rule, but making in order as a substitute without intervening points of order the Matsunaga resolution.

Then it concludes after the passage of House Joint Resolution 1025, which would be the same number whether the substitute were adopted or not, then it shall be in order to take from the Speaker's table Senate joint resolution, whatever the number is—I believe it is 197 or maybe 187, and consider the same in the House.

Mr. THOMPSON of New Jersey. That makes the situation perfectly clear. That leaves us only with the hope that the distinguished minority leader will communicate with the President this evening and let us know what the President is thinking tomorrow morning.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. DELLENBACK. If I may conclude, in response to the minority leader's question a minute ago and make a further comment with reference to some of the remarks that the chairman of the subcommittee alluded to, we have a difference of opinion as to the present status of negotiations having been aided or not aided by what this Congress has done in the last week.

It is my own belief and strong feeling that the reason things are the way they are now—and I am most hopeful that there will be an agreement—is that the Congress has moved forward as it has within the last week.

There are those of us who feel very strongly were we at this time and at this stage of the game to back away from further action, we would be indeed doing an injury to any settlement rather than moving forward with a settlement.

May I point out further to my distinguished friend, the gentleman from New Jersey, that if we were to act on this legislation tomorrow and if we end up acting in a form that means the Senate and the House have acted on identical legislation so that no conference would be in order, it is still in order for the parties involved to ratify this agreement on Saturday and not being moved to compulsory arbitration but moved on a voluntary settlement which is indeed what they had tentatively agreed upon at this stage of the game.

I would urge rather than to postpone while we should make inquiries that Mr. Thompson has asked of Mr. Ford, and that each will see what we can determine about these things—the situation on the west coast in my opinion is far too critical to let this rest on an ambiguous vote which we do not know the result of at this stage of the game.

If we leave here tomorrow without acting on this to go off on a congressional recess knowing what the situation is on the west coast in this country and knowing what the danger is in Hawaii, I think it would be making a grievous mistake.

Mr. THOMPSON of New Jersey. First of all, let me say that the gentleman from Oregon has been most helpful and most cooperative in this whole matter. I have not agreed with him on a lot of the details, but he has been most cooperative.

I think it can be said that both he and I as reasonable members of the committee have made nothing short of a prodigious and expeditious effort to settle this matter.

I happen not to agree that action tomorrow will be helpful. But, as it appears inevitable, we will have action, since it is highly privileged. If we do indeed end up with a bill identical to that of the Senate and, therefore do not have to go to conference, I simply would request the President to give these parties the 10 days from the time that he gets the bill and has to sign it or it becomes the law. This can still be an example of the collective bargaining process working out without compulsory arbitration, and we can avoid damaging our national policy relating to collective bargaining.

Mr. DELLENBACK. As the minority leader indicated earlier, we will attempt to obtain the answer to the question of the gentleman from New Jersey and have it available tomorrow.

PROGRAM FOR TOMORROW—DEBT CEILING INCREASE

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, we have had a great deal of discussion on legislation and what may come up in the way of rules, bills, and legislation from the other body.

In the notice we received from the leadership for tomorrow, we have scheduled legislation concerning an increase in the debt ceiling with, I believe, 4 hours of debate.

It was mentioned on the other side of the aisle a while ago that Members would object to some unanimous-consent requests so the people on the other side of the aisle can get a headstart in getting back home for their traditional dinners and fundraising affairs. I merely would like to request of the leadership whether or not we do intend at some time tomorrow afternoon to take up the bill from the Committee on Ways and Means relating to the debt ceiling, in view of the fact that it will have 4 hours of debate, if the bill relating to the dock strike takes several hours, as it seems it will.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. In view of the fact that the gentleman from Louisiana (Mr. Boggs) does not happen to be present, I will speak for the leadership. As you know, two pieces of legislation were reported out of the Rules Committee, the so-called dock strike bill and the bill that the gentleman from Arkansas (Mr. Mills) has on the calendar with regard to the debt limit. Both of these items are in the hands of the Rules Committee. I do not know to whom the gentleman from Mississippi (Mr. Colmer) has assigned them.

On the dock strike matter, there will be the question of a member of the Rules Committee being recognized by the Speaker and saying, "I ask unanimous consent to report from the Rules Committee a privileged motion," and turn it over to the desk. It is my understanding from Mr. Colmer that he intends to bring the dock strike matter up first. I think that will take 1 hour, and it would be under a closed rule.

Then I presume immediately following that we would go into 4 hours of general debate. I understand that the gentleman from Arkansas (Mr. Mills) does not expect that he would consume the whole 4 hours. We ought to be able to expedite both matters. Of course, there could always be a motion to table, a motion to adjourn, or the defeat of the dock strike bill. I should think we would be out at a reasonable hour.

Mr. HOWARD. I thank the gentleman. I would assume that with 1-minute speeches, quorum calls and votes, maybe one or two, even before we get to the debt ceiling, we might very well feel we should count on being here until 6 or 7 o'clock.

Mr. O'NEILL. I would say that you might be here that late. We cannot anticipate, but we can make great desires known among those who normally call for quorum calls, that they would normally pass such requests on a day like that.

CANCEL THE LINCOLN DAY RECESS IF NECESSARY TO ADEQUATELY DEBATE DOCK STRIKE LEGISLATION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, it seems to me that all of the anxiety about disposing of the dock strike legislation tomorrow is predicated on the fact that we are going to take a Lincoln Day recess. But there is really nothing absolutely firm or irrevocable about that recess and, as far as I know, on something as important as this, where both sides in the dock strike apparently have reached an agreement and would be willing to ratify that agreement today except for the Landrum-Griffin bill, we ought to remain and finish our work in an orderly manner. May I remind the House that the Landrum-Griffin bill was passed in the same kind of haste in this House. There was no discussion, no debate, no legislative history—it was offered as a substitute bill in the heat of passion and passed by the Congress, and we have since then seen the many weaknesses in that bill. It is unconscionable to pass this important legislation in haste just because we have a Lincoln week recess. It seems to be that indeed there is a prospect of these two sides bringing the strike to an end and agreeing by Saturday. If it means that we have to work over the weekend or even come back on Monday, I would rather cancel the Lincoln Day recess and stay here and do our work, as we should do, rather than rush this legislation through even though no one has seen this proposal or has had an opportunity adequately to debate.

FARM PRICES ARE SOARING

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I am both amazed and appalled by the comments made by Agriculture Secretary Earl L. Butz at the Fargo, N. Dak., Farm Forum last night. Before a somewhat less than objective audience, the Secretary gloated over the fact that farm prices are soaring.

The Secretary bragged:

> In some instances, such as beef cattle, prices are at twenty-year highs.

Adding insult to injury Mr. Butz continued:

> And they should be.

Apparently, Mr. Butz, in his euphoria over these spiraling prices, has forgotten the housewife at the meat counter in the supermarket. Apparently, our Secretary of Agriculture has lost interest in the lower- and middle-class American who is trying desperately to stretch his paycheck to feed his family.

These skyrocketing prices should be a cause for grief, not glee. A week ago, the Agriculture Department reported that prices farmers received for raw products rose 3 percent during January. This figure includes a record high for beef cattle, which shattered a mark set in 1951.

This information, when coupled with the exemption of raw farm products from phase 2 controls means that added costs of farm products will be passed on to consumers.

And American consumers cannot afford these added costs. Our senior citizens cannot afford to pay more dearly for the necessities of life. Workers with large families, who have been faced with wage limitations during phase 2, cannot afford ever higher grocery bills.

The Secretary of Agriculture seems to be fully aware of this. In last night's speech, he warned the farmers that

> Some of the newspapers back east have already started commenting on higher food prices.

Secretary Butz implied that he intends to fight any attempts to put brakes on these runaway farm prices.

Frankly, I find this hard to believe. It is astounding for me to hear this talk from a member of an administration which has pledged itself to stop inflation, not to foster it.

The Secretary of Agriculture's remarks were irresponsible, and definitely out of line with the tone of the President's state of the Union address.

President Nixon urged us to rise above partisan politics and work in the national interest. I believe, as do my constituents, and consumers across the Nation, that these rising farm prices are not in the national interest.

The Secretary of Agriculture should be helping to keep farm prices in line, not standing on the sidelines applauding their increase.

Thank you, Mr. Speaker.

HOME PORTS IN GREECE: U.S. POLITICAL MYOPIA

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, too often in the past the United States has made military decisions with damaging long-range political consequences without having given adequate regard to the political factors involved.

The latest such example is the U.S. Navy decision, with White House backing, to seek "home port" facilities in Greece to accommodate American sailors from the 6th Fleet and perhaps 6,000 dependents.

Adm. Elmo Zumwalt, Chief of Naval Operations, appears oblivious or indifferent to the politics of the situation in his gung-ho campaign to boost retention rates a 10th of a point here, a 10th of a point there. But one does not have to be a prophet to perceive that years from now, when Admiral Zumwalt is in comfortable retirement, the United States could be reaping the bitter consequences of this decision.

Even if Greece were a democracy, this kind of decision should give us pause. But to make such an arrangement now with a dictatorship will be taken by the Greek people as further evidence of American support, even sponsorship, of an oppressive regime. "Just give us these privileges and facilities," we seem to be saying to the dictatorship, "and you can do what you please with the Greek people."

It should be noted that this new arrangement is not for additional naval bases. All bases, by the way, had been negotiated with democratically elected Greek Governments.

It should also be noted that the 6th Fleet will not withdraw from the Mediterranean if the home port facilities in Greece are not obtained, although Admiral Zumwalt likes to drop that threatening implication.

What this decision means is that several thousand American sailors, and the dependents of some of them, will be unloaded on the Athens area as semi-permanent residents—the Navy does not plan to build special housing, according to Zumwalt. Prices will go up as Americans, with their greater financial resources, compete with Greeks on the open market for housing and services. Dependent and private schools will be swamped. Americans will be more visible, and since they are linked in the public mind with the oppressive Greek regime, will sooner or later incur hostility. Furthermore, the regrettable moral slackness of bars and bordellos which follow the fleet will intrude itself a little more on Greek life.

Retention of personnel is a problem, but is some small gain in retention rates worth the political price?

What is the State Department view? Why have not its views been heard? Is there a counteropinion within the U.S. policy structure? If so, should not the Congress know about it? Did some not warn that the anti-U.S. feelings aroused by too visible a presence in Turkey could be repeated in Greece?

What is the political judgment of our intelligence services? Do the analysts see things the same way as the operators, some of whom were intimately associated with Papadopoulos before the 1967 coup?

Can the administration ignore Congress in making agreements for foreign facilities? Should it ignore Congress? Is Congress to abdicate even further in the foreign policy field? Is there to be no accountability except once every 4 years during a presidential election?

Somewhere along the line the political and moral arguments must be asserted. Someday we will learn that military decisions which shrug off political and moral considerations are built on quicksand.

It is time for Congress to ask the hard questions.

WE MUST SAVE OUR BRANCH LINE RAILROADS

(Mr. ZWACH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, in the past week, some 90 farmers, bankers, businessmen, and legislators from Minnesota, mostly from the southern part of the State, were in Washington in a concerted effort to save Minnesota's branch line railroads which are vital to the rebuilding of the countryside.

Ever since I have been in Congress, I have been protesting the deteriorating service to the railroads themselves and to the Interstate Commerce Commission, which has allowed this widespread abandonment of railroad service. I was pleased and grateful to meet with and have this added support of this grassroots movement to save our branch line railroads.

We cannot hope to rebuild "countryside America" without an adequate rail transportation system. Under new regulations, the Interstate Commerce Commission is allowing railroads to abandon lines on short notice and with no plans for adequate freight service in the future. This will place an economic burden on our rural communities and small businesses at a time when our national policy is to reverse the decline of rural areas by helping present businesses to grow and new businesses to locate in our rural communities. Good efficient rail service is especially needed by our farmers to secure their fertilizer, petroleum products, feeds, lumber, and other bulk supplies, and to move their farm products to domestic and foreign markets.

Yesterday, I introduced legislation calling for a 5-year moratorium on railroad line abandonment and another bill to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the needs of rural America for adequate railroad services. We need to find a solution to this problem but we cannot allow the present rate of abandonment to continue while finding a solution.

While the delegation from Minnesota was here in Washington, I received several letters expressing their individual concern; a petition from the mayor of Echo, Minn., with 206 signatures from this town of 356 population; and a petition signed by members of the delegation in Washington. I include these in the RECORD at this point:

> DEAR MR. ZWACH: We may not be a large user of the Railroad facilities here at the present time, mostly because of the poor service that we have. In the spring of the

year when we would most use the railroad, they have an embargo on so there is no service. If the service was improved we could use them more. However, we are deeply concerned about the rail service from the standpoint that with all the agricultural tonnage going in and out of a line like we have here, I'm sure that the railroad is not going in the red here. No matter what ever rail service a town has it seems like when the railroad goes it makes a town die that much faster. I'm sure we are all in agreement that we want to keep rural America strong and prospering. We are sure you will do everything in your power to help us and it will be much appreciated.

JEROME MARTHALER,
Manager, Great Plains Supply Co.
WABASSO, MINN.

DEAR SIR: In regard to railway service, this is a record of what has been done the last three years—

June 1, 1969 to February 26, 1970—179 cars, 44 trucks;

March 1, 1970 to February 28, 1971—209 cars, 21 trucks;

March 1, 1971 to December 29, 1971—128 cars, 86 trucks.

70 of the 86 trucks shipped in 1971 were because of no rail service. We have 210,000 bushels of grain on storage here now which will go by rail, plus all the farm stored grain which will be moved during the year.

BERNIE GOBLIRSCH,
Manager, Wabasso Farmers Elevator Co.
WABASSO, MINN.

DEAR CONGRESSMAN: In 1970, we had fifty rail cars come in with 3070 tons of fertilizer plus another 550 tons that had to be trucked in due to embargo on tracks.

In 1971, we had fifty-six rail cars come in with 3564 tons plus another 810 tons trucked in during embargo.

It costs us about $7 a ton more to have it trucked in than by rail, and if we should lose our rail service, I don't know how we could compete with plants that do have that service. I also believe that trucks could not keep us going during the rush season.

CLARENCE DRESON,
Manager, Kerr-McGee Chemical Corp.
WABASSO, MINN.

DEAR SIR: It is very important that you help us to keep our rail service operating here at Wabasso and all the other small communities.

Here at Wabasso the track and road bed is so bad that it takes the train about six hours to travel a distance of 35 to 40 miles one way. So you can see why it costs them more money to operate.

If we had better service here we would ship more grain by rail, but this way we have to go by truck and it takes two and one-half trucks to haul as much as one box car, and we do not need any more trucks on our highways.

HARLAN KRETSCH,
Manager, Wabasso Grain and Feed.
WABASSO, MINN.

DEAR CONGRESSMAN ZWACH: I am writing in regard to the railroad prospects for rural Minnesota. I was invited to join the group from this area who are coming to Washington next week regarding the proposed abandonment of several lines in our area. Due to prior commitments, I was unable to join them. However, I, too, would like to voice my concern along with theirs.

As you know, our highways in the outstate area are not built to handle the trucks which will be necessary to handle the farm products if the railroads are permitted to abandon the lines as they propose. I am also positive that the rail lines serving this area would be profit making, if the road bed were in condition so that the trains could travel at a speed over the present five miles per hour. At present—it is a two day run from Marshall to Wabasso, Vesta and return. How can they make money at that rate?

EDWARD ROBASSE,
President, Wabasso State Bank.
WABASSO, MINN.

DEAR MR. ZWACH: During the years of 1970 and 1971, we made a comparison of trucks and railroad cars shipped. Going through the records, we found that we had shipped a total of 280 railroad cars of grain and 725 truckloads of grain. The cars represented a bushel figure of over 560,000 bushels and the trucks represent a figure of 580,000 bushels. If we could have gotten railroad cars when we needed them we could have filled over 300 more than we did, instead we had to resort to trucks. 300 carloads of grain would have brought over $50,000 of income to the railroad company. Almost all of our liquid fertilizer is hauled by trucks because the railroad cannot be depended on. This would bring the railroad even more income, if they wanted more income.

The Elevator here in Revere and in Walnut Grove is not the only business that would give the railroad more busines if they wanted and could take care of more. We have a lumber yard and a Co-op Oil Company here in town that would like to depend on the railroad for service.

The section crew that is supposed to take care of the railroad yards is not seen too often. The crew consists of three men that are supposed to take care of 75 miles of track. The railroad company is in the chemical business and cannot afford to spray the weeds in the railroad yard. We have sprayed the railroad yards ourselves and have had to foot the bill for the chemical because the railroad company cannot afford to provide the chemical. This does not make a lot of sense.

We are businessmen and farmer directors of these businesses do not feel that the CNW Railroad Company has just cause to close the railroad.

REVERE-WALNUT GROVE FARMERS ELEVATOR.

PETITION

Whereas U.S. railroads have not maintained their branch lines and giving poorer and poorer service despite many rate increases granted them in recent years;

And whereas the railroads are now embarked on a major campaign to abandon most or all branch lines as fast as possible;

And whereas thousands of rural towns and cities and scores of thousands of businesses have heavy investments in properties on branch lines;

And whereas loss of rail service will place a further burden, leading to economic chaos, on these businesses and communities at a time when our national policy is to reverse the decline of rural areas by helping present businesses grow and new businesses to locate there;

And whereas good efficient rail service is especially needed by our farmers to secure their fertilizer, petroleum products, feeds, lumber and other bulk supplies, and to move their farm products to domestic and foreign markets;

And whereas the uncertain future of branch lines service makes any sizeable business investment on these lines a great risk;

And whereas loss of branch lines will place heavier burdens on our highway system to haul these bulk commodities, adding vast numbers of heavy trucks to the present congestion, at great additional expense for highways;

And whereas the ICC has of January 29, 1972 issued new regulations to allow railroads to abandon lines on short notice and with no plan for adequate freight service in the future;

Now, therefore we the undersigned rural businessmen, farm cooperative officers, and public officials do most respectfully petition Congress to:

1. Order an immediate embargo on any further abandonment of rail lines until Congress has had a chance to establish what in its wisdom should be our national policy regarding rail service for rural America; and
2. Order a full Congressional investigation of the railroad needs of rural America, with an appraisal of the several alternatives to elimination of branch lines, including maintenance by the public of the needed rail trackage, as we have long done publicly for highways, waterways, and airports.

LIST OF SIGNATURES

Russell G. Schwandt, President Minnesota Agri-growth Council.

Michael H. Roberts, Director, Minnesota Department of Public Service.

Jon Wefald, Commissioner, Minnesota Department of Agriculture.

Richard M. Nolan, State Representative, Little Falls, Minnesota.

Merle E. Miesen, Manager, Farmers Coop Elevator Company, Fairfax, Minnesota.

Mel Tauer, Dairy farmer, Morgan, Minnesota.

Raymond P. Thull, State Bank of Lucan, Lucan, Minnesota.

Lewis Anderson, Councilman, Morgan, Minnesota.

A. H. Engebretson, President, N.W. State Bank, Slayton, Minnesota.

Joe C. Givens, General Manager, Dawson Mills, Dawson, Minnesota.

M. P. Kuhn, Executive Vice President, State Bank of Morgan, Morgan, Minnesota.

James Mathiason, Board Member, Revere-Walnut Grove Elevator, Walnut Grove, Minn.

Michael C. Miller, Controller, Dawson Mills, Dawson, Minnesota.

Philip R. Nelson, Director, Farmers Coop Elevator, Tracy, Minnesota.

Sander Ludeman, Secretary, Farmers Coop Elevator, Tracy, Minnesota.

Julian Eggen, General Manager, Farmers Coop Elevator, Tracy, Minnesota.

Willard Bunting, Farmers Grain Elevator, Delhi, Minnesota.

Neal Madsen, President, Morgan Farmers Elevator, Morgan, Minnesota.

E. T. Cashman, Exec. Secretary, Northwest Agri-Dealers Associtaion, Mankato, Minn.

Orrin O. Fixsen, Director, Lamberton-Wabasso Elevator, Wabasso, Minnesota.

Willard Russe, Manager, LaSalle Farmers Grain Company, LaSalle, Minnesota.

Richard E. Eis, Director, Farmers Grain Company, Seaforth, Minnesota.

Edward Schmidt, President, Farmers Elevator Association, Milroy, Minnesota.

Lloyd Panitzke, Director, Farmers Elevator Company, Redwood Falls, Minnesota.

M. G. Erickson, Manager, Farmers Elevator Company, Redwood Falls, Minnesota.

Warren C. Hardy, Mayor, Echo, Minnesota.

Donald Hagberg, President, Farmer Cooperative of Lafayette, Lafayette, Minnesota.

Robert Webster, Director, Farmer Cooperative of Lafayette, Lafayette, Minnesota.

Bernard Hagett, Manager, Scenic City Coop Oil, Redwood Falls, Minnesota.

J. E. Tollefsen, President, Fieldcrest Fertilizer, Madison, Minnesota.

Pat Daly, Owner, P.D. Products, Ortonville, Minnesota.

Edwart Putte, Walnut Grove, Minnesota.

Walter C. Bakker, Manager, Vesta Farmers Elevator, Vesta, Minnesota.

Gerald L. Michaelson, Appleton Farm Chemical, Dawson, Minnesota.

Paul Maas, President, Revere-Walnut Grove Elevator, Walnut Grove, Minnesota.

Melvin Eichten, President, Vesta Farmers Elevator, Vesta, Minnesota.

F. Robert Stan, President, Redwood County Farmers Union, Redwood Falls, Minnesota.

Perry Roiger, Farmers Elevator Company, Springfield, Minnesota.

Ed Krueger, Secretary, Farmers Elevator, Springfield, Minnesota.

Russell E. Christensen, Vice President, Morgan Farmers Elevator, Morgan, Minnesota.

Donald E. Mahl, Benson Quinn Grain Commission Company, Minneapolis, Minnesota.

Jerry Altermatt, Manager, Farmers Elevator, Lamberton, Minnesota.

Gerald Domeier, Manager, Grain and Supply Coop, Fairfax, Minnesota.

Glen Kronback, Director, Farmers Elevator, Lamberton.

Melvin Bergman, Vesta Farmers Elevator, Milroy, Minnesota.

Richard Dummer, Farmers Elevator, Sanborn, Minnesota.

Kenneth Jensen, Manager, Sanborn Farm Chemicals, Sanborn, Minnesota.

Harold Larson, Chairman, Wanda Elevator, Springfield, Minnesota.

Bert Bellig, Vice Chairman, Wanda Coop Elevator, Sanborn, Minnesota.

Sidney Olson, Manager, Farmers Coop Oil Company, Echo, Minnesota.

Marlow Erickson, Manager, Cooperative Oil Company, Revere, Minnesota.

Omar Batalden, Director, Lamberton-Wabasso Farmers Elevator Company, Lamberton, Minn.

John Malmstrom, Morgan, Minnesota.

Robert Handschin, Research Director, Farmers Union Grain Terminal Association, St. Paul, Minnesota.

R. A. Potter, President, Morgan Grain and Feed Company, Morgan, Minnesota.

Ernest E. Schafer, Board Member, Federal Land Bank of Redwood Falls, Buffalo Lake, Minnesota.

M. W. Jensen, Manager, Lucan Grain and Fuel Company, Lucan, Minnesota.

Ray Haack, Manager, Westbrook Farmers Elevator, Westbrook, Minnesota.

Dennis J. Mayers, Assistant Sales Manager, Champion Home Builders, Slayton, Minnesota.

Vaughn O. Sinclair, General Manager, Watonwan Farm Service Company, St. James, Minn.

Elgin Schmidt, President, Farmers Coop Elevator, Tracy, Minnesota.

Gary Donner, Director, Farmers Coop Oil Company, Echo Minnesota.

Myron Wielborg, Manager, Morgan Farmers Elevator Company, Morgan, Minnesota.

George Daley, Secretary, Northern Region, AMPI, Lewiston, Minnesota.

David Alexander, President, Redwood County Farm Bureau, Belview, Minnesota.

Floyd E. Warner, Manager, Farmers Grain Company, Seaforth, Minnesota.

Warren Petersen, Secretary, Milroy Farmers Elevator, Milroy, Minnesota.

Bob Kenney, Manager, Redwood Farm Chemicals, Redwood Falls, Minnesota.

Leo Schumacher, Lamberton, Minnesota.

C. W. Brown, Manager, Farmers Warehouse Association, Echo, Minnesota.

Michael J. Stolte, Manager, Farmers Coop of Lafayette, Lafayette, Minnesota.

Duane Lokken, Manager, Revere-Walnut Grove Farmers Elevator, Revere, Minnesota.

Donald Fester, Director, Revere Coop Oil Company, Revere, Minnesota.

Russell C. Thompson, Distribution Manager, Farmers Union Central Exchange, St. Paul, Minnesota.

Myron K. Johnson, Manager, Farmers Elevator Company, Elmore, Minnesota.

Jerome Green, Vice President, Scenic City Coop, Morgan, Minnesota.

Loren Moore, Manager, Farmers Coop Elevator, Company, Jeffers, Minnesota.

Lowell T. Schultz, Manager, Farmers Grain Company, Storden, Minnesota.

John A. Littfin, owner, Littfin Lumber Company, Winsted, Minnesota.

Howard Warner, Director, Farmers Elevator, Revere, Minnesota.

FAILURE OF EMERGENCY EMPLOYMENT ACT

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, the Emergency Employment Act has failed, in my State of Wisconsin, to create public service jobs in areas suffering high rates of unemployment. Funds have been distributed principally to areas with fewer employment problems, denying the stated purpose of the act to stimulate locally depressed areas by creating public service jobs there.

A new formula is needed to distribute next year's $1¼ billion allotment under the act. The present formula needs complete reworking. A better distribution in Wisconsin could have been achieved by dividing the available funds among communities on the basis of the size of their total workforce than by using the formula to allow for unemployment.

Wisconsin's standard metropolitan statistical areas contain 52.6 percent of the workforce. Unemployment in these areas is 4.5 percent compared to 5.8 percent in the rest of the State. Because of the higher nonmetropolitan rate, SMSA's contain only 46.2 percent of the total unemployed; these same areas received 61.8 percent of the first year funding in Wisconsin.

If this pattern carries through in other States, as I suspect it probably does, it is clear proof that an entirely new formula for distributing next year's funds is needed.

I have written to Representative CARL PERKINS, chairman of the Committee on Education and Labor calling these facts to his attention. I include his letter at this point in the RECORD:

FEBRUARY 2, 1972.

Hon. CARL D. PERKINS,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I have just completed a study of the distribution of funds under the Emergency Employment Act of 1971 in the State of Wisconsin. The results are deeply disturbing, and, if duplicated in other areas, certainly constitute the basis for a thorough reappraisal and revision of the formula under which the funds were apportioned.

The Emergency Employment Act was intended to direct federal assistance to areas of high unemployment by subsidizing public service jobs in those areas. It has not worked that way in Wisconsin.

Briefly summarizing: 52.6% of Wisconsin's workforce lives in Standard Metropolitan Statistical Areas. The unemployment rate there is 4.5% (compared to 5.8% in non-metropolitan areas). Thus, SMSA's have only 46.2% of Wisconsin's unemployed workers. Of the funds disbursed under the Emergency Employment Act in Wisconsin through January 20, 1972, 61.8% went to these areas. The present formula is worse than a straight, per capita, distribution of the money.

One billion dollars has been allocated for fiscal 1972 under this counter-productive formula. Another $1¼ billion is authorized for next year. Certainly your Committee could devise a better formula for distributing these funds so that the second year's apportionment can be directed to areas of greater need. Such a formula revision should recognize that non-metropolitan areas are experiencing painful unemployment which is unremedied by the Emergency Employment Act at present.

I will be most pleased to provide your Committee with a copy of my study results if they can be of assistance to you.

With every good wish, I am

Sincerely yours,
VERNON W. THOMSON,
Member of Congress.

FURTHER HEARING ON NEW YORK-NEW JERSEY AIRPORT COMPACT

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary announces that an additional date of public hearing has been scheduled on House Joint Resolution 375, granting the consent of Congress to the States of New Jersey and New York for certain amendments to the waterfront commission compact and for entering into the airport commission compact, and for other purposes, for Thursday, February 24, at 10 a.m., in room 2226, Rayburn House Office Building. The witnesses will be prosecutors familiar with the cargo theft situation at the New York metropolitan area airports.

COURT-APPOINTED DEFENSE COUNSEL

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I have introduced legislation which would alleviate what has become a serious problem for defense counsel, particularly court-appointed counsel, in many parts of the country.

I have received letters from several lawyers in Missouri I think state the nature of the problem quite well. Their comments include:

> The knowledge that prisoners can sue for civil damages under the Civil Rights Act is apparently becoming widespread in our penal institutions. [one attorney] . . . was recently sued for $100,000.00 and while I was laughing at him I got sued for $1,000,000.00. The suits allege conspiracy between the sheriff, prosecuting attorney, court appointed defense counsel and frequently the wives of those people to deprive the convicted prisoner of his civil rights. They are brought in forma pauperis, and consequently the public generally has to bear all of the court costs, marshal's fees, etc. I have it on good information that all it costs the prisoner to have a jail house lawyer prepare such a petition is $10.00. We have found it takes at least twenty chargeable hours to prepare the answer, motion for summary judgment, and all the supporting documents to obtain a dismissal of the complaint filed in federal court.
>
> I believe the [Civil Rights Act] could be amended so as to preserve the rights of the convicts, but discouraging baseless litigation.

My bill reads as follows:

H.R. —

A bill to amend section 1979 of the Revised Statutes to provide that certain civil actions for the deprivation of rights may not be brought by certain persons convicted of crime and to provide a time limitation with respect to such civil actions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section

1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by striking out "Every person who" and inserting in lieu thereof "(a) Every person who" and by adding at the end thereof the following new subsection:

"(b) (1) No action may be brought under this section during any of the periods specified in paragraph (2) by any person convicted of an offense where the cause of action is that the arrest, arraignment, or trial of such convicted person (or any other transaction or event directly related to the conviction of such person) deprived him of any right, privilege, or immunity secured by the Constitution and laws of the United States.

"(2) The periods referred to in paragraph (1) are as follows:

"(A) any period during which such convicted person is serving a sentence of imprisonment;

"(B) in the case of any person who has served a sentence of imprisonment and has been released from such imprisonment (whether by reason of parole or otherwise), at any time more than 5 years after the date of such release;

"(C) in the case of any person whose conviction has been set aside or reversed, at any time more than 5 years after the date on which such conviction was set aside or reversed; or "(D) in the case of any other person, at any time more than 5 years after the date of such person's conviction."

SEC. 2. Nothing in this Act shall apply to any action in which the original complaint was filed at any time before the date of the enactment of this Act.

My distinguished colleagues, Mr. DANIELSON, Mr. FLOWERS, Mr. ICHORD, Mr. KEATING, Mr. MANN, and Mr. RANDALL have joined me in this legislation.

It is not intended in any way to take away any rights of the convict as he can still file suit up to 5 years after his release. It is intended, however, to correct an existing situation which deters and discourages competent public minded citizens from the performance of needed civic work.

FAUNTROY CALLS FOR HOME RULE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 30 minutes.

Mr. MIKVA. Mr. Speaker, this morning the District of Columbia Committee began hearings on several bills proposing increased self-government for the people of the District of Columbia. One of those bills was introduced by my distinguished colleague and friend from the District of Columbia, WALTER FAUNTROY.

At this morning's hearing, Congressman FAUNTROY spoke persuasively in support of full home rule for the District of Columbia. For those who were not able to be present, I am pleased to insert in the RECORD the text of Congressman FAUNTROY's statement.

REMARKS OF CONGRESSMAN WALTER E. FAUNTROY

Mr. Chairman and Members of the Committee, I want to begin my testimony by thanking the Chairman for scheduling these hearings on self-determination for the people of the District of Columbia. It is my hope that we may rapidly bring these hearings to a conclusion so that the Committee can begin considering the many bills we have before us and report out a home rule bill before this session closes. To that end, I have asked the hundreds of organizations and individuals who would normally have requested to testify before the Committee to coordinate their efforts, and, where possible, to submit written testimony for the hearing record.

I come before you today as the first elected Congressional representative from the District of Columbia in a hundred years. My mandate from the people of this city is to secure the strongest and most effective home rule legislation possible. My Republican opponent in the general election last March argued as strongly as I in favor of self-determination for the long oppressed people of the District of Columbia. So home rule is in no sense a partisan issue. It is a question that transcends partisan concerns and brings men and women of all political parties, races, and beliefs together. The right of the people of the District of Columbia to govern themselves and to determine their own destiny is a matter upon which the people of our city stand united.

HISTORICAL PERSPECTIVE

As these hearings begin, I think it may be useful to place the question of home rule in some historical perspective. Home rule is not a new or radical proposal. The precedents for allowing the people of this city to govern themselves begin early in our history as a Nation. Almost immediately after the city of Washington was incorporated in 1802, Congress established a local form of government composed of an elected 12 man council and a mayor appointed by the President. In 1812, the Congress moved in the direction of providing a greater measure of self rule by granting to the elected council the authority to appoint the mayor. Finally in 1820, Congress took the final step and granted to the people of the city the right to elect their mayor.

This elected mayor-city council form of government was retained for some 51 years until 1871. In that year, a territorial form of government was established, consisting of a Governor, an upper chamber appointed by the President, and a 22 member lower chamber elected by the people of the city. This form of government remained in effect until 1874, when the right of self government was tragically withdrawn from the District of Columbia, a right that has yet to be restored.

For over seventy years, then, the people of this city enjoyed some measure of self government consistent with the federal interest in the Nation's Capital. It is ironic that as the historical trend in this nation has been toward expanding the franchise, the people of this city enjoyed fuller voting rights 100 years ago than they do today.

The issue of home rule is not new. President Truman was a strong advocate of home rule for the District of Columbia. President Eisenhower on many occasions urged more self-determination. President Kennedy, both in his days sitting as a member of this Committee and as President, strongly backed an elected government for the District of Columbia. President Johnson's efforts are fresh in our minds. And President Nixon has called for ever increasing measures of local self-determination. As early as 1948, the platforms of both the Republican and Democratic Parties advocated home rule for the District of Columbia.

In 1948, Representative Auchincloss of New Jersey, then Chairman of the House District Committee, introduced a wide ranging self government proposal which was actually approved by the Committee but was laid aside in the press of business at the close of the session. In 1949, a bill passed the Senate but was killed by the House District Committee. That year, Representative John F. Kennedy initiated a discharge petition that fell 22 signatures short of the necessary 218. Throughout the 1950's and 1960's, home rule measures passed the Senate by large margins only to be buried in the House District Committee. I believe that a new day has arrived in 1972, when the legitimate demands by the people of this city for a voice in their local government will no longer be denied, and this Committee will restore to the people of the District what is rightfully theirs—the right to govern themselves.

CONSTITUTIONAL ARGUMENTS

Some have and will continue to argue that the Congress cannot grant self government to the people of the District of Columbia because the Constitution grants "exclusive" jurisdiction over the District to the Congress. I hope that we can put that argument to rest in these hearings and move on to consider home rule on its merits. Almost every legal scholar who has investigated the matter has concluded that the "exclusive" jurisdiction language in Article I, section 8 does not prevent Congress from delegating its legislative authority to a locally elected government, subject to the ultimate legislative power of the Congress. It is clear that this language was intended to prevent another state jurisdiction, such as Maryland or Virginia, from having control over the District. There is no indication that the Founding Fathers intended the people of the District to be disenfranchised or intended the Congress to carry on the day-to-day affairs of the municipal government. Indeed, the evidence is to the contrary. As I pointed out, only a few short years after the Constitution was ratified, Congress established an elected local government for Washington. At the time the Constitution was being considered by the States, James Madison wrote in Federalist No. 43, that the inhabitants of the new Federal City should "of course . . . have a voice in the election of the government which is to exercise authority over them." In addition, Congress over the years has repeatedly delegated small measures of legislative authority to the appointed local government. The power to establish local property taxes, and the authority to establish automobile installment loan standards are just two examples. Furthermore, the United States Supreme Court in *Thompson* v. *U.S.* clearly held that the Constitution provides no bar to home rule for the District.

REASONS FOR HOME RULE

I think that when we as a Committee begin the serious business of reporting a D.C. self government bill, we shall find every reason to support such a measure and no valid reason to oppose it. To begin with, home rule is right and just. It is a mockery of democracy for the people in the capital of the greatest democracy in the Western world to be relegated to colonial status.

The District of Columbia is the last colony. I know that some members of the Committee believe that I am exaggerating our claim of oppression. But I ask you to place yourselves in our position. Suppose that I, elected by the people of the District, had the final say in deciding how much money the people of Dallas could spend to educate their children, or in deciding whether the consumers of Florence could be protected from unscrupulous retailers, or whether a narcotics treatment program could be established in Evanston. You would not abide by it. You would say that it was unfair and unjust, and I would agree with you. But these are the very decisions you must make for the people of my city. We cannot truly proclaim the merits of our democracy to the world, until the people of this city, like the people in your home towns, are able to make local policy through an elected, responsive local government. That is all we are asking.

Beyond the basic justice of home rule, the present system of governing the District of Columbia is archaic and places an unreasonable burden on the Congress. It makes no sense to me to squander the time of 25 national legislators in the House who must serve as city councilmen for the District of

Columbia. I assume that if you wanted to be a city councilman, there was ample opportunity in your own home town without spending thousands of dollars to run for Congress.

In the last session, this Committee spent valuable time deciding whether D.C. police could establish a dog force that was already in operation. We decided whether a D.C. fireman could play in the Police Band. We sat as a Zoning Commission deciding zoning designations for properties on Massachusetts Avenue and Second Street, Southeast. We decided whether the District Government could charge dump truck fees. I can say without fear of contradiction that these are all matters that could have been handled by an elected local government without subverting the federal interest in the District of Columbia. It is a waste of your time and a waste of the time of our colleagues when we bring such matters to the floor of the House. There must be some better way for us to conduct our business. I think there is.

Home rule can promote further government efficiency. During our recent consideration of the District's revenue bill, there was much discussion over inefficiency. There is some inefficiency in the District Government, as there is all governments. But Congress has itself to blame for creating what is probably the most incredibly inefficient system of governing that I can find. I am speaking, of course, of the way we go about governing the Nation's Capital. Let me give you just one illustration that I think tells the whole story—the process by which the District's Budget is adopted. First, the Mayor formulates the budget and submits it to the city council, as provided for under law. The Council holds weeks of hearings, after which it modifies the Mayor's budget. From there, the budget is sent to the President and his Budget Office for review. At that point, it is forwarded to the House and Senate Appropriations Committees. Both Committees hold extensive hearings, calling in District officials on all aspects of the budget. During this time, no one really knows how much the District can spend because a revenue bill is being considered by the House and Senate District Committees who hold extensive hearings, calling in District officials on all aspects of the budget. The Appropriations Committees cannot act because they do not know how much revenue is available, and the District Committees delay action because they cannot determine how much the District needs to spend. Meanwhile, the fiscal year ends and a new one begins without a budget. Months pass without action and no long-term planning is possible. Finally, the logjam is broken as the bills are considered in the final whirlwind rush to adjourn at the close of the session. Such a system is senseless and must be changed. This Committee has some rule bills before it that will inject sanity into our manner of governing the District of Columbia, and that will create a more efficient system of government for the District.

H.R. 9499 AND S. 2652

Let me now focus on the two bills that I believe deserve strong consideration by this Committee. The first is H.R. 9499 which I have introduced. This and its companion measures, H.R. 10196, 10197, and 10198, have been co-sponsored by forty members of the House. I regard H.R. 9499 as the strongest expression of what the people of this city desire. Early in May of last year, I drafted a tentative home rule bill that I submitted to the people of this city in a series of eight public hearings that I held in every ward in the city. Hundreds of citizens attended the hearings and over a hundred testified. H.R. 9499 is the product of those hearings. Let me summarize the bill.

THE CITY COUNCIL AND MAYOR

The City Council would be composed of eleven members, three elected at large and eight elected from each of eight wards. Council members will serve three year terms, and the chairman and vice chairman will be elected from among the Council members. (Section 301). The chairman of the Council will receive an annual salary of $25,000, the vice chairman $24,000, and the remaining members $22,500. Section 303(b)). These levels are set in the bill so that those initially running for the Council may have some notion of what the salary is likely to be. Once elected, the Council is free to decrease or increase its compensation in line with whether its members view the job as full-time or part-time. Presumably, the level of compensation will be subject to change based on the experience of the Council over a period of time.

The District Government is given the legislative power with respect to "any subject as to which Congress could exercise its authority as the legislature for the District, including the imposition of appropriate taxes and fees." Section 325(a)). The Council is given the authority to pass acts with respect to the municipal courts. (Section 325(d)). Judicial appointments will be made by the Mayor with the advice and consent of the Council.

The office of the Mayor created under the bill possesses the chief executive functions of the District Government. The Mayor will serve a four year term, and will be elected in odd numbered years. (Section 401(a)). The Mayor will receive $40,000 annual salary, although this amount may be increased or decreased by the Council, but any decrease will only apply to future terms of the Mayor. (Section 401(c)). The Mayor possesses the full executive power and has the authority to appoint his department heads. (Section 402). The bill would also create the office of city administrator to assist the Mayor. The city administrator will be appointed and removed by the Mayor. The city administrator performs those duties that are assigned to him by the Mayor. (Section 403).

BUDGETARY FUNCTIONS

The District Government would be given complete authority to set its budget. (Title V). The Mayor and City Council would be limited with respect to the budget of the Board of Education, however. The District Government would only be free to set the maximum level of Board of Education expenditures, but it would have no authority to dictate line budget expenditures for the Board. (Section 707). Further, the District Government would have the authority to finance its capital program through the sale of municipal bonds, as do most other municipal governments. (Title VI). The bonds would not be tax exempt, but the Federal Government would subsidize the added interest rate cost to the District Government of issuing bonds with non-tax exempt status. In addition, the Federal Government would pick up the entire capital cost necessary to build adequate facilities for the District's institutions of higher education. (Section 611).

THE ANNUAL AUTOMATIC FEDERAL PAYMENT

The Federal Government would pay to the District Government an automatic annual federal payment "in recognition of the unique character of the District as the Nation's Capital City." The federal payment would be set at the following levels: For fiscal year 1972, an amount equal to 32% of District revenues; for FY 1973, 34%; for FY 1974, 36%; for FY 1975, 38%; for FY 1976, 40%. (Section 731). In addition, as a new feature, the District Government would be reimbursed by the Federal Government for expenses in connection with national demonstrations; as we have seen, the demonstrations directed at the Federal Government last year cost the people of this city almost $4 million. These are costs that should properly be shouldered by the Federal Government and not by District residents.

ELECTIONS

Unlike earlier home rule proposals, this bill provides for election of the Mayor and the City Council on a partisan basis. (Title VIII).

It seems clear that party elections set a much stronger framework for community political action. The creation of strong political parties heightens political awareness and thus creates greater and more broadly based citizen involvement. This occurred in connection with the Delegate race, and deserves to be further encouraged.

The election law sections of H.R. 9499 would have to be overhauled because of the extensive revisions in the election law enacted into law after the introduction of the bill.

DECENTRALIZATION COMMISSION

H.R. 9499 would establish a Commission to "conduct a full and complete study of, and recommend to the Council a plan for, the establishment in the District of Columbia of neighborhood councils which shall have delegated to them those functions . . . which can be administered on a neighborhood basis." (Section 1102). The Commission would be composed of twelve members, eight appointed by the Mayor and four by the chairmen of the Council. (Section 1103). Within one year, the Commission must submit its plan to the Council. The Council may approve the plan, approve it with revisions, or disapprove it. If the Council fails to take action within sixty days after the plan is submitted, the neighborhood councils will be established in accordance with the plan. (Section 1106).

YOUTH ADVISORY COUNCIL

It should be plain that youth are demanding and deserve a voice in determining the government policies affecting them. This was a major theme of much of the testimony at the neighborhood hearings. The Home Rule Bill responds by creating a highly innovative Youth Advisory Council. The Youth Council would have the duty of advising the City Council on legislation concerning youth, recommend legislation on matters affecting youth, and discuss, study and report to the Council generally on the problems affecting youth in the city. (Section 1122). The Youth Council would be composed of one member elected from each of the accredited public and parochial high schools in the District. The members would receive a stipend of $1,500 a year for service on the Youth Council. (Section 1123). The Youth Council will be provided administrative support and services by the City Council. (Section 1124).

CHARTER REFERENDUM

Upon passage of the Home Rule Bill by Congress, and approval by the President, the bill will be submitted to the people of the District for approval. (Section 1401). If the majority of the voters of the District accept the bill, it shall become law. (Section 1405).

S. 2652 was adopted by the Senate by the overwhelming margin of 64–8. In most important respects it parallels H.R. 9499. I would prefer H.R. 9499, but S. 2652 is a strong and sensible measure that would be acceptable with two revisions. S. 2652 specifically precludes the elected local government from imposing what has come to be known as a "commuter tax." I shall not rehearse the arguments for the imposition of such a tax. They are all too familiar to us on the District Committee having spent five months on the District revenue bill. I voted for such a measure in Committee, and I continue to believe that it is an equitable method of taxation, which most jurisdictions around the country are free to impose. I would urge deletion of the commuter tax limitation from S. 2652. Second, S. 2652 would allow either House of Congress to veto District legislation within a thirty day period. I believe the preferable method would be to rely simply on the ultimate legislative authority of the Congress over the District. If the District Government acts unwisely, a majority of Senators and Representatives should be required to override local action, as is true of most other actions taken by the Congress.

In summary, both H.R. 9499 and S. 2652, with some revisions, provide strong vehicles for this Committee's consideration of local self-government for the people of the District of Columbia. I urge the Committee to move swiftly to report out a strong and effective measure. I think the time has arrived when we should give our colleagues in the House the opportunity to vote a bill up or down. I am convinced that given the opportunity to vote on a strong home rule bill, the House will face up to the democratic contradiction it has created for the District of Columbia and will vote in favor of home rule. I urge you to give the House this opportunity.

THE MYLAI CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 30 minutes.

(Mr. STRATTON asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as one who has been as close to the Mylai incident over the past 2½ years as any Member of Congress, I feel compelled to say that I am profoundly dissatisfied with the way the Army has allowed this complex, tragic, and highly damaging case simply to peter out.

If the Army leaves this case unresolved, unexplained, unexamined, uncommented on—and worst of all, basically unremedied—which at this juncture it apparently intends to do—then its failure can only have the most damaging impact on the Army and the American Defense Establishment.

The case is very much like the highly damaging testimony of widespread corruption within the New York City Police Department presented before the Knapp Commission, which has done very grave damage to the New York City Police Department, regardless of which officers may have resigned from the force or whether any officer is ever convicted and sent to jail or not.

Thus far an examination of the details of the Mylai case by the Army hierarchy has been left to the ponderous workings of the Army's own system of justice. But this ponderous procedure has failed completely to do the job that needs to be done and has raised far more questions than it has answered.

Twenty-five officers and men were originally charged in connection with the killings at Mylai and their subsequent coverup within the Army. Charges against 19 of the 25 were dropped without trial. Five were acquitted. Only one, Lieutenant Calley, was convicted—for the killings, not for the coverup. The trials are over now, though the Calley sentence is still under review and on appeal.

Is this where the Army proposes to leave the whole matter?

An unprecedented top-level Army investigating commission, the Peers Board, created in late 1969, reported after an extensive investigation that "a tragedy of major proportions" had indeed occurred at Mylai 4 on March 16, 1968, and it filed charges against 14 persons—including two Army generals—for the coverup of the story of that major tragedy.

In addition a top-level congressional subcommittee—of which I was privileged to be a member—the Hébert subcommittee, also investigated the Mylai incident and reported on July 1970 its findings that—

> To keep the Mylai matter bottled up within the American Division and the District and Provincial Advisory Team, required the concerted action or inaction on the part of so many individuals that it would be unreasonable to conclude that this dereliction of duty was without plan or direction.

The subcommittee also observed that the extensive damage to the United States and its Armed Forces inflicted by the Mylai case "might have been avoided had the Mylai incident been promptly and adequately investigated and reported by the Army."

Yet today, after 2½ years of Army justice, just where do we stand on Mylai?

One man, Lieutenant Calley, has been convicted in connection with the killings. But not a single person has been convicted of the far more damaging coverup of these killings, which was the primary target of the Army's initial investigation. How come?

To be sure the two general officers involved, General Koster and General Young, though the coverup charges against them were dropped—incidentally under questionable circumstances by an officer previously unrelated to the case and himself on the verge of retirement—were mildly disciplined by the Army the day after a Member of Congress publicly rebuked the Army for having dropped charges against general officers while still continuing to press charges against lesser officers and enlisted men.

But if the generals were not guilty of participating in the "concerted action or inaction" of coverup referred to by the Hébert subcommittee, then why discipline them at all? On the other hand, if they were guilty, then why allow the charges against them to be dropped?

It is strange too that Captain Medina, who had already been acquitted in connection with the killings, should have later appeared as a defense witness for Colonel Henderson and based the main thrust of his testimony on an admission of having lied on an earlier occasion. If he admitted to lying in one case, what assurance was there that he had told the truth in other appearances?

And was it not strange that both Koster and Young, having already had the charges against them withdrawn, should also have come to the defense of Colonel Henderson, a man who might in other circumstances have reasonably been expected to be in a position to give damaging testimony against one or both of them.

Strange it is, too, that all but one of the official documents in connection with the Mylai case should have come up missing from the files of the Army, an organization that prides itself so highly on never losing anything.

Clearly, therefore, the Army system of justice has failed miserably to do justice to the American people in the Mylai case. After all, it is not Koster or Young or Henderson or Medina or even Calley who is basically on trial in the Mylai case. It is the Army system itself that is on trial. And Congress and the American people require a resolution, a verdict, in that trial.

As one Member of Congress I have, therefore, taken the following actions:

First. I have written to Secretary of the Army Froehlke insisting that he make public all those portions of the Peers report except those bearing directly on the appeals currently pending in the Calley case. At the very least this will open up the whole coverup aspect of Mylai, which is now so severely clouded.

Second. I have also requested Secretary Froehlke to furnish me—and to release to the public—a full account of the Army's own assessment, conclusions, and recommendations in the Mylai case.

For example, what failures in training and leadership made the killings possible in the first place?

What failures in leadership and especially in candor—in an officer cadre supposedly dedicated to duty, honor, country but obviously in this case far more concerned about protecting its own skirts—accounted not only for the coverup of the killings at Mylai but the shocking inability of the subsequent investigations to get any frank, forthright or precise testimony from top-ranking officers of an American combat division, including supposedly specially selected generals, as well as from district and provincial advisers?

And what, specifically, has the Army done or does it propose to do—if anything—to prevent both these occurrences from happening again?

In short, apart from the guilt or innocence of specific individuals, what lessons, if any, has the Army really learned from Mylai?

Third. I am drafting and plan shortly to introduce legislation to amend the Uniform Code of Military Justice to prevent any officer unconnected either with incidents of this magnitude or their detailed high-level investigation, from dropping charges against general officers, as General Seaman, a mere local headquarters commander, did in the case of both General Koster and General Young. In fact, incredible as it seems, 13 of the 14 original coverup charges preferred as a result of the detailed and conscientious investigations of the Peers Board, were dropped by local Army commanders totally unrelated to the initial matter. No system of justice could possibly survive with escape hatches like this.

Fourth. Finally, I am also preparing legislation in line with one of the major recommendations of the Hébert subcommittee, for "an amendment to title 10 of the United States Code to provide for trials of persons charged with having committed offenses while on active duty who are no longer subject to military jurisdiction as a result of having been discharged." From the outset the Army's ability to determine the truth of the Mylai case in its various courts-martial was undermined by its inability to bring to trial many of the original participants who had left the active service. The article referred to follows:

[From the New Yorker, Jan. 22, 1972]

A Reporter at Large—Coverup I

(By Seymour M. Hersh)

Early on March 16, 1968, a company of soldiers in the United States Army's Americal Division were dropped in by helicopter for an assault against a hamlet known as My Lai 4, in the bitterly contested province of Quang Ngai, on the northeastern coast of South Vietnam. A hundred G.I.'s and officers stormed the hamlet in military-textbook style, advancing by platoons; the troops expected to engage the Vietcong Local Force 48th Battalion—one of the enemy's most successful units—but instead they found women, children, and old men, many of them still cooking their breakfast rice over outdoor fires. During the next few hours, the civilians were murdered. Many were rounded up in small groups and shot, others were flung into a drainage ditch at one edge of the hamlet and shot, and many more were shot at random in or near their homes. Some of the younger women and girls were raped and then murdered. After the shootings, the G.I.s systematically burned each home, destroyed the livestock and food, and fouled the area's drinking supplies. None of this was officially told by Charlie Company to its task-force headquarters; instead, a claim that a hundred and twenty-eight Vietcong were killed and three weapons were captured eventually emerged from the task force and worked its way up to the highest American headquarters, in Saigon. There it was reported to the world's press as a significant victory.

The G.I.s mainly kept to themselves what they had done, but there had been other witnesses to the atrocity—American helicopter pilots and Vietnamese civilians. The first investigations of the My Lai case, made by some of the officers involved, concluded (erroneously) that twenty civilians had inadvertently been killed by artillery and by heavy cross fire between American and Vietcong units during the battle. The investigation involved all the immediate elements of the chain of command: the company was attached to Task Force Barker, which, in turn, reported to the 11th Light Infantry Brigade, which was one of three brigades making up the Americal Division. Task Force Barker's victory remained just another statistic until late March, 1969, when an ex-G.I. named Ronald L. Ridenhour wrote letters to the Pentagon, to the State Department, to the White House, and to twenty-four congressmen describing the murders at My Lai 4. Ridenhour had not participated in the attack on My Lai 4, but he had discussed the operation with a few of the G.I.s who had been there. Within four months, many details of the atrocity had been uncovered by Army investigations, and in September, 1969, William L. Calley, Jr., a twenty-six-year-old first lieutenant who served as a platoon leader with Charlie Company, was charged with the murder of a hundred and nine Vietnamese civilians. No significant facts about the Calley investigation or about the massacre itself were made public at the time, but the facts did gradually emerge, and eleven days after the first newspaper accounts the Army announced that it had set up a panel to determine why the initial investigation had failed to disclose the atrocity. The panel was officially called the Department of the Army Review of the Preliminary Investigations into the My Lai Incident, and was unofficially known as the Peers Inquiry, after its director, Lieutenant General William R. Peers, who was Chief of the Office of Reserve Components at the time of his appointment. The three-star general, then fifty-five years old, had spent more than two years as a troop commander in Vietnam during the late nineteen-sixties, serving as commanding general of the 4th Infantry Division and later as commander of the I Field Force. As such, he was responsible for all military operations and pacification projects in a vast area beginning eight miles north of Saigon and extending north for two hundred and twenty miles.

Peers and his assistants, who eventually included two New York lawyers, began working in late November, 1969, and they soon determined that they could not adequately explore the coverup of the atrocity without learning more about what had actually happened on the day the troops were at My Lai 4. On December 2, 1969, the investigating team began interrogating officers and enlisted men in each of the units involved—Charlie Company, Task Force Barker, the 11th Brigade, and the Americal Division. In all, four hundred witnesses were interrogated—about fifty in South Vietnam and the rest in a special-operations room in the basement of the Pentagon—before Peers and a panel of military officers and civilians that varied in size from three to eight men. The interrogations inevitably produced much self-serving testimony. To get at the truth, the Peers commission recalled many witnesses for further interviews and confronted them with testimony that conflicted with theirs. Only six witnesses who appeared before the commission refused to testify, although all could legally have remained silent; perhaps one reason that Peers got such coöperation is that the majority of the witnesses were career military men, and few career military men can afford to seem to be hiding something before a three-star general.

By March 16, 1970, when the investigation ended the Peers commission had compiled enough evidence to recommend to Secretary of the Army Stanley R. Resor and Army Chief of Staff William C. Westmoreland that charges be filed against fifteen officers; a high-level review subsequently conducted by lawyers representing the office of the Judge Advocate General, the Army's legal adviser, concluded that fourteen of the fifteen should be charged, including Major General Samuel W. Koster, who was commanding general of the Americal Division at the time of My Lai 4. By then, Koster had become Superintendent of the United States Military Academy, at West Point, and the filing of charges against him stunned the Army. One other general was charged, as were three colonels, two lieutenant colonels, three majors, and four captains. Army officials revealed shortly after the charges were filed that the Peers commission had accumulated more than twenty thousand pages of testimony and more than five hundred documents during fifteen weeks of operation.

The testimony and other material alone, it was said, included thirty-two books of direct transcripts, six books of supplemental documents and affidavits, and volumes of maps, charts, exhibits, and internal documents. Defense Department spokesmen explained that, to avoid damaging pre-trial publicity, none of this material could be released to the public until the legal proceedings against the accused men were completed, and officials acknowledged that the process might take years. In addition, it was explained, when the materials were released they would have to be carefully censored, to insure that no material damaging to America's foreign policy or national security was made available to other countries. In May, 1971, fourteen months after the initial Peers report, officials were still saying that "it might be years" before the investigation was made public. By then, charges against thirteen of the fourteen initial defendants had been dismissed without a court-martial.

Over the past eighteeen months, I have been provided with a complete transcript of the testimony given to the Peers Inquiry, and also with volumes of other materials the Peers commission assembled, including its final summary report to Secretary Resor and General Westmoreland. What follows is based largely on those papers, although I have supplemented them with documents from various sources, including the Army's Criminal Investigation Division, which had the main responsibility for conducting the initial investigations into both the My Lai 4 massacre and its coverup. In addition, I interviewed scores of military and civilian officials, including some men who had been witnesses before the Peers commission and some who might have been called to testify but were not. I also discussed some of my findings with former members of the Army who had been directly connected with the Peers commission.

Unquestionably, a serious concern for the rights of possible court-martial defendants does exist at all levels of the Army. A careful examination of the testimony and documents accumulated by the Peers commission makes equally clear that military officials have deliberately withheld from the public important but embarrassing factual information about My Lai 4. For example, the Army has steadfastly refused to reveal how many civilians were killed by Charlie Company on March 16th—a decision that no longer has anything to do with pre-trial publicity, since the last court-martial (that of Colonel Oran K. Henderson, the commanding officer of the 11th Brigade) has been concluded. Army spokesmen have insisted that the information is not available. Yet in February, 1970, the Criminal Investigation Division, at the request of the Peers commission, secretly undertook a census of civilian casualties at My Lai 4 and concluded that Charlie Company had slain three hundred and forty-seven Vietnamese men, women, and children in My Lai 4 on March 16, 1968—a total twice as large as had been publicly acknowledged. In addition, the Peers commission subsequently concluded that Lieutenant Calley's first platoon, one of three that made the attack upon My Lai 4, was responsible for ninety to a hundred and thirty murders during the operation—roughly one-third of the total casualties, as determined by the C.I.D. The second platoon apparently murdered as many as a hundred civilians, with the rest of the deaths attributable to the third platoon and the helicopter gunships. Despite the vast amount of evidence indicating that the murders at My Lai 4 were widespread throughout the company, only Calley was found guilty of any crime in connection with the attack. Eleven other men and officers were eventually charged with murder, maiming, or assault with intent to commit murder, but the charges were dropped before trial in seven cases and four men were acquitted after military courts-martial. In addition, of the fourteen officers accused by the Peers commission in connection with the coverup only Colonel Henderson was brought to trial. Even more striking was evidence that the attack on My Lai 4 was not the only massacre carried out by American troops in Quang Ngai Province that morning.

The Army investigators learned that Task Force Barker had committed three infantry companies to the over-all operation in the My-Lai area. Alpha Company had moved into a blocking position above My Lai 4, where it would theoretically be able to trap Vietcong soldiers as they fled from the Charlie Company assault on the hamlet. Bravo Company, the third unit in the task force, was ordered to attack a possible Vietcong headquarters area at My Lai 1, a hamlet about a mile and a half northeast of My Lai 4. The men of Bravo Company were also told to prepare for a major battle with an experienced Vietcong unit. But, as the Peers commission later learned, there were no Vietcong at My Lai 1, either.

Bravo Company was told about the planned assault on My Lai 1 at a briefing on the night of March 15th. The men of Task Force Barker were called together by their officers that night and told (so one G.I. recalled), "This is what you've been waiting for—search and destroy—and you got it." Captain Earl R. Michles, the company commander, outlined the mission and its objective to his artillery forward observer, the platoon leaders, and other selected members of his command group. The key target, he said, was My Lai 1, a small, often attacked hamlet that was thought to be the headquarters and hospital area of the Vietcong 48th Battalion. Army maps showed that My Lai 1 and the neighboring hamlets of My Lai 2, My Lai 3, and My Lai 4 were part of the village of Son My—a heavily populated area, embracing dozens of hamlets, that was known to the G.I.s as Pinkville, because Son My's high population density caused it to appear red on Army maps. To the Americans who operated in the area, Pinkville meant Vietcong guerrillas and booby traps. More than ninety per cent of the Americal Division's combat injuries and deaths in early 1968 resulted from Vietcong booby traps and land mines. Bravo Company was to be flown into the area by helicopter to engage the Vietcong at My Lai 1, and was then to move south into other supposed Vietcong hamlets along the South China Sea. Precisely what information Michles and his platoon leaders gave their men is impossible to determine, but their briefing—like a similar briefing by Captain Ernest L. Medina, the commander of Charlie Company, at another Task Force Barker fire base, a few miles away—left the soldiers with the impression that everyone they would see on March 16th was sure to be either a Vietcong soldier or a sympathizer.

Michles' radio operator, Specialist Fourth Class Lawrence L. Congleton, recalled that after the briefing "there was a general conception that we were going to destroy everything." Only a few of more than forty former Bravo Company G.I.s who were interviewed by members of the Peers commission or who talked with me recalled hearing a specific order to kill civilians. Larry G. Holmes, who was a private first class at the time of the operation, summed up the recollections of many G.I.s when he told the commission, "We had three hamlets that we had to search and destroy. They told us they . . . had dropped leaflets and stuff and everybody was supposed to be gone. Nobody was supposed to be there. If anybody is there, shoot them." No specific instructions were given about civilians and prisoners, the men told the commission. "We were to leave nothing standing, because we were pretty sure that this was a confirmed V.C. village." former Private First Class Homer C. Hall testified. One ex-G.I., Barry P Marshall, told the Peers commission that he had overheard a conversation between Lieutenant Colonel Frank A. Barker, Jr., the commander of the task force, and Michles (both of whom were killed in a helicopter crash three months after the operation). "I don't want to give the idea that Colonel Barker wanted us to kill every blankety-blank person in here," Marshall said. "They were just talking. . . . Colonel Barker was just saying that he wished he could get in here and get rid of the V.C. . . . I know Captain Michles' own personal feeling was that he wanted to take every civilian out of there and move them out of the area to a secure place, and then go in and fight the V.C. It's so hard, when you've got all these people milling around in there, to really conduct an operation of any significance."

On the morning of the assault, nine troop-transport helicopters, accompanied by two gunships, began ferrying the men of Charlie Company from their assembly point, at Landing Zone Dottie. From Dottie, which also was the site of the task-force headquarters area, the helicopters ferried the men about seven miles southeast to their target area, just outside My Lai 4. The helicopters completed that task by 7:47 A.M., according to the official task-force journal for the day, and then flew a few miles north to Bravo Company's assembly point to begin shuttling the men of Bravo Company to My Lai 1 for the second stage of the assault. It is not clear why Charlie Company's assault took place first. Large numbers of Vietcong were thought to be in both hamlets, and, according to the official rationale for the mission, surprise was a key factor. As it was, the first elements of Bravo Company did not reach their target area until 8:15 A.M., and it then took twelve minutes for the full company to assemble. The men were apprehensive, and nothing at their target area soothed them. As they jumped off the aircraft, their rifles at the ready, they heard gunfire in the distance.

The shots were coming from My Lai 4, a mile and a half to the southwest, where by this time Charlie Company was in the midst of massacre. Specialist Fourth Class Ronald J. Easterling, a former machine gunner in Bravo Company's third platoon, told the Peers commission, "When we had landed we had to take cover . . . because we thought we were getting shot at. We found out later, well, about fifteen minutes or so, it was Charlie Company from over in the other direction. Some of their bullets were coming our direction unintentionally . . ." Although the sounds were frightening, there was no immediate threat to Bravo Company; no enemy shots were fired at the G.I.s as they left the helicopters. The men milled around for a few moments and then began to move out.

The first platoon, headed by First Lieutenant Thomas K. Willingham, marched a few hundred yards east. Its mission was to cross a narrow bridge to a small peninsula—a spit of land on which the small hamlet of My Khe 4 was situated—in the South China Sea. The second platoon, headed by First Lieutenant Roy B. Cochran, was to systematically search My Lai 1 and destroy it. But My Lai 1 was screened by a thick hedge and heavily guarded by booby traps. Within minutes, a mine hidden in the hedgerow was tripped and the men of Bravo Company heard screams. In the explosion, Lieutenant Cochran was killed and four G.I.s were seriously injured. Helicopters were called in to evacuate the wounded men. The platoon was hastily reorganized, with a sergeant in command, and ordered to continue its mission. Another booby trap was tripped; once more there were screams and smoke. This time, three G.I.s were injured, and the unit was in disarray. The surviving G.I.s in the platoon insisted that they were not going to continue the mission, and said as much to Captain Michels. Colonel Barker flew in himself to see to the evacuation of the wounded, and then, rather than call on the first or the third platoon to complete the mission, he cancelled Bravo Company's order to search and destroy My Lai 1. "[He] told them not even try to go in there," Congleton, the radio operator, recalled to the Peers commission. "Just sort of forget about that part of the operation." Relieved at not having to enter My Lai 1, the second platoon began a rather aimless and half-hearted movement through huts and hamlets to the south, across the water from My Khe 4 and the first platoon.

My Khe 4 was a scraggly, much harassed collection of straw-and-mud house, inhabited by perhaps a hundred women, children and old men. After carefully crossing the bridge, some of the G.I.s in the first platoon could see the unsuspecting villagers through heavy brush and trees. Lieutenant Willingham, according to many witnesses, ordered two machine gunners in his platoon to set up their weapons outside the hamlet. And then inexplicably, one of the gun crews began to spray bullets into My Khe 4, shooting at the people and their homes. A few G.I.s later told the Peers commission that a hand grenade had been thrown at them; others said that some sniper shots had been fired. But no one was shot, and none of the G.I.s said they had ever actually seen the grenade explosion; they had only "heard about it."

By now, it was about nine-thirty, and the men in the rear of the first platoon were ordered to pass forward extra belts of machine-gun ammunition and hand grenades. When the gun crew stopped, the platoon, led by four point men, or advance scouts, walked into the hamlet and began firing directly at Vietnamese civilians and into Vietnamese homes. The gunfire was intense. Former Private Terry Reid, of Milwaukee, recalled that he was standing a few hundred feet below the hamlet when it began. He knew that civilians were being shot. "As soon as they started opening up, it hit me that it was insanity," he told me during an interview in May, 1971. "I walked to the rear. Pandemonium broke loose. It sounded insane—machine guns, grenades. One of the guys walked back, and I remember him saying, 'We got sixty women, kids, and some old men.' "

After the shootings in My Khe 4, a few of the G.I.s in the first platoon started systematically blowing up every bunker and tunnel. Some Vietnamese attempted to flee the bunkers before the explosives were thrown in. They were shot. "Try and shoot them as they are coming out," one member of the first platoon was instructed. Another ex-G.I. told me what happened to those who stayed in the bunkers: "You didn't know for sure there were people in them until you threw in the TNT, and then you'd hear scurrying around in there. There wasn't much place for them to go." A helicopter flew extra supplies of dynamite and other explosives to the men, apparently at Willingham's request. More than a hundred and fifty pounds of TNT was used, one ex-G.I. said, and between twenty and thirty homes were blown up. At some point that morning, according to several members of the platoon, word was passed along to stop the killing, and many of the surviving residents of the hamlet were allowed to flee to a nearby beach. They lived to tell Army investigators about the massacre. Others remained huddled in the family shelters inside their homes.

Precisely, how many residents of My Khe 4 were slain will never be known. The Army later charged Lieutenant Willingham with involvement in the death of twenty civilians, but the charges were dismissed by an Army general a few months later without a hearing. Some survivors told military investigators early in 1970 that from ninety to a hundred women, children, and old men were slain. One ex-G.I. who kept a count said he knew of a hundred and fifty-five deaths; other estimates ranged from sixty to ninety. The official log of Task Force Barker for March 16th shows that Bravo Company claimed an enemy kill of thirty-eight in three separate messages to the task force during the day. At 9:55 A.M., it reported killing twelve Vietcong; at 10:25 A.M., it claimed eighteen more; and it claimed eight more at 2:20 P.M., some two hours after the massacre. At 3:55 P.M., it reported that none of its victims were women or children.

Early in 1968, the 11th Infantry Brigade had established a standard procedure for making body counts, which required an on-site identification of a dead enemy soldier before the body could be reported. All the officers of Task Force Barker interviewed by the Peers commission indicated an awareness of this regulation, and claimed that the task force adhered to it. Yet an ex-G.I., one of the first men to enter My Khe 4, gave me this version of how the totals of twelve and eighteen were arrived at: "I had this little notebook that I used to mark down the kills of the point men in. This day—well, this was a red-letter day. Seems like for about fifteen or twenty minutes there all I was doing was recording kills. Willingham got on the radio asking how many kills we got. Old Jug [the nickname of one of the point men] said he got twelve, and we called in what we had. Willingham checked with us a couple times in the early part of the day." Another ex-G.I. testified before the Peers commission that some of his fellow-soldiers had counted thirty-nine bodies and had then told Willingham that "the biggest part of them was women and children." Willingham's reports were relayed by Michles, without challenge, to the task-force headquarters, although Congleton, the radioman, later told me, "When the first platoon started turning in kill counts, I figured they were destroying everything over there. At the time, I didn't think that it was anything exceptional—maybe just a little more killing than usual."

The first platoon spent the night near My Khe 4, but the rest of Bravo Company joined Charlie Company to set up a defense near a cemetery along the South China Sea. In the morning, the first and second platoons of Bravo Company reunited and spent the next day marching south along the coast to the Tra Khuc River, burning every hamlet along the way. Again there was an element of revenge. A popular member of the first platoon had lost a foot early in the morning while he was probing for a mine along the bridge leading from the My Khe 4 peninsula to the mainland. The Peers commission subsequently determined that the platoon had failed to post guards on the bridge overnight, although the bridge provided the only access to the peninsula. A few men testified that the wounded G.I. was in fact attempting to defuse the mine with his bayonet when it went off, wounding him. But most of the G.I.s saw the mine as another example of treacherous enemy tactics, and this renewed their anger at anyone Vietnamese. That day, Task Force Barker provided a team of demolition experts, who blew up bunkers after the hamlets along the route were razed by fire. The techniques used in destroying the houses along the coast apparently amazed the Peers investigators. One G.I. testified that it was not his responsibility, as a demolition man, but that of the infantry to make sure no civilians were inside any of the bunkers he destroyed. He generally dropped two or three pounds of TNT into each bunker, he said, without checking for occupants. Another demolition man told of using as much as thirty pounds of dynamite to destroy each bunker, also without inspecting inside. Asked by a member of the Peers commission whether any effort was made to determine "if there were people inside," one G.I. responded, "Not that I know of."

Again, it is impossible to determine how many Vietnamese citizens were killed as they huddled inside their bunkers during Bravo Company's march to the south. The G.I.s burned and destroyed almost every home they came to. Terry Reid, the private who told me that the My Khe 4 shooting seemed "insane" to him, had been considered a malcontent by his fellow-G.I.s, because he often criticized Bravo Company's killing tactics. Of the march, he told me that he almost broke into tears as it continued. "We'd go through these village areas and just burn," he said. "You'd see a good Vietnamese home—made with bricks or hard mud, and filled with six or seven grandmothers, four or five old men, and little kids—just burned. You'd see these old people watching their homes." The Army's practice of destroying bunkers and tunnels after burning the homes had always baffled him anyway, Reid said. "They call them bunkers and tunnels, but you know what they are—basements. Just basements."

On March 18th, the third day of the operation, Bravo Company's mission suddenly changed. Task Force Barker called in medical units, and the men were ordered to round up the civilians for baths, examinations, and in some cases interrogation by intelligence officials. Between five hundred and a thousand civilians were treated for diseases or were given food and clothing by the G.I.'s. "It seemed like we just changed our policy altogether that day," Congleton later told the Peers commission. "We went from a search-and-destroy to a pacification, because we went to this village and we washed all the kids. Maybe somebody had a guilty feeling or something like that." Talking with me about this change a year after his testimony, Congleton said, "We reversed the whole plan just like we were going to redeem ourselves." Former Private First Class Morris G. Michener thought that "most of the people were a little ashamed of themselves, and I was very ashamed of even being part of the group."

On March 19th, Bravo Company was lifted by helicopter from the peninsula. A few of the Bravo Company soldiers later heard about the excesses committed by Charlie Company and about impending investigations there, but somehow there was little concern about the atrocities they themselves had committed. Only one G.I., Ronald Easterling, the machine gunner with the third platoon, considered reporting the My Khe 4 massacre to his superiors, but, as he later told the Peers commission, he quickly dropped the idea. "I guess I just let it go when I shouldn't have," Easterling explained. "I thought the company commander knew these things were going on . . . it was all general knowledge through the whole company, and I didn't see any sense in talking it over with the company. . . ."

By the time the Army's charges against Lieutenant Calley became known in the United States, most of the men of Bravo Company were back home and out of the Army. Only a few associated their activities in Bravo Company on March 16th with the operation that Calley was accused of participating in.

One who did was Reid. He walked into a newspaper office in Oshkosh, Wisconsin, in November, 1969, a few days after the Calley story broke, and gave an interview about the atrocities he had observed while he was serving with the 11th Brigade. He told of one operation in which, after some G.I.s had been wounded by a booby trap, his company responded by killing sixty women, children, and old men. Reid told me not long ago that he didn't realize until months later that what had happened in his outfit was directly connected with Task Force Barker's mission in Son My on March 16th. "Sometimes I thought it was just my platoon, my company, that was committing atrocious acts, and what bad luck it was to get in it," Reid said. "But what we were doing was being done all over."

The incident at My Khe 4 would perhaps be just another Vietnam atrocity story if it weren't for four facts: its vital connection with the My Lai 4 tragedy; the American public's ignorance of it; the total, detailed knowledge of it among the Peers investigators, the Department of the Army, and higher Pentagon officials; and the failure of any of these agencies to see that the men involved were prosecuted.

On March 16, 1968, Major General Koster, the commander of the Americal Division, was near the peak of a brilliant Army career. At the age of forty-eight, he was a two-star general whose next assignment would be as Superintendent of the United States Military Academy. After that would probably come a promotion to lieutenant general, and perhaps an assignment as a corps commander in Germany, or even in South Vietnam again. Another promotion, to the rank of full general, would quickly follow, along with an assignment, possibly, as commander of one of the overseas United States Armies. By the middle or late nineteen-seventies, then, he would be among a group of ambitious, competent generals seeking Presidential appointment as Army Chief of Staff. Like most future candidates for the job of Chief of Staff, Koster had been earmarked as a "comer" by his fellow-officers since his days at West Point. In 1949, he had served in the high-prestige post of tactical officer at the Point, assigned to a cadet company as the man responsible for their training. By 1960, he had served in the operations office—the sensitive planning and coordinating post known to the military as G–3—of the Far East Command, in Tokyo, and also as Secretary of Staff of the Supreme Headquarters of the Allied Powers, Europe, in Paris. His career was patterned after that of his chief patron and supporter, General Westmoreland, who in 1968 headed all military operations in South Vietnam. Westmoreland and Koster had served together in the Pentagon during the nineteen-fifties, both in key staff jobs, and Westmoreland had later become Superintendent of West Point.

Koster's assignment in the fall of 1967 as commanding general of the Americal Division could be under-estimated at first by outsiders: the Americal, a hastily assembled conglomeration of independent infantry units, was far from an élite outfit. But the job, as the Peers investigation learned, was extremely important to the young general; he had been handpicked by Westmoreland after a sharp debate inside military headquarters in Saigon over the future combat role of the division. As the Americal was initially set up, it was composed of three separate five-thousand-man combat infantry brigades, each with its own support units, such as artillery and cavalry. Within a year, the division was restructured to make it more conventional and to provide more centralized control. But when Koster took over, it was a new kind of fighting unit, highly endorsed by Westmoreland, and pressure on the new commander was inevitable. Adding to the pressure was the low calibre of some of the officers initially assigned to the Americal by headquarters units. Lieutenant Colonel Clinton E. Granger, Jr., who served briefly in the G–3 office of the new division late in 1967, told the Peers commission about his personnel problems. "In the G–3 section, the quality of the personnel was not what one would ask in a division, to be perfectly honest," he said. "Among the field-grade officers, there was only one major in the entire section who graduated from Leavenworth [the Army command-and-staff school, in Kansas], and of all of them there were only two who had been passed over for promotion to lieutenant colonel. That would indicate that in some cases not the highest calibre of people were being provided."

Koster responded to the staff problems by running a virtual one-man show. He trusted no one else to make decisions on the division's operations and maneuvers. Every military engagement or tactic, including such details as the allotment of helicopters for combat assaults, had to be personally approved by him. He filled the two most important positions in his headquarters, chief of staff and head of G–3 operations, with artillery officers—highly unusual assignments for such men in a combat infantry division.

Both men, however, were West Pointers—the only ones in key headquarters jobs. Colonel Nels A. Parson, Jr., the chief of staff of the Americal Division, was inhibited by his inexperience in infantry tactics; he spent much of his time, according to testimony other officers gave the Peers commission, seeing to it that fences were painted and grass was kept closely cropped. Lieutenant Colonel Jesmond D. Balmer, Jr., the operations officer, was bolder than Parsons, but he had no greater success. He told the Peers commission, "I was not a textbook G–3, either as taught at Leavenworth or throughout the Army or practiced at any other divisions. The commanding general was in fact his own G–3. . . . I was not operating that division. I was doing certain planning and trying to keep the T.O.C. [tactical-operations center] going. . . . I can't visualize that any staff officer there would visualize Balmer, even now, as being a key mover in that division. I was far from it." Balmer indicated that Colonel Parson had an even worse relationship with General Koster, explaining, "It was very evident to all concerned that General Koster had no confidence or did not trust much responsibility, except answering the telephone in the headquarters and doing the normal headquarters chief-of-staff job, to Colonel Parson, and to a similar degree this went down to the staff. . . . It was the most unhappy group of staff officers and unhappy headquarters I have ever had any contact with and certainly ever heard tell of it."

Koster's relationship with his second-in-command, Brigadier General George H. Young, Jr., one of two assistant division commanders, was less frosty, but it was still far from warm. Young, who was about a year younger than his superior, had graduated from the Citadel military academy, in Charleston, South Carolina. He, too, could exercise only a limited degree of command authority, although he had been placed in administrative control of the division's maneuver battalions, including the aviation and artillery units. He could recommend decisions but not carry them out. Most of the other headquarters officers were either "non-ring knockers"—men who had begun their careers as enlisted men or as graduates of college reserve programs—or graduates of military schools, such as the Citadel, that many West Pointers consider second-rate.

For most of the officers and men, the commanding general was a cold figure who compelled respect—and a touch of fear. "General Koster was so smart he was too smart for the rest of us," retired Lieutenant Colonel Charles Anistranski told me during an interview several months ago. Anistranski, who served as the Americal Division's G–5 (in charge of pacification and civil affairs) early in 1968, told me that he particularly remembered the General's crisp method of barking orders. "Koster would say, 'I don't like that, and I want you to do this and that.'" The General wouldn't take part in after-dinner drinking bouts at the Officers' Club, the former colonel said, but chose to return to his quarters instead. James R. Ritchie III, who served as an administrative sergeant at Americal Division headquarters in 1967–68, remembered Koster as being very cold. "I worked near him in that office for over five months, and I was never introduced to him," he told me. "I passed notes to him but really I never knew the man." Ritchie said of the headquarters staff, "They were all afraid. They were all afraid of Koster."

The normal work schedule of General Koster and his aides seemed to have little relationship to the realities of the guerrilla war going on a few miles away. Koster lived in an air-conditioned four-room house on a hill at division headquarters, in Chu Lai; he was served by a full-time enlisted man and a young officer. A few yards away was a fortified bunker with full communications, in case of attack. He spent most of his workday in a helicopter, visiting the brigades and battalions under his command. Every morning, he would give a short speech to new soldiers arriving at the division replacement center. Usually, his aides told the Peers commission, he tried to be where the action was—to monitor his troops in combat. For, just like a young company commander, Koster was being judged largely on the basis of how many enemy soldiers his men claimed to have killed.

General Koster's arrival by helicopter at local units would cause as much of a flurry—and as much fear—as a visit from Westmoreland caused at division headquarters. And, these visits notwithstanding, Koster remained remote from the problems and fears of the "grunts"—ground soldiers—assigned to his command. When complaints arose, they were often deliberately withheld from the General by his aides. Sergeant Ritchie, as one of the chief administrative clerks in division headquarters, worked directly for Colonel Parson. He recalled that he was ordered to screen all the mail personally addressed to Koster. "Parson wanted to know anything that was on Koster's desk other than routine stuff," Ritchie said. "A lot of stuff I know never got to Koster." Instead, it was handled by Parson. Most of the senior staff officers at headquarters knew at the practice, but they did not complain, even when letters they had addressed to Koster brought replies from Colonel Parson, because Parson was their rating officer, and for an ambitious lieutenant colonel who had not attended West Point one bad rating could be the end of a career. This kind of reasoning went up the chain of command. In May, 1968, for example, a Special Forces camp in the Americal Division's area of operations was overrun by North Vietnamese troops, with heavy losses to an Americal battalion that attempted to relieve the camp. Koster ordered an investigation, but, as the Peers commission was told by Colonel Jack L. Treadwell, who became division chief of staff in late 1968, it was not filed with higher headquarters, "because it made the division look bad."

The ultimate effect of such practices was a form of self-imposed ignorance: few things were ever "officially" learned or reported. By March, 1968, murder, rape, and arson were common in many combat units of the Americal Division—particularly the 11th Brigade, in hostile Quang Ngai Province—but there were no official reports of them at higher levels. Most of the infantry companies had gone as far as to informally set up so-called Zippo squads—groups of men whose sole mission was to follow the combat troops through hamlets and set the hamlets on fire. Yet Koster, during one of his lengthy appearances before the Peers commission, calmly reported, "We had, I thought, a very strong policy against burning and pillaging in villages. Granted, during an action where the enemy was in there, there would be some destruction.

"But I had spoken to brigade commanders frequently, both as a group and personally, about the fact that this type of thing would not be tolerated. I'm sure that in our rules of engagement it [was] emphasized . . . very strongly." The rules of engagement, a seven-page formal codification of the division's "criteria for employment of firepower in support of combat operations," were formally published March 16, 1968—the day of the massacre. They imposed stringent restrictions on the use of firepower and called for clearance before any firing on civilian areas. The rules, unfortunately for the Vietnamese, had little to do with the way the war was being fought.

Ironically, the publication of the rules of engagement allowed commanders to treat brutalities such as murder, rape, and arson as mere violations of rules, and in any event such serious crimes were rarely reported officially. Lieutenant Colonel Warren J. Lucas, the Americal Division's provost marshal, or chief law-enforcement officer, told the Peers commission that most of the war-crimes investigations conducted by his unit involved the theft of goods or money from civilians or, occasionally, a charge that G.I.s had raped a prisoner of war at an interrogation center. The concept of murder during a combat operation simply wasn't raised. Sometimes, Lucas said, he or his men would hear rumors or reports of serious incidents in the field, but, he added, "if it was declared a combat action, I did not move into it at all with my investigators." Of course, the men who could report such incidents were the officers in charge; in effect, their choice was between a higher body count and a war-crimes investigation. Murder during combat and similarly serious violations of international law were never "reported through military-police channels," Colonel Lucas told the Peers commission. Even if they had been, he could not have begun an investigation of such incidents without the approval of Chief of Staff Parson or General Koster. During his one-year tour of duty with the Americal, Lucas apparently never conducted such an investigation. What happened was that after the publication of the rules the military honor system went into effect. Under that system, as it was applied in the Americal Division, violations of the rules of engagement simply did not take place.

Lieutenant Colonel Anistranski, the officer in charge of the Americal's civil-affairs and pacification program, explained in his interview with me how the system worked. "Every time a hamlet would burn, it was reported to me," he said. "If it was in a friendly area, we'd go back and rebuild it. Sometimes it would come up at the nightly briefing. General Koster would come up to me and say, 'Check it out.' I'd get the S–5 [the lower-ranking officer in charge of civil affairs of the unit in question] and say, 'You'd better get on it; the old man wants to know what happened out there.' They'd come back after a little while and say it was set on fire during the fire fight. I'd go and tell the old man that."

Some soldiers could, of course, have been court-martialed for committing war crimes. This might have limited the number of violations, but it would also have signalled to higher headquarters that violations did occur. Koster's efficacy as a commander would have been questioned, and the name of the division would have been sullied by the inevitable press reports. Thus, talk of war crimes simply wasn't heard at Americal Division headquarters. The men there took their jobs at face value. Father Carl E. Creswell served as an Episcopal chaplain at Chu Lai and resigned from the Army soon after his tour with the division. He later told the Peers commission, "I became absolutely convinced that as far as the United States Army was concerned there was no such thing as murder of a Vietnamese civilian. I'm sorry, maybe it's a little bit cynical. I'm sure it is, but that's the way the system works."

The freedom to kill with impunity inevitably led to the inadvertent murder of many civilians in violation of both the Geneva conventions and the division rules of engagement. The statistics tell the story: A consistent problem for the military throughout the war has been the great disparity between the number of Vietcong soldiers that have been reported killed and the number of weapons that have been captured. Although the obvious answer seemed to be that Vietcong were not the only victims of American gunfire, artillery, and gunship strikes, officers at the top headquarters commands simply could not—or would not—accept that answer. Thus, commanding officers in the Americal Division were always urging their troops to "close with the enemy" instead of relying on helicopter or artillery support, and thereby increase their chances of capturing enemy weapons.

Often, the rationale for the statistical imbalance was strained. Brigadier General Carl W. Hoffman, who served as chief operations officer of the III Marine Amphibious Force early in 1968, agreed with General Peers that Task Force Barker's March 16th report of a hundred and twenty-eight Vietcong deaths and three captured weapons represented "a ratio that we would not normally like to see," and went on, "However, we had experienced other reports in which we later found that the attacking troops had found a graveyard with fresh graves, and they determined then that these deaths had occurred on previous days because of artillery fire or gunship fire. Therefore the total on a given day could be quite high and the weapons invariably would be very low. . . . we did see other instances in which we had very few weapons captured and quite a number of enemy bodies counted."

"It's like a game," Colonel Anistranski, the division's pacification-and-civil-affairs officer, remarked during my interview with him. "Everybody come on, we're going to have a bonfire. The way Koster used to look at me, he knew they [the brigades]were lying. He tried to stop it, but there's . . . so much going on." Anistranski remembered that on occasion Koster would storm out of the nightly briefing, obviously angered, after hearing reports of large numbers of Vietcong killed by his troops and no captured weapons. "He'd get mad," Anistranski said. "But me? I used to look at it and laugh. 'There's another battalion commander who's pushing the full-colonel list,' I'd say." He could laugh, Anistranski added, but the General was trapped by his position. "Koster had bird colonels working for him; he had to accept their word."

In early 1968, the Americal Division consisted of three combat infantry brigades. One of them, the 11th, was commanded by Colonel Oran K. Henderson. Henderson had at that time been in the Army twenty-five years, and like most colonels, he had made it clear that he wanted very much to become a general. A non-West Pointer, he had failed during a tour of duty in Vietnam in 1963 and 1964 to get the command assignments necessary for promotion; he spent nearly two of the next four years in subordinate roles with the 11th Brigade in Hawaii, moving with the unit to Vietnam in late 1967 as deputy commander. On March 15, 1968, the Army gave him a chance: on that day, he took command of the brigade's three infantry battalions and one artillery battalion. During formal ceremonies at the brigade's headquarters area, at Duc Pho, Henderson accepted the unit's colors from the outgoing commander, Brigadier General Andy A. Lipscomb, who was retiring from the service. Lipscomb had recommended Henderson for the job, and was delighted when General Koster approved the choice. Henderson "was completely loyal to me," Lipscomb later told the Peers commission. "When I left, and I made out an efficiency report on Colonel Henderson, I recommended him for promotion to brigadier general, which I didn't do to too many colonels along the way."

At the time of his appointment, Henderson had seen little combat in Vietnam. He told the Peers commission that Task Force Barker's attack on My Lai 4 "was the first combat action I had been involved in or observed," and explained, "As the brigade executive officer up to this point and time, I was pretty well limited to Duc Pho. Occasionally, I could get an H–23 [observation helicopter] and get out on the periphery or something. But as a general rule I was stuck at Duc Pho. I had not participated in a C.A. [combat assault], nor had I observed any combat action except that at the Duc Pho Province." He was referring to occasional Vietcong mortar attacks on the brigade headquarters area. Upon taking over the top job in the brigade, Henderson immediately began acting like every other commander in Vietnam. Each day, he would assemble a few personal aides and fly all over his area of responsibility, observing the infantry battalions in action. The new commander was formal and crisp with his staff; he had what military men call "command presence." In other officers he inspired nothing less than fear. Captain Donald J. Keshel, the brigade civil-affairs officer, told the Peers investigators, "I'm scared to death of Colonel Henderson. . . . He's just got to be the hardest man I've ever worked for." But Henderson himself feared at least one man—General Koster, whose rating of him as a brigade commander would make or break his chances of becoming a general. Koster had doubts about Henderson's intellectual ability, and these were known to the Colonel. He got along easily with General Young, Koster's assistant division commander, but his relations with the division commander himself seemed to be tense. "You could always distinguish rank when they were talking," Michael C. Adcock, a former sergeant who served as one of Colonel Henderson's radio operators, told me.

Henderson, and Lipscomb before him, also followed the usual commander's practice of emphasizing body counts, so competition for enemy kills was constant among the battalions and companies of the 11th Brigade. There were three-day passes for the men who achieved high body counts; sometimes whole units would be rewarded. At one point, Henderson personally ordered a program set up offering helicopter pilots three- to five-day passes for bringing in military-age Vietnamese males for questioning. The program, which was initiated because the brigade was unable to develop reliable intelligence information on the Vietcong, was known informally among 11th Brigade air units as Operation Body Snatch, Within weeks, the operation had degenerated to the point where the pilots, instead of "snatching" civilians, were deliberately killing them, sometimes by running them down with their helicopter skids. Other pilots devised even more macabre forms of murder, one of which involved the use of a lasso to stop a Vietnamese peasant who was attempting to flee. Helicopter crewmen would then jump out, strip the victim, and replace the rope around his neck, and the helicopter would begin to move at low speed, with the Vietnamese running along. When the victim could no longer keep up, he would fall, snapping his neck.

Many witnesses told the Peers commission of having received no meaningful instruction in the Geneva conventions or in the proper treatment of prisoners of war during training in Hawaii or in South Vietnam. "In Hawaii, the emphasis was on tactical combat operations throughout," Specialist Fifth Class James E. Ford, a public-information clerk for the brigade, told the Peers investigators. "I think perhaps during that time . . . they might have said something about pacification and about the S-5's function, civil affairs. But I don't think it was an active part of the tactical training, though."

Although Army manuals state that a brigade civil-affairs officer should hold the rank of major, the 11th Brigade's S-5, Keshel, was only a captain. The Army is loath to say so in public, but the job of division G-5 or brigade S-5 is considered a lowly one—a position for anyone who desire rapid promotion to avoid. Captain Keshel was in charge of making cash payments to Vietnamese victims of accidental American shootings.

He made about thirty such solatium payments, as they were called (at that time, they amounted to about thirty-three dollars for each adult and half as much for children fifteen years of age or under), over a period of eight or nine months, ending in the fall of 1968. The total seemed high to him, Keshel told the Peers commission, and he mentioned his concern to Colonel Henderson. Henderson, in turn, "mentioned it to the battalion commanders at one of his briefings," Keshel said, and he continued, "And all of the battalion commanders, boy, they really got down on me, now, they said, 'Well, you know we got lieutenants out there with the platoon, or rifle-company commanders out there with the companies, he'd get fire from a village, he's got to return fire to protect his command, and when this happens, perhaps a civilian will get shot.' "

The concept of a battlefield war crime just did not exist in the 11th Brigade. Major John L. Pittman, the provost marshal of the unit, testified before the Peers commission that he could not recall giving the military policemen under his command any instructions or training in their obligations to report war crimes. On two or three occasions, Pittman said, he did report instances of prisoner mistreatment to both Lipscomb and Henderson. At a staff meeting, Lipscomb or Henderson always responded the same way—not by ordering an investigation but by putting out instructions against such practices.

Even if Henderson and some of his staff officers remained largely uninformed about the war taking place a few miles from their headquarters, the Colonel did meet the other basic requirements of a Vietnam commander: he had a superior mess hall and a rebuilt officers' club, and there was considerable emphasis on being an officer and a gentleman. G.I.s who served in the 11th Brigade frequently talked to me with bitterness about the life style of the senior officers. "They had a fantastic mess hall," former Specialist Fifth Class Jay A. Roberts, who worked in the public-information office, near headquarters, recalled. "The officers would have cocktail hour for an hour every night before dinner." Other G.I.s talked about the ice cream, the shrimp, and the steak that were often on hand for the officers. Also frequently noted was the fact that the headquarters' allotment of air-conditioners was utilized for Henderson's mess hall and his personal quarters. Plans to blow up the mess hall—perhaps only half serious—were constantly being developed by the headquarters clerks. Some G.I.s boasted of having devised ways to appropriate bottles of whiskey and cold beer from the officers' walk-in cooler. Former Specialist Fourth Class Frank D. Beardslee served as driver for Colonel Barker, the commander of Task Force Barker, and often took him to the Duc Pho Officers' Club at five-thirty in time for the cocktail hour. "It was just like they were in Washington," Beardslee said of the officers. "They would talk about promotion and all that stuff—just like a cocktail party back in the world."

Shortly before Lipscomb, a West Pointer, retired, the brigade public-information office presented him with a scrapbook of photographs and news clippings highlighting his service with the 11th Brigade. Similar scrapbooks were made up for most senior officers who left the unit. Former Sergeant Ronald L. Haeberle, who served as a photographer for the brigade's public-information office, considered such work routine at the time, and later, when criticized by the Peers panel for not turning photographs he had made of the My Lai 4 massacre over to higher authorities, he said he had never considered such a step, explaining, "You know something . . .? If a general is smiling wrong in a photograph, I have learned to destroy it. . . . My experience as a G.I. over there is that if something doesn't look right, a general smiling the wrong way . . . I stopped and destroyed the negative."

For a non-West Pointer, Colonel Barker had everything going for him. In January, 1968, General Koster had pulled him out of his job as operations officer of the 11th Brigade and given him command of a three-company task force of four hundred men that had been put together to find and destroy the enemy in the Batangan Peninsula area, in the eastern part of Quang Ngai Province. The peninsula was "Indian country" as far as American and South Vietnamese soldiers were concerned. Few operations had ever been mounted against the village of Son My, which was widely considered to be the staging and headquarters area for the Vietcong 48th Battalion, one of the strongest units in Quang Ngai. The area was heavily booby-trapped, and the men of Task Force Barker—the Colonel followed a custom by naming the unit after himself—suffered as a result. By March 15th, about fifteen G.I.s in the three companies had been killed and more than eighty had been wounded—a high percentage of casualties but not one that necessarily reflected much direct confrontation with the enemy. For example, four men in Charlie Company were killed and thirty-eight were wounded in those ten weeks, but the Peers commission determined that only three of the casualties, including one death, had resulted from direct contact with the enemy. But "Barker's Bastards," as the men of the task force were quickly dubbed by the brigade public-information office, were seemingly able to do what no other unit in the brigade could—find and destroy the enemy.

"We devoted quite a bit of coverage to Task Force Barker," Ford, the brigade public-information clerk, told the Peers commission. "Up until Task Force Barker deployed, we hadn't been seeing too much action. As a result, our public-information coverage was kind of slim. . . . They were getting contact, and we were getting good copy out of it." Barker's men had the highest body count by far of any unit in the 11th Brigade; other officers would speak admiringly of the commander's "luck" in getting solid contact. Specialist Fourth Class Donald R. Hooton, one of the Bravo Company infantrymen, had a different point of view. "Everybody said, 'He's got the most phenomenal luck,'" Hooton told me recently. "What they meant is that we'd go out and gun down a lot of people."

But the G.I.s—even Hooton—admired Barker. He wasn't afraid to land his helicopter in a battle area, and he would often join in the fray, firing his .45-calibre pistol at Vietnamese when his helicopter was flying low. He made sure that his troops received at least one hot meal a day in the field. There were other reasons for the widespread admiration of Barker. He was "lean and mean," in the military tradition; handsome, with neatly chiselled features; friendly to the "grunts," always accessible and always making it clear that he understood their problems. "Barker, in my estimation, seemed to have his finger in and was pretty well in tune with what was going on," General Koster told the Peers commission. Barker's responsibilities as a commander were total; he was in charge of the intelligence, the planning, and the initiation of all task-force operations—and always had the approval of his superiors.

Barker's promotion to head the task force left a crucial administrative gap in the brigade headquarters—one that Colonel Henderson, then acting as deputy brigade commander, tried to fill himself. Then, when Henderson assumed control of the brigade, on March 15th, he was still not assigned a new administrative aide, so he was forced to do his paperwork at night. Such treatment undoubtedly galled Henderson, and so did the relationship between Koster and Barker. There were fifteen thousand lieutenant colonels in the Army in 1968 and fewer than three hundred battalions to command. Without battalion-command experience in Vietnam, a young lieutenant colonel could not expect promotion. Because the pressure for the jobs was so intense, the Army limited battalion commanders' tours to six months.

Normally, Henderson could have expected to have a powerful hold over Barker, because Barker would have needed Henderson's approval before commanding a battalion; the bargaining and negotiating for such jobs goes on daily in the Pentagon and elsewhere. But by the time Henderson took over the brigade, General Koster had promised the next battalion command to Barker. In effect, Henderson's potential patronage—an important part of a commander's job—was diminished, and a protégé, if he had one, would have had to wait longer for a battalion commander's spot.

There was no fancy officers' club at the task force headquarters, at Landing Zone Dottie, a few miles from the city of Quang Ngai, the provincial capital. Barker, like all commanders, spent most of his working day in a helicopter, and he tried to catch up on his paperwork at night. The administration of the task force therefore fell to the operations officer, Major Charles C. Calhoun, who was serving his second tour of duty in Vietnam. The task force headquarters was severely underequipped and understaffed; it had only one typewriter assigned to it, and one clerk to do its typing. As a result, there was neither the staff nor the time to prepare the required task-force version of the rules of engagement or to instruct the troops about the Geneva conventions. The unofficial task-force rule seemed to be simply not to commit any illegal actions directly in front of the commanding officer. Speaking of Captain Michles, of Bravo Company, Congleton, the Captain's radio operator, told me, "If something wasn't done in front of him, nothing happened. But if he'd ever caught you smoking pot, he'd have gone wild." Michles was similarly offended if the killing of civilians was brought directly to his attention. Congleton, after recalling that the officer "wanted kills," said, "By the first time we actually killed anybody who was a Vietcong with a weapon, we had reported twenty or thirty confirmed kills, and I said, 'Hey, we just got our first kill.' He really got mad."

Both of Task Force Barker's February missions into Son My were officially described as unqualified successes, although the disparity between Vietcong killed and weapons captured—a hundred and fifty-five to six—was extreme. After the second mission, Colonel Barker gave his superiors a glowing report. It said, "This operation was well planned, well executed, and successful. Friendly casualties were light and the enemy suffered a hard blow. However, many enemy soldiers were able to escape with their weapons and the weapons of the enemy dead. This was caused by several factors . . . Although the air strikes were timely and effective . . . time was lost waiting for aircraft. . . . Air evacuation of wounded was a contributing factor in allowing the enemy time to escape, since supporting fire had to be stopped each time a medevac helicopter was brought in. The ground units were not as aggressive later in the battle as they were earlier. . . . Aggressiveness increased again at the insistence of the Task Force commander, but during the lull several V.C. had escaped with weapons."

It was probably inevitable that Barker would decide to conduct another operation in Son My. He talked about it sometime early in March with General Lipscomb and got the General's approval. "Barker said to me on one or two occasions that he was going back into Pinkville," Lipscomb told the Peers commission. "This 48th Battalion was a thorn in his side there, and he was going to go back in there. . . . It just was something that had to be done before the area would be under control." Cecil D. Hall, the task-force communications sergeant, recalled that Barker had unsuccessfully sought permission from brigade headquarters to use Rome plows, monstrous twenty-two-ton bulldozers capable of levelling hundreds of acres per day, to destroy the area. "I heard him mention many times," Hall told me during an interview in October, 1971, "that it'd sure be nice if we could get some bulldozers and clear that place once and for all."

General Koster acknowledged to the Peers commission that though he was assured that the forthcoming task-force assault would be even more successful than the two previous operations (Barker reported that he expected to find four hundred Vietcong in the area), he really knew very little about the plan for it. He was consulted about the mission, he said, simply because he was the only one who could authorize the use of helicopters, which Barker considered necessary. As Barker initially explained it to Koster, the main target was the village of My Lai 1, the center of the Pinkville area, where intelligence said the 48th Battalion had its headquarters. Although Koster approved the mission, he did not attempt to analyze it. He told the Peers commission, "I'm reasonably sure that he probably outlined the fact that there would be two blocking companies—one would get there overland, and the other two were air assaulted. . . . But I don't recall that I even focused as to exactly where it was on the map, one of these little villages as opposed to another one. The one that had been the primary target was the one on the coast [My Lai 1], and the only time I really heard 'Pinkville' used was for that one right on the coast as opposed to any of the others. . . . Of course, that place was nothing but a bunch of rubble anyway. I knew they had gone in there on many occasions and tried to blow the dugouts and tunnels, and I knew that this was a continuing thing. Every time we went through there we tried to blow a few more of them."

At no point was there any formal, written plan outlining the tactical aspects of the operation. Barker's plan for the mission was not seen in any form by any top-level American Division officers, such as Lieutenant Colonel Tommy P. Trexler, the division intelligence chief. In addition, Major Calhoun, the task-force operations officer, couldn't recall any specific concern about the the citizens of Son My before the March 16th operation, and he told the Peers commission that he thought there was only a hundred people living in My Lai 4, Charlie Company's main target. (The population was at least five hundred.) The Major did say, "On a continuous basis leaflets were dropped in the area advising the civilians to move into the refugee centers. . . . They [task-force personnel] had advised the civilians that it was an area they should move out of, and some of them, I understand, left." Although some officers at the division level were aware that the civilians, even if they wanted to leave, had no place to go, because the refugee camps were already overflowing, it is not clear whether anyone at Task Force Barker headquarters really understood that fact. It was a hopeless situation for the civilians in Son My, whatever their political affiliations, if any. Captain Charles K. Wyndham, who served until March 16th as the civil-affairs officer for Task Force Barker, told the Peers commission that he had never participated in any planning for the handling and safety of civilians before any operation with the task force. He added, "It's kind of useless to go out there [into the field, with an infantry company] and try to do civil affairs."

At one point in the planning for the operation, some unchallenged intelligence information about the civilians in My Lai 4 was received at the task-force headquarters; the residents would leave their hamlet about 7 A.M. on the day of the operation, a Saturday, to go to market. Since none of the planning details of the operation had been presented to higher headquarters, it was impossible for staff officers there to evaluate the intelligence information with any degree of sophistication. However, amid all the conflicting testimony before the Peers commission, a consensus did emerge that there was no basis for assuming that all the residents of My Lai 4 would leave the village about seven in the morning to go to market.

In fact, former First Lieutenant Clarence E. Dukes, an intelligence officer at Americal Division headquarters, testified later that precisely the opposite might have been expected. "I would say that normally by sunrise if there were V.C. soldiers in a populated area they'd be moved out before dawn," he told the Peers commission. "Your women and children would be around town. Most of your male population would have moved out to their daily work." Colonel Trexler had a similar opinion. He testified, "An occupied village with any reasonable number of people, I would expect some of them to be there at any time of the day or night unless there was some other reason that they had been alerted to get out." He was then asked, "There would always be left behind children, toddlers, old women, old men, pregnant women, and persons in these categories?" He said yes.

With concern for possible civilian casualties out of the way, the task force's attack plan was drawn up. As part of the planning for the attack, Colonel Barker ordered the task force's four support cannons to fire a three- to five-minute salvo of shells into the hamlet beginning at 7:20 A.M. on March 16th—about ten minutes before the landing of the first helicopter-borne squad of men, led by Lieutenant Calley, of Charlie Company. The process is known in the military as "prepping the area." Lieutenant Colonel Robert B. Luper was serving then as commanding officer of all the artillery units attached to the 11th Brigade. He told Peers that Barker wanted preparation fire but not on his landing zone, and explained, "This is a little different than we would normally expect, because he felt that the area that he was going to make his combat assault into was open enough that he could see if there was going to be any problem. He wanted the preparation fire north of his landing zone, which would have put it on My Lai, the village of My Lai." Asked if the entire five-minute attack was to be made against the village, Luper replied, "It was." The use of artillery on a populated village was considered routine by the officers of Task Force Barker. One justification for such tactics—which are in violation of international law—was offered to the Peers commission by Major Calhoun: "Of course, the most vulnerable time is coming down with the first landing, you have nothing there, no troops on the ground, and the choppers are slow and they are sitting down like ducks on the water. Or he [Barker] could put the fire into the area and, I'm sure, realizing that some civilians might be hurt. There is a difference between the sacrifice of American troops and the sacrifice of some civilians in this area."

Another justification cited for the shelling of the village was that such action had been cleared by the South Vietnamese authorities responsible for the area of operations. The Vietnamese considered the whole area to be dominated by the Vietcong and had long since declared it a free-fire zone. Captain Wayne E. Johnson, who was a liaison officer for the Americal Division attached to Second ARVN's headquarters, in Quang Ngai, told the Peers commission that he believed the Americans and South Vietnamese serving in Quang Ngai Province "felt that whatever people were out there were enemy," and explained, "If there was a target worth shooting at, it shouldn't be cancelled because of the presence of civilians." Approval was invariably granted by the South Vietnamese. "The district people didn't hold too many civilians to be in the area," Johnson said. "It didn't hold a large population." This view was tragically wrong, as a subsequent resettlement program demonstrated. American and Vietnamese authorities in Saigon began an uprooting of the people of Son My and neighboring villages in February, 1969, expecting to relocate four thousand civilians; at its end, there were twelve thousand people shifted from the area.

On March 15th, the day before the mission, Colonel Barker, Major Calhoun, and Captain Eugene M. Kotouc, the task-force intelligence officer, scheduled a complete operational briefing on the mission in a small tent just outside task-force headquarters. The session was attended by all the men who were going to play key roles in the attack the next day: Captain Medina, of Charlie Company; Captain Michles, of Bravo Company; Captain Stephen J. Gamble, the commanding officer of the four-cannon artillery battery stationed at Landing Zone Uptight, above five miles north of My Lai 4; and Major Frederic W. Watke, the commanding officer of the aeroscout company of the 123rd Aviation Battalion, which was stationed in the Americal Division headquarters area, at Chu Lai, and which would fly support for the mission. (Alpha Company, the third unit in Task Force Barker, which was headed by Captain William C. Riggs, was assigned no significant role in the operation.) Also present at the briefing was Colonel Henderson, who had formally taken command of the 11th Brigade only hours before.

The briefing itself was professionally crisp. The headquarters staff of Task Force Barker listened inside the crowded briefing tent as Colonel Henderson gave what amounted to a pep talk. It was a short talk, and Captain Gamble was later able to recall much of it before the Peers commission. "He generally reviewed what was going to occur the next day, and he mentioned that it was a very important operation, and the Vietcong unit that was located in that area. They wanted to get rid of them once and for all and get them out of that area. He stressed this point, and he wanted to make sure that everybody and all the companies were up to snuff and everything went like clockwork during the operation."

Captain Medina later testified that Colonel Henderson wanted the companies to get more aggressive. Medina told the Peers commission, "Colonel Henderson . . . stated that in the past two operations the failure of the operations was that the soldier was not aggressive enough in closing with the enemy. Therefore, we were leaving too many weapons and that the other enemy soldiers in the area, as they retreated, the women and children in the area would pick up the weapons and run and therefore by the time the soldiers arrived to where they had killed a V.C. that the weapon would be gone." Captain Kotouc testified that Henderson had said that "when we get through with that 48th Battalion, they won't be giving us any more trouble."

After Henderson spoke, Kotouc gave a quick summary of the intelligence situation, including the special report that all civilians would have left My Lai 4 by seven in the morning. Major Calhoun next presented a map review. Then Barker's words vividly. "Colonel Barker said he wanted the area cleaned out, he wanted it neutralized, and he wanted the buildings knocked down," Kotouc told the Peers commission. "He wanted the hootches [huts] burned, and he wanted the tunnels filled in, and then he wanted the livestock and chickens run off, killed, or destroyed. Colonel Barker did not say anything about killing any civilians, sir, nor did I. He wanted to neutralize the area."

Captain Medina testified that Barker "instructed me to burn and destroy the village; to destroy any livestock, water buffalo, pigs, chickens; and to close any wells that we might find . . ."

Who told Task Force Barker that all the civilians of My Lai 4 would leave the hamlet and be on their way to market shortly after 7 a.m. on March 16th? From whom did the task force receive information that four hundred members of the Vietcong 48th Battalion would be in the village of Son My on March 16th? These two questions remained unanswered throughout the Army's lengthy hearings on the massacre at My Lai 4. Witnesses were consistently asked if they knew of any documents or people that had provided such information; the answers were invariably vague. "No, sir. I cannot cite any document," Captain Kotouc said in response to such a question from a member of the Peers commission. "But it was through interrogation of people, people I had talked to. This was always—this was the part we were trying to figure out, how they moved in the area. They all came and went about the same time. . . . If I recall, part of it [the intelligence] came from Colonel Barker. Information, I think, he received from his contacts or somewhere like that. It is very difficult for me to pin it down."

Undoubtedly, the men of the task force had some reasons of their own for believing that the 48th Battalion was in the Son My area; evidence of the unit's presence—old documents, for instance, and civilians who perhaps knew of some of the unit's recent movements—could be found at any time throughout the Batangan Peninsula, which was, after all, the base of operations for the 48th. Barker made no further attempt to confirm the enemy unit's location, because he felt that none was needed. If Barker or any of his aides had checked, they would have found that every intelligence desk at the provincial headquarters in Quang Ngai placed the 48th Battalion at least fifteen kilometres, or nine miles, west of the city. They would also have learned that the unit was considered to be in poor fighting condition, because it had suffered heavy losses while attacking Quang Ngai during the Tet offensive. "Whatever was left of them was out in the mountains," Gerald Stout, who was then an Army intelligence officer with the Americal Division and is now a law student at Syracuse University, told me in an interview. His information was based in part on highly classified reconnaissance flights over mountain areas.

There was no conspiracy to destroy the village of My Lai 4, or to kill the villagers; what took place there had happened before in Quang Ngai Province and would happen again—although with less drastic results. The desire of Colonel Barker to mount another successful operation in the area, with a high enemy body count; the belief shared by all the principals that everyone living in Son My was living there by choice, because of Communist sympathies; the assurance that no officials of the South Vietnamese government would protest any act of war in Son My; and the basic incompetence of many intelligence personnel in the Army—all these factors combined to enable a group of normally ambitious men to mount an unnecessary mission against a nonexistent enemy force and somehow find evidence to justify it.

The assault on My Lai 4 began, like most combat assaults in Vietnam, with artillery and helicopters. Colonel Barker arrived over My Lai 4 in his command-and-control helicopter just in time to see the first barrage of artillery shells fall into the hamlet. Colonel Henderson's helicopter—filled with high-ranking officers—flew over the hamlet a few minutes later; trouble with a helicopter had delayed the Colonel's takeoff from his headquarters, at Duc Pho. General Koster flew in and out of the area throughout the early morning, watching the men of Charlie Company conduct their assault. The task-force log for March 16th, which was submitted to the Peers commission in evidence, shows that Lieutenant Calley's first platoon landed precisely at 7.30 a.m. at the landing zone outside My Lai 4. There were nine troop-carrying helicopters, and they were accompanied by two gunships from the 174th Aviation Company, which, with their guns blazing, had crisscrossed the landing zone moments before the combat troops landed, firing thousands of bullets and rockets in a fusillade designed to keep enemy gunmen at bay. Of course, there were no enemy gunmen, but it didn't matter that day: within minutes the statistics began filling the task-force daily log. At seven-thirty-five, Charlie Company officially claimed its first Vietcong; the victim was an old man who had jumped out of a hole waving his arms in fear and pleading. Seven minutes later, the gunships—known as Sharks—claimed three Vietcong killed; the dead men were reportedly seen with weapons and field gear. By eight, seventeen more Vietcong were said to have killed. At three minutes past eight, Charlie Company said that it had found a radio and three boxes of medical supplies. At eight-forty, Charlie Company notified headquarters that it had counted a total of eighty-four dead Vietcong. By this time, My Lai 4 was in ruins. Lieutenant Calley and a number of the men in his platoon were already in the process of killing two large groups of civilians and filling a drainage ditch with the bodies. The second and third platoons were also committing wholesale murder, and some men had begun to set fire to anything in the hamlet that would burn. Wells were fouled, livestock was slaughtered, and food stocks were scattered.

The two Sharks from the 174th also committed murder that morning. After the artillery shells began falling, hundreds of civilians streamed from the hamlet, most of them traveling southwest toward the city of Quang Ngai. The two gunships flew overhead and began firing into the crowd. The time was about seven-forty-five. It was noted by Captain Brian W. Livingston, a pilot from the 123rd Aviation Battalion, who was also flying in support of the mission. Livingston later flew over and took a close look at the victims; they were women, children, and old men—between thirty and fifty of them. Scott A. Baker, a flight commander with the 123rd, also watched the civilians leaving the village. He told the Peers commission later that the Sharks made a pass over the group with their guns firing and that moments later he saw twenty-five bodies on the road to Quang Ngai. The troops from Charlie Company had yet to move that far south, Baker said.

The killing continued for at least ninety minutes after eight-forty, but no more enemy kills for Charlie Company appeared in the task-force log. Charlie Company's body count officially ended at eight-forty in the morning on March 16th, with a report that it had killed eighty-four Vietcong and had captured documents, a radio, ammunition, and some medical supplies. The Sharks had reported a total of six enemy kills. Later that day, Bravo Company concluded its operation with an official body count of thirty-eight. (The total number of dead Vietcong allegedly slain by both the ground and air units over My Lai 4—a hundred and twenty-eight—would make the front pages of American newspapers the next morning. It was the most significant operation of the war for the 11th Brigade.)

The smoke over My Lai 4 could be seen for miles. First Lieutenant James T. Cooney was flying Colonel Henderson's helicopter over My Lai 4; he told the Peers commission, "I did notice several hootches burning, several buildings burning, possibly rice stores. I do remember there being burning going on on the ground at that time." Chief Warrant Officer Robert W. Witham was flying General Koster's helicopter; he similarly recalled "smoke and things like this, artillery." Even Captain Johnson, the Americal Division's liaison officer at Quang Ngai, about five miles to the southwest, saw the smoke. "I remember seeing smoke in the area and knowing that Task Force Barker was in the area," he told the Peers commission. "I accepted this. I assumed that I knew what was happening." The pilots saw it, but the officers they were flying claimed they did not. General Koster, asked by the Peers commission if he recalled seeing the village "pretty much up in smoke at that time when you flew over," responded simply, "No, sir, I don't." Colonel Henderson was asked a similar question, and replied, "I did not see My Lai 4 in flames or having been burnt or burning."

Warrant Officers Jerry R. Culverhouse and Daniel R. Millians were piloting a helicopter that morning in support of Charlie Company. Culverhouse and Millians, who were attached to the 123rd Aviation Battalion, were part of a new concept in the Vietnam air war. B Company of the 123rd was known as an aero-scout company, and its mission that day was to cut off enemy troops attempting to flee Task Force Barker's trap in My Lai 4. The pilots usually teamed up with a second gunship, and both usually flew above a small observation helicopter. On the morning of March 16th, the observation helicopter was manned by Chief Warrant Officer Hugh C. Thompson, Jr., of Atlanta. Above the gunships, in turn, were two or three helicopters carrying infantrymen. The concept called for the observation craft to flush out the enemy, so the gunships could force them to halt. If the enemy avoided the gunships, the infantrymen would be landed (the 123rd pilots described this process as "inserting the animals") to engage the Vietcong. Culverhouse and Millians arrived at their duty station sometime after nine and joined up with Captain Livingston. The hamlet was still aflame. They began flying back and forth across My Lai 4 and the nearby paddy fields, on the prowl for Vietcong. Culverhouse later told the Peers commission, "It appeared to us there it was fairly secure. We heard no shooting and didn't receive any fire ourselves. . . . And we immediately noted the bodies surrounding the village . . . there were numerous bodies scattered both in the inner perimeters of the village and in the outer perimeters leaving the village. . . . I was especially . . . amazed at one group of bodies encountered . . . over on the east side of the village there was an irrigation ditch, which appeared to me to be about six or seven feet wide . . . [and] probably five or six feet deep . . . there were numerous bodies that appeared to be piled up. In some places, I dont' know, maybe four or five or I suppose as high as six deep. . . . For an area about—around thirty to thirty-five yards the ditch was almost completely filled with bodies."

Later, at Thompson's insistence, Culverhouse and Millians landed their helicopter and removed some civilians from a bunker. Thompson was in a rage: he had spent the morning watching Charlie Company commit murder. Finally, observing about ten women and children huddled in fear as Lieutenant Calley and his men approached them, Thompson landed his craft, ordered his two machine gunners to train their weapons on Calley, and announced that he was going to fly the civilians to safety. "The only way you'll get them out is with a hand grenade," Calley replied. Thompson radioed to Culverhouse and Millians and asked them to land their helicopter to begin evacuating the civilians. They descended. For combat helicopter pilots, the decision to land was heresy, because the aircraft are exceptionally vulnerable to enemy fire during the slow moments of descent and ascent. As the helicopter (landed, Thompson and his door gunner began coaxing the civilians into the craft.

Captain Livingston testified before the Peers commission that he had heard Thompson make three separate radio transmissions about unwarranted killings, beginning sometime after nine. Thompson complained twice about a captain who had shot and killed a Vietnamese woman, and his third complaint was about a black sergeant who had done the same thing.

General Koster habitually kept up with the swirl of action in his area of responsibility by monitoring three or four radio frequencies; he was constantly on the alert for the first signs of trouble or enemy contact anywhere. Such signs can always be heard over the airwaves—calls for reinforcements, medical helicopters, more ammunition, more firepower. The General's helicopter had an elaborate radio console, and, if he chose, he could tune in on communications between helicopters and ground forces, the task force and the companies, or the brigade and the task force. Despite the information available to him, Koster, in his testimony to the Peers commission, could not recall any details of the My Lai 4 operation. Asked if he had seen the hundreds of Vietnamese civilians fleeing the hamlet that morning, the General replied, "I can't tie it to this particular operation. I've flown over several of them, and this one doesn't distinguish itself from any other as far as this type of thing is concerned." Colonel Henderson, however, testified that he saw from six to eight bodies that might be civilians during his early-morning flight over My Lai 4. He recalled checking immediately with Colonel Barker and being told that the victims had been killed by artillery fire. Those were the only bodies he reported seeing, although he flew over My Lai 4 on at least three occasions that day. At least one other passenger aboard his aircraft, however, testified to having seen many more. Sergeant Adcock, Henderson's radio operator that day, told the Peers commission that he had observed from thirty-five to forty bodies in all during his trips over My Lai 5. The command-and-control helicopter, he said, usually flew at an altitude of fifteen hundred feet—out of the range of small-arms fire—but had travelled much lower during the morning trips over the hamlet, occasionally going "low enough to make the rice wave." The other passengers on the flight were Major Robert W. McKnight, the 11th Brigade operations officer, who testified that he had seen perhaps five dead bodies; Colonel Luper, the brigade's artillery commander, who said he had seen from fifteen to twenty bodies; and Air Force Lieutenant Colonel William I. MacLachlan, who was assigned to coordinate air strikes, if necessary, and who said he had seen only a few bodies. None of the passengers, including Adcock, specifically recalled hearing anything about Americans murdering Vietnamese.

The only known complaints made before nine that morning came from Thompson and other members of the 123rd Aviation Battalion. The helicopter unit, normally stationed at the Americal Division headquarters, at Chu Lai had set up a special operations van and refueling station at Landing Zone Dottie, the headquarters area (named after Colonel Barker's wife) for Task Force Barker, to increase the support it could provide for the task force. Former Specialist Fifth Class Lawrence J. Kubert, who was serving as the operations sergeant for the aero-scout company of the battalion, told the Peers commission that he and others in the van had heard pilots' complaints early that morning about the excessive shooting of civilians by the Sharks from the 174th Aviation Company. The complaints were relayed to the task-force operations center at Dottie, only three hundred yards away, with a warning that most of the persons fleeing the village were women and children. Kubert recalled that Colonel Henderson, identifying himself by his radio code name, Rawhide Six, subsequently warned the combat units by radio, "I don't want any unnecessary killing." A similar statement from Henderson was heard by two areoscout pilots during the morning. Kubert said he assumed that the warning was directed at the gunships.

By 9 a.m., Colonel Henderson was back at the task-force operations center. He had spent more than an hour over My Lai 4, leaving for only a few moments shortly after eight to watch Bravo Company begin its assault on My Lai 1—a target it never reached. Within the next thirty minutes, the Colonel was joined by most of the senior officers of the task force and the 11th Brigade. Major Calhoun, the task-force operations officer and Master Sergeant William I. Johnson were monitoring the radios in the operations center. Captain Charles R. Lewellen, the assistant operations officer, who ran the night shift at the task-force operations center, had stayed up to transcribe the reports of the operation with his tape recorder. A copy of that tape was later made available to the Peers commission, and it provided a minute-by-minute timetable for the first hours of action. The tape also helped prove to the satisfaction of the Peers investigators that a coverup—involving the manipulation of battlefield statistics—had taken place between eight-thirty and nine-thirty at Landing Zone Dottie.

At that time, Colonel Barker was still flying over the combat area; he had been out there for more than an hour. At eight-twenty-eight, according to the Lewellen tape, Barker had radioed Captain Medina, saying, "I'm heading back to refuel. Have you had any contact down there yet?" Lewellen's tape did not record Medina's response, but Barker, apparently informed that the company was making a body count, said, "Dig deep. Take your time and get 'em [the Vietcong] out of those holes." Medina gave him the body count, and Barker asked, "Is that eight—ah, eight-four K.I.A.s?" Having been told that it was, Barker radioed Sergeant Johnson, "Returning to your location to refuel." A few minutes later, Barker landed at Dottie and rushed to the operations center, arriving just as a clerk was noting in the official task-force log, "Co. C has counted 69 V.C. K.I.A." The map coordinates for My Lai 4 were listed alongside the entry, which was filed at eight-forty. The log statistics were not cumulative, and the new report of sixty-nine kills, added to the earlier claims of fifteen, gave Charlie Company its total body count of eighty-four.

By this time, the operations center should have been in a state of jubilation, but most of the men there were aware that none of the normal sounds of combat were coming from the radios—just a steadily climbing total of enemy kills. The only American casualties reported by nine o'clock were a lieutenant and some enlisted men from Bravo Company who had triggered land mines. The Peers commission, during one of its interrogations of Colonel Henderson, suggested what really was going on: "They [Charlie Company] went through this place in less than an hour. By the time you were ready to come back [to Landing Zone Dottie], they had been practically through the village. . . . There were dead civilians all over the place. There wasn't any resistance. There wasn't a shot fired after that. . . . Hootches were burned by this time." About nine, Specialist Fifth Class Kubert relayed the reports from the pilots over My Lai 4 to the task force.

Just before nine, Colonel Barker flew from Dottie to the Bravo Company area, near My Lai 1, to evacuate the men wounded by mines and to approve the change in mission for Captain Michles's men. He returned about forty minutes later—well after the first of Warrant Officer Thompson's complaints had been received. Captain Kotouc, the task-force intelligence officer, who had spent the morning dashing in and out of the operations center, told the Peers commission that he had heard one of Thompson's protests over a task-force radio. "There was a report from . . .the helicopter pilot," he testified. "The report . . . was something about someone getting shot with a machine gun. 'Looks like they are shooting them with a machine gun. Someone is going across the road and is getting shot with a machine gun.' The helicopter pilot, whoever he was, said something like 'He doesn't have a weapon,' or words to that effect." The operations center was chaotic. By the time Thompson made his complaints, Bravo Company had been given permission to forget its main target, My Lai 1, the headquarters base of the V.C. 48th Battalion, and proceed instead to My Khe 4 and other hamlets to the south. Yet Major Calhoun did not know until the Peers commission told him that Bravo Company had not entered My Lai 1 on March 16th.

Under Army regulations, all the task force's significant actions had to be relayed immediately to the 11th Brigade for inclusion in that unit's reports to the American Division. The brigade daily log for March 16th noted that Task Force Barker had reported the following at nine-thirty: "Counted 69 V.C. K.I.A. as a result of Arty [artillery] fire." Suddenly and inexplicably, the sixty-nine kills reported by Charlie Company were attributed to artillery. The map coordinates for the engagement were also changed—to an area about six hundred metres north of My Lai 4. The altered information, which was filed with the brigade fifty minutes after the task force received it—an unheard-of delay for such "good" news—became a focal point of the Peers investigation, which was never able to learn who had filed it. The eight-forty entry was the last Charlie Company combat report logged by the task force for the day, although one witness told the Peers commission that he was with Captain Medina when the Captain radioed a body count of three hundred and ten, later that morning. (Medina and all the others involved denied any knowledge of such statistics.)

Peers and his staff closely questioned the artillery officers connected with the My Lai 4 operation in an attempt to determine how they had accepted credit, without question or investigation, for the killing of sixty-nine Vietcong as a result of a three-to-five-minute artillery barrage. Captain Dennis R. Vazquez, the liaison officer between the task force and its artillery support, spent that morning aboard Colonel Barker's helicopter, and later claimed that the report of sixty-nine Vietcong killed by artillery had been provided him by an artillery forward observer assigned to Charlie Company. He said he had accepted the statistic without question.

Captain Medina and former Lieutenant Roger L. Alaux, Jr., the artillery forward observer in Charlie Company, both testified that they knew nothing about large numbers of deaths caused by artillery and that they had no idea how the total of sixty-nine had originated. Alaux told the Peers commission that he had officially learned of the figure after the operation. "I accepted that number," he said. He added, however, that it did not impress him "as being a particularly valid number."

The figure similarly went without challenge from any of the senior artillery officers in either the battalion or the division. Colonel Luper, who flew over the area after learning of the sensational body count achieved by his men, did not check on the figure. Asked what he had done during the second ride with Henderson over My Lai 4, Luper responded, "I assume I rode in a helicopter, sir. I must have looked out some, but I'm telling you that I don't recall anything, sir."

At nine-thirty-five, General Koster landed at Dottie and was met by Colonel Henderson. According to Henderson, Koster "asked me how the operation was going, and I gave him the result as I knew it at that time." Henderson's testimony continued, "I did tell him, or he asked me, about any civilian casualties, and I do recall telling that, 'Yes, I had observed six to eight,' but I had no other report from Colonel Barker as to civilians killed, but I had observed these." In an earlier version of that statement, Henderson testified that he had told Koster that some of the civilians appeared to be victims of artillery fire, but he made no mention of gunfire. Koster's memory was consistently foggy throughout his interrogations by the Peers commission. He repeatedly denied any recollection of specific conversations. When Koster was told, for example, that Colonel Henderson had suggested that the General initiated the questions about civilian casualties, and was asked why, he said, "Nothing other than this was a populated area and I would have had concern, because, assuming I had been flying over the area of operations and had just seen a lot of civilians moving along the road." He could not recall if he was over the area that morning, he said, but "assumed" he had been. The two officers agreed that Koster had ordered Henderson to find out how many civilians were killed during the operation.

Henderson then took off for another tour of the My Lai 4 area, again accompanied by his staff. He told the Peers commission that he had radioed Barker and passed along Koster's demand that civilian casualties be tabulated. Henderson further testified that it was on this trip that he finally had noticed some burning buildings, and had again radioed Barker, "to ask him why those buildings were burning." Henderson continued, "To the best of my recollection, he told me that the ARVN [Army of the Republic of Vietnam] or—not the ARVN, the National Police or the company interpreter . . . that was with the companies were setting them afire. And I told him to stop it." At that point, there were no National Police—South Vietnamese paramilitary police units—on the mission.

Captain Medina testified, however, that he had never received any orders regarding the burning, which continued for some time after the shooting ended. Medina did acknowledge that Major Calhoun, as a result of Warrant Officer Thompson's complaints about the shooting of civilians, had radioed him, "Make sure that . . . innocent civilians were not being killed. I notified all the platoon leaders . . . to . . . put the word out to their people, that if there were any innocent civilians, or any women and children who were not armed, make sure they did not shoot them." (A similar warning was given to Captain Michles.) Calhoun's warning was broadcast on the frequency assigned to Charlie Company and not on the task-force frequency, thus eliminating its chances of being monitored at higher headquarters. At this point, Medina testified that he had seen "somewhere between twenty to twenty-eight" dead civilians in My Lai 4, but he claimed nonetheless that Thompson's complaints were based solely on his killing of a woman in a paddy field outside the hamlet. (Lieutenant Alaux, who was at Medina's side throughout the operation, told the Peers commission, however, that he had observed sixty to seventy bodies in the hamlet.) Medina said that he had shot the woman, with Thompson's helicopter overhead, after she made a threatening gesture.

Around eleven that morning, the men of Charlie Company were preparing to have lunch, and Specialist Fifth Class Roberts, of the brigade public-information office, who had landed with Charlie Company and had witnessed the murder of women and children, thought that it was time for him to check in with Bravo Company, near My Lai 1. "I guess I was looking for a story of American heroics in combat," Roberts told the Peers commission. "Maybe I could go somewhere else and see what was going on."

Warrant Officer Thompson returned to the improved helicopter base at Dottie before noon. He and his two crewmen were enraged and frustrated. Their last mission had been to fly a wounded Vietnamese boy to a civilian hospital in the city of Quang Ngai; they had spotted the youth—still alive—amid the bodies in the huge ditch at My Lai 4. Thompson had landed his helicopter near the ditch—the third time he had been on the ground that morning—and his crewmen had rescued the boy. His clothes bloody, Thompson walked into the operations van to describe the scene to Major Watke, the commander of the 123rd Aviation Battalion's aero-scout company. A few other pilots went with him. Specialist Fifth Class Kubert later told the Peers commission that he had listened closely. "They were white, their faces were drawn . . ." he testified. "They were very tense, very angry. . . . The whole feeling—it wasn't just one man, it was three or four saying the same thing, the look, the force that they put out—was one of seeing something terrible. And there are men that are used to seeing death."

Watke, according to his later testimony, did not share his pilots' rage. He was left with the impression that perhaps twenty or thirty civilians had been killed—"people that obviously could've been construed, I guess, as not having been hostile," he told the Peers commission. He also testified that he did not recall hearing details from Thompson about a ditch filled with bodies. The fact is that Watke was more immediately concerned with Thompson's having landed at My Lai 4—and having thus interfered with the prerogatives of a ground commander—than with Thompson's story of a massacre. "In my mind, after I had talked with them, I was left with the impression that it was just in their minds," he testified. "Maybe there was a little shooting in the area that wasn't called for. That was the only impression that I went to Colonel Barker on." Watke spent fifteen minutes debating what would happen to him if he reported the massacre story. He finally decided to go to Barker.

Watke went to the nearby task-force operations center at Dottie and reported the incident to Barker, stressing not the murders but the confrontation between his helicopters pilots and the ground troops. By then, Barker had received the reports of indiscriminate shooting from the radios, and had flown over My Lai 4 to have a look. Recalling Barker's first reaction, Watke testified, "Colonel Barker didn't get indignant when I brought it to his attention. His first action was to call out and, as best as I can recall, Major Calhoun was airborne, and he told Major Calhoun, in effect, to look into this." Major Calhoun testified that after receiving Barker's request he had checked with Captain Medina and told him "to make sure that there was no unnecessary killing of civilians and no unnecessary burning." By that time, of course, the warning was far too late. The Major also said that he had flown over Bravo Company's operational area at roughly the same time to check with the company. Not long after, Lieutenant Thomas Willingham, the leader of the company's first platoon, ordered his men to cover the slaughtered civilians at My Khe 4 with straw.

By noon, it was clear to most of the men on duty at the 11th Brigade operations center—as it had been for some time at task-force headquarters—that something was seriously wrong at My Lai 4. "Nobody was proud of the body count," John Waldeck, a former intelligence clerk, told me in an interview. "The officers seemed to kind of restrain themselves." Waldeck clearly remembered hearing radio reports from Thompson on the morning of March 16th. "They came in for only a few moments," he said. "I remember him saying that civilians were running all over and they [the men of Charlie Company] were zapping them." Roy D. Kirkpatrick, the operations sergeant for the brigade, told the Peers commission he had heard Thompson say that Charlie Company was shooting civilians. The Sergeant, a career Army man, indicated that he wasn't much upset by the report. "We called back to Colonel Barker . . . and asked him what was going on," he said. "The indication that I took from my position in the T.O.C. [tactical-operations center] would have been to not give credit to this, because the people that we were combatting were dressed as civilians."

The brigade staff spent much of the day on the telephone to the task-force operations center, urging Major Calhoun and the other men on duty there to pursue the enemy and capture more weapons. Everyone was aware of what was happening in the field, Waldeck said. "We weren't taking any weapons and had no casualties," he told me. "And there were no calls for help, medevacs, or gunships—none of that." At one point, he said, Lieutenant Colonel Richard K. Blackledge, the brigade intelligence officer, had come into the operations center and expressed concern. Yet Blackledge, when he testified before the Peers commission, said, "The only thing I was really aware of was how many casualties we had taken that day. It was quite light and I just attributed this to the fact that we had caught them with their pants down . . . it appeared to be the case, because we never had this kind of figure in such a short time."

Colonel Henderson, in a written statement he gave to the Peers commission, said that he had discussed the operations at least twice with Colonel Barker during the early afternoon. He added, "I received a report from him that a total of some one hundred and twenty-eight enemy and twenty-four civilians had been killed in the operation. He was still attempting to secure additional information regarding the manner in which the civilians had been killed." Specialist Fifth Class Jay Roberts, of the brigade's public-information office, also saw Barker that afternoon. Roberts returned to Landing Zone Dottie disturbed about what he had seen and unsure about what to write. The truth, he knew, would probably never leave the brigade public-information office. Roberts told the Peers commission that he had interviewed Barker about the mission at the task-force operations center a few hours after returning from the mission. "I asked him for a statement, 'Give me a quote on your opinion of the operation,' things like that, and he said something to the effect that it had been highly successful, that we had two entire companies on the ground in less than an hour and they had moved swiftly with complete surprise to the V.C. in the area. . . . And I asked him, of course . . . about the high body count and the low number of weapons, and he just indicated to me that—you know—that I would do a good job writing the story, and said: 'Don't worry about it.' . . . He did . . . indicate to me that he didn't feel that it was necessary for him to comment on it. It wasn't part of my story, particularly, anyhow, and I would do a fine job with the information that I had." Roberts' story, which was rewritten by Army public-information offices along the chain of command, was the basis of that day's news about a "victory." In addition to starting a chain of events that led to the distortion in news reports of what happened that day, Colonel Barker had taken three other steps that, in effect, obscured the truth about My Lai 4: he had indicated to his artillery liaison officer, Captain Vazquez, that the report of sixty-nine Vietcong deaths resulting from artillery fire should be accepted without question; he had assured Major Watke that Warrant Officer Thompson's report of the killing of civilians was unfounded; and going over Colonel Henderson's head, he had urged General Koster to countermand an order from Henderson that would have sent Captain Medina and Charlie Company back into My Lai 4 to examine the destruction there.

That afternoon, when the pilots from the 123rd Aviation Battalion had completed their assignment at Landing Zone Dottie, they flew back to their home base, at Chu Lai. Captain Gerald S. Walker, a section leader with the aero-scout company, met the men at the flight line. Some of the pilots jumped off their aircraft and threw their helmets to the ground. "They all seemed quite upset," Walker told the Peers commission. "In fact, some of them seemed disgusted." Thompson was still complaining about what he had seen as he walked to the operations room to prepare his reports on the action. Major Watke, who had already been told by Barker that Thompson's story could not be substantiated, was also in the operations room. Walker recalled that Watke "tried to quiet some of the people down to try to keep it within our own group."

At three-fifty-five in the afternoon of March 16th, this entry was filed in the official Task Force Barker log: "Company B reports that none of V.C. body count reported by his unit were women and children. Company C reports that approximately 10 to 11 women and children were killed either by arty or gunships. These were not included in the body count." The log noted that the information had been forwarded to the 11th Brigade, but the information did not appear in either the brigade or the division log for the day. Neither Major Calhoun nor Colonel Henderson could explain the entry to the Peers commission. After a series of sharp questions about the entry, Major Calhoun, on the advice of his counsel, decided to exercise his legal right to stop testifying.

In the evening of March 16th, the briefing officers of the Americal Division at Chu Lai reported a total Vietcong body count of a hundred and thirty-eight for the division, all but ten of the deaths having occurred as a result of the Task Force Barker operation. Lieutenant Colonel Francis R. Lewis, the division chaplain, was one of about fifty officers who attended the briefing that night. "We were told a hundred and twenty-eight V.C. were killed in the incident," Chaplain Lewis told the Peers commission. "And I heard . . . the G–5 . . . say, 'Ha ha, they were all women and children.' . . . Somebody else said, 'Geez, there were only three weapons.' . . . I think there was a general feeling that this was a bad show, that something should be investigated." There was no official mention of civilian caualties.

General Koster and General Young, the assistant division commander, left the briefing together, and they discussed the disparity between the number of people killed and the number of weapons captured. Captain Daniel A. Roberts, Koster's aide, was walking a few feet behind the men. "General Koster made some—there must have been some comment made by General Koster about the disparity," Roberts told the Peers commission, "and General Young was very annoyed. General Young said he was going to find out, he was going to continue to research the problem and determine what caused this disparity. It was my impression at the time that the 11th Brigade had lied about their body count—that the weapons were correct but the body count was inflated." Roberts said that the incident had taken place "during the period in which there was a great deal of concern over inflated body counts," and added, "We'd had many people come down investigating this thing."

At least three attempts were made that evening to bring some of the truth about My Lai 4 to the attention of higher authorities. Former Captain Barry C. Lloyd, a section leader with the 123rd Aviation Battalion, underlined some of the words in Warrant Officer Thompson's report and wrote the word "NOTICE" in capital letters beneath a statement about civilians' being killed at My Lai 4. Such reports, Lloyd testified, were filed after every mission with the battalion intelligence office. He hoped that his small action would make some of the senior officers in the battalion begin asking questions. Kubert, the acting operations sergeant for the areo-scout company, also filed a report. "I wrote that there was approximately one hundred to one hundred and fifty women and children killed," Kubert told the Peers commission. "And that was about it as far as our action was concerned." Copies of his report were sent to the aviation headquarters of the Americal Division and also to the division intelligence office. The Peers investigators were unable to find either of the reports or any officer at division headquarters who had any knowledge of them.

Major Watke spent much of the evening in his office at Chu Lai brooding over the discrepancies between what he had learned from his men and what he had been told by Colonel Barker. Around ten, Watke decided to take his story to his immediate superior in the chain of command, Lieutenant Colonel John L. Holladay, the commander of the 123rd Battalion. Much of his worry was over his own future, Watke told the Peers commission. He said, "I still didn't at the time put all that much significance in the allegation . . . but I told him because I didn't want someone to come back and surprise him [by saying] that I was out charging people and creating incidents which weren't founded and he wouldn't be able to at least halfway come to my defense." Watke's greatest concern was over the possible ramifications of Thompson's interference with the commander on the ground at My Lai 4. He told Holladay about Thompson's reasons for making the unusual landings on the ground, but he apparently wasn't convinced himself that the pilot's actions had been justified. Holladay warned him, Watke recalled, that "my charge was quite something and if it proved to be false . . . that I would just basically be ruined." But Holladay was more concerned about the reports of indiscriminate killings than about the possible violations of procedure by Thompson. He had sat through the evening briefing at Division, and perhaps he, too, had been wondering about the high body count and the small number of captured weapons reported by Task Force Barker. "At the conclusion of my little story . . . he [Holladay] asked me if I realized what I was doing, and he told me I had better make sure if I was to stand on it," Watke testified. "I thought about it for a while and I said, 'Yes, I stand on what I said.' " There was no question in Holladay's mind after Watke's visit but that a great many civilians had been murdered—perhaps as many as a hundred and twenty. Holladay told the Peers commission that he had considered waking up his immediate superior, General Young, that night to relay Watke's account but decided to wait until the next morning. He ordered Watke to meet him sometime after seven o'clock.

Sometime during the evening of the sixteenth, Colonel Henderson telephoned General Koster at his headquarters to report that at least twenty civilians had been inadvertently killed at My Lai 4—something that Koster already knew from Captain Medina. Henderson's information, however, came from Barker, who had been told to prepare a three-by-five index card for him detailing how each of the twenty victims was killed. Barker's list would claim that the deaths were caused either by artillery or by helicopter-gunship fire. Henderson's report should not have surprised Koster, yet the Colonel recalled that the commanding general "evidenced considerable surprise and shock at the number." He continued, "General Koster was very unhappy, as was I, over this abnormally high number of civilians having been reportedly killed. But there were no further instructions from the General."

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A Reporter at Large—Coverup II

Shortly before 8 a.m. on Sunday, March 17, 1968, two American military commanders walked into the headquarters of the Americal Division, at Chu Lai, South Vietnam, to report one of the most shocking events of the entire Vietnamese war—the massacre by American forces of scores of Vietnamese civilians the previous day at a hamlet known as My Lai 4. Both officers—Lieutenant Colonel John L. Holladay, the commander of the 123rd Aviation Battalion, and Major Frederic W. Watke, the commanding officer of Company B of the 123rd Aviation Battalion, which was attached to the Americal—were nervous, for in addition to reporting what appeared to be a major war crime they had to tell their superiors about a serious confrontation between two American officers at My Lai 4. The confrontation occurred when a chief warrant officer in the 123rd, Hugh C. Thompson, Jr., of Atlanta, who had been piloting a helicopter during the assault on My Lai 4, landed the craft in order to rescue some of the Vietnamese civilians who had become the focus of the American attack. Thompson was met by Lieutenant William L. Calley, Jr., who was a platoon leader in Charlie Company, one of three infantry companies that made up a unit called Task Force Barker. (The task force itself was part of the 11th Light Infantry Brigade, one of three brigades in the Americal Division.) Calley bitterly protested Thompson's interference, and Thompson, for his part, ordered the two machine gunners in his helicopter to train their weapons on the Lieutenant while the civilians were being taken on board. At about the time this confrontation was taking place, Bravo Company, another of the infantry companies in Task Force Barker, was carrying out an assault on the hamlet of My Khe 4, a mile and a half to the southeast. When the day's operation was over, the two hamlets had been virtually razed and an officially estimated total of nearly four hundred Vietnamese civilians had been killed, most of them in My Lai 4. By the time the news of the task-force operation reached the American public, the next day, what was actually a large-scale atrocity had been officially transformed into a significant American victory over hostile Vietcong.

The true version of what happened in the two hamlets that day began to emerge only a year afterward, when a former G.I. named Ronald L. Ridenhour, of Phoenix, Arizona, who had heard of the masacre while he was serving with the 11th Brigade in Vietnam, wrote a letter to President Nixon, to other top government officials, and to twenty-four members of Congress telling what he knew of the "dark and bloody" assault on My Lai 4. Gradually, as the facts about what had gone on that day came out, the Army realized that it was dealing not only with the matter of serious war crimes but also with that of widespread deceit on the part of American officers, who, for various reasons, presumably including the desire to protect their own careers, had covered up virtually all the details of the masacre. On November 24, 1969, eleven days after publication of the first press accounts of the massacre, the Army announced that it had appointed a commission, headed by Lieutenant General William R. Peers, then serving as Chief of the Office of Reserve Components, to investigate the charges of a cover-up of the atrocity. Peers, fifty-seven, is now assigned as deputy commander of the Eighth United States Army, in South Korea. He had spent more than two years as a commander in Vietnam before his assignment to the My Lai 4 inquiry, serving both as commander of the 4th Infantry Division and as commander of the I Field Force in central and north-central Vietnam. Peers and his colleagues—the commission was officially known as the Department of the Army Review of the Preliminary Investigations into the My Lai Incident—began their work on November 26, 1969, and ended it nearly four months later; they recommended that charges ranging from false swearing to misprision (suppression) of a felony be placed against fourteen officers, including two generals, for their role in covering up the massacre. In all, the Peers commission interviewed four hundred witnesses, most of them at the Pentagon and about fifty of them in South Vietnam.

Two of the men who testified before General Peers were Colonel Holladay and Major Watke. One of the things that Holladay told the Peers commission concerned his meeting, the morning after My Lai 4, with Brigadier General George H. Young, Jr., one of the assistant commanders of the Americal Division, who received both Holladay and Watke when they arrived at the division headquarters to report on what had taken place at My Lai 4. "I went into General Young's office and told him . . . that something had occurred that I felt he should know about right away," Holladay testified. "And he invited us in, that is, Major Watke and me. I turned to Major Watke, as near as I can recollect. I said, 'Go ahead, you tell General Young the same story you told me last night.' . . . He told the same story to General Young on the seventeenth that he told to me on the night of the sixteenth. And here again, the points of that conversation that stick most clearly in my memory are the fact that there was some excessive killing down there that day, the sergeant standing on the ditch, firing an M–16 or M–60 machine gun into the ditch, into a number, a great number, many civilians, and Mr. Thompson threatening to fire upon the advancing Americans . . . Fred told the story with little or no variation . . . and General Young sat there and listened to it very attentively. . . . Again, when the portion of the story unfolded that Mr. Thompson threatened to fire on the Americans, he was visually taken aback by this and showed great concern. . . . He may have said, 'My God,' or some exclamation or revelation to that portion of the story. . . . The only specific words that I remember General Young stating that morning was 'We don't want Americans shooting Americans.' Those were his precise words."

General Young testified that he had come away from the meeting with no knowledge of any murders. "I gained the impression, General Peers, that the civilians were in a cross fire between the friendly forces and the enemy forces," Young said. "That, in an effort to save the civilians and to insure that they were not injured, the pilot landed. . . . I would say, to the best of my knowledge, there was no mention made of any noncombatant casualties. I cannot recall being informed of any noncombatant casualties." Young said that the only confrontation he was told about involved Thompson and the ground troops.

At lunchtime on March 17th, when Major General Samuel W. Koster, the Americal Division commander, returned to his headquarters at Chu Lai from a routine inspection flight, Young took him aside to relay the report from Holladay and Watke. Koster testified that Young had explained the helicopter incident in the following manner: "The pilot had wanted to bring in some ships for evacuation of personnel, and I guess the ground commander at the time hadn't thought this was the time or the use of gunships for that mission." He said he had not been told about the murders at My Lai 4, nor had he been told that Thompson had trained his machine guns on fellow-Americans in order to evacuate Vietnamese civilians. (Yet in an earlier statement, given to the Army's Criminal Investigation Division, Koster acknowledged that he had been told by Young during the meeting that there had been some "indiscriminate shooting of Vietnamese civilians.") After hearing Young's report, Koster said, he ordered him to "find out what went on down there; interrogate the people involved and the leaders concerned and let's have the facts." Shortly after his meeting with Young, General Koster either telephoned or personally visited Lieutenant Colonel Frank A. Barker, Jr., the commander of Task Force Barker, and asked him about the conduct of his troops. "I received no indication from him that there had been unusual firing or incidents," Koster testified.

The Peers commission posted this inevitable question to Young and—indirectly—to Koster: If the only reports presented to them concerned some civilians inadvertently killed by cross fire or by overzealous infantrymen and a pilot who became involved in a dispute while attempting—perhaps recklessly—to rescue some civilians, what had there been to investigate? What, in other words, were "the facts" that Koster wanted Young to get at? None of those incidents were specific violations of any Army regulations or of international law.

Early that Sunday morning, Chief Warrant Officer Thompson, still angry over the massacre and his confrontation with Calley, visited Father Carl E. Creswell, the Episcopal chaplain at Chu Lai, and told his story again. He came in and "sat down very upset," Father Creswell told the Peers commission. Creswell particularly recalled Thompson's angry denunciation of a "sawed-off runt of a lieutenant" who had challenged him on the ground at My Lai 4. "He . . . wanted to know what to do from that point on," Creswell said. "It was my suggestion that he lodge an official protest in command channels and I'd do the same thing through chaplain channels." Creswell immediately went to see Lieutenant Colonel Francis R. Lewis, the Americal Division chaplain, who was his immediate superior in the chain of command. "I told him about these allegations that had been made," Creswell related. "And that I had an awful lot of confidence in Mr. Thompson and that I would—well, I'll be perfectly honest. I said that if there was not going to be an examination into these charges, I was going to resign my commission. . . ." Lewis planned to forward the complaint immediately to General Koster or his key assistants, through Lieutenant Colonel Jesmond D. Balmer, Jr., the operations officer for the Americal Division. Balmer was on leave at the time, however, so Lewis decided to wait until Balmer returned.

At Americal Division headquarters, Colonel Holladay decided to tell the division's chief of staff, Colonel Nels A. Parson, Jr., about the report he and Major Watke had made to General Young. Holladay testified that he went to Parson's office and "told him the story as Fred [Watke] had told it to me," and he continued, "I can recall Colonel Parson using the term 'That's murder,' and I can recall him saying, 'We're trying to win these people over and we do things like this.' . . . He was visibly and forcibly shaken up about this story."

That afternoon, General Young began the investigation that Koster had ordered by flying to Landing Zone Dottie, the headquarters for Task Force Barker. By the time General Young arrived there, much of the area to the east was shrouded in heavy smoke. Both Charlie Company and Bravo Company were continuing their search-and-destroy mission in Son My that day, burning at least six hamlets along the South China Sea coast near My Lai 1 and inland. The Peers commission investigated the weather conditions for March 17th and learned that, according to an official weather report, skies were fair, with some scattered clouds at four thousand feet: visibility was seven miles. Young acknowledged to the commission that he had probably flown over the operational area that afternoon, but he hedged when he was asked if he had seen the fires. "I possibly did see some, sir," he said. "As I said before, I don't recall it." General Young's aide at the time, Lieutenant Donald T. White, had a much clearer recollection of the area. "I remember one time there was a big operation along here, especially, because I remember there was a lot of smoke flying over the area," he told the Peers commission. "A lot of villages were burned." Specialist Fourth Class Henry E. Riddle was a door gunner aboard General Young's helicopter that day. He testified that at some point as they were flying along the South China Sea coast near Son My one of the pilots shouted, "My God, look at the fires!" Riddle continued, "I sat on the same side as the General. . . . There was a lot of smoke so I just took it . . . that it was hootches [huts] and so on burning."

At Landing Zone Dottie, Major Charles C. Calhoun, operations officer for Task Force Barker, gave Young an extensive briefing on the operation. The Major testified later that he had told the General "that sixty-nine were killed by artillery fire and that I thought that possibly some of those were civilians that had been killed by the artillery fire." Young asked him no direct questions, Calhoun testified, although the General "said something about that they were aware of some incident." The talk of artillery killings must have surprised the General; there had been no mention of artillery at the division briefing the night before.

Sometime after his briefing at the task-force headquarters, General Young ordered Colonel Oran K. Henderson, commanding officer of the 11th Brigade, Major Watke, Colonel Barker, and Colonel Holladay to attend a meeting with him there the next morning. Whatever he had heard or seen that afternoon apparently troubled him. Lieutenant Colonel Tommy P. Trexler, the Americal Division intelligence chief, recalled that sometime that day—or perhaps early the next day, the eighteenth—while he was flying in a helicopter with General Young, they began a private discussion on the intercom. Young was unhappy about the task force, Trexler told the Peers commission. "The main thing that stands out was [Young's] concern . . . that the people had gone beyond what he conceived was proper conduct," Trexler testified. "Units had indiscriminately burned villages and burned hootches."

In any case, by late evening of the seventeenth all the signs of a serious atrocity were present—one that might force an official investigation and, perhaps, widely publicized courts-martial, which could ruin the careers of many high officers. Over the next few weeks, the growing evidence that a massacre had taken place at My Lai 4 was either disregarded or covered up.

At nine on Monday morning, March 18th, Colonel Henderson, Colonel Barker, Colonel Holladay, and Major Watke arrived at Landing Zone Dottie for the meeting called by General Young. The five men moved, at Young's suggestion, into Barker's personal living quarters—a small house trailer a few dozen yards from the task force operations center. Young sat on Barker's bed; the junior officers stood. Colonel Holladay later told the Peers commission, "General Young opened up the meeting . . . by saying . . . 'We are the only five that know about this.'" Holladay asked Watke to retell his story for the third time. The only person in the room who hadn't yet heard Watke's account at first hand was Henderson. Holladay and Watke agreed, in their testimony before the Peers commission, that the Major gave the same account he had given previously of the My Lai 4 confrontation between Warrant Officer Thompson and the ground troops and of the wanton shooting of civilians. Holladay recalled that Henderson did not seem surprised or shocked by Watke's tale, and he testified that when Watke had finished Young said again, "We don't want Americans shooting Americans," and told Colonel Henderson. "I want you to investigate this and have it to me . . ." Holladay's impression was that Colonel Henderson had been given 72 hours to complete his inquiry, and, he said, he left the meeting convinced that Henderson had been ordered to investigate the confrontation between Thompson and Lieutenant Calley and the indiscriminate killings, although no specific directives had been given. Watke recalled that Henderson, after hearing the account, suggested that Barker be assigned to investigate it, but was told by Young, "No, I want you to look into this and render a report."

Colonel Henderson told the Peers commission, however, that he had left the meeting convinced that the Thompson confrontation was to be the crux of his investigation. "The primary point that we were talking about, or the initial point, at least, was the confrontation between United States troops, between Warrant Officer Thompson and the troops on the ground," Henderson said. He denied hearing any information at the meeting about American G.I.'s shooting indiscriminatory in My Lai 4, except for the alleged shooting of a woman by Captain Ernest L. Medina, the commander of Charlie Company He also insisted that he had not been ordered to compile a formal investigation but had been told by Young only to "look into this matter" and to report his findings.

General Young had yet a different recollection of the meeting. He testified that he had spent only a few moments in Barker's trailer, during which he had relayed a request from General Koster that the incident be investigated quickly. Young emphatically denied a statement—made only by Colonel Henderson—that he had criticized Thompson at length for his actions at My Lai 4. "I admired the Warrant Officer for the action he took, and the fact that he did what he did," Young told the Peers commission. He added that during the meeting he had asked Barker what he knew about Thompson's accusations regarding indiscriminate firing. The task-force commander "acted quite surprised and gave every assurance that there had not been any casualties resulting from his troops," Young said. "He had indicated that he had received this report, but he . . . did not actually believe what had been reported." Young maintained, despite the briefing by Major Calhoun at Landing Zone Dottie the day before, that he had not been told at any time that "there had been civilian casualties resulting from either ground troops' engagement or helicopter engagement." Still, he said he thought the investigation that Henderson had been ordered to undertake would deal basically with the charge that civilians had been inadvertently caught in the cross fire at My Lai 4.

The conflicts over who said what and when were inevitable, given the fact that men's careers and reputations were at stake. But if Young had not learned from Watke at either of his meetings with him that there had been needless killing of civilians, the question remains: What did he ask Colonel Henderson to investigate? Shooting civilians accidentally in the heat of battle is not a war crime. At any time, too, Young could still have ordered one of the units in the Americal Division to inspect the area, and thus find out for himself—instead of relying on comments from those who had the most to lose—what had happened. Ronald Ridenhour and his 11th Brigade helicopter crew did inadvertently fly over the hamlet while they were on patrol a few days after the massacre. Ridenhour was appalled by the complete desolation at My Lai 4. "Not even a bird was singing," he told me later. "There were no people around. No signs of life anywhere."

After the meeting in Barker's trailer, Colonel Henderson, beginning his inquiry, asked Watke to send some of the complaining pilots to him for interviews. The aviators had been pulled off flight duty the day before in anticipation of the Colonel's request. Watke walked to the 123rd's operations van, three hundred yards away, and ordered Warrant Officer Thompson, Warrant Officer Jerry R. Culverhouse, who had been piloting a helicopter in support of Charlie Company, and Specialist Fourth Class Lawrence M. Colburn, one of Thompson's door gunners, to report to Henderson, who was still in Barker's personal quarters. Thompson testified before the Peers commission that he spent from twenty to thirty minutes telling Henderson of the massacre at My Lai 4. "I told him that I had seen the captain [Medina] shoot the Vietnamese girl," Thompson recalled. "I told him about the ditches and the bodies in the ditch. . . . I told him about the sergeant saying the only way he could help them was to shoot them. . . . I told him about what I said to Lieutenant Calley. . . . I told him about how I had gotten the people out of the bunker . . ." Thompson said that he had estimated the number of bodies in the ditch at between seventy-five and a hundred. But Henderson denied being told anything about his troops' having wantonly killed large groups of civilians. He also denied being told of a confrontation between Thompson and Calley. What he did remember, Henderson said, was a report from Thompson that a black sergeant had murdered a civilian after Thompson had marked the position with a smoke signal to indicate that there were wounded civilians in the area. Thompson also repeated the accusation about Medina's shooting of the woman. "He . . . told me that he saw a lot of dead civilians in the area," Henderson related to the Peers commission. "I recall asking him if he knew what were the results of the infantry units he had supported in this operation. And I informed him what the results were, that twenty civilians had been killed and a hundred twenty-eight V.C. And he said no, he did not. I said. "Well, that is a hell of a lot of bodies on the ground.' And he said, 'Well, yes' . . . but that the civilians that he saw on the ground were . . . not V.C. that they were old men, old women, and children."

At this point, Henderson's testimony became hard to credit. Thompson, he claimed, did not mention his dispute with Calley, and therefore, Henderson said, he did not connect the confrontation or the subsequent evacuation of civilians from the area with the reports of indiscriminate shooting. "Although it [the Calley confrontation] happened perhaps the same day or part of the same operation, I did not tie this in with the report I had from Warrant Officer Thompson," Henderson said. "I know I didn't have the full story of what went on up there. I know I didn't have a full story from Warrant Officer Thompson. I know that when he was talking to me he was in tears . . ." By this time, Henderson had made up his mind about Thompson, he told the Peers commission: "It appeared to me that a young warrant officer who was apparently new—I didn't know this, but he appeared to be new and inexperienced; and apparently what was a fierce fire fight going on down below appeared to the warrant officer that it was an act of savagery." (Thompson had actually been with the 123rd since it was formed, in February, and had been flying support missions in Vietnam for two months before that.) Henderson said he had already received the information from Colonel Barker about the "fierce fire fight," and he had been told that the only persons killed by Charlie Company that day were Vietcong and a few civilians.

On the other hand, Henderson was immediately provided with details of the extent of the massacre by Culverhouse and Colburn, who saw him after Thompson did. Warrant Officer Culverhouse, who had seen more than a hundred bodies at My Lai 4, testified that Henderson seemed most interested in determining whether a black sergeant had been firing into a ditch. "He asked me how I could say that it was a colored soldier and that he was an N.C.O.," Culverhouse said. "I told him that we were making very low passes over the village and not really all that fast. . . . I told him that there was no doubt in my mind that the individual was colored [and] . . . that I could definitely see chevrons above his rolled-up sleeves." Culverhouse said he had described the bloody ditches full of dead Vietnamese in some detail for Henderson. Specialist Fourth Class Colburn, Thompson's door gunner, similarly recalled telling the Colonel about the ditch, and said he had estimated the number of bodies at from sixty to seventy. He also described Thompson's landing and his evacuation of the civilians. Henderson, however, repeatedly denied any recollection of the two men and his talks with them, although the Peers commission established that the interviews had taken place, in Barker's trailer, shortly after the morning meeting on March 18th.

After lunch, Colonel Henderson flew out to see Captain Medina, taking along Lieutenant Colonel Richard K. Blackledge, the brigade's intelligence officer. Charlie Company had completed its mission by noon that day, and was waiting for helicopters to airlift the men back to their quarters, at Landing Zone Dottie. Henderson landed near a potato field, and moved a few dozen yards away with Medina and some staff members. The men talked while flattened on the ground as a precaution against enemy snipers. "I told him [Medina] I had a very serious report from a pilot who was flying over the operation on the sixteenth," Henderson told the Peers commission. "There had been possibly indiscriminate killing of civilians, and specifically a captain had been identified shooting a woman. And I remember saying, 'Dammit, Ernie, I want the truth from this, was that you?'" According to Henderson, Medina's initial response dealt with the killing of the woman seen by Thompson, and "it was almost step for step what the Warrant Officer [Thompson] had relayed to me, the only difference being the hand movement that Medina had seen out of the corner of his eye as he was moving away from the wounded woman, who he had earlier assumed [was] dead." Henderson continued, "I then asked him about any killing of civilians that his troops could be involved in that he couldn't have seen. He said he had had no such report from his platoon leaders, and he was certain he would have if it had happened. . . . I asked Captain Medina how he determined the number [of civilians] killed and he said they were reported by his platoon leaders as they came upon these bodies while moving through the area. And I asked him if all of them had been killed by artillery and by gunships and he said "yes." Any other answer to that question would have contradicted the reports that had already been forwarded to higher headquarters.

After his visit to Medina, Henderson returned to Landing Zone Dottie to wait for the return of Charlie Company. The Colonel told the Peers commission that when the first group of G.I.s climbed out of the helicopter, he continued his investigation. "I walked up to them and grabbed the first N.C.O., whom I do not know, but told him, 'Just hold these people here, I'd like to talk to them for a moment.' . . . I started talking to this group of individuals—thirty to forty individuals. . . . So I told them . . . they had done a damn fine job and that I was their new brigade commander and appreciated the fine job they had done for the brigade I also told them that I had heard a report that we had injured and killed some noncombatants; that this was an unsubstantiated report; that, if true, it would certainly discolor the fine record that they had. I spoke along this vein for a few moments . . . and then I asked them in a group, 'Does anybody here, does any individual, any of you observe any acts against noncombatants, any wild shooting? Did any of you, or do you have knowledge of anybody killing any civilians during this operation?' And I got silence. I then pointed to three or four individuals and I don't think they had name tags on, but I identified the man and I believe said, 'How about you?' . . . I got back from the first individual a loud response, 'No, sir.' And I pointed to three or four individuals and in each case I got back a loud and clear 'No, sir.' The men had their heads high. There was nobody trying to ignore my eyes. I looked at every individual there. They seemed to be in good spirits. They didn't appear to me to be a bunch of soldiers who had just gone out and shot up the countryside and killed a bunch of women and children."

Obviously, no G.I. would admit to mass murder under those conditions; in interviews with me in late 1969 and early 1970, many of the Charlie Company men belittled Colonel Henderson's efforts on March 18th. And, contrary to Henderson's recollection, many soldiers described the meeting as an occasion of foot-shuffling and head-averting. "Some colonel came up and asked me if there was anything unusual going on in the village," said Isaiah Cowen, a sergeant in Calley's platoon. "I said, 'No comment,' and he passed on." Jay A. Buchanon, a second-platoon sergeant, had a recollection of Henderson's remarks that was strikingly different from Henderson's own recollection. "Well, he [Henderson] said, 'You're back off this operation,'" he told the Peers commission. "'Do you think the V.C. will be happy with this operation?' And he said, 'Do you think it will leave the impression that when they see the American soldier they will say, "Here comes my buddy, he is here to help me."' And he looked at me and said, 'What do you think, Sergeant?' I said, 'I have no comment, sir.' . . . I didn't say anything else. . . . He said, 'We're here to protect the people from the evils of Communism,' and he said, 'I want that known,' or something like that. He didn't ask any further questions from me."

By late afternoon, Henderson's investigation had run from a battlefield captain down through a number of enlisted men, with a common denominator that the investigations would continue to have for the next two months: every denial was accepted at face value.

On Tuesday, March 19th, Colonel Henderson gave General Young an oral report of his investigation of what had happened at My Lai 4. The Colonel assured Young that Thompson's report of indiscriminate killing was incorrect. "I believe I told General Young that the only way that I could rationalize or understand what he [Thompson] had reported to have seen as opposed to what my troops and what other people had told me had occurred may have been as a result of his recent assignment," Henderson related to the Peers commission. "And I was under the impression that he had not been with the 123rd very long."

On the next day, Henderson told the Peers commission, he went to Chu Lai to pass along the results of his invstigation to General Koster. He began his presentation by showing Koster a three-by-five-inch filing card, prepared by Colonel Barker, that purported to list the circumstances surrounding each of the twenty alleged civilian casualties, together with the victim's sex and approximate age. Barker had given Henderson the card on the morning of the seventeenth, Henderson testified. (Medina had told Henderson two days earlier that twenty to twenty-eight civilians had been inadvertently slain at My Lai 4. Henderson told the Peers commission that he cleared up the discrepancy by asking Barker about it: ". . . when I questioned Colonel Barker [about] this, he informed me that they had added, that Medina had added, the six to eight that I had observed, [while overflying the hamlet] which were being counted twice and that in reality it was twenty.") Koster expressed annoyance. "I can't recall his exact words," Henderson told the Peers commission. He added that the General had said something like "Damn it! This is just thoroughly unacceptable, and we've got to provide in our plans so this doesn't happen anymore." Henderson continued, "I went into what Thompson reported to me . . . I did report to him that the machine-gun confrontation problem had apparently been whipped or put to bed, that the rapport between Major Watke and Colonel Barker was going well. . . . I told him that I had talked to Captain Medina. Captain Medina had been able to satisfy one aspect of this to my satisfaction . . . I told him [Koster] that I had observed personally only the six to eight bodies that I had reported to him previously in the area . . . Warrant Officer Thompson was the only individual that I placed as having observed [an atrocity] in that area." At this point, Henderson testified, Koster said that he had heard about the Thompson confrontation from General Young and "that he would discuss this with General Young further." Henderson continued, ". . . and he indicated to me, in sort of a disinterested way . . . that he didn't believe it was that important to find out how these twenty may have been killed. I did not open the issue that there might have been more than twenty within the area." That was the last word he heard about My Lai 4 for two weeks, he said.

Later, General Koster and General Young each claimed that the other had had the major responsibility for dealing with the results of Henderson's investigation. Young acknowledged that he had had many discussions with Henderson in late March and early April, but only to determine the status of the report he thought Henderson was preparing at the order of General Koster. His role, he indicated, was that of a liaison man between Henderson and Koster. "I never got the impression that I was to supervise the conduct of the investigation," Young told the Peers commission, ". . . and I did not get the interpretation that I was involved as deeply as Colonel Henderson or General Koster was." He testified that he did not specifically recall receiving Henderson's oral report on March 19th, nor did he recall suggesting that Henderson bring his findings to the attention of Koster.

Koster's recollection diverged sharply from General Young's. In his eyes, Young was responsible for overseeing the investigation, and he, as commanding general, was totally reliant on his assistant's reports. Koster, though his testimony was vague, claimed that the first report on the My Lai 4 incident came not from Henderson on March 20th but from Young, who said that Colonel Henderson had found some discrepancies in Thompson's story. He said that he then told General Young to follow through with the investigation. At no time, Koster said, was there any hint that many more than twenty civilians had been killed. In any case, neither General Koster nor General Young made any attempt to investigate any aspect of the charges personally but, instead, permitted Colonel Henderson to conduct an inquiry within his own unit. Nor did either of them offer Henderson any staff help for the study, although the new brigade commander was known to be woefully short of headquarters personnel.

In testmony before the Peers commission, Colonel Henderson recalled that in early April Young asked him to put his oral report—the one presented March 20th—in writing. General Young, he said, approached him ten days or two weeks after receiving the oral report and "advised me that General Koster wanted my report in writing." He went on, "I recall very vividly asking General Young, 'Has there been some new development or is there something I do not know about?' He stated, 'No, there is nothing new developing. General Koster wants it for the record.' " Henderson then wrote his report and delivered it to General Koster's headquarters.

Henderson, Young, and Koster again disagreed about what happened at this point. Neither Koster nor Young recalled either seeing the written report or telling Henderson to prepare it. Young, however, did remember "seeing Colonel Henderson in General Koster's office several days after I had been told he had made his oral report and he had a paper with him . . ." Koster recalled receiving a report in writing, but not until May. The Peers commission spent many hours trying to establish the timing and the contents of the early-April report—not because of its intrinsic value but because the investigators were operating in the dark. The reports and documents dealing with My Lai 4 and its aftermath, including investigations and after-action summaries, and copies of such reports, should have been on file at brigade and division headquarters, but all but two of them had vanished.

In the weeks immediately after My Lai 4, Charlie Company virtually collapsed. "I think after a while everybody was pretty well ashamed of it, you know, because so many what they term 'innocent people' were killed," former Specialist Fourth Class Frank D. Beardslee, who served as a driver for Colonial Barker, told the Peers commission. By mid-April, Task Force Barker had been routinely disbanded, Lieutenant Calley had been relieved as leader of the first platoon of Charlie Company, and Captain Medina was getting ready to take over a brigade staff job. Major Harry P. Kissinger III, the assistant chaplain of the 11th Brigade, spent a few days near Charlie Company shortly after the Son My operation. Kissinger explained to the Peers commission that, knowing how highly company commanders value a large body count, "I said congratulations" to Medina for the hundred twenty-eight Vietcong that his men had helped kill. "I proceeded to ask about it, but I didn't get too much response," he said. "I can't remember any details of what he told me except a little nod, and, 'Yes, it was so,' or something like that. . . . I did not receive the impression that he was proud. . . . I proceeded to ask someone about it and didn't get too much of an answer. I just felt that he didn't want to talk about it and left it hang, didn't say any more." As an afterthought, the chaplain noted that he had stayed overnight in the field with the men, even going on a patrol. "Nothing was ever said to me by any of the men," Kissinger said. "I talked to a number of them there, and you'd think that someone would say something to the chaplain if there was anyone's conscience bothering them."

Yet within ten days one G.I. told Captain Maurice E. Vorhies, then serving in the provost marshal's office at Americal Division headquarters, about My Lai 4. Vorhies quickly learned that the story of My Lai 4 had already spread throughout the division; he also learned that no one intended to do anything about it. Captain Vorhies began asking questions at the 11th Brigade headquarters, in Duc Pho, and found that Charlie Company's high body count and low weapons report were "almost a joke." Later, he wrote in a private letter that was made available to me, he discussed the incident with an agent of the Army's Criminal Investigation Division. "He told me that he had heard rumors of the incident on 16 March and other incidents involving C Co . . . He informed me that he intended to investigate the matters. However, when I next spoke with him sometimes later, he told me that he had been told by someone to 'forget about it.' To the best of my knowledge he did not actually conduct an investigation." After that, Vorhies discussed the accusation with some officers around Chu Lai but the discussion gradually drifted into other matters. "Quite frankly, it was not that extraordinary," he wrote. "This was neither the first nor the last story I was to hear of alleged atrocities. It was unusual only by its magnitude."

Some details of the massacre at My Lai 4 quickly became known throughout the 11th Brigade and the Americal Division. Some of the G.I.s who did not participate in or witness the massacre enjoyed gossiping about it. Lieutenant Colonel Charles Anistranski, the Americal Division's pacification-and-civil affairs officer, told the Peers commission, "There was a lot of talk . . . near the end of March. . . . G.Is were talking in the mess halls. . . . When we walked by the division headquarters, by the chapel . . . we could hear people talking about it. But it was all done very jokingly: "Hey, did ya hear about this? Hey, did ya hear about that?' " On a few occasions, the officer said, he also heard Lieutenant Calley and a sergeant mentioned around headquarters. "Surprisingly, none of the commissioned personnel talked about it, none of the general-staff members, at the mess or at any other place," Anistranski added.

The concern over loose talk and the obvious fear that existed of a career-ruining scandal among most of the senior officers were confirmed by the experiences of Colonel Lewis, the Americal Division chaplain, who attempted during the next few weeks to discuss Father Creswell's report of an atrocity with the top officers in the division. Lewis took up the matter first with Colonel Balmer, the operations officer for the division. "I told Balmer that I had heard some pretty bad things," Colonel Lewis told the Peers commission, ". . . and he said he had, too, and that this was going to be thoroughly investigated." After his first visit to Balmer, Lewis said, he brought up the subject of the investigation with Colonel Parson, the Americal's chief of staff. "I said, 'I wonder what's the situation on My Lai, and I'd like to talk to General Koster about it,' or words to this effect," Lewis testified. "He said, 'Well, it's being investigated and we're not to talk about it.' In other words, he put me off in seeing the General on this." The chaplain had then turned to Colonel Anistranski. Anistranski cautioned him not to talk about it, and so did other officials at headquarters.

For all the seeming lack of information within the Americal Division, details about the murders at My Lai 4 and My Khe 4 reached South Vietnamese government officials in Son Tinh District and Quang Ngai Province in less than three days. The first word came from survivors in both hamlets—sources who were never interrogated by the officers of the 11th Brigade or the Americal Division. Do Dinh Luyen, the government's village chief for Son My, told the Peers commission that he had first heard of the shootings from survivors of My Lai 4 who straggled into the city of Quang Ngai during the afternoon of March 16th. A few days later, he heard that hundreds of people had been killed in My Lai 4 and My Khe 4. "I heard they were killed by artillery, gunships, and small-arms fire during the battle to enter the village . . ." Luyen testified, through a translator. He relayed his information orally to Lieutenant Tran Ngoc Tan, the chief of Son Tinh District, who was his immediate superior.

Reporting American atrocities was no way to get ahead in the Vietnamese Army in 1968, but Tan was in the midst of a long-standing feud with his counterpart, Major David C. Gavin, the senior American adviser in Son Tinh, and he was offended because he had not been informed in advance of Task Force Barker's operation. On March 22nd, six days after the atrocity, the Lieutenant relayed the substance of the village chief's report to his Vietnamese superiors at Quang Ngai Province headquarters. The message claimed that four hundred and eighty civilians had been killed at My Lai 4 and ninety at My Khe 4. "Besides persons killed, animals, property, and houses were ninety per cent destroyed," the report said. It further listed Vietcong casualties at forty-eight killed and fifty-two wounded. This was the first time that any report on My Lai 4—American or Vietnamese—had indicated that Vietcong had been wounded.

On March 28th, Lieutenant Tan received more information in a letter from Do Dinh Luyen. Again Tan forwarded a report to provincial headquarters, and he sent copies to the intelligence and operations advisory staff of the 2nd Division of the Army of the Republic of Vietnam, which was stationed in the city. The document was entitled "Confirmation of Allied Troops' Shooting at the Residents of Tu Cung Hamlet." (Tu Cung is the name that the Vietcong use for the immediate area of My Lai 4.) The report claimed that Vietcong units had initiated the gunfire at My Lai 4. Lieutenant Tan said that he discussed the allegation, before forwarding it, with Major Gavin, the district adviser, and Captain Angel M. Rodriguez, Gavin's assistant. Rodriguez later testified that he had got the impression that "since it was V.C. and that was a V.C. chief, the one who reported it, well, it was taken as propaganda rather than any other thing." At that point, a member of the Peers commission reminded him that Luyen was a government official.

The Vietnamese investigation might have ended with Tan's second report, except that Do Dinh Luyen decided to forward to Tan a list of the known dead at the two hamlets. More than four hundred and forty names were on the list. A few days later, a committee of the National Liberation Front operating out of Quang Nagai Province began circulating three-page leaflets about the murders, filled with precise details—rare for such propaganda notices. The document did contain errors—the wrong Army division was accused of the assault on Son My—but over all it was amazingly accurate, and was obviously based on interviews with survivors. A similarly well-detailed broadcast by the National Liberation Front was monitored and translated at a radio listening outpost in the city of Quang Ngai.

By early April, many Vietnamese officers in Quang Ngai Province knew of the two reports from the Son Tinh district chief, and also of the Vietcong propaganda broadcast and the leaflet, which confirmed what they had learned from their own sources. But only a few Americans shared that knowledge, largely because the Vietnamese kept what they knew to themselves. It is difficult to understand why such a specific allegation, involving an American unit and the slaughter of more than four hundred civilians, was not shared throughout the advisory system or why the Vietnamese did not demand an immediate investigation. One possible explanation lies in a flaw in the basic assumptions behind the advisory system itself—that American military men and civilians can work closely and harmoniously with Vietnamese on an equal basis. In Quang Ngai Province, at least, the system did not work. There were actually two advisory teams in the province in April, 1968. The first was a mixed group of military officers and civilians—most of them from the State Department—who served as overall advisers for civilian problems, including pacification and security. James A. May, a State Department foreign-service officer now stationed in Somalia, was the senior province adviser. The second team consisted of perhaps a dozen American officers who were separately assigned as direct advisers to the ARVN 2nd Division, which had its headquarters in the area. The efficacy of the system depended on the relationship between each senior adviser and his Vietnamese counterpart. May's counterpart, for example, was the province chief, Lieutenant Colonel Ton That Khien. Theoretically, the American and Vietnamese counterparts were to establish close personal and working relationships with each other, but Vietnamese military officers found themselves in a frustrating situation: their careers depended in some degree on how well they got along with their counterparts, yet they were aware that most of the Americans had a low opinion of them. Many Vietnamese officers, apparently, decided to solve the problem by hiding their feelings—and any disturbing information—from their counterparts. The American officers who were assigned either to the provincial advisory team or to the ARVN 2nd Division told the Peers commission that they had not heard of the atrocity allegations, and expressed amazement when they were told that their Vietnamese counterparts had written memorandums on the subject.

On April 11th, Lieutenant Tan sent a third written report to Colonel Khien, the province chief, and this came closer than his first two statements to describing what had actually happened at My Lai 4 and My Khe 4. The document, which was given a high Vietnamese classification, began, "On March 16, 1968, an American Army unit conducted a mopping-up operation at Tu Cung and Co Luy hamlets of Son My village, Son Tinh District. At about ten o'clock on the above day, the American unit encountered a V.C. mine and received fire from Tu Cung hamlet. One American soldier was killed and a number of others wounded.

"In response, the operational forces attacked the village, assembled the people, and shot and killed more than four hundred people at Tu Cung hamlet and ninety more people in Co Luy hamlet of Son My village. While the V.C. were withdrawing from the hamlet, forty-eight V.C. and more than fifty-two guerrillas and self-defense soldiers were wounded by helicopter gunships. Tu Cung and Co Luy are two areas of Son My village that have long been held by the V.C. The district forces lack the capability of entering the area. Therefore, Allied units frequently conduct mop-up operations and bombing attacks freely in the area. But the basic position of the report of the Son My village committee is that although the V.C. cannot be held blameless for their actions in the 16 March 1968 operation, the Americans in anger killed too many civilians. Only one American was killed by the V.C.; however, the Allies killed nearly five hundred civilians in retaliation." Lieutenant Tan added this comment: "Really an atrocious attitude if it cannot be called an act of insane violence. Request you intervene on behalf of the people."

Tan's outspoken accusation—an exceptionally harsh criticism for a Vietnamese to make of an American unit—was included in copies of the report he sent to the ARVN 2nd Division and to the office of Lieutenant Colonel William D. Guinn, the deputy adviser for military affairs in Quang Ngai Province. As for Colonel Khien, he took no immediate action beyond discussing the matter with Guinn, with whom he had developed some rapport. Colonel Nguyen Van Toan, the ARVN 2nd Division commander, was similarly reluctant to pursue an investigation, but he was confronted with a staff memorandum, and he was compelled to take some action. His response was to pass the buck back to Colonel Khien, who was eager to write off the allegations as Vietcong propaganda. Toan scrawled the following at the bottom of his copy of Tan's report: "If this is true, link up with the Americal Division to have this stopped." Predictably, the issue was simply left there.

Another reaction to Tan's third report involved the Americans. A day or two after the report was filed, Captain Rodriguez—temporarily in charge of the Son Tinh district headquarters because Major Gavin had taken a week's leave—was ordered to look into the complaint and file a report on it. Rodriguez began his inquiry by discussing the allegations with Tan, he told the commission, and asserted, "If I recall, he didn't pay much attention to this, because of the fact that he said this was just plain propaganda. . . . In my mind, I never actually figured that an American soldier, the way we are trained, would do something like this." He assumed, he said, that his subsequent report was received by Colonel Guinn. That report, dated April 14th, summarized Tan's third report and added this comment: "The letter was not given much importance by the district chief [Tan] but it was sent to the Quang Ngai province chief. . . . The district chief is not certain of the information received and he has to depend on the word of the village chief and other people living in the area."

Within the next seven days, Rodriguez's report and a copy of the Vietcong propaganda leaflet about the atrocities somehow ended up together in the hands of Colonel Henderson and General Koster instead of being forwarded to Charles T. Cross, the deputy ambassador for pacification in the I Corps region, which included Quang Ngai Province. The Peers commission was never able to determine how the documents got to the Americal Division offices, but it is possible that the key role may have been played by Colonel Guinn. One of the commission's attorneys hinted that Guinn's hopes of becoming a battalion commander might have affected his conduct in the My Lai 4 investigation.

The first official contact between a Vietnamese officer and the Americal Division in connection with the events at My Lai 4 was made by Colonel Toan, who eventually decided to talk with his counterpart about the allegations in Tan's third report. (He was one of the few Vietnamese to do so.) Toan told the Peers commission that he had telephoned General Koster shortly after receiving the third report, to "let him know about some rumor." Colonel Toan also testified that he told Koster about having ordered Khien to make an investigation. What Toan considered to be mere propaganda at best or, at worst, something to cover up was taken far more seriously by the Americal Division commander, who had perhaps thought that Henderson's oral report of March 20th had closed the incident. Koster flew almost immediately to the city of Quang Ngai to see Toan. Before going into Toan's office, Koster said, he had paid a visit to the province chief, Colonel Khien, and had been assured that Khien considered Lieutenant Tan's reports from Son Tinh District to be based on Vietcong propaganda.

Koster then walked over to Toan's office. "I really went there to see if he felt there was anything to this; if he was concerned about it; if he had a Vietnamese source that had been able to uncover anything that we hadn't or that U.S. investigators hadn't been able to check out," Koster told the Peers commission. General Koster testified that he at no time thought that he was investigating a war crime, despite the specific allegations accusing American troops of the slaughter of more than four hundred Vietnamese civilians. "I considered those [allegations to be] emanating from a Vietcong source and a propaganda type document," Koster explained the General's testimony to the Peers commission about his view of the new evidence contrasted sharply with his actions, according to one witness. Within a week after his visit to Toan, Koster sent directly to Colonel Henderson a private, "eyes only" letter demanding that he investigate the Vietnamese allegations. Enclosed was a copy of Lieutenant Tan's third report that had somehow come into his possession. The existence of the letter was revealed to the Peers commission by Robert K. Gerberding, the intelligence sergeant for the 11th Brigade. Gerberding said that the letter, which arrived about April 20th, was written on Americal Division stationery and specifically called on Henderson to complete a in-depth investigation. The Sergeant was shown a copy of Tan's report and identified it as the one that was enclosed with Koster's letter.

General Koster did not recall sending the letter. He initially told the Peers commission, "It seems to me that I directed him [Henderson] to do something about it [the Vietnamese report] . . . but I don't specifically remember it being in writing or how it went or the sequence of it." Later, he suggested, "I was not inclined to write personal notes like that." (A few days earlier, Colonel Parson had testified that he saw a Vietnamese letter or report about My Lai 4 in Koster's office.) The General went so far as to declare, after being confronted with Gerberding's testimony, that he had never seen Tan's third report—one of the few direct contradictions that emerged from the testimony. Koster further claimed, however, he did not recall obtaining any information from the Vietnamese "until, on my own investigation, I went around and talked to them." Koster, Toan, and Khien all agreed in their testimony before the Peers commission that no documents had been exchanged during their meetings—a statement that raised an obvious and important question. If, as Gerberding testified, Koster did send a letter to Henderson with a copy of Tan's report enclosed, where did he get it? One possible answer, based on my own research, was that Tan's report was transmitted to Koster by Colonel Amstranski, the pacification-and-civil-affairs officer for the division, who noted during an interview with me that he had been instructed by Colonel Guinn at this time to deliver an "eyes only" envelope to the General from Quang Ngai provincial headquarters. When Koster was asked specifically by General Peers if Guinn could have given him a copy of the Tan report, he did not think so. "I can't say how all this first came to our attention, but I wouldn't have put myself in the channel of communication for Colonel Guinn to go through," he testified. The General added, however, "I think he would have kept us informed of what was going on in the province."

Colonel Henderson, for his part, denied any knowledge of Koster's letter ordering him to file a report. "I am positive that I received no letter from General Koster," he told the Peers commission. Despite Gerberding's testimony, Henderson also denied ever seeing Tan's third report. But he had begun asking questions about the Son My incidents again. Why? Henderson explained that he had done so not because of a letter from Koster but because he had received a mysterious and unsigned statement referring to an allegation that American troops had slaughtered more than four hundred civilians. Henderson said that the statement indicated that Lieutenant Tan, the Son Tinh district chief, did not give the allegation much importance. The Colonel attached the document, without comment or explanation, to his resulting report to Koster.

The origin of the statement became a major concern of the Peers commission; it was finally determined that the unsigned document attached to Henderson's report was nothing more than a copy of the refutation prepared earlier by Captain Rodriguez, of Son Tinh district headquarters. Henderson insisted, however, that he had never seen the Captain's initial document but had received his statement—the one eventually given to Koster—from his staff. Henderson said at one point that both the statement and a copy of the Vietcong propaganda leaflet about Son My were delivered to his intelligence officer, Colonel Blackledge. "I do not know how he got the paper," Henderson said. He added that his staff had sent copies of both documents to division headquarters for perusal.

Within two days of the mysterious receipt of the statement and the propaganda leaflet, the Colonel said, he decided—just as Koster had done earlier—to visit Colonel Toan at the ARVN 2nd Division headquarters. As Henderson recounted it, he showed Toan the leaflet and told the Vietnamese officer that "I was very much interested in this thing and that when he looked into this I would make available to him a battalion or any number of troops to go into this area. . . ." Toan assured him that the leaflet was simply propaganda.

Two or three days after his visit, Henderson said, "General Young came down and said General Koster wants you to—and it was not to make an investigation because I specifically asked: 'Does he want this open again and a formal investigation?' and General Young said, 'No. This paper you sent up, this VC propaganda message, has tripped his memory here a little bit, and he just wants some backup in the files here if anything further should develop on the matter. So provide him with a written report.' " At this point, Henderson said, he sat down and wrote a report, relying on notes taken during his interviews the month before—when only Warrant Officer Thompson's confrontation with ground troops and the allegation of wild shootings were being investigated.

Many witnesses contradicted one aspect or another of Henderson's testimony. General Young testified that he had no recollection of a conversation in late April with Henderson about a written report. Colonel Blackledge testified that his office had relayed to Colonel Henderson not the Rodriguez statement nor a Vietcong propaganda leaflet but only some preliminary and incomplete allegations of an atrocity that were being disseminated by the Vietcong. Blackledge added that he knew nothing about the origin of the Rodriguez statement. And Henderson himself finally acknowledged that he really did not know how or from where he received the information.

Henderson's subsequent report to General Koster, dated April 24th, included two enclosures: the Vietcong propaganda leaflet and the Rodriguez report, which was shorn of its signature but retained its date, April 14th. The Rodriguez document was attached to Henderson's report under the simple heading "Statement." Henderson's classified report, addressed to the commanding general, Americal Division, said, in part:

"1. An investigation has been conducted of allegations cited in inclosure 1 [the Rodriguez statement]. The following are the results of this investigation.

"2. On the day in question, 16 March 1968 . . . Task Force Barker, 11th Inf Bge, conducted a combat air assault in the vicinity of My Lai hamlet (Son My village) in eastern Son Tinh District. This area has long been an enemy stronghold and Task Force Barker had met heavy enemy opposition in this area on 12 and 23 February 1968. All persons living in this area are considered to be VC or VC sympathizers by the District Chief. Artillery and gunship preparatory fires were placed on the landing zones used by the two companies. Upon landing and during their advance on the enemy positions, the attacking forces were supported by gunships . . . By 1500 all enemy resistance had ceased and the remaining enemy forces had withdrawn. The results of this operation were 128 VC KIA. During preparatory fires and the ground action by the attacking companies 20 noncombatants caught in the battle area were killed. U.S. forces suffered 2 KHA (killed by hostile action) and 10 WHA (wounded by hostile action) by booby traps and 1 man slightly wounded in the foot by small arms fire. . . . Interviews [here Henderson listed only Colonel Barker, Major Calhoun, Captain Medina, and the commander of Bravo Company, Captain Earl R. Michles] revealed that at no time were any civilians gathered together and killed by U.S. soldiers. The civilian habitants in the area began withdrawing to the southwest as soon as the operation began and within the first hour and a half all visible civilians had cleared the area of operations.

"3. The Son Tinh district chief does not give the allegations any importance and he pointed out that the two hamlets where the incident is alleged to have happened are in an area controlled by the VC since 1964. Col. Toan . . . reported that the making of such allegations against U.S. forces is a common technique of the VC propaganda machine. Inclosure 2 is a translation of an actual VC propaganda message targeted at the ARVN soldier and urging him to shoot Americans. This message was given to this headquarters by the CO, 2nd ARVN Division (Toan), on about 17 April 1968. . . . It makes the same allegations as made by the Son My village chief in addition to other claims of atrocities by American soldiers.

"4. It is concluded that 20 non-combatants were inadvertently killed when caught in the area of preparatory fires and in the crossfires of the U.S. and VC forces on 16 March 1968. It is further concluded that no civilians were gathered together and shot by U.S. soldiers. The allegation that U.S. forces shot and killed 450–500 civilians is obviously a Vietcong propaganda move to discredit the United States in the eyes of the Vietnamese people in general and the ARVN soldier in particular."

The report, signed by Henderson, obviously relied heavily on Colonel Barker's report of the action. The original typed copy was placed in a double-sealed envelope marked "Eyes of the CG (commanding general) Only" and sent by courier to division headquarters, at Chu Lai. Only one copy was kept at brigade headquarters, according to Sergeant Gerberding, who was in charge of filing it, and that copy was handed on a "close hold" basis. "I kept this in what I called my personal or confidential file," the Sergeant testified. Gerberding's personal file was in his desk, where, he said, "I kept things I didn't want anybody else to see." The Army later found the carbon file copy in Gerberding's safe, where someone had moved it, it was the only existing record of any investigation in connection with My Lai 4. The file copy was initialled "RKB," for Richard K. Blackledge, and its existence enabled the Peers commission to confront Blackledge with documented evidence that contradicted his testimony. (The lack of records prevented the investigators from directly challenging the many witnesses who simply could not recall a fact or said they were not sure what had happened.) Blackledge, by then retired and living near Honolulu, was asked if he had ever seen the Henderson report prior to his testimony in 1970. "Negative, absolutely negative," the former intelligence officer replied. "I never saw this until I came here." After being shown his initialled file copy, Blackledge said, "I now retract what I said, because those are my initials and I recognize the way I write my initials. But I don't recall the document. . . . I had nothing to do with the preparation."

Although Henderson's report was sent as a high-priority, "eyes only" message to General Koster, the General testified that he did not recall seeing it until he returned from a brief vacation in Hawaii in early May. When he did see it, he decided that it was inadequate. "As best I recall, it was not my intent this [the report] should be limited to only some discussion of some V.C. propaganda," Koster testified. He said that he and his staff "discussed the adequacy of the report" and decided to ask Henderson to submit a full analysis, covering not only the new Vietnamese allegations but also Warrant Officer Thompson's claims of indiscriminate shooting. In May, General Young made another trip to the Duc Pho headquarters area and informed Henderson that Koster now wanted a formal investigation of the incident, to embrace all the allegations—from both the Vietnamese and the pilots. Henderson said, "I discussed with him who the logical individual was to perform the investigation and told him that if he had no objections I would assign Colonel Barker to it."

Barker completed his report the next week. Henderson testified that "to the best of my knowledge, the report included statements from certainly all of the company commanders, from various pilots . . . from enlisted personnel, both Charlie and Bravo Company, it included statements from personnel working in the battalion T.O. [tactical-operations central]." Barker's formal report concluded once again that twenty civilians had been killed by artillery and gunships, Henderson said. He added, ". . . there was no term of atrocity used, or massacre, or anything of this nature. There was no evidence to support that any soldiers had willfully or negligently wounded or killed civilians during this operation." Barker, Henderson said, had attached from fifteen to twenty single-page signed statements to a covering report of three pages. Henderson testified that he had submitted Barker's work to General Koster with a written endorsement, saying, "I had reviewed the investigation . . . that the facts and circumstances cited throughout the investigation agreed generally with my own personal inquiry into the matter . . . and I recommended that the report be accepted."

The Peers commission was unable to find any copies of Colonel Barker's formal report in the headquarters of either the Americal Division or the 11th Brigade. In addition, of the four hundred witnesses who appeared before the commission, only two—Colonel Henderson and General Koster—claimed to have any knowledge of it. The evidence is overwhelming that if such a report was prepared by Barker it was a complete fraud. None of the principals in the My Lai 4 investigation—including Captain Medina, the commanding officer of Charlie Company; Warrant Officer Thompson, the helicopter pilot; Major Watke, Thompson's commanding officer; and Colonel Holladay, the 123rd Battalion commander—had any knowledge of further inquiries. For them, the investigation had ended in March, a few days after it began.

By March, 1969, Task Force Barker's assault on the village of Son My was just another forgotten military victory. Two of the most important of the dramatis personae were dead. Lieutenant Colonel Barker, the task-force commander, had been killed the previous June when a helicopter he was flying in collided with an Air Force observation plane near My Lai 4. Captain Earl R. Michles, the commanding officer of Bravo Company, which had led the assault on My Khe 4, was also killed in the accident. Major General Koster was the Superintendent of West Point; Colonel Henderson and General Young were assigned to new duties, out of Vietnam; and most of the G.I.s from Bravo and Charlie Companies either were out of the service or were counting the days until they would be. Ronald L. Ridenhour, the Arizonian who served in the 11th Brigade in early 1968, was also out of the service, and at the end of March he mailed his letter describing the assault on My Lai 4 to the President, to Pentagon officials, and to two dozen members of Congress. "Quite frankly, my initial reaction to these charges was one of disbelief," General William C. Westmoreland, then serving as the Army's Chief of Staff, told a House armed-services subcommittee during closed briefings on My Lai 4 in the spring of 1970.

Ridenhour's letters posed an immediate public-relations threat to the military, which was then in the process of helping to sell President Nixon's "Vietnamization" program to the nation, and within days the American military command in Saigon was ordered to investigate the charges. The task fell to Colonel Howard K. Whitaker, who was a senior officer in the Inspector General's office in Saigon; he was dispatched north to the Americal Division headquarters. Whitaker's investigation was similar to the earlier investigations of My Lai 4. He spent less than two days with the Americal Division, and he seems to have accepted at face value every Army document he could find. Thus he was able to write, "A review of the Combat After-Action Report . . . revealed that an estimated enemy Local Force BN [battalion] was in the vicinity of the My Lai . . . area. . . . Enemy losses during this action were heavy . . . The civilian population supporting the V.C. in the area numbered approximately 200. This created a problem in population control and medical care of those civilians caught in fires of opposing forces." Whitaker did not mention that only three enemy weapons had been captured, nor did he express any concern over the fact that a check of the files in the Americal Division and the 11th Brigade produced no evidence of any earlier investigation. The message from Washington ordering Whitaker's investigation had suggested that one had taken place. Whitaker completed his confidential report on April 17, 1969, four days after he began. Within days, it was relayed to the Inspector General's office in the Pentagon for action because, as Whitaker noted, most of the alleged participants were back in the United States.

Colonel Whitaker's attempt to get at the truth apparently stopped with a series of discussions he had with the top-ranking officers of the Americal Division, including Major General Charles M. Gettys, who had replaced General Koster as the commanding general, and Colonel John W. Donaldson, who had replaced Colonel Parson as the chief of staff. Whitaker's report noted, "Both stated they knew of no investigation ever having been conducted concerning the alleged incident." The Colonel's final conclusion was skeptical. "An examination of all available documents concerning the alleged incident reveals that the complainant [Ridenhour] has grossly exaggerated the military action in question," he wrote. "No evidence could be uncovered which would substantiate the allegations." Whitaker did suggest, however, that interviews be conducted with some of the pertinent witnesses to "determine if the allegations have substance." None of the participants had been questioned about My Lai 4 since March, 1968.

In mid-April of 1969, the Inspector General's office in the Pentagon was ordered by General Westmoreland to conduct a full-scale inquiry; officials there, in turn, assigned Colonel William V. Wilson, a highly skilled investigator, to the case. With that assignment, made in late April, the Army set in motion an inevitable sequence of events. The basic sources that Ridenhour had mentioned were the men of Charlie Company, some of whom had done the shooting, and they became Wilson's sources, too. In the early stages of the Wilson investigation, there were no colonels or majors to contrive reports—just guilt-ridden ex-G.I.s anxious to tell what they knew and why they had done what they did. By late May, Wilson had personally tracked down at least six members of Charlie Company, and had accumulated enough solid evidence to order Lieutenant Calley brought back from Vietnam for questioning at the Inspector General's office in the Pentagon. Although no hint of the pending atrocity case reached the public, many of the officers at work in the Pentagon knew that something was up.

The word also reached the headquarters of the Americal Division. Subsequently, the Peers commission was unable to establish how all but two of the reports relating to the Henderson investigations had vanished. Files pertaining to March 16th and thereafter were missing from the Americal Division headquarters, the 11th Brigade headquarters (where one copy of Henderson's April 24th report was found, in Sergeant Gerberding's safe), Quang Ngai province headquarters, and Son Tinh district headquarters. All the records for March 16th were also missing from the headquarters of the battalion commanded by Lieutent Colonel Robert B. Luper, chief officer of artillery units attached to the 11th Brigade. Detailed interrogations by the Peers commission of dozens of division and brigade officers, sergeants, and clerks who were still serving in 1969 produced only two witnesses who could recall handling a file on the My Lai 4 investigations—Gerberding, the intelligence sergeant for the 11th Brigade, and Sergeant Kenneth E. Camell, who replaced him in late October, 1968. Camell told the Peers commission that he recalled seeing a number of reports on investigations specifically dealing with My Lai 4, including Henderson's report and Rodriguez's report.

Colonel Whitaker's early investigation had failed to uncover Gerberding's personal file; no one knew it existed. In late May, however, Colonel Wilson ordered Colonel Henderson to report to Washington for interrogation in connection with the massacre. (As Henderson initially described the battle during his testimony before Wilson, Charlie Company was in heavy contact with Vietcong troops entrenched in bunkers surrounding the hamlet.) Henderson, who was then on duty in Hawaii, promptly telephoned Donaldson, the new chief of staff at Americal Division headquarters, to tell him that a copy of his investigation had been filed either in the intelligence office or in the operations office of the 11th Brigade. In his testimony before the Peers commission, Henderson said, "I asked him if he would call down to the 11th Brigade and have somebody look in the S-2 [intelligence] or the S-3 [operations] safe to see if there was not an envelope in there with a report of investigation in it." Henderson later testified that he was asking Donaldson for "any and all reports concerning the My Lai incident." This would have included the formal investigation made by Colonel Barker in May, 1968, with its multitude of attached statements.

By that time, however, the files had disappeared. Donaldson sent Henderson a message saying, "A thorough search of division headquarters files and 11th Infantry Brigade files has failed to produce the informal investigation you requested." (It is not known why Donaldson's message referred to an informal report, one which usually is filed on an interim basis.) A few days later, Donaldson telephoned Henderson with the additional news that a continuing check of the files had produced only the two-page interim report of April 24th, which was subsequently mailed to Henderson, who turned it over to the Army investigators. The material in Gerberding's personal file, Camell told the Peers commission, disappeared in two separate stages. That spring, as the Inspector General's inquiry was getting under way, a senior officer of the 11th Brigade came to him for the complete file. "The indication was that he had to make a report to someone else on it," Camell said of the officer, whose identity was never determined. When the folder was returned to him a day or two later, he said, he noticed that some of the papers were missing. "As to what they were, I cannot tell you," Camell testified. In September, 1969, the Sergeant added, he was again asked for the file by a senior staff officer. He never saw the folder again. On September 5th, the Army announced that murder charges had been filed against Lieutenant Calley.

The Peers commission concluded its investigation in March, 1970, without being able to discover how the My Lai 4 files had disappeared. General Peers himself suspected that some of the key officers involved at the time were responsible. The truth was more damaging to the Army's system than Peers could imagine: that subsequent officers of the Americal Division, who had had no direct involvement with My Lai 4 and its investigations, had destroyed evidence to protect the officers who preceded them.

The first evidence that some reports on My Lai 4, including the report on Colonel Barker's formal investigation, were on file at the Americal Division headquarters as late as May, 1969—fourteen months after the massacre—became known to the Army in the spring of 1970. The evidence was supplied by Lieutenant Colonel Barney L. Brannen, Jr., who had served with the Americal Division in the spring of 1969 as staff judge advocate—the senior legal officer. In September, 1970, Brannen told an Army pre-trial hearing into coverup charges against General Koster—charges that had been recommended six months earlier by the Peers commission—that while he was in Vietnam he had seen the original copy of Barker's investigation report of May, 1968. "It was sometime in May of 1969," he explained at Koster's pretrial hearing. "I received a phone call from the division chief of staff, who at the time was Colonel John Donaldson, [who] asked me if I could come over to his office. So I did. . . . when I arrived at the headquarters . . . in Colonel Donaldson's office was the division G-1 [the officer in charge of administration and personnel] . . . a Lieutenant Colonel Henry Lowder. I don't recall anyone else being present at that time." Donaldson gave Brannen a copy of Ridenhour's letter to read and then ordered him to search his office files for any information on the alleged incident. It is not known who in the Pentagon had made a copy of Ridenhour's letter available to Donaldson. The only official link until that time between the letter and the Americal Division had been Colonel Whitaker, of the Inspector General's office, and he told the Peers commission that he was never given a copy of it. Brannen found no trace of the report on Barker's investigation. He testified at the Army's hearing, "So I left my office and went down to the G-1's office, which was about one hundred yards away . . . and I entered Colonel Lowder's section—his own personal office and . . . he had a file in his hand at the time I walked in and he said, 'Well, we found this,' and he handed me this file . . . perhaps one-half inch thick." The file was Barker's report of May, 1968, complete with the letter of endorsement from Henderson. Brannen went on, "I said to Colonel Lowder, 'This appears to be the document we're looking for. Do you want me to go with you back to the chief of staff's office?' and he said, 'No, I'll take it over and talk to him about it.' . . . And then and there ended my connection with this investigative file."

Brannen left the Americal Division that summer and returned to the United States to take a year-long course at the Army's Command and General Staff College, at Fort Leavenworth, Kansas. He was in school that November, when the My Lai 4 story broke in the newspapers. Brannen read many of the newspaper and magazine stories about the atrocity, and was particularly offended by one account, in *Newsweek*. "They [the magazine] went through the My Lai incident and they pretty well concluded that the Army had a big coverup and that there had never been any sort of investigation and so forth," the lawyer complained at Koster's pre-trial hearing. "Well . . . during the [Christmas] holidays . . . we were out of school for two weeks. I had a cocktail party . . . and there were some other judge-advocate officers who attended it . . . the discussion of My Lai came up in the course of the evening because they knew I had been in the Americal. And one of them referred to the article. . . . And I told them in no uncertain terms that I didn't think the article was accurate but that was not unusual because I felt that a lot of news reporting was inaccurate anyway, and a lot of editorializing when they reported to be facts. [I told them] that I had seen . . . a formal investigative report that related to the My Lai incident. In fact, it did not appear to me that the Americal Division had in any way attempted to cover anything up but had in fact investigated it."

Brannen's story travelled through the Army's legal circles, and in March, 1970, he was asked by one of the attorneys for General Koster to make a formal statement about the file he had seen in Colonel Lowder's office. In June, Brannen gave another statement to agents for the Army's Criminal Investigation Division. A few days later, he passed a lie-detector test at the Pentagon. The test was urged upon Brannen because both Donaldson, who by then had been promoted to general and had been assigned to a key position on the Joint Chiefs of Staff, and Lowder were vigorously denying Brannen's account. By midsummer of 1970, both Donaldson and Lowder were under secret investigation themselves by the C.I.D. for their part in the My Lai 4 tragedy.

General Donaldson testified at the Koster hearing on September 14, 1970, five days after Brannen. He again denied any knowledge of an encounter with Brannen and also claimed that he had "no clear or positive recollection" of seeing Ridenhour's letter while he was in Vietnam. Within a year, nonetheless, General Donaldson's promising career received a serious setback. Late in 1970, an Army prosecutor, checking a tip that Colonel Henderson had engaged in "gook-hunting" in helicopters (looking for human targets) while serving as brigade commander in 1968, interviewed a number of helicopter pilots who had flown in Vietnam. The investigator discovered that his tipster had been mistaken in the identity of the "gook-hunter;" it was not Henderson. An investigation was initiated, and in June, 1971, Donaldson was formally charged with the murder of six Vietnamese civilians and the assault with intent to kill of two more. Pending further Army hearings, he was transferred from his position with the Joint Chiefs of Staff to a desk job at Fort Meade, Maryland. In December, 1971, after a four-month closed hearing, the Army exonerated Donaldson of all charges, permitting him to resume his career.

Secretary of Defense Melvin A. Laird and other high Pentagon officials monitored the Associated Press and United Press International newspaper wires on the evening of September 5, 1969. Earlier that day, the public-information office at Fort Benning, Georgia, had issued its first press release about the mass-murder charges filed against Lieutenant Calley. The official concern wasn't necessary; the military news release—an announcement of the type that is routinely issued in connection with a serious crime—gave no hint of the scope of the My Lai 4 massacre. Calley was charged with murder, it said, "for offenses allegedly committed against civilians while serving in Vietnam in March, 1968." There was no press outcry, and the military continued its investigation in secrecy. Ridenhour, who by then was making increasingly impatient telephone calls to the Pentagon demanding action on his letter, was informed by the Inspector General's office of the charges against Calley but was urged to "avoid any public discussion which could prejudice the continuing investigation or the rights of Lieutenant Calley." The chairmen of the Senate and House Armed Services Committees, Senator John C. Stennis, of Mississippi, and Representative L. Mendel Rivers, of South Carolina, were briefed by Army officers on the impending scandal and were also urged not to talk.

By then, the full scope of the My Lai 4 tragedy was becoming clear to the Army, and in the fall the investigation of Charlie Company G.I.s was transferred from the Inspector General to a newly organized office of the Criminal Investigation Division, headed by Colonel Henry H. Tufts, an experienced agent. At the same time, the Army broadened the scope of its inquiry, and assigned many agents to Tufts' office. Dozens of Charlie Company officers and men were now being interrogated. But in those months none of the senior officers of the 11th Brigade and the Americal Division were thought to be involved in a coverup. At last, as the furor over the Calley story grew, an atmosphere of crisis developed in the Pentagon. A series of meetings was held at which high officials discussed ways of abating the growing outcry from the press and the public over what seemed to be an obvious case of coverup. Incredibly, that possibility had not been formally discussed within the Pentagon until then. A working group that included Secretary of the Army Stanley R. Resor, Army General Counsel Robert E Jordan III, Vice Chief of Staff Bruce Palmer, Jr., who had formerly been deputy commander of all American forces in Vietnam, and Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, determined that some kind of inquiry was needed.

Before any decision was reached, a number of officers attached to the Americal Division and to the Quang Ngai Province advisory team were brought in to the Pentagon for private discussions. Among those interviewed were Major Watke, Colonel Guinn, and Colonel Balmer, the former operations officer under Koster. "Our personal feeling was 'Yeah, something's rotten in Denmark,'" the military official said of the results of the interviews. It was decided not to entrust the inquiry to Tufts' newly set up C.I.D. office, because his investigators would be outranked by the men they were interrogating. Koster's high rank meant that a two- or three-star general would be needed to head the investigating panel. "We wanted a military man with experience in Vietnam, and someone who was senior to Koster," the official said. "General Peers met those criteria. Moreover, he was not West Point, and we were afraid of the W.P.P.A." The initials stand for West Point Protective Association; it is a nonexistent organization, but the belief that West Point graduates take care of their own is widely held, and many military men who are not graduates of the United States Military Academy are convinced that young West Point generals get the choice assignments. "W.P.P.A. is a two-edged sword," the official said. "The West Pointer who goes down is trampled on harder, but it usually takes a higher standard of proof." Another reason for appointing General Peers was that he was then Chief of the Office of Reserve Components, a three-star position that is not usually considered a stepping stone to more important positions in the Army. "Peers' job was one in which he could be missed," the official said. "Let's face it—you don't charge a member of the club and tear up the system the way he did and expect to get ahead," Peers, a gruff, cigar-smoking man, was given carte blanche in picking his staff, and he eventually amassed a group of intelligent young officers who had been battlefield commanders in Vietnam to serve on his interrogation teams. (By the end of the investigation, the Army had assigned thirty-four officers, forty-eight enlisted men, and eleven civilians to the commission.) On November 24, 2969, the Pentagon formally announced that Peers had been chosen to head an inquiry into the "nature and scope" of the initial investigations into My Lai 4.

By early December, Peers was beginning to understand that he had badly underestimated the scope of his inquiry. In a memorandum written to Resor and Chief of Staff Westmoreland on November 30th, before he began hearings, the General had outlined a six-week investigation involving a trip to Vietnam and the interrogation of thirty or forty witnesses in the Pentagon. As things worked out, he and his staff interrogated more than fifty witnesses before Christmas, some of them twice. Early in December, two prominent New York lawyers—Robert MacCrate, a Harvard Law School graduate who had once served as counsel to Governor Nelson A. Rockefeller of New York, and Jerome K. Walsh, Jr.—joined the investigating team. The civilian attorneys were added, one official told me, because at one stage of the game Robert Jordan, the Army general counsel, and Army Secretary Resor became aware of the credibility problem.

By taking these steps, the military blunted an earlier demand, made by liberals and conservatives alike, that an outside panel be established to investigate the coverup. This proposal had been made by such disparate men as Hubert H. Humphrey, the former Vice-President; Senator Stennis, the chairman of the Armed Services Committee; and Arthur J. Goldberg, the former Supreme Court Justice. Still, the Army's announcement of the Peers Inquiry triggered some Senate and House criticism. Two senators—Stephen M. Young, of Ohio, and Charles H. Percy, of Illinois—immediately called for a Senate investigation of My Lai 4. Young, perhaps anticipating a long military delay in making an uncensored version of the Peers report public, told the Senate that "Americans must know—and the sooner the better—the long-suppressed facts about what certainly has been one of our nation's most ignoble hours." In the House, Mendel Rivers, of the Armed Services Committee, announced that he had ordered his investigating subcommittee, headed by Representative F. Edward Hébert, of Louisiana, to investigate the massacre in closed hearings. That group's report, like the Army's, was released in heavily edited form eight months later.

The political furor over the coverup died as My Lai 4 receded from the front pages. No serious critic questioned the integrity of

General Peers, and, indeed, the Peers Inquiry was a model of integrity and industry; at one time the General had four separate interview teams at work, compiling volumes of testimony. One thing that complicated the group's work was a question of time; under military law, the statute of limitations for some criminal offenses—though not murder—was two years, and therefore all charges would have to be prepared by March 16, 1970.

Ultimately, however, the Peers Inquiry failed to explore the sources of the coverup fully, for the coverup was the product not just of the individual actions of a few generals, colonels, and lesser officers but of an institution that made it almost inevitable that the investigations of My Lai 4 would be covered up. The inquiry members, perhaps unconsciously, were convinced that My Lai 4 and Task Force Barker were both aberrations. The witnesses—particularly the field-grade officers of the task force and the 11th Brigade—were considered to be individuals who were somehow unlike all their counterparts in the Army. Major Watke, for example, was accused by Colonel J. Ross Franklin, one of the Peers investigators, of giving an impression, "whether intended or not," of "an officer greatly concerned over making waves in his own career, whose judgment, or information of a possible horrible war crime . . . has been filtered, or clouded, or even almost diverted by the negative impact it could have on his career." Watke responded by telling the officers an important truth about the military. "If it had been my career at stake, I wouldn't have done anything," he said. "I think the fact that I carried this to my commander and to Colonel Barker . . . if I had been worried about my career . . . I would have just let it just stop right there when it came to me." General Peers simply couldn't accept Watke's comment. "Major Watke, let's be reasonable," he said. "You couldn't, and even if you had been thinking about your career, the worst thing that could have ever happened to you—and look at it very realistically—was for [Thompson's complaints] to get up the line without having gone through you. You wouldn't have had to worry about a career." Yet the overall testimony taken by the Peers commission suggested that if Watke had said nothing there would have been no immediate investigation at all.

As the inquiry proceeded, it should have become clear to General Peers and his colleagues that many underlying problems were exemplified by the officers testifying before them, yet My Lai 4 was always discussed in terms of an officer's failing to fulfill his military duty by not reporting a war crime—never in terms of a system that prevented literally hundreds of men and officers from telling their superiors about My Lai 4. In response to a question, Ridenhour told Peers why he hadn't reported his information about the massacre to his military superiors in Vietnam instead of writing his letter. "I didn't have a whole lot of trust in the Army, especially after some of these things happened," he testified. "And I was told bluntly from time to time that if accidents occurred, don't worry about it, because we'll cover you. . . . I couldn't help feel that this was a policy that was all-pervading within the [Americal] Division."

Father Creswell, the Episcopal chaplain at Americal Division headquarters, was asked by MacCrate during his testimony why he did not report Warrant Officer Thompson's charges about the shooting of civilians at My Lai to the staff judge advocate, and he replied, "Well, sir, let me tell you something at this point. I'm not a complete stranger with the J.A.G. [Judge Advocate General's] office. I went over from time to time. . . . And I became absolutely convinced that as far as the United States Army was concerned, there was no such thing as murder of a Vietnamese civilian."

Colonel Franklin seemed to many witnesses to be the most moralistic military member of the Peers commission. Franklin, the former deputy commander of the 173rd Airborne Brigade, often criticized witnesses and suggested that they were lying. Sergeant Michael Bernhardt's appearance before the commission particularly upset Franklin. Bernhardt, who was one of the first men to talk to newsmen about My Lai 4, testified that he had witnessed or had been told about many rapes and murders committed by men in Charlie Company. On being asked by Franklin to give a specific example, he told of a woman carrying baskets who had been shot when she ignored a request to stop running . . . can you think of a better way to stop people that are running than that? I mean, are you comparing that woman carrying baskets that was shouted at to stop with the lining up and the gunning down of men, women, and children in My Lai 4? . . . The only point I want to make to you is if you are going to make damning accusations like this, and these very general statements, you had better have something to back it up. You're still wearing the uniform and you're portraying people that wear the uniform as really animals." Yet a year later Colonel Franklin was himself charged by a fellow-officer with seven counts of dereliction of duty and failure to comply with written directives in connection with the murder in 1969—before the Peers commission was convened—of at least five Vietnamese prisoners and the electric torture of a sixth. The charges were filed on March 15, 1971, by Lieutenant Colonel Anthony B. Herbert, the holder of four Silver Stars, who served in early 1969 as acting inspector general and as a battalion commander for the 173rd Airborne Brigade under Franklin and his superior, Major General John W. Barnes, who was himself charged by Herbert with three counts of dereliction of duty. Charges against both officers were eventualy dismissed by the Army.

There is some reason to believe that General Peers, who personally ordered the full commission inquiry into the Bravo Company massacre, apparently did not do all he could to insure that those men and officers who were involved in the killings at My Khe 4 were punished or reprimanded. The first hint of Bravo Company's actions was given by Mrs. Nguyen Dhi Bay, a resident of My Khe 4, who was raped and then was forced to serve as a human mine detector during the Bravo Company operation that took place between the sixteenth and eighteenth of March, 1968. Mrs. Bay was interviewed on December 17, 1969, at the Chu Lai hospital by André C. Feher, an agent of the C.I.D. Peers, MacCrate, and a few other members of the investigating team arrived at the Americal Division headquarters a few weeks later to begin interviewing witnesses and to survey My Lai 4. Almost immediately, Peers sent the following "eyes only" message to Army Secretary Resor and General Westmoreland:

"You will recall that you had asked me to include Co Lay in our investigation. Two of the female detainees taken in the operation of . . . the 1st Cav on 13 Dec 69 south of My Lai 1 were recently interrogated by the C.I.D. in the Quang Ngai civil hospital. Both of them indicated that on the day of the 16th, possibly the 17th, of Mar 68 approximately 90–100 women and children in [My Khe 4] were removed from bunkers and shot in the immediate locality. . . . A few instances of rapes were also reported. This would have been the operation of B Co. . . . in that general area.

"The two women have since been released from the hospital, but we will try to locate them and have them re-interrogated by members of this team. Additionally, we will continue pressing for information concerning any unusual activity in that area on the 16–17th of Mar 68. You should also know that Mr. West [Bland West, an attorney on the investigating team] and the other members . . . in Washington are developing a list of individuals from B Co. . . . to be interrogated in the CONUS [Continental United States] when we return."

The two Vietnamese women were not found, but by mid-January the Peers commission had set up a separate team of investigators to interrogate the former G.I.s of Bravo Company. On January 21st, Peers officially enlarged the scope of his inquiry when he informed Resor and Westmoreland in a memorandum, "There is evidence to show that other atrocities and/or violations of military regulations were committed in the other three hamlets of Son My village. . . . In light of the above, it is recommended that the geographic scope of the final report be extended to include the entire Son My village." This was the first time since the day of the tragedy that even an intimation of Bravo Company's misdeeds at My Khe 4 had come to official light. The approval came routinely. (Peers' final summary report to Secretary Resor and General Westmoreland analyzed Bravo Company's assault on My Khe 4 in great detail, however, stating that the number of civilians killed there "may have been as high as ninety.") By February 5th, more than thirty members of Bravo Company had been interrogated, and the Peers commission soon had at least four G.I.s and one officer—First Lieutenant Thomas K. Willingham, who headed Bravo Company's first platoon—under suspicion of murder. The heavy questioning of Bravo Company stimulated press interest at the Pentagon, but military spokesmen had a standing rule against discussing any details of the Peers Inquiry, though they did provide a daily list of witnesses and their units. A few newspaper stories in early February pointed out that the commission had broadened its investigation of My Lai 4 to embrace the activities of Bravo Company, but no reporter was able to learn what had happened at My Khe 4. Spokesmen simply told the reporters that the Peers commission was investigating the entire Son My area, and not limiting itself to My Lai 4. On February 12th, the Army formally charged Willingham, who had by then been promoted to captain, with the unpremeditated murder of about twenty Vietnamese civilians. Few details of the case against Willingham were made public, although Pentagon officials did link the Willingham incident to the My Lai 4 operation. Willingham later refused to testify during a brief appearance before Peers. On February 18th, a reporter for the National Broadcasting Company interviewed two Vietnamese survivors of the My Khe 4 assault, who told how almost a hundred villagers had been killed there during the Task Force Barker operation. By this time, however, the American press was focussed on My Lai 4, so it paid little attention to the story.

On February 21, 1970, General Peers sent Secretary Resor and General Westmoreland another memorandum, informing them that from twenty to twenty-five persons were suspected of offenses that "could be made the subject of court-martial charges." Some of those under suspicion had been members of Bravo Company. The Peers commission was not authorized by the Army to prefer charges on the coverup offenses, but had to submit its recommendations before the time for prosecuting such violations ran out on March 16, 1970, to a group of officers from the Judge Advocate General's Corps, who would determine whether there was sufficient evidence against each suspect to justify a court-martial. General Peers eventually presented a list of nineteen suspects who were still on active duty, only one of them in connection with the Bravo Company killings at My Khe 4. On March 17, 1970, then, General Peers announced that formal charges had been filed against fourteen officers:

Major General Koster, who was accused of failure to obey lawful regulations and of dereliction of duty.

Brigadier General Young, similarly accused of failure to obey regulations and of dereliction.

Colonel Henderson, accused of dereliction, of failure to obey regulations, of making a false official statement, and of false swearing.

Colonel (then Lieutenant Colonel) Luper, accused of failure to obey a lawful order.

Colonel Parson, accused of failure to obey regulations and of dereliction of duty.

Lieutenant Colonel Guinn, accused of failure to obey regulations, of dereliction, and of false swearing.

Lieutenant Colonel (then Major) Gavin, accused of failure to obey regulations, of dereliction, and of false swearing.

Major Calhoun, accused of dereliction and of failure to report possible misconduct. (An earlier suspicion that he helped plan a mission "which had as some of its purposes the unlawful and systematic destruction of . . . property and the killing of civilians in violation of the laws of war" was dropped.)

Major McKnight, accused of false swearing.

Major Watke, accused of failure to obey regulations and of dereliction.

Captain (then First Lieutenant) Kenneth W. Boatman, who was attached to Bravo Company as an artillery forward observer, accused of failure to report possible misconduct.

Captain (then First Lieutenant) Dennis Johnson, an intelligence officer attached to Task Force Barker, accused of failure to obey lawful regulations.

Captain (then First Lieutenant) Thomas Willingham, already facing unpremeditated-murder charges, accused of making false official statements and of misprision of a felony.

Captain Medina, also previously charged with murder, accused of misprision of a felony.

The press, properly, focussed attention on the charges against Koster, who was by then the Superintendent of West Point. He and Young were the first Army generals in eighteen years to face a possible court-martial. At the news conference, reporters were told that much of the Peers material, including the transcripts of interviews, "cannot be made public at this time, because of the possible prejudice to the military justice against the fourteen officers who have been charged this past weekend." However, there seemed to be little legal justification for withholding information about the second massacre, at My Khe 4, from the public. Peers did announce to the press, "Our inquiry clearly established that a tragedy of major proportions occurred there [in Son My village] on that day." After the Peers commission disbanded, the Army never did complete its investigation of My Khe 4, although even a cursory examination of the Bravo Company testimony accumulated by Peers demonstrated that a significant atrocity had taken place. No further charges were filed in connection with My Khe 4.

At his news conference, Peers was asked, "Is there any evidence that the type of behavior that the charges are based on was more widespread than what happened at My Lai on March 16th? In other words, other days or other places?" The General's answer was unequivocal. "If there is, I have no knowledge of it," he said. "It was not brought out to me in the evidence and I, personally, from my roughly thirty months in South Vietnam, I had no knowledge of anything that would approximate this."

The next question dealt with Bravo Company: "What about in the Son My area in that day? You have charges placed against a member of Company B [Willingham] who was not in My Lai village." Peers replied, in part, "What really is involved, what you might say in My Lai 4, encompassed several of the sub-hamlets, of which My Lai 4 is one of them. . . . But the Bravo Company was not in that area, they were in another area further to the east. But it's all encompassed within the greater area of Son My village, and that is why we refer to it now as Son My village rather than try to delineate it to that one piece of terrain, My Lai 4."

No attempt was made in the final summary report of the Peers commission to deal with the continuing and more substantial issues raised by My Lai 4 and My Khe 4: the military attitudes; the calibre of officers; the training techniques; the promotion system—these and other factors basic to the Army itself. Instead, Volume I limited itself to three comments about the adequacy of the Army's policies, directives, and training revealed by the two massacres. First, it said that the existing policies "expressed a clear intent" regarding the proper treatment of noncombatants and prisoners. Second, it noted without comment that the regulations failed to provide procedures for the reporting of a war crime to superior officers when the officers participated in or sanctioned the crime in question. Third, "many soldiers" in the 11th Brigade were described as not being adequately trained in the provisions of the Geneva Convention, nor were they aware of their responsibilities for the reporting of war crimes. (Elsewhere in the final summary volume specifics were cited: "Evidence of scattered incidents involving the mistreatment, rape, and possibly the murder of Vietnamese by 11th Brigade soldiers prior to the Son My operation indicated that a permissive attitude existed and was not uncovered and corrected . . .") The sole recommendation provided by the final Peers Report, made after a two-hundred-and-fifty-page review of the atrocities at My Lai 4 and My Khe 4 and their coverup, was the following: "Consideration be given to the modification of applicable policies, directives, and training standards in order to correct the apparent deficiencies noted . . . above."

A few hours after Peers' news conference, the military began reacting predictably: Major General Winant Sidle, chief of Army public information, announced that measures to speed up the reporting of alleged war crimes were already under study by the Army. And nothing that happened in the next few months suggested that any of the recommendations of the Peers commission were being carried out; there was no sign that the system would change.

On April 1, 1970, two weeks after General Peers announced his findings, the coverup charges against Captain Medina were withdrawn by legal officers at Third Army headquarters, at Fort McPherson, Georgia, which was where Medina and some of the other Charlie Company defendants accused of murder at My Lai 4 had been assigned. An Army statement explained that the Peers Inquiry's accusation of misprision of a felony had been dropped "because it is not common practice to charge an individual with the commission of an offense and its concealment." Medina was instead accused of being responsible for all the My Lai 4 murders committed by the men under his command. (The charge in connection with the mass slaying was reduced to involuntary manslaughter during Medina's court-martial. In September, 1971, a court-martial panel at Fort McPherson found Medina not guilty of the manslaughter charge, and also acquitted him of a murder charge stemming from the death of a Vietnamese woman at My Lai 4. Medina, who resigned his commission shortly after the trial, was the last member of Charlie Company to face a court-martial in connection with the actual slaying of the civilians. Of the twelve men and officers eventually charged by the Army with murder or with assault with intent to commit murder, only one—Lieutenant Calley—was convicted, and Calley's sentence of life imprisonment was reduced five months later to twenty years' imprisonment after the first of a series of military reviews.) Under the circumstances as of April, 1970—before any of the legal proceedings had begun—dismissal of Medina's coverup charges was reasonable. But two months later the Third Army announced that it had dismissed both the murder and the coverup charges against Captain Willingham, of Bravo Company. A statement explained that commanding officers there had "determined that, based upon available evidence, no further action should be taken in the prosecution of these charges."

The other officers accused by Peers, including Generals Koster and Young, were administratively transferred to First Army headquarters, at Fort Meade, Maryland, pending a review of the charges against them. Under military law, the commanding general of the First Army, Lieutenant General Jonathan O. Seaman, had to review the charges to determine if they were sufficient to convene an Article 32 hearing—the Army's equivalent of a grand-jury, or pre-trial, proceeding. The investigating officer of an Article 32 hearing has the obligation, after taking testimony, to recommend whether the defendant should stand court-martial. Within a year, the charges against eleven of the twelve officers at Fort Meade who had been named by the Peers commission had been dismissed.

On June 23, 1970, Seaman, a West Point graduate and a former Vietnam division commander nearing mandatory-retirement age, dismissed all coverup charges against General Young, Colonel Parson, and Major McKnight. A statement issued at Fort Meade said that Seaman had acted following "his evaluation that the charges were unsupported by the evidence." In Young's case, Seaman acted shortly after he received a recommendation to dismiss the charges from Colonel John P. Stafford, Jr., the staff judge advocate of the First Army. Stafford's discussion of the case against Young took up two paragraphs—one devoted to what Young had been told and one to what his obligations to investigate were—of a two-and-a-half-page report:

"Although LTC [Lieutenant Colonel] Holladay says BG [Brigadier General] Young was informed of facts which would constitute a war crime, both Major Watke and BG Young corroborate the fact that BG Young was aware of only the confrontation [between ground and helicopter personnel] and the indiscriminate fire. This view is also corroborated by the fact that Col. Parson and Col. Henderson claim to have received only that limited information from the same source. The preponderance of the evidence further supports that BG Young reported the lesser amount of information to MG [Major General] Koster, which is apparently all the information he knew of.

"The evidence pertaining to BG Young's requirement to supervise Col. Henderson's investigation is tenuous at best, being based not on specific direction but only on implication. Assuming the duty existed, however, Col. Henderson's activity of reporting directly to MG Koster and the fact that MG Koster accepted this report, weakens the theory of BG Young's dereliction . . ."

Using the same set of facts a year later, Army Secretary Resor concluded that Young "did not meet the required standards" of a general. Resor's conclusion was included in a brief prepared in defense of a subsequently announced decision to administratively censure the General and to strip him of his Distinguished Service Medal. Resor's brief said, in part:

"General Young was informed by officers in the aviation unit the day following the incident at My Lai that a serious confrontation had occurred between American ground and helicopter personnel. There has been some dispute as to whether General Young was also given information concerning the killing of civilians and the presence of a number of bodies in a ditch. General Young discussed the matter with General Koster and was instructed to have a subordinate commander [Henderson] initiate an investigation. Subsequently, General Young made inquiries of the commander concerning the progress of the investigation. . . .

"Despite the fact that he possessed this information, and that General Koster had utilized him as the officer responsible for seeing that the subordinate commander initiate an investigation, General Young appears to have disassociated himself from the substance of the subsequent investigation. He made no effort to review or discuss with General Koster either the verbal report which General Koster had received from the commander or a subsequent written report which General Koster instructed the commander to prepare. It is General Young's position that he was unaware that the allegations being investigated included the actual deaths of noncombatant civilians. Assuming that to be the case, it indicates the inadequate degree to which General Young involved himself in the investigation, for it is clear that General Koster and the subordinate commander, as well as various others involved in the investigation, understood that a central issue in the investigation was that of civilian casualties. General Young did not seek to assure himself that a satisfactory resolution had been made respecting the confrontation, a confrontation which had serious implications concerning cooperation between infantry and helicopter units in future operations. . . .

"I have concluded that General Young did not exercise the degree of initiative and assume the responsibility which is expected with respect to a general officer serving as an assistant division commander."

Young, after losing a legal battle to avoid censure (although he did fight an attempt to reduce him to colonel), retired from the Army on June 30, 1971.

On July 28, 1970, General Seaman announced that he had decided that seven of the twelve officers under his jurisdiction, including Koster, were to be held for Article 32 hearings. Besides Koster, the officers were Colonel Henderson, Lieutenant Colonels Guinn and Gavin, Majors Calhoun and Watke, and Captain Johnson. The coverup charges against two other officers—Colonel Luper, the artillery-battalion commander at My Lai 4, and Captain Boatman, who served as a forward artillery observer attached to Bravo Company—were dismissed. The Article 32 sessions began at Fort Meade in August and were closed to the public; they continued for six months.

On January 6, 1971, after the hearings, General Seaman dismissed charges against four officers "because of insufficient evidence." Those freed were Guinn, Gavin, Calhoun, and Watke. Twenty-three days later, General Seaman dismissed the charges against General Koster, "in the interest of justice." A Pentagon statement said that Seaman, though he had found "some evidence" that Koster had heard about the deaths of the twenty civilians, had determined that the General was not guilty of any "intentional abrogation of responsibilities." Seaman's action was based on a four-page memorandum that was submitted to him on October 27, 1970, by Major General B. F. Evans, Jr., the investigating officer for Koster's Article 32 hearing. It is not known why Seaman waited nearly three months before announcing the findings, which he accepted in full. Seaman did issue a statement acknowledging that there was some evidence that Koster had not properly reported the deaths of twenty civilians to higher headquarters, and also had not thoroughly investigated the matter, but he added that in consideration of "the long and honorable career of General Koster" and the fact that Koster had not intentionally lapsed he had decided to dismiss all the charges. General Evans' confidential memorandum—like Colonel Stafford's in General Young's case—conceded every point of dispute to Koster. After concluding that Koster's "testimony was completely truthful," he added, in summary, "It is also my belief that there was no attempt by General Koster to hinder the investigation of the My Lai incident. . . . he [testimonial] letters included with [the] Article 32 investigation attesting to General Koster's character coupled with his past record of outstanding service would render it highly unlikely that General Koster would be a party to any subterfuge or dishonest act."

The dismissal of the charges against Koster brought an immediate outcry from MacCrate, the former Peers investigator. In his first public comment on My Lai in ten months, he told the New York *Times*, "I am shocked by the action of the commanding general [Seaman] in dismissing at this time the charges against General Koster." MacCrate's criticisms, however, were directed not at the substance of Seaman's action but at its timing. "Charges are still pending against men who were within his [Koster's] command" at the time of the incident, the lawyer said, referring to the officers under investigation at Fort Meade.

Aside from MacCrate's protest, little indignation was expressed over the Army's decision to drop all charges against the senior officer involved in the My Lai 4 massacre; the newspapers' information was limited to what they had been told by the Army, and most of them treated the dismissal as a routine, one-day story. And only one member of Congress, Representative Samuel S. Stratton, a New York Democrat, who had served on Hébert's Son My investigating subcommittee, challenged the decision. On January 29th, Stratton, a former Navy officer, called the dismissal of charges against Koster "a grave miscarriage of military justice," and said, "To drop the charges against the top officer responsible in this situation raises once again the whole question of a military whitewash . . . If the Army system is either unwilling or unable to produce the facts and to punish the guilty in this case, then I am inclined to feel that we do need some independent tribunal which will be higher and separate from the ordinary military-controlled court-martial proceeding to make a final determination in this case." Within a day, an Army spokesman revealed that General Seaman—while throwing out the charges against Koster—had given a letter of censure to him for "his failure to report civilian casualties and to insure that the circumstances of these casualties were investigated promptly and thoroughly." None of this got much attention in the newspapers.

A few days later, Stratton gave his fellow House members a lengthy dossier on Koster's alleged derelictions, which he had culled from the censored subcommittee report on Son My, published the previous July. Once again, few newspapers paid attention to Stratton's charges. Stratton told the House, "I am afraid that this is a case where the ground rules of the mythical W.P.P.A., the West Point Protective Association, have taken precedence over the welfare of the nation and the fundamental right of the American people to know the facts: never mind what happens to the Army or to the country, just make sure we keep our paid-up members out of embarrassment and hot water." He also questioned the timing of the Pentagon's revelation that a letter of censure had been given to Koster. "One cannot help wondering why this censure action was not made public at the time the original announcement was made that charges were being dropped," Stratton said. "Why was the impression given that General Koster was being let off completely free and clear? Was the Army perhaps waiting to test the public reaction to their decision to sweep the Koster case under the rug?"

Koster was subsequently demoted by administrative fiat to brigadier general and stripped of his Distinguished Service Medal—actions he unsuccessfully fought. Secretary Resor's statement justifying the administrative action contrasted sharply—especially in its view of the responsibility of a commander—with General Evans' argument for dismissing the case. Resor wrote:

"A great deal of information suggesting that a possible tragedy of serious proportions had occurred at My Lai was either known directly to General Koster, or was readily available in the operational logs and other records of the Division. He did not utilize the investigative staff resources available in the Division either to conduct an investigation, or to review the investigations which were conducted. In so doing, he took upon himself a much greater personal burden than would otherwise have been the case.

"As the Division commander, General Koster clearly must be held responsible for ascertaining the accuracy of the information which he had about My Lai, as that information indicated that his troops might have been guilty of serious misconduct. Any other conclusion would render essentially meaningless the concept of command responsibility accompanying senior positions of authority."

On February 26, 1971, the First Army completed its review of the year-old charges by announcing that Colonel Henderson, the 11th Brigade commander, would be tried by a general court-martial for his part in the coverup of My Lai 4. At the same time, General Seaman dismissed all charges against Captain Johnson, the intelligence officer, on the ground of insufficient evidence. Thus, Henderson became the only officer of the fourteen initially charged to be required to face a court-martial in connection with the charges of a coverup.

In August, 1971, Army Secretary Robert F. Froehlke, who had replaced Resor on July 1st, initiated administrative punishment against a number of the fourteen officers accused by General Peers. Pending appeals, two colonels were to be stripped of their Legions of Merit and given letters of reprimand; one major's name was to be removed from the list of majors eligible for promotion to lieutenant colonel; one captain was to be given a letter of reprimand; and a similar censure (its detail still unknown) was to be meted out to a fifth officer. Four enlisted men who had served with Charlie Company and, like the officers, had been cleared of criminal charges were also proposed for administrative punishment by Froehlke, and were told that, pending final reviews, they would be honorably discharged from the Army for the convenience of the government. Details of Froehlke's actions were leaked to the Associated Press and were published on August 18, 1971. The A.P., however, was not told the identity of the punished officers, though the names and home towns of the enlisted men were provided and published.

Colonel Henderson's military attorneys, as might have been expected, depicted their client as a scapegoat, and claimed that he would not have been charged if Representative Stratton hadn't begun objecting to the dismissal of the charges against Koster. I was told that during Henderson's Article 32 hearing at Fort Meade, which lasted five months, more than seven thousand pages of testimony was taken. At the conclusion of the hearing—in January, just before Stratton made his speeches in the House—the investigating officer dismissed one of the five specifications against Henderson but had found some evidence to support the complaints of dereliction of duty and false swearing. The officer did not recommend a court-martial, it was said, suggesting instead that Henderson be given a form of nonjudicial punishment under Article 15. General Seaman decided to proceed with the court-martial, however—a decision that was announced shortly after Army Secretary Resor began his administrative proceedings to censure Koster and Young. But Stratton, then the chief critic of the Army's handling of the coverup prosecutions, wasn't pacified either by the administrative action against the officers or by the filing of the Henderson charges. Still unable to attract wide press coverage, he wrote an article for the editorial section of the New York Times on March 8, 1971, caustically pointing out that a letter of censure "has one clear advantage over a court-martial; it keeps the general's (Koster's) case out of the papers."

Yet Stratton's public criticism of the Army's handling of the Koster charges, important though it was, still did not bear on the crucial issue of the Army as an institution that was capable of covering up a My Lai 4 and ignoring a My Khe 4. Neither did Colonel Henderson's subsequent court-martial, which began August 23, 1971, at Fort Meade, and quickly became mired in technical disputes over, among other things, the validity of the Colonel's testimony before the commission. Henderson's attorneys also spent weeks attempting to establish the existence of the May, 1968, report of the Barker investigation, although the evidence before Peers made it clear that the document was a fraud.

The trial, which dragged on through the fall, was marked by much self-serving and less than candid testimony. At least two key witnesses changed testimony. Chief Warrant Officer Hugh Thompson, a captain by late 1971, testified that he was no longer positive that he had made a statement about My Lai 4 to Colonel Henderson two days after the massacre. (Before the Peers commission, Henderson, among others, had identified the pilot as the man with whom he spoke.) Warrant Officer Jerry Culverhouse, who also had been promoted to captain, told the court-martial that he no longer could say whether Henderson "was or was not" the man to whom he reported on March 18, 1968. On December 17, 1971, Henderson was found not guilty of the coverup charges.

In the end, only legal technicalities and personalities were being debated. It is unlikely that any other atrocities of the magnitude and character of My Lai 4 have taken place in South Vietnam, but how many My Khe 4s have there been? By the fall of 1971, the massacre by Bravo Company was forgotten. That slaughter and its cover-up reveal an important truth about the American Army. Bravo Company killed between forty and a hundred innocent Vietnamese civilians on the morning of March 16, 1968. There was no Lieutenant Calley ordering other men to "waste them." There was no confrontation with a helicopter pilot, and no protesting over a radio network. My Lai 4 was out of the ordinary, but it was obviously not isolated. My Khe 4, however, was just another atrocity, and that atrocity was covered up—after its uncovering in the midst of the My Lai 4 investigation—by a lieutenant general and a Secretary of the Army unwilling or unable to face up to its meaning. There is a point, this suggests, at which even the generals and civilian officials of the Army, like the G.I.s involved in the massacres and like the innocent Vietnamese at My Lai 4 and My Khe 4, become victims.

—SEYMOUR M. HERSH.

[From the New York Times, Feb. 2, 1972]

THE COURSE OF MILITARY JUSTICE

(By Telford Taylor)

As a signatory of the Geneva Convention of 1949, the United States is bound to "search for" and bring to trial all persons who have committed "grave breaches" of the laws of war, and to "enact any legislation necessary to provide effective penal sanctions for persons committing" grave breaches. As the nation which for over a century took the lead in codifying and applying the laws of war, the United States is bound to govern the conduct of its armed forces by the standards that have been applied to the soldiers of Germany, Japan and other nations.

Now that the last of the courts-martial relating to the Mylai killings has concluded, it is time to assess our Government's role and obligations.

Ten enlisted men, one platoon leader and the company commander were charged with criminal responsibility for the Mylai killings. No effort was made to bring to trial any officer at a higher level, or anyone who had left military service prior to public disclosure of the killings. Three of the enlisted men charged were brought to trial; all were acquitted, and thereafter the charges against the others were dropped.

Ably prosecuted, the platoon leader, Lieut. William Calley, was convicted of first-degree murder and sentenced to imprisonment for life, subsequently reduced to 20 years. Strongly defended, the company commander, Capt. Ernest Medina, was acquitted.

Since over a year passed between the Mylai killings and disclosure of the episode, the Army established a high-level board of review, headed by Lieut. Gen. William R. Peers, to inquire into the circumstances of the "cover-up." On the basis of the board's findings, charges of perjury and other derelictions connected with the cover-up were filed against 14 officers, including the divisional commander, a major general.

Thereafter the charges against 13 of the 14 were dismissed without trial. Col. Oran Henderson alone was tried, and aquitted. Captain Medina, who freely admitted that he had concealed the killings, was not charged with the cover-up.

While the several courts-martial were in process, the Peers report was rightly held confidential. The Army has announced that it will not be released, at least until the review of Calley's case is completed. But Pentagon Papers and Anderson papers have now been followed by "Peers papers," and much of the contents of the report have been disclosed in articles by Seymour Hersh in The New Yorker. According to the Hersh account, the Peers report shows that the killings at Mylai were not confined to the men of Calley's platoon, or even of Medina's company, though the Army has never brought charges in connection with these other units, or even acknowledged that they occurred.

Although many persons participated in or were otherwise responsible for the Mylai killings, only Lieutenant Calley has been found guilty. And, although the killings were unlawfully concealed and numerous officers were involved, no one has been found criminally responsible for the cover-up. It is apparent that the Army's procedures for the prevention, detection and punishment of war crimes have failed abysmally. It is equally apparent that the United States has seriously defaulted on its international obligations under the Geneva Conventions.

Calley's personal guilt is beyond question, but the idea that he alone should bear criminal responsibility is absurd. Certainly no deterrent purpose can be served by punishing only Calley, and so irrational an outcome tends to degrade rather than exalt the judicial process. Under the circumstances, commutation or suspension of Calley's sentence is appropriate, *but only if done for the right reasons*. Any clemency for Calley which implies that what he and the others did at Mylai was "really not so bad" would turn a disgraceful situation into an unspeakable one. The "greatest reason" is to do "the right deed for the wrong reason," T. S. Eliot had Thomas Becket say.

Clemency for Calley should be granted, if at all, on the basis that it is unfitting and unprincipled to punish one man for the crime of many. It should be accompanied by an avowal that the Army's procedures proved inadequate to cope with the problems of the Mylai killings.

Over the years, the United States Army has done as well as most and better than many others in requiring its men to comply with the laws of the war. This generally good record makes it doubly important to perceive the causes of failure in connection with Mylai.

The Government failed to take proper account of the Supreme Court's 1955 decision that ex-servicemen are not answerable to court-martial for accusations of crime committed while in service. That decision should have stimulated legislative action to confer on the Federal courts, or other suitable tribunals, jurisdiction over such offenses. The Government's failure was a plain breach of our obligation, under the Geneva Conventions, "to enact any legislation necessary to provide effective penal sanctions" for war crimes. The consequence of this failure was that those involved in Mylai who had left the service before the disclosures were immune.

Captain Medina did not personally participate in the mass killings at Mylai, and the charge against him in this respect was based on the well-established doctrine of "command responsibility"—the duty, as described in the Army field manual on the law of land warfare, "to take the necessary and reasonable steps to insure compliance with the laws of war" by his troops. The manual is explicit that this duty attaches when the commander "has actual knowledge, or should have knowledge" that his troops are committing or about to commit war crimes. A commander must not, whether deliberately or negligently, fail to acquire information about his troops' actions necessary for his responsibilities.

But the military judge before whom Medina was tried, in his charge to the jury, omitted the "should have" portion of the rule and instructed the jury that they could not find Medina guilty unless he had "actual knowledge." He also charged them not to find Medina guilty unless they were satisfied that unlawful killings of Mylai villagers took place after the time at which he acquired actual knowledge. Since no one was holding a stopwatch on the morning's doings in Mylai, it is hard to see how a conscientious jury could have made any such finding.

It is clear that the charge virtually dictated acquittal, and that it was squarely contrary to the laws of war as set forth in the Army's own field manual. It is likewise clear that Medina's acquittal effectively immunized all those above him in the chain of command, for if the company captain, within earshot of the killings and in radio communication with the guilty unit, could not be found liable, how could colonels and generals overhead in helicopters?

The fiasco with respect to the cover-up was largely due to the independent authority which the military judicial system gives to the commander of the headquarters to which an accused officer is assigned. In 13 of the 14 cases in which the Peers board recommended charges, the headquarters commanders in substance overruled the board and ordered the charges dismissed.

Apart from the failure of the Army's judicial machinery, there has been an even more serious deficiency in the Government's response to the Mylai disclosures. The several courts-martial have done little to inform the public on the broader questions raised by the episode. What were the antecedent circumstances of training and leadership which made Mylai possible? What are the legal and human consequences of Army operational standards and practices in Southeast Asia, such as "body count" reports, "free-fire" and "free-strike" zones, mass removals of civilians from their homes, crop destruction and defoliation?

Now that the criminal process has run its sorry course, a number of other measures are urgently necessary. These should include:

(1) Review of Calley's sentence in the light of the failure to convict anyone else;

(2) Enactment of legislation authorizing appropriate tribunals to try ex-servicemen accused of crimes committed while in service outside the United States;

(3) Publication of the Peers report and the documents and testimony on which it was based;

(4) Creation of a national commission of inquiry, vested with power to compel testimony and grant immunity, in accordance with the recent recommendations of the Association of the Bar of the City of New York. The commission's range of investigation should include at a minimum the military operational directives in force in Southeast Asia, the standards of training and discipline with regard to observance of the laws of war, and the processes of military justice in dealing with war crimes.

Only by treating the end of the courts-martial as the beginning of serious efforts to confront the facts and learn from experience can the failure of the judicial process be redeemed, and the stain of Mylai lightened.

[From the New York Times, Jan. 2, 1972]

DEBACLE OF MILITARY JUSTICE

When the horror of the events at a South Vietnamese hamlet named Mylai 4 was first disclosed two years ago, the sickening story of women, babies and old men murdered by American soldiers jolted the nation's conscience. President Nixon called it a massacre. Lieut. Gen. William Peers, who conducted a careful inquiry into the Army's preliminary handling of the charges, described Mylai as "tragedy of major proportions."

The Army's announcement, following the Peers report, that it would try sixteen officers and nine enlisted men in connection with the massacre renewed the faith of those who wanted to believe that the American military still distinguished between war and criminality. The conviction of Lieut. William Calley briefly reinforced that faith—although President Nixon's unwarranted intervention promptly undermined it.

But the conclusion of the trials without the conviction of any officer or man allegedly involved, except Lieutenant Calley, shatters the hope that the military establishment is truly capable of policing and judging itself. The clearance of all defendants except Calley does not prove, as some now claim, that the lieutenant was framed to buy immunity for the higher ranks. Calley's personal guilt, proved to the satisfaction of a battle-tested jury, remains unquestioned.

But it is also clear that Calley did not commit a solitary crime. The military chain of command, far from being ignorant of criminal actions in which so many participated so publicly, obviously devoted much effort to covering up rather than to reporting, investigating and exposing the crime. This would be inexcusable even had the Mylai story been kept from public view. After its disclosure, a trial procedure which failed to come to grips with the nature of the high-level cover-up suggests the absence of a command policy to prevent such war crimes. The Pentagon's unwillingness to respond to those other charges of atrocities made more recently by Col. Anthony Herbert raises serious questions about the civilian as well as the military leadership in Washington.

The tribunal which brought down the curtain on the Mylai trials argued that Colonel Henderson had been kept in ignorance of the massacre by the lies of his own officers. It is difficult to believe that it was beyond the Army's investigative capacity to identify the liars and track down the conspiracy of silence.

Americans who refuse to surrender the nation's honor and ideals can only see this debacle of military justice as proof that the military apparatus has lost its sense of accountability. If the White House is unwilling or unable to act, as seems to be the case, it is up to Congress to re-establish civilian controls over the policies and practices of the military. The first step might well be to insist that the Peers report, which virtually forced the Army to bring some of its own personnel to trial, be made public. It never has been, nor has the report on the Herbert case. Both these reports would surely throw some light where light is sorely needed.

[From the New York Times, Feb. 4, 1972]

DUTY, HONOR (AND SELF)

(By Lucian K. Truscott 3d)

ALBUQUERQUE, N. MEX.—The real tragedy of Mylai remains obscure even after the Medina and Henderson trials dragged on in Calley's wake. The ultimate tragedy was not Calley: his killing was horrible enough. And it was not the cover-up which in its long-term effect on the Army will probably prove just as horrible. Rather, the real tragedy was Mylai as the culmination of several incidents which, taken together, indicate a disturbing degree of erosion of moral principle within the Army.

We forget quickly. Remember the Green Beret fiasco? And the bogus award of the Silver Star to the general in Vietnam? The Sergeant Major of the Army and his alleged implication in the club scandals? And the conviction of the Provost Marshal General—the top cop of the Army—for his illegal extracurricular activities? To name only a few. All involved senior individuals, and few, if any, of these scandals were brought to light by the Army.

The other services (Air Force, Navy) are fundamentally different from the Army. They exist for machines—machines which kill and destroy from twenty miles away or 30,000 feet up. Their killing is remote and impersonal. The Army, on the other hand—and most particularly, the infantry—exists for men to kill other men. Ordering, and especially leading men to hunt and kill men is infinitely more difficult. It requires a disparate form of discipline, the most nearly absolute form of power: that of a man directly over the life of another man. Not of man over man through machine, or of man over machine through man. The far more terrible risks taken by the man on foot in combat require this power, for on the ground, men die in the face of, and at the side of other men. Absolute power is necessary in order to bring this about.

If we believe Lord Acton's statement that all power tends to corrupt and that absolute power corrupts absolutely, then the Army is the most susceptible of all the services to absolute corruption by those who serve in it. This corruption is at the heart of the Army's problem.

To put it simply, this corruption results from individual lust for advancement, the never-ending search for that absolute power over other men—perhaps as must be the search for money in civil life. Unfortunately, the ambitious Army officer has frequently found that he cannot advance and remain honest at the same time. This has certainly been the case in Vietnam—the war that has been allowed to become a punch on a promotion card.

A West Point classmate and friend of mine, recently promoted to brigadier general, admitted to me that he found he had to be dishonest to "do well" as a battalion commander in Vietnam. He had to falsify reports simply because there were not enough hours in the day to get everything done or undone. He had to lie to pass inspections and training tests; to control AWOL rates and venereal disease rates and court-martial rates; to keep ahead of his peers on all of the numbered charts that today measure success. Besides, he reports, "Everyone else was doing it." He had to be corrupt, for if he had not been, would he have been promoted to colonel, and then to brigadier general—and on and on?

This is the corruption that gnaws at the guts of our Army:

Corruption is an infantry commander being in a helicopter 1,000 feet over his men on the battlefield, instead of being down there with them. Would Mylai have happened if Koster and Henderson and Barker—all of whom have claimed that they saw and heard nothing—had been down on the ground where the killing was going on? Corruption is placing a man in command of a battalion or brigade for six months so he can get credit for command in combat, then moving him back to a trailer in a base camp while his men remain in the field. Such rotation of commanders has been a practice in Vietnam right from the start, and it is corrupt because the men who fight there deserve better, and the country does.

Corruption is measuring the effectiveness of a commander (and a war) by the number of enemy his unit reports dead. Counting bodies is corrupt because it has led to inflated statistics, to lying, and because it is degrading to the commander, his men, and to the enemy, both living and dead.

And corruption is covering up a massive drug problem, or any mistake or tragedy.

The Army must be honest with itself and with its people. It has in the past. For years, the motto at West Point has been "Duty, Honor, Country," and in effect, this has been the motto of the Army. I was proud to serve under that motto. But I am not proud of what that motto has become. In Vietnam, it was very subtly changed by some very corrupt men to "Self, Duty, Honor, Country," and that is the erosion of moral principle within the Army.

DANGERS INVOLVED IN MEETING WITH THE SOVIET UNION AND HER ALLIES

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I have asked for this special order so that I and several of our colleagues can discuss the recent memorandum of the American Hungarian Federation to the President on the proposed European Security Conference.

The memorandum analyzes in depth the dangers involved in meeting with the Soviet Union and her allies for such a conference. It points to the fact that the most obvious purpose of the Soviet Union and the so-called Warsaw pact remains the recognition of all existing frontiers and the permanent political status quo in Europe. "Such a declaration would effectively freeze the status quo and its legal significance, including Soviet Russian domination over East Central Europe and the partition of Germany," the memorandum states.

The memorandum also refers to the goal of the Soviets in proposing the European Security Conference as being:

> For the reduction of American political, economic and military presence in Europe

and for effectively loosening the ties between European NATO allies and the United States.

Yet, despite these warnings, the memorandum does not reject the concept of a European Security Conference in toto. It believes that the Conference could be effectively utilized by the United States in loosening the artificial ties binding East and Central Europe to the Soviet Union. Such a conference could help to reweave the fabric of Europe, creating a viable European community, now prevented by Soviet Russian domination in East and Central Europe. In this connection, as the first point on the agenda, the American Hungarian Federation suggests that the Security Conference discuss ways to create a neutral, nonalined zone in the Danubian region based on the already existing neutral or nonalined States of Austria and Yugoslavia and adding to it Hungary, Czechoslovakia, and possibly Rumania. I believe that this position is well taken, even if its implementation would necessitate extensive negotiations and clarifications and would result in changes in the political, military, and economic power relations in Europe.

Mr. Speaker, we cannot abandon our interest in the national self-determination rights of the peoples of East Central Europe—peoples who, such as the Hungarians, have shown that they intensely desire a free and democratic system. I hope this memorandum will receive the attention it deserves.

Mr. DICKINSON. Mr. Speaker, yesterday the American Hungarian Federation brought to my attention a memorandum they are presenting to the President on problems connected with a planned European Security Conference. I agree with their analysis and ideas which are substantially similar to those of the administration except that the American Hungarian Federation adds a few proposals which would be of great importance if and when such a conference will take place.

The Soviet Union and their allies have long pushed for a European Security Conference as a means of promoting the disintegration or even dissolution of NATO and to extend Communist and Soviet influence into Western Europe. Another important consideration in their mind had been to get a solemn international, multilateral recognition of the present frontiers and political status quo in Europe, thereby recognizing Soviet hegemony over East Central Europe. In view of these aims, the United States and the NATO allies were not in favor of such a conference until the end of 1969 and still have important reservations about the convocation of such a conference.

However, in view of diplomatic and political developments, it looks like such a conference may be held next year provided the participants can agree on a meaningful agenda as the Soviet Union and its allies have made some procedural concessions and the Western Powers have increasingly accepted the concept of the conference. It will be one of the most important tasks of our President in Moscow this year to insure that if such a conference takes place it does not become a multilateral rubberstamp to approve the status quo and further a relaxation of the efforts of our European allies in NATO. The objections of Secretary of State William Rogers at the December 1969 NATO Ministers' meeting remain pertinent to a great extent even today. Then, he asked:

> It (the Warsaw Pact) has proposed a European Security conference based on what appears to be a nebulous and imprecise agenda. What does the Soviet Union want to achieve by proposing such a Conference? Does it want to deal realistically with the issues which divide Europe, or does it seek to ratify the existing decision of Europe? Does it intend to draw a veil over its subjugation of Czechoslovakia? Does it wish to use the conference to strengthen its control over the trade policies of other members of the Warsaw Pact? Does it wish to seek to retain the right to intervene in Eastern Europe?

The memorandum also rightly points to the possible pitfalls of the conference like further disintegrative tendencies in NATO, and further expansion of Communist and Russian influences in Western Europe. But it also accepts the inevitability of the conference and proposes Western diplomatic initiatives in order to counterbalance Soviet moves in this regard.

It calls for discussions, within or outside of the MBFR talks or the European Security Conference, for a removal of troops from the southern tier countries of the Warsaw Pact and Southern Europe and a corresponding expansion of the neutral and/or nonalined zone in Central Europe now consisting only of Austria and Yugoslavia. Of course, this could not constitute a final solution, but it would be a significant step toward the restoration of a stable peace and for peoples of self-determination and sovereign equality in the States now still held captive by overwhelming Soviet supremacy and intervention into their internal affairs. For this purpose I believe that these suggestions could serve as valuable aids in our diplomacy.

I am sure that the administration which holds the problems and the fate of the freedom-loving and yet still oppressed peoples of East Central Europe and the cause of a stable and just peace in Europe to be a matter of highest importance in our foreign relations will pay the attention to these proposals which they deserve.

At this time, I would like to insert into the RECORD a memorandum from the American Hungarian Federation. The memorandum outlines the concepts which we have spoken of today:

MEMORANDUM

The convocation of a European Security Conference seems to be inevitable within the next eighteen months. This estimate is based upon the various statements made by leading statesmen of our NATO allies and the communique of the last NATO meeting of Foreign and Defense Ministers in Brussels of December 10, 1971.

The American Hungarian Federation looks toward the convocation of such a European Security Conference both with hope and anxiety. We are aware of the policy of our Government to end a policy of confrontation and to proceed to an era of negotiations with the Soviet Union and the People's Republic of China. We are aware that the creation of stable conditions of peace in Europe must occupy a high priority in United States foreign policies. We also believe that the forthcoming visit of our President to Moscow in May 1972 will provide a historical opportunity to demonstrate the paramount interest of the United States in creating conditions leading toward true peace and international cooperation in Europe.

A European Security Conference conceals the seed of much hope and risks alike. Hope springs eternal in our hearts that given good will on our side and a resolute Western diplomatic stand could help in erasing, or at least, diminishing, the existing cultural, economic and political barriers between the nations of Europe, barriers which still divide in physical and political sense the homeland of our fathers, Hungary, from Western Europe and the United States.

Hope that the European Security Conference will help to remove Soviet troops from Hungary, and restore the opportunity for Hungary as well as for other nations of East Central Europe to reintegrate themselves gradually into the Western European community of nations and culture to which they have belonged for over a millennium and from which they were torn by the post-1945 events. Hope that these peoples will be able to widen their minutely limited freedom of action and recover their right to self-determination and intra-regional solution of their outstanding domestic, international and nationality problems.

Yet, we experience anxiety about the announced goals of the Soviet Union and her Warsaw Pact allies in seeking the convocation of a European Security Conference. Their most obvious purpose remains the recognition of all existing frontiers and the political status quo in Europe in form of a conference of all European and North American powers, a recognition which would be binding in international law both bilaterally and multilaterally. Such a declaration would effectively freeze the legality of the status quo, including Soviet Russian domination over East Central Europe and the partition of Germany. Unfortunately, the yet unratified Bonn-Moscow Treaty provides a precedent in this regard as far as the Federal Republic of Germany is concerned.

We are heartened by the final communique of the NATO Ministers of December 10, 1971 stating that a European Security Conference cannot serve the purpose to render permanent the postwar partition of Europe and we earnestly hope that this position, with positive elaborations, will also be the position of the United States Government at any forthcoming European Security Conference. We refer in this regard to the Article of the U.N. Charter that its members base their policies on "the sovereign equality of all its Members" and "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

We feel some anxiety that the European Security Conference may be used by the Soviet Union for the reduction of American political, economic and military presence in Europe and for effectively loosening the ties between the European NATO allies and the United States. Any further deterioration within NATO would have grave consequences for Western security. In this regard, we must praise highly the continuous efforts of the Administration to resist premature plans of unilateral withdrawal both at home and abroad, and its unwillingness to approve any such MBFR plans which would create Soviet military superiority in Europe.

We believe that if a European Security Conference takes place, the United States should propose positive plans for overcoming the situation in East Central Europe taking into consideration the security interests and political-military realities of the situation. In our Spring 1969 Memorandum we already called attention to the possibility of proposing an expansion of the already existing neutral area between the NATO and Warsaw Pact nations from Austria and Yugoslavia to Hungary, Czechoslovakia, and perhaps also Rumania and other countries. Removal of foreign forces and the international guarantee of these areas should be made the subject of serious discussions.

Concentrating upon the Danubian region, where there exists no great concentration of either NATO or Soviet units, a fruitful start could be made in furthering MBFR talks. Any MBFR agreement in this region would also promote the emergence of a quasi-neutral bloc including the states between Austria and Rumania, thereby creating the opportunity for freer national and economic development in the region. If MBFR and a European Security Conference are going to be more than a slogan, a reweaving of the two parts of Europe without impairing basic security needs of the superpowers must form a priority item. The chances of creating the opportunity for freer national development without the presence of foreign military forces appears best in the Danubian region where already two states with such a structure or policy tendencies exist.

Historical, social and economic ties between the states of the Danubian region are still in existence and remain extensive even across alliance borders and the expansion of the zone free of foreign forces would promote closer cooperation which would, however, not be directed against any of the superpowers.

We trust that these proposals would be seriously considered by our Government and employed at the right time and place in order to promote both the interests of the United States and of Hungarians whether living in Hungary or in the territories controlled by the neighboring governments.

We trust that the President, who displayed his special regard for the peoples of Hungary and East Central Europe many times in the past, will employ the diplomatic and economic talents of the United States to bring peace, self-determination and free development opportunities to them through his sustained diplomatic offensive including his forthcoming talks with the Soviet Government.

Finally, it is our position, which is shared by the overwhelming majority of Americans of Hungarian descent, that we cannot accept any Soviet proposals that the ideological, political and military partition of Europe must be rendered permanent by a European Security Conference in the form of a multilateral declaration on frontiers and the political status quo as it has been done in the yet unratified Bonn-Moscow Treaty. A European Security Conference must be a first step toward the creation of stable and peaceful conditions in Europe based on the principles of sovereign equality and self-determination, or the causes of tensions will never be removed.

Mr. Speaker, the American Hungarian Federation recently sent me a memorandum discussing the problems of a European Security Conference. The fine work of the American Hungarian Federation is well known to me from the past and its committee on international relations consists of renowned professors such as Prof. Maurice Czikann-Zichy from the Department of Economics of Immaculata College and Prof. Z. Michael Szaz, from the Department of History and Social Sciences at Troy State University, Troy, Ala. Other experts include former members of the Hungarian Parliament.

The memorandum deals with the inherent dichotomy of a European Security Conference. On the one hand, the Soviet Union and the governments of East and Central Europe under her domination clamor for a European Security Conference in order to establish a security system which would recognize the permanency of their rule and frontiers, regardless of the opinion of their peoples, and would also provide for a weakening of the American presence and influence in Europe. The Soviet Union's intention is clearly to gain influence and power in Western Europe and to detach, in part or in toto, our European allies from NATO.

On the other hand, there is no question that unless a military and, eventually, a political detente with Eastern Europe occurs, no stable peace can return to Europe and the present partition, separating nations with Western culture from the western part of the continent, will remain in force.

Thus, neither an unqualified "yes" nor an unqualified "no" seems in order as far as the U.S. position is concerned. An unqualified "yes" would only encourage the Soviet Union to insist upon vague generalities for an agenda and to use such a conference as a platform for anti-American propaganda and for the detachment, as much as possible, of our allies from NATO.

On the other hand, an unqualified "no" does not appear possible given the support for the idea of the conference among our Western European allies and the necessity for attempting to overcome the negative status quo in a positive manner if the causes of peace and stability in Europe are to be promoted.

A particularly significant analysis of the interrelationship of the problem with the upcoming mutual balanced force reduction talks was completed some months ago by Prof. Z. Michael Szaz, secretary of international relations of the American Hungarian Federation, at a conference of the American Institute on Problems of European Unity, Inc., held at American University last spring. His suggestions in this regard are of special interest and I commend them to my colleagues along with the panel discussion on the same topic. Copies of both follow.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the Record in connection with the special order I have today at the conclusion of legislative business.

MUTUAL BALANCED FORCE REDUCTION CONCEPTS AND THE DANUBIAN REGION

(By Z. Michael Szaz, Troy State University)

In his February 25. 1971 State of the World Message, President Nixon reemphasized the historic ties existing between the countries of East Central Europe and the United States and the NATO countries and added:[1]

"We would not pretend that the facts of history and geography do not create special circumstances in Eastern Europe. We recognize a divergence in social, political, and economic systems between East and West.

"But in our view, every nation in Europe has the sovereign right to conduct independent policies, and to be our friend without being anyone else' enemy or being treated as such."

In discussing the perspectives of a balanced reduction of forces, the prospects of a European Security Conference and their impact upon the states of the Danubian region, I would like to take this Presidential statement as the *leitfaden*. It delimits a firm, but limited, goal of United States policy toward East Central Europe recognizing the quest for a return to normalcy, sovereignty and security among the Soviet-controlled nations of the region.

This quest is now new. Ever since the Red Army occupied the area and the Soviet Government subsequently violated its pledges of free elections made at the Yalta Conference, politicians and academicians have been devising plans in order to restore the cultural, political and economic ties with the Soviet-dominated nations of Europe.

The quest and the concommitant hope of ultimate success continues to survive in view of the dramatic proofs of popular will manifesting itself in the area in the 1956 and 1970 events in Poland, the temporarily successful struggle of Hungary against the Soviet Union in 1956, the Prague spring of 1968 and the foreign policies of the Rumanian dictator, Nicolae Ceaucescu, grudgingly accepted by the U.S.S.R. in the new Soviet-Rumanian Treaty. No detached observer can deny that the intellectual elite and the working classes of East Central Europe remain acutely conscious of their Western heritage and desire reintegration into the European community.

Until now, both the Soviet Union and the United States preferred the existing status quo in Europe, despite inherent instabilities, to any long term solution which could ensure a stable order based on the independence of the East Central European nations. Any alternative options would have interfered with the degree of influence the super-powers hold over their alliance partners and would have refocused attention upon the almost insoluble question of a divided Germany. Tacit Western acceptance of the status quo, therefore, has been as much a part of the twenty-two year old *remis* between Western and Soviet power in Europe as the apparent unwillingness of the Soviet Union after 1949 to engage in warlike acts in order to expand its control in Europe.

As a result, the local centrifugal forces, surfacing temporarily in Poland Czechoslovakia, Hungary and Rumania, have been unable to effect:

1. Escape from the Warsaw Pact Organization (Hungary);
2. Rearrangement of their politico-economic system in order to harmonize them with national interests and popular demands (Poland, Czechoslovakia and Hungary); or
3. Independence in their foreign affairs and economic relations (Rumania).

Exploiting both implicit Western acceptance of the status quo and Western weakness in conventional armaments, the Soviet Union had not only cracked down militarily three times on dissident and potentially dissident elements but evolved the "Brezhnev Doctrine" of legally justified Soviet or WTO intervention against recalcitrant alliance members. On the surface, therefore, it appears that Soviet domination of East Central Europe cannot be upset, or even effectively diminished, within the framework of the existing balance forces and a passive Western policy.

U.S. POLICY TOWARD FORCE LEVELS AND EAST CENTRAL EUROPE

Yet, at the same time, a certain erosion of superpower control cannot be denied in either Western or East Central Europe. There is growing impatience on the American Left and even among ideologically uncommitted Senators in the Mid-West and West about the present extent of American troop commitment in Europe and about the sharpening competition between American and Western European goods on the world market now that the Common Market had built its own customs wall. The Washington columnist Crosby S. Noyes somewhat pessimistically expressed the American malaise as follows: [2]

They (The Communist leaders) can see

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that pressure in this country is growing for a similar retreat from Western Europe . . . They understand that administration, by mustering all its power, is able to win the political skirmishes—or at least some of them. But they are banking on the hope that the trend in the United States is irreversible and that in time the marbles will fall into their hands.

Many of the Senators who voted against the Mansfield Amendment on May 19, 1971 were still in favor of some American withdrawal, although not of weakening the underlying defense commitment of the United States.

The President is, however, fighting the neo-isolationist urge with the help of many old-line Democrats. His concept of evolving American-European relations were clearly spelled out in his 1970 and 1971 messages. In the former he spoke of the need of a genuine partnership (that) must increasingly characterize our alliance . . . A more balanced association and a more genuine partnership are in America's interest. As this process advances the balance of burdens and responsibilities must be gradually adjusted, to reflect the economic and political realities of European progress . . .

It can be summarized that the Administration is increasingly aiming for a balance of its commitments financially and militarily toward Europe and insists upon greater participation by our Allies and is trying to accomplish this objective at a lesser cost in manpower and material resources. But the Administration is not conducting a withdrawal policy from Europe. Its policy is still best described by the statement of the President at the twentieth anniversary of NATO that "the depth of our relationship is a fact of life. We can no more disengage from Europe than from Alaska."

The reasons for this policy consists of the continued military weakness, in conventional and nuclear armament alike, of the powers of Western Europe *vis-a-vis* the Soviet Union and its Warsaw Pact allies. The forces opposing the NATO armies in Europe were aptly described by the then Supreme Commander of NATO, General Lyman L. Lemnitzer, at the October 1968 Lisbon meeting of the Atlantic Assembly as follows: [4]

The facts are that the Warsaw Pact powers comprise the most formidable conventional armed forces in the world today, that they are backed by plentiful tactical support and nuclear power, that beyond there exists a powerful strategic, nuclear capability which can inflict catastrophic damage on the West. These capabilities are constantly being improved upon year after year by the introduction of new and modern weapons and equipment. In short, they possess a tremendous military capability and potential far beyond that required to defend against the military capabilities of NATO.

As to available statistics, the 1969 survey by the London Institute of Strategic Studies listed the NATO forces as having only two-thirds of the manpower, forty per cent of the armored forces and about fifty percent of the tactical air force in the category of the "more-or-less-ready" forces. It is true, however, that in most categories the firepower of the Western units is higher. While it is also correct that given a few weeks time for mobilization and deployment NATO forces could attain parity, but it is doubtful whether this period would be available in case of war.

Despite the weak military posture the NATO armies buttressed by the 285,000 American troops in Europe form a formidable barrier against possible Russian aggression and provide a psychological climate for security and progress in Western Europe and hope for the nations of East Central Europe.

Economically and politically, the states of Western Europe are becoming an important subject in world politics. Now that the accession of Britain to the Common Market seems to be most likely, the economic potential of an enlarged Common Market will approximate that of the United States and surpass that of Russia. Politically, despite some differences, Western Europe is developing a common approach to major international problems, including *Ostpolitik*. The search for detente with the Soviet Union while maintaining NATO was basically a European initiative now embraced too vehemently by West Germany's Socialist-Free Democratic government. At the same time, military expenditures, inflated labor costs create increasing balance of payments difficulties for the United States and strengthen protectionist tendencies. It was not an accident that Senator Mansfield mounted his challenge to Presidential policy on European troop withdrawals at the moment of the Eurodollar crisis that had led to a floating devaluation of the dollar against the D-Mark, a move that was followed by the Netherlands, Switzerland and Austria as well.

The Mansfield challenge, though beaten on May 19, 1971,[5] strengthened the tendencies of civilian planners and Bureau of Budget experts toward a retrenchment of American troop levels in Europe. The vague, but intensive, offer by Soviet Party Secretary Brezhnev in Tiflis two days before the vote raised the prospects of a MBFR negotiations from the level of academic exercises into the diplomatic scene. Our next investigation will, therefore, concern the MBFR Concepts and its possible impact upon American policy toward East Central Europe and the extension of the MBFR Concepts to the Soviet-occupied countries of the region, particularly Hungary and Czechoslovakia.

MUTUAL BALANCED REDUCTION OF FORCES CONCEPTS

The Brezhnev remarks were by no means the opening shot in the MBFR negotiations. NATO had come out as early as 1968 at its Reykjavik meeting with the concept, only temporarily abandoned in the wake of the Soviet invasion of Czechoslovakia. In May 1970 the Rome meeting of the NATO Defense and Foreign Ministers expressed considerable interest in a mutual balanced reduction of forces of the two alliances in order to lessen tensions and restore more leverage to Central European governments without any sudden demobilization or changes in the existing military balance.

Bilateral probes were conducted, according to American sources in twenty instances after the June 1970 Declaration of the Warsaw Pact Foreign and Defense Ministers in Budapest which expressed willingness to discuss the withdrawal or reduction of "foreign military forces" in Europe within a European Security Conference. The declaration left, however, the term "foreign" purposely vague as to whether it would include Soviet troops in Eastern Europe as well.

The declaration still tied the MBFR talks to a European Security Conference, the favorite topic of Russian diplomacy. In turn, the NATO Declaration emphasized the need for exploratory talks and the American State Department seemed to have established a quasi-tie between MBFR talks and the convocation of a European Security Conference in addition to a Berlin solution. The technical aspects of the MBFR concept were mostly investigated by United States experts, both within and without the government as a result of the Administration's soul-searching about future American troop levels in Europe. Despite the National Security vote and the Presidential decision to maintain the present level of American troops subject to the implementation of some concrete steps by the European NATO allies [6] the MBFR issue was now regarded as a serious diplomatic issue despite the complex technical and political problems involved.

During 1970 several proposals were submitted to DOD and State Department on this issue and the National Security Council also conducted its own study.

The most widely known non-classified plans were composed by Professor Timothy W. Stanley in his *Detente Diplomacy*,[7] and his concept will be discussed later.

American and NATO positions were dovetailed during the December 1970 Brussels Conference of NATO Foreign and Defense Ministers. Secretary of State Rogers repeated there the President's pledge not to reduce U.S. forces "unless there is reciprocal action from our adversaries" and called for Soviet agreement for exploratory talks on MBFR before the convocation of an ESC.[8] In addition, the President listed in his State of the World Message certain priorities and a tentative framework for these negotiations. The United States considers the creation of "a more stable military balance at a lower level of forces and costs" as the basic requirement in MBFR talks. Therefore, reductions should "diminish the incentives for attacking forces." Here, the problem is that "reductions would favor offensive capabilities," since attacking forces could concentrate while reduced defensive forces would "be compelled to spread along a given line." [9]

Only an equivalency in reductions between the forces of the two alliances could solve this dilemma. Yet equivalency raises complicated technical problems even in addition to ideological and political power considerations existing between the two alliances. As the President's message to Congress correctly states "there are marked differences in the equipment, organization and strength both within and between the opposing NATO and Warsaw Pact forces." Some of the problems involve the differing organization of armored and anti-armor elements and artillery and supply troops on the divisional and corps levels; the differences in mobility and firepower within the divisions and finally the effect of geographical distances for supply and deployment in case of hostilities between NATO and WTO forces. The latter particularly applies to United States troops in Europe which are relying on sealane and Big Lift air supplies for reenforcement while the Soviet forces in WTO territories enjoy the inner line of mobile deployment and reenforcement because of contiguous territory and smaller distances. In the words of the President: [10]

> Thus—we must consider not only the balance of standing forces but what either side could do following various periods of mobilization and reinforcement.

The crux of the MBFR problem consists, however, of the question: "How can NATO afford symmetrical reductions which would magnify the effects of already existing imbalances?" The President proposes a qualified asymmetrical approach "in which reductions by the two sides would be made in differing amounts in different categories."

Yet what categories of asymmetrically larger reductions can NATO offer except perhaps in the number of tactical nuclear warheads and delivery systems in return for proportionately larger conventional manpower and armaments reductions on the Soviet side?

The President, aware of the difficulties, proposed a building bloc approach, first exploring the substantive issues and their relation to specific problems and then solving issues one by one.

It was during the debate on the Mansfield Resolution which was defeated on May 19 including its amended versions that the next development occurred. On May 14, 1971, indirectly responding to the inquiry of United States Ambassador Beam to Foreign Minister Gromyko on April 30, Soviet Party Chairman Leonid Brezhnev called for im-

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mediate talks on reducing foreign forces in Central Europe.[11] Four days later, Soviet Premier Kosygin assured visiting Canadian Prime Minister Trudeau[12] that the Soviet Union would do everything possible to reach agreement on reducing forces in Europe if the Western powers "display real readiness to take practical steps in this direction."

American response was originally very favorable, but enthusiasm was replaced by cautious consideration of substantive details by the date of the Conference of NATO Foreign and Defense Ministers at Lisbon, June 3–4, 1971. Preliminary exploration of the Soviet position had shown namely that the Soviet Union was not ready yet for technical discussions in the absence of substantive military studies of their own. Furthermore, the Lisbon Conference proved that more time would be needed to coordinate views among the various NATO powers. The Lisbon communique reflects this spirit of caution and compromise and the need to gain time both to achieve unity of approach within NATO and to see whether the Soviets are willing to agree to an acceptable Berlin settlement. The latter motive is especially strong in the case of the West German Government whose future depends on a satisfactory solution of the Berlin question.

Therefore, a tentative modus operandi was established as follows: (1) Bilateral explorations with the Soviet Union during the summer of 1971 and the completion of individual MBFR studies by alliance members; (2) Meeting of NATO Deputy Foreign Ministers in September or October in order "to review the results of exploratory contacts and to consult on substantial and procedural approaches to mutual and balanced force reductions."[12]

A preliminary analysis by staff members of the North Atlantic Council just preceding the Lisbon Conference stressed three elements in the Russian offer of interest to NATO:[13]

(a) for the first time, the Soviet Union failed to insist upon a tie between MBFR talks and the European Security Conference and accepted a forum outside of ESC for MBFR talks;

(b) The offer was not limited to foreign forces, it would include indigenous forces as well;

(c) The geographic zone of MBFR limitations was defined as Central Europe, although no further precise terms were given. The zone would by definition exclude the American Sixth Fleet and the Mediterranean from the talks.

On the NATO side, the following principles were stressed for future MBFR talks:

1. Mutual reduction should not interfere with NATO security. Thus, Soviet forces reduced must be withdrawn to Soviet territory and dissolved, if American forces, in return, must be returned to the United States.

2. Reductions must be phased and balanced (and not necessarily symmetrical) as to their scope or timing.

3. Reductions must include both troops from outside the country and local defense forces and weapons systems. United States speakers would also like to see delivery systems included without a commitment of talks about reducing nuclear warheads. In this regard, retiring NATO Secretary General Manko Brosio slated to be the chief NATO negotiator if MBFR talks commence, was asking whether the Soviet Union would be willing to reduce nuclear as well as conventional arms and if so, what kind of nuclear systems?[14]

4. There must be adequate verification and arms controls to insure the observance of agreement on MBFR. Here again NATO's Brosio remarked that "the Soviet leaders said nothing in their comments on the key issue of verification control."[16] Finally, Brosio also raised the issue: what territory would be covered by the proposed reduction of forces?

MUTUAL BALANCED REDUCTION OF FORCES AND THE DANUBIAN REGION

His question leads to the core of our discussion. Is, or should the Danubian region, which is certainly a part of Central Europe, be included in the MBFR zone? And what political and economic consequences, if any would result from the successful conclusion of such talks for the states of that region?

Both for the NATO and Warsaw Pact Supreme Command, the central front sector consists of their respective parts of the inner German demarcation line and its rear areas. It is this sector which houses the bulk of "foreign military forces" in Europe. Nonclassified estimates (ISS) list 31–32 armored, motorized and airborne divisions in the area totalling 265,000 men. Of these divisions, twenty are stationed in the German Democratic Republic, five in Czechoslovakia, four in Hungary and three in Poland. The immediate supply line for the Soviet armies runs through Poland while the troops in Czechoslovakia and Hungary basically fulfill police and deterrence functions against these nations rather than anti-NATO functions.

The forces in Hungary also secure potential routes to Yugoslavia in case of a potential disintegration of that state following the death of President Tito.

It is certain that in the coming MBFR talks both sides will concentrate upon ferreting out the forces of their adversaries from their respective parts of Germany. However, both technically and politically, a MBFR in Germany poses the most involved and delicate questions both for NATO and WTO.

There is considerable interest on the part of NATO also to have Soviet troops, perhaps also indigenous forces, reduced in the Danubian region because of the Yugoslav trends. Such a successful reduction of forces, or Soviet withdrawal would render a Soviet thrust into Yugoslavia in case of internal crisis less likely. It is well known to NATO planners that the Soviet Union is seriously interested in acquiring port facilities on the Adriatic Sea as these facilities would then be connected on land with the armed forces of the Soviet Union. However, this can be implemented only if Yugoslavia, or a successor Croatian state, would fall into the Soviet sphere of interest.

Besides its preventive value, the reduction and/or removal of Soviet troops from the Danubian region would also ensure the gradual emergence of a quasi-neutral bloc including the states between Austria and Rumania thereby creating the opportunity for freer national and economic development for the peoples of the region. Yet as long as the present WTO membership remains in force in the case of the three present WTO members, Soviet security would not be impaired either. If a MBFR should be more than a slogan, the reweaving of the two parts of Europe without impairing basic security needs of the superpowers must form a priority item. The chances for creating a zone of states without the presence of foreign military forces appears to be nowhere better in Europe than in the Danubian region (although even there the chances remain tangential). We already have a neutral, an independent Communist and an increasingly nationalist Communist government coexisting with two Soviet-occupied nations who themselves would prefer any of the three models above.

In addition, historical, economic and social ties between these states are still in existence and remain extensive even across alliance borders and would create an incentive for closer cooperation which would, however, not be directed against any of the superpowers.

In practical terms, the Western approach of building blocs could well be adapted to exploratory MBFR talks on the Danubian region as outside of Berlin Yugoslavia offers the most likely point of possible NATO-WTO confrontation in Europe and as the clash of interests here is not as acute as in Berlin and Germany.

Reductions would have be to be phased and balanced, involving a substantial reduction of Soviet, and some reduction of indigenous Czechoslovak, Hungarian and Rumanian forces, in return for some Western reduction of forces in South Germany and Greece. While it is correct that such negotiations might introduce a new element: the area of the southern flank of NATO into MBFR, the territorial extension would be greatly counterbalanced by the advantages in the political and military balance once Soviet power is effectively restricted or removed from the Danubian region.

In this regard, American policy toward Rumania and Yugoslavia must be analyzed. The visits of the President to Bucharest, Belgrade and Zagreb in 1969 and 1970 formed serious overtures on the American side to establish closer relationships with the independent and quasi-independent Communist countries. The relative weight of United States economic and political involvement in the area varies and remains more limited in the case of the Soviet-occupied countries of Hungary and Czechoslovakia, where, however, the underlying Western sympathy for the gallant Hungarians and Czechs trying to wrest their self-determination in 1956 and 1968 would permit substantial improvement in relations should the latter governments be permitted to move closer to the West. For the unsatisfactory conditions of American-Czechoslovak and Hungarian-American relations reflect the general pro-Soviet tenor of the foreign policies of these countries and their lack of elbow freedom in international politics.

The present governments in the region with the possible (but not probable) exception of the Husak Government of Prague would support MBFR talks provided they were assured in advance that they would not be threatened with major internal upheavals. The difficulty in reaching agreement would lie more with the Soviet Union. Soviet reaction to Western proposals for MBFR talks on the Danubian region would also provide essential clues to Soviet Mediterranean and Middle Eastern policy in the near future.

An important corollary of MBFR talks on the Danubian region (Austria, Czechoslovakia, Hungary, Yugoslavia and Rumania) must be an inter-bloc discussion with the Soviet Union on the practical annulment of legalized Soviet and WTO intervention against their own allies accused of not pursuing the line of Socialist Commonwealth states, or as it is better known, the Brezhnev Doctrine.

The December 1970 NATO meeting of foreign and defense ministers aptly described the principles to be observed in the relations between European countries as follows:

1. "Respect for their sovereign equality (no two layers of international law, one for Socialist countries and another for all other states);

2. Political independence and respect of the territorial integrity of each European state;

3. Non-interference and non-intervention in the internal affairs of any European state regardless of its political and social system; and

4. The right of the people of each European state to shape its own destinies free of external constraint."

Thus, American policy and NATO policy in general still aim at the realization of the principle of national self-determination in Europe and hope for a peaceful evolution of these states toward a pluralist democracy. In addition, unless the above principles were

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to be substantially accepted by the Soviet Union, any MBFR agreement or convocation of a European Security Conference would only represent to quote the words of Under Secretary of State for Political Affairs, U. Alexis Johnson only a [16] Western acquiescence in the present division of Europe proscribing any acts weakening the hegemony of the Soviet Union in East Central Europe while preserving Soviet freedom to work for the destruction of Western European governments through the various Communist parties in these states.

THE MBFR CONCEPT AND THE CENTRAL FRONT: THE STANLEY PLAN

While the evolution of the MBFR probes does not necessarily coincide with the proposals advanced by Professor Stanley, they still form the most detailed suggestions published in non-classified sources on responsible American thinking on the issue and should be analyzed in this context.

Professor Stanley foresees four phases of a mutual balanced reduction of forces program in Europe. His first step would be a ten per cent thinning out of American forces in Europe as the American equivalent of reductions in the first phase, a view that earned him the immediate opposition of the former NATO Commander-in-Chief, General Lyman L. Lemnitzer.

His first phase proposal is based on the assumption that a small American reduction in troops is inevitable and it should, therefore, be offered as a proof of good intentions, using the remaining strength both as a ceiling vis-a-vis the Warsaw Pact and as a floor towards the European allies. This latter condition is vital, as Professor Stanley also realizes that unless the new manpower level is maintained there would be no incentive for mutual reductions on the part of WTO.

The first phase of the Stanley Plan has been substantially implemented since the publication of his plan in April 1970. The force level guaranteed by President Nixon was 285,000 men, and not the 305,000 men as reported by the Secretary of State to the House Foreign Affairs Committee in February 1970. Thus, it can be said that in the meantime the two postulates of Professor Stanley, small reduction and final ceiling on troop levels except for an agreement of MBFR have been fulfilled by the Administration.

The second phase of the plan would involve only European forces in view of the prior American troop reduction in Europe. He calls for a ten per cent across the board reduction by NATO and WTO powers in Central Europe. In his view, such a reduction would not yet interfere with Soviet internal security considerations in East Central Europe and/or with the deterrence values of NATO forces despite the basic military asymmetry of equal percentage reductions for NATO forces.

In this connection an alternative option proposed for such a phase should be mentioned. Also in 1970, Professor Franz A. M. Alting von Geusau proposed that the first reduction of forces should only involve Soviet and American forces in Europe with the simultaneous permission by the alliances for the stationing of observers at each other's maneuvers.[17] Furthermore, Professor von Geusau regards any MBFR as inevitably interconnected with progress toward a denuclearization of Europe and toward agreements on the SALT level. He also ties the first reduction phase to the removal of armed forces with nuclear equipment from Central Europe and a moratorium on ABMs and MIRVs and to a full nuclear test stop anywhere.

While these two phases could be considered preliminary, Stages Three and Four would affect substantive issues in regard to manpower and European security. Verification and control would become major issues once reductions or secret introduction of new forces could definitely upset the military balance. "Certification" of cuts by respective commanders and sources of national intelligence would no longer suffice. Furthermore, the cuts could no longer be restricted to the central front alone.

Stage Three calls for a fifteen percent reduction of all NATO and WTO forces. Verification of existing force levels involves the problem of sending observers into the region of the other alliance. Even if the terms are scrupulously observed NATO would suffer because of innate disadvantages in regard to distances involved for redeployment and the element of surprise more available to WTO forces. NATO, in this case, would have to readjust its strategic and tactical force and doctrinal postures. According to Professor Stanley such risks may be justified in view of the fact that such a reduction would reduce Russian strength in WTO more than twice as much as American strength in Western Europe (82,000 to 38,000).

Stage Four would establish the "final ceiling." In his opinion, "The ultimate level of manpower might be as much as one-third or more below reached at the end of stage three."

An implementation of the Stanley plan, even within the period of five years would be so drastic as to impair the internal security considerations of the Soviet Union in East Central Europe, including the position of the German Democratic Republic. In turn, if implemented on a parity basis, they would seriously impede the deterrence and defense functions of NATO. Thus, in order to allow a realization of the last two stages Professor Stanley calls after the end of the second stage for "a rethinking of the entire basis of European defense, the role of nuclear weapons and the requirements of deterrence in the light of the then existing strategic arms situation and the state of genuine détente" in Europe.

While the last two stages remain visionary at the present time, he is the first academic writer with concrete military and diplomatic experience in NATO, who has thought out the implications of a MBFR for the two blocs and his proposals, even if not accepted in full, will have an impact upon Western thinking in this area.

CONCLUSIONS

Having scanned the general field of coming MBFR negotiations and its importance for NATO and the Danubian area, certain conclusions present themselves of the analysis below:

(1) MBFR, despite the avowal of the United States and the Soviet Union, is still in an experimental diplomatic stage. The forces counseling caution and no substantive negotiations are about as strong as those who would prefer a MBFR for economic or political reasons.

(2) In view of the complexity of the issue and the delicate balance of power, the best overture for a MBFR presents itself in the southern sector of the central front, in the Danubian area. It would, however, not deal with the basic problem of MBFR: the removal of American and Soviet forces from the territory of Germany.

(3) The psychological impact of any troop reductions by the United States upon West Germany and Western Europe will be great under any conditions, whether MBFR or unilateral withdrawal. Therefore, the impression that reductions form the first stage for ultimate complete withdrawal must be avoided at any cost and the reductions should not be combined with any restructuring of the alliance until much later stages of MBFR, if ever.

(4) NATO bargaining must keep in mind the 'gray zone' and the independence-minded countries of East Central Europe as well. Providing a greater degree of political freedom and national self-determination for them must remain one of the priorities of MBFR as well.

(5) Finally, MBFR talks cannot be regarded as an end in themselves. Without a shift in the military balance and economic strength in favor of the European states instead of the Soviet Union they will either fail, or at best cement the present status quo at an economically more bearable cost. Over and beyond a MBFR the Western Powers must also promote the reforging of economic and cultural ties with the countries of East Central Europe. Only in this case can reintegration of the non-Soviet nations of Europe become an ultimate reality should Asian problems cause the Soviet Union to concentrate her efforts toward the Far East at a later date.

FOOTNOTES

[1] *United States Foreign Policy for the 1970's. Building for Peace. A Report To the Congress by Richard Nixon, President of the United States*, February 25, 1971 (Washington: G.P.O., 1971), p. 43.

[2] Washington *Evening Star*, May 21, 1971.

[3] *State of the World Message. A Report To The Congress by Richard Nixon, President of the United States* (Washington: G.P.O., 1970).

[4] Statement reprinted in *Atlantic Community Quarterly* (Winter) 1968–1969.

[5] For the Mansfield challenge cf. articles in New York *Times* and New York *Herald Tribune* (European edition), May 8–20, 1971.

[6] New York *Times*, December 7, 1970.

[7] Timothy W. Stanley, *Detente Diplomacy* New York: Dunnellen, 1970), *passim*.

[8] New York *Times*, December 4, 1970.

[9] *U.S. Foreign Policy for the 1970's, op. cit.*, pp. 195–96.

[10] *Ibid.*, pp. 196–97.

[11] New York *Times*, May 15, 1971.

[12] For text of NATO Communique, cf. New York *Times*, June 5, 1971.

[13] *Ibid.*, May 19, 1971.

[14] German *Press Relay from Bonn*, June 3, 1971 on Brosio's statement.

[15] New York *Times*, June 3, 1971 also on Brosio's statement.

[16] *Address by U. Alexis Johnson, Under Secretary of State for Political Affairs at Closing Dinner Session of the Seventeenth Annual Conference of the Cincinnati World Affairs Council, February 19, 1971* (mimeographed).

[17] Han Peter Schwarz and Helga Haftendorn, *Europaische Sicherheitskonferenz*. Opladen: Leske Verlag, 1970. Pp. 110–19, chapter by Professor Franz A.M. Alting von Geusau.

THE MBFR AND THE DANUBIAN REGION: A SUMMARY OF THE DISCUSSION IN PANEL I

(By Prof. Z. Michael Szaz, Rapporteur)

List of Panel Participants: Professor A. Berger-Vosendorf, emeritus, University of Vienna; Professor Herbert Dinerstein, Johns Hopkins University, School of Advanced International Studies; Mr. Laszlo Hadik, Stanford Research Institute; Dr. Wolfgang Klaribert, Stanford Research Institute, Mr. Eugene Padanyi-Gulyas, former member of the Hungarian Parliament; Professor Maurice Czikann-Zichy, Immaculata College, Chairman of the panel, Professor Franz B. Gross, Dean of Graduate School, Duquesne University. Rapporteur: Professor Z. Michael Szaz, Troy State University.

In discussing the rapporteur's paper, one paneliest considered it too optimistic and pointed out the relative slowness of any major decision-making in the Soviet Government since 1964 as most decisions reached were based on a one vote or at best two votes margin. He also referred to the relative disinterest of the United States in East Central Europe as another factor lessening Soviet interest in MBFR in the area.

Another panelist warned against too close a comparison of United States and Soviet role in controlling or influencing their allies, as there is a great deal of difference between peaceful influence and military and political

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domination. He also added that the 1970 troop level guarantee of President Nixon was based on the expectation that a similar approach would be taken by our allies in regard to Western NATO defense.

The chairman and several panelists discerned four conglomerations of divergent interests in the coming MBFR talks:

1. United States interests in putting MBFR on the agenda of East-West negotiations mostly in order to placate increasing Congressional opposition to present troop levels in Europe.

2. United States European allies' interest in MBFR as a political process and evolution in order to further the reintegration of the two halves of the Continent rather than as a strictly military force reduction undertaking It was stressed that the governments of Western Europe realize the impossibility of balanced reductions and know that militarily they will have to pay the higher price. Yet they consider the implementation of MBFR as creating a different kind of political balance rendering it increasingly difficult for the Soviet Union to invoke the Brezhnev Doctrine in the future. In order to get East Central European support in opposition to the Brezhnev Doctrine, the Western European states are ready to guarantee that they will make no efforts to liberalize the regimes of the region.

There was considerable agreement that the Soviet Union did not make up its mind yet about the type of Europe it prefers. If American withdrawal is given highest priority in Moscow, then a larger Europe including Britain must be accepted despite its increasing politico-economic strength. A reduction of West German armed forces may also be attained by an agreement with the Social Democratic West German Government, but the price would involve a substantial Soviet withdrawal from the German Democratic Republic. Some Soviet leaders may be willing to pay this price, others would not. However, even if a decision should be made in this sense, opposition to it would remain within the Politburo and attempts would be made to sabotage the same.

Reference was also made to the Eugene Varga-Stalin controversy in 1946 on whether the U.S.S.R. should insist upon Communist dictatorships in East Central Europe or just keep a loose control over the region by coalition governments and large, but not all-powerful communist parties. Decision in 1947 was made in view of American inaction in East Central Europe. Can MBFR negotiations help to effect a Soviet return to something similar to the Varga model of 1946?

Another panelist considered the merit of MBFR concept to lie in its character as a positive Western proposal enabling the Soviet Union to lessen its hold on East Central Europe without abandoning its justified defense interests and/or losing undue face. It was stressed, however, that other building blocs must also belong to a stable detente, especially an agreement on Berlin.

No definitive conclusion was reached on the question why the Soviet Union is now interested in speedy talks on MBFR. It was recalled that Khrushchev's first attempt to reduce Soviet ground forces in 1960 was defeated in the Politburo and ever since their budgetary allocation has been about 50 percent for long-range strategic forces and another 50 percent for field forces. The general consensus was that a combination of budgetary pressures and the need to bolster a detente policy with West Germany where the Moscow Treaty might be in political trouble form at least some of the reasons for the timing of the Soviet MBFR demarche.

Lively discussion followed on the question whether Soviet threat perception in Europe was really changing. Some discerned a very limited compromise in the freedom of action given some of the East Central European governments and the economic reforms in Hungary, the foreign economic policies of the Rumanian Government and the recent economic measures of the Polish Government were singled out as examples. The restraints existing within the present framework were, however, also stressed by the same panelists.

One panelist argued that United States views of security and threat perception might also be changing. He quoted the 1970 State of the World Statement of President Nixon calling for "a stable and viable order in Europe" rather than in Western Europe. Perhaps Washington, too, considers now the reconstruction of Europe as the basic object. Perhaps the striving for a situation like it existed in Czechoslovakia in May rather than in August 1968 might be desirable for United States policy in the region.

A dissenting view was expressed stating that neither the Western European governments nor the United States could guarantee tranquility in East Central Europe and, therefore, their actual or eventual guarantees cannot fully satisfy Soviet interests in the region. Also the leverage of Western Europe in the Soviet-occupied countries might be overstated as private Western capital would not extend largescale long-term loans to the region even if the Soviets were permitting the free entry of Western capital into East Central Europe.

Others disputed this view and remarked that because of prestige, cultural and political reasons at least both France and West Germany, are making investments and would expand these in case of further detente and MBFR. One panelist pointed to the overt invitation of the Rumanian Minister of Economics to Western companies offering Rumania as an area with cheap labor resources for the production of Western-funded industrial products.

Discussion now focused on the possible inclusion of the Danubian region into the MBFR talks. One panelist stated that except for Czechoslovakia the region did not form the object of former MBFR plans. In the Rapacki Plan and in Soviet and East European plans ever since West Germany equalled East Germany, Poland and Czechoslovakia. There is also some question how far the Czechoslovak Government would react to its inclusion in another area. Of course, for the first time, Brezhnev mentioned the "are Central Europe for MBFR" talks without closely specifying what countries he would understand under the geographic term.

It was emphasized that Rumania should be included into any such zone and that perhaps all of the countries of East Central Europe might form the proper subjects of MBFR. It was stressed by some that Rumania particularly displayed and will display a genuine interest in MBFR and a European Security Conference. It was mentioned that Rumanian diplomats were actively contacting even Portuguese and Spanish diplomats in order to persuade them to promote a European Security Conference. Rumania, in view of some of the panelists is looking for a guarantee of its sovereignty and considers that an ESC would help at least a diplomatic defense of the independence of the East Central European countries. There seems to be a natural alliance between Rumanian policy and Western European desire to change the security perception of the Soviet Union.

There was general agreement that MBFR would mostly benefit the countries of East Central Europe and that Soviet-sponsored initiatives about an ESC have already expanded the freedom of action of these countries diplomatically with Soviet permission. It was also stated that the two aims of these governments are to achieve : (a) a guarantee of their survival from the West and (b) the removal of Soviet troops from their soil, from Moscow.

Under these circumstances the question was raised: why is the Soviet Union so interested to negotiate about MBFR and a European Security conference? It was argued that the U.S.S.R. must see the payoff high enough as it would involve both a guarantee of Communist regimes in East Central Europe and a definite weakening of Western European-American military ties and presence.

Mr. MINSHALL. Mr. Speaker, the recent memorandum of the American-Hungarian Federation regarding a proposed European Security Conference is very similar to their spring 1969 memorandum to the Secretary of State which I inserted in the RECORD in April 1969.

Of course, the idea of a European Security Conference has undergone some metamorphosis since that date. Some of the issues have been resolved, among them participation of the United States and Canada from the very begining, and the position of some of our NATO allies, particularly West Germany, changed in favor of such a conference.

However, the major dichotomies remain and chances for a successful conference are in doubt. The new memorandum correctly refers to the difficulties which are largely a result of the announced goals of the Soviet Union to have the conference sanctify existing frontiers and political systems in Europe, including the Soviet Russian predominance in eastern and central Europe. As the memorandum points out the 1971 NATO ministers' statement, and several statements by Secretary of State Rogers, remain opposed to a freezing of the status quo. They are willing to recognize the status quo rebus sic stantibus but want to work for its ultimate replacement by more stable and equitable conditions of peace, taking care of the major sources of tensions in Europe. These are the presence of Soviet military forces in east central Europe and the continued partition of Europe in general and Germany in particular, into ideologically and often politically and economically hostile blocs.

I agree with the memorandum that it has been and should continue to be our policy to promote trends and conditions leading to restoration of self-determination and political freedom to all European nations, a policy which has been often and eloquently expressed by President Nixon and members of his administration. We hope that the well-balanced and thoughtful study of the American-Hungarian Federation now submitted to the President will receive the careful attention it deserves and that it may become the catalyst for new and imaginative American approaches in regard to a European Security Conference and talks on mutual balanced reduction of forces in Europe.

I would like to congratulate the experts on the committee on international relations of the American-Hungarian Federation, particularly Profs. Maurice Czikann-Zichy of Immaculata College and Z. Michael Szaz of Troy State University for the scholarly competence and political sophistication they are displaying in this memorandum which was consented to by the board of directors of the American-Hungarian Federation.

Mr. PATTEN. Mr. Speaker, recently the American-Hungarian Federation has brought to my attention a memorandum which it is sending to the President in connection with his Moscow trip and the possible convocation of a European Security Conference. I believe that the issue raised and the analysis contained in the memorandum are of special interest to Members of Congress.

The concept of a European Security Conference is an old one and was originally sponsored by the Soviet Union and her Warsaw Pact allies. Its aims were to stir discontent among the NATO allies, bring about a Western recognition of the status quo in Europe, including the partition of Germany and Soviet Russian hegemony in eastern and central Europe and to expand Soviet influence in western Europe, particularly West Germany and France. Thus, little enthusiasm was displayed by our Government and indeed by most NATO governments for such a conference in the beginning.

During the past 2 years, the outlines of such a conference have been solidified. The Warsaw Pact allies themselves are not of one mind what the aims and agenda of the conference should be. Some of them consider it as a vehicle to gain more elbow freedom from the tight control Moscow continues to exert over them, while the Soviet Union, too, has abandoned some of the negative proposals like the exclusion of the United States and Canada from the talks and its insistence that military detente be negotiated separately. By the unfortunate recognition of the status quo of all European frontiers and implicitly of the present political order in east central Europe by the Federal Republic of Germany in the yet unratified Moscow Treaty of August 1970, the Soviet Union is also less urgently interested in a speedy recognition of the status quo, as West Germany had been the only power with claims against the status quo in Europe.

However, we believe that concrete negotiations are still necessary on the agenda before we can participate. I believe also that the December 1969 NATO ministers' declaration, outlining the principles upon which European security must be based, are still to be maintained in their entirety in presenting our proposals for any European Security Conference. These were:

> Peace and security in Europe must rest upon universal respect for the principles of sovereign equality, political independence and the territorial integrity of each European state; the right of its peoples to shape their own destinies; the peaceful settlement of disputes; nonintervention in the internal affairs of any state by any other states, whatever their political or social system; and the renunciation of the use of the threat of force against any state.

Therefore, I call your attention and that of our Government to the concrete proposals of the American-Hungarian Federation, which call for inserting into the agenda of any such conference the possibility of withdrawing forces and neutralizing the southerntier states of the Warsaw Pact by expanding the neutral-nonalined zone now consisting of Austria and Yugoslavia in Europe. Hopefully, such proposals may be present in connection with MBFR proposals as well bilaterally and multilaterally to the Soviet Union and could constitute a meaningful first step in discussing seriously the existing problems of European security.

GENERAL LEAVE

Mr. HOGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

H.R. 10600—HOBBY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I wish to call to the attention of the Congress a most important bill presently pending action in the House Interstate and Foreign Commerce Committee. I refer to my own H.R. 10600, the Hobby Protection Act. Introduced this past summer, the bill offers specific and detailed protection for the millions of hobbyists in America.

The collector, whether of antique guns, stamps, or historic documents, faces a constant threat of imitation or reproduced collectors items—faked hobby items are presently being sold as originals, and many a hobbyist is being defrauded. The Hobby Protection Act is a positive step in the direction of instituting Federal protection against what actually amounts to fraudulent advertising. I have emphasized, Mr. Speaker, the point that this Nation's hobby collectors are consumers, and that they do, indeed, have a right to some sort of consumer protection.

That millions of young and old in the country can be made unsuspecting victims in the course of their own honest enthusiasm for collecting is disgraceful. One engages in a hobby to pass the hours away in enjoyment, and to retain originals which may have value in the future. The reproduction or manufacture, however, of imitation collector items and the deceitful sale of these items at high prices is an unscrupulous practice which must be stopped.

The Hobby Protection Act provides that the manufacture of any reproduced collector's item which is not plainly marked with the calendar year in which the reproduction was made is unlawful under the Federal Trade Commission Act. In addition the act includes a provision that such an item must be plainly marked "Reproduction." This act would also protect the hobbyist against the unsolicited receipt of "blocks of four," first-day covers," or other stamps on consignment in the mail. It should be pointed out that any citizen would be entitled to bring charges of violations to the Federal Trade Commission.

Since the original Hobby Protection Act was introduced last session, well over 8 months ago, nationwide constituent support for its enactment has been increasing steadily each month. Petitions have been coming in from coin and stamp collecting organizations across the Nation in support of this bill. Individual collectors are expressing their concern, and, indeed, impatience with the inability of Congress to offer them needed protection from fraud.

Organizations such as the American Numismatic Association, the German Philatelic Society, Society of Paper Money Collectors, American Political Items Collectors, Antiquest Inc., Global Coin Traders Association, Professional Numismatists Guild, and others, have indicated their strong support for the concept of a Hobby Protection Act. Such major hobby publications as Coin World, Collectors Weekly, and National Stamp News have endorsed the Hobby Protection Act both in articles and editorials.

Mr. Speaker, the hobbyists of America deserve protection against fraud, and we must rise to the occasion to meet the challenge. I am most hopeful that the House Interstate and Foreign Commerce Committee will respond in the near future to the nationwide appeals on the part of individual collectors, hobby associations and trade journals, for protection against the fraudulent sale of reproduced hobby articles as originals.

MARSHMALLOW DIPLOMACY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, for months now the State Department has been negotiating with foreign steel producers in an effort to secure a new, meaningful, voluntary limitation on the amount and type of steel shipped into the United States.

This new arrangement with Japan and European steelmakers would replace the 1968 Voluntary Restraint Arrangement—a worthless example of marshmallow diplomacy—which died an unmourned death on December 31, 1970.

And while these high level talks have been going on, the American steel industry, hundreds of thousands of steelworkers and many of us here in the Congress have been anxiously awaiting the outcome of negotiations we are not privileged to attend or to hear about. We sit; we wait.

We waited through 1969, when the tonnage limitation was ignored. We waited in 1970, when the promise to maintain product mix was ignored. We waited through 1971, when everything was ignored and our Nation suffered a $2 billion trade deficit, the first in 83 years. And we are still waiting.

We are waiting for some word from our State Department that the American steel industry, particularly the specialty steel segments, and the American steelworker will not again have their heads placed on the block of survival in the interest of so-called international "free" trade. We are waiting for word from our State Department that this industry and these workers will at least be given a competitive chance in a world of "fair" international trade. Up until now, we have been thrown bits and pieces of vague information which tells us little and assures us nothing.

Certainly the State Department is aware of the need for the steel industry and its workers to be assured they are not to be led again to the sacrificial altar. I have contacted the Department myself. I will insert into the RECORD copies of letters and news articles which reflect the urgent need by the industry and its workers for official assurance. I wish I could insert the assurance itself.

Unquestionably, the State Department knows that any extension of the 1968 VRA in its former form would be unacceptable. Unquestionably, they know that meaningful limitations must be agreed to, particularly in specialty steels, or severe damage will continue to be inflicted on an industry vital to the Nation's economy and national security. Evidence of this is given in correspondence from Roger S. Ahlbrandt, president of Allegheny Ludlum Industries Inc., one of the Nation's foremost producers of specialty steel products, and Martin N. Ornitz, president of the Stainless Steel Division of Colt Industries.

These men know what another 1968 mistake would mean to the industry. Anyone who is the slightest bit familiar with the contents of the 1968 arrangement made with Japan and certain European producers knows it was not a government-to-government agreement. It was merely a letter of intent from major steel manufacturers abroad with the U.S. State Department. The provisions of those letters were nothing more than paper promises which the signatories shredded to pieces in the 3 years of its existence. They could—and did—break those promises in full knowledge they had nothing to fear in the way of reprisal from the U.S. Government.

Certainly, if any doubt existed in the minds of any Members of this House as to the strength of that 1968 arrangement, that doubt must be dispelled in the face of the statistics of 1971, the final year of that gross mistake on the part of our Nation's negotiators.

What happened in 1971? Let me tell you. Every steel producing nation, I suppose, in the world, including those signatory to the 1968 arrangement and those which were not, took advantage of our Nation's steel industry negotiations with its workers and poured everything they could into America.

The year 1971 now stands on the threshold of being a record one for steel imports. It will, according to projected figures, exceed by an estimated 500 million tons the previous record year of 1968—the year when Congress became aware that foreign steel producers, grown into maturity from World War II, were threatening the American domestic steel market. There were howls of outrage and demands for legislated quotas. Congress asked for muscle in dealing with foreign steelmakers; they got marshmallows.

The wheel has turned full cycle now. Based on the correspondence I will include at the close of my remarks, the United States no longer is in the cat bird seat. There are foreboding signs that again our negotiators will not press for what is needed because the other side does not like it.

On December 17, Mr. Ahlbrandt of Ludlum, expressed the fears of the American steel industry in a letter to Nathaniel Samuels, Deputy Under Secretary for Economic Affairs in the State Department. He pointedly told Mr. Samuels that:

> Unless any new arrangement with foreign producers contained strong, unbreakable conditions—especially in the specialty steel area—we fear that, like their predecessor documents (the 1968 arrangements), they will prove increasingly injurious to the specialty steel companies of America and their employes.

Furthermore, Mr. Ahlbrandt refuted claims of foreign producers that their shipments of steel to this country were being "quantitively controlled" since the enactment of the 10-percent surcharge last summer. The figures quoted in letters to Mr. Samuels on December 17, 1970, and January 5, 1971, bear out his arguments. In his letter of December 17, Mr. Ahlbrandt cited figures for a 10-month period of 1971. In his reply to a response from Mr. Samuels, Mr. Ahlbrandt, on January 5, updated his figures to cover 11 months of 1971. The result was the same.

However, I believe it noteworthy to point out that Mr. Ahlbrandt, on December 17, informed Mr. Samuels that:

> Unless there is a specific product-by-product restraint in the specialty steel area of an extension of the VRA, we fear for the future of our industry.

Failure to limit stainless, tool and alloy steels, he said:

> Will produce a document no more viable * * * than the late and unlamented arrangement which expires in a few more days.

Mr. Ahlbrandt also indicated that anything less than a workable limitation would further gravely damage the specialty steel industry:

> For we can have little faith that those who stand in such flagrant violation of the 3-year instrument now expiring will not repeat their 1969–70–71 performance in specialty steels under extension of the new pact.

On December 30, Mr. Ahlbrandt received his reply from Mr. Samuels, in which Mr. Samuels indicated the Japanese, at least, were adamant in rejecting as "non-negotiable a product-by-product limitation of exports in a voluntary undertaking."

Furthermore, Mr. Samuels also wrote that the Japanese as well as the European community steel industries "insist they have gone as far as they can" and it appears they no longer were interested in extending the voluntary undertaking. Europe, in particular, Mr. Samuels noted, had indicated it felt currency realinements had substantially altered the competitive positions to the benefit of the United States.

Consequently, Mr. Speaker, Mr. Ahlbrandt felt obliged to write Mr. Samuels again on January 5. In this second letter, Mr. Ahlbrandt referred to an article in the New York Times which said the impact of steel imports on domestic revenues, as well as on the national trade balance, was brought out by statistics of the Department of Commerce as of November 1971—a full month before the 1968 arrangement expired.

What were those statistics? According to the Commerce Department, the 11-month total of steel imports in 1971 was 16.9 million tons, up 41 percent from the same period in 1970, and up 3 percent from 1968, when the final total of nearly 18 million tons was an all-time high. The Commerce Department stated at the current rate of entry, imports in 1971 could total 18.5 million tons.

The Department admitted the 11-month total in 1971 exceeded the implied limitation under VRA by 1,551 tons or 10 percent. A 12-month projection indicated the implied ceiling of 15,435,000 tons would be topped by nearly 3 million tons.

Mr. Ahlbrandt pointed out the dollar value of steel imports in 11 months last year was more than $2.4 billion, up approximately $650 million from 1970. At the same time, our steel exports were valued at $508 million, down $450 million from the 1970 figure in the same period.

Allegheny Ludlum, however, was not the only domestic steel producer interested in the negotiations between the State Department and foreign competitors. Martin Ornitz of Crucible, a subsidiary of Colt Industries, had written a western Pennsylvania labor official about the problem. He noted in a letter to Mr. Kay Kluz, director of District 20, USWA, that alloy steel imports were up 57 percent over the VRA in 1971, stainless steel was up 36 percent, and tool steel 25 percent, based on 10-month figures.

Mr. Ornitz wrote:

> Obviously there has been a complete failure of the voluntary agreement . . . and there is no indication that should a new . . . agreement be made by the end of this year that it will be followed, nor is there any indication that our foreign friends won't continue to ship in those areas of higher dollar value.

Mr. Speaker, early in January my office contacted the State Department in an attempt to find out what was happening. I learned little; I was promised more. I did learn Japan had agreed to a reduction in the annual growth of her exports. She would accept 2.5 percent growth, as compared to the 5 percent allowed under the 1968 arrangement. I also was told Japan was closer to full agreement on other points than the European steelmakers, who, according to some attached news reports, feel the talks on a voluntary arrangement have lost value since the United States shifted its stand on the American dollar.

My office, however, was assured that a general report on the status of the Japanese negotiations would be forthcoming and a detailed report on the overall negotiations would be furnished after scheduled talks with European representatives. To date, Mr. Speaker, I have not received either report.

At this point, Mr. Speaker, I would like to insert the aforementioned letters and news articles into the RECORD. I urge my colleagues to read them in chronological order so that anyone not familiar with the problem of the American steel industry will be made aware that an entire industry and hundreds of thousands of steelworkers are depending on the U.S. State Department to use muscle, not marshmallows, in attaining new controls over foreign steel imports.

CUTLERY WORKERS WHO LOST JOBS THROUGH IMPORTS WIN AID THROUGH USWA

UTICA, N.Y.—Because of a petition filed in their behalf with the U.S. Tariff Commission by the United Steelworkers, employes of the Utica Cutlery Co., who have suffered layoffs because of foreign imports, are eligible to apply for adjusted assistance under the Trade Expansion Act of 1962.

In a mid-December report to President Nixon and following an investigation touched off by the USWA appeal on behalf of members of USWA Local 1750, the Commission found that "as a result of major part of concessions granted under trade agreements, articles like or directly competitive with the stainless steel flatware produced by Utica Cutlery Co., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of that firm."

Early last summer, according to USWA International Affairs Director Meyer Bernstein, the company itself had filed a petition for assistance under the Act, charging that the imports threatened to cause serious injury to the firm. But the petition, Bernstein said, was filed by the company alone—not for the employes. Last August, the Commission found in favor of the firm and the exact form of assistance has yet to be worked out.

Mr. Bernstein, noting the company petition on Washington Commission reports, alerted USWA Director Mitchel F. Mazuca who arranged a meeting with Staff Rep. Anthony Nasby and a Local 1750 committee. In addition to Local Pres. Nicholas Ponzo, other committeemen included Vice Pres. Albert Majka, Rec. Sec. Adelaide Zebrowski, Fin. Sec. Edward Lipinski and Treasurer John Zablocka. As Steel Labor went to press, representatives of the Labor Department were meeting with local union officers to work out details of providing benefits to which laid-off employes are entitled.

It was a rare decision favoring workers for, as Mr. Bernstein pointed out, in recent months the Commission has taken a strong negative position on workers' petitions. The Commission majority, he noted, are Nixon appointees but, in this case, the Commission had no choice since it already had found in favor of the company.

The adjustment assistance, Mr. Bernstein explained, is a substitute for extension of unemployment compensation. The assistance normally is higher than state unemployment compensation and runs for a longer period—amounting to 65 per cent of wages with a top limit equal to that of the national average earnings in the manufacturing industry.

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., December 7, 1971.
Hon. NATHANIEL SAMUELS,
Deputy Under Secretary for Economic Affairs,
Department of State, Washington, D.C.

DEAR MR. SECRETARY: As negotiations for a possible extension and improvement of the Voluntary Limitation Arrangement in steel reach a critical, last-minute stage, we are gravely concerned that the instrument under discussion, like its predecessor document, will fail to attain the restrictions agreed upon and that signatories and non-signatories alike will continue to push through a flood of steel imports into the United States.

The record of 1971, Mr. Secretary, would presage such a dire outlook for American steel.

Further, unless the new documents contain strong, unbreakable conditions—especially in the specialty steel area—we fear that, like their predecessor documents, they will prove increasingly injurious to the specialty steel companies of America and their employees.

Since the announcement of President Nixon's new economic program on August 15, Japanese and European steel producers have been stating that imports of steel into the United States "are being quantitatively controlled" (by virtue of the Voluntary Limitation Arrangement) and that the 10% surcharge should be lifted.

The record completely refutes those allegations.

As the following statistics, prepared by the American Iron and Steel Institute from Commerce Department official figures, clearly show, the Voluntary Limitation Arrangement has been broadly breached and there has not been, in fact, "qualitative control," as the Japanese and the Europeans state.

In carbon steel, for the first ten months of 1971, there is almost 20% violation of the limitation arrangement. In alloy steels, imports are 57% over VLA; in stainless steels, 36.6%; and in tool steels, 24.7%.

Is that "qualitative control"?

France (with 54.5%), Italy, (with 88.0%) and the Netherlands (with 53.2%) lead the European importers in being "over quota." Canda (with 41.1%), the United Kingdom (with 39.0%) and Sweden (with 30.7%) lead the non-signatories. "All others" are 117.1% over the limitation!

In the specialty steel area, those nations stating that imports are being "quantitatively controlled" are the very nations which are seriously in violation of the compact. It was stated that total stainless steel imports for ten months of 1971 were 36% over VLA. The Japanese are 64.7% over VLA in stainless steels and the Europeans are 38.6% over!

Similarly, in tool steel (a product category in which imports are 24.7% over VLA), the Japanese are 84.8% over VLA. In "other alloys" (a product category in which imports are 57% over VLA), the Japanese are 80.7% over VLA. And the Europeans, in that category, are 38.6% over; with all other nations 36.8% over.

When the Chairman of the American Iron and Steel Institute in June 1970 asked the American Government to start immediate negotiations for extension and improvement of the Voluntary Limitation Arrangement, he predicted all of the things that have come to pass since that day. We in specialty steel are at a complete loss to understand how we could have failed to impress upon our government representatives the deeply serious nature of this problem—not only on the profitability and employment in specialty steel, but on very survival itself.

Nevertheless—we seem to have failed; and that is why I am putting these thoughts before you now.

Unless there is a specific product-by-product restraint in the specialty steel area of an extension of the Voluntary Limitation Arrangement, we fear for the future of our industry. Failure to limit stainless, tool steels, and other alloy steels by product will produce a document no more viable for specialty steel in America than the late and unlamented Arrangement which expires in a few more days.

Our people have been working with State Department personnel in attempting to work out an unofficial concordance (or method) of comparing U.S. tariff classifications with the Japanese categories—so that a product-by-product understanding and limitation could be agreed upon and enforced. While there are difficulties in seeking agreement between TSUSA classifications and the Japanese modified SITC, the task is not impossible, and we believe that a solution can be found.

A lot of work has been done, in deep good faith, by all parties concerned with the specialty steel problem; government, industry, importers, etc. It seems to me that this work should not be allowed to go to waste and that an improved, workable, limitation arrangement be worked out, one that can be properly monitored and enforced.

Anything less will further gravely damage the specialty steel industry of the United States—for we can have little faith that those who stand in such flagrant violation of the three-year instrument now expiring will not repeat their 1969–70–71 performance in specialty steels under extension of the new pact.

We urge you to personally direct the negotiators in the State Department to consider seriously and weigh deeply the work done by the specialty steel representatives and to accept their recommendations.

Only thus will a workable document be forthcoming and only thus can we look ahead with any reassurance that imports of specialty steels will, in fact, be reduced in accordance with America's desires.

Sincerely,

ROGER S. AHLBRANDT.

[From the American Metal Market, Dec. 21, 1971]

SPECIALTY STEELMAKERS FEAR QUOTA "SELLOUT"

(By Hi Howard)

PITTSBURGH.—Now that the United States has reached a new international monetary accord at the cost of devaluing the dollar and lifting the ten percent import surcharge, the reaction in certain steel industry circles isn't all roses and sweet agreement.

Top executives at several specialty steel companies are frankly afraid that their business is going to be swamped by a continuing flood of imports.

Presumably the administration will move quickly now to negotiate a new so-called "voluntary" restraint agreement limiting future steel imports.

Lifting of the surcharge makes this likely because the Common Market countries, led by France, have been demanding the death of the surcharge as their price for any kind of restraint on their exports of steel to the United States after 1971.

Japan made no such demand, but has been holding out for an agreement which would allow bigger imports next year and only moderate cutbacks in stainless and other specialty steels.

The record shows that the present "voluntary" restraint agreement has been a complete failure, in the opinion of most steel analysts. Imports have exceeded the specified over-all limit by millions of tons.

Imports of foreign-made steel, through October, topped 15.5 million tons, and almost certainly will top 17.5 million tons for all of 1971. Further, imports of stainless and alloy steels have reached new highs.

So there is little confidence in steel circles generally that a new voluntary and "toothless" agreement will be any more effective than the one now expiring, and even less confidence among specialty steel executives that their foreign competitors will exercise sufficient restraint to allow American producers to recover their lost markets.

They are exerting as much pressure as they can on the State Department to get the U.S. negotiators to hold out for an agreement which would specify "product by product" quantitative limits on imports. Without such limits, one top official commented here:

"I fear for our industry's future."

He and other American steelmen charge that foreign producers have grossly violated the existing agreement, and that another loosely-worded "letter of intent" will be worse than the old because it will create the illusion of control to no effect.

Crucible, Inc.,
Midland, Pa., December 22, 1971.
Mr. Kay Kluz,
District Director, District 20, United Steelworkers of America, Baden, Pa.

Dear Kay: Confirming our earlier conversations regarding the import problem and new trade legislation, I wish to bring to your attention several factors involved.

As we are all well aware, the voluntary quotas set up by the Japanese and European Steel Community are being violated and are not enforceable. The degree of violation has been extremely severe, especially in the steel industry. The imports of carbon steel for the first ten months of 1971 exceeded the allowed voluntary limit by 20.6%. In the overall picture, alloy steel imports are 57% over the VLA, all classifications of stainless steels 36.3%, and tool steel 24.7%. Included in these figures, of course, are items in the specialty steel industry, in particular, ingots, slabs, blooms, and billets, which in most cases are converted to a semi-finished product and returned to Canada. Taking this type of tonnage from the ten month figures, we find total stainless and tool steels exceeded the VLA by 59%; and in looking at specific items, we see such things as hot rolled and cold rolled sheets exceeding the quota by 73%, stainless steel bars by 55%, and wire by 84%. Further evaluation of the specialty steel area shows that the Japanese are 64.7% over VLA for the ten month period and the Europeans are 38.6%. Similarly, in tool steels, we find that the Japanese for the ten month period are 84.8% over the VLA. In other alloys, the Japanese are 80.7% over VLA and Europeans are 38.6%.

Obviously there has been a complete failure of the voluntary agreement program, and there is no indication that should a new voluntary limitation agreement be made by the end of this year that it will be followed, nor is there any indication that our foreign friends won't continue to ship in those areas of higher dollar value.

It is my opinion that unless a specific product by product restraint is negotiated by our State Department, such a voluntary agreement will be meaningless to the specialty steel industry. As a result, I urge you to bring to Mr. Abel's attention the need for legislation such as presented by Senator Hartke and Congressman Burke in the Import Restraint Bill (S–2592 in the Senate). Unfortunately, this bill has one major fault—under Title III, Section 301 (D) (d) (1) commodities covered by voluntary agreements are exempted from the quota mechanism. As a result, this bill would mean absolutely nothing to the specialty steel or basic steel industries. It is urgent that the United Steelworkers do everything possible to have this paragraph deleted from this bill and a legislative bill such as this one passed.

It is our understanding that there is a very good probability that the trade legislation bills will be considered by the Ways and Means Committee and the Finance Committee early in 1972. We would appreciate anything that you and our fellow workers can do to help correct the discrepancies in this bill and see that it gets passed.

Thank you for your effort and time on this problem which is critical to all of us.

Best personal regards.

Sincerely,

Martin N. Ornitz.

[From the American Metal Market, Dec. 22, 1971]

"Forceful" Steel Import Moves Urged

(By Hi Howard)

Pittsburgh.—If our State Department is "forceful" enough, it still may be possible to hammer out a voluntary agreement that could effectively curb specialty steel imports over the next three years.

This was the view expressed here yesterday by Roger A. Ahlbrandt, chairman, Allegheny Ludlum Industries, and the man who has led the specialty steel industry's fight against unfair competition by foreign mills.

In an interview with "American Metal Market," Mr. Ahlbrandt charged flatly that the Japanese and West European steelmakers have been grossly violating the existing "voluntary" arrangements to restrain imports.

Backing up this charge, he cited the official government figures on imports for the first ten months of 1971. These show that all steel imports during this period topped the limit allowed by 20.6 percent, that stainless steel imports exceeded the limit by 36.3 percent, and that tool and die steel imports were 24.7 percent greater than the voluntary quota.

SHOULD MOVE QUICKLY

But even so, the Allegheny Ludlum head declared, the State Department should move as quickly as possible to negotiate a new agreement—but with certain differences.

Specifically, he asserted, the new restraint arrangement should spell out import quotas "product by product," and should be written in such definite language that honorable men will be bound by it.

Despite the many past violations of the existing voluntary program to limit imports, Mr. Ahlbrandt contended that a new program is the only near-term hope that the import flood can be controlled, and might be of real help to the domestic industry if it is effectively monitored.

STRESS MONITORING

He particularly stressed the need for such monitoring, noting that the State Department, so far as he can discover, has not made a single official protest against past violations.

"The people in the State Department," he commented, "are almost all free traders, and they are not forceful. If you look at the history of this thing, you'll see that we called their attention repeatedly to the basic problem, and also to the shortcomings of the voluntary arrangements to limit imports.

"We tried to head off what happened in 1971, before and after labor contract negotiations. And we pointed out, back in 1969 and early in 1970, that upgrading—the shipment of higher priced products with emphasis on the specialty steels—was being used to circumvent the intent of the restraints program."

CRITICAL OF SHICK

Mr. Ahlbrandt was especially critical of the remarks made by Victor Shick, president, American Institute of Imported Steel, as reported in the American Metal Market on Dec. 13, 1971.

Mr. Shick, Mr. Ahlbrandt noted, is quoted as asserting that the voluntary steel quota arrangements have been "basically observed."

The fact is, he declared, that imports have greatly exceeded the quotas not only in carbon steel and in total steel, but also in stainless and specialty steels.

PRICE CHAOS

Further, Mr. Ahlbrandt asserted, Mr. Shick and his colleagues do not seem to understand that unrestricted imports have caused both widespread steel unemployment and price chaos, and that the eventual result could be new and more severe restrictions.

Even if a new and better voluntary arrangement can be negotiated to hold down imports, the Allegheny Ludlum head feels that an official and formal government agreements should be negotiated to limit steel imports as part of a new world-wide trade agreement.

He advocates a complete restructuring of our international trade relations to take into account that American companies, privately owned, must compete with foreign companies which are part and parcel of "managed economies," exporting their surplus production to maintain employment and to obtain foreign exchange.

DOLLAR DEVALUED

As part of the new international money accord, he pointed out, the ten percent import surcharge has been cancelled and the dollar has been devalued about eight percent.

These measures, he said, may be enough in themselves to allow American producers of tonnage steels to compete on more equal terms with Japanese and European mills.

But Mr. Ahlbrandt was emphatic that domestic producers of specialty steels will remain at a serious cost disadvantage. He noted that the discount of list price on stainless sheet, forced by imports, is as high as 35 percent in some markets.

LITTLE STABILITY

At the same time, however, he said he could foresee a little more price stability evolving in the marketplace.

The dollar's devaluation, he opined, probably will stimulate the export of Allegheny Ludlum's consumer products, especially those made by its True Temper division (garden tools, sporting goods) but will tend to make imported raw materials—needed for steelmaking—more costly.

Deputy Under Secretary of State
for Economic Affairs,
Washington, D.C., December 30, 1971.
Mr. Roger S. Ahlbrandt,
President, Allegheny Ludlum Industries, Inc., Pittsburgh, Pa.

Dear Roger: I am frankly surprised by your letter of December 17. Your view of our efforts, as set out in *American Metal Market* has also been noted by us.

As you are fully aware, the task of persuading the Japanese voluntarily to roll back the export levels of the three groups of specialty steels, as set out in the draft letter of undertaking, has been a particularly difficult one, and I was distinctly of the impression that you regarded it as the best that could be accomplished at this time in a voluntary context. Moreover, I thought it was entirely clear that the Japanese in their discussions with us over the past year were adamant in rejecting as non-negotiable a product-by-product limitation of exports in a voluntary undertaking.

I should also point out that there is an apparent misunderstanding in your letter on the purpose of the attempt to work out with the Japanese a concordance of United States and Japanese tariff classifications. The objective of this effort is to permit better monitoring of the export restraints and not to arrive at product-by-product limitations. Indeed, if the Japanese understood that we were seeking by this means to introduce product-by-product limitations, they would certainly not wish to proceed.

Despite the above, we again made an effort a few days ago, in order to try to satisfy you, to persuade the Japanese to accept language in their voluntary undertaking which would be quite explicit with respect to adhering to an historical product mix pattern for specialty steels.

Every effort has been made to wear down the Japanese and the Europeans into accepting limitations desired by the US specialty steel producers, for whom import competition has clearly been a very serious problem, and for producers of fabricated structural steels who have pressed very hard to include limitations on these imports. This effort on behalf of both groups has prolonged the negotiations considerably.

The Japanese as well as the European Community steel industries insist that they have gone as far as they can and it now appears that their interest in extension of the voluntary undertaking has diminished. The Europeans indicate that the currency realignments have substantially altered the competitive positions to the benefit of U.S. industry. I have been in touch with Ed Gott this week to apprise him of the present critical situation. We are endeavoring to do everything possible to persuade the Japanese and the Europeans to conclude the discussions on a satisfactory basis at the earliest possible date, and hope that they will still be willing to do so.

Sincerely,

NATHANIEL SAMUELS.

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., January 5, 1972.
Hon. NATHANIEL SAMUELS,
Deputy Under Secretary for Economic Affairs, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I have reviewed your letter of December 30, 1971, and am disturbed that there appears to be a misinterpretation of the purpose and content of my December 17th letter to you.

My purpose in that letter was to point out the continuing violation (through the ten months of 1971 for which we then had statistical information of the then-existing Voluntary Limitation Arrangement); to warn that, in the lateness of the hour, a simple extension of that document would fail to attain the restrictions needed by the American Specialty Steel Industry; and to recommend again that a product-by-product limitation along the recently-worked-out conformed TSUSA–SITC classifications would be the approach considered the most effective by the specialty steel producers.

As principal damaged parties, the specialty steel companies of the United States nevertheless have held firm in the ranks with our carbon steel colleagues in the American Iron and Steel Institute. Working with several committees of that association engaged in contacts with you and your associates, we have tried to be helpful to the American negotiators in their admittedly difficult task of obtaining an extension and improvement of the Voluntary Limitation Arrangement. Because of the damage done in the American market-place for steel . . . with record tonnages imported during 1971 . . . the word "improvement" has been a key word in our efforts from the very beginning. We always have said that a single extension, or even a modest change, such as in the "growth rate," would not be helpful.

The magnitude of the violations was cited in the New York Times of Monday, January 3, which liberally quoted State Department sources. An important paragraph in that story says: "The impact of steel imports on domestic revenues as well as on the national trade balance was brought out by the November statistics. Through eleven months, the dollar value of steel imports was more than $2.4 billion. That was up by about $650 million from 1970. Eleven-month exports were worth $508 million, down $450 million from 1970. Netting out imports and exports, the steel intake of the country rose by $1.1 billion. This was about one-fourth of the total swing in merchandise trade for the eleven months."

And may we suggest again that those dollar figures doubtless mirror the fact that foreign steel producers have switched to higher-dollar-value specialty steel products.

I have had the privilege of meeting with you and others in State and with Federal executives in other Departments of the Executive Branch and on the Hill as part of one of those committees of the AISI which I mentioned earlier, a group which has included Ed Martin of Bethlehem, George Stinson of National Steel, and Ed Gott of United States Steel, along with officers of the AISI.

You and your colleagues, during those meetings, have demonstrated an understanding of the problem and you have shown a sympathetic willingness to seek an acceptable extension and improvement of the Voluntary Limitation Arrangement. A lot of work has been done over the past eighteen months.

But as we went past the middle of December, and with the ten-month statistics newly at hand, I felt that the continuing dialogue between us would be well-served by another letter . . . this time my letter to you of December 17th. On re-reading a copy of it, I find that it was indeed what I had intended: a friendly, informative, positive, and reasonable exposition of our situation in specialty steel and our views on the subject as the year raced to a close.

This activity on my part has been required by my responsibilities to our stockholders, employees, and all others having a stake in Allegheny Ludlum. No disrespect has ever been meant, especially not in the article in the American Metal Market to which you referred early in your letter of December 30th. That article, by the way, was in direct response to a long dissertation by Victor Schick, spokesman for European steel importers, in the Metal Market of December 13th. And, of course, we have no control over how an independent publication like the American Metal Market, or other news media, will interpret our comments.

Nevertheless, we were greatly concerned on December 17th when I wrote my most recent letter to you, and we remain greatly concerned that an extended Voluntary Limitation Arrangement will not include a strengthened product-by-product protection in the specialty steel area. And I frankly did not understand, as you state in your letter of December 30 that "it was entirely clear that the Japanese in their discussions with us over the past year were adamant in rejecting as non-negotiable a product-by-product limitation of exports in a voluntary undertaking."

We had great hopes on August 15, 1971, that the Administration had come to recognize the great damage that was being done to the American economy and the American workman by unrestricted imports, not only of steel but many other products. We saw the possibility that the actions of August 15 would strengthen the hand of American negotiators in trade matters in obtaining realistic understanding on the part of foreign producers of the need . . . for their benefit as well as ours . . . for restrictions. We had hoped, in fact, that this would put the euphemism, "voluntary", in its proper perspective as it applied to instruments like the steel document, upon which you have been so hard at work.

Realistically, it seems to me that a repetition of the performance of foreign steel producers in the American Market as we saw it under the three years of the expired Voluntary Limitation Arrangement, particularly in the specialty steel area, can bring on another "August 15" some time in the future. For I am certain the American government will not be able to stand by and see key industries severely impacted by imports, American workmen put out of work, and injury being done to now-viable industrial elements of America's security backbone.

I value your friendship, your efforts, and your interest in the Specialty Steel Industry and the steel industry of America as a whole. Economic necessity could require the U.S. producers and employees, and their representatives in Government, to seek other courses of action, should relief not be forthcoming voluntarily from the Japanese, the European Community, and other foreign steel producing countries.

Sincerely,

ROGER S. AHLBRANDT,
Chairman of the Board.

[From the American Metal Market, Jan. 7, 1972]

LIMITATION HOPES ON STEEL IMPORTS DASHED BY FERRY

PARIS.—Jacques Ferry, spokesman for European steelmakers, has dashed hopes for an early agreement on renewal of the voluntary accord limiting European steel shipments to the U.S.

In an interview with the newspaper Le Figaro, to be published today, M. Ferry says the reasons invoked by the U.S. during his talks in Washington last October "have lost much of their value" since the monetary agreement.

He said the removal of the U.S. 10 percent surcharge sought by Europeans has been "more than compensated" by the currency realignments, which resulted in an average appreciation of 12 percent in the currencies of the Common Market countries in relation to the dollar. The surcharge was also dropped.

M. Ferry said last month's Washington agreement goes far beyond the monetary field "and should provoke a vigorous revival of the U.S. economy" in which the American steel industry will have a large share.

M. Ferry, who is to fly to Washington next Thursday for talks with U.S. officials, said he would be ready to sign an agreement similar to that concluded last month for the limitation of Japanese steel shipments to the Common Market and Britain.

The Japanese agreement is "much more flexible" than the one U.S. officials want to impose on Europe, he said.

[From the American Metal Market, Jan. 11, 1972]

IMPORTS GAINING: NO QUOTA AGREEMENTS MATERIALIZE FOR STEEL

(By Freeman Bishop)

WASHINGTON.—The steel industry and members of Congress are beginning to ask sharp questions at the White House and on Capitol Hill over the continued absence of a trade agreement between the U.S. and Japan and the U.S. and the European Common Market nations.

Lackluster statements attributable to White House "aides" continue to predict imminent settlement of a new three-year voluntary quota system with Japan, but the Japanese do not confirm this.

SHIPMENTS GAIN

In fact, what the Japanese steelmakers continue to do is to hike their shipments of steel and steel products to American domestic markets at an ever-rising rate.

European producers display no interest in new quotas and as recently as last week once again made it clear voluntary quotas were not on EEC's agenda at this time.

What seems to be going on here, as one topflight foreign affairs spokesman told American Metal Market, is a game of words with the United States steel industry holding the bag.

The State Department and the Japanese steel producers have been discussing terms of a new voluntary agreement now for one year.

Result of these negotiations is a steadily rising rate of steel imports from Japan.

New steel import records were established in 1971. In the first 11 months of last year, more foreign-made steel was imported than in any comparable period in U.S. history.

Using government-supplied data, American Iron and Steel Institute reports that 16,986,000 tons of foreign steel came into this country from January 1 through the end of November of last year.

With a month left to be accounted for, 1971 steel imports were less than a million tons below the one-year record of 17,960,000 tons set in 1968. And in none of the first 11 months of last year did less than 1,230,000 tons of foreign steel enter the U.S. During November, 1,472,000 tons arrived at U.S. ports of entry.

MORE THAN TARGET

The 16,986,000 tons of steel imports through November also was 1,551,000 tons more than the target limit of 15,435,000 tons for the full 12 months of 1971 set under the voluntary arrangement by which European Common Market and Japanese steel producers pledged to limit their exports to the U.S.

The declared value of January-November, 1971 steel imports was $2,434,000. During the same U.S. mills exported only $510 million worth of steel. This left a steel trade gap of $1,924,000,000—or roughly $200 million more than the $1.7 billion overall trade deficit for the U.S. reported by the Commerce Department for the first 11 months of the year.

November's imports included 716,000 tons of sheet and strip, 167,000 tons of pipe and tubing, and 140,000 tons of plates. The month's 11,000 tons of stainless imports pushed their 11 month total to nearly 175,000 tons, while the nearly 38,000 tons of other specialty steel imported during the month raised their 11 month total to more than 375,000 tons.

VIEWS SUMMED UP

The steel industry's views—and those of an increasing number of members of congress—can be summed up in this way:

After almost 12 months of desultory negotiation, the Japanese refuse to accept the kind of agreement proposed by the U.S.

The Japanese balk at limiting fabrication steel shipments and so far will not accept definition by categories, such as limitations on specialty and carbon steels.

The Japanese so far nave indicated the only agreement they will sign would not restrict the opportunity to concentrate imports in high-value specialty steels, emphasizing cold-rolled stainless sheet, etc.

The 1969–71 agreement switched from bulk steel to these specialty steels, thereby creating broad unemployment in many small steel communities.

A new steel agreement, no matter what it says, will not be an effective safeguard against this kind of trade raid since terms of the original three-year agreement were not honored.

At best, what's in prospect here is an unenforceable agreement with Japan and a strong possibility there will be no agreement with any nation presently raiding U.S. domestic markets.

LIMITS SUGGESTED

"Unilateral setting of enforceable limits of imports by the U.S. Government is the one practical means of accomplishing what the voluntary approach has failed to do." Blair Bolles, vice president for government relations of Colt Industries, told American Metal Market. Crucible Steel is part of Colt Industries.

White House officials attending the recent Japanese-U.S. trade conference in San Clemente indicate they expect a new voluntary agreement will be signed this month with Japan.

The old five percent per year growth rate of the 1969–70–71 steel agreement is believed to have been reduced, but not all the way to the 2½ percent decrease demanded by U.S. domestic producers.

It is more likely to be three percent—or even 3½ from what could be gleaned late yesterday as the Washington White House settled down following the President's visits in California and Mrs. Nixon's eight-day tour of African nations.

DOLLAR UNCERTAIN

Revaluation of the Japanese yen, along with many currencies among members of the EEC, continued to work its way through money markets in many areas, with the dollar still uncertain in open markets.

The only trading weapon now held by the economic spokesmen for the White House, Treasury Secretary John B. Connally, is Congress's action raising the price of gold from $35 to $38 an ounce at the U.S. Treasury.

Japan is believed only to have made a solid commitment to establish "an orderly market" in its exports to American markets.

Observers say it appears to be no accident that the Japanese have adopted this phrasing which is the title of most of the bills pending in Congress to establish "an orderly market" for steel by imposing mandatory steel quotas.

There are few indications the Japanese are aware their trade policy toward the U.S. must be administered with the understanding that the U.S. will adopt mandatory quotas—or some other tariff restriction—to halt deterioration in its balance of payments deficits and steel production.

[From the Wall Street Journal, Jan. 14, 1972]

SPECIALTY STEEL FIRMS FEAR THEY'RE LOSING IMPORT WAR, MAY BLAME ADMINISTRATION

(By Jack H. Morris)

PITTSBURGH.—Specialty steelmakers the flag bearers in the steel industry's 18-month-old lobbying battle against foreign imports, are afraid they are losing the war and will be forced to surrender a large share of their markets to Japanese and European producers.

And if this occurs, executives of the beleagured specialty companies, who are to meet here Monday to analyze the situation, are almost certain to blame the Nixon administration instead of their wily competitors abroad for the defeat.

It isn't yet certain, of course, that the import battle—or even the specialty steel scrimmage—will be lost. Common Market steelmakers, the major holdouts in reaching an accord on new voluntary import quotas, are scheduled to renew their negotiations with the State Department in Washington today. Japanese producers, who also were signatories to a similar three-year voluntary quota agreement that expired Dec. 31, are said to be ready to sign a new pact as soon as their European counterparts come to terms.

There is widespread belief here, however, that the longer it takes to work out the new agreement, the less likely it is that the eventual terms will satisfy the needs of hard-pressed domestic mills. Specialty steel producers, in particular, are becoming increasingly doubtful that any new pact will plug the loopholes in the old agreement through which they contend foreign companies have poured thousands of tons of high-priced stainless, tool and alloy steels into the U.S. marketplace.

"It looks like we're going to take it on the chin again," sighs Howard O. Beaver Jr., president of Carpenter Technology Corp., Reading, Pa., which has seen its markets and profits steadily eroded by the flood of imports. The company's earnings of $4 million, or 94 cents a share, for the year ended last June 30 were 74% below the $15.8 million, or $3.63 a share, earned in fiscal 1967. Sales and profits have continued to decline in fiscal 1972 and much of Carpenter's production capability remains idle, or is operating at reduced lines.

SLASHED DIVIDEND TWICE

Carpenter Technology isn't alone in its woes. Allegheny Ludlum Industries Inc., the nation's largest specialty steelmaker with sales in excess of $500 million annually, had earnings of only $2.7 million in the nine months ended last September 30 and analysts say they won't be surprised if the company ended up the year in the red. Allegheny Ludlum, which slashed its dividend twice last year, earned $14.8 million, or $1.85 a share, in 1970; and the year before that enjoyed profit of $22.4 million, or $3.63 a share.

Easco Corp. of Baltimore also pared its dividend last year as earning fell; Latrobe Steel Co. hasn't reported a profit in two years, and even such healthy companies as Cyclops Corp. are operating at levels below those of prior years. Continental Copper & Steel Industries Inc. closed its Braeburn Alloy Steel division, a maker of tool steels, in November.

Such problems can't be blamed entirely on imports, of course. Last year was a disaster for all steel companies, and the continuing business slump has hit the specialty steel concerns especially hard. Domestic shipments of stainless steel, for instance, have been in the neighborhood of only 700,000 tons for the past two years, down from 900,000 tons in 1969.

"The real problem in the stainless steel industry is the lack of demand," says James Bird, metals analyst with Dean Witter & Co., a New York brokerage firm. But with imports increasing as demand fell, "all of the shrinkage of the market came from the hides of the domestic producer," he adds.

Even worse, steelmakers say imports have had a depressing effect on the price of the products they can sell. "Stainless is selling 28% under book and tool steels are going for at least a 10% discount," Mr. Beaver of Carpenter Technology notes.

It's a matter of record that foreign producers have far exceeded the quotas called for in the expired agreement. While the voluntary quotas would have permitted 15.4 million tons of foreign steel to enter the U.S. in 1971, Japanese and European mills had shipped 17 million tons through November and the full-year figure is expected to approach a record 18.5 million tons.

PROVIDED NO BREAKDOWN

Furthermore, the old agreement provided no product-by-product breakdown, allowing foreign mills to concentrate their shipments in the higher-priced specialty products. (Stainless and alloy steels, which together account for only 8% of domestic steel consumption, command prices seven to 10 times that of carbon steel.) Had the 1968 agreement provided product quotas, the 175,000 tons of stainless steel imported in the first 11 months of 1971 would have exceeded the limit of 32% and the 375,000 tons of alloy and tool steel shipped into this country would have surpassed their limit by 57%. By contrast, total imports through November were only 20% over quota.

Another problem is that much of the specialty imports come from countries such as Canada, Great Britain, Sweden and even Poland that didn't sign the 1968 accord. While these accounted for only about 24% of last year's total steel imports, they shipped 35% of the specialty products.

According to statistics gathered by the United Steelworkers union, which contends that imports cost the steel industry more than 93,000 jobs last year, imports have grabbed 65% of the market for stainless wire rods and 33% of the bigger market for cold rolled stainless sheets. In 1965 imports held only 37% of the wire rod business and 12% of the total stainless market.

The steelworkers and the industry launched a massive "Buy America" lobbying effort in the summer of 1970 aimed at obtaining a stronger quota agreement. Product-by-product quotas were demanded, the rate of growth had to be cut and countries other than Japan and the Common Market had to be brought into the accord, they said.

Since then the union and the industry's association, the American Iron and Steel Institute, have poured out reams of statistics backing their cause; seminars have been held in Washington and in steel towns across the country and corporate presidents have confronted shareholders and Rotary clubs with table-thumping speeches.

LITTLE HOPE OF PASSAGE

Their efforts apparently have produced few results. Although several bills have been introduced in Congress to impose mandatory quotas on steel imports, steelmen concede they have little hope of passage. And now even an extension of the voluntary limits is in doubt.

"We're at a complete loss to understand how we could have failed to impress upon our government the deeply serious nature of this problem," frets Roger S. Ahlbrandt, president of Allegheny Ludlum and chief spokesman for the specialty producers.

One reason Washington may have turned a less than attentive ear is that the steelmen may have sought more than was possible. Asked how much of a rollback in imports would be necessary to return the domestic industry to a profitable footing, Marshall Shober, president of Latrobe Steel, says, "100%."

Another reason, according to Pierre Rinfret, the outspoken Boston economist and sometimes consultant to the steel industry, is that steelmen used "phony statistics." Instead of presenting their case honestly, they inflated the extent of the problem, he maintains. "They just did a bad PR job; they didn't know how to carry their own flag," he says. Industry leaders, of course, deny this.

According to Mr. Ahlbrandt the administration pulled the props from under their drive last month by agreeing to devalue the dollar and remove the 10% surcharge on imports. This eliminated the incentive for the foreign mills to come to terms, he contends. Lending credence to this view, Jacques Ferry, spokesman for the European steelmakers who will head their talks with the State Department today, has been quoted as saying that the monetary realignment "more than compensated" for the need for quotas.

In his talks today, Mr. Ferry is expected to offer to sign only a mild one-year extension of the import agreement, contending that the economic outlook is too uncertain for long-term limits. While Japanese industry sources have indicated a willingness to sign a three-year agreement if the Europeans go along, neither party has firmly committed itself to product-by-product quotas demanded by the specialty producers.

LIMIT GROWTH OF IMPORTS

One plus for the domestic industry: if an agreement is signed, it's almost certain to limit the growth of imports in 1972, 1973 and 1974 to 2.5% instead of 5% in the old agreement. And the growth factor will be based on the quota level of 1971, not the actual tonnage shipped last year. There has been some indication, sources close to the negotiations contend, that the Japanese would be willing to slowly roll back specialty imports over a three-year period so that by the end of 1974, they would be in line with the quota limits.

Even with this "half-loaf," analysts believe the domestic producers will be able to show some earnings improvement this year if the demand for specialty products increases 7% to 10% as most currently forecast. "I think we can show a substantial improvement in earnings if the Japanese don't come in and take the growth away from us," says Mr. Beaver of Carpenter Technology.

Indeed, the biggest fear the specialty steelmakers have according to Allegheny Ludlum's Mr. Ahlbrandt is that the new agreement will contain no teeth. "We haven't once wrapped the knuckles of any of those people who signed the previous agreement and then didn't abide by it," he says. "If our State Department can't impose some sanctions, then the agreement won't be worth the paper it's written on."

CRUCIBLE, INC.,
Midland, Pa., January 14, 1972.
Hon. JOSEPH M. GAYDOS,
Congressman of the United States,
McKeesport, Pa.

DEAR JOE: Confirming our discussion on imports, I am sure that by this time Mr. Roger Ahlbrandt, Chairman of the Board of Allegheny-Ludlum has forwarded to you copies of his recent correspondence with the State Department. In addition, I thought you would be interested in the attached letter that I sent to Mr. Kay Kluz, District Director—District 20 of the United Steelworkers of America. I am also enclosing several other articles which might be of interest: one by Jacques Ferry, spokesman for the European steelmakers, which appeared in the January 7 issue of American Metal Market, and another which appeared in the January 11 issue of American Metal Market on the imports situation.

As you can readily see from all this correspondence, apparently there is no intention on the part of the Japanese or the Europeans to live up to the past voluntary agreement, nor to do anything in the immediate future to prevent further deterioration of the specialty steel industry, or basic steel for that matter. Obviously, it is becoming more evident that the only remedy to this very distressing problem is to have legislation passed setting up enforceable limits.

I know we will have your cooperation in this matter, and I trust that pressure can be brought in both the House and the Senate to take action immediately since after a year's negotiation the State Department has been completely inept in accomplishing any results.

Sincerely yours,

MARTIN N. ORNITZ,
President, Stainless Steel Division.

[From the McKeesport (Pa.) Daily News, Jan. 18, 1972]

UNITED STATES NOT TRADE PATSY, CONGRESSMEN TELL EUROPEANS

WASHINGTON.—A congressional mission to Europe delivered the message that the United States is no longer the easy-going trading partner of postwar years—and the Europeans listened, a leader of the legislative party says.

"I think we got the idea across to people in decision-making posts of the European community that we simply can't afford to be patsies any longer," Rep. John W. Byrnes of Wisconsin said in an interview.

Byrnes is senior Republican member of the House Ways and Means Committee, which broke a long no-travel tradition to send a majority of its members to Paris and Brussels where they discussed trade issues with spokesmen for the Common Market and other European groups.

Byrnes said he came back with the conviction that the United States is now dealing with "a peer, and maybe a little more than a peer" in the expanding Common Market, and that international trade rules written when this country dominated export markets now have to be revised to provide competitive equity.

Particularly troublesome, Byrnes said, are reciprocal trade preferences worked out bilaterally between members of the Common Market and outside countries, in many cases former colonies or dependencies.

The problem will be aggravated, he said, by the entry into the European community of Britain, trailing its own network of special trading arrangements.

"We were repeatedly told that these preferences are perfectly permissible under the General Agreement on Tariffs and Trade," Byrnes said.

"We didn't always get exactly the same impression in talking with GATT people."

But he said "we have been relaxed in the past, not inclined to push for compensation under GATT.

"We just can't afford that kind of 'oh, what the hell,' attitude any longer."

Byrnes said "GATT is just outdated" and that the United States should seek a thorough revision of its rules. This might include, he said, not only changes in the trading regulations, but revision of the voting system to remove what he called disadvantages against the United States, and possibly a reworking of tax provisions.

[From the (McKeesport, Pa.) Daily News, Jan. 25, 1972]

THE 1971 TRADE DEFICIT RECORD: IMPORTS TOP EXPORTS BY $2 BILLION

WASHINGTON.—The nation recorded its largest trade deficit in history in 1971, when the value of imports exceeded exports by more than $2 billion, the Commerce Department said today.

It was the first balance of trade deficit since 1888, when the nation's trade figures were $33 million in the red.

The department said the deficit was caused by a 14 per cent increase in imports and a 2 per cent expansion in exports.

Originally, the government said the trade deficit for 1971 would be the first since 1893. However, in rechecking, the department found that that deficit was compiled on a fiscal year, or July to June basis. It had to look back another five years before it found a calendar-year deficit.

The actual deficit for 1971 was $2.047 billion. For the month of December, the nation turned in a third straight monthly deficit of $273.7 million.

During 1971, trade figures were in the red for eight months.

The department's Bureau of Economic Analysis said the trade balance sharpened worsely the last three months of the year to a record quarterly deficit of $1.535 billion, mainly because of dock strikes.

"Trade movements were severely distorted in the last two quarters of 1971" the bureau said. "Shipments in the third quarter, notably September were heavy in anticipation of the dock workers' strike at East and Gulf Coast ports on Oct. 1.

"Subsequently, there was a sharp slowdown in trade during the fourth quarter when work stoppages crippled port operations for nearly two months," the bureau said.

The department said exports reached $43.555 billion while imports totaled $45,602.

The Commerce Department prepared the final figures on the differences between what the nation's businesses sell overseas and what foreign enterprises ship into the country.

The deficit through the first 11 months of 1971 was $1.875 billion, a massive $4.7-billion turnaround in the balance-of-trade figures from the same period in 1970.

But the Nixon administration says the picture should get better as 1972 wears on, with a chance that the traditional surplus in foreign trade will be restored before this year is over.

One reason is the new monetary agreement in which the dollar is worth less and foreign currencies worth more in exchange markets, a situation that makes imports more expensive and U.S. exports cheaper in foreign markets.

At first, the monetary agreement may actually hurt the nation's trade statistics, a high Treasury official said. Imports having a higher dollar cost are continuing to enter the country on the basis of business commitments and plans made before the currency realignment of last December.

[From the Pittsburgh Post-Gazette, Feb. 1, 1972]

BUSINESS TODAY: BANNER YEAR FOR STEEL (THEIRS)

(By Jack Markowitz)

Nobody can say steelmen watched the waters rising without sounding plenty of alarms about it. Steel imports in 1971 flooded to a new high watermark of 18,322,000 tons, the American Iron and Steel Institute reports they nearly equalled the full 12-month output of U.S. Steel Corp.

This, in a year when many American steelmakers ran at a loss for three to five months.

When steel employment sank to Depression levels.

When U.S. merchandise trade with foreign countries tumbled into deficit the first time this century.

And when unemployment in the nation as well as in these many-milled valleys topped 6 per cent.

Just take that trade deficit. In 1971 America bought $2.047 billion more of goods overseas than she sold.

Well, the deficit in steel surplus of imports over exports—hit $2.060 billion, or more than the shortfall in all categories combined.

In addition, a record 192,000 tons of stainless steel crossed the water—and of all other steel alloys, 415,000 tons, another topper.

American steelmen aren't fatuous in judging that this nation wants more and more of their metal of myriad uses. The growth's just going to the foreign steel makers, that's all.

And the sad part is, it's only big volume which enables the monstrous furnaces and rolling mills of modern steel plants to unleash the big cost efficiencies and, hence, profits.

Since the 1971 imports exceeded by 3 million tons the volume that should have come in under the Japanese-European quota, it's small wonder American steelmen don't pant with fervor for a new "voluntary" extension like the one that has been black-and-bluing them.

Still, they'd prefer a voluntary quota to none at all. And since Jan. 1 there's been none at all, though Japan has come to quota terms with the Common Market.

What American steel firms really would like for Valentine's Day, or Flag Day, or even next Thanksgiving or Christmas is a legislated quota socked down in black and white by Congress. Chances of that are regarded as still dim.

The Aug. 15 import surcharge, since removed, didn't keep '71 imports from topping by over 360,000 tons the old record of 1968.

Dollar devaluation hasn't noticeably abated the tide either. Imports now have nearly a quarter of the American stainless steel market.

And December's 1.3 million tons of imported basic steel included heavy amounts of sheet and strip, plates, wire rods, pipe, tubing and structurals.

[From the Pittsburgh Post-Gazette, Feb. 2, 1972]

BUSINESS TODAY: LUDLUM: "A MOST DIFFICULT YEAR"

(By Jack Markowitz)

If 1971 mauled the basic steel industry, the punishment was even more bruising for some of the stainless and other specialty steels producers. The biggest, Allegheny Ludlum Industries, yesterday reported on what Chairman Roger S. Ahlbrandt called a "most difficult year."

Allegheny Ludlum's net profit—a slender $1.4 million on $484 million sales—amounted to a net loss of 96 cents per common share, after requirements to pay preferred stock dividends.

And that's the first time there were no earnings per common share in the history of the company formed by merger between Allegheny Steel and Ludlum Steel in 1938.

Ahlbrandt indicated the road ahead looks a bit brighter than that just traveled.

"There has been a marked recent improvement in the volume of orders and in operating levels," he said, "not only in steel but also in consumer and industrial product areas."

He said an improved and extended voluntary import quota "is expected momentarily." That could provide "some relief" to specialty producers who have been seen their relatively low-tonnage-high-price markets gobbled up by foreign-made product.

Allegheny Ludlum also is cutting costs—and people—"and greater economies will be evident in the coming year," said Ahlbrandt. With a rising national economy, all these factors could generate "improved results as 1972 goes along."

In 1971 the firm's net profit from operations plunged to $6,464,000, or 8 cents a share, from last year's $14,820,000, or $1.85 a share—both figures after preferred dividend requirements.

However, the Pittsburgh-based firm had to take account of half the $10 million loss suffered by its 50 per cent owned affiliate, Titanium Metals Corp. of Timet.

That reduced Allegheny Ludlum's net to $1,482,000 versus $11,919,000, or $1.24 per share a year ago.

Titanium is much used in aircraft building. But cutbacks in both military and defense plane orders—plus a 3½ month strike at an Ohio plant and another long shutdown at a Nevada facility—added up to no way to make money in the wonder metal.

Both plants have resumed limited operations, but the near-term outlook for titanium remains "clouded."

Meanwhile, last year's steel labor negotiations hit the company with "great fluctuations in customer demand" and depressed operating levels from August through November. There also were the usual higher costs. But the stepped up level of imports also caused a "chaotic marketing situation," including poor prices for products the American firm could sell.

Through 1970 Allegheny Ludlum had been paying a 60-cent quarterly dividend on its common stock for some years. It cut this to 35 cents in first quarter '71, then to 25 cents in the fourth quarter.

Market value of the firm's shares has moved inversely with the rise in imports.

Back in 1967 when basic steel had caught the foreign virus but the specialty steels had not yet, Allegheny Ludlum's stock soared to a record $79 a share. More recently it has been the low 20s.

The firm diversified in timely style a few years ago. It is now more than a steel company, with substantial subsidiaries in gardening equipment and sporting goods.

But the woes of the specialty steel business loom large. The import problem isn't going away.

FOREIGN STRUCTURAL STEEL ACTIVITY, YEAR 1971

SUMMARY

	Net tons bid	Net tons awarded	Net tons pending award
Number of projects bid by foreign fabricators (27)	100, 365	75, 136	15, 200
Type of project:			
Bridges (5)	24, 274	24, 274	
Buildings (10)	37, 533	16, 412	15, 200
Towers (12)	38, 558	34, 450	
Products: Shapes, plates, rebars			

NORTH ATLANTIC REGION, YEAR 1971

Project	Owner and locations	Bid, net tons	Product	Foreign bidder	Award
Building	Circle Towers Association, Falls Church, Va.	3, 190	Shapes	Unknown Great Britain source	Great Britain.
Do	City of Newport, Newport, Vt	400	do	McKinnon Steel, Canada	McKinnon.
Do	New Jersey Steel & Structural Corp., Sayresville, N.J.	1, 500	Shapes, plates	Braidesi Steel Co. of Italy	Pending.
Do	General Electric Co., Merrimac, N.H	3, 121	do	Dominion Bridge, Canada	Domestic.
Do	Metropolitan Jewish Geriatric Nursing Home Corp., Brooklyn,N.Y	2, 100	do	Standard Structural Steel Co., Montreal, Quebec, Canada.	Standard Structural of Canada.
Total		10, 311			

GREAT LAKES REGION YEAR 1971

Building	New York State Urban Development Corp., Niagara Falls, N.Y.	6, 250	Shapes, Plates	Canron, Ltd., Canada	Canron.
Bridge	New York State Department of Transportation, Rochester, N.Y.	5, 249	do	Standard Structural Steel, Montreal, Canada	Standard Structural of Canada.
Towers	Commonwealth Edison Co., Bedford Park, Ill.	200	Shapes	Unknown Japanese Source	Japan.
Do	Basin Electric Co-op., North Dakota and South Dakota.	17, 000	do	SAE, Italy; NGK, Japan; Dominion Bridge, Canada.	SAE.
Do	Commonwealth Edison Co., Cherry Valley, Chicago Heights, Barrington, and Elmhurst, Ill.	3, 230	do	SAE, Italy	SAE.
Do	Consumers Power Co., Plainwell and Ludington, Mich.	1, 900	do	SAE, Milan, Italy	SAE.
Do	American Electric Power Co., South Point, Ohio.	500	do	SAE, Italy	SAE.
Bridge	San Ore-Gardner Engineering Corp., Little Rock, Ark.	13, 000	Shapes, Plates	Mitsui Trading Co., Japan	Mitsui.
Total		47, 329			

SOUTH ATLANTIC & GULF REGION YEAR 1971

Towers	TVA, Chattanooga, Tenn	1,097	Shapes	Nichimen Co., Japan; SAE, Italy; Painter Bros., England; OVC, Italy.	Domestic.
Do	TVA, Nashville, Tenn	1,811	do	do	Do.
Bridge	Regional Airport, Dallas, Tex	5,064	Shapes, plates	Ishikawajima-Marima Heavy Industries Co., Ltd., Japan.	Ishikawajima-Marima.
Towers	Arkansas P. & L. Various in Arkansas	2,000	Shapes	Komani, India	Komani.
Total		9,972			

PACIFIC COAST REGION YEAR 1971

Building	City of Los Angeles, Custiac, Calif	1,172	Plates, shapes	Kawasaki Heavy Industries, Kahagawa, Japan	Kawasaki.
Do	Fein Bros., Los Angeles, Calif	4,800	do	Matsuo Bridge Co., Japan	Matsuo Bridge Co. (2,000 of 4,800 tons in job are foreign; balance domestic).
Do	Cedars-Sinai Medical Center, Los Angeles, Calif.	13,700	do	Unknown Japanese source	Pending (50 percent of 13,700-ton total may be foreign fabricated).
Towers (Refinery).	Arco, Bellingham, Wash	1,700	do	do	Japan (500 tons); balance domestic.
Towers	USDI-BPA., Washougal, Wash	4,020	Shapes	SAE, Milan, Italy	SAE.
Do	do	2,700	do	Marubini-IIDA, Japan	Marubini-IIDA.
Bridge	Spokane, Wash	737	Plates, shapes	Canron, Ltd., Vancouver, Canada	Canron.
Do	City of Redmond, Wash	224	do	Dominion Bridge, Canada	Dominion Bridge.
Towers	USDI-BPA, Washougal, Wash	2,400	Shapes	Nichimen Co., Japan	Nichimen Co.
Building	Port of Seattle, New Seattle, Wash	1,300	Shapes, plates	Unknown Japanese source	Japan.
Total		32,753			

FULTON SALUTES WATAUGA ASSOCIATION'S 200TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, as the year 1976 approaches, this Nation is planning the celebration of its 200th birthday—marking the passage of two centuries since the signing of the Declaration of Independence in 1776. I look forward to that celebration, and I think it appropriate that the attention of my distinguished colleagues be directed to a related anniversary, less far reaching but worthy of note, in 1972.

Two hundred years ago this May, a group of enterprising settlers founded, in what then was western North Carolina, the first free and independent government established in America by men of American birth. Theirs was, moreover, the first written constitution adopted by such a group.

The government to which I refer was called the Watauga Association. Thought to be the first active government in what later became the State of Tennessee, it was established on the Watauga River just south of the Holston River, near the present site of Elizabethton, Tenn.

The Watauga settlers shared the courageous and innovative spirit of the Americans who established our Nation. They saw the need for a government—one founded on liberty and the people's will—and met that need.

The pioneers who moved into the Watauga area in 1771 were miles remote from civilized Virginia, and mountains cut them off from North Carolina's principal settlements. So, out of necessity, they established their own government, the Watauga Association, and wrote for it a constitution, the "Articles of the Watauga Association." The new government was founded on the principles of manhood suffrage and religious liberty.

Among other things, the government included a five-man court to settle private disputes and govern "the common good in other respects." Questions of debt were settled, wills were made and recorded, land deeds were drawn up and filed, marriage licenses were issued, and horse thieves were tried and hanged.

On July 5, 1776—the day after the Declaration of Independence was adopted—the Watauga settlers asked to be brought under the government of North Carolina. They pledged in their petition "that nothing will be lacking or anything neglected that may add weight to the glorious cause in which we are now struggling." That cause, of course. was the American Revolution.

The Wataugans' contribution to the Revolution was great. They helped keep in check the Cherokee Indians, who were incited by the British on numerous occasions to attack and threaten North Carolina. In the spring of 1776, a platoon of Wataugans helped save Charleston, S.C., from a British siege. But the Wataugans' greatest contribution to the Revolution probably came in 1780 at the battle of King's Mountain.

There, on the border between North and South Carolina, the Wataugans fought beside troops from Sullivan County, N.C.—now in Tennessee—and from southwest Virginia. They surprised British troops at King's Mountain and killed or captured every British soldier.

This great victory may have been a turning point in the Revolution. Certainly it was a turning point in the war in the South, and it did much to reassure the Americans that they could win the war. Approximately 1 year after the battle of King's Mountain, the British commander, Lord Cornwallis, surrendered to Gen. George Washington at Yorktown.

Meanwhile, the Watauga settlement—along with the rest of what was to become Tennessee—was incorporated as part of North Carolina. North Carolina gave the entire area to the U.S. Government in 1790; and 6 years later, it was admitted to the Union as the State of Tennessee.

I understand that the Watauga Historical Association, the Tennessee Historical Commission, and the Tennessee Bar Association plan to observe the anniversary of the Watauga Association with ceremonies next fall at the community of Sycamore Shoals, Tenn. In the same spirit, I offer this tribute.

The establishment of the Watauga Association 200 years ago was in the finest tradition—an expression of American self-government and liberty. By their support of the American Revolution, the Watauga settlers helped expand that tradition to insure self-government and liberty for all the people of the United States. I take pride in the fact that the Wataugans were part of the heritage of my State, Tennessee.

CENTENNIAL OF THE TOWN OF HOLBROOK, MASS.

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise to call the attention of my colleagues in the House to an important anniversary in Massachusetts this year. The town of Holbrook, which I have the distinguished honor of representing in Congress, is celebrating its 100th anniversary. To commemorate this event, the town is featured this month in the Massachusetts Selectmen magazine. I would like to include at this time an article whch appeared in that publication in the month of January by Wesley C. Cote, town historian. It only remains for me to add that I hope the town continues to thrive and prosper and I know my colleagues join me in wishing Holbrook and its citizens every success in the future.

The article follows:

HOLBROOK CENTENNIAL ANNIVERSARY

(By Wesley C. Cote)

The Town of Holbrook is located 15 miles south of Boston, its center being located at the junction of Routes 37 and 139, and is today essentially a residential town containing a population estimated to be about 12,000. It is divided into two voting precincts: Precinct No. 1, Holbrook, proper; and Precinct No. 2, known as Brookville. The watershed between Massachusetts Bay and Narragansett Bay is located here, that is, streams flow in both directions, north and south, from here. The altitude is between 200 and 280 feet above sea level, thus making Holbrook one of the most healthful towns in the area.

Historically, the Town was incorporated on February 29, 1872, the only town, to our knowledge, to have been so incorporated on Leap Year Day. "Holbrook" was chosen as the name of the new town in honor of Elisha Niles Holbrook, a great public benefactor, whose ancestor, Thomas Holbrook, came from Broadway, Somersetshire, England. Previous to our incorporation as a town, our village was a part of the nearby Town of Randolph, which in turn, before 1793, had been a part of the old Town of Braintree.

The first white settlement took place here in the year 1712, when one John French built a house on what is now Center Street. Previous to this, no human settlement is known to have existed here, after an archaic form of American Indian disappeared from the westerly part of the town some three thousand years before. During the first century of white settlement the area which now comprises our Town was peopled almost completely by descendants of the first arrivals from Old England to New England. The following are the family names of our original settlers: Adams, Bagley, Bass, Beals, Belcher, Blanchard, Burrell, Cheesman, Clark, Copeland, Eames, Faxon, Fenton, French, Hobard (originally Hubbard), Holbrook, Hollis, Howard, Hunt, Jones, Kingman, Linfield, Ludden, Madan, Newcomb, Paine, Porter, Pratt, Randall, Reed, Spear, Thayer, Wales, West, Whitcomb, White, Wilde, and Wood. Members of these families represented what is now Holbrook in the French and Indian Wars and the Revolution. Captain Elihu Adams, brother of President John Adams, commanded a company of Minute-Men from here, and died during the siege of Boston. He lived on what is now South Franklin Street, and was the grandfather of John Adams who was elected to Holbrook's first Board of Selectmen in 1872.

Until about 1800 the principal occupation of our residents was farming, and some stone cutting. However, gradually the industry of boot and shoe making began to take hold, so that in time Holbrook was leading the country in the per capita production of boots In 1861, during the Civil War, four establishments here were making government shoes. By 1878 there were at least 18 concerns engaged in business. The total boot and shoe shipments from Holbrook in 1883 amounted to 75,826 acres. As time went on, the City of Brockton gradually cornered the trade in the shoe industry, however its start must be credited to one Micah Faxon, a native of the Brookville section of Holbrook, who was the first man in Brockton to set up a shop for the purpose of manufacturing. By 1910 Holbrook's great industrial activity had almost ceased to exist, and the Town gradually settled down to being a residential community.

Holbrook's outstanding military hero was Lieutenant George Mason Lovering, of North Franklin Street, who was born on January 10, 1832, and died on April 2, 1919. On June 14, 1863, during a fierce attack on the Confederate works at Port Hudson, Louisiana, Lieutenant (then Sergeant) Lovering displayed bravery and courage for which he was awarded our Nation's highest honor, the Congressional Medal of Honor. As stated in the official record, "During a momentary confusion in the ranks caused by other troops rushing upon the regiment, this soldier, with coolness and determination, rendered efficient aid in preventing a panic among the troops." This act of Lieutenant Lovering meant the difference between success and disaster to the Union cause at Port Hudson. On July 8, 1863, Port Hudson surrendered—which meant the opening up of the Mississippi River to the Union. On May 12, 1962, forty-three years after the death of Lieutenant Lovering, appropriate headstone was dedicated at his grave in Union Cemetery, Holbrook.

The following are some historical firsts that must be credited to Holbrook:

About the year 1800, Jesse Reed (1778–1857), who at the time resided on South Franklin Street, erected the first known shop in America devoted to the manufacture of machine-made nails (his invention). The machine turned out 62 fourpenny nails per minute. The shop was located on the Cochato River, near the present Holbrook-Randolph town line.

Captain Ezra Thayer (1786–1856), the first man in the United States to manufacture leather shoe strings, established this enterprise in 1838 in a small shop, next to his house, that stood on the spot now occupied by the Winthrop Congressional Church on North Franklin Street.

It was in Holbrook that boots were first machine-stitched commercially (the first known in the country), by adapting the newly invented sewing machine for such work. This was done by John F. Porter (1827–1906), in a building on Union Street that was later moved, and became a dwelling now located at 243 Center Street.

During 1972, the Holbrook Centennial Committee, Miss Charlotte Stanley, Chairman, is planning a series of events to celebrate the Town's 100th Birthday.

The first major event will be a banquet at Holbrook High School on February 29, 1972, the 100th anniversary of the Town's incorporation, with Congressman James A. Burke as the main speaker. On the weekend of June 17–18, a series of events is planned including a rededication of the Town Hall cornerstone, a Firemen's Muster, a pageant, to be followed on Sunday afternoon, the 18th, with the largest parade held within the Town, starting at one o'clock.

The Fourth of July Field Day Committee will conduct all-day youth activities, contests and parades, to be concluded that evening with a gala exhibition of fireworks.

The Centennial Committee is also planning many other activities throughout 1972.

LEGISLATION INTRODUCED BY REPRESENTATIVE ROONEY OF PENNSYLVANIA TO DEAL WITH THE PROBLEM OF BROADCAST LICENSE RENEWAL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am today introducing legislation to deal with the problem of broadcast license renewal.

The amendments to the Communications Act of 1934 contained in this legislation have two major purposes: First, to extend the term of a license of a radio broadcaster to 5 years in place of the current 3 year period; and, second, to set forth criteria which the Federal Communications Commission is to consider when it has before it a renewal application from any broadcaster.

The question of the number of years a broadcaster's license should extend is a complex one. It must be long enough to enable a licensee to establish a pattern of performance upon which to be judged when he seeks a renewal, and it must be short enough to insure a reasonably regular examination of that pattern of performance by the FCC. By and large, Mr. Speaker, radio broadcasters have proven themselves to be highly responsible citizens aware of the necessity of serving their communities and responsive to that requirement. When the industry was younger, when the public interest was not so clearly defined or identified as it is today, it was undoubtedly wise to grant and renew radio broadcast licenses for only 3 years. Now, the industry has matured, and with its coming of age the need for a searching examination every 3 years of every radio station in the Nation has diminished. For these reasons, Mr. Speaker, I have proposed that grants and renewals of radio broadcast licenses be for a period of 5 years.

There is a further reason, relating to the Federal Communications Commission itself which indicates that a review of the current procedures is advisable. The FCC has many statutory responsibilities in addition to those it exercises over the broadcast industry which require a good deal of time and manpower. Existing personnel can be much better utilized than in reviewing the license renewal applications of about one-third of all the radio stations in the Nation every year.

For these reasons, Mr. Speaker, I believe that the term of a license for radio broadcasting should be extended to 5 years, and my bill so provides.

The second major purpose of the legislation is aimed at insuring stability and responsibility within the broadcasting industry. A word of background may be useful here: recently WHDH–TV in Boston, Mass., lost its license; effective in March it will cease to broadcast and another licensee will begin to broadcast on that assigned channel. The FCC's ruling in this matter has been sustained by the courts.

This decision was not based upon findings of poor performance during the preceding license period; nor was any finding made that the "public interest, convenience and necessity" was not being ascertained and served. Other factors which had little if any direct bearing on the quality of performance by the licensee—the basis of examination at the time of a renewal application for many years—were introduced into the hearing and became controlling.

Obviously, Mr. Speaker, such a departure from long established practices without warning has given rise to serious problems for many broadcasters. The only fair way to evaluate a licensee's application for a renewal of his license is to examine his past performance in comparison with the performance criteria established by the FCC. A decision based upon discernible facts—past performance—insures that the conscientious licensee who has continually tried to provide excellent broadcast service to his community will not be deprived of his license for extraneous reasons. Such a test also has this result indirectly: it helps to insure that licensees are responsible and conscientious persons, not fly-by-night, quick-buck promoters who can promise their way into a license, milk a community during the term of the license, and move on.

Chaotic situations can arise under present renewal procedures. Yet the public interest requires that the broadcast industry be a stable one in which licensees whose past record of performance meets or exceeds broadcast criteria established by the FCC have a reasonable degree of assurance that their applications for license renewals will be determined upon such criteria, and not some extraneous issues not directly related to the quality of service extended to their broadcast area. My bill does this, Mr. Speaker, without in any way eliminating any existing rights enjoyed by those who desire to contest a license application or otherwise bring to the attention of the FCC any alleged failures of a licensee.

Because this legislation will create the stability so necessary to insure that broadcast licenses are held by responsible persons, while at the same time not terminating any existing rights, I believe it can resolve much of the uncertainty which exists today in the industry. I urge all of my colleagues to study its provisions.

The text of the bill follows:

H.R. 13061

A bill to amend the Communication Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307(d) shall be amended by striking the first two sentences and inserting the following: "No license, or renewal thereof, granted for the operation of a broadcasting station or any other class of station shall be for a longer term than five years, except that licenses, or renewals thereof, for broadcasting stations engaged in the transmitting of pictures shall not be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time if the Commision finds that public interest, convenience, and necessity would be served thereby: *Provided, however,* That in any hearing for the renewal of a broadcast license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations, such failure or demonstration shall be weighed against the renewal applicant."

PROBLEMS THAT ARISE IN THE NEW YORK CHINATOWN COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, I refer to a recent article in the New York Times that describes some of the problems that are arising in the New York Chinatown community. The difficulties experienced by Asian Americans are similar to those encountered by other minority groups—lack of adequate housing, difficulty in obtaining employment, lack of access to adequate health services, need for educational opportunities including bilingual education, and insufficient community services. And New York's Chinatown is not the only area that deserves our attention. The problems are found wherever groups of people are isolated from the mainstream of American life.

As the author of H.R. 11587 and cosponsor of H.R. 12208, to create a Cabinet Committee on Oriental American Affairs, I have been concerned that we provide at a Federal level an opportunity for cohesive action for a better quality of life for our Oriental American citizens.

I am including the New York Times article of Monday, January 31 as a demonstration of the need for this proposed legislation, and I commend it as "required reading":

UNREST VEXES YOUTH IN A TORN CHINATOWN

(By Robert Hanley)

Back from the cemetery only two hours, three friends of the late David Chin were brooding. They reflected on his murder, on the old apartments in which they lived with as many as 10 relatives in four rooms, on their long fruitless searches for work outside Chinatown, and on their grappling in school with only skimpy English.

But they offered only wooden stares to the mention of the recent hostilities among teenagers and violence in Chinatown. The latest manifestation of the violence was the fatal stabbing of David, 15, and his 12-year-old friend John Cheung 10 days ago. There have been shootings and knifings of several other youths since the mid-nineteen-sixties.

The violence has perplexed the community elders, the police, the clergy, youth workers and schools. At the same time it has eroded the stereotype of a quaint, tranquil Chinatown and of united families there.

It has split a relative handful of the neighborhood's 5,000 youths into factions that have harassed the community.

LONG-STANDING JEALOUSIES

Detectives who are investigating the murders of young Chin and Cheung point to jealousies harbored by Hong Kong-born youths about the quick educational achievements of the American-born Chinese. A youth worker friendly with the factions insists that the rivalries linger from the early nineteen-sixties, when, he said, rival tongs and family associations hired youths to protect gambling operations.

An exact reading of the social disruptions and petty crime that the factions are increasingly engaging in is impossible, the police at the Elizabeth Street station said, because, more often than not, the victims refuse to report the incidents. The police have repeatedly appealed for cooperation at meetings of church and civic groups, but without much success.

Testimony to the fears in Chinatown was the refusal of David's three friends to be identified, photographed or associated publicly with any of the street factions, whose members stand idly in doorways or swagger through the narrow streets rich with aromas and music.

A VARIETY OF FACTIONS

For reasons that the three kept private, they preferred the shields of aliases—John Wong, Peter Sang and Frank Gee. The teenagers emphatically denied belonging to any of the street groups, but others said later that they were close to—if not actual members of—a faction known as Kwon Ying, or the Free Spirits.

Although the leaders of the American-Chinese community shy away from such identifying labels, they drop easily into conversations about Chinatown's youths with policemen, teachers, clergymen and others close to the street.

In addition to the Free Spirits, the gang names they know of or have heard rumors about, include the White Eagles, the Black Eagles, the Flying Dragons, the Flying Red and the Wah Ching.

But beyond names like these, the community leaders' knowledge of the groups blurs into speculation. The White Eagles are reported to consist of youths in their late teens and early 20's, with the Black Eagles something of a secretive, underground youth arm of 12-to-16-year-olds.

The Flying Dragons are thought to be of the same age and sympathetic to the two Eagles actions. The Free Spirits are said to be their opponents.

The Flying Red group, according to rumors circulating at Chinatown's Junior High School 65 on Forsyth Street, is still in its formative stage. The Wah Ching is believed to be newly formed, and somewhat openly so. Former White Eagles are said to make up much of its membership.

NARCOTICS PROBLEM ALLEGED

Alfred Hong, a 23-year-old Chinese who was born in Trinidad, has identified himself as president of Wah Ching. He insists that seamen who jump ship carry large quantities of heroin and opiates into Chinatown and make drugs the neighborhood's No. 1 problem.

A sergeant at the Elizabeth Street station, however, says that narcotics is not a "major problem" in Chinatown.

Mr. Hong also asserts that organized gambling in Chinatown is costing poor Chinese their meager earnings. But the sergeant says that while "gambling seems to be a way of life for some Chinese, we don't know of anyone from the outside organizing it."

To label Chinatown's youth factions as "gangs," in the tradition of Irish and Puerto Rican street gangs in New York City, is a misnomer.

* * * Except for meeting they have no strict organizational structures or formal meeting places. Membership is fluid, with fringe elements in a constant state of flux around small hard-cores. The estimated numbers of the most belligerents youths at the centers range from 50 to 250.

No particular uniforms, patches or flags exist. Different from the gang fights on Manhattan's West Side in the nineteen-fifties, turf—or the self-adopted neighborhood domains—is apparently not an issue with the Chinese youths.

However, the police note, in 1971 six Chinese youths were stabbed and four were shot by other Chinese teenagers.

"But without the gangs," the sergeant said, "Chinatown is pretty much crime-free. The number of muggings and assults against outsiders is "very, very minute."

Amid all the mysteries, all sides firmly agree on three things: The youth factions are largely apolitical. The vast majority of youths in Chinatown vigorously pursue their high school and college educations. And the friction and belligerence stem from the wave of immigrants from Hong Kong, a wave that started around 1965 after immigration quotas were relaxed.

Chinatown's population has bulged to some 60,000 after a yearly influx of about 8,000 immigrants of all ages since the mid-nineteen-sixties, according to Irving S. K. Chin, a member of the New York City Human Rights Commission.

PROBLEMS FOR IMMIGRANTS

Problems for the immigrants have been myriad—severe housing shortages, language barriers, long hours of hard work at low pay in restaurants and factories, and a weakening of the traditionally strong family bonds.

John Wong, Peter Sang and Frank Gee recalled their job problems—and those of their parents—in an interview in the freshly painted basement game room of a Federally-financed, city-supervised drug prevention center on Oliver Street, off Chatham Square.

All have mastered a workable English, and their families have secured bigger and more comfortable living quarters. But they and their parents are bitter over their work.

John Wong's father and mother, once teachers in Hong Kong, now work in a restaurant and a garment factory an average of nine to 10 hours a day.

Like scores of other Hong Kong * * *

youths, John Wong wants to break away from that employment bond.

"There's no vacations, no fringe benefits, no pensions, they just work and work and work all their lives," he said. "We're willing to work, but can't find jobs."

The youth who wants money for college in the fall is unemployed now and living on what is left of his savings from part-time jobs as a cashier and a sandwich delivery boy and messenger in garment factories. Since Christmas he has been combing major department stores and supermarkets for a job as a stock boy.

But John Wong said that he had been turned down repeatedly for work. Frank Gee and Peter Sang reported similar frustrations in their searches for work.

INSTRUCTION IN ENGLISH

Extensive job training and job referrals to help them and hundreds of other immigrant youths have not yet materialized, because the community social agencies in Chinatown say they have had to devote most of their energies and funds to instructions in English.

With the immigrant crush, community leaders have abandoned the traditional Chinese aversion to outside appeals for assistance and have secured some Federal help for language laboratories.

Irving Chin, as education chairman of the Chinatown Advisory Council, pursued a dream of such a laboratory for two years before the Department of Health, Education and Welfare granted $150,000 to get it started late last year at 62 Mott Street. Mr. Chin called the opening a "minor miracle."

It has 23 bilingual teachers for a program of basic "survival" English for 650 Chinese. The enrollment is limited to that figure because of space and financial shortages. About 500 people are on the waiting list.

The majority of the street youths, however, apparently have to rely primarily on their schools and scattered street academies for their special English training.

"Now," Mr. Chin said, "we're going to start aiming at the immigrant youths and high school dropouts. They've got to get back into the mainstream, but it will take special planning and time."

What Mr. Chin is dreaming of now are a $4-million-to-$5-million cultural and recreation center in Chinatown and a major "multi-service center" where residents could go for answers to problems of health, housing, language, jobs, nutrition and family assistance.

RESETTLEMENT AID FOR SOVIET REFUGEES IN ISRAEL

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today introducing, with my colleague from New York, Mr. Halpern, and 41 cosponsors from both parties in the House, the Soviet Jewish Refugee Assistance Act of 1972.

In December of last year we received the very welcome news that the Soviet Union had released in that month alone more than three times as many Jewish emigrants as it had released in all of 1970. Since December, the release by the Soviet Union of Jewish emigrants has continued at an unprecedented rate.

Mr. Speaker, many of us in the House have decried the discriminatory and repressive treatment of Soviet Jews by the Soviet Government, and have urged the Soviet Union to open the Iron Curtain to allow these citizens to leave for Israel. We have urged our own State Department to make this demand a part of our foreign policy with regard to the Soviet Union. As long ago as April 1967, I initiated a statement condemning the suppression of Jewish spiritual and cultural life in the U.S.S.R., and calling for action by the Soviet Government to free Soviet Jews to join their relatives and fellow Jews outside the Soviet Union. That statement was signed by 300 Members of the House, from every State in the Union. Apparently our efforts have been at least partly successful, and for that we are thankful.

But this development is a mixed blessing for Israel. If the current trend holds, as it is expected to, Israel will receive 40,000 to 60,000 new refugees this year from the Soviet Union alone. The financial and social costs of absorbing and resettling these refugees are enormous and constitute a crushing burden, particularly in view of the many other demands on the Israeli budget growing out of the difficult political situation in the Middle East. Most of these refugees arrive in Israel with few financial resources of their own since the Soviet Government taxes them heavily for the privilege of emigrating.

Our Nation has a long tradition of help for refugees. We are, ourselves, a Nation of refugees. We have contributed more than $2.8 billion to ease the difficult lives of refugees since World War II. We have provided, for example, close to $600 million to help refugees from Cuba, and $85 million for Korean refugees. Arab refugees have received more than $500 million over the years in aid from the United States. We can take great pride in the generosity and comfort we have accorded these and many other groups who have suffered hardships growing out of war and political upheaval.

This long humanitarian tradition of American aid to refugees demands that we now offer our help to Soviet Jewish refugees for whose freedom to emigrate we have appealed. But it is also in our own interest to provide this assistance. We have long recognized that the well-being of Israel contributes to the security of free nations everywhere. We cannot and must not now ignore an economic burden on Israel which could be as damaging to its well-being as any military threat.

The best way to assure that adequate financial assistance is available to Israel to meet this economic burden and to quickly and humanely resettle these refugees from the Soviet Union is to earmark funds for that purpose now. That is the purpose of the legislation we are introducing today. It would authorize $85,000,000 for fiscal year 1973 to be furnished by the Secretary of State to Israel to be used to house, clothe, feed, educate, train, and otherwise assist Jewish refugees from the Soviet Union who take up residence in Israel.

I am hoping that the Foreign Affairs Committee in the House, of which Mr. Halpern and I are members, and the Senate Foreign Relations Committee, will take prompt action on this legislation so that the full amount authorized can be included in the State Department Appropriations bill for fiscal year 1973. We will certainly be working toward that end, with the support of the following Members who have cosponsored this important legislation:

Cosponsors of Soviet Jewish Refugee Act of 1972

Mr. Bingham, Mr. Badillo, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mr. Annunzio, Mr. Eilberg, Mr. Biaggi, Mr. Edwards of California, Mr. Rees, Mrs. Grasso, Mr. Hicks of Washington, Mr. Fish, Mr. Mikva, Mr. Collins of Illinois, Mr. Roybal, Mrs. Abzug, Mr. Metcalfe, Mr. Anderson of California, Mr. Steele, Mr. Kyros, Mr. Podell, Mr. Kemp, Mr. Halpern, Mr. Drinan, Mr. Koch, Mr. Danielson, Mr. Scheuer, Mr. Clark, Mr. Gude, Mr. Boland, Mr. Fraser, Mr. Leggett, Mr. Celler, Mr. Hechler, Mr. Brasco, Mr. Rosenthal, Mr. Dellums, Mr. Mitchell, Mr. Moorhead, Mr. Addabbo, Mr. Pepper, Mr. Reid, and Mr. Ryan.

Mr. Speaker, a text of the "Soviet Jewish Refugee Assistance Act of 1972" follows:

H.R. 13022

A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel, including assistance for housing, food, medical care, education and training, for the resettlement in Israel of Jewish refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this Act.

CHILDHOOD LEAD POISONING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, sometimes it is called the silent epidemic; sometimes it is called ghetto malaria. But no matter what it is called, the fact remains that childhood lead poisoning is a devastating disease plaguing the children of this Nation.

Each year thousands of young children between the ages of 1 and 6 are afflicted by this dread disease. The exact number of children poisoned is unknown, for there are still far too few programs to screen youngsters for lead poisoning. Even so, the Department of Health, Education, and Welfare has estimated that each year some 400,000 children are subjected to chilhood lead poisoning.

As a result, some 16,000 youngsters require treatment. An additional 3,200 suffer moderate to severe brain damage. Another 800 are so severely afflicted that they require institutionalization for the remainder of their lives. And for another 200 young children there is no future at all, for they will die.

In the words of HEW's Bureau of Community Environmental Management, childhood lead poisoning is "more prevalent than the polio problem before the advent of the Salk vaccine." But the real tragedy is that lead poisoning is a totally man-made and totally preventable disease. It exists only because we let it exist.

Three years ago I introduced legislation to begin a Federal program to come to grips with this crippler and killer of young children. Subsequently, Senator EDWARD KENNEDY introduced companion legislation in the other body. Finally, after 2 years of intensive efforts, our Lead-Based Paint Poisoning Prevention Act was signed into law on January 13, 1971. In enacting this law, President Nixon committed this Nation to a massive assault to eradicate the blight of childhood lead poisoning, that commitment remains unfulfilled.

Much of the reason for this is that neither the administration nor the Congress has been willing to provide sufficient funding to meet the menace of childhood lead poisoning. Despite the fact that the Lead-Based Paint Poisoning Prevention Act authorized $30 million for fiscal years 1971 and 1972; the Nixon administration steadfastly refused to request any money to fund this act for fiscal year 1971 and only after great pressure from myself and other concerned citizens belatedly submitted an amended budget request for $2 million to fund the act for fiscal year 1972. Although the Congress recognized the total insufficiency of this request, it provided only $7.5 in appropriations for fiscal year 1972—still woefully inadequate to meet the need.

Now is the time for the Congress to insure that a higher and more adequate level of funding be provided in the future. Therefore on the first day of the second session of this Congress—January 18—I introduced legislation (H.R. 12466) to increase the authorized level of funding to $50 million for fiscal year 1973 and each fiscal year thereafter and to enlarge the scope of the Federal anti-lead-poisoning program.

Sixty-one Members of Congress have joined me in sponsoring this legislation in the House and similar legislation has been introduced in the Senate by Senator KENNEDY on behalf of himself and 27 other Senators.

Specifically, this legislation—H.R. 12466 and companion bills with cosponsors—does five things:

First, for fiscal year 1973, and for each succeeding fiscal year, it authorizes $20 million for grants to units of local government to assist in developing and carrying out local detection and treatment programs for victims of childhood lead poisoning; $25 million for grants to develop and carry out programs to identify high-risk areas, and then to develop and carry out lead-based paint elimination programs; and $5 million for the Department of Housing and Urban Development to carry out a demonstration and research program to determine the nature and extent of the problem and the methods by which lead-based paint can most effectively be removed.

Any amounts authorized for 1 fiscal year but not appropriated may be appropriated for the succeeding fiscal year.

Second, it broadens the provisions relating to grants for detection and treatment of childhood lead poisoning to allow the Secretary of Health, Education, and Welfare to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead-based paint poisoning detection programs. The amount of any such grant cannot exceed 75 percent of the cost of such a facility—a matching requirement identical to that under the other sections of title I of the Lead-Based Paint Poisoning Prevention Act.

Third, my bill broadens the definition of those eligible to receive grants to include a comprehensive health services program within the meaning of section 222(a)(4) of the Economic Opportunity Act of 1964, thus facilitating the flow of funds to the community level at which they are most needed.

Fourth, it includes a provision which authorizes grants to be made to State agencies in any case where units of general local government within a State are prevented by State law from receiving such grants or from expending such grants in accordance with their intended purpose. I understand such is the case in both Delaware and Rhode Island.

And fifth, the definition of lead-based paint is changed from paint containing more than 1 percent lead by weight—calculated as lead metal—in the total nonvolatile content of liquid paints or in the dried surface coating to 0.06 percent lead by weight.

The matter of a safe level of lead in paint has been of deep concern to me for quite some time. On August 9, 1971, five child health advocates joined me in filing a formal petition with the Food and Drug Administration requesting that agency to ban paint with more than minute traces—0.06 percent—of lead from household use under the authority of the Federal Hazardous Substances Act. On November 2, 1971, the FDA published our petition in the Federal Register in order to allow interested parties to make their comments known. At the same time, however, the FDA published another proposal—one which it itself had initiated. This proposal would merely require that paints with a lead content in excess of 0.5 percent bear a warning label.

The overwhelming preponderance of medical and scientific evidence and opinion submitted to the FDA in regard to these proposals support my petition to ban paint with a lead content in excess of 0.06 percent from all household uses.

It is essential that the Congress speedily act to combat the menace of lead poisoning. As long as this Government fails to spend the necessary funds and take the necessary action to mount a meaningful effort to eradicate the plague of childhood lead poisoning, we will continue to spend far more resources patching up the sins which have been committed against our children by allowing them to fall victim to this manmade and preventable disease.

I include in the RECORD the list of Members of Congress sponsoring my legislation to amend the Lead-Based Paint Poisoning Prevention Act:

I also include in the RECORD the transcript of the National Broadcasting Co.'s Chronolog program shown on national television on January 28, 1972. This program presented a most extensive and compelling examination of the peril of childhood lead poisoning. I commend to the attention of my colleagues "Lead Poisoning," produced by David Schmerler and reported by Garrick Utley:

LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS SPONSORS

William F. Ryan (N.Y.), Bella Abzug (N.Y.), Herman Badillo (N.Y.), Mario Biaggi (N.Y.), Jonathan Bingham (N.Y.), Edward Boland (Mass.), John Brademas (Ind.), Frank Brasco (N.Y.), James Burke (Mass.), Phillip Burton (Calif.), Hugh Carey (N.Y.), Shirley Chisholm (N.Y.), William Clay (Mo.), James Cleveland (N.H.), George Collins (Ill.), Silvio Conte (Mass.), John Conyers (Mich.), George Danielson (Calif.), Ronald Dellums (Calif.), John Dent (Pa.), Charles Diggs (Mich.), John Dow (N.Y.), Robert Drinan (Mass.), Don Edwards (Calif.), Joshua Eilberg (Pa.), Walter Fauntroy (D.C.), Donald Fraser (Minn.), Ella Grasso (Conn.), Seymour Halpern (N.Y.), Michael Harrington (Mass.), William Hathaway (Maine), Augustus Hawkins (Calif.), Ken Hechler (W. Va.), Henry Helstoski (N.J.), Louise Day Hicks (Mass.), Frank Horton (N.Y.), Andy Jacobs (Ind.), Edward Koch (N.Y.), Romano Mazzoli (Ky.), Abner Mikva (Ill.), Parren Mitchell (Md.), F. Bradford Morse (Mass.), Claude Pepper (Fla.), Otis Pike (N.Y.), Bertram Podell (N.Y.), Melvin Price (Ill.), Charles Rangel (N.Y.), Thomas Rees (Calif.), Ogden Reid (N.Y.), Henry Reuss (Wisc.), Peter Rodino (N.J.), Benjamin Rosenthal (N.Y.), Dan Rostenkowski (Ill.), Fernand St Germain (R.I.), Paul Sarbanes (Md.), James Scheuer (N.Y.), John Seiberling (Ohio), Louis Stokes (Ohio), James Symington (Mo.), Robert Tiernan (R.I.), Lester Wolff (N.Y.), and Sidney Yates (Ill.).

LEAD POISONING

GARRICK UTLEY. Last year some of the animals in New York's Staten Island Zoo were poisoned. A few died. Others, including this black leopard, became paralyzed. The poisoning was a mystery. The zoo asked doctors at New York Medical College to solve it. Whatever the poison was, it came from the environment, and it was strong enough to do permanent damage to the black leopard's nervous system. Blood tests showed that the poison was lead.

DOCTOR. The blood levels of the great cats were very high in lead content, in the toxic range.

UTLEY. This news was so startling that the doctors expanded their study to other animals living in outdoor cages in other city zoos.

DOCTOR. We found also at the Bronx Zoo that the great cats, eleven out of fourteen as I remember, were very high in terms of their blood lead.

MAN. According to Dr. Chow, who we've sent samples to, the levels are so high he didn't believe the animals were alive.

DOCTOR. The same is true of very limited work that we did at the Central Park Zoo. There's one monkey that came in here with a lung condition, but upon autopsy after the animal died, we found that animal had very high lead levels in the vital organs.

EMIL DOLENSKI. Recently we thought it was related to lead in paint, and we did have analyses done on paint, and we found that some of the paints were indeed higher than acceptable levels for New York City. We are more concerned, though, in the case of animals like the lions, which we have here, because there is no contact at all with paint materials. Yet they're still running at levels which would indicate a chronic toxicity problem.

Dr. RALPH STEHER. We have reason to believe that it certainly comes from the environment, from the air. Because otherwise the soil around the zoo would not be accumulating as much lead as they presently have. The normal amount of lead in the earth's crust is only about ten to fifteen parts per million. And when you consider that the soil at the Central Park Zoo had over five hundred parts per million, that answers your question.

UTLEY. The lead poisoning the zoo animals comes from leaded gasoline. Automobiles put two hundred thousand tons of toxic lead into our urban environment every year. It's too much for the animals to take.

DOLENSKI. I don't see where we can honestly continue to show large cats outdoors any more. As far as any new enclosures that we make, I think we're going to have to build indoor enclosures with filtered air systems.

Dr. DENNIS CRASTIN. These are dangerous conditions, not only for the animals who are living in the confinement of the zoo, but for the people who are also living in the close neighborhood or who come there just as visitors.

MAN. It seems that all young living things are most suscepitble to lead. And that babies being born today have high lead levels. And this is an ominous sign, because they're starting out with a high lead level. And we know that lead accumulates over a lifetime, and therefore by the time they reach an adult age they may very well be in trouble.

WILLIAM F. RYAN. Four hundred thousand children in this country are afflicted with lead poisoning. That is a tremendous number of children. That's a serious problem. There are more cases of lead poisoning among children today than there were cases of polio in this country before the Salk vaccine.

Senator EDWARD KENNEDY. There are scores, I believe it's even in the hundreds of children that are dying of lead poisoning, but haven't been diagnosed as such. So it's widespread in the urban centers, in the older centers of our country. And we know very well that something can be done to prevent it.

UTLEY. The air inner city children breathe is heavily contaminated with lead. But the major source of lead poisoning in the slums is peeling paint from dilapidated buildings. When these buildings were constructed, it was common to use lead based paints on inside walls. Now that paint is flaking off. Children like to eat the paint chips. The result is illness, brain damage, and even death.

WOMAN. The baby, he had it bad enough where he had to go in the hospital this year for it. Every time I look around there's one getting lead poisoning. And I'm afraid that one time one of them might get it, and it might be a little bit too late.

UTLEY. Norman Britt suffered severe brain damage eight years ago from lead paint. He will never be normal.

Mr. BRITT. And Norman was eating it. And all of a sudden, you know, he got kind of sick. So the doctor said he had lead poisoning. He like this the rest of his life; he'll never, you know, never grow out of it.

JACK NEWFIELD. What is most frustrating about this is that a few months ago I spoke to the lead poisoning clinic at Kings County Hospital in Brooklyn, to parents whose children had been lead poisoned. When I was there I looked at the admissions record for Kings County Hospital. There had been thirty admissions for lead poisoning in one month; and of the thirty, fifteen were repoisonings, which is a guarantee of permanent brain damage.

Dr. MICHAEL KLEIN. You don't replace brain cells. Once a brain cell has been destroyed, has swollen, and bust, and been destroyed it is never replaced again.

Mr. BRITT. He told me he had lead poisoning. I hadn't ever heard of lead poisoning, so I didn't know what it was, until, you know, he started having these seizures.

UTLEY. What are these seizures like?

BRITT. Well, some kind of change. Like one time he had, like, he'd just go round and round. And the next he changed like he wanted to climb the wall. When something was close to him, he'd grab. And boy, I had a time trying to pry him loose from it.

UTLEY. This is where Norman Britt was poisoned, the slums of Rochester, New York. But Rochester did something about it. A neighborhood group called SPAN, and the University of Rochester Medical School joined forces to find out how bad the lead problem is. The first thing they did was test slum houses for lead paint.

Two SPAN workers showed me how they did the survey. They also told me that part of the problem is that young children like the taste of lead paint.

MAN. It tastes very sweet. And that's the trouble, the kids under six, after they taste it, they keep up, and keep eating, and that's it, they get poisoned.

UTLEY. How many houses do you try to see a day?

WOMAN. About ten to fifteen houses.

UTLEY. Now in this house there has been lead poisoning, is that correct?

WOMAN. Yes, the Walters' child got lead poisoning in this house, right upstairs.

UTLEY. How long ago did that happen?

WOMAN. Well, they just found out about it a few weeks ago.

UTLEY. How serious was the lead poisoning in a house like this? How strong was the lead content?

WOMAN. The lead content was strong enough to kill.

UTLEY. The SPAN people took paint samples from places young children could reach. Then we tried a simple chemical test. Now this is some of the paint from inside this house.

WOMAN. Yes.

UTLEY. And you give it the test . . .

WOMAN. Pour a little bit of the solution on it, if it turns black . . .

UTLEY. It turned dark. And a child that lived in this house has gotten lead poisoning from this lead content paint.

WOMAN. Right.

MAN. That's corect.

UTLEY. The slum children themselves were tested for lead in their blood. The results were shocking.

Dr. BARRY PLESS. Over a third of the children in the random sample in Rochester, which is a good, valid random sample, are in danger of being lead poisoned, because they do have levels above fifty. There are people who believe that it may be the cause of some of the specific learning disabilities that we're now seeing. There are people who believe that it may be related to behavioral problems. There are many people who believe that the very high proportion of children who are retarded, who we never have a reason or diagnosis to explain their retardation, may in fact be attributable to lead poisoning.

UTLEY. Slum children can eat lead paint and show no outward signs of damage. Scientists disagree over how much lead it takes to hurt a child. Some feel it takes very little.

NAOMI CHAMBERLAIN. The fact that we cannot prove that low levels of lead are dangerous does not mean that it isn't true. We can also not prove that it is not dangerous. And just as for years and years and years, nobody has really cared that children were being maimed, retarded and crippled, and dying, or maybe behavior problems, or reading problems—and it happens to people who can least afford to have it happen. Predominantly the kind we're talking about happens to poor kids, who already have two thousand strikes against them.

And so you say that because I cannot prove, then let us wait, and objectively let somebody else's child become a statistic. That infuriates me. It's the worst kind of mass mutilation.

UTLEY. No one knows how many children over the years have been poisoned by lead, have been crippled mentally for life. Because those children are mostly poor, black, and ignored. But now even white middle class kids are suffering from lead poisoning, and we know what it can do.

And even though we know what it can do, lead is still present in dangerous amounts in too much of the paint we use in our homes, and in too much of the ceramic dishware we eat from. We'll look at those two areas in a moment.

UTLEY. Paint which is applied to interiors where children can get at it is not supposed to contain more than one percent lead. But there is a good deal of paint on the market available today in this country, which has more than that one percent lead content. It's been discovered here at the New York City Health Department Laboratory. And the man in charge of the program is Dr. Vincent Guinee, the head of the Bureau of Lead Poison Control.

Dr. Guinee, what put you on to this problem?

Dr. VINCENT GUINEE. The sanitarians from the Health Department have been checking paints for interior use periodically. And over the last several months we found that rather large numbers of paints labelled as for use in interior surface, and therefore presumably without much lead, were turning up. And in some of our surveys we found that from ten to twenty percent of cans labelled "for interior use," and sometimes even labelled "for use on children's toys, and playpens, and children's rooms" were found to have lead contents five, ten percent.

The paint companies have been working under a voluntary standard since 1955. They, of course, have supposedly been operating under our current health code, which was in 1959. But many of the paint companies have slipped up, especially in certain colors of oranges, yellows and greens.

UTLEY. What is the consumer going to do now?

GUINEE. A doctor friend of mine asked me this question about two weeks ago. He said, "Look, I've seen the press releases about the fact that paint can have lead in it, although the label doesn't say anything about it. I want to paint my child's room, I'd like to use bright colors. Which paint should I use?

And I had to say frankly I could not guarantee any particular brand or color of paint. The only thing I could say was that, if you take colors that are not red, or yellow, orange or green, you take the most recently made can of paint from the biggest company in the country, it's less likely that you'll have lead in it. But there's no guarantees on any can of paint right now.

UTLEY. The paint industry says it stopped using lead in paints for inside use thirty years ago. Here is the way a spokesman for the major paint makers put it, in testimony before a Congressional committee.

"There is no longer any purpose in using white lead pigments in paints intended for interior use, since better white lead-free pigments for this purpose now are available at lower cost." The industry told Congress that it voluntarily stopped making leaded paints for household use. Modern interior paint is not a major cause of lead poisoning in properly maintained homes, according to the industry.

Writer Jack Newfield and Congressman Ryan, who have been crusading against leaded paints for years, have petitioned the FDA—the Food and Drug Administration—to outlaw lead in household paints. To outlaw it, simply and totally. So far though, the FDA's approach has been to require only warning labels on paint with more than a small trace of lead.

But labels on cans aren't of any help years later, when the paint starts to flake on the walls. We used to think that lead poisoning was exclusively a ghetto problem, something that middle class people just didn't have to worry about. After all, how many of us have paint flaking on our walls.

But now we're discovering there are a lot of other ways to get lead poisoning. Pencils, the kind children chew on when doing schoolwork, often were painted with leaded paint. Now the pencil markers say they've stopped making them that way. But a lot of these old pencils are still around.

And just this week the FDA told people across this country to get rid of two hundred thousand ceramic bowls given away in a soup company promotion. It turns out the glaze on the bowls contains dangerous amounts of lead.

This is Mrs. David Augustine and her son Philip, who live in a comfortable suburb near Rochester. They found out about lead poisoning the hard way.

Mrs. DAVID AUGUSTINE. About two years ago Philip began to show symptoms of vomiting, he began falling down for no apparent reason, he could not stand to be at any height without saying he was going to fall down, "Hold on to me." And over a period of time stopping eating everything. He had had brain tests scheduled, and the pediatrician told me that they were looking for the possibility of a brain tumor. And, of course, I rather lost control at that time.

They took some more blood tests, and when the report came back it was stated that there was a large amount of lead in his blood.

Dr. JAMES SAYRE. We tested his toys, we tested the paint, we looked what we thought were conventional sources. It turned out that Philip had been drinking his orange juice every day from a ceramic lined vessel, made in a local ceramic class, which had, by actual test, a very significantly high lead release. And he had actually been drinking his lead with his orange juice, practically every day, for a period of about three months.

Mrs. AUGUSTINE. I'm just thankful, thank God, that everything worked out, because it could have been much worse. We're supposed to be intelligent people, and yet here was a case of something that I had never been close to, I had never known anything about lead poisoning. So consequently I didn't have any idea what the symptoms were.

UTLEY. A Canadian child who drank from this pitcher was not as lucky as Philip. He died from lead poisoning. Hand crafted ceramic ware often is dangerously high in lead. But even some mass produced pieces can be potentially dangerous.

It is possible to test ceramics for lead. In Rochester the county health department tests dishes for local citizens. And we bought some pieces in New York gift shops to be tested there. Most of them were Mexican imports, which often have a very high lead content.

They should be safe to eat and drink out of, shouldn't they?

Dr. MARGARET RATHBURN. Well, if the glaze isn't fired sufficiently high, at a sufficiently high temperature, they may very well leak lead when acid is added. And that's what we're doing here.

UTLEY. In other words, if it hasn't been baked hot enough.

RATHBURN. Right.

UTLEY. Are most of these problems with American produced ceramic ware, or that which is imported?

RATHBURN. Well, there's problems with both, actually. We have in our own testing here, most of the problem has been from the imported. But we do have a positive piece made right here in Rochester; we have another positive from California; and one from Maine.

UTLEY. Mr. Gordon, what kind of a test are you running, what are you looking for?

GORDON. This is essentially a presumptive test for lead. It is one which was devised and developed by the FDA. If lead is present in this solution, we get an immediate transformation of color to red. If it is negative, it retains somewhat of its green color and nature.

UTLEY. Let's run the experiment now on one of these—say this one, for example.

GORDON. All right, we have already added acidic acid to this particular sample here. Now we take a few cc's of the acidic acid. Presumbly it leaks the lead out. Next we add the dithyozone solution, which you notice is green in color. Then we shake it, and immediately get a cherry red color, which indicates that lead is present in this piece of ware.

UTLEY. Can you tell how much lead is present? Does that mean it's at a danger level, if it turns red?

GORDON. Yes, the dithyozone solution is so standardized that it gives the lower limits that are recommended by the FDA.

UTLEY. Is it possibly to tell which type of ceramic ware is likely to have a high lead content?

RATHBURN. No.

UTLEY. There's no way a person at home can judge it.

RATHBURN. No. The only way you can judge it is to test it.

UTLEY. We just ran a test on this, Mr. Gordon, and how did it turn out?

GORDON. This is a negative test, on this piece of pottery here.

UTLEY. Now we're going to test on this mug. This is the kind of a mug, or a jug, from which you would drink orange juice, or soft drinks.

RATHBURN. Coffee or tea.

UTLEY. Coffee or tea. I have one in my own house. Let's see how it turns out. What does that mean?

GORDON. Now this is a borderline case.

UTLEY. It's neither red, nor . . .

GORDON. It's neither red, nor is it green. But this is one which we consider a borderline.

UTLEY. Is there any regulation in this country which oversees and controls the minimum standards of glazing for ceramic ware and pottery?

RATHBURN. The FDA has guidelines. However, there are at present no actual laws. Canada has recently passed a statute regulating up to seven parts per million, bleaching out lead.

UTLEY. And it has to pass this test.

WOMAN. Yeah.

UTLEY. But we don't have that in this country.

WOMAN. We don't have it yet in this country.

UTLEY. That's another sort of bowl . . .

GORDON. No, I would consider this one to be negative.

UTLEY. This is the kind of bowl you'd use for everything from storing vegetables, or fruit, orange juice . . .

RATHBURN. Salads.

UTLEY. Salads. Again, this is an imported bowl, the kind many tourists bring back from Mexico. But I imagine a similar type of ceramic ware is also hand-crafted in many parts of the United States. That has turned red right away.

GORDON. That's definitely positive.

UTLEY. It's definitely positive with a lead content.

GORDON. With a high lead content, extremely high lead content.

UTLEY. These pieces of dishware, which we picked up in a gift store in New York, the results are that this one is okay. These two are borderline. Wouldn't want to be too sure that what you're drinking or eating off them wouldn't harm you. And these three are all positive, they all contain lead, and they can poison you if you drink or eat too much out of it which has been kept too long in it, if what it was was acidic.

There are the kinds of things which we all have at home. I know I do, and perhaps many people watching this program do, too. So, doctor, what does it mean in practical terms for a person at home who uses this for storing food? Is it a danger?

RATHBURN. Yes, don't!

UTLEY. Don't. The problem with lead simply is that it's so useful for industry for so many products: as an additive to paint to make colors brighter, to glaze to make pottery ware shine. And to gasoline to raise the octane level cheaply.

Lead becomes a danger in paint only when it chips and a child eats it, and in pottery which has not been glazed hot enough. But gasoline? Gasoline is something different. Because lead is put into gasoline deliberately, with the full knowledge it'll run through the internal combustion engine, out the exhaust pipe, and into the air you and I breathe. We'll look at that in a moment.

UTLEY. Lead gets into the air from leaded gasoline burned by cars and trucks. Since Southern California has so many cars, it also has the nation's worst lead problem. The amount of lead in the air in Los Angeles is increasing by seven percent a year. San Diego is almost as bad.

Even more alarming, one study showed a steady rise in the amount of lead in the blood of Pasadena housewives.

Air pollution authorities in California have concentrated mostly on other forms of contamination from automobiles. You can't see lead in the air, and it doesn't make your eyes water.

KENNEDY. Lead poisoning can be found in the air, and has just as severe an effect in terms of life in these areas where there is a heavy concentration. This is something which I've been unaware of until relatively recently. And it again shows what has to be done.

HEALTH OFFICIAL. Lead as an agent in the air is absorbed and retained in the tissues of the population here to a much larger extent than elsewhere, because the levels of lead are higher here. And there is a biochemical effect, even though it may not make people sick. But there is a measured alteration in body chemistry, which we think is undesirable.

UTLEY. There is so much lead spewing into the California air that it is even affecting the Pacific Ocean. Scientists at the Scripps Oceanographic Institute at La Jolla discovered that their precise analyses of the chemistry of sea water were changed by lead settling into the ocean.

That caused Dr. T. J. Chow of Scripps to start measuring lead throughout the environment. He's still doing it. And his work is often cited by those who want to ban leaded gasoline. Dr. Chow discovered there is even lead in rain water, bringing it very close to the federal danger level for lead content in drinking water.

He has been measuring the lead content of the air around San Diego for five years. The levels are often dangerously above California state standards.

Dr. Chow says airborne lead is the most dangerous of all. Half of the lead you breathe is absorbed by the lungs. The body has better defenses against lead contamination coming from food and drink.

These filters show there is less lead in the air where there are not many automobiles. The worst areas are downtown districts and suburban areas near freeways. The dust from these two places contains as much lead as the ore from a lead mine.

Dr. CLARE PATTERSON. I am convinced—I wouldn't be here if I weren't—that really millions of youngsters each year are being, their minds and their nervous systems are being irretrievably damaged, forever, for their whole lives, by the lead that they're breathing.

UTLEY. Dr. Clare Patterson of Cal Tech traveled to the Arctic and Antarctic ice caps to prove how much the worldwide levels of lead have gone up. A thousand years of snow have been preserved here. Dr. Patterson said the increase in lead since 1940 has been enormous, and he thinks it's essential to ban leaded gasoline at once.

Patterson. The most significant source of lead, of course, is from leaded gasoline. It contributes about ninety-nine percent of the lead in the air. And I might say that the lead in cities like New York, or Los Angeles, or Washington, D.C., any city, large city, the lead in that air is about ten thousand times above natural levels.

Newfield. Congressman Ryan and Senator Kennedy introduced legislation; after hearings, after struggle, after lobbying the legislation was finally passed. Thirty million dollars to prevent and treat lead poisoning was finally authorized by Congress. And then the Nixon Administration wouldn't spend the money, even though Congress authorized it.

Kennedy. One of the most overworked words, of course, of our time is changing priorities. But this is where they ought to be changed. Here you can actually have a direct impact in stopping retardation, for example, and also in saving children's lives. And ultimately saving the taxpayers from paying for institutionalizing children and others that are affected by it.

Newfield. There are certain problems in this culture which me, and most, don't know the answer to. I don't know what you do about heroin; I don't know how you get garbage out of the slums; I don't know what the policy should be for the Middle East.

Lead poisoning is one of the few problems in this culture which is man-made, and we know what causes it, we know what the remedy is, and we just won't do it.

Patterson. We're so close to classical lead poisoning that I, and other people like me, believe that we're being affected right now by the lead that we're already absorbing. We're more irritable, we're less rational. It's affecting our central nervous system.

Dr. Heinrich Schlemerhorn. We are attempting to reproduce in the laboratory the experiments that man has unwittingly performed on himself since the beginning of the Industrial Revolution, which was when he began to dig up metals from the earth and spread them around through his environment.

What happens is that the rats have a high mortality rate when they're young. You get a shortened longevity. And the older animals look—they just sort of loll around without any energy. They have runts, dead litters, and dead offspring, and they don't breed, they fail to breed. And the mothers eat the young. There are all kinds of things that happen.

I think that this is certainly a warning. And if we don't pay attention to it, we're stupid.

Utley. We have had many warnings about the danger of lead in the atmosphere. A main source of it is lead-based gasoline. What are we going to do about it? And what is the government going to do about it? A man who can answer this question is William Ruckelshaus, the head of the Environmental Protection Agency.

Mr. Ruckelshaus, how long have you been conducting studies on this problem?

William Ruckelshaus. Well, we've been conducting studies—not our agency, but the agencies that we inherited from the National Air Pollution Control Administration—for years on the impact of lead, not only in the atmosphere, but also from lead-based paint, and lead that you generally ingest in foods, for many years. We still have huge gaps in our knowledge, as to the precise health impact, at what level, of the ingestion of lead, and where the total body burden of lead comes from.

Utley. But in terms of gasoline, you are at least satisfied that there is enough of a health problem to go ahead with this program.

Ruckelshaus. Yes, we are. Our information shows that the health effects of lead in the atmosphere, above certain levels, can be serious. There is considerable dispute over just what the impact on health is of lead in the atmosphere. But we believe there is sufficient evidence of a deleterious impact on human health of lead above certain levels in the atmosphere, that it ought to be regulated.

And the way we think it can be regulated best is through regulating its existence in gasoline, and thereby reducing it from the emissions from the automobile.

Utley. What is the status of the program now? It starts in your agency, where you draw guidelines, or concrete proposals?

Ruckelshaus. We will issue regulations which will regulate the additives that are put in fuel, under Section 211 of the Clean Air Act. We have two authorities to regulate additives in gasoline, not only lead, but any other kind of additives.

One is, if that additive creates a health hazard, we can regulate it. And in this case we think it does. Or if the additive, the regulation of the additive is necessary in order for the automotive companies to meet the 1975 standards. And both of these apply under Section 211, and it's under this authority that we will issue regulations, generally regulating it in the fuel itself.

Utley. Does this mean that you are in favor of limiting lead-based gasoline, or of banning it, as of a certain date?

Ruckelshaus. Well, our regulations have not as yet been issued. But the approach that we're taking is to have at least one class, or one brand of gasoline generally available by 1975, and gradually phase out the use of lead as an additive in gasoline.

The pace at which it's phased out depends very greatly on how we view the impact, not only on health, but on the petroleum industry, and how best this phasing process can work, so as to cause the least amount of economic dislocation to the country.

Utley. You say it means that by 1975 there will be a guaranteed lead free gasoline on the market available to everyone. By what date would you like to see all lead-based gasoline removed from the market?

Ruckelshaus. Well, this one of the things we're still considering, at what pace we will phase lead out of gasoline completely. And there are arguments, and valid arguments that can be made for one phasing process or another. And, really, before the regulation finally comes out, it's too early for me to say exactly what form it will take.

It will be probably very shortly after 1975 that the lead as an additive is phased out completely of gasoline.

Utley. Many problems in the environment field are finally acted on by government after a great deal of public opinion has been mobilized and articulated. Is that the case here? Or in the case of lead in gasoline, is it more due to scientific research?

Ruckelshaus. If the public says that we want clean air, and we want pure water, the government will respond to that legitimate public demand by providing clean air and clean water. But as to how they go about it, and what specific substances are taken out of the air so as to cleanse, or out of the water so as to make it pure, it should be left up to scientific determination.

Because there's no reason to respond to public pressure to remove a certain substance from the air or the water, if there is no public benefit to be gained thereby. And our decision to remove lead, or to phase it out of use as a gasoline additive is based on what we conceive to be in the public interest, the protection of the public health, and the insurance that these standards can be met by 1975.

Utley. Do you see any organized strong, or meaningful opposition to the removal of lead from gasoline, either in industry, or from other sectors? Or is everybody for clean gasoline?

Ruckelshaus. No, everybody's for clean gasoline, just as everybody's for clean water and clean air. But there are different degrees of fervor as to how strongly they believe that we ought to have clean air or clean water.

Utley. Mr. Ruckelshaus plans to abolish leaded gasoline shortly after 1975. Actually there is unleaded gasoline available today, but not many people are buying it. The petroleum industry began adding lead to gasoline in the 1920's. It was a cheap and easy way to increase octane levels, and lead has been added to most gasolines ever since.

Everyone knew that lead was poisonous, and that the lead in gasoline eventually was released into the air. But there didn't seem to be that many automobiles. And, after all, there was an awful lot of air.

Tonight we have seen and heard a lot about lead, what it can do to all of us, and what it already is tragically doing to some of our children. Lead is a new field of dispute involving the environment and public health. There are experts on both sides of the argument, some maximizing the danger, others minimizing it.

Admittedly there's not as much scientific knowledge about lead as there should be. There are many areas where research is only getting underway. Most important is the study of lead in the food we eat.

Lead is a problem we could easily ignore. It doesn't have high visibility. It is not the first problem our modern industrial society has dumped on us, and it won't be the last. It may not even be the most serious. But it's there. And the evidence shows that lead is a clear and present danger.

THE PRESIDENT'S ECONOMIC STABILIZATION PROGRAM: PENALIZING THE POOR

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, I actively developed, supported, and the Congress of the United States voted into law an exemption from wage controls for the low-income and working poor in the amendments of the Economic Stabilization Act of 1970. This exemption level is in grave jeopardy, and efforts are being made to either misinterpret or ignore the intention of Congress.

The Economic Stabilization Act of 1970, as amended, clearly established an exemption level of $6,960; Bureau of Labor Statistics data, the most recent available, were used by the Congress as the definition of the exemption level. The House Banking and Currency Committee report on this legislation reflects this dollar amount, so that there would be no room for misinterpretation. Congressman Ryan's statement during floor debate on the bill, December 10, 1971, discusses this exemption level and stands as the definition accepted by the Congress. House and Senate conferees accepted the House provisions of the act as regards substandard wage earners.

The legislation provides:

> Notwithstanding any other provisions of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is a member of the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

This is the language the House adopted. The Banking and Currency

Committee report submitted to the House states:

> This section forbids the President, under the authority granted by this title, from regulation or otherwise restricting the wages of the working poor or persons whose earnings are otherwise substandard. It is the intention of the Committee that the exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing and shelter and similar necessities.

Notwithstanding all of this, the Cost of Living Council—which body appears fiercely dedicated to making the cost of living costlier with each passing day—has decided that it has the prerogative to designate its own exemption level, to decide who is low income and who is not. One of the exemption levels it apparently devised would have affected many millions of the 20 percent of all American families whose incomes are between four and seven thousand dollars per year. Another exemption would have had the curious effect of applying controls of a level at or below the poverty guideline. Repeated inquiries by my office to both the Pay Board and the Cost of Living Council as to the precise nature of their exemption deliberations were ignored. When the Cost of Living Council asked the Pay Board for a recommendation on one of their suggested exemption levels—$3,952—the Pay Board responded by press release with a resolution to the effect that the Council's recommendation was not only "inconsistent with the purposes of the amendments to the Economic Stabilization Act" but went on to find it inconsistent with the Council's "supporting analysis." Further inquiries from me, from several other congressional offices, from the Congressional Black Caucus, and a request for a meeting with the Cost of Living Council have yet to be responded to.

Since the Pay Board could not agree, except to disagree with the Cost of Living Council, and since that Board was provided with "supporting analysis" by the Cost of Living Council for use during deliberations, I ask, Mr. Speaker, for permission to have inserted in the RECORD a series of documents which chronicle events leading up to the Pay Board's nondecision of January 19, 1972. The first is the Pay Board's terse, agree-to-disagree press release. The second is a memorandum developed for and presented to the Pay Board by Nat Goldfinger, director of the research department of the AFL–CIO. The final two documents are memorandums written by Cost of Living Council staff members which illustrate the Council's thinking on the subject.

The series of documents follows:

PAY BOARD,
Washington, D.C., January 19, 1972.

PAY BOARD RESOLUTION ON WORKING POOR

In response to a Cost of Living Council request for recommendations on the hourly wage rate to be set for exemptions to wage controls for individuals among the working poor or with substandard earnings, the Pay Board today adopted the following resolution:

"It is the sense of the Pay Board that the $1.90 figure recommended by the Cost of Living Council is inconsistent with the purposes of the Amendments to the Economic Stabilization Act and supporting analysis."

The action came after the Board had turned down separate motions setting the exemption level at $3.50, $2.20, and $1.90 per hour.

AFL–CIO,
Washington, D.C., January 17, 1972.

MEMORANDUM

To: Chairman Boldt and members of the Pay Board.

From: Nat Goldfinger.

Subject: Memo from the Cost-of-Living Council on "Substandard Earnings and Working Poor," in interpreting the Economic Stabilization Act, as amended.

The memorandum from the Cost-of-Living Council which recommends a $1.90 per hour limit for exempting substandard earnings and working poor from wage controls, under the terms of the E.S.A., as amended in 1971, should be rejected.

In its essential points, this memo is factually wrong and conceptually erroneous. It is a product of utter incompetence or maliciousness or both.

The Pay Board's recommendation should be in the neighborhood of $3.35–$3.75 per hour instead of $1.90.

Section 203(d) of the Economic Stabilization Act, as amended in 1971, states:

"(d) Notwithstanding any other provision of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor."

Let us first examine the Cost-of-Living Council memo and, then, proceed to the rather clearly stated intent of the Congress, in adopting Section 203(d).

1. The memo states that the term "working poor" is "usually associated with the low or minimum income level, developed annually by OMB and currently at a level of $3,968 for a family of four."

This statement is factually wrong in more than one regard. The figure is usually called the "poverty line" or the "poverty level." It is based on the definition of poverty, developed several years ago in the Social Security Administration of HEW, and more recently prepared and published by the Census and OMB.

Moreover, this government-defined, poverty-line figure of $3,968, for an urban family of four, is not current. It is the poverty-line figure for 1970. However, the Pay Board is dealing with the year 1972. The relevant figure for 1971 or for the fourth quarter of 1971 would be about $4,150 or $4,200, after adjustment for the increased living costs since 1970.

2. The memo also states: ". . . the legislative history suggests that consideration should be given to the measures developed by the Bureau of Labor Statistics as modest but adequate income for a typical urban family of four, currently $6,960."

This brief statement is false at several different points.

The issue of Congressional intent will be considered later. The legislative history does not suggest that consideration be given etc.—it clearly calls for the exemption from controls of all persons whose earnings are below the B.L.S. standard.

The B.L.S. family budget figure of $6,960 is *never* described as "modest but adequate." The $6,960 figure is entitled: "U.S. average budget cost for an urban family of four at a lower level." It is also described by B.L.S. as "the lower budget." This is the B.L.S. family budget, which is relevant to the Congressional intent of exempting substandard earnings and the working poor from wage controls.

The "modest but adequate" description applies to the "intermediate level" family budget, which cost $10,664, according to the most recently published B.L.S. information.

As the difference in the costs of these budgets show, they are decidedly different. The "intermediate" or "modest but adequate" budget concept dates back to the 1940s, while the development of the "lower" family budget was recent. The living standards of these budgets are considerably different. (See article, "New B.L.S. Budgets Provide Yardsticks For Measuring Family Living Costs," in the *Monthly Labor Review*, April 1969.)

The urban family budgets—including the "lower level," which is relevant to the discussion of the "working poor"—are based on a four-person family, with one wage earner (the husband), the wife who is not employed, an eight-year-old girl and a 13-year-old son. This is a one-wage earner family. The budgets would cost more money, if the wife were employed.

The B.L.S. published its most recent information on these budgets, in a release dated Monday, December 21, 1970, over a year ago. This release, which presents the figure of $6,960 for the "lower level" budget, is entitled "Spring 1970 Cost Estimates For Urban Family Budgets." The $6,960— figure, therefore, is based on the living costs of almost two years ago; it is not sufficiently recent to be relevant to policies for the present year. It should be updated, for policy purposes that apply to the year 1972.

(See appendix for excerpts from article on these family budgets, which appeared in the *Monthly Labor Review* in April 1969.)

3A. The memo states that employment by other family members is a means of augmenting the earnings of a low-wage prime wage earner. It further declares that "on a statistical average, the number of workers in a family is 1.7." And the memo proceeds to use this figure of 1.7 as the basis for reducing $3.35 per hour ($6,960 for 2,080 hours) to $1.97 per hour, which is, then, somehow rounded to $1.90 per hour.

There are abundant errors in this part of the memo.

According to the Census Bureau, there was an average of 1.7 earners per family in 1970, but the figure of 1.7 represented an average of *all* families, whose average family income was $11,106.

However, in examining the Census data on families, whose incomes were less than $7,000 in 1970—and thereby relevant to the B.L.S. "lower" budget of $6,960—we find the following:

Of such low- and substandard-income families, with earnings, 62% had only one earner.

Among the families at this lower end of the income distribution, the Census data reveals that only 38% had two or more earners in 1970. The appropriate ratio for these families is substantially less than 1.7.

In addition, a large percentage of secondary wage earners are part-time workers, with as little as one hour of earnings per week.

The figure of 1.7 therefore, is not even statistically valid for the purposes of the Cost-of-Living Council memo. (See Census Bureau Report P–60, No. 80, October 4, 1971.)

B. However, this point in the memo is not merely wrong statistically. It is also conceptually erroneous.

In the United States, it has always been assumed that the earnings of one wage earner should be sufficient to amply provide for his family. This is rooted in American culture and in the social concepts, underlying our wage structure.

The American wage structure has never been based on the number of dependents in a family nor on the number of wage earners in a family.

Thus, it is erroneous, in terms of American culture and social standards, to use a statistical average of the number of workers in a family—whether the statistic be 1.7 or 1.4—to derive a base for exempting the "working poor" or "substandard earnings" from wage controls. In fact, to do so is un-American. Such methodology may apply to another society—it does not apply in this country.

Surely, Congress did not intend to apply such a concept, as the basis for exempting low-wage workers from wage controls.

4. In a strained attempt to justify the $1.90 per hour limit, the Cost-of-Living Council memo not only "rounds" $1.97 per hour to $1.90. It also states that the O.M.B. poverty-line standard of $3,968 for 1970, "assuming a single full-time, year round wage earner, would indicate a wage of approximately $1.90 an hour."

To achieve the poverty-line sum of $3,968, a worker whose earnings are $1.90 an hour would have to work 2,088 hours in the year, or slightly over 40 hours per week for 52 weeks.

This flies in the face of the record of average weekly working hours in private, non-agricultural industries. Not since 1948, have average weekly working hours been as high as 40 hours. Not since 1959, have average weekly hours been as high as even 39 hours. And more to the point, in the past four years, from 1968 through 1971, average weekly working hours have been less than 38.

5. The memo also reproduces a table of the approximate percentage of private non-supervisory workers who would be exempt from wage controls at different levels of hourly earnings.

As I understand it, this table, used by the Cost-of-Living Council, is based on wage data for April 1970, about 21 months ago. It overstates the percentage of workers that would be exempt because it understates the current distribution of wages among private, non-supervisory workers. Obviously, this data is not relevant to the current scene.

6. The intent of the Congress is quite clear on the issue of exempting, from wage controls, those workers whose wages are substandard or who are the working poor.

The Conference Committee report on the legislation states:

"The House bill provided that wage controls will not apply to individuals whose wages are substandard or to the working poor. The Senate bill contained similar language except that the term "working poor" was not included. Moreover, the Senate bill defined substandard earnings to mean no less than those prescribed as the poverty level by the Office of Management and Budget. The conferees agreed to the House provision."

One must, therefore, turn to the House Committee report on this issue. The report of the House Committee states explicitly:

"This section forbids the President, under the authority granted by this title, from regulation or otherwise restricting the wages of the working poor or persons whose earnings are otherwise substandard. It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics, in determining an income necessary to afford adequate food, clothing and shelter and similar necessities. Absolute exemption from wage controls under this Act is also provided in this section for persons whose earnings are at or below the Federal minimum wage."

The Congress, therefore, intended an "absolute exemption" of persons whose earnings are at or below the federal minimum wage. It also intended exemption of the working poor or workers whose wages are substandard, as established by B.L.S., in determining the income necessary for adequate, food, clothing, shelter and similar necessities.

The federal minimum wage, at present, is $1.60 an hour. That figure is clear.

B.L.S. has established a family budget that meets the other exemption criterion of the Congress—the "lower" family budget. The cost of that budget was $6,960 ($3.35 per hour for a 2,080-hour year, or $3.45 for 2,000 hours) in the Spring of 1970. To update this figure to a more recent and relevant time-period would probably bring it up to the neighborhood of $3.70 per hour.

In conclusion, note the clear wording of the House Committee report: ". . . this exemption from control (should) apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statstics, in determining an income necessary to afford adequate food, clothing and shelter and similar necessities."

And note the reference to "all persons whose earnings are at or below . . . etc." The reference is not to the family earnings of multi-earner families.

The intent of the Congress in Section 203 (d) of the Economic Stabilization Act, as amended in 1971, clearly requires the exemption from wage controls of all workers whose hourly earnings are insufficient to bring their annual earnings up to or above the current cost of the B.L.S. "lower level" family budget.

APPENDIX

Excerpts from "New BLS Budgets Provide Yardsticks for Measuring Family Living Costs," *Monthly Labor Review*, April 1969:

"Lower budget level

"The budget for a lower living standard was developed in response to requests for a measure that would be appropriate for evaluating the needs of families who were positioned—either temporarily or persistently—at the low end of the income distribution. Throughout the 1950's, for example, State public assistance agencies appealed to BLS to develop such a budget, or to suggest ways in which the moderate standard budget could be scaled down. In the judgment of program administrators, the norms represented by the moderate standards were too high to be consistent with the objectives of public assistance programs, or with the funds available to administer such programs. Legislators attempting to formulate income criteria for admission to public housing units had a similar problem. Periodic evaluation of the Federal program providing partial income protection against loss of earnings because of long-term severe disability and of State programs for unemployment insurance and workmen's compensation also generated demand for living cost estimates for a standard below the well-known 'modest but adequate' or moderate level of the traditional BLS budget."

* * * * *

"Intermediate budget level

"The concept of the moderate budget was developed by BLS in the mid-1940's, in response to a directive by a Subcommittee of the Committee on Appropriations of the House of Representatives to provide information, for use in appraising income tax exemptions, on the cost of an adequate standard of living.

"The original City Worker's Family Budget (issued in 1946–47) was based on the manner of living and standards prevailing just before World War II; a 1959 revision reflected standards in the 1950's. The current version of the moderate standard incorporates the manner and conditions of living in the 1960's. The relative level of the new budget in relation to the current scale of consumption is approximately the same as the level of the original and interim 'modest but adequate' budgets in relation to actual consumption scales of their respective periods.

"The moderate standard benchmark also plays a role in the collective bargaining process by providing a basis for evaluating the adequacy of earnings of experienced workers. It provides estimates of aggregate requirements for consumer goods, used in developing public policy and in market analysis. Judicial decrees for support orders and alimony payments take account of the middle standard in determining either ability to pay or the recipient's need. The standard is used also to determine equitable amounts of college loans or scholarshhips, and the ability to pay for subsidized medical, mental health, or guidance services."

AUTOMOBILE INSURANCE—THE NEED FOR POSITIVE ACTION

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, it is inevitable that the House of Representatives must come to grips with the problems associated with automobile insurance. The case to which I now speak, points up the need for early, effective action on the part of the Congress. The following correspondence to the Governor clearly delineates the problem:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1972.

Hon. MARVIN MANDEL,
Governor, State House, Annapolis, Md.

DEAR GOVERNOR MANDEL: It has been brought to my attention by several of my constituents that there exists an insurance dealership, Brokers Insurance Service, Inc. (also called the Howard Insurance Service) of 637 North Howard Street and 2910 Edmondson Avenue in Baltimore which is indulging in practices that may be defrauding hundreds of people in the City of Baltimore. I bring this matter directly to your attention rather than to the attention of the Insurance Commissioner or The Secretary of Licensing because both of these men have been well aware of the situation for some time. Not only have they chosen to respond in the slowest manner possible, but they have done all that they could to delay, harass, and make it simply impossible for citizens to file and pursue their grievances against Broker's Insurance Service, Inc.

I will be brief in my description of the abuses of Broker's Insurance Service because the files of the Insurance Division of the Department of Licensing and Regulation are replete with examples. Several of my constituents have complained that in order to get a renewal of their automobile insurance they were forced to pay a $40.00 fee to an automobile road service club. This was standard whether or not this person already had such coverage and the only option was to drop the policy. Ex-employees of Broker's Insurance Service, Inc. state that these clubs offered no service and were designed to simply defraud the consumer.

On several occasions after an initial deposit on a renewal was made, the buyer found that that price of the policy was raised or that membership in the automobile club had been tacked on. These consumers found it extremely difficult or impossible to get their deposit back and when some return was made less than the entire amount was returned with the approval of the Insurance Commissioner. One man paid for automobile coverage in full yet received neither policy nor refund. Another constituent was asked to pay a $125.00 fee for help in filling out the insurance forms to report an accident. Two ex-employees of Broker's Insurance Service, known to the Insurance Commissioner, stand ready to attest to these and many other abuses they have witnessed.

Also at issue is the question of whether Mr. Robert Renwick, an agent of Broker's Insurance Service, is duly licensed by this state. There is ample evidence on file to suggest that his license was obtained by the fraudulent statements of Mr. Frank Trotta, the owner of Broker's Insurance Service, and himself.

With all of the aforementioned information in the hands of the Insurance Commissioner for 6 months, what has been his response? One response has been to close many of the records of this case to the public. A hearing to deal with a few of the complaints was scheduled, but then suddenly cancelled, and then rescheduled. Without doubt this puts the burden upon the poor working complainants to reappear at double their expense. One very immediate response was the full and thorough investigation and subsequent charging of the daughter of Mr. Ernest Wright who was instrumental in the uncovering of the practices of Broker's Insurance Service. To date, Broker's Insurance Service, Inc. continues in full operation perhaps a bit inconvenienced but still thriving.

It is the responsibility of regulatory agencies to offer protection regulation for the consumer as well as for the industry. The Insurance Division of the Department of Licensing and Regulation of this state is no exception. I will not comment on the motives of the Insurance Commissioner, but is apparent that he is doing little to offer redress to these particular complainants. One can only wonder whether his prejudice on behalf of this insurance company extends to the entire industry and to other decisions involving the citizens of Maryland. I ask that your office take notice of Broker's Insurance Service and conduct a full inquiry into this matter as well as the failure of the Commissioner to represent the interests of the insurance consumer.

Sincerely,

PARREN J. MITCHELL,
Member of Congress.

HAPPY BIRTHDAY ROSA PONSELLE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, one of the great sopranos of all time is Rosa Ponselle who was born Rosa Ponzillo in the city of Meriden in the Fifth Congressional District of Connecticut.

I had the pleasure of hearing Rosa Ponselle in person when she sang in Poli's Palace Theatre in Waterbury, Conn., in the late twenties. She sang with her sister Carmela and I recall particularly the duet from "Norma" which they sang.

Rosa Ponselle had a magnificent voice, great acting ability, intelligence, and sympathy with her audience and there was no phase of vocal music in which she could not excel. Her career placed her as one of the greatest of American singers and it is with pleasure that I salute her on her 75th birthday. I include here biographical sketches by abler hands than I: "The Last Link to Caruso Era," by Paul Hume from the January 23 issue of the Washington Post and "There Was Nothing Like the Ponselle Sound, Ever" by Harold C. Schonberg from the January 23 issue of the New York Times.

The biographical sketches follow:

[From the Washington Post, Jan. 23, 1972]

THE LAST LINK TO CARUSO ERA

(By Paul Hume)

Yesterday Rosa Ponselle was 75. Earlier in the week, they gave her the key to the city of Baltimore. Actually they gave her two keys: one is wood, carved from the original wood of the frigate, Constellation, and as Ponselle said, "too big to hang around my neck." The other is a gold key which the city is having set in lucite to take its place with the other marks of honor that stand around Villa Pace, Ponselle's lovely home in Stevenson, outside of Baltimore.

The honors that came to her were in part for the 35 years in which she has been Baltimore's most distinguished musical citizen, and, for two decades, the energetic artistic director of its sold-out opera company.

But the world honors Ponselle as one of its greatest singers of all time, and though 75 may seem a reasonably venerable age to some, her art and glowing memories of her singing are still very much alive to thousands of music lovers around the world.

Ponselle is the last great link between the age of Enrico Caruso and the Metropolitan Opera's fabled decades and today's world of singers. When she made her debut with Caruso in the Met's first production of Verdi's "Forza del Destino," the company roster included Geraldine Farrar, Frances Alda, Frieda Hempel, Louise Homer, Margarete Matzenauer, Claudia Muzio, and Florence Easton on the women's side all of them great singers. The top men, after Caruso, included Martinelli, Giuseppe DeLuca, Adamo Didur, John McCormack, Antonio Scotti Charles Hackett, and Jose Mardones, all well matched to the noted sopranos and contraltos.

With her successful debut at the Met, Ponselle opened a very special door in that institution: she was the first American-born and wholly American trained singer to appear in a major role at the Met without prior European tutoring or experience. Even stars of the magnitude of Eames, Nordica, Homer, Bispham and Whitehill had all been forced to make the European detour before they were thought good enough for the Metropolitan. Ponselle, born in Meriden, Conn., and a pupil of William Thorner, made the way easier for young Americans in the future.

During her 19 years at the Met, she was one of the brilliant stars in a constellation that included Elisabeth Rethberg, Lucrezia Bori, Beniamino Gigli, Galli-Curci, Emmy Destinn, Maria Jeritza, Titta Ruffo, Sigrid Onegin, and Feodor Chaliapin.

At the same time these great singers were busy in New York, Chicago was hearing Rosa Raisa, Mary Garden, Edith Mason, Muzio, Schipa, Frida Leider, Lotte, Lehmann, Alexander Kipnis, Maria Olsczewska, Claire Dux, and Rene Maison, all of equal stature.

Last week I asked Ponselle if she did not think that we were now in a time of very poor singing, and whether she had some ideas about the reasons for the shortage of great opera stars. Characteristically, her first response was to speak of the fine singers who are around today. But her basic reaction came as she said:

"It's the jet age. The young singers today are launched before they learn. They sing in one place and then rush to sing somewhere else.

"The important thing is what they want. Do they want to make money fast or do they want to leave something for posterity?

"Plus a great voice, which they must have, they have to have common sense: they have to respect the voice.

"When I was with the Metropolitan, I took no summer engagements. I went every year to the mountains and rested my voice. I did plenty of mental work. I restudied my roles and I worked on new ones. But I took no engagements.

"And during the years I was singing, I accepted no social invitations. That kind of singing demands great sacrifice. You have to give up many pleasures."

For years, Ponselle has been coaching promising young singers as well as taking an active part in the preparation of a number of Baltimore Opera's Lyric Theater productions.

"You start with the greatness of the gift from the Lord. But the more you work and the closer you get to what you think may be the ideal, the more you realize how far from it you still are."

This recalls Lotte Lehmann's comment, "Just when we singers are getting to the place where we know what we want to do, we are no longer able to do it."

"Today," Ponselle says, "there are a few beautiful artists. You can count them on the fingers of two hands or less."

What had happened since the days when you could take your choice among distinguished performances in the roles of Aida, or Donna Anna or Donna Leonora, to name only three that are getting harder and harder to cast with any real distinction?

Again she could only say that for many of today's singers, the top has been reached too soon. "We never stopped working," she said. "We had Serafin." (Tullio Serafin, the great conductor with whom Ponselle prepared most of her great successes. He later coached Callas.)

"With him we went over every detail of those scores." And she might have spoken of Romano Romani, the coach and accompanist with whom she worked unceasingly for years.

Ponselle's greatness cannot be explained simply by the fact that she had a great voice to start with, she insists.

"That is only the beginning," she emphasizes.

Today there are also great voices, whose owners at 25, at 30, and at 35 have already wrecked those voices by premature forcing or early overwork before learning to use them properly.

Singers as different as Maria Callas and Elizabeth Schwarzkopf took Ponselle as a model in technique, in tone, and in expressive meaning. Schwarzkopf sat up until 5 o'clock in the morning playing over and over a record that Ponselle made in 1954. (It is Victor 1889, now out of print.)

Callas sent a cablegram to Ponselle's 70th birthday that said, "You have always been my ideal of great song and art."

Today, buoyant and eager to hear every new singer on the scene, Ponselle can look back to her Metropolitan career that saw her singing 22 roles in 258 appearances in the famous old house, plus 108 more on Met tours, to say nothing of concerts and guest appearances on radio. She can know that everyone who heard her wraps the memory of that occasion in a very special covering, keeping it in that place reserved for the great and rare moments.

Ponselle wishes nothing more today than that the young singers now coming along would work as she did and strive for those things that seemed then, and still do, of the greatest importance. Our opera houses would sound better if her wishes could be fulfilled.

[From the New York Times, Jan. 23, 1972]

THERE WAS NOTHING LIKE THE PONSELLE SOUND, EVER

(By Harold C. Schonberg)

The voice on the telephone sent shivers down the back. It was low, throaty, sexy, vibrant, expressive. "How nice that you would like to see me," said the voice. "Do come down tomorrow. Only a few hours? I do wish it could be longer. *Arrivederci!*"

It was the voice of Rosa Ponselle, and the dazed caller hung up and leaned back, transported in time some 40 years back. Black Depression days, those; but somehow one could always manage to find 75 cents for standing room in the Family Circle of the Metropolitan Opera. When Rosa Ponselle was singing, the vast distance between stage and upstairs standing room seemed diminished. That big, pure, colorful golden voice would rise effortlessly, hitting the stunned listener in the face, rolling over the body, sliding down the shoulder-blades, making one wiggle with sheer physiological pleasure.

There are voices and voices, and the Metropolitan Opera in the 1930's had many great ones. But there was nothing like the Ponselle sound, ever. To many of us it was the greatest single voice in any category. Rethberg may have had the silvery purity. Melchior was a trumpet. Flagstad was monumental—and monumentally sexless. Bori had that sweet, ultrafeminine, cuddly sound. Gigli had the unparalleled sweetness. But Ponselle seemed to have everything. She could sing Violetta, and she also could sing Norma, and Rezia in "Oberon." She had the low notes of a contralto, and a knockout high C; and there were no artificial registers to the voice—it went from bottom to top in the smoothest, most seamless of scales, with no shifting from chest to head. And that trill: that articulated br-r-r-r which no singer today is able to come near matching! And the emotionalism of her singing, withal combined with good taste! And the power when she let loose! And the delicacy of her pianissimos! And the flexibility in coloratura work! And that effortless production! And the accuracy of intonation! And the handsome figure on stage! The good fairy was very kind to Rosa Ponselle.

She made her debut on Nov. 15, 1918 and, at the height of her career, in the full glory of her voice, abruptly called it quits after the 1936–37 season. She retired to her Villa Pace in Baltimore ("Pace, pace, mio Dio;" it was in "La Forza del Destino" that she had made her debut), was divorced from her husband about 20 years ago, and continues to live in her villa, acting as artistic director of the Baltimore Opera, interesting herself in young singers, giving her advice to many international headliners who come to her door.

And to humble admirers who come to her door. Last week she made a grand entrance into the living room, every bit the diva, accompanied by a half-dozen or so yipping toy poodles. It was a few days before her 75th birthday, which took place yesterday, and there was supposed to be a gala concert in her honor today. That was canceled because of the strike of the Baltimore Symphony players. "How sad!" she said. "I was so looking forward to it." Would she perhaps have sung at the gala? Madame Ponselle laughed. "If I were warmed up I could do it," she said. "Still."

She would have been nervous. She always was nervous. Her nervousness was a legend. In the old days she would arrive early on evenings she was singing, and walk around the old Met a half-dozen times before she got up enough nerve to go in. That was especially true if the opera was "Aida."

"I had a complex about the high C in 'O Patria Mia,' " she said. "In the early days high notes never bothered me. I could sing the C standing on my head. But one performance I got out of sick bed to sing Aida, and when I got to the C, I couldn't hold it as long as I would have liked. That was at the Brooklyn Academy, I remember. It gave me such a complex! After 'O Patria Mia' I was comfortable, and the rest of the Nile Scene did not bother me. But that first C! I went along like this for a long time, in terror, and then Serafin said: 'Why worry? We can transpose the ending of "O Patria Mia" a half-tone down. Everybody does it. Caruso used to transpose his C's down.' "

This had never occurred to Ponselle. It was a revelation. "*Now* you tell me," she said. So she sang a B in "O Patria Mia," but only in that aria. All other high C's were easy for her. "I felt pounds lighter."

Madame Ponselle is 75, but she is full of joie de vivre, likes to rattle on in nonstop manner, likes to listen to her recordings, likes to talk about the old days. How she got into opera, for instance. She had never thought about it in 1918. Indeed, she had never learned an operatic role, and had attended only two operas in her life. In those days the attractive young lady from Meriden, Conn., the daughter of an Italian immigrant named Ponzillo, was singing in a sister act at the Palace vaudeville house with her elder sister Carmela. "Sister acts were a big thing in 1918."

Word got around about those two phenomenal voices ("Carmela and I ended our act with the 'Faust' *Trio!*") and a voice teacher named William Thorner got interested in the two girls. To then, Rosa never had had a lesson. Thorner did not teach her very much about singing. "I wouldn't let him *touch* my voice!" He did, however, coach her in some arias, and he had contacts at the Metropolitan.

What Ponselle did not know was that the Metropolitan Opera was looking for a dramatic soprano. Caruso wanted to revive "La Forza del Destino," and there was nobody around who could sing Leonora. Some seasons previously, the great soprano Celestina Boninsegna was singing opposite Caruso, but he did not like her very much and, in addition, she was a short, dumpy woman. She did not last long at the Metropolitan.

So Caruso, tipped off by Thorner, walked into the studio with a few friends and listened to the young American. He heard enough in a few minutes to make up his mind.

"You will sing with me," he said. Ponselle remembers being paralyzed. But sing with him she did, about six months later. "Caruso," she says. "The sublime voice. You can't describe it. You die at the first note."

That was on Nov. 15. Only a little over two months later, Ponselle sang the role of Rezia in "Oberon," and to the professional that is indeed significant Here was a girl who was completely untrained in opera. She learns two major roles in short order, one of them (Rezia) little-known and of extreme difficulty. Obviously she must have had brains and aptitude in addition to the once-in-a-century voice. The music critics of the day, Huneker and Henderson among them, refused to believe that Ponselle had come to the house without training.

During the following 20 years, Ponselle sang 22 roles, some of them very curious. She did appear in "Don Carlos," "Ernani," "La Gioconda," "Andrea Chenier," "Norma," "Don Giovanni," "Cavalleria Rusticana," "La Traviata" and "Carmen." But she also sang the leading soprano roles in such forgotten operas as Breil's "The Legend," Rossini's "William Tell," Meyerbeer's "L'Africaine," Spontini's "La Vestale," Montemezzi's "L'Amore dei Tre Re" and "La Notte di Zoraima," and Romani's "Fedra." Gatti-Casazza, the general manager of the Metropolitan Opera, pressed those roles upon her, and like a good girl she said yes every time. Imagine the reaction if today's general manager asked one of his stars—*the* star, indeed—to sing in an opera by Montemezzi or Romani! Ponselle's repertory was indeed curious. She never sang Puccini, for instance, nor did she have any Wagner roles. A voice of that size and color could have made a sensation in the early Wagner operas.

"I would have loved to have done Elsa and Elisabeth," she says. "Not Brünnhilde, which Gatti asked me to do. I had more brains than that. I would have loved to sing Tosca, Desdemona. But I never had the time. I was always learning new roles in strange operas."

Finally, after 20 years, Ponselle asked the Met management for a role she dearly wanted to do—Adriana Lecouvreur, in the Cilèa opera of that name. Edward Johnson turned her down. Ponselle turned the Metropolitan down. Her contract was not renewed, and she had a nervous breakdown. Since 1936 she has not put foot into the Metropolitan Opera.

"I was demoralized," she says. "I always was sensitive, and people have to treat me like *this*"—stroking her forearm gently.

In 1953, at the age of 56, she made a record at her home. It was a private recording, in which she and Carmela (who now lives in New York) and "some of my kids" (the Baltimore Opera youngsters) sang odds and ends to an electric organ background. It was all impromptu. But there are unforgettable sequences of sound when Ponselle opens her mouth. Now the voice is deep ruby-red instead of gold, but the tactile richness, the awesome authority, the smooth passage from register to register—all this is prime Ponselle.

Nobody around has this kind of sound. Why, one wondered. "Everything is too *fast* today," Ponselle said. "It's the greed for money in this jet age. Singers run everywhere, unprepared, and performances are sloppy and unintegrated. There is no real involvement, no *pride*." She relaxed and listened to her record, her eyes shining. "Listen!" she said. *"Listen!"* when something especially good was to come up. She absentmindedly beat time, her mind probably back on the stage of the Met.

"I can't explain how I did it," she said. "Geraldine Farrar once said that voices like Caruso's and mine came from God."

PRESIDENT'S PEACE INITIATIVES SHOULD BE APPLAUDED

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. HALL. Mr. Speaker, as one who enjoyed an extensive practice of medicine, specifically as a surgeon, prior to entering the Congress, I have long known that when using the scalpel the closer you get to the bone, the more blood you draw. Apparently, that is what White House Chief of Staff H. R. Haldeman has accomplished. His forthright denouncement of the ill-advised and obviously politically motivated comments, by the plethora of Democratic presidential hopefuls, of President Nixon's peace initiatives should be applauded by all who are interested in seeing the Vietnam conflict brought to an end with equity and justice. I have little sympathy for those who continue to mouth the Communist line as though the words had been scripted in Hanoi. I have no doubt that one of the prime reasons why the Communist negotiators have not been more responsive, is because of the fact that their banner has been carried for them by the leftists, the bleeding hearts, and the ultraliberals and the duped of this Nation. Obviously they have neither listened to nor heeded the escaped or freed POW's, as to the end result of their bleatings.

I remind all that during the campaign of 1968, Mr. Nixon refused to make the Vietnam conflict a partisan issue. I would hope that today's presidential aspirants would do likewise, and while not being denied the right to speak out on the issue, at least so temper their remarks as to not deceive our people or give aid and comfort to an enemy who wants to be handed on a platter what it has failed to gain by its own murderous aggression.

WE MUST ADEQUATELY FUND THE PUBLIC SAFETY PROGRAM OF AID

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, while I have been recorded as one of the supporters of our massive foreign aid program, the latest attempt to amend our funding for the public safety program of AID, is a cut in the wrong place at the wrong time.

The public safety program has done a commendable job in border patrol, cutting the flow of narcotics, teaching proper riot control methods, to say nothing of an outstanding teaching program for foreign law enforcement officials.

To further explain my point, I offer a recent article from the Washington Daily News for the enlightenment of all who are interested:

FULBRIGHT AND THE DRUG TRAFFIC

(By Virginia Prewett)

Senator J. William Fulbright, D-Ark., in a parliamentary putsch late last Friday introduced an amendment to the foreign aid appropriations bill that will kill the best mechanism the United States has for getting other countries to cut the drug flow into the United States.

Sen. Fulbright pulled out of his pocket in the final stage of the floor debate on foreign aid an amendment abolishing an AID operation called the "public safety program." It provided police advisory assistance and some equipment to 15 countries in Latin America and 25 over the world.

The program employs 314 people overseas and 105 in Washington at a cost of $26 million annually. It was attacked in the subcommittee stage last week, but survived. Sens. Fulbright, Proxmire of Wisconsin and Pastore of Rhode Island assailed the program on the Senate floor, while Sens. Fong of Hawaii and Cooper of Kentucky defended it. With 29 senators absent, the amendment won by a vote of 37 to 34.

The bill will be rushed to a Senate-House conference tomorrow, allowing no time for public awareness or discussion.

The public safety program, started in 1954, during the 1960's has emphasized advising foreign police forces on the humane handling of street riots and the suppression of urban guerrilla warfare. Since its inception in 15 Latin American countries, rifles have ceased to be used against dissenting crowds. The more humane methods of crowd-handling have to an extent pulled the sting out of street-rioting as a radicalizing tactic. As the overseas police met street riots without undue harshness, it became less necessary to call in military forces, with consequent harsh jolts to internal political stability.

The public safety assistance program has been a chief target of Latin America's extreme leftists and urban guerrillas as it has aided neighboring police forces to suppress such dramatic urban guerrilla tactics as kidnapping diplomats.

The extremist charge that U.S. public assistance advisors "assist" Latin American police in torturing prisoners has never been proved. Sen Frank Church, D-Idaho, as chairman of the Inter-American subcommittee of Sen. Fulbright's Foreign Relations Committee, held hearings on this and had to admit no proof was available. He had special reference to Brazil, where extremists' records themselves reveal that alleged tortures took place in military barracks, not in police hands.

Many feel that if our National Guard had had the crowd-handling training in which U.S. experts advise foreign police forces, the tragedies of Kent State and Jackson State would never have occurred.

With drug use among U.S. youth a national catastrophe, AID's public safety program had begun to concentrate on getting overseas police cooperation in stopping drug traffic into the United States. Special efforts were underway in countries of the greatest "drug flow" to our country. A similar drive was under way in Bolivia, Ecuador and Colombia, the three New World cocaine producers.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The first cyclotron was invented by American Ernest O. Lawrence in 1931.

TEXAS POWER & LIGHT CO. MOVES TO HARNESS PRODUCTIVE CAPACITY OF HEATED DISCHARGE WATER

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in the field of environmental protection, one source of growing concern has been the ecological effect of heated discharge water from powerplants. And in the field of agriculture, one of the most promising new food-producing industries is catfish farming. The Texas Power & Light Co. has tied these two developments together with the innovative experimental project which holds out great hopes for progress in the transformation of potential "thermal pollution" into a productive resource.

Texas Power & Light—T.P. & L.—in cooperation with Texas A. & M. University, has established an experimental catfish farm at its Trinidad Generating Station in Henderson County, Tex. Catfish will be grown in special cages installed in the discharge canal of the Trinidad generating plant. Based on previous research, it is anticipated that the rate of catfish production in the warm discharge water will be almost twice that which can be achieved in waters with cooler average temperatures. By the end of the 7-year program, catfish production is expected to be about 2 million pounds per year.

This research project is being financed entirely by T.P. & L., but the company will reap no profits from this venture. All proceeds from the marketing of fish will be reinvested in catfish research, assuring expanded studies of the best means of producing this tasty, protein-rich food source.

Mr. Speaker, I commend the progressive management of T.P. & L. for this imaginative program. This is a splendid example of concerned and dedicated businessmen working to preserve our environment and to provide a better life for our people.

Following is a news story describing the T.P. & L. project in more detail:

CATFISH PRODUCTION FROM HEATED DISCHARGE WATER

Catfish, an important but publicly obscure source of high protein, may someday become as common as meat and potatoes on the world's dinner tables.

And to help prepare for this dietary advance, Texas A&M University and Texas Power & Light Company are working together to develop comprehensive information regarding the most efficient methods of raising whisker-fish.

In fact, some 100,000 catfish fingerlings about 5 inches long are now making their homes in the discharge canal of TP&L's Trinidad Steam Electric Station near Athens in Henderson County.

The unique research project is being funded entirely by TP&L, and all catfish and other related fish studies at the Trinidad site are being conducted by scientists at Texas A&M. Research will be performed over a 7-year period.

Texas A&M scientists estimated that by the end of the 7-year research period, more than two million pounds of catfish will be raised annually at Trinidad.

The discharge canal at Trinidad offers an excellent location to raise catfish because warm water coming from the plant after finishing its electricity-producing cycle is particularly conducive to fish growth.

A&M researchers point out the marketable catfish (those weighing about one to one and one-half pounds) can be grown from the egg at Trinidad in only 10 months, compared to 18 months in waters with cooler average temperatures. By beginning with 5-inch fish, only 4 months of growth is needed for the fish to obtain marketable size.

Before the catfish research program was begun, there was no practical use for the warm water which left the plant by way of the discharge canal for cooling in the TP&L lake at Trinidad. By helping raise catfiish, much of this waste heat has now been converted to useful and beneficial energy.

TP&L received its first shipment of 100,000 catfish in early January, 1972. The small fish were transported from a commercial dealer in Mississippi to Trinidad in a truck designed specifically to keep the fish alive during the lengthy trip.

At Trinidad, the catfish were placed in a small holding pond near the discharge canal where A&M graduate students, headed by Dr. John Kelley, Jr. of Texas A&M, checked the fingerlings for signs of disease or parasites.

From the holding pond, the students transferred the young catfish to custom-built cages placed in a 40,000 square-foot area of the discharge canal. The cages are constructed of galvanized mesh wire supported by angle-iron frames and measure 3x3x4 feet.

Currently, the project involves 200 cages, but the purchase of another 400 cages is anticipated during the term of the research study.

Before the cages could be placed in the water, TP&L dredged a large area of its discharge canal to a depth of 8 feet. Normal depth of the canal is 2 feet.

Daily, the young catfish are fed pre-determined amounts of a floating, high-protein, commercial catfish food. And on alternate weeks, the fingerlings' progress and growth is carefully observed and noted by two A&M graduate students who live at the research site. In addition, the young fish are regularly checked for diseases and/or parasites which might harm the caged catfish or other species of natural fish in the lake.

At the end of the optimum growth period, in this case 4 months, the catfish—which are the sole property of Texas A&M University—are removed from their cages for commercial distribution. A new batch of catfish will then be added, and the entire cycle will resume.

Since the catfish are the property of A&M, TP&L does not reap any profits from their final disposition. However, under the contract between TP&L and Texas A&M, it is stipulated that all proceeds from marketable catfish will be reinvested in catfish research.

TP&L officials point out that the Company has no desire to enter the commercial catfish business. Rather, the Company is participating in the research project because it recognizes the significant nutritional and economic value that catfish will have in the near future.

Because of this research and similar projects currently underway, it is hoped the findings will provide valuable information to commercial catfish farmers and will allow them to raise high-quality, low-cost catfish at reasonable profits.

Much information regarding catfish growth in warm water has already been gathered by scientists working with Texas Electric Service Company on a similar program. TESCO began its catfish research project in 1969, and this year expects to produce 60,000 pounds of catfish.

Since catfish farmers do not have access to warm water in which to raise catfish, TP&L and Texas A&M are conducting a second research project at Trinidad.

Near the discharge canal, the Company has built four ¼-acre ponds which are stocked with catfish to simulate conditions faced by the typical catfish farmer. Research in the ponds will be aimed at discovering more efficient ways to raise catfish in waters of variable temperatures.

Through its catfish research, Texas A&M expects the game fish population at Trinidad to shortly develop into one of the best in the state.

Catfish waste matter, which is high in protein, and a small percentage of high-protein catfish food which is expected to escape from the catfish cages will contribute to making Trinidad one of the most fertile and fish-productive lakes in the Southwest, A&M scientists believe.

BIG CYPRESS SWAMP

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing in my behalf and in behalf of my colleagues on the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, Mr. SKUBITZ, Mr. O'HARA, Mr. KYL, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. LLOYD, Mr. SEBELIUS, Mr. MCKEVITT, Mr. TERRY, Mr. BEGICH, Mr. ABOUREZK, and Mr. MELCHER, a bill, H.R. 13017, to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes.

The President on November 23, 1971, announced plans to preserve the Big Cypress Swamp which lies about 35 miles west of Miami. Today the President in his message to the Congress on the environment proposed legislation to acquire the requisite legal interest in 540,000 acres of the swamp. This bill implements that proposal.

It authorizes acquisition not to exceed 540,000 acres of private land, together with approximately 37,000 acres of publicly owned land, to be administered by the Secretary of the Interior in accordance with the laws applicable to the National Park System. The Secretary is also authorized to enter into agreements with the State of Florida or its appropriate political subdivisions whereby those governmental institutions may manage and administer the lands acquired for the reserve.

The Big Cypress is a significant resource—perhaps the Nation's only significant subtropical marsh. The Everglades National Park is totally dependent upon the supply of water flowing over the Big Cypress watershed. It provides important feeding, nesting and winterizing areas for many bird species. At least nine species of wildlife determined by the Secretary to be threatened with extinction will be provided with habitat as a result of the preservation measures of this bill. The coastal zone within the influence of the Big Cypress watershed contains about one-third of the total mangrove-estuarine complex of the Everglades National Park. Although acquisition will be expensive—$156 million—at no time in the future will it be less expensive. This unique natural environment can and must be protected.

H.R. 13017

A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds—

(a) the unique natural environment of the Big Cypress area of southwestern Florida should be protected from further development which would significantly and adversely affect its ecology;

(b) the Big Cypress is a fragile area, ecologically interlocked with Everglades National Park and the continued viability of Everglades National Park and certain of the estuarine fisheries of south Florida are directly dependent upon fresh water of adequate quality and volume from the Big Cypress area; and

(c) appropriate measures must be taken by the United States and the State of Florida to assure the conservation of fresh water from the Big Cypress area.

It is, accordingly, the purpose of this Act to provide for the protection of the Big Cypress area and for appropriate uses thereof through cooperative action by the Federal Government and the State of Florida.

SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida", numbered BC–91,001, and dated November 1971, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided,* That the boundaries of the area may not encompass more than 547,000 acres of privately owned land. Property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

SEC. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Cypress National Fresh Water Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the National Park System, and in a manner consistent with the findings and purposes of this Act. The Secretary is authorized to enter into an agreement with the State of Florida, or any political subdivision thereof having jurisdiction over the lands, waters, and interests therein within the reserve, pursuant to which such State or political subdivision may agree to manage and administer any property acquired by the Secretary pursuant to this Act for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions which, as applied to the area within the reserve, will limit or control the use of the lands and waters therein for the purposes of motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, new construction of any kind, and such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act; *Provided, however,* that the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activites. Notwithstanding this section or any other provision of this Act, the Secretary may authorize members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing and trapping on a subsistence basis and traditional tribal ceremonials.

Sec. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue-producing visitor services, the Secretary shall provide those members of the Miccosukee and Seminole Indian Tribes who on January 1, 1972, were engaged in the provision of similar services, a reasonable opportunity to continue providing such services within the reserve in accordance with such terms and conditions as he may by agreement, hereby authorized, provide.

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $156,000,000 for the acquisition of lands and interests therein.

Sectional Analysis of Administration Bill To Authorize the Acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for Other Purposes

Section 1.—Congressional finding that unique natural environment of Big Cypress area warrants protection through cooperative action by Federal government and State of Florida.

Section 2.—Authorizes Secretary of the Interior to acquire by donation, purchase, transfer or exchange interests in lands and waters not to exceed 547,000 acres of private lands, as depicted on boundary map BC–91,001.

Section 3.—Permits owners of improved property acquired by the Secretary to retain use and occupancy thereof for a definite term of not more than 25 years, or for a term ending at the death of the owner or his spouse, whichever is later. Provides for compensation equal to fair market value at time of acquisition, less the fair market value of right retained by owner.

Section 4.—Designates area within boundary described in section 2 as "Big Cypress National Fresh Water Reserve", and provides for administration thereof by the Secretary of the Interior in accordance with laws applicable to the National Park System. Authorizes execution of agreements for State or local management and administration of areas within Reserve, provided that such agreements contain provision for protection of natural resources, and provided, further, that Secretary shall consult with Secretary of Transportation as to location of transportation facilities within the Reserve.

Section 5.—Requires that Secretary permit hunting, fishing and trapping within the Reserve in accordance with applicable laws of United States and State of Florida, but authorizes the prohibition of such activity under specified circumstances. Permits continuation of customary use and occupancy of Federal lands by Miccosukee and Seminole Indians.

Section 6.—Provides that Miccosukee and Seminole Indians shall have reasonable opportunity, under agreement with the Secretary, to continue provision of those revenue-producing visitor services in which they may have been engaged on January 1, 1972.

Section 7.—Authorizes appropriation of such sums as may be necessary to carry out provisions of Act, not to exceed $156 million for acquisition of lands and interests therein.

PARKS IN URBAN AREAS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, today I am introducing in my behalf and in behalf of my colleagues on the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, Mr. Skubitz, Mr. Johnson of California, Mr. Kyl, Mr. O'Hara, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Lloyd, Mr. Melcher, Mr. Sebelius, Mr. Begich, Mr. McKevitt, Mr. Terry, and Mr. Camp, a member of the full committee, a bill, H.R. 13018, to provide for the establishment of the Golden Gate National Recreation Area in the State of California and for other purposes.

This bill is in furtherance of the President's objective to provide parks in urban areas. The President specifically proposed this legislation in his message to the Congress on the environment dated this date. The proposed Golden Gate National Recreation Area will encompass some 24,000 acres of existing State and county park lands. Additionally, military reservations within the boundaries will become a part of the park as they are no longer needed for military purposes. The national recreation area will connect in the north with the Point Reyes National Seashore and units of the national recreation area will extend southward approximately 22 miles from the Golden Gate Bridge. Fort Point, already designated as a national historic site, and Muir Woods National Monument will retain their identity as separate units of the national park system adjacent to the recreation area. Estimated costs for development are approximately $58 million and for land acquisition $27,620,000 to be programed over a 3-year period. This national recreation area will serve more than 4,500,000 people living in the San Francisco-Oakland area and by 1990 will serve almost twice that number.

H.R. 13018

A bill to provide for the establishment of the Golden State National Recreation Area in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural, historical, and recreational features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area"). There shall be included within the boundaries of the recreation area those properties in the San Francisco Bay Area generally depicted on the map entitled "Boundary Map, Golden Gate National Recreation Area, San Francisco and Marin Counties, California", numbered NRAGG–20,000C and dated January 1972, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the recreation area by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable recreation area have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the recreation area, but the total area within the boundaries shall not exceed 24,000 acres.

Sec. 2. (a) The Secretary may acquire lands and waters and interests therein within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange, except that property or interests therein owned by the State of California or any political subdivision thereof may be acquired only by donation, subject to such terms and conditions as may be mutually agreed to and subject to such valid existing rights as may exist under the laws of such State or political subdivision at the time of donation: *Provided, however,* That the Secretary may acquire, develop and administer property or interests therein which the State of California or any political subdivision thereof may have retained a reversionary interest. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this Act structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

(b) The Federal property known as Fort Cronkhite, Fort Barry, and approximately one-half of the Federal property known as Fort Baker, together with certain additional Federal property located in Marin and San Francisco Counties, California, all as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG 20,002 and dated January 1972 is hereby transferred to the administrative jurisdiction of the Secretary for purposes of this Act, *provided, however,* that the Secretary shall grant: (1) a permit for continued use and occupancy by the Secretary of the Army for those portions of said property necessary for existing air defense missions until the Secretary of Defense determines that such requirements no longer exist, and (2) a permit for continued use and occupancy by the Secretary of the Army for those portions of said property for essential missions to include reserve activities and family housing for a period of 10 years or for such longer period of time as may be agreed upon by the Secretary; and *provided further,* that the portion of said Federal property known as Coast Guard Radio Received Station, Fort Cronkhite, comprising approximately 12.4 acres, shall remain under the administrative jurisdiction of the Secretary of the Department in which the Coast Guard is operating until such time as all or any portion thereof is determined by the Department in which the Coast Guard is operating to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(c) That portion of the Federal property known as Fort Baker not subject to transfer under the provisions of subsection (b) hereof shall remain under administrative jurisdiction of the Department of the Army until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act; *provided, however,* that the Secretary of the Army shall grant to the Secretary such rights as are necessary to assure reasonable public access through such area to Horseshoe Bay, together with the right to construct and maintain such public service facilities as the Secretary deems necessary for the purposes of this Act. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

(d) Upon enactment, the Secretary of the Army shall grant to the Secretary irrevocable use and occupancy of that Federal property within the Presidio of San Francisco known as Baker Beach consisting of approximately 100 acres, and as depicted on said map numbered NRAGG 20,002.

(e) Within ten years from the date of enactment, or such longer period of time as may be agreed upon by the Secretary, the Secretary of the Army shall grant to the Secretary irrevocable use and occupancy of that Federal property within the Presidio of San Francisco known as Crissy Army Airfield, consisting of approximately 45 acres, and as depicted on said map numbered NRAGG 20,002.

(f) That portion of the Federal property known as the Presidio of San Francisco not subject to the provisions of subsections (d) and (e) hereof shall remain under the administrative jurisdiction of the Department of the Army until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act. If the portion of said Federal property known as Fort Point Coast Guard Station, comprising approximately 14.7 acres, is still in continued use by the Coast Guard at the time that property is declared by the Department of Defense to be excess to its needs, the Secretary shall grant a permit for continued use and occupancy by the Secretary of the Department in which the Coast Guard is operating for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

(g) That portion of Fort Miley comprising approximately 1.7 acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(h) New construction and development within the recreation area on property remaining under the administrative jurisdiction of the Department of the Army and not subject to the provisions of subsections (d) or (e) hereof shall be limited to that which is required to accommodate facilities being relocated from property being transferred under this Act to the administrative jurisdiction of the Secretary or which is directly related to the essential missions of the Sixth United States Army: *Provided, however,* that any construction on presently undeveloped open space may be undertaken only after prior consultation with the Secretary. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital of the Western Medical Institute of Research.

(i) The Federal property known as Point Bonita, Point Diablo, and Lime Point shall remain under the administrative jurisdiction of the Secretary of the Department in which the Coast Guard is operating until such time as all or any portion thereof is determined by the Department in which the Coast Guard is operating to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act. The Secretary of the Department in which the Coast Guard is operating may continue to maintain and operate existing navigational aids *provided that* access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this Act and the purpose of existing statutes dealing with establishment, maintenance, and operation of navigational aids.

SEC. 3. (a) Prior to the establishment of the recreation area and thereafter, the Secretary shall administer the lands, waters and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1,2–4), as amended and supplemented, except that the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. Notwithstanding their proximity to the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as separate units of the National Park System in accordance with the laws applicable to such monument and historic site. The Secretary is authorized to enter into agreements, subject to otherwise applicable Federal, State or local statutes, with the State of California or its political subdivisions with respect to any State and other publicly owned lands within the recreation area in order to contribute to uniform management and public use of all publicly owned lands within the recreation area.

(b) Notwithstanding any other provision of law, the Secretary may provide such services and facilities as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public or private agencies or persons without advertising and without securing competitive bids.

(c) The Secretary is authorized to enter into cooperative agreements with Federal agencies, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire-fighting, law enforcement, water and sewer and other community services.

SEC. 4. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the Golden Gate National Recreation Area in California shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

SEC. 5. There are hereby authorized to be appropriated not more than $27,620,000 for acquisition of lands and interests in lands, and not to exceed $58,000,000 (May 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorizes Secretary of the Interior to establish recreation area; defines boundaries by reference to map on file in offices of National Park Service; and limits total area to 24,000 acres.

Section 2(a). Authorizes Secretary to acquire lands and waters and interests therein within boundaries by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of California or any political subdivision thereof may be acquired only by donation. Transfers all Federal property within the boundaries to Secretary of the Interior, except as hereinafter provided. Authorizes Secretary of the Interior to develop facilities on lands for which he receives a permit from Secretary of the Army.

(b). Transfers military properties in Marin and San Francisco counties to Secretary of the Interior, as follows:

Fort Cronkhite—except 12.4 acres for Coast Guard Radio Receiver Station; and

Fort Barry and one half of Fort Baker.

Secretary of the Interior is directed to grant permit for continued use and occupancy by Army (1) air defense missions with no time limit, and (2) essential missions to include reserve activities and family housing for 10 years or longer as Interior may agree upon.

(c). Provides that the other half of Fort Baker shall remain under Army jurisdiction until determined to be excess to Army needs, at which time would be transferred to Interior. Directs Army to grant Interior public access through area to Horseshoe Bay together with right to construct public service facilities.

(d). Directs Army to grant to Interior immediately irrevocable use and occupancy of Baker Beach, within Presidio.

(e). Directs Army to grant to Interior within 10 years irrevocable use and occupancy of Crissy Army Airfield, within Presidio.

(f). Provides that all other Presidio lands shall remain under Army jurisdiction until determined to be excess, at which time the excess portion shall be transferred to Interior. Savings provision for continued use of Fort Point Coast Guard Station if still needed at the time property is declared excess.

(g). Provides that Navy undersea warfare installation on Fort Miley shall remain under Navy jurisdiction until determined to be excess, at which time the excess portion shall be transferred to Interior.

(h). Limits new construction on lands retained by Army only to that necessary to accommodate facilities relocated from lands transferred to Interior, or new construction which is directly related to essential Sixth Army missions. Requires prior consultation with Interior for construction on presently undeveloped open space. No limitation on construction as applied to Letterman General Hospital or Western Medical Institute of Research.

(i). Provides that three points, Point Bovita, Point Diablo, and Lime Point, shall remain under Coast Guard jurisdiction until determined to be excess, at which time property shall be transferred to Interior. Requires any new navigational aids to be installed in accordance with plan acceptable to Interior and Coast Guard.

Section 3(a). Directs Secretary of the Interior to administer property acquired for the area in accordance with National Park Service Organic Act of August 25, 1916, and other appropriate statutory authorities. Provides that Muir Woods National Monument and Fort Point National Historic Site shall continue as separate units of national park system. Authorizes Secretary to enter into agreements with State or political subdivisions to contribute to uniform management and public use of all publicly owned lands within recreation area.

(b). Authorizes Secretary to provide access services and facilities directly or by negotiated contract with public or private agencies.

(c). Authorizes Secretary to enter into agreements with Federal agencies or State or its political subdivisions for rendering, or reimbursable basis, rescue and fire-fighting, law enforcement, water and sewer, and other community services.

Section 4. Directs that Army authority for water resource developments shall be exercised in accordance with plans acceptable to Interior.

Section 5. Authorizes appropriation of not more than $27,620,000 for land acquisition and not more than $58 million (May 1971 prices), plus cost index escalator, for development.

ON THE RECOGNITION OF BANGLADESH

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the United States has not announced its intentions regarding the recognition of Bangladesh, but the fact that many other responsible countries have done so probably means that we will follow suit. However, the recognition which has been extended has been precipitated and there should have been some clarification of the status of Bangladesh before recognition was extended. It is to our credit that we have not been overhasty. It should be remembered that Pakistan is alined with the United States in CENTO and also in a bilateral agreement signed on March 5, 1959. Under these agreements, the United States is committed to the "preservation of national independence and integrity" of Pakistan. Today, as a result of an invasion of Pakistani territory by Indian forces, Pakistan stands dismembered. The recognition of a dismembered part of Pakistan as an independent state would be a breach of an international commitment.

A substantial number of Indian troops remain in East Pakistan as an occupying force. Although varying estimates about a time for their withdrawal have been issued, the fact is no clear statement has been made. The recognition of Bangladesh while Indian occupation forces are still there would be tantamount to acceptance of aggression which would be a breach of international obligation as a member of the United Nations.

President Bhutto is pursuing a policy of reconciliation which he is hopeful will produce an amicable settlement with Sheikh Mujib on future relationships. Admittedly, the latter has shown a minimum of interest on this subject but recognition at this state possibly would prejudice these efforts.

East Pakistan's massive economic needs obviously will not be met from the Socialist bloc countries and India. East Pakistan will have to turn to the Western powers and principally the United States for economic assistance. A policy of "wait and see" at this stage would not therefore adversely affect the interests of the United States and would not push Bangladesh further into Communist hands. The fact that Bangladesh and India already are oriented in that direction provides additional cause for pause. There are foreign press reports which state that the Bangladesh regime in East Pakistan has not fully restored law and order. Guerrilla forces were given enormous quantities of weapons prior to and during the fighting and many of these forces have shown a reluctance to turn in their weapons. This could mean additional difficulties in restoring law and order.

Foreign interests in East Pakistan can be maintained and looked after without the formality of recognition. Countries do not recognize East Germany, yet maintain commercial and financial relations with her. Similarly there are countries which conduct trade with the People's Republic of China without extending formal recognition.

The U.N. resolution sponsored by the United States and adopted by the U.N. General Assembly on December 7 fully endorsed Pakistan's territorial integrity and unity. The recognition of the Bangladesh could be considered tantamount to legitimization of Indian aggression opposed by the countries which voted overwhelmingly—104 votes to 11—in favor of the said U.N. General Assembly Resolution calling for cease-fire and withdrawal of troops, and so forth.

Finally recognition of Bangladesh would be tantamount to discrimination against Pakistan. That country is confronted with very serious survival problems following defeat by India and the rebels. Our immediate concern in that part of the world should be the continuation of a stable government in Pakistan and the healing up of the country's wounds.

FARMERS HOME ADMINISTRATION RENDERS EXCELLENT SERVICES

(Mr. ALBERT (at the request of Mr. DENHOLM) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, in his state of the Union message the President recognized the Farmers Home Administration as the logical agency to carry forward a stronger program of support for rural development.

He indicated that he will support legislation to this end, which already is in an advanced stage of development by our Committee on Agriculture.

This is recognition well earned for an agency, a credit arm of the Department of Agriculture, that has worked long and hard, with extraordinary effect, and without the general acclaim its record of performance has deserved.

However, the Farmers Home Administration has long been well known and appreciated in areas such as my home district of Oklahoma. There it is the Federal agency probably closest to the rural family and rural community.

Farmers Home Administration, the name rural Americans associate with the initials FHA, is the largest Government credit agency dealing directly with the borrower family as well as the community organization.

When other channels of credit are unavailable to small town or country families of modest means, they find help at their county office of the Farmers Home Administration in arranging home loans, or credit to buy and improve the operation of family farms.

Nearly 3,900 new and improved rural homes have been provided through a total of about $36 million of rural FHA housing credit now outstanding in our district.

More than 1,400 farm families are farmowners, and more than 1,800 are improving their farm operations in the Oklahoma Third District on the strength of some $27½ million of credit they have found available through the Farmers Home Administration.

The development of rural community services such as water and waste disposal systems has undergone a tremendous surge since the Farmers Home Administration was made the financing agency for this phase of rural development. To date, this program has enabled more than 110 towns or town and country areas to develop modern water systems in our district, and 23 communities to install modern sanitary sewer systems.

Nationally, the Farmers Home Administration will deliver well over $2½ billion of credit into the rural economy this fiscal year. About $1½ billion will be insured housing credit, to add about 120,000 new or modernized rural homes to the Nation's housing production.

Credit to family farmers will total something more than $700 million, and cooperative lending by private lenders will push the total of FHA-generated farm credit over the billion dollar level.

In the community facilities program, a new record for 1 year's achievement can be set if the agency is allowed to use the $100 million Congress has appropriated for rural water and sewer grants, as well as $300 mililon available in loan authority. At this point in the fiscal year, budget authorities have yet to commit some $60 million of the grant appropriation.

Mr. Speaker, there is no alternative to these Farmers Home Administration programs if rural areas are to have anything approaching the investment capital they need for modernization and development, and for adequate financing of the family farm.

And it is remarkable that any Federal agency can administer so large a program with the minimum of complaint, the maximum of good will incurred by the Farmers Home Administration.

The explanation may lie in the fact that Farmers Home is personified by the people of its county offices. They are a most capable and dedicated group of career public servants, usually native to the areas where they work. They identify not as bureaucrats but as fellow local citizens of the communities where they serve.

At the level of national leadership, we salute the work of an Oklahoman, James V. Smith, a former colleague in this House. He is making a distinguished record as National Administrator of the Farmers Home Administration.

Jim Smith also deserves much credit for originating one of the finest new youth activities in the Nation—the program known as "Building Our American Communities," carried on throughout the 50 States by the Future Farmers of America in cooperation with the Farmers Home Administration.

Many thousands of young Americans in FAA chapters and their high school vocational agriculture classes are taking part in community development work, and training for their future roles of community leadership, through this BOAC program. As a matter of fact, in our district, Holdenville and Soper FFA chapters were recognized nationally for outstanding work. In the long run, this may prove to be the most far reaching of all the excellent services rendered by the Farmers Home Administration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ALEXANDER, at the request of Mr. BOGGS, for Monday, February 7 and Tuesday, February 8, on account of official business.

Mr. BROOMFIELD, at the request of Mr. GERALD R. FORD, on February 9 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. FISH) and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 1 hour, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraous matter:)

Mr. GAYDOS, for 30 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FULTON, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. MIKVA, for 60 minutes, on February 9.

Mr. FUQUA, for 10 minutes, on February 9.

Mr. DENT, for 60 minutes on February 22.

Mr. GAYDOS, for 60 minutes, on February 22.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GOLDWATER, immediately following the remarks of Mr. WINN in the Committee of the Whole today on H.R. 10243.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. WYMAN in three instances.
Mr. MCCLORY.
Mr. MCCLURE.
Mr. BROTZMAN.
Mr. KEMP in three instances.
Mr. KEATING in two instances.
Mr. CARTER in six instances.
Mr. WHITEHURST.
Mr. BYRNES of Wisconsin in two instances.
Mr. GOLDWATER in three instances.
Mr. BOB WILSON in three instances.
Mr. DERWINSKI in three instances.
Mr. SNYDER in six instances.
Mr. NELSEN.
Mr. BROYHILL of Virginia.
Mr. MCDONALD of Michigan.
Mr. HALPERN in two instances.
Mr. ROUSSELOT.
Mr. SHRIVER.
Mr. WHALEN.
Mr. MILLS of Maryland in two instances.
Mr. HUNT.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. O'HARA.
Mr. EDWARDS of California in six instances.
Mrs. GRIFFITHS.
Mr. SARBANES in five instances.
Mr. EILBERG in four instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. RYAN in three instances.
Mr. WILLIAM D. FORD in four instances.
Mr. RANGEL in three instances.
Mr. BEGICH in three instances.
Mr. WOLFF in two instances.
Mr. HUNGATE.
Mr. BOLAND.
Mr. PURCELL.
Mr. MOORHEAD in two instances.
Mr. TIERNAN.
Mr. HARRINGTON in three instances.
Mr. MAHON.
Mr. BINGHAM in two instances.
Mr. LINK.
Mr. FRASER.
Mr. ROE in two instances.
Mr. MURPHY of New York.
Mr. WALDIE in two instances.
Mr. ABBITT in two instances.
Mr. DORN in two instances.
Mr. BOGGS.
Mr. RODINO.
Mr. EVINS of Tennessee.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; and

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona;

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities;

S. 2672. An act to permanently exempt potatoes for processing from marketing orders; and

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 11487. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 9, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1578. A communication from the President of the United States, transmitting proposals for 18 additions to the National Wilderness Preservation System, pursuant to the Wilderness Act of 1964 (H. Doc. 92-248); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1579. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions program equipment and facilities for the quarter ended December 31, 1971, pursuant to 201(f) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Government Operations.

1580. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

1581. A letter from the Secretary of Health, Education, and Welfare, transmitting the report of a study and investigation by the Food and Drug Administration of deaths, injuries, and economic losses resulting from accidental burning of products, fabrics, and related materials, pursuant to section 14(a) of the Flammable Fabrics Act; to the Committee on Interstate and Foreign Commerce.

1582. A letter from the Executive Director, Committee on Motor Vehicle Emissions, National Academy of Sciences, transmitting the errata sheet for the semiannual report of the committee; to the Committee on Interstate and Foreign Commerce.

1583. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conservation, protection, and propagation of species of subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

1584. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to promote the abatement of atmospheric sulfur pollution by the imposition of a tax on the emission of sulfur into the atmosphere, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 796. Resolution providing for the consideration of H.J. Res. 1025, a joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; with amendment (Report No. 92-828). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 809. Resolution providing for the consideration of H.R. 12910, a bill to provide for a temporary increase in the public debt limit (Rept. No. 92-829). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAYNE: Committee on the Judiciary. H.R. 7641. A bill for the relief of Chung Chi Lee (Rept. No. 92-827). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 13016. A bill to provide for the issuance of a special postage stamp in commemoration of the life and works of a great American authoress, Laura Ingalls Wilder; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR (for himself, Mr. Haley, Mr. Skubitz, Mr. O'Hara, Mr. Kyl, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Lloyd, Mr. Sebelius, Mr. Begich, Mr. McKevitt, Mr. Abourezk, Mr. Terry, and Mr. Melcher):

H.R. 13017. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Mailliard, Mr. Johnson of California, Mr. Skubitz, Mr. O'Hara, Mr. Kyl, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Lloyd, Mr. Sebelius, Mr. Begich, Mr. McKevitt, Mr. Terry, Mr. Camp, and Mr. Melcher):

H.R. 13018. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia (for himself and Mr. Hogan):

H.R. 13019. A bill to provide public assistance to mass transit bus companies operating in the Washington Metropolitan Transit Area; to the Committee on the District of Columbia.

By Mr. BYRNES of Wisconsin (for himself, and Mr. Gerald R. Ford):

H.R. 13020. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 13021. A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. Celler, Mr. Badillo, Mrs. Hicks of Massachusetts, Mr. Drinan, Mr. Koch, Mr. Helstoski, Mr. Danielson, Mr. Annunzio, Mr. Scheuer, Mr. Eilberg, Mr. Clark, Mr. Biaggi, Mr. Gude, Mr. Edwards of California, Mr. Boland, Mr. Rees, Mr. Fraser, Mrs. Grasso, Mr. Leggett, and Mr. Hicks of Washington):

H.R. 13022. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H.R. 13023. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CRANE:

H.R. 13024. A bill to extinguish Federal court jurisdiction to require attendance at a particular school of any student because of race, color, creed, or sex; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mrs. Abzug, Mr. Alexander, Mr. Badillo, Mr. Baker, Mr. Bevill, Mr. Bingham, Mr. Burton, Mr. Chappell, Mr. Cleveland, Mr. Conte, Mr. Coughlin, Mr. Davis of Georgia, Mr. Dow, Mr. Dulski, Mr. Edwards of California, Mr. Flynt, Mr. William D. Ford, Mr. Forsythe, Mr. Frenzel, Mr. Frey, and Mr. Garmatz):

H.R. 13025. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mrs. Griffiths, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Hicks of Washington, Mr. Hungate, Mr. Karth, Mr. Leggett, Mr. Lent, Mr. McCloskey, Mr. Matsunaga, Mr. Mazzoli, Mr. Moorhead, Mr. Morse, Mr. Nedzi, Mr. O'Hara, Mr. Pickle, Mr. Pike, Mr. Rodino, and Mr. Roe):

H.R. 13026. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Sarbanes, Mr. Schwengel, Mr. Sikes, Mr. Symington, Mr. Tiernan, Mr. Vander Jagt, and Mr. Williams):

H.R. 13027. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. DWYER (for herself, Mr. Kastenmeier, Mr. Kyros, Mr. Whalen, Mr. Addabbo, Mr. Badillo, Mr. Biester, Mr. Cleveland, Mr. Coughlin, Mr. Danielson, Mr. Derwinski, and Mr. Edwards of California):

H.R. 13028. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H.R. 13029. A bill to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN (for himself, Mr. Fish, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Brasco, Mr. Collins of Illinois, Mr. Rosenthal, Mr. Roybal, Mr. Dellums, Mrs. Abzug, Mr. Mitchell, Mr. Metcalfe, Mr. Moorhead, Mr. Anderson of California, Mr. Addabbo, Mr. Steele, Mr. Pepper, Mr. Kyros, Mr. Reid, Mr. Podell, and Mr. Ryan):

H.R. 13030. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER (for himself, Mrs. Dwyer, Mr. Kyros, Mr. Whalen, Mr. Eilberg, Mr. Fraser, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Koch):

H.R. 13031. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. KYROS (for himself, Mrs. Dwyer, Mr. Kastenmeier, Mr. Whalen, Mr. Mayne, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mr. Morse, Mr. Obey, and Mr. Pepper):

H.R. 13032. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. McKINNEY:

H.R. 13033. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H.R. 13034. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449) to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards; to the Committee on Science and Astronautics.

By Mr. ROE:

H.R. 13035. A bill to revise the boundaries of the North Cascades National Park in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13036. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13037. A bill to designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness; to the Committee on Interior and Insular Affairs.

H.R. 13038. A bill to authorize the establishment of the Big Thicket National Park in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13039. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness, the area commonly known as the Indian Peaks Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

H.R. 13040. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 13041. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 13042. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, to the Committee on Interior and Insular Affairs.

H.R. 13043. A bill to provide for addition of the Minam River Canyon and other areas to the Eagle Cap Wilderness, Wallowa and Whitman National Forests, to modify the boundaries of the Wallowa National Forest in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13044. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mr. Biaggi, Mr. Boland, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Drinan, Mr. Fauntroy, Mr. Fraser, Mr. Hathaway, Mr. Hawkins, Mr. Horton, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Rostenkowski, Mr. Seiberling, Mr. Stokes, Mr. Tiernan, Mr. Wolff, and Mr. Yates):

H.R. 13045. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. STRATTON (for himself and Mr. Terry):

H.R. 13046. A bill to amend the Bank Holding Company Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. TEAGUE of California (for himself and Mr. Sisk):

H.R. 13047. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN:

H.R. 13048. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate cretain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13049. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. WHALEN (for himself, Mrs. Dwyer, Mr. Kyros, Mr. Kastenmeier, Mr. Pike, Mr. Rees, Mr. Rodino, Mr. Ryan, Mr. Steiger of Wisconsin, Mr. Symington, and Mr. Zwach):

H.R. 13050. A bill to authorize the President through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida (for himself, Mr. Dow, Mr. Moorhead, Mr. Runnels, Mr. Rangel, and Mr. Kyros):

H.R. 13051. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida (for himself, Mrs. Abzug, Mr. Baker, Mr. Bevill, Mr. Brasco, Mr. Broomfield, Mr. Burke of Florida, Mr. Chappell, Mr. Cleveland, Mr. Danielson, Mr. Frey, Mr. Gibbons, Mr. Halpern, Mr. Helstoski, Mr. Hunt, Mr. Mann, Mr. Mitchell, Mr. Morse, Mr. Nichols, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Rosenthal, Mr. Sikes, Mr. Snyder, and Mr. Thone):

H.R. 13052. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREY of New York:

H.R. 13053. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 13054. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

H.R. 13055. A bill to amend title 23 of the United States Code to authorize the construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. HALPERN (for himself, Mr. Mitchell, and Mr. McCormack):

H.R. 13056. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

My Mr. HAMMERSCHMIDT:

H.R. 13057. A bill to amend title 38 of the United States Code to provide that hypertension developing a 10 percent or more degree of disability within 2 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 13058. A bill to amend title 38, United States Code, to revise the effective date provisions relating to reductions and discontinuances of compensation awards; to the Committee on Veterans' Affairs.

H.R. 13059. A bill to amend section 336 of title 38, United States Code, to liberalize the conditions under which wartime rates of disability compensation are payable; to the Committee on Veterans' Affairs.

By Mr. MAILLIARD (for himself, Mr. Don H. Clausen, Mr. Johnson of California, Mr. Anderson of California, Mr. Del Clawson, Mr. Edwards of California, Mr. Goldwater, Mr. Gubser, Mr. Hanna, Mr. Hosmer, Mr. Miller of California, Mr. Moss, Mr. Pettis, Mr. Rees, Mr. Talcott, Mr. Teague of California, Mr. Van Deerlin, Mr. Veysey, and Mr. Bob Wilson):

H.R. 13060. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROONEY of Pennsylvania:

H.R. 13061. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DOW:

H.R. 13062. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. HALPERN (for himself, Mr. Burton, and Mr. Collins of Illinois):

H.J. Res. 1060. Joint resolution designating May 1–7, 1972, as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.J. Res. 1061. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H. Con. Res. 528. Concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H. Con. Res. 529. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. DONOHUE:

H. Res. 807. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. HÉBERT:

H. Res. 808. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 201 for the Committee on Armed Services; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 13063. A bill for the relief of Robert P. Farmer, major, USAR; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 13064. A bill for the relief of Alan C. Hoffman; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 13065. A bill for the relief of Raynaldo A. Pendon and Bienvenida A. Pendon; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

186. The SPEAKER presented petition of Ts'ui Ts'an, et al., Taipei, Taiwan, Republic of China, relative to the United Nations; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

SUPPORT FOR THE NIXON PEACE PLAN COULD FOSTER AN END TO A TERRIBLE WAR

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. ROBISON of New York. Mr. Speaker, I have previously expressed here my support for President Nixon's new peace initiatives, calling the plan he announced on January 25 both constructive and encouraging, and calling for as broad a base of public support for that plan as is possible under the circumstances.

I have since noted—in today's issue of the Christian Science Monitor—a similar call for public support for that plan, this one coming from Prof. Allan E. Goodman, chairman of the department of government and international relations at Clark University, in Worcester, Mass.

Professor Goodman's column or commentary is being set forth here in full, but it is worth noting therefrom his thought that public support for the President's plan "could foster an end to a terrible war," and that he connects that ending just as I always have with a termination of hostilities not just for us, as the proponents of unilateral withdrawal would have it, but for all the Indochina people. In addition to this, Professor Goodman applauds, as I have, the President's willingness to separate the military from the political issues involved in a true settlement and, then, through use of the words of a South Vietnamese congressman, helps us to understand in a way I have not seen put before why, even if this were the President's intent—which I do not believe is the case—we could not continue the war by proxy so that a political settlement, negotiated in the main between the North and the South, is the only answer. On the basis of today's news, though still fragmentary, we may be moving at last in that direction, too.

Professor Goodman's commentary follows:

PRICE OF PEACE IN VIETNAM: YEAS

(By Allan E. Goodman)

President Nixon's peace plan hastens the end of American military involvement in the Vietnam war and the prospect of a lower level of conflict throughout Indo-China thereafter. The long voyage home for all American troops, set in motion in 1968 through the Vietnamization program, and sped along by the new role in policymaking of the National Security Council, is nearer to an end. And the United States has come closer to behaving not as an ally of a besieged government but as a principal belligerent. The Nixon-Kissinger proposal at least articulates, as did the limited final declaration of the Geneva Conference of 1954, the limits of American ability to shape future political developments in Indo-China.

There was no consensus among the great powers in Geneva then about the political future of Vietnam. There is even less consensus now. At Geneva, France was able to end its war with the DRV. Now, at the Paris forums, the U.S. may be able to end a similar war. The Nixon-Kissinger proposal recognizes that determination of Vietnam's political future—indeed, the future of all Indo-China—must be left to the dynamics of internal politics and forces there. And by expressing its willingness to separate political settlement considerations from military ones, the American position gains important room for maneuver, as Hanoi denounces the proposed electoral scenario.

The beauty of these eight points, and of the Viet Cong's July, 1971, seven points, is that while to each side their substance may not be negotiable, there is considerable chance for the U.S. and Hanoi to reach agreement about those points most directly aimed at ending the present war. In so doing, the basis for ending the war is at last separated from the basis for a political settlement. The counsel of Henry Kissinger, in his famous Foreign Affairs article of January, 1969, that "Cease-fire is thus not so much a step toward a final settlement as a form of it" is now reversed, and rightly so.

In Vietnam, of course, the term "postwar period" has never been used as a synonym for peace for political struggle. Over the past few years, political leaders and forces there have become disillusioned with the war; it has grown too big and too costly to maintain as one Vietnamese congressman suggested to me in an interview: "Only the U.S. could afford the Vietnam war, and if your government thinks it can continue the war by proxy it will soon learn that we South Vietnamese can neither afford the war nor Vietnamization. Our only hope lies in our ability to compete politically with the Viet Cong after the war."

Support for the new U.S. proposal, at home and abroad, and for a positive response from Hanoi, could foster an end to a terrible war. This is what the President asked for. If it could end or reduce the suffering of the Indo-China people, then the long voyage home and the decade of Vietnam would at last be over.

THE YOUTH FOR UNDERSTANDING STUDENT EXCHANGE PROGRAM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. GUDE. Mr. Speaker, I would like to take this opportunity to join my colleagues who participated in the special order commending the youth for understanding teenage student exchange program, and extend my hearty congratulations to this program on the occasion of its 20th anniversary.

Teenage student exchange represents an outstanding venture in international cooperation, with unlimited opportunities for both the student and host family to gain a special understanding of foreign cultures, family and community life. Youth For Understanding, now celebrating its 20th anniversary, offers four different opportunities for American students to live abroad, as well as programs for American families to host foreign students. Such exchange is particularly relevant in today's world where such person-to-person communication can contribute so much to the cause of world peace and understanding.

I congratulate Youth For Understanding on reaching this milestone and would like to share with my colleagues the following letter from a YFU participant in Maryland's Eighth District—a fine testimony to the worthiness of such programs.

The letter follows:

BETHESDA, MD. *January 29, 1972.*

The Honorable GILBERT GUDE,
Cannon House Office Building,
Washington, D.C.

SIR: Two years ago, during the summer of 1970, I was very fortunate in being able to participate in the Youth for Understanding program. For two months, I lived with Herr Doktor Guller and his family in a small village about halfway between Bern and Thun in Switzerland.

The first feeling that struck me was the amazing amount of effort made by the YFU committee in Switzerland towards making sure the summer was a success. The selection of homes was excellent, as were the orientation meetings and small excursions that the committee organized.

My particular family was perfect. With five children ranging in age from 16 to 27, I had a great opportunity to learn about Switzerland form many different levels. My family took me on many small trips to nearby cities including Interlaken, Murren, and Luzern in addition to the trips to Bern and Thun that I was permitted to take on my own, and thus I was able to see and explore a good part of Switzerland. The most important aspect of my stay, however, was the feeling of being a regular member of the family that the Gullers gave me. By going to the same school, doing the came chores, and enjoying the same recreation as a Swiss 16 year old might, I believe I received an unusual insight into the country that I don't think I could have obtained by just traveling on a tour. The proof of this, I feel, is that Switzerland is no longer merely another nation in Europe to me. Instead, it is almost a second home.

I believe my stay in Switzerland did a great deal for me, and I think the experience would be equally worthwhile to many other high school youth. I would like to thank you for your efforts in giving Youth for Understanding the recognition it deserves.

Yours truly,

CAREY HECKMAN.

ASPIN SCORES AUTO COMPANIES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. ASPIN. Mr. Speaker, the automobile companies today are seeking to delay implementation of the 90-percent reduction of pollutants emitted from cars scheduled to go into effect in 1975. I believe that the auto companies are playing the same game with auto exhaust pollution control that they played with auto safety. The name of the game is attrition and delay. Operating on the old theory that to slow something down is to kill it, the automobile companies hope, little by little, to destroy this important provision of the law.

As my colleagues know, the Clean Air Act Amendments of 1970 which this House passed requires that both domestic and foreign manufacturers reduce auto emissions by 90 percent by 1975, unless the Environmental Protection Agency grants the companies an additional year to comply with the pollution standards. In hearings chaired by my distinguished colleague, Mr. ROGERS, of Florida, the automobile manufacturers testified that it was economically impossible for them to implement the provisions of the law by 1975. Their repeated pleas are simply a facade covering up the companies' attempt to emasculate the rules. What they really want is additional time to scuttle the standards completely.

As many of my colleagues know the auto companies claimed in the hearings before Representative ROGERS' committee that they were uncertain if they could ever meet the standards. Mr. Speaker, that is simply ridiculous. Automobile makers have always been able economically to add power windows, power brakes and numerous accessories and still produce a marketable product. Why can they not control pollution?

It is also interesting to note that recently a closed-door conference was held at the Western White House attended by representatives of the automobile manufacturers, oil companies, lead manufacturers, and Justice Department officials to discuss the emissions requirement. There were no environmentalists or consumer representatives at that conference. I believe the Nixon administration is guilty of obvious behind-the-scenes manipulation of the air pollution issue.

If special interest groups devoted half the time and money to solving the pollution problem as they do to lobbying in Washington, we would not have to play this Mickey Mouse game of bluff. It is my hope that the auto emissions standards will go into effect as provided by the law in 1975.

CLAIROL OFFER OF FREE "EISENHOWER SILVER DOLLAR" IS MISLEADING; FEDERAL TRADE COMMISSION SHOULD REQUIRE A RETRACTION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mrs. SULLIVAN. Mr. Speaker, soon after the mint began producing and distributing through the banking system last year the cupro-nickel $1 coins authorized by Congress, numerous advertisements appeared for high-priced jewelry items containing the new "silver" dollars. I called these advertisements to the attention of the Federal Trade Commission and asked that the practice be stopped.

Now, Clairol, Inc., has taken out full-page advertisements in mass publications, such as the Reader's Digest for February, offering:

> Free, a beautiful new Eisenhower Silver Dollar to go with your beautiful Silk & Silver haircolor—just send two empty Silk & Silver boxes along with your name and address to. . . .

Numismatists and other citizens who have paid the Bureau of the Mint $3 for uncirculated Eisenhower dollars containing 40 percent silver or $10 for proof coins of the same composition, and were limited to ordering no more than five coins of either type, are understandably wondering how a major national merchandiser could obtain sufficient quantities of these special coins to enable them to make an offer of this kind.

The answer, of course, is that the "silver" dollars offered by Clairol are the same cupro-nickel coins available to anyone at any bank for $1. They do not contain silver.

Undoubtedly, many people regard the $1 coins as "silver dollars" because they are the same size as the old 90-percent silver coins minted throughout our history until 1935.

But in view of the fact that there are Eisenhower silver dollars in existence at a substantial premium over face value, it is deceptive for anyone to advertise a cupro-nickel coin as a "silver dollar." The Federal Trade Commission should, therefore, require any advertiser guilty of this deception to place corrective advertising in all of the publications which carried the false advertisement.

About 130 million cupro-nickel $1 coins have been minted so far, and are being made available to the public through the banking system. Anyone who wants one should be able to obtain one without any difficulty from his own bank. If the bank says it does not have any for its customers, it has either failed to order them or has been diverting its supply to business firms using them as promotion tools, under an implication that they are scarce items not otherwise available.

RECOGNITION FOR BANGLADESH?

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. FRELINGHUYSEN. Mr. Speaker, I was asked by a colleague a few days ago whether I thought the United States should extend immediate recognition to the new Government of Bangladesh. My answer was brief: "No, why should we?"

The argument in favor of recognition, basically, is that Bangladesh exists. And traditionally recognition is eventually extended to governments which appear to be in control of their territory. In addition, a number of countries have already recognized the new Government, and a push seems on for more to follow suit.

In my view the United States would be well advised to move slowly in this matter. Pakistan has been an ally of ours for many years. She has been forcibly dismembered as the result of military action taken against her by her neighbor, India. Whatever the justification for India's action, it was her resort to force which created an "independent" country, and the continued presence in Bangladesh of substantial numbers of Indian troops unquestionably has attributed to the comparatively stable situation there. As of today there is no indication when, or even if, these Indian forces will be withdrawn.

Thus the United States, in my own opinion, might well adopt a "wait and see" approach. Perhaps a hypothetical situation will dramatize the problem. Suppose the Soviet Union, asserting its interest in promoting "stability," were to invade Yugoslavia and promote an independent Croatia? Would we hasten to accord a new de facto government there full recognition?

It has been claimed that recognition of Bangladesh is needed so that we can resume trade relationships, and be in a position to resume humanitarian relief. If such ties are considered desirable, they can be developed without the formality of recognition.

Speaking of humanitarian relief, it is disappointing to me that the Prime Minister of Bangladesh, Sheikh Mujibur Rahman, declared in Calcutta yesterday that he "cannot express gratitude to the United States." Despite his reluctance to acknowledge it, it is a fact that the United States, prior to the outbreak of hostilities, outstripped all foreign countries in extending aid to the people of East Pakistan—now Bangladesh. We also were by far the largest foreign contributor to assistance to Bengali refugees in India.

CONTINUING PROBLEM OF DRUGS IN THE MILITARY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. HALPERN. Mr. Speaker, there are increasing signs that the specter of narcotics abuse in the military is no less menacing than 6 months ago, when identification, treatment, rehabilitation, and drug suppression efforts got into full gear.

Many authoritative sources have pointed out that there has been nothing near an all-out program to treat either GI's who are still in the Armed Forces, or those veterans who return to society desperately hooked on heroin. Conservative estimates put the number of ex-GI addicts now on our city streets at 50,000. The total is probably closer to 70,000. And yet, Mr. Speaker, hard-core addicts continue to be discharged from the military at an alarming rate of 500 to 1,000 each month.

The effect this is having and will have on American society is frightening. Experts have estimated that these 50,000 to 70,000 addicts could spread their addiction to as many as 3 million others by the year 1975. Recent reports of the growing rate of heroin addiction in babies—550 cases during 1971 in New York City alone—are further proof that America is being threatened at its very roots by the plague of heroin addiction. When even our unborn children fall victim to this dread disease, we must realize that it is time to replace our half-way measures with an all-out attack on narcotics at every level.

Mr. Speaker, I would like to call the attention of my colleagues to a most informative article dealing with drug addiction in the military. This article, written by John T. Wheeler, appeared in the February 5 edition of the Long Island Daily Press. Mr. Wheeler presents here an excellent, up-to-date summary of the small successes and large failures in the Armed Forces "war on drug abuse." The article, which I hereby submit to the RECORD, is entitled "We Have Met the Enemy—Drugs":

WE HAVE MET THE ENEMY—DRUGS

(NOTE.—To paraphrase a military leader of the past, we have met the enemy and they are drugs. Starting with a presidential order, the administration and the military command is waging war on drug abuse among GIs and veterans. Here's how it's going.)

(By John T. Wheeler)

WASHINGTON.—President Nixon's declared war—the one to rid GIs and veterans of dangerous drug habits—is winding up rapidly. So far, many worried officials say, there is little if any light at the end of the tunnel.

A senior Pentagon source, who looks on the optimistic side of the problem, says more than 500 heroin users and addicts are discharged each month by the Army, the center of the drug epidemic in the military. Other estimates place the figure closer to 1,000 to 1,500, counting Navy, Air Force and Marine discharges.

Although hard figures are impossible to come by, estimates that addicts and users in the military or discharged in the past few years have pushed the nation's heroin dependent population up by 50 per cent are not hard to come by.

An Associated Press survey of drug problems among GIs and ex-GIs and what is being done for them turned up these other major points:

With American combat dwindling as the U.S. hot war diminishes in Vietnam, deaths from confirmed and clinically diagnosed drug abuse may soon overtake casualties inflicted by the Viet Cong and North Vietnamese.

Addicts and users being discharged are receiving only "bandaid" treatment before reentering civilian life, a senior Veterans Administration official says.

Only a comparative handful of veterans from Vietnam, the worst drug crisis area, are seeking help, and some VA sources say it may be years before most do. A key reason appears to be that these addicts are among the most anti-establishment and alienated of the young in uniform.

The amnesty program to encourage addicts still in the service to turn themselves in for treatment with no punitive action has proved a statistical success but, officials say, may be largely meaningless in terms of permanent cures.

Known users of heroin and other dangerous drugs still are being drafted and sent to Vietnam despite what sources concede are serious risks such men may become hardcore addicts. Any other policy, officials say, would allow any who claimed drug usage to escape service or Vietnam duty and lead to chaos in the military.

Officials in the military, and out, fear returning GIs and discharged vets will spread their addiction among their friends, not only for profit to support their own habits but to spread their own euphoria and sense of guilt.

Cure rates outside the controversial methadone maintenance program are "depressingly small," VA and military sources report. For the most part, a senior VA doctor says, about 70 to 80 per cent of hardened heroin addicts may never lead a totally drug free life again.

Both the military and the VA are searching desperately and so far inconclusively, for better cure methods. "We definitely have hard narcotics, but we just as definitely we have no hard answers for ending this problem," one source said.

Reports of soaring crime rates at military bases here and overseas, due in large part to the drug problem, bode ill for another of the President's wars—the one on crime—as addicts and users return to civilian life.

Addicts hooked on Vietnam's nearly pure heroin bring back incredibly expensive habits. They may spend $2,500 to $3,000 saved in the war zone during the first month home.

The drug problem in the military has grown so serious in the Army that a senior source said military police and investigators have little time for seeking addicts and users but must devote virtually all their efforts to trapping pushers.

The administration so far has authorized the Defense Department to spend $34.2 million and the VA an extra $17 million on the drug war. Some at the operating level are not sure the amount is nearly enough.

Drug abuse, originally conceived popularly as a problem of poor blacks, has proved to cut fairly evenly across racial and economic lines in the military. A company commander who said he canvassed his unit and found 65 per cent had or were using and experimenting with drugs, said: "Once I thought it was a Negro problem. Then I decided it was a ghetto problem. Now I know it is just a problem."

The military, and especially the Veterans Administration, have started a massive campaign against drug abuse. Current programs, some officials believe, will be further expanded as the true extent of the problem becomes known. A Pentagon source noted wryly, "This is the first popular war we've had in a long time."

A first rule of war is to know the enemy, but in this case the Pentagon has several—first and foremost heroin, followed by amphetamines, barbiturates and other dangerous drugs. The old enemy marijuana almost is forgotten in view of the new and far greater threat.

Hard facts on the enemy's conquests are almost impossible to find. A senior Army official says his service has now, or has discharged recently, some 60,000 heroin users and addicts, a total he said leaves the Army "quite pleased" because it feared the situation was far worse. Reports from the field suggests a far higher but unproven figure.

There are some hard statistics, especially on Vietnam, where national attention has been riveted on the drug problem. In the first six months of 1971, drug-related deaths were running 64 per cent higher than the previous year and arrests on charges involving hard narcotics had tripled.

Pentagon sources caution that arrest figures especially may not present a true picture since a year ago the military scarcely realized it had a problem.

The Army has set up or will soon open 81 halfway houses at bases in the United States. Thirteen more operate in Vietnam. These are treatment centers for those who volunteer to try to escape their drug habits.

No over-all figures are available for the number of men taking part in the stateside program. Each base's anti-drug program is built locally around loose Pentagon guidelines.

Ex-addicts are recruited as "therapists" because they are available and have insights non-drug users may not have no matter how extensive their training.

The Army is attacking its problem base by base. The Navy and Air Force have tried to concentrate their efforts in one installation apiece. This is possible, they say, because their problems are numerically and proportionately smaller.

However, in at least one case, Air Force drug abusers have been farmed out to the Army because Lackland Air Force Base, that service's center, could not handle them.

The three services' programs are about the same. Detoxify, counsel and return a man to his unit as rapidly as possible. Most of those under treatment may not even spend any time assigned to a halfway house.

Others work with counselors as outpatients after a short, "inhouse," detoxification period. The most serious cases may spend weeks in halfway houses or return for prolonged stays if they fall back into the drug life.

Screening to spot drug users began in Vietnam and now has spread to other Southeast Asian bases. Men in this area are given urine tests to determine whether they have been using heroin, amphetamines or barbituates.

Those who flunk and are returning home are held for seven days to "dry them out" before they are flown back to the United States where they are encouraged to get into drug treatment programs. Most don't.

The holding period soon will be two weeks and a bill pending in Congress would extend a man's tour for up to 30 days for treatment. This would be done in a VA hospital.

What the ultimate cost of the drug war will be, none can envision. The military says it cannot predict how large the problem will be in the future and because so little is known about treatment, how long a man will need treatment and how intensive, and thus costly, it will be.

The VA says hard cases will take about a month of hospitalization, at an average of $30 a day, and then years of outpatient treatment. It, too, says it is too early to forecast costs in terms of manpower needs and facilities needed for outpatients.

Brig. Gen. Robert Gard Jr., head of the Army's Alcohol and Drug Abuse Program, recently noted President Nixon "emphasized informally to Department of Defense officials that the military services must not discharge drug-dependent servicemen into our already crime-ridden streets without treatment and attempts at rehabilitation."

The spirit and, in some cases, the letter of that order are not being carried out, some officials concede privately. A general following the situation closely said: "There is no question we are turning junkies into the civilian society. We can dry them out and try to take care of the guy staying in the Army. But the VA has got to carry the ball on the veterans."

The military has provided a bare minimum of counselling and referred departing veterans to VA hospitals. A majority of the time they simply don't show up.

The Pentagon plans to order heavy users to VA hospitals for discharge in hopes they will take advantage of the VA drug program. But once a man's service is over, no one under present laws can force him to submit to treatment.

Dr. Samuel C. Kaim, director of the VA's alcohol and drug abuse program staff, said of the short term treatment given by the military: "Hopefully it will orientate the man to his problem. It is not a real treatment. But hopefully it may bring the man to the point where he is ready to be treated."

A major problem is that veterans, especially those who served in Vietnam, are generally in no mood for treatment. Dr. Brian B. Doyle of the Army's drug abuse control division said of Vietnam GI addicts:

"The overwhelming majority express either no interest or antagonism toward further treatment."

Where then are the Vietnam addicts which officials felt certain would flood the VA system? Addicts and ex-addicts in and out of the military predict these men will not seek help until they "hit bottom" perhaps a year or more from now.

"The day they get up and have to hit before they can brush their teeth, when they can't stand the sight of what happened to the face in the mirror, when they know their whole life is chasing the bag, then they may come in," said one addict being treated in a methadone ward by the VA.

"We may find the exclusively American tragedy of Vietnam will be measured in the long run as much by the lives destroyed by drugs as by American blood lost and treasure spent," a VA official said.

Although thousands of GIs have sought amnesty in return for attempts to treat their habits, many more thousands have not. And many drop out of programs to fall back into that demiworld of addiction and euphoria.

"The heroin addict is likely to be the most anti-Establishment of his peers," a VA source said and Pentagon officials agree.

"Their habit aside, they want nothing from us," one said.

Another reason the men may have for not seeking help is that those caught in the drug culture often are as aware as physicians and drug treatment experts of the small chance for complete cures.

Defense and VA officials say past experience indicates only 7 to 13 percent of those who turn themselves in will ultimately lead a permanently drug-free life unless they are put on methadone, a "highless" heroin substitute when used by addicts. The cure rate with methadone, too, is relatively small.

The VA's Dr. Kaim says he does not even like the term "cure rate" when applied to addicts.

"Abstinence is not the only criteria. Successful rehabilitation does not mean many in the program will not take an occasional hit. I don't get uptight about the occasional trippers. If a man gets a job, goes to school, functions in society and at work, we consider it successful. In these terms I think we can rehabilitate 80 percent although it may require long periods of treatment, a period of years."

PARKDALE SENIOR HIGH SCHOOL BAND TO ATTEND VIENNA MUSIC FESTIVAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. HOGAN. Mr. Speaker, we read much today which is negative in character about the younger generation, and particularly about the youth in our secondary schools and colleges. Today I should like to call the attention of my colleagues to a group of young people from my own district who, by their positive achievements, have distinguished themselves and their school. The 70 members of the Parkdale Senior High School Symphonic Band have been honored by being selected to represent the State of Maryland at the International Festival of Bands to be held in Vienna, Austria, in July of this year. They are one of only 26 bands in the United States which will be competing in the Vienna Musical Festival which is a part of the Austrian Government's comprehensive plans for Youth Year, 1972.

These fine young people received their invitation to attend the Vienna festival and to spend an additional 2 weeks touring the Continent, giving concerts in Germany, Switzerland, and Italy, by earning a rating of "superior" at both the Prince Georges County and the State of Maryland Band Festivals in 1971.

Such excellence of performance is nothing new to the band program at Parkdale. In the 3 short years the school has been in existence, this band, under the capable leadership of Mr. Bruce L. Nale, has received "superior" or "outstanding" ratings at all the State and county festivals in which it has competed. As we all know, the pursuit of this kind of excellence requires many hours of hard and dedicated work, and I commend Mr. Nale, his band members, and the school's principal, Dr. G. Allen Sager, on this exceptional record of achievement.

I and all other residents of Maryland are pleased and honored that the Parkdale Band was selected by the Westbrook Foundation, the United States sponsor of the festival. We know that each band member will prove to be the kind of ambassador overseas that will make all of us proud of them.

TOM KITAYAMA—CITIZEN OF THE YEAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. EDWARDS of California. Mr. Speaker, a well-deserved honor was recently paid to one of Alameda County's most distinguished citizens, Tom Kitayama, when he was declared Citizen of the Year by the Union City Chamber of Commerce.

It is with great pleasure that I congratulate my good friend Tom Kitayama and insert in the CONGRESSIONAL RECORD the Union City Leader's article of January 20, 1972, describing his noteworthy career:

TOM KITAYAMA: HARD WORK AND A FRIENDLY GOD

The legendary Japanese god Shikatani has always looked with favor upon Tom Kitayama. Shikatani is the god of "fate"—a fate that man has no control over.

He has usually been in the right place to make the right decision at the right time. And Shikatani has been most helpful.

Born on July 13, 1923 on Bainbridge Island in Washington State, Tom was the first child of the elder Kitayamas. Tom's dad had immigrated just before World War I to Port Blakeley, Washington and set up a truck flower business. It was not a lucrative trade, but Tom and his five brothers and sisters always ate well.

After Tom graduated from high school in June of 1941, he left home and started college as a Floriculture undergraduate at Washington State University. Fortunately, WSU is on the east side of the Pasco River. Otherwise, Tom may have never finished school.

After the Japanese invasion of Pearl Harbor, the future of all West Coast Japanese-Americans was threatened. In fact, Tom's entire family was rounded up and trained to a concentration camp in Manzanara, California and later Mendadoca, Idaho.

Tom was able to visit his family—but until the end of World War II, 3½ years later, he couldn't really be part of the family.

Years later, these innocent immigrant victims of Roosevelt's Executive Order 9066 have yet to condemn the American Government's treatment.

Shikatani works in strange ways, say the Japanese.

As the war was ending, Tom Kitayama was not only graduating—but marrying his present wife Heidi on June 15, 1945. Tom had worked his way through college in the nearby fields and put away a few dollars. Then for two years, he worked and studied in the WSU experiment station.

In 1947, Tom and Heidi made a major decision. They headed for the Bay Area and landed matching jobs in a San Lorenzo nursery. Offered a good pay, Tom did the unexpected. He chose to study the flower business from the ground up and became a manure gardener for 90 cents an hour. With Heidi's 70 cents an hour added on the Kitayamas faced marriage in the year 1948.

Then Shikatani raised his guiding finger of fate and when a San Lorenzo nursery owner died of insecticide poisoning, Tom inherited the post.

Tom's brother Ray joined the family and by 1950 they were ready for a big gamble.

Kitayama was offered 16 acres of land near Alvarado-Niles Rd. in the unincorporated county between Decoto and Alvarado. With the help of a San Lorenzo nursery owner, Tom came up with the $10,000 down payment and a spectacular future was launched.

The family (now added by brother Kee) took 16 acres of cabbage and created one of the nation's largest carnation nurseries. Today the Greenleaf Wholesale Florists, Inc. have additional outlets in Colorado, Houston, New Orleans, El Paso, Dallas and Minneapolis.

Almost as Tom's business reached stability, the town of Union City became a reality. From the outset, Kitayama was involved. As one of the city's original five councilman, he helped create the city's charter.

From 1959 to 1970, Tom Kitayama was a Union City Councilman and three times mayor. In April, 1970, he lost by 10 votes and was appointed to the city's planning commission.

Most people close to Tom expect his entry within the next two weeks in the April City Council election.

Kitayama will only say, "I haven't made up my mind. I want to see who is in the running."

Business and politics are just part of Tom Kitayama.

A devoted Baptist he is a two-time Deacon on a San Leandro Church. Also, Tom is a charter member of the Lion's Club, the Chamber of Commerce and Merchant's Association, plus the Japanese American's Citizen's League.

He's been active in every local project from the March of Dimes and County Fair to a spot on the Sumitomo Bank Advisory Board.

But the real Tom Kitayama works behind notoriety in quiet ways for Union City. Recently, a local youth group needed a substantial guarantee of x-number of $$$ to hold a midsummer dance. Very anonymously, Kitayama came up with the money. (He will deny the loan.)

All this leads to a family man (five children) who looks forward to big 77th birthday party for his mother Masuko this weekend.

It is small wonder that the Chamber of Commerce chose to select Tom Kitayama their 1971 "Citizen of the Year."

Yet, at the recent Chamber dinner Tom was stunned by the announcement. Chamber manager Mel Eckerstrom had kept the secret so well, even Heidi was surprised.

When Senator Nicholas Petris said his name, Tom thought fast to find a few words of thanks—and as usual remained poised.

Well, of course, Tom Kitayama was calm. He had Shikatani on his side.

THOUGHTS ON SCHOOLBUSING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. STOKES. Mr. Speaker, as the issue of schoolbusing balloons with complexity and significance, some basic considerations seem to have been misplaced.

First of all, many of us have forgotten that the necessity—and the constitutionality—of schoolbusing have already been confirmed by the U.S. Supreme Court. Despite the ease with which the President dismissed the Court's decision—and thus reopened a closed case—busing remains a constitutional question, outside the omniscient executive's influence sphere.

Second, the antibusing forces, egged on by the President, are now determined to enact a constitutional amendment prohibiting the use of schoolbusing to achieve integration. Desperate, hysterical and heedless of the threat such an amendment poses to our essential freedoms, those same forces now ask us to sign a discharge petition which would bring the question into the House without the benefit of public hearings.

That brings me to my third point—that of hysteria. Schoolbusing has leapt from the area of rational concern into a free-for-all characterized by claims and counterclaims which have no basis in fact. In such a highly charged atmosphere, little of lasting value can be achieved.

Mr. Charles Loeb, city editor of the Cleveland Call and Post, articulated his views on the subject in the January 15 issue of the newspaper. Because of his studious avoidance of hysteria and his clear grasp of the vagaries of the schoolbusing issue, I bring his column to the attention of my colleagues:

[From the Call and Post, Ohio, Jan. 15, 1972]

BUSING BATTLE CONFRONTS CONGRESS

(By Charles H. Loeb)

The jim-crow educational system in the South did not actually cease to exist until 1968 when Southern politicians and educators finally ran out of legal tricks to stall and delay implementation of the historic Supreme Court ruling of seventeen years ago.

Ironically, it has developed that it has been easier to develop some sort of balance between white and black pupils in southern schools than in those of the north, even though many southern parents tried to divert their children to either private schools, or pseudo-private schools set up and operated with state tax funds. One reason was that in their earliest efforts to beat back school integration, many southern states had undertaken a massive program of upgrading its all-black schools, and in numerous instances, when a white child found himself transferred to a formerly all-black school, the facility was likely to be a new, better-equipped plant than the one he had been attending.

Soon the emphasis—and the loudest static—moved northwards, where, under the old neighborhood concept, public schools, especially in the big cities, were becoming more and more all-black.

But the real explosion came when the weapons written into law to force the integration of public schools moved in on northern cities aided and abetted by the requirements that buses become mandatory to achieve racial balance in the schools.

Though northern cities had ample opportunity to make gradual change, they were content to let the southland take the brunt of the thrust, while northern educators and school administrators did virtually nothing.

When President Nixon entered the White House, widespread busing to bring about desegregation was reaching its crux, and the pressures on both the President and Congress from northern white parents and organizations began to escalate.

President Nixon's response was a flat statement. On August 3rd, last year he said:

"I have consistently opposed the busing of our nation's children simply for the sake of busing."

Now while the President can insist that government do not one bit more than is required by law to encourage busing, he can't change the law, and court, after court, was continuing to rule for busing.

So white parents have stepped up their pressure on members of Congress to change the law. This is what is about to confront the Congress as it opens its election-year sessions beginning on January 18, and which just might develop into one of the most explosive political issues in the coming presidential campaign.

Before the Senate, for example, is an anti-busing bill co-authored by Senator Sam J. Ervin of North Carolina, a Democrat, and Senator Howard H. Baker and Senator William E. Brock of Tennessee, both Republicans. The bill offers a series of amendments to a House-passed bill to strengthen the enforcement powers of the Equal Employment Opportunity Commission, and which stipulate that once the federal courts have determined that a school district has an open admissions policy, the courts would have no further jurisdiction to order busing to achieve racial balance.

The boys have selected a time when the Congressional atmosphere is most favorable for their clever scheme. It finds a number of otherwise liberal democratic Senators scrambling for the brass ring of a presidential nomination, with the realization that to defend school busing at this time is nothing short of political suicide to their ambitions.

Militant white parent organizations are behind a widespread mail campaign aimed at Northern congressmen in support of a constitutional amendment, sponsored by Senator Robert P. Griffin (R-Mich.) which says: "This Constitution shall not be construed to require that pupils be assigned or transported to public school on the basis of their race, color, religion or national origin."

At the same time another busing fight is expected in the Senate where important educational bills are tied up because the House tacked on anti-busing amendments which the Senate is reluctant to act upon.

The fate of busing as a means to enforce integration in our public schools certainly hangs in precarious balance.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A PLEASANT STORY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SIKES. Mr. Speaker, one of those pleasant little stories which contribute to the lore of America has been brought to my attention by a long-time friend and a distinguished Florida writer, E. W. Carswell of Chipley. Mr. Carswell, who also has been mayor of his hometown, is president of the Carswell Family Association. The association will sponsor the bicentennial celebration of the family late this year.

The story which appeared on January 16, 1972, in the Atlanta Journal tells of the preservation through many years of an outstanding variety of corn which has been perpetuated for a century and a half by members of the Carswell family. I submit it for reprinting in the RECORD.

The story follows:

CORN OF LEGEND RETURNS

HEPHZIBAH, GA.—When Edward Carswell left Richmond County about 145 years ago, he carried with him a bride and—legend says—some corn of a variety that even then was a longtime favorite of farmers in his family.

Descendants of the couple, now living in western Florida, still have corn that is descended from that early seed. They have sent a gift package of the seed "back home" to distant kinsmen here for planting.

E. J. "Mack" Dunagan, whose wife is the former Alice Carswell, plans to plant some of the corn in his garden. Their home, incidentally is called Carswell Place. They are restoring the imposing pre-Civil War home built by E. R. Carswell, Sr., an ancestor of Mrs. Dunagan.

They hope to produce some more seed of the Carswell corn—and to have some succulent ears ready for roasting when representatives of the far-flung family come to this area next spring and summer to plan a 200th anniversary celebration.

It was in 1772 that Alexander and Isabella Brown Carswell, both of Scotch ancestry, migrated from Northern Ireland to America with their six children. They settled near what is now Hopeful Baptist Church, near today's Burke-Richmond County line—but not until the father and at least one of his sons helped the Colonies win the Revolutionary War and independence.

The sons and daughter settled nearby, or at least in neighboring east-central Georgia counties. Some members of succeeding generations remained in the same general area, but others moved on—to the west, then some to the south and a few to the north and northwest.

Descendants of the couple and their kin now "constitute a respectable proportion of the population of Georgia, and throughout the Southland," wrote a family genealogist. Someone has estimated that descendants alone have exceeded 300,000, with more than two-thirds of them living today.

Edward and Mahala Knight, who married in Richmond County in 1825, later lived in Macon County and then in Crawford County. It was there that one of their sons, Robert Knight Carswell (born near Montezuma in 1829) married Jane Preston.

Following his father's example, he took his bride and—legend says—some of that seed corn and moved on seeking new lands and new frontiers. They settled in Dale County, Ala., but 50 years later they, with the families of their several sons and daughters, moved into western Florida.

Robert Knight Carswell always treasured that "old field corn" variety that his father had brought from Richmond County. He protected it from what he considered inferior and unproved varieties, but he crossed it lightly now and then with a variety with similar good qualities. To overcome the inbreeding influence, he said.

In the course of events during 145 growing seasons, a lot of unplanned crossing undoubtedly took place. It nevertheless has retained the basic good qualities of Carswell corn.

Features include small stalk; small, white cob; close, deep rows of hard grain; tight shuck, fairly high yield and superior edibility as roasting ears, corn meal, grits or animal feed.

Robert Knight Carswell's grandsons some 50 years ago crossed some of the white corn with what they considered a quality yellow variety. The result was a golden yellow corn with light red cob, but otherwise bearing a strong resemblance to the parent corn. Some of the yellow seed also have been "returned" to the community where the parent white corn was first grown by the Carswell family.

It was the flavor of products made from the variety that kept the corn from becoming extinct when farmers turned to the higher-yielding hybrids some 20 or 25 years ago. Maybe sentiment helped, too.

At any rate, in Holmes County, Fla., Leonard Carswell always insisted on having a little planted each spring. Just to keep seed—and for use in making superb waterground corn meal. It was unaffected by the Southern Leaf Blight that devastated nearby fields of hybrid corn.

Leonard gave the seed to E. W. Carswell, president of the Carswell Family Association, P.O. Box 584, Chipley, Fla. 32428, for presentation to their Richmond County, Ga., kinsmen. The association, formed in 1970 to compile genealogical information, is expected to play an active role in the proposed bicentennial celebration late this year.

MRS. LILLIAN BARRIOS—LAWNDALE'S WOMAN OF THE YEAR

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues here in the House of Representatives the naming of Mrs. Lillian Barrios as Lawndale's Woman of the Year. Mrs. Barrios was accorded this honor in recognition of her years of unselfish service to the community of Lawndale.

A native Californian, Mrs. Barrios is active in the Lawndale High School Booster Club, the Lawndale High PTA, the Jane Addams School PTA, the Lawndale Woman's Club, and St. Catherine Laboure Church. She has also worked at the Southwest Community Health Clinic Mardi Gras, chaperoned "Grad Night" at Disneyland, and prepared a Mexican luncheon for fundraising purposes for the Lawndale Women's Club. Lillian has also given unselfishly of her time, working on various projects for the veteran's hospital, B'nai Brith, Children's Hospital. She is also always available to work on the election boards or walk for a fundraising drive.

But all of these activities are only a small reason for Mrs. Barrios' selection. Letter after letter on behalf of Mrs. Barrios' candidacy mentioned her qualities as a parent and a grandparent, a neighbor and a friend. Lillian is the one that is there when someone is ill or someone needs help. Her friends and neighbors have recognized her great work in making life a little nicer and a little easier for all the people of Lawndale.

I hope that my colleagues will join me in wishing Lillian Barrios a hardy congratulations on a job well done.

IN SUPPORT OF THE PEACE CORPS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. MORSE. Mr. Speaker, at this time I would like to place on record my firm support for the Peace Corps and to congratulate the organization on its success in implementing its New Directions program.

Since it was first instituted in 1969, the agency's five-pronged New Directions policy has proved its effectiveness and the soundness of its conception; there has been an upswing in every aspect of the Peace Corps operation. In program year 1971, for example, the Peace Corps had more programs in operation—over 540—than ever before. Applications to the Peace Corps rose by 40 percent from 1970, reversing a 5-year downward trend. In addition, 1,168 volunters extended their terms of service. Even more significantly, the Peace Corps in 1971 was able to meet over 90 percent of the increasing requests from overseas for high skills, which represented over 70 percent of total requests.

This is sharp contrast to 1969, when overseas requests for specialists stood at 40 percent of total requests.

The basic elements of the New Directions program, including a shift in emphasis to high priority needs of developing countries as defined largely by the developing countries themselves; broader, more streamlined recruitment and training; greater involvement of host country citizens in Peace Corps operations; and cooperation with international groups and agencies—all these goals are most laudable. They represent a flexible and necessary response to a changing international environment, and they serve to complement similar changes of emphasis in other U.S. and worldwide development assistance efforts. But what is even more commendable is that these goals and objectives are being met; the new directions program of the Peace Corps is succeeding on all fronts.

We are all aware of the difficulties and uncertainties of the intangible process called development. Yet it seems to me that we have learned several things over the years. We have learned that many varied approaches to solving the problems of the developing world are necessary, and we have learned that the person-to-person approach exemplified by the Peace Corps can be, and often is, extraordinarily effective, without at the same time being prohibitively costly for the United States.

I believe we should welcome and commend the new initiatives that the Peace Corps has taken in the last few years. The agency's stress on an increased involvement and participation of host countries in the planning and implementation of Peace Corps activities, in combination with the Peace Corps' greater responsiveness to host country's requests for highly skilled volunteers, represents a very significant and effective shift in Peace Corps policy. I urge all my colleagues to join me in commending these new efforts and in supporting the highly effective and productive Peace Corps program.

KIDNEY MACHINE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. GAYDOS. Mr. Speaker, something happened recently in my 20th Congressional District of Pennsylvania which made me proud to represent the people of that area in the Congress of the United States.

The incident concerned three people directly, two of them from my district, and thousands more indirectly. It was an act of unselfishness which spanned the Nation and which will unquestionably save the life of someone in years to come.

The principals in this story are Mrs. Mary Elizabeth Morrissey of 118 West Edna Street, Munhall, Pa., and two 17-year-old high school girls: Miss Cindy Wilson of 3843 Chester Street, Munhall, and Miss Kathy O'Rourke of Oakhurst, Calif.

Working together, these three individuals collected more than 650,000 coupons off the products of one of our Nation's major food manufacturing companies. The coupons were returned to the company and, in exchange, the firm has agreed to purchase a $6,000 kidney dialysis machine and donate it to the Kidney Foundation of California.

This coast-to-coast coupon campaign began last September, while Mrs. Morrissey was hosting a local television program. In an effort to secure new material for her show, Mrs. Morrissey wrote a nationally circulated magazine soliciting ideas.

Kathy O'Rourke in California read the magazine and contacted Mrs. Morrissey about the coupon campaign. Kathy, incidentally, owes her life to a dialysis machine. Four years ago, while attending eighth grade, she was stricken with uremic poisoning and rushed to a hospital in Fresno, where she was treated with the machine. It saved her life. Later, she was given a kidney transplant and today leads a healthy normal life.

Kathy had been collecting coupons on her own when she saw Mrs. Morrissey's letter. Her suggestion was accepted by Mrs. Morrissey and the two joined forces in a common cause. Working with the personnel of WIIC-TV in Pittsburgh, Mrs. Morrissey spread the word about her campaign and the public responded.

Boy Scouts, Girl Scouts, Cubs, and Brownies joined the campaign. Groups and schools offered their help, as well as several individuals. One of the outstanding volunteers was Cindy Wilson. When she learned of the campaign, Cindy made signs publicizing the drive and posted them in business places in her community. She conducted a door-to-door collection with members of the Delta Sorority of Munhall. She contacted Rainbow Girls, as well as church and civic groups. All in all, Cindy accounted for approximately 15,000 coupons.

The coupon collection grew and grew, finally topping the 600,000 total needed to obtain the kidney machine. In fact, Mrs. Morrissey estimates the total was exceeded by some 50,000 and she hopes to exchange these for equipment which can be used to help patients in Children's Hospital in Pittsburgh.

I think a significant fact in this coast-to-coast campaign is that Mrs. Morrissey and Cindy have never met their California counterpart, Kathy. For awhile it appeared they would have that opportunity on nationwide television. It was suggested the machine be presented to the Kidney Foundation on the Johnny Carson "Tonight" show with Mrs. Morrissey and Kathy on hand for the ceremonies. Unfortunately, circumstances arose which made this impossible.

However, the Kidney Foundation of California has cited Mrs. Morrissey for her outstanding service. The recognition is most commendable and well deserved, but I believe the attention of the entire Nation should be focused on these three outstanding women.

I deem it a great privilege, therefore, Mr. Speaker, to insert their story into the CONGRESSIONAL RECORD, where it can be seen by the public, the Congress and the President. They have earned our respect and admiration.

BOY SCOUTS OF AMERICA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DUNCAN. Mr. Speaker, one of the finest organizations in this country for young men is the Boy Scouts of America. I know much about this organization first hand since my sons were scouts and because I maintain an adult membership.

I am always proud of boys from my district who achieve high goals in scouting. In fact, on several occasions I have had the privilege of participating in ceremonies where the rank of Eagle Scout is bestowed on worthy recipients.

Many young men in the Second District of Tennessee have recently become Eagle Scouts. I would like to place their names in the RECORD at this time to honor them in this small way.

The first 11 are from Knoxville, two are from Morristown, and one from Maryville:

James J. Hornady, son of Mr. and Mrs. David C. Hornady, 1436 Timbergrove Road.

Randy Hurst, son of Mr. and Mrs. W. Z. Hurst, Ball Road.

Mike Asbury, son of Mr. and Mrs. W. B. Asbury, Beaver Ridge Road.

Kent Rankin, son of Mr. and Mrs. Kent Rankin, Cedar Bluff Drive.

Bob Dohoney, son of Mr. and Mrs. David Dohoney, Regency Road.

Chris McGowan, son of Mr. and Mrs. Paul McGowan, Gulf Park Drive.

Jim Houser, son of Mr. and Mrs. Vernon Houser, Roland Lane.

Tony Gilmore, son of Mr. and Mrs. E. J. Gilmore, Shady Oak Lane.

Al Spivey, son of Mr. and Mrs. A. E. Spivey, 604 West Meadcrest.

Norman Pogue, son of Mr. and Mrs. N. O. Pogue, New Beaver Ridge Drive.

Mike Payne, son of Mr. and Mrs. Milford Payne, Gray Hendrix Road.

Keven DuBose, son of Mr. and Mrs. O'Neal DuBose, 746 Spruce St., Morristown.

Gary Gregg, son of Mr. and Mrs. Harold Gregg, 823 Highland Dr., Morristown.

Mike Lane, son of Dr. and Mrs. Richard A. Lane, Bellemeade Dr., Maryville.

LIFESAVING TEAMS DISPATCHED TO CRITICAL AREAS

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. TERRY. Mr. Speaker, there is today in this country a critical shortage of physicians and other professionals in the field of health care. Few States have escaped this problem.

The shortage affects both urban and rural areas. In my own congressional district, the northern Cayuga County area has been without a physician for a considerable length of time, despite the efforts of local and State officials and myself.

Now the problem has been alleviated by the National Health Service Corps, created by the President on December 31, 1970 when he signed the Emergency Health Personnel Act. The corps will be sending medical personnel to northern Cayuga County to provide much needed health care for this area.

Life is the most precious commodity and greatest natural resource we have, and the medical profession is often the link between the gain or loss of that life. The critical shortage of trained physicians, nurses, and other professionals must be reversed if the people who live in rural and urban areas alike are to survive and be able to make their contributions to this great Nation. I commend the National Health Service Corps for making a beginning in this most important fight.

But most of all I commend the community for their continued efforts to provide vitally needed medical services for northern Cayuga County. These efforts have been long and exhausting and I am sure will continue until a permanent solution is found. The people are to be congratulated for striving arduously to help themselves and I wish them every success in the future.

SEARCHES FOR NUGGET OF GOOD SENSE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, an editorial which appeared in the Richmond News Leader, Virginia's largest newspaper, on January 11, 1972, cogently and succinctly states the case against approval by the Supreme Court of the decision of Federal District Judge Robert R. Merhige, Jr., directing the consolidation of the Richmond school system with those of two adjoining suburban counties in order to broaden the area of busing and forced integration.

The excellence of the editorial is no doubt due in large measure to the fact that the News Leader is at the center of the area which would be directly and immediately affected by Judge Merhige's ruling were the Supreme Court to permit it to prevail notwithstanding its tremendously detrimental impact on the people residing in the Richmond area.

Neither the 1954 Brown against Board of Education decision nor anything in the Constitution of the United States can rationally support a decision such as that just rendered by Judge Merhige. The News Leader rightly characterizes the decisions as "harsh, acrimonious, sometimes arrogant, and full of unnecessary asperity." It goes on to say that:

> The decision brims with the pretension of sociology. Indeed, it is a document in which one searches in vain for a nugget of good sense.

The editorial concludes with these words:

> The public cannot take much more of this; neither can public education. And perhaps one day soon the message will get across to the high courts in this land. The message already is getting across to the nation's politicians: There are clamorings in Congress for a Constitutional amendment that would forbid compulsory busing, and compulsory busing seems to be the big ugly sleeper in the coming presidential election. The public wants integration; it detests racism. But the public has learned its lesson so well that it will not accept judicial orders grounded in reverse racism; it will not tolerate orders that are detrimental to the nation's poor and the nation's blacks. That is exactly the sort of order, based on his own idea, which Judge Merhige has given us today. It is profoundly wrong. It is profoundly sad. And it must not stand.

My colleagues in the House and, no doubt, most Members of the other body are aware of the letter which I have addressed to each member of the Virginia delegation in the House to join with me in signing the petition to discharge the House Judiciary Committee from further consideration of the proposed constitutional amendment to establish that busing may not be used to establish racial balance in this Nation's public schools. While it would be unthinkable were the Supreme Court to uphold the Merhige decision and thus impose a tyrannical and oppressive compulsion upon people in the Richmond area and other areas throughout the United States by inevitable results, consideration of the constitutional amendment by the House and also by the other body will establish how the people's representatives in Congress feel about this transcendently important matter of public policy.

The text of the editorial follows:

He Did It

Ideas are like children: One tends to prefer one's own. So it was hardly surprising yesterday when Federal District Judge Robert R. Merhige, Jr., handed down 343 pages of tedious argument in support of an idea that he aired publicly in the summer of 1970. The judge has done precisely what he had indicated he would do. The only astonishing aspect, really, is the tone of his opinion: It is harsh, acrimonious, sometimes arrogant, and full of a good deal of unnecessary asperity. It brims with the pretensions of sociology. Indeed, it is a document in which one searches almost in vain for a nugget of good sense.

But we would caution the citizenry: Be prudent. Boycotts and other excesses will accomplish nothing, and they could damage the cause of reason that is our essential hope. It is altogether possible that the intended effects of today's order will never come to pass. Most likely there will be stays of the order, pending appeals of Judge Merhige's ruling. In those appeals, his ruling could be reversed. The situation does not call for ranting or extremism. Rather, it calls for holding tight rein on one's emotions and one's wits.

The prospects for reversal are not entirely discouraging. Last March the Fourth Circuit Court of Appeals reversed Judge Merhige in the Greensville County case. In overruling Judge Merhige, the Fourth Circuit allowed the city of Emporia to set up its own school system—independent of the predominantly black school system operated by Greensville County. And the May 13 ruling by a three-judge Federal panel in New Jersey offers grounds for hope.

Plaintiffs in the case—Spencer v. Kugler—argued that New Jersey public schools are racially unbalanced by reason of New Jersey statutes that set school district boundaries in conformity with municipal boundaries. The plaintiffs contended that as a consequence of those statutes, racial balance in many of New Jersey's public schools is mathematically impossible, thereby affording various children equal educational opportunities. In part, the three-judge Federal panel said:

"It is clear that New Jersey's legislative enactments prescribe school district boundaries in conformity with municipal boundaries. This designation of school district zones is therefore based on the geographic limitations of the various municipalities throughout the State. Nowhere in the drawing of school district lines are consideration of race, creed, color or national origin made. The setting of municipalites as local school districts is a reasonable standard, especially in the light of the municipal taxing authority. The system as provided by the various legislative enactments is unitary in nature and intent and any purported racial imbalance within a local school district results from an imbalance in the population of that municipality-school district. Racially balanced municipalities are beyond the pale of either judicial or legislative intervention."

Both the Greenville case and Spencer v. Kugler—particularly the latter—appear to be relevant to the Richmond case: The Supreme Court has agreed to rule in the former case, and is considering a motion to hear the latter. The court's ruling in those cases could provide some indication as to what the final outcome of the Richmond case will be. Those cases aside, the Supreme Court or the Fourth Circuit could overturn today's order. There is a good deal of legal argument to suggest that one of them will. [Note.—The Supreme Court upheld the three-judge ruling in Spencer v. Kugler on January 17.]

In its opinion in the Charlotte-Mecklenburg case last April, the Supreme Court declined to concern itself—in its words—"with myriad factors of human existence which can cause (racial) discrimination in a multitude of ways. . . ." The Court said: "We do not reach in this case the question whether a showing that school segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree. Our objective . . . is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race. . . ."

In the Richmond case the plaintiffs and their handmaiden—the city school board—failed to produce persuasive evidence showing that any action by any State agency has had a causal effect on population movement. It is one thing to cite, as Judge Merhige does, the State's former policy of segregation in the public schools. It is altogether another thing to show that racial disparities in the Richmond metropolitan area derive from State action—any more than racial disparities in Newark derive from action of the State of New Jersey. Indeed, the plaintiff's own demographer testified that racial disparities similar to those in the population of the Richmond area can be found in any number of States in which the Federal courts have acknowledged that there never has been a policy of segregation.

The effect of today's order is to conclude that "community of interest" takes precedence over population movement; that where a "community of interest" can be proved to exist, freedom of movement carries no weight under the Constitution. The logical conclusion would be an order forbidding individuals to move their residences without the permission of totalist social engineers in the Federal courts.

Today's order constitutes yet another chapter in the textbook memorized by those who would verse themselves in the technology of social demolition. For putting aside one's private worries about his own children becoming nameless numbers in a racist game, the overarching anxiety relates to what such rulings as this one are doing to public education.

Education is the closest thing this country has to a national religion. But rulings such as Judge Merhige's divide the nation on questions of social ideology, and consequently damage public education. The results of the theories on which Judge Merhige's ruling is based can be seen in school system after school system throughout the land. If the public does not believe in the public schools, the public will not support the public schools. The public's confidence in public education—and its derivative support for public education—is shattered by just the sort of idea that Judge Merhige presumes to foist on the Richmond area.

The public cannot take much more of this; neither can public education. And perhaps one day soon the message will get across to the high courts in this land. The message already is getting across to the nation's politicians: These are clamorings in Congress for a Constitutional amendment that would forbid compulsory busing, and compulsory busing seems to be the big ugly sleeper in the coming presidential election. The public wants integration; it detests racism. But the public has learned its lesson so well that it will not accept judicial orders grounded in reverse racism; it will not tolerate orders that are detrimental to the nation's poor and the nation's blacks. That is exactly the sort of order, based on his own idea, which Judge Merhige has given us today. It is profoundly wrong. It is profoundly said. And it must not stand.

MONDAY HOLIDAY PROGRAM A HIT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. McCLORY. Mr. Speaker, as I reported in a previous edition of the Congressional Record I have been conducting a survey of our first year's experience with four new Monday holiday weekends.

The bill establishing these new Monday holidays, which I authored, was passed by the Congress and signed by the President in 1968 to go into effect in 1971. The reports which I have so far received indicate to me that Americans thoroughly enjoy this new leisure time, and business and industry welcome the change because it relieves the economic hardships which were occasioned by midweek shutdowns.

Mr. Speaker, the Chicago Sun-Times reported on January 30, 1972, that tourist activity greatly increased during 1971 due to Monday holiday weekends. Because of the growing interest in Monday holidays generally, I am inserting the Sun-Times article at this point in the Congressional Record:

Monday Holiday Program A Hit

A year-end report the first year in which there were four officially designated Monday holidays in the country reveals that the concept is a popular one.

The report was prepared by Somerset R. Waters, an official of the Discover America Travel Organizations, one of the prime advocates of the stretched-weekends legislation.

The Congressional legislation, which took effect in early 1971, requires federal agencies to observe holidays on the Mondays following Washington's Birthday, Memorial Day, Columbus Day and Veterans Day. All but two states subsequently enacted similar laws.

Although companies in the private sector are not required to grant holidays on the four specified Mondays (the laws directly affect only agencies and institutions under federal or state jurisdiction), most firms jumped on the bandwagon if for no other reason than to reduce confusion and ensure continuity of operations among local businesses.

The DATO survey produced some interesting observations.

Major benefits accrued to travel firms catering to tourists arriving in the family car.

No State exceeded Pennsylvania in its enthusiasm for Monday holidays. Out-of-season travel business boomed, and leaders in Pennsylvania's tourist industry used the Monday holiday legislation as the major device to persuade the legislators to change the state's Sunday liquor law. Now liquor can be purchased on Sundays in hotels and restaurants in Pennsylvania.

Cape Cod reported increases in the order of 20 per cent in a number of restaurants, accommodations and retail facilities.

In New England, many resorts reported sold-out conditions on the Veterans' Day weekend. The Greyhound bus terminal in Boston put on 30 extra buses. Rental cars were heavily booked.

In the Midwest, Henry Ford Museum and Greenfield Village reported sizable gains in visitors as a result of the Monday holidays. Farther west, substantial increases in tourist traffic on the three-day weekends were reported in Las Vegas.

EIGHT-POINT PUBLIC RELATIONS GESTURE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. ROSENTHAL. Mr. Speaker, the tragedy of the war in Southeast Asia continues day after endless day. While American casualty rates have been reduced, even one dead or wounded or missing American a week is one too many. Additionally, our wanton bombing policy, responsible for the death of thousands of human beings and the destruction of three countries, is being stepped up and intensified, not reduced or wound down.

Mr. Nixon came to the White House 3 years ago boasting of a secret plan to end the war. Twenty thousand Americans have been killed in Indochina during those 3 years and the fighting continues, while Mr. Nixon's plan to end the conflict remains the best kept secret in modern history.

The President's eight-point peace proposal is a public relations scheme to pacify and tranquilize his domestic critics, while our immoral policy continues. What it says after reading through the flowery lines of rhetoric is that the United States will withdraw after the other side unconditionally surrenders and gives up all that it has fought for during the last 25 years.

Mr. Speaker, there is no real commitment to compromise or reconciliation in that plan. Our support of the corrupt Saigon dictatorship continues unabated and remains the principal obstacle to achieving a total U.S. withdrawal and the safe return of all our POW's and MIA's.

What is needed, as I have said before, is not an eight-point public relations scheme, but rather, a one-point true peace proposal: Total U.S. withdrawal, including troops, material, and all other support for the Saigon regime. It is only at that point that we could safely bring home the American POW's.

In the Monday, February 7, issue of the Washington Post, Garry Willis, not a radical, but a moderate-to-conservative columnist, described the failure of the Nixon peace plan. I am inserting it in the RECORD at this point:

NIXON PLAN EVEN SILLIER TO HANOI

(By Garry Wills)

For a peace offer, the President's eight-point plan sounded like a declaration of war. The private talks were made public, not to further negotiation (one does not do that by castigating the other side, like a school marm), but to justify confrontation. And, of course, to score points off domestic critics: In four separate places they are called dupes of the enemy.

Why should the enemy accept Mr. Nixon's eight points? Consider them singly:

1. U.S. withdrawal from South Vietnam by six months after an agreement date. The withdrawal is only of U.S. forces (not equipment and aid), and only from South Vietnam (not all of Indochina, a distinction pointed up by the immediate cease-fire's Indochina scope). Thus, aside from other objectionable features within the agreement, this first point would not give the Vietnamese what they have fought for ever since World War II—mastery within their own house.

2. Return of captured soldiers and civilians. The North would thus give up its hostages and bargaining point, leaving America in the position described above.

3. New and free elections. This continues a longstanding contradiction. We insist that the Thieu government is legitimate (and so support it, building it up by "Vietnamization"), yet agree to new elections in order to achieve legitimacy. This time we say, the NFL would be allowed to vote—but Thieu's apparatus has rigged elections even without them, and would work harder at it with them. American claims of "neutrality" must seem hollow in Hanoi, when the very document that makes them refers often to our enemy and our ally, and to those who favor one side of the other (even here in America).

4. Return to Geneva Accords—difference over which got us into this mess. They were the partial cause of our problem, not its solution.

5. No foreign interference—hence withdrawal of Hanoi's troops. But it is the whole basis of Hanoi's argument that Vietnam in its northern or its southern parts is not a foreign country to them.

6. General cease-fire, with "no further infiltration of outside forces"—subject to the same objection as the last point.

7. International supervision of the withdrawal—though true neutrality here is a myth, and the conditions of the withdrawal as Mr. Nixon has drawn them up (e.g., what are "foreign" troops, what are "free" elections?) would inevitably be subject to different interpretation by different parties.

8. International supervision of Indochina's future—again, not leaving the Vietnamese masters of their own house. The "supervision" would have to look to the interests of participating countries, thus recognizing that we continue to have interests there.

Mr. Nixon's offer is too little and too late. He wants to have his cake and eat it too—withdraw yet keep control; give in yet say we won; destroy yet claim we helped.

Why should Hanoi bail out its enemy in a position Mr. Nixon cannot even maintain before his own people? Why accept as our gift, with all kinds of strings attached, what they have spent so many years and lives to vindicate as their right? Why encourage all the myths of beneficent "intervention" by a superpower that has ravaged their country at will, and still does so from the air? Why accept this degrading agreement under threat and at gunpoint?

Put yourself in their shoes, and you will see the speech sounded even more ridiculous in Hanoi than it did in Washington.

COHEN DENIES MEMO ROLE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. MORSE. Mr. Speaker, I was concerned by an article which appeared in the New York Times of January 22. It implied, unfairly I feel, that the administration was willing to compromise sound environmental legislation for political expediency. It also attributed to Mr. Howard Cohen, Director of the Environmental Protection Agency's Office of Legislation, a series of confidential memorandum which, according to Mr. Cohen, were neither written nor endorsed by him.

Mr. Cohen, who in my view is one of the most talented and able young men serving the Federal Government today, resigned from his position in order to preserve the absolute integrity and credibility of the EPA, and to demonstrate this administration's firm commitment to the quality of our environment. As the Times article points out, the administration's pesticide legislation, which played an important role in this incident, was regarded as tough and was weakened by the Congress—weakened to such an extent in fact that many Members of the House, myself included, voted against final passage of the bill.

In spite of my great respect for the New York Times and the author of the Times story, I feel that Roberta Horning's January 28 article in the Washington Star more accurately describes the circumstances surrounding Howard Cohen's resignation, and the continuing policy of the Nixon administration to enforce antipollution regulations without regard to political considerations. Mrs. Horning's article follows:

COHEN DENIES MEMO ROLE

(By Roberta Horning)

The latest "secret" papers floating around town are from the office of Howard A. Cohen, who was a fairly obscure administrative official in the Environmental Protection Agency until his boss, William D. Ruckelshaus, abruptly fired him this week.

Cohen, EPA legislative director, was dismissed after seven embarrassing intraoffice memos outlining suggested strategy on the Nixon administration's major environmental bills in Congress were leaked to the New York Times. They were assumed to be his, but he says they weren't.

The Times account, by E. W. Kenworthy, said, "It is evident from his strategy statement that Cohen does not share Ruckelshaus' desire to make the environment a nonpartisan issue."

But Cohen insists, "I never gave them (the memos) to Bill (Ruckelshaus) because they were not my product nor did I endorse their content."

The mystery is how the memos, which Cohen says were meant for him only, became public, and why they were attributed to him since none was signed.

Then there are these curious matters:

Why, at a meeting Jan. 12 with EPA regional administrators, did copies of the memos "inadvertently" turn up in manila folders distributed to all 10 present for the briefing? Cohen says he believes it was simply a staff error.

Why are Xeroxed copies turning up in Capitol Hill offices, with a cover sheet reading "prepared by Howard A. Cohen, office of Congressional Affairs, Environmental Protection Agency," the latter on agency stationary? Cohen points out the cover sheet gets his title wrong. He heads the Office of Legislation.

Despite the firing, Cohen and Ruckelshaus have only good things to say about one another.

Ruckelshaus, Cohen says, was "boxed in" because the memos made it appear the EPA was playing politics with the environment just a week after Ruckelshaus accused the front-running Democrat, Sen. Edmund S. Muskie of Maine, of doing the same thing. "He gets paid for making tough judgment," he said, adding that had he been Ruckelshaus, he would have done the same thing.

Cohen, Ruckelshaus says, "had done a first-rate job in every respect." Ruckelshaus was obviously shaken for having fired him, but said he had to in order to preserve his agency's credibility.

AGENCY DIRECTIVE

"We are living in an age when people are so distrustful of government that incidents like this . . . We have to scrupulously guard against them," he said, slowly shaking his head.

"The problem is," he continued, "whether he wrote it or not is almost irrelevant . . ."

The Environmental Protection Agency yesterday directed agency employes throughout the nation to enforce antipollution regulations without regard to political considerations.

(Ruckelshaus raised the issue in a nationwide staff meeting carried to EPA regional offices across the country by closed-circuit color television and viewed by newsmen and hundreds of employes at a hotel here.)

So far, the only things certain in the Cohen affair are that at Ruckelshaus' request, EPA is conducting a head hunt to find out who leaked the memos and why, and that Cohen is looking for a job.

To conduct the search, Ruckelshaus has placed his top aide, Gary Baise, in Cohen's job.

All the memos are somewhat embarrassing because they name specific congressmen. One is particularly so because it states that the administration is willing to accept a weaker pesticides bill than the one it sent to Capitol Hill and urges that further congressional hearings on it be avoided to placate pro-pesticide congressmen.

The memos suggest maneuvers to avoid giving Democratic presidential aspirants something to criticize, and ask for steps to give the President "legislative victories" in an election year.

"I didn't write those memos," Cohen insists. "I don't endorse those memos, and I never sent them to (Ruckelshaus)." Cohen said he personally disagrees with the pesticides paper, and he said the distribution of the papers at the regional directors meeting was "inadvertent."

Here is Cohen's version of what happened, up until the leaks:

In late November or early December, not long after he took over the legislative director job, he asked his staff to come up with "issue papers."

"I was trying to learn the substance of our legislation, where it was on the Hill and what factors could come into play," he said.

He said the papers were presented to him the first week in January, and he read "a couple of them," but not the one on pesticides.

Cohen has been quoted in the Times as telling the regional directors that he will be spending part of his time working for the re-election of President Nixon.

This is correct, he says. He said he hold the regional administrators that he believes the environment, as an issue, will become a battleground in this year's presidential election and that he believes the President's environmental proposals are good.

"I also said, he remarked, that "it seemed to me the best politics for the president is to give the people good government, and we'd all be trying to do that."

LEGAL BACKGROUND

Asked if he is bitter over his job loss he said "yes," but not because of his firing. He says he is bitter because of the Times news account, which unquestioningly assumed the memos were written by him.

The news story, he said, "cost me one of the most fun jobs in government."

Cohen is 30 and a member of the Ripon Society. The son of a Newark, N.J., policeman, he was graduated from Rutgers University and its law school, and taught law at the Dickinson School of Law in Carlisle, Pa. In 1965–66, he was a teaching fellow at Boston College Law School and was a consultant at the Harvard Graduate School of Education.

He came to Washington as a congressional fellow and worked for then Illinois Rep. Donald Rumsfeld, now a counsellor to the President. He then went to the Department of Health, Education and Welfare where then Secretary Robert H. Finch appointed him deputy assistant secretary for welfare legislation. After Elliot L. Richardson became HEW secretary, Cohen worked full time on the administration's welfare proposal, still pending in Congress.

"At some point you decide that politics is a tough trade but it's too important to leave to others. It's a damn tough trade," he said.

His regret about his former job, where he headed up a shop of 40, he said, is that "I finally know my job; I'm really in a position to make an input."

As for what's next: "I'm going to take a week off and try to put my life together."

WHY PICK ON FARMERS?

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. NELSEN. Mr. Speaker, the Mankato Free Press edited by Ken Berg in Minnesota recently ran an editorial stoutly defending dairymen and other farmers against the unfair attacks launched on them by Ralph Nader and assorted others poorly informed about the sorry farm situation today. I commend it highly to any of my colleagues who may not realize the huge number of empty dairy barns and vacated farms we find in this country solely because their former owners could not make a living wage on the shamefully low market prices they were receiving.

I include the editorial in full at this point in my remarks:

WHY PICK ON FARMERS?

It is natural, the price of food being what it is, that farm subsidies should be singled out by metropolitan media and politicians for criticism.

Most people live in the cities and most people spend a good portion of their income for food so farm subsidies make an attractive target.

Thus we find consumer advocate Ralph Nader starting a suit to overturn an increase in the support price of milk on the grounds the administration yielded to political pressure in approving the increase. Nader says the new support price hikes has increased dairy prices to the consumer by four per cent.

Nader is basing his suit on political contributions made by the dairy industry to President Nixon and various members of Congress (including Senators Humphrey and Mondale.)

Now we don't like subsidies—very few people other than those who receive them do—but it seems to us that if subsidies are to be attacked by consumer conscious crusaders, there are far more insidious subsidies than those paid to farmers.

After all, the farmer's price on the farm for his produce has gone up far less than have many other things that have contributed to our inflation. And the farmer, because of this, has, along with the aged pensioner and others living on a fixed income, been the hardest hit by our depreciating dollar.

If Nader really wants to crusade for the consumer he would do well to look into other, but less obvious, subsidies—direct and indirect—which affect prices.

To name a few, he might attack the oil import quotas, import tariffs and restrictions on a wide variety of goods, regulations governing wages on government projects, union restrictions on apprentices and municipal restrictions on any number of services from bars to taxis.

All of these keep prices up.

This does not say that such subsidies and regulations are bad. But they do tend to limit competition and escalate prices and hold them there.

So why single out the farmer on the convenient excuse that he made some political contributions—just like his fellow Americans the labor unions, the utility managers, the oil men and, of course, the food processor.

To some extent almost everything, one way or another, is subsidized today. We have drifted ino subsidation as a way to make things go.

The contractor who builds low-cost housing is subsidized . . . the utility which develops sparsely populated areas is subsidized . . . the lending institutions are subsidized and so is transportation.

Without subsidies many of our essential services might well fail—and so might the farmer.

The latter is a tempting target, with diminishing political clout—although with the political fragmentation going on he may get a pleasant surprise one of these days—and because his produce is so essential, he is wide open to attack.

But really, if we are to seriously consider subsidies or political contributions as a basis to start consumer crusades, the farmer seems hardly the place to start.

LIEUTENANT GOVERNOR WINTER ADDRESSES NATCHEZ JAYCEES

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. GRIFFIN. Mr. Speaker, on January 22, 1972, the Lieutenant Governor of Mississippi, the Honorable William Winter, addressed the Distinguished Service Award Banquet sponsored by the Natchez Junior Chamber of Commerce. Mr. Winter, one of Mississippi's most distinguished public servants, spoke eloquently of Mississippi's great past and, more importantly, of her great future.

It was fitting that the Lieutenant Governor deliver such a moving address to the Jaycees, Mr. Speaker, for it is this organization that, by virtue of its dedication and sense of civic responsibility, stands in the forefront of Mississippi's growth. These young men, looking ahead and daring to dream the impossible, are making this vision come true. From their ranks will come our future leaders in business, law, politics and the arts, and I salute the Jaycees' important contributions they are making to Mississippi.

Mr. Speaker, as a portion of my remarks, I include the text of Mr. Winter's speech to the Jaycees and commend it to the attention of the House:

[From the Natchez (Miss.) Democrat, Jan. 26, 1972]

WINTER TOLD JAYCEES OF PROGRESS

Lt. Gov. William Winter, in his first address in Natchez since he was elected, spoke of the future of the area and the state here Saturday night.

The occasion was the Distinguished Service Award banquet, sponsored by the Natchez Jaycees. Paul Porter won the award.

The text of Lt. Gov. Winter's speech follows:

Let me say this first of all. I think one of the myths that some of us have engaged in the past has been that you have to have a lot of seniority a lot of years of age and experience, in order to contribute very meaningfully to the society in which we live. . . . I think you know better than that. I think that by virtue of your being here tonight attests to the fact that that is a myth.

But let me remind you of some of the contributions that have been made to mankind by men not as old as most of you here, and no older than most of you here, men who made their greatest contributions perhaps before they were 35 years old and I think particularly of a man like Thomas Jefferson, who wrote the Declaration of Independence when he was 33 years old, Bell, who invented the telephone before he was 30 years old. Edison who invented some of his greatest inventions when he was in his 20s, the Wright Bros., in their early 30s flying the first airplane, some of the great composers, like Beethoven, who wrote some of their great works before they were 25.

These are illustrative of the creative people who have produced a great deal in their young years. Now, more than ever before it seems to me, we can ill afford, with all of the complexities that we are confronted with, we can ill afford the luxury, if indeed it is a luxury, we can ill afford to have men and women defer the assumption of the role of leadership in community, and civic, and public affairs until they have some gray hairs, or in the case of men, until they have no hair at all. We need in this society the participation of active, alert, intelligent young citizenry of our state if we're going to be able to solve the considerable number of problems that confront us these days.

We've come a long way. Some of you will recall years when we did not have the opportunity that we have now. I was looking back through some old volumes of the legislative enactments, going back to the dark, dismal depression years of the 1930s. And I didn't realize how far we had come until I saw that in 1932 one of the first things that the legislature had to do was to authorize the chairman of the State Tax Commission to borrow $750 in order to buy postage stamps to put on the letters that went out to collect taxes for the state of Mississippi. There was less than $500 in the state treasurer in 1932. And we, of course, had all sorts of unpaid obligations.

The point is that we were not able to do in those years very many things that needed to be done. Those were years in which we were really just getting by, just surviving. We were still very directly in the economic backwash of the Civil War. Almost 70 years had elapsed by 1932 since the end of that war. The Miss. Legislature in 1932 was obliged to appropriate more money for the payment of pensions to Confederate veterans and their widows than it was able to appropriate for the maintainance and operations of all of the universities and colleges in this state put together.

We were still trying to live, trying to make the basic ends meet. And as a consequence we deferred the solution of a lot of problems. Problems that are just now coming home to haunt us today. You're concerned with many of them here. We're still haunted, for example, by an inadequate transportation system in this state. We have had to defer our needs in that regard. Now we are finding ourselves caught up in a fast-growing state that demands the more adequate system of transportation, particularly as far as our mainline highways are concerned.

And we're going to have to make up the next few years for the long period of time in which we deferred the providing of our needs in that area.

You are aware here of the needs in the field of education. You have a plan here, a dream, to establish in this area, a center, a diploma-granting center, by way of a resident institution of higher learning, for the young people of this area to have an opportunity to go to school here and receive a degree without having to leave the area.

These are examples of dreams deferred, of goals unrealized, simply because these "have-not" years were still very much a part of our existence. What we now have the task of doing is to get away from the negativism that accompanied those "have-not" years and begin to fill in with substance, the form, the shape and the dreams that were dreamed so long.

What I'm saying, simply, is that we are coming into this period, just beginning to move into this period, of relative affluence as a state when we can do some things that we have not been able to do in the past.

But to do these things, all of us are going to have to establish the real priorities to decide what is important, what we really want, for the area, for the state, then get on with the job of providing these things. We battle the old myths, we've battled the old ghosts of the past. Please don't misunderstand me. I'm not suggesting a break with the past. I'm a historical buff. I like history. I have a pride in the past, in the greatness of the men and women who have gone before us in this state.

But I have no desire to relive that past. And I have no desire to see us make the mistakes that were made in the past. If history is of any value at all, it seems to me, it is in the field of enabling us to avoid the mistakes of our forebears. Now as we enter this period where we are going to be able to do some of the things that we have not been able to do before, as the economic level of the state increases, as our affluence increases and our ability to provide some of these material things that we were not able to provide before increases, let us make certain that we have out in front of us a statement of the true priorities that we want to pursue.

This is where real civic and community leadership comes in. There is no greater myth than that elected political leaders have all the answers and can, by virtue of their assumption of office, can get anything done that they want to get done. These leaders move only as there is behind them a base of public opinion that will sustain them in doing the things that ought to be done.

This is the real role under our system. This is the role of the citizen leader. Under our system we do not make any great distinction between the main who happens at the moment to wear the toga of official office and responsibility. We do not make a great deal of distinction between that man and the citizen leader because of the ability of elected leaders to function and to lead and to get things done is absolutely dependent on the citizen leader establishing that base of public opinion that will sustain the man who actually pushes the button in the legislature enabling him to do the things he ought to do. This is where we are in Mississippi in 1972.

If we talk about the new South, we talk about the changed image of the state, all of which is to a certain degree true. I think Mississippi is a part of this new concept that is written about but there have been other "new Souths" before and the dream hasn't moved forward to reality simply because no one has been able to give substance to the dream.

We talked, we used the rhetoric but we did not give substance to the dream. This is what we must do, we must use the resources that now are available to us to a greater extent than ever before, the economic resources, and the human resources here in this state.

We must use these resources to build the kind of state that we've talked about building for a long time. As I said in Jackson Monday afternoon, Judge Whitfield, chief justice of the Miss. Supreme Court, in 1903, almost 70 years ago, talked about this new Mississippi, this new South, this great new era that we were moving into. But the point is they still remain largely just words, because we didn't give substance to the thought, to the idea.

This is the job of leadership here in Natchez, here in this area of the state and throughout the state. These are some of the things, specific accomplishments, that we intend to see carried through . . . highways . . . a specific tangible, workable highway program . . . put some roads out there where roads need to be built.

In the education program, that leadership will see to it that the institutions that ought to be built and ought to be established and ought to be sustained are provided.

In the field of internal development, see to it that we take advantage for the first time of the great water resources of this state . . . that we build channels of transportation that we need on our waterways.

We actually need to set in motion a program of priorities that 10 or 20 years from now we won't have to look back and talk about the years the locusts have eaten. In other words, we need to give substance to our dreams. . . . And this is not going to be easy. It never has been easy, but if there is a basis for cynicism that I detect among people it is that there have been so many promises in the past, so many glowing predictions of what could be accomplished and so little by way of accomplishment in terms of what had been predicted for us. Our excessive hopes have given way to a kind of callus cynicism.

You and I now have the chance, I think really for the first time in the history of this state, because we are now just at our economic means have now caught up with out ability to achieve some of these things.

Now we can excuse past generations because they did not have the means to make the words come true. They could not be held accountable for their failure to perform. We have a definite, solemn responsibility lying on us, it seems to me, to take advantage of these good years in which we live to make certain that these opportunities that are ours are not frittered away. I think that every young Mississippian, and by that I mean those who are younger than we are here in this room, who are just now beginning to make the choice of where they are going to live and what they are going to do with their lives, we owe it to them to make certain that this decade immediately in front of us is the decade in which we put the meat on the bones here in this state of ours.

Get on with the job of making this truly a good place to live. We still have time. This is one thing we can say about Miss., we still have the time. We have not made a lot of the mistakes that some of the other overbuilt areas of the country have made, where life is becoming increasingly intolerable in the great cities. We still have here opportunities to provide the good life at the same time that we preserve the quality of our communities, and the quality of our natural resources.

This cannot be the job of any one politician or public official. This is the job of all of us. This is your job. This is what citizen leadership is all about. The creating of the base of public opinion will enable us to make the right decision the right way while there is still time to make it.

We will see in the next decade the obtainment of many of the objectives that have been so long delayed. Those of us who have been honored by being elected to public office in this state can punch the buttons, we can make the marks, front up the effort but we can't get the job done unless there is behind us the enlightened, dedicated, active public opinion that only you can provide.

This is citizen leadership under our system, this is the way it ought to work, this is the way it has to work, this is the way it will work and when it does, we will have achieved those goals that we've been talking about for a long time.

THE FORGOTTEN STATES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. HALPERN. Mr. Speaker, the Baltic States of Estonia, Latvia, and Lithuania existed for hundreds of years as distinct separate nations until the end of the 13th century when all three nations came under Russian rule. During the First World War, however, the people of the Baltic States, like several other nationalist movements in Europe, were able to reassert independence. Lithuania declared its independence on February 16, 1918, Estonia on February 24, 1918, and Latvia on November 18, 1919. By 1920 the three Baltic States had entered into a peace treaty with Soviet Russia in which Russia "voluntarily and forever" renounced all sovereign rights over the people and territory of the Baltic States.

Between the world wars the Baltic States experienced two decades of national independence and self-government. They were admitted to the League of Nations in September 1921, extended full recognition by the United States in July 22 and generally assumed the obligations of a sovereign state in the international community only to lose their independence at the onset of the Second World War. Mutual assistance pacts with the Soviet Union, which included a provision that there would be no interference with their internal affairs, soon led nevertheless to complete Soviet control consolidated by mass deportations from the Baltic States to Siberia and elsewhere.

The United States has continued to recognize Estonia, Latvia, and Lithuania and has never recognized the Soviet Union's incorporation of the Baltic States. On November 30, 1953, more than a decade after the Soviet takeover, Secretary of State Dulles reaffirmed the policy of recognition of the Baltic States and the non-recognition of their absorption into the Soviet Union.

The United States for its part maintains the diplomatic recognition which it extended in 1922 to the three Baltic nations. We continue to deal with those consular representatives of the Baltic countries who served the last independent governments of these states.[1]

While United States policy toward the Baltic nations remains the same, this by itself is not doing much to change their status. The history of these brave Baltic nations is tragic in itself, but it is especially so when it is realized that their situation appears to be virtually forgotten while other states their size are not only gaining their independence but also membership in the United Nations. The following letter by F. Berzins in the Chicago Tribune, October 11, 1971, points out what needs to be remembered and done, but seems to have been forgotten:

THE FORGOTTEN STATES

FLUSHING, N.Y.—Three newly independent small states, Bahrein, Bhutan and Qatar, with a total population of less than 1.5 million, became members of the United Nations on September 2. They join a growing number of independent nations which have become U.N. members. At the same time, other once independent states are not members of the U.N.

The most surprising example of this situation is the three Baltic States: Estonia, Latvia and Lithuania. These states are independent and were members of the old League of Nations, but we do not find them in the membership list of the United Nations.

As a consequence of the Soviet-Nazi pact of 1939, Estonia, Latvia and Lithuania were occupied by the Soviet Union. Puppet governments were set up and all three states were incorporated in the Soviet Union against the will of the people. Arrests, deportations, economic exploitation and suppression of human rights followed in all three countries. A present Soviet goal is complete Russification of the Baltic peoples.

The Baltic peoples observe the ever increasing number of United Nations members with hope that the process of decolonization and the universal acceptance of the right of self-determination will also bring freedom for the Baltic states. Their trust is sutained by the Charter of the United Nations and by the fact that the United States does not recognize the incorporation of the Baltic states in the Soviet Union.

The Soviet Union still rules and exploits the Baltic states, a condition about which the U.N. is silent. The Soviet occupation of the Baltic states is a violation of the U.N. Charter. The independence of Estonia, Latvia and Lithuania must be restored; they also should be represented in the U.N.

F. BERZINS.

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[1] Department of State Bulletin, July 27, 1940, Vol. III, p. 48.

METHADONE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. WALDIE. Mr. Speaker, the United States is currently plagued by an epidemic of heroin addiction. Thousands of our citizens, including many young people, are squandering their lives on chemicals provoking false euphoria and offering a sure, premature death.

The tragedy is compounded by the fact that science has provided some remedies to the problem. Methadone treatment is one such remedy. The use of this heroin substitute offers no sure guarantees for miracle cures; indeed, studies have warned doctors to be cautious in their methods. Nevertheless, the only alternative is the continued existence of dangerous levels of addiction.

Because so much of the information about heroin and methadone is misunderstood, the following article by Vernon D. Patch, M.D., in the New England Journal of Medicine, offers some insights into the problem:

METHADONE

There is much misunderstanding in this country about the use of methadone in the treatment of heroin addiction. The lay public and far too many physicians accept as fact popular newspaper accounts of "methadone madness," methadone-treated patients as "zombies" or "robots," and methadone-treatment programs as "irresponsible." Rapid changes in the use of methadone in the treatment of heroin addiction have taken place in the last few years, and the confusion seems to stem from a failure to understand or to distinguish between the old treatment, using methadone for inpatient detoxification, and the new treatments, using methadone for ambulatory detoxification, for low-dose maintenance or for the high-dose methadone "blockade." In 1963, a statement on "The Use of Narcotic Drugs in Medical Practice and the Medical Management of Narcotic Addicts" was prepared by the American Medical Association Council on Mental Health and the National Academy of Sciences–National Research Council Committee on Drug Addiction and Narcotics. At that time, the joint statement recommended treatment of addicts for withdrawal of detoxification on an inpatient basis, the drug of choice being methadone, to be given in decreasing doses over a three-week period. On the other hand, ambulatory maintenance of addicts on stable dosage levels of methadone was considered generally inadequate and without rationale. Another problem was that laboratory tests for detecting opiates in urine, necessary for monitoring a patient's adherence to the treatment program, were available for research purposes only in 1963 but were not available for clinical use at that time.

Several years later, in 1966, the substance of the AMA-NRC report was made available to physicians throughout the United States as Treasury Department Pamphlet No. 56 by the Commissioner of the United States Bureau of Narcotics. The data of this pamphlet set the stage for the conflict and confusion surrounding methadone today, for one year earlier. In 1965, Dole and Nyswander had reported favorably on the use of methadone maintenance.[1] In the short period between 1965 and 1968, the same workers had tested methadone maintenance of heroin addicts sufficiently to justify the First National Methadone Conference in New York City. By 1970 the prestigious textbook of pharmacology by Goodman and Gilman hailed methadone maintenance as the treatment that was revolutionizing care of the heroin addict.

As originally conceived and as still practiced, the Dole-Nyswander treatment was intended to introduce methadone gradually, with the goal of building up to a saturation or "blockade" daily dose. The "blockade" dose of methadone was intended to satisfy the addict's drug hunger and to depress euphoria if he decided to mainline heroin on top of his methadone. Success at a program was measured by regular as well as random testing of urine for opiates and other drugs such as amphetamines and barbiturates. The urine testing for opiates, done by thin-layer chromatography, is relatively simple and available for as little as $1.00 to $1.50 per test in 1971.

From the days of Timothy Leary and LSD in 1962, with their "tune in, turn on, and drop out" message, America and the world have seen an upsurge in the use of illegal drugs to enormous and epidemic proportions. In 1970 New York City contained an unofficial estimated 100,000 heroin addicts (nearly one in 70 persons), Boston, an unofficial estimate of nearly 10,000 addicts (nearly one in 65 persons), and Washington, D.C., nearly 17,000 heroin addicts (nearly one in 45 persons).[2] When physicians were called on to deal with the epidemic problem, they had the benefit of the extensive studies of Dr. Frances Gearing of Columbia University School of Public Health. Dr. Gearing had evaluated the course of several thousand New York City heroin addicts treated in the methadone maintenance treatment program initiated at Rockefeller University by Dr. Dole in 1964. By November, 1970, at the Third National Methadone Conference, Dr. Gearing was able to show that methadone maintenance had been able to "hold" 60 per cent of drug addicts in treatment for several years of followup observation, and that the patients treated gained employment and gave

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Footnotes at end of article.

up their criminal activities formerly necessitated by their expensive heroin habits. Physicians familiar with outcome studies of heroin-addiction treatment programs such as those of the Public Health Service at Lexington, Kentucky, and Fort Worth, Texas, showing nearly 100 per cent failure on long-term follow-up observation can best appreciate the relative success of the methadone "blockade" treatment as studied by Gearing. Moreover the experience gained through the next few years by many other physicians[3,6] suggests that detoxification on an ambulatory basis, when coupled with weekly urine surveillance for the presence of opiates, barbiturates, and amphetamines, is not medically unsound but a reasonable procedure.

The cautious physician will ask if the patient on "blockade" treatment can ever be withdrawn. The answer is an equally cautious "perhaps." Theory has it that when an addict has freed himself from the culture of the addict, has been employed successfully for several years and has joined a new social group, perhaps his desire for heroin will be diminished and he can be withdrawn successfully from methadone. This possibility has yet to be evaluated. However, if future research fails to show that heroin addicts can be withdrawn from methadone after several years of treatment, the cautious physician should view methadone for the addict as he would view insulin for the diabetic.

The practical physician will ask how "methadone blockade" is used. The answer is provided by the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs, both regulatory agencies of the federal government. To use methadone maintenance a physician must file a research protocol with these agencies and must be granted an IND number or permit to investigate a new drug. New patients considered candidates for treatment must meet criteria established by the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs as published in the Federal Register of April 2, 1971. Essentially, candidates for maintenance must have a documented history of opiate addiction, current evidence of opiate dependence, and a confirmed history of one or more treatment failures. Patients less than 18 years of age require special IND protocols. Adequate records, physical examinations and laboratory examinations are required as in any research program. When a patient is accepted for treatment, oral methadone, usually mixed with a vehicle like Tang, is administered daily under supervision is gradually increasing doses until a blockade level is obtained (usually between 80 and 160 mg per day). After it is clear that a patient has demonstrated acceptance and adherence to the program, federal guidelines permit twice weekly observed intake of medication with take-home supplies for no more than three days.

The enlightened physician will ask about the duration of action of methadone; the answer is 24 to 48 hours. Already, longer acting derivatives of methadone such as α-acetyl methadol with a three-day duration of action are being investigated. Clearly, the less methadone that leaves a clinic, the less the chances for illegal diversion. The longer acting derivatives may essentially eliminate this problem, although it has been small.

The moralist may suggest punitive controls such as prison for heroin addicts, but he should be reminded that this approach has failed. The approach of the psychiatrist has likewise not been successful; moreover, no self-help group in America has been shown to have achieved substantial beneficial results on long-term follow-up study. Thus, in spite of the controversy and confusion caused by the appearance of Pamphlet No. 56, when it was already outdated by the Dole-Nyswander report, the beneficial effects of the methadone maintenance programs are showing increasing promise to control the epidemic of heroin addiction with which the country is faced.

FOOTNOTES

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THE END OF VIETNAM—WOAI–TV STRESSES UNITY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. FISHER. Mr. Speaker, it is becoming increasingly apparent that the intransigence of Hanoi with respect to a settlement of the war and the release of our prisoners is being bolstered by outcroppings of disunity on the issue, heard among our own people, which continues to plague our Government's efforts.

To most Americans, regardless of their views about the war, it would seem the overly generous offers to the enemy, undertaken during the past 18 months in secret negotiations, should have solid support in this country. Yet, a limited number of our own people have seen fit to publicly repudiate the offers.

Is anyone so naive as to imagine that this reaction is likely to cause the Communists to react favorably to the overtures of our negotiators—the only people, under our system of government, authorized to engage in such discussions with a foreign power?

More and more, unity is the name of the game if prospects for a peaceful settlement are to be enhanced. If new ideas are to be offered, let this be done behind closed doors.

I include an excellent editorial report on this subject, as given by WOAI–TV in San Antonio, Tex. The editorial follows:

THE END OF VIETNAM

To most everyone here and around the world, the United States is ending its involvement in Vietnam.

To a handful of dissidents, Vietnam is a fading issue, but they still demonstrate . . . we suspect they cannot find another issue that creates division and doubt.

And to those politicians who oppose the Nixon administration in this election year, and they include a few Republicans, Vietnam is still being used as an issue, even if that use interferes with the final phase of pulling out and securing the release of our POW's.

Vietnam might be the wrong place at the wrong time . . . even the wrong war. But we would hope history would judge America and its four presidents, from Eisenhower to Kennedy to Johnson and to Nixon, on the basis of the moral commitment made to stop evil.

Whatever was done by America, lust for power and greed for territory are not the reasons for our involvement. If Vietnam was the wrong war, those who gave full measure, those who have been maimed for life and those who are still held captive, should be honored for making a noble effort.

They and that war should not be used for political gain. What should occupy us now is a new beginning of trust in our government, in one another, with a steadfast determination to unite this great land that has been enriched by those who served a noble cause.

1971 BREAKDOWN SHAKES STEEL'S CONFIDENCE IN QUOTAS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. GAYDOS. Mr. Speaker, I was astounded to learn recently that the Soviet Union had outproduced the United States last year in steel production. Russia, according to news reports, put out 132 million tons of steel, while the United States manufactured 120 million tons.

Apparently, America, once the world's greatest steelmaker, now is No. 2 and heading for third. Japan already has made it known she intends to be No. 1 by 1975.

At the same time the Russian achievement was being announced, the Pittsburgh Press ran an article on its business page which summed up the sentiment of America's steel producers about the new voluntary restraint arrangement: "Too little too late."

As Mr. William H. Wylie, the author, points out, imports ran rampant in 1971, particularly in the area of specialty steels where foreign manufacturers reap larger profits per ton. The end result was more than just a loss in profit for steel company stockholders in this country. It was a loss of jobs. Mr. Wylie's article estimates somewhere between 65,000 and 100,000 jobs were lost to imports.

Mr. Speaker, I am inserting the news article into the RECORD, and I urge my colleagues to read it. If the new voluntary arrangement does not work, we may well act as the article suggests and enact legislation to control imports.

The article follows:

[From the Pittsburgh Press, Jan. 28, 1972]

1971 Breakdown Shakes Steel's Confidence in Quotas

(By William H. Wylie)

Too little too late!

Apparently that's the sentiment of steel makers just as a new quotas agreement is being wrapped up with foreign mills.

One steel executive whose company has been badly battered by imports indicated voluntary quotas fall short of what's really needed to shore up the sagging industry.

A wave of support for legislative action appears to be building among management and labor officials.

Unfortunately for steel, most government leaders do not share the same feeling. It's unlikely that legislated quotas could be passed now or in the near future.

As for voluntary quotas, Roger S. Ahlbrandt, chairman of Allegheny Ludlum Industries Inc., said recently in a trade magazine:

"Short of legislated quotas or government-to-government agreements, this is about the best we could get."

Steel men have been protesting loudly for a year about the import menace. Now it's apparent how deeply foreign mills have cut into the domestic market.

During 1971 an estimated 18.3 million tons of foreign-made steel was sold in this country. That's about 18 per cent of the domestic market.

Voluntary quotas—set up to protect American mills—broke down last year. Although they restricted imported steel to 15.4 million tons, the limit was exceeded by nearly 3 million tons.

Tonnage isn't the only fly in the steelmakers' ointment. They're upset because foreign producers have moved into the highly profitable specialty steels.

As a result foreign mills have realized bigger profits per ton and American steelmakers' profits have diminished proportionately.

Apparently the Japanese and the European liked the specialty business because voluntary limits fell by the wayside. As 1971 came down the stretch, the ceiling on alloy steels was exceeded by a reported 57 per cent, stainless by 36 per cent and tool steels by nearly 25 per cent.

Supposedly the new voluntary quotas agreement will tighten up on specialized products to prevent another setback this year.

Over the years steel management and labor have been divided by a mutual distrust of each other. But they are together on the import problem.

Of course, imports cost jobs—somewhere between 65,000 and 100,000 in 1971—and the union is concerned. Congressmen are getting the story from United Steel Workers (USW) officials as well as top management people.

The industry's official position favors voluntary quotas over legislated ones. But individual companies may start pushing for congressional action.

The best bet is that steel will keep a close eye on imports this year. If the quotas agreement breaks down again, an all-out industry push for legislative action would appear inevitable.

Meanwhile, the Japanese and Europeans, who have had a taste of recession at home, will be working as hard as ever on American buyers.

DRUGS, JUSTICE, AND THE YOUNG

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. WALDIE. Mr. Speaker, Judge Learned Hand once wrote that "liberty lies in the hearts and minds of men and women. When it dies there, no law, no court, and no constitution can save it."

Mr. Speaker, a recent article by Carl T. Rowan demonstrated that the principles of civil liberty to which this Nation is committed may be lost among the misguided, stereotyped fears we have of ourselves.

Arrests for suspicion are always chancy. But such arrests when justified only by appearance and provoked only by bias can only erode the respect our citizens have for our Government and for themselves.

With this in mind, I insert Mr. Rowan's article from the Washington Star of January 16 in the CONGRESSIONAL RECORD.

The article follows:

A Personal Drama About Drugs and Justice

(By Carl T. Rowan)

MT. LAUREL, N.J.—I am about to relate a personal family drama that involves drugs, police procedures and justice in America.

I am telling it because it might help some parents and teenagers to avoid headaches and heartaches—and because of what it says about the difficulty of securing justice if you are poor and powerless.

The story began in September when an allergist concluded that my 18-year-old son, Jeff, was afflicted with a variety of allergies. The doctor prescribed weekly shots plus a daily dosage of an antihistamine, Teldrin, which is obtainable only on prescription.

Thanksgiving, when my son left for a visit in New York City, his mother poured some of the Teldrin tablets in a vial and kept the original bottle at home (Jeff had lost his antihistamine tablets one weekend and, unable to locate the doctor and get a refill approved, had had to beg the pharmacist for two tablets, a situation my wife wanted to avoid repeating.)

The Sunday after Thanksgiving, against parental advice, Jeff decided to save his money by hitchhiking home. He was warned by a New Jersey state policeman to stop hitchhiking and was asked to show identification.

When Jeff opened his bag to get his billfold the policeman spotted the vial of pills. Seeing no drugstore label, he promptly arrested Jeff, accusing him of being in illegal possession of a dangerous drug.

Sometime later a telephone call from Jeff-informed me that he was in handcuffs and the police were about to jail him until the courthouse reopened in Mt. Laurel—presumably on Monday.

I explained to the policeman that the pills were prescription drugs for Jeff's illness. I got the surly reply that the police had no way of knowing what the pills were until the state laboratory analyzed them.

"That means, then, that you have no way of knowing that they are 'a dangerous drug,'" I said. "A teenager with hair longer than yours has them, so you automatically arrest him on suspicion."

So I drove for three hours through a steady rain to put Jeff before the judge here. We stood for perhaps 45 seconds while the judge read the charge, listened to a state attorney move that the complaint against Jeff be dismissed, told Jeff he was free, and ordered the court clerk to give me back my $225.

So we now drive three hours home through that ceaseless rain.

My son rode here full of doubts about the system of justice, bitter about the handcuffs, the surliness of policemen who would listen to no explanation. He was certain that the judge would be as pigheaded as the cops.

He was glad to be wrong.

Yet, relief at the "short and sweet" court proceedings do not silence our wonderment as to why obviously innocent people must be required to travel more than 300 miles to face a complaint that the state knows it will withdraw and the court knows it will dismiss. Imagine placing that kind of hardship of expense and time lost at work on a father earning $6,000 a year? That itself ought to be a crime, but it is "the system."

The saddest thing of all is the certainty that while the cops, the court, the lawyers and others were spending so much time hassling over a teen-ager's antihistamines, the real drug peddlers were bribing policemen and other officials and making millions of dollars by foisting their poison on New Jersey citizens. Where is the road out of this madness?

CHEROKEE COUNTRY CLUB'S GEORGE IS LOVINGLY "WATCHED"

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DUNCAN. Mr. Speaker, I am always impressed with someone who serves his job faithfully for long years, and just recently such a person was honored in Knoxville, Tenn.

The honoree was George L. Wagner, who has worked for half a century for the Cherokee Country Club. Mr. Wagner was presented an engraved watch in tribute of his 50 years.

I would like to place in the RECORD a story on his years of service; the article is from the January 30, 1972 Knoxville, Tenn., News-Sentinel:

[From the Knoxville News-Sentinel, Jan. 30, 1972]

CC's George Is Lovingly "Watched"

(By Betsy Morris)

George L. Wagner has a brand new watch to tick off the changing times.

He's proud of the timepiece, beautifully engraved and presented in tribute to his 50 years with Cherokee Country Club. M. W. Egerton Jr., the Cherokee president, called George up for honors and gift-giving at family night buffet Thursday evening.

The changing of the times isn't rattling George L. Wagner at all.

"No, I'm not retiring. I want to keep on going as long as I can."

HOW IT ALL BEGAN

Cherokee was in its old clubhouse when George began caddying for golfers.

"I must have been about 12 years old at the time."

Mr. Wagner now being 67, this would make his term of employment longer than 50 years. But he dates his career from the days he began as a waiter.

"When the pot washer didn't show up, they would call me to work extra in the kitchen. I did dishes, pots and pans.

"When the pot washer quit—or got fired, I can't remember which—I got his job.

"Then when a waiter didn't show up, I got a chance to go in the dining room and wait table. I was scared at first, afraid that I might drop something. But I've been real lucky that way. I don't think I ever have."

HE'S WELL KNOWN

George remembers the move into the present clubhouse in 1928, and polishing new windows so they would be sparkling.

He can recall, oh, 15 or 16 managers in his years with the club. Connie Ball, Cherokee's assistant manager, says of Mr. Wagner, "One of the most wonderful of people. He has stayed by us all these years, helped carry the load. I have only top praises."

For many years, George was head waiter. A heart attack—George thinks it was about three years ago—limited what everyone else thinks George should undertake.

George doesn't see it this way. He hasn't even bothered to remember just when that heart attack occurred. What really frets him is time lost.

"I didn't lose a day for 40 years, not a day. And then that happened and I lost 30 days."

He is known to generations of prominent Knoxville families, all of whom call him George. He always enjoys seeing Mrs. Thomas Nelson and her young family at the club. When she was baby Betty Ashe he used to keep an eye on her to see that she didn't roll out from between two pillows when she napped while her mother, the late Mrs. Neil Ashe, was golfing.

THAT WAS A PARTY

Great occasions of the club's history are all bright memories for George.

"I member a party for Gen. Bob Neyland—and all of the UT coaches of that time. Four hundred or 500 came to dinner. That was a big evening."

And he keeps track of the Cotillions, the Men's Cotillion, Girls' Cotillion and Nine O'Clock.

"There's one coming up in February."

That's right, George. The Nine O'Clock Cotillion on Feb. 11.

George and his wife, Eugenia, live at 118 Harley Rd. Mrs. Wagner worked 12 or 13 years for the late Mrs. Alfred Sanford. George's stepson, James McGhee, is with Tennessee Armature Co.

George was born in Mechanicsville.

"On what used to be Crooked Street. They have changed the name now."

His parents were the late Mr. and Mrs. Deaderick Wagner.

"I had a brother and a sister, both dead now."

FAITHFUL TO CHURCH

When his parents moved to the "country," his chance to caddy developed. George went to the little school above Cherokee County Club and later came in town to a small private industrial school.

Four years ago George became a Roman Catholic. He attends Church of the Sacred Heart.

"I go every Sunday and any other time that I can. You see, I can go on Sundays and still make it to work by 10 a.m."

He works every day except Mondays. On that day he doesn't mind at all helping his wife clean house, wax floors and wash windows. He likes flowers and he likes to keep the yard looking pretty.

"On the back lot we have a little garden and we get good things from it—tomatoes, beans and corn.

"Long ago, when I caddied, I tried to play a little golf. But I gave that up when I got inside work. I like to fish when I get a chance."

THE ONE-CAR MAN

George knows a thing or two about cooking. His wife considers him The Expert on meat cookery.

During World War II, George kept his Cherokee job and also worked on the private car of the late O. B. Keister, general manager of Southern Railway's central lines.

"I was what was known as a one-car man. I cooked, cleaned up and served. My mother would fix a leg of lamb for me, or a roast of beef and I would take them on the car. She made wonderful rolls, too, and I would take those and warm them at serving time.

"Fried or broiled chicken, I could manage by myself. No, I never did tell Mr. Keister. He went right on believing I was the best cook in this part of the country."

George has even done flower arrangements at the club.

"Back before florists could take over that responsibility. The ladies were kind. They said I was good with the flowers.

"The club seems like home to me. After all, I've spent more time there than any place else."

OLD DAYS—NOT SO GOOD

George is sensitive to the changes of the times. "There's a difference in older people and younger people. The young people have their own ideas. But these young people, they're all right now. They really are all right."

George is a great appreciator of electricity.

"I remember coal ranges, ice boxes that you had to put ice in, and chickens by the coop.

"If you were going to have chicken for dinner, you had to wring the chicken's neck. I didn't like that. I surely didn't like that."

THE 1ST MARINE DIVISION'S SENTIMENTAL JOURNEY

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. SARBANES. Mr. Speaker, I would like to take this opportunity to call to the attention of my distinguished colleagues the splendid accomplishments of the 1st Marine Division during World War II in the South Pacific. This division, in which many of Maryland's finest sons served with great distinction, truly made an outstanding contribution during that conflict.

In view of its outstanding service, I take great pride in participating in Baltimore's tribute to honor the deeds and victories of the 1st Marine Division. An American flag was presented by Mayor William Donald Schaefer on December 10, 1971, to Capt. E. C. Clarke, USMC, retired, executive secretary of the 1st Marine Division Association, a post Captain Clarke has held since the association was formed in 1947. This Thursday, February 10, 1972, Captain Clarke will depart with the flag from Friendship Airport for the start of a return journey to the sites and battlefields which the 1st Marine Division made famous. Many distinguished high officials including Col. Justice M. Chambers, USMCR, retired, a Medal of Honor recipient, and members of the Marine Association will be on hand to witness the official beginning of this trip.

Members of the 1st Marine Division Association from all areas of the country will rendezvous in San Francisco with Captain Clarke for the beginning of the trip which will carry them to Honiara, British Solomon Island Protectorate; Suva, Fiji; Melbourne, Australia; Wellington, New Zealand; Ballarat, Australia; and Christ Church, New Zealand. In each of the cities to be visited the flag will be received and flown in honor of the 1st Marine Division by the following officials: The Honorable Sir Michail David Irving Gass, KCMP High Commissioner to Solomon Islands; the Honorable Macu Falate, Mayor of Suva, Fiji; the Honorable Edward Wallace Best, Lord Mayor of Melbourne, Australia; the Honorable Francis Kitts, Mayor of Wellington, New Zealand; the Honorable Mayor of Ballarat, Australia; and the Honorable Ian G. Pickering, Mayor of Christ Church, New Zealand.

After the completion of this historic trip, arrangements have been made to have the flag flown over the U.S. Capitol in Washington D.C. In August of 1973 the 1st Marine Division will hold its annual national convention in Baltimore for the first time and during this convention the flag will be flown over city hall. I believe my colleagues will agree with me that this is a most moving and fitting tribute to the men of the 1st Marine Division Association.

It is appropriate at this point to recount many of the deeds and accomplishments of the 1st Marine Division during World War II. The 1st Division, the first integrated amphibious strike force of its size in the war, was initially formed in February, 1941. En route from training in the United States in June, 1942 Gen. A. G. Vandegrift, commander of the division, learned that the Japanese had captured the Solomon Islands. This development was to result in a marked change of plans for additional training abroad. After only 8 to 12 days of training in Wellington and Christ Church, New Zealand, instead of the scheduled 6 months, the division moved to Fiji where it joined with parts of the 2d Division and other Marines from Hawaii to become the 1st Marine Division Reinforced. I might add that Baltimore City Police Commissioner Donald D. Pomerleau, presently one of the Nation's outstanding law enforcement officials, was a member of this reinforced division.

After simulated landings in Fiji, the division secured three small islands within 24 hours, Gavutu, Tanambogo, and Tulagi. A small group was left on Tulagi and all landing forces were subsequently shipped to Guadalcanal, which measured 90 miles in length and 40 miles in width. After landing on Guadalcanal on August 7, 1942, the 1st Marine Division Reinforced captured an airfield which the Japanese had partially finished. The national colors were flown for the first time on Guadalcanal over this air strip on August 8, 1942, and it was named in honor of Maj. Lofton R. Henderson, the famed pilot of the Battle of Midway. Immediately after this development, American naval support was withdrawn for other combat areas and the 1st Division spent the next 4 months resolutely fighting enemy forces on Guadalcanal until eventually the entire island was captured.

At one point during this combat effort there was no air cover for a period of 18 days for the operations of the division. Military historians generally agree that the capture of Guadalcanal was a strategic turning point in the war in the South Pacific.

Following the Guadalcanal campaign the 1st Division was sent to Australia for rest and rehabilitation. After 9 months in Australia, the 1st Division was assigned to the New Guinea area and wrested that area from the Japanese. It moved on and captured Peleliu for the Allied forces. The Okinawa beaches were attacked by the division on April 1, 1945 and the city was secured by June 21, 1945 only 2 months before the Japanese sued for peace.

Truly it can be said that we owe all men of the 1st Marine Division a debt which can never be repaid. They made enormous sacrifices and displayed great courage in fighting for freedom. In the dark days of early World War II following Pearl Harbor they gave the Nation confidence that the American Navy and Marine Corps could stop the Japanese forces and that eventual victory in the war lay ahead. This accomplishment is the more notable because of the fact that the division had been trained, assembled and sent into combat quickly and with relatively little preparation. As Gen. A. G. Vandegrift subsequently pointed out:

> We struck at Guadalcanal to halt the advance of the Japanese. We did not know how strong he was nor did we know his plans. We only knew that he was moving down the island chain and he had to be stopped.
>
> We were as well trained and as well armed as time and our peace time experience allowed us to be. We needed combat to tell us how effective our training, our doctrines and our weapons had been.
>
> We tested them against the enemy and we found that they worked. From that moment in 1942 the tide turned and the Japanese never again advanced.

The current journey of the flag is not to seek glory, but rather as a tribute to all the brave and gallant men who have gone before us because of their belief in the intrinsic right of all men to be free. The United States of America was born of man's will to be forever free and the U.S. Marine Corps has been bred on this tradition and has fought in every clime and place to maintain this fundamental right.

I know that all of my colleagues join me in wishing the members of the 1st Marine Division Association a pleasant and meaningful trip as they begin to tour the areas in which they served for this country during World War II. All of the residents of Baltimore and Maryland look forward to welcoming them to an interesting and enjoyable reunion in Baltimore in August of 1973.

CONCORDE'S PRICE SKYROCKETS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. OBEY. Mr. Speaker, the February issue of Astronautics & Aeronautics carries a speculative article entitled "Concorde: Options to Orders," which suggests that BOAC and Air France by next month will have turned their Concorde options into firm orders.

The article, which actually lists several reasons why airlines should not be enthused about the Concorde and its 20,000-pound payload, begins on the optimistic note:

> If all goes well. . . .

However, an item in Friday's Wall Street Journal indicates all is not well with the Concorde.

Headed "SST Concorde's Price Continues to Skyrocket," the story quotes the president of Air France as saying the Concorde with spare parts will cost about $59 million by the time deliveries start in June of 1974. That compares with the no-spare-parts figure of $31.2 million mentioned in December by the director of one of the Concorde's builders.

Meanwhile, United Press International provides a footnote which the Washington Evening Star on Saturday headed, "50,000-Pound SST Mockup To Be Junked." It reports that the Boeing Co. will dismantle and sell its full-scale, one-wing mockup of the SST that cost $10.6 million.

These items lead one to wonder whether the flyaway Concorde will fare any better in the marketplace than the nonflying SST mockup. I include the three at this point:

[From the Astronautics & Aeronautics magazine, February 1972]

CONCORDE: OPTIONS TO ORDERS

If all goes well, by next month British Aircraft Corporation (BAC) and Aerospatiale hope to get BOAC and Air France to turn their eight options each into firm orders for Concorde. With that accomplished, the manufacturers will have passed a major hurdle and will turn their attention to the 14 other airlines holding the balance of the 74 options on the Mach-2 aircraft.

So far, both the manufacturers and the airlines are keeping contract negotiations under wraps. While the airlines collectively are not in the best financial position to put out the necessary cash for another new airplane, in the final competitive push it seems unlikely that any can forego the opportunity to add a supersonic airlines to their 1974 stable. Some of the airline reticence is viewed as the result of their being only one supplier of SSTs—discounting any western purchases of the TU-144. Without two suppliers to play-off against one another, the airlines' hard-to-sell attitude is used to increase their bargaining position.

Late last year, the British and French governments reached agreement on a Concorde pricing formula, but declined to announce all the details in order to give the manufacturers some bargaining position of their own, for example, lower prices for early purchases and discounts for larger buys. The fly-away price is expected to come to about $31-million. An exact figure depends on certain adjustments for recent international monetary fluctuations. This price does not include the usual list of spares, but does provide for about a one-third recovery of the expected $2-billion R&D investment advanced by the two European nations.

Any day now, BAC/Aerospatiale should complete the final standard aircraft specification. Although the external airframe and engine configuration was frozen about two years ago, final specification of onboard systems, instrumentation, and interior layout remains to be settled. According to Dewi Rowlands, Concorde Sales Manager for BAC in the U.S., the companies hope to sell the airlines a standard, off-the-shelf airplane with only minor customized features.

PAYLOAD GUARANTEES

Based on over 700 flight-test hours to date—over 200 at supersonic speeds—the firms expect to meet the 20,000-lb payload guarantee for the Paris-New York run, as specified in the option contracts for the first 40 aircraft. This guarantee is supposed to rise to 25,000 lb for later aircraft. Under normal conditions of commercial operation over the Paris-New York route, the 128 passengers in the standard, high-density seating configuration represent a 26,000 to 27,000-lb payload. Variance in the operational payload requirements and the minimum guarantee reflects flight profiles, including temperature assumptions, under both U.S. Federal Aviation Regulations and regulations set by the European authorities, as well as the expected variation in empty weight from aircraft to aircraft.

MEETING FAR PART 36

While the theoretical aircraft performance was known two years ago when the final design was set, the airlines wanted to be shown the actual performance data. Similarly, the airlines expect some guarantee that Concorde will meet anticipated environmental regulations—particularly as to noise—once it enters service in 1974. Right now, the makers are confident that initial production airplanes will produce a maximum of 111 EPNdB at takeoff, 114 EPNdB at the sideline, and 115 EPNdB on approach. These figures should all drop to 108 EPNdB—the FAR Part 36 limit for large new subsonic jets—by the time the plane enters wide use. All of the manufacturers' engineering improvements are being focused on the environment problems before moving on to other items.

So far, because of the smoky and noisy engines of the prototypes, Concorde has not been scheduled for any U.S. sales tour nor, at this writing, any appearance at Transpo 72 in May.

From the beginning, says Rowlands, the companies expected that there might be a problem with sonic boom over land areas. As a result, all the economic studies assumed operation at Mach 1.05—95 percent probability that the sonic boom will not reach the ground. At this speed, about 45 min could be cut off the U.S. transcontinental run, compared to conventional jet operations.

As for making money with Concorde, Sir George Edwards, BAC President, claims that airlines can operate over the North Atlantic with a breakeven load factor of "less than 50 percent at present first-class fares in a single-class layout."

FINANCING LEVERAGE

Getting the money to finance production and sales does not appear to be a problem. The government will provide about 80 percent of the $240-300-million in production financing through loans at acceptable interest rates. Banks will finance the balance. According to Rowlands, money is available through European banks to finance the airline purchases conventionally. Interest rates could run as little as 7-7.5 percent for foreign buyers under the Export Credit Guarantee arrangements—if the U.S. airlines choose to leave Wall Street for financing. The large amount of financing coupled with the initial purchase should favorably affect the balance of payments for Britain and France.

If the figures turn out as they hope, BAC and Aerospatiale will sell about 250 airplanes by 1980. In typical conservative European fashion, it would take only about 150 sales for the companies to break even.

Nothing says Britain and France do not intend to go ahead with the Concorde. So far, the governments have authorized construction of 10 production aircraft in addition to the four prototypes and preproduction aircraft and two test airframes, plus procurement of certain long-lead-time parts for production aircraft numbers 11 through 16. Preproduction Concorde 01 has already flown and Concorde 02—essentially a production version aircraft—will fly this summer.

BEYOND CONCORDE

The biggest shortcoming, and well recognized, is the airplane's limited seating capacity. This was only partially solved in stretching the prototype airplane to what is now the production version. Once sales get going, it seems reasonable to expect a larger Concorde-B at some time in the future.

Speaking before the American Chamber of

Commerce in London, BAC President Edwards suggested that "a sensible path for us to follow would be to extend to the U.S. the collaboration which is now deeply embedded in Europe. It seems to me much more sensible for you to build an advanced version of the Concorde in collaboration with us than to go off on your own many years behind us in an advanced technology." Just how the U.S. will re-enter the SST field will depend on the nation's economic recovery and the political winds blowing come next November.

[From the Washington Star, Feb. 5, 1972]

50,000-Pound SST Mockup To Be Junked

Seattle, Wash.—The only fullscale mockup of the U.S. supersonic transport (SST) is going to be dismantled and sold for junk by the Boeing Co., it has been announced.

Funding for the SST was defeated by Congress last year before the plane had a chance to fly. In fact, the SST model had only one wing when lawmakers cut off funds for its continued development.

Boeing announced yesterday it will open bids Feb. 18 on dismantling and removal of the 50,000-pound mockup which cost $10,680,000.

[From the Wall Street Journal, Feb. 4, 1972]

SST Concorde's Price Continues To Skyrocket

Paris.—The Anglo-French supersonic transport Concorde, already acknowledged as the world's most expensive commercial jetliner, is going to prove more expensive yet.

Pierre Cot, president of Air France, said the plane with spare parts will cost about $59 million by the time deliveries start in June 1974. The basic plane itself, the state-owned carrier estimated, would cost about $42 million.

That's considerably higher than the $31.2 million estimate for the craft alone given last December by Henri Ziegler, director of Aerospatiale, one of the builders of the SST. And even that was well above the original talking price of around $25 million.

Air France sources said the European A300B airbus also will cost considerably more. It put the cost of that plane at $17.3 million, parts included, up from the original estimate of $12.7 million.

THE TRAGIC DEATH OF AN AGED PERSON

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. FAUNTROY. Mr. Speaker, the way that our society has, in this day of technological excellence, chosen to treat, care, and assist our elderly is nothing less than an outrage. I cannot imagine that the callousness, which seems to be shown to our elderly, is accepted or even tacitly condoned. Yet, we seem to have done less than is possible and tragedies such as the one written about by Gary Potter seem, at times, to be commonplace.

In an attempt to prick the conscience of the Members of the Congress I am attaching the following article so that perhaps we can find the way to move ourselves to take those actions which will, if not eliminate, make less commonplace the seeming indifference that our society has heaped upon our aged.

The article follows:

[From the Washington Post, Feb. 6, 1972]

The Death of Elizabeth Meinders— 1878–1971

(By Gary Potter)

The writer is editor of Rough Beast, a monthly non-ideological journal of ideas and political and social commentary, from which the following is excerpted.

Last Nov. 6 a 5-megaton nuclear warhead was exploded at Amchitka Island, Alaska. That same day, my wife's grandmother was killed in a nursing home in Iowa. Opponents of the Amchitka test were, generally speaking, persons who believe that the number of technical interventions made in the environment during recent times has reached such a dangerous level that irreparable harm is about to be done to the world. I think some of them must have expected dramatic consequences from the Amchitka test; a few might actually have hoped for them. But the earth did not crack. California did not sink. There were no tidal waves.

I think the expected signals can be read in the death of Elizabeth Meinders.

Mrs. Meinders was born in Iowa and lived there her whole life. The Iowa and the United States where she was born were rather different from the state and nation of today. When Mrs. Meinders was born, Rutherford B. Hayes was President of the United States (of which there were then 38); Queen Victoria would reign for two more decades over a vast and mighty empire; the last Russian tsar, still a boy of 10, was years away from ascending his throne; Kaiser Wilhelm I, the last German emperor, was not yet even crown prince. Since 1878, a very great deal has changed in the world.

Mrs. Meinders was fully aware of the changes. Until the onset of the troubles which led to her death, she read a newspaper every day. Her view of affairs was remarkably detached. It was not that she was unresponsive to the world; the world simply no longer shocked her.

What great issue or event agitating us in recent days had she not already had occasion to consider? The war? Already a lady of 40 at the end of the first World War, Mrs. Meinders had witnessed six of the seven foreign wars waged by the United States. Racial conflict? She could remember being scooped up and bundled into the house by her mother when some Indians suddenly appeared nearby—Little Big Horn had happened only a couple of years before, Wounded Knee was years in the future. Presidential assassination? Could the one in 1963 seem as momentous to her as it did to many when she could personally recall two of the three others in our history?

Born as she was before the advent of electric lighting, the automobile, the telephone, radio, the newer prodigies of science and technology did not impress her overmuch. I once asked her what she thought of seeing men on the moon, live, in color. "Oh," she said, "I suppose it's all right." Her many years had clearly made her extremely tolerant.

Intact as were her mental and spiritual faculties, the sheer weight of her 90-plus years did bear on her body. Though far from being bedridden (merely two summers ago she was capable of the long car trip from Iowa to Washington), she did have difficulty at times walking and she recently made frequent use of a wheelchair. If you asked her how she felt, she would reply, "I'm all right, but I used to be able to run like a deer." There was wistfulness in the remark, and resignation, but also a subdued note of anger, as if she felt she had been betrayed—by her own body—and who could doubt her word? Yet there was no one still living who remembered her running.

From the fact that so many she'd known and loved had already passed on and from her religious devotion was derived another characteristic: prudence. She deemed it prudent to devote much of her energy these last years to preparing for the inevitable. This, also, must have accounted for her apparent detachment. She was preparing to put behind her the things of this world; she was detaching herself from them. In her 93 years she'd seen a great deal of death and she must have acquired an understanding of it. It surely seemed that death, no more than anything else, would not surprise her. Yet it did, it did.

Dying was once something accomplished at home. That was the case for even the poorest of men. In 1878, say, there simply was no place else to die, no more than there was another place, besides the open field, to give birth. Also, dying being part of life, home seemed a suitable place to do it since that is where one had done the rest of one's living. Unless he were caught fatally by hazard far from home, every man could expect to die there—in the bosom of the family, as the expression went. Loved ones actually held your hand, they wiped your brow. You were going anyway; they tried to ease it for you.

I've said Mrs. Meinders was as aware of the world from which she died as the one into which she was born, but she must have expected, must have prayed, that her death would be the sort she knew best and which she had schooled herself to accept, if perhaps with ever so slightly rebellious a spirit, as she accepted the infirmity of an aged body. By rights, such a death ought to have been hers.

Like all really wise persons, Mrs. Meinders had made it a lifelong policy to avoid doctors, except in direst need, and to stay completely away from hospitals or any other institution purporting to care for the unwell or infirm. She was not alone in her feeling about such places. Her daughter, my mother-in-law, had her in her home, as she had for a number of years, when her final difficulties began in August. That is, unlike many others who, by virtue merely of years, find themselves in "nursing" homes at a certain point in their lives. Mrs. Meinders was not in one. Inasmuch as she required no "nursing," was not unwell, never truly infirm, why should she have been? Also unlike many others, of course, she had a daughter who was willing to have her at home and to see after her wants, which were always limited.

In August, Mrs. Meinders complained of some pains. My wife, who was visiting her mother and grandmother at the time, told me on the phone that the family doctor was away, that others had been consulted, and they recommended that Mrs. Meinders be taken to a local hospital for an examination, one more thorough than could have been done at home. There should have been nothing alarming in the idea of hospitalization for no more reason than a thorough physical. Surely the reason for Grandma's pain could be more easily and accurately discovered in a hospital than at home. Yet Virginia (my wife) and I were both uneasy at the idea. She was herself less than enthusiastic.

As Virginia and her mother left her on the first evening of her first hospital stay, my mother-in-law said, "Well, we're going."

"And leave me in the presence of mine enemies?" said Mrs. Meinders. It was a line from the best known, and Mrs. Meinders' favorite, of all the Psalms.

She was in the place for merely a few days. Because Virginia and her mother thought they discerned a casualness, even a certain callousness, in the institution's treatment of Mrs. Meinders, they were quite pleased when the doctors told them there was no need for worry, Grandma could go back home.

The doctors at the hospital had failed to detect a massive internal abscess which burst in the evening soon after Grandma's return. I was later appalled to learn that small Iowa cities of 30,000 population are apparently no different than New York or

Washington on one score: Despite all the pleas of Virginia and my mother-in-law, no doctor would come to the house. All through the night the two women carried on as best they could. The blood and matter was coming in prodigious quantities. Every convenient receptacle—basins, bowls, pans, even a kitty litter box—was put to use; Veronica, our 15-month-old daughter, upset by the turmoil, began to cry but could not be coped with—there was no time even to empty the pans as Virginia and her mother worked in tandem; the gory containers overflowed the bath room and kitchen floors, had to be set out in the garage.

Finally, at dawn, a doctor agreed to a house call. This gentleman's professional contribution to the situation, seeing the pans spread before him on the garage floor: "That's impossible. If she lost that much blood she'd be dead."

She was in fact so weakened that the doctor would not advise what doctors today always automatically advise, what the doctors a few days before advised: he would not recommend her being moved to the hospital, not then.

Yet weak as she was, she was also strong. Anyone, it seems when you consider it, must be marvelously strong simply to live 93 years. It was her strength that undid her. Why couldn't the end have been that night? It would have been far better. There were moments when Grandma actually cried out for it to be. She was too strong, however. Her God had made her so strong she was yet to endure a death unlike any she had ever expected.

The members of my wife's family are not numerous. For several generations the family's children have been born at 30-year intervals, rather than the common 20. Thus, Mrs. Meinders, though already past 90, had no great-grandchild until the birth of Veronica, my daughter. The two of them, the old lady and the infant girl, had a close and warm relationship.

In the morning after that first crisis, after the doctor had left, before anyone could stop her, Veronica climbed onto Mrs. Meinders' bed. She grabbed a crumpled Kleenex lying there and with it wiped some sweat from her great-grandmother's forehead. My wife has told me that it wasn't until days later that she saw Veronica's gesture in the light of the act once performed by her namesake.

During those days, as Mrs. Meinders recovered something of herself, there were countless games of peek-a-boo, the child standing at the foot of the bed, Mrs. Meinders frequently racked by pain nobody nearly a century old is meant to bear. How did she bear hers? Her heart, her lungs, all her organs were extraordinarily fit, we were told. It was necessary, however, finally to readmit her to the hospital.

It surely was necessary, wasn't it? The abscess had to be completely cleaned, it had to be healed. The doctors wouldn't treat Mrs. Meinders at home, no more than they'd do anything else there, even examine her.

It was in the hospital that I last saw her. She had been there in bed, for two or three weeks. I was deeply distressed after seeing her. Never had I seen her so enervated, so listless. Never before had I seen her listless. period. And her eyes! A 93-year-old junkie, was that possible?

My wife explained that the nurses gave Mrs. Meinders drugs, "to keep her quiet."

"Quiet! How noisy can a bedridden 93-year-old woman be?"

"No, it's just that if she asks for anything when it's not scheduled it disturbs the routine. They're busy."

"Oh, c'mon. What? A glass of water?"

"I know. But what can we do?"

What indeed?

Her low morale was not the only thing troubling about Mrs. Meinders' condition. We noted a vicious bruise, actually an open wound, on one elbow (an old person's skin can be exceedingly tender). There were similar bruises elsewhere on her body. We inquired of the nurses how the bruises had been inflicted. Blithely, we were told she bruised herself trying to get out of bed. The bed in question had high railings all around it. An old lady who's lately needed a wheelchair to get around tried by herself, in a drugged state, to climb over those barriers? That's what we asked. We were told: Yes!

Mrs. Meinders was clearly not popular with the staff. She was a nuisance; so it seemed. But, as Virginia asked, what could we do? We didn't want to take her home simply to die. We wanted her to live comfortably and well. For that she needed healing. The alleged healers said the only place for the healing was here, in the hospital.

Mrs. Meinders was most of all a nuisance about the catheter. My mother-in-law who'd cared for her for years, knew she was not, had never been, incontinent, yet a catheter had been inserted in her urethra. This did spare the nurses having to attend to a bed-pan but it created another problem. Mrs. Meinders was evidently offended by the plastic tubing, especially inserted as it was in a part of her body she probably regarded as not merely private but inviolate (nothing could more accurately reflect her 19th-century upbringing). When she was sufficiently undrugged, she pulled the catheter out. Not once. At least three times. Incredible. I flinched whenever I imagined the pain her action must have caused. I don't know if the nurses considered the pain, but they were furious. When Virginia and I discovered the catheter removed on one of our visits and foolishly reported it ("Please don't make trouble for them, Grandma. You'll only make them mad.") we were banished from the room, saw nurses, faces rigid with anger, rush into it. We heard Grandma scream as they jammed the damned thing back in, but the first nurse out the door met our gaze with equanimity, even smiling. What to do? We felt trapped.

The last time I saw my wife's grandmother alive was with my mother-in-law. When we reached the floor, we found no one at the floor desk. We went straight to Grandma's room. She wasn't there. Wondering where to look, we heard Grandma's voice from the room down the corridor where sitz baths were given. My mother-in-law pulled me back as I was about to step through the door; she wanted to hear what was being said.

Grandma was saying, "Why can't I talk?"

"Because I want to read the paper," the nurse replied.

When we did go into the room, I saw the nurse's paper was turned to the funnies page.

I returned to Washington, leaving Virginia with her family. Mrs. Meinders was in the hospital a while longer. The hospital then asked that she be removed.

I couldn't believe it when Virginia told it to me on the phone.

There had been a letter to the hospital from Medicare, it seemed. Formerly, hospitals might keep patients indefinitely, as long as necessary to get the job done, the job that needed doing; that's why the patient was there. Today, the Medicare "benefits" are exhausted, and that's it. Out. Unless maybe you're actually dying. Ginny quoted a doctor at the hospital, speaking of Mrs. Meinders' case: "Hopefully, we'd thought that she'd have slipped away by now." Those were his exact words. Since she hadn't "slipped away" as scheduled by Medicare, she'd have to leave. I was speechless.

Even as Mrs. Meinders was expelled from the hospital, the doctors expressed the view that if she were taken home she'd require the attention there of two full-time nurses. That was out of the question. Accordingly, Virginia's mother and aunt surveyed most of the nursing homes in the area and finally settled on one: it was going to cost the family $1,000 a month. As it happened, Mrs. Meinders was there but a few weeks.

After helping her mother and aunt install Mrs. Meinders in the place, Virginia came home to Washington. She told me all about the home. It was clean and bright, the newest built and supposedly best equipped home in the vicinity, but she'd found the same routine use of drugs as at the hospital. Every evening everyone got his stupor pill; undisturbed quiet would reign for the rest of the night; no one would be any trouble for anyone else, particularly the staff (in addition to professional staff there was considerable volunteer help—Girl Scouts earning badge points, that sort of thing).

I was struck by one detail; persons feeling badly often must be encouraged to eat; that is as true of old persons as anyone else. At this "nursing" home where Mrs. Meinders now lived, no one did anything to encourage eating; food, I gathered, was simply left with the inmates: there it is if you want it. The result was that the relatives or friends of many inmates, including my mother-in-law, visited the establishment twice a day to feed the inmates. A thousand dollars doesn't buy much anymore, I reflected.

Three weeks after Virginia got home the phone rang at 3 o'clock one morning. It was Virginia's mother. Grandma had been killed. She was scalded to death in the bathtub. In a sitz bath, I wondered what nurse this time had been busy reading the funnies.

No one had actually been reading the paper. It might as well have been the case, however. Beyond the fact that someone had been grossly negligent we shall perhaps never know exactly what happened. Either someone had simply put Grandma into water already scalding hot and abandoned her despite her protests, or she was left unattended while a malfunctioning electrical device heated up the water. As chance had it, both my mother-in-law and her sister arrived at the "nursing" home, for a visit, within minutes of the event. The place was in turmoil. In the moment's excitement, one nurse was extremely candid. She blurted: "We heard her screaming but we were all too busy to go in." When the remark was reported to us, Virginia and I recollected the scream we'd heard in the hospital corridor, and the satisfied look of the nurse afterwards.

Grandma lingered, in agony, for twelve hours. She was back in one of those beds with the high metal barriers; both her daughters were with her. She complained very little about the pain she was feeling, but it had to be great. Her boiled flesh had turned black and was falling away. A curious thing happened in those hours. Though Grandma was Iowa-born, her first language was German, until the age of 8. No one living had ever heard her speak it. Now at the end, it was suddenly the language in which she prayed. Then, her very last words were: "Give me a kiss." Neither of her daughters could reach over the barriers of the hospital bed to give it. That was all.

When we buried Grandma her pastor said that everything he knew about her indicated that she was now with God. It is hardly possible to believe otherwise. All signs, her devotion and piety, her prudence, indicated that she understood her very long life to be a gift from God, which He meant her to use in preparing to meet Him. Not everyone receives such a gift. Consider the case of a young man wiped out driving to work. Yet Grandma's death was more nearly akin to the young man's than it surely was to that of say, her grandfather. But Grandma's case was not unique, you know that. That most of us will have her institutional kind of dying, or the young man's violent death, and almost no one of us the older kind of demise, an 1878 death—there is the material for meditation.

Death has always been the ultimate correction of men's lives: it is the wages of sin; but unless all accounts of past dyings have been falsified, it does seem that death, the process of having one's sins corrected, was once easier to bear. It seems to have involved some tears and sincere repentance, and that was about it. Did its relative ease correspond to the sins it corrected?

That young man driving to work, is he aware his life is in God's hands? Chances are that if he has any thoughts at all about his life being in anyone's hands he thinks it is in those of the General Motors engineers.

And if so wretched a death as Grandma's can be visited even on that dear, amiable, God-fearing lady, what chance have the rest of us to avoid her fate, the young man's, or worse? Tears and repentance, then, sweet death? No, for most of us it's going to be the freeway crackup, or the lonely, bitter death of a terminal ward—or the scalding sitz bath.

Why should God, capable as He is of infinite subtlety, arrange for the top of the world to blow off at Amchitka? He can arrange for every man a personal Amchitka. I believe that is possibly just what He's doing. I'm suggesting that the American way of death may in fact be His punishment for our way of life. If you don't believe in Him, let's just say that it's nature fighting back.

A LIMIT TO THE SKY?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 8, 1972

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily at Strasburg, Va., in its lead editorial of Thursday, February 3, said this:

> One thing is clear, the Republican Party can no longer point the finger at the Democrats, charging them with unrivaled fiscal irresponsibility. Even the spending of the Johnson Administration cannot match what is happening today.

The Northern Virginia Daily, through the years, has had outstanding editorials. It is influential in the Shenandoah Valley.

It has supported every Republican presidential nominee since 1932.

The editor of the Northern Virginia Daily, J. J. Crawford, as did his predecessor, Arthur Davison, speaks frankly and forthrightly, and calls the shots as he sees them.

I ask unanimous consent that the editorial captioned "Does the Sky Have a Limit?" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Northern Virginia Daily, Feb. 3, 1972]

DOES THE SKY HAVE A LIMIT?

As the import of President Nixon's budget for 1972–73 begins to be more fully understood a rising tide of shock and disbelief is being heard around the country.

There is one central figure which is the capstone of what many consider a new high of fiscal madness. That figure is $493.2 billion, the amount which represents the President's estimate of the national debt at the end of the new budget's fiscal year, June 30, 1973.

The national debt is now $424 billion. Thus, by his own reckoning, the President proposes to spend about $70 billion more in the next 17 months than will be taken in in revenue. It also means that since President Nixon took office in January 1969 the debt will have grown by $133 billion.

As Sen. Harry Byrd pointed out in a speech in the Senate recently, ". . . one-fourth of that enormous total debt ($493.2 billion) will have been incurred during the Administration of President Nixon in only four years."

In addition to the increase, instead of the expected cutback, in defense spending many looked for in the wake of the de-escalated Vietnam war, the President is also pushing expensive and uncontrollable domestic plans. These include welfare reform and his proposals for a guaranteed annual income. But, even before Congress has passed these proposals, for the first time budget appropriations for the Department of Health, Education and Welfare exceed the defense budget.

One thing is clear, the Republican party can no longer point the finger at the Democrats, charging them with unrivaled fiscal irresponsibility. Even the spending of the Johnson Administration cannot match what is happening today.

If things keep up the way they are going, and there's no reason to believe there will be a change of heart, four years of the Nixon Administration will severely challenge the long record of Democratic deficit spending for the dubious honor of being the leading catapulter into financial disaster.

DRUG ABUSE PREVENTION EMERGENCY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. ROSENTHAL. Mr. Speaker, last week I spoke on the floor of the House about drug abuse prevention. At that time, I made clear my chagrin with a proposed cutback in drug abuse education programs in New York schools.

Funding treatment programs is certainly important, but no more important than efforts to prevent our young people from becoming addicts in the first place.

Today, when the average age of drug users being treated is 17 years, and when the New York Addiction Services Agency treated 3,787 young people under 15 years of age last year, I can no longer understand our meager efforts at education.

I fervently hope that the Director of the Special Action Office on Drug Abuse Prevention will give the highest priority to massive education and prevention efforts.

I include several articles of interest:

[From the New York Times, Feb. 6, 1972]

SCHOOLS FEAR END OF STATE DRUG AID

(By Leonard Buder)

A drug education specialist at Alfred E. Smith High School in the Bronx recently received what he regarded as the "ultimate reward" from some students: wrapped-up packages of their "works"—drug paraphernalia—together with assurances they would never go back to using drugs.

The specialist is one of 93 serving in the city's high schools under a new state-funded program known as SPARK—for School Prevention of Addiction Through Rehabilitation and Knowledge. Companion programs, also state-financed, have recently gotten under way in many elementary, intermediate and junior high schools under local district auspices.

Last week, however, school officials voiced concern that these special programs, aimed at preventing drug addiction and at helping those who are already "hooked," would come to a halt when the school year ends this June.

ALBANY ANNOUNCEMENT

Their concern was prompted by the announcement in Albany on Tuesday that the state would by Sept. 15 end its support of special school programs to prevent drug addiction because of a lack of funds.

"It would be a sad day if programs which appear to be bringing about some favorable results should be discontinued," School Chancellor Harvey B. Scribner said. The Chancellor added that he had personally inspected several of the special programs and was "impressed" by what he saw.

During the current school year, the state is providing $19.6-million to the city schools for these programs, through the city's Addiction Services Agency. The city matches these funds with "in kind" services. But school officials say that without the state funds, there could be no special drug-prevention programs in the schools.

Dr. Helen M. Feulner, the acting assistant superintendent in charge of special education at central school headquarters, and Richard deLone, the Addiction Services Agency's assistant commissioner for education and training, noted that the state funds had made possible a variety of special projects last fall.

LIFE'S PROBLEMS

The emphasis in the school programs is on reaching and helping youngsters who have problems—"life's problems," Dr. Feulner remarked—before they get involved with drugs. These could be problems about school, the family, or relations with peers.

Group "rap sessions" and individual counseling are the "guts" of the program, Mr. deLone said. But a variety of approaches, often devised by the students, are also employed, including student-produced newspapers, magazines, films and plays warning against drug use. In some schools, specially trained students, selected for their leadership ability, are working with their classmates.

There are also referral and follow-up services for youngsters already addicted. In the 93 high schools alone, 1,600 students have since September been referred to outside agencies for treatment.

In the past, Mr. deLone said, schools felt that they had a drug-prevention program if they occasionally showed a "horror" film depicting the effects of addiction or invited a few former addicts to an assembly program to tell of their experiences. These approaches, he said, produced "limited and possibly negative" results.

SPECIAL TEAMS USED

In addition to the drug-education specialist in every high school, 13 secondary schools have established, under the SPARK program, "intervention and prevention centers."

Each center, Arthur Jaffe, the SPARK program director noted, has special teams consisting of a social worker or psychologist, a guidance counselor, an attendance teacher, a teacher and four paraprofessionals—"some of whom are recent graduates or, themselves, ex-addicts."

In the program's first three months, according to Dr. Feulner, more than 2,500 students participated in group sessions and 1,150 received individual counseling.

Each of the city's 31 decentralized districts has a drug-education coordinator and has mounted special programs. Mr. deLone estimated that these local efforts were reaching about 103,000 pupils, of whom 5,000 were receiving intensive help.

"It would be almost cynical for the state to pull the rug out from under these programs now," he said.

Heroin Taking Preteen Toll

(By Joe Feurey)

Drug experts here are becoming alarmed at the rapid growth in the number of preteen heroin addicts.

An analysis of available statistics, interviews with doctors, school officials, social workers, drug experts, community leaders, ex-addicts and current addicts indicates there are thousands—perhaps tens of thousands—of preteen drug users in this city.

He (or she) is sniffing glue at the age of 5, getting stoned on pot by 8, popping pills by 10, snorting heroin and pushing drugs by 12 and shooting dope before 13.

In the early '60s, the age of the average drug user in treatment was about 25. By the mid-'60s it was 23. Four years ago it was 21. Today, according to Addiction Service Agency spokesman Ray Godhey, it's 17.

In August, 25 per cent of the drug users in treatment were under 15. Last month, the figure rose to 29 per cent—3470.

"These figures are pointing to the beginning of a real problem in the pre-teen area," says Richard deLone, Assistant Commissioner for Education and Training for ASA.

"Although there's no hard data—the census we took only listed the category under 15—all the evidence points to the fact that children are turning on to drugs at younger and younger ages."

DeLone pointed out that Manhattan had some 2500 under-15 users in treatment, Brooklyn 359, Queens and Richmond 358 and the Bronx 212.

"But that's not because, say, Manhattan has more addicts than, say, the Bronx," DeLone said. "It's just that there are more facilities for treatment and detection here. The more we look into the problem, the more we're finding."

Nathan Wright, coordinator of Community School Board 4's drug program in East Harlem, estimates that out of an elementary school population of 1300 in his district there may be between 200 and 300 drug users.

"There's an awful lot of pills floating around in the elementary schools and pot, too, of course. But there's heroin, too. The kids do a 'combination act' with it.

"That's when two or three children get together and pool their lunch money to buy a bag of heroin for a couple bucks. Then they all get together and sniff it. Cocaine is out of their reach. It's just too expensive."

SIGNIFICANT FACTORS

According to drug experts interviewed there are significant economic factors pushing the drugs into the pre-teen age groups.

"Kids who use drugs find the best way to support their habits is to push drugs. So drugs spread through peer groups like an epidemic. And small kids can't pull off big jobs to finance their drugs so they have to rely on pushing," says Richard Mangus who was formerly with the Children's Aid Society and is presently working in West Harlem's School District, 3's drug program.

According to David Margulis, who heads Alpha School in Brooklyn, a therapeutic community and outpatient treatment center for teenage addicts, one of the main reasons drugs are being pushed into the pre-teen group is:

"If you're small you've got to sell drugs to someone smaller than yourself. If you try to sell to someone bigger, or maybe even your own size you run the risk of getting robbed. The smaller your customer is, the safer you are."

Ray Martin, director of Bedford-Stuyvesant Youth in Action, says there are 9- and 10-year-old pushers in his community and explains that "sometimes it's just a family thing."

"Sometimes the kids' parent or parents are on drugs, so they use their kids to transport the stuff. Most cops wouldn't search a 9-year-old for a couple hundred dollars worth of drugs.

"And sometimes the kid is just pressed into service to sell in order to support the habit of his parents or maybe of an older brother or sister."

Martin said he did not have any accurate statistics but felt that the pre-teen drug use percentage may already be as high as 10 per cent in the elementary schools in his area.

Most of those interviewed said the most effective immediate measures to identify and treat, prevent and educate was in the schools.

But, according to Asst. Commissioner deLone, it looks as if all of the funding for the in-school programs will be cut off before the beginning of the next school year.

"There are just no more funds for the school program in the pipeline. Unless there's a special appropriation before school opens or unless we can get some funding through the U.S. Mental Hygiene Act, an effective school program for prevention and treatment will be impossible next year."

Pre-teen addicts are very difficult to treat. In fact, because the phenomenon is so new, there are virtually no treatment program available for the pre-teen addict.

All of those interviewed agreed that methadone for pre-teens wasn't feasible. But treatment of the pre-teen addict in therapeutic communities just hadn't shown any real successes.

Dr. Thomas Scott, who works for Odyssey House, which treats addicts of all ages, said Odyssey House started taking in pre-teen addicts three years ago. He explained some of the problems in treating the young drug users.

"The therapeutic community relies a lot on peer group pressure for treatment. But at the pre-teen level they require more of a parent surrogate rather than peer group pressure. Also it's almost impossible for a child that young to understand the type of insight therapy we use at Odyssey. They really can't understand what it's all about.

"Also," Scott explained, a child that age is really almost too rambunctious to stand up to the kind of discipline and structuring that is necessary for the treatment of older addicts.

PRESIDENT NIXON'S PEACE EFFORTS IN VIETNAM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WOLFF. Mr. Speaker, I recently heard about a broadcast editorial by WCBS-TV's Sue Cott. I would like to share what I consider the true wisdom of Sue Cott's remarks with my colleagues in the House. Her editorial follows:

The Extra Mile

(By Sue Cott)

Nixon. "But I can tell you that we have pursued every negotiating channel, that we have made a number of offers, in various channels, and that when the record, total record, is published, and it will be published in due time, at an appropriate time, our lady from Florida and the others will realize that we have gone the extra mile as far as POWs is concerned. I do not want to disclose any further details because negotiations are under way." (end videotape)

That was President Nixon responding to a question from a woman in Florida on the interview conducted by Dan Rather of CBS News, a few weeks ago. Last night the President told us about going that "extra mile;" he told us that he'd been negotiating secretly with the North Vietnamese in Paris since last May, but that even though he had actually offered to set a date for the withdrawal of all our troops in return for the release of our prisoners, he had met with a flat rejection.

Then, he told us about the latest secret peace proposal he made to the North Vietnamese—one that included ceasefire, the withdrawal of all troops within six months, and the return of all prisoners of war. It also included the resignation of South Vietnamese President Thieu a month before an independently supervised election is held, and the participation in that election of the Viet Cong. This offer, the President said, has been ignored. That is why he has disclosed the offer now, in the hope that the pressure of world public opinion may cause the North Vietnamese to change their minds.

While we were happy to hear that the President was pursuing this line of negotiation, and while we hope that it bears fruit, our expectations are not high. Announcing the secret peace proposal in the attempt to get North Vietnam to accept publicly what it refused to accept privately seems a little unrealistic to us.

The effect of this announcement may be more to disconcert and silence the President's political critics, than to get the other side to negotiate. And negotiating peace is the major issue here. While we agree that the proposals represent a major improvement in American policy in Vietnam, whether they will lead to peace is another matter.

The North Vietnamese may seek the end of American involvement, but do they really want to negotiate peace? Or do they feel, perhaps, that with the withdrawal of American troops, they can now win on the battlefield? And are they, indeed, planning a broad, new offensive over Tet, the Vietnamese New Year, next month?

The answers to these questions will determine whether President Nixon's proposals are the extra mile that will lead to peace in Vietnam. As for the American people, the extra mile that most of us would like to take is that last mile out of Vietnam.

RABBI ALBERT A. GOLDMAN

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. KEATING. Mr. Speaker, it is an honor to welcome here today Rabbi Albert A. Goldman, senior rabbi at Isaac M. Wise Temple in my home city, Cincinnati, Ohio.

Rabbi Goldman is one of the outstanding leaders in our community and commands the respect of the clergy and laymen for his work at the Wise Temple.

Rabbi Goldman, native of Chicago, Ill., graduated from the University of Chicago and in 1940 he was ordained at the Hebrew Union College in Cincinnati.

He is active in ecumenical affairs teaching classes at Xavier University, at the University of Cincinnati and the Hebrew Union College. He also has a radio show called the "Reader" on the University of Cincinnati radio station.

He also is active in civic affairs and has been an officer for the Cincinnati Council of Christians and Jews.

It is an honor to join with my colleagues in welcoming Rabbi Goldman to the House of Representatives and have him conduct the official prayer at the opening of this day's proceedings.

SENATE—*Wednesday, February 9, 1972*

The Senate met at 10 a.m., and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, this morning we lift our hearts in reverent thanksgiving for him whom we call the Father of our Country. We thank Thee that in war and in peace George Washington lifted high a standard to which men in every age may rally. We thank Thee for his noble manhood, his chivalrous manner, his self-sacrificing patriotism, his intrepid military prowess, his loyalty to his countrymen, his confidence in the justice of his cause, his love of home and family, his faith in eternal verities, and his trust in Thee. May the spirit which guided him guide us through the promising and perilous days of the future.

We pray in the Master's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 9, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 8, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Reports, will be stated.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The second assistant legislative clerk read the nomination of Harold C. Crotty, of Michigan, to be a member of the National Commission on Libraries and Information Science for the remainder of the term expiring July 19, 1972.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL LABOR RELATIONS BOARD

The second assistant legislative clerk read the nomination of John A. Penello, of Maryland, to be a member of the National Labor Relations Board for the term of 5 years, expiring August 27, 1976.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SLOPPING OVER

Mr. SCOTT. Mr. President, it was Artemus Ward who once said "the weakness of most public men is to slop over."

In war, George Washington never "slopt over."

That might be a good thing for us to remember.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair now recognizes the distinguished Senator from Mississippi (Mr. STENNIS) for not to exceed 15 minutes.

THE MILITARY BUDGET

Mr. STENNIS. Mr. President, I wish to thank the distinguished Senator from West Virginia (Mr. BYRD) for making this time available to me this morning.

Last Wednesday, Mr. President, I introduced, for myself and the distinguished Senator from Maine, Senator SMITH, the administration's military authorization bill. It has been numbered S. 3108. The bill requests about $22 billion for military procurement and for research and development programs. I ask unanimous consent that a table, outlining these requests, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, in addition, the bill would authorize the strength levels for the armed services, Active and Reserve. In sum, it provides the legislative underpinning for the $83.4 billion defense budget which President Nixon has submitted to us.

The Armed Services Committee, and its subcommittees, are beginning their annual consideration of this procurement bill. It goes without saying that each item will be, as we lawyers say, "put to proof." We will fully and carefully examine whether each program is needed—and whether it is needed now.

Of course, such an examination is what the Senate expects of our committee, and I would not rise to discuss the matter now if it were not for a number of disquieting circumstances which give our review a special urgency this year. We must weigh these programs this time as we have never weighed them before.

One of the unsettling aspects of this year's defense budget is the general economic framework of which it is a part. The $83.4 billion budget authority is up $6.3 billion over the current fiscal year. Yet, this year's overall budget deficit is already estimated to be $38.8 billion.

At this juncture the new budget contemplates a further deficit of $25.5 billion. However, the Director of the Office of Management and Budget, Mr. George P. Shultz, has testified that the real deficit for Federal programs—trust funds excluded—is estimated by the administration to be $36.2 billion. Moreover, that estimate is probably low. For practical reasons, I do not think we can consider the budget, as outlined, as being anything less than a $36.2 billion deficit even though we hope for a better showing as the fiscal year 1973 goes on. Over the years such forecasts have been invariably on the low side.

Mr. President, the overall budget for fiscal year 1973 is larger than the Federal Government can pay for. About $37 billion will have to be borrowed for the fiscal year 1972 budget. Next year, in fiscal year 1973, the American people are faced with a substantial tax increase to meet the Federal deficit. In addition, we now hear talk of enacting a value-added tax—that is, the long discredited national sales tax—to help State and local governments meet their own growing obligations, especially for schools. I say that has not been recommended yet, but we hear strong talk about it.

So the $83.4 billion defense budget contributes to what is already an awesome display of red ink. And, may I say that I take no satisfaction from the fact that the actual outlays in the new budget year are to be only $76.5 billion of the $83.4 billion total, because the other amount will have to come later.

As far as the taxpayer is concerned, the rest of the total is just a big IOU to be paid in future years with revenues not now available and not now foreseen.

This budget picture is certainly cause for concern as our committee begins its consideration of the authorization bill.

I emphasize these points not only because they are important but also because we hear so little emphasis these days on this part of our governmental picture.

I would be less than frank, however, if I did not say that there are two specifics—two concerns about Pentagon operations—which add to the general apprehensions as we begin this year's defense budget review.

In the first place, Senators are aware, I know, of our committee's continuing interest in procurement of major weapon systems. Even at last year's prices, weapon systems now in development or procurement are expected to cost more than $100 billion when eventually delivered.

At these stratospheric price levels, there has been a tendency in the Pentagon to cut back on costly weapon orders—to reduce the number of planes to be bought, for example—when costs under a given contract begin to escalate. Our committee has suggested that this sort of backing and filling could leave us with forces inadequate to perform their assigned missions.

I might add that, under some contracts already let, there does not seem to be much left to do except to back up on those numbers. I am not criticizing necessarily for what they have done in backing up on the numbers. What we want to get at is to avoid conditions and circumstances where that will have to be done in the future.

We have been trying to address this problem. In hearings just before the holidays, our committee tried to highlight the need for simplicity—simplicity in weapon design and in procurement procedures. We focused on a wider use of prototypes in the acquisition of major weapons, and we heard testimony on the dangers of concurrency, the practice under which weapons are purchased while they are still being developed. And those two items are the basis for a great deal of the disappointment with reference to weapons, their functions, and their extra cost, so that we have to take fewer weapons finally for the same or even more money.

Frankly, Mr. President, I do not know whether we have really gotten through to the Pentagon on all of this. The verdict is still out, but our committee will be learning it soon as we begin to review the programs included in the new procurement bill and see whether procedures are being revised.

If we are again asked to buy overly complex weapons, if we are asked to fund purchases which involve gross concurrency, we may have to step in forthrightly and delay some programs until we can get the R. & D. bugs worked out.

Second, it is important for each Senator to understand that rising weapons costs are only one of the factors which have concerned the Armed Services Committee. Equally disturbing, but less publicized, is the rising cost—the rocketing cost—of military manpower.

Manpower costs, defined rather narrowly as pay, allowances, and closely related items, were 43.5 percent of the defense budget in the 1964 fiscal year. They amount to 56.8 percent of the budget now before us—that means that military budget—and, if housing, recruiting, and similar items are added, the figure approaches 67 percent—two of every three defense dollars.

We are told that it is generally estimated that the Russians spend about 25 percent of the military budget on manpower—one defense dollar in every four.

Retirement costs are an important part of the manpower picture. The ranks of the retired military are increasing at a rate of more than 50,000 a year and costs since 1964 have more than tripled—from $1.2 to $4.6 billion for the new budget year. Costs for the year 2000 A.D. are estimated at $16.4 billion for this item alone and, as things stand, the sky is the limit.

Mr. President, better management of the entire problem is essential and firm steps must be taken to bring this problem under some sort of reasonable control. We cannot continue indefinitely retiring men in their middle and late forties at the prime of their experience and hope to have any retirement system within reasonable cost bounds.

To make myself clear, I look upon retirement pay as part of what the man has earned under our system. In a technical sense this is what has become "vested." I am not trying to wreck anything that has already been earned. But I am pointing out now the seriousness of this matter, the proportion to which it has grown, and the fact that it is now reaching a level where it is not manageable and where something will have to be done.

We in Congress are, in large part, responsible for some of these increasing manpower costs. Each year since 1963 there has been an increase in active duty military pay, and the costs of pay and related items have increased by 131 percent since 1964.

I have heard rumors, which I hope are wrong, that they will come in and ask for more pay this year—that the administration will recommend a further increase in military pay on top of what was done last year. However, that is in the rumor stage only. I certainly hope that it is an erroneous rumor.

In any case, it seems to me that we in Congress must insist that the armed services get the full measure of value out of this better paid manpower. To put it another way, better management of military manpower is essential, given the escalating manpower costs.

We already have a special Armed Services Subcommittee to exercise a broad oversight of the draft law's operations and also the cost of manpower incident to preparing for the volunteer army and recruiting such a force in all of the services.

So it is incumbent on our committee to ask hard questions. Why, for example, do we put only 13 Army divisions in the field with an active Army strength which will total 841,000 by July 1973? This question of excessive support forces has been raised before, but it becomes critical in present circumstances.

At present costs, can the armed services afford to assign more than a million men and women to general support duties?

We are anxious for the services to make whatever practical showing they can. However, we are going to demand the detailed support for this showing and try to make a judgment and a measurement of the essential need.

Beyond these major continuing concerns, I expect the consideration of S. 3108 will raise other questions, both new and old. The budget puts a new emphasis, for example, on new weapons for the Navy. and new weapons are needed.

Our committee will have to weigh the usefulness of another nuclear-powered aircraft carrier. We will have to give careful consideration to the urgent, billion-dollar request for speeding the procurement of a new generation of missile-firing submarines.

Many of these decisions could be influenced by future events—especially the future results of international conferences. The SALT deliberations could have a bearing on new missile-firing submarines. Force levels could be influenced when and if discussions are held on mutually balanced force reductions in Europe.

Finally, results at the Paris peace talks could have a bearing on committee discussions and decisions with respect to the Vietnam war. The war and its aftermath have always figured prominently in the day-to-day consideration of this bill, and I expect that will be the case this time around.

Mr. President, I want to make it clear that I am not weakening my position one bit. I fully support the weaponry and the manpower that are essential, but I am not interested in supporting weaponry and manpower that are not reasonably essential to our security.

As I said at the outset, Mr. President, the committe's consideration of the procurement bill is already underway. Secretary Laird and Admiral Moorer have been invited to testify next week.

Our Tactical Air Power Subcommittee and the Subcommittee on Research and Development are each planning an ambitious schedule of hearings, and examination of R. & D. projects has already started. Yesterday, even in advance of the Secretary's testimony, we began our close look at manpower problems with testimony from Assistant Secretary Roger T. Kelley and Pentagon personnel experts, and the examination of these men will go on through today.

As I have said, we expect to subject each program to the closest sort of scrutiny. I think the times demand it, and I know the Senate expects it of us.

That is what we want to assure the membership, the press, and the country at large that we are going to try to do. Whatever bill is presented here in time, and as early as possible, the committee will have given it the scrutiny that I have mentioned.

EXHIBIT 1

DEFENSE AUTHORIZATION PROGRAM

[In millions of dollars]

	Total program		Difference (fiscal year 1973-72)
	Fiscal year 1972	Fiscal year 1973	
Army:			
Aircraft	106.6	134.5	+27.9
Missiles	1,033.3	1,153.4	+120.1
Tracked vehicles	103.3	189.1	+85.8
Other weapons	42.2	70.4	+28.2
R.D.T. & E.	1,867.6	2,051.1	+183.5
Subtotal	3,153.0	3,598.5	+445.5
Navy and Marine Corps:			
Aircraft	3,265.4	3,101.6	−163.8
Missiles, Navy	699.6	769.6	+70.0
Missiles, Marine Corps	1.1	22.1	+21.0
Shipbuilding and conversion	3,010.2	3,564.3	+554.1
Tracked vehicles, Marine Corps	66.6	62.2	−4.4
Torpedoes	188.8	194.2	+5.4
Other weapons, Navy	1.3	25.7	+24.4
Other weapons, Marine Corps	1.0	.9	−.1
R.D.T. & E.	2,436.1	2,713.9	+227.8
Subtotal	9,670.1	10,454.5	+784.4
Air Force:			
Aircraft	3,196.5	2,612.7	−583.8
Missiles	1,683.7	1,772.3	+88.6
R.D.T. & E.	2,951.9	3,178.6	+226.7
Subtotal	7,832.1	7,563.6	−268.5
Defense agencies (R. & D.)	456.3	507.2	+50.9
Emergency fund (R. & D.)	50.0	50.0	
Total	21,161.5	22,173.8	+1,012.3

Note: Includes $3,000,000 for special foreign currency program in Navy R.D.T. & E. Excludes fiscal year 1973 budget amendment of $54 million for R.D.T. & E. civilian pay raise. Includes pending supplemental request in 1972 column.

Mr. MANSFIELD. Mr. President, I want to take this opportunity to commend the distinguished Senator from Mississippi for the speech which he has just made and for the outstanding direction that he has given to his committee and to the Senate in the years he has served as the chairman of the Committee on Armed Services.

I think it is an all too little known fact that over the past 3 years during which the distinguished Senator from Mississippi has been the chairman of the Committee on Armed Services he has been responsible, if my memory serves me correctly, for an least a $5 billion reduction in the requests of the Department of Defense, and very likely a little more.

May I say also that I was very much impressed with the questioning of the new Under Secretary of Defense, Mr. Rush, during the course of hearings on his nomination, because at that time questions and comments were put forward and made by the distinguished Senator from Arizona (Mr. GOLDWATER) and others, as well, relative to waste in the Pentagon.

I noted that the distinguished chairman of the committee indicated some concern about the troop strength which we maintain in Western Europe under the NATO agreement at the present time. That strength, I might say, approximates 535,000 military personnel and dependents.

I think the record should be clear that when we talk of cuts in the defense budget, and I certainly am in favor of them, the committee, under the chairmanship of the distinguished Senator from Mississippi has done its job thoroughly and has accomplished substantial savings over the past 3 years.

Furthermore, the Senator must be commended for creating subcommittees that could look into particular areas within the Department of Defense, such as research and development, and the like. I think they have proven their worth up to this time.

I was pleased with the Senator's emphasis on the simplicity of weapons, because I think we have spent a great deal of money on exotic systems, missiles, and the like, and I think that a good deal of that money—my estimate is between $20 and $30 billion—has gone down the drain because the exoticism has not panned out.

May I express to the distinguished chairman of the Committee on Armed Services that a "look-see" might be in order concerning the number of overseas bases which we have, which I understand despite a reduction of 400 or 500 by the present administration still number in excess of 2,000. They are located in every continent in the world. Their cost is tremendous and it is my belief that the military has a penchant for once getting something and never wanting to let go. But the world has changed; we have to change with it. We have to recognize this, and this is something I think the distinguished chairman of the committee indicated indirectly or at least implicitly.

We have only so many people, wtih a population of perhaps 209 million at the present time; we have only so much in the way of resources; we have a debt somewhere between $450 and $500 billion, or will have when the debt ceiling is raised, as it will be, because it must be; and we also face a deficit variously estimated as from $30 to $50 billion in the coming fiscal year. So we have to tighten our britches. We have to face up to the reality as to what we can and cannot do. We have to get away from the idea that we are the world's policeman. I think that in doing so, along the lines of the recommendations of the distinguished chairman over the years, while we may have a smaller force, I believe it will be leaner, more effective, more efficient, and very likely we will get more in return for the value expended in the matter of defense expenditures.

I want the distinguished chairman of the committee to know I not only appreciate his leadership in this area of chief concern, but also insofar as legislation, which is in process of being considered, seeking to face up to the real world picture as it exists.

I think the Senator from Mississippi has shown magnificent leadership. I think he is entitled to a great deal of credit and I want especially to emphasize the fact that under his chairmanship this highly complex matter of defense has been gone into more thoroughly and that tremendous savings have been made considering the original budget requests during the period in which he has been chairman of the Committee on Armed Services. I commend him very highly.

Mr. STENNIS. I thank the Senator very much. I appreciate the remarks of the distinguished majority leader, the Senator from Montana.

What little I have done has been with a great deal of help that came from other members of the committee and Members on the floor of the Senate—with their counsel and guidance, including that of the Senator from Montana and others. I thank the Senator.

Mr. MANSFIELD. I wish to add one further comment. I notice in the course of the Senator's speech he refers to the manpower picture and the retirement situation.

Mr. STENNIS. Yes.

Mr. MANSFIELD. Is it a fact that in the military, with certain exceptions, retirement can be achieved after 20 years of service?

Mr. STENNIS. Yes, that is the general rule.

Mr. MANSFIELD. Is it not a fact that after these retirements come into existence those retirees have access to service hospitals, PX's, and that there are a good many other fringe benefits attached?

Mr. STENNIS. Yes. That is correct. It is on a space available basis, but in actuality it takes care of a great number of them.

Mr. MANSFIELD. In some respects does that not apply to space available on transportation, planes going to different parts of the world?

Mr. STENNIS. Frankly, I do not believe that is very extensive.

Mr. MANSFIELD. At least it is so for higher ranking officers.

Mr. STENNIS. Yes, but I think it is rather limited. I believe the priority of retired travelers is so low that space is infrequently available to them.

Mr. MANSFIELD. So it is not just the monetary benefits after 20 years of service, because other benefits become available with retirement after 20 years. There are a great many other fringe benefits that could be taken into consideration in the retirement picture as a whole. Is that correct?

Mr. STENNIS. The Senator is correct.

Mr. MANSFIELD. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Alabama, Mr. JOHNSON of California, Mr. DORN, Mr. HARSHA, and Mr.

GROVER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 9756) to amend the Merchant Marine Act, 1936, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9756) to amend the Merchant Marine Act, 1936, as amended, was read twice by its title and referred to the Committee on Commerce.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order there will be a period for the transaction of routine morning business not to exceed 30 minutes, with speeches by Senators limited to 3 minutes.

The Senator from Colorado is recognized.

(The remarks Mr. DOMINICK made when he introduced S. 3150 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

VIETNAM PEACE PLAN DEBATE

Mr. GOLDWATER. Mr. President, in the past several days I have watched, heard, and read an enormous outpouring of opinions and suggestions in what is rapidly becoming known as the "Vietnam Peace Plan Debate." And I am wondering whether, in the heat of honest differences of opinion, we might not be losing sight of the main objective in this whole discussion.

Perhaps it is appropriate that one who has been smeared from head to foot as a super hawk and a warmongerer should be the one to remind the Senate that the deep-down, yearning desire of the American people where Vietnam is concerned is for an end to the fighting, an end to the killing, an end to the waste, and an end to the heartache, and the return of all Americans held prisoner of war.

And this is my objective, too. I want to see this thing over and done with and I want to see it over and done with as quickly as possible.

Now this brings me to an important consideration which I believe many of the participants in this debate have overlooked, and that is that there is only one man in the United States of America who is empowered to make the kind of commitments necessary to fulfill our part of any kind of settlement which would halt the fighting. The name of that man is President Richard M. Nixon. Mr. Nixon's administration is the only agency available for arranging the proper conditions. The U.S. Senate certainly cannot do the job, for all the opinions that we Members express in such authoritative tones. And it cannot be done by the Democratic National Committee, the Muskie for President Committee, or the McGovern for President Committee. Nor can it be done by Brookings Institution or the Rand Corp. or the United Nations. The only chance this country has of seeing a quick peace is through the efficient, fair, and reasonable offices of the President.

This cardinal fact, Mr. President, seems to be lost on some of my Democrat colleagues in the Senate because they nitpick and criticize and run down every reasonable offer Mr. Nixon has ever made to end this war—even though some of the points in his latest program are almost word for word what these complainers were asking for 6 months ago. I don't have to remind you people it was not long ago that the American people were convinced that if a date certain were set for the withdrawal of American troops, our prisoners of war would be returned and conditions made favorable for a fair election which would represent all political elements in South Vietnam.

The American people believed this was one formula that would work because our Democrat friends kept running back from Paris insisting that such was the case. But of course, we discovered sometime later that the Nixon administration had made that exact proposal to the Communists in secret negotiations and been turned down flat. We also learned that no offer short of abject surrender would satisfy the North Vietnamese and the Vietcong so long as opinions remained divided in this country.

Mr. President, I would not like to take the responsibility—after hearing Mr. Nixon's surprisingly realistic eight-point peace proposal for creating that division of opinion in this country. Why a man would welcome the President's initiative when it was first announced and try to shoot it down a week later is a little hard to understand. Only my esteemed colleague, Senator MUSKIE, can answer that question and up until now the explanations I have heard are worse than no explanation at all.

It becomes increasingly clear, Mr. President, that no peace proposal—no matter what it says or offers to do—will receive the bipartisan support from the Democrats so long as it bears the imprint of Richard M. Nixon. More and more it becomes apparent that the opposition is not so much to the plan but to the man who offered it.

So I believe it is time to ask my democratic colleagues whether they want to put off all possibility of ending this war, of stopping this bloodshed and of returning our prisoners to their home until January 1973, at which time Richard M. Nixon may be replaced in the White House.

Mr. President, I am not being facetious in asking this question. It is a serious matter of great concern to millions of Americans and to the world at large. If it is going to be unacceptable for the duly elected President of these United States ever to come up with a peace plan that will satisfy the principal Democrat complainers we ought to know about it right now. What is more, if it is going to be impossible for the President to devise a peace offering acceptable to the Democrats which is short of abject surrender of our own national interests and of our allies in Southeast Vietnam, we should know that also.

What strikes me as especially ironic in this situation is that before the inauguration of Richard Nixon there could not be anything called a "peace plan debate." The reason was simple. The whole idea was so far removed from the policies of the Johnson and Kennedy administration that it could not happen. It was not until Mr. Nixon came to office, and developed his program of withdrawal based on Vietnamization that the idea of plans for settlement ever became viable. What I am talking about, Mr. President, might be termed "Democrat Intransigence in American Foreign Policy At a Time When Bipartisanship Is an Almost Desperate Need."

Ironic too, is the fact that when Democrat Presidents have asked for support transcending political lines, it has always been in a situation that would take us to war. Is it not strange that a Republican President can get nothing but carping, nitpicking, and criticism from Democrat leaders when he makes a solid offer involving peace?

Many people here probably never heard of or have forgotten a political situation that was involved in 1944 when the incumbent Democratic President Franklin D. Roosevelt was being opposed to reelection by former New York Governor Thomas E. Dewey. In the middle of that campaign Candidate Dewey received a secret visit from military intelligence officers, acting on the orders of Army Chief of Staff George C. Marshall the officers asked him to voluntarily soft-pedal certain aspects of World War II which the military and the White House felt were too sensitive for debate. Reluctantly but with commendable patriotism and statesmanship, Governor Dewey acceeded to the unusual request and thereby sacrificed some arguments he felt might have a telling effect in the Presidential election of that year.

And 20 years later, in 1964, when I had the honor to be the Republican nominee for President, I received a request for an extraordinary display of bipartisanship. As I recall it, I was on the west coast when I received an urgent call from the White House in Washington. The call was from President Lyndon B. Johnson, the man I had been chosen to oppose in the fall election, and he was calling to urge me to join with him in supporting firm action by his administration in a crisis in the Gulf of Tonkin. Of course, I was told that the situation was grave, that America's strategic interests were deeply involved, and that it was important for the United States to present a unified attitude to the rest of the world. Without a moment's hesitation, I told the President he could count on me to support whatever actions his information indicated were needed. It was a situation where the assumption had to be made that those in power in Washington had the fullest amount of information it was possible to obtain, and I did not feel I had a right to challenge a conclusion reached at the Presidential level on the basis of intelligence and information not available to me.

What I am saying, Mr. President, is that Republican candidates have never failed to close ranks and support their

Government when a question of vital importance to the American people was involved. I had no reason to believe that Mr. Johnson's account of the gravity existing in the Gulf of Tonkin was not legitimate. Therefore, I agreed to cooperate in what it turns out was a long prepared script for escalating the war in Vietnam. Today, I think it ill behooves candidates, who supported each and every move President Johnson made to enlarge the war and increase our casualties, to today fail to support a Republican President in an honorable, reasonable, worthwhile effort to end the killing and return the prisoners.

One of the interesting aspects of this whole situation seems to be that the bitterest opposition to President Nixon's peace proposal, outside of Hanoi itself, comes from the United States. In France according to U.S. News & World Report, even the bitterest critics of President Nixon applauded his peace initiative. The daily French newspaper Lemmoden, a chronic critic of Nixon policies, said Mr. Nixon was trying to get out of war "with a perseverance which deserves at least a small echo from the opposing side." From London, the same magazine reported that the British Government views the Nixon peace plan as "constructive and positive." The Japanese were described in Tokyo as being "encouraged and impressed."

Mr. President, I hate to say this, but I am beginning to suspect that it will be easier for Richard M. Nixon to come to terms with Hanoi and the Vietcong than with some of my Democrat counterparts in the Senate. I do not care what you want to call it, whether it be "aiding and abetting the enemy" or "undercutting American peace initiatives" or just plain unreasonable, carping criticism, the reception with which Mr. Nixon's honorable offer to end the war was received by some important persons in this country could only bring cheers in the streets of Hanoi and joy to the hearts of the Vietcong.

And, while I am at it, I would like to say that I put absolutely no credence in the argument that what leading candidates for the presidency and leading committee chairmen in Congress have to say has no effect on Hanoi. I am convinced, and with good reason, that the Communists in Southeast Asia are tuned in on every utterance of criticism that is made directed at President Nixon.

We already know that Hanoi's negotiators in Paris communicate with and encourage some leftwing "peace" groups in this country to demonstrate and object to official U.S. policy. We also know that many critics of the President have not only been to Vietnam but have conferred with its leaders in Paris and other parts of the world.

By now, any man who steps up and tries to torpedo a reasonable offer of peace from a man whose whole policy since taking office has been to wind down the war and extricate its country from a mess he did not create, certainly should know that he is providing life blood for Hanoi's anti-American propaganda machine. I have my opinion. I think every other American should decide for himself whether this is the time to engage in political opportunism which would prolong the war and delay return of the POW's until January 1973 at the very earliest.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized.

(The remarks Mr. Dole made when he introduced Senate Joint Resolution 201 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ESTABLISHMENT OF BUFFALO NATIONAL RIVER, ARK.

The ACTING PRESIDENT pro tempore. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 7.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, which was to strike out all after the enacting clause, and insert:

That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

Sec. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided*, That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to the enactment of this Act: *Provided further*, That such remibursement shall not exceed a total of $375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as "owner") of any improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or any owner of lands used solely for agricultural purposes (including, but not limited to, grazing) may retain, as a condition of the acquisition of such property or lands, a right of use and occupancy of such property for such residential or agricultural purposes. The term of the right retained shall expire upon the death of the owner or the death of his spouse, whichever occurs later, or in lieu thereof, after a definite term which shall not exceed twenty-five years after the date of acquisition. The owner shall elect, at the time of conveyance, the term of the right reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Sec. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

Sec. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this Act or would affect the national river and the values to be protected by it under this Act.

SEC. 5 The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the national river and shall report to the President, in accordance with subsection 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the national river for preservation as a wilderness, and any designation of any such area as a wilderness, shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 7. For the acquisition of lands and interests in lands, there are authorized to be appropriated not more than $16,115,000. For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended.

Mr. BIBLE. Mr. President, the House has made several amendments to the bill which the Senate passed last May. However, none of them are inconsistent with the action taken by the Senate on this and other legislation to authorize units of the national park system. The most significant action of the House was an amendment limiting acquisition cost to $16,115,000. This figure represents the most current estimate available to the National Park Service.

In addition, the development costs for the next 5 years are spelled out in each fiscal year.

The Committee on Interior and Insular Affairs interposes no objection to the House amendments, and I have been advised that both Senators from the State of Arkansas have endorsed the bill as amended by the House of Representatives.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House, and that the bill be sent to the President for signature.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

TRIBUTE TO THE LATE SENATOR CARL HAYDEN OF ARIZONA

Mr. BIBLE. Mr. President, a longtime administrative assistant to the late Senator Carl Hayden was Roy Elson, presently the vice president of the National Association of Broadcasters, who has paid a wonderful tribute to Senator Hayden. It is short, and I should like to read it. He writes as follows:

> Now an age has ended. The great heart of Carl Hayden at last is still—after more than three billion beats, or one for everyone on earth. He was a strange man from a world now gone, believing in actions above words, principle above politics. He was as old-fashioned as the frontier from which he came; and as modern as the national highway system he fathered. He was one of the first activists, and one of the last practical men in government. He was, in every fiber, a servant of the people—never believing it ought to be the other way around.
>
> As he was for so many others, he was my teacher, my example and my friend. If there is anything Beyond this life, we may be sure that Carl Hayden is sitting under the trees with old friends—with Presidents and cowboys—swapping stories about the Arizona he loved and worked for, and the West he came from so very long ago.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM EQUIPMENT AND FACILITIES

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law, on Federal Contributions Program Equipment and Facilities, for the quarter ended December 31, 1971; to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement From Small and Other Business Firms, for the period July–October 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED PAR VALUE MODIFICATION ACT

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for a modification in the par value of the dollar and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED ENDANGERED SPECIES CONSERVATION ACT OF 1972

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED FEDERAL ANIMAL DAMAGE CONTROL ACT OF 1972

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORT ON FAIR PACKAGING AND LABELING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report on the Fair Packaging and Labeling Act, for fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

REPORT UNDER AIRPORT AND AIRWAY DEVELOPMENT ACT

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on administration of the Airport and Airway Development Act of 1970 (with an accompanying report); to the Committee on Commerce.

PROPOSED DISTRICT OF COLUMBIA IMPLIED CONSENT ACT

A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent, under certain circumstances, to give a specimen of his blood, breath, or urine for chemical testing to determine its alcoholic content, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED PURE AIR TAX ACT OF 1972

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to promote the abatement of atmospheric sulphur pollution by the imposition of a tax on the emission of sulphur into the atmosphere, and for other purposes (with accompanying papers); to the Committee on Finance.

PROPOSED ESTABLISHMENT OF JOHN D. ROCKEFELLER, JR. MEMORIAL PARKWAY

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESOLUTION OF 1971 CONVENTION OF THE AMERICAN LEGION

A letter from the Director, National Legislative Commission, The American Legion, Washington, D.C., transmitting, for the information of the Senate, a resolution adopted by the 1971 National Convention of The American Legion (with an accompanying paper); to the Committee on the Judiciary.

PROPOSED APPOINTMENT OF LEGAL ASSISTANTS IN THE U.S. COURTS OF APPEALS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the appointment of legal assistants in the Courts of Appeals of the United States (with an accompanying paper); to the Committee on the Judiciary.

PROPOSED VOCATIONAL REHABILITATION AMENDMENTS OF 1972

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on 5-Year Plan for Family Planning Services and Population Research Programs

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the 5-year plan for family planning services and population research programs, submitted on October 12, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on Delay of Report on Department of Transportation's 1972 Highway Needs Study

A letter from the Secretary of Transportation, reporting, for the information of the Senate, that the submission of the Department of Transportation's 1972 Highway Needs Study will be delayed; to the Committee on Public Works.

Proposed Federal Water Pollution Control Act Amendments of 1972

A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

Errata Sheet for the Semiannual Report by the Committee on Motor Vehicle Emissions

A letter from the Executive Director, National Academy of Sciences, National Academy of Engineering, National Research Council, transmitting, pursuant to law, the Errata sheet for the Semiannual Report by the Committee on Motor Vehicle Emissions of the National Academy of Sciences, dated January 1, 1972 (which an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution of the Senate of the State of Washington; to the Committee on Agriculture and Forestry:

"SENATE RESOLUTION 22

"Whereas, Sediment eroding from the croplands of Eastern Washington, North Central Oregon, and parts of Idaho is one of the largest single sources of water pollution in the tri-state area; and

"Whereas, This sediment is discharging into the storage areas of 15 multi-purpose dams on the Columbia and Snake rivers, destroying water based recreational sites at each side-stream estuary, damaging fisheries, and shortening the longevity of the useful life of the various dams; and

"Whereas, The eroding croplands themselves, are being damaged to the extent of losing productive potential for food and fiber production at an alarming rate; and

"Whereas, Land treatment measures can be installed that can adequately reduce erosion and sedimentation damage at a comparatively low cost in relation to the value of the resources they would protect; and

"Whereas, The cost of needed conservation measures to the owners and operators of these croplands would seriously disrupt the economic stability of their enterprises, even while making use of existing programs; and

"Whereas, House Bill No. 12694 provides authority to the Secretary of Agriculture to enter into agreements with landowners and operators of sediment producing lands and share the cost of permanent conservation practices and needed land use changes;

"Now, therefore, be it resolved, By the Senate of the state of Washington, that the Soil Conservation and Domestic Allotment Act, as amended, be amended to provide for a Columbia-Snake-Palouse Conservation Program by passage of House Bill No. 12694; and

"Be it further resolved, That copies of this resolution be directed immediately to President Richard M. Nixon, to the President of the Senate, the Speaker of the House of Representatives, and to the members of the Congressional delegation from Washington State."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Banking, Housing and Urban Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 502

"A concurrent resolution memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the State of South Dakota, has been officially proclaimed as "The Shrine of Democracy" and is recognized as a national monument; and

"Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and

"Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and

"Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and

"Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and

"Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and

"Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country of various series and denominations of our currency; and

"Whereas, the use of a representation of the Mount Rushmore National Memorial, "The Shrine of Democracy", on a two dollar bill or some other denomination of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans; and

"Whereas, in 1976, the United States will be celebrating the bicentennial anniversary of its founding; and

"Whereas, the Mount Rushmore National Monument will play a significant role in the nation's observance of its 200th anniversary:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-seventh Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, 'The Shrine of Democracy,' thereon; and

"Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the State of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the congressional delegation of the State of South Dakota, the Secretary of the Treasury Department of the United States and the Governor of the State of South Dakota.

"Adopted by the House January 12, 1972.

"Concurred in by the Senate January 28, 1972."

A resolution of the Commonwealth of Puerto Rico; to the Committee on Commerce:

"RESOLUTION 382

"Resolution to request from Congress and from the Administration of the United States to take the necessary action so as to assure the expansion and revitalization of the merchant marine of the United States.

"Whereas: The economic progress and safety of Puerto Rico is in need at all times of fast and adequate means of maritime transportation.

"Whereas: In the case of an emergency the island would mainly depend on ships sailing under the flag of the United States, operated by a crew of loyal citizens.

"Whereas: At present the United States Merchant Marine only handles a small fraction of the foreign commerce of the nation and it might be insufficient to assume the tremendous responsibilities which it would have to attend in the case of an emergency.

"Whereas. The United States Merchant Marine is an important factor in the economy of Puerto Rico as a source of employment and as a provider of essential services to our industries. The fleet of passenger ships which has practically disappeared provided a great number of employments to Puerto Ricans.

"Therefore: Be it resolved by the Senate of Puerto Rico:

"Section 1. To request from Congress and from the Administration of the United States to take the necessary action to assure the expansion and revitalization of the Merchant Marine of the United States, for the purpose that it be at all times in the position of providing maritime transportation so vital to the safety and progress of Puerto Rico.

"Section 2. That as a part of these efforts there be included the reactivation of the fleet of passenger and tourist ships in our waters, because of their great importance as a source of employment and economic activity for the island.

"Section 3. In accordance with the abovementioned and in solidarity with the Puerto

Rican labor movement, we request from the Congress of the United States that no legislation be approved which would permit the sale of passenger ships sailing under the American flag, which ships are at present inactive, so that same be put into operation thereby becoming additional sources of employment.

"Section 4. This resolution shall take effect as soon as it is approved."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Foreign Relations:

"HOUSE JOINT RESOLUTION No. 1013

"Whereas, In the Soviet Union men and women are denied freedom recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

"Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"Whereas, The persecution of Jews recalls horrors that stymie the imagination and besmirch the dignity of all mankind; and

"Whereas, This nation shall not again remain silent until the time is too late; and

"Whereas, The President's forthcoming visit to the capital of the Soviet Union should not be interpreted as tacit approval of the Soviet Union's policy toward Jews, but rather it should be used as a means of affirmatively expressing this country's deep concern for the freedom and dignity of these persecuted Jews; and

Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

"That the General Assembly hereby requests the President of the United States to call upon the Soviet government to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution, to end discrimination against religious minorities, and to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

"Be It Further Resolved, That copies of this Resolution be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and to each member of Congress from the State of Colorado."

A resolution adopted by the town council of Steilacoom, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A resolution adopted by the city council of Spokane, Wash., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the town council of Bingen, Wash., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the city council of Longview, Wash., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the city commissioners of Raymond, Wash., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the council of the Morning Hour Chapel Church, East Berlin, Pa., praying for an end of American involvement in Indochina; to the Committee on Foreign Relations.

A resolution adopted by the American Legion at its national convention, commending the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

Resolutions adopted by the Board of Harbor Commissioners of the city of Los Angeles, Calif., praying for the enactment of legislation concerning the Pacific coast dock strike; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment, together with additional and individual views:

S. 2956. A bill to make rules governing the use of Armed Forces of the United States in the absence of a declaration of war by the Congress (Rept. No. 92–606).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Willis C. Armstrong, of New Jersey, to be an Assistant Secretary of State;

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary to New Zealand and to Western Samoa, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to Fiji;

John I. Getz, of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Malta;

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Czeschoslovak Socialist Republic;

Matthew J. Looram, Jr., of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Somali Democratic Republic;

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Dahomey;

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary to Trinidad and Tobago; and

Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary to Belgium.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 9, 1972, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona;

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities;

S. 2672. An act to permanently exempt potatoes for processing from marketing orders; and

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOMINICK (for himself and Mr. ALLOTT):

S. 3150. A bill to provide Federal financial assistance to limit radiation exposure resulting from the use of uranium mill tailings in the area of Grand Junction, Colo. Referred to the Joint Committee on Atomic Energy.

By Mr. BUCKLEY:

S. 3151. A bill relating to the commission of certain offenses in the District of Columbia while armed with a firearm. Referred to the Committee on the District of Columbia.

By Mr. CHILES:

S. 3152. A bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States. Referred to the Committee on Finance.

By Mr. EASTLAND (for himself and Mr. STENNIS):

S. 3153. A bill to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; and

S. 3154. A bill to provide for the addition of certain lands to the Natchez Trace Parkway in Mississippi, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 3155. A bill for the relief of Marc Stanley L. Koch. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself and Mr. PERCY):

S. 3156. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government. Referred to the Committee on Government Operations.

By Mr. MANSFIELD (for Mr. JACKSON) (for himself and Mr. ALLOTT):

S. 3157. A bill to promote maximum Indian participation in the government of the Indian people by providing for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and by encouraging the development of the human resources of the Indian people, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS (for himself, Mr. RANDOLPH, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, and Mr. STAFFORD):

S. 3158. A bill to establish in the Department of Health, Education, and Welfare and

Office for the Handicapped to coordinate programs for the handicapped, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HANSEN:

S. 3159. A bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. PROXMIRE, and Mr. BENNETT):

S. 3160. A bill to provide for a modification in the par value of the dollar, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCOTT:

S.J. Res. 199. A joint resolution to recognize Thomas Jefferson University, Philadelphia, Pa., as the first university in the United States to bear the full name of the third President of the United States. Referred to the Committee on Labor and Public Welfare.

By Mrs. SMITH (for herself, Mr. ANDERSON, Mr. BENNETT, Mr. COOK, Mr. HATFIELD, Mr. MOSS, Mr. RANDOLPH, Mr. STAFFORD, and Mr. THURMOND):

S.J. Res. 200. A joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress. Referred to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. TAFT):

S.J. Res. 201. A joint resolution to establish a joint congressional committee to investigate the causes and origins of U.S. involvement in the hostilities in Vietnam. Referred to the Committee on Foreign Relations.

By Mr. WILLIAMS (for himself, Mr. RANDOLPH, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, Mr. BEALL, and Mr. STAFFORD):

S.J. Res. 202. A joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND RESOLUTIONS

By Mr. DOMINICK (for himself and Mr. ALLOTT):

S. 3150. A bill to provide Federal financial assistance to limit radiation exposure resulting from the use of uranium mill tailings in the area of Grand Junction, Colo. Referred to the Joint Committee on Atomic Energy.

Mr. DOMINICK. Mr. President, on behalf of myself and the distinguished senior Senator from Colorado (Mr. ALLOTT) I send to the desk for appropriate reference a bill designed to provide the fiscal framework for correcting a situation which has developed in our State for which existing law appears to afford no remedy. I am referring to the use of uranium mill tailings as a construction material in the 1950's and early 1960's which were later found to be the source, through contained, naturally occurring radium, of low level radiation in some homes and public buildings. There has been considerable coverage of this subject by the media during the past year—a large portion having little or no foundation in fact—and the result has been the creation of uncertainty and doubt surrounding the town of Grand Junction. Real estate values and the ease of transfers of property have suffered, but not so much as the peace of mind of the people in that area.

In October of last year, the Subcommittee on Raw Materials of the Joint Committee on Atomic Energy, chaired by Representative WAYNE ASPINALL of Colorado and on which I serve, held comprehensive hearings to develop the facts on this issue. While the subcommittee did not seek to affix either legal liability or responsibility, it became obvious that there was no clear course of action by which the radiation exposure problem could be resolved without a disproportionate burden on the homeowners. The Federal and State agencies involved—the AEC and the Colorado Department of Public Health—each asserted lack of authority and control of events leading to the use of the tailings and a similar lack of authority to effectuate a remedy.

The bill being introduced today will remove that obstacle as to the AEC. It recognizes the fact that these tailings were the residue of a significant Federal program designed to enhance our national defense and security—to provide nuclear materials for our stockpile. It authorizes the AEC to financially assist the State in a program of remedial action to limit future radiation exposure which could result from the unfortunate use of these mill tailings.

Under the bill, the AEC will be authorized to provide up to 75 percent of the cost for necessary remedial action. The State must establish and administer an appropriate program to undertake the necessary action which must be approved by the Commission. The standards to be applied in evaluating the appropriate action will be those promulgated by the Surgeon General of the United States. Much study and data collection has been conducted and is being continued with the assistance of the Environmental Protection Agency.

Mr. President, this bill is in the highest tradition of Federal-State cooperation to assure the health and safety of our people. It reflects recognition of the fact that there are times when adverse consequences can result without the fault or blame of anyone, yet something must be done by someone. This is not a new concept. Perhaps the best known example is the Texas City disaster in 1947, to which the Congress addressed itself with basically similar legislation in 1955.

An identical measure is being introduced today in the other body by Mr. ASPINALL. I earnestly hope that this body will give this legislation the compassionate consideration it deserves when it comes before us.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3150

A bill to provide Federal financial assistance to limit radiation exposure resulting from the use of uranium mill tailings in the area of Grand Junction, Colorado

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 2. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of and appropriate remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) That the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) That the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner to the State of Colorado and recommendation by and consultation with the State and others as deemed appropriate;

(c) That any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) That the United States shall be released from any mill tailings relating liability or claim thereof upon completion of remedial action or waiver thereof by the fee simple title owner on behalf of himself, his heirs, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) That the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) That the law of the State of Colorado shall be applied to determine all questions of title, right of heirs, trespass, etc.; and

(g) That the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspction as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty day period.

SEC. 3. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this Act. Notwithstanding the provisions of subsection (a)(2) of section 553 of Title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 4. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be appropriated the sum of $5,000,000.

By Mr. BUCKLEY:

S. 3151. A bill relating to the commission of certain offenses in the District of Columbia while armed with a firearm. Referred to the Committee on the District of Columbia.

Mr. BUCKLEY. Mr. President, last year in the District of Columbia, there were 1,613 shootings other than by officers of the law in the performance of their duty. These resulted in 167 deaths. I am advised that in most instances. the shootings were committed by persons who had firearms in their possession while engaging in other criminal activities.

This increasing resort to the use of firearms in the District of Columbia and elsewhere in the Nation has led to persistent cries for still more stringent gun control laws. But while such legislation has an enormous surface appeal, experience tells us that such measures have not and will not curb the criminal use of these weapons. On the record, gun control laws simply have not worked. While they may drastically curtail the ability of honest citizens to protect themselves, it has yet to be demonstrated that such laws have proven other than a minor inconvenience to criminals intent on acquiring the tools of their trade.

The ineffectiveness of this kind of legislation is nowhere better demonstrated than in New York City. The Sullivan law, which has been in effect since 1911 and which is generally regarded as the strictest gun control legislation in the Nation, makes it virtually impossible for the average law-abiding New Yorker to acquire a handgun. Yet in an article which appeared in the New York Daily News last year, a police detective is quoted as stating that New York City is the easiest place in the Nation for anyone to purchase a gun. He said:

> It's as easy for a criminal to buy a piece as it is for a straight citizen to to get a pack of cigarettes, he said. Nor is the problem traceable to the fact that adjacent jurisdictions do not have comparable laws. No such laws, for example, can control the distribution of the large numbers of firearms which have been hijacked from piers in New York City or stolen at the Kennedy Airport. Nor is there any way to force the voluntary registration of the hundreds of thousands of guns already in private hands within the City. While the City has issued licenses for about twenty-five thousand pistols, Lieutenant Charles Rorke, of the New York City Police Academy Ballistics Laboratory has estimated that "there are probably millions of guns—literally—floating around illegally."

It is argued, nevertheless, that the extension of strict gun control and gun registration laws will vastly increase the ability of the police to halt crimes involving the use of firearms. Again, experience has not justified these hopes. In an article which appeared in the New York Times last August, it was reported that:

> According to local and federal law enforcement agents, the firearms problem is not with . . . legally registered weapons—there has not been a single intentional slaying with a duly registered long gun, and only a small number with registered pistols, officials said—but with the non-registered hand guns.

At least as of a year or so ago, not a single crime was solved in New York City by virtue of the gun registration laws which have been in effect for over half a century.

The experience in the District of Columbia confirms the ineffectiveness of gun control legislation. During the 3-month period from May 1 through July 31, 1971, for example, a total of 522 guns were confiscated during the course of arrests made within the District. Of these, only 23, or 4.4 percent, were legally registered.

These observations have led me to conclude that the most effective way to discourage the illegal use of firearms, or the possession of firearms under circumstances where they might be used unlawfully, is to impose mandatory penalties of a severity designed to induce the criminal to leave his gun at home. Specifically, I propose that the Federal Government adopt a policy of mandatory prison sentences for anyone who is found in the possession of a firearm during the commission of a crime.

We know from experience that we cannot prevent a criminal from acquiring a gun; but we can certainly devise penalties which will cause him to think twice before he carries that gun with him when he sets out to burglarize the corner drugstore.

Mandatory sentences are required in order to make the penalties credible. The simple fact is that our courts have become entirely too lenient with firearms offenders, with the result that the penalties now in effect no longer can be counted upon to deter violators. We need look no further than the District of Columbia for the need for a more effective approach. During the 3-month period of July, August, and September, 1970, for example, a total of 361 gun cases were handled by the Metropolitan Police Department. Of these, only 54 persons, or 15 percent, received jail sentences. Put another way, the chances that a gun offender would be imprisoned were less than 1 in 6. In more than 50 percent of the cases, the offender was never even tried.

Of the 169 cases which did go to trial, 157 resulted in convictions. Yet 103, or 66 percent, of these convictions resulted merely in a monetary fine or a suspended sentence or probation. It is little wonder, therefore, that criminals in the District of Columbia appear to pay such little attention to the gun control legislation now in effect.

The imposition of mandatory prison sentences for the possession of firearms during the commission of crimes in the District of Columbia will not, of course, have any direct effect on the illicit use of guns elsewhere in the United States. The District of Columbia, however, is the one jurisdiction in the continental United States which is under Federal control, and it thus offers the Federal Government an opportunity to implement new approaches to problems which are common to the Nation as a whole. If, as I believe, the imposition of such penalties will result in a meaningful reduction in the use of firearms by criminals, then other jurisdictions will be able to follow suit. As there can be no excuse for the illicit possession of a firearm, I see no reason why strict penalties ought not to be imposed; and if their imposition here in the District of Columbia demonstrates the utility of this approach, then the enactment of such penalties by the Congress will not only enhance the safety of the citizens of the District of Columbia, but will enhance that of the citizens of all the States, because we will have demonstrated the utility of this approach.

Mr. President, I send to the desk a bill which would require such mandatory prison sentences in the District of Columbia and ask that it be appropriately referred.

By Mr. CHILES:

S. 3152. A bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States. Referred to the Committee on Finance.

Mr. CHILES. Mr. President, it recently came to my attention that section 66.02 of the Internal Revenue Code provides that any erroneous overpayment of an income tax refund bears interest at the rate of 6 percent per year. That means if a taxpayer receives a check for more than the amount to which he is entitled as a refund, he must pay interest on this overpayment. In these cases it is the Government which makes the error by overpaying—not the taxpayer. And yet the taxpayer must pay the interest on the error. Outright injustice comes into play when you consider that the Internal Revenue Service does not pay one penny of interest if the taxpayer overpays his tax.

As an example of this injustice, I had a constituent who was due a refund of $80. The IRS sent her a check for $500, accompanied with a letter which told her though this was a different amount from what she expected to receive, she would receive an explanation within the next 10 days if she had not already received it. The letter told her not to hesitate to cash the check. And yet the explanation was not actually sent to her for several weeks, by which time she already owed interest.

I am introducing a bill to try to correct this kind of situation. It would amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States.

It makes no sense to me to require a taxpayer to pay for a mistake the Government has made. My bill would apply to erroneous refunds made on or after the date of the enactment of this act and to erroneous refunds made before that date if repayment has not yet been made.

Mr. MANSFIELD (for Mr. JACKSON)
(for himself and Mr. ALLOTT):

S. 3157. A bill to promote maximum Indian participation in the government of the Indian people by providing for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and by encouraging the development of human resources of the Indian people, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I introduce a bill, and I ask unanimous consent that the bill and a statement in connection therewith by Senator JACKSON be printed in the RECORD at this point.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Mr. President: I introduce for appropriate reference the "Indian Self-Determination Act of 1972."

This measure would permit the Indian people to realize their long-standing desire to assume increasing responsibility in the control and management of Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service. In providing these opportunities for self-determination to the Indian people, this measure would lend reality for Indians to the concept that "government derives its just powers from the consent of the governed."

The bill I introduce today would authorize the Secretaries of the Interior and of Health, Education and Welfare, upon the requests of Indian tribes, to enter into contracts with tribal organizations so that these organizations may plan, conduct, and administer projects under a number of Federal Indian service programs which are within the respective Department's jurisdiction. In addition, it would provide for grants to Indian tribal organizations for planning, training, evaluation, and other activities specifically desiged to make it possible for such organizations to enter into these self-determination contracts.

Authorized, as well, would be the detail of personnel (including Commissioned Officers of the Public Health Service) from the two Departments to assist the tribal organizations to fulfill their contract or grant responsibilities. Finally, certain Federal contracting requirements which have, in the past, proven to be particularly onerous to Indians attempting to enter into contracts with the government could be waived by the respective Secretaries at their discretion.

Mr. President, I believe it is important to recall that for centuries before the European discovery of America, Indian tribes enjoyed the full freedom of self-government. With this freedom, the Indian people possessed all the power and authority required to maintain control over their internal and external affairs. No sooner had we won our own right to self-government in the Revolutionary War than we began a process of limiting the governmental freedoms of our predecessors on this land. As our nation grew from thirteen young colonies clinging to the Eastern seaboard to fifty mature states stretched across the continent and beyond, the freedom of self-determination for Indians was curtailed. The Federal government came to have a disproportionate impact upon the daily lives of tribal members. Today, in the Bureau of Indian Affairs and the Indian Health Service there are numerous programs devoted exclusively to the benefit of Indians. Yet, authority for the planning and conduct of these programs is vested entirely in Federal officials.

The prolonged Federal domination of Indian service programs has had a two-fold negative impact upon the Indian people and their communities. First, it has deprived Indians of perhaps the best opportunity to develop administrative, business, and community leadership skills absolutely crucial to the realization of self-government. Secondly, it has denied to the Indian people an effective voice in the planning and tailoring of Indian programs to be truly responsive to the real, felt needs of their communities.

Despite the increasing Federal domination of Indian Affairs, the Indian people have never surrendered their desire to control their relationships both amongst themselves and with outside forces. This desire has been as eloquently stated by spokesmen for numerous Indian tribes and organizations as it was once expressed in our Declaration of Independence. In short, the Indian people want to become involved in a meaningful manner in the forces, decisions, and activities which affect their individual, family, and community well-being.

I believe it is timely for the Congress to respond to such desires by "restoring" certain rights and prerogatives to the Indian people which will afford them greater opportunities for meaningful self-determination. The Federal government shall not surrender its responsibilities to the Indian people; but it can and must invite them to share with it the task of directing how those responsibilities shall be fulfilled.

Mr. President, the "Indian Self-determination Act of 1972" would go far toward providing significant opportunities for self-determination to the Indian people. It would signal a new era for the fulfillment of Indian hopes and aspirations. I am hopeful that members of the Senate from both sides of the aisle will join with me and the distinguished senior Senator from Colorado and ranking minority Member of the Senate Interior Committee, Mr. Allott, in co-sponsoring this important measure.

S. 3157

A bill to promote maximum Indian participation in the government of the Indian people by providing for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and by encouraging the development of the human resources of the Indian people, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Indian Self-Determination Act of 1972".

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds and declares that—

(1) inasmuch as all government derives its just powers from the consent of the governed, maximum Indian participation in the government of the Indian people shall be a national goal;

(2) maximum Indian participation in the government of Indian people would be enhanced by increased participation of Indians in the planning, conduct, and administration of programs and services of the Federal Government for the Indian people;

(3) the administration of such Federal programs and services is frequently not fully responsive to the needs and desires of the Indian people to whom such programs and services are provided; and

(4) increased participation of the Indian people in the planning, conduct, and administration of Federal programs and services designed to serve them will make such programs more responsive to the needs and desires of the Indian people, enhance the effectiveness of such programs, and encourage the development of essential administrative, managerial, business, and community leadership skills in the Indian people.

(b) The purpose of this Act is to promote maximum Indian participation in the government of the Indian people by—

(1) providing increased opportunities for effective and meaningful participation of the Indian people in the planning, conduct, and administration of Federal programs and services for Indians;

(2) authorizing technical and financial assistance to Indian tribes and tribal organizations to enable them to achieve such participation; and

(3) encouraging and assisting in the development of the administrative, managerial, business, and community leadership skills, and the formation of tribal organizations necessary to assure effective participation of the Indian people in Federal programs and services.

DEFINITIONS

SEC. 2. For the purposes of this Act:

(a) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native community, for which the Federal Government provides special programs and services because of its Indian identity; and

(b) "tribal organization" includes the elected governing body of any Indian tribe and any legally established organization of Indians which is controlled by one or more such bodies or which is controlled by a board of directors elected or selected by one or more such bodies (or elected by the Indian population to be served by such organization). Such organization shall include the maximum participation of Indians in all phases of its activities.

CONTRACTS BY THE SECRETARY OF THE INTERIOR FOR PROGRAMS AND SERVICES

SEC. 3. The Secretary of the Interior is authorized, in his discretion and upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, of education, agricultural assistance, and social welfare, including relief of distress, of Indians provided for in the Act of April 16, 1934 (48 Stat. 596) as amended and for any other program which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat. 208) and any Act subsequent thereto.

CONTRACTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR HEALTH AND SANITATION FACILITIES PROGRAMS

SEC. 4. The Secretary of Health, Education, and Welfare is authorized, in his discretion and upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to carry out any or all of his functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), as amended.

GRANTS TO INDIAN TRIBAL ORGANIZATIONS

SEC. 5. The Secretaries of the Interior and Health, Education, and Welfare are each authorized, upon the request of any Indian tribe, to make a grant or grants to any tribal organization of any such Indian tribe for planning, training, evaluation, and other activities specifically designed to make it possible for such tribal organization to enter into contracts pursuant to sections 3 and 4 of this Act.

DETAIL OF PERSONNEL

SEC. 6. (a) The Secretaries of the Interior and of Health, Education, and Welfare are each authorized, upon the request of any tribal organization, to detail any civil service employee serving under a career or career-conditional appointment for a period of up to one hundred and eighty days to such tribal organization for the purpose of assisting such tribal organization in the planning, conduct or administration of programs under contracts or grants made pursuant to this Act. The appropriate Secretary may, upon a showing by a tribal organization of a need for an employee detailed pursuant to this section, extend such detail for a period not to exceed ninety days.

(b) The Act of August 5, 1954 (68 Stat. 674), as amended, is amended by adding a new section 8 after section 7 of the Act, as follows:

"Sec. 8. In accordance with subsection (d) of section 214 of the Public Health Service Act (58 Stat. 690), as amended, upon the request of any Indian tribe, band, group, or community, personnel of the Service may be detailed by the Secretary for the purpose of assisting such Indian tribe, group, band, or community in carrying out the provisions of contracts with, or grants to, tribal organizations pursuant to the Indian Self-Determination Act of 1972: *Provided*, That the cost of detailing such personnel is taken into account in determining the amount to be paid to such tribal organization under such contract or grant, and that the Secretary of Health, Education, and Welfare shall modify such contract or grant pursuant to subsection (c) of section 7 of such Act to effect the provisions of this section."

(c) Paragraph (2) of subsection (a) of section 6 of the Military Selective Service Act of 1967 (81 Stat. 100), as amended, is amended by inserting after the words "Environmental Science Services Administration" the words "or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended,".

ADMINISTRATIVE PROVISIONS

Sec. 7. (a) Contracts with tribal organizations pursuant to this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

(b) Payments of any grants or under any contracts pursuant to this Act may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this Act.

(c) Notwithstanding any provision of law to the contrary, the appropriate Secretary may, at the request or consent of a tribal organization, revise or amend any contract or grant made by him under this Act with such organization as he finds necessary to carry out the purposes of this Act.

(d) The appropriate Secretary may, in his discretion, enter into contracts for the construction or repair of buildings, roads, sidewalks, sewers, mains, or similar items with tribal organizations by negotiation, without advertising.

(e) In connection with any contract or grant made pursuant to this Act, the appropriate Secretary may permit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

Sec. 8. The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out the provisions of this Act.

Sec. 9. Nothing in this Act shall be construed as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

By Mr. WILLIAMS (for himself, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Javits, Mr. Schweiker, Mr. Packwood, and Mr. Stafford):

S. 3158. A bill to establish in the Department of Health, Education, and Welfare an Office for the Handicapped to coordinate programs for the handicapped, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS (for himself, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Javits, Mr. Schweiker, Mr. Packwood, Mr. Beall, and Mr. Stafford):

S.J. Res. 202. A joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, I am today introducing several proposals—which I first announced 2 weeks ago—which will change this Nation's commitment to the handicapped, and will help us achieve the tragically overdue goal of full integration of the handicapped into normal community living, working, and service patterns.

First, I am proposing the creation of an Office of the Handicapped in the Office of the Secretary of Health, Education, and Welfare to coordinate that Department's many programs for the handicapped. Second, I am proposing the authorization of funds for a White House Conference on the Handicapped to bring visibility to the very real problems of these citizens. Finally, last week, as chairman of the Labor and Public Welfare Committee, I created a Subcommittee on the Handicapped to make very clear the Senate's and the committee's commitment to the handicapped.

These are wide-ranging proposals. They call upon every aspect of Federal, State, and local government to reexamine and reevaluate its commitment to the physically and mentally disabled. They come at a time when many of the programs existing for the handicapped are fulfilling their piecemeal goals. They come at a time when we can say that we have made some progress in dealing with the awesome and myriad problems that this group faces in our advancing society. And they come out of sad recognition that many of the problems are not being dealt with in a satisfactory way.

The neglect of the handicapped is a stain on our collective conscience; an affront to what this great Nation is supposed to stand for. I think that we have not yet come to realize what it means to be handicapped in this society.

The handicapped live among us. They have the same hopes, the same fears, and the same ambitions as the rest of us. They are children and adults, black and white, men and women, rich and poor. They have problems as varied as their individual personalities. Yet, they are today a hidden population because their problems are different from most of ours. Only the bravest risk the dangers and suffer the discomforts and humiliations they encounter when they try to live what we consider to be normal, productive lives. In their quest to achieve the benefits of our society they ask no more than equality of opportunity. But they are faced with continuing discrimination. Discrimination in access to public transportation and public communication facilities because they cannot make use of more normal modes. Discrimination in pursuing advanced education because they are often excluded from education altogether. Discrimination because they do not have the simplest forms of special educational and rehabilitation services they need to develop to their fullest capacity.

Today, there are 7 million handicapped children in this Nation. Sixty percent of these children are denied the special educational assistance that they need to have full equality of opportunity. A full 1 million of these children are excluded entirely from public schools and do not go through the learning process with their peers. Only 40 percent of America's handicapped children receive compensatory education and these services vary widely within the 50 States. In most cases, special programs are provided only if the local community is able to support such services entirely by themselves; we are least likely to find special services in areas of population growth. More tragically, special services and education for the handicapped are the first programs to be done away with during times of economic adversity. In a very real sense, whether a handicapped person receives this kind of attention depends on where he lives—not on his particular disability.

In the 1968–69 school year, there were 19 States where less than 31 percent of the handicapped population was served by special classes. In 11 States, less than 20 percent of the population was served. Only seven States out of the 50 provide for more than 51 percent of the handicapped population. And we find greater disparities as we look at particular kinds of disabilities. For instance, in 30 States less than 11 percent of the emotionally disturbed population is served.

Let us, for a moment, look further into the problems in educating the handicapped. How many of these children will grow up with no compensatory services? How many of those who are now adults grew up with little or no access to formal education? How many were unable to secure the special services which are their basic birthright? How many as a result of our ignorance and our procrastination are left with wasted potential and unfulfilled lives because we have not been willing to provide basic services that they could have used when they were young?

The answers to these questions are appalling.

According to the best figures I can find, there are more than 22 million adults in the United States with physical handicaps severe enough to limit in some way their ability to work. There are more than 5.6 million persons of all ages who are mentally retarded, some proportion of which are adults. Of the 22 million with physical disabilities, an estimated 14 million could work if given the opportunity. And of the 5.6 million who are mentally retarded, 9 out of 10 could work if given proper training and rehabilitation.

Actual employment figures are not so positive. Again, according to the best estimates I could find:

There are about 150,000 blind persons of working age in this country. About 50,000 of them are employed.

Of the 60,000 paraplegics of working age, 47 percent are employed.

Of the 400,000 epileptics of working age, the employment rate, according to best estimates, is between 15 percent and 25 percent.

And of the 200,000 persons of working age with cerebral palsy, only a handful are employed.

These figures only account for a little over 800,000 of the 22 million adults with physical handicaps. Other sources that I have examined have wildly differing statistics, including in some cases percentages for employment that are completely the reverse of those noted above. Even HEW cannot fully enumerate or locate the handicapped.

The fact that this population is not accounted for accurately or consistently is shocking. I think I know some of the reasons for this. The data is collected for diverse purposes. Some figures include those with chronic diseases; some do not. Some figures only reflect those who are handicapped and are served by Federal Government programs. Some figures originate from an estimated number of handicapping conditions—not handicapped individuals, handicapping conditions.

The individuality of the people with these conditions has been lost somewhere in the process. We have lost track of them, lost the reality of their lives, and the pain and suffering of their disabilities.

In 1966, there were 51 programs for the handicapped in the Department of Health, Education, and Welfare, which included some aspect of assistance in meeting the problems of the handicapped. There were seven programs in the Office of Education, 14 in Vocational Rehabilitation Administration, 15 in the Public Health Service, one in the Social Security Administration, 10 in the Welfare Administration and four in other agencies. Both funding and programs have increased since that point in time.

I do not question the need for the services that these programs provide, nor the quality of programs that are being operated. I question, however, whether these initiatives are adequately responding to the needs and wants of handicapped persons in our society. The sheer diversity and separateness of the programs, the unreliability of the statistics and the lack of information on accomplishments for the adult handicapped population suggests in a very crude way that we are not. And if the situation of handicapped adults in our society at all parallels that information that we have on the handicapped among our children, we know that they are not. All the children that we excluded from education years ago are the adult handicapped population today. Their problems have not gone although we have lost sight of them.

It cannot be a question of the costs. It would save us money to save the lives that we are wasting. According to data for 1966, $3.5 billion was obligated for the handicapped by the Federal Government. Of this money, $2.65 billion was for income maintenance. Furthermore, it is estimated that the annual cost of foster care for children is about one-eighth of what it costs for institutionalization. The lifetime cost of educating an educable handicapped or retarded child is about $20,000. The lifetime cost of institutionalization will cost well over $200,000. These figures do not even take into consideration the potential earning power of these individuals, if they receive the special education and other services necessary for them to realize their personal and economic potential.

Yet, in 1970 out of a total of $38.5 billion in Federal, State, and local dollars spent on public elementary and secondary education, approximately $1.4 billion of that money was spent on the handicapped. This figure is well under their fair share which would be 10 percent to 12 percent of total moneys. It does not even come close to the kind of investment we should be making.

The paradox of our national behavior is that we, simultaneously, do too much and too little. Too many of our handicapped population are misdiagnosed, mislabeled, and hustled out of schools, jobs, and other institutions of society. They are tested with instruments that are either not relevant or sensitive to their varied backgrounds. They are left with little if any compensatory services, and little followup; an unfortunate label within a rigid tracking system. And we come to a point, as we have just seen with the adult handicapped population, where we cannot even identify the individuals we have swept out of our society. They are invisible, but for the families and friends who know them. Their spirits are irreparably damaged.

To a great extent, this paradox is based on a failure to recognize the intrinsic rights of the handicapped. For too long, we have been dealing with them out of charity, something that we can do when we have enough time, and enough extra money. This approach has long outlasted its usefulness. The mere fact that services for those who are handicapped are considered frills of governmental budgets that are cut in times of economic adversity underlines a tragedy of our society. This is medieval treatment for a very current problem.

Today, many people fail to understand that educational programing and training for the handicapped works; that the deaf, the blind and the retarded can learn and can, in fact, become productive members of society. Most of us see the handicapped only in terms of stereotypes that are relevant for extreme cases. This ancient attitude is in part the result of the historical separation of our handicapped population. We have isolated them so that they have become unknown to the communities and individuals around them.

Clearly, we need to reevaluate our national policy and national programing toward the handicapped. In order to alleviate many of their problems we need an increased national commitment, and we need it now. Some of the ingredients of this new commitment will have to include strengthened national leadership, greatly increased visibility for the problems of the handicapped, and integrated and consistent programing. Foremost in this commitment should be immediate reexamination of educational policies, and continuing training and education of adults.

It is for these reasons that I make these proposals today. As chairman of the Labor and Public Welfare Committee, I believe it is time that we revise the way that the Congress looks at problems of the handicapped. For many years, we have been doing this in a piecemeal fashion through separate Subcommittees on Labor, on Education, on Health, and on Handicapped Workers. And we have seen many fine accomplishments during this time period.

Senator PELL, as chairman of the Education Subcommittee, has shown deep devotion to solving the problems of providing vitally needed special educational services for handicapped children. Indeed, he has been a leader in this effort. Senator RANDOLPH has shown his firm commitment to assuring that handicapped workers are given new and meaningful opportunities to secure the kinds of jobs which they are best suited for. Senator KENNEDY has through the years demonstrated his real concern for the mentally retarded. He has consistently supported all congressional efforts to provide greater opportunities for the handicapped.

But with all of this fine work, it is my view that we have come to a point in time when we must revise this piecemeal method of separate subcommittees and individual efforts in order to deal with the problems of the handicapped in a way that is comprehensive. We must look for the full integration of all the handicapped into all aspects of our society.

For this reason, I last week established a permanent subcommittee of the Labor and Public Welfare Committee to be known as the Subcommittee on the Handicapped. To do this, I have reconstituted the Subcommittee on Handicapped Workers.

Senator RANDOLPH has agreed to serve as the chairman of this subcommittee and Senators PELL and KENNEDY will also bring their expertise to this body. This will provide a congressional channel that will act as a full-time oversight and legislative panel to deal with all of the problems that the handicapped must face, including the myriad Federal programs in HEW.

There are alternate ways within a legislative body that we might consider for dealing with the problems of the handicapped. I have established a permanent subcommittee within the committee of which I am chairman because I want to make very clear that I believe that something must be done, and it must be done now before more lives are wasted; more dreams shattered; more hopes destroyed. This is a commitment that I am making to the Congress and to the entire Nation. But most important, it is a commitment that I am making to the handicapped.

Second, I am introducing a bill which will create within the Office of the Secretary of Health, Education, and Welfare an Office of the Handicapped. This Office will be charged with coordinating all programs for the handicapped within the Department. It will advise the Secretary on policy and administration related to these programs, and will serve as a focal point for information related to the Department's programs for the handicapped. While I recognize many programs outside of the Department provide services to the handicapped, this Office will be a beginning.

The effective coordination of Federal programs serving the handicapped has critical significance in attaining the objectives of many legislative proposals enacted by Congress.

In recent years Congress has authorized many new statutes designed to improve the educational services available to handicapped children; assist local communities to construct facilities for service programs directed at the needs of the handicapped; support research to uncover the causes of handicapping conditions; and provide medical, educational and behavioral diagnoses so that effective life planning for the handicapped might be undertaken. None of these programs attain their full objectives as long as they remain isolated, single efforts. Only when they are coordinated can they focus on the total needs of the handicapped.

Of course, organizational structures are not ends in themselves—they are not panaceas for all our bureaucratic problems. And, they certainly do not take the place of innovative programs and ideas which will bring the handicapped into full participation in this Nation. But a coordinating structure such as the one I shall propose is a vital first step in the development of a total Federal program with the necessary range, comprehensiveness and impact demanded by the handicapped.

As a third step, I am introducing a resolution calling upon the President to convene a White House Conference on the Handicapped. This Conference will concentrate the attention of all concerned organizations, governmental and private, on the handicapped and their place in our society. It will provide a forum in which all concerned persons can together plan a set of goals and establish a realistic timetable for achieving them. It will also offer an opportunity for a critical review and reexamination of where we stand. Only through such a national endeavor can the necessary resources be marshaled to attack the problems which the handicapped face every day.

The call for a White House Conference on the Handicapped is a response to the call of the handicapped themselves. They ask for recognition, for their rightful place in our Nation's life, and for a fair share of our resources. It is time that we provide them with that recognition and a forum with sufficient visibility and national prominence so they are no longer a minority lost within this Nation.

In addition to these actions, I will be introducing in the next few weeks a number of substantive programs which will begin to deal immediately with specific areas where we know that special programing is needed.

We cannot sit back any longer knowing that 1 million children in this country are excluded from the educational system and receive no education at all—knowing that 60 percent of all the handicapped children are denied the special services they need to have an equal chance to live freely in this Nation—and knowing that these children will grow up to be handicapped adults lost somewhere within this Nation. We cannot and must not look upon these individual tragedies with an attitude of business as usual.

I wish it to be said of America in the 1970's that when its attention at last returned to domestic needs, it made a strong and new commitment to equal opportunity and equal justice under law; a commitment, in fact, to compassion. The handicapped are one part of our Nation that have been denied these fundamental rights for too long. It is time for the Congress and the Nation to assure that these rights are no longer denied.

Mr. President, I ask unanimous consent that certain letters responding to a speech I made outlining these new initiatives before the New Jersey School Board Association on January 29, 1972, be printed in the Record together with the bill and joint resolution I have introduced.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3158

A bill to establish in the Department of Health, Education, and Welfare an Office for the Handicapped to coordinate programs for the handicapped, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established within the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this Act referred to as the "Office"). The Office shall be headed by a Director who shall serve as a Special Assistant to the Secretary of Health, Education, and Welfare and shall report directly to him.

Sec. 2. It shall be the function of the Office to—

(1) provide for assistance (including staff assistance) to the Committee on Mental Retardation of the Secretary, the National Advisory Committee on Education of the Deaf, and such other advisory committees dealing with programs for handicapped persons as serve the Secretary;

(2) provide a central clearinghouse for inquiries from the public concerning Federal programs serving handicapped persons;

(3) provide general information regarding Federal programs for the handicapped as well as referring detailed requests to the appropriate agency;

(4) provide stimulus to cooperative planning for comprehensive services for handicapped persons by all programs under the jurisdiction of the Secretary of Health, Education, and Welfare by convening meetings of planning, management and program operation, personnel for such purposes; and

(5) coordinate program and budget review by the Office of Education for Federal programs with Gallaudet College, the Model Secondary School for the Deaf, the Kendall Demonstration School, the National Institute for the Deaf and the American Printing House for the Blind, to assure proper integration of programs referred to in this section with other Federal programs for education of the handicapped.

Sec. 3. There are authorized to be appropriated for the purposes of this Act $500,000 for the fiscal year ending June 30, 1973; $1,000,000 for the fiscal year ending June 30, 1974; and $1,000,000 for the fiscal year ending June 30, 1975.

S.J. Res. 202

Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States

Whereas this Nation has achieved great and satisfying success in making possible a better quality of life for a large and increasing percentage of our population; and

Whereas the great benefits and fundamental rights of our society are often denied those who are mentally and physically handicapped; and

Whereas there are 7 million handicapped children and countless numbers of handicapped adults; and

Whereas equality of opportunity, equal access to all aspects of society and equal rights of the handicapped is of critical importance to this Nation; and

Whereas the primary responsibility for meeting the challenge and problems of the handicapped has been that of the States and communities; and

Whereas all levels of government must necessarily share responsibility for developing opportunities for the handicapped; and it is therefore the policy of the Congress that the Federal Government shall work jointly with the States and their citizens, to develop recommendations and plans for action, consistent with the objectives of this resolution, which will serve the purpose of—

(1) providing educational, health and diagnostic services for all children early in life so that handicapped conditions may be discovered and treated early;

(2) assuring that every handicapped person receives appropriately designed benefits of our educational system;

(3) assuring that the handicapped have available to them all special services and assistance they need to live a full and productive life;

(4) enabling handicapped persons to have equal and adequate access to all forms of communication and transportation services and devices, especially in time of emergency;

(5) examining changes that technological innovation will make in the problems facing the handicapped;

(6) assuring handicapped persons equal opportunity with others to engage in gainful employment;

(7) enabling handicapped persons to have incomes sufficient for health and for participation in family and community life as self-respecting citizens;

(8) increasing research relating to all aspects of handicapping conditions;

(9) assuring close attention and evaluation to all aspects of diagnosis, evaluation and classification of handicapped persons;

(10) assuring review and evaluation of all Federal programs in the area of the handicapped, and a close examination of the Federal role in order to plan for the future;

(11) promoting other related matters for the handicapped; and

Whereas, it is essential that recommendations be made to assure that all handicapped persons are able to live their lives in a manner as independent and self-reliant as possible, and that the complete integration of all the handicapped into normal community living, working, and service patterns be held as the final objective: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized and requested to call a White House Conference on the Handicapped within two years of the date of enactment of this joint resolution in order to develop recommendations for further research and action in the field of the handicapped, and to further the policies set forth in the preamble of this joint resolution. Such conference shall be planned and conducted under the direction of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") with the cooperation and assistance of such other Federal departments and agencies, including the assignment of personnel, as may be appropriate.

(b) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of the handicapped, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the fields of the handicapped, and of the general public, including handicapped persons and parents of handicapped persons.

(c) A final report of the White House Conference on the Handicapped shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The Secretary shall, within ninety days after the submission of such final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in such report.

SEC. 2. In administering this joint resolution, the Secretary shall—

(a) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(b) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on the handicapped prior to the White House Conference on the Handicapped;

(c) prepare and make available background materials for the use of delegates to the White House Conference on the Handicapped as he may deem necessary;

(d) prepare and distribute interim reports of the White House Conference on the Handicapped as may be exigent; and

(e) engage such additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter 111 of chapter 53 of such title relating to classification and General Schedule pay rates.

Sec. 3. For the purpose of this joint resolution the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Sec. 4. (a) The Secretary is authorized and directed to establish an Advisory Committee to the White House Conference on the Handicapped composed of 28 members of whom not less than 10 shall be handicapped or parents of handicapped persons.

(b) (1) Any member of the Advisory Committee who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties.

(2) Members of the Advisory Committee, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed $75 per day, for each day they are engaged in the performance of their duties as members of the Advisory Committee including travel time and, while so engaged away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) Such Advisory Committee shall cease to exist ninety days after the submission of the final report required by section 1(c).

SEC. 5. There is authorized to be appropriated to carry out this joint resolution $2,000,000.

JANUARY 31, 1972.

Senator HARRISON WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I was delighted to read in yesterday's Star-Ledger of your plan to focus attention upon the plight of the handicapped. Both as a citizen and as a professional, I applaud and support your leadership in this direction. By profession, I am an Associate Professor of Social Policy at the School of Social Service, Fordham University, New York, where my chief area of interest is Social Policy Toward the Handicapped.

I would appreciate it greatly if I could receive a copy of your speech to the New Jersey School Boards Association in Trenton. Furthermore, I would also appreciate it if I could be placed on your mailing list to receive material regarding the handicapped and the aged, as well as the mailing list of Senator Randolph who will be chairman of the subcommittee.

If I can be of any assistance to you in this area of concern, I would be delighted to help.

With best wishes.

Sincerely yours,

MEYER SCHREIBER.

LYNDHURST, N.J., *February 2, 1972.*

Senator HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SIR: I was very happy to read about what you are trying to accomplish for the handicapped. I am with you 100%. I am the mother of a mentally retarded child. I don't know whether or not your program includes these children or not, but if it does, I would like to explain the frustrations of having a mentally retarded child and not being able to get help for him anywhere.

When the Doctor first tells you your child is retarded, naturally, you don't want to believe him, but eventually, you do, and when you do, you say "but, where can I get help for him.", but all the doctors can say is "institutionalize"—A very harsh word for parents! My son is 9 yrs. of age. He can neither walk nor talk, but given some kind of therapy, I believe he can learn something. So, after 9 yrs. of searching around for something for him, I have just learned that there are State operated Day Care Centers in Bergen County that take care of and teach these children from 9 to 3 each day. Unfortunately, since my son is non-ambulatory, he cannot attend immediately because facilities for such children are, for instance, in the "basement of a Church", and, in case of fire, my son might not get out. So, he is placed on a waiting list for about 1 or 2 yrs, who knows how long. In the meantime I care for him at home along with my 2 other children.

It seems a crime that when we can spend millions of dollars to send men to the moon, too many times for me, that we can't even get enough money to build a badly needed Day Care Center in Bergen County.

I sincerely hope your plan to help the handicapped children, even if the retarded are not included, succeeds. You are the kind of man us parents of handicapped children need, because so little is being done for them.

I belong to a small organized group of parents of mentally retarded children in Lyndhurst, and I am sure they, too, are also with you 100%.

Sincerely,

MRS. ALBERT T. SYLVESTER.

THE BANCROFT SCHOOL,
Haddonfield, N.J., January 31, 1972.

Sen. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: On behalf of the members of the South Jersey Chapter, New Jersey Rehabilitation Association, I would like to express our sincere appreciation of your efforts to increase federal attention to problems of the handicapped. To know that you are backing us in our endeavors is a source of real encouragement to all rehabilitation workers.

On a local level, South Jersey has been seeking an expansion of comprehensive rehabilitation services for many years. I served as chairman of a tri-county (Burlington, Camden and Gloucester) regional planning committee in 1967–68, named by Governor Hughes and charged with the responsibility of surveying current rehabilitation services and projecting needs for services in the '70's. We are still seeking, with Governor Cahill's endorsement, the rehabilitation centers we urged in 1968.

Our chapter stands ready to help you, Senator Randolph and the sub-committee members in any way we can be of service.

Again, my gratitude for your continued interest in national programming for handicapped individuals.

Respectfully yours,

MRS. CLAIRE B. GRIESE,
President, South Jersey Chapter N.J. Rehabilitation Association.

DATA—DISABLED AMERICAN TAXPAYERS ASSOCIATION OF NEW JERSEY,
Trenton, N.J., January 31, 1972.

Senator HARRISON A. WILLIAMS, Jr.,
State of New Jersey,
Senate Office Building,
Washington, D.C.

DEAR MR. WILLIAMS: We want to congratulate you and endorse without reservations your comments in your address before the New Jersey School Boards Association Annual Legislative Conference at Trenton's Holiday Inn on Saturday, January 29.

The story on your address appeared in our local Sunday Times Advertiser under the heading "Williams Decries Neglect Of Nation's Handicapped."

A copy of this news story has been forwarded to Miss Susan Chittenden, Secretary N.J. Chapter D.I.A. Disabled in Action, 781 Ross Lane, Bound Brook, N.J. 08805.

Their organization will have anti-discrimination legislation pertaining to the handicapped, introduced in this session of the State Legislature.

With best wishes and with many thanks for your efforts on behalf of the handicapped and totally disabled.

Sincerely,

HARRY B. MILLER,
President.

ARCHBISHOP BOLAND REHABILITATION TRAINING CENTER,
Newark, N.J., January 31, 1972.

Senator HARRISON A. WILLIAMS,
Chairman, Committee on Labor and Public Welfare, Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: Your recent speech before the New Jersey School Boards

Association's annual legislative conference in Trenton, was read with great interest and enthusiasm.

I have had the pleasure of meeting you at the Mount Carmel Guild during your visit to our Preschool Program for the Hearing Impaired Children. Thus, I am aware of your keen concern for the welfare of our handicapped citizens.

Senator Williams, the Mount Carmel Guild, in general and Monsignor John P. Hourihan, in particular, have initiated a Rehabilitation Program for the Hearing Impaired of Newark and environs. This program provides educational services, vocational evaluation services, marital and family counseling and social counseling to the hearing handicapped. I have been appointed as the counselor to the auditory impaired clients.

Your speech and the legislation you are going to introduce, draws attention to the inadequate programs for the handicapped, especially for the hearing handicapped. Insufficient funds are primarily responsible for the inadequacy of the programs for the handicapped.

Mount Carmel Guild is striving to improve the existing programs for the handicapped as well as to implement new ones. Financial assistance is constantly sought for the improvement of the programs.

Senator Williams, I for one, and others at Mount Carmel Guild, are well aware of your efforts to help the handicapped and we are most fortunate in having you in the Senate as our "special spokesman."

Sincerely yours,

HAROLD STEINMAN, M.A.,
Counselor to the Hearing Impaired.

SHORT HILLS, N.J., *January 31, 1972.*

DEAR SENATOR WILLIAMS: Your three point program "designed to focus federal attention on" the sad state of our aid to handicapped children and adults is an admirable one.

New Jersey and the entire United States is sadly behind other portions of the world in this regard.

Sincerely yours,

MARIE HICKEY.

ASBURY PARK, N.J.,
January 30, 1972.

Senator HARRISON WILLIAMS,
Senate Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I heard your talk concerning the practice of Discrimination against the Handicapped, and I would like to bring to your attention some instances of discrimination against the Blind both in the Country and in New Jersey.

The American Foundation for the Blind issues travel Books to the Blind which makes it possible for a Blind person and his guide to travel for the price of one. You can see that the purpose of such books is to be sure that a Blind person can travel at the same rate as a sighted person. After all, he needs that guide in order to travel and should not be unduly penalized for having a guide. However Amtrak and possibly the other railroads have decided that they will no longer honor those travel books. When you consider that the percentage of Blind travel in proportion to the total passenger travel, is very very small, there does not even exist any worthwhile financial justification for such discrimination. With all their alleged economy moves, you never see any cut in the sixty and seventy thousand dollar a year salaries paid their top officials even when the line is supposed to be in bankruptcy.

Here in New Jersey, about nine years ago, all state help of any kind, was handled exclusively by the Blind Commission of New Jersey. Governor Hughes decided to put Blind Assistance under the Welfare. As you know, not only is this a disgrace to be classed with the Bums, unwed mothers etc. but the Blind Commission handled Blind assistance in such a way as to make it possible for the Blind person to get himself in such a position as to no longer need Blind Assistance. The Hon. Gov. Hughes thus took all these advantages away from the Blind in spite of the fact that he has eye trouble in his own family. This too constitutes discrimination against the Blind. For the past nine years, we have been fighting for the return of the Blind Commission so that it really will be the Blind Commission and not just a sham.

All the Blind will appreciate your consideration of this letter. After all, Governor Meyner had a good set up but Hughes spoiled it for the Blind.

Sincerely,

CLIFFORD S. HAWKINS.

P.S.—My wife is totally blind and I am partially sighted, and through no fault of our own, we find it necessary to let the state treat us if we were bums.

JERSEY CITY, N.J.,
January 31, 1972.

Senator H. WILLIAMS,
The Capitol Building,
Washington, D.C.

SIR: I read an article in the Sunday Star Ledger, January 30, 1972 about legislation you intend to introduce to help the handicapped, and I congratulate you on your stand. Most handicapped people are capable of handling jobs and thereby being self-sufficient. Quite possibly the greatest handicap a handicapped person has is being disqualified for work solely because he is somewhat different.

This practice is not only limited to private enterprise, but extends itself to jobs within the governmental services. For example the Postal Service, formally the U.S. Post Office refuses to hire known epileptics citing phony regulations as to why the Post Office cannot hire epileptics, refute all such allegations and has the gall to put a sticker on one of my out of State letters that read "Employ Epileptics".

As you may have guessed I am an epileptic who was refused employment by the Post Office. Of course the postal service is not the only place where epileptics and other handicapped people are refused employment, but private enterprise can not be expected to do more than the government and the various agencies thereof.

Currently I have filed an application with the State of New Jersey to become a Cottage Planning Technician, that is to say a person who assists the mentally retarded at one of the State schools. Although I have not yet heard anything about this position I realize I will probably not be accepted for this position. Do not think that I have a defeatist attitude, I just try not to let my hopes get up too high as not to be let down hard from a high distance. Nor am I filing applications without any hope as I intend to, if rejected, make every appeal possible.

I wish you luck with your legislation and I also hope the time will come when it will no longer be necessary, for I along with hundreds of thousands of other "handicapped" people do not consider myself handicapped.

Sincerely,

ROBERT L. BENNETT.

EDISON, N.J.,
February 2, 1972.

Senator HARRISON A. WILLIAMS, Jr.,
Senate Building,
Washington, D.C.

DEAR SENATOR: It pleased me greatly when I read the article in the Star Ledger of January 30, 1972 regarding your interest in helping the handicapped.

I am a paraplegic and this article is very heart warming to me as I am at present fighting a one man battle to better the conditions for the handicapped. It is very important that the many handicapped people be given the proper training and be employed in the capacity that they can be best suited. However, they should also be given the opportunity to enjoy the pursuit of happiness that all people are entitled to.

I am talking about the pleasures in life that are available to all such as sport events, theatres, restaurants, libraries, museums, public buildings, etc. As I have experiences in the eight years that I have been confined to a wheelchair these pleasures have been limited to me due to the architectural barriers which confronted me in my attempts to take advantage of these enjoyments. In many cases and on numerous occasions there were no provisions made to accommodate me in a wheelchair and I could not enjoy these events and it also prohibited my family from enjoying them with me.

I have written to the people in charge of ball parks, airlines, theatres, etc. in which I had this experience but to no avail, they didn't even have the decency to answer my letters. I know that the federal government and the states have drawn up guide lines to help in this respect but they are not mandatory and are disregarded completely.

I hope that you will include this in your aim to better the conditions of the handicapped. As it is stated in the Constitution in regard to the pursuit of happiness, I hope that this will include all the people who are afflicted with some handicap that they may enjoy whatever happiness that they seek without a closed door.

If there is anything that you want clarified or if I may be of any help to you in this respect please call on me.

Sincerely yours,

BENJAMIN B. ASNIN.

EDISON, N.J.,
January 31, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your interest and plans for the handicapped have come to my attention. As a clinical psychologist and human being concerned with the physically disabled, I can only encourage you in your venture. Thank you ever so much for your efforts!

As you are aware, facilities, employment, educational opportunities, etc., are limited along with personnel. Psychotherapy and counselling opportunities to help cope with the emotional aspects of disability for the handicapped and parents on an individual basis are, in most areas, non-existent. Day care centers for disabled adults and children to free their parents for gainful employment is another neglected area which requires attention.

In addition to my full-time employment as a clinical psychologist and former vocational rehabilitation counsellor, I am active in my profession including organizational activities, and as a citizen toward doing whatever I can in the area of the handicapped. My husband, who is employed as a social worker, joins me in this effort.

If I may be of any assistance to you, please feel free to contact me. I may be reached by phone during the day at the New Jersey State Diagnostic Center, 201-548-2500 ext. 213 or evenings at home, 201-572-1047 (unlisted).

I hope that something constructive can be done.

Most cordially,

LOUISE MEAD RISCALLA.

DOVER, N.J.,
January 31, 1972.

HARRISON A. WILLIAMS,
Senator.

DEAR SIR: I see that you are planning to help the handicapped. I am Mrs. Anna L.

Wiest. I am 90 percent blind and need some help. I also have arthritis of the joints. Also have a vitamin deficiency that costs more. I have to have five different prescriptions to be taken every day. I did receive $11 a month from welfare but was taken away. This was for meat. I would be thankful if I could get a little help. Work record. I get social security. The amount is $147.10 per month. Out of that I pay mortgage on the house, $115 a month. That leaves me with $32.10 to live on and help pay the bills.

I'm 54 years old—I can't go out to work on account of sight—all the other ailments. I'm a widow, and I thank you.

ANNA L. WIEST.

JANUARY 30, 1972.

DEAR SIR: Read in the Sunday news where you was trying to help the handicapped. I hope the bill is passed. I have a boy of 17 years of age that is in his last year of high school. His foot is off at the ankle; they will send him to college next year, but what will he do all summer making no money at all even for movies or any other things such as going to baseball games which cost money. I don't think they do enough for these people because he will never work with his feet, only his hands.

He hasn't received a nickle for the accident because he wasn't supposed to be at the car wash. He was there helping a friend out with no one older there. I know with them you have done a lot for the older people, maybe a job would help out this summer. My husband and I are over 65 years old, we live on Social Security checks so if there is any way you can help I would thank you. I live at 150 Stephen St., Belleville, N.J., 07109. My name is Lydia Wilson. I hope they will have some kind of work in this town that can help these people. God bless you.

LYDIA WILSON.

STOUT STATE UNIVERSITY, DEPARTMENT OF REHABILITATION AND MANPOWER SERVICES, SCHOOL OF EDUCATION

MENOMONIE, WIS., *January 31, 1972.*

HARRISON WILLIAMS, Jr.,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR HONORABLE SENATOR WILLIAMS: I have just heard on the news broadcast of your concern for the handicapped in the United States and proposal of establishing an office in the Department of Health, Education, and Welfare for service to them.

I could not be more delighted than to hear of this concern. It has been my grave concern, one shared by many professional workers in the field of rehabilitation, that in light of all the emphasis today upon the disadvantaged and poor (which is very definitely needed) and with the reorganization in Health, Education, and Welfare that changed the status of the Rehabilitation Services Administration, that handicapped were not being adequately served. I have had a growing fear that with each passing year we were losing sight for a very severe need in this country and that we were actually going backwards in relation to a program that has been very effective in serving them.

I have had considerable experience in working in the field of rehabilitation as an educator, as an active member in the National Rehabilitation Association, as a President of a National Rehabilitation Association, and in assisting the Rehabilitation Services Administration and the Social and Rehabilitation Service in helping with the development of guidelines and as a consultant. If there is anything at all that I can do to be of assistance to you in this, please call upon me as I do get to Washington often.

If you have any more detailed information on your proposal or a copy of the bill that you would be submitting, I would appreciate receiving the information.

Sincerely yours,

PAUL R. HOFFMAN, Ed. D.,
Chairman.

WINSTON-SALEM, N.C.,
February 3, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I read with much interest the enclosed article about your Three-Point Plan for the handicapped. There are many, like myself, who laud your efforts and hope it hasn't come too late for many, like myself. In 1921 I had Polio which paralyzed me from the waist down. From about 10 to age 16 I spent in various hospitals and had a series of 14 operations. Today, with the use of a brace on my right leg and a cane, I do quite well. But there is another "handicap" all of us must face and that is "Age," and when you are faced with both situations at the same time, it's hard to take.

I have a reasonable amount of education, not as extensive as some but more then others. But education is not so much what we get from books as it is how we relate our every day experience to every day living. I've made my share of mistakes, used bad judgment at times, but have always tried not to make the same mistake twice, and benefit by the mistakes I did make.

For the past twenty plus years I've been in the Insurance business as well as Radio and TV broadcasting, writing and directing. When we moved to Winston-Salem I found myself with an almost insurmountable problem—that of finding a job, being handicapped and 52. There are Laws against discrimination of all sorts of situations, but it does not work out as the Law was intended. I have had more doors closed in my face, because I was 52 and handicapped then I care to remember. No less then five Employment Agencies have admitted to me that although my qualifications were perfect for the position, the door closed when the employer found out I was 52, not to mention being handicapped. And I'm sure I am but one of many thousands who are faced with the very same situation.

For over a year now I've been working as a Debit Insurance Agent which requires me to see from 30 to 40 people a day. Needless to say that is enough to tire a man with two good legs. I am also doing Public Relations work at night in an effort to make ends meet. But it seems that whenever one begins to make ends meet, somebody moves the ends. All of my efforts have failed in locating a job less strenuous because of the two reasons mentioned above and have wondered just how many more people like me are faced with the same problems? There is not one step that I take that is without pain, but when one has lived with with pain all his life, he conditions himself to it for the most part. There is, however, another kind of pain that cuts deeper and hurts much more and that is the pain of rejection—rejection because of age and physical condition. While the youth of today will be the wealth of tomorrow, still the youth of yesterday is the wealth of today and should not be regarded as adding to the pollution problem.

I sincerely hope and pray that you will get the support you need to put your plan into effect, for it will serve a great cause and will do so many people so much good and help restore them to their rightful place in the world. Handicapped people know that it is up to them to make a place for themselves if they are only given a chance to prove their work I am enclosing my Résumé and Form No. 171 for your purpose with the thought in mind that my background, training and experience can be of value. I would be most greatful if there could be a place for me on your program and if experience of being handicapped is one of the qualifications, then I've had over 50 years of it.

Yours sincerely,

CHARLES A. BRIGHT.

FAYETTEVILLE, N.C.,
January 30, 1972.

SENATOR WILLIAMS: I was glad to read that you have proposed a program so that more attention may be given to the nation's handicapped and their unique problem of fitting into a society which hardly welcomes them, let alone helps them in.

As a physical therapist I am interested in doing anything I can to help you implement your proposal for a subcommittee on the handicapped. I would like to know more about what you have planned, and what needs to be done to help.

Thank you,

MARILYN F. KING.

LITTLE ROCK, ARK.,
February 1, 1972.

Senator HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Labor and Public Welfare Committee, Washington, D.C.

DEAR SENATOR WILLIAMS: I saw an article in the paper regarding your efforts to increase attention to the problems of the handicapped.

I am an employed handicapped person.

My letter is not to gripe about problems of the handicapped, but to wish you well in the creation of a Subcommittee. I hope that handicapped people will be able to serve on some of the planning committees.

I would appreciate it if you would place my name on a mailing list so I can be kept informed of the above activities.

Thank you.

Sincerely,

Miss ANNICE SMITH.

SAUGUS, MASS., *February 1, 1972.*

DEAR SENATOR WILLIAMS: Upon reading in our Boston newspaper Sunday of a three point plan to increase federal attention to the problems of the handicapped, I had to stop and wonder how the word increase entered the subject. I have a son that attended "Essex Agricultural School," in Danvers, Mass. He wanted to become a Veterinarian, that was in 1964. While working on the farm he got in an accident with a "corn chopping," machine, and as a result lost his right hand above the wrist, and the first half of his first joint of the other hand.

Well after a few months of medical attention and rehabilitation work, he went back to school and he also returned to the farm the following summer. He wanted of course to prove to himself, and to others, that he could do almost everything as good as he did before. The following two years after school he worked in veternarians shops, but had to give it up because like he said, you need two good hands to be a good vet. Two years ago he took an eighteen week course in the field of broadcasting, with a nationally known co. called Career Academy. The charge was $1,000 and could be paid by the month. Since he graduated he has gone to 157 radio and TV stations in six states, has already made three trips to them up until now, and still no job.

Now he's pretty disgusted with this field and so are almost 56 of the 58 students that graduated with him. Now they have all that money from these kids, and no jobs to give them. We have even paid the $15.00 for a classified ad in the "Billboard" magazine for a job, stating he'd take a job anywhere, anytime and for any amount of pay but still no work. This is not fair by any means, and on top of all this my son makes his payments on the loan. My son is twenty two years old today and is only an occasional work in a boat yard.

Please Senator, help these poor handicapped people to the very best of your ability. You can tell that I've had very little education by my letter, but I'm concerned.

HENRY T. SOUZA.

NORTH WALES, PA.,
January 31, 1972.

Sen. HARRISON A. WILLIAMS, Jr.,
Senate Labor and Public Welfare Committee, Washington, D.C.

DEAR SENATOR: You care, how tremendous! We have two sons, one second year college, the second son a senior in high school, both are visually handicapped. These boys really work at staying on top. They are President of their school, announcer for senior teams, Centennial Committee representative in the Community, student editor of high school newsletter, etc., and I'm extremely proud of them.

However—as far as help for studies they are left in a lurch. The oldest boy has a reader service starting this past September—so far he has not been reimbursed one cent. It's now 5 months of his paying without the service being forthcoming—such red tape, and invoices to fill, is mountainous. The second son has nothing to aid him.

We have purchased large print typewriters (2)—tape recorders (2)—earphones—dubbing deck—payed $66 for 1 textbook alone plus all other tapes for both boys and the only real success we have had in helping with their school reading problem is volunteer recording by one local group.

Our second son will need assistance for reading to survive in college from his first day on. Who can tell me how to have the reader service become more effective—for instance the money is only $1 per hour allowed. Why can't it be available without waiting almost ¾ year for reimbursement. if it comes then.

We are not eligible for equipment supplied to our sons nor are we eligible for money towards their board or tuition—we pay for every step of the way and to know that we aren't even eligible for state scholarship in Penna. rangles me!

Our added expenses for schooling with *seven* children plus supplies for the boys—when somewhere, somehow, aid for the handicapped is allotting funds leaves me baffled as to why we can't seem to find any help with Reader Service (which is not based on economic need).

These boys are independent, bright, achieve, and are putting up a great battle to compete—please don't wait until marks begin to fail (due to not having aids to see properly) before someone else besides their parents care to see them reach their potential.

Also, I hope your organization looks into council for teachers. There is prejudice, believe me—to mark a student on a curve along with his class—when examinations are handed out in poor print and the student is told *I forgot you couldn't see the print*—do your best!! How great this generation is to stay in there and keep trying—when odds are stacked high against them—I don't think we were given or acquired the determination these children have.

I'm delighted you are involved in helping with some of these stumbling blocks—even tho I don't know your complete program.

Please advise us if you have any such involvement with the Visually Handicapped.

Thank you, Senator.

Sincerely,

KAY D. QUOIN
Mr. W. J. QUOIN.

PHILADELPHIA, PA., *January 31, 1972.*

DEAR SENATOR WILLIAMS: I am writing to you because of your interest in the handicapped.

As a disabled person I would like to bring to your attention the need of a *New* amendment in the Social Security Law to cover *all* disabled persons.

I worked over 3 years (starting at 18 yrs) under Social Security but find that I don't fit in under any of the categories. I don't think it is fair that certain groups can benefit while others are left out. We need a new law that is fair to all.

I have been disabled from Polio for twenty-six years and feel that there are others in the same position who could also benefit.

Thank you for listening.

Sincerely,

MRS. SHIRLEY E. ALKINS.

VANDERBURGH COUNTY
REPUBLICAN CENTRAL COMMITTEE,
Evansville, Ind., January 29, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Washington, D.C.

DEAR SENATOR: A short comment of approval for your plan to have a White House Conference on the problems of the handicapped.

As Chairman of the Indiana Vocational Rehabilitation Commission this would of course be of great interest to us.

If we can assist in any way to bring this to fruition, please call on yours truly.

SIDNEY KRAMER.

PARKERSBURG, W. VA., *January 31, 1972.*

Re Rev. Brent Lowther.
Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SIR: You are to be congratulated for your speech prepared for delivery at Trenton, New Jersey. You spoke of the neglect of many of our handicapped people. You say you have plans to create a new committee on the subject of the handicapped. Good!

Speaking from my own personal experience, having been in a number of Veterans Hospitals, State, and private, I say there is a critical need to also enforce existing laws, especially laws that affect all our veterans. Currently, many of these laws are not being carried out. This is especially true of mental hospitals, and mental patients. In fact, no mental patient has any rights, period. He is at the total mercy of his peers. All his mail is censored, he cannot drive a car, and has other serious restrictions. He is totally under duress.

In most mental hospitals, there is an atmosphere of hopelessness. There appears to be total despair. No hope. Sure, they usually get enough to eat, usually have fair sleeping quarters, and they do have some therapy pass-time programs, but nothing really constructive. They have the usual craftsman shops, where they make simple things, have minor assignments, do work details, and other assorted jobs. Most patients do very well indeed. My opinion is, that most mental patients are looked upon more or less, as prisoners. This attitude of hopelessness is created especially when the patient has no family, no relations, or real friends. He has worse problems if he and his wife are having domestic problems, separated, or divorced. His wife sure does cause him an awful lot of trouble then. And other veterans who have a rough time, are those who have suffered ills at the hands of their family, employer, or irregular courts. In this case, the veteran has little or no help at all. He is at the mercy totally of his peers.

In closing out this letter, it is my strong suggestion that you also consider passing a bill, or introducing one, a new bill that would Guarantee the rights of all mental patients, especially for all veterans. Sure!! I'm fully aware we are supposed to have such bills on the books. But they are not enforced or carried out, especially when the individual concerned, is under confinement or under total duress. I would say we have literally thousands and thousands of mental patients that do not belong in any mental hospital. But at present, they have no way of letting this be known. A new law would help them. Please consider this. Thank you, and God bless you.

Respectfully yours,

Rev. BRENT LOWTHER.

PHILADELPHIA, PA.,
January 30, 1972.

Senator HARRISON WILLIAMS,
Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR WILLIAMS: I support your recent statement on the problems of the Handicapped "A stain on our collective conscience, an affront to what this great nation is suppose to stand for." A Senate Committee on the problems of the Handicapped is long overdue, along with the establishment of the Office of the Handicapped in H.E.W. A White House Conference on the problems of the Handicapped has long been overdue. The Handicapped have rights which have long been denied them in some cases even the right to vote as citizens of these United States, because they are Handicapped or suffer some physical disability. I have a great interest in helping the Handicapped and would be most grateful if you would put me on the mailing list of the Committee and copies of their reports.

Very respectfully,

WALTER VITAS.

CATHOLIC CHARITIES,
Brooklyn, N.Y., February 1, 1972.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: We read with great interest of your speech, given at Trenton, New Jersey, in which you voiced a desire to increase federal attention to the various problems of the handicapped citizens of the United States.

Just publicizing the plight of these minority members of society would have been a tremendous service. We are pleased to note, however, that you are calling for a White House conference; the establishment of a subcommittee on the handicapped; and the establishment of an office for the handicapped within the Department of Health, Education and Welfare.

You are to be commended, Senator, for championing the cause of the handicapped. Please accept the gratitude not only of our staff but also of those handicapped persons we are privileged to serve.

Sincerely yours,

WILLIAM T. JOHNSON,
Administrator.

MILWAUKEE, WIS.,
January 31, 1972.

Senator HARRISON WILLIAMS, Jr.,
Chairman of Senate Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I read your "3 point program to increase federal attention to the problems of handicapped" in the Jan. 30th, "Milwaukee Journal". It sounds great! But, I'm afraid it will wind up like every other program for the handicapped—no results. How many times have new programs for public awareness begun and how many times have hearts of handicapped to be jolted to new hope only to find that things have not changed? I don't mean to sound bitter, just realistic.

As a high school student, I was told that a speech impediment (I sound like I have a cold) was the worst handicap. I thought the instructor was being foolish. I found out she was right. People ARE willing to accept a foreign accent but are not willing to accept a speech handicap.

In 1964, I graduated from college with high hopes. After 1½ years of searching, I found employment with Goodwill Industries of Wis., Inc., Milwaukee. Five years later, I was laid off.—with the first group to be laid off. You see, our executive vice president didn't believe in having handicapped people on his staff. Generally, though, handicapped people are the last hired and the first fired. Why?

My major in college was speech: my best courses were public speaking. I am not afraid to speak. But when I see the jaws of personnel men set as I begin to speak, I become nervous. I know the results of that interview. I have had close to 300 such interviews since I was laid off Sept. 9th, 1970.

My husband, a paraplegic, has had similar experiences. He's been told "you can't do it" for so long that if it weren't for his tremendous belief in himself and his ability, he would have been beaten long ago. If a counselor says, "But you can not do that." A red faced counselor reads favorable reports then decides that there are not enough funds to complete a promised program. As long as the handicapped fit into neat little packages, they can receive enough help to get by. If they do not fit the neat little mold, there are no funds to help. Why? Similar stories can be told by practically every handicapped person we know.

My best wishes for your program. Hopefully, you will hire some handicapped people to be involved in various stages of your program.

We have far to go to rid America of all—well, at least, most—of her prejudices.

Very truly yours,

Mrs. JoAnn Marshall.

Wauwatosa, Wis.,
February 1, 1972.

Sen. Harrison Williams, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: While looking through the Milwaukee Journal, I noticed an article stating that you unveiled a three point program to increase federal attention to the problems of the handicapped. Because of my personal experience, I'm glad someone is finally going to give some consideration to handicapped people.

I graduated from the Milwaukee Area Technical College with a degree in business administration. I had a 3.5 average, a good record, and excellent recommendations from my teachers. Nevertheless, I've been having a difficult time finding employment because of my poor vision.

Upon the advice of a friend, I took the Federal Service Entrance Exam and got what personnel men tell me is a good score. However, after contacting various federal agencies during the past year, I've still been unable to secure employment.

Handouts, subsidies, and special privileges are things I never asked for. All I ever wanted was a chance to use my abilities.

The federal government has done a tremendous job of helping minority groups. There are many programs to make sure businessmen, labor unions, and government agencies take affirmative action to give minorities equal opportunities.

Very little has been done to help the handicapped, especially those with a vision problem. I hope your program will bring about an awareness of the problems handicapped people have. I also hope it will result in programs to help the handicapped overcome their biggest barrier—discrimination—and become a part of the American society.

Thank you, Senator Williams, for the concern and consideration you've given handicapped people.

Sincerely yours,

David Zeise.

Bronx, N.Y.,
January 31, 1972.

Senator Harrison A. Williams, Jr.,
Senate Office Building
Washington, D.C.

Dear Mr. Senator: As an individual who is confined to a wheelchair, I thank you very much for showing concern about the problems of the handicapped. There are so many hurdles that we must jump in order to get through in life, such as employment, transportation, etc. But the problem does not stop right there unfortunately. We must also remember the handicapped people who are in institutions which have the problem of overcrowding and insufficient help to care for these people. I am confident though, that with your help, the ball will finally begin to roll and many of the handicapped people will benefit from this. Again, thank you very much.

Sincerely,

John Dowling.

Flushing, N.Y.,
January 30, 1972.

Dear Senator Williams, Jr.: May I, as a working wife with a disabled husband for the last 6½ years give my views—Disabled S.S. recipients need more money and medicare, as, they have more expense for therapy, taxies, special shoes and braces, etc. they cannot take advantage of the things able body S.S. recipients have like, making $1,680.00 income, half fare even pleasure trips.

I cannot see why a woman when her husband dies is supposed to live on 82% of her husband's S.S.. She needs all as her rent, and expenses go right on, I'd like to see the day when projects could be built for the senior citizen like in Massachusetts where a nurse and doctor are on the premises at all times also included in the project should be dining room delivery of meals for disabled or ill. Menu should include well balanced meals which many old people do not get.

Grateful for your dedication.

Sincerely yours,

Mrs. Susan Gosman.

Flushing, N.Y.,
January 30, 1972.

Hon. Harrison A. Williams, Jr.

Dear Sir: I would like to see more S.S. benefits for the handicapped, S.S. Recipients, abled bodied recipients can go out and earn 1,680.00 extra, where disabled cannot, disabled need more as their needs are greater, when I need new shoes it cost me $15.00 to have the brace transferred plus extra sole and heel to raise the one side, It also costs more when I have to go to the doctor, barber, or foot doctor, as I need a taxi for transportation.

These I could not afford if my wife was not working. When she is in retirement age I hope these things will be taken care of by more S.S. benefits to the disabled. I think all S.S. recipients should have medicare benefits.

Sincerely yours,

Mr. George Gosman.

Jackson Heights, N.Y.,
January 30, 1972.

Senator Harrison A. Williams, Jr.,
Chairman, Senate Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

Honorable Sir: I am prompted to write this letter to you by a newspaper article about your plans for aid to the handicapped. There have been many such programs, and putting it on a national level is indeed a great step forward. All of these programs are naturely aimed at helping as many individuals as possible. There is, however, one fault in all these worthwhile endeavors, which I want to point out to you and your committee. Unless the individual is totally and incurably helpless, he is completely excluded from all aid.

I bring to case my son Gerald, age 29, married, and partly paraplegic as result of spinal surgery at the age of 12 in an effort to correct a case of progressive scoliosis. Here is a man who has managed to stay out of poverty, who has had the initiative and perseverence to go to college and earn his BA and MA degrees in music, specializing in symphonic and operatic conducting. Now here is a man who is as qualified as any to fill a great need for a top skilled conductor, but every path in the pursuit of his career is shut. He has studied under the greatest teachers of conducting, including Dr. Albert Lert at the Orkney Music Festival at Virginia, Leonard Bernstein and Barzan at the Tanglewood Music Festival in Massachusetts, and Igor Markiewicz in Monaco . . . In all of these highly recognized music festivals he has made fine impressions, and completed with honors, including a cash award from Prince Ranier of Monaco for excellence in conducting.

Why shall a man who has achieved so much knowledge and skill in one of the most sophisticated of artistic activities find it impossible to make a living at the profession or which he has been training all his life? He asks no favors, no financial aid, no special compensations. All he wants is a chance to prove what he can do, to show that he is a great conductor, and to fill such a position. One of the places for a conductor to prove himself is in the Metropolis competition in New York, but in his several efforts to enter the competition, he was never admitted. How does a man gain recognition when he isn't given a chance to show what he can do? Vacancies for conductors appear in colleges and universities, and in many State and City sponsored orchestral and operatic societies. His physical condition always stands in the way of an appointment despite his superior skills and qualifications.

The aid he has been unable to obtain all these years and the aid he is seeking now is the chance to prove that he is a better conductor than his competition, and deserving of a position in the field—despite his handicap.

Can your committee help a handicapped man in a high level skill—or must he be completely destitute and helpless? Can he pursue his art, or must he re-educate to learn a craft usually taught the handicapped so that they may eke out a meager living?

The more advanced handicapped is also entitled to help—don't you think?

Respectfully yours,

Max Feintuch.

P.S.—My son's name is Gerald S. Feintuch, Flushing, New York.

P.P.S.—He may even be helpful in assisting you to set up a program of aid to the handicapped with high-level achievement. While studying for his graduate degree he was teaching at Queens College on a Fellowship.

By Mr. HANSEN:

S. 3159. A bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, I am today introducing legislation to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway in Wyoming, and I ask that it be referred to the appropriate committee for consideration.

I believe this to be significant legislation which I call to the attention of my colleagues. This measure would provide that an 82-mile segment of country from West Thumb in Yellowstone National Park to the south entrance of Grand Teton National Park just outside of Jackson, Wyo., be set aside in recognition of a great American. The memorial parkway area would provide both a symbolic and desirable physical connection between the world's first national park—

Yellowstone—and the Grand Teton National Park, a large part of which was made possible through the generosity and foresight of Mr. Rockefeller. It is also fitting that existing roadways, not only within the memorial parkway, but within the two national parks, be identified with Mr. Rockefeller.

Currently, visitors in transit between these two national parks are aware that a 6-mile segment of road which joins Grand Teton and Yellowstone National Parks is under Forest Service jurisdiction, rather than Park Service jurisdiction. This legislation would transfer 23,700 acres of the Teton National Forest to Park Service jurisdiction, thus enabling the Department of the Interior to coordinate and standardize administration of the area, management and development of facilities, and protection of the aesthetic and unique natural aspects of this beautiful country.

One of the major threats to this area, from an esthetic standpoint, has been a growing interest in minerals prospecting. As my colleagues know, there are with the exceptions contained in wilderness areas, no restrictions on minerals explorations in the national forests.

In May of last year, I became aware that 33 placer mining claims had been filed affecting this area between Yellowstone and Grand Teton National Parks. I immediately asked the Secretary of Agriculture to withdraw this area from location under the 1872 mining law, and to protect it from other exploration in connection with the Mineral Leasing Act of 1920. My concern was that some type of mining operation might be established, thus desecrating the truly unique and esthetic value of this fine area, as well as the beauty of the free-flowing Snake River.

The Secretary of Agriculture responded by withdrawing this area from minerals exploration.

Mr. President, I think it is important that the National Park Service assume jurisdiction over this corridor, in order that it may be protected from any future activity that would detract from its natural beauty.

Also important is the fact that this year, Grand Teton and Yellowstone Parks will be the center for commemoration of the 100th anniversary of the national parks system, which began with the establishment in 1872 of Yellowstone Park. The role played by John D. Rockefeller, Jr., philanthropist and public benefactor is known the world over. Not as well known here at home is the fact that this man did more than anyone has ever done to add to, build, and encourage the setting aside of public parks for the enjoyment of all the people.

The designation of this area as the John D. Rockefeller National Memorial Parkway would offer the kind of protection necessary to preserve this magnificent area.

Mr. President, it is important to note that the significant hunting and fishing use of this section of the Teton National Forest would not, in any way, be restricted as a result of approval of this legislation. Further, the use of the road through Grand Teton and Yellowstone National Parks would not be restricted under this legislation.

And, I want, too, to address a concern expressed by some that this legislation would permit development in the corridor that would detract from the area. This concern has been the subject of considerable discussion between myself and officials of the Forest Service and the National Park Service. I ask unanimous consent to have printed in the Record at this point a letter which I received on October 29 relating to the proposed development of the area to be designated the John D. Rockefeller, Jr., Memorial Parkway.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., October 29, 1971.
Hon. Clifford P. Hansen,
U.S. Senate,
Washington, D.C.

Dear Senator Hansen: Thank you for your letter concerning the corridor between Yellowstone and Grand Teton National Parks. We are pleased to have the opportunity to outline our thinking on development in this area if it should be established as part of a proposed John D. Rockefeller, Jr., Memorial Parkway. This also acknowledges your letter to the National Park Service.

The portion of the corridor offered for transfer by the Forest Service, Department of Agriculture, to the National Park Service totals about 23,700 acres. The remaining corridor lands, amounting to about 29,000 acres, will be proposed by the Forest Service for wilderness status. Less than half of the corridor then would be subject to facilities development of any sort.

The section which might be administered by the National Park Service contains two active concessioner establishments with motel, trailer, and camping accommodations, as well as a Forest Service campground. In addition to the Highway 89 access, this section is traversed by the Ashton, Idaho, road link which is increasingly used both in summer and winter. The present situation is one of heavy public demand and use, which the Forest Service has recognized by encouragement of concessioner investment and improvement of roads and campgrounds. The recent Forest Service study report contains this statement:

"Present use exceeds the developed capacity of resorts and the Forest Service developed campground, which is 1,935 persons at one time."

In view of the central location which the corridor occupies between the parks, its popularity with visitors is not surprising. In addition, the corridor has its own attractions in the form of hunting, fishing, Snake River float trips, wilderness pack trips, and snowmobiling opportunities. Because of this history of recreation use, should this area come under National Park Service administration, it would be managed under policies for national recreation areas. This policy would entail the least degree of change from previous administration by the Forest Service.

We do not believe that the careful development of visitor facilities to serve this public need would destroy the natural environment of the corridor. Throughout the National Park System, National Park Service master plans, prepared in consultation with interested local bodies and individuals, have been successful in protecting natural values while accommodating the needs of recreationists. The present threat of uncontrolled overuse, as indicated in the Forest Service report, must be countered by prompt planning action to accommodate visitor use in ways compatible with the natural scene.

If the memorial parkway is authorized by the Congress for administration by the National Park Service, you may be sure that a program of development will be planned with due recognition for the problem which your letter brings out. At some time in the development process if it becomes apparent that no more visitor-resource facilities can be provided without disruption to the environment, we would discontinue development within the Federal boundaries with the expectation that adjacent private enterprise, some possibly located in Jackson as suggested, would then fill the demand.

Thank you very much for bringing this matter to our attention and for your concern with the problem.

Sincerely yours,
Nathaniel P. Reed,
Assistant Secretary of the Interior.

Mr. HANSEN. Mr. President, during the course of development of this legislation, I have had occasion to work closely with National Park Service and Forest Service officials, and we have reviewed the positions of the various interested parties. We will be interested in the views of others concerned with protection of this fine area when hearings are scheduled.

I ask unanimous consent that the full text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3159

A bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That for the purpose of commemorating the many signficant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Jr., and to provide both a symbolic and desirable physical connection between the World's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Jr., Memorial Parkway (hereinafter referred to as the "Parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Jr., Memorial Parkway, Wyoming", numbered PKY–JDRM–20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the Offices of the National Park Service, Department of the Interior. The Secretary shall establish the Parkway by publication of a notice to that effect in the *Federal Register,* at such time as he deems advisable. The Secretary may make minor revisions in the boundary of the Parkway from time to time, with the concurrence of the Secretary of Agriculture where Natonal Forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the Parkway, and between West Thumb in Yellowstone National Park, and the South Entrance of Grand Teton National Park: *Provided,* That notwithstanding such designation, such roads within the Yellowstone and Grand Teton National Parks shall continue to be managed in accordance with the statutes and policies applicable to these parks.

SEC. 2. Within the boundaries of the Parkway, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the Parkway.

SEC. 3. (a) The Secretary shall administer the Parkway as a unit of the National Park System in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

(b) The lands within the Parkway, subject to valid existing rights, are hereby withdrawn from location, entry and patent under the United States mining laws.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. PROXMIRE, and Mr. BENNETT):

S. 3160. A bill to provide for a modification in the par value of the dollar, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce a bill which may be cited as the Par Value Modification Act. I ask unanimous consent that the bill and a technical explanation of its provisions be printed in the RECORD at this point.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 3160

A bill to provide for a modification in the par value of the dollar, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Par Value Modification Act."

SEC. 2. The Secretary of the Treasury is hereby auhorized and directed to take the steps necessary to establish a new par value of the dollar of one dollar equals one-thirty-eighth (1/38) of a fine troy ounce of gold. When established such par value shall be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b).

SEC. 3. The Secretary of the Treasury is authorized and directed to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association and the Asian Development Bank to the extent provided in the Articles of Agreement of such institutions. There is hereby authorized to be appropriated, to remain available until expended, such amounts as may be necessary to provide for such maintenance of value.

SEC. 4. The increase in the value of the gold held by the United States (including the gold held as security for gold certificates) resulting from the change in the par value of the dollar authorized by section 2 of this Act shall be covered into the Treasury as a miscellaneous receipt.

TECHNICAL EXPLANATION OF DRAFT PAR VALUE MODIFICATION BILL

SECTION 1.—SHORT TITLE

This section provides that the bill may be cited as the "Par Value Modification Act."

SECTION 2.—DEVALUATION AUTHORIZATION

Section 5(b) of the Bretton Woods Agreements Act requires that Congress must give prior approval to any change in the par value of the dollar in the International Monetary Fund. Section 2 would give this approval by authorizing and directing the Secretary of the Treasury to take the necessary steps to establish a new par value for the dollar of one dollar equals one thirty-eighth (1/38) of one fine troy ounce of gold or $38.00 per fine troy ounce of gold. The initial per value of the dollar of one dollar equals one thirty-fifth of a fine troy ounce of gold was communicated by the Secretary of the Treasury John W. Snyder to the Fund in 1946.

Once Congressional approval is obtained the Secretary will establish the new par value by communicating it to the Fund. Under Article IV, Section 5, of the Fund Articles of Agreement a change in par value may be made only to correct a fundamental disequilibrium and then only on the proposal of a member, after consultation with the Fund. While the Fund in certain circumstances has a right to object to a proposed change it may not do so if the proposed change does not exceed 10 percent of the member's initial par value. Since the proposed change in the U.S. par value is less than 10 percent of the initial U.S. par value, the Fund may not object to this par value change.

Section 2 would provide that the par value of the dollar in the Fund will establish the relationship of the dollar to gold for international purposes. It does not establish a gold dollar as defined in Section 15 of the Gold Reserve Act of 1934 (31 U.S.C. 444). The gold dollar which would be superseded by this Act was relevant before par values were established in the Fund. The gold dollar is equal to 15 and 5/21 grains of gold nine-tenths fine. This value for the dollar was established by Presidential Proclamation 2072 of January 31, 1934, pursuant to the Thomas Amendment of May 12, 1938 (48 Stat. 51, 52). as amended by Section 12 of the Gold Reserve Act of 1934 (48 Stat. 337, 342).

There is one domestic purpose for which it is necessary to define a fixed relationship between the dollar and gold. Section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b) provides that the amount of gold certificates issued and outstanding shall at no time exceed the value at the legal standard, of the gold so held against gold certificates. In order to set a legal standard for the issuance of gold certificates, Section 2 provides that the new par value shall define the relationship of the dollar to gold for the purpose of issuing gold certificates. Thus, after the new par value is established, gold certificates may be issued on the basis of $38 per fine troy ounce of gold instead of on the basis of the old par value of the dollar of $35 per fine troy ounce of gold.

SECTION 3.—MAINTENANCE OF VALUE

Section 3 of the bill would authorize the Secretary of the Treasury to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association and the Asian Development Bank to the extent provided in the Articles of Agreement of such institutions. Each of the Articles of Agreement in establishing the foregoing international financial institutions contains a provision for maintaining the value in terms of gold of a member's currency when there is a reduction in any member's par value. The provisions to differ in detail and apply to the institutions' holdings of the members' currency, to members' subscriptions or to undisbursed balances of members' subscriptions.

The details of the nature of the obligations and the amount to be paid in with respect to each institution are contained in a report to be submitted separately. Appropriations will be necessary to issue the letters of credit to fulfill the maintenance of value obligations. Section 3 would authorize the appropriation of such sums as may be necessary for this purpose, to remain available until expended. An exact sum cannot be specified since total obligations can only be definitively determined, in most cases, on the basis of dollar holdings as of the day on which the par value is changed.

SECTION 4.—INCREMENT IN VALUE OF GOLD

Section 4 of the bill would provide that the increase in value of gold held by the United States, including the gold held as security for gold certificates, resulting from the change in par value authorized by Section 2 of this bill would be covered into the Treasury as a miscellaneous receipt. Section 7 of the Gold Reserve Act of 1934 (31 U.S.C. 408b) also provides that in the case of any decrease in the weight of the gold dollar, the resulting increase in value of gold would be covered into the Treasury as a miscellaneous receipt. This statute is inapplicable since as a technical matter there would be no reduction in the weight of the gold dollar but, instead, this concept would be superseded by the creation of a new par value for the dollar. Thus, to be explicit about the disposition of the increment in value of gold, Section 4 provides for payment of this increment of approximately $828 million to miscellaneous receipts of the Treasury.

By Mr. SCOTT:

S.J. Res. 199. A joint resolution to recognize Thomas Jefferson University, Philadelphia, Pa., as the first university in the United States to bear the full name of the third President of the United States. Referred to the Committee on Labor and Public Welfare.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a resolution recognizing Thomas Jefferson University in Philadelphia as the first university in the United States to bear the full name of our Nation's third President.

Mr. President, Thomas Jefferson advocated the creation of a national university near the Nation's Capital as early as 1786 and as late as 1807. Unfortunately, it never materialized. However, in 1824, the Jefferson Medical College of Philadelphia was founded and 4 years later was granted a university charter. On July 1, 1969, the college changed its name to Thomas Jefferson University.

The title, Thomas Jefferson University, was selected to honor one of the founders of our Nation and to specifically perpetuate his name. At the present time, it is the only university which bears his full name, and since it stands for the principles promoted by Thomas Jefferson, I feel that it is appropriate to offer my resolution today.

Jefferson University's president, Dr. Peter A. Herbut, rhetorically asked:

> What could be more fitting for such a monument than—a school which bears Jefferson's name and was created two years before his death—a school which is located in the City of Brotherly Love, only a stone's throw from the Graff House where he wrote the

> Declaration of Independence and another stone's throw from Independence Hall where the Declaration was signed, and—a school which is dedicated to the promotion of academic freedom advanced by Thomas Jefferson?

Mr. President, Dr. Herbut's eloquent remarks serve to support the resolution I am introducing today. I urge the Congress to grant it its favorable consideration.

By Mr. DOLE (for himself and Mr. TAFT):

S.J. Res. 201. A joint resolution to establish a joint congressional committee to investigate the causes and origins of U.S. involvement in the hostilities in Vietnam. Referred to the Committee on Foreign Relations.

JOINT COMMITTEE TO INVESTIGATE VIETNAM WAR

Mr. DOLE. Mr. President, the American people have endured more than a decade of combat involvement in the Vietnam conflict. Our participation in that war is being ended, but the question still remains. "Why?" How did we become entangled in the first place? What processes, what decisions, what policies lead us into this decade of death, destruction, and division?

FULL IMPARTIAL ANSWERS

It is with these thoughts in mind, therefore, that I offer a resolution to create a Joint Committee of the Congress for the purpose of investigating the causes and origins of U.S. involvement in the Vietnam hostilities.

A joint congressional committee, appointed by the Speaker of the House and the President of the Senate, will, I believe, provide the fairest, most impartial means of providing these answers with all due speed and with the greatest possible concern for serving the public interest.

At hand is a significant opportunity for the Congress to exercise its constitutional authority and fulfill its responsibility to the American people.

I extend an invitation to my colleagues to join in sponsoring this measure and contribute to furnishing the answers to these questions which are troubling concerned citizens throughout the Nation.

THE FIRST TO DIE

In Saigon, 3 days before Christmas in 1961, a specialist 4th class named James T. Davis left his billet on the street called Hai Ba Troung and boarded a truck for a mission into a province bordering on Saigon. Davis was a member of a highly secret intelligence-gathering organization called the Third Radio Research Unit. He was called Tom by the men of the unit and he was well-liked. He was 25 years old. He had a wife and a son whom he had never seen back in Tennessee. On December 23, Tom Davis was to be returned to the United States to be discharged.

But on that December 22, he was boarding a truck for one last mission. The unit commander, Col. William Cochran, passed the truck and told Davis he did not have to go out—that it was not worth the risk. But Davis did not like Saigon—he wanted to take a few more pictures before he went home. And besides, it was his job, and if he did not do it, somebody else would have to do it. So he stayed aboard the truck.

On a narrow track in Long An Province, Davis' convoy moved, strung out, around a curving road, and suddenly Davis' truck was blown off the road. The ARVN guards on the truck were all gunned down from ambush. Davis' body was found with his carbine. The clip was empty, so it was apparent he had been able to fight back. The stock was broken, which suggested he had fallen heavily when he was hit. And 3 days before Christmas they brought his body back to Saigon to send home to Tennessee.

Davis was the first man to die in the Vietnam conflict.

He was No. 1 of a figure which had reached 45,395 as of January 29.

It was said, among his buddies in the third RRU, that Colonel Cochran had put Davis' name in for a silver star, and that the Pentagon had replied saying it was not authorized, because the medal was only given in time of war. No one seemed to know if the story was true, and no one wanted to risk destroying the nice irony of the whole thing by inquiring.

TENTH ANNIVERSARY

Last December 22, just over a month ago, was the 10th anniversary of that event. Since that event, 56,183 men have died in Southeast Asia. If we had the time, it is probable that each single death could be told as I have told of Tom Davis, and each would show the same elements of chance, of irony, of devotion to duty and to America, of loss of loved ones and to this Nation's future.

We cannot know what we have lost in Vietnam, but as President Nixon said a year ago:

> There would have been poets among them, and doctors and teachers and farmers. There would have been builders of this Nation.

We cannot know what was lost to America in the last 10 years. We cannot recount each single story, and know the pain of what was lost to each of these who paid the supreme sacrifice.

But it seems to me that we can know why.

For despite the motives which led to the loss of those lives, whether these motives be noble or base, despite the judgements which lead to such loss, whether those judgements be good or bad, regardless of all this, the loss of these American lives can be redeemed if we learn from these losses lessons that will help bring a lasting peace to this Nation and the world.

WE MUST SEEK LESSONS

We owe it to those who died to seek those lessons. We owe it to their loved ones. We owe it to those who have been crippled and maimed. And most of all we owe it to our children and to their children yet unborn to take from the ashes of death and destruction the flame of understanding which alone can insure that those dead have not died in vain.

World War I began because men refused to recognize the meaning of events, and they were mastered by events. When the war was finished, German Chancellor Bethmann-Hollweg was asked: "How did it all begin?" And he replied: "Ah, if one only knew."

In the years leading to World War II, America rejected the lessons it might have learned from World War I. From the seeds of ignorance, the world again reaped the whirlwind of war, and a petty tyrant was able to bully his way up to sit forever astride a legacy of horror that staggers the imagination.

In Korea, we acted on behalf of freedom to repel aggression. And to leave no doubt of the commitment of the free world to maintain its freedom. We had learned from World War II not to tempt tyranny with the appearance of weakness. Whether an alternative course might have been pursued is academic now. At least we know why we fought; we were not drawn by events and indecision into the war.

Today we are in Vietnam. Once having been committed, the rightness of our involvement became secondary to the problem of how to get out. Thus, both parties supported the national leadership in its efforts and in its stated goals.

THE LARGER QUESTION

But the larger question today, as the war draws to a close, must go to the beginning of our involvement—to the days of men like Tom Davis, when our men in Vietnam were called advisers and when their number was surreptitiously creeping up and up beyond limits that the American public knew. Our questions must go to such matters as the murders of Ngo Dinh Diem and his brother and how this period set us irrevocably on the road to the tragic loss, diminution, or disruption of so many lives, both American and Vietnamese.

When the battle flags are brought home, and America has recovered her sons, and the question is asked, "'How did it all begin?" a moral people simply cannot reply with weary indifference, "Ah, if one only knew."

We must know. We have paid bitterly for whatever wisdom there may be in this longest war. And if from that wisdom, we may get peace and reconciliation—and if by that wisdom we may prevent the loss of other, future lives, then should we not seek that wisdom?

I think we must.

Let us act not to condemn nor to condone the actions of the past. Let us rather seek simply to learn from those actions so that the seeds of sacrifice shall not have fallen on barren ground to be blown away in the winds of another war.

Mr. President, I ask unanimous consent to have the text of my joint resolution printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 201

Whereas Congress has in the past undertaken investigations to determine the causes of United States involvement in World War I, World War II, and the Korean Conflict;

Whereas complete and accurate information concerning United States involvement in the hostilities in Vietnam is not available because (A) the series "Foreign Relations of the United States", containing documents concerning the policy of the United States toward Vietnam, has been prepared only through 1946, and (B) the Department of Defense study "United States—Vietnam Relations, 1945–1967", known as the "Pentagon Papers" has not been fully disclosed and does not represent a thorough or independent review of such involvement; and

Whereas the people of the United States have a right to full disclosure of all information concerning the background, origins, and causes of United States involvement in the hostilities in Vietnam: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee to be known as the Joint Committee on the Causes and Origins of United States Involvement in the Vietnam Hostilities (hereafter referred to as the "joint committee").

(b) The joint committee shall be composed of the following 14 members:

(1) 7 Members of the Senate appointed by the President of the Senate, 4 of whom shall be members of the majority party and 3 of whom shall be members of the minority party; and

(2) 7 Members of the House of Representatives appointed by the Speaker, 4 of whom shall be members of the majority party and 3 of whom shall be members of the minority party.

(c) The joint committee shall select a Chairman and a Vice Chairman from among its members. Eight members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Any vacancy in the membership of the joint committee shall not affect its authority, and shall be filled in the same manner in which the original appointment was made.

DUTY OF THE JOINT COMMITTEE

SEC. 2. (a) It shall be the duty of the joint committee to conduct a thorough study and investigation of—

(1) the actions of each President and administration relating to Vietnam since 1945, and the effects of such actions on the committee of the United States to the Republic of Vietnam;

(2) the foreign policy assumptions of each such President and administration relating to Vietnam, with special emphasis on the United States view of the objectives of Communist China and the Soviet Union worldwide and in Southeast Asia and how this may have affected United States involvement in Vietnam;

(3) the diplomatic policy of the United States relating to Vietnam since 1945 and the influence of such policy on the United States commitment to the Republic of Vietnam;

(4) changes in United States military and strategic concepts and doctrines since 1945 and how military concepts and doctrines affected the United States military role in Vietnam; and

(5) Executive-Congressional relations in the context of United States involvement in Vietnam, and the manner in which the overall pattern of the Executive-Congressional relationship on foreign policy matters since 1945 affected Congressional and Executive actions with respect to Vietnam.

(b) Not later than September 6, 1972, the joint committee shall transmit to each House of the Congress a report which shall contain its findings and conclusions. Upon the transmittal of such report, the joint committee shall cease to exist.

ADMINISTRATIVE PROVISIONS

SEC. 3. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and bindings, (9) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under subsection (i) of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such Chairman or member. The Chairman of the joint committee or any member thereof may administer oaths to witnesses.

(c) Upon the request of the joint committee each department, agency, and instrumentality of the executive branch of the Government is authorized and directed to furnish to the joint committee such reports, documents, and information as the joint committee deems necessary to carry out its duty under this joint resolution.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the joint committee or by any member of the joint committee duly authorized by the Chairman.

Mr. TAFT. Mr. President, I am pleased to join with the distinguished Senator from Kansas (Mr. DOLE) in cosponsoring his joint resolution to establish a joint committee to investigate the origins of U.S. involvement in Vietnam. I am particularly pleased that this joint resolution would call for a thorough investigation of "Executive-congressional relations in the context of the U.S. involvement in Vietnam, and the manner in which the overall pattern of the Executive-congressional relationship on foreign policy matters since 1945 affected congressional and Executive action with respect to Vietnam."

In my judgment we have seriously blurred and undermined the constitutional delineations of authority with respect to the war powers of the Congress and the President. It was for that reason that I introduced Senate Joint Resolution 18. This was the first resolution introduced in the Senate last year to limit the power of the President to make war without prior congressional authorization.

On March 25, 1971, I testified before the Foreign Relations Committee in behalf of that joint resolution and stated that—

> The framers of our Constitution granted Congress the power to declare war and charged the President with the responsibility of conducting hostilities once they had been lawfully commenced.

I noted, however, that despite that constitutional command, there have been at least 165 instances during the history of this Nation when American Armed Forces have been committed abroad. On only five occasions, however, has war been declared by the United States; and as to one of those, the Mexican War, the declaration occurred after two battles had been fought and the Congress in 1848 adopted a resolution stating that the war was commenced "unnecessarily and unconstitutionally" by the President.

In 1951, my father wrote a book entitled, "A Foreign Policy for Americans." In chapter 2 of that book he said:

> In the case of Korea, where a war was already under way, we had no right to send troops to a nation, with whom we had no treaty, to defend it against attack by another nation, no matter how unprincipled that aggression might be, *unless* the whole matter was submitted to Congress and a declaration of war or some other direct authority was obtained.

In that same chapter he also stated:

> If in the great field of foreign policy the President has the arbitrary and unlimited powers he now claims, then there is an end to freedom in the United States not only in the foreign field but in the great realm of domestic activity which necessarily follows any foreign commitments. The area of freedom at home becomes very circumscribed indeed.

I believe that the framers of our Constitution showed great wisdom when they invested the Congress with the power to make war and charged the President with the responsibility for conducting that war once it had been lawfully commenced.

It is for that reason that I have consistently voted against congressional resolutions which have attempted to tell the President how the troops should be deployed and when they should be withdrawn from battle. Since the President is Commander in Chief, I do not believe that the Congress has a constitutional right to involve itself in these decisions. However, the Congress does have the right and the responsibility for determining when and under what circumstances American troops shall become involved militarily in other nations.

During the Civil War the Congress established a joint committee on the conduct of the war. It was a very unhappy experience. That committee was not a success because it attempted to involve itself in precisely those questions which are constitutionally reserved for the President.

The congressional committee which is contemplated by this resolution would be entirely different. It would not attempt to second-guess military decisions, but would go to the critical questions as to the way in which we became involved in Vietnam. These questions are of proper congressional concern and I hope that this committee can be established so that the lessons of history will be available to us in avoiding such chapters as this in the future.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2813

Mr. WILLIAMS. Mr. President, I ask unanimous consent that Senator HANSEN, Senator GURNEY, and Senator BAKER be added as additional cosponsors of S. 2813, a bill to amend the Vocational Rehabilitation Act to provide special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease.

I also request unanimous consent that at the next printing of the bill all cosponsors be included, to date, a total of

31 Senators have joined me in cosponsoring this legislation. They are Senators Tower, Boggs, Randolph, Beall, Fannin, Bennett, Stevens, McGee, McGovern, Harris, Moss, Hollings, Taft, Gravel, Pastore, Hatfield, Humphrey, Inouye, Pell, Goldwater, Bentsen, Eagleton, Percy, Schweiker, Dole, Burdick, Bayh, Hansen, Gurney, and Baker.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

S. 2994

At the request of Mr. McClellan, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 3121

At the request of Mr. Scott, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 3121, a bill to extend the Commission on Civil Rights for 5 years.

SENATE JOINT RESOLUTION 180

At the request of Mr. Roth, the Senator from Maine (Mr. Muskie) and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE RESOLUTION 257 AND SENATE RESOLUTION 258—ORIGINAL RESOLUTIONS REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN, from the Committee on Government Operations, reported the following resolutions:

S. Res. 257

Resolved, That the Committee on Government Operations is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $40,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

S. Res. 258

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Government Operations is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $1,785,310 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated of the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

Sec. 4. (a) Not to exceed $970,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste extravagence, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided,* That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; and

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

(b) Nothing contained in this resolution shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1972, through February 28, 1973, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

Sec. 5. Not to exceed $195,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals to improve these methods, processes, and relationships; of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 6. Not to exceed $297,310 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966; of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 7. Not to exceed $323,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and devel-

opment programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities;

of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,795,310, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSORS OF A SENATE RESOLUTION

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Alabama (Mr. SPARKMAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. ERVIN), the Senator from North Carolina (Mr. JORDAN), and the Senator from New Hampshire (Mr. MCINTYRE) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal year 1972 be immediately released by the Office of Management and Budget.

SENATE CONCURRENT RESOLUTION 62—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 56

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following concurrent resolution:

S. CON. RES. 62

Resolved by the Senate (House of Representatives concurring), That there be printed for use of the Senate Committee on Government Operations, one thousand additional copies of Senate Document No. 56, 90th Congress, 1st session, entitled, "State Utility Commissions-Summary and Tabulation of Information submitted by the Commissions" (September 11, 1967).

NOTICE OF HEARING ON LAND ACQUISITION IN NEW MEXICO AND COLORADO BY THE NATIONAL FOREST SYSTEM

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished senior Senator from Mississippi (Mr. EASTLAND), I ask unanimous consent that a statement prepared by him to be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EASTLAND

Mr. President, I wish to announce the Subcommittee on Environment, Soil Conservation, and Forestry of the Committee on Agriculture and Forestry will hold a hearing February 29 on S. 2699, to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system. The hearing will be in Room 324 Old Senate Office Building, beginning at 10:00 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARINGS CONCERNING U.S. TOBACCO EXPORTS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Florida (Mr. CHILES), I ask unanimous consent that a statement prepared by him be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CHILES

Mr. President, I wish to announce the Subcommittee on Agricultural Exports of the Committee on Agriculture and Forestry will hold hearings February 22, 23, and 24 on the implications of the common agricultural policy of the European Community on U.S. tobacco exports. The hearings will be in Room 324 Old Senate Office Building, beginning at 10:00 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARINGS ON A NOMINATION

Mr. BYRD of West Virginia, for the distinguished Senator from Mississippi (Mr. EASTLAND). Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, February 16, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination.

Wilbur D. Owens, to be a U.S. district judge for the middle district of Georgia.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ANNOUNCEMENT OF HEARINGS ON H. R. 10729

Mr. ALLEN. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry is having hearings on H.R. 10729, an act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, on March 7 and 8 at 10 a.m. in room 324 of the Old Senate Office Building. The subcommittee has already held hearings on similar bills, S. 660 and S. 745, and consequently oral statements will be limited to 10 minutes and questioning to 10 minutes. Written statements of any appropriate length may, of course, be submitted. Anyone wishing to testify should contact the committee clerk as soon as possible. All statements should be directed to the House-passed bill.

H.R. 10729, as referred to the committee, contained a number of typographical and technical errors. Some of these were as minor as incorrect indentation or punctuation. Others had somewhat more substance. In order that witnesses might address themselves to a more correct bill the committee staff has prepared a committee print, which is available at the office of the committee, making the necessary corrections and clarifications. In addition, the staff has included in the print several minor amendments on matters which have been brought to the committee's attention, so that witnesses may express their views on these subjects.

Mr. President, I ask unanimous consent that an explanation of the committee print, which appears on the first two pages of the print, may be printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF COMMITTEE PRINT OF H.R. 10729

This print has been prepared by the Committee staff to illustrate suggestions for—

(1) Typographical, technical, and clerical corrections.

(2) An amendment to section 2(n)(2) to require the ingredient statement provided for by alternative (i) to show the name of each inert ingredient rather than the percentage of all active ingredients. This would conform it to the similar provision of existing law. There is no need to show the percentage of all active ingredients, since that can easily be determined by deducting from 100 the percentage of inert ingredients, the latter figure being required to be shown.

(3) An amendment to section 3(c)(6) to give the Administrator discretion as to whether to refuse to register a pesticide at the end of the 30-day period therein mentioned or to allow the applicant additional time.

(4) An amendment to section 3(d)(1)(A) to provide that a pesticide for general use shall be packaged and labeled so that it can be clearly distinguished from the same pesticide packed and labeled for restricted use.

(5) Amendments to section 27 to extend the authority for appropriation to carry out the Act one additional year (to fiscal 1975) due to the lateness of enactment.

(6) Amendments to sections 4(a) and 22 (b) to give recognition to the fact that some States, such as New Mexico, may divide responsibility under the Act between two or more State agencies.

(7) Amendments to section 6(d) to provide for referral of questions to the National Academy of Sciences (rather than to a committee thereof) and to provide for its report "within an agreed time" (rather than "within 60 days").

(8) Amendments throughout the bill to remove the word "pesticide" from the designation of certified, commercial, and private applicators, to alleviate the danger that certified or commercial applicators might be referred to as CPA's and confused with certified public accountants.

(9) An amendment to section 2(e) to make it clear that the certified applicator need not be physically present when the pesticide is applied, if it is applied by competent persons acting under his instructions and control.

(10) An amendment to section 24(c) to

make it clear that a State may provide registration to meet specific local needs.

NOTICE OF HEARINGS ON PAR VALUE OF THE DOLLAR

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on S. 3160, to provide for a modification in the par value of the dollar, and for other purposes.

The hearings will be held on Tuesday, Wednesday, and Thursday, February 22, 23, and 24 and will begin at 10 a.m. each day in room 5300 New Senate Office Building.

Persons wishing to testify or submit written statements for the record on this legislation should notify Mr. Dudley L. O'Neal, Jr., room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

NOTICE OF HEARINGS ON NATURAL GAS POLICY ISSUES

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that a statement prepared by him be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, on February 25, 29 and March 2, 1972, the Senate Interior and Insular Affairs Committee will hold hearings to review natural gas policy issues. The hearings are being conducted pursuant to S. Res. 45 which authorizes the Interior and Insular Affairs Committee, with ex-officio representation from the Commerce and Public Works Committees and the Joint Committee on Atomic Energy to undertake a study of National Fuels and Energy Policies. The hearings will be held in Room 3110 of the New Senate Office Building beginning at 10:00 a.m. each day.

The purpose of the hearings will be to review with selected Federal agencies and with selected witnesses the major policy issues related to natural gas supply and demand, exploration, production, distribution, and regulation.

Mr. President, I ask unanimous consent that a statement of the natural gas policy issues the Committee will be considering and asking witnesses to address at the hearings be printed in the record at the conclusion of my remarks.

Due to the limited time available for these hearings the Committee will not be able to take testimony from everyone wishing to testify. The Committee does, however, welcome any statements or recommendations on the policy issues the Committee has identified as important elements in the development of a coherent and comprehensive national energy policy. Any statements received will be carefully reviewed and made a part of the Committee's hearing record.

NATURAL GAS POLICY ISSUES

A. Adequacy of supplies

1. Is the anticipated natural gas supply crisis an actual physical shortage of gas, or is it the result of the structure and regulation of the industry—for example, long-term contracts, "rolled in" pipeline and utility pricing, and F.P.C. field price regulation?

2. How responsive are supplies of associated and non-associated gas, respectively, to changes in:

(a) Field prices of natural gas?

(b) Domestic prices of crude oil?

(c) The rate of percentage depletion, and other tax provisions?

(d) The public lands and OCS acreage offered for lease?

(e) The cost of capital and other aspects of the general economic situation?

3. What portion of present and projected natural gas consumption has an alternative fuel source that could be used without serious economic disruption? To what degree would substantially higher gas prices induce fuel substitution or otherwise reduce demand?

B. Adequacy of resource and reserve estimates

1. Are current Federal procedures for compiling natural gas reserve and supply estimates adequate and reliable (e.g., requiring additional technical data from holders of federal oil and gas leases)?

2. Should the Federal government compile its own periodic survey of natural gas reserves and potential supplies (in addition to those prepared by the American Gas Association and the Potential Supply Committee)?

C. Alternative gas sources

1. What are the anticipated costs (per MCF or per MMBTU in principal markets) for substantial new supplies of gas from each of the following sources? What policy or technological constraints limit the choice of any of these options? Which of these constraints should be dealt with by Federal action?

(a) Natural gas—dissolved and associated?

(b) Natural gas—non-associated?

(c) Natural gas requiring chemical, nuclear or other stimulation?

(d) Synthetic gas from crude oil or naphtha?

(e) Synthetic gas from coal?

(f) Pipeline shipments of natural gas from Alaska?

(g) Pipeline imports of natural gas from Canada?

(h) LNG from Alaska?

(i) LNG from Canada or Venezuela? and,

(j) LNG from the Eastern Hemisphere?

2. What should U.S. policy be with respect to the security of supply of:

(a) Natural gas and LNG from Alaska?

(b) Natural gas and LNG from Canada and other Western Hemisphere sources?

(c) LNG from Eastern Hemisphere sources (including Russia)?

(d) Gas manufactured from imported crude oil or naphtha?

3. Should the Federal Government take the lead in research and development concerning:

(a) Geological and exploration techniques regarding natural gas?

(b) Nuclear and other techniques for stimulating presently unrecoverable gas deposits?

(c) Gas manufacture from crude oil or naphtha?

(d) Gas manufacture from coal?

(e) Gas manufacture from other fossil fuels (oil shale, tar sands)?

(f) High pressure and liquified natural gas pipelines?

D. Federal and State regulatory jurisdiction

1. Is it desirable that regulatory jurisdiction and policy be consistent for inter- and intra-state natural gas sales, and for direct gas sales (e.g., to electric utilities) as well as sales for resale?

2. Assuming that field prices for natural gas continue to be regulated, is it desirable as a matter of national energy policy that F.P.C. jurisdiction extend to:

(a) Pipeline gas imports?

(b) LNG imports?

(c) Synthetic gas manufacture and/or sale?

3. Should Federal regulatory policy assure, or permit state regulation to assure, a preference for producing states in natural gas sales?

4. Should producing states be permitted or encouraged to establish minimum field prices for natural gas in the name of conservation?

E. Federal regulatory policy

1. What would be the impact upon natural gas supply, consumption and prices (for old gas, new gas, and the average) from:

(a) Deregulation of field prices of natural gas?

(b) Deregulation of field prices of natural gas for new sales only?

(c) Increases in field prices for new gas sales at the rate of inflation of the general price level plus 2 or 3 percent per year?

2. Is there any combination of regulatory policies (or decontrol) that would simultaneously realize all of the following objectives:

(a) Provide enhanced incentives to discover non-associated gas and to develop presently marginal gas fields?

(b) Allocate limited supplies of natural gas to the highest value users; and prevent the increasing consumption of gas in uneconomic uses, particularly within producing states?

(c) Prevent large windfalls at the expense of consumers, to owners of low cost reserves?

F. End-use controls

1. Is a national policy establishing end-use controls for natural gas desirable, using either pricing or direct controls? Specifically, what would be the impact upon anticipated natural gas deficiencies, and upon the affected users, of:

(a) a policy in natural gas sales by utilities or pipelines for boiler or industrial use, that prices be no less than the cost of the most expensive gas purchased by that distributor?

(b) a policy that natural gas prices for boiler or industrial use be no less than the price per unit of energy of the cheapest "clean" substitute, for example, low-sulfur residual oil?

(c) a policy prohibiting new sales of natural gas for boiler fuel or any other industrial use for which environmentally benign fuel substitutes are available at reasonable prices?

2. Should there be a federal policy limiting or prohibiting block and promotional rates and advertising for natural gas?

G. Contingency planning

1. What, if any, statutory guidelines are desirable for the Federal Power Commission and the Office of Emergency Planning in dealing with major gas curtailments and other gas contingencies?

H. Gas transportation and distribution

1. Does the adequacy of the natural gas transmission and distribution system depend upon tax treatment of pipeline investment, land use, safety and environmental standards, or other federal action?

2. Is it desirable and possible to plan, develop and, where necessary, modify the existing natural gas distribution system so that it can function as an inter-tied national grid and thereby permit gas exchanges and spot and short-term sales in order to eliminate local curtailments and to economize on reserves and transport capacity?

3. What changes in regulatory organization and policy, anti-trust policy, and in pipeline management and financing are desirable to increase the flexibility of the natural gas transportation and distribution system?

I. Federal leasing policy

1. Is it desirable to accelerate Federal leasing for oil and gas onshore, offshore, and/or in Alaska? If so, on what standards and pursuant to what criteria, should the Interior Department determine the rate, location, and timing of lease offers?

2. Are there changes in the present procedures and policy on bidding (e.g., royality bidding, deferrable bonus payment) that would broaden interest and increase competition for Federal leases on the Outer Continental Shelf?

3. Are there other changes in Federal lease provisions and policy (e.g., regularity of sales, length of lease, size and configuration of tracts) that would encourage exploration and development of new gas reserves?

4. Are there special environmental risks associated with oil and gas exploration by independent operators not currently engaged in OCS development that call for special lease conditions (e.g., partial exemption from environmental standards, bonding, Federal liability insurance)?

ADDITIONAL STATEMENTS

BUSINESS WEEK ON THE ENERGY CRISIS

Mr. PROXMIRE. Mr. President, Business Week, which has over the years shown a remarkable sensitivity to our Nation's needs, recently published an editorial concerning the coming energy crisis. I think it presents an accurate, short analysis of the problems and would like to commend it to the Senate's attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COMING ENERGY CRISIS

In oil and gas, as in other resources, the U.S. is becoming a have-not nation. Gas shortages have already appeared in parts of the country, and production is expected to decline in the years ahead. Oil output is leveling off. It will be about the same in 1985 as it is today, according to industry projections. In the same period, U.S. energy consumption will double.

The result, inescapably, will be a rising dependence on supplies of foreign oil. While nuclear power plants and increased coal output will fill part of the energy gap, the National Petroleum Council figures that oil imports will jump from 3.4-million bbl. a day in 1970 to nearly 15-million in 1985.

This shift toward dependence on foreign oil is occurring just at the time when the international oil business has switched from a buyers' to a sellers' market. And it will remain so, because worldwide energy demand is doubling every decade, creating an insatiable thirst for fuels. The circumstances give enormous bargaining power to Middle Eastern and North African countries that control 70% of the world's oil reserves. They are using it to extract the highest prices the traffic will bear and to gain a bigger role in international operations that were once the exclusive preserve of the big oil companies. In an emergency, they could threaten customers with a cut-off of oil supplies.

To avert a full-fledged energy crisis at some time in the future, the U.S. needs something it has never had: a national energy policy. The present system of ad hoc controls and contradictory objectives imposed by competing agencies on different fuels will no longer do.

The U.S. must consider for the first time how to limit its energy demands and allocate energy to the most essential uses. It must begin to think in terms of conserving its dwindling energy resources.

PUBLIC RELATIONS IN THE U.S. SENATE

Mr. SCOTT. Mr. President, most people are unaware of the immense interest which exists in the area of public relations. Not only do the businesses and industries and Government agencies have their own teams of public relations experts, but even individuals have public relations specialists.

Now one of my distinguished constituents in the Commonwealth of Pennsylvania, Bruce Butler, has turned to his own profession to examine its practices and has embodied his studies in a master's thesis entitled "Public Relations in the U.S. Senate."

In a professional Public Relations Journal published by the Public Relations Society of America, Mr. Butler's thesis in the December issue has been cited as one of three outstanding theses of some 535 theses written on government and politics.

I extend my warmest congratulations to Mr. Butler for his outstanding study of the public relations practices of the Senate of the United States. I ask unanimous consent that two news stories from the Scranton Tribune and the Scranton Times concerning this singular honor bestowed on Mr. Butler be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BRUCE BUTLER RECOGNIZED BY JOURNAL

Bruce E. Butler, public relations director of the Pennsylvania State University's Wilkes-Barre and Scranton Campuses, has received academic recognition in the December Issue of the "Public Relations Journal."

In an article published in the Journal, monthly publication of the Public Relations Society of America, Inc., Butler has been cited for his 1963 Master's Degree Thesis.

The article, entitled "Two Decades of Scholarly Research About Public Relations," lists Butler's Thesis on "Public Relations in the U.S. Senate" as one of 16 thesis of 661 unpublished manuscripts now on academic shelves completed during the 1950s and '60s.

Raymond Simon, author of the article, is chairman of the division of business administration and professor of public relations at Utica College of Syracuse University. Simon lists Butler's Thesis, which provides a partial listing of master's thesis and doctoral dissertations, and indicates there should be substantial interest in these manuscripts on the part of the practitioners.

ONE OF 16 MENTIONED—PUBLIC RELATIONS JOURNAL HONORS BUTLER FOR THESIS

High honors have been accorded a Scrantonian who is serving as public relations director for the Pennsylvania State University's Worthington Scranton and Wilkes-Barre Campuses.

Bruce E. Butler's thesis on "Public Relations in the U.S. Senate" is one of only 16 mentioned in an article appearing in the latest issue of the public relations journal "December," a professional PR journal published monthly by the Public Relations Society of America, Inc.

Son of Mr. and Mrs. Joseph M. Butler, 891 North Main Ave., Butler graduated Scranton Central High School and received a BS degree with a major in sociology and minor in philosophy from the University of Scranton. He received his MA degree in public relations from American University in 1968.

Of 535 masters' thesis published over the past two decades, 1950–60 and 1960–70, Butler's is one of three mentioned on the government and political areas.

Butler is married to the former Mary Gene McDade and is the father of five children, Ann Catherine, Bruce, Erin, Jeffrey and Mary Gene. The Butlers reside at 1701 Monsey Ave.

Butler holds professional memberships in Public Relations Society of America, PRSA Northeast Chapter, Wyoming Valley Public Relations Society and is PR cochairman of Scranton Chamber of Commerce. He has been with Penn State University since graduating from American University in 1968.

The article in which Butler is accorded honors for his masters' thesis, is entitled "Two Decades of Scholarly Research About Public Relations" and is written by Raymond Simon.

Butler's listing is in a table of masters' thesis and the author says there should be substantial interest in this and other manuscripts on the part of the practitioners.

In fact, thanks to a grant from the Public Relations Research and Education Foundation, a 35-page bibliography listing thesis and dissertations completed in the past decade has been compiled and is available for $3.

The bibliography is divided into major subject areas and includes the title of the thesis or dissertation, author, college or university where the work was completed and year of publication.

The author says "One would hope that this relatively untapped source of research about public relations will be used extensively by practitioners and future researchers!"

RURAL ELECTRIC SYSTEMS

Mr. ALLEN. Mr. President, last year, the Senate took a long step forward in recognizing the contributions which rural electric systems make to the local economy in the rural areas they serve. After hearing leaders of the rural electric cooperatives themselves, the Senate and the House agreed on an appropriation of $520 million plus $25 million as a contingency reserve, for a total of $545 million to be used as REA loans for improving rural electric service.

This was the largest amount ever appropriated by the Congress in any one fiscal year, from the modest beginnings of the rural electrification program 37 years ago.

The record will show that for several years prior to fiscal 1972, REA's loan program had leveled off in the neighborhood of $345 million or less. During these same years, however, the requirements of the rural electric systems for new capital continued to grow. Nearly a thousand of these locally owned rural systems, operating in the thinly populated areas, need additional loan funds to update and improve their lines and to construct facilities to serve new consumers moving into their service territories. As in other sectors of our economy, the extra costs of an inflated economy and environmental concerns in recent years have escalated the requirement for REA loan funds.

Both REA, as the Federal lending agency, and the National Rural Electric Cooperative Association agreed that the loan needs for fiscal 1972 were more than $800 million. It was realized that the National Rural Utilities Cooperative Finance Corp., newly created and owned by the rural electric systems themselves, could be expected to supply only a small portion of the financing in this first year of its lending operations. Yet the Office of Management and Budget, confronted with a variety of drawndown pressures on the U.S. Treasury balance, appeared through the first half of fiscal 1972 to be holding the line for the original budget proposal of $3.29 million to be used in REA loans, instead of the $545 million appropriated by the Congress.

Happily, on January 6, 1972, OMB released an additional $109 million for the rural electrification program. This left $107 million in REA funds still impounded but we have been told that these moneys would be released next July. Secretary of Agriculture Earl Butz said at the time of the release that President Nixon is "intensely aware of the loan needs" of the nearly 1,000 rural electric systems financed by REA in 46 States.

In running for President of the United States, President Nixon once said, in a campaign statement:

> These are my objectives for the REA program: (1) Assure that enough funds are made available to meet all loan needs of REA borrowers. (2) Maintain the present interest rates for activities clearly related to the needs of rural areas. (3) Help provide abundant electric power for REA borrowers, including the use of REA generation and transmission loans where needed and feasible. (4) Support the long-standing objective of REA to help its borrowers become even stronger local enterprises, recognizing their local nature and their desire not to have their board decisions dictated by Washington. (5) Oppose any action which might weaken the rural service organizations which have been built by REA operations in farm and rural areas.

I should like to respectfully remind the President that even with the release of the still-impounded $107 million, rural electric systems will face a money crisis. If President Nixon's five stated objectives for the REA program are to be reached, it is essential that sufficient funds be appropriated, and that those funds be made available to the REA Administrator for lending. The full amount which Congress appropriated after careful study of the programs needs should be released soon, certainly before the end of the current fiscal year, so that the REA staff can administer its lending program in an orderly and efficient manner as mandated by law.

ASSISTANCE IN SETTLEMENT OF SOVIET JEWS IN ISRAEL

Mr. JAVITS. Mr. President, I am pleased to join as a sponsor in the bill (S. 3142) introduced yesterday by the junior Senator from Maine (Mr. Muskie) to authorize the Secretary of State to furnish financial assistance for the resettlement in Israel of Jewish refugees from the Soviet Union.

The immigration of beleagured Jews from the U.S.S.R. to Israel was a trickle of 1,000 in 1970, a flow of 13,000 last year, and is expected to grow to a heavy stream of some 40,000 this year. Only last month 330 arrived on one El Al flight.

Israel, with its limited resources strained to the utmost in securing its defenses and in providing for other impoverished refugees from the Middle East and elsewhere who came in previous waves, is burdened almost beyond endurance in dealing with this new wave who come from the Soviet with almost nothing in the way of goods, enriched only by a desire to be free. This bill will help in carrying the new burden.

This legislation is in keeping with the statement of Secretary of State Rogers in October 1970 when he declared:

> We believe that free movement is one of the basic human rights of all persons. We have expressed sympathy and support on many occasions for persons in the Soviet Union who wish to emigrate, often to rejoin their families elsewhere, but who are denied permission to do so. We shall continue to make these views known and to take every practical measure which could overcome the hardships suffered by such persons.

This legislation is one of those practical measures to overcome the hardships suffered by these refugees which can be undertaken by the United States. Since World War II, this Government has contributed $2.8 billion for refugee relief, about $500 million of which, for example, was for Arab refugees. The assistance contemplated by the measure being introduced today is another step forward in our national policy of aid to the homeless.

As a member of the Committee on Foreign Relations, I shall cooperate in the prompt consideration of this bill in order that the Jews of the Soviet Union who seek to be free might begin anew their lives in an atmosphere of freedom and tolerance.

U.S. HOME PORT IN GREECE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Record an article published in the Washington Post of February 8.

This agreement with Greece will not be submitted to the Senate for approval.

I predict that it will result in a very large expense to our country and that eventually we will be asked to leave when and if the Democratic forces in Greece are allowed to express themselves.

There being no objection, the article was ordered to be printed in the Record, as follows:

United States To Get Home Port in Greece

(By Stephen Klaidman)

The United States and Greece have reached agreement on the use of Piraeus as home port for a carrier task force of the Sixth Fleet, the State Department announced yesterday.

Details are now being worked out in Athens between U.S. Ambassador Henry J. Tasca and the Greek government.

Final agreement is expected in a matter of months. It is expected that about 3,500 dependents of Sixth Fleet personnel and their households will be installed in Greece by the U.S. government.

Piraeus the port of Athens, will become the main Mediterranean home port for the fleet, which also has a facility at Gaeta, Italy. The move will enable more Sixth Fleet ships to remain on station for two years at a time, rather than the present six months because of the need for sailors to return to the United States to see their dependents.

State Department spokesman Charles Bray in announcing the agreement in principle, cited reduced costs in a period of tight defense budgets and the Soviet naval buildup in the eastern Mediterranean as two of the major reasons for the agreement.

He did not say what form the arrangement with Greece would take, but he indicated that it would not be a treaty, which would require Senate approval.

Bray said, however, that key senators and members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee had been consulted about the negotiations with Greece. He also said that NATO members had been informed and that he was not aware of any objections.

There is opposition in the United States and among the northern members of NATO to any action that could be construed as aiding the Greek military junta.

Asked whether the administration would try to circumvent such adverse opinion at home by seeking an agreement that did not require Congressional approval, Bray cited his earlier statement that individual members of Congress had been consulted, but he did not answer the question directly.

NATO approval is not necessary for such an agreement between Greece and the United States, both of which are alliance members.

Greece will benefit from the agreement to the extent that the 3,500 dependents will spend money there, facilities will probably be built for them and perhaps at some future date the United States will modernize and enlarge the Piraeus harbor.

When asked why the United States made the home port arrangement with a regime that is "repugnant" to many Greek and Americans, instead of elsewhere in the Mediterranean, Bray said:

"We have expressed disappointment at the slow pace at which democracy is returning to Greece," but we've also said that "when U.S. and NATO security is involved" we would do what was necessary, indicating that Piraeus was the best available location.

DISCOUNTS FOR WELFARE RECIPIENTS AT SKI RESORTS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record an article by Mr. Larry Stammer, published in the February 2, 1972, edition of the San Jose, Calif., News. The article relates to the latest welfare folly—discounts for welfare recipients at ski resorts.

The article hardly needs comment, except to say that in any "can you top this" contest on welfare abuses, Mr. Stammer's revelation surely would deserve some kind of prize. Is it any wonder the American taxpayer is fed up with welfare? Twenty-five welfare recipients able to afford a weekend at Squaw Valley—even with a $3 discount on ski-lift tickets—are clearly 25 too many.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bargain for Skiers on Dole Stirs Dispute—Welfare Discount Offered

(By Larry Stammer)

Sacramento.—A flurry of controversy is developing in the High Sierra over whether to give welfare recipients a lift.

Squaw Valley ski resort says yes. But other resorts catering to super skiers say no.

Even county welfare departments are at odds.

DISCOUNT

Skiers returning to Santa Clara County after a fun-filled weekend at Squaw Valley reported that resort is offering welfare recipients a $3 discount on $9 ski lift tickets every Friday.

Employes at the former Winter Olympics Games site confirmed the reports. "But we really don't have that many (recipients) come up here," a sweet young voice said over the telephone.

So presumably, once the welfare recipients rented or purchased skis, bindings, poles, boots and ski clothes, drove to the high country and carried extra change for meals he could take advantage of the $3 bargain.

PROOF

How does one prove he's on welfare? "Oh, there's no set way, really," the voice said. "I guess you show your food stamps or something."

Squaw Valley's public relations man Hans Vonnolte said the program for welfare recipients started about a month ago and "not more than 25" welfare recipients take advantage of it each Friday.

"We have various group programs," Vonnolte said. "We have programs for local areas, for military personnel and on Thursday we have discounts for doctors, veterinarians and professional people. For Friday we thought we'd make it a day for welfare recipients."

He explained, "I'm not talking about the food stamp receivers, but about persons laid off in the Sunnyvale area, for example, who have been hurt by cutbacks in federal spending.

Word of the welfare discount caught other resort operators by surprise.

"Really?" a girl at another resort asked.

A woman working at Heavenly Valley Ski Resort who asked not to be named told the News, "I just heard about it at the hair dresser this morning. As a taxpayer, I would object to it myself."

Milton Lewis of Sugar Bowl resort added, "It seems to me skiing is something you do over and above other bills you have if you're on food stamps or AFDC (Aid to Families with Dependent Children.)

Bear Valley, Incline Vallage and Boreal Ridge said they, too, offered no special discount to welfare recipients.

But Bob Dunbacher at Bear Valley said, "We've never heard of it before but there is a possibility it might be arranged. The boss always tries to bend over backwards to accommodate such requests," he said Bear Valley, as do all resorts, offer special discount packages for groups, especially on weekdays.

Welfare department employees differ on the subject.

Helmuth Stobbe, assistant dirctor of income maintenance for the Santa Clara County Social Welfare Department, said he thought the department would inform its clients of the service if it knew about it.

OPPOSING VIEW

But Larry Coleman, deputy director of the Sacramento County Welfare Department, said his department would not.

Both agreed welfare recipients, unless they lived in Truckee, could ill afford a ski trip, especially when the recreation allowance in their monthly welfare check ranges from $1 to $3.

"Usually a family couldn't even begin to go," said Stobbe.

Coleman said Sacramento County would not inform its recipients of the $3 discount. "We would make a judgment offhand that a client couldn't use it because he couldn't afford the trip," said Coleman.

THREE DOLLARS FOR RECREATION

The average mother with three children and no husband in the house receives about $280 a month, Coleman said. Of that about $3 is earmarked for recreation.

However, there is little to stop a recipient from spending more of his welfare check on recreation than $3. Coleman explained that the federal government has insisted upon a "flat grant" approach under which recipients are given a prescribed total each month. It is left up to them how to spend it.

In cases where there has been obvious abuse, the welfare department can issue restrictive payments and, for example, pay the recipient's landlord directly.

But, otherwise, it is possible—although a mother on welfare interested in her children would probably not consider it—to spend a fun filled weekend in the snow.

DEATH OF FORMER SECRETARY OF COMMERCE SINCLAIR WEEKS

Mr. SCOTT. Mr. President, I note the passing of Sinclair Weeks, Secretary of Commerce in the Eisenhower administration from 1953 until 1958.

Mr. Weeks was an outstanding public servant and played important roles in the development of the administration of President Eisenhower. I offer the deep sympathy of the Senate to the family.

Mr. President, I ask unanimous consent that the New York Times article of February 8 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sinclair Weeks Is Dead at 78; Secretary of Commerce 1953–58: Early Backer of Eisenhower Raised $6 Million in 1952—Pushed Economy Drive

Concord, Mass.—February 7. Sinclair Weeks, Secretary of Commerce in the Eisenhower Administration from 1953 until he resigned in 1958, died today. He was 78 years old and made his home at Cat Bow Farm, Lancaster, N.H.

Mr. Weeks' first wife, the former Beatrice Dowse, died in 1945. He was also formerly married to Jane Tompkin Rankin of Nashville. That marriage ended in divorce.

He leaves his wife, the former Alice R. Low, whom he married in 1968; 3 sons, William D. Weeks of Cohasset, John W Weeks of Belmont and Sinclair Weeks Jr. of Dedham; 3 daughters, Mrs. Frances W. Hallowell of Westwood, Mrs. Martha W. Sherill of Boston and Mrs. Beatrice W. Bast of Ambler, Pa.; 4 stepchildren, 25 grandchildren and 7 great-grandchildren.

A memorial service will be held at 2 P.M. Thursday at the Harvard Memorial Church in Cambridge. Another service will be held at 2 P.M. Friday at the Lancaster Congregational Church

SKILLFUL MONEY-RAISER

When Dwight D. Eisenhower became President in 1953, it was virtually certain that Sinclair Weeks would not only obtain an important post in the new Administration, but would also play an important role in the President's political future.

As one of the most influential Republican leaders, Mr. Weeks, a skillful and persuasive money-raiser, was reported to have raised more than $6-million for General Eisenhower's campaign.

He was one of the first important Republicans to back the five-star general for the Presidency, an endorsement that was at first not overly popular in the upper echelons of the party.

In a dramatic announcement, he called upon Senator Robert A. Taft of Ohio, the leading contender for the nomination, to "perform a supreme act of self-denial that will electrify the nation" by withdrawing from the race.

Mr. Taft called the suggestion "ridiculous" and caustically commented that "Mr. Weeks does not have much ability as a politician as he has as a campaign fund-raiser."

But whether Mr. Weeks reflected or caused the change in Republican sentiment away from the Ohio Senator and toward the eventual victor, the tide of support had irrevocably shifted to General Eisenhower.

POLITICS A FAMILY TRADITION

The tradition of politics was strong in Mr. Weeks' family. His father, John W. Weeks, served five years in the House of Representatives and for more than 25 years in the Senate.

The senior Mr. Weeks also was Secretary of War in the Cabinets of Warren G. Harding and Calvin Coolidge. Two other members of the Weeks family has also served in the House.

Sinclair Weeks was born in West Newton, Mass., on June 15, 1893. His father, a graduate of the United States Naval Academy was an important figure in financial circles in Boston. In 1888, the elder Mr. Weeks was co-founder of the stockbrokerage firm of what is now Hornblower & Weeks, Hemphill, Noyes.

After attending public schools in Newton and graduating from Harvard College in 1914, Mr. Weeks worked for two years as a clerk in the First National Bank of Boston.

In World War I, he served as an artillery captain in New England's 26th (Yankee) Division. After the war, he returned to the bank, where he was made cashier. He later left to become a director of a metals manufacturing concern and, in 1928, was named a vice president of Reed & Barton, silversmiths.

LOST TO LODGE IN 1936

After having been alderman and Mayor of Newton, following in his father's footsteps, Mr. Weeks engaged in his first major political battle in 1936—for the United States Senate—against a member of another distinguished political family in Massachusetts, Henry Cabot Lodge Jr.

Mr. Lodge won the Republican nomination and later the election. When he resigned early in 1944 during his second term to join the Army, Mr. Weeks was named by Gov. Leverett Saltonstall to fill out the unexpired term.

When his 10-month Senate stint ended, Mr. Weeks returned to Massachusetts to resume his business connections.

Earlier he had continued his ties to the Republican State Committee and was named chairman of the committee on finance. He also held the post of chairman of the Republican National Committee for the Eastern United States.

In 1940, Mr. Weeks backed Wendell L. Willkie for the Republican Presidential nomination and assumed the powerful party post as chairman of the executive committee of the national committee. From 1941 to 1944 he was treasurer of the Republican National Committee.

Mr. Weeks became Secretary of Commerce on Jan. 21, 1953, and immediately instituted a program of economy in the department. Wherever possible, he turned over to private industry functions that had been performed by the Government.

He also sought to guide American businessmen in foreign investments with the aim of cutting down the amount of foreign aid distributed by the United States.

However, one of Mr. Weeks' attempts to prevent interference with private industry backfired in 1953. It was disclosed then that he had forced the resignation of Dr. Allen V. Astin, head of the Bureau of Standards.

Dr. Astin's department had ruled that a product that had been advertised as giving longer life to storage batteries was totally ineffectual. The Commerce Secretary objected to the ruling, saying that Dr. Astin "had not been sufficiently objective."

After a storm of protests by scientists, Dr. Astin was kept at his job and his ruling on the project upheld.

The next year, he was reelected director of the First National Bank of Boston, a post he had held before he became a Cabinet member.

ON ADVISORY COUNCIL

In 1959, Mr. Weeks was appointed to the Commerce Department's Business Advisory Council, a panel comprised of 150 industrial leaders who presented the business community's viewpoints to the Secretary.

He joined Hornblower & Weeks, Hemphill, Noyes in 1964 as a limited partner.

In 1968, Mr. Weeks was one of a group of 140 former officials of the Eisenhower Administration who endorsed the candidacy of Richard M. Nixon.

Mr. Weeks was former president and chairman of Reed & Barton, chairman of the United-Carr Fastener Corporation, and a director of the National Association of Manufacturers, the Gillette Company, the Pacific Mills Company, the Pullman Company, the New Hampshire Insurance Company, the Lancaster National Bank, the John Hancock Mutual Life Insurance Company and the West Point Manufacturing Company.

In 1970, he was honored by the University of New Hampshire with its Charles Holmes Pette Medal for "outstanding service to the state, nation and the world."

He was an overseer of the Harvard Corporation, a corporation of Northeastern University and, after his retirement, a trustee of the University of New Hampshire, the Amos Tuck School of Business Administration of Dartmouth College and the Fessenden School and chairman of the board of trustees of the Wentworth Institute.

THE U.S. TRADE DEFICIT

Mr. ALLEN. Mr. President, last year the United States suffered its most severe trade deficit in history and its first trade deficit since 1888.

Our trade imbalance—the difference between what we imported and what we exported—was $2.05 billion in 1971 as compared with a 1970 surplus of $2.7 billion. We thus see that our Nation experienced an adverse swing on its foreign trade account of $4.75 billion from 1970 to 1971. In view of the inequitude of these figures, I think it has become obvious to all that our Nation can no longer afford to continue to follow policies in the field of international trade which obviously have become outmoded, unrealistic and unworkable.

This very point was developed in a highly articulate fashion by Mr. M. O. Lee, who is chairman of the Vanity Fair Corp., in an address before the Alabama State Chamber of Commerce on November 18, 1971. As a businessman, and as a leader in textiles, perhaps the most beleaguered of all major industries, Mr. Lee described in a definitive and convincing manner the results of a generation or more of free trade—one in which the United States has opened its ports to competitors the world over, who in some cases have denied outright any access to their markets.

Mr. Lee suggests that it is time to "Buy American"—that it is time we faced squarely, and fairly, the competitive threat to our economic stability. I not only share his view, but commend to the Senate his thoughts, so well expressed in his recent address. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF M. O. LEE

My sincere thanks for your very kind welcome. Alabamans have had a long tradition for gracious treatment of their guests, and I am delighted to be a beneficiary of your hospitality.

I would not violate that hospitality by commenting on the Alabama-Auburn football game. The sports writers say that the winner will probably play number one—Nebraska—in one of the Bowl games. I must tell you I was born and grew up in Nebraska. So on behalf of the Cornhuskers from New Jersey, Pennsylvania and Ohio who have been attracted to Nebraska by the good weather, high educational standards, and other factors of interest to athletes, may I ask you—and particularly the Alabama and/or Auburn football squad—to treat our poor little Nebraskans kindly and gently—and with real Southern hospitality.

While we share a common interest in football and the Bowl games, more important is the common concern we share for what happens to American business and workers, here in Alabama and throughout the nation. I, as a representative of one of the nation's largest apparel manufacturers, you, as leaders of Alabama industry. Our destinies are linked. And I welcome this chance to discuss the problems . . . and opportunities we share jointly.

Despite the success of Nebraska, Alabama, and Auburn on the football field, 1971 has been a pretty tough year. We can point to a lot of things that happened which we don't approve.

But the truth is: 1971 was not all negative. I believe that in the future it can be said of this year that it was a twelve months when the people of this nation rejected mob rule and the hippie philosophy of something for nothing . . .

. . . a period when the leaders of this nation—in Washington, in industry and in labor—finally said enough to the tidal waves of unrestricted imports that have been engulfing us; enough to monumental trade deficits; enough to discrimination against American capital and goods abroad; and enough to inflation, the silent thief that has been robbing us of our savings and sapping our will to work.

As a member of an industry that is labor intensive and only partially susceptible to automation, I am very much concerned with the current state of international trade and its repercussions upon our apparel industry. Today I would like to discuss with you the nature and possible cure for the flood of imports that has already destroyed portions of our industry; that has helped raise unemployment in our country to unacceptable levels; that has cut already low margins of profit in many companies; and that threatens to turn our nation into a dumping ground for products that we will eventually be unable to pay for.

Alabama is a state vitally dependent upon apparel and textiles. Some 229 apparel plants in your state employ over 41,000 workers. The textile industry in Alabama adds another 43,000 workers operating 129 plants. Twenty-six out of every 100 manufacturing workers here in Alabama depend upon textiles and apparel for a livelihood.

VF Corporation has 16 plants in Southeastern United States and employs 18,000 people of which 8,000 are employed in Alabama.

How can our workers compete with those in Japan who average 39 cents an hour in the apparel industry; with those in Hong Kong where the average hourly wage for clothing workers is 26 cents; with Taiwan and its 15-cents-an-hour scale and with Korea which pays its workers an average of nine cents an hour in the apparel industry? Try to compete with them.

Here in Alabama, your steel industry and your chemical industry and your textile industry have also been undercut by imports from nations whose wage scales are sharply below yours. We would like to compete with foreign producers, but would like to do so on equal terms. We are handcuffed by wage scales, tax laws, policies and regulations that most foreign producers do not have to put up with.

Alabama, then, is a state that knows firsthand the effects of unfair competition from abroad.

How did this situation arise? How did we lose our preeminence in international trade?

Five years after World War II ended, we were the undisputed No. 1 industrial power in the world. We still are. But our position is fast slipping. In the past two decades, the growth rate of our gross national product has ranked third from the bottom among the 21 leading nations of the globe.

Two decades ago the American dollar was the world's most respected currency—that standard by which all others were measured. It no longer is. It was a shocking experience for Americans this past summer to have their dollars rejected by Europeans.

In 1950, mills in Pittsburgh, in Chicago and in Alabama produced almost half of the world's steel production. Today, these mills account for a mere one-fifth of all steel production.

Two decades ago, Detroit produced three-quarters of all automobiles in the world, and we had a sizable export trade in automobiles. Today, our share of the world market of automobiles has shrunk to just one-third. Thirty-five percent of new car registrations in California are foreign.

After World War II, our shipyards were the largest and finest in the world. Last year, they produced only 2 percent . . . 2 percent of the world's merchant ships.

Our machine tool industry was once the pride of the world. We have backed into fourth place.

Now the industry with which I am intimately concerned—textiles and apparel—has been nothing short of a disaster area, as a consequence of our overly liberal trade policies.

A respected figure in the American footwear industry has estimated that imported footwear has wiped out 76,250 job opportunities in this country alone by 1969. By 1975, the figure could reach 169,200. Four years ago, footwear imports were 22 percent of the U.S. market. This year they are around 36 percent and heading for the 42 percent zone.

Another respected figure, this one in the textile industry, has estimated that to produce the 1969 volume of imported textiles and apparel products would have required about 250,000 textile and apparel jobs.

Today, the American Apparel Manufacturers Association estimates, one out of every two women's sweaters sold in this country is imported; one out of three men's dress shirts sold is imported; and one-third of all women's blouses consumed in the U.S. is imported.

If you want to see how fast imports can penetrate a market, one need only look at the panty hose market, where imports went from virtually nothing to 10 percent of domestic production in 18 months.

Textiles, particularly hard hit, have been suffering a trade deficit since 1958. Last year, $1.6 billion more textiles and apparel products were imported into this country than exported.

The United States practically "invented" the man-made fibers industry. Imports of man-made fibers have risen from less than 1 billion equivalent square yards in 1967 to a current annual rate of nearly 4.4 billion.

This appalling state of affairs has had a direct effect on American industry. Among textile mill product companies, after tax profits to sales have tumbled from an average of 3.6 percent to 1.9 percent in a five-year span (1966–70). Apparel makers' profits during the same period have gone from 2.5 percent to 1.9 percent.

Bankruptcies are as common in the textile and apparel industries as the boll weevil in the cotton field.

My company, the VF Corporation, has progressed against this general trend. There are several reasons for this. Our emphasis has been on man-made fibers. This is an area in which foreign competitors have only recently zeroed in. In addition, we have stressed quality and fashion and price levels that position us strongly in the competitive battle. And I might add VF has had the financial resources and the commitment that have enabled us to make technological, production and management advances—not really common in our industry.

We are confident we can continue to grow and prosper—and that our industry can recover—if people, first, begin to understand the problems, then respond in attitudes, in conviction, in buying practices.

People must recognize that the problem is not caused simply by differences in labor costs between the U.S. and foreign countries—not by our inflation, nor by the effects of U.S. business investments abroad . . . nor by the Vietnam war and military expenditures. Despite the over-simplified explanations you often hear for our plight, I believe that like everything in human affairs, there is no single factor behind this appalling state of affairs. Nor can we place the blame on external cause for all our economic distress.

Part of the decline in American prestige, in American influence, in share of the world markets was inevitable . . . it was bound to happen in the normal course of events. We could not remain kingpin and dominate every single aspect of the world economy forever . . . it was bound to happen in the normal course of events. We could not remain kingpin and dominate every single aspect of the world economy forever . . . as much as some of us would like to. Other countries have the same aspirations and drive and high technical skills that we do, although they may not have the same resources.

But, of course, there is no need to deliberately throw away both our pre-eminence and our markets by short-sighted actions.

Other countries don't.

Compare the United States with most of the countries of the world which are interested in trade. Compare tax policies. Take a look at depreciation and incentive systems. See who protects domestic producers. Examine the attitude of labor and of government. You'll begin to understand that world trade as practiced by our competitors is neither free nor fair. And we go into the battle with one arm tied behind our back!

A comparison of the American and of the Japanese experience over the recent past illustrates the attitude of Japanese labor leaders in fostering Japan's super-growth rate.

Japanese labor takes the position that what is best for their nation and for their company is best for them. This attitude is engrained in them. Unions participate in helping the company overcome obstacles, achieve efficiencies, meet competition. Japanese labor and management work as a team. Japanese unions often postpone wage increases realizing that wages can be increased only as the company grows.

Such common labor practices as featherbedding, cooping, limiting production, the closed shop are virtually unknown in Japan. And incidentally, this is true in many other foreign countries.

In America, we have some labor leaders—and this has been particularly true in the apparel industry—who I regard as enlightened. They recognize the need for craftsmanship and productivity. They understand the perils of unfair, disorderly competition from abroad. But this has not been universally true by a long shot. And too often, labor and management have operated on an antagonism principle—as adversaries, constantly in confrontation. You know the results.

Since the end of World War II, wages have been rising 4.5 percent each year and two years ago reached a 7.5 percent annual rate—3½ times the overall gain in productivity.

As a consequence, despite extraordinary refinements in production techniques and widespread adoption of automation in this country, output of the American worker has only grown 35 percent in the past decade. Japanese output has soared 189 percent in the same time.

As a further consequence, the gap between the U.S. and Japanese hourly employment costs widened during the decade from $2.43 to $3.23 per hour. Whereas American manufacturers now pay an average total hourly labor cost of $4.18 per hour including fringes and benefits, Japanese manufacturers pay their labor an average of 95 cents-per-hour.

As bad as inflation is, as bad as our labor costs and productivity might be, they are not the only culprits in outpricing ourselves in world markets. I believe that most of the blame must be placed on laws that hamper the efficient and productive, that hamstrings modernization and automation.

Fred Borch, Chairman of General Electric Company, put it this way in a recent speech: "What is the real reason for the serious U.S. trade situation? It boils down to the fact that other countries have placed international trade as a top national priority and have adopted structural policies to promote their trade balances and their balance of payments."

What does Mr. Borch mean by structural policies?

It's very basic. We must restructure our laws and policies in order to intensify capital investment in modernization and automation. We must encourage investment in research and development. And industry must be rewarded, not penalized, for doing what is so obviously in the interest of the American public.

The Japanese and West German governments who understand the necessity for having the most modern machinery actually faster new construction and modernization. The American government, committed to fantastically high levels of government spending, makes unrealistic and inadequate tax concessions for new plant and replacement of equipment.

In the decade just ended, investment in new plant equipment in Japan represented somewhere around ⅓ of the gross national product. In West Germany, the comparable figure was 25 percent. Among large countries, the U.S. stood last in new investment in plant and equipment as a percentage of gross national product . . . only 16 percent.

Despite recent improvement in depreciation guidelines and improved first-year write-offs, the United States continues to have the poorest capital recovery system among the world's industrial nations. After seven years, the average total recovery for capital expenditures by American corporations is still only 76%—or four percentage points below the first year write-off of U.K. corporations.

The need for improved depreciation policies has been heightened by our growing ecological concern. I'm for fighting pollution and protecting our environment. But I think it is also important to understand the costs. For example, the Industrial Conference Board, a non-profit fact-finding group, has estimated that by 1975, public and private spending for air and water pollution alone will total $61.7 billion. This amount of money, if invested in new plant and equipment, would create jobs for two-thirds of the nation's 4.8 million unemployed.

Incidentally, other nations have not yet assumed such responsibilities and accompanying cost burdens. Nor are there any signs that they will imminently. Hence, American corporations are operating under another large burden.

The handicaps under which American corporations operate are compounded by aggressive policies of foreign governments in subsidizing exports directly or indirectly and by restrictions placed on American investment abroad.

In Japan, most industry is closed to majority U.S. participation. And direct investment is restricted largely to new firms. On imports, fairly stiff quotas are imposed in 40 categories of goods, including coal, computers, oil and shoes and other leather products. Major tariff barriers include duties of up to 40 percent on value of canned fruits and vegetables, up to 25 percent on cosmetics, up to 25 percent on computers. A commodity tax is added to the cost of such items as autos, air conditioners, cosmetics and film. Even where there are no quota restrictions, such as with apparel, Japan has found ways to effectively keep out most U.S. apparel products.

Controls on capital investment and quotas are only two of a host of non-tariff barriers that are used by many countries to effectively control the flow of imports of sensitive products. These barriers have become more important since the Kennedy Round which reduced tariffs by as much as 50 percent and thus limited the ability of tariffs to regulate trade in many products.

Non-tariff barriers take many forms. For example, France and Belgium have very high road taxes on large automobiles which fall almost exclusively on U.S. autos. Italy virtually excludes imports of Japanese automobiles. This has increased the pressure to market Japanese automobiles in other countries, particularly the U.S. In the power generator field, which is mostly government controlled in Western Europe, purchase of generator equipment is usually made domestically or at least within the economic trade block.

In the electronic equipment field, France, West Germany, and the U.R. have a tripartite accord on quality certification which, according to the Department of Commerce, could be detrimental to U.S. products. Besides these specific items, most European nations have turnover taxes. These taxes are levied on all imports but *related* on exports. This helps the European manufacturer, since it reduces his world selling price. What a contrast to the way American manufacturers are treated—and taxed!

Let me make one thing clear. I'm not an isolationist, opposed to world trade.

The VF corporation is an international apparel complex. We have plants now or will have shortly in Spain, Japan.

But we invest our own money in those countries and take the same risks as everyone else. We create jobs, pay taxes, and compete in each market-place with no special favors. If foreign companies want to invest in America on the same basis, I have no objection. I welcome them. Just let them play by the same rules, with the same wage scales, the same taxes, and the same opportunities as we do.

As I've suggested, I agree with General Electric and Mr. Borch: we need new structural policies and we need to understand the importance of world trade to our national interest.

We also need some other things—like getting back to basics and working from the premise that "Patriotism" is not a four-letter word. We should give preferential treatment to our own citizens, to our own country, by buying goods of American manufacture whenever they are available. By "Buying American", we are giving employment to American citizens, upgrading American skills, reducing unemployment rolls and contributing to the maintenance of our schools and other civic enterprises, contributing to the strengthening of our balance of payments, strengthening the American dollar.

A dollar invested in goods of American manufacture, whether it be textiles or apparel or automobiles or steel, has a multiplier effect. It goes round and round our economy, benefitting everyone.

I'm not saying buy a product of lesser quality, just because it's made in America. I am saying the American consumer should at least be given the option of buying a product made in the United States, and many retailers don't even provide that option today.

Somehow we have been blinded by the mystique of foreign labels. We have been taught to believe that if goods are made in France, Turkey or Hong Kong or Mesopotamia, they are exotic and more desirable. Foreign labels carry a certain snob appeal. Yet, no country on earth produces wares as fine as those made in America. I have been going around the country preaching the gospel of "Buy American" and the response that I have been receiving has just been tremendous. People have been telling me that a "Buy American" movement is long overdue. So, look for the "Made In America" label. You'll be benefitting your neighbor, as well as yourself.

"Buy American" is not enough. Even an effective "Buy American" campaign coupled with the existing tariff rates on imports cannot cope with the unrestricted marketing of foreign products into this country.

What is needed is a program or series of modern multilateral agreements which would put exports-imports on a rational, orderly basis. One of the goals of such multilateral agreements would be to help developing nations market their excess products throughout the world. Yet, these exports must not be detrimental to the importing countries. It is one thing to share our market. It's quite another to lose it! Nevertheless, I favor working for multinational arrangements that would also serve as a basis for further negotiations of truly reciprocal trade by eliminating barriers to export trade, paticularly the barriers faced by American producers.

Recent agreements negotiated by President Nixon with four countries—Japan, Hong Kong, Korea and Taiwan—on wool and man-made fibers apparel—are a step in the right direction. These should be used as a stepping stone to a multilateralized agreement covering the trade of all textile-apparel products. Within this, a forum could be set up to police the operation of the arrangement and help reduce existing barriers to trade in these products.

Multilateral agreements of this type could logically be extended to the steel, automotive, electronics and other sectors of our economy suffering from indiscriminate imports.

Coincidental with these agreements, an equitable monetary agreement should be developed so world trade can be resumed in an orderly manner. While these multilateral agreements are being hammered out, we should work for a lowering of trade restrictions and barriers to investment of American capital abroad.

And while we are bargaining for our exports on a quid pro quo basis with foreign nations, we must continue to put our economic house in order. We have succeeded in pricing ourselves out of many markets with prolonged wage-price spiral. The President has called a temporary halt to this self-defeating process. Now, we have gained breathing time to make positive moves toward expanding our export markets.

Phase II should give us the opportunity to begin to build a more rational, logical economy.

During Phase II, we should also seek to regain our technological leadership in areas where we have lost it and to extend our leadership in areas where we are ahead.

Outstanding superior technology may be the one enduring, our prime weapon, in our struggle for economic vitality—against unfair foreign competition. Again, here is an instance where tax incentives—national commitment—are required.

My personal hope is that the period of Phase II will provide an opportunity for national re-examination.

We need in this country an infusion of pride—pride in ourselves as people, pride in the work we do, the products we make, the country we are constantly remolding.

Recessions are no fun. But they are educational!

Perhaps, out of the recession, we are learning a concern for people here in the United States who need jobs. We are learning that it is in our own interest when American business profits and re-invests and creates new jobs. We are learning that retail sales don't come from low-priced merchandise, produced abroad. Retail sales come from American workers who have jobs and confidence and money to spend.

You businessmen here today—what kind of a car do you drive? What kind of camera do you use? Where are your clothes manufactured? What are you doing to let Congress and the President know how you stand on adding fairness to our out-of-kilter world trade position? What are you doing to explain the importance of this whole issue to your employees and suppliers and friends?

None of us have done enough.

Let us all hope for a world where there is a free, fair flow of trade. Let us hope that trade restrictions and barriers can eventually be removed. But until there is fairness, until there is orderliness, until relative stability and equilibrium can be restored and foreign obstacles to free trade can be removed, let us do what we must to protect American jobs . . . sustain American industry . . . and stimulate America's capacity to do the things required to assure our people a better life.

There is no nation or culture on the face of this earth that has produced more good for people in so short a period of time as the United States of America, and I believe it is high time that all of us, the press, radio, TV—stop whipping the United States of America and point with pride to her accomplishments.

RAY W. SMITH—LIVING THE LIFE OF A MODERN RENAISSANCE MAN

Mr. McINTYRE. Mr. President, at Dartmouth College each year an award is made to that senior who best exemplifies the Greek ideals of excellence and service to his community. The award is given in honor of a New Hampshire native whose varied life experiences have shown him to be the embodiment of those qualities.

Ray W. Smith of Dublin Lake, N.H., has in his life been a soldier, businessman, government servant, archeologist, and writer. He has excelled in each field. His dedication is to a full and varied life, but in each career he has avoided the temptation to become a dilitante. He has, instead, pursued each ambition with all of his energies, never comprising that goal of excellence.

Mr. President, New Hampshire is very proud of this man who has been described as "the foremost modern example of a Renaissance man."

I ask unanimous consent to have printed in the Record a tribute to him written by Jim Quinn of the Keene, N.H., Evening Sentinel.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ray Smith: He's Been So Busy, Where Does His Story Begin?

(By Jim Quinn)

Dublin.—Ray Winfield Smith settled into a soft, high-backed chair, crossed his legs and folded his hands in his lap.

"I really don't know where to begin," he smiled. "I'm afraid you're going to be baffled simply by my having done so many things."

Smith was accorded laurels recently in Time magazine and The New York Times, and is the initiator of an ambitious archeological project. As a research associate of the University of Pennsylvania, he headed a team of scientists who traveled to Egypt about five years ago.

There, by assembling scattered blocks of ancient temple, the men discovered previously unknown facts about an eccentric king named Akhenaten and his beautiful wife, Queen Nefertiti.

Back in the United States for a short stay before returning to the project, Smith found himself inundated by newsmen clamoring for more details.

EVERY RANK

"I sat for one entire day at 10 different news conferences. I don't know why, but for some reason they spread them out instead of holding a group interview."

Smith is a slightly-built man of 74, whose pin-striped suit is tailored perfectly and sharp eyes speak of organization and intelligence. Reaching back for a better starting point, he mentally flipped through events and years like pages in a dictionary.

"You might want to know something about my experiences in World War I," he suggested. "As an enlisted man, I received an award for rewriting the Ordinance Department's equipment tables. At one time or another, I've held every rank from buck private through colonel."

BACK IN UNIFORM

The end of the war found Smith a young man of 21 with a world to explore. He chose Europe, working the oil fields of Germany and the Netherlands.

He moved on in 1936 to Houston, Tex., where for six years he directed a highly successful import-export business. Then came World War II, and Smith was back in officer's stripes once again.

Due to his experience, Smith was put in charge of the Enemy Oil Committee, a group of high-level government officials whose assignment was to scout Western Europe, Japan and the Far East for data on countries' oil routes and sources. With a potentially large-scale war beginning, the committee sought to avoid a disastrous oil shortage in the United States.

"I suggested the importance of the Gulf of Aqaba, which was extremely important because of its link to oil movement in the Mediterranean. I was probably the greatest expert in the world on the Gulf of Aqaba at that time. Nobody knew about it."

FASCINATING

Smith later served as an official on "about eight to 10" government agencies, among them a board which helped control the German economy after World War II.

During this time Smith was involving himself in other interests as well. He became a member of an international commission for the study of ancient glass, and eventually became interested enough in the subject to write a book about it entitled, "Glass From the Ancient World."

"The American Institute of Graphic Arts chose it as one of its 50 best books of the year," said Smith. He also has had articles published in the National Geographic Magazine.

For the past eight or nine years Smith's energies have been concentrated on the Mideast. In 1963, he was appointed director of the American Research Center in Egypt, a focal point for study of humanities. Two years later he began what was to be "the realization of the greatest archeological project in the world," he said. Assembling a group of top-notch archeologists, Smith set up a research center in Cairo, and then journeyed to Karnak in the ancient Egyptian capital of Thebes.

There, Smith attempted what had never been done before: he rebuilt the scattered ruins of the ancient temple to the sun disk Aten.

The work was difficult. The temple's 35,000 blocks had been scattered through the centuries into museums, storehouses and temples throughout Europe and the United States. With hired help, Smith was able to assemble enough of the original blocks—15 per cent—so that sandstone inscriptions and decorations indicated many lost relevations from the past.

WIFE'S ROLE

Perhaps the most startling discovery was that the youthful king Akhenaten may not have been the real ruler of his kingdom. Strong indications point to his attractive wife Nefertiti's "subtle dominance" of the Egyptian throne, as well as her possible conception of six daughters without the aid of the king.

"Akhenaten was a physical monstrosity," said Smith. "Such persons were often unintelligent and some sterile."

American journalists were waiting for Smith when he returned. Their writings often annoy him, however.

"Naturally, I don't mind being publicized. But journalists are always getting things wrong," he said. "There's nothing you can do about it, though."

RENAISSANCE MAN

Smith's home is a testament to his love for scholarship, and particularly for Egypt. Throughout the three-story structure are glass cases with old Egyptian objects, high-backed wooden chairs bearing painted coats of arms, multi-colored Oriental rugs and a swinging gate made of wrought iron. In the open rooms, marked by their orderliness and wood paneling, one has the feeling of visiting a museum.

The stone, fortress-like home sits atop a wind-swept hill, a twisting mile from Dublin Lake. Taking the driveway's turns, the visitor is immediately aware something special awaits him. "Warning: You Have Been Photographed," says sign hanging high above the road.

Smith enjoys life here, where his living room sits nearly on a level with Mt. Monadnock. "This happens to be the highest home in New England," he said matter-of-factly.

He searched for a way of summing up his career. He found the page he wanted in an alumni magazine published by Dartmouth College, his alma mater, and began reading.

"Ray Winfield Smith of Dublin could be the foremost modern example of a Renaissance man."

BUFFALO RIVER, A NATIONAL RIVER

Mr. FULBRIGHT. Mr. President, I am pleased that the Senate has now completed final action on legislation to establish the Buffalo River as a national river and I look forward to this measure becoming law in the near future. I believe it represents an outstanding addition to our national park system.

This marks the culmination of an effort which began more than 10 years ago when I asked the National Park Service to study the possibility of establishing a national recreation area along the Buffalo. In 1963 the Park Service recommended the creation of the Buffalo National River and after further studies, I introduced legislation for this purpose. In 1969 and again last year the Senate passed bills which Senator MCCLELLAN and I cosponsored. Earlier this week the House of Representatives approved the bill and now the Senate has given its final approval.

The Buffalo is nationally recognized for its scenic beauty and enactment of this legislation will enable the preservation, in its free-flowering, natural state, of an important segment of the river. We have taken an important step in assuring the protection of the Buffalo for the benefit and enjoyment of present and future generations.

An estimated 1.7 million persons will visit the river annually during its first years in the National Park System and the development of the park should have considerable impact on the area's economy.

The provisions of the bill are such that the project can be carried out with the minimum possible disruption to the residents of the area.

I wish to express my appreciation to the chairman of the Subcommittee on Parks and Recreation (Mr. BIBLE) and to the chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) for their efforts and leadership in behalf of this legislation. I also commend the fine work of Representative JOHN PAUL HAMMERSCHMIDT, who introduced the legislation in the House of Representatives and secured its passage in that body.

Additionally, of course, I would pay tribute to the large numbers of citizens of Arkansas and surrounding States for their dedicated support of the Buffalo National River. Many of them have been active for years in supporting this legislation, and their efforts have now been rewarded. In the years ahead I believe that Congress will be proud of having passed this measure.

FBI INVESTIGATIONS OF PARENTS AND SCHOOLCHILDREN

Mr. ALLEN. Mr. President, a few days ago I called attention to charges that agents of the FBI were being used to investigate children and their parents in Alabama in connection with the location of public schools which their children attended. My comments on the charges along with correspondence on the subject were printed in the CONGRESSIONAL RECORD of January 6, 1972. I suggested the existence of a distorted sense of priorities in the important area of Federal law enforcement and I expressed the hope that it would be possible to fix responsibility for deployment of FBI agents and its limited resources for conducting investigations of parents and schoolchildren.

Mr. President, on January 31, 1972, I received a letter of explanation from the Honorable J. Edgar Hoover in which responsibility for this type of investigation is clearly fixed. In the interest of objectivity and fairness, I ask unanimous consent that Mr. Hoover's letter be printed in the RECORD at the conclusion of my remarks.

It appears that the Civil Rights Division of the Department of Justice had ordered the FBI to investigate an unspecified number of parents and children in the Sandusky Community of Jefferson County, Ala. One can infer from all of the information available to me that the Civil Rights Division of the Department of Justice may have suspected that some children in the community were attending neighborhood schools rather than schools to which they were assigned under plans imposed by some Federal authority.

Mr. President, in the context of investigations of private citizens, I noticed that on February 1, 1972, when CBS's Daniel Schorr testified before Senator ERVIN's Subcommittee on Constitutional Rights, he did not fault the FBI for the investigation of his background. In fact, no one can criticize the FBI for conducting a routine investigation when ordered to do so by proper authorities in the executive branch of Federal Government. In Daniel Schorr's case, the responsibility for the investigation was properly fixed in the executive branch and President Nixon promptly issued instructions that, "in the future, there will be no such investigations without advance consent." I think this was a wise decision.

The impact of an FBI investigation on the individuals investigated is profound and was so pointed out by Mr. Schorr in these words:

> An FBI investigation is not a neutral matter. It has an impact on one's life, on relations with employers, neighbors and friends. For me, the effects, though I do not wish to exaggerate them, persist until today.

Mr. President, I am personally satisfied that FBI agents do not overtly attempt, either by their manners or by their questions to intimidate parents and school children. Nevertheless, the psychological effects are intimidating as indicated by Mr. Schorr, and this is the crux of my complaint.

On basis of many charges I have received from Alabama, I am convinced that radical zealots in the Civil Rights Division of the Department of Justice deliberately resort to techniques of harassment and intimidation in their relationships with public school officials. It is an outrage that these same techniques should now be employed by the Department against parents and schoolchildren.

Mr. President, President Nixon can, if he chooses, order the Department of Justice to stop using FBI agents to investigate parents and schoolchildren. If he chooses not to do so, he will perhaps explain to the American people the nature of the Federal offense involved in sending one's child to a neighborhood school and hopefully he will explain the priorities in law enforcement which justify the misuse of a justly proud and efficient law enforcement agency to gather evidence to support or to disprove the suspicions of Federal bureaucrats that a few schoolchildren may be attending a neighborhood school rather than a school to which they had been consigned by Federal authorities.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Department of Justice,
Federal Bureau of Investigation,
Washington, D.C., January 31, 1972.
Hon. James B. Allen,
U.S. Senate,
Washington, D.C.

My Dear Senator: Your remarks as contained in the Congressional Record of January 26, 1972, regarding a copy of a letter received by you from Mrs. Jerry A. Baker, Secretary of Concerned Parents, Inc., have been noted.

For your information, the investigation mentioned by you in the Congressional Record was conducted at the specific request of Mr. David L. Norman, Assistant Attorney General in charge of the Civil Rights Division, United States Department of Justice, Washington, D.C. 20530.

I have replied to Mrs. Baker's letter specifically advising her that FBI Agents did not follow little children home from school and any questions asked were not intended to intimidate anyone.

I am enclosing a copy of my letter dated January 27, 1972, to Mrs. Baker in order that you will have the correct information concerning this matter.

The results of the investigation have been furnished the Civil Rights Division of the United States Department of Justice and should you desire further information concerning this matter, you may contact Mr. Norman.

Sincerely yours,

J. Edgar Hoover.

USE OF ARTIFICIAL KIDNEY MACHINES

Mr. WILLIAMS. Mr. President, on November 5, Senator Tower, Senator Boggs, and I introduced S. 2813, which would amend the Vocational Rehabilitation Act to provide financial assistance to individuals who are in need of the treatment of an artificial kidney machine or a kidney transplant. To date, 31 Senators have joined us as cosponsors of this needed legislation.

On February 3, Dr. George E. Schreiner, professor of medicine, Georgetown University Medical Center, and chairman of the National Kidney Foundation's Legislative Committee; Dr. E. Lovell Becker, professor of medicine, Cornell Medical School and president of the National Kidney Foundation; and Dr. Samuel Kountz, assistant professor of medicine, University of California, San Francisco, appeared before the Select Subcommittee on Education of the House of Representatives in support of H.R. 6302, H.R. 12644, and H.R. 12109, which are companion bills to S. 2813.

I ask unanimous consent that the text of the written testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of George E. Schreiner, M.D., Professor of Medicine, Georgetown University, Washington, D.C., Before the Select Committee On Education, February 3, 1972

Mr. Chairman: Thank you for giving us the opportunity to appear before this Subcommittee in support of H.R. 6302, H.R. 12644 and H.R. 12109 which amend the Rehabilitation Service Act to provide increased assistance to end stage kidney patients.

I am George E. Schreiner, Professor of Medicine, Georgetown University Medical Center and Chairman of the National Kidney Foundation's Legislative Committee. With me are Dr. E. Lovell Becker, Professors of Medicine, Cornell Medical School and President of the National Kidney Foundation and Dr. Samuel Kountz, Assistant Professor of Medicine, University of California, San Francisco. Dr. Becker and I will attempt to answer any questions pertaining to artificial kidney care and Sam Kountz who transplants more kidneys than any other surgeon in the world will explain transplantation.

Our Foundation which has affiliates in 45 states is deeply concerned about the 8 million Americans who each year suffer from kidney and kidney related diseases and the 55,000 patients who proceed to end stage kidney disease and need the artificial kidney and transplantation therapies.

The kidney plays a vital role in one of the most complex and subtle of the body's functions. It removes end-products of metabolism from the blood and aids in maintaining the body's electrolyte composition, hydration, and acid/base balance; it also takes part in a number of other physiological processes, including the regulation of blood pressure and the stimulation of red cell formation.

The human kidney is subject to many serious diseases that lead to its failure, and many attempts to provide substitutes have been made. The two principal methods for the treatment of chronic renal failure are hemodialysis (artificial kidney) and transplantation.

Mr. Chairman, it is very difficult to present this Subcommittee with exact figures as to the number of patients who are ideally suited for the artificial kidney therapy and transplantation and the estimated annual maintenance costs for these patients. Several government agencies including the Department of Health, Education and Welfare, the National Institute of Arthritis and Metabolic Disease, the Veterans Administration and a number of physicians in academia have investigated the incidence of chronic kidney failure, and because of differences in identifying and classifying these patients there are varying estimates of the number of deaths from kidney disease and the number of "suitable" artificial kidney and transplant candidates each year. One of the most recent estimates (1969) held to be acceptable is that of Dr. David Hathaway of the Kidney Disease Control Program. He said 20,000 new patients each year could benefit from dialysis and from transplantation.

In 1967 the so-called Burton Report of the Department of Health, Education and Welfare suggested initial treatment annually of 11,000 new patients by transplant and of 29,000 new artificial kidney patients. Presently, (in the United States there are approximately 5,000 patients on the artificial kidney machine and as of 1970, 3,500 patients were transplanted.

The costs like numbers of patients vary from program to program. However, the following represent a national average for the artificial kidney and transplantation therapies.

We feel that of the 55,000 to 60,000 end stage kidney disease patients between 20,000 and 25,000 could be given the life-saving care. Of these 60% could be trained for home dialysis and 40% maintained in-hospital or satellite centers. In addition newly improved transplant capabilities now allows 2,500 to 3,000 transplants per annum. The costs for home dialysis are $6,000 per annum after the first year. The first year costs are considerably more because of the need for a 12-week home training program ($9,000) and the cost of the machine and the necessary adjustments to the home such as plumbing and carpentry ($4,000) plus dialysis for the remainder of the year at $6,000. The first year costs, then are approximately $19,000 and each year thereafter, $6,000.

In-hospital or satellite center artificial kidney costs vary from state to state depending on physician supply and number of patients, but the national average is $25,000 per annum.

Transplantation costs are $8,000 per annum with very little continuing expenses after the first few months following surgery. These costs generally are for drugs and normal surgical follow-up. The success rate of transplantation is 85%.

The physician and lay leadership of the National Kidney Foundation have reviewed all existing Federal statutes in an effort to determine the best possible means of delivering the life-saving therapies of the artificial kidney machine and transplantation to the thousands of Americans who at this moment need financial and social assistance and are not now receiving it. Our analysis has convinced us that Rehabilitation Service is the best mechanism, short of a comprehensive national health insurance program, to assist kidney disease patients. We make this judgment for a number of compelling reasons. In our discussions of these reasons we wish to make it clear that we refer to medical and rehabilitation as essential ingredients in the care of the end stage kidney patient.

(1) The Rehabilitation organization is presently supporting over 120 patients on the artificial kidney and has assisted in the costs of transplantation. The mechanism is there and meeting the needs of patients for care and rehabilitation within the limitations of its resources.

(2) It does not require a "means" test unlike Medicaid which not only requires a "means" test, but in certain states insists that the patients agree not to work. In the case of kidney disease patients this is particularly damaging. Nearly all artificial and transplantation patients are capable of leading normal productive lives if they receive the therapy on a regular basis (the artificial kidney patients is usually dialysized 8 hours three times each week). The Rehabilitation Services unlike other programs does not consider the end stage renal patient as *totally* disabled.

(3) The experience of physicians working in the Vocational Rehabilitation program in the State of Washington indicates that 50% of their end stage kidney patients were in need of and received retraining. There are physicians and Rehabilitation officials in other parts of the country who suggest as many as 75% should be retrained. To the best of our knowledge no other Federal or State program offers this service.

(4) The Rehabilitation program is flexible while historically insisting on the highest quality care at the lowest possible medically and socially acceptable cost. This is particularly significant, because the program involves both Federal and State health delivery systems in the decision making apparatus and of course in the financing.

(5) The Rehabilitation Services in the 50 states lend themselves to an excellent means for the exchange of information (educational and medical) concerning ideas, concepts and techniques in the care and retraining of renal patients.

The Rehabilitation agencies have gained valuable experience from such programs as the shelter and blind workshops. This could be an important instrument in a continuing dialogue between educators, physicians and patients.

Perhaps the best way to sum up the special role of Vocational Rehabilitation is to quote from a recent statement by Dr. Belding Scribner of the University of Washington. He said, "The Rehabilitation Service does what has to be done socially, economically and medically for the artificial kidney and transplant patient. In my view their approach is unique in the existing Federal-State health delivery system." Dr. Scribner's program at the University of Washington has done a remarkable job of supporting patients. Since 1968, over 140 of his patients have been assisted by the Rehabilitation Service. Their particular program has almost exclusively utilized home dialysis. Their costs are $20,000 for a three year period per patient on the artificial kidney and an average cost of $8,000 per transplant. The Washington State program has been able to avoid a means test, retrain, while providing high quality care. The Washington experience is an example of an excellent working relationship between the Federal-State and Rehabilitation experts, physicians and patients.

The experiences of the Rehabilitation agencies in other states is available through a survey recently completed by Virgil Smirnow Associates, Community Health Consultants. It contains a series of tables explaining current and projected support for the artificial kidney patient in the 50 states. I have included a copy of this report at the end of my testimony.

Mr. Chairman, we are very grateful for the opportunity to appear before you and members of this Subcommittee. We cannot let the occasion pass without requesting that this Subcommittee report these amendments to the Full Committee as soon as possible. If this means not waiting for the Reorganization Plan from the Chief Executive, we urge you to do so, because the problem of end stage renal patients is serious and immediate.

Thank you.

RETIREMENT OF DR. E. V. SMITH, AUBURN UNIVERSITY

Mr. ALLEN. Mr. President, after 40 years of service at Auburn University, my good friend Dr. E. V. Smith, dean of the school of agriculture, has chosen to lay aside his labor of love and accept retirement on June 30, 1972.

The State of Alabama and the Nation have been vastly enriched by Dr. Smith's teaching, research, and significant contributions of his time, talents, and leadership in both academic and agriculturally related professional groups and associations. His host of friends in Alabama and throughout the Nation wish Dr. Smith a long and happy life in retirement.

Mr. President, a recent news dispatch from the Birmingham, Ala., News, outlines Dr. Smith's proud record of accomplishments in connection with the announcement of his retirement. I ask unanimous consent that the item be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. SMITH RETIRING FROM AUBURN POST

AUBURN.—Dr. E. V. Smith, dean of the School of Agriculture and director of the Agricultural Experiment Station at Auburn University, has announced that he will retire June 30 after more than 40 years of academic and administrative service at Auburn.

Dean Smith, a native of Ozark, received his B.S. at Auburn in 1928 and the M.S. from Iowa State in 1931. He immediately joined the faculty of the School of Agriculture at Auburn and continued at the institution without interruption except for doctoral studies at Iowa State which culminated with the Ph.D. in 1938.

In 1944, Dr. Smith was appointed assistant dean and director, becoming associate dean and director in 1949. He became dean and director on Jan. 1, 1951.

He is a Fellow in the American Association for the Advancement of Science and is a member of the Division of Agriculture, National Association of State Universities and Land-Grant Colleges; Association of Southern Experiment Station Directors; Association of Chief Administrators of Agriculture; and the Agricultural Research Institute.

While a member of the faculty, he contributed many papers as results of his research in weed control poisonous plants, and pond and fisheries management.

Dr. Smith holds membership in a number of honor societies, including Phi Eta Sigma, Gamma Sigma Delta, Alpha Zeta, Phi Kappa Phi, and Sigma Xi. He is listed in Who's Who in America, Who's Who in the South and Southwest, and similar biographies.

In 1958 he was chosen Man of the Year in Service to Alabama Agriculture. He also served a term on the U.S. Public Health Service's National Environmental Health Advisory Committee.

He is married to the former Martha North Watson and is active in Kiwanis and the Presbyterian church.

SPESSARD HOLLAND—A FIGHTER FOR HIS PEOPLE IS GONE

Mr. McINTYRE. Mr. President, just 1 year ago we rose in the Senate to bid farewell from this body to one of our most distinguished colleagues, Spessard Holland, of Florida. He was retiring after 24 years of leadership in the Senate.

Now we are arising to express our sorrow on the passing of Spessard Holland from this life. It came as a terrible shock to me as I know it did to each of us here to learn that he would no longer be with us and that he would not have the chance for years well-deserved rest and relaxation after nearly four decades of service to his people as lawyer, teacher, prosecuting attorney, county judge, State senator, Governor, soldier, and U.S. Senator.

He left the Senate by his own choice. I am certain that the people of his State would have reelected him overwhelmingly if he had decided that he wanted to return to the Senate.

Spessard Holland was never reluctant about working diligently for those things he felt would help the people who elected him to the Congress. He was a forceful floor debator and he was always well prepared to support his cause.

As chairman of the Agriculture Appropriations Subcommittee he handled billions of dollars of the Federal money for a vast array of national needs—rural electrification, soil conservation, forestry and many other matters relating to our natural resources as well as our food and fiber which has kept our people and much of the world fed and clothed. He was ever mindful that there is a limit to what we can take from the public treasury.

I was always amazed at his broad range of interest and knowledge. I remember many times discussing New Hampshire with him. He had many friends in New Hampshire and knew the State well.

Through it all he was a delightful person, a warm person to be with. I thoroughly enjoyed the all too few times we had the chance to be together.

To his lovely wife and to his family, I express my sorrow. She has faced an enormous loss—one she can never recover. I want her to know that there are many who want to bear that loss with her.

RURAL CREDIT FUND

Mr. ALLEN. Mr. President, those who value form over substance were no doubt tremendously pleased with President Nixon's proposal to the Congress last week to establish a billion-dollar-plus rural credit fund to promote economic growth in town and country America. Among other things, the President's proposal would channel credit through the Farmers Home Administration to provide rural housing assistance, to assist in the establishment of businesses in rural areas, and to step up funding for community sewer and water facilities.

Well, what the President said is nice. It is what he did not say and what his administration is failing to do at this time that is disturbing.

In all due respect, I frankly cannot accept the proposition that the administration is prepared to go all out to initiate a comprehensive program to revitalize rural America when it is at present refusing to fully fund crucial farm and farm-related programs it is urging and claiming credit for.

Just last week, the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), wrote the President expressing his deep concern over the impoundment of $75 million of the $350 million that Congress appropriated for the Farmers Home Administration's operating loan program for the current fiscal year. In his well documented letter, the distinguished Senator from Georgia articulately pointed out precisely how the administration's tight money crunch was adversely affecting the farmers of America, particularly the farmers of Georgia, in the area of FHA operating loans.

For example, Senator TALMADGE pointed out that in his State of Georgia, there are at present at least 94 approved FHA loan applications, totaling over $1 million, which have been turned down because of insufficient funds. I might add that I have been advised that in my own State of Alabama, FHA authorities have already expended their allotment of funds for the third quarter of this fiscal year and unless additional authority is soon forthcoming, more than 200 approved applications, totaling between $2 and $3 million, will suffer a corresponding fate.

I commend to the Senate the letter Senator TALMADGE wrote to President Nixon and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C., February 3, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is to request that you release an additional $75 million appropriated by Congress for use by the Farmers Home Administration to extend badly needed farm operating loans prior to the planting season this year. As you will recall, the total appropriation for the Farmers Home Administration operating loan program was $350 million for fiscal year 1972. It has come to my attention that you have impounded $75 million of this amount.

In your message of February 1, you announced a greatly expanded program of credit for the development of rural America, a program that would give the Farmers Home Administration authority to make loans to establish and improve businesses that would create economic growth for rural areas.

I was pleased that you share my view of the need to provide greatly expanded credit for rural development purposes. As you know, I introduced last year S. 2223, a bill to provide a comprehensive system of credit for the development of rural America.

However, I have always felt that our hard-pressed family farmers have the greatest need for credit in rural America. While I feel that the Farmers Home Administration should have expanded authority to make rural development loans, I believe that the most important function of the farmers Home Administration is to provide adequate credit for family farmers who cannot get credit elsewhere.

In Agriculture Committee hearings on the operating loan program last year, the Committee received testimony from the Administrator of the Farmers Home Administration, James V. Smith, that only half of the applications received in 1970 were funded. Mr. Smith agreed that the amount of money currently available for farm operating loans was far from adequate. In response to a question from Senator Bellmon, he also testified that 75 per cent of farmers who cannot, as a last resort, get help from the Farmers Home Administration are forced to go out of business.

Mr. President, in response to your request, the Committee on Agriculture and Forestry took immediate action to transfer the farm operating loan program from a direct to insured operating program. This legislation, together with several committee amendments designed to improve the Farmers Home Administration, passed the Senate on May 11, 1971.

However, the Congress recognized that the legislation might not clear both houses of Congress in time to meet the needs of farmers in this fiscal year. Therefore, the Congress appropriated $75 million of loan funds above your request.

The nation's family farmers need credit now if they are to continue farming operations in 1972. A shortage of operating loan funds has assumed crisis proportions in many sections of the country. In my own state of Georgia, I know that 94 approved loan applications, which would total over a million dollars, have already been turned down because of insufficient funds. I understand that more loan denials will follow.

Mr. President, if these farmers could get credit anywhere else, they would not have even applied to the Farmers Home Administration. Certainly their applications would not have been approved had not the need been severe. The family farmers who are unable to get credit to continue operations have no strong pressure groups to represent them. In many cases they are too proud to tell even their neighbors of their unfortunate financial situation.

I believe that it will be a great tragedy if we allow thousands of small family farmers to be forced into the city because our government refuses to make the minimum investment before planting time that is needed to keep these people on the farm. I implore you to use the authority you have to release the impounded $75 million dollars for the nation's farmers.

Respectfully,

HERMAN E. TALMADGE,
Chairman.

Mr. ALLEN. In the President's rural development message, he made much of the fact that his administration has been taking a number of administrative steps to improve and boost the Federal contribution to rural America by substantially increasing program funds. For example, the President said:

> Funding for community, sewer and water facilities has reached a record high level of $300 million in loans, plus $42 million in direct grants. This represents an increase of almost 80 percent over the level provided two years ago.

Again what the President said is nice, but I should like to point out that $60 million for water and sewer grants for rural towns and cities of under 5,500 population is still impounded by the administration. This program is also operated under the Farmers Home Administration and if the current situation in Alabama is typical of the other States, there is an enormous need for these funds in hundreds of communities with inadequate water and sewer facilities. In Alabama today, 16 projects require grant funds, but they cannot be funded at present because of the refusal of the administration to release these moneys. These projects are as follows:

Name	County	Loan	Grant
1. Brilliant, Town of	Marion	$210,000	$46,000
2. Munford Water System	Talladega	230,000	57,400
3. S. Bullock Water System	Bullock	340,000	184,000
4. Edwardsville, Town of	Cleburne	57,000	15,000
5. Belk, Town of	Fayette	94,000	41,000
6. New Hope Water System	Coffee	90,000	32,000
7. Gantt, Town of	Covington	90,000	38,500
8. Kellyton Water System	Coosa	208,000	92,800
9. Goshen, Town of	Pike	60,000	22,000
10. W. Lawrence Water System	Lawrence	$880,000	$266,000
11. Hillsboro Waterworks Board	Lawrence	171,000	50,000
12. Northwest St. Clair Water	St. Clair	198,500	53,500
13. Five Points WFPA	Talladega	402,000	----------
14. Fords Valley	Etowah	262,000	120,000
15. Autaugaville	Autauga	190,000	35,000
16. Randolph Water System	Bibb	152,000	56,000
Total		3,634,500	1,109,200

I should like to make it abundantly clear that the junior Senator from Alabama stands ready to cooperate with the President in his alleged determination to formulate a comprehensive program directed at the revitalization and development of the rural areas of our Nation and the establishment of a sound balance between rural and urban America. In fact, I should like to point out to the Senate that our Senate Agriculture Committee, under the dynamic leadership of the senior Senator from Georgia, and our Senate Rural Development Subcommittee, whose chairman is the distinguished junior Senator from Minnesota (Mr. HUMPHREY), has already made great strides in the development of a comprehensive set of recommendations and legislative proposals for dealing with the economic and social needs of rural America. I think I can safely speak for all the members of both the committee and subcommittee in saying that we welcome the President's new concern for the American farmer, American agriculture, and rural communities of our Nation for this is not a partisan issue.

I should like to remind the administration, however, that the farmers of Alabama measure performance by deeds, not promises. Fresh in their minds is the fact that three times in the past 3 years, the President has frozen substantial quantities of money appropriated by the Congress for loans to rural electric cooperatives. Fresh in their minds, too, is the fact that the administration has also continued to impound funds approved by Congress for the rural environmental assistance program. We recall that just a few weeks ago, the administration took $55.5 million in farm conservation money out of deep freeze and released it to farmers, who have been waiting for months to help share in the cost of soil conservation projects, tree planting, contour farming and terracing.

No, Mr. President, the farmers of America cannot be fooled by rhetoric, idle words and meaningless pledges. They have attended too many county fairs not to be able to recognize a shell game when they see one.

BIRTHDAY GREETINGS TO SENATOR HAROLD E. HUGHES, OF IOWA

Mr. WILLIAMS. Mr. President, I wish to extend my warmest best wishes to an exceptional colleague and a very close friend, the distinguished junior Senator from Iowa, HAROLD E. HUGHES, on the occasion of his 50th birthday on February 10.

Both of us are members of the Committee on Labor and Public Welfare, so I have had the particular good fortune to observe him in action. I can only say that I have observed him to be a man of remarkable ability.

Senator HUGHES has devoted his outstanding abilities primarily in two areas—ending the war in Southeast Asia and the growing crisis of alcohol and narcotics addiction in the United States.

As chairman of the Subcommittee on Alcoholism and Narcotics, he has held hearings throughout the country, attracting the attention of millions with his positive, forthright, intelligent approach to the tragedy confronting us today. He has shown impressive insight by authoring legislation dealing with these problems.

As a strong advocate in the cause of peace, he has ignored all potential political risks and stood foursquare for his beliefs.

However, even the impressive public achievements of HAROLD HUGHES reflect only a part of the man. To those who know him, he is a man of towering humanity; a man whose enormous inner resources are reflected in his every act.

Mr. President, I remember vividly one particular day that Harold Hughes spent in New Jersey. During the course of that day, he had the occasion to speak to a wide variety of individuals—suburbanites, inner-city drug addicts, ironworkers, peace advocates. With each, he established an incredible rapport; a rapport that stemmed from the instinctive, deep feeling of those people that they were meeting a warm, truly compassionate, and totally dedicated human being.

I think that all of us in this body have shared that feeling.

Harold Hughes is my good friend and the good friend of all America. I take the great pleasure in wishing him the happiest of birthdays.

ELDERLY CITIZENS IN NURSING HOMES

Mr. ALLEN. Mr. President, from time to time I cannot escape the depressing conclusion that our Nation is being slowly strangled by an autocratic, insensitive, self-perpetuating, and near uncontrollable Federal bureaucracy. A part of the chemistry in this sticky bureaucratic spider web now spreading into every nook and corner of the land is an attitude of contemptuous detachment which permits hardened bureaucrats to treat human beings as little more than insensate numerals.

Mr. President, I have spoken in the Senate of the increasing evidence of this attitude—most often in the context of programs administered by the Department of Health, Education, and Welfare. Yet, I honestly admit that nothing I have ever said on the subject is so compellingly persuasive as the thoughts expressed in a letter which I received from my good friend, Mrs. L. C. (Evelyn) Hardy, of Tuscaloosa, Ala., who has written on the subject of the attitude toward our elderly citizens in nursing homes.

Mr. President, I strongly urge all Senators to read carefully and ponder the message of this letter. Then when we discuss the ever-recurring subject of reordering national priorities, I hope that many Senators will agree with me that the necessity to rethink and to rework and to mend and to cure our sprawling Federal bureaucracy is one of the Nation's most urgent tasks, one which deserves immediate attention.

Mr. President, I ask unanimous consent that Mrs. Hardy's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

La Rocca Nursing Home,
Tuscaloosa, Ala., February 2, 1972.

Hon. James Allen,
U.S. Senate,
Washington, D.C.

Dear Senator Allen: This past week my husband and I attended a Medicaid Workshop in Montgomery, Alabama. I came away frustrated and irritated and determined to let my voice be heard. I debated with myself as to where to start. I could go at the situation as Ralph Nader has done or I could approach the situation through someone I believed in. After much soul-searching I decided you had proven yourself to be a worthy representative of the people, therefore, this letter to you. I do not intend to rest until I get results regardless of the detours I may have to take.

Grantland Rice once said, "You are here only a short while, so don't worry, don't hurry and don't forget to smell the flowers." I have never learned how not to hurry and not to worry but I have learned to smell the flowers. Elderly citizens in nursing homes are God's flowers and those on Medicaid have been regulated to second story people. This country is on the brink of Socialism therefore, I must worry and I must hurry with any program or thoughts that I might have to return my country to some semblance of sanity and common sense for I am here for only a short while.

Let us analyze the Medicaid program. During the meeting I listened as my nursing home patients were discussed in cold, calculating numbers—so many points for skilled care, so many for intermediate, etc. My blood boiled! I searched my soul and repeated Helen Keller's poem to myself:

They took away what should have been my
  eyes (But I remembered Milton's Paradise).
They took away what should have been my
  ears. (Beethoven came and wiped away
  my tears).
They took away what should have been my
  tongue. (But I had talked with God
  when I was young).
He would not let them take away my soul,
  Possessing that, I still possess the
  whole.

I was relieved for one moment that the government could not possess my patient's soul. This is no exaggeration. Medicaid is disinterested benevolence. When an elderly citizen must accumulate a number of points to classify for skilled, intermediate or custodial care—this is cold calculations. Is it any wonder our younger citizens are so disillusioned with the establishment? I am inclined to agree with many of their methods—they do get results! Can the government do nothing in simplicity? Must our elderly citizens be regulated to death? Could not the millions of dollars skimmed off at the top—red tape, forms, etc. be put to better use by using it to truly care for our elderly? We give freely to foreign countries with no questions asked; yet our own citizens must bare their souls before they can receive Medicaid and after receiving help they are subjected to evaluation after evaluation. What dignity they have is destroyed in the process. How often are foreign aid programs evaluated? Why do our elderly citizens need evaluation if it is determined that they need help, need nursing care and a reputable physician states as much? Evaluate the care in the home yes, but leave the patient alone. Millions of dollars have been spent by the government with no apparent improvement in the plight of the elderly. In fact patients were in a more secure position under the old age pension plan.

The federal government is like an octopus. Those long tentacles can choke to death. No longer is hard work, dedication and initiative important. One only needs to know how to fill out forms.

You have seen my home. My husband and I have dedicated the best years of our lives to giving our elderly citizens a lovely home in which to live. We were doing this long before the "howl" about nursing homes. We will not lower our standards. I am a registered nurse, have a BS in Nursing Education and an MA degree. My husband has a BS in Business Administration. Is my work in vain? Again will our senior citizens be regulated to death?

Sincerely,

Mrs. L. C. (Evelyn) Hardy.

PRISONERS AND MISSING IN ACTION IN VIETNAM WAR

Mr. CURTIS. Mr. President, once more I rise to express my deep concern for the welfare of the American prisoners of war and the Americans who are missing in action in the Vietnam war. They must never be our forgotten Americans. They are entitled to first consideration in every action our Government takes in military and diplomatic areas and in all matters relating to our foreign policy. No action should be taken nor any decision made without stopping to consider what can be done for these POW's and MIA's.

Mr. President, this has been a long war. It has been a long time since the United States suffered her first casualty and the loss of the first prisoners and missing men which occurred in the first half of the 1960's. It has been a long time of waiting through those war years of the last half of the 1960's. However, during this time most Americans have gone about their activities as usual. They could either see their loved ones, or they could be reached by telephone or letter. Most families have enjoyed some happy times in spite of the war. Most little children have had the privilege and opportunity to romp and play with their daddies. Words fail us to describe the suffering, the anguish, the loneliness and the sacrifice made by the mothers, the fathers, the wives, and children of these men.

We have good reason to know and believe that many of the men who are listed as missing in action may be alive and are held as prisoners. The Communist forces on the other side of this war do not tell the truth. They refuse to obey the treaties that have been entered into to protect men in these situations. The Communists have not permitted the International Red Cross to carry out their mission as it should be. The Communists have failed to properly report all the names of the individuals involved. They have failed to carry out treaty commitments and the provisions of international law in reference to the delivery of mail to and from these men who are held by them.

Mr. President, the rest of us owe much to these men and their families. First of all, we should never forget. These men should be our constant concern and foremost in our prayers. We should speak and we should write. We should contact people at home and abroad, reciting the facts and making an appeal for the Communist's world to be humane and honorable in all the handling of the matters relating to these POW's and MIA's. We should petition foreign governments for help. In short, we should do everything we can conceive to mobilize world public opinion to the end that these men will be released and returned. Our petitions and our demands should be heard around the world without ceasing until these men are released and accounted for.

THE GENOCIDE CONVENTION: A DEBT TO ANNE FRANK

Mr. PROXMIRE. Mr. President, the Senate has had the Genocide Convention before it for 24 long years.

For some that lengthy delay might seem but a brief moment in the span of history, but for those who suffered the terror of persecution that moment is an eternity. Never was the nightmare of religious and racial genocide made more vivid than in the tragic diary of Anne Frank. For that courageous girl and her family, struggling day by day to escape murder in Nazi concentration camps, each hour within their tiny hiding place brought a growing fear of betrayal and capture. Each minute ticked away with terror.

Those millions who have read this brave attempt at cheerfulness in the face of adversity, of reason in the midst of chaos, of love surrounded by hatred, cannot help but be touched most profoundly. Anne Frank was an amazing individual. Her death came as one of 6 million, but her story has been immortalized. It seems tragically strange that this young girl's diary should pass down through the years alongside of the Genocide Convention left unsigned by America. Each moment was agony for the Frank family, yet we allow 24 years to slip by while thousands suffer a similar fate.

Our obligation to Anne Frank and her fellow victims of prejudice and genocide is obvious. The Genocide Convention long before the U.S. Senate should now be ratified. As yet our profound moral debt remains unpaid.

BOY SCOUTS CONTINUE TO GROW AND CONTRIBUTE TO A BETTER LIFE IN NEW HAMPSHIRE

Mr. McINTYRE. Mr. President, the long history of the Boy Scouts of America is replete with major accomplishments and contributions by our youth for the good of the Nation.

But the Boy Scouts have never stood on their laurels. They are a part of the now generation. They are dealing successfully with problems our Nation faces today.

Their Operation Reach program is a nationwide fight against drug abuse.

Their Project SOAR—Save Our American Resources—is directed at conserving those resources we still have and protecting our Nation against the ravages of pollution.

There are more than 18,000 young New Hampshire residents participating in Scouting. Nearly 7,000 adults work with these young men in their Scouting activities. They are backed up by a professional Scout staff of 13.

New Hampshire is better off because of the Boy Scout program. I am proud to be associated with the program.

I ask unanimous consent that a current report on Scouting in New Hampshire be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Boy Scouts of America,
North Brunswick, N.J., February 1972.

To: The Honorable Thomas J. McIntyre
Subject: New Hampshire and Scouting

Things like emergencies, camping, the problem of pollution, and the drug abuse problem are of interest both to the State of New Hampshire and to the Boy Scouts of America. It is only natural then that the State and Scouting work together in many ways, each contributing much to the other. Scouting gives to the State and all its people—particularly the young—through its program. For its part, the State of New Hampshire gives to the Boy Scouts of America through its people, cooperation, and locale.

EMERGENCIES

Scouting in New Hampshire is active in the areas of law enforcement and emergency aid. In the State are 10 special-interest Explorer posts that deal with law enforcement.

Ever since the 1938 hurricane, Scouts in New Hampshire have been active in just about all statewide emergencies and local disasters.

PROJECT SOAR

Project SOAR is Scouting's program to preserve our environment to Save Our American Resources. The program is an example of Scouting's broad contributions. Many New Hampshire officials and conservationists are involved on our Project SOAR committee, which was directly involved in producing a manual for Project SOAR. Scouting Keep America Beautiful Day on June 5 of this year serves to illustrate the yearlong program of ecological effort. On that 1 day in New Hampshire alone 5,000 Scouts participated in conservation camporees. Some 2,800 volunteer adult Scouters and 11,680 Scouts and Explorers cleaned up 2,176 miles of New Hampshire roadways and rivers, spruced up more than 390 acres of parklands and empty lots, and collected 271 tons of trash and litter. And Scouting Keep America Beautiful Day is only a small part of the Project SOAR program. Project SOAR has in fact been so successful that the BSA Executive Board has renewed Project SOAR for at least 1 more year.

OPERATION REACH

Another major problem area in which Scouting is about to seek a similar impact is the drug abuse problem. A new approach to the problem is represented by Operation Reach, which the Boy Scouts of America pioneered in a few pilot projects in the past year and is now extending throughout New Hampshire and the rest of the Nation.

PEOPLE

A number of important people from the State of New Hampshire have contributed to the Scout movement. The Commissioner of Education, Newell Paire, is council Exploring chairman. Former Governor Winant was the first Council President in 1929. Other former Governors active in Scouting include Gov. Wesley Powell, Gov. Francis P. Murphy, Gov. Hugh Gregg, Gov. Huntley N. Spaulding, and Gov. Rolland H. Spaulding. Senator Norris Cotton, Senator Thomas McIntyre, Representative Louis Wyman, and former Congressman Oliva Huot have also been active in the Scout movement.

Three men from New Hampshire serve Scouting on the regional executive committee. They are John H. Morison of Milford, president of the Hitchiner Manufacturing Co.; John Palazzi of the Palazzi Corporation in Concord; Max I. Silber of N. Kamenske and Co., Nashua, and William A. Doherty of Franklin, president of the G. W. Griffin Co.

CAMPING

New Hampshire's Scout council owns and operates three Scout camps: two for long-term camping and one for short-term camping. Last year more than 3,100 Scouts and Explorers in 112 posts and troops were involved in long-term camping. These camps also provided summer camping last year for 21 disadvantaged boys who were not Scouts.

Scouts and Explorers from all parts of the country come to use 14 wilderness trails and camping facilities in New Hampshire that are part of the BSA National Campways tour program.

NEW HAMPSHIRE SCOUTING FACTS

The Granite State has a total Scout population of more than 18,000. This includes (as of the first of this year) 600 Explorers in 51 Explorer units, 8,100 Scouts in 276 troops, and 9,700 Cub Scouts in 243 Cub packs. Almost 7,000 adults serve these youths on a volunteer basis. Working with these nearly 25,000 citizens of New Hampshire, who are actively engaged in Scouting, is a professional staff of 13. Total membership in the State is expected to be 25,000 boys by 1976.

All in all, New Hampshire has proved to be an important State to the Boy Scouts of America; just as Scouting has proved to be important to the State of New Hampshire.

THE RICHMOND SCHOOL BUSING CASE

Mr. ERVIN. Mr. President, the February 14 issue of Time magazine contains a simple and eloquent letter on the depths of human feeling surrounding the Richmond intercounty busing decision. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Sir: Judge Merhige can order until he is blue in the face. He cannot come into our homes and grab our children.

Our motto: The real Supreme Court of this land is We, the People. The judges are appointed by God; their names are Mommy and Daddy.

Mrs. Carolyn W. Baker,
Richmond.

U.S. RELATIONS WITH SOUTH ASIAN NATIONS

Mr. ROTH. Mr. President, a few days ago I spoke to the Senate about the need for the United States to maintain a balanced approach in its relations with the nations of the South Asian subcontinent. I noted several instances in which we had, by providing arms to India or Pakistan, aggravated tensions on the subcontinent and increased the risk of a great power clash. I referred to our unhappy experience in the recent crisis in East Bengal when we became identified with one side of an essentially intraregional conflict. I urged that we not overlook any opportunity to repair the damage to our relations with India caused by the recent crisis, and I recommended that we seek the friendship of all nations in the region.

It was, therefore, with understandable interest that I read a column by Laurence Stern in the Washington Post of February 4 on the question of providing arms to Pakistan. Mr. Stern referred to the arms offer announced by the State Department in October 1970. This included 300 armored personnel carriers and about 20 aircraft and was described in official statements as a one-time exception to the embargo which we have maintained since 1965 on military equipment for India and Pakistan. Mr. Stern points out that the United States still has to make a decision on whether to go forward with this offer, which has been held in abeyance for over a year.

In this connection, Mr. Stern makes some pertinent observations, about the high political cost of the relatively small amount of arms that we have provided to India and Pakistan:

> Since the 1965 war, when foreign-supplied armies of India and West Pakistan staggered to exhaustion and truce after 22 days of war, the United States has played the most negligible role of all the major industrial nations in the arming of the subcontinent. We adopted our embargo policy because of the embarrassing specter of two opposing armies of the third world mauling each other with American tanks, guns and airplanes.
>
> A few statistics tell the story. The United States supplied half a per cent of all major weapons sent to the subcontinent since the 1965 war, according to the impartial and authoritative "Arms Trade With the Third World" study by the Stockholm International Peace Research Institute. The rate was less than $1 million a year.
>
> In the same period the Russians supplied 67.5 per cent of the total, or $130 million a year, with most of the arms going to India. Britain, France and China far outpaced the United States during the post-1965 years.
>
> And so the paradox is that the United States has gotten more unfavorable political mileage out of its diminutive role in the subcontinent arms race than any of the industrial powers who have been fueling it.

Mr. President, as I mentioned in my speech, I believe we should not neglect Pakistan, but it seems to me that our interests would be best served by encouraging that nation to focus its energies on economic and social development. With regard to supplying arms, I think the United States should move with great care and only after a thorough consideration of the impact which new shipments to Pakistan are likely to have on our relations with India and on our whole position on the subcontinent.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. GAMBRELL. Mr. President, I was necessarily absent when certain record votes were taken on amendments to H.R. 12067, the foreign aid appropriations bill, because of a longstanding prior commitment in Georgia.

Had I been present on Friday, February 4, when votes on these amendments were taken, I would have voted "yea" on the Fulbright amendment barring the use of funds for continuing public safety programs of the Agency for International Development—No. 34 Leg.—and "yea" on the Fulbright amendment decreasing from $165 million to $140 million funds for worldwide technical assistance, and from $150 million to $100 million funds for development loans—No. 35 Leg.

HARVARD LAW PROFESSOR OPPOSES EQUAL RIGHTS AMENDMENT

Mr. ERVIN. Mr. President, in the March 1971 issue of the Harvard Civil Rights Civil Liberties Law Review, Prof. Paul A. Freund of the Harvard Law School has written a strong article against the equal rights for women amendment.

Professor Freund, one of the most outstanding legal scholars in this country, concludes that the ERA, or unisex amendment, will result in the destruction of any law that differentiates between men and women. As Professor Freund puts it:

> And so women must be admitted to West Point on a parity with men; women must be conscripted for military service equally with men (though classification on an individual basis for assignment to duties would be valid, it is asserted); girls must be eligible for the same athletic teams as boys in the public schools and state universities; Boston Boys' Latin School and Girls' Latin School must merge (not simply be brought into parity); and life insurance commissioners may not continue to approve lower life insurance premiums for women (based on greater life expectancy)—all by command of the Federal Constitution."

Professor Freund takes a special look at the laws relating to domestic relations which the ERA would destroy, and I hope that every Senator will have an opportunity to read this section to determine the effect of destroying the legal obligation, existent in every State, for the husband to support his family.

Prof. Jonathan H. Pincus of the Yale University School of Medicine has rightly termed this destructive element of the ERA, "the Tonkin Gulf resolution of the American social structure."

Mr. President, I highly recommend the article by Professor Freund in the Harvard Civil Rights Civil Liberties Law Review to everyone interested in a brilliant exposé of the equal rights for women amendment. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EQUAL RIGHTS AMENDMENT IS NOT THE WAY

(By Paul A. Freund*)

My interest in the Equal Rights Amendment goes back twenty-five years, when I was encouraged to draft a statement in opposition on behalf of twenty lawyers and law professors, including Dean Pound of Harvard.[1] Last year I learned that this statement was being circulated anew by the AFL–CIO, and it became necessary to review my position on the subject.

The issue has always been over choice of means, not over ends. The objective is to nullify those vestigial laws that work an injustice to women, that are exploitative or impose oppressive discriminations on account of sex. Although such laws have been progressively superseded or held to be violative of equal protection,[2] some of these laws still disfigure our legal codes. Beyond this, the Women's Rights Movement seeks to achieve equal opportunity and equal treatment for women in business, professional, domestic, and political relationships, but unless equality is denied by a public agency or because of a law the Equal Rights Amendment by its terms has no application. If we want to see more women in law firms, in the medical profession, in the Cabinet—and I, for one, do—we must turn elsewhere than to the proposed amendment. The point is not the smug argument that we must change hearts and minds and attitudes (though that too is involved) rather than look to law; the point is that within the realm of law we have to compare the effects and effectiveness of a constitutional amendment on the one hand and the mandate of congressional legislation and judicial decisions on the other.

The proposed amendment attempts to impose a single standard of sameness on the position of the sexes in all the multifarious roles regulated by law—marital support, parental obligations, social security, industrial employment, activities in public schools, and military service—to mention the most prominent. It is necessary to try to analyze all these various applications of the single-standard formula in order to discern whether anomalies, uncertainties, and injustices would result. Unfortunately we have no definitive guide in such an exploration, for neither in the House nor in the Senate was there a committee report on the amendment, which might have focused attention on concrete issues rather than on a generalized slogan—"equal rights under law"—which is intended to supplant "equal protection of the laws." The alternative legal course is to achieve changes in the relative position of women through paramount federal standards or to overcome invidious classifications on the ground that they are presently unconstitutional. The choice resembles that in medicine between a single broad-spectrum drug with uncertain and unwanted side-effects and a selection of specific pills for specific ills.

In comparing the problem of choice twenty-five years ago and today, I concluded that so far from the case for amendment being strengthened, the choice of the alternative course was even more strongly indicated. The reason is that during the intervening years both the scope of congressional power and the promise of judicial redress have been made clearer, while the dangers implicit in the amendment remain as before. Congressional power under the commerce clause, as the civil-rights legislation shows, is adequate to deal with discrimination (whether private or governmental) based on sex, as on race. This authority has been utilized to some extent in relation to sex discrimination in employment practices[3] but not to such discrimination in places of public accommodation. Discrimination in matters of family law could be reached under Congress' power to enforce the equal-protection guarantee, as set forth in *Katzenbach v. Morgan*.[4]

Recently, to be sure, a majority of the Court refused to extend that decision to the case of the claims of 18-year-olds to share in the suffrage; but the refusal hinged on a reluctance to regard the minimum voting age for elections as a subject coming within the guarantee of equal protection.[5] Even without benefit of congressional action, the guarantee has been markedly enlarged in recent years; it has served to invalidate legislative classifications based on such factors as poverty, illegitimacy, duration of residence.[6] Surely nineteenth-century decisions holding, for example, that women could be denied admission to the bar[7] are museum pieces and should not figure in any present discussion of equal rights.

The paucity of contemporary Supreme Court decisions can be ascribed partly to the failure of women's groups to mount a series of selected test cases challenging forms of discrimination, and in part to the fact that some discriminatory laws have been held invalid by lower courts, without further appeal.[8] One Supreme Court decision, however, is a target of indignation by proponents of the amendment: *Hoyt* v. *Florida*.[9] The Court held by a divided vote that a state law might relieve women of jury duty unless they signified their willingness to serve, while requiring men to present specific reasons for excusal. Experience had shown that a much higher percentage of women than of men had in fact secured excusal on an individual basis, because of household duties, and the law was tailored to reflect this experience in a differentiated procedure based on a differentiated presumption of fact. As the Justices were divided, so, it seems to me, can reasonable persons of good will disagree among themselves on the decision. But to regard the decision as an invidious discrimination or a degrading affront to women that calls for redress by a constitutional amend-

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Footnotes at end of article.

ment is surely far-fetched and obsessively sensitive. The classification more nearly resembled a factual generalization based on age or height than on race or color.

So far I have set out reasons why the amendment is not necessary or appropriate. Before leaving this point, let me add that even if the amendment were adopted, legislation on the state or federal level would be necessary to carry it out in its myriad applications. Four words will not in themselves remake the laws of age of consent, marital property rights, marital and parental legal duties, and protective factory legislation. The energies that have been spent for forty years in an effort to secure the submission of the amendment by Congress to the states would have to be followed, even if ultimately successful, by efforts to revise the laws in a satisfactory way. It is hard to believe that this preliminary struggle to obtain the support of two-thirds of Congress and three-fourths of the states is other than a diversion of energy from the essential task of revising the laws themselves.

In some fields a national mandate to the states is a useful, even necessary, prelude because there is a bloc of recalcitrant states or because individual states fear a loss of competitive advantage in raising their standards. The latter was the case, for example, with unemployment compensation, which lagged in the states until federal tax credit legislation took away the supposed advantage of holding out.[10] So far as women's rights are concerned, a similar situation conceivably might exist with respect to a disadvantaged position in industry; but there is a twofold answer to this supposition. So far as merely private discrimination is concerned, the amendment has no application, and all discrimination, private or governmental, is subject to the paramount power of Congress under the commerce clause. In non-commercial fields, such as marital property or parental duties, there is no need to go to the states for a preliminary mandate to change their laws. If three-fourths of the states are prepared to ratify the amendment, it is hard to see why they must first thus admonish themselves to do justice before they are prepared in fact to do justice. Although forty years of frustration ought to have carried a lesson, no doubt it seems easier to place a resounding and all-encompassing phrase in the Constitution than to identify specific wrongs and draft model laws to correct them. Yet it is the latter that sooner or later will have to be done, whatever the fate of the amendment—and I suggest that it be sooner.

Still, it may be suggested, the amendment would serve importantly as a symbol—a symbol that the nation has made a commitment to justice for women under law. One gets the impression that much of the drive for the amendment owes its force to this psychological wellspring. The value of a symbol, however, lies precisely in the fact that it is not to be taken literally, that it is not meant to be analyzed closely for its exact implications. A concurrent resolution of Congress, expressing the general sentiment of that body, would be an appropriate vehicle for promulgating a symbol. When, however, we are presented with a proposed amendment to our fundamental law, binding on federal and state governments, on judges, legislatures, and executives, we are entitled to inquire more circumspectly into the operational meaning and effects of the symbol. Lawyers, in particular, have an obligation to ask these questions and to weigh the answers that are given. For if the amendment is not only a needless misdirection of effort in the quest for justice, but one which would produce anomalies, confusion, and injustices, no symbolic value could justify its adoption. We turn, then, to these issues of meaning and effect.

A mandate that equal rights under law shall not be denied or abridged by the United States or any state on account of sex can have either of two conceivable meanings. It can mean that any classification based on sex must be justified by some good (or very good, or compelling) reason, or it can mean that no such classification can pass muster. To this question there is no authoritative answer to be found in the congressional history of the proposed amendment, but the literature of its main sponsors insists on an absolute meaning. This interpretation has been reinforced by the recent experience with the amendment in the Senate. After the original version was amended to death, Senator Bayh and other proponents offered a revised version, using the language "equal protection of the laws shall not be denied or abridged . . . on account of sex." This formulation, adopting the language of the fourteenth amendment but explicitly stressing its application to classifications based on sex, would have been accepted by a number of opponents of the original version. (I would not feel impelled to oppose the revised version, though doubting its necessity.) But it was the most active groups behind the amendment that refused to accept the substitute. They protested that courts or legislatures might find compelling reasons for certain classifications, and this result was unacceptable.[11] I should have thought that if there are compelling reasons and if the amendment would allow them to prevail, that outcome would be cause for satisfaction, not intransigent complaint.

A doctrinaire equality, then, is apparently the theme of the amendment. And so women must be admitted to West Point on a parity with men; women must be conscripted for military service equally with men (though classification on an individual basis for assignment to duties would be valid, it is asserted),[12] girls must be eligible for the same athletic teams as boys in the public schools and state universities; Boston Boys' Latin School and Girls' Latin School must merge (not simply be brought into parity); and life insurance commissioners may not continue to approve lower life insurance premiums for women (based on greater life expectancy) [13]—all by command of the Federal Constitution.

Perhaps the country ought to consider conscripting women equally with men. My point is not that we must maintain the status quo; it is that a change so far-reaching and inflexible ought surely not be brought about as the half-hidden implication of a constitutional motto. Changes of far less import in the draft law have been the subject of full-scale hearings, committee reports, and debate in and out of Congress. Can we assume that every member of Congress who is prepared to vote for the amendment is equally prepared to explain and justify its effect on military service and to support that result before his constituents? A similar question has to be raised about each of the other foregoing illustrative consequences of the amendment. The irreverent thought obtrudes itself that either not every member of Congress has been adequately briefed on the amendment's implications or not every member takes seriously the possibility of its ratification. This irreverence is reinforced when it is remembered that such subjects as selective service or admission to West Point are wholly in the control of Congress, and there is no reason to wait for the mandate of three-fourths of the states if Congress really regards sex differentiation in those institutions as unacceptable and is bent on ending it. Indeed, the change could be brought about by simple majority vote, not the two-thirds required to submit a constitutional amendment.

Special scrutiny should be given to the field of domestic relations, with its complex relationships of marital duties and parental responsibilities. Every state makes a husband liable for the support of his wife, without regard to the ability of the wife to support herself. The obligation of the wife to support her husband is obviously not identical to this; if it were, each would be duty bound to support the other. Instead, the wife's duty varies from state to state. In some jurisdictions there is no obligation on the wife, even if the husband is unable to support himself. In others, the wife does have a duty of support in such a case.

In 1968 a recommendation on the subject was made by a Task Force on Family Law and Policy of the Citizens' Advisory Council on the Status of Women, a group that supports the amendment. The recommendation was a progressive and equitable one: "A wife should be responsible for the support of her husband if he is unable to support himself and she is able to furnish such support." [14] So far, so good. But what would be the effect on the rule fixing the husband's duty? Some members of the Task Force, but only some, took a position of reciprocity consistent with the principle of the amendment: "Some of the task force members believed that a husband should only be liable for the support of a wife who is unable to support herself due to physical handicap, acute stage of family responsibility or unemployability on other grounds." [15] This solution, dictated by the Equal Rights Amendment, would be contrary to the law of every state. Moreover, the support owed solely to "a wife who is unable to support herself" might be further eroded by the establishment of child-care centers. Where such centers are created, presumably a wife with small children would no longer be "unable" to support herself through employment, and so under the constitutional rule of reciprocity would lose the right of support from her husband. Thus child-care centers could, by a reflexive effect on the mother's ability to work outside the home, constitute a threat rather than an opportunity. Of course the spouses would be free to enter into an agreement regarding support, but the law is necessarily concerned with rules and presumptions in the absence of agreement.

Is the favorable treatment now everywhere accorded to wives in respect of support a manifestation of male oppression or chauvinism or domination? Can it be expected that all the states will make an about-face on the law of support within a year of the adoption of the amendment; and if they do not, what will be the reaction of wives to the Equal Rights Amendment when husbands procure judicial decisions in its name relieving them of the duty of support because an equal duty is not imposed on their wives?

It is sometimes said that a rigid requirement of equality is no less proper for the sexes than for the races, and no less workable. But the moral dimensions of the concept of equality are clearly not the same in the two cases. To hold separate Olympic competitions for whites and blacks would be deeply repugnant to our sensibilities. Do we—should we—feel the same repugnance, that same sense of degradation, at the separate competitions for men and women? A school system offering a triple option based on race—all-white, all-black, and mixed schools—would elevate freedom of choice over equal protection in an impermissible way. Are we prepared to pass that judgment as readily on a school system that offers a choice of boys', girls', and coeducational schools? A family that prefers to send its daughter to a girls' school or college and its son to a boys' school or college is not thereby committing an invidious discrimination; their judgment of relative educational advantages may be wise or unwise, but it is not so far beyond the bounds of legitimate discretion, experimentation, and good will as to call for a uniform constitutional mandate closing off that area of choice. One of the

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prime targets of the equal-rights movement has been the color-segregated public rest room. Whether segregation by sex would meet the same condemnation is at least a fair question to test the legal assimilation of racism and "sexism."

The answer proffered is that a counter-principle, a constitutional right of privacy, would be invoked at this point.[16] But this is only to restate the problem, which is whether there are not considerations other than identical treatment that ought to be taken into account in the various contexts of relations between the sexes. If privacy is one such consideration, though unexpressed in the amendment, when will it prevail and when will it not? Is privacy in fact the only unexpressed countervailing interest? Freedom of association is a constitutional right enjoying recognition even longer and firmer than privacy. It has been invoked without avail, as has the interest in privacy, to blunt the force of equal protection in the field of racial separation. Is it to have greater recognition (as in the area of public education) where relations between the sexes are concerned? Moreover, interests more social, less individual, than privacy or association are actually involved. If a public school conducts separate physical education classes for boys and girls, or a prison maintains separate cells for men and women, would the validity of the separation depend on a claim of privacy? If the pupils or prisoners waived any interest in privacy and wished to amalgamate the classes or the cells, would the school or the prison be required to conform? Or could the law respect a wider community sentiment that separateness was fitter and not invidious?

Constitutional amendments, like other laws, cannot always anticipate all the questions that may arise under them. Remote and esoteric problems may have to be faced in due course. But when basic, commonplace recurring questions are raised and left unanswered by text or legislative history, one can only infer a want of candor or of comprehension.

I would not wish to leave the subject on a purely negative note. My concern, as I have said, is with the method proposed, which is too simplistic for the living issues at stake. It remains, then, to suggest alternative approaches. A great deal can be done through the regular legislative process in Congress. Concrete guidelines are set forth in an April 1970 Report of the President's Task Force on Women's Rights and Responsibilities. After recommending support of the proposed amendment, the Report urges that—

> Title VII of the Civil Rights Act of 1964 be amended to empower the EEOC to enforce the law, and to extend coverage to state and local governments and to teachers;
>
> Titles IV and IX of the Civil Rights Act be amended to authorize the Attorney General to assist in cases involving discrimination against girls and women in access to public education, and to require the Office of Education to make a survey on that subject;
>
> Title II of the Civil Rights Act be amended to prohibit discrimination because of sex in public accommodations;
>
> the jurisdiction of the Civil Rights Commission be extended to include denial of civil rights because of sex;
>
> the Fair Labor Standards Act be amended to extend coverage of its equal pay provisions to executive, administrative, and professional employees;
>
> liberalized provisions be made for child-care facilities.[17]

It is an extensive, important, and thoughtful set of proposals. If a two-thirds majority can be found for the abstraction of the Equal Rights Amendment, it would be puzzling to know why a simple majority could not even more readily be found to approve this concrete program.

In addition, Congress would give a vigorous and valuable lead by enacting model laws for the District of Columbia in the fields of labor legislation and domestic relations.

Moreover, a few significant decisions of the Supreme Court in well-chosen cases under the fourteenth amendment would have a highly salutary effect. And decisions under Title VII of the Civil Rights Act will clarify the role of state laws regulating employment in light of the statutory concept of bona fide occupational qualifications.[18]

Finally, Congress can exercise its enforcement power under the fourteenth amendment to identify and displace state laws that in its judgment work an unreasonable discrimination based on sex. In this connection let me point out a serious deficiency in the proposed amendment. Its enforcement clause gives legislative authority to Congress and the states "within their respective jurisdictions." This is a more restrictive authorization to Congress than is to be found in any other amendment, including the fourteenth. If the new amendment is deemed to supersede the fourteenth concerning equal rights with respect to sex, Congress will be left with less power than it now possesses to make the guarantee effective. This is the final anomaly.

The time has come for action, for meaningful action, for action based on a clear idea of just what it is that we are trying to correct and to bring about by law. For more than forty years there has been pursuit of the *ignis fatuus* of a constitutional amendment. This course has been opposed by individuals and groups whose commitment to civil rights and women's rights is not in question: groups that include the National Council of Negro Women, the National Council of Catholic Women, the National Council of Jewish Women, the American Association of University Women, and the Commission on the Status of Women, appointed by President Kennedy and chaired by Eleanor Roosevelt.[19] The real issue is not the legal status of women. The issue is the integrity and responsibility of the law-making process itself.

FOOTNOTES

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* Carl M. Loéb University Professor, Harvard University.

[1] The statement appears in *Hearing on S.J. Res. 61 Before a Subcomm. of the Senate Comm. on the Judiciary*, 79th Cong., 1st Sess. 78–80 (1945). A list of signatories appears in 116 CONG. REC. § 13906 (daily ed. Aug. 21, 1970) (remarks of Sen. Ervin).

[2] *E.g.*, United States *ex rel.* Robinson v. York, 281 F. Supp. 8 (D. Conn.) (1968); Commonwealth v. Daniel, 430 Pa. 642, 243 A.2d 400 (1968). Both cases invalidated statutes providing for more severe penalities for women than for men convicted of certain offenses.

[3] Civil Rights Act of 1964, Title VII, 42 U.S.C. §§ 2000e–2000e–15 (1964).

[4] 384 U.S. 641 (1966).

[5] United States v. Arizona, 91 S. Ct. 260 (1970).

[6] *E.g.*, Shapiro v. Thompson, 394 U.S. 618 (1969) (residency); Levy v. Louisiana, 391 U.S. 68 (1968) (illegitimacy); Harper v. Virginia Bd. of Elections, 283 U.S. 663 (1966) (poverty); Douglas v. California, 372 U.S. 353 (1963) (poverty).

[7] *In re* Lockwood, 154 U.S. 116 (1894); Bradwell v. State, 83 U.S. (16 Wall.) 130 (1872).

[8] *See* note 2 *supra*. *See also* Kirstein v. Rector and Visitors of the Univ. of Va., 309 F. Supp. 184 (E.D. Va. 1970) (requiring admission of women to all-male campus of the University of Virginia, where facilities open to women were not equal); White v. Crook, 251 F. Supp. 401 (M.D. Ala. 1966) (holding invalid the exclusion of women from jury service).

[9] 368 U.S. 57 (1961).

[10] *See* Steward Machine Co. v. Davis, 301 U.S. 548, 587–88 (1937).

[11] N.Y. Times, Nov. 12, 1970, at 19, col. 3. *But cf.* "Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties." Citizens' Advisory Council on the Status of Women, *A Memorandum on the Proposed Equal Rights Amendment to the Constitution* in the CONGRESSIONAL RECORD, vol. 116, pt. 7, pp 9684–9687. The dimension of this escape hatch are left unexplored. The only example given is the maintenance of separate restrooms, which other proponents have explained as preserving a right of privacy. *See* p. 240 *infra*.

[12] Citizens' Advisory Council on the Status of Women, *supra* note 11, the CONGRESSIONAL RECORD, vol. 116, pt. 7, pp. 9684–9687.

[13] *Cf.* Gruenwald v. Gardner, 390 F.2d 591 (2d Cir.), *cert denied*, 393 U.S. 982 (1968) (higher Social Security retirement benefits for women sustained). Presumably the amendment would require a different result.

[14] Citizens' Advisory Council on the Status of Women, Report of the Task Force on Family Law and Policy 9 (1968).

[15] *Id.*

[16] Emerson, *In Support of the Equal Rights Amendment*, 6 Harv. Civ. Rights-Civ. Lib. Rev. 225, 233 (1971).

[17] President's Task Force on Women's Rights and Responsibilities, A Matter of Simple Justice iv-v (1970).

[18] *See* Phillips v. Martin Marietta Corp., 39 U.S.L.W. 4160, 4160–61 (U.S. Jan. 25, 1971) (Marshall, J. concurring).

[19] *See also* the valuable recent report recommending against adoption of the amendment, Committee on Federal Legislation, *Amending the Constitution to Prohibit State Discrimination Based on Sex*, 26 Record of N.Y.C.B.A. 77 (1971).

INTERGOVERNMENTAL COOPERATION ACT OF 1972

Mr. ROTH. Mr. President, it gives me great pleasure to join Senators in cosponsoring S. 3140, the Intergovernmental Cooperation Act of 1972, introduced yesterday by the distinguished Senator from Maine (Mr. MUSKIE). Reform of the system of Federal domestic assistance has long been a major interest of mine. During my tenure in the House I cosponsored legislation similar to this bill.

My initial familiarity with the failures of our grant-in-aid apparatus resulted from a project which my staff and I completed in 1969. At that time we compiled the first comprehensive catalog of Federal domestic assistance programs. To assure that we continue to make progress in the area of user-oriented program information, I introduced the Program Information Act. This proposal passed by the Senate during the 91st Congress, has been introduced in both Houses during this Congress.

What has most disturbed me about the evolution of our system of domestic assistance is that we have continued to proliferate categorical programs without concerning ourselves sufficiently with their utility to intended recipients. After all, the grant system was created to assist the States, localities, and other non-Federal bodies in carrying out their proper functions without burdening them with complex, expensive, and inflexible requirements. Further, it seems to me that we have failed to give adequate attention to the impact of grants on the balance within our Federal system; and to evaluating the degree to which these grants are achieving the national objectives for which they were created.

A realistic picture of the difficulties faced by applicants for Federal grants arises from a realization of the number of programs operating in any particular functional area. This picture is complicated when the multiple uses to which programs can be put are taken into account. By "multiple uses" I refer to the fact that, for example, there are housing, research, and manpower training programs which can be of benefit to educators and educational institutions. Sorting out the multiple uses of programs is an undertaking requiring the most sophisticated grantsmanship.

In order to obtain a statistical picture of the maze of programs and agencies confronted by a potential grant applicant, my staff and I have constructed Chart 1. Columns 2 to 4 indicate the number of programs, accounting for multiple uses, and the number of agencies and subagencies—bureaus or offices within larger units—involved in a variety of functional categories. For example, there are something like 172 grants identified as housing programs handled by 16 agencies and 32 subagencies. As regards education programs, a potential aid recipient could be faced by approximately 440 programs under the direction of 31 major agencies and 53 bureaus.

I have been able to obtain this statistical information on the multiple uses of programs through use of the computer programs of Applied Uranbetics, Inc., a Washington firm whose business is providing services to State and local governments and others in their attempts to solve social problems. While this data results from a study several months old, I am confident that it still represents the basic reality.

This proliferation of programs, besides creating mammoth informational problems for grant applicants, has led to needless duplication and overlapping of Federal assistance programs. Duplication of programs has resulted in duplicating guidelines, duplicating regulations, and duplicating application forms. As a result, State and local officials find themselves mired in expensive and inflexible red tape and bureaucracy. It is important to realize that a grant applicant may have to contend with guidelines, regulations and application forms generated by a number of departments and bureaus, each having their own ways of doing things.

One Governor in reply to an inquiry from my office on this subject commented as follows:

> There is little doubt that conflict and duplication among Federal grant programs have increased to the point that it today constitutes one of the major problems we face. The separate grant programs for sewer, water, open space, housing and planning programs are not only causing expensive administration duplications, but provide a source of great confusion to local government units as to the appropriate place to seek assistance.

I am happy to say that President Nixon and his administration have sought to deal with the deficiencies of our system of domestic categorical grants-in-aid. I support the broad intentions of the administration's four Executive reorganization bills, its special revenue-sharing proposals, and the efforts of the Office of Management and Budget's Federal Assistance Review.

While I heartily approve of these reforms as steps in the right direction, I do not believe that they alone will treat all the ills of the domestic assistance system. Even if both the executive reorganization program and the six special revenue-sharing bills become law, State and local officials and Federal administrators would still face a most complex array of categorical grants. Again putting to use chart 1, it is possible to take a "before and after" look at the number of programs and agencies which citizens, private institutions, and State and local governments must sort through when seeking aid in a number of program categories.

By rearranging programs and agencies to account for the likely effects of the proposed reorganizations and special revenue-sharing plans, we can to some extent measure their impact. Study of columns 5 to 8 of the chart leads to the conclusion that even if all of this legislation were enacted, we would still need to look for other means to further rationalize the grant system. In the category of housing aid the number of programs involved would be reduced from about 172 to 155, while 13 major agencies, nine newly created administrators, and 20 bureaus would carry the load formerly borne by 16 major agencies and 32 bureaus. The approximately 440 education programs now existing would shrink to 380 with 25 major agencies, 15 administrators, and 34 bureaus acting where 31 major units and 53 bureaus had participated. Special revenue sharing by itself would phase out only 130 of the 1,000-plus categorical programs.

I do not suggest that all 440 education grants, for example, should be, or indeed could be consolidated. I do think, however, that some beneficial groupings could be made that would simplify the administration of Federal grants. I would urge the executive branch to press even harder to consolidate grants through administrative action when possible and to continue to pursue other grant reforms.

These efforts require more from the Houses of Congress than cheering from the sidelines. The Intergovernmental Cooperation Act of 1972, will contribute greatly to the reconstruction of our apparatus of intergovernmental aid. First of all, this legislation as one means of simplifying the financial reporting requirements of Federal assistance programs, permits Federal agencies to place greater reliance on State and local audits which meet Federal standards.

Title II of this bill would permit the President to transmit to Congress plans which consolidate overlapping domestic programs. A plan would become effective if either House of Congress disapproved it within a period of 10 calendar days during which Congress was in continuous session. This procedure, whereby Congress exercises a negative veto, utilizes that set forth in the Reorganization Act of 1949. Original congressional intent is protected in this bill by explicit requirements set for the purposes and manner of grant consolidations. Some of us might ideally prefer not to allow semilegislative powers to the President. However, when one realizes the enormous and detailed task involved in restructuring over 1,000 grants, such a delegation of power seems more reasonable.

The third purpose of the Intergovernmental Cooperation Act of 1972, is to permit Federal agencies to set up common application, management, and funding procedures for appropriate programs. Emphasis is placed on intraagency joint funding although some provision is made for applying the technique to programs managed by more than one executive agency. The President is now authorized by several statutes to carry on demonstration joint funding projects, which have been conducted with apparent success. The advantages of such a procedure are obvious for the private institution or Governmental unit seeking coordinated solutions to problems.

Title IV of the Intergovernmental Cooperation Act of 1972 seeks to improve congressional and Executive oversight of Federal assistance programs. The substantive committees of Congress would be given the responsibility of periodically reviewing grant programs falling within their jurisdictions and reporting their findings to their respective Houses. To better perform this task a committee chairman would be authorized to appoint, with the approval of the ranking minority member, a program review specialist to the professional staff of the committee. This title also requires more extensive reporting of grant-in-aid activities to Congress by Federal agencies and the President.

It is my hope, Mr. President, that enactment of the Intergovernmental Cooperation Act of 1972 would be a significant step toward a better system of intergovernmental aid. The Advisory Commission on Intergovernmental Relations, the Nixon administration, House and Senate Intergovernmental Relations Subcommittees and their staffs, as well as individual Members of both Chambers, have all contributed to this legislation. I doubt that anyone would dispute the contention that we must act creatively and promptly to make our grant system a more effective part of a vital and balanced Federal system.

Mr. President, I ask unanimous consent that chart No. 1, to which I have referred, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHART 1.—APPROXIMATE NUMBER OF PROGRAMS AND AGENCIES INVOLVED IN VARIOUS PROGRAM AREAS BEFORE AND AFTER REORGANIZATION AND REVENUE SHARING

	Before reorganization			After reorganization and revenue sharing			
Program area (1)	Programs (2)	Agencies (3)	Sub-agencies (4)	Programs (5)	Agencies (6)	Adminis-trations (7)	Sub-agencies (8)
Urban	174	17	33	136	15	15	23
Housing	172	16	32	155	13	9	20
Renewal	113	9	26	90	6	13	15
Rural	189	16	39	155	11	12	27
Agriculture	166	12	34	132	10	10	30
Food	62	7	20	52	7	9	18
Business	273	34	52	253	23	16	43
Education	440	31	53	380	25	15	34
Schools	118	12	16	81	10	8	12
Employment	253	31	34	230	19	11	26
Vocational rehabilitation	87	15	12	59	9	5	8
Transportation	137	22	53	104	15	13	28
Streets and highways	54	9	15	21	5	7	10
Law enforcement	63	19	19	57	13	8	17
Science	348	21	50	333	17	13	29
The consumer	43	16	15	36	13	9	12
Poverty	232	16	30	201	15	12	21
Aged	93	12	19	86	8	9	16
Handicapped	97	9	11	86	7	4	6
Day care	30	5	11	19	3	8	8
Recreation	119	20	30	102	16	12	22
Conservation	112	15	36	87	12	8	18
Water resources	167	13	38	147	9	14	30
Energy and minerals	48	12	14	47	8	5	10
Air pollution	27	6	12	27	5	7	10
Health	368	24	43	335	19	12	28
Hospitals	60	6	6	58	3	4	5
Drugs	70	8	15	67	7	5	13
Sanitation	63	8	19	52	6	8	12

NOTES

These statistics were obtained from computer programs made available by Applied Urbanetics, Inc. of Washington, D.C.

Column 2—All programs which among their multiple uses can be used in this program area are included.

Column 3—Cabinet departments and independent agencies.

Column 4—Bureaus and other operating units within departments and independent agencies.

Column 7—The new administrations to be created by administration bills for the purpose of coordinating program operations.

CAREER PROMOTION SYSTEM OF U.S. INFORMATION AGENCY

Mr. PELL. Mr. President, I have noted with concern that the Director of the U.S. Information Agency, Mr. Frank Shakespeare, has decided to make a basic and potentially far-reaching change in the career promotion system of the Agency. I believe I have a particular responsibility in this regard, too, in that I was the principal Senate sponsor of the legislation that established, in 1968, a career professional service for Foreign Service information officers. Hence, I believe I am particularly aware of the intent of Congress, an intent which would be violated by this proposed change. Moreover, having taken the lead in creating such a career merit promotion system, I have no intention of quietly acquiescing in any action that could lead to its dissolution.

The change proposed by the USIA Director, I believe, violates the basic principles that underlie the career merit system of the entire Federal service.

If other agencies should follow the example being set by the USIA—if other politically appointed agency heads decide they shall personally select career employees for promotion—the results could be disastrous to the entire concept of a professional, nonpolitical Federal career service.

If the State Department should follow the USIA precedent, the permanent promotion of our career Foreign Service officers might well depend, not on their professional abilities, but on how closely their policy or even political views met those of a transient Secretary of State.

Or consider the Defense Department. If the Defense Department should follow the USIA precedent, the promotion of our top military career officers would be dependent, not on their professional military abilities as judged by their peers, but by their ability to please a Secretary of Defense.

Shall we have cold war "hard line" generals and admirals promoted by a "hard line" Defense Secretary, and "moderate" generals and admirals appointed by a "moderate" Defense Secretary? I do not think we would want to have the top military professionals of the Pentagon divided into two camps of generals and admirals—those with "Republican" promotions and those with "Democratic" promotions.

Neither do I think we want our career Foreign Service information officers divided into groups of those holding "Republican" promotions and those holding "Democratic" promotions. In the career service there can only be one kind of promotion—a merit promotion. And I might add that I am happy indeed that neither the State Department, the Defense Department, nor any other agency, to my knowledge, has indicated an inclination to follow in the footsteps of Mr. Shakespeare.

I would like to examine briefly the change in promotion policy put forward by the USIA Director.

The professional career services of the Department of State and the USIA are based on the merit principle. Under a tried and tested system, members of each class of Foreign Service officer and U.S. information officer are ranked for promotion by independent selection boards based on their performance.

Mr. Shakespeare has announced that he will not accept the rankings of the independent selection boards for promotion from class 2 to class 1 of the USIA career service. Instead, he proposed to select these career professionals for promotion on the basis of his personal preference from an alphabetical list of eligibles.

Congress, in establishing a career service for the Department of State and for the U.S. Information Agency, had very clearly in mind the fact that these professional officers continue to serve successive Secretaries, Directors, Presidents, and administrations.

It should be equally clear that personal selection of career officers for promotion on the basis of personal preference of the Director is not consistent with the basic reasons for career service.

The inherent danger of politicizing the career service through such system is obvious.

Let me add that I do not question Mr. Shakespeare's motives. He has stated that he considers the change necessary for good management of an agency for which he is responsible. But I do not think Mr. Shakespeare realizes the full implications of his proposal. Regardless of whether it is his intent to politicize the career service, I believe the promotion policy he suggests would have that result.

After all, the Director, without personally selecting career officers for promotion, has a major role in promotions. He has authority to make assignments of the men promoted; he has authority to order material placed in the personnel files of career officers, material that will be considered by the selection boards; he appoints the members of the selection boards; he drafts the precepts which guide the selection boards in making their recommendations, and he decides how many promotions shall be made. Surely this array of authority gives the Director more than enough power to assure that promotions are indeed made on the basis of merit.

Mr. President, I believe that Congress stated clearly its intentions regarding the promotional system of the USIA career service. Indeed there is question whether Mr. Shakespeare's new FSO–1 promotion system meets legal requirements.

I urge Mr. Shakespeare, in the interests of the important programs that he administers, and in the interests of a high quality career service, to reconsider the position he has taken.

As for myself, I cannot in good conscience support Senate approval of nominations for promotion to FSO–1 unless the nominees are selected in accordance with the basic principles and procedures of a career professional service based on merit.

THE WAR POWERS REPORT

Mr. GOLDWATER. Mr. President, the Committee on Foreign Relations has today reported a bill which holds ominous implications for the future safety of the United States. At a later time, I intend to participate actively in debate on the several grave issues attached to the committee bill. For now, I will simply announce the publication of an article which I have written on the subject of war powers that is scheduled for printing in the next issue of the Arizona State Law Journal, Law and the Social Order.

My article shows that from the time of the Founding Fathers, who had just come through a long War of Independence, the safety of the people and their united interests has been made the first priority of Government. It also reveals that, in accordance with this concept, there have been 197 foreign military hostilities waged by Presidents in defense of the national security and only five of them have been declared. Moreover, Congress has never enacted binding policy rules hampering the President's conduct of these initiatives; nor has there been any Supreme Court decision in time of war which shackled the President's ability to wage that hostility. Thus, 183 years of experience under the Constitution has firmly established the principle that the President, as Commander in Chief and the primary author of foreign policy, has both a duty and a right to take military action at any time he feels danger for the country or its freedoms. Any legislation, such as the war powers bill, which would restrict his flexibility in these situations is clearly unconstitutional.

Mr. President, I ask unanimous consent that my article, entitled "The President's Ability To Protect America's Freedoms—The Warmaking Power," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The President's Ability To Protect America's Freedoms—The Warmaking Power

(Barry M. Goldwater*)

(Note.—The Senate Foreign Relations Committee has ordered favorably reported Senate bill 2956, which lays down rigid rules to govern the President's use of the Armed Forces in the absence of a congressional declaration of war. With this bill in the background, Senator Goldwater discusses the historical military actions taken by American Presidents and Congresses' responses to these actions. He then examines the constitutionality of congressional limitations on the President's warmaking power and concludes that while Congress holds control over the size and strength of the country's military machinery, the President's power to use that machinery when he feels the country is in danger cannot be restrained by congressional policy directives.)

I. CONTEMPORARY SETTING

On November 17, 1971, President Nixon signed a $21.3 billion military procurement bill,[1] but emphasized in doing so that he would ignore a so-called end-the-war rider as being "without binding force or effect" and failing to "reflect my judgment about the way in which the war should be brought to a conclusion."[2] Hours later, the House of Representatives rejected, for the fourth time in 1971, a proposal to set a specific deadline for ending the United States military involvement in Indochina.[3]

Not to be deterred by two setbacks in one day, Senator Mike Mansfield, the distinguished Majority Leader of the Senate and author of the troop withdrawal amendment just torpedoed by President Nixon, promptly opened a new attack on the Executive's military authority. The next day another Mansfield amendment was reported to the Senate—a prohibition on spending attached to the 1972 Department of Defense Appropriation Act which sought to force the withdrawal of 60,000 American troops from NATO.[4] This time the President needed no aid from the other Chamber, since the Senate voted on November 23 to reject the limitation by 39 yeas to 54 nays.[5]

The senior Senator from Montana had yet one more challenge waiting in his campaign against Executive discretion, however, for only a week earlier the Senate had passed his third amendment of the year aimed at terminating all United States military operations in Indochina.[6] The amendment set a final date for the withdrawal of all United States forces within 6 months, and was coupled to the Special Foreign Military and Related Assistance Act.[7] The first session of the 92d Congress might still be deadlocked over this issue had not the House of Representatives voted against the proposal a week before Christmas.[8]

However, the most sweeping challenge of 1971 to the President's foreign policy prerogatives stayed alive. I refer to Senate Bill 2956, a bill to codify the rules governing the use of the Armed Forces in the absence of a declaration of war.[9] This legislation, awesome in its implications, was ordered reported favorably on December 7, 1971, by a unanimous vote of the Senate Committee on Foreign Relations.[10]

Thus closed the legislative year 1971, the second succeeding year in which Congress had undertaken a massive effort to reverse what many members of Congress call the erosion of the legislative branch by Presidential usurpation.[11] Many lawmakers and constitutional writers treat the current moves by Congress as a momentous occasion, precipitated by what they allege to be a completely unprecedented example of Presidential warmaking during the past quarter century.[12] But is the experience of Executive initiative in the use of military force truly a modern phenomenon—a departure from long standing tradition? Is the recent struggle in Congress to impose controls over the waging of war an historical first, unknown until now in view of the general self-restraint by earlier Presidents? Or are the present maneuverings between the two political branches of our government merely a sign of recurring ripples in the stream of history? Who, if anyone, possesses the dominant powers to wage war; to authorize the initiative of war; to deploy men, equipment, and supplies? What checks and balances are there on the war powers? What control does Congress or the President have over the other in regard to making war? What kind of hostilities, if any, can our nation legally engage in without a formal declaration of war? All these questions, and more, are interwoven in the current effort by Congress to restrict the President's ability to wage war. It is my hope that this Article will help illuminate these issues.

II. HISTORICAL OVERVIEW

A. Presidential initiatives

It may come as a shock to many Americans that the United States has been involved in at least 197 foreign military hostilities in its history,[13] only five of which have been declared wars.[14] These incidents took place all over the world.[15] Nearly half involved actual fighting,[16] and no less than 111 actions were undertaken solely on Executive authority without the initial support of any related statute or treaty, let alone a declaration of war.[17]

A few commentators have brushed aside these precedents as being "short-lived"[18] or "minor undertakings,"[19] or almost exclusively "confined to the Western Hemisphere."[20] But it is a fact that 93 actions lasted more than 30 days,[21] a considerable number involved the landing of many thousands of American troops on foreign soil,[22] and exactly 100 occurred outside the Western Hemisphere.[23] These operations include the capture of 90 French ships during the period from 1798 to 1800, the sinking or capture of 65 pirate vessels in the Caribbean prior to 1825, several landings and punitive actions abroad to defend or evacuate United States citizens and their property, the dispatch of 2,000 sailors and marines to force open commercial trade with Japan in the 1850's, the use of 126,468 troops to suppress the Philippine Insurrection after the 1898 treaty of peace with Spain was concluded, the deployment of several thousands of troops ashore in China from 1900 to 1941, the Pershing Expedition into Mexico with 12,000 men, the commitment of 14,000 men to Allied expeditions in Russia a year and a half after Armistice Day, the Korean Conflict of the 1950's, the occupation of parts of Lebanon in 1958 by 14,000 American soldiers and marines, the super-power confrontation between the United States and the Soviet Union during the Cuban missile crisis of 1962, and the Vietnam hostilies, among many others.[24]

B. Early congressional response

Obviously, little wars are not a "phenomen[on] new to the national experience."[25] Nor have past Presidents been immune from congressional sniping at their military policies.[26] Throughout the early years of this century, there were dozens of attempts in Congress to shackle the President's right to use military power. In 1912, Senator Bacon proposed an amendment to the Army Appropriation Bill which will have prohibited the use of any money provided by that law for the pay or supplies of any part of the Army of the United States employed, stationed, or on duty in any country or territory beyond the jurisdiction of the laws of the United States or in going to or returning from points within the same.[27]

This amendment, which would have restricted all United States troops to the United States or its possessions, was defeated without a record vote.[28] In 1919, several Members of Congress introduced measures aimed at ordering American soldiers home from Europe and challenging the presence of our troops in Siberia as unconstitutional.[29] The only one that passed, however, was a watered-down resolution by Senator Hiram Johnson, simply requesting the President to provide Congress with information on the Siberian Expedition.[30] Then in 1922, a major effort was made in Congress to control the geographical deployment of American forces. The House Committee on Appropriations reported the War Department funding bill with a provision specifying:

"No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China, or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone, or more than 5,000 enlisted men in the Hawaiian Islands.[31]"

After a vigorous debate squarely on the constitutional allotment of the war powers between the Executive and Congress,[32] the House agreed, on March 24, to Representative Rogers' motion to strike out the committee restriction. John Rogers, a law graduate from Harvard and a seven-term Republican Congressman, presented an illuminating and scholarly discussion of the constitutional issues involved, which stands to this day as one of the greatest expositions ever made during a legislative attempt to run the details of the Armed Forces.[33]

The Senate made its move later in the year. On December 27, 1922, Senator Reed offered an amendment to the Naval Appropriation Bill designed to "at once cause the return to the United States of all American troops now stationed in Germany."[34] The amend-

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Footnotes at end of article.

ment was debated, but never accepted. On December 30, 1922, Senator King called up an amendment to the same appropriation measure providing:

> That no part of said amount shall be used for the purpose of maintaining or employing marines, either officers or enlisted men, in the Republic of Haiti or the Dominican Republic after June 30, 1923.[35]

Senator King's amendment was rejected the same day.[36] In 1925, he was again disturbed by the use of American troops in the Caribbean and again introduced an amendment to the Naval Appropriations Bill. It stated that "no part of . . . any amount carried in this bill shall be used to keep or maintain any marines in the Republic of Haiti." [37] Once more, Senator King's amendment was rejected.[38]

Three years later, the Senate engaged in one of the most fully-aired debates ever conducted on the question of congressional authority to restrict the power of the President to employ troops abroad—a discussion that would put to shame contemporary exchanges in that body which wander far afield of the true inquiries at the heart of the war powers issue. In 1928, the Senate focused its attention on an effort by Senator Blaine to prevent American forces from being used for intervention in the affairs of any foreign nation "unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law." [39] The proposal was initiated in view of the feeling of several Senators that the United States military occupation of Nicaragua was not in accordance with the Constitution.[40] Senator Blaine's broad amendment, and a more limited one by Senator McKellar which was confined to Nicaragua alone,[41] would have directed the withdrawal of troops and marines from Nicaragua within 9 months, presaging the format of the first Mansfield amendment of 1971.[42] Only the geographical area was different. Both the Blaine and McKellar amendments failed after a week of debate, by a vote of 22 yeas to 52 nays on the Blaine proposal and 20 yeas to 53 nays on the McKellar amendment.[44]

By 1940, Congress did succeed in enacting a geographical limitation on the emplacement of United States units abroad. Section 3(e) of the Selective Service Act of 1940 expressly required that no draftees were to be employed beyond the Western Hemisphere, except in territories and possessions of the United States.[45] Congressional debate on the provision confirms beyond doubt that it was the intent of its sponsors to limit the meaning of "Western Hemisphere" narrowly to the area of the Americas which "we have long engaged to protect under the Monroe Doctrine." [46]

And yet, 1 year later President Franklin Roosevelt deployed our forces, including draftees, to hold Iceland and Greenland, months before the United States formally entered Word War II.[47] President Roosevelt's action in sending troops more than 2,000 miles away from home bore out Senator Lodge's admission, as author of the restriction, that "[t]his is a pious hope."[48]

A year before, Roosevelt had violated at least two of the post-World War I neutrality laws when he handed over 50 reconditioned destroyers to Great Britain in exchange for a series of military bases in the British West Atlantic.[49] President Roosevelt moved this nation from a neutral into a belligerent status before the repeal of the neutrality laws by ordering the United States Navy to convoy military supplies meant for Britain and Russia as far as Iceland and to attack Axis submarines in the process.[50]

III. CONGRESS REASSERTS ITSELF

A. Indochina amendments

This historical sketch, while not exhaustive demonstrates that individual Members of Congress have often criticized Presidential conduct of foreign hostilities, but seldom, and perhaps never, has the Legislative Branch as a unit directly challenged the President's decisions with statutes unequivocally ordering the Executive to withdraw troops from a specific geographic area, or prohibiting him from employing forces in certain situations.[51] Even recent highly-publicized endeavors by Congress to restrict Executive actions, fall far short of being outright shackles on his conduct.

For example, the Cooper-Church amendment, purportedly barring the introduction of new forces into Laos and Thailand, actually attempts to translate into law President Nixon's own pledges not to involve American ground combat troops in these countries.[52] This amendment, as enacted in the Department of Defense Appropriation Act of 1970, reads:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

Nothing is said about barring the sending of advisors to these two countries, or requiring the removal of any American forces already there. Nor is there any mention of stopping the bombing, or how the provision is to be construed in the event its language no longer represents the President's position.

An identical provision was also enacted as part of the defense appropriations laws for 1971 [54] and 1972.[55] Indeed, President Nixon included the language of the 1970 provision in his own proposed budgets for these years.[56]

Another quasi-restriction on the employment of United States forces, which cleared Congress in 1970, is a ban against the introduction of both United States ground combat troops and advisors into Cambodia. This provision, incorporated into the Supplemental Foreign Assistance Authorization Act for 1971,[57] states;

> "In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia." [58]

Again, the Administration posed no objection to the proposal. Secretary of State William P. Rogers testified that it "carries out the President's intention." [59] In fact, Secretary Rogers may have facilitated passage of the amendment when he later wrote to Senator Church: "I should like to reaffirm that the Administration's program, policies, and intentions in Cambodia in no way conflict with" the proposal.[60] It should be noted that the amendment does not purport to cover the use of air and sea power. Nor, according to the conference report on the provision, does it prevent the use of United States troops in border sanctuary operations designed to protect the lives of American soldiers [or of] United States military personnel to supervise the distribution and care of United States military supplies and deliveries to Cambodia, and . . . the training of Combodian soldiers in South Vietnam.[61]

Given such broad exceptions, I believe these provisions are no precedent at all for strict congressional supervision over the Executive's warmaking ability. In truth, they are no more than exercises in restating, with Presidential acquiescence, policy decisions which he had previously announced his intention to follow. Should the President, in viewing the world situation, feel compelled to alter his position, I further believe he could constitutionally avoid any of the above kinds of quasi-limitations on the basis of his independent powers, which I shall discuss in a later part of this Article.[62]

In 1971, the House of Representatives rejected, on five occasions,[63] specific deadlines for ending the hostilities in Southeast Asia, beating back, by the greatest majorities (158 to 254 and 163 to 238), two proposals which sought to cut off funds for the war.[64] The Senate turned down its own version of the fund cut-off when it defeated the Hatfield-McGovern amendment by a 42 to 55 vote.[65]

The Senate subsequently approved the first of three Mansfield amendments.[66] The original provision, added to the Military Selective Service Act Amendments,[67] declared it "to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section. . . ." [68]

Senator Mansfield's amendment further "urges and requests the President to implement the above-expressed policy by initiating immediately" three described actions.[69] But nowhere in this or in either of his other two proposals is there a tie to the congressional appropriation power, nor is there any suggestion that the policy expressed therein be binding on the President.

Even so, Congress watered down the first provision before enacting it, changing "the policy of the United States" to "the sense of Congress" and dropping the 9-month termination date entirely.[70] When Congress subsequently did adopt a second Mansfield amendment as a declaration of "the policy of the United States," [71] President Nixon emphatically announced his intention to ignore the policy," even though Congress had once again excised any specific timetable from the amendment.[73] As mentioned above, the third Mansfield amendment was dropped in conference, after the House voted against it.[74]

B. Codification of war powers

In 1971, the Senate Foreign Relations Committee closed out the book on Congress' efforts to reassert itself vis-a-vis the President by ordering Senate Bill 2956 favorably reported. This bill was introduced by the senior Senator from New York, Jacob Javits, to codify the war powers.[75] S. 2956 is a redraft of a concept first proposed by Senator Javits in 1970.[76] It has been taken up in varying form by 18 other Senators, who individually or jointly introduced five different proposals designed to define the sole conditions under which the Armed Forces of the United States shall be used in hostilities.[77]

S. 2956 represents a compromise of all these approaches.[78] Section 1 of the bill sets out the short title, "The War Powers of 1971." Section 2 contains a statement of purpose and policy. The primary thrust of S. 2956 is conveyed by section 3, which relates to the emergency use of the Armed Forces. The provision dictates that, in the absence of a declaration of war by Congress, the military power of the United States "shall be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances" only in four limited situations. The instances to which the President is restricted in using the Armed Forces are (1) to repel an attack upon the United States, take necessary and appropriate retaliatory actions in the event of such an attack, and forestall the direct and imminent threat of such an attack; (2) to repel an attack against our military forces located outside the United States, and forestall the direct and imminent threat of such an attack; (3) to evacuate endangered citizens of the United States located in foreign countries; and (4) to carry out a specific statutory authorization, which shall never be *inferred* from any treaty or provision of law, including any appropriation act.

Section 4 of the bill provides for prompt reports by the President to Congress whenever troops are committed pursuant to section 3, and section 5 mandates that no hos-

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Footnotes at end of article.

tility initiated under section 3 shall be sustained beyond 30 days without further congressional authorization. Moreover, section 6 states that hostilities commenced pursuant to section 3 may be terminated prior to 30 days by statute or joint resolution of Congress.

Section 7 establishes a legislative procedure under which congressional consideration of legislation authorizing the continuation of hostilities, or the termination of hostilities, shall be given priority treatment to guide such legislation through Congress in no more than 8 days from the date of its introduction, if sponsored or cosponsored by one-third of the Members of the House in which it is introduced. Section 8 sets the effective date of the law as the day of its enactment, but expressly excludes from its application, hostilities in which United States forces are involved on that date.

In short, the bill lays down rigid rules which are supposed to govern the nature and duration of the only situations in which the President may use United States military forces in hostile action. The term "hostilities" is not defined, and thus it is unclear whether our forces are to be so limited only in situations involving actual battles and the imminent threat thereof, or also in situations involving deployments of men and equipment stationed in a state of readiness or alert, for possible response to a developing emergency.[79] In either event, the bill represents the most sweeping attempt to govern Presidential use of America's military machinery that this country has ever witnessed.

IV. CONSTITUTIONALITY OF CONGRESSIONAL LIMITATIONS

A. Textual allotments to Congress

The major role of upholding the constitutionality of legislation restricting the President's command over the use of the Armed Forces has been assumed by Senator Jacob Javits,[80] with a significant helping hand from Senator William B. Spong of Virginia,[81] a learned scholar of international law in his own right. In addition, such respected and nationally-known authorities as Professor Henry Steele Commager, Professor Richard B. Morris, Professor Alfred H. Kelly, Dean McGeorge Bundy, and Professor Alexander Bickel have testified that the Javits bill is in direct pursuance of the congressional war power.[82]

In essence, the advocates of war powers legislation contend that the major war powers are expressly granted to Congress by article I, section 8, of the Constitution.[83] Here are found the powers to "provide for the common Defense"; regulate Commerce with foreign Nations;" "define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations"; "declare War . . . and make Rules concerning Captures on Land and Water"; "raise and support Armies;" "provide and maintain a Navy"; "make Rules for the Government and Regulation of the land and naval Forces"; "provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrection and repel Invasions"; "provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States"; and "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." [84]

In particular, it is argued that the Constitutional Convention intended, by reserving to Congress the power "to declare war," to leave with Congress the power "to authorize war." [85] The constitutional concept of the President's role in the scheme of prosecuting war, is claimed to be built upon the experience of the Founding Fathers with the commission given to General George Washington by the Continental Congress when it appointed him to head the colonial forces.[86] The last clause of the commission provided that General Washington was "punctually to observe and follow such orders and directions" [87] as he should receive from the Congress. Also, heavy reliance is placed on the specific power of Congress to carry into execution, not only its own powers, but also all other powers vested by the Constitution in any *officer* of the Government.[88] My distinguished and highly respected Chairman of the Senate Armed Services Committee, Senator John Stennis, commented upon the matter at the time of the introduction of the redraft, of which he is a cosponsor. He said that this clause is considered to grant Congress the power not only to carry "into execution" the powers vested in the President, but also to restrict and control those powers.[89]

B. Textual allotments to the President

Notwithstanding the current voices of astonishment over claims by the Executive that he may employ military forces on his own authority, many leading writers throughout the greater part of our history have recognized that this power is vested by the Constitution in the President. One major source of this power, of course, is his designation as Commander in Chief.[90] Professor Quincy Wright, one of the nation's foremost commentators on international law, wrote some 50 years ago:

"The powers of the Commander in Chief extend to the conduct of all military operations in time of peace and of war, thus embracing control of the disposition of troops, the direction of vessels of war and the planning and execution of campaigns, and are exclusive and independent of Congressional power." [91]

Just why the Founding Fathers saw fit to confer this title on the President and to invest him with these powers, I have never quite been able to understand, but I have a growing feeling that with the recognized and infinite wisdom of the Founding Fathers they realized that a single man with these powers, who would not be disturbed by the politics of the moment, would use them more wisely than a Congress which is constantly looking toward the political results. Though I first came to this thought without the benefit of supporting writings, I have recently learned of other places where a similar view is recorded.

In speaking of this grant of power, Hamilton wrote:

"Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority." [92]

Contrary to the position taken by my Senate colleague from New York, Senator Jacob Javits, the Constitutional Convention was probably appalled at the difficulties Washington had encountered at the hands of the Continental Congress.[93] Rather than desiring to pertpetuate the experience of weakness and division which the country had suffered under the early Congresses and Articles of Confederation,[94] I believe the Framers intended to infuse national strength through this provision, so as to effectively "secure the Blessings of Liberty to ourselves and our Posterity." [95]

In 1910, Dr. David Watson wrote, in his two-volume work on the Constitution, that of all of the explanations of why the Constitution should make its President Commander in Chief of the military and naval forces of the country, "none seems more reasonable than the fact that during the Revolution Washington experienced great trouble and embarrassment resulting from the failure of Congress to support him with firmness and dispatch. There was a want of directness in the management of affairs during that period which was attributable to the absence of centralized authority to command. The members of the Convention knew this and probably thought they could prevent its recurrence by making the President Commander-in-Chief of the Army and Navy. Doubtless, also, the Convention was influenced by precedents, of which there were many, running back for a long period." [96]

Professor Clarence Berdahl, upon writing in 1922 his outstanding thesis on war powers of the Executive, observed:

"The members of the Convention had not forgotten the trouble and embarrassment caused during the Revolution by congressional interference and the lack of a centralized control over the army. They were very influenced also by the precedents in the practise of European states, in former plans of union for the colonies, and in the recently established state constitutions." [97]

Thus, not only did the Framers plan "a union which could fight with the strength of one people, under one government intrusted with the common defense," [98] but in so doing they were undoubtedly influenced by political traditions known to them.[99]

Nor does the conferral of a broad power to wage a defensive war conflict with the design of the Founding Fathers to avoid establishing a "despicable monarch." Charles Evans Hughes wrote:

"The prosecution of war demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive. This exclusive power to command the army and navy and thus direct and control campaigns exhibits not autocracy but democracy fighting effectively through its chosen instruments and in accordance with the established organic law.[100] "

This recognized emphasis by the Framers on unity and single-mindedness of purpose in the new Government logically means the President must deploy and direct military forces free of control by Congress, and it has been so interpreted by several authorities. As early as 1862, William Whiting, one of the great lawyers of his time,[101] compiled a work on the war powers of the President in which he declared:

"Congress may effectually control the military power, by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of government.[102]" Whiting's foresight [103] led him to add that the Constitution "does not prescribe any territorial limits, within the United States, to which his military operations shall be restricted." [104]

Dean Pomeroy,[105] a contemporary of Whiting, wrote in the 1870 edition of his textbook on constitutional law that he, too, rejected the idea that "the disposition and management of the land and naval forces would be in the hands of Congress . . . ." "The policy of the Constitution is very different," Pomeroy instructs. "It was felt that active hostilities, under the control of a large deliberative body, would be feebly carried on, with uniform disastrous results." [106] He said that the Legislature may "furnish the requisite supplies of money and materials" and "authorize the raising of men," but "all direct management of warlike operations, all planning and organizing of campaigns, all establishing of blockades, all direction of marches, sieges, battles, and the like, are as much beyond the jurisdiction of the legislature, as they are beyond that of any assemblage of private citizens." [107] What of con-

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Footnotes at end of article.

gressional authority to pass laws for executing all powers vested by the Constitution in the Government of the United States, or in any department or officer there? "But these measures," declares Pomeroy, "must be supplementary to, and in aid of, the separate and independent functions of the President as commander-in-chief; they cannot interfere with, much less limit, his discretion in the exercise of those functions." [108] Pomeroy expands on this view by telling us Congress "may determine how many men shall be enlisted in each branch of the service, or what and how many armed vessels shall be constructed." As Congress makes all appropriations, it may decide "what forts shall be erected, and their cost; what ships built, their character and cost; what kind of arms purchased or manufactured, and the cost." The President, on the other hand, "may make all dispositions of troops and officers, stationing them now at this post, now at that; he may send out naval vessels to such parts of the world as he pleases; he may distribute the arms, ammunition, and supplies in such quantities and at such arsenals and depositories as he deems best . . . ." [109] When actual hostilities have commenced, the President "wages war, Congress does not." He "possesses the sole authority and is clothed with the sole responsibility" of conducting all warlike movements, whether at home or abroad.[110]

This untrammeled view of the President's freedom to deploy troops and equipment wherever and whenever he chooses is a consistent theme in commentaries from both the colleges and the courts.[111] Berdahl squarely takes up the issue:

"Altho there has been some contention that Congress, by virtue of its power to declare war and to provide for the support of the armed forces, is a superior body, and the President, as Commander-in-Chief, is 'but the Executive arm, . . . in every detail and particular, subject to the commands of the lawmaking power,' practically all authorities agree that the President, as Commander-in-Chief, occupies an entirely independent position, having powers that are exclusively his, subject to no restriction or control by either the legislative or judicial departments." [112]

Anticipating legislative proposals of the kind embodied in today's end-the-war amendments, Berdahl concludes:

"Just as the President decides when and where troops shall be employed in time of war, so he alone likewise determines how the forces shall be used, for what purposes, the manner and extent of their participation in campaigns, and the time of their withdrawal." [113]

The position of these writers has been fortified by judicial opinion. Thus, in explaining that it is for the President, as Commander in Chief, to direct the campaigns of the army "wherever he may think they should be carried on," [114] Charles Evans Hughes cited *Fleming v. Page,"* [115] where the Supreme Court said:

"As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in a manner he may deem most effectual to harass and conquer and subdue the enemy." [116]

Likewise, in 1866, four concurring members of the Supreme Court declared that "Congress cannot direct the conduct of campaigns. . . ." [117] Later, the Supreme Court affirmed a holding in which the Court of Claims had said that "Congress cannot in the disguise of 'rules for the government' of the Army impair the authority of the President as commander in chief." [118] And in *United States v. Sweeny,* the Court said that the Constitution has conferred upon the President "such supreme and undivided command as would be necessary to the prosecution of a successful war." [119]

But, as broad and unrestricted as is the President's role of Commander in Chief, it does not exhaust his authority in the field of national defense. Another great power vested in the President is his conduct of the nation's foreign policy. The Constitution provides that the President shall make treaties and appoint ambassadors with the advice and consent of the Senate.[120] But the Constitution provides that the President alone receives ambassadors,[121] and holds all the Executive power of a sovereign nation.[122] From this, it is clear the President bears "primary responsibility for the conduct of our foreign affairs." [123] It was Alexander Hamilton who first argued that the President's role in international affairs is a dynamic one, which "may, in its consequences, affect the exercise of the power of the Legislature to declare war." [124]

The President's power to initiate and formulate the foreign policies of our government entirely on his own authority, has been conclusively established by the Supreme Court.[125] The Court's holding is squarely aligned with the accepted tradition under which the President can effectively commit Congress and the country to the course he has set. Pomeroy says:

"The President may, without any possibility of hindrance from the legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments, as to force a war, as to compel another nation to take the initiative, and that step once taken, the challenge cannot be refused.[126]

Berdahl, in his famed thesis, summarizes the authorities in 1920 as agreeing that the President, through his control of diplomatic intercourse, holds in his keeping the peace and safety of the United States, that he may initiate such diplomatic policies and so conduct diplomatic negotiations as to force the country into a war, "without any possibility of hindrance from Congress or the Senate." [127]

Professor Westel Willoughby has also observed that the President's control over foreign relations makes it possible for him to bring about a situation in which, as a practical proposition, there is little option left to Congress as to whether it will or will not declare war or recognize a state of war as existing.[128]

Willoughby did not mean to imply that this result was improper and could be checked by Congress. He wrote that the power of the President to send troops outside the country "as a means of preserving or advancing the foreign interests or relations of the United States" is a "discretionary right constitutionally vested in him, and, therefore, not subject to congressional control." [129]

An additional source of power bearing on this inquiry lies in the President's duty, and right, to execute the laws. The Supreme Court has announced that this power includes enforcement of "the rights, duties and obligations growing out of the constitution itself, our international relations, and all the protection implied by the nature of the government under the constitution. . . ." [130]

The reach of this power, too, continues even as it touches other grants made by the Constitution. Corwin asserts that, by virtue of his power to base action directly on his own reading of international law (which today includes some 42 mutual defense treaties),[131] the President has been able to gather to himself powers with respect to warmaking that ill accord with the specific delegation in the Constitution of the war-declining power to Congress." [132]

Corwin thereby acknowledges that this power is vested in the President, notwithstanding its impact upon the separate war power of Congress.[133]

The courts have upheld the power of the President to begin and continue hostilities without a declaration of war. In approving President Lincoln's blockade of the Confederacy, the Supreme Court held that when "a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority." [134]

From this, Professor Schwartz believes:

"The language of the high Court in the *Prize Cases* is broad enough to empower the President to do much more than merely parry a blow already struck against the nation. Properly construed, in truth, it constitutes juristic justification of the many instances in our history (ranging from Jefferson's dispatch of a naval squadron to the Barbary Coast to the 1962 blockade of Cuba) in which the President has ordered belligerent measures abroad without a state of war having been declared by Congress." [135]

The principle of national self-defense thus ratifies each of the 192 undeclared wars which I have cited above.[136] The power of the President to wage these actions without a formal declaration, and generally without any prior approval of Congress, is not only supported by the doctrine of *The Prize Cases,*[137] but is the natural extension of the concept of defensive wars contemplated by the Founding Fathers. When the Constitutional Convention altered a clause giving Congress the power "to make war" by replacing it with the power "to declare war," [138] there was unquestionably a purpose of "leaving to the Executive the power to repel sudden attacks." [139] How much else the Framers meant to leave with the President is not as definite, but it is at least significant that they had a difference in mind between the two terms and left the making of war with the President.

It is my strong belief that the Framers intentionally painted with a broad brush.[140] For the Founding Fathers clearly understood that "it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." [141] From this I conclude that, should the Fathers be set down by the Divine Hand in our modern world, they would not tolerate rigid legislative policy restrictions on the authority needed by the Executive in defending our nation and our people against all possible foreign threats.[142]

Other judicial precedents bear out the power of the Executive to use such force as is necessary for defensive purposes. Justice Nelson, sitting as a circuit justice, held that the President's duty to execute the laws includes a duty to protect citizens abroad.[143] The Supreme Court has carried this concept even further by declaring that a citizen abroad is entitled "to demand the care and protection of the Federal government over his life, liberty, and property." [144] The right of intervention for the protection of "the lives, liberty, and property" of citizens abroad is firmly established by international law as well.[145] Of course, the right of a state to secure its own self-preservation is also cemented under international law.[146]

V. CONCLUSIONS

The forging of a lengthy chain of historical ventures by Presidents,[147] set against a backdrop of national weakness that the Framers, as practical men, were determined to reverse, persuades me that Presidents have acted constitutionally, and in accordance with a great American tradition, when they have deployed forces outside the United States in defense of our national interests.[148] I further believe the right of the President to take military action at any time he feels danger for the country or its freedoms or, stretching a point, its position in the world,

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cannot be restrained by policy directives from Congress.[149]

Congress indeed holds an impressive share of the national war powers. Congress can set the size of the various branches of the Armed Services, a step which the 92d Congress has already taken.[150] It can end the draft, a move I have advocated since 1964.[151] It can deny or cut appropriations for tanks, aircraft, submarines, carriers, ABM's, and all the other military-related hardware that constitutes the country's defense arsenal.[152] It can turn down an Administration's request for funds to equip and train the military units of allied foreign countries.[153] Congress can choose not to increase taxes, thereby placing tremendous political pressure on a President whose own instincts for international adventurism must be weighed against the risks of bucking a public that wants butter, not guns, and of assuming the stigma of a grossly unbalanced budget. Congress also can repeal or limit the numerous delegations of emergency powers that have been granted the President over wages and prices,[154] the exportation, manufacture, or distribution of vital or rare materials,[155] the licensing of trade with foreign countries,[156] and the multitude of other economic elements that bear on the defense strength of the United States.[157] In addition, Members of Congress enjoy a prominent public forum from which they can go directly to the American people with their criticisms fo executive policies.[158]

In short, Congress has control over the size and strength of the military and economic machinery which the President may use for making war.[159] A President leading a nation with three million men under arms can, if he chooses, involve the country in considerably more commitments than a Commander in Chief who heads an armed force of two million members. A President strengthened by a $90 billion defense budget can deploy vastly more arms and vessels around the world than a President who must carefully ration out the means available under a $60 billion defense appropriation.

But once Congress establishes the military forces and provides them with equipment and supplies, it is the President who determines the policies under which those forces shall be stationed, transported, and committed in furtherance of the national defense. Once Congress has created a military of, for example, 2½ million members, Congress possesses no power to tell the President how many of those servicemen shall be stationed in Europe, or how many in Indochina, or when these troops shall be withdrawn from certain areas overseas, or for how long they can be employed in hostilities. These are policy decisions which have been vested by the Constitution in the President, free of the direct supervision and control of the legislature. I repeat, Congress cannot dictate these kinds of military policy rules to the President and, in full accordance with the Constitution, he need not follow such rules should Congress pass them.

The uniform refusal by Congress, as a collective body, ever to block or limit even one of the nearly 200 Presidentially-initiated hostilities which have occurred to date,[160] strongly suggests the construction which the Founding Fathers intended for the constitutional provisions allotting the war powers. For some legislators to say that this long-continued practice may now be overturned by a sudden change of interpretation, demands that the sponsors of legislative command centers should bear the burden of proving their case by the most clear and cogent evidence.

The mere repetition of statements that the power to declare war carries with it the sole power to commence war, does not make it so. The fact that "[n]o Supreme Court decision has restrained the conduct of presidentially-authorized hostilities,"[161] holds far more meaning for me than all of the anguished pleas in the world that Congress must prevent another Vietnam.[162]

In the first place, Congress was involved up to its ears each step of the way throughout the expansion of our participation in Indochina.[163] Time and again Congress put its votes on the side of more troops and more funds.[164] Secondly, the Constitution cannot be changed out of emotional whims, no matter how morally pious they may be. Thirdly, the proposals to define when, where, and how long the President can employ United States forces abroad are shot through with terrible problems that are even more ominous than the ones they seek to forestall.[165]

It is not easy for me to assert that the President has this terrific power, but I must. I wish it were possible for me to join those dreamers who think we have no problems in this world. But I am old enough to have lived through this same thing before. It is not difficult at all for me to transport myself back in time to the 1920's and the 1930's when, as a young man, I can remember this country as an isolated country and a country being called a "Fortress America." I can remember when our troops drilled with wooden guns and paper tanks, when we did not have enough airplanes in our Air Corps even to hold maneuvers, and when our Navy was weak—all because we were going through the very same kind of emotional trauma we see expressed throughout our country today.

We have an understandable desire to be at peace. Lord knows, I do not want another war. I do not want my grandchildren to suffer war, but neither do I want my children or grandchildren, or the children of any American, to be subjected to the dangerous, serious threat that our country was faced with in the late 1930's when we knew we were going to have to go to war and we knew that we were not equipped.[166]

When I rise in the Senate to support a new defensive weapons system or when I uphold in this Article the concept of sufficient flexibility in Executive powers to defend America's freedoms, I do not have any degree of satisfaction, unless that satisfaction might come to me in my older years as I sit on my hill in the desert and think that possibly the warning a few of us are trying to give the American people was heeded and that I could sit in peace on that hill and talk with my grandchildren because of it.

FOOTNOTES

* Member, United States Senate (Arizona).

[1] Act of Nov. 17, 1971, Pub. L. No. 91–156, 85 Stat. 423.

[2] 29 Cong. Q. Weekly Rep. 2371 (1971). (The Act was signed Nov. 17, 1971.) President Nixon's comments were directed at section 601 of the Act, the "Mansfield Amendment." *Id.*

[3] The proposal was in the form of an amendment to the 1972 Department of Defense Appropriations Act, H.R. 11731, 92d Cong., 1st Sess. (1971), calling for a halt in funding for any military support by United States forces in or over Indochina after June 1, 1972. It was rejected by a vote of 163 to 238. *See* text of amendment at 117 Cong. Rec. H11170 (daily ed. Nov. 17, 1971) and vote, *id.* at H11196–97.

[4] H.R. 11731, § 744 (Star Print), 92d Cong., 1st Sess. (1971), as reported by The Senate Committee on Appropriations, S. Rep. No. 92–498, 92d Cong., 1st Sess. 48–49 (1971).

[5] 117 Cong Rec. S19516 (daily ed. Nov. 23, 1971).

[6] *See* S. 2819, § 9, 92d Cong., 1st Sess., 117 Cong. Rec. S18282 (daily ed. Nov. 11, 1971).

[7] *Id.*

[8] 117 Cong. Rec. H12689–90 (daily ed. Dec. 16, 1971).

[9] S. 2956, 92d Cong., 1st Sess. (1971), was introduced by Senator Javits for himself and Senators Stennis, Eagleton and Spong. *See* text of bill, 117 Cong. Rec S20627–28 (daily ed. Dec. 6, 1971).

[10] Daily Digest, 117 Cong. Rec. D1280 (daily ed. Dec. 7, 1971).

[11] *See* pages 429–31 *infra.*

[12] *See, e.g.,* statements of Senators Javits and Eagleton, 117 Cong. Rec. S20627–28 (daily ed. Dec. 6, 1971), and the testimony of Professors Commager, Morris, and Kelly, *Hearings on S. 731, S.J. Res. 18 and 59, Before the Senate Comm. on Foreign Relations,* 92d Cong., 1st Sess. (1971), reprinted in 117 Cong. Rec. S3353–62 (daily ed. Mar. 16, 1971) (hereinafter cited as *Senate War Powers Hearings*).

[13] *See generally* Emerson, *War Powers Legislation,* 74 W. Va. L. Rev. 53 (1972).

[14] The five declared wars are the War of 1812, the War with Mexico, the Spanish-American War, and World Wars I and II.

[15] *See generally,* Emerson, *supra* note 13, app. A (chronological list of 192 United States military hostilities abroad without a declaration of war, prepared at my request).

[16] At least 81 hostilities were accompanied by fighting or ultimatums. *Id.* app. D.

[17] See the list of 81 hostilities which may arguably have been initiated pursuant to prior legislative authority, *id.* app. G. But it should be observed that 51 of these possible collaborations by Congress took the form of a treaty. Thus, if a full-blown congressional declaration of war would be required to commit United States forces to hostilities, the fact that 51 activities may have been authorized by treaty and therefore by one House of Congress alone, would not serve as a precedent for the requirement of declarations of war in other circumstances.

[18] Malawer, *The Vietnam War Under the Constitution: Legal Issues Involved in the United States Military Involvement in Vietnam,* 31 U. Pitt. L. Rev. 213 (1969).

[19] Reveley, *Presidential War-Making: Constitutional Prerogative or Usurpation?*, 55 Va. L. Rev. 1243, 1258 (1969).

[20] *See* testimony of Professor Henry Steele Commager, who claims the precedents are confined to the Western Hemisphere and contiguous territory up to "the last twenty years or so," with one exception. *Senate War Powers Hearings,* supra note 12, at S 3355.

[21] *See* Emerson, *supra* note 13, app. E.

[22] *Id,* app. A.

[23] *Id.* app. F.

[24] *Id.* app. A.

[25] *See* R. Dupuy & W. Baumer, The Little Wars of the United States, at preface (1968).

[26] President Tyler was denounced in Congress and threatened with impeachment because he deployed military units to protect Texas against Mexico in 1844. C. Berdahl, War Powers of the Executive in the United States 47–49, 70–74 (1921).

President Polk was rebuked in a resolution passed by the House of Representatives declaring that the war with Mexico, which his military maneuvers had precipitated, "was unnecessarily and unconstitutionally begun by the President of the United States." *Id.*

In 1871, President Grant was severely condemned on the floor of the Senate because of his action in sending a strong naval force to Santo Domingo to protect it from invasion and internal disorder. In fact, a resolution introduced by Senator Sumner would have condemned the use of the Navy without the authority of Congress as "an infraction of the Constitution of the United States and a usurpation of power not conferred upon the President." But the resolution was tabled by a large majority (38 to 16). *Id.*

[27] 48 Cong. Rec. 10,927 (1912).

[28] *Id.* at 10,930.

[29] *See* H.R. Res. 251 (Representative Rhodes), H.R. Res. 266 (Representative Wood), H.R. Con. Res. 8 (Representative Mason), S. Res. 181 (Senator McCormick), S.J. Res. 60 (Senator Edge), S.J. Res. 111 (Senator Sherman), 66th Cong., 1st Sess. (1919).

[30] S. Res. 13, 66th Cong., 1st Sess. (1919). *See* 58 Cong. Rec. 1864 (1919).

[31] 62 Cong. Rec. 4109 (1922).

[32] *Id.* at 4510.

[33] *See id.* at 4109–10, 4295–98.

[34] *See* 64 Cong. Rec. 934 (1922).

[35] *Id.* at 1117.

[36] *Id.* at 1131.

[37] 66 Cong. Rec. 2191 (1925).

[38] *Id.* at 2215.

[39] 69 Cong. Rec. 6991 (1928).

[40] *See, e.g.,* 69 Cong. Rec. 6982–92 (1928).

[41] *Id.* at 6986.

[42] *See* 117 Cong. Rec. S 9717 (daily ed. June 22, 1971).

[43] 69 Cong. Rec. 7192 (1928).

[44] *Id.*

[45] 54 Stat. 885, 886 (1940).

[46] 86 Cong. Rec. 10,295 (1940). *See id.* at 10,092, 10,103–05, 10,116, 10,129, 10,391, 10,742, 10–794–98, 10895–914.

[47] *See* Emerson, *supra* note 13, app. A.

[48] 86 Cong. Rec. 10,897 (1940). The 1940 provision is a poor precedent for war powers legislation. Not only was it flouted by President Roosevelt, but it was openly admitted during Senate debate that Congress could not constitutionally restrain the President from commanding troops wherever he wishes. *Id.* at 10,895–914.

[49] *See,* E. Corwin, The President: Office and Powers 238–39 (4th rev. ed. 1957).

[50] *Id.* at 203. Schwartz concludes:

> The President's action in this respect is of particular legal interest because of an express provision in the Lend Lease Act of 1941, that "Nothing in this Act shall be construed to authorize or permit the authorization of convoying vessels by naval vessels of the United States."

2 B. Schwartz, The Powers of Government 202 (1963).

[51] The 1940 law, which apparently barred the sending of troops outside the Western Hemisphere, was treated by both the Congress and the President as merely a "hope" of Congress, not an actual limitation on Executive authority. *See* note 48 *supra*.

[52] Congressional Research Service, Legislation Enacted by the 91st Congress to Limit United States Military Involvement in Southeast Asia 9–10 (Mar. 30, 1971) [hereinafter cited as C.R.S.]

[53] Act of Dec. 29, 1969, Pub. L. No. 91–171, § 643, 83 Stat. 469, 487.

[54] Act of Jan. 11, 1971, Pub. L. No. 90–668, § 843, 84 Stat. 2020.

[55] Act of Dec. 18, 1971, Pub. L. No. 92–204, § 742.

[56] C.R.S., *supra* note 52, at 28.

[57] Act of Jan. 5, 1971, Pub. L. 91–652, § 7(a), 84 Stat. 1942.

[58] *Id.*

[59] C.R.S., *supra* note 52, at 18.

[60] *Id.*

[61] H.R. Rep. No. 1791, 91st Cong., 2d Sess. (1970).

[62] *See* pages 435–43 *infra*.

[63] These votes were taken on June 17, June 28, Oct. 19, Nov. 17, and Dec. 16, 1971. 29 Cong. Q. Weekly Rep. 2371 (1971); 117 Cong. Rec. H. 12,689–90 (daily ed. Dec. 16, 1971).

[64] Nedzi-Whalen amendment, 117 Cong. Rec. H 5399–400 (daily ed. June 17, 1971) (text and vote); Boland amendment, 117 Cong. Rec. H 11,170 (daily ed. Nov. 17, 1971) (text), and *id.* at H 11,196–97 (vote).

[65] 117 Cong. Rec. S 9251, S 9279 (daily ed. June 16, 1971). Also, an effort to deny funds for use by our forces in Indochina for any purpose other than withdrawing such troops, was defeated when the Senate struck the Cooper-Church amendment from the Foreign Aid Authorization bill by a vote of 47 to 44. 117 Cong. Rec. S 17,060, S 17,075 (daily ed. Oct. 28, 1971).

[66] Amend. no 214, 117 Cong. Rec. S 9717–18 (daily ed. June 22, 1971); amend. no. 437, 117 Cong. Rec. S 15,111 (daily ed. Sept. 17, 1971) (proposal), 117 Cong. Rec. S 15,582 (daily ed. Sept. 30, 1971) (vote); and S 2819, § 9, 92d Cong., 1st Sess., 117 Cong. Rec. S 18,282 (daily ed. Nov. 11, 1971).

[67] H.R. 6531, 92d Cong., 1st Sess. (1971).

[68] Amend. no. 214, note 66 *supra*.

[69] *Id.* The Amendment would require the President to (1) establish a final date for the withdrawal from Indochina of all United States military forces within 9 months, contingent upon the release of all American prisoners of war; (2) negotiate for an immediate cease-fire in Indochina; and (3) negotiate for phased and rapid withdrawals of United States forces in exchange for phased releases of American prisoners of war. *Id.*

[70] *See* Act of Sept. 28, 1971, Pub. L. No. 92–129, § 401.

[71] *See* Act of Nov. 17, 1971, Pub. L. No. 92–156, § 601.

[72] *See* note 2 *supra*.

[73] *See* Act of Nov. 17, 1971, Pub. L. No. 92–156, § 601.

[74] *See* note 8 *supra*.

[75] *See* note 9 *supra*.

[76] S. 3964, 91st Cong., 2d Sess. (1970).

[77] S. 731, 92d Cong., 1st Sess. (1971) (Senators Javits, Bayh, Mathias, Packwood, Pell, Spong, Weicker, and Williams); S. 1880, 92d Cong., 1st Sess. (1971) (Senators Bentsen and Byrd of W. Va.); S.J. Res. 18, 92d Cong., 1st Sess. (1971) (Senator Taft); S.J. Res. 59, 92d Cong., 1st Sess. (1971) (Senators Eagleton, Inouye, McGovern, Montoya, and Stevenson); and S.J. Res. 95, 92d Cong., 1st Sess. (1971) (Senators Stennis, Mansfield, and Roth).

[78] *See* 117 Cong. Rec. S 20,627 (daily ed. Dec. 6, 1971) (remarks of Senator Javits upon introducing S. 2956).

[79] One of the bill's sponsors, Senator Stennis, has warned that "the Congress should not restrain the President's powers, as Commander in Chief, to deploy forces to crisis areas and, for example, 'show the flag' by sending a carrier to stand offshore." 117 Cong. Rec. S 20,628 (daily ed. Dec. 6, 1971), Nevertheless, absent a definition of "hostilities," there is no guarantee on the face of the bill that American forces can be introduced in crisis situations without a divisive confrontation between Congress and the President, unless Congress agrees with the President in advance of each deployment. For example, if the Soviet Union invaded Rumania, it is doubtful the United States could build up its forces in certain areas of NATO. If it is "clearly indicated" (an undefined term) that American troops may be drawn into action, the limitations of S. 2956 would be triggered. In this case, our forces could not be shifted into position unless one of the four emergency conditions of the bill existed. This could mean the President must assure Congress, for example, that United States forces were directly and imminently threatened by the Soviet attack, a difficult burden of proof in such a volatile and unpredictable situation. But even should a redeployment or increase of American forces be permissible, the President would be required to withdraw our forces from the trouble spot after 30 days should Congress fail to extend his authority. Whether such a pullout would inflame the crisis rather than calm it, is a judgment the bill would thereby transfer from the President to Congress.

[80] *See A Brief on S. 731, to Make Rules Respecting Military Hostilities in the Absence of a Declaration of War,* 117 Cong. Rec. S 2527–31 (daily ed. Mar. 5, 1971); Javits, *Congress and the President: A Modern Delineation of the War Powers,* 35 Albany L. Rev. 632 (1971).

[81] *See* Spong, *Can Balance Be Restored in the Constitutional War Powers of the President and Congress,* 6 U. Richmond L. Rev. 1 (1971).

[82] *See* testimony of Professors Commager, Morris, and Kelly, *Senate War Powers Hearings, supra* note 12, at 3353–62 (daily ed. Mar. 16, 1971); testimony of Dean McGeorge Bundy, *Senate War Powers Hearings, supra* note 12, at S 5628 (daily ed. Apr. 26, 1971); testimony of Professor Bickel, *Senate War Powers Hearings, supra* note 12, at S 12387 (daily ed. July 28, 1971).

It may be recalled that in 1951, when President Truman was under attack for deploying American land forces to Korea and Europe without congressional authorization, Professor Commager lambasted Truman's critics as "unregenerate isolationists." He then insisted "that the overwhelming weight of authority supports Presidential discretion in this field." Proposals calling for congressional approval before any American soldiers can be sent out of the country "have no support in law or in history," he said. Commager, *Presidential Power: The Issue Analyzed,* N.Y. times, Jan. 14, 1951, § 6 (Magazine), at 11; *id.*; Apr. 1, 1951 § 6 (Magazine), at 31.

Also, it should be noted that Professor Bickel qualified his support of the legislation by saying:

> I don't think the President can be deprived of his power to respond to an imminent threat of attack (as well as to the attack itself); or of his power to respond to attacks and threats against our troops wherever they may be, as well as against our territory; or of the power to continue to see to the safety of our troops once they are engaged, *even if a statutory 30-day period has expired.*

117 Cong. Rec. S 12390 (daily ed. July 28, 1971) (emphasis added).

[83] *See* 117 Cong. Rec. S 2528 (daily ed. Mar. 5, 1971).

[84] U.S. Const. art, I, § 8.

[85] Javits, *supra* note 80, at 632, 634.

[86] *See* 117 Cong Rec. S 2528 (daily ed. Mar. 5, 1971).

[87] *Quoted in id.* at S 2528–29.

[88] *See* S. 2956, 92d Cong., 1st Sess., § 2 (1971).

[89] *See* 117 Cong. Rec. S 20,628 (daily ed. Dec. 6, 1971).

[90] U.S. Const. art. II, § 2.

[91] Wright, *Validity of the Proposed Reservations to the Peace Treaty,* 20 Colum. L. Rev. 121, 134 (1920).

[92] The Federalist, No. 73, at 409 (rev. ed. 1901) (with special introduction by Goldwyn-Smith).

[93] Professor John Norton Moore testified at the War Powers Hearings that he believes "reliance on the experience under the Articles of Confederation seems a frail reed for interpreting a Constitution promulgated in large measure as a result of dissatisfaction with the experience under the Articles." *Senate War Powers Hearings, supra* note 12, at S 6469. The Articles were operative during at least 5 of the 8 years covered by George Washington's commission.

[94] According to J. H. McIlvaine, writing in the *Princeton Review* for October 1861:

> It was the extreme weakness of the Confederation which caused the war of independence to drag its slow length along through seven dreary years. . . . The treaties which the Confederation had made with foreign powers, it was forced to see violated and treated with contempt by its members; which brought upon it distrust from its friends, and scorn from its enemies. It had no standing among the nations of the world, because it had no power to secure the faith of its national obligations.

Quoted in J. Pomeroy, An Introduction to the Constitutional Law of the United States 51–52 (1870).

[95] U.S. Const. preamble. It is instructive that Hamilton and Madison expressly rejected as too weak the political model of the Germanic Empire in which the Diet possessed the general power of making war. In any emergency, they warned, "military preparations must be preceded by so many tedious discussions . . . that before the Diet can settle the arrangements the enemy are in the field. . . ." The Federalist, No. 19, *supra* note 92, at 97–98.

[96] 2 D. WATSON, THE CONSTITUTION OF THE UNITED STATES 912 (1910).

[97] C. BERDAHL, *supra* note 26, at 115.

[98] Hughes, *War Powers Under the Constitution*, 85 CENT. L.J. 206, 209 (1917).

[99] During the great debate of 1922 over the effort by Congress to control and move the Army and Navy, Representative Newton of Minnesota argued:

> The fathers who sat in the constitutional convention had some very definite ideas about government. . . . They had but emerged from the War of Independence and were trying to avoid the anarchy and chaos following that war. Its members included Washington, Hamilton, and others who had witnessed during the days of the Revolutionary War the inefficiency of the legislative body attempting to function as an executive, which resulted in interference with military operations and caused great trouble and embarrassment and added materially to the increasing of the cost of the military operations. Washington had had to put up with congressional interference and knew its evils. Hamilton had been on Washington's staff and was thoroughly familiar with all of the troubles and embarrassments that Washington had been subjected to by the Continental Congress, which was clothed with the powers of an executive. There is no question but what they and their colleagues made up their minds that the new Government would have an Executive that was clothed with real power. Furthermore, the governors of several of the 13 States were clothed with power, making them commander in chief of the military forces of their State. Therefore, with experience and precedent to guide and direct them, the Chief Executive was made the Commander in Chief of the Army and the Navy, both in time of war and peace.

62 CONG. REC. 4298–99 (1922).

[100] Hughes, *supra* note 98, at 206.

[101] It is said of Whiting that "[a]s a lawyer, he proved to be so thorough, industrious, and adroit in analysis of mastered cases that the old Common Pleas [in Massachusetts] was often termed 'Whiting's court.'" He was appointed special counselor of the United States War Department in November 1862, and became its solicitor from February 1863, until he resigned in April 1865. 21 R. STARR, DICTIONARY OF AMERICAN BIOGRAPH 703 (1944).

[102] W. WHITING, THE WAR POWERS OF THE PRESIDENT AND THE LEGISLATIVE POWERS OF CONGRESS IN RELATION TO REBELLION, TREASON, AND SLAVERY 82 (2d ed. 1862).

[103] Months before Lincoln's Emancipation Proclamation, Whiting argued that the President, as Commander in Chief, may emancipate the slaves of any belligerent section of the country, if such an act is necessary to weaken the enemy. *Id.* at 66–82.

[104] *Id.* at 83.

[105] Dr. John Norton Pomeroy was Dean of the University of New York Law School.

[106] J. POMEROY, *supra* note 94, at 288–89. On other grounds, Madison indicates the Constitution intentionally removed the direction of the military forces from Congress because it is "particularly dangerous to give the keys of the Treasury and the command of the army into the same hands . . ." THE FEDERALIST, No. 37, *supra* note 92, at 202.

[107] J. POMEROY, *supra* note 94, at 289.

[108] *Id.*

[109] *Id.* at 472.

[110] *Id.* at 473.

[111] Watson believed:

> The power is vested in the President to dispose of or arrange the component-parts of the Army and Navy at his pleasure . . . While Congress can make rules for the Army and Navy, it cannot interfere with the President's power as commander of such forces.

D. WATSON, *supra* note 96, at 914. Speaking of the President's duties for the protection of our citizens and national interests, Wright declares:

> By reduction of the army and navy or refusal of supplies, Congress might seriously impair the *de facto* power of the President to perform these duties, but it can not limit his legal power as Commander-in-Chief to employ the means at his disposal for these purposes.

Q. WRIGHT, THE CONTROL OF AMERICAN FOREIGN RELATIONS 307 n.93 (1922). Also of interest is the remark by former President William H. Taft that it "is clear that Congress may not usurp the functions of the Executive . . . by forbidding or directing the movement of the army and navy." Taft, *The Boundaries Between The Executive, the Legislative and the Judicial Branches of the Government*, 25 YALE L.J. 600, 606 (1916).

[112] C. BERDAHL, *supra* note 26, at 116–17.

[113] *Id.* at 122.

[114] Hughes, *supra* note 98, at 209.

[115] 50 U.S. (9 How.) 603 (1850).

[116] *Id.* at 615.

[117] *Ex parte* Milligan, 71 U.S. (4 Wall.) 2, 139 (1866).

[118] Swaim v. United States, 28 Ct. Cl. 173, 221 (1893), *aff'd*, 165 U.S. 553 (1897).

[119] 157 U.S. 281, 284 (1895).

[120] U.S. CONST. art. II, § 2.

[121] *Id.* § 3.

[122] *Id.* § 1. Also remarks by Solicitor General Erwin Griswold that the grant of Executive power "is not a merely passive grant." 117 CONG. REC. S 12,968 (daily ed. Aug. 3, 1971).

[123] New York Times Co. v. United States, 403 U.S. 713, 741 (1971) (Marshall, J., concurring). Three other Justices of the Supreme Court also recently acknowledged the President's "constitutional primacy in the field of foreign affairs." *Id.* at 756 (Harlan, J., dissenting, with whom Burger, C.J., and Blackmun, J., joined).

[124] E. CORWIN, *supra* note 49, at 178–79. In other words, says Corwin, the President, "is consequently able to confront the other departments, and Congress in particular, with *fait accomplis* [*sic*] at will . . ." *Id.* at 180.

[125] United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319–20 (1936), in which the Supreme Court held that the power of the President in the field of international relations is "delicate, plenary and exclusive" and "does not require as a basis for its exercise an act of Congress. . . ." Pertinent here are comments by then Professor Woodrow Wilson about the Chief Executive's "control, which is very absolute, of the foreign relations of the nation." According to Wilson, "The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely." W. WILSON, CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES 77 (1961) (lectures first printed in 1911).

[126] J. POMEROY, *supra* note 94, at 447.

[127] C. BERDAHL, *supra* note 26, at 31.

[128] 3 W. WILLOUGHBY, THE CONSTITUTIONAL LAW OF THE UNITED STATES 1558 (2d ed. 1929). Even the practice of recognition, an exclusive act of the President, can, if premature, be treated as cause for war under international law. *See* Berdahl, *supra* note 26, at 32. Justice Joseph Story refers to the authority of the President to receive foreign envoys, with its implicit power of recognition, as "pregnant with consequences, often involving the question of peace and war." 3 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1561, at 418 (1833).

[129] W. WILLOUGHBY, *supra* note 128, at 1567.

[130] In *re* Neagle, 135 U.S. 1, 64 (1890). *See also* Wright, *supra* note 91, at 134–35. See the comment by Professor Corwin that "the President may also make himself the direct administrator of the international rights and duties of the United States, or of what are adjudged by him to be such, without awaiting action either by the treaty-making power or by Congress, or by the courts." E. CORWIN, *supra* note 49, at 196.

[131] U.S. DEPT. OF STATE, UNITED STATES COLLECTIVE DEFENSE ARRANGEMENTS (1966).

[132] E. CORWIN, *supra* note 49, at 197–98.

[133] *Id.*

[134] The Prize Cases, 67 U.S. (2 Black), 635, 668 (1862).

[135] B. SCHWARTZ, THE REINS OF POWER 98 (1963).

[136] *See* page 425, *supra*.

[137] 67 U.S. (2 Black) 635 (1862).

[138] Madison, *Notes of the Debates in the Federal Convention of 1787*, in 3 U.S. DEP'T OF STATE, DOCUMENTARY HISTORY OF THE CONSTITUTION 554 (1900).

[139] "Mr. Madison and Mr. Gerry moved to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks." *Id.* at 553.

[140] But compare the view of my distinguished friend from Virginia that "the President's only role in the war-making process was, as Commander-in-Chief, to direct operations as the executive arm of the Congress." Spong, *supra* note 81, at 4–5.

[141] THE FEDERALIST, No. 23, *supra* note 92, at 119.

[142] In the words of Hamilton, "The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed." *Id.* at 119–20.

[143] Durand v. Hollins, 8 F. Cas 111 (No. 4186) (C.C.S.D.N.Y. 1860) (Justice Nelson had been on the Supreme Court since 1845).

[144] The Slaughterhouse Cases, 83 U.S. (16 Wall.) 36, 79 (1872).

[145] *See* J. CLARK, RIGHT TO PROTECT CITIZENS IN FOREIGN COUNTRIES BY LANDING FORCES 25 (3d rev. ed. 1934).

[146] *See* Q. WRIGHT, *supra* note 111, at 307; Spong, *supra* note 81, at 24; B. SCHWARTZ, *supra* note 135, at 175; C. BERDAHL, *supra* note 26, at 59; U.S. Dep't of State, *The Legality of United States Participation in the Defense of Viet-Nam*, in THE VIETNAM WAR AND INTERNATIONAL LAW 583 (R. Falk, ed. 1968).

[147] In the words of Professor Henry Monaghan, "A practice so deeply embedded in our governmental structure should be treated as decisive of the Constitutional issue." Monaghan, *Presidential War-Making*, 50 BOSTON U.L. REV. 31 (1970).

In contrast is the view of Francis D. Wormuth, who makes the guess that of all these military hostilities "eighty-two were undertaken by a subordinate officer on the spot and without orders from superiors." From this, he ridicules the significance of the entire list by claiming the argument must be that these 82 precedents "hold that every naval and army captain also has the legal right to initiate war without the authorization of either Congress or the President." SATURDAY REVIEW, Oct. 2, 1971, at 28.

Nonsense! All of the precedents set forth herein were undertaken pursuant to known Executive policies. No incidents are cited which were later repudiated or disavowed. The military officers "on the spot" were acting in each of the 192 hostilities to carry out a clear Presidential policy, whether it be a design to suppress piracy or the slave trade, or a commitment to protect United States citizens and property abroad or an avowed Presidential foreign policy objective, such as the Monroe Doctrine or an executive interpretation of our treaty rights.

In illustration of how routine this practice is, I might refer to a letter by Secretary of State Cass in August 1958, in which he advised the Secretary of Navy, "I have the honor also to suggest the importance of our squadron being directed to traverse the whole of the Levant, showing itself along the coasts of Egypt, Palestine, Syria, and of Asia Minor for the purpose of affording all possible protection to the persons and property of our citizens." 69 CONG. REC. 6930 (1928). Another example is the letter by Secretary of State Charles E. Hughes, on March 15, 1922, in which he informed the Chairman of the House Military Affairs Committee that the practice of landing troops in China for over 20 years was conceded to the United

States by the final protocol for the settlement of the disturbances in China of 1900. 62 Cong. Rec. 4300 (1922).

Finally, since it is the President who is Commander in Chief and bearer of all the Executive power under the Constitution, it is the President who is thereby immediately responsible for the command of forces and the conduct of campaigns. In practice, the President acts through the Executive departments of Government and they, in turn, act through subordinate officers. But their acts are in legal contemplation the acts of the President himself, unless disavowed. *See* United States v. Eliason, 41 U.S. (16 Pet.) 291, 301–02 (1842); Wilcox v. Jackson, 38 U.S. (13 Pet) 498, 512 (1839); C. Berdahl, *supra* note 26, at 21; D. Watson, *supra* note 96, at 914.

[148] Summarizing his position after more than 50 years of study, Professor Quincy Wright declared:

> I conclude that the Constitution and practice under it have given the President, as Commander-in-Chief and conductor of foreign policy, legal authority to send the armed forces abroad; to recognize foreign states, governments, belligerency, and aggression against the United States or a foreign state; to conduct foreign policy in a way to invite foreign hostilities; and even to make commitments which may require the future use of force. By the exercise of these powers he may nullify the theoretically exclusive power of Congress to declare war.

Wright, *The Power of the Executive to Use Military Forces Abroad,* 10 Va. J. Int'l. L. 43, 54 (1969).

Another eminent authority summed up his own half-century of study by finding that the practice of the President to use military power at his own will "had developed into an undefined power—almost unchallenged from the first and occasionally sanctified judicially—to employ without Congressional authorization the armed forces in the protection of American rights and interests abroad whenever necessary." Corwin, *Who Has the Power to Make War?,* N.Y. Times, July 31, 1949, at 14. *See also* pages 425–26 *supra.*

[149] *See* pages 435–43 *supra.* The 100th Justice of the Supreme Court has said that (1) there is no prohibition in the Constitution which keeps the President from initiating war without the declaration of Congress, and (2) no statute could "prevent the President from exercising his traditional powers as Commander in Chief, which do include under certain circumstances the commitment of armed forces to hostilities." Testimony of William H. Rehnquist, *Hearings on Congress, the President, and the War Powers Before the Subcomm. on National Security Policy and Scientific Developments of the House Comm. on Foreign Affairs,* 91st Cong., 2d Sess., 228–29, 232 (1970).

My personal view is strengthened by the almost unanimous advice from some 40 authorities, of all political shadings, whom I have consulted on this subject. For example, Dean Acheson wrote to me about legislation which would limit the President's use of forces to 30 days in emergency situations unless Congress specifically extends his authority. He said:

> Any attempt to spell out procedural requirements and limitations on executive power will tend to make rigid that which must be flexible. If the President and the Congress are to assume attitudes of hostility, the nation in this modern world will be subject to grave perils. The separation of powers is not based upon the premise of their fundamental hostility. Criticism and restraint are contemplated in the workings of the system, and can be accomplished. The present legislative proposals do not seem to me to provide for this, but, instead, by setting up a series of rigid rules, to limit the powers of the President beyond safety and to give the Congress, by inaction, that the Constitution never contemplated, a veto upon executive action.

Letter from Dean Acheson to Barry M. Goldwater, May 18, 1971 (unpublished letter in author's personal files). Another former Secretary of State said:

> [W]e should not clutter up our Constitution with detailed directives to the President and to the Congress where we cannot know the future circumstances in which such directives will have to be followed.

Letter from Dean Rusk to Barry M. Goldwater, May 11, 1971 (unpublished letter in author's personal files). Thus, Dean Rusk writes of his opposition to war powers controls either in the form of legislation or an amendment to the Constitution.

[150] *See* Congressional Reference Service, *Regulating the Size of the Armed Force Under Selective Service Law,* 117 Cong. Rec. S 9590–91 (daily ed. June 21, 1971). According to Senator Stennis, 1971 is the first time Congress has ever set numerical strength levels on the total size of the regular forces, including both volunteers and inductees, in the Selective Service Act. *See id.* at S 9589 (remarks of Senator Stennis).

[151] Prompt repeal of the compulsory draft and its replacement with an all-volunteer military were among the pledges included in my 1964 platform as the presidential candidate of the Republican Party.

[152] It is a little-noticed fact that the 1972 defense budget is the smallest relative military budget in a quarter century. Defense spending dropped to 34% of total federal spending in 1972, falling below human resource spending (42%) for the first time in over 20 years. Office of Management & Budget, Executive Office of the President, The U.S. Budget in Brief, Fiscal Year 1972, at 5 (1971).

[153] For example, in mid-1964 President Johnson sought $125 million in military aid funds, much of it earmarked for a larger air force for South Vietnam. 1 L. Johnson, *Special Message to the Congress Transmitting Request for Additional Funds for Viet-Nam,* in Public Papers of the Presidents of the United States, Lyndon B. Johnson, 1963–64, at 692–93 (1965). Congress turned down this early opportunity to prevent an escalation of our Indochina activity and approved all the funds which the President had requested. Act of Oct. 7, 1964, Pub. L. No. 88–633, § 607, 78 Stat. 1010; Act of Oct. 7, 1964, Pub. L. No. 88–634, 78 Stat. 1015.

[154] *See, e.g.,* Economic Stabilization Act Amendments of 1971, Pub. L. No. 92–210 (Dec. 22, 1971).

[155] *See, e.g.,* The Export Administration Act of 1969, 50 U.S.C. App. §§ 2401–13 (1970) (export controls). Also of interest is The Defense Production Act of 1959, *id.* §§ 2061–166, relative to the diversion of certain materials from civilian use to military purposes and controls on the distribution of critical and strategic materials.

[156] *See, e.g.,* Trading With the Enemy Act of 1917, *id.* §§ 1–44, relative to the licensing of transactions with foreign enemies or allies of enemies during any period of national emergency declared by the President; The Export Administration Act of 1969, *id.* §§ 2401–13.

[157] *See* U.S. News & World Report, Oct. 25, 1971, at 31.

[158] We can probably see the effect of a changing public mood in the Vietnamization policy of the current Administration, under which 480,000 troops will have been withdrawn from Indochina in three years. The State of the Union Address, President Richard M. Nixon, 118 Cong. Rec. H 145, H 149 (daily ed. Jan. 20, 1972).

[159] The active role outlined for Congress in the preceding paragraph would, I believe, conform foursquare with the doctrine announced by the United States Court of Appeals for the Second Circuit in Orlando v. Laird, 443 F.2d 1039 (2d Cir. 1971), *cert. denied,* 92 S. Ct. 94 (1971). The court held that the power of Congress to declare war calls for "*some* mutual participation between the Congress and the President . . . with action by the Congress sufficient to authorize or ratify the military activity at issue. . . ." 443 F.2d at 1043 (emphasis original). The court expressly indicated that congressional collaboration can follow the initiation of a hostility, rather than precede it, and can take the form of military appropriations as well as extensions of the draft. In addition, the court suggests that area resolutions and treaties, such as the Tonkin Gulf Resolution, Pub. L. No. 88–408, 78 Stat. 384 (1964), *terminated,* Foreign Military Sales Act of 1971, Pub. L. No. 91–672, § 12, 84 Stat. 2053, and the SEATO Treaty, Southeast Asia Collective Defense Treaty, Sept. 8, 1954, [1955] 1 U.S.T. 81, T.I.A.S. No. 3170, are sufficient in authorizing the prosecution of war even though expressed in broad language.

Needless to say, there is probably some resolution or treaty around which would fit almost any military contingency. And no fighting is going to continue for long without a President including funds in his annual or supplemental budget request for its support, at which point Congress will either collaborate by voting the money or force a change in policy by cutting or denying defense-oriented funds.

[160] *See* pages 426–32 *supra.*

[161] Ratner, *The Coordinated Warmaking Power—Legislative, Executive, and Judicial Roles,* 44 S. Cal. L. Rev. 461, 486 (1971).

Though three early cases touching the French naval war are heavily relied upon by the advocates of war powers controls, these cases were decided after hostilities had ended. Thus, the issue of curbing the President's conduct of war during actual fighting was not presented. *See* Bas v. Tingy, 4 U.S. (4 Dall.) 37 (1800); Talbot v. Seeman, 5 U.S. (1 Cranch) 1 (1801); Little v. Barreme, 6 U.S. (2 Cranch) 170 (1804). Furthermore, the cases involved "an issue squarely within a specific grant of authority to Congress. That is, the power 'to make Rules concerning Captures on Land and Water.'" Testimony of Prof. J. Moore, 117 Cong. Rec. S 6469 (daily ed. May 10, 1971). See U.S. Const. art. I, § 8.

Although Schwartz at one point indicates *Little* may have broad implications, he sharply qualifies his position elsewhere by adding: "A Constitution which did not permit the Commander in Chief to order belligerent acts whenever they are deemed necessary to defend the interests of the nation, would be less an instrument intended to endure through the ages, than a suicide pact." He also writes: "If one thing is clear under the Constitution, it is that the actual use of the armed forces by the Commander in Chief is not subject to any legal control." B. Schwartz, *supra* note 50 at 168, 205, 217.

[162] A prime conception motivating the introduction of war powers legislation seems to be an assumption that it is the President who has, on his own, drawn this nation into an escalation of the Vietnam hostilities. For example, Senator Javits comments that this legislation "may, in retrospect, be viewed as the most constructive legislative by-product of our Nation's tragic Vietnam experience." 117 Cong. Rec. S 20,627 (daily ed. Dec. 6, 1971) (remarks of Senator Javits).

[163] I have identified at least 24 statutes in which Congress has supported an expansion of the Indochina hostilities. Goldwater, *Congress: Accessory to Vietnam,* 117 Cong. Rec. S 12,466 (daily ed. July 29, 1971).

In the words of the United States Court of Appeals for the Second Circuit: "The Congress and the Executive have taken mutual and joint action in the prosecution and support of military operations in Southeast Asia from the beginning of those operations." Orlando v. Laird, 443 F.2d 1039 (2d Cir. 1971), *cert. denied,* 92 S. Ct.

[164] For example, in 1966, Congress approved

a $13.1 billion supplemental appropriations request meant chiefly to fund military operations in Southeast Asia. Although the bills implementing this request were the focus for televised hearings by the Senate during which our Indochina policy was thoroughly examined, Congress responded by granting every penny sought. Act of Mar. 16, 1966, Pub. L. No. 89–367, 80 Stat. 36, 37; Act of Mar. 25, 1966, Pub. L. No. 89–374, 80 Stat. 79, 82; 1966 Cong. Q. Almanac 153. One year later, Congress appropriated an additional $12.2 billion tagged for the support of military operations in Southeast Asia. Act of Mar. 16, 1967, Pub. L. No. 90–5, 81 Stat. 5, 6; Act of Apr. 4, 1967, Pub. L. No. 90–8, 81 Stat. 8; 1967 Cong. Q. Almanac 209.

[165] For example, Secretary of State William P. Rogers cautions:

To circumscribe presidential ability to act in emergency situations—or even to appear to weaken it—would run the grave risk of miscalculation by a potential enemy regarding the ability of the United States to act in a crisis. This might embolden such a nation to provoke crises or take other actions which undermine international peace and security.

Testimony of Secretary of State William P. Rogers, *Senate War Powers Hearings, supra* note 12, at S 7199 (daily ed. May 18, 1971). Professor James MacGregory Burns agreees. He has testified that artificial restrictions on Executive discretion "may not lead to peace but to war, as foreign adversaries estimate that the United States will not respond to a threat to world peace because of legislative restrictions on the executive." *Hearings on Congress, the President, and the War Powers, Before the Subcomm. on National Security Policy and Scientific Developments of the House Comm. on Foreign Affairs,* 91st Cong., 2d Sess. 81–82 (1970) (testimony of Dr. Burns).

I have spoken of my own fears about war powers legislation on the grounds it will place all our treaty obligations in a state of permanent doubt; prevent the United States from responding in even a limited way to protect the existence of friendly and strategically important countries such as Israel, with which we have no defense commitment specifically authorized by statute; and conceivably might drag the President into an unwanted expansion of hostilities, the presumption of the legislation being that the President has no power to contravene congressional directives. See my testimony before *Senate War Powers Hearings, supra* note 12, at S5637–47 (daily ed. Apr. 26, 1971).

On the latter point, it must be remembered that historians generally concur that it "was the War Hawks—members of Congress all—who aggressively sought the War of 1812," and that in 1898 it was "the press and Congress" who pressured President McKinley into requesting a declaration of war. Nanes, *Congress and Military Commitments: An Overview,* Current History, Aug. 1969, at 116. In this connection, it is also important to recall how congressional leaders sought in 1962 to talk President Kennedy into a military attack or invasion of Cuba, rather than a blockade. *See* R. Kennedy, Thirteen Days 53–54 (1969).

[166] Mr. George Ball, who has served his country well on five separate occasions in the executive branch, testified during the war powers hearings that he has been around long enough to have seen other legislation which was supposed to assure that the United States would not be drawn into another major conflict. He recalls that by passing a series of neutrality laws in the 1930's, Congress believed it would forestall a repetition of World War I. And yet, Mr. Ball points out that this very legislation might have been instrumental in leading to war:

We all remember the somber history of these Congressional acts, and what an impediment they imposed to participation by the United States in the timorous politics of Europe which paved the way for Hitler's conquests and another world catastrophe—a catastrophe which, as recent disclosures have made quite clear, could have very probably been averted if the United States had lent a steadying hand to reinforce the will of the flatulent statesmen then guiding European destinies.

Testimony of the Honorable George S. Ball, *Senate War Powers Hearings, supra* note 12, at S12621 (daily ed. July 30, 1971).

DENIAL OF U.N. ACCREDITATION TO REPUBLIC OF CHINA

Mr. DOMINICK. Mr. President, the continuing degradation of the principles on which the United Nations was founded was further exemplified in the action of the Secretary General on December 17, 1971. On that day, the Central News Agency of the Republic of China was denied further accreditation at the U.N. Those of us who support the concept of free speech and free press deplore that action by the United Nations. For that reason, I welcomed an editorial published in the Washington Post on February 5, 1972. The editorial urges the new Secretary General to reconsider the action expelling the journalists of the Republic of China, because of a conviction that it is the right of all people and nations to learn the news.

I urge Senators to read the editorial. To afford them the opportunity to do so, I ask unanimous consent that the editorial, entitled " 'Free' Press at the U.N.," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

"Free" Press at the U.N.

At 10 a.m. last Dec. 17, aides of then-Secretary General U Thant informed T. C. Tang and Chenchi Lin, who had represented the Central News Agency of China (Taiwan) at the United Nations for 26 and 15 years respectively, that their accreditation had been revoked and that they must turn in their passes, close their offices and depart the premises by the close of business that day. Their ouster, subsequently upheld by the new Secretary General Kurt Waldheim, was and is an outrage.

The purported fact of the matter, so asserted by the U.N. Secretariat is that since Central News is the official press agency of Nationalist China and since the General Assembly resolution of Oct. 25 admitting Peking called for expulsion of all "representatives of Chiang Kai-shek," the agency had to go.

The actual fact of the matter, we suspect, is that the new delegation from Peking insisted on a mean and gratuitous gesture further humiliating Taiwan and that the Secretariat, not to put too fine a point on it, caved. In doing so, the Secretariat turned its back on the values of freedom of information which were supported, in this particular instance, by parties as disparate as the United States Government and the United Nations Correspondents Association, including Pravda and Tass.

We would urge Mr. Waldheim to reconsider. There is no question but that Mr. Tang and Mr. Lin are journalists who were covering a legitimate and important news activity. In deciding that one claimant rather than another deserved the single "China" seat at the United Nations, the General Assembly surely did not mean that the losing claimant should be deprived of news about the U.N. In a formal sense the two journalists may have "represented" the Nationalist government but in a real sense they represented the right of all peoples and nations to learn the news. That is the appropriate basis, we believe, on which their accreditation should be restored.

ADELA AND PRIVATE FOREIGN INVESTMENT

Mr. JAVITS. Mr. President, it is one of the signs of the times and one of the philosophical contradictions of the day that the role of private enterprise and specifically private foreign investment increasingly is under attack domestically as well as abroad.

Often overlooked in the sterile battle of words, half-truths and empty slogans are three basic facts:

First, that the continued transfer of capital and technology is urgent if the developing world is to progress and fulfill the raising aspirations of its people and if the dangerous gap between the have and have-not nations is to be narrowed;

Second, that shortfalls in the transfer of public funds through bilateral or multilateral aid programs will have to be compensated for by increased efforts of the private sector; and that

Third, new instruments are being forged to help effect these transfers which show imagination if not genius.

I invite the attention of Senators to one such institution that is making a significant contribution to Latin American economc development in the context of the private enterprise system. I refer to the ADELA Investment Co., which has now completed its sixth year of operations and which by its own conservative estimate has resulted in an additional capital input of $1.7 billion into Latin America through the multiplier effect of its programs of minority equity investments, technical assistance and loans.

The operations of the ADELA are the operations of a forward-looking multinational corporation in its best and fullest sense. The original capital stock of ADELA is drawn from capital subscriptions from corporations in both the developed and developing world—the stockholders presently total 243 from 23 nations with no stockholder holding more than 2 percent and no country group holding more than one-third of the shares. ADELA in turn has cooperated with publically financed developed agencies such as the International Finance Corp., the Overseas Private Investment Corp., and the development banks in the host countries of Latin America.

It is a conscious policy of the ADELA to limit its equity participation in any one enterprise to 20 percent or less and it has evolved a well designed divestiture program which may serve as a future model for this area if not the world.

The success of the ADELA both as a development tool and as a profit-making institution have led to the establishment of similar multinational private investment corporations working in Asia and Africa. It is my hope and expectation that a similar organization will soon be established in the Middle East and accelerated economic development may be one of the factors that would help ease the tensions in this troubled area of the world.

I ask unanimous consent that the letter of the past chairman of the ADELA, Howard Peterson to the shareholders, be printed in the Record along with excerpts from the report of the president Ernest Keller. This material has been selected from the annual report of the ADELA for the fiscal year ending June 30, 1971, which has just been released. It is my hope that these excerpts will provide a welcomed addition to the debate concerning the role of private foreign investment in Latin America.

There being no objection, the items were ordered to be printed in the Record, as follows:

Letter From the Chairman

To the Shareholders:

In its sixth year, ADELA continued its progress, its growth and its effectiveness. From its conception by far-sighted men, to its birth and crawling stages, it has come to its present stature as a young but mature and important factor in the development process in Latin America. This must give satisfaction to those who saw in it the possibility of a substantial demonstration and contribution by private enterprise to one of the most complex problems of our times.

Not that the way has been easy or the economic climate free from storms—storms which strike here and there—never all at once—some cataclysmic—at least for a short span—others only dampening. In this kaleidoscope the foreign investor is too prone to think of the black clouds of a particular country as blotting out opportunities over a diverse area of 21 countries embracing 220 million people.

ADELA, on the ground, working in virtually all countries, can perceive the ebbs and flows of these weatherfronts, and, perceiving, has continued to help economic development by equity investments, by working with local entrepreneurs and by lending all forms of technical assistance to local managements. This is ADELA's avowed purpose; this is its business. And this difficult business goes well. As expected, it is not free from problems, some of which have become somewhat more pronounced in the past months and years.

Everyone is aware of the mounting problems and uncertainties in the world economy this past year and of some adverse trends in a few countries in Latin America. This and the sale during the year of five profitable investments led to some deterioration in the over-all performance of ADELA's equity investment portfolio. In view of the nature of ADELA's business and its designed purpose to be a venture capital investor in Latin America, and taking into consideration a recommendation of our auditors, it seemed prudent to the Board of Directors to forego the payment of a dividend in favor of substantially increasing the company's reserves. This was done. $1.9 million was added to the reserve for possible losses on specific investments and loans which to date has proved ample to cover possible write-offs as estimated by management. The remainder of $3.44 million of the year's consolidated earnings and $2 million of previously earned surplus were used for increasing the consolidated legal and general reserve to $6 million. This action of the Board of Directors is in keeping with the resolution adopted in 1967 whereby the company's reserves should be brought to 15% of its paid-in capital. The provision made this year achieves that goal. Of the wisdom of this action taken by the Board of Directors, I have no doubt and all I can ask of our shareholders is their understanding and forebearance.

As the President's report, following this brief comment, details: Adela has $39.8 million equity investments in 92 companies in 20 countries and, in addition, is currently lending Latin American enterprises $216.6 million. With paid-in capital of $61.2 million, enhanced this past year by 61 additional capital subscriptions of $8.7 million, Adela is now utilizing resources of $76.8 million, and has additional lines of credit of $244.2 million at its disposal.

Granted these are small sums in contrast to the capital needs of this vast area, but they will grow and their influence on private development is of much greater magnitude than the sums involved. First, by the example the employment of these funds sets in the enlistment of local capital investment and local managerial initiatives. But more importantly, Adela's minority contribution has had a great multiplier effect since its inception. Adela's infusion is conservatively estimated as having resulted in a capital input into this vast continent of $1.7 billion. This well serves Adela's purposes.

The great majority of the Latin American countries, including the nations with the most rapidly growing markets and economies, continue to recognize and encourage foreign investment as an essential input on which growth is dependent. In contrast, a few countries have adopted policies which tend to discourage and reduce this external input, including mandatory withdrawal of foreign investment. I and probably all of the investors in Adela deplore this trend, because it is against the best interest of developing nations and results in stagnation and setbacks in a badly needed socio-economic advancement.

Adela's sponsors have equipped the company from the beginning with policies which are compatible with the legitimate aspirations of developing countries to determine their own destiny, make their own plans, and assume the responsibility for their economic development. Adela is a minority investor. It seeks and encourages local partners. It assists them in the conduct of their enterprises through Adelatic and its own management skills. It has the announced purpose, even as a minority investor, of rotating its portfolio by selling off its investments when they reach maturity and thus free funds for further equity investments of a more entrepreneurial character. To do this, it is importantly engaged in a program to develop local capital markets.

Adela today is a truly multinational enterprise with 243 stockholders from 23 nations, including 35 shareholders from Latin America, with no stockholder holding more than 2% and no country group holding more than one third of the shares. Although it is a Luxembourg corporation, its principal operating offices are in Lima (Peru), with offices throughout principal cities in Latin America. Its staff is multinational as well as multilingual, with the largest contingent being Latin Americans. In a real sense, Adela is not a foreign investor.

I have been associated with Adela since its formal organization—first as Vice Chairman of the Board, and for the last two years as its Chairman. As I leave this position, may I record my personal sense of satisfaction at the success Adela has achieved; and, speaking for the Board of Directors, our indebtedness to Ernst Keller and his fine staff for their accomplishments on difficult terrain; and, of course, my hope, sustained by past performance, for greater attainments in the future. It has been a pleasure and an honor to have had an opportunity to contribute to Adela.

Howard Peterson.

From the Report of the President

INVESTMENT DEVELOPMENT

Investment development comprises opportunity identification and the study, promotion and implementation of new projects. It is essential to our development role, and distinguishes ADELA from other investment companies which are restricted only to providing money. Rather than investing the limited resources that we have available for long-term investments in investment opportunities that are presented to us, our investment development capabilities permit us to take the initiative in identifying, structuring and implementing projects with maximum economic impact potential. They also allow us to develop investment opportunities which can then be implemented by third parties without ADELA capital. It is this capability which keeps us from becoming passive investors *reacting* to isolated investment situations, and allows us to *create* investment opportunities responsive to the economic and social needs of the area. The area knowledge, know-how, and entreprenurial and professional expertise we have within the Group, combined with the capability to enlist financial and technical support from the industrialized countries gives us a unique faculty for achieving the purposes that prompted the organization of ADELA. In addition to the continued identification and development of new opportunities, the past year marked the beginning of the implementation phase of a number of large projects that had been earlier identified and promoted by us, particularly in the tourism and agribusiness sectors.

During the fiscal year ended June 30, 1971, 48 assignments for outside clients were completed, including 4 assignments of regional dimensions covering all of Latin America. As in the previous year tourism development continued to receive high priority, followed by work on the agribusiness sector and in the specialized and urgent area of programming and industrializing low-cost housing construction.

The *promotion company* as a vehicle for investment development activities continued to prove its usefulness as a mechanism for marshalling the support and participation of local investors in new projects. The promotion company concept was pioneered by ADELA for providing a programmed approach to the identification, development and implementation of investment opportunities and enlisting the support and active participation of potential local investors at an early stage of a project's development. Projects identified and developed by the promotion companies are normally implemented by separate companies, specifically organized for each new investment, in which the promotion company participants may provide part of the initial risk capital. At this time, ADELA participates in 6 promotion companies, to which ADELATEC provides technical, and in some cases full management services. ADELA's participation is limited to a minority holding, normally not exceeding 20%. The companies are supervised and operated by their own boards of directors.

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Another longer range program with continentwide perspectives in which we took the lead is in the field of *human resources development*. ADELA has long felt that executive placement and training, programmed learning and other knowledge related fields are an essential complementation to the growth and development of business enterprises in Latin America and consequently, directly related to ADELA's principal role. As a first step in a continent-wide program in this area, TASA de Mexico S.A., an ADELA joint venture with other investors, opened its offices in Mexico City during the year and is now expanding into other countries.

As of June 30, 1970, the investment development activities of the ADELA Group combined with the resources invested under its entire investment program have contributed to a total of approximately $1.7 billion of new investments recommended and/or implemented in Latin America. Even more significant perhaps, are the long-range contributions resulting from the pioneering of new areas of investment activity in a number of countries. Equally noteworthy has been the technique used of stimulating the participation of local investors in investment development through the promotion company mechanism, thereby, implanting locally the knowledge and techniques of project development and implementation.

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DIVESTITURE

In accordance with ADELA's Investment Policy which calls for the sale of equity holdings in order to free equity investment funds for new ventures, share holdings in five companies were sold during the fiscal year for an aggregate net realization price of $5.7 million, compared to an acquisition cost of $2.1 million, resulting in net capital gains of $3.6 million. These latest sales bring the total number of companies in which ADELA has sold its holdings since its inception to 8, for an aggregate net realization price of $9.4 million, compared to an acquisition cost of $3.3 million (9.2% of total disbursements in equity), resulting in aggregate capital gains of $6.1 million. Of these sales, the holdings in the two largest investments were sold to the general public through local stock exchanges. In the absence of public placement possibilities, the shares of the other 6 investments were sold to Latin American partners in the projects and other local investors.

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The absence of active capital markets in most of Latin America, often makes the placement of shares with a wider circle of local investors, as contemplated in our Investment Policy, difficult. In response to this situation, the Capital Market Development Committee was organized as a committee of the Board of Directors to counsel management on divestiture of long-term investments and as a corollary thereto, assist and advise management on plans for developing and strengthening capital markets in Latin America. During the past year, the Committee endorsed a proposal whereby ADELA will undertake, jointly with local and other international institutions, to develop more active capital markets. This program will be concentrated initially on a few countries rather than diluting the effort by endeavouring to start on a continent-wide basis. The expertise developed in a few pilot projects will then be used as a basis for similar programs elsewhere.

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FUTURE PRIORITIES

As a private investment and development company, we cannot and will not deviate from the basic principles which govern the activity of private enterprise and the functioning of the free market economy. A sacrifice of basic principles because of a changing environment would be short-sighted and would defeat our purposes and objectives. It would also be contrary to the best interest of the countries in which we work and invest. Adaptation, therefore, cannot mean to abandon or change sound basic principles, it can only consist of a shifting of emphasis as between countries, economic sectors, and the areas of our activity, so as to best serve development objectives and provide encouragement and support to private enterprise.

For the *immediate* future our priorities include:

A further increase of our technical and financial services activity leading to greater effectiveness in the pursuit of sound development plans and to a larger volume of feasible investment projects in the countries of Latin America;

The implementation of several large projects developed in past years and the transfer to other geographic areas of the specialized knowledge gained in specific economic sectors and projects; and

Increased emphasis on the important objective of divestiture from investments which have matured and can be placed, where possible by public offerings, through a systematic medium-term program of selecting investments and preparing them for placement.

For the *medium- and long-term* our priorities have not substantially varied but have experienced a change in emphasis. Private enterprise in Latin America will need greater assistance in meeting the challenge of economic integration, in changing its philosophy and organization from domestic-market-oriented import substitution to one of competitive export marketing, and in operating within economies of greater scale. Foreign investors will need our advice and assistance in coping with the mounting requirements for adaptation to a rapidly changing environment which in some countries is characterized by rules and limitations entailing major changes in policy and operating procedures. With the growing scarcity of, and even keener competition for, long-term investment capital, the mobilization of capital *within* Latin America will significantly gain in importance for the realization of the area's development objectives and investment plans. Thus, the stepping-up of efforts to develop active capital markets in Latin America in cooperation with national, regional and international institutions, has become of greater urgency and must be assigned highest priority.

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Divestiture is, therefore, not only of importance for self-financing an ever larger portion of new investments, but also from an organizational viewpoint. We have long ago organized ourselves for the monitoring and follow-up of our numerous investments, but we also have realized that despite continuously improved control methods and systems, the number of investments which we can effectively hold, and in case of emergencies assist, is limited. The answer to this limitation lies not in adding more manpower but in rotation of our portfolio and divestiture of mature investments, including those which have failed to produce satisfactory results within a reasonable time after overcoming the customary preoperating and start-up difficulties.

A well designed divestiture program must be combined with a further strengthening of ADELA's equity capital, in part by a continued effort to mobilize additional equity or quasi-equity from existing or new sources, and in another substantial part through retention of an increasing percentage of our earnings. We must be cognizant of the fact that because of the nature of our business and of geographical and other limitations imposed on us, together with the risks and uncertainties inherent therein, it may become more difficult for us to raise long-term capital in the keenly contested international markets. This means that further strengthening of our own resources may have to come primarily from within and indicates the need for a conservative approach to retention of earnings.

Despite fluctuations and setbacks, despite the unavoidable cycles of prosperity and stagnation or recession to which the economies of the developing countries are exposed, and despite the uncertainties injected into future projections by the effect of necessary but painful socio-economic changes and by errors in concept and policy, Latin America as a whole continues to offer vast opportunities to private enterprise. In the light of today's available advanced technology, these opportunities far exceed those which existed in the development period of the now industrialized countries. To cope with the cycles, to help overcome the immediate effects of necessary changes and of errors, and to assist private enterprise and Latin American governments in taking advantage of the great development potential and opportunities, continue to be the primary assignment of ADELA and of those who work with us. Based on what we have learned in the past and of what we have assembled in experience and in talent, I am confident that our contribution to the tasks before us will continue to grow in the same measure as our confidence in Latin America and as ADELA has grown since 1965, when we began our work on what then was termed "an experiment."

ERNST KELLER.

MAURICE ABRAVANEL, CONDUCTOR UTAH SYMPHONY

Mr. MOSS. Mr. President, in Utah we are celebrating Maurice Abravanel's 25th year as musical director and conductor of the Utah Symphony. I would like to call this remarkable man, and his contribution to the world of music, to the attention of the Senate.

Utah has a rich musical heritage. Many Utah pioneers brought musical instruments with them across the plains, and music has always been an important part of our lives. Between 1855 and 1940 there were nine attempts to organize and sustain a symphony orchestra—all of them fine and creditable efforts.

But not until Maurice Abravanel became its gifted and tireless conductor in 1947 did Utah begin to build the type of musical organization which could lay claim to being one of the foremost orchestras in the country. The orchestra which Maurice Abravanel now conducts unquestionably can make such claim; The Utah Symphony is irrefutably one of the top-rated city orchestras in America.

An American citizen of Spanish-Portuguese ancestry, Maurice Abravanel was born in Salonika, Greece, and was reared in Lausanne, Switzerland, where he first conducted at 16. He studied in Berlin with Kurt Weill before he was 20, conducted the Berlin State Orchestra, was a guest conductor at the Paris National Operata, and was so successful conducting in Australia that he extended a 3-month engagement there into 2 years. He came to Utah on a 1-year contract, and has stayed for 25 years.

The symphony he built is essentially a local product, run by Utahns, with Utah citizens as musicians. Of its 85 members, only 15 came to Utah especially to play in the symphony. A large majority were born in Utah. But, it travels over 10,000 miles and plays some 170 concerts to a combined audience of over 300,000 people annually.

The Utah Symphony has been on international tour, playing in Europe and South America, and to a number of American cities. It has played also in many of the small towns in Utah, Montana, Idaho and other western States exposing people to live symphony who have little opportunity otherwise to hear it. Its conductor has involved hundreds of students in choral and orchestral concerts, bringing them into intimate contact with great music.

During these years Maurice Abravanel has been honored for his artistry in all parts of the world. Harold Schonberg in the New York Times perhaps caught the essence of his greatness when he characterized him as "superior conductor, more interested in music than in himself."

The dedication of the orchestra to its conductor, and its spirit of loyalty was noted by another critic, who wrote:

> What really distinguishes this orchestra is its sense of identity. A listener gets the impression that each of the musicians is playing his heart out because he is convinced what he is doing is good and important.

And finally a critic in London summed up his praise in this way:

> By any standard the Utah Symphony is a first class ensemble. Make no mistake, this is a great orchestra.

And so it is a pleasure here today, while Maurice Abravanel is in Washington as guest conductor of our National Symphony Orchestra, to call to the attention of Senators the work of this sensitive and innovative musician who stands out among his peers as a conductor of enormous talent, who is reaping high artistic rewards and personal recognition everywhere, and who has given Utah one of the Nation's singularly fine symphony orchestras.

SENATOR MUSKIE'S PLAN

Mr. SCOTT. Mr. President, Crosby S. Noyes, in an excellent editorial in Tuesday's Evening Star, has described the recent actions of one of our "presidential Senators" to a tee.

I commend this interesting and well-thought out piece to the attention of my colleagues and ask that it be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUSKIE'S PLAN CALLS FOR A SELLOUT IN VIETNAM

(By Crosby S. Noyes)

Sen. Edmund S. Muskie of Maine has indeed staked out a position on a Vietnam settlement that goes beyond the peace plan outlined by President Nixon. He is proposing nothing less than complete surrender, the betrayal of South Vietnam and the delivery of that country's 15 million people to Communist control in the shortest possible period of time.

Muskie complains that the administration plan for peace in Vietnam is cluttered with too many conditions. His own plan is beautifully simple. It boils down to two propositions: Get the hell out and then force the Saigon government to surrender to Communist terms.

The front-running Democratic candidate for President doesn't say it quite that way. In his own words:

"First, we must set a date when we will withdraw every soldier, sailor and airman and stop all bombing and other American military activity, dependent only on an agreement for the return of our prisoners and the safety of our troops as they leave.

"Second, we must urge the government in Saigon to move toward a political accommodation with all elements of their society. Without such an accommodation the war cannot be ended, and it is clear that the American people will not support an indefinite war, either by our presence or by proxy."

The words are weaselly but the meaning is perfectly clear. After we are safely out (assuming, of course, that the Communists will buy the simple prisoner-for-pullout deal) we will then inform the leaders in Saigon that unless they settle with the Communists we will withdraw all further support.

In these circumstances, for "accommodation" read "capitulation." And for "all elements of their society" read the Provisional Revolutionary Government of the National Liberation Front which would inevitably and speedily emerge as the real and undisputed master of South Vietnam.

After all the promises that have been made to the South Vietnamese, the billions that have been spent and the thousands of lives lost, it all adds up to a beautifully simple, homespun, forthright sellout. As for Muskie, who is selling his candidacy as a man to be trusted, one wonders how much trust he inspiries in, say a South Vietnamese soldier.

In some ways, in fact, the Muskie proposals are harsher than the latest demands of the Viet Cong. They at least still are calling for a political settlement that theoretically would give the South Vietnamese a chance at the polls.

If President Nguyen Van Thieu gets out, they say, and various other elements of the war are stopped, they will "immediately discuss with the Saigon administration the formation of a three-segment government of national concord with a view to organizing general elections in South Vietnam, to elect a constituent assembly, to work out a constitution and set up a definitive government in South Vietnam."

In earlier proposals the Viet Cong have defined a three-segment government as including "political, social, and religious forces in South Vietnam aspiring to peace, independence, neutrality and democracy," reserving to themselves the right to pass judgment on the extent to which individuals possess these qualities.

At best, it is not a very hopeful proposition, but it may not be entirely hopeless either. As between what the Nixon administration is proposing in the way of a political settlement and what the Viet Cong is demanding, it is at least conceivable that an accommodation could be found.

Obviously, the timing of Thieu's resignation is open to negotiation. And the differences between the Viet Cong proposal for a provisional government and the Nixon concept of an election commission "representing all political forces in South Vietnam" may not be unbridgeable. The major business of government in the interim period, after all, would be the organization of elections.

There is, therefore, some hope, however faint, in the course that the administration offers. There is none at all in what Muskie is proposing.

A government in Saigon, threatened with the withdrawal of American support, would be in no position to negotiate about anything and the Communists, for their part, would have no inducement to make the slightest concession. They could impose their terms in the certain knowledge that South Vietnam, without American support, would quickly collapse, while they can continue to count on the most massive support and supply from the Russians and Chinese.

It is incredible that Muskie, as an aspiring president of the United States, would pledge himself to deliberately engineer what his country has fought for seven bloody years to prevent. It is even more incredible that his plan for a sellout should commend itself to very many American voters. If a candidate can sell himself on this kind of platform, the country and the world are indeed in a sorry condition.

SENATOR SPESSARD HOLLAND

Mr. MOSS. Mr. President, it was a privilege to have known and worked with Spessard Holland in the U.S. Senate. I was here only a few months before I recognized him as one of the giants of the Senate. His benchmarks were honor and integrity. Though he was mild and courtly in manner, he was obviously a fighter in spirit. I think it could be said without challenge that he was "a gentleman of the old school"—and most certainly he was always a gentleman in asserting his strong views and standing for the things he believed.

Few men had a more illustrious career. Awarded the Distinguished Service Cross for his exploits in World War I, he returned to his native Florida to serve as county prosecutor, county judge, State senator, and finally Governor before coming to the Senate. He served 24 years in this Chamber until declining health forced him to retire.

Probably he will be best remembered as the father of the 24th amendment to the U.S. Constitution by which the poll tax was abolished. This alone would be monument enough for most men, but it was by no means his only accomplishment. I remember particularly working with him on protection of the environment, and particularly on saving and expanding Everglades National Park and establishing Biscayne Bay National Monument. He was a sound ecologist long before ecology became a household word.

Spessard Holland passed away quietly in his sleep after a relaxed afternoon spent with his family and friends at his home in Bartow, Fla. He spent his retirement days making himself available to friends and providing, when asked, his serene advice, drawn from this wisdom and his love of people.

I extend my deepest sympathy to his lovely wife, Mary, and to his two sons and two daughters, and their children.

SENATOR CARL HAYDEN

Mr. MOSS. Mr. President, last week when the death of our beloved colleague, Carl Hayden, was announced, I was in the Chamber and spoke then a few words of the grief I felt. I attended his funeral service in Arizona. Today I should like to say a little more about what Carl Hayden meant to the country—and to me.

It is not easy to put into words the depth of my admiration for this quiet, soft-spoken, but enormously influential man who was here in our midst such a short time ago. His presence will always be felt here. His indomitable spirit will linger on after most of the rest of us have gone, to be marvelled over by those who come after us.

Carl Hayden served in Congress longer than anyone else in history. As President pro tempore of the Senate he was third in line for the Presidency, and after the assassination of President John F. Kennedy, he was second in line—the Nation's Acting Vice President. He belongs among the important men of our times.

Yet he was among the most self-effacing of men, totally unaffected by the arrogance of power. He wielded his great influence in a quiet, unassuming manner, striving always to be fair and impartial, and to see that those things were done which should be done to move America forward. He was instrumental in establishing the modern formula for the Federal aid to highway programs, and he consistently backed legislation to assure the full and wise development of the Nation's natural resources—our land, our water, our forests.

It was my pleasure to work with him in achieving his greatest legislative goal for his State of Arizona—the central Arizona project. I chaired hearings on this project during the long and arduous drive for his passage, and rejoiced with him when his bill was enacted only a short time before he retired.

There is not one of us who served with Carl Hayden who is not endebted to him in some way. He drew from his wisdom, his skill, his vast knowledge of Senate traditions and rules and rules to help us. He always had an open and inquiring mind when I talked with him, and if he found a project to be of value or a request to be valid, he never stinted in his assistance. I considered him my great and good friend and I mourn his passing.

Carl Hayden spoke seldom in the Senate. He did not consider himself an orator. But I think none of us shall forget the words he spoke on May 6, 1968, when he announced his retirement. Paraphrasing the words of the Old Testament, he said, simply:

> There is a time of war and a time of peace, a time to keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to stand aside.

He knew his time had come to retire, and he knew how to say that it had. If tears welled up in his eyes, they welled up in the eyes of many of his colleagues also.

As I said earlier, my only compensating thought in contemplating the death of Carl Hayden is that he had 94 years of full living, and half a century of tremendous service to his country. He left his imprint on our times, and he will never be forgotten. The standards of public service he set will be a shining goal for many in the years to come. America is fortunate to have had a man of the greatness and dedication in the U.S. Congress for 56 years.

A LOOK AT BUSINESS IN 1990

Mr. SCOTT. Mr. President, on February 15, Secretary of Commerce Maurice Stans will resign from the President's Cabinet. Today, Secretary Stans addressed the White House Conference on the Industrial World Ahead on the outlook for our economy in 1990. I ask unanimous consent that Secretary Stans' remarks be printed in the RECORD and commend them to the attention of my colleagues.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A LOOK AT BUSINESS IN 1990

(Address by the Honorable Maurice H. Stans, U.S. Secretary of Commerce, before the White House Conference on the Industrial World Ahead)

Thank you, Mr. Chairman.

I am delighted to be back with you this morning to conclude this White House Conference on the Industrial World Ahead.

In these three days you have heard many speakers, and you have discussed many points of view—both with great gusto and with profound intelligence. Some of what has been revealed is promising and exciting, some of it perhaps confusing and discouraging.

But the words you have heard undoubtedly contain many elements of the history to come. We are left with the problem of how to distill from the voices the essential judgment that will show us how to achieve the most of the promising and to avoid the most of the discouraging.

The program calls upon me to summarize the Conference. But to summarize all that has been said here in these three days—on what the technicians call a real time basis—is manifestly impossible. Any casual effort to do it could be very unfair to the obviously serious viewpoints of all those who participated. The record of the Conference will be published soon and will provide data for leisurely and full analysis by students of the future, and I hope that includes all here today.

OBSERVATIONS

But there is something I can do to give meaning to all the efforts here and that is to try to point out what I believe to be some overriding observations to be drawn from what has been said. I would hope they might represent a consensus but in the absence of a measurement of opinion in this body I merely set them up before you as my own ideas of what the Conference adds up to—and what should happen next.

These points are outstanding:

1. The potentials for a better America in the coming period of less than 20 years are, to say the least, astounding.

2. Most of the internal and external difficulties that challenge our industrial society today can be resolved in that period of time, if we work at it.

3. To avoid a destructive impact of new confrontations to our industrial system we seriously need to improve our long-range planning and the means of anticipating new emerging imbalances.

4. To make things go more smoothly and surely, we need a new rapport between the elements of the economy — especially business, labor and government—based on statesmanship in the common interest.

5. Above all, we need a more sophisticated public, with a better understanding of how our economic system works, how productive it is, and how much it benefits the individual and the society.

LIFE IN 1990

The panorama of probabilities ahead in the American economy is enough to excite any believer in a free society. According to information presented by various sources we can have in 1990:

A gross national product of almost two and one-half trillion dollars.

A 36-hour workweek.

60 percent of all families with incomes over $15,000.

Six out of seven families owning their own homes.

With and as a result of this income performance can come a much increased amount of leisure, a higher level of educational attainment, a far greater overall wellbeing of the people, and a substantial reduction in the numbers of those now in low income.

These are some yardsticks of what our industrial economy can achieve. Certainly these are goals worth aspiring for. The question is: How can we be sure to get there, in the face of present and potential public dissatisfaction with elements of the business world?

We have to believe that the domestic confrontations that exist in the economy today will be resolved in the years before 1990. Principal among these are the necessity to improve the living environment, the need to bring about a higher degree of consumer satisfaction, and the urgency of bringing up to a satisfactory level the income and living standards of the poor and under privileged. The evidence is clear that these are problems that must be addressed, and that if they are addressed sensibly and with understanding on all sides they can be overcome.

But the American society is woefully poor in anticipating its troubles, and sadly lacking in common sense in coping with them. This is certainly the case in environmental matters, evident to a lesser degree in the consumer issues, and sadly true in its failure to provide equality in economic opportunity. We need to find more orderly ways of measuring, understanding and dealing with such problems in the society if we are to avoid emotional and frequently irrational and very costly attacks on the productive mechanism.

I think we must conclude what so many have concluded before, that the means of communication in our economic system are very inadequate, and that few people understand well how it works and how well it works. The misunderstandings, for example, which we have been deploring for decades, regarding excessive ideas of business profits, still prevail.

The idea that business and the consumer are adversaries—which ignores entirely the fact that corporate goodwill is the main ingredient of business success—is constantly advanced. The belief that what is good for business is bad for labor is still propagated. Above all, the magnitude of the benefits and values of the American competitive business structure are little understood by its own beneficiaries.

I have some further thoughts as to what we might do about some of these things and, having put them on the table, I'd like now to go back and analyze them in more detail, but from another angle, and in a series of illustrative questions.

ALTERNATIVES

We have now spent three days discussing a wide range of very complex issues, any one of which could have warranted a three-day conference of its own.

We have learned that we have alternative ways of approaching each one. Whether the matter is labor relations or pollution control—whether it is the management of capital or the management of inflation—we have learned that we can approach each one in different ways.

One way of expressing the fundamental choice to come out of this Conference, on matters affecting the industrial world of the future, is this—will we address each problem in an orderly way, or in a disorderly way?

EXAMPLES

We do have a choice in the direction we go on each of these matters, depending upon how hard we want to work for solutions, and what we want the solutions to be.

We have learned, for example, that we can have orderly improvement of our environment, or a continuation of panicky, helter-skelter methods of attacking environmental problems—at horrendous cost—all paid by the consumer who ultimately will get the bill for environmental reform.

We have learned that business can accept a degree of social responsibility, and make an orderly contribution to society, or it can have social responsibility forced upon it by the public and government.

We have learned that labor relations can be orderly, or they can continue in the tangled, contentious expensive pattern of the past.

MORE CHOICES

We have learned that we must regain an orderly growth in productivity, or the other major industrial countries will take over American jobs and American markets.

We have learned that we can have orderly policy discipline in a free enterprise economy, or face the disorderly chaos of runaway inflation, runaway taxes and runaway controls.

We have learned that we must maintain orderly international competition, or live in a disorderly world of hostile trading blocs and protectionist nations.

These are just some of the points of this Conference.

QUESTIONS

Having learned that we have such choices down the road, we now need to ask:

Are we going to sit and let these individual matters drift or are we going to apply a hand to their direction and give some guidance in the way we want them to go?

I think of some potential answers in the form of more questions:

For example, must we continue to have the bitterness and the costly losses of crippling strikes? In this computerized age, isn't it possible for experts to develop just and acceptable formulas for adjusting compensation from time to time—formulas that recognize productivity, efficiency and creativity, cost of living, the relative character of work involved and other proper factors.

ENVIRONMENT

On the environment, there is no fundamental disagreement between any elements of our society that pollution must be reined.

Can we not find a way to remove extremism and emotionalism from the subject, and the absurd assumption that anything done in the name of the environment must automatically be right and good?

Can we not devise a way to lay out a careful matrix of actions and timetables to achieve results on a progressive basis over a period of years, at a cost far less than we are incurring by hasty and ill-conceived legislation and ill-devised regulations, all with massive price tags?

YOUTH

In connection with our nation's youth, the question is: Can we devise a way to insure them entry into the productive system when they want it?

For example, would a lower minimum wage for teenagers serve to make them earners and participants in the economy, instead of victims of the streets and crime and drugs?

Can't we also take effective steps to make our educational effort more effective in teaching the values of our economic system, as well as the flaws, and awakening young people to the benefits and the hopes that can be theirs if they work within the system?

TECHNOLOGY

Can't we overcome the lingering fears that better technology threatens jobs?

In this Conference it has become clear that our strongest hope for economic fulfillment—for constant improvements in our standard of living—lies in our continued development and leadership in technology.

Yet we face a growing hostility to technology by some of our people, largely, I believe, because they do not yet understand or realize its potential for better living.

For example, the SST was killed—and our technological leadership began to shrink—and our aircraft leadership moved abroad—and unemployment moved up a big notch.

How do we avoid repetition of this kind of pattern on the way to 1990?

PROFITS

Are we going to drag the profit system into 1990 as a kind of beleaguered survivor—with profits under constant attack from cynics who have never known the world of risk capital—or will we stimulate the acceptance by the public of a profit level adequate to induce new maximums in creativity, productivity, and the output of material goods?

ATTITUDES

And very important is the question of what kind of public attitudes will prevail toward our industrial world eighteen or twenty years from now.

As we know from this Conference, we have already undergone a sharp decline in the public attitude toward business.

Will we see that the severe critics of our system regain their perspective on how much is good in American business and right with American industry? Or will we allow them to shatter public faith in the system itself, rather than just pointing to faults?

FORMULAS

Out of all these questions, and all the others you have considered, two fundamental answers become clear.

First, if we are to achieve solutions to our problems and meet our needs, we must—as I have said—approach these matters in an orderly, planned way, and reject the disorderly unplanned ways of the past.

STATESMANSHIP

Second, it is clear as a result of your discussions here—as I have also tried to indicate—that we need quiet dialogue more than we need loud voices..

We need education more than we need intransigence.

We need statesmanship and cooperation between all the classes of our society, setting aside the old belief that the sectors must be in constant conflict. The time has come to recognize that, since we are all in this economy together, what benefits one can benefit all.

It is a time for all the elements of our country to work with greater unity, and speak with one voice—a time for new statesmanship in the relations between business and labor—recognizing that the more each does to solve the country's problems, the less each will feel the heavy hand of government.

SOLUTIONS

So if I were to condense into a few points what I believe ought to be done, it would be along these lines:

1. Private business needs to develop a new unity of purpose and of action, so that it will be better able to cope collectively with emerging national demands.

2. Labor needs to produce new statesmanship in its leaders willing to abandon antagonism toward business and accept a cooperative role in the common interest.

3. Business and labor leaderships need to plan the future together in a way to produce a harmonious maximization of results that are recognized as mutually desirable.

4. The public, and especially youth, need to be educated to the facts and the superiority of our competitive economic system, to dispel the obvious misinformation that now exists.

I don't presume to say precisely how these things can be achieved. That must be the challenge to be left with you, for more study in small and large future conferences.

Once broad commitment to greater common foresight and greater planning is made, the next step is to consider how we might go about dealing with the specific matters we have discussed here.

At the beginning on Monday, I said there would be no resolutions, no instant solutions out of this Conference—only questions.

The solutions—and how you go about achieving them—are now up to you. We urge you to take your views of this conference back to your labor unions, back to your trade associations, your Chambers of Commerce and your communities, and discuss this meeting with them.

Solicit their cooperation—and more than that, their statesmanship—in building toward a better industrial world by 1980, 1990 and all the years of America's future.

As an example of what can be done, the United States Chamber of Commerce already has committed to take the concept of this White House Conference out to the grass roots of America in an effort to stimulate local conferences by individual chambers along the lines of this one.

You may also want to consider the possibility of future national conferences like this one—perhaps at five year intervals—to keep the guidelines fresh and the goals clear.

CONCLUSION

This Conference can be useless if its long-range panorama is lost or forgotten when you go back to the immediate world with all of its deadlines. I hope that will not happen.

This Conference can be the beginning of new initiatives by American enterprise and American labor, and I hope that the record here will be well read by your peers in business, labor and the academic world—and especially by the younger men and women who will succeed you in the management of American enterprise by 1990.

You are able to influence the direction of things to come—able to help build an improved economic system in which business and labor will thrive and prosper together—in which government will be a productive partner with the private economy, not an adversary—in which we can approach cooperative solutions to all the problems of the Industrial World Ahead.

Finally, thank you for coming. Because you have done so, I find that I can look ahead, rather than back, as I leave the Cabinet and most important, I can look forward with great hope for the future of the American Dream.

SMALL SOFT DRINK BOTTLERS

Mr. COOK. Mr. President, there are 67 soft drink producing plants in Kentucky in 36 different communities. These plants employ over 3,000 Kentuckians with a payroll in excess of $25 million per year. The combined gross sales for these plants is approximately $60 million per year.

However, what is most important is that 64 of these soft drink bottlers are defined as "small business" by the Small Business Administration. The recent Federal Trade Commission action requiring intrabrand competition, as opposed to interbrand competition, will destroy these small businesses. The large producers will become larger at the expense of the small ones. These small businesses in attempting to compete will be placed in an unfavorable position relative to financial assistance. Years of financial investments will be ruined for these small owners and soft drink manufacturing will be concentrated in a small group who have the financial wherewithal. Far from encouraging competition the FTC action will result in a monopoly for a few, including the grocery chain stores.

In Kentucky, the number of soft drink plants could be reduced to as low as 10. Much of the business of these 67 small bottlers would be taken over and integrated into the food chain system. Louisville and Cincinnati are the major food distribution centers at present should the FTC prevail, their position would be greatly enhanced at the expense of the 60 small bottlers outside of Louisville.

Mr. President, as many as 35 communities in Kentucky could lose their local bottlers resulting in loss of taxes and jobs.

Therefore, I urge the Senate to act on this legislation introduced by Senator Eastland and myself which would nullify the FTC action.

I ask unanimous consent that a list of bottlers in Kentucky appear in the Record.

There being no objection, the list was

ordered to be printed in the RECORD, as follows:

KENTUCKY

ASHLAND

J. B. Beverage Co., H. L. Broh, Pres., 606/324–2422.

BAXTER

Harlan Coca-Cola Bottling Works, Mrs. J. B. Gatliff, Jr., President, 606/573–4313.

BEAVER DAM

Royal Crown Bottling Co., Inc., Marshall Barnes, Pres., 502/274–3251.

BOWLING GREEN

Bowling Green Coca-Cola Bottling Works, Inc., O. V. Clark, Jr., Pres., 502/842–2422.

Nehi-Royal Crown Botg. & Distributing Co., Inc., C. R. Middleton, Pres., 502/842–8106.

CAMPBELLSVILLE

Coca-Cola Bottling Co. of Campbellsville, Inc., Mrs. J. G. Repscher, President, 502/465–4157.

CENTRAL CITY

Central City Coca-Cola Botg. Co., Inc., N. B. McRee, Pres., 502/754–2323.

CORBIN

Pepsi-Cola Bottling Co. of Corbin, Ky., Inc., Mrs. J. A. Day, Pres., 606/528–1630.

Seven-Up Bottling Co., F. A. Tucker, Pres., 606/528–6876.

DANVILLE

Blue Grass Coca-Cola Botg. Co., Inc., Warren B. Terry, Pres., 606/236–2373.

Dr. Pepper Bottling Co., Charles Sharp, Manager, 606/236–3660.

Royal Crown Bottling Co. of Danville, Inc., Mrs. Helen G. Bogard, President, 606/236–5320.

ELIZABETHTOWN

Coca-Cola Bottling Co., William B. Schmidt, President, 502/769–3323.

FULTON

Fulton Coca-Cola Bottling Co., Mrs. Martha M. Pitzer, President, 502/472–1471.

Pepsi-Cola Botg. Co. of Fulton, Charles E. Reams, Mgr. 502/472–3770.

GLASGOW

Glasgow Coca-Cola Bottling Co., O. V. Clark, Jr., President, 502/651–5126.

GREENSBURG

Greensburg Bottling Company, Inc., Joseph DeSpain, Pres., 502/932–5061.

HAZARD

East Kentucky Beverage Company, Inc., Ethel C. Hatmaker, President, 606/436–3155.

HENDERSON

Nehi Bottling Co., Inc., Leo King, Jr., Pres., 502/826–2631.

HOPKINSVILLE

Coca-Cola Bottling Co. of Hopkinsville, Ky., Wm. M. Carson, Pres., 502/885–8134.

Dr. Pepper Bottling Company, Paul Barnes, Manager, 502/885–8717.

Pepsi-Cola General Bottlers, Inc., E. E. Beisel, Pres., 502/885–8413.

Tom's, Inc., W. M. Carson, Pres., 502/885–8134.

JACKSON

The Royal Crown Botg. Co. of Jackson, Ky., Edgar Ison, President, 606/666–5047.

LEXINGTON

Blue Grass Coca-Cola Bottling Co., Inc., W. B. Terry, Sr., Pres., 606/252–2281.

The Pepsi-Cola Bottling Co. of Lexington, Ky., Walter L. Gross, Pres., 606/255–3375.

LOUISA

Louisa Coca-Cola Bottling Company, Inc., Charles T. Britton, Jr., President, 606/638–4554.

LOUISVILLE

Canada Dry Botg. Co. of Louisville, John H. Boyle, Pres., 502/368–2529.

Coca-Cola Botg. Co. of Louisville, J. Tyler Taylor, Pres., 502/776–4651.

Dr. Pepper Botg. Co., Inc., R. T. Roark, President, 502/896–8713.

Interstate Canning Co., W. S. Mowry, Sr., Pres., 502/368–1631.

Pepsi-Cola Louisville Bottlers, C. T. Yann, Manager, 502/368–2581.

Royal Crown Bottling Co. of Louisville, Inc., W. S. Mowry, Pres., 502/368–3361.

James Vernor Botg. Co. of Louisville, Ky., Horace J. Bryant, Mgr., 502/636–3635.

LOYALL

Harlan Nehi Botg. Co., Beckham Carmical, President, 606/573–3938.

MADISONVILLE

Carson, Inc., W. M. Carson, Pres., 502/821–5412.

Coca-Cola Botg. Co., Inc., W. M. Carson, Pres., 502/821–5412.

Dr. Pepper Botg. Co., L. B. Hoover, Jr., Mgr., 502/821–5537.

Royal Crown Cola Botg. Company, Laura H. Knight, Mgr., 502/821–7180.

MAYFIELD

Dr. Pepper Botg. Co. of Mayfield, James W. Standifer, Jr., President, 502/247–1364.

Sun Drop Bottling Co., Rudolph Kemp, Owner, 502/247–1755.

MIDDLESBORO

Middlesboro Coca-Cola Botg. Works, Inc., Mrs. J. B. Gatliff, Jr., President, 606/248–2660.

Royal Crown Bottling Company, Inc., Edward M. Dooley, President, 606/248–2721.

MOUNT STERLING

Blue Grass Coca-Cola Botg. Co., Inc., Warren B. Terry, Pres., 606/498–3065.

OWENSBORO

Owensboro Coca-Cola Bottling Co., Inc., William L. Fulton, Jr., President, 502/684–2336

PADUCAH

George Jacobs Beverages, George Jacobs, Sr., Owner, 502/443–7346.

Paducah Bottling Co., Dr. Clyde W. Peel, Jr., Manager, 502/443–1758.

Paducah Coca-Cola Botg. Co., Inc., W. M. Carson, Pres., 502/443–3601.

Royal Crown Nehi Botg. Co., S. H. McNutt, Manager, 502/443–3647.

PAINTSVILLE

Royal Crown Botg Co., J. Fred Hale, Pres., 606/789–4262.

PARIS

Grapette Botg. Co. of Paris, Ky., Inc., Boyce Carpenter, Pres., 606/987–3701.

PIKEVILLE

Coca-Cola Botg. Co., of Pikeville, Ky., Miss Julia V. Hatcher, President, 606/437–4071.

East Kentucky Beverage Company, Inc., John B. DuPuy, Mgr., 606/437–6271.

RICHMOND

Blue Grass Coca-Cola Botg. Co., Inc., Larry Stull, Manager, 606/623–2969.

RUSSELLVILLE

Russellville Coca-Cola Botg. Co., S. Jay Freeman, Pres., 502/726–6038.

SHELBYVILLE

Coca-Cola Botg. Co., of Shelbyville, Ky., Inc., Calvin T. Schmidt, Pres., 502/633–2653.

SOMERSET

Blue Grass Coca-Cola Botg. Co., Inc., Larry Stull, Mgr., 606/678–8136

TOMPKINSVILLE

Pepsi-Cola Botg. Co., of Tompkinsville, Inc., Jessie E. Owen, Pres., 502/487–6271.

WHITESBURG

Coca-Cola Botg. Works, Whitesburg, Inc., G. D. Polly, President, 606/633–2168.

Royal Crown Botg. Co., Inc., Bradley Bentley, Pres., 606/633–2526.

WILLIAMSBURG

Dr. Pepper "Mr." Cola Bottling Co., Caleb L. Davis, Pres., 606/549–1160.

Royal Crown Botg. Co. of Williamsburg, Kentucky, Homer B. Davis, Pres., 606/549–0515.

WINCHESTER

Ale–8–One Bottling Co., Frank A. Rogers, Jr. President, 606/744–3484.

Pepsi-Cola Botg. Co. of Winchester, Ky., Walter L. Gross, Pres., 606/744–2611.

VIETNAM

Mr. SCOTT. Mr. President, in this week's Newsweek magazine, Stewart Alsop writes about what he refers to as "the real issue" in Vietnam. I commend it to my colleagues for their consideration and ask unanimous consent that it be printed in today's RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM: THE REAL ISSUE

(By Stewart Alsop)

WASHINGTON.—It is now entirely clear that Vietnam will be a major issue in this Presidential election year, despite the fact that all Americans are tired unto death of the very name of the place.

The real, underlying shape of the issue is emerging, moreover, from under a cloud bank of rhetoric and political semantics. Sen. Edmund Muskie's speech on Feb. 2, unveiling his "peace plan" for Vietnam, and the Administration's fierce response to the speech, make it certain that the basic issue will be fought out, eyeball to eyeball, between the President and the Democratic front runner.

The underlying issue is this: given the fact that the Russians and the Chinese are providing the North Vietnamese with plentiful logistic and economic support, should the United States force the South Vietnamese into a settlement acceptable to Hanoi, using the threat to cut off American logistic and economic support as the chief instrument to that end?

Senator Muskie's reply to that question is, in effect, "yes"—although he would doubtless word the question differently. His position, as summarized by The New York Times, is that this country must "make it clear to South Vietnam's government that it must seek a political accommodation with the Communists or lose even indirect United States military support after American forces withdraw."

PRESSURE ON SAIGON

Senator Muskie, reached by telephone by this reporter, was asked whether this formula did not mean that we should put pressure on Saigon to accept a Communist-front government. The suggestion seemed to irritate him. He simply wished to indicate to Saigon, he said, that the American public would not go on paying for "an indefinite supply line for an indefinite war." He did not want to "impose a political settlement or draw a blueprint . . . of course, if they want to go on fighting, they can do so with their own resources."

But wasn't it obvious that the South Vietnamese could not defend South Vietnam "with their own resources"? Those tanks and long-range guns the North Vietnamese were using weren't made in North Vietnam, after all.

Again, Muskie seemed annoyed. "Look, all I say is that Saigon has to be made aware of the political reality of American public opinion today. You should hear the applause, from any audience, conservative or liberal, when I say just one line: 'We must get out of the war.' "

Ed Muskie's one line is certainly popular, and President Nixon, who is not a fool, is aware that this is so. He is also aware that any reasonably honorable settlement of the war would make his own re-election almost inevitable. Moreover, the difference between what he has already offered the North Vietnamese and what Senator Muskie would offer them is—except in the one vital respect—largely semantic.

SURPRISE

This reporter read to Senator Muskie Henry Kissinger's description of the offer made to the Communist side last spring: "On May 31, we proposed . . . to set a deadline for the withdrawal of American forces in return for a ceasefire and the exchange of prisoners." The senator had apparently never heard of the May offer, and he was clearly surprised. "Then what are they knocking me for?" he asked. "That's just about what I proposed."

The senator is being knocked for the one difference between his position and the President's which is decidedly *not* semantic—the issue of continued logistic support for the South Vietnamese. It was because of this issue that the North Vietnamese flatly rejected the May 31 offer. The offer, they said, lacked "political elements." The chief "political element" asked by the Communist side was defined by Henry Kissinger:

"They [the Communists] have asked us to withdraw all equipment, all future military aid, all future economic aid, and the practical consequence of that proposal, while they are receiving close to $1 billion worth of foreign aid, would be the indirect overthrow of the government of South Vietnam, something about which there can be no question."

No question, at least, in Mr. Nixon's mind. The President instructed Kissinger to refuse even to discuss this "indirect overthrow," and it was on this issue that the talks finally broke down. There was a time, between Oct. 25 and Nov. 17, when the President, Kissinger and the handful of officials who knew about the secret talks had high hopes that they would succeed.

At a secret meeting on Sept. 13, the Communist side, instead of insisting on the formula for "indirect overthrow" of the South Vietnamese Government, promised to be "forthcoming" if the United States was "generous" on two points. They wanted assurances that the American withdrawal would be "total," with no residual force; and that the Saigon government would not be in office in case of an agreed election. An American message in early October met both points—there would be no residual force, and Thieu would resign before an election. On Oct. 25 a courteous message from the Communist side proposed a meeting on Nov. 20. Then, on Nov. 17, came the brush-off: "special adviser Le Duc Tho is suddenly taken ill."

What happened between Oct. 25 and Tho's diplomatic illness? The answer seems obvious. On Oct. 28, the Senate very nearly passed the Cooper-Church amendment, which would surely have caused the "indirect overthrow" of the South Vietnamese Government. On Oct. 29, in the most irresponsible vote in modern times, the Senate voted to cut off *all* foreign aid.

HANDING IT TO HANOI

No one can prove it, of course, but it is an article of faith in the White House that these votes queered the negotiations. If the Senate was ready to hand to Hanoi what Nixon and Kissinger had refused to discuss, why negotiate further? Why not, instead, mount an offensive to make the pressure on Nixon intolerable, as the first Tet offensive had made the pressure on Lyndon Johnson intolerable?

Another offensive is now in prospect, and it may strengthen Senator Muskie's hand. The senator is an honorable man, and he may well be right, moreover, about "the political reality of American public opinion today." And yet, are we Americans *really* ready to force a "political accommodation with the Communists"—for which read a Communist-front government—on a small ally, by threatening to cut off that ally's means of defending itself?

Perhaps we are. Perhaps South Vietnam will fall to the Communists anyway, because the South Vietnamese lack the will to defend themselves. But for this country to deny them to means, thus forcing a Communist regime on them, would be an act of crass betrayal, the crowning tragedy of a tragic war, and a long farewell to all our greatness.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The ACTING PRESIDENT pro tempore. Under previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The pending question is on agreeing to the amendment offered by the distinguished Senator from Nebraska (Mr. Hruska). Time for debate is limited to 2 hours, to be equally divided between the proponent of the amendment and the manager of the bill.

Who yields time?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may now be a quorum call, without the time being charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, acting for the distinguished Senator from Nebraska (Mr. Hruska), I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 6 minutes.

Mr. ALLEN. Mr. President, I favor the amendment offered by the distinguished Senator from Nebraska (Mr. Hruska) but I will not comment on it in order that he may make the opening statement for his amendment.

However, I do wish to comment on an article published in the New York Times this morning which I ask unanimous consent to have printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senate Liberals Yield In Dispute Over Job Rights

(By David E. Rosenbaum)

Washington, February 8.—Unable to break a Southern filibuster, liberal Senators gave up today on their fight to give the Equal Employment Opportunity Commission the power to order employers and unions to stop discrimination in jobs.

Senators Jacob K. Javits, Republican of New York and Harrison A. Williams Jr., Democrat of New Jersey, offered a compromise proposal today, along the lines favored by President Nixon, in an effort to obtain action on legislation that has been before the Senate since it convened Jan. 18.

Rather than authorize the commission to issue "cease and desist" orders against companies and unions that it found to be discriminating, the Javits-Williams proposal would merely allow the commission to go into Federal court to prove discrimination and ask the court to prohibit it.

COULD CERTIFY DISCRIMINATION

The Nixon Administration has recommended all along that the commission be given the authority to institute court suits, and the House approved a measure to this effect last year.

The Javits-Williams plan would give the commission's findings additional weight in court proceedings, however, by empowering the commission to hold hearings on cases of alleged job discrimination and to present certification of discrimination to the court, much as a bankruptcy referee presents his findings to a court.

According to Senator Javits, the courts could be expected to uphold the commission's findings most of the time under this procedure, since most of the evidence would already have been heard by the time cases reached a judge.

DOMINICK IS OPPOSED

Senator Peter H. Dominick, Republican of Colorado, who has been the principal spokesman for the Administration in the battle over giving enforcement power to the commission, said that he would oppose the Javits-Williams plan.

Senator Dominick, whose amendment to allow the commission to go into Federal court instead of issuing cease-and-desist orders was rejected two weeks ago by 2 votes, plans to offer his amendment again as a substitute for the Javits-Williams proposal.

A vote on these measures is unlikely to come before next week.

The commission was created by the Civil Rights Act of 1964. It was empowered to hold hearings and to try to obtain voluntary conciliation from employers who discriminate but was given no means to enforce its findings.

Senator Javits acknowledged that he was "giving away a lot" by his compromise but said that there was no other way to get any bill past the Southern filibuster.

He said he believed that with his proposal he could obtain the necessary two-thirds majority vote needed to cut off the debate. Two attempts to halt the filibuster have failed.

In another concession to the Southerners, the Senate agreed, 56 to 26, today to a compromise on the size of companies and unions that fall under the commission's jurisdiction.

At present, a company must have at least 25 employes and a union of at least 25 members before the commission has jurisdiction. The pending legislation would have lowered the ceilings to eight. The Senate agreed to lower it to 15 next year.

Mr. ALLEN. Mr. President, the article states that Senate liberals yielded in the dispute over job rights, indicating that the distinguished Senator from New York (Mr. Javits) and the distinguished Senator from New Jersey (Mr. Williams) plan to offer an amendment which they state is yielding in the matter of cease and desist.

On yesterday, the distinguished Senator from New York (Mr. Javits) did state that they were going to get rid of the expression "cease and desist."

Well, Mr. President, just as a rose by any other name would smell as sweet, so "cease and desist" by any other name would be just as bad.

I submit that the amendment to be offered by the distinguished Senator from New York (Mr. Javits) and the distinguished Senator from New Jersey (Mr. Williams) will still have cease and desist in the bill if their amendment is adopted even though the words might be missing. It would permit the Commission, as provided in the bill and in the committee amendment, to receive the complaints, file the charges make the determination, and then they would certify to the district court the fact of discrimination and all the district court would do would be to serve as a cat's paw or a rubber stamp for the action of the Commission.

Thus, Mr. President, this is certainly no compromise and I would like to serve notice now that it will not solve the question of whether the bill should be allowed to come to a vote. It will not remove the objections of those of us who object to this Commission's being judge, jury, and prosecutor, as that element will still be in the bill.

Mr. President, I call on all Senators who have been voting to allow this debate to continue, not to be taken in by this strategy by which the proponents of this measure say that they are yielding on this vital point.

There is no yielding. We all know that this is an old game and an old practice by which proponents of a measure which is in sharp dispute will indicate they have made a great concession in order to stop some of the opposition, or to lessen some of the opposition to the bill, thereby allowing the guard of those Senators opposing a bill to be lowered.

I predict that if this amendment is adopted and the bill, as amended, is passed, those saying they are making a great concession in order to get this bill passed will make great claim and will take great self-satisfaction from having passed the bill without any material change.

Thus, Mr. President, I hope that those who have been opposing the idea of cease and desist will see in the Javits-Williams proposed compromise the pernicious cease-and-desist provisions still there in actuality, if not in actual words.

Mr. President, I serve notice that this amendment is not satisfactory. It will not end the debate. I hope that other Senators will not lower their guard and allow the amendment which, I understand, is to be presented to the Senate on Monday next by the distinguished Senator from New York (Mr. Javits) and the distinguished Senator from New Jersey (Mr. Williams), to be agreed to.

It will not remove opposition to the bill.

It will not remove cease and desist from the bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. The pending amendment has for its purpose the elimination of the possibility of a multiplicity of actions when an employee who feels that he or she is aggrieved commences proceedings.

One of the more glaring defects of S. 2515 is that it would permit a multiplicity of actions to be instituted against a respondent before a number of separate and distinct forums for the same alleged offense.

The present situation is quite a hodgepodge. As a matter of fact, it is not to the interests of the employee, nor of the employer, nor of the public that this persist as a condition. It is a disservice to the employee, because of the lack of expeditiousness which should be a very important element in any provision for dealing with a complaint on the basis of discrimination or unfairness in employment practices. It is a disservice to the employer not only on the question of expeditiousness, but also because of the burdens forced on an respondent who is called upon to defend the same case in numerous forums. And it is a disservice to the public which should be entitled to quick, clear, and certain resolutions of these questions.

Because of the number of remedies now available and those provided by this bill, there would be imposed unfairness, a great burden, and expense upon a respondent because simultaneously he could have—and there have been such instances—three or four proceedings before as many different forums pending at the same time. Each of them has the power of subpena. Each of them has the power to gather information from the employer's records and to ask for abstracts of different information, causing a heavy demand on his manpower, on his time, and on his resources. The result is often a disruption within his own business, in addition to the attorney's fees and costs involved.

This whole situation reflects badly upon the effort to induce a respondent to enter into a conciliation proceeding with a view of reaching an agreement either with the State agency or with the EEOC or with the employee himself or herself. Because of this situation we find that the benefits of the procedures that are provided are dissipated in a large degree.

Now, to correct these defects, the amendment at hand would provide that with certain named exceptions a charge filed with the Commission shall be an exclusive remedy for any person claiming to be aggrieved by a particular unlawful practice.

The amendment would remove from the scene the possibility that an individual employee can utilize the possibility of litigating two or more of the multiple actions as to a single offense, as it is now available, whether they are based on a meritorious or a non-meritorious factual situation. Without such a provision there could conceivably be a presenting of several actions with the effect of blackmail on one or perhaps on all of them on the basis of nuisance value. That is not a good arrangement in a matter of this kind.

Mr. President, I should like to outline what can be done under the present situation in a particular case, because by doing so we can see the necessity for eliminating multiplicity to which reference has been made.

Suppose in the event of a black female employee, there is a denial of either a promotion or pay raise and there is an allegation made that it is because of her color or because of her sex. The first thing she can do is to complain to the union that it is a violation of the collective bargaining agreement. The union will file or can file a grievance in her behalf. If the union decides that it is not meritorious, it is disallowed.

Then, of course, the employee may file charges against the union and employer with the State fair employment practice agency that invariably has the power of subpena and can call for records, correspondence, papers, and so forth.

Identical charges can simultaneously be filed with the EEOC, and the Commission holds the complaint in abeyance for 60 days following the filing of the complaint with the State agency. However, with the expiration of the 60 days, the EEOC can move in with a similar demand for records and documents.

Even after the State agency dismisses the complaint, the EEOC can move in and file a complaint against either or both respondents—that is, the union or the employer, or both. If the EEOC dismisses the complaint, or if it takes no action within 6 months, then the respondent may file suit under title VII.

And even if the respondent and the employer have entered into an agreement with the EEOC, she can still file suit. That is because of the provision in the pending bill that the employee is not bound by such agreements unless he or she actually signs the conciliation agreement.

So, we would have two avenues down which the parties are traveling, parallel in character, with no terminal facility.

After that would happen and while these charges are pending before the State commission and the Federal commission, the employee could additionally file a charge with the National Labor Relations Board.

Under recent Board and court rulings, the Board would not only have jurisdiction to investigate a claim based on a union's refusal to demand arbitration, but it would also have jurisdiction to determine whether the employer violated the Taft-Hartley Act by adhering to "a policy and practice of invidious discrimination on account of race."

In the event the Board found merit to her charge, it would also issue a complaint and would not be precluded from doing so merely because an identical complaint was outstanding before the commission—whether State or Federal—or before a Federal court in a title VII action.

So, we would have a third parallel road that would be traveled by both parties involved, possibly at the same time.

Then, the employee could in addition to and while the foregoing proceedings were pending, file a complaint in Federal or State court under section 301 of the National Labor Relations Act based upon the union's alleged breach of its duty of fair representation in the handling of her grievance and upon the employer's alleged contract breach in denying her a promotion or employment, or whatever the issue happened to be.

In addition to concurrently pursuing each of these foregoing remedies, the employee could completely bypass both the EEOC and the NLRB and file a complaint in Federal court under the provisions of the Civil Rights Act of 1866 against both the employer and the union. In addition, she could file a complaint with the Labor Department against her employer in the event she believed she was receiving less pay than was being received by male employees performing like or comparable work. Of course, that would be under the Equal Pay Act of 1963.

Concurrently with all of the foregoing, Mr. President, the Attorney General could also be pursuing a "pattern and practice" investigation against the employer and union, either on its own initiative or as the result of a referral from the Commission. And, at the same time, in the event the employer is a party to a Government contract exceeding $50,000, the Office of Federal Contract Compliance could be conducting its own investigation on its own initiative, or as a result of a complaint by the employee, to determine whether the employer's or union's action violated their commitments under the appropriate executive order.

The PRESIDING OFFICER (Mr. HUGHES). The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield the Senator from Nebraska 5 additional minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 additional minutes.

Mr. HRUSKA. Mr. President, when one considers this vast scope, this vast spectrum, of all the proceedings, the collateral proceedings and the independent proceedings in half a dozen forums that could be conducted simultaneously on the same alleged offense, then, of course, one's sense of fairness is challenged. It simply is not fair. It is not fair to the employee who is entitled to an expeditious handling. It is not fair to the employer who is entitled to a place where he can legitimate a claim and have it over with, rather than waiting for 30 days, and then another 60 days, and the 60 days becoming 6 months, and simultaneously other arrangements having a similar timetable in other litigations on the same alleged violation of breach of the law.

Mr. President, it is to correct these foregoing defects and to boil this down to sensible and adequate proceedings that we would have this amendment.

The amendment would simply say that the multiplicity of suits would be dealt with in the following fashion: When a proceeding would be filed under section 706 of title VII, then that remedy would be exclusive. The employee, he or she, could not go to any of the other and additional channels to which reference has been made and commence proceedings there simultaneously. There would be certain exceptions to this procedure, certainly as to section 707 of the Civil Rights Act, the so-called "pattern and practice" suits instituted by the Attorney General, inasmuch as they partake of the nature of a class action. That class action could proceed notwithstanding the pendency of an employee's individual suit in a proceeding under section 706.

A second exception would be the Equal Pay Act of 1963. That should be allowed to go along on its own and within the purview of that act of 1963 to assure that an employee would not be discriminated against on the basis of receiving less pay than is being received by a male member of the organization for the same or equal quality of work.

Then, there would be a further exception and that would be proceedings in a State agency. Those proceedings could continue notwithstanding the pendency of an employee's action under section 706 of title VII. It seems to me and others that this is only fair.

This is not something that is discriminatory against the employee but it bars the employee from exploiting a situation which allows for the type of multiplicity of actions, and confusing and chaotic conditions that prevail when a large number of forums are available and ofttimes that many of them are used simultaneously all for no purpose except to visit harassment, harshness, and unnecessary expense on all concerned.

Therefore, I hope that this body will consider the equities and the circumstances and agree to the amendment so that we may do away with this situation in its burdensome and unfair aspects.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 5 minutes in opposition to the amendment.

Mr. President, the amendment which has been proposed by the Senator from Nebraska involves an issue in which the Department of Justice stands directly opposed to the position taken by the Senator. I should like to refer, in that regard, to a hearing before the Committee on Labor and Public Welfare held October 4, 1971, in which we had the testimony of David Norman, an Assistant Attorney General, stating the Department's position.

I refer the Senate precisely to pages 162 and 163 of the hearings record, where Mr. Norman deals with the issue which has been brought up by the Senator from Nebraska, with an exception or two which I shall indicate, which do not interfere with the argument I shall make.

The amendment which the Senator from Nebraska seeks to insert into this measure is a sentence included in the bill as passed by the other body in a somewhat more restricted form; that is, as to the singleness of the remedy which is available to a complainant. The restriction in terms of its form was as follows: In the House bill, there is no exception made for individual suits if the Commission decided not to sue itself, and there is no exception made for the so-called Equal Pay Act, relating to equal pay as between men and women. These exceptions are contained in the amendment before us, but they do not affect the argument made against the substance of the amendment by the Department of Justice, and, referring to the House bill that I have just described, this is what the Department's representative, Mr. Norman, said with reference to the House bill provision that I have just described, beginning at page 162 of the hearings:

> Section 3(b) of H.R. 1746 provides that charges filed with the EEOC and lawsuits brought, either by EEOC or by private individuals pursuant to Title VII "shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization." This could be interpreted as eliminating the use of provisions of federal law other than Title VII in the attack on employment discrimination.
>
> We will be happy to work with the Committee staff in clarifying the language in both instances.

He continues, as shown at the top of page 163:

> In sum, although we favor the granting of judicial enforcement authority to EEOC, we are concerned that at this point in time there be no elimination of any of the remedies which have achieved some success in the effort to end employment discrimination. In the field of civil rights, the Congress has regularly insured that there be a variety of enforcement devices to insure that all available resources are brought to bear on problems of discrimination. For example, housing discrimination may be the subject of suit by the Attorney General, a private suit by the party affected, or a conciliation effort by the Department of Housing and Urban Development. Again, in the field of education, remedies for discrimination are available to private persons, the Attorney General and the Department of Health, Education and Welfare.
>
> At this juncture, when we are all agreed that some improvement in the enforcement of Title VII is needed, it would be, in our judgment, unwise to diminish in any way the variety of enforcement means available

> to deal with discrimination in employment. The problem is widespread and we suggest that all available resources should be used in the effort to correct it.

That is the entire quotation, Mr. President, showing the opposition of the Department of Justice to this type of provision. It is in the House bill, as I say, in an even more restricted form.

With the attitude of the Senate toward this legislation, we oppose including it in the Senate bill.

What is allowed by the present legal situation? For one, Mr. President, it permits a range of actions under the National Labor Relations Act and the Railway Labor Act and before the National Labor Relations Board where an unfair practice can be charged by a worker against discrimination in a union or even by an applicant to join a union. We consider this opportunity to test out these questions in that forum as an extremely important one, and obviously the Attorney General does as well.

It would permit, for example, the decertification of a union for engaging in discrimination which is contrary to the provisions of title VII of the Civil Rights Act of 1964.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 3 additional minutes.

One other aspect of the matter which is cut off is the possibility of using civil rights acts long antedating the Civil Rights Act of 1964 in a given situation which might fall, because of the statute of limitations or other provisions, in the interstices of the Civil Rights Act of 1964. This is rather infrequent, but it is a valuable protection. The Attorney General feels that it is desirable to maintain it, and we agree with him. The idea is to enforce the law and not let people drop between two stools where they are actually violating the law.

Therefore, we believe that this enforcement should not be hobbled in this way. It is bad enough that we have such very long backlogs and that it takes long enough to get a case considered. We should not cut off the range of remedies which is available.

The only argument that is used—and I now read from Senator HRUSKA's memorandum which has been distributed to all Senators—is this:

> The purpose of the amendment is to avoid the potential situation whereby a respondent is faced with the requirement to defend multiple actions arising from a single offense. Such multiplicity of suits could result in undue burdens in the gathering of evidence and trial expenses as well as harassment and even a form of blackmail.

Mr. President, drawing on our experience with the longest enforcement of civil rights, which is our experience in the State of New York, which goes back to 1945, we may have many other complaints, but under these statutes we certainly have had no complaint of harassment, which business feared 26 years ago but, in its experience since that time, is not valid.

Furthermore, there is the real capability in this situation of dealing with the question on the basis of res judicata. In other words, once there is a litigation—a litigation started by the Commission, a litigation started by the Attorney General, or a litigation started by the individual—the remedy has been chosen and can be followed through and no relitigation of the same issues in a different forum would be permitted.

In balance, in view of the fact that the mover of this amendment puts up for us the possibility that there could be abuse, let us remember that this matter has been standing for the past 7 years; and I am not aware of a case—perhaps the Senator from Nebraska can point out cases to us—in which there has been claim of abuse. I am not aware that this is a major problem.

So all we would be doing, balancing what is sought to be avoided with what would be cut off, would be very limited in a way which the Attorney General of the United States opposes for the remedies which are available in unjust discrimination cases.

For all those reasons, so far as I am concerned—and I believe it is the attitude of Senator WILLIAMS also—we are compelled to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, the testimony of David Norman on behalf of the Department of Justice, to which reference has been made, is directed to very unyielding language in the House bill which is not at issue in the pending amendment. Three aspects are spelled out in the pending amendment which were not in the language considered by Mr. Norman, in that part of his testimony which was just read by the Senator from New York.

There is an exclusion in that pending amendment as to pattern and practice suits. There is an exception as to the Equal Pay Act of 1963. There is an exception for proceedings before State agencies. Any proceedings before State agencies could proceed, and this exclusion would not affect those three classes.

So that Mr. Norman was testifying on something totally different. He did say in his testimony, on page 162:

> We will be happy to work with the committee staff in clarifying the language in both instances.

He had some doubts in his mind as to how far the availability of other actions would go.

The fact is that the amendment would not cut off class suits, because the amendment is directed to an individual. The language of the House amendment is that except as provided elsewhere, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization. Mr. David Norman was concerned with the cutting off of the class action, and he said he would be willing to work with the committee to develop language which would clarify the situation in that regard.

It is the contention of this Senator that the language of the pending amendment does not cut off that class action. It would be a remedy pertaining to individuals only. Federal action on behalf of citizens would not be curtailed. It would not pertain to class actions that would affect a class. That removes it from the inhibitions of the amendment we are now considering.

I have every sympathy for varied approaches to enforcing one's employment rights as against discrimination. But the point of this amendment is, let us get them in one proceeding and not go to as many as a half dozen different forums and try simultaneously to confuse the proceedings and to make them more expensive, in terms of money as well as in terms of time and personnel.

Furthermore, it would be much more expeditious to do it this way, and that would be something in which every employee would be interested.

Mr. President, the Justice Department in Mr. David Norman's testimony, was objecting to the possible narrow interpretation that could attach to the House approved language. The amendment that has been proposed by this Senator takes into consideration the objections to the wording in H.R. 1746. It is much more narrow than the House provision and provides for certain exceptions not mentioned in the House bill.

It is a refinement over H.R. 1746 which takes into account the problems found therein. I believe the pending amendment should be approved.

The amendment is not designed to eliminate remedies for unfairly treated employees, but only to provide that they be litigated in one rather than a multitude of forums.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield back the remainder of my time if I have not taken the 5 minutes.

Mr. JAVITS. Mr. President, with Senator HRUSKA's approval, I again suggest the absence of a quorum, with the time to be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 1163) to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H.J. Res. 190) designating February of 1972 as "American History Month," in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 190) designating February of 1972 as "American History Month," was read twice by its title and referred to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

U.S. FOREIGN POLICY FOR THE 1970'S—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As I prepare to set out on my summit trips to Peking and Moscow, it is especially timely for the American people and the Congress to have available a basis for understanding the Government's policies and broad purposes in foreign affairs. That is the function of this, my third annual report.

These annual reports trace the evolution of our policies over the years of our term of office and describe our responses to new problems and issues as they have arisen. They provide an insight into our philosophy of foreign policy and our new approaches to peace.

The broad framework presented here will be filled out in two other major documents: the Secretary of State's second annual report, which will describe in detail our relations with individual countries and set forth the major public documentation of our policy, and the annual Defense Report of the Secretary of Defense.

RICHARD NIXON.

THE WHITE HOUSE, *February 9, 1972.*

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum under the same conditions as the previous quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE TWO HOUSES FOR THE LINCOLN BIRTHDAY PERIOD

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That, when the two Houses adjourn on Wednesday, February 9, 1972, the Senate stands adjourned until 12 o'clock noon on Monday, February 14, 1972, and the House of Representatives until 12 o'clock meridian on Wednesday, February 16, 1972.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 61) was considered and agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Under the same conditions?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Under the same conditions?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, the purpose of this bill is to correct certain deficiencies in title VII and strengthen the national policy against employment discrimination. It is not our purpose to repeal existing civil rights laws.

The amendment which has been offered by the Senator from Nebraska would make title VII and the Equal Pay Act the only Federal remedy available in cases of employment discrimination. It would severely weaken our overall effort to combat the presence of employment discrimination.

The existence of extensive employment discrimination is a well-established fact. Testimony before our committee has shown the pervasive nature of this problem. The burgeoning workload at the EEOC, as well as the increasing number of employment discrimination cases in our Federal courts, further reinforces the fact that employment discrimination is far from eliminated. There exists, therefore, an ample need for a concentrated effort to eliminate the presence of this national blight.

Our present effort to strengthen the EEOC through S. 2515 is a major step toward this goal. However, our goal cannot be achieved by repealing other laws already on the statute books.

As originally passed in 1964, title VII provided an administrative procedure before implementing the individual's right to sue directly in court under the constitutional guarantees against discrimination. S. 2515 corrects many of the shortcomings of that original 1964 act, but it is an improvement which is premised on the continued existence and vitality of other remedies for employment discrimination.

By strengthening the administrative remedy, Mr. President, we should not also eliminate preexisting rights which the Constitution and this body have accorded to aggrieved individuals.

The paramount national interest embodied in the elimination of employment discrimination is both an expression of congresisonal intent and judicial interpretation. While we have generally denounced employment discrimination, the courts, which have been in a better position to view the devastation which this type of discrimination wreaks upon our social framework, have been even more adamant. One need only read the recent decision by Mr. Chief Justice Burger in Griggs against Duke Power Co., to see the concern that the courts have. In describing the scope of the act the Court stated:

> The Act proscribes not only overt discrimination but also practices that are fair in form but discriminatory in operation.

Accordingly, the courts have repeatedly proposed a multifaceted approach to employment discrimination, to bring to bear the full force of the law on this problem.

The law against employment discrimination did not begin with title VII and the EEOC, nor is it intended to end with it. The right of individuals to bring suits in Federal courts to redress individual acts of discrimination, including employment discrimination was first provided by the Civil Rights Acts of 1866 and 1871, 42 U.S.C. sections 1981, 1983. It was recently stated by the Supreme Court in the case of Jones v. Mayer, that these acts provide fundamental constitutional guarantees. In any case, the courts have specifically held that title VII and the Civil Rights Acts of 1866 and 1871 are not mutually exclusive, and must be read together to provide alternative means to redress individual grievances.

Mr. President, the amendment of the Senator from Nebraska will repeal the first major piece of civil rights legislation in this Nation's history. We cannot do that.

In addition, the effect of this measure would be to repeal the validity of a longstanding legal doctrine that labor organizations under the Railway Labor Act and under the Labor Management Relations Act have a duty to fairly represent all employees in a collective bargaining unit. Cases to reforce such a duty may conceivably not be reached in title VII. The adoption of this amendment, therefore, might have the affect of depriving these workers of a most important legal remedy.

Furthermore, Mr. President, this amendment can be read to bar enforcement of the Government contract compliance program, at least, in part. I cannot believe that the Senate would do that after all the votes we have taken in the past 2 or 3 years to continue that program in full force and effect.

Mr. President, I believe that to make title VII the exclusive remedy for employment discrimination would be inconsistent with our entire legislative history of the Civil Rights Act. It would jeopardize the degree and scope of remedies available to the workers of our country.

To lock the aggrieved person into the administrative remedy would narrow rather than strengthen our civil rights enforcement effort. While I do not believe that the individual claimant should be allowed to litigate his claim to completion in one forum, and then if dissatisfied, go to another forum to try again, I do feel that where one form of relief proves unresponsive or impractical, or where the claimant has a particular preference to bring his claim in a forum other than that which is most commonly used for claims of his kind, he should have that right. This is especially true where the legal issues under other laws may not fall within the scope of title VII or where the employee, employer, or labor organization does not fall within the jurisdictional confines of title VII. These situations do exist, and I am sure that it is unnecessary to spell them out at this point.

The peculiarly damaging nature of employment discrimination is such that the individual, who is frequently forced to face a large and powerful employer, should be accorded every protection that the law has in its purview, and that the person should not be forced to seek his remedy in only one place.

For all these reasons, Mr. President, I urge the rejection of this amendment.

I point out to Senators the testimony that was presented before the committee on behalf of the Department of Justice. The Assistant Attorney General, Mr. Norman, said this, speaking for the administration:

> In sum, although we favor the granting of judicial enforcement authority to EEOC, we are concerned that at this point in time there be no elimination of any of the remedies which have achieved some success in the effort to end employment discrimination. In the field of civil rights, the Congress has regularly insured that there be a variety of enforcement devices to insure that all available resources are brought to bear on problems of discrimination. For example, housing discrimination may be the subject of suit by the Attorney General, a private suit by the party affected, or a conciliation effort by the Department of Housing and Urban Development. Again, in the field of education, remedies for discrimination are available to private persons, the Attorney General and the Department of Health, Education and Welfare.
>
> At this juncture, when we are all agreed that some improvement in the enforcement of Title VII is needed, it would be, in our judgment, unwise to diminish in any way the variety of enforcement means available to deal with discrimination in employment. The problem is widespread and we suggest that all available resources should be used in the effort to correct it.

In my judgment, Mr. President, it could not be put more forcefully and more precisely.

We are dealing with a problem in this country that needs all available resources to wipe from our land the terrible condition in which a human being can be and is discriminated against because of nothing that he had anything to do with—a discrimination that is based on race, color, religion, sex, or national origin. All available resources should be available to that individual. I say it. I am sure a majority here say it. I say that all the Members of Congress say it. Our difference is in how we reach it. One way to reach it is not to strip from that individual his rights that have been established, going back to the first Civil Rights Law of 1866. We say it most forcefully. The administration has said it, through its Department of Justice and its Assistant Attorney General, Mr. Norman.

Mr. HRUSKA. Mr. President, how much time remains to the respective sides?

The PRESIDING OFFICER. Four minutes remain before all time expires. The Senator from Nebraska has 1 minute, and the Senator from New Jersey has 3 minutes.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. There is not enough time for a quorum call.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. When there is not enough time for a quorum call to be requested, how much time is required under controlled time, under the rules, to request the call of the roll?

The PRESIDING OFFICER. It would take approximately 15 minutes for a quorum call.

If the Senator will yield back his time, he can request a quorum call under his own right, which would occupy roughly 15 minutes.

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. I do.

The PRESIDING OFFICER. All time has been yielded back.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

All time on the amendment has now expired.

The question is on agreeing to Amendment No. 877, offered by the Senator from Nebraska (Mr. Hruska).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GAMBRELL (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Maine (Mr. Muskie). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Virginia (Mr. Spong), the Senator from California (Mr. Tunney), the Senator from New Mexico (Mr. Montoya), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Cannon) and the Senator from Wyoming (Mr. McGee) are absent on official business.

I also announce that the Senator from Idaho (Mr. Church) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), the Senators from Washington (Mr. Jackson and Mr. Magnuson), the Senator from California (Mr. Tunney), the Senator from Connecticut (Mr. Ribicoff), and the Senator from South Dakota (Mr. McGovern) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Brock), the Senator from Massachusetts (Mr. Brooke), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Kentucky (Mr. Cooper) and the Senator from Texas (Mr. Tower) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Florida (Mr. Gurney) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Florida would vote "yea" and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 33, nays 33, as follows:

[No. 41 Leg.]

YEAS—33

Aiken
Allen
Baker
Bentsen
Bible
Buckley
Byrd, Va.
Byrd, W. Va.
Chiles
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Griffin
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Randolph
Roth
Smith
Sparkman
Stennis
Talmadge
Thurmond
Young

NAYS—33

Bayh
Beall
Boggs
Burdick
Case
Cook
Cranston
Eagleton
Fulbright
Gravel
Hart
Hughes
Inouye
Javits
Mansfield
Mathias
McIntyre
Mondale
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Taft
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Gambrell, for.

NOT VOTING—33

Allott
Anderson
Bellmon
Bennett
Brock
Brooke
Cannon
Church
Cooper
Fong
Goldwater
Gurney
Harris
Hartke
Hatfield
Humphrey
Jackson
Kennedy
Magnuson
McGee
McGovern
Metcalf
Miller
Montoya
Mundt
Muskie
Packwood
Percy
Ribicoff
Saxbe
Spong
Tower
Tunney

So Mr. HRUSKA's amendment (No. 877) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12067) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. ROONEY of New York, Mr. LONG of Maryland, Mr. ROYBAL, Mr. HATHAWAY, Mr. GALIFIANAKIS, Mr. MAHON, Mr. SHRIVER, Mr. RIEGLE, Mr. McEWEN, Mr. ROBINSON of Virginia, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 12488. An act to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Ala., to the George W. Andrews Lock and Dam; and

S.J. Res. 153. Joint resolution to designate the week which begins on the first Sunday in March, 1972, as "National Beta Club Week."

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. ALLEN).

HOUSE BILL REFERRED

The bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, was read twice by its title and referred to the Committee on Rules and Administration.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

AMENDMENT NO. 878

Mr. JAVITS. Mr. President, I call up an amendment and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 38, line 7, strike out through line 18 on page 47 and insert in lieu thereof the following:

(f) (1) In the case of a respondent not a government, governmental agency, or political subdivision, if the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court, the Commission shall so notify the General Counsel. The General Counsel may initiate a formal hearing before the Commission by issuing and serving upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based. The General Counsel, if he issues a complaint, shall also file the complaint with the United States district court for the district in which the unlawful employment practice in question is alleged to have occurred or in which the respondent resides or transacts business. Except as hereinafter provided, all further pleadings shall be filed with the Commission.

The district court shall have jurisdiction during the Commission proceedings upon motion of any party to the Commission's proceedings to review, at its discretion, any action of the Commission which involves a controlling question of law, if it finds that such review would materially advance the ultimate termination of the litigation.

After the Commission has filed its findings and recommendations with the court as provided in subsection 706(h), the court shall have jurisdiction to order the elimination of unlawful employment practices and to require such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title, except that (1) backpay liability shall not exceed that which accrues from a date more than two years prior to the filing of a charge with the Commission and (2) interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such action may further require the respondent to make reports from time to time showing the extent to which it has complied with the court's order.

(2) In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in such civil action. The provisions of section 706 (q) through (w), as applicable, shall govern civil actions brought hereunder. Related proceedings may be consolidated for hearing. Any officer or employee of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

(g) The Commission, upon receipt of the General Counsel's complaint, shall issue to all parties a notice of a hearing before it or a member or agent thereof appointed in accordance with section 556 of title 5, United States Code, relating to hearing examiners, at a place therein fixed not less than five days after service of the compliant upon the respondent.

A respondent shall have the right to file an answer to the complaint against him with the Commission and, with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person or persons aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing. Any such proceeding shall be conducted in conformity with the rules of evidence applicable in the district court of the United States under the Rules of Civil Procedure for the district courts of the United States, and under rules of procedure that conform insofar as possible with the Federal Rules of Court Procedure for the district courts of the United States. Any officer or employee of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

(h) If the Commission finds by a preponderance of the evidence that the respondent has intentionally engaged in or is intentionally engaging in an ulawful employment practice, the Commission shall file its findings of fact and recommendations concerning appropriate relief with the United States district court having jurisdiction of the case. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall file its findings of fact with the clerk of the court and shall dismiss the complaint. Copies of such findings and recommendations shall be served by the Commission upon the parties.

(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission or, after the filing of a complaint, the General Counsel upon approval of the Commission and the respondent for the elimination of the alleged unlawful employment practice and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or recommendation by it. An agreement approved by the Commission shall be enforceable under subsections (l) through (n) and the provisions of those subsections shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

(j) Findings of fact and recommendations concerning appropriate relief made under subsection (h) or (i) of this section shall be determined by a preponderance of the evidence on the record as a whole. Sections 554, 555, 556, and 557 of title 5 of the United States Code shall apply to such proceedings.

(k) (1) Any party aggrieved by a recommendation of the Commission may file in the United States district court having jurisdiction of the case sixty days after the receipt of such findings and recommendations a written motion proposing new findings and recommendations or seeking such other relief as may be appropriate under this title. A copy of such motion shall be forthwith transmitted by the clerk of the court to the Commission and to any other party to the proceeding before the Commission, and thereupon the General Counsel shall file in the court the record in the proceeding in the same manner as provided in section 2112 of title 28, United States Code. The court shall have power to grant to the moving party or any other party, including the Commission, such temporary relief or restraining order as it deems just and proper; and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree granting or denying, in whole or in part, appropriate relief. Any party to the proceeding before the Commission shall be permitted to intervene in the court.

(2) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. On the basis of such modified or new findings the Commission may modify its recommendations concerning appropriate relief. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review in the court of appeals as provided in section 1291 of title 28, United States Code. Motion filed under this subsection shall be heard expeditiously.

(l) The General Counsel, upon the recommendation of the Commission, may move in the United States district court having jurisdiction of the case for the immediate consideration of, and the entry of a decree to carry out, the Commission's recommendations concerning appropriate relief, and for appropriate temporary relief or restraining order, by filing in such court a written motion seeking the appropriate relief. The General Counsel shall file in court with his motion the record in the proceeding in the same manner as provided in section 2112 of title 28, United States Code. Subsection (k) of this section shall apply to proceedings upon motions made by the General Counsel under this subsection.

(m) If no motion for review, as provided in subsection (k) is filed within sixty days after service of the Commission's recommendations, the Commission's findings of fact and recommendation concerning appropriate relief shall be conclusive in connection with any motion for enforcement which is filed by the General Counsel under subsection (l). The district court in which such motion for an enforcement order is filed shall forthwith enter a decree enforcing the recommendations of the Commission and shall transmit a copy of such decree to the Commission, the respondent named in the petition, and to any other parties to the proceeding before the Commission.

(n) If within ninety days after service of the Commission's recommendations, no motion for review has been filed as provided in subsection (k), and the General Counsel has not sought an enforcement of the Commission's recommendations as provided in subsection (l), any person entitled to relief under the Commission's recommendations may move for a decree enforcing the recommendations in the United States district court having jurisdiction of the case. The provisions of subsection (m) shall apply to such motion for enforcement.

(o) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by attorneys appointed by the Commission.

(p) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding, the General Counsel, upon the recommendation of the Commission shall, after he issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, or until the filing of a petition under subsection (k), (l), (m), or (n) of this section, as the case may be, in the United States district court in which he filed the complaint pursuant to subsection (f). Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a) (2) thereof, shall govern proceedings under this subsection.

Mr. PASTORE. Mr. President, may we now have order so that we can hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. JAVITS. Mr. President, on this measure which I have called up, the Senator from New Jersey (Mr. WILLIAMS) is really the one who would have called it up. I ask unanimous consent that the Senator from New Jersey may appear in the RECORD as the sponsor of the amendment and I as a cosponsor. I had to act quickly because we seemed at the moment to be in a vacuum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this amendment has been called up for both of us. It represents the present committee position on the bill. In other words, will or will not the enforcement be according to the plan specified in this compromise, which is what it is, or will it be something else. If the compromise is rejected, then we will revert to the provisions of the bill, to wit, the cease and desist provision.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Not yet. If the compromise is sustained, then there will be a new plan, which I described yesterday. If, on the other hand, the Senator from Colorado decides to substitute his plan, according to his printed amendment, and he should prevail, that will be the way the bill will stand.

I believe, Mr. President, that it is time to bring this matter to a conclusion. I feel deeply concerned in conscience about quickie votes on a matter as critical as this. It is no one's fault. It is just life and events.

I would hope very much that the Senate will act with responsibility in respect for our leader, whom we all love and respect, the Senator from Montana (Mr. MANSFIELD), and that we could fix a time that would give Members a moderate notice—it does not have to be long—so that Senators can present their case and vote.

I am sure that the Senator from Colorado will present his proposal as a substitute for the proposal we have laid before the Senate and that this issue will be decided with celerity. Then I believe we will have a clear and fair shot as to whether we can have cloture or not; whether this Senate is going to be run by a minority or by the majority.

That will have reconciled about all the points of view that can be reconciled, among those who are for some bill. With respect to those against any bill to change the powers of the EOC, and I respect them and that is their privilege, I do not believe, as the managers of the bill, that the Senator from New Jersey and I can do anything about that kind of opinion, but to those who want a bill, we are trying to step forward, to offer a plan that is feasible and makes sense.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. I understand this modification actually gives the court the original authority to issue orders.

Mr. JAVITS. It does. It is an open covenant, openly arrived at. We are up against two problems: First, the difficulty of the commission having no power to conclude these cases, and the second is court congestion. We give up that power of the Commission to issue cease and desist orders, which is important, but we retain the ability to get over the matter of court congestion because we give the Commission the ability to hear the case and make its recommendation and findings to the court.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. I would be happy to yield to the Senator from Alabama, but I yield first to the Senator from North Carolina, if he wishes.

Mr. ERVIN. Which amendment did the Senator call up?

Mr. JAVITS. Number 878.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLEN. The Senator identified the amendment as a compromise amendment. Does the Senator allude to the "compromise" as being a compromise between the distinguished Senator from New York and the distinguished Senator from New Jersey? Who compromised the amendment?

Mr. JAVITS. I think the Senator from New Jersey will speak for himself, but I believe we have presented what we consider to be, jointly and together, a compromise of the point of view heretofore represented on the floor by the Senator from Colorado (Mr. DOMINICK) in presenting the succession of amendments that he has presented.

Mr. ALLEN. But both of you are already for the present bill, or the committee substitute. I wonder where the area of compromise is.

Mr. JAVITS. I said before I did not believe that this was any compromise with those against any EEOC bill of any meaning. So with all respect, I do not know what the Senator's position finally will be, but with all respect, it is my impression that that is the Senator's position. I know it and I respect it, as I said before.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Is it correct for the Senator from Rhode Island to say this is a compromise stemming from action that has already been taken by the Senate? The amendment of the Senator from Colorado was rejected, and the compromise is between that and the filibuster we have been experiencing. What we are trying to do is to go half way so we can break up the filibuster. As the Senator from Montana brought out the other day this filibuster has been going on since this session began.

I want to say at this point that it is not the absence of various Senators that has caused the trouble; it is the fact that we have not been able to vote. The other day we recessed at 3 o'clock. I do not know whose fault that was. However, the fact remains we have had a quorum here and if we had not had the delays we would have disposed of this bill long ago.

I want to compliment the Senator from New York and the Senator from New Jersey because on their own initiative, realizing the frustrations that beset us, they have gone half way by moving original jurisdiction to the court to issue the order. I do not know how far reasonable men can go unless it is desired and demanded that the winners declare themselves losers and the losers declare themselves winners.

Mr. JAVITS. I thank the Senator.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HRUSKA. I would like to ask the Senator to clarify the term "compromise." To me it has the connotation of agreement. Is there agreement between the views of the Senator from Colorado and the Senator from New Jersey and the Senator from New York on this matter? Or would it be more accurate to say the Senator from Colorado has a proposal and here is a different proposal? I do not want to quarrel about semantics but so far as the choice of words, "compromise" would seem to connote agreement between sides and perhaps that is not entirely applicable.

Mr. JAVITS. I might say to my friend that I am a lawyer, too, and have been for many years. I have proposed many compromises unilaterally.

Mr. HRUSKA. A compromise proposal, but "compromise" has a different connotation.

Mr. JAVITS. It takes two to be deceived.

Mr. HRUSKA. Correct.

Mr. JAVITS. I am sure nobody is deceived by my using the word "compromise" or believing the Senator from Colorado (Mr. DOMINICK) agreed. Yesterday he told the press he did not agree and it was widely published this morning.

I still say that the Senator from New Jersey and I proposed a compromise, which will be a compromise. I think the Senator from Rhode Island described it very accurately. It is what it does.

I shall be pleased to speak to that compromise during the course of this afternoon, beginning now.

If the majority leader wishes me to yield to him, I would like to do so.

Mr. MANSFIELD. I would like the floor in my own right, if the Senator will yield to me.

Mr. JAVITS. Of course. I yield the floor.

Mr. MANSFIELD. Mr. President, the vote showed 33 Senators for and 33 Senators against the Hruska amendment, with one pair. I am sure that the Senate knows enough about elementary arithmetic to know the difference between 100 and 67.

It is my understanding that the vote on the pending amendment will not occur until Tuesday next. That is 6 days away; another week wasted. I do not know what the Senate intends to do about facing up to its responsibility. I do not know how often they are going to to count who is here and who is not here.

All I want to say is you have a majority of the Senate here today and we are going to be in session all afternoon, whether we like it or not, because we are waiting to see what the House is going to do on the dock strike legislation which passed the Senate yesterday.

I do not intend to get down on my knees to this body because as a Senator from the State of Montana I am just as important as any other Senator in this body, just as important; but as majority leader, you have the joint leadership, including the minority leader, at your feet, and at your disposal. We cannot force you if you do not want to face up your responsibilities but you are doing a distinct disservice to the Senate and to the people whom you have the honor to represent. May I say, as I said yesterday, that no one forced any of the 100 Members of this body to become a Senator. We became Senators because we wanted to; we asked our people to vote for us and they sent us back here to represent them.

Sometimes I wonder just how much of a conscience this body has. Sometimes I wonder how they can delay, how they can postpone, how individual Senators can think of themselves foremost and the Senate secondarily.

We all happen to be lucky that we were elected to the Senate of the United States. There are thousands of people back home in our respective States who are smarter than we are, have more ability than we have, could do a better job than we do, but they have not had the breaks and the circumstances have not flexed to allow them to become Members of this body.

We are given a pretty good salary. We receive a goodly number of fringe benefits. And all we are asked to do is to come in to look after the interests of the people of our States, to expedite legislation, after appropriate debate.

And what do we do? We stall. We find excuses. Somebody is not here or somebody has to be there. We need our troops or we might lose.

Well, this country and this Senate are supposed to run on a majority basis. The Senate is supposed to function when a quorum is present, and a quorum is present. What this Senate is degenerating into—and use the word advisedly—is a 3-day-a-week body. We are all becoming members of the Tuesday to Thursday club, inclusive. And I think we are marking by our own actions here the apathy and the malaise which are affecting this Republic today.

If we cannot attend to our duties, how do we expect the people of this Nation to attend to theirs? What kind of an example do we furnish them? What sort of inspiration?

If this were an industry, we would pay a price for not being here, and if we did not produce we would be fired.

So I do not know what to do, frankly, because the power is not, and never has been, in the hands of the minority or the majority leaders. The power is in the hands of each Senator singly and the Senate collectively. And if you will not face up to your responsibilities, there is nothing—not a thing—that the leadership can do to force you.

So, as far as I am concerned, all I am interested in is getting the appropriation bills out of the way, and I would suggest to my colleagues, both those who are present and those who are absent, that we forget the rest of this business—authorizing legislation or continuing legislation needing new authorizations—and maybe in so doing we will be doing the country a favor. Maybe we will save a lot of money and a lot of strain. But, as far as I am concerned, I do not intend to lose any more sleep, as I have this past month, over the conduct of this body, which is supposed to be made up of mature people, people who can exercise sound and sober judgment, but people who are lacking, in my opinion, in the attributes which should be the hallmark of this body and which should contribute to the morale and to the welfare of this Republic.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. First of all, I do not wish to quarrel with the majority leader, for the simple reason that I agree with everything that he said; in the second place, I make no apologies for myself. for the equally simple reason that the senior Senator from Rhode Island has been here every day since the time that this session opened, with the exception of one afternoon. It was an afternoon when I had to fly to Rhode Island to attend the ordination of the new bishop of Providence and even then I flew back here immediately without attending the special reception in the Bishop's honor. So I do not need to make any apology for absence from this floor. What I want to suggest to the majority leader is that his admonition, which is quite strong, in my humble opinion, should have been made some time ago. For I remember only too well that when the Senator from Colorado brought up his amendment, he brought it up on a Thursday. Then because he had counted his troops and he did not have the votes, the word was spread around the floor of the Senate that there would be no vote until Monday, and a concession was made by the leadership to vote on that Monday. That was the time when the leadership of the Senate should have stood its ground and said, "You cannot do this. Your amendment is pending. Stay here and talk about your amendment until we vote on it."

We are caught in this unfortunate situation because there is a maze of strategy going on on the floor and a lot of manuvering as to what amendment is going to come up and at what time in order to defeat what the Senate has already achieved.

Naturally, the Senator from New York is very apprehensive that this strategy will emasculate the bill, so he has called up his amendment and said, "I will talk on this amendment until the Senator from Colorado brings up his amendment." But the minute he sits down, a motion is going to be made to lay his amendment on the table, just as sure as God made little green apples. That is the strategy that we are faced with.

The question is, Do you want an equal employment opportunities bill or do you want to defeat an equal employment opportunities bill? That is the question before the Senate, and those of us who are interested in having a good bill have every right to use every parliamentary procedure to see that the American people are not cheated out of the expression of the will of the majority. That is the question that is pending here. If they are going to abandon this to the minority maneuver and let it become a tool for parliamentary strategy, the senior Senator from Rhode Island, as long as he has a breath in his body, will not stand for it.

I could agree that it may be about time that a lot of these candidates for the Presidency of the United States should return to the Senate, but we have gone through that experience before. One of the greatest Presidents of the United States was John F. Kennedy, and I remember that if he had not gone around shaking all the bushes of this country, we might not have had him as President, and the people of this country would have been cheated of the fine leadership he gave us for 3 years. He was absent from the Senate because he felt he was on a vital mission for the American people no less than for himself.

The people we are talking about are running for the Presidency of the United States, and what is wrong with that? What is wrong with that? And because they are out on their high mission, because they are doing what they feel they must do in their hearts, minds, and consciences, they are absent. Maybe they ought to be here, but I do not buy the idea that it is abominable that they are not. I think that is pretty strong language to apply in the Senate.

Last Monday or Tuesday—I do not remember which day it was—we quit the session at 3 o'clock in the afternoon. Three o'clock in the afternoon. Why, with this bill pending? That is our fault, and let us get down to the genesis of the problem.

Another thing, too: We tried cloture twice, and we did not quite make it. We did not quite make it. Do you know why? Because the cloture rule is written for the rule of the minority, and that is the reason why we did not make it. The majority of the Senate voted for cloture, but we will not get cloture.

Now, what did the Senator from New York do? What is this horrible thing he did?

He brought up, on his own initiative, a unilateral compromise, knowing full well that unless he compromises he cannot get a vote and the bill is dead, and everybody in this body knows it. The bill is dead with the provision as it stands now, and I dare say that even if it goes to conference, it might be knocked out. So, realizing the practical situation, being realistic as they are, the Senator from New York and the Senator from New Jersey did what?

They stood up and said, "All right, you have lamented the fact up to now that we are giving the agency the power of cease and desist, which is a judicial power, and you do not like it." So all right, the Senators from New York and New Jersey say we will amend the amendment on our own initiative, even though we have won the first round. On our own initiative, we will amend the amendment and give the court that original jurisdiction.

How awful is that man from New York. Do Senators think he is going to stand there and let somebody put in a sneak motion to lay on the table, and crucify the bill this afternoon? Mr. President, he is not worth his salt, he is not worth a nickel to the people of New York, if he permits that. And that is all I have to say.

Mr. MANSFIELD. Mr. President, may I say this is the first I have heard about the possibility of a motion to table, although, of course, that is always in order.

Second, as far as the Senate adjourning at 3 o'clock last Tuesday is concerned, there was absolutely nothing to do in this body at that time, and if we had stayed here, there would have been nothing but talk, no votes. That is what confronted the leadership.

I would hope that these factors would be kept in mind, and may I say to my distinguished friend from Rhode Island, a man for whom I have great affection and whom I admire tremendously, that there are only five Members of the 33 absent today who are running for the nomination for the Presidency of the United States; so I would say they have been unfairly singled out in the overall picture, and I would like the record to be clear in that respect.

I now yield to the distinguished senior Senator from Maine.

Mrs. SMITH. Mr. President, it had been my intention to make a statement in the Senate today on the subject now being discussed, the subject of absenteeism. But the distinguished majority leader has so forcefully and so ably expressed my views on this subject that I ask unanimous consent that my statement be printed in the RECORD at this point, and I advise the Senate that a copy of the statement is on each Senator's desk, and I would urge each Senator to consider cosponsoring my joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR MARGARET CHASE SMITH

Mr. President: The very able, distinguished and dedicated Majority Leader yesterday made a very strong personal appeal on this Floor against absenteeism. Among other things he said:

> We have almost completed a month of labor, and produced nothing—not even a mouse . . . I would make a personal plea to every member of this body to not ask the leadership to delay on . . . any legislation this year . . . I would hope that the Senate would face up to its responsibilities; that each Senator would act with maturity, so that we can do the job which the people are paying us to do. . . Every single Member of this body sought this position, and with the position goes a duty, a responsibility, which means not only facing up to the schedule in this year of conventions and elections, but also facing up to attendance on the floor of the Senate. *The record of this body over the past month is, to put it mildly, abominable.* . . . there will be no sufferance, no exceptions made as far as any Senator is concerned regarding votes or a date certain on legislation. . . .

The Majority Leader's patience on abominable absenteeism is at an end—just as mine was when I made my statement two months ago on December 20, 1971 and stated I would introduce a constitutional amendment to curb absenteeism. I am attaching my statement of December 20, 1971 at the conclusion of my remarks.

I introduced that legislation on January 31, 1972. I now reintroduce it with a very minor clarifying change and I am pleased to introduce it on behalf of myself and Senators Anderson, Bennett, Cook, Hatfield, Moss, Randolph, Stafford, and Thurmond.

Not only is the Majority Leader's patience at an end—but so is the patience of the American people for I have received thousands of letters from people throughout the nation—from every state in the union, except Alaska (and Senator Stevens tells me that many Alaskans have voiced their support of my anti-absenteeism constitutional amendment to him) expressing very solid support of my proposal and the hope that their Senators and Representatives will support it. Their only basic criticism is that the required attendance should be substantially higher than the 60 percent I propose.

In view of this widespread national support to curb absenteeism, I again invite the members of this body to join me in the sponsorship of this proposal.

STATEMENT OF SENATOR MARGARET CHASE SMITH (DECEMBER 20, 1971)

The United States Senate is in trouble. It is because growing numbers of its members no longer regard it as a high institution for dedicated and honorable service but rather only as a means to an end.

It has become a mere springboard to those who would use it—even abuse it—for their selfish interests, whether such interests be commercializing their position and title with the acquisition of high-price lecture fees or running for President.

I have no criticism of presidential aspirations as long as those presidential aspirations do not result in dereliction of Senate duties in representation of state and national constituencies. After all, having been a presidential candidate in 1964, who am I to criticize presidential ambitions? Yet, I never missed a Senate roll call vote while I was running for President.

A greater cause of Senate debilitation comes from the Senate "moonlighters" who regard the Senate as strictly secondary to their money-making activities is being offered high-paid lecture fees simply because they are Senators. As the Republican dean of the Senate recently said, "Being paid $2,500 for $50 speeches." Presidential aspirants should realize that if they succeed to the White House the high paid "moonlighting" days are over.

Too many Senators have chronic absences because they are on the lecture tour piling up annual lecture incomes that even exceed their Senate salaries—sometimes even doubling their Senate salaries. Their absences not only openly retard and postpone the progress of Senate business because of the difficulty of getting the necessary quorum present to do business—but as well, behind the scenes unduly delay the Senate schedule. Because repeatedly they go to the Majority Leader or the Minority Leader and beg them to call off a vote scheduled for a certain day simply because they can't be there as they are making a high paid lecture hundreds of miles from Washington.

So the Senate procrastinates for the convenience of "the Moonlighters". And what happens on the Senate Floor, to a lesser degree, happens behind the scenes in the Senate committees.

In addition to the chronic Senate absentees of presidential candidates and "moonlighters" on the high-paid lecture fee circuits, there are those Senators who are bent upon squeezing out every bit of Senate-paid world travel and entertainment they can while they are a Senator. They put this pleasureable world travel ahead of the official duty to which they were elected. And they, too, ask the Majority Leader and the Minority Leader to hold off the votes until they return from their world junketing at taxpayers' expense.

So when you put the several presidential candidate absentee Senators, the many "moonlighting" absentee Senators, and the chronic world-junketeer absentee Senators together, you inescapably come up with a sizable number of not only absentee Senators but as well Senators requesting the Senate to procrastinate on its official business and regular schedule in order to accommodate their personal conveniences.

The accommodation of their personal interests and conveniences is at the high price of detriment to the public interest and the national interest. Not only that, but it frustrates and discourages those Senators who are dedicated to the Senate as an institution and who stay in Washington on the job to *do* a job instead of just to *hold* a job.

This 1971 Congress ended in a sad state of affairs. No wonder the American public is so fed up with Congress. No wonder so many conscientious members in their frustration left before the end of the session in their disgust over the personal and petty differences on conference reports.

As the holder of the all-time consecutive roll call voting record (2,941 until stopped by surgery in September 1968), I suppose that I have rightly been accused of having too much of a fetish in this regard. On the basis of the many broken promises for earlier adjournment, I repeatedly rescheduled times for physical examinations, therapy and treatment.

But as I went through day after day of early-morning-to-late-evening sessions in November and December resulting from the procrastination caused by the candidate absentee Senators, the "moonlighting" absentee Senators, and the world-junketing absentee Senators—and the petty and selfish bickering of uncompromising members of the House and Senate, I finally decided to declare my own independence and go ahead with my own physical care already postponed for two months by Senate procrastination.

This is the same pattern year after year in the Senate—the pattern of procrastination and accommodation to those Senators who simply don't stay around to do their share of their official work and duty—to legislate—who instead campaign, make paid lectures, and junket around the world.

Every year we end up at the end of the year doing what we should have done at the first of the year and completed by the middle of the year. Not only that, we end up in a marathon of early-morning-to-late-evening sessions that produce not only bad frames of mind, contentiousness, and petty bickering, but as well, in dangerous physical condition that takes its toll of us and those who work for us. And the resulting irritable tempers, mental and physical fatigue produce bad legislation.

Is this the way to legislate? Is this the way to represent the people?

Congress needs several reforms. The greatest attack is that made on the seniority system. Yet, it is the senior members who stay in Washington on the job.

But the greatest evil and weakness is "absenteeism". It is the breeder of procrastination. It is the delayer of orderly action. It is the greatest disgrace of the Senate.

Why then doesn't the Senate do something about "absenteeism" instead of piously wringing hands?

Because the Senate is a club of prima donnas intensely self-oriented—99 Kings and 1 Queen—dedicated to their own personal accommodation.

Consequently, the Senate is simply incapable of disciplining its members, whether it be violation of Senate rules of order and conduct, breach of national security, improper use or abuse of authority—or absenteeism. In the 23 years I have been a member of the Senate, only twice has the Senate reprimanded a member.

Because of the Senate's incapability for self-discipline on the problem of absenteeism and because of the serious responsibility of Senators to honor their obligation of staying on the job to which they were elected instead of being absent "moonlighting", campaigning or junketing, next month I shall introduce in the Senate a constitutional amendment requiring that a Senator be present and voting on record roll call votes at least 60 percent of the time or automatically expelled from the Senate.

Why did I select 60 percent? Because it is the same three-fifths majority that liberals and moderates have proposed many years for stopping Senate filibusters instead of the present requirement of a two-thirds majority.

The 60 percent requirement is relatively low. After all, usually 70 percent is required for passing or getting a low D in school.

And it is anything but restrictive on the absentee campaigners, "moonlighters", and junketeers!

For in the year 1971, the number of voting days was only 116, or at a rate of less than one out of every three days.

At a required rate of only 60 percent, this would mean that the requirement would be to refrain from absenteeism on roll call votes on only 73 out of the 365 days in the year—to be present and voting on only one out of five days.

Surely that is not a hardship on the "moonlighters", the "junketeers", and the campaigners—to let them "moonlight", junket, campaign or be absent from the Senate four out of every five days for whatever reason they might have!

I am not unaware of the probable resistance in the Senate to this self-disciplining constitutional amendment.

I will need the help of the news media to inform the American public and then the help of the American public to let the Senators know that they want this specific reform against "absenteeism".

MARGARET CHASE SMITH,
U.S. Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana still has the floor.

Mr. MANSFIELD. Mr. President, I have had my say. It has not been easy to say what I have said, but I wanted the Senate to know that I think a lot more of the institution than I do of any individual Senator. To me, this body is my home, and what it stands for is my ideal. I do not want to see the Senate denigrated, and I am sorry that events have reached such a stage, in this most tumultuous year with so much contentious legislation confronting us, and with so little to mark as an accomplishment at this time.

I only wish to point out, before I yield the floor—because I assume that the Senator from New York wishes to obtain the floor—that it would be my hope, in view of the fact that we very likely will not be able to vote on the Javits amendment or the proposed Dominick amendment to the amendment today, that it would be possible to reach an agreement this afternoon to which both Senators as well as the Senator from New Jersey, the chairman of the committee, would agree, by means of which a vote on the Javits amendment and the Dominick amendment could be arrived at a time certain on Tuesday next, because I understand that that, in effect, could be considered D-day as far as these two legislative proposals are concerned.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. JAVITS. I need not protest my respect for the Senator from Montana, he knows that. And the fact that notwithstanding Senator PASTORE's sage advice, I yielded the floor because the majority leader wanted it for himself, no matter what the risk in strategic terms, should certainly demonstrate that I am not asleep and I knew what it meant, that someone else could be recognized.

Mr. President, we do have—and I speak

really in a very personal sense; like the Senator from Montana, I have the Senate very close to my heart—a profoundly difficult situation which has divided our Nation for more than 100 years, and men feel very deeply about it. We have been through it before. I have been here myself since 1957, and have slept in my office all night and have endured all kinds of hardships in this fight. So I sympathize completely.

The Senator knows that I would like to get unanimous consent to wind this thing up immediately. The Senate knows that; it would be silly for me to protest any such thing. But with the deep feelings and emotions which have obtained, I say to my colleagues frankly it is almost beyond me that circa 1971, there should be any idea that if we do not pass this bill, we are going to kill off civil rights in employment or some other area. It is much too late for that.

Still, there are influences and feelings in this country that seem to think that we could do it. It seems out of the question to me, but there it is, and we have to live with it.

If people like Senator WILLIAMS and many others I could name, including the Senator from Rhode Island (Mr. PASTORE), did not keep them alive, these issues, precisely because they are so exacerbated by the differences, would go down the drain.

So I ask Senators to bear with us who have to wage this fight, because the Lord put us here to wage it. I do not ask the Senator from Rhode Island to temper what he said, nor the intensity of his remarks, but I beg him to understand us, that we do feel seized of a sense of mission which is an essential element of the ultimate freedom of our country according to our lights. As Senator PASTORE has said so eloquently, as long as we have breath, we, too, wish to do all we can, with decency to our colleagues—and the Senator has never found me lacking in that—to protect the things in which we believe.

Mr. MANSFIELD. Mr. President, I appreciate the Senator's remarks and the temperateness of the tone in which they were given. May I recall to his attention that I believe in the measure which is before us, and that I want to see it passed. But it appears to me that, because of the delay in facing up to the issue, we have perhaps somewhat damaged its chances of passage, which in the beginning were so much brighter than they are at the present time.

But that is beside the point. I did raise the question of the possibility of an arrangement for a time limitation for Tuesday next, and at this time I yield to the distinguished Senator from Colorado (Mr. DOMINICK) to see what his response is.

Mr. DOMINICK. I thank the Senator from Montana.

Mr. President, I arrived a little bit after the discussion had started, right in the middle of the impassioned address of the Senator from Rhode Island, which I was able to hear although Mr. PASTORE did not use a microphone.

I announced to the Senate yesterday that, as far as I was concerned, I would have voted on my amendment yesterday afternoon. I was told by the Senator from New York and the Senator from New Jersey that they did not think that was such a good idea. They had talked with me before about introducing a different form of their own position, with the understanding that such an amendment could be debated and that whenever I wanted to submit a substitute for it I would.

Their amendment was submitted late last night. It is perfectly apparent that it is impossible to get a vote on any of these issues unless Senators agree to it, or unless they have spoken their final piece. I have said before that as far as I was concerned, I was willing to submit my substitute amendment and vote on it at any time anyone wants to.

As far as the proposed amendment of the Senator from New York and the Senator from New Jersey is concerned, it does not meet any of the objections that I have raised, and I remain in total opposition to it. It constitutes cease and desist without using the words, and that, so far as I am concerned, is no offer of compromise at all.

If we use the court enforcement procedure—which, heaven knows, is an integral part of our whole system—we can get a bill, I believe. Otherwise many friends and opponents of mine have indicated otherwise that we are not going to get a bill. I, quite frankly share their assessment of the situation. The Senator from Montana ought to know how I feel about it and how a great many others feel about it, whether or not I feel that way.

I am willing to vote on my own amendment, but if we do not get anywhere with that, then I will probably be forced to try to search for another compromise. I have made two compromises to date, one of which was not satisfactory to either side. That probably means that it was a fair compromise, since it was not agreed to by either side.

My second compromise, amendment No. 871 provides for expedited hearings and determinations. It provides for a Supreme Court review of a three-judge court decision—in the very courts that have given the minorities their advances in almost every civil rights case we have had. I do not understand why people continue to vote against it, but they do. So all I can do is to continue my fight; because I am not going to settle for an agency enforcement if I can avoid it. A procedure which incorporates in one body the functions of investigation, judge, jury, and enforcer. It does not guarantee the respondent adequate due process rights and threatens to frustrate the aggrieved's rights with administrative snarls.

Mr. MANSFIELD. Would the Senator from Colorado consider the following proposal? I make it, because I understand that whatever he proposes will be as an amendment to the amendment offered by the distinguished Senator from New York.

Mr. JAVITS. It is really the Senator from New Jersey.

Mr. MANSFIELD. And the distinguished Senator from New Jersey—a joint proposal.

Would the Senator from Colorado consider a time limitation on his amendment or substitute, if it would be possible to arrive at a time certain, to vote on the Williams-Javits amendment now pending, in the interests of the Senate?

Mr. DOMINICK. I would be happy to agree on a limitation of time on my amendment and an agreed time to vote on my amendment. I am not in charge of those who oppose the Javits amendment. I have talked to a number of others who have said that they would not agree on a time certain for the Javits amendment. I am caught in that kind of bind. We can vote on my amendment. If it is agreed to, I pressume we can go ahead and vote on it. If it fails—and I do not know whether it will fail or not—then I suspect that a number of amendments will be offered to the Javits amendment.

Mr. MANSFIELD. Let me take a chance.

Mr. President, on my own, I ask unanimous consent to make this unanimous-consent request. I ask unanimous consent that a vote on the Dominick amendment, which I understand will be offered as an amendment or as a substitute to the Williams-Javits amendment, occur at the hour of 3 o'clock on Tuesday next, 6 days hence.

Mr. JAVITS. Mr. President, reserving the right to object, does the Senator intend to add to that a vote on the Javits proposal?

Mr. MANSFIELD. Yes. I would ask that immediately after the vote on the Dominick amendment or substitute, whichever it happens to be, a vote occur on the Williams-Javits amendment as amended or as not amended.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, Mr. President, as I understand the request of the distinguished majority leader, it is that a time limit be set on the vote on the Dominick amendment, and then, whether the Javits-Williams amendment is amended by the Dominick amendment or not, a time for voting on the Javits amendment would be set. Is that correct?

Mr. MANSFIELD. Immediately.

Mr. ALLEN. It is the judgment of the junior Senator from Alabama that we ought to take the steps one at a time and that we should not cut off the right to offer other amendments to the Javits amendment. Possibly some would not agree to the Dominick amendment but might want to perfect the Javits-Williams amendment.

As to this so-called compromise amendment, it seems to the junior Senator from Alabama that, while the distinguished Senator from New York said there are those who object to the words "cease and desist" and that they were going to get "cease and desist" out of the amendment, they got the words out of the amendment but they do not have the meaning out; because cease and desist is still there, and this is just another way of stating what is already in the bill.

So the junior Senator from Alabama would be delighted to agree to a time for voting on the Dominick amendment, even if that time is set 10 minutes from now, and then we will proceed as each amendment comes up. I think that would be the way to handle it.

Mr. MANSFIELD. In the interests of the best procedure for the Senate, and with the indulgence of the distinguished Senators from New York, New Jersey, and Colorado, would the Senate consider, in addition to the previous unanimous-consent request, that, instead of the vote occurring on the Williams-Javits amendment, whether amended or not immediately, pending the disposition of the Dominick amendment, there be a half-hour limitation on all other amendments to the Williams-Javits amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill or whoever he would agree to designate?

Mr. ALLEN. Mr. President, I would be constrained to interpose the reservation of an objection to that request, for the reason that, if we set a time limit on the Javits amendment, the Dominick amendment having failed, it would just be a matter of time before a vote was reached, and we would end up with the very same bill we have before us now, in effect; because it occurs to the junior Senator from Alabama that the Javits-Williams amendment really makes a rubber stamp or a cat's-paw out of the Federal district court, rather than to allow it to try these charges de novo and not merely from the record.

Taking it step by step, I would certainly agree to a vote on the Dominick amendment immediately.

Mr. MANSFIELD. If the Senator will yield, there would be no time certain to vote on the Williams-Javits amendment. It would appear to me that a half hour on other amendments, equally divided, depending upon the outcome of the Williams-Javits amendment, would allow plenty of time. Besides, even after the Williams-Javits amendment as amended, if it is amended, was disposed of, there still would be opportunity for the offering of other amendments.

So, in the hope that we could expedite the business of the Senate, I make this proposal at this time, because it would not begin to take effect until 6 days hence. That is a long way off. At that time, a good portion of this session of Congress—the conventions and the election considered—will be out of the way and irrecoverable.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOMINICK. I want to reiterate that I am willing to vote on my amendment today.

Mr. MANSFIELD. But there are others, I understand, who would not wish to have the vote today, because of circumstances over which they have little or no control, but which are understandable to all concerned.

Mr. DOMINICK. I would like to remind the Senator from Montana that a large group—I am not one of them—is going to the Interparliamentary Union in Canada on Wednesday next. The day after that, a number of Senators will be absent, for the reason that they did not realize that any more votes would be occurring that late in the week. I am not excusing them. I am saying that we will be constantly faced with a large number of absentees.

Mr. MANSFIELD. Well, the Senator has been a Member of this body long enough to understand that no one can foretell with any degree of accuracy, unless he uses a computer, as to who will be here and who is not here. But I wish we could get away from the policy which seems to have developed so much in recent years, this matter of counting the troops, and let a majority of the Senate decide. If absent Senators are interested enough, they will not go to Canada, they will not go here, or they will not go there. They will be in this Chamber because, after all, that is where they are supposed to be. That is where they are paid to be. That is where their responsibilities lie.

So I would hope that the distinguished Senator from Alabama would find some leniency in his heart so that we could get on with this legislation which has been so long delayed and the next part of which we cannot face for 6 days from now—almost a week.

Mr. ALLEN. Mr. President, reserving further the right to object, the junior Senator from Alabama would say that he feels sure the majority leader would say that the junior Senator from Alabama has not sought to delay the vote on a single amendment pending before the Senate. The junior Senator from Alabama is willing to vote right now on the Dominick amendment if it is offered; but he feels that it is his duty to his convictions to insist on having a look at the situation after a vote has been taken on the Dominick amendment.

That does not preclude the possibility of any agreement being reached after the vote has been had on the Dominick amendment. It might be adopted. I think that would be the best way to solve this impasse and would bring us quickly to a vote on the bill itself. That might be the best way out of this impasse, if we could agree at this time to an immediate vote on the Dominick amendment, when, as, and if offered.

Mr. MANSFIELD. Mr. President, I would make the request but I think it would be futile. I would anticipate an objection and I would not want to embarrass anyone. I will repeat my unanimous-consent request and I ask unanimous consent to make this unanimous-consent request, that is, that the vote on the Dominick amendment, or a substitute thereof to the Williams-Javits amendment, occur at the hour of 2 o'clock on Tuesday afternoon next.

Mr. JAVITS. Mr. President, does that just apply to the Dominick amendment?

Mr. MANSFIELD. Yes.

Mr. JAVITS. Then I would be constrained to object again. If I may explain, the majority leader said he did not want to embarrass anyone——

Mr. MANSFIELD. I meant on a vote this afternoon.

Mr. JAVITS. I understand that. The majority leader said he would not make the unanimous-consent request. I think, in all fairness, it is not fair to ask for a vote on a substitute and not ask for a vote on the main amendment and put us in the position of being the bad fellows and objecting, as we would be irretrievably prejudiced.

Mr. MANSFIELD. The Senator is aware of the fact that the Senator from Montana tried to get that into an agreement but was unsuccessful, so——

Mr. JAVITS. Then the Senator should not present it as a unanimous-consent request, and I say that with all respect. We should not be compelled to be the bad fellows and object, when it is a one-sided proposition.

Mr. MANSFIELD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. JAVITS. Mr. President, I think that what has transpired here this afternoon is clear evidence of where we are. Feelings are deep. Convictions are profound. We are all adults. Apparently this matter is not in any shape to be resolved.

So far as the distinguished Senator from New Jersey (Mr. WILLIAMS) and I are concerned, we are ready for a vote on the basic proposition. I really am speaking at great risk here now, but I believe that once the Senate disposes of the question on this occasion, so far as we are concerned, it is ended and I would expect, in all fairness to the Senate, and, after all, this advances the proposition of the Senator from Montana the furthest, that that would be so from the opposition side, too.

But we will be at hazard on this basic proposition on which Senators have voted already twice at least. That is all right. I am perfectly ready to accept that, and the results. But let us give a little notice to those who are proceeding on the theory that this matter was not coming up, as the majority leader said, under circumstances we cannot control, and give them the opportunity to appear here, cast their vote, as is their duty so to do, rather than to be caught by surprise. I do not want to deal in surprises in this situation. But I do not want to accept a one-sided unanimous-consent request which puts us at hazard when the other side loses nothing—if it wins, fine, if it loses, it still has plenty of time to go—and the bill is still nowhere.

I cannot see that at all. I cannot see that that is fair in any way, so far as we are concerned.

Mr. GAMBRELL. Mr. President, will the distinguished Senator from New York yield for the purpose of making or entering a motion to reconsider?

Mr. JAVITS. This Senator will not so yield, as this Senator is not apprised of the consequences of yielding for that purpose. This Senator has no reason whatever for any discourtesy, and will evidence none, but as soon as this Senator has a minute to satisfy himself as to the consequences of that motion, then the Senator would be prepared to yield, but not now.

Mr. President, as I said a minute ago, I believe that we are deadlocked in a serious situation. It evidences for the country a matter, really, of the greatest importance to all Americans; that is, who runs our country.

Mr. President, since 1957, when I first came here, I have supported motions to amend rule XXII. We have had rulings, and apparently it almost seems to be established now, even without a ruling, that rule XXII is susceptible to amendment only at the beginning of a new Congress.

So far as I can remember, we have pressed that every 2 years, whenever a new Congress came into being. We have always argued that by the operation of this rule it was not a majority of the Senate which determined the actions of the Senate but two-thirds, and that by the rules of the Senate a completely nonconstitutional devolution of power to one-third of the Senate had been granted.

We have been told in successive years constantly—especially in the past 10 years—that this is no longer a civil rights struggle and that all our concerns about the filibuster's being used—that is, used as a weapon to throttle civil rights legislation—were misplaced and ill advised, that no longer was the filibuster weapon going to be used against civil rights legislation.

But, Mr. President, I am glad that I was not taken in by that. I never have been. Here is the complete validation of that fact, the power of the minority—to wit, one-third—under rule XXII, to compel—and I use that word advisedly—the majority to accept what it wants rather than what the majority has voted. That is naked and clear.

It seems to me that very long-range interests are again at stake for the United States. If this power is to be utilized nakedly—as it is—it can be utilized in any quarter. It is a fact, and the country should know it, that one-third of Senators present and voting can veto any action by this country. That could include a declaration of war. It could include appropriations for the Armed Forces. It could include any solemn engagement made by the United States, or on anything necessary to its security. That is the way we are organized.

Every once in a while, something comes along to show it in all its pristine power. That is where we are now.

Mr. DOMINICK. Mr. President, will the Senator from New York yield for a question?

Mr. JAVITS. I yield.

Mr. DOMINICK. I just want to ask the Senator whether he really feels that a majority of the Senate voted against the Court enforcement especially when the plurality vote represented just a one-vote shift. That is not a majority of this body or anywhere else.

Mr. JAVITS. Mr. President, a majority of those present and voting have voted that way on two occasions, and whether it is a one-vote shift or not, they did not impeach a President by one vote. That would be a pretty important vote. It would be the first impeachment of a President. A lot of other measures are carried by one vote.

The evidence is that 60 percent of the Senate the last time out voted for cloture. I am talking about cloture; 60 percent of the Senate voted for cloture notwithstanding the presence of cease and desist power in the bill.

The Senator from New Jersey (Mr. WILLIAMS) and I believe that under those circumstances, with a majority vote, whether by one or two votes against the Dominick amendment or 60 percent of the Senate voting for cloture of debate with a cease and desist power in the bill, we think we certainly have more of a right to have it than the other side has to negate it because the Senate wants this measure and should not be denied the opportunity to enact it by the minority.

Indeed, the minority leaves us in no doubt of that because it says very plainly, "Unless you give us what we want, you are not going to have a bill."

There is nothing more clear than that. There is no more naked application of power than that. And that is what we are faced with.

The question is whether the Senate can summon the resources to deal with that situation or whether it will demonstrate itself to be powerless to deal with it.

Mr. President, I respectfully submit—and I have great affection and esteem for the majority leader—that this proposition is much more important in the gradation of importance than the proposition that we are taking more time than we should on this bill. I agree that we are taking time, but we are not taking more time than we should.

This subject is of such importance to the future of our country as to whether a minority can compel the majority to meet its terms simply by virtue of the fact that it can prevent majority action. It is the kind of thing on which grave social and political upheavals are compounded. I do not say that it will happen now. I hope and pray that it does not.

No matter what happens to the pending bill, it has the capability of being a measure which can really be a trial to the people of this country and one which the people think serious enough for this particular bill.

I deprecate the position in which we find ourselves. However, I take very seriously at heart and am comforted by the assertion by the Senator from Rhode Island (Mr. PASTORE). I think he is right. He said that a Senator would hardly be worthy of the name if he caved in to this kind of a situation.

Mr. WILLIAMS. Mr. President, will the Senator yield for an observation?

Mr. JAVITS. Mr. President, I yield to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I certainly applaud the ability of the Senator from New York, who has been on the ramparts in this battle and in the battle concerning the dock strike. It has wholly occupied his time all day and all night. He has carried the burden with magnificance.

That is my first observation. The second observation is that I would think that if I were out in the country and not a Member of the U.S. Senate, I would wonder what this great American body is all about. I would say, "They have an issue. They have had a vote. They have decided the issue. Then they decide that they have to decide it again and again and again."

This particular issue of cease-and-desist power has been voted with full dignity, not on motions but up or down three times?

Mr. JAVITS. The Senator is correct.

Mr. WILLIAMS. Mr. President, in 1970, the vote was in the neighborhood of 41 to 27 in favor of this method of enforcement on this bill.

Since we have come back, as the Senate majority leader has said, we have not done anything. We surely have not done anything finally. However, twice we have voted on this and voted in favor of cease and desist.

The Senator from New York and I have joined in an amendment to finally come to a decision. We have offered to step back and use the judiciary, which was all that we heard about during the debate.

We said that cease and desist was the effective and fair way. We are stepping back to the judiciary with this amendment. We have stepped back, and for the life of me I would think that if I were out in the country and not a Member of the Congress, I would say, "What are these men all about? In this society of ours, I thought we made up our minds in a democratic way, and that ultimately if the majority says this, this is it under the law." And that is what it is all about on this issue.

Again coming back to my opening observation, I have great applause for the Senator from New York for the way he has been carrying a substantial part of this debate.

Mr. JAVITS. Mr. President, I am grateful to my friend, the Senator from New Jersey. He, too, has shown enormous fortitude in the face of great difficulties in respect to this matter.

While we assess what we are doing, let us remember that from the point of view of any member of the minority in this country—and it is the minority who are affected by this measure, and especially the black minority, 11 percent of the people of the country—it all depends on whether one has a job. People like myself who live in enormous cities are so cognizant of that fact.

This is the most important of all civil rights bills. It may not appeal to someone so vividly if a small child is taken away from a good school or if a family is embarrassed by not being able to rent an apartment or buy a home. However, in the final analysis it is the man with the job that has the dignity, and it is the man with the job who can buy different things.

The deplorable conditions in the neighborhoods of many of the great cities, such as my own city of New York, are attributable very heavily to the fact that 25 or 30 percent of the males are unemployed and their families are on welfare. That is a very serious condition. There is no man in the house because the man has not had dignity and has not been able to earn a living or to get a job.

It has been said in the most colloquial way that——

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Mr. President, I yield to the Senator from Colorado for a question.

Mr. DOMINICK. Mr. President, I feel

just as sympathetic as does the Senator from New York for the people who have been discriminated against, as he knows.

We are faced purely with a practical enforcement issue and it seems to me in these circumstances that there is nothing so wrong with court enforcement that it should threaten the total bill. We can accept my amendment and go on with the bill. And in that way we would get a job discrimination-enforcement bill. Otherwise I am really afraid that we are not going to get one.

Mr. JAVITS. Mr. President, I must make two comments with respect to the statement of the Senator from Colorado.

It would be a remedy long deferred by very extended court calendars that are already heavily overloaded. The Senator proposes by his amendment—which he thinks is an improvement—to make it a three-judge court, sitting on the nisi prius basis, which means taking evidence. Considering the problems we have with court congestion already, I am appalled to think of what would happen if we provided for three judges on these trials, with a prolonged trial in a case of this character, involving discrimination. If we were going to go that route, I have very grave doubt that what the Senator has now proposed is not a regressive step rather than a progressive one.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. JAVITS. In a minute, if I might finish. I might say that what we have done is, we believe, a very marked effort to make the remedy meaningful. The way we propose to make it meaningful is by really supplying a separate court, a special master, or a referee. Really, the procedure we have outlined is pretty much what special masters and referees in bankruptcy do. It serves to divert from the court a great body of hearings, evidence, and so on, which is terribly time consuming and would only be aggravated by the congestion on the calendar. In New York, where we have such a terrible narcotics problem we are establishing a narcotics court. We have established rent courts. In other jurisdictions, not only my own, efforts have been made to deal with the grave problem of court congestion in that way, by adapting the court system to the situation.

For all those reasons I believe we are very materially effecting the remedy. One other thing I say to my friend in all fairness. He has always voted for civil rights measures. He is not an anti-civil-rights person. I meant him and others when I said there is a difference between us in method but certainly no difference in the fact that the Senator wants to get this bill passed. The Senator joined in letting the bill be reported from the committee where he could have filibustered it. The Senator voted for cloture and for civil rights. I have no challenge of that in any way. As a matter of fact, I said some people we cannot reconcile, but one of those is not the Senator from Colorado.

The other thing I ask the Senator is this. He has spoken with great assurance about the fact that all we have to do is go his way; that, if we could, and I do not believe we can, the bill would be passed.

Does not the Senator feel that he is out there adventuring in the wild blue yonder, too? After all, the Senator does not control those who absolutely oppose it; there is a hard core—even if we should get it through. I have done my utmost as has the Senator from New Jersey to walk the extra mile.

We really, honestly, genuinely thought we were making a material compromise, a concession, in eliminating the cease-and-desist power. Remember, this is the legend on the package and it is what all the civil rights groups have been agitating for, what the unions have been agitating for—and look at the publicity this morning. Be fair to us. What did the publicity say this morning? It said we had given away a great deal. We did not write that; they did.

I beg the Senator to do that, in view of his devotion to the civil rights cause for so long, which I confirm, and the feeling he has that we have not tried to walk down the road toward it.

Mr. DOMINICK. I appreciate the kind compliments from the Senator from New York. I know how devoted he is to civil rights and the great leadership he has exhibited. I have only one observation concerning his last comment with respect to the media. I remember yesterday when he introduced amendment No. 878. He said: "No, we have not given up on cease-and-desist; we have just changed it around." I replied to the media that his amendment is purely cease-and-desist with the words changed. The media thinks this is a great compromise which will pass. I do not think so.

I would be happy to go back to my first proposal and put the dispute in district court, but I honestly thought by bringing it in the form contained in amendment No. 871 I was expediting the court proceeding. This is the procedure utilized in other civil rights law including voting rights and public accommodations. It is an area where it might be helpful, and if it is not I would be happy to go back to my original proposal, which is the district court trial and regular appellate proceedings. I want to accommodate the Senator from New York on this matter if I can, but I cannot compromise this irreconcilable view where he wants the major work done through an Executive agency which is responsible to no one.

Mr. JAVITS. This Executive agency is responsible to the courts and the court will issue a decree.

I would feel that we were answering one big thing and that is the question of the power of the agency to brand a respondent as guilty. I do think that is a big thing.

In terms of the procedural situation respecting the courts I believe hearing the case and certifying the record is an important power and it is a compromise.

But I really feel their inability to issue an order against a respondent, which is yielded by our amendment, is a very big thing, and it is my belief—and not necessarily that of the Senator from Colorado, he rebutted that; but those who espouse the court position generally took that point of view; that is, they felt that the power which was granted by cease and desist was the power to brand the respondent as a person who had done wrong, had discriminated, that this was so potent a power they did not want the Commission in zeal to exercise it.

So I think in our way, by giving only the court power to issue such an order—I want the Senator to understand that the power to contest it before the court issues an order is a very imporant point for the respondent. Under a cease-and-desist power he could have made his case, then the Commission would issue a cease-and-desist order; but under the way we have it now the Commission would have made its recommendation before there was a condemnation, as it were, of the respondent, and the respondent still could have his day in court in opposition to that before a judge actually rules.

I think that is a very important power. I can conceive of many cases in which it is important to get the reversal, if that is what one wishes to call it, before an order is issued, rather than after a cease-and-desist order is issued, considering employee relations, trade union relations, and relations with the public in terms of sales, and so on. So I think it is very important.

Mr. DOMINICK. Will the Senator yield to me for just a moment so I may comment on this matter?

Mr. JAVITS. I yield.

Mr. DOMINICK. I shall submit a statement later concerning my views of amendment No. 878, but in the meantime I rise to criticize what happens under the Senator's amendment. According to amendment No. 878 the Commission issues findings of fact and recommendations upon which the court issues its order, unless the respondent within 60 days asks that the court review the record. Previous to this the parties do not have any hearing before the court. The only new item as far as I can see, is the fact that the court itself would have jurisdiction over the admissibility of single pieces of evidence as they go into the hearings. Other than that the courts are virtually powerless because the court has practically no discretion insofar as entering its order after the Commission issues its recommendations.

Mr. JAVITS. If I may reply to that, because I think it points up the case, in the first place, there has been much argument by those taking the Senator's position that Lord knows what rulings on the evidence, and so forth, would be made by the hearing examiners for the Commission; that the Commission could write a cease and desist order on that; but under this proposal the court is able to make interlocutory rulings on the controlling questions of law in the course of proceeding before the Commission. So I think that is an important concession.

The other important concession is one I mentioned before. The respondent is not branded, as it were, as a violator of the civil rights law, with all that implies in public relations, and so forth, by the Commission, but the Commission's recommendations have to be dealt with by the court, and it is only the court that makes the order.

Of course, if a respondent is going to default, if he is not going to appear, if he is not going to contest, then a court, even on the complaint, on default could enter an order. The court is not going to have a trial if there is no defense or if there is no answer; but if the respondent is going to answer and is going to contest, it seems to me we put him in a much more advantageous position to do so before the court.

In addition, the court may determine that it requires more evidence, in which case it can send it back to the commission to get more evidence, if it desires to get more evidence.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. JAVITS. If I may just finish.

So I think the rights which are conferred in terms of the respondent are very real and that there is not an automatic progression, the steamroller which the opponents of this idea have so strongly argued, of a commission rolling over a respondent and coming down with a cease and desist order. I think the commission can be stopped by way of a court intervening in an interlocutory way while the proceedings are going on, and, second, that nothing issues by way of determination until the court has not only considered the record but the opposition to the record interposed by the respondent. On those grounds, I think that there is a real difference.

I now yield to the Senator.

Mr. DOMINICK. The amendment as the Senator from New York has written it now is that the district court considers the findings of facts and recommendations only if the recalcitrant respondent makes a motion that the court do so. Otherwise the court just automatically affirms an order, which is the same as a cease and desist order—really just an administrative act.

Second, if the courts do decide to review the case, the district court duplicates the examination of the Commission issued findings of facts and recommendations, and then the case goes through the whole appellate procedure.

The net effect is—that such duplicative procedure is just going to delay the enforcement beyond anything my proposal would do.

Mr. JAVITS. No, because the big delay comes from the congested court calendar.

Mr. DOMINICK. Would the Senator oppose an amendment to return findings of fact responsibilities to the court?

Mr. JAVITS. No, I would not be in favor of that, because that is where the calendars are jammed. What I have tried to do—and the Senator has brought it up—is to make the Commission a special master or referee, which the court could appoint anyhow. That is all we are doing. We are enabling the Commission to act in the same way that a referee or special master could act.

Mr. DOMINICK. Will the Senator yield for one more question?

Mr. JAVITS. I yield.

Mr. DOMINICK. The Senator just brought up an interesting point. Suppose—and I do not think we should attempt this on the floor because we do not know where it will lead us—we included in the district court procedure language giving the district court judge the right to decide whether he wanted to try it himself or appoint a hearing examiner or a special master to hear the facts?

Mr. JAVITS. The court has that right, anyway. I do not know of any of these cases which have been referred to them, but I have no doubt they can do it. As the Senator knows, it is hard to decide these matters while one is standing on his feet debating the issue, but I believe the rules of civil procedure in the Federal district courts permit the appointment of a master to take the evidence.

Mr. DOMINICK. Then, under my amendment, one could do exactly what the Senator wants to do, only the court would be appointing him.

Mr. JAVITS. Except that they do not do it.

Mr. DOMINICK. There is no reason why they should not do it.

Mr. JAVITS. Let me ask the Senator, in return, just by way of speculation—and none of us knows what this means, because we need to check back on it—but under his amendment, would he care to give the court the right to refer the issue to the Commission as a special master?

Mr. DOMINICK. No, not to the Commission.

Mr. JAVITS. There we are.

Mr. DOMINICK. Not to the Commission.

Mr. JAVITS. I do not see why not. I say that poses the issue, as I see it.

Mr. President, I now deal with the differences between the Williams-Javits amendment and the bill, and also the differences between the Williams-Javits amendment and the so-called Dominick amendment, in order that Members of the Senate may be able to quickly gather the situation.

Under the bill, the complaint is filed in the commission. Under our amendment No. 878, the complaint is filed in the commission and in the district court.

Item No. 2: Under the bill, there are no interlocutory appeals for motions in the courts as of right to test questions of law which might arise—so that the normal rules of procedure would apply which say that there will be no interlocutory appeals or motions except in cases of clear illegality or unconstitutionality, in which case an application for injunction would lie.

Under the amendment, interlocutory court rulings are permitted on controling questions of law.

This is one of the things I have cited to the Senator from Colorado (Mr. DOMINICK) as being a very important point which changes substantively the provisions of the bill.

The third item is that cease-and-desist orders are issued by the EEOC under the bill, and the EEOC must petition for enforcement of the order in the court of appeals and the review of the findings is on the basis of the so-called substantial evidence test.

Under our amendment as now submitted, there is no cease-and-desist order issued. I have pointed that out. A cease-and-desist order would not issue, and the respondent's case is not terminated by the commission, but he still has the opportunity to test out the commission's findings of facts and recommendations as far as the court is concerned, so that the review, also under the substantial evidence test, comes before any order is issued.

That is very important, for this reason: Enforcement is a matter of discretion, and a respondent might very well be bound by the substantial evidence test in terms of a finding of fact, to wit, that he did or did not discriminate in employment. But as to enforcement in terms of back pay or anything of that character, I think there will be a very real opportunity for the intercession of the court in those situations.

Hence I think, Mr. President, there, too, the way we have drafted this amendment becomes a very critical aspect of the concession which we have made and the compromise which we have offered.

The last item, which I think bears repetition in terms of this comparison, is that the rules of evidence applicable in district courts apply to the EEOC hearings. That is provided by the bill now. Under our amendment, not only the rules of evidence, but the rules of civil procedure, which are applicable in the district courts, will be applicable to the EEOC procedures.

It seems to me, Mr. President, that under all of these circumstances, we are making a very sincere and a very precise offer of compromise in a really literal sense.

In general, the amendment makes substantial concessions. Also, I would like to approach this from the point of view of the quality and climate of adjudication, which are so important, and are substantially enhanced by giving the district courts a closer supervisory role over the Commission proceedings than the courts of appeal have under the bill, in the sense that they can act in an interlocutory way while the proceeding is going on, and there is nothing operative until the court actually issues the order.

Also, as I have pointed out, the question of remedy becomes very heavily a matter of consideration by the court, and there the court is not bound by the substantial evidence rule. That is only to back up the findings of fact.

So I think we have taken a really great step toward what has been contended for in leaving the freedom the courts have in shaping a decree—and they always do have that—to the court, as to what will be the remedy, what will be the recovery of wages, or rehiring, or whatever other remedy might be employed. And the courts have been rather inventive in terms of remedies in order to deal with situations of unlawful discrimination.

So it seems to me, Mr. President, that the combination of aspects of the case which we have offered becomes the critical element in this situation.

The situation which has brought on this whole bill is also of critical importance to the Senate in its consideration aside from these procedural matters to which we have constantly referred. Why are we here, and what brought us here? Why has the power which the commission has had and has exercised for some years been found inadequate? Why has there been such a great campaign abroad in the land respecting the necessity for strengthening this bill until it has become one of the most urgent aspects of reform in this country?

The reason is, Mr. President—and our committee report deals with that critical question—that while some progress has been made toward bettering the economic position of the Nation's minority population, which is the avowed goal of social and economic equality, it is still far from a reality.

For example, we find that the median family income for Negroes in 1970 was $6,279, while the median family income for whites during the same period was $10,236. There is support for this statement in the statistics of the Census Bureau, which show that blacks are concentrated in lower paying, less prestigious positions, and are largely prevented from advancing to the higher paid and more prestigious positions. Blacks constitute about 10 percent of the labor force, and yet they have only 3 percent of the jobs in the high-paying professional, technical, and managerial spots.

It is estimated, for example, that in those industries which have the highest earnings capabilities—and they are listed, according to the Bureau of Labor Statistics, as printing and publishing, chemicals, primary metals, fabricated metals, nonelectrical machinery, transportation equipment, air transportation, and instruments manufacture—blacks, instead of having 3 percent, the figure I mentioned before, are down to 1 percent of those in the professional and managerial positions in these, the best-paying industries.

On the other hand, when you look down at the bottom of the scale, in the lowest-paying laboring and service worker categories, you find that blacks account for roughly a quarter of all the jobs.

These figures show up again in respect to unemployment. The unemployment rate for blacks, especially for black teenagers, has been absolutely appalling. For example, the figures, here again available for 1970, show that while 4 percent of white males were unemployed and the unemployment rate for all whites was in the area of 5.5 percent to 6 percent, about twice that percentage of all blacks were unemployed, and even in the managerial and professional positions, the area with the lowest unemployment rate, black unemployment was roughly one-third higher than white unemployment.

Then when we compare these statistics—because they, too, are a minority sought to be reached by this measure—with the statistics on Spanish-speaking Americans, we do not have nearly as complete data, though there are 7.5 million persons in the United States in that category, but we find that their family income is even less than that of blacks for close to a comparable year, 1969 as against 1970; and we find also a higher incidence of the worst kind of poverty, with roughly one-seventh of those families having incomes of less than $3,000 a year, and again also we find a fairly heavy concentration of those families in the lowest paying occupations, with only a quarter of them in white collar jobs. That compares with over 40 percent for the general average in white-collar jobs in the United States, and with an overwhelming proportion, almost 60 percent of the males who speak Spanish in blue-collar occupations.

Then as to the unemployment rate: The last year for which we have figures, which is 1969 again, bears out the evidences—and the courts have held in discrimination cases that the ultimate facts can be used as evidence. The evidences of discrimination include, for example, the fact that the unemployment rate for the Spanish-speaking Americans is generally estimated at twice the national average.

Also, as this measure deals with the question of discrimination on the ground of sex, we have a situation which is no less serious so far as working women are concerned. The disparate treatment of women has been shown in studies which have been undertaken by the Women's Bureau.

Mr. MANSFIELD. Mr. President, will the Senator yield for a request, without losing his right to the floor?

Mr. JAVITS. I yield.

AUTHORIZATION TO CONSIDER A TREATY ON MONDAY, FEBRUARY 14, 1972

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that at 1:30 p.m. on Monday next, it be in order to take up the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed of the Ocean Floor and in the Subfloor Thereof. It was reported unanimously by the Committee on Foreign Relations today. It will be Executive H, 92–1, on the calendar. I ask unanimous consent that I may make this unanimous-consent request at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it would be the intent of the leadership to ask for a vote on that noncontroversial treaty at 2 o'clock on Monday next. I ask unanimous consent that the vote be held at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, may I suggest to the Senator from Georgia, who has been waiting, that I have no desire but to express the greatest courtesy to him. But I do not wish to prejudice any rights we have, considering the existing situation. I say this publicly, because I have no other way of speaking to the Senator. If he would be kind enough to confer with Senator WILLIAMS, I would endeavor, based upon his talking with Senator WILLIAMS, to work out his time problem, as I gather that he is anxious to get away, and I am keeping him here.

Mr. GAMBRELL. I appreciate the courtesy of the Senator. I certainly do not wish to prejudice his right to the floor. I simply wish to enter a motion, which I understand I must enter in person. I would not prejudice the Senator's rights to the floor.

Mr. JAVITS. I do not understand what rights it would prejudice, and I beg the Senator to speak with the Senator from New Jersey.

Mr. GAMBRELL. I will do that.

Mr. JAVITS. Mr. President, to continue, this bill also affects sex discrimination in employment, and the situation for working women in the country is very serious. They, too, are being seriously discriminated against. I might say—raising my voice a notch—that I hope the women of the country will realize what they have at stake in this bill. There is a great deal of talk about the liberation of women, and they seek it in many ways; and in my judgment they are entirely justified in many of the objectives they espouse. Here is the whole tremendous issue of job discrimination as it affects 30 million employed women in the Nation. They have the power and effect of backing up the desire of the majority leader to get this bill done. If 30 million women really got agitated about the fact that here is a bill on the floor which affects them and is threatened with extinction, it would count. I hope very much that they will listen and will manifest their strength where it really would count tremendously—on this bill.

As I have said, there are approximately 30 million employed women in the country. That is close to 40 percent of the work force, and it has gone up tremendously. It has increased by approximately three-quarters since the end of World War II, about 1947, until the last recorded figure which came a few years ago. In the same period, the increase of men in the work force has been only about one-fifth of that. So this is a tremendously burgeoning area. Notwithstanding the tremendous place of women in the world of work, their rate of advancement has been much slower in terms of high positions and all the other activities they carry on.

For example, the figures still remain very low with respect to their income. The last time for which we have figures, the salary, for example, for women scientists was about one-third less than it is for men. Women earned, in terms of factory employment, only about two-thirds of what a male would make.

Also, it is very significant that most women earned less than roughly $5,000 a year the last time we had figures, which is a few years ago, in 1968, while only 3 percent of the women earned more than $10,000 a year, and 28 percent of the men, or roughly 10 times as many, earned more than $10,000 a year.

So here is an area of very great discrimination, correlated, because they do have similar characteristics to discrimination on grounds of color and faith, and really involving vast numbers of people—indeed, numbers as vast as the total of the minorities, who are always thought of in terms of discrimination. So women have a very critical role, and I hope they will begin to play it.

It is very interesting to me that in the amendment which the distinguished Senator from Nebraska proposed today, on which we had a very close vote—as close as you can possibly make it—the exception was made of suits under the Equal Pay Act. That is an act intended to protect the pay of women, and it indicates a consideration of the problems which are brought on in terms of women, by the recognition that they had to be exempted from the operation of the amendment which the Senator proposed.

Mr. President, I repeat that women should interest themselves in this bill instead of thinking—as most do, I am sure—that it is something which does not directly concern them. It would make a great difference in the way this bill is being regarded here. You have women and minorities. You have a majority of the workers of the country, when you add the two, and even eliminate the duplication—or, at least half or close to half of the workers of the country—who would have a direct interest in a bill against discrimination in employment such as the one before the Senate. I regret that, seemingly, that has not been recognized or embraced as a critical, important element of what is here sought to be legislated.

Similarly—I think it is very important—the effect upon the total economy of the country of passing a measure such as this has been materially overlooked by employers. As employers are sellers of goods and of services, I see a critical importance to them in terms of their markets to have a more prosperous economy. Some years ago, when I was engaged in the civil rights struggle, there were large figures which were quoted as to the potential of the American economy if we eliminated employment discrimination both in hiring and in upgrading workers. As I recall the figures, they were originally developed by Oveta Culp Hobby when she was in the Cabinet of President Eisenhower. As I recall it, at that time, at those prices—under today's prices—but materially increased by perhaps as much as 25 percent, she had calculated the economic loss at $30 billion a year from failure to upgrade the minorities appropriately as they should be upgraded in respect both of having jobs and supervisory positions.

This is a critical matter as we approach the totality of the point we are making here, because $30 billion multiplied by, say, in round figures, one-third, would make a total of $40 billion which would mean a fat bulge in the Federal income tax "take," as most of the families who would be dealt with in that way come out of the lowest income brackets, or may pay no tax at all—many being welfare clients on a very large scale.

So what is involved here is critically important and very extensive.

Another aspect of the matter which I think is also significant is the burgeoning need of the American economic system for what are called the quasi-professionals.

If my memory is correct, and I think it certainly is correct on the order of magnitude of jobs which are expert or quasi-professional in character, right now they are something in the area of 15 percent of the total working force. I have seen many estimates that this will move up, in round numbers, to 25 percent before 1980. If that happens and it is bound to happen, I think almost the casual observer can see how it is happening almost under our eyes, there is a vast problem in training which faces all American business, because discrimination is discrimination not only in jobs, but also in the training that leads to jobs. So that we again have an opportunity for major utilization of this measure once we give it some teeth.

That brings me to the point which we have made constantly in respect to this agency, moving now from the general to the highly specific. Let us remember that the agency has a very limited power right now, and that that power is essentially the power of conciliation and that is about all. People do not like to be considered discriminatory. That is about as far as the Commission can go. Everything else depends on the individual, once we get by the prestige of the agency itself as an agency of the United States. That is, the individual who is discriminated against, to be able to sue, unless there is a pattern and practice of the Attorney General to sue—and that is by no means the prevailing case. The result has been a relative ineffectiveness on the part of the Commission. Worse than ineffectiveness, that ineffectiveness has been pyramided and proliferated by the buildup of a backlog so far as the Commission is concerned. That backlog is staggering, precisely because it found itself without any real power. So that it is simply ineffective and cases pile up and there is no place for them to go but into the courts—and that is expensive and slow. So they pile up and pile up and pile up.

When we dealt with this bill, our deep efforts in respect of the bill were to cut down the workload, which was intolerable, which simply arms the opponents of this legislation with more arguments and a constant number of arguments against the fact that we have piled up and pyramided a vast number of cases. So the cases pile up, because the Commission has no power. Then it is argued that the Commission is valueless, because the cases are piling up. One feeds upon the other.

Now the facts show, Mr. President, that since its inception, the Commission has received 81,000 charges. Of this number, the Commission has been able to achieve totally, or even partially, conciliation in less than half. This means that in a significant number of cases, the aggrieved individual was not able to achieve any satisfactory settlement of his claim through the Commission and was forced either to give up his claim or, if he found the necessary money and time, to pursue it through the Federal courts.

Now this becomes a very real problem because it piles up and piles up and piles up. For example, in fiscal 1970, 14,129 charges were filed with the EEOC. In fiscal 1971, the number increased to 22,920 charges. The Commission is now estimating that 32,000 charges will be filed this year alone.

Obviously, all we are doing is feeding the opponents of the Commission with arguments by simply denying to the Commission the opportunity to cut down its tremendous workload through effective enforcement power. They have no effective enforcement power. They are simply unable to progress in cutting down their workload. So it will grow and grow and grow and build up and arm those who are interested in knocking down the Commission with more ammunition to knock it down, precisely because they profit in that way from denial to the Commission of the opportunity to cut down its workload.

So, Mr. President, I believe that we have a situation which is, as I say, proliferating upon itself and is simply building up and building up the bad picture which we have, so far as the Commission is concerned.

These comments, Mr. President, I thought were a necessary background with respect to the reasons why we actually reported out the bill and why it is not fair to say, "Well, you have got a Commission and the Commission is functioning. We give it some money and a staff. What are you hollering about?"

We point out that, on that basis, we have got a complete breakdown in the Commission's possibilities for cutting down its workload or carrying on any of its business.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New York yield, without losing his right to the floor?

Mr. JAVITS. I am happy to yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request.

Mr. President, I ask unanimous consent that the distinguished Senator from New York (Mr. Javits) may yield to the distinguished Senator from Georgia (Mr. Gambrell) for the sole purpose of permitting Senator Gambrell to enter a motion to reconsider the vote by which the Hruska amendment was rejected earlier today; and further to propose that the Gambrell motion be put to the Senate Tuesday next at 1 p.m. and that a vote occur thereon at 2 p.m., with the time for deliberation thereon to be equally controlled and divided by the Senator from Georgia (Mr. Gambrell) and the Senator from New Jersey (Mr. Williams); and further that upon the making of the motion by the Senator from Georgia (Mr. Gambrell) the floor revert to the Senator from New York (Mr. Javits) without his right to the floor having been prejudiced.

Mr. ALLEN. Mr. President, reserving the right to object—and I shall not object—does this mean that the distinguished Senator from New York is going to occupy the floor from now until Tuesday and that the floor will be returned to him on Tuesday?

Mr. MANSFIELD. This is just for the purpose of making the request.

Mr. ALLEN. The Senator is not going

to be discussing this amendment of his until Tuesday, I trust.

Mr. MANSFIELD. No, it applies with respect to the agreement.

Mr. GAMBRELL. Mr. President, reserving the right to object, I have not agreed to this request, and I do not think the record should suggest that I have.

Mr. MANSFIELD. The Senator has not agreed. It was without his knowledge.

Mr. GAMBRELL. Mr. President, I did not propose this request, and I do not want to agree to it without a consultation with the Senator from Nebraska (Mr. Hruska).

It was my understanding that I was going to make a motion, with the understanding that it not be voted on this afternoon. So, I object.

Mr. MANSFIELD. Mr. President, I withdraw the request.

Mr. MANSFIELD subsequently said: Mr. President, I renew the unanimous consent request which I made, and I understand that it now has met with the approval of the main parties concerned.

Mr. JAVITS. Mr. President, that is quite satisfactory with me. There is one point, however, that I wish to be clear on. That is that we may move to table. We would not be cut off from that right.

Mr. MANSFIELD. It would be on the motion to reconsider.

Mr. JAVITS. That is right. However, I want to make sure that we are not precluded from moving to table that motion at the end of the time provided for its discussion. In other words, we could move to table before the vote on the motion to reconsider was had.

Mr. HRUSKA. Mr. President, if the Senator would yield, if it would be the sense of this unanimous consent agreement that a motion to table would not occur before 2 p.m., that would be agreeable with us.

Mr. JAVITS. I understand. It would be at the end of the time for debate.

Mr. HRUSKA. Yes. A motion to table would then be in order, and failing passage of that motion, we would then vote on the motion to reconsider.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GAMBRELL. Mr. President, under the agreement just made, I at this time enter the motion to reconsider the vote by which the Hruska amendment was rejected.

Mr. JAVITS. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The motion is entered.

Mr. JAVITS. Mr. President, I must apologize to the Senator from Georgia (Mr. Gambrell). He will realize now, I think, that I was not being arbitrary.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees have authority to report during the hours of 10 to 1 on tomorrow, February 10, 1972, together with any additional views if desired.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF LLEWELLYN THOMPSON

Mr. JAVITS. Mr. President, I call to the attention of the Senate the passing of a dear friend and great American, Llewellyn Thompson, former Ambassador to Moscow and top diplomat of the United States. I know I am joined by many Members of the Senate in extending deepest sympathy to his wife, Jane, whom my wife and I know so well and to his children.

I wish to convey publicly my appreciation and the appreciation of all the people of New York for Llewellyn Thompson's great service to our country. He was a unique leader in respect of our relations with the U.S.S.R. and I attribute to his gifted diplomacy much of the atmosphere in which progress was possible on disarmament, Berlin, Austria, and other major aspects of relaxation of tensions and peace in United States-U.S.S.R. relations.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 7, 1972]

Llewellyn Thompson Dies; Former Envoy to Moscow

(By Alden Whitman)

Perseverance, patience, a willingness to talk and a capacity for friendship were all qualities that served to make Llewellyn E. Thompson Jr. one of the nation's most effective diplomats in often-difficult dealings with the Russians during the cold war. As an exponent of the art of quiet diplomacy, he managed to keep open the channels of communications between the United States and the Soviet Union at times when the two super-powers were barely on speaking terms.

For almost 30 years, starting in 1940, Mr. Thompson was involved with the Russians. He was twice Ambassador to Moscow—from 1957 to 1962 and from 1967 to 1969. For 10 years, ending in 1955, he talked with the Russians about an Austrian State Treaty. There were 379 meetings before the accord was finally worked out, a feat of endurance for which he received the United States Distinguished Service Award.

Once asked how he managed with the Russians, Mr. Thompson replied:

"I am a great believer in quiet diplomacy. I think that in the long run it gives a better chance for finding successful solutions to our problems."

The tall, slim, rather reserved envoy might have added that he was a great practitioner of personal diplomacy. When he was in Moscow, a day seldom passed when he did not meet high-ranking Soviet officials in one social setting or another and engage them in conversation. He was on cordial terms with Andrei A. Gromyko, the Foreign Minister, and on friendly ones with Nikita S. Khrushchev, the Premier, often talking with him for hours on end.

EXONERATED BY KHRUSHCHEV

In the severe Soviet-American crisis in 1960 over the U-2 flight, Mr. Khrushchev publicly exonerated Mr. Thompson from responsibility for the incident. And during the Berlin crisis of 1961, the Soviet leader went out of his way to drink a toast to the Ambassador.

Soviet confidence in Mr. Thompson's integrity (which did not always extend to his Government) sprang in part from the fact that he spoke fluent Russian, that he took the trouble to see as much of Soviet life as possible and that he entertained thousands of Russians at Spaso House, his official residence.

Keeping himself at low pressure professionally produced manly strains on Mr. Thompson, who was widely known as Tommy. One evidence was the glass of milk and the package of graham crackers that were prominent amid the clutter of his desk and attested to his stomach ulcers. He also sought relief from his tensions in skiing, golf and poker.

"Tommy had the patience of a marble statue at the poker table," a fellow player recalled recently. "I've never seen anyone fold so many hands while waiting for the right cards. His judgment was superb."

HIS OWN ASSESSMENT

Although Mr. Thompson's achievements in Moscow were considerable—the cultural exchange agreement, paving the way for the nuclear test ban treaty, setting up the Vienna "summit" between Mr. Khrushchev and President Kennedy—he himself thought they were essentially negative.

"I don't think I ever made things worse, although there are great opportunities for causing harm here," he said at the end of his second Moscow mission in 1969.

As a Soviet expert, Mr. Thompson ranked with George F. Kennan and Charles E. Bohlen, who also served in Moscow. Unpretentious and conservative in dress and manner, Mr. Thompson was almost the reverse of the confident, elegantly casual Mr. Bohlen. And he was more down to earth than the rather intellectually arrogant Mr. Kennan, who was an author of the American containment policy toward the Soviet Union.

Discussing Mr. Thompson's ambassadorial role, Prof. Adam Ulam of Harvard, the Soviet affairs specialist, said recently:

"Within the limitations of American policy toward the Soviet Union, Mr. Thompson was the most effective of our Moscow envoys over the last 20 or 25 years. He understood Soviet motivations very clearly, as he demonstrated in the Cuban missile crisis of 1962. He recalled then that the Russians were not so much concerned with Cuba or missiles as with obtaining a bargaining position on other matters. His advice to President Kennedy was more profoundly based than that of many of his counselors."

BORN IN COLORADO

The son of a rancher, Mr. Thompson was born in Las Animas, Colo., on Aug. 24, 1904. As a youth, he worked on his father's spread, in a general store and in a logging camp in western Washington. On a boat trip from Seattle to Los Angeles, he met a retired consul, whose account of his life as a diplomat excited and inspired the young man. Back home, he enrolled in the University of Colorado and worked his way through.

After receiving his bachelor's degree in 1928, he attended the Foreign Service School of Georgetown University in Washington and was appointed a Foreign Service officer in January, 1929. He began his career as a vice consul in Ceylon, shifting to Geneva in 1933 and moving up to consul in 1937. Meantime, he served as an American adviser at conferences in Geneva of the International Labor Office. During most of 1940, when the war in Europe was escalating into World War II, Mr. Thompson attended the Army War College in the United States.

The following year he was posted to Moscow as second secretary and consul at the American Embassy. In the summer of 1941 the Germans were hammering at the gates of Moscow, and the diplomatic corps moved with the Foreign Ministry and most of the Soviet Government to Kuibyshev on the middle Volga. Mr. Thompson was assigned to stay in Moscow to look after the embassy and other United States property and interests.

"VERY GRIM PERIOD"

In what he later called "a very grim period," the diplomat studied Russian and attended the theater. The Nazi siege was lifted in August, 1942, but the Russians did not forget that Mr. Thompson had shared their hardships in good part. Their special feeling for him traced to his having stuck it out in the menaced capital. From the United States he received the Medal of Freedom for handling the embassy "at the risk of capture" by the Germans.

In 1944, Mr. Thompson was assigned to London and two years later he was brought back to Washington. There he was given a series of increasingly important administrative jobs—chief of the Division of European Affairs, deputy director of the Office of European Affairs and Deputy Assistant Secretary of State for European Affairs. In his progression up the ladder, he acquired the professionalism that was to distinguish his diplomacy. He also gained a reputation for imperturbability, which was to help advance his career.

In June, 1950, Mr. Thompson was assigned to Rome as counselor of embassy, and two years later President Harry S. Truman sent him to Vienna, first as High Commissioner and then as Ambassador. Much of his time was occupied in negotiations for a Trieste settlement and with the Austrian State Treaty.

Both Italy and Yugoslavia claimed Trieste, the key port at the head of the Adriatic. It took nine years, ending in 1954, to divide the region between them on terms both could accept.

"EVEN RUSSIANS APPROVED"

He spent the climactic eight months of the talks in London, meeting regularly and quietly with Italian and Yugoslav representatives.

"It [the accord] was one of the few things we have done that even the Russians approved of," Mr. Thompson said at the time.

Simultaneously, he was working behind the scenes on the Austrian treaty, by which Austria regained her independence in 1955 in return for a pledge of neutrality. The military forces of the United States, Britain, France and the Soviet Union were also withdrawn under the treaty. Its final terms were worked out in 11 days of furious and arduous bargaining, during which Mr. Thompson lost 17 pounds.

The experience with the Austrian treaty and the Trieste accord reinforced his belief in the value of careful negotiation out of the spotlight of publicity. Mr. Thompson often referred to these pacts as "open covenants secretly arrived at."

At one of the peaks in the cold war in 1957, President Dwight D. Eisenhower chose Mr. Thompson as Ambassador to Moscow. Within a few months the Soviet leaders began to press for a summit conference, and the new envoy was called up to undertake the sensitive reporting and negotiating job that cautious United States policy required.

URGED KHRUSHCHEV TRIP

Although a formal summit did not eventuate, Mr. Thompson urged on the State Department the wisdom of inviting Premier Khrushchev to the United States. This trip, which required months to arrange, took place in 1959 and resulted in a notable relaxation of Soviet-American tensions. Mr. Thompson accompanied Mr. Khrushchev on his visit, which culminated in a meeting with President Eisenhower at Camp David, Md. "The spirit of Camp David," hailed by Mr. Khrushchev, was a fruit of Mr. Thompson's patient and tenacious diplomacy.

Mr. Thompson also helped lay the groundwork for the Paris summit of 1960, which was aborted after a U–2 overflight of the Soviet Union that was directed by the Central Intelligence Agency. The envoy's relations with Soviet leaders remained good despite the episode, and he was continued at his post for almost two years by the Kennedy Administration.

Having been made a Career Ambassador in 1960, he was retained as a State Department adviser when he left Moscow in the fall of 1962, and he was Acting Deputy Under Secretary of State for Political Affairs from 1964 to 1966, when President Lyndon B. Johnson appointed him to Moscow again. Arriving there in January, 1967, he helped to arrange the meeting later that year between the President and Premier Alexei N. Kosygin in Glassboro, N.J.

SECOND TOUR DIFFICULT

Mr. Thompson also sought to deepen the détente by keeping alive the possibility of limiting the Soviet-American nuclear missile race. But his second tour in Moscow was difficult, owing chiefly to the Vietnam war, and he never had a single serious talk with Leonid I. Brezhnev, the principal Soviet leader.

[From the Washington Post, Feb. 7, 1972]

Llewellyn Thompson, Former Top Envoy, Dies

Llewellyn E. Thompson, 67, U.S. ambassador to the Soviet Union during the Khrushchev era, died of cancer yesterday at the Clinical Center of the National Institutes of Health in Bethesda.

A career diplomat of 40 years service, Mr. Thompson was ambassador in Moscow from 1957 to 1962 and again from 1967 to 1969.

Mr. Thompson, known for his close relationship with Soviet leaders, was a presidential adviser when he was not serving as an ambassador.

He was "one of the outstanding diplomats of his generation," Secretary of State William P. Rogers said last night in a statement.

"President Nixon and I will miss (his) sage advice," Rogers added. "His counsel and skill helped guide our country through the difficult period with which it was suddenly confronted at the end of World War II."

Rogers also cited Mr. Thompson's "invaluable advice" during the Cuban missile crisis.

In addition, he praised Mr. Thompson's contributions to settling the dispute between Italy and Yugoslavia concerning Trieste and negotiation of the treaty that ended the post-war occupation of Austria.

The secretary further lauded the ambassador for his role in negotiation of the nonproliferation treaty and formulating policy on limitation of strategic weapons.

"The country has lost a wise and faithful counselor."

Mr. Thompson died shortly before 5 p.m., an NIH spokesman said.

Llewellyn Thompson—Master of His Job At a Crucial Time

(By Marilyn Berger)

Llewellyn E. Thompson Jr., who died yesterday in Bethesda, was the right man in the right place at the right time when he was sent to Moscow in 1957 as United States ambassador.

It was a rare moment in history, when for the first and only time a Soviet leader was willing to open a dialogue with the American envoy to the Kremlin. And in personal dialogue, "Tommy" Thompson, as he was known to everyone, excelled.

Nikita S. Khrushchev was reaching the peak of his power. His political opponents were all but vanquished; he had exercised the title he had earned in 1956 as the "butcher of Budapest." Shortly after Mr. Thompson's arrival, Sputnik launched the Russians into near euphoria, and the volatile Khrushchev was promising to "overtake and surpass" the United States in consumer goods as well.

During his five years as the American ambassador, Mr. Thompson, who succeeded one of the greatest Soviet experts, Charles E. (Chip) Bohlen, developed an extraordinary personal relationship with Khrushchev. The Soviet leader trusted him because he knew he would get from Mr. Thompson a clear and accurate assessment of U.S. policy. Perhaps even more important, he knew that Mr. Thompson would convey his views precisely.

"He was the finest of the old type of confidential diplomat," said Richard T. Davies, a Sovietologist who served in Moscow during part of the Thompson term. "He was a man at his best in the kind of personal relationship that used to be more important than it is today."

Today's diplomats, and Mr. Thompson himself in his most recent service as a delegate to the Strategic Arms Limitation Talks, are endowed with little leeway, being under a constant requirement to check with the White House.

Mr. Thompson, an exceedingly gentle, warm, soft-spoken man of quiet charm that seemed a blend of old world and old frontier from his Colorado upbringing, attributed much of his success to the fact that he never gave an interview from the time he went to Moscow.

As a result, he felt, he not only had good relations with Khrushchev, but also preserved close ties with the Soviet ambassador in Washington, Anatoly F. Dobrynin. "Anatoly knew that Tommy wouldn't go blabbing about," said one admirer. Mr. Thompson, whose self-effacement was almost legendary, once said that if he did speak out he would want to say what he thought, and that would have surely reduced his ability to negotiate. Thus he preserved his anonymity and stayed far from the lecture circuit. As he once said, "My reticence cost me a lot of money."

He said he never had any interest in writing his memoirs either, because he was more interested in the here and now. "I'd be bored to tears going back over all the old stuff," he confided. But he did talk about picking up a tape recorder some day to reminisce about Khrushchev.

Officials who knew him at the time say that Mr. Thompson saw the Soviet leader at least twice a month, more than any other diplomat in Moscow—including those from Eastern Europe. Looking just after Khrushchev died, back on these years, he said: "He opened doors and windows that can never be fully closed again. He cut back the KGB (secret police) to size." He often wondered aloud whether the United States might not have done more to lead the Russians further down the Khrushchev path.

Newspaper clips are full of reports of his marathon talks with the Soviet leader. In 1961, for example, there was a four-hour session in Novosibirsk, where the Soviet premier was on a farm tour and where he invited the American ambassador to make an unprecedented journey. Before Mr. Thompson completed his tour of duty in 1962—which turned out to be the first of two as ambassador to the Soviet Union—Khrushchev kept him for a five-hour talk. They even took family sleigh rides together.

His expertise was relied on in the Cuban missile crisis in 1962 when the two superpowers came close to nuclear confrontation. It was to Robert F. Kennedy that he gave the credit for the proposal to answer the less-belligerent of Khrushchev's two letters, but Mr. Thompson's assessment of how Khrushchev would respond weighed in heavily.

Robert F. Kennedy, in his memoir of the Cuban missile crisis, "Thirteen Days," wrote that President Kennedy, seeking all views, "wished to hear from Tommy Thompson, former (and now again) ambassador to the Soviet Union, whose advice on the Russians and predictions as to what they would do were uncannily accurate and whose advice and recommendations were surpassed by none."

His sure ability to assess the Russians predated his years of service as ambassador in Moscow. When he was the U.S. ambassador in Vienna, he was awakened one night with a report that Soviet tanks were headed for the Austrian border. What was the United States going to do about it if they didn't stop? he was asked. "Forget it," Mr. Thompson reportedly replied as he turned to go back to sleep.

Mr. Thompson was certain that the Russians would not let the Hungarian freedom fighters win; he was equally certain that the Soviets were not interested in spreading the conflict, particularly not into Austria, whose neutrality Mr. Thompson himself had helped to seal in the Austrian peace treaty.

During his years in the Soviet Union as ambassador to the turbulent Khrushchev, he and his wife, Jane, frequently entertained at Spasso House, inviting Russian artists, composers, educators as well as foreign ministry people to parties both large and small.

He saw the "Spirit of Camp David" come and go, saw the U-2 go down in Russian territory and suffered through a Berlin crisis. He accompanied Khrushchev on his visit to the United States—the one where he examined corn in Iowa and was deprived of his visit to Disneyland—and had his wife quietly pass the word to Nina Khrushchev that perhaps her husband shouldn't speak out quite so much on American domestic politics.

Mr. Thompson, whose Russian was fluent, was the first American ambassador ever to go on Soviet television in a Fourth of July prime-time appearance in which he urged a freer flow of information to remove misunderstandings between the American and Russian people.

Mr. Thompson's relations with the Russians started well before his appointment as ambassador. From 1940 to 1944, he was second secretary and consul in the American embassy in Moscow, volunteering to stay behind to report to Washington on the Nazi advance when the diplomatic capital was moved to Kuibyshev.

A bachelor in his 30s at the time, he spent the long, cold nights of the winter of 1941 perfecting his Russian and going to the one theater that had remained open. Mr. Thompson once estimated that he had seen the ballet "Swan Lake" and the opera "Eugene Onegin" about 50 times each. For remaining in charge in Moscow "at the risk of capture," he later received from the State Department its Medal of Freedom, the first of many honors he was to receive.

As he finished his first tour as ambassador to Moscow in 1962, he was praised by President Kennedy for "brilliantly furthering our country's foreign policy objectives during a period of international tension." He was given the highest honor the government can bestow on a civilian, the President's Award for Distinguished Federal Civilian Service.

In 1971, Mr. Thompson was honored by his colleagues with the Foreign Service Director General's Cup. This capped a 40-year career—he was fond of recalling that President Coolidge appointed him—that took him to Ceylon, Switzerland, Cuba, England, Italy, Austria, and Russia. Secretary of State Dean Rusk described him as "one of our great professionals," an assessment that was lifted in urging him to reluctantly accept a second tour of duty as ambassador to Moscow in 1967.

Two major achievements built Mr. Thompson's reputation as a negotiator: the Austrian State Treaty and the Trieste settlement. Friends would invariably link his skill at the negotiating table with his virtuosity at the poker table. The Sunday night game in Moscow became something of a legend. "He was one of the deadliest poker players in the United States," said one man who dared not play for fear that he'd "still be sending payments to Llewellyn E. Thompson."

Mr. Thompson calculated the odds, said one official who served with him, adding: "There's no doubt about it. That kind of mind is applicable to negotiations. When he pulls a bluff he counts on winning it. As for negotiations, there's an action-reaction. It involves presenting your position in such a way as to bring the other side along toward you. Tommy knew how to do that."

He also knew when to stand firm. He calculated when the Russians were prepared to make a move, and when nothing the United States would put into the mix would make any difference. For example, despite Soviet profession of interest in mutual force reductions, Mr. Thompson remained skeptical. He felt that detente would make it more difficult for the Soviets to control their Eastern European neighbors, which could mean trouble for them, and in turn for the United States.

Arms control was another matter. The Russians, he believed, had become convinced that spending more on weapons would not buy greater security. Thus, he reasoned, a deal might be arranged.

Mr. Thompson's feeling was that only one country in the world, the Soviet Union, could do lethal damage to the United States, and that foreign policy should therefore be concentrated on improving prospects for detente with Moscow. As a result of this belief, President Nixon's almost precipitous move toward China left him skeptical. Mr. Thompson's first question was: "Are we paying a price with Russia?"

Llewellyn E. Thompson was born in Las Animas, and worked as a young man on his father's small sheep and cattle ranch.

It is said that while returning home from another job, in Washington State, he met a retired American consul whose stories of the diplomatic service excited and inspired him. After working his way through the University of Colorado, he held a job briefly as an accountant until receiving an appointment as vice consul in Colombo, Ceylon, in 1928.

He served in increasingly responsible posts at home and overseas. During his term as high commissioner to Austria, Mr. Thompson slipped away in January, 1954, ostensibly for vacation.

Instead, characteristically avoiding publicity, Mr. Thompson went to London where he worked for eight months with a British colleague to resolve one of the most troublesome problems left over from World War II, the question of Trieste.

For nine years both Italy and Yugoslavia had claimed the Adriatic seaport. Finally, in a 1954 agreement, the region was divided between them. Mr. Thompson recalled that the entire work almost fell apart over a disagreement involving an area the size of one city block. By standing firm, he felt, an impasse was averted.

The next year, after 10 years of give and take between East and West regarding a treaty to end the post-war occupation of Austria, Mr. Thompson got an agreement hammered out in 11 days of intensive bargaining. In his view, the Russians had finally made the decision to conclude an agreement. When they come to that point and not before, Mr. Thompson used to say, they will negotiate and make concessions. Mr. Thompson's strength lay in recognizing when the right moment had arrived.

In the years between his two assignments as ambassador to Moscow, he served as an ambassdoar at large, and became briefly involved in the effort to open negotiations with the North Vietnamese.

Wherever he served, Mr. Thompson was popular. Nowhere was he more sought after as a dinner guest, however, than in Washington. When at the age of 44 the attractive bachelor finally married, the headline was: "Bad news for hostesses." The story noted the disappearance of that always needed "extra man" from Georgetown dinner tables.

Mr. Thompson met his wife, the former Jane Monroe Goelet of Boston, on a trans-Atlantic voyage. They were married in 1948. When they were in Vienna at the time of the Hungarian uprising, Mrs. Thompson organized a soup kitchen to feed 5,000 refugees a day.

Mrs. Thompson, an artist, has one daughter, Fernanda Goelet, from a previous marriage. The Thompsons have two daughters, Jenny and Sherry Anne, who spent the years in Moscow with their parents.

In recent years, Mr. Thompson was active in a mutual fund business, as an adviser to the Strategic Arms Limitation Talks delegation, and on CIA's Board of National Estimates, a group that keeps tabs on world-wide intelligence.

The Thompsons lived at 3915 Watson Pl. NW where the ambassador spent much of his time in a cheerful booklined study overlooking a small garden. Russian icons, in perfect state of preservation, and each with its own memory for the Thompsons, decorated the walls. Throughout his illness, which required several visits a week to the National Institutes of Health for radiation treatments, Mr. Thompson continued working and seeing friends, deferring to his condition only by taking afternoon naps. He traveled frequently to Minneapolis on business and to California to see his daughters.

Mr. DOMINICK. Mr. President, I would say along the same line that I am not sure if the Senator from New York knows it, but Mr. Thompson was a native Coloradan.

Mr. JAVITS. Really?

Mr. DOMINICK. He was a marvelous person. I was extremely fond of him. His loss is a loss deeply felt by this Nation and by our diplomatic branch.

I join the Senator in the expression of deep regret to his family.

EQUAL EMPLOYMENT OPPORTUNITIES ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, we felt, because of the plethora of cases and the inability to have any way in which those cases could be disposed of by virtue of the constant building up of a backlog in the absence of any ability to curtail the number of cases through the power of the Commission to decide, that we were in an impossible situation. Hence, Mr. President, there was the granting of the cease-and-desist power to the Commission which the committee voted for and reported in the bill.

Let us really analyze what this means. What is the cease-and-desist power which is granted to the Commission in the bill? We have heard so many comments about the fact that this is a case of the Commission being a prosecutor, a judge, and a jury all in one. We have heard that there is no accountability to anyone and that this is an absolutely autocratic procedure.

Mr. President, with all respect to those who have made the assertions, they are simply belied by the fact that, in the first place, cease-and-desist orders are issued by the Federal Trade Commission and by other agencies of the Government, including Government departments, not even commissions. And we have had the great body of law called the Administrative Procedure Act which gives procedural due process in such agency proceedings.

Mr. President, continuing now with the reasons why we gave the cease-and-desist power and a showing as to why the cease-and-desist power is not in any way a star chamber procedure, as it has been called, as I pointed out a minute ago, cease-and-desist power is in the hands of other Federal agencies. It is a power which other agencies have, including departments. Some 32 or 24 State commissions dealing with equal employment opportunity also have cease-and-desist authority. Again, I would point out that the procedures and the history of the situation in New York, of which I am extremely proud, shows that we have had under our law since 1945—26 years—the administration of the best antidiscrimination law in the United States, with Governors, particularly the present Governor, Gov. Nelson Rockefeller, and other Governors, regardless of parties, beginning with Gov. Tom Dewey, all of whom were absolutely devoted to this effort.

Mr. President, this therefore very materially reduces the charge which is made about the star chamber procedure. Also, Mr. President, the practice in respect to these matters is important to understand. In the first place, the cease-and-desist order, although it is a finding—and that is what I debated with the Senator from Colorado—it is not operative as a decree. There is really nothing that the respondent has to do about it, though he may be unhappy with it. There is nothing he has to do about it.

Mr. President, the only establishment and the only entity which can do anything about it is the court. And in this case, on the present basis the Commission must make the case in court on the record and a cease-and-desist order and a decree is entered. Only then does it have operative provisions and only then can it be enforced by contempt, civil or criminal, whichever may be the remedy that would be justified.

Mr. President, so that there will be no operation of the cease and desist except by decree, and within 60 days, the respondent can contest the cease-and-desist order and then the matter goes through the mill in terms of decision by the court, again without the cease-and-desist order becoming operative unless the court, after the contest, puts it into effect by decree.

So under these circumstances, protected with full procedure and due process under the Administrative Procedure Act, it seems to me that no oppressive action can arise or that the charge of star chamber proceeding can be made.

I hope Members will read what we have debated here today so that, on the one hand, those with me and the Senator from New Jersey in feeling we want to jump over the long delay in courts may be dealt with in an appropriate fashion, and also those who hold with the Senator from Colorado and feel we have not given anything up, will read the Record and our amendment with great care.

I really believe what I said in respect to the powers which are left in the Commission. That is a real statement. There are real powers left in the Commission, but also real powers are given up, and that real power is the greatest of all for public condemnation—the issuance of a cease-and-desist order. Such an order, being entered, if it is contested, cannot be enforced; but it is a finding—and an authoritative finding—and he is ordered to cease and desist. When one is dealing with companies that spend millions of dollars in public relations that is not a very happy thought.

Mr. DOMINICK. Mr. President, is the Senator from New York about to yield the floor? I would like to comment on the amendment. The Senator has now talked an hour or more. I know the Senator does not often engage in this practice but, as long as the rule exists, it might as well be used. I do not intend to stop the Senator. But if no one else can get the floor there will be no opposition in the Record to the amendment.

Mr. JAVITS. The Senator knows I would never hold the floor as long as I have except for a reason. I was deeply disturbed by Senator Pastore's assertion that there might be a motion to table our amendment.

Mr. WILLIAMS. Will the Senator yield?

Mr. JAVITS. Coming now, that would be most embarrassing.

Mr. DOMINICK. I had not heard a vague rumor of that until I was outside the door.

Mr. JAVITS. It is the same with me.

Mr. WILLIAMS. There was a misunderstanding. There was developing the thought that there would be a motion to reconsider the Hruska amendment and there would have been a motion to reconsider that. It has nothing to do with our amendment.

Mr. JAVITS. I thank the Senator. Under those circumstances, with that feeling of assurance, I would be prepared to yield the floor in a moment so that the Senator from Colorado can speak.

I think the Senator from Colorado is correct. I hope he would, without straining himself, introduce his views in the Record in a fairly elaborate way. No matter how many people may say we are running it, we are not running it. Our colleagues will come here and vote yea and nay whether they have heard the debate or not, and that will settle our hash in a very definitive sense.

I hope the Senator will make his case as fully as he thinks he should because we have a few days and Senators will be able to read the essential elements in the Record. I hope very much we can work out our problem and vote with reasonable promptness. I think we should vote on the substance and then there should be adequate opportunity to amend the amendment of the Senator from New Jersey and me; then, we should vote on that. I do not wish in any way to cut off that. I believe both can be accomplished with reasonableness if we are of a mind to vote on two questions.

There are those who will oppose it to the end, even if the Senator from Colorado wins; and we may still have cloture, but we will be over that hurdle and I am perfectly willing to engage in that enterprise and leave opportunity to amend our proposal. I hope very much the Senator will now help us to achieve some agreement.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I will not take much time on this matter but I do think it is worthwhile for the sake of the record, as the Senator from New York so correctly stated, to make a statement about the amendment which I understand is now the pending business. Is that correct?

The PRESIDING OFFICER. The pending business is amendment No. 878.

Mr. DOMINICK. I thank the Presiding Officer.

Mr. President, I had hoped when we initially talked about the possibility of working something out that the Senator from New Jersey and the Senator from New York, in trying to formulate an acceptable proposal would come up with something that was rather meaningfully different from the original cease and desist proposal.

I have read over amendment 878 with considerable care. For the benefit of those who may read the Record or who may be listening I would like to outline what happens under the amendment. First a complaint is filed and then the Commission determines whether it can secure voluntary compliance. Mr. President, the Commission has descretion to judge acceptability. If they do determine that the compliance agreement is not acceptable, that determination is not reviewable in any court.

In other words a compromise agreement is attempted to be worked out but then the Commission can say, No, that is not satisfactory to us. It might be satisfactory to both sides but not the Commission. Then the Commission determination forces further Commissioner involvement under succeeding sections.

That, I understand, is in the original bill. So there has been no improvement along that line.

Following that, then the Commission notifies the General Counsel. The General Counsel has the discretion to initiate—a formal hearing before the Commission by issuing and serving upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based.

If the General Counsel issues a complaint, he then files it with the United States district court for the district in which the unlawful employment practice is supposed to have occurred. But except as the amendment thereafter provides, all further pleadings shall be filed with the Commission.

So the only thing there is in the court, unless questions of evidence have come up, is the original complaint. So the court has no knowledge of what is going on except to review questions on controlling issues of law, if the court finds that such review would materially advance the ultimate determination of the litigation.

At this point, all that is before the court is the complaint, so it is going to have to have a hearing to determine whether it will ultimately advance the termination of the litigation. This compounds the litigation process.

Then, as I read the proposal, the Commission files its findings and recommendations with the court. That recommendation, incidentally, includes findings that unlawful employment practices exist and whatever affirmative action may be required for reinstatement or hiring of employees, with or without back pay, limited only by a 2-year limitation.

The next procedural step as contained in subsection (k), provides that any party who thinks he has been aggrieved by the recommendation of the Commission may then file in the district court, within 60 days, a written motion requesting the entry of new findings and new recommendations; in other words, a relitigation of the issues. A copy of that motion is given to the Commission and to all other parties, and then the General Counsel files in the court for the first time the record of the proceedings. Up until that time the court does not have the foggiest idea of what has been going on, or on what basis the recommendations were made, or on what basis the recommendations should be revised.

The court then has power to grant any temporary relief, if it wants to, and after receiving the testimony and proceedings set forth in the record, it can issue a decree.

In other words, what we have proposed here is two trials instead of one. We have one trial before the Commission, upon which it bases its findings of fact and recommendations, and then if the aggrieved party does not like the Commission recommendations, it can move for another trial before the district court.

So we have the same bogged-down procedure that was emphasized so much by the Senator from New York—only in this case we duplicate it. It originates before the Commission, which already has a backlog of over 32,000 cases, and, with expanded original jurisdiction, will have many more than that. It will probably take 2 or 3 years before a party can get to the Commission for a hearing. Then a party can go to the court and have a new trial on the record and proceedings before the court.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS. I did not hear the full statement, but in the last statement the Senator is saying there is a full trial before the district court.

Mr. DOMINICK. Only on the record that has been produced by the Commission. In other words, the court does not give a full hearing, but based upon the record of the pleadings and everything else, it has to determine what relief it is going to give.

Mr. WILLIAMS. It makes a judgment and enters an order, or decides not to, on the record that has been sent up to it from the Commission. Is that correct?

Mr. DOMINICK. I quote from the amendment:

> The court shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such record—

Mr. WILLIAMS. That is based on the record made.

Mr. DOMINICK. Granting or denying, in whole or in part, appropriate relief; and that occurs only when the aggrieved party makes a motion for reconsideration. Otherwise—and this is the point I want to make—those recommendations go into effect as a matter of course. There is no other review by the court whatsoever.

So the court, in effect, is forced to treat a ministerial action as a court decree without having any idea what was in the record or what the facts were or what the testimony was before the Commission. That is where no objection is raised.

On the other hand, if an objection is made and the record is filed, the party can go through the court and the court can do what it wants to.

The interesting thing is that the proponents, believing that they were doing something constructive—and I really believe they were trying to do something—have compounded the worst problems of both issues. They have compounded the problem of trying a case initially before a commission which has filed the complaint, and which has done the investigation, and then the amendment, say, OK, this is what we need, we need to do this by cease and desist order in order to get around the court system, which is badly backlogged; but then they go through the court system, ultimately, anyway. This really does not make much sense to me.

I could go on and on, and probably will later on, to point out some of the other problems, as I see them, in this amendment; but this is the real nub of the situation.

I cannot, for the life of me, understand why the proponents of the bill are taking such an adamant position on the particular point of cease and desist. They have already agreed in committee that, in the case of Federal employees, after proceeding through their agency remedies, they can go through the Attorney General into the Federal court system or to the Civil Service Commisison Board of Appeals and Reviews, at their option. The proponents have already agreed that State, county, and local government employees, instead of relying on cease-and-desist orders before the Commission, could go to the Attorney General, who would decide whether or not he is going to file, a civil action on the employees' behalf. In pattern and practice suits, they agreed to either leave enforcement of grievances with the Attorney General for a period of 2 years, with some concurrent jurisdiction in the EEOC, contingent upon subsequent reorganization provision, or to leave it entirely in the hands of the Attorney General, which then can go into the district courts.

Under what conceivable type of logic can the proponents of cease-and-desist orders say it is best to go to the court system for the Federal employees, and best to go there for the State and local government employees, and it is probably best to go there in practice and pattern procedure; but in the case of private employees, we are going to force them to agency determinations.

I cannot understand how, under any conceivable logic, they arrive at that result.

I might add here that in the amendment the Senator from New Jersey and the Senator from New York have proposed there is provision for court procedure when they want immediate relief. Parties can get injunctions or temporary restraining orders. They have to go to the court to get that.

That is already in the present bill. So on every single thing, except in terms of private employees, cease-and-desist proponents say, "Let us use the court system, which is the typical forum of relief for minorities throughout this country; but in the case of private employees you cannot do that."

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. It was with interest that this Senator listened to the colloquy between the Senator from New York and the Senator from Colorado with reference to who should receive the evidence, in the first place, and of course the proposal of the Senator from New York and the Senator from New Jersey puts that in the hands of the trial examiner designated by the Commission and working within the purview of the Commission's activities.

As I recall it, the Senator from Colorado suggested that perhaps the trial examiner could be in the person of a referee appointed by the court. Further, the Senator from New York asked if it would be all right to have the testimony procedure reversed, and if the Senator from Colorado would agree to the trial examiner of the Commission taking the evidence.

The Senator from Colorado had said, "No, I would not agree to that," whereupon Senator JAVITS responded:

> Well, this negative answer warrants a negative answer on my part as to the referee appointed by the court.

My question of the Senator from Colorado is this: Is there a difference in a proceeding of this kind between evidence being taken by a trial examiner appointed by one of the parties to the lawsuit—to wit, the Commission—and the receiving of evidence by a referee appointed by an impartial, life-tenured judicial officer?

Mr. DOMINICK. It seems to me that there is an enormous difference; that the latter preserves the impartiality of the court, the jurisdiction of the court, and the integrity of the referees and examiners who have been trained in that field. But if we assign it to the Commission, which was really what the Senator from New York was suggesting, all we are doing is compounding the thing they are trying to put in their amendment; namely, that the Commission is going to prosecute, investigate, and hear the case, and then say to the court, "OK, these are our recommendations, which have the substantial force of evidence; you enforce them."

Mr. HRUSKA. The Senator from Colorado has been a student for a long time of the history and the social and political structure of America. Does he know of any procedure in which one of the parties to the controversy is allowed to take evidence and make recommendations and findings of fact, on which there is only limited appeal? I know of none.

Mr. DOMINICK. I can think of none in the private sector. I understand that with some variations the NLRB, which is in desperate trouble, has this type of procedure; and I also understand that perhaps the Federal Trade Commission has similar procedures, and it is also the subject of some opposition by a large number of people.

Mr. HRUSKA. Yes.

Mr. DOMINICK. I personally think it is wrong no matter where you do it.

Mr. HRUSKA. But, in those instances, the NLRB and the FTC possess the power to make a determination. They have that power.

Mr. DOMINICK. That is correct.

Mr. HRUSKA. And then there is the appeal to the courts.

Mr. DOMINICK. That is correct.

Mr. HRUSKA. There is an appeal to the courts; that is not the situation here.

Mr. DOMINICK. No, that is correct. This would vary that procedure, and vary it rather adversely and substantially.

Mr. SPARKMAN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. DOMINICK. I wish to make such a request myself, and then I shall yield the floor.

I ask unanimous consent at this point that the speech, which was very brief, which I made in support of amendment No. 871, be inserted in the Record at this time as I intend to offer a version of 871 as a substitute for amendment No. 878. It provides an expedited court enforcement procedure before a three-judge court with direct appeal to the Supreme Court, or, if it is not in the national interest to have a three-judge court, to put it in the district court on an expedited procedure. Following which, I ask unanimous consent to include in the Record a brief statement which I have here, commenting adversely on the amendment which is presently pending; namely, the Williams-Javits amendment.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Mr. Dominick. Mr. President, I send to the desk for printing and future consideration, an amendment to S. 2515, the "Equal Employment Opportunities Enforcement Act of 1971."

This amendment offers probably the best opportunity to resolve a deadlock existing since January 25 when my court enforcement amendment was first voted on. Since that time the deadlock has solidified through three reconsideration votes and two cloture votes. During this period I have exhausted all reasonable sources and suggestions in seeking a fair compromise. In the course of such a search, I have carefully considered numerous compromises informally and formally, I introduced amendment number 856 in an effort to resolve the deadlock. Unfortunately, all efforts have gone for naught and the nation's employees and potential employees remain largely devoid of enforceable employment rights.

This amendment contains essentially the same court enforcement procedures as my earlier amendment. I remain firm in my resolve not to desert 45 of my colleagues who faithfully supported the court enforcement procedure and not to compromise my principles concerning the superiority of court enforcement.

Despite voluminous rhetoric to the contrary, my convictions that U.S. district court enforcement provides employees and potential employees with the fairest, most effective redress of their grievances, remain unshaken.

The most rational argument against court enforcement is the potential delay threatened by backlogged federal courts. I acknowledge this problem and remedy it by incorporating in this amendment priority language from the same Civil Rights Act of 1964 that created the Commission. Pursuant to language contained in Title I (Voting Rights), Title II (Public Accommodations) and Section 707 ("Pattern or Practice") and included in this amendment, unfair employment practice suits will be accorded priorities in hearing and determination before federal court judges. Upon certification that the case is of "general public interest", the case would be assigned for hearing and subsequent determination "at the earliest practicable date" before a three judge panel with appeal to the Supreme Court. In the event the petitioner doesn't certify the case as being of general public interest, it would be assigned to a district court judge for an expedited hearing.

This newly incorporated language cures the primary defect in the court enforcement procedure. The final result would be machinery in which the respondent's due process rights will be protected by an experienced, impartial judge relying on stare decisis while the alleged aggrieved is guaranteed an expedited hearing before a federal forum which has in the past exhibited great compassion for minority rights.

The amendment contains several cosmetic differences from the original amendment as well as one substantial change which reduces the time period within which the commission may file a civil action against the respondent from 180 days to 150 days from the time the commission first issues its informal charge.

The importance of this amendment should not be underestimated. As it represents my last best offer it signals, insofar as I am concerned, the final effort to resolve the court enforcement cease and desist issue and presents a strong step towards salvaging the entire bill. Previous opponents of court enforcement would be well advised to consider the reasonableness of this amendment versus the very real prospect of no equal employment opportunity enforcement law at all—a most unfortunate and unnecessary consequence.

Consistent with my previous efforts on behalf of employment discrimination enforcement, I shall continue to keep an open mind concerning suggested compromises embodying substantial court enforcement machinery. I have exhausted my resources so the future of the bill now lies in the hands of the cease and desist proponents.

Mr. President. I am sorely disappointed to discover that the heralded EEOC amendment offered by my distinguished colleagues, Mr. Williams and Mr. Javits, is substantially less than what the media characterized as a compromise. The amendment, Amendment #878, is certainly a hollow offer of compromise to those 45 other senators and myself who have fought long and hard for the principle of court impartiality in the enforcement of job discrimination. The amendment practices even greater deception on the previous supporters of cease and desist. In laboring to create a cease and desist mechanism without using the pernicious words, the amendment interjects one additional level of review into the procedure and an unusual level at that. Under S. 2515, Commission issued cease and desist orders would be subject to petitions of review brought within 60 days of the order pursuant to Sec. 4 (k) or enforcement petitions brought after 60 days by the Commission pursuant to Sec. 4 (k) and (m) or by the aggrieved after 90 days pursuant to Sec. 4 (n), all in the United States Court of Appeals. Amendment 878 provides that the findings of fact and 'recommendations" entered by the Commission shall be considered by the United States District Courts if appropriate motions are made within similar time periods.

Thus, a recalcitrant respondent can drag the aggrieved through a review process expanded by the highly unusual and time consuming U.S. District Court review. This procedure flies in the face of critics of my district court enforcement amendment who were upset by unconscionable delays caused by federal court backlogs.

Whereas the Javits-Williams amendment serves to exacerbate the problem of federal district court backlogs, amendment #871 introduced by the distinguished Senator from South Carolina, Mr. Hollings, and myself, preserves the benefits of court enforcement while alleviating the federal district court backlog problem by providing for expedited hearings and determinations similar to the procedures contained in other civil rights law, including voting rights and public accommodations.

Despite media coverage to the contrary, Amendment #788 retains Commission cease and desist powers under the coy pseudonym of "recommendations". It is a relabeling without substance. Courts have no more authority or discretion in deciding the merits of a "recommendation" than they did with a cease and desist order. Both are given the force and effect of law unless upon appeal the respondent can prove that they are not supported by a substantiality of the evidence.

The result with both is identical—a commission determination that, unless not supported by a scintilla of the evidence, can't be upset.

The Javits-Williams amendment does throw some rather skimpy bones to the court enforcement proponents but I emphasize that they are indeed skimpy. The amendment does give the District Courts jurisdiction to enter interlocutory orders during the Commission hearing, but only if such order involves a "controlling question of law" and if it will "materially advance the ultimate termination of the litigation"—both litigious qualifications at best.

Whereas S. 2515 provides that the federal rules of evidence shall apply "so far as practicable," amendment 787 states that proceedings be conducted in conformity with the rules of evidence and that the rules of procedure apply "insofar as possible"—a fudge factor which practically speaking will probably make inapplicable the most important federal rules of procedure—those of pretrial discovery. Adequate pretrial discovery safeguards respondents from the probability of entering hearings inadequately prepared to defend themselves against Commission charges.

Not only is Amendment 787 a woefully inadequate vehicle for compromise to court enforcement proponents, it also jeopardizes the rights of the aggrieved with a longer appeals process. I respectfully advise the cease and desist proponents to seriously consider not only the advantages of my amendment 871 vis-a-vis amendment 878 but also the advantages of present cease and desist language contained in S. 2515 with amendment 878. I am certain that in the later instances you will find S. 2515 preferable. Amendment 878 should prove unacceptable to everyone. I urge my colleagues once again to vote for the fairest, most expeditious job discrimination enforcement procedure—my substitute amendment to amendment 878. It offers the best hope of resolving the present deadlock.

Mr. DOMINICK. Mr. President, I sincerely hope that somehow or other we can get a vote on my amendment, be it today, be it Monday, or be it Tuesday. I say that because of the fact that the substitute which we have ready for the

Javits-Williams amendment, because of the rules of procedure in the Senate, require a few changes, which, if we were successful in substituting my amendment, would again mean that we would have to put perfecting amendments in later.

What I am saying in general is that it is a very complex procedure. It would be far easier if we could just have a simple vote on my amendment, and just let it go that way. But in order to do that, I guess we are going to have to get Senator WILLIAMS and Senator JAVITS to put theirs aside, and I do not believe they are going to do it. I shall continue to work with them, but I doubt that I shall be successful.

I yield the floor.

OLDER AMERICANS HOME REPAIR ASSISTANCE ACT OF 1971—CHANGE OF REFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from the further considerations of S. 2888, a bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes, and that the bill be referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE VICE PRESIDENT AND THE PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Vice President and the President pro tempore of the Senate be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate over until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISPOSITION OF CLAIM OF BLACKFEET INDIANS, MONTANA

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 671.

The PRESIDING OFFICER (Mr. BUCKLEY) laid before the Senate the amendment of the House of Representatives to the bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indians Claims Commission Docket No. 279-A, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The sum of $5,671,156 from the funds credited to the Blackfeet Tribe under section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCGOVERN, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. HANSEN conferees on the part of the Senate.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. HRUSKA. Mr. President, in due time this body will consider an amendment numbered 834, which has to do with the continuance of the present practices and procedures of the Department of Justice in pattern or procedure discrimination cases. The amendment takes the form of deleting from the pending bill section 5.

PRESENT LAW IN "PATTERN OR PRACTICE" CASES

Presently, the Attorney has authority—under section 707 of title VII, Civil Rights Act—to bring suit in "pattern or practice" cases—those in which a person or group engages in a "pattern or practice" of resistance to full employment rights as conferred by the Civil Rights Act.

Trials are to three-judge courts if the Attorney General certifies the case to be of "general public interest," with appeal to Supreme Court. Without such certification, trial is to a district judge.

HOW SECTION 5 OF BILL CHANGES THIS

This section seeks to abolish judicial determination and enforcement of "pattern or practice" suits, and would replace it by administrative action by the EEOC, which would apply the "cease and desist" powers in such suits as are granted in section 706 in the present bill or any substitute which is adopted after this point by the Senate as an amendment to the present bill.

To adopt section 5 would be to abandon and abolish judicial enforcement of "pattern or practice" suits. The Attorney General's authority in such suit would be abolished—except for previously filed cases, which would continue unabated for 2 years, at the end of which time the commission would be substituted as party plaintiff instead of the Attorney General. Thereafter, all such cases would be converted into administrative proceedings, not judicial.

NATURE AND IMPORTANCE OF "PATTERN OR PRACTICE" CASES

These lawsuits typically involve large employers or labor unions. Large numbers of employees are involved. Sometimes in the later stages of this type of litigation, company-wide suits are brought, to include all of its branches, plants, or divisions. Industry-wide actions have been undertaken, involving an industry with all affiliated unions. For example, one suit embraced 17 gambling casinos and hotels on the Strip in Las Vegas, and five unions, constituting the 20,000-man resort industry in the locality.

Another proceeding covered hiring and referral practices in the entire California-based movie industry.

Emotional and sensitive situations often are involved. The relief sought is frequently unpopular with defendants and with some parts of the community involved. Very complex, difficult questions of law, fact, and remedy inhere in such cases. Also involved are enforcement proceedings subsequent to the entry of judgment or decree. These are by way of supplementary relief or for contempt of court.

Such lawsuits partake of the character of class actions.

They have a two-fold mission: first, to get a decision and disposition of the case itself; and, second, to have that decision serve as a precedent for situations with similar facts and circumstances.

Judicial enforcement is highly superior and more advantageous than administrative enforcement.

PRESENT PPROCEDURES FOR SUCH CASES WERE CHOSEN ADVISEDLY—THEY SHOULD BE RETAINED

To abandon judicial enforcement of "pattern or practice" suits in favor of administrative cease-and-desist powers would constitute a substantial erosion of Federal enforcement efforts in the field of equal employment opportunity.

COURT ENFORCEMENT IS SUPERIOR, MORE EFFECTIVE, AND EXPEDITIOUS

First. The respect and confidence accorded Federal courts are a substantial and valued asset in the field of employment discrimination cases.

Second. The Federal courts have achieved much experience in pattern or practice cases in all aspects of civil rights cases: employment, voting, housing, education, public accommodations.

Third. Court decisions are helpful in precedents in similar or related cases. They are well recognized and highly regarded as interpretation and application of the law.

Fourth. Such decisions are useful in conciliation efforts, because they clearly spell out the law as it is applied.

Fifth. Court decisions promulgate the law as the courts apply it, in a broad, reliable fashion through the court decision reporting services. Thus employees, employers, and all concerned are informed currently and promptly of their rights and responsibilities.

Sixth. Enforcement proceedings after decree may be necessary for supplemental relief or for order of contempt. Such subsequent proceedings are handled with much greater advantage by the judge who entered the decree in the first place. A judge who enters an order will be determined that it is properly enforced. The Department of Justice—Civil Rights Division—know this. The courts know it. And the defendant knows it. That is why the Department does not have to go back to the Court very often in order to secure compliance. But in cases where they do so, the relief is quick and effective.

Seventh. Under administrative enforcement with cease-and-desist authority, the agency which hears the evidence and formulates the order, would not be responsible for enforcing it. The experience of another agency—NLRB—which has dealt with employment opportunities and with respect to which factfinding and remedy formulation function are separate from the enforcement function has not been either happy or effective. Recalcitrant defendants have been able to resist full compliance more successfully than if they had been dealt with directly in a Federal district court.

Eighth. Court enforcement is more expeditious. The testimony record shows that experience of the Justice Department in the last 2 years was that a court order was usually obtained in less than a year from the time the suit was filed.

The Civil Rights Division has been successful in securing expeditious handling and disposition of such cases. Most Federal courts have been persuaded to advance such cases on their dockets, and have brought them out for early hearing. Therefore, statistics showing mean elapsed time between filing and disposition of all kinds of civil cases in various Federal district courts provide very little guidance in determining how long it takes to bring title VII cases to judgment.

On the contrary, it will be the administrative proceedings under cease-and-desist authority in which inordinate delay will be encountered if section 5 is enacted into law. The estimates are, according to Assistant Attorney General David Norman—page 127 Senate hearings—that if the EEOC undertakes pattern or practice cases, it would be something like 3 years before pattern and practice authority would really be transferred to EEOC no matter whether it was by cease and desist or by litigation, that is there would be a 3-year interval before there would be any substantial number of enforceable orders under the bill if enacted into law with section 5 remaining in it.

At this point in the history of developing law and progress in combating discrimination in employment, the Nation simply cannot afford a 3-year interim or vacuum.

Such a period would be a setback and a detriment not only for the 3 years but even a longer time in which recovery would be encountered.

THREE EXAMPLES

The National Labor Relations Board in 1964 ordered that two segregated longshoreman locals in Texas be merged. In 1966, that order was affirmed by the court of appeals, and the Supreme Court denied review. Yet in 1969, when the Department of Justice commenced a title VII lawsuit against all of the segregated Texas locals of the International Longshoremen Associations, the two locals referred to were still totally segregated. No effectiveness had been given to the court order that had been approved by the circuit court and the Supreme Court.

A lawsuit by the Department of Justice against five trade unions in Seattle, included a union that had been ordered by the NLRB to stop discrimination in favor of union members in referral. Although the order had been entered before the Department filed suit, the order was not followed until the court in the Department's lawsuit ordered compliance under title VII.

Over the years, the NLRB entered a series of orders against a major textile manufacturer in directing it to stop discriminating against employees because of their union activities. After these orders became enforceable as a result of decisions of the U.S. court of appeals, the NLRB deemed it necessary to file motions for contempt. The court of appeals, not being equipped to conduct evidentiary hearings, directed that the evidence with respect to these motions be heard by a Federal district judge, who was then to make findings and transmit them to the court of appeals for the latter to make final determination on the motions for contempt.

It is submitted, Mr. President, that a procedure such as this denies prompt relief and expends manpower unnecessarily. In reality, any postjudgment proceedings were to be heard by the district judge from whose court the order first came.

IT IS ESTIMATED THAT 3 YEARS WOULD ELAPSE BEFORE EEOC CAN OBTAIN SUBSTANTIAL NUMBERS OF ENFORCEABLE ORDERS

The procedures set forth in the bill for the processing of charges is complex and lengthy. Under that procedure, it is unlikely that any substantial number of enforceable orders could be produced in less than 3 years. As David L. Norman, Assistant Attorney General of the Civil Rights Division, testified before the Senate Labor Committee:

> The administrative system intended to replace the judicial enforcement now conducted by the Attorney General could not begin to function effectively for some considerable period of time, and probably it would be at least three years before enforcement orders could be produced in any substantial number.

The reason for the length of time is not difficult to perceive. Under section 706(b) of the bill a charge is filed with EEOC. Normally it is filed informally, in the form of a handwritten letter. The charge then has to be made in formal notarized form and the Commission must serve notice of the charge and make an investigation thereof, section 706(b), page 34 of the bill. At present I am advised that the backlog of charges is such that investigations are made more than a year after the charge is filed.

Even before EEOC may commence an investigation in a State or locality which has a fair employment practice law, it must defer for 60 days to the State agency before commencing investigation.

After the investigation is commenced, EEOC must interview the victim of discrimination, look at the personnel record of the corporation, and obtain statements from persons who have knowledge of the facts. At present, it takes well over a year and one-half from the time a charge is filed until a reasonable cause determination is made. Under the bill, section 706(b), page 35, the Commission has 120 days to make a reasonable cause determination, and that 120 days starts after the 60-day deferral to State or local authorities.

Once a reasonable cause determination is made, the Commission is obliged to attempt conciliation by conference, conciliation, and persuasion, section 706 (b), page 35. No time limit is set forth in the bill as to how long the conciliation efforts should or would be expected to take. A minimum of 3 months could be expected if the conciliation efforts are to be more than perfunctory.

If conciliation fails, the bill contemplates that the Commission serve an administrative complaint upon the respondent and go to hearings, section 706 (f). The respondent then has the right to file an answer, section 706(g). Testimony is then to be taken, under oath, and transcribed before a hearing examiner. Such proceedings are to be in accordance with the rules of evidence of the district courts.

Even assuming the best of good faith efforts by both the general counsel for the Commission and counsel for the respondents, the time for administrative complaint to the administrative hearing would be at least 6 months, with an additional 3 months for decision by the hearing examiner.

Following the procedure followed by the NLRB and most of the administrative agencies, either side would then have the right to appeal from the decision of the hearing examiner to the Commission. Normally this entails not only transcription of the record, but the filing of briefs by both parties and oral argument, and the writing of a decision by the Commission. An absolute minimum time for this internal appeal procedure would be 3 months, from the date of the hearing examiner's decision to the date of the Commission's decision; and 6 months would be a much more realistic estimate. But even this decision of the

Commission is not enforceable in court. The losing parties then have 60 days within which to challenge the decision of the Commission in the appropriate court of appeals. Before this court, the parties then have the opportunity to have the record made and printed or otherwise reproduced, briefs must be written and oral argument heard. The court of appeals must then write its decision. Only after the court of appeals decision is entered is there an order enforceable by contempt. Experience of other administrative agencies indicates that the time from the date of the Commission's decision to the date of the court of appeals decision is normally well in excess of a year.

In summary then, the following is a minimum table for the processing of charges:

Deferral to State agency, 60 days—2 months.

Investigation to reasonable cause decision, 120 days—4 months.

Reasonable cause to fail conciliation, 3 months.

Administrative complaint to hearing before hearing examiner, 6 months.

Hearing to decision of hearing examiner, 3 months.

Decision of hearing examiner to decision of Commission, 3 months.

Decision by the Commission through to decision of the court of appeals, 12 months.

Thus, the minimum period of time from the filing of the charge to the decision can be expected to be 33 months; and since those are minimum times, we can expect that there will be a 3-year interval before there will be any substantial number of enforceable orders.

Judicial enforcement should be retained in pattern or practice cases.

Section 5 does not involve a transfer of pattern or practice cases enforcement. It is total abandonment of judicial enforcement of such cases.

Enforcement is more effective and expeditious in the courts under section 707 than it would be under EEOC cease-and-desist powers of section 706.

The Department of Justice—Employment Section of Civil Rights Division—is better equipped. It possesses longstanding expertise, has a favorable record in court, and follow-up proceedings by way of compliance with court order is more certain and satisfactory.

BETTER EQUIPPED

Since 1954 it has been handling litigation in courts on all phases of civil rights: voting, education, housing, public accommodations, and employment resulting in a broad experience in pattern or practice suits.

This is very significant by way of developing a "know how" on the part of the many resources in the Department of Justice available to the employment section.

Such resources are numerous and important. They are largely not transferrable because they are integral working parts of an entire division—Civil Rights—and of the department itself.

So that when the pending bill provides that the resources, records, unused appropriations, and so forth, be transferred from the Civil Rights Division, the employment section, to the Commission, there will be precious little that will be affected by that transfer. Certainly, the investigatory powers and capabilities of the FBI will not be transferred, nor of the U.S. attorneys, nor of the U.S. marshals; and we can go right down the line with a long list of these resources which will not be available—unfortunately, in some ways—to the Commission.

First, such resources include: 36 attorneys in the employment section—with an enviable record of securing favorable court decrees or orders in every case brought by them.

Second, Appeals Unit of Civil Rights Division, three attorneys.

Third, Assistant Attorney General for Civil Rights Division; two deputy assistant attorneys general.

Fourth, U.S. district attorneys—plus 1,200 assistant attorneys—located in 93 judicial districts, plus the branch offices within the districts.

Fifth, U.S. Marshal's Service: 1,400 operational persons—marshal's and deputies—385 administrative people—364 persons on hourly wage.

Sixth, FBI agents and staff. It should be noted again that these resources are not transferable. Each is an integral part of a division or department. Each devotes a portion of their time to title VII matters—not only in employment areas, but in education, voting, public accommodations, housing, and related civil rights subjects.

To convert judicial enforcement to cease-and-desist procedures under section 706, would require a long period of time to acquire staff, procedures, and organization before EEOC could start functioning. The estimate of an interim of at least 3 years was testified to, before any EEOC would be able to obtain substantial numbers of enforceable orders under its section 706 cease-and-desist proceedings.

FAVORABLE COURT RECORD UNDER SEC. 707 PATTERN OR PRACTICE SUITS

In October 1969, the Civil Rights Division was reorganized on a subject matter basis, rather than the previous geographic basis.

The newly created employment section became responsible for all title VII enforcement and related activities under direction of the Assistant Attorney General and Attorney General.

Its record at reducing trial time of cases has been remarkable. Prior to July 1, 1969, 47 "pattern or practice" cases had been filed, but only 18 had been tried or settled by that date. Of the 57 such cases filed prior to January 1, 1971, all but seven had been settled or brought to hearings on the merits; and the Government prevailed in each of them.

The section's experience in the last 2 years has been that it usually obtains an effective, enforceable court order in less than a year from the time suit is filed.

EQUAL EMPLOYMENT OPPORTUNITIES COMMISSION FAVORS PRESENT JUDICIAL PROCEDURES FOR PATTERN OR PRACTICE CASES (SEC. 707, TITLE VII)

William Brown, Chairman of the Commission, testified before the Senate Labor and Public Welfare Committee. At page 58 of the hearings, he spoke on the subject of transfer of powers to the Commission. At the very outset, he said:

> I feel that such a transfer would not, at this time, be in the best interests of the Commission and would not promote the most effective administration of Title VII.

He pointed out, among other things, that 30,000 complaints will be filed during this fiscal year and that there is an estimate of 45,000 complaints that will be filed in the coming fiscal year. He outlined many other reasons why the transfer to the Commission would be inadvisable and would constitute, as he put it, an erosion of the enforcement powers of title VII of the Civil Rights Act.

He pointed out that to subject pattern or practice suits to administrative remedies would be to cast them into the same role and class as any other complaint submitted to the Commission; that is, any complaint, individual in character, or one which does not partake of the nature and scope of "pattern or practice" suits.

After all, there is a reason for a separate section (707) in title VII to deal with pattern or practice suits. The reason is still valid and sound. Its essence is that such situation embraces a much larger proportion than an ordinary case or complaint.

The pattern or practice suit typically involves large employers or labor unions. Also difficult legal questions which are diligently canvassed and urged by opposing sides. They are cases which are large, complex, and far-reaching.

Their importance goes beyond the issues of the instant case. It goes to the application of that case to subsequent lesser title VII actions. Such a decision serves as a precedent for like or similar situations, and should be arrived at, and promulgated or disseminated, in appropriate fashion. The publication of official court decisions makes such available nationwide; not only as to the original case and judgment or decree, but also as to supplementary proceedings which may be called for in securing enforcement and compliance. The capacity now resident in the Attorney General to go directly to the courts with such a case is valuable for maximum effectiveness.

It was upon the foregoing considerations and others that Commission Chairman William Brown III based his testimony, which reads in part:

> . . . In S. 2515 as presently written, the power of the Attorney General to bring pattern or practice suits, once transferred, becomes subject to the administrative remedies proposed in Section 4 of the Bill. This, in effect, minimizes the effectiveness of the pattern or practice suits since they would become no different than any other complaint submitted to the Commission.
>
> The effectiveness of pattern or practice litigation is the result of the ability of the Justice Department to bring these large, far-reaching, and often very complex suits directly in courts. The importance of these suits has largely been the decisions which have resulted and which have set the precedents for subsequent leser Title VII actions.
>
> To nullify this powerful and effective means whereby the courts can interpret and clarify the provisions of Title VII, while at the same time establishing new judicial prec-

> edents applicable to other courts and administrative agencies alike, would not, in my judgment serve to promote the most effective administration of equal employment. Page 58, Hearings.

He was asked by the committee chairman in hearings as to whether the Commission would have the competency and will to handle all the subject matter involved in S. 2515 as written, including the self-enforcing cease and desist orders embraced in the broadened responsibility of the bill, the transfer of functions of the Office of Contract Compliance, the transfer of the Civil Service Commission jurisdiction over Federal employees, the transfer of the pattern and practice provisions of the Department of Justice, and so forth. Here is his answer (page 74, hearings):

> Mr. BROWN. Mr. Chairman, I certainly feel that the commission has the competency to handle these matters.
>
> I would question at this time whether it has the ability in terms of resources—that is, financial resources—or in terms of people.
>
> I would be very much against the transfer, as I have indicated in my prepared text, of the Office of Federal Contract Compliance responsibility at this time.
>
> I would be against the transfer of Attorney General's right in Title VII at this time and also the responsibility of the Civil Service Commission to the EEOC.

Still later in his testimony on this point, Commission Chairman Brown stated:

> One of the problems, as I have mentioned, is the overwhelming backlog of cases and I should point out to the committee that this is true, notwithstanding the fact that in the past fiscal year we have increased our ability to turn our decisions at something like three times the rate of the previous year.
>
> We have doubled the number of conciliations and predecision settlements over the prior year but the number of cases coming into the Commission has continued to escalate at a very alarming rate and, as I have indicated now, the current estimates for the fiscal 1972 are now over some 30,00 individual complaints coming in as opposed to the original estimate which was made last year of 19,000 complaints being sent into the Commission.
>
> As a matter of fact, in the budget which was submitted for fiscal year 1973, we anticipate some 45,000 new incoming charges of discrimination in fiscal year 1973, and I am told by some of my staff that may be a low estimate.
>
> So, taking those figures into consideration—plus the fact that in some cases I question the advisability of putting some of the provisions in this Commission—as it relates to the Office of Federal Contract Compliance—my position would be that I am not in favor of those transfers.

In summary, it can be said that Commission Chairman Brown opposed section 5 of the bill to transfer the Attorney General's powers to the EEOC, on two broad grounds: The effectiveness of pattern and practice suits would be minimized and impaired; and second, the overwhelming burden of cases and their monumental backlog with increasing volume of complaints for processing would make it most difficult and inadvisable to handle addition duties such as those embraced in the transfer in question.

There is still another reason why an erosion of enforcement effort would occur if section 5 is enacted.

Enactment of section 5 of the bill would place all "pattern or practice" cases under the cease and desist authority contained in section 706 of the Civil Rights Act as amended. Such cease and desist authority is complaint oriented. It was so devised and written to handle individual cases with dispatch, with as little formality as possible, and so forth. So this fiscal year they will have some 32,000 complaints filed with the Commission. Next fiscal year they expect 45,000.

But pattern or practice authority is not a complaint oriented authority.

The nature of pattern and practice authority is to investigate any information that may come to attention that suggests patterns of discrimination in a large company which may have many plants, divisions, or branches; or in a large labor union, or group of unions, or their affiliates, with thousands of members and jobs involved; or in an entire industry, with many companies and unions. There the necessity will be to determine complex and difficult questions of law, fact, and remedy; to render a decision or decree; and be prepared to engage in such subsequent proceedings as necessary to insure full compliance. Perhaps by supplementary relief, or maybe by way of contempt of court orders.

Such imposing, far-reaching, and extended proceedings would be most difficult if not impossible for an administrative body to handle as investigator, prosecutor, and judge. If it could be done at all, it would not be for a long time that it could start producing substantial numbers of cases, and then not very effectively and not very well.

These latter points have already been covered in my remarks as to the time involved—3 years at least—according to testimony in the record.

Mr. President, in summarizing, I might say that the judicial enforcement provided in section 707 as presently effective should be retained. These practices have worked well. The attorneys assigned to the tasks have been backed by the substantial prestige of the Department of Justice and all the resources of that department. These resources include existent talent possessed by the FBI, the U.S. marshals, the appeals unit of the department of the U.S. attorneys located, together with deputy attorneys, in all the 89 districts of the Federal district court.

There is a highly effective law enforcement operation under this arrangement, under title VII. It is submitted that this record fully warrants continuation of that operation, whether the Commission is given enforcement power or not and whether such power that they are given will be judicial or administrative. That record is very signal. Among other things, it was pointed out that in the last year and a half or so, of the dozen or so cases which were tried and disposed of—concluded, as they call it—11 were concluded within 11 months after the filing of the complaint in the court. So that, together with many other reasons, would argue persuasively for the retention of section 707 as it presently exists in the law in title VII of the Civil Rights Act. It would also argue persuasively that section V of the pending bill should be deleted in its entirety to accomplish that result.

Mr. President, I yield the floor.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 858

Mr. BYRD of West Virginia. Mr. President, with the approval of the distinguished manager of the bill; the distinguished author of amendment No. 858; the distinguished Senator from New York (Mr. JAVITS); and the distinguished Senator from Alabama (Mr. ALLEN), I ask unanimous consent that the pending amendment by Mr. JAVITS and Mr. WILLIAMS be temporarily laid aside and that amendment 858 of the Senator from North Carolina (Mr. ERVIN) be called up and made the pending question.

The PRESIDING OFFICER (Mr. BUCKLEY). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The amendment (No. 858) of the Senator from North Carolina (Mr. ERVIN) will be stated.

The assistant legislative clerk read as follows:

> On page 33, insert the following between the comma after the word "State" on line 19 and the word "or" on line 20: "or the employment of physicians or surgeons by public or private hospitals".

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent further, that, on Monday next, at the time the unfinished business is laid before the Senate, time on the pending amendment, No. 858 of the Senator from North Carolina (Mr. ERVIN), began running, to be equally divided between the distinguished author of the amendment, Mr. ERVIN, and the distinguished manager of the bill, Mr. WILLIAMS; that at 1:30 p.m. the Senate go into executive session to proceed with consideration of the treaty, Executive H; that at the conclusion of the vote on the treaty the Senate return to the consideration of legislative business; that a vote on the pending amendment, No. 858, of Mr. ERVIN, occur at 3 p.m.; provided further, that the time on the pending amendment following a vote on the treaty continue to be under the control of and divided between the author of amendment No. 858 and the distinguished manager of the bill; provided further, that time on any amendment thereto, any debatable motion, appeal, or point of order be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, except in an instance in which the manager of the bill would favor such, and in that case the time in opposition to such be under the control of the distinguished minority leader or his designee; provided further, that the time on any amendment to the amendment, debatable motion, appeal, or point of order come out of the time on amendment No. 858, with the exception, of course, of the time on any motion to reconsider, which would be limited to 10 minutes, to be equally divided as heretofore stated, but, naturally, not to come out of the time on the amendment, No. 858.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, there will be a rollcall vote on amendment No. 858 on Monday at 3 o'clock p.m. And there will be a rollcall vote on the treaty, Executive H, which will occur at 2 o'clock on Monday afternoon. There may be other rollcall votes during the day.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I want to make sure that we all understand what the situation will be. Upon the announcement of the results of the vote on the Ervin amendment, No. 858, on Monday, the Senate will resume consideration of the Javits-Williams amendment.

The **PRESIDING OFFICER**. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I thank the Presiding Officer.

LITHUANIAN INDEPENDENCE

Mr. BYRD of West Virginia. Mr. President, I have been requested by the distinguished Senator from Indiana (Mr. HARTKE) to have a statement printed in the RECORD.

I ask unanimous consent that the statement be printed in the RECORD.

The **PRESIDING OFFICER**. Without objection it is so ordered.

STATEMENT BY SENATOR HARTKE

Mr. President, the policy of the U.S. has long been one of freedom and self-determination for all peoples of the world. There remain, however, many nations that are still victims of colonization and to whom freedom and independence are denied. Many of these suppressed nations are given little attention by the U.S. as we concentrate on the major incidents of encroachment upon freedom in the international area. Today, however, we devote our consideration to one of the smaller Soviet satellites, Lithuania, as she celebrates her 54th anniversary of independence.

Lithuanian independence came after a long struggle at the closing of World War I, on February 16, 1918; but this hard won freedom from the Russians was shortly, thereafter, curtailed. In June, 1940, Lithuania was overrun by the forces of the Soviet Union and forced by the harsh terms of the ultimatum presented them to accept Soviet Occupation. A Soviet administered election resulted in the formation of a communist government more than friendly to the Soviet Union.

In 1941, Hitler invaded Lithuania and ousted the Russians from the country. The Germans did not liberate the Lithuanian people but merely suppressed them under the occupation of a different regime. The Russians, victorious in their effort to remove the Germans in 1944, resumed their control of the small country. Lithuania remains a satellite to this day.

Although the communists profess great progress in Lithuania's industry, agriculture, education, and culture, since their domination of the country, the Lithuanians, themselves, protest against their lack of freedom and the communist methods imposed upon them. They remain devoted to their ultimate goal of freedom and self-determination. Their cause will not be quenched until the restrictions are lifted, the forced demographic changes are eliminated, the terror tactics are discontinued. They stand firm in their resolution for national independence and individual freedom.

Consistent with that concept of freedom upon which our country is founded, despising all forms of tyranny, it is appropriate on this occasion of the 54th anniversary of Lithuania's independence, that we insist once again that the imperialist oppression of Lithuania cease—and that these brave people be granted the independence and freedom for which they have long and courageously struggled.

PAY BOARD NEWS RELEASE AND RESOLUTION ON MERIT INCREASES

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a news release issued today by the Pay Board and a resolution adopted by the Pay Board on February 8, 1972, with regard to merit increases be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWS RELEASE

The Pay Board today revised its policy on Merit and Salary Administration plans to provide more equitable treatment for all segments of the work force. The Pay Board had earlier resolved to revise its policy to ensure . . . "equality of treatment for merit plans in labor agreement situations and in non-labor agreement situations."

The resolution adopted today by a 11–1 vote will be published in the Federal Register as a proposed rule allowing the public 10 days to submit comments. The policy decision contained in the attached resolution will not become effective until final regulations are published in the Federal Register.

In general the resolution provides that:

Merit increases provided for in existing contracts and pay practices previously set forth prior to November 14 may continue to become operative subject to review and possible challenge.

Merit increases provided for in new contracts or pay practices (negotiated or instituted subsequent to November 13) are governed by the 5.5% general wage and salary standard.

New contracts or pay practices may also qualify for exceptions up to 7% for tandem or other bases, as provided for by the regulations.

Successor contracts or pay practices, if they meet specific criteria as formal plans, may constitute an exception under Pay Board regulations, allowing up to a 7% annual aggregate wage and salary increase.

Pay Board Chairman Judge George H. Boldt said, "This policy will ensure equality of treatment for all segments of the economy to the maximum extent the infinite variety of merit plans permit. This policy will contribute to the overall goals of the Economic Stabilization Program."

"We arrived at the decision after many hours of reasoned and reasonable discussion on all aspects of merit pay," the Chairman continued.

A copy of the resolution is attached.

RESOLUTION ON MERIT INCREASES (ADOPTED FEBRUARY 8, 1972)

Resolved: that the Pay Board hereby adopts the following policy decision with respect to merit raises:

1. The policy decision on this subject adopted November 22, 1971, appearing as Item (6), Apepndix B—Interpretive Decisions Adopted by the Pay Board (6 CFR Part 201) is hereby revoked, except as provided below in paragraph 6.

2. Merit increases provided for in contracts or pay practices negotiated or instituted subsequent to November 13, 1971, are governed by the General Wage and Salary Standard (Section 201.10), except as provided below.

3. (a) Exceptions to the General Wage and Salary Standard may be sought on a tandem relationship or other basis, as provided by Section 201.11 of the Regulations.

(b) That pay practices previously set forth within the meaning of Section 201.14 of the Regulations which do not expire earlier will be deemed to expire on November 13, 1972, except as they may qualify as an exception under the criteria set forth in Section 5, below.

4. Merit increases provided for in existing contracts and pay practices previously set forth prior to November 14, 1972, are governed by Section 201.14 of the Regulations.

5. Merit plans under contracts and pay practices shall constitute an exception under Section 201.11 of the Pay Board Regulations, subject to paragraph (b) of that Section, if they meet the following criteria:

(a) The merit plan is continued without change of terms or administrative practice from the preceding contract or pay practice, and

(b) If the pay range is changed, the ranges may not be widened, i.e., the ratio of the maximum to the minimum of each range may not be increased.

(c) The merit plan is one which:

(1) Applies to particular jobs, job classifications, or positions with respect to which the duties and responsibilities of employees are specified;

(2) Specifies rate ranges with respect to such jobs, job classifications, or positions;

(3) Clearly defines policies and establishes practices for determining pay and the size and frequency of increases with respect to such jobs, job classification, or positions; and

(4) Establishes a system of administrative control.

Such exceptions shall be self-executing and handled in accordance with the procedure set forth in paragraph (c) of Section 201.11

in the same manner as that which applies to sub paragraphs (3) and (4) of Paragraph (a) of Section 201.11.

Applications for exception which exceed the maximum amount allowed under Section 201.11(b) shall be made to the Pay Board or its delegate and shall be reviewed under Section 201.11(d).

6. Where, prior to the effective date of the final regulations, an existing contract with a merit plan expired and was replaced with a new contract executed prior to the effective date of the final regulations, for merit plan purposes it shall be governed by Item 6, Appendix B—Interpretive Decision (6 CFR Part 201) which was in effect at that time.

7. Methcd of Computation for Increases Under Merit Plans Which Meet the Criteria of Paragraph 4 and other Merit Plans or Practices.

(a) For purposes of calculating the allowable amount of such wage and salary increases for an appropriate employee unit, the average wage and salary base for the pay period ending on or immediately preceding the day prior to the first day of the appropriate twelve-month period shall be compared with the average wage and salary base for the pay period ending on or immediately preceding the last day of the appropriate twelve-month period.

(b) If, by the end of an appropriate wage year, the average wage and salary base for an appropriate employee unit is affected by changes in the composition of the unit with respect to employee average length-of-service or average skill levels, then compensating adjustments may be made in the otherwise permissible average wage and salary base increase for the unit in such twelve-month period. Such adjustments are subject to explanation and verification following required reporting procedures for the appropriate employee unit involved if applicable for the category unit involved. This paragraph shall apply to all merit plans so long as administered in good faith.

8. Effective date of policy decision: That this policy decision will not become effective until final regulations have been published in the Federal Register to implement this decision. Pending the final regulations, a notice of proposed rule-making containing the substance of this policy decision will be published in the Federal Register with a period of 10 days for the public to have an opportunity to comment.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, the Senate is awaiting action by the House of Representatives on a resolution providing for adjournment through the holidays. I move, therefore, that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 5 p.m. today.

The motion was agreed to; and (at 4:13 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 5 p.m.) when called to order by the Acting President pro tempore (Mr. ALLEN).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and (at 5:07 p.m.), the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 5:10 p.m.) when called to order by the Acting President pro tempore (Mr. ALLEN).

AUTHORITY FOR SECRETARY OF SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND FROM THE PRESIDENT OF THE UNITED STATES UNTIL 1 P.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the House of Representatives and from the President of the United States during adjournment of the Senate until 1 p.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, awaiting the call of the Chair.

The motion was agreed to; and (at 5:11 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 5:13 p.m.) when called to order by the Acting President pro tempore (Mr. ALLEN).

AUTHORITY FOR THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL 1 P.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Acting President pro tempore, the junior Senator from Alabama (Mr. ALLEN), be authorized to sign duly enrolled bills and joint resolutions until the hour of 1 p.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 12910) to provide for a temporary increase in the public debt limit, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12910) to provide for a temporary increase in the public debt limit, was read twice by its title and referred to the Committee on Finance.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to, and (at 5:14 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 5:36 p.m.) when called to order by the Acting President pro tempore (Mr. **ALLEN**).

RECESS UNTIL 9 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 9 p.m. today.

The motion was agreed to, and (at 5:37 p.m.) the Senate took a recess until 9 p.m., whereupon the Senate reassembled when called to order by the Acting President pro tempore (Mr. ALLEN).

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, February 9, 1972, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 153. A joint resolution to designate the week which begins on the first Sunday in March 1972 as "National Beta Club Week."

RECOGNITION OF THE NEW NATION OF BANGLADESH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and an insertion by the distinguished Senator from South Carolina (Mr. HOLLINGS) on the subject of according full diplomatic recognition to the new nation of Bangladesh.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HOLLINGS

Mr. President, with each passing day, additional countries accord full diplomatic recognition to the new nation of Bangladesh. It is right that they do so, for the people of that land have earned their freedom. They have earned the right to forge their own destiny in their own way. Leaders of governments all around the world have recognized the reality of Bangladesh. The simple fact of the matter is that Bangladesh is no longer a part of Pakistan. To ignore that fact is to close our eyes to the most obvious reality.

As of today, thirty nations have granted recognition to the newly-independent people of Bangladesh. Others are on the verge of doing so. Mr. President, I am attaching a list of nations which have recognized Bangladesh.

The most conspicuous absentee on this list, Mr. President, is the United States of America. For over a year now, the Nixon Administration has followed a policy of moral and political bankruptcy on the subcontinent. First, the United States ignored the results of a free and open election, in which the people of East Pakistan gained a clear majority of representatives. When the leaders of West Pakistan ignored the results of the election and jailed the leader of the East Pakistanis, the United States underwrote the suppression by shipping arms and amuunition to the military government in the West.

When suppression turned to outright genocide, the Administration closed its eyes. And defenders of the Administration countered by saying we should all be thankful to the military dictatorship in Islamabad, because—after all—they helped Henry Kissinger fly to mainland China. How blind can we be, Mr. President.

Now that Bangladesh exists, we should have as our goal the continued independence of that land. We should want it to be no nation's client—be it India's or Russia's or anyone elses. The logical way to do that is to start out by recognizing the fact of independence. If we continue to hold back, others will fill the vacuum. The leaders of Bangladesh will find their options closed. The United States should not delay another day in fulfilling its responsibilities.

Mr. President, on January 25th, Senator Saxbe and I introduced a resolution calling upon the President to grant such recognition. Since then, twenty-eight Senators have joined us—Senators, I am happy to say, from both sides of the aisle. This is not a partisan issue, and it must not be allowed to become a partisan issue. Republicans and Democrats alike have been equally befuddled at the refusal of this country to deal with the world around us as it really exists.

We have suffered a severe setback in our South Asian policy. We cannot recoup what has been lost. But we can try to get in step, and we can try to live up to our heritage of democracy. Two centuries ago we were a newly-emerged nation, in search of freedom and of recognition by the nations of the world. Now we are asked to do much the same thing for another new country. We are asked to recognize that a new people have joined the ranks of freedom, overthrowing repression, overcoming genocide, and now struggling to make their nation succeed. I hope and pray that we will soon stop throwing roadblocks in their way.

BANGLADESH RECOGNITION STATUS REPORT

Country and date:
India, December 6.
Bhutan, December 7.
East Germany (Not considered state by U.S.), January 11.
Bulgaria, January 11.
Poland, January 12.
Mongolia, January 12.
Burma, January 13.
Nepal, January 16.
Barbados (Commonwealth), January 21.
Yugoslavia, January 22.
USSR, January 24.
Czechoslovakia, January 25.
Hungary, January 26.
Cyprus (Commonwealth), January 27.
Cambodia, January 30.
Australia (Commonwealth), January 31.
New Zealand (Commonwealth), January 31.
Senegal, February 1.
United Kingdom, February 4.
West Germany, February 4.
Sweden, February 4.
Norway, February 4.
Denmark, February 4.
Finland, February 4.
Iceland, February 4.
Ireland, February 4.
Israel, February 4.
Austria, February 4.
Thailand, February 7.
Netherlands, February 4 statement extending recognition in principle.

Total as of February 7, 1962: 30 nations have recognized Bangladesh. State Dept. has unconfirmed reports that Fiji and Tonga have recognized Bangladesh also.

Cosponsorships on resolution to recognize Bangladesh, February 9, 1972

Allott, Bentsen, Case, Chiles, Church, Cranston, Fulbright, Gravel, Harris, Hart, Hartke, Hughes.

Inouye, Javits, Kennedy, Magnuson, Moss, Muskie, Nelson.

Pell, Percy, Ribicoff, Schweiker, Stevens, Stevenson, Tunney, Weicker, Williams.

Total Senators: 30.

LEAVE OF ABSENCE

Mr. BYRD of West Virginia. Mr. President, in accordance with paragraph 1, rule V, of the Senate rules, I have been asked by the distinguished junior Senator from Kentucky (Mr. COOK) to request a leave of absence for him from the Senate on Monday and Tuesday, February 14 and February 15, 1972, respectively.

In view of the fact that the subcommittee of which he is a member will be conducting hearings in the State of Kentucky on those dates, the junior Senator from Kentucky will be absent on official business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 9:01 p.m.) the Senate took a recess until 9:10 p.m.; whereupon, the Senate reassembled, when called to order by the Acting President pro tempore (Mr. ALLEN).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agree to the following concurrent resolution:

S. Con. Res. 61. A concurrent resolution providing for adjournment of the Senate from the close of business on Wednesday, February 9, 1972, until noon, Monday, February 14, 1972, and the House of Representatives from close of business on Wednesday, February 9, 1972, until 12 o'clock meridian on February 16, 1972.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the House had passed without amendment the following joint resolution, to which the Speaker had affixed his signature:

S.J. Res. 197. A joint resolution to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

The joint resolution (S.J. Res. 197) was signed by the Acting President pro tempore (Mr. ALLEN).

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday, February 14, 1972, is as follows:

The Senate will convene at 12 noon. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of morning business, the Senate will resume consideration of the unfinished business, which is S. 2515, the EEOC bill.

At 1:30 p.m., the Senate will go into executive session and will proceed to the consideration of the treaty, Executive H, and will vote on the treaty at 2 p.m. That will be a rollcall vote.

At 3 p.m., a rollcall vote will occur on amendment No. 858 of the distinguished Senator from North Carolina (Mr. ERVIN) to S. 2515, the EEOC bill. After the vote on the Ervin amendment, No. 858, the Senate will resume consideration of amendment No. 878 as proposed by the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS). Further rollcall votes could occur thereafter.

As to Tuesday, February 15, 1972, the Senate will proceed during the day to debate the motion entered today by the distinguished Senator from Georgia (Mr. GAMBRELL) to reconsider the vote by which the Hruska amendment (No. 877), to S. 2515, was today rejected, the hour between 1 p.m. and 2 p.m. to be equally divided and controlled by Senators GAMBRELL and WILLIAMS. A vote will occur at 2 p.m. on the motion to reconsider, and that will be a rollcall vote. A motion to table the motion to reconsider may be entered at the conclusion of the 1 hour of debate.

Thereafter, on Tuesday, additional rollcall votes may occur on the unfinished business.

Mr. SCOTT. Mr. President, will the distinguished assistant majority leader yield?

Mr. BYRD of West Virginia. I am happy to yield to the distinguished Republican leader.

Mr. SCOTT. I rise for the purpose of clarification. I believe that the treaty, Executive H, is the so-called seabed treaty having to do with nuclear material on the seabed; is that not correct?

Mr. BYRD of West Virginia. The distinguished Republican leader is correct.

Mr. SCOTT. Would the distinguished assistant majority leader advise me how many votes, at the minimum, can be expected on Monday next? I did not count the enumeration.

Mr. BYRD of West Virginia. There will be at least two rollcall votes on Monday next.

Mr. SCOTT. But there may be others?

Mr. BYRD of West Virginia. That is correct. There may be others on Monday next.

Mr. SCOTT. So, to repeat the distinguished majority leader's adjuration, votes can be expected every day when the Senate is in session. By virtue of the concern which he has expressed, it is not possible for the leadership on either side of the aisle to enter into agreements for the accommodation of individual Senators as to votes, in view of the overriding necessity for getting on with the legislation. Is that an accurate assessment?

Mr. BYRD of West Virginia. The distinguished Republican has stated the situation precisely.

Mr. SCOTT. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia. I am sure that the distinguished majority leader would want me to say that rollcall votes, and/or live quorum calls, can be expected daily throughout next week.

Mr. SCOTT. I thank the distinguished assistant majority leader.

Mr. BYRD of West Virginia. I thank the distinguished Republican leader.

ADJOURNMENT TO MONDAY, FEBRUARY 14, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 61, that the Senate stand in adjournment until 12 o'clock meridian, St. Valentine's Day, Monday February 14, 1972.

The motion was agreed to; and (at 9:11 p.m.) the Senate adjourned until Monday, February 14, 1972, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 1972:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Harold C. Crotty, of Michigan, to be a Member of the National Commission on Libraries and Information Science for the remainder of the term expiring July 19, 1972.

NATIONAL LABOR RELATIONS BOARD

John A. Penello, of Maryland, to be a Member of the National Labor Relations Board for the term of 5 years expiring August 27, 1976.

HOUSE OF REPRESENTATIVES—*Wednesday, February 9, 1972*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

Let the peace of God rule in your hearts to which you are called in one body: and be thankful.—Colossians 3: 15.

O God and Father of us all, we pray for our country and for those who are leading our people in this hour, shaping the future of our beloved land. Give to us courage, faith, and wisdom that the plans formulated, the decisions made, and the actions taken may be in accordance with Thy will for our Republic. May Thy spirit dwell in us richly as we continue to work for freedom, justice, and peace in our world.

Bless the people of our Nation and of all nations. Together may we realize our dependence upon Thee and in so doing learn to live with one another in the spirit of a true and living brotherhood. Thus may we promote the welfare of our country for the good of all mankind.

In the spirit of Him who went about doing good we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 12488. An act to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 197. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

The message also announced that Mr. COTTON had been appointed a conferee on the bill (H.R. 12067) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes" in place of Mr. FONG, excused.

The message also announced that the Vice President, pursuant to Public Law 86–42, had appointed Mr. COOK as a member, on the part of the Senate, of the U.S. group of the Canada-United States Interparliamentary Conference to be held in Ottawa, Canada, February 17 to 20, 1972.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Andrews
Ashbrook
Aspin
Baring
Belcher
Bell
Biaggi
Blatnik
Broomfield
Brown, Ohio
Cabell
Carey, N.Y.
Celler
Chisholm
Clark
Clawson, Del
Clay
Collier
Corman
Culver
Davis, Wis.
Dellums
Denholm
Dickinson
Diggs
Dwyer
Edwards, La.
Esch
Forsythe
Fraser
Fulton
Galifianakis
Gallagher
Gibbons
Gray
Griffin
Hagan
Hansen, Wash.
Hawkins
Hébert
Helstoski
Hillis
Howard
Jacobs
Keith
Long, La.
McCloskey
Macdonald, Mass.
Mann
Moorhead
O'Konski
Pelly
Pike
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Rees
Rosenthal
Roush
Ruppe
Ryan
Satterfield
Scheuer
Schneebeli
Springer
Stanton, J. William
Stubblefield
Teague, Calif.
Teague, Tex.
Udall
Wiggins
Wright

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

CONFERENCE REPORT ON S. 748—U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS, INTER-AMERICAN DEVELOPMENT BANK

Mr. PATMAN submitted the following conference report and statement on the bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank:

CONFERENCE REPORT (H. REPT. No. 92–830)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, and agree to the same.

Amendment Numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "Directors'.

"SEC. 21. The President shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

And the House agree to the same.

WRIGHT PATMAN,
WM. A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
THOMAS L. ASHLEY,
HENRY GONZALEZ,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
GARRY BROWN,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
M. MANSFIELD,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 748) to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

EXPROPRIATION AMENDMENT

House Amendment.—Contains a provision which requires the Secretary of the Treasury to instruct the United States Executive Director of the Bank to vote against any loan for the benefit of any country which—

(1) nationalizes, expropriates, or seizes control of property owned by United States citizens,

(2) has taken steps to nullify contracts with United States citizens,

(3) imposes discriminatory taxes, etc., on property of United States citizens, or

(4) seizes a vessel of the United States in territorial waters or the high seas on the basis of rights or claims which are not recognized by the United States and requires a charge to be paid to secure the release of the vessel and crew,

unless the Secretary determines that (A) arrangements for compensation have been made, (B) the dispute has been submitted for international arbitration, or (C) good faith negotiations are in progress.

Senate Bill.—No comparable provision.

Conference Action.—Adopts the House amendment with the following modifications:

(1) Strikes out all references to the Secretary of the Treasury, and instead, gives to the President of the United States the responsibility to give instructions with respect to the voting against any loan or other utilization of funds for the benefit of any country which expropriates property.

(2) Deletes the matter appearing in paragraph 4 relating to the seizure of vessels of the United States.

NARCOTICS DRUGS

House Amendment.—Requires the Secretary of the Treasury to instruct the United States Executive Director of the Bank to vote against any loan for the benefit of any country with respect to which the President of the United States makes a determination that such country has failed to take adequate steps to prevent narcotic drugs (which are produced in, or transported through, such country) from (A) being sold illegally within such country to United States Government personnel, or (B) entering the United States unlawfully.

Senate Bill.—No comparable provision.

Conference Action.—Adopts the House provision.

WRIGHT PATMAN,
WM. A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
THOMAS L. ASHLEY,
HENRY GONZALEZ,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
GARRY BROWN,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
M. MANSFIELD,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 749, U.S. CONTRIBUTIONS TO SPECIAL FUNDS, THE ASIAN DEVELOPMENT BANK

Mr. PATMAN submitted the following conference report and statement on the bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank:

CONFERENCE REPORT (H. REPT. No. 92–831)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 749) to authorize United States contributions to the Special Funds of the Asian Development Bank, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

Amendment Numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with amendments as follows:

On page 1, line 10, of the House engrossed amendments, strike out "Secretary of the Treasury" and insert the following: "President".

On page 2, line 11, of the House engrossed amendments, strike out "Secretary of the Treasury" and insert the following: "President".

And the House agree to the same.

WRIGHT PATMAN,
WM. A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
THOMAS L. ASHLEY,
HENRY GONZALEZ,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
GARRY BROWN,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
M. MANSFIELD,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 749) to authorize United States contributions to the Special Funds of the Asian Development Bank, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

EXPROPRIATION AMENDMENT

House Amendment.—Requires the Secretary of the Treasury to instruct the United States Executive Director of the Bank to vote against any loan for the benefit of any country which—

(1) nationalizes, expropriates, or seizes control of property owned by United States citizens,

(2) has taken steps to nullify contracts with United States citizens, or

(3) imposes discriminatory taxes, etc. on property of United States citizens,

unless the Secretary determines that (A) arrangements for compensation have been made, (B) the dispute has been submitted for international arbitration, or (C) good faith negotiations are in progress.

Senate Bill.—No comparable provision.

Conference Action.—Adopts the House amendment with the following modification: Strikes out all references to the Secretary of the Treasury and, instead, gives to the President of the United States the responsibility to give instructions with respect to the voting against any loan or other utilization of funds for the benefit of any country which expropriates property.

NARCOTICS DRUGS

House Amendment.—Requires the Secretary of the Treasury to instruct the United States Executive Director of the Bank to vote against any loan for the benefit of any country with respect to which the President of the United States makes a determination that such country has failed to take adequate steps to prevent narcotic drugs (which are produced in, or transported through, such country) from (A) being sold illegally within such country to United States Government personnel, or (B) entering the United States unlawfully.

Senate Bill.—No comparable provision.

Conference Action.—Adopts the House provision.

WRIGHT PATMAN,
WM. A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
THOMAS L. ASHLEY,
HENRY GONZALEZ,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
GARRY BROWN,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
M. MANSFIELD,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 2010, INCREASED PARTICIPATION BY UNITED STATES IN INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. PATMAN submitted the following conference report and statement on the bill (S. 2010) to provide for increased participation by the United States in the International Development Association:

CONFERENCE REPORT (H. REPT. No. 92–832)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2010) to provide for increased participation by the United States in the International Development Association, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 3, and agree to the same.

Amendment Numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendments as follows:

On page 1, line 11, of the House engrossed amendments, strike out "Secretary of the Treasury" and insert the following: "President".

On page 2, line 11, of the House engrossed amendments, strike out "Secretary of the Treasury" and insert the following: "President".

And the House agree to the same.

Wright Patman,
Wm. A. Barrett,
Leonor K. Sullivan,
Henry Reuss,
Thomas L. Ashley,
Henry Gonzalez,
William B. Widnall,
Albert W. Johnson,
Garry Brown,
Managers on the Part of the House.
J. W. Fulbright,
John Sparkman,
M. Mansfield,
G. D. Aiken,
Clifford P. Case,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2010) to provide for increased participation by the United States in the International Development Association, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

EXPROPRIATION AMENDMENT

House Amendment.—Requires the Secretary of the Treasury to instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan for the benefit of any country which—

(1) nationalizes, expropriates, or seizes control of property owned by United States citizens,

(2) has taken steps to nullify contracts with United States citizens, or

(3) imposes discriminatory taxes, etc. on property of United States citizens,

unless the Secretary determines that (A) arrangements for compensation have been made, (B) the dispute has been submitted for international arbitration, or (C) good faith negotiations are in progress.

Senate Bill.—No comparable provision.

Conference Action.—Adopts the House amendment with the following modification: Strikes out all references to the Secretary of the Treasury and, instead, gives to the President of the United States the responsibility to give instructions with respect to the voting against any loan or other utilization of funds for the benefit of any country which expropriates property.

NARCOTICS DRUGS

House Amendment.—Requires the Secretary of the Treasury to instruct the United States Executive Directors of the Bank and the Association, respectively, to vote against any loan for the benefit of any country with respect to which the President of the United States makes a determination that such country has failed to take adequate steps to prevent narcotic drugs (which are produced in, or transported through, such country) from (A) being sold illegally within such country to United States Government personnel, or (B) entering the United States unlawfully.

Senate Bill.—No comparable provision.

Conference Action.—Adopts the House provision.

Wright Patman,
Wm. A. Barrett,
Leonor K. Sullivan,
Henry Reuss,
Thomas L. Ashley,
Henry Gonzalez,
William B. Widnall,
Albert W. Johnson,
Garry Brown,
Managers on the Part of the House.
J. W. Fulbright,
John Sparkman,
M. Mansfield,
G. D. Aiken,
Clifford P. Case,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 12067, FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. Passman, Rooney of New York, Long of Maryland, Roybal, Hathaway, Galifianakis, Mahon, Shriver, Riegle, McEwen, Robinson of Virginia, and Bow.

WEST COAST DOCK STRIKE

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I think we can all take satisfaction at the news of the settlement of the west coast dock strike. I think the settlement provides proof, if proof were needed, that voluntary collective bargaining can serve a useful purpose in resolving issues arising between management and labor. As a result of my efforts to help bring about a workable solution to the west coast dispute, I have found it necessary to absent myself from the floor for considerable periods of time and was, thereby, unable to answer a number of rollcalls, a circumstance I hope my constituents will understand. Had I found it possible to be on the floor I would have voted for the bill to increase American participation in the International Development Association and against amendments to reduce the American contribution. Similarly, I would have voted to expand the membership of the American Bi-Centennial Commission, for the Bald Eagle Protection Act and for extension of the Federal Pollution Control Act. Happily, all of these bills passed by comfortable margins; therefore, my absence was not crucial to determination of the issue.

SOME ABC'S OF OUR PRECARIOUS FISCAL SITUATION

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, today the House will consider the administration's request for a $50 billion increase in the public debt ceiling. I take this time to recite a few of the ABC's of our precarious fiscal situation. On January 24, I spoke at great length on the subject.

The public debt subject to the debt ceiling is now about $425 billion.

The 1973 budget message estimates that the debt will reach about $482 billion by June 30, 1973.

The 1973 budget message requests new spending authority for fiscal 1973 of about $271 billion, some $21 billion above the current year total.

The 1973 budget message estimates expenditures on the unified budget basis of $246.3 billion, about $9.7 billion above this year.

The 1973 budget message estimates the Federal funds deficit, which is the deficit closely related to the debt ceiling, at—

For fiscal 1972, $44.7 billion.

For fiscal 1973, $36.2 billion.

The 1973 budget message estimates that in the 4 fiscal years, 1970–1973, the Federal funds deficit will total $123.9 billion—an average of $31 billion a year.

On a Federal funds basis, including fiscals 1972 and 1973, we have had 37 deficits in the last 43 years.

Last year, congressional actions and inactions in their impact on budget estimates of fiscal 1972 expenditures were about a standoff. There were a number of reductions and a number of increases, but the net effect was as I have just stated.

In the tax bill last year, tax revenues were reduced by about $15 billion over a 3-year period. Of course, the hope is that the tax reductions will stimulate the economy and tend to offset the revenue cut, but this is by no means assured.

ADMINISTRATION'S FISCAL YEAR 1973 BUDGET

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, when we examine the administration's fiscal year 1973 budget, recently presented to the Congress, we find that the American taxpayer is expected to pay $21.2 billion merely to pay off the interest on the national debt.

This amounts to a payment of over $40,000 per minute—merely to pay off the interest.

But, the debt is not new in America.

In 1902 when Theodore Roosevelt was President, the national debt was $1.2 billion.

It gradually rose to $17.5 billion in 1929 under Herbert Hoover's first year as President.

Under President Franklin Roosevelt's administration, the national debt increased, on the average, by $17.6 billion per year.

When Franklin D. Roosevelt died in 1945, our debt was $259 billion.

Under the Truman and Eisenhower years, the debt increased by $4.3 billion and $3.5 billion respectively, per year.

The national debt increased by $6.9 billion per year under President Kennedy, and $11 billion per year under President Johnson.

In 1969, the total national debt was $353.7 billion.

Today, the administration is requesting congressional approval to increase the national debt to $480 billion.

During the last 4 years, the debt has increased by approximately $30 billion a year. The national debt has increased by one-fourth in the last 4 years.

Mr. Speaker, during the minute I spoke, the American people paid $40,000—merely to pay the interest on this tremendous debt.

It is time for a hard look at the national debt.

It is time to reduce this $480 billion burden on the American people.

CLOSING THE MEDICINE CABINET AS A DRUG SOURCE

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, testimony during the hearings before the subcommittee on public health and environment indicate that we have a good chance now of beginning to eliminate the household medicine cabinet as a major source of abused drugs.

The Bureau of Narcotics and Dangerous Drugs has recommended a cut in the production of amphetamines by 40 percent this year. That is a significant cut.

The Food and Drug Administration testified that they would recommend an additional 30 percent cut making a 70 percent cut in amphetamines to be produced in this country. One of the companies that has been exporting about 99 percent has now agreed to its total production for export.

With these reductions we will eliminate almost 89 percent of the current duction of amphetamines.

I am also encouraged that the committee has been able to get the Food and Drug Administration to address itself now to barbiturates. FDA has said it is going to recommend a reduction in the production of barbiturates in about 3 months.

If we can quickly implement the amphetamine quota and move as fast as possible to bring about realistic checks on barbiturates, I think we can eliminate the medicine cabinet as one of the major sources of drug abuse.

One of the most important things in addition to the regulation of these drugs will be to implement a physician education program, for eventually they hold the key to the floodgates of these and other prescription drugs.

NATIONAL FORESTS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to join with the distinguished gentleman from Iowa (Mr. KYL) in introducing an important conservation measure to aid in our efforts to enhance the reforestation work in national forests.

This is but the first in a series of legislative proposals designed to bring about a comprehensive program of "Trees for People."

Congressman KYL is to be commended for his leadership efforts in initiating this project. His work will help renew and enhance our Nation's public forests.

The bill we are introducing is particularly beneficial in that it funds the improved reforestation program by means of a fund consisting of revenues derived from import duties on timber products. As such, this program will assure an adequate funding level on a predictable basis. Our initial estimate is an annual program of $62 million.

In addition, such a program would reverse the existing situation in which the only funds available for reforestation efforts are those derived from the sale of timber on national forestlands.

I am thoroughly familiar with reforestation needs of the vast public forests in my "redwood empire" congressional district. Enactment of this legislative package would make the redwood empire of California the greatest tree growing area in the world.

THE REMARKS OF WHITE HOUSE CHIEF OF STAFF ROBERT HALDEMAN

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RIEGLE. Mr. Speaker, the incredible remarks of White House Chief of Staff Robert Haldeman still remain on the public record. I refer to his irresponsible and unsubstantiated charge that those who differ with the administration's Vietnam policies are "consciously aiding and abetting the enemy."

This blanket charge of treason, by the President's chief of staff, is obviously without foundation and must be retracted if people are to have any faith at all in the integrity of the administration.

It is therefore essential that the White House officially repudiate this unfounded charge—and clear the air. Official silence only confirms everyone's worst fears. If this unfounded charge is not retracted, then Mr. Haldeman should be relieved of his official responsibilities without delay. This issue must be resolved one way or the other.

REPLY TO STATEMENT ON VIETNAM

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

Mr. WYMAN. Mr. Speaker, I had not intended to take this 1 minute, but I want to reply to my friend and colleague from Michigan and simply advise him that unless he has had his ears closed, the President of the United States has just been on the radio telling the country and the world that he charges none of the people who oppose him with insincerity, treason, or anything else. He just hopes that the process of debate, for which America is so justly famous, will not play into the hands of the enemy and cause a postponement of a resolution of the Vietnam war until after the election this fall.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Michigan.

Mr. RIEGLE. Has the President in fact repudiated the remarks made by Mr. Haldeman on national television? Yes or no?

Mr. WYMAN. As the gentleman knows, Mr. Ziegler has publicly indicated that what Mr. Haldeman said, he said for himself. I would construe the President's remarks to the Nation this morning as being the very antithesis of the implications of the gentleman from Michigan concerning President Nixon's position, which I deeply resent.

INTEREST RATES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I would like to comment on the remarks of Under Secretary of the Treasury Charles E. Walker at a meeting here in Washington yesterday, in which he was projecting the interest rates for this year and the coming year. I find the projections, both from the Under Secretary and from other administration spokesmen, very unrealistic and misleading. I suggest that looking at the amount of the deficit being added to the public debt, and at the methods by which public and private debts are financed, interest rates will be up in the commercial banking field to about 6 percent during 1972 and will very likely be up toward 6½ percent in 1973. Anybody who projects a rosier picture than that is not in touch with reality.

The facts, quite simply are that in 1970 the Federal Government's debt was up to $301.1 billion. This figure does not include the $38.8 billion of debt of the Federal financial agencies. The total private debt was $1,356.9 billion of which $582.8 billion was corporate debt and $126.8 billion was consumer debt. The administration itself predicts a 9-percent increase in consumer credit activity and a Federal deficit in 1973 of $25.5 billion added to 1971's $23 billion and 1972's $38.8 billion. All of this adds up to substantial demands being made on the money markets in this country with the inevitable result being an increase in interest rates.

I for one am at a loss to understand how the administration can predict increases in both public and private demands on the money market and in the next breath predict that interest rates will not increase.

THE OUSTER OF TWO REPORTERS FROM THE UNITED NATIONS SHOWS THE TRAGEDY OF OUSTING NATIONALIST CHINA

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, the tragedy of excluding Nationalist China from the United Nations is now becoming more and more apparent. The latest example of what a great mistake was made by this administration when it failed to help keep Nationalist China in the United Nations was demonstrated by the act of the U.N. Secretary General who recently ousted two Nationalist Chinese reporters from the United Nations because Nationalist China no longer is recognized by the U.N.

Their credentials have been withdrawn, and they are barred from coverage at the United Nations under the specious excuse that since Nationalist China is no longer recognized by the United Nations, these two newsmen are not permitted to cover the news in that agency. I hope the conscience of this Congress can be aroused to repudiate this action. And I hope the press of the free world will register such outrage at this disgraceful act that the new U.N. Secretary General will reverse the ban and restore these two reporters' credentials.

CRITICISM OF THE PRESIDENT BY CANDIDATES

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, our distinguished colleague, the gentleman from Michigan (Mr. RIEGLE) raised a question about the President repudiating one of his staff members. I would like to take a few minutes of the time of the House and read what the President said today in his published statement at 11 o'clock.

> I have no complaint over the fact that during this period when I have been ending the war I did not begin I have been subjected to vigorous criticism. I do not question the patriotism or the sincerity of those who disagree with my policies to bring peace.
>
> But as I said in 1968, when I was a candidate for President, we have only one President at a time. Only the President can negotiate an end to the war. There should always be free debate and criticism so that our policy will represent the best thinking of our nation. But a candidate for President has a higher responsibility than the ordinary critic. A candidate should make any criticism he believes would contribute to bringing an honorable peace.
>
> But I would hope that anyone seeking the Presidency would examine his statements carefuly to be sure that nothing he says might give the enemy an incentive to prolong the war until after the election.
>
> Trust in the United States among the 45 nations with which we have treaty commitments is essential if peace and freedom are to be preserved in the world.
>
> Let us end our involvement in the war in Vietnam in a way which will not destroy that trust.

Mr. Speaker, I think that pretty much answers the question which was raised by the gentleman from Michigan (Mr. RIEGLE) today.

THIRD ANNUAL REPORT ON FOREIGN AFFAIRS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-249)

The Speaker laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

As I prepare to set out on my summit trips to Peking and Moscow, it is especially timely for the American people and the Congress to have available a basis for understanding the Government's policies and broad purposes in foreign affairs. That is the function of this, my third annual report.

These annual reports trace the evolution of our policies over the years of our term of office and describe our responses to new problems and issues as they have arisen. They provide an insight into our philosophy of foreign policy and our new approaches to peace.

The broad framework presented here will be filled out in two other major documents: the Secretary of State's second annual report, which will describe in detail our relations with individual countries and set forth the major public documentation of our policy, and the annual Defense Report of the Secretary of Defense.

RICHARD NIXON.

THE WHITE HOUSE, *February 9, 1972.*

PRESIDENT NIXON'S STATE OF THE WORLD MESSAGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's state of the world message is an honest, thoroughgoing analysis of our foreign affairs which helps the American people view our foreign relations in proper prospective and promotes world understanding of our actions.

Regarding the President's comments on his upcoming trip to Peking, I join with the President in his hope that the trip will establish a basis for future negotiation with the People's Republic of China of all points of conflict between our two nations.

I also share the President's view that we will never collaborate with the North Vietnamese to turn South Vietnam over to Communist rule. To me, this is the nub of the current debate over Vietnam policy. The United States should not be a party to any so-called peace settlement that would assure a Communist takeover of South Vietnam.

I would also single out for special mention in connection with the President's state of the world message his call for a major series of new trade talks. It is absolutely mandatory for the future economic well-being of the United States that a Nixon round of trade talks be initiated and pursued to a successful conclusion. Our trade negotiators, because of our new economic policy, are in a stronger position to achieve better terms in dealing with other nations.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PUBLIC DEBT LIMITATION

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 809 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 809

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I yield 30 minutes to the gentleman from California, and I yield myself such time as I may consume.

Mr. Speaker, House Resolution 809 provides a closed rule with 4 hours of general debate for consideration of H.R. 12910 to provide for a temporary increase in the public debt limit. The resolution also provides a general waiver of points of order. The reason for the waiver is that the original Liberty Bond Act provided for an appropriation and any time you amend that which initially appropriated money, bypassing the Appropriations Committee, that amendment remains subject to a point of order.

Under present law, the permanent debt ceiling is $400 billion and a temporary increase of $30 billion is provided, making an overall limit of $430 billion, effective through June 30, 1972.

H.R. 12910 provides for a further temporary increase of $20 billion, also effective through June 30, 1972. There is no change made in the permanent debt limitation. Therefore, the total debt limitation through June 30, 1972, will be $450 billion. The total debt limitation as of July 1, 1972, will revert to $400 billion.

The limitation for fiscal year 1973 will be considered at a later date.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Massachusetts has explained the resolution and has explained the present situation regarding the debt limit. The administration did ask for a $50 billion increase to take them through February 1973.

The Ways and Means Committee wanted to have this bill held to $20 billion, so that it could be looked at again at the end of the fiscal year. The bill went out of the committee on a voice vote.

Mr. Speaker, I have looked over the schedule of the number of times the debt has been increased since I first came to the Congress. In 1956 the total permanent and temporary debt limit was $281 billion. With this increase today, almost 16 years later, there will be a total and permanent debt limit of $450 billion.

That is a lot of money, Mr. Speaker. I do not know what is going to happen to the future of our great country if the Congress keeps spending and spending more than we take in.

I support the rule, but once again I will not vote for the increase, because I have not voted for the measures that have caused this debt increase each time.

Mr. Speaker, I urge the adoption of House Resolution 809.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12910, with Mr. HUNGATE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I believe my fellow Members will agree that it would not be hard to find a more popular piece of legislation than the measure before us. Raising the debt ceiling is not pleasant to contemplate. None of us on the Ways and Means Committee is happy to have to bring the measure before you. We do this solely because we have no recourse. The plain fact is that if we do not take action, the actual debt itself will exceed the maximum permissible limit in a month or less. Accordingly, we must provide more leeway in the debt ceiling at this time if the Government is to continue to operate and continue to pay its bills. The pending bill will allow the Government to do this. At the same time, when we have heard the complete story, I am sure all of us will agree that in setting the new debt ceiling the committee has kept the tightest possible rein on it.

Mr. Chairman, the need to increase the debt ceiling stems, of course, from the very huge increases in budget deficits that we have been incurring in recent years. As you know, the administration's recent budget document indicates that the unified budget deficit for fiscal year 1972 will be $39 billion and not the $11 billion plus predicted in the original budget submitted to the Congress. This is more than one and a half times the biggest previous peacetime deficit, which occurred in 1968 when the unified budget deficit amounted to approximately $25 billion.

In fact, the $39 billion unified budget deficit expected for fiscal year 1972 is almost within the range of the enormous deficits that we attained in World War II despite the fact that we are supposed to be phasing down our involvement in Vietnam. Moreover, current estimates are that the unified budget deficit will remain high in the upcoming fiscal year, 1973. The administration estimates a unified budget deficit of $25.5 billion for that fiscal year. Let me add that for the 3 years 1971, 1972, and 1973, based upon actual facts and estimates by the Office of Management and Budget, the unified budget deficit for the 3 years is expected to be in excess of $87 billion.

It is a sad but nonetheless inescapable fact that the $39 billion unified budget deficit now projected for fiscal year 1972 is over $27 billion larger than the $11.6 billion deficit originally projected in the 1972 budget. The most important single reason for this difference was a $13 billion shortfall in tax receipts resulting from the fact that the gross national product failed to reach the levels projected by the administration in calendar year 1971. The administration initially forecast a GNP of $1,065 billion, but the actual GNP for the year 1971 was $1,047 billion. This, of course, was in no small part due to the repressive economic policy which the administration followed until last August 15. We are indeed fortunate that our policy was almost wholly reversed at that time, or the situation we will face this coming year would be still worse.

Increased spending was almost an equally important factor in accounting for the growth in the actual budget deficit for fiscal year 1972 beyond the levels originally projected. We may be able to control this spending better in the coming year if we adopt an expenditure ceiling as has been proposed and make up our mind to put our fiscal house in order.

The budget deficits that we have been incurring are even more gigantic on a Federal funds basis—which differs from the unified budget deficit in that the large surpluses in the social security and other trust funds are not used as an offset against the deficit of the general fund. On a Federal funds basis which excludes the trust funds, the estimated deficit for fiscal year 1972 amounts to $45 billion. For the fiscal year 1971 through 1973, these deficits total an amazing $111 billion.

From the standpoint of the debt ceiling, the Federal funds deficits are more significant than the unified budget deficits since they more accurately reflect the amount of borrowing, some of which is from the trust funds, necessary during the fiscal year.

Under present law, the permanent debt limit is $400 billion and the temporary debt limit is an additional $30 billion, making a total of $430 billion effective through June 30, 1972. In view of the large budget deficits anticipated for fiscal year 1972 and fiscal year 1973, the Treasury Department recommended that the permanent debt ceiling be raised $50 billion to a new level of $480 billion for the period through June 30, 1973. However, the Treasury estimated and stated that this new debt ceiling of $480 billion would be adequate only to cover the expected debt to about the middle of February 1973, not even enough to carry us through the next fiscal year.

In considering this request, the Ways and Means Committee held public hearings in which various Government officials, including the Secretary of the Treasury, the Director of the Office of Management and Budget, and a member of the Council of Economic Advisers, presented factual and analytical material regarding the administration's request for a higher debt ceiling. We also received the views of a number of Members of this House. In addition, we had the benefit in executive session of a frank interchange of views with the chairman of the Federal Reserve Board.

This detailed and comprehensive examination which covered the fiscal, economic and monetary considerations involved in an increase in the debt limit, convinced the Ways and Means Committee that we have no choice—none at all—but to raise the debt limit at this time in accordance with the provisions of the bill before us. I might add that this conclusion is unanimous on the part of the committee. It is a bipartisan conclusion shared equally by Republican, as well as Democratic, Members.

This is not to say that we are happy to see the debt limit increased—far from it. But, at the same time, we all recognize that once the expenses have been incurred, the Government just has to pay for them. As I have pointed out on a number of occasions in the past, a refusal to raise the debt limit to meet the Government's obligations is like giving your wife a credit card, turning her loose on the town to buy whatever she pleases and then—when the bills are presented—refusing to pay for the purchases that she made with the card you gave her.

However, in the pending bill, we pared down the increase in the debt ceiling proposed by the Treasury and also made it applicable for a shorter period of time so as to keep a tighter rein on the Government's fiscal affairs. More specifically, the bill increases the temporary debt limit to $450 billion instead of the $480 billion requested by the Treasury. In other words, the committee's action increases the temporary debt limit by $20 billion instead of the $50 billion as recommended by the Treasury. Also the $20 billion increase in the temporary debt ceiling provided by the bill expires on June 30, 1972, while the $50 billion increase under the Treasury's proposal would expire a year later on June 30, 1973.

In providing this considerably more restricted debt ceiling than the Treasury proposes, we were motivated by a number of considerations, all of which are designed to help keep the debt under better control.

In view of the very substantial increase in budgetary deficits in recent years, we believe it is especially necessary to keep close surveillance on the size of the public debt. This objective is furthered by limiting the increase in the temporary limit on the debt ceiling to an amount which though substantial in absolute terms, is relatively small in present circumstances; namely, $20 billion. The fact that this temporary increase will be effective only up to June 30, 1972, or less than 5 months, means that an opportunity will be given to the Congress to make another examination of the debt ceiling soon.

The resulting $450 billion temporary debt ceiling which will apply through June 30, 1972, is a tight ceiling. It represents the minimum amount that the Treasury estimates is necessary to carry the debt through June 30, 1972, and not one penny more. Accordingly, the new debt limit provided by the bill will serve as a restraint on spending during the period it is effective and yet be adequate for the economical management of the public debt.

Between the end of last December and June 30 of this year, the Treasury expects a $26 billion cumulative deficit in the Federal funds budget. Adding this deficit to the $425.5 billion debt outstanding on December 31, suggests the need for a debt limitation of slightly over $451 billion. However, the cash balance at the end of December 1971 was slightly over $11 billion, a higher cash balance than it is expected will be necessary in the remainder of the fiscal year 1972. The Treasury Department has estimated that the peak debt subject to the limitation, assuming a constant $6 million cash balance, will reach a level of $450 billion on June 15, 1972.

In order to keep a tight rein on debt increases, the new temporary debt ceiling provided by the bill does not make any provision for the usual $3 billion margin that the Treasury prefers to have to meet unexpected contingencies. This action which was taken with the agreement of the Treasury Department assumes that such contingencies are unlikely to occur within the short period of time covered by the new ceiling.

Timing the new temporary debt ceiling to expire on June 30, 1972, will give the Congress an opportunity to reexamine the ceiling in the light of later developments regarding tax receipts and expenditures. At the present time, there is a great deal of uncertainty regarding the size of the tax receipts that can be expected in fiscal 1973. In large measure, this is because it is most difficult to estimate what the economic situation, which influences these tax receipts, will be in fiscal 1973. The need for such a reappraisal of tax receipts later on this year is highlighted by the fact that budget receipts for fiscal 1972 were grossly overestimated because it was anticipated that the economic situation would be better than it actually turned out to be.

Similarly, we are likely to have a more accurate picture in June of what Federal outlays will be for fiscal 1973. Since Congress has not yet reached any decisions as to the level of appropriations for the fiscal year 1973, it is difficult at this time to estimate how the outlay requirements for that year which are presented in the budget might be modified by congressional action. An additional uncertainty results from the fact that the budget projects almost $14 billion more outlays in the second half of fiscal 1972 than in the first half of the year. In fiscal 1971, outlays in the second half of the year were only $3 billion above the figures for the first half of the year.

We believe that the adoption of the $450 billion temporary debt ceiling provided by H.R. 12910 represents responsible and prudent action. We are all unhappy about the large deficit spending that has taken place in recent years which has been responsible for the rapidly mounting public debt. But I think we must all recognize that it is essential to provide the Government with a means of financing its essential operations.

Any delay in enacting an adequate public debt limit would have most severe consequences. While there would be no question concerning the legality of the outstanding debt in such a situation, the Treasury Department would be unable to issue any new securities. This prohibition would apply to issues designed to replace maturing issues as well as to securities representing new debt.

As a result, savings bonds could not be issued and payroll savings plans would be disrupted. In addition, the Treasury cash balance would be depleted rapidly. Substantial amounts of Treasury bills become due on a weekly basis. If new bills cannot be issued to replace these issues, the Treasury cash balance would soon be exhausted.

Once the cash balance is exhausted, the Government would be compelled to delay full payment—or resort to partial payments—of contract obligations, Government salaries, various loan and benefit programs, and grants to States and local governments when they become due. The economic hardships resulting from such action would, of course, be most severe in those areas where there are large concentrations of Federal employees or employees engaged in production under large Government contracts.

All this could not help but have an unfortunate impact on confidence in the dollar abroad and there would be grave danger of another currency crisis.

These consequences of failure to provide for an adequate debt limit cannot be regarded with equanimity. I am sure that when the Members of the House consider these consequences, they will agree that we cannot permit them to happen and will take action to prevent them from happening by enacting the pending legislation.

Let me turn now for just a moment to a subject which concerns me very much, our uncontrolled spending. What we are talking about is an increase in the debt ceiling by $20 billion to enable us to take care of expenditures in excess of our receipts for a period of less than 5 months.

I am sorry to be a little ancient in my thinking.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, as I started to say, I am sorry to be a little ancient in my thinking sometimes, but in the first year I was in the Congress in 1939, when President Roosevelt was in office, we received a requested budget expenditure from his administration of $9 billion. That $9 billion was to maintain what small cadre of Armed Forces we had. It was to pay for WPA, through which we made workingmen out of idle men. It also was to pay for PWA, with which we were making job creating, public works projects available to localities.

I remember that I sat on the floor of the House, and I listened to the great statesmen of that day deploring the fact that we had reached a $9 billion level of spending in the 1940 fiscal year. And we talked about each of the appropriation bills for at least a week at a time trying to find areas where we could cut—and we did cut them.

But now, compare that—and that is ancient history, I know—to the situation of today when we have to increase the debt ceiling by $20 billion to take care of the difference between our receipts and expenditures for just a 5-month period of time.

I think it is high time for us to be thinking, on days other than those when the debt ceiling is before us, about where we are going and what is going to happen to us as a nation and what is going to happen to the funds that people have worked over a lifetime to accumulate, if we do not do something about it. The time to do something about it is not in connection with legislation on the debt ceiling—after the debts have been incurred. The time to do something about it is when we consider the authorizations of the agencies of Government whose spending in excess of our receipts creates these debts. And all of us know this.

This is the time, I think, for the Congress of the United States to put the interest of the future of this great country ahead of personal interests and personal ambition. Let us tell the American people, if they do not already know it, that we just cannot carry on as we are carrying on now. Think of the spending which created Federal funds deficits of $111 billion in 3 fiscal years. Never in our history has there been a comparable period of time, unless it occurred during the period of World War II, when we were not concerned about any dollars or anything else, except the lives of our people and the winning of the war.

But this creation of deficits has gone far enough. That is why the committee has decided to take care of the obligations that we have already created in connection with fiscal year 1972, but not to assume the debt burden from the creation of payment obligations for fiscal year 1973 until a later time when we can understand what our revenues are going to be, when we can have an opportunity to get a better understanding about what the Congress ought to do with respect to these requests for spending authority.

Look at the budget. I know the Members of Congress study it as painstakingly as I do. The President has not asked for $246 billion spending authority for 1973, which is what he plans to spend next fiscal year. He has asked for better than $270 billion of new spending authority which, when added to the carryover on June 30, the end of this fiscal year, of better than $266 billion, means that if the Congress gives him what he has asked for in his budget, there will be in the pipelines better than $535 billion over which the Congress will have lost complete control.

Is that the way Congress wants to operate? I hope it is not.

I have insisted over the years that the Congress should restore to itself the right given it under the Constitution to say how much is to be spent in any fiscal year. The only way left to do it is to put in a congressionally enacted ceiling on total expenditures. Congress can change it. Yes, Congress does change it, but nobody downtown can change it. I resent the fact that Presidents over the years have said, "Give me this much authority—keep my pipeline filled this much—but I will only spend this amount out of that total." That is a complete violation of the provisions of the Constitution to my mind, and if we do not wake up before long, there will be better than a trillion dollars in the pipeline.

Think how fast total appropriations in the pipeline have gone from $200 million to better than $535 billion.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman.

Mr. FINDLEY. I agree completely with the gentleman that the debt limit is no place to apply an effective discipline and I agree completely also with the idea of expenditure control. But expenditures are only a part of the problem.

Would the gentleman not agree with me, it would make a great deal of sense if the House early in each session would face up to the entire budget picture and consider a resolution dealing with the budget and to recommend and to anticipate the debt and a budget debt as well as expenditure control and make the approval of the budget by the House a condition that must be met before the House could consider any appropriation bill whatsoever?

Mr. MILLS of Arkansas. I agree with the gentleman. We enacted a provision—I will remind the gentleman, which was probably enacted before we had the pleasure of the gentleman from Illinois being seated here as a Member of Congress—in 1946 when we had a reorganization of the Congress. We did what you are talking about. We established a joint committee on the overall budget, expecting that it would recommend the total of what we should spend and appropriate and that we would live within those totals set by the joint committee.

It was made up of members of the Appropriations Committees of the House and Senate and of the Finance Committee and members of the Committee on Ways and Means. I think we met two times but we did not come out with any effective way of controlling the budget. There was opposition to it on the part of certain people who believed that, by bringing the Senate into the process, the House gave up its basic constitutional authority of developing and initiating revenue measures and appropriations.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. FINDLEY. Then perhaps we could improve on that and recommend that provision of the budget which is certainly a House operation and discipline ourselves.

But I might add further that in that provision of the Government Reorganization Act, there was no requirement that this budget ought to be approved before the House could consider an appropriation bill. Is that so and would the gentleman favor doing something like that?

Mr. MILLS of Arkansas. I am in favor of almost anything that would enable us to get back to an effective method of controlling expenditures.

As to the point that the Senate should not be in it in the first place, I want it in. If we do not have the Senate in on the initiation of the measure, the procedure will not stand up. I think it should be a joint effort. I have no pride of authorship, I must say, about the idea. I think all of us need to begin to think in terms of where we are going and how we can get back control of the rate of spending.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

Mr. MILLS of Arkansas. I yield to the gentleman from Illinois.

Mr. FINDLEY. The gentleman is without any question the most eminent figure in the Chamber with respect to the whole matter of monetary expenditures. Can he tell us the first step we should take beginning today to get a revision of our procedures accomplished so we can bring the Government back to where we believe it ought to be and in the proper hands?

Mr. MILLS of Arkansas. I wish I had jurisdiction over the question of a ceiling on spending. If so, there would never be a request to increase the debt ceiling brought to the floor of the House that I would not make every effort in the committee to have accompanied by a ceiling on spending. I would put it at a figure, under all circumstances, less than what the President has asked for. I do not know how much it would be. It would depend upon how much he is seeking. In any event I would certainly cut back the rate of anticipated spending at a time when the administration was talking about going to the public and borrowing another $40, $50 or $60 billion.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Ohio.

Mr. VANIK. I am among those Members of the House and the committee who feel that a tax reform program at least could be updated. It is long overdue. Would the distinguished chairman advise the committee as to his reaction with relation to the need for further tax reforms before we consider a further increase in the debt ceiling?

Mr. MILLS of Arkansas. On February 7, I wrote to the President pointing out that following his action on August 15, 1971, he advised Congress that in the second session, he would submit a tax reform program. I indicated that if I understood this, he meant a program of further elimination of preferences and loopholes in the Federal income, estate, and gift tax. I suggested further that if Congress were to complete action on any such proposal, he should give us the benefit of his thinking no later than March 15, 1972. I indicated that my suggestion was not with respect to any new type of tax, such as a value-added tax which I am sure the President did not include in his definition of tax reform. I also pointed out the interest in the House in this regard relative to the continued increases in the debt ceiling.

I insert in the RECORD at this point a copy of the letter I sent to the President:

FEBRUARY 7, 1972.

The Honorable RICHARD M. NIXON,
The President,
The White House.

DEAR MR. PRESIDENT: You will recall in your address to the Congress following your action of August 15, 1971, establishing among other things an incomes policy, you advised the Congress that in the Second Session you would submit what you called a tax reform program. To me, and to most others, this term means a program of further elimination of preferences and so-called loopholes in the Federal income, estate, and gift tax system. If this is what you had in your mind, and I am sure it is, let me call your attention to the fact that in order for the Congress to complete action on any such proposal you should give us the benefit of your thinking in a Message either delivered in person to the Congress or submitted by messenger to the Congress not later than March 15, 1972. My suggestion is not with respect to any new type of a tax, such as the value-added tax, which I am sure you did not mean to include in your definition of tax reform in your appearance before the Congress.

Since your statement advising us of your intention, this matter has become all the more important because of developments in the House in recent days raising the question about support of continued increases in the debt ceiling unless such requests are coupled with tax reform ostensibly that would produce additional revenues.

To me this matter is most important if there is to be a debt ceiling increase to accompany borrowings required under the 1973 Budget. I hope you will give it your immediate attention.

With kind personal regards, I am

Sincerely yours,

WILBUR D. MILLS, *Chairman.*

Mr. Chairman, in 1942 the Congress passed a tax reform proposal. We were in the midst of World War II. We needed revenue. So instead of reducing anybody's taxes concurrently with an increase under the reform proposal of the taxes of other people, we increased them somewhat. The result was that we had some additional revenue in this bill, some relating to tax reform and some relating to general increases in tax.

But every tax reform that has taken place in the Congress since then has resulted in a loss of revenue because of the awareness of the membership of Congress, I suppose, of the heavy burdens that are being borne by all taxpayers. Rather than to increase our revenues as we raised the taxes of one group of taxpayers, we have taken the increases and reduced the taxes of other people that we thought were bearing an inordinately heavy burden.

I think it would be difficult to change our habits in that respect. Unless we change our pattern of action the next tax reform bill in all probability will give back more revenue over a period of time than it will take in over the same period of time.

In the past I have been a party to the accompanying reductions because I knew the heavy burdens that were being borne by low-income people and the middle bracket taxpayer. Their burdens have been heavy. Their taxes at the local level are always increasing, and they probably increase faster than the reductions we have made available to them in the last 3 or 4 years. So it is difficult to get additional revenue from tax reform.

Let me also call your attention to this fact: In 1969 we had a tax reform bill, all aspects of which are not yet in effect. Those that are in effect have materially reduced the abuse on the part of taxpayers or inequitable treatment of one group as against another group. When it is fully effective, there will be less and less of the inequities that existed previously.

I would also like to comment on the 112 returns with adjusted gross incomes over $200,000 which it was recently reported paid no income tax in 1970. Some have suggested that this reflected on the effectiveness of the Tax Reform Act of 1969. I do not believe that this is the case. An analysis of these returns which we have begun bears me out in this respect. I am inserting at this point an explanation of these returns which I have prepared:

Explanation of the 112 Returns for 1970 With Adjusted Gross Income of $200,000 or Over Which Paid No Tax

In actual numbers, the 112 returns in 1970 which paid no tax represents a drop of 63 percent from the 300 returns so classified in 1969. Probably more important, the non-taxable returns in 1970 represented .7 of 1 percent of all returns with $200,000 or more of adjusted gross income. This was a decline from 1.6 percent in 1969. It might be interesting to note that only 12 of those who were in this nontaxable category in 1970 also were in this category in 1966—the returns studied for the 1969 Act.

It is important to emphasize that this tabulation of nontaxable returns for 1970 is preliminary. Because of this many of these returns may well turn out to be returns on which tax is payable after an audit is made.

Actually, there are 8 of the 112 returns which probably should not have been included in the classification of nontaxable returns even before taking into account the possible effect of an audit. One of these represented a duplicate, 2 actually had paid a minimum tax, and one had exercised an election under the internal revenue laws to be taxed as a corporation and had been so taxed. In addition, 2 were nontaxable because of net operating loss carryovers from prior years. Had the carryovers been classified as business expenses as the instructions call for, neither of these 2 returns would have had adjusted gross income of $200,000 or more. After these returns are examined more closely there may be more returns falling in this category. Finally, the last 2 of these 8 returns represent returns for earlier years which were late in being filed. The 1969 Act did not apply to these cases.

The reduction I have suggested so far reduces these returns to 104. Of these 104 returns, 6 paid no U.S. tax because of foreign tax credits. In other words, they paid taxes to foreign governments even though not to the United States. I might add that the foreign income involved was largely wages.

Of the 98 remaining returns, 12 involved large deductions for State income taxes. In large part, these represent cases where the individuals involved had larger incomes in 1969 than in 1970 but paid the State income taxes attributable to the 1969 incomes in 1970. Probably their poor showing in 1970 was due to the downturn in the stock market. It might be interesting to note that the number falling in this category is approximately the same as the number occurring in this category in the 1966 tabulation which was used in the study made in connection with the 1969 Tax Reform Act; at that time, there were 14 with major deductions of this type. I should also note that it it possible that in some of these cases the State may have imposed an income tax on State or municipal bonds which are tax exempt for Federal income tax purposes.

Of the 86 remaining returns, 13 of them had charitable contributions as their largest deduction. Of these 13, 2 of the returns made use of the unlimited charitable contribution deduction which, over a period of years, is gradually being phased out. The number who made use of the unlimited charitable contribution deduction in 1966 was 49. In other words, there was a drop from 49 to 2 in the unlimited charitable contribution category with the complete elimination of the category to be expected in perhaps a couple of years. Of the remaining charitable contribution deduction returns, 11 represented deductions of approximately 50 percent of adjusted gross income—the percentage which was allowed all taxpayers by the 1969 Act. These, in order to return in no tax, had to be combined with a series of other itemized deductions.

Of the remaining 73 returns, 55 had interest deductions as the largest deduction shown on the return. For comparative purposes, it might be pointed out that there were 72 in 1966 which had interest deductions as the largest item. There are a number of reasons why large interest deductions may be shown on these tax returns without the return being subject to the minimum tax because the interest deduction does not represent "excess investment interest" to which the minimum tax applies. First of all, the deduction may be a trade or business deduction which is misclassified. These deductions should be taken off in arriving at adjusted gross income. To the extent the 55 fall in this category, they are not properly classified as returns with adjusted gross income of $200,000 or more. A second category of interest deduction represented here is interest paid on net leases entered into before the passage of the 1969 Act. Congress decided not to impose the minimum tax on these pre-existing contracts. A third category, which may account for the interest deductions, is interest on personal loans such as mortgages on personal residences. It is believed that this, however, accounts for few of the category. The fourth category of interest deduction is that which offsets investment income. The minimum tax applies only to the excess deduction over the investment income. Finally, we suspect that in many of the 55 cases the interest deduction involved represents interest attributable to an investment, in which case it is properly subject to tax—either the minimum tax in 1970 and 1971 or the regular income tax thereafter. An audit of these 55 returns will be required before we can be sure how many of them in the interest category are properly subject to tax.

The remaining 18 returns have deductions of various types which represent the largest deduction. We have begun a classification of these, and I will be glad to run through those by category on which I have information. First, 3 of them represent losses on securities pledged to cover a loan. The tax law specifically (sec. 166(f)) provides a deduction for such losses. Two more of these returns showed very large theft losses which undoubtedly will be examined carefully. Seven more represent cases where the investment expenses in connection with earning the investment income actually exceed the investment income. This may be because 1970 was not a good year in the stock market. In addition, in some of these cases the gain related to these securities may be realized in the form of capital gain in a subsequent year. One other case worth noting is where the gambling earnings were large but were matched by gambling losses. I should think this one would also be examined carefully.

I believe that when the auditing of these returns is completed, we will find the numbers very substantially diminished. It is important, however, to realize that there can be occasions when legitimate expenses do, in a single year, exceed an individual's income. As a result, it seems to me that one cannot promise under any tax system no matter how "reformed" that there may never be anyone with adjusted gross income of $200,000 or more who pays no tax.

Mr. VANIK. Mr. Chairman, I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Does the gentleman agree with me that we cannot save very many millions until we start saving the thousands and hundreds of thousands of dollars?

Mr. MILLS of Arkansas. Certainly. They do not spend anything downtown that we do not make available. The problem is that we have been so generous in filling the obligation pipeline that, when they have wanted $250 million, we have given them $500 million.

Mr. GROSS. And we cannot start saving billions until we save millions.

Mr. MILLS of Arkansas. I do not understand billions and millions, but I do understand dollars and cents.

Mr. GROSS. The gentleman from Arkansas and the gentleman from Iowa may not understand billions, but we are confronted with a Federal debt of billions here today.

Mr. MILLS of Arkansas. Certainly.

Mr. GROSS. I was interested in the colloquy between the gentleman from Illinois and the gentleman from Arkansas a few minutes ago in relation to saving thousands, in order to save the millions. We were confronted with a bill in the Foreign Affairs Committee today that called for creating another new international organization. It calls for $400,000 to $500,000 merely to get it off the ground.

Mr. MILLS of Arkansas. Could not the gentleman find one already in existence to carry out these functions?

Mr. GROSS. Of course. But I was interested in the colloquy, because the gentleman from Illinois is the sponsor of this bill to provide for another new international organization. I was constrained yesterday to object to the consideration on the floor today of conference reports on three bills. I am not sure that I was right in not permitting the gentleman from Texas (Mr. PATMAN), to bring those bills to the floor to beef up three international lending organizations around the world to the tune of hundreds of millions of American dollars.

It is all well and good to engage in and listen to the rhetoric here today, but the proof of the pudding will come tomorrow or after the recess in the consideration of these and other spending measures as to whether this House is determined to stop this business of mindless spending which is the reason for raising the debt ceiling.

There is also pending before the gentleman's committee—I have had it there for years, and I am proud of it—the bill H.R. 144 to provide for balanced budgets and orderly annual payments on the Federal debt. I am hopeful that some day before I leave Congress, either voluntarily or involuntarily, the Ways and Means Committee will approve and pass out that bill.

Mr. MILLS of Arkansas. I would hope we could do it, and I will tell the gentleman why: Because any piece of legislation that has the author's name as the title, H.R. 144, Mr. H. R. GROSS, deserves favorable consideration.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I wonder if the distinguished chairman can tell us anything that has been done to improve the methods the Budget Bureau uses for projecting anticipated income?

This $450 billion debt we have here is obviously the result of another error in anticipating income. I recently made a study of the past 50 years, and I find that the Bureau of the Budget has been wrong 30 times in the past 50 years in anticipating revenues.

Mr. MILLS of Arkansas. That is right. I do not remember a time when they have been right in anticipating revenues.

One can do all he wants about restudying and revising methods, but he is not going to find any administration in office that will predict a downturn in the economy, even though it knows there will be one, predicting a decline in the tax receipts from businesses and individuals.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute, and I yield further to the gentleman from Illinois.

Mr. PUCINSKI. Is the gentleman saying that the Bureau of the Budget is knowingly deceiving both Congress and the American people?

Mr. MILLS of Arkansas. No, they are not deceiving. This is a practice that has developed to prevent further deterioration in the economy at a time, when they may expect some deterioration, by emphasizing that deterioration in the budget. It is not a question of deceiving. It is a practice that has been used over the years to keep things from becoming worse.

Mr. PUCINSKI. I thank the chairman.

The CHAIRMAN. The gentleman from Arkansas has consumed 30 minutes.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and three Members are present, a quorum.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman and my colleagues, it is the exigencies of our fiscal situation, what we have voted to do at other times, and the requirements of politics that bring this bill to the floor and require a full-fledged debate, I realize, but of course it is unthinkable that we would not raise the debt ceiling.

We all know that the results are a foregone conclusion.

I also agree that the debt ceiling is a rather poor control device but I do believe it offers us a good opportunity to review our situation, and it is important that we do this from time to time in order to understand the factors which have put our fiscal situation apparently out of control.

My leader and chairman has spoken very forcefully and effectively about expenditures, and I find very little to quarrel with in his remarks.

I would like to look at the factors that complicate our tax system as a device for the collection of revenue. That is first and foremost the function of the tax system—to raise the money that the Government spends.

There is a second function that has come into considerable currency lately, since we have fallen under the influence of the economists, and that is to use this central institution between the people and the Government as a device for restraining or stimulating the economy, depending on what the economists deem necessary at a given time. In other words, we have deliberately moved to relax taxes in certain ways for stimulative purposes or have imposed additional tax burdens to restrain an economy that was at super heat.

A third function of our tax system, often misunderstood and further complicating the whole process, is the expression of national priorities. Tax preferences are efforts by this Congress and the Presidency when the President requests such things of us, to reflect our national priorities by encouraging the flow of private capital into areas which we are unwilling to appropriate money for; and in this light tax preferences are as surely expressions of national priority as are the appropriations we make here on the floor of the House.

Now, one man's tax preference is another man's loophole. There is an historical reason for every preference we have in our tax system. Sometimes those historical reasons are no longer as significant to us as they were when they were first put in the Tax Code. However, I have heard it said that as much as $45 billion could be recovered if we had no tax preferences. That statistic itself is used as a shocker when people are talking about what they also refer to as loopholes or tax giveaways.

It is important to remember what these preferences are. They not only relate to special interests in the more classic sense—the so-called insidious oil lobby, the bloated business interests—but they relate to other purposes which all of us would feel were entirely legitimate under any circumstances. For instance, one of our major tax preferences is the double declining balance form of depreciation for multiple housing.

We found that public housing is a very expensive way to meet our housing needs. Therefore we have tried to facilitate the flow of private capital into the field of multiple housing by giving a good tax break. Frankly, we are achieving our housing goals this year primarily because of the private capital that is flowing into this field.

Charity is another motivation that we have sought to encourage in the pluralism of our system. Charities, of course, are something that every Member of this House wishes to encourage to sustain problem solving at all levels of our society.

In short, there are tax preferences and tax preferences, and I am sure there are very few people on deliberation who would wish to give it all up, no matter the staggering statistics of revenue loss which result from preferences.

Mr. BYRNES of Wisconsin. Will the gentleman yield?

Mr. CONABLE. Yes. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Just to call attention to the fact that when we speak of $45 billion in preferences, it should be mentioned that the most costly of all the preferences is the personal exemption, the standard deduction, and the low-income allowance.

I do not know of anyone here today who talks about preferences who would advocate at this time the elimination of those preferences, but they have to be acknowledged as a limitation on the amount of an individual's income that is taxed.

Mr. CONABLE. I thank the distinguished gentleman from Wisconsin for his contribution. I think what he says makes additionally clear that just to call something a tax preference does not automatically put it into the category of a loophole that will cause grave problems for the legitimate goals of our tax system.

There has been a lot of talk about the need for reform as a condition for the raising of the debt ceiling. Tax reform has been identified—and Chairman Mills dealt with this issue to a degree—as a continuing need in the Congress, and I quite agree that tax reform requires a much greater oversight than we have been willing to give it in the past. I think we must have an accelerated schedule of tax reform. But I would hate to see this used as a device to try to hold up the necessary raising of the debt ceiling so that the Government can pay its bills.

Mr. Chairman, one item which has given impetus to the talk of the need for tax reform is recent disclosures that in 1971 supposedly 112 people, following the initial implementation of the Tax Reform Act of 1969, had adjusted gross income of over $200,000 and yet paid no tax. I do not know the source of this information. It, obviously, must be someone in the IRS, but one thing perfectly clear to people who consider it for a moment is that those returns filed in April of 1971 have not yet been audited. In fact, the auditing will probably not be complete on complicated returns, as these must inevitably be, for as much as a 5-year period.

And so, to speak of this as a deficiency in our tax system is rather misleading and premature. I do not know what is going to be disclosed upon an audit of these returns, quite obviously, but I could suggest several probable areas which will explain why these people paid little or no tax.

First of all, there is a great deal of confusion about the minimum tax imposed by the 1969 act. The minimum tax is imposed, for instance, on investment interest deducted, but not on business interest. The distinction between investment interest and business interest is a gray area and a lot of interest has been misidentified by taxpayers who did not understand it.

Under this new act, also, deductions have been taken—and no one would really quarrel with the right of the taxpayer to take this deduction—for State income tax paid for a year of heavy income, but paid the following year, deducting against the low income the following year. But there is nothing wrong with the law that State income taxes are a Federal tax deduction and our State officials would urge it not to be changed in any way, I am sure, because it is an indirect form of revenue sharing.

Another problem area has to do with charitable deductions. As a result of earlier disclosure of people who had substantial income but paid no tax, including many who had 100-percent charitable deductions, this was changed by the 1969 act, but it was phased out. It was not immediately reduced to the 50-percent maximum deduction now imposed by the act.

However, I suspect that among those 112 people whose lack of paying tax has been disclosed prematurely, you will find many people who have claimed the 50-percent charitable deduction, and no one would argue that they do not have a right to do that, but in combination with other types of tax preferences the charitable deduction has resulted in substantial elimination of their tax.

I have mentioned several preferences which I think are acceptable. Others may not be so readily accepted, but until we know the facts, I think we should abide by the event and have some confidence in the tax system.

Mr. TEAGUE of California. Mr. Chairman, would the gentleman yield?

Mr. CONABLE. I yield to the gentle-from California.

Mr. TEAGUE of California. Mr. Chairman, I am not sure whether the gentleman from New York mentioned municipal bonds. That is pointed out sometimes as being a tax loophole. I think that ought to be examined very carefully because it seems to me if we try to remove the tax deductibility of interest from municipal bonds that the bonds would have to be sold at higher prices.

Mr. CONABLE. The gentleman is correct.

Mr. TEAGUE of California. The local school districts and local cities would have to pay more for these services they render, they would have to raise the property tax. So that is a sword that cuts boths ways. Am I correct in that?

Mr. CONABLE. Yes; you are correct. Of course, we do not have information on the holders of municipal bonds since the interest is not taxable income from which we can determine the extent to which it enters into the figures of people not paying taxes. But the gentleman from California makes a point that is important. In all these areas of tax reform and tax preference there are constant tradeoffs. We can knock off tax preferences of one sort or another, but there is always a price in terms of socially desirable goals and the price of taxing municipal bonds may or unquestionably would inevitably be a higher cost for the financing of municipal improvements. The committee considered this very carefully in 1969, and decided the price was too high to pay, or at least, although we did try to do something with it in the course of our negotiations with the Senate and in the course of the very substantial public concern which poured onto the committee during this period, it was decided that this could not be effectuated in the climate then prevailing.

The gentleman is perfectly correct that this is a major area which could be called a tax loophole, or called aid to municipal financing, whichever way you want to look at it. The point is that in considering such areas, whether you call it tax preference, or whether you call it a tax loophole, does not mean that automatically it should be changed 100 percent immediately.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I just want to take this opportunity to congratulate my distinguished colleague, the gentleman from New York (Mr. Conable) on the remarks that he has been making, and is making, on this very complicated and very important subject. As always, the gentleman from New York is talking sense, and that is something that on this particular subject has not often been heard in this Chamber. I think the gentleman's remarks ought to get a wider circulation. There is always a good deal of demagoguery involved whenever the question of tax loopholes arises, and the discussion of the gentleman has made it perfectly clear that there is always going to be some price if we make changes in our tax structure. When it comes to paying that price some of those who call the loudest for eliminating the so-called loopholes are not always too willing to pay the price. I too favor tax reform. But the job is not an easy one and I commend the gentleman for a very courageous and helpful statement which puts the whole issue in proper perspective.

Mr. CONABLE. I thank my friend for his friendly remarks.

I would like to say, though, that I would hope that my comments here would not be interpreted as opposing a continuing review of our tax system and continuing efforts at tax reform in order to make our progressive system more equitable. Certainly it is terribly important that people understand the tax system, and that they have an appreciation of the various things we are trying to do in it.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding, and I join with my colleague, the gentleman from New York (Mr. Stratton) in complimenting the gentleman for his remarks today. I know that the gentleman also spends a good deal of time on congressional reorganization, and I wonder if the gentleman——

The CHAIRMAN. The time of the gentelman from New York has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. Conable).

Mr. FINDLEY. I wonder if the gentleman has any observations to make about our procedure here in the House of Representatives dealing with appropriations, revenues, and general budget matters. Are there any changes that the gentleman could suggest at this point?

Mr. CONABLE. I heard the colloquy between the gentleman from Illinois and the chairman of our committee. I think it is a very appropriate area of study. We do need to do something with our procedures. We need to look at the forest more and not at the individual trees which sometimes seem to be growing everywhere helter-skelter without any particular pattern for sensible forestry.

I would like to close my remarks, if I may, my colleagues, by referring back to my original statement. Our tax system has several functions—to collect money; to restrain or stimulate the economy; and to reflect national priorities.

We are coming to a point where we are going to have to decide which of those functions are the most important and not permit others to detract from the primary functions.

If we had not passed the tax reform act of 1969 and put so much tax relief into it and if we had not deemed it was necessary to stimulate the economy in 1971 by enacting the President's tax package, we would have $22.4 billion additional revenues this coming year and our deficit would not appear to be so out of control.

In summary, the revenue side is terribly important as well as the expenditure side.

One last point: If we enact a ceiling on expenditures—and I think we should—we are going to be increasing the pressure for tax preferences of one sort or another. These are not subject to the ceiling on expenditures, because they are indirect tax subsidies rather than an outflow from the Treasury.

There is no man in this Chamber who has not sponsored bills designed to increase opportunities for private investors who are willing to engage in socially useful pursuits like building factories in slum areas and things of that sort. It is politically popular to do that sort of thing but it costs revenues and increases our deficits just as surely as unwise appropriations do.

Mr. ULLMAN. Mr. Chairman, this request for an increase in the debt limit demonstrates that the administration's economic policy has been a failure. This is clearly true of the economic policy prior to last August 15. The indications are that the policy since August 15, while it may not be a failure will not be nearly as successful as the administration claims. Once again, they are looking at the effects of their policy on the economy through rose-colored glasses. While it is unlikely that their current projections of economic recovery improvement in the unemployment rate and slowing down of inflation will be as far from a mark as their previous forecasts, it is also unlikely that the economy will respond to the current policy in the way their optimistic pronouncements would have us believe.

Direct evidence of the failure of the administration's economic policy is their request for an increase in the debt limit of $50 billion to $480 billion. This is the latest indication of the cumulative ineffectiveness of the administration's economic policy. It is a result of the cumulative unified budget deficits for the fiscal years 1971, 1972, and 1973 of $86 billion and $111 billion on the Federal funds or administrative budget basis. The full measure of the policy failure can be seen when we consider the fact that most of the cumulative deficit results from the low level of economic activity the administration deliberately implemented in order to slow down inflation. Their initial policy prescription which they called "gradualism" was deliberately designed to slow down the economy and thereby reduce the rate of inflation. They claimed that this result would be achieved without any increase in unemployment.

In its efforts to slow down the economy, however, the administration was more successful than it intended. On one hand this policy of slowing down the economy generated substantial deficits because of the fall-off of tax receipts in response to the economic slowdown. On the other hand, it was not successful in breaking the back of inflation which, in fact, toward the end of the period actually became worse. In other words, as most everyone outside of the administration knew, the policy was not capable of slowing down the economy without causing the substantial increase in unemployment we have observed.

As a consequence, we were confronted with the cumulative effects of this ineffective policy—a sluggish economy, high unemployment, an excessive rate of inflation, and huge deficits. In short, the administration slowed down the economy and incurred these deficits without achieving its basic purpose of controlling inflation—a failure which extracted a heavy price from the American people without any significant benefit in exchange.

The administration's policy reversal contained in the President's August 15 announcement admitted the failure of the previous policy and adopted measures to control prices and stimulate the economy which, if they had been implemented early in President Nixon's term, might have avoided the recession.

In addition to being too late, the current policy is not likely to be as effective as the administration claims. It has its rose colored glasses on again, although this time perhaps not as heavily tinted as before.

The administration's economic projections appear to be too optimistic. It appears unlikely that a reduction in the unemployment rate to 5 percent by the end of 1972 will occur. The administration's projection of an increase in GNP of about $100 billion to a level of $1,145 billion for 1972 also appears too optimistic. The stimulation provided by the recent tax reductions and the pick-up in private spending is likely to be less than the administration is forecasting. Moreover, the administration apparently now expects the stimulation of the economy provided by the recent tax reductions and the increase in private spending to be substantially less than it did last September when it presented its tax reduction proposals. This is indicated by the substantial increase in Federal outlays they now plan for the first half of calendar 1972.

If this overly optimistic GNP level is not reached there will be a shortfall in receipts below the $221 billion the administration estimates for fiscal year 1973. This means the administration's projected deficits of $25 billion on a unified budget basis and $36 billion on a Federal funds basis are likely to be too low. These higher deficits, in turn, mean that the requested $480 billion debt limit is not sufficient to carry the administration through fiscal year 1973 unless there is a significant cutback in projected outlays.

The wage-price freeze and the phase II wage and price controls were an explicit admission by the administration that its previous policy to control inflation by slowing down the economy was misconceived. This reversal was a clear-cut admission of the complete failure of the approach the administration had mistakenly pursued. Moreover, it has yet to be demonstrated that the phase II controls will be an effective and equitable solution to the problem of inflation over any significant period of time.

The failure to control prices in the administration's original economic policy also led to a deterioration in our international position reflected by a trade deficit and increasing speculative pressure on the dollar. The new policy approach of suspending the convertibility of the dollar into gold, devaluing the dollar and negotiating currency realinement is not a complete answer to this problem. Moreover, it is important to point out that exchange rate adjustments are not costless. By reducing the value of the dollar in relation to other currencies, the cost of imports goes up and consumers must pay more for imported goods. In this respect, an exchange rate adjustment operates very much like a tariff or a sales tax on imported goods as far as consumers who purchase these imported goods are concerned. The point is simply that the expected increase in exports resulting from the exchange rate adjustments, while they may be necessary in view of the position we are in, comes only at the cost of higher prices for imported goods.

Mr. VANIK. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I will support this increase in the debt ceiling only because it is absolutely necessary in the conduct of the Nation's business.

However, I serve notice now that I will not support a later expansion of the debt ceiling, unless more substantial efforts are made to bring about a more acceptable relationship between Federal income, Federal expenditures, and Federal deficit.

I also serve notice that I will not support an increase in the debt ceiling unless tangible progress has been made to tighten the tax system which is riddled with loopholes and tax giveaways. It is also essential that ceilings be placed on the contingent obligations of our Government which have a unique way of flowing into the cash debt.

Our unprecedented debt devalues the dollar at home and abroad and is directly related to inflation and increased consumer prices.

It is argued that this deficit is designed to create jobs. The record casts serious question on this issue.

I opposed the Revenue Act of 1971 because it was a revenue-losing bill. On October 5 of last year, I stated in this House that the administration's tax program for 1971 was a tax giveaway. The tax program was designed to produce a vibrant bloom of corporate profits this summer and a harvest if bitter fruit with higher taxes in the cold seasons ahead. The tax package was inequitable, ineffective, and cruel to the individual taxpayer, who will have to pay higher taxes in the years ahead.

The 7-percent investment credit, the exporters tax gimmick commonly known as DISC, and the repeal of the motor vehicle excise tax will develop an annual Treasury loss of $12 to $15 billion per year by 1977. Over the next 10 years, the investment credit will cost the Treasury over $50 billion while the cost of DISC will total about $3 billion.

A $15 billion reduction in this year's deficit would have been a more certain tool for recovery. It would have produced the business confidence which leads to jobs instead of tax giveaways which are pocketed or invested abroad.

The repeal of the motor vehicle excise tax will cost the Treasury over $3 billion per year—every year from now on. Although I come from a community with considerable employment in the automobile industry, I felt that the permanent loss of this revenue overbalanced the advantage of a little temporary "ping" in the economy. The revenue loss resulting from the repeal of the excise tax will soon equal the Treasury loss in the revenue sharing proposal designed to aid our States and cities.

The administration claimed that 600,000 additional domestic car sales could be translated into 150,000 additional jobs as a direct result of the excise tax. This has not been the case. There were increased car sales for the months of September and October of 1971, but trends now are uncertain. This boom in auto sales did not create a substantial increase in employment in that field. Today, jobs in the automotive industry reveal a net loss when compared to the period preceding the new economic program.

I will not vote for another debt ceiling increase until the administration develops a thorough "tax reform package" that will effectively tighten the present loopholes that exist in the tax system. The committee hearings will disclose my efforts to expose the 112 individuals who made more than $200,000 in 1970 and who did not pay any income tax. Any person earning that kind of income ought to pay taxes. Any program that fails to include these individuals as contributors to the Government is defective and unfair. Our fractured revenue system critically needs tax reform.

I am pleased that our distinguished Chairman Wilbur Mills has addressed a letter to President Nixon urging that he submit a tax reform program to the Congress. It is my hope that our committee will report tax reform legislation to the House before we again consider the debt ceiling later this year.

In the course of our hearings, I was shocked when Ezra Solomon—a member of the President's Council of Economic Advisers—told the Ways and Means Committee that it would be a "tragic mistake" to try to balance the budget by raising taxes, even if the increased revenue came from closing tax loopholes. I cannot understand his rationale against fiscal prudence.

Nor can I understand Secretary of the Treasury John Connally when he refused to concede that there were loopholes in the Federal tax structure.

As I stated in my supplemental views on this bill, the $450 billion debt ceiling proposed by this legislation is only a part of a potentially larger debt obligation that shadows the American economy.

The contingent obligations of the Federal Government approximate an additional trillion dollars of potential debt including:

[In millions]

Government guarantees, insuring private lenders against losses (FHA, VA, etc.)	$135, 157
Insurance commitments (overseas private investment corporation insurance, etc.)	773, 589
Unadjudicated claims (Corps of Engineers, HEW, IRS)	3, 623
International commitments (International Bank, Inter-American, Asian Bank, etc.)	7, 258
Other contingencies not included above (Export-Import, SBA, rural housing)	13, 506
Total	933, 133

Although a considerable portion of this trillion-dollar liability is not likely to become debt, it is reasonable to expect that liability is likely to result on at least 5 percent of this debt, or $50 billion.

In recent years, the contingent liability in "high-risk programs" appears to be growing much too rapidly. The Price-Anderson Act provides a potential liability of $10 billion, while the rest of the atomic energy program provides a potential liability of $90 billion more. At the present time, there are 20 commercial nuclear powerplants in operation. The liability on each plant in case of a nuclear incident is $560 million. Although there is a small insurance payment by utilities, a contingent liability of tremendous dimension is shifted to the public.

The Overseas Private Investment Corporation is another case in point. In fiscal year 1971, $9,847 billion in insurance was issued to American companies to encourage them to invest in high risk areas abroad. The cost of this insurance to the companies amounted to $33 million in fiscal year 1971. In 1971, $16.5 million was paid to these companies in claims by OPIC. The takeover of mineral interests in Chile could increase claims to over $500 million. If these claims are sustained, the investors will have an immediate claim on the taxpayers.

It is incredible to reckon with the power we have given to non-elected officials of the Government. While we struggle over every dollar of appropriations, the bureaucrats of the Overseas Private Investment Insurance Corporation, can commit the Treasury to incredible handouts while they and they alone decide on the degree of liability.

The Export-Import Bank has a contingent guaranteed loan obligation of $1,395,000,000.

The vested claims of military personnel not yet retired runs into scores of billions. The civil service retirement and disability fund places a liability on the general taxpayer which will soon rise to $1 billion per year.

In view of the sharp escalation in the contingent debt in recent years, it is incumbent upon the Congress to fix a ceiling on the contingent debt as well as the cash debt. We must control the manner in which many types of contingent liabilities have a way of moving into the actual debt.

In the next legislation relating to the budget ceiling, I hope that a limitation will be provided on the contingent debt. It is also my hope the Congress will review the entire contingent debt to determine whether proper premiums are paid by those those who directly benefit from these programs.

If a concerted effort is made by the administration and the Congress to hold down expenditures and recoup revenue losses though tax reform, a further increase in the debt limit may be averted. This would be the most effective way of stopping inflation and the uncertainty that festers unemployment and business disarray.

In an earlier colloquy, my distinguished colleague from Wisconsin, the Honorable John Byrnes, discussed the almost $44 billion of tax preferences reported by the Joint Economic Committee. A question was raised on whether individual personal exemptions were included. They were not included.

At this point in the Record, I would like to include a letter of May 22, 1971 from Mr. Murray L. Weidenbaum of the Treasury Department addressed to the Honorable William Proxmire along with a table setting forth the effect of selected tax provisions:

The Department of the Treasury,
Washington, D.C., May 22, 1971.
Hon. William Proxmire,
Chairman, Subcommittee on Economy in Government, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In your September 21, 1970, letter you requested revenue cost estimates of so-called "tax subsidies" for fiscal years 1970 and 1971 for inclusion in your pending study of Federal subsidy programs.

Mr. Jerry Jasinowski of your staff has indicated to us the various special tax provisions he considers subsidies. Our staff has prepared revenue cost estimates for the selected provisions and these are enclosed.

I should point out that there is considerable conceptual controversy over what is and what is not a tax subsidy. In no way should the enclosed information be interpreted as Treasury's identification of tax subsidies.

Furthermore, the estimates are prepared on an individual basis for each item on the assumption that the item would be eliminated from the law without any other changes in the law with respect to the other items. If two or more changes in the law are made, the aggregate revenue effect will frequently not equal the sum of the revenue effects of the individual changes. Accordingly, the costs of the items are not additive.

Sincerely yours,
Murray L. Weidenbaum.

EFFECT[1] OF SELECTED TAX PROVISIONS[2]

[Dollars in millions]

Item	Fiscal years 1970 Corporations	1970 Individuals	1970 Total	Fiscal years 1971 Corporations	1971 Individuals	1971 Total
Exclusion of benefits and allowances to Armed Forces personnel		550	550		500	500
Exemption for certain income earned abroad by U S citizens		45	45		40	40
Exclusion of income earned by individual in U S possessions		10	10		10	10
Western Hemisphere trade corporations	55		55	50		50
Exclusion of gross-up on dividends of less-developed country corporations	55		55	55		55
Exclusion of income of controlled foreign subsidiaries	170		170	165		165
Exclusion of income earned by corporations in U S possessions	85		85	80		80
Farming: Expensing and capital gain treatment			880			820
Timber: Capital gain treatment for certain income			140			130
Expensing of exploration and development costs	340		340	325		325
Excess of percentage over cost depletion			1,470			980
Capital gains treatment of royalties on coal and iron ore			5			5
Investment credit			2,630			910
Depreciation on buildings (other than rental housing) in excess of straight line			550			500
Dividend exclusion		290	290		280	280
Capital gains: Corporation (other than agriculture and natural resources)	525		525	425		425
Bad debt reserves of financial institutions in excess of actual	680		680	380		380
Exemption of credit unions			45			40
Deductibility of interest on consumer credit		1,700	1,700		1,700	1,700
Expensing of research and development expenditures	565		565	540		540
$25,000 surtax exemption	2,300		2,300	2,000		2,000
Deferral of tax on shipping companies	10		10	10		10
Rail freight car amortization				105		105
Deductibility of interest on mortgages on owner-occupied homes		2,600	2,600		2,800	2,800
Deductibility of property taxes on owner-occupied homes		2,800	2,800		2,900	2,900
Depreciation on rental housing in excess of straight line			275			255
Disability insurance benefits		120	120		130	130
Provisions relating to aged, blind, and disabled:						
Combined cost for additional exemption, retirement income credit, and exclusion of OASDHI for aged		2,800	2,800		2,950	2,950
Additional exemption for blind		10	10		10	10
Sick pay exclusion		105	105		105	105
Exclusion of unemployment insurance benefits		350	350		200	400
Exclusion of workman's compensation benefits		210	210		210	210
Exclusion of public assistance benefits		50	50		50	50
Net exclusion of pension contributions and earnings:						
Plans for employees		3,150	3,150		3,075	3,075
Plans for self-employed persons		160	160		175	175
Exclusion of other employee benefits:						
Premiums on group term life insurance		440	440		440	440
Deductibility of accident and death benefits		25	25		25	25
Medical insurance premiums and medical care		1,450	1,450		1,450	1,450
Privately financed supplementary unemployment benefits		15	15		20	20
Meals and lodging		170	170		170	170
Exclusion of interest on life insurance savings		1,050	1,050		1,050	1,050
Deductibility of charitable contributions (other than education)		3,450	3,450		3,550	3,550
Deductibility of medical expenses		1,700	1,700		1,700	1,700
Deductibility of child and dependent care expenses		25	25		25	25
Deductibility of casualty losses		80	80		80	80
Excess of standard deduction over minimum		3,800	3,800		3,000	3,000
Pollution control amortization			15			15
Additional personal exemption for students		525	525		500	500
Deductibility of contributions to educational institutions		200	200		200	200
Exclusion of scholarships and fellowships		60	60		60	60
Exclusion of certain veterans[1] benefits		600	600		650	650
Exemption of interest on state and local debt			2,200			2,300
Deductibility of nonbusiness state and local taxes (other than on owner-occupied homes)		5,100	5,100		5,600	5,600

[1] Estimates are prepared on an individual basis for each item on the assumption that the item would be eliminated from the law without any other changes in the law with respect to the other items. If 2 or more changes in the law are made, the aggregate revenue effect will frequently not equal the sum of the revenue effects of the individual changes. Accordingly, the cost of the items are not additive.

[2] The specific tax provisions were selected by the staff of the Joint Economic Committee.

Note.—Consent to insert table obtained in the House by Wilbur Mills.

Mr. BYRNES of Wisconsin. That may be true as to the particular list of preferences apparently referred to. But as has been mentioned, the term "preference" is a very elastic and subjective term and is often given a very expansive interpretation. Many of the lists of "preferences" include virtually all the deductions currently taken from gross income and one of the items, of course, is the personal exemptions.

Mr. VANIK. I hope before this discussion is ended we might have the joint committee submit for the RECORD an accurate statement of the preferences and whether or not they do include personal exemptions.

The debt increase which we are voting on today has a definite effect on the life of every person.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I would like to commend the gentleman from Ohio (Mr. VANIK) and also point out how very pleased so many of us are that the distinguished chairman of the Ways and Means Committee has requested the administration to have their recommendations on closing tax loopholes before the next debt limit action by the Congress. Ultimately the primary responsibility to make more efficient and equitable our tax system lies with the executive.

A number of us in the Congress will be supporting the debt ceiling limitation today because we have so much confidence in the chairman of the Committee on Ways and Means, and in light of his request of the President to forward the administration's tax loophole closing recommendations within the next few months. The next trip around we do expect, before we lend this issue our support, to see meaningful tax reforms along with the debt limit procedure.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from South Dakota.

(Mr. ABOUREZK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ABOUREZK. Mr. Chairman, I would like to speak about three things: Debt, taxes, and priorities. This bill would increase the temporary debt ceiling by $20 billion. It is the fourth debt-limit increase requested by the present administration, and, if approved, the temporary debt limit will have increased by $85 billion during the last 3 years. I recognize the problems that might occur as a result of delaying the enactment of an adequate debt ceiling and I recognize that this legislation will probably pass. However, I, personally, cannot with good conscience approve what I feel is financial mismanagement and irresponsibility as a result of bad tax policy and a bad set of priorities which favor wealthy corporations and harm the average citizen.

This leads me into the topic of taxes. I would like to commend my colleagues, HENRY REUSS, JAMES CORMAN, WILBUR MILLS, and many others who have been urging and working for meaningful tax reform. And I am speaking of tax reform, not increases. Tax loopholes for the rich such as the oil depletion allowance, executive stock-option capital gains, new depreciation rules, and overseas investment incentives deprive the Treasury of billions of dollars while they also cut down the number of jobs in this country. At the same time they also place the tax burden most heavily on the wage earners in South Dakota and around the country. I share the opinion of the Honorable WILBUR MILLS that the value-added tax does not fit the definition of tax reform. This is nothing more than a national sales tax which would continue to place the heaviest tax burden on the low- and middle-income segment of our population while the higher income bracket continues to pay less than its fair share. It is this fact that largely accounts for the fact that the top 1 percent of our Nation enjoys over twice the national income that the bottom 20 percent receives.

Finally, I would like to look at priorities. We all know that the administration claims it is "winding down" the Vietnam war. Yet, despite this, the proposed defense budget includes an increase of over $6 billion, the largest increase for any single area in the entire budget. This occurs in the face of the huge deficit we are facing this fiscal year and the huge deficit that is forecast for the next fiscal year. I cannot account for or support proposals such as these. It is time that Congress demanded a long-run accounting of the administration's plans and budgets. We must be sure that the tax and spending policies of our Nation are, in fact, in our national interest.

For these reasons I would urge a shifting of our priorities away from unmanageable and unnecessary space and military spending and I would urge measures that will plug tax loopholes which exist for the wealthy. But without such changes, I cannot support or vote for this measure to increase the temporary debt ceiling.

I include with my remarks an editorial from the New York Times of Saturday, February 5, 1972, entitled "Raise the Roof":

[From the New York Times, Feb. 5, 1972]

RAISE THE ROOF

Secretary of the Treasury Connally has gone before the House Ways and Means Committee to plead the Administration's case for an increase in the statutory ceiling on the public debt from $430 billion to $480 billion. This $50-billion increase, the largest ever requested by any Administration, will still not be big enough to last beyond February 1973.

Both Republican and Democratic members of Congress are highly skeptical of the Administration's budget making—as well they should be, after the soaring of this year's deficit from an estimated $11.6 billion to $38.8 billion, and of Mr. Nixon's three-year total deficit to nearly $90 billion. The Ways and Means Committee has agreed to grant the Administration an increase in the debt ceiling to only $450 billion—a figure that would require the Administration to come back before the end of June for another grilling.

This is understandable Democratic politics, but fails to come to grips with the urgent need for a detailed scrutiny—and revision—of the Administration's budgetary plan. In the past, the Administration's budgets have never been subjected to the kind of comprehensive analysis and critique needed to prevent the wastage of billions and to ensure that its tax and spending policies best serve national interests—economic, social and military.

Such a searching inquiry into Mr. Nixon's new budget has become critical. The Administration—"winding down" the Vietnam war, as the President likes to say over and over—is about to launch a big military buildup, with untold billions to go for new weapons systems and higher troop pay.

Mr. Nixon has asked for budget authority to increase military programs by $6.3 billion. Before buying into programs that would set in motion enormously costly projects that will grow year after year, Congress should insist upon long-run budget estimates from the Administraton. Then, and only then, should Congress decide whether it wants to allocate scarce funds to ever-growing military outlays that may even reduce rather than increase the national security. Thus far the coming defense buildup has been scarcely mentioned in the debt ceiling inquiry—presumably because it is none of Ways and Means' business.

Congress—which has been a party to the Administration's splurge of tax reduction—finally appears upset over what it has wrought and has been pressing Mr. Connally, without success, for the Administration's plans for raising needed revenues. Mr. Connally, claiming that the Administration has not accepted the theory that a tax increase is needed, states that therefore no decision has been made on what kind of tax proposal it favors. Meanwhile, back at the White House, spokesmen say the Administration has developed a tentative plan for a value-added tax—a national sales tax—and will submit it to a high-level commission of Senators, governors and mayors.

Whatever the merits of a value-added or any other tax, Congress ought to require now a far better accounting of the past fiscal stewardship and the future plans of an Administration that is losing economic credibility among both its supporters and its opponents.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I want to join the gentleman from Ohio in the remarks he made on tax reform and also join with the gentleman from California in stating we will vote this time for the increase, but we also want to serve notice that when this debt increase comes up next time, if there have not been meaningful tax reform proposals before the House, we are indicating at this time that we probably will not vote for another debt increase. We must increase our revenues through the proper closing of tax loopholes, in order to avoid these continuing debt increases and to provide a fair system of taxation for our people.

Mr. BURTON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Anderson, Tenn.
Andrews
Badillo
Baring
Bell
Biaggi
Bingham
Blatnik
Broomfield
Byron
Cabell
Carey, N.Y.
Chisholm
Clark
Clawson, Del
Clay
Collier
Corman
Davis, Ga.
Davis, Wis.
Dickinson
Diggs
Dwyer
Edwards, Calif.
Edwards, La.
Eilberg
Forsythe
Galifianakis
Gibbons
Goldwater
Griffin
Hansen, Wash.
Hawkins
Hébert
Helstoski
Hillis
Ichord
Jarman
Jones, Ala.
Keith
Kuykendall
Leggett
McKinney
Macdonald, Mass.
Mailliard
Mann
Murphy, N.Y.
O'Konski
Pelly
Pepper
Powell
Price, Tex.
Pryor, Ark.
Rees
Rooney, Pa.
Ruppe
Satterfield
Scheuer
Schneebeli
Sikes
Smith, N.Y.
Springer
Stanton, J. William
Stokes
Stubblefield
Stuckey
Thompson, N.J.
Tiernan
Widnall
Wilson, Charles H.
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Hungate, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill H.R. 12910, and finding itself without a quorum, he had directed the roll to be called, when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of order was made, the gentleman from Arkansas (Mr. Mills) had 1 hour and 18 minutes remaining, and the gentleman from Wisconsin (Mr. Byrnes) had 1 hour and 32 minutes remaining.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I wish to urge the Members of our side to support the committee bill and to do their utmost to see that this legislation is approved, and I would hope that Members on the other side would follow the good advice of the chairman of the committee, the gentleman from Arkansas.

Mr. Chairman, I have heard in the last half hour or so some rumors that I cannot believe—rumors that I think must not be accurate. These rumors are to the effect that when we finish consideration of this legislation, an effort may be made to approve a resolution providing for a recess between the end of business today and the beginning of business next Wednesday, and then following approval of that, if it was approved, a motion would be made to adjourn the House without the consideration of the strike legislation.

I cannot believe that to be true, because of the necessity and essentiality of considering on the floor the antistrike legislation. But let me say that if these rumors are true, I want it known that we, to the extent the minority can, will fight any effort to adjourn today without the House working its will on the west coast dock strike legislation.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, will the minority side fight just as hard to bring all of its Members in to support the increase in the debt limit?

Mr. GERALD R. FORD. We certainly are going to try, and that is why I prefaced my remarks with an expression of hope that the Members on our side will do their utmost to support the increase in the debt limit.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Mississippi, the distinguished chairman of the Committee on Rules.

Mr. COLMER. Mr. Chairman, I thank the gentleman for yielding.

In response to the statement made by the distinguised minority leader, I should like to observe that I have no authority to speak for this side of the aisle as the gentleman has for the minority, but that so far as this Member of the House is concerned, who is handling the rule bringing this strike legislation to the floor, immediately after the adoption of or disposal of this pending legislation I shall be on my feet seeking for recognition to bring that matter up for consideration by the House. And, further, that is a privileged matter and I have no fear that I shall not be recognized.

Mr. GERALD R. FORD. Let me add one other comment, if I may, Mr. Chairman. A straight motion to adjourn might be made at the conclusion of the consideration of this legislation without a motion being made to approve the recess adjournment. What I said in the other instance I repeat in this case: We will fight any such adjournment, because the House has an obligation and a responsibility to consider the west coast dock strike legislation. And if we are unable to get it on the floor—in other words, if the House adjourns and does not assume its responsibility—we will stay here tomorrow, the next day, and the next day, to make sure that the legislation is approved.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, I listened with considerable interest to the remarks made by the gentleman from Michigan.

I would first tell my good friend the gentleman from Michigan that no one on this side of the aisle has to apologize for the lack of responsible action with respect to the debt ceiling. I will provide for the RECORD the times in very recent years when not one Member, not a single Member, of the minority party voted to increase the debt ceiling when the Democrats were in power in the executive branch. I have always considered those votes the height of irresponsibility.

And on one occasion we had to come back here at least twice, to pass necessary debt ceiling legislation.

It is a fact at this time we have the highest increase and the biggest deficit that we have had since World War II; but, speaking for myself and I think for the majority of the Members on my side of the aisle, we will vote to increase the debt ceiling this afternoon.

Now, with respect to the other matter, there is no plan, there is no procedure, that has been decided upon on this side of the aisle. But I would tell the gentleman from Michigan that there is grave concern indeed on this side of the aisle about the procedure that is anticipated here.

I have served in this body, with the exception of the war years, since 1941, and this is one of the rare instances that I have seen the Rules Committee bypass one of the standing committees of the House of Representatives. I realize that is supposed to be in a good cause despite the fact that the information I have is that this labor dispute has been resolved.

But one should do a lot of thinking before voting turn over the legislative functions to the Rules Committee.

I am surprised that the committee bill is not even in order under this rule. It is as if the committee just did not exist at all.

I remember back in the 83d Congress when the gentleman's party was in charge of this House and we had a distinguished Member from New York, Mr. Reed, as the chairman of the powerful Committee on Ways and Means, and the Republican President, General Eisenhower, asked for an extension of the excess profits tax. Mr. Reed was opposed to that excess profits tax, and he did not call a meeting of the Committee on Ways and Means. So Mr. Halleck, who was then the majority leader of the House of Representatives, instructed the chairman of the Committee on Rules to bypass the Committee on Ways and Means. They were prepared to do so until the late beloved Speaker Sam Rayburn, then the minority leader, spoke up and said they would never do it unless it was done over his dead body.

So, Mr. Chairman, I am going to think a long time I about this procedure.

Now, Mr. Chairman, I am going to support the pending $20 billion increase in the debt ceiling because of a strong conviction that to do otherwise would be an act of irresponsibility. The Members of Congress, irrespective of party affiliation have enacted the authorizing and funding measures which make the proposed increase in the debt ceiling mandatory.

The Democratic Party is going to act in a responsible manner today on this matter. It has always acted in a responsible manner. The statesmanlike position which it took during the Eisenhower years stands in stark contrast to the Republican record of obstruction compiled from 1961 through 1968.

During President Eisenhower's administration there were seven rollcalls in the House on bills to increase the national debt ceiling. On six of these occasions not only did a majority of the Democrats support the request of a Republican President, but on each of these six occasions, a higher percentage of the House Democrats voted in the affirmative than did the Republicans. On not a single occasion during the Eisenhower years would the debt ceiling have been raised but for a substantial block of Democratic votes. Democrats under the leadership of our Speaker Rayburn acted to put their country first. They refused to indulge in cheap politics.

In contrast, during the Kennedy-Johnson years, on 12 different occasions a majority of the House Republicans opposed this type of legislation. On 10 rollcalls, fewer than 10 Republicans supported a necessary raise in the debt ceiling, and on four occasions in 1963, 1964, and twice in 1967, not a single Republican Member of the House elected to face up to his responsibility by voting to raise the debt limit. Presidents Kennedy and Johnson and the Democratic Party were thus ill-rewarded for the help that Lyndon Johnson, Sam Rayburn, and John McCormack accorded Dwight Eisenhower during his Presidential tenure.

Although we Democrats were thus smitten time after time during the Kennedy-Johnson years, in Christian charity we have turned the other cheek since President Nixon took office and rallied to his aid in this matter. Both Speaker McCormack and Speaker ALBERT have, like Sam Rayburn, put country before politics. In 1969, 1970, and again in 1971, an overwhelming majority of House Democrats supported an increase in the public debt ceiling.

As I today am prepared to uphold the President of the United States as a matter of fiscal responsibility, so I would hope that, next year, my good friend the minority leader, should it become necessary once again to raise the debt ceiling, would place principle before party and come to the aid of the Democratic President then occupying the White House.

DEBT LIMIT VOTING PATTERNS

Year	Vote	Republicans		Democrats	
		For	Against	For	Against
1953	[1] 239–158	169	33	69	125
1954	[2] 193–31				
1955	267–56	133	13	134	43
1956	([3])				
1958	328–71	142	42	186	29
1958	286–109	120	65	166	44
1959	256–117	88	48	168	69
1960	223–134	83	60	140	74
1961	231–148	40	113	191	35
1962	251–144	60	98	191	46
1962	211–192	9	153	202	39
1963	213–204	1	172	212	32
1963	221–175	2	158	219	17
1963	187–179	0	147	187	32
1964	203–182	0	154	203	28
1965	229–165	6	122	223	43
1966	199–165	1	121	198	44
1967	215–199	2	173	213	26
1967	197–211	0	176	211	21
1967	217–196	0	176	217	20
1969	313–93	140	41	173	52
1970	236–127	107	59	129	68
1971	228–162	105	62	123	100

[1] Included 1 independent member.

[2] This was a standing vote.

[3] Voice vote.

NOTES

1. With the single exception of 1953, a majority of the Democrats supported every bill during the Eisenhower years to raise the debt limit, 6 out of 7 times.

2. In contrast, on 12 occasions during the Kennedy-Johnson years, a majority of the Republicans voted against raising the debt limit. On 10 of these occasions, there were fewer than 10 Republicans supporting a rise in the debt limit. On 4 occasions 1963, 1964, and twice in 1967, not a single Republican voted to raise the debt limit.

3. In 1969, 1970 and 1971, a majority of House Democrats supported an increase in the debt ceiling.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I do not mind telling you right now that when and if this rule comes up to bypass the Committee on Education and Labor I am going to vote against it, because I want to say something to you Republicans. I do not care if the west coast dock strike goes on for a little while longer. It might save your President another big deficit, because as long as they cannot unload that junk from those Japanese ships maybe the people in my district who make glass, pottery, and steel can sell a little of it without cutthroat sweatshop labor Japanese competition.

You are not doing anything for the American people here today. You might think you are getting even with labor. Well, I have got news for you. You are getting even with your own constituents, because we have a $3 billion deficit right now in our balance of trade with Japan, and, as I said the other day, another $20 billion where we are providing for their national defense, because they do not have any or pay for any of their own.

So you think this is a big political issue. Well, I want to tell you something: You come out to my district and debate it with me and say you voted to settle the strike that is already settled so more Japanese junk can flood this country, and my unemployed and underemployed will run you right into the Ohio River.

Mr. BYRNES of Wisconsin. Mr. Chairman, in the hope that we can get back to the issue we are meeting on right now; namely, the fiscal problems of the United States, I will yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Well, Mr. Chairman, here we go again. I do not remember how many times we have gone through this exercise, but in my 14 years it has been the same old tune with only a slightly different refrain.

It is always an emergency, Mr. Chairman, for the same reason, but varying excuses. How often we hear "It's the only responsible thing to do," or "The U.S. Government must honor its obligations" or "Now is not the right time to defeat raising the national debt ceiling"—on and on, ad nauseam.

Really, Mr. Chairman, this is a very, very unfair, misleading legislative manipulation, and if the public really analyzed it, they should be outraged.

Demagoguery is not uncommon in this body and we witness example after example, day in and day out. Already this week, because of the extremely emotional overtones, this House passed S. 1163 amending the Older Americans Act to provide grants to States to establish, maintain, and operate low-cost meal projects for 60-year-olds. It authorized $250 million-plus, and not budgeted.

This ailed by with relatively few protest votes in opposition, because there really are not many of our courageous Members that want to be on record "against the old folks"—particularly during this election year. But, and this will be most interesting to watch, just how many of these humanitarian—generous with public funds boys—are going to pull a triple reverse today, suddenly put on their economy hat, and self-righteously vote "no" on the debt ceiling increase and try to blame the President for the economic crisis and chaos?

I predict, Mr. Chairman, it will be the same crowd—the big spenders—the guys that vote for every emotion-packed program for kids, elderly, sick, and disabled veterans, and promise more. The guys who take credit for increasing welfare, unemployment benefits, social security benefits, aid to the poor, education at all levels—then today, when they know they are the ones who disregarded the budget, and busted it wide open, day after day, they will not vote to increase the debt limit to pay for their excesses which they wilfully and knowingly created.

Our Members, Mr. Chairman, should have the intellectual honesty to take the responsibility to meet the obligations they have created. In other words, since they did all the dancing, they should pay the fiddler, and not expect those of us who exercised frugality and fiscal restraint to bail them out, as has been the case year after year.

It would be great if the big spenders would pay heed to these admonishments so we could say "go forth and sin no more."

But history, Mr. Chairman, repeating itself with sickening frequency, demonstrates that this cycle will continue and there seems to be no end. It would make more sense to just remove the ceiling altogether, because our spenders know we will raise it once or twice a year to meet their over-indulgent excesses.

To compound this miserable situation Mr. Chairman, the Ways and Means Committee, being less candid than we have a right to expect, reports out a bill increasing the ceiling to $20 billion of the $50 billion requested—ostensibly for whatever political impact that may result in forcing the President to seek the balance, closer to the forthcoming election. This type of shenanigans covers this House with something considerably less than glory, and I think all the Members are aware of it.

Mr. Chairman, if I may interpolate for a moment, I would like to say to those of you who now and before have voted for increased expenditures, prior to the $246 billion budget, you fail to recall and to point out that $181 billion of it or 72 percent of it are uncontrollable locked-in items that we in the Congress are responsible for creating. So, do not try to put that on the President.

So do not try to put that on the President.

I am sorry, Mr. Chairman, that we continually find ourselves in this position, and unless there are some major policy changes it will go on forever, with devastating results on future generations.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I do not believe that this is the way our people want their affairs run, and I will not be a party to perpetuating and compounding this continuous injustice. I will not bail out the compulsive "be damned with the consequences" spenders, and intend to vote against the increase in the national debt ceiling.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would just say to the gentleman from Ohio that I am going to vote to increase the debt ceiling. I voted seven times in the Eisenhower administration, and three, I believe, in this administration, for an increase.

But I would point out to the gentleman—and I do not disagree with the gentleman's personal stand on this subject, I think he has reason to speak as he does—but one-fourth of the total national debt has been incurred by this administration which has been in 3 years.

Mr. DEVINE. With a Democratic Congress. Do not forget to put that in.

Mr. HAYS. Yes, but the President does not have to spend it, you know. He does not spend anything he does not want to. He does not spend any money for sewage where they need it, and the gentleman knows that, your town cannot get money to help provide sewage treatment, but where he wants to spend it he spends it, such as for aid to Greece, and aid to God knows who else.

Mr. DEVINE. The Congress would scream to high heaven if he held up anything, because it is the Congress that authorizes and it is the Congress that appropriates, and that is what creates the debt.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, today the House is considering legislation recommended by our House Ways and Means Committee to increase our national debt from $430 billion to $450 billion.

For a number of years when our tax committee testified before the Rules Committee to secure a rule on tax legislation, I have been almost the lone voice in urging the chairman and members of the tax committee to bring in legislation reducing and eliminating most of the fabulous, and in some cases, fraudulent, major tax loopholes in our Federal tax laws.

Over the last 40-odd years powerful lobbies, big oil, big estates, foundations, real estate conglomerates, and so forth, have succeeded in persuading the House and Senate to enact special tax credits, exemptions, depletions, and so forth, until almost two-thirds of the Federal tax burden has fallen on salary and wage earners with an income under $20,000 per year. This tax burden includes annual Federal taxes, State taxes local taxes, sales tax, consumer tax, and so forth. In 1969 the Congress for the first time in generations enacted a tax reform law which only slightly reduced some of the large tax loopholes and gave the small taxpayer but a minimum reduction in his heavy tax burden.

When Chairman MILLS and the tax committee testified before the Rules Committee yesterday to secure a rule for the enactment of a $20 billion increase in our national indebtedness, I again questioned and asked that the Ways and Means Committee hold hearings and take further steps this year on another tax reform bill. We then could complete the job that they merely started in 1969 on major tax loopholes. Chairman MILLS stated that he and the committee were setting hearings early in this session of the Congress to again review the tax loophole situation, for which I commended him. I hope we can succeed, before we adjourn this year, to eliminate or greatly reduce most of these excessive loopholes which were placed on the tax books over the years.

THE POWERFUL OIL LOBBY

Mr. Chairman, the major loophole that could be completely abolished is the 27½-percent oil depletion bonanza which was enacted back in the 1920's when the oil companies wildcatted for oil production, a method that has been eliminated long ago by scientific process in finding oil deposits. I might mention a few more loopholes the Ways and Means Committee could take up and recommend for curtailment, to wit: Intangible drilling costs—$750 million; lack of full taxation on all capital gains on inherited property—$3 billion; treatment of executive stock options as capital gains—$150 million; the $25,000 surtax exemption allowed on corporate earnings—$1.6 billion; the new depreciation allowances—$2 billion, and the newly approved investment tax credit—$3.5 billion.

I also list for the information of the Members a few of the Federal income taxes paid by large oil corporations in 1970:

FEDERAL INCOME TAXES OF LARGEST OIL COMPANIES
1970

	Net income before tax	Federal tax, percent
Standard (New Jersey)	$2,474,748,000	10.8
Texaco	1,137,666,000	6.4
Gulf	990,197,000	1.2
Mobil	873,744,000	10.9
Standard (California)	589,637,000	5.0
Standard (Indiana)	394,539,000	14.2
Shell	274,681,000	12.4
Atlantic	257,121,000	4.13
Phillips	198,241,000	10.0
Conoco	301,115,000	6.4
Sun	223,086,000	12.1
Union (California)	161,825,000	4.6
Amerada Hess	183,905,000	3.6
Marathon	153,783,000	5.3
Standard (Ohio)	66,351,000	(10.4)

The Atlantic Oil Co. from the years 1962 to 1966, with annual income ranging from $61 million in 1962 to approximately $127 million in 1966, paid no Federal taxes whatsoever during that period.

In 1964, Standard Oil of New Jersey, with a net income of approximately $1 billion $630 million paid 1.7 percent tax to the Federal Government. These are but a few examples of Federal tax loopholes before our 1969 tax reform bill was enacted.

Some companies are not protected by huge, high-priced lobbies.

As an example, three coal companies, the Consolidated Coal Co., Pittston Coal Co., and Island Creek Coal Co, have paid annual Federal taxes on their gross profits in figures ranging between 18 and 28 percent annually.

Mr. Chairman, I also incorporate with my remarks a UPI news dispatch of January 11 of this year on oil taxes, which extends to the American public some further information on oil tax loopholes.

The small businessman, wage and salary earner must realize that when the major corporations and industries pay their just share of Federal taxes the tax burden will be greatly lifted from the shoulders of millions throughout the Nation. The article follows:

TAX FAVORS TO OIL GIANTS SAID TO KILL SMALL RIVALS

WASHINGTON, Jan. 11.—An independent oil driller from Wichita, Kan., said at a congressional hearing today that political contributions from oil industry giants were paid off in tax favors that were driving small oil companies out of business.

Alfred James III told a subcommittee of the House-Senate Economic Committee that attempts to reform tax laws to deny the industry's giants their advantages always were stifled by the giants' political influence.

As a result, he said, the independents, who account for about 85 per cent of all drilling for new oil fields, are being driven out of business.

He said the independent oilmen were like family farmers who cannot influence the prices of their crops when competing with corporate farms.

"I'm not alone in saying that I think the reason for this may go deeply into the political system you gentlemen have inherited," James said.

"It is a system of political financing and privilege. In a recent book titled 'America, Inc.', the authors state that the oil industry is believed to outspend all others in political contributions and a look at the tax laws leaves no doubt that the spending has been worthwhile."

James said the oil import quota system, which severely restricts the amount of cheap foreign oil entering this country, could not be abolished unless the tax system was changed.

The tax laws, he said, enable international oil companies to reduce their United States taxes to almost nothing. Royalties paid to foreign governments are treated as tax payments to those governments and subtracted from taxes the firms owe on their domestic operations.

Mr. Chairman, I was very much interested in what our good friend, majority leader FORD said regarding this dock strike on the west coast. I was also talking with the chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN) just a moment ago, and I asked him if it was not a fact that it was in December 1969, when he brought a bill in the House giving the President complete power to stop rising prices, wages, rents, and so forth and curb inflation. That anti-inflation bill, passed this House by about a 50 majority, and then was enacted by the Senate by about a 25 vote majority. The next week President Nixon signed that bill. The President could have then issued an order and curbed prices, wages, and so forth.

That was more than 2 years ago, in December 1969.

When the House Committee on Rules, in an unprecedented move, without my vote, took the dock strike bill away from the Committee on Education and Labor, it was an unnecessary dictatorial operation because word had already been announced that the dock strike was settled.

For 22 months after the President signed that bill prices rose a number of times. The President made no move to stop inflation by enforcing the bill in which the Committee on Banking and Currency and this Congress gave him the power to so enforce.

At 9 o'clock on the evening of last October 16, without consulting Congress, the President put into effect his celebrated freeze which he should have put into effect when he signed that bill back in December 1969.

The dock employees, along with millions of workers over the Nation, had been victims of a rise in the cost of living for 22 months without wage or salary increase. Prices of food, steel, furniture, and many other necessities of life had risen rapidly. Those price rises for 22 months were caused by President Nixon not enforcing what the Congress gave him complete authority to enforce in December 1969.

This strike was brought on by the President's complete disregard of the order of this Congress to enforce what the Congress told him to do under the bill that would have restricted the rise of prices and wages. So the President is responsible for the inflationary conditions causing the dock strike by not enforcing the power Congress gave him authority to enforce almost 2 years previously.

Now we hear the members on the Republican side of this Chamber trying to make some political capital out of the failure of their own leader in the White House in not carrying out the Congress' order that was given in December 1969. The damage caused by this unfortunate negligence or delay of the President is the direct cause of many of our labor difficulties, including the dock strike.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to this legislation.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, it is a very good thing that we do have a debt ceiling. I favor raising the debt ceiling by small amounts if for no other reason than that it does give this body an opportunity more frequently to talk about deficits and the Federal budget in general. But the pity is that the debt ceiling discussion comes at the wrong end of the string.

We consider it after all the decisions have been made and after all the important actions have been taken. It comes at a point in time when we really do not have any practical choice. I daresay that those who will vote against this debt increase will hope that there will be enough affirmative votes to carry it. I doubt that anyone in his serious moments really would like to see our Government confronted with a rejection of debt ceiling proposal such as this.

So much better would be for this House to consider budgets, spending, taxes and debt at the other end of the string, early in the procedures that lead to the creation of the debt. Let us face the total budget picture early in the session through a resolution which will include all elements, and an item representing total expenditures for the ensuing fiscal year, another item, the expected revenue.

If it shows a deficit, then an item showing how we propose to finance the difference—whether by increasing the public debt or increasing taxes or by a combination of both.

The city of Pittsfield, my hometown in Illinois, with a population of 4,000 begins its fiscal year by approving a budget. Yet, the institution holding the pursestrings of the biggest government in the world never from one end of the year to the other adopts a budget. We deal with appropriations and with revenue in a piecemeal manner. We deal in a piecemeal manner, first of all because there is no correlation between what is done by the Committee on Ways and Means, the revenue committee, and the Committee on Appropriations, the expenditure committee.

These two committees ought to get together early in each session and recommend to the House a Federal budget. Let there be a requirement in the rules of the House that a budget must be approved before any appropriation measure can be taken up. By that means we could perhaps establish priorities, first looking at expected revenue, then looking at the amount of the public debt, deciding whether we think it is wise to increase the debt, or increase taxes or both.

This is the way to establish priorities and get down to the fundamental forces that create debt. It is a shame that we deal also in a piecemeal manner with the appropriation process. We take bits and pieces and consider them separately from the rest, never having made a decision on total expenditures. Under this unbusinesslike procedure how can we hope to exert a real influence on the level of the public debt?

I am making a search attempting to determine what ideas have been proposed to deal with the problem. Joe Barr, when he left the post of Secretary of the Treasury, made some interesting, I think excellent, recommendations to the House, but nothing has been done with them, so far as I can determine. It has been years since anything specific has been considered by the House in terms of total Federal budget control. In fact, in the last Congress we eliminated the only provision in the House rules requiring House approval of a Federal budget. It is high time in this era, when we are encountering bigger and bigger Federal deficits, that we confront this problem.

My suggestion is that the leadership of the House, on both sides of the aisle, establish a select committee of very prestigious Members and give it a certain time in which to make recommendations as to changes in our system, perhaps a change in the Constitution, perhaps a change in the Rules of the House, perhaps a change in public law.

The Federal budget is out of control. Under the Constitution, the House of Representatives is entrusted with the purse strings of government, the right to originate revenue and spending measures. We have let these precious strings slip from control. Our procedures are inadequate. Certainly what we are doing now is not good enough. It disturbs me greatly to recognize that little, if anything, is being done to find a way out of this difficulty.

Mr. ULLMAN. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Texas (Mr. PATMAN).

THE STRANGE AND UNAUDITED EXPENDITURES OF THE FEDERAL RESERVE

Mr. PATMAN. Mr. Chairman, today, the House of Representatives is being asked to increase the authority of the U.S. Treasury Department to reach into the pockets of the American taxpayers.

While this legislation—to increase the borrowing authority by $20 billion—is being rushed through, it would seem only right that there be some discussion about the kinds of activities which the Congress is willing to finance with this money. Surely, the American taxpayers would not be asking too much if they demanded that controls—including independent audits—be imposed on the expenditure of all of these funds—every penny. This seems the most minimal demand from the people who are putting up the money.

Yet, my colleagues, there is not a single one of us on this floor who can report to our constituents that all of this money is being audited or that there are controls over all the funds which are being spent within the Federal Government.

FOUR BILLION DOLLARS DISPERSED ANNUALLY BY THE FEDERAL RESERVE WITHOUT APPROPRIATION

When our constituents write us about this enormous debt—and the growing deficits—we will have to tell them that nearly $4 billion of these funds are handed over to a Federal agency each year without any controls, without authorizations or appropriations from the Congress, and without even the remotest semblance of an independent audit. If we were to reply to our constituents in an honest manner, we would have to tell them that this Federal agency is allowed to spend whatever part of this $4 billion fund that it pleases, for whatever it pleases, without the Congress raising any objections.

By its inaction, this House of Representatives has allowed the Federal Reserve System to draw down this fund—this $4 billion—each year from the U.S. Treasury Department. By its inaction, this House of Representatives has allowed the Federal Reserve to expend money for whatever purposes it desires without any kind of audit or other controls—without the authorization or the appropriations processes. To some, this fact may make it appear that this Congress is derelict in its duty to protect the public interest and to provide the proper control over the use of public moneys.

FEDERAL RESERVE HAS MUTUAL FUND AND DABBLES IN THE STOCK MARKET

How many Members of this House—on either side of the aisle—would vote an appropriation to set up a mutual fund to dabble in the stock market? How many Members would be willing to vote the money to contribute to this fund for the benefit of the employees of any Federal agency? How many members of the press gallery would raise a hue and cry if the Congress dared to make such appropriations?

Yet, my colleagues, $3,600,000 of the taxpayers money has been used to contribute to just such a mutual fund being operated by the Federal Reserve System for its employees. These funds—tax moneys—are being handled by a brokerage house which then invests the money in various stocks and other income-producing sources. For every $1 that an employee of the Federal Reserve System puts in the fund, the Federal Reserve System generously tosses in another 25 cents of the taxpayers' money.

This is a program that has not been authorized by the Congress and none of this money has been appropriated or even considered by the appropriations committee.

The Federal Reserve System's generosity with the public's money does not stop with this dabbling in the stock market. The Federal Reserve is big on sports or, at least, its spending vouchers would indicate that this is the case.

ILLEGAL EXPENDITURES OF THE FEDERAL RESERVE SHOCKING

For example, the Federal Reserve Bank of Philadelphia has vouchers in its files showing that public money has been paid out for $246 in greens fees, $70 to a "Pearson" golf outing, and $228 for baseball uniforms. This particular part of the Federal Reserve System, of course, did not forget the cultural side in these expenditures of public funds. The vouchers show that $781 of public moneys went for art and craft supplies and prizes for art contests and $400 for a choral society. And during all of this activity, the Federal Reserve bank used $121 of tax money to buy cigarettes.

Not to be outdone on the Federal Reserve's sports competition, the Federal Reserve Bank of Atlanta has vouchers which show $29.94 for the purchase of two basketballs, and $18 for the purchase of eight softballs.

During the course of carrying out its rigorous monetary responsibilities, this same Federal Reserve bank paid out $24.66 in supplies for a bingo party, $32.60 for trophies and engraving for a bridge party and $50 for a "Mr. Buddy Farnam" for performing "Moments of Magic" for a summer outing.

And between the bingo parties, the summer outings, and the displays of magic, there were serious moments when someone from the bank had to go off to Florida to attend the launching of Apollo

12. For this little sojourn, the taxpayers were required to put up $326.47.

The Federal Reserve Bank of Minneapolis obviously wants its officials to be properly attired and they do not mind spending a little part of the taxpayers money to accomplish this goal. The vouchers discovered in this bank show an $8 fee for tuxedo rental so that one of its officials would be properly attired at an annual banquet put on by a branch of the American Bankers Association. The vouchers in this bank also show an $18 expenditure of tax money for "repair of suit pants while on audit of safekeeping department." Another voucher shows $8.50 for "repair of suit coat torn on bank car while in Helena." Later a voucher is entered for another $12.50 paid for "additional cost covering repair of suit coat."

After taking care of the clothing needs of its officials, this Federal Reserve Bank—using public funds—put up $200 as a registration fee for "H. Galusha" to attend a seminar entitled, "Toward Understanding Men." There is no indication of whether H. Galusha had any better understanding of men after the taxpayers put up the funds for this seminar.

And as part of this continuing effort at understanding, this same bank paid out a $35 registration fee—with tax money—for "E. McGuire" to attend a seminar on "Elements of Human Behavior for Executive Secretaries."

Mr. Chairman, these examples could go on and on. They could literally fill pages of the CONGRESSIONAL RECORD. They involve expenditures which the Appropriations Committee and the Members of this House would never approve for any agency of the Federal Government.

Who would approve—who in this House—would approve the use of public moneys to pay towing charges and a parking fine for a public official. Yet, the New York Federal Reserve Bank paid out $50 of tax money for just such a charge. Who would vote to pay the babysitting fees of public officials? I doubt that anyone would approve of this expenditure of public moneys but the New York Federal Reserve Bank has paid out just such fees for its officials to attend dinners.

And who in this House of Representatives would vote money to pay caddy fees and the expenses of public officials on a ski trip? Yet, the Federal Reserve System has paid out public moneys for just such activities.

FEDERAL RESERVE PAID DUES TO BANK LOBBYING GROUPS

The Federal Reserve has paid out as much as $100,000 in a single year for membership dues in various banking organizations, including the American Bankers Association. This has been modified—because of earlier charges which I have brought against the Federal Reserve—but the system continues to pay huge sums in dues to some of these organizations.

GAO AUDIT WILL SAVE MILLIONS NOW SPENT IN SCANDALOUS WAYS

Mr. Chairman, these are figures that the staff of the Banking and Currency Committee and the General Accounting Office have been able to obtain even though the Federal Reserve System will not allow an independent audit. A full audit would—I am convinced—uncover millions and millions of dollars of misuse of public moneys through the years.

A full audit—carried out by the GAO—would undoubtedly uncover numerous incidents similar to the transfer expenses which we discovered in the Federal Reserve Bank of Minneapolis. In this instance, we found vouchers revealing $8,675.07 in public moneys were used in the transfer of a single employee from Minneapolis to Helena, Mont.

These expenditures are possible only because the Congress has not required an audit of the Federal Reserve System and because the Federal Reserve is not required to come to Congress for appropriations.

SOME $70 BILLION OF PAID-UP BONDS

How is this possible?

It is possible because $70 billion of the debt we are talking about here today consists of bonds that have been paid for once. These are bonds that reside in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. These bonds have been paid for once and they should be retired and subtracted from the national debt.

Instead, the Treasury Department pays the Federal Reserve almost $4 billion annually in interest on these bonds. The Federal Reserve, in turn, uses these payments to finance the operations of the system and to avoid coming to Congress for appropriations.

Mr. Chairman, there is absolutely no question that these bonds have been paid for in full, and in fact some have been paid for more than once.

U.S. GOVERNMENT BONDS PAID FOR BUT NOT CANCELED

For anyone who doubts this, let me use the former Federal Reserve Chairman, William McChesney Martin, as the source. Here is what Mr. Martin told me in a hearing before the Banking and Currency Committee on July 6, 1965:

> Mr. MARTIN. The bonds were paid for in the normal course of business.
>
> Mr. CHAIRMAN. That is right.
>
> Mr. MARTIN. And that is the only time they were paid for.
>
> Mr. CHAIRMAN. Just like we pay debts with checks and credit.
>
> Mr. MARTIN. Exactly.
>
> Mr. CHAIRMAN. In the normal course of business they were paid for once. You will admit that, will you not? They were paid for once and that's all?
>
> Mr. MARTIN. They were paid for once and that's all.
>
> Mr. CHAIRMAN. That's right.

This is very clear. Surely the Congress does not need any more evidence that these bonds should be canceled and that Treasury relieved of its obligation to pay interest.

Without the income from these bonds, the Federal Reserve would be in the same boat with every major Federal agency. They would have to come to the U.S. Congress for appropriations. And should this happen, the members of the Appropriations Committees and the Members of Congress would have an opportunity—their first—to review the activities of the Federal Reserve and its expenditures.

If the Federal Reserve System were required to come to the Congress for appropriations and if it were subjected to an audit by the GAO, it might be more concerned about holding down interest rates and supporting the government bond market. In short, it might start operating in the public interest.

DEFICITS REQUIRE THAT FEDERAL RESERVE PERFORM IN THE PUBLIC INTEREST

With the enormous deficits of the Nixon budgets, the need for the Federal Reserve System to operate in the public interest is ever the more paramount. It is time that the Congress abandoned its passive role on debt management and required specific standards and procedures of the Treasury Department and the Federal Reserve. If we do not meet this responsibility, we will be opening the gates to another round of destructively high interest rates, higher unemployment, and further recession throughout the business community.

We cannot allow the Treasury Department to finance these Nixon deficits willy-nilly in the market without some specific assurances that they will not create higher interest rates and severe credit shortages for the domestic economy. If we are to have deficits of this size, we must require that the Federal Reserve System fully support the Government bond market and that the Federal Reserve and the Treasury Department fully coordinate their activities and peg the interest on Federal Government borrowings at a reasonable level.

In saying this, I am sure that there will be a chorus of voices contending that this is "unorthodox." I do not agree—and historical precedents do not agree—that such a procedure is unorthodox, but I do know—beyond a doubt—that the kind of deficits that are being put forward by the Nixon administration are unorthodox in the extreme.

There is no question of the power, the ability, and the responsibility of the Federal Reserve and the Treasury Department to work together to manage this debt in a manner which will protect the American people and which will reduce the tremendous interest burden borne by the taxpayers. The Federal Reserve can peg this interest rate at any point it so desires. This is an absolute fact that cannot be contraverted by anyone.

Mr. Chairman, this has been admitted time and time again and I want to quote from a hearing before the House Banking and Currency Committee way back in March of 1947 when Mike Monroney—then a U.S. Representative and later a U.S. Senator—questioned Marriner Eccles, the Chairman of the Federal Reserve Board, on this issue. I quote:

FEDERAL RESERVE CAN ESTABLISH ANY INTEREST RATE THEY WANT ON PUBLIC DEBT

> Mr. ECCLES. Now, the fact that the interest is where it is, of course, is not just an accident. The interest is where it is because that is where the Federal Reserve System put it in conjunction with the Treasury—I mean with the approval of the Treasury. The rates during the twenties and during the last

> war, had there been an open market committee—which there was not, in the Federal Reserve System—they could have financed the last war and financed the Government during the twenties at prevailing rates.
>
> Mr. Monroney. Do you mean to say that with your present open-market committee, and the operation of the Federal Reserve, as it now stands, that, regardless of what the national income is, or other economic factors, that you can guarantee to us that our interest rate will remain around 2.06 per cent.
>
> Mr. Eccles. We certainly can. We can guarantee that the interest rate, so far as the public debt is concerned, is where the open market committee of the Federal Reserve desires to put it.

Mr. Eccles was not speaking about theory, but actual practices by the Federal Reserve. Until the Eisenhower administration, the Federal Reserve had maintained yields on long-term Government obligations at 2.5 percent and below. This was true during all kinds of economic conditions—during depression, during war, and during the postwar expansion.

Nothing illustrates the ability of the Federal Reserve and the Treasury to work together to maintain low interest rates better than the period 1939 through 1952. Mr. Chairman, I include in the Record at this point a table showing the yields on long-term Government bonds from 1939 to 1952, and a second table showing how these yields increased from 1953 on:

Yields on long-term Government bonds, by years, 1939 to 1952

[Percent per annum]

Year:	*Yield*
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68

Yields on long-term Government bonds, by years, 1953 to present

[Percent per annum]

Year:	*Yield*
1953	2.94
1954	2.56
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08
1960	4.02
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.12
1966	4.65
1967	4.85
1968	5.26
1969	6.12
1970	6.58
1971	5.74

Interest rates rose in all categories after the Federal Reserve weakened its support of the Government bond market. Since the inauguration of the Eisenhower administration, the American people have paid about $497.2 billion in excessive interest rates on the total public and private debt—sums above and beyond what would have been paid if interest rates had remained at the levels existing in 1952.

Mr. Chairman, I insert in the Record a table showing how the $497.2 billion in excessive interest charges on the public and private debt has been calculated:

EXCESSIVE INTEREST CHARGES ON THE PUBLIC AND PRIVATE DEBT, 1953 THROUGH 1971

[In billions]

Year	Net public and private debt	Interest paid	Interest costs figured at 1952 average	Excess interest paid
1953	$581.6	$21.7	$20.5	$1.2
1954	605.9	23.5	21.4	2.1
1955	664.9	25.8	23.5	2.3
1956	698.3	29.5	24.7	4.8
1957	728.3	33.6	25.8	7.8
1958	769.1	35.5	27.2	8.3
1959	831.4	40.3	29.4	10.9
1960	872.4	44.2	30.9	13.3
1961	929.8	46.8	32.9	13.9
1962	997.1	52.5	35.3	17.2
1963	1,071.7	58.7	37.9	20.8
1964	1,153.7	65.2	39.8	25.4
1965	1,245.6	72.4	44.1	28.3
1966	1,341.4	81.9	47.2	34.7
1967	1,442.7	89.9	50.8	39.1
1968	1,584.5	104.9	55.8	49.1
1969	1,722.7	120.6	60.6	60.0
1970	1,839.7	135.6	64.8	70.8
1971	[1] 1,950.0	[1] 156.0	68.8	87.2
Total				497.2

[1] Estimated.

Mr. Chairman, I also include in the Record a table showing how we have paid $103.8 billion in excessive interest charges on the Federal debt since 1951:

EXCESS INTEREST RATES ON FEDERAL DEBT, 1951–73

Fiscal year	Total Federal debt (billions)	Total interest paid (billions)	Computed annual interest rate	Computed interest cost at 1951 rate (billions)
1951	$255.3	$5.7	2.23	$5.7
1952	259.2	5.9	2.27	5.8
1953	266.1	6.6	2.48	5.9
1954	270.4	6.4	2.36	6.0
1955	274.4	6.4	2.33	6.1
1956	272.8	6.8	2.49	6.1
1957	272.4	7.3	2.67	6.1
1958	279.8	7.8	2.78	6.2
1959	287.8	7.8	2.71	6.4
1960	290.9	9.5	3.26	6.5
1961	292.9	9.3	3.17	6.5
1962	303.3	9.5	3.13	6.8
1963	310.8	10.3	3.31	6.9
1964	316.8	11.0	3.47	7.1
1965	323.2	11.8	3.65	7.2
1966	329.5	12.6	3.82	7.3
1967	341.3	14.2	4.16	7.6
1968	369.8	15.6	4.21	8.2
1969	367.1	17.7	4.82	8.2
1970	382.6	20.0	5.22	8.6
1971	409.5	21.6	5.27	9.1
1972[1]	455.8	22.1	4.84	10.2
1973[1]	493.2	23.4	4.74	11.0
Total		269.3		165.5

[1] Estimated.

Note: Excessive interest on national debt—$103,800,000,000.

Source: Budget of the United States for fiscal year 1973.

THE FICTION ABOUT CURRENT INTEREST RATES

Actually, much of the current deficit and the red ink projected for the new fiscal year can be traced back to the economic problems caused by an extended period of high interest rates. These extortionate rates which have existed over the past several years have stifled economic growth, cut personal income, and increased unemployment all over the Nation. The deadening effect of high interest rates is one of the prime reasons that the administration's projections of the expansion of the gross national product missed the mark so widely last year. It is one of the reasons that economic recovery is moving so slowly.

Unless interest rates are sharply reduced at all levels, the $25.5 billion deficit projected for fiscal year 1973 will grow tremendously. We cannot finance an economic recovery at the present level of interest rates notwithstanding the great propaganda that the administration has fostered concerning minor reductions in some money market rates.

For example, the very best corporate bonds are priced at between 7.25 and 7.50 percent today, while in the mid-1960's these same classes of bonds carried interest rates of below 4.50 percent. Today, home motrgages are ranging between 7½ and 8 percent across the Nation while in the mid-1960's, this rate was well below 5½ percent. High-grade municipal bonds are ranging between 5.30 and 5.50 percent today while in 1965, this same type of bond bore an interest rate around 3.25 percent. The rates in consumer areas are even more out of proportion with "normal" levels and in most areas of the country, people are paying 36 percent and more on small loans, and from 18 to 24 percent on a growing volume of installment credit. So, the fact that some interest rates are below the historic highs of 1969–70, does not translate into "reasonable" or "low" interest rates.

The administration is desperately running around the country denying that the huge deficits—nearly $65 billion over this and the next fiscal year—will create higher interest rates throughout the economy. They sound like medicine men wildy flailing their arms exhorting the money markets to behave in line with President Nixon's reelection campaign.

Under Secretary of the Treasury Charls Walker went to New York last Friday in one of these attempts to assure the public that the big deficits would not create higher interest rates. Again and again, he assured the American Management Association that this would not be the case.

When the bond markets reopened on Monday—after Dr. Walker's speech—the interest rates went up again on key corporate issues.

Analysts for the First Boston Corp., Kidder Peabody, and other banking and investment houses sharply disagree with the administration's forecast that this deficit can be handled without disruptions in the money markets. The economist for Kidder Peabody was quoted in the New York Times as saying:

> Large deficits point to rising interest rates. The huge red ink figure will have a significant impact on interest rates—both short and long—during the first half of 1972.

This is the same kind of analysis that is being made by virtually everyone except the political forecasters in the administration. And, as this Congress well knows, this administration's economic forecasts—whether based in politics or not—have never come close to the mark in any area.

So, my colleagues, it is obvious that we are in for serious problems on the interest rate front unless the Federal Reserve decides—in coordination with the Treasury Department—to start operating in the public interest by supporting the bond market and driving down interest rates.

Mr. Chairman, once again, I want to urge my colleagues to support the efforts to require a full and complete audit of the Federal Reserve System by the GAO on a regular basis. In addition, I hope that my colleagues will throw their support behind the efforts to retire the bonds that have been paid for and which reside in the open market portfolio of the Federal Reserve System and thus require the Federal Reserve to come to the Congress for appropriations as do other Government agencies.

The American people are watching this Congress closely and the spotlight is even more intense when we are dealing with legislation involving a public debt of $450 billion. The people will not long tolerate policies which allow a huge Federal bureaucracy—such as the Federal Reserve System—to use the taxpayers money so loosely, without regard to public policy and without regard to the needs of the Nation. We cannot allow the power, the myth and the big banking interests which stand behind the Federal Reserve System to deter us from doing our duty in this area.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Chairman, will the gentleman yield me an additional 10 minutes?

Mr. ULLMAN. Mr. Chairman, I yield the gentleman from Texas an additional 7 minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman is standing here crying about what has happened to him and to his committee by way of getting certain information. The gentleman and his committee gave the President standby powers, is that not true?

Mr. PATMAN. Yes.

Mr. GROSS. Yes, and, without the benefit of amending the Constitution of the United States, the President used those powers to devalue the currency. In other words, the Constitution specifies that the Congress shall fix the value of money, and the gentleman and his committee delegated that authority.

Mr. PATMAN. I think the gentleman is overstating his facts a little.

Mr. GROSS. I have not overstated anything.

Mr. PATMAN. It is not exactly that way, but I do not care to go into that now.

Mr. GROSS. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman is indicting the Federal Reserve Board. Knowing all of this, why did he bring a bill to turn over all of the credit of this country to the Federal Reserve Board? Why?

Mr. PATMAN. Would the gentleman repeat his question?

Mr. GROSS. The gentleman is standing in the well of the House and indicting the Federal Reserve Board backward and forward, when he brought a bill to the House floor to turn over to the Federal Reserve Board control of every dollar of credit in this country.

Mr. PATMAN. Oh, no, that is a mistake.

Mr. GROSS. Oh, yes, you did.

Mr. PATMAN. No.

Mr. GROSS. It is on the statute books.

Mr. PATMAN. No; that was standby price and wage controls.

Mr. GROSS. You passed two bills, one providing for price and wage controls and another to turn over to the President and specified the Federal Reserve Board as being the administering agency——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. PATMAN. That is all right, but the President failed to use that price and wage control legislation when we passed it. If he had we would not be in the situation we are in today.

Mr. GROSS. But you gave him the authority.

Mr. PATMAN. No, you are mistaken on it. Read up on this.

Mr. GROSS. I have read up on it. You read up on what you did.

Mr. PATMAN. So, today we have not only that, but let me tell you a new wrinkle I discovered just by chance. You know, you cannot see the minutes of the Federal Reserve Board. For 30 years I was unable to see them—for 30 years—because they were secret, deep, dark secret, and they did not want anyone to know what was going on. They stopped that practice and, finally, we got to see the records.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes, I yield to the gentleman from Ohio.

Mr. HAYS. Why do you not bring in a bill to make them subject themselves to an audit?

Mr. PATMAN. I have attempted to do it, but in committee I have lacked two or three votes of doing it.

Mr. HAYS. Maybe the Rules Committee which is so interested in taking bills away from other committees you may prevail upon the distinguished gentleman from Mississippi to bring in such a bill and I will vote for it if the gentleman brings it in.

Mr. PATMAN. I thank the gentleman from Ohio for his contribution.

Mr. Chairman, the minority party has too consistently been for high interest, big rich and big banks and the like. That is the reason for the last 44 years the minority party has only been in power 4 years in the Congress, because they want to cover up the economic issues. They never indulge in debate on economics and bread and butter issues.

If you will take the election returns since 1928 you will find that for 24 years the Republican Party was not in charge of the Government.

Now, under Mr. Hoover who received one of the biggest votes that any President ever received, after 2 years, they did not want any more of Hoover and they gave him a Democratic Senate. He had been in power 2 years but he was out of power for the last 2 years and the Republican Party was not in power any more until 1952 when General Eisenhower—and I say "General Eisenhower," because he was a national hero, because he was a general, because he was a great and fine man and a great hero and I have nothing to say against General Eisenhower, nothing but words of praise, but he received the biggest vote any President of the United States ever received. He went into office on January 20, 1953, and he had the House and Senate both with him. He was in charge of the Government. He was in charge 2 years. At the end of the 2 years when the first election was held after his inauguration we had a Democratic House and Senate and after the next two elections after that we had a Democratic House and Senate.

So, for the last 44 years the Republican Party has only been in power 4 years out of 44. In other words, they have not been in power long enough to have the expertise to know how to run the Government. I am not criticizing them for it, but I am criticizing the manner in which private financing and public financing has been carried on that has ruined our country.

But let me get back to the Federal Reserve. I discovered what they called a thrift plan in the Federal Reserve. The Federal Reserve System has about 20,000 employees. They all receive good wages and good salaries. They created a program at the Federal Reserve, without congressional approval, to start a mutual fund for their employees using taxpayers' money.

This is the way it works. Every time the employee puts up a dollar in the thrift fund, the Federal Reserve would give them a quarter, 25 percent added to it, every time, 25 percent of taxpayer's money. And at the end of the year that runs into millions.

Well, what right do they have to do that? Why do they not do it for all Federal employees? Why restrict it just to the 20,000 Federal Reserve employees? I asked that question, and I was told, "Oh, we expect eventually to expand it, make it flexible, and include all employees."

This is one of the things they are doing, that should convince you absolutely that they do not care anything about the use of the Government's money. They are taking every dime they can get, and using it for any purpose they want to. It is not only increasing our national debt, but it is doubling our debt.

Now, this $70 billion in bonds, when they sell bonds through the open market committee, why then of course, they are bought by banks and others.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PATMAN. May I have 5 additional minutes?

Mr. ULLMAN. I yield the gentleman 2 additional minutes.

Mr. PATMAN. May I have 5 minutes? I think I am entitled to have 5 minutes.

Well, anyway, these Government bond dealers, they have the right to buy Government bonds from the Federal Open Market Committee. Nobody else can buy them. They are exclusive. It is a most lucrative operation.

These bonds are purchased by these 20 dealers, and they get a cut on each one of them that comes through. When the bonds are sold they go through the dealers, and they get one toll, they get a cut on the incoming bonds, and then they get a cut on the other side for the outgoing bonds. They get a profit on them in 1 recent year of $738 million.

And these dealers—you talk about all the criticism of subsidies, and yet they received the biggest subsidy, these big dealers, the other day, by letting them not sell the bonds, but just put them up as security and get interest at 3 percent, in other words, at a subsidized rate. Nobody else gets interest at 3 percent except those 20 dealers. That runs into a lot of money.

In conclusion, let me say this. The Federal Reserve does not have to come to Congress for its funds. They have not come to Congress in the past, and they will not come to Congress in the future for any funds unless we mandate them by law.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PATMAN. May I have 1 additional minute?

Mr. ULLMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Vote for legislation to audit the Federal Reserve, and stop the Government from paying its debts twice.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to H.R. 12910 to provide for a temporary increase in the public debt.

At a time when the American taxpayer's back is terribly burdened by the load of Federal, State, and local taxation, and his purchasing power is vastly reduced by inflation largely caused by the failure of Government to hold spending in check, this is no time to make Federal borrowing the chief source for such easy spending. I therefore oppose any addition to Federal Government expenditures—especially those which will be financed by still more borrowing in the private money market. The President's major new programs call for additional spending in fiscal 1973 of $14 billion. Chairman Mills has suggested here today that the add-on cost in the 1973 budget might create as much as $34 billion over last year's budget.

Since 1941 there has been a Joint Committee on Reduction of Federal Expenditures in the Congress of the United States. The joint committee consists of such distinguished members as Chairman Wilbur Mills of the Ways and Means Committee, Chairman George Mahon of the Appropriations Committee, and the Honorable John Byrnes, and the Honorable Frank Bow. Unfortunately, our House of Representatives has been negligent in paying attention to the warnings that this Joint Committee has sounded or the statistics they have reported. I firmly believe that the time has come to listen more closely to the voices of those who serve on the Joint Committee on Reduction of Federal Expenditures and to the words of the distinguished House Committee on Appropriations' Chairman George Mahon who has stated:

> There seems to be a growing disposition on the part of Congress and the administration in considering Federal spending to brush aside the question of whether or not we have the money in hand or in sight to pay the bills. Whopping deficits do not seem to deeply disturb the administration or the Congress very much any more.... We take note of our needs and wants and tend to disregard the fact that we do not have the revenues to pay our bills. (Congressional Record, August 6, 1971.)
>
> Mr. Speaker, the budget message does a masterful job of putting a rosy image on what in my judgment is a near-disastrous fiscal situation. We have been trying to buy ourselves out of inflation and huge deficits, but these efforts have failed. Inflation is receding a bit, but whopping deficits have increased markedly from year to year, and a whopping deficit is again projected for fiscal year 1973. As the fiscal year 1973 proceeds, it may very likely be much greater.
>
> No one should believe that with whopping deficits in the $20 to $30 to $40 billion range that we can really win the fight against inflation adequately or stabilize the economy. This Government will have to borrow about $44 billion in the current fiscal year 1972—from the highway fund, the social security fund, and other trust funds, and from the private sector—mostly from the private sector.
>
> When the Government goes to the money market and borrows in the magnitude of $38 billion to $40 billion from the private sector, this inevitably will have a marked effect upon the economy of our country. Among other things, such borrowing will put pressure on interest rates. Such a course, is of course, highly inflationary and will tend to create further economic dislocations.
>
> DEFICITS ARE A NATIONAL PROBLEM
>
> Let me say that I shall not speak in a partisan manner. No one administration is responsible for our plight. The administration and the Congress must share the responsibility for the dangerous fiscal situation which confronts the country. The point really I make today, Mr. Speaker, is that we are at the crossroads as a nation. As I see it, our way of life is threatened.
>
> A further point I make—and we have made it here on many occasions—is that democracy will collapse without restraint, and this Government in both the executive and the legislative branches has not been using sufficient fiscal restraint. (Congressional Record, January 24, 1972.)

Let me summarize the points I wish to make here today:

First. The U.S. House of Representatives, together with the U.S. Senate, has not properly faced up to its responsibility to bring this irrational increase in Federal deficit under proper control. More important, we must urge the Congress to concern itself more directly in the control of expenditures so that they do not exceed Federal income. This must be done by deeds not just rhetoric.

Second. I am also asking you to give thoughtful consideration to a bill (H.R. 12195) that I have introduced and is now before the Ways and Means Committee. I believe H.R. 12195 establishes a constructive method of balancing the Federal budget, and sincerely feel that it is a positive alternative to aimlessly increasing the national debt.

The bill provides the Congress with regular reports by a taxpayers' advocate; establishes that clear notice be given the Congress and the American public of the current status of the gross public debt, with a statement of the cost to the taxpayers; and provides for the reduction of the Federal debt on an annual basis.

Third. Let us stop the ever-increasing unmanageable debt, which is proving to be an unconscionable burden on the American taxpayer. Since the Federal debt now creates an interest charge so great that it has become the third largest item in the U.S. Federal budget, I strongly appeal to this House to take the leadership now to change the direction of this dangerous course of Federal spending in excess of revenue.

I would like to quote from a letter by a constituent which is very typical of the kind of mail I have received since I returned to Congress in mid-1970. This housewife has presented it in direct, blunt terms:

> Dear Congressman Rousselot: I wish I could express adequately to you—and to anyone else who may be in a position to do something—my distress at what I have come to think of as the Great American Crime—the exploitation of the taxpayer.
>
> We people of middle class suburbia, who have not faulted in paying our taxes, who have voted into office those we think—or hope—will best represent not only our interest but those of the entire nation, who have taught our children the responsibilities of citizenship—We've been had!!!
>
> We are weary of footing the bill—and in return getting less than our share of "rights" . . . The fault is partly ours, I admit. Which of us from our comfortable middle class taxpaying home wants to rock the boat and bring upon his head all kinds of righteous and moral indignations. But we are getting too tired and too weak to carry on much longer—especially when we see so pitifully little in return. One of these days we'll have to organize—just to protect ourselves from this kind of exploitation. We need a spokesman—and whoever he is will get the ear *and* the vote of the greatest mass of people—the ones who carry the load.
>
> Mr. Rousselot, what are you going to do about this? Please don't waste time having one of your clerks answer this with a form letter. Instead do something!

Mr. Chairman, I intend to do something. I do not believe that I will be the only one who will come before this House to make comments about our national debt, and I believe that since we have been asked to come before you, this is the time to redirect and reorder our priorities on this important subject. This woman is not a lone voice. Chairman Mills has consistently stated as he has brought bill after bill before the House of Representatives that someday we were simply going to have to come to grips with the debt. I quote the words of Chairman Mills:

> I cannot for the life of me see how anyone can conceive, if he is aware of the situation, of allowing this great Government of ours to be placed in the position that during the early days of the depression some of our States were in; namely, not being able to meet its bills when they come due. Think of what

> word would go out, not only to our people but throughout the world. It would be said that this great demonstration in democracy and free enterprise has finally come to its knees and is broken. What Khrushchev and others had said years ago they would do to us would have been accomplished. Do we want any such message as this to go out to the world; namely, that this Government is so hog tied that it cannot pay its own bills when they come due? (CONGRESSIONAL RECORD, March 19, 1969.)

Now let me briefly follow through on the above listed points which I urge this House to seriously consider:

First, this House of Representatives, and more particularly the Ways and Means Committee, has the clear responsibility under the Constitution to originate "all bills for raising revenue. To lay and collect taxes. To pay the debts and provide for the common defense and general welfare of the United States." Let me repeat, "To pay the debts." This is familiar to every Member of the Ways and Means Committee, it is my firm conviction that inherent with these powers is also implied the obligation to execute these delegated powers in a responsible manner. In my opinion, we are not presently doing this. To automatically increase the debt ceiling by rote just because we are asked by the executive branch of the Government, or even others, is not right. Many segments of our constituency—and for that matter the whole Nation—are beginning to sense this irresponsible trend and to ask us what we are doing to change the direction.

Let us review some of these comments.

Nation's Agriculture, January 1972 says in its column on farm marketing:

> To be successful in curbing inflation, it is necessary for Congress to reduce inflationary pressures by cutting federal expenditures and for the Federal Reserve Board to keep a tight rein on monetary policy.

American Metal Market editorialized on December 8, 1971, in commenting about the huge deficit and kind of spending that we in Congress have allowed that—

> In truth, such deficit spending could, if and when the economy picks up strength as it is expected to do by the second quarter of 1972, actually negate the effects of the freeze and the restraints of Phase II.

KNXT, a CBS television station in Los Angeles, editorialized on December 21, 1971:

> In the first place, government is the biggest spender in our economy. Many economists say that inflation starts with government spending . . .

The United California Bank, in its 1972 forecast states:

> A third factor behind the inflationary bias is the propensity for fiscal and monetary policies to be expansive for the purpose of aiding the economy to recover or to expand. The classical example of this type of inflationary bias was the excessive monetary ease and budget deficits in calendar 1970 and 1971 and their continuation into 1972.

The American Farm Bureau, an association with a membership of over 2 million farm families, adopted a resolution on Government spending and inflation which states in part:

> Inflation is a serious threat to economic stability. Excessive federal government spending is the basic cause of our current problem of inflation. Deficit spending by the federal government and policies which expand the supply of money and credit faster than production clearly lead to inflation . . . we believe more attention should be given by both the Executive and Legislative Branches of government to the fact that federal budget deficits of the magnitude projected for 1972 will fuel inflation, rather than halt it, regardless of other actions.

The executive vice president of the Mortgage Bankers Association of America, Oliver H. Jones, in an article in the Mortgage Banker, January 1972, entitled "The New Economic Program" states:

> Concern over the large federal deficit must be more than expressed. Congress and the Administration must act to hold the line, if not reduce the deficit. Logic insists that we do not risk a situation where the monetary authorities are forced to expand the supply of money and credit in order to support an untenable volume of Treasury financing.

Publisher and executive editor of Publisher's Auxiliary, Theodore A. Serrill, in an article dated December 25, 1971, entitled "Our Depreciated Dollar" wrote:

> Spend more than we take in, and we in business eventually go bankrupt. For a government to spend more than it takes in, the route is towards a depreciated currency . . .

Maj. Gen. Thomas A. Lane, writing in the St. Louis Globe Democrat, December 14, 1971, says:

> Our political leaders have embraced the mythology that federal deficits are a stimulus to the economy and necessary for full employment. The myth could be plausibly argued in a dynamic, expanding economy. It satisfied the political impulse to provide benefits without paying the piper . . . Federal deficits are today depressing the economy. The most pervasive doubt, not only in this country but in the world, is that the U.S. Congress is capable of disciplining itself . . . A firm Congressional determination to balance the budget would dispel the prevailing uncertainty and restore confidence in the integrity of our government.

These above are but a very small and selected number out of a vast number of letters, articles, radio comments, and published words of people in all walks of life who have said, as the housewife in my district has said, "What are you going to do about it?" Let us say "now" to the American people, and to all branches of the Federal Government, "We have gone too far. We will not increase the deficit to accommodate massive spending. Let us say we will not increase the burden of debt and will instead start now to reduce expenditures."

Second, I am asking my colleagues to give serious consideration to H.R. 12195, a bill to provide for regular reports to Congress by a taxpayers' advocate; clear notice to Congress and the public of the current status of the gross public debt; and reduction of the Federal debt on an annual basis. Briefly, this bill would accomplish the following:

SUMMARY OF H.R. 12195

TITLE I. GENERAL PROVISIONS

The policy of Congress is to pay the debts of the United States and to effect, by a reasoned and practical reduction of the Nation's public debt, the gradual elimination of the great burden on the American taxapayer caused by this debt and its enormous annual interest.

Terms defined in this Title are "outlays", "revenues", "Obligations", and "gross public debt", and it is noteworthy that obligations include "any guarantees explicit or implied" of the Federal government.

TITLE II. THE BUDGET AND PUBLIC DEBT

After January 1, 1973, the following would be required:

1. The annual Budget shall have Federal outlays balanced by Federal revenues with Trust funds not included.
2. Each monetary request shall be accompanied by the percentage of the total budget which that request equals.
3. A Federal trust fund account shall be submitted concurrently showing payments made, surpluses or deficits, and investments. Revenue measures shall be proposed to meet any imminent trust fund deficit.
4. No receipts earmarked for trust funds shall be invested or borrowed by any branch, department or agency of government to finance any operations or programs or to purchase government securities outstanding before that date, except that they may be invested in the securities regularly issued by those federally sponsored financial agencies which receive no Congressional appropriations.
5. Provision shall be made in the budget for the annual reduction of the gross public debt by an amount equal to 5% of Federal revenues for the preceding fiscal year, except that for the first three years that percentage shall be successively, 2%, 3%, and 4%.
6. No department or agency is authorized to issue any securities for any new financing whatsoever, or for refinancing purposes which would in sum put the total indebtedness of the Federal government above the limits set in No. 5 above, except for those agencies mentioned in No. 3 above.
7. The various committees of Congress shall neither authorize nor appropriate for any branch, department, or agency a total amount for the fiscal year in question in excess of its budgetary proportion of a sum four times the revenues reported by Treasury within the most recently completed quarter year.
8. Supplemental budget requests may be made at any time provided they are balanced by new revenue proposals.
9. The Act shall be inapplicable during war or Congressionally declared national emergency.

TITLE III.—JOINT CONGRESSIONAL SESSIONS ON THE PUBLIC DEBT

Requires a monthly joint session of Congress, with television and radio broadcast permitted during which the Taxpayers' Advocate, who shall be the Chairman of the Joint Committee on Reduction of Federal Expenditures or any Congressional member of that Committee whom he designates, shall report to the Members and the American people on the current status of the gross public debt in full detail.

Also provides for the length of these sessions, seating of Members by State delegations, the procedure for their questioning of the Taxpayers' Advocate and the manner in which he shall make his report and recommendations.

It stipulates that the President of the United States may address any such joint session on measures he has taken or proposes to take which will reduce Federal expenditures.

This represents a brief review of H.R. 12195 which I realize will require a great deal of scrutiny.

Third, the most cruel part of increasing the debt to accommodate this unwarranted spending which we have not been willing to discipline ourselves to reduce is the fact that by our actions to constantly increase the debt we are passing the day of reckoning on to future generations. By our actions to increase debt, we are also pirating money through the Treasury from the private money market; in other words, money that would normally be available for regular use of our constituents. The Federal Government is expected to have an add-on deficit of nearly $40 billion this year. This means that the U.S. Government has to go into the private financial market and borrow that amount of money to finance its expenditures. Therefore, this $40 billion of funds that will be needed by the Treasury will be derived from the private sector of the economy where it could otherwise be used to finance new business, construct homes, expand consumer buying, and generally stimulate business to generate employment activity. It is estimated that in fiscal year 1973 the U.S. Treasury will have absorbed approximately 40 percent of all the dollars that would normally have been available in the private market during that time period. The U.S. Treasury must be so consistently in the marketplace to refinance old debts that it is difficult to find new sources to finance additional debt. In turn, the Treasury must pay a high interest charge on this debt financing which is again charged to the working poor taxpayers.

Have we not learned from the economic tragedies of the past? Do our constituents have to go down to the marketplace with wheelbarrows of worthless paper money as the citizens of Germany did in the 1920's before we learn these obvious lessons of history?

ONE MEMBER'S OPINION ON HOW TO REDUCE DEBT

Now the argument is often made, by advocates of the debt ceiling increase, that the place to effectively begin in Congress to do something about the problem of debt increase is to cut appropriations. I agree.

Then the argument is raised, "But where would you recommend that we cut expenditures?" There are so many places that there should be no difficulty in beginning the task; so, I will make some specific recommendations.

The Joint Economic Committee's staff study released January 11, 1972, entitled "The Economics of Federal Subsidy Programs," indicates numerous programs which I believe should be eliminated—or, drastically reduced and ultimately eliminated. These basically are in the area of direct cash payment subsidies, one of the three major types of subsidy for which the study compiled statistics.

Second, there are numerous other programs which I believe should be eliminated—or, reduced and gradually eliminated—which the study detailed under the category of credit subsidies.

In this category, even if there were to be no elimination or reduction in programs, the taxpayers could be saved many hundreds of millions of dollars if the Federal credit recipients were required to repay their loans at rates equal to the rate Uncle Sam must pay to borrow the money which in turn is lent to these recipients.

It is my recommendation that until these programs are terminated, interest rates be charged equal to those rates the Government must pay to provide these services which we are told are unavailable from private lending agencies because of their policies or various limitations of the persons or groups seeking assistance.

At a very minimum, we can save at least $4.6 billion in credit subsidies alone by raising rates of interest to beneficiaries to what it costs the Federal Government to borrow the moneys it lends out to them. The actual credit subsidy figure for 1970 was $4.183 billion. Congressional staff economists I have checked with agree that for fiscal 1973 that figure will be at least 10 percent higher, or $.418 billion, for a total of some $4.601 billion.

Total subsidies that I would recommend reducing, with eventual elimination, including the credit subsidies just mentioned, come to $14.73 billion, in actual fiscal 1970 figures.

Federal grants to States and school districts for elementary and secondary education amounted to $2.35 billion in fiscal 1970.

Total grants and subsidies which I recommend cutting came to $17.08 billion in 1970.

With the 10-percent increase expected for these current programs in fiscal 1973, the total may be estimated at $18.788 billion.

This figure for existing Federal Government programs, together with the figure of $14.0 billion for fiscal 1973, and $22.6 billion for the first full year of operation as the costs of major new programs in the President's budget which should not be adopted, totals $32.788 billion that can be cut from the budget for fiscal year 1973, and for fiscal year 1974 $41.588 billion that can be cut from the total in the first full year of operations of the President's new programs.

Summation of budgetary reductions which I propose:

[In millions of dollars]

Fiscal 1970 actual figures for federal subsidies/grants to be reduced or eliminated	17,080
Estimated 10-percent increase for fiscal 1973 programs over 1970	1,708
Reduction or elimination urged in current programs for fiscal 1973	18,788
Elimination of President's new federal programs:	
Fiscal 1973 saving	14,000
Fiscal 1974 saving	22,600
Elimination of new budget programs plus current subsidies/grants reductions toward eliminations which I urge will save in fiscal year 1973	32,788
The total to be saved in fiscal year 1974	41,388

In further discussions on this floor, I will clearly detail specific areas where, in my judgment, we can reduce appropriations.

CONCLUSION

I believe this Congress can this year show the leadership and start the trend once again in the right direction. I ask and urge your consideration of these three points:

First. Stop the deficit financing here and now. The alternative is to reduce expenditures. We as a Congress are fully capable of undertaking that task even though it may seem unpleasant.

Second. Consider H.R. 12195. It is not totally original, but at least it should be considered.

Third. Let us not leave a debt legacy to our children and grandchildren who might well turn to us who are in Congress today and say: "Where were you when all this could have been changed?"

"Why did you not accept your constitutional responsibility to pay the debts and provide for the common defense and general welfare of the United States?"

Mr. Chairman, I thank you for providing the opportunity for me to appear before you to express my views.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I wish to say, at the outset, I am less concerned about the size of the public debt than I am concerned about the cause of that debt.

I would like to turn to an analysis of deficits that have led to the need for increases in the public debt ceiling. The table, which I shall ask unanimous consent at the proper time to introduce at this point, summarizes Federal revenues and expenditures for the 3 most recent fiscal years.

Now, what do those figures show? First, there was a marked difference between projected and actual revenues and expenditures for the last 3 fiscal years.

In the fiscal year 1970 the President projected a surplus of $5.8 billion. What we had instead was a deficit of $2.8 billion.

In the fiscal year 1971 we were presented with a projected surplus of $1.3 billion, but we wound up with a deficit of over $23 billion.

This year we were to anticipate a deficit of only $11.6 billion but we are now told that the deficit will be in the neighborhood of $38.8 billion.

The projected deficit for the fiscal year 1973 is, according to the President, $25.5 billion.

If we apply the average percentage of error in the estimates of budget surpluses and deficit to this projection, and that is 190 percent of $25.5 billion, we can expect an actual deficit in the neighborhood of $48.5 billion, which would be the second highest deficit in our history.

It is especially ironic that all of this comes under an administration that campaigned hard on a platform calling for a balanced budget.

Second, the figures in the table demonstrate the cause of these great deficits. Clearly, it has been the failure of the economy to generate taxes at the projected rate and the resultant vast overestimation of budget revenues rather than any profligate spending on the part of the Congress that has lead to these results.

In fact, a good part of the increased expenditures was the result of a drop in expected revenues.

Let me explain that most of the revenues come from the income tax; the amount of income taxes collected, and amount of income tax receipts is directly related to the state of the economy.

The administration has done a bad job in projecting Federal budget surpluses and deficits because it has not been candid or it has engaged in monstrous self-delusion in projecting the state of the economy.

The administration has grossly overestimated the magnitude of the gross national product and underestimated the level of unemployment because the gross national product, that is the GNP, was much less than the President said it would be and because so many more people have been out of work and the hence the total Federal revenues, have been far below administration estimates.

High unemployment means more unemployment insurance payments and more Federal welfare contributions, and these account for a good part of the increase in expenditures.

Sometimes certain administration sources and, indeed, some Members of Congress—for example, the distinguished gentleman from Ohio (Mr. DEVINE) a moment ago—have tried to place the blame on Congress for the large deficits which necessitate raising the public debt ceiling. But I was pleased to see Secretary Connally admit to the Ways and Means Committee that the state of the economy was the essential crux of the matter that resulted in the giant deficit. And I must add that general mismanagement of the economy on the part of the Nixon administration—not failures in husbandry of Federal assets—has brought us to the present state of continuing high unemployment linked with inflation and to a morass of illogical and ineffective controls.

Mr. Chairman, there are deficits and there are deficits. An expansionary budget that directs its aid to those who are most in need and to those who would most likely spend their incomes and generate economic growth is one that I would favor. But a budget that skimps on people's programs and increases the budget authority for military programs by $6.3 billion is difficult to justify. A budget that has only an insignificant increase in expenditures for community development, housing, education, manpower training, and health care is not necessarily one which will prove to be directly helpful to the people.

When the unemployment rate is over 6 percent, does it make any sense to further cut back such programs as the Job Corps and Job Opportunities in the business sector? We all know how bad the situation has been for returning veterans, but the President proposes to raise outlays for veterans' benefits and services by about $600 million, one-tenth of the increase for military programs.

As Dr. DeBakey, the famed heart surgeon from Houston, pointed out the other day, the budget permits only a third as much money for hospital and medical services as has been authorized in the various bills that Congress has passed.

The kernel of the matter is this: The same just means that afford altruistic relief to returning veterans, the unemployed generally, and others with marginal means stimulate revenues by increasing buying power and the productive capacity of the economy. Inflation control is desirable but if it is done by means which are too insensitive to the major problem at the root of the budget imbalance, the faltering economy, it will do more harm than good. This is even more true of attempted economies which retard a necessary continuing growth of buying power.

Another matter that cannot be overlooked, Mr. Chairman, is that we could have the resources to fund the people's programs without raising the deficit beyond its present level. In fact, if we made a real effort to close the remaining loopholes in the income tax law, we could almost eliminate the deficit within the constraints of the present budget.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, may I inquire as to the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Oregon has 36 minutes remaining and the gentleman from Wisconsin has 1 hour and 24 minutes remaining.

Mr. BYRNES of Wisconsin. Mr. Chairman, we have only one speaker. So that the other Members can be acquainted with the possible time remaining, that one speaker, I would hope, would consume less than 2 or 3 minutes. Therefore, I hope the other side will use whatever time they desire to use in this debate.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I hope I do not have to take 5 minutes. I just want to call to the attention of the House that we are allowing the precedent to be set that will guarantee at least one thing, that is, a built-in deficit every year.

I know nothing accountingwise more dishonest than to set a budget on something that is not only not in existence but also is unavailable and about which there are no plans made to make it available. The budget of this United States is being set on a full employment economy. The chairman of the House Committee on Ways and Means said that the main fault for the deficit was $13.5 billion of a short fall in the income because of the loss in the gross national income. The deficit was built in under a false premise that the money would be there, yet we all know that unemployment has never been worse since the 1930's.

I have served on city council and as a county commissioner, and I have served in the State assembly and in the State senate. I do not know of any entity of government that sets its budget upon other than anticipated revenues.

Certainly we can build in a deficit even on that system, but somewhere along the line there has to be a reasonable estimate made of what the revenues will be.

Under this type of precedent, I do not want to hear any Member of this Congress crying about raising the debt limit.

When we accept full employment as a premise for the budget, for the appropriations, and we spend on that level, we build in the deficit, and there is no other way to say it. Should we say to an unemployed person, because he is unemployed and only receiving two-thirds of his normal wages as unemployment pay, and since his entire income is the basis for the spending of the Federal Government, he ought to have the same right to spend on the basis of the spending he used before he became unemployed. Every school board and every council and every State government and every county government will be able to establish, under the precedent set by the U.S. Government, their budgets based upon full employment.

We must realize that the dollar is finding a lower level. Can we imagine what level the dollar is going to find when the whole country and all organized governments of this country of ours, all the local and state governments and school boards and public spending bodies can establish their spending rate on what it would be if everybody in the community was making his full salary and wages, fully employed, and the taxes anticipated were based upon that kind of revenue? That is what we are doing.

I have been at this long enough to have voted for increases in the national debt and in the State debt for a great many years. I have felt maybe we authorized the spending and we should produce the funds. Now for the first time I am not going to do it. I will not vote for the $50 or the $28 billion increase. I am not going to give my vote of approval this time to a false system of accounting for the needs and the spending of this government, for fear that if I do, I will have no place upon which to stand for my opposition to my local governments doing it, to my school boards and my counties and State governments doing it.

I warn all the Members this is one issue that will come back to haunt every one of us.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I rise in opposition to this bill, which would increase the national debt ceiling by $20 billion. I do so not because I disagree with increased Federal spending, which I do not, but because I think that we are going about raising funds for it in an extremely backward manner.

I note parenthetically my disappointment at the fact that this measure comes before us under a closed rule. I am generally opposed to such a rule on the ground that it is an insult to our intelligence as well as a violation of our constituents' right to have their representatives—even the ones not fortunate enough to be on the Ways and Means Committee—represent their interests in the process of formulating legislation.

As I stated at the outset, I am not opposed to additional Federal spending. I believe that we must be prepared to spend massive amounts for such programs as housing, child care, public service employment, mass transit, and pollution abatement. We have for too long neglected these vital domestic needs in favor of wasteful military adventures, and if money alone is the price we eventually pay for that neglect, we will be fortunate indeed.

It is interesting to note, by the way, that the same administration which is asking us to let them engage in the wasteful device of borrowing additional funds recently put its full weight behind a bill to give corporate America a $10 billion-plus tax bonanza.

There are better and cheaper ways to raise the money we need so desperately. The maximum tax on long-term capital gains, for example, is 25 percent. This means that a wage earner making about $10,000 a year is in the same bracket as another individual whose investment gains are $100,000 or even a million dollars a year.

The interest on municipal bonds is exempt from taxation. Before the advent of the minimum tax, an individual enjoying an income of $100,000 a year from such bonds would pay not a penny of tax on that sum; even with the minimum tax, the maximum tax he will have to pay on it will be $7,000, or 7 percent.

These are but two of the many loopholes which make the Internal Revenue Code a play-gym for the rich and a prison for the poor. Taken together with our defense budget—which Mr. Nixon proposes to increase by another $10 billion this year—it is the shame of our Nation.

Our poor and middle-income citizens bear the lion's share of the tax burden and then see insult added to injury when the money is spent not on the domestic programs which they so desperately need, but to send their innocent sons abroad to kill and be killed.

This bill is but one more example of the need to reorder our national priorities. As we must spend our money differently, so must we seek it differently.

I hope that the defeat of this bill will be a clear sign to Mr. Nixon and his corporate friends that we mean business, and that he—or the individual who succeeds him next January 20—must make our tax system a progressive and equitable one.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, the inequities in the Federal income tax structure are nothing short of scandalous. What was supposed to be a progressive income tax has come to resemble instead a massive subsidy program to insure that the rich get richer and the poor get poorer.

A number of Members of this House have been calling in the dark for an end to some of the more egregious tax evasion loopholes which undermine the progressivity of the income tax, such as special percentage depletion allowances for producers of oil, gas, and minerals; subsidization of petroleum producers through deductions of intangible drilling costs; failure to tax appreciation in the value of property which is bequeathed by the original owner at his death; and most recently the incredible corporate giveaways contained in the Revenue Act of 1971 in the form of changes in the asset depreciation range system enabling actual useful life of assets to be ignored, and the reinstatement of the investment tax credit in spite of the evidence that this would not reduce unemployment but would only increase corporate profits.

As one of those Members who have been complaining about the level of tax unfairness, I was especially pleased by the timely intervention of the distinguished chairman of the Ways and Means Committee, Wilbur Mills.

Chairman Mills has been the key figure in every meaningful tax reform effort in recent years, and his unmistakable warning to the President yesterday is a most hopeful indication to the taxpayers of America that some relief may be forthcoming.

Mr. Chairman, I fear we are perilously close to a taxpayer's revolt. The wage earners around the country are being forced to bear a disproportionate share of the cost of grappling with the urgent social problems we face. How can we ask them, and their children, to accept the heavy tax burden which is necessary if progress is to be made, when the same tax system permits 112 privileged moguls who are earning more than $200,000 a year to avoid taxation entirely?

I am hopeful that the President will respond positively to Chairman Mills' request that meaningful tax reform legislation be proposed. I am delighted that Chairman Mills has committed his efforts to undertake to bring about greater tax equity. Without tax reform, we are going to lose the public will necessary to meet the items on the urgent agenda of public business. At that point, the debt limit will be irrelevant, because the number of deficits will be unlimited.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have been up and down this road many times. I just reviewed the record, I am in my 28th year here and I voted during that period of time 24 times on the matter of raising the debt ceiling. Each time it has been an agonizing experience, and this one is no less agonizing than those of the past. Sometimes I voted for them and sometimes I have voted against them, but I have never said at any time that we did not have to pay our bills. My quarrel on any occasion when I voted against the legislation was on the basis that we were giving too much flexibility in borrowing authority or that we were extending the period for too long a period of time.

In this instance, Mr. Chairman, the committee has reduced both the amount of the increase that the administration requested and the period during which the additional borrowing authority is extended. That is an area, it seems to me, where differences of opinion may arise; as they have today between the committee and the administration. There has been a difference of opinion in the past sometimes between myself and what the committee has done as to the amount or duration of any change in the debt limit.

But, Mr. Chairman, on no occasion can we refuse to pay our bills and toy with financial crisis at home and abroad. That is what you face here if you turn down this bill this afternoon.

Increasing the statutory limit on the national debt is an unpleasant but necessary task, since we have made commitments and obligations that have to be met. We face the practical problem of paying our bills. The issue is simply the fiscal integrity of the Federal Government's finances. Let me briefly explain the existing situation and the proposed change.

The debt limit under existing law is $430 billion, consisting of a $400 billion permanent ceiling, and $30 billion in temporary borrowing authority that expires on June 30 of this year.

The administration requested an increase in the ceiling to $480 billion, consisting of the $400 billion permanent ceiling and an $80 billion temporary ceiling through June 30, 1972. It was clear from projections of receipts and expenditures for fiscal year 1973, that the additional $50 billion in temporary borowing authority requested would be sufficient only until February of next year, about 1 year from now.

The bill the committee reported provides a much smaller increase in temporary borrowing authority than the administration requested and for a much shorter period of time. The Ways and Means Committee recommendations would increase the existing temporary borrowing authority of $30 billion to $50 billion through June 30 of this year. When combined with the permanent ceiling of $400 billion, the administration would have authority to borrow $450 billion until June 30, when the debt ceiling would revert to the permanent ceiling of $400 billion.

When debt increases have been requested in the past, I have always recognized the necessity of providing an increase sufficient to maintain the fiscal integrity of the Government. The issue has not been whether to increase borrowing authority—we know this must be done—but the appropriateness of the total amount requested in order to provide some restraint—however minimal this may be—on Federal finances.

I believe the bill before the House is consistent with this criteria. Treasury indications are that the debt will be at the $450 billion ceiling provided by this bill on June 15, 1972, assuming a $6 billion cash balance but no margin for contingencies. We normally provide $3 billion for contingencies, but since we are nearing the end of the fiscal year and the ceiling is being extended for only a few months into the future, it is acceptable to dispense with the $3 billion margin of contingency under these circumstances. However, it is clear that the ceiling imposed will provide whatever restraint is inherent in the debt limit during the period of extension while enabling the Treasury to responsibly conduct the Nation's fiscal affairs without employing tactics resulting in additional borrowing costs.

Let me suggest, Mr. Chairman, that we have a fiscal problem on a national basis in our States, and in our cities. I think it is time that we all—not just we politicians in the Congress of the United States or in the State houses or in the county courthouses or in the city halls—but all of our people come to a recognition that we are asking government at all levels to provide services in excess of what we are willing to pay for on a reasonably current basis. Until we face and resolve this problem, we cannot avoid the unpleasant task of periodically increasing the debt limit.

Mr. REUSS. Mr. Chairman, this legislation increasing the debt ceiling comes to us today because of the administration's determination to incur huge budget deficits in this fiscal year and in fiscal year 1973. Just yesterday Herbert Stein, Chairman of the President's Council of Economic Advisers, was down at the National Press Club positively glorying in this year's projected $38.8 billion deficit. Mr. Stein boasted:

> We are running the biggest budget deficit ever, except for World War II.

Now I am not one of those who opposes huge budget deficits just because they are huge. The crucial issue is not the size of the deficit, but its composition. Since the purpose of large deficits is to stimulate the economy and to create jobs, the taxing and spending policies that create the deficit should zero in on job-creating. But the Nixon budget does not do this. Instead, billions of dollars in tax reductions have been granted to corporations in the form of the investment tax credit and rapid depreciation giveaways in the hope that they will be induced to buy capital equipment that they do not really need. This does a good job of creating budget deficits for the Federal Government and higher profits for corporations, but it is not much help in creating jobs for our 5 million unemployed.

Further billions of dollars slip through the loopholes in our Federal income, estate, and gift tax system. This money thus stays in the hands of well-to-do tax avoiders, who in turn use it to bid up the price of assets such as real estate or stocks, or for foreign investment and speculation—none of which does much to create jobs. Indeed, such activity is at least as likely to reduce jobs.

What is needed to create jobs and reduce our current intolerably high rate of unemployment is a program which deals directly with the problem rather than resorting to ineffective and wasteful trickle-down methods. Such a program is the "Jobs Now" legislation (H.R. 12011) introduced in the House by more than 60 Democrats and in the Senate by more than 20 Democrats. This legislation would create 500,000 public service jobs, while at the same time providing improved public services—education, police protection, cleaner streets, better parks and recreation areas, better health services, and so on. I regret that Mr. Stein saw fit to denounce this proposal as "a rediscovery of the WPA" at the National Press Club yesterday. It makes one wonder whether Mr. Stein has read the economic report which he presumably wrote: A more limited version of our "Jobs Now" program is there hailed as "a major step forward"—page 109.

On the tax side, what is needed is a full-scale effort, supported by the President, to close the loopholes in our income, estate, and gift tax system which now allow billions of dollars to escape taxation every year. These lost billions serve no real job-creating function, and they make it necessary for millions of average, middle-income taxpayers to pay more to the Treasury every year to make up for what the well-to-do fail to pay.

But here again the response of Mr. Stein and the rest of the administration has been disappointing. At the National Press Club yesterday, Mr. Stein dismissed proposals to close tax loopholes as ideas "that have been gathering dust in Congress for years." Indeed they have been gathering dust, due in large part to the failure of this administration to provide any support for them.

Budget Director George Shultz displayed much the same attitude before the Joint Economic Committee yesterday. Rebuffing a suggestion that the Congress might direct the President legislatively to submit tax reform proposals, Mr. Shultz said:

> Let the Congress stop telling the President how to do his job.

In light of this, therefore, I am delighted that Chairman Mills has reminded the President of the President's promise last August to submit tax reform proposals to Congress. In a letter sent to the President 2 days ago, Chairman Mills asked that "a program of further elimination of preferences and so-called loopholes in the Federal income, estate, and gift tax system" be sent to Congress by March 15, 1972. "There is," Mr. Mills said, "question about support of continued increases in the debt ceiling unless such requests are coupled with tax reform."

This request by Chairman Mills that the President show his commitment to plugging tax loopholes by delivering his own proposals is certainly not unreasonable. The Ways and Means Committee is the busiest committee on the Hill, and it would be difficult for them to move on tax reform unless it is clear that they have strong Presidential support and that their work would not be undone by a Presidential veto. Indeed, the past history of tax reform shows that Presidential support is absolutely crucial. And Mr. Nixon's record of vetoes on education, manpower, health, and other legislation shows that the possibility of a veto is always present.

I applaud Chairman Mills' initiative, and in light of it I am withdrawing my proposal that the present debt ceiling legislation be amended to require the President to submit a comprehensive tax reform program by May 1. However, should the President not comply with Mr. Mills' request, I am serving notice now that I shall not vote for further increases in the debt ceiling. Many of my colleagues share my view on this. Since there will have to be another vote on increasing the debt ceiling in June, I suggest that this is not an idle threat.

Here follows the full next of Chairman Mills' letter:

FEBRUARY 7, 1972.

The Honorable Richard M. Nixon,
The President,
The White House.

Dear Mr. President: You will recall in your address to the Congress following your action of August 15, 1971, establishing among other things an incomes policy, you advised the Congress that in the Second Session you would submit what you called a tax reform program. To me, and to most others, this term means a program of further elimination of preferences and so-called loopholes in the Federal income, estate, and gift tax system. If this is what you had in your mind, and I am sure it is, let me call your attention to the fact that in order for the Congress to complete action on any such proposal you should give us the benefit of your thinking in a Message either delivered in person to the Congress or submitted by messenger to the Congress not later than March 15, 1972. My suggestion is not with respect to any new type of a tax, such as the value-added tax, which I am sure you did not mean to include in your definition of tax reform in your appearance before the Congress.

Since your statement advising us of your intention, this matter has become all the more important because of developments in the House in recent days raising the question about support of continued increases in the debt ceiling unless such requests are coupled with tax reform ostensibly that would produce additional revenues.

To me this matter is most important if there is to be a debt ceiling increase to accompany borrowings required under the 1973 Budget. I hope you will give it your immediate attention.

With kind personal regards, I am
Sincerely yours,
Wilbur D. Mills,
Chairman.

Mr. GAYDOS. Mr. Chairman, it is often said when a person fails to grasp the significance of an obvious situation or problem, it is because he cannot see the forest because of the trees.

I believe this is frequently true with our Federal Government, particularly when it comes to fiscal policies.

I believe the trees must be in the way of the Government's view if it can look at the $23 billion budget deficit last year, the anticipated $40 billion deficit this year, and the built-in one of $25 billion next year, and still suggest raising the national public debt by another $20 to $50 billion.

Certainly something is clouding its vision when it can preach price and wage controls to the public but continue to practice its own private charge account spending spree.

Mrs. Judith Schienle of 143 East 16th Avenue, Homestead, Pa., a constituent of mine, sees the problem very clearly. She also suggested a solution which hit the nail smack on the head. In a recent letter to me expressing her displeasure over the Nation's fiscal policies, Mrs. Schienle asked:

> Why can't the Government as a whole put a wage and price freeze on itself! Certainly, that's where the savings should start, budgetwise. . . . Is there any way the people of this country can stop this irresponsible spending of our tax money . . .

Mrs. Schienle reminded me our forefathers went to war against the King of England over oppressive taxes, then asked:

> What would they do if they were alive in these times?

I cannot answer Mrs. Schienle. I have asked myself the same questions many times. I have found no comfort in the words of one of those forefathers she mentioned, a man who was perhaps the greatest of all American liberals, the author of our Nation's Declaration of Independence and our country's third President—Thomas Jefferson.

It was Jefferson who said:

> I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared . . . To preserve our independence, we must not let our rulers load us with perpetual debt . . . We must make our choice between economy and liberty, or profusion and servititude. . . . If we run into such debts . . . we must be taxed in our meat and drink, in our necessities and our comforts, in our labors and amusements. . . . If we can prevent the government from wasting the labors of the people, under the pretense of caring for them, they will be happy . . .

It is a known fact that no government produces wealth, it merely consumes it, existing only by taxing and consuming the wealth of individuals. Our Government, I believe, is perilously close to consuming its source of wealth through excessive taxation and reckless spending.

Somewhere along the line, it lost sight of the forest because of the trees.

Mr. BARING. Mr. Chairman, I stand today against increasing the national debt by any amount that is being proposed. I have never supported increasing the debt ceiling and I never will.

It is preposterous for this free spending authority to continue, and the Members of the House of Representatives should all stand against it.

Mr. Chairman, an attempt should be made to balance the budget and reduce the national debt—not increase it again.

This current year, 1972, fiscal budget deficit is way out of step to the tune of a reported almost $40 billion. I do not believe in further saddling the citizens of tomorrow in this Nation, much less the American citizens of today, with a continued huge national debt which has been and will bring extinction to any chance of the United States attaining a good, solid, and balanced financial condition.

The financial condition of the United States is bad enough as it is today without adding further grief to the problem or to further taxloads on American citizens. If we do not wake up soon, we are going to have a catastrophic financial upheaval from sea to shining sea in the United States which, of course, will ruin world financial markets.

This national debt has to be pulled back into reality. Raising the debt limit again only gives the spenders of that money, which is an eventual due bill, even more money to play around with if this legislation is unwisely passed today. This has to be stopped, Mr. Chairman. I urge the House to vote it down.

I further will state that I believe it is high time that the Congress insist that the administration come before the appropriate House committees on a regularly scheduled quarterly or half-year basis with their requests to increase the debt so that each and every Member of the House will have a continued update as to the financial situation of the administration's fiscal requests and budgets.

Ten billion dollars a year could be spent on reducing the national debt instead of the giveaway program—foreign aid. This would please the people of the United States and especially the people I represent in Nevada.

Mr. SKUBITZ. Mr. Chairman, I am going to vote against the proposed increase in the national debt. I am going to vote against it even in its reduced form of a $20 billion increase. I am going to vote against it even though I realize that mine will be a lonely vote; that this House seems to feel it has no other choice than meet the circumstances that face it.

Mr. Chairman, I am going to vote against the debt increase just as I have 13 times during my 8 years in this House. I voted against an increase in 1963 when the public debt was $285 billion and the increase was $23 billion. I voted against these 13 debt increases during the succeeding 8 years—a period when the public debt went from $285 billion to the near $424 billion where it stood shortly after the beginning of this year.

I am not attempting to justify my consistency. I am voting against it because I have heard the same tune with the same lyrics 13 times and I now hear it for the 14th time. The men who are in charge of the legislation to increase the debt limit are also the men in charge of writing tax legislation.

My naive query is, What have these men done over the years to prevent this embarrassing spectacle taking place 14 times in 8 years? It is no answer, in my judgment, to gloss it over by blaming whatever administration is in power for its budget requests.

The answer lies in raising taxes to meet emergency costs, when indeed emergencies require sharply increased expenditures. The answer lies in paring expenditures for nonessentials that may be deferred or suspended or even cancelled. There are many such without denying the people of this country their rightful due.

The people of this country look toward the Congress—their representatives in the national Government—to watch out for their welfare. We are not doing so when we shoulder upon them this incredible, monstrous debt. This is a debt that generations yet unborn will be paying off, indeed paying its interest.

I am not going to lend my support and my vote to any such condition. I will vote "no" and will continue so to do until there is no evidence on this floor that commonsense and fiscal responsibility have been exercised.

Mr. BROYHILL of Virginia. Mr. Chairman, I support H.R. 12901 with no enthusiasm, but with an awareness that we have no choice but to enact it.

For many years now, the Congress has been going through this motion. In imposing a limit on the debt we have, of course, been attempting ostensibly to control Federal spending. But we have too often chosen to ignore the fact that it is the Congress, not the administration, which holds true control over expenditures. Regardless of what a President wants or ask, it is difficult for him to do anything unless the Congress chooses to vote the money.

Considering the amounts of money the Congress has voted over the years, frequently in excess of Presidential requests, it is no wonder that our attempt to control spending through a limitation on the debt has been an exercise in futility.

It is a necessary exercise, nevertheless.

The present temporary ceiling on the debt is $430 billion. And the Treasury has estimated that the actual debt already is crowding that figure. As of January 27 this year, it was at $427.3 billion, and by March 15 it is scheduled to crash the current barrier to $435.9 billion.

As the Treasury Secretary pointed out to the Committee on Ways and Means:

> A failure to obtain an increase in the debt limit will in a very short time force us to move to costly and uneconomic expedients to meet our obligations, and then to abrupt cutting off of Government expenditures,

The bill before us would increase the debt limit to a point which will enable the Treasury to meet its obligations, but just barely, through the end of fiscal year.

By enacting H.R. 12910, we certainly would not be effectively controlling expenditures. But by failing to enact the bill, we clearly would be making a foolish decision, and we would be forcing the Treasury Department to do likewise

Mr. Chairman, the only useful purpose Congress ever can serve in an exercise such as this is in focusing attention more effectively on the operating factors behind the debt. Hopefully we can at least make some progress in that direction.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to H.R. 12910, to increase the public debt ceiling.

I am alarmed at the way that Federal Government expenditures have increased, and at the projects on which it has been spending money such as bailing out Lockheed, building an SST, and subsidizing Penn Central Railroad. Limiting the debt ceiling seems at this juncture to be the only effective way to hold down Federal spending.

Increasing the debt ceiling will only lead to further inflation and further weakening of the U.S. dollar abroad. It is time that Congress stops letting the executive branch run away with Federal spending.

I am casting my vote against this legislation as notice that at least one Member of Congress is going to try to apply discipline in the Federal budget.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in reluctant support of H.R. 12910, a bill to provide for a further temporary increase in the public debt ceiling.

At present the statutory permanent debt ceiling is $400 billion with a temporary additional increase of $30 billion, thus providing an overall debt limitation of $430 billion, effective through June 30,

1972. H.R. 12910 provides for a further temporary increase of $20 billion, effective through June 30, 1972.

I have described my support of this increase in the temporary debt ceiling as "reluctant." Indeed, I could not have supported the President's proposal to increase the temporary debt ceiling by $50 billion, effective through June 30, 1973, or an overall limitation of $480 billion. My qualified support of this requested increase in the debt ceiling is dependent on the important changes that are incorporated in the bill favorably reported by the Committee on Ways and Means.

First, the bill provides for a further increase in the temporary debt ceiling of $20 billion, as compared to the additional $50 billion requested by the President.

Second, as reported by the committee, the bill provides that this increase in the temporary ceiling will be effective through June 30 of this year, rather than through June 30, 1973.

Mr. Chairman, in my judgment these are critical changes without which I could not have supported this legislation. It is apparent to all responsible Members, that the bills of the Federal Government must be paid. In contrast to others here who have so often opposed similar legislation in the past, it is equally apparent to the responsible members in this Chamber that this need exists regardless of which political party occupies the office of President.

I can remember, Mr. Chairman, just 4 short years ago, a different man and a different administration occupied the White House. At that time, many of my colleagues on the other side of the aisle, who today so strongly advocate the increase in the debt ceiling limitation, vehemently opposed increases far less than the one they wish to see today. Then, they spoke of the inflation and the lack of fiscal responsibility of any increase; today, they talk about the underestimates and the necessity for this increase.

But, the Government's need to pay its bills should not, and must not be construed as a rationale for the Congress to abandon its fiscal controls over the executive, or to place the exercise of those controls beyond timely review by the people.

It is particularly important at this time for the Congress to maintain close scrutiny over the fiscal management of the Federal Government. Throughout the country, there is increasing concern that the expenditures of the Government have somehow gotten out of control. Because of the magnitude of the errors in projected budget deficits in the past 3 years, the budget document itself provides questionable assurance that this control will be maintained.

In the past 2 fiscal years, the official projections of the deficit in the budget have been grossly in error. In the budget for fiscal 1971, the administration predicted a unified budget surplus of $1.3 billion. In 1971, the actual budget deficit was some $23 billion.

The administration's projections of the budget deficits in the current fiscal year have been equally unreliable. In the budget presented to the Congress last January, the administration projected a unified budget deficit of $11.6 billion for fiscal 1972. By July the administration estimated this deficit at $18.7 billion. By December its estimate had gone to $28 billion. In the budget submitted for fiscal 1973, the administration now estimates its fiscal 1972 deficit at some $39 billion. Thus, in the current fiscal year the administration's estimates of the actual deficit have risen to almost 3½ times the size of the deficit originally projected in the budget. Indeed, the amount of the error itself will even exceed the largest previous deficit since World War II.

At this point, Mr. Chairman, I would take issue with the statement, as reported in the press, of Director George P. Shultz of the Office of Management and Budget before the Joint Economic Committee, that Congress should "stop telling the President how to do his job." If the track record of the Office of Management and Budget in the last 2 years is any gage of its quality, then I suggest someone should offer guidance, if not to the President, then at least to Director Shultz.

Finally, I offer my support of this bill because of the assurance given this body by the distinguished chairman of the Ways and Means Committee, the Honorable WILBUR D. MILLS of Arkansas, that our committee will continue our work towards meaningful tax reform. You will recall that when the committee reported the Tax Reform Act of 1969, the administration promised that it would join with us in this endeavor as it had in that legislation. We are still waiting for the tax reform proposals of the administration. I join with the chairman in the hope that we will have those proposals soon enough in this session of Congress to make this long-sought goal a reality.

The increase in the temporary debt ceiling of $20 billion provided in H.R. 12910 should provide sufficient room for the Treasury to manage the public debt prudently until the end of this fiscal year. At that time, we will be in a much better position to evaluate this problem.

Mr. BADILLO. Mr. Chairman, it is with reluctance that I am voting today for a temporary increase of $20 billion in the national debt limit. I want to make clear that I am doing so only for two reasons: The fact that this increase is only temporary, expiring with the end of the current fiscal year and enabling the Federal Government to meet its obligations; and because the chairman of the Committee on Ways and Means, responding to a strong movement for tax reform, has made clear to the administration that it must come up with a plan to close tax loopholes if any further debt limit increase is to be considered.

Had the Ways and Means Committee brought to the floor a bill merely carrying out the administration's proposal for a debt limit increase of $58 billion extending beyond this June, I would have voted against it. Such an increase, in my judgment, is totally unwarranted. It would serve only to perpetuate the distorted spending priorities of the Nixon administration—priorities which see billions squaundered to bail out Lockheed and the Penn Central, while refusing to spend a few millions to enable schoolchildren to have a decent lunch; which see billions more poured down an Asian rathole, destroying entire nations with our bombs, making innocent civilians refugees in their own land; and all while the Nixon budget office freezes desperately needed funds for housing and community facility programs—funds which Congress appropriated and without which the cities are staggering under a fiscal crisis.

I think it is clear that the overwhelming majority of both Houses of Congress want to see a reordering of fiscal priorities. That must be accomplished before any further debt limit increase is considered. And it is my judgment that if we overhaul the administration budget and put our resources where America's needs really are, we will not need any further debt ceiling increase this year.

At the same time, we must enact legislation this year to close the loopholes left by the tax reform bill passed 2 years ago. I would like to see the administration work with Congress in this respect but if President Nixon chooses to ignore the need for tax reform, Congress should act on its own initiative. Further delay cannot be justified.

Mr. RYAN. Mr. Chairman, for the fourth time the Nixon administration is requesting an increase in the debt limitation. Today the request is for an increase in the temporary public debt ceiling of $20 billion—from the present $430 billion to $450 billion through June 30, 1972. In fiscal year 1971 the budget was designed to produce a small surplus, but it ended with a $23 billion deficit. For the fiscal year 1972 the deficit will be an estimated $38.8 billion. And in fiscal year 1973 the estimated deficit is $25.5 billion. These deficits result from the failure of the administration's economic policies. The administration has succeeded in having inflation and unemployment at the same time. It has refused to spend sufficient money in the public sector for domestic social programs including a much needed program to create 500,000 public service jobs.

In addition to the tax revenues lost by failure of the administration to institute a full employment program, substantial tax revenues—at least $20 billion—are lost because of the glaring loopholes in the Federal tax system. It is imperative that these loopholes be plugged. These massive tax giveaways through the loophole-ridden Federal tax system can no longer be tolerated.

Some of the inequitable results of the Federal tax system include the following:

In 1970 112 taxpayers with earnings of more than $200,000 paid no taxes whatsoever.

In 1970 the largest oil companies paid an average of 8.7 percent of their net income for Federal income taxes. This is due mainly to the percentage depletion allowance which allows mineral producers to recover many times the actual depletion of their resources. This loophole costs the rest of us about $1¼ billion a year.

The capital gains on property which is passed on at an owner's death is not fully taxed, thereby costing the rest of us $3 billion a year.

Executive stock options are treated as capital gains instead of ordinary income. This particular loophole costs the rest of us $150 million each year.

The accelerated asset depreciation recently put into effect by the administration costs us $2 billion a year.

And the investment tax credit, which presupposes that giving an investment tax credit to business will encourage capital investment when industry is currently operating at less than 75 percent of capacity, costs $3½ billion a year.

In general it is estimated that meaningful tax reform would recover $20 billion to the treasury—precisely the amount of the debt ceiling increase before us today.

Not only the inequities in the Federal tax structure but also the way in which the administration's budget moneys are allocated to be spent are relevant considerations. Fully a third of the total budget, $83.2 billion, is devoted to the military. Substantial expenditures still go for the war in Vietnam, which has warped and continues to warp our priorities. In comparison with this enormous outlay for the military, less than $2 billion is devoted to pollution control and abatement, only $2 billion for low- and moderate-income housing assistance, about $6 billion for education, and only $1.1 million to provide public service jobs under the Emergency Employment Act.

In summary, not only is there a gross inequity in the way revenues are taken in, but the inequity is compounded by the way in which Federal funds are spent. All too much goes to wasteful, excessive arms procurement; all too little goes for dealing with problems of the environment, the poor, and the inner cities.

Until the administration understands the necessity to submit to Congress a comprehensive program to close existing tax loopholes, and until the administration reorders our misguided priorities, the conditions which compelled this request for an increase in the debt ceiling will persist. Already it is clear that the administration will ask for another increase in the debt limitation in June. I intend to vote against the increase today in order to protest the administration's fiscal and tax policy as well as its misguided budgetary priorities.

Mr. RANDALL. Mr. Chairman, on yet another occasion I must repeat the words I used on March 3, 1971, when we last considered an increase of the public debt limit. Then I said I reluctantly supported that increase. Today the same or even a stronger word could be used to express my feeling of displeasure to have to do what I know must be done if we are to avoid some real complications and disruptions by either failing to or delaying the enactment of an adequate debt ceiling.

In supporting H.R. 12910, I have reached the conclusion that it is the only vote that is responsible at this time. I do not share the view that this is any more of an emergency than some of the other increases of former years, but I do believe that it would be disastrous for the United States to come to a point that it could not honor its obligations.

If we fail to enact this bill today, the Treasury Department will be unable to issue any new securities. This means that such inability or prohibition to issue any new securities would apply to issues designed to replace maturing issues as well as securities representing new debt. If this bill does not pass, no more savings bonds can be issued and the payroll savings plan would be put into limbo. It would not be very long before the cash balance in the Treasury would be rapidly depleted. That is true because Treasury bills become due on a weekly basis. If new bills cannot be issued to replace those maturing issues, the cash balance in the Treasury would be exhausted immediately.

I believe we should think for a moment of the consequences at the time when the cash balance of our Treasury is exhausted. The Government would not only be compelled to delay payment of contract obligations but also could not pay any Government salaries or any loan or benefit programs because there would be no Federal personnel to administer the programs. All social security recipients would have to wait to receive their checks and veterans would not be paid their pensions. The State and local governments who have been allocated grants would not receive these grants. It is difficult, if not impossible, to conceive the economic hardship which would result from the failure to increase the debt limitation. In those areas where there is a large concentration of Federal employees, or large numbers of employees engaged in production under Government contracts, the result would be disastrous and chaotic.

It is my judgment that the committee has taken a wise course in refusing the request of the administration for an increase of $50 billion. As the law now stands there is a permanent debt limitation of $400 billion and an additional temporary limitation of $30 billion effective to June 30, 1972. This bill provides for further temporary increase in the amount of $20 billion also effective to June 30, 1972, which, with the existing temporary limitation of $30 billion and the new temporary limitation of $20 billion will give us an overall debt limitation of $450 billion. This should be contrasted with the $480 billion requested by the administration.

The wisdom of holding the line at this time, rather than going all the way to the $480 billion, is that the debt limitation needed after June 30 can only at best be estimated at the end of the fiscal year when more information as to future debt requirements is available. It was a wise and prudent action to provide only for the $20 billion temporary increase at this time.

We should all be deeply concerned with the size of the deficit both in the current fiscal year and also in the fiscal year 1973, which was indicated by an approximation in the new budget which was received only a short while ago. Put differently, any allowable debt must be kept under close control if for no other reason than to help inhibit the growth of deficit financing.

Mr. Chairman, I do not share the view of those who say that it would make sense to remove the debt ceiling altogether. I do believe that these ceilings serve as a restraint and a brake. Someone has said that this restraint, or brake, comes at the wrong end of the line when it is less useful than if we were required to act to raise the ceiling at the time the budget was submitted, based upon revenues and expenditures, rather than proceed with the budget which our Ways and Means Committee and the Appropriations Committee each consider in its own way, and there is no regard for the deficit until after the money has been spent.

There is an old adage that those who dance will have to pay the fiddler. I hope it does not happen today, that those who have voted for all spending programs will be the same ones who vote against this increase of the debt limitation. Such a course would be most irresponsible. At the end of the first session of the 92d Congress, some of my staff prepared a report showing that during the first session of the 92d Congress I had voted against over $24 billion of the authorizations and expenditures. Had I been joined by a majority of my colleagues, and these expenditures had not been approved, then this action to increase the debt limit today by $20 billion would not have been necessary.

I shall take only a moment or two to point out that we have reached a point in this country where there are so many items that are uncontrollable that we cannot blame the President for his failure to reduce the budget, at least for those items over which he has no control. The interest costs of our national debt are truly staggering. Almost 11 cents out of every tax dollar will be spent just to pay the interest on the national debt. At some future time I hope to be able to figure out how much interest each man, woman, and child in America pays every year in interest on the national debt. It is my understanding the figure is now over $40,700 a minute just to pay the interest. Some time in the future I hope to analyze what we could call contingent debt as distinguished from the $450 billion debt ceiling covered by this legislation. In some supplemental views attached to the report, one of the members of the Ways and Means Committee says that there is a larger debt obligation that overshadows the American economy of nearly $1 trillion of potential debt. Perhaps the time will come when we must limit the contingent debt as well as the cash debt.

Mr. Chairman, I support this small temporary increase at this time, but I wish to make it very clear and plain that it should not be considered any kind of a precedent for my support of other or larger increases hereafter in this session. Each and every increase will have to be justified on its own merits and in consideration of the situation at the time the request is made and the action proposed is taken.

Mr. MILLS of Arkansas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read.

The bill is as follows:

H.R. 12910

To provide for a temporary increase in the public debt limit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on June 30, 1972, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as temporarily increased by section 2(a) of Public Law 92-5, shall be further temporarily increased by $20,000,000,000.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by the Committee on Ways and Means.

Are there any committee amendments?

Mr. MILLS of Arkansas. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HUNGATE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, pursuant to House Resolution 809, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CARNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 147, answered "present" 1, not voting 36, as follows:

[Roll No. 37]

YEAS—247

Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Aspin
Badillo
Barrett
Belcher
Bergland
Betts
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clay
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Delaney
Dennis
Derwinski
Dingell
Donohue
Dorn
Dow
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gallagher
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Howard
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Karth
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Lent
Lloyd
McClory
McCloskey
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Mollohan
Monagan
Moorhead
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
St Germain
Sarbanes
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, James V.
Steed
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Yates
Young, Tex.
Zablocki

NAYS—147

Abbitt
Abernethy
Abourezk
Abzug
Anderson, Calif.
Archer
Ashbrook
Aspinall
Baker
Baring
Begich
Bennett
Bevill
Blackburn
Bray
Brinkley
Buchanan
Burke, Fla.
Burlison, Mo.
Byron
Caffery
Camp
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collins, Tex.
Colmer
Crane
Daniel, Va.
Danielson
de la Garza
Dellenback
Dellums
Denholm
Dent
Devine
Diggs
Dowdy
Drinan
du Pont
Edwards, Calif.
Eshleman
Fisher
Flowers
Flynt
Fountain
Frey
Garmatz
Gaydos
Goldwater
Goodling
Gross
Grover
Hagan
Haley
Hall
Halpern
Harrington
Harsha
Hechler, W. Va.
Henderson
Hogan
Hull
Hunt
Hutchinson
Jacobs
Jones, N.C.
Jones, Tenn.
Kastenmeier
King
Kyl
Landgrebe
Latta
Leggett
Lennon
Link
Long, La.
Long, Md.
Lujan
McClure
McCormack
Martin
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Minshall
Mitchell
Mizell
Montgomery
Morgan
Mosher
Myers
Nichols
Nix
Passman
Quillen
Rarick
Riegle
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rosenthal
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schwengel
Scott
Sebelius
Seiberling
Shoup
Sikes
Skubitz
Smith, Calif.
Snyder
Spence
Steele
Steiger, Ariz.
Stephens
Taylor
Terry
Thompson, Ga.
Waldie
Wampler
White
Whitten
Williams
Wilson, Charles H.
Wolff
Wylie
Wyman
Yatron
Young, Fla.
Zion
Zwach

ANSWERED "PRESENT"—1

Ichord

NOT VOTING—36

Andrews
Bell
Biaggi
Blatnik
Broomfield
Cabell
Carey, N.Y.
Chisholm
Clawson, Del
Collier
Corman
Davis, Wis.
Dickinson
Dwyer
Edwards, La.
Forsythe
Galifianakis
Gibbons
Griffin
Hansen, Wash.
Hawkins
Helstoski
Hillis
Jones, Ala.
Macdonald, Mass.
Mann
O'Konski
Pelly
Powell
Price, Tex.
Pryor, Ark.
Ruppe
Scheuer
Schneebeli
Stanton, J. William
Stubblefield

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Stubblefield for, with Mr. Ichord against.

Mr. Carey of New York for, with Mr. Mann against.

Mr. Cabell for, with Mr. Del Clawson, against.

Mr. Corman for, with Mrs. Chisholm against.

Mrs. Dwyer for, with Mr. Griffin against.

Mr. Forsythe for, with Mr. Gibbons against.

Mr. Schneebeli for, with Mr. Galifianakis against.

Mr. Blatnik for, with Mr. Price of Texas against.

Mr. Hawkins for, with Mr. Macdonald of Massachusetts against.

Mr. Broomfield for, with Mr. Powell against.

Mr. Pelly for, with Mr. Dickinson against.

Until further notice:

Mr. Jones of Alabama with Mr. Collier.

Mr. Helstoski with Mr. Bell.

Mr. Biaggi with Mr. Davis of Wisconsin.

Mrs. Hansen of Washington with Mr. Andrews.

Mr. Pryor of Arkansas with Mr. Hillis.

Mr. Scheuer with Mr. O'Konski.

Mr. William J. Stanton with Mr. Ruppe.

Messrs. BYRNE of Pennsylvania and KUYKENDALL changed their votes from "nay" to "yea."

Mr. ICHORD. Mr. Speaker, I have a live pair with the gentleman from Kentucky (Mr. STUBBLEFIELD). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks and include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REFERRAL OF H.R. 7050, H.R. 12184, H.R. 12688, AND H.R. 12689 TO THE COMMITTEE ON THE JUDICIARY

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from the further consideration of the bills (H.R. 7050, H.R. 12184, H.R. 12688, H.R. 12689) to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes, and that those bills be referred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONFERENCE REPORT ON S. 3122, EXTENDING FEDERAL WATER POLLUTION CONTROL ACT

Mr. JOHNSON of California filed the following conference report and statement on the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972:

CONFERENCE REPORT (H. REPT. NO. 92-834)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is further amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $9,000,000 for the period commencing November 1, 1971, and ending June 30, 1972, for the purpose of salaries and related expenses incurred during that period under this section, in addition to funds made available under Public Law 92-50 and Public Law 92-137. There is authorized to be appropriated not to exceed $30 million for the period commencing November 1, 1971, and ending April 30, 1972, for otherwise carrying out this section and such amount shall be in addition to any other funds authorized for this section."

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act (33 U.S.C. 1157(a)) is amended by striking out "and for the four-month period ending October 31, 1971, $4,000,000," and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000,".

SEC. 3. The second sentence of section 8(d) of the Federal Water Pollution Control Act (33 U.S.C. 1158(d)) is amended by striking out "$650,000,000 for the four-month period ending October 31, 1971." and inserting in lieu thereof "$1,650,000,000 for the period ending April 30, 1972.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: Amend the title so as to read: An Act to extend certain provisions of the Federal Water Pollution Control Act through June 30, 1972, and others through April 30, 1972.

And the House agree to the same.

ROBERT E. JONES,
HAROLD T. JOHNSON,
W. J. BRYAN DORN,
WM. H. HARSHA,
JAMES R. GROVER, Jr.,
Managers on the Part of the House.

JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
JOHN SHERMAN COOPER,
J. CALEB BOGGS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SECTION 1

Senate Bill: The Senate bill authorized $9 million for the period November 1, 1971 to June 30, 1972, for the payment of salaries and related expenses necessary in connection with the Federal Water Pollution Control Act.

House Amendment: The House amendment authorized an additional $45 million for the purposes of carrying out Section 5 of the Federal Water Pollution Control Act, which would include salaries as well as research activities.

Conference Substitute: The Conference substitute provides $9 million for salaries in the same manner as does the Senate bill. In addition, it authorizes $30 million for research and otherwise carrying out Section 5 of the Federal Water Pollution Control Act through the period ending April 30, 1972.

SECTION 2

Senate Bill: The Senate bill authorized an additional $11 million for carrying out section 7(a) of the Federal Water Pollution Control Act for the period ending June 30, 1972.

House Amendment: This is the same as the Senate bill.

Conference Substitute: Same as both the Senate bill and the House amendment.

SECTION 3

Senate Bill: The Senate bill contained no provision extending the authorizations for construction grants.

House Amendment: The House amendment provided an additional $1.350 billion for the construction grant program under Section 8 of the Federal Water Pollution Control Act for the period ending June 30, 1972.

Conference Substitute: Conference substitute authorizes an additional $1 billion for the construction grant program under Section 8 of the Federal Water Pollution Control Act for the period ending April 30, 1972.

TITLE

Senate Bill: The title of the Senate bill indicated Sections 5(n) and 7(a) of the Federal Water Pollution Control Act were extended until the end of fiscal year 1972.

House Amendment: The House amendment provided that the title be amended so as to read "An Act to extend the Federal Water Pollution Control Act through June 30, 1972."

Conference Substitute: The Conference substitute proposes a title which more accurately describes the text of the conference substitute.

ROBERT E. JONES,
HAROLD T. JOHNSON,
W. J. BRYAN DORN,
WM. H. HARSHA,
JAMES R. GROVER, Jr.,
Managers on the Part of the House.

JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
JOHN SHERMAN COOPER,
J. CALEB BOGGS,
Managers on the Part of the Senate.

TO PROVIDE A PROCEDURE FOR SETTLEMENT OF THE DISPUTE ON THE PACIFIC COAST AND HAWAII

The SPEAKER. The Chair recognizes the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 796 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 796

Resolved, That upon the adoption of this resolution the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1025) to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the joint resolution shall be read for amendment under the five minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

With the following committee amendment:

Strike all after the word "*Resolved,*" and insert in lieu thereof:

"That upon the adoption of this resolution the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1025) to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the joint resolution shall be considered as having been read for amendment. No amendment shall be in order to the joint resolution except one amendment in the nature of a substitute therefor, the text of which shall be identical to that of House Joint Resolution 1054 as introduced in the House on February 7, 1972, and said substitute shall not be subject to amendment. All points of order against said substitute are hereby waived. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion except one motion to recommit. After the passage of the joint resolution (H.J. Res. 1025), it shall then be in order to take from the Speaker's table the joint resolution of the Senate (S.J. Res. 197) and consider the same in the House."

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the

usual 30 minutes to the able and distinguished gentleman from California (Mr. SMITH), pending which, Mr. Speaker, I yield 5 minutes to the very able and distinguished gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, the reading of the resolution makes it quite clear specifically what it does. It does actually four things. It reports House Joint Resolution 1025 to the floor under a closed rule with 2 hours of general debate. It makes in order as a substitute without any intervening point of order the so-called Matsunaga substitute, House Joint Resolution 1054, and finally it makes in order that upon the completion of that action that the Senate bill be taken from the Speaker's desk and immediately acted upon by the House.

Mr. Speaker, I would like very briefly to outline the background in connection with the introduction of House Resolution 796.

Mr. Speaker, the resolution was introduced on February 2 by myself and by my colleague, the distinguished gentleman from California (Mr. SMITH), as a result of continuing problems in connection with our west coast ports.

As many of you recall, a strike developed and the west coast ports were closed back last summer. They continued locked up for 100 days, when finally the President saw fit to invoke the Taft-Hartley Act and the 80-day cooling off period. We went through the 80-day cooling off period and then again shortly after the first of the year, the docks again were closed by another strike call.

So actually we are in about the 125th day of a closure of the west coast docks.

There has been a lot of discussion whether this is a national emergency and to what extent this is a national impact strike as many of us have referred to it. Let me say certainly to those of us who are close to it, and I recognize and admit that I am to some extent parochial, because I come from an area that is being severely damaged—in fact, it is believed according to our last best estimate, that we have at least $1 billion damage in that area during the first 100 days. Let me say that that initial loss, that is the actual loss of sales, which were so disastrous to our balance-of-trade situation, were not just the part that we are so concerned about, but the fact that many of the Southeast and Asian countries and other countries of the world to whom we were exporting commodities and who were depending upon us for their supply and have depended upon us for supplies for many, many years were beginning to become discouraged with the situation and have gone seeking other sources of supply. In fact, in some cases they have sought and we recognize that they have located other sources.

Whether we will get this market back a year from now, 5 years from now or in some cases never get them back, represents a continuing loss which, frankly, the economy of this country cannot stand in its delicately balanced condition that it is in at the present time.

Because, as I say, because of the very serious impact that it was having not only on our area, but because of the rippling effect upon a much broader basis, I became determined and dedicated to try to get these ports reopened at the earliest possible moment.

Certainly, that is the reason for the introduction of the legislation. I recognize that it is serious medicine. I recognize that what we are doing here is done only very rarely, in fact, only one time during my 18 years in the Congress of the United States—although it has been done several times during the past 100 years or so.

So this is within the rules of the House and it is being done purely, as I say, as a matter of urgency and something that I think the Congress must give consideration to.

Mr. Speaker, if I can very briefly sum up, we will hear a great deal of discussion today about rights and freedom. I am one who believes very strongly in the right of collective bargaining. I have traditionally supported it and will continue to support it because I think it is an inherent right on the part of the laboring people of this country.

But in any of these situations that develop, after a period of time, there must come, it seems to me, to the Congress the responsibility of considering the rights of 200 million Americans somewhere caught in the crunch between continuing battles which go on and on, apparently where collective bargaining has broken down. There comes a time, in my opinion, that the rights and the privileges of other people have to, at some point, be considered. So to me that is the issue with which we are confronted here today.

I recognize, as I have said, the serious nature of the procedure in which we are here involved. I recognize the concern of many of my friends in organized labor as to its implications. But let me make clear that I sought, and fortunately obtained, a closed rule to make it absolutely certain that we were dealing here only with this particular emergency, and that it is not to be used as a vehicle for permanent legislation.

I know there is a desire for permanent legislation and that there probably is a need for something to be done on a long-range basis in connection with national impact strikes. I know many of my friends in labor agree that something must be done. Studies are being made. But in my opinion, in the urgency of the moment and in the short time we have to act, and certainly under the procedure we are using here today by the powers of the Rules Committee, this is not the time to settle the issue on a long-range basis. For that reason I sought a closed rule and, fortunately, that is what we are proposing here today to be adopted.

Mr. SMITH of California. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, the International Longshoremen and Warehousemen's Union—ILWU—and the employers' association, the Pacific Maritime Association—PMA—have been negotiating for a new collective-bargaining agreement since November 1970, in anticipation of the expiration of the then existing agreement, which would and now has expired as of July 1, 1971.

Last Friday, February 4, I attempted to put together some facts and figures on what I believe has taken place during that time. They will have to be, of course, updated a little bit for the period between Friday and today because several more days have passed. But in any event, as of last Friday, February 4, since November 1970, 15 months ago, there have been 90 bargaining sessions and 2 strikes, one lasting 100 days and the second one, as of today, lasting 24 days. The second strike is now in its 24th day.

There have been frequent, and sometimes protracted, mediation activities by the Director of the Federal Mediation and Conciliation Service. Personal intervention by the President, who met with both parties in Portland, Oreg., on September 25, 1971. The Taft-Hartley 80-day injunction began on October 6, 1971. Beginning on Wednesday of last week, there has been a use of a neutral party to try to mediate the dispute.

The Secretaries of Labor, Transportation, Agriculture, and the Acting Secretary of Commerce all testified before the Special Labor Subcommittee that the work stoppage is having a disastrous effect on large and important segments of our national economy. There was no testimony, as I understand it, challenging their statements, which I would like briefly to summarize as follows:

Now it is estimated that the American exports would have been $600 million higher during the 100-day period of the strike, which has now been resumed with further damage to our export trade. The strike was particularly hard on our farmers who have been exporting the products of one crop acre out of four.

During the June-September period, farm exports from the west coast dropped from $288 million in the same period in 1970 to $73 million in 1971. Wheat farmers have suffered the worst calamities of all as their sales to major Far Eastern markets fell off dramatically. Japan purchases over 50 percent of her wheat from the United States. Since April last year we lost sales to Japan of at least 25 million bushels of wheat valued at $40 million. Ominously, on the day after the strike resumed, 24 days ago, the Japanese purchased 8.7 million bushels of wheat for spring delivery, but only 1.6 million bushels were bought from the United States.

Our merchant marine fleet also suffered heavy losses, as did the exporters of vegetables, rice, cotton, wood products, livestock, and other related industries. The strike has thrust a spike in our progress toward and caused a dollar drop in the economic recovery, it has threatened the balance of payments, it has undermined the confidence of foreign buyers who need to depend upon dependable deliveries, but the most tragic costs are in human terms. There are tens of thousands who were not parties to the dispute but who have suffered because of it. They are suffering needlessly again as the costs of resuming the strike begin to mount. The Governors of California and Washington, whose States, along with Oregon, have lost $23.5 million a day during the 100-day strike, reported the cost of its resumption is intolerable to their economy. The State of Hawaii is beginning to feel the punishment quite severely.

If this strike continues much longer, we can anticipate significant increases in the unemployment on the west coast and huge financial losses for many people across the country.

These figures are incomplete at the present time, because the strike is still going on, but once the strike is ended and these figures are added up, I am satisfied the losses in wages and lost jobs and profits and bankruptcies and exports will be much greater than the foregoing figures.

As I understand it, one of the difficulties in the subcommittee's consideration of the resolution was that of isolating the issues which have been most significant in keeping the parties from reaching agreement. That is, one of the problems has been that although the union asserts most of the issues have been settled, the PMA contends these are tentative rather than conclusive settlements, and all issues are open to negotiation until all have been wrapped up or included in a final agreement. The ILWU and the PMA are acting in this dispute as attorneys act to settle a dispute between a husband and wife or as conferees act on a bill. It is not final until the House approves the conferees' suggestions and the Senate approves them, and they are finally put into effect. The same situation arises as to the tentative settlement today.

Based on these problems, I discussed the matter with the gentleman from California (Mr. SISK). We decided to introduce a resolution, which we did on February 2, House Joint Resolution 796.

In its original form, it would have brought House Joint Resolution 1025 to the floor to settle the Pacific and Hawaii dispute among certain shippers and associated employers and certain employees. In other words, both the Pacific dock strike and the Hawaii problem would have been included, and also it would have given the committee 2 hours to proceed, 1 hour for the chairman and 1 hour to be controlled by the minority to discuss House Joint Resolution 1025.

Subsequently thereto, last Friday the distinguished chairman of the Committee on Rules (Mr. COLMER) sent out a notice stating he was calling a meeting of the Committee on Rules for 10 a.m. Tuesday morning, February 8, to consider a resolution to discharge the Committee on Education and Labor from further consideration of House Joint Resolution 1025. We started hearings yesterday and were in hearings almost all day, from 10 a.m. until quite late in the afternoon.

During the time we were having our hearings, in the afternoon, notice came over the wire stating the negotiators announced a settlement today of the longest strike in American history, the 123-day walkout of the longshoremen in 24 ports on the west coast. It stated that all economic issues had been settled and that certain specified, noneconomic issues will be submitted to arbitration.

That came over the wire. Of course, that presented some problems to us.

I made certain telephone calls, including talking with Mr. Laurence Silberman, Under Secretary of Labor, and others. As best I could determine, they had reached a tentative settlement.

It was and it is, however, conditioned upon two certain provisions.

Now, 12 of the noneconomic issues which are unresolved will be submitted to compulsory arbitration. However, the tentative agreement is subject to approval of 110 union leaders who are scheduled to meet this coming Saturday. As I understand it, they represent the various unions. They will meet in San Francisco on Saturday to determine whether or not they will recommend to their members that this tentative agreement be ratified.

Then subsequent thereto, in accordance with the union regulations or their constitution, they will set a date to vote—I would assume next week; though I do not know the exact time they have to give their members notice. Then it will be submitted to the entire membership, to see if they desire to approve of this agreement.

There is no back-to-work at this time in this particular agreement. They will not go back to work until after this, except that I believe the 110 members who meet Saturday have the authority to order them back to work. I would hope they would. We might not be here today if they had done it yesterday.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield very briefly.

Mr. THOMPSON of New Jersey. The 110 members, who constitute the caucus representing the various locals of the union, do have the authority and will have the authority if they ratify on Saturday to order all the others back to work pending the outcome of the referendum required under law.

Mr. SMITH of California. I appreciate the gentleman's comments.

At the conclusion of my remarks I have a direct quotation from the President of the United States. I am going to quote his exact words.

I certainly suggest to the distinguished gentleman from New Jersey, come Saturday, if they are ordered back to work, it would be of great help.

Now, during the time of our consideration yesterday the other body passed its measure, Senate Joint Resolution 197, by a vote of 79 to 3.

In our executive session, we had a number of problems to decide. In any event, the final decision, as reported by a vote of 9 to 6 in the Rules Committee, was explained by the gentleman from California. It does provide, if this rule is adopted, for considering House Joint Resolution 1025, for having it heard in the House with 1 hour of debate controlled by the chairman of the Committee on Education and Labor and 1 hour by the minority member.

Then, in addition thereto, it makes House Joint Resolution 1054, the so-called Matsunaga resolution, in order as a substitute. That substitute, if we reach that stage, will be voted upon first.

There can be no amendments under the rule to the substitute, and no amendments to House Joint Resolution 1025. In the opinion of those of us who supported the rule, we felt there was a possibility, if amendments were permitted, that we might be here quite some time with various types of amendments, possibly of a delaying tactic.

House Joint Resolution 1054, was introduced by the gentleman from Hawaii (Mr. MATSUNAGA) on February 7, 1972.

Subsequent thereto, if the Matsunaga substitute is defeated, the vote will come on House Joint Resolution 1025.

If that is passed, then the rule makes it in order for the House to take from the Speaker's table the joint resolution of the Senate, Senate Joint Resolution 197, and consider the same in the House. There can be 1 hour of debate on that. The Speaker will recognize some Member for that particular purpose, for consideration of that resolution. At that particular time there can be 1 hour of debate on that.

This is an unusual situation. So far as I am concerned, I have participated in it only once before during my 16 years here in the House. It was in a Rules Committee hearing August 13, 1964, in connection with the so-called Tuck resolution.

Floor action was taken on August 19, 1964. My memory is that the bill passed by something like 242 to 148. I believe such distinguished individuals as the distinguished majority leader and our very, very distinguished Speaker supported and voted for the resolution.

Now, Mr. Speaker, I would like to review these bills a little bit so that before we vote on the rule we will have an idea of what we are considering.

House Joint Resolution 1025, is the main bill we are considering. The purpose of this bill is to provide a procedure for the settlement of the dock strike on the west coast and Hawaii.

I want to make it very clear on Hawaii, which I will mention later, because they are not actually tied into this. They have always gone along and asked for the same contract which has been agreed upon by the ILWU and the PMA. So this particular resolution, if passed, would provide that because Hawaii is named in that.

More specifically, the joint resolution provides for a 3-man arbitration board to be appointed by the Secretary of Labor within 5 days of enactment of House Joint Resolution 1025. They will hear and settle all issues in dispute. I think the word "all" is very important, because I do not believe House Joint Resolution 1054 has the authority to settle all of the issues. I think it applies mainly to those that are unresolved. In any event, the determination of the board is to be effective for the period stated therein, which may not be less than 18 or more than 24 months.

The Secretary of Labor may terminate

provisions of this joint resolution before the issuance of a determination by the arbitration board if he finds that the parties have settled the disputes themselves.

From the date of enactment until the arbitration board makes its determination, work will go on under the old contract, which expired on June 30, 1971, and under which the parties have been operating since that time.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, the arbitration board is to begin its hearings no more than 15 days after enactment of the resolution and makes its determination not later than 40 days after that.

Any aggrieved party by the determination of the board may within 15 days after the issuance obtain review of the determination in the U.S. Court of Appeals in the District of Columbia.

In addition to that, the Secretary of Labor is to appoint a special referee within 3 days of the enactment of this resolution who will settle all disputes before the determination goes into effect. Findings of the special referee, unless found to be arbitrary or capricious, shall be conclusive.

The jurisdiction of the U.S. district court and its judgments and decrees as to matters within its jurisdiction under this resolution shall be final and not subject to review.

The Attorney General of the United States is authorized to maintain any court action necessary to enforce the provisions of the legislation and moreover any strike, lockout, or other concerted activity in violation of the resolution shall be subject to a penalty of not to exceed $100,000 a day.

There is no penalty in House Joint Resolution 1054 in that regard.

The Matsunaga substitute, House Joint Resolution 1054, was introduced on February 7. It provides that the Attorney General shall petition the United States district court having jurisdiction over the parties to enjoin them in any strike or lockout arising out of a dispute for up to 30 days if it is found that the strike, first, affects an entire industry engaged in commerce and two will imperil the national safety if permitted to continue.

If no settlement is reached prior to 25 days after the issuance of the first injunction, the Attorney General shall petition the district court to extend it for 30 days. If no settlement is reached by the 31st day after the issuance of the original injunction, each party shall submit to the Secretary of Labor a final offer covering all issues and propose a contract period of not less than 18 months duration.

Next there is 5 days of collective bargaining on the final offers, and if no settlement is reached before the end of this period, the Secretary of Labor shall appoint a panel of three impartial members to select the most reasonable final offer within 30 days of the time that the Secretary orders submission of final offers.

Mr. THOMPSON of New Jersey. Will the gentleman yield for a question?

Mr. SMITH of California. Can I finish? And then I will. I will save a minute and yield to you.

The determination of the panel shall be conclusive unless found arbitrary or capricious by the district court that granted the original injunction.

If any of the parties refuse to sign the final agreement selected by the panel, within 24 hours, the district court may enjoin further refusal by the party to sign.

Now, there are two issues involved here which I think are very important in the difference between House Joint Resolution 1054 and House Joint Resolution 1025, as I understand them to be. If I am wrong, I will stand corrected.

But in any event with reference to the Hawaiian problem, as I understand it, the union workers in Hawaii are members of the union but their employers are either not members of the PMA or are not part of the west coast bargaining unit, are not represented by PMA for bargaining purposes, and themselves bargain with the union in Hawaii, entirely separate from PMA. The union, however, as I further understand it—and I think they have had in the past a contract identical with any settlement arrived at by the PMA and the ILWU for the west coast—is demanding a contract identical with any settlement arrived at between PMA and the union for the west coast.

However, the Hawaiian employers have refused, and Mr. Bridges predicts a strike by the union in Hawaii, with which the union on the west coast will cooperate, if it does not secure its demands.

So, it seems to me in that respect, if we are going to take care of the serious problem which is developing in Hawaii, we should include all the things to be solved, as they will be solved in House Joint Resolution 1025, rather than, in my opinion, House Joint Resolution 1054.

The Teamsters Union has a jurisdictional dispute with the Longshoremen's Union over whose members do certain work connected with the stuffing of the containers. Much of it is now done by members of the Teamsters. The Teamsters Union wants all or a substantial part of this work for its members. Obviously, an agreement between PMA and the union on this issue will not bind the Teamsters who are not a party to the negotiations.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 3 additional minutes.

The SPEAKER. The gentleman from California is recognized for 3 additional minutes.

Mr. SMITH of California. House Joint Resolution 1025 will establish the determination of all the issues involved and will include both the members in the Hawaiian dispute and the jurisdictional dispute between the Teamsters Union and the Longshoremen's Union

I do not believe House Joint Resolution 1054 will take care of those two things as I personally interpret them.

Now, Mr. Speaker, Senate Joint Resolution 197 which was passed by the other body yesterday is substantially the same, I am advised by the Department of Labor, as House Joint Resolution 1025 and is acceptable to the administration.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. In just one moment and I will.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. SMITH of California. May I just finish my statement?

Mr. HAYS. The gentleman has been finishing for 20 minutes.

Mr. THOMPSON of New Jersey. I wonder if the gentleman might——

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 38]

Andrews
Arends
Ashbrook
Bell
Biaggi
Blatnik
Broomfield
Cabell
Carey, N.Y.
Chisholm
Clark
Clawson, Del
Clay
Collier
Corman
Davis, Wis.
Dickinson
Diggs
Dwyer
Edwards, La.
Forsythe
Fraser
Galifianakis
Gibbons
Gray
Green, Pa.
Griffin
Grover
Hansen, Wash.
Harsha
Harvey
Hawkins
Helstoski
Hillis
Horton
Jarman
Jones, Ala.
Kluczynski
Long, La.
Lujan
McCloskey
McEwen
Macdonald, Mass.
Mann
Metcalfe
Minshall
Murphy, N.Y.
O'Konski
Pelly
Powell
Price, Tex.
Pryor, Ark.
Railsback
Roberts
Rosenthal
Ruppe
Scheuer
Schmitz
Schneebeli
Smith, Iowa
Stanton, J. William
Stokes
Stubblefield
Stuckey
Teague, Tex.
Tiernan

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TO PROVIDE A PROCEDURE FOR SETTLEMENT OF THE DISPUTE ON THE PACIFIC COAST AND HAWAII

The SPEAKER. The gentleman from California (Mr. SMITH) has 2 minutes remaining.

Mr. SMITH of California. Mr. Speaker, Senate Joint Resolution 197, passed by the other body, is substantially the same as House Joint Resolution 1025 and is acceptable to the administration. In connection with the President signing this legislation, I am authorized to state as follows, and I quote:

> The President will watch carefully to see that the parties move expeditiously to consummate the agreement. The President will not sign the legislation immediately.

Mr. Speaker, I urge the adoption of the rule. I urge that the substitute House Joint Resolution 1054 be defeated. I urge that House Joint Resolution 1025 be passed and that subsequently Senate Joint Resolution 197, as passed by the Senate be then considered and passed by the House.

Mr. Speaker, at this time I yield to the gentleman from New Jersey, my friend (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. I thank the gentleman from California.

I have just one question.

In your recitation of the Matsunaga joint resolution—relating to your discussion of it—does the Matsunaga joint resolution send the solution to the Pay Board, while the Dellenback bill does not?

Mr. SMITH of California. It says that the final offer of the selection board—is what—what you mean?

Mr. THOMPSON of New Jersey. Whatever is agreed upon. Assuming that we do take the Matsunaga substitute, will that which has been agreed upon go to the Pay Board?

Mr. SMITH of California. I do not know whether it will or not.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. It does not.

Mr. SMITH of California. I did not think it did, but I was not certain.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I listened to the statement by the President and I wonder if I am correct——

The SPEAKER. The time of the gentleman from California has again expired.

Mr. SMITH of California. I yield myself 30 seconds.

The SPEAKER. The gentleman from California is recognized for 30 seconds.

Mr. PUCINSKI. The President wants the legislative branch of Government to commit itself to compulsory arbitration but yet he reserves to himself the right not to do it if he so chooses.

Mr. SMITH of California. If they proceed expeditiously, I think the problem will be solved.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri, a member of the Rules Committee (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I oppose this rule and believe it should be defeated for one purpose. Defeat of the rule would postpone action by the House in order to allow the collective bargaining process to proceed freely.

The gentleman from California (Mr. SMITH) read a brief statement from the President which says exactly and precisely what he read, but the import of it, presumably, is that if the process proceeds expeditiously that has been initiated by the settlement, that the President will not sign the legislation. That is clearly the implication. If there is a settlement expeditiously, the President will not sign the legislation is at least the implication of those two sentences that I listened to twice.

Now, it happens that I consider this twofold, a wholly unprecedented action of the House of Representatives if it is pursued to a conclusion. It is unprecedented, No. 1, because there never has been a time, and that is in the history of the House of Representatives, when the House has passed legislation purporting to establish a method of settling a strike after it has been announced by the parties involved that they had arrived at a settlement.

The only reason that this settlement is not final, as best I can determine, is that the union involved has a procedure which is part of their constitutional procedure, part of their democratic process, which requires their negotiators to get approval of the membership before the agreement that they have proposed is final. As I say, it is part of the democratic process.

On this coming Saturday, as I understand it, the caucus of the Longshoremen meets and accepts or rejects the proposal of the negotiators. This is part of the process. I am told that if they accept it that then it is probable, very probable, that the membership will accept it, and the process that is under way now is the normal process of settlement that is announced as a settlement. And we are going to inject ourselves at this time, and say, "No, we are going to have this club over your head. We are going to act to force you to settle what you have already started to settle."

I submit that this is unprecedented, and that it is unwise.

What is the parliamentary situation? The bill that is sought to be passed by this resolution, the Senate bill, is on the Speaker's table. There was no attempt to obstruct action in the Committee on Rules on yesterday. I cannot say that I would vote for the resolution, but I can say that I could have delayed it, perhaps substantially, and I made no such attempt because I believe in an orderly legislative process. And this institution can, if the settlement breaks down, in a matter of moments, almost, on Wednesday next, bring up, if the Committee on Rules chooses to come back on Tuesday, if a settlement breaks down, bring up the same resolution or a different one. But there is no need for us to act tonight. We should not act. We should postpone—and you should know that while the particular resolution came out of the Committee on Rules by a vote of 9 to 6, and while the proposal recommended by the Committee on Education and Labor was defeated 10 to 5, that my motion to postpone was defeated by 8 to 7. There is very good reason not to take this unprecedented action. That is one reason.

The second reason is to me equally compelling. I do not think there is any mystery that I have suggested that we should reform some of the procedures of this institution and modify some of the habits, and I am hardly one to oppose change. But I do not know of any precedent in all the history of the Congress for the action proposed here under the circumstances in which we find ourselves.

This resolution makes in order the consideration of three resolutions, not one of which has been considered by a legislative committee of the House, and it does not provide for the consideration of the only resolution which has been considered by the appropriate legislative committee.

What is this? What does this mean in terms of precedent? I suggest that on occasion that the Committee on Rules ought to operate a little differently than it does.

This is so remarkably different, it makes me wonder what would happen if there existed a Rules Committee which, reading the mind of the majority of the House, decided every time it shows a militant majority, it would just ignore the legislative committee.

If we did that—why have the other committees? Why not just have one Rules Committee, and one House—it would really expedite things. Matters would not be very well considered. They would all come to the floor from people who are generalists and not experts—and there we would be.

That is the precedent that this resolution, if adopted, establishes. It is not so much that we take a bill or a resolution away from a committee. It is that we choose as the vehicle a resolution that was not acted upon by the committee and was not reported by the committee and leave out the one that was.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding and I would not, under ordinary circumstances, wish to have any dispute with him, but I think it ought to be clear to the House that the Dellenback resolution was, in fact, considered. It was the subject of the hearings in the subcommittee and voted on in the full committee and rejected. The bill introduced by the gentleman from New Jersey (Mr. THOMPSON) was, in fact, not even the subject of hearings.

It was introduced the day before it was considered by the full committee and the rules were waived, in effect, by the Committee on Education and Labor.

So I would not want the gentleman from Missouri to indicate to the House that this question was something that has not received the consideration of the Committee on Education and Labor.

Mr. BOLLING. I may have misspoken myself, but the fact remains that the bill that this resolution seeks to pass, was considered. If I said it was not considered, I misspoke myself. It was not acted favorably upon.

But the bill that this resolution seeks to pass, to the best of my knowledge, was not considered in the Committee on Education and Labor. The Senate bill was not considered.

Mr. STEIGER of Wisconsin. The Senate bill was not considered.

Mr. BOLLING. All right—then the Senate bill is the bill that this resolution seeks to pass. All you have to do is look at the resolution. It makes it very clear that the intent of the resolution is not to pass the Dellenback bill or the Sisk bill—it is not to pass the Matsunaga bill. It is to pass the Senate bill, and send the whole thing to the President tonight and thus avoid a conference.

Perhaps I said "considered" too often. But I am quite clear in my mind that the purpose of this resolution is to pass a resolution that was not considered—and the one that was considered and reported out in the usual process was not made in order.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. ADAMS. Is it not true that if we complete our recess and this bill has been passed, and the same bill is passed in the House and Senate, it becomes law without the President's signature after 10 days, if we are back in session, which we will be?

So is he going to veto this bill? I want to know if not, it is going to become law anyway. All this argument about his not signing is just baloney. There is no issue in terms of the President signing it or not.

Mr. BOLLING. We are talking of a bill that was not considered by the Committee on Education and Labor.

Mr. ADAMS. I am talking of the procedure you outlined at the beginning of your argument that if the Senate bill is passed and we take up the Senate bill, which this rule provides for, and we pass it, and send to the President a bill that has passed both Houses then it will become law. This is the same bill which will go to the President. I understand and I understood you and the gentleman from California to say that he would not sign it, if this has been settled, this will make no difference.

Mr. BOLLING. The statement of the gentleman was very precise—and it does not say he would not sign it. He said it more precisely than that.

But the point is—suppose it did become a law without his signature? I do not believe it would become operative, if I understand it, without some further action.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman.

Mr. GERALD R. FORD. I am quoting from page S 1446 of the proceedings in the Senate of February 8, 1972.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Missouri so that this question may be answered if he wishes.

Mr. BOLLING. I hope the gentleman will yield me some time to comment on it.

Mr. GERALD R. FORD. The date is February 8, 1972, and the provision in the Senate bill is as follows and I quote:

> Provided that proceedings under this joint resolution shall be terminated immediately upon certification in writing by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues.

In other words, if there is a certification to the Secretary of Labor that the parties are in accord, which means ratification by the union, the legislation would not become operative.

Mr. BOLLING. Mr. Speaker, will the gentleman from California yield me 1 additional minute?

Mr. SMITH of California. Yes, I yield 1 minute to the gentleman from Missouri.

Mr. BOLLING. I thank the gentleman. The point remains precisely the same. We have the opportunity to postpone action on this matter and let the collective bargaining process take its course to settlement, or we can pass the buck. The way to postpone it is to vote down this rule. We will thus spare ourselves a remarkable set of precedents, which we really should not impose on ourselves, and we shall have allowed the collective bargaining process to proceed. The only way to postpone this matter for a few days is to vote down this rule, and that is what we should do.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, the conclusion so ably and articulately stated by the gentleman from Missouri is precise and is the answer: It is to vote down this rule—not only because of this trespass, and I view it as a very serious trespass on the legislative process on the subcommittee of which I am chairman, the full committee on which I serve, and on all other committees and subcommittees from now on. Because, in substantive terms, it is a fact that we did hold hearings on the bill introduced by the gentleman from Oregon.

The legislation which I introduced and which was reported contains absolutely no subject matter which was not fully discussed in the hearings before the full committee. The Matsunaga bill was not discussed. It was not subject to inquiry. The Senate bill appeared before us—and I saw it first only as recently as a few minutes ago—and, as Mr. BOLLING said, the objective of this unique and unusual resolution, carrying with it, if you please—and I say this to those of you who are subcommittee chairmen, chairmen, and ranking members—this resolution is unique in that immediately upon the adoption of this rule, this body automatically would go into the Committee of the Whole House without the chairman of the legislative committee having the right to say, "Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the following bill." The resolution avoids that process.

Those of you who are in trouble because of the strike—and, indeed, many of us are—you are not going to get any relief from this legislation if it is reported today. It is not going to affect in the faintest the impending strike or the possibility of an impending strike on the east and gulf coast ports of the United States. They are under an 80-day Taft-Hartley injunction now, which expires on February 14, with a voluntary agreement, which they can break at any time, to "hit the bricks," as they say. Are you going to deal with that on an ad hoc basis, or are you going to await the outcome, as promised in the other body yesterday, of the deliberations on the President's so-called crippling strikes emergency legislation, which would solve the problems, ostensibly at least, in the whole transportation industry by putting those parts of it which are now within the jurisdiction of the Interstate and Foreign Commerce Committee into the Committee on Education and Labor and under the National Labor Relations Act?

Members may think the employers want and the managers want compulsory arbitration. I assure the Members, they do not. Neither does labor. It would destroy both of them. And it does not bring them closer together, I can assure the House of that. In the Committee on Interstate and Foreign Commerce, both management and labor have come out foursquare against the President's emergency solution. These problems cannot be solved on an ad hoc basis, nor can every bill out of every one of the Members' committees and subcommittees reach the appropriate resolution by having some Member of the distinguished Committee on Rules introduce a resolution preempting it without hearing it.

I do not pretend to have an extraordinary knowledge of the contents of all this legislation, but I do claim this. I know more of the facets, of the involvements, of the implications, of the history of this dispute than does any member of the rules committee.

My resolution should have been the one before us today. I hope the rule will be defeated.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. For a question or for time or what?

I yield the gentleman from California 30 seconds. I have already yielded 2 or 3 minutes over there.

Mr. BURTON. Mr. Speaker, I thank my dear friend, the distinguished ranking minority member of the Rules Committee.

Mr. Speaker, out our way the major shippers and the union leaders believe that they have settled their strike. It was a long, tough negotiation between those two parties, who for some 22 years have not had a strike.

This terrible ordeal is over. I think we ought to let the parties who already believe they have solved it handle it. They are boggled at the notion that this new factor is going to be introduced, and no one can predict what the result of an action like this is going to be.

Let us let them tend to their business, and let us stay out of it, and let us hope that when we come back, the strike will have been settled permanently.

Mr. SMITH of California. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, in answer to the gentleman from New Jersey, in the Congressional Record, volume 110, part 15, page 20213, in association with the so-called "Tuck resolution" it says, "shall immediately go into the House," and that is precisely where I got the language for this one.

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, I concede that is so, and also I think if the gentleman will examine the record for a longer period, he will find this is only the second time it has been used.

Mr. SMITH of California. Mr. Speaker, I have heard that.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Speaker, may I say in response to my friend, the gentleman from Missouri (Mr. Bolling), who I think is one of the most brilliant technicians among the Members of the House, that this procedure may be unprecedented, but it is not unwise. The situation, like the procedure, is also unprecedented. We are facing crisis not only on the west coast, but also in the Nation. We have no settlement of this crisis at the present time. We have only a possibility of a settlement of this crisis.

May I say in response to the remarks about what the committee and subcommittee of the House Education and Labor Committee have, in fact, dealt with, the proper committee did, indeed, consider House Joint Resolution 1025, and that failed of passage after full deliberation by the subcommittee and relatively short deliberation by the full committee, by a very narrow vote, by a vote of 17 to 20. Had there been two votes changed, it would have, indeed, come out of the full committee instead of dying, as it did indeed. So also, both the full subject matter of the so-called Thompson resolution and Senate Joint Resolution 197 have been fully considered by our subcommittee.

As the chairman of the subcommittee, Mr. Thompson of New Jersey, pointed out, everything that was involved in his resolution was discussed and considered by our subcommittee. So also, I repeat, the subject matter of Senate Joint Resolution 197, which is also covered by the resolution of the Rules Committee, was fully discussed.

If Members will look at Senate Joint Resolution 197 and look at House Joint Resolution 1025, they will find a high degree of similarity between the two. The differences are not major. So we cannot say that our subcommittee and our committee have not dealt in full with both of these resolutions which are made in order by the resolution adopted by the Rules Committee.

Much of this proposed legislation rightfully deserves far greater discussion, and it is unfortunately the case that in the final, closing minutes a series of important comments need to be made, with no hope for consideration in full.

If the hoped-for vote occurs on Saturday on the west coast, and indeed approves the settlement, then any further action under this legislation will be moot, but we have no assurance that such approving action will take place. The issue is not settled.

Last September, the President himself talked with the leaders of the ILWU and with the leaders of the Maritime Association, and both of them expressed the hope that the matter was so close to settlement it could be settled within a week. That was last September. It has not been settled yet. In the meantime there has been great devastation, not only on the west coast but also inland.

There was no settlement on the series of occasions when we were very close. We are very close now. I hope the present strike will be settled—and soon.

Under the circumstances we now face it is imperative, my colleagues of the House, that there be action tonight before we dissolve and go off into the recess. It is imperative that this rule be adopted.

Mr. COLMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I support the rule and I shall vote for the legislation to deal with the strike problem.

The people of our Nation have long been concerned with the inadequacies of our laws dealing with emergency transportation disputes. More recently there has been reason to show concern about the resumption of the west coast dock strike. As in the case of a national rail strike, these disputes tie up our Nation's transportation industries. They are economically devastating. They cannot be tolerated indefinitely. Ways must be found by which they can be effectively and speedily settled.

The dispute that closed the Pacific ports for 100 days last year and, after expiration of a Taft-Hartley injunction, shut down again on January 17, is the kind for which there should be laws to provide a method of fair and certain solution. While many shippers have made alternate arrangements, and port activity was speeded during the cooling-off period in anticipation of a resumption of the walkout, the prolongation of the current disruption poses a substantial threat of widespread economic harm. The Nation is struggling to recover from the first trade deficit in more than 80 years. Important agricultural exports have been curtailed. The west coast ports could lose business permanently to rivals in Canada and Mexico. Hawaii's major channel for supplies from the continent has been cut for a time since our military shipments were threatened.

The labor picture of today is far different than it was a few years ago when strikes were confined primarily to those directly involved in a labor dispute. Today, many innocent people are hurt. The taxpayers are hurt. Families are hurt. The economy of the United States is hurt. Small businesses fail through no fault of their own except that they are dependent on certain sources of raw material denied during a strike affecting the producer of that material. The economy of our Nation is balanced on the most delicate of factors. There is an interdependence of manufacturers far more critical than ever before.

In short, there is no such thing as an isolated strike in our modern and complicated society. A strike in any vital industry, such as steel, transportation, and automobiles, is in effect, a strike against the Nation. To keep men at work, goods flowing, and services functioning, is a matter of national interest. As such, it is the duty of elective and appointive officials to see that no disruption occurs. Work stoppages with nationwide impact no longer can be afforded. We must arrive at procedures to avoid strikes that are destructive to our Nation and it is imperative that we do so immediately. The Congress is the stumbling block. We have not acted. We must now find a way to prevent these prolonged walkouts while recognizing the legitimate demands of both labor and management. If we do not act now when the need is great, then it is unlikely that we will act later when the pressure is reduced. The most apparent need is to shorten negotiations leading up to an agreement on a contract.

The President has submitted a proposal to the Congress for ending the dock strike which calls for naming a three-member arbitration panel by the Secretary of Labor. The panel would be given 40 days to complete its task. The union would be ordered to end the strike as soon as the law was enacted. The suggested law would empower the panel to decide all issues in the dispute, which would include the jurisdictional fight between the Teamsters and Longshoremen over container jobs. The panel would be told to follow the rules of the Economic Stabilization Act, but the panel's decisions would be final, without requiring approval by the Pay Board. A court review could be obtained by either party to the dispute. The terms ordered by the arbitrators would remain in effect for at least 18 months, under this proposal.

I fully support the President in his efforts to bar such crises as the west coast dock strike. It is high time that the Congress face its responsibility to the American people by enacting permanent legislation to end nationwide work stoppages.

Mr. COLMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me confess—if I may have the attention of the gentlemen back there who have been critical of my committee about this action—that it is a rather unusual procedure. It is not one that is exercised regularly by the committee.

But when we hear these strong statements about it being "unprecedented," they are just not true. There is ample precedent for the exercise of this power, which the Committee on Rules has. It is exercised, I believe, not only rarely but also wisely.

I would not be an advocate of the committee using this power as a regular procedure. I do not believe it should.

But there comes a time, there comes an hour, when a situation has developed where a recalcitrant committee or a recalcitrant group of people refuse to budge when extraordinary measures must be resorted to.

I say to you here and now with regard to most of the speeches that have been made here against this procedure and the castigation of my committee that if they did not have that to rely upon, they would find some other excuse for delaying this long overdue settlement of this strike.

So what have we done here? Two members of this awful Committee on Rules, if you want to put it that way, one a Democrat, the gentleman from California (Mr. SISK), and one a Republican, the gentleman from California (Mr. ALLEN SMITH), joined in a resolution, both members of my committee, to bring this bill to the floor and give the House an opportunity to pass on this question.

Now, I do not have time to go into all of the details, but I do call your attention to the fact—and nobody can dispute this—that while there is a tentative agreement on most of the issues involved in this disastrous strike, it is not an accomplished fact. Who can say that some further delay will not occur?

Moreover, I call your attention to the fact that this strike has been dragging along for 123 days and no action to consummate it was taken.

I also want to call your attention to the fact when you castigate this committee that if it had not been for the action that was taken, the threat of action by the Committee on Rules, I seriously doubt there would have been any substantial progress made in the settlement of this strike. Because of the very fact that the Congress, the representatives of the people, the people suffering because of the blow to the economy of the country, wanted something done, some action was taken by our committee and we have had the progress which we have made in the settlement of the matter.

I hope this strike is settled and is settled on Saturday, and I hope it will not be necessary for the President to sign the legislation.

Just a few minor details now.

My friend Mr. BOLLING—and he is my friend and a good personal friend—we do not always, and that may be an understatement, agree on philosophies of government, but he talks about the Committee on Rules not reporting out the committee bill. The committee bill, with all due deference to my other friend, Mr. THOMPSON of New Jersey, who opposes my position here today, the bill reported out by his subcommittee and then reported by the full committee, I understand, is, in my humble judgment, just so much eyewash. What did it do? It simply provided that the military cargoes should go ahead.

It is already going ahead, and that the agricultural products might go back and forth from Hawaii. What about Japan and the other sections of the world?

So, we have reached a situation here where something had to be done.

Now, I confess again to you that the wording of this rule possibly is the only thing that is unprecedented about it. It is, rather, an awkward approach to this matter. And, why? Because your Committee on Rules did not know that the other body had passed this joint resolution or a similar joint resolution until the Rules Committee had completed its hearings. And I call your attention to the fact that it passed the other body by the overwhelming majority of 79 to 3. And, yet my friends——

The SPEAKER. The time of the gentleman from Mississippi has expired. All time of the gentleman from Mississippi has expired.

Mr. SMITH of California. Mr. Speaker, I yield my remaining time to the gentleman from Mississippi.

The SPEAKER. The gentleman from Mississippi is recognized for one-half minute.

Mr. COLMER. Mr. Speaker, in that one-half minute I want to finish that one sentence. We have been asked now to go home on a recess and leave this thing hanging in a state of limbo, and I hope we will not do it. Time is of the essence. We cannot afford to go on a political excursion while our people, including our laboring people, are suffering.

The SPEAKER. All time has expired.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution and the amendment.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the resolution, as amended.

Mr. BOGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 170, not voting 58, as follows:

[Roll No. 39]

YEAS—203

Alexander
Abernethy
Abbitt
Arends
Anderson, Ill.
Archer
Belcher
Baker
Bennett
Bergland
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collins, Tex.
Colmer
Conable
Coughlin
Daniel, Va.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Gettys
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Gude
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Hastings
Heckler, Mass.
Henderson
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Melcher
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Myers
Nelsen
Nichols
Passman
Pettis
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Purcell
Quie
Quillen
Railsback
Randall
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Roy
Ruth
Sandman
Satterfield
Scherle
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Springer
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NAYS—170

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bevill
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burton
Byrne, Pa.
Carney
Celler
Clark
Clay
Collins, Ill.
Conte
Conyers
Cotter
Crane
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Ford, William D.
Fraser
Fulton
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Halpern
Hamilton
Hanley
Harrington
Hathaway
Hays
Hébert
Hechler, W. Va.
Heinz
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kee
Koch
Kyros
Leggett
Long, La.
Long, Md.
McFall
McKay
Madden
Mazzoli
Meeds
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pike
Podell
Price, Ill.
Pucinski
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ryan
St Germain
Sarbanes
Saylor
Seiberling
Shipley
Slack
Snyder
Staggers
Stanton, James V.
Stokes
Stratton
Stuckey
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Zablocki

NOT VOTING—58

Andrews
Ashbrook
Baring
Bell
Biaggi
Blatnik
Broomfield
Cabell
Carey, N.Y.
Chisholm
Clawson, Del
Collier
Corman
Davis, Wis.
Dickinson
Diggs
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Forsythe
Galifianakis
Gibbons
Griffin
Grover
Hansen, Wash.
Harvey
Hawkins
Helstoski
Hillis

Horton
Jones, Ala.
Jones, Tenn.
Kluczynski
Lujan
McCloskey
McCulloch
Macdonald, Mass.
Mann
Metcalfe
O'Konski
Pelly
Peyser
Powell
Price, Tex.
Pryor, Ark.
Roberts
Rousselot
Ruppe
Scheuer
Schmitz
Schneebeli
Smith, Iowa
Stanton, J. William
Steele
Stubblefield
Symington
Wampler

So the resolution was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Edwards of Louisiana for, with Mr. Metcalfe against.

Mr. Roberts for, with Mr. Hawkins against.

Mr. Rousselot for, with Mr. Carey of New York against.

Mr. Griffin for, with Mr. Blatnik against.

Mr. Bloomfield for, with Mr. Horton against.

Mr. Collier for, with Mr. Kluczynski against.

Mr. Price of Texas for, with Mr. Biaggi against.

Mr. McCloskey for, with Mrs. Chisholm against.

Mr. Andrews for, with Mr. Corman against.

Mr. Schneebeli for, with Mr. Diggs against.

Mr. Pelly for, with Mr. Edwards of California against.

Mr. Lujan for, with Mr. Helstoski against.

Mr. Hillis for, with Mrs. Hansen of Washington against.

Mr. Dickinson for, with Mr. Macdonald of Massachusetts against.

Mr. Ruppe for, with Mr. Scheuer against.

Mr. Grover for, with Mr. Symington against.

Mr. Dowdy for, with Mr. Wampler against.

Until further notice:

Mr. Jones of Alabama with Mr. Ashbrook.

Mr. Jones of Tennessee with Mr. Bell.

Mr. Mann with Mr. Del Clawson.

Mr. Cabell with Mr. Davis of Wisconsin.

Mr. Baring with Mrs. Dwyer.

Mr. Galifianakis with Mr. Harvey.

Mr. Gibbons with Mr. Forsythe.

Mr. Pryor of Arkansas with Mr. McCulloch.

Mr. Stubblefield with Mr. O'Konski.

Mr. Smith of Iowa with Mr. Peyser.

Mr. Powell with Mr. Steele.

Mr. J. William Stanton with Mr. Schmitz.

Messrs. TAYLOR, HANNA, and KEITH changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 796, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1025) to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 1025, with Mr. Natcher in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 1 hour, and the gentleman from Minnesota (Mr. Quie) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret the procedure that has been adopted in connection with this resolution and the manner in which it was adopted.

If the House Committee on Education and Labor had been dilatory or had tried to stall, it would be another question.

The only thing that I can say is that it seems to me that we have just too much politics involved here. If we were going to get any results, it would be a horse of a different color.

Now, I do not know why the Rules Committee chose to take such a dictatorial stand, and it is nothing but a dictatorial stand.

One of these days some Members may think back with regret upon this occasion when they have usurped and run over a committee, a procedure that has never been followed and for which there was no precedent.

I regret to see the Rules Committee, chaired by a great Southern Democrat who believes in democratic principles, come before this body with a resolution of this type. The results obtained will be nil. I say that unhesitatingly.

We have had private parties engaged in the time-honored process of collective bargaining, and yet now, at the stage of the game when it is perfectly clear that it is not going to serve any useful purpose, the proponents of this measure are asking this body to circumvent its normal procedures and get the Federal Government involved in a dispute that no longer exists.

All the President of the United States is going to do in a few days is to call these people in and say, "This dispute has been settled, and I am not going to sign this resolution."

As for the resolution itself, there is nothing in it that will contribute to a settlement, because a voluntary settlement by the parties has already been reached without Federal Government interference.

I think the gentleman from Missouri (Mr. Bolling) hit the nail on the head. Why should this Chamber be so gullible as to fall into a Republican political trap?

I know that some of my Republican colleagues will say that this committee has not acted expeditiously, and that we would not have taken any action. That is untrue. Let me say to my distinguished friends that we were taking action and that we took it much more rapidly than the President of the United States. He never intervened until the 80-day period had long since elapsed, and did not invoke the 80-day cooling-off period until long after the strike had been in effect.

As soon as we got this bill I referred the bill to the gentleman from New Jersey (Mr. Thompson). It is true that not everyone agreed with the bill reported by the gentleman from New Jersey (Mr. Thompson), but I do not know of any individual who worked harder to try to settle this strike than Congressman Thompson worked.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Florida.

Mr. HALEY. The gentleman is talking about his southern friends. I do not think he has any.

Mr. PERKINS. Well, I certainly thank the gentleman from Florida for that statement. I know the gentleman from Florida very seldom votes for a southern friend, or anybody else.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Chairman, I thank the gentleman for yielding, and I am going to say that maybe you do not have some southern friends, but you do have quite a number of northern friends.

Mr. PERKINS. Well, since the gentleman from Florida (Mr. Haley) got personal, I would say that I do not know of an occasion that he even votes for many of his other southern friends, let me put it that way.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I will not yield any further.

Mr. Chairman, this resolution is nothing but a fraud upon this House at this time, and I certainly hope that the membership of this body will vote the resolution down.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I thank the gentleman for yielding to me, and I was going to say to the gentleman: Beware of the tyranny of the majority.

I think maybe what we are observing here is a good example of that tyranny in action, certainly, when the Committee on Rules can sweep aside all functions of a standing committee of the House, and bring a bill here on the floor and ram it through, and send it out to the President, because if they can do this with this piece of legislation then they can do it with every piece of legislation in this Congress from now on.

I agree with the gentleman in the well that the Committee on Rules has set a disastrous precedent here tonight.

Mr. PERKINS. They have set an example in my judgment that they are going to regret in the future.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I would like to stand in defense of the action of the Committee on Rules, because we waited here a long, long time for some type of action to bring about a settlement of this disastrous strike which was crippling this Nation and bringing this Nation to its knees, as far as its economy was concerned.

As far as my State is concerned, one of the 50 States, agriculture was slipping backward and farm products were not moving, and it was costing on the average of $1 million a day.

So, Mr. Chairman, I compliment the Committee on Rules for its action, and I would stand in defense of their action any time this type of legislation has to be brought out, and is necessary.

Mr. PERKINS. Let me say to my distinguished colleague from Iowa that we are not settling anything in this resolution, and there is no permanent remedy provided.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I would like to say—this was supposed to be a disastrous strike. But let us take the events as they occurred.

There was a strike—the first one in 22 years involving this union. The west coast workers are drawing from 15 to 20 percent less than workers in some other industries who have had numerous strikes. Right after the time limit, the President of the United States invoked the 80-day cooling-off period. I have never seen any negotiations in all my life taking place during the 80 days.

The 80 days never produced anything because they just postponed it. During those 100 days you are talking of, they work the 80 days. Then on top of that they made the offer voluntarily a two-way offer to haul all military equipment and to haul all agricultural products which was turned down, because the operators knew that the union was broke.

The unions lost so many employees and instead of hauling in the usual way, all they had to do was have the containerized merchandise and ship it out and haul it away 100 miles and take many of the dockworkers' jobs.

Now they had 40,000 or 50,000 container ships.

How many of the workers were out on strike? They are not striking for an economic wage, they were striking for something to put into an early retirement fund required because of the loss of jobs. When I talked to you last week, they were 2½ cents apart—not on account of the dollar—they accepted that—but 2½ cents was the difference they were trying to work out between putting into the retirement fund for themselves—or they had to go on relief, rather than putting it into a long-term retirement fund.

They hauled all of your agricultural products. But the operators said, "No—the union is broke and the economic pressure on the officers of this union will force a settlement."

What have you done? What are you trying to do? Let me say to you that without free enterprise labor, there can be no free enterprise industry. The treatment has to be the same for both.

I know of no industry in my area that wants to be tied down to compulsory arbitration under any conditions. Because this year they think, some of them, that they have an administration that might lean their way and might name commissions that would hand down a decision that would appeal to them and be worthwhile.

But we have a way of changing administrations in this country. We have a day coming when you will rue the day if you allow this action to take place.

You have another strike coming up very shortly—one that will chase 90 percent of the Members of this Congress into a corner, because it is going to be the kind of strike that will come from persons who will just say—not an organized strike.

You say—Well, now, that is leading into that. Let me tell you something. Why do you think there cannot be any settlement and there cannot be a commitment or an agreement reached? Because this House against my advice and against my judgment voted to tie into the Landrum-Griffin bill a proposition that every contract agreed upon between negotiating national bodies or international bodies had to go back to the local unions. Do you know how long it takes some local unions to agree on a nationally arrived at contract? We still have some steelworkers who have not ratified an agreement made 2 years ago in the steel industry.

We have today many local unions in the mines that have not agreed to a contract that was arrived at between the operators.

So, Mr. Chairman, let me say this to all of you—you are in a mood today in a sort of mood that you have to strike out at somebody, because we have failed as Members of this Congress to recognize the sickness gnawing away at the body politic of this Nation of ours and we are hiding behind this action and you are blaming it on one union on strike, one incident in labor.

The whole business and the whole trouble we are in in this great Congress in this legislation, we are talking about a cancer that none of us have the courage or the guts to reach out with a sharp knife and cut out, that cancer that is destroying this country and it is a cancer that is foreign made.

If you do not understand it, you will understand it, because it is my prediction that the local unions, the dock workers, may very well refuse to go to work, and none of you are going to make them work.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. HAYS. I say that all these people who have been crying about how much produce has not gone out of the United States, I have not heard a single one of them saying how much Japanese trash has not been coming into the United States, and with a $3 billion deficit in Japan's favor, it is probably 3 to 1, and we are 3 to 1 better off than we would have been. So, you know, when they start crying about that, it does not make much impression on me.

Another thing. I think this is a very arrogant, drastic usurpation of the powers of the leadership, and I want you to know that I was the swing vote in the Hansen committee that preserved the seniority system so that some of these very chairmen who defy the Speaker could have their jobs, and I am going to reconsider that vote, and maybe we can bring something into the democratic system, because next year we will get some chairmen who are responsive to the leadership and not a power unto themselves, at 80 or 90 years of age.

Mr. PERKINS. Mr. Chairman, there will be no resolution of the issues on the adoption of this resolution. I hope the resolution will be defeated.

Mr. Chairman, I yield the balance of the time to the gentleman from New Jersey (Mr. THOMPSON).

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Chairman, I frequently find myself up here explaining what goes on in the Education and Labor Committee. Occasionally you are misinformed, and I believe it my duty to kind of get the thing straightened out.

I am really sorry to hear my chairman, for whom I have the utmost respect, say that this issue has taken on too much of a political implication. Mr. Chairman, there is nothing that has more political implication than that glorious committee on which you and I serve.

This matter was lost in the subcommittee for a considerable time, and it looked like there was going to be no danger in finding it. But we found out that the Rules Committee was becoming a little active, and maybe they were going to do something that they felt was in the interest of the people of the United States. They are not really trying to get in the fight between the unions and management. They are trying to say, "If this thing is so big that it is hurting the people of the United States, the Congress should do something about it." And that includes us, Mr. Chairman.

When we found out that the Rules Committee was doing something, we found this bill and Mr. THOMPSON started working on it. We got it out of the subcommittee, and actually we got it to the full committee. Boy, if we did not bog that baby down there, I will quit. You know, our chairman did not help; he did not do a whole lot to push it and he did not do a whole lot to stop it. We had the bill read, we had the substitute read, we were kept looking at the clock and listening to the phone. If necessary, we had the necessary quorum call. We know how to do the whole job in that committee.

And we realized all of a sudden that the Rules Committee was going to bring out a bill and we said, "The heck with them. We will give them a bill," but in their judgment the Rules Committee decided to take their own bill.

I do not think the gentleman from Pennsylvania, the gentleman from Kentucky, or this humble gentleman from North Carolina in the well is going to change anybody's vote. I think the really expedient thing to do is to have the vote and let us vote our conviction. I do not think my good friend the chairman has said anything that did not happen in the committee. I am up here to tell you that he left out some things that did happen. I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is quite evident from the earlier vote what the destiny of this legislation is going to be, but I doubt that very many Members have fully understood or have had explained to them the chronology of events.

I would like to talk to the Members a moment about the genesis of this strike. The longshoremen's union has been working under two 5-year contracts with the Pacific Maritime Association. The second 5-year contract, during which there could be no negotiation for additional wages and during which time there was dramatic improvement in the shipping industry's economics, expired on July 1, 1971. There having been no agreement, they went on strike until, on October 6, the provisions of the Taft-Hartley Act bringing about an 80-day cooling-off period were invoked by the President.

Many, many weeks before those 100 days expired, a number of Members of this House, deeply concerned, wrote to the President and asked him to immediately invoke the 80-day cooling-off period.

On December 25, the cooling-off period expired. On January 17, the strike resumed. On January 21, we had a message from the President relating to this matter.

I might say parenthetically to my very good friend, the gentleman from Iowa (Mr. SCHERLE) that had the President's then pending emergency strike legislation been passed, it would not have applied in this case because there is a third party, the Teamsters.

The ad hoc solution, which is proposed by each of these three resolutions before us today, will not have the slightest effect if the east and gulf port workers go down.

On January 21, Senators PACKWOOD and JAVITS introduced in the Senate a bill substantially the same as that introduced in the House on January 25, House Joint Resolution 1025, by my friend and colleague, the gentleman from Oregon (Mr. DELLENBACK).

On January 27, the Committee on Education and Labor had the matter referred to it, and it was referred to my subcommittee. Before the matter was actually in my hands from my distinguished chairman, the gentleman from Kentucky (Mr. PERKINS) two of my staff members were on their way to the west coast to talk to the principals in order to determine what the real issues were, and what the facts were.

The President in the meantime did not file, as required by section 210 of the Taft-Hartley Act, the required report of the five-member 80-day board outlining specifically and categorically and fully the issues in the dispute, the remaining issues, and the results of the required final offer ballot conducted by the National Labor Relations Board. We were working in a legislative vacuum.

On January 31, February 1, and February 3, the subcommittee held hearings. We heard first the Secretary of Labor and on the next day the Secretary of Transportation and the Secretary of Agriculture, and the Under Secretary of Commerce. All were splendid witnesses. All were cooperative. All of them gave us information which we did not have before us until that time. We then heard testimony from the parties to the dispute: the ILWU, the PMA, and the Teamsters.

On Monday, February 6, my subcommittee reported House Joint Resolution 1056, and on February 7 it was reported by the full Committee on Education and Labor.

At 10 minutes of 12 on yesterday, when I was appearing before the Committee on Rules to ask them not to take the unusual action of depriving a legislative committee of this action, because in fact the committee was working on the legislation at the moment—at 10 minutes of 12—the distinguished chairman of the Committee on Rules said to me:

> Mr. THOMPSON, can you give us any assurance that the Committee on Education and Labor is going to report a bill today?

I said:

> That would be impossible, Mr. Chairman, in light of the fact that I am here and not there.

Three minutes later my subcommittee counsel, who was with me, slipped me a note that said:

> The Committee on Education and Labor has reported your resolution, 1056, with amendments to add Guam and Alaska.

From that point further there was no need for this usurpation. It has nevertheless taken place. I protested it yesterday. I protest it today, and I will protest it in the future, even if it applies to a bill which I am for or against.

Now, what do we have before us? Well, we have the Dellenback proposal first. It is a compulsory arbitration measure. Under it arbitrators will be appointed, and every single issue upon which the parties have bargained and agreed—and there are literally dozens of them—can be opened up completely and changed completely by that arbitrator. And they will not go to the wage board notwithstanding that they may well exceed 5.5 percent.

Violation of the resolution would mean a fine of $100,000 a day. It does not say who is going to pay it, whether it will be imposed civilly or whether it will be imposed criminally. The language says that any "strike, lockout, or other concerted activity," would result in a $100,000-a-day fine.

Does that include a wildcat strike? Does that include a sickout? Does that include a slowdown strike? The language is unexplained.

How about the Matsunaga measure? His joint resolution does not bypass the Pay Board. Oddly enough, it does not include Hawaii and the Teamsters, who have been deeply involved. They will be affected but unrepresented.

The Matsunaga proposal says that one can have a final offer solution. This is simply a different form of compulsory arbitration.

The Senate proposal is really the Dellenback joint resolution minus Hawaii and the Teamsters with a different method of picking the arbitrators.

Certainly I know we are going to have some legislation today, whether it is good or bad—and I think it is bad, and I am going to vote against it. It might be that it will impose an 18- to 24-month period during which the dock workers will go back.

But if you force them back to work with an unsatisfactory settlement, you just wait and see what happens 24 months from now.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I will be glad to.

Mr. BURTON. You know, there are occasions when we are a little less proud to be Members of this body than others. On most occasions I believe we behave with a certain measure of rationality, but really the mood of the House strikes me more as one of vengeance than reason. I represent the district that is directly affected. I know the parties concerned, as does my distinguished colleague (Mr. MAILLIARD).

This dock workers union is a very effective labor organization and very responsible. They lost less time on labor-management differences than virtually any union in the country in the last 22 years. Dock workers also have a very special pride in chemistry. This may not be known to Members who do not have docks in their districts. I believe—and I shall say no more with reference to the vote on Saturday—there is no doubt at all that this settlement is going to be approved on Saturday. I am wise enough, I hope, not to speculate from this point on in the day's deliberations. I know these men obey the law, at least with as much reason as has been demonstrated up to this point, but they are willing dock workers, and in this particular industry and in our particular port, the productivity is higher than any in the land—the man-hour productivity increased some ten- to twenty- to thirtyfold. Let me repeat that. Some tenfold, twentyfold, or thirtyfold since 1958.

As a matter of principle the union decided they would not have an automatic wage escalation clause that reflects the cost of living in their contract, so when they negotiated some 5 years plus ago they had no such cost-of-living wage escalator clause in their contract. Every person on this floor knows there has been an enormous increase in the cost of living since then, but it is not reflected in the wages these men have been receiving. So this particular negotiation was a very delicate and a very difficult one.

For example, the man who is representing them through all of these years was not representing them. They had a new man in the game.

So I just thought at this point in the deliberations I would urge all of you to consider the wisdom of engaging in what at best will be an idle act and at worse what I hope will not be deemed to be a provocative one.

Mr. THOMPSON of New Jersey. I thank the gentleman. What the gentleman has said is perfectly clear, as are the implications.

Mr. Chairman, I see no useful purpose to be served in going through a more detailed analysis at this time of either the Dellenback proposal or the Matsunaga proposal.

I doubt that many have read, or of

those who have read them, that many understand the implications and ramifications of these or the Senate-passed joint resolution.

Mr. Chairman, I intend to yield later to the gentleman from Hawaii (Mr. Matsunaga) in order to give the gentleman an opportunity to explain his bill.

I am fully aware of the fact that neither I nor those who think as I are going to stop this action. I hope and pray that this procedure used here today will not be used on legislation in which you personally have a deep interest and have spent such a great amount of time studying, with the full cooperation from the minority and the majority.

You should also consider very carefully when you go home—and if you have an opportunity to talk to your employers and your employees, or their employees, ask them how many of them would favor compulsory arbitration as a national policy to be taking you back beyond the Wagner Act and the collective bargaining process, and you will find—and I do not care how conservative or how liberal your district is—you will find that they do not want it and that it would be destructive of our collective bargaining system.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. Yes, I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I hesitate to take any of the gentleman's time because I know his time is limited.

However, I have served in the House for 29 years. This is my 30th year. I have believed in the processes of this House and the committee system to sustain calm and judicious consideration of legislation.

I feel that this procedure that has been used today—and I must speak out against it although I am now the chairman of a committee and I must go before the Rules Committee and ask for rules, and if there be retaliation for something I say, and I do not think there will be because I do not cause any retaliation knowingly—but I want just to say this. This strikes at the very heart of the legislative procedure. It has within it the elements of destruction of the legislative process of this House.

I do not believe the Rules Committee has the authority to do this, although they have precedents for doing it. But I have searched every line of the charter in Jefferson's Manual on Rules and I find no place in that manual of rules where the Rules Committee can usurp the legislative function or the jurisdiction of the committees of this House that act under their charter.

Then Mr. Chairman, I want to say just one other thing before I cease. To bring to this House a rule which makes it impossible for the committee of jurisdiction to have the bill which it has reported out considered is a further travesty on the procedures of this House. I regret that it has happened on this day.

Mr. THOMPSON of New Jersey. I thank my distinguished colleague from California. I share his regret. The matter is a fait accompli. I think this procedure will be and must necessarily be discussed at another time.

The CHAIRMAN. The gentleman from New Jersey (Mr. Thompson) has consumed 19 minutes.

The Chair now recognizes the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon (Mr. Dellenback).

Mr. QUIE. Mr. Chairman, will the gentleman from Oregon yield to me?

Mr. DELLENBACK. Yes, I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I thank the gentleman for yielding.

I wanted to bring one other point to the attention of this body. The gentleman from New Jersey mentioned sending two staff members out to the west coast. I might also mention the fact that we sent a member of the minority staff, Mr. Bernstein, as well.

Mr. THOMPSON of New Jersey. Indeed.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to my colleague, the gentleman from Utah (Mr. Lloyd).

Mr. LLOYD. Mr. Chairman, the key vote is over—that vote was on the rule. With that "yes" vote, we are now free to work the will of the people.

For too long, Members of this House have considered legislation in the field of labor-management relations in the context of whether or not the legislation may be "pro-labor" or "anti-labor." As a result, a stalemate has occurred in the consideration of essential modern labor legislation. It is far past time that we leave the field of combat to labor and management and that we address ourselves solely to the public interest. This strike is now 125 days old.

I do not point the finger of blame at anyone. Some Members of this House receive contributions to their political campaigns from those engaged in business. Others receive political contributions from those engaged in organized labor. Obviously, we find ourselves bound to an individual interest. In my own case, while I have never received contributions from organized labor, it is my purpose to be objective. As a member of the legislature of my State, I was a chief sponsor and supporter of the so-called right-to-work legislation which was passed in Utah in 1955. While I would hope that other States would afford this free agency to the American worker, nevertheless I do not support compulsory nationwide application of right-to-work legislation upon those individual States which do not want the legislation.

While there are many strikes which I oppose, I have never voted to withhold food stamps from the families of men who have been called out on strikes or who have felt the voluntary necessity to strike in pursuit of an objective which I might individually oppose.

So I support compulsory arbitration in the case of the west coast dock strike, not because I am antilabor but because no voluntary arbitration has taken place and because I think it is clear beyond doubt that the needs of the Nation must take precedence over the desires of organized labor in that dispute. Certainly by this I do not mean to say that the employer position should be endorsed by this Congress. It is certainly unfortunate that we are called upon to end the strike, but Taft-Hartley has been invoked and has failed and the renewal of many months of bitter dispute and tieup of dock facilities may be resumed. Therefore, our responsibility to the Nation must be met. The welfare of the Nation must be the overriding issues in this emergency, and clearly we have no proper alternative now but to protect the public welfare against the possible continued inability of the bargaining parties to agree. Compulsory arbitration, which should be neither pro-labor nor pro-industry but rather must be pro-public, must be invoked if this strike continues.

I am particularly disheartened that up to the present time this House has not been able to dispassionately discuss and evaluate the merits and demerits of permanent legislation which would protect the Nation in cases of strikes in the transportation industry seriously damaging to the Nation and which cannot be solved by the parties themselves. Again we are handicapped by this syndrome involving "pro-labor" and "anti-labor." It is time we applied the doctrine of the rule of reason to this great need of our day which is to work out of the jungle of seemingly insoluble labor-industry impasses. Let us pass this emergency legislation in the Nation's interest and then get on with the business of exercising this rule of reason and responsible evaluation of the Nation's need by considering permanent statutes governing such controversies.

Mr. DELLENBACK. Mr. Chairman, the hour is late, and every one of us knows this. Far too few of us are present in the Chamber at this time.

Unfortunately, of those who are in the Chamber there are probably not a great many minds that will be changed by what we all say in the next few minutes. But it is still very important that certain things be said so that the record will be very clear on this matter.

Let me begin by expressing my personal regards for the chairman of our subcommittee, the gentleman from New Jersey (Mr. Thompson). He has been extremely courteous all the way through these procedures in the subcommittee, and in the full committee. We began and we ended by agreeing on the goal of settlement of the present controversy, but we strongly disagreed on both the proper procedures for bringing about that settlement and the manner of achieving that settlement. But all the way through, as I say, he has been a most courteous chairman, and I am appreciative of that.

Let us be absolutely clear, Members of the House, that there is no present settlement of the west coast dock strike. There is hope for a settlement. There is no return to work at this time. There is hope for an early return to work. But we must understand the procedures that have to be followed through before we get either a settlement of the present controversy or even a return to the manning of the ports.

On Saturday there will be a caucus of the ILWU leadership, and this consists of a group of about 110 people. I have been informed by conversations with the west coast that it might be that that group will conclude its deliberations on Saturday, it might be that they will take 2 days, or it might be that they will take 3 days, or they might take as much as 4 days to conclude their deliberations.

Having concluded their deliberations, if they do, indeed, recommend that this settlement be approved, the issue then goes to a referendum of the members of the union. The members of the union are divided into eight groups: the four major ports on the west coast are involved; in addition to that the clerks are involved, and in addition to that there are three independent groups of small unions, small locals of the ILWU; their rules are extremely democratic, because any one of those eight, if it does not agree to the terms that are recommended by the caucus, can veto them. It is not a case of a majority of the groups agreeing to it, because any one of these can veto it. So we have the second major hurdle to be taken.

Now, if indeed one of those groups vetoes it there is a procedure available for a union-wide referendum of all the membership up and down the west coast, and they can override the veto—but it takes a two-thirds vote of the membership to override that veto.

So let there be no misunderstanding in anybody's mind that this settlement is already in hand, and we are merely awaiting a few formalities to get the issues settled.

There is, as I say, at the least, one meeting on Saturday, and I hope that is when it is settled. There is another meeting—another vote—beyond that, and possibly a third vote beyond that, and no certainty of what the outcome of all of this will be, and even a possible rejection of the settlement arrived at.

Now, with that as a background, let me talk about H.R. 1025. The economic impact of the present strike is great. Those of us who come from the west coast States know exactly how great it is. Those of you who come from gulf coast States or Atlantic States know what a tragedy it can be to many people, who have no way of protecting themselves against a dispute of this particular nature.

In most labor-management disputes the people who are most directly injured are the people who can do something about it, and the management and the workingmen can agree that they are the ones who are being hurt by walkouts, by lockouts, by strikes, and if they want to end it they can agree upon a solution.

But in this instance we are facing the unique situation that the people who are being most grievously hurt are not the people who can do anything about it except through us, the elected Representatives of the people.

The economic impact is great. The injury is great and growing greater.

We had before our subcommittee three Secretaries and an Under Secretary, Mr. Hodgson, the Secretary of Labor, the Secretary of Transportation, Mr. Volpe, Secretary Butz, the Secretary of Agriculture, and Under Secretary Lynn, the Acting Secretary of Commerce.

Every one of them made clear to us that the damage is severe and that the damage is immediate and the damage is national.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. Of course, I yield to the gentleman.

Mr. THOMPSON of New Jersey. The gentleman is quite accurate in saying that the respective Secretaries gave us their view of the economic impact. I do not think with respect to myself and some of my colleagues, I do not think they made clear the impact nor, indeed, did they establish it.

I do not mean to bicker, but we did refer, if you will remember, to former Secretary Shultz' study in 1970 in which the conclusion was that in earlier strikes the economic impact had been much, much less than was apparent.

I concede that there is an economic impact, and a large one in this strike. But I do not think it is national. That was not made clear to me.

Mr. DELLENBACK. I understand what my colleague and friend is saying. Let me merely make clear the testimony to which the gentleman just alluded was the testimony of Mr. Bridges. It was part of his testimony. He quoted from Mr. Shultz' statement. It is an extensive statement. In early 1970, before the 100-day strike, at that time some 24 years of harmony was still in existence on the west coast, and it was in a situation where there had not been a cooling off period.

If you will look at the testimony of the gentleman, you will find that.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman.

Mr. THOMPSON of New Jersey. The study addressed itself to the longshore strikes generally, east and west and gulf coasts. There is one other.

Mr. DELLENBACK. As I say, if you look at the date of the study, you will understand that the date of it was preceding the situation which has recently erupted on the west coast. It was, as I say, at a time when we had a record of 24 years and the situation which was continuing.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman.

Mr. THOMPSON of New Jersey. The study is entitled "The Impact of Longshore Strikes on the National Economy," the Department of Labor, George Shultz, January 1970, and it relates to all such strikes.

Mr. DELLENBACK. My point remains, however.

May I point out that subsequent to that time the U.S. District Court for the northern district of California on October 6, 1971, dealing with this very issue of whether there was a national impact in this strike found, as under section 208 and 210 of the Taft-Hartley Act, required it to find, that the strike which was a west coast strike imperiled the national health and safety. That was the requirement the court had to find under the provisions of Taft-Hartley and, indeed, so found and issued an injunction.

So we have that subsequent to the Shultz statement. In the 100-day strike there was a situation where the court was sitting in judgment on this very issue and did indeed determine that it was imperiling the national health and safety and subsequently issued the injunction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DELLENBACK. Mr. Chairman, I yield myself 5 additional minutes.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to my friend, the gentleman from Iowa.

Mr. SCHERLE. Is it not true that the longshoremen's strike is the longest, the most protracted longshore strike in the history of the country and, therefore, the remarks and statements made by Mr. Shultz would not necessarily apply at this time?

Mr. DELLENBACK. I am sorry that I do not know this specifically as to whether, indeed, that was the longest strike. It is my recollection that that is indeed the fact, Mr. SCHERLE, and certainly it is one of the very longest, and the results thereof were just never in the mind of Secretary Shultz at the time his report was issued.

Let me go on to another point. Let me point out that the Executive has no further tools at the present time available to it under any law that this Congress has enacted to deal with this particular situation which now exists.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield? He has spoken about the tools available to the Executive.

Mr. DELLENBACK. I am glad to yield to the gentleman from Wyoming, if he has a comment to make on that.

Mr. RONCALIO. I thank the gentleman.

We worked diligently on the committee together. I do not know that we changed the Republican Party in my section of the Nation but we upset tradition. We violated the chairmanship principle. We violated the Haley amendment in saying we are authorizing sums as may be needed or appropriated carte blanche. So we let emotion get the best of us.

We take a rigid position as between capital and labor in this Nation of ours.

I started 37 years ago as a young man listening to arguments that began setting up our labor law. There is available to us and the President, if we will be receptive to it, new machinery and new horizons by which we can outlaw forever the bestiality of man striking against his fellow man for the fruits of labor. We would allow labor on the boards of directors of every corporation in America, and if their efforts contribute to the net operating earnings of the company and are assisting the corporation toward a profit, labor would share in proportion. If the corporation profits, then labor will share in the operating earnings of that particular corporation. This could be the new horizon that could eliminate strikes forever.

I think it is unfair to go back to the days of the robber barons when a man had to strike to get paid for doing a day's work. I do not think doing what we will do today will make an iota of difference in adding to a man's understanding of his fellow men, fighting over money. I wish we could look toward that horizon. We should have done so 15 or 20 years ago.

Mr. DELLENBACK. I respect the thinking of my colleague. Let me repeat the statement I made. I am not saying whether we should enact legislation providing new machinery or if, indeed, we should enact new legislation, or what its terms and conditions should be. I am saying that at the present time the executive has no further tools available to it under the existing laws to terminate the existing strike. The facts on this bill have been gone over by previous speakers. You know what 1025 does. It is an attempt to cure a situation, not to impose a settlement which will not be a settlement.

We discussed the present situation and the fact that there may be approval of an agreement reached by the parties. When the Secretary of Labor and the Solicitor were before us they made clear that if all issues were indeed settled, it was their intention to stop any further proceedings under this legislation. So that we have here a standby tool which will immediately put the men back to work and give them time, while the board of arbitration is meeting, to conclude voluntary settlement, and I hope they will conclude a voluntary settlement.

Understand, this is an ad hoc piece of legislation to deal with the unique, rare situation which is now existing. This is not permanent legislation. I happen personally to favor permanent legislation, but I recognize that Members may very well differ on details of what should be in the permanent legislation. We are not trying to put into the legislation tonight, in these few short minutes, and without any such discussion before our Labor Committee, such permanent legislation.

Let me, in connection with the permanent legislation proposed by the administration, however, make one point clear, to which the chairman of the subcommittee alluded. It is my recollection of what Secretary Hodgson said to us—when he was asked about the impact on the present situation of such proposed legislation of a permanent nature, he repiled:

> The permanent legislation proposed by the administration would have stopped this strike.

He went on and said it would not, however, have settled all of the issues involved.

So that distinction should be in the minds of all concerned. Now let me move rapidly along.

Understand, this bill as proposed would deal with all the issues. Hawaii is, in fact, an issue at the present time, although it is not involved in the negotiations. The Teamsters and the ILWU, and their relations with each other, involve some very real issues, and they are affected by this situation, but the Teamsters are not parties to the negotiations.

But this bill, if it is necessary for a board of arbitration to be appointed and start to act, would deal with all the issues involved, and it would cover all the interested parties involved. I here refer again to the Teamsters. Let there be no misunderstanding about the Teamsters' witnesses who appeared before us. They spoke against this legislation, but it is also clear from what was said then and from subsequent discussions that, if there is to be a bill, they would prefer to be officially covered and not left somewhere out on the periphery, because there is no misunderstanding about the fact that the Teamsters are deeply affected by what is here involved on the west coast.

Understand, the bill calls for an immediate return to work—something which is desperately needed. It provides for penalties on the part of either side if the orders of the board are not complied with.

This House Joint Resolution 1025 and Senate Joint Resolution 197 are quite similar. I will not go over all the details of them except to say that everything which is in Senate Joint Resolution 197 has been considered by our committee. There are some differences. I personally prefer House Joint Resolution 1025, but I understand Senate Joint Resolution 197 is basically the same thing. It has removed certain features. The House Joint Resolution 1025 provides for a different method of selection of the board of arbitration which is a perfectly good method.

Let me conclude, Mr. Chairman, by summing up and saying this: This strike must be settled for the national welfare and for the national health and safety. This strike must be settled and settled soon. It is my hope that the procedures now underway will lead to voluntary settlement, but, if not, then the Congress as the representative of the people of this Nation has an imperative obligation to act. We do not dare leave this body tonight to go off for a recess without having acted on this legislation.

It is my earnest hope, in view of the crisis, in view of the need, and in view of the terms of this legislation, that action will be swift and that action will be affirmative.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, several times in my 3 years in Congress we have been asked to act on ad hoc emergency bills to resolve labor disputes. On each occasion the emergency has compelled congressional interference in collective bargaining. In each instance our deliberations were accompanied by a call for permanent machinery to rationally meet threats to the national health and safety. Yet these emergencies pass and so does the desire for legislation to provide the needed wide range of remedies which would obviate the present piecemeal approach.

The west coast dock strike should be settled equitably and quickly. The national interest demands no less. Unemployment, already too high, threatens to go higher. Our balance of trade suffers. We are starting to lose foreign markets. A gradually firming economy is in jeopardy.

It apears that labor and management have tentatively resolved their differences. Resolution has been near before in this 4-month-old dispute. The risk cannot be taken that matters may come apart. This emergency legislation is needed, but I hope it is not used.

The Senate bill reasonably and judiciously provides that proceedings under its terms terminate when the parties have reached complete agreement on the disposition of these issues. Settlement is contemplated. Settlement in short will preempt the bill's operation. This renders the measure only precautionary.

The President genuinely and wisely has stated he will delay signing emergency legislation while there is movement toward ratification.

Mr. Chairman, I hope that the silver lining in this further exercise of our power in these emergencies is the pledge of the chairman of the Senate Labor Committee to promptly consider the various proposals for permanent machinery to deal with national interest strikes. Let us get on with this long delayed task.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, it is regrettable that this body has been denied the opportunity to vote on a permanent solution to the intolerable transportation strikes which plague this Nation. My State of Iowa, for example, now ranks second in agricultural exports. Thirty thousand Iowans are employed in nonagricultural exports. As of last November, these dock strikes cost farmers 1.2 million tons in lost grain exports, most agricultural exports, their jobs were at stake. As of last November, these dock strikes cost farmers 1.2 million tons in lost grain exports, most of which can never be recovered. The value of the lost shipments of corn and soybeans alone were estimated at $75 million.

Even if the west coast strike is settled, any similar lengthy transportation strikes in the future will again damage our economy severely. This resolution has no bearing on resolving the inevitable situation which will resurface on the gulf coast on February 14 when that strike can resume. The contract between the Marine Association of Chicago and Independent Employers and the Longshoremen's Union will expire on March 31. The agreements between the major shipping companies on the Atlantic, Pacific, and gulf coasts and the Masters, Mates and Pilots, the Marine Engineers, the Seafarers, the National Maritime Union, the Radio Officers and others will run out on June 15. On July 1, 1973, we face the possibility of nationwide rail and truck strikes because the contracts in these industries expire simultaneously.

Because of the parliamentary situation in the House and the narrow defeat by three votes of the Packwood rider in the other body, we can now vote only to solve this one labor dispute. The specter of future tie-ups in the transportation system still threatens the Nation's prosperity.

The climate and sentiment of the people of this country demands that we implement permanent legislation and not make piecemeal stop-gap attempts such as we are considering here today.

Mr. Chairman, the lengthy dock dispute, which has dragged on for 6 months and cost the American economy $1 billion, dramatically points up the deficiencies in current labor legislation. Once the limited resources of the Taft-Hartley Act have been exhausted—the court-ordered injunction has already expired on the west coast and is due to run out in the east coast and gulf ports next month—the President has no further recourse under present law, national emergency or no national emergency. All he can do is submit the case to Congress as a special crisis requiring a separate legislative solution. This solution is really none at all, for it bucks responsibility to the Federal Government which should not become embroiled in labor litigation. Repeated congressional intervention violates the principle of collective bargaining and is a costly and inefficient waste of congressional energies.

Nevertheless, protracted transportation work stoppages, of which the United States has suffered a veritable plague in recent years, cannot be allowed to cripple the economy indefinitely. Some way must be found to represent the interests of the American public in these disputes. Thousands, perhaps millions of people who have no direct connection with the longshoremen or their employers have suffered heavy losses as a result of the dock strike, yet no way now exists to make their voices heard in the bargaining session between labor and management. No one would deny the dockworkers their legitimate right to a reasonable return for their labors. At the same time, it must be realized that others are being denied the fruits of their labors because the longshoremen closed virtually every major port in the Nation to gain their ends.

Farmers have suffered perhaps most of all. But lost farm income, estimated at a million dollars a day during the strike, is not an isolated economic occurrence. Sympathy for the farmer's woes will rapidly turn to empathy as the impact of agriculture's shrunken dollar is felt in other sectors of the economy. Agricultural loans will have to be renegotiated, new purchases of farm machinery will be deferred and consumer purchasing patterns in farm States will decline sharply.

Nor are farmers the only exporters to feel the pinch. Other producers of goods for foreign markets not only sacrifice current sales; like the farmer, they also risk permanent loss of their overseas customers to competitors who can guarantee reliable delivery on a steady basis. Precautionary stockpiling can cushion the blow for manufacturers to some extent, as it cannot for farmers who are at the mercy of seasonal harvest and perishable commodities, but even these measures do not entirely compensate for the uncertainties of a long strike. Thus the businessman on Main Street, the worker in the factory—union and nonunion alike—and the farmer in the field are all penalized for work stoppages in the transportation industries.

In order to avert another such disaster for the economy, I plan to introduce a bill in the new session of Congress revising the Taft-Hartley Act to broaden its coverage to the entire transportation industry, including rail, air, maritime, longshore and trucking. My proposal would also extend the President's powers to deal with national emergencies in the industry, and would redefine "national emergency" to include regional strikes with national impact, a concept not now recognized under Taft-Hartley. When the present provisions of the law have been exhausted, my bill would give the President three additional options which could be exercised singly or in succession, as his judgement of the situation warranted.

First, he could extend the cooling-off period up to 30 days more. This option would be useful if a settlement appeared imminent. In the event that no end to the dispute seemed to be in sight, he could direct the workers to resume partial operations, just enough to insure essential transportation services. Finally, if the participants were unable to reach agreement, he could empanel three neutral parties to act as judges. Labor and management would each submit a final offer and the three would then select one of the two. No arbitration would be permitted. Whichever offer was chosen would become the binding contract between labor and management. This solution should induce the participants to submit reasonable and realistic proposals since the panel would obviously reject extreme demands in favor of a more moderate position. It is hoped that the "final offer selection" device will obviate the need for arbitration by providing the necessary incentive for compromise.

It is my belief that this bill represents a viable solution to the impasse provoked by protracted transportation strikes. Despite the demonstrated need for such legislation, however, Congress has so far been reluctant to act. President Nixon submitted similar legislation almost 2 years ago. It is still languishing in committees in the Senate and the House. AFL–CIO President George Meany rejected these proposals when they were introduced, contending that they nullify the principle of collective bargaining and impose compulsory arbitration under another name. This is both inaccurate and shortsighted. All three additional options provided in my bill are actually incentives to labor and management to settle their own disputes. The deficiencies of the present law, on the other hand, virtually insure Federal intervention because Congress is forced to step in with special legislation in default of any other procedure for resolving labor-management differences.

Hopefully, the majority of my colleagues will recognize the fallacy of this reasoning and its partisan motivation. We must act promptly in the public interest to forestall future recurrences of strangling strikes. My bill offers one way to accomplish this. Those who reject it should be prepared to furnish a better solution.

Mr. QUIE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. Reid).

Mr. REID. Mr. Chairman, I intend to support the motion to recommit, which will be the Senate measure.

However, I do so only very reluctantly. Basically I am very strongly opposed to compulsory arbitration as a means of settling any labor dispute, for compulsory arbitration violates the spirit and objective of free collective bargaining.

I vote for this measure only because I believe that the overriding national interest requires compulsory arbitration as a last resort in this particular case. The strike has lasted more than 7 months and has caused very serious economic harm not only to the parties involved, but also to tens of thousands of others who depend on the shipping industry for their livelihood. To date, we have lost about $40 million in trade with Japan, and 25 million bushels of wheat have been held up. Serious damage has been done to our export trade, to agriculture, and to the budgets of thousands of families who are now out of work. It is reported that the cost of this strike nationally is between $500 million and $1 billion.

In approving this legislation, the Congress has given the President flexibility. Should the tentative agreement reached between the parties be ratified by vote of the union, the President will not need to sign this bill into law, and I sincerely hope he will not need to do so, for none of us, I think, is enthusiastic about what we have had to do here.

There is some danger in this measure in that it takes the wage increase out of the jurisdiction of the Pay Board. I believe this is a mistake, and I, therefore, voted against the closed rule prohibiting amendments. It is important, in my view, that whatever settlement is reached is reasonably consistent with the phase II guidelines.

It is clear that the public is increasingly concerned and fed up with strikes affecting the national interest and economy. The public and responsible legislators will press for comprehensive legislation to deal with emergency strikes. I very much hope that both labor and management will join in framing such legislation consistent with the national interest and the principles of free collective bargaining, but involving mechanisms equitable in character that will resolve disputes which threaten our national economy or transportation systems.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 9 minutes to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Chairman, as a Member of Congress representing the people of Hawaii, I can assure you that no one in Washington was happier yesterday to hear that a tentative accord had been reached in San Francisco on the terms of a contract to settle the dispute which has plagued Hawaii and the western United States for the past 7 months.

As announced, the negotiators have reached agreement on all economic issues, and will submit the several remaining noneconomic issues to voluntary binding arbitration.

Welcome as this news is, no contract has yet been signed, for the agreement has yet to be ratified by the membership of the ILWU. And if the accord arrived at yesterday collapses tomorrow or Saturday, Congress will not be in any position to legislate an end to the strike, for the Congress will be in recess.

So we find ourselves this evening hastily considering legislation which we hope will prove unnecessary. But even when Congress must legislate hastily, Mr. Chairman, Congress must legislate wisely.

That is why I shall offer today, under the rule just adopted, an amendment in the form of a substitute for House Joint Resolution 1025, the administration bill. My amendment, consisting of the text of House Joint Resolution 1054, would apply to the current west coast dock dispute the final offer selection device, but only as to those issues which remain unresolved, and only after a 30-day moratorium, during which period the parties would be free to negotiate their own settlement. The events within the last 24 hours definitely indicate that they will do this if only given a little more time.

Agreement between the parties has apparently been reached, Mr. Chairman, on all of the economic issues including wages and their retroactivity, guaranteed minimum income, the disposition of the $1 per ton royalty on container cargo not loaded by ILWU members, and provision of certain health benefits. In view of this substantial agreement, I believe that the amendment I will offer later today, providing that the final offer selector panel would decide only those issues which remain unresolved, offers the best solution. My amendment:

Would provide latitude for the parties to come to a voluntary agreement, while insuring that the shipping so desperately needed by much of America begins moving at once.

It would build on the substantial progress made in recent days from the ongoing negotiations between the parties.

It would draw the parties closer together on those issues still in disagreement.

And, of course, it provides for a definite and complete end to the dock strike.

Mr. Chairman, my resolution combines two of the three features that the President asked for in submitting his request for permanent legislation for settling transportation strikes. Yet he and his representatives have eschewed both of these features—an additional cooling-off period and final offer selection—while opting for compulsory arbitration, which is abhorrent to both labor and management.

Why this sudden change? In his latest dock strike message to Congress, President Nixon rejected another cooling-off period because it would increase "the uncertainties in foreign markets"; the final offer selection process, he argued, was unsatisfactory "because the parties have already been bargaining under different ground rules for many months." But it should be clear, Mr. Chairman, that my amendment, by coupling these two processes, eliminates the objections against both.

Under my proposal there would be an additional 30-day bargaining period under known and announced ground rules, and there would be no uncertainty about settling the strike. If the parties were unable to agree voluntarily during that period, the automatic invoking of final offer selection as to the unresolved issues would provide a definite settlement, without the possibility of a resumption of the strike.

Furthermore, because, under my amendment, the parties will have had a full month to negotiate freely in the knowledge that if they fail in negotiating a settlement, the ground rules provide for selection of the best final offer, they will have had ample opportunity to adjust their respective positions, if necessary.

Mr. Chairman, we must remember that what we are now debating might well be called contingency legislation. If the parties are, as they appear to be, very close to complete and final agreement, whatever bill we approve today must meet certain criteria: first, if the tentative voluntary accord breaks down, it must legislate an end to the strike. Second, we must take care that the measure we approve does not have the effect of destroying the agreement already reached.

I know that many Members were concerned that the administration bill, by submitting to compulsory arbitration all issues in the dispute, whether agreed to by the parties or not, would actually make at least one side intransigent. If a party felt it could "get a better deal" from the arbitrators than it had been able to negotiate on its own, that party would be more than willing to see the negotiated settlement collapse and a compulsory arbitration board convened.

On the other hand, Mr. Chairman, my substitute amendment would promote, rather than hinder, a voluntary agreement. The parties would realize that, if an impasse developed and the final offer selection process came into play, the bargains already struck on the issues would remain. Only those issues actually dividing the parties at that time would be put to the final offer selection panel.

It is regrettable, of course, that Congress must act to resolve a dispute which has been tentatively settled, and I fervently hope that voluntary agreement will make this legislation unnecessary. But once the decision is made to legislate, we must seek the legislative solution that adequately deals with the crisis at hand, does not undo the progress the parties have made to this point, and does the least damage to the free collective bargaining process. I believe that my substitute amendment meets these tests, and I will urge its adoption at the appropriate time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I take this time in order to thank my colleague, the gentleman from Hawaii (Mr. MATSUNAGA) for his efforts in the Committee on Rules. I acknowledge the need that he finds to offer this solution. I announce my opposition to it.

Mr. MICHEL. Mr. Chairman, the current progress toward resolution of the west coast dock strike is good news, indeed, especially to those farmers and businessmen whose products have not been moving into export channels.

Even though a negotiated settlement appears imminent, however, it is important that we go ahead with this legislation providing a mechanism for settlement. It will be, in effect, an insurance policy in the event that the existing tentative agreement goes sour.

Some have tried to downgrade the importance of the economic effects of this strike on American business and agriculture. This is an injustice especially to farmers, who have felt the impact of this and the other strikes perhaps harder than any other group. As one well-known farm publication said in an editorial recently, almost every farm producer in one way or another has lost or will lose some income he would have otherwise earned, if it had not been for crippling dock strikes.

Just a few days ago, Secretary of Agriculture Butz told the Congress that the west coast strike is reducing farm exports by almost $6 million every day that it remains in effect. If the east and gulf coast ports go on strike again, he said, this will reduce farm exports by $18 million a day.

But even more important than the immediate dollar loss is the problem of the farm export markets we may never regain because we cannot be depended upon as a supplier. Importing countries must have a reliable source of supply for an item so critical to national welfare as food. Even when our ports were operating we had to work hard to remain competitive and dependable in the world export market for agricultural products. Now, we are in danger of simply being "written off" by some importing countries as a food supplier.

Japan—one of our best customers in the past—purchased 8.7 million bushels of wheat on the day after the west coast dock strike resumed, but only 1.6 bushels were purchased from the United States. This is just one example.

In the Midwest, the Chicago grain elevator strike hit farmers hard, and combined with the east and gulf coast port closures, virtually stopped all grain movement from the Nation's heartland. The Agriculture Department estimates that this resulted in a cut of 10 cents a bushel from the price of corn and perhaps as much as 25 cents from soybean prices. And this may be a conservative estimate.

I am not going to belabor the point. We should all be well aware of these statistics by now. But, more than that, we should all be aware that we are not just talking about figures on a sheet of paper. We are talking about people—people who are largely underpaid to begin with, trying to make a living by farming and watching their efforts go down the drain because of a dispute which they can do absolutely nothing about. To these people the question is not one of extra pay, but of whether or not they can even stay in the business of farming for another year.

Yes, it is that serious—not for all farmers, certainly, but for those many who were already running close to the financial edge, it may be a long drop.

I, for one, do not think we can or should tolerate this any longer. Congressional action is long overdue, not only on the west coast strike, but on a permanent, long-range mechanism for dealing with all transportation strikes that affect the national interest, whether they be national or local in scope. This must be placed at the top of our priority list.

The President's proposal has been before the House for nearly 2 years now, with no action. Many of us have introduced alternative bills in the hope of stirring the majority leadership in committee to move on this issue.

One such bill, which some of my colleagues and I introduced—H.R. 12692—differs from the administration's proposal in that it is especially designed to cover those strikes which deprive any section of the country of essential transportation services, even if the strike does not threaten the entire Nation, such as the situation last fall when the Justice Department was denied a Taft-Hartley injunction at Chicago because the grain elevator strike was a local one.

But, whatever approach is used, surely a way can be found to give the President the tools he needs to deal fairly with both labor and management while effectively protecting the broader national interest in critical transportation disputes.

It is time for Congress to face the facts and stop dragging its feet on this issue. We must meet this problem head-on, and we must do it now.

Mr. MAYNE. Mr. Chairman, I rise in strong support of the bill passed by the Senate which is substantially identical with the emergency legislation requested by President Nixon in January. It has become vitally important that we pass this bill in exactly the same form as adopted by the Senate in order to avoid further delays which would arise if it became necessary to reconcile differences in the versions to be passed by the House and Senate. The American people have every right to expect that the Congress will agree upon this legislation in its final form tonight before we adjourn for the Lincoln Day recess. We must leave no uncertainty that every necessary legislative action to end this crippling strike on the west coast will be ended by the law we enact tonight if for any reason the tentative agreement between the parties announced yesterday falls through.

Mr. Chairman, the longshoremen's strike on the west coast has inflicted incalculable damage upon the farmers, businessmen, workers, and general public of the Midwest, and must not be permitted to continue. Many of these good people have written, wired, or telephoned me urging me to do whatever I can to insure prompt congressional action in this very real emergency. I have urged such action repeatedly in speeches in and outside this Chamber and have worked to that end with my colleagues on the House Republican Task Force on Labor Management Relations. On Tuesday January 25, I offered the following resolution which the Task Force unanimously adopted:

> *Resolved*, That the House Republican Task Force on Labor-Management Relations heartily commends President Nixon for his Message of January 21 to the Congress to end the West Coast dock strike. We enthusiastically support his ad hoc proposal and urge its immediate enactment by the Congress. Moreover, we strongly urge prompt Congressional consideration of a permanent solution to such national emergency disputes.

As Secretary of Agriculture Butz eloquently stated in his testimony before the Special Subcommittee on Labor on February 1:

> As a result of the various dock strikes in 1971—the West Coast, the East and Gulf ports, and the Port of Chicago—the farmer's exports have been reduced by almost three quarters of a billion dollars below comparable period in the preceding year. That is a simple total of the reduced exports for the affected ports during the strike periods. . . .
>
> Historically, exports make up a major part of the farmer's market. In recent years, a great deal of work has been done by farmers and their leaders to expand this outlet—so that our agriculture and our Nation may benefit from our farmers' tremendous productive ability. Now, this market—and these gains—are being cast away by a small group of men who care nothing for farmers—in a dispute where farmers are not a party and have no voice. . . .
>
> Unless there is action by the Congress at this time, our agriculture is going to be hurt in the pocketbook every day that the strike continues. Moreover, the American farmer is going to be damaged further in terms of his future as an exporter—his reputation as a world supplier.
>
> This is all very, very serious to an agriculture which has been exporting the product of one cropland acre out of every four. It is even more important to those farmers—soybeans and wheat, for example—who have been exporting one bushel out of every two that they produce. The export market is essential to the continuation of agriculture on the scale that we know it in this country. Let's make no mistake about that.
>
> In order to maintain this export market, our agriculture must have a fair chance to compete. With work stoppages in all our deep-water ports, as occurred in 1971, our ability to compete is severely restricted. One of the United States' major advantages in foreign trade is its traditional reliability as an overseas supplier every month of the year.
>
> Not only did last year's dock strikes jeopardize that reputation, but their effect continues into the current year as our competitors continue to fill contracts that were negotiated during those strikes. No wonder farmers are concerned by a renewal of the work stoppages at West Coast ports. No wonder they are looking to Washington for relief from this strike.

And it is not only agriculture which is suffering in the Midwest from the resumption of the west coast strike. It is impairing production and threatening the shutdown of Midwest manufacturing and transportation industries, including the Zenith radio plant, which is the largest industrial employer in my home community of Sioux City.

The distinguished Governor of the State of Iowa, the Honorable Robert D. Ray, has repeatedly expressed his deep concern about the devastating effect of the west coast, gulf and east coast dock strikes on the economy of our State. I have here in my hand and wish to read to the House the following telegram, which he has sent to all Members of the Iowa delegation in the Congress, expressing his strong support for the Senate bill which has passed that body and is now before us. The telegram states:

> I would like to lend my support to Senate Joint Resolution 187, a joint resolution to provide a procedure for settlement of the dispute on the Pacific Coast and Hawaii among certain shippers and associated employers and certain employees.
>
> The west coast dock strike is a dramatic example of the ability of a labor dispute to undermine the economic well-being of millions of people in a major region of this country. Thousands of innocent third parties such as the Iowa farmer are being penalized by the jurisdictional disputes of a narrow sector of the Nation's economy.
>
> Although it is difficult to estimate the total economic impact of the west coast dock strike, we do know that agricultural exports are critical to the economy of Iowa and a substantial reduction in these exports can have a serious influence on the daily lives of the people of Iowa.
>
> Iowa is the Nation's second leading exporter of agricultural products. In fiscal year 1972, Iowa exported almost $600 million in agricultural products or an amount roughly equivalent to one-eighth of the entire value of the State's agriculture production for that year.
>
> While I strongly believe in our system of collective free bargaining, I feel the impact of this prolonged strike has had such a devastating effect upon the economic well-being of our farmers and agri-businesses that ad hoc legislation of this nature is imperative.
>
> ROBERT D. RAY,
> *Governor of Iowa.*

Mr. Chairman, many Members have taken the floor to say it is no longer necessary to pass this bill because the parties say they have reached an agreement which may be finalized in a few weeks if ratified by the union's executive board and general membership. They are so anxious not to offend the bosses of organized labor that they would irresponsibly have us take the risk of the settlement falling through and the shutdown continuing. I say we should not take that risk ourselves or inflict that risk on the country. Let us make sure this ruinous strike will end by voting against these stalling tactics from the Democratic side of this House and by voting decisively for the Senate adopted version tonight.

Mrs. ABZUG. Mr. Chairman, I rise in strong opposition to these resolutions, which would break the strike of the dock workers on the west coast. What we are saying to working people is that they have the right to strike, so long as they use it ineffectively, but when management feels the pinch, the right must be taken away.

In addition to the fact that this legislation is substantively disgraceful, the procedure under which it comes before us constitutes an unprecedented attack upon the process of thoughtful consideration through which bills are supposed to go in this body. Neither of the two measures before us—House Joint Resolution 1025 and House Joint Resolution 1054—was ever considered on the merits by the Committee on Education and Labor. Instead, the Committee on Rules—the same body which has refused even to look at the minimum wage bill for nearly 3 months—arrogated to itself the powers of the Education and Labor Committee and swiftly voted out this rule without any sort of public hearing on the merits of this legislation.

Substantively speaking, legislation such as this is unfair and unfortunate at any time. It is doubly so in this instance, for the parties have already reached agreement and ratification of the contract by the workers is almost certain. Given this fact, millions of working people all across this land can only view the enactment of this legislation as a vicious and punitive attack upon organized labor. I need not add that these millions of workers—and their families and friends—are also voters. They will remember in November how we vote tonight.

In 1935, after a century of struggle, Congress passed the Wagner Act, which recognized that free and unimpaired collective bargaining is the keystone of successful labor-management relations. The right to organize and to bargain collectively is utterly without meaning unless it includes the right not to work if satisfactory terms are not offered by the employer. This natural concomitant of collective bargaining is the only economic weapon which workers possess, and to remove it would leave practically no incentive for employers to bargain in good faith.

Proponents of strike-breaking legislation such as this invariably imply that labor, and labor alone, is responsible for strikes. The hard fact is that it takes "two to tango," and that a failure to agree on contract terms is as much the fault of management as of labor.

I note in this connection that the right to bargain collectively is a right of management as well as of labor, and both sides—not only in this dispute, but in future disputes between other parties—are injured by this arbitrary and capricious stripping of that right.

Nobody likes a strike. In point of fact, it usually hurts workers more than their employers, for the employers merely have their orders delayed for a time, while the lost wages of a striking worker are lost forever. Nevertheless, employees, recognizing it as their only weapon, are prepared to suffer some immediate hardship in order to obtain long-term gains for themselves and their families.

I am very much concerned at the effect which strikes such as this one have on commerce and the economy and I am pleased that it has been settled. I do not believe, however, that Congress should interfere in the collective-bargaining process—of which a strike is an integral part—and I urge the defeat of these resolutions.

Mr. RARICK. Mr. Chairman, as I understand the situation, nothing constructive in the ways of legislation to amicably settle national labor disputes has been set forth since the country has been undergoing regular transportation strikes; and we are now being asked to legislate antistrike legislation for a strike that does not exist.

This kind of legislative strikebreaking activity has almost become standard operating procedure. We Members are herded into the Chamber at the last minute and under the emotions of prolabor, probusiness, and propolitics, are in reality given but one alternative—that as a quasi-court of last resort we are asked to support the President in a nonexisting labor dispute because he has promised the American people that he was going to end national transportation strikes.

I think that my record here in Congress is one of consistent opposition to nationalization and Federal intervention whether it be with regard to the private sector or the public sector. I am somewhat suspicious that the present legislation if enacted will become a precedent, especially in the President's future efforts to try to make wage and price controls work. Neither free enterprise nor free labor can long function under national socialism—complete Federal regulations. Centralization of power is again the cause of the problem which we are ordered to solve by a majority vote rather than on the equities—the rights and wrongs of a situation.

Neither compulsory arbitration by the force of law nor the greater evil of Government-enforced work agreements is in the American tradition. These are Communist-Fascist solutions. We should avoid them like the poison they are.

Freedom of the individual is still the law of our land. This should include the right of men to be just as free to bargain for wages and working conditions as for profits. When freedom of collective bargaining is denied or abolished, American workers must either become slaves or they starve.

Because I do not believe that Congress is the proper office for writing labor contracts, nor that this Chamber is the proper courtroom to deny freedom of collective bargaining, nor that the House of Representatives was intended to enforce laws and solutions written by unelected bureaucrats, I find myself in the position of having to oppose this legislation and to cast my people's vote in the negative.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the pending bill, House Joint Resolution 1025, and similar bills.

Tentative agreement was reached Tuesday in the long west coast dispute between longshoremen and shippers. Collective bargaining, of course, is the proper way to settle labor disputes.

I have opposed congressional intervention from the outset and my opposition is fortified by the fact that tentative agreement now has been reached through the normal bargaining process.

Mr. Chairman, we have laws on the books to deal with labor disputes. These include the Wagner Act, the Taft-Hartley law, and more recently Landrum-Griffin.

Why should Congress have to take special action when a deadlock occurs in a dock strike or a railroad strike? The labor laws were enacted to provide the means for reaching a settlement of these disputes—national or local.

If these laws were not working, then we should scrap them. We could save a lot of money by abolishing the labor board, the panels, and all the related governmental machinery.

If those laws were eliminated, then as each labor crisis developed, it could be sent up to Congress to settle. This is not very practical, of course, but I would be willing to stand up and be counted on individual labor disputes if that was to become part of a Congressman's job.

So that there will be no question on my position, it is simply that I am against bailing out the existing system from time to time in so-called exceptional cases, such as the current dock strike.

If we in Congress are going to have to deal with these matters, then let us deal with all of them, not just the occasional exception. It should be a case of all or none.

Mr. Chairman, I am convinced the pending bill is bad legislation—and unnecessary. I am vigorously opposed to the entire concept.

Mr. QUIE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the joint resolution is considered as having been read.

The joint resolution is as follows:

H.J. Res. 1025

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called Longshoremen's Union); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947 as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of teamsters, Chauffeurs, Warehousemen, and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring, and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring, and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transporation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding, and agreement among the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings in which these parties are involved: *Provided,* That the Secretary of Labor may terminate the procedures of this resolution before issuance of a determination by the arbitration board if he finds that all the labor organizations and employers involved in the dispute have reached complete agreement on all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen nor more than twenty-four months. During such period, there shall be no resort to strike or lockout and the parties thereto shall be bound by the terms of the determination notwithstanding any agreements they may conclude among themselves.

From the date of enactment until the arbitration board makes its determination, there shall be no resort to strike or lockout, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971, the agreement between the Longshoremen's Union and certain employers in Hawaii, which expired June 30, 1971, under which they have been operating from that time, and the collective bargaining agreements, interpretations, rulings, and practices governing assignment and performance of work involved in the dispute by members of the Longshoremen's Union and the Teamsters Union.

For the purposes of this resolution, the term "parties" shall mean the parties who were under the jurisdiction of the court in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971, in the Pacific coast portion of this dispute who have not settled prior to the enactment of this resolution, and the parties in section 6 of this resolution. In addition, any employer of employees involved in this dispute who are represented by Teamster Union locals listed in section 6, not otherwise made a party, may elect to place itself voluntarily under the jurisdiction of the arbitration board created by section 2 of this resolution as a party by giving notice of such election by certified mail within seven days of the enactment of this resolution to the board in care of the Secretary of Labor, Washington, District of Columbia 20210, and to the Teamsters Union local involved at its local address and to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America at 25 Louisiana Avenue Northwest, Washington, District of Columbia 20001.

SEC. 2. (a) There is established an arbitration board (hereafter called the board) consisting of three members, to be appointed by the Secretary of Labor within five days of enactment of this resolution. The members shall then elect a chairman.

(b) The board shall make all necessary rules for conducting its hearings and giving the parties to the controversy a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) The board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(h).

(h) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the District of Columbia. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

(i) Members of the board shall receive compensation at a rate of per diem equivalent to the rate of a GS-18 when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Secretary of Labor shall appoint a special referee within 3 days of enactment of this resolution who shall have the responsibility provided herein and shall receive the same compensation as a member of the board.

(b) Notwithstanding any other law, the special referee shall have exclusive jurisdiction over any disagreement occurring after the enactment of this resolution but before the arbitration determination has gone into effect which involves collective-bargaining agreements, interpretations, rulings, and practices governing assignment and performance of work between the Longshoremen's Union and the Teamsters Union, and which may lead to violation of this resolution. The special referee may also during this period consider other disagreements which may lead to violation of this resolution if he finds it would effectuate the purposes of the resolution to do so rather than to defer to other procedures, and if he does so he shall assume exclusive jurisdiction over such disagreements. The special referee shall have the same authority provided in section 2(c) relating to attendance and examination of witnesses and the production of books, papers, and documents. The special referee is authorized to issue orders to obtain compliance by the parties with the requirements of this resolution. The Attorney General shall have power to petition the district court of the United States wherein the violation or threatened violation occurs or having jurisdiction of the parties for enforcement of such orders and for appropriate relief or restraining orders.

The findings of the special referee, unless found to be arbitrary or capricious, shall be conclusive. The jurisdiction of the United States district court, and its judgment and decree as to matters within its jurisdiction under this section shall be final and not subject to review.

SEC. 4. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

SEC. 6. The following employers and labor organizations are parties to the dispute in addition to those parties described in section 1:

(a) Castle and Cooke Terminals, Limited, 965 North Nimitz Highway, Honolulu, Hawaii 96817.

Hilo Transportation and Terminal Company, Post Office Box 455, Hilo, Hawaii 96720.

Theo H. Davies and Company, 800 Fort, Honolulu, Hawaii 96813.

Honolulu Terminals Company, Limited, Pier 19, Honolulu, Hawaii 96817.

Kawaihae Terminals, Post Office Box 818, Hamuela, Hawaii 96743.

Kauai Sugar Storage Corporation, Post Office Box 1743, Lihue, Hawaii 96766.

Matson Terminals, Incorporated, 521 Ala Moana Boulevard, Honolulu, Hawaii 96803.

McCabe, Hamilton, and Renny Company, Limited, 224 Mokauea, Honolulu, Hawaii; Lihue, Hawaii; Kahului, Hawaii 96819.

Oahu Transport Company (Highway and Terminal Warehousing Company, Limited), Post Office Box 3288, Honolulu, Hawaii 96801.

Seatrain Lines, California, San Island Access Road, Honolulu, Hawaii 96819.

Pacific Container Service, Honolulu, Hawaii.

International Longshoremen's and Warehousemen's Union, Locals 142 and 160, 451 Atkinson Drive, Honolulu, Hawaii.

Kahului Trucking and Storage, Kahului, Hawaii.

(b) The International Brotherhood of

Teamsters, Chauffeurs, Warehousemen, and Helpers of America.

The following Teamsters Union locals of:

State of Washington

City of Seattle, Local Unions 174, 741, 44, and 117.

City of Takoma, Local Unions 313 and 461.

City of Aberdeen, Local Union 599.

State of Oregon

City of Portland, Local 162 and 81, Coos Bay 689, Hoquin Local 58.

Vancouver, Washington, Local 501.

Astoria Local 569.

State of California

Long Beach, Local 692.

San Diego, Local 542.

Oakland, Local 70.

San Francisco, Local 85.

Stockton, Local 439.

Sacramento, Local 150.

Oakland, Locals 85 and 853.

State of Alaska

Anchorage, Alaska, Local 959.

State of Hawaii

Honolulu, Local 996.

The CHAIRMAN. No amendment is in order to the joint resolution except an amendment identical to the text of House Joint Resolution 1054, and such amendment shall not be subject to amendment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MATSUNAGA: Strike out all after the title of House Joint Resolution 1025 and insert in lieu thereof the provisions of House Joint Resolution 1054, as follows:

Whereas there is a dispute between employers (or associations by which such employers are represented in collective-bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called Longshoremen's Union); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring, and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring, and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately upon the enactment of this resolution the Attorney General shall petition any district court of the United States having jurisdiction of the parties to enjoin the continuation of any strike or lockout arising out of a dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union. The court shall have jurisdiction to issue such an injunction, and to make such other orders as may be appropriate, if it determines such strike or lockout meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relations Act, 1947. Such injunction may be issued for a period not to exceed thirty days. Upon the settlement of such dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 2. If no settlement is reached prior to the twenty-fifth day after the issuance of an injunction obtained pursuant to section 1 of this resolution, the Attorney General shall petition the district court involved to extend the injunction then in effect for an additional thirty days following its original expiration date. Upon settlement of the dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 3. (a)(1) If no settlement has been reached by the thirty-first day following the issuance of the original injunction, the Secretary of Labor shall direct each party to submit to him within three days a final offer as to all unresolved issues and a full and complete statement covering all issues upon which agreement has been reached.

(2) If any of the parties refuses to submit a final offer, as described in subsection (a)(1) of this section, the last offer, if any, as to each unresolved issue made by such party during previous bargaining shall be deemed that party's final offer.

(3) Any offer submitted by a party pursuant to this section, together with those issues with respect to which agreement has been reached by the parties, must constitute a complete collective-bargaining agreement and resolve all the issues involved in the dispute, and must propose a contract period of not less than eighteen months' duration.

(b) The Secretary, upon receipt of such final offers from both parties, shall transmit them, one to the other, at the same time, and parties shall bargain collectively for a period of five consecutive days after they receive the other party's final offer as to unresolved issues. The Secretary may act as mediator during the period of the final offer selection proceedings.

(c) If no settlement has been reached before the end of the period described in subsection (b) of this section, the Secretary shall appoint a special panel of three impartial members to act as the final offer selector.

(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

(e) If a settlement is reached by the parties to the dispute at any time prior to the panel's selection of a final offer as prescribed below, the panel shall adjourn its proceedings and report to the Secretary within five days the fact that a settlement has been reached and the terms of such settlement.

(f) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

(g) From the time of appointment by the Secretary until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

(h) Beginning with the direction of the Secretary to submit final offers as to unresolved issues and until the panel makes its selection and the final agreement is signed, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed thirty days.

(i) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining as to the unresolved issues in this dispute, including offers of settlement not contained in the final offers. The panel shall, however, in order to ascertain the completeness of the final offers submitted for selection, determine which of the issues have been agreed upon by the parties, and are therefore outside the scope of such final offers.

(j) The panel shall, upon concurrence of two or more of its members, select what it deems to be the most reasonable of the final offers submitted by the parties. The panel may, in reaching its decision, take into account the following factors:

(1) past collective-bargaining contracts between the parties including the bargaining that led up to such contracts;

(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

(3) comparison of wages, hours, and conditions of employment as reflected in industries in general, and in the same or similar industry;

(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

(5) the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment.

(k) The final offer selected by the panel, together with its findings as to issues on which agreement had been reached by the parties, shall be transmitted immediately to the Secretary, who shall issue an order requiring the parties to accept and sign as the final contract between them the selected offer as to the unresolved issues, together with the agreement previously reached on all other issues. The Secretary shall immediately transmit a copy of such order, together with the final contract to each of the parties.

(l) The determination by the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 1 of this resolution.

(m) If any of the parties refuse to sign the final agreement as selected by the panel within twenty-four hours after the issuance of the Secretary's order, the Attorney General shall immediately petition the district court which issued the injunction pursuant to section 1 of this resolution to enjoin the further refusal by the party or parties to sign the agreement as provided in the Secretary's order. The court shall have jurisdiction to issue such an injunction, if it determines that the strike or lockout still meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relations Act of 1947.

(n) The following rules of procedures shall be applicable to the panel's functions under this subsection:

(1) NOTICE OF HEARING.—Upon appointment by the Secretary, the panel shall promptly notify and inform the parties of the time, place, and nature of the hearings, and the matters to be covered therein.

(2) HEARINGS TO BE PUBLIC.—The panel shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or unless the parties agree to present their positions in writing. The record made at such hearings shall include all documents, statements, exhibits, and briefs which may be submitted, together with the stenographic record. The panel shall have authority for the conduct of an orderly public hearing. The panel may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

(3) PARTICIPATION BY THE PANEL IN THE HEARING.—The panel, or any members thereof, may, on its own initiative at such hearing, call witnesses and introduce documentary evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

(4) PARTICIPATION BY THE PARTIES IN HEARING.—The parties or their representatives shall be given reasonable opportunity (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues; (D) to ask questions of the opposing party or witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness on the issues in the case; and (E) to present to the panel oral or written argument on the issues.

(5) STENOGRAPHIC RECORDS.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

(6) RULES OF EVIDENCE.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

(7) REQUESTS FOR THE PRODUCTION OF EVIDENCE.—The panel shall have the power to subpena. It shall request the parties to produce any evidence it deems revelant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

SEC. 4. (a) The panel established under section 3 of this resolution may act by majority vote.

(b) A vacancy on the panel shall not impair the right of the remaining members to exercise all of the powers of the panel. In case of vacancy due to death or resignation, the Secretary may appoint a successor to fill such vacancy.

(c) Members of the panel shall receive compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the panel as prescribed by this resolution, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Federal Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(d) For the purposes of carrying out its functions under this resolution the panel is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently, while so employed.

SEC. 5. DEFINITIONS.—(a) The term "Secretary" when used in this resolution refers to the Secretary of Labor.

(b) The term "parties" wherever used in this resolution shall mean the parties who were under the jurisdiction of the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971, who have not settled their dispute prior to the enactment of this resolution.

SEC. 6. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 7. SEPARABILITY.—If any provision of this resolution, or the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, but shall remain valid and in full force.

SEC. 8. EFFECTIVE DATE.—This resolution shall take effect immediately upon its enactment and the legality of any action authorized herein and taken thereafter shall be governed by the Act regardless of when such action is initiated.

Mr. THOMPSON of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii for 5 minutes in support of his amendment.

Mr. MATSUNAGA. Mr. Chairman, it is unfortunate that we have so few Members on the floor. I was hoping that I would be able to explain the difference between my resolution and the Dellenback resolution so that in all wisdom my resolution would be adopted.

The principal difference between my resolution and the Dellenback resolution is that the Dellenback resolution would impose compulsory arbitration on the parties on all of the issues involved whether resolved or not, while my resolution would adopt all issues on which there has been agreement as part of the imposed agreement and put into mediation only those issues remaining unresolved. We have already heard the announcement of the tentative settlement and the agreement only needs to be ratified by the membership of the ILWU which is forthcoming on Saturday. If the Dellenback resolution is adopted, all the issues agreed to would be thrown wide open for renegotiation. This would be truly unfortunate.

If the actual signing of the contract does not come about because of lack of ratification on the part of the ILWU, then we would want legislation which would cause the least disruption in the bargaining process. My resolution provides that all the issues already agreed to—and I will remind the Members that all of the economic issues have already been agreed to—would be a part of the contract which will be ordered by the Secretary of Labor, and only those issues which remain unresolved would be resolved by the final offer selection method.

My bill provides that for the first 30 days after it is enacted into law the parties would be allowed to negotiate freely and arrive at their own voluntary settlement.

If the parties fail to arrive at a voluntary settlement within the first 30 days—and all indications signify they will arrive at a voluntary settlement because they have in fact announced a tentative settlement—then the Secretary of Labor is authorized to ask each of the parties to submit their final offer. The Secretary of Labor would then get the two parties together, and present the offers of one to the other simultaneously, and then try to mediate a settlement. He will do this for 5 days. If that fails, then the Secretary of Labor will appoint a panel of three who would be authorized to select the final offer of either one of the parties which was made during the negotiations, during the 30 days, or even before, and the offer selected would become the contract—only on those issues which remain unsettled.

My proposal, therefore, would be closer to the collective bargaining process than the compulsory arbitration which would be imposed by the Dellenback bill.

I urge, therefore, to those of you who believe in preserving the collective bargaining process, that you support my amendment. And for those who felt earlier today in voting against the rule that this matter should not even be considered this evening, adoption of my amendment will afford a little time for the Senate and the House to go into conference. The parties in dispute could possibly arrive at a final settlement during this period. Adoption of the Dellenback bill would be tantamount to adoption of the Senate bill, and there would be no need for going into conference. The parties would have no time to finalize their tentative agreement, and we would in effect be swinging a club over their heads. This, I believe, would not promote true collective bargaining.

Mr. Chairman, I urge the adoption of my amendment.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

Mr. DELLENBACK. Mr. Chairman, I rise in opposition to the Matsunaga amendment.

Mr. Chairman, we have had a chance to look at the Matsunaga bill. It essentially, as our colleague pointed out, does two things:

First. Two sequential 30-day injunctions, and

Second. The so-called final offer procedure.

If you will look beyond this and look carefully at what it does, you will see a series of fundamental weaknesses:

First. The simple extension of time is ineffective.

We have express testimony on that by Secretary Hodgson. It will merely continue the present uncertainty, which is a serious part of the present trouble.

Second. There is the ambiguity as to what issues are unresolved and thereby what is to be covered by the final offer.

All tentative agreements are really unresolved until the total agreement has been accepted by all parties.

The Senate hearings showed very clearly that the parties were not in agreement and what was still unresolved.

If the ILWU votes in the days ahead to reject the proposed agreement or settlement, then it is extremely uncertain as to what issues are unresolved.

Third. The value of the final offer procedure lies in its existence during negotiations.

We have testimony again from Secretary Hodgson—and this is a part of the administration bill.

I understand the laws are in existence for full negotiation. That is not here the case.

Fourth. There will be at least two court suits required under the Matsunaga amendment with possible delays required before any possible effective injunctions can be gained, possibly two more suits beyond that in connection with any final order.

The bill deals with at least one problem and its solution.

Fifth. There are no express penalties in the Matsunaga amendment for noncompliance with the order to sign an agreement. Only contempt procedures are available to the court. This presents a real question as to how effective this would be.

Sixth. It does not cover issues covering Hawaii.

Seventh. There is serious ambiguity as to whether the panel has only 30 days to act or whether there is no limit at all. There is at least that ambiguity in the legislation proposed.

Eighth. There is grave ambiguity as to who the parties are. There is the question whether the Teamsters are covered because the Teamsters are referred to in one section of the bill and they are not referred to in two other sections.

Ninth. There is an open question as to whether this issue would have to go to the Pay Board under the Matsunaga bill. If indeed it does have to go to the Pay Board there is no requirement for compliance with the policy of the Economic Stabilization Act, as indeed there is in my proposal.

So for at least these nine reasons of ambiguity and inconsistencies, I say to you that these uncertainties and ambiguities make this proposal fundamentally ineffective. We would be dealing with cosmetology and only cosmetology if we were to adopt this particular proposal tonight.

It should be defeated and I am pleased that the chairman of the subcommittee and I agree on this point.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Hawaii (Mr. MATSUNAGA).

The question was taken; and on a division (demanded by Mr. MATSUNAGA) there were—ayes 13, noes 64.

So the amendment in the nature of a substitute was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the House joint resolution (H.J. Res. 1025) to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees, pursuant to House Resolution 796, he reported the House joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. QUIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. QUIE moves to recommit House Joint Resolution 1025 to the Committee on Education and Labor with instructions to that committee to report it back to the House forthwith with the following amendment: Strike out all after title of the joint resolution and insert in lieu thereof the following:

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union; and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935 WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts and transportation services essential to the national interest are not being maintained; and

Whereas it is vital to the national interest that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding and agreement between the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings between the parties: *Provided,* That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen months. During such period, there shall be no resort to strike or lockout as between the parties.

(b) From the date of enactment of this joint resolution until the arbitration board makes its determination, there shall be no resort to strike or lockout as between the parties, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971.

(c) For the purpose of this joint resolution the term "parties" means (1) the International Longshoremen's and Warehousemen's Union and (2) the Pacific Maritime Association, and all employers who are members of that association.

SEC. 2. (a) There is established an arbitration board (hereinafter referred to as the "board") which shall be constituted in the following manner:

(1) Within three days after the enactment of this joint resolution, both parties to the dispute, by agreement, may designate one individual to perform the functions and exercise the powers of the board.

(2) In the event that the parties do not agree upon an individual under paragraph (1) of this section, each party shall within three days immediately following the expiration of the three-day period under paragraph (1), designate an individual to serve on the board. The two members of the board so designated shall select, within three days after their appointment, a third individual to be a member and act as chairman of the board. In the event that the two members of the board designated by the parties cannot agree on the selection of the third member as chairman under this paragraph, within three days after their appointment, the third member who shall be the chairman shall be selected by the chief judge of the United States district court for the Northern District of California.

(3) In the event that either party does not designate a member under paragraph (2) of this subsection, then the chief judge of the United States district court for the Northern District of California shall designate one individual to exercise the powers of the board.

(b) The board shall make all necessary rules for conducting its hearings and giving to the parties and all other persons it determines may be directly affected by the board's determination notice and a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50).

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) The board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(i).

(h) In the event of disagreement as to the meaning of any part or all of a determination by the board, or as to the terms of all the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the board for clarification of its determination, whereupon the board shall reconvene and shall promptly issue a further determination, with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the board, be made with or without a further hearing, and shall be final and binding in every respect, subject only to review as provided in section 2(i).

(i) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the Ninth Circuit. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254(1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

(j) Members of the board shall receive compensation at a rate of $250 per day when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

(k) For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

SEC. 4. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

Mr. QUIE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIE. Does not the rule provide 5 minutes to speak in favor of such a motion?

The SPEAKER. If the gentleman seeks the time to do so, he will be recognized.

Mr. QUIE. I do, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota is recognized for 5 minutes.

Mr. QUIE. Mr. Speaker, I am opposed to the administration bill as introduced, since, at this time, it would only muddy the water. It would require a House-Senate conference and another separate vote in each body. This would be near impossible with the Congress going on a recess this evening. Senate Joint Resolution 197 is a good bill and in some ways preferable as well. It is different from the administration's bill in two regards.

Under the provisions of the motion to recommit, the Arbitration Board will be selected by the parties, the Pacific Maritime Association and the ILWU. They can pick one person to do the arbitrating for them, or if they do not agree on one person, they can pick one each and then the other two individuals pick the third person to be chairman. If they cannot agree, then the U.S. District Court for the Northern District of California will designate the third member. If any of the parties cannot agree on a designated member, the same judge can select that member also to the Arbitration Board.

Another significant difference is that the administration bill includes all employers in Hawaii and includes the Teamsters. They are not included in this bill. It is only the ILWU and the PMA that are included in the bill. However, the Teamsters or the employers who are not members of the PMA, but whose employees are represented by the ILWU, if they want to, can be included in the Board's decision. They can participate and agree to be bound by it.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I just wanted to ask the gentleman a question so the Members understand clearly that the motion to recommit is the Senate-passed bill of yesterday. Is that correct?

Mr. QUIE. The gentleman is correct. The motion to recommit involves the Senate-passed bill that was passed yesterday, and the two significant differences from the administration bill were previously pointed out.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I wish to reiterate that this motion to recommit is verbatim the bill passed by the other body yesterday, and under the motion to recommit, it would send the Senate version back to the Committee on Education and Labor and they would report back forthwith to the House the Senate bill instead of House Joint Resolution 1025.

So if Members are in favor of avoiding a conference and putting this legislation into law, they should vote for the motion to recommit, thereby avoiding the conference.

Mr. QUIE. I thank the gentleman from Michigan.

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in opposition to the motion to recommit. It now having been made—to use a word from Pennsylvania Avenue—perfectly clear that the motion to recommit is simply verbatim, the Senate-passed resolution, it is not the intention of the gentleman from New Jersey, who opposes this, to demand a rollcall on the motion to recommit, since following that, the gentleman from Kentucky will make a motion which would have the effect of bringing before us the verbatim Senate joint resolution for final passage, at which time the gentleman from New Jersey intends to demand the yeas and nays.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from New Jersey yield?

Mr. THOMPSON of New Jersey. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, if the motion to recommit prevails, then we have to vote on final passage of that version in the House. Will the gentleman ask for a rollcall at that time, or will he ask for a rollcall at the time that the gentleman from Kentucky asks to substitute as the final action?

Mr. THOMPSON of New Jersey. I really see no need to have two rollcalls unless the gentleman from Michigan so desires.

Mr. GERALD R. FORD. I agree.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. HAYS. Mr. Speaker, I withdraw my point of order.

So the motion to recommit was agreed to.

Mr. PERKINS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the joint resolution back to the House with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Strike out all after the title of House Joint Resolution 1025 and insert in lieu thereof the following:

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union; and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935 WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts and transportation services essential to the national interest are not being maintained; and

Whereas it is vital to the national interest that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding, and agreement between the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings between the parties: *Provided,* That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen months. During such period, there shall be no resort to strike or lockout as between the parties.

(b) From the date of enactment of this joint resolution until the arbitration board makes its determination, there shall be no resort to strike or lockout as between the parties, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971.

(c) For the purpose of this joint resolution the term "parties" means (1) the International Longshoremen's and Warehousemen's Union and (2) the Pacific Maritime Association, and all employers who are members of that association.

SEC. 2. (a) There is established on arbitration board (hereinafter referred to as the "board") which shall be constituted in the following manner:

(1) Within three days after the enactment of this joint resolution, both parties to the dispute, by agreement, may designate one individual to perform the functions and exercise the powers of the board.

(2) In the event that the parties do not agree upon an individual under paragraph (1) of this section, each party shall within three days immediately following the expiration of the three-day period under paragraph (1), designate an individual to serve on the board. The two members of the board so designated shall select, within three days after their appointment, a third individual to be a member and act as chairman of the board. In the event that the two members of the board designated by the parties cannot agree on the selection of the third member as chairman under this paragraph, within three days after their appointment, the third member who shall be the chairman shall be selected by the chief judge of the United States district court for the Northern District of California.

(3) In the event that either party does not designate a member under paragraph (2) of this subsection, then the chief judge of the United States district court for the Northern District of California shall designate one individual to exercise the powers of the board.

(b) The board shall make all necessary rules for conducting its hearings and giving to the parties and all other persons it determines may be directly affected by the board's determination notice and a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50).

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) The board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(i).

(h) In the event of disagreement as to the meaning of any part or all of a determination by the board, or as to the terms of all the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the board for clarification of its determination, whereupon the board shall reconvene and shall promptly issue a further determination, with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the board, be made with or without a further hearing, and shall be final and binding in every respect, subject only to review as provided in section 2(i).

(i) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the Ninth Circuit. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

(j) Members of the board shall receive compensation at a rate of $250 per day when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

(k) For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

SEC. 4. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution, as amended.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 139, answered "present" 3, not voting 75, as follows:

[Roll No. 40]

YEAS—214

Abbitt
Abernethy
Alexander
Anderson, Ill.
Archer
Arends
Baker
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collins, Tex.
Colmer
Conable
Coughlin
Curlin
Daniel, Va.
Davis, Ga.
de la Garza
Dellenback
Denholm
Dennis
Derwinski
Devine
Dorn
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frenzel
Frey
Fuqua
Gettys
Goodling
Green, Oreg.
Gross
Gubser
Hagan
Haley
Hall
Hamilton

Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Hastings
Heinz
Henderson
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
Long, La.
McClory
McClure
McCollister
McCormack
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Myers
Natcher
Nelsen
Nichols
Passman
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Purcell
Quie
Quillen
Railsback
Randall
Reid
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Roy
Ruth
Sandman
Satterfield
Scherle
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Ware
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NAYS—139

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burton
Byrne, Pa.
Carney
Celler
Clark
Clay
Collins, Ill.
Conte
Conyers
Cotter
Crane
Culver
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Dellums
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Ford, William D.
Fulton
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Halpern
Harrington
Hathaway
Hays
Hechler, W. Va.
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kee
Koch
Kyros
Long, Md.
McDade
Madden
Meeds
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Podell
Price, Ill.
Pucinski
Rangel
Rarick
Rees
Reuss
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ryan
St Germain
Sarbanes
Saylor
Seiberling
Shipley
Slack
Staggers
Stanton, James V.
Stokes
Stuckey
Sullivan
Thompson, N.J.
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates
Yatron
Zablocki

ANSWERED "PRESENT"—3

Hanna
Leggett
Riegle

NOT VOTING—75

Anderson, Tenn.
Andrews
Ashbrook
Baring
Begich
Bell
Biaggi
Blanton
Blatnik
Broomfield
Cabell
Carey, N.Y.
Chisholm
Clawson, Del
Collier
Corman
Davis, Wis.
Dickinson
Diggs
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Forsythe
Fraser
Frelinghuysen
Galifianakis
Gibbons
Goldwater
Griffin
Griffiths
Grover
Hansen, Wash.
Harvey
Hawkins
Hébert
Heckler, Mass.
Helstoski
Hillis
Horton
Jones, Ala.
Kluczynski
Lujan
McCloskey
McCulloch
McFall
McMillan
Macdonald, Mass.
Mailliard
Mann
Metcalfe
Mills, Ark.
Moorhead
Nix
O'Konski
Pelly
Powell
Price, Tex.
Pryor, Ark.
Roberts
Rousselot
Ruppe
Scheuer
Schmitz
Schneebeli
Smith, Iowa
Snyder
Springer
Stanton, J. William
Steele
Stubblefield
Symington
Tiernan
Wampler
Widnall

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Edwards of Louisiana for, with Mr. Kluczynski against.

Mr. Roberts for, with Mr. Hébert against.

Mr. Dowdy for, with Mr. Nix against.

Mr. Griffin for, with Mr. Blatnik against.

Mr. Rousselot for, with Mr. Riegle against.

Mr. Stubblefield for, with Mr. Carey of New York against.

Mr. McMillan for, with Mr. Snyder against.

Mr. Andrews for, with Mr. McFall against.

Mr. Broomfield for, with Mr. Hawkins against.

Mr. Goldwater for, with Mr. Begich against.

Mr. Frelinghuysen for, with Mr. Biaggi against.

Mr. Forsythe for, with Mr. Macdonald of Massachusetts against.

Mr. Widnall for, with Mr. Corman against.

Mr. Price of Texas for, with Mr. Horton against.

Mr. McCloskey for, with Mrs. Chisholm against.

Mr. Collier for, with Mr. Metcalfe against.

Mr. Pelly for, with Mr. Helstoski against.

Mr. Bell for, with Mr. Diggs against.

Mr. Schneebeli for, with Mr. Fraser against.

Mr. Grover for, with Mrs. Hansen of Washington against.

Mr. Lujan for, with Mrs. Griffiths against.

Mr. Ruppe for, with Mr. Moorhead against.

Mr. Dickinson for, with Mr. Tiernan against.

Mr. Hillis for, with Mr. Scheuer against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Davis of Wisconsin.

Mr. Blanton with Mr. Del Clawson.

Mr. Symington with Mrs. Dwyer.

Mr. Evins of Tennessee with Mrs. Heckler of Massachusetts.

Mr. Jones of Alabama with Mr. Wampler.

Mr. Mann with Mr. Mailliard.

Mr. Smith of Iowa with Mr. Ashbrook.

Mr. Galafianakis with Mr. O'Konski.

Mr. Cabell with Mr. Powell.

Mr. Baring with Mr. Schmitz.

Mr. Gibbons with Mr. Springer.

Mr. Pryor of Arkansas with Mr. J. William Stanton.

Mr. Mills of Arkansas with Mr. Steele.

Mr. RIEGLE. Mr. Speaker, I have a live pair with the gentleman from California (Mr. ROUSSELOT). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, pursuant to the provisions of House Resolution 796, I call up from the Speaker's table Senate Joint Resolution 197, to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees, for immediate consideration.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 197

Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union; and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935 WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176-178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts and transportation services essential to the national interest are not being maintained; and

Whereas it is vital to the national interest that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding, and agreement between the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings between the parties: *Provided,* That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen months. During such period, there shall be no resort to strike or lockout as between the parties.

(b) From the date of enactment of this joint resolution until the arbitration board makes its determination, there shall be no resort to strike or lockout as between the parties, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971.

(c) For the purpose of this joint resolution the term "parties" means (1) the International Longshoremen's and Warehousemen's Union and (2) the Pacific Maritime Association, and all employers who are members of that association.

SEC. 2. (a) There is established an arbitration board (hereinafter referred to as the "board") which shall be constituted in the following manner:

(1) Within three days after the enactment of this joint resolution, both parties to the dispute, by agreement, may designate one individual to perform the functions and exercise the powers of the board.

(2) In the event that the parties do not agree upon an individual under paragraph (1) of this section, each party shall within three days immediately following the expiration of the three-day period under paragraph (1), designate an individual to serve on the board. The two members of the board so designated shall select, within three days after their appointment, a third individual to be a member and act as chairman of the board. In the event that the two members of the board designated by the parties cannot agree on the selection of the third member as chairman under this paragraph, within three days after their appointment, the third member who shall be the chairman shall be selected by the chief judge of the United States district court for the Northern District of California.

(3) In the event that either party does not designate a member under paragraph (2) of this subsection, then the chief judge of the United States district court for the Northern District of California shall designate one individual to exercise the powers of the board.

(b) The board shall make all necessary rules for conducting its hearings and giving to the parties and all other persons it determines may be directly affected by the board's determination notice and a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50).

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) the board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(i).

(h) In the event of disagreement as to the meaning of any part or all of a determination by the board, or as to the terms of all the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the board for clarification of its determination, whereupon the board shall reconvene and shall promptly issue a further determination, with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the board, be made with or without a further hearing, and shall be final and binding in every respect, subject only to review as provided in section 2(i).

(i) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the Ninth Circuit. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

(j) Members of the board shall receive compensation at a rate of $250 per day when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

(k) For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

SEC. 4. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

Mr. PERKINS. Mr. Speaker, I move the previous question on the Senate joint resolution.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The Senate joint resolution was passed.

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1025) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its Clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 7. An act to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 671) entitled "An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279-A, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGOVERN, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 61. Concurrent resolution providing for adjournment of the Senate from the close of business on Wednesday, February 9, 1972, until noon, Monday, February 14, 1972, and the House of Representatives from close of business on Wednesday, February 9, 1972, until 12 o'clock meridian on February 16, 1972.

ADJOURNMENT OF THE TWO HOUSES

The SPEAKER. The Chair lays before the House the Senate concurrent resolution (S. Con. Res. 61).

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That, when the two Houses adjourn on Wednesday, February 9, 1972, the Senate stands adjourned until 12 o'clock noon on Monday, February 14, 1972, and the House of Representatives until 12 o'clock meridian on Wednesday, February 16, 1972.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the request of the distinguished minority leader, we have completed the work of this week, except for some printing resolutions which will be considered in a few minutes.

Then, as Members know, the adjournment resolution has been agreed to for the Lincoln Day recess, which will bring us back on Wednesday next.

There is no program, of course, for Monday or Tuesday.

On Wednesday, we have scheduled the following conference reports on:

S. 748, Inter-American Development Bank;

S. 749, Asian Development Bank;

S. 2010, International Development Association; and

S. 3122, Water Pollution Control Act extension to June 30, 1972.

We have also scheduled H.R. 12350, the Economic Opportunity Act amendments, under an open rule, with 2 hours of debate, with general debate only on Wednesday.

On Thursday and the balance of the week, we plan to read the bill for amendments and to vote on amendments and to vote on the bill.

Conference reports may be brought up at any time.

Any further program will be announced later.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY TWO HOUSES AND FOUND TRULY ENROLLED

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, February 16, 1972, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING SPEAKER TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES AUTHORIZED BY LAW OR BY HOUSE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until February 16, 1972, the Speaker be authorized to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION TO EXTEND IN EXTENSIONS OF REMARKS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until February 16, 1972, all Members of the House shall have the privilege to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such Extensions of Remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Business in Order on Calendar Wednesday, February 16, 1972, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. DANIELSON. Mr. Speaker, on the rollcall on House Resolution 796, rollcall No. 39, I voted "nay." My colleague, the gentleman from California (Mr. Rousselot) was going to vote "yea" and had requested me to make a live pair with him. After voting, I was called off the floor and was not able to get back in time to withdraw my vote on the rollcall, and I want the Record to reflect that he would have voted "yea" had he been here.

AUTHORIZING CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 242) authorizing certain printing for the Committee on Veterans' Affairs, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, strike out all after line 9 over to and including line 5 on page 2.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 365) to print as a House document the Constitution of the United States, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 2, after line 3, insert:

"Sec. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate."

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF POCKET-SIZE EDITION OF "THE CONSTITUTION OF THE UNITED STATES OF AMERICA" AS A HOUSE DOCUMENT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 367) authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out all after "that" down to and including line 6 and insert: "there be printed one hundred thirty-five thousand seven hundred and fifty additional copies of such document, of which one hundred and ten thousand shall be for the use of the House of Representatives and twenty-five thousand seven hundred and fifty shall be for the use of the Senate."

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROBLEM OF RADIATION EXPOSURE

(Mr. ASPINALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I have today introduced legislation to provide the authority for the Atomic Energy Commission to assist financially the State of Colorado in alleviating a vexing problem in my State and district. I am referring to radiation exposure resulting from the use of uranium mill tailings as a construction material in the area of Grand Junction, Colo.

Many of my colleagues are undoubtedly familiar with the issue through reports in the press. Unfortunately, they also may very well be misinformed based on much of the material that has been written. The Subcommittee on Raw Materials of the Joint Committee on Atomic Energy, which I have the pleasure of chairing, held hearings in October of last year to explore this matter in depth. We heard from the AEC, the Environmental Protection Agency, the Surgeon General of the United States, and from the State and local agencies as well as independent sources.

Several factors emerged clearly from those hearings. All agencies—Federal and State—eschew responsibility because of lack of legal authority over the mill tailings when they were used in the 1950's and early 1960's. Moreover, they currently lack authority to take action which will limit future exposure to the low levels of radiation which result. While it appears clear that there is no immediate health hazard present, it is equally obvious that prudence dictates reasonable efforts be made to limit future exposure.

Accordingly, this bill authorized the AEC to cooperate with the State of Colorado by providing up to 75 percent of the cost of a State program of remedial action. The commission will have the decisionmaking authority as to the appropriate action after consultation with the State and others as appropriate. Both will be governed by guidelines promulgated by the Surgeon General of the United States. Study and data collection, much of which has been accomplished, will be continued with the assistance of the Environmental Protection Agency.

This bill is neither a reflection of legal liability nor responsibility for the existing condition on the part of either the AEC or the State of Colorado. It constitutes recognition that at times undesirable situations develop without the legal concept of "fault" being applicable and seeks to provide a remedy to those affected where no other remedy at law is apparent. Thus the Federal funding is in the nature of a grant similar to that authorized by the Congress for the remediless victims of the Texas City disaster though clearly the condition being addressed here does not approach disaster proportions.

A viable, thriving community has found itself the innocent victim of scare publicity and sensationalism which has thrown a cloud of doubt and frustration over it. Business from tourism and real estate transactions have been adversely affected. The origin of these events was a program of the Federal Government to assure the availability of materials necessary for our national defense and security. Legal liability aside, I consider it appropriate that the Federal Government recognize this role and assist in remedying the adverse consequences which resulted.

I am confident that the Colorado Legislature will respond appropriately to provide the necessary authority and additional funding for the program to be initiated. I urge my colleagues here to support this bill in providing the necessary Federal participation.

CITY OF RICHMOND AND HENRICO AND CHESTERFIELD COUNTIES—SCHOOL REFORM

(Mr. ABBITT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, it is gratifying to note that the Fourth U.S. Circuit Court of Appeals has granted a stay in the decision by the U.S. district court regarding the schools of the city of Richmond and Henrico and Chesterfield Counties. By this action, the circuit court has at least recognized this as a matter of major importance to the entire country and, at best, has taken the initial step in curbing flagrant usurpation of power by an arm of the judiciary.

The Richmond school decision, announced last month, is a great example of arrogant judicial tyranny, conceived in premeditated favoritism, clothed in usurpation of power and enunciated without regard for the ultimate consequences. It is bereft of compassion for the public good, bathed in illogical philosophy and aimed at placating a few at the expense of many.

From all over America have come cries of disbelief over the scope of the Richmond decision. Nothing like it has yet been forced on the people of this Nation and hopefully, the higher courts will realize that to travel the road chartered by the district court would be disastrous for school districts all across the country.

The stay ordered by the circuit court, however, must not deter us from proceeding with Congressional action on the antibusing issue. It is vitally important that we secure the required 218 signatures on discharge petition No. 9, so that this matter can be brought to the House floor as quickly as possible. Hearings have been called by the House Judiciary Committee, but we must also not allow this to become a distraction. Such hearings can be long and drawn out and they were, in fact, called only after it became obvious that considerable progress was being made on the discharge petition.

Certainly, it must be obvious by this time to the overwhelming majority in Congress that the intrusion by the Federal Government into the area of school assignments is the most controversial domestic issue before our people today. Our people are incensed over the harassment which our school officials have endured at the hands of HEW bureaucrats and the usurpation of school prerogatives by certain of the Federal courts. In my opinion, we have already waited much too long and allowed far too much authority to be shifted from local school systems to the Federal bureaucracy and judicial oligarchy. We cannot wait much longer—or else that which we seek to protect will be so diluted it is no longer worth saving. We have long felt that our educational system in America is one of the prides of our governmental achievement. Free public education is a landmark of our democratic system and it is nothing short of disgraceful that we have sat back and allowed this system to deteriorate at the hands of theorists, sociologists, and misguided reformers.

The Brown decision in 1954 never envisioned the situation we face today. The actions now being taken go far beyond the concept of racial integration in the schools and even the issue of overcoming racial imbalance. We have entered upon an era in which courts now seek to force the combination of school districts in order to achieve what could not be accomplished within an independent school district. If this can be done in the area of school assignments, who is to say that it cannot be accomplished in all other functions of Government. It is frightening and preposterous to view the possibility that forced integration of the schools might eventually become a sledgehammer to remold our entire governmental system in America.

For the sake of education at all levels, it is vital that the Congress immediately consider the many ramifications involved in the current trend of HEW directives and court edicts. The combination of school districts in order to achieve a racial balance in public schools transcends any concept we have known heretofore. This raises questions which disrupt the orderly functions of Government and undermines the confidence of all Americans.

I would strongly urge members of the House to respond to the discharge petition so that we can speedily obtain the remaining 88 signatures which are needed in order to bring this matter to the House for discussion. There seems to be no question but the overwhelming majority of the members of this body are opposed to busing as the instrument for achieving racial balance in the public schools. This body has on several occasions expressed itself forcefully on this issue. It is also obvious that the Federal courts are going to pay little attention to the expressed will of Congress unless and until we make it unmistakably clear that we are opposed to busing students far and wide in order to achieve some artificial percentage of racial balance. Unless and until this is done—and perhaps even because of our inaction—the courts and HEW will continue to whittle away at the basic foundations of our education system. It is futile and foolish for this Congress to continue to pour Federal funds into programs to aid education when the substance of the education programs is being diminished daily by the preoccupation with percentage assignments.

The courts and HEW have long shown clearly that they are far more concerned about the mechanics of getting a child into school than in what he learns after he arrives. If we are to expend all of our efforts on maintaining an equal balance in every school in America, then we may admit now that education is no longer an individual inspiration but a statistical folly.

COTTER CALLS FOR INVESTIGATION OF FOOD PRICES

(Mr. COTTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COTTER. Mr. Speaker, I am increasingly concerned over the efficacy of the President's economic program. I was among the Members who urged the President to use the wage-price powers to end the inflation and unemployment which continue to afflict our Nation.

In urging the President to use these wage-price powers, I was concerned, and

I am still concerned, that the effort in curtailing prices would not be effective. The administration of the price guidelines has been increasingly difficult to understand for the average taxpayer. The use of the overburdened Internal Revenue Service to police prices was, and is, of questionable merit.

Yet I do not wish to go into a detailed critique of the administration of the program, but to take issue with the result.

Specifically, I am concerned with the price of food.

As every housewife knows, the price of food has risen drastically in the last few months. All indications from the Department of Agriculture suggest that food prices will continue to increase in the future. Now is the time to investigate these great increases.

A comparison of prices in a Connecticut grocery chain during the August freeze and the prices on the same articles now shows drastic increases.

For example, California chuck roast sold for 78 cents a pound in August and now is $1.10 a pound. A package of hotdogs increased from 79 cents a pound to 95 cents a pound. Bacon increased from 69 cents per pound to $1.08 per pound. Frozen vegetables increased from 4 for 89 cents to 2 for 53 cents, frozen french fries from 4 for $1 to 3 for 89 cents. These increases can be seen in other products as well.

Even the national economic indicators demonstrate that food prices lead all other factors in the cost-of-living index. Based on the experience of the last 2 months, food prices are increasing at a rate of 13 percent per year. The administration must begin an investigation of this entire area. A family must continue to eat, but with restrictions on wages, the food money continues to shrink.

I have written to the Cost of Living Council, the agency responsible for coordination of the President's economic program, demanding investigation and action on food prices.

I have had housewives and food store owners tell me that the prices are skyrocketing, yet there is little action by the administration to attack this problem. The ineffective policing by the Price Commission, the increasing loopholes in price regulation and the lack of significant reduction in food prices all support my view that the problem of food prices requires action now.

The administration cannot remain callous and ineffective on the cost-of-living problems that affect all Americans. No longer can we have so-called consumer advocates saying to the housewife shop better. The point is that there is not enough food money to buy the weekly groceries. Something must be done now.

Therefore, I have written to the Cost of Living Council requesting them to study the reasons for the increased food prices and then take action to lower these prices. The purpose of this request is not to have a study for the sake of a study. This study is to force the price of food to come down.

I believe that without action now food prices will continue to soar and this will have a disastrous effect on working men and women.

I will end by reading a copy of the letter I have sent to the Cost of Living Council requesting immediate action:

FEBRUARY 8, 1972.

The Honorable DONALD RUMSFELD,
Director of the Cost of Living Council,
The White House,
Washington, D.C.

DEAR MR. RUMSFELD: I am extremely concerned over rapid increases in the price of food. As you are undoubtedly aware, the cost of food was in large measure responsible for the drastic increase in the cost of living index in December.

I have contacted the Department of Agriculture and that Agency's preliminary information suggested that food prices will continue to increase significantly.

Many of my constituents—both homemakers and food retailers—have given a human dimension to these abstract statistics. Briefly put, the food dollar continues to shrink in purchasing power.

I, along with my constituents, find the current situation incomprehensible and intolerable. While most citizens have accepted restraint in wages, there is a tremendous increase in the price of food.

We can no longer be satisfied with the simple solution to "shop better". Even the most discretionary shopper cannot avoid these price increases.

A comparison of prices in a Connecticut grocery chain during the August freeze and the prices on the same articles now shows drastic increases.

For example, California chuck roast sold for 78c a pound in August and now is $1.10 a pound. A package of hotdogs increased from 79c a pound to 95c a pound. Bacon increased from 69c per pound to $1.08 per pound. Frozen vegetables increased from 4 for 89c to 2 for 53c, frozen french fries from 4/$1.00 to 3/89c. These increases can be seen in other products as well.

Therefore, it is imperative that the Cost of Living Council, which has overall administrative authority for the economic program, undertake a detailed investigation into the current food prices. My constituents and, I believe, the American people will not be satisfied with a token gesture. They want, and deserve, actions that effect in lower food costs.

I am hopeful that you will undertake such an investigation immediately, and not allow these great price increases to be borne by the working men and women who have accepted wage restraints because they believed prices would be held in check. I would appreciate your early response to this request.

Sincerely,

WILLIAM R. COTTER,
Member of Congress.

EXPANDING RIGHT TO VOTE FOR CITIZENS

(Mr. RANGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RANGEL. Mr. Speaker, today I am introducing three major pieces of legislation designed to expand the right to vote for our citizens. We in America have always cherished the right to vote. A major responsibility of citizenship is participation in the decision of who shall govern. Civics classes, citizenship education programs, voter registration drives, public service advertisements on radio and television—all exhort us to register and vote for the candidates of our choice, to make our voices heard in the democratic process of Government.

Unfortunately, rhetoric overshadows reality in the electoral process in the United States. Instead of knocking down the barriers that lock millions of citizens out of the voting booth, we have silently accepted a system which unfairly denies many of our people their right to vote. It is imperative that Congress acts to reverse this hypocritical situation, a situation which leaves countless voters out in the cold on election day.

THE ABSENTEE VOTER ASSISTANCE ACT OF 1972

My first bill, the Absentee Voter Assistance Act of 1972, would prohibit the imposition of inequitable residency requirements as a condition of voting for Senator, Representative, Delegate or Resident Commissioner. In our highly mobile age, it is anachronistic to disenfranchise those citizens who choose to move from one community to another. Each election year, voters who are otherwise eligible are unable to cast their ballots in congressional contests simply because they cannot comply with the hodgepodge of State and local residency requirements.

The Absentee Voter Assistance Act would do for congressional elections what the Voting Rights Act Amendments of 1970 did for Presidential elections—open up the polling place to more citizens.

This legislation would guarantee that no citizen otherwise eligible to vote would be denied his fundamental right to vote in a congressional election if he registers and has resided in the State or congressional district for the 30 days preceding the election. At the same time, the States would be permitted to enact less stringent residency requirements.

THE UNIVERSAL VOTER REGISTRATION ACT OF 1972

The Universal Voter Registration Act of 1972, my second voting rights bill, would establish a system of universal voter registration for Federal elections. Registration forms would be prepared by a universal voter registration administration. Other Federal agencies such as the Post Office, Selective Service System, Department of Defense, and Veterans' Administration would help distribute the registration forms, along with the aid of the State Department operating overseas and with the cooperation of State and local elections officials within their jurisdictions. The States would be permitted to treat those registered for Federal elections under this Act as also registered for their own elections.

The administration, in addition to returning completed registration forms to the appropriate State or local officials, would also be charged with other responsibilities, including compiling and providing voting information and making recommendations to the President and Congress to increase voter registration and participation.

The right to privacy for those registered under this act is guaranteed by a provision barring the use of voter registration lists maintained under this legislation for commercial purposes.

THE REENFRANCHISEMENT ACT OF 1972

Finally, the Reenfranchisement Act of 1972 would correct an historic injustice which was created when we—who profess to believe in the importance of the ballot box—deny the very basic right to vote to those who have been convicted of a crime and have fulfilled the sentence of the court.

Only a small handful of States permit these individuals who have lost their right to vote as a result of criminal conviction to be automatically reenfranchised after satisfying the legal obligations imposed by the court. This means that tens of thousands of law-abiding citizens across the United States continue to be punished for their offenses of the past by finding part of their right and duty of citizenship abridged.

My bill would provide that any citizen otherwise qualified to register and vote in a Federal election could not be denied the right to vote as of the date he:

First, completes every period of imprisonment imposed upon him as a result of each conviction for which he lost that right;

Second, completes every period of parole or probation granted him in connection with each such conviction;

Third, pays all fines levied or otherwise satisfies any other penalties imposed upon him as a result of each such conviction; or

Fourth, receives a pardon with respect to such conviction; whichever last occurs.

This legislation would not infringe on the right of the States to establish their own voter registration or election procedures for those disenfranchised due to criminal convictions for State and local elections.

Just as importantly, this legislation provides that no citizen otherwise qualified to vote in a Federal election would be denied that right on account of imprisonment or confinement prior to conviction for any criminal offense. In my own State of New York, for example, thousands of prisoners awaiting trial but otherwise eligible to vote cannot vote in a primary election for Federal officers by absentee ballot—despite the axiom that a man is innocent until proven guilty. If we do not want this traditional belief in the presumption of innocence to become a sanctimonious myth or empty illusion, it is imperative that we assure these unconvicted prisoners the same registration and voting rights in Federal elections as any other citizen.

Mr. Speaker, if we in Congress are truly committed to the concept of full participation in government by our citizens, these three bills are logical and, indeed, necessary steps for us to take.

FACTS ABOUT EMPLOYMENT AND UNEMPLOYMENT

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, in this election year we will undoubtedly be treated to a flood of distortions and partisan rhetoric about unemployment. Therefore, I would like to share with my colleagues some facts about employment and unemployment which were highlighted in a recent "Wall Street Journal" article.

Total employment in this country has increased by nearly 8 million jobs in the last 5 years. There were 1½ million more people employed last month than in January 1971 even though the unemployment rate stayed at about the same level. Further, this unemployment statistic can be misleading. For example, fewer than half of the people counted as unemployed are without jobs because they have been laid off from work. As the Journal suggests, if a man is fired, he becomes one of the unemployed. If his previously nonworking wife also starts to look for work, she is added to the ranks of the unemployed. And if their son, still in school, now looks for part-time work, he too is counted. The net result of this example is that employment drops by one person while unempolyment increases by three.

Another important point is that the steady growth of our employment pattern in the last 5 years does not bespeak a recession. In a real recession the total number of employed persons either stops rising or falls. In January 1972, by comparison, there were almost 8 million more workers than in January 1966, an increase of about 11 percent over the 6-year period. With the 6 percent real growth in GNP during 1972 expected by both public and private forecasters, I think we may expect this pattern of growth to continue.

I am inserting the article from the January 17, 1972, edition of the Wall Street Journal at this point.

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Unemployment. Of all the economic numbers tossed about with minimal understanding these days, the one representing the unemployment rate probably tops the list of the most-used and least-comprehended. Few political speeches can do without it. Reformers trumpet it. Talk about it is heard from the pulpit and in the seminar. It besprinkles the chitchat of the cocktail hour. Even school kids refer to it. But there is, withal, much more talk than clear thought on the subject. And maybe another try at keeping it in perspective is warranted.

Fluctuating within a fraction of a point for more than a year, the much-mouthed figure now stands at 6.1%. Contrasting this with manpower-tight wartime rates (more men in the armed services, more workers in defense plants), most commentators seem to take it for granted that this represents a very bad situation indeed.

But others are beginning to wonder. Looking about them for other evidences of really large-scale joblessness, they find themselves confused. The following paragraph reflects this confusion. It is excerpted from a letter among those flowing across this writer's desk.

"There is something wrong—radically wrong—with the unemployment figures. With all the unemployed reported, it would be reasonable to assume that you could get a car washed, that you could get a house painted, that an electrical contractor could hire helpers, that it would be possible to employ people for clerical positions such as bank clerks . . . But I have checked many sections of the country and they all report the difficulty in finding people *to take jobs.*"

The letter writer may be guilty of exaggeration. And his cross-country survey may have been less than scientific. But he has a point. And it is this: Sure, there are people out of work today—there always are. But is the situation now anything like as bad as it is commonly painted? And if it is indeed so bad, why is it that would-be employers so often find it hard to hire people?

These questions aren't easy to answer. But an honest effort can be made.

The best starting point is a look behind the 6.1% figure at the total number of people classified as unemployed, and a breakdown as to who they are. The Labor Department's estimates for December are as follows.

Age-Sex Groups	*Jobless*
Males, 20 yrs. and over	2,141,000
Females, 20 yrs. and over	1,710,000
All Teenagers (16–19 yrs.)	1,365,000
Total	5,216,000

As a source of public befuddlement on the overall unemployment picture, the most important figure by far in the above table is the one for teenagers. The teenagers, of working manpower in the nation, but it will course, represent only a tiny fraction of the be noted that they account for more than a fourth—26 out of every 100—of the "unemployed."

Over half of all employed teenagers quite logically only work part-time—on after-school jobs and such. But if any one of these kids is looking for even an after-school job and can't find it, he counts just as much in the overall unemployment total as an out-of-work head of a family.

Under this system of calculation, the teenage unemployment rate, now above 17 percent, gives a boost to the overall unemployment rate drastically out of line with the teenager's working role in the economy. The December jobless rate for adult men was actually only 4.4 percent—and for married men only 3.3 percent.

Teenage unemployment heavily concentrated in big-city slums is a serious thing. Hundreds of thousands of deprived youths, oppressed by grinding poverty, frustrated by idleness, tempted by drugs—their plight adds up to a dangerous, crime-breeding rash of sores on the social body. Only the blind can fail to see the evil in it and be concerned about finding a remedy. But to use this situation to help paint a picture of massive joblessness among bread-winning adults is plainly misleading.

Now note the womenfolk in the unemployment breakdown. Women play a far greater role in today's payroll working force than they did just a few years ago. Wage-earning females have increased by nearly 10 million in the past decade—a gigantic leap of some 50 percent. And just as they have increased their role in the work force, they have increased as a factor in the unemployed totals.

It will be noted in the table above that more than 1.7 million, or roughly a third of the total unemployed, are adult women. And, more important, they account for 44 of every 100 adults classified as unemployed.

But there are not many women electrical workers. Or house painters. Or car washers. Or TV repair technicians. Or auto mechanics. The list of jobs where womanpower, swollen as it is today, just doesn't fit importantly into the picture goes on and on.

Thus when you remove from the unemployed the largely unskilled and largely part-time-available teenagers, plus the women, who are not trained for so many occupations, you begin to get at least a partial answer to the man who wonders why, "with all the unemployed reported," it is often so hard to hire people.

It should be noted that adult women, as a source of family income, are not to be compared with the teenagers. Many women today provide the sole support for their families. And many more provide a sizable part of it.

But as a group (a now big group, remember) they are still to a much greater degree in-and-outers in the labor market than are the men. Far less than half of the women labeled unemployed are so classified because they lost jobs. A recent (November) Labor Department estimate figured 15% of the jobless adult women were thus listed because they had quit their last jobs voluntarily. And another whopping 44% had actually been out of the labor market for some time, and, deciding to work again, hadn't found jobs to their liking.

No, the "6.1% unemployed" figure is not one to be happy about. But the public misconception it engenders is probably too big to measure.

JOHN O'RILEY.

PRESIDENTIAL POWER AND FIRST STRIKE CAPABILITY

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, today, along with six of my colleagues, I am submitting new legislation to clearly clarify and define presidential power to order the first use of nuclear weapons in declared or undeclared war.

In the present context of continued commitment to progress in the SALT talks, it seems appropriate for Congress to show at this time in a concrete way our Nation's strong determination to avoid the disaster of nuclear war. I am therefore submitting this joint resolution that would require congressional authorization for any first-strike use of nuclear weapons. This would insure that if we ever contemplated taking this step, it would only be after full and careful deliberation.

On December 9, 1971, the Federation of American Scientists suggested similar legislation, and in their January Newsletter added the following remarks:

> We should be clear about what such a requirement would do, and what it would not do. It would not—and this is critically important—tie the hands of the President in the event that the United States or its allies are attacked with nuclear weapons. This is because it does not affect our nuclear *retaliation* power . . . We repeat the all-important point we wish to emphasize: *no* conventional conflict demands an immediate nuclear response. There *will* be time for Congress to share with the President the responsibility for nuclear escalation, if escalation is being considered. And the nuclear escalation warrants the broadest possible deliberation.

I am sure that this step would increase the security of our country. Anxious uncertainty is one great cause of fear and recklessness. Under the proposed legislation, other countries would know both when he had no intention of taking this fatal step and when we felt a specific situation was serious enough to warrant consideration of a nuclear response.

This legislation would further emphasize the collective responsibility in a democracy for the executive and legislative branches of government to work together in making the life-or-death decisions of war and peace. With this legislation, I hope to decrease tensions both at home and abroad, by decreasing the distrust and suspicion that result when basic decisions are felt to depend on the whims of only a few men, no matter how much we may admire these men. Some decisions we can delegate, but some must come from the whole community, and I hope my colleagues will realize that the question of the first use of nuclear weapons should fall into the latter category.

Following is the language of this important resolution:

JOINT RESOLUTION TO CLARIFY PRESIDENTIAL POWER TO ORDER USE OF NUCLEAR WEAPONS, IN DECLARED OR UNDECLARED WAR

Whereas since nuclear weapons have not been used in war for twenty-six years, a desirable precedent has been established and ought to be protected, and

Whereas the difference between the use of non-nuclear and nuclear weapons is so great as to fall outside a commander-in-chief's sole responsibility, and

Whereas a United States unilateral escalation from non-nuclear to nuclear conflict would be a political act of the greatest consequence that would involve the security of the whole nation and would increase the likelihood of other nations using nuclear weapons, immediately or thereafter, and

Whereas the security of this nation would be strengthened if allies, enemies and neutrals were reassured of the seriousness with which this nation views the distinction between nuclear and non-nuclear weapons, and

Whereas no non-nuclear conflict could demand a nuclear response so immediate as to preclude consultation with Congress, and

Whereas the Congress deems it necessary and proper to clarify the exact nature of the authority delegated to the President:

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1: The President shall not order the first use of nuclear weapons anywhere in the world, except in response to the use of nuclear weapons by others, without prior authorization by Congress. No declaration of war shall be deemed sufficient authorization for this purpose unless such authorization is specifically included therein.

Sec. 2: In asking for such authorization, the President will provide the Congress with such material as will allow the Congress to judge of the necessity of granting this power, and will carefully describe the circumstances in which this power would be used. No such authorization shall extend beyond the circumstances for which it was specifically intended.

Sec. 3: Nothing in this legislation shall prejudice the right of the President to respond to nuclear attack, including the irrevocable launch of nuclear weapons by others, with United States nuclear weapons.

BOMBINGS

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, recently a bombing at the office of New York impresario Sol Hurok aroused major attention in the news media. It did so, presumably, because Hurok is a nationally known figure and because an innocent receptionist in the office was killed.

Police are investigating the possibility of a link between the bombing and the fact that Hurok books talent from the Soviet Union for appearances in the United States and this might have caused him to arouse the wrath of some far-right hate group.

This brainless act of fatal violence was, of course, frightening. But it was far from being an unusual occurrence. In fact, bombings in this country are becoming rather routine—they occur between one and five a day. That is right: from one to five daily.

This chilling fact is recorded in a publication researched and compiled by the National Bomb Data Center, an operation of the International Association of Chiefs of Police and funded by the Law Enforcement Assistance Administration.

The NBDC report reveals that about half of these destructive devices are of an incendiary nature—like the one that killed receptionist Iris Kones, a 27-year-old woman whose crime for which she drew the death penalty was, according to friends, a deep appreciation for fine art and good music, hence her employment in Hurok's agency.

The rest are explosive devices ranging from little more than firecracker size to ones with the capability of wrecking entire apartment buildings—like one that caused the deaths of suspected, so-called Weather People in New York sometime ago.

The House Committee on Internal Security, which I chair, had occasion to study one of the larger explosive bombings during our investigation of and hearings into the Black Panther Party. The incident occurred in August of 1970 in Omaha, Nebr., when eight policemen investigated the report of a disturbance. At the address, officers noticed a green suitcase on the floor. One officer started to pick it up and it exploded with a shattering blast, killing him and injuring the others. For further details on that incident one can check the committee's report: "Gun-barrel Politics: The Black Panther Party, 1966–71," House Report No. 92–470.

The NBDC study shows that there is no clear picture of those who employ explosive or incendiary devices in order to further their aims, no such things as the "mad bomber" of cartoon and fictional fame.

Bombers are children and revolutionaries of the right and left; political protesters of the extreme ends of the spectrum; racial protestors—both white and black—Jewish protesters and anti-Semites; juvenile delinquents and criminals using explosion or fire as a diversionary tactic; and simply people engaging in experiments aimed at satisfying simple curiosity—often resulting in their own death or dismemberment.

Thompson S. Crockett, research director of the IACP and the man instrumental in compiling the study says:

> The public image of the bomber is the radical, the Weatherman, the Black Panther, but that is not the bomber at all. Their notoriety just activates other activities.
>
> It begins with the young, not the radical but the youth with a high level of curiosity. They hear of bombings. They read about how to make bombs in the underground press. They get to exploring. The excitement of explosion leads to experimentation. They move from the experimenting steps in the woods to putting bombs in front of a school.
>
> It's easy to say that that is a socially motivated bombing, but who knows.

Although there has definitely been a marked increase in bombing, according to the NBDC, use of bombs as a weapon of terrorism has been a fact of life in this country for almost a century. Some of the more famous examples: An anarchist's bomb killed seven police officers in Chicago's Haymarket Square in 1886. Ten persons were killed by a fragmentation device thrown at a San Francisco parade in 1916. A bomb killed 11 persons when it exploded in Milwaukee's Central Police Station in 1917.

And a bomb on Wall Street killed 33 persons and injured 200 during an incident in 1930.

Some interesting facts about modern bombings developed by the center:

California leads all other States in bombings and the Pacific region has more than any other. Last October, for example, California had 25 of the 111 bomb incidents that month in this country.

The bombers were at work in every month, although they increased their attacks from 90 in December of 1970 to 346 the following June.

Bombs are being made from material that can be bought in a neighborhood shopping area to those which are required to be created in a sophisticated laboratory.

Besides information furnished through the underground press, there is a 95-cent book of instructions on the subject available at many bookstands and for those who wish to pursue the subject to the ultimate, there is the "Anarchist's Cookbook," sold at $25 in hardcover and $6 in paperback.

The IACP opened its center in July of 1970 with the LEAA grant. It has about 18 employees, including five expert bomb technicians. The center collects data and the devices themselves; analyzes the information and distributes it to IACP's 8,500 members as well as to the general public.

The information it furnishes is becoming more valuable to authorities daily. At one time, bombings used to be limited almost entirely to cities such as New York, Chicago, Miami, and Montreal—they are still most frequent in cities of more than 250,000 population. However, bombers have achieved more mobility and information collected by the center from one location can help in others.

Recently, you may recall, bombs were found in eight bank safety deposit boxes and a ninth exploded prematurely. Through gathering information from each bank, compiling it swiftly and analyzing it, the center found that:

Each bomb cost $40.27, box rental averaged $6 a year, costs of letters informing news media of the bombs and trips to San Francisco, Chicago and New York raised the total cost of each to roughly $785. Therefore, it was reasonable to assume that the bomber had been rather well financed.

At least one potential tragedy was averted through use of the center's information. A police sergeant in San Francisco read its report on the Omaha incident, remembered what he read and was extremely cautious while leading fellow officers in answer to a similar call. The officers went in through a window. They discovered that the door had been fitted up as a bomb.

FBI Director J. Edgar Hoover had this to say recently about a new menace to our society, the urban guerrillas, and their use of violence to destroy:

> Today's urban guerrilla is a new type of criminal, considerably different from the old-line, traditional hoodlum, thief and robber. His aims are not primarily loot or selfish gain . . . but revolution, that is the overthrow of our democratic institutions.
>
> The power which the urban guerrilla can wield (and an occasions has wielded) is terrifying. An anonymous bomb threat can disrupt industrial production, close down airports, schools and public buildings and disrupt the lives of thousands of citizens. In fact the urban guerrilla, whether he be a New Leftist, Weatherman, a member of the Black Panther Party or the Pro-Maoist Revolutionary Union, or some other extremist from either the right or the left, highlights a basic fact of society which we simply cannot overlook; namely the destructive potential of the fanatical few.
>
> The urban guerrilla is a clear and present danger—not to law enforcement alone, which must directly face his bitter and diabolic violence, but to the entire Nation. If this mentality of extremism continues to grow, the future of our society based on law will be gravely injured.

Mr. Speaker, the Law Enforcement Assistance Administration has, in this case, funded what I consider a most useful tool in combating the urban guerrilla and others who would disrupt our society through incendiary and explosive bombing.

The danger remains, but at least now we have the facts to become ever more aware and informed of it and perhaps the means to turn aside and blunt the impact of this threat to our society.

If all Federal aid funds were spent as usefully as this particular grant, we would indeed be getting our money's worth.

THE PRESIDENT'S COMPREHENSIVE PLAN FOR NEGOTIATION

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, as one who sought over the past several years in my capacity as a legislator to hasten the end of the war in Vietnam; and as one who has constantly supported amendments to relevant legislation which were designed to terminate U.S. involvement in Southeast Asia; and as one who has been called by some a critic of President Nixon's efforts to end the hostilities in Vietnam, I feel it would be less than honest of me not to acknowledge that I am convinced of the President's commitment to end the war. I am convinced that what he proposed last Tuesday, understood and supported by a people united in their commitment to peace, can best and most expeditiously lead us not only to an end of U.S. involvement in Vietnam, but, even more important, to an end to the war itself.

The President's comprehensive plan for negotiation is, I feel, a sound basis for unified support by the American people, and I am pleased that many, like myself, who may have once been critical of the administration's policies in Vietnam in the past, have now put aside their differences and have begun to underscore their areas of agreement with the President.

In this regard, I welcome the opportunity to bring to the attention of my colleagues two recent articles, written by commentators not often supportive of the administration's policies in Vietnam, which emphasize the necessity of cooperation with the President, in what, I feel, can be a successful framework for negotiations. The first is a column by William Raspberry in the Washington Post of January 31, and the second, the lead article in the New Republic of February 5. I ask unanimous consent that they include them at this point in the RECORD:

The President's Blockbuster

> For nearly a decade, through three successive administrations, this journal has repeatedly, bitterly, opposed the policies and practices of our government in Indochina. We condemned the Kennedy administration for opening the door to US military intervention, the Johnson administration for monstrously widening the war, and the Nixon administration for not acting promptly wheh it first took office to make peace. What was done could not be justified by any moral imperative, specific congressional declaration, treaty obligation, or threat to the national security, and the consequences of our commitment to the survival of a series of "governments" in Saigon have been murderous for the peoples of Indochina, destructive of the good repute of the United States in the world, and subversive of domestic tranquillity. That history can't be erased or excused. The most that can be hoped is, in Senator Muskie's words, "a new beginning." That is what the President's proposal of last week promises—the beginning of the end. Mr. Nixon's first step in that direction was his decision to set up a schedule for troop withdrawals. But those bit-by-bit wtihdrawals were primarily a response to growing voter unrest at high American casualties; they dulled the pain at home but did not go to the root of the disease abroad. Moreover, coupled with "Vietnamization," partial disengagement could be read, and was, as signifying merely a tactical shift by the administration, which henceforth would fight the war by proxy: the dead would not be our dead, or at least not so many of them. Now, the President has gone beyond that. For the first time, publicly, he seems to be seeking realistically not only to get foreign troops out, but to set in motion political forces in South Vietnam which may make possible a cease-fire and a settlement of conflicting interests.
>
> Item by item, there is little in the plan that has not been suggested before in some manner. It is the assembling of the items in this particular package, and the conciliatory tone of the whole that are noteworthy. Two key points ought to find favor among non-Communist Vietnamese critics of President Thieu, and in Hanoi and the National Liberation Front. The first is the categorical character of Nixon's offer to pull out. The threat, indeed the seeming inevitability, of a US residual force remaining in Vietnam for an indeterminate period is absent. Hanoi has been intransigent on this point, understandably so; for how, short of surrender, could it tolerate not only America's continuing provision of Hanoi's political enemy, but the support of that enemy by US air and naval power? The President has confronted that objection:
>
> "There will be total withdrawal from South Vietnam of all US forces and other foreign forces allied with the government of South Vietnam within six months of an agreement." The awkward question of how

and when North Vietnamese forces are to pull back is wisely finessed both in the President's proposal and Mr. Kissinger's briefing of newsmen last week. As to whether any future government in South Vietnam might receive US military assistance, the President pledges nothing: obviously there will be no such aid if the then government does not want it—and there may not even be if it does. At any rate, "the political future of South Vietnam," Mr. Nixon says, "will be left for the people of South Vietnam to decide for themselves, free from outside interference." And that leads us to the second key point. Mr. Nixon is prepared to accept something other than the status quo in Saigon. No, he will not "overthrow our ally." But in effect, the President, as we read him, is ready to negotiate. Thieu's exit and a transition toward a more accommodating coalition in Saigon. Thieu's willingness to resign prior to an internationally supervised new election is, as Henry Kissinger observes, "an important political fact." The US, Mr. Nixon says, "will support no candidate and will remain completely neutral in [that] election." The exact composition and effectiveness of the international monitoring he has in mind is a matter for further exploration, and it is vital. Certainly Hanoi will not put its faith in any election controlled by a Thieu apparatus without Thieu. It might, however, discern opportunities in Mr. Nixon's reference to representation in the election of "all political forces in South Vietnam, *including the National Liberation Front.*" (Italics added)

There are two other parts of the package which deserve comment. The first is the recognition that any coming together of the two Vietnams is a matter for the Vietnamese alone to work out. Second, the President through Mr. Kissinger suggests that his six months' timetable for the withdrawal of US and allied forces and the release of all prisoners can be set in motion once "agreement in principle is signed."

In the light of past misdeeds and misrepresentations, we do not blame Hanoi for approaching any such peace initiative with suspicion. And if it finally rejects the plan as a basis for negotiations, the administration would still not be justified in prolonging the war or keeping up the savage bombardment of recent months, which is useless as blackmail and counter-productive if you're trying to get a settlement. Much depends on how specific proposals are interpreted at the bargaining table, and on the general attitude of the negotiators as they work their way through a complex agenda. Nevertheless, the President has produced a blockbuster that just might unblock the impasse in Paris. He is not serving an ultimatum; he offers a compromise to get the United States out, free the prisoners, and make way for new political alignments in South Vietnam. He will consider "alternatives to make it even more flexible." He's on the right track.

[From the Washington Post, Jan. 31, 1972]

A SICK REACTION TO NIXON

(By William Raspberry)

Two of the three primary reactions to the President's recent revelation of his secret Vietnam negotiations are fairly easy to talk about. They are more or less clearcut and have more or less articulate spokesmen.

First is the reaction of triumph (or chagrin, depending on your point of view) that for the past several months Mr. Nixon was doing precisely what his most respected critics were accusing him of refusing to do: Offering American withdrawal—even by a "certain date"—in exchange for the return of American POWs.

The President's announcement embarrassed those (particularly the Democratic presidential hopefuls among them) who had been demanding just that sort of proposition.

It vindicated those whose faith was that the President really did want to extricate his country from the war and was sparing no effort to do so. In either case, it must be counted a political plus for Mr. Nixon for the time being, although it may blow up in his face between now and November.

The second reaction is that the President's eight-point proposal, whether sincerely offered or not, cannot work—for the simple reason that Hanoi can gain more heavily by not agreeing to anything.

America clearly is getting out of Vietnam without the benefit of negotiation, the argument goes. In light of that irrevocable trend, Hanoi could only lose by entering into serious negotiation. The smart thing from Hanoi's point of view would be to avoid anything drastic—either at the bargaining table or on the battlefield—and simply permit the continuing withdrawal of the American forces.

The first two reactions are essentially practical, and have to do with whether this plan or that can work.

There is a third, more troubling position that is difficult to document because it has no respected spokesman. It is that America does not deserve a graceful exit from the war and must not be permitted to have one.

The American involvement in Vietnam was immoral from the very beginning, the feeling seems to be, and it is immoral for immorality to go unpunished.

It is the same reaction some of us have to "liberal" talk about prison reform or rehabilitation of criminals. It is the same feeling some of us would have had if Hitler had been able to negotiate an honorable end to World War II.

Someone (maybe it was Sam Smith of the D.C. Gazette) once said that the notion of America getting out of Vietnam with honor is like a prostitute getting out of her profession with her virginity intact.

Nor is it a new feeling. Its most blatant manifestation came in the chants of "Ho, Ho, Ho Chi Minh, NFL is gonna win" that used to mark the big peace demonstrations.

But it also showed up in some of the reactions to such military initiatives as the Cambodian and Laotian "incursions": not merely that the initiative couldn't work for this or that military reason, nor even that the initiative amounted to an immoral widening of the war.

Those reactions were there of course. But also there was the feeling—the fear—that these gross actions *might work,* and since their success would be vindication for immorality, they must be opposed.

I suppose it is the psychological equivalent of those sick people who keep finding new ways to fail because they subconsciously feel that they don't deserve success.

But you can treat sick people who insist on punishing themselves. A nation cannot afford to indulge in that sort of self-destruction.

I don't argue with those who say the war was—is—wrong, nor even with those who say a proper comeuppance for our folly might be a good thing.

But it is sick to work at delivering your own comeuppance, and that is what some of those who oppose the war and Richard Nixon's handling of it are proposing.

Extrication from the war—even *without* honor—is going to be difficult enough under any circumstance. The moralistic posturing of self-righteous critics won't make it any easier.

LEAD POISONING AND THE PRESIDENT

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, childhood lead poisoning is a devastating disease, afflicting thousands of young children each year. The striking aspect of this dread illness, however, is that it is totally preventable.

We know how to identify lead poisoning. We know how to treat its victims. And we know how to eliminate its causes. All that has been lacking is the commitment to do so.

For far too long, this Government has closed its eyes to the fate of the thousands of inner-city youngsters who have been subjected to this disease. Therefore, it was encouraging that in his message to the Congress on Environmental Awakening yesterday, the President, recognizing mounting public concern, underscored the desperate need to prevent the unnecessary loss of life and health from the hazard of childhood lead poisoning. Hopefully, now that the President has spoken out, the Secretary of Health, Education, and Welfare will allocate the meager $7.5 million which the Congress appropriated for fiscal year 1972 to combat this disease and which is yet to be committed. There must be a national commitment to the eradication of the blight of childhood lead poisoning.

A major stride in that direction would be prompt action on the legislation—H.R. 12466 and companion bills—which I have introduced with 61 cosponsors to broaden the scope of the Lead-Based Paint Poisoning Prevention Act and to increase funding under that act to $50 million for fiscal year 1973 and each fiscal year thereafter. Similar legislation (S. 3080) has been introduced in the other body by Senator KENNEDY on behalf of himself and 27 Senators.

It is essential that this country undertake every possible effort to safeguard its children from the hazards of lead poisoning. We know what must be done. Now we must do it.

SENIOR CITIZENS SHOULD NOT BE PENALIZED FOR WORKING—RAISING THE EARNINGS LIMIT FROM $1,680 TO $3,000

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, today I am introducing a bill to allow older Americans to earn up to $3,000 a year without any reduction in their social security benefits. This legislation is designed to implement one of the recommendations of the White House Conference on Aging.

The present earnings limitation of $1,680 means that many Americans who have reached the age of 65 and are still working cannot collect the social security benefits that they have been contributing to for so long. In my opinion, people should not be penalized for working. At the very least the outside earnings limitation is unrealistically low. It should be raised substantially. H.R. 1 raises the limitation of $1,680 to $2,000 with a $1 reduction in social security benefits for every $2 earned over that, but this, too, is inadequate.

The White House Conference on Aging, held here November 28 to December 2 was attended by 3,400 delegates and made many suggestions for improving the quality of life of senior citizens. Among these suggestions was a specific recommendation by the section on income that the exempt amount of earnings under the social security retirement test should be increased to $3,000 a year. The National Council of Senior Citizens also endorses this position.

The legislative proposals adopted by the conference were drawn up by older Americans who know firsthand what is needed to assure a decent life for our senior citizens. Of the recommendations made at the 1961 White House Conference, many have been enacted and have proved successful. These include medicare, medicaid, and the Older Americans Act to establish the U.S. Administration on Aging. The resolutions adopted by the 1971 conference delegates should be regarded not as a basis for further study but as a mandate for action. It is a pleasure for me to introduce this bill and thereby forward one of the goals of the Conference on Aging.

Perhaps a time will come when people will be able to live decently and comfortably on social security alone, but today social security benefits are still woefully inadequate. Many older persons want the self-respect and dignity which comes from supporting themselves and not living off others. How can we in good conscience take away half of man's social security check because he does some part-time work to keep his rent paid and some clothes on his back? A substantial across-the-board increase in social security benefits is needed, but until a decent minimum retirement income is established, senior citizens should be given the chance to help themselves.

Much of the wages earned by individuals past the age of 65 is derived from part-time, temporary, or seasonal employment. In so many cases it enables an older couple getting by on a subsistence level social security income to live a little more comfortably. Raising the earning limitation or the retirement test, as it is also known, will permit people to better supplement their retirement income with at least part-time work without giving up social security benefits.

Under the present law, individuals earning over $1,680 lose $1 of social security benefits for every $2 they earn up to $2,880 and a dollar for every dollar earned over that. My bill raises the limitation to $3,000 with a $1 reduction for every two earned up to $4,200 and a dollar-for-dollar reduction over that.

In my opinion it is imperative that the Congress act expeditiously on this measure and the other proposals of the White House conference that would make economic security a reality for our senior citizens.

WE SHOULD BUY AMERICA

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, I was dismayed to learn today that one of my distinguished colleagues in the House was dining in the House restaurant and happened to look at the label on one of the new napkins provided by that establishment. The label read "100% Cotton, Made in Hong Kong."

Mr. Speaker, this House has gone on record as favoring legislation to regulate textile imports in order to protect our domestic textile industry and the jobs of American textile workers. This House has also bemoaned at length the decline in balance of payments and the trade deficit of this country. We now find that the House of Representatives itself is contributing to this unfortunate situation by its purchases of napkins from abroad.

I, for one, would rather see paper napkins used in the House of Representatives restaurant than napkins which are "100% Cotton, Made in Hong Kong."

THE DEATH OF THE GREAT LAKES

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Mikva) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, the Great Lakes are being poisoned. Slowly but surely, they are dying off—losing their oxygen and their vitality—and slowly but surely, the quality of life for the people who live around them is deteriorating. Together the five lakes cover 95,000 square miles, comprising an area often described as the world's largest body of "fresh" water. Today, at least part of that description is no longer accurate. Every year, more beaches are closed because there is too much bacteria in the water. Every month, the water is stained and fouled with new pollutants and sewage and, every day, the lakes yield a bit more to the pollution of progress. Lake Erie already is a dead sea where there is no recreation, no fishing, and virtually no life—except perhaps for the scavenger fish, the sludge worms and the algae which seem to thrive on the municipal and industrial waste. Lake Michigan and Lake Ontario are not far behind.

The last few years have seen the beginning of a new national awareness on the problems of the environment. But despite that, the Great Lakes have lost ground in their struggle with the pollution of man and industry, because every hour another billion gallons of waste is dumped into them. Every one of the Great Lakes is more polluted today than it was 5 years ago. It is almost futile to discuss "progress" in the fight against pollution—we have not even been able to keep up with it. As a nation, we still are spending more time and money polluting the Great Lakes than we are spending to revitalize them. It is simply a losing battle.

On February 8, 1971—almost precisely 1 year ago today—the President sent Congress a message on the environment. In it, he outlined a sweeping program that covered water pollution, air pollution, the recycling of wastes, pesticides, and national parks. The President emphasized that sacrifices would have to be made to meet the national commitment to saving the environment because, he said:

> As we strive to expand our national effort, we must also keep in mind the greater cost of not pressing ahead.

The battle for a better environment can be won, the President said, "and we are winning it." Now, 1 year after that Presidential message, there is evidence that we are not trying to expand our national effort, evidence that we are not winning the battle for a better environment, evidence that the Great Lakes and all of us are the losers.

It is a sad and troubling story. The Environmental Protection Agency recently asked the administration for $141.3 million to support a proposal which assigned "national priority" to the fight against pollution in the Great Lakes. It was a comprehensive proposal—bold and innovative with a clear-cut goal and a good chance of meeting it—but the Office of Management and Budget rejected the request and the proposal. With a national budget of $246.3 billion, and a deficit of more than $25 billion, it seemed that $141 million to fight pollution in the Great Lakes was too much a fiscal burden for the country to bear. As a result, the battle against pollution will continue to be a losing battle.

I am not alone in my concern over the administration's failure to provide the money. Only last weekend, the distinguished Senator from Michigan and assistant minority leader Robert P. Griffin, wrote the director of OMB urging the administration to adopt EPA's proposal for the Great Lakes. Senator Griffin said he was aware of the problems with the budget but, he went on—

> I believe it is vital to at least begin action this year.

Senator Griffin also said he hoped the President would include a comprehensive Great Lakes program in his new environmental message. That message was delivered to Congress yesterday. It contained a great many ideas and proposals, but there was not a single word about the Great Lakes.

One year ago, in his environmental report to Congress, the President said:

> We have the technology to deal with most forms of water pollution. We must make sure it is used.

Somehow, that desire—that promise of commitment—lost its way in the last 12 months. We are not making sure the antipollution technology is being used in the Great Lakes, and I am afraid that the results of the gap between promise and performance will become clear in the next 5 or 10 years. By then, Lake Michigan and Lake Ontario may have joined Lake Erie on the list of dead seas, and Lake Erie will not be the only body of "fresh" water in this country which has, in the words of the EPA report:

> A mat of algae two feet thick and a few hundred square miles in extent that floats in the middle of the lake in mid-summer.

That is the prospect for the other four Great Lakes, and I simply cannot understand the refusal of this administration to set aside $141 million to help save them. The 30 million people who live in the Great Lakes Basin are going to find it difficult to understand too. They realize that when the quality of the environment—and the quality of their lives—is at stake, $141 million is only the minimum amount necessary, especially compared with a national budget that comes close to one quarter of a trillion dollars. It is like refusing to spend 6 cents after just spending $100. That extra $141 million would only have increased the total budget for natural resources and environmental programs by 2 percent. It is not the item that would have bankrupted the Republic.

It all comes down to a matter of priorities—in short, what comes first, what things does this country value the most. The failure of the administration to allocate $141 million to fight Great Lakes pollution is even more disturbing when compared with other budget items in the same price range; $141 million is less than this country is going to spend just doing the research on the proposed space shuttle; $141 million is less than the cost of the new B–1 jet bomber, and this country spends $141 million every 3 days to fight the war in Southeast Asia. No one disputes the need to spend part of the national budget on defense. But it is rather ironic that this country can afford to spend so much on military defense yet spend so little on ecological defense—to fight a very real, very dangerous enemy that threatens our very well-being. That enemy is pollution, and it does not take an environmental expert to understand its threat—especially to the Great Lakes.

The EPA realizes the danger. It realizes that Lake Michigan and Lake Ontario will not die suddenly. Rather, it will be death from a long and lingering illness, an illness that might have been cured had it not been for the indifference and inactivity of people and government. In its report to the President which justified the $141 million request, the agency pointed out that many communities and industries in the Great Lakes region are not meeting the deadlines for improved water quality, and EPA criticized the piecemeal approach to the problem of municipal and industrial waste which is doing more harm than good.

To regain the initiative, the EPA report suggested "special attention" be given 12 specific areas in the Great Lakes region "to demonstrate positive cleanup results." At one point in the 34-page document, the EPA summarized its conclusions, emphasizing that the $141 million program could make real progress in the fight against Great Lakes pollution. It said:

> Most of the actions called for under this proposal will be required in any event, to implement pending water pollution legislation. The difference lies in focusing priority, manpower, and management attention on the Great Lakes to assure better and quicker results. In doing so, we will be demonstrating a positive Administrative initiative, rather than allowing our actions to be dictated by events. We will also be demonstrating a positive and sensible strategy for implementing the pending water pollution legislation.

This is the proposal, the program and the reasoning that the administration rejected. This is the proposal it found too costly. In the long run, rejecting it will prove even more costly.

The Office of Management and Budget said it turned down the request from EPA because the projected deficit in the budget would not allow the commitment of funds over many years to separate local sanitary and storm sewer systems. In most areas, the systems are combined, and the combination generates a great deal of pollution, dumping untreated sewage into the lakes after a heavy rain. The total cost of controlling this would be between $8 and $13 billion—certainly a substantial amount even spread over many years. This is what OMB used as an excuse to turn down the request, and it was nothing more than an excuse. EPA did not ask for $8 billion. The agency did ask for $141 million to begin a creative and concrete program to stop pollution in the Great Lakes. The request was turned down.

We are not talking about a Democratic cause here, or a Republican cause. Every person in this country must have an interest in this because every person in this country owns a small part of its natural resources. No one has a right to foul the air or pollute the water because they belong to all of us. One out of every seven Americans lives in the Great Lakes Basin, and they depend on the lakes—not just for recreation—but for the water they drink. The poisoning of the Great Lakes then is nothing less than a national tragedy, and we are not doing very much to stop it. With the magnitude of the problem as great as it is, there is more than enough blame to go around—blame for the individuals who throw trash in the lake, blame for the industries that dump billions of gallons of waste and noxious chemicals into the lake, and blame for the local, State, and Federal Governments that watch it all happen.

I am not quite sure where we stand now. Many of us are troubled and disappointed by the administration's failure to approve the funds. Saving the Great Lakes is no "pork barrel" political project. Rather, it is an urgent national problem that deserves a national priority. These proposals were not offered by ignorant people without benefit of research and experience. Rather, they came from the Environmental Protection Agency—one of the most innovative and productive agencies in the Federal Government. When one considers what is at stake here, it is almost incredible that the administration would ignore the advice of its own environmental experts—that the administration would ignore the threat to the health of the Great Lakes and the people who live near them.

I have a particular interest in the Great Lakes. My home is perhaps half a mile from Lake Michigan, and I represent half a million people who can use the Lake and its shoreline for recreation and pleasure. They can see the handwriting on the wall. Almost every week, there is a new threat to the Lake—another proposal to build an airport in it, another report on how the bacteria count has risen, another announcement that beaches will have to be closed, another decision not to fight pollution. Already, the pesticide levels in Lake Michigan are the highest in any of the Great Lakes, and the EPA report noted another danger. The flushing action and currents, the natural antipollution process, present in all "fresh" water bodies are very slow in Lake Michigan, requiring about 100 years compared with 3 years for Lake Erie. There is a very real concern among the people about the future of Lake Michigan. Many parents remember swimming there, and now they are afraid their children will never have that opportunity. The value of Lake Michigan, the value of all the Great Lakes, cannot be measured. It is certainly more than $141 million.

The most telling characteristic of the Nixon administration has been the gap between words and action, between promises and performance. The President himself told the country early in his term, "Watch what I do, not what I say."

Nowhere is the gap between what is said and what is done larger than in the area of environmental protection. The recent Presidential message on environment is the latest move in a public relations game which the White House is playing in hopes of masking the lack of any serious commitment to environmental protection in the only place where commitments really count—the national budget.

Let the White House know that the Nation is taking the President's earlier advice to heart—we are watching what the administration is doing, and what it is not doing. We are ignoring the rhetoric of environmental messages which are not backed up with money.

Budgets do not lie. When all is said and done, it is the national budget which calls the country to judgment, for there is no explaining away the ranking of priorities it reveals.

The President's budget for fiscal year 1973 contains less funds for environmental programs than last year's budget, and less even than the year before that. In terms of the percentage of the entire budget which is devoted to environmental concerns, the fiscal 1973 budget is the lowest in 4 years—a mere 1 percent.

The people of the Great Lakes region cannot swim in a sea of words. They will not be content fishing in their polluted lakes for words instead of fish. Most importantly, they cannot drink the rhetoric of the President. Environmental messages are no substitute for environmental action. The message which comes clearly through is that there will be no action this year to restore life to the dying Great Lakes.

The algae can rest easy for another year, courtesy of the Nixon administration.

I would like to quote once more from the President's 1971 environmental message. He said:

> As our Nation comes to grips with our environmental problems, we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But, I believe the American people are ready to do what is necessary.

The question today is not whether the American people are ready to do what is necessary—but whether this administration is ready to do what is necessary. There has been a great deal of rhetoric about difficult choices and hard sacrifices. The words have not been followed by action. One thing is certain: If we are not willing to make those choices and sacrifices now—if we are not willing to provide $141 million to start saving the Great Lakes—then it will not make any difference what we are willing to do 10 years from now.

Reporter Tom Littlewood of the Chicago Sun-Times has done a series of articles on the EPA request and the problems generated by OMB's refusal to grant it. I would like to insert the complete text of the articles in the Record, along with an article that appeared in today's Christian Science Monitor which details the inability of the Nixon administration to match its rhetoric with action in the environmental field:

[From the Chicago Sun-Times, Jan. 19, 1972]

FUNDING TO CLEAN UP GREAT LAKES DENIED

(By Tom Littlewood)

Washington.—A recommendation by Environmental Protection Agency Administrator William D. Ruckelshaus that funds be allocated for a crash program to clean up the Great Lakes has been rejected by White House budget officials, it was learned Tuesday.

Ruckelshaus had ordered a cost and feasibility study by his agency of a massive concentrated effort to reverse the contamination of Lake Michigan and the other Great Lakes.

EPA then forwarded a proposal to President Nixon's Office of Management and Budget calling for an expenditure in the next fiscal year of at least $112 million.

The program would have focused special attention on grants for improved municipal sewage treatment and for the elimination of industrial pollution. Ruckelshaus suggested that the project would dramatize the necessity of saving the other lakes from the desperate condition that has already befallen Lake Erie.

Other officials in the agency reasoned that the program would have appeal in Midwestern industrial states that are important to Mr. Nixon's re-election prospects. The administration will be engaged in the House in an attempt to trim the $20 billion long-range water pollution bill that passed the Senate last year under the sponsorship of Sen. Edmund S. Muskie (D-Me.).

But EPA sources reported Tuesday that the President's budget office would not approve the request because of the large deficit facing the 1972–73 budget.

Mr. Nixon's budget for the fiscal year beginning in July went to the printer Tuesday and will be presented to Congress next Monday.

The White House disclosed, meanwhile, that his written State-of-the-Union message will be much longer than the half-hour televised speech before Congress on Thursday. Mr. Nixon's speech at the Capitol will be a condensed version of a lengthy and much more detailed document dealing with pollution control and many other problems.

Traditionally, the election year State of the Union address by a President seeking reelection serves as the platform of the party in power. And that apparently is to be the case this year, with the shorter form aimed more at the home television audience than at members of Congress.

The official message will be a recital of the unfinished business before the House and Senate, as the administration sees it, plus whatever pre-election additions the President cares to make in his legislative program.

Thursday's address from the chamber of the House of Representatives will be televised live beginning at 11:30 a.m. Chicago time.

According to the information furnished reporters, Mr. Nixon has been devoting more than the customary attention to the preparation of the dual presentations. Ronald L. Ziegler, the presidential press secretary, said the chief Executive was working Tuesday on the eighth draft of the message.

Thursday's message will deal with foreign policy only in general terms, Ziegler explained, with a more detailed report on that subject planned for Feb. 8.

Besides revenue sharing, welfare reform and government reorganization—the unfilled ingredients of his previous program—Mr. Nixon is expected to treat in some fashion Thursday the pressing social issues: desegregation of schools, school finance, suburban integration, drug addiction and health insurance.

[From the Chicago Sun-Times, Feb. 6, 1972]

POLLUTION WORSENING IN GREAT LAKES: EPA

(By Tom Littlewood)

Washington.—The battle to turn back the worsening pollution of the Great Lakes is being lost, the Environmental Protection Agency has warned.

In a request for funds to assign special priority this year to an accelerated and systematic attack on the growing contamination of the Great Lakes, the federal agency reported that:

(1) Many communities and industries are lagging well behind established deadlines for compliance with clean water standards. Permits specifying precise waste discharge limits have yet to be issued for industries.

(2) A piecemeal approach to the problem of controlling municipal and industrial wastes had "impeded achievement" of clean water objectives in metropolitan areas.

(3) A three-year program by the Army Corps of Engineers to find an alternative to open-lake dumping of polluted harbor dredging spoils is behind schedule. The main reasons are that cities are not following the implementation plans and have generally been unwilling to commit the 25 per cent nonfederal share of the cost of constructing diked disposal areas on land.

(4) A positive program is needed to attack the problems of agricultural runoff and sedimentation. The existing soil conservation and rural environmental protection programs provide financial assistance but "are not focused on critical problem areas."

(5) Less than half of 1 per cent of the region's labor force would be displaced if industries were required to carry out pollution abatement procedures. This would probably be offset by employment in pollution abatement industries.

EPA's report on the Great Lakes was presented last month to the Office of Management and Budget, the President's budget-screening agency, to justify a request for $141.3 million for the accelerated program.

However, OMB rejected the proposal and the budget sent to Congress by President Nixon Jan. 24 did not include funds for the proposed national priority program. A copy of the report was obtained later by Rep. Abner J. Mikva (D–Ill.).

William D. Ruckelshaus, administrator of EPA, said in an interview later that he was satisfied OMB had withheld its approval for a legitimate reason: namely, the huge projected deficit in the federal budget would not allow the federal government to commit construction funds over many years for the enormously costly separation of local sanitary and storm systems.

He said he thought the solution to the overflow problem would have to be some method of stormwater retention less expensive than separation of the sewer systems.

It was estimated in EPA's report that the cost of controlling sewer overflows into the Great Lakes would range between $8 billion and $13 billion, depending on the methods used. Few cities have any plans to prevent sewage from entering the lakes along with stormwater overflows. Existing regulatory requirements generally call for control of combined sewer overflows by 1977.

The agency's preliminary budget proposal asked for $100 million to fund "a limited number of individual high payoff construction projects . . . demonstrating how (the problem can be handled) in the most logical and cost-effective way." The water pollution control legislation that has passed the Senate and is now pending in the House would authorize grants for dealing with the problem of combined sewer overflows.

"Some positive address to this problem is a necessary element of the program," the report stated, pointing out that the overflows significantly affect recreational use and public water supplies in the Great Lakes.

By focusing enforcement attention and financial assistance on 12 selected "special attention areas" in the Great Lakes region, the proposal by Ruckelshaus' agency was "designed to overcome lagging compliance and to demonstrate positive clean-up results."

In the interview Ruckelshaus added he believes that the pollution-control movement needs a vivid success story that would demonstrate how dirty water can be cleaned up by concentrating attention and resources. He said OMB and the White House might approve the plan at a later date after the pending legislation has clarified what Congress wants done about the combined sewer systems.

Two other special-attention targets were in Lake Michigan, where the report said pesticide levels in fish already are the highest in the Great Lakes.

One would have been the Calumet area at the southern tip of the lake, where municipal and industrial discharges were said to be in excess of 3,500 million gallons daily, and where the discharge of detergents and other phosphorus compounds is a growing problem.

The other would have been the Fox River and the southern tip of Green Bay in Wisconsin, where pulp and paper mill wastes are among the most serious industrial problems.

EPA warned in the report that "any serious build-up of pollution in Lake Michigan will be slow to reverse because of the very slow currents and flushing action (100 years in contrast to Lake Erie's three years).

The report repeated the warning that "the zone of zero oxygen is spreading in Lake Erie, bringing the threat that eutrophication (absence of oxygen in the lower levels) will soon become self-sustaining unless adequate phosphorus reduction programs can be implemented."

It is possible to slow and perhaps turn back the eutrophication process by reducing phosphorus discharges. Explained EPA: "With earlier funding of some needed facilities, more assistance during construction and installation and closer surveillance of operation and maintenance over the next few years, many tons of phosphorus can be prevented from reaching the lakes or their tributaries."

Present regulations call for treatment to remove 80 to 90 per cent of the detergents from municipal and industrial treatment plants. The Fox River carries 2.5 million pounds of phosphorus compounds into Green Bay each year, most of it from municipal sewage treatment plant discharges.

Part of the accelerated program proposal was for additional federal personnel in Chicago and the other midwestern regional offices of EPA.

Federal authority would be "applied systematically to secure areawide cleanup of municipal and industrial waste sources," the report explained, aimed at securing "a greater degree of co-ordination and follow-up of both regulatory and assistance actions to assure that established requirements are met. Current regulatory programs in the Great Lakes call for communities to proceed faster than federal grant monies have been allocated to the states."

For better control of agricultural runoff, EPA recommended funds for the creation of a Great Lakes conservation district, similar to the existing Great Plains conservation district, and for a river basin demonstration project.

The Maumee River, for example, which was selected as a special attention area at Lake Erie, is heavily polluted its entire length, the report said, from its source in Fort Wayne, Ind., to its mouth in Toledo. EPA reported that the river passes on more than 4 million pounds of phosphorus and 2 million tons of silt into the lake annually.

(Agriculture Sec. Earl L. Butz boasted recently that a half-billion dollars of previously unavailable federal funds had been released by OMB, including $55.5 million of rural environmental protection funds that had been held back. He said the decision had been "cyclical," indicating the administration's interest in pouring money into the farm economy as the presidential election draws closer. The environmental money is for programs that EPA described in the report to OMB as "not focused on critical problem areas" from its point of view.)

Although EPA predicted the major economic impact of strict pollution abatement in the Great Lakes would be limited mainly to older and smaller firms, the agency recommended that plans be made for a program of assistance to impacted industries. Suggested were business and technical assistance to development of the cheapest methods of pollution control; re-employment and relocation assistance to displaced workers, and programs to identify firms and areas that are likely to be hurt.

[From the Chicago Sun-Times, Feb. 7, 1972]

Failure To Budget Funds Slows Lake Cleanup Talks

(By Tom Littlewood)

Washington.—President Nixon's decision to defer budgeting of funds for an accelerated program to clean up the Great Lakes has complicated negotiations with Canada leading to an already overdue water-pollution-control agreement between the two governments.

Discussions that started in the spring of 1970 dragged on past the originally agreed upon deadline of the end of 1971. And now U.S. officials are anxious to have the Great Lakes agreement concluded so Mr. Nixon can sign it on his planned visit to Canada this spring.

Canadian representatives contend that the bulk of the contamination originates on the more populated and industrialized U.S. side of the lakes, and that the Americans are lagging in their enforcement of water cleanliness regulations.

That was one of the reasons given by the federal Environmental Protection Agency for requesting $141.3 million this year for accelerated and systematic attack on pollution in 12 "special attention areas."

FUNDS NOT APPROVED

However, the President's Office of Management and Budget failed to approve the program for inclusion in the federal budget for the new fiscal year.

A report prepared by EPA noted that many communities and industries were not meeting established deadlines for controlling discharges that are contaminating the lakes.

The current "piecemeal approach" to the problem "calls for communities to proceed faster than federal grant monies have been allocated to the states," the report said.

Lake Erie is the most polluted of the Great Lakes, according to the federal agency, followed by Lake Ontario and Lake Michigan.

"Positive programs" will be needed to control eutrophication (lack of oxygen) caused by discharges of phosphorus compounds; combined sewer system overflows; the disposal of polluted harbor dredging spoils; the problems of agricultural runoff and sedimentation; and possibly to offset economic disruptions to industries stemming from regulatory action, EPA warned.

PROPOSED PACT

An earlier draft of the U.S.-Canadian agreement on the Great Lakes provided for compatible water-quality objectives. The compatible regulations would cover phosphorus, oil and thermal (heated) discharges, plus joint regulations for disposal of dredging spoils and vessel wastes, and joint oil-spill-contingency plans.

The International Joint Commission, which now has jurisdiction over the border waters separating the two nations, would have an independent surveillance function. Thus, the Canadian members could lodge complaint if they believed the agreed-upon rules were being violated.

Rhetoric Outstrips Pollution-Control Pace

(By Peter C. Stuart)

"A cause as fundamental as life itself" (1970).

"Together we hold this good earth in trust" (1971).

"Our destiny is one" (*1972*).

The language has never lacked inspiration, but President Nixon's three annual environmental messages and budgets—the latest message issued Feb. 8—suggest the painful slowness of restoring a polluted nation.

The 1972 message proposes 18 separate initiatives, mostly nuts-and-bolts items: curbing muddy runoff from construction sites, controlling on-land dumping of poisons, writing tax incentives to protect wetlands from development.

But a glance at the record of the preceding three years tempers expectations. Mr. Nixon impatiently urges that the nation "move on from intention to accomplishment."

PROPOSALS BOTTLENECKED

The environmental "intentions" of the three annual messages, add up to 75 major initiatives. Less than 20 of them have matured into "accomplishments."

Congress has bottlenecked many proposals, such as the clean-water program which has occupied lawmakers since the President's very first environmental message.

But the White House itself may share some responsibility. Mr. Nixon proposed a tax on sulfur oxide (a dangerous contaminant discharged from many factory smokestacks) in his message one year ago, but did not draft legislation until now. The new tax would begin in 1976.

The dollars-and-cents side of the federal environmental commitment appeared 10 days earlier—underscoring, for many, Washington's measured pace.

In its budget for the coming fiscal year, the Nixon administration proposes an environmental outlay smaller than any in the preceding three years:

[In billions of dollars]

1970	2.48
1971	2.72
1972	4.38
1973	2.45

SLIMMER RATIO NOTED

Environmental activities in fiscal 1973 also would consume the slimmest percentage of a federal budget in four years:

[In percent]

1970	1.3
1971	1.2
1972	1.9
1973	1.0

The largest single item in the outlay for natural resources and environment—pollution control and abatement—increases moderately over last year, from $1.19 billion to $1.54 billion (more than doubling in two years).

But this doesn't deter one disappointed environmental group, the Sierra Club, from charging that the budget "holds the line on environmental protection while escalating amounts going toward 'pork-barrel projects'" (a reference to healthy increases in some public-works items).

Of the 18 initiatives in the President's environmental message, the sulfur-oxide tax may be most significant—and most controversial.

A phase out of high-sulfur coal and oil fuels is intended to protect Americans' health, trees and shrubs, even house paint. But consumers may wind up helping pay the tax (10 to 15 cents a pound of sulfur) in higher prices. The power industry probably would be hit hardest, as well as refiners and smelters.

OTHER CONTROLS PLANNED

Other proposals would clamp new environmental controls on builders and land developers:

"Economic disincentives" would be written into six laws to steer developers away from the nation's fast-dwindling wetlands. Russell E. Train, chairman of the President's Council on Environmental Quality, told newsmen these areas are "ecologically fragile and under the most development pressure" of all U.S. lands.

Federal guidelines would seek to control sediment from construction activities. Mr. Nixon calls sediment "the most pervasive water-pollution problem" outside of municipal sewage and industrial discharges. But action on the largest source of unnatural sedimentation—agriculture, especially feedlots—is postponed.

States would be not-so-gently prodded to control the location of highways and airports as part of an environmentally aware land-use plan. Failure to comply by 1975 could cost a state 7 cents of its coveted federal aid for roads, airports, and conservation.

The President also proposes 19 new federal wilderness sanctuaries, encompassing 1.3 million acres, and orders an end to poisoning predators (mostly coyotes) on the public lands.

NATIONAL ASSOCIATION OF STUDENT GOVERNMENTS PETITIONS THE PRESIDENT TO SUPPORT THE CAUSE OF SOVIET JEWS

Mr. MIKVA. Mr. Speaker, I recently met with a group of representatives of the National Conference of Campus Action for Soviet Jewry. This group of college students was formed last December at the convention of the National Association of Student Governments, held at Loyola University in Chicago.

The delegates to that conference consisted of student government presidents, vice presidents, and student senators from almost every major campus in the United States.

The delegates reflected the entire panoply of ethnic and religious backgrounds which are found in our country, and they came from denominational schools of all kinds, in addition to nondenominational colleges.

It was not out of parochial concern that 1,870 delegates to that convention of student government representatives signed their names to petitions addressed to Premier Kosygin, calling on him to honor the provision of his nation's constitution respecting freedom of religion.

Those petitions have been sent to President Nixon, in the hope that he will convey them to Mr. Kosygin during his trip to the Soviet Union, and that the President will bring to bear the influence of his office in support of religious freedom for the Jewish people of the Soviet Union.

I would like to take this opportunity to commend the students involved for their unselfish efforts to bring relief to the oppressed Jews of the Soviet Union, and I join them in their plea to the President that this be made a part of the agenda of matters to be discussed during his forthcoming good will trip to Moscow.

To give my colleagues a better idea of the breadth and depth of concern among college students for the plight of Soviet Jews, I would like to insert in the RECORD at this point a copy of the letter to Mr. Kosygin which accompanies the petitions. It contains a listing of more than 60 colleges and universities in the United States whose delegates signed the petition. The letter follows:

DEAR MR. KOSYGIN: These petitions contain the names of 1,870 delegates to the 1971 National Association of Student Government's convention, held at Loyola University of Chicago last December 3–5.

The delegates consisted of student government presidents, vice-presidents, and various student senators from most every major campus across the United States.

Various interest groups, ranging from the National Student Lobby to Concerned Clergy and Laymen, are also contained in the petitions.

The widespread representation of these petitions shows the vast extent of student concern for the plight of Soviet Jewry and other Soviet minorities.

A partial list of universities and colleges represented follows:

U. of Alaska, American U., Auburn U., Barnard College, Boston U., U. of California at Santa Cruz, U. of Chicago.

Columbia U., U. of Detroit, U. of Florida, Fordham U., Georgetown U., Georgia Tech U., George Washington U.

Grinnel College, Harvard U., U. of Illinois, Illinois Institute of Technology, Indiana State U., Indiana U., U. of Iowa.

Johns Hopkins U., U. of Kansas, Kent State U., Knox College, Loyola U. of Chicago, Marquette U., U. of Maryland, U. of Massachusetts.

U. of Michigan, Michigan State U., U. of Minnesota, U. of Missouri, Montana State U., U. of Nebraska, U. of New Mexico, U. of North Carolina, U. of North Dakota.

Northwestern U., Notre Dame U., Oberlin College, Ohio State U., Ohio U., Penn State U., Princeton U., Purdue U.

U. of Rhode Island, U. of South Carolina, U. of Southern California, Southern Methodist U., Stanford U., U. of Tennessee, U. of Texas, U. of Toronto.

U. of California at Los Angeles, U. of Utah, Vanderbilt U., Vassar College, Villanova U., William and Mary College, U. of Wisconsin, Yale U.

In addition to the above well-known schools, numerous smaller and less prominent universities and colleges from across the country are represented in the petitions. The names contained in these petitions are not representative of one interest group or one ethnic community. But of hundreds of college level student government leaders with varied backgrounds and beliefs. But on the question of oppressed minorities in the Soviet Union, their convictions are unanimously alike. We urge you to consider their opinions.

Respectfully Yours,

DAN TRACY,
Vice-President, Loyola Student Government Association, Loyola University of Chicago.

LEX GREEN: A STUDY IN PUBLIC SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, Calvin Coolidge was President of these United States when a young man named R. A.—Lex—Green came to Congress.

One of those young men who are elected to the U.S. House of Representatives, he was to serve for 20 years. In that time he lived through the great depression and the challenging period of World War II. He knew the great and near-great in this period in American history—as a matter of fact, he was very much a part of it.

Lex Green was known for his oratory and colorful dress. He was a great campaigner in a day gone by where the candidate made those personal contacts and speeches on the corner.

I rise today to wish this fine gentleman very best wishes as he approaches another milestone—his 80th birthday is tomorrow.

His has been a great life.

Few men are privileged to have known such success, to have the honors which have been bestowed upon him, and then have the time to sit back and reflect after a quarter of a century on the results of the actions taken in that time.

He has been blessed with a fine family, and not too long ago I was privileged to have the opportunity to welcome my predecessor and friend in my office. Today, at 80, he is still of keen mind and famous wit.

The Gainesville Sun of January 30, printed an excellent tribute by Sam McGarvey to Lex Green which I saved for today. I know that I speak for those Members here who knew him in wishing him a happy birthday and our very best wishes for many more years of good health and happiness.

The article follows:

TRIBUTE TO LEX GREEN

(By Sam McGarvey)

STARKE.—With his 80th birthday coming up Feb. 10, former congressman R. A. "Lex" Green is still keeping up his law practice here and attending to his other business interests.

During the course of his career, which started in 1908 when he passed an examination to become a teacher, he served for many years in the education field and later was elected Bradford County judge, state legislator from the county, and congressman from the Second District.

And down through the political years, his flowing Windsor tie has been his badge of office, and he has been noted for unfailing courtesy extended to friends and foes alike.

But his story can best be told in chronological order.

He was born Feb. 10, 1892, three miles southwest of Lake Butler, son of William Henry and Emma Andreu Green. His great-grandfather fought in the Seminole Indian Wars and was given a grant of 40 acres, located on Madison Street in Starke, about a half-mile west of the old Bradford County courthouse.

His family moved east of New River when Lex was only two, and he attended schools in the New River area and later enrolled at Bradford High School. After graduation, he took and passed a teacher examination test when he was 16.

Young Lex taught school then at Rosier, Rising, Long Bridge, Little Springs (Worthington), Brooker and Webster in Sumter County. He attended the University of Florida, and in 1916 was graduated with a bachelor's degree in education. (He earned the degree in two and a half years.)

Green then taught at Hampton, Raiford and Lake Butler and later served as principal at Live Oak and at Brooksville.

In 1913, young Lex had served as a messenger in the House of Representatives in Tallahassee and in 1915 was appointed as assistant clerk of the House. In 1917, he was made clerk.

With that background, Green ran for state representative from Bradford County and was elected to that office in 1918. During that term, Green said he introduced a bill, later passed, which became Florida's first law on compulsory school attendance. He said he also was instrumental in getting the state to furnish free cholera vaccine to farmers.

In 1920, Green was elected county judge and that year went north and took a special course in law at Yale University.

And in 1921, he took an examination on law and was admitted as a member of the Florida Bar. (Last June he was honored as a 50-year member of the organization.)

Three years later, Green ran for Congress from the Second District and was elected. He served for 18 years from this district, and an additional two years when, in 1942, he was elected as a congressman-at-large.

In reviewing his term in Congress, Green said he worked hard on getting the cross-state canal project launched in 1942, and that he took part in getting the Naval Air Station located at Jacksonville, as well as two shipyards.

Another project he was instrumental in getting through, he said, was the location of an Army training station at what is now Camp Blanding. He said he worked with the site selection committee on it and that when the site near Starke was chosen, it resulted in employment opportunities for many persons in this area.

In recalling past events, Green said with a twinkle in his eye, "I thought that in 1944 the time was right for me to run for governor, but it wasn't."

He referred to the gubernatorial race in that year when there were six candidates, and he finished second by a margin of only one per cent behind Millard F. Caldwell to get into a run-off.

Green lost that bid for the highest office in the state, and as matters turned out, he was fated to lose subsequent contests, in which he ran for U.S. Senate and a seat on the Railroad and Public Utilities Commission, as well as a race for Bradford County judge.

Getting back to 1944, Green was accepted for service in the Navy, due, he said, to the fact that the Navy was then very liberal in their tests. He served as a lieutenant commander, attached to the 14th Naval District and was stationed for about a year in Pearl Harbor as a legal assistance officer.

On returning home, he set up his law

practice here and took on a motor car dealership. And, as mentioned, he took several more cracks at political offices.

In that connection, he has served as county- and state-member of the Executive Democratic Committee and has taken an active interest in the welfare of his party.

On the personal side, Green married Bessie Lucille Harris of Gainesville in 1935 and they have four children. They are: R. A. "Buzzy" Green, public defender of the 8th Judicial Circuit; Mrs. Curtis (Sandra Lucille) Sanders of Starke; William Harris Green of Washington, D.C., who has a doctorate in chemistry; and Michael Andreau Green of Starke.

Green said that he donated the land on which the Bradford County Health Clinic is located, and that he also gave a part of the land used as a site for the First Baptist Church.

As to hobbies, he said he used to hunt and fish but has had to give up those activities. Today, he said he reads a lot and spends time looking at television.

When questioned on the proposed judicial amendment coming up for a vote on Mar. 14, he said he has mixed feelings on it but will vote for it nevertheless.

When talking politics around here, whenever the subject of Lex Green comes up, one of the speakers will invariably refer to one thing.

"The thing I think helped Lex get elected so many times," the speaker will say, "is that at every fish fry or political rally, old Lex had the ability to seek out the country folks and greet each by name, and how he ever did it is beyond me."

In any event, his many friends will be saying happy birthday to Lex Green when his 80th anniversary rolls around in a few days.

Mr. SIKES. Mr. Speaker, today Robert Alexis Green is 80—and still active. This is not surprising. Lex Green has throughout his life been a vigorous and active individual, a man of vision, and a man to inspire a strong following.

Mr. Green was a senior Congressman when I came to the House in 1941. At that time in the Florida House Delegation there were five Members. Now there are 12 and next year there will be 15. Thirty-one years later, amazingly, all of the five survived except one—Pat Cannon of Miami. The other Members were J. Hardin Peterson of Lakeland and Joe Hendricks of DeLand. I learned from all of them. Each was a leader in his own way. But Lex Green among other accomplishments was a polished speaker whose style was highly impressive to me.

He possessed other characteristics which I appreciated. He was colorful, but he was also the kindliest of individuals and he was always helpful to a young Congressman trying to find his way about in the complicated maze of government. I used his stories, and now and then I ressurect one and get additional mileage from it. And it was Lex who cautioned me always to be just a little late at meetings. That is when your presence will be appreciated most. Lex said:

> Don't go too soon. You will be in the way and they won't know what to do with you. If you go to late, they will fall out with you.

And maybe I should not tell it, but Lex also cautioned me:

> Don't finish a project too soon. Let the people know what you are doing for them.

Yes, Lex was a colorful leader in the House. He represented an era, a good era when an officeholder maintained close contact with his people and knew them by their first names and enjoyed their trust because he was one of them. Passing times have changed that concept of public trust, and Lex Green lives on with memories of another age, but with the same abiding faith in America, to which he contributed so much.

I join my colleagues in extending best wishes to Lex, to his beloved wife, Lucille, and to all his family.

Mr. PEPPER. Mr. Speaker, I am very happy to join with my distinguished colleagues, the gentlemen from Florida (Mr. FUQUA) and the distinguished dean of the Florida delegation in the House (Mr. SIKES) and others of his colleagues in honoring an old and great friend and one of the outstanding political leaders of the State of Florida, former leader of that House, the Honorable Robert Alexis "Lex" Green. Lex Green is known throughout the length and breadth of Florida for his long public service, his warm and friendly personality, and his deep dedication to the service of the people. His rich life on February 10 will have spanned 80 years—a period dynamic in the history of the United States and of the world. Lex Green has been eminent in every field in which he labored—teacher, lawyer, Florida Legislator, and Member of this House. His legislative career is filled with many legislative accomplishments and many achievements for the benefit of his district, his State, and his country. A summary that touches upon the highlights of his illustrious career is found in the Biographical Directory ofthe American Congress 1774–1971, as follows:

> GREEN, ROBERT ALEXIS, a Representative from Florida; born near Lake Butler, Bradford County (now Union County), Fla., February 10, 1892; attended the rural schools; commenced teaching Liberty Public School at the age of 16; was graduated from the high school at Lake Butler in 1913; messenger in the State house of representatives 1913–1915; assistant chief clerk of the State house of representatives 1915–1917 and chief clerk in 1917 and 1918; University of Florida at Gainesville, B.S., 1916; studied accounting and business administration at Howard University; principal of Suwannee High School in 1916 and 1917; vice president of the Florida Educational Association in 1918; member of the State house of representatives 1918–1920, serving as speaker pro tempore in 1918; studied law at Yale University; was admitted to the bar in 1921 and commenced practice in Starke, Fla.; elected judge of Bradford County, Fla., in 1921 and served until 1924, when he resigned, having been elected to Congress; elected as a Democrat to the Sixty-ninth and to the nine succeeding Congresses and served from March 4, 1925, until his resignation on November 25, 1944, to enter the United States Navy; was not a candidate for renomination in 1944, but was an unsuccessful candidate for the Florida gubernatorial nomination; served as a lieutenant commander in the United States Navy from November 25, 1944, to November 2, 1945; resumed the practice of law at Starke, Fla., and served as county prosecuting attorney and as city attorney for the city of Starke; member Democratic Executive Committee, Bradford County, and State Democratic Executive Committee; operates an automobile agency; is a resident of Starke, Fla.

Lex Green rendered able and patriotic service in the Armed Forces of his country and has always been one diligent in the service of the veterans of our wars, indeed, in the support of every worthy cause.

Lex has fought many political battles but he has always been as Roosevelt said Al Smith was "a happy warrior." People like Lex Green because he is a likable man of warm heart, generous spirit, and a deep capacity for abiding friendship.

Lex Green has rendered great service to his State and country and I am proud to join with my colleagues in congratulating him upon his 80th birthday and wishing for him many more years of healthy, satisfying, and useful life. My wife joins me in extending warmest felicitations to him.

GUN CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 5 minutes.

Mr. SHOUP. Mr. Speaker, for the past 2 years we have had a gun control law on the books which was described as a panacea to our crime in the streets problem; to violent crime around the land. It was intended to reduce or eliminate the use of firearms against the citizenry of the United States.

All available reports indicate that this law has been a dismal failure. In fact, armed robbery and murder are the two crimes that have shown the greatest increases in the United States.

It should be obvious, to all who will see, that the position held by many of our responsible citizens is a valid one; that the most effective method of attacking armed crime is to vigorously attack the criminal. Every one of us must be concerned with the restraint of those who would put firearms to unlawful use not merely possess them.

I am today introducing a bill that will do just that. I must warn you that my bill is not a timid approach to the problem, but takes a firm position on the assessment of punishment to those who show an utter disregard for the property and lives of others.

In our present day society we are concerned with the rights of the individual. I suggest that my bill strikes at the heart of this problem: The protection of the rights of innocent law-abiding citizens.

I hope that each Member will give honest consideration to this bill, the text of which is as follows:

H.R. 13129

A bill to amend chapter 44 of title 18 of the the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from twenty-one years to eighteen, and to eliminate certain record-keeping provisions with respect to ammunition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18 of the United States Code is amended to read as follows:

"(c) Whoever—

"(1) uses any firearm to commit a felony with respect to which the district court of the United States have original and exclusive jurisdiction under section 3231 of this title, or carries a firearm during the commission of any such felony, or

"(2) uses any firearm transported in interstate or foreign commerce or affecting such commerce to commit, or carries such a firearm unlawfully during the commission of any crime punishable by imprisonment for a term exceeding one year, and is convicted of such crime in a court of any State,

shall, in addition to the punishment provided for the commission of such felony or crime, be sentenced to a term of imprisonment for not less than five years, nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for any term of years not less than ten, or to life imprisonment. Notwithstanding any other provision of law, the court shall not suspend the sentence in the case of any person convicted under this subsection, or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony or crime."

SEC. 2. Title 18 of the United States Code is amended—

(1) in section 922(c)(1) by striking out all after "I swear that" up to, but not including "I am eighteen years or more of age.";

(2) by striking out, "twenty-one years" wherever it appears in such chapter, and inserting in lieu thereof, "eighteen years"; and

(3) in section 922(b)(5) by striking out "or ammunition".

THE SUSAN B. ANTHONY $2 BILL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, Tuesday, February 15 marks the 152d anniversary of the birth of one of this Nation's leading civil rights and voting rights advocates, Susan B. Anthony. This occasion is an excellent opportunity for us to reflect on the status of women's rights and sex discrimination today.

In the more than 70 years since this century began, American women have achieved new life styles and have gained a significant improvement in status. As late as the turn of the century, a bride was treated by law as little more than a possession of her husband. She could not vote, run for office or, in many cases, buy property, own a business, or even inherit anything of value. American women combined fieldwork, grueling housework, and childbearing. It was not uncommon for a man to bury two or three wives in a lifetime, such was the mortality rate of women.

In the 20th century, however, women began to enroll in college in large numbers, began to work outside the home, and won the vote. Women had been exploited for years in the infamous sweatshops. Doors to white-collar employment did not open to the female sex until the world wars, when women were needed to fill the jobs at home left vacant when our boys were sent abroad. Women learned, nevertheless, that they would be paid less than men for the same work, and that women were the last hired and the first fired, particularly in times of economic stress.

Despite the breakthroughs made by women in the field of employment during World War II, the aftermath of that war discouraged the working wife and mother. The "good life," after which everyone strived, was devoted to the family, and the new household appliances were supposed to make woman's home her castle. Betty Friedan's book, "The Feminine Mystique," made headlines with its bold premise that the American woman was not happy trapped in the glory of her role of mother and homemaker.

Perhaps the Nation would not have become sympathetic to the plight of American women if the 1960's had not brought us a new awareness of discrimination of all kinds. The civil rights movement and efforts to bring the opportunities and achievements of all our citizens into more equal balance, as well as the publicizing of minority group problems, all contributed to this awareness and perhaps paved the way for the rise of the new women's movement.

Despite this new awareness, and regardless of legislation passed in the 1960's to eliminate sex discrimination—the Equal Pay Act of 1963, the 1964 Civil Rights Act, and several Presidential orders—there is no question that sex discrimination continues to poison this most free of nations.

In 1968, the average annual earnings of women was 58.2 percent that of men. The fact that this was less than in 1955, when women earned 63.9 percent, demonstrates that we must not only push forward for greater equality for women, but we must keep watch, lest the condition of women should grow worse.

A recent census report shows that in full-time year-round employment, women's median earnings are only three-fifths of those of men—$4,977 and $8,227, respectively, in 1969. A comparison of wage or salary incomes of year-round full-time workers of all ages in 1969 in selected major occupation groups showed the greatest pay differences between the sexes appearing in the sales field, where women's salaries were only 41 percent of men's. More comparable salaries occurred among clerical workers where women made 65 percent as much as men.

Statistics show that sex discrimination pervades all areas of modern American life. Although the 1970 census revealed that the number of women with some college education rose 160 percent in the sixties, compared with 100 percent for men, the U.S. Office of Education has revealed that of all first-year, full time students studying toward L.L.D. or J.D. degrees, 27,352 are men, and 2,575 are women. In other words, only 8 percent of new law students are women. About 5 percent, or 1,144 women out of a total of 23,014, are beginning graduate students in business and commerce. In the United States Congress, our population, more than 50 percent of which is female, is represented in the Senate by one woman, and in the House of Representatives by 11 women.

The women's liberation movement in its extremes is unattractive to some people, but we must admit that it has served a very useful purpose. It has pointed out to us a fact that in retrospect seems so very obvious we may well wonder at our blindness and insensitivity to it. For all our devotion to the great American ideals of justice and equality of opportunity, we have not been fair to more than half our population. We have not recognized the potential and the ability of American women.

This is one reason why I think it is most important that we pass the bill that I have introduced to provide congressional recognition of the American woman's role in our Nation's history. H.R. 11515 calls for the issuance of a new Federal Reserve note to be graced with the portrait of Susan B. Anthony, an abolistionist and one of the great champions of the women's rights movement. The fact that only one other woman—Mrs. Martha Washington—has ever been honored formally by having her portrait on the Nation's currency serves as a further reminder to us of our insensitivity in the past. Passage of H.R. 11515 will not raise women's pay to parity with men's—it cannot eliminate sexist jokes, or encourage more women to strive for admission to law school. But it can honor one woman who made a significant contribution to the building of this Nation, and give to Susan B. Anthony recognition that has been due her for many, many years.

A list of my colleagues who support H.R. 11515 follows:

COSPONSORS IN THE HOUSE

Alaska: Nick Begich.

Arkansas: Bill Alexander, David Pryor.

California: Phillip Burton, Augustus Hawkins, Peter McCloskey, Edward Roybal, Victor Veysey, Charles Wilson.

Florida: Claude Pepper.

Hawaii: Spark Matsunaga, Patsy Mink.

Illinois: George Collins.

Indiana: Ray Madden.

Kansas: William Roy.

Kentucky: Romano Mazzoli.

Maine: William Hathaway.

Maryland: Edward Garmatz, Gilbert Gude, Parren Mitchell.

Massachusetts: Edward Boland, James Burke, Michael Harrington, Margaret Heckler, Louise Day Hicks, Brad Morse.

Michigan: Martha Griffiths.

Minnesota: Donald Fraser, Bill Frenzel.

Missouri: Jim Symington.

Nebraska: John McCollister.

New Jersey: Dominick Daniels, Henry Helstoski, Peter Rodino.

New York: Bella Abzug, Joseph Addabbo, Herman Badillo, Mario Biaggi, Shirley Chisholm, John Dow, Thaddeus Dulski, Seymour Halpern, Frank Horton, Jack Kemp, Ed Koch, Norman Lent, Ogden Reid, Bill Ryan, Benjamin Rosenthal, James Scheuer.

North Carolina: Walter Jones.

Pennsylvania: Larry Coughlin, Robert Nix, John Ware.

South Carolina: James Mann.

Tennessee: William Anderson, John Duncan, Dan Kuykendall.

Washington: Julia Butler Hansen.

Wisconsin: Les Aspin.

SENATORS IN SUPPORT OF $2 BILL

Margaret Chase Smith (R-Maine).
Birch Bayh (D-Ind.)
Hubert Humphrey (D-Minn.)
Glenn Beall (R-Md.)
Alan Cranston (D-Calif.)
Walter Mondale (D-Minn.)
Bill Brock (R-Tenn.)
Charles Mathias (R-Md.)
George McGovern (D-S.D.)
Jacob Javits (R-N.Y.)
Thomas McIntyre (D-N.H.)

Daniel Inouye (D-Hawaii)
Fred Harris (D-Okla.)

Governors in Support of $2 Bill

Dale Bumpers of Arkansas.
John Burns of Hawaii.
Milton Shapp of Pennsylvania.
Stanley Hathaway of Wyoming.
Kenneth Curtis of Maine.
Robert Docking of Kansas.
Wendell Anderson of Minnesota.
William G. Milliken of Michigan.
Francis W. Sargent of Massachusetts.
Russell W. Peterson of Delaware.
Preston Smith of Texas.
Jimmy Carter of Georgia.
Calvin Rampton of Utah.
John C. West of South Carolina.
Patrick Lucey of Wisconsin.
Arch A. Moore, Jr. of West Virginia.
Nelson Rockefeller of New York.
Edgar D. Whitcomb of Indiana.
Richard Ogilvie of Illinois.
Tom Meskill of Connecticut.
Reubin O'D. Askew of Florida.

Women's Organizations in Support of $2 Bill

National Council of Women (23 million women).
American Business Women's Association.
National Federation of Republic Women.
Federation of Jewish Women's Organizations.
National Council of Catholic Women.
American Baptist Women.
National Association of Women Artists.
Women United for the United Nations.
American Association for Health, Physical Education & Recreation.
National Council of Administrative Women in Education.
Women World War Veterans (2nd).
Association for Women's Active Return to Education.
International Association of Women Police.
Chinese Women's Association, Inc.
American Mothers' Committee, Inc.
Federation of Women Shareholders in American Business.
Women Strike For Peace.
National Association of Negro Business and Professional Women's Club, Inc.
B'nai B'rith Women.
American Medical Women's Association, Inc.
Association of American Women Dentists.
Unitarian Universalist Women's Federation.
Women's Overseas Service League.
National Women's Conference of the American Ethical Union.
National Association of Women Deans and Counselors.
Women's Veterinary Medical Association.
Women's International League For Peace and Freedom.
National Federation of Business and Professional Women's Club.

Two Recent Editorials In Support of the $2 Bill

[From the Washington Daily News]

The Susan B. Bill?

Rep. Seymour Halpern's proposal to reissue the $2 bill and put suffragette Susan B. Anthony's picture on it seems to us to have a lot going for it.

The $2 denomination, discontinued in 1966, makes even more sense today when the buck doesn't go nearly as far as it used to. And it would save the government an estimated $2.1 million a year in printing costs by replacing half of the ones with bills of twice that value.

True, Founding Father Thomas Jefferson, whose serenely handsome face used to grace the $2 bill, would be replaced by the rather grim visage Susan B. presented to a male chauvinist society.

But richly honored Tom already is represented on the nickel. And, Virginia gentleman that he was, we can't believe he'd mind a bit stepping aside for a lady whose company he might have found tedious but whose zeal for social progress he certainly would have admired.

One hitch seen by New York Republican Halpern and cosponsors of his proposal is that Women's Libbers will view it as an insulting sop to their ambition to innumerable high offices. Their suspicion might be merited if he had proposed putting Susan B. on a $3 bill.

But, given the economic temper of the times, Susan B. Anthony on a $2 bill might become even more familiar to the citizenry than two famous males popularized by our coinage. The Indian on the old penny. And the buffalo on nickles when nickles used to buy a good cigar.

[From the Plain Dealer, Cleveland, Ohio]

Pass the Susan B. Anthony $2 Buck

The accomplishments of Susan B. Anthony have a contemporary currency that altogether justify honoring her by reactivating the $2 bill and putting her picture on it.

This American feminist and reformer (1820–1906) was a prime leader in temperance work, abolition of slavery, the women's rights movement. No present-day women's libber would have amounted to anything without her trail blazing.

When she died on March 13, 1906, woman suffrage had been won only in Wyoming, Utah, Colorado, Idaho, New Zealand and Australia. But her efforts led to adoption of the 19th Amendment in 1920 granting woman suffrage in the United States.

There are bills now in both House and Senate to feature this suffragette's picture on a new $2 bill. Twenty-five women's groups are behind the plan, according to the sponsors, U.S. Rep. Seymour Halpern, R-N.Y., and U.S. Sen. Alan Cranston, D-Calif.

It is appropriate that Susan B. Anthony should be the first woman on U.S. currency. Soon, we hope, a prominent black person also will distinguish U.S. money, either coin or paper.

GREAT LAKES POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. **Kemp**) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I want to express my keen disappointment that the Office of Management and Budget did not take a positive stand on EPA's proposal to fight Great Lakes pollution, thereby realistically precluding any possibility of the President, including a Great Lakes protection plan in his environmental message. I, therefore, call for some assurance from the White House that the massive, crash program has not been totally rejected and I also think it is imperative that the President convey words of encouragement to our Canadian neighbors that the United States will meet the challenge.

The Great Lakes are a national concern. The pollution of the Great Lakes, and particularly Lake Erie, have been an environmental focal point for more than a decade. As early as 1960 the Secretary of the Interior declared that Lake Erie had the highest priority with respect to cleanup over any other river or lake in the Nation.

Mr. Speaker, notwithstanding the actions of the OMB this body can stand fast on the Water Pollution Control Continuing Resolution—H.R. 12741—which we passed on Monday including an increase of $1.35 billion in grant funds which are not included in the Senate version. By doing so, it is my understanding that at least $20 million of the grant money in the House resolution could be earmarked as seed money for a major, crash program to clean up the Great Lakes. As I expressed during the debate on the resolution, I am disappointed the Senate did not include a grant section, but I am hopeful the House conferees will insist on the House version.

The distinguished chairman of the House Public Works Committee, our colleague from Minnesota (Mr. **Blatnik**) is fully aware of the situation as it applies to the Great Lakes since he is not only chairman of the authorizing committee, he is also chairman of the Conference of Great Lakes Congressman. I have the greatest confidence in the gentleman from Minnesota (Mr. **Blatnik**) to take this opportunity to correct the mistakes of the OMB. In fact, my colleagues on the other side of the aisle, control the key committees and the conference and could even earmark in the conference report that $20 million of the $1.350 billion increase in grant funds must go to beginning a program to restore the Great Lakes.

ASPIN: 300,000 VIETNAMESE MAY BE FORCED TO MOVE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. **Aspin**) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, it has come to my attention, Mr. Speaker, that the Government of the United States and South Vietnam are still planning to move as many as 300,000 refugees from South Vietnam's northernmost province to southern districts 450 miles away. I am releasing to the public today, a series of documents that reveal that the opposition of the Vietnamese peasants to relocation has not slowed down this secret United States-South Vietnamese plan.

These documents indicate that the movement surely will not be voluntary. Surveys among the local population, conducted by the Agency for International Development itself, indicate that the vast majority of the peasants are opposed to moving 450 miles. The survey found:

> The people oppose to any move outside of MR–I (South Vietnamese northern region) . . . practically everyone whose relocation is necessary prefer a move to a place close to native villages and hamlets.

Despite the obvious opposition of the local peasants, the United States and South Vietnam are pressing ahead with this plan of massive relocation.

The United States has been planning such a massive relocation of refugees since 1968 despite official denials. When news of this plan first leaked to the press in January 1971, AID denied that they had a specific plan for movement at the time. These plans, however, were never dropped, only shelved because of the glare of publicity. Now the plans have been revised and the United States still plans to move 300,000 people 450 miles away from their native villages and hamlets.

The South Vietnamese Government is particularly enthusiastic about the move because they hope to convert much of the area into a free fire zone. One Vietnamese cabinet member, Dr. Dan, has asserted:

> When refugees are moved out of their camps the government will turn much of the land into a free fire zone.

I have called upon AID Director Dr. John A. Hannah to drop this ill-advised and poorly conceived plan. I believe that this kind of mass relocation only plays into the hands of our Vietcong enemies. The VC are able to exploit the resentment of the peasants who are forced to move by Saigon and the Americans. The very people we are supposedly defending and helping can become our worst enemy when they are forced to leave their traditional homelands. It is this kind of stupid and often inhumane policy that has prevented the allies from winning the war.

The United States has charged many times that the North Vietnamese are in violation of the Geneva Convention on the treatment of prisoners of war. Those charges are certainly true. But this forced movement of 300,000 Vietnamese refugees leaves America open to the charge of violating article 49 of the Geneva Convention that prohibits individual or mass forcible transfers. If we expect the North Vietnamese to live up to the Geneva Convention, we must also strictly adhere to the rules of that international treaty.

It should be noted, Mr. Speaker, that the movement of 300,000 refugees has already begun. At least 14,000 peasants have already been transfered from South Vietnam's northernmost province 450 miles away from their homes.

The American people deserve a full explanation of AID's policy of forced transfer that appears to be a mere repetition of policies that have failed for years and cost America so much in lives and money.

The documents and my letter to Director Hannah follows:

HEADQUARTERS, U.S. MILITARY ASSISTANCE COMMAND, VIETNAM,
September 20, 1971.

Memorandum for record:

The attached chronology of events on the proposed relocation of refugees raises a number of serious questions that must be faced by CORDS and the War Victims Directorate. I am afraid that a careful reading of the events, plus a long discussion I had with Dr. Dan September 17 on a visit to proposed relocation sites, indicates that CORDS is getting into a large-scale project with potentially disastrous results.

Dr. Phan Quang Dan is a brilliant man, very affable, fluent in both English and French and, most important, a man with a reputation for getting things done. He proved his resourcefulness in the handling of 200,000 repatriates from Cambodia with little advance notice.

Considering precisely these fine attributes, I believe that CORDS must be wary of the man Dr. Dan and his potential plans that he hopes to carry out. He has grand ideas for relocating people which may lead to the movement of hundreds of thousands of refugees. Dr. Dan himself admitted as much.

In my conversation with him last week, Dr. Dan indicated that any movement will move slowly this year, beginning perhaps by mid-October with 8,450 people at Ha Thanh and Dai An in Quang Tri Province and then moving Cam Lo before the end of the year. Perhaps, Dr. Dan feels, 30,000 people could be moved this year.

Next year, Dr. Dan hopes, as many as 300,000 in all may be moved from Quang Nam and Quang Ngai Provinces. In short, a much larger plan is envisioned that the mere voluntary movements of some people from Ha Thanh and Dai An.

More important, what may start out as a voluntary movement may wind up getting entangled with political considerations. Dr. Dan stressed as one of the advantages of the movement that the area from which refugees are brought can be turned into a free-fire zone. Again, I am afraid that any refugees who get in the way of plans for fighting the war, including a possible abandonment of parts of I Corps, will get moved. There is no proof on this score; I only wish to point out potential problems with which this movement may get involved.

There are a number of questions which must be raised and answered before anyone is moved. What follows is a partial listing:

1. Do the 8,200 in Ha Thanh, perhaps 20,000 in Cam Lo, and up to 300,000 people in Quang Nam and Quang Ngai really want to move? This is the crucial question which must be determined before any relocation is carried out.

2. Why is there such a great change in attitudes from February to July of the people in Ha Thanh? On February 1, 1971, Mr. James Ready, Acting Chief of the War Victims Division, Da Nang, wrote about the people of Ha Thanh that, "The people are opposed to any move outside of MR 1 but some would be disposed to a move to Thua Thien Province. . . . Practically everyone, if relocation is necessary, prefer a move to a place close to their native villages and hamlets. This will facilitate future, possible RTV movement." These sentiments were confirmed for the entire region in the I Corps Site Survey of March 30, 1971. By July the villagers were requesting to move.

3. On September 8, a memorandum was written to Mr. Stewart stating that the requests from Dai An and Ha Thanh "were strictly voluntary and in no way solicited by Dr. Dan." Yet I question the voluntary nature when I read the following sentence in a letter from the Ha Thanh representatives addressed to Dr. Dan which goes as follows: "On 3 July 1971, when you paid a visit to Ha Thanh resettlement center, you witnessed the miserable life of the inhabitants and *told us that the Government has intention to move the people* living in Ha Thanh resettlement center to MR 2 because the soil over there is very fertile." (emphasis added) Was the letter solicited or was it voluntary?

4. How was Dr. Dan so sure that people would move when on July 15 he told Phuoc Long and Binh Long to prepare resettlement plans for 5,000 people each, considering the fact that the letter from the Ha Thanh representatives was written on July 21, six days later?

5. After the trip of Dr. Dan and Raymond Fontaine to several provinces in I Corps August 24–26, it was reported that the Province Chief in Quang Tri wanted the people of Cam Lo to be relocated. Were the people of Cam Lo consulted on the desires of the Province Chief?

6. In a memorandum of conversation dated 3 September 1971, one part of the conversation with Ron Moreau of the Washington Post went this way: "Mr. Fontaine firmly stated that the Ha Thanh resettlement will be undertaken as a special project, and does not constitute a part of a major MR 1 resettlement program." Yet about two weeks later, Dr. Dan suggested that as many as 300,000 refugees may be moved. Has there been any attempt to mislead CORDS about the nature of the Ha Thanh movement?

7. The Province Chief of Phuoc Tuy has refused to approve three return-to-village projects this year because of uncertain security in the province. Why, then, is he suddenly willing to take in 8,450 new refugees, especially in light of the withdrawal of the Australian troops in the province before the end of the year?

8. Dr. Dan suggested that refugees could be placed along the railroad possibly planned for next year through Binh Tuy in order to help secure the railroad. In this situation, wouldn't the relocated refugees be made guinea pigs to protect the railroad?

9. Why is this idea of relocating refugees from I Corps raised year after year? What hidden pressures are behind the moves? What are the possible political implications which brings the idea to the fore so often?

I do not have answers to the questions that I raise. But I remain skeptical enough about the inconsistencies that I am willing to predict the proposed relocation will be a major mistake. We have had agrovilles, we have had strategic hamlets, we have had New Life Hamlets, we have had forced relocations of Montagnards. And now we may have another movement to add to the long series, this time entitled Don Dien.

There is another statement from Dr. Dan made in January which disturbs me. When the relocations were being considered at that time, Dr. Dan stated, "The Vietnamese peasants are like sheep. They'll go wherever they are told to go."

In light of these considerations, I propose that all support for the proposed relocation of refugees from I Corps be dropped by CORDS. CORDS should not offer to transport any refugees nor provide any money to pay allowances. Even if the moves begin in a voluntary fashion, it is all too predictable that other refugees will be coerced into moving. It has happened before, as it is clear that the Vietnamese will not let any refugees get in the way of larger political considerations.

The refugee situation in I Corps remains serious. Too many people are living in untenable conditions. I have no solution. But the very American tendency to do something, anything, may well end up with a much worse solution. I recommend the immediate cancellation of any plans by CORDS to support the relocation.

JOHN ISAACS,
Operations Officer, War Victims Directorate, CORDS.

CHRONOLOGY OF EVENTS IN PROPOSED I CORPS RELOCATIONS

The idea of relocating refugees from the I Corps provinces of Central Vietnam is being raised once again. Plans are once more being made to relocate perhaps hundreds of thousands of people to the more secure areas of II, III and IV Corps.

The scheme is not at all new in history of the war in Vietnam. As a matter of fact, it seems to be a recurring theme that has not yet been brought to fruition, yet keeps being revived. I was first made aware of the idea in December 1970 when it was announced at a refugee conference by Mr. Franklin Stewart, Director of the War Victims Directorate in Saigon, that from 200,000 to 400,000 people might be moved from the northern most provinces of South Vietnam to various provinces further south.

Premature publicity about the movement, especially an article appearing in the New York Times on January 11, 1971, appeared to have the effect of killing the movement then. At least nothing was heard again for several months.

At a later time, I found out while reading through old files that the idea was not new in December. For instance, I stumbled upon a trip report from 17, 18 and 19 January 1968 by two refugee advisors whose purpose was "To survey proposed routes and areas being considered for possible refugee re-settlement and to discuss with Province Officials the pros and cons of such a movement of additional people into III CTZ ((the area around Saigon))." The report began by stating, "There is a very good possibility that a large number of refugees from I CTZ and II CTZ may be re-settled in Phaoc Tuy, Binh Tuy and Long Khanh Provinces. These refugees may number from 20,000 to 200,000 persons."

It is evident that in spite of the number of times the proposal to resettle the refugees has been brought up, something has prevented the implementation of the plan. It is very possible that the present plan will not ever come about either; yet a series of actions over the last three months leads me to be wary once again.

The most recent chain of events began on July 3, 1971, when Minister of State Phan Quang Dan, formerly in charge of the resettlement of the 200,000 refugees from Cambodia and now in charge of a new agency entitled Land Development and Hamlet Building, visited the Ha Thanh refugees site in Gia An Village, Go Linh District, Quang Tri Province. At that time, Dr. Dan, an official, who has proved himself highly capable of getting things done, suggested that the people of Ha Thanh might consider moving to another area.

This visit was promptly followed up by a letter of the Chairman of the Village Council and the Village Chief of Ha Thanh dated July 21, 1971, requesting to move to another area, probably in II Corps as Dr. Dan had suggested. The letter also suggested that all the 8,200 refugees in the area, not merely a certain number, would like to move if conditions are right. I have no evidence to indicate one way or the other if the letter was coerced or entirely voluntary.

The people in Ha Thanh have been living crowded into a sandy area near the DMZ in Vietnam after having been forcibly relocated by American and Vietnamese forces. With the land unfit for cultivation, the refugees have been able to scrape out only the barest existence.

Interesting enough, six days before the letter was written by Ha Thanh representatives, or July 15, 1971, the provinces of Binh Long and Phuoc Long in III Corps were both requested to prepare within two weeks resettlement plans for the possible reception of 5,000 people each. Plans were requested to include possible locations, security in the area, access, water supply, amount of land available, and other details necessary for planning.

On July 23, 1971, Binh Long sent in its plan for 5,000, and Phuoc Long followed on July 29, 1971. Binh Long suggested five potential sites while Phuoc Long proposed to settle 5,000 people in one place only.

While the move from Ha Thanh was under consideration, another move of 250 people from Dai An Hamlet, Dong Ha District, Quang Tri Province, was being considered by Dr. Dan after representatives of that hamlet requested back in February 15, 1971, for permission to move. On July 17, 1971, Dr. Dan gave permission for these people to move to a new location, with Lam Dong Province being considered as the potential new location. Thus, by the end of July, two separate movements were being discussed.

August and September have proved to be months for visiting new sites and meetings of various officials. On August 13, Dr. Dan, accompanied by members of his cabinet as well as Ray Fontaine and Ken Anderson of the War Victims Directorate, went to Binh Long for the day to meet with province officials and to see the potential refuge sites. Dr. Dan felt that three of the sites had good potential while he rejected two as inadequate. Binh Long at this time seemed to be the most likely reception center for new refugees.

Plans had progressed far enough by August 18 that Blaine A. Revis of the War Victims Directorate was requested by Raymond Fontaine to begin checking into procedures to be followed and possible means of transportation to bring the people of Ha Thanh south. At that time Mr. Revis found out that the use of LST's was the best means of transportation, although in the next week George Jacobson, Acting Deputy for CORDS, who was now made aware of the plan, suggested the possible use of airplanes.

Another indication of the state of preparations came in the August 23, 1971 "Weekly Report to AID/W on USAID/Funded Activities (August 8–14)" from USAID in Saigon which stated one of the highlights of the week as "Quang Tri Refugees to be resettled." (Unclassified)

The next day, August 24, Dr. Dan and Raymond Fontaine flew up to I Corps for a three day visit to Quang Nam, Quang Ngai, Quang Tin and Quang Tri Provinces. One of the purposes of the trip was to establish emergency flood relief plans in I Corps. In addition, Dr. Dan had three facets of the refugee movement to check into. One, Dr. Dan wished to assess the attitudes of the Province Chiefs and the Province Senior Advisors of those provinces on the moving of refugees south, and what kind of cooperation Dr. Dan could expect. Two, Dr. Dan wanted to find out if the refugees moved south, would male members of the refugee families in the Regional and Popular Forces be released to go with their families. Three, representatives of Ha Thanh and Dai An were to be picked up to be brought to Saigon for visits to potential sites so they could make a final decision themselves.

From this trip, the report confirmed that all 8,200 people at Ha Thanh wanted to move, and not just one part. In addition, the Province Chief of Quang Tri said that he wanted perhaps 20,000 people of Cam Lo refugee site to move as well (although it was not clear if the people had been consulted first). The Province Chief of Quang Ngai said that he is willing to let 25,000 people go and he thought that number of people would want to move. In addition, it is probable that close relatives of families that move who are in the RF and PF would be released to move south with their families.

The next three weeks were spent by the refugee representatives visiting the suggested provinces in II and III Corps, including Long Khanh, Phuoc Tuy, Binh Tuy, Lam Dong and Ninh Thuan. In the process, the sites in Binh Long and Phuoc Long were dropped from favor, reportedly because Gen. Cao Hao Hon, the Chairman of the Central Pacification and Development Council who was now involved in the preparations, felt that security was not strong enough and agriculture possibilities were not good enough in those two provinces.

At the present time, a place in Xuyen Moc in Phuoc Tuy Province is considered the most likely site for both groups of refugees, primarily because it has much good land available. A report was submitted for Xuyen Moc by Mr. Tran Luyen, Deputy Chief of Cabinet, September 11. However, the representatives of Ha Thanh, who went back to Quang Tri September 20, and those of Dai An, who returned earlier, have to discuss the visits with residents of their hamlets before a final decision is made.

During the visit of September 17 to sites in Binh Tuy and Ninh Thuan, I had the chance to question Dr. Dan about the movements. His comments on the movements added new dimensions to the plans. Among other things, Dr. Dan said that he felt that 30,000 people would be moved this year, mostly from Ha Thanh and Cam Lo in Quang Tri. He expects the move to begin by mid-October, although if any advance planning is to be done to assure a successful move, such an early date seems optimistic.

And next year? Dr. Dan replied that a total of 300,000 in all would be moved, mostly from Quang Nam and Quang Ngai.

I then asked why so many people would move. Dr. Dan gave several reasons. The refuges are presently in an "embarrassing" situation in I Corps, where they frequently have little or no land to farm and are caught in the fighting still raging there. In the provinces visited in II and III Corps, there is much free land available, much better security, and good supplies of water. Besides, the unemployment situation will only get worse in I Corps as the Americans pull out of their bases.

Any other reasons? "When the refugees are moved out of their camps, the Government can turn much of the land into a free-fire zone. Then it will be much easier to fight the Communists."

Could this movement be tied with the periodic suggestion that parts of I Corps may have to be abandoned to the Communists? "Ah, strictly rumors floating around," replied Dr. Dan.

When I questioned if the refugees really want to leave the land of their fathers and the graves of their ancestors, Dr. Dan pointed out that the British also loved their homeland, yet many have emigrated to Australia and New Zealand.

Dr. Dan also pointed to the traditional southward movement of the South Vietnamese. When I said that I thought that while Vietnamese have moved south, one generation has usually moved a mere 20 or 25 miles, Dr. Dan said that now the Government has better resources to move people farther, and that before people moved on bare feet carrying their possessions on their back.

Later on Dr. Dan pointed out that South Vietnam will be easily capable of moving large numbers of people, as it was only last year that the Government resettled the 200,000 refugees who arrived with virtually no warning from Cambodia. That movement will provide a good example.

After the visits to the two provinces, Dr. Dan said that Binh Tuy could easily take 10,000 new refugees, and that Ninh Thuan could eventually take 50,000. In addition, the refugees could be settled along the railroad in Binh Tuy if it is re-built next year, with the railroad helping to guarantee their security and the refugees helping to secure the railroad.

As one final point, the comments of Iris Roser on Phuoc Tuy Province after being told that the site is being considered for refugees are very interesting. Iris expressed some amazement that the site is being considered in light of the present security situation in the area, especially with the scheduled withdrawal of all the Australians from the area by the end of the year. The Province has been a traditional Viet Cong stronghold, and the Province Chief is wary enough about the situation that he has refused to permit three return-to-village programs to get started this year.

This chronology of events includes the latest factual developments on the proposed relocations up to September 20.

DEPARTMENT OF STATE, AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, D.C., January 20, 1971.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee To Investigate Problems Connected With Refugees and Escapees, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: Dr. Hannah has asked me to respond to your letter of January 12, 1971, inquiring about recent press reports from Saigon that a decision has been made by USAID officials to support a massive Vietnamese relocation scheme for refugees in the Northern Provinces of South Vietnam. I assume that you are referring to the dispatch from Saigon published in The New York Times on January 11, 1971, under the headline "Saigon Plans Vast Peasant Shift."

Let me assure you that to the extent it creates an impression that the Government of Vietnam (GVN) has decided to relocate large parts of the refugee population from the Northern to the Central and Southern regions of South Vietnam, and that implementation of such a decision is imminent, The New York Times article is inaccurate and misleading. Our Mission in Saigon informs us it is likely that The New York Times' correspondent has erred in combining the elements of two quite separate programs and concluding that massive refugee relocation is about to take place.

For several years the GVN has considered the possibility of opening new parts of the country for development and encouraging Vietnamese to move to areas of greater economic opportunity. As security throughout the country has improved, the prospects for launching such an effort have become considerably enhanced, and active planning for such a program has begun. As a first step, the GVN is establishing, under Minister of State Dr. Phan Quang Dan, an organization to assess the possibilities of land development and resettlement. Dr. Dan is now organizing a staff and consulting with the Ministries which would be involved in the planning effort, to be known as the "Land Development and Hamlet Building Program." Thus far, deliberations have been mainly within the GVN, but with some consultation with U.S. officials. According to our Mission, there have been no detailed planning estimates as to how many people and how much land might be involved, for this proposed program is still in the very early stages of discussion.

Dr. Dan has stated that a fundamental principle will be that every movement of population must be voluntary. Village leaders will be given the opportunity to see the proposed site and on this basis recommend to the people whether or not to accept resettlement. Although the quotations of Dr. Dan in *The New York Times'* story suggest that his organization will be concerned primarily with reclaiming land for the resettlement of refugees in Military Region I, it has been clear from his conversations with CORDS officials that the organization's purposes are much broader, and that beneficiaries would come from any part of the country and include many people other than refugees, e.g., veterans, repatriates, wartime urban dwellers, and others who might wish to avail themselves of this potentially significant economic opportunity.

Quite distinct from the still embryonic "Land Development and Hamlet Building Program" is the on-going program of assistance to refugee return-to-village and resettlement. The emphasis of the program has always been, and continues to be, on return-to-village, since this is generally the first choice of the refugees, themselves. For those unable to return to still insecure areas, the development of their resettlement sites has been the next best answer, pending return to their home villages. However, experience has shown that some sites offer little potential for adequate development, and the idea that the refugees residing in them might be helped to resettle elsewhere has gained ground. For example, already over half of the 14,000 population of the Ha Thanh Rufegee Site in Quang Tri has been relocated in secure areas near their original homes. This possibility has always been and continues to be seen in terms of the minimum move necessary. Inter-regional movement may in some cases turn out eventually to be the best solution, but there is no specific plan for such movements at the present time.

Sincerely,

MATTHEW J. HARVEY,
Director, Congressional Liaison.

WASHINGTON, D.C., *January 27, 1972.*

Congressman LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I am writing to you about a new relocation of refugees being carried out in Vietnam which is another in a long line of outrages in that war. It is likely, Congressman Aspin, that tens or hundreds of thousands of Vietnamese will be moved from their present homes in northern South Vietnam to an area southeast of Saigon which is 450 miles away.

I have recently returned from Vietnam after spending 13½ months there as a Foreign Service Officer detailed to the pacification program. While in Vietnam, I worked with refugees at the province level, at the regional level and in Saigon. As a matter of fact, I spent some time while in Vietnam working on the very movement that is now being carried out.

Proposals for moving people out of I Corps have a long history. I saw memos in Vietnam indicating that back in 1968 the Americans and the South Vietnamese wanted to move up to 200,000 refugees out of I Corps. Only a year ago, the Director of the War Victims Directorate in Saigon, Mr. Franklin Stewart, announced that 200,000 to 400,000 refugees would be relocated, although plans had to be shelved because of premature publicity and the resulting outcry.

While plans were kept under cover for a while after that publicity, I saw the old proposals being revived during the summer of 1971 even after the American government denied that any moves were being planned. Sure enough, now I see that since the first of the year, 1,500 people have been moved in what probably will be a much larger relocation in the future.

As evidence of larger shifts intended, Dr. Phan Quan Dan, the Vietnamese minister in charge of the program, confirmed to me shortly before I left Vietnam that he hoped to move 330,000 people by the end of this year from Quang Tri, Quang Nam and Quang Ngai provinces in the northernmost region of South Vietnam.

I expect the American government to disclaim all responsibility for the latest relocation, saying that it is a Vietnamese program. I know this claim to be false. I personally worked on preparations for the relocation many times, saw plans and project agreements being drawn up by the Americans, saw and went on trips to inspect possible resettlement sites with the Vietnamese, and know of the deep American involvement in the move. Moreover, it is the American government which is supplying the airplanes for the move and which is paying for it as well.

I suspect that more than humanitarian reasons to help the refugees to a better life are involved in this new movement. Dr. Dan himself talked of turning parts of I Corps into a free-fire zone after the refugees are moved out. There are too many political and military factors involved in the whole I Corps situation to ignore them. Consider the following:

In I Corps, the South Vietnamese government is very weak and still can't guarantee the security in the area.

The refugees being moved have long been considered to be Viet Cong sympathizers.

The letter of the refugees requesting to move clearly indicates that South Vietnamese government officials asked the people to move.

All previous American-sponsored surveys have indicated that the Vietnamese peasants in I Corps don't want to move out of the region.

The province to which the refugees are being moved is the same area where, when I was in Vietnam, the Vietnamese province chief refused to let some refugees return home because he couldn't guarantee their security.

In short, there is all too much about this relocation that is highly suspicious. If this larger movement planned for the future comes about, the Americans will be forced to share responsibility for another horror perpetrated on the Vietnamese people. The result of another large-scale movement will be even more rootless people drifting to the cities as the Vietnamese people are pulled far from their homes. Congressman Aspin, what these poor refugees want is simply to return home, to grow rice and to raise families. I urge you to help stop this new relocation.

Yours truly,

JOHN ISAACS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 8, 1972.

Dr. JOHN A. HANNAH,
Agency for International Development,
Washington, D.C.

DEAR DR. HANNAH: It has come to my attention that the government of the United States and the government of South Vietnam are planning to relocate as many as 300,000 Vietnamese refugees during 1972. Surveys taken by our own Agency for International Development reveal that the vast majority of the Vietnamese oppose a move that would force them to relocate far away from their native villages.

Many of these peasants, I believe, do not desire to make such a move. The U.S. is clearly responsible for this forced relocation that our own surveys indicate is opposed by the vast majority of the local population.

I hope that the Agency for International Development will cancel this ill-advised and poorly conceived program. The movement of 300,000 Vietnamese only helps the Viet Cong exploit the resentment of the peasants who are forced by Saigon and the Americans to move.

These stupid and often inhumane policies are one of the principal reasons we are not winning the war. Frankly I am amazed that we plan to carry out a policy that has so often been a failure in the past.

As you know Article 49 of the Geneva Convention prohibits individual or mass forcible transfers. Is it possible that our enemies could accuse us of violating the Geneva agreement?

In the past when the possibility of this move was reported by the press, the AID denied that any such plan existed. I have learned that these plans have been under consideration since 1968 and were only temporarily shelved because of a public outcry in January 1971. The earlier denials by AID were simply a twisting of the facts.

I believe the American people deserve a full explanation of AID's policy of forced transfer that causes unnecessary human suffering and undoubtedly aids the Viet Cong.

Sincerely,

LES ASPIN,
Member of Congress.

NEW YORK TIMES NEWSSTORY ON PANAMA TREATY NEGOTIATIONS TIMELY AND REVEALING

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in a 15-minute address to the House of Representatives in the CONGRESSIONAL RECORD of November 1, 1971, under the title of "New York Times Distorts Plan for Panama Canal Giveaway," I quoted a newsstory in the New York Times of October 19 by Benjamin Welles. That address included a commentary on the indicated newsstory in which some of its distortions and other inadequacies were corrected or clarified.

In what appeared as a followup newsstory on the Panama situation in the New York Times of January 24, 1972, Mr. Welles correctly quotes excerpts from articles II and III of the 1903 Hay Bunau-Varilla Treaty relating to the grants by Panama to the United States in perpetuity of sovereign rights, power, and authority over the Canal Zone.

In addition, the January 24 newsstory gives much new information concerning the status of the current treaty negotiations and makes the assertion that the administration seeks to wind them up and to submit a draft treaty to the Senate "by March at the latest," that a major aim of the State Department is to end our so-called colonialist image in Panama and in Latin America, which is Communist phraseology, and that our policymakers are negotiating for the right to continue operating the existing canal and to construct a new set of larger locks.

Mr. President, I wish to stress that existing treaty provisions give the United States these powers now. Why should we be negotiating for rights already possessed? The best thing that the President could do would be to terminate the present negotiations for the reason that there is nothing to negotiate. The simple fact is that the United States cannot operate the canal in an efficient manner without continued sovereignty over the Canal Zone and canal.

Because of the timeliness and pertinence of the revelations in the January 24 Welles newsstory, I issued a press release on it, which I quote along with the article:

Panama's Leader Worries United States With Warning on Canal Talks

(By Benjamin Welles)

Washington, January 23.—Brig. Gen. Omar Torrijos Herrera, the National Guard commander who controls Panama, has privately warned the United States that he intends to publish in the next few days details of the deadlocked negotiations on a new canal treaty.

His warning—transmitted last week by Panamanian negotiators to their United States counterparts—has created puzzled concern. Such an act, United States officials say, would violate a standing agreement not to discuss the sensitive talks publicly and might also jeopardize their success.

Negotiations have been under way here since June 29 on a new treaty to supersede that of 1903, which granted the United States "in perpetuity . . . all the power and authority which the United States would exercise if it were sovereign to the entire exclusion [of such rights] by the Republic of Panama."

The new treaty, while preserving the right of the United States to operate and to defend the present canal well into the next century and to improve it or to build a new sea-level canal, would make political, financial, commercial and land concessions to Panama. A major United States aim would be to end its present "colonialist" image both in Panama and throughout much of Latin America.

NEW INSTRUCTIONS DUE

The warning by General Torrijos has been doubly puzzling to the United States because it adds that the Panamanian negotiating team here will get "necessary instructions to continue negotiations" within the next week or so.

The United States Administration is aware of the emotional opposition in Congress to any diminution of United States authority over the Canal Zone, 10 miles wide and 50 miles long, which bisects Panama. Hoping to avoid the political buffetings of a Presidential election year, it has been seeking to wind up the negotiations and to submit a draft treaty to the Senate by March at the latest.

However, General Torrijos, commander of the Panamanian National Guard, which seized power in October, 1968, also has scheduled nationwide elections in August for "corregidores," the equivalent of county executives. Those elected will form a Constituent Assembly and draft a new constitution returning to civilian rule. It is generally assumed that General Torrijos will be elected next President.

"Torrijos is the only man who can get the draft treaty accepted in Panama," observed a well-informed Latin diplomat. "He has two options: what we call a 'salida estadista,' a statesmanlike approval of the present treaty draft, or a 'salida politica,' defiant rejection for domestic political advantage. No one knows which he'll choose."

The duration of the new treaty is considered by United States and Latin-American sources to be the key to agreement. The United States has agreed in principle to relinquish the "perpetuity" clause so disliked in Panama and while insisting on ironclad, long-term treaty rights, to recognize Panamanian "sovereignty" over the Canal Zone. Panama is reported willing to concede the United States treaty rights to operate and defend the canal—but it wants the duration of the treaty as short as possible.

However, the United States is said to be insisting on a quarter-century option in case it decides to do any of three things: build a new sea-level canal for $3-billion, build a new set of locks for the existing canal at $1.8-billion or merely keep the present canal operating.

The United States is said to be insisting also on additional long-term rights stretching into the next century if it builds new locks or a new canal.

"I suppose we'd settle for around 35 years more use of the present canal," said one United States source not directly connected with the talks. "I don't see Congress going for any major expenditures in Panama in the foreseeable future given the general political situation throughout Latin America."

U.S. BASES AN ISSUE

The future of United States military installations is another sensitive issue. The United States, which maintains 12,000 troops and 27,000 military dependents on 11 bases, opposes relinquishing any bases. Panama is said to want "joint" defense of the canal. Both agree on the need for a "status of forces" agreement similar to that covering United States forces in Spain and other countries.

The United States is offering to relinquish to Panama about 30,000 acres of land in the Canal Zone, mostly jungle and water along the outer edges of the zone but also including commercial piers and some housing at Colon on the Atlantic side and land near Balboa on the Pacific.

It is also reported willing gradually to cede to Panama jurisdiction over courts and jails now under complete United States jurisdiction and to turn over commercial activities—construction, movies, laundries, bowling alleys and so forth—in the zone to Panamanian businessmen. It is insisting, however, on the right to license those whom it admits. Panama wants the right to issue her own licenses.

Dangerous Situation Arising From Pro-Communist Revolutionary Government of Panama Requires Protective Action by Sovereign People of the United States

1. A newsstory by Benjamin Welles in the January 24, 1972, issue of the *New York Times* (p. 21) makes startling disclosures about current treaty negotiations with the unstable, anti-democratic and pro-communist revolutionary Government of Panama for the surrender of United States sovereignty over the strategic Canal Zone, substantial parts of which were obviously leaked from official sources in Washington.

2. The Zone territory was acquired in 1904 by land grant in perpetuity from Panama with full sovereign powers for $10,000,000 as part of the inducement to construct and operate the Panama Canal, which, with cost of defense, represents an investment of more than $5,000,000,000 of our taxpayer's money. The United States obtained title to all privately owned land and property in the Zone by purchase from individual owners making it our most costly territorial acquisition.

3. The present objectives of the U.S. Administration as reported are:

(a) To submit a draft treaty to the Senate by March 1972 "at the latest."

(b) To relinquish the "perpetuity" provisions of the 1903 Treaty, recognize Panamanian sovereignty over the Canal Zone, set a definite period for the duration of the new treaty, gradually cede to Panama jurisdiction over all civil functions of the Canal Zone Government, including police, courts, customs and other powers, and to end the so-called "colonialist" image of the United States alleged to exist in Panama and much of Latin America.

(c) To obtain a 25 year option on these matters: construction of a new canal of sea level design, construction of a new set of locks, and the continued operation of the existing canal.

(d) To relinquish not only land in the Canal Zone but also commercial piers and other installations.

4. Existing treaty provisions authorize not only the continued operation of the present canal but also its "expansion and new construction." The sea level proposal will probably never be constructed because of the danger of infesting the Atlantic Ocean with poisonous Pacific sea snakes and many other reasons. Under such circumstances why should there be any negotiations at all?

5. The Administration characterizes the mounting opposition in the Congress to the proposed surrenders as "emotional."

6. The program of the Administration, as of its recent predecessors, violates Art. IV, Sect. 3, Cl. 2, of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress, which body (both houses) has not authorized the contemplated surrenders, and the President is bound by oath to "preserve, protect and defend the constitution of the United States."

7. The chief Panamanian aims include:

(a) Complete sovereignty over the Canal Zone.

(b) Control of all business activities in the Zone.

(c) Joint defense of the Canal.

(d) Short duration of treaty.

(e) Adoption of a status of forces agreement.

(f) Gradual subjection to all U.S. citizens in the Zone to Panamanian law and government.

8. Because the pro-communist Government of Panama has liquidated its National Assembly, the agency charged with the approval or rejection of treaties, a treaty made with the present government would be null and void and certain to be repudiated when it is overthrown.

9. The Subcommittee on Inter American Affairs under Chairman Dante B. Fascell conducted hearings on 22–23 September 1971 on pending Panama Canal sovereignty resolutions that have been widely distributed but, as yet, has not made its report thereon.

10. The Subcommittee under Chairman John M. Murphy started comprehensive hearings on 29 November 1971 and plans to continue the investigations about Febru-

ary 10 in the Canal Zone, which will enable it to obtain a realistic picture of Isthmian conditions from witnesses who have first hand knowledge of the situation and bear the burden of responsibility for operating and protecting the canal.

11. Soviet agents are already in the pro-Red Government of Panama and its leaders are strongly opposing the hearings in the Canal Zone stating that the Subcommittee "better bring a division of marines," for its protection.

12. Bluntly stated, the current negotiations clearly aim at wresting control of the Panama Canal from the United States and its surrender to communist power. This objective has been facilitated by the formal display of Panama flags in the Canal Zone equal with those of the United States, which has served to stimulate hostile agitation against the United States and will continue to do so until they are hauled down.

13. Accordingly, I urge all citizens of our country to write their Senators and Representatives and the President opposing any surrender of our rights, power and authority at Panama, demanding the formal display of no flag in the U.S. owned Canal Zone except that of the United States, and urging termination of the negotiations.

ROSTENKOWSKI COMMENDS CHICAGO SUN-TIMES AND CHICAGO DAILY NEWS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, recently, the Chicago Sun Times and the Chicago Daily News joined, in what is my opinion, a small but hopefully growing, group of newspapers who have set a standard of acceptability in deciding what entertainment advertising they will run in their publications. I do not feel that the action by these papers constitutes censorship of any kind—rather, I believe that it represents a commendable voluntary effort on their part to upgrade the quality of their product.

These newspapers have chosen to sacrifice a potential profit for the sake of good taste—a trend which is both unusual and highly praiseworthy. As many of my colleagues are well aware, Mr. Speaker, I have long supported the individual efforts of newspapers to curtail the advertising of tasteless entertainment—entertainment which, in the words once used by the Supreme Court, "* * * is totally without redeeming social value." In the CONGRESSIONAL RECORD of October 21, 1971, I commended the Boston Herald Traveler for adopting the policy for refusing advertising for "X" rated movies. This was a policy decision which I am sure has brought them much criticism, but one which I believe was proper to make.

This morning, I was in contact with Mr. Charles Fegert, the advertising manager of the Chicago Sun-Times and the Chicago Daily News, who explained the papers' new policy. I would like to congratulate Mr. Fegert as well as Mr. Marshall Field, the publisher of the two newspapers, for making the decision to draw the line on offensive advertising. It was a courageous action which, I am sure, will make these already excellent publications even more of a service to their community in the years ahead.

RICHARD NIXON: AN H. R. HALDEMAN IN SHEEP'S CLOTHING

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, Monday, Presidential Chief of Staff H. R. Haldeman, in a display of a sort not seen in Washington since the days of Joseph McCarthy, charged that Democratic presidential candidates who criticize President Nixon's Vietnam policy are "consciously aiding and abetting the enemy of the United States."

What Mr. Haldeman was talking about was the rather widespread and telling criticism of the President's recent "peace initiative," a move in which the Chief Executive failed to set a date certain for withdrawal from Indochina, failed to condition such a withdrawal solely upon the return of American POW's—insisting in addition that we continue to prop up President Thieu—and failed to halt the massive bombing of North Vietnam.

This morning, in what one local newspaper termed an effort to offset the controversy generated by the Haldeman remarks, Mr. Nixon stated that he welcomed free debate and criticism of his policies. At the same time, however, he suggested that statements made by other presidential candidates—and let us not forget the fact that he too is a candidate—might work to our disadvantage in negotiations, and that these other candidates should therefore take care not to criticize his inept and deceitful handling of the situation.

The sham of this position is the fact that he is not negotiating in good faith. His "new" proposals are little more than a rehash of proposals considered as far back as 1966, and no flood of rhetoric can mask the fact that he has not taken even one of the steps necessary to get us out of this war once and for all:

He has failed to set a date certain for the withdrawal of our troops from Indochina and the end of American involvement there.

He has declined to make the release of our prisoners of war the sole condition for that withdrawal, insisting in addition that the puppet dictatorship of President Thieu be retained as a withdrawal condition.

He has failed to stop the bombing.

Four years ago, candidate Nixon boasted of his secret plan for ending American involvement. Today, this very minute, our troops are still killing and being killed there. In addition to being contrary to the interests of humanity, the President's behavior is contrary to the best interests of our own country, for what we most need is an end to this bloody adventure and a return to the unfinished work on our needs here at home.

ELI ISENBERG, NOTED PUBLISHER-EDITOR OF MONTEREY PARK PROGRESS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, the Monterey Park Progress is a newspaper that truly serves its community, and this is due in large measure to the guiding policies of its editor and publisher, Mr. Eli Isenberg. The Progress celebrated its 50th year in 1969, and accolades at that time emphasized its role as a community conscious, cohesive, and progressive force in the city of Monterey Park. On March 1, 1972, Eli Isenberg will mark his silver anniversary as publisher-editor of the Progress and all agree that the paper's responsible role in the community has increased in the last 25 years under his leadership.

The Monterey Park Progress is a weekly newspaper, sustained by paid circulation, serving a city of just over 50,000 persons in the Metropolitan Los Angeles area. The Progress was the first community newspaper in California to publish a complete, local, editorial page. When people wanted to know how the Progress stood on an issue, they turned to the editorial page. The paper led in a number of community struggles, one of which was to prevent establishing in the city the largest dump in California. A result of that victory was the passage of a State home-rule law to prevent a larger government entity from forcing a smaller entity to accept a dump or jail without its consent.

Other Progress advocacies included the establishment of a civic center, public swimming pool, retirement program for municipal employees, the organization of a coordinating council, city manager form of government, better housing, an industrial zone, and a Monterey Park unified school district.

In the words of Publisher Isenberg 2 years ago in his weekly column:

> During the past 23 years, the Progress and its editor have made friends, some of whom we still have. Nobody, and especially newspapers, should try to please all of the people all of the time.

This is indicative of Eli Isenberg's kind of leadership, and his feeling of responsibility to a community he loves. His work is more than a business, for he has wrapped his life and his heart in the community he serves. And he encourages his fellow citizens to be doers, to be among the committed persons, to make a difference in the life of the community.

In the 25 years Mr. Isenberg has published the Progress the paper has grown, along with the community. From a staff of five and a circulation of 1,500, the paper now employs more than 35 on the staff and the circulation is above 35,000. While most individually owned newspapers in metropolitan suburban areas are declining, the Progress enjoys continued support. A host of young newsboys are employed, and they contract their own paper routes.

Mr. Isenberg is providing educational opportunities and actual experience for high school youth—"stringers"—who do freelance news reporting from each of the three high schools in the area.

Unafraid of new ideas, Eli Isenberg has supported since its beginning a gang-youth center in East Los Angeles called Casa Maravilla. This center has been working with gangs in redirecting their efforts along constructive lines.

Mr. Isenberg has shown a special feeling for Monterey Park and its people. He has written that—

> Community newspapering is people business. Most families in this town live their lives without getting their name, or the names of their kinfolks, in a newspaper other than the Progress. We keep a historical record of a community and its people . . . Scrap books in Monterey Park are filled with clippings from the Progress: important events in the life of an individual and a family.

The Progress is a community newspaper in the finest sense.

Monterey Park Progress is an award-winning newspaper. The editorial pages were accorded California Newspaper Publishers Association's first award in 1957. In 1969, the highest award for editorial excellence came from the Pacific Coast Press Club. The editorial staff swept five of seven awards from the Pacific Coast Press Club in 1970. Also in 1970, the Suburban News Foundation—comprised of 500 newspapers in the United States, Canada, and Mexico, including suburban dailies—gave the Progress staff awards in editorial and in feature writing.

Awards during the past year include the California Newspaper Advertising Executives' top spot in the State for general excellence, announced last July, and also the best editorial page award for the State.

It is a pleasure to congratulate Eli Isenberg on his forthcoming 25th anniversary as publisher-editor of the Monterey Park Progress and to pay tribute to his newspapering and his civic spirit. He is a fine man, and the city is, indeed, fortunate to have such a fine paper.

STUDY OF EFFECTS OF TELEVISION VIOLENCE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, the administration leaked copies of its study of the effect of television violence on human beings on January 11, 1972, to a few selected newspaper reporters. Headlines across the country blazed, "TV Violence Is Held Unharmful to Youth." I issued a statement on January 12 indicating that I was not surprised at this finding inasmuch as the networks had been given the opportunity to blackball from the Surgeon General's Commission some of the major researchers whose work had already indicated the strong relationship between filmed violence and human behavior.

The entire report was released on January 18, 1972, and at a press conference Surg. Gen. Jesse Steinfeld admitted that the networks were given the opportunity to eliminate seven researchers because they felt their findings might be inimical to the industry. Dr. Steinfeld pointed out that CBS had declined the opportunity to engage in the selection process and that the seven had been eliminated by the National Broadcasting Co. and the American Broadcasting Co.

This again came as no surprise to me as one who has followed congressional investigations into this subject for the past 10 years. NBC and ABC have always been the advocates of television violence, brutality, mayhem, and sadism.

Eleven years ago a Senate investigating committee monitored television programs and found that in the 7-year period from 1954 to 1961 television violence had significantly increased. A third survey made by this subcommittee in 1964 found no decrease in the high levels of televised violence during prime time viewing hours when millions upon millions of children are glued to their television sets.

The Senate findings in 1964 do have significance for Dr. Steinfeld's admissions. The percentage of programs devoted to violence by the three networks was as follows:

NBC: 55.1 percent.
ABC: 55.3 percent.
CBS: 26.5 percent.

In its interim report of 1968, the Senate committee concluded:

> A relationship has been conclusively established between televised crime and violence and antisocial attitudes and behavior among juvenile viewers. Television programs which feature excessive violence can and do adversely influence children. Further, such adverse effects may be experienced by normal as well as by the emotionally disturbed viewers.

This conclusion was in direct contradiction of Dr. Steinfeld's statements of January 18; that television violence may influence children with aggressive tendencies, but that it does not affect normal children.

This conclusion was also in direct contradiction to studies conducted by Dr. Albert Bandura of Stanford University and Dr. Leonard Berkowitz of Wisconsin University whose classic studies in this area showed that normal persons who see violent films exhibit violent behavior, and that violent presentations can induce aggressive behavior on the part of anyone. And of greatest importance, violence in films is most dangerous to young children.

Doctors Bandura and Berkowitz were two of the researchers blackballed by the television industry.

I would also point to the report of the National Commission on the Causes and Prevention of Violence which conducted an in-depth investigation of violence on TV. While the TV industry tried to influence this prestigious commission by getting them to adopt the theory that televised violence drains off aggressive tendencies of viewers, the Commission concluded:

> The preponderance of the available evidence strongly suggests, however, that violence in television programs can and does have adverse effects upon audiences—particularly child audiences. Television enters powerfully into the learning process of children and teaches them a set of moral and social values about violence which are inconsistent with the standards of a civilized society.

Another example of industry influence in this area was provided subsequent to the 1964 hearings of the Dodd committee when then Secretary of Health, Education, and Welfare, Abraham Ribicoff, established a blue-ribbon panel to study the problem. The progress of this study was so impeded and hampered by the TV industry that Dr. Ralph Garry, one of the outstanding experts in the field of the effects of filmed aggression and a member of the Ribicoff group, resigned in disgust.

Dr. Garry was also blackballed from the most recent Commission.

The penchant for violence by television executives was well established in subpenaed documents spread on the record in investigations by both the U.S. Senate and by the Federal Communications Commission.

There was actual testimony that when "Lassie" was failing in the ratings the TV moguls ordered Hollywood producers and writers to beef up the show with more violence to "draw the kiddies back to the set."

It is a matter of record that in order to attract a large teenage audience to one of its shows, the American Broadcasting Co. hired Fabian, a teenage idol, to play in an episode of the "Bustop" series, that featured murder, rape, assault, and other endearing forms of juvenile behavior. The ploy worked, and the child audience rating increased by 1½ million teenagers for that particular show.

Television's ability to influence the behavior of its viewers can hardly be disputed. Advertising firms spend $2½ billion a year on that assumption. The high-paid corporate officers of the networks enthusiastically agree with them; yet, they react with feigned surprise when anyone suggests that their programs of violence influence young people.

It does not take a scientist to conclude that violence and crime shown every night of the week can influence the attitudes and behavior of its viewers. By the time the average American child reaches the age of 15 he has witnessed 18,000 individual murders on the television set. This does not include the beatings, stabbings, muggings, rapes, and other forms of mayhem concocted by our "imagemakers" in the television film factories.

The fact that the television industry has bullheadedly violated its own codes in spite of a 20-year succession of congressional and FCC investigations can easily be proven by watching a week's television fare.

Members of my staff—who were formerly with the Senate committee investigating TV violence—have recently conducted studies of violence on network programs for the months of December and January which are comparable to those of the Senate committee.

The results are quite revealing.

Films and network series featuring themes of crime, violence, and brutality during prime time by the three major networks are as follows:

NBC: 60.6 percent.
ABC: 53.3 percent.
CBS: 46.2 percent.

In my judgment this callous disregard by the TV networks of the findings of the Senate Committee on Juvenile Delinquency, the Federal Communications Commission, and the National Commission on the Causes and Prevention of Violence is only surpassed in audacity by the blatant influencing of the recent study issued by the Surgeon General. I have, therefore, decided to embark on two courses of action in order to guarantee that the American people and the Congress have not been hookwinked and that America's TV screens will not be saturated in even greater blood and gore, with the Surgeon General's report serving as the excuse.

And this is not just speculation. Is it a coincidence that during the 2 weeks since the release of the Surgeon General's report the percentage of prime-time hours devoted to themes of crime and violence on ABC increased to 65.4 percent?

I have already requested hearings by Chairman STAGGERS of the Interstate and Foreign Commerce Committee and Chairman JOHN PASTORE of the Subcommittee on Communications of the Senate Commerce Committee into the shenanigans that went into the instant report.

Second, I am reintroducing today my legislation which calls for the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs. More than 50 Members joined me in sponsoring this legislation in the last Congress. When I reintroduced this joint resolution in the second session of the 92d Congress, I was joined by more than 60 Members in cosponsoring the legislation.

Mr. Speaker, I am convinced that when the shabby machinations of the TV moguls on the latest study are exposed there will be even greater support for this legislation than ever before. In this legislation I have asked that the FCC look at all relevant research and not that which has the approval of the TV networks.

I include my statement of January 12, 1972, and my letter of January 27, 1972, to Hon. HARLEY STAGGERS at the end of my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 27, 1972.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to call your attention to a matter that has come up during the past few weeks, the release of the Surgeon General's report on the impact of television violence on young people.

As you know, as a member of the Interstate and Foreign Commerce Committee, and especially during my years on the Subcommittee on Communications and Power, I have had a vital interest in this particular subject. During this time I also worked closely with the Senate Committee that conducted lengthy hearings and studies on those responsible for violence on television and the psychological and social impact of such content on youthful viewers.

I initially viewed with great apprehension the development of the Surgeon General's study commission because of the influence of the television industry on the selection of members of that commission, and the incredible procedure used by the then Surgeon General in allowing the industry to "blackball" some of the outstanding scientists in the field of the influence of the mass media on human behavior. My fears appear to have been well founded. Since its release on January 17, 1972, the report has increasingly been subjected to criticism by the press, by social scientists, and by members of the Federal Communications Commission. Not only has it been branded a "whitewash," the caliber of the research has been questioned. This again is not surprising in view of the fact that the most experienced researchers in this field were denied the opportunity to participate in the research or the compilation of the report.

In view of the fact that the study cost the taxpayers one million dollars and that objective scientists and criminologists have long held the view that violence saturated T.V. does have an impact on America's youth, I ask that the Interstate and Foreign Commerce Committee or its Subcommittee on Communications and Power conduct a full scale investigation of the history, make-up, methodology, and reporting of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior.

As a member of the Committee I would be happy to become personally involved and to provide the services of my office in such an endeavor. I feel the children of the United States deserve this measure of protection from what I consider to be the culmination of an 18 year effort by the television industry to prevent an impartial scientific appraisal of the impact of their product on the nation's youth. I have attached for your information statements I have made since the release of the Surgeon General's report and an article from Science magazine dated May 22, 1970, entitled "Study of T.V. Violence: Seven Top Researchers Blackballed from Panel," which sets forth the methods by which this commission was constructed.

I hope you will agree that this is a project worthy of immediate and serious intention and I look forward to hearing from you soon.

With kind personal regards.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

STATEMENT OF REPRESENTATIVE JOHN M. MURPHY ON THE RELEASE OF THE REPORT OF THE SURGEON GENERAL'S SCIENTIFIC ADVISORY COMMITTEE ON TELEVISION AND SOCIAL BEHAVIOR, JANUARY 11, 1972

During my nine years in Congress, I have taken a deep interest in the massive display of violence on television and its possible consequences on the tranquility of this nation.

When the Congress first investigated this problem between June 1961 and June 1964, there were numbers of experts who testified that they were deeply convinced that the constant display of violence on the news medium has serious effects on the young; that children and teenagers become convinced of the proposition that might constitutes right; that law can best be enforced by a pointed gun, a knife or a fist.

The television industry, of course, did not agree with the views expressed by physicians, psychiatrists, and sociologists. Violence depicted vividly on television, Congress was told, served as a catharsis for young people; made them adjust better to every day exigencies, and generally quieted their nerves.

However, they did agree that much of what was on television violated their own codes of ethics and good taste. Further, they agreed to do better, especially if "doing better" meant they could keep the Congress from taking action to remove the gore from the Nation's picture tubes.

For a season or two after these hearings which were widely discussed in the national press, there seemed to be some abatement in the display of violence on television. True, the implication of violence still persisted; but at least people were shot or mutilated out of sight of the cameras. Eventually, of course, violence returned full force to the medium, and to this very hour occupies much of prime viewing time.

Ten years have passed since the Department of Health, Education and Welfare promised the Congress to look at this situation. It finally created the Surgeon General's Scientific Advisory Committee on Television and Social Behavior.

One might have assumed that this new advisory group would make a thorough and objective inquiry into the question whether, in fact, television violence causes actual violence in the streets, and if so, to what extent.

To undertake such an inquiry, it would be only reasonable to have the television industry represented on the panel just as prominent social scientists should be. The fact that the industry has through the years denied any deleterious influence of television, while the social scientists continually affirmed it, made such an inquiry mandatory if we were to resolve the issue. There was never any question that both sides should have been represented in such research.

But it is quite another proposition when the list of prospective committee members was submitted to the moguls of the television industry for their approval. Given such golden opportunity to demolish their possible critics even before the commission had been formed, one cannot blame the industry if it eliminated every one of the major potential critics.

And that is exactly what they did. According to "Science" magazine of May 22, 1970, seven top researchers, some of whom testified before the Congress on television violence, were blackballed by the industry.

As the direct result of the almost incredible procedure of allowing the television industry to prune the list of committee members, prominent behavioral scientists charged that the committee was loaded in favor of the broadcasting industry, and even the committee's own research coordinator expressed doubt about the objectivity of the panel.

In an unpublished letter dated June 18, 1970, Dr. Jesse L. Steinfeld explained that, "Surgeon General William Stewart chose to select the members for service on this advisory committee from those candidates to whom there were no objections raised by members of the industry."

If it was remarkable that the industry should be given such veto powers over the committee's membership, it is not so remarkable that they eliminated the names of many prominent scientists who had pointed to the serious dangers of the violence so constantly depicted on the television screen.

The industry vetoed seven out of forty proposed commission members. Most of these seven, through major university research, had published scientific papers indicating the grave social dangers of television violence.

Dr. Ralph Garry, one of the outstanding people in this field who spent the last 20 years studying the effects of television on children, was vetoed by the industry. Dr. Garry was professor of educational psychology at Boston University and is currently at the University of Toronto in Canada. He was for many years a consultant to the Senate subcommittee to investigate juvenile delinquency in its study of the relationship between TV violence and delinquent behavior. He was also a consultant to the National Council on Crime and Delinquency on filmed violence, and has written a highly regarded book on television and children.

The industry also vetoed Dr. Albert Bandura, who had published research indicating that children become more aggressive after watching violent films.

Leonard Berkowitz, professor of psychology at the University of Wisconsin, was proposed as a committee member and promptly pencilled out by the industry.

The television industry, attempting to weigh the scale in its favor, had, of course, good reason to veto Doctors Bandura and Berkowitz, who made comprehensive studies of the behavior patterns of young people exposed to television violence. Both made definitive studies which were supplemented by other researchers. I have prepared a résumé of the findings of these university experiments and a reading of them will indicate why the T.V. industry objected to the inclusion of these experts on the advisory committee:

1. It has been found that normal persons who see a violent film subsequently exhibit nearly twice as much violence as persons who have not seen such a film. This is true of children, of adolescents, of adult males, and of adult females.

2. When the experiments involved the infliction of pain on other human beings, men who had seen a violent film did not hesitate to inflict excessive pain on other men or even upon women and vice versa.

3. A violent film can induce aggressive behavior on the part of anyone in the audience but particularly on the part of those who have been angered shortly before seeing the film.

4. Violent films may have persistent effects and the responses learned from them can be expected to retain their original strength and reappear on later occasions in the presence of frustration, anger or other appropriate stimuli.

5. Violence shown on film can effect anyone in any case but it is most dangerous to younger people. Furthermore, it is most likely to be imitated if it seems justified by the prevalent social values; for example, if the established "hero" is committing the aggression. If the model is rewarded for his or her aggression, the impulse to copy that aggression is even greater.

6. The effects of seeing violence are similar to the effects of testing food without consuming it; one's appetite is increased rather than decreased.

I feel the reason these researchers were disapproved by the television industry becomes crystal clear in view of these findings.

Other prospective members of the committee vetoed by the industry included:

Otto Larsen, professor of psychology at the University of Washington and editor of a book on violence and the mass media;

Percy H. Tannenbaum, professor of communication and psychology at the University of Pennsylvania. (Tannebaum, although excluded from the commission by fiat of the industry, is slated to perform the largest single research project under the committee's $1 million research budget. But he was picked for this assignment by the staff, not the committee itself.);

Leo Bogart, executive vice president of the Bureau of Advertising of the American Newspaper Publishers Association, who represents a rival medium and has published a book about television; and

Leon Eisenberg, professor of child psychiatry at Johns Hopkins University.

As the direct result of the remarkable procedure to submit names to the television industry for their approval, it not only allowed the elimination of some potential critics, but resulted in five of the twelve members of the committee having close ties with the industry, assuring them a reasonable margin of safety.

There is Thomas E. Coffin, vice president of the National Broadcasting Company. Is it possible to conceive that he would, under any circumstances, condemn his industry and his company?

And, even more interesting is Joseph T. Klapper, director of social research for Columbia Broadcasting System.

Dr. Klapper has had a remarkable career. Years ago, when he was a scientific researcher, (before we went on the CBS payroll) he wrote that if only one percent of the children watching violent television shows were adversely influenced by these shows, that was enough reason to ban them.

But Dr. Klapper meanwhile prostituted himself to the profit motive. He would gladly eat those words spoken so many years ago. With a five figure salary, stock options and other goodies, could we seriously expect him to bite the hand that feeds him so generously? Could we really expect him to do anything on that committee except whitewash the industry? I do not make this statement lightly as this is exactly what Dr. Klapper tried to do before congressional committees on several occasions.

I am drawing attention to the scandalous methods employed in the appointment of the commission members for a number of reasons.

First, I believe that this inquiry into television violence was so heavily loaded in favor of the industry that an objective study could not have possibly come out of it.

Second, the findings of that committee will be of no possible use—except to excuse more violence than ever on T.V.—and constitutes arrant waste of the taxpayers' money.

Third, that an inevitable outcome of this so-called study will be the massive continuation and escalation of the display of violence on the television screens of the Nation.

There are now almost 85 million television sets in the country, as compared with 55 and a half million in 1961. This means an increase of almost 30 million television sets in ten years. This means that more children will be viewing more violence than ever before in our history.

It has been said that there is crime and violence on television because that's what people want, and the ratings prove it.

We don't need ratings to prove that millions of people want to gamble and support prostitution and the rackets directly or indirectly through their active support of these pursuits.

The violence on our television screens day after day may well play on other human weaknesses and bring out responses that are dangerous to the common good. To place the television industry in a position where it can judge its own predilection to violence is tantamount to asking the Mafia to be its own law enforcement agency.

The television stations do not own the airwaves; they are merely permitted to use them if they provide a balanced service of news, education, and entertainment.

There is nothing wrong with the proposition that they are in the business of making money. But if it can be shown through an objective study that they are making money at the expense of social conditions in this country; if it can be proven that the violence displayed on television produces violence in our children and young people, then the time has arrived when we must take a hard look at the industry and seriously ponder the question whether or not we are forced to regulate an industry contributing substantially to the violence in this country that is aggravated and escalated almost every week.

I do not believe that the Surgeon General's committee as constituted could possibly have come to such a conclusion. Violence, we are told over and over again, is a best-selling product, and the moguls in the television industry are not about to give up their frantic devotion to fast and easy profits.

That is why I plan to seek a thorough investigation by the House Interstate and Foreign Commerce Committee of the make-up and history of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior during the next session of Congress.

A FAREWELL TO JIM HENNESSY

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I was surprised and regretful to learn upon returning to Washington for the second session of the Congress that Mr. James L. Hennessy, Executive Assistant to the Commissioner of the Immigration and Naturalization Service had retired from Government service.

Jim Hennessy was no less than outstanding throughout his career with the Immigration and Naturalization Service which began in May 1941 at Boston, Mass. His intelligence, perception, inexhaustible knowledge of law, his candor, his understanding, and his reasonableness insured that whatever he did was done with perfection. In the immigration field, Jim Hennessy stood very tall and he cast a wide shadow that permeated every enactment of law in the field since he became Executive Assistant on August 1, 1954. Yet, Jim Hennessy continuously maintained a low profile; he was a man of few words, but you could be assured that his words were precise, well thought out, and to the point.

Jim Hennessy appeared before the Subcommittee on Immigration and Nationality, Committee on the Judiciary, on numerous occasions over the years. He was always welcomed to the subcommittee as the true expert on immigration matters. In fact, whenever a complex question arose in the immigration field, the cry was always "call Hennessy" and immediately he would give you an answer.

Jim Hennessy is one of those unique persons with such outstanding ability that others always seek his counsel. Jim needs no one to advance his cause or promote his career. His ability speaks for him. Not only that, but Jim's excellent dry wit made personal contact with him delightful and entertaining, as well as informative.

I do not know what Jim Hennessy's future plans are, but I personally wish him every happiness. I will miss him, I know that Members of Congress will likewise miss his invaluable guidance.

HOME RULE FOR DISTRICT OF COLUMBIA

The SPEAKER Under a previous order of the House, the gentleman from Louisana (Mr. Caffery) is recognized for 5 minutes.

Mr. CAFFERY. Mr. Speaker, with the hearings begun yesterday by the House Committee on the District of Columbia, the complex and often emotional issue of home rule for our Nation's Capital has again moved into the limelight.

Although I do not serve on that committee, I have taken a special interest in this issue, and have given considerable thought and study to it. Because the District of Columbia is our Capital and does house our Federal Government, I believe it is essential that all of us, regardless of our constituencies, examine the governmental structure of an area that is as well home to three-quarters of a million people.

Over a period of time I have studied the various home-rule proposals that have come before the Congress. And I am frank to say that even at this point I am not certain in my mind just what machinery would best serve the interest of the people of Washington, while at the same time protecting the interests of the Federal Government.

But I do believe in the simple premise that the District of Columbia is entitled to far more representation than it has been accorded in the past. To those who charge that the District of Columbia is unworthy of being represented in the high councils of Government, I would say two things:

First of all, I might say that representation and political self-expression, while old hat to most of us, are relative luxuries for the people of the Nation's Capital. They could not vote even in a presidential election until 1964, and even now elect only a school board and a nonvoting delegate to the House of Representatives.

Second, I find a bit strange that reasoning which holds that, unlike the rest of America, the District of Columbia must somehow earn enfranchisement. And it seems equally strange to me that any American should be deprived of representation merely because he happens to live in the District of Columbia.

I believe it would not be particularly difficult to increase this representation without placing in jeopardy the Federal Establishment which does and should continue to operate this Federal City.

I believe the people of the District of Columbia are entitled to have, proportionate to their population, Representatives in the House who have not only the right to speak, but to vote as well.

The people of the District of Columbia should be given a voice and a vote in the Congress. The Representative in Congress, in order to speak fully and effectively for the people he represents, must be given the power to vote as well as the privilege of voice. To the extent that the residents of the District of Columbia have, through the years, had no vote with which to imprint their hopes, aspirations and desires upon the affairs of this country, they have been the stepchildren of the American democracy and we must afford a remedy.

As I have said, I do not at this point know in my own mind whether some of the home-rule proposals—if, indeed, any of them—are workable. The District of Columbia is home to the vast machinery of the Federal Government, and it is imperative for our national security that this machinery operate outside the jurisdiction of any purely local government. I would believe this just as strongly if the Congress and the rest of the government sat in, say, Louisiana or Vermont.

I have been saddened to see the issue of race injected into these considerations. That issue should be of no consequence. The question of whether there is a black or a white population majority in the District is irrelevant.

If our words are to mean anything we know that the law is and must be colorblind and that if we are to have a viable multiracial society in this country, we must never again look to the color of a man's skin in order to assess right and wrong.

Emotionalism will provide no good solution. Action by men of harmony and good will may provide a solution.

THE DEBT CEILING

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. ECKHARDT. Mr. Speaker, this is the table referred to in my statement in the Committee of the Whole House on the debt ceiling. Permission to insert was made by special order.

The table follows:

FEDERAL REVENUES AND EXPENDITURES, FISCAL YEARS 1970–72

[In millions of dollars]

	Estimated[1]	Actual	Quantitative error	Percentage error
Revenues:				
1970	198,686	193,743	−4,943	−2.5
1971	202,103	188,392	−13,711	−6.8
1972	217,593	[2]197,827	−19,766	−9.1
Expenditures:				
1970	192,899	196,588	+3,689	+1.9
1971	200,771	211,425	+10,654	+5.3
1972	229,232	[2]236,610	+7,378	+3.2

[1] Administration budget.

[2] Estimate.

PEACE CORPS APPROPRIATIONS

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the RECORD and include a table dealing with appropriations for the Peace Corps.)

Mr. PASSMAN. Mr. Speaker, I say without fear of contradiction or any factual statistics to the contrary that the so-called misnamed Peace Corps is the most useless and, in all probability, most detrimental to our foreign policy of any agency in our Federal Government.

The Peace Corps was never organized on the basis of any established need for it. It came into being by the activities of a man who used a con man's tactics and his family connections to sell each Member of Congress, individually, as to its virtues and what it would accomplish. From the time of its organization, it has operated on a pressure basis, exaggerating its needs and its accomplishments. Unfortunately, the type of propaganda poured out by the Peace Corps doubtless has prompted some Members to endorse it, not with facts, but purely from a standpoint of propaganda and pressure. Now let me establish the facts as they are.

Endeavoring to get along with the members of my subcommittee, the full committee and Members of the House, I have permitted myself to be pressured into recommending more funds almost every year than the Peace Corps could possibly obligate, even when they moved over into the waste category. I shall place in the RECORD at this point a table showing the operation of this outfit from its inception. May I comment briefly on the most recent fiscal year, and that is fiscal 1971. The Peace Corps requested in the original budget, $98,800,000. The Congress appropriated $90 million. They hollered, bloody murder.

But the facts are they were only able to obligate, according to estimates given to us, $85 million. In other years, the amount of appropriated funds unused and unneeded were much higher.

The original budget request for fiscal 1972 covering the bill that is now in conference between the Committee on Appropriations in the House and the Senate called for $71,200,000. When it was learned that the Congress intended to slash hell out of foreign aid for fiscal 1972, the Peace Corps resorted to the same tricky tactics that had been used often before and that is increasing their request so that it may head off any adjustments made by the committee. In other instances, the Peace Corps has greatly overestimated their needs and a few hours before coming before the Foreign Operations Subcommittee on Appropriations they would adjust it downward so as to try to impress the committee that they were holier-than-thou. One example was fiscal 1965. They asked for $115 million and amended the budget downward to $106 million. The Congress appropriated $104 million, but they could only waste $85 million, which left them overfunded $18 million.

I shall never purposely underfund any agency for legitimate purposes. I shall never purposely recommend underfunding any agency when their cause is just. But the Peace Corps' record of being overfunded, of exaggeration and manipulation should place it in ill-repute with all Members of Congress, and even the 18-year-old voters back home, whom some Members fear.

The Peace Corps reminds me of the family with two children, one is spoiled, and the other well-disciplined. The spoiled child not only gets his candy but the disciplined brother's candy because of his loud crying and hell-raising. The Peace Corps cannot justify their request on the basis of facts but only on the basis of unsubstantiated claims of accomplishment.

Few Members realize that for various reasons the Peace Corps has been ordered out of 14 countries. Now contrast this with their counterpart in bilateral technical aid which shows that not one person in 25 years has ever been asked to leave a country. Now why is there such a variation between the Peace Corps technicians and our bilateral technicians. Here are the facts. Peace Corps personnel go abroad as free agents to espouse or embrace any philosophy of their choosing, to condemn our Government, to curse our President, to castigate our foreign policy whereas bilateral technical aid technicians must support our foreign policy, defend our Government and that is also true of the military.

The present so-called Director of the Peace Corps is so much in violation of good legislative ethics that he has been called down by top people in the White House. In fact, I suspect that he will be called down again because he has actually disgusted many Members of Congress with his unorthodox and unreasonable exaggerations. He has brought pressure that may place him in violation of the antilobbying law.

Mr. Speaker, I have been and will continue to be fair. I will recommend in all probability more funds than this outfit can use, but I am told that there have been some bets placed at the Peace Corps headquarters that the present Director will have his way with Congress and succeed in pressuring Members of both bodies into yielding to his will even though his exaggerated request is unreliable and not substantiated with facts but with propaganda. Please keep in mind that it is this Agency that spends around 35 percent of its total budget on administrative and propaganda expenses. Fantastic, but true. I shall be anxiously awaiting the GAO's report to see how much the so-called pressure boy is in violation of the antilobbying law.

PEACE CORPS—STATEMENT OF AUTHORIZATIONS AND APPROPRIATIONS

[Dollar amounts in thousands]

Fiscal year	Original budget request	Appropriated	Obligated	Funds unobligated	Percent of unobligated funds to amounts appropriated
1962	40,000	30,000	29,496	504	1.7
1963	63,750	59,000	54,692	3,864	6.6
1964	108,000	95,964	76,164	19,800	20.6
1965	115,000	104,100	85,449	18,644	17.9
1966	125,200	114,100	113,173	927	.8
1967	110,500	110,000	104,525	5,371	4.9
1968	124,400	107,500	106,846	654	0.6
1969	112,800	102,000	100,301	1,650	1.6
1970	109,800	98,450	90,776	7,674	7.8
1971	98,800	90,000	85,024	4,976	5.4
1972	71,200				

THE DEATH OF ELIZABETH MEINDERS, 1878–1971

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the indifference with which we treat our aging is reflected in the lack of emphasis we place on health and medical care when medical care is a must.

On Sunday last, Mr. Gary Potter for for the Washington Post, wrote a moving commentary entitled "The Death of Elizabeth Meinders, 1878–1971." Mr. Potter recalled that:

> The doctors at the hospital had failed to detect a massive internal abscess which burst in the evening soon after Grandma's return. I was later appalled to learn that small Iowa cities of 30,000 population are apparently no different than New York or Washington on one score: Despite all the pleas of Virginia and my mother-in-law, no doctor would come to the house. All through the night the two women carried on as best they could.

Finally, when a doctor did appear, his recommendation was to move the 93-year-old woman to a hospital for proper treatment and care.

The rest of Mr. Potter's article recounts the callous, insensitive, and shameful way persons intrusted with human life contributed to the lonely and painful final days of an old woman's life.

Hospital care in this country is a critical problem—indeed a matter of life and death—especially for the aged and the poor. It is incredible that it took decades to enact Federal legislation to provide the beginnings of proper medical care for the elderly under the medicare program.

There is still much that needs to be done when you consider that America ranks among the highest of developed nations in infant mortality and when we can tolerate hospitals which expell sick people because, as Mr. Potter so poignantly describes, fails to "slip away on schedule" before their medicare payments are exhausted.

Mr. Potter's article raises questions which should be considered by doctors, hospital administrators, and legislators who should be committed to the goal of making the American system of medical care the finest in the world.

The article follows:

THE DEATH OF ELIZABETH MEINDERS, 1878–1971

(By Gary Potter)

Last Nov. 6 a 5-megaton nuclear warhead was exploded at Amchitka Island, Alaska. The same day, my wife's grandmother was killed in a nursing home in Iowa. Opponents of the Amchitka test were, generally speaking, persons who believe that the number of technical interventions made in the environment during recent times has reached such a dangerous level that irreparable harm is about to be done to the world. I think some of them must have expected dramatic consequences from the Amchitka test; a few might actually have hoped for them. But the earth did not crack. California did not sink. There were no tidal waves.

I think the expected signals can be read in the death of Elizabeth Meinders.

Mrs. Meinders was born in Iowa and lived there her whole life. The Iowa and the United States where she was born were rather different from the state and nation of today. When Mrs. Meinders was born, Rutherford B. Hayes was President of the United States (of which there were then 38); Queen Victoria would reign for two more decades over a vast and mighty empire; the last Russian tsar, still a boy of 10, was years away from ascending his throne; Kaiser Wilhelm II, the last German emperor, was not yet even crown prince. Since 1878, a very great deal has changed in the world.

Mrs. Meinders was fully aware of the changes. Until the onset of the troubles which led to her death, she read a newspaper every day. Her view of affairs was remarkably detached. It was not that she was unresponsive to the world; the world simply no longer shocked her.

What great issue or event agitating us in recent days had she not already had occasion to consider? The war? Already a lady of 40 at the end of the first World War, Mrs. Meinders had witnessed six of the seven foreign wars waged by the United States. Racial conflict? She could remember being scooped up and bundled into the house by her mother when some Indians suddenly appeared nearby—Little Big Horn had happened only a couple years before, Wounded Knee was years in the future. Presidential assassination? Could the one in 1963 seem as momentous to her as it did to many when she could personally recall two of the three others in our history?

Born as she was before the advent of electric lighting, the automobile, the telephone, radio, the newer prodigies of science and technology did not impress her overmuch. I once asked her what she thought of seeing men on the moon, live, in color. "Oh," she said, "I suppose it's all right." Her many years had clearly made her extremely tolerant.

Intact as were her mental and spiritual faculties, the sheer weight of her 90-plus years did bear on her body. Though far from being bedridden (merely two summers ago she was capable of the long car trip from Iowa to Washington), she did have difficulty at times walking and she recently made frequent use of a wheelchair. If you asked her how she felt, she would reply, "I'm all right, but I used to be able to run like a deer." There was wistfulness in the remark, and resignation, but also a subdued note of anger, as if she felt she had been betrayed—by her own body—and who could doubt her word? Yet there was no one still living who remembered her running.

From the fact that so many she'd known and loved had already passed on and from her religious devotion was derived another characteristic: prudence. She deemed it prudent to devote much of her energy these last years to preparing for the inevitable. This, also, must have accounted for her apparent detachment. She was preparing to put behind her the things of this world she was detaching herself from them. In her 93 years she'd seen a great deal of death and she must have acquired an understanding of it. It surely seemed that death, no more than anything else, would not surprise her. Yet it did, it did.

Dying was once something accomplished at home. That was the case for even the poorest of men. In 1878, say, there simply was no place else to die, no more than there was another place, besides the open field, to give birth. Also, dying being part of life, home seemed a suitable place to do it since that is where one had done the rest of one's living. Unless he were caught fatally by hazard far from home, every man could expect to die there—in the bosom of the family, as the expression went. Loved ones actually held your hand, they wiped your brow. You were going anyway; they tried to ease it for you.

I've said Mrs. Meinders was as aware of the world from which she died as the one into which she was born, but she must have expected, must have prayed, that her death would be the sort she knew best and which she had schooled herself to accept, if perhaps with ever so slightly rebellious a spirit, as she accepted the infirmity of an aged body. By rights, such a death ought to have been hers.

Like all really wise persons, Mrs. Meinders had made it a lifelong policy to avoid doctors, except in direst need, and to stay completely away from hospitals or any other institution purporting to care for the unwell or infirm. She was not alone in her feeling about such places. Her daughter, my mother-in-law, had her in her home, as she had for a number of years, when her final difficulties began in August. That is, unlike many others who, by virtue merely of years, find themselves in "nursing" homes at a certain point in their lives. Mrs. Meinders was not in one. Inasmuch as she required no "nursing," was not unwell, never truly infirm, why should she have been? Also unlike many others, of course, she had a daughter who was willing to have her at home and to see after her wants, which were always limited.

In August, Mrs. Meinders complained of some pains. My wife, who was visiting her mother and grandmother at the time, told me on the phone that the family doctor was away, that others had been consulted, and they recommended that Mrs. Meinders be taken to a local hospital for an examination, one more thorough than could be done at home. There should have been nothing alarming in the idea of hospitalization for no more reason than a thorough physical. Surely the reason for Grandma's pain could be more easily and accurately discovered in a hospital than at home. Yet Virginia (my wife) and I were both uneasy at the idea. She was herself less than enthusiastic.

As Virginia and her mother left her on the first evening of her first hospital stay, my mother-in-law said, "Well, we're going."

"And leave me in the presence of mine enemies?" said Mrs Meinders. It was a line from the best known, and Mrs. Meinders' favorite, of all the Psalms.

She was in the place for merely a few days. Because Virginia and her mother thought they discerned a casualness, even a certain callousness, in the institution's treatment of Mrs. Meinders, they were quite pleased when the doctors told them there was no need to worry, Grandma could go back home.

The doctor at the hospital had failed to detect a massive internal abscess which burst in the evening soon after Grandma's return. I was later appalled to learn that small Iowa cities of 30,000 population are apparently no different than New York or Washington on one score: Despite all the pleas of Virginia and my mother-in-law, no doctor would come to the house. All through the night the two women carried on as best they could. The blood and matter was coming in prodigious quantities. Every convenient receptacle—basins, bowls, pans, even a kitty litter box—was put to use; Veronica, our 15-month-old daughter, upset by the turmoil, began to cry but could not be coped with—there was no time even to empty the pans as Virginia and her mother worked in tandem; the gory containers overflowed the bathroom and kitchen floors, had to be set out in the garage.

Finally, at dawn, a doctor agreed to a house call. This gentleman's professional contribution to the situation, seeing the pans spread before him on the garage floor: "That's imposisble. If she lost that much blood she'd be dead."

She was in fact so weakened that the doctor would not advise what doctors today always automatically advise, what the doctors a few days before advised: he would not recommend her being moved to the hospital, not then.

Yet, weak as she was, she was also strong. Anyone, it seems when you consider it, must be marvelously strong simply to live 93 years. It was her strength that undid her. Why couldn't the end have been that night? It would have been far better. There were moments when Grandma actually cried out for it to be. She was too strong, however. Her God had made her so strong she was yet to endure a death unlike any she had ever expected.

The members of my wife's family are not numerous. For several generations the family's children have been born at 30-year intervals, rather than the common 20. Thus, Mrs. Meinders, though already past 90, had no great-grandchild until the birth of Veronica, my daughter. The two of them, the old lady and the infant girl, had a close and warm relationship.

In the morning after that first crisis, after the doctor had left, before anyone could stop her, Veronica climbed onto Mrs. Meinder's bed. She grabbed a crumpled Kleenex lying there and with it wiped some sweat from her great-grandmother's forehead. My wife has told me that it wasn't until days later that she saw Veronica's gesture in the light of the act once performed by her namesake.

During those days, as Mrs. Meinders recovered something of herself, there were countless games of peck-a-boo, the child standing at the foot of the bed, Mrs. Meinders frequently racked by pain nobody nearly a century old is meant to bear. How did she bear hers? Her heart, her lungs, all her organs were extraordinarily fit, we were told. It was necessary, however, finally to readmit her to the hospital.

It surely was necessary, wasn't it? The abscess had to be completely cleaned, it had to be healed. The doctors wouldn't treat Mrs. Meinders at home, no more than they'd do anything else there, even examine her.

It was in the hospital that I last saw her. She had been there, in bed, for two or three weeks. I was deeply distressed after seeing her. Never had I seen her so enervated, so listless. Never before had I seen her listless, period. And her eyes! A 93-year-old junkie, was that possible?

My wife explained that the nurses gave Mrs. Meinders drugs, "to keep her quiet."

"Quiet! How noisy can a bedridden 93-year-old woman be?"

"No, it's just that if she asks for anything when it's not scheduled it disturbs the routine. They're busy."

"Oh, c'mon. What? A glass of water?"

"I know. But what can we do?"

What indeed?

Her low morale was not the only thing troubling about Mrs. Meinders' condition. We noted a vicious bruise, actually an open wound, on one elbow (an old person's skin can be exceedingly tender). There were similar bruises elsewhere on her body. We inquired of the nurses how the bruises had been inflicted. Blithely, we were told she bruised herself trying to get out of bed. The bed in question had high railings all around it. An old lady who's lately needed a wheelchair to get around tried by herself, in a drugged state, to climb over those barriers? That's what we asked. We were told: Yes!

Mrs. Meinders was clearly not popular with the staff. She was a nuisance; so it seemed. But, as Virginia asked, what could we do? We didn't want to take her home simply to die. We wanted her to live comfortably and well. For that she needed healing. The alleged healers said the only place for the healing was here, in the hospital.

Mrs. Meinders was most of all a nuisance about the catheter. My mother-in-law, who'd cared for her for years, knew she was not, had never been, incontinent, yet a catheter had been inserted in her urethra. This did spare the nurses having to attend to a bed-pan but it created another problem. Mrs. Meinders was evidently offended by the plastic tubing, especially inserted as it was in a part of her body she probably regarded as not merely private but inviolate (nothing could more accurately reflect her 19th-century upbringing). When she was sufficiently undrugged, she pulled the catheter out. Not once. At least three times. Incredible. I flinched whenever I imagined the pain her action must have caused. I don't know if the nurses considered the pain, but they were furious. When Virgina and I discovered the catheter removed on one of our visits and foolishly reported it ("Please don't make trouble for them, Grandma. You'll only make them mad.") we were banished from the room, saw nurses, faces rigid with anger, rush into it. We heard Grandma scream as they jammed the damned thing back in, but the first nurse out the door met our gaze with equanimity, even smiling. What to do? We felt trapped.

The last time I saw my wife's grandmother alive was with my mother-in-law. When we reached the floor, we found no one at the floor desk. We went straight to Grandma's room. She wasn't there. Wondering where to look, we heard Grandma's voice from the room down the corridor where sitz baths were given. My mother-in-law pulled me back as I was about to step through the door; she wanted to hear what was being said.

Grandma was saying, "Why can't I talk?

"Because I want to read the paper," the nurse replied.

When we did go into the room, I saw the nurse's paper was turned to the funnies page.

I returned to Washington, leaving Virginia with her family. Mrs. Meinders was in the hospital a while longer. The hospital then asked that she be removed.

I couldn't believe it when Virginia told it to me on the phone.

There had been a letter to the hospital from Medicare, it seemed. Formerly, hospitals might keep patients indefinitely, as long as necessary to get the job done, the job that needed doing; that's why the patient was there. Today, the Medicare "benefits" are exhausted, and that's it. Out. Unless maybe you're actually dying. Ginny quoted a doctor at the hospital, speaking of Mrs. Meinders' case: "Hopefully, we'd thought that she'd have slipped away by now." Those were his exact words. Since she hadn't "slipped away" as scheduled by Medicare, she'd have to leave. I was speechless.

Even as Mrs. Meinders was expelled from the hospital, the doctors expressed the view that if she were taken home she'd require the attention there of two full-time nurses. That was out of the question. Accordingly, Virginia's mother and aunt surveyed most of the nursing homes in the area and finally settled on one; it was going to cost the family $1,000 a month. As it happened, Mrs. Meinders was there but a few weeks.

After helping her mother and aunt install Mrs. Meinders in the place, Virginia came home to Washington. She told me all about the home. It was clean and bright, the newest built and supposedly best equipped home in the vicinity, but she'd found the same routine use of drugs as at the hospital. Every evening everyone got his stupor pill; undisturbed quiet would reign for the rest of the night; no one would be any trouble for anyone else, particularly the staff (in addition to professional staff there was considerable volunteer help—Girl Scouts earning badge points, that sort of thing).

I was struck by one detail; persons feeling badly often must be encouraged to eat; that is as true as of old persons as anyone else. At this "nursing" home where Mrs. Meinders now lived, no one did anything to encourage eating; food, I gathered, was simply left with the inmates: there it is if you want it. The result was that the relatives or friends of many inmates, including my mother-in-law, visited the establishment twice a day to feed the inmates. A thousand dollars doesn't buy much anymore, I reflected.

Three weeks after Virginia got home the phone rang at 3 o'clock one morning. It was Virginia's mother. Grandma had been killed. She was scalded to death in the bathtub. In a sitz bath. I wondered what nurse this time had been busy reading the funnies.

No one had actually been reading the paper. It might as well have been the case, however. Beyond the fact that someone had been grossly negligent we shall perhaps never know exactly what happened. Either someone had simply put Grandma into water already scalding hot and abandoned her despite her protests, or she was left unattended while a malfunctioning electrical device heated up the water. As chance had it, both my mother-in-law and her sister arrived at the "nursing" home, for a visit, within minutes of the event. The place was in turmoil. In the moment's excitement, one nurse was extremely candid. She blurted: "We heard her screaming but we were all too busy to go in." When the remark was reported to us, Virginia and I recollected the scream we'd heard in the hospital corridor, and the satisfied look of the nurse afterwards.

Grandma lingered, in agony, for twelve hours. She was back in one of those beds with the high metal barriers; both her daughters were with her. She complained very little about the pain she was feeling, but it had to be great. Her boiled flesh had turned black and was falling away. A curious thing happened in those hours. Though Grandma was Iowa-born, her first language was German, until the age of 8. No one living had ever heard her speak it. Now at the end, it was suddenly the language in which she prayed. Then, her very last words were: "Give me a kiss." Neither of her daughters could reach over the barriers of the hospital bed to give it. That was all.

When we buried Grandma her pastor said that everything he knew about her indicated that she was now with God. It is hardly possible to believe otherwise. All signs, her devotion and piety, her prudence, indicated that she understood her very long life to be a gift from God, which He meant her to use in preparing to meet Him. Not everyone receives such a gift. Consider the case of a young man wiped out driving to work. Yet Grandma's death was more nearly akin to the young man's than it surely was to that of, say, her grandfather. But Grandma's case was not unique, you know that. That most of us will have her institutional kind of dying, or the young man's violent death, and almost no one of us the older kind of demise, an 1878 death—there is the material for meditation.

Death has always been the ultimate correction of men's lives: it is the wages of sin; but unless all accounts of past dyings have been falsified, it does seem that death, the process of having one's sins corrected, was once easier to bear. It seems to have involved some tears and sincere repentance, and that was about it. Did its relative ease correspond to the sins it corrected?

That young man driving to work, is he aware his life is in God's hands? Chances are that if he has any thoughts at all about his life being in anyone's hands he thinks it is in those of the General Motors engineers.

And if so wretched a death as Grandma's can be visited even on that dear, amiable, God-fearing lady, what chance have the rest of us to avoid her fate, the young man's, or worse? Tears and repentance, then, sweet death? No, for most of us it's going to be the freeway crack-up, or the lonely, bitter death of a terminal ward—or the scalding sitz bath.

Why should God, capable as He is of infinite subtlety, arrange for the top of the world to blow off at Amchitka. He can arrange for every man a personal Amchitka. I believe that is possibly just what He's doing. I'm suggesting that the American way of death may in fact be His punishment for our way of life. If you don't believe in Him, let's just say that it's nature fighting back.

LABOR LOSES A LEADER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Greater Miami community was deeply saddened this week with the untimely passing of one of our brightest and most energetic labor leaders. Joseph Caleb, who was the president of the International Laborers Union Local No. 418, was cruelly cut down by an unknown assassin Sunday night.

Mr. Caleb was a top labor official as well as a leader in our community. He was one man that many of us had learned to respect and look to for advice and counsel. We counted heavily on the leadership of this young man of 34.

The entire Dade County community grieves this tragic loss of this very fine and outstanding young man who, in his short lifetime, played such an important role in enhancing the opportunities for all of our people.

We will miss Joseph Caleb.

SIR MALCOLM STODDARD-SCOTT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it has been a great privilege for my wife and me for many years to enjoy the warm friendship of a distinguished member of the British House of Commons, Sir Malcolm Stoddard-Scott, his lovely wife, Lady Stoddard-Scott, his able son, John, and his charming daughter, Carolyn. We have exchanged visits over the years and my wife and I have found the friendship of Sir Malcolm and Lady Stoddard-Scott and their family to be a great source of delight.

Sir Malcolm has had a distinguished professional career as a physician, as a colonel in the British Army during World War II, as an outstanding business and civic leader, and now, for more than 26 years, as an eminent and highly esteemed Member of the British House of Commons as a member of the Conservative Party. Sir Malcolm for many years headed the British Interparliamentary Union Delegation and performed distinguished service for his country and for the free parliamentary system in the world. He was only recently asked by the Speaker of the House of Commons to chair a British delegation making an extended tour of Africa. On April 14, 1971, Sir Malcolm was awarded the Freedom of the City of Ripon, an ancient and honored city in his constituency in the vicinity of the great cities of York and Leeds, among others. On the occasion of being given the Freedom of the City of Ripon, Sir Malcolm delivered a very learned and memorable address upon the great and honorable history of Ripon; its contribution toward British leadership and life. It is fascinating to review in Sir Malcolm's magnificent address the long history of Ripon, the distinguished achievements of so many of its citizens, and the important role that Ripon has played in the life of Great Britain. Sir Malcolm, with great honor and eminence carries on the illustrious role of leadership in British national life which members of the House of Commons from Ripon have so long discharged. We all recognize that a part of the glory and greatness of the British people is to be found in the deep and ancient roots of their cities and institutions and the richnesss which derives from such long continuity.

Sir Malcolm and Lady Stoddard-Scott have visited many times in Washington and their friends here will share Mrs. Pepper's and my delight upon Sir Malcolm's being awarded the Freedom of the great City of Ripon and they and, I am sure, all of my colleagues will be immensely inspired to read the fascinating address in which Sir Malcolm responded so fittingly to the bestowal of this high honor. I, therefore, Mr. Speaker, insert Sir Malcolm's able address in the body of the RECORD at this point following my remarks:

SPEECH MADE BY COL. SIR MALCOLM STODDART-SCOTT

Mr. Mayor, Members of the Ripon City Council, My Lords, Ladies and Gentlemen: I beg you to accept my sincere acknowledgement and grateful thanks for the kind expression of congratulation and goodwill which you have conveyed to me. I cannot hide from you the fact that the Freedom of your City which you have bestowed upon me this afternoon gives me the greatest possible pleasure. To be a Freeman of this famous, ancient and unique city is a privilege which has only rarely been conferred upon individuals and is, therefore, an enormous honour of which I am most appreciative and grateful.

This ancient city clustered around the Mother Church of Ripon, whose power and influence was effective from the 7th Century, is one of the most ancient ecclesiastic districts in England. It is not inappropriate to remind ourselves that Ripon was one of the first English cities to which a Civic Institution was granted. In the whole country, only YORK can claim to be older and senior to Ripon. For many centuries you have possessed the institutions and organisations by which men and women have been trained to discharge the great and important duties of public life. Such a past has imposed upon very many individuals great responsibilities, many sacrifices and much devoted service. For to govern is to serve.

Ripon city was first incorporated in the 14th year of the ever memorable King Alfred the Great—in the year 886, many years before the Norman Conquest. It is said about King Alfred 'That he changed the whole face of the Kingdom into better form; dividing the provinces into counties and the counties into Tythings and Parishes.'

Out of Local Government Institutions there grew here in Ripon, as elsewhere in Britain, the right to Parliamentary Representation. It was Edward 1st who availed himself of the fruitful conceptions of that great man Simon de Montfort. He called to the Council of the Nation, meeting in London, representatives from the cities and boroughs of England. To the first Parliament, Ripon was asked to send two members, and in most Parliaments since 1295, Ripon has had 1, 2 or 3 Members.

Parliamentary representation in early times was considered more of a burden than a privilege or an honour. Those who sent the Representatives to Parliament were obliged to maintain them. Representatives had little say in making or amending the laws. The main cause for summoning Parliament was to give consent to taxes proposed, or to taxes which had already been imposed. Over the past 7 centuries, over 90 individuals have served this City in Parliament: and we are honoured Mr. Mayor, to have with us to-day, descendants of more than a dozen of my predecessors. Many of the Members for Ripon have traversed the corridors of power and some have found an abode in the Hall of Fame.

Before the Reform Bill of 1832, there was no thought about democracy in the return of M.P.s for Ripon. Up to Elizabethan times, Members were nominated by the Archbishop of York and the Lord President of the Council in the North. In the 18th century, the right of nomination for the 2 M.P.s for Ripon lay in the hands of the 146 tenants of the Aislabie family who lived at Studley. This family controlled the representation with the result that there was no contested election for 118 years between 1714–1832. In spite of this undemocratic method of selection, Ripon was frequently represented by distinguished, courageous and notable Members of Parliament.

Members of Parliament for Ripon have filled all the important offices of State, including Foreign Secretaries, Colonial Secretaries, Home Secretaries, Secretaries of State for War, for India; a President of the Board of Trade, an Attorney General, a Lord Chancellor of Ireland, 2 Lord Chancellors of Great Britain, 5 Chancellors of the Exchequer, 2 Viceroys of India, and a Prime Minister.

The Hon. George Gosham represented the City 1880–1885; he was a great decliner of offices. He declined to be Secretary of State for War. He declined an invitation to be Speaker of the House of Commons, he declined an even greater honour—to be Viceroy of India, but ultimately, he replaced Lord Randolph Churchill as Chancellor of the Exchequer. In 1880 at the general election, he defeated Francis Darwin, who was squire of Creskeld in the Parish of Arthington. After his defeat, Mr. Darwin devoted himself to the work of the newly formed West Riding County Council, and played a much larger part in local affairs than the present overworked, inadequate and retiring Squire of Creskeld has been able to do.

Thomas Pemberton represented Ripon at Westminster from 1835 to 1843, he too, was noted for his refusal to accept honours and appointments. In 1843 he declined Sir Robert Peel's offer of the Solicitor Generalship. He also declined an invitation from the Lord Chancellor to become a Judge. Four successive Governments offered him a peerage. Lord Derby pressed him to become Lord Chancellor. It was said about him that 'For 20 years without ever receiving or desiring a shilling of public money, he rendered to the public unnoticed services of the highest imperial value.'

Sir Charles Wood a distinguished Statesman who ultimately became Viscount Halifax in 1865 became M.P. for Ripon after having represented Grimsby and Halifax in previous Parliaments. He filled the offices of Secretary of State for India, President of the Board of Trade, first Lord of the Admiralty, Lord Privy Seal and Chancellor of the Exchequer.

He is said to have been a good administrator, a man of sound judgment, and his weight in the House of Commons was due to his knowledge of public affairs. Hon. Edward Wood, a grandson of Sir Charles Wood, represented Ripon for 15 years, and was in the unusual position in this century of being returned unopposed at 4 general elections. He filled many important posts between the two World Wars and during the last war. He was Secretary of State for War, Foreign Secretary, our Ambassador in Washington and a Member of Mr. Churchill's War Cabinet. In 1924 he was created Lord Irwin and became Viceroy of India, where he is still remembered as 'the great Christian Viceroy'.

To sit in Parliament in the 16, 17 and 18th centuries, called for courage, fortitude and a spirit of adventure, which is not demanded of Parliamentarians today. Sir John Mallory was the son and grandson of Members of Parliament for Ripon, as well as being M.P. for Ripon himself. He was also Governor of Skipton Castle and commanded a Regiment of Dragoons. In 1643 he distinguished himself by surprising the Parliamentary Troops holding Ripon and succeeded in capturing his Constituency in the name of the King. Three years later in 1646, Ripon returned Sir John Bourchier who was in the opposite camp to Sir John Mallory. Sir John Bourchier was one of the Judges when Charles I stood for trial in Westminster Hall. He, along with Oliver Cromwell and 58 other M.P.s signed King Charles' death warrant, an act which demanded courage, determination and fortitude. After the Restoration, the Speaker acquainted the House of Commons of his surrender in 1660. He died shortly afterwards, asserting to the last 'the justice of the King's condemnation'. Those were truly trying times for Parliamentarians.

The South Sea Bubble was a tragedy at the beginning of the 18th century of Rolls Royce proportions. The South Sea Company, by Act of Parliament, obtained a monopoly of trading in the Pacific Ocean and on the East Coast of South America. In 1720 the Company made an offer to pay off the whole of the National Debt for certain exclusive commercial privileges. The Public became inflamed by the brilliant prospects of the gold and silver Eldorados awaiting exploitation in South America; they crowded in the rush to purchase shares. A £100 share sold at £1000. Ultimately, the eyes of the public were opened to the recklessness of this scheme, and the shares that had cost £1000 slumped to £135. Many people were ruined, and the failure assumed proportions of a gigantic financial disaster. At that time John Aislabie was the M.P. for Ripon. He became Chancellor of the Exchequer in 1718 and was the chief promoter of the South Sea Company. The Company crashed in 1720, Aislabie resigned his office early in 1721. In March that year, the House of Commons found him guilty of the "most notorious, dangerous and infamous corruption". He was expelled from the House of Commons and committed to the Tower. It was largely thanks to Robert Walpole that he was released and was allowed to retain all the property he possessed before he became Chancellor of the Exchequer in 1718. So he fared much better than most of his colleagues. On his release, he devoted himself to his Yorkshire estate at Studley and local affairs. He was twice Mayor of Ripon and applied himself to the elegant and delightful art of landscape gardening. The lakes, fountains, the terraces and statues, the temples, the shady walks and the velvet lawns at Studley were his creation.

John Aislabie's son William on attaining his majority, took his Father's place in the House of Commons and sat in every Parliament until his death at the age of 81, having been M.P. for Ripon for 60 years. Only one M.P. has exceeded William Aislabie in his length of service in Parliament—Charles Pelham Villers, who was an M.P. for 63 years. Like his father, William Aislabie was twice Mayor of Ripon. It is said about him "that the contemplation of the beauties of nature and rural occupations proved his chief and unceasing delight". He had the felicity of adding, to his vast possession, the magnificent remains of Fountains Abbey, one of the most renowned structures which enrich the beauty of the valleys of England. Every man and woman who has eyes to see and a heart to feel is indebted to William Aislabie for the preservation from further decay, of this famous Abbey, which was described in 1733 by the poet Thomas Gent as "That noble work in ruinous perfection".

Ripon was represented at Westminster from 1807–1827 by Frederick John Robinson who was widely known as Prosperity Robinson. He held many public offices, Secretary of State for the Colonies, Lord Privy Seal, but he owed his nickname to his success as Chancellor of the Exchequer. In his first budget in 1823, he had a large surplus. He was able to reduce the National Debt and lower taxation. He halved the window tax. His budget speech was greeted 'With demonstrations of applause more loud and more general than ever before greeted a Ministerial statement on finance'. He gave £40,000 towards building the British Museum. He spent £57,000 on purchasing the Angerstein collection of pictures which formed the basis of the National Gallery. In his second budget in 1824 he again reduced taxation and paid off more of the National Debt. He spent £500,000 on building churches, and £300,000 on restoring Windsor Castle. In his third budget in 1825, he congratulated the House of Commons on the prosperity of the country and reduced duties on iron, hemp, coffee, sugar, wine, spirits and cider. On the death of Canning in 1827, Mr. Prosperity Robinson was invited by the King to become Prime Minister and form an administration. He was also created Viscount Goderich. Alas, he was P.M. for 112 days only. He was unable to preserve unity among his Cabinet colleagues, so handed in his seal of office to King George 4th and wept bitter tears on the King's shoulder. He was succeeded in office by the Duke of Wellington. It is said that Viscount Goderich was probably the weakest P.M. who ever held office in this country and was the only one who never faced Parliament in this capacity. Whilst Viscount Goderich was spending those barren, sterile and abortive days at 10 Downing Street, Lady Goderich found her stay in this famous house more fruitful and productive. On Oct. 24th, 1827 she gave birth to a son, George Frederick Samuel Robinson, probably the only child of a serving P.M. to be born at 10 Downing St.

George Robinson became M.P. for Hull, Huddersfield and the West Riding. He was Secretary of State for War, Secretary of State for India, Lord President of the Council, First Lord of the Admiralty. He succeeded to his father's titles in 1859. He had also been created the Earl of Ripon. The new Earl of Ripon became the Marquess of Ripon for his services in successfully negotiating the Washington Treaty. In 1880 he became Viceroy of India. After 4 years in India, he returned to Ripon and took a very active part in local affairs. Like his father, he became Mayor of Ripon and in 1888 he was elected the first chairman of the newly formed West Riding County Council, on which he represented Ripon for 6 years.

As the oak of the forest grows slowly but surely, so self government in Britain has grown and expanded slowly, until it has become a dominant power. So a system of municipal rule as well as Government rule has evolved. Our system has proved to be the freest and most equitable that the world has yet seen. Detailed records are available of the work your Councils have done in the last 600 years or more. Up to 1604 your Council was presided over by a Wakeman, since that date many distinguished and public spirited men and women have been Aldermen and Councillors of your City. More than a dozen of those who have served as Mayor have also served your City in Parliament. Now we live in times of great change in local government, there are to be changes in boundaries, changes in powers, and changes in the financing of local authorities. No one at this moment can foresee with accuracy the outcome of the imminent reorganization.

It would be a thousand pities if the hundreds of years of history of local government in Ripon was lost, or the enormous part the Mother Church played in creating and administering this ancient city, was not recorded. I have sketched only briefly a very small fraction of your distinguished Parliamentary history. Your city has an industrial story which should be told—the textile industry, the paint and varnish industry. Your city was famed for the best and most curious spurs in England, from whence came the proverbial saying to express a man's honesty and fidelity "That such a person is as true as Ripon spurs". There is also a military history which should be recorded. Your free Grammar School (and may it always remain free) incorporated by Queen Mary in 1555, and your College of Education, now more than 110 years old, have many records, achievements and struggles, which must not get lost in the dust and must of time. May I be forgiven Mr. Mayor for making a suggestion. In order that there shall be an even closer contact between these educational establishments and your city, your Council might consider appointing an Honorary Historian from the Staffs, in order that the history, achievements and the records of every aspect of your city life can be preserved, recorded for all time, and made known.

It is right to cherish memories of the past, but we who live now have to labour manfully and wisely to fulfill the duties that lie in our hands today and try to foresee and face the vast problems of tomorrow. I believe we must speak with reverence of the past, as it is the mother of our present and a guide to the future. Someone must be given the task of telling us of the achievements, the mistakes and the lessons from the past and to help us in the days ahead. I have, this afternoon, dealt almost entirely with the past. May I be forgiven if for two minutes I speak briefly of the two great overwhelming problems which I see facing our nation, our countryside, our towns, our institutions, and indeed, the world. I note that through the centuries your City Council has foreseen these problems and taken action.

The two overwhelming problems which must be dealt with immediately are pollution and over population. Your city through the ages has frequently taken steps to remove pollution from your streets and your river. As far back as 1466 (over 500 years ago) a man was fined 3/4d. for putting lime skins into the water of the Skell. In 1507 Robert Kettlewell and John Middleton were chosen as Inspectors of the watercourse of to Neether Skell "for the conservation of the purity of the same". In 1509 a bye law was renewed that prevented beast bags, entrails being washed with the water of the Skell or next to it. Two men were also fined for having led a waggon of dung drawn by oxen through the Skell. In 1702 another order was remade by your Council to punish people who suffered dung hills to lie in the street. In 1786 your Council decided that the Street Cryer should give information against people who defaced, damaged or destroyed guide posts and rubbish posts and should impound pigs going about the streets or highways. Immediately after the passing of the Nuisance Removal in 1855, your Council appointed John Hall as the first Sanitary Inspector at a salary of £10 per year. Over population is a more difficult problem, but somehow Ripon has found the solution; in spite of the fact that Robert Ogiby who died in 1768 at the age of 114 having been married for 73 years, left behind, 25 children, 12 boys and 13 girls. In spite of the fact that Mrs. Lupton of Stammer Gate who died in 1718 at the age of 74 was mother, grandmother and great grandmother of 150 children. In spite of Mrs. Brown who died in 1840 having been confined 14 times, and giving birth to four sets of twins. In spite of these remarkable feats of productivity and fruitfulness, Ripon's population has not even doubled in the last 100 years, whilst the rest of the country has increased sixfold. Now we are told, the world's population will double in the next 35 years, from 3600m. to 7200m. If true, then starvation and pollution of the earth, air and water is inevitable.

Mankind is now faced with the greatest challenge in the world's history. A challenge, which in the past, Ripon seems somehow to have met and overcome. May you continue to deal with this threat to mankind, and especially to our island, which is already the most thickly populated part of this small world.

I hope, Mr. Mayor, you will permit me to express my sincere wishes for the prosperity of your City, and to add my hope that we may be enabled each in our respective ways, to promote the success and welfare of this City.

The granting of the Freedom of your ancient, unique and charming City, is a signal honour which I and my family will always be proud of and cherish.

I am most grateful to you Sir, and your Council for this great honour, I only hope I am worthy of it.

OBSERVANCE OF THADDEUS KOSCIUSZKO DAY, FEBRUARY 12, 1972

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, once more we are reminded of the anniversary of the birth of one of our most illustrious heroes. On February 12, 1746, there was born in Poland's Grand Duchy of Lithuania a boy who was to gain such fame at home and abroad that his remains were to be buried in the hallowed spot in the Cathedral of Cracow reserved for Poland's honored patriots and martyred heroes.

Few men in history equalled the magnificent contributions to the cause of freedom which this zealous patriot made over a long span of years. No man has endured greater personal sacrifice or endured more frustrations than did Thaddeus Kosciuszko. Yet no man has been held in higher esteem by those who were recipients of the blessings of freedom which he helped them to obtain.

Within recent days the name of Kosciuszko has been before the American public, because of the efforts being made by a large number of our prominent citizens in cooperation with Polish-American leadership to have the residence of Kosciuszko in Philadelphia established as a national historic site. Just as the grateful citizens of my congressional district in Brooklyn honored Kosciuszko with a bridge bearing his name, I feel it is entirely fitting that the home in which this great hero once lived should be set apart in his memory.

With the passage of time the writers of American history call increasing attention to the importance of the help which this young officer gave to Gen. George Washington and to his significant contributions to the winning of our independence.

The success of our Northern Army stemmed to a great degree not only from the effectiveness and durability of the mighty defenses and fortifications of Philadelphia and West Point which young Kosciuszko designed and installed but from the enthusiasm and determination which he displayed. Busy as he was with the engineering demands made upon him, he found time to author the first book written for the American Army stressing the tactical use of horse artillery. No American-born officer could have been more determined to gain America's freedom than this young Polish zealot.

From the day of his being commissioned a colonel of engineers in the Continental Army, Kosciuszko applied himself without any deviation to the engineering and construction tasks which General Washington needed so desperately. Even so, this diligent engineer yearned to get into actual fighting himself. He longed to try out the wide military skills which he had acquired as a student in the Royal College of Warsaw and from his military scholarships in graduate studies in England, Germany, and France. In 1780, Kosciuszko obtained a transfer to assume the assignment of chief engineer of the Southern Army. Here he served with equal distinction as a fighting man and as an expert strategist in playing a major role in the winning of the Battle of Saratoga.

On October 13, 1783, Congress took unusual measures to show Kosciuszko its own and the Nation's appreciation of his magnificent services by awarding him American citizenship, a land grant, and promotion to the rank of brigadier general. But General Kosciuszko was not one who could rest on his laurels or be content to bask in the praise and adulation of his grateful American friends. He had proven himself years ahead of his time as a military strategist, and he also demonstrated he was a great humanitarian possessed of tremendous compassion for all mankind. No present-day hero can excel the possession of the great personal social awareness which Kosciuszko demonstrated almost two centuries ago when he took a bold step in support of the emancipation of slaves in America. His last will and testament, turned over to his close friend Thomas Jefferson to execute in his behalf, is truly historic and today, 183 years later, is more meaningful than ever.

Mr. Speaker, every American citizen should read and ponder this classic statement:

> I, Thaddeus Kosciuszko, leaving America, hereby dispose and declare, on my failure to return, my friend Thomas Jefferson authorized to use all my possessions in the States of America to buy any of his slaves and the slaves of others and in my name to give them freedom and the opportunity in education; prepare them for their new life by training them in their moral obligations that they might become good neighbors, good fathers and mothers, husbands and wives; that by training them in their civic duties, they might become defenders of their own freedom and their country; and, in general, teach them anything that might make them happier and useful. I name the above mentioned Thomas Jefferson as the executor of my Will.
>
> THADDEUS KOSCIUSZKO.

Surely no American-born citizen could leave for posterity a more monumental last will and testament. But great as was this man's love for the people of America, his love of his own country, and her people was still dominant in his affections. In consequence, he felt the call of his homeland where his fellow countrymen in Poland were beginning to take steps to get out from under the Czar's less than benign rule. He was intrigued, too, with the French revolution, so he returned to Poland in 1786 to study the political issues facing both Poland and France.

Month after month he became more and more involved with the Polish patriots. He led them in the battle of Dubrenka in 1792. When the king deserted the nationalist cause, Kosciuszko fled to France. He returned to Poland in 1794 as the recognized leader of national insurrection against Czardom. In Poland, he employed the same brilliant military leadership he had shown in America. He won the battle of Raclawice and freed Warsaw. But even Kosciuszko could not win all battles. Faced with the threat of a formidable Prussian army at his rear, he was forced to meet head on the greatly superior Russian forces at Maciejowice where he was wounded and taken prisoner. In 1796, he was freed by Czar Paul, but expelled in exile to France. Here he was asked by Napoleon to join him in an effort to free Poland, but he declined because of lack of confidence in Napoleon.

Even while living in exile in France and later in Switzerland where he met his untimely death in October 1817, Kosciuszko continued his unremitting fight to obtain freedom for his countrymen but with little success.

Mr. Speaker, it is important that all

Americans know and remember the story of our great hero, Thaddeus Kosciuszko. It is important that we do all in our power to preserve for posterity the physical reminders of this great man's help to us in our abject hour of need, but it is even more important to remember and take to heart the magnificent efforts which he made to right a social injustice in America which caused him great anguish. In so remembering this great hero we can but acclaim the tribute paid him by Thomas Jefferson who wrote:

> He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all and not to the few and rich alone.

We are grateful to the Polish-American Congress and our Polish-American leaders for their continued leadership in paying highest homage by all our citizens to this great man who so truly merits it. May their efforts be crowned with success.

NEED TO PROTECT TERRITORIAL LICENSING

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, I am today along with 43 cosponsors reintroducing legislation to amend the Federal Trade Commission Act to allow continuation of the franchise system for the distribution of soft drinks and other trademarked food products. The need for this legislation stems from complaints issued by the Federal Trade Commission alleging the franchise distribution system hinders or eliminates competition by restricting soft drink manufacturers to designated geographical areas.

Undoubtedly the staff of the FTC is genuinely seeking to promote the public interest and, upon a superficial view, the elimination of these territorial restrictions might appear to serve that end. Such a theoretical analysis, however, ignores the hard facts and realities of the marketplace.

The traditional route delivery marketing method of the soft drink industry has produced intensive competition between soft drink manufacturers for the trade of virtually every restaurant, filling station, bowling alley, country store, and every other imaginable outlet in these territories. Competition for shelf space, aisle location, facings, and consumer attention in the supermarket is fierce. Breakdown of the traditional territorial system will replace the struggle for individual outlets with warehouse deliveries to grocery chains and other volume buyers.

The success of the Commission's complaints will inevitably lead to the demise of the majority of small local bottlers. Any immediate, short-term gain in intrabrand competition which might result from the Commission's decision will be outweighed by the long-term loss to competition in general as one after another of the small bottlers are forced out of business by enlarged regional operations.

The consumer will be left with less service in choices and availability, as well as the likelihood of higher prices. The public will witness still another industry now largely based in nonmetropolitan areas move to the cities, with resulting loss to local economies.

Mr. Speaker, I urge prompt consideration and action on this legislation to overturn an ill-advised decision of the Federal Trade Commission and continue a method of competition that has proven itself for almost a century in America.

The list of sponsors follows:

LIST OF COSPONSORS

Mr. Begich, Mr. Steiger of Arizona, Mr. McCloskey, Mr. Mathias of California, Mr. Aspinall, Mr. Mathis of Georgia, Mr. Michel, Mr. Railsback, Mr. Findley, Mr. Myers, Mr. Dennis. Mr. Sebelius, Mr. Shriver, Mrs. Hicks of Massachusetts, Mrs. Heckler of Massachusetts, Mr. Burke of Massachusetts, Mr. Montgomery, Mr. Shoup, Mr. McCollister, Mr. Cleveland, Mr. Sandman, Mr. Blanton, Mr. McEwen, and Mr. Terry.

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RISING FOOD PRICES

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, I have just received and analyzed the January consumer price data provided to my office by the 22d Ohio Congressional District Community Committee on Consumer Prices.

The data indicates that the Department of Agriculture is misleading the American consumer by predicting that food prices will rise only 3 to 3.5 percent in 1972. In addition, this data, collected by a volunteer organization of 215 retirees, students, businessmen, unionists, housewives, and others in the eastern suburbs of Cleveland, Ohio, shows that while the Secretary of Agriculture may be proud of rising meat prices for the farmer, the administration's policy is driving fresh meat off of the American dinner table.

The latest data supplied my office is the second consumer check in the Cleveland area during phase II of the New Economic Policy. The consumer committee was first organized on October 25, 1971, as an effort on the part of private citizens to check on the progress of phase I and phase II, determine strengths and weaknesses in the program, and provide specific price data to the Internal Revenue Service and other public officials. The committee collected "base-price" or "freeze period" data on 5,000 consumer items before the end of phase I on November 13. The committee did its first "price check" during the first week of December 1971. The second price check, which I am reporting on today, covered some 1,805 items during early and mid-January 1972.

The first price check showed that most consumer items, including most foods and services, remained stable in the first month of phase II. The first price check did reveal very disturbing increases in the cost of fresh foods—meats, vegetables, and fruits. These fresh food items, which make up such a major portion of our diet, were never covered under phase I of the freeze or phase II—even though meat was covered during World War II and the Korean war. The price increases in fresh foods which the Consumer Committee has documented clearly reveal that the failure to control these items is destroying the budgets of the American people whose incomes have been stabilized.

As a result of this finding, I wrote to the Secretary of Agriculture and the Cost of Living Council on January 5, 1972, asking that, although fresh foods were exempt from controls, special efforts be made to curb the rising costs of these foods. I pointed out that the establishment of more adequate meat import quota levels would be helpful in keeping the price of meat within reason. The Department replied that it was studying the matter, but admitted that some meat prices would indeed be rising. For example, because of high corn prices several years ago, a considerable proportion of the Nation's pig stock was slaughtered and there is now a shortage of animals for the stockyards.

The second price check again showed that most durable consumer items and services remained constant. To that extent, phase II has been very successful to date. But, food prices, so important to us all—particularly to the low income, continue to skyrocket. Following is a table summarizing the consumer items which were watched and the areas of increase by category since the start of phase II:

Category	Number checked	Number increased in price
Autos and transportation	6	0
Clothing	112	0
Food	1,203	231
Health care	162	7
Housing	220	17
Recreation	81	8
Services	21	2

Within the food categories, fresh meats were clearly out of line. Of 77 beef items checked in a variety of stores, a total of 53 experienced an increase since the start of phase II. The trend appears to be accelerating. An examination of several price lists which came in late—about the 25th of January—show that of four beef items checked, all four had risen in price. Some of the price increases are very large:

Description of meat	Quantity	Price at start of phase II	Price in mid-January
All beef hot dogs	12 oz	$0.65	$0.85
Ground chuck	Per pound	.74	.84
Chuck, semiboneless	do	.79	.94
Chuck steak	do	.59	.79
Rump	do	1.28	1.44
English cut	do	.88	1.04
Sirloin butt	do	1.24	1.44
Boneless brisket	do	1.12	1.28
Round top steak	do	1.29	1.49
Sirloin (super right)	do	1.09	1.65
Hamburger (24 to 30 percent fat).	do	.59	.69
Pot roast	do	.74	1.08

Note: In this sample, the cost of sirloin went up 51 percent and the cost of pot roast was up 46 percent. Hamburger, with 24 to 30 percent fat, was up 17 percent.

Other meat prices are up as well. One cannot substitute other fresh meats for beef, because they are all up in cost. Of 24 luncheon meats checked, five were up—and the average increase was not minor: 19 percent. Of 12 poultry items checked, four were up. For example, a whole fryer was 25 cents per pound in early November and is now 43 cents per pound. If one had bought a pound of each of these four poultry items in early November, they would have cost $1.76. Now they would cost $2.22—a 26 percent increase.

Many pork items are up significantly. A pound of ham could be bought in Cleveland for 99 cent in early November. On January 8, that same ham was selling for $1.29.

A number of fish prices were also up. Frozen perch sold for 78 cents per pound on November 6 and for 99 cents per pound on January 15.

As pointed out in my previous letter to the Secretary of Agriculture, the increase in fresh meat prices during the winter months was not normal. Usually, under seasonal adjustment, these prices go down during the winter months. If they are rising at this time, their prices will certainly reach fantastic new highs by early summer, before the 1972 slaughtering season starts.

Other fresh foods are also up in price. Out of 13 brands and types of eggs checked, most were up in price. In early November, one could have bought a combination of nine cartons of a dozen eggs each for a cost of $4.00. By mid-January these same cartons would cost $5.12—over an extra penny an egg in cost.

Fresh fruits were up. Of 26 items checked. 10 were up. If one had bought those 10 fruits in early November, the cost would have been $2.51. In January, the same items were up by 27 percent to $3.20. One of the worst increases in the fresh fruit category was in large oranges which were selling for 8/89 cents in early November and are now 6/98 cents. One could turn to canned fruits instead of fresh ones—but some of these are starting up. In the committee's sample, 5 out of 29 samples rose in price—29 ounces of Seaway cling peaches went from 33 cents in early November to 41 cents now.

Of course, fresh vegetables were up. Out of 43 items checked, 17 had increased in price over 25 percent. The American staple, Idaho potatoes, went from 59 cents for 5 pounds in early November to 60 cents in January. Leaf lettuce was up 10 cents, from 69 cents to 79 cents. Even the weight watcher's delight, fresh celery, which takes just about as many calories to chew as it gives you, was up from 48 to 58 cents per pound.

Again, these increases are contrary to customary Consumer Price Index figures for vegetables and fruits during the winter months. Prices for these items usually decline during the dead of winter and rise to highs in late spring before the first harvests are in.

What can be done about all this? I believe that the administration must make stronger efforts to control and stabilize the prices of items used by the farmer. Fertilizer, farm equipment, and supplies must be carefully controlled so that these increased costs do not burden the farmer. This control of equipment and supplies is particularly important since the economic stabilization law does not—and should not—control most farm labor costs which are already among the very lowest and most disgraceful in the Nation.

I am writing again to the Cost of Living Council and the Interstate Commerce Commission to ask that they consider an immediate emergency rollback on all food transportation of the 2.5 percent surcharge granted to the railroad freight carriers on February 5, 1972. This increase in transportation cost will be passed on in higher costs and will destroy any remaining price stability in the fresh—or staple—foods.

The effort to stop inflation has been declared an economic emergency. The wages of most Americans have been frozen or controlled. Yet food prices—particularly the vitally important fresh foods—are rising. For the health of the American people, these fresh food prices must be stabilized.

In the special problem area of fresh meats, on which most families spend 25 percent of their food budget, there is another alternative left open to the administration. Under the meat quota law of 1964, the level of foreign meat, which is usually significantly cheaper than domestic meat, has been set at an import level of about 3 percent of domestic consumption.

In the last 2 years, this quota has been suspended because of rising costs and the President has been left free to reach restrictive agreements with the meat-producing countries, such as the Commonwealth nations of New Zealand and Australia. He has set these agreements at only about 100,000 to 150,000 pounds of meat above the quota law. This level is inadequate to supply the American market and still provide for relative price stability.

It is vital that this year's agreements allow a significantly higher level of imports. The Department of Agriculture reported on January 31 that beef-cattle prices had just broken a 21-year record set during the Korean war, reaching an average of $31.40 per hundredweight for live animals. The Department also announced that retail prices of choice grade beef in December—before the full effect of the record cattle market was felt—rose to an all-time high, all-cut average of $1.08 per pound. The Wall Street Journal, on January 31, reported that:

> Unless the government clamps down, economists say meat probably will become even more expensive this winter and spring. And they hold out little hope of any significant relief at retail meat counters until fall at the earliest.
>
> Meat prices will be "a major factor" this year in pushing up the consumer price index, the government's inflation gauge. Meat accounts for 5.5% of the index, one of the heaviest "weights" carried by any specific category of goods.
>
> "BUDGET-STRETCHER" HIT, TOO
>
> Everything from hamburger to porterhouse is becoming more expensive, but some of the biggest price bulges are in cuts that many housewives think of as budget-stretchers. Blade-cut pot roast now commands up to 79 cents a pound in some Chicago supermarkets; in late fall, as Phase 2 was starting, the price was about 55 cents a pound.
>
> Analysts look for further increases of a few cents a pound on most beef cuts because recent high prices for cattle and wholesale beef haven't yet filtered to the retail level. Fattened cattle sold last week in Omaha for $38.15 a hundred pounds, up 25% from a year ago and the highest in 20 years.
>
> Pork prices are climbing fast from the bargain levels of the past two years. The national average retail price is around 72 cents a pound, four cents higher than a year ago and the highest since the fall of 1970.
>
> Prices for pork will climb higher in coming months, analysts say, because the crop of pigs to come to market through May will be 10% smaller than a year ago, and pork production traditionally slumps in the summer. Pig farmers have cut back production drastically to recover from price-depressing surpluses of two years ago.
>
> BROILERS CREEPING UP
>
> Broiler chicken production is inching ahead of a year ago, after being cut back late last year, but these prices are climbing, too, because housewives are buying more broilers. Most chicken is bought at special-sale prices, which now are around 27 cents to 29 cents a pound, up two to four cents from last fall. Trade observers predict the prices will increase another three to four cents a pound by July.
>
> Fish prices are climbing steadily, too, with lobster and shrimp leading the pack to new records. Even such usually plentiful fish as halibut is in short supply, thereby pushing up prices for cod and other less expensive fish. Says an official of Burhop's Seafoods in Chicago: "a rising world population is boosting consumption faster than nature is increasing supplies."

There are additional reasons for the need for an increased import level. In recent years, the American beef industry has increasingly concentrated on the production of fine, high-quality steaks and roasts. As a result, there has been an inadequate supply of lower cost food products—the very products which the foreign producers are best equipped to supply. Unless this demand is met, the day of the low-cost, carry-out hamburger shop will soon be over.

As a result of all of these findings, I am today urging the President and the Cost of Living Council to extend controls to meats, fresh fruits and vegetables. This action is absolutely necessary to hold down the cost of living index and preserve a necessary fresh food balance in the American diet.

The citizen volunteers in the Cleveland area plan to continue their consumer watchdog activities. In the coming months, I plan to make further observations in the House on the progress of phase II. If the administration can be spurred to action in the fresh food area, it is my hope that my future reports will bring good news—and not the frightening news of this last report.

THE DEPARTMENT OF STATE DOES NOT PROTECT AMERICAN JEWS TRAVELING IN THE SOVIET UNION

Mr. YATES. Mr. Speaker, I was recently visited by students from Loyola University who expressed their concern over the failure of this administration to take a more active role in lending its assistance to speed the emigration of Soviet Jews who want to emigrate to other countries. I want to commend the students who were led by Dan Tracy, of the Student Government Association of Loyola University, for their active participation. It is the good work of such private citizens in building pressure upon the Soviet Union to permit such emigration. Which has helped speed up the rate of emigration of Soviet Jews to Israel and to other countries.

Soviet authorities are quite paranoid in their efforts to cover up the plight of Soviet Jewry. Americans visiting the Soviet Union have been harassed and even jailed when they have raised the question. One would have thought that such American citizens would receive the protection of our Embassy and of our other officials on duty in Russia, but that is not the case. Apparently, they could not care less.

The Department of State has been very derelict in failing and refusing to protect the rights of American Jews traveling in the Soviet Union. For example, my good friends, Stanley A. Kaplan, professor of law at the University of Chicago, and his wife, Joan Kaplan, in July 1971 were expelled from the Soviet Union. Soviet authorities abruptly terminated their tour of Moscow, Leningrad, Kiev, Tashkent, Samarkand, and Bokhara on completely fabricated charges of distributing forbidden literature to Soviet Jewish citizens. Their only conceivable "crime" was to attend, at Intourist invitation, the local synagogue in Samarkand and attempt to converse with a group of elders and children with the aid of a Russian phrase book. Intourist officials served as complainants, judge, and jury in irregular proceedings which held the Kaplans for three days, subjected them to harassment, and resulted in their expulsion.

No American traveling in the Soviet Union is immune from this treatment. On January 12, 1972, Congressman JAMES H. SCHEUER of New York was detained in Moscow. Two days later he, too, was expelled. As far as Representative SCHEUER and Mr. and Mrs. Kaplan were aware, they were violating no Soviet laws. Indeed, in the Kaplan's case, they had no prior preoccupation with the condition of Jews in Russia and made no concerted effort to contact Jews seeking to emigrate to Israel. The Soviet intention is clear. They are not afraid of the publicity attendant upon the arrest, detention, and expulsion of a Member of Congress. Quite the contrary, they are determined to frighten Soviet Jews from informing Americans of their plight and to discourage Americans from expressing their concern.

There is, however, a major difference between the two incidents. U.S. Embassy officials in Moscow were quick to respond to the news of Representative SCHEUER's detention. On hearing of the Congressman's expulsion, an embassy official told the Soviet foreign ministry that the action "would not be helpful to Soviet-American relations." A State Department spokesman in Washington commented, "We will obviously have to follow up on this."

No one followed up on the Kaplans' experience. They were prevented from telephoning the Embassy in Moscow following their arrest, but they were able to inform a number of Americans of their situation and request them to contact the Embassy. This their contacts did, but the Kaplans heard nothing from the embassy nor from the State Department after their return to the United States. They did not even ask the Kaplans to inform them of the details of their ordeal.

In the past the Department of State has declined to raise the Jewish question and further trouble Soviet-American relations. It is extraordinary and disturbing if this policy extends to neglect of the interests of private U.S. citizens traveling in the Soviet Union.

Joan Kaplan has vividly described their experience in the New Republic of December 25, 1971. Her article follows:

ENCOUNTER IN SAMARKAND: SOVIET JEWS

(By Joan Kaplan)

After long silence, the State Department has spoken out, before a House Foreign Affairs subcommittee, on "denial of rights to Soviet Jews." This was the subject upon which the department was called to testify—but only a fifth of the 21-page statement by Deputy Assistant Secretary Richard T. Davies dealt directly with it. In one paragraph, Davies glossed over the "well documented facts," which he decided "need no elaboration here." He then proceeded to offer, in effect, an apologia for Soviet discrimination against its Jews, stating that it bears no comparison to Stalin's blood purges and the Nazi holocaust. He nevertheless conceded that Jews are "suspect in a special way," that "Jewishness has come to be regarded as a more alien phenomenon than . . . other cultures in the USSR." While the department asked Congress to pass a resolution supporting Soviet Jewry, many of his remarks sought to strengthen the department's conclusion that claims of terror are "overdrawn." There is "little evidence," he said, that anti-Zionist propaganda "has spilled over into . . . anti-Semitism."

The condition of Soviet Jews merited a more comprehensive treatment than the two-day subcommittee hearing afforded. Much of the testimony was inexpert or irrelevant or dripping with political banalities. Yet enough documentation was put on the record—some in Mr. Davies' own testimony—to indicate that the Jews of Russia are indeed living in a state of terror. For instance, Davies noted the findings of Mrs. Rita Hauser, US representative on the UN Human Rights Commission: . . . "It was stated [in Pravda] that any Soviet Jew who wishes to migrate to Israel is automatically an 'enemy of the people.' " Davies also cited Dr. Hannah Edmonds' statements that, "Jews are not treated as citizens on an equal level with all other Soviet citizens . . . it is not surprising that large numbers of Jews are seeking to leave the Soviet Union."

Department testimony did not include evidence that *The New York Times* has been reporting with alarming frequency—arrests of Jews by the Soviet Secret Police (KGB) in front of the Moscow Synagogue at Yom Kippur, the highest Jewish holiday; Jewish librarians from Samarkand and Odessa charged with treason and imprisoned (two years for writing a letter to Kosygin complaining of anti-Semitism, three years for reproducing fragments of anti-Stalinist literature); confiscation by Soviet postal authorities of thousands of *visovs* (these are invitations in the form of affidavits—sent by Israeli relatives to Soviet Jews, without which an application for repatriation is impossible). No mention was made in Mr. Davies' testimony of such anguished pleas as the one from the widow and son of Peretz Markish, distinguished Jewish poet who was executed in the Stalin purge of Jewish intellectuals in 1952, and then "rehabilitated" after Stalin's death. This year Mrs. Markish and her son David were fired from their jobs, and reduced to the status of non-persons after they were denied permission to repatriate.

Beware Zionism, an internationally distributed Soviet paperback (now called *Cautions Zionism* in the revised English edition) blames the Zionists for the Czech uprising, credits the Zionists with ruling the Vatican as well as Yale University, and weaves a fantasy of world conspiracy: "International Zionism is the enemy of all peoples . . . relying on the theory of Jewish racial superiority, Zionism is following in the footsteps of Fascism . . ." According to Professor Michael Zand, a recent Soviet expatriate, the author of *Beware Zionism*, has for 10 years been a top Soviet expert on "the Jewish problem." (Professor Zand, himself a distinguished Orientalist, suffered a heart attack when he was subjected to the indignity of force-feeding while in a Soviet prison for "sitting-in" against the government's policy on repatriation; he and his family were permitted to leave the Soviet Union only after an international protest in his behalf.) Ivanov's book is at least more subtle than its predecessor, *Judaism Without Embellishment*, which so outraged world opinion—including foreign Communist parties—that it was withdrawn in 1964. That book's author, Trofim Kichko, received special high honors four years later from the Presidium of the Supreme Soviet of the Ukraine, and his new book *Judaism and Zionism*, repeats his anti-Jewish slanders.

The New Times, a "Soviet Weekly of World Affairs" published in several languages, is one of many costly propaganda publications which are the exclusive reading matter in Russian airport waiting rooms, hotels and Intourist offices. In June of this year it reported on "Zionism and the Swastika" as follows: butcher, Eichmann, viewed the Zionists with Fascism from [its] inception . . . The Nazi butcher, Eichmann, viewed the Zionists with favor and made deals with them . . . Zionists themselves have had a hand in the desecration of synagogues . . . The militant anti-Semitism of the Nazis turned out to be a godsend for the Zionists . . ." In a country with a history of pogroms, a country where the most infamous of twentieth century anti-Semitic slanders, "The Protocols of the Elders of Zion," was fabricated and which has a long record of persecution, is it possible for the victimized not to feel terror [—"intense, sharp, overmastering fear which is somewhat prolonged and may refer to imagined or future danger"—*Random House Dictionary*]?

The Soviet regime has arrested Russian Jews for speaking to western newsmen and now apparently seeks to restrict communications between Soviet and American Jews. On this, I can speak from some slight experience. My husband and I were expelled from the Soviet Union last July after three days of detention. We were charged and found guilty of a "crime" that was wholly fabricated. As tourists, we had visited Moscow, Leningrad, Kiev, Tbilisi, Erevan and Kniva, in what is now Uzbekistan, Soviet Central Asia. Toshkent, capital of Uzbekistan, was our jumping-off place to Samarkand and Bokhara, which were to have been the highlights of our tour. We had no prior preoccupation with the plight of Soviet Jewry; neither of us speaks Russian, Hebrew or Yiddish, though my husband has a smattering of German. What began as a mild interest was aggravated by several incidents.

In Moscow a group of clean-cut, well dressed youths of 17 or 18 burst in and spat all over the lobby of the synagogue while we were there. The few elderly Jewish men silently shrugged.

At the one working synagogue in Leningrad, young and old worshippers were terrorized by threats of a hostile Russian who watched their every move. When a few less fearful Jews came closer to ask us for news of Jewish life abroad, the guard headed toward us angrily, shoving the people away, informing us that he was Russian—not Jewish—and insisting that we leave. Suddenly a tall, bearded young man rushed up and shook hands with my husband, whispered "Shalom," then fled. The Russian cursed and broke into a run, shouting obscenities as he chased the young Jew. My husband had acquired a scrap of paper during the handshake—on it was scrawled a name, an address and a plea for help.

In Tbilisi, capital of Georgia, we were followed from the time we met him until we left by a Jewish man in his early thirties. He spoke only Hebrew, Georgian and Russian, but beckoned us into his home. While we were there, he and other members of his family ran in and out, searching among trusted members of their community for a possible interpreter. Each time the door opened to the courtyard, the young man's wife made certain we were out of the sight of informers. We finally learned that our host had lost his job for requesting repatriation. He waited vainly for his visas, although he had all the other necessary documents and funds had been made available to him for the exit fees—900 rubles ($1,000 U.S.) per person for his family of four. During the next two days, he mysteriously appeared in dining rooms, museums, parks—and in the doorway of our hotel room the morning we left Georgia. He was acting as bellhop, accompanied by a housekeeper who whispered in halting English that she was Jewish and we must help him. He thrust some photographs at me, smiling sheepishly, then lugged our three bags down to the cab stand, where he waved till our car was out of sight. The photos were of us, but on one he had superimposed a solemn shot of himself in his best suit and *yarlmulka*.

At a park bench in Tashkent, after the apprehensive appraisal we'd grown accustomed to from Russian Jews, a few elders approached. In Yiddish, they despaired of Jewish life in Russia, asked how many synagogues there were in America. Distressed by what we had seen earlier, we tried to ask—through the aid of what little German my husband spoke and our Russian phrase book—if they could take us to the Tashkent synagogue. At that moment, one man alerted the others to a woman standing about 10 feet away, staring in our direction. The group abruptly dispersed.

Our stay in Samarkand was providing the pleasure we had anticipated; the monuments were gloriously restored. On our last afternoon, Victoria, our Intourist guide, invited us to visit the local synagogue, which surprised us because she had told us it did not exist. We accepted her invitation. At the synagogue, Victoria and the driver waited while we went into an alley, then into the tiny dirt courtyard where we found a shabby synagogue compound. We spent about 15 minutes with a group of withdrawn, suspicious elders and children in the exotic atmosphere of ancient Central Asia. During this quarter-hour, Victoria strode in twice asking us to leave, so that our communication with these people was limited to convincing them—through the aid of our official, six language phrase book—that we were not Soviets, or Israelis, but American Jews. They were troubled by Victoria's intrusion. Nevertheless, one old man presented me a slightly used bouquet of flowers and they all nodded, smiling warmly when we attempted to arrange to have my father mentioned in a traditional Jewish prayer on the anniversary of his death. Before we could translate the name and date into Russian, Victoria barged in a third time, exchanged a few heated words with one of the men, and ordered us to leave, all traces of amiability gone. We followed her rather than risk any further alarm. She suggested we were distributing literature, though she knew we carried only the Russian phrase book; she had asked to see it at our first meeting. We asked her to examine it again; she refused, though we persisted. We saw the last of her when she curtly reminded us to be in the lobby at 7:30 the following morning for our flight to Bokhara.

The next morning we found that orders had been given early the night before, by the Intourist manager in Samarkand, not to let us leave the hotel. We were forbidden services of a porter, but we got our bags down from the sixth floor—the lift in the eight-month-old hotel was broken. In the lobby we were denied any services or information until an hour later, when the assistant Intourist manager informed us in English that we were being "detained for questioning for unbehavior in yesterday's excursion"—that we had "much to explain" and were in "serious difficulty."

Affidavits against us had been signed by Victoria, the driver, and, ostensibly, an official of the Samarkand synagogue—whom Professor Zand, the Jewish scholar, later identified from a photo as a KGB agent. They accused us of "distributing forbidden literature in violation of Soviet regulations in old-Jewtalk, Urdu and other unknown languages" at the synagogue. We had no literature to distribute at the synagague or, indeed, anywhere else. We were found guilty by Intourist, without trial and were forbidden to telephone the U.S. Embassy in Moscow, 2,000 air miles away.

They kept us one day and night in Samarkand, and at dawn we were flown to Tashkent. The room we were assigned in Tashkent was next to the Intourist headquarters and presumably tightly monitored. Ground transport was unavailable without express consent of Intourist. In both Samarkand and Tashkent it was Intourist officials who interrogated us.

During the first interrogations various punishments were implied for our "anti-Soviet activity." We had nowhere to turn for assistance and didn't know the real nature of the Russian game. The authorities deliberately set out to frighten us in petty, underhanded ways. We decided to destroy all our photos and addresses, even some babypictures we had been given when we had the good fortune to visit the homes of several of the Russians whom friends in America had told us to look up. Most of these Russians were academicians or highly skilled professionals, and non-Jews. We tore up everything we thought might connect anybody with us—mere acquaintance with "anti-Soviet offenders" might get them in trouble. The world had become Kafkaesque.

Midway in the second day of interrogation, the affidavits were read to us through an interpreter and the line of inquiry seemed to shift. My husband explained his position as professor of law at an eminent American university and insisted on contradicting each phony bit of evidence as it was read, though he was ordered not to do so. His refusal to be intimidated seemed to confuse and frustrate our interrogators. They didn't expect or know how to deal with protest, and although they grew angrier and more petulant, we sensed uncertainty in their attitude.

Shortly thereafter, we were notified that we were to be "expelled from the Soviet Union as quickly as possible," and the money we had paid for our coveted trip to Bokhara would be confiscated as punishment. Further, our record was "permanently soiled and we would not again be welcome in the Soviet Union." Their bullying continued during our last day and night in Tashkent. Three sets of customs and KGB agents repeatedly searched our property during a 10-hour wait at the airport the next day. We doubted whether we would get out until our plane was in the air, and even then we weren't sure.

Why us? Possibly our guide's invitation to the synagogue was prearranged—she said her father had been a top party official in Uzbekistan for 40 years—and our status as independent tourists made us more vulnerable; we were without the protection of numbers that is the advantage of group travel in Russia. The commotion staged at the Samarkand synagogue and the travesty of the charges against us—and the expulsion of other American Jewish tourists as well—seem designed to discourage and frighten Russian Jews from communicating with foreign Jews. The regime may have been seeking to prop up its myth of an "International Zionist Conspiracy." Obviously the Soviets don't want the rest of the world to realize the intensity of Soviet Jewry's apprehension.

PROVIDING LONG-RANGE FUNDING FOR FOREST MANAGEMENT

(Mr. KYL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KYL. Mr. Speaker, the forests of the United States have many uses. There is frequently violent disagreement as to the kinds and extent of uses of the forest lands. All can agree on one premise. We need forests.

The Forest Service has done an excellent job of administering our national forests under law. But the law, and the appropriations have left many problems for the administering agency.

One of the greatest needs is some kind of guaranteed, long-range funding for management purposes. Man is impatient. Mother nature is exceedingly patient. We have not been able to generate the money it takes for a constructive, long-range management program.

There has been much criticism of funding schemes which grow larger only as the allowable cut of timber grows. There has been opposition to dominant use concepts.

After reviewing at least 25 different means of getting long-range funding for forest management over a period of years, I have found one answer which I am today introducing as a bill for consideration by this House.

Under existing law, dollars generated by import duties can be earmarked on a categorical basis for domestic agriculture promotion. I am told that more than $60 million per year could be dedicated to forest improvement.

Because we are about 5 million acres behind in reforestation and because we need vast funds on which we can count to catch up and keep current on this very basic need, my proposal would dedicate all the money so generated to reforestation and those things necessary to make reforestation possible.

Twenty Members of this body have joined in offering this proposal. We hope that the bill might have early and thorough consideration. Those sponsoring the bill are: Mr. ABBITT, Mr. ASPINALL, Mr. BARING, Mr. DON H. CLAUSEN, Mr. CÓRDOVA, Mr. DENHOLM, Mr. GOODLING, Mr. HALEY, Mr. JOHNSON of California, Mr. KEE, Mr. LINK, Mr. MAYNE, Mr. MCCLURE, Mr. PETTIS, Mr. RARICK, Mr. RONCALIO, Mr. SEBELIUS, Mr. STEIGER of Arizona, Mr. TAYLOR, Mr. TERRY, and Mr. ULLMAN.

REMARKS OF SENATOR FRED HARRIS AND CONGRESSMAN WILLIAM F. RYAN CONCERNING WHITE HOUSE CONFERENCE ON INDUSTRIAL WORLD AHEAD

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the White House Conference on the Industrial World Ahead ended today. The 3-day conference brought together many of America's business leaders and leading figures from government and the academic world. This conference had the potential for thoroughly examining some of the fundamental structural problems in the American economy—in particular the trend toward excessive concentration of economic power.

Perceiving the potential this conference presented for meaningful dialog, Senator FRED HARRIS had recommended that individuals conversant with the social responsibilities of business—such as Ralph Nader and FCC Commissioner Nicholas Johnson—be invited to participate in the conference. However, this request did not meet with a favorable response by the White House conference organizers. Therefore, in order to help raise the issues of excessive concentration, inflationary pressure, and unemployment, Senator HARRIS and I today held a news conference at the Sheraton Park Hotel, the site of the conference. By raising these issues we hoped to engender a dialog, which had thus far been missing.

Senator HARRIS discussed particularly the growing concentration of economic power and its effect upon small business and competition.

The statements of Senator HARRIS and myself follow:

STATEMENT OF SENATOR FRED HARRIS

When I heard there would be a White House conference on the future of American business, I hoped we might see an honest examination of the fundamental economic questions facing America. Instead, we got a festival of self-congratulation. We saw businessmen telling businessmen how well things are going.

The groups represented at this conference are the ones most interested in preserving the economic status quo. Keeping things as they are is no answer. Those who call for taking a hard look at the ways American business does business were carefully excluded.

Where on the program is Ralph Nader or Nicholas Johnson? Where are the representatives of America's biggest unions, the AFL–CIO and the UAW? Where are the spokesmen for environmental groups such as the Sierra Club and Environmental Action? Where are the public interest lawyers and members of the Consumer Federation? Where are the members of public interest centers like the Project on Corporate Responsibility or the Agribusiness Accountability Project?

The fact is that the participants in this White House Conference look like the prospective board of directors of America, Incorporated. The White House is giving the executives of the big corporations and their like-minded cohorts in government and academia another chance to talk to one another.

I hoped the regular session of this White House conference would address the need for basic changes in the American business community. It became clear, however, that the direction of these meetings was towards finding ways to fit the new trends in American life into existing framework of big business—rather than searching new ways of business to better serve the emerging needs of the seventies.

The spokesmen for the big corporations here seemed very willing to talk about the technological paradise just around the corner. But they waffle on the fundamental question of who is going to control that technology, and who is likely to benefit. Making every American a Buck Rogers will not make every American happy. But you wouldn't know it from walking through the exhibits here today.

The business analysts here foresee a society in 1990 so complex that it must be managed by teams of professional sociotechnocrats. We hear this forecast even though ordinary people all over this country are already rebelling against the tyranny of experts. These people demand, and rightly so, that government and industry respond more to the public, rather than the pocket book.

Most of all, I regret that there was virtually no talk here of the overriding problem facing our economy today: the overwhelming and ever-increasing concentration of economic power in the hands of fewer and fewer freely competing corporate giants. Perhaps the people here just couldn't see the forest for the trees. Because, to me, it seems irrelevant to talk so optimistically about the future of free enterprise when the present rate of concentration makes it likely that real competition in American industry will be eliminated by 1990.

This conference sought a vision of the future of American industry. I feel such a vision could be very bright. There can be a reorientation of our society, and the American business community, operating once more under the free enterprise system, could be an important part of that reorientation. But until the forces of big government and big business are willing to face up to the very basic issues which are confronting the ordinary American every day, a true partnership between the American people and the industries which should serve them will be impossible.

What we needed was a tough, sometimes uncomfortable, look at the growing concentration of wealth and power in this country. What we got was a three-day family reunion of the university-industrial-government complex.

STATEMENT OF CONGRESSMAN WILLIAM F. RYAN

The White House Conference on Industry should provide an opportunity for meaningful discussion of the problems of this country as they relate to American industry. The two basic economic problems in this country are inflation and unemployment. But instead of presenting this conference with meaningful possible alternatives for dealing with these problems, the Administration has relied upon worn out rhetoric and football coach-like exhortations to American business to do something, to get out and compete, to improve productivity, to increase investment and employment. Such exhortations are at best naive, for they assume that businessmen will react to football coach-like pep-talks rather than in accord with basic economic facts of life. There are certain basic economic facts which the Administration's exhortations blithely ignore.

Take the problem of unemployment. American industry is currently operating at less than 75 percent of capacity. Therefore the Administration's investment tax credits and exhortations to invest constitute an Alice-in-Wonderland approach to creating jobs in the economy. One basic answer to unemployment is a legislative program to create 500,000 public service jobs, which will put people directly to work and stimulate aggregate demand in the economy. Senator Harris and I have joined many colleagues in both Houses of Congress in sponsoring such legislation. But the Administration has thus far not shown any interest.

Take the problem of inflation. One would have thought that a White House Conference on Industry might address at some point the undeniable fact that the highly concentrated character of American industry creates tremendous inflationary pressures in the economy. The Administration has chosen to deal with inflation by instituting a complex program of price controls. However, it also could have used appropriate antitrust policy to attempt to reduce the amount of economic concentration in this country. Of course, Senator Harris has been one of the leaders in this effort.

Excessive economic concentration causes a fundamental inflationary pressure since industries in monopolistic positions generally will not respond to weakening markets and will keep prices rigid, whereas competitive prices should decline.

These are fundamental structural facts of the American economy. These structural facts should have received attention at this conference. Until there is a program of full employment including a meaningful effort to provide public service jobs and until American industry becomes deconcentrated and more competitive, we will continue to be plagued with the twin ills which have been a hallmark of the Nixon era: inflationary pressure and unemployment.

LEAA—THE CART BEFORE THE HORSE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on January 13, 1972, Vice President AGNEW and Attorney General Mitchell announced with much fanfare the launching of a $160 million ainticrime impact program. The program is designed to provide, over a 3-year period, the precise sum of $20 million to each of eight cities with populations of between 250,000 and 1,000,000. According to the Law Enforcement Assistance Administration, which is the source of these funds, the cities were selected on the basis of burglary and street crime incidence and geographic distribution. The goal of the program is to reduce the incidence of those crimes by 5 percent in 2 years and by 20 percent in 5 years.

All Members of this body share a concern over the spiraling crime rate and a hope that Federal aid, primarily through LEAA, will help State and local governments reverse the crime trend.

As chairman of the House Government Operations Subcommittee on Legal and Monetary Affairs, which has conducted extensive hearings on the block grant program of LEAA, I have learned at first hand of the need for an effective and efficient Federal assistance effort in the criminal justice area.

This new program may not achieve either of those standards, and I said so when it was announced:

> Pouring money out first and making plans afterwards leads to waste, mismanagement, inefficiency, and crime.

I also stated that expressions of total surprise about the awards by the mayors of the eight cities selected "lend credence to suspicion that public relations rather than solid achievement in crime control was the objective of the announcement" by the Vice President, the Attorney General, and the LEAA Administrator.

The commitment of such a large amount of LEAA's so-called discretionary grant funds to eight cities also has the effect, as I said, of virtually cutting off a good portion of the Nation from those funds for the next 3 years.

It has subsequently become clear to me that no meaningful planning was done by the Justice Department, LEAA, or the recipient cities prior to the announcement of the $160 million program. At my request, LEAA has provided me with a document it sent to the eight cities after the awards were announced.

The voluminous document, 91 pages in length, is a questionnaire prepared by LEAA's National Institute of Law Enforcement and Criminal Justice. The purpose of the questionnaire, in its words, is:

> To provide a planning, analysis, and data collection source document for planners to use in the development of an impact program.

The long list of questions is introduced with the instruction that the cities' "initial program planning should commence with a thorough gathering of needed information and data to assist in the identification and development of implementable projects."

This is no way to disburse public funds. I certainly do not complain that Federal funds are being awarded to cities since in many cases they have been shortchanged under LEAA's block grant programs. I do not criticize the selection of these eight cities although the exclusion of certain others raises questions about the standards of selection. Illustrative is the selection of Atlanta over Miami in the southeast region of the country. Miami has a population within the limits established by LEAA; it has the highest crime rate in the Nation; it has received less than 2 percent of all funds subawarded by the Florida agency which receives the block grants from LEAA; it has an overall crime rate, based on the 1970 FBI Uniform Crime Reports, of 5,343 per 100,000 inhabitants compared with 3,567 for Atlanta; it has a robbery rate of 426 compared with Atlanta's 194; it has a burglary rate of 1,858 compared with 1,480 for Atlanta.

What I do emphasize is the lack of planning by LEAA and the absence of sound management procedures in the disbursement of the taxpayers' funds. It continues to violate a basic rule of management which is to spend money only after thorough planning of its details.

Following are two articles, from the St. Louis Post-Dispatch of January 16 and the Criminal Justice Newsletter of January 31 that report on squaring off and tussling for funds among officials of three of the eight recipient cities:

More Details on Impact Program

One of the keys to the successful implementation of LEAA's just announced High Impact Anti-Crime Program (Special Bulletin, Jan. 17) will be the planning process.

If a city selected to share in the $160 million pot over the next two years has a well functioning planning agency, the going should not be too difficult. If it has no such agency, it may have problems getting its program off the ground—the LEAA wants plans finalized within three months.

Cleveland in conjunction with Cuyahoga County has a Criminal Justice Coordinating Council, supported administratively by the privately financed, very capable Administration of Justice Committee.

Newark has an active Office of Criminal Justice Planning, but its effectiveness in handling this program could be impaired by a hot political dispute betwen Mayor Kenneth A. Gibson and the city council. A large part of the dispute involves a bitter power struggle over control of federally funded programs in the city.

A companion challenge will be communicating to the mayors of the respective cities what the program is supposed to do. After attending the hastily called briefing Jan. 13, Mayor Ralph Perk of Cleveland thought he might use some of the money to reinstate laid-off policemen and buy hardare. "That's not what the program is about," complained a Cleveland planning official. As of last week, the Mayor's Office and the Administration of Justice Committee had had only preliminary discussions about the program.

SHORT NOTICE

The situation was not helped by the suddenness of the summoning to Washington. City officials reportedly had two days notice of the conference. "It's disturbing that the mayors whose cities have been announced as beneficiaries of the $160 million crime program were surprised at the awards and had no plans for utilizing the newly awarded money," commented Rep. John S. Monagan, D-Conn., chairman of the House Subcommittee on Legal and Monetary Affairs, which is investigating LEAA.

The cities will be planning their projects, but the burden of management and guidance will fall principally on the LEAA regional offices. While the cities will have great discretion within the program design to draw up plans, it is plain that the regional administrators will take an active and pursuasive role in the planning stage. The regional offices, incidentally, were bolstered in the recent LEAA reorganization.

CJN had a long conversation, with Joseph Nardoza, administrator of the New York region, which has jurisdiction over New York State, New Jersey, Puerto Rico and the Virgin Islands.

Nardoza saw formation of a coordinating council as a possible solution to the political problem.

INTER-AGENCY COOPERATION

He is also looking for the cooperation of other federal agencies to help fund social, educational and training programs—vocational rehabilitation of unemployed young men and programs dealing with truants and school dropouts are integral parts of the program design.

LEAA Administrator Jerris Leonard has told regional administrators that he wants them to work closely with the regional offices of HEW, HUD and Labor. As a result, the LEAA regional offices are seeking membership in the respective Federal Regional Councils.

[From the St. Louis Post-Dispatch, Jan. 16, 1972]

Politics To Play Role in Anticrime Drive

(By Ted Gest)

Police, court and corrections officials are already squaring off over which agencies can best use the massive dose of Federal anticrime funds coming to St. Louis.

The Department of Justice said last week that it would make $20,000,000 grants for the next two and one-half years to St. Louis and seven other cities to test new methods of curbing street crime and to strengthen old ones.

But politics, both at the state and local levels and among the justice agencies themselves, will play a leading role in how the funds are administered.

St. Louis Police Chief Eugene J. Camp believes that all of St. Louis's $20,000,000 should be used to bolster the police department, especially in the areas of manpower and purchase of vehicles and communications equipment.

"This grant is geared toward reducing crime in the streets, and that means burglary and robbery," Camp said in an interview. "We need to study the effect of putting more manpower to work in these critical areas."

Camp would like to hire several hundred more men, pay overtime and purchase items such as three-wheeled motorcycles and compact two-way radios.

But courts and corrections, the agencies that deal with the criminal after he has been apprehended, need an equally hefty shot in the arm, anticrime experts say.

"You can't give money only to police and ignore courts and corrections," says Williams L. Culver, executive director of the Missouri Law Enforcement Assistance Council. "If you do, the criminal justice system might not be able to handle the additional persons arrested by the police."

John Bass, who as St. Louis director of welfare oversees the city jail and Workhouse, said, "Less money has gone to corrections than any other part of the justice system. If we are to make a dent in street crime, we must give equal treatment to corrections."

"In my conversations with inmates, I know that getting them jobs makes the difference, if they can't get a decent job, they tell me that they will return to what they know best—crime in the streets."

Circuit Judge Harry M. James urged that much of the anticrime money be designated for improving courts. He said criminal cases in the city were being delayed because of lack of security at the Civil Courts Building, where three criminal divisions are housed.

"We need $300,000 to be able to have all criminal divisions in the Municipal Courts Building," James said.

Mayor Alfonso J. Cervantes said he would like to see the crime section of the recently issued Challenge of the 70s report used as a guideline for allocating the new anticrime funds.

The report proposed a package that would cost about $7,000,000 a year, not including capital investments like the equipment Camp would like to purchase.

Largest single item is a $2,500,000 proposal to employ 500 more policemen, increasing the number of officers to 2730 from 2230.

The St. Louis Board of Police Commissioners, in asking the Legislature to authorize the increase, offered a more conservative goal of a 2500-man force.

Delbert Miller Jr., new president of the board, said he did not believe 500 men qualified to join the force could be found immediately.

Another major goal is to provide more staff and higher salaries to the circuit attorney, prosecuting attorney and public defender, a $1,500,000 proposition.

Improvements would speed the handling of criminal cases, the Challenge report says. It calls court congestion "a major impediment to the effective functioning of our criminal justice system."

Another recommendation is that more than $1,000,000 be provided annually for projects aimed at releasing more persons from the city's jail and Workhouse and providing job and recreation opportunities for those who must remain.

Not to do so, the Challenge report says, would lead to an increase in street crime committed by former prisoners who had been frustrated by the lack of education, job training and recreation in the city's correctional institutions.

PASSPORT LOGJAM BROKEN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I have long been concerned with the passport logjam which develops each year during peak travel season. The rapidly increasing number of people traveling abroad has strained existing passport facilities to the breaking point, and as a result, I have expended considerable effort trying to alleviate this situation.

After urgings by myself and others, the Department of State in June 1970, instituted an experimental program in Connecticut which allowed individuals to apply for passports at first-class post offices. When the State Department declared this pilot to be "quite successful," I introduced legislation to authorize the expansion of this program nationally. This bill has since been passed into law, and it now allows the State Department to pay an execution fee of $2 to the U.S. Postal Service for each passport application handled by the post offices.

Just recently, the State Department announced the first major expansion of the Connecticut pilot program under this legislation. Citizens in 10 additional States will now be able to apply for passports at first class post offices, and by May 1972, citizens across the United States will be able to apply for passports at approximately 600 post offices.

I am pleased to have editorial support for my efforts in passport programs. I would like to include at this point an editorial from the Meriden Morning Record of February 1, 1972:

THANKS TO CONGRESSMAN MONAGAN

Two years ago this summer a program of issuing passports to citizens through first class post offices was undertaken in Connecticut, largely upon the instigation of Congressman Monagan, who urged the program to relieve congestion in the Federal courts. Travelers were seriously inconvenienced, and court personnel were swamped in work by the flood of passport applications.

It was in the summer of 1970 that the post offices in the state began issuing passports. Last year Monagan introduced a bill authorizing the State Department to expand the program. The bill became law, and last June Secretary of State Rogers and Postmaster General Blount signed an agreement to start the program nationally. Under the agreement the State Department will pay the U.S. Postal Service $2 for each passport application handled.

In announcing the expansion of the program, Secretary Rogers commented, "Our pilot project to provide the public with a more convenient passport application service has been extremely successful, and I am pleased to announce that this service will be expanded on a national scale in time for the travel season this coming summer."

The service performed by Congressman Monagan is appreciated by Connecticut citizens, including his constituents in Meriden and throughout the Fifth District. Now, thanks to his enterprise and initiative, citizens in practically every state will benefit by the program which, in many cases, will enable them to apply for a passport without going out of their home community.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The first hydroplane in the world was invented by Glenn Curtiss of the United States in 1911.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolutions we have just discussed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the special order given today by the gentleman from Florida (Mr. Fuqua).

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. Horton (at the request of Mr. Gerald R. Ford) for February 16 and the balance of the week, on account of official business.

Mr. Talcott (at the request of Mr. Gerald R. Ford), for February 16 through February 23, on account of official business.

Mr. Smith of Iowa (at the request of Mr. Boggs), for today, on account of official business.

Mr. Morse (at the request of Mr. Gerald R. Ford), for February 16 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Veysey) to revise and extend their remarks and include extraneous material:)

Mr. Shoup, for 5 minutes, today.

Mr. Halpern, for 10 minutes, today.

Mr. Collins of Texas, for 20 minutes, February 16.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mrs. Abzug, for 5 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Caffery, for 5 minutes, today.

Mr. Eckhardt, for 5 minutes, today.

Mr. Gallagher, for 60 minutes, on February 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden.

Mr. Ullman, to extend his remarks immediately following those of Mr. Conable today.

Mr. Ichord in two instances and to include extraneous matter.

Mr. Mayne to revise and extend his remarks and include extraneous matter during general debate today on House Joint Resolution 1025.

(The following Members (at the request of Mr. Veysey), and to include extraneous matter:)

Mr. Hastings.

Mr. Railsback in three instances.

Mr. Teague of California.

Mr. Hall.

Mr. Schwengel in two instances.

Mr. Derwinski in three instances.

Mr. Hammerschmidt in two instances.

Mr. Scherle in 10 instances.

Mr. Don H. Clausen.

Mr. Halpern in three instances.

Mr. Bob Wilson.

Mr. Springer.

Mr. Wyman in two instances.

Mr. Hunt.

Mr. Steele.

Mr. Ashbrook in three instances.

Mr. Vander Jagt.

Mr. Hosmer in two instances.

Mr. McDade.

Mr. Mosher.

Mr. Mizell in three instances.

Mr. Schmitz in two instances.

Mr. Broyhill of Virginia.

Mr. Findley in two instances.

Mr. Frey.

Mr. Landgrebe.

Mr. Conte.

Mr. Gubser.

Mr. Wiggins.

Mr. Goodling.

Mr. Frenzel.

Mr. Baker.

Mr. Gerald R. Ford.

(The following Members (at the request of Mr. Mazzoli), and to include extraneous matter:)

Mr. Celler in two instances.

Mr. Jones of Alabama in two instances.

Mr. Rangel in two instances.

Mr. Teague of Texas in six instances.

Mrs. Hicks of Massachusetts in two instances.

Mr. Begich in five instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Hagan in three instances.

Mr. Miller of California in five instances.

Mr. Van Deerlin.

Mr. Rodino.

Mr. Hamilton.

Mr. Pickle in four instances.

Mr. Dowdy.

Mr. Dingell.

Mr. Evins of Tennessee in five instances.

Mr. Albert.

Mr. Bingham in four instances.

Mr. Mathis of Georgia in two instances.

Mr. Charles H. Wilson in two instances.

Mr. Tiernan.

Mr. Wright.

Mr. Dow.

Mr. Murphy of New York.

Mr. Stokes in three instances.

Mr. Rooney of Pennsylvania in two instances.

Mr. Gaydos in five instances.

Mr. Ryan in three instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 12488. An act to change the name of the Columbia lock and dam, on the Chattahoochee River, Alabama, to the George W. Andrews lock and dam.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 153. Joint resolution to designate the week which begins on the first Sunday in March 1972, as "National Beta Club Week"; and

S.J. Res. 197. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 7987. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; and

H.R. 12488. A bill to change the name of the Columbia lock and dam, on the Chattahoochee River, Alabama, to the George W. Andrews lock and dam.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with Senate Concurrent Resolution 61, the Chair declares the House adjourned until 12 o'clock noon on February 16 next.

Thereupon (at 9 o'clock and 15 minutes p.m.), pursuant to Senate Concurrent Resolution 61, the House adjourned until Wednesday, February 16, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1585. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for a modification in the par value of the dollar, and for other purposes; to the Committee on Banking and Currency.

1586. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July–October 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1587. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent, under certain circumstances, to give a specimen of his blood, breath, or urine for chemical testing to determine its alcoholic content, and for other purposes; to the Committee on the District of Columbia.

1588. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes; to the Committee on Education and Labor.

1589. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential determination No. 72–10, concerning the grant of military assistance, pursuant to section 614 (a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1590. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes; to the Committee on Interior and Insular Affairs.

1591. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the progress of the 5-year plan for family planning services and population research programs submitted in October 1971, pursuant to Public Law 91–572; to the Committee on Interstate and Foreign Commerce.

1592. A letter from the Chairman, Federal Trade Commission, transmitting a report covering fiscal year 1971 on the implementation and administration of the Fair Packaging and Labeling Act, pursuant to section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

1593. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the appointment of legal assistants in the courts of appeals of the United States; to the Committee on the Judiciary.

1594. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

1595. A letter from the Secretary of Transportation, transmitting notice of a delay in the submission of the reports on the 1972 highway needs study and on the relationship of highway construction to public transportation services; to the Committee on Public Works.

1596. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

1597. A letter from the Federal Cochairman, Coastal Plains Regional Commission, transmitting the fourth annual report of the Commission, covering fiscal year 1971, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee of conference. Conference report on S. 748 with amendment (Rept. No. 92–830). Ordered to be printed.

Mr. PATMAN: Committee of conference. Conference report on S. 749, with amendment (Rept. No. 92–831). Ordered to be printed.

Mr. PATMAN: Committee of conference. Conference report on S. 2010 with amendment (Rept. No. 92–832). Ordered to be printed.

Mr. MADDEN: Committee on Rules. House Resolution 811. Resolution providing for the consideration of H.R. 12350. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes (Rept. No. 92–833). Referred to the House Calendar.

Mr. JONES of Alabama: Committee of conference. Conference report on S. 3122 (Rept. No. 92–834). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 13066. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. ASPINALL (for himself, Mr. Taylor, and Mr. Rogers):

H.R. 13067. A bill to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL:

H.R. 13068. A bill to provide Federal financial assistance to limit radiation exposure resulting from the use of uranium mill tailings in the area of Grand Junction, Colo.; to the Joint Committee of Atomic Energy.

By Mr. BARRETT:

H.R. 13069. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. BINGHAM (for himself and Mr. Kemp):

H.R. 13070. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. BROYHILL of North Carolina (for himself, Mr. Abbitt, Mr. Alexander, Mr. Baker, Mr. Belcher, Mr. Bergland, Mr. Blanton, Mr. Brinkley, Mr. Brotzman, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Cabell, Mr. Casey of Texas, Mr. Clark, Mr. Cleveland, Mr. Daniel of Virginia, Mr. Davis of Wisconsin, Mr. Davis of Georgia, Mr. Dorn, Mr. Duncan, Mr. Eshleman, Mr. Galifianakis, Mr. Hammerschmidt, Mr. Keating, and Mr. Kemp):

H.R. 13071. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina (for himself, Mr. Kuykendall, Mr. Lennon, Mr. McCollister, Mr. Mallary, Mr. Mann, Mr. Mathias of California, Mr. Miller of Ohio, Mr. Montgomery, Mr. Moorhead, Mr. Nelsen, Mr. Pickle, Mr. Railsback, Mr. Randall, Mr. Rhodes, Mr. Scott, Mr. Spence, Mr. Steiger of Arizona, Mr. Stubblefield, Mr. Taylor, Mr. Wampler, and Mr. Ware):

H.R. 13072. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY:

H.R. 13073. A bill to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing to additional group of severaly disabled veterans; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 13074. A bill to provide for environmental improvement in rural America; to the Committee on Agriculture.

By Mr. DELANEY:

H.R. 13075. A bill to ban the usage of diethylstilbestrol (DES) as a growth promotant; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 13076. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. ESHLEMAN:

H.R. 13077. A bill to authorize and direct the Comptroller General of the United States to hire comptrollers to examine proposed expenditures of the executive agencies to determine if each such expenditure is consistent with the legislative intent of Congress with respect to the legislation authorizing it, and if it is inconsistent, to prohibit the making of such expenditure; to the Committee on Government Operations.

By Mr. FASCELL:

H.R. 13078. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 13079. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13080. A bill to amend title II of the Social Security Act to permit an individual to receive a widow's, widower's, or mother's insurance benefit simultaneously with an old-age or disability insurance benefit; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. Pelly, Mrs. Sullivan, Mr. Clark, Mr. Mailliard, Mr. Dingell, Mr. Mosher, Mr. Lennon, Mr. Grover, Mr. Downing, Mr. Keith, Mr. Stubblefield, Mr. Ruppe, Mr. Murphy of New York, Mr. Goodling, Mr. Leggett, Mr. Bray, Mr. Biaggi, Mr. McDonald of Michigan, Mr. Anderson of California, Mr. Steele, Mr. Forsythe, Mr. Kyros, Mr. du Pont, and Mr. Tiernan):

H.R. 13081. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Rogers, Mr. Stubblefield, Mr. McCloskey, Mr. Murphy of New York, and Mr. McDonald of Michigan):

H.R. 13082. A bill to amend the Endangered Species Conservation Act of 1969 to increase the limitation on the amount of funds authorized to be appropriated for the purpose of conserving, protecting, restoring, and propagating selected species of native fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRASSO:

H.R. 13083. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALEY:

H.R. 13084. A bill to amend title 38 of the United States Code to provide that amytrophic lateral sclerosis developing a 10-percent or more degree of disability within 7 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 13085. A bill to liberalize the provisions of title 38, United States Code, for payment of additional compensation to certain disabled veterans with children; to the Committee on Veterans' Affairs.

By Mr. HARVEY (for himself, Mr. McEwen, and Mr. Whitehurst):

H.R. 13086. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON:

H.R. 13087. A bill to provide health care insurance for people of the United States and to improve the availability of health services, and for other purposes; to the Committee on Ways and Means.

By Mr. KUYKENDALL (for himself, Mr. Jarman, Mr. Devine, Mr. Dingell (by request), Mr. Metcalfe, Mr. Adams, Mr. Thompson of Georgia, Mr. Skubitz, and Mr. Podell):

H.R. 13088. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen; to the Committee on Interstate and Foreign Commerce.

By Mr. KYL (for himself, Mr. Abbitt, Mr. Aspinall, Mr. Baring, Mr. Don H. Clausen, Mr. Córdova, Mr. Goodling, Mr. Haley, Mr. Johnson of California, Mr. Kee, Mr. Mayne, Mr. McClure, Mr. Pettis, Mr. Rarick, Mr. Roncalio, Mr. Sebelius, Mr. Steiger of Arizona, Mr. Taylor, Mr. Terry, Mr. Ullman, Mr. Denholm, and Mr. Link):

H.R. 13089. A bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; to the Committee on Agriculture.

By Mr. MAYNE:

H.R. 13090. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 15 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. MIZELL (for himself and Mr. Archer):

H.R. 13091. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 13092. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PICKLE (for himself, Mr. Archer, Mr. Burleson of Texas, Mr. Cabell, Mr. Collins of Texas, Mr. Dowdy, Mr. Fisher, Mr. Purcell, Mr. Roberts, Mr. Teague of Texas, and Mr. White):

H.R. 13093. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 13094. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Chappell, Mr. Fuqua, and Mr. Haley):

H.R. 13095. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. SPRINGER:

H.R. 13096. A bill to control the emission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 13097. A bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 13098. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 13099. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ANDERSON of Tennessee (for himself, Mr. Blatnik, Mr. Garmatz, Mr. Aspin, Mr. Brasco, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Davis of South Carolina, Mr. Denholm, Mr. Dow, Mr. Drinan, Mr. Edwards of California, Mr. Fulton, Mr. Gibbons, Mrs. Grasso, Mr. Henderson, Mr. Karth, Mr. Mann, and Mr. Meeds):

H.R. 13100. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ANDERSON of Tennessee (for himself, Mr. Moorhead, Mr. Moss, Mr. Pepper, Mr. Podell, Mr. Preyer of North Carolina, Mr. Rodino, Mr. Rostenkowski, Mr. Roy, Mr. Runnels, Mr. Sikes, and Mr. Stratton):

H.R. 13101. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. BOGGS:

H.R. 13102. A bill to amend title 5, United States Code, to provide coverage under the civil service retirement program for temporary or intermittent employment which is otherwise excludable if it follows employment covered under such program without a break in service of more than 30 days, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CARNEY:

H.R. 13103. A bill to provide preference to certain disabled veterans in the purchase of certain Government-owned vehicles; to the Committee on Government Operations.

H.R. 13104. A bill to amend title 38, United States Code, to exclude compensation for service-connected disability from consideration as income for purposes of all Federal benefits; to the Committee on Veterans' Affairs.

By Mr. CONTE:

H.R. 13105. A bill to repeal provisions of the Tax Reform Act of 1969 which place a limitation on the capital gains treatment in the case of total distributions from qualified pension, etc., plans; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 13106. A bill to amend the Gun Control Act of 1968 to provide that certain records of the sale or delivery of firearms and ammunition shall be maintained for a period of only 1 year and shall thereafter be destroyed; to the Committee on the Judiciary.

H.R. 13107. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 13108. A bill to provide benefits to certain survivors of members of the uniformed services and law enforcement officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 13109. A bill to provide that Federal, State, and local communications taxes paid by individuals over the age of 65 shall be allowed as a credit against their liability for Federal income tax; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 13110. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself and Mr. de la Garza):

H.R. 13111. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GREEN of Pennsylvania:

H.R. 13112. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

H.R. 13113. A bill to require the Secretary of the Treasury to provide each taxpayer with an analysis of the proportionate dollar amounts of his taxpayment which were spent by the Federal Government, during the latest fiscal year for which data is available, for certain items; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 13114. A bill to amend title 5, United States Code, to liberalize requirements governing payments of unemployment compensation to otherwise eligible veterans receiving disability benefits for service-connected disability; to the Committee on Ways and Means.

By Mr. HALEY (for himself, Mr. Sikes, Mr. Burke of Florida, Mr. Frey, Mr. Bennett, Mr. Fuqua, Mr. Rogers, Mr. Pepper, Mr. Fascell, Mr. Chappell, Mr. Gibbons, Mr. Young of Florida, and Mr. Taylor):

H.R. 13115. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN (for himself, Mr. Fountain, Mr. Addabbo, Mr. Kemp, Mr. Hawkins, Mr. Daniel of Virginia, Mr. Rangel, Mrs. Abzug, Mr. Vander Jagt, Mr. Forsythe, Mr. Dingell, Mr. Aspin, Mr. Bingham, Mr. Roe, Mr. Symington, Mr. Ware, Mr. Podell, Mr. Schwengel, Mr. Reuss, Mr. Mazzoli, Mr. McDonald of Michigan, Mr. Pepper, Mr. Dulski, and Mr. Scheuer):

H.R. 13116. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mrs. Hicks of Massachusetts, Mrs. Chisholm, Mr. Ruppe, Mr. Helstoski, Mr. Winn, Mr. Keith, Mr. Moss, Mr. Denholm, and Mr. Gude):

H.R. 13117. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER (for himself, Mr. Conyers, Mr. Ryan, and Mr. Mikva):

H.R. 13118. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to establish a National Parole Institute, and to provide assistance to the States for the operation of fair and adequately staffed parole systems, and for other purposes; to the Committee on the Judiciary.

By Mr. McKAY:

H.R. 13119. A bill to amend the family planning provisions of the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

By Mr. PATMAN (for himself and Mr. Widnall):

H.R. 13120. A bill to provide for a modification in the par value of the dollar, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 13121. A bill to amend the Economic Opportunity Act of 1964 to provide a comprehensive child development program; to the Committee on Education and Labor.

By Mr. RANGEL:

H.R. 13122. A bill to establish a system of universal voter registration for Federal elections, and for other purposes; to the Committee on House Administration.

H.R. 13123. A bill to restore the right to vote in Federal elections to certain disenfranchised citizens; to the Committee on House Administration.

H.R. 13124. A bill to prohibit the imposition of inequitable residency requirements as a condition of voting for Senator, Representative, Delegate, or Resident Commissioner; to the Committee on the Judiciary.

By Mr. REID:

H.R. 13125. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 13126. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT (for himself, Mr. Abernethy, Mrs. Abzug, Mr. Aspin, Mr. Baker, Mr. Burke of Florida, Mr. Clark, Mr. Cleveland, Mr. Córdova, Mr. Daniel of Virginia, Mr. Dellums, Mr. Donohue, Mr. Drinan, Mr. Eilberg, Mr. Fish, Mr. Frey, Mrs. Grasso, Mr. Halpern, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hosmer, Mr. Hunt, Mr. Kemp, and Mr. Morse):

H.R. 13127. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

By Mr. SHOUP:

H.R. 13128. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHOUP (for himself, Mr. Harsha, and Mr. McClure):

H.R. 13129. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from 21 years to 18, and to eliminate certain recordkeeping provisions with respect to ammunition; to the Committee on the Judiciary.

By Mr. WIGGINS (for himself, Mr. Sandman, Mr. Steiger of Arizona, and Mr. Keating).

H.R. 13130. A bill to amend section 1201 of title 18, United States Code (respecting transportation of kidnap victims in interstate commerce), to eliminate a constitutional infirmity; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. Begich, Mr. Steiger of Arizona, Mr. McCloskey, Mr. Mathias of California, Mr. Aspinall, Mr. Mathis of Georgia, Mr. Michel, Mr. Railsback, Mr. Findley, Mr. Myers, Mr. Dennis, Mr. Sebelius, Mr. Shriver, Mrs. Hicks of Massachusetts, Mrs. Heckler of Massachusetts, Mr. Burke of Massachusetts, Mr. Montgomery, Mr. Shoup, Mr. McCollister, Mr. Cleveland, Mr. Sandman, Mr. Blanton, Mr. McEwen, and Mr. Terry):

H.R. 13131. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN (for himself, Mr. Hastings, Mr. Andrews, Mr. Clancy, Mr. Belcher, Mr. Eilberg, Mr. Williams, Mr. Ware, Mr. Eshleman, Mr. Goodling, Mr. Vigorito, Mr. Mann, Mr. McMillan, Mr. Duncan, Mr. BAKER, Mr. KUYKENDALL, Mr. FISHER, Mr. DOWNING, Mr. THOMSON of Wisconsin, and Mr. STEIGER of Wisconsin):

H.R. 13132. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 13133. A bill to require candidates for Federal elective office to resign any elective public office the term of which ends after the beginning of the term of such Federal office before filing in the general election for such Federal office; to the Committee on House Administration.

By Mr. YOUNG of Florida (for himself, Mr. SANDMAN and Mrs. HECKLER of Massachusetts):

H.R. 13134. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone No. 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE (for himself, Mr. ADAMS, Mr. DINGELL, Mr. KUYKENDALL, Mr. MURPHY of New York, Mr. SKUBITZ, Mr. SHOUP, Mr. METCALFE, and Mr. PODELL):

H.R. 13135. A bill to provide for the coordinated development of transportation in the United States and to provide for technical assistance to regions in the United States, to the States, and to local areas for comprehensive transportation planning and for research, development, and demonstrations in transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California:

H.J. Res. 1062. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 1063. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. MURPHY of New York:

H.J. Res. 1064. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.J. Res. 1065. Joint resolution authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance Week"; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 1066. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mrs. CHISHOLM, Mr. DIGGS, Mr. FAUNTROY, Mr. METCALFE, Mr. MITCHELL, and Mr. ROSENTHAL):

H.J. Res. 1067. Joint resolution to clarify Presidential power to order use of nuclear weapons in declared or undeclared war; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 530. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made"; to the Committee on House Administration.

By Mr. FASCELL:

H. Con. Res. 531. Concurrent resolution expressing the sense of Congress that the first amendment to the Constitution applies to radio and television broadcasting; to the Committee on the Judiciary.

By Mr. HARVEY:

H. Con. Res. 532. Concurrent resolution expressing the sense of the Congress with respect to "Operation Identification," a program to curb thefts and aid in the recovery of stolen property; to the Committee on the Judiciary.

By Mr. TIERNAN (for himself, Mr. BURKE of Massachusetts, Mr. COUGHLIN, and Mr. HOGAN):

H. Con. Res. 533. Concurrent resolution expressing the sense of the Congress with respect to the current situation in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. HOLIFIELD:

H. Res. 810. Resolution to provide funds for the expenses of the investigations and studies authorized by rule XI(8) and House Resolution 304; to the Committee on House Administration.

By Mr. LENT:

H. Res. 812. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Res. 813. Resolution to provide additional funds for the expenses of studies, investigations, and inquiries authorized by House Resolution 114; to the Committee on House Administration.

By Mr. THOMPSON of Georgia:

H. Res. 814. Resolution providing for the consideration of House Joint Resolution 561, proposing an amendment to the Constitution of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 13136. A bill for the relief of Richard P. Brainard; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 13137. A bill for the relief of the estates of certain former members of the U.S. Naval Reserve who were killed on January 8, 1967, while their airplane was taking off from Andrews Air Force Base, Md.; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 13138. A bill for the relief of Comdr. Jessie B. Morris, Jr., U.S. Navy; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.R. 13139. A bill to provdie for the conveyance of certain real property of the United States acquired in connection with the Jim Woodruff lock and dam project to the former owners thereof; to the Committee on Public Works.

By Mr. THONE:

H.R. 13140. A bill for the relief of James Evans, publisher of the Colfax County Press, and Morris Odavarka; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ANNIVERSARY OF BOY SCOUTS OF AMERICA REMINDS US THAT AMERICA'S YOUTH SEEK LOFTY GOALS AND HIGH STANDARDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 8, 1972

Mr. RANDOLPH. Mr. President, today marks the 62d anniversary of the formation of the Boy Scouts of America. It is a date worthy of note, for over the years many millions of young people and adults have participated in the movement and benefited from the teachings of character development, citizenship training, and mental and physical fitness. We congratulate the BSA and express our gratitude for the contributions this organization has made to our Nation.

Today one out of every four boys between the ages of 8 and 16 is in scouting programs. There are nearly 1,000 Scout camps across the country, serving not only Scouts but thousands of young people who are not organization members. The good work that is being accomplished is known to all of us; there are programs to combat delinquency, drug abuse, pollution and other needed endeavors. This anniversary reminds us that America's youth seek lofty goals and high standards.

The Boy Scouts of America is a private organization that is willing and ready to help every community and every State. It is the first and the largest youth organization to be chartered by the Congress.

Chief Scout Executive Alden G. Barber recently had prepared for each separate State a report on goals and achievements. In my home State of West Virginia, the record on pollution and beautification is especially commendable.

I share with my colleagues some of the projects that have been successfully undertaken. I ask unanimous consent that the report of Scouting activities in West Virginia be placed in the CONGRESSIONAL RECORD Extensions of Remarks.

There being no objection, the following report was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA AND SCOUTING

The Mountain State and the Scout movement share many interests such as the problems of drug abuse and pollution. Thus the State and the organization work together in many ways, each contributing to the other. The State of West Virginia, on the one hand, gives to the Boy Scouts of America through its people, its cooperation, and its locale. Scouting, on the other hand, gives a program of benefit to the State and all its people, in particular the youth.

PEOPLE

West Virginia is, of course, a location for many central Scouting activities. Last year in Logan, for example, reactions from the field were taken to recommendations for the general revision and improvement of the Scout program.

But most importantly, Scouting in West Virginia is helped by the State's contribution of people who serve as leaders of the Scout movement. Regional vice-chairmen include West Virginians Charles D. Bell of Wellsburg and Hulett C. Smith of Beckley. Other members of the regional executive committee from West Virginia are Bishop Wilburn C. Campbell of Charleston and L. M. Polan of Huntington. Members of the Region 4 Advisory Committee include C. C. Chambers of Logan, Homer A. Holt of Charleston, and L. Clyde Riley of Fairmont. Belonging both to the advisory committee and the executive committee is David B. Dalzell of Moundsville.

Eagle Scout John Mark Costine, of the National Trail Council, headquartered in Wheeling, was regional winner of the Reader's Digest Association—Boy Scouts of America National Public Speaking Contest.

PROJECT SOAR

Project SOAR, Scouting's attempt to help Save Our American Resources, is an example of Scouting's broad contribution to West Virginia. The program has had a crowded yearlong calendar of ecological effort. Some idea of its value can be gathered by citing a single 1-day event—Scouting Keep America Beautiful Day. On that 1 day, June 5 of this year, 1,100 volunteer adult Scouters and 7,000 Scouts and Explorers in West Virginia cleaned up a total of 1,000 miles of State highways and rivers. They spruced up 100 acres of empty lots and parklands and collected more than 350 tons of litter and trash. And this is only one small part of the Project SOAR program. It has been so successful that it has been renewed by the BSA Executive Board for at least 1 more year.

OPERATION REACH

The drug abuse problem is another area in which Scouting is hoping to meet with as much success as it has met with in Project SOAR. A new approach to this major problem area, Operation Reach, was developed by the Boy Scouts of America in a few special pilot projects in the past year. It is now being extended throughout the rest of the country.

CAMPING

The eight Scout councils in West Virginia own and operate 13 camps. Last year more than 7,000 Scouts and young adults with their 500 troops and Explorer units stayed in these camps for long-term camping. These camps, which cover almost 7,000 acres, also hosted 96 disadvantaged boys who were not then Scouts.

From all parts of the country, members of the Scout movement come to use 12 historic trails and camping facilities in West Virginia that are part of the BSA National Campways tour program.

WEST VIRGINIA SCOUTING FACTS

A part of Scouting's Region 4, West Virginia has a total boy membership in Scouting of almost 37,000. Included (as of the first of this year) are 3,300 young adults in 176 Explorer units, 17,000 Scouts in 805 troops, and 16,000 Cub Scouts in 579 Cub packs. Working as volunteer Scouters for these youths are more than 12,000 adults. Aiding these more than 49,000 citizens of West Virginia who are engaged in Scouting activities is a professional staff of 44.

Last year Scouts in and around the Charleston area were rewarded for their continuing conservation practices by presentation of the Green Seal Award from the U.S. Department of Agriculture.

The Spencer Award for achieving BOYPOWER '76 goals was presented last year to six West Virginian Scout councils. They are the National Trail Council in Wheeling, the Mountaineer Area Council in Fairmont, the Central West Virginia Council in Clarksburg, the Buckskin Council in Charleston, the Appalachian Council in Bluefield, and the Chief Cornstalk Council in Logan.

All in all, West Virginia has been an important State to Scouting; and for its part, the Boy Scouts of America has been and will continue to be just as important to West Virginia.

NEW FEDERAL TAX?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. DERWINSKI. Mr. Speaker, there is a great deal of speculation in Washington over the possibility of new Federal taxes and, quite properly, public reaction is now developing.

One of the most sober editorial commentaries on the possibility of a new Federal tax is one in the Suburbanite Economist of Wednesday, February 2, which I insert in the RECORD at this point:

KEEP A WARY EYE ON THIS, JOHN Q.

Judging by the considerable amount of publicity and commentary that is appearing in print and on the air waves the groundwork is being laid for something called a national value added tax, which seems to be nothing more than sugar coated language for a federal sales tax.

This being an election year, there is no danger of this tax being imposed in the immediate future. However, if the barrage of publicity keeps up it very likely will become a concrete proposal soon after the election.

So far the thrust of the publicity has been that the tax will not be an additional tax—**heavens forbid—but will replace present taxes** that have reached the limit that taxpayers will stand without open rebellion. This approach creates a certain acceptance as many people think that with a so-called "readjustment" **of taxes they will end up paying less.**

Our point at this time is not to discuss the merits—which are open to question—of a federal sales tax or the so-called "readjustment" that supposedly would accompany it. Our purpose is to alert taxpayers to what is all too often the normal course of events in tax matters. Considering what has transpired in Illinois in recent years this should not be necessary, but it seems that taxpayers are easily bamboozled and we would not like to see it happen again.

Our warning is simply this: Make sure that the legislation imposing any new tax (federal sales tax, if you will) includes in the same bill the reduction or readjustment of other taxes that it is supposed to accomplish. Unless this occurs, and in this manner, the reduction or readjustment never will take place and taxpayers simply will be paying a new and additional tax.

In Illinois, of course, the income tax was supposed to mean the end of the personal property tax, which everyone agreed was inequitable and not uniformly collected.

Despite good intentions by some public officials, however, the tax is still on the books and we are now paying the state income tax for the third year.

Even the fact that the voters in a statewide election indicated their overwhelming desire to abolish the tax was not enough to keep the courts from handing down a highly criticized ruling invalidating the election and keeping the property tax on the books.

So if you suddenly find yourself saddled with a new federal sales tax, Mr. Taxpayer, without the promised readjustment, don't say we didn't warn you. And if you want to prevent such a happening the time to start doing something about it is now.

Let no one interpret these comments as an unwillingness to support the necessary cost of government. Taxpayers are doing that quite nobly at present, we think. For example, in the 12-year period, 1957–1969, state and local government taxes per person more than doubled in all but 10 states. This hardly makes it reasonable to accuse John Q. of being a tightwad.

CHEMICALS GUILTY UNTIL PROVEN INNOCENT

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1972

Mr. DELANEY. Mr. Speaker, the Nations' health and that of future generations demands that regulatory agencies immediately stop the practice of vesting chemicals with "rights."

Chemicals do not have rights. People do. Chemicals generally are highly toxic, and should be considered guilty of being hazardous until proven innocent.

The public is becoming literally sick of being told almost daily that particular chemicals are dangerous.

While all chemicals do not cause cancer, Dr. Umberto Saffiotti, of the National Cancer Institute, has testified that over 1,000 substances have been shown to be carcinogenic in test animals, and several are conclusively known to cause cancer in man.

Chemicals are responsible for some 90 percent of the cancers in man, according to Dr. Leo Friedman, toxicologist with the Food and Drug Administration. Yet, despite this widespread knowledge among scientists, the FDA regularly grinds out publicity releases expressing mock surprise that certain chemicals are toxic.

Just last Saturday, we were told that nitrosamines, one of the most potent carcinogens known, was found in processed meat products.

The previous week, FDA said that saccharin was shown to cause so-called benign tumors in test animals. In 1969, we were informed that cyclamates were carcinogenic. Earlier, that agency announced the hazards of DDT and other pesticides, as well as the toxicity of stilbestrol, mercury, lead, plasticisers, monsodium, glutinate, and many others.

Deadly chemicals cannot be controlled by patchwork regulation that moves from crisis to crisis.

The fact is, FDA scientists knew of the actual and potential dangers of these substances for months and even many years prior to alerting the public to their hazards. That was the time to control them and warn the American people.

One of the major problems in this area is the fact that a number of agency officials believe in the concept of a "toxicologically insignificant dose level" for cancer-causing substances. This ignores the explicit provisions of the so-called Delaney anticancer clause of 1958.

As many of my colleagues may recall, I had the honor to serve as Chairman of the former Select Committee to Investigate Chemicals in Foods and Cosmetics during the period 1950-52. Eminent medical authorities told us at that time that a few doses—or even a single dose—of a carcinogenic chemical can lead to the development of cancer in middle life or in old age. This peculiar long-delayed effect of carcinogens upon cells sets them apart from the ordinary run of toxic substances.

Carcinogens are subtle, stealthy, sinister saboteurs of life. They have no place in our food chain.

The anticancer clause of the 1958 Food Additives Amendments followed the recommendation of the International Union Against Cancer at its meeting in Rome in August 1956. It was strongly endorsed by a number of top-ranked cancer experts whom I consulted in the United States. Scientific experts continue to testify as to the validity of this legislation today.

In this connection, I would like to share with my colleagues an extremely interesting and significant report, which sets forth the magnitude of the problem of chemical carcinogens.

This report was prepared by the Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens of the National Cancer Institute, under the chairmanship of Dr. Umberto Saffiotti. Some of the important points set forth in the report are summarized as follows:

> Cancer can develop in man and in animals long after the causative agent has been in contact and disappeared. Incidences of cancer in man today reflect exposure of 15 or more years ago.
>
> No level of exposure to a carcinogenic substance, however low it may be can be established to be a "safe level" for man. This concept of the Delaney clause in 1958 remains valid today.
>
> The concept of "toxicologically insignificant" levels—as advanced by the Food Protection Committee of the NAS/NRC in 1969—has absolutely no validity in the field of carcinogenesis.
>
> The induction of tumors diagnosed as benign has been interpreted by certain groups in the past as not sufficient to demonstrate a "carcinogenic" effect. This is a dangerous position since few, if any, substances are known to have produced only benign tumors and no malignant ones when properly and repeatedly tested.
>
> The hazard of a single chemical carcinogen cannot be evaluated out of context of the total environmental exposure.
>
> The most effective prevention is the elimination of carcinogenic production, or control of entry into the environment.
>
> It is a generally accepted principle of cancer experts that animal tests should include doses considerably higher than those expected for human exposure.
>
> Society must be willing to accept some finite risk as the price of using any carcinogenic material in whatever quantity. The task of selecting a socially acceptable level of human risk rests with society and its political leaders.

The complete report follows:

[Evaluation of Environmental Carcinogens—Report to the Surgeon General, USPHS, April 22, 1970]

MEMBERS OF THE AD HOC COMMITTEE ON THE EVALUATION OF LOW LEVELS OF ENVIRONMENTAL CHEMICAL CARCINOGENS

(Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens, National Cancer Institute, Bethesda, Md.)

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Staff Members: John A. Cooper, Executive Secretary, Richard R. Bates, James A Peters, Howard R. Rosenberg, Elizabeth K. Weisburger, John H. Weisburger.

INTRODUCTION

Establishment of this Ad Hoc Committee was requested on October 24, 1969, by the Deputy Assistant Secretary for Health and Scientific Affairs.

The task of the Committee is to review the problems relating to the evaluation of low levels of environmental chemical carcinogens, to consider the scientific basis on which such evaluations can be made, and to advise the Department of HEW on the implications of such evaluations.

The Committee, in addressing itself to the problems of environmental exposures to chemical agents from all sources, has considered the scientific criteria for evaluation of carcinogenic hazards.

Many previous recommendations on the criteria to be used for evaluating environmental chemical carcinogenic hazards have been made for specific sources of exposure or for specific groups of substances (e.g. food additives, pesticides, certain occupational carcinogens). In some cases this approach has led to an uneven assessment of risks from different sources and to an uneven approach to preventive measures.

The task of this Committee covers a broader area and includes an appraisal of the scientific criteria for evaluation of chemical carcinogenesis hazards in the total environment.

I. RECOMMENDATIONS

In full consideration of the past and present states of carcinogenesis investigation this Committee offers the following recommendations:

1.a. Any substance which is shown conclusively to cause tumors in animals should be considered carcinogenic and therefore a potential cancer hazard for man. Exceptions should be considered only where the carcinogenic effect is clearly shown to result from physical, rather than chemical, induction, or where the route of administration is shown to be grossly inappropriate in terms of conceivable human exposure.

b. Data on carcinogenic effects in man are only acceptable when they represent critically evaluated results of adequately conducted epidemiologic studies.

2. No level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man. For carcinogenic agents a "safe level for man" cannot be established by application of our present knowledge. The concept of "socially acceptable risk" represents a more realistic notion.

3. The statement made in 1969 by the Food Protection Committee, National Research Council (see Appendix II) that natural or synthetic substances can be considered safe without undergoing biological assay should be recognized as scientifically unacceptable.

4. No chemical substance should be assumed safe for human consumption without proper negative lifetime biological assays of adequate size. The minimum requirements for carcinogenesis bioassays should provide for: adequate numbers of animals of at least two species and both sexes with adequate controls, subjected for their lifetime to the administration of a suitable dose range, including the highest tolerated dose, of the test material by routes of administration that include those by which man is exposed. Adequate documentation of the test conditions and pathologic standards employed are essential.

5. Evidence of negative results, under the conditions of the test used, should be considered superseded by positive findings in other tests. Evidence of positive results should remain definitive, unless and until new evidence conclusively proves that the prior results were not causally related to the exposure.

6. The implication of potential carcinogenicity should be drawn both from tests resulting in the induction of benign tumors and those resulting in tumors which are more obviously malignant.

7. The principle of a zero tolerance for carcinogenic exposures should be retained in all areas of legislation presently covered by it and should be extended to cover other exposures as well. Only in the cases where contamination of an environmental source by a carcinogen has been proven to be unavoidable should exception be made to the principle of zero tolerance. Exceptions should be made only after the most extraordinary justification, including extensive documentation of chemical and biological analyses and a specific statement of the estimated risk for man, are presented. All efforts should be made to reduce the level of contamination to the minimum. Periodic review of the degree of contamination and the estimated risk should be made mandatory.

8. A basic distinction should be made between intentional and unintentional exposures.

a. No substance developed primarily for uses involving exposure to man should be allowed for wide-spread human intake without having been properly tested for carcinogenicity and found negative.

b. Any substance developed for use not primarily involving exposure in man but nevertheless resulting in such exposure, if found to be carcinogenic, should be either prevented from entering the environment or, if it already exists in the environment, progressively eliminated.

9. A system should be established for ensuring that bioassay operations providing data upon which regulatory decisions are made be monitored so that their results are obtained in accordance with scientifically acceptable standards.

10. A unified approach to the assessment and prevention of carcinogenesis risks should be developed in the federal legislation; it should deal with all sources of human exposure to carcinogenic hazards.

11. Clear channels should be identified for the regulatory function of different Government departments and agencies in the field of cancer prevention. Establishment of a surveillance and information program would alert all concerned Government agencies to the extent and development of information on formation on carcinogenic hazards.

12. An ad hoc committee of experts should

be charged with the task of recommending methods for extrapolating dose-response bioassay data to the low response region (1-10000% to 1-10000000%). The low doses corresponding to the responses in this range are the ones which have direct relevance to the human situation.

II. BACKGROUND

Knowledge of cancer causation by chemicals originates from clinical observations, going back as far as 1775 with Pott's discovery of soot as the causative agent in chimney sweeps' cancer. Several major classes of carcinogenic agents were first discovered by their effects on man. Experimental animal models for the determination of the potential carcinogenic activity of chemicals were only developed in the last 50 years, and most of them have been studied only in the last 20 years.

The effects of carcinogens on tissues appear irreversible. Exposure to small doses of carcinogen over a period of time results in a summation or potentiation of effects. The fundamental characteristic which distinguishes the carcinogenic effect from other toxic effects is that the tissues affected do not seem to return to their normal condition. This summation of effects in time and the long interval (latent period) which passes after tumor induction before the tumor becomes clinically manifest demonstrate that cancer can develop in man and in animals long after the causative agent has been in contact and disappeared.

It is, therefore, important to realize that incidences of cancer in man today reflect exposure of 15 or more years ago; similarly, any increase of carcinogenic contaminants in man's enviroment today will reveal its carcinogenic effect some 15 or more years from now. For this reason it is urgent that every effort be made to detect and control sources of carcinogenic contamination of the environment well before damaging effects become evident in man. Similar concepts may apply to the needs for evaluation of other cronic toxicity hazards. Environmental cancer remains one of the major disease problems of modern man.

An agent which is causally related to the occurrence of cancer in man or animals is defined as a carcinogen or oncogen. The number of known carcinogenic agents includes several groups of viruses, various physical factors, and hundreds of chemicals.

Viruses of different types are known to induce cancer in animals; none has yet been proven to evoke cancer in man. If specific viruses are proven to be causally related to cancer induction in man, the frequency of certain human tumors might be reduced in the future by immunization procedures.

Physical factors are known to cause cancers in man and animals. For example, ultraviolet radiation causes skin cancer, and ionizing radiation cancer of various organs (e.g. leukemias, lung cancer, bone sarcomas, skin cancer). Exposure to a "background level" has been widely considered as unavoidable and, in the case of ultraviolet light, even necessary as an integral part of our natural environment. Strong epidemiologic and experimental evidence indicates the existence of a direct dose-response relationship between exposure to radiation and carcinogenic effects. Tolerance levels have been suggested for various forms of radiation and health benefits have been realized from their application. Evaluation of radiation hazards has been approached through measurement of the total cumulative dose of radiation exposure. Some carcinogenic radiation hazards, such as certain occupational exposures (e.g. radiation in uranium mines), are still not effectively controlled.

Chemicals of many classes produce cancer in a large number of organ sites in animals. Cancers in man are known to be caused by several individual chemicals and by materials composed of mixtures of chemicals. Chemical carcinogens have been shown to act by surface contact with skin or mucosae, by inhalation, by ingestion, and occasionally by injection or implantation (medical or accidental). Chemicals may induce cancer at the site of initial contact (e.g. skin cancer from polynuclear hydrocarbons), the site of selective localization (e.g. bone cancer radionuclides), the site of metabolism and detoxification (e.g. liver or kidney cancer from aflatoxin or nitrosamines), or the site of excretion (e.g. urinary bladder cancer from aromatic amines). A complex and often uneven approach to the problem of preventing exposure to chemical carcinogens has developed over the years. It has become increasingly obvious that the hazard from a single chemical carcinogen cannot be evaluated out of context of the total environmental exposure. Estimation of the "cumulative carcinogenic dose" resulting from all possible chemical carcinogens or even from all sources of a single type or class of chemical carcinogens is presently impossible.

Prevention of exposure to known carcinogenic chemicals depends largely on man's ability to control their entry into the environment. Certain chemical carcinogens are natural products (e.g. metabolites of the amino acid trytophan) or naturally occurring contaminants (e.g. mycotoxins). Others are formed in the processing of natural products. Many, such as polynuclear hydrocarbons (e.g. benzo[a]pyrene, occur almost ubiquitously in our modern industrialized environment. They derive from most sources of organic combustion. A class of very potent carcinogens discovered only in recent years, the N-nitrosamines, include compounds that may be formed in the environment from nitrites and secondary amines. Many other known chemical carcinogens have been introduced as synthetic materials or by-products into man's present environment through a wide range of newly-developed industrial processes. Some of these, such as food additives, medicinal products, cosmetics, and certain household products or pesticides, were developed for human use. Several carcinogens derive from products such as tobacco smoke, developed exclusively for human use. In other cases chemical carcinogens not intended primarily for human exposure are introduced into the general environment and eventually come in contact with its inhabitants; many substances (certain polynuclear hydrocarbons, pesticides, metals, dusts, and fumes, etc.) gain widespread environmental distribution, thereby becoming pollutants of the air, soil, water, and food. Prevention of exposure to this broad spectrum of chemical carcinogens must take a variety of forms.

The productions of chemicals recognized as carcinogens for uses involving intentional human exposure can be identified and effectively eliminated. Exceptions to this approach should be made for substances that involve a well-defined health benefit (e.g. certain chemotherapeutic drugs). Use of such substances should be accepted on the basis of extraordinary evidence that their health benefit outweighs their risk.

The production of specific carcinogenic chemicals for uses that do not primarily involve an intentional exposure of man, but which result in such environmental contamination that extensive human exposure becomes inevitable, must also be controlled. The most effective prevention of exposure in man is the elimination of carcinogen production, or control of entry into the environment.

A large group of chemical carcinogens (e.g. combustion products, mycotoxins, and other natural products) is widely disseminated in the environment from sources that can only be partly controlled. For these contaminants, as well as for products which have been widely spread in the environment before their carcinogenicity was recognized, the only possible approach to exposure reduction is to monitor their environmental distribution and subsequently minimize their contact with humans.

Modifying factors are known to condition the development of neoplasia in man and animals. They can act intrinsically or extrinsically (e.g. hormonal imbalances, metabolic characteristics or abnormalities, caloric intake, dietary factors). Understanding of their specific effects in man, however, is still not adequate to serve a reliable basis for preventative action.

Interactions among multiple factors have received limited attention to date. There are well-documented instances in animal studies of strong synergistic effects produced by chemicals in combination with radiation, viruses, or other chemicals. The epidemiological patterns of certain human cancers implicate combined effects of multiple agents (e.g. inhalation of radon and radon daughters in uranium mines and cigarette smoking).

The types of cancer in man that are due, directly or indirectly, to extrinsic factors are thought to account for a large percentage of the total cancer incidence (2). These include tumors of the skin, the respiratory, gastrointestinal and urinary tracts, hormone-dependent organs (such as the breast, thyroid, and uterus), and the hemopoietic system. During the past decade considerable progress has been made in the detection of circinogenic agents and the analysis of their biological effects. New approaches to the interpretation of quantitative relationships between exposures and carcinogenic effects in man and animals are being developed. It is estimated, therefore, that the majority of human cancers are potentially preventable (2).

III. ANIMAL BIOASSAY RESULTS AND EVALUATION OF RISKS IN MAN

In order to evaluate the hazard of a chemical for man, one must extrapolate from the animal evidence. It is essential to recognize that no level of exposure to a carcinogenic substance, however low it may be, can be established to be a "safe level" for man. This concept, put forward in the 1950's, remains true in 1970. The current legislation in the field of food additives, with its "anticancer clause", is based on this principle (Federal Food, Drug and Cosmetic Act, as amended, Sect. 409 (c) (3) (A)).

The reasons for retaining this "anticancer clause" were effectively summarized in 1960 by Secretary of Health, Education, and Welfare Arthur S. Flemming in testimony to Congress (3) on the subject of extending the clause to cover the use of food colors, with the following statement.

"The rallying point against the anticancer provision is the catch phrase that it takes away the scientist's right to exercise judgment. The issue thus made is a false one, because the clause allows the exercise of all the judgment that can safely be exercised on the basis of our present knowledge. The clause is grounded on the scientific fact of life that no one, at this time, can tell us how to establish for man a safe tolerance for a cancer-producing agent.

"Until cancer research makes a breakthrough at this point, there simply is no specific basis on which judgment or discretion could be exercised in tolerating a small amount of a known carcinogenic color on food additive.

"As I pointed out in my original testimony, the opposition to inclusion of an anticancer clause arises largely out of a misunderstanding of how this provision works. It allows the Department and its scientific people full discretion and judgment in deciding whether a substance has been shown to produce cancer when added to the diet of test animals. But once this decision is made, the limits of judgment have been reached and there is no reliable basis on which discretion could be exercised in determining a safe threshold dose for the established carcinogen.

"So long as the outstanding experts in the National Cancer Institute and the Food and Drug Administration tell us that they do not know how to establish with any assurance at all a safe dose in man's food for a cancer-producing substance, the principle in the anticancer clause is sound.

"I want to emphasize the statement I made on January 26 that the Food, Drug, and Cosmetic Act, as it now stands, will be enforced to prohibit the addition of cancer-producing substances to food unless a law should be passed directing us to follow another course of action.

"Even though we have this authority in the law, we urge the Congress to join with the executive branch to give added assurance to the consuming public by directing the anticancer clause in the proposed color additives amendment.

"Again, we say, however, that we believe the issue is so important that the elected Representatives of the people should have the opportunity of examining the evidence and determining whether or not the authority should be granted."

The scientific basis on which the Government's position was established in 1960 remains valid. The progress of knowledge in carcinogenesis in the last decades has only strengthened the points made in Secretary Flemming's testimony.

IV. DETECTION OF LOW LEVELS OF CARCINOGENS IN THE ENVIRONMENT

To establish the presence of "low levels of carcinogen in the environment" requires that 1) the presence of the material in question be recognized in the environment and 2) the material be recognized as carcinogenic. To evaluate the impact of a chemical in the human environment, it is useful to prepare an "environmental profile" to reflect the distribution of this material in time and space. Failure to detect the presence of a compound implies only that the compound is present, if at all, in concentrations below the detectable limit of the analytical method used. These "sub-detection levels" cannot be differentiated from "zero". From the distribution profile and additional information on the conditions of uptake in man the approximate level and extent of exposure for population segments can be estimated.

In recognizing a chemical as a carcinogen, the limiting factor is the sensitivity and specificity of the bioassay system used. A bioassay system designed to detect tumor induction only at or above a given level under the conditions of the test (e.g. a 25% incidence of a specific tumor type) will fail to reveal carcinogencity below that level. Compounds whose carcinogenic effects fall below specific bioassay detection limits must not be considered innocuous. Such materials must be characterized as presenting a carcinogenic risk no greater than that defined by this lower limit.

Methodology for the determination of chemical contamination in the environment and of biological activity of carcinogens are discussed in the following sections.

A. Chemical detection methods

Methods for detection of low levels of carcinogens in the environment have increased in accuracy and reliability over the past several years. The lower limits of detection for different types of known carcinogenic substances are extremely variable, extending over several orders of magnitude from very sensitive methods (e.g. 1 part per billion of benzo (*a*) pyrene or aflatoxin) to rather insensitive ones (e.g. for aromatic amines). In principle, analytical methods should be capable of detecting carcinogenic materials at any level or in any condition which has relevance to human exposure. For this reason, increasingly sensitive analytical techniques are needed, and indeed many have been developed over the last 10 years. Appendix I summarizes the present state of the art in the analytical determination of law levels of environmental carcinogens (*1*) and indicates the lower limits of detection available today, in contrast with those of 1959. Much of the improvement in methodology is attributable to the application of gas-liquid chromatographic techniques. Within the next few years sizable additional improvements in the sensitivity of analytical methods are likely to be achieved.

It is important to consider how widely the new analytical methods can be applied for the detection of a given carcinogenic contaminant in different materials. While highly sensitive analytical methods can be devised to detect a chemical in specific materials, these same methods might be powerless in the analysis of the same chemical from other source materials (e.g. dimethylnitrosamine can be detected in the alcoholic beverages at 1 ppb, but in foods only at 10–100 ppb). An uneven evaluation of the sources of environmental contamination may result. Development of widely applicable procedures will provide a more balanced evaluation of environmental contamination.

B. Biological detection methods

The carcinogenic activity of materials can only be detected by long-term biological tests. At the present time the chemical structure or physico-chemical properties of a compound do not provide a reliable basis for prediction of freedom from carcinogenic activity. Several structure-activity correlations are valuable indicators of the possible carcinogenicity of a compound, but none can be used to classify the compound as non-carcinogenic. Short-term bioassays that determine the effect of certain chemicals on selected biologic targets have not been reliable for prediction of carcinogenic activity.

The present state of the art requires long-term bioassays in mammalian species for the experimental identification of carcinogenic activity. United States law requires that food additives and various other materials be tested in animals by the intended route of human exposure. Similar tests have not been required for some materials to which humans are exposed by other than the oral route. The expanding production and use of chemicals in household products results in extensive human exposure (via the skin and respiratory tract) to dusts and aerosols; little information is available on the chronic toxicity of these materials by these routes of administration. It would not be wise to wait for the results of these "experiments in man" before instituting animal experimentation.

Bioassays are always performed on a number of animals which is extremely small when compared with the millions of humans exposed to most environmental carcinogens. Such studies can only detect carcinogenic effects resulting in fairly high incidences. For example, an observed outcome of no tumors in a test group of 100 animals, as well as in 100 negative controls, only provides assurance, at the 99 percent probability level, that the true tumor risk is under 4.5 percent. The maximum probable risk is 0.46 percent if groups of 1000 animals are used. It would require tumor-free results in 450 animals to establish with like probability that the risk is under 1 percent (*4*).

The assessment of the carcinogenic activity of a chemical depends on a variety of parameters. These include not only the total number of tumors induced but also their multiplicity, latent period, morphologic type, and degree of malignancy. The induction of tumors diagnosed as benign as a result of treatments has been interpreted by certain groups in the past as not sufficient to demonstrate a "carcinogenic" effect. This is a dangerous position since few, if any, substances are known to have produced only benign tumors and no malignant ones when properly and repeatedly tested. This has been pointed out in the Report of the Subcommittee on Carcinogenesis of the FDA Committee on Protocols for Safety Evaluation (*5*).

The important scientific problem of defining the sensitivity of a bioassay system used for testing materials of unknown activity has received insufficient attention. The interpretation of both positive and negative findings is strictly dependent on such definition as well as on the results obtained in negative, vehicle, positive and colony control animals. A bioassay result is meaningful only when accompanied by a statement of the sensitivity and specificity of the bioassay design used. An observed incidence of a given tumor type in a test group has no meaning without adequate information on the appropriate controls. Far too little work has been done using adequate positive controls. Lack of tumor response in a given experimental system cannot be interpreted as negative evidence if positive controls also yield negative results or if no positive controls have been included to show that the experimental system used is appropriate.

A body of knowledge has developed over the years on the response of experimental animals to chemical carcinogens. Several committees of experts in the field of carcinogenesis convened by national and international bodies over the past 15 years have formulated general principles for performance and evaluation of carcinogenesis studies in animals. The recommendations put forth by these committees have shown remarkable unanimity (2, 5–10) and are widely accepted in principle by the scientific community (11–15). General requirements for testing procedures, which have been outlined by these groups, include specification of criteria for the following:

1. selection of materials to be tested;
2. chemical and physical characterization of the test materials;
3. selection of appropriate animal species and group size; and
4. choice of appropriate routes and levels of administration.

In addition, recommendations concerning the lifetime maintenance and pathological examination of experimental animals have been outlined.

Two principles are recognized as fundamental to the evaluation of carcinogensis bioassays.

1. The minimum requirements for carcinogenesis bioassay should include adequate numbers of animals of at least two species and both sexes with adequate positive and negative controls, subjected for their lifetime to the administration by appropriate routes of a suitable dose range of the test material, including doses considerably higher than those anticipated for human exposure.

2. Any substance which is shown conclusively to produce tumors in animals, when tested under these conditions, should be considered potentially carcinogenic for man.

V. QUANTITATIVE RELATIONSHIPS

The major new argument presented today against the "anticancer clause" is that the marked increase in sensitivity of many analytical methods makes it possible to detect low levels of carcinogens in a broader segment of the environment and that, therefore, the immediate enforcement of regulations requiring a zero tolerance becomes more difficult, in some instances impossible.

New and very potent classes of chemical carcinogens, such as aflatoxin and nitrosamines, have been detected in the environment. Striking examples of potentiation in cancer induction have been reported in experimental tests and in epidemiologic observations. Bioassays have revealed the carcinogenicity of such widespread environmental chemicals as DDT and cyclamate, to which a large majority of the American population has been exposed.

In contrast to the analytical methods, bioassay methods have remained tools of low sensitivity, capable only of detecting the highest peaks of carcinogenic activity. The factor which limits bioassay sensitivity is usually the small number of test animals used. If the bioassay design has a low probability of detecting carcinogenic effects produced by hazards at levels comparable to those present in environmental samples, then tests at such levels are wastes of time, effort and money. The need to test levels higher than those found in the environment is thus founded. Some substances, on the other hand, are potent carcinogens in animal test systems at levels not currently detectable in the environment. An example is provided by the recent evidence on aflatoxin. Its lowest analytically detectable level is 1 ppb. One hundred percent tumor incidence was produced in rats by a dose as low as 15 in the diet. Experiments now under way suggest that aflatoxin, when fed to rate at the lowest detectable level (1 ppb), is still carcinogenic (*16*). It has already been demonstrated to be carcinogenic at 1 ppb in the trout. These data indicate that aflatoxin may be present in food at undetectable levels and still be capable of producing cancer incidences so high as to be detectable in tests involving relatively small numbers of experimental animals.

It is impossible to establish any absolutely safe level of exposure to a carcinogen for man. The concept of "toxicologically insignificant" levels (as advanced by the Food Protection Committee of the NAS/NRC in 1969; see Appendix II), of dubious merit in any life science, has absolutely no validity in the field of carcinogenesis. Society must be willing to accept some finite risk as the price of using any carcinogenic material in whatever quantity. The best that science can do is to estimate the upper probable limit of that risk. For this reason, the concept of "safe level for man", as applied to carcinogenic agents, should be replaced by that of a "socially acceptable level of risk".

While science can provide quantitative information regarding maximum risk levels, the task ultimately selecting socially acceptable levels of human risk rests with society and its political leaders. The evaluation of the balance of benefits and risks required for such a decision by society, should not be the result of uninformed guesswork but should be reached on the basis of complete and pertinent data, social as well as scientific. It is necessary, therefore, to define the extent in the processes of interpreting animals response data (Appendix III) and subsequently extrapolating them to man (Appendix IV). The principle of zero tolerance should be applied in all but the most extraordinary of cases.

VI. CONCLUSION

Modern society has been extremely fortunate—given the technical limits on detection of carcinogenic effects—that at least some environmental carcinogens have been identified. So-called negative data, obtained in bioassays often incapable of detecting effects below the 10 percent level, are grossly inadequate to give assurance of safety for man. Information on about 2,500 compounds tested for carcinogenic activity up through 1960 has been compiled and published (*17*). Most of these materials, however, are of no environmental significance. Data on tests reported since 1960 will be published shortly. It is estimated that data on 3,500 previously unevaluated chemicals will be included in the forthcoming volume. It is seen, then, that about 6,000 chemicals are documented as having undergone carcinogenesis bioassay to date. Many of the referenced tests, however, were inadequate according to presently recommended standards.

If this nation wishes to identify a large segment of existing and potential carcinogenic hazards, it must institute a comprehensive program involving a concept of activities. Scientific and technical plans for the **development of methodological standards** should be provided by experienced agencies in collaboration with qualified advisors. It is essential that the objectivity of these advisors not be damaged by any conflicting interests.

Resources needed for the extensive bioassay screening of environmental chemicals will be considerable. In addition to the myriad of substances presently in the environment, several thousand new compounds are introduced each year. Up to 20,000 materials should be tested for carcinogenicity as a first screening of the environment. Testing 20,000 compounds by bioassay would cost about $1 billion. This estimate would increase accordingly for the more extensive testing required in less superficial evaluation. Yet even were such funds available today, they could not nearly be spent effectively. Bioassay laboratory and professional resources are just not available in quantities capable of supporting a huge testing program. A great deal of "tooling up" is prerequisite to any such expanded level of effort.

Because the latent period in human carcinogenesis is so long, epidemiologic evidence develops only over periods of 15 to 20 years. Timely decisions to exclude materials from uses involving exposure to man, therefore, must be based solely on adequately conducted animal bioassays. Retrospective human evidence of risk must not be allowed to show itself before controlling action is taken. Chemicals should be subjected to scientific scrutiny rather than given individual "rights"; they must be considered potentially guilty unless and until proven innocent. Valid evidence must come from biological assays; every bioassay report should include a statement of its limits of sensitivity. Experimental design should provide for reproducibility of test results. Since the bioassay plays such a key role in a total carcinogen control scheme, more effort must be devoted to setting standards for both the performance of tests and the interpretation of results. Only given good bioassay data can science possibly provide sound information to those who are charged with making social decisions regarding the acceptability of carcinogenesis risk levels.

An effective program to protect man from the mass of environmental cancer hazards is within reach. No more time should be allowed to pass before the recommendations set forth in this report are applied to reality.

APPENDIX I—CHEMICAL DETECTION METHODS: ANALYTICAL PROCEDURES AND THEIR SENSITIVITY

A review of these methods has recently been published by the International Union Against Cancer (*1*). A brief summary follows.

I. POLYNUCLEAR COMPOUNDS

Area of concern.—Carcinogenic materials falling into this general class are, at least potentially, produced under all circumstances where pyrolysis of organic substances occurs. Many members of this chemical group are carcinogenic. Analytical methods provide separation and determination of benza(*a*)-pyrene, dibenz(*a,h*)anthracene and dibenz-(*a,h*) acridine and other compounds commonly found together in combustion products (tars, soots, petroleum derivatives, etc.).

Analytical methods.—Acceptable analytical methods must be capable of separating and measuring at least the specific materials mentioned above. At present the methods which appear most effective depend on absorption, fluorescence spectrometry, mass spectrometry, or gas-liquid chromatography for quantification and one of several chromatographic techniques for separation.

Sensitivity.—The minimum concentration of polynuclear compounds which may be determined by present methods is approximately 1 part of an individual compound per billion (1959 sensitivity approximately 100 ppb.).

II. CHLORINATED HYDROCARBONS

Area of concern.—The chlorinated hydrocarbons have been and still are extensively used as industrial solvents and reactive intermediates. Carbon tetrachloride is a well-known liver toxin and is suspected of being a carcinogen. During the past decade, other chlorinated hydrocarbons have been widely used as persistent pesticides and general exposure of man has occurred. DDT, DDD, aldrin, dieldrin and heptachlor have been reported as carcinogenic in animals.

Analytical methods.—Current methods are based on extraction and condensation followed by separation and quantification by gas chromatography.

Sensitivity.—The advent of electron capture detectors has made methods of analysis for this class of compounds extremely sensitive. Current minimum levels of detection are about 0.1 ppb (1959 sensitvity approximately 10 ppb).

III. AROMATIC AMINES AND CHEMICALLY RELATED COMPOUNDS

Area of concern.—For purposes of this discussion the "aromatic amine" are considered to include not only the substituted aromatic amines but also those compounds (nitro-, azo-, or hydroxylamine compounds) capable of being converted into aromatic amines by metabolic processes. Occupational exposure and exposure through the air, foodstuffs, plastics, and drinking water pose threats of carcinogenic hazards for humans. One must also consider the contribution to the carcinogenic load of endogenous aromatic amines such as certain tryptopphan metabolites.

Analytical methods.—General methods for the determination of "total aromatic amines" are of little value because of the wide variation in carcinogenicity between members of the class. Estimation of specific substances is generally effected by their conversion to primary aromatic amines and then to azo dyes by diazotization and coupling; the azo dyes are separated chromatographically and estimated colorimetrically.

Sensitivity.—Methods for detection of members of this general class vary widely in their sensitivity due to the diverse properties of the compounds included. Azo compounds are easily estimated at sensitivities on the order of 10-100 ppb, while aromatic amines and hydroxylamine can be estimated with precision only at levels of about 1 ppm (1959 sensitivity about the same).

IV. N-NITROGO COMPOUNDS

Area of concern.—During recent years many members of this class of chemicals (nitrosamines and nitrosamides) have been recognized as highly potent carcinogens capable of inducing cancer in a variety of organ sites. There is a growing concern that these materials may represent significant cancer hazards to man. These compounds first came to our attention as a result of their utilization as industrial solvents and chemical intermediate, but they may be widely distributed at low levels in a variety of natural products. It is suspected that they may even be formed by the interaction of natural products in the organism or during food preparation.

Analytical methods.—Methods in current use depend on the extraction of these substances from a variety of starting materials and cleanup of the extract by various chromatographic techniques followed by quantification of the individual compounds by gas-liquid chromatography. Specific methods have only been developed for a few individual members of the class. No satisfactory methods for the measurement of nonvolatile nitroso compounds have yet been developed.

Sensitivity.—Minimum detectable levels for the individual compounds are at present about 100 ppb (1959 sensitivity=relatively insensitive colorimetric or polargraphic procedures).

V. AFLATOXINS

Area of concern.—Human exposure to the aflatoxins occurs principally by way of contaminated foods. It is now clear that such contamination can occur in essentially any food commodity, when harvest, storage, or transport conditions permit the growth of specific spoilage molds.

Analytical methods.—Currently used methods involve extraction and cleanup followed by identification of the compounds on thin layer chromatograms viewed under long wave ultraviolet light.

Sensitivity.—Although problems are associated with all of the presently available techniques, detection is possible at the level of 1 ppb (1959 sensitivity= problems was unrecognized).

V. INORGANIC SUBSTANCES

Area of concern.—A number of inorganic substances of common occurrence in the environment have been reported in the past to be carcinogenic in man or certain animal species. They include compounds containing the following elements: arsenic, beryllium, cadmium, chromium, cobalt, lead, nickel, silver, titanium.

Analytical methods.—Analysis of the metals is performed today by atomic absorption spectroscopy after appropriate extraction and concentration procedures.

Sensitivity.—The lower limits of detection for the metals listed are on the order of 1 ppb (1959 sensitivity=about 10 ppb).

VII. ASBESTOS

Area of concern.—This substance is a fibrous particulate material produced in vast amounts for many industrial uses and recently found to be a widespread air pollutant. Major monitoring needs concern its presence in the general atmosphere and as an industrial dust.

Analytical methods.—Although sensitive methods are available for the detection of the elemental components of this substance, no specific chemical methods for identification of asbestos itself are available. Its estimation is still based on microscopic identification and count of asbestos particles in measured samples.

Sensitivity.—Extremely low and little improved since 1959.

VIII. OTHERS

A number of other carcinogens, belonging to a wide variety of chemical classes, need to be analyzed with specific methods. Their enumeration exceeds the limits of the present discussion. It is also necessary to improve the detection of materials which are recognized as potential sources of carcinogens and for no adequate analytical methods are presently available (e.g. secondary amines and nitrites, which may interact to form nitrosamines).

APPENDIX II—COMMENTS ON 1969 REPORT OF THE FOOD PROTECTION COMMITTEE

This Committee has examined a report entitled "Guidelines for Estimating Toxicologically Insignificant Levels of Chemicals in Food" published in 1969 by the Food Protection Committee—Food and Nutrition Board of the National Academy of Sciences—National Research Council. It records its strong objections to the principles expressed in that report, which states that natural or synthetic substances can be considered safe without experimental support under certain vaguely-stated conditions.

The Food Protection Committee Report assumes that ". . . a level of insignificance may be determined if: (1) There are available adequate scientific studies that establish safe levels of similar magnitude for at least two analogous substances. (2) the acute or subacute toxicity of the new substance and two analogous substances is of the same nature and degree." For "Chemicals in Commercial Production" it recommends that: "If a chemical has been in commercial production for a substantial period, e.g. 5 years or more, without evidence of toxicological hazard incident to its production or use, if it not a heavy metal or a compound of a heavy metal and, and if it is not intended for use because of its biological activity, it is consistent with sound toxicological judgment to conclude that a level of 0.1 ppm of the chemical in the diet of man is toxicologically insignificant."

To assume (a) that a 5-year period of use has any meaning for the evaluation of chronic toxicity in man, (b) that any chemical may be considered safe simply because two "analogous substances" are "safe", and (c) that acute or subacute toxicity are reliable guidelines for evaluating long-term toxicity is to display a lack of understanding and appreciation of factors involved in chronic toxicity, particularly of the irreversible and delayed toxic effects which occur in carcinogenesis.

Since the purpose of the report is to recommend guidelines and priorities for selecting chemicals for human use without direct experimental toxicological evaluation, the lack of consideration of irreversible long-term toxic effects (which would not be ruled out by the suggested criteria) makes the suggested approach practically inapplicable and potentially dangerous.

APPENDIX III—A METHOD FOR DETERMINING THE DOSE COMPATIBLE WITH SOME "ACCEPTABLE" LEVEL OF RISK

(Contributed by Dr. M. A. Schneiderman)

INTRODUCTION

In establishing the concept of an "acceptable" risk dose (ARD) we must bear in mind that the dose level arrived at gives a tolerable risk *only for the species for which the extrapolation has been made.* Given this caveat, to make a conservative estimate of an ARD, two assumptions need to be made:

A. The dose-responsive curve at low response levels is concave upward (e.g. the left-hand tail of the common S-shaped curve). The upper (dose) limit of this S-shaped curve is a straight line going through the O,O point (no dose=no response). The true dose-responsive curve is shallowest at this point.

B. A given set of data will provide an estimate for the upper limit of the other point through which the straight line must pass (which then gives the upper limit of the slope of the dose-response curve).

As an example of the use of the ARD concept, let us suppose that we have observed 100 control animals and 100 treated animals at a given dose rate, d, and have seen no tumors in either group. The upper 95% confidence limit on such a result is 3/100 (i.e. the data are consistent with the statement that with a true response rate of .03, we might expect to see zero tumor incidence in 95% of similar experiments). If the socially "acceptable" risk selected is to be one additional cancer case for each hundred thousand persons, it is now desired to establish an ARD which will product a maximum lifetime tumor incidence of 1/100,000. We can then construct the graph. (Not printed in RECORD.) The procedure outlined here is essentially the "one-hit" procedure and gives a somewhat more conservative answer than the procedure of Mantel and Bryan.

The line connecting the (0,0) point with the (d, .03) point has

$$\text{Slope} = .03/d$$

and the equation of the line is:

$$\text{Response} = (\text{Dose})\,(.03/d)$$

If we wish to determine some dose (e.g. the ARD) which would be predicted to yield a response of not more than $1\cdot10^{-5}$ we would write:

$$\text{Dose} = (1\cdot10^{-5})\,(d/.03) = 3.3\cdot10^{-4}d)$$

ARD

Working towards an ARD this way has several consequences:

(a) An increase in the experimental size (at the same dose, d, and with the same experimental result, i.e. no tumors) will reduce the upper confidence limit. Thus, if there were 200 animals in each contrast group, the upper 95% confidence limit would be about halved and the estimated ARD would be doubled.

(b) An increase in the dose, d, at which the result (no tumors) occurred would increase the estimated ARD in direct proportion to the tested dose. Thus, if the initial experiment had been conducted at twice as high a dose *with the same result,* the estimated ARD would be twice as high as that determined from this experiment.

The procedure outlined has the virtue of lending greater credence to conclusions reached on the basis of larger experiments. Higher estimated ARD's will be found under such circumstances and the confusion between "hot statistically significantly different", and "not different" can be avoided.

It must be stressed that these calculations do not establish an "acceptable risk dose" for man. The procedures do not tell us for example what factors are required to extrapolate from animal to man, although the following factors must certainly be considered.

1. Dose-response curves in man (a grossly non-homogeneous animal) are likely to be much shallower than dose-response curves in experimental animals. This implies higher levels of response at low doses for man, other things being equal.

2. It is possible that even the use of the straight line between the 0,0 point and some experimentally determined dose-response point (plus upper confidence limit) may yield too high an estimated ARD for man.

3. Whether the proper blow-up factor for doses in man should be on a mg/kg or mg/M² basis, or any other basis, must be established independently.

4. Nothing in this procedure would enable one to know where the dose-response curve for man belongs along the dose scale in comparison with the dose-response curve for the experimental animal. If man's curve lies much to the left of the experimental animal's curve, then an ARD for the experimental animal may be a gross overdose for man.

Where several species are studied, it would seem safest in the absence of better information, to accept for man an ARD no greater than the lowest ARD dose derived from the results for the several species. It has been suggested that an appropriate "safety factor" for man should involve a reduction in the ARD for animals by a factor of 100 to allow for species' differences, another factor of 100 to allow for interactions with other carcinogens, and another factor of 100 to hedge against the incorrect choice of "blow up" (weight, or surface area) from animals to man. This would imply an ARD in man of about 1×10^{-6} the ARD in animals.

INSTRUCTIONS FOR CALCULATION OF THE ARD USING 95% AND CONFIDENCE LIMITS

(Experiment in which no animals in either treated or control group show a response, e.g. development of a tumor): We need the following values:

C = Upper confidence limit on the result (computed as shown below).

S = Arbitrary "acceptable" response level.

d = Acceptable risk dose (ARD), that which causes no more than the arbitrarily allowed acceptable risk.

t d = Test dose, some multiple, t, of the tolerated dose.

These values are related as shown: (not printed in RECORD.)

From the above figure, we have the following relationships: $C/S=(t\,d)/d=t$ which can also be stated as $C=St$.

Since C is a function of the size of the experiment, N, we have a relationship between S, t, and N where N=sample size.

For zero positive responses, the upper $a\%$ confidence limit is $St=C=1-e[\ln(1-a)]/N$, where ln is the natural logarithm. From N, t, and S, we can solve for the third. The accompanying graphs have this relationship shown for difference values of N. Figure A1 s for a 95% confidence limit: Figure A2 is for a 99% confidence limit.

In any specific situation St is constant (=C), so that we can increase the range of the chart by dividing S (the tolerate risk level) by k while multiplying t (the dose multiplier) by k. Two sets of values for S and t are shown on each graph.

EXAMPLES OF HOW TO USE GRAPHS

1. Given:

(a) That we agree to a socially "acceptable" risk level, say .00001 (1 in 100,000).

(b) The expected average dose in man is D, and we wish to determine whether it is compatible with the acceptable risk.

(c) The maximum pharmacologically tolerated dose in our test species is tD, where, say, t=600, (i.e. this species can survive a dose 600 times larger than the average dose in man).

Procedure (Using "95%" figure):

(a) Find t=600 along the bottom scale of the graph. Notice that it is in parenthesis. This means we must look for our S value in parenthesis, too. (Small arrow at bottom of graph.)

(b) Find $S=10(\times 10^6)$. (Small arrow at side of graph.)

(c) Find where the t=600 vertical line crosses the S=.00001 horizontal line. This is at the diagonal line labeled 500.

This means we must conduct an experiment with 500 animals in each group, yielding 0 positives, at a dose level 600 times the "average" dose in man, in order to have some assurance that the average dose in man is within the acceptable risk level, where acceptable risk is .00001. [This dose may be far too high, for it has been assumed that man's dose-response curve is the same (except for slope) as the animal species in which we did the experiment. No "safety" factors have been applied.]

2. Given:

To repeat the above experiment using a dose 300 X the expected ARD. S=.00001, and t=300.

Procedure:

Find t=300 along the bottom scale (in parenthesis).

Find $S=10(\times 10^6)$

Note the crossing point at diagonal N=1000.

This means if we test at a lower dose, we must have more test animals to achieve the same ARD.

3. Given:

To repeat experiment 1 using only 100 animals. N=100; $S=10(\times 10^6)$

Procedure:

Follow along the horizontal line until you come to diagonal N=100

Look down to the t scale and note that we are at t=3000.

This means if we test with fewer animals, we can have assurance only that a dose 1/t times the test dose will yield less than the acceptable level. Fewer animals in a test imply a lower ARD. In this case the ARD is 1/3000 the test does as compared with 1/600 in Example 1.

APPENDIX IV—RELATIONSHIP BETWEEN CHEMICAL ANALYSIS, BIOLOGICAL ASSAYS AND CARCINOGENIC RISKS TO MAN

The following set of Figures presents a conceptual scheme for dealing with the problems stated. In practice any or all of the steps may be rendered impossible by limitations in quantifying pertinent variables. Operational problems in implementing the plan result from uncertainties in the correspondence of human and animal dose response curves, extrapolation of animal data to extremely low response levels, differences in response from species to species, synergistic effects, etc. The scheme itself may be useful, however, in defining the specific areas in which further efforts should be made.

PROBLEM NO. 1: GIVEN THE PRESENCE OF A CHEMICAL IN THE ENVIRONMENT, ESTIMATE ITS CARCINOGENIC HAZARD FOR MAN AND DETERMINE ITS COMPATIBILITY WITH A SOCIALLY "ACCEPTABLE" RISK

The inputs and the estimations required for this problem are represented in Figure 1 and discussed in the following paragraphs.

1. Analytical Detectability in the Environment—Limited by the sensitivity and specificity of the available analytical method.

2. Quantitative Distribution in Time and Space in the Environment—Preparation of "environmental profiles" limited chiefly by extent of sampling. Segments of the environment should not be considered non-contributory, because they fall below the minimum levels for analytical detection.

3. Level and Extent of Exposure in Man—Limited primarily by amount of information regarding routes and extent of human exposure, and by extent of sampling.

4. Biological Detectability of Carcinogenicity—Limited by the sensitivity and specificity of available animal bioassay design.

5. Dose-Response Data in the Selected Animal Bioassay System—Limited by the sensitivity of the experimental design.

6. Selected Procedure for Extrapolation to Low Response Levels in Animals—An arbitrary selection from among a variety of available models made so as to avoid underestimating the risk. A proposed methodology for this extrapolation is presented in Appendix III.

7. Calculated Animal Dose-Response Curve—Obtained by caculation from Items 4, 5, and 6.

8. Calculated Response in Animals Corresponding to a Dose Equal to Exposure in Man—Obtained by calculation from Items 3 and 7. This provides the basis for the extrapolation from the response in animals to that in man in Steps 9 and 10.

9. Selected "Safety Factors" for the Extrapolation of Effects from Animals to Man—This selection is of necessity an arbitrary one, but it must be based on informed judgment. It is severely limited by our lack of specific information on effects in man, and should be made so as to avoid underestimating the risk. The choice of a safety factor of 100, frequently applied in cases of reversible toxicity, is inadequate to cover the complex assessment of carcinogenic risks in man. A factor should be applied for at least each of the following parameters: species susceptibility, interaction and potentiation effects, correction for animal size or body weight.

10. Calculated Projected Incidence in Man—Obtained by calculation from Items 3, 8, and 9, i.e., by taking the level of exposure in man, calculating the tumor incidence that this level of exposure would produce in the animal, and multiplying it by the total selected "safety factor".

11. Social Selection of "Acceptable" Risk for Man—This arbitrary selection is a determining element in the process of decision. It must be based on the most extensive information available on the consequences of accepting a given risk and on the projected "benefits" that would result.

12. (a) Determination of the Maximum Levels in the Environment and Extent of Exposure in Man Compatible with Socially "Acceptable" Risks—Compare Items 10 and 11: if projected incidence in man is greater than acceptable risk, determine what level of exposure in man (Item 3) would give an incidence in man (Item 10) equal to or lower than the acceptable risk (Item 11). Exposure can be reduced by changes in the environmental levels and distribution, or by reducing the number of people exposed.

13. Implementation of Corrective Measures, or Acceptance of Projected Risks—Implementation of corrective measures necessary to reduce the projected risk to a socially acceptable level may be extremely difficult. In such cases, the extent of the risk should be clearly stated and a continuing effort developed towards control of the problem.

PROBLEM NO. 2: GIVEN A PROPOSAL TO INTRODUCE A CHEMICAL INTO THE ENVIRONMENT, ESTIMATE THE MAXIMUM EXPOSURE LEVEL FOR MAN COMPATIBLE WITH A SOCIALLY "ACCEPTABLE" RISK

The inputs and estimates required for this problem are represented in Figure 2. The same definitions used for Problem 1 apply. Two different calculations are involved, those in steps 14, 16, and 12(b).

14. Calculated Dose in Animals Corresponding to a Response Equal to the "Acceptable" Risk for Man—Obtained by calculation from items 7 and 11.

15. Calculated Maximum Dose for Man Compatible with the "Acceptable" Risk—Obtained by calculation from Items 9, 14, and 11.

12. (b) Determine the Maximum Levels in the Environment and Extent of Exposure in Man Compatible with Socially "Acceptable" Risks—Based on the calculated maximum dose for man compatible with the "acceptable" risk (Item 15), determined: a. what level and extent of exposure in man would result in a risk equal to or lower than the acceptable risk (Item 11): b. what quantative distribution of time and space in the environment (Item 2) would result in the selected level of exposure in man (Item 3).

The logic sequences, illustrated for the two basic problems of estimation of carcinogenic risks, require these categories of information:

1. Factual information on the sensitivity of analytical methods and on the extent of environmental distribution and of exposure in man (Items 1, 2, and 3).

2. Factual information on the limits of the biological determination of carcinogencity, represented by the sensitivity of bioassay methods, the significance levels of the results obtained, and the dose-response data (Item 4, 5).

3. Documentation of the criteria and procedures used for the selection of the arbitrary factors used in the evaluation process. These factors include the selection of a socially "acceptable" risk, of a procedure for dose-response extrapolations in the animal model and of "safety factors" for the extrapolation from animal to man (Items 6, 9, 11).

Only in the case of substances for which we have extensive analytical environmental data and extensive bioassay results (probably including a dose-response study of acceptable quality) can we attempt the exercise of estimating some dose corresponding to an "acceptable" risk for man. This can only be done by clearly stating the justification for each of the arbitrary extrapolitan factors chosen. The selections will be justified only if they represent an upper limit of risk acceptance, that is, if they assure us that the risk in man is not underestimated.

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WELFARE FRAUD

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. GOLDWATER. Mr. Speaker, many charges of welfare fraud have been heard but few have listened to the examples of irresponsible waste of the American tax dollar. Recently KNX radio, CBS, in Los Angeles, presented an excellent editorial dealing with specific misuse of the program. I wish to present the editorial in hopes that it will stir some interest in the improvement of the welfare mess:

WELFARE FRAUD

Should people on food stamps drive Lincoln Continentals?

We don't think so. However, our friend, Ferd Mendenhall at the Valley News, found out that it is being done.

He observed a well-dressed lady driving a late-model Lincoln Continental buying food stamps. This was at the Security-Pacific bank in Van Nuys.

That seems odd to us since food stamps are supposed to be for poor people. We investigated and learned that the lady in question is apparently Johnie Blunt of San Fernando.

Checking further, we found that she is known at two Van Nuys supermarkets. We are told that she uses her food stamps to buy such luxury food items as shrimp and steak.

The County Department of Social Services says that no one by that name is registered with them. Yet, you are supposed to have a county identification card in order to buy food stamps.

So, there's something that doesn't ring true here. Either the bank is selling food stamps to people without proper identification cards, or, the card Johnie Blunt is using to get food stamps, is not hers.

Either way, she seems able to get food stamps and drive her Lincoln Continental at the same time. That's a lot more than many of us who are paying taxes can do.

To KNX this smacks of blatant welfare fraud. It ought to be vigorously investigated by the District Attorney. We expect that it will be.

DISTRICT OF COLUMBIA RULE BELONGS TO CONGRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. RARICK. Mr. Speaker, in hearings on February 8, before the Committee on the District of Columbia, I testified in support of H.R. 355 "to retrocede a portion of the District to the State of Maryland" in order to give the residents of the District of Columbia the right to vote and self-government.

I strongly opposed any home rule theory which would abrogate the perpetuation of our Federal City as a neutral political sanctuary, as provided in the Constitution of the United States.

I insert my statement at this point, to be followed by the text of H.R. 355:

STATEMENT OF JOHN R. RARICK

Mr. Chairman, Members of the Committee, I welcome the opportunity to testify today in support of my bill H.R. 355, "to retrocede a portion of the District of Columbia to the State of Maryland" which is in many ways similar to the Chairman's bill, H.R. 12823.

Let me at the outset, I am in favor of home rule for the District of Columbia as envisioned by the Founding Fathers and as provided for in the Constitution. The District of Columbia is our Federal city, the home of our Nation's Government; therefore, it is presently under home rule—the control of the Congress of the United States.

The framers of the Constitution understood the importance of a neutral environment. They had experienced the threat of mob rule to a republican form of government; indeed, the Continental Congress was itself surrounded and imperiled by such a lawless mob from which it was powerless to protect itself.

The Founding Fathers, therefore, provided in the Constitution for the creation of a Federal district, the District of Columbia, over which the Congress should have plenary and exclusive legislative power. This provision of the Constitution, Article 1, Section 8, Clause 17, guarantees a neutral, nonpolitical sanctuary for the seat of our Government, where the representatives of the people could meet in safety far from the "maddening crowd"—issue oriented as they are or can be made.

This Clause is worth noting in its entirety:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;

The framers of the Constitution recognized that the Nation's Capital belonged in the same category as these other essential Federal properties. It serves the people of the Nation; it is supported and maintained by the people of the Nation, and it is controlled and governed by the representatives of the people of this Nation. This is the function of this Committee—to exercise the control and authority over the District in the name of the people of this Country.

The Constitution gives "home rule" to the Congress; to surrender it in any manner would be to abrogate the power of the people over that which is rightfully theirs to hold and control. The inhabitants of the District of Columbia have no more entitlement in logic or in morality to "home rule" than do the inhabitants of Fort Polk, Louisiana, Redstone Arsenal, the Brooklyn Navy Yard, the Chicago Post Office, or, for that matter the Navajo Indian Reservation located in Arizona, New Mexico, and Utah.

There are those who attack the people's present system of "home rule" in the District and argue instead that the District of Columbia should have either Statehood and/or Congressional representation as a separate and unique entity. There is, however, no available evidence to indicate the people of the District are deserving of such compensatory recognition. On the contrary, the District of Columbia has never been self-supporting; it is not now able to pay its own way nor will it ever be able to do so. Unfortunately, such shibboleths as "home rule," "democracy", and "government by the people" have caused the Congress to forget the lessons of history and to relinguish step by step our responsibility and authority over our home to residents whose inability to operate a city of this size and complexity has made Washington an international joke, the laughing stock of people the world over.

We would not be surprised to find that the capitals of certain undeveloped or emerging nations were regarded as hazardous posts by civilized people in the foreign service; but it is more than a little disturbing to find that our own Capital—supposedly the showplace of democracy—is regarded as hazardous duty by the personnel of many of the foreign embassies resident here.

The other aspects of the domestic situation here in Washington certainly do not indicate that the residents of the District have the ability to govern themselves. Crime is rampant; rape and murder occur during the daylight hours within a block of the White House, indeed, in the Executive Office Building itself. Are we to believe home rule would restore law and order?

The level of public education in the District is certainly an illustrative example. The Superintendent of Schools here in the District doesn't know how many people are on the school board payroll and has no idea of the disposition of school funds. Superintendent Hugh Scott has been quoted as saying, "We don't know the scope of the deficit and we don't have the system or the people to provide it," yet these are the same people crying for "home rule."

The state of education itself is worse. There are now 51 completely black schools without one white student, and as late as June 3, 1971, Superintendent Scott announced that the average reading level of 8th grade students in the District is equivalent to 6th grade reading ability on a nation-wide basis. The District student actually progresses at a rate of about ¾ths the national average, and the situation becomes worse as the progressive education programs force more and more whites and intelligent Negroes to flee to the suburbs. Are we to believe education would improve because of home rule?

The apologists and interpretative analyzers seek to explain the exodus of decent Americans on the failure to pour more and more taxpayers' money down this disgrace to American democracy for more giveaways and more free public accommodations to encourage more squatters on the federal reservation. Few dare to comment on the obvious reasons for this mass migration of decent Americans from their Nation's Capital; that is, the fear of violence and even death; the concern for human safety and property; and the natural desire to be with people of one's own choice and kind. The local and national news media continue to violate the principles of free speech and free press and they continue to suppress these truths because those who control the "right to know" mechanism in American society regard the right to choose your own society, your neighbors, and your friends as being foreign to our "free society." Are we to believe the Press would be more free and impartial because of Home Rule? Neither Home Rule nor massive outlays of money can solve the Districts dilemma, alone. There are but two solutions: first, our many liberal and moderate citizens who profess to have dedicated their lives to the cause of integrated brotherhood, permissiveness, and tolerance to return to the District to live and take part in community affairs, including sending their children to the public schools in the District; or, secondly, remove all the people from the Federal district who are not here on government business and resettle them in areas of the country that have sparse population, and living room, the Yankee challenge of creating something from nothing.

Unfortunately, the former possibility seems more and more unreal as news articles continue to indicate that our country's leaders make laws and enforce them that they themselves do not adhere to or that they circumvent in one way or the other; therefore, the only real possibility is to resettle the people of the District in other areas.

Again, it is unfortunate that the cost of relocating these exploited people to the sparsely populated areas like Montana, South Dakota, Minnesota, or Kansas is prohibitive; certainly the people of those States would benefit from such close association with the people of the caliber of those in the District. It is, therefore, logical to give serious consideration to the retrocession of that part of the District populated by people whose business is other than governmental to Maryland. Such a move would entail no cost; it would not uproot any of the District's population, and it would give them what they seem to want so desperately—the right to vote and the right to self-government. Under the principle of retrocession, the people of the District would become citizens of Maryland and would operate as any other community in that State, with the right to self-government and voting representation in Congress.

This bill and others advocating retrocession would accomplish two basic objectives: 1) it would effectively satisfy the desire of the residents of the District for the right to vote and would give them self-government; and 2) it would not violate the basic Constitutional principle underlying the establishment of the Federal city—that representatives from the various States and of every political persuasion could meet in safety to legislate the laws of this Republic.

Certainly the addition of this portion of the District to Maryland would give the State another Congressman and the two Senators from Maryland would also have to answer to the people living in the retroceded area. Furthermore, these people would be able to elect their own mayor and other city officials and participate in State elections just as any other citizen in Maryland.

There is no justification whatsoever for giving the District voting representation in Congress as a separate geographical location. Sympathy for transients and migrants who have been induced by many causes and promises to settle in Washington certainly cannot be considered as serious grounds for the granting of Statehood or Congressional representation. After all, these people knew the situation and circumstances of settling here; there was no false representation on our part; it is not something that has been sprung upon them suddenly, yet there are still those who support such an idea in an attempt to satisfy block votes or misinformed people at home.

To give Statehood and/or Congressional representation to the people of the District will benefit no one. The only possible results of such action would be detrimental to the American taxpayer and would result in the increased threat to the personal safety of those of us in Congress, our staffs, and our families. At most, the American people could * * * to be controlled and exploited by extremist pressure groups.

Of some relevance at this point is an article from the January 24, 1972, issue of the *Washington Post* headlined "Black Muslims Plan to Expand Activities." This is a branch of the same organization that was involved in the recent racial confrontation in Baton Rouge, Louisiana, the capital of my State and the major city of my District. As you all know, the Black Muslim group is a "black separatist" organization.

The article clearly indicates that the Black Muslim group is expanding operations in the District, including providing free schools in "black history" and the opening of three new "temples" in the Washington area. There is every indication that the Black Muslims intend to expand their operations and work to recruit new followers from the District's 71% black population. I ask that this newsclipping be inserted at this point in my testimony.

[From the Washington Post, Jan. 24, 1972]

BLACK MUSLIMS PLAN TO EXPAND ACTIVITIES

(By Ivan Brandon)

Minister Lonnie Shabazz, leader of Washington's Black Muslim community, said yesterday that his followers will expand their activities in Washington with the opening of three more temples here within the next three months.

Shabazz, interviewed on the WRC–TV show "Dimension Washington," also said that the Muslims will open a college branch of the Muslim University of Islam in March.

The University of Islam, located in Chicago, is made up of primary and secondary schools and a college set up by Muslims' leader, the Honorable Elijah Muhammad. There are branches of the university in most cities where the Muslims have a mosque.

The local Muslims run a high school and an elementary school with a total enrollment of about 350 students. Shabazz said the college will probably have about 50 students when it opens.

The schools are open to all black students and are tuition free. Shabazz said the Muslims have opened their own schools because "the schools are in a bad situation." He added that black studies programs "are nothing more than a warmed-over version of white history. The Honorable Elijah Muhammad has solved with his own schools," Shabazz said.

Shabazz said the new temples will be located in the Upper Northwest, Northeast and Southeast sections of the city. Muhammad's Mosque No. 4, 1519 4th St. N.W., is the Muslims' headquarters here.

Shabazz did not say how much the expansion would cost or offer any other details on the new temples. The Muslims will not release the number of members in the Washington area or nationwide.

Shabazz was questioned about Muslim involvement at the recent shootout in Baton Rouge where two blacks and two policemen were killed in what police officials called a confrontation prompted by Muslims.

"We have been taught by the Honorable Elijah Muhammad to go about our work in a peaceful manner. We were not involved at all" in the incident in Baton Rouge, Shabazz said.

Shabazz said local Muslims have a "peaceful relationship" with the Washington police. Muslims have been in Washington for nearly 40 years, and there have been no serious incidents here involving Muslims and local authorities.

When asked about reports of an internal struggle for control of the Muslims, Shabazz quickly denied all rumors, saying that there is no dissent or power struggle going on within the movement.

It is certainly worth considering at this point whether or not an organization such as the Black Muslims could, in fact, control the District or elect the representatives should the District be given Congressional representation as a separate or distinct unit.

The percentage of voter turnout in the recent D. C. elections indicates that there is a distinct possibility that such an activist group like the Black Muslims could control the local elections. The percentage of voters actually going to the polls in the District are shocking. If such a thing as this occurred in the South, the Justice Department would invoke the Civil Rights Act because less than 50% of the voters turned out and therefore, according to the liberals, there had to be suppression of rights.

In the 1969 School Board Election at large, 18.17% of the voters cast ballots. In the D. C. Delegate primary only 45.21% of the people went to the polls and in the March General Election only 44.93% of the registered voters took part in the democratic process. Yet these are the same people who the opinion makers would have us believe want home rule.

Of some significance here to bring the figures up to date, only 18% of the registered voters took part in the 1st Primary to elect District School Board Members on 2 November 1971; only 9%, or 14,998 votes, were cast in the ensuing run-off election held 24 November 1971. It is certainly something that must be considered in deliberations on bills that offer total home rule to the District or voting representation in Congress—it would be indeed shocking to have 15,000 votes cast in an election to name a Congressman and two Senators. It would only require 7,501 votes to win—certainly well within the reach of membership of activist groups such as the Black Muslims.

In conclusion, Mr. Chairman, I would point out that is essential for the freedom and safety of the Congress, federal employees, our staffs and visitors to our Nation's Capitol that the Congress retain the power to govern and control our Federal city, rather than yield such powers to the exploiters of the squatters on this Federal reservation.

This is the true meaning of "home rule." The people of this Nation are the rightful owners of this city; it is fitting that their elected representatives govern it. To yield control over the District exposes this government to absolute mob rule, to street democracy where the elected representatives of the people would live in virtual fear of their lives, subject to the whims and pressures of mob rule such as that dictated here during the recent May Day demonstrations or the earlier riots that threatened this city.

No legislator can say that the District of Columbia is an independent, impartial community, or a safe place to work in the interests of his constituents. Neither is the District a model city or the "showplace of democracy"; rather, it is a sinkhole, rat-infested, the laughing stock of the free and Communist world. It is certainly not indicative of cross-section of American society; it is not even in the proper racial balance. Nor is there any indication but that the so-called "Home Rule" would worsen—not improve situations.

Yet, Mr. Chairman, there is the problem of the right to vote and the right to "home rule," and or representation in Congress. The only logical means available of satisfying this problem is through retrocession to Maryland. There is historic precedent in the 1846 retrocession of the portion of the District to the State of Virginia. Furthermore, and most important, such a move would satisfy two basic objectives: 1) it would effectively satisfy the desire of the sincere residents of the District for the right to vote and would give them self-government and Congressional representation as citizens of the State of Maryland; and 2) it would not violate the basic Constitutional principle underlying the establishment of the Federal city—that representatives from the several States of every political persuasion could meet in safety to legislate the laws of the Republic far from the "maddening crowd" and the pressures of mob rule.

I would urge the Committee to give favorable consideration to H.R. 355, or any of the other bills proposing retrocession of part of the District to Maryland.

H.R. 355

A bill to retrocede a portion of the District of Columbia to the State of Maryland

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that portion of the District of Columbia ceded to the United States by the State of Maryland and not included within the Federal area described in section 3 of this Act, and all the rights and jurisdiction ceded to the United States by the State of Maryland in connection therewith, are hereby retroceded and relinquished to the State of Maryland effective as of the date of the acceptance thereof by the State of Maryland.

SEC. 2. (a) Nothing in this Act shall be construed to vest in the State of Maryland any property right in any real or personal property situated in that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act and held by the United States or by any person, except as such property may be transferred to the State of Maryland by the United States or by such person, as the case may be.

(b) The jurisdiction of the United States and of the government of the District of Columbia, and the laws in effect in the District of Columbia as of the date of acceptance by the State of Maryland of the retrocession provided for by the first section of this Act, shall remain in full force and effect until the State of Maryland shall provide by law for the extension of its jurisdiction and judicial system over that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act.

(c) The United States shall retain jurisdiction over the real and personal property held by it, and situated within that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act, in the same manner and to the same extent as the United States exercises jurisdiction over property held by it situated within the various States.

SEC. 3 (a) The Federal area referred to in the first section of this Act is more particularly described as that portion of the District of Columbia situated within the boundary line described as follows:

Beginning on the east side of Rock Creek where it meets the Potomac River and running generally north and east to a point where P Street Northwest intersects Rock Creek;

thence east on P Street Northwest to Florida Avenue;

thence following Florida Avenue to Fifteenth Street Northeast;

thence south on Fifteenth Street Northeast to C Street Northeast;

thence east on C Street Northeast to the East Capitol Street Bridge;

thence east on the East Capitol Street Bridge to the point where it intersects the middle of the Anacostia River channel;

thence generally south and west down the midchannel of the Anacostia River to that point in the channel that is due south of Hains Point;

thence due west to the present Virginia-District of Columbia boundary at the shoreline of Washington National Airport:

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to a point parallel to the northernmost projection of Theodore Roosevelt Island;

thence east to the confluence of Rock Creek and the Potomac River.

(b) Where the Federal area described in subsection (a) is bounded by streets such streets shall be under the exclusive jurisdiction of the Federal City and the Federal jurisdiction shall extend to the sidewalks of the distant side of the street.

SEC. 4. Effective as of the date of the acceptance by the State of Maryland of the Federal area retroceded to it under this Act, the State of Maryland shall be entitled to one Representative in addition to the number of Representatives to which it is otherwise entitled, until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives, as now prescribed by law. Until otherwise provided by the State of Maryland, such additional Representative shall be elected from the Federal area retroceded under this Act. Such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the Eighty-third Congress and each Congress thereafter.

IN RECOGNITION OF THE NEW YEAR

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. CARTER. Mr. Speaker, from time to time, there have appeared in the CONGRESSIONAL RECORD, poems of most excellent quality, written by the oldest living member of this body, Maurice H. Thatcher, of Kentucky and Washington, D.C.

On the 15th of next August, he will be at the close of his 102d year, yet, as far as his mental attributes are concerned, he seems to be as good as new. He is yet very active with a variety of subjects—mostly of philosophic character. He is indeed a very busy man.

Recently Mr. Thatcher wrote a poem entitled, "1972." I have encountered nothing in world literature, so far as my reading is concerned, a poem of greater excellence, written by one of advanced years.

I read this poem, written in recognition of the New Year, with much appreciation. I include it as a part of these remarks so that others may share and enjoy it.

The poem follows:

1972

(By Maurice H. Thatcher)

First day, first month, of nineteen seventy-two!
  The year ahead unclear as to chance and choice!
Whether we live or die, we cannot view
  What may emerge to cause us to rejoice,
Or else, lament. 'Tis best for none to know
  The future's scroll, and all its mystery.
The laws whereby we come, and live, and go.
  Were planned and fashioned, as they had to be.
And every human creature, while in life,
  Should learn and heed the lessons of the past;
The ancient texts apply to modern strife—
  They were bewrought, thru timeless time to last.
All those who fail to choose the proven path.
  Must bear, perforce, the cross and crown of wrath!

AN INDEPENDENT OCEAN AGENCY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BOB WILSON. Mr. Speaker, as one of the early proponents of a united oceanographic effort within the Federal Government, I read with interest the following editorial written by Charles W. Covey, the distinguished editor of Under Sea Technology, and commend Mr. Covey's thoughtful commentary to my House colleagues for their careful consideration:

AN INDEPENDENT OCEAN AGENCY

The year 1971 will probably be marked as a turn-around year for the ocean business and marine sciences. The National Oceanic and Atmospheric Administration was almost put together, the National Advisory Committee on Oceans and Atmosphere was named, the oceans received more attention at the White House, several new ocean research and survey programs started and antisubmarine warfare continued to receive higher priority in defense. Recent talks with responsible people in government, industry and the academic community indicate the most optimism we have seen in three years for oceanography, marine resources development, ocean engineering and marine scientific research.

As one looks at the future prospects for the success of ocean programs in the U.S., the establishment of an independent ocean agency in the Federal government is essential. There is no better 1972 new year's resolution for the ocean community than to again repeat the need for increased marine programs in an independent ocean agency. The National Oceanic and Atmospheric Administration should be moved out of the Commerce Department—but more importantly, marine programs in 12 other government agencies should be put under NOAA. Some people say we should be thankful that the Nixon Administration established NOAA. I agree, but we must not accept this type organization and its structure as the ultimate. No administration can use the creation of NOAA as a justification for not having an independent ocean agency and not increasing marine programs. We should continue telling every person concerned that the oceans are important and that more should be done to understand and use them intelligently.

The arguments for an independent NOAA are not to judge its performance to date under Dr. Robert M. White, for the organization is just now being put together. The problems of integrating several government units with personnel restrictions and the wage-price freeze have delayed the implementation of plans. The ocean community will be looking closely in the coming year as NOAA accomplishments hopefully unfold.

A discouraging fact about NOAA is that its total FY-1972 ocean budget of about $135 million is only 22% of the total Federal marine sciences effort. The major ocean programs, outside fisheries, are not in NOAA. They are in the Navy, Coast Guard, EPA, National Science Foundation, and the Interior Department. There is no legal or official means for coordinating marine programs in the Federal government. It is up to the good sense of top officials in the departments and agencies involved to do what they can to cooperate, avoid duplication and utilize equipment and facilities efficiently.

The recently appointed National Advisory Committee on Oceans and Atmosphere has the legal authority to look at all marine and atmospheric sciences and services programs in the government and submit a comprehensive advisory report to the President and Congress through the Secretary of Commerce. A small budget and department supervision will probably limit the effectiveness of this group as a major force for new ocean programs.

The serious problem with advancing ocean programs in the Federal maze is the lack of a unified presentation of possible projects and organization to the real political powers. It is the old story—"united we stand, divided we fall." The well documented and authoritative proposals by the Stratton Commission embrace many industries, technologies and scientific disciplines. The reasons—political, technical, economic and social—are all there, but they have not been put together by all the different interests involved. While it is true that oil, fish, ships, lawyers, scientists, engineers and admirals is a strange mix, the common denominator is sea water. I urge the major commercial and scientific parties involved in the oceans to think about a unified pitch at both ends of Pennsylvania Avenue.

SPACE SHUTTLE PROGRAM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. GOLDWATER. Mr. Speaker, recently WCBS radio in New York presented an excellent editorial in support of the space shuttle program of the NASA. I am pleased to see this very fine support for our national space program since it has become all too popular in some circles to condemn the program instead of lending a helping hand for its success.

I wish to present the editorial:

> SPACE SHUTTLE
>
> The Space Shuttle program will come under heavy fire when it is debated in the Congress. It is already being criticized by many people.
>
> The criticism heard most often is that the money should not be spent on space while there are so many pressing problems on earth.
>
> WCBS disagrees with this reasoning. Vast amounts of money are being poured into the social problems of America. Judging from the results, money alone is not an answer.
>
> The Department of Health, Education and Welfare has a fiscal 1972 operating budget of some 26 billion dollars. The Department of Housing and Urban Development has a budget of nearly four billion.
>
> Even with these amounts, we are still not close to solving the problems of our cities, of education, of health care and of pollution.
>
> The six-year request for the Shuttle is five-and-a-half billion dollars. This money could be spread over several other agencies. But the impact on their total budgets would be relatively small.
>
> Our social problems are not being solved with the massive amounts of money already being devoted to them. The little extra available if the Shuttle were abandoned would make little difference.
>
> But scrapping the Shuttle would eliminate the long-range benefits we expect to come from the manned space flight program. This is too big a price to pay for what little we would get if the money were dispersed.

MANKATO STATE LAUNCHES MINI COURSES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. NELSEN. Mr. Speaker, Dr. James F. Nickerson, president of Mankato State College in my congressional district was in Washington on business recently, and while here described to me an innovative program underway at his school that is so meritorious and heartening, I wish to draw the project to the attention of my colleagues. It may be an approach that other schools in similar circumstances may wish to follow.

As is the case at a number of schools of higher education in the last year or two, Mankato State College has been experiencing a serious financial pinch. State moneys to support the school's instructional program are based upon a formula: the number of credit hours generated by the number of students—full-time equivalents—enrolled. But after two decades of steady and often spectacular growth, Mankato State's enrollment for the fall quarter of 1971 declined by approximately 620 full-time students. That decline, plus a projected further decline next year, means the college must reduce the size of its faculty by approximately 36 positions prior to the start of the next school year.

Such a reduction obviously would be a serious personal matter for each professor involved in the cutback and it also would be a significant loss for the school whose total capacity for service would be thereby impaired.

In Mankato State's case, what is so significant is the ingenious, cooperative program launched by the students and faculty to preserve these 36 positions until such time as a restored enrollment rate solves the problem.

Initially, when confronted with the threat of a cutback in jobs, a member of the mathematics department suggested that a short range solution to the problem would be to encourage each student to register for 1 additional credit hour. The extra income therefrom, plus the additional State appropriations to which the institution would subsequently be entitled, would provide sufficient additional revenues to save at least some of the 36 faculty positions.

This idea took enthusiastic hold among the MSC student body, and a student-faculty Crisis Campaign for Education Committee was formed in an effort to save the faculty. In order to encourage maximum enrollment, supporters decided to offer something different—in content, style, and approach. Faculty members and administrators were asked to propose short courses on any topic of interest which had academic merit. In effect, the college was asked to reassess its talents and special interests and to make them available not only to students, but to surrounding townspeople and area residents.

As a result, some 500 "mini courses" have been created ranging over such subjects as international cooking, ice fishing, simplified chemistry for laymen, Volkswagen repair, and so forth. These month-long courses are being offered by faculty members in addition to their regular workloads and for no extra pay.

Offering encouragement to the mini course concept, the State college board agreed to waive fees beyond the basic tuition cost for townspeople as a further inducement to aid their education. Thus far, some 350 area residents have enrolled in one or more mini courses offered for 1 credit hour, and some are making their first contact with this or any college program through the vastly reduced cost that has resulted. A one-credit mini course costs just $7.25. Altogether, these special courses have attracted 2,500 enrollees among students and townspeople.

As a Mankato State official recently advised:

> No one expects the mini course effort to totally solve the problem of a reduction in the number of faculty members but it will aid in that effort and it may well provide new incentives for additional programmatic innovations at Mankato State.

Certainly, I think this interesting venture by the faculty and students at MSC deserves high praise. It demonstrates commendable initiative to meet a real problem in a constructive and creative fashion. And if it proves successful, it may well lead to dramatic changes of program to meet the educational needs of the community.

Mr. Speaker, I would like to express my warmest congratulations to the students and faculty at MSC for providing this spirited example of innovative leadership.

At this point in my remarks, I include articles from the Mankato Free Press and Austin Daily Herald along with a press release provided by the school which describe the MSC mini course program more fully:

MINI-COURSE REGISTRATION NUMBERS CREATE SURPRISES

Mini courses at Mankato State College become reality beginning Monday, as some 2,500 willing customers take to the classroom, private homes or even the street to study everything from repairing a Volkswagen to making a bulletin board.

When the college computer began spewing forth the information on the number of classes versus the number of persons interested, some surprises were in order.

For instance, the most popular courses seem to involve "outside experts" from the community.

High on the popularity list with nearly 50 students is a course entitled "Everything You Wanted to Know About Personal Credit, Banking, the Police, City Hall, Owning Property, and the Establishment, but were Afraid to Ask."

The participating teachers include Mankato City Manager William A. Bassett, Paul Bell from the credit bureau, Charles Alexander, Mankato chief of police, George Sugden, president of the Northwestern National Bank and Paul Hadley, executive vice president of the Mankato Area Chamber of Commerce.

Contrary to what was anticipated, the mini courses slanted for the more "spirited" set such as winemaking and those on other intoxicating beverages, did not show the expected popularity. Winemaking does have 13 interested students.

A course on intoxicating beverages which will be an "indepth" consideration with "intensive field work" only gleaned four students.

And another course which will broach the subjects of venereal disease, pregnancy, sexual identity and other related problems came up with just two takers.

Someone suggested that maybe those topics are better covered from the elementary level to high school—that college students are well beyond that.

In the music department, the most sought-after course was one in organs around the state of Minnesota, with 13 students.

And 51 persons, most of them from the community, signed up for a course in gunsmithing basics.

Skiing courses, from beginning to cross country, found nearly 100 customers in total and also in the area of "sports," pocket billiards is quite popular.

Nearly 60 students signed up for sewing courses, particularly one which will be a clothing boutique. Other popular courses were those in gourmet cooking, especially French.

Twenty-eight persons want to know how they can do minor repair work on their Volkswagens.

A course which will deal with Mankato State College itself—its goals, the future and the current Task Force for Change will be taught by President James F. Nickerson and Dr. Harry Fitterer, chairman of the task force.

That course will be unique, in that it will be televised live on a TV Signal channel and will offer a question-and-answer session so that anyone from the Mankato area may telephone in questions and comments.

The president's wife, Nita Nickerson, found that quite a few of her students were interested in taking her course in yoga.

There are 17 persons who will study the "Sociology of Ice Fishing."

It looks like mini courses will be again offered in the spring quarter.

Off-campus persons who wish to find out where the courses will meet and what day and hour may call the campus information number, 389-2463.

[From the Austin Daily Herald, Jan. 14, 1972]

SAVE-THE-FACULTY EFFORT IS LAUNCHED BY STUDENTS

A student save-the-faculty effort at Mankato State College has developed into a Crisis Campaign for Education designed to significantly expand offerings of interest to persons both on and off campus.

The campaign—a student-based thrust with college administration cooperation—is intended to produce academically sound new courses exciting enough to encourage students to take more credits each quarter. It is also aimed at setting up courses unique enough to interest area residents in taking a few credit hours at the college—under arrangements emphasizing convenience to working adults in time and location.

While laying down a potential for broadening of college programs in the future, it could have the immediate benefit of generating enough credit hours to ease the staff reductions which appear necessary for next year because of a six per cent drop in enrollment this fall quarter. Allocations to the state colleges are based on credit hours taken by students and the reduction projected for this school year is expected to result in about 36 less faculty positions for next year.

The student goal is to reverse the downward trend by upping credit hours enough so there will have to be no reduction of faculty. Quality of education factors are being considered as well as the human element. Reduction of faculty could harm some college programs.

College officials estimate that if every full-time student on campus took one more credit hour per quarter, the increased income would make it unnecessary to drop any faculty next school year. Average student load now is about 15½ credit hours per quarter.

After Christmas vacation, immediate efforts will be made for development of ideas such as mini-courses, simplifying entrance procedures into upper level courses, and more community-related offerings. They are to be ready for use in the winter quarter.

"Originally the crisis was the need to save faculty positions and services," said Student Senate President Larry Spencer, a member of the Crisis Campaign for Education coordinating group. "We wanted each student to help by taking at least one additional credit hour. However, it has now evolved into a program of fantastic educational opportunity and innovation for students and faculty."

Similar comments came from another committee member, Dan Quillin, Student Senate Speaker and president of the state-wide Minnesota State College Student Association.

"Because of the loss of more than a half million dollars in income, it seems shockingly apparent that we are going to lose 36 of our faculty, the vast majority of which will be those without tenure," he said. "These are our youngest, newest, and, in many cases our best faculty. The student body cannot stand by and watch the loss of talented teachers. This is a crisis and we as a student body must respond to it."

"If we can increase the student credit hour production by about 8,500 hours, roughly one credit hour per quarter per student, we will have averted the crisis."

Mini-courses are one of the means being planned to interest persons in taking more credits. A mini-course is a concentrated program dealing with a limited subject. Characterized with a maximum of flexibility and informality, it is generally compacted into a short time span—such as one solid all-day session, meeting every night for one or two weeks, or meeting for a few weekends. This allows it to be offered at a time when it is not as likely to conflict with another program of study or a fulltime job.

Dr. Carl Lofy, assistant vice president for academic affairs, can see almost limitless educational opportunities in mini-courses. He explained they have diversity in content, methodology, location and number of credits. They need not be offered only on campus, he said, and could be presented in local churches, downtown business places, private homes, the outdoors—at any location that is convenient for the persons for which they are intended, or pertinent to the subject being studied.

Mini-courses also give creative faculty members the chance to try out ideas immediately without being hampered by the procedures necessary to establish a regular fall quarter course.

The short term course could, for instance, consist of a discussion in a private home on family development, a seminar on banking at a local bank, information on how to fill out income tax, a class in special effects photography at the studio of a local professional, a one-day Outward Bound experience, a class in gourmet cooking, a drug seminar, a two-week field trip to another part of the state or nation, a class on how to shop for a car, a weekend trip to a big city ghetto—any educational need that is not otherwise provided for locally in such a concentrated manner.

Lofy pointed out that downtown persons in professional or occupational fields under study could be called in to team teach with regular faculty members—thereby giving students both the practical and theoretical sides of a subject.

Persons in the college service area interested in seeing minicourses offered in certain subjects may call the MSC Student Senate Office or Lofy at the MSC Academic Affairs Office.

The entire program arising out of the Crisis Campaign for Education will undergo a thorough evaluation at the end of the quarter, Lofy reported, and recommendations made as to whether it should continue.

He anticipates that some courses could develop out of it that could eventually be incorporated into the regular curriculum.

"Necessity is the mother of virtue," he said. "We first saw this as a means of meeting a crisis, but the more we go into it, the more we see it as an educational opportunity."

Members of the Crisis Campaign for Education Committee, in addition to Spencer and Quillin, are Joyce Stenzel of Wells, MSC Student Senate vice president; Pat McGregor of St. Paul, MSC Daily Reporter editor-in-chief; Greg Gackle, MSC Daily Reporter managing editor; Debbie Gage, student from Mankato; Dave Westphal, chairman of the MSC Graduate Student Association; and Ken Hartung of Cologne, student member of the MSC Task Force for Change.

"The proposed effort by the students at Mankato State to reverse a declining credit hour production and, thus, to reduce the necessity for releasing faculty must certainly earn for them the sincere respects of the community-at-large," said Dr. Kent Alm, vice president for academic affairs. "The manner in which the college will respond to this student effort, in my judgment, will reflect creditably on the faculty. I am certain that it will be an exciting, creative, and educationally sound experiment."

THREE HUNDRED AND FIFTY SIGN UP AT OPENING OF MSC MINI-COURSE REGISTRATION

A total of 350 Mankato area residents signed up for some 500 mini-courses on the opening day of registration at Mankato State College Saturday.

Many signed up for two, the maximum allowed under a special waiver of all fees except tuition of $7.25 per course. Registration will continue from 12 noon to 4 p.m. today through Thursday in the student union. While the weekday registration is intended primarily for college students, area residents not attending Mankato State may also register at that time.

Saturday was set aside for registration of persons not otherwise attending college. Probably holding the record for a new student at the upper end of the age scale in that group is Mrs. Paula Timmerman of 113 Spring St., an 80-year-old great grandmother who registered for a course in jewelry making. This is the first time she has ever taken a course at the college.

The new short courses grew out of an effort to raise credit hour production at the college through a program of special interest offerings intended for area residents not attending college as well as college students. Averaging 10 hours of meeting time apiece, they will be offered during February. The topics are geared for a wide range of persons, from these pursuing hobby interest to teachers out in the field desiring further education courses.

Details and listings of the mini-courses are available at the Mankato State College Registrar's Office, room 105 of Old Main, telephone 389–1421.

YOUTH FOR UNDERSTANDING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. UDALL. Mr. Speaker, the international teenage students exchange program Youth for Understanding, which is celebrating its 20th anniversary this month, has been sending foreign students to Arizona and Arizonans abroad for 5 years now. Each year 15 to 20 students from Arizona attend school in foreign countries and live with foreign families, and this year there are two foreign students in Benson and 12 in Tucson.

Living with an American family and attending an American high school has given these students a kind of understanding of our country that is inaccessible to older people, and they have spread understanding of their own countries and cultures in the homes and communities they are visiting. This works as well for their American counterparts overseas.

I want to quote here from a long and interesting letter written by Miss Hanna Leena Mäknen, a Finnish student who is in Tucson this year. It sums up the important quality of experience YFU offers:

> When you live in a family and see their reaction to things that are happening in the nation and you see what things are important, what less important, you start to understand, hopefully, why America is the way it is and why Finland is the way it is. I have had to change many ideas I had about the United States. When you are in your own country, you want to hear things about foreign countries the way you want to hear them, but when you are a part of a foreign family you start to hear the way they hear or at least you know why they think the way they do. I guess you can't talk about something unless you have experienced or seen it. I realized that when I came here. And thanks for the organization which gave me the opportunity. And the family who wanted me to stay with them and the country which welcomed me. Thanks again.

I join Miss Mäknen in saying to YFU, thanks again.

THE NEW REPUBLIC SUPPORTS THE PRESIDENT'S PLAN FOR PEACE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WHALEN. Mr. Speaker, in the past, the New Republic magazine has been as critical of our Nation's involvement in Vietnam as I have been. In the February 5, 1972, issue of this publication the editors discussed the plan for peace which President Nixon announced on January 25. They concluded that he is on the right track.

I believe this entire analysis of the President's efforts will be of interest to all of my colleagues, and I include the analysis at this point in the RECORD:

THE PRESIDENT'S BLOCKBUSTER

For nearly a decade, through three successive administrations, this journal has repeatedly, bitterly, opposed the policies and practices of our government in Indochina. We condemned the Kennedy administration for opening the door to U.S. military intervention, the Johnson administration for monstrously widening the war, and the Nixon administration for not acting promptly when it first took office to make peace. What was done could not be justified by any moral imperative, specific congressional declaration, treaty obligation, or threat to the national security, and the consequences of our commitment to the survival of a series of "governments" in Saigon have been murderous for the peoples of Indochina, destructive of the good repute of the United States in the world, and subversive of domestic tranquility. That history can't be erased or excused. The most that can be hoped is, in Senator Muskie's words, "a new beginning." That is what the President's proposal of last week promises—the beginning of the end. Mr. Nixon's first step in that direction was his decision to set up a schedule for troop withdrawals. But those bit-by-bit withdrawals were primarily a response to growing voter unrest at high American casualties; they dulled the pain at home but did not go to the root of the disease abroad. Moreover, coupled with "Vietnamization," partial disengagement could be read, and was, as signifying merely a tactical shift by the administration, which henceforth would fight the war by proxy; the dead would not be our dead, or at least not so many of them. Now, the President has gone beyond that. For the first time, publicly, he seems to be seeking realistically not only to get foreign troops out, but to set in motion political forces in South Vietnam which may make possible a cease-fire and a settlement of conflicting interests.

Item by item, there is little in the plan that has not been suggested before in some manner. It is the assembling of the items in this particular package, and the conciliatory tone of the whole that are noteworthy. Two key points ought to find favor among non-Communist Vietnamese critics of President Thieu, and in Hanoi and the National Liberation Front. The first is the categorical character of Nixon's offer to pull out. The threat, indeed the seeming inevitability, of a U.S. residual force remaining in Vietnam for an indeterminate period is absent. Hanoi has been intransigent on this point, understandably so; for how, short of surrender, could it tolerate not only America's continuing provision of Hanoi's political enemy, but the support of that enemy by U.S. air and naval power? The President has confronted that objection: "There will be total withdrawal from South Vietnam of all U.S. forces and other foreign forces allied with the government of South Vietnam within six months of an agreement." The awkward question of how and when North Vietnamese forces are to pull back is wisely finessed both in the President's proposal and Mr. Kissinger's briefing of newsmen last week. As to whether any future government in South Vietnam might receive U.S. military assistance, the President pledges nothing: obviously there will be no such aid if the then government does not want it—and there may not even be if it does. At any rate, "the political future of South Vietnam," Mr. Nixon says, "will be left for the people of South Vietnam to decide for themselves, free from outside interference."

And that leads us to the second key point. Mr. Nixon is prepared to accept something other than the status quo in Saigon. No, he will not "overthrow our ally." But in effect, the President, as we read him, is ready to negotiate Thieu's exit and a transition toward a more accommodating coalition in Saigon. Thieu's willingness to resign prior to an internationally supervised new election is, as Henry Kissinger observes, "an important political fact." The US, Mr. Nixon says, "will support no candidate and will remain completely neutral in [that] election." The exact composition and effectiveness of the international monitoring he has in mind is a matter for further exploration, and it is vital. Certainly Hanoi will not put its faith in any election controlled by a Thieu apparatus without Thieu. It might, however, discern opportunities in Mr. Nixon's reference to representation in the election of "all political forces in South Vietnam, *including the National Liberation Front*." (Italics added)

There are two other parts of the package which deserve comment. The first is the recognition that any coming together of the two Vietnams is a matter for the Vietnamese alone to work out. Second, the President through Mr. Kissinger suggests that his six months' timetable for the withdrawal of U.S. and allied forces and the release of all prisoners can be set in motion once "agreement in principle is signed."

In the light of past misdeeds and misrepresentations, we do not blame Hanoi for approaching any such peace initiative with suspicion. And if it finally rejects the plan as a basis for negotiations, the administration would still not be justified in prolonging the war or keeping up the savage bombardment of recent months, which is useless as blackmail and counterproductive if you're trying to get a settlement. Much depends on how specific proposals are interpreted at the bargaining table, and on the general attitude of the negotiators as they work their way through a complex agenda. Nevertheless, the President has produced a blockbuster that just might unblock the impasse in Paris. He is not serving an ultimatum; he offers a compromise to get the United States out, free the prisoners, and make way for new political alignments in South Vietnam. He will consider "alternatives to make it even more flexible." He's on the right track.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the weekly news bulletin of the American Revolution Bicentennial Commission, compiled and written by its communications committee staff. The bulletin is for the week ending February 7.

The bulletin follows:

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION, FEBRUARY 7, 1972

The next meeting of the full ARBC will be on Monday, February 21, in Washington, D.C. on the following days, Tues. & Wed., Feb. 22–23, the national bicentennial conference (50 states meeting) for the governors and bicentennial commissions of the 50 states, the District of Columbia, Puerto Rico and the territories will convene in Washington.

The Rhode Island bicentennial commission's subcommittee on religious celebrations headed by Rev. Terrelle B. Crum of Barrington College and Rabbi Theodore Lewis of Touro Synagogue has recommended creation of a state interfaith bicentennial committee, representing all religions, that might arrange special services, both interfaith and denominational, to be held during 1976. "We would encourage stress to be put upon the religious contributions to freedom in the present as well as in colonial times," the subcommittee said last week.

On February 1, a House Public Works Subcommittee approved a measure that would authorize construction of a convention center-sports arena complex at Mount Vernon Square in Washington, D.C. Congressman Kenneth J. Gray (Ill.), subcommittee chairman, said the facilities would be named the *Dwight D. Eisenhower Bicentennial Center*. "We hope it will be ready in time for the 1976 bicentennial celebration," said Congressman Gray, who cosponsored the measure with Congressman Joel T. Broyhill (Va.).

The Stackpole Company, an affiliate of Commonwealth Communications Services, Inc., Harrisburg, Pa., has just published a book entitled "How to plan and conduct a bicentennial celebration" by Adele Gutman Nathan. The cover states "for schools, clubs, civic and community groups—step-by-step, complete details on dramatizing America's 200th anniversary in vignettes, parades, happenings, pageants."

Last week it was announced that the Washington, D.C. area subway agency has decided to step up its work schedule so that metro service to National Airport and RFK Stadium will be operating in time for bicentennial activities in 1976. Metro general manager Jackson Graham said the step-up is needed "in order to meet the administration's goal in support of the bicentennial program and have much of the metro system in operation as possible."

On Monday, January 31, George H. Ebner, executive director of the Pennsylvania Bicentennial Commission addressed the Economic Development Council of Northeastern Pennsylvania along with Daniel S. Buser, ARBC director of communications, who discussed national plans. In summing up on the commitment the bicentennial demands, Mr. Ebner related the story of the chicken and pig walking down the road and coming upon a cafe advertisement that read "Ham and eggs, 79¢." The chicken asked, "What do you think of that?" "Not much," replied the pig, "after all it's only a contribution from you, but a total commitment from me."

Congratulations to ARBC chairman David J. Mahoney, who became the first recipient of the Joseph Wharton medal presented on the occasion of the 50th anniversary of the Wharton Graduate School of Business, University of Pennsylvania on February 1. At the dinner chairman Mahoney asked the Nation's entire business community to get behind the commission by adopting commitments and contributing programs to the bicentennial. Chairman Mahoney was also honored recently with Advertising Age's man of the year award.

In honor of the approaching bicentennial, the Baltimore custom house was recently declared "an historic custom house" in a dedication ceremony. Praising the move for preservation were key speakers U.S. Customs Commissioner Myles J. Ambrose and Mrs. Helen Delich Bentley, chairman of the Federal Maritime Commission.

In a public poll in Philadelphia last week the Inquirer asked, "Is Eastwick a good site for the bicentennial (Expo)?" the resulting phone calls showed 73% in favor, while 27% opposed. A similar poll recently on Fairmont Park was nearly reversed.

A recent editorial appearing in the Rapid City (S.D.) Journal states: "Dozens and eventually thousands of people, Indians included, will be asked to become involved in the 1976 observance . . . The bicentennial is to be an all-American celebration steeped deeply in history. . . . It is a fact that almost 200 years have passed since the United States formed a government. Long ago it stopped dealing with the Indians by way of treaties that were broken. If the bicentennial observance cannot be developed to show we are moving ever closer together as a nation of all races and colors, it will miss its mark."

New York State Senator Dalwin J. Niles (Johnstown) a member of the New York ARBC, has introduced a concurrent resolution in cooperation with the State of Georgia directing the governor and the New York Bicentennial Commission "to aid in the removal of the remains of revolutionary patriot William Few from New York to the State of Georgia." Colonel Few was a patriot who served in the legislatures of both states, was instrumental in the revolutionary movement and was in the forefront nationally while a citizen and a representative of the State of Georgia.

Mrs. Jane Elliott, a Riceville, Iowa, elementary school teacher, and her third graders are planning a bicentennial park on a small site in the center of town. They're hoping that their bicentennial efforts will be a contribution to the environment as well as the national program.

A bicentennial poetry anthology including works my Chicanos, American Indians, blacks, youth, and the elderly is being planned by a teacher at Antioch College and a California health worker. Their anthology would be divided into sections—heritage, open house, and horizons.

"Trees from the nation's history" is being considered as a national forest products association bicentennial theme. Seeds from trees at least 200 years old and identified as "of historical interest" would be gathered and through the Departments of Agriculture and Interior would be distributed to state foresters who, in turn, would distribute them to boy scouts, girl scouts and other appropriate groups for planting. A "how-to-do-it" planting handbook would accompany the seeds.

On Wednesday, February 2, the full house passed by a 387–1 vote the ARBC's medal's legislation, H.R. 7987. The bill now goes to the Senate for further action.

FACTS CLEAR UP FALSE IMAGE OF YOUTH

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. HAGAN. Mr. Speaker, through the years many adults have been suspicious that young people are not responsible and account for the "country going to the dogs." This feeling was prevalent long before there was any mention of a generation gap as such. There is no doubt that young people as a whole have been unjustly accused.

With half the population now under 25 years of age, some major adjustments will have to be made in the thinking of those who have maligned our youth.

A timely discussion of the false image of youth that has been created is contained in an editorial in The Augusta Chronicle of January 4, 1972 entitled "A Raw Deal," as follows:

A RAW DEAL

We think the teen-age and young adult section of the population is getting a raw deal, and we think it is time that something is done about it.

Persons who are ignorant, spiteful, naive—or who because of personal identification with radical elements are indulging in wishful thinking—are responsible for a false image of youth. They have done their level best to create the idea that youth has thrown overboard all tested and proved values, and has regressed to an intellectual and moral barbarism. The latest example of thousands that could be cited is the statement yesterday by columnist Sydney Harris that "youth" (without qualification) has no clear idea of the meaning of values. Harris equated the results of this alienation from moral standards with "barbarism."

For many years, editorials on this page have cited case after case in which the youth of Augusta and the Central Savannah River Area have displayed the highest type of responsibility, comparing well with—or even exceeding—what might be expected of adults.

Now comes a report from the Institute of Life Insurance of New York, with results of a survey conducted in 72 different geographic locations, which indicates that Americans between 14 and 25 years old are as good citizens as you could expect, in comparison with any cross-section of the Nation.

Four out of five, the report said, believe people should be responsible for taking care of themselves and not rely on a federal dole.

Six of 10 said that with a hypothetical windfall of $3,000, they would invest or save the money, and most of the rest would purchase an automobile.

Seven of 10 aim either for executive, professional or workmen's careers, with family life and residential location normal to such activity. Only 8 per cent would abdicate the responsibilities of a productive life and aim at social reform as their sole objective.

There was an imposing 87 per cent who felt that saving is necessary, and 86 per cent who believed life insurance is essential. Only 10 per cent would shun any effort at saving.

The survey came to the conclusion that there's more continuity than change. The old-fashioned values of marriage, family, financial security, savings, a good job—those are the ones to which the great majority still subscribe.

This sort of support for what most parents already believed to be true should help banish the myth that the younger generation is primarily an assortment of hippies, swingers, radicals and activists who spend their time burning ROTC buildings and hunting some way to get by without working.

So, the next time you hear of some wild-eyed youth who flouts the values of civilized humanity, discount him as being the rare misfit—not the rule. News by its very definition is the incident which is the exception, and not the norm.

The reason there are fewer headlines about the wholesome lives of the majority of young people than about the misdeeds of the fringe element is that the silent majority are, after all the overwhelming majority.

EMPLOYMENT: THE NEGLECTED INDICATOR

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. VEYSEY. Mr. Speaker, within the past week the Wall Street Journal has printed two informative articles on the general subject of employment and unemployment.

The first article, by Federal Commissioner of Statistics Geoffrey H. Moore, points up the fallacy of focusing on unemployment statistics to appraise the economic scene. Employment statistics deserve equal if not more attention, principally because an employed person can be defined with more precision than an unemployed one.

The second article is an appraisal of current employment-unemployment trends against the historical backdrop of the thirties.

I insert the two articles below for the interest of my colleagues:

[From the Wall Street Journal, Feb. 3, 1972]

EMPLOYMENT: THE NEGLECTED INDICATOR

(By Geoffrey H. Moore)

Ask any newspaper reader what the *unemployment* rate today is and he will probably know it is about 6%. Ask him whether *employment* is rising, or falling or remaining about the same and he probably won't have the foggiest idea. If he has thought about it at all, he may reason that employment and unemployment are just reverse sides of the same coin, and if you know what is happening to one, the opposite must be happening to the other. Unfortunately, he would be wrong.

In general, a great deal more is said about the unemployment rate and its movements than about the level of employment and its movements. This is understandable because of our public concern about the hardships suffered by many who can't find work. But, as an indicator of the economic situation, employment deserves at least equal attention. Three principal reasons underlie this assertion.

First, the concept of employment is firmer than the concept of unemployment. Having a job and being paid for it is, for the most part, an observable experience. True, there are some fuzzy situations—as when a person is on strike, or when he has accepted a job but has not yet started to work, or when he is on vacation without pay, or when he is working only a few hours a week. But most of these situations can be objectively identified and decided by rules set up for the purpose.

The concept of unemployment is quite different. For those who have had a job and have just been laid off, the situation may be clear. Nevertheless, unless the worker is doing something to seek work, he will not be counted as unemployed according to the definition used for many years in the U.S. Those who are unemployed because they have been laid off constitute only 40% to 50% of the unemployed. The rest have either quit their jobs voluntarily or have not recently (or ever) had a job. Now they are seeking one.

THE JOB SEEKERS

Seeking a job is not as clear-cut a condition as having a job. One can seek half-heartedly or energetically. One can seek a job, yet turn down one or more offers. One can set realistic or unrealistic standards for pay, hours, type of work or location. Furthermore, one can accept a job without having sought it, in which case one will become employed without having been unemployed. Or one can seek a job and at the same time have another full-time activity, such as being a student. Or one can have given up seeking a job because none was to be found, yet be quite ready to take one if the opportunity comes along.

In short, for a sizable number of the jobless, whether one is unemployed or not is to some degree a matter of opinion. In the household survey from which estimates of total employment and unemployment are derived, questions are answered by the respondent—often the housewife who happens to be at home and who answers for the entire family. Hence there is bound to be some variability in opinion from one household to another, or from the same household at different times. This is one reason for paying close attention to unemployment rates for those whose unemployed status is not likely to be in doubt—married men or heads of household, those who have lost their job or those who are seeking full-time work. It is also a reason for focusing on employment trends, since variability of opinion is likely to be much less important when the individual is employed.

A second reason for watching the trend of employment is statistical. Because only a small fraction of the labor force is unemployed, the numbers are subject to a much larger relative sampling error than the numbers of employed. Moreover, seasonal variations are easier to eliminate in employment than in unemployment, so the results are less subject to revision. Hence one can be more confident with respect to a developing trend in the employment than in the unemployment data.

A third reason that employment deserves equal consideration with unemployment as an index of the economic health of the nation has to do with their cyclical behavior. Ordinarily the total labor force of the country—those at work and seeking work—grows fairly steadily year in and year out with the growth of population. The business cycle has some effect on the rate of growth of labor force, especially on those workers who are not the family breadwinners, but the influence is relatively small. What the business cycle does affect in a substantial way is employment, and these effects take time to spread across the entire economy. Not all companies or establishments or industries begin to expand at once when an economic recovery begins, nor do they all contract at once when a recession hits.

GROWTH OF THE LABOR FORCE

As a result, at the beginning of a recovery the expansion of aggregate employment usually starts off at a slow pace, less than the continuing growth of the labor force. Indeed, the growth of the labor force may be stimulated to some degree by the improving employment situation. Unemployment continues to rise, therefore, despite the rise in employment.

But the rise in unemployment under these conditions is not a sign that the economy is deteriorating. On the contrary, the economy is gaining strength. Moreover, the outlook is improving even for many of those who are unemployed, because the prospects for finding a job improve when employment is rising—since that means more workers are being hired than are being fired.

In short, at a time of economic recovery unemployment is typically a lagging indicator relative to employment. Not until the expansion of employment catches up with and surpasses the growth in the labor force is there any decline in unemployment.

It is equally true, of course, and for similar reasons, that at the time of an economic downturn unemployment tends to be a leading indicator relative to employment. The slowing in the rate of increase in total employment, while the labor force continues to grow at about the same pace as before, usually brings about a rise in unemployment before employment begins to decline. This underlines the importance of considering the movements of both employment and unemployment.

Indeed, none of the points made above denigrate the importance of the unemployment data. What they do suggest is that just as close attention should be paid to the trend of employment in appraising the economic scene.

[From the Wall Street Journal, Feb. 7, 1972]

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Would you believe that nearly eight million new jobs have been generated by the U.S. economy in the past five years? That's more jobs than there are men, women, and children in the great metropolis of New York City. Well, such is the case. And, almost without notice, the country's bustling army of job-holders has climbed above 80.5 million for the first time in history. It is as good a starting point as any for another effort to help keep the "unemployment situation" in perspective.

Writing in this newspaper last week, Geofrey H. Moore, who heads the Labor Department's Bureau of Labor Statistics, stressed the importance of watching not just the unemployment figures but also the trend of employment as a key to the country's economic health. And his point was well made. The unemployment gets the public attention while the gains in jobholder numbers are often ignored.

The table below traces the growth of all civilian employment since 1966. Totals through 1971 are yearly averages. The 1972 figure is the seasonally adjusted total for last month, released over the week-end along with the January unemployment rate figure of 5.9%.

Year:	*Employment*
1966	72,895,000
1967	74,372,000
1968	75,920,000
1969	77,902,000
1970	78,627,000
1971	79,120,000
1972	80,636,000

How do unemployment and employment go up at the same time? The answer lies in what is meant by the "unemployed." In the public mind it just means people who have lost their jobs, who have been laid off, fired. But that isn't the whole story at all. The "unemployed" total also includes, in addition to many who have quit their jobs, many many, more who either have never worked before or have decided to look for a job again after having been out of the labor force for some time. In this group are many teen-agers and housewives.

Actually, the people who are jobless because they have been laid off constitute only some 40% to 50% of all those listed as "unemployed."

To put the employment-unemployment thing in focus, take one simple example.

Suppose a man is fired. He is unemployed. Now, suppose his wife, who hasn't worked outside the home in a long time, decides she had better look for a job. She, until she finds one, is unemployed. Finally, suppose their teen-age son, wanting to help if he can, starts looking for work after school, but doesn't find anything immediately. He is unemployed.

In this case you have one job lost while unemployment goes up by three. If, at the same time, you have two other men getting new jobs, the result is: employment up one, unemployment up three.

This pattern does not bespeak a recessionary period. In real recessions, the total number of people employed either stops rising or falls. And in serious economic slumps, the employment shrinkage can be massive .

Maybe it is natural that this is forgotten. The country hasn't had a really bad period economically in thirty-odd years. The ranks of those who remember the last one are thinning. For millions who neither remember it nor read history, it just didn't exist. So, for the record, here's what happened to payrolls in the 1930s.

Year:	*Employment*
1929	47,630,000
1930	45,480,000
1931	42,400,000
1932	38,940,000
1933	38,760,000

That was some nine million workers—about 20 out of every 100 working—being dumped off the payrolls within a short 36 months.

And in speaking of the 1930s we are not exactly talking about ancient times. The era after all was well into the 20th Century. It was, in fact, the last full, relatively peaceful decade before we entered the period that has included, in sequence, World War II, the cold War, the Korean War, and the Vietnam conflict.

Throughout the full stretch of the 1930s (not just the bottom of the recession) the unemployment rate on a full-year basis never fell below 14%. For four years in the period, it was 20% or higher. These rates as applied to today's 85-million labor force would mean staggering multitudes of out-of-work people.

Keeping in mind today's approximately five million unemployed as a yardstick, here's what it would look like.

Year	Unemployment rate (percent)	1972 equivalent unemployed
1931	16	13,600,000
1932	24	20,400,000
1933	25	21,200,000
1934	22	18,700,000
1935	20	17,000,000
1936	17	14,400,000
1937	14	11,900,000
1938	19	16,100,000
1939	17	14,400,000
1940	15	12,700,000

This is not an attempt to be sensational by pulling up a chronicle of what everybody hopes is the dead past. Rather it is an effort to offer a historical backdrop for any realistic wrestling with the question: What is "normal" unemployment?

Certainly "normal" can't be assumed to be the same as "ideal." The 4%-or-less level may quite legitimately be taken as a near-ideal target. But there is, thus far at least, mighty little cause to consider it "normal." The country has only had it in periods of war effort when much manpower was either in uniform or defense industry production or both. But that's about it.

In the 1960s, which saw the longest stretch of recession-free economic activity in modern times, the unemployment rate never was below 5.2% for any full year until U.S. involvement in Vietnam was sharply stepped up.

"Five million people out of work" may sound like a lot even in a nation of nearly 210 million—and even if nearly a million and a half of the jobless are school-kid teenagers. But even in World War II 1943, with the jobless rate at a tiny 1.9%, there were still over a million people listed as "unemployed." And in 1969, with the Vietnam effort pushing the jobless rate down to 3.5%, nearly three million were classified as "unemployed."

—JOHN O'RILEY.

ECOLOGICAL CON MAN

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. DORN. Mr. Speaker, the environmental and ecological con man is abroad in our land preaching doom and disaster. Many good citizens are being duped by his snake-charming environmental medicine show. We are in danger of being hoodwinked and bamboozled into national hysteria by his old worn-out carnival "backstreet shell game."

Dr. Ross E. McKinney is a distinguished and respected professor of civil engineering and the head of the department of environmental health engineering at the University of Kansas. I commend to the attention of my colleagues in the Congress the following excerpts of an address from the National Observer by Dr. McKinney before the Kansas Public Health Association:

[From the National Observer, Jan. 29, 1972]

WATCH OUT FOR THE ECOLOGICAL CON MAN

(By Ross E. McKinney)

In recent months we have heard more and more about "unbreathable air, undrinkable water, inedible fish, eroded mountainsides, intolerable noise, scarred Alaskan tundra, and poisoned mother's milk." . . .

Each day brings new stories of environmental horror. Each new story must be worse than the last in order to get even a measure of attention from our ever-fleeting media.

Like a large wounded animal, the public has responded to this environmental danger with screams of lament. There is no hope for the future. All is lost. It is merely a matter of time before mankind is flushed down the tube, once and for all. There is doubt that we will live long enough to see the dawn of another century. The picture is painted with blacker and blacker hues. And like the wounded animal, the public cries out for life. Environmental pollution must be stopped. The world must be made pristine again. Time is of the essence. Do we have time or is it already too late?

As is normal in times of stress, various groups of people step forward to meet the challenge. All are eager to do battle. All have the answers we seek. Some of the answers are simple; some of the answers are quite expensive; and some of the answers are even magical.

Ever since the beginning of time man has been fascinated by magic. The sleight-of-hand artist, the Brooklyn-bridge salesman, the something-for-nothing specialist, and the ecological medicine man have held a special charm that has permitted the sucker to be taken without his realizing it. The name of the game is "Making It Without Any Effort." The con man makes it with a minimum effort on his part while the sucker loses what little he had.

Currently, we are involved in one of the largest con games ever played, the environmental con game. It is an easy game to play. It requires no skill and works best in a highly educated, technologically oriented, socially conscious society. There is no easier sucker than someone who has been exposed to a smattering of knowledge; who has tasted the fruits of technology; and who feels slightly guilty for having it so much better than his fellow man. Unfortunately, the environmental con man is not easy to spot. He comes in many shapes and forms. Most of all, he wears the cloak of respectability. The environmental con man is well-educated, both technically and socially; but he has no conscience.

If we examine the facts carefully, we would find that environmental pollution is not something that suddenly caught up with us a few years back. It is not something that is strangely peculiar to the United States and other technological nations. It is not the end product of a greedy society that is consuming all the earth's resources at an ever-increasing rate. Environmental pollution has been with us since the beginning of time and will be with us until the end of the earth. We cannot escape from pollution but we do not have to live in a polluted environment. For centuries man has lived in an ever-increasingly polluted world. Slowly but surely, he learned that environmental pollution destroys life both actually and spiritually. Once he learned this, man had the key to solving the pollution problems once and for all.

One of the major aspects of our current environmental-pollution binge is its negativeness. Everything about pollution today is negative. Unfortunately, two negatives do not make a positive. It is interesting to note that the negative approach to pollution appeals to most people. They like to think that they must be punished for having the good life. The more they enjoy life, the more they must be punished. Since suffering appeals to so many, it is not surprising to note that the environmental con men are preaching salvation through further suffering. Needless to say, further suffering can be obtained only at great cost to the public and gain to the environmental con artist. As long as we accept this strange philosophy of personal guilt for enjoying life, we will not make any real progress in solving pollution or in getting rid of our environmental con men. . . .

The con men have been very effective in undermining public confidence in existing pollution-control specialists. Existing pollution-control people have been blamed for allowing the situation to deteriorate to the sorry state that now exists. The public is being conned into believing that things are getting worse and worse. Actually, just the opposite is true. The situation is actually getting better and better. This progress is not being made by the environmental con men but by the plodding professional who does the work and is never recognized.

One of the current fallacies being expounded by environmental con men is that more money will solve all of our environmental problems. There is no doubt that more money will have to be spent for environmental pollution control. A clean environment is not free. But it does not need to cost as much as the environmental con men have indicated.

A typical example of the environmental con game is the construction-grants program for municipal waste-water treatment plants. Initially, the construction grants were proposed as carrots to help local areas recover after World War II. The professional people mistakenly thought that a little Federal support would help the local levels over the financial hurdles that had accumulated during World War II.

Unfortunately, the professionals failed to recognize the real impact of that request. Over the years the construction-grant program changed as the environmental con men recognized the real value of this incentive program. The rules were changed so that today the mayor of Lincoln, Neb., can publicize the fact that Lincoln will have its expanded sewage plant for only 20 cents on the dollar. The State of Nebraska will pay 25 cents on the dollar and the Federal Government has promised to pay 55 cents on the dollar.

Since everyone pays such a minor share of the total cost, no one cares if the cost is inflated somewhat artificially. . . .

The only catch is that the real cost is well over a dollar for each dollar committed. The people could get the job done for a dollar per dollar cost if they would do it themselves; but they want something for nothing. They are suckers for the free-money concept.

The local politicians love this procedure because they get credit for bringing in all this free money to the local area. The pollution is created at the local level and can be solved only at the local level. Fragmentation of responsibility for funding has caused a loss of local control. Increased bureaucracy plays right into the hands of the environmental con men and they are having a field day at all levels—local, state, and Federal. . . .

The solutions to pollution lie with the professionals. There are no magic solutions; but there are new ways of doing things. There is a positive way of moving ahead but it takes lots of work and effort. It means that we are not going to solve our environmental pollution problems in just a few years of effort. We are going to be working on these problems from now until eternity. We can never stop working.

SUPPORT FOR AGRICULTURAL CHILD LABOR BILL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. O'HARA. Mr. Speaker, the Committee on Education and Labor has before it an amended version of H.R. 10499, the Agricultural Child Labor Act of 1972. The Subcommittee on Farm Labor of that committee, meeting on December 7 last, gave its approval to the amended version of H.R. 10499 without a dissenting vote. A good deal of interest in and support for this legislation is being heard in various parts of the country, but perhaps nowhere is there a more concentrated effort to mobilize public opinion than in the great State of Ohio, where Father John Bank, the regional director for the United Farm Workers' Organizing Committee, has been active on what must be a round-the-clock campaign to inform people about the nature of oppressive child labor in agriculture, its presence throughout our Nation, and the existence of legislation designed to curb it.

Father Bank is not, of course, the only voice to speak out on this subject. The hearings which led to the approval of H.R. 10499 were sparked by joint efforts of the American Friends Service Committee and the National Committee on the Education of Migrant Children. Eleanor Eaton of AFSC and Cassandra Stockburger of the National Committee, and Eli Cohen of the National Child Labor Committee have all lent their help and their considerable persuasive powers to this cause.

But I mention Father Bank in particular because I have recently received from the Ohio area a number of editorials and other endorsements in support of H.R. 10499. Among these are an eloquent editorial from the magazine St. Anthony Messenger, a resolution of the Cincinnati City Council, a resolution of the Jewish Community Relations Council of Cincinnati, and a recent article by Jane Schulte, directress of the Santa Maria Day Care Center in Cincinnati. I insert these expressions of support for H.R. 10499, and the text of testimony given by Father Bank before the Rural Development Subcommittee of the Senate Committee on Agriculture, when that body was taking testimony in Bowling Green, Ohio, last December, to be printed at this point in the RECORD:

[From the St. Anthony Messenger, February 1972]

OPPRESSIVE CHILD LABOR PRACTICES—A POSSIBLE SOLUTION

A law to eliminate child labor in agriculture is scheduled for a vote in Congress this month. So far, efforts to protect children in agriculture have failed due to inadequate legislation and lax enforcement of existing laws. If the American people understood the issues, we think they would work for passage of House Resolution 10499 even if it meant more expensive fruits and vegetables.

More than one-fourth of paid farm laborers are children under 16. They are not protected from labor exploitation—long hours, unhealthy conditions and meager wages—by effective or enforced Federal or state legislation. Where state and Federal laws exist, they do not apply to children working outside of school hours.

Because adult members of a farm labor family are not paid enough to keep their families from starving, young children must go to work to help provide necessities. Often this means that the child works from 5:30 a.m. to 3 p.m. in 100 degree heat for a wage of $1. In some parts of the country children working in strawberry fields for 10 hours a day receive 30 cents an hour. Why allow a child to work such long hours for such a pittance? While $3 may seem like an insignificant amount in relation to normal fair wages, that $3 a day provides a necessary part of the family's living income.

Increasing use of pesticides, insecticides and complex farm machinery makes agriculture the third most dangerous industry in the United States. Much of the work done by children in the fields is hazardous. They are not given proper protective clothing when working in freshly sprayed fields, and at times the fields are sprayed while the children are working in them.

Long hours in the fields often prevent the exhausted children from securing proper rest and taking part in normal childhood activities. Being an economic asset to the family, the child often misses school for a great part of the academic year. Improper diet and the strain of hard work in furnance-like fields can permanently affect the child's health. Field work for 10 to 12 hours a day retards the child's normal social, educational and psychological development. With little or no education, weak health, poor working conditions and inadequate wages, the child in agriculture finds himself stuck in the farm labor market with no way to escape. The cycle continues for another generation.

Six years ago the 1938 Fair Labor Standards Act, which protects children under 16 from unfair labor practices in commerce and industry, was amended to protect children in agriculture. Provisions were added that prohibited a child under 16 from working in the fields during school hours and also prohibited him from doing certain hazardous jobs. The major loophole in this law is that it does not protect children outside of regular school hours.

Besides, the school hours provision of the Fair Labor Standards Act is not enforced strictly because school board members, teachers and superintendents see that the child is an economic necessity to his family's survival, so they do not insist that he come to school during the busy seasons.

The Fair Labor Standards Act is not enforced sufficiently by Federal officials for several reasons: 1) a lack of inspection officers prevents adequate checks for violations and allows only random spot checks; 2) even when discovered, violators are not penalized to the fullest extent of the law.

In 1970, Federal inspection agents found over 13,000 violations of the provisions protecting children, an increase of 15 per cent over 1969.

Existing state legislation, too, is weak and ineffective. For example, New Jersey child protective legislation permits farmers to hire youngsters over 12 years of age and work them 60 hours a week "as long as the children don't work more than 10 hours a day or more than six days in a row." State authorities also note that the children can be worked day and night except for the hours that school is in session. The New Jersey law is representative of the kind of state "protective" laws that exist today.

The problem of enforcing weak state legislation is comparable to that of enforcing Federal law. In one state eight inspection agents spent six days in tomato fields and discovered 340 violations. Instead of prosecuting the violators, the officers administered warnings.

Farmers who oppose the child protective legislation and H.R. 10499 say that without the child labor they will have to hire adults and pay them more than the children were receiving, thus raising the price of produce. They also feel that "a little work never hurt any child."

To these farmers we say that we are not interested in buying cheaper produce at the expense of children's well-being, health and education. And while "a little work" may not hurt the child who is integrating "a little" labor with the normal activities of childhood, the facts are all too clear that children in agriculture are being "hurt" by working 10 hours a day around poisonous chemicals and dangerous machinery.

House Resolution 10499, if passed by Congress, will prohibit employment of children under 14, except on a farm belonging to a parent or guardian; it will also permit employment of children between 14 and 16 *only if* the Secretary of Labor decides that the work does not interfere with their health, well-being or schooling. Built into the law is an enforcement procedure which allows any citizen to file suit against a farm owner who violates the law.

If you are interested in getting this law passed, now is the time to write to your congressman. House Resolution 10499 may not be the whole answer to the farm labor child's problems, but it is a beginning.—S.O.

CITY OF CINCINNATI,
January 28, 1972.

REV. JOHN BANK,
Cincinnati, Ohio.

DEAR REVEREND BANK: Council of the City of Cincinnati, State of Ohio, at its meeting on January 26, 1972, passed a resolution entitled:

RESOLUTION No. R/22-1972

Endorsing the passage of House of Representatives Bill No. 10499, the Agricultural Child Labor Act, banning oppressive child labor in agriculture.

Whereas, House of Representatives Bill No. 10499 bans oppressive child labor in agriculture, making it illegal to use children below the age of 14 for agricultural work and protecting children between the ages of 14 and 16; and

Whereas, the city of Cincinnati as one of Ohio's major markets for produce is vitally concerned with the welfare of children working in Ohio fields; and

Whereas, it is in the best interests of the health and welfare of the children of Ohio and the nation that this legislation be passed; now, therefore,

Be it resolved by the council of the city of Cincinnati, state of Ohio:

That council hereby endorses the passage of House of Representatives Bill No. 10499, the Agricultural Child Labor Act, banning oppressive child labor in agriculture.

Be it further resolved that a copy of this resolution be sent to the Senators from Ohio, the Representatives from the First and Second Districts of Ohio, and the Reverend John Bank, 1015 Vine Street, Room 526, Cincinnati, Ohio 45202.

JEWISH COMMUNITY RELATIONS
COUNCIL OF CINCINNATI,
February 1, 1972.

Mr. JOHN MERRILL,
Cincinnati Citizens for United Farm Workers, Cincinnati, Ohio.

DEAR MR. MERRILL: This is to inform you that on December 8, 1971, at the Jewish Community Relations Council Board meeting, it was unanimously resolved to support HR-10499. Attached is a copy of our letter sent to both Representatives Donald Clancy and William Keating.

Sincerely,

MICHAEL NEUMANN,
Executive Assistant.

TESTIMONY FOR THE SENATE RURAL DEVELOPMENT SUBCOMMITTEE HEARING, DECEMBER 14, 1971, BOWLING GREEN STATE UNIVERSITY, BOWLING GREEN, OHIO

(By Reverend John Bank, Director: United Farm Workers Organizing Committee, AFL-CIO, Regional Office for Southern Ohio and Kentucky)

My name is Reverend John Bank. I am the Director of the United Farm Workers Organizing Committee, AFL-CIO, Regional Office for Southern Ohio and Kentucky. I am a Roman Catholic priest of the Diocese of Youngstown and a member of the National Farm Worker Ministry. My office is located at 1015 Vine Street, Room 526, Cincinnati, Ohio 45202.

I would like to address myself to one aspect of rural development—rural development in agriculture through unionization.

As I speak to this Subcommittee Hearing, bills to govern unionization in agriculture are being proposed in a dozen states by agribusiness spokesmen. Indigenous farm labor organizing is occurring in every farm state. The United Farm Workers Organizing Committee, AFL-CIO, based in Keene, California, is conducting a national drive to unionize over a million of this nation's farm workers.

It is my contention that unionization in agriculture provides an opportunity for growth and development for farm workers, for the rural communities in which they live and work, and for the industry that depends on their labor.

On July 29, 1970, John Giumarra, Jr., spokesman for the Delano, California, growers in response to Cesar Chavez's remarks at the contract signing session which ended the five-year grape strike and boycott, said, "We, too, are happy that peace now will come to this valley. This has been a mutual victory. The ranches will have peace and the farm workers will have higher wages and better working conditions. Now, as a result of our negotiations and this new contract, we anticipate a new era in the valley in which the strength of the union and the ability of the ranches to grow crops will enable us to get better prices for our products so that you may get better wages."[1]

A month earlier, Hollis Roberts, who farms 48,000 acres in California's San Joaquin Valley and had been a staunch opponent of Chavez and the United Farm Workers Organizing Committee, AFL-CIO, signed a contract with the union after a strike halted the peach harvest on one of his ranches in Fresno County. Roberts called his decision to sign a contract with UFWOC, AFL-CIO. ". . . one of the hardest things I've ever had to do."[2] It represented a big change in his own thinking about Chavez and the union. The contract was signed in spite of many calls from other farmers in the area urging him not to sign.

"In the end I just followed my own judgment," he said. "After I got acquainted with Chavez and some of the other people in the union, I found them to be sincere. I learned to like Chavez and a lot of things we had been told about these people were not true.

"It will be good for the country if agriculture is unionized. I think it was Henry Ford who said it made the country when industry was unionized, because, with higher wages, the workers could afford to buy the cars they were making. The same would be true with fruits and vegetables and beef and other foods," Roberts said.[3]

The creation of a strong union, responsive to the needs of its members, is already bringing development to the farm workers who work under UFWOC, AFL-CIO, contracts. My preoccupation in this testimony will be the development of rural people through unionization in agriculture.

Unionization will end child labor in agriculture. According to the U.S. Senate Subcommittee on Migratory Labor, 800,000 children are employed in agriculture, comprising an estimated one-third or one-fourth of the agricultural labor force. This data is reflected in Ohio where for four years straight, including the fall of 1970, Ohio had the most violations of existing child labor laws in the country. Although stricter enforcement of the law by the Department of Labor this past season has reduced the number of violations, child labor in Ohio agriculture continues. On September 25, 1971, I, along with members of the Cincinnati Citizens for United Farm Workers, witnessed a 10-year-old girl harvesting tomatoes on a farm near Findlay, Ohio. The child was working a 7AM-7PM day filling 33 pound hampers of tomatoes and carrying them to the edge of a field where they were loaded onto a truck. Her piecerate wage was 19¢ per hamper, about 67¢ per hour.

Child labor in agriculture is the antithesis of child development. It is detrimental to the child's physical, psychological, and educational growth. In January the Agricultural Child Labor Act, H.R. 10499, should reach the floor of Congress, Ohioans have contributed substantial testimony to the hearings on H.R. 10499. Concerning this bill, which would eliminate the employment of children below age 14, the Administrator of the Ohio Bureau of Employment Services told me, "This bill, if passed, would surely help the farm accident rate of minors. We have many children killed or maimed on farm tractors and other types of farm machinery every year. Ohio law permits minors of any age to operate farm tractors."

It is ludicrous to imagine an auto worker taking his entire family to the plant each day to supplement his wage. Yet in Ohio's tomato and vegetable harvests, whole families must work to put together a living wage. The difference, of course, lies in the auto worker's union wage as opposed to the farm worker's powerlessness to negotiate a living wage.

Unionization in agriculture will provide the higher wages farm workers need for survival. The U.S. Department of Labor estimates that the average annual wage for a farm worker family of four is $2700. This same department estimates that if farm worker wages were doubled and the full increase passed on to the consumer, he/she would pay only a penny or two more for a head of lettuce, a dozen oranges or a two pound stalk of celery. UFWOC has been demanding a one-fifth increase in wages. All contracts now call for over two dollars per hour plus incentive piece rates.

Although migrant farm workers are employed in more than 30 counties in Ohio, organized health services are offered in only 14 counties. Farm workers in rural Ohio have no medical insurance. One of Ohio's leading vegetable farmers told me in February of a Texas family he recruited in the 1970 season that worked all season to pay for the hospital bill incurred when a boy in the family, upon arriving in Ohio, had an emergency appendectomy.

One of the recommendations of the Ohio State Advisory Committee on Civil Rights made after public hearings held by OSAC on October 28, 1968, was that growers, migrants, and governmental representatives develop at least minimal hospitalization plans for migrant farm workers. Three years later nothing has been done.

To meet the needs of California farm workers, every UFWOC, AFL-CIO, contract entitles workers to the Robert F. Kennedy Memorial Medical Plan. The plan, funded by 10¢ per man hour by the growers, cares for the health needs of the farm worker and his family.

The U.S. Public Health Service estimates that, while other Americans can look forward to over 70 years as a life expectancy, the farm worker's life expectancy is only 49 years. Maternal mortality and child mortality at birth are both 120 per cent higher for farm workers than the national average. Influenza and pneumonia run 200 per cent higher than the national average. The accident rate for farm workers is 300 per cent higher than for other U.S. workers.

According to the Department of Health, Education and Welfare 800 people a year are fatally poisoned by pesticides throughout the country. Thousands of farm workers experience daily symptoms of pesticide poisoning which include dermatitis, rashes, eye irritations, nausea, vomiting, fatigue, excessive sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses and diarrhea.

All contracts signed by UFWOC, AFL-CIO, contain a health and safety section that establishes a Union Health and Safety committee to formulate policies for the use of economic poisons, protective garments, materials, tools and equipment, and sanitary conditions. Certain hard pesticides are totally banned. For example, UFWOC's contract with Inter Harvest, the nation's number one lettuce grower, states: "2,4-D, 2,4-5T, DDT, DDD, Aldrin, Diedrin, and Endrin shall not be used."

Such hard pesticides are harmful not only to field workers but also to consumers. Many pesticides, not water-soluble, cannot be washed off the fruit or vegetables and so build up within the fatty tissues of our bodies. Ecologists are also gathering extensive evidence on the danger of pesticides and herbicides for the environment. Union contracts

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Footnotes at end of article.

promoted by UFWOC are banning pesticides and herbicides still used on some lettuce fields in the Salinas Valley, but prohibited in Vietnam.

Unionization through a UFWOC contract provides a new system of job security for the workers. They no longer have to deal with the exploitative labor contractor system or depend on their personal pull with foremen or growers for jobs. Under union contract they are hired on a seniority basis from the union hiring hall. This provision provides for stability in employment. Farm workers are also given for the first time procedure for handling grievances when they work under contract.

Unionization has given the farm worker more development in more areas than all the legislation and welfare programs designed for his benefit. He is now experiencing a stability that he has never known. Grape workers in California are taking root in communities, where they were merely visitors before. Their children are staying in school.

Some may say that the appearance of unions on farms in Ohio would immediately bring on mechanical harvesting of tomatoes and vegetables. This is not necessarily true. In fact, according to a report presented to the Governor's Committee Studying Migrant Labor on May 17, 1971, "Although mechanical harvesting of tomatoes is causing and will continue to cause adjustments in the seasonal labor used by farmers in northwest Ohio, to date, the effect of mechanical harvesting upon the number of seasonal laborers needed has not been great." [4]

The report offers five reasons for the slower acceptance of mechanical harvesting of processing tomatoes in Ohio than in other states. These are:

(1) A more reliable labor force; (2) Slower development of varieties adopted to mechancal harvesting; (3) A shorter harvesting season; (4) More weather risk during the harvest season; (5) Less emphasis given to mechanical harvesting by the industry.

I believe that unionization of the Ohio tomato harvesters would strengthen the reliable labor force, without necessarily forcing the cost of hand harvesting out of range. Unionization could help work out an industry-wide approach to mechanization that would provide a source of labor for work on mechanical harvesters, as well as a retraining of those field hands who would be replaced.

The alternative to an industry-wide approach to mechanization is detrimental to rural development. Haphazard or sudden mechanization would simply force farm workers into the city ghettoes, where they would be further victimized by poverty and by unemployment, and where they would burden government rather than contribute to it.

Mechanization is good when it frees men from brutal and degrading work. But the workers who helped build Ohio agribusiness and created the wealth needed to finance automation deserve a share in its benefits.

It is my conviction that the solution to the problems of farm workers in this state will come only when the workers have achieved organized strength and bargaining power. Once this is attained farm workers will experience remarkable development. Their development, derived from unionization, will positively influence the rural communities in which they live and work and the industry which they strive to expand.

FOOTNOTES

[1] *Delano Record*, Thursday, July 30, 1971, No. 61.

[2] "Why They Signed with the Union—Hollis Roberts" by Ron Harley, *The Farm Quarterly*, Sept.-Oct. 1970.

[3] Ibid.

[4] *Mechanical Harvesting of Processing Tomatoes in Ohio and Implications on the Demand for Seasonal Labor*. A paper presented to Governors Committee Studying Migrant Labor, by Paul L. Wright, Area Extension Agent, Farm Management, May 17, 1971.

CHILD DEVELOPMENT IN A TOMATO FIELD

(By Jane Schulte, Directress, Santa Maria Day Care Center, Cincinnati, Ohio)

On a Saturday in late September a 10 year old Chicano girl, Odulia Limon, awoke at six to harvest tomatoes on a farm near Findlay, Ohio. She was already in the fields eight hours when photographer Daniel J. Ransohoff, John Bank from the United Farm Workers Organizing Committee and I arrived from Cincinnati that afternoon to document child labor in Ohio agriculture.

The day was cold and rainy. Along the road leading into the field we saw a seemingly endless line of filled hampers of bright, red tomatoes. Near the line were six roughly clad arched backs, hands and arms swinging in constant motion, reaching, stretching, lifting the hampers of tomatoes. Odulia Limon stooped to harvest her share of the family tomato tonnage. Odulia worked from 7 a.m. to 7 p.m. that day with one hour for lunch. For each 33 pound hamper she filled, her father received $.19. With an average of four hampers an hour, Odulia's hourly wage was $.76. I watched Odulia stooping, reaching, bending, straddling the sprawling vines, lifting the 33 lb. hampers from the row to the edge of the road where they could be loaded onto a pick-up truck. I thought of the adult work environment, forced upon this little girl, destroying the possibilities my colleagues and I work to create in city day care centers. I asked Odulia when she started to work in the fields. She said, "As long as I can remember."

Odulia came to Ohio in April from La Feria, Texas with her three teen-age sisters and brother, and her parents. They left Texas before the completion of the school year in order to start work in sugar beets and pickles. For the duration of the tomato season, the family was living on the "pickle" money. Odulia and her family are part of the 35,000 migrant farm workers who come to this state to harvest tomatoes, sugar beets, cucumbers and other vegetables. She is one of an estimated 800,000 child farm workers who work for American agribusiness. (U.S. Subcommittee on Migratory Labor, 1970). Half of this child labor force, according to the U.S. Department of Labor, is under twelve. They work to supplement a farm worker's average income of $2,700 per year.

AGRIBUSINESS RESISTS

This past September U.S. Congressman James O'Hara held hearings in Washington on his House of Representatives Bill 10499 which would end child labor in agriculture as it was ended in industry in 1938 by the Fair Labor Standards Act. His bill will run into stiff opposition from agribusiness.

The agribusiness lobby has been successful in excluding farm workers from the right to collective bargaining that is guaranteed others by the National Labor Relations Act and from most other social and economic legislation of the century, including unemployment compensation and Social Security. Even when legislation is extended to farm workers, enforcement fails. Five years after Federal minimum wage legislation was extended to agriculture, thousands of farm workers still labor for pay well below the legal minimum of $1.30 an hour.

An amendment to the Fair Labor Standards Act in 1966 provides for some child labor restrictions in agriculture. However, enforcement of even these elementary provisions is token. Ohio, for instance, has had the worst record for abuse of child labor in agriculture in the country for the last four years. Some contend that stricter enforcement in Ohio turns up more violations of child labor in agriculture than in other states. But last year Labor Department inspectors were in Ohio fields for a total of only six days. Mr. Robert Pietrykowski, Area Director for the Labor Wage Department and Hours Division, was quoted in the *New York Times* (4/25/71) as saying, "If the agents had more time to devote to agriculture, it's no telling how large the total number of violations would be."

In Ohio the fine for child labor violations is $10,000. But Ohio growers are let off with warnings. The fine has never been imposed.

In March 1971, the American Friends Service Committee, co-recipients of the Nobel Peace Prize, released a special study, *Child Labor in Agriculture Summer 1970*, that describes the status of American children who work for a living. In cooperation with the National Commission on the Education of Migrant Children, AFSC sent five teams of investigators into five states to document the use of child labor in agriculture during the summer of 1970.

The teams investigated selected areas of Maine, Ohio, California, Oregon and Washington state. The teams were told to document the incidence of child labor on the farms, the conditions under which the children work and the reason for it. The published reports of their two months of investigation are admittedly neither comprehensive nor statistically significant as surveys. Some of the reports are not even complete. As a whole, though, they are valid eyewitness testimonies, interviews, discussions and researching that give a disturbing accurate indictment of those who employ children in agriculture.

The team working in Ohio concluded, after researching the health services available to migrant workers: "Migratory life means economic deprivation. Economic deprivation and poor health are generally concurrent problems. As to whether such an economic system will ever allow farm laborers such as the migrants to rise above their present economic supression is beyond the scope of this project. However, it appears evident that if the large processing corporations remain deaf to the needs of these people, that the profit motive must be named responsible for deprivation and rape."

EDUCATION LOST

Odulia Limon, like thousands of other youngsters migrate with their families to Ohio to harvest one crop after another. These youngsters leave their home state before school is out in the spring and return after it has resumed in the fall. This fall, the State of Ohio Compulsory Education Laws are being more rigorously enforced. The effect of enforcement as it relates to children working in the fields places the burden of responsibility totally on the parents, rendering the employer, in this case, the grower, totally inculpable. The court may require a parent convicted of failing to send his child to school to post a bond of $100, that he will cause his child to remain in school for the full time school is in session.

A parent can be fined not less than $5 nor more than $20 if convicted of failing to send his child to school. If a parent fails to post the $100 or fails or refuses to pay the fine, he can be imprisoned in the county jail not less than 10 days or more than 30 days.

While in Ohio Odulia goes to school during the week, working after school, 12 hours on Saturday, and 12 hours on Sunday. However, when the Limon family returns to Texas in November, none of the credits earned by her or her sisters or brothers will transfer. Unfortunately, by the time Odulia returns to Texas, school there will have started. She will have to wait until enrollment in January, and then, of course, lose credits for that period since they must come to Ohio in April.

STATE LAXITY

Few states set the minimum for child labor outside school hours and those that do are lax about enforcement of the Fair Labor Standards Act (1938). According to the 1966 amendments to that act, oppressive child labor practices are prohibited and actionable. This broad statement is spelled out in more detail for most occupations. Agriculture, however, comes under a special heading. Children in agriculture, presumably, are covered by this "special heading."

Farmers may employ minors 16 years of age and over at anytime and in any agricultural occupation.

No minor under 16 may be employed at any time in an agricultural occupation declared hazardous by the Secretary of Labor except on the home farm of his own parents.

Children under 16 may not be employed in agriculture during school hours, except by parents on the home farm.

Occupations in agriculture particularly hazardous for the employment of children under the age of 16 are: handling or applying anyhdrous ammonia, organic arsenic herbicides, organic phosphate pesticides, or heavy-metal fungicides, including cleaning or decontamination equipment used in the application or mixing of such chemicals.

DEFINING "OPPRESSION"

As long as school is not in session where the child lives while he is working there is, under federal law, no minimum age. There are no federal regulations pertaining to the number of hours a day a child may work in agriculture. That is the entire legal control, at the federal level, of the use of child labor in agriculture. The term "oppressive" is nowhere closely defined. Working in Ohio fields during the months of June, July, and August in the summer from dawn to dusk up to seven days a week in the hot sun for approximately 76¢ an hour is, apparently, not considered an oppressive situation for Odulia, age 10.

In Ohio, according to the Minor Labor Regulation, it would seem that all children are covered by the state child labor laws, but agriculture is not specifically mentioned, although state law provides that persons under 21 must have a wage agreement with the employer and that daily time records must be kept for two years for minors under eighteen. No one under 18 may work more than 8 hours a day or more than 48 hours in a calendar week, nor more than 6 days a week. In talking with Odula's father (with the help of an interpreter) I discovered that none of these regulations had ever been complied with in the three years he and his family have been working in Ohio.

Child labor in agriculture can be ended by massive public support of two actions. The first is uniform national legislation against child labor with built-in effective enforcement—U.S. House of Representatives Bill 10499. Legislation was successful in stopping child labor in industry in 1938 and would be effective now. For too long agribusiness (90% of agriculture in the U.S. is corporation forming) has convinced the public that it is a special industry requiring special privileges such as the exception Sec. 12(c) of the Fair Labor Standards Act of 1938, as amended 1961 and 1966.

A classic example of the privilege of law for agribusiness is Public Law 78, the bracero program. Begun during the Second World War, it invited Mexican Nationals into the U.S. to harvest crops at slave wages while depressing the wages of American field workers and forcing further child labor. P.L. 78 was not abolished until 1964 when a coalition of church, civil rights and labor organizations overcame the vested interest entrenchment of agribusiness. A similarly fierce struggle and another strong coalition would be required to stop child labor in agriculture.

HITTING THE SOURCE

The second action to end child labor is to take away the reason for it—the denial of a living wage to a father of a farm working family. The best way to assure a living wage for American field workers—the way the workers themselves are choosing—is through a farm workers labor union. According to the American Friends Service Committee's report, unionization such as that of grape harvesters achieved by the United Farm Workers Organizing Committee would raise wages sufficiently for parents to earn what an entire family can now earn. Medical insurance through the union would add to a family's net income. Support for the United Farm Workers Organizing Committee, directed by Cesar Chavez, becomes a vote for an end to child labor.

In 1795 in a country whose child labor Charles Dickens would immortalize, Thomas Carlyle wrote: "The great law of culture is: let each become all that he was created capable of being; expand if possible, to his full growth; and show himself at length in his own shape and stature, be these what they may."

Against the silhouette of a child stooped in a field, agribusiness stands void of culture.

SAY IT LOUD

In July of this year, DCCDCA began a special public education project on behalf of America's migrant children in cooperation with the Colorado Migrants' Council, Denver.

The four-month effort was conceived by Dr. Leonard Mestas, a vice-president of DCCDCA's board of directors, associate director of the National Consortium for Bilingual Education, Fort Worth, and director of the Colorado Migrant Council's Day Care and Head Start programs.

"We've got to let people know how horribly these children are being neglected and what the general public can do to help," was Dr. Mestas' mandate to the project staff.

With that as a point of departure and with a modest $20,000 budget, Council staff developed a package of materials ranging from television and radio announcements through a definitive survey of existing Federal programs and explanations of how Title IV-A can be used for migrant children. This latter publication is designed to both help migrant organizations obtain sorely needed funding and to inform the lay public about on-going programs.

At project outset, DCCDCA did a national survey of public and private migrant groups' public information needs. From Florida northward and westward the responses were surprisingly uniform. The consistent theme was that few Americans knew anything about the life of migrant families and that only through a massive educational effort would local efforts on behalf of migrant children escalate in effectiveness.

The other consistent response was predictable. There was almost no money for the care of these children and what little existed dictated minimal services at best.

Many migrant child care workers in answering letters confirmed the seriousness of the problem (see correspondence) often in tones of complete frustration and bitterness over the neglect and squalor they had to fight.

SUMMARY REPORT

Most offered valuable suggestions on materials development and information sources. Particularly valuable was the listing of sympathetic journalists in various regions who have shown a commitment to reporting of the migrant problem. This data will be included in a post-project summary report and will be available to the public.

Now that these materials are completed, the Colorado Migrants' Council will distribute them to concerned organizations including Title I-B grantees. Plans are for Metro-Media Television to air the TV announcements on their outlets (a 30 million viewership) and then be turned over to the other networks to be distributed upon request to local organizations for airing in affected communities.

A follow-up booklet explaining how volunteers and organizations can help remedy conditions of migrant children at the local level is the final component in this educational program and will be available through local migrant or allied organizations.

The Migrants Project also represented DCCDCA's first audio-visual media activity on a national level. Project director was Ralph Matthews, DCCDCA's associate director for public affairs; Vicki Latham was materials development specialist; Janet Swenson, project editor. Television film work was done by WTTG-TV, Washington, D.C. and broadcast journalist John Ferguson produced the radio announcements.

PROUD OF OUR NEWSPAPERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mrs. GRASSO. Mr. Speaker, a newspaper is a community's own best friend. It serves as a window to the world, and adviser for action, a loyal communicator of town affairs, and a conscience to community leaders.

Larger newspapers serve many communities on a day-to-day basis, bringing together countless news items which comprise the day's events. And weekly journals have their own special role: To chronicle with local appreciation and in depth format the countless happenings which give substance to community life. The sturdy character of our people, their courage and strength during difficult times, their warmth and generosity all the time—the subtle moods, cherished hopes, building opportunities of their hometowns—all these ingredients, and more of the Connecticut way of life have been captured and preserved in the pages of our newspapers.

We in Connecticut and in the Sixth District are very proud of our newspapers—their strength, vitality, and honest, complete reporting which marks the highest form of journalism. In fact, we are not alone in conferring accolades on our newspapers. During January, several weeklies and one daily in the district were honored at the 23d Annual Winter Convention of the New England Press Association. Awards were made for "best news story," "best editorial page," "general excellence," and service to the community.

The Plainville News won a first-place award for the "best editorial page" at the Boston convention attended by more than 500 editors, publishers, newsmen, and guests. Since 1966, the Plainville News has received 12 awards from the New England Press Association—ranging from "general excellence" and "best editorial features" to photography and awards for special sections. The News also was awarded first place for "best editorial page" in 1969 and 1970.

The Lakeville Journal was awarded second place for "general excellence," and was given honorable mention for its editorial page. The New Milford Times, also not a newcomer to New England Press Association awards, took a third place award for "general excellence" and a third place for "best editorial page." Times photographer Jack Muckstadt received honorable mentions for two photographs in the features and personality section of the competition. A sister publication, the Brookfield Journal received an honorable mention for its class, which comprises newspapers with a circulation of 2,500.

The Winsted Evening Citizen, a daily, received two awards. The Citizen won an honorable mention in the best news story" category for its coverage and reporting of a robbery at the Mechanics Bank Branch in New Hartford. In the community services awards category, the Citizen placed second for its participation in the Town of Winchester Bicentennial Celebration.

Early in January, it was announced that several newsmen at the Bristol Press, also a daily, won awards in a recent Associated Press membership competition. Press City Editor John Crane received a best news coverage award" in December for the story of a Bristol father and son who won $1 million in the New York State lottery. The Press also took the December Membership Enterprise Award for Dick Warner's profile of the city's new mayor.

The residents of communities in the Sixth District understand the value of their newspapers; the talented editors and staffs of these community journals know full well their responsibilities to the people they serve. I am honored to applaud their achievements, their professionalism and their commitment.

YOUTH FOR UNDERSTANDING

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ANDREWS. Mr. Speaker I, am very pleased to join with my colleagues in paying special tribute to the Youth for Understanding International Teenage Student Exchange program. I have long felt that bringing your people together from around the world for person-to-person interchanges is one of the most important ways we have of fostering international understanding.

Certainly the knowledge and understanding gained from these exchanges give the young people a better understanding of cultures, philosophies, and ideals. In this time of international unrest and turmoil, this meaningful effort to promote understanding is especially important.

I am pleased to report that the Youth for Understanding program is popular in North Dakota, as the naturally friendly people of our State enjoy the opportunity to share with visitors in living experiences.

NEW TRENDS IN DRUG ABUSE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. ROE. Mr. Speaker, I wish to bring to the attention of my colleagues a recent article carried by the Christian Science Monitor written by Clive Lawrance about the Institute of Applied Psychotherapy. IAP is an addiction prevention program located in New York City; Fair Lawn, N.J.; Princeton, N.J.; Marion, Ind.; and Bridgeport, Conn. It is currently funded and approved by the State Law Enforcement Planning Agency of New Jersey and the Narcotic Addiction Control Commission of New York State.

The article reads as follows:

COMBATING DRUGS IN NEW YORK

Those fighting drug abuse in New York City—sometimes called the drug capital of the world—are shifting the spotlight from rehabilitation to prevention. Recently, the city's Addiction Services Agency (ASA), which coordinates the funds for most of the drug programs, announced the formation of further 21 community programs, bringing the total to 107 spread throughout the city.

There are also many smaller programs as yet not funded through ASA. These community programs are playing a vital role in the effort to reach kids experimenting with drugs but not yet hooked. Each is adapted to the needs of the community in which it is situated. The following is an account of a visit to one such program.

There's a black door with the words: Institute of Applied Psychotherapy. It looks very learned. But the door handle wobbles loosely in a hole that once contained a lock. To enter, you simply push.

The door is symbolic of the place. This community drug program on West 92nd Street is loosely structured, but it is based on knowledge, understanding, and concern.

Pushing open the door, I heard the low beat of rock and youthful voices talking and laughing beyond a kind of friendly reception room.

A young boy whipped around the corner of a passage, almost flattened me to the wall, and said with a laugh, "Hi, can I help you?"

"I'm looking for Walter Mandel," I answered, feeling slightly nervous.

"He's in here," said the boy, leading me to a room with black leather furniture and a tall young man slumped in a chair talking on a telephone.

"Be with you in a moment," he said. Ten minutes later, Walter Mandel, 25, director of publicity, put down the phone and began telling me about the Institute.

"This is not merely a place where the kids got off drugs," he said. "This is a place where people can realize their dreams, where they can do things they've always wanted to but never did because of fear, or because they were messed up . . . some never did drugs, some sometimes, some a lot.

"THIS IS EMOTIONAL EDUCATION

"They are in the program not just to stops drugs in themselves, but to reach out. They are working with a drug program rather than in a drug program. There's no graduation. It's a way of life."

He stopped suddenly, grabbed the telephone, and said, "Larry, come in here a minute, I'm trying to explain what the Institute does, and I'm being very inarticulate."

Larry Pittinger, executive administrator, also 25 and very composed, walked in quietly and sat down.

"On the surface," continued Walter, "this place might appear like a social club. But if you simply sit around reading magazines you're going to feel left out; so you get involved.

"When a kid comes up here I say, 'Instead of thinking about your problems, let's think about what you can do. Get busy, get involved. Your problems will gradually come out, and when they do, we can talk about them and confront them.' "

Walter flung his feet onto the desk and went on, "I tell them nothing is free. You've got to work for everything you get. Sometimes you've got to find out what you want. And we'll support you if you make mistakes."

"Pressure don't come from nobody," put in Larry softly. "Ideas come from you. Everybody decides on his own schedule."

"This place is always changing," added Walter, "everytime someone new comes in the place changes."

"We have only one or two rules—like no one comes to the Institute if they are high on drugs; they don't bring drugs into the place; and they don't do drugs with anyone who is also coming to the Institute.

"But if you do something really destructive, we say, 'Don't do that again or you can't come up here.' "

"This place is built on people's dreams," said Larry. "Membership in the Institute is a privilege. I've worked hard to make this place what it is. I'm not going to let anyone come up here and mess it up."

A shadow passed the open doorway. "Hey, Kathy," called Walter, "Come in here. Tell this gentleman about yourself. He's from a very important newspaper."

Kathy came in slowly, with a quiet poise, like a doe coming out of woods. She had warm eyes.

"What's he want to know? 'She asked in a reserved but not unfriendly tone.

"Well, ah . . . mm," I stumbled. How did you get into drugs?" I soon found, however, that Kathy, like most former drug abusers, could speak about her past with a sincere openness and a lack of melodrama.

"My mother is an alcoholic," she said. "She used to do things that hurt me; so I went into drugs. Every time I got upset I would get high. I was popping pills every day including speed."

LEANING ON A CRUTCH

"What do you do now when you get upset?"

"I come to the Institute and talk with someone about it. I face it and deal with it. Barbara helped me a lot," she added. Barbara is one of the kids with the program. She was there when Kathy first came up, and they became good friends. What Barbara did for Kathy is sometimes referred to as peer-group pressure working in a positive direction.

"When I ran out of pills," recalled Kathy, "Barbara said, 'Why take pills, why do you need pills, why not stop?' It was hard, but I didn't want to hurt Barbara. When I did pop pills I felt so ashamed I cried; so I stopped."

"She substituted Barbara for pills," put in Walter. "Barbara became a crutch. But that's all right. A crutch is all right for a while."

"Is Barbara still a crutch?" I asked.

"No, but we are still friends. I got involved in the programs at the Institute, and I found things in myself that I never knew were there."

"Kathy is now a member of the staff," said Walter, and added, "Kathy, call Barbara."

Barbara came in like a cool breeze. Her complexion is fair, and her expression as bright as sun on snow.

"Tell Mr. Lawrance why you did drugs," said Walter.

Without hesitation, Barbara said, "I was lonely. Like I had no friends, no one I could be honest with. I didn't want to be with anyone because I thought no one wanted to be with me. I used to go home and lock my bedroom door and cry every night."

She paused, her bright face slightly reflective: "It's hard to believe I was once like that.

"There was always a lot of fighting at home. I was depressed I hated school. I knew a guy at school, and he said would I like to smoke some grass, it would make me feel good. At first I didn't want to; then I thought, 'Wow, I'll try that!'"

"How old were you?"

"How old was I?—13.

"I stayed on grass for 2½ years; then I tried opium, and I sniffed a kind of cleaning fluid. I was doing drugs every day. In Manhattan drugs are easier to get than milk.

"Then I met this guy, and he told me about the Institute, and so I came up one day."

"How old were you then?"

"I was 16. I was really messed up. I didn't care about anything. I was lonely and depressed and afraid—afraid of talking to people and afraid of authority.

GOOD FEELINGS PICKED UP

"When I first came up here I thought they were all quacks," she said, looking at Walter. Walter rolled his eyes.

"I thought it was a dull place. But I went into Rodger's office, and there were people talking. I picked up good feelings. I could relate to what they were saying about emotions, I found myself saying, "Yeah, I have the same feelings."

"I came every day. I dug the people." Walter opened his eyes in mock amazement and pointed a finger at himself.

"I saw kids feeling really good about themselves, outgoing, and I thought, 'How come they are feeling good when they are not using drugs?'"

But it was two or three months before I did anything. I just sat around. Finally I got the nerve to say, 'What can I do?' and Rodger said, 'Why don't you clean?' She stopped and laughed. "It sounds stupid, but I did it, and I got the best feelings I'd ever had, I thought, wow, I cleaned this place."

That was the beginning of an opening-out process for Barbara. She joined the art committee, the music committee, and the women's group, and is now the head of the acquisition committee. She is also a group leader.

DRUGS: SYMPTOM OF A PROBLEM

"No one said, 'You mustn't take drugs,' but they supported me," she said, and showed me that I could do things without being high on drugs. Suddenly, wow, I found I could do things."

"Kids are crying out for help," said Walter. "And they are latching on to things that are not helping them, like drugs."

"Drugs are not the problem," said Larry. "Drugs are the symptom of the problem. We try to replace the need that leads to drugs. We pull away the negative supports and set the kids up with jobs that are responsible and enjoyable."

Barbara now works for a public-relations firm. She's been off drugs for more than a year, but still comes to the Institute in the evenings to help others and herself.

"I could function without the Institute," she said, "but I won't ever leave it."

"There's no graduation," said Walter. "As long as you can do something for the Institute and the Institute can do something for you, you stay."

A tall youth came bursting into the room, his open shirt flapping like a bird's wings. He was good-looking with soulful eyes.

"Hi," he said, and dropped into a chair, hooking his leg over one arm.

"Dino here is an example of some of the things we do," said Walter. "We set Dino up with his own office in one of the local schools counseling the kids and the school counselors. He tried to show the kids that the counselors did care about them, and he told the counselors that if they wanted to relate to the kids they shouldn't rush straight home after school but play ball with the kids maybe."

"I've got to go do something," said Dino, and was gone in a rush of energy.

LIVING ON THE STREETS

"Dino's 15," said Walter. "He ran away from a boys' home and was living on the streets when he came to our New Year's party. He came back a few days later.

"Eventually we found out that he thought he was a convict on the run because he'd left the boys' school. His parents didn't want him. That's why they sent him to the boys' school. So one of our staff who has a son adopted him. We love Dino; he's a great kid."

"Tell me some of the things you do here," I said.

"I'll tell you about Thee Creative Outlet. This was an important achievement. The Creative Outlet is a gallery where people in places like drug rehabilitation houses, penal institutions, the Salvation Army, etc., can display paintings, wood carving, leatherwork, sculpture, etc.

"Then there's the journal Judy is starting based on drugs which will go into the high schools.

"We have group therapy and individual counseling for the kids, and family conferences to make parents and children aware of the emotional obstacles blocking communications between them. These obstacles can contribute to negative feelings that lead many people escaping into drugs.

"We also have a school for junior-high-school-age young people.

"I could give you an endless list. The kids who come here can do almost any constructive thing they want. We say, 'Think of what you want and use the resources of the place to get it. In this way you'll also help the place.' Sometimes 10 people might help one person get what he wants."

"How successful are your methods?" I asked.

"Success," mused Walter, staring at the ceiling. A polite way of saying that it was not quite a valid question. "We don't like to measure success or failure. That's what turns kids off in society. Well, we've got 70 kids in this program, and only three have dropped out because they found it too hard.

"Most of the kids are already off drugs, and all of them will be eventually.

"We measure success in terms of dreams realized."

When at last it was time to go, I was shown to the door by Walter and a few of the kids. They gave me a handful of house magazines called "The Inside."

Later, reading through them I found this statement: by Frank Valdes which sums up the place:

"My love for IAP is unbelievable . . . I definitely do not feel the way I did when I first came up but am now closer to my real self."

The Institute of Applied Psychotherapy was started without funds just over 2½ years ago by Dr. Rodger Bell (then 22) and six others. Dr. Bell still heads the Institute which is staffed by young adults (the oldest is 31) trained as counselors and therapists. It also has a lengthy list of highly degreed advisors.

The Institute is nonresidential, but is open 17 hours a day, 7 days a week. There are some 40 kids waiting to get into the program. They will be accommodated shortly when the Institute moves to larger quarters.

IAP staff are also helping establish similar programs currently in about six places including Indiana, Connecticut, and New Jersey. They've had dozens of letters requesting information and assistance in establishing programs in places as far afield as Venezuela, West Germany, Vermont, California and Florida.

IAP receives an annual $98,000 through ASA which it matches dollar for dollar, as do the other programs funded through ASA. It is, however, virtually autonomously run.

A VICIOUS FORM OF BIAS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. HUNGATE. Mr. Speaker, Mr. William Raspberry of the Washington Post has again written a timely article on the subject of discrimination. The article follows:

[From the Washington Post, Feb. 7, 1972]

A VICIOUS FORM OF BIAS

(By William Raspberry)

Perhaps the most persistent—and least talked about—form of employment discrimination has nothing to do with skin color, religion or national origin.

And although it does involve sexist overtones, no spokesperson for Women's Lib has had anything to say about it.

I mean, of course, the pervasive discrimination against (there's no nice way to say it) ugly women. Not the mere Plain Janes who can help themselves with a bit of paint and padding. I mean the losers, the real dogs.

With an ugly man, it's different. Unless he's an actor or politician or some such, no one really cares whether he's handsome or not; the important thing is that he have ability. If he can sell, organize, administer or whatever, employers don't care what he looks like.

Not so with women. Unemployment lines are full of women who, if their features were more regular, would be working full time. And even among the employed, the lower-paid jobs are loaded disproportionately with the bad lookers, in government and out.

Civil service, in fact, may be among the worst offenders. No one compiles the appropriate statistics, but if they did I'm sure you'd find an unnatural concentration of homeliness in grades GS–1 to GS–4, and a sharp increase in good looks between GS–5 and GS–9. After that, talent and connections become more and more important as a criteria for promotions. But by then, the real losers have been weeded out already.

The supergrades—particularly the Schedule C employees—are something else again. Since they start off at the top (avoiding the GS–4 hurdle), homely political appointees show up at something approaching their natural incidence in the GS–16–18 range.

Nearly everyone knows the problem exists. Most of us take it so much for granted that we forget that it is a problem. We forget to ask ourselves whether we really believe the airline stewardesses and office receptionists get their jobs because they are friendlier or more efficient than the girls who didn't get hired.

To contemplate the question is to know the answer: They were hired because they look good.

To say that everyone is aware of the problem is not, however, to say that everyone will admit it. No personnel officer in his right mind will tell a woman: "Sorry, lady, but you need a nose job and your lips don't match."

More likely he'll mumble something about overqualification or lack of experience or so many applicants and why don't you just leave your application and we'll let you know.

You know he's lying, and he knows he's lying. But he also knows that you're never going to accuse him of discriminating against you because you're ugly.

That, really, is what makes the problem so intractable. Hardly anyone who loses a job or a promotion because of her looks is willing to say so.

It's difficult even to write about, except on the basis of personal observation. Trying to interview the victims only gets you slapped a lot.

Imagine Julius Hobson, the local civil servants' champion, or Government Workers United Against Racial Discrimination (GUARD) trying to pull together enough ugly women to bring a class action.

Nor is it much easier for nonugly women to take up the fight on behalf of their disadvantaged sisters. A Germaine Greer who spoke up for homely women would succeed only in insulting the very people she sought to help.

As with blacks, chicanos or women generally, the discrimination against ugly women is not total. Someone will be sure to point out Eleanor Roosevelt, Mary McLeod Bethune or what's-her-name from New York as examples of homely women who have made it.

But these exceptions shouldn't be permitted to obscure a very real problem. It's time to put a stop to the whole vicious nonsense.

As Flip Wilson says, "You ugly people out there know who you are."

MARYLAND YOUNG DEMOCRATS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. LONG of Maryland. Mr. Speaker, the Maryland Young Democrats formulated their 1971 platform at their annual convention in Ocean City in September 1971. While I cannot support some of the positions in the platform, such as forced busing to achieve racial integration, and a guaranteed annual income, there are many points which I endorse, including the removal of tax loopholes, opposition to revenue sharing without strings, and concern about ecology.

The delegates covered a broad variety of issues in their platform, and I hope that the National Democratic Party will give consideration to this platform during the National Convention.

I commend David Anderson, president of the Maryland Young Democrats and those who served with him on the convention committee, Milt Andrews, Don O'Sullivan, Peggy Pavlat, Paul Pittman, Greg Seltzer, Tom Slater, Allan Terl, John Toolan, Rick Wiles, and Roberta Andrews. I include the platform in the RECORD.

PREAMBLE

We, as Young Democrats, await the coming presidential election with a mixture of fear and hope. Fear, because we are afraid that the bloody lessons of Vietnam, Watts, Chicago, Kent State, and Attica will go unheeded. Fear, because we are afraid that the American people, while seeking a newer, better world, will blindly bind us yet again to leaders who cannot lead; to spokesmen who cannot speak the language of social reform. Hope, because we believe that the Democratic Party will ignore the siren calls of southern strategies and real majorities, and will instead offer our Nation fearless and innovative leadership. Hope, because we shall never be a silent segment of the Democratic Party, but shall always speak and act on our conscience to achieve a better Party, State, and Nation.

Aware of the tremendous social problems besetting the American people, and yet willing to work within the system to obtain solutions, we the Young Democratic Clubs of Maryland, in our 1971 convention assembled, state the following as our goals. Adopted.

PARTY REFORM

As the official youth division of Maryland's Democratic Party, we feel a responsibility to present the ideal in party organization to the Senior Democratic Party.

We urge the senior party to exercise sufficient control over local Democratic Clubs to require that none be intentionally segregated by reason of race.

We urge each local State Central Committee to accept at least one youth advisor chosen by the local Young Democratic Club.

We further ask that the age for running for party office—Democratic State Central Committee and Delegate to the Democratic National Convention—be reduced to 18.

Most importantly, we reiterate strong dissatisfaction with the Democratic State Central Committee's failure to take policy stands on current and pressing issues.

Lastly, we issue a warning to the leaders of our Party and to its broad membership that the Democratic Party must take steps now to rechannel political power to party members, not bosses. Adopted.

ELECTION REFORM

We urge abolition of the electoral college in favor of the popular election of candidates for President and Vice President of the United States.

We also urge the enactment of legislation which would require complete public disclosure of campaign funds and specifically urge the U.S. Congress to require reporting of receipts and expenditures in primary as well as general elections.

We urge legislation which will require all public officials to disclose financial interest which may cause any conflict of interest with his or her public responsibility.

Present campaign costs to run for public office must be investigated to develop a cooperative effort with representatives from the mass medium to allow every candidate an equal opportunity to present himself and his program to the electorate. Adopted.

HEALTH

We endorse the concept of National Health Insurance, but we caution against the installment of another federal bureaucracy.

We recommend the State Secretary of Health and Mental Hygiene investigate the possibility of implementing an Abortion Referral Service in the hospitals and clinics of this state to operate in conjunction with the Planned Parenthood Program.

With mental illness a major health problem in this state, we would hope that state funding of programs dealing with research, therapy, and treatment of this problem be increased.

We call upon the State Attorney General's office and the State Department of Health and Mental Hygiene to investigate the medical, social, economic, and legal aspects of legalizing prostitution in this state and of licensing the practitioners of such in a major effort to reduce Veneral Disease in Maryland.

We take pride in the action of the Senate by establishing a Cancer Research Agency to provide the first federally funded agency devoted entirely to cancer research.

We would hope that Congress would take action on the research and treatment of sickle-cell anemia, a disease that affects only black citizens.

And finally, we agree with the Congress in amending the Comprehensive Drug Abuse Prevention and Control Act of 1970 (H.B. 5674) which provided an increase from one million dollars to four million dollars in the authorization for a Commission on Marijuana and Drug Abuse. Adopted.

MARYLAND ELECTED OFFICIALS

As the group which has been a vehicle for many of our present elected officials, we feel a responsibility to serve public praise and offer any criticism deserved.

We ask that our officials not concern themselves with censorship dealing with sexual matters, since we feel the pressing problems of our society are not caused by pornographic publications and the like but by situations such as unfair housing, corrupt election systems, lack of concern for individual rights and other significant matters dealt within this platform.

Among our Congressional delegation, we are particularly impressed with freshman Congressman Sarbanes as effective in the role he has carved for himself. Adopted as amended.

HUMAN RIGHTS AND PERSONAL LIBERTIES

The Young Democrats again stress our respect for each individual's human dignity and our disgust for what the Nixon-Agnew-Mitchell combination had done to conform mankind to their image.

We restate our praise for the enlightenment which the Women's Liberation Movement has caused, and we offer support to the proposed amendment to the Federal Constitution voiding discrimination on the basis of sex.

We endorse the sense of legislation killed during the 1971 session of the General Assembly which would have placed sexual acts in private between consenting persons 18 years of age or older, beyond the scope of criminal law.

We call particular attention to the elements of personal dignity ignored by prison officials, and we applaud efforts to bring about meaningful reform, most specifically conjugal visitation rights or controlled release programs.

We find both formal and informal attempts to harass and censor any harmless expression of speech as an insult and infringement of individual rights and any government intrusions that infringe upon individual privacy, excepting cases involving national security. Adopted.

ECOLOGY

We believe that the people of the State of Maryland are entitled to a clean environment. We demand a better use of Maryland's resources, particularly stronger control of strip mining with increases in the bond required for stripped lands and protection of the surrounding landscape. We ask for special legislation to protect vanishing wildlife and flora from extinction. We seek stronger laws to reduce or prevent dumping of untreated and industrial and human waste into Maryland's waters. A moratorium should be placed on the construction of nuclear power plants pending a study of the impact of Calvert Cliffs upon thermal pollution in the Chesapeake Bay. We condemn any attempts to dredge the C&D canal believing that such action will destroy the Bay. Legislation is necessary to reduce the amounts of phosphates washing into our waters.

The state should set up a tax incentive program to encourage business to purchase pollution control devices and not suffer a monetary loss. Additionally, the state government should set an example by using recycled paper. The state should work with local subdivisions to establish tin, glass, and paper recycling centers. We encourage a limited use of pesticides and an increase in biological research and controls. We feel that many of our environmental problems are aggravated or created by the increased number of people occupying our earth, as well as, by the wasteful habits of these people. We seek increased research on birth control methods. We encourage adoption of the children that already exist on this earth to give them every opportunity for a decent and meaningful life. Adopted.

HOUSING

The battle for the right of all people to achieve human dignity is now being urged. The freedom to strive for and obtain decent housing in a decent community is a basic right necessary to the realization of human dignity. All levels of government must adopt policies in accordance with this basic right. To achieve this end we call for the establishment of national, state, and regional land use policies which encourage desirable growth but which will disallow projects harmful to community development. We recommend future zoning and building applications be examined in the context of community benefit, of which tax revenue is but a small part. Zoning policies must be revised where they do not contribute to planned community development and improvement. Planning agencies within a locality should involve citizen participation in planned housing programs.

We recommend that jurisdiction within a state work together to seek maximum standardization of housing codes. We suggest planning begin now to expand suitable housing without contributing to inflation. To this end we recommend that renovation of our city dwellings be utilized as a teaching-learning device; that we use this opportunity to revitalize our neighborhoods; and that we call upon the building trades to open their membership to all people who have the desire and ability to learn them, and, we call upon the Democratic Party's friends in the building trades' unions to open their membership to all peoples. We call upon the state government to examine those financial policies that directly affect housing in the state.

In addition, strong landlord-tenant legislation is needed. This legislation should favor neither party, but should state clearly the rights and obligations of each and the penalties for infractions.

We call for an end to overt and covert discrimination in housing. We view with particular distaste realtors who perpetuate segregation by not showing particular houses for sale to individuals because of race or religion. Alleged violations should be heard quickly and prosecuted fully. To this end, we call on the Real Estate Commission and the Secretary of the Department of Licensforce current regulations. Adopted as amended.

CITIES

Regional planning must soon become a major reality, not a token demonstration. It will be necessary to experiment, to develop methods of governing large concentrations of people with minimum intrusion into their freedom.

Local governments are fighting a battle to regain representative leadership. This crisis cannot be solved until states and localities facilitate modernization by providing for home rule, restricting popular elections to policy makers, and electing responsible executives. Multiplicity of incorporated cities and towns in metropolitan areas leads to long ballots, unrealistically small tax bases, inequitable tax rates, and inadequate service. Regional projects such as rapid transit, crime control, and adequate hospital facilities become difficult or impossible to initiate or administer.

To this end, we encourage planned, limited utilization of land facilities, as well as, ratio of population to area and its capacity to deal with sensible growth. Adopted.

Total equalization cannot become a reality until the State of Maryland assumes a greater fiscal responsibility for all public schools. We acknowledge that county control over curriculum should be maintained.

We believe that state and federal governmental aid to non-public schools, whatever guise, indicates a lack of faith in public education and violates the principles of the First Amendment to the United States Constitution. With this in mind, we urge the voters of Maryland to reject the referendum Senate bill 331 (State Aid to Non-Public Schools).

We recommend that the funds now used in the State of Maryland for legislative scholarships be placed in the hands of university officials who are better equipped to grant scholarships on the basis of merit.

We recommend that students be added to the governing boards of all of the colleges in Maryland in order to facilitate communication between students and institutions of higher learning.

A more proper balance of rights and responsibilities between the administration and the community should be established.

We believe that there should be an expanded and more inclusive program of education for all regardless of age, sex, race, creed, handicap, or intellectual capability.

We believe that most students will benefit from sex education, and we support the Maryland State Board of Education's program in this regard, except where that program places unnecessary restrictions on teachers of sex education. We place specific emphasis on the venereal disease crisis.

We believe that freedom to learn and freedom to teach are essential to sound education. The community must protect education in general and teachers in particular from any attempts to abridge or destroy academic freedom or teaching technique.

We support the efforts of teachers in Maryland and the nation to obtain the same rights afforded employees in the public sector. We will support efforts in the 1972 Maryland legislative session designed to make certain changes in the Maryland Professional Negotiations Law that work towards the above end.

Finally, we note with concern the public record of President Nixon and the Republican Party in regard to education and submit that record as one of the many reasons that we deem his defeat a necessity for 1972. Adopted.

In theory, we approve of such Maryland institutions as Patuxent, which allow the use of indeterminate sentences, but we reserve our approval of this practice until such time as this method is able to guarantee both security to the community and periodic review of the need for confinement to the inmate. And until this time, we urge the abolishment of the Defective Delinquent Act.

We also endorse the report and recommendations of the Governor's Community Corrections Commission and suggest that when more use is made of community based corrections, halfway houses, work release programs, and weekend and holiday visitation we will then have a correctional system that helps to prevent crime by reducing recidivism. Adopted.

DRUGS

As young people, we ask that all people restrict their thinking on the drug problem to logic and fact without resorting to emotion. We ask understanding that use of soft drugs and pills is little different from reliance on alcohol, sleeping pills, and laxatives.

We find small solace in Maryland's new drug laws, for appropriated funds are still lacking. We find the laws themselves deceptive and often the enforcement of these laws demonstrates an interest only in political gain or perhaps well intentioned but unthinking overmoralizing. Hopefully the enforcers are as concerned as we are with the lives and welfare of our citizens and country. Consequently we ask them to consider the following: Rather than enforcement of laws in a manner that ruins lives and careers unnecessarily, we join with Reverend Hanna in hope that more drug abuse centers be established in our communities.

We believe methadone should be given final sanction for use in penal institutions, and we congratulate the Department of Health and Mental Hygiene for its step to eliminate illegal sale and distribution of methadone.

We call for undelayed, honest research by government officials on questionable drugs and a full hearing of the findings. Adopted as amended.

EDUCATION

We believe that increased federal fiscal support for public education is both necessary and possible.

We believe that free public education is an essential ingredient of the American system and that no person should be denied access to free public education, including higher education.

Equal educational opportunities for all children within our nation and state must be a major concern of the national and state legislatures. We support busing of students between school districts as a legitimate temporary method of promoting equal education opportunities. However, busing must not be substituted for long range measures which will equalize education within school districts, and we demand immediate enforcement of safety standards for school buses. We urge our legislature to increase efforts to solve the problems of rural and urban poverty as a first step toward a truly equalized system of education.

Review and revise all existing international obligations.

We further recommend that the Department of Defense be renamed the "War Department." Adopted.

CONSUMER PROTECTION

We believe that all levels of government must make a stronger and more significant effort to aid the consumer. We particularly denounce the Nixon program as more show than substance, as it in fact protects the corporation at the expense of the citizen.

We commend Maryland Attorney General Burch for his innovative efforts to protect the consumer and urge the General Assembly to promulgate additional necessary legislation. The Consumer Protection Division should be authorized to issue subpoenas, to interrogate witnesses, to inspect premises, and to require the periodical filing of reports.

This legislation should also authorize the District Courts to handle consumer complaints in a simplified and semi-judicial fashion. These courts should be empowered to speedily pass orders allowing relief for those who suffer physical or monetary injury. Fraud procedure should be made less complex, minimum and/or admonitory damages should be levied against the offending vendor, garnishment of wages should be carefully controlled, and class actions should be encouraged against unscrupulous sellers and manufacturers.

We commend Prince Georges and Montgomery counties for their imaginative consumer protection programs and urge the rest of the state to set up similar programs.

We applaud Commissioner Jewell for his imagination in designing a Pay-As-You-Drive automobile insurance plan, but we urge that the General Assembly undertake an exhaustive, but speedy investigation of all plans, with the sole aim of providing the most comprehensive and inexpensive protection for the people. Adopted as amended.

CRIMINAL JUSTICE AND PUBLIC SAFETY

As "crime in the streets" becomes a public concern, the simple solution of more police and more arrests ignores the fact that our penal system is unable to either disperse justice or to rehabilitate.

We endorse the reorganization of our state courts which helps to standardize the quality of justice; we only wish that the quality were higher. We endorse Senate Bill 454, which established the State Public Defender System, but call for a massive upgrading in number and quality of personnel. We recommend more judges and court officials and suggest emphasis on higher quality in parole and probation personnel and correctional officials.

We endorse the recommendations of the

1967 President's Crime Commission, and suggest that Maryland adopt these proposals where applicable.

We deplore the attitudes of those persons who view humane treatment for prisoners as "coddling criminals," for the field of corrections is the one place where the criminal justice system can, as an agency, function to prevent crime.

TAX REFORM

To correct the inequities of a regressive system of taxation, we urge revision of existing tax laws and removal of blatant loopholes. We point specifically to the oil depletion allowance, the Montgomery County farm land assessment loophole, and the tax allowance currently permitted churches and nonprofit organizations for property not directly related to their civic obligations, as loopholes to be closed.

We further feel that the sales tax, property tax and nuisance taxes should be abolished as overburdensome to those who can least afford to pay. Instead, the income tax should be apportioned so that it might be the main source of revenue of every level of government. We find the tax law on unmarried men and women to be unduly discriminating. It should be supplemented by increased luxury taxes and taxes on legalized vices. Adopted.

FOREIGN POLICY

Despite the constant reassurances from President Nixon that "the boys are coming home" from Vietnam, that outrageously immoral and useless war continues day by day. The Young Democrats of Maryland strongly urge every person who opposes this war to demand an immediate withdrawal from Vietnam. 50,000 young Americans have died a needless death in support of a corrupt and dictatorial puppet government led by President Thieu. The blatantly unfair South Vietnamese elections justify a total pull-out from Vietnam now!

We condemn the Nixon Administration for deliberately deceiving the American people about the United States' secret military operations in Laos and Cambodia. The time has come to end all military operations in Indochina.

We applaud President Nixon's attempts to open better diplomatic ties with the Peoples Republic of China. We fully support the seating of Red China in the United Nations alongside the seat of Nationalist China.

We also applaud Senator Birch Bayh's determination to investigate the entire system of American military justice.

America's present role as the world's policemen must end. The next President of the United States must commit his administration to formulating a new foreign policy.

This new foreign policy must:

Admit mistakes openly;

Seek and establish diplomatic ties with every nation in the world;

Immediately seek a moratorium with foreign powers on the development of new nuclear weapons systems;

Cease aid to foreign governments that are in civil war;

Consult with the Senate on any Presidential decision to commit American arms or troops;

ECONOMY

We sharply criticize the Nixon Administration's "Economic Game Plan," that is causing misery, despair, and economic strangulation for millions of American families. We recommend that action be taken in the following areas:

Action on public service employment for both adults and young people.

Put into effect this year the personal income tax reduction scheduled to go into effect next January.

A crash program to provide jobs for unemployed, young people, and Vietnam veterans.

Release of the 12 million dollars appropriated by Congress last year for urban health and education programs and needed jobs, but impounded by the Administration.

We realize the scope and intent of President Nixon's dramatic announcement on the economy. But we, like George Meany, question the timing and political motives of his belated statement. To partially correct his ill-conceived plan, we would advocate the establishment of an anti-inflation wage-price stabilization board composed of respected members of the business and economic community in cooperation with local and regional productivity councils to control the wage-price spiral. We would also urge inclusion of interest rate controls and establishment of an excess profit tax.

We criticize the Administration's "revenue sharing" program for its "no strings attached" approach to the states, and since the financially blighted cities should be the primary recipients of such revenue.

We also believe the Administration has not pushed hard enough with its tax reform legislation now before the 92nd Congress and further consider it to be a weighty document that contains many loopholes with regard to corporate interests.

We condemn the President's veto of the accelerated Public Works Program, designed to combat unemployment and help cities meet pressing local sewer and water needs.

We commend the House of Representatives for passing the Family Assistance Act to set a federally guaranteed annual income and the freezing of state welfare costs at their 1971 level by providing a partial federal takeover of the welfare program. We would hope that the Senate follow their action, and in considering approval of the Family Assistance Act that members of both houses consider what it would be like to live on this amount for just one month.

Finally, we urge the creation of a national domestic development bank. As an economic measure, it could produce hundreds of thousands of new jobs and encourage new public and private investment—and it would relieve the fiscal crises of local governments, while the Revenue Sharing would not. The bank would extend long term, low interest loans, permitting communities, and in some cases, private business to move ahead on a wide range of needed development projects. This new financing would enable communities across the nation to build many needed facilities. And all of these facilities and projects would mean jobs and income with a daring in scope that could only rival the W.P.A. and N.R.A. of the past. Adopted as amended.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

TAX CREDIT FOR TUITION PAID TO ATTEND A PRIVATE NONPROFIT SCHOOL

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing legislation to provide a Federal tax credit to individuals for tuition paid for dependents to attend a private nonprofit elementary or secondary school. My bill would provide a credit for 50 percent of the tuition paid for a dependent up to a maximum of $400 per dependent. Books, fees, supplies, and other miscellaneous items would be excluded from the credit. The credit would be phased out gradually to the extent a taxpayer's income exceeds $25,000.

Mr. Speaker, the costs of both public and private education have grown dramatically in recent years and the dual burden of parents supporting the public schools as taxpayers and the private schools as parents of students paying tuition has become intolerable and inequitable. The difficulty of carrying this dual financial burden has created a crisis in private and parochial education at the elementary and secondary level, which is reflected in the declining number of students in these schools and the increasing number who are being educated in the public schools.

Between 1963 and 1970 the number of private and parochial elementary and secondary school pupils declined from 6.5 million pupils to 5.1 million pupils—a reduction of 1.4 million students. During the same period, public school elementary and secondary enrollments increased from 40.2 million to 45.9 million—an increase of nearly 6 million pupils.

The decline of private and parochial education is imposing heavy financial burdens on the public schools. The Office of Education estimates that the average per pupil expenditures for public elementary and secondary schools in fiscal 1971 were $858. If the number of private and parochial school students had simply remained constant between 1963 and 1970, instead of declining by 1.4 million pupils, the public schools would have spent approximately $1.2 billion less in fiscal 1971. The savings would have been substantially greater if private and parochial schools absorbed their proportionate share of the growth in student enrollments during this period.

The present situation requires corrective action. While the public schools provide the backbone of our educational system, private and parochial schools have traditionally played an important role consistent with the genius of American pluralism. The financial crisis private and parochial schools face threaten these values and impose greater financial strains on the public schools themselves and the general taxpayers. My bill provides needed financial relief in a framework of administrative simplicity. It will strengthen our entire system of elementary and secondary education in the United States, both public and private, and provide direct and indirect tax relief to virtually all taxpayers.

Mr. Speaker, I am appending to my remarks a section-by-section analysis of my bill.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 13020

Section 1(a) adds a new section 42 to the Internal Revenue Code.

Section 42(a) provides a credit against the individual income tax for tuition an individual pays to a private nonprofit elementary or secondary school on behalf of any dependent of the taxpayer. The credit does not include books, supplies, fees, and other items.

Section 42(b) limits the credit for any year on behalf of any dependent to 50 percent of the tuition paid up to a maximum credit of $400. Additionally, the aggregate credit allowable is reduced by one dollar for every $20 by which the adjusted gross income of the taxpayer (or if married, the taxpayer and his spouse) for the taxable year exceeds $25,000.

Section 42(c)(1) defines tuition as any amount paid for attendance at a private nonprofit elementary or secondary school. Meals, lodging, supplies, and similar items are specifically excluded.

Section 42(c)(2) defines private nonprofit elementary or secondary school as an institution regularly offering education at the elementary or secondary level that fulfills the requirements of state compulsory education laws. Additionally, the organization must be one described in sections 501(c)(3) and 503(b)(2) of the Internal Revenue Code.

Organizations described in section 501(c)(3) must be organized and operated exclusively for charitable educational purposes with no part of any net earnings inuring to any private shareholder or individual. Under *Rev. Rul.* 71–447, the Internal Revenue Service has held that such a school must not discriminate as to race on the basis of any of its policies or programs.

Section 503(b)(2) describes an organization that normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

Section 42(c)(3) makes it clear that the credit is inapplicable to education beyond the twelfth grade.

Section 42(d) limits the credit to the amount of taxable income remaining after the application of the other credits allowable against individual income tax (e.g. the foreign tax credit). However, the credit for taxes withheld and certain fuel taxes is applied after the credit for tuition provided by the bill.

Section 42(e) provides the Secretary with regulatory authority.

Section 1(b) corrects section headings.

Section 2 makes the bill effective for taxable years beginning after December 31, 1971.

MORE OF OUR YOUNG PEOPLE WANT TO LEARN TRADES

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. SHRIVER. Mr. Speaker, as many of our recent college students are encountering difficulties in obtaining suitable jobs, more and more of our high school students are wisely turning to career-oriented vocational education. In my opinion, Congress should reflect this change when we design new education programs and vote funds for ongoing programs.

Ken Krehbiel, editor of the McPherson, Kans., Sentinel, recently noted this trend among an increasing number of McPherson youth.

The editorial follows:

MORE OF OUR YOUNG PEOPLE WANT TO LEARN TRADES

McPherson's vocational education training courses continue to expand. A new addition to the McPherson High School building will provide more space for training our young people for skilled jobs of many kinds. Completion of the new space will allow admission of applicants who couldn't enroll because there wasn't enough room for them.

Already 350 of our young people are enrolled and each year the number increases. These are not some of the young people who never seem to go to bed and waste their time into getting into trouble. These are the worth-while young people who want to make something out of their lives. They hope to learn a trade so when they finish high school they can make good on well-paying jobs.

These young people who make good in their vocational training also will make good when they graduate in jobs for which the program trained them.

With present high wages paid for skilled trades, these young people have wisely decided they don't have to have college degrees any longer to assure them secure and well-paid jobs.

LLEWELLYN THOMPSON

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BROTZMAN. Mr. Speaker, I was saddened to learn of the death of one of Colorado's distinguished sons. Llewellyn E. Thompson perhaps did as much as anyone to negotiate the United States through the cold war with the Soviet Union. Twice he served as our Ambassador to Moscow, from 1957 to 1962, and again from 1967 to 1969.

Mr. Thompson lived by his credo of "quiet diplomacy" which he quite correctly felt offers the best chance for finding successful solutions to our long-run international problems. His practice of quiet diplomacy led, among other things, to the treaty which restored Austria to independence, and to the historic visit to Soviet leader Nikita Khrushchev to the United States.

During the German seige of Moscow in 1941 and 1942, it was Llewellyn Thompson who stayed in the Russian capital to watch over the American Embassy and American property in Moscow. His experiences at that time made him one of the most knowledgeable Americans on the Soviet people and their culture. For his work during the seige, he was awarded the Medal of Freedom.

Mr. Thompson was born of rancher parents in Las Animas, Colo., in 1904. But by the end of World War II he had become one of the principle architects of our Soviet policy. He was educated at the University of Colorado, and often returned to Boulder to share with the students his diplomatic experiences.

Mrs. Brotzman joins me in expressing our deepest sympathy to Llewellyn Thompson's widow and family during their great sorrow.

TAIWAN—OUR ALLY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WYMAN. Mr. Speaker, President Nixon's earnest search for a generation at peace probably cannot avoid talks with representatives of whatever government is in power over nearly a billion people. This is the reality of the power structure on the mainland of China.

At the same time it must never be forgotten that the Nationalist Government on Formosa—Taiwan—has been our friend and stanch ally for decades. No negotiations with Peking, no concessions, no agreements must compromise the integrity of our commitment to Taiwan, nor will they.

It should never be forgotten that President Nixon and Ambassador Bush fought relentlessly to keep a two-China policy in the U.N. The vote to expel Taiwan did not result from any fault of the Nixon administration but more from the ridiculously unbalanced voting structure in that body that permits tiny countries with few people and a negligible GNP to have the same vote as the United States of America.

As Allan Brownfeld says so well in a recent article in Roll Call, the magazine of Capitol Hill, "emerging isolationism in America" must never result in swerving us from our allegiance to our allies. Taiwan is such an ally and it merits our continuing support.

The article follows:

THE MORAL DILEMMA OF TAIWAN

(By Allan C. Brownfeld)

America has, for many years, prided itself upon being a reliable ally. It has carefully constructed a system of alliances, in Europe and in Asia, based upon a mutual interest in stopping the forces of aggression from succeeding. In pursuit of this end, we have sponsored the Marshall Plan for the economic recovery of Europe after World War II, we have risked war by the Berlin airlift, we have landed Marines in Lebanon and have fought long and costly wars in Korea and in Vietnam. In all of these cases, the United States has shown itself to be a trustworthy friend. In fact, we have liked to contrast our own willingness to stand by our stated word with the unwillingness to do so of our adversaries. This, we have argued, made America different.

This month President Nixon will visit Peking. He has not consulted our Asian allies about this visit with our mutual antagonist. This lack of mutual consultation, a base which cements all alliances which are meaningful, vibrant and in full force, has already led to a diplomatic effort by the Japanese to cover themselves by inviting negotiations with the Soviet Union. Our other allies in Asia wonder about whether or not President Nixon will come to an agreement with the

Communist Chinese which ignores their interests. No place is the fear of such a potential sellout more pronounced than in Taiwan. This, of course, is natural, for it is the people of the Republic of China, who are on the line, much as the West Germans are on the line in Europe.

What Peking apparently seeks from the Nixon visit is an assurance that the United States regards Peking-Taipei differences on status as an internal matter, something which Henry Kissinger seems to have already granted if his statement of recent months is, in fact, American policy. Peking would also like the U.S. to reduce, if not cancel altogether, its troop strength on Taiwan. Peking says that it regards that military presence as evidence of "U.S. imperialism" and of U.S. endorsement of a two-China policy.

What seems particularly disturbing to our allies on Taiwan is that, as the "Christian Science Monitor" pointed out in its issue of January 26, ". . . mainland China officials already have assurances on both counts of U.S. intentions." It is clear that President Nixon is going to Peking not out of strength, but out of weakness. Over the last 2½ years some 500,000 U.S. troops have been brought home from Korea, Japan, Thailand, the Philippines and other Asian countries and, since a sizable number of U.S. forces on Taiwan are there in support of the Vietnam effort, it is considered reasonable to assume that numbers will taper off as the war continues to wind down.

There are, of course, even more factors. In November, 1969 the Seventh Fleet terminated its two destroyer patrol off the coast of China and in July, 1971 the U.S. stated that it would not transfer nuclear weapons now on Okinawa to Taiwan and also ended air reconnaissance missions over the mainland leaving from Taiwan. When President Nixon was asked January 2 by C.B.S. correspondent Dan Rather whether the U.S. was beginning to withdraw its troops from Taiwan, his answer was, "Not at the present point," which students of China affairs took to mean that it was a possibility later on.

This writer has just returned from a visit to Taiwan, as well as other points in the Far East. The capital city, Taipei, is a bustling and prosperous commercial and industrial center. Taiwan's economy produces as much foreign trade and foreign exchange, approximately $4 billion, as does the entire Chinese Communist mainland. The city is filled with schools, colleges and universities. It has several English language newspapers, as well as a host of Chinese papers. By any standard, it is a lively, vibrant city. It is a city in which publications of every kind from throughout the world may be found. It is a stark contrast to the closed society of the Mainland.

More important, perhaps, is the fact that in Taiwan the ancient Chinese culture, literature, and religious tradition continues to live and to thrive, while on the Mainland that tradition has been ruthlessly destroyed. The Cultural Revolution was a massive and deliberate attempt against the very core of Chinese culture, comparable to the Soviets' continuous warfare against Russian Christianity and the freedom of Russian literature, and it went even further in its attempt to destroy the authority of parents and teachers.

Professor Gerhart Niemeyer notes that "By contrast, Chiang Kai-Shek has governed in a spirit of respect and reverence for the traditional order of China. While running a tightly authoritarian establishment, he has not dedicated his power to the subversion of China's substance. In morals, habits and customs, rituals and beliefs, he has acted as a steward of a great heritage, while providing his people with the benefits of a rapidly expanding economy . . . Chiang Kai-Shek's government . . . has maintained its link with the legitimizing principles of the Confucian tradition, the renovating movement of Sun Yat-sen, and the traditional pattern of Chinese habits and customs."

Official reaction to President Nixon's trip was very restrained in Taiwan. H. E. Tsai Wei-Ping, Vice Minister of Foreign Affairs, stated that "The United States is a country honoring treaty commitments. It has given up no allies this way. No President would recognize Red China and de-recognize Taiwan in one stroke." Speaking as if to convince himself of the truth of his words, the minister stated that "Taiwan is important to the defense of many countries in the Pacific area. Red Chinese aid to Laos, North Vietnam, and Cambodia is large. If you think that you can reform the Communists you are bound to fail."

Outside of the government, however, more concern and some bitterness is felt. Professor Chen Tzu-sheih stated that "Nixon is a pragmatist. He is also a tricky, power hungry politician. He will use 'peace' to promote his reputation. Communism today has changed from the Communism of the past. By this I mean that there are certain blocks and countries advocating a certain type of Communism. This means that discussion with one Communist country in order to promote peace might be looked upon as dangerous by another Communist regime. Therefore, peace, the slogan of the Nixon visit, cannot emerge as the result of talks with Peiping."

Our commitment to Taiwan goes back to 1949, when the Communists seized the mainland and the Nationalists moved to the island. If our commitment to these old and faithful allies is not honored, who in the world will believe that any American commitment is any longer worth the paper upon which it is written. If Taiwan is ever permitted to fall, all American alliances will fall with it.

A danger we face, and one of which our allies both in Asia and Europe are very much aware, is that of an emerging isolationism in America. Such a feeling of withdrawal has followed every war, and it is only natural that it would follow Vietnam. What everyone finds unexpected is that the Nixon Administration would follow this erroneous approach, rather than leading the American people against it.

Hopefully, as President Nixon approaches his trip to Peking he will understand that peace can never come as a result of ignoring legal and moral obligations. The people of Taiwan are depending upon America's honor. If we abandon these allies we will be fulfilling the prediction of the radicals on the New Left that America is, after all, "like everybody else," willing to do anything for what it conceives of being its narrow self-interest. Such an abandonment would be either in keeping with our moral role in the world, nor with our self-interest. The people of Taiwan will be disappointed only if America turns its back not only upon them, but upon its own national honor as well.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 2,800 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 133,700 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

LITHUANIA'S SEVEN-CENTURY QUEST FOR FREEDOM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. EILBERG. Mr. Speaker, Americans of Lithuanian origin or descent and their friends in all parts of our great Nation are commemorating two very important anniversaries this month. First, the 721st anniversary of the formation of the Lithuanian state in 1251 and, second, the 54th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

For the edification of my colleagues and all citizens, I wish to place in the CONGRESSIONAL RECORD an essay prepared by the Lithuanian American Community of the United States of America, Inc. Following the essay appears House Concurrent Resolution 416 that was unanimously passed by the House and Senate—89th Congress. This legislation calls for freedom for Lithuania and the other two Baltic States, Estonia and Latvia.

I urge the administration to implement the aforesaid legislation by bringing the Baltic States question up in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia.

The essay follows:

LITHUANIA'S SEVEN-CENTURY QUEST FOR FREEDOM

(The Land of Simas Kudirka)

"I have nothing to add to what I have already said, only one wish, more specifically, a request to the supreme court and the government of the Soviet Union: I ask that you grant my homeland, Lithuania, independence."

FROM APPEAL OF SIMAS KUDIRKA DURING HIS TRIAL

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for more than 30 years.

700-YEAR-OLD STATE

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great unified Lithuanian principalities into one kingdom in 1251.

The Baltic peoples have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, Latvians and Estonians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

MOST BRUTAL OCCUPATION OF ALL TIME

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food and water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

SUCCESSFUL REVOLT AGAINST SOVIETS

The year of 1971 marked the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

RESTORATION OF INDEPENDENCE TO LITHUANIA

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore freedom and independence to these countries. The Select Committee of the House of Representatives to investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

RIGHT STEP IN THE RIGHT DIRECTION

The United States Congress has made a right step in the right direction by unanimously adopting H. Con. Res. 416 (89th Congress) that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States in the United Nations and requesting the Soviets withdraw from Lithuania, Latvia and Estonia. The time has come for the whole world to demand that the principle of self-determination be respected and that the nations of Lithuania, Latvia and Estonia, too, shall be free from domination and be permitted to choose their own form of government. We should have a single standard for freedom. Its denial in the whole or in part, in any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the Houes of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH ROBERTS, *Clerk.*

GOODWILL INDUSTRIES OF MONOCACY VALLEY, INC.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BYRON. Mr. Speaker, recently I had the pleasure of visiting Goodwill Industries of Monocacy Valley, Inc. to hear about the functions of this unselfish and dedicated organization which contributes to the betterment of Frederick County. An article printed in the Frederick News-Post summarizes the history and goals of this fine organization and I would now like to take a few minutes to share it with you:

LEGISLATORS VISIT GOODWILL, HEAR OF PLANS FOR THE FUTURE

Congressman Goodloe Byron, State Senator Charles Smelser and Delegates Julian Delphey, Wallace Hutton, and Clifton Virts recently visited Goodwill Industries of Monocacy Valley, Inc., to see what Goodwill in Frederick is doing and to hear what the plans for Goodwill are. Carl Weakley, president of the Board of Directors, informed the visitors about Frederick Goodwill's history.

Goodwill Industries of Monocacy Valley, Inc. became an autonomous unit separating from Baltimore Goodwill on Aug. 1, 1970. In separating, Goodwill became a member of Frederick's United Givers Fund.

During this time a great move took place. Goodwill had purchased the old Ox Fibre Brush Company complex on East Church Street, and Goodwill operations moved to this plant from Bentz Street. The textile store still remains at 10 South Bentz Street. At that time there were 15 employes.

Goodwill with all the 165,000 square feet of building on 5.52 acres of land has great potential for growth. R. J. DiDomenico, executive director of Goodwill, indicated that in one year of autonomony, Goodwill now employs 31 persons, double the amount of employes in August, 1970. Goodwill has. also, this year expanded its programs from being only a sheltered workshop to being, also a Training and Evaluation Center.

These programs are certified by the U.S. Department of Labor. The new training programs which will soon be offered to the handicapped population are: pre-vocational and diagnostic evaluation, work adjustment training, clerical, sales, truck helper, upholstery, furniture repairing, furniture refinishing, electrical appliance repair, pressing and dry cleaning.

In October of 1971, Goodwill requested a technical assistance consultation survey of the community to ascertain the needs of the community for the handicapped population. This would aid Goodwill to prepare and develop programs to best serve and meet the needs of the handicapped.

The survey was conducted Nov. 22–24 by Dr. Daniel D. Mauchline of Bowie and Raymond D. Newman Jr. of the Mental Retardation Training Institute, Murdoch Center in Butner, N.C. Goodwill Industries of Monocacy Valley, Inc. serves Frederick, Carroll, and Upper Montgomery Counties.

The Consultation Report indicated that Goodwill, with its great potential for expansion should be utilized by the Department of Vocational Rehabilitation and other agencies as Mental Health, Community Action, Social Services and the Department of Education.

Newman states in his summary that "there are good programs for rehabilitation of handicapped persons in Frederick." As part of his recommendation, he states: "I recommend that Goodwill Industries of Monocacy Valley, Inc. be certified by the Maryland Division of Vocational Rehabilitation to provide Work Adjustment Training, Skill Training and Employment for Handicapped Persons."

As part of the survey, Dr. Mauchline visited Frederick County Chamber of Commerce, Maryland Department of Employment Security, Frederick County Department of Social Services, United Givers Fund, Harmony Grove School, Department of Education, Frederick Department of Vocational Rehabilitation Office, and the Jeanne Bussard Sheltered Workshop.

Dr. Mauchline in his recommendation states "there is not much opportunity for handicapped individuals beyond public school age to obtain vocational training in specific skills in the Frederick area, however, and this appears to be a void which Goodwill could help fill . . . Goodwill could also offer personal and/or work adjustment training without necessarily duplicating service . . . In addition to referrals from the local DVR office . . . work up a program to provide an introduction to work outside an institution, in a realistic industrial environment to selected clients of the rehabilitation unit at Springfield State Hospital."

Since the results of this Consultation Report, the Department of Vocational Rehabilitation has signed a cooperative agreement with Goodwill Industries of Monocacy Valley, Inc. accepting only four areas of skill training. 1) furniture repair and upholstery; 2) appliance repair—small and heavy 3) dry cleaning—pressing and laundry and 4) garment repair and sewing.

The other skilled programs and the Work Adjustment Training Program as both surveyors recommended to be accepted were not chosen by DVR for training. "All of the programs are being offered in the community agencies, and we are looking for ways to see how we can further be of use to the community. With support from the public, the state and Federal Government, and the local agencies, we will be able to develop this Goodwill into a center that Frederick can be proud of. I am pleased that our distinguished guests have taken their valuable time to visit with us and show their interest in our planning and development. We are also so fortunate to have the Board of Directors who are enthusiastic and interested in the development of the community," DiDomenico said.

Through purchasing and donations, Goodwill will soon be able to repair and process the textiles donated, offering a better service and quality of clothes in its stores, and more training and job slots in the workshop.

Goodwill's Bargain store at the plant is now being changed to include quality merchandise and furniture expertly worked on by Austin Steinhaus, the furniture manager. For the year 1971, the Goodwill trucks traveled 45,334 miles collecting 1,960,940 pounds of textiles, furniture, mechanical, and appliances. Goodwill is busy in the community—busy growing for the handicapped. It will continue to grow with the continued support from the public.

DiDomenico further states: "There are many ways that the public can help Goodwill expand to provide rehabilitation services and employment to the disabled:

(1) send useful material regularly to Goodwill. A very large supply is necessary.

(2) Visit Goodwill. Get first hand information on a tour.

(3) Name Goodwill Industries in your will. Money invested in Goodwill becomes a kind of earthly immortality as it continues to help year after year.

(4) Buy in Goodwill's stores . . . bargains galore.

(5) Donate equipment needed by Goodwill to train the handicapped and/or to be used for a better operations—offering, also, another job slot for an employe.

(6) Donate money to Goodwill—you may specify a particular use for the money as for: salaries, building expansion, tools, etc.

(7) Volunteer your time as a member of our Women's Auxiliary. We are looking for both men and women with skills to help us; for instance, men retired who are knowledgeable in electrical, pipe fitting, carpentry, etc. are so valuable to us because there is so much work at the plant to be done.

Besides the work that has to be accomplished in the workshop, we need volunteers to paint areas we are using for a plant store, our planned Steinhaus Room for our better quality furniture, etc. If anyone has "time" contact us at Goodwill, and we'll put it to good use. You can even help and work side by side with the employes.

FREE ELECTIONS IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. EDWARDS of California. Mr. Speaker, the issue of free elections in Greece is still being ignored if not trampled on by the ruling colonels. Two comments on this situation appeared recently on the editorial page of the New York Post.

The articles follow:

GREEK HISTORY LESSON

Additional official insights on the prospects for free elections in Greece have been furnished by the Athens regime. It appears that the objective is a form of nonpartisan government—so all opposition parties and their leaders have been proscribed.

In that context, there is no special hurry about consulting public opinion, and the government's principal press representative seems at ease. According to him, England needed 200 years to establish democratic rule and Greece may require five, or six, or some other unspecified number to do the same.

The fact, of course, is that the original forms of democratic nationhood are associated with earlier governments in Greece, of around the Fifth Century B.C., but a proud national history has never inhibited the despots who seized power nearly five years ago and who have been degrading democracy and its institutions ever since.

Now, in characteristic fashion, surviving leaders of the political opposition have been notified that they are no longer "political personalities" because of their objections to the suspension of elementary constitutional rights. The fact that the present government of the United States maintains increasingly more cordial relations with the Greek oppressors is a matter that invites discussion by campaigning political personalities this year.

PAPA KNOWS BEST?

ATHENS.—Deputy Premier Styllanos Patakos said tonight that after nearly five years of rule by the military-backed government of Premier George Papadopoulos, the Greek people were still tired of elections and wanted a rest. "Foreigners are so much more anxious about this sort of thing than the Greek people are," the retired major general, a key figure in the junta, said.

Wonder what would happen if the Greek colonels dared to put that proposition to a free vote?

NUTRITION PROGRAMS FOR THE ELDERLY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. TIERNAN. Mr. Speaker, as a cosponsor of the legislation passed by the House yesterday providing for nutrition programs for the elderly, I was extremely pleased by the overwhelming support it received. I am hopeful now that the Senate will accept the minor changes the House made in the Senate bill so that the President can sign it into law at the earliest possible date.

Under the 2-year program provided for in this legislation, the Federal Government would finance up to 90 percent of the cost of State-sponsored feeding projects for individuals 60 years old or older. This is an important step in fulfilling the obligation we accepted when the Government acknowledged that every citizen has a right to adequate health and nutrition.

Presently there are only a scattering of nutrition programs for the elderly across the country, and these are conducted by private groups. One survey of meal programs for the homebound elderly discovered that only 10–12,000 persons were being served by some 349 programs. Rhode Island has a very successful program called Meals on Wheels which serves approximately 185 meals a day, 5 days a week, to elderly shut-ins who are 65 or over.

The bill we passed yesterday provides public support while leaving the running of nutrition projects to public or private nonprofit institutions, organizations, agencies, or political subdivisions of the individual States. The funds, allotted to the States on the basis of each State's proportionate share of the Nation's population aged 60 and older, are to be dispersed by the States by grant or contract.

My own State of Rhode Island has approximately 147,164 persons aged 60 or over. During the first year of the program our State will receive $500,000 in Federal funds, and during the second year, fiscal year 1974, we will receive $750,000. This, I hope, will mean that not one elderly person in Rhode Island or anywhere in the country will lack adequate nutrition.

LEAD POISONING

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. EILBERG. Mr. Speaker, the problem of lead poisoning is one of the most tragic problems facing the cities of our Nation.

It thrives in the oldest and poorest neighborhoods and its victims are almost always children who become permanently disabled or retarded before their parents realize they are even in danger.

In order to prevent these cases of mental retardation, brain damage, or possibly death, the city of Philadelphia has begun an intensive two-pronged attack on lead poisoning.

One part of the drive includes the taking of blood samples from every child in the danger areas. The second is the inspection of all buildings where paint with lead in it might have been used.

Because this problem is a nationwide concern, I enter into the RECORD a description of Philadelphia's drive to eliminate it:

The City's first intensive mass screening of children for lead poisoning will get underway Monday (Jan. 31) when Department of Public Health workers go door-to-door taking blood samples from youngsters living in the Model Cities area, Acting Health Commissioner Dr. Lewis D. Polk announced today.

Over 20,000 children between the ages of one and six will eventually be reached by a team of 13 community health workers and two team leaders under the direction of the Model Cities Childhood Lead Poisoning Control Project, Dr. Polk said. "The health workers have been intensively trained in doing the simple procedure of taking a drop of blood from a child's finger and in transmitting the samples for laboratory testing," he said. He also noted that several of the workers are bi-lingual in Spanish and English.

The first testing area, which has reported a high incidence of lead poisoning, is the neighborhood bounded by Germantown ave. and 4th st., from Lehigh ave. to Dauphin. Dr. Polk estimated that it would take about two months to test the approximately 2100 children under six who live in the area.

The blood samples will be tested for high lead levels by the City's Public Health Laboratory at 500 S. Broad St. If there are any indications of lead poisoning, the child will be referred to the nearest District Health Center or to a cooperating clinic or local hospital for further testing and treatment.

The screening program includes an education drive to acquaint parents with the dangers of lead poisoning, which can cause serious illness, mental retardation, permanent brain damage, and, in some cases, even death. Children get lead poisoning by eating or chewing paint chips or painted surfaces with lead-contaminated paint.

The drive to fight lead poisoning of children is being carried out by the Health Department through a contract with Model Cities, which had been granted $600,000 from the Federal government for the program, in addition to a city-wide program supported by $200,000 of City funds.

In addition to the blood-testing part of the drive, a routine door-to-door survey for lead paint in all homes, day care centers, hospitals, schools, and churches in the Model Cities area has been going on since October of last year. In the past three-and-a-half months, staff of the Health Department's Accident Control Section has inspected 686 places in this phase of the program, using a portable lead analyzer which permits rapid, non-destructive screening of paint on the premises.

CONSTITUENT ATTITUDES ON ISSUES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, within the week I intend to send to my constituents of the 10th Congressional District of Virginia a questionnaire on the issues confronting the Congress. Not only will this questionnaire determine how the majority of the constituents of my district feel on the various issues, it will also show how each of five separate age brackets, by sex, view these issues and whether or not they are being solved. This questionnaire will assist me greatly to maintain a clear and up-to-date grasp of the views of each segment of the society I represent. It should also be of value to all other Members of the Congress.

The full content of the questionnaire follows:

	Male			Female		
	Yes	No	Undecided	Yes	No	Undecided
1. Do you favor forced busing of school children across city and country boundaries to achieve a racial balance?	☐	☐	☐	☐	☐	☐
2. Do you favor the President's plan for troop withdrawal from Vietnam?	☐	☐	☐	☐	☐	☐
3. Do you favor amnesty for draft evaders?	☐	☐	☐	☐	☐	☐
4. Do you support the administration's wage-price control program?	☐	☐	☐	☐	☐	☐
5. Do you support the administration's goal of an all-volunteer army?	☐	☐	☐	☐	☐	☐
6. Would you vote for Richard Nixon for a second term as President?	☐	☐	☐	☐	☐	☐
7. Do you favor completion of Interstate Highway 66 from the Beltway (I-495) to Washington, D.C. to help solve Northern Virginia's transportation problem?	☐	☐	☐	☐	☐	☐
8. Do you favor the construction of low and moderate-cost, tax-supported housing in each Northern Virginia community (fair-share plan) to reduce the number of such housing units in the District of Columbia?	☐	☐	☐	☐	☐	☐
9. Should the United States continue to extend economics and military assistance to other nations?	☐	☐	☐	☐	☐	☐
10. Do you favor combining annual and sick leave with full carryover provision? (To be answered by Federal employees only)	☐	☐	☐	☐	☐	☐
11. What is your age bracket (a) 18-20, (b) 21-26, (c) 27-35, (d) 36-55, (e) over 55?	a ☐ d ☐	b ☐ e ☐	c ☐	a ☐ d ☐	b ☐ e ☐	c ☐

THE CASE FOR FLOATING GOLD PARITIES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WALDIE. Mr. Speaker, the United States has just completed an attempt to adjust to the adverse economic conditions created by our foreign commitments, by an unfavorable balance of trade and by years of neglect on the part of several administrations.

Although the economic crisis cannot be fully remedied by tinkering with monetary values, a more flexible system of setting exchange rates could avert the aggravation of already critical economic situations.

The following article, by Douglas Beasley, a retired banker and an old friend makes the case for letting exchange rates adjust according to the laws of supply and demand.

The article follows:

THE CASE FOR FLOATING GOLD PARITIES

(By Douglas Beasley)

Henry N. Goldstein's article: "The Case for Floating Parities" in the Wall Street Journal of December 28 is excellent. It points up the weaknesses of Pegged exchange rates.

For many years the world's currencies had been pegged to the U.S. Dollar and thus indirectly to gold at $20.67 an ounce. In January 1934 President Roosevelt devalued the dollar so it would buy only 1/35 of an ounce of gold, and on August 15, 1971 President Nixon further devalued the dollar by pegging the rate at 1/38 of an ounce of gold.

Pegged rates do not bring stability. On the contrary, and due to the fact that only small changes in the values of the nations' currencies are sanctioned, periodic crises will again develop as the realities of large unfavorable balances of international trade create unbearable burdens to the nations concerned. Drastic emergency actions will once again be necessary. Even as I write this the dollar again shows weakness against foreign currencies and gold.

Prior to World War I sterling was the world currency and when that fell from its pedestal the dollar took its place and has already been subjected to two devaluations. There is also an inherent weakness in S.D.R.s for they are but paper promises and are subjected to the pressures and politics of the governments and their politicians who necessarily dictate and control the issuance of paper gold. The I.M.F. can become as ineffective in controlling currency wars as the U.N. is in controlling political wars or G.A.T.T. is in controlling trade or tariff wars.

Gold has, through the centuries, been recognized by primitive people, governments and citizens as a storehouse of value and a medium of exchange and has never been devalued. It has, however, through the ages exerted its inexorable yet gentle pressure on profligate governments to mend their ways. Gold's weakness in the past was not an intricate fault but was artificially caused by the pegging of its price by governments who thus violated the Law of Supply and Demand.

It would be far better to fix world currency rates by relating them to the floating price of gold in world markets and thus, being redeemable in gold, the market itself will have the necessary discipline to control and insist on sound fiscal and monetary policies being maintained by all nations large or small. A profligate nation would find the value of its currency declining it it were not able to redeem, in gold, the excessive holdings of its currency by other nations. Conservative nations, having favorable international payments accounts would be able, if they wished, to redeem their surplus currency held by foreigners.

The freeing of gold should be in stages in order to bring about a phased revaluation of its price in world currencies. A date would be set when all central banks would agree to redeem in gold, over a fixed schedule, all or any of their surplus currency held by other nations. Later stages would allow citizens to freely buy and sell gold.

The apparent blindness of the people and their governments to the hazards of pegged currency values is similar to an individual's refusal to heed the symptoms of an incipient disease until he is laid low. The seriousness of this subject and its many ramifications is expertly brought out by Karl G. Haar Jr. in his recent speech quoted in the Wall Street Journal of January 13, 1972.

THE ALTERNATIVES OF VIETNAM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WYMAN. Mr. Speaker, Hanoi has rejected President Nixon's more than generous peace efforts. It demands that we agree to a Communist government in South Vietnam.

America cannot do this and retain a vestige of honor or international respect.

Those voices in the political arena who would fault President Nixon or Secretary of State Rogers for refusal to sell South Vietnam down the river ought to be ashamed of themselves. Perhaps the fact they apparently are not tells more about them as men than words.

In a recent article in Newsweek magazine the distinguished columnist Stewart Alsop puts the question well, saying:

> Perhaps South Vietnam will fall to the Communist anyway, because the South Vietnamese lack the will to defend themselves. But for this country to deny them the means, thus forcing a Communist regime on them, would be an act of crass betrayal, the crowning tragedy of a tragic war, and a long farewell to all our greatness.

President Nixon is winding down and out American involvement in a war he is not responsible for, he did not start, and in accord with his commitment to our people in 1968. In the process he is determined to maintain American honor—a fact for which all Americans can and should be proud.

The article follows:

VIETNAM: THE REAL ISSUE

(By Stewart Alsop)

WASHINGTON.—It is now entirely clear that Vietnam will be a major issue in this Presidential election year, despite the fact that all Americans are tired unto death of the very name of the place.

The real, underlying shape of the issue is emerging, moreover, from under a cloud bank of rhetoric and political semantics. Sen. Edmund Muskie's speech on Feb. 2, unveiling his "peace plan" for Vietnam, and the Administration's fierce response to the speech, make it certain that the basic issue will be fought out, eyeball to eyeball, between the President and the Democratic front runner.

The underlying issue is this: given the fact that the Russians and the Chinese are providing the North Vietnamese with plentiful logistic and economic support, should the United States force the South Vietnamese into a settlement acceptable to Hanoi, using the threat to cut off American logistic and economic support as the chief instrument to that end?

Senator Muskie's reply to that question is, in effect, "yes"—although he would doubtless word the question differently. His position, as summarized by The New York Times, is that this country must "make it clear to South Vietnam's government that it must seek a political accommodation with the Communists or lose even indirect United States military support after American forces withdraw."

PRESSURE ON SAIGON

Senator Muskie, reached by telephone by this reporter, was asked whether this formula did not mean that we should put pressure on Saigon to accept a Communist-front government. The suggestion seemed to irritate him. He simply wished to indicate to Saigon, he said, that the American public would not go on paying for "an indefinite supply line for an indefinite war." He did not want to "impose a political settlement or draw a blueprint . . . of course, if they want to go on fighting, they can do so with their own resources."

But wasn't it obvious that the South Vietnamese could not defend South Vietnam "with their own resources"? Those tanks and long-range guns the North Vietnamese were using weren't made in North Vietnam, after all.

Again, Muskie seemed annoyed. "Look, all I say is that Saigon has to be made aware of the political reality of American public opinion today. You should hear the applause, from any audience, conservative or liberal, when I say just one line: 'We must get out of the war'."

Ed Muskie's one line is certainly popular, and President Nixon, who is not a fool, is aware that this is so. He is also aware that any reasonably honorable settlement of the war would make his own re-election almost inevitable. Moreover, the difference between what he has already offered the North Vietnamese and what Senator Muskie would offer them is—except in the one vital respect—largely semantic.

SURPRISE

This reporter read to Senator Muskie Henry Kissinger's description of the offer made to the Communist side last spring: "On May 31, we proposed . . . to set a deadline for the withdrawal of American forces in return for a cease-fire and the exchange of prisoners." The senator had apparently never heard of the May offer, and he was clearly surprised. "Then what are they knocking me for?" he asked. "That's just about what I proposed."

The senator is being knocked for the one difference between his position and the President's which is decidedly *not* semantic—the issue of continued logistic support for the South Vietnamese. It was because of this issue that the North Vietnamese flatly rejected the May 31 offer. The offer, they said, lacked "political elements." The chief "political element" asked by the Communist side was defined by Henry Kissinger:

"They [the Communists] have asked us to withdraw all equipment, all future military aid, all future economic aid, and the practical consequence of that proposal, while they are receiving close to $1 billion worth of foreign aid, would be the indirect overthrow of the government of South Vietnam, something about which there can be no question."

No question, at least, in Mr. Nixon's mind. The President instructed Kissinger to refuse even to discuss this "indirect overthrow," and it was on this issue that the talks finally broke down. There was a time, between Oct. 25 and Nov. 17, when the President, Kissinger, and the handful of officials who knew about the secret talks had high hopes that they would succeed.

At a secret meeting on Sept. 13, the Communist side, instead of insisting on the formula for "indirect overthrow" of the South Vietnamese Government, promised to be "forthcoming" if the United States was "generous" on two points. They wanted assurances that the American withdrawal would be "total," with no residual force; and that the Saigon government would not be in office in case of an agreed election. An American message in early October met both points—there would be no residual force, and Thieu would resign before an election. On Oct. 25 a courteous message from the Communist side proposed a meeting on Nov. 20. Then on Nov. 17, came the brush-off: "special adviser Le Duc Tho is suddenly taken ill."

What happened between Oct. 25 and Tho's diplomatic illness? The answer seems obvious. On Oct 28, the Senate very nearly passed the Cooper-Church amendment, which would surely have caused the "indirect overthrow" of the South Vietnamese Government. On Oct. 29, in the most irresponsible vote in modern times, the Senate voted to cut off *all* foreign aid.

HANDING IT TO HANOI

No one can prove it, of course, but it is an article of faith in the White House that these votes queered the negotiations. If the Senate was ready to hand to Hanoi what Nixon and Kissinger had refused to discuss, why negotiate further? Why not, instead, mount an offensive to make the pressure on Nixon intolerable, as the first Tet offensive had made the pressure on Lyndon Johnson intolerable?

Another offensive is now in prospect, and it may strengthen Senator Muskie's hand. The senator is an honorable man, and he may well be right, moreover, about "the political reality of American public opinion today." And yet, are we Americans *really* ready to force a "political accommodation with the Communists"—for which read a Communist-front government—on a small ally, by threatening to cut off that ally's means of defending itself?

Perhaps we are. Perhaps South Vietnam will fall to the Communists anyway, because the South Vietnamese lack the will to defend themselves. But for this country to deny them the means, thus forcing a Communist regime on them, would be an act of crass betrayal, the crowning tragedy of a tragic war, and a long farewell to all our greatness.

YOUTH FOR UNDERSTANDING HONORED ON 20TH ANNIVERSARY

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. STEIGER of Arizona. Mr. Speaker, it is a privilege to join with my colleagues in honoring the outstanding work of Youth for Understanding, in promoting international understanding and friendship on a person-to-person level. Youth for Understanding is the largest of the teenage exchange programs in the United States. This year over 2,500 youths from American high schools will go abroad as part of this program.

Five years ago Arizona students joined in the program and since that time students from more than 20 countries have resided briefly in Arizona. It has been an extremely worthwhile experience for everyone concerned. Youth for Understanding fully deserves the support and commendation it has received from Congress on its 20th anniversary.

NEEDED: MORE EMPHASIS ON AMERICAN SEAPOWER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BOB WILSON. Mr. Speaker, as one who has long been interested in the question of American seapower and the urgent necessity to strengthen our naval posture and preparedness, I found the following article by Ruthven E. Libby, a distinguished vice admiral, particularly timely in view of the current wrangle over the level of spending for the Defense Establishment in general and more specifically the Navy. I hope my House colleagues will give careful and close attention to Admiral Libby's observations.

The article follows:

NEEDED: MORE EMPHASIS ON AMERICAN SEAPOWER

(By Ruthven E. Libby)

Ironical as it may be, it is probable that nothing has so imperiled the security of the United States as did the National Security Act of 1947.

An excellent case for this statement has been made by Rear Adm. George H. Miller in the December issue of "Sea Power," the official publication of the Navy League of the United States. His article, entitled "Needed: A New Strategy for Preservation of the Republic," is highly recommended reading for every American citizen, from President Nixon on down, who is concerned about the deterioration of our capability to defend America against surprise attack, to protect our interests worldwide or to continue as the leader of the free world.

Our obvious abdication of this leadership, and of adequate military posture to permit us to function as a first-class power, has been marked by the growing number of our erstwhile allies (the latest being Britain) who have concluded that they cannot, with confidence, continue to tie their future to ours.

When the act became law in 1947, this writer regarded it as a national disaster, and nothing has happened since to change this opinion. The first manifestation of the new order occurred under the regime of Defense Secretary Louis Johnson when America bought, lock, stock and barrel, the concept that all we would ever need to keep the peace were the atom bomb and B-36s.

Only the Communist invasion of South Korea, which shattered this delusion, blunted what appeared to be a strong drive to abolish the Marine Corps and to reduce the Navy to the status of a service force to haul freight for the Army and Air Force.

The overemphasis on land-based military strategy, which has plagued as to this day and has included General of the Army Omar Bradley's declaration only a few months before Inchon that "there will never be another amphibious landing," began after the act was passed.

Over the years the power concentrated in the hands of the Secretary of Defense has grown steadily, along with the size of his office. His staff now numbers in the tens of thousands.

What happened to our defense posture under Secretary Robert S. McNamara is a matter of record. From a position of commanding superiority in all arms, strategic and conventional, offensive and defensive, land, naval, and air, we retrogressed rapidly through "parity" to the dangerous inferiority in which we stand now—and this deterioration continues under the present administration.

Adm. Miller points out that the Constitution itself differentiates between the status and function of the Army—regarded as primarily a wartime necessity—and that of the Navy as a continuing force to further our sea commerce and hence to further the national interest.

Before the passage of the act, the secretary of war and the secretary of the Navy were Cabinet officers. In both houses of Congress there were Military Affairs Committees and Naval Affairs Committees. Now only the secretary of defense has Cabinet status, and in the Congress Armed Services Committees have replaced the Military Affairs and Naval Affairs Committees.

The result, Adm. Miller points out, has been that "opportunities for the public, as well as responsible executive and legislative officials to hear debate on fundamental national security issues and options (have been) diminished, as competing strategic, weapons programs and options are often debated, selected and discarded in subordinate staff echelons."

Under the former system, "the president himself was accessible to the leaders of both the land and naval forces. The president and his closest associates had access to the recommendations of each, their different views of strategy, their capabilities, their options, and their supporting "rationale." All that Congress and the administration officials now have access to is something called the "Department of Defense position" produced by what Miller characterizes as "one-party national security machinery" and which after better than 23 years has shown a weakness that may well prove fatal.

The Soviets were quick to recognize the land-oriented, continental-based strategy adopted by the United States and the North Atlantic Treaty Organization (NATO). By taking to the sea and to long-range missilery they have effectively countered it by bypassing it. Against the war-making potential developed by Russia in the last 15 years, the land-based weaponry of the United States and of NATO can easily be the Maginot Line of World War III.

Adm. Miller says: "The reality of today is that every major land complex in the world is within a few minutes of destruction by long-range pretargeted nuclear missiles." This of course includes our Minuteman silos.

As a result, "the magnitude of the destruction potential of the nuclear weapons now aimed at the United States is unprecedented in the history of the world."

This results directly from the "first-strike" concept. For a surprise attack to succeed in the nuclear age, the Soviets must be convinced beyond a reasonable doubt that they can destroy enough of our weapons so that the damage the residue could do to Russia would be "acceptable." Inherent in this concept is the requirement that for the surprise "first strike" to succeeed, detailed targeting plans must be prepared in advance.

Since we have said repeatedly that we never will strike first, and Russia knows that we will not, all our land-based intercontinental ballistic missiles do, really, is invite a massive nuclear attack on the United States.

On the other hand, pretargeting of ships at sea is impossible. Adm. Miller notes that, "It is virtually impossible to plan in advance and execute a successful, massive, surprise attack against continuously moving forces; like ships under way at sea."

One does not have to be a student of military affairs to appreciate that "the key to weapon survivability in the nuclear-missile age is primarily mobility. Continuous, long-term mobility can be achieved on a large scale only at sea."

Only by sea-basing the great majority of our retaliatory nuclear force can we insure its survival, or its credibility as a deterrent, or the survival of the United States. There is not a moment to lose in bringing this about.

PRESIDENT RECOMMENDS U.S. TAXPAYERS FINANCE U.N. FUND FOR THE ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. RARICK. Mr. Speaker, following the shameful admission of Red China into the United Nations Organization and the expulsion of Nationalist China from the same organization, strident voices were raised calling for the U.S. withdrawal from and/or for a substantial reduction in the amount of the U.S. contribution to the world body. Even the President added his criticism to that irate manifestation of protest of the disgusting display following in the wake of the admittance of Red China to the United Nations, and he gave indications that his administration would support a reduction in the U.S. contribution to the world organization. Yet, in his administration's budget for fiscal year 1973, he requested increases in our financial support of the U.N.—See my remarks CONGRESSIONAL RECORD 1206–8 of January 25, 1972.

In his environmental message to the Congress of February 8, 1972, President Nixon recommended an additional financial commitment by the United States to support for a United Nations Fund for the Environment.

Regarding U.N. designs for exploiting the ecology issue, I pointed out—CONGRESSIONAL RECORD 2119–21 of February 1, 1972—based on the discussions of the recent Sixth Conference of the U.N. in Belgrade, how international environmental planning included reasonable measures to decentralize industry and population.

I reiterate that there can be no United Nations and at the same time a United States. One cannot give dual allegiance to the U.N. and to the United States of America. For the U.N. to advance or grow in effectiveness, the sovereign United States with our constitutional liberties and our traditional living standards and culture must be diminished or destroyed.

I remind our colleagues that Discharge Petition No. 10 for bringing up for a House vote H.R. 2632 to rescind and revoke U.S. membership in the United Nations is at the clerk's desk awaiting your signature.

I insert at this point in the RECORD that portion of the President's environmental message of February 8, 1972, relating to the expansion of international cooperation on the environment.

The message follows:

EXPANDING INTERNATIONAL COOPERATION ON THE ENVIRONMENT

We are now growing accustomed to the view of our planet as seen from space—a blue and brown disk shrouded in white patches of clouds. But we do not ponder often enough the striking lesson it teaches about the global reach of environmental imperatives. No matter what else divides men and nations, this perspective should unite them. We must work harder to foster such world environmental consciousness and shared purpose.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

To cope with environmental questions that are truly international, we and other nations look to the first world conferne of governments ever convened on this subject: the United Nations Conference on the Human Environment, to be held in Stockholm, Sweden, in June of this year. This should be a seminal event of the international community's attempt to cope with these serious, shared problems of global concern that transcend political differences.

But efforts to improve the global environment cannot go forward without the means to act.

To help provide such means, I propose that a voluntary United Nations Fund for the Environment be established, with an initial funding goal of $100 million for the first 5 years.

This Fund would help to stimulate international cooperation on environmental problems by supporting a centralized coordination point for United Nations activities in this field. It would also help to bring new resources to bear on the increasing number of world-wide problems through activities such as monitoring and cleanup of the oceans and atmosphere.

If such a Fund is established, I will recommend to the Congress that the United States commit itself to provide its fair share of the Fund on a matching basis over the first 5 years.

This level of support would provide start-up assistance under mutually agreed-upon terms. As these programs get underway, it may well be that the member nations will decide that additional resources are required. I invite other nations to join with us in this commitment to meaningful action.

CONTROL OF MARINE POLLUTION

Ocean pollution is clearly one of our major international environmental problems. I am gratified that in the past year the Congress has taken several steps to reduce the risks of oil spills on the high seas. However, further congressional action is needed to ratify several pending international conventions and to adopt implementing legislation for the various oil-spill conventions which have been ratified or which are awaiting approval.

Action on these recommendations will complete the first round of international conventions to deal with marine pollution. We have taken initiatives in three international forums to develop a second and more sophisticated round of agreements in this area. We are preparing for a 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference to draft a convention barring intentional discharges to the sea of oil and hazardous substances from ships. In conjunction with the Law of the Sea Conference scheduled for 1973, we are examining measures to control the effects of developing undersea resources. And, in the preparatory work for the 1972 U.N. Conference on the Human Environment, progress has been made on an agreement to regulate the ocean dumping of shore-generated wastes, and further work in this area has been scheduled by IMCO. We hope to conclude conventions in each of these areas by 1973.

ISLAND'S THINK TANK FOR THE VERY YOUNG

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WOLFF. Mr. Speaker, I wish to call to the attention of my colleagues a resident of my congressional district who has built a school of national importance. I refer to Dr. Marie L. Fetsch, founder-director of the Sands Point Country Day School-Fetsch Academy for Gifted Children.

Throughout the Nation on Tuesday, November 30, newspapers carried major stories regarding a report from the U.S. Office of Education on education of the gifted. The report noted that of a total of 51.6 million children in our elementary and secondary schools approximately 2 million may be categorized as gifted and talented. More importantly, the report noted that only a very small percentage of them have appropriate educational opportunities. Pioneering in creating such educational opportunities are Dr. Fetsch and the Sands Point School. This is well pointed up in an article in Newsday by Jack Altshul, which appeared there on October 27, 1971. For the benefit of my colleagues and the many readers of the CONGRESSIONAL RECORD I am inserting this article following my remarks:

ISLAND'S THINK TANK FOR THE VERY YOUNG

A remarkable lady who once fulfilled a dream of having a school of her own is well on her way to expanding it into a college. She is Dr. Marie L. Fetsch, founder, owner and guiding spirit of the Sands Point Country Day School-Fetsch Academy for gifted children.

Yesterday she was at her regular station. She sat behind a desk in the spacious corridor of the original portion of the school that used to be the mansion of the late Commodore Edgar Luckenbach, a shipping magnate. Children on their way to classes waved at her and she waved back, a small matronly woman looking much more like a benevolent grandmother than a world-renowned educator who possesses four doctorates and awards from such diverse places as the Republic of Panama and the Vatican.

The dream, she says, was forced upon her by necessity. Married to Joseph Thomas Fetsch, a marine scientist, she had two sons and a daughter and all of them had high IQs. "We have made wonderful strides in special schools for the mentally retarded, and the physically handicapped," Dr. Fetsch explained. "But virtually nothing had ever been done for the superior, talented or mental giants of our land. Too often the gifted child is wasted in a school because he has to wait for the other children to catch up, gets no special attention and soon becomes bored with the classroom routine."

One day in 1948, Marie Fetsch, with an impressive educational background and a sizable inheritance, went looking for property to build her own school for gifted children. She was taken on tours of numerous North Shore estates that were up for sale but the one that attracted her the most was the dormant Luckenbach estate with its 25 acres and waterfront setting on Long Island Sound. "It was the most rundown of all the places I had looked at," she said, "but the main building seemed to have a soul. I fell in love with it."

For six years, the Fetsch family worked to restore the estate, make the Renaissance chateau livable. In 1954, Dr. Fetsch opened it as a nursery school for precocious infants. Before she did, she had to fight lawsuits from neighbors, who though pleased with the estate restoration, thought she ought to run it as some kind of club. "I wasn't interested in drinking," Dr. Fetsch said yesterday with a smile. "Just teaching."

There were eight children in the original Fetsch school. Now there are 270, 130 of them in the new junior-senior high school completed several years ago. A staff of 32 specially selected teachers cater to the pupils, most of whom have IQs of 130 or better. And some of them, according to Marie Fetsch, are in the genius category. The big problem, now, she says, is that when her high school seniors graduate, they may be as young as 14 and most often aren't older than 16.

"Colleges don't like to take children that young. That's why I've been working for the last several years to establish a college for these same gifted youngsters."

Dr. Fetsch had applied to the Defense Dept. several years ago to lease the Sands Point Naval Devices Center, a former estate, that had become surplus. Nassau County recently took over the 162-acre property and she had been in frequent consultation with county officials to lease a portion of the nearby property for her college.

The children at the Sands Point school take French lessons in kindergarten, 9-year-olds play Schumann and Chopin from memory and 11-year-olds discuss the philosophies of Orwell and Huxley. "These are our nation's brainpower of the future," Dr. Fetsch says. "Why shouldn't they get the benefits of specialized training?"

Tuition fees at Sands Point do not come cheap, costing $1,750 for nursery-kindergarten; $1,850 from grades 1–6 and $2,200 from grades 7-12. To be admitted, a pupil must take an IQ test and only those with superior averages are accepted. Youngsters with limited finances are given partial scholarships, although Dr. Fetsch receives no public or private endowments. She figures that her family has put about a million dollars into the school and "we haven't begun to see a return on the investment. Except for the children. They're the ones who have made the project successful."

By the standards of other educational institutions, Dr. Fetsch's philosophy may seem old-fashioned. She does not countenance overlong hair or unkempt appearance. "Parents who object are told that our pupils have to abide by our rules. Or take them someplace else."

And she believes in patriotism and instilling respect for the nation in her pupils. "They have to understand that despite what the politicians have made of it, this is still the greatest country in the world. We teach more than the three Rs here. We teach a fourth one: responsibility."

And then with the same warm smile, Dr. Fetsch concluded the interview. "And maybe the most important thing is we teach them to love and to live in peace and harmony."

CONSERVATION OF OUR SURPLUS LAND FOR WILDLIFE AND RECREATION PURPOSES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining my distinguished colleague and friend, the gentleman from Michigan (Mr. DINGELL) in cosponsoring a bill to amend the act of May 19, 1948, which relates to the use of real property for wildlife and conservation purposes.

This bill is a very simple one, but one which could help us in our efforts to preserve our surplus lands.

Our proposal would simply delete one word from 16 U.S.C. 667b—the word "chiefly" which appears in the following passage:

> Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose.

In the past, the General Service Administration has found that surplus land was not "chiefly valuable" for wildlife conservation or recreational purposes, and the land has been sold for private use in spite of recommendations by respected conservation organizations such as the Fish and Wildlife Service and the Migratory Bird Conservation Commission that the land be utilized for wildlife and recreation purposes.

Mr. Speaker, by adopting this legislation, which simply proposes to delete the one word "chiefly" from the above-quoted passage of the present law, we can make it much easier for the Federal Government to legally justify the conservation of our surplus land for wildlife and recreation purposes. I would hope that all my colleagues who appreciate the value of preserving our Nation's lands for these purposes will give this proposal their most favorable consideration.

NEGRO HISTORY WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BEGICH. Mr. Speaker, the chapters of American history would be hollow and meaningless if they did not include the heritage and contributions of the American Negro. Surely their participation in the many events that built and shaped our Nation cannot go unnoticed and unobserved.

In Alaska, the week of February 12, to February 19, has been set aside by Governor William Egan as "Negro History Week." Today, I call on all my colleagues to join with me in the observance of this event, and in calling attention to the black man's contribution to the heritage of this Nation.

The Governors proclamation is as follows:

PROCLAMATION: NEGRO HISTORY WEEK

American Negroes have made outstanding but little known contributions to the History of the United States.

An appreciation of this heritage and contribution is essential to the development of a sense of worth and pride in any group.

An understanding of the contribution of other groups is essential to the development of better intergroup relations on the part of all American youth and adults.

Negro History Week has been observed in most American communities since 1926 during the period which includes the birthdays of those two great champions of freedom, Abraham Lincoln and Frederick Douglass.

Therefore, I, William A. Egan, Governor of the State of Alaska, do hereby proclaim the week of February 12–19, 1972, as Negro History Week in Alaska and urge all Alaskans to take part in this observance.

Dated this 27th day of January, 1972.

LONGEST FOOTBALL GAME

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. DORN. Mr. Speaker, what is believed to be the world's longest football game was recently played in Aiken, S.C. The game lasted for 72 continuous hours and was played for the benefit of the March of Dimes. The game was played by the University of South Carolina regional campus and Aiken area high school players. This game dedicated to charity and emphasizing physical fitness courage, and stamina is typical of the youth of America. The statistics of this game are to be filed with the Guiness World Book of Records. This game attracted national recognition and the following article appeared in the Augusta, Ga., Chronicle:

1,764 TO 1,150 TOTALS MORE THAN $2,000 FOR DIMES MARCH

(By Ed Kuhn)

AIKEN, S.C.—The final score was 1764 to 1150 and it wasn't a high scoring basketball game either.

It was football and USC/Aiken defeated Aiken High School in what is believed will stand as the longest flag football game on record after 72 hours of continuous play which ended here Thursday night.

The marathon contest began Monday at Eustis field and was played for the benefit of the March of Dimes. The opposing teams were made up of volunteers from the Aiken regional campus of the University of South Carolina and Aiken area high school students.

Numbering 49 in all, the players raised over $2,000 dollars for the March of Dimes fund and established themselves as the self-proclaimed world's champion marathon flag football players.

"We're expecting a few disputes as to the validity of our claim to the record, but we feel ours is unique and will stand because of the way we set it up," said Ron Abney a student at USC/Aiken and originator of the contest. "We've already had a call from Louisiana State University and some people out there claim they played for 10 days and nights but we don't think they played with the same people for that long."

Abney and the remainder of the participants believe their record will hold because there were no substitutes for the original group which started Monday night.

"This is the uniqueness of our game," Abney continued. "We allowed players to sign up until the opening kickoff Monday, but didn't go outside for any help after that."

Fifty-three players started the game Monday night and played in shifts round the clock while sleeping in tents. Injuries cut the number to 49 at the climax Thursday. The majority of injuries were pulled muscles and bruises with the exception of 17-year-old Roland Windham who was hospitalized with torn ligaments in his left knee.

John Thomas, chairman of the Aiken County March of Dimes, called the game a "tremendous effort" by the students. Each player was presented a certificate of appreciation from the city of Aiken and the March of Dimes. The game ball was auctioned at the end of the game and was sold to the Farmers and Merchants Bank of Aiken for $65.

Among the individual records established in the 72-hour contest were longest continuous play set by Abney and Mike Gray. Both played non-stop for eight hours. High individual scorers were Chuck Jones who had 29 touchdowns, Hank Morris with 28 and Levi Chavous at 25.

No evidence of an existing record has yet been discovered, but the players have made an effort to locate one. Inquiries have been forwarded to the Library of Congress as well as to Sen. Strom Thurmond and Rep. Bryan Dorn of South Carolina.

"We're going to make every effort to find a record but if we don't find one, and we haven't done so yet, we'll just submit ourselves as the record holders and wait for somebody to say differently," Abney added.

REFORMERS PLAY SAME OLD GAME

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. DERWINSKI. Mr. Speaker, as a Republican, I naturally maintain an inquisitive, yet objective, attitude toward developments in the Democratic presidential primaries.

It is fascinating to an objective observer to note the manner in which most of the Democrats become self-appointed reformers as if this would be the proper halo to carry through the vicious primary battles. Therefore, it was with special interest that I noted an article in yesterday's Evening Star which I believe correctly exposed the tactics of self-annointed Democratic reformers.

The article follows:

[From the Washington Star, Feb. 7, 1972]

REFORMERS PLAY SAME OLD GAME

(By Paul Hope)

Despite all the hoopla about getting the nominating process to the voters, the Democratic party's "reform" has been something less than a smashing success so far.

The man out in front is the one who has been lining up "old pros" right and left—Sen. Edmund S. Muskie. The candidate way back is the foremost exponent of party reform—Sen. George S. McGovern.

There still is the possibility that Muskie's bandwagon may be slowed or even stopped. But if it rolls right on through the national convention, there is no question that it got its momentum before party reform took hold and that party reform had very little to do with it.

What Muskie has had going for him is a winner psychology. Most people just naturally like to get with the winner, many of them with hopes that they will get something out of it. In that regard, the "new politics" isn't much different from the "old politics."

The evidence so far suggests, too, that in the so-called reform era, "people politics" still takes a hind seat to money and "power politics."

Take McGovern for example. Backers of party reform claim that it means anyone can play the game. That isn't true. McGovern still is in the race precisely because he has been able to raise a good deal of money and with that money has been able to build an effective organization. Without money and organization, McGovern, who ran 3 percent in the last Gallup poll, would have been out of the race months ago.

Iowa was supposed to be the first test of democracy in action under reform guidelines. So what happened when the "people" went to the precinct caucuses there to start the process of selecting national convention delegates? Muskie, who has spent more money than anyone else and who has signed up more political pros than anyone else, came in first with 37 percent.

Organized labor, which has wielded great power in the Democratic party under the "old politics" and which has a great deal of money and organization at its disposal, came in second with "uncommitted" delegates numbering 33 percent of the total. What will labor do with those "uncommitted" people? Why, use them to bargain with, the way it always has.

McGovern, the biggest spender next to Muskie, came in third with 22 percent. There were several also-rans.

And if Iowa Sen. Harold E. Hughes's performance wasn't "power politics" it will do until something else comes along. Hughes, a "reformed" extraordinaire and a sometime McGovern sympathizer, suddenly and surprisingly came out for Muskie in an effort to swing the state to Muskie. In Mayor Daley's Chicago, that is called "bossism." When Hughes does it, it is "reform."

On to Arizona, the second test of party reform. Who won the caucuses there? Muskie, who had the backing of the Democratic state organization headed by Rep. Morris Udall.

Who came in second? New York Mayor John V. Lindsay, who threw a bundle of cash into a television blitz just before the caucuses were held.

Getting back to Illinois variety bossism, let's see what some of the reformers there are up to. Mayor Richard J. Daley, the old boss man, thought he had things all sewed up in Chicago for his "uncommitted" slates of national convention delegates. Well, along came the Independent Voters of Illinois—pro-McGovern, liberal, reformers all—and entered slates of "Muskie" delegates against Daley's "uncommitted" slates—without authorization from Muskie and completely contrary to Muskie's wishes.

The I.V.I., of course, isn't out to elect Muskie delegates but to keep the Daley organization busy fighting the delegate battle in hopes this will divert some of Daley's money and manpower from the race I.V.I. is really interested in—the fight for the Illinois gubernatorial nomination.

The Muskie camp not only has denounced the Chicago I.V.I. "Muskie" slates but claims that McGovern supporters have filed "phony" Muskie delegates in some other districts in an effort to spread out the Muskie vote and make it easier for McGovern delegates to win.

The hilarious part is that in two Daley districts where the uncommitted slates are headed by Rep. Roman Pucinski and Rep. Dan Rostenkowski, the I.V.I. has rounded up people with Polish names for their so-called "Muskie" slates. That's one of the oldest tricks in the political business.

File phony slates? Play with names on the ballot? Reformers don't do things like that, do they?

LET US KEEP EDUCATION A PROFESSION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. GOLDWATER. Mr. Speaker, a new national organization of teachers has been formed, dedicated to the retention of education as a profession. The National Association of Professional Educators recently held a dinner meeting to kick off the beginning of the organization.

An overflow audience of nearly 3,000 persons attended the dinner in Los Angeles, California Gov. Ronald Reagan delivered the following address on the occasion of the February 2 event. I wish to include his remarks for the consideration of my colleagues:

The remarks follow:

EXCERPTS OF REMARKS BY GOV. RONALD REAGAN, NATIONAL ASSOCIATION OF PROFESSIONAL EDUCATORS, HOLLYWOOD PALLADIUM, FEBRUARY 2, 1972

Your meeting here is a kind of groundbreaking or dedication ceremony but not for some edifice of brick or mortar. Yours is a rededication to something more intangible and far more precious to our society than buildings or highways: you seek to reaffirm the noble traditions of your profession at a time when it is caught in something of a political whirlwind.

You have my best wishes for success . . .

You possess the single most important asset any organization could hope to have: the deep-rooted sympathy and support of a great many people who want our public schools to live up to the finest traditions of our civilization.

One of those traditions is the generous support Americans have given to education. Even in the most remote frontier settlements knowledge was a treasured commodity and those who transmitted that knowledge were accorded a respect and status that most of our people still feel for the dedicated professional educator.

Almost every wagon train that headed west included—along with other professionals—a vanguard of New England scholars and teachers, with a Bible and a few classics—tucked in with the tools and the seed.

They carried the cultural heritage of Greece and Rome to the most distant parts of the frontier.

In many communities, the first permanent building was a school perhaps only a one-room log cabin, but it emphasized in the grandest manner then possible the deep commitment our people have to educational opportunity for their children.

They still have that commitment, still place a great value on education and they yearn to feel again the confidence they once had in the teaching profession.

That confidence has been seriously eroded in recent years.

The frequent failure of school bond issues and tax overrides to support education is more than just an indication that people have grown weary of higher and higher taxes. It also tells us—in the most emphatic way available to the average citizen—that the people also are concerned about the end result of the educational system they are financing at a constantly increasing cost in public funds.

The role of education has not changed from frontier times. We all want to provide our children with the academic skills they need to succeed in a modern society. We want them to know the excitement and curiosity the true scholar has for any type of learning. We want them to understand where our society fits into the progress of civilization.

We must educate them to be able to cope with the unknown challenges they will face in their lifetimes. And last, but perhaps most important, we want our educational system to transmit to the next generation the great ideals and values of our culture.

Without the ethical and spiritual guidelines that are the foundation of our culture, man would become little more than an animal—rooting around for sustenance in a world he does not comprehend and could never fully appreciate.

Young people of every generation challenge the customs and mores of the previous generation. We did and our children do. There is nothing wrong with this. But no generation has the right to simply discard the basic truths man has learned through the ages—discard them only because they are rooted in the past.

Apparently some of those in the education profession have changed. The role of education has not.

It reminds me of a fundamental and still timely observation a midwestern storekeeper once made. A young man, fresh out of college and looking for his first opportunity, came into this man's store and asked for a job.

When he left, the storekeeper turned to a customer and said: "I do need some help these days. But did you notice that young man asked me to *give him* a job? He never once said he wanted to *work*."

Has that kind of attitude crept into education? Is that part of the reason for the decline of public confidence in our schools and those who run our schools?

Some in the teaching profession want the security and professional status of tenure. But they *don't want* the professional responsibility that goes with tenure.

Yet, the public is unwilling to entrust their children's future to those who look upon education as a nice white-collar job with short hours and guaranteed financial advancement if you belong to a militant enough organization willing to shut down the system if necessary to advance its selfish goals.

I cannot believe that kind of attitude is shared by the majority who went into education as a profession. I believe the greatest majority of our teachers are still dedicated to the noble traditions of their calling.

But they are not heard often enough, perhaps because they speak with the calm voice of reason. Unfortunately, rhetoric always seems to make a louder noise than reason.

We all pay lip service to the idea that "with every right goes a responsibility."

Wouldn't it be nice sometime to see a demonstration where the demonstrators were demanding their responsibilities.

Historically, the teaching profession has been a profession with high ethics, a clear social purpose and dedicated to the public's goals for education. Tenure come into being in part because of the professional self-discipline of teachers.

More than that, in America, the person who could call himself a teacher received an affection that made him almost a part of every family. In a way, teachers were just that—a professional's extension of the family's responsibility to prepare children for society and to advance civilization by preparing the children for their place in society.

Every totalitarian regime in history has sought to undermine the culture of those it sought to subject. All it takes for the jungle to close in on our society is for a single generation to grow up without cultural roots or commitment. It only takes one lost generation to lose forever all the great ideals and standards for which our nation was founded.

Surely, the stakes are too high to accept as inevitable the continuing erosion of public confidence in our schools or the alienation of our teachers from the public whose schools are run by the teaching profession.

The public must again have reasons to respect and to support education if we are to preserve and advance our free society. Teachers with no commitment to their profession can never restore this lost confidence.

One of the most common complaints I receive from parents is a sort of wistful longing for the disciplined learning of the past. Parents complain that too many teachers seem disinterested. I met with a group of parents in a minority community one day. I will never forget the Negro mother who stood up and said, "Look, I don't care about busing or where my son goes to school. I want to know that he'll be taught what he needs to know before he's passed on to the next grade simply because he came to the end of the year. Keep him in a class as long as it takes. Don't pass him on year after year until he winds up with a high school diploma and he can't read what's on it."

You and I know that sadly enough there are teachers indifferent to either knowledge or their duty to try their best to pass knowledge on to the children in their care.

Education cannot be left in the hands of those who shuffle through their classes, counting the number of students to make sure they get all the aid the school has coming, but not interested enough to make sure those students can count, too.

Recall your own school days. Which teachers do you remember most?

Was it the easy-going type who never made you do any homework? Not on your life!

It was the task-master who demanded that everyone live up to a minimum standard of achievement, but who was always ready to help anyone who needed help in reaching that standard—the one who finally brought something out in you—in spite of yourself.

The only popularity contest a teacher should enter is based on: what will the student think of you 15 years from now?

The school building may be new, the textbooks just off the press, the classroom equipped with the latest audio-visual equipment and the total number of students few . . . but if the teacher is not motivated or even interested in the intellectual and moral growth of the children in their care, those children will not learn.

Whether Johnny learns well or not depends above all other things on the motivation and professional approach of the teachers.

This, I submit, is an awesome responsibility. But it is a responsibility inherent in your profession. Our people will without hesitation turn over their schools to those who are willing to live up to that responsibility.

In accepting your invitation this evening I did so with the understanding that your group consists of educators who agree that the school system belongs to the public of a free society. We both know there are those who feel otherwise.

So far I have only discussed your responsibility to education.

Society also has a responsibility. It is up to the public and the public's official representatives to assure sufficient financial support to operate our schools and to assure an atmosphere of academic freedom conducive to learning.

The most persistent and complex problem confronting most state legislatures around the country today is deciding how much is enough. The recent court opinions that suggest schools are too dependent upon property taxes for support did not come as a news flash to most of us who have wrestled with the problems of school finance.

You who are from California are familiar with our outmoded and unnecessarily complex method of distributing educational funds and the disparity of available money in different districts. We have been trying to simplify the formula and end the overreliance of schools on the propery tax for support.

And I am sure those of you from California will not think I am exaggerating when I say that for the legislative and executive branches, school finance is an Excedrin headache that does not go away.

You must have been concerned when the National Education Association recently announced that California had dropped to 31st in spending per pupil. We were disturbed in Sacramento and confused about some of the $2+2=5$ arithmetic the NEA must have been using and voiced that confusion. In a few days we jumped from 31st to 16th. To tell you the truth, we are not sure about that figure either because the states vary widely in what they count in their basic educational budgets.

But that incident does emphasize an attitude that is far too prevalent in the schools: measuring educational excellence by the amount of money spent. In fact, one of our legislators announced we must immediately appropriate enough money to move to first as if that would automatically improve the quality of education.

What if we really were 16th and yet ranked in the top 10 or close to the top in quality? Shouldn't that really be our goal—to have the best possible education at the least possible cost? Curiously enough the NEA does not have a yardstick for quality. And I very much fear their yardstick for spending is aimed at promoting a desire for federalized support of schools leading to a nationalized school system.

I would like to set the record straight on California's commitment to education. It is and always has been our number one priority.

During the six years of this administration, the total amount of state funds committed to public schools (K–14) has increased by more than half a billion dollars. We have added new money at a rate more than four times the increase of enrollment.

In higher education, this year we are providing the University of California with a total of $376 million in state financial support—56 percent more annual aid than the system received when we took office. During that time, the total University enrollment has grown only 35 percent.

Our state colleges have received a 121 percent increase in state aid to cover an enrollment increase of 78 percent. And the community college system is getting 201 percent more money in the next budget than it received six years ago—yet enrollment has grown only 82 percent.

One of the things we are most proud of is the amount we have been able to add to the funds available for assisting students with scholarships and loans. That has gone up 500 percent—from $4.7 million to $28.2 million in the budget I just presented to the legislature.

However we rank in other types of educational spending, California is near the top in teachers' salaries—and public school employee salaries consume 80 to 85 percent of the money we devote to education.

Five years ago, when we took office, our teachers' retirement fund was an underfunded actuarial nightmare. It represented a potential $4 billion unfunded liability for the taxpayers. There was no effective, systematic program to bring fiscal order to the retirement system.

Last fall after many years of working on the problem, we changed that. I signed legislation to increase the state's annual contribution to $135 million, a step that with the other changes will assure the money will be there when our teachers reach retirement age.

Many say the money we are providing for education is not enough. Sometimes I wonder whether there could ever be enough money to satisfy those who think education should receive blankcheck financing.

As some of you know, *we have not been satisfied just to pour new money into the schools. We have also been asking the hard questions that parents are asking about educational efficiency. Frankly, I am not sure that the profession has been paying enough attention to the need to get a dollar's worth of value out of every dollar spent on our schools.*

Others share my concern. Sacramento County has a contributing relationship with the University of California at Davis Medical School and they have been having financial problems. In discussing those problems, one of the County Supervisors there said its teaching program had become more costly partly because "students and faculty do not have the greatest appreciation for what things cost."

Now, I know education can never be measured the way you measure the productivity of a factory or an assembly line and no one wants that kind of regimentation in our schools. But, is it too much to ask that the end product of our school system—the graduate—be not only prepared to go on to higher education, but that he also have an entry level skill for some kind of job?

We are paying a heavy price in remedial programs because we have not given sufficient attention to educating our young people for work as well as for entry into a college.

Technical training which equips a student for work is one of the things we must expand in education.

At the same time perhaps we could get along very well without some of the mandated programs which each year come out of the legislative halls.

In California, our education code is three inches thick and it is printed on thin paper. We add heavy new responsibilities without giving schools time to adjust to the new demands or training personnel to carry them out.

We expect schools to solve many of the sociological, psychological and even nutritional problems of our society. Last year in our state, almost a thousand more pieces of legislation were offered to tell educators what they must do—and too often, those in the teaching profession are not consulted about the desirability or the wisdom of some of these mandated programs.

As I said a moment ago, education has become a prime target for those who feel a federal takeover of the schools is the only solution.

Well, I don't believe a federalized school system is the answer. I believe in local control.

A nationalized school system would assure a loss of local participation in the running of our schools and it would remove the opportunity for diversification.

Teachers and local school administrators must have the opportunity to communicate with the publics they serve—if they are to be effective and responsive to their public trust.

If I understand you correctly you also are committed to the concept of local control of the schools. You are a new group, but if you are able to fulfill the challenge you have accepted, you will serve a badly needed purpose. As a young organization you will have to exert great effort to remain independent and to be understood.

In carrying out your efforts to improve education, you must always remember the importance of representing all teachers, not just some. We do not need another vested interest group in education. We need an effective spokesman for all dedicated teachers, regardless of their political party or the particular educational programs they think are most effective.

You have a great opportunity to fulfill a great need in our society. Please, do not fumble the ball. A host of people long to have their faith restored.

PACKARD-LAIRD TEAM HELPED PENTAGON

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BOB WILSON. Mr. Speaker, the following article by U.S. Air Force Lt. Gen. Ira C. Eaker, retired, covers the excellent Defense Department leadership provided by the Laird-Packard team. I am sure that Mel Laird, our former colleague, will greatly miss the efficient administrative talents of his capable and dedicated deputy. David Packard came to Defense at great personal sacrifice and has helped Secretary Laird to reestablish the credibility and confidence of the Department. I am certain that my House colleagues will find General Eaker's comments of particular interest.

The article follows:

PACKARD-LAIRD TEAM HELPED PENTAGON

(By Ira C. Eaker)

Since David Packard resigned as deputy secretary of defense last Dec. 13, there has been speculation as to the reason for his departure and comment on his accomplishments as No. 2 man in the Pentagon for 35 months.

Packard accepted the post with the understanding that he would serve but two years. He remained an additional year at the urgent request of the President and the secretary of defense and because some of his principal projects had not been completed.

He undertook the task at a personal sacrifice. It cost him $18 million. Since he had been head of a company doing business with the government, he put his stock—$300 million worth of the Hewlett-Packard Co.—in trust, with any profits accruing during his Defense tenure to go to charity. It was announced recently that those profits have been about $18 million. Incidentally that was 2 per cent per annum, the average profit of all defense-related industries for the past three years.

The Laird-Packard team has provided the best leadership in the Pentagon since World War II. One of the reasons for their outstanding accomplishment was the organization they devised and followed.

As defense secretary, Laird undertook to represent Defense at the White House, congressional, international and public relations levels, while his deputy managed the vast Defense establishment. Each was uniquely qualified for his job.

While Laird served in the President's Cabinet, on the National Security Council, testified before congressional committees, conducted defense matters with NATO and our other allies and visited our troops worldwide, Packard stayed home and minded the store.

The Defense store was in bad shape when Packard arrived. Morale in the Pentagon and in the armed services was at a low level. For eight years a defense secretary had ruled with highly centralized control, whose principal advisers were young whiz kids, long on theory but devoid of practical experience.

Packard, as a successful business executive, understood how to delegate authority without losing control.

The Pentagon was under heavy flak from Congress for vast overruns on many weapons systems. Packard understood the reasons for excessive weapons costs because he had been doing business with the Pentagon for many years.

Contractors had been permitted to "buy-in"—submit low prices to win contracts—hoping to recoup on additional orders and spare parts. The armed services habitually made many subsequent design changes, delaying deliveries and increasing costs.

The government insisted that contractors bid on fixed prices for weapons never before developed and which could not be delivered for five years; wholly unrealistic, especially in view of rampant inflation.

Packard threw out the whiz kids, welcomed the counsel of armed service leaders, but was not over-awed by the military, and instituted a new realistic procurement policy, the "fly before buy" concept.

The most remarkable thing about Packard's years at the Pentagon is that he raised morale without deploying a single new strategic weapon and while cutting military strength by more than a million men.

He has regained the confidence of defense industries while cutting their work force by more than half a million. He told industry the facts. Defense funds will continue to be inadequate because of antiwar sentiment and the amazing apathy of our people about the threat to our security. The Pentagon must provide more defense for less money.

While he did not order any new strategic weapons, he supported the TRIAD security concept (bombers, ICBM's and sea power) and approved research and development programs to ensure that each could be modernized if the Strategic Arms Limitation talks fail.

Secretary Laird may not have been far off the mark when he said of his departing deputy, "In my judgment, he was the best thing that has happened to the Defense Department since it was established."

VOLUNTARY PRAYER IN PUBLIC SCHOOLS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. SNYDER. Mr. Speaker, on November 8 of last year, though a majority voted for it, this House failed to approve—by the required two-thirds margin—a proposed constitutional amendment to permit voluntary prayer in our public schools. I supported that amendment—and I still do.

During the debate on the proposal, opponents of it frequently argued that such an amendment was not necessary because there already existed ample opportunity for prayer in the schools.

I recently received a letter from a young Williamstown, Ky., constituent of mine, Miss Susan Elslager, concerning this subject. Susan's letter follows:

WILLIAMSTOWN, KY., *February 2, 1972.*

Mr. GENE SNYDER,
St. Matthews, Ky.

DEAR MR. SNYDER: I am a 15 year old high school student here at Williamstown. I have recently been attending voluntary prayer meetings along with 100 or more pupils before school hours in the school each morning.

We have just been told we can no longer hold these meetings at the school. The principal read us a law against this sort of service in the school. Is this law in our Kentucky or United States Constitution?

Please give me your support or encouragement toward keeping God's Word living.

Sincerely yours,

SUSAN ELSLAGER.

The letter speaks for itself. If voluntary prayer is not banned in our schools, then Susan and her fellow-students should be able to pray. If prayer is not allowed, then should not we reconsider the defeated amendment?

GEORGIA SENATE PASSES ANTI-BUSING RESOLUTION

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. HAGAN. Mr. Speaker, the Georgia Senate has joined the Michigan and Florida Legislatures in adopting unanimously an antibusing resolution, and calling for a constitutional amendment to correct this evil which has been forced upon the schoolchildren of America. The prospects are good that before long two-thirds of the States will request that a convention be called. The Georgia resolution included a statement that "no student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color, or national origin."

It is ironic indeed that this statement is exactly the same in which social reformers have sought to eliminate discrimination in the past. These reformers felt that such a law was the answer to the busing of Negro children past white schools near their neighborhoods. Now, the same type of busing formerly condemned by the reformers is being advocated by many of them as a means of busing white children past their neighborhood schools in order to provide an artificial racial balance.

Regardless of race, it is unfair to move children many miles away from their homes just to arrive at a better racial balance, which can never be proved to be a better thing for children and communities than the multifold benefits of attending classes near their homes and strengthening the schools thereby.

The news account of the Georgia Senate action was carried by the Augusta Chronicle of February 1, 1972, as follows:

ANTIBUSING MOTION WINS 46-0 APPROVAL OF GEORGIA SENATE

(By John Alston)

ATLANTA.—The Georgia Senate approved, 46-0, Monday a resolution calling for a national constitutional convention to consider an amendment to the U.S. Constitution that proponents say is "the ultimate answer" to busing schoolchildren to achieve racial balance in schools.

The amendment, introduced by Sen. James L. Lester of Augusta, and others, would state that "no student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color, or national origin.

In a speech to the Senate, Lester said that the legislatures of Michigan and Florida have adopted the resolution and other states are considering it. If two-thirds of the states request a convention, it will be called.

"As a representative of the people, I am not going to sit idly by and see forced busing substituted for quality education," Lester said, "I am not willing to sacrifice the education or safety of one child to satisfy the socialists."

Stating that federal court actions ordering busing in Augusta and Savannah were one basis of his concern, Lester asked, "What right do the federal courts have to take over and run our public school systems?"

The resolution included a provision that the convention will not be able to amend the proposed amendment or consider any other amendments.

Lester said the people of Georgia had worked long and hard for quality education and have the right to send their children to a school in their neighborhood.

"The federal courts are destroying this right and are requiring students to be transported away fom their neighborhoods in many cases for long distances," he said. "All of this has been done, not to improve education, but for the purpose of social experimentation.

"These are our children we are talking about. They are not robots or guinea pigs to be used by the federal judiciary for its purposes."

"I am asking this Senate to join with other legislators throughout this nation to stop this unjustified rape of our educational system," he said.

ANOTHER NEW MAP OF SOUTH EUROPE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. DERWINSKI. Mr. Speaker, with the new isolationists continuing to demand the dismantling of U.S. forces in Europe and reduction of our participation in NATO, a column by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, which appeared in the Joliet, Ill., Herald-News of January 25, should be of special interest to the Members.

The column follows:

ANOTHER NEW MAP OF SOUTH EUROPE?

(By Dumitru Danielopol)

WASHINGTON.—Is it bluff? Is it blackmail? Or are the Soviets preparing to change the map of Southern Europe?

Keep an eye on Romania.

The Russians claim that "the unification of the Moldavian nation has yet to be achieved." This is true. It can only happen when the Soviets return to Romania that part of Moldavia, called Bessarabia, which they annexed illegally in 1945.

Obviously the Soviets don't have this in mind. It would be more likely that they are suggesting annexation of another part of Romania situated between the Pruth and the Carpathians and which has never been anything but Romanian.

This involves some 51,000 square kilometers with a population of 4½ million people.

The history of the region and their relations with the Russians has had its ups and downs. The Romanian speaking people descend from the Roman legionnaires and the Dacians whom they colonized in the year 110 A.D. They inhabit regions which throughout history have been known as Moldavia, Vallachia, Transylvania, Bukovina, Bessarabia, etc.

The people have one common language derived from Latin. They form an island or romance language in a Slavic sea.

Situated at a crossroads of the world, these provinces have had a checkered existence, falling prey to one or another imperialist nation.

The breakup of the Ottoman, the Austro-Hungarian and the Russian empires after World War I gave the Romanians their only modern taste of unification under the flag of greater Romania. It lasted between 1919 and 1940.

In fact, an act signed by Lenin and his commissar for nationalities, Djougasvili (Joseph Stalin), in 1917 gave Bessarabians the right of self determination. By an 86 to 3 vote they opted to join Romania.

The Hitler-Stalin Pact of 1939 illegally recognized the Soviet right to reannex Bessarabia. They did so in 1950. It was liberated by Romanian troops in 1941 when Bucharest joined the Nazis in the war against Russia.

Since 1945–46 Bessarabia is again under the Soviets. To create confusion it has been named the Moldavian Republic.

During both periods under the Soviets, 1940–1941 and 1945–1970, the Kremlin has made a considerable effort to destroy the Romanian ethnic character of this area. Russification, mass deportations, colonization with other ethnic groups have been Soviet procedure.

The efforts have not succeeded, thanks to a very strong nationalistic feeling of the Romanians in the USSR and their demographic characteristics. The Romanian population increase is more than twice as high as that of the Russians.

There is little doubt that imperialist Russia would not hesitate to absorb the rest of the Province of Moldavia, into the Soviet Union, were it convenient. At present, however, talk of "reunification of the Moldavian nation" is a forceful reminder to Romania's boss Nicolae Ceausescu not to go too far out of line.

The area could become a tinder box. Ceausescu's independence and the internal crisis of Tito could be tempting to the men who wrote the Brezhnev doctrine. The only thing that keeps them out is the presence of NATO forces.

THE TRANSPORTATION REVENUE SHARING ACT OF 1972

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing the Transportation Revenue Sharing Act of 1972 on behalf of the administration.

The administration's special revenue sharing proposals are designed to consolidate Federal grants to States and localities along broad functional lines. Many Federal programs have become topheavy in administration, with a mountain of paper and an endless network of redtape separating States and localities from Federal assistance. Too often when these hurdles are overcome, the Federal assistance is provided within a framework severely limiting State and local discretion to respond to locally defined needs.

The proposal includes far-reaching changes in present programs of assistance to States and localities in the transportation field that will require careful consideration by the Congress. I am introducing the Special Transportation Revenue Sharing Act of 1972 in order that the proposal will be before the Congress for consideration and to enable the public to evaluate the proposal and provide Congress with the benefit of their views.

Mr. Speaker, I am appending a section-by-section analysis of the bill to my remarks explaining the proposal in detail.

The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 13021

A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes

Section 1. *Short Title.* The Act is to be cited as the "Transportation Revenue Sharing Act of 1972".

Section 2. *Statement of Findings and Purpose.* This section states that the purpose of the Act is to establish an improved system of sharing Federal revenues to better enable State and local governments to meet the demands for moving people and goods in accord with State and local priorities. It is also declared to be national policy that the development of transportation systems shall assist in implementing community development plans and programs.

Section 3. *Definitions.* This section defines the terms "consortium of governments", "equipment", "facilities", "Governor", "mass transportation activities", "metropolitan area", "population", "recipient", "Secretary", "State Development Plan", "State Development Planning System", "State," "transportation activity", "unit of general local government", and "urban place".

Section 4. *Basic Authority.* This section authorizes the Secretary of Transportation to make revenue sharing commitments and liquidating payments to States and units of general local government. Since the Act contains contract authority, the Secretary will usually be making commitments for future payments to States and units of local government, with the actual liquidating payments being made as the obligations incurred by the recipients become due. This section also authorizes recipients to use revenues shared under the Act for transportation activities carried out by a governmental, quasi-governmental, or private entity only if such activities are performed for the public need and benefit as determined by the recipient. For example, operating subsidies for private mass transit bus operators and payments to the National Railroad Passenger Corporation under the provisions of the Rail Passenger Service Act of 1970 would be authorized.

Section 5. *Authorizations.* Subsection (a) of this section makes available to the Secretary for obligation through revenue sharing commitments $2,800,000,000 for each of the fiscal years 1974 through 1977.

(b) Subsection (b) authorizes appropriations from the general fund of the Treasury and from the Highway and the Airport and Airway trust funds to liquidate obligations incurred under the Act. Beginning with fiscal year 1974, there would be available each year for appropriation from the Airport and Airway Trust Fund an amount equivalent to the amount the Secretary estimates will be obligated that year by recipients under the Act for airport development and planning of the type for which, immediately prior to enactment of the Act, funds could be made available under section 208(f)(1)(A) of the Airport and Airway Revenue Act of 1970. There would be available for appropriation from the Highway Trust Fund an amount equivalent to the amount the Secretary estimates will be obligated that year by recipients under the Act for highway activities specified in title 23, United States Code, for which immediately prior to the enactment of the Act the Secretary would make funds available for use below the Federal level of Government (but not including activities specified in chapter 2 or sections 143, 320, 322, 403, or 404 of the Code. This provision assures that the monies from these trust funds would not be used for activities for which they are not available under current law.

Section 6. *Allocation of Revenues.* This section establishes a formula for the annual allocation of the amounts made available under section 5(a). Under subsection (a) for each of the fiscal years 1974 through 1975 the first $635,000,000 would be allocated solely for mass transportation activities, as that term is defined in section 3, and apportioned as follows: 80 percent to those States containing metropolitan areas with a population of 1 million or more, in the same ratio as the State's population in those areas is to the total population in such areas in all the States. The remaining 20 percent would be apportioned to those States containing metropolitan areas with a population between 50,000 and 999,999, in the same ratio as the State's population in those areas bears to the total population in such areas in all the States. No State would be apportioned less than $250,000 under this subsection.

Subsection (b) of section 6 provides that, of the remaining funds available for a particular fiscal year under section 5(a), 90 percent would be allocated for transportation activities apportioned to the States as follows:

(1) 35 percent in the same ratio as the population in urban places in each State is to the total population in urban places in all States;

(2) 25 percent in the same ratio as the population of each State is to the total population of all States;

(3) 20 percent in the same ratio as the area of each State is to the total area of all States; and

(4) 20 percent in the same ratio as the mileage of rural delivery and star routes in each State is to the total mileage of those routes in all States.

No State would receive less than ½ of 1 percent of each year's total allocation to the States under this subsection.

Transportation activities which could be funded with monies allocated under this subsection include the acquisition, construction, operation, and maintenance of systems, facilities, and equipment used in any transportation mode. Projects and operations in the field of mass transportation could also be funded with these monies regardless of whether they fall within the definition of mass transportation activities as that term is defined in section 3.

Subsection (c) provides that the remaining 10 percent of funds may be committed by the Secretary at his discretion, except that if a consortium of governments, as defined in section 3, is the recipient of amounts apportioned under section 7(a) or 7(d), the Secretary must make additional commitments to the consortium equal to 10 percent of the shared revenues received by the consortium under those sections. In committing discretionary funds for transportation activities, the Secretary is directed to give priority to assisting recipients in (1) comprehensive transportation planning; (2) establishing consortia of governments in metropolitan areas with powers to implement comprehensive plans; (3) financing transportation research, development and demonstration projects; and (4) financing emergency relief repairs and reconstruction of serious damage resulting from natural disasters over a wide area or catastrophic failures from any cause.

Subsection (d) requires the Secretary, beginning with fiscal year 1974, to publish in the Federal Register not less than three months prior to each fiscal year: (1) the amounts apportioned to States under sections 6(a) and 6(b); and (2) the units of general local government determined by Governors to receive commitments under sections 7(a) and 7(d) and the amounts to be apportioned to such units by the States under those sections.

Section 7. *Commitment of Revenues.* Subsection (a) of this section provides that, of the amount apportioned to a State for mass transportation activities under section 6(a)(1) on the basis of the number of persons living in metropolitan areas having a population of 1 million or more, the State must commit 50 percent directly to units of general local government of the State within those areas in the ratio which the population of each such unit bears to the total population of all such units in all such metropolitan areas within the State.

Subsection (b) provides that the remaining 50 percent of the funds apportioned to a State for mass transportation activities under section 6(a)(1) may be used by the State in its discretion but solely for mass transportation activities in or benefiting metropolitan areas having a population of 1 million or more.

Subsection (c) provides that the amount apportioned under section 6(a)(2) to a State on the basis of the number of persons living in metropolitan areas having a population between 50,000 and 999,999 may be used by the State in its discretion solely for mass transportation activities in or benefiting urban places having a population of 2,500.

Subsection (d) provides that the funds apportioned to a State for transportation activities under section 6(b)(1) must be apportioned by the State directly to units of general local government within the State which are urban places in the ratio which the population of each such unit bears to the total population of all such units within the State.

Subsection (e) provides that the balance of the funds apportioned to a State under section 6(b) may be used by the State in its discretion for transportation activities.

Subsection (f) provides for the determination by the Governor of each State of units of general local government eligible to receive shared revenues under sections 7(a) and 7(d), and the amounts to be apportioned by his State to such units under those sections. However, with the Governor's concurrence, the Secretary may recognize that a consortium of governments should be the recipient of amounts available under sections 7(a) or 7(b), in which case the consortium would receive an amount equivalent to the revenues which would otherwise have been received separately by the component units of government comprising the consortium.

Subsection (g) provides for discretionary use by a State of any funds subject to apportionment to a unit of local general government if the unit is ineligible to receive revenues shared under the bill or refuses to participate in the revenue sharing program. If the funds originally were allocated for mass transportation activities under section 6, however, the State would be required to use them solely for such activities.

Subsection (h) provides that if a State is either ineligible to receive revenues shared under the bill or refuses to participate in the revenue sharing program, the shared revenues to which it would have been entitled shall be available to the Secretary or commitment under section 6(c).

Subsection (i) provides that payments to liquidate obligations incurred under the Act shall be made in a manner which takes into account the objective of minimizing the time elapsing between the transfer of funds from the U.S. Treasury and the actual disbursement thereof by the recipient. It also requires the Secretary, with the concurrence of the Director of the Office of Management and Budget, to prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1974 through 1977 resulting from concurrent disbursements under the Act and from funds provided prior to June 30, 1973, under certain Federal-aid programs administered by the Secretary which are to be phased out.

Subsection (j) provides that advance payments made to a unit of government before June 30, 1973, and unearned by that date, under Federal-aid programs administered by the Secretary which are to be phased out, are either to be returned promptly or offset against the fist shared revenues to which that unit of government becomes entitled under the Act.

Section 8. *Development Plans.* Subsection (a) of section 8 provides that as a condition precedent to receiving shared revenues under the Act the Governor of each State must submit to the Secretary prior to the beginning of each fiscal year a State Development Plan formulated through a state development planning system. It further provides that the Secretary may, upon request of a governor, accept an alternate State planning system, and that the State Development Plan shall not be subject to the Secretary's approval.

Subsection (b) provides that the State Development Plan shall set forth the specific program for transportation activities proposed to be undertaken with the revenues shared under the Act, taking into consideration the transportation objectives, needs, and requirements of the State, its political subdivisions, and adjoining states. It also states that the Plan shall describe the degree to which there is coordinated use of all transportation resources and funds available within the State and its political subdivisions.

Subsection (c) provides for the establishment of multijurisdictional government planning districts encompassing each State. Each planning district is to have a planning board composed of elected officials from units of local general government within the district designated by these units. These planning boards are to advise units of local general government which receive shared revenues under sections 7(a) and 7(d) as to the multi-jurisdictional effects and the relationship of the State Development Plan to local plans prepared by each local government within the planning district.

Subsection (d) requires as a condition to receiving revenues shared under the Act for fiscal year 1975 and succeeding fiscal years, that units of general local government submit to the Secretary, the governor of its State, and the planning board of its multijurisdictional planning district a development plan describing its transportation objectives and the projected uses of Federal revenues shared under the Act. Such plans would not be subject to approval by the Secretary, the governor, or the planning board, their main purpose being to permit public appraisal of proposed transportation activities and to facilitate coordination of transportation activities at different levels of local government. It is contemplated that planning undertaken on the State and local level under this section would be carried out in conjunction with planning activities conducted at those levels under the proposed Community Development Act of 1971 and the proposed Rural Community Development Revenue Sharing Act of 1971.

Section 9. *Records, Audit and Reports.* This section contains a number of provisions respecting the maintenance of proper accounts and the filing of reports by recipients of shared revenues, and the inspection of records by the Secretary, which are designed to assure that revenues shared under the Act are used in accordance with the provisions of the Act.

Section 10. *Recovery of Funds.* Subsection (a) of section 10 provides that, if the Secretary determines, after giving reasonable notice and opportunity for hearing, that a recipient has failed to comply substantially with the provisions of the Act, the Secretary shall refer the matter to the Attorney General for institution of an appropriate civil action, or notify the recipient that if correcive action is not taken within 60 days of the notification, revenues shared with the recipient will be reduced in the same or succeeding fiscal year by an amount equal to the amounts not used in accordance with the provisions of the Act.

Subsection (b) prescribes certain procedures to be followed in the event an action for enforcement is brought by the Attorney General.

Section 11. *Rules and Regulations.* This section directs the Secretary to prescribe such regulations and standards as may be necessary to carry out the purposes of the Act.

Section 12. *Annual Report.* This section requires the Secretary to make an annual report to the President and the Congress with respect to transportation requirements and the effectiveness of programs authorized under this Act.

Section 13. *Civil Rights.* This section provides that revenues shared under the Act shall be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act.

Section 14. *Agreements Between the States.* This section gives the consent of Congress to the States to enter into agreements where necessary to realize the full benefit of the provisions of the Act.

Section 15. *Labor Standards.* This section provides for the payment of wages to laborers and mechanics employed by contractors in any construction or repair of projects or works funded in whole or in part by reveneus shared under the Act at rates determined by the Secretary of Labor in accordance with the Davis/Bacon Act.

Section 16. *Relocation Assistance.* This section provides that, notwithstanding the provisions of section 211 of the Uniform Relocation Assistance and Real Propery Acquisition Polices Act of 1970, no Federal contribution in addition to shared revenues under this Act shall be provided for relocation payments for those displaced by transportation activities assisted under the Act.

Section 17. *Federal Use of Airport Facilities.* This section provides certain assurances respecting the availability free of charge to the Federal Government of land at airports needed for Federal air traffic control activities and of certain facilities at airports used by government aircraft, where revenues shared under the Act are used in the construction or improvement of the airport in question.

Section 18. *Effect on Other Statutes.* Subsection (a) of section 18 rescinds on the effective date of the Act all of the unobligated balances available to the Secretary for carrying out section 14(b) of the Airport and Airway Development Act respecting grants for airport development and section 4(c) of the Urban Mass Transportation Act of 1964, as amended, respecting grants for mass transportation facilities and equipment and technical studies related thereto.

Subsection (b) provides that the provisions of the Act supersede provisions of the Airport and Airway Revenue Act of 1970 and the Highway Revenue Act of 1956, respecting the authorization of funds from the Highway and Airport and Airway Trust funds, to the extent the authorization provisions are inconsistent with provisions of the Act.

Subsection (c) provides that revenues shared under the Act are to be considered as Federal funds within the meaning of section 308 of the Federal Aviation Act of 1958. Applied to the Act, that section would require recipients of shared revenues who wish to use those revenues for the construction or operation of an airport to obtain from the Secretary a certification that the airport is reasonably necessary for use in air commerce or in the interests of national defense. It would also proscribe the granting of any exclusive right for the use of any airport upon which funds obtained under the act are expended.

Subsection (d) makes clear that the requirement in section 402(a) of title 23, United States Code, respecting the establishment by States of highway safety programs approved by the Secretary is not repealed. Subsection (d) repeals the requirement of section 402(b)(1)(D) respecting minimum funding by States of highway safety programs. Also, with respect to the provision in section 402(c) of title 23 concerning the reduction of Federal-Aid Highway fund apportionment to States not implementing highway safety programs approved by the Secretary, subsection (d) makes it clear that the 10 percent reduction allowed applies only to funds apportioned by the Secretary for the National System of Interstate and Defense Highways under section 104(b)(5) of title 23.

Section 19. *Effective Date.* This section makes the Act effective July 1, 1973, but provides for the issuance by the Secretary of rules and guidelines for its administration at any time after the date of enactment.

STATEMENT BY REPRESENTATIVE JONATHAN BINGHAM FOR INCLUSION IN EXTENSIONS OF REMARKS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BINGHAM. Mr. Speaker, I recently inserted in the RECORD a statement by the Polaroid Corp. explaining that company's decision to carry on with its experimental program in South Africa.

Writing in the Washington Post for February 2, Mr. William Raspberry has now provided us with an interesting and balanced analysis of the question whether a company like Polaroid should quit South Africa altogether or stay and try to bring about some improvements in the situation there. I commend Mr. Raspberry's article to readers of the RECORD, especially since it expresses the point of view of a distinguished black American.

The article follows:

[From the Washington Post, Feb. 2, 1972]

SOUTH AFRICAN'S CHOICE

(By William Raspberry)

For Americans who are outraged over white South Africa's treatment of its nonwhite majority, the most ticklish question is what to do about American business enterprises in that country: Leave them in for their democratizing influence? Or bring them home as a blow at the South African economy?

There is plenty of support of either viewpoint. On the one hand, firms like the Polaroid Corp. intend to stay, for the time being at least. But they say they don't intend to lend further support to South African apartheid.

A year ago, in the face of a near-revolt on the part of some of its black workers in Boston, Polaroid launched an "experiment" in which it agreed to use its influence to improve the lot of South African blacks.

Polaroid told its South African distributor (the corporation has no company or investments of its own in South Africa) to improve "dramatically" the salaries and fringe benefits of their nonwhite workers.

In the year since then, the corporation claims, nonwhite salaries have gone up an average of 22 per cent, and eight blacks have been promoted to supervisory levels (and paid at the same scale as their white predecessors). In addition, Polaroid has furnished some $75,000 in educational grants to black African groups.

One of the results of the Polaroid experiment, the company says, is that other companies have taken some steps in that same direction.

For instance, the two biggest international banks in South Africa—Barclay's and Standard—have said they will begin paying black employees at the same rates as whites.

Also, according to Polaroid, an unnamed "major manufacturer" will begin paying equal wages for equal work. A number of companies are said to have made inquiries about the experiment, suggesting that they too might like to join the trend.

That is the case for American firms staying in the country and exerting what influence they can.

On the other hand is the view of the Polaroid Revolutionary Workers Movement, which accuses the company of abetting one of the most oppressive symbols of apartheid: the hated passbook system which severely limits activities of blacks. Polaroid denies that its ID-2 instant identification system is still being sold for passbook purposes; PRWM denies the denial.

The passbook argument aside, however, PRWM wants Polaroid to curse apartheid and get out of South Africa, leaving its profits behind for black freedom fighters.

A lot of people who would stop short of insisting that Polaroid finance a revolution would agree with the major principle: that American firms ought to forget about subtle influence and get out.

Clifford Alexander, the Washington lawyer, and Brad Lee Skinner, head of the Council on International Relations and U.N. Affairs, are two examples. Both were members of a panel that weighed the question of southern Africa for the United Nations Association.

Skinner, in a dissent from the panel's report, said South African law makes it impossible to extend the Polaroid experiment to any meaningful degree. He suggests that we might as well stop kidding ourselves about subtle influence because "under South African legislation, black and white workers cannot be treated equally . . . we will see change come only through revolutionary means."

Adds Alexander, also dissenting: "I believe the (U.S.) administration should submit appropriate legislation to Congress for the removal of all U.S. economic interests as soon as possible . . .

"I would consider it useful as well for our government to give careful and immediate attention to the possibility of severing diplomatic relations with the Republic of South Africa."

It's easy to understand such a view if you're a black American who resents this country's support, moral as well as economic, of apartheid.

It is also fair to wonder how you'd feel if you were a black South African who had to choose between progress a la Polaroid and no job at all.

BUFFALO POLICEMAN SETS AN EXAMPLE FOR YOUNG PEOPLE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. DULSKI. Mr. Speaker, a Buffalo policeman who came up the hard way is trying his best to set an example for young people. He deserves high commendation.

An indication that he is having success is evident from the fact that he was invited last year to address a high school graduating class.

Patrolman Theodore Kirkland, with 9 years on the Buffalo police force, heads the Afro-American Police Association which has had considerable success in recruiting young blacks for the department's police cadet and community peace officer program.

I was pleased to learn that Officer Kirkland has received a letter of commendation from the White House on behalf of the President "in recognition of exceptional service to others in the finest American tradition."

It is men like Officer Kirkland who are in the forefront of the effort to improve relations between law enforcement officers and the general public.

The Buffalo, N.Y., Evening News recently cited the work of Officer Kirkland and I include the text of the news story with my remarks:

BUFFALO POLICEMAN SETS EXAMPLE HE'D LIKE BLACK YOUTHS TO FOLLOW

A policeman isn't the likeliest candidate for an invitation from students to address their graduation exercise or a special award from members of trouble-prone East Side gangs.

Yet those tributes seem to indicate the campaign of Patrolman Theodore Kirkland and other black policemen to reverse the negative image of the policeman in the minority communities is meeting with some success.

The massively-built Cold Spring Station officer also takes satisfaction in the success the Afro-American Police Association, which he heads, had in recruiting young blacks for the Buffalo Police Department's police cadet and community peace officer programs.

But along the way, he's been called "a racist" by other policemen and "a hater" by a fellow black officer for his outspoken attacks on the conduct of some policemen in the black community.

"Am I a racist or a hater because I'm not the same person I was nine years ago when I joined and walked a beat because blacks just didn't ride in patrol cars then?" he asked in exasperation.

"We're talking about images, status symbols—let's face it, kids dig wheels."

RECALLS EARLIER FILMS

Nearly engulfing an easy chair in his Glenwood Ave. home, Patrolman Kirkland recalled the black cowboys in films shown in his boyhood in a William St. theater.

"They were always doing things backwards—running away from the crooks, never fast on the draw.

"Each group needs its own heroes," he said, "but when I was a kid, there was nobody around I could pattern myself after, . . . only the prostitutes and addicts."

"We had a white policeman in the neighborhood who was really friendly, always patting the white kids on the head. I used to go out of my way to cross at his corner but he never patted me on my kinky hair," he recalled.

As a teen-ager, he remembered police called to the scene of a potential fight asking if any white youths were involved.

"When we said there weren't, the cop said 'you go ahead and kill yourselves' and drove away," he said.

So it wasn't favorable childhood remembrances but a tough job market that induced Patrolman Kirkland to take the police exam in 1962.

Now, he and others are simply trying to provide another generation with the favorable impressions they missed.

TIME AND PATIENCE

It involves a lot of time and patience and things like parking a patrol car in the drive to advertise you're at home and available, long talks with parents, calls to precinct houses for arrest information for friends who are perhaps too scared to inquire themselves.

It also involves maintaining ties with the policemen's old neighborhoods and ever keeping in mind the "hangups" that accompanied growing up there, Patrolman Kirkland said.

"One reason we formed our organization is that it seemed many blacks hated us more than white policemen," he said.

"Now I think a lot of black kids feel they could become policemen and still be themselves.

"While there's many many good white policemen," he adds, the black community is just not "their" community and the quality of the police protection consequently suffers.

As the 38-year-old officer told a cheering East High School senior class last June:

"It's our community. We are the ones who should be controlling it, making decisions for it and loving it.

"We've been dancing and scratching our heads for 400 years. Now that's over."

PLAYING POLITICS WITH HONOR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WYMAN. Mr. Speaker, President Nixon is taking us out of a war his Democratic predecessors took us into without a declaration of war. In so doing our President has leaned over backward in making concessions to the Communists, but short of selling South Vietnam out to get out.

Those candidates for President who criticize President Nixon for refusing to turn South Vietnam over to the Communists help convey the impression to Hanoi and the world that we are a craven lot indeed, and that if Hanoi holds out long enough, that public opinion in the United States will force capitulation to Communist demands. This is playing politics with honor and should be recognized for what it is.

In this connection I commend the following article by the distinguished columnist and editorialist for U.S. News & World Report, David Lawrence, appearing in last night's Washington Star:

COMMUNISTS COUNT ON DIVIDED UNITED STATES

(By David Lawrence)

Secretary of State William P. Rogers, in his rebuttal of a speech by Sen. Edmund S. Muskie, advocating what amounts to the acceptance of the North Vietnamese demands, minced no words when he declared that the comments of the Maine Senator are not in the national interest and are harmful to the United States.

At the moment, President Nixon is in the midst of a delicate negotiation with North Vietnam, and the belief here is that the Communists are depending upon a divided America to help them get a settlement on their terms.

The Viet Cong representatives in Paris have made what are called two "new" proposals. The first would require the United States to stop all military activities in Vietnam, including the air war, and "rapidly and completely withdraw from South Vietnam all United States troops, advisers, military personnel, weapons and war materials and those of other foreign countries in the United States camp, and dismantle the United States military bases in South Vietnam."

The American government is supposed to set a "specific terminal date" for this "without posing any conditions." This would also be the "terminal date" for the release of all military and civilian prisoners captured during the war.

The second point is that South Vietnamese President Thieu would resign immediately, and the Saigon administration would be required to "end its warlike policy" and "disband at once its machine of oppression and constraint against the people."

Thereafter the "provisional revolutionary government"—the Viet Cong—would immediately discuss with the Saigon administration for formation of a new government, which would then organize general elections to be held "according to procedures agreed upon among the political forces in South Vietnam."

Thus it is clear North Vietnam is insistent that the United States withdraw its forces on a given date and cease supplying any help to South Vietnam. Theoretically, the South Vietnamese would decide on the form of government to be established, but there is no provision for a guarantee that would maintain that country's independence.

Indeed, the Viet Cong, who are Communists and have set up what they call a "provisional revolutionary government," could conceivably take over South Vietnam and make an agreement to join with North Vietnam. This, of course, would be the end of South Vietnam as an independent state.

Nowhere in any of the proposals that have come from the North Vietnamese is there any provision for international guarantees or supervision of elections by other governments so as to assure the sovereignty of South Vietnam. Instead, all the plans offered by the Communists are confined to demands for the departure of American troops, the ousting of the president and vice president of the present Saigon government, and the holding of elections but with no assurance that they will be free or be honestly conducted.

There is no doubt that North Vietnam is trying to get possession of South Vietnam. When American troops go home and the war is ended, an election could be held which would be meaningless. For, with no outside force present to supervise elections, the Communists could penetrate South Vietnam and take over the machinery of government in Saigon.

The United States, on the other hand, has believed from the outset that the independence of South Vietnam should be preserved, and in trying to make peace has been willing to support any plan which would achieve this under international supervision. If the people of South Vietnam are guaranteed the right to vote for their own form of government and select their own officials, the United States would feel that all of our troops could be withdrawn.

The arguments about offers of "eight-point" or "nine-point" plans are actually not meaningful, because the real problem is whether the "political" questions are going to be tackled in advance and arrangements made to organize and conduct the election in South Vietnam to make sure the people will not be coerced or dominated in any way. This is the subject in which the United States happens to have its deepest interest.

Officials here hope that all critics will carefully examine the situation that exists so that the United States will not be in a position of having surrendered South Vietnam or of having sacrificed many lives and much money in vain while seeking to preserve the right of self-determination for a small nation.

A TROUBLED PRESENT—A HOPEFUL FUTURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. WALDIE. Mr. Speaker, over the past year the Subcommittee on Insurance and Retirement of the Post Office and civil Service Committee, of which I am the chairman, has been conducting hearings on the administration and operation of the Federal Employees Health Benefits Act. Those of us who are concerned about the Federal employees' benefits have been especially anxious about the quality and the cost of health care for Federal employees and their families. We are also not unaware that the conduct of the Nation's largest employer, the Federal Government, may have substantial import upon the formulation of a national health policy.

The subcommittee's inquiry has already produced beneficial results. When we questioned the Civil Service Commission's approval of a huge 38-percent increase for Blue Cross, by far the largest carrier, without consultation with the Price Commission, the Price Commission quite rightly indicated that the increase could not go into effect without its prior approval. Ultimately, the increase was reduced to 22 percent, producing a savings to the Federal employee and the Federal taxpayer.

I am not unaware of the talk in many quarters that I am out to "get" Blue Cross and Blue Shield for some political purpose of my own. The lie is easily put to such innuendos by the wholehearted and bipartisan support and participation of the members of the subcommittee to our task. My interest in these hearings are simply twofold: First, to guarantee the Federal employees the highest quality health care for themselves and their dependents and, second, to make sure that the Federal dollars going into this program are efficiently and effectively spent.

A recent editorial in the Group Health and Welfare News, the newspaper of the Group Health Association of America, is more akin to my view of the matter. In cautioning its member prepaid group practice plans not to exult in the recent troubles of the "blues," the editorial states:

> If Blue Cross and Blue Shield are the momentary losers in the battle of the headlines, neither prepaid group practice nor anyone else is a winner. If the public is not receiving the health care to which it is entitled as a right, and not as a privilege nobody can exult.

Mr. Speaker, if our hearings do nothing more than compel a reexamination of the Federal health insurance policy by the Civil Service Commission and the major carriers of their present quality and cost control methods, the subcommittee's efforts will have certainly been worth while. But it is our hope that as the inquiry continues that a real contribution will have been made in reforming our present chaotic health care system. A copy of the GHAA editorial follows:

[From Group Health & Welfare News, January 1972]

A TROUBLED PRESENT, A HOPEFUL FUTURE

The headlines in recent weeks have been jarring.

Blue Cross-Blue Shield received authorization for a 22% increase in its premium rates under the Federal Employees Health Benefits Program, and Rep. Jerome Waldie (D.-Cal.) calls it exorbitant and plans to reopen hearings on the subject.

In Washington, local physicians have been forced to refund thousands of dollars in overcharges to Blue Shield, and indications are that such disclosures will become even more frequent on the national level.

In New York, the Medicaid program stood accused of wasting up to a billion dollars in overcharges, false claims, etc. to physicians and other providers of services which may or may not have been provided.

And so on and so on.

Collectively, the headlines tell a story of the consequences of blank check medicine which have prevailed for years, of unconscionable profiteering in health under the guise of fee-for-service and a laissez-faire national attitude which has left sick patients hostages of a non-system of providing health care.

The temptation of many prepaid group practice advocates, who have shouted for years that they have a better alternative, might be to say collectively "I told you so."

If so, they wouldn't avoid it.

If Blue Cross and Blue Shield appear to be the momentary losers in the battle of the headlines, neither prepaid group practice nor anyone else is a winner. If the public is not receiving the health care to which it is entitled as a right and not as a privilege, nobody can exult.

Moreover, to look back under these circumstances would be counterproductive.

Rather than re-dress past wounds, prepaid group practice can draw a measure of hope from the realization that in many areas of the nation Blue Cross is forming new alliances with group practice programs.

The Compcare program in Wisconsin (Group Health & Welfare News, Oct. 1971) is but one example of the new patterns of health care emerging in response to the modern imperatives of combining the best in prepaid direct-service group practice with the best in Blue Cross arrangements.

The recent merger of Michigan Blue Cross and Community Health Association in Detroit presents another opportunity to serve more citizens more effectively under circumstances which give enrollees wider options than they could have anticipated under either program alone.

Perhaps more significant is the willing and active participation of Blue Cross in several of the prospective community-wide prepaid health plans being developed through field representatives of Group Health Association of America.

These developments and the prospect of more to come as the benefits of comprehensive prepaid health plans become more evident in the future, represent collectively a far more positive and salutory response to the current headlines of crisis than any misplaced "I told you so's."

PHILADELPHIA'S UNUSUAL SUCCESS WITH RAT PROBLEM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. EILBERG. Mr. Speaker, rat control has always been one of man's biggest problems and it has been all but unsolvable.

Philadelphia has had some unusual success in dealing with this menace over the past few years.

Unemployed persons from the areas which have the great problems with rats have been hired to work on the Philadelphia rat control project.

In this way two serious issues are being dealt with.

Because the rat problem is so serious and success is so rare, I enter this account of Philadelphia's program into the RECORD:

The lowest number of confirmed rat bites in Philadelphia in the past fifteen years was reported in 1971, Acting Health Commissioner Dr. Lewis D. Polk said today.

"In the three years that the Philadelphia Rat Control Project has been in operation, we have witnessed a dramatic drop in reported rat-bites on a city-wide basis—from 94 in 1968 before the Project got underway to 53 last year, with a simultaneous drop in the Project's high-priority target areas from 58 in 1969 to 37 in 1971," he said.

Dr. Polk also announced that the Project will receive $2,696,992 in Federal funds for its fourth year of operation. This amounts to one-fifth of all of the funds appropriated on a Federal level for rat control programs throughout the country," he noted.

The Federal funds will be supplemented by $1,095,825 in City funds and $111,000 in State funds, for a total of $3,903,817 to be spent in the fourth project year. More than $10,500,000 was allocated in the past three years from combined Federal, State, and City resources.

"Philadelphians awareness of a competent city agency that is dealing with the rat problem can be seen in the continued high level of complaints about rats to the Health Department, which doubled from 6,167 in 1968 to 13,666 in 1970 and rose again in 1971 to 14,470," Dr. Polk said. "The same pattern is shown in complaints from residents of the target areas, which doubled from 3,152 in 1969 to 6,541 in 1970 and then to 7,209 in 1971."

Much of the work of the Philadelphia Rat Control Project is being done by formerly unemployed persons hired from the Project's target areas—neighborhoods most in need of rat control measures.

To date, Dr. Polk said, the Project has hired 275 disadvantaged people, 243 of whom are still employed by the City, with more than 200 having won promotion from trainees to regular civil service positions.

The rat problem in Philadelphia is far from solved, however, according to Harvey F. Davis, Jr., Project Director and Chief of the Rodent Control Section of the Health Department's Environmental Health Services.

"In a recent evaluation of a 54-block area within the target zones, the United States

Public Health Service found that there is an increasing availability of food for rats and failure to store garbage and trash properly," he said.

"Some of the most serious rat problems are located in substandard sections of the city," Davis continued, "but they are extending into middle and upper-class areas because of increasing sanitation deficiencies. There is simply too much litter for rats to hide in and too much garbage for rats to eat. Everyone can do his part by storing garbage in a metal can with a tight lid, and by organizing blocks and neighborhoods to join in making a cleaner community."

The Rat Control Project's target areas include the Model Cities and Hartranft Community areas in North Central Phila.; the Mantua, Belmont, Mill Creek, Kingsessing, and Woodland areas in West Phila.; the Southeastern Phila. Community Corporation and Hawthorne areas in Southeast Phila.; the Grays Ferry area in South Phila.; and the West Tioga-Nicetown area in North Phila.

The Phila. Rat Control Project has been hailed by the U.S. Department of Health, Education, and Welfare as one of the most effective programs of its type now underway in the country. The City's Department of Public Health has primary responsibility for the Project, coordinating the activities of the Department of Licenses and Inspections, Police, Streets, and Water Departments, under the supervision of the Managing Director's Office.

AN AWARD WINNING CITIZEN: MRS. EDITH GOLDSTEIN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. KEMP. Mr. Speaker, as a member of the House Education and Labor Committee, I am deeply aware of the unheralded contributions made by the countless number of community-minded citizens to the quality of education in their local communities.

On January 22, I had the honor of attending a meeting of the Amherst Education Association at which time the association, led by its very able president, Ruth Richter, presented its 1972 Citizen Award to Mrs. Edith Goldstein of Eggertsville, N.Y.

Mrs. Goldstein not only has contributed immensely to the improvement of the public elementary and secondary schools in her community but also to a wide variety of other worthwhile causes, including those far beyond the realm of local concern.

Among these contributions was her leadership in helping to organize an Erie County, N.Y., interfaith petition drive which resulted in the collection of more than 20,000 signatures to the Soviet Government in behalf of better treatment and emigration rights for Russian Jews.

That effort, and those of others throughout our Nation, have had, and are having, effects on official Soviet policies for a bettering of the lives of the long-suffering and opressed Jews in Russia.

For instance, last December, Soviet officials allowed Yakov Gluzman to emigrate from Russia to Israel to join his wife, Rita, and their baby son, he had never seen, after 2 years of previously frustrated requests to secure an exit visa.

The 20,000 signatures and work of people like Mrs. Goldstein contributed very much to our successful efforts in the Gluzman case.

Thousands of other Jews, in larger numbers than before, also have been allowed to emigrate.

While fully realizing that much more remains to be accomplished to alleviate the Soviet repression, results to date are a credit to the Edith Goldsteins who persist in their advancement of this worthy cause.

Mr. Speaker, our country and world needs more selfless and concerned citizens such as Mrs. Goldstein.

At this point, I insert a speech, made at the award ceremonies, which broadly brushes some of Mrs. Goldstein's service to her community and country:

[Citation]

EDITH GOLDSTEIN

When the Irving Goldsteins came to Eggertsville, son Richard was five years old. Now 23, Richard is in his second year of law at Boston College; and Robert, born that year, graduated from the High School last June and is now a freshman at the State University.

In the eighteen years since Richard entered kindergarten at the Eggert Road School, Edith Goldstein has served the children and youth of this community continuously, and in a variety of ways. Without the patience, understanding, and support of her husband, Irving, and of the boys, the countless hours of committee, board, and bureau meetings would not have been possible; and the life of the community that much poorer.

Edith has served on about every PTA committee that exists, both at Eggert Road School and in the Junior-Senior High School PTA. After several years of active committee work, she and Irv were elected co-presidents of the elementary school PTA, and in 1962 her services to PTA were recognized with the Jenkins Memorial Award.

But Edith Goldstein's service goes far beyond the PTA. In 1954 she worked on the Citizens Committee for the Junior High, after the original bond issue had been voted down. In 1967 she was named a member of the Citizens Committee on Centralization; and for the past two years has been a member of the Citizen's Advisory Committee on Building Needs and Curriculum. There was nothing honorary about these assignments; many meetings and much effort was involved. In the fullest sense Edith Goldstein has always been a participating, working, contributing member of every committee on which she has served.

In 1961 she was named by the Board of Education to the School and Family Life Advisory Committee, an important part of the Adult School, and a major link between the Board and the community. This too is a hard working committee, on which she has now served 11 years. For 3 years she was chairman, and did outstanding work in organizing the 5th, 6th, and 7th Annual Family Life Institutes.

Edith's concern for youth and education goes far beyond the public schools, as important and significant as that concern has been. For many years, as a member of the Bureau of Jewish Education, she has given of her talents and energy to the cause of religious education. In recognition of her outstanding work in this and other areas, she was elected President of her temple, Temple Sinai, an honor shared by fewer than a dozen women in the entire nation. In 1966 a special temple service was held in her honor, recognizing her unexcelled dedication to her synagogue.

And the work goes on. Currently Edith was asked to serve on the First Citizen Conference on Criminal Justice, sponsored by the Bar Association, and is, naturally, a member of the subcommittee on youth. She is Vice Chairman of the Jewish Federation, Committee on Soviet Jews, working to improve the situation of Jews in the Soviet Union.

Her awards, accomplishments, and honors fill those of us who have worked with her, with pride. We know, that to Edith, accepting an appointment means service. She works; she contributes; things are different, and things get done, because Edith Goldstein was there.

It is with great pride, and deep appreciation, that tonight the Amherst Education Association presents to Edith Goldstein the 1972 AEA Citizen Award "for outstanding contributions to education and to the youth of this community."

AMBASSADOR LLEWELLYN THOMPSON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. MOORHEAD. Mr. Speaker, I was deeply saddened at the news of the death of Llewellyn Thompson, career diplomat, civil servant, and my friend.

There will be many of "Tommy" Thompson's friends and associates who will remember the oustanding service this man gave his country. And there will be countless others who will call attention to his consummate dedication to duty.

But, in addition to these measures of the man, I will always remember Tommy for his gentleness and sincerity and the thorough concern and kindness he constantly generated.

Tommy Thompson, indeed, was one of those rare human beings whom God sees fit to put on this earth in too few numbers.

He performed the most vital and crucial ambassadorial tasks in Moscow for Presidents Eisenhower, Kennedy, and Johnson.

For the latter two, he became indispensable as he guided President Kennedy through the Cuban missile crisis and President Johnson through the initial stages of the SALT talks.

Official Washington has suffered a grievous loss with the passing of Tommy Thompson and many of us have lost a friend. I would like to introduce into the RECORD at this time, an editorial and a column by Chalmers Roberts in this morning's Post:

TOMMY THOMPSON—A DIPLOMAT WITH A RARE INTUITIVE TOUCH

(By Chalmers M. Roberts)

Llewellyn E. ("Tommy") Thompson's finest hour, I think, came in the 1962 Cuban missile crisis. After Nikita Khrushchev had installed the Soviet missiles Tommy confessed that "I just didn't believe the Russians would do it." But once there was no doubt about the presence of the missiles, Thompson became, by everybody's account, almost indispensable to President Kennedy.

Robert F. Kennedy, in his posthumously

published "Thirteen Days" paid Tommy the highest tribute by writing that his "advice on the Russians and predictions as to what they would do were uncannily accurate" and that his "advice and recommendations were surpassed by none."

Some diplomats write splendid cables. Some are great on the social scene. But the ones who really count, and whose accomplishments last, are the rare few who have an intuitive feel for the country to which they are assigned and to the leaders who run that country. No ambassador I have known in the past two decades had a better feel for this than did Tommy Thompson.

During the midst of the missile crisis I asked Tommy why President Kennedy had not confronted Soviet Foreign Minister Andrei Gromyko with either the facts or the photographs. Thompson said that at that time there was a question in the executive committee (the so-called ExCom composed of JFK's key advisers) of whether the Soviets were intending a surprise attack on the United States, whether the bases were somehow related to the internal situation in Cuba or wheher they were being built to give Khrushchev a diplomatic card in a game of nuclear blackmail. Uncertainty breeds caution in the experienced diplomat and so Tommy advised caution when Gromyko came to see the President.

As Tommy put it: "It is rather like a man finding his wife unfaithful. She may know that he knows. But when he tells her, things are different. Then he had better be prepared, for things will begin to happen." He served three tours of duty in Moscow, twice added that "we went very far to give Gromyko an opening which he did not take."

Tommy Thompson never had any allusions about the Russians but he didn't believe in the devil theory of history. He served three tours of duty in Moscow, twice as the American ambassador, and his every waking moment was consumed in trying to understand that country and its leaders. He was as icily unexcitable as a man could be. And when he didn't know the facts he didn't dissemble and try to make you think he did.

He was a great believer in the efficacy of human contacts to overcome ideological blinders. He constantly promoted the idea of having leading Russians visit the United States to see for themselves and that included Khrushchev as well as lesser men. He once told me he thought it had been "a great tragedy" that John Foster Dulles had rebuffed a suggestion that Marshal Georgi Zhukov come here to visit his wartime friend President Eisenhower. Dulles hadn't bothered to let Tommy know that the idea had been proposed by the Gridiron Club and that Ike had said okay if Dulles would agree.

Thompson was a major promoter of the American fair in Moscow, the one at which then Vice President Nixon, engaged in the kitchen debate with Khrushchev. Mr. Nixon, like his predecessors, had a high regard for Tommy. When candidate Nixon, about to be nominated in 1968, announced he intended to go to Moscow before election day he added that of course he wouldn't do a thing without Amb. Thompson's full knowledge and approval.

Before he went to Moscow as ambassador Tommy was first high commissioner in Vienna and then, after the Austrian State Treaty that ended the Red Army occupation, the first post war American ambassador. He patiently sat through hundreds of meetings on the treaty. And then, when Moscow suddenly moved, he found himself being charged by the Austrians for being a roadblock. Even Dulles raised a question but bowed to Tommy who had that intuitive feeling that, if Vienna would just bargain a bit longer, more would be gained. The Austrians grumbled and did. And more was gained.

Tommy was a detente advocate. He could sense when the Kremlin leaders were in the mood or not. When they were he quietly urged a positive American response though his advice was not always heeded. Early on he saw the depth and meaning of the Sino-Soviet split. But he never lost sight of the basic Soviet antagonisms toward the capitalist world, especially the United States.

The war in Vietnam, to Thompson, seemed an interference in his hopes for Soviet-American accords. In this he was "big power" minded. Asia was not his forte for in 1966 he told me he felt Vietnam would be over in a year. Here hope exceeded judgment.

Tommy's last task was as a member of the American delegation to the Strategic Arms Limitation talks (SALT) and there his health kept him from the most recent sessions. But a SALT agreement, in a way, would be a fitting monument.

Tommy Thompson was one of those largely unknown but highly indispensable servants of the national interest. He could distinguish between fact and propaganda. He was a superb poker player—at the table with friends or in the conference room negotiating with the Russians. He could be most useful to newsmen or he could keep totally silent. He was, indeed, a paragon as a career foreign service officer and the most decent of human beings one will ever meet.

LLEWELLYN E. THOMPSON

Those of us who stay around this town for a while, watching the passing parade of presidents and political appointees, come to put a high value on the career civil servant who makes it to the top and then serves on while the in-and-outers from academia, or the short-timers from private industry, come and go. The good careerists are a selfless breed, by and large, because they have to be; there is a ceiling on their earnings and they cannot expect to recoup the high cost of government service by moving on to comfortable jobs on the outside after a short stretch in Washington. They are also, by definition, a non-partisan, if not apolitical, breed. And so they act as stabilizers, bringing continuity and great expertise to a system largely manned at the top by political partisans who have barely mastered their jobs before they are back in private life. Such a public servant was Llewellyn ("Tommy") Thompson, who is the subject of an affectionate and admiring farewell by Chalmers Roberts in an article elsewhere on this page today. Tommy Thompson was among the most astute and accomplished and, if you will, the kindest of the diplomats who rose to prominence in the American foreign policy hierarchy through the cold war years. Twice ambassador to Moscow, he won the trust of successive Presidents for his judgment on likely Soviet turns. In the 1950s it fell to him to negotiate the Austrian peace treaty and the Trieste settlement. These agreements established his repute as a consummate diplomat, through characteristically "Tommy" deprecated his own role.

He first took over the Moscow embassy in 1957–62, establishing a personal relationship with Nikita Khrushchev which gave him—and through him, the Washington foreign-policy community—new insights into the necessities and possibilities of Soviet-American cooperation. The advice on Soviet reactions which he gave President Kennedy in the Cuban missile crisis was proven out by events, further enlarging his esteem. By holding out the prospect of a key part in strategic-arms talks, Lyndon Johnson lured him from retirement and returned him to Moscow in 1967–69. Vietnam undercut the prospect, to Mr. Thompson's keen regret.

The model of the discreet diplomat—perhaps even more, the model of the bureaucrat who by style and choice worked on the inside—Tommy Thompson kept his personal views to himself, both before and after retirement. It is not possible to say how fully he shared the postwar American consensus, now loosening, that held the chief threat to international stability to lie in Moscow. One suspects, however, that his service to his nation consisted not only of being one of the experts who "knew" the Russians but of being a man who knew his fellow Americans and their ways and who used his influence quietly, selflessly, steadily and devotedly within the councils of state for decency and peace.

OPPOSITION TO FORCED BUSING

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. McDONALD of Michigan. Mr. Speaker, the first school year, following the Supreme Court decision which sanctioned busing as an interim method to eliminate from the public schools all vestiges of de jure segregation, has reached the halfway mark. During the past 6 months over 8,000 people from Michigan's 19th Congressional District have written to me indicating their opposition to the implementation of forced busing. These indications have been in the form of letters, cards, newspaper clipouts and petitions.

I would like to insert in today's RECORD, following these remarks, samples of the petitions I have received from concerned parents in my district. Parents, throughout the country, will continue to make busing a major domestic issue until the Congress faces this problem.

The petitions follow:

PETITION

We, the undersigned residents of Michigan, do hereby proclaim that in the event that forced busing is initiated, we, the people, will use any and every means at our disposal to finally convince all concerned, that we will never allow our children to be bused away from their neighborhoods to achieve integration!

Furthermore, we are indignant that our constitutional rights have been violated in that our educational system is being misused, and because our children are being forced to receive an "inter-racial experience" instead of an education!

We are indignant because all of this has been attempted without even a vote of the people whose taxes will have to pay for forced busing!

Therefore, we will not tolerate forced busing, and we will neither be harassed nor intimidated by threat of incarceration or fine!

This is our Country, our State, and our Children. Under no circumstances will we pay for or allow forced busing!

PETITION

We, the undersigned are opposed to school busing from their home community to another and because of race, creed or color be assigned to or required to attend a particular school:

PETITION

We the undersigned, residents of Redford Township, Michigan do hearby oppose the forced busing of children for the so-called equal educational opportunities for the following reasons:

(1) Would unavoidably cause a drastic increase in taxes,

(2) Children unfairly used as pawns for politically motivated reasons,

(3) Will be easier to reach children in case of emergency if they're going to neighborhood schools,

(4) Although the U.S. Supreme Court is not a legislative body it has taken it upon themselves to become one,

(5) There is an amendment before the U.S. Congress which will prohibit the forced bussing of children

PETITION

We, the Undersigned, being Electors in and for the County of Oakland and State of Michigan, do hereby affirm that all power which has not been delegated to the United States and the State of Michigan is inherent in the people; that the rights of the people to establish their own schools and the administration of their own school districts is a fundamental right of the autonomy of the United States of America; that the health, welfare and safety of the children is paramount; that merely for the purposes of integration to bus children over long distances with no regard for their safety, health and welfare is contrary to the fundamental rights of the people, and the Federal courts are transgressing the rights of the people of the United States. Therefore, we are opposed to the busing of school children for the sole purpose of integration.

PETITION

Citizens of the United States of America for Freedom, Independence and Justice:

We, the undersigned, people, do herein petition our elected officials, and elected and appointed representatives.

Individually and collectively: A. We cannot agree to forced integration. B. We cannot agree to any attempt to circumvent our voting privilege to approve or disapprove local school spending or funding. C. We especially are opposed to using our children as pawns by busing them to schools outside of their home area and especially outside of their school district or city. The children belong to the parents, not to the State.

These actions present hardships, hazards and are economically unsound. It is self-evident that forced anything does not work. Gentlemen, if you will re-read "The Declaration of Independence" you must agree that our freedom and independence are being usurped, and our children are being forced into social servitude without their understanding or consent and we are being governed without our consent.

PETITION

We, the signers of this petition in signing said petition declare our desire to have a law enacted by the State and/or National Congress to delete any previous laws and judicial orders made by the State and/or Federal Government pertaining to the assignment of pupils to certain public schools to achieve racial integration and have the State and/or the Federal Government to pass a law which will re-establish the institution of freedom-of-choice as it, we feel, is the most democratic form of assigning pupils to schools.

We realize that the only place to correct bad laws is in the Senate and House of Representatives in Washington, D.C. The House of Representatives belongs to the people.

We quote Article I of the Constitution of the United States:

ARTICLE I, PARAGRAPH I

"All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a Senate and a House of Representatives."

UNITED AUTO WORKERS FILED LAWSUIT FOR AEROSPACE WORKERS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 8, 1972

Mr. CRANSTON. Mr. President, the United Auto Workers yesterday filed a lawsuit in the U.S. District Court for the District of Columbia. The suit may have great significance both for aerospace workers in California and throughout the Nation and also for our national wage-control program. I understand that the International Association of Machinists will file a similar lawsuit next week.

Last month the Pay Board voted to deny nearly a quarter of a million aerospace workers a negotiated wage increase which amounts to about $300 per worker per year. The UAW lawsuit is designed to restore the full amount of negotiated wage increase for UAW and IAM members.

In a press conference yesterday, UAW President Leonard Woodcock outlined the union's contentions in the lawsuit, which alleges that the Pay Board violated its own regulations and that the disapproval is "discriminatory, arbitrary, illogical, and capricious."

Because I know that Senators will be very much concerned with the outcome of this suit, and because of the national interest in the workings of the Pay Board, I ask unanimous consent that the following documents be printed in the RECORD:

First. The UAW fact sheet explaining the lawsuit;

Second. A transcript of the Woodcock press conference; and

Third. UAW complaint filed in Federal court yesterday with accompanying documents.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACT SHEET ON SUIT AGAINST PAY BOARD

The UAW is suing George H. Boldt, individually and in his capacity as chairman of the Pay Board. Suit is being filed today in the U.S. District Court for the District of Columbia, under Section 210(a) of the Economic Stabilization Act of 1970, as amended.

GOAL OF SUIT

UAW seeks a "declaratory judgment" that the aerospace industry contracts are legal and that the amounts negotiated should be paid; and that the Pay Board and others acted unlawfully in denying pay increases. The union also seeks an injunction against "preventing the payment of these contracts."

THE COMPLAINT

The 34 cents the Pay Board said it would allow in the case of North American Rockwell and McDonnell-Douglas and 35 cents in the case of LTV was actually "old money," due under contracts negotiated in 1968. The real first-year increase of 17¢ (16¢ at LTV) disallowed by the Board falls within the Board's own 5.5% guideline. Thus the Board violated its own regulations, and the disapproval is "discriminatory, arbitrary, illogical and capricious." This is borne out by the fact that while the Board rejected the aerospace increases, it approved the coal and railroad contracts which contained increases "far in excess" of the aerospace terms.

Furthermore, the law mandates automatic approval of the "old money" under the contracts where companies advanced prices, as North American Rockwell and LTV admittedly did. It is thus clear that Congress has expressly directed the Pay Board to approve these contracts for payment and may not reject them under the 5.5% standard or any other standard invented by the Pay Board."

Even though McDonnell-Douglas did not testify to price rises, this contract must also be honored because the companies in the aerospace industry are in a "tandem relationship" to each other.

The price argument aside, the Pay Board acted unfairly and irrationally because, among other things,

(1) the 5.5% guideline is being applied inconsistently (eg. coal mines and railroads);

(2) there was a "denial of due process" required by the law, including a lack of public hearings, denial of a transcript and faulty procedures;

(3) the Pay Board is without authority to reject the aerospace contracts because no proper regulations governing interest rates and finance charges have been issued as required by the recent amendment to the law;

(4) it did not support its disapproval by substantial evidence and made its decision for administrative and political convenience and not on the facts;

(5) the aerospace industry is in a "tandem relationship" with the auto industry and the new agreements completely reflect that relationship. Pay Board members assured the unions that this tandem relationship would be respected, but later voted to deny the effect of this relationship. Moreover, the Board's definition of tandem, using an arbitrary cut-off time, was an abuse of discretion.

ATTORNEYS

The attorneys filing this suit are Stephen I. Schlossberg, UAW general counsel; Joseph L. Rauh, Jr., UAW Washington counsel, and Merrill Jay Whitman, UAW assistant general counsel.

PRESS CONFERENCE OF LEONARD WOODCOCK

Mr. WOODCOCK. As indicated by Mr. Wallick, Mr. Stephen Schlossberg, our general counsel, is here to answer any technical legal questions that may come up.

The complaint divides itself into five counts. The first is that of the 51 cents new wage money in the sense of new to the workers in the beginning of the agreement, 34 cents of that is, in fact, the product of the 1968–1971 agreement.

The complaint goes to the effect that this was beyond the power of the Pay Board to reject. It was automatically approvable and being automatically approvable should have been added to the base rates before any further consideration was given by the Pay Board within its guidelines of 5.5 percent.

We then have this kind of situation. The average straight time hourly rate prior to the end of the contract was $4.30. That is without any of the roll up of vacations or night shift premium or overtime or whatever. The cost of living allowance payable under the 1968 contract by letter of agreement is 34 cents. It was 34 cents with regard to McDonnell Douglas and North American Rockwell. It is 35 cents because of a different base rate for LTV.

That then would bring about an average hourly rate at the end of the 1968–71 contract of $4.64.

Applying the Pay Board's guideline of 5.5 percent could have produced 26 cents. In fact, we had in front of them only 17 cents. Yet, that 17 cents they rejected and deferred until the second year of the agreement. We say that this is clearly beyond their statutory authority.

The second count goes to the fact that in the informal hearing held by the Board in the case of North American on two occasions and in the case of LTV on one occasion, those companies testified that anticipating a tandem relationship to auto, such as they had had in 1965 and again in 1968, and because their contracts run on long-term bases, for two, three and even longer years, and they have to be constantly projecting their costs, whether labor costs, material costs or whatever, that they had projected what they knew they would be doing and the LTV witness said specifically when the General Motors strike was settled, the money value of that strike was projected into their costs and used for the purpose of determining bidding, and negotiating with regard to on-going contracts.

That being so, then the entire package was automatically approvable and, of course, McDonnell Douglas, whose testimony did not go to this point would certainly be, under the Board's regulations, entitled to the same consideration on the basis of a tandem relationship even under the restrictive regulation of the Board, which says a tandem must happen within six months.

Our third point goes to the fact that there is no substantial evidence to support the order and it is discriminatory to approve larger settlements like settlements in coal and the railroads, and therefore, this action taken in aerospace is inconsistent and we allege that the orders were based on politics and administrative convenience, rather than facts and reason.

It has been said in private, and to some extent publicly, that a strike in aerospace, should it ensue, would have little impact on the economy, would have impact only on those directly involved and therefore cause no concern that there might be a strike as a result of the Pay Board action.

Count number four goes to the matter of tandem relationship to auto, the fact that that tandem relationship was outside the six-month span, that dropping the gate of the six months was itself arbitrary and capricious because aerospace has been tandem with auto at least since 1965 and not simply generally tandem, but specifically tandem in terms of the actual number of cents per hour negotiated in 1965 and again in 1968 and for the third time in 1971.

The fifth one goes to the claim that we were denied due process because of these arbitrary and capricious acts of the Board. Also five goes on in its detail to say that no formal open hearing was held on this matter as required by the statute.

There was a closed informal hearing held. There were no proper regulations issued on the interest and finance charges as required by the statute and we cite as an exhibit attached to the complaint, the very interesting letter sent to the President by Mr. Wright Patman, claiming that Mr. McCracken's action on behalf of the President taken in late December, was not consistent with the requirements of the Congress or of the law.

We also say that at the time the action was taken by the Pay Board, there was no proper delegation of authority under the new Act by the President and, in fact, the President did not take his action until the 26th of January and then purported to make it retroactive.

We also claim that there was a prejudgment of this case, before it was even submitted to the Board, by members of the Board, specifically being Mr. Jacoby, a public member, who before the contracts even went to ratification, had headlines in the Los Angeles and Long Beach newspapers to the effect that the contract should be struck down.

Before the case was submitted to the Board, Mr. Day, an industry member, repeatedly said that the contract was the last of the cows that should be led into the corral but slimmed down in the process.

It was a breach of neutrality guaranteed by the President of the United States based upon which promise the labor members became participants in the Pay Board inasmuch as Mr. Rumsfeld, the Executive Director of the Cost of Living Council, on two separate occasions, said that the aerospace contracts should be rejected.

The order, we further say, contains no proper findings of fact or gives no rationale, no reason as to the basis of the order.

The resolution that they finally adopted was an attempt to rewrite the contracts and preclude collective bargaining in excess of the authority granted the President by the Congress of the United States.

Further, that this was also a breach of earlier assurances given by Pay Board members to meet personally, specifically on the 8th of November, 1971, in the case of Mr. Weber, this being taken note of sometime during the month of December in the public press specifically, I think, the Los Angeles Times.

Of course, on the 8th of December, the Secretary of Labor of the United States, Mr. Hodgson, inferentially said that the aerospace contract should be approved as being tandem to auto.

Finally, the stenographic record that was taken of the informal private hearing, when we asked for a copy of the transcript, that transcript was denied by administrative act, not of the Board, because the issue never went to the Board, but by the Secretary of the Board acting on behalf of the Board.

As I said, Mr. Schlossberg is here, as well as myself, to answer any specific questions that there may be.

Q. Mr. Woodcock, this decision was originally taken with the machinists. Are they involved in any way at all in your suit?

Mr. WOODCOCK. They will be filing suit, we anticipate, next week. Their fact situation is a little bit different. It is essentially the same, but a little bit different than ours.

Q. How many workers are involved from your union in this?

Mr. WOODCOCK. Just short of 30,000.

Q. Mr. Woodcock, are you holding up renegotiating this contract until this suit is resolved?

Mr. WOODCOCK. We are not going to renegotiate the contract. The companies asked us if that was our intention when the Pay Board took its action, which we thought was an improper action and the labor members did not, as you may know, vote on that motion.

We simply told the companies by letter that they should pay the 34 cents or 35 cents in the case of LTV which the Pay Board clearly was allowing and we would hold in abeyance the question of the 17 cents until we have an answer to this suit.

Q. Have they agreed to do that?

Mr. WOODCOCK. They have agreed to do that. They have paid that money.

Q. Did you ask any of the companies to join with you in this action or did any of them offer to do that?

Mr. WOODCOCK. No. I think for obvious reasons they prefer not to. They have a very sensitive relationship to whoever is the Administration.

Q. Item 4 on page two, you talk about "Administrative and political convenience and not on the fact." Would you clarify the political convenience aspects of it?

Mr. SCHLOSSBERG. Our allegation there is based upon the fact that there were statements made by Board members going to the question of strikes as to whether they could stand a strike or whether they thought it would be good to have a strike and whether they thought a strike would be successful. It also goes to the jawboning by Administration officials which had a definite effect on the Board.

We believe that the basis of the order should be the facts of the case and the legal reason sufficient to justify it. No such facts were put into the record, no such findings were made, and we think that on the set of facts which becomes apparent from a reading of the story of the aerospace contracts in the public press and from the comments that these people have made, it is clear that they made this decision not on the facts of the aerospace contract, but on what they thought was their proper role within the press and the relative strength and inconvenience of a strike in other settlements which were much larger than the aerospace, which they approved.

Q. As a point about possible threat of strikes and in effect challenge the unions involved to strike in view of the weak situation which they find themselves, was that explicitly said in Board meetings?

Mr. SCHLOSSBERG. I don't think they ever said it on the record.

Q. I know, but was it said aside from the record? I imagine on the record, no, but did they say that privately?

Mr. WOODCOCK. On the 21st of December and again, I think it was on the 4th of January, there were numerous meetings, but they were all off the record caucus meetings. No one said to us, "Well, go ahead and strike." It was conveyed in this sense: "Obviously if there is a strike it will have no great impact on the economy. It will affect only your own members and the companies involved."

Nobody challenged us or dared us to go on strike, but the message, I think, was quite clear. And we had some very heated exchange because I had repeatedly said prior to the 8th of November when the policy was set, when originally they were talking about five percent, that they certainly weren't going to get the miners back in the pits for five percent.

Of course, the coal piles of the utility companies were beginning to shrink very drastically. It was quite obvious they had to settle the coal situation and it should have been settled and what they submitted should have been approved.

The 4.1 percent of the 16 percent there was to bail out a bankrupt pension scheme where the benefits, as you know, had been increased in 1969, and certainly the input was desperately needed.

Q. Isn't there an expedited court procedure? How does that apply to this?

Mr. SCHLOSSBERG. There is an emergency Court of Appeals which was set up by the 1971 amendment to the Economic Stabilization Act of 1970. The only cases, however, that go directly to that court are cases which challenge the constitutionality of the statute or of the statute as applied by the Board.

This suit is framed in terms of illegality and not in terms of unconstitutionality, so this suit will be filed today in the United States District Court for the District of Columbia. Appeals from this suit, should there be an appeal, would be heard by that temporary emergency Court of Appeals. But we do not go into the direct review category at this point.

Q. Is there a way of stimulating action in the District Court on this thing?

Mr. SCHLOSSBERG. Well, we are asking for a permanent injunction here and inasmuch as this is an administrative matter in which we allege irreparable injury which effects not only aerospace but other contracts throughout the nation, and since we have alleged defects of such magnitude by this Board and such high-handed administrative dealing, I would think the inference is clear that nobody can depend on a fair shake from this Board and I think the case itself argues for prompt consideration.

However, I should say that the complaint itself is 37 pages long, with 20 pages of exhibits, and it is not a matter that could be decided in a day.

Q. What implications are there for the operation of the Pay Board as a whole for other contracts involved here?

Mr. SCHLOSSBERG. Well, let's take a few cases. If their basic procedures are bad, then it seems to me any order that they issue, not only in the aerospace case, is vulnerable. If they deny the kind of legal due process required by the Act and those provisions of the Administrative Procedures Act, which were incorporated in the new amendments, then any order so drafted would be vulnerable.

If they refuse to give reasons for their findings in other cases, as they did in this case, and indeed make no legally sufficient findings of fact whatsoever, then I would think any of those orders are vulnerable.

If the delegation has been improper, then the delegation has been improper for other contracts which were rejected and might be rejected.

And finally, if we are correct that the President has not acted as he should have acted in the controlling of interest rates and finance charges, then none of the actions taken by the Board, which affect a substantial part of an industry, and that is a substantial industry in commerce, are legally sufficient acts.

So that the actions we refer to with respects to procedural deficiencies are very serious indeed and apply not only to this case, but other cases.

Q. If you are successful in this suit, that, in effect, is pretty well going to destroy the Pay Board as presently constituted, isn't it?

Mr. SCHLOSSBERG. I think it might make the Pay Board act procedurally correct rather than destroying it.

Q. Mr. Woodcock, if this does result in emaciating the Pay Board so it can't function, are you prepared for that eventuality, to see the Pay Board become inoperable?

Mr. WOODCOCK. The things to which Mr. Schlossberg referred are repairable deficiencies. For example, if we are correct in our allegation relative to the acts the President has taken with regard to interest and finance charges, then that deficiency can be repaired by an agency acting for the President and if the Board has been improper in its procedures they can repair that deficiency.

There is nothing here that strikes down the Board as such. We are not, as Mr. Schlossberg said, challenging the constitutionality of that act or of the constitutional function of this Board. There is nothing we claim they cannot fix themselves.

Q. So you would like to see a reformation of the Pay Board along these lines, rather than its destruction?

Mr. WOODCOCK: That is right. I might say I think they are aware of the fact they acted improperly in at least one regard, since in the hearing in the case of the railroads and the United Transport Union, they did hold a public hearing in that case which would indicate that they realize to that point they had been acting improperly.

Q. Do you have any way of telling how long it might take your case to be heard and settled?

Mr. WOODCOCK. I would have to defer to Mr. Schlossberg.

Mr. SCHLOSSBERG. I really couldn't say. We are going to want to take some depositions of Pay Board members and agents of the Administration and that may take a little while. I would think just from the mere size of the complaint and the breadth of the verified allegations we make here, it is not a matter that could be disposed of in a matter of a few days.

It is a serious complaint and it has to be taken seriously and those kinds of things cannot be done overnight.

Q. If you do win, would this mean the Pay Board would have to review all past decisions it has made?

Mr. SCHLOSSBERG. No, I would think no, because we are the only parties to this particular suit and any decree that is framed would be framed in terms of our situation and other parties would have to, in reliance upon the same principles of law, come back to the court for relief.

We have asked for very specific relief. We have asked for declarations of illegality which would apply only to our case, even though it might have more universal application if other parties rely on them. We have asked for injunction opportunity action to prevent the Pay Board from interfering with lawful contracts.

Q. But aren't other unions going to perhaps rely on this decision in sort of a tandem relationship?

Mr. SCHLOSSBERG. I think they might. I think a lot of unions or workers have been mistreated by the mishandling, for instance, of the tandem situation, and that they would tandem themselves to this suit to straighten out the Board's arbitrary action in tandem.

Mr. Woodcock reminds me perhaps I ought to say why this suit is in the name of Judge Boldt only. As we read the Act, all legal authority is vested in the only full time officer of the United States on the Pay Board itself and that is the Judge, so this suit is a suit brought against Judge Boldt individually and in his capacity as Chairman of the Pay Board, because the Pay Board acts only through the full time office of the Chairman.

Q. Could you tell us why you, and Mr. Patman, too, I assume, feel that Mr. McCracken's notice of December 23rd was improper as far as interest rates and finance?

Mr. SCHLOSSBERG. Yes. The Act says—and I can't give you the exact language. I could, but I am sure you don't want the exact language—that before the Pay Board acts with respect to an industry substantial enough that it may have an impact on the economy, the President or his delegate should act with respect to controlling interest rates and finance charges or he should issue findings of fact and determinations and reasons why such control was not necessary.

Now, Mr. McCracken's letter of a page and a half, issued late in December, to take a swipe, so to speak, at this section of the Act, is insufficient. The Act requires not only a determination of fact and a finding and reasons for that finding, but it also says that in important matters covered by the Act, unless reasons are given why it should not be done, there should be a public formal hearing.

No hearing whatsoever was conducted on the McCracken statement. It was simply issued as a last minute hurry-up vague statement over the title of the Cost of Living Council. It was issued by the Cost of Living Council.

Now, Congressman Patman has written the President a very long letter detailing the insufficiency of that legal action by the Administration and we think he makes a good case and we think we will be able to make a good case on that.

Q. Mr. Woodcock, at the time the Pay Board announced its decision on the aerospace contract, you made a statement where you said you had an understanding that the tandem relationship would be recognized.

Does this understanding appear in your suit as a compaint or violation?

Mr. WOODCOCK. It is referenced in the complaint, yes. On the question of assurances, the form of it was, on the evening of the 8th of November, at this point in time, the labor submission had been voted on first and rejected. The industry submission had been voted on and rejected. We then had before us the public members submission which was clearly going to be accepted and I asked a series of questions, many of which went, of course, to the matter of aerospace which was very prominent in my mind at the time.

I was told, "Yes, we will approve aerospace." The assurance went to the point that, "If in fact what you claim is shown to be true——" because they had no way of knowing except my claim as to what had been the past relationship between aerospace and auto, then this is the sort of thing that is meant by the exception paragraph to which my attention had been drawn there, Harry Bernstein in the Los Angeles Times quoting Mr. Arnold Weber, makes reference back to this and supports the contentions I am now repeating this morning.

Q. You said it was made clear to you a strike in the aerospace industry wouldn't make much difference. That sounds like a policy decision and yet you say it is a political decision, which in 1972 means partisan politics, does it not?

Mr. WOODCOCK. None of this was ever said in a formal meeting of the Pay Board. This was said in caucus and was said, I repeat, not on the basis of challenging us to strike, but simply as an observation, "Well, if the strike ensues——"

At no time were we threatening a strike, because we had no argument with the companies, but it was simply an observation it would have no great impact on the economy because this is a very depressed industry, as though there is one rule for depressed industries and another rule for industries that are not depressed or that do have a wide impact on the economy, which we find intolerable.

Q. Who would gain politically and in what way? You refer to the political implication here.

Mr. WOODCOCK. I think, and Mr. Schlossberg can correct me on this if I am wrong, we are using the term "political" not necessarily in a partisan sense, but an act by people who are acting politically, which is arbitrary and capricious. That is what we mean, not partisan.

Q. You don't preclude the possibility of a partisan advantage here?

Mr. WOODCOCK. That might have a peripheral impact. Quite obviously, had we called a strike which would have had some effect in Southern California in particular, which itself has grave economic difficulties, it could be said to be counter-productive.

Q. Mr. Woodcock, haven't there been conversations between other labor members and you and certain employer members, querying them on the decision of the Board on the railroad signalmen decision and a response in that case being, "What the hell do you want us to do, have another strike? It would cost us $34 million."

Now, do you feel that kind of thing reflected the thinking of the Board generally as to the attitude toward a depressed industry?

Mr. WOODCOCK. I think what they were saying in early January was they had already reached their decision. It has not been registered, but they made the decision and these comments were made in support of the conclusions they had made.

An alternate to an industry member came forward in a meeting arranged by some public members with me and he had a formula he could get some industry votes for. It so happens this alternate was the man who is Chairman of Southern Pacific.

I said, "Are you ready to apply that same formula to the railroad case when it comes before us next week?"

He said, "Oh, no, that is a different matter."

That, in a nutshell, shows that there are different kinds of rules in their minds, different ways of approaching things.

Q. Mr. Woodcock, one of the points you make is that by knocking down aerospace while approving other contracts, they are discriminating against aerospace. Does that mean until this suit is settled that the

UAW might not vote on other contracts that come before the Board?

Mr. WOODCOCK. Oh, no, Mr. Greathouse, who is voting for me as the alternate, voted subsequent to the aerospace decision to allow the railroad contract to go into effect. His was the eighth vote supplied which was required to give a majority.

Q. Earlier though, he had abstained on the same resolution, hadn't he?

Mr. WOODCOCK. Earlier he had abstained. This was a tactical consideration because I had alleged to the public members if it had taken one or two or whatever votes to validate the coal contracts, they would have supplied those votes, but as long as they can hide behind industry-labor and appear to be pure and sanctimonious, that they would do so.

That was a tactical consideration to try to bring that about.

The PRESS. Thank you very much.

[In the U.S. District Court for the District of America]

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Michigan 48214, Plaintiff, v. Honorable George H. Boldt, Individually, and as Chairman of the Pay Board, 2000 "M'" Street, Washington, D.C. 20508, Defendant.

Comes now plaintiff International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), hereinafter "UAW", by its attorneys to allege and complaint of defendant as follows:

COUNT I

1. This is a civil action for declaratory judgment and injunctive relief. The Court has jurisdiction of this action under the provisions of Section 210(a) of the Economic Stabilization Act of 1970, as amended (P.L. 92-210, amending P.L. 91-379), 84 Stat. 799, hereinafter the "Act", which provides as follows:

"Any person suffering legal wrong because of any act or practice arising out of this title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction (subject to the limitations in section 211), and/or damages."

2. Plaintiff is the recognized collective bargaining representative of more than 1,300,000 employees in industries affecting interstate commerce, with its headquarters at 8000 East Jefferson Avenue, Detroit, Michigan 48214.

3. For purposes of the Act, Section 201.3 of the Stabilization of wages and salaries regulations, hereinafter "regulations", defines "person" to include "any labor organization." 6 CFR Section 201.3 (36 Fed. Register No. 252, p. 25428, December 31, 1971). Thus, the language "any person . . ." in Section 210(a) of the Act includes any labor organization.

4. Plaintiff is a labor organization both within the meaning of the Act as construed by Section 201.3 of the regulations (6 CFR Section 201.3) and within the meaning of Section 2(5) of the National Labor Relations Act, as amended [29 U.S.C. Section 152(5)]. Thus, plaintiff is a person within the meaning of the Act, and within the meaning of Section 210(a) thereof.

5. Defendant George H. Boldt is Chairman of the Pay Board, and has his offices at 2000 "M" Street, Washington, D.C. 20508, within this judicial district. Defendant is sued both individually and in his capacity as Chairman of the Pay Board.

6. The Pay Board is an agency of the United States Government, created by Section 7 of Executive Order 11627, issued by President Nixon on October 15, 1971, pursuant to his authority under Section 203 and Section 204 of the Act.

7. Under Section 7(b) of Executive Order 11627, the Chairman of the Pay Board is a full-time official of the United States. Said Chairman is the only full-time member of the Pay Board.

8. Under Section 204(2) of the Act, the legal authority of the Pay Board is vested solely in the Chairman of the Pay Board.

9. Under Executive Order 11627 and Cost of Living Council Order No. 3, both of which were issued October 15, 1971, the Pay Board acts through its Chairman.

10. During or about September, 1968, plaintiff entered into a collective bargaining agreement with the McDonnell Douglas Aircraft Company, hereinafter called "Douglas". Said collective bargaining agreement covered approximately 16,500 individuals, who are employed by the company and are represented by plaintiff.

11. On or about September 10, 1968, plaintiff and Douglas entered into a letter of agreement concerning the Cost-of-Living Adjustment (hereinafter COLA) increases provided for in the aforesaid collective bargaining agreement. A true copy of this letter of agreement is attached hereto as plaintiff's Exhibit A, and by reference made part of this complaint. (Hereinafter, this letter of agreement will be referred to as the "Douglas overage letter.")

12. Under the aforesaid Douglas collective bargaining agreement and overage letter, Douglas undertook to pay certain COLA "overages," generated by actual cost-of-living increases in excess of the annual limitations in the contract. These COLA overages were designed to protect employees against any unusually fast increase in the cost-of-living during the term of the 1968 collective bargaining agreement.

13. Under the aforesaid Douglas collective bargaining agreement and overage letter:

A. Douglas owes, by way of COLA overage, a 34 cents per hour wage increase to employees represented by plaintiff.

B. Said 34 cent increase is retroactive to July 19, 1971 and was therefore due and payable before November 14, 1971.

14. By a letter dated September 7, 1971, Ken Bannon, Director of plaintiff's Aerospace Department, informed Douglas that the COLA overage due under the 1968 collective bargaining agreement and overage letter amounted to a 34 cents per hour wage increase retroactive to July 19, 1971 and demanded payment of said increase in accordance with the terms of the Douglas overage letter. A true copy of this letter is attached as Exhibit A-1, and by reference made a part of this complaint.

15. Said 34 cent wage increase, owed by way of COLA overage, arises solely under the terms of the aforesaid 1968 Douglas collective bargaining agreement and overage letter.

16. Douglas' liability for the said COLA overage and the extent of that liability was established under the 1968 collective bargaining agreement and overage letter long before August 15, 1971. As early as September 10, 1968, the Douglas overage letter established that said COLA overage was to be made available on September 16, 1971 retroactive to July 19, 1971. These moneys were due and payable before November 14, 1971.

17. During or about October, 1968, plaintiff entered into a collective bargaining agreement with the LTV Aerospace Corporation, hereinafter called LTV. Said Collective bargaining agreement covered approximately 5,500 individuals who are employed by LTV and are represented by plaintiff.

18. On or about October 18, 1968, plaintiff and LTV entered into a letter of agreement concerning the COLA increases provided for in the aforesaid collective bargaining agreement. A true copy of this letter of agreement is attached hereto as plaintiff's Exhibit B, and by reference made part of this complaint. (Hereinafter, this letter of agreement will be referred to as the "LTV overage letter.")

19. Under the aforesaid LTV collective bargaining agreement and overage letter, LTV undertook to pay certain COLA overages generated by actual cost-of-living increases in excess of the annual limitations in the contract. These COLA overages were designed to protect employees against any unusually fast increase in the cost-of-living during the term of the 1968 collective bargaining agreement.

20. Under the aforesaid LTV collective bargaining agreement and overage letter:

A. LTV Aerospace Corporation owes, by way of COLA overage, a 35 cents per hour wage increase to employees represented by plaintiff.

B. Said 35 cent increase is made available on October 17, 1971, and therefore was due and payable before November 14, 1971.

21. By a letter dated September 7, 1971, Ken Bannon, Director of plaintiff's Aerospace Department, informed LTV that the COLA overage due under the 1968 collective bargaining agreement and overage letter amounted to at least 34 cents per hour wage increase, and demanded payment of said increase in accordance with the terms of the LTV overage letter. This letter is attached as Exhibit B-1 and by reference made a part of this complaint.

22. Said 34 cent wage increase, owed by way of the COLA overage, arises solely under the terms of the aforesaid 1968 LTV collective bargaining agreement and overage letter.

23. LTV's liability for the said COLA overage and the extent of that liability was established by the 1968 collective bargaining agreement and the overage letter long before August 15, 1971.

24. As early as October 18, 1968, the LTV overage letter established that said COLA overage was to be made available on October 17, 1971, and was therefore due and payable before November 14, 1971.

25. During or about October, 1968, plaintiff entered into a collective bargaining agreement with North American Rockwell Corporation, hereinafter called NAR. Said collective bargaining agreement covered approximately 9,000 individuals who are employed by NAR and are represented by plaintiff.

26. On or about October 11, 1968, plaintiff and NAR entered into a letter of agreement concerning the COLA increases provided for in the aforesaid collective bargaining agreement. A true copy of this letter of agreement concerning the COLA increases provided for in the aforesaid collective bargaining agreement is attached hereto as plaintiff's Exhibit C, and by reference made part of this complaint. (Hereinafter, this letter of agreement will be referred to as the "NAR overage letter.")

27. Under the aforesaid NAR collective bargaining agreement and overage letter, NAR undertook to pay certain COLA overages, generated by actual cost-of-living increases in excess of the annual limitations in the contract. These COLA overages were designed to protect employees against any unusually fast increase in the cost-of-living during the term of the 1968 collective bargaining agreement.

28. Under the aforesaid NAR collective bargaining agreement and overage letter.

A. NAR owes, by way of COLA overage, a 34 cents per hour wage increase to employees represented by plaintiff.

B. Said 34 cent increase was made available on October 1, 1971, and was, therefore, due and payable before November 14, 1971.

29. By a letter dater September 7, 1971, Ken Bannon, Director of plaintiff's Aerospace Department, informed NAR that the COLA overage due under the 1968 collective bargaining agreement and overage letter amounted to a 34 cents per hour wage increase, and demanded payment of said increase in accordance with the terms of the

NAR overage letter. This letter is attached as Exhibit C–1 and by reference made a part of this complaint.

30. Said 34 cent wage increase, owed by way of the COLA overage, arises solely under the terms of the aforesaid 1968 NAR collective bargaining agreement and overage letter and was due and payable before November 14, 1971.

31. NAR's liability for the said COLA overage and the extent of that liability was established by the 1968 collective bargaining agreement and overage letter, long before August 15, 1971.

32. As early as October 11, 1968, the NAR overage letter established that said COLA overage was to be made available on October 1, 1971, and was, therefore, due and payable before November 14, 1971.

33. On or about December 6, 1971, plaintiff entered into a new collective bargaining agreement with Douglas. (Said agreement hereinafter referred to as the "new Douglas agreement.")

34. On or about December 13, 1971, plaintiff entered into a new collective bargaining agreement with LTV. (Said agreement hereinafter referred to as the "new LTV agreement.")

35. On or about December 15, 1971, plaintiff entered into a new collective bargaining agreement with NAR. (Said agreement with the new Douglas agreement and the new LTV agreement collectively referred to as the "new Aerospace agreements," or the "Aerospace agreements.")

36. The new Douglas agreement provides for an aggregate first year wage increase of 17 cents per hour which was, of course, exclusive of any COLA overage. The average hourly wage cost at the termination of the prior Douglas agreement was $5.222 (including the 34 cent COLA overage). Thus, if one excludes any COLA overage from the first year wage increase, the aggregate first year increase under the new Douglas agreement is less than 5.5 per cent.

37. The new LTV agreement provides for an aggregate first year wage increase of 16 cents per hour, exclusive of any COLA overage. The average hourly wage cost at the termination of the prior LTV agreement was $5.217 (including the 35 cent COLA overage). Thus, if one excludes any COLA overage from the first year wage increase, the aggregate first year wage increase under the new LTV agreement is less than 5.5 per cent.

38. The new NAR agreement provides for an aggregate first year wage increase of 17 cents per hour, exclusive of any COLA overage. The average hourly wage cost at the termination of the prior NAR agreement was $5.319 (including the 34 cent COLA overage). Thus, if one excludes any COLA overage from the first year wage increase, the aggregate first year wage increase under the new NAR agreement is less than 5.5 per cent.

39. The new Aerospace agreements were submitted to defendant for approval during the month of December, 1971.

40. On or about December 21, 1971, defendant held a closed hearing on the question of whether the new Aerospace agreements should be approved. Defendant invited plaintiff, Douglas, NAR, among others, to make presentations. Plaintiff, Douglas, LTV, and NAR, among others, made presentations urging that defendant approve the new Aerospace contracts. No contrary evidence was presented, and no further evidentiary hearings were held subsequently.

41. On or about January 5, 1972, defendant ordered the new Aerospace contracts disapproved and issued an official press release to that effect. A true copy of said press release (hereinafter "defendant's order") is attached hereto as plaintiff's Exhibit D, and made part of this complaint by reference.

42. Said press release constitutes the only written public order of defendant disapproving the new Aerospace agreements, although private communications were sent to the parties.

43. On or about January 13, 1972, defendant issued a resolution authorizing the approval, without further action by the Pay Board, of new Aerospace agreements previously disapproved subject to the following conditions, among others: (i) the aggregate average first year wage increase does not exceed 34 cents per hour, except in the case of the LTV agreements where it must not exceed 35 cents per hour; (ii) the effective dates of any other wages increase contemplated by the disapproved agreements may not be made earlier; and (iii) there may be no increase in non-wage benefits or contributions over those in the disapproved agreements. A true copy of said resolution (hereinafter "defendant's resolution") is attached hereto as plaintiff's Exhibit E, and made part of this complaint by reference.

44. The aforesaid order and resolution of the Pay Board, acting through defendant, purport to be issued pursuant to the Act, or the authority delegated pursuant to the Act.

All acts and practices of the Pay Board, through defendant, with regard to the aforesaid order and resolution arise out of the Act within the meaning of Section 102(a) of the Act, even where such acts or practices may be in arbitrary, capricious, in excess of authority, or otherwise unlawful.

All regulations of the Stabilization of Wages and Salaries Regulations (hereinafter "regulations") arise out of the Act within the meaning of Section 210(a) of the Act, even where such regulations may be arbitrary, capricious, in excess of authority, or otherwise unlawful.

45. On or about November 8, 1971: defendant issued a general pay standard (hereinafter "standard") which provides, in part, that the maximum permissible annual aggregate wage increases for new labor agreements shall be 5.5 per cent. This standard has continued in effect and is now incorporated in Section 201.10 of the regulations, 6 CFR Section 201.10.

46. On or about November 8, 1971, defendant issued certain regulations governing pay adjustments. Said regulations provided, in part:

"4. (a) Effective November 14, 1971, the general pay standard shall be applicable to *new* labor agreements . . .

"(b) *Existing contracts and pay practices previously set forth will be allowed to operate according to their terms* . . ." (emphasis supplied)

In that the aforementioned COLA overages are due and payable under *old* labor agreements (i.e., the 1968 agreements and overage letters), under the terms of this statement the general pay standard is inapplicable, and the 1968 agreements and overage letters should be allowed to operate according to their terms.

47. On or about November 12, 1971, defendant issued the following decision interpreting its regulations on old contracts:

"Existing regulations of the Pay Board provide that: 'Existing contracts and pay practices previously set forth will be allowed to operate according to their terms . . .' *This means that, effective November 14, 1971, all the terms of such contracts and pay practices are fully operative* . . ." (emphasis supplied)

In that the aforementioned COLA overages are due and payable under 1968 labor agreements, this interpretation makes it even clearer that said COLA overages are not subject to the general standard for new contracts, but must be approved and allowed to become fully operative *solely* because the increases in question have the character of "old" money.

48. On or about November 12, 1971, defendant adopted the following regulation:

"The base date from which the general pay standard increases shall be measured is November 13, 1971."

Under this regulation it is clear that the COLA overages in question, like other increases due and payable under old agreements and letters of agreement, must be considered as part of the base wage rate from which the aggregate annual increase under new labor agreements are calculated, and thus such old increases must not be counted as part of the first year increase to which the general 5.5 per cent standard is applicable.

49. Likewise, in defendant's official form PB–1, issued during December 1971 and currently in use to report wage adjustments under collective bargaining agreements, under the heading "Base Period" one finds:

"Retroactive wage salary and benefit increases legally applicable to and paid for November 13 should be included in the base period expenditures." (PB–1, p. 4, Col. 2)

Under this regulation it is clear that the COLA overages in question, like other increases due and payable under all agreements and letters of agreement, must be considered as part of the base wage rate from which the aggregate annual increase under new labor agreements are calculated, and thus such old increases must not be counted as part of the first year increase to which the general 5.5 per cent standard is applicable.

50. On or about December 31, 1971, defendant issued Section 201.10 of the regulations which provides, in relevant part, as follows:

"Effective on and after November 14, 1971, the general wage and salary standard (hereinafter referred to as the 'standard') is established as 5.5%. *The standard shall apply to any wage and salary increase payable with respect to the appropriate employee unit pursuant to an employment contract entered into or modified on or aftre November 14, 1971* . . . Except as otherwise provided in the Regulations under this title or by decision of the Pay Board, the standard shall be used to compute the maximum permissible annual aggregate wage and salary increase . . ." (Section 201.10 of regulations, 36 Federal Register, No. 252, at 25428, December 31, 1971, emphasis supplied.)

51. The aforementioned COLA overages were due and payable under the 1968 Aerospace contracts and overage letters, therefore should have been added to the base wage rate. Thus, under defendant's own standard, the Aerospace contracts should have been approved in that the actual first year increase is less than 5.5 percent of the proper base wage rate.

52. Defendant's recognition of the fact that said COLA overages were due under the 1968 agreements and letters and, therefor, properly should have been considered as part of the base wage rate is demonstrated by defendant's resolution (plaintiff's Exhibit E). Said resolution offers to approve first year wage increases exactly equivalent, both in their amounts and in their relative differences, to the COLA overages due plaintiff under the 1968 Aerospace agreements and overage letters. Thus, for Douglas and for NAR, defendant offers to approve a 34 cent increase, exactly corresponding (in both amount and in difference from the other two Aerospace contracts) to the 35 cents COLA overage due under the 1968 LTV agreement and overage letter. The effective dates approved for the COLA overage increase are the dates specified in the 1968 letter agreement.

Plaintiff alleges on information and belief that, because of the "old money" character of the aforesaid COLA overages, defendant was advised and did believe that it was legally obligated to approve these amounts, entirely independent of the additional 16 cents or 17 cent increase introduced by the 1971 agreements.

53. Nevertheless, in dealing with the Aero-

space agreements, defendant wrongfully interpreted the aforesaid regulations, among others, and the Act to exclude aforesaid COLA overages from the base wage rate, thereby making it appear that the first year increase was 51 cents (more than 12 percent) while in reality said first year increase was 16 cents or 17 cents—less than defendant's own 5.5 percent standard. In that the true first year increase under the new Aerospace contracts is within defendant's own 5.5 percent standard, the new Aerospace contracts should have been approved as written.

54. The aforesaid regulations, as interpreted and applied by defendant's order disapproving the new Aerospace agreements, as said regulations have been interpreted and might be applied by defendant's resolution, and as said regulations might be interpreted or amended by some future action, order, or resolution of defendant interfering with the implementation of the new Aerospace contracts as written, are UNLAWFUL because they are arbitrary, capricious, in excess of authority, and an abuse of discretion, in that:

A. As set forth in paragraphs 46 to 54 above, under defendant's own interpretation of its regulations, increases attributable to the COLA overages, in that they constitute "old" money due and payable under the 1968 agreements and overage letters, must be regarded as part of the base wage rate. Properly calculated, the aggregate first year wage increase under the new Aerospace agreements is only 16 cents or 17 cents, less than the defendant's own 5.5 per cent standard. Thus, the plain meaning of said regulations requires: (i) that the COLA overages be allowed to be fully implemented according to the terms of the 1968 agreements and overage letters; (ii) that increases attributable to said COLA overages be included in the base wage rate for purposes of calculating the aggregate first year increase under the new Aerospace agreements; (iii) and that the new Aerospace agreements be approved as written on the ground that the first year increase provided therein is less than the 5.5 per cent standard. *Nevertheless,* said regulations, as interpreted by defendant's order disapproving the new Aerospace agreements, as said regulations have been interpreted and might be applied by defendant's resolution, and as said regulations might be interpreted or amended by some future action, order, or resolution of defendant interfering with the implementation of the new Aerospace agreements as written, are preventing the full implementation of the COLA overages according to the terms of the 1968 agreements and letters; are not including increases due to said COLA overages in the base wage rate; and are preventing the implementation of the new Aerospace agreements as written, even though the first year increases provided for therein are less than defendant's own 5.5 per cent standard—all of which is contrary to the plain meaning of the regulations, the Act, and to defendant's own interpretation of both.

B. On or about December 22, 1971, defendant approved a labor agreement between the Brotherhood of Railroad Signalmen and the National Railway Labor Conference, covering some 10,000 workers. Said agreement was settled on November 16, 1971, but covered the period from January 1, 1970 to June 30, 1973.

(1) This agreement provided for an increase of 5 per cent effective January 1, 1970, 6.9 per cent effective November 1, 1970, 2.9 per cent retroactive to January 1, 1971, and 2.9 percent retroactive to April 1, 1971. The first two of these increases were provided by Congress to settle the dispute. The second two were provided by the Presidential Emergency Board for the same purpose. Like the 1968 Aerospace agreements and letters, all four increases were provided for considerably before the wage-price freeze went into effect on August 15, 1971. The Signalmen's agreement independently provided for the following further increases: about 5 per cent retroactive to October 1, 1971; a 24 cent increase on April 1, 1972; a 25 cent increase on October 1, 1972; and a 25 cent increase on April 1, 1973.

(2) If one follows the plain meaning of the regulations and the Act, and *includes* the retroactive increase in the base wage rate, the aggregate wage increase for the first year after contract settlement amounts to slightly less than 3 per cent.

(3) In approving the Signalmen's contract, defendant properly included the October 1, 1971 retroactive increase in the *base rate* by computing the base rate *as of* November 13, 1971. Defendant's press release of December 9, 1971, provides:

"As of November 13, 1971, which is the 'base date' to be used in establishing a base for computing increases under new agreements, the base hourly cost for workers under this [Signalmen's] agreement has been established at $5.51 per hour . . . *This amount includes the 5% increase called for on October 1, 1971.*" (pages 2–3, emphasis supplied.)

Calculated in this manner, the first year increase under the Signalmen's agreement was within the 5.5 per cent standard.

(4) However, if defendant had treated the Signalmen's agreement the way it was later to treat the Aerospace agreements and put the retroactive increase into the first year increase by excluding said increases from the base wage, then the first year post-settlement increase under the Signalmen's agreement would amount to about 15 per cent without the increases mandated by Congress and the Presidential Emergency Board far in excess of the 5.5 per cent standard.

(5) Defendent's regulations and defendant's treatment of the Signalmen's agreement thereunder are thus manifestly inconsistent with defendant's treatment of the Aerospace contracts.

(6) Further, defendant has not and cannot offer any adequate or legally sufficient reasons why the regulations and the Act have been inconsistently applied to Aerospace and Signalmen's agreements.

(7) Defendant has neither made, nor can he make, any findings upon which defendant might reasonably have inferred that the Aerospace and Signalmen's agreements should be treated inconsistently.

C. Defendant has approved and continues to approve various other labor agreements, all of which violate the 5.5 per cent standard for aggregate first year post-settlement wage increases, including: (i) the aforementioned Signalmen's agreement (about 15 per cent if calculated as defendant calculated Aerospace); (ii) The National Bituminous Coal Agreement of 1971 (16.8 per cent); and (iii) United Transportation Union Agreement (about 15 per cent if calculated as defendant calculated Aerospace).

Defendant has not and cannot offer any adequate or legally sufficient reasons why the above agreements, or any other agreements which violate the 5.5 per cent standard should be approved under the regulations and the Act, while the Aerospace agreements cannot be so approved. It is alleged on information and belief that defendant's approval or disapproval of major labor agreements is dependent upon such considerations as to whether or not a successful strike could be taken, rather than on rational legal grounds.

Defendant has neither made, nor can he make, any findings upon which defendant might reasonably have inferred that the above agreements, or any other agreements which violate the 5.5 per cent standard, should be approved under the regulations and the Act, while the Aerospace agreements cannot be so approved.

55. Unless the Aerospace agreements, as written, are declared to be lawful and payable under the Act; unless any and all orders, resolutions, or actions to the contrary are declared unlawful, null, void, and of no effect; and unless defendant is permanently enjoined from enforcing aforesaid order disapproving the Aerospace agreements, permanently enjoined from otherwise implementing aforesaid Aerospace resolution, and permanently enjoined from otherwise disapproving or interfering with the implementation of the Aerospace agreements as written, plaintiff and all those individuals plaintiff represents will suffer immediate and irreparable injury for which there is no adequate remedy at law in that:

A. Implementation of existing collective bargaining agreements between plaintiff and Douglas, LTV, and NAR are now and will be continuously and unlawfully interfered with, to the undue hardship of plaintiff.

B. The individuals plaintiff represents will be deprived of wage increases due them for the first year in varying amounts averaging over $300 per individual. This first year wage loss to these thousands of individual workers is substantial, and as the regular receipt of expected wage increases is of particular importance to workers who must live on nothing but their wages, not having significant reserves of savings, defendant's unlawful interference with the implementation of the Aerospace agreements and said workers' loss of wages thereby, works an undue hardship and irreparable injury on those workers and gives an unjust enrichment to their employers.

C. The intricate and ongoing collective bargaining relationships between plaintiff and Douglas, plaintiff and LTV, and plaintiff and NAR are now and will be disrupted, to the undue hardship of plaintiff and those plaintiff represents.

D. Plaintiff has exhausted all available administrative remedies.

E. Because of defendant's arbitrary, capricious, and inconsistent positions about what is properly included in the base wage rate, and about when an agreement may be approved even though it violates the 5.5 per cent standard, approval of various similar collective bargaining agreements existing between plaintiff and other employers has been and will be thrown into doubt and confusion, and the respective collective bargaining relationships thereby disrupted to the undue hardship of plaintiff and plaintiff's irreparable injury. Further, said doubt and confusion is likely to result in a multiplicity of litigation, as the parties to each of said agreements seek clarification and approval.

Wherefore, plaintiff prays:

1. That the Court declare that, as written, the Aerospace agreements are lawful under the Act.

2. That the Court declare any and all orders, resolutions, or actions of defendant, defendant's agents, or those acting in consort with defendant, which disapprove or otherwise interfere in any way with the implementation of the Aerospace agreements as written, to be unlawful, null, void, and of no effect.

3. That the Court permanently enjoin defendant, defendant's agents, or those acting in consort with defendant, from disapproving or otherwise interfering in any way with the implementation of the Aerospace agreements as written.

4. That the Court grant such other relief as the Court may deem necessary and proper.

COUNT II

1. Plaintiff realleges paragraphs 1 through 45 of Count I, and hereby incorporates said paragraphs into Count II by reference.

2. The Act provides:

"Beginning on the date on which this subsection takes effect, the President *shall promptly* take such action as may be necessary to require the payment of any wage or salary increases (including any insurance or other fringe benefits offered in connection with employment) which have been, or in the absence of this subsection would be, withheld under the authority of this title, *if* the President determines that—

"(A) *such increases were provided for by* law or *contract prior to August 15, 1971; and*

"(B) *prices have been advanced,* productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases." [§ 203(c)(3), emphasis supplied.]

3. Section 203(c)(3) of the Act mandates prompt approval by defendant of any labor agreement which meets the requirements of § 203(c)(3)(A) and § 203(c)(3)(B) of the Act, quoted above. If said two requirements are met, nothing is left to defendant's discretion; rather the wage increases in question must promptly be approved.

4. The NAR agreement and overage letters were executed in 1968, well before August 15, 1971.

5. At NAR, 34 cents per hour wage increase attributable to COLA overage was thus provided for by contract prior to August 15, 1971, and meets the requirement of § 203(c)(3)(A) of the Act.

6. NAR built into its pricing and bidding structure advances in order to cover, and in sufficient amount to cover at least the 34 cent increase per hour attributable to COLA overage; thus, said increase meets the requirements of § 203(c)(3)(B) of the Act.

7. The LTV agreement and overage letters were executed in 1968, well before August 15, 1971.

8. At LTV, the 35 cents per hour wage increase attributable to COLA overage was thus provided for by contract prior to August 15, 1971, and meets the requirements of § 203(c)(3)(A) of the Act.

9. LTV built into its pricing and bidding structure advances in order to cover, and in sufficient amount to cover at least the 35 cents per hour increase attributable to COLA overage: thus, said increase meets the requirements of § 203(c)(3)(B) of the Act.

10. As both the 34 cents COLA overage due NAR workers, and the 35 cent COLA overage due LTV workers individually meet the requirements of § 203(c)(3)(A) and § 203(c)(3)(B) of the Act, defendant is statutorily mandated promptly to approve said increases.

11. Nevertheless, defendant's order disapproves, by inference, said increases and each of them as old, required money and defendant's resolution would disapprove said increases by unlawfully counting them as first year increases under the new agreements and by unlawfully subjecting them to the 5.5 per cent standard and defendant's discretion.

12. Defendant's order, resolution, and all other acts, orders, resolutions, or regulations which disapprove or otherwise interfere with the prompt payment of the 34 cent COLA overage at NAR and the 35 cent COLA overage at LTV are UNLAWFUL because:

A. They are contrary to the express statutory command of § 203(c)(3) of the Act, therefore are in excess of defendant's authority; and

B. They are not based on findings supported by substantial evidence, in that:

(1) Whatever findings defendant has made with respect to the NAR and LTV agreements is based entirely on evidence submitted by the parties to those agreements, and by the parties to the Douglas agreement, in writing and at two closed hearings held by defendant in the latter part of December 1971. No other evidence relevant to either the new or the old Aerospace agreements has been presented, or has otherwise properly come before defendant.

(2) At the aforesaid hearings, defendant heard evidence which included the following:

(a) After reciting the terms of the new LTV agreement and explaining that a 35 cent COLA overage was payable under the 1968 LTV agreement and overage letter, the LTV representative testified that since about 1965 LTV and the Aerospace industry had closely followed the auto pattern, and that during late 1970 LTV built the cost of the auto contract into its pricing structure, projecting the cost of the GM and auto settlements into their figures for bidding purposes in anticipation of tandem wage increases which were to be made at LTV in 1971. He explained that said price and bidding estimate advances were sufficient to cover both the 35 cent COLA overage due under the 1968 agreement and letters, and the 16 cents new money increase provided for by the new agreement.

(b) The NAR representative testified that the Aerospace industry, including NAR, has followed the auto pattern since 1965; that in 1968 NAR set the Aerospace pattern, following the lines of the auto pattern; that Aerospace is clearly in tandem to auto; and that, in recent years, NAR and the rest of the Aerospace industry has been in tandem to each other. He further testified that the overage letter at NAR was negotiated in 1968, as part of the 1968 agreement. He also testified that, after the 1970 GM settlement was made, NAR refigured their pricing and bidding so that they were advanced to cover labor costs projected on the 1970 GM pattern. The representative testified that the advance in prices based on this projection was remarkably adequate, so that the new NAR agreement, negotiated in 1971, if fully effective as written, would not affect profits by more than ½ of one per cent.

(c) The Douglas representative testified that the new Douglas agreement followed the new NAR agreement which was the pattern of the Aerospace industry. He further noted that the Aerospace industry, including Douglas, has followed the auto pattern since 1965.

(d) Leonard Woodcock, President of plaintiff, testified that the tandem between the Aerospace industry and the auto industry was not invented for the Pay Board, but rather had been in existence since 1965. He further testified that plaintiff had adhered to the auto pattern in its bargaining with the Aerospace industry, even though such adherence was disadvantageous in certain respects and even though objections to such adherence were raised during the UAW Convention. He also pointed out that plaintiff's efforts to adhere to the auto pattern in Aerospace had included taking the unprecedented step of terminating a strike against Douglas Aircraft Co. of Canada when the company offered to meet the auto pattern, even though the local unions wished to continue the strike.

(3) The evidence summarized in paragraph 12(B)(2) of Count II, above, constitutes strong and convincing proof as to the truth of the allegations in paragraphs 5, 6, 7, and 8 of Count II.

(4) The evidence summarized in paragraph 12(B)(2) of Count II above is uncontroverted. No contrary evidence tending to show that the allegations of paragraphs 5, 6, 7, and 8 of Count II, above, are untrue was presented to defendant at said hearings; nor did any such contrary evidence come before defendant before defendant's order and resolution relative to the LTV and NAR agreements was issued; nor has any such contrary evidence since come to defendent.

(5) Thus, defendant's disapproval of the 34 cent COLA overage at NAR and of the 35 cent COLA overage at LTV as old money to be placed in the base for purposes of calculating the first year increase is not based on findings supported by substantial evidence, as the only evidence amounts to a positive and uncontroverted demonstration that defendant is statutorily mandated promptly to approve said COLA overages.

13. Because defendant is statutorily mandated to approve aforesaid 24 cent COLA overage at NAR and 25 cent COLA overage at LTV, the 17 cents per hours wage increase provided by the new NAR agreement and the 16 cents per hour wage increase provided by the new LTV agreement must be approved in that each amounts to less than a 5.5 per cent aggregate first year wage increase over madatory increases, and thus is within the standard established by defendant's regulations.

14. Section 201.11, which is itself arbitrary and capricious as set forth in Count IV hereunder, of the regulations provides, in part, as follows:

"Wage and salary increases in excess of the standard shall be permitted pursuant to the following criteria for exceptions—

"(1) Tandem Relationships (i) If a party at interest demonstrates to the Pay Board (or its delegate) that—

"(a) the wage and salary increase in the employment contract or pay practice to which a tandem relationship is in excess of the standard;

"(b) such contract or pay practice became effective not more than 6 months prior to the proposed effective date of the wage and salary increase in the tandem-claiming unit;

"(c) the amount and nature of the wage and salary increases in the tandem-claiming unit have been generally equal in value to and the timing has been directly related to those of another unit of employees of the same employer or of other employers within a commonly recognized industry or local labor market area; and

"(d) the tandem relationship has been established as a past practice for five consecutive years or in the immediately preceding two consecutive collective bargaining agreements." [§ 201.11(a) through § 201.11(a)(1)(i)]

15. As set forth in paragraphs 1 to 13 of this Count above, defendant ought to have approved both the LTV and the NAR agreements as written. However, the Douglas agreement, as written, is and has been in a tandem relationship not only with auto but also with the NAR and LTV agreements. The Douglas agreement, as written, meets each and all of the criteria for a tandem relationship as set forth in § 201.11(a)(1)(i) of the regulations above.

16. As set forth in paragraph 12(B)(2) of this Count above, Douglas, plaintiff, and the other Aerospace companies have presented positive and substantial evidence of defendant which establishes that the Aerospace companies, including Douglas, are in a tendem relationship to each other, even under the criteria of § 201.11(a)(1)(i) of the regulations. Said evidence is uncontroverted. Further, no contrary evidence came before defendant prior to defendant's order and resolution disapproving the Douglas agreement; nor has any such contrary evidence since properly come to defendant.

17. Thus, if the LTV and NAR must be approved, approval of the Douglas agreement, as written, is required on the ground that Douglas is in a tandem relationship with NAR and LTV.

18. Plaintiff realleges paragraph 55 of Count I, and hereby incorporates said paragraph into Count II by reference.

Wherefore, plaintiff prays:

1. That the Court declare that the Act mandates the prompt approval by defendant of the NAR and LTV agreements as written.

2. That the Court declare that the Douglas agreement, as written, is lawful under the Act on the ground that it is in a tandem relationship with the NAR and LTV agreements.

3. That the Court declare any and all orders, resolutions, or actions of defendant,

defendant's agents, or those acting in consort with defendant, which disapprove or otherwise interfere in any way with the implementation of the Aerospace agreements as written, to be unlawful, null, void, and of no effect.

4. That the Court permanently enjoin defendant, defendant's agents, or those acting in consort with defendant, from disapproving or otherwise interfering in any way with the implementation of the Aerospace agreements as written.

5. That the Court grant such other relief as the Court may deem necessary and proper.

COUNT III

1. Plaintiff realleges paragraphs 1 through 50 of Count I, and hereby incorporates said paragraphs into Count III by reference.

2. Defendant's order disapproving the new Aerospace agreements, defendant's resolution relative to the new Aerospace agreements, and the aforesaid regulations themselves as interpreted and might be applied by said resolution are UNLAWFUL because all and each of them are unsupported by substantial evidence, in that:

A. Whatever findings defendant has made with respect to the Aerospace agreements are based entirely on evidence submitted by the parties to those agreements in writing and at two closed hearings in the latter part of December 1971. No other evidence relevant to either the new or the old Aerospace agreements has been presented or has otherwise properly come before defendant.

B. Plaintiff realleges paragraph 12(B) (2) of Count II in its entirety, and incorporates said paragraph into Count III by reference.

C. At the hearing on or about December 21, 1971, defendant also heard evidence which included the following:

(1) The representative of Douglas testified that the new agreements reflect the efforts of the Aerospace industry and the unions to keep wage costs at each company comparable to those of other Aerospace companies, and comparable to those of other major industrial employers. He further testified that the ability of the Aerospace companies to maintain competitive costs was attributable to their being in tandem with auto.

(2) Representatives of the Boeing Company, Lockheed Aircraft Corporation, and the International Association of Machinists (AFL-CIO) testified as to the pattern nature of wage settlements within the Aerospace industry and as to its longstanding tandem relationship with the auto industry.

D. All evidence submitted in writing by the parties to the aerospace agreements further supports plaintiff's position that the new Aerospace agreements, as written, should be approved by defendant.

E. No evidence contrary to plaintiff's position that the new Aerospace agreements should be approved as written was presented to defendant at aforesaid hearings; nor has any such contrary evidence been presented to defendant by written submission of the parties to the Aerospace agreements; nor did any such contrary evidence come before defendant before the issuance of either defendant's order or defendant's resolution; nor has any such contrary evidence since properly come before defendant.

F. Thus, defendant's disapproval of all or of any part of the new Aerospace agreements, as written, is neither supported by substantial evidence, nor is it based on findings supported by substantial evidence, as the only evidence before defendant amounts to a positive and uncontroverted demonstration that, under the Act, defendant ought to approve the new Aerospace agreements as written.

3. Plaintiff further alleges on information and belief that defendant's approval or disapproval of major labor agreements is dependent upon such considerations as whether or not a successful strike could be taken, or whether there may be temporary administrative and political convenience, rather than on rational legal grounds in accord with the purposes of the Act and based on substantial evidence:

A. For example, in the cases of the Signalmen's agreement, the National Bituminous Coal agreement, and the United Transportation Union agreement, among others, defendant feared that disapproval of any of said agreements would certainly result in a serious strike, with adverse results both to the economy and to President Nixon's political position. In the case of the Aerospace agreements defendant had no such fears because of the financially weakened position of the Aerospace industry, among other reasons. Thus, defendant approved the former three agreements, and disapproved the Aerospace agreements.

B. For example, in the Pay Board staff's analysis of the Aerospace agreements only one reason is mentioned for preferring to exclude the COLA overages from the base rate—that of temporary administrative convenience. ("Pay Board Aerospace Cases," Section II, Part A, page 5.)

Wherefore, plaintiff prays:

1. That the Court declare defendant's order disapproving the new Aerospace agreements, defendant's resolution relative to the new Aerospace agreements, and the regulations themselves as interpreted and applied by said order, and as said regulations have been interpreted and might be applied by said resolution to be unlawful, null, void, and of no effect.

2. That the Court grant such other relief as the Court may deem necessary and proper.

COUNT IV

1. Plaintiff realleges paragraphs 1 through 50 of Count I, and hereby incorporates said paragraphs into Count IV by reference.

2. Plaintiff realleges paragraph 14 of Count II, and hereby incorporates said paragraph into Count IV by reference.

3. Plaintiff realleges paragraph 12(B) (2) of Count II, and hereby incorporates said paragraph into Count IV by reference.

4. Plaintiff realleges paragraph 2(C) of Count III, and hereby incorporates said paragraph into Count IV by reference.

5. Under any reasonable and lawful criteria of what constitutes a "tandem relationship," wage increases in the Aerospace industry, including LTV, NAR, and Douglas, are in a tandem relationship with wage increases in the auto industry; and said tandem relationship has continuously existed since at least 1965.

6. Under any reasonable and lawful criteria of what constitutes a "tandem relationship," the increases disapproved by defendant's order should have been approved on either or both of the following grounds:

A. The entire 51 cents per hour increase disapproved by defendant's order is part of a tandem relationship existing since at least 1965 between the Aerospace industry and the auto industry and thus falls within the "tandem relationship" exception to the 5.5 per cent standard; and/or

B. The increases attributable to the COLA overages are due and payable under the 1968 agreements and overage letters, with the 17 cents (16 cents for LTV) "new money" increases—at the very least—falling within the "tandem relationship" exception to the 5.5 per cent standard.

7. Various officials of the United States, agents of the President, and agents of defendant had assured plaintiff that the Aerospace increases were in a tandem relationship to the increases in the auto industry, and would be approved if in line with the auto settlement for that reason:

A. For example, on or about December 8, 1971, Secretary of Labor Hodgson stated publicly with reference to the Aerospace agreements, that "[w]e knew [the Pay Board was] going to have to swallow some large increases by usual standards in early cases," because these contracts are aimed at maintaining "parallel relationships that have been established over the years."

B. For example, during November 1971, Arnold Weber, a public member of the Pay Board, stated publicly that the Aerospace industry was an example of an industry that would be allowed to negotiate a contract in tandem with another industry because it had traditionally done so.

8. Nevertheless, defendant has refused and continues to refuse to approve the new Aerospace agreements, as written, denying that the increases at LTV, NAR, and Douglas fall within the tandem relationship exception to the standard.

9. Section 201.11(a) (1) of the regulations, as interpreted and applied by defendant's order disapproving the Aerospace agreements, as written, as said regulation has been interpreted and might be applied by defendant's resolution regarding the Aerospace agreements, and as interpreted and applied by any other act of defendant denying that said agreements fall within the tandem relationship exception to the standard, is unlawful because:

A. It is arbitrary, capricious, in excess of authority and an abuse of discretion and in violation of previous assurances by agents of defendant in that:

(1) The requirement of § 201.11(a) (1) (i) (b) of the regulations, to the effect that the contract with which the tandem relationship is claimed must not have become effective more than six months prior to the proposed date of increase in the tandem-claiming unit, is based on a figure which is picked out of the air. Six months is a purely arbitrary figure, entirely unrelated to the realities of collective bargaining and industrial life. It is not an uncommon practice, and in many situations it is usual, for the wage settlements in one industry to follow the wage settlements in another industry, when the latter, pattern-setting agreement was effective substantially more than six months before the former, pattern-following agreement. This is particularly true where, as in Aerospace, the pattern being followed is one of another industry.

(2) The requirement of § 201.11(a) (1) (ii), to the effect that the maximum permissible annual aggregate wage increase under the tandem relationship exception is 7 per cent, is likewise arbitrarily chosen, and entirely unrelated to the realities of collective bargaining and industrial life.

10. Any order, resolution, or other action taken by defendant which directly, or by inference, denies that the Aerospace increases are in a tandem relationship with the auto increases and thus ought to be approved as written is Unlawful in that it is not based on substantial evidence;

A. As set forth above (paragraphs 3 and 4 of this Count), all evidence submitted by the parties to the Aerospace agreements at the aforesaid hearings supports plaintiff's position that the new Aerospace agreements should be approved as written.

B. All evidence submitted in writing by the parties to the Aerospace agreements further supports plaintiff's position that the Aerospace increases ought to be approved because they are in reality in a tandem relationship to the auto increases.

C. No evidence contrary to plaintiff's position that the Aerospace increases ought to be approved because they are in reality in a tandem relationship to the auto increases was presented to defendant at aforesaid hearings; nor has any such contrary evidence been presented to defendant by written submission of the parties to the Aerospace agreements; nor did any such contrary evidence come before defendant before the issuance of either defendant's order or defendant's resolution; nor has any such contrary evidence since properly come before defendant.

D. Thus, defendant's disapproval of all or of any part of the new Aerospace agreements, as written, because said agreements are not in a tandem relationship with the auto agreements is neither supported by substantial evidence nor is it based on findings supported by substantial evidence, as the only evidence before defendant amounts to a positive and uncontroverted demonstration that the Aerospace increases are in a tandem relationship to the auto increases, and, therefore, that, under the Act, defendant ought to approve the new Aerospace agreements as written.

11. Plaintiff realleges paragraph 55 of Count I, and hereby incorporates said paragraph into Count IV by reference.

Wherefore, Plaintiff prays:

1. That the Court declare that, as written, the Aerospace agreements are lawful under the Act.

2. That the Court declare any and all orders, resolutions, or actions of defendant, defendant's agents, or those acting in consort with defendant, which disapprove or otherwise interfere in any way with the implementation of the Aerospace agreements as written, to be unlawful, null, void, and of no effect.

3. That the Court permanently enjoin defendant, defendant's agents, or those acting in consort with defendant, from disapproving or otherwise interfering in any way with the implementation of the Aerospace agreements as written.

4. That the Court grant such other relief as the Court may deem necessary and proper.

COUNT V

1. Plaintiff realleges paragraphs 1 through 50 of Count I, and hereby incorporates said paragraphs into Count V by reference.

2. Plaintiff realleges paragraphs 2 through 11 and paragraph 14 of Count II, and hereby incorporates said paragraphs into Count V by reference.

3. The aforesaid regulations and provisions, as interpreted and applied by defendant's order disapproving the new Aerospace agreements, as said regulations have been interpreted and might be applied by defendant's resolution, and as said regulations might be interpreted or amended by some future action, order, or resolution of defendant interfering with the implementation of the new Aerospace contracts as written, are UNLAWFUL because, as thus interpreted and applied, they deprive plaintiff of due process of law as required by 5 U.S.C. § 706(2) as incorporated in § 211(d)(1) of the Act, in at least the following respects:

A. Section 207(c) of the Act provides:

"To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or prospective change in wages . . . which . . . may have a significantly large impact upon the national economy, and such hearings shall be open to the public [unless trade secrets are involved]." [§ 207(c)]

(1) The new Aerospace agreements may have a significantly large impact on the economy within the meaning of § 207(c) of the Act.

(2) Nevertheless, defendant did not conduct hearings on said agreements in accordance with the procedures required by the Act. The only hearings on said agreements were both closed and informal.

(3) Nor has defendant given a legally adequate explanation of why the hearing requirements of § 207(c) of the Act were not met.

B. Section 207(a) of the Act specifically subjects defendant to the requirements of 5 USC § 552, the Freedom of Information Act of 1967. This section of the Freedom of Information Act, in turn, provides:

"Each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent allowed by statute, and procedure to be followed, shall make the records promptly available to any person." [5 USC § 552(a)(3)]

(1) On January 6, 1972, plaintiff and Leonard Woodcock (labor member of the Pay Board), by counsel, formally requested a stenographic record of the hearing held on or about December 21, 1971, on the Aerospace agreements.

(2) By a letter dated January 7, 1972, defendant, by Jerome K. Tankel, refused to provide said stenographic record, and denied the aforesaid request.

(3) Aforesaid request of plaintiff and Leonard Woodcock was made in accordance with all published rules and procedures in existence on January 6, 1972 and in acord with all relevant rules and procedures published to date.

(4) Aforesaid stenographic record is an "identifiable record" within the meaning of 5 USC § 552(a)(3).

C. The Pay Board was created by § 7 of Executive Order No. 11627, issued October 15, 1971. Pursuant to this Executive Cost of Living Council Order No. 3 on October 15, 1971. COLC Order No. 3 constituted a delegation of authority to the Pay Board. However, COLC Order No. 3 delegated only such authority as the President, and through him the COLC had under the Economic stabilization Act of 1970, *as that statute stood on October 15, 1971.* But on December 22, 1971, the President signed into law a sweeping revision of the Economic Stabilization Act. From October 15, 1971 until January 26, 1972, there was no new delegation of authority either from the President to the COLC, or from the COLC to the Pay Board. Thus, from December 22, 1971, when the new Act became law until January 26, 1972, when the President and the COLC issued new delegations of authority, defendant's acts, orders, and resolutions were made without proper delegation of statutory authority. As defendant's order and resolution relative to the Aerospace agreements were issued during that period in which the delegation lapsed plaintiff was thereby deprived of the due process of law required by the Act. Nor will the President's attempt, by § 18 of Executive Order 11640 issued January 26, 1972, to make his delegation retroactive to December 22, 1971, be effective in remedying aforesaid deprivation of due process.

D. Section 203(e) of the Act provides:

"Whenever the authority of this title is implemented with respect to significant segments of the economy, the President shall require the issuance of regulations or orders providing for the stabilization of interest rates and finance charges, unless he issues a determination, accompanied by a statement of reasons that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with orderly economic growth."

(1) The issuance of defendant's order and resolution regarding the Aerospace agreements constitutes an implementation of authority of the Act with respect to a significant segment of the economy, within the meaning of § 203(e) of the Act.

(2) On December 22, 1971, the President, through the COLC, issued what purported to be a determination and statement of reasons why constraints or interest rates and finance charges were unnecessary. A true copy of said document is attached hereto as Plaintiff's Exhibit F for the Court's information.

(3) On or about December 22, 1971, Representative Wright Patman, Chairman of the House Banking and Currency Committee and Chairman of the Joint Committee which considered the December 1971 revision of the Act, wrote a letter to the President wherein he set out certain inadequacies in the aforesaid COLC determination and statement. Said letter is attached hereto as Plaintiff's Exhibit G and incorporated into this Complaint by this reference.

(4) For at least the reasons set forth in Representative Patman's letter, the aforesaid COLC determination and statement is not adequate to meet the requirements of § 203(e) of the Act.

(5) Therefore, as defendant's order, resolution, and actions with regard to the Aerospace agreements were taken during the period when the President had not met the requirements of § 203(e) of the Act, plaintiff has been deprived of the due process of law required by the Act.

E. The Act, as interpreted by § 205.31(c) of the regulations, requires that when a request for an exemption from the standard is submitted:

"After considering the record, the (Pay) Board will issue a decision in writing directed to the person filing the request for exception setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order." (§ 205.31(c) of the regulations)

(1) Defendant's order disapproving the Aerospace agreements is not adequate to meet the requirements of the Act, as set out in § 205.31(c) of the regulations and elsewhere for at least the following reasons:

(a) Said order contains no adequate findings of fact; and

(b) Said order fails to set out any discernible, let alone reasonable, reasons why defendant's decision follows from what purport to be defendant's findings of fact.

(2) Defendant's resolution with respect to the Aerospace agreements is, likewise, not adequate to meet the requirements of the Act, as set out in § 205.31(c) of the regulations and elsewhere for at least the following reasons:

(a) Said resolution amounts to neither a decision nor an order with respect to the Aerospace agreements;

(b) Even if said resolution were to be considered a decision or an order, it is nevertheless inadequate because it contains no adequate findings of fact, and sets out no discernible or rational reasons why the conclusion therein follows from what purport to be the findings of fact therein, which fact caused the labor members of the Pay Board to abstain from voting on said resolution;

(c) Even if said resolution were to be considered a decision or order, it is nonetheless inadequate because it would constitute an unlawful attempt by the Pay Board to rewrite the terms of collective bargaining agreements and foreclose the possibility of renegotiating the Aerospace agreements before they expire, such attempts being clearly in excess of the President's authority under § 203 of the Act and the intent of Congress.

(3) Therefore, plaintiff has been deprived of the due process of law required by the Act.

F. Certain of the business and public members of the Pay Board, in particular Members Day and Jacoby by public and private statements, indicated that they would vote to disapprove the Aerospace agreements *before* the Pay Board had begun consideration or heard evidence on said agreements, attesting that the said business and public members had prejudged the Aerospace agreements. Thereby, plaintiff was deprived of the impartial decision and the due process of law required by the Act.

G. Plaintiff, through its officers, received the President's personal written and oral assurances that, if representatives of labor became members of the Pay Board, the President, the COLC, and other agents of the President would allow the Pay Board complete autonomy, independence, and freedom to make decisions. The import of the assurances was that there would be no interference of any sort from the President, the COLC, or other agents of the President.

(1) Leonard Woodcock and the other rep-

resentatives of labor did become members of the Pay Board and have continued in that capacity in reliance on said Presidential assurances.

(2) Nevertheless, on or about December 16, 1971, while the Pay Board was actively considering the Aerospace agreements, Donald Rumsfeld, director of the COLC and agent of the President, publicly stated that he would be surprised if the contract between NAR and the UAW "is approved the way it went in." To which Donald Rumsfeld added: "If that's jawboning, so be it."

(3) Further, on or about December 19, 1971, while the Pay Board was actively considering the Aerospace agreements, Donald Rumsfeld, director of the COLC and agent of the President, stated on nation-wide television that the Aerospace increases were "too high," and that he would "be surprised if it went through."

(4) The aforesaid statements of Donald Rumsfeld, together with other statements and actions by the President and agents of the President, constitute interference with the decisions of the Pay Board respecting the Aerospace agreements in direct breach of the aforesaid Presidential assurances.

(5) Thereby, plaintiff was deprived of the impartial decision and the due process of law required by the Act.

H. Plaintiff realleges paragraphs 7 and 5 of Count IV, and hereby incorporates said paragraphs into Count V by reference. Defendant breached the aforesaid assurances that the Aerospace agreements were in a tandem relationship to auto and would therefore be approved. In participating as members of the Pay Board, Leonard Woodcock, President of the UAW, and the other labor members, had relied on the aforesaid assurances. By breaching these assurances, defedenant has deprived plaintiff of the due process of law required by the Act.

I. As more fully set forth above, plaintiff has been denied due process under the Act in that defendant has treated the Aerospace agreements in a manner which is inconsistent, discriminatory and arbitrary in the light of his treatment of other labor agreements.

Wherefore, plaintiff prays:

1. That the Court declare defendant's order disapproving the new Aerospace agreements, defendant's resolution relative to the new Aerospace agreements, and the regulations themselves as interpreted by said order, and as said regulations have been interpreted and might be applied by said resolution to be unlawful, null, void, and of no effect.

2. That the Court grant such other relief as the Court may deem necessary and proper.

Douglas Aircraft Co.,
Santa Monica, Calif., September 10, 1968.

International Union, United Automobile Aerospace & Agricultural Implement Workers of America,
Solidarity House, Detroit, Mich.
(Attention: Mr. Leonard Woodcock, International Vice President, Director—National Aerospace Department).

Gentlemen: This will confirm the agreement entered into today between Douglas Aircraft Company, McDonnell Douglas Corporation, and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, and its Locals No. 148, 341, 1093, 1482, and 1517, as follows:

The parties agree that to the extent the Cost-of-Living Adjustment in effect on July 19, 1971, plus the one cent (1¢) that was diverted to the Dental Plan, is less than the allowance that would have been in effect at such time if the total Cost-of-Living Adjustment increase during the term of the 1968 Agreement had been one cent (1¢) for each full 0.4 point change in the BLS Consumer Price Index from the average of the March, April and May, 1968 Indexes to the average of the March, April and May, 1971 Indexes, the difference in cents per hour will be available on September 16, 1971, retroactive to July 19, 1971, for wages and/or other benefits as may be agreed upon by the Company and the Union in the Collective Bargaining Agreement next succeeding the 1968 Agreement.

Very truly yours,
J. Curtis Counts,
Vice President, Employe Relations.

Solidarity House,
Detroit, Mich., September 7, 1971.

Mr. R. G. Adamson,
Staff Vice President, Personnel,
McDonnell Douglas Corp.—West,
Santa Monica, Calif.

Dear Mr. Adamson: By the terms of an agreement entered into September, 1968 by the International Union, UAW, its Locals 148, 341, 1093, 1482 and 1517 (and duly ratified by the affected members in 1968 (and Douglas Aircraft Company, your Company undertook to pay certain cost-of-living "overages." The relevant promise is set forth in the attached September 10, 1968 letter of confirmation from Mr. Counts to Mr. Woodcock.

You will recall that this provision provides for a wage increase to the extent that the Cost-of-Living Adjustment in effect on July 19, 1971 (plus the 1¢ dental plan diversion) is less than the allowance which would have resulted had this adjustment been calculated at 1¢ for each full 0.4 point change in the average BLS Consumer Price Index from March-May 1968 to March-May 1971.

The wage increase currently due under this part of the agreement amounts to 34¢. Be informed that we expect this 34¢ to be paid as set forth in the 1968 agreement.

Our attorneys have advised us that this adjustment is unaffected by President Nixon's wage-price freeze. Under the O.E.P.'s August 18 press release, the freeze applies only to wage and cost-of-living increases "which have been negotiated to take effect in the future." The increase in question here is not of this sort. It was effective on July 19, 1971 even though the parties had not negotiated how and when it was to be paid. The 19 was made and ratified in September of agreement making the 34¢ effective on July 1968. The increase at issue here is retroactive to July 19, 1971 by the terms of the agreement. Thus, the 34¢ wage increase was known and effective practically a month before the freeze. The employees involved performed considerable work after the 34¢ became part of their hourly rate. Everyone concerned made their arrangements with the knowledge that, as of July 19, 1971, 34¢ was to be added to the hourly wage. The workers have been on the job since July 19 in the correct and justifiable belief that their wages included the added 34¢. They have made their financial plans taking into account the known sum certain, 34¢, just as did the Company. What we have here is not an increase "to take effect in the future." Rather, this is an increase which took effect on July 19, 1971, long before the freeze.

Our attorneys rely on the following materials released by the Cost-of-Living Council:

1. Q. and A. List #11, August 31, 1971:

Q: If a labor agreement has been reached prior to August 14, but has not been placed in effect, can the employees be awarded the additional wages?

A: The new rate can be paid if labor and management had reached an agreement and work was performed or wages accrued prior to August 15 at the new wage rate.

2. Summary No. 1, August 29, 1971:

In the case of a negotiated increase that became effective August 9, 1971, with payment for that week received by the employees on August 13, 1971, it is permissible to pay the retroactive portion of the increase which is currently being computed for the employees involved.

If a salary increase was granted and the employee actually performed under the new rate prior to August 15, 1971, he can be paid at the higher rate if the pay day is after August 15 as long as there are adequate records to demonstrate that the increase was put into effect prior to the freeze date. Otherwise the increase is not allowed.

We believe the 34¢ was included in the wage rate for all work performed after July 19, thus the increase was effective prior to the freeze date.

Please advise us as to your position as soon as possible.

Sincerely yours,
Ken Bannon,
Vice President, Director National Aerospace Department.

Vought Aeronautics Division,
Dallas, Tex., October 18, 1968.

Mr. Leonard Woodcock,
Vice President, Director—Aerospace Department, International Union, UAW, Detroit, Mich.

Dear Mr. Woodcock: This will confirm the agreement entered into between the Vought Aeronautics and Missiles and Space (Texas Plant) Divisions of LTV Aerospace Corporations, Dallas, Texas, a subsidiary of Ling-Temco-Vought, Inc., and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, and its Local Union 848, as follows:

1. The parties agree that to the extent the cost-of-living adjustment in effect on October 16, 1971 is less than the allowance that would have been in effect at such time if the total cost-of-living adjustment increase during the term of the 1968 Agreement had been one cent (1¢) for each full 0.4 point change in the BLS Consumers' Price Index from the average of the June, July and August, 1968 Indexes to the average of the June, July and August, 1971 Indexes, the difference in cents per hour except as reduced by condition set forth in 2., below, will be available on October 17, 1971, for wages and/or other benefits as may be agreed upon by the Company and the Union in the collective bargaining agreement next succeeding the 1968 Agreement.

2. The difference in cents per hour, as defined in 1., above, shall be reduced by that amount in cents per hour that the cost to the Company of the Savings Plan referenced in Article IV of the Agreement between the Parties effective October 21, 1968, exceeds three and three-tenths cents (3.3¢) per hour.

Yours very truly,
J. B. Andrasko,
Director of Industrial Relations, Vought Aeronautics Division.
C. F. Lacy,
Director of Industrial Relations, Missiles and Space Division—Texas.

Agreed to October 18, 1968.
Leonard Woodcock,
Vice President, Director—Areospace Department, UAW.

Detroit, Mich.,
September 7, 1971.

Mr. J. B. Andrasko,
Vice President, Administration, Vought Aeronautics Division, LTV Aerospace Corp., Dallas, Tex.

Dear Mr. Andrasko: By the terms of an agreement entered into October 21, 1968 by the International Union, UAW, its Local 848, and Vought Aeronautics and Missiles and Space (Texas plant), divisions of LTV Aerospace Corporation, a subsidiary of Ling-Temco-Vought Corporation, Inc., your Company undertook to pay certain cost-of-living "overages." The relevant contract provision is set forth in the attached October 18, 1968 letter of confirmation from Messrs. Andrasko and Lacy to Mr. Woodcock.

You will recall that this provision provides for a wage increase to the extent that the cost-of-living adjustment in effect on October 16, 1971 is less than the allowance which would have resulted had this adjustment been calculated at 1¢ for each full 0.4 point change in the average BLS Consumer Price Index from June–August 1968 to June–August 1971. The increase is further subject to the "savings plan" limitation.

The wage increase due amounts to 34¢. This is the amount generated by actual cost-of-living increases in excess of the annual limitations in the contract. Be informed that we expect the 34¢ to be paid in accordance with the terms of the agreement.

An argument could be made that this increase is unaffected by President Nixon's wage-price freeze. Under the O.E.P.'s August 18 press release, the freeze applies only to wage and cost-of-living increases "which have been negotiated *to take effect* in the future." The increase in question here is *not* of that sort. This collective bargaining agreement was made and ratified in October 1968. By the terms of the agreement, the amount of the increase in question here depended on only three figures: 1) the adjustment in effect October 16, 1971; 2) the amount the cost of the Savings Plan exceeds 3.3¢ per hour; and 3) the difference between the June–August 1968 and the June–August 1971 BLS Consumer Price Index. The first figure was known and, in fact, paid October 1970. The second figure was also definitely known and was so inconsequential in 1969 as to have no material effect here. It might appear that the third figure will not be known until the August Consumer Price Index is announced in September. However, this figure was known with reasonable and substantial certainly before the freeze. The June-August 1968 figure was known almost three years ago. The June and July 1971 figures were known during August 1971. While the August 1971 figure was not yet publicly announced, there could be no question that the August 1971 figure was not yet publicly announced Index for the first two weeks of August is certain to increase, or at least not decline. The rapid and inevitable increase of consumer prices was, after all, one of the President's justifications for imposing the freeze. Second, the hoped-for effect of the freeze was to stop the movement of the Index during the last two weeks of August. Thus, the increase due was actually known *before* the freeze.

Even if there had been some doubt as to the August figure, it would have had no effect on Vought's obligations. Under the June and July 1971 figures, a 34¢ wage increase is generated by this provision. This increase was known by early August, well before the freeze. For the August figure to erode this increase, the Index would have had to decline substantially, in the teeth of recent history and all reasonable expectations.

Everyone concerned made their arrangements with the knowledge that 34¢ was added to the hourly wage under the contract. The workers have been on the job and have performed substantial services in the correct and justifiable belief that their wages include the added 34¢. What we have here is not an increase "to take effect in the future." Rather, this is an increase which took effect before the freeze, even though implemented later. We, therefore, hope you will agree to pay the 34¢ during the freeze.

If, for any reason, you remain in doubt as to the legality of the increase, we invite Vought Aeronautics to join with the International Union, UAW, in the following steps:

1. Petitioning the O. E. P. for a ruling as to the legality of the increase or an exemption from the freeze on the ground of gross inequity, in the event that the increase is covered by the freeze.

2. Payment of all monies in question into an escrow pending final resolution of these issues by the parties, the O. E. P. or the courts.

Please give these matters your close and immediate consideration. We await your reply.

Sincerely yours,

KEN BANNON,

Vice President, Director National Aerospace Department.

EL SEGUNDO, CALIF.,
October 11, 1968.

Mr. LEONARD WOODCOCK,
Vice President, Director—Aerospace Department, UAW, Detroit, Mich.

DEAR MR. WOODCOCK: This will confirm the agreement entered into between North American Rockwell Corporation, Aerospace and Systems Group and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, and its Local numbers 770, 887, 927, 952, 1334, 1381 and 1519, as follows:

The parties agree that to the extent the cost-of-living adjustment in effect on September 30, 1971 is less than the allowance that would have been in effect at such time if the total cost-of-living adjustment increase during the term of the 1968 Agreement had been one cent (1¢) for each full 0.4 point change in the BLS Consumer Price Index from the average of the March, April and May, 1968 Indexes to the average of the March, April and May, 1971 Indexes, the difference in cents per hour will be available on October 1, 1971 for wages and/or other benefits as may be agreed upon by the Company and the Union in the collecting bargaining agreement next succeeding the 1968 Agreement.

Very truly yours,

E. D. STARKWEATHER,
Vice President—Personnel.

Agreed to October 11, 1968.

LEONARD WOODCOCK,
Vice President, Director—Aerospace Department, UAW.

SEPTEMBER 7, 1971.

Mr. E. D. STARKWEATHER,
North American Rockwell Corp., Aerospace and Systems Group, El Segundo, Calif.

DEAR MR. STARKWEATHER: By the terms of a letter agreement entered into October 1968 by the International Union, UAW, its Locals 770, 887, 927, 952, 1334, 1387 and 1519, and North American Rockwell, your Company undertook to pay certain cost-of-living "coverages." The relevant contract provision is set forth in the attached October 11, 1968 letter of confirmation from Mr. Starkweather to Mr. Woodcock.

You will recall that this agreement provides for a wage increase to the extent the cost of living adjustment in effect September 30, 1971 is less than the allowance which would have resulted had this adjustment been calculated at 1¢ for each full 0.4 point change in the average BIS Consumer Price Index from March–May 1968 to March–May 1971.

The wage increase due amounts to 34¢. This is the amount generated by actual cost-of-living increases in excess of the annual limitations in the contract. Be informed that we expect this 34¢ to be paid in accordance with the terms of the agreement. You will recall that the automotive divisions of your corporation paid the overage when due.

We believe that an argument could be mounted to the effect that this increase is unaffected by President Nixon's wage-price freeze. Under the OEP's August 18 press release, the freeze applies only to wage and cost-of-living increases "which have been negotiated *to take effect in the future.*" The increase in question here is *not* of this sort. This collective bargaining agreement was made and ratified in October of 1968. By the terms of the agreement, the amount of the increase in question here depended on only two figures: 1) the adjustment in effect September 30, 1971, and 2) the difference between the March–May 1968 and the March–May 1971 BLS Consumer Price Index. Under the agreement the former figure was known and, in fact, paid by July 1970. The latter figure was known when the March–May 1971 BLS Consumer Price Index was announced last June. Thus, the 34¢ wage increase was a sum certain, known practically two months before the freeze. Everyone concerned made their arrangements with the knowledge that 34¢ was added to the hourly wage under the contract. The workers have been on the job in the correct and justifiable belief that their wages would include the added 34¢. What we have here is not an increase "to take effect in the future;" rather, this is an increase which in effect was known in June 1971, long before the freeze. For this reason, we ask you to abide by your agreement.

If, for any reason, you remain in doubt as to the legality of the increase, we urge North American Rockwell to join with the International Union, UAW, in the following steps:

1. Petitioning the OEP for a ruling as to the legality of paying the increase during the freeze on the ground of gross inequity, in the event that the increase is covered by the freeze.

2. Payment of all monies in question into an escrow pending final resolution of these issues by the parties, the appropriate government agency or by a Court.

Please give these matters your close and immediate consideration. We await your reply.

Sincerely yours,

KEN BANNON,

Vice President, Director, Aerospace Department.

PAY BOARD

The Pay Board today disapproved wage and salary increases called for in employment contracts negotiated between labor unions representing more than 100,000 workers and five aerospace companies.

The vote was 9 to 0 with Labor Members abstaining.

The Pay Board said that pay raises, amounting to about 34¢ in cost of living allowances and 17¢ an hour in general increases were "unreasonably inconsistent with the purposes and objectives of the Economic Stabilization Act and contrary to the standards established by the Pay Board.

Late in the day the Board discussed a resolution by the Public Members which would set limits on wages and salaries in renegotiated contracts involving the five companies which may be submitted to the Pay Board at a future date. No vote was taken on the resolution.

Earlier in the day, the Pay Board rejected a resolution presented by Labor Members which would have approved the aerospace contracts as written. The vote was 9 to 5 with only the Labor Members supporting the resolution. Chairman Boldt, a Public Member, abstained.

Today's action affects contracts negotiated between workers and the North American Rockwell Corporation, the McDonnell Douglas Corporation, the Boeing Corporation, the Lockheed Corporation and the LTV Aerospace Corporation.

Information submitted to the Pay Board by United Aircraft Corporation was not considered in today's deliberations.

MR. CAPLES' RESOLUTION ON AEROSPACE CONTRACTS

Resolved: that the Pay Board authorizes, without further action by the Board, for the first year of the employment contract or pay practice, any wage and salary increases by the North American Rockwell Corporation, the McDonnell Douglas Corporation, the Boeing Aircraft Corporation, the Lockheed Aircraft Corporation or LTV Aerospace Corporation covering the same employee units covered by the wage and salary increases heretofore disapproved by the Pay Board subject to the following terms:

1. The increase in average straight time hourly rate for the first year of the employment contract or pay practice does not exceed thirty-four cents (34¢) per hour (or, in the case of the LTV Aerospace Corporation, thirty-five cents (35¢) per hour).

2. The effective dates of any wage and salary increase or any component parts thereof, are no earlier than those contained in the employment contract or pay practice which has been disapproved; and

3. Employer benefit provisions and contributions to pension profit sharing, annuity and savings plans, group insurance plans and disability and health plans do not exceed the provisions contained in the employment contract or pay practice which has been disapproved by the Board; and

4. Executive salary increases, and wage and salary increases for exempt employees do not exceed five and five-tenths percent (5.5%); or the applicable general pay criteria set forth in Section 201.11(a)(1) and (3).

Be it further resolved: that the Board intends, upon its consideration of the second year of any resubmitted employment contract or pay practice, to approve for the second year the wage provisions of the disapproved employment contract or pay practice which provide for increases due on anniversary dates pursuant to the specified increases as negotiated and in addition, to approve a second year increase, on the anniversary date, in average straight time hourly rate which does not exceed seventeen cents (17¢) per hour (or, in the case of LTV Aerospace Corporation, sixteen cents (16¢) per hour) and

Be it further resolved: that the Board after its consideration of the employment contracts and pay practices previously disapproved and the facts and circumstances of the cases involved has determined that the increases for which approval is provided in this resolution are necessary to prevent gross inequities and to preserve the equitable position of the employees involved.

DETERMINATION AND STATEMENT OF REASONS REGARDING INTEREST RATE REGULATIONS

The large volume of borrowing and lending at declining interest rates which has occurred during the past year indicates that credit market conditions are making a significant positive contribution to economic growth. During the first three quarters, of 1971, net borrowing by households and nonfinancial business units was more than 30 percent larger than the 1967–1970 average, a greater increase than the 17 per cent growth of Gross National Product over the same period.

These large credit flows have financed a sharp increase in spending in three credit-dependent areas—residential housing, consumer durables, and state and local government. Moreover, the large volume of capital market financing by business has improved corporate debt structure and liquidity positions and laid the groundwork for a sizable expansion in business capital outlays next year, a prospect that is confirmed by recent business anticipation surveys.

The appropriate level of interest rates consistent with orderly economic growth changes in response to a number of complex influences, including inflationary expectations, the supply of savings, and the pressure of credit demands. The Committee on Interest and Dividends has been directed to maintain close surveillance of interest rate developments and, working with the Cost of Living Council, is formulating and preparing to implement a program for obtaining voluntary restraints on interest rates. It will pay particular attention to those rates most directly affecting the American family, including interest rates on mortgage and consumer loans. The Committee will make a special effort to ensure that rates in these areas reflect lower costs of funds in the credit market. Although, as economic expansion accelerates in the months ahead, interest rates generally may rise somewhat, rates on mortgage and consumer loans should nevertheless be at a level that permits the American family to obtain on equitable terms the credit necessary for a rising standard of living.

Recent interest rate experience has reflected the statement of inflationary expectations and an ample flow of savings. In security markets, interest rates on new high quality corporate Bonds are now only slightly above 7 per cent in contrast to more than 9 per cent in mid-1970 and 8 percent in mid-August 1971. Municipal fund rates have declined from 7 per cent in mid-1970 to 5¼ per cent with nearly half of the change taking place since mid-August 1971. Rates on home mortgages, which averaged 8.5 per cent in 1970, recently have been around 7.8 per cent. The bank loan rate to prime customers, an indicator of the cost of business borrowing, was 8½ per cent in early March 1970, had fallen to 6 per cent by mid-August, and has been between 5¼ and 5½ per cent most recently.

In view of the above, and in accordance with the requirements of Section 203(e) of the Economic Stabilization Act of 1970, as amended, the Cost of Living Council hereby determines that the issuance of mandatory regulations and orders providing for the stabilization of interest rates and finance charges is not necessary at this time to maintain such rates and charges at levels consonent with orderly economic growth.

By direction of the Council.

PAUL W. MCCRACKEN,
Vice Chairman.

December 22, 1971.

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 21, 1971.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Economic Stabilization Act, which you signed last Wednesday, contains a specific legislative directive to control interest rates and finance charges during the course of the present wage-price program. The order issued by the Cost of Living Council on Thursday night, purportedly carrying out this directive, does not meet the requirements of the law and is contrary to the clear intent of Congress on this issue.

As you know, the legislation requires that the President initiate orders controlling interest rates and related charges unless he issues a specific determination—accompanied by a statement of reasons—that interest rate conditions on each category of loans are satisfactory and at a level which would provide orderly economic growth. From the legislative history, it is obvious that such an exception must be based on a detailed analysis of the credit markets—at all levels—and that there must be a documented finding that consumers, farmers, small businessmen—as well as big businessmen—are being treated equitably in allocation of credit and that they are able to obtain loans at a reasonable rate—at rates which they can afford in a controlled economy which restricts both price and wage increases.

The generalized, vague and contradictory statement issued over the name of Dr. Paul McCracken, Vice Chairman of the Cost of Living Council last Thursday night, does not meet this test, and some might even consider it a flippant response to the Congressional directive in this area. The statement was highly misleading about monetary conditions and their effect on the current stabilization program.

Throughout the document, the Council attempts to paint a rosy picture on interest rates by comparing them with the catastrophically high rates which occurred during the first six months of your Administration. The Congressional directive said nothing about using the "disaster period" of 1969–1970 as the bench mark for determining satisfactory levels of interest rates; the directive, instead, requires that the finding be based on what is needed to achieve orderly economic growth under current conditions.

By using 1970 as the base period, the Cost of Living Council leads the public to believe that mortgage interest rates have been coming down during the wage-price program. This is simply not factual and it is unfortunate that such an impresion was allowed to go forward under the name of the Council. According to the figures collected by the survey of the Federal Home Loan Bank Board, interest rates stood at an effective 7 66 percent on new homes in July—the last month before the freeze. The latest survey published by this agency last Thursday reveals that the effective interest rate on new homes is now 7.79—a .13 percent increase during the wage-price program. In addition, the figures do not adequately cover all the charges—points, closing costs and other fees—which are tacked on to mortgage transactions in all parts of the nation.

Much more important is the fact that millions of families simply cannot meet the mortgage payments required under interest rates of 7.8 to 8 percent. They are effectively priced out of the market under present monetary conditions and it is no comfort to tell them that rates have declined slightly from the historic highs of 1969 and 1970. As a result we are building more luxury housing and less housing for the low-income families.

The Council's statement made no attempt to discuss the interest rate conditions in the consumer and installment loan area. As you know this type of lending is at a volume of nearly $10 billion monthly and it is an important factor in the budgets of millions of Americans. A sizable part of the population is paying 36 percent and more on personal loans and from 18 to 24 percent on installment purchases. Just a few weeks ago the Washington Post revealed that second mortgages in the Capital area were requiring interest rates of more than 60 percent. These problems—far removed from the money market conditions—are real, but totally ignored in the Council's statement.

Even the money market conditions—which have fluctuated over the past few months—are much too high to fuel the kind of orderly economic growth which this country needs to wipe out unemployment and to meet its social needs. It is highly unfortunate that a document coming out of a Presidential office brags about corporate bond rates bucking the 7½ percent level. Such rates are far too high to provide the new job opportunities so desperately needed. So long as we have high interest rates—and poor allocation of credit resources—we are going to have a high level of unemployment.

Surely, Mr. President, the fact that some money market rates have gone down cannot provide the legal basis for allowing lenders to prey on consumers, home buyers, small businessmen and others during the wage-price program through high interest rates, discount points, compensating balances and usurious fees on other classes of loans. The Cost of Living Council appears to be saying that since prime rates have gone down—for big business—it is all right for the consumer to be charged 36 percent and more on a personal loan. If this same logic were followed in other areas of the economy, we would have no wage-price program tomorrow morning. For certainly there have been some reductions—some temporary and seasonal—in certain industrial and consumer prices, but no one suggests that this provides the basis for removal of the wage-price restrictions. Yet the statement which you have allowed to be issued applies this logic to interest rate controls.

In many respects, the Council's statement seems contradictory. On the one hand, it says that everything is just fine about interest rates and finance charges. On the other hand, it says that a Committee on Interest Rates and Dividends will set up a voluntary program to deal with the inequities in this area.

The law, of course, did not refer to a voluntary program. It said that orders were to be issued controlling credit charges unless the President found the charges satisfactory. The reference to a voluntary program is another distortion of the law and legislative intent, and it is the kind of "kid-glove" treatment not allowed other segments of the economy.

Further, the Council indicates that interest rates will rise in 1972, but it does not indicate what, if any, action the Administration would take to prevent these increases under the Economic Stabilization Act. Since the Council has now raised this question of still higher interest rates, it is essential that the Administration spell out when it will act. How high will interest rates be allowed to climb before there is action?

Mr. President, let me call your attention to the criteria which the Congress included in the new Economic Stabilization Act. As you know, this requires that any orders issued under the Act must be "generally fair and equitable" and "call for generally comparable sacrifices by business and labor as well as other segments of the economy." Leaving the banks and other lenders free of controls would be a violation of these criteria.

It is my sincere hope that the statement issued last Thursday night is simply a preliminary document and that it was not intended as the Administration's last word on this subject. Once again, let me emphasize that it does not meet the requirements of the law, and in any event it cannot be considered a valid order until subsections (b) and (c) of Section 207 of the Economic Stabilization Act are met.

Subsection (c) requires public hearings when orders or regulations are issued which have or may have a significant large impact upon the national economy. Certainly the interest rates and credit charges have such an impact. Notice of a public hearing was omitted from the Council's statement, and I hope an announcement on this requirement will be forthcoming in the very near future.

As Chairman of the Banking and Currency Committee, I want to cooperate fully in the stabilization effort, but I think it is incumbent on the Congress to see that the laws it passes are complied with fully. It is important that this wage-price program move forward smoothly, and I sincerely hope that it will not be necessary for the Congress to reopen hearings to restate its intent in connection with the interest rate provision and other sections of the Economic Stabilization Act.

Sincerely,

WRIGHT PATMAN.

RESOLUTION OF THE ALASKA AMERICAN LEGION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BEGICH. Mr. Speaker, at a recent meeting of the executive committee of the Alaska Department of the American Legion, a number of important resolutions were passed. I will be sharing those resolutions with many Members of Congress and the appropriate agencies, but I would like to share two in particular with all Members today.

The two resolutions continue to drive home two points I have continued to make throughout the 92d Congress. First, that the continued downgrading of naval capability in Alaska, particularly at Kodiak, Alaska, is detrimental to the national interest. Second, that the administration's continued desire to close Public Health Service hospitals does a profound disservice to the cause of decent health care.

As these resolutions make clear, these issues are recognized by one of the United States most prestigious veteran's organizations. I commend the Alaska American Legion for their forthrightness, and hope that many of my colleagues will take the opportunity to consider these resolutions.

The resolutions follow:

RESOLUTION No. 72–6 (S.E.)

Whereas, at the direction of the President of the United States, the U.S.P.H.S. has shut-down several P.H.S. Hospitals and drastically curtailed service in others.

Whereas, there are many veterans in Southeast Alaska and the Northwest affected as well as many current servicemen and other people in need of the service provided.

Be it resolved, by the Executive Committee of the American Legion Department of Alaska, assembled in Petersburg, Alaska this 15th day of January 1972, that it hereby urges that this situation be corrected and existing facilities remain open and be updated not only for the veteran and serviceman but all qualified in need of the service.

Be it further resolved, that copies of this resolution be forwarded to the Governor of Alaska, and the members of our Congressional Delegation in Washington, D.C., and to other interested parties or agencies.

RESOLUTION No. 72–7 (S.E.)

Whereas, the American Legion is dedicated to a strong and completely adequate national defense posture for this nation, and

Whereas, the defense of the United States and the North American continent is directly related to an adequate and strong defense posture in Alaska, and

Whereas, the defense of Alaska is directly dependent on an adequate and strong defense capability on Kodiak Island, and

Whereas, the experience of World War II proved beyond any shadow of a doubt, the strategic military value of the U.S. Naval Station, Kodiak and its associated commands, to the defense of Alaska and the nation, and

Whereas, the nation's defense capability will be seriously impaired unless the U.S. Naval Station, Kodiak and its associated commands are not only maintained but substantially upgraded, modernized and expanded so as to include both ships of the line and aircraft capabilities as well as expanded equipment testing and personnel training facilities ashore, and

Whereas, U.S. Naval Station, Kodiak and its environs possess extreme variations of topographical and climatological features and factors, making it ideal for training and testing purposes, and

Whereas, the re-establishment of the 17th Naval District and the Alaskan Sea Frontier with headquarters aboard the Kodiak Naval Station are essential to the maintenance of an adequate national defense posture,

Now therefore be it resolved, that the Executive Committee of the American Legion Department of Alaska, assembled in Petersburg, Alaska this 15th day of January 1972, urgently recommends and supports the continued maintenance, expansion, modernization and upgrading of the U.S. Naval Station, Kodiak and its associated commands, and further urges and recommends the immediate re-establishment of the 17th Naval District and Alaskan Sea Frontier headquarters aboard the U.S. Naval Station Kodiak as well as the establishment aboard the Kodiak Naval Station of a U.S. Marine Corps Training and Testing Base.

Be it further resolved; that copies of this resolution be forwarded to The Governor of Alaska, the members of the 7th State Legislature, the members of the Alaska Congressional Delegation and to other agencies or persons concerned.

BAN LEAD-BASED PAINT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. RYAN. Mr. Speaker, on August 9, 1971, five child health advocates and I filed a formal petition with the Food and Drug Administration requesting that agency to ban paint with a lead content in excess of minute traces—0.06 percent lead—from all household use under the authority of the Hazardous Substances Act.

Joining me in submitting this petition were Prof. Joseph A. Page, associate professor, Georgetown University Law Center; Anthony L. Young; Mary Win O'Brien; Journalist Jack Newfield; and Dr. Edmund O. Rothschild, Memorial Hospital for Cancer and Allied Diseases, New York City.

On November 2, 1971, the Food and Drug Administration published our petition in the Federal Register in order to allow interested individuals to submit comments on our proposal. At the same time, however, the FDA published another proposal—initiated by the FDA itself—which would merely require that paint with a lead content in excess of 0.5 percent bear a warning label.

Neither warning labels nor a definitional level of lead-based paint at 0.5 percent is sufficient to protect the children of this Nation from the peril of lead-based paint poisoning. If we are to eradicate this dread disease, we must eliminate the lead from paint.

The great preponderance of medical and scientific evidence submitted to the FDA in regard to this matter has clearly supported our petition to classify paint with a lead content in excess of 0.06 percent as a banned hazardous substance. Typical of the comments submitted to the FDA are those from the Environmental Protection Agency, which in its memorandum to the FDA of January 28, 1972, pointed out that:

> (EPA) studies . . . indicate that lead paint in excess of 0.05% could constitute a danger to the health of children with pica. Our conclusion is similar to that of the American Academy of Pediatrics, which strongly recommended that lead paint in excess of 0.06% should not be permitted.
>
> We believe that cautionary labeling will not be adequate to protect the public health and safety from any potential hazards associated with the use of paints containing more than 0.05% by weight of the dry solids. . . .

This problem may be prevented through banning of lead-base paint in interstate commerce.

In light of the overwhelming evidence favoring such a ban, the Food and Drug Administration should act affirmatively on our petition immediately.

At this point in the Record, I include the text of the two petitions published in the Federal Register on November 2, 1971, and some of the comments which have been submitted to the Food and Drug Administration in regard to these proposals:

[From the Federal Register, Nov. 2, 1971]

[21 CFR Part 191]

BANNED HAZARDOUS SUBSTANCES

PROPOSAL TO CLASSIFY PAINTS CONTAINING MORE THAN MINUTE TRACES OF LEAD

The Commissioner of Food and Drugs has received a petition, submitted pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(1)(B)), proposing the issuance of a regulation under sections 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261, 1262 classifying as banned hazardous substances paint for household use containing more than minute traces of lead.

The petitioners are Joseph A. Page, Associate Professor at Georgetown University Law Center, Anthony L. Young, student, Mary Win O'Brien, student, William F. Ryan, U.S. Congressman, Jack Newfield, author, and Edmund O. Rothschild, M.D.

The petitioners propose that § 191.9(a) of the hazardous substances regulations be amended by adding thereto a new subparagraph (§ 191.9(a)(6)), as follows:

§ 191.9 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(6) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbence method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(c).

The following is the statement of grounds as presented in the petition:

STATEMENT OF THE GROUNDS UPON WHICH PETITIONERS RELY FOR THE ISSUANCE OF THE REGULATION

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS Bureau of Community Environmental Management. "Control of Lead Poisoning In Children," Prepublication Draft, at I–1 (December 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. Chisolm, J. Julian, "Scientific American" (February 1971). Thus, assuming the rate of absorption to be the same in children, a child with pica ingesting 1 gram of lead based paint (1 percent lead by ANSI standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint, a child will be exposed to from 14 to 269 micrograms of lead from other environmental sources Engel, Ronald E., "Health Hazards of Environmental Lead," at Table 2 (April 1971).

It is known that blood vessels of above 40 micograms per milliliters of blood represent undue exposure to and absorption of lead. "Hearings on H.R. 17260, H.R. 13254, H.R. 14734, Before the Subcommittee on Housing of the House Committee on Banking and Currency," 91st Cong., second sess. 10 (1970). At levels of 80 micrograms per 100 mililiters a child be treated as a medical emergency, Id. While Engle in his paper has extrapolated the effect of lead fallout in children with pica, at A–9, the same must be done with 1 percent lead paint to theorize the result in children who ingest paint flakes.

In his study, Dr. Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. Kehoe, R. A., 24 "Jour. Roy. Inst. Pub. Hlth. Hyg." 81–97, 101, 129–143, 177–203 (1961). As Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead at the same degree of Kehoe's subject, as Engle has suggested, then a proper assumption would be that a daily supplement of 430 micrograms lead would produce toxicity within 8 months. A child ingesting a gram chip of 1 percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his environment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. "Hearings on H.R. 17260," supra at 246. Americans have been lulled into a feeling of security with regard to today's paints. See EPA, "Environmental Lead and Public Health," at 25 (March 1971). Many believe that lead in paint has been banned. Yet the city of New York has found paints for interior use with up to 10.8 percent lead levels on shelves of merchants within the last month. The New York Times, July 24, 1971, at 1, August 4, 1971, at 18. This despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a 1 percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the thirties and the forties, the generation that this proposed legislation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and the nineties will have no opportunity to read the warning labels of the seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorbence method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the Federal Register in order that all interested persons may present their views thereon.

Interested persons may, within 60 days after publication hereof in the Federal Register, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20352, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc. 71–15960 Filed 11–1–71;8:52 am]

[From the Federal Register, Nov. 2, 1971]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

PROPOSAL TO DECLARE CERTAIN HEAVY METAL-CONTAINING PAINTS AND OTHER SURFACE-COATINGS TO REQUIRE SPECIAL LABELING FOR CHILD PROTECTION

The heavy metals antimony, arsenic, cadmium, lead, mercury, selenium, and soluble barium may be toxic when ingested, even in small amounts. Because children may chew on interior and certain exterior residential surfaces and on toys and other children's articles, the Commissioner of Food and Drugs concludes that paints and other surface-coating materials are hazardous substances requiring special labeling warning against their use on such surfaces if they contain more of these heavy metals than is essential under good manufacturing practices, or in any event if they contain more than 0.5 percent lead; or a total of 0.05 percent of the other heavy metals listed above on a dried weight basis, except for soluble barium which shall constitute no more than 1 percent of the total barium present. The special labeling to be required shall include on the main panel a cautionary signal word "Warning", a statement of the hazard "Contains ----------" (the blank being filled in with the name(s) of the applicable heavy metal(s) and instructions to read carefully the cautionary information placed on other panel(s) where located. Existing technology will permit industry to produce household paints containing no more of these heavy metals than is specified above. As new technology becomes available, the acceptable levels may be further reduced in accordance with good manufacturing practices.

Although paints containing small amounts of lead in excess of the proposed levels may not be toxic in themselves; when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology. The Commissioner has concluded that the scope of the Federal Hazardous Substances Act fully encompasses the question of cumulative toxicity.

The American National Standards Institute, in its voluntary standard Z66.1, has specified a maximum limit since 1955 of 1 percent lead in paint intended for use on children's toys, furniture, or interior surfaces. A 1-percent lead level was also adopted by Congress in the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695; 84 Stat. 2078), which is administered by the Bureau of Community Environmental Management, Health Services and Mental Health Administration. That act prohibits the use of paint with a lead content above 1 percent in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance. As an additional margin of safety, the Commissioner proposes to reduce the exposure to lead found acceptable by Congress by establishing special labeling requirements for all household paints containing more than 0.5 percent lead.

Consideration has been given to the question of whether paints containing lead above the level specified herein should be banned from interstate commerce, or required to bear special labeling warning of the hazard involved and giving instruction for safe use. While there are numerous reports of serious injury and even death resulting from the ingestion of the dried film of old formulations of paints containing high levels of lead, the Commissioner is unaware of any similar reports as a result of ingestion of paints containing 1 percent lead or less. The Commissioner has therefore concluded that cautionary labeling will be adequate to protect the public health and safety from any potential hazards associated with the use of such paints.

Accordingly, under section 3(a) of the Federal Hazardous Substances Act, the Commissioner proposes that paints and other surface-coating materials be declared to be hazardous substances (as defined in section 2(f)(1)(A) of the Act) that require special labeling as specified herein if such paints and other surface-coating materials contain, on a dried weight basis, more than 0.5 percent lead; or a total of more than 0.05 percent antimony, arsenic, cadmium, mercury, or selenium; or soluble barium in excess of 1 percent of the total barium present. Finalization of the regulations proposed herein in conjunction with section 2(q)(1)(A) of the Federal Hazardous Substances Act, will have the additional effect of automatically banning any toy or other article intended for use by children which is produced after effective date of these regulations and which bears such paint or other surface-coating material.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(B), 2(q)(1)(A), 3(a), and 3(b), 74 Stat. 372, 374–375 as amended. 80 Stat. 1304; 15 U.S.C. 1261, 1262), and the Federal Food, Drug and Cosmetic Act (sec. 701, 52 Stat. 1055–56 as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 191.5 (a) and that a new subparagraph be added to § 191.7(b), as follows.

§ 191.5 Products declared to be hazardous substances under section 3(a) of the act.

(a) The Commissioner finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use:

(2) Paint and other surface-coating materials, produced or shipped in interstate commerce after the effective date of this regulation, containing any of the heavy metals specified below at a level exceeding that which is essential under good manufacturing practices or in any event containing amounts of such heavy metals as follows:

(i) Lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film; or

(ii) Antimony, arsenic, cadmium, mercury, and selenium of which the metal content individually or in total (calculated as the metal) exceeds 0.05 percent of the total weight of the contained solids or dried paint film; or

(iii) Barium compounds of which the water soluble barium (calculated as the metal) exceeds 1 percent of the total barium present.

§ 191.7. Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) The Commissioner finds that these substances present special hazards and that the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

* * * * *

(7) Paint and other surface-coating materials declared to be hazardous under § 191.5 (a)(2) shall bear on the main panel of their label, in addition to the requirements of § 191.101(a), the statement "contains ------------", the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2). Such paint and other surface-coating materials shall also bear on their labeling the signal word "Warning," and the following additional statement or its practical equivalent:

"Contains ------------

Dried film of this paint may be harmful if eaten or chewed.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as windowsills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of the reach of children."

the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md., 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., January 28, 1972.

Reply to Attn of: EPA–AR–R.

Subject: Comments on FDA Proposal to Declare Certain Heavy Metal-Containing Paints and Other Surface-Coatings to Require Special Labeling for Child Protection.

To: Hearing Clerk, Department of Health, Education, and Welfare.

This memorandum is in response to the invitation for comments on the subject proposal published by the Commissioner of Food and Drugs in the Federal Register on November 2, 1971.

The Environmental Protection Agency is concerned about the problem of lead poisoning in children. In order to reduce the burden of lead in children, we will soon propose a program to accelerate the reduction and eventual removal of lead from gasoline.

Since most cases of lead poisoning in children are attributable to consumption of lead-base paint, we have undertaken to determine the maximum safe percent of lead by weight in dried paint necessary to protect the public health. These studies, elaborated in the attached in-house technical report, indicate that lead paint in excess of 0.05% could constitute a danger to the health of children with pica. Our conclusion is similar to that of the American Academy of Pediatrics, which strongly recommended that lead paint in excess of 0.06% should not be permitted.

We believe that cautionary labeling will not be adequate to protect the public health and safety from any potential hazards associated with the use of paints containing more than 0.05% by weight of the dry solids. Many families may occupy a dwelling after the paint can label. This problem may be prevented through banning of lead-base paint in interstate commerce and advice to local authorities when interstate commerce is not involved.

STANLEY M. GREENFIELD,
Assistant Administrator for Research and Monitoring.

Attachment.

A CONTROL STRATEGY FOR LEAD IN PAINT—IN-HOUSE TECHNICAL REPORT—FIRST DRAFT

(By K. Bridbord, C. Shy, D. Hammer, H. Goldberg, V. Newill, and W. Nelson)

BACKGROUND

Available evidence indicates that lead in human tissues serves no useful biological function. Even at low blood concentrations, lead adversely affects metabolism by inhibiting critical enzyme systems (1). At higher concentrations, lead can produce severe disease and even death. Accordingly, any increase in lead body burden is undesirable. All known sources of human lead exposure must be carefully controlled.

Clinical lead poisoning is caused primarily by childhood ingestion of lead-based paint (2). Every year hundreds of children die from lead poisoning and many thousands more receive permanent, irreversible central nervous system damage from lead ingestion. Recent proposals have advocated limiting lead content in paint as a means to prevent lead poisoning among future generations (3). However, agreement concerning how severe this restriction should be has not been reached.

Among the general adult population, food is the primary contributor to lead body burden. Air and water are additional exposure routes. For children predisposed to pica (eating nonfood objects), the primary source of lead body burden is lead-based paint. Lead in street dust and soil are additional potentially significant exposure mechanisms in this group (4).

Comprehensive programs to decrease lead exposure have advocated eliminating lead in gasoline and rehabilitating deteriorating housing containing lead-based peeling paint. However, even low lead paint used in the rehabilitation process or in new construction could become a source of lead exposure in the future. Thus, careful thought must be given to what constitutes a "safe" concentration of lead in paint. Our paper will re-examine this problem to arrive at an independent estimate of a "safe" lead level in paint.

THE CONTROL STRATEGY

The physiology of lead absorption and excretion in adults is well documented. Corresponding studies in children are limited. An "average" 70 Kg adult takes in approximately 300 ug of lead via food and water (5). Of this, up to 10% is absorbed from the gastrointestinal tract. Lead intake via the respiratory route is much more complete. Approximately one third of all inhaled lead is retained and almost all of this is absorbed (6). A figure of 30% reasonably estimates the quantity of lead absorbed from inhaled air.

Studies indicate that children aged 1–3 years (10–18 Kg) ingest, on the average, 130 ug of lead each day from food and water (7). Based upon data from adults, up to 10% of this, or 13 ug per day will be absorbed. Children this age inhale approximately 6 cubic meters of air daily. Ambient air lead levels close to heavy traffic combusting gasoline containing lead are expected to average at least 5 ug lead per cubic meter. Assuming 30% absorption, a 1–3 year old child would absorb approximately 5x6x0.3=9 ug lead per day from the air.

Since significant increases in lead exposure and body burden are undesirable (especially in children prone to pica) strategies to limit lead exposure must prevent body burden increments. A maximum daily permissible intake (not absorption) of elemental lead in children of 300 μg is already established (8). Even if lead emissions from automobiles are eliminated in the future (98% of airborne lead is from gasoline combustion (9)), possible lead ingestion from peeling paint must still not be allowed to significantly exceed background lead intake from food and water. This is because lead intake of 130 μg per day in a 1–3 year old child is already nearly half his daily permissible intake.

ACCEPTABLE LEVELS

Peeling paint is significantly denser than water. When considering potential lead ingestion from specific volumes of peelng paint, assumptions that the density of paint equals that of water yield conservative estimates. On this basis the following tables can be constructed.

TABLE I*

Paint Ingestion As A Function of Volume Intake (Teaspoons).

Volume of Peeling Paint Ingested (teaspoons)	*Grams of Paint Ingested*
0.01	0.05
0.05	0.25
0.1	0.5
0.5	2.5
1.0	5.0

* The density of water is one gram per cubic centimeter. Since one teaspoon contains 5 cubic centimeters of water this is equivalent to 5 grams of paint with a density equal to that of water.

TABLE II.—TOTAL LEAD INGESTION FROM PAINT, MICROGRAM (DAILY AVERAGE)

[In percent]

	Concentration of lead in paint				
	0.01	0.05	0.1	0.5	1.0
Teaspoons of peeling paint ingested:					
0.01 (0.05 g)	5	25	50	250	500
0.05 (0.25 g)	25	125	250	1,250	2,500
0.1 (0.5 g)	50	250	500	2,500	5,000
0.5 (2.5 g)	250	1,250	2,500	12,500	25,000
1.0 (5 g)	500	2,500	5,000	25,000	50,000

Source: Based upon absorbing 10 percent of all ingested lead from the GI tract, table III can be constructed.

TABLE III.—TOTAL LEAD ABSORPTION FROM PAINT, MICROGRAM (DAILY AVERAGE)

[In percent]

	Concentration of lead in paint				
	0.01	0.05	0.1	0.5	1.0
Teaspoons of peeling paint ingested:					
0.01	0.5	2.5	5	25	50
0.05	2.5	12.5	25	125	250
0.1	5.0	25.0	50	250	500
.5	25.0	125.0	250	1,250	2,500
1.0	50.0	250.0	500	2,500	5,000

Clearly, according to Table III, the only lead paint concentration that offers reasonably complete protection is 0.01%. Even at 0.05% lead in paint, ingestion of only one twentieth of a teaspoon of paint per day (containing 12.5 ug lead) will nearly double baseline absorption from food and water (13 ug) in a 1–3 year old child (10–18 Kg). Although data on children are limited, the best available evidence in adults indicates that doubling daily intake (absorption) of lead from a baseline of 40 ug per day in a 70 Kg adult raises blood lead concentration from about 20 to 35 ug/100 g, a level closely associated with significant impairment of hemoglobin synthesis (10).

Quadrupling baseline absorption in adults raises blood leads to greater than 50 ug/100 g, a level close to that occasionally associated with clinical lead poisoning in some children (11). Ingestion of only one tenth of a teaspoon of 0.1% lead paint per day more than quadruples baseline absorption of 13 ug per day in a 1–3 year old child. Thus, paint containing even 0.1% lead used in residential areas poses a significant potential danger to future generations of children.

Although the data in Table III have not been substantiated by direct experimental evidence, they certainly are a most conservative estimate of lead ingestion from paint. Most chips of peeling lead paint are significantly denser than water. Table III is based upon ingestion of lead chips that are only as dense as water. However, pertinent other factors such as dietary deficiency states (low iron and low calcium) which potentially might predipose to increased lead absorption from the gut in excess of 10% have not been considered in this analysis. Furthermore, no additional safety factor has been included in these calculations.

Although there may be room for debate regarding whether 0.05% or 0.01% lead in paint should be the upper acceptable limit, clearly a level higher than this is unacceptable. In a recent press release (12), based upon an independent method of analysis, the American Academy of Pediatrics strongly recommended that lead in paint in excess of 0.06% lead should not be permitted. Their estimate is in close agreement with ours.

SUMMARY

A control strategy to prevent childhood lead ingestion from paint in future generations is presented. This is based upon no significant increase of lead intake beyond baseline levels from food and water. According to our analysis, lead in paint even at 0.05% is a potential hazard to children prone to pica. A lead concentration of 0.01% would reasonably protect all children except those with extreme tendencies for paint ingestion. Independent analyses support our view that at no time should future use of paint containing lead in excess of 0.05%, and preferably not in excess of 0.01%, be permitted in residential areas.

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11. Ibid.

12. News Release, "AAP Recommends Reducing Lead Content of Paints," American Academy of Pediatrics, Evanston, Illinois, Nov. 30, 1971.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,

January 31, 1971.

To: Charles C. Edwards, M.D., Commissioner of Food and Drugs, Food and Drug Administration.

From: Jane S. Lin-Fu, M.D., Pediatric Consultant, Maternal and Child Health Service.

Subject: Lead-Based Paint, 21 CFR, Part 191, Federal Register, Volume 36, Number 211, November 2, 1971.

As one deeply concerned with the problem of lead-based paint poisoning in children, I would like to endorse the position taken by the American Academy of Pediatrics on the issue under consideration as presented in its memo addressed to the Food and Drug Administration dated November 30, 1971. In reviewing the problem of childhood lead poisoning, the following facts are obvious:

1. The 0.5 percent limit on lead content of paint set by the FDA is inadequate to deal with the health hazard of lead paint among children when such paint is used on surfaces to which children are likely to be exposed. The daily permissible intake (DPI) of lead among young children should not exceed 300 ug. of lead that can be taken from other sources before the DPI is exceeded. Ingestion of a single square centimeter of multilayered paint chips with 0.5 percent of lead content could easily provide a child with more than 150 ug. of lead. Repeated ingestion of a larger amount of paint chips over a prolonged period, easily possible among children with pica, can result in poisoning.

2. Labeling paint for lead content is ineffective in protecting the public for the following reasons:

a. The label may be totally disregarded or may be misinterpreted by the consumer.

b. Once the paint is applied on to a surface, the label loses its effect completely.

3. Today, most, if not all, communities faced with the problem of lead-based paint poisoning are unable to cope with the task of eliminating lead hazards from housing. The overwhelming number of houses with lead hazards and the expense involved have been the main deterrents in the battle against this man-made disease. The tragic mistake of painting millions of houses with paint containing hazardous amounts of lead in the past decades was made in ignorance. With our current knowledge of the health hazards of lead in paint, it is inexcusable to repeat the mistakes of the past and perpetuate a disease that is preventable.

I would therefore urge the Food and Drug Administration to reconsider its proposed regulation on the issue and make modifications as recommended by the American Academy of Pediatrics.

JANE S. LIN-FU, M.D.

AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., November 30, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

Subject: Lead Based Paint.

Reference: 21 CFR Part 191, Federal Register, November 2, 1971.

DEAR SIR: The attached statement regarding the content of lead in paints is filed with the Food and Drug Administration in response to the proposed regulations appearing in the November 2, 1971 Federal Register.

The American Academy of Pediatrics urges that the public health and safety be protected by early promulgation of final regulations pertaining to the lead content in paints, and that the limit for lead be revised downward to "minimum traces" or <0.06% of the total weight for paints intended for use on interior surfaces and on toys and other children's articles.

The Academy concurs with the statement of the Commissioner in issuing the proposed regulation that "paint containing small amounts of lead in excess of the proposed levels (.5%) may not be toxic in themselves; but when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology." It is our finding that paint with .5% lead will not provide sufficient protection for young children one to three years of age. We further concur with the FDA that "any unnecessary exposure should be eliminated or minimized," but differ in regard to the standard to be adopted to achieve this end.

Despite voluntary standards, reports indicate paint on children's toys in excess of the standard. Congressional testimony has revealed the continued availability of paints in excess of the standard for use on toys and products with which children usually come in contact. The implication that paints are safe for use on children's products through pictures thereof on paint containers nullifies the minimal value which might exist in cautionary labeling.

One of the Academy's current concerns is with the setting of limits which give some margin of safety with respect to prevention of lead poisoning in children. Unfortunately, labeling of paint containers will have little effect in preventing this disease. Consequently, it is our firm conclusion that firm action is now needed in order to minimize the lead poisoning health hazard to future generations of children.

The members of the Academy's Committee on Environmental Hazards are: Paul F. Wehrle, M.D., Chairman; Robert L. Brent, M.D.; J. Julian Chisolm, Jr., M.D.; John L. Doyle, M.D.; Emmett L. Fagan, M.D.; Laurence Finberg, M.D.; Robert W. Miller, M.D.; Andre J. Nahmias, M.D.; G. D. Carlyle Thompson, M.D.; and Robert J. M. Horton, M.D., Consultant.

Please be assured of our continuing interest in this problem and our availability in further assisting the Food and Drug Administration staff.

Sincerely yours,
GEORGE K. DEGNON,
Director, Department of Government Liaison.

MEMORANDUM PRESENTED TO FOOD AND DRUG ADMINISTRATION, NOVEMBER 30, 1971

Subject: Lead Based Paint

Reference: 21 CFR Part 191, Federal Register, November 2, 1971

The American Academy of Pediatrics files the following comments on the matter at issue and now under consideration:

It is recommended that the Food and Drug Administration promulgate a final regulation pertaining to the lead content in paints and that the limit for lead be revised downward from the proposed .5% to "minimum traces" or <0.06% of the total weight of the contained solids (including pigment, film solids and driers). This recommendation is based on the study of recently published materials,[1] [2] [3] [4] based upon an evaluation of data published after the 1% voluntary standard for lead was originally established in 1955 by the American National Standards Institute. The American Academy of Pediatrics recommends that paints containing more than minimum traces of lead be declared banned hazardous substances, if intended for use on children's toys, furniture, or interior surfaces.

Upon review and evaluation of available data in children and adults, an Ad Hoc Committee (B. G. King, Chairman) [1] recently concluded that for children the maximum daily permissible intake (DPI) of lead from *all* sources should not exceed 300 µg Pb/day.* If average daily intake is maintained below this level, blood lead concentrations are unlikely to exceed 40 µg Pb/100 G whole blood. At this level of intake, it is estimated that the amount assimilated by one to three year old children could probably be excreted; so that no net increment in total body lead burden would be anticipated. It is estimated that approximately one-half of this 300 µg Pb/day intake would be derived from usual food, water and air, so that intake from all other sources on the average should not exceed 150 µg Pb/day. In particular, average daily intakes below this DPI would not be associated with any significant increment in soft tissue lead content. It is this portion of the total body lead burden which appears to be responsible for the known toxic effects of lead.

Available data indicate that increments in total lead intake above this DPI increase assimilation (see Chapter 3 in Reference 2) and raise blood levels above 40 µg Pb/100 G whole blood. Such increments may be associated with increase in the soft tissue component of the total body lead burden. At blood lead concentrations of 40 to 50 µg Pb/100 G whole blood, some individuals may show minimal adverse metabolic response in the form of increased delta-aminolevulinic acid (ALA) excretion in urine (see refernce No. 2, Chapter 4). Increased ALA excretion in urine is the metabolic response most specifically associated with rising concentrations of lead in the soft tissues. Increments in total assimilation of lead to levels fivefold to tenfold above that assimilated from usual *dietary* intake, if continued for several weeks or months, clearly can bring such persons into the range of adverse metabolic effects and can be statistically correlated with blood lead levels in the range of 60–80 µg Pb/100 G whole blood. In some instances, persons with blood lead concentrations in this range may show non-specific symptoms compatible with, but not diagnostic of, clinical plumbism.

At blood lead concentrations of 60 µg Pb/100 G whole blood higher, x-ray evidence of abnormal skeletal mineralization at the ends of growing long bones occurs in some children when excessive intake persists for several weeks or months or longer. Such undesirable effects should be avoided in young growing children.

It is concluded, therefore, to preserve health, prevent adverse metabolic effects attributable to increased soft tissue lead content in growing children and to minimize the risk of serious poisoning, the total daily intake of lead should be limited to <300 µg Pb/day. A policy statement recently approved by the Surgeon General of the U. S. Public Health Service similarly concluded that blood lead concentrations >40 µg Pb/100 whole blood be considered indicative of undue exposure to lead and that children with blood lead concentrations in the 50–80 µg Pb/100 G whole blood range be considered as possible cases of lead intoxication and that such children require further medical evaluation.[4] In view of the prevalence of pica in one to three year old children, the permissible content of lead in paint should be considered with the foregoing in mind.

The content of lead in paint calculated as elemental lead and expressed as a percent of the total weight of the paint may be a good criterion by industry for the content of lead in paint per se. However, this is not a good criterion for evaluating the health hazard present in chips of paint from surface coverings of the walls, windows, doors, furniture, and other objects to which children may be exposed. It is the weight of lead in the chips that determines the health hazard. Recent studies [5] indicate that the weight of multilayer paint chips can be related to the number of layers of paint applied to a surface. In this way, the amount of lead in single and multiple layers of paint can be calculated from the percentage of lead contained in the paint. Such calculations are shown in Table 1. For example, studies at the U.S.P.H.S. Injury Control Laboratory, Providence, R.I.[5] indicate that 1 sq. cm. of one layer of interior paint may weigh 5.2–8.0 mg (avg.=6.5 mg) and that six layers of paint may weigh 37.0–40.6 mg (avg.=38.8). Sixty-nine samples of multilayer paint chips obtained from old dwellings in Philadelphia were found to weigh 89±33 mg per sq. cm. of exposed surface. (The term "sq. cm. of exposed surface" is used here because of the difficulty in sampling a precise and reproducible volume of paint under field conditions). Forty mg of interior paint (6 layers) containing 1% of lead in the final dried solids would contain 400 µg Pb. Using the same calculation, a 10-layered paint surface containing 1% lead might contain 650 µg Pb/sq. cm. of exposed surface. The calculated dose in either instance is in excess of the calculated DPI (daily permissible intake). One sq. cm. of 6 layers of paint on a surface containing 0.1% lead would contain 40 µg Pb; whereas at 0.05% lead, 1 sq. cm. of a 6-layered surface would contain 20 µg Pb. In this last instance, ingestion of a paint chip with 1 sq. cm. (6.25 cm^2) of exposed surface per day on the average can be calculated to provide a dose of 125 µg Pb. Thus, 125 µg of lead from paint, together with an allowance of 150 µg of lead from the usual lead content of food, water, and air approaches the DPI of 300 µg Pb from all sources but would make little allowance for such other non-dietary sources as the child may encounter [2] [6].

Also to be considered is the prevalence of pica in young children. It is estimated that approximately 50% of children between one and three years of age repetitively ingest non-food substances. Abdominal x-rays obtained in the diagnostic evaluation of children suspected of having lead poisoning indicate that very large quantities of foreign substances such as paint, putty, and plaster may be ingested, often without the parents' awareness.

A federal standard for lead to <0.06% is needed in order to minimize this particular health hazard to future generations of children. At the present time, lead poisoning as seen in children is related to old, deteriorated housing so that a federal standard is unlikely to have a significant impact on plumbism as *now* seen. Nevertheless, as this old housing is replaced or rehabilitated, safe covering should be used in order to minimize hazards to the health of future children. Because pica has been a well-recognized habit among humans for many centuries, it appears unlikely that this behavioral pattern will quickly change.

The American Academy of Pediatrics endorses the principle contained in the petition filed with the Commissioner that paints containing more than minute traces of lead be declared as banned hazardous substances, if intended for use on children's products or

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Footnotes at end of article.

interior surfaces. It appears that cautionary labeling will not adequately protect the public health and safety.

It should be further noted that therapy is not effective in reversing or preventing permanent brain damage associated with severe forms of acute lead poisoning such as acute encephalopathy. It is currently estimated that 40% or more survivors of encephalopathy sustain permanent brain damage. In order to provide a margin of safety against such occurrences, which are not reversible by current methods of chelation therapy, it is essential that the level of exposure be reduced. Promulgation of a federal standard with respect to lead to minimum traces and certainly to $<0.06\%$ Pb probably would provide a safety factor of five with respect to doses unequivocally associated with demonstrable adverse metabolic responses in virtually all individual and clinical toxcity in some. Except in instances of voracious pica for paint, it would probably provide a safety factor of at least 20 with respect to the average daily intake, which is probably necessary to cause encephalopathy and fatalities in children. Such a safety factor would appear to be a minimum requirement.

REFERENCES

*This DPI is concerned primarily with increments in *oral* intake of inorganic lead salts. In calculating this DPI, it was assumed that average daily respiratory exposure in most urban areas is approximately 2 μg PB/m^3. Any significant increase in respiratory intake would have to be given added weight because respiratory retention is estimated at 35–40% of very small lead-bearing particulates in the lower respiratory tract. Assimilation in the GI tract is estimated at 5–10% of oral intake. It is understood that the comments which follow apply almost exclusively to increments in oral intake in the presence of constant but low levels of respiratory exposure (2 μg Pb/m^3 on the average).

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4. Medical aspects of childhood lead poisoning; Statement approved by surgeon general, U.S.P.H.S. Pediatrics *48*-464, 1971.

5. King, B. G.: Personal Communication.

6. Hunt W. F., Jr., Pinkerton, C., McNulty, O. and Creason, J.P.: The 77 mid-western city study: A study of trace element pollution of the air. Presented at Fourth Annual Conference on Trace Substances, University of Missouri, Columbia, Missouri, June 23–24, 1970.

TABLE 1.—AMOUNT OF LEAD IN SINGLE AND MULTIPLE LAYERS OF PAINT VERSUS PERCENT LEAD CONTENT IN PAINT

Painted surface covering		Calculated lead content of paint chip with 1 square centimeter of exposed surface	
Number of layers	Rounded average weight of paint chip[1] (milligrams)	Percent by weight	Amount (micrograms of lead)
1	6.5	1.0	65
6	40.0	1.0	400
10	65.0	1.0	650
1	6.5	.1	6.5
6	40.0	.1	40.0
10	65.0	.1	65.0
1	6.5	.05	3.2
6	40.0	.05	20.0
10	65.0	.05	32.0

[1] Same area; e.g., 1 square centimeter of 1, 6 and 10 layers of paint.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, D.C., January 3, 1972.
HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: Prevention of childhood lead poisoning has long been an Association policy. Our official concern and recommendations were recently expressed in the 1969 resolution on Childhood Lead Poisoning.

The recently passed Childhood Lead Poisoning Prevention Act (P.L. 91–695) and DHEW's support of studies of the problem are small steps in the right direction. Recently developed evidence suggests that the problem is far more widespread than originally indicated. Accordingly, we support Administration action which would demonstrably lead to the reduction and control of this disease.

The Food and Drug Administration's proposal (21 CFR Part 191, *Federal Register*, November 2, 1971) to require interior paints containing more than 0.5 percent lead by weight to bear a warning label fails to provide the degree of protection we believe is desirable and practicable. Labeling of paint containers will have little effect in preventing this disease.

Accordingly, we endorse the proposal of the American Academy of Pediatrics as contained in the CONGRESSIONAL RECORD, December 8, 1971, on pages 45640–41, which urges:

". . . that the public health and safety be protected by early promulgation of final regulations pertaining to lead content in paints, and that the limit for lead be revised downward to 'minimum traves or $<0.06\%$ of the total weight for paints intended for use on interior surfaces and on toys and other children's articles."

Sincerely yours,
JAMES R. KIMMEY, M.D.,
Executive Director.

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
Albany, N.Y., December 13, 1971.
CHARLES C. EDWARDS, M.D.,
Commissioner of Food and Drugs, Department of Health, Education, and Welfare, Rockville, Md.

Attention: Hearing Clerk

DEAR DOCTOR EDWARDS: Our Department is gratified that the Food and Drug Administration is adopting standards for lead based paint for the purpose of preventing childhood lead poisoning.

In 1970 the New York State Legislature enacted a standard prohibiting the use of paint containing more than one percent of metallic lead based on the total non-volatile content of the paint on any interior surface of a dwelling. Our subsequent experience indicates that this statutory prohibition is useful but the level of metallic lead in such paints has been set too high.

The American Academy of Pediatrics' Committee on Environmental Hazards has recommended that the lead content of paint used on interior surfaces be revised downward to a level of 0.06 percent of the total weight of contained solids.

It is our intention to recommend this new level to our State Legislature when it convenes in January. Since most such paint is in interstate commerce, to be truly effective, we urge that the Food and Drug Administration prohibit the manufacture and sale of paint intended for household uses if the paint has a lead content in excess of the standard recommended by the American Academy of Pediatrics. A mere labeling requirement is insufficient.

If we are to eradicate lead based paint poisoning we must eliminate the lead in the paint. The New York State Department of Health urges that you establish such a standard which I believe you have authority to do under the provisions of the Federal Hazardous Substances Act. The overwhelming evidence is that the further introduction of lead-contained paint into our households creates a potential health hazard which cannot be eradicated by a mere cautionary labeling requirement. Lead based paint must be banned not merely labeled.

Sincerely yours,
ANDREW C. FLECK, Jr., M.D.,
First Deputy Commissioner.

THE CITY OF NEW YORK,
DEPARTMENT OF CONSUMER AFFAIRS,
New York, N.Y., December 8, 1971.
HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

Re: Proposal by the Commissioner of Food and Drugs that a new subparagraph be added to 191.5(a) and a new subparagraph be added to 191.7(b) to declare certain heavy metal-containing paints and other surface-coatings Hazardous Substances, and to require special labeling of same for child protection.

DEAR SIR: The Department of Consumer Affairs opposes as regressive the proposal by the Commissioner of Food and Drugs to declare certain heavy metal-containing paints and other surface-coatings Hazardous Substances and to require special labeling of same for child protection.

Our position is based on the following points:

1. A warning attesting to the hazardous nature of these substances on the product label is of no consequence once the paint has been applied to the intended surface or, more importantly, years later when it peels or flakes and thus making itself readily accessible to curious, omnivorous infants.

2. The young children, who are the principal victims of lead poisoning when they eat toxic surface coatings, can not read.

3. A label warning would tend to imply that manufacturers may escape responsibility for the potential toxicity of their products.

We are pleased that "the Commissioner has concluded that the scope of the Federal Hazardous Substances Act fully encompasses the question of cumulative toxicity," especially in light of the Commissioner's finding that the potential hazard from paints containing lead must be "considered in conjunction with other sources of lead in the environment." In New York City and other urban areas, this is not a minor consideration.

On the other hand, the Commissioner's contention that the proposed amendments "will have the additional effect of automatically banning any toy or other article intended for use by children . . . which bears such paint or other surface-coating material" seems naive at best. While the proposed amendment *would* require the labels of these products to contain a warning against applying them to toys and other children's articles, there is absolutely no way such a "warning" could possibly be enforced.

Finally, our experience with a similar regulation (173.13 of the New York City Health Code) has been extremely discouraging. Although said regulation has been in effect locally since 1959, between 10–30% of paints are not correctly labeled at point of sale.

In conclusion, we strongly urge the Commissioner to reconsider his position and to support instead the proposal of Joseph A. Page *et al.* to classify as Banned Hazardous Substances paints and surface coverings containing more than minute traces of lead. We further suggest that this classification be extended to cover paints and surface-coatings intended for household use if they contain heavy metals (e.g. antimony, arsenic, barium, cadmium, mercury, selenium) which the Commissioner has found to be hazardous substances.

Very truly yours,
BESS MYERSON, *Commissioner.*

CITY OF PHILADELPHIA,
DEPARTMENT OF PUBLIC HEALTH,
Philadelphia, Pa., December 24, 1971.
HEARING CLERK,
U.S. Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: The Philadelphia Department of Public Health wishes to comment on the proposed changes in the Federal Hazardous Substances Act, sections 2(f) (1) (B), 2(q) (1) (A), 3(a), and 3(b), 74 Stat. 372. 374–375 as amended, 80 Stat. 1304: 15 U.S.C. 1261, 1262, and the Federal Food, Drug and Cosmetic Act (Sec. 701. 52 Stat. 1055–56 as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to 191.5(a) and 191.7 (b) as indicated in the attached copy of the Federal Register. In Philadelphia, childhood lead poisoning is recognized as one of the most serious public health problems affecting our urban society. Although the proposed Regulation changes are a step in the right direction we do not believe that these changes are adequate to prevent the occurrence of childhood lead poisoning in urban areas. Philadelphia has had an ordinance and regulations to control childhood lead poisoning since 1966. In the implementation of these regulations it has been found that a precautionary labelling requirement which exists in the Philadelphia Regulations and is similar to that proposed in Section 191.7 has been insufficient to prevent the continued sale and application of lead paint on interior surfaces, toys and furniture.

This has been inadequate for a number of reasons which include: (1) the general public does not always read the label, (2) frequently, lead poisoning occurs among ethnic groups who do not read English, (3) persons involved in the sale of paint do not always ask where the paint is to be applied, (4) frequently, paint has been purchased for the intended use out of doors and that which has been left over is used on interior surfaces, (5) the application of lead paint only upon exterior surfaces does not preclude the possibility of children developing lead poisoning because paint is as frequently available to children on an exterior surface as it is on an interior surface.

The Department also objects to the addition of section 191.5 in which lead paint is defined as that which contains in excess of 0.5% of the total weight of the contained solids or dried paint film as lead content. It is our belief that the allowance of this much lead in paint is far too much and that this section should read "lead compounds of which the lead content (calculated as the metal) is not in excess of 0.05% of the total weight of the contained solids or dried paint film." This would eliminate lead as a constituent in paint other than that which would represent merely a trace and which in all probability would not present a hazard to children as far as childhood lead poisoning is concerned even with the application of a number of layers of paint which is the problem which we are now facing in urban areas where there may be as many as 20 layers of lead paint on woodwork surfaces and where the lead content accumulates layer upon layer. It is the intention of the Philadelphia Department of Public Health to seek this type of legislation locally as the minimum step required to prevent childhood lead poisoning and it would seem appropriate that the Food and Drug Administration would have regulations that would be no less stringent than this.

I would very much appreciate having our statement published in the Federal Register.

Sincerely yours,
NORMAN R. INGRAHAM, M.D.

COUNTY OF LOS ANGELES,
HEALTH DEPARTMENT,
Los Angeles, Calif., December 21, 1971.
HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: This department, along with all other health agencies, is concerned with the actual and potential lead poisoning problem in the United States.

We have noted that the FDA has introduced a proposal to lower the maximum 1% level for paint as defined in the Lead-Based Paint Poisoning Prevention Act of 1971. However, we note that household paint may, under proposed regulations, still contain more than the 0.5% lead if appropriately labeled.

It is our position that even 0.5% is too high and therefore endorse the recent recommendations of the American Academy of Pediatrics, which advised that a maximum of 0.06% lead be permitted in paint. At that level it would be quite a task for a toddler to ingest sufficient paint (chips) to result in an ever increasing body lead burden, the effects of which eventually lead to actual poisoning.

To not take a really firm stand in this matter would surely be a sad commentary of our concern for children who, after all, soon become tomorrow's leaders. All of us must help to ensure development of their maximum potential abilities.

Sincerely,
G. A. HEIDBREDER, M.P.H.,
Health Officer.

NATIONAL BOARD OF MEDICAL EXAMINERS,
Philadelphia, Pa., January 19, 1972.
Commissioner CHARLES C. EDWARDS,
Dept. of Health, Education and Welfare, Rockville, Md.

DEAR COMMISSIONER EDWARDS: I am writing to you in regard to your proposed legislation concerning the hazardous substance, lead in paint. I would strongly recommend that you reconsider the standard for the amount of lead that be allowed in household interior and exterior paints. It would seem to me that the work done by Dr. Barry King, in Cincinnati, and reported by his committee, in the Journal of Diseases of Children, would support a standard of less than .06% of the total weight of paint be made-up of lead. There is no question that the presence of any lead in paint, in one sense or another, can be harmful to small children. At the present time this country faces a relative epidemic of lead poisoning in all of our large cities. It would seem unwise to me to allow the possibility for lead poisoning to continue through the 20th and into the 21st century. By eliminating lead from paint, at this time, it might be possible to eventually look for a day when lead poisoning will be a thing of the past. *Please* reconsider your recommendations concerning the hazardous substance lead in paint. Thank you.

Yours truly,
FREDERIC D. BURG, M.D.,
Associate Director of the National Board of Medical Examiners.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, DEPARTMENT OF HEALTH,
December 1, 1971.
HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: The enclosed is a comment on the Commissioner of Food and Drug's "Proposal to Declare Certain Heavy Metal Containing Paints and other Surface Coatings to Require Special Labeling for Child Protection", as published on page 20985 of the 2 November 1971 issue of the *Federal Register*.

1. Inclusion of all toxic heavy metals, rather than limiting the requirement to lead, is entirely appropriate. Little is known about the incidence of toxicity from cadmium, selenium, etc., but it is well known that lead-based paint is a widespread hazard. Since many children have pica, substances, like paint, which they are likely to ingest, should contain *no* substances which are cumulative poisons.

2. I do not feel that "household", as in household paints, is clearly defined. It is quite important that the proposed labeling regulation apply to *all* paints, both interior and exterior, which might be used in a home, school or other public building. The only exemption should be specialized surface coating used in industry and for such structures as bridges, which require great resistance to weathering.

The reason for this is simple: children with the habit of pica do not limit their ingestion of nonfood substances to indoors. Several instances have occurred in the Rhode Island Lead Screening Program of only *exterior* paint samples having high lead levels, at the home of a lead-poisoned child. In addition, the incidence of lead poisoning is considerably higher in the summer when chldren spend much of their time outdoors.

3. Finally, I am not at all convinced that a labeling requirement is sufficient to prevent heavy-metal poisoning in children. It is well known that high-lead paints are readily available to the consumer, to use as he may choose. That a label, no matter how bold and striking, is insufficient to prevent accidental or negligent misuse of a hazardous substance is amply attested to by the numerous poisonings of children each year by other household chemicals, such as petroleum-based polishes and lye products. I feel strongly that banning heavy-metal-containing paints from manufacture and sale is the only certain preventive measure.

Sincerely,
DAVID L. STARBUCK, M.D.
Division of Epidemiology.

NATURAL RESOURCES DEFENSE COUNCIL, INC.,
Washington, D.C., December 29, 1971.

Re: (A) Proposal to Classify Paints Containing More Than Minute Traces of Lead, 36 Fed. Reg. 20986, November 2, 1971

(B) Proposal to Declare Certain Heavy Metal-Containing Paints and Other Surface-Coatings To Require Special Labeling for Child Protection, 36 Fed. Reg. 20985, November 2, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR MISS MCCULLAR: The Natural Resources Defense Council writes in support of the petition by Joseph A. Page and others, at 36 Fed. Reg. 20986 (hereafter Page petition) and in partial opposition to the proposal of the Food and Drug Administration, at 36 Fed. Reg. 20985 (hereafter FDA proposal). The Page petition is preferable to the FDA proposal in two significant respects. First, the Page petition provides that any paint with more than minute traces of lead be declared a hazardous substance, in contrast to the FDA proposal which would permit 0.5 percent lead in paints before taking any action. Second, the Page petition would ban lead-based paints, while the FDA proposal merely requires labeling.

I. LEAD CONCENTRATIONS GREATER THAN MINUTE TRACES IN PAINT ARE HAZARDOUS TO HEALTH

In their comments of November 30, 1971 on the Page petition and the FDA proposal, the American Academy of Pediatrics calculates that a one square inch chip of paint in six layers with an average lead content of 0.05 percent would provide a dose of 125 µg Pb. Accordingly, a similar chip of paint containing the FDA proposal's 0.5 percent lead would provide a dose of 1250 µg Pb. This latter dose is far in excess of the "Daily Permissible Intake" of 300 µg Pb. cited by the Academy. We are of the opinion that the Page petition when considered with the Academy's comments presents reasonable grounds for a determination that paint or other surface-coating materials containing trace amounts and in any event amounts in excess of 0.05 percent lead are hazardous substances. We are of the further opinion that failure of the Commissioner of Food and Drugs to promulgate a regulation to this effect would constitute a judicially reviewable abuse of the discretion granted to him as delegate of the Secretary of Health, Education, and Welfare by 15 U.S.C. § 1262.

II. PUBLIC HEALTH AND SAFETY CAN BE ADEQUATELY PROTECTED ONLY BY BANNING HAZARDOUS PAINTS

Once a substance is determined to be a "hazardous substance," 15 U.S.C. § 1261(q) (1) requires the Commissioner to consider whether the "degree or nature of the hazard involved in the presence or use of such substance in households is such "that cautionary labeling will not adequately protect the public health and safety. The introductory remarks accompanying the FDA proposal indicate that the Commissioner addressed himself to the degree of the hazard only, completely neglecting the special nature of the lead-based paint hazard.

As regards the Commissioner's consideration of the degree of the hazard, his conclusion that cautionary labeling is adequate because he is unaware of reports of serious injury or death resulting from ingestion of paints containing 1 percent lead or less, is a classic *non sequitur*. Assuming for the moment that children have not been seriously poisoned by ingesting paint of less than 1 percent lead content, this would at best be an argument for not banning paints with less than 1 percent lead. It is certainly not an argument for not banning paints with *greater* than 1 percent lead. Such paints clearly have caused poisonings with serious consequences including death. Yet the FDA proposal will permit the continued marketing of these paints, requiring labeling that does not even specify the lead content except that it is "in excess of 0.5 percent." Furthermore, the initial premise of the FDA proposal that paint with less than 1 percent lead is not seriously hazardous is contradicted by the following information: "a significant number of children have been found in many cities in this country to have clinical lead poisoning with serious sequelae in whom it has been impossible to find sources of leaded paint in excess of 1% in the home."[*] In view of the foregoing we are of the opinion that the degree of the hazard from paints with any but trace amounts of lead is precisely such that cautionary labeling is inadequate.

The *nature* of the hazard presented by lead-based paint is such that the Commissioner is compelled by 15 U.S.C. § 1261(q) (1) to find that cautionary labeling is inadequate to protect public health and safety. In defining the term "label" (15 U.S.C. § 1261(n)) Congress indicated the types of hazards against which labeling might be adequate protection. Labels are to appear either on the immediate container of a hazardous substance or upon the article itself if there is no immediate container. Such labeling obviously can protect only against those hazards resulting from internal or external exposure to the substance *while it is in its labelled form*. If the substance during use inevitably becomes unlabelled and the hazard persists, clearly, the *nature* of the hazard is such that labeling is not adequate protection. The nature of the hazard from lead-based paints is of precisely this latter type. It is also the nature of this hazard that apartment dwellers with no children may paint with a leaded product only to be succeeded in their tenancy by dwellers with children.

Furthermore, it is the nature of this hazard that children have complete freedom of access to the hazardous substance on walls, window sills, or furniture and that children are especially susceptible to poisoning by the substance. A child will suffer as much injury from chewing on a lead-painted window sill as from chewing on a lead-painted crib. Yet the FDA proposal will permit the window sill to be painted with the same paint which if used on the crib would cause it to be banned. The phrase "nature of the hazard" in clause (B) of § 1261(q) (1) clearly was meant to avoid such an absurd result. If a hazardous substance is not technically "intended for use by children," yet its presence or use in the household is such that children inevitably will be exposed to the hazard as often as to their toys or cribs, then common sense as well as legal sense dictate that the "nature" of the hazard is such that cautionary labeling is inadequate.

The same reasoning applies to the FDA proposal as it relates to paints containing the other specified heavy metals. Accordingly we urge the Commissioner to ban these paints as well as lead-based paints rather than merely requiring cautionary labeling.

In addition we urge that the "tolerance" for lead in paints be limited to trace amounts, in any event no greater than 0.05 percent.

Sincerely,

DAVID G. HAWKINS.

MEMORIAL HOSPITAL FOR CANCER
AND ALLIED DISEASES,
New York, N.Y., October 19, 1971.
Congressman WILLIAM RYAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RYAN: In relationship to your proposed petition before the FDA to which one of us is a fellow petitioner, we feel that it is important to call to the attention of those concerned the following additional information. We have recently undertaken to determine the magnitude of the potential hazard for lead paint chips containing less than 1% or less lead content.

Using paint chips from a newly painted wall from one of our laboratories constructed within the past two years, we obtain the following information: four chips were obtained measuring 1x1 cm. (1 sq.cm.). These chips weighed 5, 8.8, 12.8, 25.3 mg. respectively. For purposes of perspective, 1 sq.cm. is approximately the size of the average adult index fingernail. Assuming that these chips contain 1% lead, the lead content would range between 50–253 cm. According to Kehoe's study, which is referenced in the petition, an adult man fed 3000 µg/day of lead for four months developed a blood lead of 50 µg/100 gm. blood. Kehoe calculated that at eight months his level would rise to 80 µg/160 gm. If one calculates the same effects in a one year old (10 kg.) child then the definitely toxic level of 80 µg/100 gm. would be achieved with an intake of 430 µg/day. It should be carefully stressed at this point that the absorption figures for the adult may well underestimate the absorption rate for children, since children tend to absorb such elements as calcium (which is handled similarly to lead) at a much higher rate than adults. However, if we assume that 430 µg/day will produce a toxic level in eight months, then based on our above paint samples a child would have to consume between 1.72 and 8.6 paint chips of this small size daily in order to become poisoned.

Essentially this means that a child would have to consume only about 1½ to 8½ chips the size of the adult human index fingernail. Observations of the X-rays of the abdomen in children admitted to the hospital with lead poisoning and pica indicate that much larger amounts of paint and plaster are frequently injested. Thus it seems to us on the basis of the above numbers that 1% lead is a serious and real hazard to young children and predictably will cause lead poisoning. This fact should be obvious from the common sense argument that one can accumulate the same amount of lead from a 1% source as a 10% source by either eating ten times as much in the same period or same amount over ten times as long a period assuming the same absorption and retention.

There is no question that lead in paint is a health hazard particularly to young children. There is no question that a safe level in lead ingestion has not been established in the pediatric age groups. In view of these facts, from a public health point of view, the public interest requires that all but trace amounts of lead be excluded from paints for interior use. It should also be stressed that a significant number of children have been found in many cities in this country to have clinical lead poisoning with serious sequelae in whom it has been impossible to find sources of leaded paint in excess of 1% in the home.

These findings raise in our minds the question that these children have been poisoned by paint sources of 1% or less. In the absence of proof to the contrary it should be assumed that all such children have been poisoned by lead paint containing 1% or less lead. It would seem the role of anyone attempting to refute the argument in the petition and the subsequent materials that have been presented by concerned scientists, to demonstrate that this group of children has access to another source of lead other than 1% or less lead paint.

We trust that this information will be of help to you in your efforts to obtain a positive reaction to the petition currently before the FDA. At such time as there are hearings on the petition, we would be happy to appear in person and testify in behalf of this action.

Very truly yours,
EDMUND O. ROTHSCHILD, M.D.
JOEL BUXBAUM, M.D.

LEAD CONTENT OF PAINT ON EXTERIOR OF HOUSING

UNIVERSITY OF CINCINNATI,
Cincinnati, Ohio, November 10, 1971.
Representative WILLIAM F. RYAN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE RYAN: During the past several months I have measured the lead content of the paint in a number of houses in Cincinnati using a portable X-ray fluorescence analyzer. Peeling layers of old lead-containing paint were readily available to children both inside and outside many of the houses. The attention of most people concerned with pediatric lead ingestion has focussed on the interior of residential structures. For that reason I want to bring to your attention several observations that I have made concerning paint on the exterior of housing.

(1) The paint on the exterior surface that I measured contained on the average 75% more lead, expressed as milligrams of lead per square centimeter of surface, than did the interior surfaces.

(2) The average lead content of the various exterior surfaces—such as doors, window

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[*] Letter of October 19, 1971 from Edmund O. Rothschild, M.D., and Joel Buxbaum, M.D. to Congressman William Ryan, reprinted at *Congressional Record* p. 44465, December 2, 1971 (copy enclosed).

frames and walls—was about the same whereas for interior surfaces doors and doorways contained an average of twice as much lead as elsewhere.

(3) Lead-based paint on the exterior of housing was readily available to children. Paint from the surfaces high above the ground was available as it peeled and fell to the ground (and indeed most older houses commonly have such peeling paint), and that on windowsills could often be reached through open windows. Paint on surfaces lower to the ground was obviously readily available as children played in doorways, porches, etc. Perhaps the often-observed summer time peak in childhood lead poisoning is at least, in part, due to the fact that children have more exposure to exterior paint during the summer.

My observations seem to be strong support of your proposal to restrict the lead content of *all* paints for household use. Warning labels on paint cans are, in my opinion, ineffective and often misleading. As an example I am attaching a copy of a label from some paint available in this area which contains 4.0% lead. The labeling is contradictory and misleading. Although warnings are given to avoid use on surfaces available to children, the potential user is also told that it can be used "Inside or Out" and the supplier even has the audacity to picture a child's tricycle on the label.

C. SCOTT CLARK, Ph. D.,
Assistant Professor of Environmental Health.

[From the New York Post, Aug. 14, 1971]

REDECORATING JOB

There is one type of lead-based paint that does not flake, chip or peel, exposing thousands of slum children to serious disease and sometimes death: the paint that is never slapped on a crumbling wall in the first place.

With that in mind, Rep. Ryan (D.-N.Y.) and others are petitioning the federal government's Food and Drug Administration to forbid the use of lead-based paint in household use anywhere. The safety of perhaps 400,000 youngsters every year is the compelling consideration involved.

This new appeal in the interest of public health is urgent for several immediate reasons. For one thing, the city's Bureau of Lead Poisoning Control has just reported increases in local cases, above a 1970 total of 2600. Also, the city has recently identified, by brand name, paints containing hazardous levels of lead.

But perhaps most importantly, the opportunity for preventive action comes as White House action is awaited on $7.5 million appropriation to finance action under the federal paint-poisoning act, sponsored and tenaciously fought for by Rep. Ryan and his legislative allies. Favorable FDA action has the same basic priority.

[From the New York Post, Nov. 6, 1971]

HANDWRITING ON THE WALLS?

Finishing touches have just been applied by the federal Food and Drug Administration to its new policy on certain interior paints. The total effect can be best described as slapdash.

After years of protest and pleading from public health officials, such legislators as Rep. Ryan (D.-N.Y.) and many private organizations as well, the FDA has nevertheless decided that there is no need to limit the lead content of interior house paints—despite the demonstrated hazard to children.

The agency concludes that a warning label on paint cans will be sufficient, specifying that paint with more than .5 per cent lead not be applied to walls "to which children may be commonly exposed." The proposal is grimly laughable—because there is no way of labeling the walls, no prospect that infant children would read the label even if there was one and no practical means of enforcing the warning against misuse.

THE JOHNS HOPKINS UNIVERSITY,
SCHOOL OF MEDICINE,
January 10, 1972.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: By a relatively simple act, the government can reduce the frequency of a serious handicapping condition that leads to considerable cost for society at large, both financially and emotionally. Many of the Food and Drug Administration's actions, in the drug field at least, have been directed at this very goal and the spectacular successes of the FDA on the thalidomide issue and in the supervision of the use of other drugs can be commended. It is an unusual opportunity that presents itself to the FDA for limiting the quantities of lead in paint to reduce the frequency of lead poisoning to the lowest possible level and thereby preventing the development of serious mental retardation.

The American Academy of Pediatrics is properly informed in its position to limit lead content to .06 percent. As the director of one of the largest Departments of Pediatrics in this country and a leader in the field of mental retardation, research and service, I can only endorse the recommendations of the American Academy. Although the argument might be presented that materials with higher lead content would not likely be used in places accessible to children, it has been historically true that such products frequently find their way into children's play areas, particularly for those children in the lower socio-economic group who too often receive little supervision.

Although progress has been made in reducing the number of cases of fatal lead encephalopathy that come to our Department, there are still a significant number of recurring cases of less acute toxicity leading to brain damage. Every effort should be made to control the use of lead in paints.

Sincerely,
ROBERT E. COOKE, M.D.,
Given Foundation Professor of Pediatrics.

DARTMOUTH MEDICAL SCHOOL,
Brattlesboro, Vt., January 19, 1972.

CHARLES C. EDWARDS, M.D.,
Commissioner of Food and Drugs, Food and Drug Administration, Rockville, Md.

DEAR DR. EDWARDS: I was asked by Joseph A. Page, of Georgetown University, to write you, for what it is worth, on the proposed matter of Paint Containing Lead, now pending before the FDA.

My clinical experience with the overt toxicity of lead is limited but our laboratory has done considerable work on the recondite or subtle toxicity of lead given to rats and mice in drinking water for life during the past 12 years. The dose used, 25 ppm, reproduced the tissue levels of Americans in these animals. Our findings concerning subtle toxicity can be summarized briefly.

1. In rats and mice, shortening of life span and longevity without affecting growth.

2. Significantly increased susceptibility to spontaneous and epidemic laboratory infections.

3. Los of weight of older animals significantly greater than controls.

4. Markedly toxic effects on fertility of females and viability of offspring.

5. In rats, excessive glycosuria.

6. Depression of serum glucose and elevation of non-fasting levels significantly greater than controls.

7. Deposition of lipids in aorta with plaques exceeding controls.

8. Significantly increased incidence of focal myocardial fibrosis and scars.

Although lead can be considered only a moderately toxic trace metal, with a lower order than cadmium, beryllium and antimony, the relatively large amounts in the environment, mainly coming from leaded gasolines, and these subtle metabolic effects in animals, make it a potential hazard to human health, and require strict control of increments from other sources, such as paint. Therefore, I must add my endorsement to the proposal of the American Academy of Pediatrics (Congressional Record, p. 45641, Dec. 8, 1971) that lead in paint be restricted to 0.06 percent dry weight of total solids.

Sincerely yours,
HENRY A. SCHROEDER, M.D.,
Professor Emeritus of Psysiology.

NEW ENGLAND
MEDICAL CENTER HOSPITALS,
Boston, Mass., January 3, 1972.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: I wish to add my plea favoring the proposal which would classify as banned hazardous substances paint for household use containing more than minute traces of lead. This is in connection with the petition signed by Joseph A. Page and others.

As a result of extensive personal experience with poisoning by lead paint of children in two cities, Baltimore, Maryland and Boston, Massachusetts, it is obvious from the severity of brain damage to children exposed to lead contained in household paint that there is little excuse for the paint industry to produce paints containing more than minute traces of lead. I see no other way of ending the unnecessary risk to the lives of children.

Sincerely yours,
SYDNEY S. GELLIS, M.D.,
Professor and Chairman, Department of Pediatrics.

GEORGE J. COHEN, M.D., F.A.A.F.,
Silver Spring, Md., November 10, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: In the Federal Register of November 2, 1971, (21 CFR part 191), Commissioner Edwards stated that he was unaware of reports of serious injury or death in children who had ingested paint containing less than 1 percent of lead. However, in our Pica Clinic at Childrens Hospital we have treated a number of children with excessive body burdens of lead (greater than 50 MCG per 100 ML of blood) whose homes have yielded paint scrapings with less than 1 percent of lead. Please see also the statement by Dr. Carlos Zilveti, Congressional Record, September 29, 1971, page 33869.

Dr. Barry G. King, assisted by several exports in the field of lead poisoning, has reported in The American Journal of Diseases of Children, 122:337, October 1971 that 300 micrograms of elemental lead is the *maximum* daily permissible intake of lead from all sources in children. It is estimated that a child's average lead intake from food and air is in excess of 100 NCG daily. This allows only 200 MCG of supplemental ingestion before an excessive body burden can be achieved. According to studies in the references of King's article, a child may eat a flake of paint 3 mils x 3.5 oz which contains only 0.5 percent lead and take in approximately 200 MCG. Such a flake of paint ingested daily by a toddler can produce symptoms of Plumbism in 5 to 6 months.

Since many children from about age 1 to 3 years notoriously ingest whatever foreign material they pick up, it is apparent that paint chips with almost any lead content can be hazardous to these youngsters. Since it is the peelings of many coats of old paint from walls and woodwork, which are the chief source of childhood lead poisoning, paints which are applied now should be safe for toddlers over the next few generations.

Therefore, I urge that the Commission's excellent recommendations for hazardous substances be further strengthened as per petition of Joseph A. Page et al.

Respectfully,
GEORGE J. COHEN, MD.,
Director, Pica Clinic, Childrens Hospital of District of Columbia.

OAK PARK PUBLIC SCHOOLS
DISTRICT NO. 97,
Oak Park, Ill., November 8, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: I want to make known my full support of the regulation proposed by Representative William F. Ryan which would ban all paints with more than a trace of lead. The risk of serious physical and mental harm to children far outweighs the beauty of a wall. Furthermore, I am sure that our technology could provide adequate paint without the lead content.

It is the responsibility of the Food and Drug Administration to assume a positive stance in protecting the health of the nation's citizens rather than to cater to industrial convenience.

I believe there should be an absolute prohibition on the use of lead rather than the warning label. A child can't read the label after the paint is on the wall.

Sincerely,
KENTON E. STEPHENS,
Superintendent of Schools.

OFFICE OF THE GOVERNOR,
STATE ECONOMIC OPPORTUNITY OFFICE,
Phoenix, Ariz., December 9, 1971.

HEARING CLERK
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIRS: As the state advocate agency for the poor and minority groups, we are in favor of banning lead based household paints and favor warnings on other lead paints.

Sincerely,
FLOYD ROLFE,
Research Coordinator.

COMMUNITY LEGAL SERVICES, INC.,
Philadelphia, Pa., December 21, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

Re Lead Paint Labeling Regulations, 21 C.F.R. Part 191, Federal Register, November 2, 1971.

DEAR SIR: On behalf of the Philadelphia City-Wide Coalition Against Lead Paint Poisoning I, as their legal counsel, wish to register their strongest objection to the FDA proposed regulations that merely require paints with a lead content of .5% bear a warning label. The labeling proposal is totally insufficient to protect young children and, in the Coalition's view, would work a fraud upon the public as it would absolutely do nothing to protect the health of this at-risk population. We support the proposal, on the other hand, of Representative Ryan and other petitioners for the public interest, who seek to classify all paint containing lead as a banned hazardous substance.

The mounting criticism of the FDA proposal, I am sure has been filed with your office, but also appears in the Congressional Record, pp. 44462–44465 and 45640–45641 of December 2 and December 8, 1971 respectively. I draw your attention particularly to the medical findings of Drs. Rothschild and Buxbaum at p. 44465 who have shown hazards resulting from lead paint chips containing less than 1% lead content. They substantiate the dangers coming from lead with less than 1% content and point to the absurdity of setting a "safe" permissible amount.

A labeling proposal is, by its nature, inadequate to prevent any kind of warning to children or even adults as the walls on which lead paint appears do not bear any labels and there is no practical way of enforcing the warning against misuse as the FDA must surely be aware. Philadelphia has for five years had the FDA type of warning required for lead paint sold and used on interiors in the City and it has been acknowledged by City health officials that it is practically meaningless as a method of preventing or even diminishing lead poisoning in children.

General counsel of the National Commission on Product Safety has testified to the need of a prohibition on lead in paint as have a variety of other individuals and professional groups in the area. The refusal by FDA to ban lead paint as a hazardous substance would, in the view of the Coalition, make FDA and HEW officials culpable for the lead poisoning of children in the future who succumb to poisoning resulting from paint that could have proscribed by Federal regulations. As a legal matter we would view the failure to ban lead paint as a gross abuse of discretion and one that would be subject to legal challenge. We trust that FDA and HEW will see that its duty is clear in this matter.

Very truly yours,
JONATHAN M. STEIN,
Counsel, City-Wide Coalition Against Lead Poisoning.

KINGS COUNTY HOSPITAL,
Brooklyn, N.Y., December 10, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: Congressman Ryan informs me that a petition barring lead-containing paints from household uses are before the FDA.

I am Chairman of the Department of Pediatrics of the Downstate Medical Center, and Chief of Service at Kings County Hospital, Brooklyn, N.Y., serving New York City's largest and economically most depressed population. I wish I could convey to you the magnitude of this problem seen from this point of view, and the bitterness and frustration felt by those whose children are affected and who see indifference or lack of effective action on the part of our government. I have often thought that a few cases of typhoid fever from a contaminated water supply would lead to almost any expenditure of time, effort and money to correct the situation, but hundreds of cases of a fully preventable disease from a poison causing that most ominous of problems, brain damage in a young child, has stirred our government only to sluggish and unwilling half-measures.

Here is an opportunity for you to act. Lead paints do not belong in homes. Warning labels do not make them more acceptable. Dangerous paint used for a "safe" purpose indoors will be unsafe when found later by a child, and then a) there will be no label and b) the child couldn't read it anyway. Half measures denigrate the people your agency is designed to protect.

Lead-containing paints *do not belong in homes* and should be banned. I urge that you act to help correct a major urban health problem.

Yours very truly,
JONATHAN T. LANMAN, M.D.
Professor and Chairman.

CITY OF DES MOINES,
DEPARTMENT OF HEALTH,
November 15, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

TO WHOM IT MAY CONCERN: I would like to support and endorse Representative William Ryan's proposed regulation banning all paints with more than a trace of lead or at least to keep at a minimum.

Please give this matter serious consideration.

Truly yours,
KENNETH RANK,
Health Educator,
Des Moines-Polk County Health Department.

STATE OF ILLINOIS,
DEPARTMENT OF HEALTH,
SPRINGFIELD, ILL., *November 8, 1971.*

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: Having just been involved in the discovery of the extensive lead poisoning problem which we have here in the State of Illinois, I would beg consideration of Representative William F. Ryan's proposal to ban all paints with more than a trace of lead, particularly those paints which are going to be used on inside surfaces of buildings.

Here in the State of Illinois we are finding approximately 20% of all of the children we have tested to be poisoned with lead poisoning. It seems inconceivable that we would now not limit the potential for the ingestion of more of this poison in or by future generations.

I realize that lead in paint does provide a certain stability to the product and that it does provide other positive kinds of affects in the product. However, I should think that the lives and health of young people in this country should take precedence over the paint industry or the effects of paint on a surface.

I am sending this letter as an individual, not as a member of a group nor as an employee of the State Department of Public Health. I do know however, that many of my co-workers in this last summer's project in lead in the State of Illinois agree with me 100%.

Sincerely,
ROSELLEN E. COHNBERG,
M.D., M.P.H., F.A.A.P.,
Medical Coordinator.

THE CHILDREN'S HOSPITAL,
Cincinnati, Ohio, November 26, 1971.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Rockville, Md.

DEAR SIRS: I would like to add my vote to those who are opposing the adoption of the weak FDA regulation concerning lead based paint. I would support Congressman Ryan's more comprehensive and knowledgeable approach to the elimination of lead from paints of all types.

Sincerely,
ROBERT M. REECE, M.D.
Director, Outpatient Department.

PROPOSED REGULATION TO LABEL AS HAZARDOUS, INTERIOR PAINT IN EXCESS OF 0.5 PERCENT LEAD

(Comment submitted by Chad Stephen Elson, Urban Law Institute of Antioch College, Washington, D.C.)

The Urban Law Institute, an OEO funded law firm, specializing in public interest law, has long been concerned about the "silent epidemic" of lead poisoning. U.L.I. is dedicated to representing the interests of the poor and oppressed members of our society who, all too often, have no effective mouthpiece for redress of their grievances. In the case of lead poisoning we work with individual clients, client groups and community organizations.

In addition to dealing with the problem of lead poisoning as it effects today's children, U.L.I. believes that we who have the power must insure that the problem is not handed down to our children's children.

We believe, along with the F.D.A. that

Federal regulation of the paint industry is a necessary step in the elimination of the "silent" epidemic of lead poisoning.

At the same time, we feel that the proposed regulation contained in the Federal Register of November 2, 1971, "Proposal to Declare Certain Heavy Metal-Containing Paints and Other Surface-Coatings to Require Special Labeling for Children" [21 CFR Part 191], is inadequate and will not deal effectively with this major epidemic.

We disagree with the current proposed regulation in regards to (1) the decision to label rather than ban and (2) the percentage deemed allowable. The Urban Law Institute feels that the proposed labels——

"Contains more than .5% lead.

"Dried film of this paint may be harmful if eaten or chewed.

"Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

"Do not apply on those exterior surfaces of dwelling units, such as windowsills, porches, stairs, or railings, to which children may be common exposed.

"Keep out of the reach of children."

will not adequately protect the interests of children. *We contend that the interests of the public will be served only by banning the production of interior paint containing more than .06% lead.*

With respect to the two issues involved, section A will deal with percentage, section B will deal with the question of banning rather than labeling.

A

We request that the F.D.A. actively seek to lower the legally accepted level of lead in interior paint to .06% or less.

Testimony given in the Senate by Senators Kennedy, Yarborough and Javits at the time of the passage of the Lead-Based Paint Poisoning Prevention Act, indicates that lead poisoning in children is a man-made problem created basically by a lack of foresight. As the old *leaded* paint in deteriorating housing peels and cracks off, it is easily accessible to young children who have a natural inclination to place foreign objects in their mouth.

With this in mind it must be realized that the new paint applied today may very well be the cracked and chipped paint on the floors of urban dwellings 9–10 years from now. The over-riding factor then becomes not so much the percentage of lead in one coat of paint, but rather the overall lead concentration on the wall due to successive coats of paint.

While the percent of lead on a wall may remain the same (at .5% for example), with each successive re-painting, the actual amount of lead on the wall increases steadily. A room covered with 10 layers of .5% lead paint will have only .5% lead on its walls, but it has 10 times the amount of lead contained in a room whose walls are covered with 1 layer of .5% lead-based paint.

Each coat of .5% lead paint adds approximately 32.5 ug/sq. cm of lead to the wall.[1] If only six coats of .5% lead paint are applied to a wall, *the ingestion of 1 sq. cm of paint from that wall, over a period of time is hazardous to the health of a child.*

The maximum daily permissible intake (DPI), for children, of lead from *all* sources should not exceed 300 ug Pb/day.[2] At this level of intake a child's blood lead level will not normally rise above 40 ug Pb/100 ml. whole blood. (The Surgeon General of the U.S. Public Health Services has issued a policy statement indicating that blood lead concentrations greater than 40 ug Pb/100 ml. whole blood be considered indicative of undue exposure to lead.)

Taking into consideration the fact that dwellings are painted many times in their lifetime, the American Academy of Pediatrics has ascertained that a 1 sq. cm chip, 1 layer thick, of .5% leaded paint (weighing 6.5 mg.) contains 32.5 ug of lead. A six layer chip (1 sq. cm.) of the same paint contains 200 ug Pb, while a ten layer chip (1 sq. cm.) contains 325 ug Pb.

Corresponding figures for .05% leaded paint are 3.2 ug Pb at 1 layer, 20.0 ug Pb at 6 layers and 32.0 ug Pb at 10 layers.

The accepted value for lead intake derived from usual food, water and air per day is 150 ug Pb/day. *This leaves 150 ug per/day as the acceptable level of lead intake from all other sources.*

Given these facts, the ingestion of 1 sq. inch of a 6-layered paint chip *with even .05% lead a day* is calculated to provide a dose of 125 ub/Pb. This coupled with the allowance for 150 ug Pb intake from natural sources comes very near the 300 ug Pb allowable. *Paint with concentrations over .05% present an intolerable hazard.*

The only way to isolate the problem of lead poisoning is to take a strong position with regard to new paint. With the reliable facts and figures available, the maximum regulations must be established.

Lead Poisoning has reached epidemic proportions in our urban areas. The U.S. Department of Health, Education and Welfare, Bureau of Community Environmental Management, itself has indicated that "In random screening programs, done in the older areas of cities an average of 5% of all children below the age of six years show blood lead elevations above 40 ugm per 100 ml of whole blood (in some programs up to 45% of those tested show elevations). For 1970 in New York City, for example, out of about 87,000 children tested, there were approximately 2,600 cases of lead poisoning (defined by the N.Y.C. Health Dept. as having blood concentrations of 60 micrograms/100 milliliters of whole blood or greater), with an estimated 20,000 children having levels above 40 micrograms/100 milliliters of whole blood."[3]

The District of Columbia Health Dept. in its "Model Cities Lead Screening Program," screened 2028 children between April 26 and October 29, 1971. A total of 592 were found to have blood lead levels above 40 micrograms/100 milliliters, (29%). Twenty-one cases of acute encephlylophy were discovered.

At the present time lead-poisoning in children is directly related to old, deteriorated housing and old lead-paint. It is a costly problem; in a pamphlet endorsed by Raymond L. Standard, M.D., Director of Public Health, Department of Human Resources, it is estimated that it will cost a minimum of 34 million dollars to deal effectively with the problem in D.C. alone. A federal standard is not likely to have a significant effect on the problem *now* but if we are to save future generations from this dread disease we must have adequate regulation *now*.

Complete removal of old lead paint from an average rowhouse with 10 windows, two doors and baseboards costs from $300 to $1200.[4] There is no "proof-positive" when it comes to safe levels of lead. On the other hand, to allow the production of interior paint with greater than trace levels of lead, paint which reputable sources state may someday endanger the lives of children is to commit a grave error.

B

The Urban Law Institute asks that under the authority of section 2(q)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261) [Par. (q) added by sec. 3(a) of P.L. 89–756, Par. (q)(1) amended by sec. 2(c) of P.L. 91–113] the Federal Food and Drug Administration declare interior paint with lead concentrations over .06% to be a "banned hazardous substance."

We contend that "notwithstanding such cautionary labeling as is or may be required under the Hazardous Substance Act, the degree and nature of the hazard involved in the use of lead paint (above .06% lead) in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such paint, when so intended or packaged, out of the channels of interstate commerce."

The Urban Law Institute is aware of the fact that under the proposed regulation a can of paint labeled with the proposed lead warning label, which is also labeled "Interior Paint" may be considered by the F.D.A. to be a "mislabeled hazardous substance." (This would effectively "ban" interior paint containing more lead than the allowable percentage.)

At the same time we feel that an *outright* ban on such paint will be much more effective. It will preclude any misunderstanding by paint manufacturers regarding the regulation and will state clearly the intention of the Food and Drug Administration. Prosecution in a District Court for the introduction into interstate commerce of a "misbranded hazardous substance" poses many definitional questions. The case of a banned hazardous substance in interstate commerce is clear cut.

OFFICE OF TECHNOLOGY ASSESSMENT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mrs. GRASSO. Mr. Speaker, I would doubt that any of my colleagues have been spared the excruciating experience of evaluating two conflicting viewpoints involving a specific technological proposal. All too often we are called upon to sift through volumes of technological information to determine which proposals sound right. We are bombarded with the opinions of hundreds of organizations, each claiming to know the truth—to know the precise answers to difficult, sometimes even unanswerable, questions.

H.R. 10243, a bill to create the Office of Technology Assessment, allows Congress to expand its information gathering ability by creating a necessary complement to the resources of the Library of Congress and the General Accounting Office.

In an age of swift and rapid change, Congress has been handicapped by the lack of sufficient tools for gathering and assessing scientific and technological information. Unlike the executive branch of the Government, with its multitude or trained personnel—many experts in their fields—Congress, with its small office and committee staffs, has only limited opportunities and resources for analyzing the possible effects of technology and its uses on society.

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[1] American Academy of Pediatrics, Memorandum presented to Food and Drug Administration. 11/30/71.

[2] King B. G.: Maximum daily intake of lead without excessive body lead-burden in children, Amer. J. Dis. Child. 122: 337 1971.

[3] Bureau of Community Environmental Management, Notes on Lead Poisoning, April 1971, Page 2.

[4] Chisolm, J. J., Jr.; Acute lead poisoning. Paper given at a conference on lead poisoning in children, Rockefeller University, New York, N.Y., May 25, 1969.

The new Office of Technology Assessment, by supplementing our existing informational sources, will give Congress vital analyses of data from which to make objective decisions. The OTA will provide the Congress with information on both the scientific and the human aspects of proposed technological changes. Alternatives for reaching a specific goal along with estimates of their possible effects will be objectively gathered and presented.

If the Congress is to exercise its constitutional authority effectively, we must possess not only the factual information already provided by the Library of Congress and GAO, but also an impartial assessment of that information—which is overly technical and complicated. As Congress turns more and more to complicated scientific and technological problems, we must know that we are the best informed legislators possible. The creation of the Office of Technological Assessment is a welcome step toward that goal.

I applaud the passage of H.R. 10243 and hope that it will soon be law so that we the Members of Congress will be able to avail ourselves of the badly needed services of the Office of Technology Assessment.

PEACE CORPS FUNDING

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. LINK. Mr. Speaker, over the past weeks I have received a number of letters expressing concern about a possible redirection in Peace Corps funding for fiscal year 1972. The authorizations for the fiscal year 1972 budget were set at $77.2 million, which simply allowed the Peace Corps to continue operating at the same level as last year. The House approved appropriations for $68 million, which would seriously hamper the operation of this organization.

While Congress has been deliberating, the Peace Corps has been functioning on continuing resolutions at various ceilings, the latest of which is $72 million. If the $68 million appropriation is approved, the Peace Corps will have to terminate a number of its programs.

This must not be permitted. The Peace Corps is one of the most effective forms of foreign aid the United States has today. In support of continued appropriations at the $77.2 million level, I request the following letters be printed in the RECORD. I am also requesting that the text of a recent evaluation of Peace Corps activities in Colombia be printed in the RECORD. The evaluation, developed and conducted by Montana State University, gives an excellent summary of the contribution volunteers are making in Colombia.

It is my belief that the feelings expressed in these letters and the objectivity expressed in this evaluation more than adequately demonstrate the importance of the Peace Corps to U.S. efforts to assist developing nations:

MANDAN, N. DAK.,
February 3, 1972.

Representative ART LINK,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE LINK: I recently read a book that stated the average American is taxed $402.08 for arms and $2.52 for food to feed his fellow citizens. The author also said our defense budget has doubled every decade since 1950. These figures shocked and sickened me, especially when, a couple days later, I heard a news commentator report on the negative attitude of the congress toward approving funds for the Peace Corps.

I'd like to go on record as one citizen who believes our country and the world would have a better chance for peace if the above figures could be reversed.

Sincerely,

MRS. A. B. BARBARA DOVE.

STIRUM, N. DAK.,
January 30, 1972.

DEAR CONGRESSMAN LINK: I am writing to you in regards to our son Warren who is in the Peace Corps in S.A. He was home for Christmas and he was sure hoping you would pass the Peace Corps Bill. He is at Neiva Huila helping ranchers with their cattle and how to grow crops, teaching agriculture. He says about the only thing that keeps them going is "Care" packages—we also have a neighbor Kathy Hill of Stirum. Daughter of Mr. and Mrs. Irvin Hill in Brazil. She is a teacher and she says the same. These kids put their hearts and sole in this and the people think they are great leaders.

Sure hope they get their money to work with as they are not getting big wages. Warren asked us to write to you.

Thanking you,

Mr. and Mrs. CECIL MCQUOY.

WAXPETON, N. DAK.,
January 23, 1972.

Hon. ARTHUR LINK,
Representative from North Dakota,
Washington, D.C.

DEAR CONGRESSMAN: It has come to my attention that a vote concerning the Peace Corps and/or the appropriation of funds to be used for the continuance of its work will come up in Congress in the next few weeks.

My son and daughter-in-law, Douglas and Susan McLeod, were members of the Peace Corps a few years ago. I feel as they do, that the Peace Corps is a project that is definitely constructive in these days of so many destructive elements in world society. They taught in Addis Ababa, and they know of their own experience that the Peace Corps not only brought a wider life to them, but also that they made good friends in Ethiopia, a country that has a wide influence on the African continent, a part of the world that is making its influence felt more and more as years go by.

I would appreciate it if you would use your influence and your vote in favor of an increased appropriation for the work of the Peace Corps.

Respectfully,

(Mrs.) MILDRED E. MCLEOD.

FARGO, N. DAK.,
January 17, 1972.

Representative ARTHUR LINK,
Washington, D.C.

DEAR SIR: It has recently come to my attention that the Peace Corps is planning to recall about half of its overseas workers due to lack of funds. The funds are not available because of cuts in appropriations by the House. This cut is a mistake and something must be done about it.

I am in agricultural engineering here at S.U. and I am familiar with the work that the Peace Corps does, particularly in agriculture. Most of us in the U.S. are not too concerned with food shortages because it doesn't affect us directly. Can you imagine what this country would be like if we went back to farming with the methods and equipment of the early 1800's? This is how much of the farming throughout the world is done.

Agriculture in the U.S. would not be what it is today if it had not been for early government programs in research, land grant colleges and the like. The investment was not small but look at the benefits in production versus manpower input.

The Peace Corps is trying to spread our knowledge of agriculture throughout the rest of the world. But yet for a few million dollars this project is in danger of becoming useless. $82 million was requested and much less than that was approved. Tell me—how many F-14 aircraft can you buy for $82 million? No one can convince me that this cut in funds is justified in any way.

Please, vote for increased funding to the Peace Corps. And tell others to do the same. By the year 2000, which isn't all that far away, we will have to more than double our food production. We've got to start now.

Thank you.

Sincerely,

ROBERT L. WOELL.

NORTHERN STATES POWER CO.,
Minneapolis, Minn.,
January 21, 1972.

Hon. ARTHUR A. LINK,
Second District Congressman,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LINK: The attached photo of my young Indian friend, Suba Rao, is a success story. Suba Rao, along with his father and two brothers, rely on five acres of land to sustain their family of seven. This lush sorghum crop yielded over 100 bushels/acre, a yield which any American sorghum farmer would envy. During the other months of the year this family raises improved varieties of rice and peanuts, with equally impressive yields. How did they do it?—with the reliable flow of water from the Tungabhadra Irrigation Project and the technical assistance of a joint team of young Indian and American agricultural extension workers. The Americans were Peace Corps Volunteers—specially trained in Kannada (the language of Mysore State) and in the applied skills of land leveling, irrigation water management, and in the use of new seed varieties, chemical fertilizers and insecticides. This "package of practices" has enabled thousands of Indian farmers such as Suba Rao to quickly learn to make the most productive use of extremely limited land and water resources.

I was among the first group of Peace Corps Volunteers to work with farmers in the Tungabhadra Irrigation Project from 1966–68. Subsequently two more volunteer groups have been requested by the Mysor Agriculture Department to continue assisting in this vital agricultural development effort. Over half of the Tungabhadra's 1.2 million acres of irrigable land is yet to be developed.

The reason I tell you this personal experience, which I believe is representative of the much needed work that thousands of other volunteers have done and continue to do in 55 countries throughout the world, is because the continued viability of the Peace Corps is in grave jeopardy.

As you know, this year the President requested you and your Congressional colleagues to appropriate a tight $82.2 million to fund the Peace Corps in fiscal 1972. That amount is $2.5 million *less* than the Peace Corps budget appropriated by Congress in 1971. However, instead of approving this austere 1972 budget proposal of $82.2 million, Congress first passed an authorization bill with a $77.2 million ceiling and then in December, 1971, lowered that ceiling to a meager

$72 million. As you know, to date—over six months into this fiscal year—Congress has still not passed an appropriation bill to fund the Peace Corps program for the remainder of 1972.

A $72 million appropriation will undercut the very essence of the Peace Corps program. Such an action will result in:

(1) Recall of 4,000 of the 8,000 volunteers now serving in the field.

(2) Total withdrawal in 15 of the 55 countries now served by the Peace Corps.

(3) Total cancellation of training programs for 2,400 volunteers committed to enter Peace Corps training between now and June 30, 1972.

(4) Drastic professional staff reductions at home and abroad.

Therefore, I urge you to carefully weigh the unfortunate consequences of such a meager appropriation. If you support the kind of success stories that I have related from my own experience as a volunteer, then it is essential that you vote to appropriate *at least* the original $77.2 million authorized by Congress. A more responsible action would be to persuade your Congressional colleagues to appropriate the $82.2 million requested by the President.

One final word. As a utility executive, both the public and management I serve constantly demand that I apply a "cost/benefit analysis" to every proposed fiscal action. As I have already stated, my own experience (and the collective judgment of other former volunteers that I know) is that the Peace Corps cost/benefit ratio is very favorable measured in terms of productive development reaped per dollar invested.

But we must not overlook the tremendous benefits that America can gain from this rather minor foreign relations investment (in comparison with our defense and weapons aid appropriations). The benefit is this: *Peace Corps Volunteers work at the grass roots level—where 95% of the world's population is at.* For over ten years volunteers have built an empathy, rapport and understanding of third world cultures that no other American institution attempting to foster American relations with the rest of the world has ever achieved.

Through committed volunteerism coupled with linguistic, cultural and skills training, thousands of Americans like myself have begun to intimately learn some of the divergent values, attitudes and aspirations held by the vast majority of the world's population. This I believe is a critical lesson for Americans to learn. In spite of our current technological and natural resource advantages, America must face the hard reality that we are but a small segment of the world's global village. We simply cannot afford to alienate ourselves from 95% of the world's people—the overwhelming grass roots constituency.

The Peace Corps is by no stretch of the imagination a "super" institution in its ability to meaningfully respond to the needs and aspirations of this grass roots constituency. But it is a successful start—a vital training ground—if America is truly committed to being a contributing member of the global village.

Your active support and vote for an $82.2 million Peace Corps appropriation for fiscal 1972 will demonstrate your commitment to this goal.

Sincerely,

WILLIAM S. SEELEY,
Administrator,
Environmental Regulation.

NAPOLEON, N. DAK.,
January 30, 1972.

Representative ARTHUR LINK,
Washington, D.C.

DEAR REPRESENTATIVE LINK: We are writing to you in regard to the cut in the Peace Corps. We have a son in the Corps who is located in Chad, Africa, and has been there since last summer. It is a very difficult assignment but judging by his letters we feel that he is trying very hard to be of help to the people, although, the heat, strange environment, etc., must be endured. He is also gaining a much deeper appreciation of his homeland. Much would be lost by having him come home at this point.

His last letter sounded very depressed. I will quote a few words from it:

"The future of Peace Corps is shaky and since we do not know who will be sent home, it's painful. It hurts to think that Congress does not value our presence anymore than they do. Worldwide Peace Corps only costs a mere 90 million dollars and I say "mere" because it's a drop in the bucket compared to other organizations whose motives are certainly lower than ours."

We would appreciate anything you can do, Representative to restore the Peace Corps appropriation. It would be a shame to disillusion the young people in the Corps who go out with high motives and at great personal sacrifice.

Thank you.

Yours very truly,

MRS. HOWARD HUNKLER.

PRELIMINARY REPORT

INTRODUCTION

The information contained in this report is based on first results from "A Management Information and Evaluation System"[1] developed for Peace Corps in Colombia during 1971. Since the system is new to volunteers and many staff members the first data are not as complete nor as quantitative as we might prefer. Nevertheless these preliminary findings represent the most comprehensive information so far assembled about the work of Volunteers in Colombia.

The range, variety and complexity of tasks undertaken by relatively short term volunteers is both revealing and somewhat startling. They are engaged in some 271 separate tasks, in the most remote parts of the Amazon basin as well as in the urban core of Bogota. Their activities range from assisting with the preparation of simple vegetable gardens to initiating modernization of hospitals and manufacturing companies. Most of them supply critical technical skills in circumstances that contribute directly to the social and economic development of the country.

This preliminary report is based largely on reports from volunteers, and represents the first of a series of projected analyses to result from the new system. Later reports will contain more complete data on work locations of volunteers, the nature of the job requirements, behavioral objectives for each program, and particularly, detailed analysis of the impact of volunteer activity on people and the economy of Colombia.

Much of the narrative summary which follows was written by program coordinators, who are the Peace Corps staff members in most direct contact with volunteers; they have described the activities of volunteers and in some instances suggested means by which the quantity and quality of information can be improved. It should be emphasized the volunteers were deliberately given minimum structural guidelines for their reports, to encourage "creativity" in the reports. This will allow for more structuring of reports for the next three-month period.

This preliminary report will be followed by much more detailed and analytical reports, which incorporate information from other parts of the Management Information and Evaluation System: Pre-service Job Analysis, Volunteer Site Analysis, Three-Month Review of Volunteer Activity, and End of Service Review of Volunteer Achievements and Client change.

CATTLE MANAGEMENT

When the present training group goes to the field, there will be twenty-five Volunteers in the program. Three will terminate before the beginning of March; between March first and the arrival of the next Cornell Intern Group in September there will be just over twenty Volunteers in the Cattle Program.

There is little geographical concentration. As of February first there will be six Volunteers in Tolima, six in Huila, three in Nariño-Putumayo, two in the Caquetá, two in Meta, and one each in the departments of Cauca, Antioquia, Arauca, Boyacá, and Cundinamarca. There is some concentration in the upper Magdalena Valley, through Tolima and Huila.

At this point it would be in the best interests of the program to transfer some of the Volunteers in isolated sites towards the Magdalena Valley, assuming the Volunteer has worked well in the first site, that he agrees to the transfer, and that a real job exists in the new site. INCORA Projects in Huila asked for a Volunteer to work in Pitalito; because of the resignations during training we couldn't send one. There are other job possibilities in the Caquetá, Tolima, and other parts of Huila.

Eleven of the twenty-five Volunteers are working on empresas comunitarias; ten of them in Huila and Tolima. The others are working as extension agents and/or credit supervisors on a zonal or regional level. Since the difference between empresa comunitaria (communal farm) and regional extension work is a fundamental one, the results of the Volunteer reports forms have been summarized accordingly.

Volunteers work in all climatic zone of Colombia, from 3,800 meters (Roncesvalles, Tolima) to a few meters above sea level on the eastern Llanos, the Amazon Basin, and the Atlantic littoral. Eleven of the twenty-five are working in hot climates, seven in temperate climates, and six in cool climates.

Peace Corps could probably provide better technical support if there were a concentration of Volunteers in one climate zone. Nevertheless, the extreme variability of climate through Colombian geography and the efforts of all host country agencies in different zone precludes concentration.

Production of livestock products in Colombia is characteristically mixed, especially in the higher zones where both milk and beef production are important. Only four Volunteers work in zones where milk production is the primary enterprise; another four in areas where milk and beef are mixed. The remaining seventeen are all in areas where beef is the primary or exclusive enterprise.

Empresas Comunitarias (Communal Farms): The group of eleven Volunteers working on empresas are directly involved with over twenty communities and over three hundred families. All of them are working with programs administered by INCORA.

Of the eleven Volunteers in this group, four were in training during the last quarter of 1971, and are not included in this tabulation. One did not report. The others, six altogether, reported the following activities:

Number of empresas involved (estimated, and including all eleven Volunteers), 22 empresas.

Number of families involved (estimated, and including all eleven Volunteers), 392 families.

Number of head of cattle involved, insufficient data.

Training, 4 Volunteers.

Inventory of empresa resources, 1 Volunteer (4 empresas).

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[1] *A Management Information and Evaluation System for Peace Corps/Colombia*, by Henry Jibaja, Kirk Breed, Robert Anderson, William R. Lassey and Douglas Biship. Peace Corps C/o U.S. Embassy, Bogota, Colombia, January 1972 (Multilith).

Organizational meetings, 2 Volunteers (16 meetings).

Planning, 2 Volunteers.

Vaccinations, 3 Volunteers (1,150 head).

Branding, 2 Volunteers (400 head).

Brucellosis campaigns, 2 Volunteers (950 head).

External parasite control, 2 Volunteers (1,000 head).

Internal parasite control, 2 Volunteers (650 head).

Corral construction, 2 Volunteers.

Separation and organization of the herd, 1 Volunteer.

Housing projects, 2 Volunteers (37 units).

Aqueduct projects, 2 Volunteers.

Bridge projects, 1 Volunteer.

Although it was seldom stated clearly, it seemed as though almost all of the Volunteers in the program were involved in planning the routine vaccinations, parasite control, and other livestock care. It would be interesting to know how many were involved in the planning, how many were responsible for it, and what specific practices were included. Apart from special projects (housing, etc.) most of the work seemed to be in the organizing and supervising whatever vaccination, spraying, or other work that had been planned.

The program coordinator should work with each Volunteer before the next quarterly report is due, in order to try to standardize the results and to fill in the gaps of information. The things that seem important to keep track of are:

Number of empresas the Volunteer works with.

Number of families on each empresa.

Number of head of cattle on each empresa.

Scheduled vaccinations and number of head vaccinated.

Scheduled parasite control measures and the number of head involved.

Scheduled branding, corral construction, fence construction, and other work with the number of head involved (where applicable).

Any special projects not directly related to the livestock enterprise.

By breaking down and perhaps standardizing the reporting, Peace Corps can come up with a clear picture of how each Volunteer is working in the community or communities involved; from that point the assembly of information relating to the whole program will be a matter of addition.

Regional Extension: There are fourteen Volunteers working as extension agents, three of them with the Cafeteros and the rest with INCORA.

Two of the Volunteers in this group were in training during the last quarter; three did not report. The remaining nine reported as follows:

Training, 2 Volunteers.

Vaccinations supervised, 1,873 head.

Vaccinations organized, 2,538 head.

Presentations and charlas:

Planning of fincas, 36.

Disease and disease-related, 55.

Nutrition, 15.

Pasture programs, 28 fincas.

Newspapers and bulletins, 2 Volunteers (2,900 units).

Genital examination, 1 Volunteer (102 head).

Castrations supervised, 1 Volunteer (10 head).

Field days organized, 1 Volunteer.

Farm visits, 300.

There were a number of activities that are not listed above, related to crops production, or work that involved one Volunteer for a few days.

In the case of this program, we should try to estimate the number of people who attend each talk and demonstration, as well as the number of cattle they represent and the subject treated. The number of farm visits should be recorded, and the number of campesinos and cattle involved in each vaccination or other work supervised.

Much of the data we got this time was incomplete, or hard to tabulate, or hard to understand. Nevertheless, the range of data represented will allow Peace Corps to start to structure the report forms, which should save some time and standardize the information. The problems will be worked out over the next two months, and we hope that the second set of data will be more manageable.

HOME ECONOMICS AND NUTRITION

In Columbia, the concept of Home Economics is new. It involves looking and treating the family and home situation at its most basic level through the various disciplines of Home Economics which include family and child relations; health, sanitation and first aid; nutrition and food preparation; arts, crafts and textiles; and family economics.

Needs that have been identified in the overall economic and social development of Colombia include, among others, those directly related to Home Economics. (1) The need to increase efforts to improve the status of nutrition of all population groups in Colombia. This primarily involves working with and understanding child malnutrition, supervision of school lunch programs and providing education for adult community groups. (2) The Colombian family is seeking information related to family living and family planning. The demographic population growth increment of Colombia is 3.2%, one of the highest in the world. The limited economic resources of family units are negatively influenced by each additional family member. (3) The need to increase income levels of family units. Income distribution is extremely inequitable. Unemployment is high and consumption is low. By means of greater participation of the wife in income generating enterprises the level of living can be raised. (4) The need for enlarged and improper educational programs on the primary and secondary levels. The majority of the Colombian population is less than 15 years old and the government to date has not been able to facilitate an adequate primary education. Therefore, the involvement of private and semi-private as well as public organizations is necessary. The need of a greatly increased enrollment of women and girls in such education programs is a prime need in Colombia.

Colombia has recognized these needs and has directed its efforts through various agencies in raising the economic level of its population. Over the past five years these agencies have realized the importance of including every member of the family and their problems in relation to development. Some of the agencies working for the economic and social development include: Instituto Colombiano de la Reforma Agraria (Colombian Institute of Agrarian Reform) (INCORA), Servicio Nacional de Aprendizaje (National Vocational Training Service) (SENA), Instituto Colombiano Agropecuario (Colombian Agricultural Institute) (ICA), Programa Integrado de Nutricion Aplicada (Integrated Program of Applied Nutrition) (PINA), and Federacion Nacional de Cafeteros (National Federation of Coffee Growers) (FEDECAFE).

Due to the lack of Colombian personnel working in these home improvement programs, Peace Corps Volunteers in Colombia have worked in the educational and extension projects in Home Economics in the above mentioned agencies.

In the Home Economics Program there are nine (9) girls working with FEDECAFE, twelve (12) are working with PINA, five (5) with SENA, two (2) each for INCORA and ICA and seven (7) with other agencies and institutions not listed here.

Four of the girls working for FEDECAFE are located in the Tolima region and serve as school restaurant supervisors. Data received from these girls shows the following:

1. School restaurants visited: 123.
2. Organization of restaurant committee: 15.
3. Organization of new restaurants: 7.

Although data was not specific, all girls were involved in giving nutrition classes to the children in the school and to different mothers' groups.

The remaining five girls working with FEDECAFE in different regions were involved in various activities. Although not complete, we were able to tabulate the following:

1. Promotion of 30 vegetable gardens.
2. 125 home visits.
3. Organization of 11 womens' clubs.
4. Knitting, crocheting and macramé taught to 10 groups of women.
5. Promotion of Colombiharina (protein supplement).
6. Presentation of 37 nutrition classes to various groups.

Girls working with PINA are concentrated in Huila, Valle and Narino. All but one of the 12 girls reported, but were not very specific with numbers.

1. Nutrition classes given—75.
2. Distribution of food to four groups.
3. Organization of mothers' clubs—3 clubs.
4. Weigh children—200+.
5. Visits to school and supplementary food programs—11.
6. School restaurant organization begun—5 restaurants.
7. Development tests given to 70 children.
8. Work with mother's clubs.
9. Home visits.
10. Classes on home improvement and manual arts.
11. Recreation work in recuperation center for malnourished children.

In this grouping much information was given but it was very difficult to tabulate because of lack of specific data. Number of classes, numbers of groups, and number of members was often ommited.

Then SENA Volunteers have a different schedule than Volunteers working with other agencies. SENA gives intensive courses in various areas of home economics. These courses are taught daily for approximately 4 hours and may last from 3 weeks to 3 months depending on the region. The two Volunteers working on the coast have given one course each in sewing for three months.

The two Volunteers in Huila have taught a total of 8 courses from 2 to 3 weeks in length on nutrition, first aid, sewing, and macramé.

Of the INCORA Volunteers, one has not yet reported. The other Volunteer is working on parcelation projects and reports giving 22 nutrition classes to women's groups and holding 21 other meetings which included basic nutrition and arts and crafts. One Volunteer working with ICA reports teaching nutrition, macramé and sewing but without specifics. The other Volunteer was new and getting to know the community.

The seven other Volunteers are working in a variety of activities:

1. Two Volunteers working in a child development center—teaching, supervising field work of Univ. students at the center, programming for the coming year.
2. One Volunteer working in an orphanage teaching arts and crafts.
3. One is involved in the Home Economics Department in a private University and is teaching one course in Home Ec. and supervising field work of students. She also participated in complete course revisions of the Home Economics Program.
4. One Volunteer presented classes to all female residents (over 12 years) of a small town. Classes including sewing, crocheting, home improvement, home gardens and candle-making.
5. Another Volunteer taught 33 sewing classes, introduced a protein supplement into town (training Indian girls to give demonstrations) and wrote, printed and distributed a weekly campo newspaper (260 copies).

6. One Volunteer has been recently transferred and reported her future plans.

Of the 37 girls in the Home Economics only two have yet to report. Fourteen of these girls started to work in July 1971. Nine girls first moved to their sites in the beginning of October.

Besides the information reported there were several other activities mentioned by the girls such as getting to know the people and various reports of preliminary work necessary before beginning to organize or teach mother's clubs, etc. (visiting the town, talking with people.

BUSINESS PROGRAM

The majority of Volunteers (13) in this program are working as management consultants to small businesses. One Volunteer is serving as a consultant to a large public hospital that has not yet opened. Another is assisting a group of 15 textile manufacturers in marketing and exporting their products. One Volunteer is working in business development with the Chamber of Commerce in Barranquilla.

The primary program objectives for the Volunteers working in small business assistance are (1) to increase employment opportunities and (2) to increase productivity of the small business clients. It is assumed that these goals can be accomplished by providing the owners with more advanced management systems and techniques. Presumably, if the owners can be shown how to conduct their business more efficiently, they will (a) be more profitable, (b) be more productive, (c) stand a better chance of remaining in business and (d) be more inclined toward growth.

The activities noted in the appendix have been directed toward this purpose. However, an important part of the Volunteers influence on the management of a small business is not indicated in the tabulation of their work activities. This positive influence is a product of the Volunteers daily contact with the owners and managers of their client companies. Volunteers have frequently reported that the most frustrating aspect of their work concerns the negative attitude of management toward accepting new ideas and new ways of conducting their business.

Therefore, the hardest and most challenging task, often faced by these Volunteers, is that of influencing a change in this attitude.

The work activities tabulated in the summary (appendix) can be divided into three major categories: Accounting, Production, and Marketing. The activities reported during the October to December period are well distributed between these three major areas, with a bit more emphasis on Accounting and Production.

At this very early stage of formal evaluation, it is much too early to report on results. To date, we have merely initiated a system of gathering data. From this data we can only report that the listed activities have been accomplished.

However, we cannot yet report on what this means. In order to measure the real impact of providing management assistance, we must measure change. The site studies now in process will give us this capability. Although its principal purpose is to provide the Volunteers with a tool to aid them in their initial study of their clients, it will at the same time provide data about the conditions that exist in a company when the Volunteer begins his work. The questionnaire will be completed again, six months after the Volunteer has finished his work with a company. This follow-up will provide the data necessary to measure change.

NURSING

There are currently nine nurses at work in Colombia to which seven more will hopefully be added during the next several months. Professional nursing has been very slow to develop here; consequently, there is a severe shortage of graduate nurses in all parts of the country. Peace Corps volunteers are in great demand, since many hospitals are not presently able to employ any graduate registered nurse; they must therefore rely on inadequately prepared personnel.

Most of the present nursing volunteers serve in supervisory capacities, since they are in most cases the only graduate nurses in the hospitals where they work. Five of the nine are responsible for daily supervision of all nursing personnel. Four serve as part-time instructors and supervisors of student nurses in hospitals associated with schools of nursing. Four are involved in preparation of basic instructional manuals for both nursing trainees and other hospital personnel. Two are involved to some degree with public health centers.

Aside from initial language and cultural adjustment problems the nursing volunteers have been readily integrated into medical programs of Colombia. One indication of existing satisfaction by medical authorities is a request for at least 33 additional volunteers as soon as possible.

Volunteers are paraticularly helpful to hospitals which have recently obtained new advanced equipment. They have usually been trained to use such equipment (i.e. intensive care units, etc.) in the U.S., while Colombian have not. They have also contributed to much better organized record-keeping systems, which have generally been modest at best in most hospitals because nursing personnel have not understood how to organize and maintain patient and personnel record systems.

CROPS EXTENSIVE AND RESEARCH

Twenty-six Volunteers are working in this program, three of which were in training during the month of December 1971. The agencies to which they are assigned include: National Federation of Coffee Growers (CAFE-TEROS) through its Departmental Committees; Colombian Agricultural Institute (ICA); Colombian Institute of the Agrarian Reform (INCORA); National Federation of Cacao Growers (CACAOTEROS); and Integrated Program of Applied Nutrition (PINA). The distribution is as follows:

Cafeteros Committees—7 Volunteers.

ICA (Extension—6 Volunteers.

ICA (Research)—4 Volunteers.

ICA (Rural Communications)—1 Volunteer.

INCORA (Cacao Extension)—4 Volunteers.

PINA (Extension)—4 Volunteers.

Total—23 Volunteers.

Extension: The Volunteers working in extension supervise development and technical assistance for cacao, corn, vegetables, coconut, potatoes and grains. Their tasks are associated primarily with the teaching of new cultural practices to small and medium-sized farmers through method demonstrations, field days, informal talks, and organization of juvenile groups at the rural schools.

A few Volunteers are involved in activities such as school construction, health center construction, and some sports programs. The extension work often involves the supervision of small industries such as aviculture, pig and rabbit projects.

The Volunteers are distributed throughout the country from the Pacific Coast to near the Venezuelan border; in the North to Sevilla (Magdalena) and in the South to Pitalito (Huila). The majority of the Volunteers are concentrated in the temperate climates (11), but there are eight Volunteers in the hot climates and two in the cold climates. The assignment of the Volunteers' sites generally depends on the priorities fixed by the respective agency with which the Volunteer will work.

Nine Volunteers from the extension group will terminate next July; ICA and the CAFETEROS are requesting three replacements to provide continuity.

Research: Four Volunteers are working in full-time research:

1. Nataima Experimental Station—Research in obtaining sesame and sorghum resistent varieties.

2. Experimental Stations Tulio Ospina and Turiparal (Medellin and Barranquilla)—research on vegetables, especially tomato and lulo.

3. Marconia Experimental Station (Santa Marta)—research on fruit trees, especially on mellons.

4. Tibaitatá—research on wheat.

Rural communications: Until last November, two Volunteers worked with ICA in this field; preparing audio-visual aids, photography and other elements related to production of materials and information for the farmer.

The majority of the Volunteers who work with ICA, are involved in programming short and medium term credit, for various crops, under a contract between ICA and CAJA AGRARIA, in which ICA offers necessary technical assistance and the CAJA lends the credit.

As the information in the Appendix indicates, PCVs are engaged in a great variety of individual activities which illustrate some of the specific extension and research needs in rural Colombia. Volunteers have tended to adapt their individual programs to the needs or opportunities provided in their work locations, rather than limiting themselves to the stated purposes of the program; consequently, many of their activities, and considerable time could properly be labeled "community development" or "adult education", as well as extension.

The information provided by the PCVs in these first reports will be categorized and quantified, and through discussion with them and agency representatives, more systematic reporting procedures will be initiated.

CONSERVATION

There are currently seventeen Volunteers in the Conservation program, divided into five sub-programs: National Parks, Wildlife, Fisheries, Waters, Soil and Forestry. These categories correspond to the major administrative divisions of INDERENA, the host agency. All the Volunteers in the program are assigned either to INDERENA, or to another agency with INDERENA's approval. At the present time, sixteen Volunteers are with INDERENA and one is with a research project associated with the University of Caldas.

Since the jurisdiction of the host agency includes almost all of Colombia, the program has Volunteers in a variety of areas throughout the republic. Eleven are located in the Northern Coastal area, five in the central section of Colombia and one in the Southern area. Peace Corps and INDERENA are trying to establish some degree of continuity of programs and work on long term projects. This keeps Volunteer transfers to a minimum and few site changes are anticipated. The shift from the wet to dry season will cause one or two Volunteers to go from one area to another but this will be the extent of anticipated site changes.

The greatest problem the program now has is the lack of funds for technical support. Some projects have had to be redirected into areas requiring less equipment. The tendency is for each Volunteer to work on two or three smaller projects simultaneously, while being rather opportunistic in looking for projects which have a high impact but low budget requirements. These are considered to be supplementary to their main project with the agency.

The Volunteers major areas of work are summarized by the subprojects in progress.

National park project: 5 Volunteers.

One volunteer is assisting the central office of the National Park Service. His duties range from developing an integrated plan for the entire National Park System to working on preliminary plans for particular Parks.

The other Volunteers are assigned as assistant Park Managers, to develop specific projects in a National Park. Faunal ecological surveys, visitor center designs and interpretation booklets are all being developed for various parks. Some of the Volunteers are working on scenic walk developments with minimal support. Others are more or less shared with the wildlife program, doing research on the fauna in the parks.

Wildlife project: 6 Volunteers.

There are two major areas of research and assistance in this program, the Primate and Avain Survey projects.

These Volunteers work in a survey of the status of populations, trapping and export techniques of primates of economic importance. This project is affiliated with a larger program of primates used in Bio-Medical Research which includes the Pan American Health Organization, Smithsonian Institution, Peace Corps and INDERENA. INDERENA has plans for the development of a Primate research center, largely keyed around Peace Corps assistance.

The avian survey project centers around two National Parks and the Northern area of Colombia. An ornithologist from the University of Arizona, Dr. Steven Russell, is coordinating the work of INDERENA and three volunteers. We have two trainees just completing training who will join this project.

These two projects appear to be productive and high caliber research oriented programs.

Water and soils: 2 Volunteers.

We have one Volunteer in the North who is assigned to development project of an entire watershed. His soil survey work is greatly handicapped by the lack of equipment which INDERENA or Peace Corps is unable to provide.

The other Volunteer is working in an area where adequate support is provided. The INDERENA director of the project is going to be transferred and the Volunteer will take his job as acting director until a new person is assigned. This indicates the impressive job the Volunteer is doing with the agency. He is sufficiently accepted that his Colombian counterpart workers think that the appointment is the only reasonable thing to do. His work involves development of soil conservation plans for the area, tree culture work and extension education in soil conservation.

Fisheries: 3 Volunteers.

This program is important in that it represents an area in which INDERENA is cooperating with other agencies. One Volunteer is assigned to a research project with the University of Caldas, working in fish culture and research on native species. Two Volunteers are assigned to research on the biology of native species and reproduction in captivity. Surveys of fish populations are also a part of their work. One of our trainees has been assigned to work with the C.V.C., the organization concerned with the development of natural resources of the Cauca River Valley, another cooperative project.

Forestry: 1 Volunteer.

The one Volunteer in forestry is working in silviculture production of both native and introduced species. He is also doing research on the resin content of an economically important species of balsam tree.

The Conservation group is very interested in establishing a basic system of evaluation of their goals and work. We have developed goals, objectives and methods of evaluation for specific elements of each project. These will assist us in the future, to make realistic goals that can be achieved. In addition, it will make the compilation of our annual report to the agency much more meaningful to both Peace Corps and the agency.

COOPERATIVES

The first Peace Corps Cooperative program was begun in 1962 and ended in 1969 with the departure of the last Cooperative Technical staff member. The program emphasized development of new cooperatives independent of Colombian agency affiliations, and was characterized by the efforts of many Generalist Volunteers who started small, essentially multiservice Cooperatives in relatively remote rural areas. Lack of adequate local management ability and shortage of capital, led to the failure of many of them.

A new Cooperative program began in mid 1971 and now emphasizes participation in Colombian government sponsored cooperative development programs. The Volunteers function as members of Colombian agency teams who function as management advisors to on-going, usually adequately financed, multi-service cooperatives.

The Volunteers serve agencies such as *ASCOOP* (The National Association of Cooperatives), *CECORA* (The Federation of Agricultural Cooperatives affiliated with the National Agrarian Reform program), *FINANCIA-COOP,* an organization which provides long-term financing for Cooperatives, *UCCOPAN,* a Cooperative Federation, and *Caja Agraria,* the National Agricultural Bank which finances Cooperatives.

Volunteers with backgrounds in business administration, accounting, marketing, and Computer Programming are utilized in their respective field. The intent is for all Volunteers to be integrated into working teams with Colombians staff members of their respective agencies.

As the tabulations in the appendix indicate, Volunteers working with cooperatives function very much as do Small Business Assistance PCV's, by providing professional assistance in management, financial analysis and accounting, training of staff, and sales or product analysis. They are engaged directly in sales promotion and new product development in several instances, and occasionally teach the theory and usefulness of cooperatives as a method of serving producers or purchasers.

Although the information from Volunteers does not clearly reveal this, the Volunteers serve as management consultants for those government agencies which are charged with the promotion and support of cooperatives. Without this type of professional help, cooperatives have difficulty surviving largely because boards of directors and members usually lack management sophistication precisely in those technical functions to which the skills of PCVs are being applied.

SPECIAL PLACEMENTS

The special placements program includes Volunteers in specialized individual activities, or small groups of Volunteers who are in pilot or new programs not yet developed enough to justify separate program status. The group includes the former AATP, or Architecture and Slum Development Program. Since Volunteers in the program no longer have any identifiable interdependence or commonality of activities (except among the various professions represented), it was decided to redistribute the Volunteers into Special Placement groupings more closely related to their true activities.

Special Placements consist of 45 male and female Volunteers who may be further classified into five sub-programs. The largest subprogram, Education, includes 14 Volunteers in university (or university-level), Secondary, Primary, Vocational, Special, Adult Education (literacy) projects and one PCV engaged in Library Science. The second largest groups are Sports Development and Agricultural Programming, each with eight Volunteers. Social Work and Social Work related activities includes seven Volunteers; four Volunteers are in Architecture, two in clothing and textiles, three in miscellaneous activities, and two wives who currently have no specific job assignment.

Education—This category includes three Volunteers who are teaching as faculty members in two public universities. The Volunteers teach courses in English, Mathematics and female Physical Education. A fourth Volunteer teaches English to Colombian postgraduate agronomists at the National Agricultural Experiment Station (ICA).

At the secondary level there are four Volunteers working in private Colombian high schools or academies. One Volunteer teaches English and Health Education, a second teaches Music, a third teaches English to secretarial students, and the fourth is in charge of the French program in a private school.

At the primary level, one Volunteer teaches English to Foundlings, and the other is the principal of a small school. One Volunteer, a licensed plumber, teaches building skills at a unit of the National Vocational training service. A Volunteer who has a Master's degree in Special Education will teach mentally retarded children in an institution in Bogotá A Volunteer in Cartagena is our only teracy teacher (adult level). Finally, one PCV functions as a Librarian at the National agricultural experiment station.

Sports development—Currently eight PCV's are at work with CODESARROLLO a semi-private Colombian organization. The Volunteers travel to several municipalities in the State of Antioquia for two to three week periods at a time. They are given room and board by the local sports development committee under whose auspices they are invited. During the brief stay of the Volunteers, they hold formal coaching sessions with groups of boys and girls. The Volunteers teach volleyball, basketball and other sports not commonly practiced in Colombia.

Social work—This group includes seven Volunteers who function as case workers or aides in conjunction primarily with community settlement houses, orphanages and children's homes. A PCV works in a slum area of Cartagena in conjunction with a slum clearance agency. Another Volunteer works as a case worker with the National Social Welfare Institute. Four Volunteers function as case workers or aides with foundling homes or orphanages. One male Volunteer works with older boys in an orphanage. He has both teaching, and organizational duties.

Architecture—This group includes four Volunteers, all men, who were a part of the old AATP program. Two of them function as staff members of the National Housing Credit organization (ICT) as staff architects. A third performs the same duties in the organization's branch in the city of Barranquilla. A fourth works for a government school construction organization. His work includes the adaptation of standardized school designs for local conditions.

Miscellaneous activities—Two female PCS's function as technicians in clothing and textile design with private companies in Medellin and Bucaramanga. One PCV is a business program design advisor to ACCION; another functions as a staff sociologist to the housing credit institute in Cartagena; and a female PCV works as an aide in a birth defects clinic in Bucaramanga.

Volunteer reports—The data collected is extremely varied and reflects over fifty different kinds of major tasks undertaken by PCS's. The reports were tabulated without regard to sub-program groupings. Subsequent analysis should be done by sub-programs, i.e., Sports, Architects, Social Work, etc. The data could then be treated in the same manner as other programs.

In the data collected only the education group was able to indicate consistently the amount of time required to complete the tasks. This is logical in view of the regularity of the task involved. Comments such as "taught basketball two hours daily, five days per week, for three weeks" were quite common. Volunteers in Architecture, Social Work, and miscellaneous activities were unable or unwilling to quantify time expenditures. Data about numbers of client population were even more difficult to obtain. Again, the Volunteers in Education seemed more able to provide this kind of information. Other data included the number of school construction projects supervised by an architect, the number of children aided in an orphanage, and the number of pamphlets published by one PCV. Individual tasks rarely seemed to be undertaken by more than one PCV except in the case of teaching sports classes, and teaching English.

POLICEMEN AND PASSERS-BY SAVE CHILDREN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. PICKLE. Mr. Speaker, for only the second time in the history of the Austin, Tex., Police Department, the coveted Police Medal for Valor has been awarded to a young sergeant for his role in saving the lives of two tots trapped in a burning automobile.

The saga of Sgt. Claude Hill's valor is all the more unusual for the roles played by seven citizens—passers-by who also disregarded their own safety in the effort to free the trapped family. The citizens included Sergeant Hill's wife, two Air Force personnel from nearby Bergstrom Air Force Base, a couple riding with the Hills in their car, a resident of a nearby apartment building, and another man passing by when the accident occurred.

And these were not the only people busy saving lives in Austin recently. Sgt. Ernie Hinkle received his third lifesaving award of his 11-year police career for persuading a man who held a loaded revolver to his head for more than an hour in a suicide threat not to pull the trigger.

Mike Cox, staff writer for the Austin American tells the story of these lifesaving deeds performed by our Austin police force and Austin citizens.

They all are to be commended, for they are leaders, and they are part of the spirit that makes us proud of Austin and proud of our police force there.

Mr. Cox's story follows:

POLICEMAN'S ROLE IN SAVING CHILDREN EARNS HIM MEDAL

(By Mike Cox)

Austin Police Sgt. Claude Hill was awarded the police Medal for Valor Thursday afternoon—only the second time the honor ever has been presented—for his role in saving the lives of two children trapped in a burning auto.

Seven civilians also were honored for their role in the life-saving deed, and another police officer, Sgt. Ernie Hinkle, was awarded for the life of a man threatening to kill himself.

Hill received the medal, along with a police life saving bar, from Police Chief R. A. "Bob" Miles in ceremonies at 2 p.m. Thursday at police headquarters.

The children's parents, Mr. and Mrs. Ralph Bartsch, were killed in the fiery two-car smashup at 10 p.m. Jan. 22. Both children are still in Brooke Army Medical Hospital in San Antonio for treatment of severe burns.

Seven other citizens were honored Thursday afternoon for their part in the dramatic rescue of the two tots.

Receiving letters of appreciation and certificates from Miles were M. Sgt. Thomas Cowlinshaw and Airman 1st Class Keith D. Krajewski of Bergstrom Air Force Base; Mike Bray of 2413 Mission Hills, Apt. 104; Alberto Soto of 6702 Galindo; Larry Womack of 5506 Roosevelt and his wife, Patricia, and Sgt. Hill's wife, Mildred.

Police Sgt. Ernie Hinkle was presented a life-saving bar by Miles for his "usual good judgment, humane feelings and sincere manner." On Jan. 25 Hinkle persuaded a man who held a loaded revolver to his head for more than an hour, threatening to take his own life, to hand over the weapon.

Before presenting the awards, Miles said they were "much deserved . . . and are not nearly enough for what was done."

The last time the Medal for Valor award was given an Austin police officer was in 1959, when Bruce Davis, then a detective sergeant, was singled out for the honor after wrestling a cocked 16-gauge shotgun from a man who went berserk and held more than a dozen policemen at bay with his scattergun for a tense 30 minutes.

The man was leveling the shotgun at the stomach of then acting police chief Miles, who was slowly walking toward the 21-year-old gunman, when Davis made a flying tackle of the man—saving the chief's life and probably several others.

Hill, the officer getting the valor award nearly 12 years after Davis, is currently assigned to the police central records section.

He was off duty and driving down Ben White Boulevard with his wife and the Womacks when the accident occurred near the intersection of that thoroughfare and Burleson Road Jan. 22.

Police said Hill, his wife and the Womacks saw the Bartsch car spin out of control and explode in flames after being hit from behind by another car.

Hill stopped his car and ran toward the flaming auto, followed by his wife and two friends.

The police sergeant and Cowlinshaw, who lives in apartments near the accident scene, tried unsuccessfully to kick through the window of the jammed passenger door of the burning car.

"When we couldn't get the door open, we yelled for someone to bring an ax or pipe—anything to break that window," Hill said later.

At this point, airman Krajewski ran up with a chrome trailer hitch with was used to break the window glass.

Then Gray, who also lives in nearby apartments, reached through the shattered window and unlocked the door. Hill removed the woman, who apparently already was dead. He could not get the man out.

The two children were lying on the top of the back seat, and while Gray held the car door to one side, Hill grabbed one child, Cowlinshaw the other.

Police said Soto had helped in removing Mrs. Bartsch from the car and in placing one of the injured children in an ambulance.

Hill's wife and Mrs. Womack held the children until ambulances arrived. Mrs. Hill rode to the hospital with one of the children, police said.

Police said the other officer awarded Thursday, Hinkle, has received a total of 10 awards during his 11-year police career—three of them life-saving bars.

YOUTH FOR UNDERSTANDING

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. THONE. Mr. Speaker, the motto of the Christophers is "It is better to light one tiny candle than to curse the darkness." A small candle was lit 20 years ago when 75 students from one foreign country visited one U.S. metropolitan area. From that beginning grew the Youth for Understanding program which is now a mighty beacon for world understanding. It now involves more than 9,000 students per year. The program is now two-way, with U.S. students going abroad, as well as students from other countries coming here. It is the largest of three student exchange programs that are endorsed by the U.S. Department of State.

Today, I join my colleagues in praising Youth for Understanding. I also pay tribute to those who have made the program possible in my home State of Nebraska. Dean Junkin of Bertrand, founded the program in the Cornhusker State in 1965 and continues as an area representative of YFU. Mrs. Jan Cross from Bloomfield in my congressional district is Nebraska's second area representative, and is working with a great deal of enthusiasm and dedication. This year, there are approximately 100 students from other nations spending a year in Nebraska through the YFU program. About 20 to 25 Nebraska YFU students will go abroad in 1972. Hundreds of Cornhusker organizations have helped this program to succeed. In particular, the program is indebted to local school boards and school superintendents for their excellent cooperation. Dwight David Eisenhower emphasized some years ago that lasting peace could not be reached through relations only at the governmental level. Youth for Understanding is one of the finest examples of the world-healing people-to-people programs advocated by President Eisenhower.

ALASKA VOCATIONAL EDUCATION WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BEGICH. Mr. Speaker, Gov. William A. Egan, of Alaska, has proclaimed the week of February 13–19, 1972, as Alaska Vocational Education Week. This is in fitting recognition of an aspect of the total educational process which makes a massive contribution each year to the well-being of all Americans.

It is my privilege to be the keynote speaker at a convention of vocational educators in Alaska during this special week. I want to share the proclamation and my personal recognition of these valuable educators with all my colleagues in Congress:

PROCLAMATION: ALASKA VOCATIONAL EDUCATION WEEK

The progress and well-being of the citizens of Alaska depends to a great extent upon education and training for the "World of Work" as provided in the school system of this State.

Profound sociological, economic and technological changes in our State are bringing about rapid changes in the structure and nature of the "World of Work" thereby placing new and additional responsibilities on our educational system.

The Congress of the United States and the Legislature of the State of Alaska have recognized these problems and have acted upon them through appropriate legislation.

Three hundred and forty-four vocational programs in Alaska are striving to provide nearly 20,000 high school and adult students with the skills and knowledge necessary to adapt to these changes and to become productive citizens of the State.

The American Vocational Association, by representative assembly, has established the second week in February as "Vocational Education Week" and is supported by the Alaska Vocational Association in this action.

As Governor of the State of Alaska, I, William A. Egan, do hereby proclaim the week of February 13–19, 1972, as Alaska Vocational Education Week in the State of Alaska, and urge all citizens of the State to observe this week by making themselves better acquainted with Vocational Education purposes and programs by visiting the vocational education programs in their area.

TAX REFORM FOR SMALL BUSINESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. EVINS of Tennessee. Mr. Speaker, as chairman of the House Select Committee on Small Business, I was proud to join with Senator ALAN BIBLE on April 22, 1971, in introducing the Small Business Tax Simplification and Reform Act of 1971. This proposal resulted from four years of study and consultation with small business, legal, and accounting organizations throughout the country; and represents a commitment to and vehicle for comprehensive tax reform for small and new business.

We have been gratified that 24 Senators and almost one-third of the House of Representatives have sponsored or expressed support for this and other tax simplification and reform measures.

Yesterday, a meeting of some 50 business associations of predominantly small business membership was convened to consider how the cause of small business tax reform could be advanced. I would like to bring Senator BIBLE's address to that group to the attention of the many sponsors and others interested in small business tax reform. I believe Senator BIBLE well expresses our willingness to work with the administration and with private groups to perfect the legislation so that we may have meaningful tax reform for the 5¼ million small businessmen in this country.

The Senator also refers to an invitation which we issued to President Nixon on January 14 to join with us in urging hearings before the House Ways and Means Committee on all small business tax reform legislation, including the administration's bill and the Evins-Bible proposal.

It would be helpful if the correspondence with the White House could also be inserted in the RECORD for the benefit of all concerned.

I also place in the RECORD herewith correspondence with the White House on this matter because of the interest of my colleagues and American small business in this most important subject.

The items follow:

TAXES AT THE CROSSROADS—TAX REFORM FOR SMALL BUSINESS AND THE NATION

(By Senator ALAN BIBLE)

Mr. Chairman, you have been very kind to invite me to appear before this notable gathering of over 50 Associations which represent 2½ million small business firms. This is perhaps the most impressive meeting ever in one place at one time in behalf of American small business.

This attendance is a tribute to the National Small Business Association and the National Committee for Small Business Tax Reform, who brought us together. Their team of executives, led by John Lewis, Herbert Liebenson, and Ted Langveway deserve high commendation for their initiative. The occasion prompts me to voice some thoughts about our tax system which have been developing in my mind.

For the past three years while some of us in Congress have questioned, suggested, and advocated tax equity, we have actually witnessed a downhill slide toward a regressive tax system which raises serious national problems.

As most of you are well aware, the 1969 and 1971 Revenue Acts, as well as the Administration's ADR depreciation package, made life more difficult for most small and new businessmen, and thus constituted setbacks for the free enterprise system. Last November, I questioned on the Senate floor why it was necessary for a revenue act—proposed as an emergency measure—to accord an estimated 40 percent of its benefits to less than 400 of the largest U.S. corporations. I also raised the question of what taxpayers would pick up the lost revenues stemming from the 1971 bill. Taking account of the three 1969 and 1971 tax actions, the revenue losses have risen to $15 billion per year according to the Administration's own Budget figures for fiscal year 1973 and beyond.

In this cold winter of 1972, the impact of this tax reduction is becoming clear as the nation faces deficits of $23 billion, $38.8 billion and $25.5 billion for fiscal years 1971–1973. This adds up to a total debt expansion for three years of $87.3 billion, a matter being discussed in the House of Representatives this week. It has been reported that ⅓ of the interest on the national debt will thus have been incurred since January of 1969. No nation can continue such massive deficits without fatally undermining confidence in its currency.

Knowledgeable people such as the Chairman of the House Appropriations Committee and the Director of the President's Office of Management and Budget are now saying that we shall be required to raise tax revenues and to do it soon. Do we have any viable alternatives?: 1) refusal to pay our bills? 2) a surrender to runaway inflation? or 3) stultifying the economy and our national spirit with continuing controls? We know events will force the nation to make these difficult choices.

And yet, on the basis of the tax cuts we have observed, you may be reflecting that both the President and the Congress have been involved, and these actions must thus be in response to the will of the majority.

If it is true that Congress may have been cutting taxes for the poor, and the President cutting them for the rich, this still leaves the middle-income taxpayer including the overwhelming number of small businessmen right in the middle of an expanding tax bullseye.

Are we therefore at a national impasse between national needs and national will?

This question remains to be settled at the polls in the next few years, but I would hazard two suggestions that may be keys to our problem:

1. People are rebelling against a tax system they believe is unfair, and according to our system of government, the majority of the people are right.

2. The system will not be reformed unless we get strong national leadership and people recognize and unite behind it for their long-term self interest.

It seems to me that when more than 100 families still have adjusted gross income of $200,000 in a year and pay no taxes, that is unfair.

When a business with an income of $500 a week pays taxes at the same rate as a giant corporation which earns $50 million a week, that is unfair.

When executives can hire experts to create tax shelters from the complexities of the law, while wage earners have difficulty affording such assistance, the country is too much favoring the affluent, and that is unfair.

As it now stands, the top one percent of U.S. families receive exactly twice as much total income as the bottom 20 percent. Our tax system appears to be widening this disparity, and that is unfair.

In addition, the property tax system, on which school districts have long relied for financing a function vital to democracy, must now be restructured under the impact of Federal and state court decisions.

So, where do we go from here?

One tax expert, Joseph Peckman of the Brookings Institute, informed Congress last month that "a comprehensive income tax could yield the same revenue with rates that were on the average ⅓ lower than the rates (now) in effect." Under a system such as this scholar envisions, taxes would fall for all families with incomes below $25,000. This, however, is only one of several proposals before the public. Senators Muskie, McGovern, Long and Humphrey, and Representatives Mills, Corman, Aspin, and Reuss have offered general tax reform suggestions. Senator Bennett has introduced the Administration's small business tax bill as S. 544, and other Senators have put forward small business tax suggestions. All should be considered, and new ones fashioned which will allow us to best serve the needs of the country and our people.

In summary, I believe our tax system is at a crossroads, and we must begin anew the process of true reform. If the nation is to earn the allegiance of all of its citizens for the grievously difficult and expensive problems in the years just ahead, we must have equality of sacrifice.

Obviously, hard answers to hard problems will not come easily. But, at a minimum this means we should not make the system more regressive.

I feel that the simplification and reform bill that we have formulated for small business over the past four years (S. 1615 in the Senate and H.R. 7692 in the House) would be one step toward tax equity. We believe it is an important step, because small business accounts for more than 40 percent of the jobs in this country, and it is predominant in fields like services, construction, retailing and new technology, where sustained economic expansion can take place.

Rep. Joe Evins, the chief proponent of the bill in the House and I have repeatedly said that we want to work with all business, legal, and accounting groups, and with the Administration. We have sought on every occasion to join with others in perfecting the bill as an instrument of tax fairness as well as overall economic growth. This past month Rep. Evins and I invited the President by letter to join in requesting hearings before the Ways and Means Committee on our bill, the Administration's small business tax bill, and other related proposals.

That is and has been our position since

1970. But in these times, none of us can rest on our positions. I hope we will all summon new resolve and work actively and responsibly in the cause of tax reform for 5¼ million small businesses and for all of our people. If we fail, we will answer to our children and to history as the lamp of man's last hope in America is dimmed by public and private poverty, economic haggling, and social discord. That is the challenge we share as we meet here today with the opportunity to each do our bit in a drive to accomplish meaningful tax reform and simplification for small businesses and the nation.

JANUARY 14, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you are aware, a small business tax simplification and reform bill has been proposed in the 91st and 92nd Congresses as a result of about four years of committee study of these matters.

At the time of the first introduction of the bill on June 30, 1970, reference was made to your interest in small business, which encompassed your appointment of a Task Force in this area, and messages to Capitol Hill on both tax and non-tax suggestions made in the Task Force of March, 1970. We noted your remark that you have seen the American dream "come true in (your) own life" and therefore believe in keeping small business viable in these troubled economic times.

At the time of reintroduction of our bill in the 92nd Congress (as S. 1615 in the Senate and H.R. 7692 in the House), we noted that the Administration's "Small Business Tax Amendments of 1971" had by that time been introduced in the Senate as S. 544, and stated that "this initiative on behalf of small business by the Administration is very welcome . . . (and that) it is indeed gratifying that we have a bipartisan approach to the tax problems of the small businessman, because the operation of the tax system is too serious to be a partisan matter."

Throughout our work on small business tax reform, we have attempted to work closely with officials of the Treasury Department, to keep them fully informed, and have sought to reach any possible common ground in the endeavor to help the small businessman in the tax field.

We have noted with interest the most recent statement of the Presidential legislative program, in the CONGRESSIONAL RECORD of November 29, 1971 (page 43228). We are pleased to observe that the first item of Unfinished Business lists the small business tax bill. We are further gratified that this item includes both the Administration's proposal, S. 544; and our own, H.R. 7692.

We congratulate the Administration on making both of these bills part of its official legislative program. Our own small business tax simplification and reform bill contains some forty suggestions looking toward a comprehensive modification of the Internal Revenue Code in order to give the 5¼ million small businessmen in this country equitable tax treatment. The acceptance and support of this measure by your Administration is heartening.

It is our understanding that the Administration has not yet placed a request for hearings on small business tax legislation before the House Ways and Means Committee or the Senate Finance Committee. Under the circumstances, we would warmly welcome a request of this kind from the Administration as to the two bills which are part of your official program, as well as any other small business tax proposals which the committees consider germane. We would be likewise pleased to renew our request for such hearings, and to work with the Treasury Department and your staff in attempting to shape legislation mutually acceptable to the Executive Branch and the Congress, and which offers a prospect of meaningful tax relief for the hard-pressed small business community of this country.

Respectfully,

/S/ ALAN BIBLE,
Chairman, Senate Select Committee on Small Business.

/S/ JOE L. EVINS,
Chairman, House Select Committee on Small Business.

THE WHITE HOUSE,
Washigton, D.C., January 19, 1972.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to acknowledge and thank you for your letter to the President in which you joined with Congressman Evins as Chairmen of your respective Committees on Small Business indicating your desire to work with the Administration in developing appropriate tax measures pertaining to small businesses. You may be assured your letter will be brought to the President's attention at the earliest opportunity and also shared with the appropriate members of the staff.

With cordial regards.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mrs. GRASSO. Mr. Speaker, the American Veterans of World War II, Korea, and Vietnam—AMVETS—well deserve their distinguished reputation for patriotism and service to people. With courage and commitment, members of AMVETS have consistently upheld the ideals and traditions of proud Americans.

It is indeed my pleasure and honor to welcome to Washington several representatives of Connecticut AMVETS who are here to present their legislative proposals to the Veterans' Affairs Committee. Their number includes past Comdr. Michael Marinaccio of Enfield, Robert Mortensen and Neil Cowel, also of Enfield, and Comdr. Joseph Batza of New Haven.

The Enfield men are members of a post of which I am particularly proud. Under the leadership of Comdr. Gerald Cote, Enfield Post 18 has been chosen as an outstanding post for the month of November by the national commander of AMVETS. The post will be presented an award for its efforts and interests in promotion of activities for youth in the community and throughout the State. For example, the men of post 18 have supported the Centurions, the excellent drum and bugle corps which will participate this April in Washington's Cherry Blossom Parade. A national veterans' newspaper just last week cited the Enfield post for the activity of its hundreds of members in civic affairs.

The good work accomplished in behalf of our veterans by the AMVETS in Enfield, Conn., and across the country is to be heartily applauded. All of us share a great debt of gratitude to these brave men.

SECRETARY MORTON'S OFFSHORE IDEA

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. BOGGS. Mr. Speaker, as I noted recently, Secretary Morton has stated that the Department of the Interior is now considering a plan which would permit coastal States to share the revenues of offshore mineral production.

The plan would afford coastal States the same treatment now given States with mineral-producing Federal lands within their borders.

Mr. Speaker, I am inserting a recent editorial from the New Orleans States Item in the RECORD and urging that my colleagues read it:

SECRETARY MORTON'S OFFSHORE IDEA

Rogers C. B. Morton, secretary of the U.S. Interior Department, has let it be known that Interior is considering a plan to use a percentage of Federal offshore mineral revenues to help repair environmental damage in coastal zones.

The plan is only being considered, a spokesman for Interior emphasized yesterday. Interior has yet to make public the details of such a plan.

To the best of our understanding, the Morton suggestion does not address itself directly to the long-standing tidelands dispute between Louisiana and the Federal Government. The idea, as we comprehend it, is not aimed at settling boundary disputes between the coastal States and the Federal Government.

As we understand it, and as Sen. Allen J. Ellender has indicated, the concept basically is this:

The Interior Department would set aside a percentage of total revenues from all Federal offshore leases for environmental rehabilitation of coastal zones. The revenue would be applied in coastal states according to need.

Nor does the Morton concept, according to our understanding, mean that Louisiana stands to get a fixed percentage of the some $200 billion in disputed Louisiana tidelands escrow.

Along with other coastal states, Louisiana would be entitled to share in the Interior fund for coastal improvement. Since the revenue would be allocated in proportion to need, Louisiana could realize for environmental improvement—if Interior is persuaded that Louisiana's coastal detrioration surpasses that of other states.

Louisiana's coastal zone has, in fact, undergone considerable damage, as researchers with Louisiana State University's Coastal Studies Institute have found. For example, marine biologists have established damage to oyster production areas as a result of salt water intrusion attributed, among other things, to pipeline canals and dredging operations.

So Louisiana might well qualify for a considerable share of any coastal environmental fund established by Interior.

Beyond this, we do not know what to make of Mr. Morton's idea. He might hope to mitigate environmentalists' opposition to oil and gas production off the East Coast. But that is speculaion.

We would rejoice should Mr. Morton's idea lead to a permanent share for Louisiana of federal offshore revenues. A strong case can be made for Louisiana's getting such a share. Based on the information in hand, however, we are unable to make such an optimistic interpretation.

YOUTH FOR UNDERSTANDING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. ZWACH. Mr. Speaker, I join my colleagues in honoring the fine work of Youth for Understanding, a nonprofit educational organization which has sought to promote international understanding and good will on a person-to-person level through an exchange of high school students.

In our Minnesota Sixth Congressional District, we have 34 students from all over the world attending our schools and many of our students are attending schools in their countries.

This is an invaluable experience for the students, for the families with whom they live and for the countries who sponsor the exchanges.

If ever we are to attain universal peace it will be through our young people. Most of our problems arise through misunderstandings, but when a teenager lives in a country for a year, when he becomes a daily part of the life and traditions of that country, he is bound to have a better understanding of it and he will transmit that understanding to his countrymen when he returns home.

I wholeheartedly encourage participation in the Youth for Understanding program and I hope that it is broadly expanded in the future.

I am proud of these Youth for Understanding young people who are attending schools in our Minnesota Sixth Congressional District:

Chokio-Alberta High, Clara Olmedo, Paraguay.

Clarkfield High, Palo Pinto, Brazil.

Cottonwood High, Anders Willart, Sweden; Matti Ensio Kytola, Finland.

Danube High, Richard Perez, Chile.

Granite Falls High School, Clara Reyes, Colombia; Palo Duek, Brazil; Bismark Maia, Brazil; Richard Heuera, Chile.

Lake Benton High, Ernest Nielsen, Denmark; Edith Fierro, Chile.

Lamberton High School, Laura Munaz, Uruguay.

Lynd High, Carlos Mendez, Brazil.

Marshall High, Hans Sitberg, Sweden; Maria Enkobaara, Finland; Milagros Javellana, Philippine Islands; Wim Van Immersell, Holland; Siifa Helearus, Finland; Manfred Wolf, Germany; Edwardo Santidiago, Paraguay; Edsen Nascimbnto, Brazil.

Milaca High School, Anders Thule, Finland.

Milroy High, Kerstine Ek, Sweden.

Morgan High School, Paula Casagrande, Brazil.

Olivia High, Louisa Betien, Colombia.

Renville High, Beatrix Weber, Switzerland; Slavia Vasques, Brazil.

Sanborn High School, Carlos Bergamo, Brazil.

Tyler High, Pekka Tiistanea, Finland.

Wabasso High School, Ratva Tulkkinen, Finland; Sandra Darocha, Brazil.

Walnut Grove, Loretto Allende, Chile.

MEDICARE COVERAGE FOR VISITING NURSES AND HOME CARE SERVICES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mrs. GRIFFITHS. Mr. Speaker, for some time now, I have been urging the Ways and Means Committee to advance the cause of visiting nurses and homemakers, as a method better than hospital and nursing home care. In my opinion, medicare should pay for visiting nurses and homemakers. In the long run, the elderly would be better cared for, far happier, and it would be cheaper. A letter from Mrs. Helen L. Goodwin, executive director of the Greater Lansing Visiting Nurse Association, directed to Congressman CHARLES CHAMBERLAIN backs up my reasons. The letter follows:

THE GREATER LANSING
VISITING NURSE ASSOCIATION,
Lansing, Mich., January 27, 1972.

Mr. CHARLES E. CHAMBERLAIN,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. CHAMBERLAIN: The Secretary of H.E.W.'s Committee to Study Extended Role for Nurses "has arrived at certain conclusions and recommends some broad courses of action as guides to all who seek and have responsibility for achieving improvement in the availability and effectiveness of health care for the American people."

This statement from the report of the Committee to Secretary Richardson would seem to indicate a concern for meeting needs of people wherever and at whatever level is necessary. It is one thing to give lip service to an idea but quite another to actually implement it at the grass roots. This is where the billions of dollars spent in formulating "Ivory Tower" concepts fail to result in improved health care or services to people.

We talk about the health care delivery system—the need for innovation to improve the system—to provide the care wherever and whenever needed with a humanitarian approach and yet what is actually happening at the service level is denial of necessary care.

Interpretation of covered care is based on procedure only and inconsistent even then. Knowledge, judgment, assessment skills though considered fundamental to a physician are apparently less fundamental to the nurse. The physician is reimbursed for such skills, the hospital is reimbursed for its care to a terminally ill patient and yet a community agency caring for the patient and exercising assessment and judgmental skills is not reimbursed. What a paradox that the very service designed to maintain the patient in the community whenever possible and to lessen the high cost of medical care is the service, offered on a non profit basis, that is being forced out of business by the restrictive interpretation of covered care (about 1%+ of the cost of Medicare and Medicaid is attributable to Home Care services).

We must somehow help our leadership, our law-makers, our communities to understand what is happening to patient care on the community level before it is too late.

Examples from several agencies of denial of coverage by fiscal intermediary:

PATIENT I

Diagnoses.—Congestive Heart Failure, Arthritis, Old Hip Fracture.

Physician's Orders.—Observation of symptoms and side effects relative to change in medical regime—increase or decrease in edema, respiratory difficulty, vital signs, etc. Techniques to reduce edema. Report to physician.

No specific procedures involved. Reimbursement denied for the ten nursing visits. If the doctor had made the visits or the patient hospitalized would reimbursement also have been denied?

PATIENT II

Diagnoses.—Terminal Carcinoma of the esophagus (Cobalt therapy), Mild Diabetes.

Physician's Orders.—Check for fecal impaction, relieve as necessary. Observation and assessment of patient, report to physician. Support to patient and family during terminal stages of illness.

Five nursing care visits made. Admitted to hospital. Expired. Reimbursements denied. If the doctor had made the visits would reimbursement have been denied? Was the hospital denied?

PATIENT III

Diagnoses.—Hypertension, Cerebral Vascular Accident, Urinary Retention.

Physician's Orders.—Teach care of patient to housekeeper: Vital signs, force fluids, catheter care, intake and output, etc. Supervise care.

Patient expired. Six visits. Reimbursement being questioned.

PATIENT IV

Diagnoses.—Cerebral Vascular Accident, Behavioral Changes, Urinary Retention.

Physician's Orders.—Check for impaction. Manual removal (enemas not effective). Catheterization as necessary. Observe for signs of retention.

Patient admitted to hospital. Expired. Reimbursement denied.

PATIENT V—AGE 66

Diagnoses.—Sarcoma (Terminal), Old Cerebral Vascular Accident with left hemiplegia, Rheumatic Heart Disease, Arteriosclerotic Heart Disease.

This 90 pound woman was rapidly deteriorating as evidenced by continued rapid weight loss, dehydration, increased pain, poor to no appetite, beginning incontinence. She needed constant care and medication.

The VNA's purpose of four visits was to teach her husband and an auxiliary person how to provide skillful care to a dying patient. She was under close medical care.

This service as provided was referred to by the fiscal intermediary as "Activities of daily living" and four teaching visits were rejected.

PATIENT V—AGE 91

Diagnoses.—Carcinoma of breast, Metastasis to lungs and skin.

This frail, debilitated lady, with draining area on breast needing careful dressing changes, and several other growths on chest and back that were inflamed and painful, was admitted for care on Medicare B. She needed assistance with hygiene of skin, mouth and particular care to draining and painful areas. She had poor vision due to glaucoma and was extremely feeble so was for the most part bed bound.

She lived alone and the Visiting Nurse made one visit to teach her to care for herself and encourage hiring an auxiliary person. This one visit was billed to Medicare and documentation of service was requested even for the one visit.

Several additional visits were made due to her increasing needs and she was advised that Medicare would not cover the nursing care she needed and a financial investigation was done showing she could pay $10.00 per visit without cutting into her savings. She became angry with the nurse and said it should be paid for by Medicare and refused to let the nurse return. She died a few weeks later. Telephone persuasion by the supervisor was to no avail. If Medicare would not pay she would do without.

Retroactive denial of reimbursement after services have been offered in good faith that they will be covered (according to criteria in the Home Care Manual) is devastating to an Agency who has incurred the liability and must somehow contend with the budget deficit.

We sincerely hope these concerns of Home Health Agencies in Michigan will be helpful to you in your deliberations in the coming year as you consider health care needs of people.

Sincerely,
MRS. HELEN L. GOODWIN, R.N.,
Executive Director.

THE NATION HAS SUFFERED A LOSS

HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. MILLS of Maryland. Mr. Speaker, on Thursday afternoon, February 3, the First Congressional District of Maryland and the Nation suffered a tragic loss when an automobile accident took the lives of three dedicated Americans. Their desire to completely serve and work for their fellow man can only be equaled by the respect and esteem they earned and deserved from my constituency.

My deepest sympathy goes to the families, associates and friends of Col. James L. Webster, Mr. James E. Glover and Mr. Henry W. Montgomery. They will be greatly and sadly missed by all who knew them. Words cannot express the sentiment and appreciation for their contributions to this Nation and the communities of the first district.

I include an article that appeared in the Baltimore Sun newspaper on Saturday following the accident which serves as a fitting and accurate biography of each of these three great men:

JAMES E. GLOVER, CAMBRIDGE, MD.

Mr. Glover and two other key aides of Mr. Mills were killed in an automobile crash south of Annapolis during rain and fog on the way to their Eastern Shore homes Thursday evening.

Shortly after Mr. Mills' election last May, Mr. Glover joined his staff, filling the same post Mr. Mills had previously held for Rogers C. B. Morton before he resigned to become Secretary of Interior.

Mr. Glover, who was 56, was born in Montreal. He graduated from Colby College, in Waterville, Maine, and received a law degree from Boston University School of Law in 1940.

He served in the United States Maritime Service in World War II in both the Atlantic and Mediterranean theaters.

He was at one time a law partner of Senator Edmund S. Muskie (D., Maine). He served as city treasurer in Waterville and as legal adviser to the city government.

In 1951 he began a business career which carried him to posts as president of the Ocean Spray Cranberry Corporation in Hanson, Mass., vice president and general manager of Coastal Foods Corporation in Cambridge, and national manager of wholesale operations for the P. Ballantine and Sons Brewing Company in Newark, N.J.

Last year he retired to his home, Lodge Cliff, outside of Cambridge. He served as a campaign worker for Mr. Mills before taking the post in the congressman's Washington office.

He was active in community life and was a member of the Elks and Lodge No. 66, of the Masons.

COL. JAMES L. WEBSTER, CAMBRIDGE, MD.

Colonel Webster, area assistant in the Easton office of Representative William O. Mills (R. First), was killed in an automobile crash Thursday evening with two other aides of the congressman.

He was born in Cambridge in 1912, attended public school in Dorchester county and graduated from Bucknell University in Lewisburg, Pa.

He entered the Army in 1941, transferred to the Air Force in 1942, and saw tours of duty in Germany, Japan and the United States before his retirement in 1961.

On retirement from military service he joined the staff of Rogers C. B. Morton, who was then congressman for the First District, and was his administrative assistant in the Easton office until he became Secretary of Interior in 1971.

He then joined first the campaign and then the congressional staff of Mr. Mills. Through his long service with both congressmen he became a familiar figure throughout the 12 counties of the First Congressional District.

He was a member of the First Baptist Church. He also belonged to the Cambridge Rotary Club and Masonic lodge No. 66.

He lived in an ancestral home near Cambridge called Unity Hill Proper Farm.

HENRY W. MONTGOMERY, NATRONA HEIGHTS, PA.

Mr. Montgomery was killed, along with two other aides of the congressman, in an automobile accident south of Annapolis on Thursday evening.

Before joining the staff of Mr. Mills last May, Mr. Montgomery, who was 33, was managing editor of the Easton *Star-Democrat*; a weekly newspaper.

He was born in Brackenridge, Pa. and graduated from the Hardbrack (Pa.) High School in 1956.

He worked in a research laboratory at the Alcoa aluminum works in New Kensington, Pa., before coming to Easton five years ago as a reporter and editorial assistant on the *Star-Democrat*. He had been managing editor for two years.

BOY SCOUTS CELEBRATE 61ST ANNIVERSARY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mrs. GRASSO. Mr. Speaker, the largest voluntary youth organization in America, with 5½ million boys and leaders, is celebrating its 61st anniversary.

This splendid organization is, of course, the Boy Scouts of America. Over these many years the Boy Scouts of America has provided leadership and friendly counsel to some 40 million Americans who have benefited from programs designed to develop good citizenship and healthy attitudes toward physical and mental fitness. In addition, the Boy Scouts promotes increased understanding and friendship among nations by supporting and sponsoring international scouting events.

Scouting gives boys a chance to glimpse new worlds and to develop broadened talents and interests. The ambitious projects undertaken by the Boy Scouts include: SOAR—Save Our American Resources—a program which encourages scout involvement in important environmental work; REACH—a vital and most needed effort to prevent drug abuse; and "Boy Power '76," a concerted drive to expand the membership of Boy Scouts to include one-third of all eligible boys by 1976.

It is a pleasure and honor for me to congratulate the Boy Scouts of America—and particularly members of the 14 scout councils in Connecticut—for their good work and fine example.

VIETNAM GI'S RAVE ABOUT PAN AM'S 747'S

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. O'KONSKI. Mr. Speaker, I am pleased to report that Pan Am in continuing to follow its longtime policy of caring about the American servicemen has now made it possible for them to travel between Saigon and Honolulu on its daily scheduled 747 service, rather than on military charter flights, as was the old R. & R.-in-Hawaii procedure.

The giant passenger Clipper, resembling more a luxury ocean liner than an air transport, allows the servicemen to travel in top civilian style.

You will recall that the 747 era in transportation was ushered in on January 15, 1970, with the christening of Pan Am's Clipper *Young America* at Dulles International Airport by our First Lady, Mrs. Richard Nixon, with Mr. Najeeb Halaby, Pan Am's dynamic chairman at her side.

Mr. Speaker, I insert at this point in the RECORD two articles: "Men Leaving 'Nam Rave About 747's," from the Navy Times, December 1, 1971; and "At 570 mph, the 747 Makes the Going (Home) Great", by Irwin C. Nye, in the Overseas Weekly—Pacific Edition, December 25, 1971:

MEN LEAVING 'NAM RAVE ABOUT 747'S

WASHINGTON.—Four thousand men a month are flying out of Vietnam aboard Pan Am's daily 747 flights to Hawaii and the West Coast.

Pan Am vice president James Hittle, a former Assistant Secretary of the Navy, reports a heavy flood of mail from men who find the luxurious huge airplanes a contrast to life in Vietnam. "They really do enjoy that air conditioning, soft music, carpets, plush seats and meals served by pretty stewardesses," Hittle said.

A Navy electrician's mate second wrote that, while even "a Piper Cub with Maudie Frickett (a grandmotherly TV character) for a stewardess would be heaven." He added:

"But in all my 9½ years in the Navy I have never been treated with such luxury and just plain out-and-out homey niceyness."

An Army Spec. 4, thanking the airline for "delivering me to the World," said "I wish to congratulate you on what I believe is a very, very decent thing for the public in general."

Hittle, who is retired Marine Corps brigadier general, said the letters indicate that "Pan Am is continuing to follow its long time policy of looking after the American serviceman."

The big planes carry about 360 passengers, served by 14 stewardesses. Hittle said the

stewardesses often volunteer for the Vietnam flights.

AT 570 MPH, THE 747 MAKES THE GOING (HOME) GREAT

(By Irwin C. Nye)

As the big bird lifts skyward from Saigon, you can feel the tension fade from the hundred or more U.S. servicemen and women aboard. They're off—in top civilian style—on two weeks' leave under an arrangement between the Military Airlift Command (MAC) and Pan American World Airways.

Mostly, the military travelers are in civilian clothes and are feeling in a holiday mood from the moment the wheels are up. Their immediate thoughts are on the pleasures of heading home—where they will arrive in not much more than 24 hours after Saigon takeoff.

As for Pan American, it's arranged for servicemen to travel between Saigon and Honolulu on its daily scheduled 747 service—at 570 m.p.h. groundspeed—rather than on military charter flights, as was the old R&R-in-Hawaii procedure. The portion of the air fare from Saigon to Honolulu and back is paid by MAC, leaving the military traveler to pay the Honolulu-California-Honolulu portion at the low military fare of $184 standby or $214 confirmed, plus his fare from the West Coast to his home and back. In almost every case, from either San Francisco or Los Angeles, those who've ridden Pan Am's scheduled flights homeward on leave have chosen—and made—quick, confirmed connections with the domestic air carrier to the city closest to their destination.

To make this new program operate at top efficiency, Pan Am, on October 1, dropped the weekend restriction on military fares and—to make everything more comfortable and pleasant—also waived the rule that service personnel taking advantage of these fares must wear uniforms.

"Domestic airlines flying from Honolulu and the West Coast to other mainland points all have followed our lead in waiving the weekend and uniform restrictions for servicemen home on leave from Vietnam," says Bill McElhannon, Pan Am's sales director for Vietnam. "We're pleased that we took the initiative and that others came along. We've heard of very few problems encountered by our military passengers on their homeward flights."

Although 18 U.S. flag airlines offer nonscheduled and charter services to the Vietnamese capital under contract to government agencies, Pan Am is the only U.S. flag airline linking Saigon with commercial scheduled passenger service to the rest of the world.

One Army major, just back from his two-week leave at home under the new plan, said, "It was a smooth deal—and a smooth ride. The food and drinks are excellent and the 747 is a great—as well as a big—plane. The movies shown both coming and going were well worth the modest extra cost asked for the earphones to hear the soundtrack. On the ground in Honolulu where we all are required to pass through U.S. Customs and procedures are strict because of the drug problem, Pan Am's people gave us a lot of help. We were right on schedule when we hit San Francisco, and I made connections with my flight to Chicago with time to spare.

Pan Am has only one scheduled 747 flight out of Saigon each day. But other Pan Am services, including daily round-the-world 747 flights, pass through Hong Kong and Bangkok, only a relatively short and inexpensive flight away via other scheduled carriers. At either of those cities, you can spend a few hours or days as your own equivalent of R&R, before taking off to destinations around the globe. While MAC won't pay part of your fare on those trips (unless you get a government TR—which sometimes can be done), you can put together a wonderful vacation in Japan, the Middle East or Europe on your way to or from the U.S.A.

CARE FOR VIETNAMESE WAR ORPHANS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. KOCH. Mr. Speaker, besides the untold military and civilian casualties caused by the war in Vietnam, there are the infants orphaned by war. Many of these children are born of a Vietnamese mother and an American soldier father, and are abandoned and treated harshly by the Vietnamese who are no freer of the evils of racism than is our own society. The children of these mixed unions are in desperate need of assistance, and the United States has a special responsibility for their care.

Therefore, I am pleased to cosponsor legislation introduced by Mrs. DWYER, Mr. KASTENMEIER, Mr. KYROS, and Mr. WHALEN, aimed at helping these abandoned children. The bill authorizes the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly those with American fathers.

The Agency would be authorized to provide assistance to these children through the establishment of day care centers and school feeding programs. Providing food and clothing to orphanages and training personnel in health care are also important features in this legislation.

Pointing to the need for a measure such as this is an article which appeared in the New York Times on February 7, 1972, entitled "Part Vietnamese, Part Black—And Orphans", which I am appending:

PART VIETNAMESE, PART BLACK—AND ORPHANS

(By Gloria Emerson)

SAIGON.—Angela will be 3 years old in April, but she walks like a tiny old woman who falters because she is afraid of falling.

Angela cannot feed herself and only recently did she learn to chew, not just to swallow food. She is not toilet trained. Angela does not pay any attention to the Vietnamese nuns or to the other 1,245 children in the Go Vap Orphanage in Gia Dinh, a suburb of Saigon.

Other people do not exist for her until she is picked up and hugged. When Angela is let go, she weeps.

Angela is the child of a black American G.I. and a Vietnamese woman. The nuns who run the orphanage know nothing else about her except that she was abandoned four days after she was born.

She is the blackest of all the children in the orphanage. There are half a dozen others who also had black American fathers, and many more who had white fathers. The rest had Vietnamese parents. Angela plays with no one.

"When we first saw her, standing up in her crib, with that face and her little Afro hairdo, our hearts stopped," Mrs. James Giggins said. She is the wife of a black television correspondent for the American Broadcasting Company network. The couple live in Saigon and first visited the orphanage last October looking for a baby to adopt.

They chose a 3-month-old girl from the orphanage, whose name in Vietnamese means velvet. She has now been christened Alexandra Nguyen Giggins. Her middle name is a typically Vietnamese family name.

But no one has come for Angela, although the Gigginses do come once a week, if possible, to take her out for the day, or a weekend. They feel this is permitted by the nuns only because they have already adopted a baby from the same orphanage. This was possible because Mrs. Giggins, the former Patricia Occhinzzo of New York whose family is of Italian descent, is a Catholic. Mr. Giggins, a non-Catholic, received permission from the Archbishop of Saigon to adopt the baby.

"Angela is a little better now." Mrs. Giggins said. "She is still afraid of almost everything, but sometimes, when she spends the day with us, she smiles once. Not more. But, at least once."

IF SHE HAS A CHANCE

When Angela visits, she follows Mr. Giggins from room to room. Mrs. Giggins taught her to chew when giving her cookies. Angela is fearful of the Giggins's adopted baby, although she is much bigger.

"She doesn't really respond, but I think—if we can find her a good family, and it must be a couple who has like us, one black—the damage will not be irreparable," Mrs. Giggins said. "She will respond if she has a chance."

But since they cannot adopt Angela—for they have one baby and now hope to raise a family of their own—the Gigginses can only help her a little bit and hope somehow to find a couple who will take her. Adoption in Vietnam is a long and tortuous affair.

The tragedy of Angela is not an unusual one, according to some observers who are particularly concerned about the futures of children of black fathers.

The Vietnamese are usually prejudiced against dark-skinned races, and they do not like foreigners. Any child who grows up without a family which is the focus of Vietnamese life, and is also black, confronts obstacles that a Westerner cannot easily imagine. Black women in Vietnam, it is felt, will find it hard to be educated, hard to find a job and earn money, and very difficult to find a husband.

The main hope now for Angela, and the others born of black Americans, is The Martin Luther King Home for Children, which may open in Gia Dinh next month. The sponsor is the Southern Christian Leadership Conference.

The idea of helping children of black fathers came to the Rev. Hosea Williams and his wife when they visited Vietnam last year. Mr. Williams, who worked for many years with Dr. King, is the program director of the S.C.L.C.

The representative here for the Martin Luther King Home for Children is Victor Srinivasen, who has been in this country for two years working with a welfare agency, and who has wide knowledge of the country's orphanages.

He is waiting now for the approval of Dr. Tran Nguon Phieu, the Minister of Social Welfare, who must authorize all such projects. A Vietnamese philanthropist—who wishes to remain anonymous—has pledged to donate a building and some Vietnamese personnel. There will be no more than 50 children in the home, Mr. Srinivasen said, when it first opens.

Mr. Srinivasen estimates there are from 10,000 to 15,000 black children in this country," he said. "It is a serious social problem. But of course the home will not just be for these children—we will take others who need comfort and care as well."

There are an estimated 500 orphanages in Vietnam, but it is believed that only 290 of them are registered with the Government and exist legally. Mr. Williams, during his visit here, was so upset by the conditions of the orphanages that he wanted to hire two jet planes to take all the black children to the United States to place them in homes. This was impossible for an immense amount of paperwork is required both in Vietnam and in the United States.

If Mr. Srinivasen does not win the approval of the Vietnamese authorities, and also the blessings of the United States Embassy here, which will greatly expedite his task, there will be no home for black children. But he is hopeful.

He and his wife now live in a small two-room house lent to them by a Vietnamese colonel who wants to help. Another Vietnamese couple want to send over one of their servants to cook and clean for this couple, who are Indian.

PROBLEMS OF FINANCES

Mr. Srinivasen does not yet know what his salary will be—or even if he will get one. What worries him is the amount of money he will need every month for the Martin Luther King Home for Children. It is between $1,500 and $2,000, a tiny sum compared with war expenditures. He wants the children to have a pediatrician and a child care nurse. There is a sad illustration of why this is necessary, and he does not tell the story without emotion.

The infant that Mr. and Mrs. Williams wanted to adopt—whose father was black—was named Lanh. The couple saw her in the An Lac orphanage in Saigon, but, due to the complicated adoption procedures, they could not take her with them when they left.

Lanh died Sept. 16 from malnutrition and inadequate care. Not even the American doctors in an Army hospital in Saigon could save her.

REPRESENTATIVE DERWINSKI EXPOSES PLIGHT OF BALTIC NATIONS AT U.N.

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. HUNT. Mr. Speaker, Americans of Lithuanian origin and descent and their friends in all parts of the world will commemorate two important anniversaries during the month of February: First, they will observe the 721st anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 54th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

An integral part of the recognition of these anniversaries is the awareness of the plight of all the Baltic States—Lithuania, Latvia and Estonia—whose freedoms were lost to brutal Soviet aggression after brief periods of refreshing independence. It will be recalled that in the 89th Congress both the House and Senate approved House Concurrent Resolution 416 urging action to bring the force of world opinion to bear on behalf of the restoration of the rights of self-determination to the Baltic peoples. As a reaffirmation of my belief in this cause, I introduced an identical resolution, House Concurrent Resolution 169, on February 18, 1971. For the convenience of the Members, I insert the full text of that resolution at this point:

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the people of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. Speaker, in this context, it should be of great interest to every Member of Congress that our very able and dedicated colleague from Illinois, EDWARD J. DERWINSKI, also U.S. delegate to the 26th General Assembly of the United Nations, delivered an address at the U.N. which exposed the plight of the Baltic nations and drew the verbal wrath of the delegates of the U.S.S.R. and its satellites. This is a most timely occasion, therefore, for me to include in my remarks the report on ED DERWINSKI's forthright address which follows:

On November 15, 1971, the Hon. Edward J. Derwinski, Republican Congressman from Illinois and U.S. delegate to the 26th General Assembly of the U.N., delivered an address in the Third Committee (Social, Humanitarian, and Cultural) which opened a two-day verbal battle over the Baltic States between the delegate of the U.S. and the delegates of the USSR and its satellites. The debate drew the attention of a large international audience to the tragic plight of the Baltic nations. It must be borne in mind that of the 131 member-states of the UN, no less than 80 gained their independence after the Second World War, while the Baltic peoples lost theirs as a result of the War, due to Soviet aggression.

Mr. Derwinski made reference to the Baltic States while speaking on the agenda under consideration: "The importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights." He started by saying that America has welcomed millions of refugees from political oppression to its shores, and that the United States is committed to the principle of self-determination of all peoples in a free society. But the American people, who believe in free speech and free democratic elections, also deplore arbitrary totalitarian systems of government as they exist in parts of the world today. Having expressed support for the aspirations of some African nations which are still subjected to colonial rule, he went on to say that there are also new forms of colonialism which should not be overlooked.

"We must be ever mindful of those proud nations which have lost their freedom in this period as well as those brave peoples everywhere who are denied national dignity and the right of self-determination.

"The Baltic States—Lithuania, Latvia, and Estonia—represent a special case in point. They have been physically annexed by the Soviet Union and forcibly incorporated into the cluster of its 'Socialist Republics.' So far as the communists are concerned, Lithuania, Latvia, and Estonia have ceased to exist as separate entities entitled to their own national identity and independence. These views are not shared by the United States, nor by numerous other countries. To this day, the United States accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States."

Mr. Derwinski then described several waves of mass deportations of Baltic nationals by the Soviet occupation authorities from the first invasion in 1940 until the formal conclusion of the period of Stalinist terror.

The Soviet delegation and its satellites were baffled by this unexpectedly blunt exposure of Russian aggression in the Baltics at a United Nations forum. The USSR representative, exercising his right to reply, accused the U.S. delegate of "flagrantly falsifying historical facts." He introduced the following day, November 16, a man by the name of V. M. Zenkyiavichus as "Deputy Foreign Minister of Lithuania." Zenkyiavichus recited the well known Soviet falsehood, according to which the Baltic peoples have voluntarily joined the Soviet Union and are prosperous and happy today under the "international" management of Moscow. He claimed that the Soviet annexation of the Baltic Republics is an internal affair of the USSR. "Who asked the U.S. to speak on behalf of Lithuania, Latvia, and Estonia?" he questioned repeatedly.

There was irony in the Soviet performance at the Third Committee meeting on December 9. Mr. Derwinski, having once again denounced Nazism and other totalitarian ideologies, continued: "Earlier in this session I directed the attention of this Committee to the continued illegal occupation of the Baltic States by the Soviet Union. It is indeed ironic that the same peoples who were the victims of Nazism a generation ago are made to suffer again today." In the course of the ensuing debate, the Soviet delegate, Mr. Malik, replying to the delegate of Saudi Arabia, offered to introduce him to Mr. Zenkyiavichus whom he called "a real representative of the Baltic Republics." "He is the Deputy Foreign Minister of Latvia," he said, "and I would be very happy to bring you together."

It is not surprising that Mr. Malik could not distinguish between Lithuania and Latvia, since he himself, prior to becoming a representative of the USSR, had for years functioned in the UN as a delegate to the "independent" Soviet Ukraine. To many it was a surprise, though, to learn that the Baltic Soviet Republics allegedly maintain "independent" foreign offices of their own.

THE 20TH ANNUAL NATIONAL PRAYER BREAKFAST

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. PURCELL. Mr. Speaker, as you know, each year the Members who attend the regular Thursday morning meetings of the House of Representatives prayer breakfast group join with our friends in the group from the other spiritual values upon which the Nation Prayer Breakfast.

The purpose of the occasion is to bring together the leadership of the United States in recognition of the moral and spiritual values upon which the Nation is founded.

In 1953, Members of the Senate and House prayer groups established with President Eisenhower the first Presidential Prayer Breakfast. A few years ago, the name of the event was changed to "The National Prayer Breakfast" to emphasize less the individuals involved, and more the purpose of their gathering. The breakfast has taken place each year since 1953, and Governors from over 47 States have joined with the President to hold a Governors' Prayer Breakfast in their own State capitals.

Those who attend are men and women in leadership positions from various aspects of our national life. This year the breakfast was held February 1 and guests included the President, the Speaker, members of the Supreme Court, cabinet members, members of the Diplomatic Corps, Members of Congress, and also leaders in the fields of business, labor, education, and science from every State in the Union.

We also enjoyed the participation of leading members of other national parliaments and governments, as well as several Governors, mayors, and military leaders. All told, over 3,100 people attended the 1972 breakfast. Following it, invitees participated in several seminars under the leadership of well-known public figures.

Mr. Speaker, I feel that the remarks delivered at this event are deserving of a larger audience than those of us who actually attended; accordingly, I insert the transcript of the breakfast in the RECORD at this point. I commend both the remarks, and the spirit in which they were delivered to all:

SPEAKER'S TABLE AT THE NATIONAL PRAYER BREAKFAST

UPPER TABLE

The Honorable Melvin H. Evans, Governor of the Virgin Islands.

Mrs. Evans.

The Honorable Jack Williams, Governor of Arizona.

Mrs. Waller.

The Honorable William Waller, Governor of Mississippi.

Mrs. Davis.

The Honorable Deane C. Davis, Governor of Vermont.

Dr. Richard C. Halverson, Pastor of Fourth Presbyterian Church.

Mrs. Halverson.

The Honorable Linwood Holton, Governor of Virginia.

Mrs. Holton.

The Honorable Edgar D. Whitcomb, Governor of Indiana.

Mrs. Whitcomb.

The Honorable John M. Haydon, Governor of American Samoa.

MIDDLE TABLE

The Honorable George Romney, Secretary of Housing and Urban Development.

Mrs. Romney.

Mrs. Montenegro.

The Honorable Orlando Montenegro, President, Executive Committee of the National Congress, Republic of Nicaragua.

The Honorable Elliot Richardson, Secretary of Health, Education, and Welfare.

Mrs. Sharpe.

The Honorable J. H. Sharpe, M. C. P. Bermuda.

The Honorable James D. Hodgson, Secretary of Labor.

Mrs. Hodgson.

Mrs. Butz.

The Honorable Earl L. Butz, Secretary of Agriculture.

Mrs. Mitchell.

The Honorable John N. Mitchell, Attorney General of the United States.

The Honorable Federico Silva, Presidente de Campsa-Spain.

Mrs. Silva.

The Honorable Rogers C. B. Morton, Secretary of Interior.

Mrs. Emily Preyer.

The Honorable Mario Sandaval Alarcon, President of the Congress, Guatemala.

The Honorable Maurice H. Stans., Secretary of Commerce.

Mrs. Stans.

Mrs. Volpe.

The Honorable John A. Volpe, Secretary of Transportation.

FRONT TABLE

The Honorable John C. Stennis, United States Senate.

Mrs. Stennis.

The Honorable Joseph M. A. H. Luns, Secretary General to the North Atlantic Treaty Organization.

The Honorable Melvin R. Laird, Secretary of Defense.

Mrs. Laird.

Mrs. McIvor.

The Honorable William Basil McIvor, Minister of Community Relations of Ireland.

The Honorable John B. Connally, Jr., Secretary of the Treasury.

Mrs. Connally.

Mrs. Hughes.

The Honorable Harold Hughes, United States Senate.

Dr. Billy Graham.

Mrs. Sacasa.

His Excellency.

Dr. Guillermo Sevilla-Sacasa, Ambassador of Nicaragua and the Dean of the Diplomatic Corps.

The Honorable Carl Albert, Speaker of the House.

Mrs. Washington.

The Honorable Walter E. Washington, Mayor of the District of Columbia.

The Honorable Albert H. Quie, U.S. House of Representatives.

Mrs. Quie.

The President of the United States.

Mrs. Nixon.

Mrs. Burns.

The Honorable Arthur F. Burns, Chairman, Board of Governors, Federal Reserve System.

The Honorable Byron R. White, Associate Justice, U.S. Supreme Court.

Mrs. Thurmond.

The Honorable Strom Thurmond, United States Senate.

The Honorable Floyd V. Hicks, U.S. House of Representatives.

The Honorable Kun-Hwa Yu, Governor of the Central Bank of China.

The Honorable William P. Rogers, Secretary of State.

Mrs. Rogers.

Mrs. Jose Figueres, wife of the President of Costa Rica.

The Honorable Arch A. Moore, Jr., Governor of West Virginia.

Mrs. Moore.

The Honorable Frank Carlson, United States Senate.

INVOCATION: THE HONORABLE ARCH A. MOORE, JR., GOVERNOR OF WEST VIRGINIA

May we pray?

For a night of peace and rest, we give thanks unto You, Our Heavenly Father, and for the hope and promise of this new day, we are grateful. We have come today to express our mutual faith in You, and to seek direction for our lives.

We thank You for this beautiful part of the earth which is now our home and for the privilege of sharing life together. During these awesome and challenging days with threatening clouds of ever-present opportunities around us, we seek your counsel and guidance. Make clear to us the way that we should go. Point the direction that we should travel, and endow us with the wisdom and courage necessary to move forward to the fulfillment of Your will.

Upon ourselves and upon all who share the weighty responsibilities of Government, we seek Your blessing and benediction. In the far-reaching decisions being made in this hallowed capital, so revered by freedom-loving people, and which affect the lives of all America and the world, we earnestly pray for Your guiding Spirit. And may the truth and justice ever prevail among us, and may we give ourselves in humble service to your people here and everywhere.

Bless us now in this food and fellowship through God our Father. Amen.

PRESIDING: THE HONORABLE ALBERT H. QUIE

Pray God for strength and guidance. In this spirit, the nation's Prayer Breakfast was inaugurated by members of Congress to reaffirm our faith in the dedication of our nation and ourselves to God and His plan.

This breakfast is participated in by people from all backgrounds, from all States and many nations. Though many and varied are the political, economic, philosophical and religious viewpoints represented here, this fellowship of concerned friends is actually made possible by the natural growth of friendship, as in the spirit of Jesus Christ, men have reached out to discover each other.

These annual Prayer Breakfasts, this being the 20th, are the outgrowth of groups in the United States Senate and House of Representatives who meet privately each week in this same spirit.

There are also many such informal groups of men and women who meet on a weekly or biweekly basis in leadership breakfasts, luncheons or fireside groups across the nation and throughout the world. In practically every State of the union, there are Governors' breakfasts, most of which are also on an annual basis, hundreds of cities with mayoral or leadership prayer breakfasts, and they hold them annually. In some form, this idea has spread to 70 countries and to every continent. Some of these nations are also holding national prayer breakfasts once a year.

It is not in spite of the differences, but really because of them, that those deliberately meeting in this way are discovering and finding for themselves friendship and understanding on a new basis, a higher level of acceptance, so that men in opposite camps may come to appreciate and trust the other man, even though severely disagreeing with his point of view. This process is not necessarily easy, but it is necessary and perhaps more so now than any previous time in our history.

We like to think of this breakfast as a continuation of what happens in weekly group meetings, not a great public independent expression or witness, but primarily a fellowship among ourselves by which we seek to find through Christ a better way for everyday living.

We are aware of criticism, sometimes valid, directed at us as public figures, but we do not set ourselves up to read the Bible or pray or speak or whatever, because we feel we have arrived. In fact, we at the head table this morning are anxious that you understand that we see ourselves as a gathering of sinners who know we do not deserve the blessings of God more than any other, and probably less than most.

Yet we have seen, resulting from these breakfasts, that gives us the temerity to believe that, even for us, there is hope.

This joint meeting of the Senate and House Prayer Breakfast groups, with all those friends who have responded to our invitations unite, Mr. President, to pray for you and Mrs. Nixon.

And we take this opportunity also to greet and add to our prayers the Speaker of the House of Representatives, the Honorable Carl Albert; members of the Supreme Court; their excellencies, the members of the diplomatic community; the Governors of the various States, the members of the executive branch of the Government, and more than half of the members of Congress, distinguished leaders in the world of business and labor and education, along with a broad range of leadership representing a vast cross section And in this connection, it is my pleasure to welcome those distinguished citizens who have traveled from many other countries to grace this occasion, some of whom are seated at the head table. More than 100 countries are represented here this morning.

I am delighted to remind you that at home and around the world, there is a growing appreciation on the part of many for the value too as men and nations when responsible men and women meet in the spirit of prayer, recognizing that our ultimate hope and trust is in the Lord.

So let this breakfast not be an annual high point in our experience, but a beginning of what ought to happen in our lives privately and in small groups on a daily basis among all our citizens.

Now this morning, rather than introducing our distinguished head table we have prepared for you a permanent list for your reference that is in your program. And you will notice the names of the distinguished and honored guests here at the head table.

So now we will move directly into our program for the morning. And first I would like to introduce to you the Honorable Floyd V. Hicks, Representative from the State of Washington, who is the president of the House Prayer Breakfast Group.

Congressman Hicks.

Greetings From the House Breakfast Group: The Honorable Floyd V. Hicks

Good morning, Mr. President, Mrs. Nixon, my colleagues in the Congress, and guests of the 1972 National Prayer Breakfast.

It is my good fortune and special privilege on this occasion to bring you greetings from the House of Representatives Prayer Breakfast group.

As many of you know, each Thursday morning at 8 o'clock when the House is in session, those members who choose to attend assemble in the members' dining room. All currently sitting or former members of Congress, or members of legislative bodies of other countries are welcome. The format which we follow consists of an opening prayer by a member, a closing prayer by another member, and in between remarks by a third member who has been persuaded to lead the discussion for that morning. We close promptly at 9 o'clock.

I find it altogether fitting and proper that members of Congress should gather in this manner. The United States was founded as a Christian country, and despite evidence to the contrary it remains a Christian nation.

Norman Cousins, in his book "In God We Trust," whose purpose he says was to bring together in one place a representative account of the personal philosophies and religious belief of the Founding Fathers, finds that each of these men had a highly developed spiritual belief. There was nothing unsubstantial or uninspired about their personal articles of faith. Thus, while not all the Founders acknowledged a formal faith, it is significant that their view of man had a deeply religious foundation. Rights were "God-given." Man was "endowed by his Creator." There were "natural rights." Freedom was related to "the sacredness of men."

The development of free men was not divorced from the idea of moral men any more than religious men could be separated from moral men. There was a strong spiritual content in the confidence of American founders, in the capacity of man to govern his own affairs, to hold the ultimate power in the operation of his society, and to be able to decide correctly when given access to vital information.

That our nation continues to be a Christian nation, or to be regarded as a Christian nation by the rest of the world, was brought home to be the morning Congressman "Sparky" Matsunaga of Hawaii led the discussion group. His father was a preacher of the Neitcherin sect of Buddhism, and yet during "Sparky's" student years, he sent him to live with a Christian minister for four of those years with this advice: "America is a Christian nation. You are an American. You should be a Christian." And so I think each week as House members assemble in Christian fellowship that each who attends is a little happier for having done so. And I hope that in some way, in some small measure, the nation's welfare is furthered by the cumulative effect of our meetings upon one another. Thank you.

Old Testament Reading: The Honorable Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System

Mr. President, and brothers and sisters in prayer:

In the year ahead, our President and our Congress will be laboring once again with mind and heart for the welfare of our people and for peace among the nations of this world. Let me, therefore, having our domestic problems in mind, recall first a few passages from the Book of Ecclesiastes:

"Sweet is the sleep of a labourer, whether he eats little or much, but the surfeit of the rich will not let him sleep.

"There is a grievous evil which I have seen under the sun. Riches were kept by their owner to his hurt, and those riches were lost and a bad venture.

"And he is father of the son, but he has nothing in his hand. As he came from his mother's womb, he shall go again, naked as he came and shall take nothing for his toil which he may carry away in his hand.

"This also is a grievous evil. Just as he came, so shall he go. And what gain has he that he toiled for the wind and has spent all his days in darkness and grief, in much vexation and sickness and resentment.

"Behold, what I have seen to be good and to be fitting is to eat and drink, and find enjoyment in all the toil with which one toils under the sun the few days of his life which God has given him, for this is his lot.

"Every man also to whom God has given wealth and possessions and power to enjoy them, and to accept his lot and find enjoyment in his toil, this is the gift of God. For he will not much remember the days of his life because God keeps him occupied with joy in his heart."

And let me read from the Book of Micah on the promise and blessings of international peace:

"It shall come to pass in the latter days that the mountain of the house of the Lord shall be established as the highest of the mountains, and shall be raised up above the hills, and peoples shall flow to it.

"And many nations shall come and say, Come, let us go up to the mountain of the Lord, to the house of the God of Jacob, that he may teach us His ways and we may walk in His paths.

"For out of Zion shall go forth the law, and the word of the Lord from Jerusalem. He shall judge between many peoples and shall decide for strong nations afar off, and they shall beat their swords into plowshares and their spears into pruning forks.

"Nation shall not lift up sword against nation, neither shall they learn war any more, but they shall sit, every man under his vine and under his fig tree, and none shall make them afraid, for the mouth of the Lord of Hosts hath spoken."

And finally these last and most memorable verses of the Book of Ecclesiastes:

"The end of the matter all has been heard.

"Fear God and keep His Commandments, for this is the whole duty of man.

"For God will bring every deed into judgment, with every secret thing, whether good or evil."

Greetings From Senate Breakfast Group: the Honorable Strom Thurmond

Mr. President, Mrs. Nixon, Speaker Albert, Mayor Washington, Dr. Graham, Congressman Quie, my colleagues in the Congress, members of the Cabinet, members of the diplomatic corps and distinguished guests:

It is my privilege and honor this morning, on behalf of my colleagues in the United States Senate, to bring you greetings.

The Senators who make up the Prayer Breakfast Group, under the able leadership of Senator Stennis, meet each Wednesday morning to discuss our individual daily spiritual needs and the diverse but uniform dependency of our country on God.

It is curious, yet comforting, to see the members of the Senate Prayer Group with all our political differences agreeing on the thing that counts most. God must be in what we do, or we shall surely fail.

When we conclude our meetings, we go about our daily work with our faith reinforced and with a rekindled hope that our efforts will be more closely in line with God's will.

We hope that by sharing our ideas and experiences about God with each other we can improve our own lives, better our relationships with other people, and elevate our deliberations in the Senate—both as they affect the people of this nation and the people of the world.

Ours is a nation under God. This is reflected in many ways.

Over the door to the Senate is to be found the words, "In God We Trust." Also, God's blessings are invoked upon the proceedings of the Senate each time it meets.

On one occasion a visiting minister was invited to open the proceedings in the Senate and pray for the United States Senators. As he looked over the assembled legislators and bowed his head, he concluded: The greatest need would be to pray for the country instead.

This unique and distinguished gathering at the National Prayer Breakfast is congregated here this morning to proclaim to the world that we need and seek God's direction. Everyone in this room firmly believes in the power of prayer. Our world is beset with complex problems, and prayer is the avenue to the source of wisdom which we need to confront and solve the challenges we face.

In the next few weeks the United States will need our prayers more than ever. He will journey to Peking and Moscow, the capitals of two of the largest nations in the world. No incumbent President of our country has ever visited these countries before. He goes seeking peace. But he seeks it from nations governed by leaders who do not fear God nor see God's blessings. Our President, who believes in God, goes on these journeys backed by the power of our prayers.

In bringing the greetings of the Senate Prayer Breakfast Group to this gathering today, I also bring their prayers for our President in his mission for peace, which surely has God's blessings.

NEW TESTAMENT READING (PHILIPPIANS 2:5): DR. BILLY GRAHAM

Mr. President, Mrs. Nixon:

The Bible teaches that there is coming a day of permanent and ultimate peace to the world, and it's summed up in God's plan for the redemption of the human race that we celebrate at Christmas, Good Friday and Easter, and a fourth day when God is going to intervene in the affairs of the world and bring utopia to the world.

The reading this morning is the 2nd Chapter of Philippians, beginning at verse 5:

"Let this mind be in you, which was also in Christ Jesus:

"Who, being in the form of God, thought it not robbery to be equal with God.

"But made himself of no reputation, and took upon him the form of a servant, and was made in the likeness of men.

"And being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross.

"Wherefore, God also hath highly exalted him, and given him a name which is above every name.

"That at the name of Jesus every knee should bow, of things in heaven, and things in earth, and things under the earth.

"And that every tongue should confess that Jesus Christ is Lord to the glory of God the Father."

May God add His blessing to the reading of His Holy Word.

PRAYER FOR NATIONAL LEADERS: THE HONORABLE BYRON R. WHITE, ASSOCIATE JUSTICE, U.S. SUPREME COURT

Ladies and gentlemen: let us rise and pray:

Almighty God, we assemble in Thy presence to offer our thanks and to affirm our perpetual need of Thee.

Since the world began, man has known he cannot stand alone. He has survived fire and flood, war and famine; but only by the grace of Your constant presence.

Wise and contemplative minds have seen Your inspiration in the great deeds of courage, sacrifice and love that have saved the world for all of us. And great men of action in quiet moments of solitude have heard in their ear the whisper of common sense that they have not and cannot stand alone—that they have borrowed from Thee strength, courage, wisdom and inspiration. So it has been, and so it is today.

We have come this far; but we have not arrived. We have great hope for we have surmounted our past with Your help. But there is deadly peril in our present condition—ominous and perplexing problems beset us. They transcend national, political, and economic boundaries. They remain intractable and unsolved. They have not yielded to our fathers. They have not yet yielded to us. Nor will they yield, wise voices among us say, to customary human energies—to even extraordinary skills or to manipulations of our wealth.

We, therefore, pray today for what is our most urgent need: that a new order of faith and unprecedented spiritual insight will light our way and that of our children, so that the leaders and the peoples of the world can accommodate themselves, one to the other, so that they may love, forgive and succor one another as one people—as Your Son whom You sent among us admonished that we do.

Lord, extend Thy blessings and Your wisdom and grace to the President, to the Congress, to these assembled leaders and to leaders everywhere. Inspire them to lead, and in turn lead them so that by their precepts and action we may approach the Kingdom of Heaven on this earth.

All this we ask and pray, in Thy name, Oh Lord. Amen.

MESSAGE: THE HONORABLE WALTER E. WASHINGTON, MAYOR-COMMISSIONER, DISTRICT OF COLUMBIA

Mr. President, Mrs. Nixon, and my friends in prayer and in faith:

I've heard it said, and I've heard Dr. Graham preach, that few people are willing to make open confessions. I would start this morning and hope each of you would do so, by making an open confession that is significant to the day.

I believe in my God. I believe in my country. And I believe in my family. And I am unshaken in these beliefs. No man can move me. They are the sources of my strength.

I think this morning it is important that you decide where you are. So many of us can speak of our team on the field, so many of us can speak of some friend that we like. But how many of us today are prepared to speak of our God and our country. My friends, the time has come, and it's now that we must stand tall and be prepared to be counted.

I come this morning to this convocation of great leaders to speak in the name of all who seek unity and reconciliation. That's the theme. Many people suggested to me what I ought to say. But I'm saying what I have in mind this morning, and what is on my heart. And what's on my heart this morning, Mr. President, is a reconciliation, a unity among us.

I think I bring a message of hope from those to whom time and chance have given little reason for hope. I think I bring a message from those who have seen violence, from those who have known hatred and from those who have struggled against disillusion, despair and alienation. The message I bring is not a new one. It has come before. It came from one who said: "By this all men will know that you are my disciples if you have love for one another."

And then the scriptures reminded us in a great symphony not how sweet it is, but how pleasant it is when brothers dwell in unity.

It came in the words of Abraham Lincoln when he said that "we must finish the work we are in to bind up the nation's wounds."

Oh, my friends, these are healing words. And it came to us just a few days ago when President Nixon, in his great moment of healing, said: "Never has it mattered more that we go forward together."

Listen, my friends, this morning. The same messages come to us from the hearts of humble Americans whose voices are not often heard. They're not heard because they speak in different tongues, or in strange cadences, or in barely audible terms. They mumble their words.

But I say to you, we must hear them, too. We must listen to the voices of calm, not just to those who speak loudly, but also to those who speak softly, who can barely be heard but have a message.

We must listen to the poor as well as the rich, to the sick as well as the sound, to the young as well as the old. Yes, we must listen to the hope that cries out from the hearts and souls of a people with a great heritage.

This is a great nation. We have our imperfections, but we have the capability in this nation to make it what we want it, and we must be about our business.

It is the heritage in this nation set forth in the Declaration "that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness." That is our heritage.

And you know, and I know, that there have been times when some American believed that these promises of our great heritage would come true only after death. But that time is past. We're in a different world today. We're in a world where the poor and the hungry and the helpless are no longer content to wait until the end of life to claim what we said is rightfully theirs. And you know, all over the nation and the world there is evidence of this fact. And all around us we see it, and I fail to understand why it is so difficult for us to understand it.

For today, those words that grow from our heritage are read as a promise of the liberation of the human spirit here and now. The great strides of science have cast doubt on the value of a dream deferred. These achievements have also convinced us that we can, if we will, make good that great American commitment to everyone in our time.

Yes, doubt is cast on a dream deferred. We cannot, at this time, say that we can reach the moon and fail to be able to heal the wounds of those who suffer next door. This is the commitment that we have, this is the commitment that we're under. And these words of our heritage inspire us, but words require action.

Listen to the Scripture when it tells you that "at the day of judgment it will be asked not what did you believe, but were you the doers or the talkers only." That's the Scripture, Mr. President.

And we know that science and technology and art and ideas are changing man, and man is changing world. In our lifetime, change itself has caused some men to fear the unknown. Others endowed with courage see in change great opportunity for mankind. Fear, on the other hand, is father to suspicion, to hate, to racism, and to emotions that drive men apart, one from another.

And you might ask this morning, "What is the alternative?" The alternative is courage. Courage in itself is a force for reconciliation. Courage is a divine force urging us toward unity. Courage breaks the shackles that bind us to those emotions that would destroy us, and we know those shackles must be broken.

My friends, we must be honest with each other. The time has come for that. We must give up suspicion for trust, prejudice for respect, meanness for love. We must do this for those who cry out in pain and hunger and for those who search for decent homes, for jobs and indeed for opportunity in our system. But most of all, don't you know that we must do this for ourselves, to hasten the day when we shall truly be free?

And you all remember the old spiritual which says that "on that great day we shall raise our voices together, crying out in spiritual liberation, 'Free at last, free at last. Great God Almighty, free at last.' " This is, too, our heritage.

And as I close, my friends, I would hope that in one small moment of unity and reconciliation for the peoples of our nation and the peoples of the world that each of you at your table, while I offer prayer for our nation and our leaders and our great President, would put your hand in the hand of your neighbor at the table, so that the President and the Cabinet and all may see you together in one moment. If you will do that for me while I offer a prayer.

It won't hurt you, your blood will run well. You'll find that it's a binding force and something will happen to you this morning, if it hasn't happened to you already.

Please think with me, each in his own way, as we say:

Heavenly Father, we give thanks for the

simplicity of the Gospel. And yet we realize that these great simplicities, transferred into the light of our time, have the power to remake the world. If we have lost our sense of unity, one with the other, if we have fled from ourselves, and hence from thee, help us to find the way. In that way we may do our part in changing the world.

Today, we bow in humility when we remember the love that went to the cross, and acknowledge our unworthiness at so great a sacrifice. Help us today. Help us to join in unity and reconciliation. Help us all to be worthy. Help us in our time to keep our faith in God and in each other. Amen.

Remarks of the President at the National Prayer Breakfast

Congressman Quie, and all of our distinguished guests, perhaps at no time or no place in America could we find a gathering which more symbolizes the strength of America than this meeting this morning.

Perhaps it says it best in the Pledge of Allegiance to the Flag, as amended, ". . . one nation under God, indivisible, with liberty and justice for all."

Look across this room, look at this head table, remember those who have spoken and you will see those words all represented right here in this meeting this morning—one nation under God. There are different parties here, there are different faiths, there are different races and different colors, there are different philosophies, but it is still one nation and it is under God with liberty and justice for all.

And then as we hear those words, we realize that words can mean nothing unless our thoughts go with them. Words without thoughts never to heaven go.

So, we think of our thoughts, and we realize that as Mayor Washington has so eloquently indicated, we have made great progress, but we have a long way to go. Liberty and justice for all is a magnificent ideal. America has come further perhaps than most of the nations of the world. We would like to say perhaps we have come further than any other nation. But we also need humility in order to understand how much further we have to go.

But what is very important about this gathering is that we would not be here unless we all recognized in our hearts that we were not perfect, that we were seeking to do the very best that we can in our brief stay on this earth to achieve goals that are bigger than all of us; bigger than our differences, differences between parties and faiths and philosophies, all the rest of which we are aware in this great cosmopolitan country of ours.

Now that brings us to the moment that we have now very great responsibility for.

I spoke at this breakfast three years ago and two years ago and now this year. Each year then, you remember, I spoke of peace, peace at home and peace in the world. The year 1972 is the year of opportunity for peace such as America has never had in its whole history. I say never had. There might have been a time when America could have exerted its power for peace in a very aggressive way.

One of our very distinguished guests today is the Secretary General of NATO, the former Foreign Minister of Holland, Mr. Luns. As I was talking to him yesterday, he remarked about the fact that immediately after World War II the United States, because it had a monopoly on nuclear weapons could have imposed its will on any nation, any place in the world. It did not do so.

We helped our former enemies until today they are our major competitors in the free world. We helped our allies and we poured out our wealth, too, to all of the underdeveloped countries of the world.

We shouldn't stand and brag about that in terms that make the others feel inferior. We shouldn't stand here and expect that they should say thank you, because it was right to do so, we thought.

We thought it then, we think it now. That is our way. That is our way to show our dedication to what the nation has stood for from the beginning, liberty and justice for all, not just in America, but throughout the world.

Mention has been made of the fact that I shall be traveling on two long journeys with Mrs. Nixon, one to Peking, and one to Moscow. All of the people in this room are aware of the fact that while these journeys have never before been undertaken by a President of the United States, this does not mean that we are going to find that instant peace will follow from them.

We have to realize that we have great differences, differences between our Government and that of the government of mainland China, the People's Republic of China, differences between our Government and the government of the Soviet Union, and it is naive to think, or even to suggest that those differences will evaporate if we just get to know each other better. I wish it were so, but it is not so. It has never been so.

In fact, the differences that we have with those great powers—their governments, that is—is not because we do not know them or they know us, but because we do know them and they know us. The philosophic gulf is enormous. It will continue.

But there is, on the other hand, another factor, a very pragmatic one, which brings us together. We all realize that because of the new sources of power that have been unleashed in the world that we all must learn either to live together or we shall die together.

That is putting it in its most negative and harsh terms. I could perhaps put it in other terms.

I recall the many visits I have made to countries around the world and what impressed me the most, the great leaders, the historical monuments, all those things that impress a visitor from abroad. And then when Mrs. Nixon came back from Africa, it came to me again what impressed me, and what, of course, had impressed her on her visits.

She told me about the leaders, impressive men and women working in these countries for liberty and justice for all in their way—far from it in many instances, but trying.

But what impressed her the most were the children—children, eyes wide with wonder, and hope, love, very little hate. Oh, differences, of course, because children have their differences as we know. But those children—they happened to be black—the children that I have seen, Chinese children, Russian children, children by the hundreds of thousands in capitals around the world, make us all realize that that is what it is all about.

In this country, before we can help to bring peace to the world, we, of course, must have peace among ourselves, and Mayor Washington has so eloquently addressed himself to that subject. And as we have peace among ourselves, then perhaps we can play a role, imperfect though it may be, at this historic moment in the history of nations, to bring a period of peace between great nations that are very different, not just racially, but, more important and more deeply, philosophically.

Then before we become too arrogant with the most deadly of the seven deadly sins, the sin of pride, let us remember that the two great wars of this century, wars which cost 20 million dead, were fought between Christian nations praying to the same God.

Let us remember now that fortunately Christian nations in the world live in peace together, and we trust will in the future. Let us remember that as a Christian nation, but also as a nation that is enriched by other faiths as well, that we have a charge and a destiny.

No longer do we have a monopoly on nuclear weapons, but the United States has this great asset as a nation that may be able to play the role of peacemaker in this last generation of the 20th Century:

We want nothing from any other nation. We want to impose our will on no other nation. We do not want their economic subversion or even submission. We want for them, what we have, in their way as we have in our way, and try to have in our way, one nation, with liberty and justice for all.

They will all not have it, just as we have not had it perfectly. But our role may be to help build a new structure of peace in the world, where peoples with great differences can live together, and talk about those differences, rather than fight about them.

Do it because we fear to die, but do it also because we think of those children, black children, yellow children, white children, brown children—over half the world is less than 20 years of age—and we think: Let us leave the world one in which they can have what we have never had, a full generation of peace.

In the great agony of the War Between the States, which Abraham Lincoln so eloquently expressed in his Second Inaugural, he pointed out that devout men on both sides prayed to the same God. And in pointing it out, he, of course, expressed what all of us need to understand here today: that because of our faith we are not perfect, because of our faith we are not superior. Only the way we live, what we do, will deserve the plaudits of the world or of this nation or even of our own self-satisfaction.

In that same period, as the war was drawing to an end, a man came to Lincoln and said, "Is God on our side?" And Lincoln's answer, you will all remember, was, "I am more concerned not whether God is on our side, but whether we are on God's side."

Virtually everyone this morning who has prayed, has prayed for the President of the United States, and for that, as a person, I am deeply grateful. But as you pray in the future, as those journies take place, will you pray primarily that this nation, under God, in the person of its President, will, to the best of our ability, be on God's side.

Closing Prayer: The Honorable Harold Hughes, U.S. Senate

Mr. Chairman, President and Mrs. Nixon and ladies and gentlemen:

I would like to preface our prayer with a few moments' remarks.

We have shared together this morning truly a mountaintop experience, an expression of hope, of faith, and also of confidence. Now is the moment of commitment.

In this room are gathered together people of the world and of our own country who, if they make a commitment to God and as Christians through Jesus Christ, can alter the course of history completely, without question, and in brotherhood and love. God stands in your midst this morning reaching out to you. Jesus stands with his hand outstretched hoping you will grasp it. Let him in your life, let him in your heart, and let the love of God flow through each and every one of you.

Again, though it may be inconvenient, for the sake of bond, can we join hands as we approach this highest of all altars in confidence in the hope that the Lord Jesus has given us? Shall we pray:

Our Heavenly Father, we thank You for Your expressions this morning through every voice, for truly You have spoken to us. Again we ask Your forgiveness for our failings, our lack of commitment, and for being weak when we needed Your strength.

We pray, as we were taught to pray, for our enemies, that through them You may work also, that Your love may be expressed in all the nations of the earth and that men may be joined together in a bond that can be unbroken, in the name of the Divine Father.

We pray for those who are hungry in the world that Thy bounty may be shared with all, with love, for the sick and the ailing and the torn in war that cry out in their agony for peace. Give them peace, dear God, and let our commitment bring it sooner.

We pray, O God, for the leadership of our country, for the President of the United States, in this hour of awesome responsibility for our nation. Let us follow his commitment, dear God, and let us reach out with our own. For now is the time and here is the place.

Come into our hearts, Father. Give us Your peace, Your understanding and Your compassion.

And dismiss now, O God, to go forth in the world, examples and believing and a walking faith and truth before all men.

We ask it in the name of Jesus Christ. Amen.

THE END OF CHEAP ENERGY

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. McCLURE. Mr. Speaker, during its investigation of future energy needs in the United States, the House Republican Task Force on Energy and Resources has been advised that the costs of producing energy, particularly electrical energy, are increasing at an alarming rate. Even though there are differing opinions as to why costs continue upward, there is a general consensus that we are entering an era of continuing price increases for all forms of energy, including electrical. The ultimate impact on the consumer, whether residential or otherwise, will be severe, unless we can begin now to implement a national energy program for maintaining adequate supplies of energy at reasonable costs.

The partial explanation that some of the higher costs will be for the purpose of protecting our natural environment is true, but even this worthwhile endeavor is the subject of disagreement on what we can expect to pay in the future. According to the Environmental Protection Agency, the costs of generating electricity can increase as much as 30 percent, and this pays only for the removal of one pollutant—sulfur. On the other hand, the Tennessee Valley Authority, the Nation's largest electric power supplier, estimates that operating costs increases for sulfur control could be as high as 50 percent. The consumer, however, can take small comfort in the fact that some cost estimates are lower than others. In any case, the monthly electric bill will go up.

In searching for approaches to the price increase problem, the task force has endeavored to obtain detailed information concerning the electrical industries' operating costs, and their relationships to rates. One source of data that we have received is a speech given by Mr. Charles A. Robinson, Jr., staff counsel for the National Rural Electric Cooperative Association. I cannot agree with some of Mr. Robinson's statements concerning the causes of higher costs, nor with parts of his conclusions. As chairman of the Task Force on Energy and Resources, I do recommend his speech to my colleagues as an excellent explanation of the cost relationships for generating electricity. In addition, Mr. Robinson's projections for future energy and fuel supply shortages illustrate the seriousness of our problem.

During the coming weeks, the Task Force on Energy and Resources will be meeting with representatives of consumer organizations and representatives of the electric utility industry. One objective is the determination, explicity, of projected price increases for electric power together with the anticipated impact on the American consumer. As additional information becomes available, I will present it for the appraisal of my colleagues.

The speech follows:

THE END OF CHEAP ENERGY

Many of you here today may not like the title of this presentation. And, you may not approve of, or agree with, the way I have chosen to interpret some of the statistical material it contains. Representing as you do, however, a rather thoroughly sophisticated cross section of America, I think it would be most unfair to consume three days of your time at this conference without exposing to your observation some of the less pleasing and unattractive possibilities that lie ahead for all of us unless we get down to cases and really work at achieving some solutions to our present energy shortage.

I also believe that most of you are completely capable of viewing our national energy problems in a perspective somewhat broader than might usually be associated with your management roles in the electric utility business. The electric industry cannot solve this problem by itself because the problem is not one limited to that industry. It involves the total economics, physics, laws, ethics and philosophy of the national system by which we produce, process, and deliver our raw energy resources to our consumers. Consider this, if you will, as the framework for your evaluation of this panel.

A few years ago, it cost about $115 per kilowatt of capacity to build a coal fired steam-electric generating station. The same station now costs about $200 per kilowatt. A few years ago, reliable coal supplies were available at 25¢/million BTU. Now many utilities are paying 45¢ to 50¢, and even more, per million BTU for coal. A few years ago 6% of rate base was considered an adequate return on overall utility plant investment; bond money was readily available at 4% or 4½%. Bond yields are now close to 8%, and overall rate of return allowances of 8% with 12% or more on common equity are not unusual.

As a result of this rapid inflationary pattern, the busbar cost of electricity from a large new coal fired generating station has risen in the past three years from approximately 4 mills to some 8 mills per kilowatt-hour at 90% plant factor; and from 5.7 mills to 11.1 mills per kwh at 50% plant factor. For coal fired stations now on the drawing board, engineers are estimating $300 per kilowatt. This magnitude of investment will carry a busbar energy cost on the order of 10.5 mille per kwh at 90% plant factor and 15.8 mills at 50% plant factor.

So fast have utility costs been rising that some state regulators will privately admit that the political realities of holding public office actually prevent them from increasing rates fast enough to keep up with inflation. Apparently this peculiar situation partially underlies the decline in utility bond coverage from on the order of six in 1967 to between three and four in 1970, and the consequent wide scale derating of utility bonds which will, of itself, further increase the cost of borrowed capital.

Additional problems for the industry are posed by the ever growing and more persistent and exacting requirements of environmental protection laws and the unanticipated poor reliability of large generating units. The combined result of these two factors is delayed availability of generation and a proliferation of completed or almost completed generating units which, because of prolonged unscheduled down time or failure to meet new environment protection standards, can not be used to meet load. Assuming that an 800 megawatt generating unit, costing $200 per kilowatt, is financed with 60% bonded debt at 7.5% and 40% equity obtained at 13% (after taxes), the costs are about $65,000 in capital charges alone for each day during which such a machine is idle; plus, of course, the payment for energy purchased to replace that which the unused machine would otherwise generate. Thus, Atomic Industrial Forum President, Howard Winterson, estimates that based on 91 million kilowatts of nuclear capacity encountering a one year average on line delay, the total cost to the industry will be between $5 and $6 billion; equivalent to about 4 mills on every kwh sold by electric utilities in the U.S. this year.

These figures lead to the inescapable conclusion that we are now generating and selling electricity under conditions of steeply rising incremental costs. In other words, contrary to most prior experience, each kilowatt of production capability that is added to our electric power system will cost more to build and more to operate than its predecessors, and the cost of energy so produced by each successive new unit will be higher than average system cost. And, because of the time lag inherent in utility system pricing, this trend is likely to continue for some time.

It is within this framework that the electric industry during the next ten years must double its present generating capacity of 370 million kilowatts—install as much generation in the ten years between 1971 and 1981 as in the preceding ninety years between 1880 and 1970. This monumental task will require $104 billion of added investment for generation alone, or $193 billion if transmission and distribution are included.

Where will we obtain the fuel to fire this additional 370,000,000 kw. of generation to be installed by 1980, and the 740,000,000 kw. to be added between 1980 and 1990—and the 1.5 billion kw. to be added between 1990 and 2,000? The truth is that we don't really know. Actually, the continuing shortage of electricity is part and parcel and symptomatic of a much broader and less well publicized problem. Simply stated, we are now consuming conventional raw energy materials as fast as or faster than we discover their locations and extract them from the earth.

The generation of electricity accounts for only about 21% of U.S. mineral fuel energy use. Transportation (24%) and industry (31%) are the other big users. And, unfortunately, we derive more than 75% of our total usable energy from oil and natural gas, the apparent reserves of which are steadily decreasing. The United States is now dependent on imports for 25% of its oil requirements, a figure that seems destined to grow. And, although we hear much oil and gas industry jaw-boning about the need for higher prices to encourage exploration, there is substantially less assurance from these industries that higher prices will actually result in increased petroleum availability, or that such additional sources as are discovered can be brought to market at costs even remotely similar to present levels. Pipeline gas delivered to contiguous U.S. population centers from Alaska's north slope may well wholesale at over 75¢ per million BTU, compared to the 35¢ to 50¢ levels now prevalent. And, as the at market price of petroleum derived fuel rises, it will begin pushing into the cost regions wherein synthetic gas and motor fuels derived from coal or oil shale become economic.

Coal can be converted into both pipeline gas and gasoline. Using presently known techniques, however, the cost of such gas is from three to five times the cost of natural gas and the cost of coal derived gasoline is about 20% above present prices for the petroleum derived product.

Nuclear energy is responsible for about 2% of total U.S. electricity at present. We can substantially expand this figure within present reactor technology, but because the light water reactors are extremely inefficient in fuel utilization, their broad scale application could exhaust economically available uranium within a few decades. This, of course, is the reason behind the all out push for breeder reactors which will stretch out to several thousand years our usable nuclear fuel reserves. Development of the first breeder reactor prototype will cost about $500 million. The President has already proposed a second breeder prototype, and there is good reason to anticipate the need for several more developmental prototypes prior to the breeder being usable as a reliable and economically feasible prime mover for electric utility use. The development cost will be many billions of dollars, and the breeder will still provide no substitute for the hydrocarbon fuels required to supply our transportation and heavy industrial business complex (*i.e.*, 54% of our gross energy consumption.)

The nuclear fusion process, in which hydrogen from the oceans—a virtually inexhaustible supply—would be used to simulate the energy release processes of the sun, may be the ultimate in electric power generation, but unless we can multiply battery efficiency by several times that now attainable, the fusion process will still not give us a substitute for the hydrocarbon fossil fuels.

One basic problem, of course, is that no one really knows precisely what portion of our raw energy materials have been consumed to date. Carl Bagge, President of the National Coal Association (former member of Federal Power Commission), asserts that supplies of domestic oil and natural gas "are in critical shape," and that petroleum derivatives cannot be relied on in the long term for the present high proportion of our energy base which they supply. Bagge, believes, however, that U.S. reserves of oil shale are sufficient to supply 90 years of equivalent total present fossil fuel energy consumption, and that coal can provide an additional 260 years of equivalent present gross fossile energy use.

U.S. Bureau of Mines officials generally agree with Bagge's figures as to coal and oil shale, and, in addition, also, seem to feel that economic U.S. petroleum reserves will be about exhausted by the year 2,000. Some Bureau officials feel that we may be entering a period of increasing petroleum imports and a shifting to coal or oil shale to meet basic domestic fossile energy needs.

To look at the problem another way, let us assume that total national annual consumption of all types of energy will continue to grow at 5% per year. This is the approximate 1968–70 growth rate, and represents a doubling of total energy consumption each 14 years. Assume further that we have not used more than one ten millionth of one percent of our fossil fuel resources. Simple exponential mathematics tell us immediately that we will have used 100% of all such resources at the end of 29.88 doubling periods or within (14 x 29.9) 419 years. If we assume that we have used one millionth of one percent of such resources, then the point of exhaustion is reached in 370 years. If, like the use of electricity, we reach the point of doubling total energy consumption each 10 years, and if we have already used one ten thousandth of one percent (.0001%) of our total supply, then the exhaustion point will occur in 199 years. Obviously, if our total energy consumption continues to grow, we may well have not much more than a single century of fossil fuel left in the U.S. There does exist considerable valid evidence to support the proposition that our domestic petroleum production and our petroleum imports are being regulated by industry and government in concert to fix prices at levels necessary to satisfy oil producers and processors. Regardless of pricing policies, however, few experts question the fact that we are depleting our domestic petroleum reserves rather rapidly.

As to electricity, the long range limit on production by presently known methods may not be fuel availability at all, but rather the effect of heat release on the environment. According to an article by Claude M. Summers, which appeared recently in Scientific American, the U.S. consumed about 1.5 trillion kilowatt hours of electrical energy in 1970; all of which was ultimately released to the air as heat equivalent to one thousandth of the average heat received at the surface of the earth in the U.S. from the sun. If we continue to double present consumption of electricity each ten years, we will thus, within 100 years, be releasing to our environment the same amount of heat as we receive on the average from the sun. Obviously, there is some limit on heat rejection to the environment beyond which life as we know it becomes unsupportable.

It has been suggested that curtailing population growth might help to solve the energy shortage. The truth is, however, that U.S. per capita increase of energy consumption, which is about 4% per year, is as much to blame for overall increased energy consumption as is population growth. It might be possible to cut back on use of energy including electricity. However, the cutbacks to be effective in the long term would have to be drastic indeed. Assume, for instance, that present total U.S. use of electricity were cut by one third, held at that level for 10 years, and the present exponential growth rate then resumed. The long term effect would be to postpone by only 16 years (from 66 to 82 years) the time required to reach a one hundredfold increase over present use. Thus, for a present 33% cut, and a ten year period of zero growth, you achieve only a 24% stretchout at the end. The only way to attain a really substantial long term reduction is to restrict electric energy use to a linearly increasing pattern; *i.e.*, increase total energy use by the same number of BTU or kwh each year, rather than a fixed percentage of the prior years' use as at present, which is a logarithmically or exponentially increasing pattern. In effect, this means that we go to a constantly decreasing percentage growth pattern.

My personal view is that this magnitude of reduction could be achieved only by the most vigorous kind of government administered economic controls; controls which would be politically unacceptable in this country and which would result in seriously degrading our standard of living. On the other hand, regardless of what resources may be left in our storehouse of energy materials, it is, it seems to me, foolhardy to continue on a chamber of commerce type boosterism campaign of selling electricity without limit; at least until we can more accurately appraise these resources as to availability and cost. It is a little like writing a check for the new automobile without knowing how much money is in the bank or even in what bank the account is located.

When you sell an electric stove or water heater in 1971, you are committing electricity to operate it for at least a decade into the future, electricity which may, like natural gas today, be unavailable or available in limited quantity to meet that commitment. Not only are you selling a product that for one reason or another is apparently no longer as abundant at the moment and in the foreseeable future as it was a few years ago, but you are selling a product, which if you are not careful, may well carry a delivered cost to you higher than its present sales prices; and, for the future, a sales price higher than you might care to publicly admit today. It is this rationale which has led state regulatory commissions in Vermont, Missouri, New York, Oregon, Arkansas, California, Maryland and Pennsylvania to initiate proceedings designed to curtail promotional practices among both gas and electric utilities. It is this rationale which has led some major electric utility companies to abandon their sales promotion efforts and to effectuate higher incremental rates for heavy on peak usage. Similarly, gas companies across the country are declining new industrial customers, and in some areas are even refusing to serve new residential loads.

Let me emphasize that your total system loads inexorably will continue to grow, because the nation's economy and its population are growing. Moreover, your self-interest dictates that you operate your systems at peak efficiency. Until now, that has meant building off peak load, and no really serious penalty has actually ensued if something went wrong on a particular sales promotion campaign resulting in a higher peak. It will, I feel, however, be a completely "new ball game" in the decade of the seventies. I suggest that the old rules are no longer applicable, and that you cannot any longer operate a power sales program by "feel." You need to know really precisely the effect on system load of each appliance and the total cost and likelihood of meeting that load during a period of steeply rising incremental unit costs and general scarcity of energy resources. And, you need to adjust rate schedules to fully meet all of these costs. In some cases, the problem will, I feel sure, require computerized calculations to reach valid results.

Actually, no one really knows for sure where we really stand as to raw energy resource availability. Do we have enough oil to last 50 years or 100 years? When, if ever, must we switch to coal gasification? At what point in time and at what level, if ever, must we flatten out the curve of waste heat release inherent in present methods of energy utilization? At what point in time, if ever, is it likely that we convert to a system of individual residential or central station fuel cells which provide electricity without waste heat by combining gases in a reverse electrolysis process? Will the newly discovered process of converting organic waste to oil prove feasible?

The answers to these questions demand industry backing of a massive energy research program; one that will ultimately point the way toward utilization of basic energy sources now totally unknown or deemed so exotic to be wholly unworkable. Obviously, this will be an expensive quest. For electricity alone, the Goals Task Force of the Electric Research Council has recommended a 30 year research program of over $1 billion per year; about .6 mills per kwh per year on all electricity sold in the U.S. during 1970. And, remember, electricity is only 21% of our total energy use.

An energy research program of the magnitude that is obviously required must, I feel, be a Federal Government undertaking. We do not really need additional research designed to perpetuate high fuel prices, and fuel marketing controls. What we need is an all out effort to assure the energy that will be required to sustain for the future our free enterprise economic system and our national security.

Right now, the electric industry, the gas industry, the petroleum industry, the nuclear industry, the coal industry and a myriad of other special groups are all working toward diverse objectives via different routes; about like the Army, Navy and Air Force were working on a space program the day before Russia launched its first Sputnik. Sputnik I, though its danger to the U.S. was wholly psychological, immediately galvanized the entire nation into one loud, critical, insistent demand for effective action. It is this kind of stimulus to all our action that we badly need now to solve our energy problems.

Until we get some of these answers, it is my view that, as a matter of national policy, we ought to proceed rather cautiously in order to avoid the sustained expansion of energy consumption beyond our long term ability to supply it consistent with a physical environment possessing life support capability. I firmly believe that the answers will come in time, but, my feeling is that, like the free lunch, nickel beer and three cent daily newspaper, energy is no longer one of our most abundant or cheapest commodities; either now or in the foreseeable future.

CALL AN AMBULANCE

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. MOLLOHAN. Mr. Speaker, over the past several months I have been speaking out for better ambulance service, and just recently, on January 31, my colleague, the Honorable HOWARD W. ROBISON, and I introduced H.R. 12787, the Emergency Medical Services Act, to bring about needed reforms in this neglected area of health care.

In the midst of what is quickly amounting to a growing concern and debate on this problem, we may have forgotten the human aspects of the daily operation of an ambulance service. Therefore, to give my colleagues a better feeling for what it is actually like to be an ambulance attendant I recommend an excellent article by Elinor Lander Horwitz which appeared in the Sunday Star recently.

[From the Washington Sunday Star, Feb. 6, 1972]

CALL AN AMBULANCE

(By Elinor Lander Horwitz)

The young man in the purple pants has been seized with a case of the babbles. "I'm the one who called the ambulance. I don't know him, but man—I see someone bleeding—I call the ambulance, that's what I do."

Sprawled in the rain, perilously semi-visible between two parked cars, is a soggy ragbag of a man who suddenly laughs, emitting piercing aromas of alcohol and decay. His head rests on the curb, face upwards. There is a fresh cut over one eyebrow, which oozes slightly.

"I don't leave no one bleeding in the street, man. I see him here and I say, 'Hey, what's happened to you?' and he don't do nothin', just lie here, so I say to myself, 'Call the ambulance, man. Don't just walk away. Call the ambulance.' "

"My name's Willie Joe. Willie Joe my name." The drunk grins crazily.

"What happened to you, Dad?" Pvt. James Johnston asks, trying to hoist him to a sitting position.

The young man in purple pants jiggles his arms and legs anxiously. "I was just walking down 10th Street, man, and I see him here. I thought, who knows, he got hit by a car or maybe just drunk. You see a guy lyin' in the rain, you don't just walk away. Some people does, but not me, man. I go right to the phone and call the ambulance."

Pvt. Walter Butts gets the kit and he and Johnston fashion a tidy gauze head dressing. Together they half-drag, half-walk him the few feet to the Fire Department ambulance. We are off, swirling in lights and sirens through the glistening rain, to the George Washington Hospital emergency room.

"If it wasn't for the cut, we'd call the police and they'd take him to the de-tox center," Butts explains, "but the rule is if there's an injury, you have to take them to the hospital. Drunks are scary. You just can't tell if there's a serious injury, and the doctors have trouble telling, too."

Butts drives today, and Johnston sits in back with the patient on the bench opposite the litter. They alternate daily. I sit in the jump seat behind the driver, nestled against the litter and embraced in seat belts.

Willie Joe was our fourth patient in the hour I'd been riding in Ambulance No. 5. The first call was to the intersection of 14th Street and Rhode Island Avenue NE, where a car had been rear-ended. The woman felt shaken; the man said the collision had given him a migraine headache. They hopped into the rear seat of the ambulance and were taken to the Providence Hospital emergency room. En route from Providence to home base (Truck Co. 4 at 219 M St. NW), we were radioed by the dispatch center to respond to a call at 4th Street and McMillan Drive, where a car had skidded, jumped the curb and knocked down a pedestrian. Johnston and Butts immobilized her injured leg in a plastic inflatable boot (in case of fracture), took out the litter, carried her into the ambulance and drove off to the Washington Hospital Center emergency room. Next came Willie Joe, and after that a summons to respond to a sick call from a house on Oates Street NE. The sick man, who complained of stomach cramps, had decided he'd rather ride in his brother-in-law's car. He signed the required release, we checked in with dispatch and were off to see a pregnant woman on 7th Street NE who had slipped on some steps. Her neighbor, who had called the ambulance, offered to drive her to Georgetown Hospital (the ambulance rule is to go to the nearest participating hospital—in this case, Providence); so we were off to an auto accident on North Capitol Street. A well-dressed man in a jeep had hit a car driven by a young woman. Both drivers were talking to the police. The man, who bled from a cut forehead, shouted belligerently, "I'm a major in the Air Force!" Butts and Johnston bandaged his head as he tossed obscenities into the rainy gloom. He, too, refused transportation to the hospital. The driver of the other car suddenly decided that she would go. "I don't know if anything's wrong, but I just feel funny," she said. We took her to the Washington Hospital Center.

"I'm a major in the Air Force," Butts imitated, waggling his head in mock drunkenness. "The only difference between that guy and Willie Joe is that the major could still stand up."

"And drive a car," Johnston added grimly. We headed back to the firehouse and managed to arrive without being redirected by the radio from the dispatch center.

My time was up. Johnston and Butts commiserated. They told me of all that might have been and had been in recent weeks: a breech birth, a case of anaphylactic shock, a coronary victim met by the Code Blue team at the hospital and restored to life, a man with a knife gone wild. And actually, it was a bit of a letdown . . . having signed a two-page release form swearing, before a witness, that neither I, my family, nor my heirs, would lay any claim on the Fire Department of the District of Columbia in the event of my injury or death . . . having been told that no woman had ever, ever, ever (there is no more unremittingly masculine institution than a fire department) . . . having been warned that the ambulance frequently arrives at the scene of shootings and knifings while the attacker is still running loose . . . having picked the ambulance with the record number of calls for the year . . . and to add to it, all that rain. Well, at least there was some thrill to be salvaged from three hours of riding head-on down the wrong side of the street, deafened by sirens, peering out into visibility zero at motorists who were not pulling to the side. Furthermore, having spent an afternoon and an evening at the dispatch center listening in on a hundred calls for help, it was exactly what I'd expected.

The most talk-about issue among emergency medical service experts in this city is: what can be done about gross public abuse of an emergency service so that this same public can be protected in event of genuine emergencies?

The manual of "Operating Procedures Emergency Ambulance Service, District of Columbia" begins "The purpose of the Emergency Ambulance Service is to provide a 24-hour, city-wide emergency ambulance service for the District of Columbia. This service is restricted to emergency cases and does not include transportation of non-emergency cases."

How do you define an emergency, aside from obvious serious injuries and critical medical situations? Dr. W. Ronald Strong, associate surgeon at the Police and Fire Clinic, offers this distinction: "If someone falls crossing the street and sprains an ankle, that's a bona fide ambulance case because it happened in a public roadway. You have to send someone out to pick him up. But if a mother calls to say her kid slipped playing ball in the backyard and has the same injury, that's an improper demand on an emergency ambulance service. In cases where family members can take the patient to the hospital in a private car or in a taxi, they just shouldn't make a taxi service out of the ambulance. If someone has a vomiting drunk in the house and wants to get rid of him, that's abuse of the emergency ambulance service. But because of their regulations, the Fire Department can almost never refuse a call. I'd guess three-quarters of the cases carried aren't emergencies."

The ambulance driver is ordered to follow out the commands of the dispatcher, and it's an almost impossible assignment to train dispatchers to discriminate accurately between emergencies and non-emergencies. One dispatcher suggested using interns, but then admitted that the possibilities for tragic error are still enormous.

"We can't diagnose on the telephone; we just can't take the risk of making a mistake," says Battalion Fire Chief Jack Webb. "I'd say perhaps 50 percent of the runs can probably be classified as emergencies. What can you do? A woman calls and says it's an emergency, she's terribly sick and must get to the hospital. You get there and she has a rash or an ingrown toenail. It's a real shame. We just haven't been able to solve this problem at all. Also, a very high number of people refuse to ride in the ambulance once it arrives. Some good samaritan has called without consulting the patient, or they simply change their minds. Not only does this tie up ambulances when they might be seriously needed elsewhere, but it creates a terrific morale problem. Take the night shift—6 p.m.–8 a.m. They often work steadily the entire 14 hours, unlike fire duty when you do get some sleep. When they're called all over town at 2, 3, 4 in the morning to see people who just aren't anything like emergency cases, they really get disgusted. Each fireman must serve on an ambulance for a year and, although they make an extra $600 on ambulance duty and have a tremendous amount of experience, they almost never will volunteer to stay on."

To train a man to splint fractures, stem bleeding, deliver babies, clear airways and administer closed heart massage, and then send him out on six thousand calls a year, only to have him return afterwards to firefighting, seems a waste of human resources. Many specialists in the field would like to see the ambulance corps become a separate division of a three-corps emergency system: police, fire, ambulance. The ambulance corps could function within or separately from the fire department, but men would sign up exclusively for ambulance service. Ex-military corpsmen and paramedics could be solicited. It would require setting up a career ladder within the ambulance service itself—all personnel are now privates. Legally, however, many feel it would not require an act of Congress but could be effected directly by the mayor. The implications of such a system are now under study.

The city's emergency ambulance service has been run by the Fire Department since 1957. (The Department of Human Resources has five ambulances at this time, but they are for non-emergency transportation of welfare recipients who must be taken from home to hospitals or clinic appointments.) There are now 10 emergency ambulances housed in engine companies around the city. The Fire Department's current estimate of the number required for adequate coverage of their 60,000 calls a year is 18. By comparison, the city of Baltimore, widely praised for its ambulance service, has 15 ambulances for 35,000 runs annually; and in the Washington suburbs, the excellent volunteer Bethesda-Chevy Chase Rescue Squad maintains seven ambulances for about 7,000 calls annually.

At present, there are no ambulances based west of Rock Creek Park, an area now partially served by the Bethesda-Chevy Chase Rescue Squad. The greatest concentration of vehicles is in the highest-call area, the 7th and 14th Street corridors, roughly 4th to 18th Streets and Park Road to K Street. The ambulances put on about 40,000 miles each per year, need constant maintenance and must be replaced every two years.

Funds for the Emergency Ambulance Service come from the Fire Department budget. Because of a history of niggardly treatment from Congress, there isn't a great deal of optimism about the request in the 1973 budget for more ambulances and additional men. (As it stands, two men are assigned to each ambulance for each shift; they live at the engine house with the firefighters when on duty.) Fire Chief Joseph H. Mattare says that the first additional ambulance will be located in Engine 9 firehouse at 16th and U Streets NW to offer coverage west of the park, while also assisting in the high-workload area to the east. Second priority is said to be Anacostia.

At the central Fire Department Dispatch Center, two men sit at the ambulance desk receiving calls from homes, phone booths, police. At 2:30 on a bright, clear Tuesday afternoon one ambulance has gone to the Department of Agriculture for an employee who had a seizure; one to an elementary school where a girl injured her finger in a door; one to an office building where a secretary fainted; one to an apartment house where a woman tripped on the stairs; one to take an obsterical case to the hospital; one to collect an injured man ("There was a fight here and he has a cut lip and a knot on his head"); one for a schoolboy who hurt his ankle on the playground. The three ambulances in the easternmost part of the city are home: at 1520 C St. SE, at 50 49th St. NW, and at 2425 Irving St. SE. "Look at the board," Chief Webb says. "Right now most of the city is unprotected."

What happens if a serious accident occurs and all ambulances within range are on calls? The department sends one of its huge rescue squad trucks or even fire-fighting equipment to pick up accident victims. The rescue squad vehicles are designed to carry the heavy-duty equipment used to extricate accident victims from cars or collapsed buildings, as well as the gear necessary to cope with electrocutions, drownings and other disasters.

The communications men keep a log, but since the ambulance driver's job ends at the emergency room, there are no follow-up reports—simply the words: injury, illness, gunshot, cutting, obstetrical. On Friday night at 8 there have been 69 calls on this shift. How many seemed like emergencies? The dispatcher scans his list thoughtfully. "I'd say about seven or eight." A tape recorder by the phones records every word that passes between dispatcher and caller, "in case of any question relating to a complaint," a rare occurence. "Complaints run less than 1 percent," says Webb.

The dspatcher speaks to a woman who has called for an ambulance. He takes the name and address.

"What seems to be the trouble, ma'am?"

"There's a sick lady upstairs."

"What's she sick with?"

"I don't know. She told me to call the ambulance. She wants to go to the hospital."

"Will you ask her to come to the phone?"

"No, she can't do that. She's too sick."

"We'll send an ambulance right over."

He transmits the call to the nearest ambulance. "Now, I'm not a doctor, and I can't tell you whether that lady is seriously ill or not, but I'm willing to bet there isn't a reason in the world why she couldn't get to the hospital in a private car or a taxi." On the next call a man, requesting an ambulance, says he has "appendix and hernia trouble." The dispatcher asks how long he's had this problem and he says, "About two years." In a rare decision, the dispatcher informs him that this is an emergency service and that if he can't ride in a taxi, he must call a private ambulance service, "See page 88 in the Yellow Pages." The phone rings and rings: a woman thinks she took too many birth control pills . . . from his window a man can see someone sitting on the curb looking ill or injured. The next call reports a man having severe chest pains. The dispatcher warns the ambulance crew of possible heart attack, plugs his direct line into the hospital, and alerts them to the arrival. "Now that's what we're here for," he says. The direct lines to the hospital are relatively new. Communications would be further improved, says one expert, if ambulance crews could confer directly with doctors and nurses rather than having to go through the dispatch switchboard.

Despite low morale among ambulance men, shortage of both vehicles and personnel, the service does rank high in training, equipment and efficiency. Statistics from the Department of Transportation reveal that only 55 percent of the country's ambulance attendants have taken the Red Cross advanced first aid course. All D.C. firemen not only take this course, but when they start on ambulance service, they are given a much longer course—recently increased from 40 hours to 72 hours, with 16 hours in-hospital instruction. Of the 24,000 emergency vehicles across the country, 35 percent can boast what the American College of Surgeons designates as minimal equipment required for adequate care of the ill and injured at the scene of the emergency and en route to the hospital. All D.C. Fire Department ambulance exceed these requirements. The Department of Transportation is attempting to standardize training and equipment on a nationwide basis, via federal legislation of 1966, to be implemented by state laws.

While the D.C. Fire Department Ambulance Service and the 80 percent volunteer ambulance and rescue squads of Maryland and Virginia all receive high grades, only Virginia has a law requiring state certification of ambulances and emergency ambulance technicians. George Murlis, chief of the Office of Emergency Medical Services in the Department of Human Resources, is endeavoring to carry out the Department of Transportation's edicts in the District of Columbia.

At present, the level of training in private ambulance services ranges from virtually nothing up through the 26-hour Red Cross course, also given to Scouts and anxious housewives. Equipment is often minimal. The reason given is that they are not engaged in emergency work but only in patient transfer. Most experts believe that any vehicle transporting sick people should conform to the highest standards because of the possibility of complications en route. Nationally, almost half the ambulance services are run by funeral homes, but these subsidiaries are rapidly going out of business. Here there are very few. "There's not enough business around for a private company to build up a lush ambulance business," says Garyton Echols of Chambers, "and its almost impossible to collect unless you demand payment in advance, which most of us do now. The old funeral homes all had ambulances. They got close to the sick people so they'd get the business when they died. That's where the money was. The ambulance was like an advertisement—it always just broke even, even back in those days when you didn't have to pay a man $2.25 an hour as you do now." This year Chambers has been awarded a city contract to run night and weekend transfers. Public welfare patients who have been dropped in private hospitals by the Fire Department during the daytime and who are judged well enough to be moved are toted by Chambers to D.C. General. "D.C. law doesn't require that we use trained first aid men," says Echols.

Soon it will, and conformity with the law will be mandatory. How this will affect the already financially unsteady private ambulance business is yet to be seen. Surely some businesses will fold, but those remaining will probably be more professionally manned and equipped.

Many people believe that a helicopter ambulance service is also an essential adjunct to a top-flight emergency system. Dr. Robert Poole, chairman of the D.C. Medical Society's committee on aviation medicine, believes that the program would have to be funded by contributions and staffed by volunteer professionals. "It would cost $60,000 to $100,000 to operate the program for a six-month period, but one helicopter, traveling at the rate of two miles a minute, can do the work of four ground ambulances. You can bring patients from the middle of the Potomac, from area ski resorts and from highways directly to medical care facilities, and hospitals wouldn't have to duplicate services. One could be a burn center, one a radiotherapy center, one a heart-lung center. We feel it would work, both to stimulate emergency medical care and cut costs as well."

More than 50 counties and cities have helicopter ambulances today, inspired by the successful example of evacuation of the wounded by helicopter in Korea and Viet Nam. There are three police helicopters operated by the highway patrol in Maryland, which, in addition to search-and-rescue work and traffic surveillance, take accident victims to a trauma center at the University of Maryland Hospital in Baltimore.

The feasibility of such a seemingly valuable service in the District has been under study for years, although it does not appear to be a possibility for the near future. There are clearly other priorities: an increased budget for equipment and personnel; some second force—a non-emergency service, either in the Fire Department or the Department of Human Resources—for people who genuinely cannot ride or taxi to the hospital, cannot afford private ambulance service and are not eligible for the Human Resources Department's existing service. Most urgently, all efforts must be directed at an effective public education program to acquaint the populace with the aims and limitations of an Emergency Ambulance Service.

The combination of shorter work hours and a smaller workload, with much of the pure tax service eliminated, should infinitely improve the incentive among the men.

Butts and Johnston, more cheerful than most, offered similar explanations. "I don't really hate it. I just love my work as a firefighter. I knew when I joined the department that I'd have to do this, and I figure to give up one year out of 20 isn't all that bad." Would they opt to stay on when their year is up? Not a chance! Others speak bitterly of the exhausting volume of work, of taking frequent verbal and occasional physical abuse, of improper demands by the public. "Putting out fires seems important; chasing through the night to pick up someone who has diarrhea just doesn't."

Still, in the lives of men who stand enthusiastically ready to deny all human instincts and rush into burning buildings, some days almost make it worthwhile.

"Last week we had a double shooting," says Johnston, fastidiously spraying the back of the ambulance with a disinfectant air freshener.

"I'll never forget that guy!" says Butts, putting new sheets on the litter.

"Everyone there was in a panic. Both guys had shot each other and one had disappeared. We couldn't find him, so we took this guy who had three bullets in his chest. He was wide awake and mad!"

They laugh at the incongruity. "What he said is that the guy who shot him was his best friend."

"And I said, 'Boy, buddy, I sure would hate to be his enemy!' "

AMBULANCES: A PHOTOGRAPHER'S POSTSCRIPT

The challenge for me as the photographer on this assignment was one second at f/2.8 in a speeding ambulance. That meant I didn't get very many sharp pictures.

But the challenge as a person was something I didn't expect. I rode in Ambulance 5 for 30 hours, going to the hospital about 50 times. I saw many people suffer and watched two die. I helped administer oxygen and held heads or limbs steady as we dashed through the city. The experience left me sleepless for several nights.

I also saw a lot of fakers who used the ambulance as a vehicle to a hot meal and clean sheets for the night. I remember the frustration of Jim Johnston and Walter Butts after they picked their way through rush-hour traffic to assist a boy having an asthma attack, only to find he had run down to the corner store to get some candy to take with him to the hospital. He didn't get a ride.

I was amazed by the expert teamwork Johnston and Butts displayed when they had a really legitimate case. I saw them save several lives, yet the overwhelming number of "sickies" they transported had an extremely depressing effect on them. Only one of the 50 cases I saw thanked them. Two cursed them. The rest said nothing.

People's reactions as the ambulance wailed past them on the street were amusing. On one run from Washington Hospital Center to upper Seventh Street two little girls waved at us, a street dude greeted us with an obscene gesture and profanity, a guy at Seventh and Florida raised a clenched fist at us, a high school girl wrapped her arms around herself and fell to the ground, and an elderly man along Florida Avenue stood erect and saluted us.

One thing which really surprised me was the number of motorists who refused to clear a way for the ambulance. Aside from being illegal, that is both dangerous and discourteous. We had several close calls.

HEARING ON SMALL TOWN DEVELOPMENT NEEDS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. ALEXANDER. Mr. Speaker, as has become my custom in recent months, today I would like to share some of the testimony on small community and small town development needs which I received during a hearing held in Marked Tree, Ark.

The hearing in Marked Tree was one of four which I conducted in the First Congressional District of Arkansas. It was held for the specific purpose of gathering information from the men and women who struggle with the effort to try to revitalize and keep alive their small communities. I feel that what these people said at Brinkley, Walnut Ridge, Marked Tree, and Batesville could have been repeated in hundreds of small towns and counties across the Nation.

For that reason, I believe that any Member of the Congress who is interested in the right of survival of small towns and communities and in their healthy economic development will want to be aware of what this testimony reveals. So, today I am requesting that this information be made a part of the CONGRESSIONAL RECORD.

The testimony which I am sharing today includes that of Dr. A. Wayne Tennille, professor of agronomy at the Arkansas State University; County Judge Frank Dean of Poinsett County; Dr. Jere B. Lowe representing the Harrisburg Area Chamber of Commerce; Aubrey E. Scott, Jr., a widely recognized architect and planner who frequently works with First Congressional District of Arkansas municipal and county governments; Mayor R. E. Prewitt of Osceola; Mayor E. O. Woody of Dyess; Amos David, president of the Bank of Caraway in Caraway; and Mayor Calvin Williams of Bassett, Ark.

Congressman Alexander, I am A. Wayne Tennille, Professor of Agronomy, Arkansas State University. I would like to express my appreciation to you for this opportunity to express my views on the problems of the economic development of rural areas, especially those of eastern Arkansas.

Many changes have occurred in the population of our country in the past years. Rural areas have lost vast numbers in population in the past as well as today. Most of the population shifting has been from rural to urban aresas. In the past most of the people moved from the rural or farming South to the industrialized North and East. However, we find today that people are not moving so much in this direction, but there is still a migration to the more urban areas. For example, we find from census figures that of the three-county area including Craighhead, Mississippi, and Poinsett Counties, only Craighead gained in population, 10.1%, during the period from 1960 to 1970. The other two counties lost from 11.6% to 13.0% in population. Looking at Appendix Table I, we find that all three counties gained in urban population but lost population in the rural areas.

Why have these population shifts been from rural to urban? One primary factor has been the mechanization of farming enterprises within the area. Young people who are not able to obtain employment in the rural areas move, after graduation from high school, to the more urban areas in search of job opportunities. Those who have job skills that are in demand are probably welcomed into the urban labor force. However, all too often job skills are limited and this means that the factories hire these people as non- or semi-skilled workers at the lowest income levels.

The mechanization of farming has increased at a rapid rate for the past twenty years, but has begun to slow down for the present. When farm areas under the control of only one or two people become extremely large, we find that efficiency is better. However, under these conditions we find that the operators must hire farm laborers, and this gives job opportunities to people in the rural areas. Many times young people would like to enter the area of farming as an occupation, but unless the young man or woman inherits a farming interest of some type, it is extremely difficult for them to return to farming due to the high cost of setting up a farm. It is estimated that in order to begin farming 500 acres today, it would require between one-half to three-fourths of a million dollars to buy the land and necessary equipment. Not many young people are dedicated enough to assume this burden today and this is probably one of the reasons that the average age of the farmer is higher now than at any other time.

According to the USDA Economic Research Service, the average value of farm land in Arkansas was $129.00 per acre in August, 1971. However, from land sales in eastern Arkansas, we know that very little land can be purchased for less than $500.00 per acre in the fertile delta and river bottom areas.

From the above it can be concluded that farm enterprises today are big business and we probably will never see again the day of the small family farm as we had in the past. Possibly, with a shift in industry from the large metropolitan areas to the smaller communities, we might find more and more of the people migrating back to the farm areas. But the people will probably be only commuters from one area to another. When this occurs many stresses will be placed upon these rural communities. These stresses will include such things as public utilities. An excellent road system must be developed for this type of community growth in order for people to commute easily and quickly to and from work areas.

From Table II in the Appendix, we can see what happened to the number of jobs on the farm as well as in manufacturing areas. Farm or agricultural related jobs have declined in all counties. The non-agricultural job force has shown an increase in all counties. This shows that even if farm jobs are being reduced, non-farm related jobs are on the increase. This means that we may need to develop an industrial training program in our schools. By providing skilled workers, we might possibly induce more factories to locate in our area, which in turn will provide more jobs with higher salaries.

With the realization that my specialty is in the field of agriculture, more specifically soils, I feel that my qualifications are not as great as some of the others appearing on this program today. However, in answer to the question of why we are losing population from the rural area, I would like to say that in my opinion, the trend for large mass migration is over. We have lost about as many people as we can afford to from the farm and still be efficient producers of needed food and fiber. I think we will see more young people with college degrees begin to take a greater interest in farming as a way of life. It may be that some additional sources of financing for these young people need to be found. This might be one field that a sound community development program could help.

Congressman Alexander, it is a pleasure for me to go on record in support of your community development proposal. This is a key proposal for the development of the rural-urban areas such as we find in eastern Arkansas, and for this development to occur on a sound economic basis, help must come.

Thank you.

APPENDIX TABLE I.—TOTAL POPULATION, URBAN POPULATION, RURAL POPULATION, AND PERCENT CHANGE FOR SELECTED ARKANSAS COUNTIES, 1960 AND 1970

County	Total population		Urban population		Rural population		Percent change		
	1960	1970	1960	1970	1960	1970	Total	Urban	Rural
Craighead	47,303	52,068	21,418	27,050	25,885	25,018	+10.1	+26.3	−3.4
Mississippi	70,174	62,060	26,986	31,956	43,188	30,104	−11.6	+18.4	−30.3
Poinsett	30,834	26,822	7,727	9,146	23,107	17,676	−13.0	+18.4	−23.5

Source: U.S. Census of Population, 1960 and 1970.

APPENDIX TABLE II.—TOTAL CIVILIAN LABOR FORCE IN ARKANSAS AND SELECTED COUNTIES (WITH EMPLOYMENT FOR AGRICULTURE AND NONAGRICULTURE) FOR 1960 AND 1970

Area	Total civilian labor force		Total agricultural labor force[1]		Total nonagricultural labor force[1]	
	1960	1970	1960	1970	1960	1970
Arkansas	595,100	731,400	89,200	58,400	465,000	634,200
Craighead County	15,850	21,650	3,425	2,200	11,935	18,375
Mississippi County	20,425	22,300	5,435	3,600	13,500	17,525
Poinsett County	9,675	9,550	3,150	2,050	5,900	6,975

[1] Does not include unemployed labor force.

Source: Arkansas Labor Force Statistics, Arkansas Department of Labor, Employment Security Division.

TESTIMONY BY POINSETT COUNTY, ARK., JUDGE FRANK DEAN

TEN MOST URGENT NEEDS OF POINSETT COUNTY AS RELATED TO ITS EFFORTS TO INCREASE AND IMPROVE ITS ECONOMIC CONDITION

1. Farm To Market Roads.
2. Improvement of U.S. Highway 63 in Poinsett County.
3. Development of a water & sewer system to our existing industrial parks, especially in our larger towns: Marked Tree, Truman, Lepanto, and Harrisburg.
4. Development of Natural Resources of Crowleys Ridge.
5. Need for a County wide water and sewer system.
6. Expansion of Poinsett State Park as our main recreational facility.
7. County wide Ambulance service.
8. County wide solid waste & sanitary land fill for garbage & solid waste materials.
9. County "Hold" homes for retarded children until they can be placed in State supervision.
10. Foster & group care Homes.

OUTLINE FOR FUNDING

Federal Government make available at our local banks money to Counties at a low interest rate amortized over a period of years to be paid out of increased assessments due to increased economic conditions created by doing these projects. These loans should be approved by the administrative and Legislative head of the local Governments.

ANALYSIS OF ACCOMPLISHMENTS MADE UNDER EXISTING GOVERMENT PROGRAMS

The programs that are already funded have been accepted well by most agencies but the funding has been with matching funds. This has been hard to come up with especially in smaller counties.

To stay on top of all the Federal programs we must employ a full time person and since we could not match the programs this would be a waste of money.

I know most of the officials of County Government are looking for a way the Federal Government could come up with something different so they may get help in doing the things that are necessary for the people of the respective counties to live and earn a livelihood.

TESTIMONY BY DR. JERE B. LOWE, HARRISBURG AREA CHAMBER OF COMMERCE

One can not make a coherent presentation of community development needs without laying down the terms and making certain statements that define the sense of community. We observe that the *lack* of community is an important background fact in the many ills suffered by urban concentrations. When people are thrust together so closely yet feel and exhibit no sense of common purpose, then conflict between those personal interests represented is inevitable. The bitterness of this conflict will be proportional to the depth of personal commitment to private goals and the lack of realizable public common objectives. It is in this context that small cities can contribute greatly to the public good and national harmony. By being a unit of government that the usual person (I do not use the word "average" deliberately) can understand and encompass the small city hardly ever is considered unmanageable and hopeless for change.

It is true that change apparently comes slowly, but compare the rate with the basic changes that larger urban centers have achieved and you will be astounded at the departure from the stereotyped, sluggish country town. The small city responds to citizens pressure rather than having a bureaucratic interest in resisting it.

We have read some testimony given at the hearings and concur with much that was said at them. In all of them the thrust is to improve the quality of life in the form of updated municipal services, many of them long overdue. We submit that the effort must include attainable porjects in the area of improvement of life-quality. These will lend an attractiveness to living that will do much to lure the jobs that are required for returnees from the urban sprawls.

We have found that desriable industries for our communities demand desirable communities first. We hoped to attract them and thereby enlist them in developing the type of community we all desire. We have discovered that we must first make our selves attractive to even be in the competition. The very lack of these jobs has assured us that those energetic, idealistic, achievement-oriented young citizens that could accomplish this are the first losses we experience. We are then left with severely reduced forces and an increasingly large task. After they get to the cities we hear their voices demanding that society be relevant to human needs. We believe that this relevance was what they left behind when they were forced from the small city by lack of opportunity for employment. We do not concentrate our poor in ghettos miles from the middle class where they feel that they are isolated from life, neither do our wealthy escape daily confrontation with the problems of the indigent. I do not suggest that we have proportionally less of these problems, only, that we are more aware of them. I do suggest that our structure is more suited to developing answers to these problems than the large scale money-sinkholes that urban bureaucracies seem to have become.

Specifically, how do we propose to deal with these problems?

Harrisburg is not greatly different from the other cities and towns that have presented their needs in these hearings. We need such basics as curbs and gutters for our city streets. However, this requires a storm sewer system before this is practical. We need to add a new water well to accommodate expected growth. The most logical direction of this growth is east and into Crowley Ridge, our scenic crowning glory. Growth in this direction is impeded by the unsurmountable expense of water and sewer extension into a hilly area of that nature. Yet this is an ideal residential area because of its beauty and surface texture. We know that growth must bring living quarters, yet we find that much of the construction assistance available goes only into low-cost housing that creates a feeling of uneasiness when one views what may be our "instant slums".

As to the center of county government we feel that we have a responsibility to provide support to the various offices in the way of parking and public facilities. This will present a continuous exercise in innovative thinking as transportation and communication develops and requires such things as computer terminals and motor pools for effective county government.

As I compile these thoughts I have not seen Judge Dean's comments, but I am sure he has presented the modernization of county administrative quarters as necessity and I must second this as it also pertains to the town of Harrisburg.

The economic direction of our city is toward residential, commuter-type living. This is not particularly by choice but by the hard facts of life in our area. There are centers all around us with more industry than we. Our commercial direction seems to be toward the service-type and residential supply endeavors. This is wonderful and will do precisely what we wish it to do for our community with some aid and direction. The aid we require to continue in this direction, for we seem to be committed with only the alternative of dying, can be described in this manner. The development that we are trying to stimulate requires more expenditure than simple industrial development. A residential community requires high quality schools, recreation and cultural opportunities. All of these in turn require a high grade of leadership with new younger leaders always in training and being given responsibilities so they may grow. If our city government were given access to funds for sidewalks, park spaces, and timely increase in basic utilities then our people would see that these were wisely used. As you remember our bureaucracy is not so large as to be subject to rather minute citizens supervision.

The program I outline here is not one that lends itself to a grant of X number of dollars in a lump sum. I would suggest a continuing availability of development funds on the order of $200,000 per year for 5 years or some such plan that would make it almost mandatory that the steps be orderly and in sequence. This would leave a flexibility that would allow for future needs that are now unanticipated. The necessity for filing extremely lengthy and complicated applications for each and every assistance only increases the chance of rejection because of some fault in submission that is not important to the purpose or intent. While these applications wind their way through the bureaucratic forests we find ourselves dealing with last year's problems while this year's emergency sprays mud in our face.

Testimony by Aubrey E. Scott Jr., Architect and Planner, of Jonesboro, Ark.

INTRODUCTION

Our organization has been in existence over 46 years in Eastern Arkansas for the practice of architecture. During this time we have worked with many local governments, communities and private clients. This work has involved us with the needs and desires of this area in the fields of health, education, welfare and the planning for these needs.

Historically these needs have been far greater than the availability of funds. It repeatedly happens in the search for funds that people encounter obstacles that deter their progress. These obstacles occur in many forms. Some are agency people that are not flexible in their interpretations of programs; some programs are inflexible; long review times and indefinite answers are stumbling blocks.

Probably the most severe criticism of aid or assistance programs is that they are designed for high population urban areas. They are *not* flexible enough to allow them to be used to assist the majority of the communities in Eastern Arkansas.

I will, briefly, discuss several of these programs and point out their obstacles.

FARMERS HOME ADMINISTRATION

The program of rural water systems is excellent except it results in considerably higher monthly water bills than for city dwellers. Larger FHA grants would lower these rates and make living in these areas more attractive.

BUREAU OF OUTDOOR RECREATION

Emphasis on this program is limited to areas of high population and excludes assistance to projects in this area outside of Memphis Metropolitan Area.

ECONOMIC DEVELOPMENT ADMINISTRATION

EDA requires a "bird in hand" as a requirement for their assistance in new industrial park development. This requirement to have an industry committed and signed to locate before assistance is committed is good in theory. In practice, it is difficult to maintain an industry "on the hook" while all of the lengthy applications, reviews and interviews take place. Industry normally prefers an established industrial park because many of the utility and access problems have already been solved and therefore prevent delay.

One of EDA's goals should be to assist rural areas to make them attractive to industry. This decentralization of industry will also assist in slowing down the out migration in this area.

PORT DEVELOPMENT

The Corps of Engineers make a prerequisite to performing port work that the community commit itself to construct a public terminal. You can see that this is a deterrent to development since again the local authority lacks funds until after use of the Port by private industry.

Let the local community determine when they need a publicly owned terminal.

HUD NEIGHBORHOOD FACILITIES GRANT PROGRAM

Two-third or ¾ Grant to assist in financing a neighborhood facility to accommodate programs of community service.

"Facilities for one-stop social, health, welfare, recreation and neighborhood activity center, intended to bring the local services and activities it houses close to those whom it serves."

Program was apparently abused in the beginning and subsequently requirements became more restrictive and less money available so the programs effectiveness has been killed. Only $300,000 for Arkansas this year. Restrictions were causing communities to implement programs as a requirement rather than because of a need.

FEDERAL PROGRAMS AND AGENCY COOPERATION

We acknowledge *and* commend those federal programs that *do* encourage private industry to locate in rural, economically depressed areas but how inconsistent it is when federal agencies disdain to apply this to *their* site selections.

Local communities have attempted to no avail to convince federal agencies of the advantages of low land costs, uncrowded conditions, and other reasons to locate in the non-metropolitan areas. This is difficult to understand when the urban areas are crying about traffic congestion, insufficient mass transportation, pollution, crime, housing, and you name it.

The location of some of these truck oriented facilities in areas of low population would assist in urban areas.

GENERAL PROGRAMS

Generally speaking, the programs that *are* aids to education, aids to health and aids to transportation base needs on relation to population. This creates the emphasis on aid to the areas of high population and high traffic.

How extremely valuable it would be in our areas to allow local communities to develop and implement their *own* programs in order to prevent the occurrence of the cities problems. Money for preventative maintenance can be more effectively spent in lieu of pouring huge sums into "brush fire" occurrences which is necessary in high population areas.

SUMMARY

We have participated in many planning functions including educational studies, comprehensive planning for communities, metropolitan area planning, commercial and industrial planning. Probably the most comprehensive was the year long conference to establish "Growth Policies and Goals For Eastern Arkansas: The Hope and Promise Of The Future". This was jointly sponsored by East Arkansas Planning and Development District, Arkansas State University, Southwestern at Memphis and The Brookings Institute of Washington.

The policy statement that was prepared is our guide for the future of Eastern Arkansas. We live in a unique area and if we can have flexibility in aid and assistance programs to adapt them to our needs then we will not become the tax burden like high population areas. We will be a planned area of continuing growth.

Testimony of City of Osceola and Osceola Chamber of Commerce, by R. E. Prewitt, Mayor

My name is R. E. Prewitt. I am Mayor of the City of Osceola and I will attempt to represent the City of Osceola and the Osceola Chamber of Commerce in representing the needs of our community in this hearing.

Osceola is a community of some 7,500 people that has successfully balanced agriculture with industry. If we had been unable to attract industry, the population of Osceola most surely would have shown a marked decrease. As a growing community, we are called upon to provide more services and facilities for our people, but find the funding of these needs more and more difficult. We consider the following items as urgent and necessary for the orderly growth and economical development of our city.

FINANCIAL HELP IN SOLID WASTE DISPOSAL

Osceola, as is every other city in the nation, is faced with the terrific problem of its disposal of solid waste. We have moved the old garbage dump and have begun a sanitary land-fill, but this will last a little over a year. The City Council faces immediately the purchase of some 40 acres of land and the purchase of a very expensive piece of heavy equipment which will cost altogether around $100,000. The City does not have this kind of money. We feel that the Federal government's assistance in programs to fight pollution should be extended to include solid waste disposal, and since these regulations have been promulgated already by the Federal government, we feel that grants for a large portion of this start-up cost should be made available to the cities.

ADDITIONAL CAPACITY FOR OUR MUNICIPAL WATER SUPPLY

Due to our growth, our municipal water supply system is nearing its rated capacity. Where grants have been available to help solve the sewage disposal problems of the cities, we feel that some funds should be made available to assure a continuance of a safe supply of pure water to meet the needs of our city. Long-term low-interest rate loans would certainly provide great assistance in this area.

ASSISTANCE IN THE AREA OF RECREATION

The health and physical condition of all the citizens of our community is of great concern in all areas of government. We are sure the President's Commission on Physical Fitness has provided much help at the national level, but feel that assistance at the local level would be felt more immediately by all of our citizens, both young and old. Federal help in re-establishing Lake Neark would certainly help to fill the void in our shortage of parks and recreational areas.

ACCESSIBILITY OF FEDERAL PROGRAMS TO THE COMMUNITIES

In many instances, due to the rigid guidelines imposed, many of the existing programs do not adequately serve the purposes for which they were drafted. Due to delays in receiving the funds, the cities find it difficult to provide interim financing because of the state constitutional limitations on the borrowing power of municipalities. If the "red tape" could be cut, we would be able to take advantage of more existing programs.

REMOVAL OF THE $5 MILLION LIMIT ON INDUSTRIAL REVENUE BONDS

The present limit imposed by Congress is totally unrealistic in view of the increased construction costs of plants and related facilities. Inflation has played a big part in making the $5 million limit inadequate. We would recommend Congressional action raising the limit to a minimum of $15 million. We would also recommend removal of any limitation on expansions of facilities existing more than three years. Many new industries would develop and expand if the limit were raised, which would provide more jobs and help relieve unemployment.

The major problem faced by the cities and towns in Arkansas in relation to financing their needs is the lack of home-rule accorded these cities. We are still operating under a five-mill Constitutional limit for general city operational purposes. It is next to impossible for cities and towns in Arkansas to secure adequate monies to provide the necessary police, fire and other basic needs with the restrictions now placed on them.

We feel that the small and middle-sized towns and cities provide the most wholesome atmosphere in which to rear a family and if their basic needs are not met, we feel that a deterioration in all areas will occur.

We appreciate the opportunity to present this information for consideration during this hearing.

FACT SHEET, COMMUNITY DEVELOPMENT PROPOSAL HEARING

(Submitted by the Town of Dyess—E. O. Woody, Mayor)

I. NEEDS

The citizens of Dyess, Arkansas feel that the following list of needs are important to the future development of Dyess. It is our purpose to make Dyess a more attractive community, to encourage our citizens to build homes in Dyess rather than to migrate to the larger cities.

1. Sewer treatment plant and extension of the present sewer system. This project has been filed with the East Arkansas Development Association, $90,000.
2. Improvement of streets—including street drainage and hard surfacing, $40,000.
3. Small Industrial Plant, $70,000.
4. Recreational Facilities, $25,000. (a) Park; (b) Community Center.
5. Extension of City Water System to include the rural areas outside the Town of Dyess, $123,000.
6. Medical Clinic—The South one third of Mississippi County, at present, is without a medical facility. The communities of Wilson, Keiser, Dyess, Joiner, Denwood, Birdsong, Frenchman's Bayou, Marie and Bassett possibly could be served by one clinic.
7. Beautification, $5,000: (a) Landscaping; (b) Drainage; (c) Citizens program for Clean up—Paint up—Fix up, etc., total $253,000.

II. IMPROVEMENTS THAT HAVE BEEN ACCOMPLISHED

The following list of accomplishments, by the town, since it was incorporated in 1963 is submitted for the purpose of affirming the interest of the people in their community and to bring out the fact that the present financial structure of the town will not support further development without some outside financial assistance:

1. Installation of street lights.
2. Construction of City Hall.
3. Employment of a Town Marshall.
4. New Well.
5. New Water tank (50,000 gallon capacity).
6. Extension of water lines.
7. Installation Water Meter.
8. Two housing projects are now under way by private investors.
9. Several new culverts for improvement of drainage.
10. Re-graveling of most streets.
11. Addition of the county road North to Highway No. 14 to the State Highway system, and construction of two new concrete bridges and hard surfacing of this road. This was accomplished through the State Highway people.
12. Hard surfacing of the County road due East from Dyess. This was accomplished through a County Road improvement program with the assistance of the State Highway Department.

The present assessed evaluation of property within the corporate limits is not sufficient to finance a Municipal Bond Issue to help finance any major improvement in the town.

TESTIMONY PRESENTED BY AMOS DAVID, PRESIDENT OF THE BANK OF CARAWAY IN CARAWAY, ARK.

GENTLEMEN: It is my honor and pleasure to offer for your consideration the opinion of some of Craighead Counties leaders who worked together in our preparation of our testimony as follows:

OUR MOST URGENT NEEDS

Hospital and medical services. There is no way that we can develop our rural areas to proper extent without improvement of these services. We need County hospitals with well equipped facilities if we are to attract doctors and medical people to keep our people remaining or returning home and attract more industry.

HOUSING

Some improvement in method of financing homes for middle income people, in the true rural community, would be desirable. Housing is one of our most important needs and the middle income man was missed just a little in existing government and domestic programs.

A road program that would deal specifically with roads from rural communities to Inter-State highway systems, if they were missed by the I system. Discussing industry in a small town without Inter-State highway today is rather like talking to them about locating in a community without a railroad twenty five years ago.

Small, hard surfaced airports that would serve up to commercial jet aircraft. Most industries have their own small jets or other aircraft or they are served by people who fly such aircraft and will be attracted by this service. Many other needed services would be born by the life and existence of the four mentioned services.

For small communities, we need a better way to finance industrial parks than our own Act Nine or Act 49 bonds. Companies who can qualify for good sale of Act Nine bonds are usually a little heavy and large for a community the size of our home community. Act 49 allowable millage does not quite provide proper amounts for todays building cost.

MODEL COMMUNITY

We hear about these on the large and perfect scale basis. We would suggest thought to a more realistic approach to such a program of designing and inacting a program that would, in a set and short period of time, change a town like Caraway from population of 1,100 to 5,000. Set up a program that would transplant the 4,000 people from overpopulated areas to this community and set them about gainful employment provided by the program. Then leave Caraway to build from this model beginning on her own and go about helping some other community. On any other plan of building model communities, there seems to be a great possibility of building overpopulated areas of our own.

FUNDING NEEDS

The need for medical facilities and the will to help themselves was truly demonstrated by the people in Craighead County in a recent tax millage election. In effort to construct a some four and one-half million dollar, 100 bed hospital, our people voted some 80% to tax themselves for construction.

This need can not and will not be filled without help of Hill-Burton or similar aid. In funding housing, some changes in guide lines of Farm Home Administration would entirely solve the problem. Funding of roads from small communities to Inter-State Roads, it seems, could be done without additional revenue of taxes. Arkansas is probably as far in advance of schedule of building of Inter-State as any state. The continued spending of like amounts of monies with priority to small industrial communities probably would provide this service as early as needed. These roads, of course, will have to meet the need of over-the-road heavy trucks with high payloads.

Although we are not prepared to properly discuss funding of small airports, we feel that the cost would not be prohibitive. We also feel that many dollars now going to people on welfare who are able to work could be spent for paying people for such public works jobs and constructions. In this event, we would not only provide needed public services but would also provide an honorable way for those people to earn a living.

We believe it possible that better financing programs for small community industrial growth and model cities of the type herein described can be funded only by making the money available to small communities on more workable loans basis and that such programs could well liquidate themselves from their own income.

Gentlemen, please let the record show—We are in no way saying we like the share-the-revenue-program of the President of The United States. We only recommend the program of Congressman Alexander in efforts to provide rural community with opportunity. We are not saying "Turn any x, y, or z community loose with vast sums of unearned money that may be spent most unwisely." We are suggesting partnership of government and community or loans to community or individual for specific programs that will provide these services. With such programs and their results, Gentlemen, we will serve people who have and will continue to make America great and wonderful. We will reduce strife and riot and keep America Free.

Thank you Genlemen for allowing us to appear on this most important program.

TESTIMONY BY CALVIN WILLIAMS OF BASSETT, ARK.

I am Calvin Williams, Merchant and Mayor of Bassett, Arkansas. Bassett has a population of approximately 300 and is located in the south end of Mississippi County. Many of the citizens of Basset commute to jobs in Wilson, Joiner, Osceola, Memphis and West Memphis. By this and the fact that the population of Bassett is growing I am persuaded that Bassett indeed has a future.

In the brief time that Bassett has been incorporated, we have installed street lights, paved most of our streets and installed a city water system. Presently we have an agreement with the Joiner Fire Department for their services.

We have a very good city government that is functioning, but we have needs that exceed its capabilities. These needs are as follows:

1. A city sewer system.
2. Additional housing that is within the price range of working people, and also some type of comfortable dwellings for people who have already retired.

To accomplish the above we need first advice as to what funds are presently available and the procedure for obtaining these funds.

In closing I call to your attention the changes that have been and continue to take place in population patterns. In the last decade the need for agricultural labor has dimnished by 75%, most of the farm houses are torn down as soon as they are unoccupied. These people are forced to flee to the Metropolitan Areas and in many instances have difficulty in adapting to their new environment, if they adapt at all. This inability to make this drastic change late in life often times forces the people into a non-productive existence. Now more than ever our country needs rural communities. I implore you to assist us in every possible way and to do so with urgency.

Mr. Speaker, this is the 14th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my research into ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS of September 22, pages 32740–

32741; October 1, pages 34505–34506; October 6, pages 35409–35410; October 13, pages 36133–36135; October 21, pages 37358–37361; October 28, pages 38121–38123; November 3, pages 39156–39158; November 11, pages 40813–40816; November 17, pages 41182–41184; December 3, pages 44697–44699; December 9, pages 45963–45966; December 15, pages 47309–47312, and January 25, 1972, pages 1225–1226.

GENTLE SOLUTIONS FOR OUR ENERGY NEEDS

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 8, 1972

Mr. GRAVEL. Mr. President a case is made with vitality and clarity for developing two of this country's inexhaustible and pollution-free sources of energy in a new paper by William E. Heronemus, professor of engineering at the University of Massachusetts at Amherst.

The paper concerns windpower and sea-thermal power—which means it concerns the capability of most of the 50 States to produce safe, clean, abundant energy.

The combination of these two sources of energy "could satisfy all the projected energy requirements" of the next hundred years, according to Professor Heronemus in this stimulating paper, which he presented on January 12, 1972, to local sections of the American Society of Mechanical Engineers and the Institute of Electrical and Electronics Engineers.

PAPER PLACED IN THE RECORD

Mr. President, I ask unanimous consent to have this paper, entitled "The United States Energy Crisis: Some Proposed Gentle Solutions," printed in the RECORD.

Those who wish the several excellent diagrams and maps in this paper may request copies directly from Professor Heronemus.

COST, FEASIBILITY, SIMPLICITY

On the question of cost, Professor Heronemus has enough confidence to stick his neck out:

> The electricity produced by the proposed systems is economic even by today's false yardsticks; by 1980, it would be a genuine bargain.

On the question of technical feasibility, he says:

> An acceptable technology exists for all aspects of both (wind-power and sea-thermal) processes; five years' development with existing underemployed technical talent could improve that technology. The components are those that could be manufactured in existing underemployed industrial plants using existing labor forces.

Three questions conclude his paper:

> Need we bother very much at all with fission and fusion if there are alternatives? Would there be some unacceptable stigma to our society if we were to opt for an energy system whose science and technology would be very unsophisticated? Is the United States willing to give proper attention to some very . . . low-key, gentle, alternative solutions to her energy crisis?

TIME FOR ACTION

Those are straightforward questions which all Members of Congress and their concerned constituents should answer now, before the current budget hearings are over, and another year is lost.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

[A paper presented before a joint meeting of the local sections of the American Society of Mechanical Engineers and the Institute of Electrical and Electronics Engineers, January 12, 1972. West Springfield, Mass.]

THE U.S. ENERGY CRISIS: SOME PROPOSED GENTLE SOLUTIONS

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(NOTE.—Some figures not reproduced in the RECORD.)

TWO SOURCES OF POLLUTION-FREE ENERGY

This paper is a statement of advocacy and a gentle protest.

I do not think that anyone of the hundreds who have raised their voices concerning the energy crisis in the past few years has been fair or even accurate regarding two sources of energy available within the United States, available for exploitation.

I speak of power from the wind and power from ocean thermal-gradients.

I speak of two sources of energy that are inexhaustible, that are created for us by solar energy, and for which fuel costs would be zero for all of time.

I speak of two sources of energy which combined could satisfy *all* the projected energy requirements of the 21st century: they are not insignificant in terms of projected United States requirements. They are even more significant in terms of the entire World's requirements. They are of peculiar significance to the fuel-starved developing nations of the tropic and sub-tropic zones.

And I claim that they are realizable using existing technology, and that they would be economic if compared realistically against their polluting competitors.

I. THE MYTH THAT TOTAL WIND-POWER AVAILABLE IN THE UNITED STATES IS INSIGNIFICANT

There are three major misconceptions or, just simply ignorant dismissals concerning wind power that should be set straight. The first is that the total amount of wind power "harvestable" within the United States is insignificant in terms of the estimated 1.6 × 10^6 Megawatt electricity generating capacity projected for the year 2000.

One of the first references in which that statement is to be found is in Putnam's "Energy in the Future," 1953 (1). Putnam was the technical and administrative genius behind the largest single wind power experiment yet to be conducted in the World, the 1939–1945 Grandpa's Knob (Rutland, Vermont) experiment.

The Grandpa's Knob machine generated 1.5 Megawatts of electricity in synchronism with a 60 cycle net. This was done in a terrain-accelerated windstream that showed an annual average wind speed of 17.5 miles per hour. Putnam's experiment ended with a structural failure. The concept ended in fiscal failure because the entrepreneurs involved could not convince themselves in time that they could meet a total cost per installed kilowatt of less than $191 (1948) (2).

Palmer was very much oriented to the New England scene and to the idea that a well-suited aerogenerator site must be a bald-faced knob or mountain ledge (at least 2,000 feet above sea level), in the Eastern Mountains of the U.S. Putnam was convinced that a tower height in excess of 150 feet was uneconomic, and that deicing was not practical.

His requirements for a "suitable site" were followed by the World Meteorological Organization (W.M.O.), and were accepted in principle by the British Electrical Research Authority in their wind power efforts.

The W.M.O., using Palmer's *very restrictive siting specification*, estimated that there were in the entire World 2 x 10^7 Megawatts of wind power available to wind generators (3). The best estimate of the total wind energy of the atmosphere amounts to approximately 3 x 10^{14} Megawatts at any instance (4). The restrictiveness of the Palmer/W.M.O. definition is brought sharply into focus by comparing those two numbers. This concept of a suitable wind power site is shown in Figure 1.

There are few bald-faced knobs or mountain ledges in either Denmark or Germany. The principal workers of the 30's, 40's and 50's in wind power in Germany saw their wind power energy "inder Höhe" (in the heights) at tower heights of the order of 1000 feet, where far more of the 3 x 10^{14} Megawatts might be tapped. They were greatly impressed by one of the significant bits of data made known to man because Eiffel decided to build a tower: the persistent, high speed of wind at a height of 1000 feet above ground in an area not really known as an area of strong winds. Figure 2 shows how the German terrain helps speed up the prevailing winds from coast-line to Alps.

The conclusions of this German effort came close to large scale adoption in fuel-starved Germany in 1944. But there wasn't even steel left for submarine hulls or air frames, and the high-tower, 400-foot, diameter, ten-to-50 megawatt windmills were never built (5) (6).

The realization that one need only go up in the sky to find wind power of astronomical quantity was the motivation behind the considerable work of Thomas in this country, in the late 40's and early 50's. Putnam's machine had caught the fancy of Vannevar Bush who, along with many others of our World War II leaders, was deeply concerned in 1943–1945 by our dwindling fuel reserves. They sought wind power advocates, and they found a prodigious worker in Percy H. Thomas.

Thomas was placed in the office of the Federal Power Commission as a consultant, and he lead an exhaustive and excellent analysis of wind power potential across the entire United States (except for the great Western Mountain region, for which essentially no wind statistics at all are available even today). Thomas advocated large machines, high in the air (7) (8). Vannevar Bush placed a War Production Board project with a group of faculty and staff at New York University to evaluate the concept of large wind generators on towers from 150 to 600 feet in height. That project included wind-tunnel evaluation of the P.H. Thomas proposals.

The report of that group (9) must be considered a classic: it firmly established a technology and economics of wind power in the U.S. But, the group recommended utilization of Eastern Mountain Winds on relatively low towers, *first*. They never really grasped the idea of truly large-scale wind power system.

Thomas was able to convince the Federal Power Commission that the Department of Interior should seek funds to build a prototype high-tower large capacity plant. That request was dealt with by the U.S. Congress House Committee on Interior and Insular Affairs, Hearing on H.R. 4286, 82nd Congress, first session, September 19, 1951.

It was not the time to ask Congress for money for anything. The post WWII retrenchment was in full swing (and this request was proposed as being required in the interest of the country's *defense*, a hold-over from the earlier War Production Board motivation), still in the minds of the Congress. It required three supplementary Budgets that year to face up to the realities of Korea and the changed world situation! It was also unfortunate that one of the world gentlemen on the committee knew all about windmills because they didn't always pump water for his Montana cows when he was a boy. On the other hand, the gasoline pump always worked. The real clincher was provided by a competitive windmill inventor who claimed that Thomas, the New York University team, Palmer et al, really knew nothing worthwhile about windmills.

And there is little more to be said between 1952 and 1971 except that that curious document, "Energy R & D and National Progress" of 1964 (10) on page 334, states "The power potentially available in the wind has been variously estimated: one figure is 20 billion kw at elevations low enough for extraction by wind turbines (aerogenerators). This figure may reflect an ultimate potential, but it has little bearing on the degree to which this resource can be utilized."

In 1970 and 1971 one finds similar downgrading of the possibilities of wind power in many documents. I will cite only one because it must be acknowledged as a major propaganda piece influencing large segments of our population insofar as the Energy Crisis be concerned.

I refer to that generally magnificent September 1971 issue of *Scientific American* (11). In the lead article by Chauncey Starr, we find a table on page 43 (which is reproduced here) as an analysis of the possibility of satisfying man's energy desires from "continuous" energy sources.

Continuous supply (10^{12} watts)	World: Maximum	World: Possible by 2000	United States: Maximum	United States: Possible by 2000
Solar radiation	28,000			
Fuel wood	3	1.3		
Farm waste	2	.6		
Photosynthesis fuel	8	.01		
Hydro power	3	1.0		
Wind power	.1	.01	0.01	0.001
Direct conversion	?	.01	?	.001
Space heating	.6	.006	.01	.001
Nonsolar:				
Tidal	1.0	.06	.1	.06
Geothermal	.06	.006	.01	.006
Total	18+	3	1.2	.2

Note: Annual demand, year 2000 (10^{12} watts): World, 15; United States, 5–6.

There are many parts of this Table that are difficult to comprehend. Why Starr sees fit to reduce the W.M.O. estimate of at least 2×10^7 Megatts of wind power available at suitable sites to 1×10^5 Megawatts is especially not understood. Nor is it understood how with any knowledge of the subject at all one could state that only 10,000 Megawatts of wind power are available to the entire United States! If this conclusion has been reached by some evaluation of the solar energy required to sustain the winds over the United States, the result certainly does not agree with other analyses. The energy in the winds over the United States is provided and sustained by solar energy received by earth and sea surfaces several orders of magnitude greater than the land surface of the 48 states. Starr further downgrades the potential of wind power by concluding that no more than 1,000 Megawatts of wind power could be harnessed by 2000.

To this I must cry "foul"! I do not believe that there is any real evidence to support such a downgrading of wind power potential.

An assessment of wind power potential in the United States

Let us examine the possibilities for large scale wind power in the United States.

There are several regions in which bountiful winds exist if we are willing to reach up for them—the German "in der Höhe" approach. The Germans have the advantage of the stepped mountain system from shore to Alps which helps them to place windmills into the high winds. We have at least three regions in which we could do the same:

(a) in the Green and White Mountains of the Northeast: especially in the White Mountain National Forest along the flanks of Mount Washington.

(b) along the mist-veiled ridge of the Koolau Range, Oahu, Hawaii, and on all the rest of the Hawaiian islands. (This is admittedly a very tiny and provincial region; but those who strive to locate a nuclear power station on Oahu should welcome some education in this matter.)

(c) In the extensive coastal foothills that rise from the Aleutian shoreline, Alaska, to the mountains.

But, in sum, we have little real estate that provides low-tower access to *strong* winds.

But we have vast areas in which higher towers can provide access to winds strong enough for economic generation of electricity by wind power. Claude M. Summers in his paper *The Conversion of Energy,* (11) states that the average wind energy in Oklahoma City area is about 18.5 watts per square foot of area perpendicular to the wind direction. A more quantitative description of the possible wind power capacity of the Great Plains Region, including the Oklahoma City area, follows.

Golding (12) has shown that an excellent method for describing the wind power potential of an area is to place various machines in the wind regime and calculate the number of kilowatt hours per year an installed kilowatt would produce. The result is much like the "plant factor" used to evaluate productivity of a given power plant.

I have chosen two different machines:

(a) variations on a 210-foot 2-bladed turbine whose characteristics have been demonstrated by the Smith-Putnam windmill at Grandpa's Knob and by the thorough analysis and wind-tunnel testing at Stanford and New York University, 1943–1946. The capabilities of that machine are given in Fig. 3.

(b) variations on a 50-foot 2-bladed turbine, designed by Golding, built and tested in England as the John Brown 100-Kw Aeroturbine. The characteristics have been demonstrated by machines of comparable capacity and dimensions built and operated in Denmark, Germany and France. The capabilities of that machine are given in Fig. 4.

I have selected six locations in the Great Plains Area, from Texas to North Dakota, locations for which accurate wind statistics are available. They include the least windy and probably the most windy of the Great Plains sites. Figure 5 (circa 1946) shows a distribution of average hourly wind velocities, daylight hours, estimated for a uniform elevation of 100 feet, in the Great Plains Area and other parts of the 48 states. Two tower heights were chosen:

(a) 600 feet

(b) 1000 feet

Table One shows what a single 210-foot-diameter turbine could do at each of those locations, atop a 600-foot tower or atop a 1,000-foot tower. Figure 6 suggests a geometry involved for the high tower and recapitulates data for four locations. Percy Thomas would have put two somewhat large diameter turbines on a 1000-foot tower, and even three could be carried.

Because the large-diameter machine has a higher cut-in wind speed than does a smaller machine, a multiple array of smaller-diameter turbines carried in a structural framework may be better suited to this region of "moderate winds". The Danish and German studies have favored that approach for moderate wind regimes. Figure 7 suggests an array that tops out at 850 feet above ground. The power-producing capabilities of that machine are tabulated on the bottom of the figure.

TABLE 1.—A DESCRIPTION OF WIND POWER POTENTIAL OVER 6 WEATHER STATION SITES IN THE U.S. GREAT PLAINS

	Amarillo, Tex.	Topeka, Kans.	Wichita, Kans.	Casper, Wyo.	Huron, S. Dak.	Fargo, N. Dak.
Height of wind (instruments, feet above ground)	33	58	32	33	41	86
Annual average wind (speed reported by U.S. Weather Service) (m.p.h.)	12.7	11.4	13.3	13.3	11.2	14.6
Estimated annual average speed at 600-foot tower height (m.p.h.)	20.7	16.9	21.8	21.7	17.9	20.3
Estimated annual power, kw.-hr., recoverable by a 210-ft. diameter wind turbine fitted with (——) kw. [1] of generating capacity, rated for 35 or 30 m.p.h. maximum wind speed	7.3×10^6	4.7×10^6	8.2×10^6	8.1×10^6	5.2×10^6	7.0×10^6
Average kw.-hr., per installed kw	0.227	0.231	0.245	0.241	0.256	0.217
Estimated annual average speed at 1,000-foot tower height (m.p.h.)	22.6	18.5	23.8	23.7	19.4	22.2
Estimated annual power kw.-hr., recoverable by a 210-foot diameter wind turbine fitted with (——) kw. of generating capacity, rated for 35 or 30 m.p.h. maximum wind speed	8.85×10^6	5.5×10^6	9.9×10^6	9.8×10^6	6.0×10^6	8.55×10^6
Average kw.-hr., per installed kw	0.275	0.271	0.307	0.306	0.295	0.265

[1] 3,220 kw.-hr per year.

Data Source: See U.S. Department of Commerce Environmental Service Publications, "Climatography of the United States," of the following numbers: Amarillo, 82–41; Topeka, 82–14; Wichita, 82–14; Casper, 82–48; Huron, 82–39; Fargo, 82–32.

FIG. 6.—A PROPOSED GREAT PLAINS WIND TURBINE STATION COMPRISING 1 210-FOOT DIAMETER, 2-BLADED TURBINE ATOP A 1,000-FOOT TOWER

Location	Amarillo, Tex.	Wichita, Kans.	Topeka, Kans.	Fargo, N. Dak.
Annual average wind speed (miles per hour)	22.6	23.8	18.5	22.2
Total installed generator capacity, kilowatts	3,220	3,220	2,030	3,220
Total annual output, kilowatt-hour	8.85×10^6	9.9×10^6	5.5×10^6	8.55×10^6
Average kilowatt-hour per installed kilowatt	.275	.307	.271	.265

FIG. 7.—A PROPOSED GREAT PLAINS WIND TURBINE STATION COMPRISING 20 50-FOOT DIAMETER, 2-BLADED TURBINES ARRAYED ON A 600-FOOT TALL TOWER

Location	Amarillo, Tex.	Wichita, Kans.	Topeka, Kans.	Fargo, N. Dak.
Annual average wind speed (miles per hour)	20.7	21.8	16.9	20.3
Total installed generator capacity, kilowatts	2,125	2,125	1,230	2,125
Total annual output, kilowatt-hour	7.00×10^6	7.60×10^6	4.0×10^6	6.74×10
Average kilowatt-hour per installed kilowatt	.38	.36	.31	.32

Using the results of Table 1 and those at the bottom of Figure 7, what conclusions can be drawn as to the possibilities of large-scale wind power in the Great Plains?

Use the least attractive of the wind regimes, that of Topeka, Kansas. There are about 3 x 105 square miles of prairie agricultural and grazing land where winds are equal to or much better than those of Topeka.

Plant factors for the proposed wind turbine stations are low: 0.27 for the single 210′ diameter wheel, 0.31 for the array of 50′ diameter wheels. In 1969 fossil-fueled steam electric plants achieved plant factors as high as 0.56. The Shippingport nuclear plant achieved 0.57, and the highest achieved for nuclear stations was 0.69. Therefore (0.69/0.31) (1.230) = 2.74 Kw of installed wind station capacity must be provided to match 1.0 Kw of installed nuclear plant capacity. (This assumes that routine maintenance of wind station can be accomplished during doldrum periods—a reasonable assumption.)

What is the maximum potential? If a station of the Figure 7 type were centered in each square mile of this area, the total generating capacity would be the equivalent of $(3.5 \times 10^5)\ [4 \times 10^3/(0.69)\ (8760)] = 189{,}000$ Megawatts of nuclear central plant installed capacity.

The total installed capacity of electricity generating plants in the U.S. in 1960 was about 100,000 Megawatts. Total projected required capacity for the year 2000 is as much as 1,600,000 Megawatts. I feel that over a 100,000 megawatt contribution toward (15) (100,000) megawatt deficit might properly be called significant.

The myth that annual average wind speeds of 30 mph are required for economical power generation

I feel that the preceding paragraphs laid the ground-work that will put the lie to the second misconception about wind power: the concept that wind power makes sense only where the annual average wind speed equals 30 mph. That statement appeared in 1964 in (10), page 334, as: "Economical power generation requires an average annual wind velocity of about 30 mph—".

It is certainly true that the higher the annual average wind speed, the cheaper the electricity generated by wind power will be. Figure 8, adopted from Golding (12) quantifies that relationship.

The most significant feature of Figure 8 is the distinct hook in the curve which centers at an annual mean wind speed of about 18 mph.

Surely if we had 3.5×10^5 square miles of unused area in the United States where annual average wind speeds of 30 mph prevailed, we would be in great luck. Let us assume that there are 4,000 square miles on the slopes of Mount Washington and the Presidential Range where 30 mph annual average speed occurs at a little as 150 feet elevation above local ground. Golding designed a 225-foot diameter machine for such a regime. 3,670 kw of installed capacity would yield 12,650 KWHR per annum.

Four thousand such machines would produce electricity equivalent to the production of five 1,000 megawatt central stations. At the expense of some visual pollution, New England could obtain about 20 percent of her projected 1970 to 2000 generating plant growth in this way. And again total fuel cost for all time would be zero.

It has been shown that wind generators could produce significant power in wind regimes considerably lower than those having 30 mph annual average speeds. But can such electricity be economic? That point was dealt with qualitatively: can it be quantified?

The following estimates for installed wind generator plant are taken from the literature:

(a) Palmer—1945—$191/Kw: production of six units.

(b) Palmer—1945—$100/Kw: production of one hundred units per year.

(c) Thomas—1948—$68/Kw: based on production of a thousand units.

(d) Golding—1951—$210/Kw: production of one machine, proved design.

(e) Voigt—1963—$323/Kw: production of one machine, new design.

In the United States, assembly-line production of thousands of units per year permits the production of a 400 horsepower (310 Kw) automobile, complete, 1971, saleable at retail for $4100: about $13 per Kw. Air compressors sell for as little as $25 per Kw; air compressors plus driving electric motors for $45 per Kw. Farm-type windmills, complete, can be purchased with tower, pump and storage tank for $240 per Kw, (their manufacture is now down to a few hundred units per year). So, what is a reasonable estimate for the array-type wind plant made up of 50-foot diameter units?

I estimate the following:

(a) 1 to 100 units per year: $350/Kw.

(b) Up to 1000 units per year: $250/Kw.

(c) Up to 20,000 units per year: $100/Kw.

The Topeka, Kansas machine would therefore cost no more than $274 per equivalent nuclear central plant Kw at 69% plant factor, if a serious wind power program were to be started. Whether or not $274 per Kw for a totally pollution-free electricity generating system requiring no fuel is "economic" will be discussed later.

The myth that wind power generating capacity must be backed up one-for-one by other firm generating capacity

The last popular myth about Wind Power is that Wind Power *must be accepted as a random energy source.*

The wind is a random source, and because of hourly, daily and seasonal variations in energy flux, there are high peaks and deep hollows in the output curve. Wind turbines with high cut-in speeds have particularly large gaps in production. The problem and its solution are described in Figures 9 and 10.

Figure 9 shows velocity duration curves for the wind at several New England locations. They shape of the velocity duration curve is typical of that found anywhere on earth. The consequences of wind turbine cut-in speed and partial output between cut-in speed and rated speed are also apparent.

In Figure 10 we see the power duration curve corresponding to one of the velocity duration curves. It is apparent that most of the energy is harvested during less than half of the hours of the year and that an energy deficit exists for a sizeable fraction of the year.

The solution to the problem is to use excess power generated during the fresh wind periods to generate some storable energy which can then be consumed during the lean wind periods. At least three "storables" have been suggested over the last 40 years:

(a) pumped hydraulic storage.

(b) compressed air.

(c) hydrogen.

For wind power systems of the size proposed herein, pumped hydraulic storage is probably not feasible. I have suggested using Lake Superior as an upper reservoir for a very large system. Assuming a maximum level change of ±2 feet, which matches the natural variation in level, the head between Superior and Huron-Michigan would vary between 21 and 19 feet. The mass of water in a layer 2 feet deep by 31,700 square miles in area, when dropped through low head turbines at 20 feet head, overall efficiency = 85%, will store:

if drained down over 24 hours, 2.64×10^4 Megawatts.

if drained down over 30 days, 882 Megawatts.

And even though the idea sounded king-size when first mentioned, it is not very significant when faced with the problem of storing up to 100 days' output in a system of the order of 10^5 Megawatt capacity.

There is very little low-head pumped storage installed in the Great Plains flood-control system as of now. There is considerable capacity there, but back-fitting is probably out of the question.

The generation of hydrogen gas by electrolysis, storage of product as gas or liquid, then conversion to electricity, does appear to be feasible.

More and more is written about hydrogen as the ideal fuel. Golding and his colleagues studied hydrogen as a wind-power-system storable several years ago (14). In 1971 Jones discusses liquid hydrogen as the ideal fuel of the future (15).

There are many schemes for modifying a large wind power system into a hydrogen-generating system. One could go all the way, generate nothing but direct current, feed it all to electrolyzers, collect and store the hydrogen gas. The oxygen gas becomes a by-product whose economic value is not taken account here. The gas could be used for easy transport of energy, since energy can be transported via pipeline gas for about one tenth the cost of transporting electricity (16).

The gas could be used in many ways:

(a) For the gasification of coal in the northwest coal fields. The resultant product, "high BTU pipeline gas", could be transported thence by pipeline to the nation's fires. It would be a relatively pollution-free fuel, but far from the ideal. And stack (No_x) and thermal effluents would be generated in its use as a fuel.

(b) For direct combustion as fuel. Pipeline-transported hydrogen can fuel most any combustion process, with water vapor as the only effluent. But even though heat rejected in Carnot-limited machines is solar-derived invarient heat in this system, its heat would have all the aspects of thermal pollution from fossil-fuel fired or nuclear systems.

(c) For consumption in fuel cells which would produce electricity and product water. This method has many down-stream advantages associated with it, like the substitution of relatively inexpensive in-ground hydrogen gas pipelines for above-ground transmission lines.

But storage in addition to the pipeline capacity would have to be provided. Natural gas has been stored by pumping it back into gas wells. It is possible that depleted natural gas wells might suffice as hydrogen gas storage. There are many such wells in the Great Plains Region. If pressure tank storage is required, the added cost would be quite high. Liquefaction and tank storage as a liquid is probably far more economic, unless the depleated gas well idea works.

Ground water in the region would be filtered to feed the electrolytic cells. If the hydrogen is fuel-celled into electricity in the same wastershed, the product-water will exactly replace the consumed feed water.

Is any of this economic? We had arrived at an installed cost of $274 per constant Kw capacity using the least attractive but most abundant of our wind regimes. Now add:

	Estimated dollar per kilowatt
(1) Supply of filtered ground water to electrolyzer	2
(2) Provide electrolyzer plants of about 50 megawatt input capacity	10
(3) Provide hydrogen liquefaction plant and storage adequate to store one fourth of a year's output	70
(4) Install hydrogen-air fuel cell central stations, 10 to 20 megawatt size	65
Total added cost per Kw for firming by the gaseous and liquid hydrogen and fuel-cell method	147

If the idea of back-in-the-well storage of hydrogen gas were to work, a significant reduction in storage subsystem cost could be realized.

This new system suffers from a cascade of process efficiencies. We could expect no better than 90% in the electrolysis process, probably no better than 80% in any compression back-in-the-well storage scheme, and perhaps 65% in the fuel-cell conversion to electricity.

Three Firm Power Systems Energy From the Winds

To continue the analysis, set up three cases.

Case 1. Assume that all the wind generated power is used to generate hydrogen gas which is sold off for coal gasification. Assume that either the hydrogen or the high B.t.u. pipeline gas is stored by compressing back into depleted wells, that storage feature costing $40/Kw. Assume that 25% of the capacity must go through the storage process at 80% efficiency. Then the 2.74 Kw per equivalent nuclear Kw becomes (3/4) (2.74/0.90) + (1/4) (2.74/(0.90) (0.80) = 2.28 + 0.95 = 3.23 Kw and the installation cost per equivalent nuclear Kw = (2.28) (100) = 228 + (0.95) (152) = 144/ $372/equivalent Kw.

This $372/Kw unit would put 6,020 KwHrs. of power into the electrolyzer in one year. Each Kwhr should produce at least 8.2 standard cubic feet of pure hydrogen gas. Thus one year's output per unit would be 49,400 SFC of hydrogen gas.

In 1969 one could purchase pure liquid hydrogen for $0.79 per pound, delivered as a cryogenic. One pound of liquid would vaporize to 191 SCF of gas. Therefore one year's production could be valued at $203. In (15) Jones suggests that the *cost* of hydrogen gas f.o.b. plant might drop as low as 20 cents per 1000 standard cubic feet. If the price to a coal gasifier were set at 30 cents per 1000 SCF, the $372 investment would earn $14.82 per year rather than $203 per year. (In 1969 the natural gas sold in quantity to central stations cost as much as 35 cents per 1000 SCF, and the cost is rising.) Hydrogen gas worth $40 per 1000 SCF would make this system economic.

Case 2. Assume that all the power is used to generate hydrogen gas which is stored as necessary in depleted natural gas wells to provide a constant annual flow of pure hydrogen by pipeline to a multiplicity of fuel-cell central stations. Again assume that well storage costs $40/Kw, that 25% of annual capacity must go through storage, and that fuel cells cost $65/Kw and convert H_2 back to electricity @ 65% efficiency.

The installation cost of this system, per equivalent nuclear Kw (ignoring transportation costs) =

(2.28) ($100/Kw) = $228 for wind plant.
+ (0.95) ($152/Kw) = 144 for electrolysis and 25% gaseous storage.
+ (0.69) ($65/Kw) = 45 for enough fuel-cell to accept.
——(.69) (8760) KWHRS worth of Hydrogen.
Total ------ 417/equivalent nuclear Kw input.

But output electrical, is only 65% of input to the fuel cell. Therefore 417/.65 = $642 investment is required to obtain at the fuel-cell terminals the equivalent output of one Kw nuclear installed capacity.

There is probably also a d.c./a.c. conversion efficiency no better than 0.95, so $675 is required.

This system will produce 6,040 Kwhrs of electricity per year. At 2 cents per KWHR this system would earn $120.80 per year and would be very economic. It is assumed that the typical annual production expenses of 0.76 mills per KWHR of 1969 steam-plant practice would be applicable to this system. At 1 cent per KWHR this system would not be economic.

How much per KWHR will absolutely pollution-free electricity be worth by 1980?

Case 3 is the same as Case 2 except that additional installation cost of the order of $28 is added to pay for liquefaction and tank storage of liquefied hydrogen. The total installed cost per equivalent nuclear Kw rises to $445. And again because of the 65% fuel cell efficiency, the investment per equivalent nuclear Kw rises to $720.

If electricity can be marketed for 2 cents per KWHR, this system would be quite competitive. At 1 cent per KWHR it would not be economic. Again, how much per KWHR will absoultely pollution-free electricity be worth by 1980?

Certainly the following attributes of a wind power-hydrogen-fuel-cell power system should be considered along with the numbers above when deciding whether or not such a system is economic:

(a) There is no dependence on either domestic or foreign sources for fuel. No man will have to breathe coal or uranium dust to feed this system. No land need be laid waste by strip mining. No oil need wash up on our shores.

(b) This system produces no effluent of any kind other than released oxygen gas and pure water.

(c) This system redistributes invariant heat, operating in rhythm with the natural heat budget of the earth.

(d) This system requires no cooling water.

(e) This system should be able to avoid acquisition of additional real estate devoted solely to the generation of electricity. Multiple use of grazing, agricultural and woodland would be required.

(f) The major components of this system could be built by assembly-line techniques in existing aircraft, automobile, or armament factories throughout the land. Creation of this system could actually be substituted for automobile construction without social or economic loss.

(g) The technology required for this system (except for the $65 per Kw fuel-cell) is so well understood that perfected machines could start to flow from assembly lines in three years. A longer R & D program is probably required to convert *Apollo* fuel-cell technology to low-cost fuel-cell technology. But, the provision of electrolytically prepared pure hydrogen (and perhaps oxygen too) as fuel should ease the fuel-cell development significantly.

Potential for Atlantic Coast, Alaska, California

The discussion above has not mentioned several other large parts of the United States in which significant winds are available.

There are very excellent winds blowing over the shallow waters of Nantucket Shoals and Georges Bank. An analysis suggests that a constant 10,000 Megawatts might be harvested from that area alone. Such a resource would be the equivalent of a daily flow of 350,000 barrels (each 42 gals.) of fuel oil for all time without depletion! One could guarantee the pollution-free nature of the wind power system.

There are also excellent winds offshore the Atlantic Coast from Nantucket west and south to Charleston.

And the winds over the entire Aleutian Archipelago are very strong. It is now profitable to liquefy natural gas in the offshore gas fields of Alaska and sell it to Japanese LNG carriers. Liquefied hydrogen prepared by wind power in the Aleutians and brought by LNG tanker to the California Coast might be very economic. And if automobile, truck, train and airplane engines are gradually converted to use liquid hydrogen as proposed by Jones (15) and others, California might sparkle once again.

I believe there is a strong case for revived interest in Wind Power. It could be very competitive when a complete generation-transmission-consumption electricity system is considered. It certainly can be the essential ingredient of pollution-free power systems. And it is such a gentle alternative to high temperature combustion, fission and fusion schemes!

II. A SECOND SOURCE OF POLLUTION-FREE ENERGY: SEA-THERMAL GRADIENTS

Now I would like to speak as advocate for development of an even larger resource of invariant energy.

Insolation at the surface of the seas, plus seasonal melt-down of the polar ice caps by solar energy, creates astronomically huge volumes of warm surface sea water and near-freezing deep ocean water. The thermal gradient that exists between water at the surface and water 1000 feet beneath that surface can be as large as 45 degrees F, with the upper temperature as high as 85 F. A perfect Carnot-cycle heat-engine could operate across such a temperature differential with a thermal efficiency of 8.2%.

In 1929, Georges Claude produced 22 Kw of useful power from a heat engine working across a thermal gradient of less than 20 degrees F (17). The government of France has maintained an office charged with the development of ocean thermal gradient power since the 20's. In 1947–1953 they constructed, tested and commissioned two 3.5 Megawatt units off the Gold Coast (18). The French produced the significant literature in this field until 1966.

The French analyses suggested that this process would not be of interest to a country whose coasts lie entirely in a temperate zone. Putnam (1) in 1953 dismissed Ocean Thermal Gradients as irrelevant to the energy needs of the U.S. The 1964 Energy R & D Review Panel Report (10) merely copied Putnam's statements.

But all of these gentlemen had forgotten the greatest of all ocean currents, the Gulf Stream, which washes 7.45×10^{10} lbs. of tropical water per second along our Florida-Georgia coast. And in 1966, Anderson and Anderson made an analysis of the situation and estimated that 182×10^{12} KWHR per year of electrical power could be obtained from that source (19).

The significance of that number must sink in a bit: the projected demand for electricity in this country in the year 1980 is 2.8×10^{12} KWHR.

It is almost ironic that this concept, capable of doing the entire job fifty to ninety times over is given zero mention in the September, 1971 *Scientific American* (11). Is this not worthy of at least a mild protest!

A proposal for the Gulf Stream and Gulf of Mexico

It is proposed that an offshore system be designed, constructed and installed for extraction of this energy.

The main area proposed is shown in Figure 11, a sea lane lying near the main axis of the Gulf Stream, from Sombrero Key up to a point abreast Charleston. Figure 12 shows the relationship of this area to established and proposed fishing grounds: there is no conflict at all.

The second area proposed is out of the Gulf Stream but in the Northeast and Eastern portions of the Gulf of Mexico. The thermal difference potentials of these areas are shown in Table 2, and a good idea of the microstructure of these gradients off Miami is given in Figure 13 (20). A section through this path, taken abreast Fort Pierce, is given in Fig. 14, and a good idea of the velocity microstructure along the path is given in Fig. 15 which shows a section abreast Miami in August. In sum, these data plus other supporting research show clearly that:

(a) there is a huge flow of warm surface water along the Gulf Stream.

(b) there are vast quantities of cold water lying beneath that warm water. This cold water moves, but quite slowly with respect to the surface. There is a small north-to-south counter-current which helps replenish the cold water resource.

(c) there is good anchor holding ground at depths between twelve hundred and twenty-six hundred feet in this lane. Much of the seabed actually includes layers of very competent limestone that extends westward and upward into Florida: low-cost tunneling from shore to anchor site is feasible.

(d) there is strong evidence that marine fouling would be insignificant on surfaces moored in these waters where at least 2.2 knots (113 cm/sec) of current is flowing (21).

The above oceanography is supported by data in (22), (23), (24), (25), (26), (27), (28) and (29), (30), (31), (32), (33), (34), (35), (36), (37) and (38).

TABLE 2.—THERMAL DIFFERENCES: GULF OF MEXICO, FLORIDA STRAITS AND THE U.S. SOUTHEAST COAST TO HATTERAS

Average temperatures given	Northeast and eastern portion of Gulf of Mexico	Florida Straits, Key West to Cape Kennedy	Gulf stream axis to the shore, Cape Kennedy to Hatteras
February:			
Surface temperature	76.5	71.5	71.5
Temperature at 2,000′	48.0	44.0	42.5
ΔT, °F	28.4	27.5	29.0
May:			
Surface temperature	77.9	80.0	76.0
Temperature at 2,000′	44.1	51.0	41.0
ΔT, °F	33.8	29.0	35.0
August:			
Surface temperature	86.0	85.0	78.0
Temperatura at 2,000′	43.0	51.0	39.0
ΔT, °F	43.0	34.0	39.0
November:			
Surface temperature	76.5	82.0	78.5
Temperature at 2,000′	45.0	51.0	44.1
ΔT, °F	31.5	31.0	34.4

How can this energy be put to use as electricity in the United States? At least two systems are proposed:

System 1. The ocean thermal gradients are used to generate water vapor (steam) or the vapor of some intermediate working fluid such as Freon. This vapor is then expanded through turbines to drive generators, synchronized to an a.c. net. The a.c. electrical power is transported along tether lines to anchor points in the sea bed, collected in larger sea bed cables, carried ashore, and transported as high voltage a.c. power.

System 2. The ocean thermal gradients are used in a vapor cycle to generate direct current. The direct current is fed to electrolyzers which are also fed distilled water. The released hydrogen is transported through a hollow tether to an anchor point in the sea bed, collected in larger in-sea-bed pipelines, and transported thence as electrolytically pure hydrogen. The released oxygen is fed into the flowing sea water as a nutrient, or, is partially captured and piped ashore as an economic good. The hydrogen is converted to electricity in 10 to 20 Megawatt fuel-cell central stations dotted throughout the country along branching in-ground pipelines.

There are many variants within each system. For example, there is excellent chance of placing hydrogen generating stations in caverns or tunnels bored seaward in the limestone layers (38). The major south-north energy transmission path should be in-sea-bed pipeline or cable. A major gas transmission line in the bed of the Florida canal system to the west coast, thence in the sea bed along the Gulf of Mexico into Louisiana, Texas, the great Southwest, is certainly to be included. Tickets could be sold throughout the World for attendance at the opening of the Texas terminal of the Florida to Texas hydrogen gas line.

What will the generating stations look like? They will resemble huge vertical tube boilers, built into a longitudinal strength girder which will permit their construction, launch, travel to mooring site and submergence on site into position as a ship's hull.

These hulls will be moored to ride just beneath the surface of the sea. In the Gulf Stream, each will ride to a tether like a huge kite. The exposed hot-side boiler tubes will extend outward from a central pressure hull in which the steam plant, generators, distillers and electrolyzers will be contained. The bottom decks of this hull will house the condenser. The condenser intake will extend downward, semi-flexible ducting of stream lined cross section, riding the tether which serves as its principal tensile member. This intake duct will reach down to the cold water mass 2,000 feet beneath the surface. The condenser discharge will also be fitted with a duct that will return warmed bottom water to that level where it will be thermally stable.

The station will be fitted with a ballasting system which will permit adjustment of draft as oncoming flow varies, seasonally. There will also be a tall access trunk which will permit the entire station to be submerged at least 100 feet beneath the surface in anticipation of hurricanes. Figure 16 is a simple sketch of a 100 Megawatt unit. It is quite likely that an individual unit might be larger, say 400 Megawatt capacity.

Calculating the Theoretical Upper-Limit Potential. What is the total possible capability of such a system?

If all 7.45×10^{10} lbs per second of warm Gulf Stream water gave up an average of one Btu per pound, a general cooling of one degree Fahrenheit would result.

If 7.45×10^{10} Btu per second were converted into power in a heat engine with a maximum thermal efficiency of 8 percent and a total overall efficiency of 2 percent (a *very* conservative assumption, which could accommodate a significant shortening of condenser intake should natural replenishment of cold water be much less than now thought likely), 14.9×10^{8} Btu per second would be converted to useful electricity. (The rejected heat would in the greater Atlantic Ocean system redress seventy-five percent of the general cooling.)

14.9×10^{8} Btu per second for (8760) (3600) seconds equals 4.70×16^{16} Btu which is the equivalent of about 14×10^{12} KWHRS per year.

But can this be captured by any reasonable amount of surface placed in the stream?

It appears impractical to cover the entire cross section of about 2×10^{8} square meters of area within say, the 90 cm/sec region of Fig. 15. So, assume that an East-West line of 15 hulls of the configuration of Fig. 16 were placed with individual hulls on one mile centers. Then, mile after mile for 500 times, place a similar 15-hull line, staggered with respect to the preceding (southward) line. Total system capacity would be 7.5×10^{5} Megawatts.

At one half mile spacings (which would still permit complete swing freedom of individual moorings), Total System Capacity would be 3×10^{6} megawatts.

There is no reason why such stations should not have plant factors comparable to those of land-based stations. There is no reason why the 15 mile lane width could not be increased to 20 miles or lengthened to 600 miles.

There is capacity here to generate enough electricity, convert it into hydrogen, and then reconvert that to electricity, to satisfy the total demands of the most energy-demanding country on earth. And with the wind power system proposed above, there is enough capacity to put the entire transportation industry plus the electric utility industry on a pollution-free non-depleting invariant heat basis.

Calculating Economic Competitiveness

Is the ocean thermal gradient concept economic?

Flatly, yes. The least expensive of the 1969 crop of fossil-fuel fired stations priced out at $107 per installed Kw. This is the now-celebrated Four Corners No. 4 Plant. It is estimated that the submerged boiler steam plant complete with tethers, anchors, intake ducts and sea bed connectors would cost no more than two times that amount per Kw, $214.

Assuming 90% efficiency of feed water preparation and electrolysis plus 65% efficiency of reconversion by fuel cell to electricity, a $365 investment will produce 6,040 Kwhrs of electricity per year.

At one cent per Kwhr, this system would be economic.

And in this case the product-water would represent a for-free Ocean Distillation System of first-order magnitude. There is also the enormous by-product, oxygen gas, which must have some economic good. If for nothing else, it could be used for treatment of sanitary wastes and rejuvenation of polluted river mouths along the South Atlantic Coast.

Ecological Impact

What is the ecological impact of the Ocean Thermal Gradient Concept? It is thought to be too small to measure.

If there are any vital biota in the 2000-foot deep strata that could not sustain a five-degree warming and redistribution to a higher stratum, then the system could be questioned. Others have suggested that nothing but good would accompany such an upwelling action. There is certainly nothing in the surface strata that would suffer from momentary exposure to water one to five degrees cooler than ambient. No physical harm like shaker screen abrasion would be possible to upper-strata biota streaming around the boiler tubes.

III. RECAPITULATION

Recent literature concerning the Energy Crisis has failed to give appropriate emphasis to two major sources of pollution-free energy: large-scale Wind Power and large-scale Ocean Thermal Gradient Machines. Those sources, coupled with a hydrogen-plus-fuel-cell distribution and electricity-generation concept, offer a chance to place the entire electric utility and transportation industry in the country on a pollution-free invariant energy basis.

An acceptable technology exists for all aspects of both processes: five years' development with existing underemployed technical talent could improve that technology. The components are those that could be manufactured in existing underemployed industrial plants using existing labor forces.

The electricity produced by the proposed systems is economic even by today's false yardsticks: by 1980 it would be a genuine bargain.

Why is such a possibility ignored? Why do men as competent and respected as David J. Rose, speak time after time about the need for hundreds of millions of dollars per year for additional breeder reactor research and fusion reactor research, and then gratuitously suggest that "a research program of a few million dollars per year seems appropriate at this stage" when mentioning solar energy? (40) Is it impertinent to ask why not spend the hundreds of millions of dollars per year to get on with producing hardware in systems whose feasibility has already been demonstrated, and toss the small bone to the more sophisticated programs?

Need we bother very much at all with fission and fusion if there are alternatives? Would there be some unacceptable stigma to our society if we were to opt for an energy system whose science and technology would be very unsophisticated? Because Russia has a gas-cooled breeder-reactor program, an MHD program, and a Tokamak program, must we expend our wealth on similar programs if we don't need them? Russia does have winds, but she has no Gulf Stream!

Is the United States willing to give proper attention to some very unsophisticated, low-key, gentle, alternative solutions to her energy crisis?

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INA CORP.

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. EILBERG. Mr. Speaker, for some time now, we have been hearing reports about the flight of major corporations from the central cities to the suburbs.

Unfortunately, in many cases these reports have been all too true. However, in Philadelphia, the new city government has begun working to reverse that trend.

The administration of Mayor Frank L. Rizzo has initiated an active campaign to keep existing corporate headquarters in the city and to attract new businesses.

Under the direction of the new administration, city officials are meeting with business leaders to determine their chief concerns and to begin immediately to solve those problems.

Recently, the success of this new policy was illustrated when the INA Corp., one of the city's largest firms, announced its intention to build an addition to its corporate headquarters in the heart of the city.

With the unanimous consent of my colleagues, I enter an announcement of that decision into the RECORD:

INA CORP.

Mayor Frank L. Rizzo today announced that INA Corporation, one of Philadelphia's major business organizations, will break ground this spring for a $24 million, 26-story office building in center city.

With the Mayor as he made the statement at a press conference was Donald E. Meads, executive vice president of INA Corporation.

"Our plans, which have already received preliminary approval by the Art Commission," Mr. Meads said, "indicate the faith of INA Corporation in Philadelphia as a city in which to live and do business."

Harry R. Belinger City Representative and Director of Commerce said: "The Insurance Co. of North America which is part of INA, has been in Philadelphia for 180 years and it is heartening that they think enough of this city to spend $24 million on this new building. We—the administration—are actively seeking to encourage other corporations to move their headquarters to Philadelphia and there is no stronger argument than this kind of investment by a satisfied customer."

The new building will be erected on the west side of the present INA headquarters structure, which faces John F. Kennedy Plaza. The new building will face Arch Street. The two INA buildings will occupy the entire block bounded by Arch, Cuthbert, 16th and 17th Streets.

An architect's rendering of the new building depicts a modern office building with clean, unbroken lines. Midway up the structure is a windowless, vented floor which will house essential mechanical equipment. That floor is not included in the total of 26 stories.

The height of the new structure, to the top of the roof parapet, will be 368 feet or 100 feet higher than the present INA Building. Gross building area will be 660,000 square feet, of which 500,000 will be usable for office space.

Between 300 and 500 construction workers will be employed in putting up the new building over a period of 30 months. When completed, the new building will provide space for about 2,000 office workers.

Meads said the new building will enable INA Corporation and its subsidiaries to bring together most of their employees who have been scattered through several offices in other buildings in center city.

The corporation and its subsidiaries will also continue to occupy the present INA headquarters building, which was completed in 1925.

It is expected that the new building will be finished by the middle of 1974.

Meads said that INA Corporation has owned part of the land on which it is now going to build since the 1950s. The last parcel on the block was purchased by the corporation in January, 1971.

Overall supervision is the responsibility of Mr. Meads, who heads INA Corporation's Finance and General operational group. Project manager will be Thomas A. Graham, of Meridian Engineering, Inc.

Owner and developer of the new building is INA Properties, Inc., a wholly owned subsidiary of INA Corporations. The architectural work is being done by Mitchell/Giurgola Associates of Philadelphia.

The construction work will be a joint venture by M. J. Brock and Sons, Inc., and Daniel J. Keating Company. The Brock company is an INA Corporation subsidiary.

"THE SILVER CAPER"—INCREDIBLE ARTICLE IN PHILADELPHIA MAGAZINE ON ILLEGAL MELTING OF SILVER COINS, AND A SUDDENLY HALTED GRAND JURY INVESTIGATION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mrs. SULLIVAN. Mr. Speaker, when the price of silver began to rise in the early 1960's from 90 cents a troy ounce to $1.29—the level at which the silver in a standard silver dollar is worth $1—silver coins began to disappear from circulation, and no matter how many coins the mints turned out working three shifts a day, 24 hours a day, 7 days a week, there were widespread shortages of coins for commercial purposes. Under legislation initiated in the House Committee on Banking and Currency, Congress met the crisis by enacting the Coinage Act of 1965, authorizing the use of a clad cupronickel material for dimes and quarters, and a clad material of copper and 40 percent silver for half-dollars. A torrent of coins pouring out of three mint facilities finally ended the shortage, although half-dollars remained out of general circulation until last year, after we had changed the composition of this coin also to cupronickel.

But for several years, in the 1960's, coins were in such short supply in an expanding economy that some enterprisers were buying them up from vending machine companies, banks, and other sources and selling them at substantial premiums to businessmen who urgently needed coins in order to operate and who would pay almost any price to get them.

GOVERNMENT CONTROLLED PRICE OF SILVER TO PROTECT SILVER COINS

Until the coin shortage was ended, the Treasury kept a lid on silver prices by selling vast quantities of silver at $1.29 per ounce. This prevented the price from going above a level—$1.36 per ounce—at which the silver in pre-1965 dimes, quarters, and half-dollars of 90 percent silver content would be worth at least the face value of the coins. However, although it was unprofitable to melt silver coins for their silver content, the hoarding of these coins continued, especially when it became clear that the Government would soon be running out of silver it could offer for sale as a means of controlling silver prices at $1.29. One of the steps taken at this time was to end, after 1 year's notice, the redeemability of hundreds of millions of outstanding $1 silver certificates in silver bullion.

Under a provision of the Coinage Act of 1965, the Treasury was authorized to prohibit the melting of silver coins. This ban was imposed administratively before the Treasury permitted the price of silver on the open market to rise without Government hindrance.

A SUDDEN CHANGE OF POSITION

In December of 1968, the Joint Commission on the Coinage established by the Coinage Act of 1965 to recommend further changes in coinage legislation, proposed, in an administration bill forwarded to the House Committee on Banking and Currency, that the ban on the melting of silver coins be made mandatory and permanent. But the Nixon administration, in May of 1969, reconvened the Joint Commission on Coinage and at the Treasury's urging the Commission reversed its previous position on coin melting and recommended lifting the prohibition on melting then in effect. Secretary of the Treasury David M. Kennedy immediately canceled the melting ban, the same day.

The puzzling thing about this change in the Commission's attitude was that the Commission's membership was exactly the same in May 1969, as it had been in December 1968, with only one exception: In the interim, Secretary Kennedy had succeeded Secretary of the Treasury Joseph W. Barr as a member of the Commission and as its ex officio chairman.

During subsequent hearings by the Committee on Banking and Currency on new coinage legislation in 1969, I asked the then General Counsel of the Treasury, Paul W. Eggers, who was the Nixon administration's chief witness on the bill, why the Joint Commission had so suddenly and completely reversed itself on the issue of melting coins.

TESTIMONY BEFORE BANKING AND CURRENCY COMMITTEE

The following colloquy took place on this issue:

Mrs. SULLIVAN. Mr. Eggers, while there is no urgency about this legislation that I can see, I think the Treasury has waited far too long to ask for this legislation to take silver out of coinage. * * *

Now, I have got several questions, and the first one is this. Why did the Treasury Department change its position on the question of prohibiting the melting or exporting of silver coins, and what were the arguments used in the Joint Commission on the Coinage to convince the Commission to reverse the position they had taken on this the previous December?

Mr. EGGERS. The first coin melting ban that ever existed in our country, I believe was instituted in 1967. It was necessary because dimes and quarters which contained silver were in danger of being melted because of the rising price of silver. Coin melting would have reduced our supply of coins available for circulation. So to keep our coins in circulation the ban was then instituted. When the cupro-nickel dimes and quarters become available in ample quantities the reason for the melting ban no longer existed. In discussing this issue we felt that any coin properly belongs to its owner. It is his property, and if he wants to melt it, he should have the right to melt it.

Mrs. SULLIVAN. Well, don't you feel that the order of the Secretary repealing the ban on melting of silver coins, in fact actually created a windfall for the very people who had been most responsible for the worst part of the coin shortage back in 1964, people who were buying up silver coins and hoarding them and buying them by the bag and by the ton and creating this artificial shortage?

Mr. EGGERS. Some probably profited from it, but we are short of silver in this country and we use more silver than we produce, and therefore, we felt that by lifting the ban, if silver was going back into the marketplace where it is needed, they should be able to make this silver available for use.

In addition to that, our Secret Service is charged with the responsibility on the melting of coin. There was some melting of coin going on during this period but our problem was a shortage of manpower to completely enforce the coin melting ban.

Mrs. SULLIVAN. This was what I was going to ask you. Is it true that these coins were being melted surreptitiously and also were being exported by coin bootleggers.

Mr. EGGERS. We have had some information to that effect. Of course whenever we had the information our Secret Service moved in. But we just could not police it completely. That is our real problem.

Mrs. SULLIVAN. Well, has anyone been prosecuted for melting silver coins?

Mr. EGGERS. A few have been prosecuted.

Mrs. SULLIVAN. How much of the activity in the silver futures market, the speculation in silver futures, has been based on anticipation of silver being used for the coinage of a silver dollar which, like the half dollar we now have, just would not circulate?

Mr. EGGERS. Mrs. Sullivan, I think I would like to first state that we feel there is a sense of urgency in this legislation in that the market price has fluctuated up and down during the past years. The speculators have been trying to second-guess Treasury. The thing we want to emphasize is that we are not in the silver business. When our task force met, we said we are going to give the market some certainty so that both silver buyers and sellers know what we have on hand and what we intend to do.

And that is the thing I think we can accomplish here today by getting this legislation on the books.

Mrs. SULLIVAN. This is what I want to try to develop. As long as the Treasury has been the principal factor in determining the price of silver in this country, that is the availability of silver from the Treasury has been that principal factor, has the Treasury Department attempted in any way at all to find a means to cut down on the gambling in silver prices, which has been a very disruptive thing, I think, insofar as our defense industries are concerned and the industries using silver?

Mr. EGGERS. Just since the announcement of our Joint Coinage Commission policy in May of this year, we have watched the silver price go down to under $1.60 an ounce and then quickly rise to around $1.88. We don't think any drastic things have really happened to cause these movements. I think everybody—both the users and producers—right now can see exactly how much silver the Treasury has and when we are going to be out of it. I think the market is reacting very favorably.

Mrs. SULLIVAN. Well, from your knowledge of it do you think that we should have Government controls of any kind, regulation of any kind of the margins or the practices in these future exchange dealings in products or commodities not subject to the Commodity Exchange Act, like silver, copper, zinc? These are completely unregulated markets dealing in the most essential of defense and industrial materials, and nobody regulates them. Should we have any such power?

Mr. EGGERS. As General Counsel I cannot right now state a future policy for Treasury. I would have to sit with heads higher up in Treasury before I could make a statement about what our future policy would be.

Mrs. SULLIVAN. Yes; can you tell me why was the volume of silver offered by the Treasury each week cut down from 2 million to 1½ million ounces after the meeting of the Joint Commission in May? Was this to reduce the supply available to the market so that the price could go up for the silver producers?

Mr. EGGERS. No, ma'am. This reduction was recommended by the task force which I chaired, and we spent quite a bit of time in discussing various proposals. We thought about going to a million ounces a week. We thought about going to 2 million a week for 6 months and then down to a million and a half in a graduated scale. But we finally came up with a million and a half. We were trying to give the market a transition period to adjust to private supply. We reached a million and a half rather than some graduated scale because it would be easier to determine when we are going to be out of silver.

* * * * *

Mrs. SULLIVAN. When you reduced the volume of silver offered in weekly sales and opened up the bidding to anyone who wanted to bid, not restricting it as you did before only to American industries with a definite history of using silver with proof that they were not hoarding it but were actually using it, when you took that one step which was intended to raise the price of silver was the other step of eliminating or repealing the ban on melting of coins intended to let the silver users take advantage of whatever silver coins they had been able to accumulate? In other words, were you giving the producers a higher price or an opportunity by reducing the volume of the silver but on sale each week and then turning around and saying to the silver users, all right, we are giving the coins miners this hand out or this favor, now you can go ahead and melt coins, any coins you have acquired and it won't be illegal. Was this part of the arrangement?

Mr. EGGERS. I chaired the silver policy task force and we did not sit there and say now what goodies are we going to give to the users now what goodies are we going to give to the producers? I stated as chairman of that committee, let us do that which is the best and the best policy for the public as a whole. And this is the thing we tried to keep in mind. On lifting the melting ban some things that influenced us were, first, there was no longer a shortage of circulating coins and that was the main reason for instituting the ban. Second, we did not feel that we had the authority to keep the ban on indefinitely. There had never been a previous ban on melting coins in the history of the United States. And so we thought it was time for us to lift it, and we were going to lift it and forget about trying to balance what is going to happen in the marketplace, who is going to be unhappy and who is going to be happy. I think we took all of the factors into consideration and we reached the conclusion this was the best policy the Treasury task force could recommend to the Joint Coinage Commission.

Mrs. SULLIVAN. Well, I have been asking these questions about the decision and recommendation of the Joint Commission on Coinage and the activities of the Treasury because up 'til now we have had no report from the Joint Commission on Coinage or explanation for any of their decisions, and the Commission was set up in the 1965 Coinage Act to advise the Secretary of the Treasury and to advise the President and to advise the Congress, but I don't remember seeing any report to the Congress from the Joint Commission on Coinage. And of course only two members of this committee, the chairman and the ranking minority member, are allowed to serve on that Commission. So I think the committee is entitled to a report from the Commission giving its reasons for its recommendation of these changes in our coinage policy. If it is just supposed to be a rubberstamp for the Secretary of the Treasury, taking the position of Mr. Barr in December, and then reversing itself completely for Mr. Kennedy in May, I was just wondering if it served a useful purpose.

REWARDING THE HOARDERS AND SPECULATORS

I was completely unsatisfied by this explanation, as I told the House on October 6, 1969, when the coinage legislation was before us. It seemed to me that the administration was deliberately going out of its way to reward, with windfall profits resulting from the then high price of silver, the very people whose unpatriotic and selfish hoarding of silver coins in 1963, 1964, and thereafter had contributed so strongly to the coin shortage which had almost paralyzed some types of commerce in the United States.

Once they became free to melt down the coins they had accumulated, these coin speculators could reap huge profits. But the profits were going to individuals who had acted in deliberate disregard of the national interest—a reward for having caused unbelievable inconvenience to the entire public.

SUDDEN TERMINATION OF GRAND JURY INVESTIGATION

Now comes an incredible article in the Philadelphia magazine which claims that the lifting of the ban on melting coins came just as a coin broker in New Jersey was being investigated by a Federal grand jury in Philadelphia for allegedly having operated a mammoth coin melting operation during the time it was illegal to melt coins.

The prosecution was halted, the article declares, because the Justice Department felt the change in Treasury regulations making it no longer illegal to melt coins "weakened" the case's "jury appeal" and a Justice spokesman indicated that the lifting of the ban on melting was the governing factor in not pursuing the case.

The sequence of events described in this amazing article are too significant to dismiss as mere coincidences.

The implications of murder and bribery and political interference in a criminal case contained in the magazine article should be pursued. I have, therefore, written to the Attorney General asking for a full report on this matter.

There are references in the article to attempts to bribe or influence former Congressman William Cahill of New Jersey, now Governor of New Jersey, who was a highly respected colleague here for many years. The article makes clear that Governor Cahill "never was reached" and that a purported $20,000 offer was "rejected outright" by an associate of the then-Congressman who "never passed it on to Cahill." I do not for one moment think former Congressman Cahill could have been involved in any of these shenanigans, but if there was a $20,000 bribe offer made to an associate, it is all the more reason why the investigation should have gone forward, regardless of any subsequent change in Treasury regulations.

WAS THERE A CONNECTION?

If political pressure, or any other kind of pressure, was placed on the Treasury Department under Secretary Kennedy to lift the coin melting ban just at the time when a coin broker was being investigated by a Federal grand jury for having allegedly violated the melting prohibition, an apology is owed to the American people and particularly to the distinguished men and women then serving on the Joint Commission on the Coinage, several of whom expressed deep concern to me at the time about the Treasury's reversal of its position, and were mystified as to why the Treasury wanted the ban lifted at that particular time. What was the need? What was the rush?

If the Joint Commission on the Coinage was denied information it should have had, its usefulness as an advisory agency for the Treasury and the Congress has been so compromised that the Commission should be abolished.

CONSEQUENCES OF COIN HOARDING

Mr. Speaker, any of the Members who were in Congress in 1963 and 1964 when the coin shortage hit businesses throughout the country, will wearily remember the clamor from their constituents in seeking help in obtaining coins from the banking system. Many Members put in many, many hours of time and effort trying to get the Federal Reserve System to channel needed coins to businesses in their districts. But an unholy alliance of bank officials and coin brokers and racketeers was siphoning off billions of coins into hiding—and many of these coins were put up as collateral for 100 percent loans and left in bank vaults without even having to pay storage costs.

ARTICLE ALLEGES CRIMINAL ACTIVITY

It is against this backdrop that the article from Philadelphia magazine takes on particular significance. Millions of those coins apparently ended up in illegal melting pots, for recovery of their silver content as the price of silver went up and up and up.

The silver bubble eventually burst and silver prices sank for a while almost back to the pre-1968 controlled level of $1.29 after having gone well over $2.50. But in the meantime, a lot of coin hoarders and speculators got rich once they could legally turn a "frozen" asset into currency. And, according to the Philadelphia magazine article, some coin speculators did not wait until it became legal to melt down their coins.

The article referred to follows:

[From the Philadelphia magazine, February 1972]

THE SILVER CAPER

(By Gaeton Fonzi)

On the morning of September 27th, 1968, a waitress named Mildred Faust was walking through the rear parking lot of the Prince Inn Diner on Route 130 in Pennsauken, N.J. She was on her way to work. As she walked by a light green Plymouth parked at the back of the lot, she glanced into it and saw a man who appeared to be asleep at the wheel. His jacket was folded over the seat beside him and his head was slouched forward. Mildred Faust's first thought was that he was just another guy sleeping off a good night's drunk. Then she moved closer and saw the large dark crust of blood on the right side of the man's head and she knew that the man was not asleep.

The man was a U.S. Treasury agent named James White and he had been shot in the head with his own .32-caliber revolver. It was not his service weapon but one which he kept in his briefcase or glove compartment. He was 44 years old and had a wife and two young children.

Within minutes after Mildred Faust discovered the body, the parking lot of the diner was swarming with Pennsauken cops. Police detective Tom Voigt was one of the first on the scene and immediately began a rough preliminary examination. (It was so rough that the FBI later refused to make its own examination because the scene had been disturbed too much.) Police Chief Joe Brook also arrived on the scene and confided to someone that it was, at least in his opinion, a suicide. Two days later, long before any investigation was completed, he told a reporter it definitely was suicide.

There were a number of investigations surrounding the death of Treasury agent James White. A few Federal agencies, including the Secret Service and White's own unit, the Alcohol, Tobacco Tax & Firearms Division of the Treasury Department, as well as the State Police and the Camden County Prosecutor's Office participated. But the Pennsauken Police Department had primary jurisdiction and when the investigations were completed it was Chief Brook, usually tight-lipped in his relations with the news media, who called a special press conference. Brook announced that White's death was officially being listed as a suicide.

Now, during the course of its investigation of one of the most incredible, enormously profitable and yet unprosecuted criminal operations ever uncovered in this area, *Philadelphia Magazine* has learned from underworld sources that Treasury agent James White was murdered.

He was shot by a hired killer who is sometimes called "The Dog," a professional criminal who may have murdered at least seven other persons. The Dog was paid $5000 to kill White but was not told that his victim was a Federal agent. When The Dog later learned of White's identity, he asked, says one source, for "like ten times that." He was given an additional $35,000. The Dog told at least two close associates that he killed James White. He is still in Philadelphia today and occasionally works as a collector for a loan shark.

A few months after Treasury agent James White was murdered, a Pennsauken patrolman named Dominic Terenzi was abruptly transferred from his regular prowl car assignment to a graveyard-shift desk job within police headquarters. There were at least two strange things about Terenzi's transfer: First, the type of desk job to which he was assigned was usually handled by a $4000-a-year civilian and did not particularly require the skills of 20 years of police experience. Secondly, the "official" reason given Terenzi for his transfer to a desk job was that he had a back injury. Terenzi did have a back injury, but he had never complained about it or lost any time because of it. In fact, his back never bothered him from the time it was injured—more than ten years before the transfer.

Terenzi felt he knew the real reason for his transfer and that it was not unrelated to the nerve-wracking harassment he had been suffering in the past several months, including a continuing series of threatening telephone calls—in spite of changing his unlisted number six times—and an attempt to burn his house down.

Then, a week after he was assigned to his desk job, Terenzi's 20-year-old son, Dominic Jr., was found dead in a car in Camden. His body appeared to have been dragged through cinders, he was badly beaten and covered with dirt and blood. Yet when the Camden County Coroner's Office finally issued a death certificate—three months after the boy's death—the official cause of death was listed as "bronchopneumonia." This also despite the fact that there was a small needle hole directly between his eyes and that he had been injected with a narcotic strongly laced with phosphorous and strychnine.

Dominic Terenzi believes there is a connection between these series of incidents, as well as the later brutal beating he suffered by unknown assailants who knocked out several of his teeth, dislocated his jaw and broke his nose, a beating which came one night after he was assigned to the only walking beat ever given to a Pennsauken policeman.

Terenzi believes the connection has something to do with the fact that he was working as an undercover informer for the U.S. Secret Service, which at that time was investigating the myriad and mysterious operations of a local silver dealer named Myron "Pep" Levin.

Calling Pep Levin a local silver dealer is like calling Sylvan Scolnick heavyset. It doesn't quite do the job. There was a point when Pep Levin was a principal factor in the world silver market. In a small room in the rear of his front operation, Rochester Formal Wear, a tuxedo sales and rental business on Route 38 near Admiral Wilson Boulevard, Levin had a battery of Telex wire machines and telephones which kept him in touch with the commodity markets here and abroad. He dealt in millions of dollars *daily*. Money—real money—sometimes overflowed his tables. Small mountains of bagged coins clogged the room. In the basement, huge stacks of silver bars awaited shipment. His own private fleet of armored trucks rolled the highways. Big jet airliners were hired to haul shipments. Old hearses stuffed with bags of coins moved quietly in and out in the dead of night. Crews of men, some moonlighting policemen with guns strapped to their belts, handled fortunes in silver by the minute.

And while it lasted, Pep Levin made a lot of money. An awful lot of money. In 1968 he reported a gross income of close to $100 million. *One hundred million dollars.*

Not bad for a kid from Camden raised in a Jewish-Italian ghetto. The only things going for him at one time were that he had a family clothing business to get into and that he was once taught history in junior high by a guy named Bill Cahill. But he was a hustler, Peppy Levin was, a sharp-nosed, quick-grinning, fast-talking wheeler-dealer who eventually wound up with his fingers in dozens of pies. With his close friend Daniel B. Toll, now chairman of Pennsauken's Fidelity Bank & Trust of New Jersey, member of the Delaware River Port Authority and recently accused conspirator in a $2.6 million check-kiting scheme involving the City Bank of Philadelphia, Levin got into building, land speculating and banking. Levin also got big in the outdoor advertising business and owns most of the key billboards in South Jersey. His other legitimate interests have ranged from linen supply to liquor, from pollution control devices to sunglasses with built-in transistor radios. At one point Pep Levin had more money than he could use. He once bragged to an FBI informant in the Virgin Islands that he had $2 million in cash stashed away in safe deposit boxes in two Philadelphia banks and used that money to back his own private loansharking operation.

According to Levin himself, his entry into the silver business started in 1963 with uncirculated coins. These are brand new coins which collectors buy for their potential numismatic value. Somehow Levin was able to get bags of these coins from the Federal Reserve Bank and he, in turn, sold them to dealers. At that time he called his operation Pep's Coin Vault.

Meanwhile, all across the United States, as a result of the hoarding and the expanding economy there began to develop a coin shortage that soon grew to crisis proportions. Banks and stores became unable to make change.

Levin quickly moved to take advantage of the situation. By December of 1964 he was so successful he was mentioned in an article about the coin shortage in *Philadelphia Magazine:*

"One of the country's largest operations is run from the back of the Rochester Clothing Store, near the Airport Circle outside of Camden," said the article. "In an eight-foot cubicle, nestled among rows of freshly cleaned tuxedos, a man on a telephone buys and sells $400,000 in coin every week, a distribution nearly one-thirtieth that of the combined weekly output of the two U.S. mints.

"The cubicle is furnished with an adding machine, coin counter and typewriter while a constantly running teletype machine quotes buy and sell offers of coin from around the country. On the floor are half a dozen bags of coins and, a few feet away, two cartons of Diet Pepsi. Sitting at the desk, almost constantly on the telephone, is a solidly built man, about 6 feet tall, slightly thickened from sitting, wearing an open shirt with the gray monogram 'P-E-P.' "

Levin was not only swallowing up a good percentage of the newly minted coins the Federal government was frantically trying to get into the market, he was storing huge amounts of coins he was acquiring from vending companies. (Two of the local vending firms supplying him with coins were Arrow Vending, run by the Cardonick family, and Penn Jersey Vending, Angelo Bruno's operation. Both contacts would play a role in Levin's later moves.) Levin held the coins while the shortage grew worse and then began selling them to banks in huge quantities at a premium. Levin claims he was making a 2% mark-up on the coins, yet nickels, which were in greatest demand, were bringing up to a 10% premium in some markets.

Levin was shipping coins to banks around the country from key storage spots along the East Coast. Millions of dollars were stored, for instance, in the main vaults of the National State Bank of New Jersey in Elizabeth and in its Rahway branch. Through an affiliated armored car service called Coin Depot Corporation, which had an office in the basement of the bank, Levin sent trailer trucks of coins across the country, up to $1.5 million a load. The coin shortage got so tight that banks would open their doors in the middle of the night to accept shipments.

Levin was also shipping coins out of the country. A former employee of Coin Depot recalls taking coins stored at the National State Bank to Kennedy Airport in New York where they were loaded abroad a Seaboard World Airlines 707 cargo jet chartered by Levin. Two of Levin's more trusted employees.

John Guiliano and Tommy Cokos, were usually on hand to supervise the operation.

Soon Levin's reputation as one of the largest suppliers of coins next to the Federal government reached the highest levels of official concern. One senator had the audacity to characterize him as a "black marketeer," Peppy, treading money, shook off the slur. Even today he maintains that he had nothing to do with the coin shortage, that he was just meeting the demand. Nevertheless, the whole thing was incredible. Imagine, the kid from Camden sitting in his little cubicle in Pennsauken, of all places, being called names on the floor of the United States Senate.

In retrospect, the brilliance of Levin's involvement in the silver market was the perceptive ability to see and play the angles as they came. The coin shortage augured drastic upheavals in the silver market and Levin moved quickly to take advantage of every development.

Silver has been an important precious metal long before Judas Iscariot finked for 30 pieces. It has often played a crucial role in the rise and fall of nations. That's why the U.S. Government had always moved so rapidly to protect its silver coinage. For 30 years the Treasury Department had fixed the official ceiling price of silver at about $1.29 an ounce and helped maintain the London free market price at that level by selling off that part of its supply it didn't need to back the $1 silver certificates in circulation. (At one time, all dollar bills were silver certificates marked "One Dollar in Silver Payable to the Bearer on Demand.") If the price of silver rose above $1.40 an ounce, the silver content of U.S. coins would be worth more than their face value, thus making it profitable to melt them.

However, with the world demand for silver far outpacing the supply, and its own reserve shrinking rapidly, Treasury knew it was fighting a losing battle. It had made long-range plans to remedy the situation by gearing up for production of nickel-and-copper-clad coins, but by 1967 they were just beginning to get into circulation. Therefore, in what would turn out to be an unsuccessful attempt to hold the line, the Treasury Department issued two new regulations.

First, in May of 1967, it announced that there would be an immediate ban on the melting and exporting of silver coin. The regulation provided a penalty of a $10,000 fine, imprisonment for up to five years, or both, on each count.

Then to free its remaining supply of silver for the market, it offered to redeem, for a period of one year, all the $1 silver certificates in circulation. (It had already begun issuing $1 Federal Reserve Notes, which is what all U.S. paper money is now.) This meant, in effect, that the Treasury was selling silver at $1.29 an ounce, so that if a person could amass $12,930 in one dollar bills that were silver certificates, he could take them to the Assay Office in New York and receive a receipt for 10,000 ounces of silver. That receipt could then be sold on the London free market at whatever the current price of silver was. By May of 1967, that price had jumped to $1.33 an ounce.

With the free market price of silver rising rapidly, Pep Levin saw an opportunity for a quick windfall. By advertising throughout the country that he would pay a premium for silver certificate dollar bills, he became an unofficial broker for the Federal government. By March of 1968, he was buying as much as $1 million a day in silver certificates. In June of 1968 the price of silver on the London market reached $2.59 an ounce.

It was during his early period of dealing in silver certificates that Levin's relationship with the London brokerage house of Sharps, Pixley developed. This was especially important in the later expansion and diversification of his operation. The price factor aside, silver bullion could be—and was—sold to American metal processors, such as Engelhardt Industries in Newark, but on such deals only a certain percentage of each shipment would be paid for on receipt, the balance coming often weeks later after each bar of silver was assayed and its silver content determined specifically.

Levin's relationship with Sharps, Pixley reached the point where the London firm was even advancing him funds to purchase silver certificates and writing him drafts through its New York bank simply on a telephone call from him that he had a shipment of silver on its way. He made transatlantic calls to the firm a number of times a day and was often on the line with Pixley himself.

The first evidence of Levin's involvement in other than silver certificates during the early period of the rising silver market comes from an arrangement he made with Charlie and Sidney Cardonick. The brothers, along with their father Dave and a few other relatives, had, besides their vending firm, something called York Atlantic Stamp & Coin Exchange on Erie Avenue in North Philadelphia. They were also known to law enforcement agencies for their underworld connections, receiving stolen goods and loansharking.

However, according to Charlie and Sid themselves, it was their ability to obtain silver coins from local banks that brought about the arrangement with Levin. Soon, using two old Cadillac hearses, they were making daily pickups of coins for Levin from dozens of local banks, slipping head tellers $10 to $20 a bag over the face value of the coins. The loads, running between $50,000 and $100,000 a day, were delivered to a guy named Jack Loughridge at the Empire Smelting Company, 718 Sansom Street in Philadelphia. Loughridge is listed as a partner of Levin's in World Metal Corporation, a New Jersey firm headquartered in the Rochester Formal Wear building.

Whatever was done through Empire Smelting would, by comparison, turn out to be small change, so to speak. The rapid rise of the silver market at a time when there were still huge amounts of silver coin on the market made the now-illegal melting of coin an enticing proposition. At least to those who were aware of the situation. (That's one of the more fascinating things about Levin's operation: Despite a volume that made him one of the top-ranked businesses in the Delaware Valley, few people knew what he was actually doing.)

What would eventually become still another one of Levin's major sources of silver bars began as a conspiracy between two men who happened not only to be distantly related to each other but also as fate would have it, in businesses that made a natural combination for the situation: One was a coin dealer and the other a metal refiner.

Billy Berr and Hymie Petroff complemented one another, Berr's family had long had a coin shop in South Philadelphia while Petroff ran Hyco Metal Refining at 1705 Washington Avenue in Southwest Philadelphia and then the know-how. Because their operation began as a modest affair, it was first set up in Berr's garage behind his home in Cinnaminson, New Jersey. As it grew it was moved to different locations, first to another garage on Grays Avenue. Berr had the coins and Petroff had right into Petroff's place on Washington Avenue.

Berr and Petroff sold most of their silver to domestic processors and, although it often took them weeks to get their cash out of the deal, that was no special concern since their volume was limited by the availability of their coin supply. Then along came a guy named Joe Nardello.

Among law enforcement officials, Nardello is considered the connection to what is now euphemistically called "the South Philly mob." But, as Nardello himself says, "Just because I'm Italian, right away it's Mafia! Mafia this and Mafia that. Bull!"

Nardello used to be a bailbondsman in Philadelphia, then began dabbling in coins with a small shop near 15th and Ranstead. He was arrested in 1968 when he showed up in lawyer Robert Simone's office with part of the $2 million coin collection that had been stolen from the Miami mansion of Willis H. du Pont. Nardello was accused of trying to ransom the coins for $50,000 and was later convicted of being an accessory after the fact in the burglary. The heist itself was led by Jack ("Murph the Surf") Murphy, who had previously gained fame by stealing the Star of India sapphire from a New York museum. Murphy was later convicted of murdering and dumping the bodies of two secretaries in a Florida creek because they knew he had passed on stolen securities to a Philadelphia contact.

According to a South Philly informant, Nardello learned of Levin's operation from Angelo Bruno's lieutenant, Phil Testa. "The mob put Joe into it," says the informant, "but they didn't want anything out of it. It was just a favor for Joe."

From his coin dealings, Nardello not only had access to coins himself, but he was already aware of the sideline that Berr and Petroff had going and immediately saw the potential of putting it all together with Levin. And, in the process, making himself a partner in the deal.

It was a beautiful package geared to operate on a very large scale. Levin could supply huge amounts of silver coins and, at the same time, provide almost immediate cash on the sale of silver bars.

To help with the details and the actual working of the operation Hymie Petroff brought in a nephew named Sid Petroff and his cousin, Neal Goldfarb. (Both have police records, as do Berr and Hymie Petroff. Berr was arrested on a narcotics charge, Petroff for larceny.) The younger Petroff and Goldfarb had occasionally hauled silver bars up to North Jersey, but were not previously involved in the actual smelting. They had been trying to get a cosmetic franchising scheme off the ground and had a firm called Royal Family Cosmetics, conveniently located on Route 130 in Pennsauken, not far from Pep Levin's place.

Their coin smelting operation was soon running so well that it became impractical to operate out of Petroff's Hyco building at 1705 Washington Avenue. First of all, it was too obvious a place to melt coins. Treasury agents were beginning to make checks on all metal refineries. Secondly, Hyco had already been cited a few times for pollution and neighbors were beginning to rumble about the furnaces now smoking at all hours of the day and night.

About the middle of 1968, when silver prices were climbing to record daily highs, two new crucible furnaces were set up in a dilapidated old brick factory at 635 Jackson Street behind a big scrap metal yard in South Camden. The building was the last one on a deadend street, next to a little-used railroad siding. Two new five-inch gas lines were installed and checked out by the South Jersey Gas Company. It takes a lot of heat to melt coins.

"It's a lot of hard work," says one of the operation's former employees. "First of all, you had to level the pot, which was important because molten metal could burn through your bone. And you had to wear protective glasses and gloves and vests and overalls. We used to go through a dozen pairs of gloves a week. Then we had to wait for about an hour and a half for the pot to get hot enough on the first burn. We used to take about $50,000 or $60,000 in coins for the first burn. Then we had the casts lined up on the floor and we used to pour from the pot to the buckets and from the buckets to the molds. A bucket would weigh about 200 pounds and you had to be careful when you poured into the mold that you didn't underpour or over-pour. We'd pour about 20 bars at a time and they would dry and a guy with asbestos gloves would tilt them and knock them out. Then we'd bang off the ends and stack them on pallets. We had a fork-lift that put the pallets on the trucks. The money was good but it was a lot of hard work."

It took about a half dozen men to handle the actual smelting operation. The furnaces ran as often as six nights a week. Since it was illegal to melt coins, only those coins that were actually going into the furnaces were kept on hand. During the course of the evening—there was never any daylight smelting—panel trucks would shuttle between the Jackson Street building and the drive-in basement of the Rochester Formal Wear building or the Royal Family Cosmetics building where the coins were stored. Each bag had $1000 in coins and weighed over 55 pounds. A larger truck would haul the pallets of silver bars to Levin's place. "We never brought the bars anywhere but to Peppy's," says a former member of the Nardello group.

Since there was no way of proving that a silver bar, once poured, was made from coins, a precaution was taken never to have coins and bars near the smelting operation at the same time. Another precaution was taken in determining the actual composition of the bar: American silver coins had an 89.9% silver content, Canadian coins only 80%. Since it was not illegal to melt Canadian coins in the United States, copper or other metal was always poured into the pot to bring the silver volume of the bars down to 80%. And Canadian coins were always kept near the furnace to use as defense evidence in case of a raid.

The volume of coins that were being melted in just the one operation in South Camden—and Levin was being shipped silver bars from other sources as well—was astronomical. "We used to at least do over $200,000 a night," says a guy who was on the inside. "On our best weekends we did over $1 million."

The financial return varied daily according to the silver market. A $1000 bag of silver coins, bought at a premium of $50 to $100 over the face value, yielded about 710 ounces of silver. If silver were selling at $2.50 an ounce, which it was at one time, a bag of melted silver could bring in $1775. Not a bad profit for what otherwise might be called a nickel-and-dime operation.

The silver coins were coming in from around the country, mostly from coin dealers, vending companies and banks. Levin's truck made regular pick-ups at Philadelphia International Airport. One former employee recalls making runs to numerous coin dealers and banks in North Jersey, New York City and Boston. Levin was also getting coins from the Delaware River Port Authority through an unofficial contact.

Nardello himself was getting as much as $100,000 a week in coins from the South Philly mob and much more than that from several coin dealers he was associated with in the Northeast. Through a contact made by Sid Petroff, he was also acquiring coins from the Wells Fargo Company.

Levin, however, was not only receiving coins and providing some of them to the Nardello group, he was also shipping them to other smelting operations as far as Florida and California. He was also taking care of his old friend Jack Loughridge at Empire Smelting in Philadelphia. Former employees recall delivering silver coins to Empire and, at the same time, picking up silver bars to bring back to Levin's place. The bars were warm and had water on them from being cooled down.

Loughridge was, as noted, a partner of Levin's in World Metal Corporation. However, when the silver market began to take off, Levin saw no need to share in all the action and set up a separate corporation called Pep Levin Inc. To keep the records straight, each silver bar brought into Levin's place was stamped either "WM" or "PL," depending on what smelting operation it came from.

Levin weighed and tested every load of silver bars as it came in. Not that he distrusted any of his associates. He did, however, once find a discrepancy in the amount of silver in the bars that the Nardello group was sending him. Nardello had observed that Levin's men were taking test samplings by drilling a piece out of the center of the bars. Thereafter Nardello's group would pour its bars with the accepted 80% silver centers but surround the core of each bar with as little as 40% silver. Levin eventually caught on and had a fight with Nardello, but Nardello discovered Levin cheating him another way and after threats back and forth they both temporarily put aside their differences to go on making more money.

Because of the nature of the business, the financial transactions connected with it had to be arranged in a special way. Levin would contact London directly, notify Sharps, Pixley how much silver he had and get the current price. Once the shipment was consigned. Sharps, Pixley would wire its agent, the First National City Bank of New York, to transfer the funds to the Pep Levin account in the National State Bank in Elizabeth, New Jersey. Levin, meanwhile, would contact National State and tell it what percentage of the incoming deal should go into the Pep Levin or World Metals account and what percentage into an account under the name of Joe Mayo.

The Joe Mayo acount was opened when the Nardello group came into the picture. An officer of National State Bank named Dave Williams brought the signature cards down to Levin's place where Nardello signed the straw name. Nardello would then sign checks against the Joe Mayo account and an employee of Levin's would take them up to the bank and bring back the money. That's how the cash was gotten out of the deal. One of Levin's employees says he brought back $300,000 on one trip.

(Dave Williams appears to be a key figure in Pep Levin's dealings with the National State Bank. Williams also happened to be a director of Merchants Armored Car Service, which was used by Levin to haul coins and silver certificates. The other directors of Merchants were Pep Levin and his brother Leonard.)

Even today it is impossible to document every aspect of Levin's multifaceted operations. All there remains, in many cases, is evidence of some mysterious transactions. One employee, for instance, says that he once transported a load of silver bars to a large field in upstate New York. The bars, stacked on wooden pallets, were unloaded by a fork-lift truck that had been waiting in the field. The employee then drove away, leaving the silver bars stacked in the field.

Another interesting deal also took place in upstate New York early in 1969. Three of Levin's employees—two part-time men and a trusted regular named Tommy Cokos—drove a new Cadillac to the Canadian border. On the back floor of the car was $250,000 in gold coins loaded into old U.S. Army ammunition boxes. The car passed through United States customs but was stopped and inspected by Canadian customs. The gold coin was found in the rear.

The Canadian officials would probably have taken action if two of Levin's employees hadn't identified themselves as being law enforcement officials also, which they were. Instead, the Canadians asked them simply to turn around and go back.

They did go back as far as Buffalo, where Tommy Cokos called Pep Levin long distance. Cokos was told to go to a restaurant off a nearby freeway and wait for a man who would arrive in a small van. The trio got back into the Cadillac, drove to the restaurant and waited. Soon afterwards an unmarked van with Canadian license plates pulled into the back of the parking lot and the man identified himself as the one they were waiting for. They gave him the gold coins and he put them into the van. Then he took the inside panels off the van and began pulling out silver bars. The bars were loaded into the Cadillac and brought back to Levin.

It was very late at night when the trio finally returned to Pennsauken, but Levin was waiting for them. Waiting with him was a lawyer named Alvin E. Granite, who immediately questioned the men about their encounter with the customs agents. After he was briefed, he turned to Levin and said, "Don't worry, they don't have anything."

Granite was a regular visitor at Levin's silver dealing headquarters behind the Rochester Formal Wear store. At one point he sat in on a running craps game with Levin, Loughridge and Nardello and once, says an informant who was there, won close to $80,000 over a period of a couple of weeks. On the record, Granite's interest in Levin's operations is limited to the fact that he was the incorporating attorney for World Metal.

However, according to one insider, Al Granite was more than just an attorney for Levin. "Alvin was Peppy's info into everything that was happening in South Jersey," says the informant. "Nothing could happen down there without Alvin being aware of it." Granite, he noted, had contacts into almost every level of law enforcement operating in South Jersey. That's not particularly surprising considering that Granite was the Gloucester County prosecutor for ten years.

One of the most fascinating aspects of the whole Pep Levin silver saga was the obvious inability of interested law enforcement agencies to keep pace with his moves. He always appeared to be one step ahead. There were times when he did seem to be temporarily concerned. During a period, for instance, when he felt that his telephones were being tapped, he would walk across to Bodner's Draperies, the store next to his on Route 38, offer Seymour Bodner $10 and make all his calls from there.

Levin's contacts obviously reached into the key State and Federal agencies. Those agents who looked into his operation found that Levin seemed to be aware of their every next move and a few quickly came down with cases of paranoia. One informant recalls that the two Secret Service agents with whom he worked always met with him together. One was never without the other. Then one night one of them knocked on his door alone. He appeared visibly upset and shaken. "What's the matter?" asked the informant. The agent said nothing, walked in and sat down at the kitchen table. "I can't tell you," he finally answered. "Well, why are you so upset?" asked the informant. "I can't tell you," repeated the agent. Then he sat silently for a few minutes, looked nervously around and blurted. "Just be careful what you tell my partner."

Levin had a few key sources of information. Joe Nardello for one, was very friendly and met regularly with a Philadelphia FBI agent with whom, at one point, he was even talking about going into business. A far more important and rewarding association was with a group supervisor of the Internal Revenue Service. Levin and Nardello were seen meeting with him during the time of the investigation by a Federal Joint Strike Force on Organized Crime.

Another very useful association was with another former FBI agent currently employed in the security department of RCA in Camden. Large payments were seen being made to him, although Levin's records indicate he was only an hourly-rate employee.

On the same day that Levin got word that the Secret Service was bugging his office, he called in the former agent and had him scour the place with an anti-bugging device. The device honed in on the wristwatch of a shapely bookkeeper named Barbara Fulginiti, but the real bug was never found.

Despite the bustle of activity around Levin's Rochester Formal Wear building, the trucks rolling up and down the side ramp at all hours of the night, the crews of men working in the basement and the coming and going of a host of unsavory characters, no local law enforcement agency ever considered undertaking a legitimate investigation.

Perhaps it had something to do with the fact that Pep Levin employed almost half the Pennsauken police force.

Today many of those part-time employees are claiming that what is so obvious now wasn't so obvious then. After all, how were they supposed to know what he was doing with those mountains of coins and those hot silver bars they were loading and unloading and hauling all over the country?

These same cops, however, were working alongside men such as Nardello, Berr, the Petroffs and Goldfarb, all of whom were known to have records (one cop even sold a gun to Goldfarb) and frequently saw such well-known hoods as John and Sal Rispo, Bobby Marino, Chez Ferretti and Anthony DiPasquale hanging around the place.

Not all the Pennsauken cops wore blinders. Late in 1967, a patrolman named Robert Nece became suspicious about the parade of big expensive cars with out-of-state license plates that regularly visited Rochester Formal Wear. He and his brother-in-law, Patrolman Sam Mondrosch, began making regular checks and keeping a list of the plate numbers. Then, in November, they went to Police Chief Joe Brook and asked for permission to conduct a full-scale investigation.

According to Nece, Brook seemed taken aback and told them: "Don't worry about that, don't get involved. I'll take care of it."

A few weeks later Nece returned home from work just before midnight and found a message to call Mondrosch. Nece says that his brother-in-law told him that he had received an anonymous tip that burgulars were going to hit the Frito-Lay plant in Pennsauken one night that week. Nece and Mondrosch decided to take turns watching the plant, with Nece offering to do it that very night.

When Nece arrived at the plant, he found the front gates open. That, he now says, should have made him suspicious. He says he snooped around the place for about a half hour before he was surprised by Chief Brook and a contingent of his cops. Brook told him he was arresting him for attempted burglary. Mondrosch was later arrested at his home as an accomplice. Later in court, Brook would deny that the arrests were a "setup."

The Camden County grand jury originally refused to hand down indictments against Nece and Mondrosch because of the lack of evidence. There then appeared a surprise witness, another Pennsauken patrolman, John Clements, who happened to be a former patrol partner of Dominic Terenzi. Clements was the son of a top Pennsauken Republican leader who was a close friend of Chief Brook. In fact, Brook put the political leader's son on the force despite the fact that the young Clements had once been arrested.

Clements reportedly told the grand jury that Nece had once approached him and asked him to take part in a burglary. It was on the strength of his testimony that the grand jury decided to reverse itself and indict Nece and Mondrosch.

Before the trial in the summer of 1968, at a time when Pep Levin's silver operations were going full boil, Nece's lawyer asked Terenzi to be a witness for the defense. Terenzi had a reputation as a straight, soft-spoken but tough cop, an open, ingenuous kind of a guy who didn't drink, gamble or even run around. It was just before Nece's trials that the anonymous calls to Terenzi began, threatening him, his wife and his children. He changed his telephone number six times but the calls continued. He gave his new numbers out only to his closest friends and, of course, to his employer, the Pennsauken Police Department.

Despite the threats, Terenzi testified at Nece's trial. He said that the star prosecution witness, patrolman Clements, had once asked him to take part in a theft from a local supermarket. Largely as a result of Terenzi's testimony, Nece was acquitted.

Meanwhile, Terenzi had been contacted by Secret Service agents who told him they were investigating Pep Levin's involvement with the melting of silver coin. They knew he had never worked for Levin, but they felt he could be trusted and asked him to be an undercover informant for them within the police department. They also asked him to investigate, under the guise of a routine police check, two sites within Pennsauken. Terenzi says the agents told him they suspected the site to be connected with an illegal smelting operation. One of the sites was the Royal Family Cosmetics outlet on Route 130; the other was a place called the Mill End Fabric Center, an old porch-front house at 6845 Browning Road, just off Route 38 and directly across the highway from Pep Levin's. On real estate records, the house is listed as being owned by something called Stenmarc Realty and Daniel B. Toll.

Late one night Terenzi drove his patrol car to the house on Browning Road. He had a flashlight and, on the suggestion of the Secret Service agent, a camera. As he was quietly moving around the building, two men suddenly came out of the side door. Terenzi flashed his light around as if he were making a routine check, nodded a casual greeting to the men, walked back to his patrol car and drove away.

Three days later, despite the fact that he had one of the best arrest records on the force, Terenzi was shifted to a desk job. Still he continued his association with the Secret Service, feeding the agents information on those cops working for Levin. Then his son was found dead. Later, after he had spoken to an *Inquirer* reporter in the hope that public exposure would bring an outside investigation of the police force (the newspaper buried a piece about Terenzi's harassment deep in its Jersey edition), Terenzi was given a backlot walking beat where one night he was accosted and brutally beaten.

And it all started with Patrolman Nece asking Chief Brook to investigate Pep Levin.

It was all as much a coincidence as Treasury agent Jim White's body being found one morning in Pennsauken. When Chief Brook officially proclaimed it a suicide, he explained that one of the factors that mitigated against foul play was lack of any evidence that White was working on any cases related to the local area.

Chief Brook did not list the factors that mitigated against suicide. Just a few hours before he died, White was with a fellow agent in good spirits and not at all depressed. His jacket was folded on the seat beside him and the keys were in the car's ignition, as if he were ready to start it. The nitric acid test of his hands to determine if he had fired a gun was inconclusive. The gun itself was one he had kept under the front seat of his car, readily accessible to anyone who reached for it.

Nor did Chief Brook explain why the scene of White's death was disturbed to the extent that it was. Detective Tom Voigt arrived immediately after the first patrol car and he did the initial examination of the scene. He says the gun had already been moved. Patrolman John McBurty, the first cop on the scene, says the gun was on White's lap when he arrived and that he didn't touch anything.

While there is no official connection with White's involvement in the silver smelting investigation, there are some facts that put him, perhaps inadvertently, close to it. White was last seen alive at about five o'clock in the afternoon at Montanaro's Restauarant on Route 130 just off the Airport Circle. He had had a few drinks with a fellow Treasury agent and, when he left, said he was going to meet an informant, and then heading home to Willingboro. (That agent, a friend of White's has consistently maintained that White did not commit suicide.) An employee of the Prince Inn Diner says he thinks he might have seen White's car in the parking lot at nine o'clock that evening. White's body was not discovered until the next morning.

Although White's cases covered all of New Jersey, he worked out of the Treasury Department's Camden office and had become a regular at Montanaro's Restaurant. When he was in the area, he stopped in almost daily. The Secret Service agents on the Pep Levin case were also in Montanaro's frequently. In fact, they often sat in their car in the rear of Montanaro's parking lot and maintained a regular surveillance of the Rochester Formal Wear building from there. It was an excellent observation post because all the deliveries of coins and silver bars were brought in through the basement garage doors at the back of the building. The Secret Service agents drove the same type of unmarked car with Pennsylvania license plates as White did. A former associate of Levin's today says that Levin himself told him that the Secret Service agents were watching his building from Montanaro's parking lot. Levin always seemed to have the inside info.

Perhaps, at the time, there was reason enough to take Pennsauken Police Chief Joe Brook as an authority when he announced that Treasury agent White's death could have had no connection at all with Pep Levin's silver operation. Chief Brook was very familiar with Levin's operation. Not only were more than 20 of his men working for Levin with his knowledge and approval, Brook himself was also an employee.

"Our jobs with Levin were given priority," says one Pennsauken cop who moonlighted for the silver dealer. "If we had to work overtime at Pep's and arrived on our police shift late, that was all right. No one was ever reprimanded for it or even docked any pay because of it."

Chief Brook claims he was not a regular employee of Levin's and only worked for him about a dozen times. He did, however, make some very important trips for Levin. Once he accompanied a shipment of two armored cars full of silver bars to New York. And he made more than one trip to Europe at Levin's expense, hauling large amounts of money to London and Switzerland. (Detective Tom Voigt also got a free trip to Europe from Levin; he once carried a suitcase of money with him. He went just a few weeks after agent White's death.

There were some Pennsauken cops who worked for Levin for reasons other than the extra money it meant. (There were, by the way, plenty of opportunities for the cops to engage in petty thievery during the shipping and handling of coins and silver bars. Today, one admits that he pocketed small amounts of change and collected chips from the bars.) Other cops, however, were working for Levin mainly to provide information to the Secret Service.

In fact, it was the direct result of an inside tip that led to the arrest and conviction of a coin smelter Levin had set up in Florida. Levin had advanced him the money to buy a furnace, close to a $3500 investment, says a former associate of Levin's. The smelter, a guy named Errol Resnick, was sent huge loads of silver coins by Levin and he, in turn, would ship back silver bars. The bars were flown in a small private plane from Resnick's operation in Orlando to Teterboro airport in North Jersey. A Pennsauken cop who worked for Levin says he once went to Teterboro to pick up the bars, which were later transported to New York.

Resnick was charged with melting $1.6 million in silver coins. That's only the amount that Federal agents caught him with. When the private plane was seized at Teterboro, it was loaded with 110 silver bars.

The inside tip on the Resnick case came when a Secret Service informant saw $125,000 in cash being wrapped in Levin's basement for shipment to Resnick. Federal agents say it was Resnick's percentage of a sale of silver made by Levin to Sharps, Pixley in London. Levin was never indicted as a co-conspirator with Resnick and, although his records of coin shipments to Resnick were subpoenaed during the trial, Levin himself was never called to testify.

Why Pep Levin's multi-million-dollar silver operation was never exposed is another part of the story that is rife with hints of mysterious deals and a lot of unanswered questions.

The U.S. Department of Justice's Organized Crime Strike Force operating out of Philadelphia began its investigation of Levin's operations in the summer of 1968. Two Secret Service agents were put in charge of it and worked fulltime on it for several months. Despite his contacts into Federal agencies, Levin started to become seriously concerned about the investigation by the end of that year. With the silver market beginning to decline anyway, Levin decided that it wasn't worth the risk to continue his operation. The Nardello group shut down its furnaces on January 16th, 1969, and Levin curtailed his shipments of silver.

The Strike Force investigation continued. In April 1969, a Federal grand jury was impaneled in Philadelphia and nine Pennsauken policemen were called to testify. (Strangely, Chief Joe Brook was not among them.) Then Pep Levin's records were subpoenaed. It looked like the end for the great silver schemer.

Then from out of Washington came salvation for Pep Levin. In May of 1969, before the grand jury was ready to hand down indictments, the Treasury Department regulation prohibiting the melting of silver coins was repealed.

Although the investigation could have continued, along with possible indictments and prosecution, the fact that the law was changed was used as an excuse o drop the Pep Levin case.

It is difficult to pinpoint the key figure in that decision. The current U.S. attorney in Philadelphia, Lou Bechtel, admits he had something to do with the decision ("I was consulted on it," he says), but so did several others along the bureaucratic chains of command within the Justice Department. He had just come into office that month, he says, and wasn't familiar with the details of the case.

Although Justice officials admit that the change in the Treasury law was the governing factor in not pursuing the Pep Levin case ("It would have weakened its jury appeal," says one), they cannot explain why there were later prosecutions in other cases involving far less extensive operations. Florida smelter Errol Resnick, for instance, was tried after the lifting of the smelting ban and received a long jail sentence. Charges were brought against a New York mobster one year *after* the change in the law for conspiring to melt a mere half million dollars in silver coins.

Far more intriguing questions surround the timing of the new Treasury Department regulation. Was it mere coincidence that it came just prior to the noose tightening on Pep Levin?

Contrary evidence abounds. Levin himself made several trips to Washington prior to May of 1969 and one of his former associates says that his chief lieutenant, John Guiliano, carried money down to a key lobbyist. The politician most frequently mentioned for his association with Levin is a former New Jersey congressman named William Cahill.

Levin loves to brag about that association At a victory party in Cherry Hill's Rickshaw Inn on the night that Cahill was elected governor, a drunken Levin blurted to a Daily News reporter that he had put a bundle of money into Cahill's campaign. It is known that Levin had a few Pennsauken cops, during lulls in hauling silver and coins, drive a sound truck with a Cahill campaign poster around South Jersey.

Cahill admits that he has known Pep Levin for some time. When he was a history teacher at a Camden junior high, Pep and his brother Leonard were among his pupils. He denies, however, any close association with Levin, social or otherwise. When told that Levin claims that he gave him the nickname of Peppy while coaching him in basketball, Cahill says simply: "He's lying."

Cahill says that in no way was he involved in pressing for the change in the Treasury regulation lifting the ban on silver smelting. He says he wasn't even aware of the Secret Service's investigation of Levin.

The fact is that Cahill never was reached, although an attempt was made. A close associate of his was told that $20,000 was available if Cahill would use his influence. The associate rejected the offer outright and never passed it on to Cahill.

The lifting of the smelting ban regulation in May, 1969 originated in the Joint Commission on Coinage, formed by Congress during the coin shortage and composed of House and Senate members as well as representatives of silver producers and users. That very Commission, as late as December of 1968, recommended that Congress enact legislation to make the smelting ban a permanent Congressional statute.

Why, less than five months later, in May of 1969, did the Joint Commission reverse itself? Why, in fact, was the matter of lifting the ban brought up at all since the original aim of it—to prevent the disappearance of needed silver coins from the market—was no longer relevant. Although it was still profitable to melt silver coins (the price of silver that May was $1.80 an ounce), there were relatively few silver coins left in circulation.

The point is that there was no pressing or necessary reason for the lifting of the silver ban at that particular time. Yet that's exactly what was recommended to the Joint Commission by a special task force headed by a Southern politician named Paul Eggers, the Treasury Department's general counsel.

On later hearings before the House Committee on Banking and Currency, a sharp Missouri congresswoman named Leonor Sullivan questioned Eggers hard about the lifting of the ban but could not get answers that satisfied her. "I was unable to get any convincing explanation from the Treasury as to why the melting ban was lifted or what prompted the Joint Commission to change its mind on this issue," she said.

The problem, perhaps, was that Congresswoman Sullivan was looking for answers in Washington. Maybe she should have tried Pennsauken.

Today, Pep Levin would rather not talk about his great silver saga. "It's all old news that's been hashed and re-hashed," he says. No story in it at all, so why don't just everyone, forget it.

There are a couple of outfits that would like to forget they ever met Pep Levin. One is the National State Bank of Elizabeth, from which he borrowed a lot of money to buy additional coins and to speculate on silver futures.

The head of the National State Bank is Emlen Roosevelt, a scion of the New York family. Levin and his attorney, Dan Toll of Pennsauken's Fidelity Bank, recently met with Roosevelt regarding the $5.5 million in coin that Levin had put up as collateral for loans. On each $1000 bag of silver coins, the bank had been lending Levin at least $200 over face value, based on the speculative value of the silver. When the bottom eventually fell out of the silver market, Roosevelt had to go borrow money from New York's Chase Manhattan Bank to cover his own bank's losses. Prior to that, as the market was dropping, Roosevelt had demanded that Levin further collateralize his loan to protect the bank's position. Levin produced $175,000 worth of Fidelity Bank stock, all of it registered in Dan Toll's name. Bcause Levin had to bury much of the cash he made during the height of his silver operations, he is now in a bind and National State is moving to appropriate the coins and the stock.

The London outfit of Sharps, Pixley also wound up being burned by Pep Levin. Besides selling silver bars to it, he was also speculating on silver futures with it, buying mostly on margin. ("Peppy is a guy who doesn't put out a penny he doesn't absolutely have to," says a former associate. "If he owes you five cents, he'll try to figure out a way to pay you four.") When the silver market fell, Levin was reportedly heavily in debt to Sharps, Pixley.

On paper, the Elysian days are over for Pep Levin, yet you would never know it. He is still cruising around in big Cadillacs, taking long luxury vacations in the Virgin Islands and dickering in fancy business deals. (He recently was negotiating to buy Select Associates, of all things, the Sherry Hill-based club that publishes a mate-swapping directory and sponsors swinging socials. The price: $750,000.)

Neither has Levin's influence in Pennsauken changed, since his old friend Joe Brook is still chief of police. And the force itself is still an abominable excuse for a law enforcement agency, rife with internal strife, political struggle and just plain rotten apples. Knowledgeable insiders, for instance, don't even take seriously the current investigation of it by the Camden County grand jury. The jury's investigation is being handled by Camden County prosecutor A. Donald Bigley. Most look for Bigley's jury to come down hard on the dissident cops within the force who have been giving Chief Brook a rough time.

It is especially interesting that Bigley, in his questioning of those policemen subpoenaed to the jury, has avoided asking probing questions about their involvement with Pep Levin's silver operations. He has even cut short a few witnesses who have volunteered to talk about it. In questioning one cop who was among the group attempting to smuggle gold into Canada, Bigley seemed more concerned about the fact that the man had violated a departmental rule or maybe even the law by carrying his gun into the state of New York. (Bigley, by the way, happens to be on the board of directors of Dan Toll's bank.)

Last month, Pep Levin sat down for an interview, despite all the intrigue and the mystery of his silver operations, its fantastic complexity and bewildering enormity, tried to make it all sound stale and dull, nothing that anyone would be interested in reading about and therefore nothing he would be even interested in talking about.

But in pressing him and probing him and asking him memory-kindling questions about what must have been for him days of great excitement and exhilaration, an irrepressible spark suddenly flashed and he blurted: "If I ever told you the story, believe me, you couldn't print it in your magazine because your magazine just isn't big enough. It's a story that's unbelievable, just unbelievable, of how you can start in a business and get involved and, you know, all of a sudden you're talking millions. *Millions!* I never knew what a million dollars looked like and all of a sudden you're getting it from all over. The kind of a business I was in was wild and wooly and hairy. Someday I might write a book about it. My lawyer says I should get maybe Art Buchwald or Jimmy Breslin to do it."

Yeah, they're good. They could make it all sound funny. And Pep Levin is the kind of guy who would enjoy the last laugh.

A REALISTIC LOOK AT UNEMPLOYMENT FIGURES

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. ROUSSELOT. Mr. Speaker, there has been a great deal of interest, specifically in the last several years, in the employment and unemployment releases by the Bureau of Labor Statistics, Department of Labor. Every Member of this Congress is always concerned about any American who finds himself unemployed for whatever reason that might be. We as elective representatives, are especially sensitive to those who find themselves cut off from earning their living by normal employment for reasons that appear to be beyond their control. As we look at the people who find themselves in this situation, we must not think of them as just statistics in a large report, but as individual Americans whom we must be consciously helping and encouraging back into meaningful employment. Extraordinary attention has been given to the unemployment figures and percentage of total labor force which they represent in any given month. Unfortunately, until recently there has not been careful analysis of what these unemployment figures actually represent and they tend to create optimism or pessimism depending on the size of the increase in unemployment that might occur.

Both John O'Riley of the Wall Street Journal, and J. W. Anderson of the Washington Post, have recently written articles, evidently with the assistance of statistics gathered from the Department of Labor, in which they have analyzed what the unemployment figures have really meant through the years. I believe that these two articles speak for themselves and should be carefully considered by the Members of Congress and by the public as a whole because they give a more realistic picture of what the facts really are. I include the following two articles: "Who are the Unemployed: Weighing the Impact of a Different Kind of Jobless" by J. W. Anderson of the Washington Post, Saturday, February 5, 1972, and "The Outlook: Appraisal of Current Trends in Business and Finance" by John O'Riley, the Wall Street Journal, Monday, February 7, 1972.

The articles follow:

WEIGHING THE IMPACT OF A DIFFERENT KIND OF JOBLESS

(By J. W. Anderson)

Last month 5,447,000 Americans were unemployed. Since they cast a considerable shadow over the coming presidential campaign, it is worth inquiring who they are. They differ sharply from the unemployed in the last recession a decade ago, and that difference has political importance.

Out of the 5.4 million, 1.3 million were under 20 years old. Nearly 1.2 million were looking for part-time work (including half of the adolescents). There were 4.4 million unemployed whites, and one million nonwhites. Just under 1.7 million of the unemployed were adult women. There were 400,000 unemployed Vietnam veterans.

Half of the 5.4 million were out of work because they had lost their jobs, and one-ninth because they had left their jobs voluntarily. The others were re-entering the labor market, or had never worked before.

An unemployment rate is a percentage. That is why the rate in 1971 was lower than in 1961, although the number of people unemployed was substantially higher. The population is growing, and the part of it in the employable age bracket is growing even faster.

In 1961, there were 4.7 million people out of work and the rate was 6.7 per cent. Last year the rate was 5.9 per cent, but there were 5 million unemployed.

President Nixon has apparently decided that, as a matter of election-year strategy, he can tolerate a relatively high unemployment rate. The explanation lies in the changing character of unemployment.

In weighing the impact of unemployment, economists look closely at the rate for married men. They are the most likely to be supporting others, and the least likely to have others on whom to lean. Most people regard it a much more serious matter for a middle-aged man to be unemployed than his teen-aged son, or his wife.

Throughout 1961, the unemployment rate for married men was 4.6 per cent. In 1971, it was only 3.2 per cent. Among adult women as well, the 1971 rate was a shade lower than in the earlier recession.

The big difference was in the much heavier unemployment among adolescents and single men, particularly those in their 20s. In both recessions the unemployment rate for adolescents was the same—about 17 per cent. But a decade ago there were only about 4.9 million people between 16 and 20 in the labor force, compared with 7.5 million last year. That meant 830,000 of them unemployed in 1961, but 1.3 million of them unemployed in 1971.

While unemployment rates for mature and experienced workers are generally down in this recession, there is one very visible exception. The rate for professional and technical workers was 2.0 in 1961, but 2.9 in 1971. The jump reflects the aerospace layoffs.

White collar unemployment generally is up, from 3.3 per cent in the earlier recession to 3.7 per cent in this one. Not all of it is due to the tight budget for space. One specialist attributes it to the unusually long period of business prosperity between recessions. Corporations put on heavy headquarters and research staffs in the good years but, when the weather changed, began unloading people who were not directly related to production.

The geographical pattern of unemployment has shifted strikingly over the past 10 years. In the 1961 recession West Virginia had the highest unemployment in the nation, 13.5 per cent. Last year its rate was 6.9 per cent. In Pennsylvania 9.2 per cent of the work force was unemployed in the last recession, 5.2 per cent this time. The Appalachian states generally came through 1971 relatively well. Kentucky and Tennessee were both below the national average rate.

The state of Washington, in vivid contrast, had a rate of 6.4 per cent in 1961, 11.1 per cent this time. California, in 1961, ranked 17th among the states in unemployment. In 1971 it ranked fifth, tied at 7.0 per cent with New Jersey and Massachusetts—two states with which it has little in common but a heavy concentration of high-technology industries.

Another instructive comparison lies in the figures for non-whites, who have not been hit nearly so hard by this recession as in the past. In 1961 the non-white unemployment rate was 12.4 per cent, but in 1971 it was 9.9 per cent.

The Bureau of Labor Statistics studied this difference carefully and offered four reasons for it. The massive cutbacks in the aerospace industries have hit very few blacks, since not many blacks were ever employed in it. But it also appears that, throughout the economy, enough blacks are moving into the more secure job categories to affect the national averages. Although there is no hard evidence, the Bureau surmises that some employers may now be making conscious efforts not to carry out the customary sweeping layoffs of mainly black labor forces. Finally, among the youngest and least secure, it appears that job-hunting in 1971 was sufficiently discouraging that many blacks simply dropped out of the labor force altogether. Once a person stops looking for a job he is not counted at all, either as employed or unemployed.

That brings up the interesting question of the definition of unemployment, and how the government computes the rate. The process begins with the third week of each month, when 1,000 Census Bureau specialists call on 50,000 households to ask who was working the previous week—and who was not.

The census taker never asks if a person is unemployed. Unemployment is very carefully defined, and the census taker instead asks a series of precise questions that lead to a precise answer. A worker on strike has no paycheck and may consider himself unemployed. But the Bureau of Labor Statistics does not. On the other hand a man caught in a short layoff may consider himself to have a job. The BLS computer counts him as unemployed.

A person is unemployed if he has not worked (unless he was on strike, or sick, or on vacation, and so forth) and if he has taken some step within the past four weeks to find a job (or is registered with an employment agency, or a union). He must be currently available for work. Seasonal workers, in their off seasons, are not counted either way.

There has been a good deal of academic controversy over the requirement that a person must actually have actively sought work in order to be counted as unemployed. Some economists argued that people will stop asking for jobs if they know that none are available. These people ought to be counted as unemployed, the argument goes, if they are ready and able to work.

But whether a person thinks that he is ready and able to work may depend on how he feels at the moment when the census taker knocks on his door. The unemployment index is the most controversial statistic that the government publishes, and the men who compute it do not want anything in it that depends on how people happened to feel when they were polled. Whether a person has sought work is a factual question and, the Bureau concludes, it gives a former figure.

Since the basic purpose of the index is not merely to encourage Democratic candidates but to measure the underlying strength of the economy the monthly figure is adjusted to compensate for the usual ups and downs of the seasons. But seasonal adjustment is far from an exact science. It is no more than a reflection of previous years' patterns. When the pattern is changing, the seasonal adjustment can have peculiar effects.

The sudden dip in the unemployment rate last June was wholly the product of the mathematics of seasonal adjustment. Although the administration hailed it with joy at the time, the reduction proved to be a computational mirage and soon evaporated.

Christmas makes the December and January rates a bit dubious. The vast movements in and out of the labor market require large and tricky seasonal adjustments.

We shall get our next top-quality index next spring, when the Bureau publishes the March figure. March is a month with very little seasonal movement and statisticians call it a "benchmark" period. (August is another one.)

On the subject of accuracy, one may note that a fluctuation of one-tenth of a percentage point, in the total unemployment rate, is not statistically significant. A change from 6.1 per cent to 6.0 per cent is as likely to reflect sampling error as any real change in the economy. But two-tenths of a percentage point almost certainly indicates real change. Or smaller changes over several consecutive months—from 6.1 to 6.0 to 5.9—would be significant.

The number of unemployed added to the number of employed people equals the national labor force, currently about 87 million. It has been growing rapidly in recent years, and that is why the number of jobs can keep breaking records (as the President rather plaintively points out) while the number of jobless stays high.

Lowering the unemployment rate is not simply a matter of more jobs. It means adding jobs faster than the labor force is growing.

In the early 1960's, the labor force was expanding at an average of about one million people a year. But since 1965 it has been increasing at an average of about 1.6 million a year. The reason for the acceleration is, of course, the postwar baby boom.

The number of jobs in this country was rising strongly last summer and early fall. But the tentative figures for the past several months hint that the rise may be flattening out. If the next several months confirm this pattern, the administration will have to step up the stimulants sharply, not to lower the unemployment rate, but merely to keep it from rising higher.

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Would you believe that nearly eight million new jobs have been generated by the U.S. economy in the past five years? That's more jobs than there are men, women, and children in the great metropolis of New York City. Well, such is the case. And, almost without notice, the country's bustling army of job-holders has climbed above 80.5 million for the first time in history. It is as good a starting point as any for another effort to help keep the "unemployment situation" in perspective.

Writing in this newspaper last week, Geofrey H. Moore, who heads the Labor Department's Bureau of Labor Statistics, stressed the importance of watching not just the unemployment figures but also the trend of employment as a key to the country's economic health. And his point was well made. The unemployment gets the public attention while the gains in job-holder numbers are often ignored.

The table below traces the growth of all civilian employment since 1966. Totals through 1971 are yearly averages. The 1972 figure is the seasonally adjusted total for last month, released over the week-end along with the January unemployment rate figures of 5.9%.

Year	*Employment*
1966	72, 895, 000
1967	74, 372, 000
1968	75, 920, 000
1969	77, 902, 000
1970	78, 627, 000
1971	79, 120, 000
1972	80, 636, 000

How do unemployment and employment go up at the same time? The answer lies in what is meant by the "unemployed." In the public mind it just means people who have lost their jobs, who have been laid off, fired. But that isn't the whole story at all. The "unemployed" total also includes, in addition to many who have quit their jobs, many, many, more who either have never worked before or have decided to look for a job again after having been out of the labor force for some time. In this group are many teen-agers and housewives.

Actually, the people who are jobless because they have been laid off constitute only some 40% to 50% of all those listed as "unemployed."

To put the employment-unemployment thing in focus, take one simple example. Suppose a man is fired. He is unemployed. Now, suppose his wife, who hasn't worked outside the home in a long time, decides she had better look for a job. She, until she finds one, is unemployed. Finally, suppose their teen-age son, wanting to help if he can, starts looking for work after school, but doesn't find anything immediately. He is unemployed.

In this case you have one job lost while unemployment goes up by three. If, at the same time, you have two other men getting new jobs, the result is: employment up one, unemployment up three.

This pattern does not bespeak a recessionary period. In real recessions, the total number of people employed either stops rising or falls. And in serious economic slumps, the employment shrinkage can be massive.

Maybe it is natural that this is forgotten. The country hasn't had a really bad period economically in thirty-odd years. The ranks of those who remember the last one are thinning. For millions who neither remember it nor read history, it just didn't exist. So, for the record, here's what happened to payrolls in the 1930s.

Year:	*Employment*
1929	47, 630, 000
1930	45, 480, 000
1931	42, 400, 000
1932	38, 940, 000
1933	38, 760, 000

That was some nine million workers—about 20 of every 100 working—being dumped off the payrolls within a short 36 months.

And in speaking of the 1930s we are not exactly talking about ancient times. The era after all was well into the 20th Century. It was, in fact, the last full, relatively peaceful decade before we entered the period that has included, in sequence, World War II, the cold War, the Korean War, and the Vietnam conflict.

Throughout the full stretch of the 1930s (not just the bottom of the recession) the unemployment rate on a full-year basis never fell below 14%. For four years in the period, it was 20% or higher. These rates as applied to today's 85-million labor force would mean staggering multitudes of out-of-work people.

Keeping in mind today's approximately five million unemployed as a yardstick, here's what it would look like.

Year:	*Unemp. Rate*	*1972 Equiv.*
1931	16	13, 600, 000
1932	24	20, 400, 000
1933	25	21, 200, 000
1934	22	18, 700, 000
1935	20	17, 000, 000
1936	17	14, 400, 000
1937	14	11, 900, 000
1938	19	16, 100, 000
1939	17	14, 400, 000
1940	15	12, 700, 000

This is not an attempt to be sensational by pulling up a chronicle of what everybody hopes is the dead past. Rather it is an effort to offer a historical backdrop for any realistic wrestling with the question: What is "normal" unemployment?

Certainly "normal" can't be assumed to be the same as "ideal." The 4%-or-less level may quite legitimately be taken as a near-ideal target. But there is, thus far at least, mighty little cause to consider it "normal." The country has only had it in periods of war effort when much manpower was either in uniform or defense industry production or both. But that's about it.

In the 1960s, which saw the longest stretch of recession-free economic activity in modern times, the unemployment rate never was below 5.2% for any full year until U.S. involvement in Vietnam was sharply stepped up.

"Five million people out of work" may sound like a lot even in a nation of nearly 210 million—and even if nearly a million and a half of the jobless are school-kid teen-agers. But even in World War II 1943, with the jobless rate at a tiny 1.9%, there were still over a million people listed as "unemployed." And in 1969, with the Vietnam effort pushing the jobless rate down to 3.5%, nearly three million were classified as "unemployed."

THE SUPERCITIES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. HARRINGTON. Mr. Speaker, not a day goes by without the problems which plague our cities—transportation, housing, the shifting economic base, pollution—appearing as front-page headlines or as major newsstories in the evening's telecast.

These problems, like the cities themselves, are man made. The larger our cities, the more monstrous these problems become. Our supercities seem to have more problems than they can cope with effectively. The plight of our supercities is understandably the major argument for meaningful, increased Federal assistance.

The problems are, moreover, not only national but international in scope. Four of the major international supercities—London, Moscow, Tokyo, and New York—are the subject of a major article in the February 16 Sunday Boston Globe, "The Supercities: Can They Cope?"

Last year, Globe assistant managing editor and chief foreign correspondent, Crocker Snow, Jr., and Dan Dimancescu, director of the nonprofit cities project in Cambridge, Mass., traveled to these four giant cities and conducted detailed interviews with the various city leaders. The comparative conditions delineated in the following article are particularly informative as a comprehensive introduction to the supercity and its similarity of character despite geographic location.

The mayors of Paris, Peking, Moscow, London, and New York have already responded favorably to the suggestion of Tokyo's Governor, Ryokichi Minobe, to hold a "supercity conference" sometime late this year or early in 1973. The conference will probably be attended by the political leaders of at least 10 of the major world cities and will focus on the mutual concerns of the world's giant cities.

As the Globe article points out, a livable, more civilized future for our cities is up to each of us and each of these giant cities may have answers useful for the others.

I strongly endorse this proposed conference and urge my colleagues to do the same. The articles follow:

[From the Boston Globe, Feb. 6, 1972]

SUPERCITY PROLOG

Tokyo, Moscow, London and New York, much like the men who lead them, have much in common. Their differences are ones of detail and degree.

Despite their distance and political isolation from one another, there has always been some common talk and exchange. This has been more than incidental. It has been more than just an exchange of keys or New York and Tokyo calling themselves "sister cities." The commonality can be found in the problems and in the search for solutions.

Though it is not always fully acknowledged, some practical plagiarism has taken place between the giant cities. British urbanologist William Robson, who has written a book "Moscow in the Making—1925 to 1967," claims that the Russian capital's concept of a green belt, its developemnt of suburban satellite towns, and its emphasis on population limitation are all copied from London.

Nowadays, the city planners and executives quite often read the same books. They echo each other's jargon with words like "citizen feedback," "social overhead," "infrastructure," and "overspill." The interplay goes beyond this; today both London and Tokyo are introducing a planned-program-budgeting system (PPBS) modelled after that first developed in the Pentagon and introduced in New York city government a few years ago.

With this and other precedents to look to, the city leaders are beginning to recognize that their destinies may be more similar than not. The theme kept coming up in a series of interviews with each of the chief executives last spring:

Tokyo's Minobe was visionary. He suggested a formal conference of five giant cities—Tokyo, Moscow, London, New York and Paris—as a first step, and the development of a new diplomacy "not based on a nation to nation basis . . . but on a big city to big city basis."

New York's Lindsay was simple and straightforward. He characterized relationships between giant cities on an international scale as "a growing thing in the future . . . because city life is getting more complicated."

Moscow's Promyslov was statistical and sanguine. "Now at this moment we have contacts with 49 other cities around the world," he said last March. "We visit periodically and exchange specialists. Unfortunately, we haven't those kinds of contacts with the United States yet. But I fully agree with Mr. Minobe's view that giant cities problems are similar. The more we meet the better."

And London's Plummer, who of the four has recently taken to traveling abroad the most, was pragmatic. "What we badly need is a small league of the very big capital cities who meet every two years on a carefully planned agenda for a short time to discuss their common problems. Most of these conferences I go to are concerned with small towns, even villages. And you find yourself arguing with some fellow with two villages up in the Apennines and he's worried about a number of goats. We should get into a position where we concentrate our efforts on the very, very real problems of big cities."

Late last summer and fall, Governor Minobe traveled first to New York and then to Paris, London and Moscow in turn to promote his idea and try to get agreement on an initial conference in Tokyo late this year.

A maverick American Republican turned Democrat. A Russian Communist. A British Conservative. And a Japanese Socialist. If the proposed conference actually takes place this year, it may begin to answer the question of whether it is realistic for giant cities to establish a new kind of direct diplomacy, and, more important, whether this could help to make their mutual problems more solvable.

THE SUPERCITIES

(By Crocker Snow, Jr.)

"God made the country, and man made the town," wrote British poet William Cowper in 1785.

Almost 200 years later, man is not so sure he wants to take the credit. The town evolved into the city, the city to the giant city, and this most extreme example of mankind's collectivist characteristics has now become one of our biggest dilemmas.

Today we are tempted to think of the giant city as a self-magnifying organism, an urban Andromeda strain, a product of natural forces which have grown beyond our control. Whether the giant city can be made more civilized than it currently is or whether it must be unmade first is a fundamental question facing those who live in it and lead it.

Tokyo, Moscow, London and New York are four notable entrants in the supercity sweepstakes. Each one has a population of well over five million. Each serves as an economic epicenter of a highly industrialized nation. Each, with the exception of New York, serves as a political capital as well.

Each of these cities has a character of its own reflecting those of its nation-state.

Tokyo—the largest city in history, an incomprehensible warren of roiling sidestreets and rising skyscrapers, symbolic in both its drama and its deficiencies of all Japan today.

Moscow—a well-planned and well-executed center of the Soviet Socialist Republic, with a beautiful public transit system but little inherent vitality to attract people from one end of the sterile city to the other.

London—rich in the antiquities and amenities of life, but showing some of the peeling paint and tired blood that Great Britain herself shows.

New York—Fun City gone sour, the onetime virile Gulliver prince being tied down by the Lilliputians of urban life.

These four cities have faces and identities all their own. But the common conditions to be found in each one are even more noticeable. "Go ahead, stand on any street corner in Moscow or New York or London," says a Soviet city official. "It's all the same, masses of people, cars, noise, buildings, concrete and so on."

Most of the biggest question marks are common too. Whether to inhibit or encourage further concentration in the center; where and how to build houses and roads and subways, and how to pay for them; how to effect environmental control of industrial and human waste without strangling the economic life of the city; whether to encourage citizen participation in government, and, if so, how best to integrate it with the city's planning process.

Tokyo, Moscow and London, every bit as much as New York, are faced with having to quicken their pace in order to stay where they are. In the words of one urbane urbanologist, the giant city dilemma is whether they can outrun their "exogenous" factors.

One part of the answer may be found in the question of whether they can learn to learn from one another.

It is an arguable proposition that cities like these, of a similar giant size in a broadly similar setting, and despite their very dissimilar political systems, face very similar problems. With this comes the corollary: because of their different political systems and principals, do the cities often seek different answers to their similar problems? Which leads to the tempting conclusion that there may be solutions to be found in one that could be applied to the other.

This might be called the giant city syllogism. A close examination of Tokyo, Moscow and London in turn, can provide a telling insight into other giant cities, especially New York.

The most important common demoninator for the giant cities is of course their size. It is a foremost issue city officials and planners must face. Do you push emigration over immigration? Is it advisable to delimit growth? If the answer is yes, then is it possible?

The cities are finding quite different answers to these questions. Two of them, Moscow and London, have made conscious decisions to limit their population, and have effectively done so. Tokyo is beginning to talk about it in the face of ballooning growth which has put the population at more than 11 million already. America's representative in the super city class, New York, is typically taking a different position; city officials are pushing a new Master Plan for the future which promises more, not less, concentration on the island of Manhattan.

The Moscow experience with population growth has been exaggerated. Starting at the time of the Russian Revolution in 1917 (a benchmark that even Soviet urban and demographic studies all seem to date from), Moscow has grown from under two million to its present size of over seven million.

The growth has been in line with the philosophy of Karl Marx who preached the "idiocy of rural life." "The city is not just one of the forms present in existing society," he wrote. "It is the model for this society and it will predominate in the contemporary period."

In Russia today, the city is seen as a mechanism for developing "socialist man," and the rise in city living has been nationwide. The urban population of Russia has increased from 24 to 134 million in 50 years. Fifty-seven percent of the country's population now lives in cities, which is, in total urban population, second only to the U.S.

But as natural and non-revisionist as this trend may have been, the Soviet penchant for planning has been operating against any further migration to Moscow. The strategies to restrict urban growth in one place and encourage it in another are developed in national planning institutes. Throughout Russia today, there is deliberate limitation of population growth in cities with over 500,000 people.

One of the distinctive features of Moscow among the giant cities is its spaciousness.

The ubiquitous Soviet plans and charts indicate 33 square meters of greenery per Muskovite, which compares to a nation-wide Soviet city average of 20–25, and to a paltry figure of less than one square meter per person of greenery (.079 to be precise) in downtown Tokyo wards. The space of course is far easier to come by in a socialist state with no private property. It is just as highly valued, however. "We must fight to keep these figures working for us," says Nicholas Ullas, the city's chief planner. "We must have a very rigid urban discipline to keep the green spaces open."

The same kind of urban discipline need not be applied to the population check. Because of the kind of control inherent in the Soviet system, with work permits for citizens and industries alike, effecting the population limitation becomes mainly an administrative matter.

London, like Moscow, has a relatively stable population. In fact, London set the precedent in first attempting to check its population growth shortly after World War II. But unlike Moscow, the limitation in London had to develop out of a tradition of individual freedom. As Desmond Plummer, leader of the Greater London Council and thus the city's chief executive, commented when asked about Moscow's "urban discipline" for maintaining its green spaces, "It's more like persuasion here than infliction of discipline . . . it's all a question of tolerance here."

The tolerance of freedom has worked in this respect; London's population has dropped by almost 700,000 since World War II. This has occurred partly through a British version of "reasoning together," partly due to the commonplace western trend of migration to the suburbs, and partly because of government incentives to businesses to locate outside the city in satellite areas like Peterborough about 80 miles north of London. Today, migration out of London continues at a rate of 90,000 a year, but with 50,000 more births than deaths in the city annually, the continuing net loss is about 40,000 yearly.

Predictably, with the continuing population loss comes rising concern about a withering economic base. There are some who credit the population dip to date neither to positive planning nor personal preference but simply to the negative factor of the city's—and the nation's—continuing economic ennui.

Strikes of public and private employees were almost a daily occurrence in London last winter. Henry Ford was at Whitehall threatening to pull his production plants out of Britain unless labor productivity increased. There is no particular need for the stiff upper lip in London today, but even the less dramatic "muddle through" spirit is being challenged by a mood captured by some graffiti seen at a Hempstead phone booth: "Owing to lack of interest, tomorrow has been canceled."

For all of this economic concern—and it is very real among London leaders today—city planners project a population drop of another half million to 7.3 million in the next 10 years.

There is no special target figure to be achieved, however. Like the limitation initially, the drop-off depends more on human motivation than limitation.

This flexibility is even reflected in the wording of the city's master plan: "What we are doing realistically, is to allow for a lower population than today. The aim is not to have the largest population in the world—we cheerfully cede this distinction to New York, Tokyo, Sao Paulo. Our aim is to maintain London's place in the esteem of mankind. We must compare ourselves to our rivals not on the question of size but on beauty and amenity."

Tokyo today reeks of energy more than amenity. The sprawling metropolis on the edge of the Kanto Plain area of Japan's main island has become a place where the delicate Japanese Inn is overwhelmed by the flashiest jumbo hotel and the quaintest muslin sweat shop is strangled by the most mechanized, modern textile mill.

This situation wasn't planned so much as it just happened. Today, as the city has grown to be the largest ever known, both its unmatched charm and its unfettered commercialism stand in danger of suffocation.

Tokyo's population growth happened amost overnight. When General Douglas MacArthur made his celebrated landing at outlying Atsugi Airfield in August 1945, the shattered city had a population of 3.5 million. Today it is estimated at 11.1 million. Its yearly growth rate is optimistically estimated at 100,000 a year. Projections peg the total at 33 million within a 60 mile radius by 1985.

Tokyo is a little like an army which has outrun its supply lines and must stop and regroup. City officials and citizens recognize this, but it seems that the central government doesn't. For Tokyo is viewed by the federal government and especially the dominant Liberal Democratic party as the main generator of what is commonly called Japan, Inc.

Thus, the very nature of the cooperative business-banking-government enterprise of the country means that though there is talk about population control for Tokyo, the priority for effecting it is lacking.

To date, the efforts to limit growth of the city lie in some new zoning laws for both businesses and residents—establishing so called urbanization and anti-urbanization areas—and in the reactionary stance which the city's Socialist governor, Ryokichi Minobe, has taken against the nation's consuming growth ethic. But with federal authority and control in such problem areas as traffic, housing, police and pollution, this has been more psychological than anything else.

The three giant cities then are at different stages and of different minds in the population control game. In London, the popular consensus for limits is there and the population is diminishing. In Moscow, the state decision is there, and the population has about stabilized. In Tokyo, the consensus is still developing and the population is still growing.

Curiously, these cities' closest American counterpart, and the one that many of them unconsciously look to for guidance, is in a different phase altogether. In New York of course, the American traditions of constitutional freedoms and personal mobility combine to make an arbitrary limitation on population growth an almost inconceivable proposition. Yet worsening conditions have accomplished something of the same end; for the last two decades, New York's population has hovered at about 7.8 million.

But though the total has been stable, the character of the population has shifted considerably. Those whom the sociologists call the "upwardly mobile" have proven mobile indeed. The engineer and the gynecologist, the savings and loan executive and the television script writer—many of those who bring both money and vibrant ideas to the city, have packed up and left.

Their place has been taken, by and large, by poorly educated blacks and Puerto Ricans. Since 1950, the white population of New York has dropped from 87 to 70 percent. The number of blacks and Puerto Ricans has grown from 1 to 2.3 million. They come to New York for jobs and opportunity to find instead drugs, the numbers, dismal ghetto living conditions, and the overall frustrations of the non-producer in the midst of a hyper-productive environment.

So New York has a stable population in total, but not in character. What is far more unusual about its current situation is the institutional talk of fostering more people, not fewer.

Mayor Lindsay and some of his subordinates don't discuss this on television or at the press club. But the single most startling aspect of the city's new master plan, fundamental to its six volumes and 450,000 words, is the emphasis on more concentration, not less.

The plan characterizes the island of Manhattan as the "engine", one to be strengthened, not weakened, and promotes the positives of urban concentration. The writers openly acknowledge their radicalism: "The planners in a number of the world's capital cities have embraced the same philosophy. The thrust of their plans is to stop the growth of the center, to split up the activities and relocate them in outlying subcenters and new towns. But concentration is the genius of the city, its reason for being, the source of its vitality and its excitement. We believe the center should be strengthened, not weakened, and we are not afraid of the bogey of high density."

If the giant cities have some real differences in their approach to population control, both in what their plans and what their officials call for, there is surprising consistency in what they recognize to be their major problems and priorities otherwise.

In lengthy interviews earlier this year with the chief executive of each of the cities, almost the precise same concerns were expressed. A smiling Governor Minobe, a sober Chairman Promsylov, a shirt-sleeved, joking Desmond Plummer, and an aggressive Mayor Lindsay, all mentioned housing and transportation as major problem areas. Each one mentioned pollution control too. Finally, unanimously and without prodding, each man held the tin cup and talked of the question of revenue and resources to do the job.

The basic human need of shelter still haunts many an urban dweller in these four cities of the foremost developed countries of the world.

In some respects, the Tokyo housing problem is the most acute. This is due to both the city's rapid rise in population and the nation's unmatched economic growth which has triggered the proverbial revolution of rising expectations. Today, in a nation which has built its postwar psyche on its economic success, the Tokyo worker finds himself living in a per capita space considerably smaller than the national average. Yasuo Hayashi and three co-workers at Sanyo Electric may share a single room with four tatami mats and a television set in order to be near the action at Rappongi district. The young white collar man, Tateo Matsunaga, may situate his wife and young son in a lousy two room flat so as to be near the central train terminal at Shibuya. But neither situation will sit well for long as the television tastes of the nation affect their living tastes too. In Tokyo today, more houses are needed, and better houses than those most Japanese have been used to are expected. A 1968 survey conducted by the city government classified 834,000 families or 28 percent as living in under-their-level houses "viewed objectively", and another 34 percent as "subjectively discontented with their present house."

The major problem is not incentive or even building costs but the disproportionately high value of land in Tokyo's metropolitan area. Land prices in the 23 innner wards increased 13.6 times from 1955 to 1967. Today the acquisition of land accounts for roughly 50 percent of the new housing costs as compared to a New York figure of 20 to 30 percent. Tokyo's land problem is compounded by the fact that almost 40 percent of the land is non-taxable, including such spacious US-controlled air bases at Atsugi, Tachikawa, Yokota in the city's metropolitan area.

In spite of the costs, however, 150,000-200,000 Tokyo homes are being built each year by a combination of city, state and private construction ventures. The housing goes up first but in many of the outlying areas, the associated attractions, the schools and stores and sports facilities, lag far behind.

With Tokyo's dilemma in mind, the virtue of Moscow's all-public real estate system is obvious. Even so, housing still constitutes a major problem in Russia's capital city. In fact, it is the Moscow Soviet's top priority.

Asked this Spring what he would most like to be remembered by for his years in office, Chairman Promyslov replied, "In the nearest five years, I would like to see every Muskovite with good, modern facilities . . . his own apartment . . . and, soberly, I think this is within our capabilities to achieve."

Currently, the city's apartments are lacking in both quantity and quality. The need for more will come as a surprise to the casual visitor to Moscow, for the city is ringed by vast blocks of apartment buildings. From the air these look almost like blocky, gray minefields guarding the entrance to the Kremlin. From the ground, their humanity is only slightly more apparent. The buildings are sterile and artificial looking in the pine forests outskirts of the city. Only the very latest models sport any lively embellishments like modest little shopping centers along the ground floor or the occasional gas station or playground.

Moscow is now midway in a 20-year building program. Some 120,000 of these apartment units are being erected a year. This is part of a grandiose 20-year, 2.2 million unit building plan which was begun in 1960. But the issue is quality more than quantity. Some of the apartments which Moscow first erected twenty years ago are reminiscent of the now abandoned barracks blocks raised by the British to aid the Hong Kong refugees, and even the newest reflect only a modest bow to styling. Esthetically, the most pleasing parts of Moscow are the ancient and often run-down pre-revolution buildings and even apartment dwellings in the center of town.

If Tokyo's housing problem is primarily one of numbers and Moscow's increasingly one of character, London's difficulties are different still, a matter of decaying capital plant. As the city with the most stable population of the three over the last 25 years, London is faced with the need for rehabilitation and renewal more than initial construction. Almost a quarter of the city's houses will be judged obsolete in the next twenty years. This, coupled with those due to go for roads and the like, makes a target figure of half a million new units by the 1980s.

As in Tokyo and New York, land cost is a problem. London land is said to cost four times what it does elsewhere in Great Britain. Real estate profiteering has reached the extreme where a spanking new office building, the 33-story Centre Building in Tottingham Court has remained unoccupied for three years on the land speculation of its owners.

But a more pressing problem in the housing market just now is who will build what and under whose jurisdiction. In the city's multi-tiered system of government, the boroughs of the lowest rung have traditionally had the most responsibility in the matter, building almost three-quarters of the total. With the new regional government, some of this responsibility has shifted to the Greater London Council. Today, though Plummer and his chosen committee chairmen are all conservatives under the Conservative national government of Edward Heath, they complain about insufficient support and attention coming from the feds "across the river" (the parliament building and County Hall are directly across the Thames from each other.)

In addition to a jurisdictional problem among the different levels of government, there is an important political one, too. Housing as an issue in Britain is intricately tied to that of the growing numbers of ethnic minorities, especially Indians, West Indians and Pakistanis, in part of London like East End. The phenomenon itself is beginning to become a problem, as witness the actions of "Packy Bashers" in the streets and the statements of Enoch Powell in the halls of Parliament.

Traditionally the Conservatives have been more guarded than the Laborites about government involvement in such affairs. Plummer today doesn't hide his distaste for government development of further low income housing like that in the East End, which he characterizes as a "concrete and asphalt jungle." Thus the Labor opposition in the GLC attacks him for acquiring just 69 acres last year for public housing, and he counter-attacks with the response that instead of land, the GLC has arranged $60 million in loans for private housing associations.

From this side of the Atlantic and the giant counterpart of New York, there is real agreement with the priority concern of Tokyo, Moscow and London on this front.

"I think the number one area where we have problems is housing," remarked Mayor Lindsay in a recent interview. "And that's because there is no national program at all . . . you've got to have subsidies to do it . . ."

While soliciting more money for new housing in New York, the city government is promoting decentralized programs. The mayor says he is convinced that in this area anyway, "centralization does not promote efficiency." He cites as an example the fact that the new starts for low and middle income housing in Coney Island were five times as fast with local decision-making than with centralized.

Overall for the giant cities, housing is a one dimensional kind of problem however. Most everyone in Tokyo or Moscow or Brooklyn Heights can agree that it's needed, and the only question is who will pay the bill. Another big problem common to the big cities, transportation, is not so simple.

The transportation debate is probably the most complex and currently controversial that the big cities face. Should it be more roads or more subways? Where do you put them and how do you pay? It used to be safe to say that most everyone wanted new roads, only not here. Today not everyone does want the new roads if they mean more social displacement and more tax dollars going to the benefit of those who drive at the expense of those who don't.

"The great curse of giant cities," says Prof. William Robson, a patriarch of city planning from the London School of Economics who has consulted for the city governments of Tokyo, London, New York, and even Moscow, "is the waste of time and energy of longer and longer travel journeys."

The curse is the same in Asia and Europe and America. Yet the situations are quite different. Unlike the US where the car came right on the heels of cattle as king, it is still in the nature of a luxury item in many other parts of the world. Where the car and highways have held sway in American urban transportation over the last thirty years, and often at the expense of mass transportation, quite the reverse has been the case elsewhere.

In London and Tokyo and Moscow, for example, the mass transit systems are generally in a happy state of use and public acceptance, and the pressure is for new roads to accommodate all the freshly budding one-car families.

For all the international trade prestige of the Japanese Toyota and Datsun, there is still precious little surface area in the country for the native owner to use his native car. In fact the city has the smallest percent of land devoted to roads of any large city of the world; its eleven percent ratio compares poorly with the 35 percent in New York, the 24 percent in Paris or the 18 percent in Nagoya, a Japanese city just a hundred miles to the south.

Tokyo, like the country at large, has a small-road heritage, and the building boom occasioned by the summer Olympics now seven years back, had little effect on much of the road network beyond the most major thoroughfares.

Since then, the city has put 570,000 million yen in its road system, but a growth of city cars from 400,000 ten years ago to about two million now has swallowed any improvements whole. The frequency and unpredictability of massive traffic tieups means that the cautious traveler need allot 90 minutes to go from the center of town to Haneda Airport by taxi, while the subway run, with a switch to a direct monorail, consumes a half hour at most.

For the Tokyo worker who just got a car two years ago, his Russian counterpart may be getting one in the decade ahead. Moscow, a city long noted for its superb subway system, expects a rise from about 200,000 cars at present to about a million over the next five years. The process is seen as both inevitable and desirable, a sign that the Russian consumer is holding his own with the capitalist one. It may even be a matter of state policy. "It is important that every person has free choice between public transportation and a private car," declares Nicholas Ullas, one of the city's chief planners.

Moscow officials are under no illusions about what this will mean. Much planning time and newspaper space is devoted to the question of what is called "automobilization."

If predictions hold true and the city's automotive population increases five-fold in five years, then the planning must quickly turn into programs. Despite wide streets, compared, say with Tokyo's the poor feeder roads already spell minor five o'clock traffic jams at certain points of the main routes like Gorky Allee. Foreign observers mention that the only noticeable improvements in the last several years have been addition of more service stations and the erection of modern traffic signs.

Clearly, Moscow's road maps need more heavy black lines. Two complete circumferential highways are planned as well as a couple of additional radial lines by 1980. "We are a planned economy and we can envision the problems in advance to some extent," says Chairman Promyslov in discussing this. "We are trying to minimize the effect on the city by planning in advance. This is our advantage."

Asked specifically about the problem of displacing people to build roads, he replied, "Of course, we have this problem, but you cannot imagine how big the scale of the work is. For instance, every year we are relocating about 500,000 in Moscow . . . and these problems of transportation, future traffic and relocating people are our daily concerns. Ultimately," said Promyslov's chief planner in further explanation of this, "the intertests of the whole city must dictate. That is why we must have our finger on the full pulse."

To a Westerner, individuality seems to be the victim in this process. As one woman official when asked this put it, "It's like addressing a letter here from abroad. You write 'USSR' first, then the city, the street and finally the individual. That's the proper priority here."

Similar to Tokyo and Moscow, London feels it has an efficient and almost fully saturated public transportation system. Its 91 miles of subway compares favorably with Tokyo's 80 and Moscow's 85. Good use is made of the public facilities. "London," points out the city's master plan, "is the one place in the world where a man does not lose status because he rides on a bus, bowler-hatted and carrying his umbrella, and rubs shoulders with the typist or the boiler fitter."

Despite their reliance on the bus, trolley and subway, Londoners are far more oriented to the private auto than their counterparts in Tokyo or Moscow. Nevertheless, in the first years of Britain's post-war recovery, all of the weight of public money was put on schools and housing. The city's road system was neglected, and today London planners acknowledge being twenty years behind the United States in this.

Now the city administration is plotting and pushing some major new roadways. It is aiming at the completion of two new complete ringways and part of a third around the full circumference of the city in the next 30 years.

The plans are full of civilizing schemes. Tenants in houses and apartments near new roads, for example, will have their rents lowered. Moreover, the highway people are selling the full blueprint on the basis of new roads helping, not hurting, the environment by pulling commuter and commercial traffic out of the little residential areas, and carrying the traffic straight to where it wants to go.

The "roads issue" has become a matter of real public controversy in London today.

The city's most organized and effective lobbying organization, the London Motorways Action Group, has involved itself in the hot questions of human dislocations for highway locations—to the despair of the professionals planning the roadways.

The dilemma is a common one. Describing a pitched battle about a proposed minor bypass in the residential area of Greenwich on the Thames, Peter Scott, the chairman of the city's Planning and Transportation Department gestured to a huge, color-coded wall map. "When you're dealing with people about *that*," he moaned pointing to a small patch of green amid the pervasive grays and browns of the more built-up parts of the city, "it's very difficult to get them to consider all *this*," indicating the whole metropolitan area.

The soliloquy is echoed in planning chambers around the world. The fundamental pressures on both sides of the highway question will undoubtedly continue, and the dilemma will too. As the London plan itself puts it, "We say we want to design a city fit for people, not for cars; but if we make the place totally impossible for cars, we may lose the people as well."

Highways and housing are essentially physical matters. Do you build here, do you tear down there, and then, at what cost in social terms? A third common problem to the giant cities around the world, the question of ecology and pollution control, is somewhat less tangible but is every bit as real. The lonely plea of the conservationist from remote parts ten years ago has of course become a popular chorus for pollution control from the industrialized parts of the world today. The giant cities especially.

Tokyo, with its swelling population, its poor planning, its heavy preponderance of small industries of less than 300 workers, and its location on the edge of Honshu's Kanto Plain with a prevailing onshore wind, has one of the severest pollution problems in the world. The kind of occurrence of July, 1970, when 40 Tokyo girls in a senior high school were stricken with nausea and fainted due to photo-chemical smog, the increasing incidence of *"etai-etai"* (literally "ouch-ouch") rashes from cadmium waste and the "Minamata disease" from mercury have triggered public awareness about the problem and prompted some fresh government actions to help solve it.

Within days of the smog crisis of 1970, a central national headquarters of anti-environmental pollution was called for within the federal cabinet with Prime Minister Sato as superintendent. The police organized a pollution patrol squad to help combat exhaust fumes from cars and trucks, and a special session of the city's Metropolitan Assembly was held to prepare plans for an anti-environmental-pollution bureau.

This crisis was an important catalyst; it prompted something of an "I told you so" attitude on the part of city officials. Tokyo's Governor Minobe and lesser officials had, figuratively, been breathing hard over the pollution problem for some time. A White Paper which was published by the city in March 1970 defined three "public nuisances" as air pollution, water contamination and noises. A city-wide Environmental Protection Ordinance, established at the same time, included a blunt preamble about the causes: "It may be said that public hazards have their sources in industry and cities which man created, and are evidently social calamities."

Lately, the pollution issue has become very much a political one in Tokyo.

Minobe made much of this theme during his highly successful re-election campaign last March: His "I Can See Mt. Fuji" campaign song combined social commentary with popular harmonizing. His blue and white campaign button, the colors symbolizing blue sky and cleaner air for Tokyo, was once more much in evidence. (He was the first Japanese politician to use such a button four years ago; in this election his supporters contrasted his color scheme with the green and orange buttons of his opponent, Hatano, which they said symbolized power and energy and thus the growth-cum-pollution ethic of the LDP).

The new politics of pollution control has begun to have some effect. Agreements for purifying exhaust emissions have been reached with Tokyo's power and electric companies. In mid-summer, the federal government formally established its Environmental Agency under a new cabinet-level officer who immediately called for legislation requiring industrial corporations to bear responsibility and compensate for any pollution damage "regardless of fault". In July, the Mitsui Mining and Smelting Co. of Tokyo made a 66 million yen settlement with 31 persons plagued with *etai-etai* from cadmium waste at the company's zinc production plant in Kamioka.

Still, there is a gigantic task ahead in controlling all aspects of the problem. "Honey bucket men" and "night soil" trucks are more common carriers of Tokyo's human sewage than are pipes; little over 40 percent of the city is yet tied into a sewage system. A survey by the city government last spring uncovered the discouraging fact that just under half (49.4%) of all the drinking wells in seven selected wards of Tokyo are polluted by unhealthy levels of colitis germs and other bacteria.

Unlike Tokyo, Moscow of course doesn't have any political problems with pollution control. In fact, city officials go so far as to say that they have no problems with pollution at all. "We have a system of fines and anyone violating pollution rules faces a great expense," said Chairman Promyslov in an interview last spring. "Under our criminal codes, we have norms and rules and it is not safe for bosses to break them."

One of the big elements is Moscow's favor is the extent of natural gas used for heating and energy. The city's first major gas pipeline, Saratov, was commissioned in 1946, and now there are five in all with the longest coming from central Asia and a new one coming up from the south in Iran. With single heating units for immense apartment blocks, the city is already 70 percent heated and powered by natural gas. Promyslov says this figure will become 98 percent during the next Five Year Plan ending in 1975.

Aside from the gas, Moscow has some other things going for it in the clean air line. The basis of its inner city transportation is the impressive Metro which is electrically powered. Car and truck exhaust is still relatively minor due to lack of numbers. A city fact sheet puts the question in characteristically immodest perspective stating that, "Moscow has largely succeeded in getting rid of smoke, soot, cinders and slag, those formerly inevitable companions of any industrial city."

Like Tokyo which has in recent years compelled some 600 factories to move out of the center city. Moscow has begun to encourage the emigration of small polluting industries to the nation's new industrial region in the Ural Mountains. Apparently the move is not always voluntary. "Sometimes overall state interests and those of the city don't always coincide," says planner Bernard Ullas. "Certain industries don't want to leave, so we need discipline and the mayor must display great vigilance."

Still, for all of Moscow's overbearing confidence about its pollution control, one approaching the city by air—just as in many a Western city—is likely to be first aware of it by a thin layer of haze and smog in an otherwise clear environment. To the stroller, the city, like most Western ones, is clad in industrial drab. Of Moscow's water supply, Chairman Promyslov reports there's fishing again in the Moscow River within the city limits, but acknowledges that, "Before we had no fish in Moscow and now we have some fish, but still, I can admit, we have more fishermen than fish."

Moscow's pride in its pollution control is matched in part by London's. Asked at the end of a two hour interview if anything had been neglected, Desmond Plummer, Leader of the Greater London Council, replied: "Well, I would say that we've got a good story to tell about the environment in London."

So they do. London air seems noticeably cleaner in the last few years. Ambitious scrubbing programs on the exteriors of some of the city's historic buildings have been undertaken. With the cleaner air, the value of the washing has endured; and one now feels like running a hand along the antique lines of St. Paul's Cathedral, say, without gloves on. Like Promyslov, Plummer mentions the fishing, but he says that Londoners are now throwing them back.

Pollution control, particularly air pollution, is a matter of dividend responsibility in Britain. Certain major guidelines were established by the national government long ago. The Alkali Act for example was written in 1865, just ten years after Charles Dickens' treatment of post industrial England in "Hard Times" and his vivid description of the mythical burg of Coketown, a place "of red brick, or of brick that would have been red if the smoke and ashes had allowed it; but as matters stood it was a town of unnatural red and black like the painted face of a savage."

Today, the Alkali inspectorate still is a watchdog over the pollution problem nationally.

By and large in the city, however, the authority for environmental standards resides with the boroughs as opposed to the Greater London Council. This is because pollution is considered a matter of public health. Potentially, such a situation could pose a big problem for the city, since the effects from one careless or industrially-zoned borough could blow over to a more fastidious neighbor.

But generally, the city and the boroughs have pulled together on this. This kind of coal which Charles Dickens wrote about has been largely eliminated, and coal fireplaces in apartments in Chelsea and other boroughs are boarded over and stamped by a local inspector to prevent their further use. City officials speak of a 75 percent decrease of smoke since 1958, and a 40 percent drop-off in sulphur dioxide. Last winter, the Alkali people reported London's air as cleaner than that of Brighton on the Channel. "London smog is a thing of the past," says Desmond Plummer with a smile. "It just doesn't happen."

The idea of London's chief executive talking up the city's nature and wildlife endowments with a straight face is one that city dwellers from elsewhere such as New York where even the maintenance of clean streets seems illusory, will find hard to swallow.

Yet this is just the case. Plummer, who has made a hobby of gardening, can wax almost zoological on the subject of the city's cleaner air and water. "It's had a number of side effects such as the doubling of the number of species of birds in London over ten years ago," he exclaimed in an interview. "There's a kestrel nesting on the County Hall roof. And the Thames is getting much cleaner. There's nearly fifty species of fish in the river now. The fishermen are still a peculiar race . . . they catch them and put them back in again. Even in the last few months sea trout have been caught in the Fullom power station right up as far as the first lock. Smelt is being caught. All sorts of odd things. The power stations are complaining about the number of shrimp caught in the intakes. I mean two tons of shrimp . . ."

Housing, highways and pollution control then are three big issues with which big city leaders around the world find themselves preoccupied. This will come as no surprise to the city soul in America where the themes are common also.

Still, as any American city dweller has been told in almost repeat-after-me fashion, the major touchstone for solutions is money. New roads and new transit systems, new apartment blocks and renovated brownstones, purifying devices and low sulphur fuel—all are costly.

The New Yorker reads that his city and his state are each one billion dollars in debt. He reads of an expected $600 per man tax increase next year and a total of eleven new kinds of taxes proposed by Mayor Lindsay, and suspects that even this won't keep city services up to snuff. He senses that new dollars won't help establish programs to solve the problems, so much as, negatively, help prevent the old programs from being cut back and thus the old problems from getting any worse.

The cost factor in New York has become paramount. The city's master plan blithely mentions a need of $52 billion between now and 1980 over anticipated revenues. The mayor, it seems, spends most of his time, cup in hand, peddling his programs in Albany and Washington.

Symbolically, an interview with Lindsay last April was interrupted and foreshortened by a fiscal crisis and the mayor's need to prepare an instant press release: "Today, the state started its new fiscal year without a budget. No budget is better than the one that has been proposed. The needs of our cities have been ignored." And even more symbolically, rushing out of his basement office at Gracie Mansion to read the statement on an evening television news show, the mayor had to touch his secretary for some pocket money for the moment.

With this kind of a fiscal atmosphere so prevalent in America, it is surprising to find the problem not nearly so acute in the other giant cities. Discussions with the political leaders and others in Tokyo, Moscow and London don't revolve around the subject of revenue. Part of the answer may be that one is less likely to plead the pauper to a visitor than to a cousin. But overall city claims on revenue sources don't seem as great as in America today, and the supply seems somehow more solid.

For example in Tokyo, Governor Minobe doesn't complain of too little money so much as he complains of too little authority. Tokyo raises just 30 percent of its own budget, as compared to New York's 65 percent, and its budget rose by 17 percent in 1970 as compared to New York's rise of 25 percent. The quick answer to the difference is that Tokyo isn't burdened with welfare costs which consume so much in New York.

Welfare in New York now amounts to more than the total city budget in 1959. One billion New Yorkers, one out of every seven in the city, are on welfare, and this costs Federal, state and city some $1.5 billion a year. These costs are rising for Tokyo too. In the city's 1970–71 budget, the costs for supporting what the Japanese call "unblessed people" rose by 76.8 percent, twice the percentage increase in the next closest category. But still the total budget figure was just $116 million, or less than one-twelfth of New York's.

London's "budgetary" inflation doesn't compare with New York's, resting at about 8 percent at present. So far the city's main income has come from a stable property tax. Since there isn't much free or vacant land left for development, London's revenues rose by only 1.5 percent last year.

Faced with an inflation rate growing faster than the property tax base, city officials are anxious for more control of their pound sources, and are beginning to talk up new levies like a hotel tax and a sales tax.

More dramatic than the rest by contrast with New York, Moscow officials claim no money problems.

The budget for 1970 was set at 1403.4 million rubles ($1.5 billion) and showed an excess of revenues over expenditures of 2.3 million. Said Promyslov, when asked if either insufficient funds or insufficient power was a problem, "We have money. We have authority. We have everything."

Even so, the city cannot take credit for raising much of this money. Where New York raises about two-thirds of its operating revenue from local sales and property taxes, in Moscow less than 10 percent is raised by the municipal authority. A breakdown shows 213.4 million rubles from industry, 314 million from utilities, housing and transport industries, 136 million from construction, and 175 million from what is called "trade and public catering." Only 77.5 million rubles came directly from entertainment tax, rent and "other local sources." If this breakdown needs some translation for the western mind. Chairman Promyslov thoughtfully provides it. Asked to compare his financial system with that of Tokyo or London or New York, he replied, "System-wide, we have less difficulties. For us it is easier to solve many problems than in other cities of the world. If we have money shortages, we address the government and we always meet a sympathetic ear and they always come to our help." Are you listening, Mayor Lindsay?

Whatever the case, whether the money is coming from the top or is taxed by the city or the state, no one of the chief executives of Tokyo, London or Moscow display the kind of handwringing and public poormouthing common to most American mayors today. Yet Tokyo, London and Moscow, it must be remembered, are capital cities. As seats of government for the federal officials and the federal treasuries, they are thus national symbols and showplaces for their nations in a way that New York clearly is not. This may be the major reason for their relative solvency today as compared to the flavor of near bankruptcy which emanates from New York.

HEARINGS SCHEDULED ON HABEAS CORPUS LEGISLATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. CELLER. Mr. Speaker, I wish to announce that Subcommittee No. 5 of the Committee on the Judiciary, on Wednesday, February 23, 1972, in room 2141, Rayburn House Office Building, will hold public hearing on H.R. 11441, a bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus.

The purpose of the legislation is to restrict the basis on which Federal habeas corpus relief will be available to State prisoners.

NIXON ADMINISTRATION IMPERILS NATURAL RESOURCES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 8, 1972

Mr. METCALF. Mr. President, when President Nixon announced his 5 percent Federal employment reduction program, my friend and former colleague in the House of Representatives, the Honorable JOHN DINGELL, of Michigan, joined me in asking the Departments of Agriculture and Interior for a full report on the impact this austerity program would have on conservation, environment and natural resources programs authorized by Congress.

A program of selected reduction in agencies less essential to environmental and human needs would be a better program than the present irrational policy of a 5-percent reduction in every agency.

According to the responses to our request it is clear that a number of programs relating to the environment and human needs will be impaired. The following agency by agency summary illustrates how a number of conservation, environment and resource programs are being degraded and disintegrated.

NATIONAL PARK SERVICE

More Americans are visiting our national parks every year and the demands for services are increasing. The Park Service has a present operating funds deficiency of $38.8 million for managing the park areas at standard. The President's program will only add to the problem of park maintenance. One hundred and two field positions have been abolished including those of park rangers, park planners, landscape architects and positions in visitor services, grounds maintenance and fire control.

The reduction in employment and the consolidation of service center operations will reduce the Park Service capabilities for planning, design and construction that will be met instead through contract with private architectural and engineering firms. Congressman DINGELL and I ask: Will the President's program reduce Federal expenditures if in-house capabilities are so limited that outside firms will be hired?

BUREAU OF RECLAMATION

The Assistant Commissioner of Reclamation predicts adverse effects on newly authorized construction activities and in implementing research programs in atmospheric water resource development efforts if current limitations on positions continue. The President's employment reduction program has eliminated 258 positions including important environmental posts of natural resources specialists, soil scientists, meteorologists, hydrologists, and environmental specialists. Research programs vital to the environment will be curtailed or delayed. In our opinion, this is not a savings; it is a delayed expenditure.

BUREAU OF OUTDOOR RECREATION

Positions for three Outdoor Recreation planners have been eliminated at a time when more Americans are demanding more outdoor recreation facilities. For a savings of only $23,000, the Bureau is in the process of reexamining its goals and priorities and the reduced manpower will be an important factor in establishing the priorities.

BONNEVILLE POWER ADMINISTRATION

At a time of increased electric power needs the Bonneville Power Administration reports that the 5-percent employment reduction will impair its ability to carry forward on schedule certain transmission construction programs. Also the operation and maintenance of the transmission system will suffer because of the declining employment level.

The Acting Administrator of the Bonneville Power Administration predicts some degradation in the reliability of electric service will result in the region.

We believe the present savings under the President's program are insignificant considering the future possibility of poor service and blackouts in the Northwest region.

BUREAU OF MINES

Sixty-five positions in the Bureau of Mines have not been filled. Included are such important positions as engineering technicians, mining engineer for health and safety, petroleum engineer of evaluation of energy resources, metallurgist and physical science technicians for research projects. The Chief, Division of Personnel, reports the operating programs will be hampered.

We believe the safety and welfare of people employed in mining are too important for these positions to be left vacant.

BUREAU OF SPORT FISHERIES AND WILDLIFE

The Bureau's 97 fish hatcheries are producing at 80 percent of capacity because of previous insufficient funds and manpower. This additional cutback in employment will have a drastic effect on this program. Professional positions now vacant include those for habitat ecologists, wildlife specialists, wildlife biologists, ecologists, and fishery biologists.

A reduction in the river basin studies program will result in severe consequences to the Bureau's effort to preserve fish and wildlife habitat. The short-term savings possible under the President's program at the expense of endangering these habitats is not only poor fiscal management, but also nonsensical environmental practice.

The current demands of the public for outdoor wildlife oriented recreational experiences are not now being adequately met. In 1970, almost 18 million people visited our wildlife refuges and an increase of 4 million people is anticipated next year. These refuges must be adequately staffed in order to protect the environment from the effects of public use and to protect visitors from natural and other safety hazards.

BUREAU OF LAND MANAGEMENT

In the Bureau of Land Management the dollar savings from the President's employment reduction program are estimated at $545,000. We should consider the high environmental costs resulting from delay, abandonment, and curtailment of programs.

Planning and developmental work in multiyear and long-range resource planning will suffer because of the President's personnel cuts. Programs needing more professionals in areas such as recreation planning and development, wildlife management, cadastral survey and surface protection—environmental impact—will be curtailed. Vacant positions include those of natural resource specialist, range conservationist, wildlife management biologist, fishery biologist, outdoor recreation planner, foresters and firefighting specialist.

A few examples of programs curtailed, delayed, or abandoned illustrate the high environmental cost of the President's program.

Mineral leases administered under the surface protection program will be reduced from 1.5 million acres to 750,000.

Approximately 230 miles of planned cadastral survey covering 32,000 acres will not be completed.

An important program of comprehensive resource planning and critical management of 12 million acres of public land of the California desert will be deferred by about 1 year due to employment reductions. This will mean a continuation of the uncontrolled and often damaging use of fragile desert lands which America can ill afford.

With current manpower constraints, the utilization of personnel for timber sales will preclude the Bureau from properly planning, analyzing, and taking adequate precautions to protect the environment.

The 5-percent reduction in manpower will have a significant impact on fire protection for the natural resources in Alaska.

BUREAU OF INDIAN AFFAIRS

In the Bureau of Indian Affairs a number of important professional positions are abolished including teachers, guidance counselors, social workers, and education specialists.

Indian education will suffer despite Secretary Morton's assurances to us that "educating Indian children will continue to be accomplished and continue to receive priority in ceiling allocations."

FOREST SERVICE

The Department of Agriculture has yet to respond to our request with the same candor as has the Department of Interior. However, we know a 5-percent cutback in employment will mean a reduction of more than 1,000 positions.

This comes at a time when the Forest Service is under heavy fire to practice quality, multiple-use management on the national forests. The Chief has directed his agency to produce a quality result. This takes many special scientists to plan and many more people to see that the work is executed on the ground. Even without employee cutbacks the Forest Service is reducing its operations, such as preparing timber sales, because of the lack of people to do a complete job that is environmentally sound. This can only mean the additional loss of employment in forest industries for individual loggers, sawmill workers and homebuilders.

These are the regrettable effects of an arbitrary and mindless reduction in Federal employment. I urge the President to consider the damage that will result and to find a way to save money that will not, at the same time, spend our natural resources.

There is no point in reproducing all the replies to our inquiry in the Record, although I have them for those interested. But I ask unanimous consent to have printed in the Extensions of Remarks the request, the Department replies and the summary for two representative agencies—the Bureau of Reclamation and the Bureau of Land Management.

There being no objection, the material was ordered to be printed in the Record, as follows:

November 17, 1971.

Hon. Rogers C. B. Morton,
Secretary of the Interior, Department of the Interior, Washington, D.C.

Dear Mr. Secretary: In connection with the President's program to reduce Federal employment by five percent, we understand your agencies concerned with resource management are not filling positions as they are vacated.

We will appreciate receiving by 7 December 1971 a list, by job title, grade and location, of positions that were not filled during the period of 1 July–1 December 1971. For each position, please include a brief description of the major function of the position when it was occupied, such as "protects wildlife," "constructs erosion control facilities," "plants trees," "fights forest fires," or "secretary to range conservationist," for example.

In addition, we would appreciate your assessment of the overall impact this five percent reduction will have on our environment as your agencies responsible for resource management are concerned with it, the protection of natural resources, the marketing of renewable resources from Federal lands, the use of these lands by the public, and the savings resulting from the vacancies.

What criteria are being used to determine whether a position will be filled?

Very truly yours,
Lee Metcalf,
U.S. Senator.
John D. Dingell,
Member of Congress.

U.S. Department of the Interior,
Washington, D.C., January 5, 1972.

Hon. Lee Metcalf,
U.S. Senate,
Washington, D.C.

Dear Senator Metcalf: This is in further reply to your letter of November 17, 1971, signed jointly with Representative Dingell, concerning positions not filled in the Department of the Interior during the period July 1–December 1. The Department acknowledged your letter on December 6, indicating more time was required to compile the data.

Enclosed are the lists of positions you requested as compiled by each of our bureaus, as well as their responses to the other questions you raised. The submission for the Geological Survey is not yet available, but will be sent to you as soon as possible. The total number of positions listed is 1,486, and the associated savings during the July-December period is estimated to be $3,989,157.

These letters encompass all positions in Interior that presumably would have been filled since July 1 were it not for the President's program to reduce Federal employment, not just those that actually became vacant during this period and were not filled. The great majority of these positions are new positions budgeted for in fiscal year 1972 but never filled. Comparatively few are positions which were encumbered and became vacant. However, in the case of the National Park Service, you will note that all of the 367 positions listed as not to be filled result from the abolishment of positions of this latter type, as well as from the organizational realignment of the Service Center function.

The impact, then, of the President's program is primarily that of delaying and stretching out work which we originally expected to be able to accomplish in fiscal year 1972. The pace of many programs has in effect been slowed down from that contemplated earlier in the year. But resource management and other vital missions in Interior, such as educating Indian children and protecting and maintaining park areas, continue to be accomplished and continue to receive priority in ceiling allocation and position management decisions made through the budget process. Thus any adverse impact which the reductions would otherwise have is minimized by judicious use of the manpower available.

Please do not hesitate to contact me if any further information on this subject is required.

Sincerely yours,

Richard D. Hite,

Deputy Assistant Secretary of the Interior.

November 17, 1971.

Hon. J. Phil Campbell,

Under Secretary of Agriculture, Department of Agriculture, Washington, D.C.

Dear Mr. Campbell: In connection with the President's program to reduce Federal employment by five per cent, we understand the Forest Service is not filling positions as they are vacated.

We will appreciate receiving by 7 December 1971 a list, by job title, grade and location, of positions that were not filled during the period of 1 July–1 December 1971. For each position, please include a brief description of the major function of the position when it was occupied, such as "protects wildlife," "constructs erosion control facilities," "plants trees," "fights forest fires," or "secretary to range conservationist," for example.

In addition, we would appreciate your assessment of the overal impact this five per cent reduction will have on our environment as your agencies responsible for resource management are concerned with it, the protection of natural resources, the marketing of renewable resources from Federal lands, the use of these lands by the public, and the savings resulting from the vacancies.

What criteria are being used to determine whether a position will be filled?

Very truly yours,

Lee Metcalf,

U.S. Senator.

John D. Dingell,

Member of Congress.

Department of Agriculture,

Washington, D.C., December 6, 1971.

Hon. Lee Metcalf,

U.S. Senate,

Washington, D.C.

Dear Senator Metcalf: Thank you for your letter of November 17, 1971 signed by you and Congressman Dingell with respect to employment in the Forest Service.

As a part of the overall program, the Forest Service as well as all other agencies of this Department and of the Executive Branch are endeavoring to reduce Federal employment as a part of the President's program for economic stabilization. In this Department we are endeavoring to meet this reduction by attrition.

At the end of October 1971 the Forest Service had 21,430 full-time employees in permanent positions compared with 21,444 at the end of June. However, employment was higher than this in August when the current effort to reduce employment began. Changes in employment are made at the large number of field installations of the Service and information on the specific net changes is not available in Washington. Our objective as expressed in instructions to Department agencies is to meet all high priority needs with available personnel. This may involve some reassignments from less essential activities.

On this basis, we do not believe that reductions in employment will have adverse effects on the protection of the environment, the protection of the forest and watershed lands, and other forestry activities. If we find as the year progresses that these high priority programs cannot be effectively carried out with reduced employment, we will make every effort to adjust personnel ceilings accordingly. Therefore, we cannot forecast at this time what the savings will be from this program to reduce Federal employment.

Sincerely,

J. Phil Campbell,

Under Secretary.

U.S. Department of the Interior,

Bureau of Reclamation,

Washington, D.C.

To: Director of Personnel.

From: Assistant Commissioner of Reclamation.

Subject: Lists of Positions Not Filled.

In response to Personnel Management Bulletin No. 71–253 (291) dated December 8, 1971, enclosed in duplicate are lists of 258 positions not filed in the Bureau of Reclamation from July 1 through December 1, because of the President's program to reduce Federal employment.

Further, the following information is provided to respond to the three questions cited in the bulletin:

1. We have been able to accomplish essential Bureau work. Nevertheless, we have experienced some delays, inefficiencies, and backlogs in our activities. As a result we have had an increased incidence of overtime in certain locations, and have resorted in some instances to the employment of temporary personnel to accomplish scheduled work. We can foresee adverse effects on our newly authorized construction activities and in implementing research programs in our atmospheric water resources development efforts if current limitations continue. We also expect that continued restrictions on hiring new personnel will lead to inefficiencies in our water and power operations and maintenance programs and delays in some of our planning activities.

2. We estimate $845,800 in savings resulted from not filling the 258 positions during the period in question.

3. Since the President's directive, the Bureau has maintained a general freeze and careful review on the filling of all positions. Total permanent employment has been declining each month as employees leave and are not replaced. Only the most essential positions concerned with critical daily operations are approved for filling. The headquarters office continues to impose a freeze on all new hires to the Bureau granting exceptions in only critical situations. Further, in accordance with the President's desire to reduce the average grade level of Federal employees, all requests to fill positions at GS–12 and above from within the Bureau must be approved on an individual basis by the Commissioner.

(Sgd) Wilbur P. Kane.

Bureau of Reclamation

TITLE, GRADE, AND LOCATION

Office of the Commissioner

Secretary (Stenography), GS–7, Washington D.C.

Clerical duties associated with design and construction program.

Program Analyst, (Head, Reports Section), GS–12, Washington, D.C.

Analysis of program cost and scheduling data.

General Clerk, GS–5, Washington, D.C.

Assists in program cost and scheduling activities.

Statistical Clerk, GS–4, Washington, D.C.

Clerical assistant in preparing statistical reports.

Assistant Chief, GS–15, Washington, D.C. Division of Water and Land.

Administers Bureau activities concerned with land and water resources.

Correspondence Assistant, (Stenography), GS–6, Washington, D.C.

Secretarial assistant in land and water resources activities.

Environmental Specialist, GS–14, Washington, D.C.

Advises on environmental matters relating to Bureau multiple-purpose water control facilities.

Personnel Management Specialist, GS–11, Washington, D.C.

Personnel staff support.

Correspondence Assistant, (Stenography), GS–7, Washington, D.C.

Secretarial assistant in planning activities.

Civil Engineer (Chief, Programs Branch), GS–14, Washington, D.C.

Performs project planning programming activities.

Environmental Specialist, GS–14, Washington, D.C.

Coordinates environmental aspects of project planning reports.

Economist, GS–14, Washington, D.C.

Coordinates project planning reports.

General Clerk (Typing), GS–5, Washington, D.C.

Clerical assistant in project planning activities.

Procurement Officer, GS–13, Washington D.C.

Staff support in contract procurement of construction and major equipment supplies and services.

Civil Engineer, GS–12/13, Washington, D.C.

Coordinates the Earth Resources Observation Systems program.

Equipment Specialist, FC–9 (GS–12), Lashkar Gah, Afghanistan.

Staff support on the Bureau's Helmand-Arghandab Valley Project.

Land Development Engineer, FC–10 (GS–13), Lashkar Gah, Afghanistan.

Staff support on the Bureau's Helmand-Arghandab Valley Project.

Construction Inspector, FC–9 (GS–12), Lashkar Gah, Afghanistan.

Staff support on the Bureau's Helmand-Arghandab Valley Project.

Engineering and Research Center

Electronic Engineer (Instrumentation), GS–13, Denver, Colorado.

Performs electronic instrumentation work related to weather modification activities.

Hydrologist (general), GS–12, Denver, Colorado.

Performs hydrologist work related to weather modification activities.

Meteorologist, GS–11, Denver, Colorado.

Assists in conducting research related to weather modification for purposes of increasing rainfall or snowfall.

Information Specialist (Technical Reports Writer), GS–11, Denver, Colorado.

Writes and edits technical reports containing the results of weather modification research activities.

Clerk-Stenographer, GS-4, Denver, Colorado.

Performs clerical work in support of weather modification activities.

General Physical Scientist (Assistant to Chief for Planning), GS-14, Denver, Colorado.

Performs technical, scientific, and planning duties in connection with weather modification activities.

Supervisory Research General Physical Scientist (Chief, Adaptation Branch), GS-14, Denver, Colorado.

Plans and conducts research of national importance in weather modification activities.

Administrative Officer (Chief, Program Support Branch), GS-14, Denver, Colorado.

Accomplishes administrative functions in support of weather modification activities.

Supervisory Mechanical Engineer (Head, Steel Pipe and Special Equipment Section), GS-14, Denver, Colorado.

General supervision of designs of equipment for water resources development.

Supervisory Mechanical Engineer (Supervisor, Design Unit No. 1, Steel Pipe and Special Equipment Section), GS-13, Denver Colorado.

Supervision of designs of equipment for water resources development.

Mechanical Engineer, GS-12, Denver, Colorado.

Designs equipment for water resources development.

General Engineer (Assistant to Chief, Division of Design), GS-13, Denver, Colorado.

Assists management in design effort for water resources development structures.

Supervisory Civil Engineer (Supervisor, Design Unit No. 2, Earth Dam Section), GS-13, Denver, Colorado.

Supervision of design of earth dams for water resources development.

Civil Engineer, GS-12, Denver, Colorado.

Designs earth dams for water resources development.

Electrical Engineer, GS-12, Denver, Colorado.

Design of electrical lighting for water resources development structures.

Supervisory Geologist (Head, Engineering Geology Section No. 1), GS-13, Denver, Colorado.

Supervision of geologic investigations for water resources development.

Geologist, GS-12, Denver, Colorado.

Makes geologic investigations for water resources development.

Geophysicist, GS-12/13, Denver, Colorado.

Provides geophysics expertise on water resource development projects.

Electrical Engineer, GS-12, Denver, Colorado.

Designs electrical equipment for water resources development structures.

Clerk-Typist, GS-3, Denver, Colorado.

Performs clerical work for electrical designers and technicians in support of water resources development activities.

Supervisory General Engineer, GS13, Denver, Colorado.

(Head, Coordination and Development Section.)

Supervises the engineering of water resources projects through the usage of automatic data processing.

General Engineer, GS-12, Denver, Colorado.

Engineers water resources projects through the use of automatic data processing.

Engineering Draftsman, GS-4, Denver, Colorado.

Prepares drawings of dams and geology loge for water resources development structures.

Civil Engineer, GS-14, Denver, Colorado.

Construction inspection and liaison activities for water resources development structures.

Supervisory Civil Engineer, GS-14, Denver, Colorado.

(Assistant Chief, Contract Administration Branch.)

Assists in administering construction and supply contracts relating to water resources development projects.

Supervisory Civil Engineer (Head, Contract Section No. 1), GS-13, Denver, Colorado.

Administers contract adjustments on construction and supply contracts relating to water resources development projects.

Civil Engineer, GS-12, Denver, Colorado.

Prepares findings of fact on contract adjustments and claims related to water resources development construction.

General Engineer, (Head, Standards Section), GS-13, Denver, Colorado.

Development and maintenance of policies and standards for specifications and equipment investigation related to water resources development projects.

General Engineer, GS-12, Denver, Colorado.

Reviews specifications for water resources development construction.

Civil Engineer, GS-12, Denver, Colorado.

Prepares findings of fact on contract adjustments and claims related to water resources development construction.

Supervisory Procurement Agent, GS-11, Denver, Colorado.

Handles procurement transactions related to equipment and materials for water resources development projects.

Procurement Agent, GS-10, Denver, Colorado.

Preparation and administration of equipment and materials contracts for water resources development construction.

Procurement Agent, GS-9, Denver, Colorado.

Audits claims and prepares short form investigations for materials and equipment for water resources development construction.

General Clerk, GS-5, Denver, Colorado.

Performs clerical functions in connection with construction activities of water resources development.

Clerk-Stenographer, GS-6, Denver, Colorado.

Performs stenography and other clerical work in support of professional staff writing a comprehensive water plan for the Western United States.

Sociologist, GS-14, Denver, Colorado.

Performs sociocultural and population growth studies to insure full consideration of quality of life as one of the major objectives of the Western U.S. Water Plan.

Administrative Assistant, GS-11, Denver, Colorado.

Performs administrative tasks in support of the professional staff.

Chief, General Services Branch, GS-12, Denver, Colorado.

Supervises and directs the operations of the office services organization.

Head, Publication Section, GS-11, Denver, Colorado.

Supervises functions related to preparation, printing, stocking and distributing of Bureau publications.

Head, Miscellaneous Service Section, GS-11, Denver, Colorado.

Supervises and directs the miscellaneous duplicating services, stenographic unit and the microfilm and drawing records unit.

Assistant Head, Miscellaneous Services Section, GS-9, Denver, Colorado.

Supervises and directs functions of the Copy Unit and assists the head of the section.

Editorial Clerk (Typing), GS-4, Denver, Colorado.

Proofreader, and operator of variety of typing machines.

Clerk-Stenographer (Three positions), GS-3, Denver, Colorado.

Clerical duties in the Stenographic Pool.

Clerk-Typist (Three positions), GS-3, Denver, Colorado.

Clerical duties in the Typing Pool.

Supervisory Civil Engineer, GS-14 or GS-15, Denver, Colorado.

Performs technical engineering and administrative functions in the Concrete and Structural Branch.

Supervisory General Physical Scientist, GS-13, Denver, Colorado.

Performs administrative and technical chemical, physics, and other applied science functions.

General Physical Scientist, GS-12 or GS-13, Denver, Colorado.

Performs technical chemical, physics, and other applied science functions.

Civil Engineer (four positions), GS-5/7, Denver, Colorado.

Performs engineering trainee functions in the Division of General Research.

Civil Engineering Technician (five positions, Denver, Colorado.

Performs technician trainee functions in the research laboratories.

Civil Engineer (Regional Coordinator), GS-13, Denver, Colorado.

Reviews and coordinates review of planning reports, including environmental statements.

Operations Research Analyst, GS-12, Denver, Colorado.

Studies potential application of systems analysis and operations research to Bureau of Reclamation work.

Secretary, GS-5, Denever, Colorado.

Performs stenographic and clerical work in support of planning coordination activities.

Regional Economist, FS-13, Denver, Colorado.

Reviews field operations and reports and trains economists in field offices.

Hydraulic Engineer (Two positions), GS-12 and GS-13, Denver, Colorado.

Preparation of a sophisticated simulation model of the Colorado River system covering both water quantity and quality.

Chief, Division of Data Processing, GS-15, Denver, Colorado.

Administers the data processing functions.

Assistant Chief, Division of Data Processing, GS-14, Denver, Colorado.

Supervises the operations associated with the data processing functions.

Computer Programmer, GS-9, Denver Colorado.

Codes and debugs computer programs.

Computer Technician, GS-2, Denver, Colorado.

Does clerical and typing work supporting data processing functions.

General Engineer, GS-12, Denver, Colorado.

Manages dam safety investigations.

Assistant Chief, Division of Power O&M, GS-14, Denver, Colorado.

Assists in administering power operations and maintenance activities.

Head, Operations Training Section, GS-12, Denver, Colorado.

Develops and activates Operator Training program using a $500,000 simulator for training power operators.

Regional Finance Officer, GS-14, Boise, Idaho.

Administers regionwide accounting system.

Regional Procurement and Property Management Officer, GS-13, Boise, Idaho.

Administers regionwide procurement and property control system.

Repayment Specialist, GS-12, Boise, Idaho.

Prepares irrigation repayment contracts.

General Clerk, GS-4, Boise, Idaho.

Clerical assistance in Regional Office.

Materials Engineering Technician, GS-7, Grand Coulee, Washington.

Plan inspector.

Engineers (four positions), GS-7, Grand Coulee, Washington.

Beginning engineers.

Clerk, GS-2, Grand Coulee, Washington.

Mail and file and messenger duties.

Clerk-Typist, GS-2/3, Coulee Dam, Washington.

Receptionist.

Foreman III, Mechanic, Heavy Duty Wage Board, Coulee Dam, Washington.

Foreman-mechanic shop.

Assistant Area Planning Officer, GS-13, Boise, Idaho.

Assists in the development and planning activities of the Snake River Basin.

Physical Science Aid, GS-4, Boise, Idaho.

Measures and tabulates acreages for land classification.

Powerplant Main Supervisor, GS-11, Palisades, Idaho.

Supervisor of mechanical and electrical maintenance.

Powerplant Operator, Wage Board, Anderson Ranch Dam, Idaho.

Relief operator.

Realty Officer, GS-13, Ephrata, Washington.

Administers acquisition of land and land rights on Columbia Basin Project.

Assistant to the Project Manager, GS-13, Ephrata, Washington.

Directs administrative activities for the Project.

Civil Engineer, GS-13, Ephrata, Washington.

Assists in engineering, inspection and contract administration activities related to construction program.

Geologists, GS-12, Ephrata, Washington.

Maintains geological data.

Construction Inspector, GS-9, Othello, Washington.

Inspects construction work.

Construction Inspectors (two positions), GS-7, Othello, Washington.

Inspects construction work.

Survey Aid, GS-5, Othello, Washington.

Performs survey work.

Realty Technician, GS-4, Ephrata, Washington.

Performs clerical duties, related to land acquisition functions.

Survey Aid, GS-4, Othello, Washington.

Performs survey work.

Clerk-Steno, GS-3, Ephrata, Washington.

Clerical assistance.

Survey Aids (six positions), GS-2, Othello, Washington.

Performs survey work.

Project Manager, GS-13, Carson City, Nevada.

Direction of Bureau program in Lahontan Basin.

Natural Resources Specialist, GS-12, Fresno Field Division, California.

Development of Regional irrigation management services program.

Natural Resources Specialist, GS-11, Fresno Field Division, California.

Development of Regional irrigation management services program.

Canal Maintenance man, WB, Fresno Field Division, California.

Maintenance of Friant-Kern Canal.

Supervisory Civil Engineer, GS-13, Tracy Field Division, California.

Supervision of operation and maintenance of irrigation system.

Survey Aids (four positions), GS-2, Auburn, California.

Members of survey crew.

Electrical Engineer, GS-11, Fresno CVP, California.

Layout of contractors' work on the underground irrigation system construction, San Luis Drain.

Mechanical Engineer, GS-11, Fresno CVP, California.

Layout of contractors' work on the underground irrigation system construction, San Luis Drain.

Construction Inspectors (two positions), GS-11, Fresno CVP, California.

Inspection of contractors' work on the underground irrigation system construction, San Luis Drain.

Construction Inspectors (three positions), GS-9, Fresno CVP, California.

Inspection of contractors' work on the underground irrigation system construction, San Luis Drain.

Construction Inspectors (three positions), GS-7, Fresno CVP, California.

Inspection of contractors' work on the underground irrigation system construction, San Luis Drain.

Construction Inspectors (three positions), GS-6, Fresno CVP, California.

Inspection of contractors' work on the underground irrigation system construction, San Luis Drain.

Survey Technicians (two positions), GS-7, Fresno CVP, California.

Technical support of contractors' work on the underground irrigation system construction, San Luis Drain.

Survey Technicians (two positions), GS-6, Fresno CVP, California.

Technical support of contractors' work on the underground irrigation system construction, San Luis Drain.

Survey Technicians (three positions), GS-5, Fresno CVP, California.

Technical support of contractors' work on the underground irrigation system construction, San Luis Drain.

Survey Technicians (six positions), GS-4, Fresno CVP, California.

Technical support of contractors' work on the underground irrigation system construction, San Luis Drain.

Clerk, GS-4, Fresno CVP California.

Clerical support of contractors' work on the underground irrigation system construction, San Luis Drain.

Clerk, GS-3, Fresno CVP California.

Clerical support of contractors' work on the underground irrigation system construction, San Luis Drain.

Technical Clerk, GS-4, Shasta Field Division, California.

Clerical assistance to power operations.

Electrician, WB, Shasta Field Division, California.

Operations and maintenance of dams and powerplants.

Communications and Instrumentation Technician, WB, Shasta Field Division, California.

Operations and maintenance of dams and powerplants.

Regional Economist, GS-7, Sacramento, California.

Economic analysis of potential water resource projects.

Voucher Examiner, GS-7, Sacramento, California.

Supervision and examination of vouchers for payment.

Key Tape Operator, GS-2, Sacramento, California.

Preparation of tapes for data storage for ADP operations.

Region 3

Supervisory General Engineer (Regional Engineer), GS-14, Boulder City, Nevada.

Staff advisor on Region's design and construction program.

Electrical Engineer, GS-13, Boulder City, Nevada.

Provides staff assistance on Region's power programs and activities.

Electrical Engineer, GS-12, Boulder City, Nevada.

Provides staff assistance on Region's power programs and activities.

Civil Engineer, GS-12, Boulder City, Nevada.

Provides staff assistance on Region's design and construction program.

Civil Engineer, GS-11, Boulder City, Nevada.

Provides staff assistance on Region's design and construction program.

Engineering Draftsmen, GS-6, Boulder City, Nevada.

Makes drawings and maps of engineering features.

Accounting Technician, GS-5, Boulder City, Nevada.

Technical assistance in Regional financial and accounting programs.

Clerk-Typist, GS-4, Boulder City, Nevada.

Clerical assistance in Regions' water and land resource development program.

Clerk-Stenographer, GS-4, Boulder City, Nevada.

Clerical assistance in Regions' water and land resource development program.

Supervisory General Engineer (Assistant Project Manager), GS-13, Boulder City, Nevada.

Assists in supervising the continuing construction and operation and maintenance of Hoover Dam and Powerplant.

Personnel Officer, GS-12, Blythe, California.

Executes personnel management program for Project Office.

Construction Inspector, GS-7; Blythe, California.

Makes engineering reviews of contractors' operations and provides technical assistance.

Clerk-Typist, GS-3, Yuma, Arizona.

Clerical assistance in the design and construction, irrigation and deep well drainage pumping programs of the office.

Supervisory General Engineer (Assistant Project Manager), GS-13, Phoenix, Arizona.

Assists in administering Project's electric power construction, transmission and sale contract activities.

Electrical Engineering Technician, GS-12, Phoenix, Arizona.

Assists in coordinating Project's power system operations.

Accounting Officer (Finance Officer), GS-12, Phoenix, Arizona.

Responsible for accounting and financial management activities of the Project.

Electronic Engineer, GS-11, Phoenix, Arizona.

Assists in operation and maintenance of the Project transmission system.

Office Services Manager, GS-9, Phoenix, Arizona.

Performs administrative support activities.

Accounts Maintenance Clerk, GS-4, Phoenix, Arizona.

Clerical assistance in accounting and fiscal management activities.

Civil Engineer, GS-11, Phoenix, Arizona.

Prepares engineering studies on project planning activities.

Supervisory Surveying Technician, GS-7, Phoenix, Arizona.

Technical support to provide engineering field data for planning reports.

Surveying Aids (two positions), GS-4, Phoenix, Arizona.

Gather engineering and survey data.

Clerk-Stenographer, GS-4, Phoenix, Arizona.

Clerical assistance for project planning activities.

Office Services Supervisor, GS-6, San Bernardino, California.

Performs administrative support activities for the planning office.

Region 4

Regional Finance Officer, GS-14, Salt Lake City, Utah.

Responsible for the performance of financial, accounting, and fiscal activities in the region.

Supervisory Civil Engineer, GS-13/14, Provo, Utah.

Responsible for the engineering and economic studies involved in planning multipurpose water resource projects.

Natural Resources Specialist, GS-12, Provo, Utah.

Assists in developing and reviewing planning studies for multipurpose water resource projects.

Civil Engineer, GS-12, Provo, Utah.

Assists in preparing engineering studies for multipurpose water resource projects.

Civil Engineer, GS-9, Duchesne, Utah.

Assists in design and estimates, contract administration and related engineering services for construction of the Uinta Basin facilities.

Surveying Technician, GS-7, Duchesne, Utah.

Performs surveys for preconstruction and construction of dams, canals, tunnels and related works.

Natural Resources Specialist, GS–12, Grand Junction, Colorado.

Assists in the control, supply, and application of water to project lands.

Region 5

Civil Engineering Technician, GS–9, Farmington, New Mexico.

Assists in review of construction contracts.

Mail and File Clerk Project Office, GS–3, Farmington, New Mexico.

Maintains files for Navajo Indian Irrigation Project Office.

Surveying Technicians (two positions), GS–4, Farmington, New Mexico.

Surveying construction control.

Clerk Stenographer, GS–4, Carlsbad, New Mexico.

Assists with programming functions and clerical duties.

Technical Publications Writer, GS–9, Oklahoma City, Oklahoma.

Prepares planning reports.

Hydraulic Engineers (two positions), GS–7, Oklahoma City, Oklahoma.

Performs hydrologic studies.

Clerk Stenographer, GS–3, Albuquerque, New Mexico.

Performs stenographic services in planning office.

Hydraulic Engineers (two positions), GS–9, Albuquerque, New Mexico.

Assists in hydrological studies relating to the development of project and basin plans.

Economist, GS–9, Albuquerque, New Mexico.

Performs economic planning alternatives

Civil Engineer, GS–9, Albuquerque, New Mexico.

Performs planning and design, and cost estimating studies.

Engineering Technician, GS–5, Albuquerque, New Mexico.

Performs surveys, computations, land records, and license permits relating to irrigation system.

Personnel Management Specialist, GS–9, Albuquerque, New Mexico.

Assists in providing personnel management services.

Engineering Equipment Operator, WG–9, Albuquerque, New Mexico.

Maintenance of irrigation system.

Laborers (three positions), WG–3, Albuquerque, New Mexico.

Assists in maintenance of the irrigation system.

Engineering Equipment Operations Foreman, WG–8, Albuquerque, New Mexico.

Maintenance of channel works.

Dragline Operator, WG–10, Albuquerque, New Mexico.

Maintenance of conveyance channel.

Oiler, WG–6, Albuquerque, New Mexico.

Maintains heavy equipment used in maintenance of a conveyance channel.

Chief, Power Field Division, GS–13, Elephant Butte, New Mexico.

Supervises operations and maintenance of power system.

Electrical Engineer, GS–12, Elephant Butte, New Mexico.

Maintenance and repair of power transmission system.

Lineman, Electrical Power, Wage Board, Elephant Butte, New Mexico.

Power line crewmen.

Assistant to Regional Director, GS–14, Billings, Montana.

Staff advisor to Regional Director on administrative management.

Technical Writer, GS–9, Billings, Montana.

Assists in writing, assembling, and editing of plan reports.

Supervisory Civil Engineer, GS–12, Huron, South Dakota.

Directs preparation of designs and specifications and engineering reports.

Supervisory Soil Scientist, GS–12, Huron, South Dakota.

Plans and directs phases of the project development program relating to land classification, laboratory soils analysis, and special soils and water quality studies.

Supervisory Civil Engineer, GS–14, Bismarck, North Dakota.

Plans and schedules field engineering functions for the construction of the Garrison Diversion Unit and related power transmission features.

Supervisory Hydraulic Engineer, GS–12, Bismarck, North Dakota.

Responsible for hydrologic and hydraulic planning in the Missouri-Souris project area.

Civil Engineer, GS–11, Bismarck, North Dakota.

Analyzes pay provisions and quantities of construction contracts.

Appraisers (two positions), GS–11, Bismarck, North Dakota.

Makes appraisals on reservoir lands, rights-of-way, easements, leases, and interests in lands that must be acquired for Bureau features.

Soil Scientist, GS–9, Minot, North Dakota.

Conducts land classification surveys.

Supervisory Construction Inspector, GS–9, Oakes, North Dakota.

Principal inspector on construction activities and completed work on a 115-kv transmission line.

Civil Engineernig Technician, GS–7, Bismarck, North Dakota.

Prepares data, layouts and cost estimates for canal systems and determines hydraulic properties of canals.

Soil Scientist, GS–7, Minot, North Dakota.

Conducts land classification surveys.

Surveying Aids (three positions), GS–4, two in Minot, North Dakota, one in Bismarck, North Dakota.

Instrumentman on surveys and performs topographic mapping.

Engineering Draftsman, GS–3, Bismarck, North Dakota.

Prepares graphs, charts, and maps related to engineering and economic studies. Prepares plans and profile drawings of transmission lines, highway relocations and access roads.

Clerk-Typist, GS–3, Bismarck, North Dakota.

Clerical assistance in the Projects Office.

Surveying Aids (two positions), GS–2, Minot, North Dakota.

Performs rodman and chainman duties on surveys.

Drill Operator Helper/Power Auger Operator, Wage Grade, Bismarck, North Dakota.

Operates power auger and drill in obtaining underground soil profiles for evaluation of land drainage requirements.

Drill Operator Helpers (two positions), Wage Grade, Bismarck, North Dakota.

Performs manual labor in placement and operation of drill rig to sample soil composition for geologic and land drainage purposes.

Region 7

Geologist, GS–9, Salida, Colorado.

Performs geologic studies related to construction activities.

Civil Engineer, GS–9, Salida, Colorado.

Performs surveys for project construction features.

Construction Inspector, GS–7, Salida, Colorado.

Reviews work of contractors engaged in construction.

Construction Inspector, GS–7, Pueblo, Colorado.

Reviews work of contratcors engaged in construction.

Materials Technician, GS–6, Salida, Colorado.

Assists in laboratory testing of construction materials.

General Clerk, GS–5, Salida, Colorado.

Performs clerical duties in construction office.

Surveying Technician, GS–5, Salida, Colorado.

Assists in surveys for construction features.

Supervisory Accountant, GS–11, Denver, Colorado.

Provides staff assistance and review of accounting systems.

Computer Operator, GS–5, McCook, Nebraska.

Provides service in computer operations.

General Clerk, GS–6, McCook, Nebraska.

Provides clerical assistance in irrigation operations records, reports and budgets.

Powerplant Operator, Wage Board, Estes Park, Colorado.

Assists in operations at powerplant.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, D.C., December 23, 1971.

To: Director of Personnel.
From: Assistant Director, Administration.
Subject: List of Positions not Filled—PMB No. 71–253 (291).

Information requested in subject PMB is set forth below. Enclosure 1 is a list of positions which were either abolished or not filled as a result of the reduction program during the period of July 1 through December 1, 1971.

1. *Impact of Employment Reduction on Operating Programs.*

Any effect of reducing positions and funding must be viewed in the context of the traditionally small ceiling and funding levels for the Bureau of Land Management compared to the size and scope of its land and resources management responsibilities. Many important Bureau programs have traditionally been carried out at minimal staffing levels. Cuts in employment, especially at the field level, will necessarily lead to some programs being abandoned, curtailed or deferred for the time being.

The Bureau has spent considerable time and effort in multi-year and long-range resource planning, with primary emphasis on resource inventory and land classification. Planning and developmental work of this type will suffer in all areas simply because there will be fewer people to handle the day-to-day operations and also meet specific legal requirements of the Bureau.

The Bureau has been in a situation where certain programs, particularly in areas such as recreation planning and development, wildlife management, cadastral survey, and surface protection (environmental impact), were expanding. These are areas where the Bureau has needed more, rather than fewer, people. These developmental efforts to improve the status quo by positive action will suffer in all States. For example, the number of mineral leases administered under the surface protection program will be about 860 as compared to a planned level of 1700, and the acres covered will be reduced from 1.5 million to 750,000. Approximately 230 miles of planned cadastral survey, covering 32,000 acres will not be completed.

Comprehensive resource planning and critical management of the 12 million acres of public land of the California Desert will be deferred by about one full year due to the inability to staff the planning organization and nucleus Desert Ranger force initially scheduled to begin in FY 72. This will mean a continuation of the uncontrolled and often damaging use of fragile desert lands and attendant problems affecting the safety of millions of desert visitors. It will also mean further delay in gaining the knowledge necessary to properly manage and conserve the desert's resources.

Impact of the reduction will also be reflected in programs where the Bureau has a commitment to accomplish a given amount of work. An example of this is in our timber sale program where we are committed to offer for sale a certain volume of timber. With current manpower constraints, the utilization of personnel for timber sales will preclude us from properly planning, analyzing, and taking adequate precautions to protect the environment in other program areas.

We anticipate that the five percent reduction will have a significant impact on fire protection for the natural resources in Alaska. The impact will be felt most in Alaska because of its early fire season and the fact that we are preclued from staffing about 20% of our Alaska fire control organization due to the ceiling on temporary personnel. There will also be an adverse impact on visitor protection as personnel are diverted from road and recreation site maintenance to non-deferrable work, such as timber sales.

In summary, while we will definitely feel the effects of the reduction in some of our operations, by judicious use of our remaining manpower, we hope to minimize the adverse impact which the reduction would otherwise have.

2. *Dollar saving.*

Dollar savings from the reduction program are estimated at $545,000 for the five-month period from July 1 through December 1, 1971.

3. *Criteria used in Filling Vacancies.*

The criteria below have generally been followed in filling vacancies in BLM. To reach assigned ceilings, the Bureau has suspended all hiring from outside the organization. Thus, the filling of vacancies has been accomplished through the movement of personnel within present staffing levels.

Priority 1—Key supervisory position in maintaining continuity management of personnel and resources, (e.g., State Director, District Manager, Area Manager, etc.).

Priority 2—Key position in maintaining quality of service to the public.

Priority 3—Position providing maintenance to Federal investments.

Priority 4—Position providing inputs to the Bureau Planning System.

Priority 5—Position providing support to scarce skill programs.

Priority 6—Position providing support to non-scarce skill programs.

All priority 1 position vacancies have been and will continue to be filled. Positions with lower priorities are reviewed on a case-by-case basis. Those where back-up skills are available have either been abolished or not filled; where positions are classified as priority 2 or 3, and no backup exists, they have usually been filled. Positions with priorities of from 4 to 6 have generally not been filled.

Although recruiting would have been initiated for all positions listed in Enclosure 1 if the "freeze" had not been in effect, not all of these positions would necessarily have been filled by December 1. Also, in many cases, the listed positions would have been filled by a present Bureau employee under our merit promotion programs rather than by outside hire.

BLM POSITIONS NOT FILLED

Position title	Grade	Location	Major function
ALASKA			
Watershed specialist	11	Anchorage, Alaska	Firefighting, line construction and rehabilitation.
Fire control officer	11	do.	Firefighting, management.
Supr. smoke jumper	9	do.	Firefighting, smokejumping.
Natural resource specialist	11	do.	Lands and minerals casework.
Do	9	do.	Firefighting, management.
Watershed specialist	11	Fairbanks, Alaska	Firefighting, line construction and rehabilitation.
Secretary	6	do.	Secretary to district fire control officer.
Administrative officer	7/9	do.	Fire control, purchasing and property control.
Personnel clerk	5	do.	Fire control, hiring and personnel services.
Secretary	5	do.	Secretary to district administrative officer.
Carto aid	4	do.	Land office casework.
Clerk	4	do.	Do.
Secretary	5	Anchorage, Alaska	Secretary to the associate State director.
Visual information specialist	6/7	do.	Illustrator for north Alaska planning team.
Clerical assistant	5	do.	Land office casework.
Clerk-typist	3	do.	Do.
Carto aid	4	do.	Do.
Clerical assistant	5	do.	Land survey clerical services.
Land surveyor	9	do.	Land survey.
Do	5	do.	Do.
Supr. land surveyor	11	do.	Do.
Computer programer	9	do.	Computer services to land survey.
Communications management specialist	12	do.	Radio communications for fire control and land survey.
Mechanical engineer	9	do.	Buildings and grounds planning, construction, and maintenance.
Civil engineer	11	do.	Do.
Safety training officer	11/12	do.	Statewide fire, land survey, and general program safety and training management.
Procurement agent	11/12	do.	Fire and other program contracting and procurement.
Records management specialist	5	do.	Files and library services.
Electronics technician	11	do.	Radio installation and repair for aircraft operations.
Natural resource specialist	11	do.	Monitor pipeline construction.
Do	11	do.	Do.
Civil engineer (soils)	12/13	do.	Pipeline soils specialist.
ARIZONA			
Supervisory land surveyor	9	Phoenix, Ariz	Survey party chief.
Natural resourde specialist	9	Safford, Ariz	Ranbe analysis.
Legal clerk	4	Phoenix, Ariz	Typist in land office.
Clerk-stenographer	5	do.	Secretary to safety and training officer.
Natural resource specialist	9	St. George, Utah	Multiple resource use planning.
Range conservationist	9	Phoenix, Ariz	Supervises sec. 15 grazing leases.
Civil engineer	11	do.	Recreation, road, and structure contract supervisor.
Engineer draftsman	6	do.	Plans and drawings for structural projects.
Civil engineer	12	do.	Provides technical advice on roads design.
Realty specialist	9	St. George, Utah	Lands and minerals. casework.
Outdoor recreation planner	11	Yuma, Ariz	Recreation planning.
Supervisory land law examiner	11	Phoenix, Ariz	Adjudicates mineral use applications.
CALIFORNIA			
Director, California desert planning project	14	Riverside, Calif	Desert project director.
Assistant director, California desert planning project.	13	do.	California Desert planning project.
Chief, branch of support planning	13	do.	Do.
Supervisory natural resource specialist	12	Susanville, Calif	Chief, Division of Operations.
Natural resource specialist	12	Sacramento, Calif	Surface protection specialist.
Do	12	do.	Do.
Range conservationist	11	Bakersfield, Calif	Range specialist.
Realty specialist	11	Ukiah, Calif	King range.
Civil engineer	11	Riverside, Calif	District engineer
Appriaser	11	do.	
Outdoor recreation planner	11	Folsom, Calif	Recreation/I. & E.
Mining engineer	11	Bakersfield, Calif	
Civil engineer	11	do.	District engineer.
Natural resource specialist	11	Redding, Calif	Planning/recreation specialist.
Land surveyor	11	Sacramento, Calif	Section chief.
Do	9	do.	Cadastral survey.
Personnel assistant	9	do.	
Supervisory clearical assistant	6	Bakersfield, Calif	Administrative/clerical support.
Land law examiner	9	do.	Adjudication.
Natural resource specialist	5/7/9	Riverside, Calif	Desert ranger.
Do	5/7/9	do.	Do.
Do	5/7/9	do.	Do.
Land surveyor	5/7	Sacramento, Calif	Cadastral survey.
Natural resource specialist	5	Bakersfield, Calif	Desert ranger.
Legal clerk	5	Riverside, Calif	Land office.
Land surveyor	5	Sacramento, Calif	Cadastral survey.
Do	5	do.	Do.
Do	5	do.	Do.

Position title	Grade	Location	Major function
Surveying technician	5	Sacramento, Calif.	Cadastral survey.
Clerk-stenographer	4/5	Riverside, Calif.	Desert planning project.
Cartographic aid	4	Sacramento, Calif.	Engineering services section.
Clerk-typist	4	Folsom, Calif.	Clerical support.
Maintenanceman	WB	Riverside, Calif.	Recreation maintenance.
COLORADO			
Landscape architect	11	Denver, Colo.	State coordinate for environmental impact analyses.
Economist planner	12	do.	Plans for economic development and management of public lands.
Landscape architect	11	do.	Recreation planning.
Range conservationist	12	do.	Soil and watershed expert for State.
Civil engineer	11	do.	Develops specifications for solid waste disposal sites permits.
Supervisory land surveyor	9/11	do.	Land survey.
Do.	7	do.	Do.
Land law examiner	9/11	do.	Reviews applications for use of public land.
Realty specialist	11	Craig, Colo.	Evaluates public application for sale or public land use.
Natural resource specialist	11	do.	Surface protection.
Realty specialist	11	Glenwood Springs, Colo.	Evaluates public land use applications.
Natural resource manager	11	do.	Area resource management program leader.
Do.	11	do.	Do.
District clerk	6	Montrose, Colo.	Clerical administrative support to district.
Natural resource specialist	12	do.	Chief of operations responsible for all contracts and project work.
Do.	9	do.	Determines the volume of merchantable timber in San Juan resource area.
Wildlife management biologist	11	Canon City, Colo.	Works with the Blanca Wildlife Area located near Alamosa.
Management analysis officer	14	Denver Service Center, Denver, Colo.	Chief, branch of systems analysis.
Contr. compl. officer	13	do.	Chief, Office of Compliance Review.
Employee development specialist	13	do.	Chief, branch of manpower development.
Natural resource specialist	13	do.	Chief, Office of Basin Studies.
Appraiser	13	do.	Appraise public land values.
Contr. compl. officer	12	do.	EEO contractor compliance.
Employee development specialist	12	do.	Develop bureau training programs.
Supv. land surveyor	9	do.	Survey public lands.
Operating accountant	9	do.	Maintained general ledger.
Computer programer	7/9	do.	Programer trainee position.
Cartographic technician	7	do.	Mapper, public lands.
Voucher exam. supv	6	do.	Audit vouchers.
Computer technician	6	do.	Schedule tape runs.
Accounting technician	5	do.	Coded fiscal documents.
Clerk steno	3	do.	Take dictation for staff chief.
Card punch opt. trne	1	do.	Key punch trainee.
Clerk steno	5	do.	Take dictation for staff leaders.
File clerk	3	do.	File office letters.
Accountant	12	do.	Review State financial records.
Historian	12	do.	Document history of the public lands.
Archeologist	12	do.	Preserve artifacts on public lands.
IDAHO			
Supr. natural resource specialist	12	Burely, Idaho	Coordinates resource activity program for 1,250,000 acre district; serves as assistant district manager.
Realty specialist	12	Boise, Idaho	Key environmental education position.
Public information specialist	11	do.	
Land law examiner	11	do.	
Fire control officer	11	do.	Take lead in fire planning and training to improve suppression capability and identify high value lands needing protection.
Wildlife management biologist	11	Burley, Idaho	Wildlife habitat management on 1,250,000 acres.
Range cnservationist	9	Boise, Idaho	
Suprv. records specialist	9	do.	
Records specialist	7	do.	
Range conservationist	7	Idaho Falls, Idaho	
Wildlife management specialist	7	do.	
Electronics technician	7	Boise, Idaho	Key position in management of electronic communications program. Affects fire program, resource programs, as well as general safety of field personnel.
Secretary	6	do.	Provides office management for resource staff.
Legal clerk	5	Shoshone, Idaho	
Cartographic aid	4	Boise, Idaho	Prepares resource maps and plats, visual aids for conservation and environmental education.
Clerk stenographer	4	do.	Provides typing and stenographic support to professional staff.
Do.	4	do.	Do.
Training administrator	12	BIFC, Boise, Idaho	Responsible for the preparation and evaluation of comprehensive BLM training programs pertaining to wild fires.
Electronics engineer	9/11	do.	Evaluates manufacturers products for compliance to bureau contract specifications. Designs communication systems for standardization for all field offices.
MONTANA			
Natural resource specialist	12	Billings, Mont.	Surface protection.
Do.	12	do.	Do.
Appraiser	12	do.	Review appraisals of public land.
Natural resource specialist	9	do.	Develop soil and watershed guidelines.
Cartographic technician	7	do.	Prepares cadastral survey plats.
Realty specialist	7	do.	Land classification trainee.
Range technician	7	Malta, Mont.	Administers land treatment contracts.
Fishery biologist	7	Missoula, Mont.	Develop habitat for cutthroat trout.
Records management specialist	5	do.	Develop filing procedures.
NEVADA			
Fire control officer	11	Reno, Nev.	Trains fire control personnel in Nevada.
Supervisor land surveyor	11	do.	Crew leader for public land survey crew.
Civil engineer	11	Winnemucca, Nev.	Lays out and supervises watershed improvement projects and road maintenance.
Natural resource specialist	11	Ely, Nev.	Conducts watershed evluations to determine condition of watershed.
Wildlife management specialist	11	Las Vegas, Nev.	Work on improvement of wildlife habitat.
Supvy. natural resource specialist	11	Battle Mountain, Nev.	Supervises all construction, maintenance, and resources improvement projects in Battle Mountain.
Fire control officer	9	Ely, Nev.	Directs fire control operation and supervises construction of erosion control and range improvement projects.
Clerk-typist	4	Reno, Nev.	Secretary to public affairs officer.
Do.	4	Winnemucca, Nev.	Records manager and clerical assistant.
NEW MEXICO			
Chief, appraiser branch	13	Santa Fe, N. Mex.	Performs and supervises land appraisals.
Clerk-typist	3	do.	Typing.
Natural resource specialist	11	do.	Surface protection.
Surface protection specialist	12	do.	Do.
Realty specialist	7	Albuquerque, N. Mex.	Processes rights-of-way land cases and land acquisitions.
Range conservationist	7	Las Cruces, N. Mex.	Range specialist for the district.

BLM POSITIONS NOT FILLED—Continued

Position title	Grade	Location	Major function
OREGON			
Chief, branch lands, minerals and recreation	13	Portland, Oreg	Principal staff coordinator for lands, minerals, and recreation planning.
Information specialist	13	do	Assistant to public affairs officer.
Mining engineer	12	do	Principal staff specialist for mineral planning.
Personnel management specialist	11	do	Position classifier.
Landscape architect	11	do	Staff specialist regarding visual impacts of environmental aesthetic as regards timber sale layouts and road locations.
Forest engineer	11	Salem, Oreg	Designs and overseas construction of logging road systems and other engineering works in Tillamook area.
Mining engineer	11	Medford, Oreg	Clears mining claims in connection with Rogue Wild and Scenic River Act lands.
Supv. range technician	8	Vale, Oreg	Staff technician in regard to soil and watershed activity—also range management activity.
Range conservationist	9	Lakeview, Oreg	Journeyman level professional range management specialist, including soil and watershed activity.
Realty specialist	9	Medford, Oreg	Obtains easements in connection with Rogue Wild and Scenic River Act lands.
Do	9	do	Do.
Do	9	Prineville, Oreg	Works on lands and realty matters.
Forester	9	Coos Bay, Oreg	Designs and oversees construction of logging roads and other engineering works.
Do	9	do	Journeyman level professional forester on timber sale activity.
Landscape architect	9	Salem, Oreg	Works on visual impacts and environmental aesthetics as regards timber sale layouts and road locations.
Do	9	Eugene, Oreg	Do.
Do	9	Roseburg, Oreg	Do.
Do	9	Medford, Oreg	Do.
Do	9	Coos Bay, Oreg	Do.
Forester	7	Medford, Oreg	Beginning professional forester in intensive forest management activity including timber sales and reforestation.
Do	7	do	Do.
Do	7	do	Do.
Do	7	do	Do.
Do	7	Coos Bay, Oreg	Do.
Clerical assistant	6	Portland, Oreg	Principal clerk in division of technical services.
Range conservationist	5	Vale, Oreg	Beginning professional range management specialist.
Forester	5	Burns, Oreg	Beginning production forester for timber sales.
Do	5	Eugene, Oreg	Beginning professional forester in intensive forest management activity, including timber sales and reforestation.
Clerk-stenographer	5	Portland, Oreg	Secretary to chief, branch of protection.
Surveying technician	5	do	Makes cadastral surveys of public lands, principally in support of forestry programs.
Cadastral surveyor	5	do	Do.
Do	5	do	Do.
Do	5	do	Do.
Do	5	do	Do.
Do	5	do	Do.
Do	5	do	Do.
Forestry aid	4	Eugene, Oreg	Assists professional forester in intensive forest management activity, including timber sales and reforestation.
Do	4	Coos Bay, Oreg	Do.
Engineering aid	4	Eugene, Oreg	Assists district engineer on logging road systems and other engineering works.
Clerk-typist	4	Coos Bay, Oreg	Keeps intricate road records current.
Mail clerk	2	Portland, Oreg	Mail sorting and intra-office distribution, messenger reproduction work.
Chief, standards and technology	14	Portland service center	Responsibility for the development of new standards and technology in resource areas of land and minerals, range, forestry, soil and watershed, wildlife and fisheries, recreation, and rights-of-way.
Chief, forestry staff	13	do	Responsible for forestry standards and technology development.
Economist	13	do	Economist technical support to all resource staffs shown in item 1 above.
Archeologist	13	do	Develops standards and technology and involved in inventory, protection, stabilization, restoration of archeological and historical sites.
Appraiser	13	do	Development of appraisal guidelines and techniques; performs technical training and review of appraisal.
Chief, branch of design and construction	13	do	Responsible for design of bridges, roads, recreation sites, sewage disposal, and special structures.
Equipment engineer	12	do	Development of specifications and standards for heat equipment; responsible for safety inspection of equipment, training operators, and formulating equipment maintenance procedures.
Sanitary engineer	12	do	Designs and evaluates sewage and waste water disposal systems, domestic water systems, and facility maintenance systems.
Servicing personnel officer	12	do	Serves as personnel officer for Oregon (800+ employees) in all aspects of personnel.
Labor relations specialist	12	do	Provides labor relations expertise to offices
Office services supervisor	7	do	Responsible for Central Library, mail, and other office services.
Preparatory examiner	7	do	Preparation of cadastral and mineral survey notes for microfilming which is necessary because of the poor condition of these documents from many years of usage.
Miscellaneous document supervisor	7	do	Updating and installing new title status records.
Personnel management specialist	6	do	Processes personnel documents, prepares responses to employment inquiries from various outside sources.
Miscellaneous document examiner	5	do	Updating and installing new title status records.
Do	5	do	Do.
Cadastral surveyor	5	do	Performs land surveys.
Do	5	do	Do.
Cartographic technician	2	do	Prepares basic series maps of public land and special project maps for use in managing resources.
UTAH			
Personnel officer	9	Salt Lake City, Utah	Servicing personnel and training officer for Utah.
Geologist	7	do	Works on minerals case loads.
Personnel clerk	7	do	
Clerk-typist	2	do	Mail clerk functions
Natural resource specialist	11	Fillmore, Utah	Outdoor recreation planning functions for Fillmore District.
Range technician	5	do	
Civil engineer	11	Kanab, Utah	
Natural resource specialist	11	Monticello, Utah	Outdoor recreation planning functions for Monticello District.
WYOMING			
Mining engineer	12	Cheyenne, Wyo	Evaluation of State minerals program and environmental impact analyses.
Supervisory land law examiner	12	do	Supervision of all lands and minerals adjudicative activities in the State.
Wildlife management biologist	11	Rock Springs, Wyo	Heads District wildlife program.
Do	11	Lander, Wyo	Do.
Natural resource specialist	9	Worland, Wyo	Range planning and user groups contacts.
Do	9	do	Do.
Personnel specialist	11	Cheyenne, Wyo	State personnel specialist.
Program analyst	11	do	Program analysis.
Cadastral surveyor	5	do	Surveying.
Engineering draftsman	3	do	

Position title	Grade	Location	Major function
WASHINGTON OFFICE			
Administrative technician	9	Washington, D.C	Reports preparation, budget estimates, annual work plan submissions.
Clerk-typist	3	do	Typing, filing.
Public information specialist	12	do	Public relations in Johnny Horizon cleanup program.
Clerk-typist	5	do	Answering requests for brochures on public lands.
Sociologist	9	do	Analyzing environmental impact statements.
Ecologist	9	do	Do.
Supvy. economist	15	do	Overall economic applications to administration of public lands and resources.
Economist	9	do	Background research and statistical analysis for senior economists.
Natural resource specialist	12	do	Answering complex minerals correspondence; gathering and interpreting statistics.
Natural resource specialist	13	do	Environmental protection and rehabilitation program.
Forester	14	do	Inventory, allowable cut, reforestation, improvements.
Do	14	do	Economic analysis, efficiency studies, international trade, investment opportunities.
ADP coordinator	13	do	Staff assistance in planning and directing ADP activities.
Geodesict/geographer	13	do	Prepares Outer Continental Shelf oil and gas leasing maps.
Land surveyor	13	do	Review of land surveys of Federal lands by field offices.
Do	13	do	Do.
Supv. appraiser	15	do	Plans, directs Bureau's appraisal activities.
Secretary	6	do	Secretary to access and R/W specialist.
Supv. budget analyst	14	do	Oversees budget execution.
Secretary	5	do	Secretary to supv. budget analyst.
Do	5	do	Secretary to financial manager.
Clerk-typist	5	do	Typing, filing preparing financial reports.
Management analyst	12	do	Analysis of bureau-wide management systems.
Clerk-typist	4	do	Typing and clerical duties for various offices.
Do	3	do	Do.
Personnel clerk	5	do	Processing personnel actions.
EASTERN STATES LAND OFFICE			
Legal clerk	5	Silver Spring, Md	Answer inquiries as to status of tracts of Federal lands.
Land surveyors (4)	7	do	Surveying of Federal lands.

A GROWING ROLE FOR LATIN AMERICA IN THE INTERNATIONAL DRUG MARKET

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RANGEL. Mr. Speaker, it is unfortunate that Latin America is becoming a major way station on the road of death used by the international narcotics traffickers.

Recent reports have illustrated how flying drug runners operating from Mexico and the Caribbean are smuggling increasing amounts of heroin and cocaine into the United States. One narcotics agent elaborated on exactly how high the stakes are—and how much the profit soars—in operations of this type. "A small plane is perfect for bringing in heroin, because it doesn't take much to make a small fortune." As an example, he explained how 10 ounces of heroin bought in Mexico sells in Los Angeles for $140,000; the original cost in Mexico is only $3,500.

The February 2 issue of the Times of the Americas carried a survey of some of the spreading activity in Latin America relating to narcotics which I share with my colleagues at this point:

MARIHUANA TRADE LUCRATIVE—DRUG TRAFFIC KEEPS TURBO BUSY

TURBO, COLOMBIA.—This steaming banana port is headquarters of a flourishing marijuana traffic for the United States.

Latin America generally is increasingly becoming a depot and source of drug supply for U.S. markets as a result of the increased vigilance in Europe over the direct Atlantic route.

From Turbo, the main traffic is marijuana, carried across the Caribbean to Tampa, Fla., in banana boats known derisively to U.S. customs officials as the "grass fleet." Some heroin is moving as well, according to officials here.

GETS THROUGH

U.S. customs stop some of the shipments, but enough is getting through to make the continuing trade highly lucrative.

Turbo and Colombia are by no means alone as drug suppliers, however. Other Latin American countries are known to be involved in the trade.

Buenos Aires traditionally has been a favorite route for all types of contraband from Europe to the United States.

The Bolivians, for their part, have grown and used the coca leaf since pre-Columbia times and thus are suppliers. And marijuana was available in Mexico long before anyone heard of the "drug culture."

A smugglers paradise for several decades, Paraguay has gradually shifted from the cigarette and whisky trade to narcotics contraband imported from Europe for transshipment to the United States.

So concerned are U.S. authorities about the flow of drugs through Paraguay that normally cordial U.S. relations with the strongman president, Alfredo Stroessner, cooled perceptibly in 1971. Some Paraguayans believe that the U.S. Senate's decision to reverse a recommendation by the House of Representatives to allow Paraguay to sell a yearly quota of its sugar in the profitable American market is a reprisal for Stroessner's refusal to control the drug smugglers.

INCLUDES OFFICIALS

This would be no easy task for Stroessner. The drug smugglers include his chief of police and several prominent generals, according to a secret report by the Central Intelligence Agency that turned up in the office of an opposition newspaper in Asunción but was never published.

Stroessner has remained in power for 17 years, primarily by distributing the lucrative smuggling trade among the various branches of the armed forces and police. Arms for the military, for example, are financed from profits from the contraband cigarette trade to Brazil and Argentina.

Neither Paraguay's neighbors nor the United States seemed concerned about this situation, however, until some of the generals switched from cigarettes to heroin destined for the United States. Leading characters in the CIA report include Gen. Francisco Britez, chief of police, and Gen. Patricio Colman, head of the counterinsurgency Regimento group which has replaced the customs department with heroin as a major financial support.

AT HIGH LEVELS

The arrest of five Paraguayans and a Frenchman caught trying to smuggle $10 million worth of heroin into the Miami airport led to discovery of the high-level involvement. The questioning of the arrested men disclosed that Auguste Ricord, one of Europe's top drug smugglers, had moved to Asuncion, where he was directing the heroin traffic from Marseille through Paraguay to the United States.

Stroessner arrested Ricord and put a top civilian police officer under temporary confinement, but the president refused the U.S. request for Ricord's extradition. The Paraguayan political opposition claims Ricord will die in jail because he knows too much about the smuggling activities of other Paraguayan generals.

Smuggling from Colombia is an illegal trade without government approval but appears to be growing just the same.

A muddy town on the Gulf of Uraba where the mosquitoes seem almost as big as the bananas, Turbo is the chief depot for the marijuana cultivated on nearby plantations for the Tampa trade.

South American sailors who earn an average $100 monthly are willing to risk jail for the $150 profit on each pound of marijuana delivered to the United States. And the peasants who eke out a living in the rain forests and jungle surrounding Turbo are glad to cultivate marijuana instead of corn because one pound of marijuana fetches the same price as 25 pounds of corn, $5.

The stakes for heroin are even higher. A sailor can earn $8,000 by carrying one shipment to the United States. The heroin, according to local officials, is handled by some 200 Ecuadorians who have set up shop in the freewheeling town.

A WAY OF LIFE

The Colombian coast has lived on the profits of contraband since colonial times, transshipping goods through Panama or one of the southern Caribbean islands to central Colombia and farther south to Ecuador and Peru. Now, however, the trade is no longer one way, and marijuana and heroin move north in banana crates.

Turbo's poorly paid and ill-equipped customs authorities and police either cannot or will not control the drug business. Their small, slow launches are unable to patrol the area's bays and rivers. Roads are practically nonexistent, and Turbo's only link with civilization, a third-class road to Medellin 238 miles south, is closed half the year due to rains.

The federal government, far away in Bogota, has so many other economic and social problems that Turbo takes no priorities despite protests from the banana producers that the drug traffic is threatening their $17 million annual export trade. The odds are clearly in favor of the smugglers because one ship from the "grass fleet" can transport $1 million worth of marijuana. A banana cargo will fetch much less.

There are various routes for European drugs which take them through Latin America and into the United States. French heroin, for example, reaches Martinique and Guadaloupe without customs inspection since they are French colonies. In the same way heroin smuggled by way of Amsterdam arrives in Aruba and Curacao. Couriers then bring the narcotics into the United States, usually by way of Miami, or small planes are used to get the heroin from the islands to our Nation.

There is the so-called Lebanese system as well. Opium poppies grown in Turkey are converted to heroin in Syria. The heroin is then smuggled to Amsterdam by way of Beirut, flown to Curacao by a courier on a commercial airline and transported to Miami.

Corruption among some Latin American customs officers makes the job of stopping the heroin even more difficult. Automobiles, suitcases, cartons of bananas, picture frames and, false bottoms in wine bottles have all been used to illegally bring dangerous drugs to the United States from Latin America.

It is evident that increased cooperation is needed between North American and Latin American narcotics and customs agencies in order to combat the growing use of Latin America as a transit route for drugs.

HIGHER TAXES OR MORE INFLATION?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 9, 1972

Mr. BYRD of Virginia. Mr. President, the Indianapolis Star in a recent editorial correctly points out that the deficits now being accumulated must result either in higher taxes or more inflation—either of which is a blow to the American worker and housewife.

With regard to the alternative of tax increases or continued inflation, the editorial observes:

> It's a bitter choice any way you look at it.

The Star urges the public to demand that the Government live within its revenues.

I ask unanimous consent that the editorial, entitled "Here We Go Again," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RISING DEBT—HERE WE GO AGAIN

Well, it's ceiling raising time again for the national debt.

The current $424-billion national debt, up from some $385 billion a year ago, is nudging the $430-billion ceiling set by Congress last year. Treasury officials are afraid the debt will bump up against that ceiling by March 1 unless Congress, as it usually does each year, complies with a request by the government to raise it.

Their fears appear well founded, based on fiscal performance of the federal government last year—fiscal 1971. A budgeted $2.5-billion surplus turned into a nerve-shattering $23.2-billion deficit by year's end.

This year fiscal 1972 an initially budgeted $11.6-billion deficit has already grown to an estimated year-end deficit of $28 billion which could sprout by another $10 billion if Treasury reckoning is no better than usual.

But the American people should be aware that a congressional act to take the heat off the Treasury by raising the debt ceiling will be in final pocketbook effect equivalent to a congressional act to raise their taxes.

This is an undeniable fact because a higher ceiling, permitting a higher national debt, inevitably means more inflation and thus a lowering of the purchasing power of the people's money.

To the ordinary American, it makes little difference whether he can buy less because more of his money is taken away in higher taxes or because the money theoretically unchanged taxes leave him to spend will buy less on account of more inflation. It's six of one and half-a-dozen of the other.

It's a bitter choice any way you look at it.

If Congress refuses to lift the debt ceiling, the government goes broke officially.

If Congress raises the ceiling, the people get more broke than they are already, through the hidden tax—inflation.

That's the pass four decades of deficit spending by the federal government has brought us to. It's not a pretty one.

So don't just sit there. Yell, scream, shout, nag, jump up and down, do anything to make your representatives understand which they don't now that the federal government must, absolutely must, start living within its revenues.

It's the last hope. And the hour is late.

ISRAEL NEEDS AID TO HELP RESETTLE SOVIET JEWS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 9, 1972

Mr. SCHWEIKER. Mr. President, yesterday I joined the Senator from Maine (Mr. MUSKIE), the Senator from New York (Mr. JAVITS), and the Senator from Connecticut(Mr. RIBICOFF) in introducing S. 3142, a bill that would authorize $85 million in new refugee aid to assist Israel in the resettlement of Soviet Jews in that country. We are now urging as many Senators as possible to join us in cosponsoring this measure.

This is an urgently needed humanitarian measure and I hope that the Senate Commiteee on Foreign Relations can begin prompt action on it.

As is certainly well known, the Soviet Union for many years virtually refused permission to its Jewish citizens to emigrate to the Jewish national homeland, Israel. Nevertheless, more than 200,000 courageous Soviet Jews have applied for permission to go to Israel, usually at the risk of losing their jobs, housing and other rights just for seeking to emigrate.

During 1971 the Soviet Union made an abrupt and favorable change in its policy and permitted 15,000 Jews to emigrate to Israel—compared to only 1,000 during the previous year. Now, in 1972, the emigration of Soviet Jews to Israel is continuing at an even greater rate, so that it is conservatively estimated that 35,000 Soviet Jews will arrive in Israel this year.

As one who has long supported and spoken out for the cause of Soviet Jewry, I am glad to see significant numbers of Soviet Jews being granted their wish to emigrate to Israel. The State of Israel, our friend and ally in the Middle East, is likewise pleased with this development and is greeting the new arrivals from the Soviet Union with open arms. But this sudden influx of new immigrants is also resulting in heavy new responsibilities for Israel. These people must be housed, fed, given instruction in the Hebrew language and placed in jobs. The process will take time and considerable money—an estimated $35,000 per immigrant family in the first year. If 10,000 families come this year, this means resettlement alone will cost Israel in the vicinity of $350 million.

This past summer I visited Israel and can report first-hand that Israel will be hard-pressed to carry this new burden all by itself. Israelis are already paying the world's highest taxes, and are ploughing nearly 30 percent of their gross national product into maintaining a strong defense against Israel's hostile Arab neighbors. We, in Congress, have already recognized the severe strain of this defense burden on the Israeli economy and have voted $50 million in supporting assistance and $300 million in military sales credits for Israel. The $300 million in military sales credits, I am pleased to say, will be used at least in part by Israel to cover the cost of the Phantom jets that it will be receiving, thanks to recent action by the administration in approving this sale. But Israel's normal defense posture will continue to strain its economy, and thus I support additional U.S. refugee assistance to help Israel carry its new financial burden, the sudden arrival of large numbers of Soviet Jewish immigrants.

At the same time, I intend to continue my efforts to focus more attention on the problem confronting all the other Soviet Jews who have not yet been allowed to leave. I have personally visited the Soviet Embassy. I have spoken repeatedly in the Senate and at other public gatherings on the importance of seeing that the Jews of the Soviet Union gain their freedom to live as Jews.

While visiting Israel, one of the most moving events of my stay was the chance to meet with three Soviet Jews at an immigrant absorption center in Jerusalem.

Alexander Rabinovich, 33, formerly a dentist in Riga, Latvia, had just come to Israel with his parents, his wife, and his two small children, in search of a life, he told me, where Jews could perpetuate their own culture. His children, he told me, had frequently been taunted by the schoolmates with the derogatory Russian term for Jew, "zhid."

Clara Nachimofsky, also of Riga, is the mother of two sons, one 25, and the other 15. She and her husband waited 9 years for permission to leave the Soviet Union. When the permission finally came through they were allowed to take out their younger son, but their older one was kept behind and is still there.

Rachel Rabinovich, 25, from Vilna—no relation to Alexander—is one of the young Jewish activists who staged a sit-in last March at the Supreme Soviet. She told me she was sure this was what caused the authorities to let her come to Israel, although the next group of demonstrators to try that approach were all placed under arrest.

Looking back on that meeting with these three, I particularly recall what Rachel told me about the indomitable spirit of Jewish youth in the Soviet Union:

> The Jewish youth in Russia now want to get out. The activities are not going to stop. They are not going to stop until they all come here, to Israel.

Mr. President, I returned from Israel even more convinced of the courage of these people and of the justice of their cause. I believe that as our Nation should assist Israel to resettle those fortunate, relatively few Soviet Jews who have reached Israel, we should also speak out for the Soviet Jews who remain in the Soviet Union and ask only that they have the right to emigrate to their national homeland.

SOFT DRINK FRANCHISE AGREEMENTS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am introducing legislation today to enable the soft drink industry, which for 70 years has provided the American consumer with a quality product priced within the reach of all, to continue marketing and distributing its product under the time-honored franchise system.

The system has worked well. National soft drink brands compete for consumers in every area of the country, and uniform quality is found throughout. The recent increase in private and retail store-controlled brand sales by large grocery chains has heightened historically intense interbrand competition.

During the past year the Federal Trade Commission has filed a number of complaints against soft drink companies, alleging that they have hindered competition in the industry by restricting the soft drink manufacturers to designated geographic areas. There has been no allegation that interbrand competition is lacking, however.

Although the FTC action would seem, through elimination of territorial restrictions, to promote competition and thus benefit the public and the unrestricted distributor, it will, I fear, be disastrous for the franchisees of the soft drink industry and of questionable contribution to the public in interest. Local soft drink manufacturers do not view the territorial system as an imposed limitation on their competitive freedom. They rather see this system as the only feasible means of assuring to the consumer the advantages of intensive local competition between national brand products, local label products, and chain-store brands.

Soft drink manufacturers are generally small businessmen, but they represent a strong, local economic force in over 1,600 communities in our country. All but about 100 of the approximately 2,832 soft drink manufacturers fall within the Small Business Administration's definition of small business. Although the industry has clung to the concept of local manufacture and local distribution, it still makes a meaningful contribution to the national economy. Its employment exceeds 150,000 wage earners. The capital investments in plant and equipment of these businessmen and their families combine to exceed $1 billion. In 1970 alone, they committed over $325 million to construct and equip new facilities and expand existing facilities.

The marketing method traditionally used by the industry—sales and service by route delivery—has produced intensive competition between bottlers of the different national brands. Low prices and good service to the public at all retail outlets have been the result of this competition for virtually every restaurant and filling station, and for shelf space within the supermarkets. One result of the FTC action would be that warehouse delivery to large grocery chains and other volume buyers will become the rule rather than the exception it now is. The action would also permit supermarkets and large distributors to purchase a small franchise and distribute to its chain all over the country. The majority of bottlers—not located in close proximity to the chain's warehouse or not in financial position to specialize in large volume customers over a wide geographic area—will be placed in a precarious economic and competitive position. In addition, the cost of distribution to small volume outlets is considerably higher than to large volume outlets and those left with only smaller volume outlets will be forced to raise prices to make up for their sharp reductions in sales. The inevitable result will be the demise of the majority of small bottlers and an increase in mergers. Thus any short-term gain in intrabrand competition which might result from the Commission's action would soon be outweighed by a long-term loss to competition in general.

The legislation I am introducing today has the objective of assuring that where the licensee of a trademarked food product is engaged in the manufacture, distribution, and sale of such product, he and the trademark owner may legally include provisions in the trademark licensing agreement which, first, give the licensee the sole right to manufacture, distribute, and sell the trademarked food product in a defined geographic area or, second, which limit the licensee, directly or indirectly to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within that geographic area, subject to the conditions that, first, there is adequate competition between the trademarked product and products of the same general class manufactured, distributed, and sold by others; second, the licensee is in free and open competition with vendors of products of the same general class; and third, the licensor retains control over the nature and quality of such product in accordance with the Trademark Act of 1946—the Lanham Act.

Thus, if the legislation is enacted, each territorial arrangement would be in the economic context in which it operates and the existence of competition in the market would be taken into account, subject to the further requirement that the nature and quality of the licensee's goods or services in connection in which the mark is used are legitimately controlled by the licensor in accordance with the Trademark Act of 1946.

ANALYSIS OF BUSING OF SCHOOLCHILDREN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 9, 1972

Mr. BYRD of Virginia. Mr. President, Mr. Vermont Royster, retired editor of the Wall Street Journal continues to contribute thoughtful articles to that publication.

The February 8 edition contains one such articles, entitled "Suffer the Children." It is a searching analysis of the issues involved in the busing of school children, particularly as it applies outside the South.

Mr. Royster notes that while there has been much hypocrisy in the North about the question of segregation by race in the schools, the exposure of this hypocrisy is not a proper subject for humor. On the contrary, the real lesson to be learned from the present situation is that compulsory busing on a massive basis makes no sense in any part of the country.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUFFER THE CHILDREN

(By Vermont Royster)

For anyone with a grisly sense of humor—sick humor, in the current phrase—there is bound to be sardonic laughter in the rise of school busing as a social and political issue outside the South.

For one thing it does is expose some monumental hypocrisy. Over many years those in other parts of the country have treated the issue as one peculiar to the Southern states. Objections to hauling children all over the countryside to obtain a preconceived "racial balance" in the public schools were supposed to stem only from racial prejudice and to be raised only by Southern white racists.

Any other objections to this kind of busing—whether on educational grounds, the disruption of neighborhood cohesion, inconvenience to the children or parents, or considerations of cost—all were disdainfully dismissed as merely the rationalizations of die-hard segregationists. Where, as sometimes happened, blacks in the South likewise objected they were dismissed as "Uncle Toms."

It was treated, in short, as a purely regional issue. The rest of the country looked on with smug equanimity as court decisions, government policy and public pressure forced area-wide school busing on community after community. After all, so said the rest of the country, it's not our problem.

Well, it is now. In the North, the Midwest and even in the Far West, in community after community, there have of late been eruptions of public protest when the same policy of area-wide busing came to be applied. And every poll of public sentiment is now showing that school busing for arbitrary racial balance has become a nationwide issue.

Congress is having to come to grips with it both as a substantive and a political issue. The House has already passed anti-busing legislation; it is also considering a Constitutional amendment banning busing. The Senate, to the agony of so many Presidential hopefuls, is finding it daily harder to avoid the issue because the people back home—all over the country—are forcing it.

In this, too, there is cause for sardonic laughter. Of all those Senate presidential hopefuls with school-age children only Senator Jackson (the most "conservative" of the Democratic aspirants) has his children in a Washington public school. The others, liberals all, send their own children to private schools while proclaiming their devotion to busing for everybody else.

But for all this exposed hypocrisy there is, in all truth, nothing to laugh at, sardonically or otherwise. The whole business has become too sad even for sick humor.

A part of the sadness lies in the fact that this great convulsion over school busing comes at a time when the public, in the South and elsewhere, is at long last casting aside old prejudices. Just recently the National Opinion Research Center, as cited in a Wall Street Journal story, found that 80% of the nation (including half of the Southern white population) today accepts integration in schools and other aspects of public life. That is, acceptance of integration and opposition to school busing have grown together.

This paradox is only a seeming one. What the evidence shows is that it is no longer correct to treat the school busing issue as solely a "racist" one. Many blacks, as recent demonstrations witness, also oppose area-wide busing. So too do many whites who are not only not "racists" but actively support racial integration in the school system. The busing issue now transcends the old labels.

This ought to be understandable to anyone who can put aside stereotyped thinking. There is, first of all, something absurd about busing a child, who lives within a few blocks of an elementary school, a half-day's journey across country, with some starting before dawn and returning long after dark. For years the country labored expanding its school system to avoid just this sort of necessity. Now when it isn't necessary we are reverting to it in the name of having the "right" racial quota.

The expense of it is ridiculous. The cruelty of it is that it takes a small child and makes him consume an 8 or 10 hour day for a few hours of schooling, and puts him in the position where the friends of his school are not the friends of his neighborhood or vice-versa. He (or she), aged six or ten, has life disrupted over a social policy of his elders.

And that, I think, gets us to what is really sad about the way we, the elders, have gone about the long overdue and necessary task of ending the segregation and isolation of the blacks among us.

It was a happenstance of history that the first major decision of the Supreme Court striking down the old laws and customs of segregation came in an elementary school case. The other court decisions and the various civil rights laws came afterward. But that happenstance focused the issue, first and foremost, on the school system.

And nowhere have we since applied the pressure as implacably as on the elementary school system. In the schools the courts have said that there is a legally correct "balance" and that if necessary children must be moved around to enforce it.

Where else have we said the same thing? Segregation has been struck down, and properly so, at the college level also. But no court has ordered any public college to truck a certain portion of its white students to a black college, or the other way around, to enforce the quota concept.

The courts and the statutes have attacked *de facto* segregation in neighborhood housing by striking down racial covenants and limiting the rights of sellers and renters. But nowhere is there a court decision or a law compelling people to move from one neighborhood to another, by a governmental fiat, to achieve some preconceived idea of what constitutes a correct neighborhood balance of the races.

The reason why this has not been done is quite plain. The people, white and black, would consider it outrageous; it could not be done by anything short of a Soviet type dictatorship. And the people would be quite right. The law of a free people ought to prohibit segregation of any of its citizens in any form. A law to *compel* people to move from one place to another would make our society no longer one of a free people.

But what we, the elders, have refused to decree for ourselves and our own lives we have, by some tortured logic, decreed for our children. However you may dismiss the inconvenience or the cost of this wholesale busing, we have asked our children to suffer what we will not. And the wrong of that cannot easily be dismissed.

KREMLIN-WATCHER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BOB WILSON. Mr. Speaker, I have previously called to the attention of my colleagues the works of Irving Salomon, former delegate to the United Nations, now devoting his full time as a Kremlin-watcher. As a portion of my remarks I include in the appendix of the RECORD two recent columns by this distinguished student of Russian Communism:

RUSSIAN COMMENT BOTH WORRIED AND CRITICAL

(By Irving Salomon)

Dr. Henry Kissinger's recent visit with Chou En-lai and President Nixon's proposed plan to visit China has had peculiar and varied reactions in the Soviet press. This applies to both the official and the not-quite unofficial press.

For a long while, both omitted comment or kept it quite limited or veiled. This might be construed as fear, or at least worried anticipation.

It should be noted that the press as well as the Kremlin itself has discounted Mr. Nixon's assurance that the new China policy is "not directed against any other nation." Instead of minimizing the concern, the Soviet press has served to acerbate it, now that the Soviets have received the official reaction to Mr. Nixon's dramatic initiative.

The Moscow New Times' comment is as follows: "a rapprochement between Peking and Washington is seen primarily from the viewpoint of imperialism's hostility to the focus on socialism in the Soviet Union."

It adds, "This rapprochement will enable the United States to switch its attention and resources from the Far East to the regions where it could counter the Soviet Union, like in the Mediterranean and Europe. The Americans seek to prevent a settlement of the Middle East conflict to thwart a European security arrangement that will return the world to the brink of war."

The Moscow Times further suggested that this rapprochement could release Chinese troops, now deployed against the possible American threat, to be redeployed against Russia—a revival of the old plan of the encirclement of the Soviet Union.

The official publication, Pravda, shows skepticism as it belittles Mr. Nixon's assurance that the China policy is not directed against any other nation.

It said, "These words are only used to conceal the real thoughts behind them."

Moscow radio said, "Can one be pleased by these developments? It has left no doubt of its negative attitude."

A prominent Moscow commentator recalled critically President Nixon's inaugural speech in which he said, "The United States sought no advantage from Sino-Soviet difficulties."

He belittled President Nixon's use of the term "normalization" and he construed it to imply that it would stimulate the Chinese people's energy, which is emphatically a rather dangerous matter.

He further added that China poses a far greater threat to Russia's security than the United States with all its missiles. He opined that China and the United States could, in the distant future, jointly checkmate the Soviet Union, and especially when there is an international crisis.

The Kremlin's speculations and concerns about the Washington-Peking detente is all to the good; its a new experience for Moscow to be outflanked.

WORLD COMMUNISTS COOL TO BREZHNEV DOCTRINE ON RED CHINA

(By Irving Salomon)

Russian Communist Party chief Leonid Brezhnev considers it vital to obtain acceptance by all the world's Communists of the formula which the Soviet leaders have been trying to force upon them for almost a decade now, namely, that there is no exclusively Sino-Soviet dispute, but that it is Communist China ranged against the rest of the Communist movement.

To what extent have the Soviet leaders succeeded?

Speeches by representatives of the "fraternal Communist parties." These show that the Soviet Union has some allies—Gustav Husak, leader of the Czechoslovak Party, for example, and with less rhetorical affirmation, Janos Kadar of Hungary and Todor Zhivkov of Bulgaria.

Strange as it may seem, East Germany's Ulbricht did not deem it necessary to touch on the Chinese question in recent speeches. It was also passed over in silence by Eduard Gierek of Poland and the deputy secretary general of the French Communist Party, Georges Marchet.

Tsedenbal, the representative of Outer Mongolia, which borders on China, opted to condemn Peking, but less on ideological causes than on Mongolian security grounds. Of all the representatives of the 71 Communist parties not in power, the Argentinian Rodolfo Gioldi was the only one to attack Peking.

The list of Moscow's so-called allies in the campaign against China found the overwhelming majority not uttering a word on the matter or made it clear that it was a private dispute between the USSR and China in which they could observe neutrality while still remaining good Communists.

The representative of the "National Liberation Front of South Vietnam," Nguyen Van Huey, even made a certain attempt to rehabilitate China, while the deputy general secretary of the large Italian Communist Party, Enrico Berlinguer together with Nikolae Ceaucescu of Romania, without naming China, indirectly criticized Brezhnev's position and his policy.

Berlinguer gave his own definition of internationalism, radically differing from the Soviet: "Our international solidarity does not and cannot mean that our positions coincide in every way with those of every other Socialist country and, on a broader scale, of every Communist party."

Romania's Ceaucescu put the case rather differently: "In all our activities we are guided by the Marxist-Leninist teaching that the basic duty of a ruling Communist Party is to build a new social order. We consider that the better the results obtained by each country in this cause, the better it fulfills its national and international duties."

This was pure criticism of Brezhnev, according to whom "weakening" of the international Communist movement results automatically from any differences which arise.

Ceaucescu's appeal to solve these differences by discussions between parties and their leaders can in the context of the Sino-Soviet dispute be understood as a summons to Russia to acknowledge the dispute as its private affair.

ADDRESS BY CHAIRMAN A. J. WAGNER OF TVA ON AGENCY'S ROLE AND THE ENVIRONMENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Chairman Aubrey J. Wagner of Tennessee Valley Authority recently discussed the role of TVA as it relates to the environment.

Because of the interest of my colleagues and the American people in this most important subject I place the address by Chairman Wagner before the Tennessee Group, Sierra Club, Nashville, in the RECORD herewith:

The address follows:

TVA's ROLE IN AND ITS EFFECT UPON THE ENVIRONMENT

I

I am grateful to you for the opportunity to come here tonight and discuss with you TVA's role in and its effect upon the environment. TVA, from its very inception, has been deeply committed to the tasks of environmental improvement. The President, in transmitting to the Congress in 1933 the bill that became the TVA Act, said that TVA "should be charged with the broadest duty of planning for the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin and its adjoining territory for the general social and economic welfare of the Nation." The spirit of this charge is reflected in virtually every section of the TVA Act. Broadly speaking, it is an assignment to develop, improve, and protect the human environment; and TVA from its first Board to the present one has regarded it as such and has done its best to carry out the assignment faithfully.

John Muir, the founder of the Sierra Club, expressed a similar thought in a quotation attributed to him that I read not long ago. "When we try to pick out anything by itself," he said, "we find it hitched to everything else in the universe."

He was speaking of the interrelationship of all the resources of the globe, and his remark was not unlike that of Gifford Pinchot, who put it in still another way. In one of his books he was describing his thoughts as he rode on horseback through Rock Creek Park in Washington, D.C., contemplating the forests, the streams, inland navigation, waterpower and flood control; soil and its erosion; coal, oil, and other minerals; fish and wildlife; and all the other resources.

"Suddenly," he wrote, "the idea flashed through my head that there was a unity in this complication—that the relation of one resource to another was not the end of the story . . . Seen in this new light all these separate questions fitted into and made up the one great central problem of the use of the earth for the good of man."

"The use of the earth for the good of man." This defines, as concisely as possible, the conservation principle that guides all of TVA's efforts. Every word in the definition is significant. It recognizes that the end purpose of conservation—or of environmental protection and improvement, if you prefer—is a human purpose. The earth is to be *used*. It is to be used for the good of *all* men, not just some select group. It is to be used for man's *good*—his *total* good—not just for economic profit or transitory pleasure but in ways that make him a better human being.

One of the first directors of TVA, Dr. Harcourt A. Morgan, labeled all this "Our Common Mooring." His thoughts were summarized like this:

"Man has need for a 'reason for being'—a purpose in life beyond that immediate existence, gain, and satisfaction—a mooring to help him understand his place, fill his responsibilities, and know his importance in the eternal plan.

"In striving to meet this need, man through his science has discovered the oneness of the universe—the immutable interrelation of elements, energy, and life in a pattern of creative evolvement from the inorganic up to *and including* himself."

I have taken your time to recite this background because it is on the basis of these principles that TVA plans and conducts all its activities, be they constructing a nuclear power plant, planning and building a water control project (and operating it), monitoring water or air quality, researching a new fertilizer, setting aside areas for fish and wildlife, developing improved hardwood tree strains, or seeking ways to utilize the rugged scenic qualities of some of our natural streams. In all of these and our many other varied resource development programs, we are deeply conscious of our responsibilities to all of the six million people in the TVA region and, more generally, to the 200 million people in the Nation.

This invariably calls for a balancing of the requirements and hopes of various groups or interests, and, finally, decision and action in which we try to reconcile differences in a way that will best serve the needs of the greatest number over the longest possible time. In other words, we do our best to protect and improve the *total* environment—environment defined as "the aggregate of all the external conditions and influences affecting the life and development of the human organism." One may disagree with the decisions we reach, but I would hope there can be agreement about the principles that we take as guides.

II

And now, to proceed from general principles to specifics, I'd like to take a few minutes to discuss some of the environmental consequences of TVA's programs through the years, some of our current efforts, and some of our still unresolved problems.

In spite of nostalgic reminiscences about "the good old days," the environment of the early 1930's in the Tennessee Valley was not a good one. Basically it was an environment of joblessness, poverty, and little hope. It was an environment of wasted and wasting resources.

This was an agricultural valley in 1933. Two-thirds of the people gained their livelihood from farming. It was an extremely poor livelihood, largely because they were extremely poor farmers. They grew corn, cotton, and tobacco mainly, and these crops, after harvest, left the land bare to the pounding winter rains. Millions of tons of sediment were swept into the Tennessee River each year. Silt was the greatest source of stream pollution. Gullies scarred the countryside in every direction. Topsoil was gone. The land was worn out.

Science and education, applied in an extensive joint effort with the state agricultural universities, have wrought tremendous improvement in that land environment. New chemical fertilizers, developed at TVA's Muscle Shoals laboratories, have been used as an instrument to bring about better farm management and a change from row-crop agriculture to a farm economy based primarily on livestock with the land mostly in soil-conserving pasture and forage crops. The navigable channel was used to bring about this significant environmental change, bringing in millions of tons of midwestern grain annually, needed to supplement forage in our new animal agriculture. And rural electrification played a part too, providing refrigeration and running water, and serving many other purposes essential to modern agriculture.

The area devoted to hay and pasture has increased by a million and a half acres since 1933 with a concurrent reduction in acreage of row crops. Think what this means in terms of reduced silt flow to our streams! Yet total agricultural production in the Valley today is several times what it was in the 1930's and further improvements are being achieved each year. Perhaps I should add, parenthetically, that as concern about stream eutrophication grows, TVA is conducting careful research to find the extent to which chemical fertilizers may be a contributing factor. And we are developing new slow-release nitrogen fertilizers to help solve the problem if there is one.

There is a similar story related to our forests. Nearly two-thirds of the Valley is forested, but by 1933 virtually all the great trees had been cut away. Ten percent of the forest area burned every year. Following patient and extensive work through the state forestry departments and with countries and landowners, that figure is now down to less than ½ percent. In a day when we prohibit the burning of leaves by home owners and long for the clean air of "the good old days" we forget that in those days it was choked with the smoke of nearly three million acres of woodlands burning every year!

Over a million acres of wasted lands have been reforested, further reducing erosion and siltation and greatly improving the water holding capacity of the soil. Improved forest management each year provides increasing quantities of useful wood—and jobs—yet the volume of standing timber also increases each year. The forest environment is better and it is still improving. TVA is currently working on the selection and development of superior strains of black walnut, black cherry, white oak, and other hardwoods to help build higher quality into Valley forests for the use of coming generations.

TVA's concern for the land resources is probably less widely known than its work on the river. The Tennessee in those early years lay like a lazy giant across the Valley, rising often to send a destructive flood from the eastern mountains to the Ohio. Its power to destroy was well known and often experienced its power for good was little used. Only two dams stood across its way. They produced some electric power but little else.

TVA's multipurpose dams harnessed the Tennessee River system to turn it to man's service. The lakes have become a vital part of the regional environment, providing a recreational outlet for tens of millions of people. The flood control system has prevented damage that would have exceeded $300 million at Chattanooga alone, relieving untold human misery and suffering there and elsewhere, including the lower Mississippi Valley. Barge cargoes come and go from and to Houston and Pittsburgh, Tulsa and Chicago, Omaha and Minneapolis, feeding the industries that provide jobs for the tens of thousands no longer needed to work the farms.

As the chain of lakes came into being, TVA gave simultaneous attention to a multitude of other phases of the environment. There are 99 public parks along these reservoirs on 30,000 acres of land provided by TVA. There are hundreds of smaller public access points along the 10,000 miles of shoreline. Two national and 22 state wildlife management areas are operated on land provided by TVA. They have turned the region into a major flyway for ducks and geese. Deer are far more plentiful now than in the 1930's.

These changes have had an immense impact on the people of the region and their environment. In terms of daily living, especially in the rural areas, the hot, steaming kitchen has been turned into a pleasant place to work, and the work is easier with modern appliances. The drudgery of the scrub board has given way to the electric home laundry. The drafty fireplace, once the sole source of heat in many homes, today is a nostalgic luxury. Electric heat provides both comfort and health, and teamed with air conditioning makes a comfortable indoor climate that lasts the year around. And it has of course eliminated most of the chimneys that poured soot over the entire cities.

In terms of health, we can point to the elimination of malaria which in the 1930's affected as many as one-third of the population in some sections. This is accomplished primarily by fluctuating the level of the main stream lakes to destroy the breeding ground of the malaria-carrying mosquito.

I have hit only some of the highlights of TVA's past, but I hope in doing so we have found some areas of common understanding. I hope we can agree that our environment has improved substantially in many ways. In an era in which the theme of environmentalism seems too often to hold that our world is in a state of progressive degradation, we can say that in the Tennessee Valley, at least, this is not the case. True, there have been environmental changes. And true, there are still abuses crying for correction. But the changes thus far have been, I believe, thoughtful, careful changes which have helped to tame the destructive forces of flood, fire, and disease. From the fish in the stream and the deer in the woods to the man in the street, we are all better off.

III

Now let us turn toward the future. What are some of our immediate problems? How shall we solve them? What shall be our guidelines? And what are some of the controlling factors in arriving at tenable solutions?

I think we have to put at the top of the list man's need for satisfying occupation of his time, talents, and energies—his need for useful employment. The environment of hopelessness that stems from widespread idleness provides the ultimate in human degradation. Under conditions of this kind society begins to question the very institutions of democracy and the foundations of freedom. This is not to say we can neglect problems of the natural environment. Indeed, clean air, clean water, and the beauties of nature are vital to the kind of satisfying occupation I refer to. But I believe we have misjudged our priorities if we fail to place man and the nourishment of his spirit at the head of the list. We must be sure that we do not focus so narrowly on the physical aspects of environment that we overlook or neglect the human aspects.

To underline this point we need only to examine a few elements of our present society. Our population is increasing. There is general agreement that we should seek a diminished rate of growth or even a stable population. Nevertheless for today and the years just ahead we simply have to acknowledge this growth as one of the overriding facts that we must live with. The children of the "baby boom" following World War II now are leaving high school and college, creating millions of new households, requiring millions of new jobs, needing thousands of new houses and apartments with their furniture and appliances. The economist, Peter F. Drucker, says that during each year of the next decade we will have to find jobs for 40 percent more people than in each of the past 10 years.

We have, in addition, our underprivileged—those whom opportunity has left behind because of their lack of schooling, because of discrimination on account of race or origin, or because they were unable to escape from the poverty of the mountains or the ghetto. Our national goal is to remedy these conditions with better housing, better schools, and better job opportunities.

These opportunities do not come automatically. They require planning and ingenuity. And they require resource management. Or to put it another way, we must manage our *economic* activities in ways that hold to a minimum any waste of resources and that prevent destruction of our biosphere' natural capacity for recovery; for it is equally true that we will not solve these problems, we will not provide continuing jobs or schools or housing as needed, if we deplete our resources. We must find a balance between the needs of man and the safeguarding of his physical environment.

This is the environmental dilemma and the environmental challenge of this generation.

IV

Now let me single out two major issues for discussion, the critical issues of water supply and electric power supply.

One of the difficult resource management problems in future years will be the handling of our fresh water supply. The bedrock fact which all of us must face is that we have today all the water we will ever have. The great natural cycle begins with the rainfall which percolates into the soil or runs to the streams and finally is taken up again into the atmosphere. It is our sole source of water.

Yet demands for water will continue to rise. More people need more water for household use. Industries use more in their manufacturing processes. Waste disposal requires still more. Our fixed supply must meet all these and many more needs.

Some uses will require the construction of dams and reservoirs and channel modifications. Others will require that the streams remain in their natural condition. In each instance, as time moves on, we must decide what course will enable the water resource to contribute most to the total quality of man's life.

Some people have offered the general judgment that the United States already has too many dams, that additional dams will do more harm than good. Such a general position seems to me to reflect unwillingness to submit to factual analysis in specific cases. I can speak only for the Tennessee Valley, but I can say with conviction that dam construction has not reached nor is it likely ever to reach the stage where free-flowing rivers and remote streams will be insufficient to meet our needs.

For example, in the Tennessee watershed there are some 11,900 miles of streams draining watersheds of 25 square miles or more. With all the harnessing of the river by TVA, there still remain more than 9,600 miles of open streams. And I believe that few residents of the Tennessee Valley would want to go back to the environment of muddy waters, floods, and undependable flows that existed before impoundments.

Obviously, future water management in the Tennessee Valley must take into consideration more environmental factors than ever before. We need to balance the need for wild rivers with the need for water supply. Beauty has utility for aesthetic enjoyment. Exotic aquatic life and wildlife using the waters and shorelines have a place in the science and pleasures of future generations. But this can be achieved only by wise management. The constant pressure of change requires that we *manage* our water resource for whatever purposes it is to serve.

V

Now to my second point—electricity.

Electric power has taken a place in modern society that is much akin to that of water and air. Individually we might, perhaps, go off to the woods and survive without electricity. As a society, however, we literally could *not* survive without it.

The layman commonly thinks of electricity as providing the conveniences of the household—the kitchen appliances, the washing machine, and the electric saw and drill. These are important uses, but they are relatively small in the array of uses in our society as a whole. Most of our businesses, stores, banks, and other commercial ventures could not continue without electricity. City water supply and waste disposal systems would stop functioning without it.

But most of all, electricity is the means by which American industry extends muscle power to provide both jobs and the efficient productivity that keeps our modern society alive. And, except in rare instances, there is no acceptable substitute for electricity. I could recite many examples, but you are as familiar with them as I.

It is also clear that electricity is one of the most powerful tools we have to help solve environmental problems of the future. I have already alluded to the experience in the Tennessee Valley with electric heat and its role in cleaning up the air of our cities.

The Federal Water Quality Administration calculates that in 1968 the United States consumed close to 2 billion kilowatt-hours for sewage treatment and that this requirement will be more than doubled by 1973.

Washington, D.C., is building a subway system, to help meet problems of air pollution, noise, and congestion from auto traffic. It will require 500,000 kilowatts of power, the equivalent of a good-sized generating station.

Again, more examples could be given, but I hope you can agree that electricity is a vital and useful part of our environment today and, as far as we can tell, it will continue to be so.

VI

Admittedly, the generation of electricity presents problems in the environment but I believe those problems are solvable if we put our minds to them and if we are willing to pay the costs—as we must. For the years ahead, nuclear technology offers horizons of great promise. Light water reactors are already in commercial operation and their use is growing. The breeder reactor is not yet a commercial reality, but there is confidence that it will become a reality in another ten years or so. Fusion power with its promise of unlimited energy virtually free from all pollution is still in the laboratory stage, but it is considered attainable by the turn of the century.

But for today, much of the Nation's power is generated from coal. Here, one of the environmental impacts results from strip mining. TVA's views on this subject may be summarized thus:

1. The coal procured by strip mining is essential to the Nation's energy needs.

2. This coal can be secured and the lands from which it is taken can be reclaimed, under careful planning and a high order of mining and rehabilitation, to conditions as good as or better than existed before the mining.

3. The cost of reclamation must be included in the cost of coal.

4. Achieving these objectives, on a comprehensive basis applicable to all surface mining, can be assured only by stringent legislation, strictly enforced.

Let me elaborate on these points.

About half of the Nation's electric power is generated by coal. In the Tennessee Valley region the percentage is even higher—around 80 percent. The strip mine method is used to produce about 35 percent of the coal used by the Nation's electric utilities; over half of the coal used by TVA is strip mined.

TVA has had extensive experience in strip mine reclamation, going back to the mid-1930's when it reclaimed phosphate lands mined in middle Tennessee. It has sought by leadership and example to promote the proper reclamation of strip-mined land.

But TVA cannot do the job alone. In the states where we buy coal, about 85 percent of the surface-mined coal goes to other purchasers. In the much publicized east Kentucky area, 90 percent of it goes to purchasers other than TVA.

We have recommended and strongly pressed for state laws to make sure that mine operators reclaim the lands disturbed. We have advocated national legislation which will give strength and uniformity to these state laws.

TVA was the first—and so far as we know the only—major coal purchaser to include in its coal contracts provisions requiring reclamation by the mine operator. We enforce these provisions with our own inspections. We have renewed and strengthened these contract provisions as we gained experience in their effectiveness and have renegotiated long-term contracts to the tune of many millions of dollars to compensate for the newer higher standards. While these contract provisions have been substantially successful, we are constantly looking for ways to improve them.

I might add that underground mining, the apparent alternative to strip mining, presents substantial environmental problems.

Authorities estimate that around 75 percent of the acid drainage created by coal mining comes from underground operations. This problem is relatively easy to correct in surface mining by simply covering over the coal face and any acidic soil exposed by mining operations. No sure way has been found to stop the acid drainage from underground mines.

The problems of mine fires and the sinking of the surface of the land are associated only with underground mines.

But still more important is the fact that underground mining is far more dangerous to the miner. While vast safety improvements have been made in underground mining—and more improvements can and must be made—it is still the most hazardous occupation in the United States today. Gas and dust explosions, roof falls, and black lung disease are problems of deep mining. In the five years from 1966 through 1970, fatalities per million tons mined were 4.6 times greater in underground mines than in surface mines. Nonfatal injuries were 5.2 times greater.

Successful strip mine reclamation requires first of all care in mining. It requires diligence in revegetation. And it requires an understanding that even with care and diligence it takes time for trees and shrubs and grass to work their cure. No one has yet invented instant trees.

But in the relatively short time that TVA strip mine reclamation provisions have been in effect, we have seen strip-mined ledges turned to productive pastures in two years. We have seen drainage ponds lose their acidity and support fish life. Given 20 years after mining, given the standards and enforcement needed, we can have mountains and flat lands restored to productivity as good or greater than before the mining.

VII

There are other aspects of power generation which affect environment, and I will deal with them more briefly.

In coal-burning plants, the electric industry now has the technology for removing practically all the fly ash before it goes up the chimney. TVA's new plants have electrostatic precipitators which remove 99 percent of the fly ash. Older plants are being brought up to this standard. When this program is completed around 1975, we will have over $100 million invested in such air-cleaning equipment.

Until other reliable control methods are developed, the best defense against sulfur dioxide and other flue gases produced by coal-burning power plants still is the high chimney which disperses the gases in the atmosphere high above the level at which they pose any serious environmental effects. The chimneys at the Cumberland Steam Plant west of Nashville, for example, will be a thousand feet high. Yet we recognize that use of tall stacks is not the ultimate solution to air pollution problems associated with large coal-burning power plants.

TVA and the Environmental Protection Agency are working together with private industry to develop reliable equipment that will remove most of the sulfur oxides before they are discharged. Test units have been installed on two of our smaller plants and we are designing a full-scale device, still an experiment, for a large generating unit in Alabama which alone will cost between $30 and $40 million.

The matter of heated water discharged into streams from large generating plants has raised questions as to the effect upon the fish and their food chain. It is a valid concern, yet unfortunately it is a matter about which too little is known.

TVA has had experience in this field for many years since its large steam plants are located on lakes and streams. Careful monitoring of aquatic life in the areas adjacent to these plants has shown that in nearly all cases the heated water has had no significant detrimental effects on aquatic life. In some cases it is actually beneficial, especially for winter fishing. In one instance—at our Paradise plant on the Green River in western Kentucky—we have built cooling towers to protect the stream and its aquatic life and at the same time assure the full productive capacity of the plant.

We are confident that the radiation associated with nuclear plants is being handled carefully and adequately under AEC standards. Layer upon layer of protective barriers are being built around the reactor vessels and other equipment subject to radiation. The safety record of the nuclear power industry in the United States has been most remarkable.

But nuclear power plants give off more waste heat than coal-burning plants, so we are giving greater attention to problems raised in these areas. In the case of the two nuclear plants we have under construction, it is now planned that waste heat will be dissipated into the reservoirs through huge pipes which have thousands of small holes in their sides. The warm water emerging from these holes will quickly mix with the cool water of the stream in a way which we feel confident will protect aquatic life.

But we will not rest with our predictions. In cooperation with EPA, TVA is designing a special research facility to be installed at the Browns Ferry plant in northern Alabama to fully investigate the effects of heated water on fish and aquatic life.

In each of the twelve channels planned for this facility we will be able to establish fish life with its associated food chain almost as it is in the river nearby. Through carefully controlled experiments, we can test the effect of heated water at various temperatures on these fish and the food organisms on which they depend.

We think this kind of scientific inquiry is extremely important to assure that the usefulness of the river is maintained. TVA is committed to the installation of any additional devices needed to protect the usefulness of our streams. At the same time, we think it is wise to be cautious lest we be panicked into building facilities not really needed to protect environmental values but costing heavily in resources allocated to their construction and operation.

The same principle applies to the facilities for the removal of sulfur dioxide gases. We need to know more precisely the nature and extent of the problem. Technology needs to be perfected. We are actively seeking the answer to those questions, and TVA will apply whatever remedy is needed as soon as it is available.

There is much more I would like to tell you about TVA's efforts to protect and improve the environment—about our conservation education programs in Land Between the Lakes, about our work with local groups in solid waste disposal, in cleaning up junk cars, and in many, many other areas.

But perhaps this is an appropriate note on which to conclude my remarks. For my theme has been that we can and must have both a sound, healthful, and attractive physical environment on the one hand and a thriving, progressive economy on the other. Both can be achieved if we put our minds to it.

But we must focus our minds and wills on the problems to be solved, on the needs of our people in the light of the hard, cold facts. We only waste our energies if we apply them solely in the interest of victory of one philosophy over another.

TVA and the Sierra Club—and other organizations similar to yours—have much philosophic common ground in the heritage of our founders. We welcome an extension of that partnership to the solving of the one perpetual, practical problem which neither we nor our children will ever escape—the use of the earth for the good of man.

ADMINISTRATOR KLEPPE VISITS TENNESSEE, DISCUSSES SBA LOAN PROGRAMS AND FUTURE JOB GROWTH OPPORTUNITIES THROUGH SBA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. EVINS of Tennessee. Mr. Speaker, recently the able and genial Administrator of the Small Business Administration and our former colleague, the Honorable Thomas S. Kleppe, visited my State of Tennessee and made an excellent statement concerning the programs of SBA.

In this connection I place in the RECORD herewith a news article from the Nashville Banner concerning the Administrator's visit to Tennessee.

The article follows:

KLEPPE DISCUSSES SBA

(By Elmer Stewart)

More than 400,000 job openings are expected to be created in Tennessee during the next six years and the U.S. Small Business Administration "has the tools and resources" to help the state reach that goal, the administrator of the SBA said here Tuesday.

Thomas S. Kleppe, chief officer of the SBA, was in Nashville to review operations of the local office and to meet with members of the banking community.

"Based on a two-year study of more than 1,000 Tennessee firms, some 423,000 job openings are expected in this state during the next six years in order to maintain a healthy conference held at Commerce Union Bank. and stable economy," Kleppe said at a press Conference held at Commerce Union Bank.

The SBA administrator said that since its inception, the Federal agency's local development company program has helped create or save more than 8,000 jobs in Tennessee with a total investment of more than $25 million in federal and private capital.

Regionally, 48 local development companies in 26 states received SBA loan approvals totaling $6.4 million in October alone, and the concerned firms will provide employment for more than 2,400 people, he said.

IN TENNESSEE

"Two of these firms were in Tennessee," Kleppe said. "A $210,000 loan went to Dandridge Development Corp. of Dandridge, and a $350,000 loan was approved for Arlington Development Co. Inc., of Arlington.

"We believe that it is important for each community to set up job goals, to publicize those goals, and then institute community planning to reach them."

Kleppe said that "the name of our (SBA) game is jobs," adding that it follows that the administration also works "to increase and strengthen activities" concerning the economies of the nation.

He said "only the SBA" has a guaranteed measure of the economy and that measure "is the number of applications on SBA desks across the country for small business loans.

"And this demand," Kleppe asserted, "refutes the rumor that small business is on its way out.

"Private enterprise," he continued, "is the backbone of the SBA and it is alive and kicking."

During the past fiscal year, SBA made 21,495 loans amounting to $1.1 billion to aid small businesses, while in the preceding year, the agency made 15,102 business loans totaling $709.6 million, Kleppe stated.

In emphasizing the need for planned community development in the nation, he said the 3,532 facilities financed through the SBT's local development company program have created, since its inception, about 119,000 jobs and saved or maintained more than 50,000 more for a total of 169,000 employment opportunities.

Kleppe noted that the SBA's Nashville office increased its lending activity to 22 per cent during the past fiscal year to $13.2 million from $10.8 million.

Kleppe became administrator of the SBA Jan. 18 with a recess appointment by President Nixon, and on Feb. 25 was sworn in officially by the president following unanimous confirmation by the U.S. Senate.

He came to the office following two terms as the Republican congressman from North Dakota and while serving in the House of Representatives was a member of the agriculture committee and three of its subcommittees.

He was the unsuccessful republican nominee for the U.S. Senate from North Dakota in 1964 and in 1970.

Kleppe was introduced to the group of newsmen and newswomen by Dan Hopkins, vice president of the Commerce Union Bank and chairman of the advisory committee to the Nashville SBA office.

TRANSIT AID VITAL TO URBAN SURVIVAL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ROSENTHAL. Mr. Speaker, traffic-congested streets are strangling America's cities. We look for relief to mass transit, but we find instead a fatal downhill spiral of increasing fares, decreasing service and diminishing ridership.

Transit simply cannot afford to meet the need on its own. Operating out of the fare box is unreasonable; it spells prohibitive fares that drive away rather than attract riders. Many cities and States subsidize transit, but they are overburdened and cannot provide the level of assistance needed.

This leaves a vacuum that only the Federal Government can fill. While Washington has long provided assistance for purchasing buses and other capital equipment, it has not aided operations.

Today I renew my call for the Nixon administration to end its longstanding opposition to public transit operating subsidies. Such assistance, tied to incentives for improved services, would be a form of revenue sharing in keeping with the President's goals in that area.

The national transit operating deficit has been estimated between $300 and $400 million; about half of that in New York City alone. To meet these costs, local authorities have been raising fares, often out of the reach of many riders.

The 50-cent fare is already common in many places, and in some cities it is not unusual to pay more than $1 for a single one-way crosstown busride. Such fares can keep the welfare recipient from a job, an elderly pensioner from getting away from the house, and a low-income mother and her children from proper medical care.

Higher transit fares contribute to the decay of downtown areas, add to the congestion of city streets, and are a special burden on the elderly, the poor, and the young who are "captive riders."

I have today written to Transportation Secretary John A. Volpe urging Federal operating subsidies for urban transit systems. It is time to start paying greater attention to the problems of our cities. I am inserting that letter in the RECORD at this point:

FEBRUARY 8, 1972.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I was very pleased to read published reports that you are considering the possibility of federal assistance for daily operating expenses of urban transit systems. As a long-time proponent of such aid, I strongly urge you to approve this course of action.

It is unreasonable to expect urban transit systems to totally operate out of their fare boxes. Historically, such a requirement has proven virtually impossible without the hopeless spiral of rising fares and diminishing ridership. The time is long overdue for the federal government to step in and stop this fatal spiral.

Such assistance, tied to incentives for improved services, would be a form of revenue sharing that, I feel certain, would be in keeping with President Nixon's stated goals in that area. State and local funds could be freed for meeting other urgent needs.

We, the Congress and the executive branch, must work together to keep transit fares from rising out of reach of the riders. Higher fares will send commuters back to their cars and the already overcrowded streets and roads and will contribute further to the deterioration of our cities. The fare spiral threatens to leave only the "captive rider," the person who has no alternative form of transportation. This means the elderly, the poor, the very young—the first victims of any economic crisis.

The 50-cent fare is already common, and in some cities it is not unusual to pay more than $1 for a single crosstown busride. Exorbitantly high transit fares contribute to the decay of down-towns by discouraging people from going there for shopping, entertainment, cultural activities and even jobs. The prospect of paying $2 a day for round-trip transportation could discourage a welfare recipient from taking a job across town; prevent a low-income mother from taking her children for proper medical care; keep an elderly pensioner at home, unable to go shopping or visiting friends and family; and make it prohibitive to send a child to school on public transit.

The transit industry has a strange economic philosophy. When demands drops, most other businesses respond with lower prices to attract customers. But not transit. It raises prices on the theory that higher fares will more than offset the loss in riders. This is frequently accompanied by a cut in service, ostensibly aimed at lowering costs but ultimately further eroding demand. This practice is further evidence, as if we needed it, that service to the public is only a secondary concern for the transit industry.

I would hope that a meaningful, effective program of federal operating assistance can bring about a reordering of priorities in public transit and reverse the trend of higher fares, diminishing service and dwindling ridership.

With best wishes, I am.

Sincerely,

BENJAMIN S. ROSENTHAL,
Member of Congress.

SOFT DRINK FRANCHISE AGREEMENTS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. PICKLE. Mr. Speaker, recent Federal Trade Commission complaints filed against soft drink companies which market their product under a franchise system including exclusive rights to certain geographical territories would, on the surface, appear to be a true move against monopoly and for open competition in the public interest.

In fact, however, the peculiar market conditions in this industry mean that these actions could result in precisely the opposite effect. Indeed, it threatens to turn a highly competitive industry of about 3,000 local manufacturing concerns into a oligopoly controlled industry with little chance for the small manufacturer to compete, with little price competition, with reduced service or and end to service for smaller retail outlets, and with loss of easily identifiable manufacturer responsibility for producing a pure quality beverage.

Clearly this is not in the interest of free enterprise or in the interest of public well-being.

Clearly this is an unusual and exceptional case where the congressional intent of the Federal Trade Commission Act would be strongly violated by an enforcement of the tenets of that act.

Today I join 10 other Texas colleagues in introducing legislation to correct this exceptional circumstance and preserve an important element of small business enterprise across this land. Many other Members of Congress have introduced similar legislation.

The bill is intended to assure that where the licensee of a trademarked soft drink product is engaged in the manufacturing, distribution, and sale of that product, he and the trademark owner may include provisions in the licensing agreement which give him sole right to manufacture, distribute, and sell the trademarked product in a defined geographic area.

The manufacturer is subject to the conditions that, first, there be adequate competition in that area between the trademarked product and products of the same general class manufactured, distributed, and sold by others; that, second, he is in free and open competition with vendors of products of the same general class; and, third, that he is in accordance with the Trademark Act of 1946.

The circumstances which necessitate this legislation are tied up in the route delivery marketing method which characterizes this industry. This method has produced intensive competition between the bottlers for the trade of virtually every large or small establishment which serves soft drinks.

It has also seen the growth of a large and healthy small business in local bottlers in countless towns across the country.

If the exclusive territorial system is abolished, however, then large volume buyers who deal with many final outlets in several areas will be able to purchase one small franchise nearest their key warehouses and distribute that product all over the country.

Those few bottlers nearest these warehouses—who can also come up with the capital necessary to switch to the production of canning or nonreturnable containers preferred by large volume buyers—will stay in the game.

The small bottler who is not near the warehouse will be doomed. Or he will be forced into a market consisting solely of small outlets, "mon and pop" stores and the like, and I wager we will soon see a necessary hike in prices there due to the costs of delivery.

This is not the intention of the Federal Trade Commission Act, and it is not in the public interest. I urge the House, therefore, speedily to take action to preserve the high competition which now exists in this industry.

OUR FOREST RESOURCES MISMANAGED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DINGELL. Mr. Speaker, the management of our national forest resources is a matter of concern to a great number of conservationists and others interested in sound utilization of our natural resources. On February 24, 1972, Mr. Peter Borrelli, eastern conservation representative of the Sierra Club, spoke to the New York section of the Society of American Foresters with regard to forest management. I would like to share Mr. Borrelli's thoughts with my colleagues and include the text of his statement at this point in the CONGRESSIONAL RECORD:

STATEMENT OF MR. PETER BORRELLI

WHO REGULATES THE REGULATORS?

I am here today not to discuss the latest theories of silviculture. Nor am I here to provoke and to proselytize foresters and other professional resource managers. My object is to discuss forestry practices and management in the context of national policy and the public interest. In fact to demonstrate the great respect I have for the contributions that good foresters can make I won't begin with a story about timber beasts in the wilderness. Instead I would like to tell you a story about a forester sensitive to the environmental concerns many of us share. It is taken from the recent Sierra Club battlebook by Nancy Wood entitled *Clearcut*. It is the story of Harold Wadley, former district ranger for the Shoshone National Forest in Wyoming.

"Upon his arrival there in 1968, he took one look at the devastation in Wyoming's high country and immediately put a stop to several pending timber sales and scaled down others where he could. Later he announced that not only had he reduced the allowable cut from 17 million board feet in 1968 to 3.8 million for 1969, but that a new timber survey would probably push it down even further. He expressed confidence that it would be accepted by early 1970. It wasn't. The months dragged on while top-echelon Forest Service bureaucrats checked and double-checked on Wadley and his plan. Finally, almost one year later, word came through that the new plan had been approved by Chief Cliff and the Forest Service hierarchy. Unfortunately for poor Wadley word also came through that he had been put in charge of a Job Corps Camp in Nebraska, far from the forests he knows and loves so well."

Stories like this soon make even the most optimistic observer begin to wonder, "Who regulates the regulators?" More often than not the answer is: "no one." It is a problem as old as government itself. Officials chosen to keep watch on specific private activities in behalf of the larger but less attentive public get on friendly terms with the private interests. They become lax in defending their trust. The pressures to compromise and conform intensify.

In government we see foresters, and other professional resource managers in the major land management agencies, making decisions that are essentially political and social under an awesome authority delegated to them piecemeal over the years by Congress. An excellent study of this problem is the paper, "Bureaucracy and the Forests", by Charles Reich, published several years ago by the Center for the Study of Democratic Institutions. Without going into a long history of the erosion of democratic safeguards established in the Constitution, it boils down to this: Technical experts trained to view resources in a certain way have been handed the nearly impossible task of weighing the competing demands on the resources and determining what is in the long run the greatest public good, "a task once reserved for philosopher-kings." As Professor Reich explains:

"The great danger is that an entrenched professional bureaucracy will become shortsighted in its perception of the public good. It may see only the needs of the next decade when planning for a century is essential. It may see only local demands when national needs cry for consideration. It may see where immediate economic gain lies but fail to see the values of "non-economic" uses. It may care so much about today's balance sheet that it forgets tomorrow's heritage."

This is not to say that the job of managing our nation's forest should not be that of foresters, planners, scientists or economists. With regard to the management of our public forest lands, the Sierra Club has long advocated a lasting and constructive compromise between total preservation and reckless exploitation. The course we propose consists of practicing ecologically sound forestry on high quality commercial forest lands for nonextractive purposes such as watershed protection, wildlife habitat and recreation.

We submit, however, that it is both unrealistic and improper to suggest that such policy decisions can be taken out of the political arena. Most of these decisions involve subjective judgments about what constitutes the public interest and for this reason the political process is the only sufficient process for making such judgments. While specific disciplines are often unwilling to concede that management decisions should be based on anything more than technical data; the facts remain that such decisions affect large numbers of people in basic ways. Furthermore, publicly owned land or resources invested with a public trust or subject to police powers are involved. The effects of such decision can also be of long duration and more often than not the claims of competing interests must be arbitrated in a way that will find public acceptance. Instruments of popular government exist to evolve and resolve sound policy. Once the decision is in the political arena, technical disciplines can contribute data that will sharpen awareness of options and consequences, but the weighing process is made according to the intuitive process of the political arts, tested as it is by history, personal experience and electoral approval.

FORESTRY SCHOOLS

Let me illustrate what I call the dynamics of public policy by committing the ultimate sacrilege in your presence of taking forestry schools to task. (In deference to my hosts I simply remind you that if the shoe does not fit, don't wear it.)

A sense of history is important if we are to understand what is happening to our forest lands today. Following the period of the robber barons came the initial withdrawals from the public domain and the establishment of the first forest reserves during the administrations of Presidents Harrison and Cleveland. Then came Teddy Roosevelt, a conservationist of unequaled determination. During his presidency he brought to 132 million acres the total set aside in forest reserves and together with his Chief Forester Gifford Pinchot set the art and ideal of conservation for more than four decades.

Pinchot helped establish the first American school of forestry at his Alma Mater, Yale. Several dozen more universities soon emerged reflecting to one degree or another the stimulation, leadership and progressive ideals of Roosevelt and Pinchot.

By the 1950's, however, the early crop of graduates from these institutions had retired from the state and federal forestry and conservation agencies where they had been employed. Following World War II industrial demand for foresters resulted in a subsequent upsurge in "industrial forestry". "The schools," observes former BLM Director Charles Stoddard, "put more emphasis on training wood technologists, forest engineers and economists, with emphasis on sawlogs and cellulose." A development which led David Brower to describe the sawlog forester as one "who somehow thought that the College of Forestry was a trade school."

But the truth of the matter is that the bias toward use was always there. What changed were the social conditions and values that must necessarily shape public policy in a democratic system. Pinchot—John Muir not withstanding—was a good conservationist for his day. And the public's fond memory of that era has lulled many into a sense of complacency. The public has innocently assumed that 187 million acres of national forests—a priceless legacy of land, trees. water and wildlife which conservationists early in this century secured from private exploitation—were being carefully managed on a sustained-yield basis guaranteeing their survival in perpetuity.

Pinchot, although a crusader, was also a product of his time. In his 1907 reference book for forest rangers, "The Use of the National Forests", he summed up his belief by stating: "The main thing is that the land, as well as what grows on it, must be used for the purpose for which it is most valuable." Recreation in his time was an afterthought: "Quite incidentally, also, the National Forests serve a good purpose as playgrounds for the people."

Many years later it was apparent that Pinchot's basic thoughts on use had not changed with the times. They were in fact at the heart of the controversy between conservationists and industry. H. D. Bennett, executive vice president of Appalachian Hardwood Manufacturers, Inc., has summed up the neo-Pinchotism of industrial foresters perhaps too succintly:

"We have the direction from God. Have domain over the earth . . . replenish it . . . and subdue it . . . God has not given us these resources so we can merely watch their ecological changes occur."

"Clearly," as Chuck Stoddard has concluded, "conservationists must draw their future leadership from men trained in broader and more inspired sources than that given at most forestry schools today. Fortunately, there are an exceptional few which are evolving training programs in ecological resource management under faculties with a broad outlook. But reforms are needed in nearly all other schools."

CUTTING LOGS COMES FIRST

At present we have neither enough good schools nor the leadership we need. Cutting logs still comes first and it is apparent that most foresters and land managers believe that the single most important function of our national forests is to grow cellulose. The public whose forests these are disagrees.

According to the Multiple Use-Sustained Yield Act of 1960 our national forests "are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes." Though significant management discretion was given to the Forest Service the Congressional intent of the Act was to establish, mandatorily, some degree of natural balance between the legitimate and competing interests in our forests. The Wilderness Act of 1964 went a step further by providing the statutory framework for the preservation of wilderness. The performance of the Forest Service under these statutes, however, has been so dismal as to lead a growing number of people to the conclusion that "the Forest Service is a wholly-owned subsidiary of the timber industry."

Not every national forest has been studied but it is evident from those that have been intensively investigated and those with which we have experience that the service has a built-in heavy timber orientation. Evidence supporting this belief can be found coast to coast.

In Montana a select committee of the University of Montana found that multiple use did not exist "as the governing principle on the Bitterroot National Forest." Critical of the intensive clearcutting and terracing on the forest the study team went on to conclude that neither clearcutting nor terracing could be economically or ecologically justified.

Who is to blame for such mismanagement? In the Bitterroot the team pulled no punches. "The heavy timber orientation is built in by legislative action and control, by executive direction and by budgetary restriction. It is further reinforced by the agency's own hiring and promotion policies and it is rationalized in the doctrines of its professional expertise."

The study went on to conclude:

"It appears inconceivable and incongruous to us that at this time, with the great emphasis upon a broad multiple-use approach to our natural resources—especially those remaining in public ownership—that any representative group or institution in our society would advocate a dominant-use philosophy with respect to our natural resources."

And yet this is precisely what is happening in our national forests. By the Forest Service's own accounting, all but six percent of the western national forests are being managed under some form of even-age management ("National Forest Management in a Quality Environment"). This is precisely what is happening through the introduction of legislation like the Timber Supply Act and Senator Hatfield's American Forestry Act (S. 350). This is precisely what the Public Land Law Review is all about. And this is precisely why the President has held back executive orders on wilderness and clearcutting.

Unfortunately, the Bitterroot is not the exception. Similar reports on conditions resulting from clearcutting and excessive road building in West Virginia's Monongahela National Forest and Wyoming's Bridger National Forest strengthen the case.

If the Service's disregard for the principles of multiple use is conspicuous, its indifference toward the Wilderness Act has been notorious. The 1964 act immediately set aside as wilderness 9.1 million acres in national parks, refuges, and forests, and allotted 10 years to add more acreage by a process of agency hearings, nominations by the President and congresisonal enactment. The actual acreage processed for congressional approval totaled only 1 million acres by 1971.

Although the Forest Service established wilderness and primitive areas back in the thirties, it has continually reduced the size of these areas to let the loggers in. In other words, wilderness is fine so long as it is not statutorily protected. This systematic intrusion into what is called *de facto* wilderness is documented by service action in the Alpine Lakes Wilderness in Washington, the East Meadow Creek area of the White River National Forest in Colorado, the Idaho Primitive Area, Oregon's French Pete area, the Joyce Kilmer Memorial Forest and adjoining Forest Service lands in North Carolina and in Alaska's Tongass National Forest. These are all areas worth saving, but where conservationists have had to fight every inch of the way. It sounds like a lot of wilderness you say? But if all the areas we want to save were set aside from the loggers, they would cover only 1.2 percent of all the unlogged timber land remaining. Judge for yourself if this is too much. Judge for yourself if there is an abundance of wilderness throughout the country.

HOW MUCH WILDERNESS?

In Gifford Pinchot's day there was, of course, little sense of the future recreational needs of the nation. Management understandably favored productive use.

Today the public's recreational use of the national forests is officially reckoned at double the use of the national parks, and is fast approaching the numerical equivalent of every citizen's spending a day in the forests each year. The Forest Service has payed only lip service to the very real pressures this recreational use creates. Timber cutting still comes first as Harold Wadley found out. Recreation, as in Pinchot's time, is still an afterthought.

The balance that the Sierra Club advocates is not an unreasonable one. We do not insist that Alaska or the Pacific Northwest become one giant wilderness. Nor do we insist on wilderness where wilderness does not exist. We know that about 90 percent of the national forests and almost all of the privately-held lands will eventually be logged.

It is not unreasonable to assume that 40–50 million acres of our 187 million acres of national forest should be subject to commercial logging consistent with the principles of multiple use. Another 30 million acres should possibly be subject to more limited cutting, 6 to 8 million preserved as wilderness and 10 million protected for future study of their highest values. Six to eight million acres of wilderness is less than one-half of one percent of the nation's land!

MULTIPLE USE

As you know the Sierra Club supports the Metcalf bill (S. 1734) which considers five essential elements concerning land use: 1. private commercial forest lands; 2. national forest; 3. wilderness-primitive areas; 4. timber products exports; and 5. the controversial practice of clear-cutting.

With respect to the private commercial forest lands, much of what I have said about the national forests is equally true for these lands. More so, if we consider the fact that much of the pressure on our national forests today is due to the fact that many operators by the 1950's had exhausted their own resources. Bear in mind that from 1900 to 1970 the volume of timber sold remained about constant and per capita use of wood gradually declined. In other words, with demand relatively constant the present crisis on public lands can be interpreted not as a function of the post-war housing boom, but as a direct result of poor management on private lands.

Here in the East we have plenty of private lands to illustrate the case. The situation in New York is well reported in the 1970 U.S.D.A. report, "Timber Resources of New York":

"Past cutting operations have downgraded the growing stock in New York State. Most of the old-growth stands to be managed as uneven-aged forest need a thorough renovating when management is started."

The problem in a nutshell is as follows: (1) the stocking of growing-stock trees is inadequate; (2) the stocking of desirable trees is extremely poor; and (3) timber quality is becoming worse. References to mismanagement of lands in the Northeast are plainly stated in "Regional Silviculture of the United States", by J. W. Barrett of Syracuse. For a more specific account of clearcutting in the east I refer you to several papers on the clearcut watershed at Hubbard Brook in the White Mountain National Forest in New Hampshire.[1]

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[1] Bormann, F. H.; Likens, G. E.; Fisher, D. W.; and Pierce, R. S. 1968. Nutrient Loss Accelerated by Clearcutting of a Forest Ecosystem. *Science,* Vol. 159: 882–884.

Because of clearcutting, overcutting and other types of mismanagement of private forest, we feel, good professional foresters feel and scientists feel that commercial forest lands are not managed to produce timber at a rate which is commensurate with their potential and which conforms to the concept of even flow in productivity. Because about three-quarters of commercial forest lands in the U.S. are in private hands, we feel it necessary to provide a system of regulation and use of non-federal commercial lands as the Metcalf bill proposes.

The Sierra Club's "Policy on National Forests" lists 10 criteria which should be considered in making comparative evaluations of potential land uses. These criteria are largely adaptable to private forest management as well.

1. Evaluation of uses should emphasize long-range values. In general, nonregenerative uses should not be permitted where they will significantly interfere with later use of the land for regenerative purposes, particularly where there is reason to anticipate long-range growth of need for applicable regenerative uses.

2. The value of regenerative uses for commercial purposes should be based on average annual yield, even though the crop (e.g. timber) is only harvested at long intervals.

3. Nationwide interest in a potential forest use should be the prime consideration, not the local advantage to be gained by exploitation.

4. The value and propriety of a given use or classification for a specific area should be considered in relation to the cohesiveness and balance of use throughout the region in which it is located. This includes consideration of the impact of commodity uses on adjacent noncommodity uses such as wilderness recreation zones, including noise, pollution and damage to natural scenic environment. All appropriate uses should be provided in proper balance in the over-all forest lands. Recreational zoning should include provision for minority desires and should not assume that high-density use of every recreation area is desirable.

5. Selection of areas for watershed, wilderness preservation and outdoor recreation should be based on suitability of land and forest and on long-range forecasts of watershed, recreational, aesthetic, scientific and other noncommodity needs. It should not be based on lack of usefulness for commercial purposes except when choosing between two or more otherwise substantially equivalent areas to meet these watershed and noncommodity needs. Wilderness and wildland recreation areas should, so far as possible, have geographic, aesthetic, and ecologic integrity and continuity and should include sufficient space and unity to make this possible.

6. In addition, the areas zoned for wilderness recreation and preservation should collectively embrace the broad outline of our outdoor heritage. They should include an adequate sampling of all those major types of areas which are found in our national forest lands and which have significant scenic, scientific, and recreational values. This selection should be based on studies which include a review of available major physiographic types, significant geological exhibits or biological exhibits or communities, and unusual recreational potentials.

7. Some land-use decisions are reversible, whereas others involve irreversible commitments or land alterations. Irreversible decisions should be avoided, or postponed, pending further experience whenever the irreversible choice is not clearly indicated to be both correct and timely.

8. Slow-growth virgin forests have low potential average annual yields for timber cropping and hence must be considered substantially nonregenerative for timber purposes. They should, therefore, not be used for lumbering to the extent that they are needed for present or future recreation purposes or watershed preservation.

9. Forest uses which cause substantial soil erosion are at least partially nonregenerative uses. The effect of such uses on soil erosion, watershed preservation, and long-range needs should, therefore, be considered prior to land use and (or) land classification.

10. Land needed in its substantially natural condition for outdoor recreation or wilderness preservation should not be diverted to water-power purposes. Fossil fuel or atomic power can always be substituted for water power, whereas adequate substitute areas are not always available for wilderness recreation. Even when water shortage is essential, nonconflicting sites can usually be found if maximum hydropower generation is not permitted to be a dominant consideration.

EXCELLENT FORESTRY

The compromise between total preservation and reckless exploitation I spoke of earlier is not that difficult to strike, for the basic elements of good forestry have been known for more than 150 years. And yet most industry continues to cut sawtimber faster than it grows, and to consume whatever timber it can buy without husbanding its own lands.

Conservationists merely ask that we exercise what Forester Gordon Robinson has defined as "excellent forestry".

"Excellent forestry has four characteristics. First of all, cut must be matched with growth—that is to say the amount of timber removed from one's property must not be more than the amount that will grow in the cutting interval . . .

"Excellent forestry also implies growing timber on long rotations, generally speaking from 100 to 200 years . . .

"A third characteristic of excellence is selection management in preference to alternative systems such as clearcutting wherever this is consistent with the silvics of the species involved. This implies frequent light cuts, generally not removing more than 10% of the volume at one time. Where clearcutting must be practiced, as in the management of highly intolerant species, the openings should be kept as small as possible, preferably no greater in diameter than half the height of the surrounding timber . . .

"Finally, excellent forestry is characterized by infinite care to avoid damage to the soil, the all-important basic resource."

In short, excellent forestry defines forest practices in a manner which returns multiple use to its original meaning. It will require many years to return our forests to a reasonable semblance of multiple use, but this must be our objective. The public has innocently assumed that this was our objective all along. They are no longer ignorant of the truth and demand change. We must renew their trust before our public lands become hopelessly plundered.

KOSCIUSZKO—THE HERO OF TWO WORLDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DERWINSKI. Mr. Speaker, Saturday will be the anniversary of the birth of "The Hero of Two Worlds." Tadeusz Kosciuszko, who was born February 12, 1746, took part in the never-ending struggle for human freedom on both sides of the Atlantic.

Kosciuszko, who had been a member of the corps of cadets in Poland, later furthered his education in military science in Germany, Italy, and France, his studies in those countries being financed by the Polish Government. He learned naval tactics and fortification in France.

After declining offers of positions in the British and French Armies, he crossed the Atlantic, the journey across the ocean taking 3 months. He arrived in America soon after the Thirteen Colonies declared their independence from Great Britain.

It was about this time that Gen. George Washington said:

> I think the game is pretty near up. No man, I believe, ever had a greater choice of difficulties, and less means to extricate himself from them.

When the British captured New York City the military position of the infant nation appeared to be hopeless.

Kosciuszko received an appointment as an engineer and a colonelcy within 2 months of his arrival on the scene. His first assignment, the fortification of the Delaware River approaches to Philadelphia, was so successfully carried out that the young Pole was awarded 50 pounds by the Pennsylvania Council of Safety as a token of appreciation. Sygurd Wisniowski, the Polish historian, thus described the work:

> The strategy depended upon the skillful closing of the river, three miles below Philadelphia, by means of a series of steep palisades, and upon the construction of huge ramparts at Cape Billinge, where the river makes a sharp turn. . . . This fortress dominated not only the river, but the entire vicinity as well. The rapid construction of ramparts in accordance with Kosciuszko's plan, and the shape of the redoubts, batteries, parapets, ditches, and underground passages . . . all this was for the Americans an entirely new phenomenon.

Kosciuszko also supervised the construction of fortifications at Ticonderoga, Saratoga, and West Point. Congress granted him an appointmeent as brigadier general after the war. He returned to Poland in 1784.

The second partition of his country in 1793 was followed by a national uprising led by Kosciuszko. Successful in its early stages, it finally collapsed, to be followed by the final partition which erased Poland from the map of Europe. Nonetheless, a proud page in the history of this unhappy nation was written by Kosciuszko and his fellow Poles.

On April 3, 1794, at Raclawice, 4,000 Polish troops and 2,000 peasants, the latter armed only with scythes and pikes, defeated 5,000 Russian troops. The tide turned against Poland, however, when Prussian troops joined the forces of the czar to help subjugate the heroic defenders of Poland.

Kosciuszko, who is rightly honored as "The Hero of Two Worlds," helped Americans to secure their independence and did his utmost in a vain effort to save Poland from extinction.

He believed that freedom was indivisible and that its blessings should be shared by everyone—by the Negro slaves in America, and by the peasants of Europe no less than by their more fortunate neighbors of the nobility. In a letter to Horatio Gates dated February 21, 1798, Thomas Jefferson wrote in simple but eloquent words about his friend Tadeusz Kosciuszko:

He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all, and not to the few and rich alone.

Mr. Speaker, during the month of February we are paying tribute to the memory of George Washington, who led our Nation to independence, and Abraham Lincoln, who led it during the war to preserve its Union from dissolution. Let us also take time to honor the memory of Tadeusz Kosciuszko, who, like Washington, wanted freedom for all nations, and, like Lincoln, wanted freedom for all people.

HOW CAN AMERICA'S PASSENGER TRAINS BE SAVED FROM EXTINCTION?

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. SCHWENGEL. Mr. Speaker, the passenger train in America is rapidly becoming a thing of the past for millions of Americans. We constantly ask ourselves what can be done to prevent this. Recently, I received a paper submitted by Mr. Paul E. Bohnsack II, a student at the University of Iowa, dilineating the many proposals for saving our passenger trains. His historical analysis is timely and well written. I would like to share this paper with you:

HOW CAN AMERICA'S PASSENGER TRAINS BE SAVED FROM EXTINCTION?

(By Paul E. Bohnsack II)

America's passenger train service has been on the verge of extinction for a number of years. There have been attempts to remedy this situation in some cases and attempts to speed the process of extinction in others. After World War Two, the railroads invested a total of $1 billion in a ten-year period on passenger equipment. The result was the "finest passenger trains in the world."[1] Unfortunately, nobody seemed to want to use them, despite the fact that "the post-war trains were vigorously promoted and backed by multi-million dollar advertising programs."[2] "A Rocky Mountain area railroad sought to save an overnight train between two key cities by upgrading services, improving schedules and stepping up advertising. Patronage continued to decline."[3] Eventually, unprofitable passenger runs were eliminated one by one among growing criticism that the railroads were not trying hard enough to save their service. In 1959, the results of an ICC study stated that the railroads had "'conscientiously endeavored to improve their standards of service' and 'generally [had] not discontinued trains without serious efforts—sometimes prolonged—to make them pay.'"[4] However, to complicate matters, railroad executives themselves have admitted that this was not the case at all. In July of 1956, Donald J. Russell, president of the Southern Pacific, told a reporter of the *San Francisco Chronicle* "that most railroads would like to get out of the passenger business completely."[5] On the twenty-fifth day of that same month, a headline concerning the Pennsylvania and New York Central railroads appeared in the *New York Times* stating:

2. RAILWAYS PLAN FARE RISE TO DETER PULLMAN TRAVEL[6]

A president of a smaller railroad explained the headline this way: "What they are trying to do is to dry up the Pullman service and switch the passengers over to the coach and the airplane."[7] Since that time, the Southern Pacific has tried to eliminate some of its passenger service.

A typical instance has to do with a pair of trains between Tucumcari, New Mexico, and Phoenix, Arizona, part of a through service between Kansas City and Los Angeles. (Kill part of the service, you kill it all.) The SP, which used to have a huge billboard that read 'S.P.—Your friendly railroad' atop its main office building in San Francisco, discouraged passengers from using these trains by eliminating all mention of them in published schedules, instructing ticket agents to deny the trains existed, closing the ticket office two and one half hours before time of departure, and occasionally forcing the stubborn passengers to ride in a caboose.[8]

Incidents such as these lead one to doubt the sincerity of the railroads' claims of honest attempts at saving passenger service. But whether they willfully manage passenger service poorly or whether they have sincerely tried to save passenger service, it seems that what is needed to save passenger service is outside help.[9]

This need was recognized as early as 1843 when the state ownership of railroads was proposed.[10] This proposal, however, never amounted to anything. Railroads continued to have their problems, especially rate wars and fierce, sometimes violent and fatal, competition. J. P. Morgan, in 1885, saw that railroads were killing themselves off and decided to try his hand at saving them. He called for the rather obvious solution of eliminating rate wars and competition and the reorganization (reMorganization) of the railroads to remove railroad debts and start the railroads on the road to profits.[11] There was also at this time a "popular demand for the regulation of the railroads by the national government."[12] But some people argued against national regulation by saying that the more federal control involved, the less control the states had, and that even though government ownership might help the passenger rates, the cost of nationalization would cost the taxpayers millions of dollars a year.[13] It was finally admitted in 1918 that "Government ownership would not . . . solve the railway problem."[14]

The Transportation Act of 1920 was thought to be the salvation of the railroads. According to this plan, railroads making more than 6% profit on their operating incomes would contribute one half of their profits to a pool from which money would be taken to help other railroads who faced debts and needed to purchase equipment. This setup was never successful and was finally repealed in 1933.[15] With this, the issue of government ownership once again flared. Claims that "Government discrimination against rail transport . . . [was] very unequal . . . as compared with that given to their competitors," and that this "[had] greatly interfered with their . . . meeting that competition."[16] caused the March, 1936 edition of the Atlantic Monthly to propose that the "Government should acquire the railroads outright" and let private companies operate them.[17] At that time, "Organized railway labor [had] taken a definite stand for government ownership of railroads."[18] This proposal was made despite the fact that the Federal Coordinator of Transportation had said on January 11, 1934, that "the divorce of operation from ownership . . . [was] fundamentally unsound."[19] In 1937, it was conceded that "Government ownership of railroads [was] not inevitable."[20] During World War Two, the railroads once again tasted the sweet nectar of success which proceeded to turn sour immediately after the war. It was at this time that a very forward-looking man became owner of the Chesapeake and Ohio Railroad (and later the New York Central.) Robert R. Young successfully tested some of his revolutionary ideas on the C & O between Grand Rapids, Michigan and Detroit. His ideas included giving school children free rides on railroads, purchasing new passenger cars every seven years, spending large amounts of money on advertising, selling tickets on the trains,[21] and carrying the passengers' cars on flatcars coupled to the passenger trains. He opposed such things as having to wait for seats in diner cars and the locking of toilets while a train stood in a station. In short, he "approached the problems of passengers like a prospective passenger."[22] His strategy was successful—the income of the C & O passenger trains increased.[23]

In the late 1950's, a man named Gilbert Burck proposed a "Four Systems" plan. The idea of this plan was to "consolidate [the railroads] into three or four non-competitive, integrated, regional systems . . . [that would] save the railroads as much as $1 billion a year" by cutting back on "tracks, terminals, shops, [and] buildings" and eliminating "duplicate lines."[24] According to the plan, "fewer cars . . . would suffice for all needs" and the terminals, where the railroads spent one-third of their money, would be combined. Railroads could also save money by concentrating on profitable passenger runs and by sharing "centralized equipment-repair shops." The regional areas established under this plan would encompass the northeast, south, northwest, and southwest areas of the country. The organization of the system would involve: (1) giving the vice-presidents of each of the districts great power, (2) hiring staff officers without responsibilities to any partcular railroad line to take care of the systems' functions, (3) hiring engineering staffs that would have the "critical job of analyzing the system and . . . making it more efficient," and (4) establishing a system of communications that would allow officials to keep in touch with the front line of operations without actually going there.[25] This plan would seem very reasonable and important for the railroads to consider since it calls for the reorganization of the railroads by themselves, through their own cooperation, and without government help. But since the railroads had been in the rut of competition among themselves for over a century, they failed to take the time to consider this plan and nothing became of it.

A few years later, in the early sixties, junior senator Claiborne Pell of Rhode Island drafted "a set of specific, simple proposals for the resuscitation of railroad passenger service," much to the disappointment of railroad executives who were trying to wipe out passenger service.[26] Pell's proposal was for an eight-state public authority that would own and operate high-speed rail service between Boston and Washington, D.C. The authority would be financed by long-term, tax-exempt bonds guaranteed by the government.[27] The bandwagon for this proposal swelled and "a public debate on intercity railroad passenger service had been assured."[28] The public was overwhelmingly in favor of this plan, but Senator Pell spent years of persuasion in the White House before Lyndon Johnson finally signed the High-Speed Ground Transportation Act in 1965.[29] This act will be discussed later.

Today railroad critics say that what is needed to save passenger service is good management and federal aid.[30] In the area of management, such things as advertising widely and positively, giving ticket agents commissions on the tickets they sell, promoting air, rail, and car rental trips in one package, and the achievement of greater efficiencies by the unions have been suggested.[31] In addition, mergers are encouraged to reduce costs and upgrade service.[32] Governmental assistance suggested ranges from economic aid to complete take-over by the national government. It has been suggested that railroads be given tax relief in the states where they have laid their rails.[33] The present

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Footnotes at end of article.

Secretary of Transportation, John Volpe, has proposed both federal loans (up to $750 million) and government take-over.[34] Senator Claiborne Pell today suggests that the government "acquire [all] the railroad rights of way, tracks, terminals and other fixed facilities." [35] After this has been accomplished, Senator Pell proposes that the government bill the railroads for the use of the facilities and use this money to pay for such things as repairs and improvements.[36] This would be a very expensive venture for America's taxpayers, however, as it has been estimated that the buying of the railroads by the government would cost $60,000,000,000.[37]

A direct federal attempt to save the nation's largest railroad, the Penn Central, from bankruptcy was made by President Richard Nixon earlier this year. Nixon promised $200 million to the railroad in the form of short-term bank loans from the Defense Department under powers given him in the Defense Production Act.[38] However, the promise of aid was withdrawn when the Democrats in Congress threatened to use such action as a campaign issue against the Republicans.[39] It is truly unfortunate that political quarrels must hinder such an attempt to save an important mode of transportation.

W. W. Hay, professor of railway engineering at the University of Illinois, has suggested that trains in the midwest could be put in competition with airlines in that area because of the flat terrain of the area. By fixing a few curves and bridges and welding some rails together, Professor Hay says railroads could greatly reduce the time required to travel between Midwestern cities. According to his calculations, passengers could travel (at 125 mph) between Chicago and St. Louis in three hours instead of the present five and one half, between Chicago and the Twin Cities in four and one half hours instead of six and one half, between Detroit and Chicago in three hours instead of five and one half, and between Cleveland and Chicago in three and one half hours instead of six. Professor Hay claims, "These improved times would all be competitive with modern jet air schedules." [40]

An Interstate Commerce Commission examiner, John S. Messer, has also made many proposals, including the buying of railroad stations by the cities who would run them with public funds, allowing railroads to deduct passenger deficits from income taxes, agreement by the unions upon new work rules, and the development of a National Rail Passenger Service by the government. In addition, Messer proposes four minimal standards for passenger service. These include meal service on trains traveling more than 250 miles, "adequate" sleeping car arrangements on trains running between 10:00 P.M. and 8:00 A.M., "clean and sanitary" coaches inside and out, with air conditioning, heating, rest rooms, and water fountains that work, and an average passenger train speed equal to that of a company's fastest freight train. Messer contends that "a 'considerable portion' of the passenger business could be retrieved . . . 'if the defeatist attitude of the rail carriers could be overcome.' " [41] This set of proposals seems to be sound and reasonable. The public participation he proposes (such as stations being bought by the cities and tax deductions for the railroads which the government would probably have to be reimbursed for) may be enough to stimulate public use of the railroads. These proposals, however, stand little chance of success as "most rail executives take a dim view of all [of them.]" [42]

Very recently, the idea of "federal rail highways" was proposed. This plan called for the government to buy short sections of track and charge the railroads tolls just as trucks must pay tolls on turnpikes. These sections of track would be open for use by any railroad and the government would pay the upkeep costs. The result of this plan would be a more flexible and efficient railroad system.[43] This plan is sensible as it is rather ridiculous and expensive for two railroads travelling between the same two points to lay separate rail systems when they could share the same rails. An addition to this plan calls for the government to encourage "metropolitan-area bodies" to control commuter services and coordinate systems.[44] Once again this seems to be a sound idea, as cities already have transit authorities for bus travel.

Another proposal made recently shows some extremely positive potential. If the plans for this proposal are approved by the ICC, which is likely, the Chicago and Northwestern Railway will be the first railroad to be owned by its employees. The plans call for the C. & NW. to be bought from Northwest Industries for $420 million. The employees would then be able to buy between $5,000 and $100,000 worth of stock in their railroad. It is felt that a setup such as this may alleviate the problem of conflicts between investors and workers since the workers would also be the investors. Another common problem is that workers are frequently at odds with their company; this plan would make the workers enthusiastic "toward their jobs and the overall operation" of the railroad.[45] This plan is very promising, especially since several rail unions, whose positions could be weakened by this plan, are endorsing it.[46]

A final set of proposals to be discussed involves those presented by America's Sound Transportation Review Organization (ASTRO) on June 30, 1970. This organization, created by the Association of American Railroads in September of 1969,[47] is an attempt by the railroad themselves to discover their problems and ways to solve them. The report, which is included at the end of this paper, seems to be very precise in the specification of the railroads' problems and solutions; now all that needs to be done with these fine conclusions is to have the railroads act upon them.[48]

Solutions to the passenger train's problems have not been all talk and no action. Since 1961, New Jersey has paid the railroads in that state at least $78.4 million to provide commuter service.[49] The Florida East Coast Railway has taken successful steps on its freight runs that other railroads should consider for implementation on their remaining passenger runs. Before a strike hit the railway in the early 1960's, three five-man crews were required to make the eight-hour run between Jacksonville and Miami. One crew would get off the train after about two and one half hours and would have earned one day's pay. But when the train made the return run from Miami, the same crew would get back on the train and ride another two and one half hours; therefore, after a total of about five hours of work in one day, they would be paid for two days of work! When the railroad workers went on strike, the railway hired new employees. Since that time, only one crew of five rides the train between Jacksonville and Miami, and it gets paid for eight hours of work. Because of this, the railway's revenues are up to $30 million—the highest since World War Two. As a result of their jobs, the unionized workers, who are still on strike, are quite angry with the railroad. It is unfortunate that this is so since the head of the railroad is in his eighties, and his death could mean the end of a profitable railroad.[50] Why? This needs at least a clause of explanation.

The future of passenger trains making short runs (250 miles) looks hopeful. The Chesapeake and Ohio Railroad (previously mentioned as a leader in innovations and now the C & O/B & O) had "auto-on-the-train" service in 1967 and wants to try a fare system that would cut losses by $1 million a year. This system calls for a 10% discount in fares for riding on off-peak days (315 a year) on trips of 100 miles or more. Passengers would also be offered four-week passes for unlimited travel on the C & O/B & O for only $185.[51]

As we have already seen, Senator Claiborne Pell's proposals of 1962 were finally realized on September 30, 1965 when Lyndon Johnson signed the High-Speed Ground Transportation Act. This act authorized $90 million for new passenger equipment and research which was the groundwork for the Metroliner between Boston and Washington, D.C.[52] On October 3, 1966, three demonstration projects of this act were revealed. One was featured on the Seaboard Coast Line between Alexandria, Virginia, and Jacksonville. The run featured double-decker trains into which passengers could drive their cars and enjoy the ride by getting out of their cars and watching television, eating, resting, or doing just about anything they would choose.[53] In 1967, a panel of the Commerce Department proposed high-speed rail transportation in the Washington to Boston corridor at a price of $7–12 billion. Some of the problems the panel envisioned included guideway materials and construction techniques, terminal design and operation, and service and emergency braking.[54] By 1969, the Metroliner finally started operations between Boston and Washington, D.C. As of that time, the government had spent $3 million on the project, while the Penn Central Railroad spent $45 million.[55] This route now features fifty cars coupled in pairs that can be made into trains of four, six, eight, or more cars.

The cruising speed of these self-propelled trains is 150 miles per hour.[56] The cars are carpeted, quiet, comfortable, and thirty cars boast telephones that allow calls to be sent and received. The Penn Central has said it will experiment with ticket selling and reservation methods, fares, meals, schedules, and the possibility of on-board entertainment,[57] The train is popular, as the number of daily trips has tripled since service started in 1969.[58] The patrons of the Metroliner would "rather go to Pennsylvania Station in downtown Manhattan and get on a fast train which will leave on time rather than take a taxi or limousine to the airport (a half-hour trip), wait in the air terminal (fifteen to forty-five minutes)," [59] or wait up to an hour above an airport before their plane can land.

The Canadian National, which should be mentioned because it also has tracks in the United States, appears to be making progress in the passenger situation. In 1961, when the CN, which has been nationalized since 1919, was bound by government orders to keep its passenger trains running, it decided to make the best of a bad situation. The railroad slashed its fares up to 50% in some places, produced modern and faster trains, sold tickets by mail and on credit, and adopted a "Car-Go-Rail" plan whereby customers send their cars ahead to their destination and arrive to find them washed.[60] In addition, much advertising was done and honky-tonk pianists were employed on the trains.[61] High-fashion uniforms were also designed for the hostesses, and first class travellers received a free meal in their seats.[62] The result of all this was an increase in revenues and passenger miles. The main asset of the CN is its Turbos—gasoline turbine engines that are streamlined and easily serviced. Because of these engines, the 335 mile route between Toronto and Montreal has been reduced to a four hour trip by rail at an average speed of 84 miles per hour.[63] The fares on this train, known as the Rapido, are remarkable. In 1968, the cost of a first class fare, including dinner, was $15.00 while coach fare was $8.00. The train was so popular that space had to be reserved one week in advance. By comparison, the New York Central's Chicagoan, in 1968, covered an equal distance between Cleveland and Chicago in six hours. First class fare, excluding meals, was $25.74, coach fare was $16.25, and there was no need to make reservations.[64]

Footnotes at end of article.

The Chicago and North Western Railway is an example of another successful rail passenger service. In 1956, it ranked seventh among U.S. commuter railroads and had a huge deficit. In 1966, it ranked second only to the Long Island Railroad in New York and carried 80,000 passengers a day. What caused such a remarkable recovery in this ten-year period? Ben W. Heineman, chairman of the board of directors, said, "The formula of any successful merchant: sell a good product, advertise it, and satisfy the customer." [65] Tickets are issued on a monthly basis, and the customers are given what they want: "a comfortable, dependable, prompt ride, shorn of frills and gimmicks. No canned music in train or station. No advertisements in the coaches. Trains on time. . . ." [66] One advertising method the C & NW uses to show its superiority to crowded expressways is the sponsoring of helicopter traffic-control reports on Chicago radio. In each of these reports, an advertisement (hopefully heard over car radios) is broadcasted urging people to avoid traffic jams by riding the C & NW.[67]

A final example of a step in the right direction is the new National Railroad Passenger Corporation, or Railpax, which was signed into law by President Richard M. Nixon on October 30, 1970. The bill creating Railpax "authorizes loans up to $300 million and grants up to $40 million to improve railroad equipment and passenger service." [68] Railpax will begin operations in March of 1971 [69] and will be run by a fifteen-man board of directors: eight directors will be appointed by the President with Senate approval and the remaining seven will be selected by the stockholders in the corporation.[70] The Secretary of Transportation, John A. Volpe, has already established the sixteen primary routes of the corporation which will serve 85% of the nation's population now served by passenger service.[71]

Money for Railpax will be obtained as follows. In addition to the government aid mentioned earlier, the public will be able to buy stock in the corporation, and railroads will pay $200 million,[72] based on a tentative formula of paying 50% of the savings railroads will make after passenger service is dropped, to Railpax in each of three years. In return for this contribution, railroads will be paid when they run passenger trains [73] and will have the privilege of electing three directors to the board.[74]

This system assures passenger service until 1975. One half of today's 55,000 miles of passenger tracks may be abandoned, as most trains would run "over short-haul, high-density corridors." [75] The corporation will also set standards of service which it hopes to improve.[76] Tickets are envisioned as being issued by computerized service and fares may be lower with family rates, weekend rates, and off-season rates.[77]

This is the way passenger service in the United States stands today. Railpax appears to be a sound plan which will hopefully save the rapidly vanishing passenger train. The only thing that will determine the success of any of these plans, though, is the willingness of the people to use this mode of transportation. Recent skyjackings could boost passenger service, as it is especially difficult to hijack a train. Trains also have fewer fatal accidents than airplanes.[78] The practicality of the automobile, which is popular because of its privacy, is being seriously questioned today due to traffic jams, parking problems, and pollution problems. Railroads, ecologically speaking, burn less fuel, use less land, and create less air pollution.[79]

When these factors are considered by the wise American, he soon discovers that rail travel is the solution to many of his transportation problems. To convince all of the American people of the merits of rail travel to the extent that they will take advantage of them, is to save America's passenger trains.

FOOTNOTES

[1] Association of American Railroads, *20 Questions and 19 Answers* (Washington, D.C.), p. 3.

[2] *Ibid.*, p. 5.

[3] *Ibid.*

[4] *Ibid.*

[5] Peter Lyon, *To Hell In A Day Coach* (Philadelphia, 1967), p. 227.

[6] *Ibid.*, p. 241.

[7] *Ibid.*, pp. 241–242.

[8] *Ibid.*, p. 265.

[9] By the term "outside help", I mean the intervention of some force not already connected with railroad management.

[10] Lyon, *To Hell In A Day Coach*, p. 13.

[11] *Ibid.*, pp. 93–95.

[12] *Ibid.*, p. 94.

[13] William A. Clarke, *Railroads and Rivers* (Boston, 1939), pp. 287, 295.

[14] Samuel O. Dunn, *Regulation of Railways* (New York, 1918), p. 310.

[15] Clarke, p. 285.

[16] Lewis C. Sorrell, *Government Ownership and Operation of Railways for the United States* (New York, 1937), p. 58. The Transportation Act of 1940 provided "for fair and impartial regulation of all modes of transportation . . ." (Lyon, *To Hell In A Day Coach*, p. 176.).

[17] *Ibid.*, pp. 12–13.

[18] *Ibid.*, p. 33.

[19] *Ibid.*, pp. 12–13.

[20] *Ibid.*, p. 225.

[21] This is still done on the passenger trains of the C. & O./B. & O.

On September 4 of this year, when I rode this line to Holland, Michigan, at least four fare were sold in my coach alone.

[22] This quote and the above information are from Lyon, *To Hell In A Day Coach*, p. 181.

[23] *Ibid.*

[24] This section is from Poyntz Tyler, ed., *Outlook for the Railroads* (New York, 1960), pp. 188–190, 192–194, 197–198. It is originally from Burck, Gilbert. "A Plan to Save the Railroads," *Fortune*, LVIII (August, 1958), pp. 82–86.

[25] *Ibid.*, p. 198.

[26] Lyon, *To Hell In A Day Coach*, p. 228.

[27] *Ibid.*, p. 256.

[28] *Ibid.*, p. 228.

[29] Peter Lyon, "Is This Any Way To Ruin a Railroad?," *American Heritage*, XIX (February, 1968), 80.

[30] "What's Being Planned to Save Rail Travel?," *U.S. News & World Report*, LXVIII (January 19, 1970), pp. 58–59.

[31] "Save That Train," *New Republic*, CLXII (February 7, 1970), p. 10.

[32] "Are Railroads Doomed?," *U.S. News & World Report*, LXIX (July 6, 1970), pp. 12–13. The Rock Island Railroad has "an agreement to merge with the Union Pacific Railroad to become part of a strong transcontinental system." (From a personal letter received from William J. Dixon, President of the Rock Island Railroad.)

[33] "Save That Train," *New Republic*, p. 10. Besides paying right-of-way taxes, railroads pay school and other government costs. Railroads "have often been taxed at higher rates—deliberately discriminatory—than other property owners." (America's Sound Transportation Review Organization. *Countdown . . . for America's Railroads—A Switch in Time*, Washington, D.C.)

[34] "Are Railroads Doomed?," *U.S. News & World Report*, p. 12. Some people claim that federal aid automatically leads to government take-over. However, governmental aid to other forms of transportation has not led to their nationalization and it probably would not in the case of the railroads. (America's Sound Transportation Review Organization. *Countdown . . . for America's Railroads—Destination: Service*. Washington, D.C.)

[35] "Are Railroads Doomed?," p. 13.

[36] *Ibid.*

[37] America's Sound Transportation Review Organization, *Countdown . . . for America's Railroads—Destination: Service* (Washington, D.C.), p. 10.

[38] "Uncle, Can You Spare Some Millions?" *Time*, VC (June 27, 1970), p. 74.

[39] "The Biggest Bankruptcy Ever," *Time*, XCVI (July 6, 1970), p. 58.

[40] The previous discussion is from Lyon, *To Hell In A Day Coach*, pp. 272–273.

[41] "Last Chance For The Passenger Train?" *U.S. News & World Report*, LXIV (May 6, 1968), p. 84. The work rules, mentioned above, that the unions are presently working under were established in 1919. For engine crews, the rules state that, "One hundred miles or less . . . shall constitute a day's work; miles in excess of one hundred will be paid for at the mileage rate provided." For conductors and trainmen, ". . . a day's work is one hundred and fifty miles or less." Overtime for both of these groups is computed "on a speed basis of twenty miles per hour computed continuously from the time required to report for duty until released at the end of the last run." Since that time, the average speed of a passenger train has increased so that 'a day's work' has gone from five hours to three hours and twenty minutes. (Lyon, *American Heritage*, p. 54.) According to my letter from Mr. William J. Dixon, "The Rock Island . . . is frequently negotiating with the various unions in efforts to effectuate changes in work rules and practices which will permit greater flexibility in operations."

[42] *Ibid.*

[43] "The Case For—and Against—Nationalization," *Time*, XCVI (July 6, 1970), p. 59. An example of the present inefficiencies of rail travel is the fact that to travel to Holland, Michigan from Rock Island, Illinois, one must ride to Chicago on the Rock Island Railroad, wait in Chicago for six or seven hours, and ride the C & O/B & O from Chicago to Holland.

[44] *Ibid.*

[45] "Workers Buy A Railroad," *The Times-Democrat*, October 25, 1970, editorial page.

[46] *Ibid.*

[47] America's Sound Transportation Review Organization, *The ASTRO Report: A Summary* (June 30, 1970), p. 1.

[48] Mr. Wiliam J. Dixon, President of the Rock Island Railroad, says that the "Rock Island is in full agreement with the ASTRO recommendations. . . ." I hope this means they will be acted upon.

[49] "The story behind the commuter crisis," *Business Week* (March 14, 1970), p. 63.

[50] This information is from "When a railroad makes the rules," *Business Week*, (January 17, 1970), p. 109. In talking with a former employee of the Rock Island Railroad on September 4, 1970, I learned that the Rock Island has a similar problem. The crew that runs the passenger train from Rock Island to Chicago in the morning does not make the return run until the evening of the next day, even though the train returns to Rock Island the same day it gets to Chicago.

[51] "Last Chance For the Passenger Train?," *U.S. News & World Report*, p. 19.

[52] Lyon, *American Heritage*, p. 80.

[53] *Ibid.*, p. 82.

[54] John Rhea, "Third-Generation, 300-mph Trains Urged," *Technology Week*, XX (March 20, 1967), p. 34.

[55] Association of American Railroads, *20 Questions & 19 Answers* (Washington, D.C.), p. 9.

[56] Lyon, *To Hell in A Day Coach*, p. 271. These trains are capable of going faster that roadbed and other conditions will allow. To change these conditions between Washington and New York could cost $800 million. (*20 Questions & 19 Answers*, p. 12.)

[57] *Ibid.*

[58] Garrett De Bell, ed., *The Environmental Handbook* (New York), 1970), p. 198.

[59] *Ibid.*

[60] Lyon, *American Heritage*, p. 81.

[61] "A railroad that bets on passengers," *Business Week* (November 9, 1968), pp. 74–75.

[62] *Ibid.*

[63] *Ibid.*

[64] Lyon, *American Heritage*, p. 81.

[65] Lyon, *To Hell In A Day Coach*, pp. 284–285.

[66] *Ibid.*

[67] *Ibid.*, p. 285.

[68] "Railroad Corporation," *Daily Iowan*, October 31, 1970, p. 1.

[69] "Uncle, Can You Spare Some Millions?" *Time*, p. 76.

[70] "Passenger Trains: Rescue Near?," *U.S. News & World Report*, LXVIII (May 18, 1970), p. 83.

[71] Louis Dombrowski, "Volpe Persents Federal Plan for Rail Passenger Service," *Chicago Tribune*, December 1, 1970, pp. 1–2. These routes are between: "Boston and New York City, Washington and New York, New York and Buffalo, Chicago and Detroit, Chicago and Cincinnati, Chicago and St. Louis, New York and Miami, Chicago and Miami, New York and Chicago, New York and New Orleans, Washington and St. Louis, Chicago and Houston, Chicago and New Orleans, Chicago and Seattle, San Francisco and Chicago, and Los Angeles and Chicago." (*Ibid.*)

[72] "Passenger Trains: Rescue Near?," *U.S. News & World Report*, p. 83.

[73] "What's Being Planned to Save Rail Travel?," *U.S. News & World Report*, pp. 58–59.

[74] "Passenger Trains: Rescue Near?," *U.S. News & World Report*, p. 83.

[75] *Ibid.*

[76] "Uncle, Can You Spare Some Millions?," *Time*, p. 76. See also, "Passenger Trains: Rescue Near?," *U.S. News & World Report*, p. 83.

[77] "Passenger Trains: Rescue Near?," *U.S. News & World Report*, p. 83. ASTRO supports the idea of consolidating all intercity passenger trains under one corporation. (ASTRO, *Destination Service* (Washington, D.C.), p. 8.)

[78] After nearly being involved in an airplane crash, my father, an employee for the aviation firm of Bendix, has taken the train to New Orleans on business because he feels it is safer.

[79] De Bell, pp. 198, 204.

THE ASTRO REPORT: A SUMMARY

America's Sound Transportation Review Organization (ASTRO) was created by the board of directors of the Association of American Railroads in September 1969 to make an in-depth study of present national transportation policies and recommend steps needed to assure a balanced and progressive system.

Here's a summary of ASTRO's report—released June 30, 1970:

THE NEED FOR RAILROADS

America's transportation system must be ready to meet the needs of a growing nation.

All modes of transportation—railroads, trucks, barges, airlines and pipelines—will be called upon to perform at top efficiency.

This is certainly true of railroads. Essential today, they will be even more important tomorrow.

The railroads are already the nation's biggest hauler of freight, carrying 41 percent of intercity traffic. By 1980, they will handle, at the very least, one-third more traffic than now—moving over one trillion ton-miles a year.

Large urban areas require rail service to carry commuters. And the market for medium distance rail travel in major population corridors has yet to be defined.

In a society beset with traffic congestion, air pollution and a scarcity of available land, a viable rail system is a national mandate.

THE STATUS OF U.S. RAILROADS

Ironically, the railroads have reached a low point, even as the need for them grows. They are rapidly losing the ability to build for the future.

Earnings are the cornerstone. If a business cannot earn money after paying its current expenses, it has no resources to invest in future growth, to repay debt or to attract new money.

In the case of railroads, every known standard for testing the health of an industry points to a chronic and spreading illness.

In the past fifteen years, earnings have dropped 50 percent.

Because of low earnings, railroads compare dismally with their competitors and with industry in general. On a comparable standard, a depositor can earn twice as much in an ordinary savings bank as railroads do on their vast fixed investment.

Were it not for their non-transportation income, railroads would be in even worse condition. In 1969, one-third of America's railroads lost money, even after adding in all sources of income.

A poor earnings record has forced improvement programs to fall far behind recognized needs. New rail and tie programs have been sharply cut. Freight car shortages continue to mean lost business. And poor service forces shippers to more expensive means of transport.

This problem cannot be written off as a localized one, affecting only some railroads or certain areas. Railroads are highly interdependent, with more than half the traffic moving over two or more roads. Because rails operate as an integrated national system, the soundness of each major railroad is of concern throughout the country.

THE NEEDS OF THE INDUSTRY

The public interest requires that tomorrow's railroads be thoroughly modernized—not only to expand capacity but to improve performance. But high quality service and impoverished railroads are not natural companions.

Between 1970 and 1980, more than $36 billion must be spent on plant and equipment. This greatly exceeds the entire net investment in the railroad industry today.

Almost half the targeted amount—$18.6 billion—should go for new and rebuilt freight cars. A beefed-up locomotive program will cost another $5.9 billion. Rail and tie replacements and other roadway needs will require another $11.9 billion.

The annual cash needed for these programs will go from $2.4 billion in 1970 to $4.5 billion in 1980. The average in the past three years has been less than $2 billion. And these projected figures do not take into account the effect of any possible further inflation.

CONCLUSIONS AND RECOMMENDATIONS

These essential programs are clearly beyond reach of today's railroads in the present environment.

At the same time, the public should not have to endure the social and economic costs of a failing rail industry. If railroads cannot meet the demands of the future, the clear alternative is more slabs of concrete covering more land removed from the tax rolls, more crowded highways, greater congestion in the cities, higher consumer costs and greater air pollution.

Because of the alternatives, assistance to the railroads is the best and cheapest transportation investment government can make.

The clear choice is not whether there will be a rail network, but what kind. The Federal government can nationalize the industry or allow it to operate privately. Either way, money will be needed to buy equipment and improve the plant.

Nationalization is the most expensive possible step. Some estimates go as high as $60 billion just to transfer ownership, without even touching the capital needs of the industry.

Nationalization, with all its costs and uncertainties, is unnecessary. A bold, but less drastic, program of creative Federal involvement can insure railroad viability.

The report contains over 30 specific recommendations for a concerted action program. They are directed at four major objectives.

A Government must balance its treatment of transportation

Railroads are the only mode of general transportation that must provide for both equipment and right-of-way from private sources. They bear the entire cost of building and maintaining the roadway.

Their competitors operate on much more favored terms. Federal and state governments have poured over $340 billion in other forms of transportation. Trucks, buses, airlines and barges all operate on rights-of-way provided by government. Although some user charges are assessed, in no case do they cover the total cost of the facility.

Despite their importance, railroads cannot survive against such government favoritism.

1. Rail transportation facilities must be exempt from local property taxation. Because state and local governments have depended upon these taxes, the Federal government should reimburse the states for the revenue lost. This is consistent with the tax-sharing concept.

As to other types of state taxes, Congress must, without delay, end the historic pattern of tax discrimination against railroads.

2. Over 5,000 people are killed or injured each year at crossings between highways and railroads. There is already available $530 million a year in Federal funds to eliminate these safety hazards, but present law does not require those sums to be spent. The Congress should direct that these monies be used. The program should not be restricted, as it is now, to so-called "Federal-aid" highways.

3. Present highway trust funds should be merged into a general surface transportation fund to which railroads would also contribute.

The Federal government should be allowed to allocate monies from the fund in recognition of public need. Reduction of air pollution and highway congestion and better land use in cities should be included in defining public need.

Those railroads which desire to improve their rights-of-way, over and above past levels, could draw up to $400 million annually from the fund.

4. The Federal government should also guarantee loans, up to $400 million annually, for those railroads seeking to impove their facilities.

5. Rapid tax amortization should be allowed to encourage investment in new technology. And the rail industry's investment in "fixed plant"—grading and tunneling—should be depreciable for tax purposes.

6. Railroads should qualify for Federal assistance after natural disasters, just as the highways which parallel them.

7. While railroads are rebuilding for the future, the nation must be assured of an adequate level of equipment to overcome present deficiencies and keep pace with increasing demands. This requires four programs:

a. Railroad loans to buy new equipment should be guaranteed by the Federal government.

b. The Federal government should help inject 50,000 new freight cars a year into the fleet. It should loan railroads the 20 percent down payment to buy locomotives and types of freight cars which are in short supply. The government advance would be repaid at 4 percent interest. The government should also reimburse railroads for interest rates over 4 per cent on the remaining 80 percent borrowed from private sources.

c. As a long-range measure, the Congress should charter a non-profit corporation charged with supplying a "free-running" fleet of general purpose freight cars for use nationwide. This fleet would be directed at reducing year-round shortages, but could also help to meet peak seasonal demands.

d. To spur new equipment purchases, the investment tax credit—the most effective tax incentive—should be restored.

8. Research and development efforts should also be balanced among the transportation modes; currently, less than 4 percent of Federal transportation research is spent on railroads. In cooperation with the railroad industry, the Federal government should develop a ten-year research program with a target of $100 million annually.

B. Regulation should be rationalized, management initiative encouraged

Railroads are competitors in the real market place, but are treated as a 19th Century monopoly in the eyes of the law. This results in taxing the consumer with high-cost and inefficient transportation.

1. A new agency should be created to regulate all modes with equality. The promotion of specific modes should be divorced from the regulatory function.

2. The new agency should encourage freedom of pricing as well as experimentation. If lower rates are called for to attract new business or to retain present traffic, railroads should be allowed to drop them to any level which results in improved earnings. If higher rates are required to meet higher operating costs, they should be allowed automatically, up to a maximum of 6 percent annually.

3. The burden of overlapping state rate regulation should be removed.

4. Except for certain movements of farm products, all commercial transportation rates should be publicly disclosed and price structures brought in the open.

5. The new regulatory agency should be permitted to experiment with free rates on selected commodities to see whether the national interest would be better served with less regulation.

6. The regulatory pace must be stepped up so that day-to-day decisions can be made without awaiting years of uncertainty.

7. Present "hands-off" policies against railroads combining with other modes should be modified. Transportation companies should be intermodal because transportation is intermodal and because shippers will receive better and cheaper service. The new regulatory agency could oversee the creation of multi-modal transportation companies on an experimental basis with the power to impose safeguards against possible abuse.

8. Railroads should be given more freedom in pruning branch lines which fail to cover costs.

9. Sound railroad mergers should be decided expeditiously.

C. Fairness and realism should govern rail passenger service

The rail mode can be a valuable instrument in present and future transportation planning, alleviating automobile, and, in certain cases, airway congestion.

1. Rail commuter operations in major cities must be continued and improved. Government funds should be available for planning efforts as well as for acquiring new equipment and upgrading fixed plant. State and regional commissions must develop concrete programs for placing essential, but unprofitable, commuter service under public sponsorship.

2. The market for high-speed, medium-distance rail service between Washington-New York and other possible "corridors" should be more extensively explored. The Federal government should finance basic market and technological research, including the cost of preserving service pending the conclusion of further research.

3. In long-distance service, the airways and highways have clear inherent advantages. The operation of long-haul passenger trains under continuing heavy losses has been the single largest drain imposed by government on the rail industry. Properly funded and soundly managed, a Federally chartered rail corporation can become the overdue vehicle to rationalize the intercity rail passenger structure while relieving carriers of their losses.

D. Railroad management and labor must cooperate

1. Railroad managers must make a thorough self-assessment of the industry's major shortcomings. In particular, railroads must improve their record for working together on internal problems, using arbitration machinery, wherever possible, to iron out intra-industry disputes.

2. Railroads have not shown a uniform dedication to qualify service and customer needs. They must improve their marketing research, concentrate on better techniques for profit analysis, and recruit more aggressively in colleges and business schools.

3. The railroad problem will not be resolved without complete labor-management teamwork. Railroad labor, therefore, must approach the bargaining table with statesmanship in dealing with the need to achieve better use of manpower and to realize the benefits which can result from advances in technology.

TRIBUTE TO JOSEPH F. HEAVEY

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. TEAGUE of California. Mr. Speaker, it is my sad duty to report that Joseph F. Heavey, one of the heroes of the California earthquake of February 9, 1971, died on February 6, 1972, in San Diego.

Mr. Heavey was the acting director of the San Fernando, Calif., Veterans' Administration hospital when the facility was demolished by the earthquake. There was loss of life at the VA hospital—46 patients and employees. There would have been more, except for Joe Heavey. He took personal charge minutes after the earthquake struck, and buildings were still tumbling to the earth. For days, he never stopped. He pitched in personally to reach hospitalized veterans and employees moaning in the debris. He remained on the job, hour after hour, directing rescue operations, devising procedures on the site for the transfer of patients and employees, arranged for onsite treatment, and worked tirelessly during the aftermath period to help patients, employees, and next of kin.

He was awarded the Veterans' Administration Exceptional Service Award and Gold Medal. This is the agency's highest employee honor. Donald E. Johnson, head of the VA, said:

> We will be forever indebted to Joe Heavey for his magnificent dedication during the earthquake emergency. Joe has had an excellent record of service to veterans for 25 years as an employee of the VA, and his work history has been characterized by continuing superlative efforts. Joe Heavey is a civil servant in the truest meaning of those words.

I can add that Joe Heavey's life style was a life of achievement, a life of service. But, more importantly, it is a life of love. Joe dedicated his life to helping veterans, especially those in need of medical attention. Veterans everywhere will miss Joe Heavey because he was able to fashion accomplishments and success far in excess of that expected of one man in one lifetime.

GEORGIA'S INTERSTATE HIGHWAY 75

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. MATHIS of Georgia. Mr. Speaker, the unfinished portion of Interstate Highway 75 in Georgia has been the subject of a great deal of discussion and controversy.

The Georgia House of Representatives recently adopted a resolution urging "the immediate approval of a feasible and prudent route" for the remaining portion of this interstate highway.

Copies of the resolution have been delivered to the President, the Secretary of Transportation, and Members of the congressional delegations of all States traversed by I–75. However, I want to make the full text of the resolution available to all Members of Congress and to those who read the CONGRESSIONAL RECORD.

The resolution follows:

A RESOLUTION

Urging the immediate approval of a feasible and prudent route for the remaining portion of Interstate Highway 75 in Georgia; and for other purposes.

Whereas, the State Highway Department of Georgia has conducted or caused to be conducted exhaustive studies of all feasible and prudent alternative locations for the remaining portion of Interstate Highway 75 in Georgia; and

Whereas, all these alternative locations for the Highway across some portion of Lake Allatoona and public lands designated for public use now or in the future; and

Whereas, the State Highway Department has recommended the location shown by these studies to be the best and most feasible route and the one shown to affect the environment and ecology of the area in the least amount practicable; and

Whereas, eighteen persons have been killed and three hundred thirty-seven have sustained injuries on the only route now available during the last fourteen months while these studies have been underway; and

Whereas, the need for rapid completion of a safer, modern highway is obvious and concurred in by all citizens and motorists; and

Whereas, the completion rather than the location is our overriding concern; and

Whereas, the great majority of residents of the area, local and State elected officials, groups of private citizens, and others concerned with conservation, environment and ecology, and officials of State and Federal agencies concerned with highway locations have approved and endorsed the recommended location.

Now, therefore, be it resolved by the House of Representatives that the members of this body hereby endorse the recommendation of the State Highway Department of Georgia and urge its immediate approval by the U. S. Secretary of Transportation as the only feasible and prudent route.

Be it further resolved that this body hereby urges the State Highway Department of Georgia to use all haste and diligence to complete Interstate 75 as soon as possible upon the approval of the route by the U. S. Secretary of Transportation.

Be it further resolved that appropriate copies of this Resolution be delivered to the President of the United States, the U. S. Secretary of Transportation, the Georgia Congressional delegation and to the Congressional delegations of all States traversed by Interstate Highway 75.

DEFICITS UNLIMITED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. SCHMITZ. Mr. Speaker, the presentation of the administration's proposed budget for fiscal year 1973, which begins this July, coupled with its admission that the budget for the current fiscal year will run an almost incredible $38.8 billion in the red, marks the surrender of our political leadership—at least for the time being—to Federal deficits as a way of life. History shows unmistakably that the ultimate consequence of that way of life is runaway inflation, the collapse of the value of the Nation's money.

Herbert Stein, Chairman of the President's Council of Economic Advisers, told the House Appropriations Committee January 26:

> I don't think any government will ever again try to balance the budget when the economy is well below full employment.

Since truly full employment is virtually unattainable and government has every incentive to describe almost any existing unemployment as well below the desired level, this means, for all practical purposes, continuing deficits as a matter of policy. Further evidence that this is now our policy was given last year when the bill raising the debt ceiling authorized, for the first time, long rather than only short-term loans to finance the deficit.

It is essential to understand clearly just what a large and continuing Federal deficit does to our economy. The deficit is the excess of expenditures over revenues—of money going out of Government over money coming in. The extra money being spent is obtained from Federal Reserve banks in return for the Government's promise to repay. That promise, like a Government bond, immediately becomes an asset of the bank, on which it may lend money and obtain currency. This new money is backed by no actual economic productivity. Therefore, it dilutes the value of all the dollars now in circulation by the proportion that the deficit bears to this total—a very significant proportion where the deficit is nearly $40 billion. This means more inflation, open or hidden, regardless of whatever price and wage controls we try to impose. When the controls fail, as they usually do, there is visible inflation. To the extent that they succeed in holding prices down over a considerable period of time, shortages develop in the price-controlled products, because they become no longer profitable to produce.

The $38.8 billion deficit for the current fiscal year is by far the largest Federal deficit in our entire history except for World War II. The administration estimates a deficit of "only" $25 billion for the next fiscal year. But last year its estimate of this year's deficit was just $14 billion, which turned out to be short by $25 billion. If the current estimate is as far off the mark as last year's, the deficit for fiscal year 1973 could reach $50 billion.

Charles Bartlett's widely circulated newspaper column, in the week of the budget announcement, made a fascinating and significant comparison of the Nixon administration's budget for fiscal year 1973 with that proposed by the administration of President Kennedy just 10 years ago, for fiscal 1963. During those 10 years the population of the United States increased just 9 percent, but the Federal budget went up nearly 150 percent.

Federal payments for welfare rose from $2.6 billion to $12.3 billion. Federal aid to education rose from $702 million to $5.1 billion. Federal appropriations for manpower training and development rose from $60 million to $5.1 billion. Federal aid to State and local governments went up from $9.9 billion to a staggering $43.8 billion, including $5 billion in the proposed budget for revenue sharing. Alice would feel right at home in wonderland with that item—the Federal Government sharing $5 billion of the $38.8 billion in revenue it does not have.

It would be hard to argue against Mr. Bartlett's conclusion after looking at this budget: "Nixon is asserting his credentials as a Keynesian."

MAJORITY LEADER'S SPEECH BEFORE NATIONAL CAPITOL DEMOCRATIC CLUB

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. WRIGHT. Mr. Speaker, our distinguished majority leader, the Honorable HALE BOGGS, spoke today before the National Capitol Democratic Club at the Madison Hotel. Because of the timeliness, eloquence and perceptiveness of this address, I would like to share it with our colleagues. The text of the speech follows:

The gentleman I am about to introduce needs no introduction. A truer statement could not be made for everyone here knows him and his good works, but I think we are entitled to say some of the many things that are in our hearts.

There are many reasons why I am proud to be a Democrat and one of them is Hale Boggs. I want to be on the same side with him in any battle for he is a winner.

Since 1940 he has represented the second district of Louisiana. At the time of his election he was the youngest Democratic member of the Congress—26.

I said he had been in the Congress continuously since first elected, but I should say he took time off for service in the Navy for four years and then was reelected to the 80th Congress—the "good for nothing, do nothing 80th Congress". It took him just 2 years to change that reputation to Democratic action.

In the House he continually advanced in the ranks of Democratic leadership because of his hard work, devotion to the principles which have made our country great coupled with outstanding ability and the highest integrity.

In 1955 he was elected deputy whip by his fellow Members, and in 1962, named majority whip—in 1971 he was overwhelmingly elected majority leader, the chief spokesman and floor leader of the Democratic Members of the House.

At the time of his election by his fellow Members in the House as majority leader he was the ranking Democratic member on the Ways and Means Committee.

His entire record in the public service to our country has been one of complete loyalty to country and service to the Democratic Party. There has been no job too small or too big for him to take, if called upon.

A keystone of that loyalty has been party loyalty—loyalty to his President, his Speaker and the party organization. There may be times in the battle when all of us may have our own feelings and preferences, but when the die is cast and the course decided upon, our choice must be to advance it, if our party is to achieve its destiny. This is the kind of loyalty HALE BOGGS gives us.

Another reason I am proud to be a Democrat is because of Lindy Boggs because she is a lovely and gracious lady and because she puts everything she has into service to her country. She ranks on a par with Hale in service to the Democratic Party all over the Nation. It seems to me that she has been identified with every forward movement and with every committee or group that works for our mutual interest.

And then I must say with a touch of nostalgia because it takes me back a long time in Washington, that they have a son Tommy who has been born, grown to manhood and run for Congress since I have been here. Thank God he is a chip off the old block, as we say in Missouri. The kind of young leader we need and the kind I am happy to see assume responsibility.

We are indebted to the people of Louisiana for the outstanding delegation they have sent to the Congress. We are indebted that Hale Boggs has been chosen by them since 1940. As Mike Kirwan would say, he has passed the acid test.

He has a rendezvous with destiny—a destiny whose full dimensions history has yet to unfold.

Ladies and gentlemen, the majority leader of the U.S. House of Representatives.

ADDRESS BY U.S. REPRESENTATIVE HALE BOGGS

It is a special pleasure to have been invited to talk to the National Capital Democratic Club.

This organization, which includes so many of my oldest friends, is virtually synonymous with the national Democratic Party. Your membership includes many of the architects of the policies and programs of our party and country over the past thirty years. The ideas exchanged here often find their way into the platform of our party and the programs of our Government.

It is now more important than ever that you carry on the tradition, for this is an election year, and a very important one indeed.

I have been asked to talk about the work of the 92nd Congress in the context of this election year and the overall task confronting the Democratic Party.

That task is to unite our party, regain the White House, and restore our country to the road of social and economic progress.

The past three years have taken our country well off that road.

With five million Americans unemployed, with the first foreign trade deficit in this century, with a loss of confidence in the dollar at home and abroad, our economy is at its lowest ebb in forty years.

For three years we have watched America slip back into the old way of Republican indifference and inaction. We have seen unemployment rise to its highest level in ten years. We have seen our gross national product decline and 27 percent of our country's industrial capacity become idled. We have witnessed Americans slipping back into the poverty from which they have only recently escaped.

Five years ago our country was the number one manufacturer and trader in the world. Our Nation proudly led the globe in commerce, and our economy was the envy of the world.

Today, this is no longer true. The dollar, once the kingpin of currencies, has lost its underpinnings and become an object of international speculation. Our trade, our industrial production, and our National growth have been stunted.

At home Americans have lost confidence in their Government as they watched the administration pursue a zig zag path in domestic policy. And abroad, some of our closest friends and oldest allies have been stunned as the administration turned twenty-five year old friendships into icy and uneasy relations.

The Administration refers to its "flexibility" in matters of policy, but in truth it is an inconsistency born of indecision. An administration cannot devote all of its time to getting elected and expect policy matters to take care of themselves. The White House is a means to an end and not an end in itself.

We Democrats must ignore those who say that our party cannot be united . . . that the next four years belong to this administration and to the Republican party.

We must remember that President Nixon is a minority President, who was elected in 1968 with 44% of the vote. We must recall the congressional elections of 1970, when the Republican party conducted one of the most heavily financed and inflammatory campaigns in memory, and was solidly rebuffed at the polls.

We must recall that Gallup Poll last week which showed the President in almost a dead heat with Ed Muskie.

Now, after four years of non-leadership, the Administration is adopting the last refuge of bad domestic politics—the role of international statesman—and running on a slogan of prosperity and peace when in fact we have neither.

I find it ironic that President Nixon persists in blaming our economic difficulties on the war. The President and other Republicans seem to believe that our society cannot maintain full employment except in time of war or preparations for war. I unequivocally reject this suggestion, and I firmly believe that the manpower and resources which have in the past been employed for war can find ready use in many areas of public investment—education, pollution control, health, housing, and transportation. Enlightened government policies could have prevented economic chaos.

An administration which adopts the pose of international statesman is one which seeks to divert attention from its record at home—a record which I believe will pursue the administration to Peking and Peoria, Moscow and Montana.

Given the choice between a slogan and a program, the Republican Party will always choose the slogan. The difference between the Republican and Democratic Parties is the difference between substance and form—the difference between wanting to help people and merely wanting to manipulate them.

In recent years, we have seen the Republican Party adopt the pretense of pursuing the humanitarian goals of the Democratic Party. With more frequency we hear Republican rhetoric about the problems of our cities or the difficulties of being poor or growing old in America.

If one saw only the public statements of the administration, one would have to conclude that Republicans are finally becoming actively concerned about the problems of our country. I would advise you, however, to take them up on their invitation—to watch what they do and not what they say.

Early in this administration, the White House acknowledged that America faces a health crisis of massive proportions It is a problem which has concerned Democrats for the past twenty years. To meet our growing health crisis, the administration vetoed a hospital construction bill, a labor-HEW appropriations bill, and cut medical research to the bone.

Those bills were vetoed, of course, in the name of balancing the family budget. Congress was chastized for overspending, when, in fact, Congress has trimmed the administration's budget request and changed the priorities each year since 1969. Now we face the largest peacetime deficit in our history—more than $40 billion—not because of overspending but because of economic stagnation. Idle men and machines do not pay taxes.

Recall that this administration came into office with the announced goal of ending inflation—at the price we were to learn later, of calculated unemployment. The first thing it did was to renounce the wage and price guidelines which had been a proven deterrent inflation. When the fires of inflation grew hotter, the administration said that it did not want wage and price controls and would never use them—a statement they repeated as recently as last spring On August 15, of course, in terms of economic policy, the administration declared voluntary bankruptcy. Now, the administration says the controls it never wanted may remain in force four years or more.

Recall also that it was this administration that vetoed an emergency employment act—only to reverse itself later.

Let me give you a few examples of how the Republican Party votes on the House floor:

Last summer, on a motion to kill the administration's family assistance plan, Democrats voted 141 to 104 in favor of the bill, Republicans voted 93 to 83 against the bill.

Last spring, on an amendment which would have gutted the Public Works Acceleration Act, Republicans voted 188 to 44 against the bill. Democrats voted 218 to 10 in favor of the bill.

Last summer, on a motion to kill the emergency employment bill designed to provide 150,000 public service jobs and ease the problems of the cities, Democrats voted 197 to 24 in favor of the bill; Republicans voted 160 to 5 to kill it.

And, last December, Democrats voted 179 to 52 in favor of the conference report on child development while Republicans voted 134 to 31 to kill the bill.

The democratic Congress has consistenly placed the national interest ahead of short term partisan advantage. We have not, however, been content merely to react to proposals of the administration. We have seized the initiative in a number of important areas by enacting and extending major programs for the health, education, security, and well being of our people.

In addition to programs designed to stimulate economic recovery, I would point out that it was the House which initiated the constitutional amendments to guarantee the rights of our citizens regardless of their sex and to extend the right to vote to persons eighteen years old.

We have also enacted far-reaching reforms in the rules of the House and in the means of campaign financing.

In the coming weeks and months, we will continue to focus our attention on reducing unemployment, stimulating economic recovery, and providing for the poor and unskilled, we will consider health insurance, revenue sharing, welfare reform, a comprehensive education bill, and a major water pollution bill.

Our party, I sincerely believe, is the party of relevance, reform and renewal.

A moment's reflection on the great initiatives of the past few decades shows that it is the Democratic Party which has acted to meet the needs of our people.

Landmark programs for the poor, for minorities, for the ill, for the aged, for the consumer, for the poorly housed, for the disenfranchised—all have been promoted and brought to fruition by democratic congresses and democratic presidents.

Only the Democratic Party can be identified as the advocate of equal opportunity, of the right of every American to pursue his own destiny to the limits of his determination and capabilities. It was the Democratic Party which first involved Government in the support of education, it was the Democratic Party which made the attack on poverty a national priority, it was the Democratic Party which brought health care to the elderly, which has consistently advanced manpower and employment bills to create jobs for people and keep the economy vigorous. It is the Democratic Party which gave this Nation eight years of uninterrupted sustained prosperity and economic growth in the beginning of the decade of the 1960's. It is the Democratic Party which stands for reform—of its own procedures, the workings of the Congress, and the conduct of campaigns for election.

It is the Democratic Party which maintains the closest ties with the people. It is the Democratic Party which reflects the mainstream of American life. And, it is the Democratic Party whose past achievements, present concerns, and vision of the future marks it as the best hope for America.

We Democrats look to the future, and the future means the White House next November.

In closing, I would like to leave you with the words of John Kennedy, when he was seeking the Presidency. He said:

"We believe in securing the best for our country because nothing but the best will do, because we believe this is the best country, and because we realize that it isn't the President of the United States who is in trouble, it isn't the Republican Party that is in trouble—it is the country that is in trouble and it is we who are in trouble."

DRUG USER PROFILE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. FREY. Mr. Speaker, recently a new system has been developed and brought to my attention dealing with the important problem of identification of the drug abuser. The study was completed by David B. Vinson, Ph. D. with the cooperation of Drs. George Constant and John Quackenbush of the Devereux

Foundation and J. O. Molly, M.D. The procedure has been named "DUP" for drug user profile.

Basically, it is a procedure to identify, by behavior profile, the actual drug user or the drug prone individual. The system would also be valuable in the monitoring of the drug abuser's period of rehabilitation by monitoring changes in cognitive and personality functions.

One attractive facet of this system is that it is applicable to large groups, such as the military, with no actual limit to the subjects who can be processed in a relatively short period of time. Further, the tests can be administered at any location by paraprofessional or nontechnical personnel trained in data acquisition. The findings of this examination have been validated by consultants and disinterested third parties, using external criteria such as the clinician's close familiarity with his individual patients. The odds against misclassification were greater than 19 to 1.

Briefly the system involves, in less than 1 hour, paraprofessional personnel who acquire individual performance data. By telecommunication, this data is transmitted to a service bureau where a report of the automated mental status examination is computer processed. By telecommunication again, the report is returned to the referring physician. By use of regression analysis, base-line performance data can be compared with any subsequent retest performance data, and the probability of change associated with the use of ethical or illicit drugs can be calculated. This information system may also be used to carry out serial studies to determine the reversibility of pathophysiologic and/or psychopathologic changes associated with drugs.

Further detailed information on this system follows:

AUTOMATED MENTAL STATUS EXAMINATION, PRE AND POST DRUG EFFECTS

(By Vinson, D. B. Ph. D., Constant, G. C., M.D., Quackenbush, Jr., Ph. D., and Molloy, J. P., M.D.)

With sharp increases in costs of medical services, and with (optimistically) temporary or (pessimistically) permanent shortages of experienced professional personnel, there has been a need to develop systems not only to collect and transfer medical data, but to analyze medical data

Such a system has been designed and is operating to provide a service which generates information on which decisions may be made, or from which conclusions may be drawn.

Decisions or conclusions should be made only when all available information has been considered in its systems relationship. Thus, the automated mental status examinations should be considered only as sub-sets of information which relate to the total, integrated activity of the human subject. The automated mental status examinations were not designed to replace professional psychiatrists or psychologists, but were designed to provide the professional with supplementary information which he can use in his decision making.

The automated mental status examinations make evaluations of human performance. Whether an evaluation is automated, or not automated, its worth and its usefulness can only be functions of the worth of the clinical experience and judgment which have been programmed into the computer (or into the clinician!); the data-base on which performance norms (or clinical experience) have been constructed; the tests (loosely or strictly speaking) which are used to acquire the data, and the acceptability of its predictions as measured by validation against external criteria.

In the automated mental status examinations used by us, the data-base is in the many thousands of subjects and has been drawn, in the main, from the so-called normal population—that is, those people who apply for jobs, earn promotions, pay taxes, and provide for their needs and for the needs of their dependents. To establish extremes or functional limits of performance, other classes of subjects have been input to the data-base: patients of known diagnostic categories; the very young and the very old; high management, officials of major corporations, nationally acclaimed scientists; stress seekers (professional athletes for example): and the several classes of the so-called unemployables. On some individual subjects and groups of subjects, follow-up studies have been made over ten to fifteen years.

The tests which are used in the automated mental status examinations assess cognitive and personality functions and their interaction. We include tests of selective attention, short-term memory, hypothesis generation and hypothesis testing, level of manifest anxiety, and level of alienation.

To briefly describe the information flow used by us: subjects are tested, at any site or location, by para-professional or non-technical personnel who have been trained by us in data acquisition. No clinical experience or previous testing experience is required of these persons. Any one of average intelligence, who has a need to be accurate, can successfully administer the tests. Test administration, for an individual or for a group, requires approximately forty-five minutes.

The subject's answer sheets are transmitted to a service bureau by facsimile device, by mail, or by messenger. At the service bureau, time lapse between receipt of the answer sheets and the moment when the completed report is ready for transmission to the testing site is approximately fifteen minutes. Thus, it is possible to test a patient—anywhere—and receive the completed report of his performance in little more than an hour.

Certain advantages of this system are obvious: speed is one. By more conventional methods, undue lags often exist between the request for a "psychological exam and report" and the receipt of the actual report. Conservation of professional personnel is another advantage since only para-professional or non-technical personnel acquire the data. The professional is spared the routine testing which almost all would agree is, at best, "a menial occupation which obstructs professional growth."

But although only para-professions are needed to acquire data, only the most highly professional expertise is used to evaluate (i.e. to process) the acquired data. By "bottling" in a computer the judgment and experience of professionals whom few could afford—and who could never be spread thinly enough to meet current needs—there is no practical limit to the number of patients who can be "seen" and "evaluated."

The patient is provided professional evaluation at non-professional fees, thus serving his interest. And the professional has been freed to do that for which he was trained—to think, to consider all sub-sets of information which are available to him, to make decisions, and to react intimately with his individual patients.

There are other advantages to the automated mental status examinations: the professional experience, programmed into the computer, will not fade nor dull with time; won't take vacations; won't be ill or out of sorts; and will not be subject to transient impressionistic overlays to its interpretations of the input data. The computer, and its softwares, will objectively, dispassionately, reliably, and indefatigably process . . . and process . . . and process . . . at a fifth or less of conventional cost, and in a tenth (or more likely a hundredth) of the conventional time.

Unless the automated mental status examinations are valid, that is, unless they actually predict what they purport to predict, not even savings of time, money and professionals would be of much value. In studies performed by us, by our consultants, and by disinterested third parties, the automated mental status examination findings have been validated, using for the external criteria the clinician's close familiarity with his individual patients. These studies have been performed against medical, neurological, psychiatric and psychological professional opinion.

For example, with the "PDX" softwares, the working diagnoses which are generated by the computer have been demonstrated to be significant at the five percent level, and down to age fourteen years. With the "COG" software, the standard error of the prediction of pathophysiologic changes is smaller than is the standard error of the electroencephalogram as a predictor.

Unless, and until, it is re-programmed, a computer will continue to look at data in exactly the same way, thus making it an ideal tool for the comparison of sets of human performance data: one subject with another; one group with another; one subject with himself. The computer and its softwares will not change, but human subjects do. Aging, disease, trauma, or treatment may change the subject, and this change will be quantified and reflected in the report generated by the computer.

We have used the automated mental status examinations to measure many classes of change: before and after ethical drug administration; before and after illicit drug use; before and after treatment, training, injury, or disease.

One way in which this can be done is by the inspection of two or more sets of "PDX" reports: to compare an individual with himself to assess some intervening variable; to compare one group with another group; or to compare an individual with a group and etc.

Figures are not reproduced in the RECORD.

In the presentation of "PDX" findings, we have found the Starr-Plot a useful graphic aid. The Starr-Plot can be used to plot almost any five dimensions. The point "3" is taken to be the mean of the measurement of a particular dimension. The point "2" represents one standard deviation above the mean, with the point "4" one standard deviation below the mean. Point "1" represents two standard deviations above the mean; "5" is two below.

"COG" is a software which uses regression analysis to make comparisons between two sets of data, and again, is appropriate for use with individuals or groups. For example, base-line data are used to predict subsequent re-test performance. This prediction is compared with observed performance, and conclusions are made on the basis of the standard error of the estimate.

With "COG", we report that impaired (or improved) function is "suggested" when the observed performance is more than one, but less than two, standard errors of the estimate below (or above) the estimated performance. When there are two or more standard errors of the estimate below (or above) the prediction, we report that impaired (or improved) function is "strongly suggested." If less than one standard error of the estimate difference, function is reported as "essentially unchanged."

SUMMARY

In less than one hour, para-professional personnel can acquire individual performance data which are analyzed to assess cognitive and personality functions and their interactions.

By telecommunication, these data can be transmitted to a service bureau where a report of the automated mental status examination is computer processed. By telecommunication, the report is returned to the referring physician.

The report of the automated mental status examination, which predicts certain psychiatric diagnoses beyond the five percent level of confidence, was designed to assist the physician in making psychiatric referrals, or to assist the psychiatrist in making a differential diagnosis.

By the use of regression analysis, baseline performance data can be compared with any subsequent retest performance data, and the probability of change associated with the use of ethical or illicit drugs can be calculated.

The information system may also be used to carry out serial studies to determine the reversibility of pathophysiologic and/or psychopathologic changes associated with drugs.

THE PRESIDENT'S PEACE PLAN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. SCHMITZ. Mr. Speaker, in a dramatic report to the American people January 25, the very next day after his numbing budget message reporting a current $38 billion deficit and programing another $25 billion deficit, President Nixon unveiled his new eight-point plan to end the war in Vietnam, ruling out in advance any possibility of an American military victory.

While the President's grandiose peace plan may have sounded quite plausible to many Americans, those accustomed to the harsh realities of such political dealings in the continuing cold war cannot fail to see in it another example of the kind of policymaking which has led us to defeat in past confrontations with the same foe. For in Southeast Asia we are not merely dealing with an ordinary adversary who understands and abides by the generally accepted rules of war, but with a deadly Communist enemy proved incapable, by more than half a century of political intrigue and revolutionary violence, of ever honoring any type of treaty or agreement. The Reds from Moscow to Peking to Hanoi have consistently looked upon treaties with all nations as merely worthless scraps of paper to be used to their own advantage and then discarded after suiting their purposes. To the Communists, therefore, "promises are like piecrusts—made to be broken."

President Nixon's eight-point plan incorporated many of the very demands made by the North Vietnamese Communists in their own seven-point proposal at the Paris peace talks last July. But, as expected, the Red negotiators promptly denounced the President's public offer, claiming that he had not fully responded to their wishes. Said the President plaintively:

> The truth is that we did respond to the enemy's plan, in the manner they wanted us to respond—secretly.

In essence, the President's plan would force on the hapless South Vietnamese a coalition government, including Communist members, thus providing what history has shown to be the typical foundation for a complete Communist takeover. And it would withdraw all American troops and support forces from Southeast Asia at a time when a major Red offensive is about to begin, thus paving the way for a Communist triumph. All we would get in return would be a Communist promise to halt their aggression and to release all our prisoners—whose release, at the cost of our total defeat, would make a mockery of all they have suffered and that their fellow soldiers died for. The President has even offered $7 billion to rebuild Vietnam once the war ends, a third of which would go as a kind of reparations to rehabilitate Communist North Vietnam. On the House floor February 1, Congressman H. R. GROSS of Iowa called this the most humiliating proposal he ever heard. I could not agree with him more.

Testifying before the House Committee on un-American Activities on May 20, 1957, the Director of the Foreign Policy Research Institute, Dr. Robert Strausz-Hupé, flatly rejected the frequently advanced theory that the Communists are following a "limited war" strategy in their efforts to seize control of the world. An acknowledged expert on Communist affairs, Dr. Strausz-Hupé stated that the Communist strategy "never has been, and is not now, a strategy of limited war," rather, it is a strategy of "protracted conflict." He continued:

> The strategy of protracted conflict prescribes the annihilation of the opponent by a long series of carefully calibrated operations, by feints and maneuvers, by psychological and economic warfare, and by diverse forms of violence . . . It encompasses all known forms of violent and nonviolent conflict techniques, and fuses them into a weapons spectrum which begins on the left with the seemingly innocuous political activities, such as the clandestine distribution of leaflets, and terminates on the right end of the spectrum with the megaton bomb.

The Communists, he continued, have a distinct advantage in their protracted conflict strategy because from their standpoint:

> There is no difference between military and political means. They are all instruments of conflict, leading to the same objective of power accumulation.

In this manner, the Communists hope to make small, steady gains while avoiding an all-out conflict which they do not want.

Therefore, the North Vietnamese Communists make more and more demands at the Paris Peace Talks, expecting eventually to get what they really want. They will continue the war as long as they think they have more to gain than to lose by it. Since all negotiations with the Communists start from the premise that nothing they now control can be touched—or is even an issue—the worst they can ever get is a draw while the best we can ever get is likewise, a draw. As we keep retreating and giving them better and better offers, they will keep demanding more and more. They are willing to go on fighting indefinitely while we are becoming war-weary, our military morale is ebbing, and the administration refuses to take the necessary steps to win.

TOWARD A UNITED IRELAND

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BINGHAM. Mr. Speaker, as one who has long believed that the peaceful reunification of Ireland represents the only long-run solution for that troubled and divided country, I was most interested to read a pamphlet entitled "Stormont—An Assessment" published by the United Ireland Association, Britain.

I commend to my colleagues this clear analysis of the Irish problem. Not only does it display a restraint which is especially needed in the present crisis atmosphere, but it offers some suggestions for specific steps that might be taken that would lead toward the goal of a united Ireland. The pamphlet is especially cogent in arguing that the British type of parliamentary democracy which gives all power to the majority is unsuited to the situation in Northern Ireland and that any interim solution must afford to the Catholic minority there some guarantees of participation in the machinery of government.

The text of the pamphlet follows:

STORMONT—AN ASSESSMENT

(Published by The United Ireland Association (Britain))

INTRODUCTION

Northern Ireland today is in turmoil. Its people suffer and its divisions grow greater daily. Attempts are made to impose law and order; the consequences are disastrous and disorder increases because political leaders do not see that a "law and order" policy, which does not face the basic problems and try to redress them, quickly becomes repression. To hope to redress problems, however, it is necessary to understand them and the case of Northern Ireland requires close examination. A knowledge of history can help—by explaining the origins of bitterness and showing where wrong paths have led to dangerous consequences. But this alone is not enough. The passions of history are transitory and quickly cool except where political structures keep them alive.

The origins of Northern Ireland's troubles stretch back into the past. But for an understanding of these troubles and a remedy for them we should look not just to past wars—whether 300 or 50 years ago—but should concentrate on a critical study of existing institutions.

"DEMOCRATIC GOVERNMENT"

On 26th August 1971, Mr. Brian Faulkner, the Prime Minister of Northern Ireland, made a statement in reply to proposals for a temporary community government put forward by the Northern Ireland Labour Party. He welcomed the attitude of the NILP as "constructive" but found some of their proposals to be "unrealistic". There should be no doubt in anyone's mind, he said, that "the present Government of Northern Ireland is the constitutionally democratically elected government of the country, which will continue to carry out its responsibilities and duties in the interests of this community."

Here, in a single sentence, Mr. Faulkner touched on the crucial issue underlying the permanent crisis in Northern Ireland.

Is it true that "the present Government of Northern Ireland is the constitutionally democratically elected government of the country"? It would seem that the simple answer is—yes, and that Mr. Faulkner is right to think that there can be no doubt on this point. It follows—despite the unease which the past record of the Northern Ireland Government creates—that one can only hope that that Government "will continue to carry out its responsibilities and duties in the interests of the community". A "law and order" policy, then, becomes explicable, even reasonable, although its consequences in fact may well be disastrous. But what if one does not simply ask whether or not the statement is true, but tries instead to probe more deeply to find out what it means, and how its terms apply to the particular case?

THE GOVERNMENT OF IRELAND ACT, 1920

To begin with, a brief glance at history is necessary. A border was drawn across Ireland by the Government of Ireland Act 1920. The border so drawn did not have a direct basis in geography or history and it did not reflect the wishes of the great majority of the Irish people but it was to be decisive in establishing the particular character of Northern Ireland.

Three aspects of that settlement and of the Act which brought Northern Ireland into being are important.

First, the region, as the direct creation of an Act of Parliament, had its extent set by the Act and this was not subsequently altered. Because it determined its extent, the Act also determined the political character of the new region and the proportions which the respective sections of its divided community were to bear to one another. Community divisions in that part of Ireland did not come into being with the border. They long ante-dated it and the division of the country itself was an attempt to meet the fears to which they gave rise. But the Act in effect determined the population ratio of the new area and this has remained substantially unchanged for over 50 years.

Second, and because of this, the religious and other differences between majority and minority within the area, acquired from the outset a fundamental political importance. This was to be much greater than that which applies to such divisions elsewhere, even divisions founded on strong religious feeling. Elsewhere there may be interlocking minority interest or religious groups who find their position intolerable, even though they cannot hope for, and do not aspire to, political power as a group. But in Northern Ireland the majority and the minority, beyond their religious differences, were henceforth divided on an issue which was politically fundamental. Since the settlement was one which frustrated the aspirations of the minority for an independent and united Ireland, and made them a minority in the North, they naturally hoped to change it one day and looked to the South for encouragement. Because they did so, the Northern majority in turn, felt that the very settlement which had constituted them a permanent majority there was under constant threat. There was therefore little opportunity for the normal blurring with time of sharp political divisions, or the concentration on bread and butter issues, which might otherwise be expected—the more so as the system of proportional representation which operated at the outset (for Stormont elections) was soon abolished in favour of the "direct vote" system which leads to a much sharper electoral confrontation. Instead there was a reinforcement of a sense of majority and minority identity and a deep cleavage on a fundamental political issue between the two groups.

Third, and perhaps most important, the Act gave to the area, for those matters in which it was autonomous, the political institutions, and structures of a parliamentary democracy of the British type. It provided that Northern Ireland should remain an integral part of the United Kingdom but it also established a local parliament modelled on Westminster but with more limited powers. It delegated to this parliament responsibility for police, housing, local government, etc.—precisely those areas which are closest to the daily life of the ordinary citizen. It reserved other powers to the United Kingdom Parliament and stipulated that, notwithstanding anything in the Act, the supreme authority of the Parliament of the United Kingdom should remain "unaffected and undiminished".

The Act, in fact, provided for, not one, but two subordinate parliaments—in Belfast and Dublin respectively—with a Council of Ireland as a link between them. But these latter provisions never took effect, and the Council of Ireland never came into being.

The principal subsequent Westminster enactment dealing with Ireland—the Ireland Act 1949—made no change in these internal political structures but it took the further step of guaranteeing by law that the area would not cease to be a part of the United Kingdom without the consent of the Parliament of Northern Ireland.

It is clear that because of the first and second points above, Northern Ireland, from its inception, faced deep problems. Experience soon showed that the forms and institutions of parliamentary democracy on the model of Westminster which it had been given to meet them were wholly unsuitable since they were superimposed on a situation which deprived them wholly of their normal effect.

BRITISH PARLIAMENTARY DEMOCRACY NOT SUITABLE

To see this one must look at how such a system operates. A glance at Britain and other similar parliamentary democracies will show that a system of the British type grants a virtual monopoly of political power to the government of the day. But it does so on one implicit condition. This condition, essential to the proper working of that system, is that the government be open to effective challenge and that the contest at the polls be a real one. A governing party may in practice enjoy clear majorities over a long time. But it is essential that there be a real possibility of change. Where this is not the case, where the governing party can NEVER be changed or even effectively challenged, parliamentary democracy on the Westminster model does not function properly. And since under such a system power is concentrated in government hands, the system comes to seem oppressive to the minority permanently excluded from power. The result can easily be that the minority feel that they live in a status of permanent subjection.

This, unfortunately, has been the case in Northern Ireland. For fifty years a single party representing one element in a deeply divided community has held power. Through distrust of the minority it has failed to draw them into any participation in government. On the contrary, it has on occasion tried to increase its advantage further through the manipulation of electoral boundaries and in other small ways which are now being remedied. But it need not have done so. For the permanent monopoly of governmental authority which it enjoys does not derive from a misuse of British type parliamentary institutions but from the normal operation of such a system in the given situation. The government is democratically elected. But it is always the same government, representing the same group interest. Mr. Faulkner can indeed rightly say that the present government of Northern Ireland is the "constitutionally democratically elected government of the country". He might add that it always has been and always will be.

But, even beyond this, on closer study, the working of the system is seen to have an important effect on the nature of the majority party itself. Because it is not subject to effective electoral challenge from the opposition, it is unbeatable as a party. But its leaders, as party leaders, are not unbeatable. They are open to effective challenge—from their own extreme wing. At those times when the minority becomes most active, even violent, in airing its grievances, the extreme wing of the governing party will point to this disaffecction as disloyalty or subversion, and call for sterner measures to restore "normality". Since there is no effective countervailing pressure from an opposition party, the leadership of the governing party must move to meet the demands of its own extremists, or be displaced by those who will. The result is a steady drift to the right, which is at its greatest precisely when the minority is most discontented. Thus a vicious circle is created, since right-wing policies can only further increase minority discontent. It is just this play of forces which has affected every Prime Minister of Northern Ireland in recent years. First Terence O'Neill and then Major Chichester-Clark succumbed to its effect, bringing Brian Faulkner to power. Now he too must face the same pressures which toppled them.

THE RECORD OF 50 YEARS

The result of this situation and of the forces described above was the growth in Northern Ireland over a period of almost 50 years of a network of discrimination against the minority. It was important in some of its aspects, petty in others, but it deeply embittered the minority and added to the discontent to which their permanent minority status and the frustration of their political aspirations gave rise.

Except for occasional futile periods of violence this pattern of discrimination went largely unnoticed by the outside world for half a century. By the late 1960s however a new generation of the minority, more articulate and exigent than their elders, was no longer satisfied to remain silent. With the understanding—and in some cases the support—of a few members of the majority they began a civil rights campaign which concentrated on the glaring issues of discrimination rather than on the issue of Irish unity. In a television age, when civil rights issues elsewhere had gained widespread sympathy, repressive reaction by police forces against demonstrators attracted attention in Britain, and suddenly, for the first time since it was established, conditions in Northern Ireland came under effective scrutiny from outside.

THE DOWNING STREET DECLARATION, 1969

Westminster, having delegated much of its responsibility to Stormont, was understandably reluctant to intervene even at this stage, despite the ultimate authority which it had retained under the 1920 Act. But the violence of August 1969, the ineffectiveness or worse of the local security and police forces in a situation where the minority felt themselves to be under attack and the threat of widespread communal violence, led to the Labour Government's decision to introduce the Army in a peace-keeping role. This had the consequence of directing the attention of the British Government and Parliament more forcefully and directly to the realities of the situation.

Stormont leaders were summoned to a meeting with the Prime Minister Mr. Wilson, the Foreign and Commonwealth Secretary Mr. Stewart, the Home Secretary Mr. Callaghan, and other leading members of the Cabinet at 10 Downing Street. From this meeting came the Downing Street Declaration of 19th August, 1969.

In this joint declaration the United Kingdom Government having reaffirmed the constitutional position of Northern Ireland and affirmed again that the issue was one within its domestic jurisdiction, accepted explicitly the basic principle that "the United Kingdom Government have ultimate responsibility for the protection of those who live in Northern Ireland when, as in the past week, a breakdown of law and order has occurred". The joint declaration went on to emphasise as a broad principal that "there shall be full equality of treatment for all citizens in Northern Ireland"; it said that both governments had agreed that it was vital "that the momentum of internal reform should be maintained", and it reaffirmed that, in all legislation and in executive decisions of Government, "every citizen of Northern Ireland is entitled to the same equality of treatment and freedom from discrimination as obtains in the rest of the United Kingdom, irrespective of political views or religion". Subsequent visits by the Home Secretary to Belfast led to two further communiques dated 29th August and 9th/10th October, 1969, respectively. These spelled out in much greater detail the reforms which were either projected or to be studied.

REFORMS

The reforms promised related to almost every area in which the Stormont Government had responsibility—police and security, local government franchise, housing allocation, employment practices and grievances in public and local affairs, government contracts and community relations. In all these areas there was to be an effort through change of law and practice to meet Mr. Callaghan's hope for steps that "would lead to a better life for the whole community in Northern Ireland and to an elimination of the root causes of many of the grievances which have been expressed". The promise of reform was admirable. The urgent need for such extensive reforms after fifty years of Unionist Government was a damning indictment of the system which had operated in Northern Ireland over the whole of that period.

In those few areas where the London Government chose to press for immediate results or to take direct action, reform now came swiftly. Mr. Callaghan announced, for example, that the partisan B Special auxiliary police force which had aroused such fears among the minority was being abolished. In other areas London preferred to work through the existing machinery of Stormont. Here reform came more slowly and grudgingly. Its effect was dissipated by delay, by lack of generosity and by a dilution of substance which was soon apparent to those on the spot but was not always immediately evident to the outside world. In yet other areas, not directly amenable to legislative action, where executive decisions and the way in which executive discretion is exercised can vitally affect the day-to-day lives of the community, nothing really changed.

In a situation where every nuance of public statements can be important the Stormont Prime Minister, as late as August 1971, could still speak of the majority as "the people I represent" in a way which made it clear that he saw himself in the first instance as their leader rather than as Prime Minister of the whole community.

Nevertheless reforms were made. A Stormont White Paper (Cmd. 558) published in August 1971 ("A Record of Constructive Change") sets out to list the steps taken since August 1969 to implement the principle of "equality of treatment and freedom from discrimination" embodied in the Downing Street Declaration. At first sight its record of enactment and change seems impressive. But close attention to the detail of what has been done shows that in many cases it has fallen far short of what was required, or of what was recommended in the reports of official advisory commissions set up since 1969. And where it does meet the letter, it often falls far short of the spirit of what was intended. A Commentary on the White Paper published on 20th September, 1971, by a group of Catholics who are members of various statutory and public bodies in Northern Ireland (available from Irish News Ltd., 113 Donegall Street, Belfast 1) brings this out quite clearly.

DISILLUSION

From the viewpoint of the minority then, more than two years after the Downing Street Declaration, the real effect in practice of what has been changed, or legislated for, is slight. They see that change has come only under pressure and without generosity and that the momentum of internal reform which that Declaration recognised as vital has not been maintained. In a situation such as that of Northern Ireland, what mattered most was not the correction of abuses but the ending of the alienation of the minority to which they gave rise. This was achieved. Instead it has gradually become clear that reform left wholly unchanged the play of forces in the area described above.

Such reforms as were made were dependent on constant and sympathetic surveillance from London, since there was no force within the area which could maintain effective pressure to achieve it in face of pressures on the ruling party from its own right wing. The significance of the intervention of the Labour Government in the situation in 1969 was that—for perhaps the first time for 50 years—there was a source of effective pressure on the governing party at Stormont. It was effective because, as the various communiques issued recognized, Westminster retained ultimate power and responsibility for Northern Ireland.

It was effective, however, precisely to the extent, and for so long as there was a Government in London which understood the position and was willing to act with expedition and with sympathy to meet the evident need. Where there was little pressure there was little action. And a change of mood or of personalities in London might lead to a lessening of pressure at any time.

In fact there was not only a change of mood and of personalities but a change of Government at Westminster. This was followed by a drift in policy which led to the return of more and more of the responsibility for security to Stormont and left the task of reforming Stormont's abuses to Stormont itself

The result, given the forces described here, was perhaps predictable, although it was seldom predicted at the outset by those most involved. Reform—even where it was effective—had proved fundamentally inadequate to end minority alienation. Violence, a product of that alienation made greater by disillusion, has increased and has now come to seem endemic. Some sections of the majority, always fearful of the threat which the prospect of real change seemed to offer to their status, have had their fears compounded by the reality of growing violence. Under Government licence and otherwise, they have built up large stocks of firearms. Sections of the minority on the other hand, deprived of similar access to legal weapons, have stored guns illegally and resorted increasingly to their use. Since active violence seems to come primarily from the minority, the minority is subjected to search and harassment—necessarily indiscriminate—by the Army. Inevitably the Army has come to seem to the minority as a whole to be less and less the neutral "peace-keeping force" which they had accepted in 1969 and more and more the defender of the system under which they feel oppressed. In consequence the minority has come close to despair. In July 1971 its elected representatives, angered by the failure to grant their demand for an enquiry into the deaths of two young men in Derry and giving up hope completely of obtaining real redress within the system, withdrew from it entirely to dramatise the need for fundamental change.

INTERNMENT

Since then the situation has continued to deteriorate. On 9th August, within days after the adjournment of Parliament in London, internment was introduced. The result was disastrous. Some three hundred persons were arrested overnight and held without charge or trial under the Special Powers Act. All were from the minority and a number of those seized, although political opponents of the Government, were persons who had always opposed and rejected violence.

An explosion of resentment at the obviously one-sided application of internment, fueled by charges of brutality on the part of the Army in making arrests, led to a further escalation of violence. Some 30 people were killed within a few weeks. The elected representatives of the minority, now wholly alienated, called for a campaign of civil disobedience and urged wholesale abstention from the institutions of government which had proved so signal a failure.

CHEQUERS TALKS

In this dangerous situation the British Prime Minister, Mr. Heath, at first denied any standing in the matter to the Taoiseach, Mr. Lynch. Later he invited him to extended private discussions on the situation. This in turn resulted in an offer by Mr. Heath of talks between himself and Mr. Lynch, at which Mr. Faulkner would also be present. At the same time Mr. Heath agreed that Mr. Maudling, the Secretary, should arrange talks with "the Northern Ireland Government, representatives on both sides of the Northern Ireland parliament and of other representatives of the majority and minority communities" if they agreed "that there can be no support for, or tolerance of, violence and that civil disobedience should be discouraged." Mr. Heath also agreed, after an earlier refusal, to a Labour Party request for the recall of Parliament and the Northern Ireland question was debated over two days—on 22 and 23 September.

It is clear that the gravity of the situation has at last begun to come home to the British Government and that Mr. Heath is coming at last to recognise that the problem is one which cannot but deeply involve any Irish Government. But despite some indications of new thinking it is not yet clear how widely the fundamental point urged here is accepted—that is, the vital need to go beyond reform, however vigorous and generous, in order to bring about a fundamental change of political structures.

NEED FOR CHANGE

Amelioration of the lot of the deprived is simply not enough to meet the probelm and contain violence. For it is now clear that in Northern Ireland, as in other cases of prolonged and extreme alienation, palliatives could never have been sufficient to contain the explosive forces generated by oppressive political structures. Intelligent and fundamental change alone can do so. To make reforms—even worthwhile reforms—without a change in the institutions which gave rise to the abuses requiring reform, is to try to deal with the consequences of the sickness without treating the cause of the disease.

Now that this is becoming evident the British Government as the source of ultimate power in the matter, if it chooses to exercise it, has two choices. It can, as the Conservative Government has appeared to do recently, place law and order before everything else, and postpone basic political change until law and order are restored. If it does this however the British Government must commit itself more and more to the support of the Unionist leader of the moment at Stormont, fearing that worse will follow if he falls. It will then be forced to follow him in his drift to the right to meet the demands of his right wing, who have the power to topple him. This in turn will increase the disaffection of the minority and thus increase disorder. And it will leave the British Government in effect a prisoner of the Unionist right wing. Or—and this must be the hope of all reasonable people—London could be brought to look clearly and critically at the forces at work and try to avoid this dilemma and to avert disaster by changing institutions whose inevitable effect, as we have seen, must otherwise be to make disaster certain and to bring it closer.

WHAT KIND OF CHANGE?

Change, however, could take many forms. The most frequently spoken of today are (1) direct rule from Westminster and (2) some form of unity in Ireland. The former must have a strong appeal to some in Britain as the most logical outcome of the failure of devolution over a 50 year trial period.

However, the United Ireland Association, as its name implies, believes that partition, by dividing Ireland and institutionalizing community and religious differences, was a fundamentally mistaken "solution" to the "Irish Question"—so that a genuine solution must try to undo this mistake by aiming at Irish unity. But the UIA recognises too that the Irish unity, which it hopes and works for, must be a union of people and not of territory, that it must be achieved by agreement and not in violence.

OTHER TYPES OF DEMOCRACY

In considering changes in political structures, it is important to realise that British parliamentary institutions are not by any means the only form of democratic institutions in the Western world. There are others—*equally democratic*—which could cope much better with the needs of the situation. Northern Ireland, for all its complexities and its tangled history, is not unique. Other communities such as Switzerland, Lebanon and Holland, which were deeply divided, have evolved structures and political systems which provide more than one pole of power within the state. Such systems, many varieties of which exist elsewhere, do *not* deprive majorities of their rights—they help to prevent the temptation to abuse them; they do *not* bring about minority rule—but they do achieve minority consent and end minority alienation. If, to afford a period of reconciliation, a separate locally autonomous region of Northern Ireland is to be maintained for a limited future, the area can be governed only under some more balanced form of democratic institutions which provide for genuine minority participation.

An essential condition however, is that those who support the reunification of Ireland must be accorded and guaranteed the basic democratic right of working towards its realization in a peaceful and constitutional manner; and it should not be suggested that advocating Irish unity through reconciliation as the solution to the problems of Northern Ireland is "disloyalty" or "sedition." It must rather be recognised and accepted as a completely legitimate and proper field of activity for political action.

WILSON PROPOSALS

There are already signs that the points made here in regard to the defects of the existing system are coming to be more widely understood. Mr. Wilson, the Labour Party Leader, in an important speech on 8th September 1971, proposed far-reaching changes. His suggestions include the establishment of a Parliamentary Commission on Northern Ireland with an equal representation of the Stormont (including opposition members) and Westminster parliaments. The Commission would have the duty of approving, by a suitably qualified majority, all proposed Stormont legislation affecting human rights. It would also be empowered to propose new legislation in this area to the two Parliaments for enactment. In case of a failure by Stormont to act on such proposals, they could be enacted by Westminster alone in exercise of the general powers which it retained under the 1920 Act. These and other aspects of Mr. Wilson's proposals would serve the generally useful purpose of establishing another pole of effective authority in Northern Ireland affairs so that they would never again be left to a government at Stormont constituted as it is at present without adequate oversight from another source. But they would do little to remove the sense of alienation caused by the total exclusion of the minority from a share of, or any prospect of a share of, effective power.

Mr. Wilson also proposed the creation of a Council of Ireland which would represent the two Irish parliaments and would have power to act as a consultative body. This proposal is clearly useful insofar as it tends to recognise, as did the 1920 Act, the fundamental community of interest between both parts of Ireland and perhaps foreshadow the day when they will draw closer together. But a Council of Ireland without real power would be a body without any clearly recognised role or purpose. It would soon collapse or fall into disuse unless it had from the outset a real and relatively important function such as perhaps the harmonisation of economic and social relations between the two parts of Ireland. They have much in common despite 50 years of separation and they must soon face the EEC together if not yet in unity then at least in harmony. Such a role could then be an important one.

Nevertheless Mr. Wilson's initiative, however one may disagree on some points of detail, is of the greatest importance because it is evidence that the British Labour Party is coming to a realisation of the urgent need for institutional change. It shows that serious thought which goes beyond the evident need for reform is at last being given to a problem neglected for 50 years, even if the changes proposed so far do not yet go far enough.

We are encouraged by the interest in the problem shown by all political parties in this country. We believe that all must now see the urgent need for institutional change. But beyond this we would welcome a declaration from each of them that they would accept the peaceful reunification of Ireland as the only long-term solution to the Anglo-Irish problem.

U.N. SHOULD CONSIDER NORTHERN IRELAND SITUATION

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. TIERNAN. Mr. Speaker, I was pleased to read of the three proposals dealing with Northern Ireland which Prime Minister Heath is now considering: First, a relaxation of the internment policy; second, economic aid to reduce unemployment in Ulster; and third, some form of community government which would guarantee key posts in the provincial regime to members of the Catholic minority.

It is my belief that the first step could be carried much further than the Prime Minister is considering. I would suggest a 3-month experimental end to the internment policy, with the release of all prisoners now held. This is the only way anyone will be able to tell if the internment policy is indeed necessary. The acceptance of the proposals, however, would constitute the first concrete step the Heath government will have taken to correct the injustices being perpetrated in Ulster.

Mr. Speaker, last week I introduced a resolution with 22 cosponsors urging the President of the United States to take the Northern Ireland situation before the United Nations. I am pleased to reintroduce this resolution today with three additional cosponsors: Mr. BURKE of Massachusetts; Mr. COUGHLIN, of Pennsylvania; and Mr. HOGAN, of Maryland.

SHALL CONGRESS PASS A VALUE-ADDED TAX—A NATIONAL SALES TAX?

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Leonard Silk of the New York Times staff in a recent article discussed the proposed value-added tax and concludes that such a tax would constitute a national sales tax, which would, in the final analysis, be paid by the consumers and housewives of the Nation.

This matter resolves itself in a crucial question for Congress: Should Congress pass a national sales tax in an area of taxation presently and traditionally reserved to the States?

Because of the interest of my colleagues and the American people in the most important subject, I place the article from the New York Times in the RECORD herewith.

The article follows:

[From the New York Times, Feb. 6, 1972]

VALUE ADDED: GUESS WHO FINALLY PAYS THE TAX

(By Leonard Silk)

The first, gentle stirrings of what could be the start of a fiscal revolution were heard in Washington last week. But they were buried in such a welter of budgetary statistics and election-year politics that they were difficult to discern.

The potential revolution centered around the concept of a complicated new tax called VAT, the value added tax. It surfaced following the Nixon Administration's prediction of a huge budget deficit for the next fiscal year—and the Democrats' querulous queries as to just what the Administration intended to do to trim it.

In testimony before the House Ways and Means Committee, where he had gone last week in quest of a $50 billion increase in the national debt ceiling, Secretary of the Treasury John B. Connally said the Administration didn't accept the "theory" that a tax increase was needed and hadn't made up its mind about any particular proposal. Actually, the Administration has no intention of trying to lay on a big tax increase this year—both because it's an election year and because unemployment is still high and Mr. Nixon wants fiscal stimulation, not restraint. (Last week the Labor Department announced that

January unemployment had declined slightly from 6 per cent to 5.9 per cent.)

At the White House, however, a senior official disclosed that the Administration had in fact developed a tentative proposal for a value added tax. The proposal calls for raising $16-billion through VAT to help in school financing and to take some of the burden off local real estate taxes.

Mr. Nixon is likely to make his pitch for the tax before the end of this year; in his State of the Union message, he foreshadowed this by saying he would later propose a way of "relieving the burden of property taxes and providing both fair and adequate financing for our children's education."

As significant as these education and property tax issues are, both friends and foes of VAT see it as much more important than the President's gently reformist, relatively low profile approach would indicate.

Most simply put, VAT is a national sales tax that would be collected, step by step, as an item moves through production: From its first form—as, say, wheat standing in a field—to its final form—as a packaged loaf of bread, in a housewife's shopping basket. VAT is so named because the tax is imposed on the "value added" by each producer—in the case of the bread, by the farmer, miller, baker, grocer (not to mention such other participants in the productive process as the advertising agency, the printer, the paper manufacturer, the railroad, the trucker and so on).

But in the end, who would really bear the entire burden of the tax? Most experts say it will be the housewife—because each producer will simply pass on to the next in line the tax that the Government has collected from him. However, the tax is hidden in the final price of the item.

Proponents of the tax see its relative invisibility as a great advantage: The ideal tax, according to ancient fiscal wisdom, is the one that gets the most feathers out of the goose for the least squawk. Opponents denounce VAT for the same reason: They see it as a regressive tax—one that is relatively heavier on the poor than the rich—that conceals from the goose just how much he has been plucked.

Champions of VAT do not deny that the poor would bear the heavier burden, but maintain that you can make the total program fiscally progressive (that is relatively heavier on the rich) in other ways—by income tax cuts, by welfare or relief payments to the poor or by exempting certain items from VAT, such as food. But VAT's enemies reply that it would be simpler and more honest, if such a tax were wanted, to impose a straight national sales tax. VAT's opponents argue further that one of the key objections to the tax is that it would be inflationary—it would push up product prices to consumers and would regenerate the price-wage spiral.

The enormous money-raising potential of VAT derives from the fact that what economists call its "tax base" is all the spending done by all consumers. In the fourth quarter of 1971, expenditures for total personal consumption were running at an annual rate of $678-billion. This means that for every percentage point of VAT (assuming no exemptions) the Treasury would annually collect about $6.8-billion. Thus, for the Administration to raise the $16-billion it is now talking about, VAT would start at a rate of less than 2½ per cent.

Obviously, that initial rate could go much higher. In West Germany, which has a VAT, the rate is 11 per cent; in France, it is 23 per cent. All the Common Market countries now have a VAT, and Britain and the other new members have agreed to adopt one.

At the French rate of 23 per cent, an American VAT would currently yield revenues of $156-billion, and at the German rate of 11 per cent it would yield $75-billion in this country. By comparison, it is worth noting that, during the current fiscal year, personal income taxes are yielding $86.5-billion; corporate income taxes, $30.1-billion; social insurance taxes and contributions, $54-billion; and all excise taxes, $15-billion.

VAT's opponents are worried about Mr. Nixon's apparent decision to embrace the tax—and his strategy in bringing it on wrapped in the politically alluring package of cutting property taxes and providing aid to schools and to the racially disadvantaged and poor. They see his move as part of a massive shift from progressive taxes such as the personal and corporate income tax toward a regressive tax system.

Further, there is the big budget gap. And the nation's demands upon government keep growing and growing. In the years ahead there are likely to be mounting pressures for greater social, educational, health, environmental, transportation and other public expenditures. As the personal income tax base has been continuously eroded by loophole deductions and exemptions of many kinds, the burden on those who cannot escape high tax rates have multiplied.

In fiscal 1973, regressive social insurance taxes will account for 63.7-billion in revenues, two-thirds as much as will be collected by the progressive individual income tax and almost twice as much as will be raised by the corporate income tax. Will VAT be the next major move in that direction?

SECRETARY STANS' FAREWELL ADVICE TO MARITIME INDUSTRY

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. MOSHER. Mr. Speaker, one of the first major achievements of the Nixon administration was a major new impetus in America's maritime industry, a desperately needed development that had been too long in coming.

We in the Congress were proud to share in that achievement, on a bipartisan basis, when we voted the Merchant Marine Act of 1970 largely as recommended by the President.

That act is being ably implemented under the immediate leadership of Andy Gibson, Assistant Secretary of the Commerce. Genuine progress is being made.

But both the President and Mr. Gibson and certainly informed Members of the Congress, recognize the crucial role also played by the Secretary of Commerce himself, Maurice H. Stans. His own very strong participation in and back up support of the maritime program all along the way has been essential to its gathering momentum.

Therefore, Mr. Speaker, it is most appropriate right now as Mr. Stans regrettably is about to give over his responsibilities as Secretary of Commerce, that we record here his summary appraisal of our Nation's developments in the maritime, and his recommendations to us for the months to come.

The following very significant address by Secretary Stans was delivered on February 2, 1972, at the Unity Dinner of the National Maritime Council in New York City.

I urge my colleagues to note well Secretary Stans' very important statement:

ADDRESS BY THE HONORABLE MAURICE H. STANS, U.S. SECRETARY OF COMMERCE

Mr. Chairman—ladies and gentlemen—this is the last opportunity I shall have as Secretary of Commerce to speak to leaders in our maritime industry, and I can think of no more appropriate opportunity to do so than this maritime unity dinner.

During these past three years I have developed a great regard for all the elements of your industry—seaman, longshoremen, owners, operators, builders and shippers—and the progress that has been scored by and for this industry is among our proudest achievements in these first three years of the Nixon Administration.

That is not said as a political statement in a political year. It is said with pride as a matter of fact.

And I hope the regard I have just expressed will be heard by all your colleagues in this industry across the country.

ISSUES

This evening I want to discuss briefly with you some of the matters in which all of us share a common interest.

First among these is the state of the economy, followed closely by the state of the American merchant marine today. Then I would like to examine some specific future prospects in trade which may interest and concern all of you—for we want new American ships to sail down to the marks, laden with American goods, throughout the world.

ECONOMY

First let me briefly review the state of the economy. This is a matter in which all of us have a common concern, because we are all in it together.

We learned a long time ago that in today's world we all feel the effects of inflation and unemployment together, just as we all share in the health and growth of the economy when it is prospering.

Today there is no question that the trends are up; we have crossed the line betwen fighting a defensive battle against inflation and stagnation, which had their roots far back in the economic policies of the Sixties, and we have entered a period of growth.

This has been an extremely difficult process, and it required the drastic efforts of these past six months. It will require more discipline by all of us in the months to come.

But our goal now is to reach a condition of economic health in which we can bring down the rate of inflation, bring down the rate of unemployment, and accelerate the economic engine of American enterprise, to the point that we can return completely to free competitive conditions in the marketplace and at the bargaining table.

TRENDS

We are hopeful this goal will be reached, even this year, because of the trends that are now very clear and consistent.

Personal income continues to rise to new highs.

Interest rates are down.

Consumer spending is increasing. Retail sales are up 10 percent over last year.

Orders for durable goods are strong and industrial production is up.

Business capital investments are rising, and in 1972 businessmen expect an increase of 9 percent in new plant and equipment.

The number of persons employed is at a record high, and is increasing sharply.

Housing starts are setting record levels.

The composite index of leading indicators has just taken another sharp increase, continuing to point to economic resurgence.

The Gross National Product gained at a strong annual rate of more than 6 percent in the fourth quarter of last year, and in the same quarter inflation was held to a rate of 1.5 percent, which was the slowest rise since the mid-Sixties. In short, the President's New Economic Policies are working. Unemployment will be reduced, and all of the other significant indicators give clear, firm evidence that we are well underway with a healthy economic expansion.

MARITIME PROGRESS

With the nation's economy improving generally, I believe that America's maritime fleet also can look forward to the best health it has had in many years.

No one knows better than all of you here the full degree of its recent distress.

President Nixon made the development of a new program one of his first priorities, and all of us connected with it are very proud that this was one of the first major achievements of his Administration.

This program has had the greatest possible support from all of the factions involved—from all of you, as builders, managers, sailors, dock workers and shippers—and your support is the reason why it made its way so quickly and decisively through Congress and onto the ways.

The provisions of the Merchant Marine Act of 1970 are now moving into high gear under the able leadership of Assistant Secretary Andrew Gibson.

Today we can measure its progress by many standards:

During the last fiscal year, construction contracts were signed for the largest amount of commercial shipbuilding in the nation's history—$390 million in new capital commitments.

The American shipbuilding industry began 1972 with 55 merchant ships under construction or on order—the largest backlog of commercial tonnage in 14 years. Since then 12 new American-built tankers have been ordered, and many more will follow in the months ahead.

In the foreseeable future we expect the largest single order ever placed for the building of commercial ships in the United States—$400 million to build six LNG tankers in the American yards.

Our maritime policies have been expanded to be more responsive to the needs of American flag ships on the Great Lakes, and new ship construction on the Lakes is expected.

The National Maritime Council has been created to bring all of you together, representing the many diverse elements of this industry. With just a minimum of government involvement, this group is providing private leadership for the development and promotion of a strong, competitive U.S. merchant marine.

Most important of all, we are achieving all of this without any higher costs to the shipper of goods. Our rates are competitive with those of other maritime nations, and our services continue to improve as we add new generations of advance design ships to our fleet.

ALASKA PIPELINE

Beyond all of this, the potentials for your industry are perhaps as good as they are for any industry in America.

For one thing, the proposed Trans-Alaska pipeline offers perhaps the greatest single opportunity for new cargoes and new jobs that the American fleet has ever had.

A fleet of some 30 new super tankers would be needed to carry North Slope oil from Southern Alaska to the West Coast, and constructing them would pump an estimated $1 billion through the shipbuilding industry into the economy.

As you may know, I have strongly recommended the approval of this project. The nation needs the oil, Alaska needs the jobs, and shipping needs the cargoes.

The environmental risks are clearly recognized, and we must bring our best technology to bear to protect the environment against every possible danger. But I am confident that we can do so—and when the minimized risks are weighed against the great need for the pipeline and its potential benefits, I am certain that it must be built.

EXPORT EXPANSION

Second in your great potential is the tremendous effort we are making to expand American exports.

As you know, under the Merchant Marine Act of 1936 we have a mandate to encourage imports and exports in American flag vessels.

At the outset of 1969 our exports were running at a rate of about $32 billion a year. At that time we set a goal of $50 billion in exports in 1973, and this year we are approaching the $48 billion level.

It is now apparent that we will exceed the $50 billion goal by a substantial amount next year, and we expect the rate of growth to continue substantially in the years to come.

Our achievements up to this point have been the direct result of a number of steps we have taken to make exporting easier and more attractive for everyone involved, including the expansion of export credit and approval of the DISC proposal as an export incentive, both of which Congress approved at the request of the President.

As an added measure of our effort, I personally sent letters in 1970 and 1972 to all of America's major exporters and importers, urging them to use American flag vessels in their overseas trade.

All of these measures have only begun to be felt, and we are going to continue to develop and devise new means of increasing our exports in every possible way. And this Administration will continue to support existing cargo preference laws, in the process.

EAST-WEST TRADE

Third, and a closely related potential, is the expansion of East-West trade. In this we have made a very significant beginning, and we may be on the verge of opening major new markets for American goods and commodities.

Less than two months ago I returned from the Soviet Union where I met with Chairman Kosygin and other officials of his government, including prolonged conferences with the Soviet Minister of Foreign Trade. We discussed the possibilities of expanded commerce between our two countries, and ways of removing existing obstacles to greater economic ties between us.

Assistant Secretary Gibson also joined with me to discuss mutual shipping problems with the Soviets, and we have taken steps toward a better mutual understanding that would be beneficial to American ships.

To the extent that political considerations permit, the potential for expanded trade between us is great. This begins with the Soviet desire to purchase substantial quantities of American grain, on a long-term, multi-million dollar basis.

ADDED PROSPECTS

In the years ahead we have the added prospect of exporting liquified natural gas from the Soviet Union to the United States, in large quantities. When the time comes and political circumstances are right, there could be massive use of American-built, American-flag LNG tankers for this purpose.

The prospects for any meaningful trade with Mainland China may be easier to read after the President's visit to Peking later this month. For now, they are too obscure to make any valid forecasts.

But we can predict a rising level of trade with the bloc countries of Eastern Europe, again to the extent permitted by political conditions. We are constantly in the process of modifying the Export Control list, as authorized by Congress, and on the basis of my own talks with the governments of Poland, Romania and Yugoslavia I believe increased trade—with all its benefits to American shipping—will develop.

CHANGES

The final potential that I want to mention briefly lies in the hope of bringing down some of the non-tariff barriers to trade that have built up over the past decade.

In this we have the simple goal of restoring world commerce to a condition of fair trade under reciprocal competitive rules which do not discriminate and which do not divide the world into hostile trading blocs.

After all that has happened and been written on this matter in the past two years, it is now beyond saying that we have entered a new age of trade.

The rules of commerce in the past no longer fit the conditions of today.

The relative economic strength of nations has changed radically.

The United States is now a trade deficit nation—by $2 billion last year.

And we are now on the verge of one of the most significant developments in commercial history—the Common Market expansion into ten nations, including Great Britain, with all its preferential ties into the Mediterranean and beyond.

REACTIONS

We need to meet these changes with several reactions.

First, American business must re-sharpen its own competitive skills, and put its great technological abilities to work faster and more productively than ever before.

Second, American labor must be given the tools and the technology to increase its productivity, and we must remove the artificial barriers to greater productivity that have cut into our competitive abilities.

Third, we must persuade our trading partners to remove or modify their nontariff barriers to commerce, and reverse the rising tide of discriminations. We must reaffirm our own commitment to fair and open trade, and ask for the same affirmation from others.

UNDERSTANDING

This can be done. We have called for a world conference to deal with trade problems, and the European Community has indicated its willingness to discuss these matters in the months ahead.

We have also made progress toward the resolution of some of our differences with Japan.

But we can and must do more. We must have an understanding by our own people at home, and by our trading friends abroad, that we will act in our own interest, because a healthy America is in the world's best interest, and we can remain economically healthy only if trade is truly fair and open.

PROBLEMS

If we bring down the discriminatory trade barriers and improve the trade understanding among nations, the American merchant marine and the shippers it serves will be the primary beneficiaries.

Under those conditions, your potential will have no limits.

This does not mean that all of your industry's problems are solved. Obviously they are not. The headlines from the West Coast tell the story of just one major impasse to progress that continues to plague us all.

Nevertheless, I hope the various elements of this industry generally have awakened to the fact that they can no longer take aim at each other across barricades.

The only way industry and its allies can realize the full potential that now exists is to stop the interfamily warfare in which everyone gets cut and bruised.

The comeback that has been started can be carried out only if all sides recognize the mutual advantages of technology, and continue to work toward achieving contracts that make all concerned the beneficiaries of technology, and not the victims of it.

The President has made it possible for

this industry to compete again, and you can meet the toughest competition in the world, but all of his efforts will not achieve one additional pound of cargo if our many maritime interests are working against each other instead of together.

The dollars that go abroad in foreign flag ships will never come back unless we have a healthy, competitive maritime industry of our own. And it will be healthy only when the spirit of this unity dinner becomes the fact of daily practice.

CONCLUSION

This dinner signifies that these very welcome and important changes are coming about within the maritime industry.

It signals the beginning of the end of chronic problems and internal strife.

Each generation of Americans has passed on to the next a better and stronger America.

The spirit of unity here tonight indicates that this industry, at least, will not break the tradition now. It will not be the first to be ashamed of the legacy it leaves.

In a short time this nation will have been in existence for 200 years. For two centuries our ships have played one of the proudest roles in carrying our goods, and our competitive spirit, and our prestige, around the world.

They must do so again.

For our nation's economic strength—we need a fleet second to none.

For our national defense—we need ships that are second to none.

For building bridges to the world, and going through the trade barriers to peace—we need a maritime service that is second to none.

It has been a proud thing to serve as Secretary of Commerce during the period that this great industry has begun to restore itself.

It has been a proud thing to see you coming together again, and to sense the revival of your competitive strength and spirit.

It is a good time to say "well done"—and Godspeed.

MIZELL CALLS FOR COMMITTEE ON TAX RETURN SIMPLIFICATION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce legislation creating a select joint committee to recommend significant simplifications of Federal tax returns.

The bill calls for a committee composed of five House and five Senate Members, to conduct an investigation of the complicated return form and recommend improvements to be incorporated in next year's tax forms.

The investigation would include recommendations from the U.S. Comptroller General and the Secretary of the Treasury, a provision explicitly set forth within the legislation.

I am personally convinced, Mr. Speaker, that these forms can and should be substantially simplified. There is no good reason why instructions and tax tables should be as complex and confusing as they are, and this legislation is designed to remedy that situation as completely and as quickly as possible.

I urge my colleagues to join me in seeking early consideration of this bill, so that the committee can begin this important work soon and have its recommendations completed well in time for inclusion in the 1973 forms.

SAWTOOTH NATIONAL RECREATION AREA

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, about a year and a half ago I had the privilege of visiting the area included in the Sawtooth National Recreation Area legislation. I came away from that inspection trip profoundly convinced of the necessity for immediate congressional approval of the Sawtooth bill.

The Congress and the people, who will benefit from the enactment of this proposal, owe a great debt of gratitude to Congressman JIM McCLURE. Congressman McCLURE has shepherded the bill around a great many difficult obstacles in order to advance it to where it is today.

The development of legislation such as this is a complex and arduous task. Representative McCLURE's forceful and effective advocacy of the need to protect the Sawtooth area was the catalytic factor that was needed for progress on this bill.

Mr. McCLURE, an articulate spokesman in the Interior and Insular Affairs Committee for wise conservation of the Nation's natural resources, has performed brilliant legislative work with his bill. I know every objective Idahoan will recognize and appreciate the job he has done.

There are a number of factors that require favorable action on the proposal. First and foremost is the magnificent esthetic value offered by its towering, jagged mountains, high, sparkling lakes, and placid mountain meadows.

Second is the people-oriented approach of the legislation which combines strict preservation of natural values with the allocation of certain designated areas for compatible recreation uses that will permit harried city dwellers an opportunity to enjoy and benefit from exposure to this awesome wilderness.

Also, the bill provides for the conservation and enhancement of fish and wildlife species native to the Sawtooth region. There is a wide variety of these animals and birds some of whose existence in the Sawtooth area will be threatened unless they are protected.

Another important aspect of the legislation is the suspension of mining claims for 5 years so that no new claims can be established. This will help preserve congressional options for the protection of the area.

Finally, the authorization for the Sawtooth National Recreation Area provides full flexibility for the future protection of the values of the area. The bill requires the Secretary of the Interior to make a detailed evaluation of the Sawtooth area and develop a specific proposal for the creation of a national park.

While this plan is being developed, the bill will insure that no adverse usages of the region will be permitted in order that its protection may be insured.

Our Committee on Interior and Insular Affairs has given a great deal of attention to this measure and has come up with an effective, realistic bill. The urgency of the need to give additional protection to the region is such that speedy enactment of this bill is vital.

I am sure it will be approved today.

KODIAK AREA NATIVE ASSOCIATION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BEGICH. Mr. Speaker, a great deal of concern has been expressed by the people of Alaska over new efforts to close Public Health Service hospitals in many areas of the country. I have strongly protested these efforts, have sponsored legislation to prevent such curtailment or closure, and have, on several occasions, tried to express to you the vital importance of the Public Health Service hospitals to the people of Alaska.

I have received a resolution passed by the Kodiak Area Native Association at its regular meeting held in Kodiak on January 29, 1972. The possible closure of the Seattle facility would substantially threaten health services for the residents of Southeastern Alaska, and they are, quite naturally, extremely concerned.

I insert this resolution in the CONGRESSIONAL RECORD at this time for the benefit of my fellow Members of Congress:

KODIAK AREA NATIVE ASSOCIATION, RESOLUTION 01–72

Be is resolved, by the Kodiak Area Native Association at its regular meeting held in Kodiak on the 29th day of January, 1972 that

Whereas the United States Department of Health, Education and Welfare through its U.S. Public Health Service hospitals and facilities has provided an invaluable service to those mariners, fishermen, and other seafaring citizens of Alaska, and

Whereas there is now under consideration plans to curtail or close the operations of certain of these hospitals and facilities, such as the Seattle Marine Hospital, and

Whereas it is in the best interest of the United States as a maritime nation to foster, promote, and encourage its coastwise citizens to harvest the bounty of the seas, and

Whereas in the interest of the economic benefit, in the interest of maintaining a trained maritime people for purposes of national defense, in the interest of conservation of our natural aquatic resources,

Now therefore, be it resolved that the Kodiak Area Native Association opposes the curtailment or closure of any U.S. Public Health Service hospital or facility providing these necessary services and suggests that these hospitals and facilities be maintained and improved.

Copies of this Resolution shall be sent to the Honorable Ted Stevens, U.S. Senator; the Honorable Mike Gravel, U.S. Senator; the

Honorable Nick Begich, U.S. House of Representatives; and, Kodiak Island Village Council Presidents.

GOVERNMENT INDEMNITY FOR SOLDIERS AND POLICE KILLED IN THE LINE OF DUTY

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DOW. Mr. Speaker, I have introduced legislation today which would provide an indemnity payment of $25,000 from the U.S. Treasury to the families of soldiers killed in Vietnam. The legislation similarly provides for a $25,000 payment to the families of law enforcement officers killed in the line of duty. The benefits would be retroactive through 1960.

For the purposes of my bill, the term "law enforcement officers" includes all people in the field of public safety and criminal justice including firemen, sheriffs, judges, officers of the court, and highway patrolmen.

Recently there has been a great deal of attention focused on legislative efforts to provide a Federal gratuity payment to the families of law enforcement officers killed in the line of duty. I applaud these efforts. Quite often enforcing the country's laws is a thankless job. It is made even more difficult, because many of these laws need to be changed, and there is still a crying need for programs to bring about better training and professionalization of our law enforcement officers. The police are the tangible and most visible symbol of society's laws, and they bear the brunt of society's dissatisfaction with the laws.

Time and again our law enforcement officers have been cut down on the streets of our cities, not because of what they are, but because of the laws they stand for. If our Government cannot move to change the laws for more justice, it can at least indemnify the families of these men for the loss.

But I think the greatest injustice is that which we are perpetrating in Vietnam, not only to the people of Vietnam, but to our soldiers who are losing years of their lives or even their very lives. The only thing that remains to be won in Vietnam is a way out. In this sad era of Vietnam, and probably for the first time in the history of our Nation, there is no satisfaction for most of our veterans. No brass bands greet them and no joyous crowds hail their valor.

When our soldiers and police lose their lives, they leave behind them those who depended upon them for support. There are life insurance policies that will help ease the financial shock, but we all know how difficult it is for people in hazardous professions to obtain policies that will cover more than burial expenses.

But the legislation I am introducing today envisions more than an indemnity to those who lose their provider. My legislation is a recognition of the sacrifice these men have made because their country asked them to. I estimate my legislation, if enacted, would cost the Nation over $1 billion. Is this too great a price to pay to say "Thank you"?

The following is the text of my bill:

H.R. 13108

A bill to provide benefits to certain survivors of members of the uniformed services and law enforcement officers killed in the line of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States or his designee shall pay to the dependents of each member of the uniformed services killed in the line of duty since December 31, 1959, and to the dependents of each law enforcement officer killed in the line of duty since December 31, 1959, an indemnity of $25,000 in the following order of precedence:

First, if there is no dependent child, to the spouse;

Second, if there is no spouse, to the dependent child or children in equal shares;

Third, if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the children, in equal shares;

Fourth, if there is no spouse or dependent children, to any parent or parents dependent for support on the decedent in equal shares;

Fifth, if there is no survivor in the above classes, to any brother or sister, or half-brother or half-sister, who receives no support except public support.

SEC. 2. For the purposes of this Act—

(1) the term "member of the uniformed services" means any person on active duty in the Army, Navy, Air Force, Marine Corps or Coast Guard in a commissioned, warrant, or enlisted rank or grade; and

(2) the term "law enforcement officer" means any person who is an employee of any Federal, State or local public safety or criminal justice agency, including any policeman, sheriff, deputy sheriff, highway patrolman, fireman, parole and probation officer, investigatory or correctional employee, alcoholic beverage control agent, judge, magistrate, justice of the peace and other similar officer of any criminal court.

SEC. 3. The indemnity payable to any person under this Act is in addition to any benefits to which he may be entitled under any other law.

SEC. 4. There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of this Act.

HEARINGS ON LEGISLATION PERTAINING TO THE CIVIL RIGHTS COMMISSION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. CELLER. Mr. Speaker, on Thursday, February 24, 1972, Subcommittee No. 5 of the Committee on the Judiciary will conduct a public hearing on H.R. 12652, a bill to extend the Commission on Civil Rights, expand its jurisdiction to include sex discrimination, and authorize appropriations for its work.

The hearing will be held in room 2141, Rayburn House Office Building, Washington, D.C., beginning at 10 a.m.

Persons interested in offering testimony or submitting statements for the hearing record should contact subcommittee counsel, Herbert E. Hoffman, room 2140, Rayburn House Office Building, Washington, D.C. 20515—Telephone No. (202)-225-4853).

THE HONORABLE AIME J. FORAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1972

Mr. FASCELL. Mr. Speaker, I join my good friend from Rhode Island, FERNAND ST GERMAIN, in paying tribute to former Congressman Aime J. Forand. His death on January 18, 1972, marked the end of a long and outstanding career of public service.

Aime Forand represented the First District of Rhode Island in the House of Representatives from 1937 to 1939 and from 1941 to 1960. He will long be remembered for his many years of capable service to his constituents, to the State of Rhode Island, and to the Nation.

Aime Forand is rightly known as the father of medicare. His foresight and leadership are to a great extent responsible for the establishment of the medicare program by the Congress in 1965, despite opposition from the American Medical Association and the National Association of Manufacturers. His 18 years of service on the Ways and Means Committee, and his leadership as chairman of the Subcommittee on Unemployment Insurance and the Subcommittee on Excise Tax during those years, provided the impetus and laid the groundwork for congressional approval of medicare.

Aime Forand was also instrumental in preparing the way for consumer protection legislation. During 1945–46, he headed an unofficial 63 member congressional committee to protect the consumer.

Our Nation's senior citizens were his major concern during his public and private careers. In addition to his efforts on behalf of medicare and consumer protection, Aime Forand was the founder and first president of the National Council of Senior Citizens. His major contributions in this important area of national concern will always be remembered.

We in Florida were honored by Congressman Forand's decision to make his home in Boca Raton after his retirement. There, as in Rhode Island, he was a highly respected member of the community.

Mr. Speaker, I extend my condolences to the Forand family.

A VOICE FOR FREE HIGHER EDUCATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BINGHAM. Mr. Speaker, writing his weekly column of comment on public education which appeared in the New York Times on February 6, 1972, Albert Shanker, president of the United Federation of Teachers, presents an eloquent plea for maintaining, and indeed expanding to other colleges, the tuition-free policy at the colleges in the City University of New York. That policy for 125 years has enabled poor and rich alike to elevate themselves—and the Nation. Now, it is being squeezed in the vise of rising educational costs and inadequate commitment to educational excellence. Mr. Shanker's plea for making free higher education a matter of national concern deserves the attention of the Congress.

The following is the text of Mr. Shanker's article:

LET US KEEP CUNY TUITION FREE

The establishment of a free and compulsory system of public schools in this country was motivated by two basic principles: first, that education provides benefits to *society as a whole* as well as to the individuals receiving it; and second, that, since in a democratic society social mobility should be based on ability, the development of individual abilities must not be hampered by the unwillingness or inability of individual families to pay for education.

Recent court decisions and now the report of New York's Fleischmann Commission extend these concepts even further by setting forth the principle that the ability or willingness of a particular city, town or community to pay for education must not be permitted to cause unequal educational expenditures throughout the state.

It is ironic that precisely at the time we are moving toward a national consensus on the need for quicker progress toward achieving true equality of educational opportunity, there is great danger that educational opportunities will be restricted through the imposition of tuition charges at the City University of New York.

For 125 years, the City College of New York (now part of the City University of New York) has provided tuition-free college education to hundreds of thousands of students, many of whom would not have attended college if they had been required to pay tuition. Certainly, CUNY graduates have benefited personally through better jobs and higher earnings; but society as a whole has benefited enormously from the contributions of its graduates, not only the renowned ones like Jonas Salk, Felix Frankfurter, George Goethals, Henry Morgenthau, Jr., and Upton Sinclair, but thousands not so well known.

At one time in our nation's history it may have been enough for society to provide free elementary and secondary education, since higher education, while viewed as a good, was hardly a necessity. This is no longer true. Today, lack of a college education imposes the same handicaps on an individual as failure to read, write and count imposed in an earlier period. Higher education is no longer the province of a privileged elite. On the contrary, the non-college educated must now be viewed as disadvantaged. Furthermore, if social mobility is to continue to be based on ability rather than wealth or family or inheritance, higher education must be open to all who wish to go and are able to benefit from it, for today it is the college and university which act as sorters, qualifying some and disqualifying others for almost every position and job.

AND LET US MAKE ALL PUBLIC COLLEGES AND UNIVERSITIES TUITION FREE

Those who want to impose tuition fees argue that such fees should be imposed on the economically able, with tuition continuing free for those who cannot afford to pay. The weakness of this position can be readily seen if it is logically extended. Thus, why not do the same in elementary and high schools? Why not impose additional charges for police, fire, sanitation and other public services on those able to pay? Under a progressive system of taxation those who have great wealth would be taxed much more for public services, and, once those services are made available, they should be free to all, *even the rich*.

Still another problem for the City University is inherent in the fact that students in other public institutions of higher education—the State University of New York and the community colleges—do pay tuition. Thus an inequity is created—an inequity which should be removed, not by imposing tuition at CUNY, but by establishing free tuition in all public colleges and universities. Until recently, only New York City maintained a public institution of higher education. Governor Rockefeller's action in establishing and vastly expanding such institutions on a statewide basis was, of course, a notable advance. There remains the goal of making all these institutions tuition-free.

The development of universal free public higher education should be a major 1972 national issue for all who believe in equality of educational opportunity. (An immediate step toward relieving colleges of their present economic plight would be the congressional passage of the Higher Education Act.)

This having been said, there still remains one further observation to make: The public can and will support free higher education so long as both individual and social good are advanced. The current belief that this is in fact happening is severely shaken when colleges drastically reduce their standards, make educationally unjustifiable changes as a result of violent threats from extremist groups, or operate on the assumption that every person who wants a college degree has a God-given right to get it, regardless of whether it has been earned or not.

Government should meet its obligation to provide free public higher education to all who want it and can benefit from it. Colleges and universities must assure the public that they are getting what they are paying for.

RELATED, BUT NOT ON SPEAKING TERMS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HANNA. Mr. Speaker, I have repeatedly challenged the mechanism that the administration has chosen to lead us to the goal of price stability. None of us has ever, to my knowledge, challenged the legitimacy of that goal. Many of us have on occasion, and with just cause, questioned the efficacy of the mechanism and policies in which the President has placed his confidence and the collective fate of the American people. I for one have been particularly concerned that the separation of wage and price authority doomed phase II before it began. The events of the past 3 months have uniformly confirmed my worst fears. At every turn we find that the Board and Commission are serving different policies, each, of course, convinced that it is serving the broader public interest.

This issue was raised in the banking and currency hearings last fall and on the floor in December. The administration spokesmen offered assurances unending that this potential problem would be eliminated by the action of a coordinating body—the Cost of Living Council. We may all wonder, with just cause, where this Cost of Living Council has been. There is, as yet, no evidence of coordination between the two Boards; quite the contrary, all evidence points to the conclusion that they move in different directions despite the CLC.

Mr. Speaker, those of us in the House who have raised this point in the past should take note of the growing realization outside of the Government that the mechanism has failure built in. In the Wall Street Journal of February 9, 1972, the editors report on the comment of Mr. Walter E. Hoadley, chief economist of the Bank of America, who says of the two groups:

The two agencies obviously are working on closely related problems, but sometimes it's hard to believe that they realize it.

UNNECESSARY ATTACKS HINDER EFFORTS TO RESOLVE THE VIETNAM WAR

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. YOUNG of Florida. Mr. Speaker, in the unusual debates among political candidates this year, we have seen an unprecedented attack on the efforts of a President of the United States to end a military conflict. At one time, Americans felt that partisanship in foreign affairs and national security ended at the edge of our shores, but today this no longer seems to be the case for some.

This was effectively underlined in a recent editorial in the Tampa Tribune, one of the major newspapers in my home State of Florida. I believe our colleagues would appreciate reading the paper's analysis which follows:

WHEN WILL WHO LEARN?

Senator Edmund Muskie has joined the cut-and-run crowd on the Vietnam war issue.

When President Nixon last week disclosed the reasonable peace plan which he had privately submitted to North Vietnam, Senator Muskie called it "a welcome initiative".

Now, after presumably consulting his advisers on Presidential campaign strategy, Mr. Muskie denounces the Nixon plan as an assortment of "renumbered and reissued proposals that have failed for six years".

The Muskie plan? Tell the Communists that the U.S. will pull its troops and bombers out on a certain date, if the enemy will be so kind as to free the 400-odd prisoners of war and not shoot our retreating soldiers. And tell the South Vietnam government that unless it reaches "an accommodation" with the

Communists, it won't get even indirect military aid from the United States. In short, turn over Indochina to North Vietnam.

"We are trying to win at the conference table what we have not won and cannot win on the battlefield, yet we persist", said the Maine Senator. "When will we ever learn?"

One wonders when Senators Muskie, McGovern and others of the abandon-ship crowd will ever learn. The facts are just the reverse of the Muskie statement. It is the Communists who have not been able to win on the battlefield what they wanted—the conquest of all Indochina—and now seek to attain it at the conference table, or the boarding docks, with the help of our pullout Congressmen or a new and weaker President. Senator Muskie seems willing to oblige in either capacity.

SKY-JACKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DERWINSKI. Mr. Speaker, one of the overdue but, hopefully, effective measures to be taken against sky-jacking has now come into effect.

When we keep in mind the national as well as international complications caused by the hijacking of planes and the importance of the tragedies that were narrowly avoided, the action by the FAA is certainly welcome. This point is well made in an editorial by WGN—Chicago—TV which I insert at this point:

SKY-JACKING

New regulations, hopefully to assure that no would-be sky-jacker boards an airliner, have gone into effect. The Federal Aviation Administration ordered all major domestic airlines to put security measures into operation across-the-board, the order coming after six hijackings in the month of January.

Hijacking motives may have changed—from demands to be taken to Cuba—to using planes and passengers as pawns in Mid-East politics—to the most recent waves, demands for cash ransom. However, the danger has not changed. It is because of this danger that we endorse the government's position. The steps, we feel, should have been taken long ago. Perhaps those hijackings last month would not have happened.

The inconvenience to the traveling public should not be great. The new FAA rules allow four types of security check . . . passing through a magnetic field to detect large metallic objects . . . demand for positive identification . . . search of passengers and their baggage . . . and the use of what is called a behavioral profile which is supposed to indicate potential sky-jackers through noting the behavior of persons in the boarding area. Airlines must use at least one of these methods.

We feel that sky-jackings must be stopped on the ground, before they occur. We agree with the Airline Pilots' Association that stopping hijacking in the air is too dangerous. While many civil libertarians may object to these devices as violation of the right of privacy and the right to travel freely, we feel these incursions must be accepted and endured, at least until such time as the contagion of aerial piracy is brought to an end.

WEIMAR, U.S.A.?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. CRANE. Mr. Speaker, when compulsory wage and price controls were first introduced, we were told that they would be of short duration. Recently, however, the outgoing Chairman of President Nixon's Council of Economic Advisers said that:

> There will have to be a continuing government role in the wage and price area after the current Phase Two program of controls ends.

Paul W. McCracken, the Council Chairman, made the remark at a farewell news conference on his last day of office, December 30, 1971. Mr. McCracken did not specify what form of Government intervention into private price and wage decisions he thought would follow in phase III. But, contrary to views he expressed when he took office nearly 3 years ago, he said he was now convinced that:

> The Federal Government would have to deal with the fact that the cost-price level, if entirely free, will tend to rise at a rate that is faster than acceptable.

There seems little doubt that a regimented economy lies ahead for the American people. Prof. Theodore Draper compares the United States of today with the Germany of the Weimar Republic in the December issue of Commentary Magazine. While he sees significant differences between the two societies, he points out that:

> A little of the Weimarian analogy may do us some good, to remind us that a democracy can commit suicide at the same time that it is being murdered.

The Wall Street Journal, discussing Professor Draper's analogy in relation to the system of wage and price controls which has been imposed upon our economy, notes that:

> There is an evident willingness on the part of many to give up on the individual and on all the enormous potentialities of individual liberty, which is to say, wittingly or not, to despair of the American political, economic and social structure. Irony of ironies, after having seen the mess the State makes of almost all of its economic and social interventions, many people, sheep-like, are content to permit it to assume still more power in these areas.

The Journal expresses the hope that this "resignation to statism" may be a passing phase but laments that:

> The public's current docility toward the aggrandizement of the state is scant cause for optimism about the continued strength of America's democratic traditions.

I wish to share this editorial from the December 20, 1971 issue of the Wall Street Journal with my colleagues, and insert it into the RECORD at this time:

[From the Wall Street Journal, Dec. 20, 1971]

WEIMAR, U.S.A.?

As the nation stumbles through the maze of Phase 2, with all its pettifogging bureaucratic stupidities, many people wonder about its implications for the future of our society.

Is it to be really only a phase, as some government officials and businessmen hope, with the economy returning to a more or less free market in a year or so? Or is it a watershed, a kind of recognition that not only the economy but the society as a whole has from now on largely forfeited its liberties to the tender mercies of the supposedly omniscient State?

Among the more apocalyptic versions of the latter vision is that of Professor Murray Rothbard. Fascism came to America, in his view, on August 15, 1971, when President Nixon proclaimed the wage-price freeze. Although few seem to be aware of it, he says we are already embarked on the horror of totalitarianism.

Granting that this is probably a hyperbolic statement of the case, the fact is that intellectual fascination with the possibility of fascism in the U.S. long antedates the New Economic Policy; the advent of the NEP has only given it a fresh fillip in the minds of some.

The most raucous cries of fascism have come, of course, from the creeps of the New Left, with their ranting about "fascist pigs" and their charming habit of spelling America as Amerika. But the worry about the U.S. going the way of Germany in the Twenties and Thirties also enjoys much sturdier support than these mouthings would indicate.

A perceptive analysis of the purported analogy with Germany is to be found in Theodore Draper's article "The Specter of Weimar" in the December "Commentary." The superficial resemblances are familiar enough:

Post-World-War-I Germany—the ill-fated Weimar Republic—was in economic crisis; manifestly the U.S. today has economic trouble, both domestically and internationally. Weimar had a rebellious youth, particularly students; so do we (or did until very recently). Hitler was able to tap a deep vein of anti-Semitism, even though during Weimar the Jews enjoyed a relatively high status; the U.S. today exhibits various kinds of racism.

Perhaps most significant, much of the trouble with Weimar—what caused this once-hopeful experiment in democracy to collapse into the morass of Nazism—was warborn; the defeat in World War I and the subsequent rise of the emotional stab-in-the-back rationalization. Similarly our country is emerging from a traumatic war experience, in which victory proved elusive despite vast expenditures of life and treasure. Conceivably our own stab-in-the-back concept could emerge, namely that if we had only fought hard enough to win we could have had victory with honor and without trauma.

Professor Draper, however, quite reasonably goes on to explore the cavities in all these analogues. For all the present economic question-marks, he doubts that the U.S. can seriously be compared with Germany in those days: "The American economy belongs, so to speak, in a different order of magnitude from that of Weimar Germany." As for youth, the stronger element of the German militants was of the Right, whereas the opposite is the case here. Racism—well, there is nothing here like the anti-Semitism Hitler was able to capitalize on. Anyway, where on the horizon is an American Fuehrer that could pull together, for his own purposes, all our discontents?

Even the war comparison is tricky. Instead of developing a stab-in-the-back complex about Vietnam, Americans might be so glad to get rid of that albatross that they would prefer to forget it and skip the recriminations.

Accordingly Mr. Draper concludes: "A

little of the Weimarian analogy may do us some good, to remind us that a democracy can commit suicide at the same time that it is being murdered. But too much of that analogy can only confuse and disarm us in a time of trouble."

With all of this we pretty much agree, except that we think one further important consideration should be mentioned. It has to do with a state of mind palpable in America today as in many other times and places, crystalized in, or at least dramatically emphasized by, the promulgation and acceptance of the New Economic Policy.

It is an evident willingness on the part of many to give up on the individual and on all the enormous potentialities of individual liberty, which is to say, wittingly or not to despair of the American political, economic and social structure. Irony of ironies, after having seen the mess the state makes of almost all of its economic and social interventions, many people, sheep-like, are content to permit it to assume still more power in these areas. Specifically at the moment, to try to run the economy—and what a mess it is making of that.

Possibly this resignation to statism will be a passing phase as we hope the NEP itself will be. It doesn't necessarily portend fascism; maybe more likely socialism or some Orwellian type of totalitarian horror. Whatever is in store, the public's current docility toward the aggrandizement of the state is scant cause for optimism about the continued strength of America's democratic traditions.

GOVERNMENT THROUGH "GIMMICKS"

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. MADDEN. Mr. Speaker, this afternoon, through a combination of the Republican leadership and some of our Democratic colleagues who are insisting on bringing to the floor of the House a bill which is in fact a compulsory arbitration measure. This legislation pertains to the dockworkers strike on the west coast which was settled yesterday through an agreement of the union leaders and management. All that remains to make it final is the ratification of the union membership, which the leadership on both sides say is merely a formality.

The above members' coalition of the House totally disregards the fact that the strike is already settled, but for political purposes are demanding that the House debate and vote on the settlement of a labor-management dispute which has already been agreed to by the parties concerned.

I wish to include with my remarks a statement from the New York Times of February 8, 1972, by George Meany, president of the AFL–CIO labor organization concerning Government through gimmicks:

GOVERNMENT THROUGH "GIMMICKS"

(By George Meany)

WASHINGTON.—It is always astounding and appalling when those who profess belief in the free enterprise system propose gimmicks and devices that are the antithesis of freedom in order to achieve a temporary goal.

That is exactly what the President and the Secretaries of Labor, Agriculture, Commerce and Transportation propose as the solution to the West Coast dock strike. Behind the slogans with which they characterize their approach is compulsory arbitration—the denial of freedom to certain Americans in order to aid certain other Americans.

Early in this Administration, the Government conducted a full-scale study, commissioned by the then Secretary of Labor, George Shultz, into the facts and the truth about three previous longshore strikes—all on the East and Gulf Coasts. In those instances, previous administrations obtained Taft-Hartley injunctions, contending that the national health and safety were endangered.

This study concluded that these strikes did "not appear to have caused any lasting unfavorable shifts in the basic trends of either imports or exports." It also reported that there was "no visible impact on the economy as a whole."

Despite its own earlier study, this Administration did get a Taft-Hartley injunction against the West Coast longshoremen which has since expired. The Government now seeks additional punitive action against the workers, basing its entire case on unsubstantiated economic statistics.

The Los Angeles Times, in a definitive study of these statistics, concluded that they were "wild guesses and exaggerations," for example, the Government claims that California loses $17.5 million a day for every day of the strike—a statistic achieved by multiplying a guesstimate daily wage times every worker in the state involved in any manner with foreign trade. As the Los Angeles Times pointed out, if such had been the case, then the state's unemployment would have increased, not decreased as it did, during the strike.

The Des Moines Register commented that the statistics used by Agriculture Secretary Earl L. Butz to prove damage to farmers by the strike were just "wild statements." "The chances are," the paper wrote, "that the total export movement of feed grain and soybeans this year will be as great as it would have been without the dock strike."

It is axiomatic that when one party to a labor-management dispute believes the Government will bail them out, then there is no true collective bargaining. In this instance, the West Coast dock employers had every reason to believe the Government would do what it has done—use the Taft-Hartley Act to enjoin the strike. And when that failed, that the Government would seek new punitive legislation against the workers.

That the Government did. It is the bill now pending on Capitol Hill, introduced by the Administration with denunciations of the Congress and demands for panicky action without deliberation and without facts.

While everyone in the Administration, from the President on down, attacked the Congress for refusing to rubber-stamp the bill, the White House failed even to provide the Congress with information required by statute—the report of the Taft-Hartley panel on the reasons no settlement was reached during the so-called cooling-off period, as required by Section 210.

Having provided the employers with an incentive not to arrive at a collective bargaining settlement, the Administration now proposes an unprecedentedly broad compulsory arbitration measure. This proposal would ignore all agreements already reached by the parties to this dispute and would impose the will of the arbitrators on every single issue of wages, hours and working conditions.

The A.F.L.–C.I.O. is opposed to compulsory arbitration in any form, at any time, for any reason. We just as wholeheartedly support the concept of voluntary arbitration, where the parties jointly agree to an umpire's decision.

I don't like strikes, and I don't know a single union leader who does. But free workers—if they are to be free—must have the right to strike. Anything less is an abridgement of individual freedom.

TRIBUTE TO JOSEPH F. HEAVEY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Joseph F. Heavey died February 6, 1972, in San Diego. And he died in the service of those who needed him most. Joe was assigned as the assistant director of the new San Diego, Calif., Veterans' Administration hospital, but his story goes back to February 9, 1971, at the time of the earthquake in California.

Joe was the acting director at VA's San Fernando VA hospital which was damaged extensively in the earthquake, and there was the loss of 46 lives, including patients and employees. Joe performed so heroically that he was awarded VA's highest employee award—The VA Exceptional Service Award with Gold Medal. He was a one-man rescue squad minutes after the earthquake. He mobilized immediate medical treatment at the site, and helped to dig out many patients and employees caught in the debris. He arranged for the transfer of injured people, and set up arrangements for the continuing rescue efforts. He was a tower of strength and inspiration during those sad and hectic hours. He continued his tireless participation for days after the earthquake.

I said his story went back to the earthquake period, but it even went back further than that. He served brilliantly during World War II in an infantry company. He joined the VA in 1946, right after military service separation. He gave, in his very first job interview at VA, as his reason for seeking VA employment:

> It seems to me disabled veterans, who have given so much for our freedom in the world, deserve as much attention and help as they can get. I'd like to be part of that effort.

His first job with VA was as information clerk, and through the years, he rose steadily, getting promotion after promotion, demonstrating his excellent capabilities and his compassionate approach to service.

The spirit of Joe Heavey was a beautiful spirit—cheerful, inspiring, worthy of emulation. It seemed to say to those who came in contact with him that all things worthy of being done can be done, that no burden is too heavy for man to bear, that duty is to be performed, never mind the obstacles.

Joe Heavey was a remarkable man, a patriot who served with distinction in time of war, selflessly and imaginatively in time of peace, a man whose very existence bespoke courage and determination, a man of great conscience, a man of great compassion, a good friend. The Veterans' Administration, as Administrator of Veterans' Affairs Don Johnson has said, will miss him. Disabled veterans everywhere will miss him, too.

A TROUBLED PATRIOT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HALL. Mr. Speaker, last night the Washington Evening Star printed a most interesting feature story about Marine Corps Capt. Tom Romanetz.

Entitled "A Troubled Patriot," the article presents a viewpoint that we are not often privileged to read.

I offer it now for the enlightenment of my colleagues and at the same time to commend Captain Romanetz for his concern and dedication to duty.

The article follows:

A TROUBLED PATRIOT

(By Richard Critchfield)

Tom Romanetz is a troubled patriot—troubled because it sometimes seems to him as if divisiveness has become a way of life in America.

Thirty-years-old, blond, blue-eyed, almost crew-cut, with the heavy-shouldered build of the wrestler he was at Jersey City State College, Tom is a second-generation American whose father migrated from the Ukraine and now works in a New Jersey smelting mill.

He is a professional soldier, a captain with eight years in the Marine Corps and two tours in Vietnam behind him. He will soon leave for artillery school in Oklahoma. In the meantime, he has been working as a public relations officer at Marine headquarters across from the Pentagon.

Tom has been married for five years. He met his wife, Polly, the daughter of a retired Navy chief, when he was at Camp Pendleton and she was working in San Diego as an airlines receptionist. Their first child, a daughter was born two months ago. They have been living in a $28,000 townhouse in Dale City, a Northern Virginia subdivision 25 miles south of the Pentagon.

Like so many officers who served in Vietnam Tom is disturbed by the malaise he sees in contemporary America, a malaise he tends to link with the anti-war movement.

"Sometimes it seems like the United States is being defeated from within by our media paying too much attention to minorities or doomsday prophets who destroy confidence in our leaders," he says. "Those guys like Kuntsler who call the governor of a state a murderer. If I ever got alone in a room with a guy like Kuntsler, he'd be in trouble."

Tom, a pleasant, earnest and dedicated marine, doesn't often express political opinions. But when he does, usually with like-minded military officers, he is outspoken. For him the blame for what is wrong in America has crystallized around the word "liberal."

"Well, who are the liberals? he asks. "Bobby Seale's a radical. But where does he get his money? He gets it from upper-class, affluent liberals. I'm not saying it's Communists or whatever. But these things don't just organize themselves.

"These people are dedicated to destroy our Constitution, our government and our country. The girl who shouts obscenities at a policeman, the Vietnam Vets Against the War, it's not them; they're being trained by a hard core of professional agitators.

"Tell me why?"

Part of Tom's job at Marine headquarters is to answer the queries of newspapermen, and he says he has discovered that a number of alleged Marine atrocities in Vietnam have been manufactured out of whole cloth. He is bothered, he says, by how few reporters check their stories with his office.

Like many military men, Tom feels that if only the military had been allowed to do its job, things would have come out differently in Vietnam. And he adds, "It wasn't just Vietnam. Vietnam came at the same time, it came as a vehicle for them. It's kind of leveled off now, but personally I would be very concerned with the future of our country if a very liberal-type person were ever elected President."

Now scaling down to about 206,000 men and officers from a Vietnam peak of 385,000, the Corps and J. Walter Thompson advertising agency have worked out a recruiting policy built around the theme, "The Marines Are Looking for a Few Good Men."

An enormous billboard-sized poster proclaiming this slogan covers one wall of Tom's office, along with small signs showing a drill instructor snarling at a new recruit and the legend, "We Don't Promise You a Rose Garden," a tough obstacle course, "We Still Make 'Em Like We Used To"; and "Men Wanted: Long Hours, Hard Work, Satisfaction Guaranteed."

Tom's day begins at 5 a.m., he is out on Interstate 95 by 6, although his job officially doesn't start until 8. But north of Shirlington, Route 95 narrows into two lanes because of road construction and after 6:30, when traffic slows to a bumper-to-bumper crawl toward the Pentagon, Tom feels you might as well forget it.

As a result, Tom is in bed by 10 most nights. On weekends even before the baby came, he and Polly liked to stay home and relax, enjoying each other's company, watching TV Sunday afternoons (both are pro-football fans) or going out for a drive.

Both dislike cities and rarely go into downtown Washington. Tom has promised to take Polly to dinner at the Jockey Club as soon as the baby is a little older. Their dislike of the city is not caused by fear of crime, says Tom.

Most of Tom's exercise comes at work. At 11 a.m. he often goes to the Henderson Hall gym, changes into his shorts and sneakers and runs three miles up and back Highway 237. His weight has risen to 185 pounds since his 168 in college and Tom has now entered the Marines "500 Club," having clocked almost 600 miles in 3-mile, 21-minute lunch-hour segments. After a sauna and shower he downs a bowl of soup and is back in the office by 12:30.

By 6 he is usually out of the office, giving a major from the office a lift home. Marine headquarters is on a high slope and beyond the mammoth grey wings of the Pentagon and across the Potomac, the whole capital is laid out before you. The major is likely to joke, "With a couple of 155 rounds you could knock off 10,000 bureaucrats from here."

As a captain with eight years' service, Tom receives about $1,000 a month plus $178 in quarters and subsistence allowances. Mortgage payments and utilities take some $300 a month but they spent less than $100 a month on food before the baby came, shopping at commissaries at Quantico or Ft. Myer every second Saturday. Running his just-paid-off $3,800 Oldsmobile Cutlass is their next biggest expense and most of their savings the past year have gone toward buying furniture.

Although he and Polly seldom go out in Washington, they enjoy attending the Evening Parade at the Marine Barracks in Southeast Washington.

Tom still vividly remembers the last one of the year late in September. They were late and it was dark when they drove into the Navy yard to park. They had to run to catch a bus carrying guests to the Marine Barracks, passing by drab houses, shambled store fronts, dimly lit bars and abandoned buildings.

A young Marine met them at the barracks gate, offering Polly his arm and escorting them to bleacher seats on one side of the green quadrangle. The drum and bugle corps played a rousing Sousa march.

Then a helicopter flew low over the rooftops, beaming a searchlight into the nearby streets. It must have been the police, Tom thinks, but at the same time the drone of its rotors took him back to Vietnam, remembering how the Hueys came into an area and turned on their lights to hunt for Viet Cong.

When the band started playing the familiar strains of "O-oh say can you see . . ." and Polly tugged at him to rise to his feet, his memories of Vietnam faded and he saw the rows of decorated Marines before him standing at attention as a floodlight picked out the descending flag.

Tom says that he will always remember that moment: the helicopter hovering over the city's streets, the solemn young faces, the floodlit grass and the flag and the glory of the traditions of the place, all telling him that somewhere there awaits the grand old truth that unity and decency and fraternity will replace division, darkness and fears.

"Maybe there weren't any rockets or bombs bursting in air," he says. "But it was like hearing 'The Star Spangled Banner' played for the first time."

EUROPEAN SECURITY CONFERENCE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1972

Mr. ADDABBO. Mr. Speaker, I join with my colleagues in expressing hope that the forthcoming European Security Conference will produce some meaningful agreements which will lead to lasting peace. At the same time it is important to note the dangers inherent in any agreement which might legitimize or lend formal recognition to the partition of East Central Europe or Germany.

The memorandum submitted by the American Hungarian Federation to the President raises this question and a number of other items which I believe should be seriously considered by our representatives. The oppression of the right of people of Europe to determine their own future cannot be sacrificed in the name of peace throughout Europe for that kind of oppression can only reduce the basic human rights of all people. Existing boundaries, political situations and Russian domination of other nations must not be ratified at this conference.

The European Security Conference should be viewed as a unique opportunity to find ways to lessen tensions and this does not mean a reduction of U.S. interests or activities in Europe. Our recommendation made by the American Hungarian Federation is an expansion of the neutral area between the NATO and Warsaw Pact nations. Such an expansion could reduce tensions by reducing foreign troops levels. In addition participants in the Security Conference could discuss the feasibility and desirability of establishing international guarantees of their nonalinement.

Such a zone of neutral nations could include Austria, Hungary, Yugoslavia and Czechoslovakia, Rumania and other states. I hope that the President will consider very carefully both the warnings and the constructive suggestions made in the memorandum sent to him by the American Hungarian Federation.

WAFERS AND STEEL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. GAYDOS. Mr. Speaker, we all know the pen is mightier than the sword, but who would ever have thought that ice cream wafers are more vital to our Nation's economy than steel?

I became aware of this startling fact this morning through an article in The Pittsburgh Post-Gazette. Written by Mr. Jack Markowitz, the business editor, the item pertains to the ruling by the U.S. Tariff Commission that Canada is guilty of "dumping" ice cream wafers on our domestic market at less than fair value, thereby injuring the domestic industry. It has recommended the Canadian wafer be subject to special duties as punishment for this transgression of our trade laws.

I commend the Commission on its "get tough" policy and for the speed with which it reacted to this crisis. The Commission only received the case November 1, held a public hearing on December 14 and issued its edict on February 1.

Now if it could only find time from its pressing business to look at the matter of steel imports, a $2 billion trade deficit and 600,000 lost jobs. Oh well, that is the way the wafer crumbles.

Mr. Speaker, I am inserting Mr. Markowitz' article into the Record and urge my colleagues to read it:

Hit Those Imports? Easy as Pie

(By Jack Markowitz)

The days go by and still there is no agreement limiting steel imports into the U.S. but let no one think the powers in Washington "don't care." In a flash they strike when their cause is just.

Take the growing menace described in tariff investigation No. AA1921-83.

"It is ironically funny," writes a steel executive, appending a news release from the U.S. Tariff Commission, "that our dear Administration in Washington finds that ice cream sandwich wafers from Canada are causing economic injury to the United States—and can't see what is happening in steel (where tens of thousands are unemployed)! Oh, Boy."

Sure enough, the news release dated Feb. 1—and suspiciously missed by the front pages of the land—says the Tariff Commission notified the Secretary of the Treasury that "an industry in the United States is being injured by reason of imports from Canada of ice cream sandwich wafers sold at less than fair value."

As a result of this "dumping" the Canadian crumblies will be subject to special duties.

The investigation stemmed from a complaint by Wafer Sales Corp., of Fort Lee, N.J. The tariff commission took the case only last Nov. 1, held a public hearing Dec. 14, and issued its tough decision Feb. 1.

Take that, you unfair foreign competitors! (And we'll get around to steel's 600,000 jobs and $2 billion trade deficit one of these days, just you wait.)

PRESIDENT'S INTEREST IN AFRICA

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. VANDER JAGT. Mr. Speaker, in January Mrs. Richard Nixon returned from a three-nation tour of Africa that has awarded her accolades from the American press and the esteem of African leaders, once again emphasizing the President's personal interest in Africa and her peoples.

As Vice President, Mr. Nixon and his wife visited eight African countries. In 1960, he sent the Honorable William Rogers as the first Secretary of State to make an official visit to that continent. Since July of 1969, David Newson, the Assistant Secretary of State for African Affairs, in the course of his duties, has made six trips to Africa, covering 37 of the 42 independent nations.

Mr. Speaker, I would like to bring to the attention of my colleagues yet another demonstration of the President's interest. Since taking office, President Nixon has met with 17 African heads of state. I place them in the Record for your consideration:

Presidential Meetings With Africans

March 5, 1969: President Zinsou, Dahomey, private.

EISENHOWER FUNERAL

March 31, 1969: President Khama, Botswana, private. President Bourguiba Tunisia private.

May 19, 1969: Prime Minister Stevens-Sierra Leone, private.

July 8–9, 1969: Emperor Selassie—Ethiopia, state.

U.N. GENERAL ASSEMBLY, NEW YORK

September 18, 1969: Prime Minister Ramgoolam, Mauritius, private.

October 6, 1969: Prime Minister Egal, Somalia private.

October 9 1969: President Ahidjo Cameroon and President of the OAU private.

October 20 1969: Prime Minister Busia Ghana private.

June 4 1970: Prime Minister Laraki Morocco private.

August 4 1970: President Mobutu Zaire state.

U.N. 25TH ANNIVERSARY DINNER

October 24, 1970: President Tombalbaye, Chad; President Maga, Dahomey; Emperor Selassie, Ethiopia; Prime Minister Busia, Ghana; President Culd Daddah, Mauritania; Prime Minister Ramgoolam, Mauritius; Prime Minister Laraki, Morocco; Prime Minister Diouf, Senegal; President Lamizana, Upper Volta.

October 25, 1970: Emperor Selassie, Ethiopia, private.

April 15, 1971: Prime Minister Laraki, Morocco, private.

June 18, 1971: President Senghor, Senegal, private.

September 28, 1971: President Culd Daddah, Mauritania, and President of the OAU, private.

November 4, 1971: Prime Minister Busia, Ghana, private.

December 9, 1971: President Maga, Dahomey, private.

Mr. Speaker, I place these considerations in the Record to demonstrate that the President does indeed take a real interest in the affairs of Africa and her peoples. I also take this opportunity to encourage the President in a policy of political awareness of African issues. And, Mr. Speaker, I invite the President to share his views concerning that great continent with the American people and with the Congress more often.

It is a fact as pointed out by several U.S. officials lately that in terms of priority, Africa has been, in many ways, "the forgotten continent." This is in no way in indictment of any official party, but rather a frank appraisal of the extent of U.S. interest in Africa relative to its interests in the rest of the world.

Due, however, to many factors, Africa is coming more and more out of the shadows of American consideration. The changing nature of foreign aid, a new system of credits to developing countries proposed by the President, increasing American interests in the extractive industries in African countries, uncertainty in the Indian Ocean—all of these factors bespeak an increasing American interest in Africa, of the Peace Corps, the long tradition of missionary and relief services—here I include the laudable work done by the Christian Reform Church of Holland, Mich., in Nigeria—and the activities of various African-oriented groups in the United States, as examples of humanitarian involvement on the part of Americans.

And this trend is unlikely to reverse itself. There is a growing African constituency in the United States shown by the number of new African studies programs in universities across the country, the greater identity with Africa felt by many black Americans, the expansion throughout much of Africa of American business interest and influence, and the ever-greater contact between African and American statesmen. In this last respect, the list of meetings held by the President with African heads of state is important evidence. It is worthwhile to note that in the 5 short months following the fact-finding mission I took to Africa last summer, I personally have met with more than 25 African diplomats and members of African interest groups. I have been party, both in person and represented by James F. McClelland of my staff, to various African meetings, the most recent of which was the Conference of African and American Representatives in Lusaka, Zambia. And I can attest to the increasingly impressive level not only of official and public representation, but also of sophistication and candor in evaluating issues and proposing policy.

In advocating an intensified practical awareness of African issues, one must not overlook the central determinant—that of Africa itself. It has been a politically long and economically tortuous teething period for Africa over the past decade. It is only during this period that a majority of African States has gained their independence. Africa is fast coming of age as political euphoria is displaced by the rigors of mature economic assessment and planning. But the real progress achieved by many African countries need not be underrated. The potential for increasing political and economic stability and attendant growth, cannot be strongly enough underscored.

Thus, Mr. Speaker, I commend the

President on his continuing interest in the Africa of today. I urge that he intensify his efforts to insure America a beneficial role in what will surely be a most dynamic Africa in the not too distant future.

"ASK CONGRESS," BIPARTISAN HOUSE TV PROGRAM GREAT SUCCESS

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ALBERT. Mr. Speaker, one of the essential ingredients of an effective participatory democracy is a smooth flow of communications between the citizenry and its elected officials. In this modern age, there are many technological advances which can help facilitate that crucial give-and-take, and one of the more important of these advances is television.

This is why I have been pleased by the great success of a nonprofit, public affairs television show filmed right here in our own House of Representatives studio. I refer to "Ask Congress," a nonpartisan production on which the distinguished minority leader and I have each appeared three times in the past year.

"Ask Congress" was the creation of our colleague from New York (Mr. WOLFF) and has had the deserved support of both parties here in the House. The purpose of the production is not to make money, nor to promote partisan or individual interests. Rather it is to provide an important and welcome step in the effective communication between the Members of this body and the American people.

The format of "Ask Congress" is designed precisely to accomplish this goal of effective communication. Each week two distinguished Members of the House, one from each party, appear on the program to answer questions sent in from viewers across the country. The questions are presented by the gentleman from New York (Mr. WOLFF) who has undertaken to develop this show for the sole purpose of fostering greater understanding throughout the country about the workings of Congress.

The questions fit into two basic areas: major pending national issues and congressional procedures. "Ask Congress" has been shown during the past year in many cities, and the response which has been received from the viewing audience has been most rewarding.

There are two main points which must be remembered when considering the important contribution to public understanding which "Ask Congress" provides: the program is nonprofit—as videotapes are made available to interested stations on a cost basis; and the show is nonpartisan. Very carefully, steps are taken to make certain that both parties are equally represented.

During the past year almost every committee chairman and scores of subcommittee chairmen have appeared on the show along with their ranking minority members. Also, members with special areas of expertise have appeared to answer viewer questions about their specialties.

In order that the diversity and strength of the guests who have appeared on "Ask Congress" might be properly recognized, I shall include at the end of my remarks a list of all the guests who have appeared on "Ask Congress."

I want to say in conclusion that I appreciate, as I am sure all our colleagues appreciate, the valuable and worthwhile addition which "Ask Congress" has provided to the effective flow of communication between those of us here on Capitol Hill and the American people. Our thanks go to the gentleman from New York (Mr. WOLFF) for giving of himself so that this might succeed and to the stations which have presented "Ask Congress" as a public service. I look forward to the day when "Ask Congress" will be seen in every major city in every State in the Union.

The guest list follows:

LIST OF GUESTS WHO HAVE APPEARED ON "ASK CONGRESS"

Hon. Joseph P. Addabbo of New York.
Hon. Carl Albert of Oklahoma.
Hon. John B. Anderson of Illinois.
Hon. William R. Anderson of Tennessee.
Hon. Alphonso Bell of California.
Hon. John L. Blatnik of Minnesota.
Hon. Hale Boggs of Louisiana.
Hon. Bob Bergland of Minnesota.
Hon. Clarence J. Brown of Ohio.
Hon. John Buchanan of Alabama.
Hon. Hugh L. Carey of New York.
Hon. Tim Lee Carter of Kentucky.
Hon. Emanuel Celler of New York.
Hon. Philip M. Crane of Illinois.
Hon. John Dellenback of Oregon.
Hon. Ronald V. Dellums of California.
Hon. David W. Dennis of Indiana.
Hon. Edward J. Derwinski of Illinois.
Hon. John D. Dingell of Michigan.
Hon. Robert F. Drinan of Massachusetts.
Hon. Pierre S. du Pont of Delaware.
Hon. Bob Eckhardt of Texas.
Hon. John N. Erlenborn of Illinois.
Hon. Hamilton Fish, Jr., of New York.
Hon. Daniel J. Flood of Pennsylvania.
Hon. Gerald R. Ford of Michigan.
Hon. Edwin B. Forsythe of New Jersey.
Hon. Bill Frenzel of Minnesota.
Hon. James G. Fulton of Pennsylvania.
Hon. Nick Galifianakis of North Carolina.
Hon. John P. Hammerschmidt of Arkansas.
Hon. Mark O. Hatfield of Oregon.
Hon. Wayne L. Hays of Ohio.
Hon. F. Edward Hébert of Louisiana.
Hon. Chet Holifield of California.
Hon. Frank Horton of New York.
Hon. William L. Hungate of Missouri.
Hon. Joseph E. Karth of Minnesota.
Hon. Robert W. Kastenmeier of Wisconsin.
Hon. Robert McClory of Illinois.
Hon. Paul N. McCloskey of California.
Hon. Jack H. McDonald of Michigan.
Hon. Wilbur Mills of Arkansas.
Hon. William S. Moorhead of Pennsylvania.
Hon. F. Bradford Morse of Massachusetts.
Hon. Charles A. Mosher of Ohio.
Hon. John E. Moss of California.
Hon. John M. Murphy of New York.
Hon. Morgan F. Murphy of Illinois.
Hon. Lucien N. Nedzi of Michigan.
Hon. Thomas R. O'Neill, Jr., of Massachusetts.
Hon. Claude Pepper of Florida.
Hon. Jerry L. Pettis of California.
Hon. Otis G. Pike of New York.
Hon. Bertram L. Podell of New York.
Hon. Roman C. Pucinski of Illinois.
Hon. Albert H. Quie of Minnesota.
Hon. Thomas F. Railsback of Illinois.
Hon. Charles B. Rangel of New York.
Hon. Ogden R. Reid of New York.
Hon. Henry S. Reuss of Wisconsin.
Hon. Donald W. Riegle, Jr., of Michigan.
Hon. Benjamin S. Rosenthal of New York.
Hon. Dan Rostenkowski of Illinois.
Hon. John H. Rousselot of California.
Hon. William R. Roy of Kansas.
Hon. John G. Schmitz of California.
Hon. Henry P. Smith of New York.
Hon. Gene Snyder of Kentucky.
Hon. Harley O. Staggers of West Virginia.
Hon. J. William Stanton of Ohio.
Hon. Robert H. Steele of Connecticut.
Hon. William A. Steiger of Wisconsin.
Hon. Louis Stokes of Ohio.
Hon. Olin E. Teague of Texas.
Hon. Fletcher Thompson of Georgia.
Hon. Morris V. Udall of Arizona.
Hon. Guy Vander Jagt of Michigan.
Hon. Charles A. Vanik of Ohio.
Hon. Joseph P. Vigorito of Pennsylvania.
Hon. Joe D. Waggonner, Jr., of Louisiana.
Hon. Jerome R. Waldie of California.
Hon. Charles W. Whalen, Jr., of Ohio.
Hon. Charles E. Wiggins of California.
Hon. Bob Wilson of California.
Hon. Larry Winn, Jr., of Kansas.
Hon. Lester L. Wolff of New York.
Hon. Clement J. Zablocki of Wisconsin.

KLEPPE RESHAPING SBA BUREAUCRACY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. FRENZEL. Mr. Speaker, on January 9, 1972, the Minneapolis Sunday Tribune highlighted many of the efforts of SBA Administrator Thomas Kleppe to make the Small Business Administration more effective and efficient. Mr. Kleppe's efforts are deserving of the attention of all Members of Congress, and I commend to you the following article:

KLEPPE RESHAPING SBA BUREAUCRACY

(By Al McConagha)

WASHINGTON, D.C.—Thomas Kleppe, who made his own bundle that way in North Dakota, sounds like a cheer leader for America's 8.2 million owners of small businesses.

The words came snapping across a huge desk high in a Washington office building:

"The small businessman? The small businessman is the strength and support of private enterprise.

"The small businessman is the exponent of the free enterprise system. Small business, that's the name of the private enterprise system in this country." The phrases are quick and crisp.

But the speaker is more than just an enthusiastic booster of the nation's small entrepreneurs. As administrator of the Small Business Administration (SBA), he is also their principal troubleshooter. Moreover, congressional experts monitoring the work of the SBA feel he has been notably effective in his first year in the post. "Maybe the best administrator in the past five years," said a Democratic staff member.

Kleppe, a former two-term GOP congressman from North Dakota, came to SBA in January 1971 after an unsuccessful attempt to unseat Sen. Quentin Burdick, D-N.D., in the 1970 election.

Kleppe, also a former mayor of Bismarck, N.D., knows small business. His association with Gold Seal Co., a manufacturer of bleaches and waxes, is the principal source of a fortune estimated at over $3 million.

At 29 he was vice-president of that Bismarck firm and nine years later became its president. He also was a vice-president and a director of J. M. Dain and Co., a Minneapolis investment banking firm (later involved in a merger that created Dain, Kalman and Quail, Inc.).

An experienced loan officer, Kleppe became a manager of a small North Dakota bank at the age of 21. He previously worked in a country grain elevator operated by his father near Kintyre, N.D.

Kleppe went to Valley City, N.D., High School and dropped out of Valley City Teachers College after a year. Now he and his wife live in a Maryland suburb of Washington. They have four children.

The agency he took over had the reputation of being one of the least effective in Washington. One reason was that since 1954 the average tenure of administrators was 14 months.

The post had been used as a way station. "A political repository," Kleppe calls it. And the impact on employee morale was disastrous: "You never knew what policy was," said one bureaucrat. "It always changed the next day."

Kleppe has sought to improve that attitude. To do so, he has used everything from shaking hands in the elevator to recognizing the in-house awards system.

He purposely violated the bureaucratic law of empire building. When he took over, agency staff members already filled one 10-story building and were starting to fill another.

Kleppe gave up the space in the second building and sent the employees to the field: "Decentralization of government is near and dear to me," he said. "We need government near the people. That's where the action is."

The SBA was likewise legend for its red tape. Banks hesitated to become involved in the agency's glacial processing. On occasions it took six months and 42 loan application forms to get one of the agency's federally guaranteed loans.

Kleppe reduced the forms to two and reorganized the system. If a bank doesn't receive a response on a loan application within three days, it may consider the loan approved.

Besides guaranteeing bank credit—$1.1 billion in fiscal 1971—the SBA lends money directly. This latter program had, in Kleppe's words, "gone down to zilch" before he arrived.

Intrigued by the possibilities of this avenue of small business assistance, he supervised the growth of these longer-term, lower-interest loans from $1.9 million in 1970 to $37.5 million in 1971.

SBA is reasonably confident that it will be able to increase its loan ceiling from the present $2.2 billion to $3.1 billion by the beginning of the next fiscal year.

Besides extending credit to businesses, SBA makes disaster loans. This amounted to $300 million in 1971. The agency also provides management assistance and distributes some government procurement contracts.

It is with these government contracts that the agency has geen able to make the greatest advances in what has become one of the most controversial areas of its activity—aid to minority business.

The SBA arranged for $66 million in 811 government contracts to minority businesses in 1971. This compares with 196 minority contracts, valued at $22.2 million, in 1970 and 30 contracts, worth $8.9 million, in 1969.

The agency also made 25 percent more loans to minority applicants last year and the total amount—$213 million—represented a 33-percent increase over the previous year.

Kleppe, well aware of the emotional aspect of this part of the SBA program, diplomatically confines his characterization of this advance to saying, "It's a 13-year-old program that offers heavy inducements of federal money to obtain private support for small firms. The number of SBICs, however, declined 50 percent in the past five years.

To help this program, Kleppe authorized the selling of $30 million in debt obligations of SBICs to an underwriting group last May. This was similar to a debenture or negotiable note.

As he presided over this 12 months of growth and renewal, Kleppe insisted he has no ambitions beyond the agency. He is selling his North Dakota house and now seems to have no political interest there.

And people are beginning to believe him when he says, quickly, crisply, "There is so much good we can do here. Everything we do is to help people. What greater job is there for anybody?"

The administrator's efforts also focused on attempts to stabilize and strengthen small business investment companies (SBIC). These are government-licensed private investment firms.

DEPLORABLE SITUATION IN AEROSPACE EMPLOYMENT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HANNA. Mr. Speaker, I know my colleagues in this House are well enough aware of the current deplorable situation in aerospace employment, and I will not therefore belabor this issue.

What I am doing is presenting what is, to my mind, a very cogent and objective look at this situation recently presented to the California State Legislature by Dr. Robert R. Parry of the Security Pacific National Bank. Dr. Parry's remarks reveal a rather refreshing acceptance of certain realities, and I commend it to my colleagues who are concerned as I am with developing a responsible resolution of this continuing crisis:

Remarks by Dr. Robert T. Parry

(Note.—I should like to acknowledge the invaluable assistance of John H. Owens, Assistant Vice President, and Norman K. Jay, Research Analyst, in the preparation of these remarks.)

I appreciate the opportunity to meet with this committee and to present remarks that may be useful in identifying the problems and challenges now confronting California's extensive aerospace industries which are mainly clustered in Southern California. Because of the Bank's long-standing interest in the California economy, we believe we can provide a body of economic data which may be useful to the committee in its deliberations on this important issue.

Aerospace—a term designating a vast and complex business giant—has been the foundation of Southern California's economy for three decades. World War II brought the great aircraft boom to California. Large amounts of capital poured into the State, as plants were constructed or expanded from the pre-war infant industry. Skilled and unskilled workers entered Southern California from every state in the Union, but particularly from the South and Midwest. The airplane had become a major weapon and Southern California's aircraft industry, for the first time, became a volume manufacturer.

After the war, the industry shifted to electronics and in 1958 this development was spurred by the drive into space with the creation of NASA. Emphasis was not placed on quantity, but quality. This shift meant changes in the work force. The complexity of missile and space projects meant a growing proportion of engineers, scientists and highly skilled technicians. The Southern California area became a major research center with the greatest concentration of mathematicians, scientists, engineers and skilled technicians in the United States.

The term aerospace refers specifically to four industry subgroups which have in common the requirement of highly advanced and specialized skills. The industry groups include (1) aircraft and parts; (2) electrical machinery, equipment and supplies; (3) ordnance and accessories; and (4) scientific instruments and parts.

Through the decade of the sixties, the transformation of the aircraft industry into the present day aircraft—missile—electronics complex continued under conditions of rapid population growth and industrialization. Between 1960 and the end of 1967, the number of wage and salary workers employed in the defense oriented industries in the Southern California area increased from 384,900 to an all-time peak of 500,300. In 1967, this group of industries account for 43½ percent of all manufacturing employment and 11 percent of total civilian employment in the ten county Southern California region where the industry is concentrated to the greatest degree.

But, the industry proved vulnerable. After suffering a four year decline, aerospace now accounts for slightly over one-third of this area's manufacturing employment, and about one-fourteenth of total employment.

Aerospace is a capital goods industry. As such, it is extremely sensitive to economic conditions and to the business community's expectations of what capital needs may be several years hence. It has been generally true that capital goods industries suffer relatively more during periods of recession than has been the case in the service producing and lighter manufacturing industries.

The situation in Southern California's aerospace industry is unique among capital goods industries. The local aerospace industry's largest single customer is the Government of the United States. The government's needs and wants are not necesarily influenced by the rise and fall of the business cycle. In the past, this factor has provided a degree of stability to the industry. During the most recent business reversal, however, simultaneous cutbacks in government expenditures have added to the downward swing.

These spending cutbacks in the areas of military and space hardware, coupled with the particular difficulties of the airlines and the general slowdown of the economy have had dramatic effects on the local aerospace industry. As mentioned earlier, at its high point in December 1967, the industry employed 500,300 people in Southern California. In four years, aerospace employment has dwindled to 344,700, a loss of nearly 156,000.

While general business conditions are picking up, NASA and the Department of Defense are experiencing severe budgetary pressures. This belt-tightening leaves much of the specialized aerospace complex of workers with too little work and no real promise for sizeable new contracts in the next year or so. It now appears highly unlikely that aerospace employment in the foreseeable future will rebound to the levels reached four years ago. In any case, this area's reliance on that one industry will not be as great as it has been in the past.

Such is the plight of the massive industry that has spawned great growth in California in the past, but now is a major contributor to the area's unemployment problems. Even though current employment statistics are indicating a halt in the long-term declining trend of aerospace employment, considerable unemployment still exists in the industry. These unemployed workers are a great concern to California. With regard to the plight of the aerospace workers, it has been suggested that we could and should utilize their technological capabilities for a variety of nondefense applications. Included here would be work on such projects as water and air pollution control, urban development, crime control, urban ground transportation and oceanography. It seems likely, however, that only a relatively small proportion of former aerospace workers could apply their skills to urban environmental problems. The current demand in that area is for scientists and engineers, but less than 25 percent of all aerospace workers in California are in that classification. Furthermore, not all aerospace scientists and engineers would be suited for environmental engineering. It may be naive, therefore, to assume that the environmental issue will provide a panacea for the ills of the aerospace industry, especially in the short run.

What recourse, therefore, is available for the unemployed aerospace worker? From a purely economic standpoint, the national economy benefits if workers are mobile and seek work where it exists. Of course, such mobility on the part of the worker could be detrimental to California and its stated goal of retaining this skilled work force as intact as possible. But, as distasteful as it may sound, there are certain indications that the unemployed aerospace worker has become mobile. The Lockheed Company, bolstered by federal loan guarantees, has now entered an accelerated production phase of its Tristar airbus program. To meet their plans, a moderate call back program for laid-off employees was instituted recently. The company encountered difficulty in obtaining qualified workers. This suggests that many workers either have found alternative employment that satisfied their requirements and have no desire to return to aerospace, or have left the area.

Of course, the trend is negligible so far and is to be expected after such a lengthy layoff. A substantial portion of the work force remains unemployed and aerospace technicians comprise a large portion of the unemployed workers.

If aerospace unemployment remains relatively high and alternative employment does not exist, what is the answer? The responsibility for both short-term and long-term solutions appears to return to the aerospace corporations. I have covered their expectations for the future in general terms, but let us look at them in more detail. Let me say at the start, the picture is not good.

Starting with defense expenditures by the Government, California in the past has received as high as 24.0 percent of the total Department of Defense prime contract awards. The percetnage has declined steadily to 19 percent, as contract awards to California corporation declined from $6.8 billion in 1968 to an estimated $5.0 billion in 1971. The year 1972 evidenced no appreciable increase in total awards to California or even the Nation. The fiscal 1973 budget request has allocated $83.4 billion for Pentagon spending, a rise of $6.3 billion over fiscal 1972. However, $4.1 billion of that rise is earmarked for pay hikes. Actual spending during the fiscal year starting July 1 would total $76.5 billion, up only $700 million from the estimate for the curent fiscal year. The balance of the authorization would be spent in future years.

The total amount of the budget seems large out of context, but, defense spending outlays account for 30% of the Federal Budget, a 23 year low, and 6.4% of the Gross National Product, a 22 year low. The most noteworthy project in the new budget appears to be ULMS (Underwater Launched Missile System) with a fiscal year budget of $942.2 million. Lockheed Aircraft and General Dynamics both will benefit from the added emphasis in fiscal 1973. Budget authority has been asked for several new programs, the bulk of which are Navy procurements.

Little of these programs will filter into California. Other projects with long lasting impact will help the California aerospace industry moderately. Portions of the ABM, Minuteman, AWACS (Advanced Warning and Control System) and the Cheyenne Helicopter will help California's struggling aerospace industry over the lean period. The intermediate term may provide a moderate growth in employment with an expansion of the B-1 Program, for which a local division of North American Rockwell holds the prime contract. Further benefits will occur if, and when, the program reaches the production phase. Belt-tightening remains the rule for defense procurements. Long-term projections are highly unreliable. Many variables have to be considered, not the least being public sentiment about the military and its expenditures. Aging and obsolescent hardware, however, has caused the military to push hard for new systems by the mid-1970's. If they are successful, only then can a real gain in employment be realized.

NASA expenditures have been cut to about half of their 1965 level. Furthermore, California's percentage of the total has dwindled from 50 percent to 30 percent recently. The Apollo Program has been wound down appreciably and other programs, such as Mars exploration, have been extended.

Only $0.7 billion in NASA contracts can be expected in 1972 compared with the 1965 volume of $1.8 billion. The new budget requests for NASA are little changed from the 1972 outlays, as many other projects have been postponed or scrapped in order to push the Space Shuttle Program. The competition for this lucrative contract is tough. Three aerospace companies with local facilities (McDonnell-Douglas, Lockheed, and North American Rockwell) are deeply involved in the preliminary studies for the ultimate bid, the value of which could reach $10–$14 billion.

It is estimated that approximately 50,000 workers could be involved in the project by 1980, half of those in California. Further, if California is selected for either launch or recovery site, additional benefits will result. It should be noted that the full benefits of the Space Shuttle Program are a decade ahead. Employment in the next few years in California will be 2500 to 3000 workers (5000 to 6000 Nationally) on the program. Also, as the manned exploration programs are phased out, total NASA employment through the 1980's will be little changed from current levels.

Big hurdles are yet to come. Politically, the Space Shuttle Program may be as controversial as the SST was. California will be anxiously awaiting the upcoming Congressional vote on the budget. If the program is approved, other areas of the country remain as depressed as California and will strive to obtain as much of the project as possible.

The airlines are another big question mark. The current production of wide bodied jets in Southern California is helping to sustain aerospace industry employment at current levels. There is, however, much conjecture concerning the ultimate marketability and profitability of these planes. With the phasing down of purchases of first generation jets (DC-8 and 707) and their variants at the end of the 1960's, the market appeared to be moving smoothly toward the large scale production of the new generation wide-bodied jets. But the airline picture has since turned from high profits and capital expansion in 1969 to net losses, curtailed capital expenditures and severe cash flow problems. Travel by businessmen during the recession dropped from 60 to 50 percent of all passenger revenue miles. Due to over-capacity, average loads dropped to below 50 percent. Fifty percent capacity is regarded as the break-even point. This is hardly a market conducive to new airplanes. Many airlines have defaulted on options for the new wide bodied jets, lowering the potential production run. The major hope for the success of the DC-10 and L-1011 rests on the future profitability of the airlines. If labor costs can be contained, and the expected rise in revenue passenger mileage materializes, a longer production run of the new jets may still be achieved.

That is the future we see for the aerospace industry from our present perspective. I must emphasize that last point, however, because change appears to be the main hope for the industry and the worker. Many companies have delved into new fields and markets. But after generations of dealing with government, the industry has been hampered by a lack of marketing experience in the private sector. The technology exists to permit entry into industrial and consumer related fields with definitely worthwhile projects; however, this lack of marketing expertise is a major stumbling block. Once gained, though, a successful diversification program can salvage the aerospace industry and increase its ability to weather economic reversals.

An industry in which the emphasis has moved from aircraft manufacture to space exploration in just over a decade can conceivably change again. Such a change is mandatory for the success of the industry—and California's technologically oriented workers.

WAGE AND SALARY WORKERS IN DEFENSE-ORIENTED INDUSTRIES

[In thousands]

Metropolitan area	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971 11-month average
Anaheim-Santa Ana-Garden Grove	21.5	31.2	46.4	53.6	52.5	54.4	60.5	73.2	73.5	69.8	61.9	53.7
Los Angeles-Long Beach	295.9	283.5	301.1	295.2	282.0	286.6	328.1	348.1	344.4	323.0	273.1	240.5
Oxnard-Ventura	3.0	2.7	3.5	5.9	6.8	7.7	7.6	7.7	8.5	8.0	4.4	5.6
San Bernardino-Riverside	8.2	8.1	8.6	8.2	8.0	8.9	10.8	11.3	12.0	11.0	9.8	7.8
San Diego	52.3	54.9	45.9	40.5	34.3	31.6	36.7	39.4	40.7	41.0	38.0	34.6
Santa Barbara	4.0	5.7	7.2	7.9	6.3	5.6	6.0	5.9	5.6	5.9	5.5	4.5
7-county metropolitan area	384.9	386.1	412.7	411.3	389.9	394.8	449.3	485.6	484.7	458.7	392.7	346.7

WAGE AND SALARY WORKERS IN DEFENSE-ORIENTED INDUSTRIES—Continued

[In thousands]

WAGE AND SALARY WORKERS IN MANUFACTURING

Anaheim-Santa Ana-Garden Grove	47.4	58.8	77.5	88.2	91.8	96.3	107.8	125.1	128.9	130.0	122.1	113.8
Los Angeles-Long Beach	738.7	722.6	755.9	754.3	745.7	760.9	830.6	860.1	878.1	880.5	806.3	749.9
Oxnard-Ventura	6.7	6.5	7.6	10.4	11.8	12.3	12.4	12.9	14.3	14.5	13.7	12.8
San Bernardino-Riverside	34.6	34.6	36.8	37.9	40.3	42.1	45.7	47.4	50.0	53.3	52.7	51.4
San Diego	67.8	70.7	62.0	56.5	51.1	49.9	57.0	60.1	64.9	69.6	67.4	62.1
Santa Barbara	7.8	9.7	11.3	12.1	10.4	9.8	10.6	10.6	12.0	10.6	10.4	9.3
7-county metropolitan area	903.0	902.9	951.1	959.4	951.1	971.3	1,064.1	1,116.2	1,146.4	1,158.5	1,072.6	999.3

TOTAL CIVILIAN EMPLOYMENT

Anaheim-Santa Ana-Garden Grove	199.5	223.5	260.3	294.0	320.9	339.8	372.4	401.5	431.0	461.5	475.5	473.3
Los Angeles-Long Beach	2,488.4	2,504.2	2,597.8	2,661.6	2,720.1	2,787.4	2,929.3	3,009.6	3,107.3	3,213.2	3,179.2	3,110.6
Oxnard-Ventura	68.7	70.3	73.9	82.1	88.9	92.5	97.4	100.4	106.8	113.7	115.9	117.9
San Bernardino-Riverside	251.0	254.5	267.7	280.7	298.5	309.0	320.2	325.9	337.3	354.5	360.6	363.8
San Diego	309.0	314.2	312.5	311.7	314.4	324.1	348.0	371.7	399.0	430.3	444.3	452.4
Santa Barbara	60.6	67.0	73.8	77.6	79.2	81.4	87.1	90.3	93.5	98.0	99.2	98.7
7-county metropolitan area	3,377.2	3,433.7	3,586.1	3,707.7	3,822.0	3,934.2	4,154.4	4,299.4	4,474.9	4,671.2	4,674.7	4,616.7

DEFENSE-ORIENTED EMPLOYMENT AS A PERCENT OF MANUFACTURING EMPLOYMENT

Anaheim-Santa Ana-Garden Grove	45.4	53.1	59.9	60.8	57.2	56.5	56.1	58.5	57.0	53.7	50.7	47.2
Los Angeles-Long Beach	40.1	39.2	39.8	39.1	37.8	37.7	39.5	40.5	39.2	36.7	33.8	32.1
Oxnard-Ventura	44.8	41.5	46.1	56.7	57.6	62.6	61.3	59.7	59.4	55.2	32.1	43.7
San Bernardino-Riverside	23.7	23.4	23.4	21.6	19.9	21.1	23.6	23.8	24.0	20.6	18.6	15.2
San Diego	77.1	77.7	74.0	71.7	67.1	63.3	64.4	65 6	62.7	58.9	56.4	55.7
Santa Barbara	51.3	58.8	63.7	65.3	60.6	57.1	56.6	55.7	54.9	55.7	52.9	48.4
7-county metropolitan area	42.6	42.8	43.4	42.9	41.0	40.6	42.3	43.5	42.3	39.6	36.6	34.7

DEFENSE-ORIENTED EMPLOYMENT AS PERCENT OF TOTAL CIVILIAN EMPLOYMENT

Metropolitan area	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971 11-month average
Anaheim-Santa Ana-Garden Grove	10.8	14.0	17.8	18.2	16.4	16.0	16.2	18.2	17.1	15.1	13.0	11.3
Los Angeles-Long Beach	11.9	11.3	11.6	11.1	10.4	10.3	11.2	11.6	11.1	10.1	8.6	7.7
Oxnard-Ventura	4.4	3.8	4.7	7.2	7.6	8.3	7.8	7.7	8.0	7.0	3.8	4.7
San Bernardino-Riverside	3.3	3.2	3.2	2.9	2.7	2.9	3.4	3.5	3.6	3.1	2.7	2.1
San Diego	16.9	17.5	14.7	13.0	10.9	9.8	10.5	10.6	10.2	9.5	8.6	7.6
Santa Barbara	6.6	8.5	9.8	10.2	8.0	6.9	6.9	6.5	6.0	6.0	5.5	4.6
7-county metropolitan area	11.4	11.2	11.5	11.1	10.2	10.0	10.8	11.3	10.8	9.8	8.4	7.5

Source: Department of Industrial Relations, Department of Human Resources Development.

Note: The defense oriented industries include 4 specific SIC classifications: (1) Electrical machinery, equipment and supplies (largely electronics); (2) ordnance and accessories (largely missiles and related equipment); (3) instruments and related products; and (4) aircraft and parts.

TRIBUTE TO TURNER ROBERTSON

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. EVINS of Tennessee. Mr. Speaker, as every Member of the House knows, during the recess of the Congress our great friend, Turner Robertson of North Carolina, retired as chief of pages for the House, after serving for many years in this capacity.

Turner Robertson was a faithful and dedicated public servant of the House. He is personable, genial, and most courteous, polite, and always helpful.

He was attentive not only to supervising the work of the pages, but helpful in serving the Members of the Congress.

He served long, faithfully and well. I know that his friends wish him the very best of good luck and success as he begins his retirement, which is richly deserved.

We welcome and commend our new chief of pages, Mr. Jack Russ of Mississippi. I am sure he will serve in the finest traditions of the House and his predecessor, Turner Robertson of North Carolina.

A HERO OF REVOLUTIONS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mrs. GRASSO. Mr. Speaker, during the Revolutionary War, many foreigners journeyed across the Atlantic and cast their lot with those colonists who were striving to achieve freedom in the New World. Some of these courageous individuals had been denied freedom in their own homelands and viewed the American struggle as an opportunity to strike a blow against tyranny.

The debt which America owes to these men can never be repaid. It is especially fitting that on February 12—the birthday of one of our greatest Presidents—Americans should commemorate the birthday of a most remarkable soldier-patriot, Thaddeus Kosciuszko, a hero of revolutions in the United States and his native Poland.

Kosciuszko, the son of Polish gentry, prepared himself for a military career by excelling in engineering and artillery strategy. In Paris, when he learned of the American Revolution in 1776, Kosciuszko sailed for America. He arrived in Philadelphia and offered his services to the infant nation.

His work on fortifying the Delaware River earned for him a commission in the Continental Army and an assignment at Fort Ticonderoga in the spring of 1777. Noting the precarious position of this fort on Lake Champlain, Kosciuszko recommended the fortification of the mountain overlooking the fort. It is an interesting footnote to military tactics that the British later captured Ticonderoga by fortifying the very mountain the Polish engineer had noted.

While attached to the army in the north, Kosciuszko contributed to the instrumental and decisive battle at Saratoga through a brilliant choice of battlefields and erection of fortifications. In 1778 he directed the fortifications of West Point—the major American military encampment in the Northern States. Moving to the South in 1780, Kosciuszko fought in the bitter Carolinas campaign as both an engineer and a fierce cavalry officer. In recognition for his gallant service to the American cause, the Continental Congress granted Kosciuszko American citizenship and a commission as brigadier general in October 1783.

After the war, Kosciuszko chose to return to his beloved Poland—already once partitioned and threatened on all sides by powerful neighbors—where he enlisted in the fight to regain Polish independence. In fact, he succeeded in temporarily freeing Warsaw from foreign domination.

Captured by the Russians in late 1794, Kosciuszko was imprisoned for 2 years and made one final trip to the United States before his death in 1817.

In referring to Kosciuszko, Thomas Jefferson called him "as pure a son of liberty as I have known; and of that liberty which is to go to all and not to the few and rich alone."

Kosciuszko stands as a symbol of selflessness which has always provided this country with greatness. He served both his native and adopted countries with distinction and deserves full recognition for his contribution to the American cause.

It is fitting that we take this opportunity to highlight the recognition which is deserved by Kosciuszko and all the gallant Polish Americans who followed him to America to work and fight for freedom, and who have enriched and strengthened our heritage.

To this end, I am introducing a bill today that would establish the Thaddeus Kosciuszko home in Philadelphia as a national historic site.

ISRAEL AND HISTADRUT'S NEWEST TASK

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BRASCO. Mr. Speaker, over the years, Histadrut has written a record on behalf of the Jewish people that will be remembered for generations yet to come.

When the tiny Jewish state came into being against all odds, it was the concept of Histadrut which came to fruition just in time to play the most significant role in making that nation a viable political, social, and economic entity.

As the persecuted remnants of the shattered Jewish communities of Europe poured into Israel, it was Histadrut that created a framework of reference for so many of them. It was Histadrut which grew from concept and embryo to reality under this awesome pressure. And the response from America played the most vital role of all in this developing scenario of a nation being born.

Today Israel stands strong and independent, able to defend herself and even offer an example of free men governing themselves to other, less fortunate lands. It is the pride of that nation that Histadrut has become the institution it is today. But this is no time for relaxation or back patting.

In fact, the greatest challenge looms ahead in the days immediately before us. It comes, as have so many challenges menacing to the Jewish people and Israel, from the Soviet Union.

From ancient days, anti-Semitism has grown lushly and luxuriantly in Russia. Today this situation is unchanged, although it assumes a variety of different guises. Although the pogroms of the days of the czars are gone, they have been replaced by many different kinds of persecution and discrimination.

Rabbis are not trained. Free exercise of religion is forbidden Jews. Religious articles are not manufactured. Spies are in the synagogues. Discriminatory quotas are utilized to prevent Jews from attaining access to higher education. For each such item mentioned, there are several more, including the prison camp, jail, insane asylums, and the ultimate exile of Siberia and the penal colonies there. In all, it is a forbidding picture for the Jews of Russia.

In the Western World, an outcry has gone up against the leaders of the U.S.S.R., demanding that they cease such tactics and allow the Russian Jewish community to live free of such persecution or let them leave. The leaders of the Soviet state, desperately hungry for international respectability, can be influenced by international protest and publicity such protests receive. Under such ongoing pressure, much of it generated in the Congress and by members of organizations such as Histadrut, there has been a significant relaxation of pressures.

These easing policies have taken several forms. One is the allowing of Soviet Jews to live a little more freely and openly in defiance of the regime. The second, and most important, has been allowing thousands of these dissidents to apply for and receive exit permits to go to Israel, which is ready, eager, and willing to accept them.

I believe there is method to the Russians' madness. Let me relate to you how they have worked such a tactic in the past. Immediately after World War II, several million Poles wished to return to Poland, from which they had fled in the face of the Nazi conquest. After several years of exile and refuge of a sort in Russia, their strongest wish was to return to Poland. Stalin cleverly withheld his permission, extending hope after hope to them for an early return. He waited until liberated Poland was at its weakest, and then all at once allowed all these people to return home in one immense flood of refugees.

Of course, Poland was swamped by the onrushing presence of these people. In fact, so great was their impact that no resistance was put up when the Communist regime was established.

It is the observation of many observers that such a possibility is within the range of the probable today regarding the Russian Jews and Israel. Each Russian Jew is an expensive proposition for Israel in terms of resettlement and daily living. Adjustment is difficult for many, and significant strain is being placed upon the slight resources of the Jewish state.

Here is where the U.S. Congress, the American community and Histadrut comes into the picture, and they must enter it together. Israel simply cannot surmount this obstacle alone. If she were left alone in peace, it would not present a problem. Unfortunately, however, as we all know, she must spend precious dollars in order to stay alive and strong in the fact of the ring of enemies around her frontiers.

A measure has been introduced in the Congress to make available upwards of $85 million in U.S. assistance in order to help Israel resettle these poeple. As I have in the past, so I am presently supporting and cosponsoring this measure, which is Mr. Muskie's legislation in the Senate.

Histadrut can and will lend its very considerable weight to the drive for approval of this bill. In addition, Histadrut will also get its own effort underway here and abroad in order to bring into being other resources to aid Israel in this time of need.

This is a quiet crisis. It is not attended by headlines of the banner type. Divisions of troops fortunately are not massing along borders, poised to strike within a matter of hours. Nonetheless, the crisis is just as real and just as frightening.

We all know what the situation really is. Israel has more than her share of enemies. The Soviets and the Arabs are always seeking to do deadly mischief. The United Nations always is eager to pass an anti-Israel resolution. If this cause is to prevail, and it must, it is incumbent upon a tightly knit alliance from the American community, Jewish institutions and Congress to work in close cooperation on a most diligent basis. This is the latest crisis, and I know Histadrut will not be found wanting.

AIRFARE FLEXIBILITY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. MURPHY of New York. Mr. Speaker, I would like to call attention to an article which appeared in the January 20 issue of the Staten Island, N.Y., Advance.

Bylined by George A. Spater, chairman and president of American Airlines, the article traces the background of the continuing plight of the Nation's airline industry as seen from the airline executive suite. It also calls for more flexibility in the fares which the carriers can charge. Mr. Spater believes that "putting airlines back into the ratemaking business would foster some useful innovations and would serve the public interest—not only from having economically stronger airlines, but also from the greater experimentation with promotional fares."

With proper safeguards, Mr. Spater's proposals might well be a boon to the consumer, while improving the airlines' prospects for prosperity. I believe this concept deserves our close study, and I insert the text of this column in today's CONGRESSIONAL RECORD.

AIRLINES REQUIRE MORE FLEXIBILITY ON FARES

(By George A. Spater)

Airline fares are one of the few costs that have held the line against inflation. Since 1962, the consumer price level has increased over 35 per cent, while the average fare paid for air transportation continues to be 3.5 per cent below the 1962 level.

In the period after 1962, there were increases in the basic fares, but the average fare paid by the passenger was held down by the many promotional fares offered to families, youths, vacationers, groups traveling together, and people traveling at times of low demand. By 1968, the average fare paid was 14 per cent below the 1962 level.

In 1968, it became apparent that the airlines would be forced to seek higher fares. Labor and material costs were soaring, competition among the carriers was heightened and productivity gains (which had occurred when the more economical jet-powered aircraft replaced piston-powered aircraft) slackened appreciably as replacement was completed.

By late 1969, the recession had drastically slowed traffic growth and by 1970 brought it to a complete halt. Traffic in 1971 will be only one per cent-two per cent above the 1970 level. This compares to annual growth rates in the 1960s, which averaged some 15 per cent.

Inflationary cost increases and the slowdown in traffic hit the airlines at a critical time. Simultaneously, the airlines received delivery of wide-bodied equipment which had been ordered in 1966. Because of the doubling of the seating in these planes, it became difficult to hold down capacity increases. The lack of traffic growth, combined with the transition to larger-sized planes, caused a severe decline in the percentage of passenger seats that could be sold.

Airline managements were acutely aware of these problems and began cost-cutting and capacity reduction programs. Permission to increase fares, however, could not be obtained within the time and in the amount needed to stem the severe drain on profits.

This regulatory lag, on top of the inflationary pressures, the lack of traffic growth and the introduction of larger new aircraft caused the 11 domestic trunkline carriers to lose some $87 million before taxes in 1970.

Cost reductions, some modest fare relief and improved traffic growth in the last quarter, will enable the 11 domestic trunks to show a small pretax profit of some $25 million in 1971.

While this turnaround in carrier profits is encouraging, there continues to be a need for changes in the fare regulation of the industry. Carriers must be given more flexibility with the fares they charge.

The traditional economic process in the United States provides that competition, the give and take between rivals, and the interplay between the producer and the customer, determines prices. We believe that application of this process to airline fare-setting would be beneficial to all.

Under this process, the government would act if a proposed rate were unlawful because it was preferential or discriminatory. It would also act if a proposed rate were unlawful because it was either below cost or so high as to result in excessive earnings. But if the rate met these tests, the Civil Aeronautics Board would not intervene.

Putting airlines back into the rate-making business would foster some useful innovations and would serve the public interest.

In this manner, airline fares would be truly competitive, fares could be promptly adjusted to meet cost changes and travelers could benefit, not only from having economically stronger airlines, but also from the greater experimentation with promotional fares.

OUTSTANDING PRINTING STUDENTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HOGAN. Mr. Speaker, recently seven high school students from my district distinguished themselves in the field of graphic arts, and their schools were presented awards of recognition by the Washington Club of Printing House Craftsmen at the annual Printing Week Banquet.

The seven young men are:

Randy Allen, Crossland Senior High School, Camp Springs, Md.

Bradford Anstead, Largo Senior High School, Upper Marlboro, Md.

Patrick Fletcher, Fairmont Heights Senior High School, Fairmont Park, Md.

Gary Lauffer, Bowie Senior High School, Bowie, Md.

Steve Norwood, Bladensburg Senior High School, Bladensburg, Md.

Daniel Parker, Northwestern Senior High School, Hyattsville, Md.

These young men are a credit to the American ideal of craftsmanship and I would like to pay tribute to them at this time.

WHIRLPOOL MEETS POLLUTION CHALLENGE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, one of our great concerns as a nation is the quality of our environment. Many programs at all levels of government are directed at reducing pollution.

Private industry is deeply involved, too, and I cite particularly the actions of a constituent corporation division in moving to purify water discharged after use in its manufacturing process.

The Whirlpool plant in Fort Smith, demonstrating a high degree of community responsibility, is preparing a new waste water treatment facility to begin operation this spring.

A factual report on the Whirlpool action is contained in an article prepared and distributed by the Arkansas Industrial Development Commission in its monthly publication, This Is Arkansas, which I insert hereafter and commend to the attention of my colleagues:

WHIRLPOOL TAKES THAT EXTRA STEP

Construction of a $350,000 waste water treatment facility has begun at the Whirlpool Corporation Division in Fort Smith.

When the new facility goes into full operation this spring, it will ensure that all water discharged from the plant is completely pure.

"We don't have problems with pollution at the present time, and we're trying to keep it that way," said Sandy Sanders, director of public relations at the Ft. Smith plant. "We're just taking this extra step to improve our present system."

Sanders said the new facility will be 50 by 100 feet, with the treatment system designed for processing 375 gallons of water a minute. He said the plant presently uses about one million gallons of water a day. About 14 per cent of the water is used in the plants steam boilers.

"In treating our waste water, the new system will use the most current, up-to-date equipment available, including automatic controls, electronic probes, special agitating systems, etc.," Sanders said.

He said Whirlpool officials considered the cost of the new pollution control system to be necessary and appropriate business expenses.

The new pollution control system "will use a neutralizing system which will remove all impurities from our waste water," said Bill Davis, environmental control engineer at the plant.

Davis said that even though the present pollution control system at the plant meets acceptable standards, the new treatment plant demonstrates Whirlpools' philosophy to meet all local, state and federal requirements.

"And, where we think appropriate, exceed them," Davis said.

When the treatment system finishes its processing Whirlpool will be discharging only neutral, clear, clean, non-particle carrying water, Davis said.

Butler Construction Company of Ft. Smith is the contractor for the ground preparation and the building construction of the new filtration system.

The Whirlpool Corporation Division at Fort Smith is a subsidiary of Whirlpool Corporation whose main offices are in Benton Harbor, Mich. The Fort Smith plant manufactures products such as automatic washers, dryers, dishwashers, disposers, refrigerators, freezers, humidifiers and vacuum cleaners.

HOUSE MAJORITY LEADER BOGGS TELLS IT LIKE IT IS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, it gives me great pleasure to insert into the CONGRESSIONAL RECORD remarks by the Honorable HALE BOGGS, House majority leader, on the state of our Nation. Congressman BOGGS, who has been representing the interests of the people of our Nation for more than 26 years, refuses to stoop to simplistic answers and insists on telling it like it is. I strongly endorse HALE BOGGS' remarks and urge every thoughtful American to read and seriously consider them.

The remarks follow:

ADDRESS BY U.S. REPRESENTATIVE HALE BOGGS, HOUSE MAJORITY LEADER, CAPITAL DEMOCRATIC CLUB, WASHINGTON, D.C., FEBRUARY 9, 1972

It is a special pleasure to have been invited to talk to the National Capital Democratic Club.

This organization, which includes so many of my oldest friends, is virtually synonymous with the national Democratic party. Your membership includes many of the architects of the policies and programs of our party and country over the past thirty years. The ideas exchanged here often find their way into the platform of our party and the programs of our Government.

It is now more important than ever that you carry on the tradition, for this is an election year, and a very important one indeed.

I have been asked to talk about the work of the 92nd Congress in the context of this election year and the overall task confronting the Democratic party.

That task is to unite our party, regain the White House, and restore our country to the road of social and economic progress.

The past three years have taken our country well off that road.

With five million Americans unemployed, with the first foreign trade deficit in this century, with a loss of confidence in the dollar at home and abroad, our economy is at its lowest ebb in forty years.

For three years we have watched America slip back into the old way of Republican indifference and inaction. We have seen unemployment rise to its highest level in ten years. We have seen our gross national product decline and 27 percent of our country's industrial capacity become idled. We have witnessed Americans slipping back into the poverty from which they have only recently escaped.

Five years ago our country was the number one manufacturer and trader in the world. Our Nation proudly led the globe in commerce, and our economy was the envy of the world.

Today, this is no longer true. The dollar, once the kingpin of currencies, has lost its underpinnings and become an object of international speculation. Our trade, our industrial production, and our national growth have been stunted.

At home Americans have lost confidence in their government as they watched the administration pursue a zig-zag path in domestic policy. And abroad, some of our closest friends and oldest allies have been stunned as the administration turned twenty-five-year-old friendships into icy and uneasy relations.

The administration refers to its "flexibility" in matters of policy, but in truth it is an inconsistency born of indecision. An Administration cannot devote all of its time to getting elected and expect policy matters to take care of themselves. The White House is a means to an end and not an end in itself.

We must make certain that the Republican party—which has been putting holes in the road since 1968—does not get credit for temporarily patching them in an election year.

We Democrats must ignore those who say that our party cannot be united . . . that the next four years belong to this administration and to the Republican party.

We must remember that President Nixon is a minority President, elected in 1968 by the narrowest of margins, less than 44% of the vote. We must recall the congressional elections of 1970, when the Republican party conducted one of the most heavily financed and inflammatory campaigns in memory, and was soundly rebuffed at the polls.

We must recall that Gallup poll last week which showed the President in almost a dead heat with Ed Muskie.

Now, after four years of non-leadership, the administration is adopting the last refuge of bad domestic politics—the role of international statesman—and running on a slogan of prosperity and peace when in fact we have neither.

I find it ironic that President Nixon persists in blaming our economic difficulties on the war. The President and other Republicans seem to believe that our society cannot maintain full employment except in time of war or preparations for war. I unequivocally reject this suggestion, and I firmly believe that the manpower and resources which have in the past been employed for war can find ready use in many areas of public investment—education, pollution control, health, housing, and transportation. Enlightened government policies could have prevented economic chaos.

An administration which adopts the pose of international statesman is one which seeks to divert attention from its record at home—a record which I believe will pursue the administration to Peking and Peoria, Moscow and Montana.

Given the choice between a slogan and a program, the Republican Party will always choose the slogan. The difference between the Republican and Democratic Parties is the difference between substance and form—the difference between wanting to help people and merely wanting to manipulate them.

In recent years, we have seen the Republican Party adopt the pretense of pursuing the humanitarian goals of the Democratic Party. With more frequency we hear Republican rhetoric about the problems of our cities or the difficulties of being poor or growing old in America.

If one saw only the public statements of the administration, one would have to conclude that Republicans are finally becoming actively concerned about the problems of our country. I would advise you, however, to take them up on their invitation—to watch what they do and not what they say.

Early in this administration, the White House acknowledged that America faces a health crisis of massive proportions. It is a problem which has concerned Democrats for the past twenty years. To meet our growing health crisis, the administration vetoed a hospital construction bill, a Labor-HEW appropriations bill, and cut medical research to the bone.

Those bills were vetoed, of course, in the name of balancing the family budget. Congress was chastized for overspending, when, in fact, Congress has trimmed the administration's budget request and changed the priorities each year since 1969. Now we face the largest peacetime deficit in our history—more than $40 billion—not because of overspending but because of economic stagnation. Idle men and machines do not pay taxes.

Recall that this administration came into office with the announced goal of ending inflation—at the price, we were to learn later, of calculated unemployment. The first thing it did was to renounce the wage and price guidelines which were a proven deterrent to inflation. When the fires of inflation grew hotter, the administration said that it did not want wage and price controls and would never use them—a statement they repeated as recently as last spring.

On August 15, of course, in terms of economic policy, the administration declared voluntary bankruptcy. Now, the administration says the controls it never wanted may remain in force four years or more.

Recall also that it was this administration that vetoed an Emergency Employment Act—only to reverse itself later, as unemployment soared to six percent.

Let me give you a few examples of how the republican party votes on the House floor:

Last summer, on a motion to kill the administration's family assistance plan, democrats voted 141 to 104 in favor of the bill, republicans voted 93 to 83 against the bill and against the poor.

Last spring, on an amendment which would have gutted the Public Works Acceleration Act, republicans voted 188 to 44 against the bill and against the unemployed. Democrats voted 218 to 10 in favor of the bill and in favor of employment.

Last summer, on a motion to kill the emergency employment bill designed to provide 150,000 public service jobs, and ease the problems of the cities, democrats voted 197 to 24 in favor of the bill; republicans voted 160 to 5 to kill it.

And, last December, democrats voted 179 to 52 in favor of the conference report on Child Development while republicans voted 134 to 31 to kill the bill.

The Democratic Congress has consistently placed the national interest ahead of short term partisan advantage. We have not, however, been content merely to react to proposals of the administration. We have seized the initiative in a number of important areas by enacting and extending major programs for the health, education, security, and well being of our people.

In addition to programs designed to stimulate economic recovery, I would point out that it was the House which initiated the constitutional amendments to guarantee the rights of our citizens regardless of their sex and to extend the right to vote to persons eighteen years old.

We have also enacted far-reaching reforms in the rules of the House and in the means of campaign financing.

In the coming weeks and months, we will continue to focus our attention on reducing unemployment, stimulating economic recovery, and providing for the poor and unskilled. We will consider health insurance, revenue sharing, welfare reform, a comprehensive education bill, and a major water pollution bill.

Our party, I sincerely believe, is the party of relevance, reform and renewal.

A moment's reflection on the great initiatives of the past few decades shows that it is the Democratic party which has acted to meet the needs of our people.

Landmark programs for the poor, for minorities, for the ill, for the aged, for the consumer, for the poorly housed, for the disenfranchised—all have been promoted and brought to fruition by democratic congresses and democratic presidents.

Only the Democratic party can be identified as the advocate of equal opportunity, of the right of every American to pursue his own destiny to the limits of his determina-support of education, it was the Democratic party which first involved government in the support of education, it was the Democratic party which made the attack on poverty a national priority, it was the Democratic party which brought health care to the elderly, which has consistently advanced manpower and employment bills to create jobs for people and keep the economy vigorous. It is the Democratic party which gave this nation eight years of uninterrupted sustained prosperity and economic growth in the beginning of the decade of the 1960's. It is the Democratic party which stands for reform—of its own procedures, the workings of the Congress, and the conduct of campaigns for election.

It is the Democratic party which trusts the American people and enjoys their trust. It is the Democratic party which maintains the closest ties with the people. It is the Democratic party which reflects the mainstream of American life. And, it is the Democratic party whose past achievements, present concerns, and vision of the future marks it as the best hope for America.

In closing, I would like to leave you with the words of John Kennedy, when he was seeking the presidency, he said, "we believe in securing the best for our country because nothing but the best will do, because we believe this is the best country, and because we realize that it isn't the president of the United States who is in trouble, it isn't the Republican party that is in trouble—it is the country that is in trouble and it is we who are in trouble."

NADERISM—THE WAR AGAINST CORPORATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. CRANE. Mr. Speaker, the assaults by self-proclaimed "Consumer advocate" Ralph Nader upon the American business community have often been viewed as helpful and worthwhile by those who believed that Mr. Nader's real purpose was to be helpful to the average consumer.

It appears, upon closer examination, that Mr. Nader's overpowering interest is not improving the kinds of products made available for consumers in a free and open marketplace. Instead, behind his rhetoric of a new crusade we find a much older idea and aim; namely, that of turning over to Government the responsibility for running the economy.

In a speech made in September 1970, Mr. Nader declared that corporations that abuse the public interest "should be transferred to public trusteeship and their officers sent to jail." What kind of corporations does Mr. Nader have in mind? Commenting upon his movement, Anthony W. Harringan of the Southern States Industrial Council points out:

> I believe I know what corporations he has in mind—*all* of them, the automobile companies, the breakfast cereal companies, the homebuilders, the pharmaceutical companies, the electric power companies. And he has in mind a takeover of these companies without due process.

Ralph Nader has made serious accusations against many different forms of American business enterprise. In each case, his answer is simple: Turn over the authority for running such businesses to the Government. Paul Rand Dixon, a former member of the Federal Trade Commission, has said of Ralph Nader:

> He's preaching revolution, and I'm scared.

The fact is that Mr. Nader's alleged studies are simply the work of law students and recent graduates with little background in the areas within which they are working. Discussing the 1,148-page Nader report, "The Closed Enterprise System," concerning Government antitrust actions, the liberal magazine, The New Republic, declared that:

> Like other Nader-sponsored studies, "The Closed Enterprise System" resists assimilation to conventional categories of expression. Scholarship it is not, if by scholarship one means an honest and rigorous search for truth. . . . It is a highly tendentious work, in which patent self-contradiction is never permitted to blunt a good sally.

Many businessmen have failed to respond to Mr. Nader's challenge. Few have spoken about the legal network of tax-exempt organizations started by Mr. Nader to push his program of Government control.

Commenting upon this fact, Mr. Harrigan notes that:

> It is time for businessmen to wake up to the menace of Naderism and to work against it. The initial need is for a full, detailed investigation of Ralph Nader's legal conglomerate, which is sheltered from taxation. These various centers and projects that specialize in harassment of taxpaying businesses don't strike many citizens as being truly in the public interest. It isn't in the public interest to promote—as Nader does—the forcing of manufacturers to manufacture by government edict instead of by marketplace democracy.

I wish to share Mr. Harrigan's article on this subject with my colleagues, and insert it into the RECORD at this time:

NADERISM: THE WAR AGAINST CORPORATIONS

(By Anthony Harrigan)

Over the years, various "isms" have produced confusion and misunderstanding in the Uinted States. These "isms" have caused some of our people to doubt the values of America and its economic system. Well, today, we have a new "ism." It introduces an element of emotion that impairs public and private judgment. I refer to Naderism.

By that, I mean the hysterical crusading initiated by Ralph Nader, the self-appointed savior of the consuming public, and his numerous aides and followers. After several years of public relations build-up, Ralph Nader is a household word. His every utterance makes front-page copy or obtains prime time coverage on television. Gore Vidal, the darling of the limousine liberals, has suggested in the pages of *Esquire* that Ralph Nader is the best man for President in '72. Herbert Mitgang, a columnist for the *New York Times*, has described Mr. Nader as "the unofficial Inspector General of the United States."

Mr. Nader's meteoric rise to fame began with his best-selling book "Unsafe At Any Speed." Having gained notoriety for his attack on the Corvair automobile, in effect retiring it from the market, he has gone on to assert a position as the expert on virtually everything in our society. He is extraordinarily arrogant. Recently, he demanded that Secretary of Commerce Stans be ousted from the Cabinet because the Secretary dared to suggest that the public should bear in mind the threat to jobs inherent in environmental extremism.

Perhaps it is remarkable that Secretary Stans wasn't dismissed, for almost everybody appears to be afraid of Ralph Nader. His teams of law students fan out through the thickets of industry and government, firing shots in every direction.

One of the few prominent citizens to denounce Naderism is Thomas R. Shepard Jr., who until recently was publisher of *Look Magazine*. Ironically, Mr. Shepard's magazine participated in the build-up of Ralph Nader and other disaster lobbyists.

Be that as it may, Mr. Shepard isn't afraid to speak frankly about the real Ralph Nader.

In an address to the Soap and Detergent Assn., Mr. Shepard said: "I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the consumer by improving business methods. Forget it. Mr. Nader isn't interested in seeing American industry clean house. What he wants is the *house*—from cellar to attic. His goal is a top-to-bottom take-over of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission."

Do you find Mr. Shepard's thesis difficult to accept? Well, consider this Associated Press report on a speech Mr. Nader made in September 1970. I quote: "Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail." That's a demand for socialism, nationalization, confiscation—call it what you will—indeed for totalitarian control over private property.

WAR AGAINST CORPORATIONS

One may well ask: what corporations has Mr. Nader in mind? Well, I believe I know what corporations he has in mind—*all* of them, the automobile companies, the breakfast cereal companies, the home-builders, the pharmaceutical companies, the electric power companies. And he has in mind a take-over of these companies without due process. In Mr. Nader's book, everyone has rights, except the corporation.

Last May, a meeting called a Conference on Corporate Responsibility was held in Washington. The Nader people had a major role in the proceedings. I would like to briefly touch on what the Nader people said at that conference. One spokesman for the Center for Study of Responsive Law (one of Nader's tax-exempt, hate-business outfits) arrogantly declared that the American corporation has no legitimate role in protecting the environment, saying to businessmen: "You had your chance and blew it." This Nader spokesman said that public officials should participate in corporate decisionmaking, having a major say in location of plants, the choice of new products, and in corporate advertising. He declared that companies should be compelled to guarantee 75 per cent pay for workers laid off as the result of environmental decisions.

A spokesman for The Project on Corporate Responsibility (another Nader front) blithely declared that the failure of corporations to act constructively was responsible for anti-corporate activities, which, he noted, range from boycotts and bombings to "preemption of the control of places of employment by workers and/or the community." How's that for totalitarian arrogance?

In view of such demands, it is no wonder that Paul Rand Dixon, a former member of the Federal Trade Commission, has said of Ralph Nader: "He's preaching revolution, and I'm scared."

TASK FORCE TECHNIQUE

One of the public relations tools used by the Nader types is the task force report that's jammed with intricate but unsupported allegations about an industry or government agency or professional group. This is the Hitler Big Lie technique and it's almost impossible to deal with effectively. This kind of report, drafted by a team of students or recent graduates, is a new genre of writing. It bristles with footnotes and has all the outward trappings of research. It is full of dramatic proposals for change. And it is skillfully publicized, of course.

One of these reports was issued last June on the subject of banking. The Nader people issued a 547-page study of the First National City Bank, the second largest bank in the United States. The report concluded that government regulatory agencies have abandoned all efforts "to ensure that banks are meeting community needs." By the way, the "task force" consisted of 12 law students, two college undergraduates and a high school student.

The First National ate humble pie in commenting on the Nader report, saying the report would "be given careful consideration in our continuing reappraisal of Citibank's policies and practices." Tragically, this craven response is typical of much business to Nader's charges. The proper response, I submit, would have been to cite the total lack of qualifications, inexperience and bias of Nader's raiders.

THE NADER FACTORY

Ironically, some of the toughest criticism of the Nader methods has come from a liberal source, the *New Republic* magazine. Earlier this year, the *New Republic* took a look at the Nader report entitled "The Closed Enterprise System," a 1148-page report on antitrust by a Nader study group headed by Mark Green, a recent graduate of the Harvard Law School. The *New Republic* said the Nader report was "an elaborate indictment of federal antitrust enforcement, as cowardly, politicized, ineffectual and directionless in dealing with corporate criminality of monstrous proportions." But the *New Republic* added: "The study is less interesting in itself than as a representative product of the Nader factory."

The magazine went on to say: "Like other Nader-sponsored studies, "The Closed Enterprise System resists assimilation to conventional categories of expression. Scholarship it is not, if by scholarship one means an honest and rigorous search for truth rather than a mere parade of learning. It is a highly tendentious work, in which patent self-contradiction is never permitted to blunt a good sally."

One of the things that a reader discovers in a Nader team report is the authoritarian tone of the authors. They are hungry for the exercise of government power—power over people and companies. Consider, for example, the Nader report *Water Wasteland*, edited by David R. Zwick, a Harvard law student. The report thunders that pollution control officials "must be charged with the mandatory legal duty to investigate and issue abatement orders immediately upon receiving a notice of a violation, to impose legal sanctions and to see criminal sanctions from the . . . courts." The niceties of due process are thus ignored by the Nader zealots who profess to be so liberal.

LIBERAL AUTHORITARIANISM

This is the real face of Naderism—liberal authoritarianism masquerading as defense of the "public interest." Naderism strikes many Americans as a pose—a deceptive pose. And the habits of the man are part of the picture—his highly publicized $80-a-month furnished room in Washington and refusal to answer telephone calls. Stepped-up reporting is providing some fascinating insights, however, such as *Business Week's* description of "Our Hero" being driven to the Philadelphia airport late at night. "The chauffeur," said the magazine, "knowing Nader was late, sped along at nearly 80 mph, while the apostle of auto safety and GM critic relaxed in the back of the black limousine—a 1970 Cadillac."

Fortune magazine is another journal that has taken a look at Ralph Nader's operations. While the article in last May's edition was not a probing as it might have been, it nevertheless had some tough things to say about Mr. Nader's passion. *Fortune* charged that "Ralph Nader is not primarily interested in protecting consumers," adding that "the passion that rules in him—and he is a passionate man—is aimed at smashing utterly the target of his hatred, which is corporate power." *Fortune* also asserted that he has acquired "the habit of coating his facts with invective and assigning the worst possible motives to almost everybody but himself." I would add that suspicion, hostility and fear are his stock in trade and that he earns his huge lecture fees by denouncing American corporations in venomous and hysterical language. Mr. Nader, as *Fortune* pointed out, has a conspiratorial view of the world. Because of the emotionalism that he has stirred up, Ralph Nader is almost a fifth branch of government. Today, for example, he is virtually the arbiter of safety in autos and food supply; and there isn't any valid reason why he should have that role.

Ralph Nader doesn't always get his way, however. Resistance to his broad-scale smear attacks is stiffening. In the summer of '71, one of Mr. Nader's groups issued a report condemning water policies in California. It said that successive state administrations had participated in a giveaway of special privileges to large California landowners—charges that ignored the central importance to the state of agri-business. The Nader types were promptly put in their place by a variety of state leaders past and present. Whatever the merit of the charges, Nader's raiders didn't receive the usual passive response. Instead, for example, Henry Mills, general manager of the Metropolitan Water District of Southern California, declared: "Unfortunately, the Nader report can only be termed a highly irresponsible and slapdash compilation of inaccuracies, untruths, malicious rumors, unsupported charges, distortions and headline-hunting generalizations."

This new firmness in dealing with the "raiders" also was used by the American Automobile Assn. last summer. Mr. Nader and a 12-man team of probers headed by a university of Michigan law student had undertaken to investigate the AAA. At first, the AAA cooperated, but then halted the cooperation when it decided that the team's objective was to blacken the organization's reputation. The Nader group made no secret of the fact that it sought to transform the AAA into an activist champion of consumer causes. A spokesman for the association told the press that Mr. Nader has expressed the opinion that the AAA should be "a political action group using its economic power as a weapon to coerce, regulate and limit. This is the opposite of the goal of the AAA which is to be a service organization representing the motorist to make travel safer and easier and to fight restrictions on the right to individual choice."

The association's final awakening came when Ralph Nader refused to submit to an interview with the association's publicity staff for an article on the aims and methods of his movement. The AAA spokesman said to Mr. Nader: "Your refusal to be interviewed by our AAA news staff on an in-depth understanding of your objectives, motives and goals means to us that you only want a one-way communication—your way." I only wish that more organizations took AAA's tough-minded approach to Naderism.

THE NADER CONGLOMERATE

But Naderism is more than a power-hungry individual. Today, Naderism is embodied in several interlocking organizations. The principal one is the Center for Study of Responsive Law, formed in 1968 and granted status as a tax-exempt research group. This is the staging ground for Nader's "raiders," the summer groups of law school students—numbering about 200—who do the field work for Nader. They work under a five-man leadership group of lawyer-investigators. So far, the Center has published five toughly worded books based on the investigations. An additional 10 studies are in preparation. These include studies of supermarkets, research centers, and the Du Pont Co.

A related organization is the so-called Public Interest Research Group. It is staffed by 13 young lawyers. Among other activities, it has petitioned the Federal Trade Commission to require detergent companies to list the phosphate content of their products and sued the Federal Drug Administration for better warnings on birth control pills. Another PIRG project involves probing into tax assessments on businesses. Two attorneys in this group moved to West Virginia to mobilize opposition to Union Carbide Corp. on pollution issues.

Another Nader outfit is the Center for Auto Safety, incorporated in 1970, and partially supported by the Consumers Union. It works out of a small room in the National Press Bldg. in Washington. In 1970, with Nader as co-plaintiff, the Center sued the National Highway Safety Bureau, asking it to issue a defect notice on 200,000 new Chevrolet and GMC trucks.

Still another Nader-inspired outfit is the Project on Corporate Responsibility. Nader says he hasn't any direct connection with the organization, but he does advise the group's staff, according to *Business Week.* This organization sought unsuccessfully to force General Motors to add so-called public or constituent representatives to its board of directors. In other words, it is insisting that companies name directors who don't represent shareholders. That's a novel approach to socialism, to public control of private property.

Nader's activities go beyond this organizational framework. He is on the board of the Consumers Union. In addition, he has made a series of television shows sponsored by the Public Broadcasting System, a taxpayer-supported organization. On these shows he has attacked a leading textile manufacturing firm, criticized the city of Savannah, Ga., and Savannah-based business, and promoted his theory of so-called public interest law.

NO CRITICISM OF UNIONS

The Nader demand is that Big Business be countered with more Big Government—hardly a new proposition. Government regulation, in his view, is a cure-all. It is important to note that Nader angrily condemns alleged monopolistic practices on the part of business but shows no inclination whatever to tangle with truly monopolistic unions. He apparently sees no evil, hears no evil, when it comes to unions. No one heard a word from Nader's raiders, for instance, when unionized public workers in New York City caused vast quantities of raw sewage to be emptied into New York harbor as a protest in support of a demand for higher wages.

Ralph Nader is all for giving power in and over companies to so-called constituents, that is, to buyers of the companies' products and to union members employed by the companies. But Nader's research organizations don't investigate Big Unionism. They don't demand a voice for consumers on unions' board of trustees. He doesn't use his television program to expose the featherbedding and monopolistic practices of unions that attempt to close down industries, transportation systems and public services. Mr. Nader has double standards—one for business and another for unions.

Ralph Nader says he is for "democratization" or "popularization" of the board room. In point of fact, he is for transferring control of private property to government officials or to self-appointed advocates of the public interest.

If the Nader ideas are translated into law and public policy, the American economic system would be changed beyond all recognition. Management would be stripped of the right to manage or to make policy decisions. Nader is candid on that point. He wants business executives deprived of all authority, save for day-to-day operations.

The menace of Naderism cannot be dismissed as a passing fancy. It is taking root. This year students at the University of California at Berkeley voted to tax themselves to support a Nader-type law firm that would take consumer rights and civil rights cases. The firm, called Citizens Action Law Advocates Inc. will hire a staff of seven lawyers to file suits against corporations.

I submit that it is time for businessmen to wake up to the menace of Naderism and to work against it. The initial need is for a full, detailed investigation of Ralph Nader's legal conglomerate, which is sheltered from taxation. These various centers and projects that specialize in harassment of taxpaying businesses don't strike many citizens as being truly in the public interest. It isn't in the public interest to promote—as Nader does—the forcing of manufacturers to manufacture by government edict instead of by market place democracy.

MISTAKEN IDOLIZING

Beyond that, the idolizing of Ralph Nader and his raiders is absurd and hurtful. As columnist Holmes Alexander has said, "Every industrial plant in the country, in that it gives employment and fabricates hardware or software or edibles, is more productive than the bright young volunteers who come around to find fault." For my part, I can't agree that it is wonderful that several hundred young law school students postpone their careers to work on Nader's questionable, scare-type investigations. I have mentioned the double standard involved in Nader's investigations. And there are grounds for believing that the research is made to fit Nader's preconceived political views and objectives. Finally, I can't commend a form of idealism that takes the form of urging more and more government intervention in the economic process and in the lives of the American people. The Nader cadres who specialize in fault-finding would do more constructive work by entering the business and professional world and making a positive contribution to the strengthening of the American system.

A point not to be overlooked is the snobism involved in the Nader approach. One aspect of Naderism is the belief that the average man isn't smart enough to purchase a box of cereal or cookies that is full to the top. I submit that the average man can determine what is good and what is bad. The average automobile buyer, for example, decided that the Edsel wasn't worth buying—and the Edsel disappeared from the auto market—well before Mr. Nader came along in a blaze of publicity.

Finally, the professional fault-finders in the Nader camp refuse to recognize that perfection is rarely possible—and that perfection can't be guaranteed by Big Government. If government direction made for perfection, everyone would want to buy a Russian car. Despite Mr. Nader, people around the world want to buy American automobiles. Naderism, introduces an element of emotionalism into the public judgment. It is bent on portraying the businessman as a producer of shoddy, over-priced and dangerous equipment. It keeps consumers in turmoil and strives to make the public uncertain and distrustful of goods and services and the institutions of our society. Naderism would cripple the free enterprise system, loading it down with government regulation, in order to eliminate a marginal defect. Well, no product can be 100 percent perfect. Americans demand complicated equipment for home and business, and every complication increases the risk of a breakdown in some respect. But that's the way we want it. We wouldn't have sent a man into space if the space program had been required to meet Nader's standard of safety and perfection. So it is with cars, planes, etc. Finally, it is imperative that the scare tactics of the Naderites not be allowed to scuttle our economic freedom. Americans want to be able to produce and buy things without getting approval from Big Brother in Washington.

Common sense is on our side in this matter. In the long run, I'm sure, Americans will resent the economic authoritarians such as Ralph Nader. But we must set the issue before the American people who are receiving a barrage of propaganda from those who want to downgrade our economic system. This is the year, I submit, when businessmen should focus on Naderism and try to explain to consumers that Ralph Nader isn't the social hero his adulators have busily attempted to sell him as in countless magazine articles and news stories.

SOUTHERN STATES INDUSTRIAL COUNCIL, 918
STAHLMAN BUILDING, NASHVILLE, TENN. 37201

The Southern States Industrial Council is a nonpartisan business association dedicated to advancing the national interest through public education concerning free enterprise and other basic institutions that make possible the freedom, prosperity and general well-being of the American people. Members of the Council come from all professions and all types of business and industry. As the SSIC is engaged in work of interest to the entire nation, it has members throughout the United States.

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DIANNE HOLUM BRINGS HOME THE GOLD

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. MIKVA. Mr. Speaker, I am sure that I speak on behalf of all the Members of the House of Representatives in expressing my pride in the young men and women who are representing the United States at the 11th Winter Olympics in Sapporo, Japan.

Those of us from Illinois have special cause for pride. The first gold medal won by the United States went to 20-year-old Dianne Holum of Northbrook, Ill. Not only did she win the medal, she set an Olympic record in the process, skating 1,500 meters in 2 minutes, 20.85 seconds—almost 2 full seconds ahead of the old record. This is the same young woman who brought home a silver and a bronze medal from the 1968 games.

Illinois is well represented at the Olympics. In addition to Miss Holum there are 10 young athletes from our State competing at Sapporo on behalf of the United States, four of them are from Northbrook. Two days ago, 18-year-old Janet Lynn of Rockford won the bronze medal in figure skating. There are two more women's speed skating races still to go—1,000 meters and 500 meters—and both Miss Holum and 16-year-old Anne Henning, also of Northbrook, have excellent chances of winning.

Miss Holum, and the entire U.S. Olympic team, deserve our heartfelt congratulations and thanks for their efforts.

Mr. Speaker, I include the following article:

[From the Washington Post, Feb. 9, 1972]

Miss Holum Captures Gold Medal

SAPPORO, JAPAN.—Dianne Holum of Northbrook, Ill., flashed to an Olympic record in the women 1,500-meter speed skating sprint today and gave the United States its first gold medal of the 11th Winter Olympics.

Miss Holum, 20, the teenage darling of the U.S. team in the 1968 Games when she won a silver medal and a bronze, was timed in 2 minutes 20.85 seconds as the old Olympic mark was broken five times.

She smashed the 1968 mark of 2:22.40 set by Finland's Kaja Mustonen and beat world record holder Stein Baas-Kaiser of The Netherlands, who was timed in 2:21.05 for the silver medal. Mrs. Bass-Kaiser's world mark is 2:15.80.

The bronze went to Atje Kevlen-Deelstra of The Netherlands in 2:22.05.

In today's other finals. Galina Koulakova of the Soviet Jnion won the women's five-kilometer cross-country race and Magnar Solberg of Norway took the individual biathlon.

The first of two runs of the men's giant slalom ski race also was scheduled today, and there also was hockey action including a big Group A game between the United States and the Soviet Union late tonight.

For Miss Holum, who trained in The Netherlands last fall, the victory marked a new high in a career that saw her finish third in overall world championships as a 15-year-old in 1967. She was second in the 1,000 meters and third in the 500 meters at the 1968 Winter Olympics in Grenoble, France.

"Everybody told me that the 1,000 meters was my best distance, but I knew I could win this race," said Miss Holum. "I thought it all out carefully and I remember every detail of it from start to finish."

The United States also got a seventh place in the opening race of the women's speed-skating program when Connie Carpenter of Madison, Wis., was timed in 2:23.93.

Miss Holum's victory put the United States in an excellent position to top the gold-medal output of one each in the previous two winter Olympics. Besides having Miss Holum in the 1,000, Anne Henning, also of Northbrook, is strong in the 1,000 and the 500.

Earlier, Galina Koulakova of the Soviet Union won the women's five-kilometer cross-country race and became the third multiple gold medal winner of the Games.

And, Magnar Solberg, a 35-year-old Norwegian, policeman, defended his 1968 Olympic title by winning the individual biathlon, a combination of cross-country skiing and rifle marksmanship.

Hansjorg Knauthe of East Germany won the silver medal, while Lars-Goran Arwidson of Sweden took the bronze, according to preliminary results.

Alexander Tikhonov of Russia, a former world champion, was fourth with two Finns—Yrjoe Salpakari and Esko Saira—in fifth and sixth places.

Miss Koulakova, who had won the 10-kilometer race, covered the 3.1 miles in 17 minutes .50 seconds to beat Marjatta Kajosmaa of Finland, timed in 17:05.50. Helena Sikolova of Czechoslovakia took the bronze medal in 17:07.32.

Russian Alevtina Olynina was fourth, in 17:07.40, Finn Hilkka Kuntola, placed fifth, in 17:11.67, and Russia's Lubov Moukhatcheva was sixth, in 17:12.08.

Miss Koulacova matched the feat of Sweden's Toini Gustavsson, who won the double in 1968 and country-woman Klavdia Boyarshikh, the 1964 champion. She could perform a unique treble if Russia wins Saturday's 3.5-kilometer relay race.

Martha Rockwell of Putney, Ct., recorded the best time by an American, finishing 18th in 17:50.34.

Alpine skier Marie-Therese Nadig of Switzerland also has won two gold medals while speed skater Ard Schenk of the Netherlands has won three.

Solberk, 30, was timed in 1:15:15.5 for the biathlon, in which a competitor skis cross country 20 kilometers with a rifle on his back, stopping at four designated areas to fire five shots at a target 150 meters away.

Solberg, also the 1968 Olympic champion, had two-minute penalty for two missed targets added to his time.

Hansjorg Knauthe of East Germany was second covering the 12.4 miles in 1:16:07.6 including a one-minute penalty. Lars-Goran Arwidson of Sweden was third in 1:16:27.0, including two minutes penalty time.

Russia's Irina Rodnina and Alexi Ulanov won the gold medal in pairs figure skating Tuesday night with a performance nearly as flawless and as coldly cut as a diamond.

The U.S.-Russian game was part of a busy schedule today. No. 3-ranked Sweden, which tied Russia 3–3 on Monday, faced Poland. In Class B, Germany faced Norway and Yugoslavia played underdog Japan.

Czechoslovakia stood atop the standings after a 7–1 victory over Finland in Tuesday's only game. But the Russians and Swedes, with records of one victory and one tie each against Czechoslovakia's two victories and one loss, were expected to pull ahead in the standings again today.

The Americans beat Russia and won the hockey gold medal in the 1960 Olympics. But the Russians won in both 1964 and 1968.

The Soviet Union also captured the silver medal with Ludmila Smirnova and Andrei Souraikin, while the bronze went to an imaginative and fine skating East German team, Manuela Gross Uwe Kagelmann.

The United States' hopes of a medal died when Jo Jo Starbuck and Kenneth Shelley of Downey, Calif., failed to crack the Iron Curtain monopoly.

They put on a stirring exhibition that drew a rafter-rocking ovation from the some 10,000 spectators at the indoor Makomanai Rink, but had to be content with fourth place.

The ordinal score for the winning Russians was 12.0, three points above a perfect score. The silver meralists had 15.0, the East Germans 29.0 and the fourth-place U.S. pair had 35.0.

This marked the third straight Olympic victory in the pairs for the Russians. Ludmila Belousova and Oleg Protopopov were winners in 1964 and 1968, retiring later.

Melissa Militano and her brother, Mark, from Dix Hills, N.Y., finished seventh. They received overwhelming applause, greater than any other pair, for their modern approach but the highest technical point they got was 5.6 in a scoring system in which 6 is perfect.

When the artistic impression scores were flashed on, varying from 5.2 to 5.7, the crowd booed loudly, obviously booing the judges and not the performers.

Miss Rodnina slipped and almost fell shortly after the start of her winning routine. She smiled occasionally but Ulanov remained expressionless. They had been reported not speaking as a result of a broken romance.

A gold medal the United States was not expected to compete for would be within reach if the Americans could beat the Russians late tonight.

The young, relatively inexperienced U.S. team was not expected to pull such a dramatic upset, however. But the Americans were not expected to beat Czechoslovakia on Monday, when they caught fire and drubbed the No. 2-ranked team, 5–1.

After the Russians, the U.S. faces only Finland, flawless and as coldly cut as a diamond.

STOCKHOLDERS REPORT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. SCHWENGEL. Mr. Speaker, recently the annual meeting of the stockholders of the Davenport Bank & Trust Co. was held in Davenport, Iowa.

This is a great financial institution. It has a magnificent record. It has contributed greatly to the growth of Davenport.

At the annual meeting, V. O. Figge, president of the bank, gave his annual report. It reports, not only on the bank, but on conditions in our Nation more generally.

His comments are incisive and thought-provoking. Not all will agree with what he has to say, but his views are food for thought.

The comments follow:

DAVENPORT BANK & TRUST CO. ANNUAL REPORT TO STOCKHOLDERS FOR THE YEAR 1971

This past year has again witnessed new record figures in the bank's entire operation.

Resources at the end of the year totaled $226,000,000.

Our capital funds totaled $32,600,000. This comprises capital, surplus, undivided profits and free reserves. As I have said rather repetitiously over the years, our bank has the largest capital account of any banking institution in the area and in the entire State of Iowa.

Net earnings for the year, after taxes and after all charges, totaled $2,836,000. This compares with a figure of $2,711,000 the previous year.

During the year, as usual, our lending operation was very active, and we processed thousands of loans, both large and small, for individuals and corporations, covering every conceivable legitimate purpose. Our loan total at the end of the year was at a peak figure of $84,000,000.

Our Trust Department continues its expansion in all phases of its activities, and in the near future it will be occupying the entire second floor of our new banking addition.

The bank's data processing division has grown considerably this past year, and is caring for the expanded needs of our own bank, as well as those of many banks and businesses in a wide section of Iowa and Illinois.

Our new building addition adjoining our present quarters to the west, has, for all practical purposes, been completed, with the exception of minor details. It provides much needed additional banking space, undercover parking for 250 cars for the use of our customers, our building tenants, and the public generally, and it also provides a considerable amount of rental office space above the parking facility. It is a building which is unique in design, and I believe most everyone will agree that it represents a striking improvement and a worthwhile addition to the core of the city.

We are also about to complete the new banking office on Kimberly Road on the north side of the city where we have been doing business in temporary quarters for the past several months. It will be ready for occupancy and for the use of our customers within the next thirty days.

We continue to be favored with the patronage of an extremely large clientele, and we are thankful for their business and the confidence they place in us.

Our staff, which numbers approximately three hundred people, has given good performance in handling the bank's large volume of business, and I should like to express my personal appreciation to them.

As we move into the seventies, it might be well to reminisce and also to look beyond the immediate horizon.

We live in an age when prognostications on both domestic and international affairs are senseless and meaningless. This has lately been proven again by the utterances of high government officials, including the president, and those so-called experts in business and in the world of finance, and by economists who have become too numerous to mention.

We live in an age when "sights" are set for virtually only a day at a time—and when tomorrow's headlines may bring startling changes, which were not generally foreseen nor planned for.

Just a short time ago devaluation of the dollar was unthinkable. Our dollar was supposedly sacred—devaluation was not even to be mentioned in "nice" circles—it would have been thought sacrilegious—but we have devalued the dollar, and unless we mend our ways we may in the future devalue it again and again. Actually, our dollar had already been devalued for us by important foreign governments who recognized our dilemma before we did—formally. They knew that inflation had gotten out of hand in this country; they knew that because of extremely high costs our products were not competitive in world markets; they knew we were not realistic in the management of our affairs.

A few months ago the president forecasted a balanced budget, with a small surplus, but at the end of the fiscal year 1971, the Treasury's own figures showed a deficit of twenty-three billion dollars. His estimate was based on full employment, which has not materialized. Today we have unacceptably high unemployment figures. We are presently faced with an unconscionable budget deficit, which will run, perhaps, forty billion dollars or more, and for the year 1973 we have already had an official projection of an additional twenty-five billion dollar deficit which, based on past records, could conceivably run twice that much. These deficits during the present administration alone will total possibly ninety to one hundred billion dollars! This, added to our present debt, brings us to the alarming and astronomical total debt figure of approximately five hundred billion dollars! The annual interest on this debt alone will run twenty-five to thirty billion dollars.

This unenviable record is not unique to the present administration. It is the history of other administrations preceeding this one, regardless of party.

High officials in government and important people in industry have repeatedly said that we would not resort to controls. Controls, they said, would not work and we would not use them—but we now have imposed controls. Perhaps, these controls will mitigate to some extent the impact of inflation—but not for long. In spite of the controls, inflation is still with us, and, of course, it has been running unchecked for many years. This is the real crux of our trouble.

We have talked at length about halting ruinous inflation, but so far it has been purely talk. We haven't done it, and seemingly no one has the intestinal fortitude to do it, especially in an election year—and, for politicians, every year is an election year.

We are still living in an age when crime is running rampant throughout the country.

We are still living with all of our social problems. They have not been solved.

We are still at war, even though on a reduced scale, and we are still living in an age when the threat of war is with us constantly all over the globe. We are still living beyond our means at all government levels, and as individuals. We continue to spend vast sums of money promiscuously, domestically and around the world, and there is no end in sight.

We have many men in government in Washington today, who neither know how to balance budgets, nor do they very much care. Men who in private life have never held a job of importance, neither have they ever run a business, nor have they ever met a payroll. These are the men who, in an election year especially, will vote to spend additional billions for vote-getting schemes, completely disregarding the budgetary results. This is nothing short of total fiscal irresponsibility. These are the men of both parties who represent us in the Senate and in the House, and who, in the final analysis, must approve or disapprove all major expenditures. These are the men who are running the biggest business on earth—our government.

What would you think of a business man who is forced to come to the market to borrow large sums of money, when he has to admit to his creditors that has been operating in the red, with sizeable losses year after year? Who would take his promise to pay and advance him much needed money—unless he gets his house in order? That is the exact position of our government—at all levels. We must come to the market to raise huge sums—billions of dollars—to finance our deficits. We have been piling up debt so fast, and raising debt limits so high that our dollar remains suspect in international circles. In the face of these huge deficits, how can inflation be controlled—deficits themselves spell out inflation with capital letters! There may come a time, and in the not too distant future, when *our own government's* promise to pay will not be acceptable in the market place. Should that time ever come, all of us will have a rude awakening, an awakening which even at a very late date might conceivably be a blessing in disguise.

These are just some of the things we live with and face today—and every day. Some of these problems in time can be solved if properly and honestly approached. Some of them on the other hand will not be solved in our day, and, importantly, some of them, if not solved, can easily, over a period of time, ruin us.

V. O. FIGGE,
President.

FEBRUARY 7, 1972.

THE CROWN OF ST. STEPHEN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mrs. GRASSO. Mr. Speaker, today the United States holds in trust the Holy Crown of St. Stephen, symbol of a free Hungary.

The return of this crown to the present Government of Hungary would be a sad blow to freedom-loving Hungarians.

For this reason I earlier cosponsored a resolution calling for the retention of the crown of Hungary by the United States until Hungary once again has a constitutional government that represents the people of that nation.

It was with a sense of relief that I read of the recent assurances to Jozsef Cardinal Mindszenty that the crown will remain in the United States for the time being.

So that my colleagues will have the opportunity to read about this matter, I am including in the CONGRESSIONAL RECORD an article by Paul Hofmann that appeared in the New York Times.

The article follows:

UNITED STATES ASSURES MINDSZENTY IT WILL SAFEGUARD CROWN

(By Paul Hofmann)

VIENNA, February 6.—President Nixon is understood to have sent assurances to Jozsef Cardinal Mindszenty that the Crown of St. Stephen, the thousand-year-old symbol of Hungarian nationhood, would remain in United States safe-keeping for the time being.

To many Hungarians the crown has mythical and deeply emotional significance. Cardinal Mindszenty is fearful that it will fall into Communist hands.

The message from Washington, recently relayed here to the exiled Roman Catholic Primate of Hungary by a go-between, somewhat allayed his fears that the United States might turn the crown over to the Government in Budapest.

However, the 79-year-old Cardinal believes that after the Presidential election in November the United States may yield to continuing pressure from Budapest for the return of the national treasure.

The crown, delivered to the United States Army for safe-keeping at the end of World War II, has been a place known only to the United States President, the Pope and a handful of officials.

Cardinal Mindszenty believes that, for religious, historical and constitutional reasons, he should have a say in its final disposition.

"The world is in very bad shape," he told an American newsman who inquired last week about the status of the crown. "Better not speak about it."

Members of his small entourage indicate that the Vatican does not want him to see reporters, although they deny that he promised Pope Paul VI not to give interviews. But the fact is that he does not speak for quotation.

Cardinal Mindszenty left Hungary last September after nearly 15 years in asylum in the United States mission in Budapest. He stayed at the Vatican as a guest of the Pope for a few days and moved to Vienna in October.

He occupies a rather gloomy second-floor suite at the Pazmaneum, a Hungarian church institution named after Petrus Cardinal Pazamy, who was primate in the 17th century, when a large part of Hungary was occupied by the Turks.

The Cardinal's routine here resembles his life in the American mission in Budapest. He starts his day by saying mass at the Pazmaneum chapel, then spends many hours in his study, interrupted by an hour's stroll in the garden. He rarely goes out and has no car.

An aide said that a West German manufacturer offered the Cardinal a big new car as a gift but he would not accept it.

The most notable differences from the refuge in Budapest are that the quarters are less cramped and that the Cardinal can see any visitors he wants. Many Hungarians ask for an audience and receive his blessings.

Callers are carefully screened by the Cardinal's staff. "The Communists try to spy on the Primate or agitate against him," an aide asserted.

Group of Hungarian-American Roman Catholics have invited the Cardinal to visit the United States, which he plans to do so this spring or summer.

For many years Cardinal Mindszenty has been writing his memoirs and a history of the church in Hungary. With both works near completion, he is negotiating with publishers in Europe and the United States.

HIS EMINENCE IS TOUGH

The Cardinal, who will be 80 years old on March 29, looks sallow but less fatigued than when he arrived in Rome. His aides say he is in satisfactory health. "His Eminence is, I'd say, tough," a member of his entourage remarked.

The Cardinal's "definitive" departure from Hungary on Sept. 28 was the result of long negotiations between the Budapest Government and the Vatican. The United States was kept informed on the talks but did not participate in them. Vatican officials said in September that the Crown of St. Stephen was not mentioned in the negotiations. However, Budapest has long been pressing Washington through diplomatic channels to return it to Hungary.

The crown is one of three national treasures handed to American officers in May, 1945, under circumstances that have never been fully disclosed. The others, known as crown jewels, are a gold scepter and orb and a gold-encrusted royal mantle.

A replica of the crown was displayed in Hungary two years ago when the Communist regime and the church in two parallel—though officially unconnected—celebrations marked the thousandth anniversary of St. Stephen, Hungary's first King.

According to legend Pope Sylvester II sent the crown to Stephen as a sign of appreciation of his country's conversion to Christianity. The crown, in Byzantine style, is studded with gems, decorated with inset miniatures depicting religious scenes and surmounted by an inclined cross.

Every Hungarian king is said to have been crowned with the relic, which was considered an essential expression of national sovereignty.

Churchmen here say that the Budapest Government's repeated requests for the crown betray a desire to add an aura of historical legitimacy to its domination. To Cardinal Mindszenty and his followers the Communist rulers are usurpers.

The Government contends that the crown and the crown jewels are important parts of the national heritage and state property and that the United States has no right to withhold them. American spokesmen have said repeatedly that the eventual return of the crown to Hungary should take place at a time marked by an improvement in relations.

A PLAN FOR REDUCING FEED GRAIN SHIPPING COSTS FROM THE MIDWEST TO THE NORTHEAST

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. CONTE. Mr. Speaker, some time ago President John A. Creedy of the Water Transport Association delivered a speech in Boston in which he gave a progress report on the status of an ingenious proposal to reduce shipping costs for feed grains to the Northeast by means of a combined rail and water route.

I have been a strong supporter of this proposal before the Interstate Commerce Commission as a workable alternative to the present discriminatory all-rail rate structure.

I commend Mr. Creedy's speech to my colleagues, and believe they will find his proposal merits our support.

The speech referred to follows:

ONE THIRD OF THE WAY HOME

(Remarks of John A. Creedy)

It is a privilege to appear here today to give you a progress report on the Water Transport Association's program to improve the efficiency of the transportation of feed grains from the midwest to the northeast. How are we doing? I think we are about one third of the way to achieving freight rate parity with the southeast and with it equality of competitive opportunity for northeastern agriculture.

The informal staff conference at the ICC on September 16th was a watershed dividing point. Everyone concerned with the problem of the survival of northeastern agriculture in the face of discriminatory rail rates was there or represented. I have read the record through several times. The story laid out was overwhelming in its detail and in its depth of analysis of the workings of competition for agricultural products in the markets of the northeast.

The pressure of fact piled on fact will be irresistible in the end.

Before WTA published its study calling for the use of Great Lakes self-unloading vessels connecting at Buffalo with unit trains, the northeast had suffered a crushing series of rate increases. The ICC seemed entirely indifferent to the elementary arithmetic that a six per cent increase on a $12 a ton rate to the northeast was far more burdensome than the same six per cent applied to a $6 rate for the southeast.

The lake-rail proposal, worked out in collaboration with northeastern agricultural interests, suggests an alternative which should be financially attractive to the railroads. It proposes improved productivity in the use of railroad equipment which would make possible higher profits for the railroads at lower rate levels, using the very type of operation railroads are already conducting successfully in other parts of the northeastern region. To us the most interesting aspect of the railroad reply of November 2 was that they made no attempt to refute the proposition that improved utilization of freight cars would justify lower rates.

After years of fruitless discussions and years of rate increases, the proposal of northeastern agricultural interests for multiple car rates has now been accepted by the eastern railroads and published. Whether our agitation helped get that proposal off dead center or not, we'll never know, but something did and a reduction of up to $2 a ton for three cars, pioneered by the Penn Central, is now spreading to other lines. A corner has been turned. At $2 a ton, the Northeast is a third of the way home with another two thirds yet to go to achieve parity with the southeast on freight rates.

Equally significant, since the WTA study was published and the potential for lake-rail service widely discussed, the Penn Central has agreed to spread to domestic services the type of service it—and other railroads—had until recently reserved for export shipments. I refer to the trainload rates to Morrisville, Pa. I remember last summer making an appointment with the Lehigh Valley Railroad to discuss a movement of 9,000,000 bushels of corn from Duluth to Buffalo by self-unloader, by rail to a point near Morrisville and by truck to the plant. The mere discussion of that proposed route was enough to produce the first domestic trainload service. Our question now is simple. If the railroad finds such a service profitable to Morrisville and to Albany for export, how can it justify denying this type of service to other destinations in the Northeast?

We now have before us an alternative to the rate increases, the lake-rail proposition, which relies on improved productivity to justify rate reductions, we have the principle of multiple car service accepted for the northeast and also the principle of trainload service within the northeast for domestic application. That represents considerable progress for only eight months of effort. True this effort was built on major activities which went before it. True, we are only one third of the way to parity with the southeast, but I think we have every reason to be optimistic.

The factual evidence developed at the informal staff conference is too persuasive to be ignored. The railroad reply left it untouched. That was an incautious phrase of theirs in their letter: "if there be an agricultural problem" implying as it does that the worthy Commissioners of Agriculture, Governors—and, as I pointed out recently to Secretary Volpe of the Department of Transportation and former Governor of Massachusetts, also ex-governors—implying that all these expert people don't know what they have been talking about all these years.

It reminds me of a wonderful passage in Lewis Carroll's "Alice in Wonderland." Alice tells the King: "I see nobody on the road." "I only wish I had such eyes," the King remarked in a fretful tone. "To be able to see Nobody! And at that distance too!"

We only wish we had such eyes—to see nothing wrong with the disparity in freight rates.

As for the claim in the railroad reply that, according to USDA figures, feed costs are actually lower in New England than in the southeast, that simply exposes a wonderful new example of the familiar statistical problem of irrelevant proof. I was down in Washington last week talking to the man in the USDA who is responsible for the figures cited by the railroads. The problem he described reminded me of the story of the drunkard searching under the street lamp for his house key, which he had dropped some distance away. Asked why he didn't look where he had dropped it, he replied: "It's lighter here."

The USDA says it can't report the actual feed costs in the southeast because most of the feed never comes on the open market, but is supplied under contract arrangements with the poultry producers. In the South the production process is almost completely integrated whereas in the Northeast production is dominated by independent poultry men who buy mixed feeds in bulk. Prices are recorded and reported. But the only prices available for reporting in the southeast are for a very limited number of poultry-men who buy mostly sacked feed, which is naturally relatively high in price. Comparing that price with the northeast bulk price and ignoring the huge volume of feeds supplied under contract is simply comparing apples and oranges, as the USDA freely admits. Someday I hope we will achieve a footnote in that series which makes this clear. In the meantime, USDA points out, there is an obvious proof available that these statistics are irrelevant. We know the price of grain at origin, we know the freight rate. Grain used for feed in the southeast and the northeast comes from the same origins. Hence the only difference in the cost of feed between the northeast and the southeast has to be transportation rate differences. Feed costs in the Northeast have to be higher.

We have a clear case here of the fallacy of statistical irrelevance. The USDA counts what can be counted easily, a common practice with many statistical series, particularly international trade statistics, and ignores the rest which in this case is most of it. It gathers the statistics which are easiest to obtain, or where the light is brightest, to go back to our anecdote and ignores the much greater volume which is significant, where, in our story, the key actually is.

Of course, even if the statistics were reliable and did actually show what the railroads think they show, I personally don't see why such a showing should be relevant to our proposal. The Northeast is entitled to at least the same efficiency in transportation as any other region, regardless of other considerations. If the southeastern railroads can do the job for $6 a ton, why should northeastern agriculture be saddled with rates that are double the rates of the southeastern railroads? It seems to me the Eastern railroads meet themselves coming home on that one. What possible justification can there be for not adding to whatever competitive advantage the northeast has, if it has one, rather than, through artificially high freight rates, cancelling out that advantage?

Perhaps the most significant fact which emerged from the informal staff conference is that the northeast *does* have an advantage in efficiency of production which could result in great expansion of its markets if that efficiency were not artificially suppressed by high freight rates.

Maine agriculture is a good example. Maine has been competing in the market in a limited way with feed cost disadvantages of $4.31 a ton, compared to Gainesville, Georgia. What could it do if that artificial disadvantage were removed? What would that mean to a State which badly needs expansion of its economy and more jobs? Obviously the impact would be substantial.

If the rest of northeastern agriculture, though still in a state of precipitous decline can yet compete to the extent it does, despite the heavy burden of the feed cost disadvantage, it must be *highly* efficient. Elimination of the burden of high freight rates could have a dramatic effect.

One of the things I think we need to do in the coming months as we campaign for realization of the final two-thirds of the program is to relate the campaign to the consumer. Competition is keen, the elimination of artificially high costs will be passed along. The WTA study indicated that over $10,000,000 in freight charges could be saved by adopting the water-rail proposal—much of that would be passed along to all those who buy a quart of milk, a dozen eggs or a pound of chicken. If the efficiency of transportation in the northeast is not improved, on the other hand, Northeastern agriculture will be wiped out. Southeastern producers will have no competition and the prices of eggs, milk and poultry will rise. The housewife has a lot at stake in this issue.

Northeast agriculture has its survival at stake. Because of the freight rates, it costs $30 a year more to maintain a cow in the northeast than it does in the southeast—that's $1,800 for a 60-cow herd. Freight rate differences can mean as much as half a cent a dozen in the production costs of eggs. A half a cent a dozen can be decisive for a producer competing in the market when multipled by thousands of dozens of eggs bought every day by Safeway, A&P and Kroger.

But the northeast has another type of competitive advantage over and above the price question which would certainly help to reverse the current decline. The higher quality of agricultural products of the northeast is a substantial advantage which, combined with the fair shake on freight rates, would mean that northeastern agriculture could easily sweep the supermarkets of the region—which, after all, are their own home market.

Where do we go from here? The New England Grain and Feed Council and WTA will be circulating to the railroads this week our comments on the railroad reply and asking the Commission for a resumption of the informal staff conference early in January. Our thought is to convene a smaller, more technical group than the last conference to explore more fully some of the disputed questions of fact. It is our belief that what we are proposing is in the interest of everyone. It is our faith that reasonable men meeting together can reach a reasonable conclusion.

It would be counter-productive at this point to be side-tracked by legalistic issues. How best can the decline of northeastern agriculture be reversed and how can we promote expanded traffic by the transportation companies serving the northeast? That's the issue. We say to the railroads, you are doing what we propose to Albany and to Morrisville, Pa. at a profit, why can't you spread that service to other parts of the northeast? We have heard no reasoned answer to our question, "why not?"

Now of course if the totally negative approach of the Traffic Executive Association of the Eastern Railroads persists, then we will have to look for other remedies. The time will have come for the Commission to prescribe the rates and services suggested in our approach. The Commission has ample powers. It was given those powers by the Congress to meet precisely the situation Northeastern agriculture is currently facing.

First we are looking for voluntary agreement. But if we wanted to show, as a basis for prescription of rates by the Commission, that the current rates are illegal, it would be easy to demonstrate that they *are* illegal not just in one way, but in a great many ways. Personally, I hope it doesn't come to that.

The facts are with us, the financial advantage to the Eastern railroads of our approach is clear—the southeastern railroads are stealing too much of their traffic. The public interest in the establishment of an equally efficient or more efficient lake-rail service as a "second place to shop" for transportation is overwhelming. Discrimination against the northeastern region is intolerable.

We are a third of the way home. By spring I hope we will be all the way home and freight rates in the northeast will be on a parity with those in the southeast, the parity permanently protected by the competition of the lake-rail service.

MUSKIE'S PLAN CALLS FOR SELL-OUT IN VIETNAM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HUNT. Mr. Speaker, the positions on Vietnam staked out by a number of Democrat contenders for the Presidency have brought charges of "consciously aiding and abetting the enemy" or, at the very least, of prolonging the war until after the election by giving the North Vietnamese the hope that they can get a better deal if certain of the contenders succeed.

Such a position has been espoused by the leading contender, Senator EDMUND S. MUSKIE, and if his reaction is one of righteous indignation to the charges, then we should examine his position and judge for ourselves whether the charges have merit. Crosby S. Noyes, columnist for the Washington Evening Star, quotes the Senator's position verbatim in reaching the unmistakable conclusion that his plan calls for a sellout in Vietnam. In Senator MUSKIE's own words:

> First, we must set a date when we will withdraw every soldier, sailor and airman and stop all bombing and other American military activity, dependent only on an agreement for the return of our prisoners and the safety of our troops as they leave.
>
> Second, we must urge the government in Saigon to move toward a political accommodation with all elements of their society. Without such an accommodation the war cannot be ended, and it is clear that the American people will not support an indefinite war, either by our presence or by proxy.

It might be mentioned that only the first point has any significance with respect to conditioning the total cessanam, because the second point makes it clear that we would abandon the Saigon Government and the South Vietnamese people in return for an agreement by North Vietnam to release our POW's and to guarantee the safety of our withdrawing troops. MUSKIE's plan makes it quite obvious on whose terms he would end American involvement in South Vietnam and the plan has the strangely persistent tendency of casting the Saigon Government in the role of our enemy.

As Crosby Noyes observes in his column:

> A government in Saigon, threatened with the withdrawal of American support, would be in no position to negotiate about anything and the Communists, for their part, would have no inducement to make the slightest concession. They could impose their terms in the certain knowledge that South Vietnam, without American support, would quickly collapse, while they can continue to count on the most massive support and supply from the Russians and Chinese.
>
> It is incredible that Muskie, as an aspiring president of the United States, would pledge himself to deliberately engineer what his country has fought for seven bloody years to prevent. It is even more incredible that his plan for a sellout should commend itself to very many American voters. If a candidate can sell himself on this kind of platform, the country and the world are indeed in a sorry condition.

In recognition of the political realities in this election year, I say let us not let the Muskie's, the Lindsay's, the Humphrey's, and the McGovern's forget what they have said, but let us hope to God they will never be in that one position where they would have the authority and responsibility they now lack for carrying out the plans now carefully devised to distinguish themselves from the President and other candidates.

The full text of the Noyes column follows:

MUSKIE'S PLAN CALLS FOR A SELLOUT IN VIETNAM

> Sen. Edmund S. Muskie of Maine has indeed staked out a position on a Vietnam settlement that goes beyond the peace plan outlined by President Nixon. He is proposing nothing less than complete surrender, the betrayal of South Vietnam and the delivery of that country's 15 million people to Communist control in the shortest possible period of time.
>
> Muskie complains that the administration plan for peace in Vietnam is cluttered with too many conditions. His own plan is beautifully simple. It boils down to two propositions: Get the hell out and then force the Saigon government to surrender to Communist terms.
>
> The front-running Democratic candidate for President doesn't say it quite that way. In his own words:
>
> "First, we must set a date when we will withdraw every soldier, sailor and airman and stop all bombing and other American military activity, dependent only on an agreement for the return of our prisoners and the safety of our troops as they leave.
>
> "Second, we must urge the government in Saigon to move toward a political accommodation with all elements of their society. Without such an accommodation the war cannot be ended, and it is clear that the American people will not support an indefinite war, either by our presence or by proxy."
>
> The words are weaselly but the meaning is perfectly clear. After we are safely out (assuming, of course, that the Communists will buy the simple prisoners-for-pullout deal) we will then inform the leaders in Saigon that unless they settle with the Communists we will withdraw all further support.
>
> In these circumstances, for "accommodation" read "capitulation." And for "all elements of their society" read the Provisional Revolutionary Government of the National Liberation Front which would inevitably and speedily emerge as the real and undisputed master of South Vietnam.
>
> After all the promises that have been made to the South Vietnamese, the billions that have been spent and the thousands of lives lost, it all adds up to a beautifully simple, homespun, forthright sellout. As for Muskie, who is selling his candidacy as a man to be trusted, one wonders how much trust he inspires in, say, a South Vietnamese soldier.
>
> In some ways, in fact, the Muskie proposals are harsher than the latest demands of the Viet Cong. They at least still are calling for a political settlement that theoretically would give the South Vietnamese a chance at the polls.
>
> If President Nguyen Van Thieu gets out, they say, and various other elements of the war are stopped, they will "immediately discuss with the Saigon administration the formation of a three-segment government of national concord with a view to organizing general elections in South Vietnam, to elect a constituent assembly, to work out a constitution and set up a definitive government in South Vietnam."
>
> In earlier proposals the Viet Cong have defined a three-segment government as including "political, social and religious forces in South Vietnam aspiring to peace, independence, neutrality and democracy," reserving to themselves the right to pass judgment on the extent to which individuals possess these qualities.
>
> At best, it is not a very hopeful proposition, but it may not be entirely hopeless either. As between what the Nixon administration is proposing in the way of a political settlement and what the Viet Cong is demanding, it is at least conceivable that an accommodation could be found.
>
> Obviously, the timing of Thieu's resignation is open to negotiation. And the differences between the Viet Cong proposal for a provisional government and the Nixon concept of an election commission "representing all political forces in South Vietnam" may not be unbridgeable. The major business of government in the interim period, after all, would be the organization of elections.
>
> There is, therefore, some hope, however faint, in the course that the administration offers. There is none at all in what Muskie is proposing.
>
> A government in Saigon, threatened with the withdrawal of American support, would be in no position to negotiate about anything and the Communists, for their part, would have no inducement to make the slightest concession. They could impose their terms in the certain knowledge that South Vietnam, without American support, would quickly collapse, while they can continue to count on the most massive support and supply from the Russians and Chinese.
>
> It is incredible that Muskie, as an aspiring president of the United States, would pledge himself to deliberately engineer what his country has fought for seven bloody years to prevent. It is even more incredible that his plan for a sellout should commend itself to very many American voters. If a candidate can sell himself on this kind of platform, the country and the world are indeed in a sorry condition.

NEW EMPHASIS FOR SPACE

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. JONES of Alabama. Mr. Speaker, the recent proposal for a new emphasis in our Nation's space program should be greeted with acclaim by thoughtful citizens everywhere.

The President's decision to go ahead with the development of the space shuttle system signals an important new advance which will have significance to our country's reputation as the leader in the development of technology on the planet earth as well as worlds beyond.

Thousands of advances and benefits have been realized in our everyday life as a result of the research efforts for our space program.

Dr. Lee A. DuBridge, until recently the President's scientific adviser, says this on the purely scientific gains being realized from space activities:

> The geologists, the physicists, the chemists, the astronomers, all have a thousand questions about the moon, and the answers will, in turn, lead to new questions.
>
> Space exploration to gain more knowledge about the universe can be one of the great scientific achievements or enterprises of all time. Its impact on the world and mankind is simply beyond calculation.

And Dr. George Mueller, formerly of NASA, says this on the practical effects of space research and development on the industrial economy:

> Our space program is forcing technological innovation which leads to new processes, new products, new companies, and, in fact, whole new industries. The space program is the focal point of our industrial growth.

As a vigorous advocate of the need to develop a Space Shuttle System, I am particularly pleased with this new commitment.

The Huntsville (Ala.) Times has commented editorially on this need to proceed with the space shuttle. So that all my colleagues may have the benefit of the comments, I insert the editorial as part of my remarks at this point.

The editorial follows:

SPACE: PHASE II

Until this week, there was no firm answer to the question, What major new direction does the U.S. space program take—or does it go anywhere—after the current Apollo project ends?

The nation got its answer Wednesday, at least insofar as the Nixon administration's feelings on the matter are concerned. It came as a go-ahead by the President on development of a multibillion-dollar space shuttle system destined to make manned space flight much more economical and of much greater practical value to man.

Before Wednesday, the space shuttle proposal had won only tentative approval from the White House and Congress, in the form of limited funds for studies. There was no real commitment to a full-fledged project of hardware development.

That commitment has now come. It means that, Congress willing, the space agency can pursue a $5.5-billion-plus effort to develop, build and fly—before 1980—vehicles that can be used over and over again in transporting men, supplies and equipment into earth orbit for a variety of missions. It means that space payload delivery costs should be drastically reduced—from more than $600 per pound at present, to perhaps $100 a pound.

There is some regret that President Nixon could not have seen fit to give his blessing to the larger, $10–$12-billion space shuttle project sought by NASA. The approved effort, described as "modest" by NASA Administrator Dr. James Fletcher, will require some corner-cutting, some technological compromising.

But this has to be considered a significant first step toward removing astronautics from the realm of the sensational and placing it in a position to pay off more abundantly in solid, practical benefits to the taxpayers footing the bill.

The President's action is cheering news, naturally, for the space agency's Marshall Center here, which will handle major tasks in the space shuttle effort; for all of NASA, and for a depressed aerospace industry that has seen the nation's space budget steadily decline under the Nixon administration. But beyond that, this step signifies that America intends to continue to lead the world in technological advancement, and not be content to follow in the path of someone else.

THE AMERICAN DREAM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. FINDLEY. Mr. Speaker, a parliamentarian of the German Bundestag, whom I have known personally over a period of several years, is the author of a splendid statement which appeared in the January 31 issue of the New York Times. He is Peter Petersen, who lived for a time in the United States before returning to his home country, there taking up public service as a career. In this article he speaks of things that are of enduring, fundamental interest in the Atlantic community of nations, but which seem to become obscured as we consider the day-to-day problems of offset purchases, the number of U.S. troops in Europe, the various divisiveness of trade and monetary issues, and many others.

It thoroughly deserves the careful attention of every thoughtful American. Text of his statement follows:

THE AMERICAN DREAM

(By Peter Petersen)

BONN.—I am prejudiced when writing about America.

America saved my people from starvation not so very long ago. No German called that U.S. imperialism. Thousands of American soldiers—225,000, to be exact—are stationed in my country and because of this commitment and their loaded guns, we are still a free people.

Where I come from, we still know what freedom means—because seventeen million of us are locked up behind barbed wires, walls and mine fields—behind what amount to the ugliest and most inhuman border of the world. Some four hundred of my people have been shot and killed because they wanted to go from one part of our country to another.

The American commitment to freedom and the price Americans are paying for that every day saves us from the fate of our neighbors the Czechs who are the victims of imperialism.

Yes—I am prejudiced, and I don't apologize for the fact that I love America.

Yet, I am worried. Recently I talked to officers and soldiers on a big Air Force base in the deep South. I moved around in the most confusing of all American cities, Los Angeles. I had dinner with the president of a big corporation who laid off 80,000 people, and I spent an evening in the home of an old friend who is unemployed now. His two boys are at a university. He makes ends meet by fixing things up in neighboring homes (he is an engineer) and his wife got a job in a shop selling antiques the Americans like so much.

This friend considers himself lucky. A man driving my taxi was not so lucky—seventy dollars a week unemployment compensation. His savings are gone, and he is now cheating by driving a taxi for a few hours every day.

And then I looked at the headlines of the papers—there was a pitched battle in a jail somewhere—another city reports on the dope problem, and in many cities, parents protest busing their children from their neighborhood school to another part of the city to get integrated. No one has been able to explain to me yet this busing scheme.

When I was in this country twenty years ago, the people in whose homes I stayed never locked their doors. This time I was warned not to walk back to the hotel after a concert.

Americans are not very articulate—even though they might talk a great deal. So they leave the forming of their image as a nation to Madison Avenue and to Hollywood. Americans are probably the world's greatest salesmen of material goods, but they are very inept in selling ideas.

Of course, these ideas are all there—in the history of America there are the forces that made America a great country and inspired a dream to peoples all around the world.

There was a time twenty years ago when Americans often got on our nerves because they were so sure of themselves. Now we get nervous because Americans seem to be losing faith in their own destiny, and so a student—what Americans would call a "nice kid"—would in all sincerity talk about U.S. imperialism. That boy—a student in a seminar on current history—and many of his friends don't realize that the problem is exactly the other way around. We have a crisis in the Free World because Americans appear to us to shrink back from the responsibility that goes with being the strongest power in the world. It is clear to us that the Soviets don't have such qualms—and that is why they fill every vacuum America and its allies are leaving. Vietnam, I should think, proves my point. A truly imperialistic power as this "nice kid" believes America to be would have carefully calculated the risk and the price, and then if the price seemed right and the aim worthwhile, it would have gone in with no holds barred.

I know from many conversations in Communist countries that the people there understand that basically freedom is indivisible, and they dream the American dream—not of Coca Cola or two cars in every garage but of freedom as conceived in this country in 1776. Because it is not "American" freedom in a national sense, it is the basis of human dignity everywhere.

When I mingled in the crowd in the airport in San Francisco, I wished I had a way to shake these people to remind them of what they are and to convince them of what we expect from them. Not because they are better or more intelligent perhaps than the people who would crowd the airport in Düsseldorf or Berlin, but because they have in their own heritage the hope of the world. I believe it is the only hope we have—because if America fails, the world fails, and I hope I will not again meet an American who apologizes for the fact that he is American.

LET US FREEZE GOVERNMENT, TOO

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. LANDGREBE. Mr. Speaker, Mr. Elliot Kaye-Smith, president of Boyer-Winona Corp., provided me with a copy of a circular entitled "Let's Freeze Government Too." I think this message has a lot to say and I urge my colleagues to read it carefully. Reprints may be obtained from Mr. Smith.

The circular follows:

LET'S FREEZE GOVERNMENT, TOO—A MESSAGE ADDRESSED TO THE PRESIDENT AND MEMBERS OF THE CONGRESS

Under the current program of controls and freezes, you are:

Asking working men and women to make sacrifices in holding down wage demands.

Asking businessmen to make sacrifices in holding down prices.

What sacrifices will government make? Government surely doesn't want to ask others to make sacrifices it isn't prepared to make itself. If your program to control inflation is to succeed, government must do two things:

1. Cut federal spending.
2. Restrain the creation of money through the Federal Reserve System.

It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

To halt inflation, federal government spending must be frozen—better yet—CUT, and the money supply restrained. Economic controls deal with the results of inflation. Frozen or reduced spending is one sure way to reduce inflationary pressures. As wage and price increases are deferred, so too should spending for new federal programs be deferred.

It is also time for Congress and all agencies of government to evaluate existing programs by their measurable results and get rid of the deadwood programs that have a proven record of ineffectiveness. Congress too seldom reviews the need for legislation previously enacted.

Will you, Mr. President and Members of Congress, face up to these needs?

Only *you* have the authority to investigate, hold hearings, ask questions and sit in judgment of these spending questions.

If *you* don't know where and how to stop spending, then you should set up the proper mechanism to find the answers.

If the citizens of the United States must struggle under economic controls then government should, in all equity, restrain its own actions, with emphasis on reduced spending and a restrained money supply.

It is time for government to cooperate with the American taxpayer in this fight against inflation.

Mr. President and Members of Congress, the responsibility is yours.

PAY BOARD—REVISED POLICY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, it is most encouraging that the pay board yesterday revised its policy on merit and salary administration plans to provide for more equitable treatment of all segments of the work force.

The resolution will be published in the Federal Register as a proposed rule allowing the public 10 days to submit comments. The policy decision contained in the resolution will not become effective until final regulations are published in the Federal Register.

The resolution follows:

RESOLUTION ON MERIT INCREASES (ADOPTED FEBRUARY 8, 1972)

Resolved: that the Pay Board hereby adopts the following policy decision with respect to merit raises:

1. The policy decision on this subject, adopted November 22, 1971, appearing as Item (6), Appendix B—Interpretive Decisions Adopted by the Pay Board (6 CFR Part 201) is hereby revoked, except as provided below in paragraph 6.

2. Merit increases provided for in contracts or pay practices negotiated or instituted subsequent to November 13, 1971, are governed by the General Wage and Salary Standard (Section 201.10), except as provided below.

3. (a) Exceptions to the General Wage and Salary Standard may be sought on a tandem relationship or other basis, as provided by Section 201.11 of the Regulations.

(b) That pay practices previously set forth within the meaning of Section 201.14 of the Regulations which do not expire earlier will be deemed to expire on November 13, 1972, except as they may qualify as an exception under the criteria set forth in Section 5, below.

4. Merit increases provided for in existing contracts and pay practices previously set forth prior to November 14, 1972, are governed by Section 201.14 of the Regulations.

5. Merit plans under contracts and pay practices shall constitute an exception under Section 201.11 of the Pay Board Regulations, subject to paragraph (b) of that Section, if they meet the following criteria:

(a) The merit plan is continued without change of terms or administrative practice from the preceding contract or pay practice, and

(b) If the pay range is changed, the ranges may not be widened, i.e., the ratio of the maximum to the minimum of each range may not be increased.

(c) The merit plan is one which:

(1) Applies to particular jobs, job classifications, or positions with respect to which the duties and responsibilities of employees are specified;

(2) Specifies rate ranges with respect to such jobs, job classifications, or positions;

(3) Clearly defines policies and establishes practices for determining pay and the size and frequency of increases with respect to such jobs, job classification, or positions; and

(4) Establishes a system of administrative control.

Such exceptions shall be self-executing and handled in accordance with the procedure set forth in paragraph (c) of Section 201.11 in the same manner as that which applies to subparagraphs (3) and (4) of Paragraph (a) of Section 201.11.

Applications for exceptions which exceed the maximum amount allowed under Section 201.11(b) shall be made to the Pay Board or its delegate and shall be reviewed under Section 201.11(d).

6. Where, prior to the effective date of the final regulations, an existing contract with a merit plan expired and was replaced with a new contract executed prior to the effective date of the final regulations, for merit plan purposes it shall be governed by Item 6, Appendix B—Interpretive Decision (6 CFR Part 201) which was in effect at that time.

7. *Method of Computation for Increases Under Merit Plans Which Meet the Criteria of Paragraph 4 and other Merit Plans or Practices.*

(a) For purposes of calculating the allowable amount of such wage and salary increases for an appropriate employee unit, the average wage and salary base for the pay period ending on or immediately preceding the day prior to the first day of the appropriate twelve-month period shall be compared with the average wage and salary base for the pay period ending on or immediately preceding the last day of the appropriate twelve-month period.

(b) If, by the end of an appropriate wage year, the average wage and salary base for an appropriate employee unit is affected by changes in the composition of the unit with respect to employee average length-of-service or average skill levels, then compensating adjustments may be made in the otherwise permissible average wage and salary base increase for the unit in such twelve-month period. Such adjustments are subject to explanation and verification following required reporting procedures for the appropriate employee unit involved if applicable for the category unit involved. This paragraph shall apply to all merit plans so long as administered in good faith.

8. Effective date of policy decision: That this policy decision will not become effective until final regulations have been published in the Federal Register to implement this decision. Pending the final regulations, a notice of proposed rule-making containing the substance of this policy decision will be published in the Federal Register with a period of 10 days for the public to have an opportunity to comment.

U.S. JAYCEES FEDERAL AFFAIRS SEMINAR

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. GERALD R. FORD. Mr. Speaker, this morning it was my privilege to welcome into this Chamber a group of outstanding young Americans who constitute the 1972 Federal Affairs Seminar of the U.S. Junior Chamber of Commerce.

Composed of the national officers and the State chairmen of the several States, they have come to the Nation's Capitol to better acquaint themselves with the operations of the Federal Government, and to meet with national leaders.

It was a most enjoyable challenge to respond to their thoughtful and imaginative questions. It was an inspiration to see such sincere and determined group of young people entering the ranks of concerned citizens.

Led by U.S. Jaycee President Ronald Au, and under the direction of Senior Program Manager David Henderson, the seminar was supported by Bill Rountree, president of the Capitol Hill Jaycees and a member of the minority staff of the House Committee on Merchant Marine and Fisheries, and by Michael Forgash, assistant to Representative ELFORD CEDERBERG, of Michigan. Former Congressman John O. Marsh, Jr., of Virginia, made an invaluable contribution to the success of the seminar.

I include for the record the list of those who have come to Washington to take part in this fine program, and I commend them for their participation:

LIST OF PARTICIPANTS

Executive Committee: Jim Johnson, Legal Counsel; Al Emrick, Treasurer; Eric Cahn, Roy Switzler, Dick Hahn, Ron Bryant, Billy Rhynes, Jack Gottshall, Sam Winer, Lowell Thompson, Bob Dunbar, Bob Hattaway, and John Jankowiak.

Freedom Guard Winners: Paul Salamy, Rudy Guilmet, Gard Wayt, Jim Holshouser, Richard Robinson, and Jerry Watson, consultant.

State Presidents: David Wininger, Alabama; Charles Lubrecht, Alaska; Jim Westfall, Arizona; Ken Coon, Arkansas; Phil Winslow, Colorado; Bob Ellis, Connecticut; Ralph Givens, Delaware; Ron Beard, District of Columbia; Randy Avon, Florida; Larry Colet, Georgia; Ed Hasegawa, Hawaii; Fred Manthey, Idaho; Stan Sieron, Illinois; Steve Stefancik, Indiana; El Sievers, Iowa; Bob Schneider, Kansas; Jim Vernon, Kentucky; Don Courts, Louisiana; Eric Edwards, Maine; Bill Greene, Maryland; Don Hill, Massachusetts; Pat Sheridan, Michigan; Vern White, Minnesota; Ken Johnson, Mississippi; Gerald Jones, Missouri; Allen Jacobson, Montana; Larry Hendrickson, Nebraska; David Morgan, Nevada; Joel Saren, New Hampshire; Jim Jeffries, New Jersey; Jack White, New Mexico; Frank Hamilton, New York; Avery Nye, North Carolina; Jerry Schutz, North Dakota; Rex Houze, Ohio; Dale Wright, Oklahoma; Gary Ross, Oregon; Bob Standish, Pennsylvania; William Murray, Rhode Island; John Every, South Carolina; Alan Miller, South Dakota; John Germ, Tennessee; Rick Clayton, Texas; Rod Carter, Utah; Gerald Hatin, Vermont; Bob Meador, Virginia; Wayne

Johnson, Washington; Phil Pappas, West Virginia; Ron Foster, Wisconsin; and Leroy Westika, Wyoming.

Taking part in the program here at the Capitol this morning was our own minority clerk, Joe Bartlett. Joe, in collaboration with then Georgia State Senator Jim Wesberry, helped launch this Federal affairs seminar concept for the U.S. Jaycees a decade ago.

With a continuing interest in the program, Joe brought the Jaycees a message of "mission" which echoes his sentiments which have appeared in recent Jaycees' publications. I include them here for your interest:

APATHY—VIGILANCE

(By Joe Bartlett)

If eternal vigilance is the price of freedom, as we have been wisely warned, then may I submit that the most present, the most persistent, and indeed the most pestilent threat to our free Republic is *apathy* on the part of her people.

If nearly three decades of being enmeshed in the doings and the dialogues of democracy in its highest forum, entitles me to an observation, I would offer my conviction that we have in these United States the most magnificent mode of government God and man have yet devised—when it is properly served.

It has been said that in a freely elected representative system, the people get a government just as good as they, by their participation, provide. Or, more bluntly, as good as they deserve!

Certainly, a representative government is a direct reflection upon the people who elect it, and consent to it.

The quality and the vitality of our government at any given time depends upon the involvement of the people in public matters, the concern of the citizens about the public business, the communication between constituents and public officials, and their accountability for the performance of their public trust.

It is unlikely that the perfection of this rapport between government and the governed could ever be attained; certainly it could never be sustained. However, it is in the constant pursuit of this more perfect interaction that democracy approaches its sublimest service to society.

Who, then, will keep the vigil? Whom can we count on to sound the alarm to avert insidious apathy among the populace? Who will provide the vitality of involvement without which a government of the people cannot long endure?

You, my young friend, in association with the other members of Jaycees, have this opportunity to serve this great Republic, your fellow man, and the highest aspirations of your noblest dreams, through your quest for this more perfect fulfillment of the will of the people to do good and worthy things through government.

To my knowledge, Jaycees, more than any other group of young Americans, has offered a viable and vibrant vehicle for the preparation of its members for the broader responsibilities of citizenship, and for the performance, by its members, of valuable programs in the public interest.

It has been a privilege and an inspiration to observe the development of understanding and leadership among the outstanding young men of Jaycees in recent years. It is a testimonial that needs no embellishment beyond the recognition of the many, many Jaycees who have been selected to service in public office. Perhaps the greatest tribute to your organization is the increasing numbers of high public officials who can—and do, proudly and loudly—claim a prior affiliation with Jaycees!

Your apprenticeship in citizenship within the ranks of Jaycees may not result in your election to the Congress or even to Precinct Committeeman (though each is an estimable estate in the echelons of politics), but, at least, it will enable you to better perform your essential role as a full-fledged, voicing, voting member of a society in which all men are coequal.

Special interests, you may be sure, will make themselves heard. If the response of the public is only the silence of their indifference, whom, then, should we castigate if the general interests are submerged in a sea of apathy?

The young citizens who make up the organization of Jaycees are an ideal influence on public policy. Intelligent, energetic, and enthusiastic, they bring to these matters the ambitious aspirations of youth, tempered by the realities revealed in the increasing responsibilities of their emerging maturity, but not yet tainted by the cynicism that sometimes comes to those who have been too long in the arena.

Our Republic needs champions just like you! Our Republic deserves dedication—the truest you can give it! Unselfish public service can be the most stimulating and the most gratifying experience in your life. What greater reward could you seek than the satisfaction of knowing that you, in your time, had done your share to preserve and pass along the blessings of democracy?

Jaycee, will *you* keep the vigil?

THE NORWICH INDUSTRIAL PARK: "A MODERN MIRACLE"

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. STEELE. Mr. Speaker, the Norwich Industrial Park in Norwich, Conn., has become an example across the Nation of what is right about Government-aided economic development.

The park began in late 1965 with 117 acres of land. In May 1966, the Economic Development Administration approved its first grant to the industrial park, $204,500. The success of the park and the cooperation of local citizens, in particular, Mr. Stanley Israelite, led EDA to approve a $909,000 grant in May 1971.

The Norwich Industrial Park was featured in the January 1972 issue of Economic Development, published by the U.S. Department of Commerce.

I bring this article to the attention of my colleagues in Congress as an outstanding example of Federal, State, local, and private cooperation in promoting American business and industry and creating jobs:

EDA HELPS CREATE DIVERSE JOBS IN CONNECTICUT INDUSTRIAL PARK

In Connecticut, the Norwich Industrial Park is often referred to as a "modern miracle." What was previously idle land now provides work for 750 persons and has helped the city to retain some of its industry while allowing for a diversification of its economy.

In the few years that the park has been completed, industry has shown sufficient interest to warrant an expanded development.

Like many similar projects around the country, the Norwich Industrial Park was built in partnership with the Economic Development Administraton under EDA's programs of grants to prepare the land for construction, and business development loans to begin work on the structures.

The history of the park dates back to the gradual departure of the textile mills from the Nation's Northeast, depriving the city of a historic mainstay of employment. Skilled workmen looked in vain for new jobs or migrated to other metropolitan centers.

During a meeting in 1965 between municipal and business leaders and the Connecticut Development Commission, the Norwich Community Development Corporation was formed. Soon thereafter, EDA designated the city as eligible for assistance.

By the end of 1965, the corporation had obtained 117 acres in the Yantic section of town for development as an industrial park. Within 4 months, the land had been appropriately rezoned and final plans completed.

In May 1966, EDA announced a $204,500 grant, and the State Development Commission, a $162,750 loan, to the corporation—and the project was on its way.

Since then it has grown so fast that EDA approved a $909,000 grant in May 1971 for a 180-acre expansion to continue the forward pace of the park's development.

The men who have participated in the project view it as a "classic example of cooperation between government and private enterprise." They say it has reclaimed a once vital section of the State from the disaster of the departed textile mills.

"Not only has the park helped stem the rising tide of unemployment and given a boost to the area's general economy," said Mark Feinberg, managing director of the Connecticut Development Commission, "but it has made a growth center of Norwich and infused residents with a renewed spirit of self-respect and optimism that just won't quit.

"Today the signs of renewal and expansion are everywhere."

In Norwich, one civic leader says this:

"The industrial park has made us a new community. We were hit hard when the textile firms left and nothing came in to replace them. We needed help. But now the outstretched palm has been replaced by a handshake. The industrial park has been a tremendous morale booster. We're convinced we can take on any problem and come up smiling."

Significantly, the first tenant of the new venture was a Norwich firm with an old and pressing problem. John Meyer, a nationally known manufacturer of women's apparel, had been forced to operate in seven locations around the city for a number of years. The park offered a solution to the need for consolidation.

Today, John Meyer, now a division of W. R. Grace and Company, employs 350 in its 160,000-square-foot plant.

While providing the means to retain the industry, the park also served as a principal tool to attract other types of industry, thus broadening the base of manufacturing employment for Norwich.

Besides textile manufacturing, there are now industries producing or scheduled to begin production of molded rubber products and business forms.

Another major park tenant is Borg Textiles, a division of Bunker-Ramo Corporation, manufacturers of deep-pile fabrics for industry. This company is the fourth member of the Bunker-Ramo family in Connecticut. Others include the Amphenol RF Division at Danbury, and the Nasdaq Data Center and the Business and Industry Division, both in Trumbull.

Borg Textiles' 63,500-square-foot plant currently has about 40 employees.

EDA and the State Development Commission again activated their loan programs for the park's third major tenant, the Ohio Rubber Company, a division of Eagle Picher Industries. The Norwich plant was constructed with the aid of an $883,000 EDA business development loan to the Norwich Community Development Corporation and will be known as the OrcoMatic Division producing precision-molded rubber products.

The 16,000-square-foot building will employ about 90 persons when fully operational. Ohio Rubber will lease the plant from the development corporation.

Current park residents also include Advance Systems Techniques, Inc., a data-processing service leasing 1,500 square feet of a building owned by the development corporation, and the architectural studios of Richard Sharpe.

A sixth tenant, Duplex Products, Inc., has purchased land for a plant in the park. In May 1970, EDA announced approval of a loan for nearly $1 million to help construct a 60,000-square-foot facility for the company, a manufacturer of business forms.

Again, the loan was to the development corporation, which will construct the plant and lease it to Duplex.

The company has projected an initial employment of about 120.

With the completion of the Duplex plant, the park will have nearly exhausted the acreage in the initial development and the second stage will be under way for additional firms. One tenant has already been signed for the extension. It is the Central Shoe Manufacturing Company of Norwich, which has announced it will construct a 40,000-square-foot plant in the area, to employ 250 persons.

THE HIGH COST OF BUSING

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BAKER. Mr. Speaker, today I received a most disturbing letter from Mr. Raymond Payne, Jr., a friend and prominent Chattanooga realtor.

This letter points up the deep concerns which continue to be expressed to me most frequently about the plight of education precipitated by mandatory busing.

Hardly a day passes that we do not read or hear something about the harmful effects of busing. But more than anything else that has crossed my desk, this letter points up the need for our constitutional amendment to prohibit assignment of any student to a school on the basis of race, color, or creed. It graphically illustrates the necessity of getting our amendment discharged from the House Committee on the Judiciary so representatives of the people can vote on this issue.

The will of the people must be worked on this matter. When the majority is thwarted by a handful, our system of representative democracy breaks down. Our people lose faith in our entire system of government. It is a sad day for our country when a handful of Supreme Court Justices can supersede the will of the people as expressed by their elected representatives.

Mr. Payne's letter will provide my colleagues in Congress with a firsthand look at what busing means to one boy and his family in the Third Congressional District of Tennessee. The letter might have come from almost any district in the Nation. It should be a compelling reason for those who have not already signed the discharge petition on busing to do so immediately.

The letter follows:

JANUARY 21, 1972.

Hon. LAMAR BAKER,
U.S Congressman,
State of Tennessee,
Washington, D.C.

DEAR LAMAR: The afternoon of January 19, as my son Robert was leaving Brainerd High School, he was assaulted by a black student, who is "bussed" in from another neighborhood.

My son is studying religion and music and plans to go into Youth Ministry. He would not start a fight, nor would he fight back, certainly not when surrounded by blacks as he was at that time this trouble erupted. A small negro teenager tried to start a fight with Robert when they bumped in a doorway, and my son, refusing to fight, tried to walk away even though he was struck twice. Another black, a large fellow, accosted Robert and asked, "What are you doing to my friend?" and hit Robert in the face, splitting his upper lip with a ring or some object. The cut goes up inside his jaw far enough to require plastic surgery. We are not certain yet whether or not he will lose one of his teeth and his nose may be broken. The black that hit him has been in trouble several times.

My son is in a good deal of pain, cannot eat due to a swollen mouth, and had to miss two days of school, one of which covers semester examinations. He is afraid for the safety of a friend who identified the assailant.

Brainerd High School was at one time a quiet institution where teachers and students went about their tasks of educating young people. Today, in spite of having the best principal in the city school system, this school is a jungle where students are afraid to go to the restroom. The girls are afraid to stand in line in the cafeteria, so they have to bring their lunches. What happened to my son happens to several students a year.

I am fed up with this outrage and plan to sell my home at the end of this school term and move far enough into North Georgia where I will not have to worry about a Federal Judge consolidating several Counties on the State Border into one school system.

My family has always tried to be good citizens, and we are not racists, but we cannot stomach any more of the outrage that the Federal Courts are subjecting our young people to. I have no respect whatever left for our Federal Judiciary and I have just about lost hope that we will ever again have a government based on Constitutional law.

I know that you are opposed to busing and I hope that you can use what has happened to my boy as an example of what busing is bringing on those of us who are not financially able to send our children to private schools.

I might add that I know several excellent white teachers who have thrown their teaching careers away and resigned in disgust over the conditions that exist today in our city schools.

Cordially,

RAYMOND D. PAYNE, Jr.

VALENTINE'S DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, few occasions in the course of the year give greater happiness than St. Valentine's Day, a harbinger of spring and a celebration of love. The religious origin of the day commemorates two Valentines, martyrs in the early Christian church. It is just possible that, beneath the covering of later legend, there is a kernel of truth which refers to a single person. The ancient Flaminian Gate in Rome was once known as the Gate of St. Valentine from a church in the neighborhood dedicated to that saint.

At any rate, the traditional association of St. Valentine's Day with courtship and the choosing of a "valentine" is probably a christianized survival of the Roman feast of the Lupercalia in February. The names of young men and women were put into a box from which they were drawn by chance, an arrangement under which a young man became the beau of a young woman for the next year. Later, the Christian clergy substituted the names of the young people. As the drawing occurred on February 14 the day of St. Valentine, the association with that saint was established.

Throughout Europe during the Middle Ages, it was widely believed that the birds began to mate on February 14. Chaucer refers to this, in his Parliament of Foules (Fowls):

"For this was St. Valentine's day,
When every fowl cometh there to choose his mate."

Gradually the date became sacred to lovers. The older custom of exchanging presents was transformed into the exchange of letters or cards with messages of affection.

The giving of Valentines has become a major event in modern America, testifying to our natural hunger for bestowing and receiving affection. Happily, this custom has been enlarged by use so that today it includes not only young lovers but everyone in the family from children to the aged. Here is an appropriate time, indeed, for us to remember our senior citizens with messages of loving care and good cheer.

By and large, our senior citizens are among the most neglected in our population. The time is overdue for national concern in their behalf, translated into concrete programs of assistance, but beginning with that basic affection which is the motive-power of good will. Let all of us begin—within our own families—by remembering our senior citizens on this Valentine's Day and throughout the year.

CONSTRUCTION IN THE DISTRICT OF COLUMBIA

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. SPRINGER. Mr. Speaker, many of my colleagues here in the Congress have asked me with reference to the proposed construction in the District of Columbia at the intersection of Western and Wisconsin Avenues.

The Montgomery County authorities have held up the further development on the Montgomery side of Western Avenue until there is brought forward more facts concerning what will happen to the neighborhood which is mostly residential.

Col. H. F. Sykes and Mr. Mark Velsey have prepared a paper titled "Development Overkill." They have done this for Brookdale, Green Acres, Glen Cove, Friendship Heights, and Chevy Chase Village Citizens Associations and the Chevy Chase Uptown Center Committee of the District of Columbia. I do not intend to go into the merits of all the details which have been set out in this paper. I do believe it is a serious question of what should be done until there are further hearings.

The District of Columbia Court of Appeals handed down a decision a few days ago that overturned the approval of more than $200 million in massive new development projects.

The court specifically struck down the Zoning Commission's approval of the Pennsylvania Avenue buildings and made mandatory formal proceedings in both the McLean Gardens and Neiman Marcus case at the corner of Western and Wisconsin Avenues.

Any new applications to the Zoning Commission would be subject to the more rigorous procedures ordered by the court of appeals.

It is very evident that the larger stores such as Neiman Marcus are trying to follow the pattern of Woodward & Lothrop, Lord & Taylor, and Sak's Fifth Avenue in trying to set up similar large shopping complexes in the center of a very high income neighborhood.

This does not necessarily means that what Neiman Marcus and others have in mind is good for the neighborhood. It is fortunate at this time that at least for the present, there will have to be formal hearings at which all sides of this matter may be presented.

No one wants to hold up needed additions to the District of Columbia. However, it is important that there be formal open hearings at which the public may have the right to present its objections.

The paper follows:

DEVELOPMENT OVERKILL

A METRO subway station proposed for construction at the intersection of Western and Wisconsin Avenues has produced what promises to become a classic case of attempted development overkill. At a Hearing before the DC Zoning Commission on Feb. 2, 1972, the magnitude of this overkill was clearly displayed and described. At the same time, the tactics of spot zoning and of playing one governmental jurisdiction against another (DC vs Montgomery County), and of the use of special exception zoning requests to obtain very high densities were employed in text-book fashion.

Before the Commission were two applications (71-25 and 71-26) seeking to re-zone 3.74 acres at the SW corner of Wisconsin and Western Avenues, and to obtain a special exception to allow a density even greater than that permitted by the requested new zoning classification. A massive turn-out of affected citizens (over five hundred were present) is indicative of the seriousness with which the local communities regard the threat of massive high intensity development. A petition signed by over 800 area people was presented recommending rejection of the applications.

JUST WHAT IS INVOLVED?

The ultimate development being sought for the Friendship Heights area (including DC and Maryland portions) is contained in the "Koubek" Plan. It is a mind boggling blueprint for what Friendship Heights could become in the years ahead if the developers have their way. It is nothing less than a plan for a Downtown moved Uptown. What it envisions is a complex in scale and scope massively larger than the man-made canyons of steel, glass, and stone of Rosslyn and Crystal city *combined*, shadowing in darkness, congestion, and pollution such of the surrounding communities as may survive. Sponsors of the Koubek plan are a group of holders of large commercial tracts in the vicinity of Wisconsin and Western Avenues. Included are Woodward & Lothrop, Lord & Taylor, GEICO, the Humble Oil Co., and DC Transit. Although presented as a plan developed in coordination with various governmental agencies, it is in fact purely a private plan for private gain. Official agencies in Maryland have disclaimed any active role in the development of the plan.

The area covered by the plan extends from Garrison St. on the South to Oliver St. on the north; from Cortland Road on the west to 43rd St. on the east, a total of 150 acres. Within this area the developers seek to crowd some billion dollars of high intensity construction of offices, retail space, and high rise apartments and condominiums. The magnitude of the effort may be judged by the table:

PROPOSED

	Current	1975	Ultimate	Ratio ultimate, current
Office space (square feet)	1,187,800	2,437,800	10,097,800	8.5 to 1.
Retail space (square feet)	600,000	843,000	2,723,000	4.5 to 1.
Residential (D.U.)	2,010	2,760	5,540	2.75 to 1.

Citizen opposition was directed both against the specific applications and against the concepts embodied in the Koubek plan. The principal thrusts of the opposition are outlined briefly below.

Sectional Development Plan. In the NCPC Comprehensive Plan for the District of Columbia, the so-called 1985 Master Plan, the area (some 12 acres) just south of Western Avenue and straddling Wisconsin Avenue is designated as an Uptown Center. The area presently is zoned C3A, a moderately intensive classification appropriate to such a center. In Maryland, the area close to Western Avenue is designated as a Commercial Business District which permits rather, intensive development. There is no overall development plan for the area, although such plans are now, somewhat belatedly being developed by official agencies on both sides of the District Line.

This lack of government plans results in piecemeal unplanned "spot" zoning, which brings intolerable pressures on the area without proper safeguards to protect the interests, health, and well-being of the surrounding communities. Citizen participation in the planning process has been non-existent. Both NCPC, when speaking of the "Galleria" zoning application on the Md. side of the Koubek Plan, and MNCPPC, in reaction to the "Humble" tract on the D.C. side have taken the position that no zoning changes should be attempted until a Sectional Development Plan is done.

The DC Zoning Act requires that the actions of the Commission must be in accord with the NCPC Comprehensive Plan. It further provides that special exception actions shall not be used to circumvent that Plan. The tandem applications before the Commission constituted just such an attempt. For example: The use of a C3B zone is limited to the edge of a C4 zone; in DC there is but one C4 zone and that is downtown Washington. By no stretch of the imagination is the area at Wisconsin and Western at the edge of downtown D.C. Moreover, the tandem applications then seek a special high density and building height *over and above* C3B limits. This alone appears to be grounds for dismissal of the applications out of hand.

Without the guiding framework of an official, bi-jurisdictional sectional development plan for the area, re-zoning actions are unwise and inappropriate. Piece-meal actions lead inevitably to urban blight and sprawl, deterioration of neighborhoods, high public costs, and further "flights to the suburbs".

Traffic. At the site under discussion, the applicant proposes to close 44th St., to widen Jennifer St. to EIGHT lanes, and to widen both Wisconsin and Western Avenues (or, perhaps it would better to say that he proposes to have the taxpayers do this). Such massive changes indicate the magnitude of the traffic problems which he himself envisions. Note that, in the process, he intends to gain, for free (by precedent) the present right-of-way of 44th St. at the site. These proposed changes affect main traffic routes, pedestrian movement, bus routes, access to Woodward & Lothrop (which they have protested), and westbound traffic on Western trying to go south on Wisconsin Avenue. Nearby residential streets, already carrying Wisconsin overflows and feeder traffic, will come under even more intensive uses with resulting pollution, hazards to residents, deterioration of residential property values, and heavy road maintenance costs.

Staff studies by Montgomery County officials have shown that the traffic generated under the Koubek plan is insupportable. Even now, peak hour congestion is severe. Yet the Maryland State Highway Administration has no plans for widening Wisconsin or any other road immediate to this area in either its 5 year construction plan, or its 20 year highway needs program. Moreover, to be effective, in their view, such widening of Wisconsin would have to extend from the beltway to Georgetown, thus wiping out the Bethesda business district and many another structure. No work is contemplated for Willard Ave., Prospect Ave., and the Wisconsin circle—all critical parts of the Koubek plan.

The DC Highway Administration has not completely studied the Koubek plan. It notes, however, that proposed developments at McLean Gardens, the Equitable Life/Best Co. sites, the Tenley circle METRO subway station, and the Friendship Heights area will combine to place severe loads on Wisconsin Avenue. A Wisconsin Avenue corridor study is sorely needed, the Department notes.

The traffic situation clearly shows that the applications before the Commission are no small item to be treated in isolation.

Parking. Heavy reliance is placed on the capacity of METRO to carry passenger traffic. In fact, the Koubek plan contemplates some 28,000 at peak hour as against WMTA's own estimate of 5,000. (Grand Central Station in NY is said to handle 28,000 at peak.) The parking spaces proposed by the applicant are so few as to insure heavy over-flow onto neighboring residential streets already inundated. Since METRO is not due here until late 1976 or 1977, and construction at the site is proposed to start immediately, no help from METRO can be counted for some time. Even then, the subway will be serving only half the potential ridership since the Maryland leg will be built even later. The reduced parking ratios being sought are in direct opposition to the experience of GEICO—a long time employer in the area. GEICO currently is seeking an increase in its parking areas *over and above* current legal requirements because of spill-overs into the residential areas and other problems. Since

C3B is supposed to be next to C4 downtown, the low parking requirement was intended to reduce traffic in that impacted area. In this case, it works against the surrounding areas.

Pedestrians. There is minimum provision for pedestrians—sidewalks are narrow; trees and other amenities are nonexistent. Along Jennifer St., a 100′ long loading dock is proposed that will block pedestrian travel, bus routes and station. Overpasses and underground malls are privately owned, with no assurance of provisions for safety, maintenance, and 24 hour availability. Much of the sidewalk frontage at the site along Wisconsin and Western Avenues will also serve as on and off loading docks for busses, "kiss and ride" cars, and shopper and employee drop-offs and pick ups. In short, the pedestrian has been given short shrift.

Building Height. The excessive proposed density forces building heights which will alter severely the character of the area. The sun will set early.

Public Costs vs Benefits. Although there appears to be an underlying assumption that Growth is an absolute and unalloyed GOOD, there is considerable evidence accumulating that this is not necessarily so. It can be shown that over intensive commercial and retail development of this type deteriorates surrounding neighborhoods. Witness the plight of cities (and even Montgomery County) that have been growing and going broke in the process. San Francisco found ("The Ultimate High Rise") that intensive development does not increase the taxbase but imposes a burden. Studies in Montgomery County likewise have found that most forms of intensive development show public costs exceeding benefits. Even now it can be shown that residential tax assessments far outstrip commercial and retail for a number of years, demonstrating a subsidy by the public.

Public Utilities. There are no publicly available estimates of the impact of the proposed development on water, sewage, electric power, and gas systems. In Montgomery County, an embargo is in effect on additional uses of gas for commercial and apartment uses. A similar embargo is being processed in the District. "Brown outs" by PEPCO already have occurred and no relief is in sight. It has been estimated that the McLean Garden-Friendship Heights developments between them would absorb 30% of all planned additional sewage capacity for the District.

General. It is clear that applications 71–25 and 71–26 are part and parcel of a massive commercial attack on the Friendship Heights area, subverting the good intent of METRO and its proposed station at Wisconsin and Western Avenues. We find it ironic indeed that a mass transportation system being built at great public expense to *reduce* auto traffic, congestion, and pollution is being exploited by schemes that will massively *increase* auto traffic, congestion, and pollution.

In conclusion, the citizens-in-opposition believe that:

1. The Commission should reject the subject applications out of hand as being grossly at variance with the intent of the zoning regulations with respect to Planned Unit Developments.

2. The Commission should accept the unanimous views of planning agencies on both sides of the DC/Maryland line that no actions should be taken until coordinated Sectional Development Plans have been developed and adopted for the Friendship area.

3. The Commission should request the appropriate authorities to prepare a Wisconsin corridor impact study.

4. The Commission should reach out to join with Montgomery County in achieving these objectives on a bi-jurisdictional cooperative basis.

POLLUTION CAN BE CONTROLLED

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. GOODLING. Mr. Speaker, since Americans have gained a keen consciousness of the various kinds of pollution that are attacking our environment, many types of specialists have sprung up in our society. Too many times their ecological titles are broad and their environmental views narrow.

The problems of pollution that are with us today are intricately bound to man's presence on earth and his efforts at progress. Whether or not man should engage in a given progressive effort should be determined on a "balance sheet" basis that weighs gains against losses. It must not happen, for instance, that the prospect of a little pollution generates an emotional outburst that thwarts a lot of progress.

It must be remembered that man will not eliminate pollution entirely, but he very well can control it. It is within this pollution control range that he must make his decision as to whether or not he shall go forward with a given project.

Late in January of this year, the Honorable Maurice K. Goodard, secretary of environmental resources in the Commonwealth of Pennsylvania, addressed the 101st New Jersey Farmers Week in Trenton, N.J. His remarks bring into keen perspective the task that is before us in coping with pollution and the manner in which we must proceed to accomplish our purpose. Because of the timeliness of Mr. Goodard's comments, I insert them into the CONGRESSIONAL RECORD and commend them to the attention of my colleagues.

REMARKS BY THE HONORABLE MAURICE K. GODDARD

On October 13, 1959, I had occasion to speak at the 84th Annual Meeting of the American Forestry Association at Bedford Springs, Pennsylvania. My topic was "The Citizen's Role in Meeting Today's Resource Challenge".

Today, something over 12 years later, I have been asked to speak on essentially the same subject, and I find that much of what I said then still holds good today.

Sure, the plot and the characters have changed somewhat—goals, emphasis, terminology, and technology have all undergone some change.

Technical know-how has improved; problems have become more and more complex and complicated, and there is a new breed of conservationist on the scene about whom I will say more later.

John Doe and Mary Roe have really changed very little, however.

Unquestionably, through the various media, they are better informed concerning ecology and the environment than they were 12 years ago. On the other hand, the information has often been partial or one-sided, emphasizing the dire consequences to all mankind inherent in the changes he has made, and is still making, in the ecology and the environment.

Twelve years ago, ecology and environment were words seldom used except in technical circles. Today, they are on the tip of everybody's tongue whether or not their true meaning is clearly understood.

For example, watching television the other night, I learned that Lysol will kill flu virus if sprayed on your "environmental surfaces"—a new name for the bathroom throne has been coined, but I'll bet it will help sell Lysol!

Now, I have been a conservationist all of my life, and, have, for many years, been an administrator.

In the latter context, one soon learns to appreciate the power and impact of ordinary citizens upon the formulation of policy.

I can assure you that there is one thing that has not changed in 12 years—as an administrator, most of my energies as head of an environmental resources agency are devoted not to day-to-day operational problems, but to that delicate process known to the high priests of political science as "reconciling the pressures of many interests".

In short, listening to, and mediating the many and varied demands, suggestions, and complaints of individuals and organizations.

When I said that John Doe and Mary Roe still have not changed very much, I was referring to the fact that the vast majority of the Johns and Marys are busy on their day-to-day jobs.

There is a living to be made; children to be tended; clothes and dishes to be washed; a house and grounds to be maintained.

Consequently, most of them just don't have the time, the energy, or the inclination to get involved with, or actively participate in, what I will call the "ecology-environment crusade".

This is not to say that many of the uninvolved do not harbor apprehensions and fears concerning the environment—apprehensions and fears kindled by the wide exposure of ecological and environmental problems through the public media.

They will readily admit that "something" should be done, but are content to let somebody else do it.

They have an abiding faith that the Almighty or some other unspecified power or entity will somehow correct the ecological and environmental imbalance and still provide for their welfare—for their economic and social needs.

What about those who get involved in the "ecology-environment crusade"?

You will recall that I mentioned a new breed of conservationist that we have today. Some call themselves "environmentalists", others "ecologists" and all profess to be "conservationists".

Now the aim or objective of a true conservationist is the stewardship of our natural resources—air, water and land. He has worked on that objective for many, many years—he understands that there is a mutual relationship between man and Nature—that man must serve Nature so that Nature may serve and support him.

There is a quotation by Theodore Roosevelt that has been engraved beside his bronze statue on Roosevelt Island, Washington, D.C. It reads:

"Conservation means Development as much as it does Protection."

As a conservationist and administrator dedicated to that philosophy, I find myself increasingly cast in the role of the villain by those purists who make use of the public's interest in the environment to advocate full preservation of natural resources as opposed to balanced use and development of those resources—labeled, by them as a despoiler of the environment.

It is indeed unfortunate that so many of the new breed either fail to understand what President Roosevelt meant or choose to ignore it.

Over the past 12 years, it has become increasingly difficult to accomplish anything constructive in managing and developing our natural resources primarily because people can be found to object to almost any form of environmental alteration.

Some of these individuals or coalitions of individuals and organizations do so for selfish reasons, but many of them are quite sincere and are either dedicated to their particular cause or genuinely fear the consequences of change.

Many, too, object to change without any real understanding of the broader picture, the problem itself, or even the consequences of some of the possible alternatives or answers to the particular problem.

The net result is that today public pressures based on fear and lack of complete understanding of a particular problem and its ramifications often force action or the formulation of administrative and/or legislative policy without full consideration of the possible consequences of that action or policy.

There is no denying that the works and activities of man whether they be highways, reservoirs, housing developments, power lines, power plants, industries, shopping centers, or the like do disrupt the ecology and change our environment to some extent.

The purists and crusaders have done a pretty good job of convincing the general public that all such changes are bad, and that any improvements should have the objectives of not upsetting the ecology and of restoring the environment to its original condition or as near thereto as possible.

Nature's environment, however, is not static—it is constantly changing, and all living things, man included, must continually adapt or die.

Man is not completely subject to Nature's whims, changes, and variations, and he can adapt Nature to a degree to improve his environment.

Do not misunderstand me, I am not saying that our environment has not been desecrated; that it has not been polluted; that corrective action is not needed; or that man's past and present actions have not endangered our present existence.

What I am saying is that, if the environmental and ecological changes necessary to man's welfare and well-being are carried out with due regard to minimizing the damage on the environment, these changes are not always bad.

In fact, many times they bring actual improvement—something is sacrificed, but more is gained.

Many more people today than 12 years ago are aware of the potential of harm to the environment than is inherent in unwise development and management projects.

There is less public awareness, however, that an equal potential for harm exists if we fail to provide in time for the resources management and development that our children may desperately need—and need sooner than most of us realize.

Obviously, every person added to our population increases the consumption of resources. This, in turn, must be supported by a corresponding measure of resources development and management.

Most of the resources policies and programs in the past, and, indeed, our big decisions have been made along the lines of economic development, unrestrained use of our natural resources, and our ability to move on to conquer new frontiers.

Only in the last few years have we been faced with the necessity of painfully weighing alternatives.

Formerly, it really was not necessary to think very deeply about how far we should extend the building of suburbs, how many automobiles we really need, or what might be the limits of exploitation of our resources.

At the same time, as our society became more and more complex, we developed more disciplines and specialities.

As individuals, each of us "did our own thing", and others "did their own thing", and we mistakenly assumed that all of this would somehow fit together in a perfect arrangement.

The highway engineer, for example, was called upon to build efficient roads at the lowest possible cost. It was not his function to worry about the side-effects of these strips of concrete or the slashes through the city or countryside.

The role of business was to increase production and not to worry about pollution of air and water.

The scientist, by long tradition, was to discover basic scientific truths and not worry about how they would be applied.

Today, of course, the trend is in the other direction.

Concern for the environment; past waste of resources; a better understanding of the reactions that environmental and ecological changes may trigger, and, indeed, the fear for man's existence on this earth if we continue our former ways unchecked, have all combined to force us to more fully analyze and weigh the consequences of our activities and the interplay of those activities.

This means that the businessman, the engineer, the consumer, the farmer, the scientist, and all others concerned must take cognizance of the effect of their activities on the environment and on their fellow citizens.

One of the principal obstacles to developing effective State and local and, indeed, national, policies and programs for the improvement of environmental quality lies in the fact that the pendulum has swung much too far in the direction of resisting all change in the fear of upsetting the ecological apple-cart.

While there are many cases where this has happened and is happening, I will mention only two.

First is the ban on the use of certain pesticides and herbicides.

The effect of these chemicals on the fish and wildlife food chain received wide publicity, and, as a result, the use of sevin and certain other pesticides was banned outright in some areas.

Because there is an enormous difference between uncontrolled and indiscriminate use of these chemicals and their use under rigidly-controlled conditions, I submit that we may yet live to regret the action banning their use without providing certain qualifications to permit controlled use under emergency conditions.

In the case of the Gypsy Moth which is endangering large acreages of forest land in Northeastern Pennsylvania, the withdrawal of registration of these chemicals has limited our ability to control the spread of the insect until other measures can be developed to bring it under control.

Currently, there is a great concern being expressed in the matter of nuclear power generation. Much of the opposition to the construction of nuclear power plants stems from lack of understanding of the problem and/or genuine fear of the possible consequences of plant failure.

Now, I will be the first to admit that, when you are utilizing nuclear fuel, you are in an area where extreme safety precautions are mandatory. Consequently, nuclear power plants are constructed under very stringent safety specifications and regulations.

Indeed, they incorporate not just one failsafe system but a whole series of backup systems so that if failure or breakdown occurs, it would be virtually impossible for any leakage or damage to the environment to occur.

Many nuclear power plants have been constructed throughout the world and some have been operating without incident for many years.

In the few cases where a breakdown has occurred, the fail-safe systems have adequately contained the trouble with a wide safety margin remaining.

What are the consequences of not utilizing nuclear fuel, where feasible, for the generation of power?

None, really, provided you have sufficient supplies of fossil fuels, or you can build a sufficient number of dams for hydroelectric power generation.

None, if you are willing to discount the drain on our fossil fuel resource bank; the damming of rivers for this purpose, and the pollution and waste disposal problems caused by burning of fossil fuels.

Both fossil fuel and nuclear generation use water for generation and cooling purposes.

Now, progress and, indeed, the health and welfare of our citizens is based on having a power supply adequate to meet all of our needs. Because we are a mechanized civilization, our power needs have grown in leaps and bounds, outstripping our population growth.

Actually, insofar as the environment is concerned, and provided that proper precautions are taken, nuclear power generation is cleaner and has less effect on the environment than fossil fuel generation.

I have been somewhat mystified by the fact that opponents of nuclear power generation profess to do so because of its possible effect on the environment, but fail to take into account the very obvious pollution problems brought into existence by the fossil fuel generation that they offer as an alternative.

Here again, as in so many other cases, they fail to consider the ever-present, ever-continuing and expanding public needs for well-managed resources development and use.

All too often today, they simply say "Don't upset the ecological apple-cart" and rely, as I mentioned earlier, on that abiding faith that the Almighty or an unspecified someone or something will somehow still provide for the economic and social needs of our citizens if the faucet and power plant are turned off.

It would be wonderful if this were so, but, as a conservationist and administrator, I must work with the tools on hand, and the situation as it now exists.

I have no doubt at all that in the years to come we will get some minor miracles—scientific breakthroughs, where and when we most need them. We cannot, however, afford to stifle progress or fail to provide for the needs of our citizens while waiting for them—rather, we will welcome and make use of them as they appear.

When Mr. Moorhead wrote concerning the arrangements for your program, there was a sentence in his letter that intrigued me.

He stated that "In this day and age of ecology and environment, the private citizen will be heard and his inputs are important."

Now, Mr. Moorhead was quite correct. The private citizen is being heard—heard loud and clear.

As you no doubt have gathered by now, I am concerned about his input—concerned because much of it is based on fear, emotion, and misunderstanding and not on calm, reasoned thought and a complete understanding of the problems and alternatives.

The answer, of course, to improved citizen input lies in the educational process, and, in my book, the true conservationist is currently losing the educational battle.

He has had ample opportunity while this crescendo of fear has been building up to interpose the element of reason into the situation.

Unfortunately, all too often, perhaps awed by the rapid change of events in his chosen field, he has kept quiet and has failed to speak.

He cannot blame John Doe and Mary Roe for their reaction—they repeat and respond to what they hear from the so-called experts, self-styled and otherwise, who are, all too often, taking advantage of the trend to promote single or selfish interests.

Today, many State and Federal agencies, including the U.S. Army's Corps of Engineers, and the U.S. Department of Agriculture's Soil Conservation Service, are under heavy fire because of some of their past practices and activities.

I am not saying that some of the criticism is not justified and that some changes should not be made—after all, we all learn, or should learn, from experience.

I am saying, however, that rather than just simply classifying these agencies as ogres, John and Mary should also be told of the many good things they have accomplished and of their efforts to change their procedures to keep in tune with the times.

Because of the ground swell of public pressures to clean up our air and streams, many actions, policies, and programs have already been initiated.

While some of these have been good, others, forced into being by the public's clamor for quick action, have not been well thought-out or well-considered.

Indeed, they have had an opposite effect, slowing down and impeding existing effective, on-going pollution control programs.

As one who has been involved for many, many years in the task of cleaning up our air and water, I can assure you that it is a long, slow, and sometimes, frustrating process. The trouble is that John and Mary have not been told the true facts of this situation and have been given the impression that it can be done overnight.

Hence, it is not surprising that they expect immediate results.

Recently, agriculture has been labeled as a prime polluter. We certainly cannot do without the food and fiber produced by the farmer, but I question whether we will be given the time to study and seek well-reasoned and workable solutions to this enormously complex and complicated problem.

I would not be at all surprised if, for example, bans on the use of certain fertilizers may be instituted before effective substitutes or alternatives can be found.

In conclusion, and just so you don't go away feeling that Goddard is against everything embodied in the "ecology-environment crusade", I will be the first to admit that the movement and public pressures have also had many good results.

Effective programs in some areas have been planned, financed, and carried out which could not have been implemented 12 years ago, and the pressures have precipitated much needed research and improved technology.

Last, but not least, John Doe and Mary Roe have taken a new interest in conservation and in their surroundings.

For example, in that speech 12 years ago, I made a strong plea for billboard control in Pennsylvania.

Because of the change in John and Mary's thinking, we finally have it—Governor Shapp signed Act No. 160 on December 15, 1971 controlling outdoor advertising.

THE 20TH ANNUAL RURAL LIFE CONFERENCE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, the 20th Annual Rural Life Conference was held last month at Arkansas Agricultural, Mechanical, and Normal College in Pine Bluff.

Delegates were privileged to hear Mr. William W. Layton, Director of Equal Employment Opportunity, Board of Governors of the Federal Reserve System, relate the present-day concerns of employment, environment, economic growth, and community spirit to contemporary rural living.

I am pleased to commend Mr. Layton's timely remarks to the attention of my colleagues:

UTILIZING HUMAN AND NATURAL RESOURCES FOR COMMUNITY DEVELOPMENT

(By William W. Layton)

It was with a great deal of pleasure and much appreciation that I accepted Dr. Parker's invitation to serve as keynote speaker for this highly important 20th Annual Rural Life Conference. And I want to say at the outset that I am greatly impressed with the enthusiasm and optimism that I see evident among you. I am also much impressed with the theme of this Conference which expresses your deep concern with working for community betterment. For several years I have been acquainted with President Davis and Dr. Parker through my work in Civil Rights as Department Contract Compliance Officer and Deputy Assistant to the Secretary of Agriculture, a capacity in which I served for six years. Dr. Davis and I have been together in many communities of this nation, along with Jim Hughes, meeting with Soil Conservation Service personnel in coming to grips with the task of providing to all citizens the full and equal access to the programs and services of that vital agricultural agency. Our assignments have even included meetings in Washington, D.C., a city that is sometimes described as "that mental institution run by the inmates". There are also strong personal reasons why this Conference assignment is so meaningful to me. It gives me an opportunity to again visit with my daughter and son-in-law, Dr. and Mrs. Clifton Roaf and my three grandchildren, one of whom is a grandson—my only grandson and namesake. My wife and I spent the past Christmas holiday with them but I brought with me a virus infection (I am not sure it was a vicious Washington variety) and as a result I spent six of the seven days we were here in bed. I firmly believe that if I had not had the expert care of Dr. Bob Smith, I would still be languishing in bed here in Pine Bluff, so bad was the "bug" I had or rather the "bug" that had me.

Tomorrow I shall be visiting with the Federal Reserve Bank in Little Rock and will review with them their equal employment opportunity program which is geared to improving the position of blacks and women at all levels of employment in the Bank. I believe the Federal Reserve System is on its way to becoming a fine example of the kind of expanding employment opportunities that Civil Rights Legislation and Presidential Orders of recent years envisioned. Let me give you a few figures: Negro employment in Federal Reserve Banks (there are 12 Reserve Banks and 24 Branches across the country) has advanced from 1,702 black employees or 9.1% of the total employment in 1966 to 3,812 or 17.2% of the total Reserve Bank employment in 1971. Thus, in five years black employment in Federal Reserve Banks has nearly doubled percentage wise and more than doubled in absolute numbers. The most significant feature of this gain is that the improvement is greater in the qualitative aspect—that is the kinds of jobs blacks are holding in the banks—than in the quantitative aspect or the number of jobs they are holding. This can be seen in a rather dramatic way when we note that in 1966 6.9% of the office and clerical workers in Federal Reserve Banks were black and in 1971 that percentage had grown to 18.4 or nearly three times the earlier figure. Over the same period of time, unskilled Negro workers decreased from 62.5% to 45.5%, a drop of 17%. Now that is progress where it counts most, in the white collar jobs where there is more money power to be combined with the power of additional numbers of black employees. Put another way, it is one of the most desirable power combinations I can think of—green power plus black power. That combination creates a force which if coupled with appropriate amounts of astute political power, can in time bring black America into full participation in the mainstream of our national life. And that, my friends, is really what this Conference is all about. It is the pursuit of an enlightened capitalism. And capitalism is the only ism that is truly compatible with the economic concepts and goals of a democracy. Speaking of capitalism, I am reminded of a concise and rather humorous set of definitions of various types of governments that I heard a speaker give back during World War II. It went like this:

Suppose you are a small farmer and you have two cows. If you lived under a socialist government, you would be required to keep one of the cows and give the other to your neighbor.

Under Communism the government would take both of your cows, place them on a collective farm and give you the milk.

Under Fascism the government would take both cows, milk them, and sell you the milk.

Under Naziism the government would take both of your cows in the name of the Fuhrer then shoot you to keep you from raising any strenuous objections.

Under New Dealism the government would require you to slaughter one of the cows, milk the remaining cow, then throw the milk away.

But under capitalism my friends it is quite clear what *you* and *not* the government would do: you, of course, would sell one of your cows to a neighbor, buy a bull and thus take the first step towards becoming a dairy farmer. Now as for me, I opt for capitalism and I believe you do also. But maximizing the range of choices open to citizens in a capitalistic democracy can bring some confusion as well as create some rather intense individual dilemmas. Then too, absolute individual freedom of choice in our society can only be approximated, it can never be fully attained. For there are impediments, both in the individual and in the society, such as racial and religious discrimination, discrimination based on one's sex or where one lives or what one has in material possessions. These impediments often thwart and stifle individual initiative and must be vigorously attacked and eliminated. Material resources cannot be effectively utilized for individual or for community development unless we first have our human resources geared to accomplishing the task. And when I say geared I mean adequately equipped from the standpoint of our attitude towards the task as well as our technical know-how to accomplish it. For in a nation such as ours, with virtually any goal we set for ourselves attainable, it is our *will* to do and not the way we do it that determines whether we succeed or fail in any given effort.

Now, my friends, I am not going to discuss with you on this occasion the various kinds of programs of financial and technical assistance available to you through the Department of Agriculture and other federal, state and local agencies. Others on the Conference agenda far more knowledgable in that area than I will do that. And you will have, I am sure, ample opportunity to question them and lay before them your concerns. As keynoter I want to spend a few minutes in sharing with you what I believe are the requisites for obtaining the kind of cooperation necessary to accomplish the objective of community development and without which I believe your efforts will not succeed. First, there must be, as I am sure there is, a recognition by you that competent dynamic leadership is of critical importance.

I believe this need is fully appreciated by Arkansas AM&N College as evidenced by its hosting this Conference for the 20th time. But, I charge you that leadership to be effective in this day and time must be increasingly viable and increasingly assertive. It must be the kind of leadership that probes and prods and is never satisfied with just good enough. Leadership based on a commitment to carve for itself a place and a role in every community within this state. And it requires the infusing of a spirit of mutual trust and cooperation into the relationship between the academic world of the college campus and the outside practical world of the community with its problems of setting priorities and allocating critically short resources. It also requires being the source of new ideas, innovative procedures and the testing of new methodologies. I would only add to this thought something that an old man with whom I had many conversations said to me many years ago. He said, pointing his finger at me, "Son, if you are going to make mistakes, and I am sure you will, always make sure that you make those mistakes going ahead, not going in reverse." Or as Satchel Page once admonished, "Don't look back, something might be gaining on you." So the creation of a leadership that inspires and motivates people must be the first step if efforts to improve our communities are to be successful. Now, what follows this critical first step is so basic and so fundamental as to not need enumerating to an audience such as you, well versed in what it takes to ensure successful results. But at the risk of taking the proverbial "coals to Newcastle" let me quickly run over the other requisites. They are: First, identifying and quantifying, in order of priority, the problems and needs of your community. Next, establishing a working relationship with the agencies, institutions and individuals who can—because of public mandate or civic interest—assist in your efforts. Then, formulating the overall program with clearly defined objectives and goals. Next, setting the specific program targets with a time table for each target and assigning the individual tasks to those best equipped to perform them. This is the place where the latent talent that is present in every community should be identified and put to work. It only requires that you contact these persons and assure them that they have an important role to play. Next comes the building in of procedures for continuously measuring and assessing performance in each of the assigned tasks and finally, devising procedures for evaluating and reporting the overall results vis a vis the stated goals and objectives of the program. Several of you here know that my hobby is collecting original autograph letters and documents of the Civil War period and that among my collection are an original photograph and autograph document of Abraham Lincoln. I, of course, have many other items that relate to Lincoln, one of them being a very old post card containing one of his original quotations. It reads as follows:

> Do not worry; Eat three square meals a day; Say your prayers; Be courteous to your creditors; Keep your digestion good; Exercise; Go slow and go easy. May be there are other things that your special case requires, to make you happy, but my friend, these I reckon, will give you a good lift."

I believe that what I am discussing with you today in a somewhat detailed manner as to how we can work together for community betterment is analogous to that excellent homey advice Mr. Lincoln gave the individual more than one hundred years ago.

As this nation has advanced in technology, streamlining the processes of extracting natural resources from the land, waters and sky and bringing efficiency to methods of production, our human problems have become both innumerable and complex. We have been so possessed, yes, even obsessed, with the desire to exploit our natural resources for private profit, that we have brought about a perverted and disharmonious relationship between ourselves and our environment, so serious that it threatens our very survival. This disastrous course must be averted, and while Congress can create environmental protection agencies and programs, and the President and others in authority can issue edicts and directives, if we are to be saved from environmental disaster, I am convinced it will be because of action we take at the local community level. We must demonstrate in this environmental crisis in which we find ourselves whether we are a government *of* and *by* the people as well as a government *for* the people. For only to the extent that we are a government of and by the people (citizens participating in government) to that extent can the best interest of the people—all people—be served.

And so my friends, it seems to me, that the challenge to us in this Conference is crystal clear—it is the challenge of survival itself. What we needs to do in this Conference here in Pine Bluff is resolve to meet that challenge through the best possible use of all the human resources in every community across this great state. And we should treat that commitment as if it were a sacred pledge. For the natural resources of our earth are neutral; they are the servants and we are the master. They are utilized or not utilized to the extent that *we*, God's highest creation, decide they be utilized. This can be for good or for ill; effective or ineffective; productive or nonproductive. It is our decision to make. For only as we mobilize human talents through citizen involvement assisted by the financial and programmatic resources of government at all levels, can we bring our local communities to the fullest possible realization of the great American dream. That dream is now, as it always has been, providing the opportunities for each citizen to reach his highest potential and to render his best efforts, however limited those efforts might be, for his own well-being and the well-being of all the people. Is that an impossible dream? From me the answer is a resounding No!

Thank you and God bless you.

COMMERCE SECRETARY STANS LAUDED FOR HIS LEADERSHIP

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. PELLY. Mr. Speaker, I join President Nixon in praising Secretary of Commerce Maurice H. Stans, while at the same time regretting his resignation from that post. The President summed up my personal feelings in his letter to the Secretary dated January 27, 1972, in which he said:

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C.

DEAR MAURY: I have your letter of January 17 tendering your resignation as Secretary of Commerce, and I will, as you have requested, accept it effective on or about February 15, 1972. I do this with a sense of both great regret and profound gratitude—regret because you are leaving a post in which you have served with the utmost distinction and gratitude because you will be playing a key role in the forthcoming campaign.

Your three years of leadership at the Department of Commerce have been a source of the highest satisfaction to me, as you have given that vital arm of the national government a new spirit of purpose and urgency to match the needs of America and its free enterprise system. When I nominated you as Secretary of Commerce, I did so because I knew our country demanded the experience and direction which you were uniquely equipped to offer. This you have done in the fullest measure. Your superb work and unswerving dedication have contributed in large measure to the fact that the United States is now well on the road to a new era of prosperity, without the artificial stimulus of a wartime economy.

For many years you have been by my side, ever a loyal friend and wise counselor, and I am deeply pleased and honored that you will continue to be there.

As you leave public office, you can do so with the knowledge that you have served your President, your country, and your fellow citizens with the highest skill and devotion, just as you did for more than five years under President Eisenhower. Every American who values the very best in government has reason to be thankful for your participation.

With my warmest personal regards to Kathleen and to you,

Sincerely,

RICHARD NIXON.

Meanwhile, Mr. Speaker, Secretary Stans' leadership was clearly indicated in a speech he presented at a "unity dinner" sponsored by the National Maritime Council for all elements of the industry—seamen, longshoremen, shipowners, operators, and shippers. He called for unity in the maritime industry to enable it to take full advantage of the potential offered by the Nixon administration's gigantic new shipbuilding program.

So that my colleagues will have the opportunity to read Mr. Stans' remarks, I insert them at this point in the RECORD:

ADDRESS BY THE HONORABLE MAURICE H. STANS

Mr. Chairman, ladies and gentlemen, this is the last opportunity I shall have as Secretary of Commerce to speak to leaders in our maritime industry, and I can think of no more appropriate opportunity to do so than this maritime unity dinner.

During these past three years I have developed a great regard for all the elements of your industry—seamen, longshoremen, owners, operators, builders and shippers—and the progress that has been scored by and for this industry is among our proudest achievements in these first three years of the Nixon Administration.

That is not said as a political statement in a political year. It is said with pride as a matter of fact.

And I hope the regard I have just expressed will be heard by all your colleagues in this industry across the country.

ISSUES

This evening I want to discuss briefly with you some of the matters in which all of us share a common interest.

First among these is the state of the economy, followed closely by the state of the American merchant marine today. Then I would like to examine some specific future prospects in trade which may interest and concern all of you—for we want new American ships to sail down to the markets, laden with American goods, throughout the world.

ECONOMY

First let me briefly review the state of the economy. This is a matter in which all of us have a common concern, because we are all in it together.

We learned a long time ago that in today's world we all feel the effects of inflation and unemployment together, just as we all share in the health and growth of the economy when it is prospering.

Today there is no question that the trends are up; we have crossed the line between fighting a defensive battle against inflation and stagnation, which had their roots for back in the economic policies of the Sixties, and we have entered a period of growth.

This has been an extremely difficult process, and it required the drastic efforts of these past six months. It will require more discipline by all of us in the months to come.

But our goal now is to reach a condition of economic health in which we can bring down the rate of inflation, bring down the rate of unemployment, and accelerate the economic engine of American enterprise, to the point that we can return completely to free competitive conditions in the marketplace and at the bargaining table.

TRENDS

We are hopeful this goal will be reached, even this year, because of the trends that are now very clear and consistent.

Personal income continues to rise to new highs.

Interest rates are down.

Consumer spending is increasing. Retail sales are up 10 percent over last year.

Orders for durable goods are strong and industrial production is up.

Business capital investments are rising, and in 1972 businessmen expect an increase of 9 percent in new plant and equipment.

The number of persons employed is at a record high, and is increasing sharply.

Housing starts are setting record levels.

The composite index of leading indicators has just taken another sharp increase, continuing to point to economic resurgence.

The Gross National Product gained at a strong annual rate of more than 6 percent in the fourth quarter of last year, and in the same quarter inflation was held to a rate of 1.5 percent, which was the slowest rise since the mid-Sixties. In short, the President's New Economic Policies are working.

Unemployment will be reduced, and all of the other significant indicators give clear, firm evidence that we are well underway with a healthy economic expansion.

MARITIME PROGRESS

With the nation's economy improving generally, I believe that America's maritime fleet also can look forward to the best health it has had in many years.

No one knows better than all of you here the full degree of its recent distress.

President Nixon made the development of a new program one of his first priorities, and all of us connected with it are very proud that this was one of the first major achievements of his Administration.

This program has had the greatest possible support from all of the factions involved—from all of you, as builders, managers, sailors, dock workers and shippers—and your support is the reason why it made its way so quickly and decisively through Congress and onto the ways.

The provisions of the Merchant Marine Act of 1970 are now moving into high gear under the able leadership of Assistant Secretary Andrew Gibson.

Today we can measure its progress by many standards:

During the last fiscal year, construction contracts were signed for the largest amount of commercial shipbuilding in the nation's history—$390 million in new capital commitments.

The American shipbuilding industry began 1972 with 55 merchant ships under construction or on order—the largest backlog of commercial tonnage in 14 years. Since then 12 new American-built tankers have been ordered, and many more will follow in the months ahead.

In the foreseeable future we expect the largest single order ever placed for the building of commercial ships in the United States—$400 million to build six LNG tankers in American yards.

Our maritime policies have been expanded to be more responsive to the needs of American flag ships on the Great Lakes, and new ship construction on the Lakes is expected.

The National Maritime Council has been created to bring all of you together, representing the many diverse elements of this industry. With just a minimum of government involvement, this group is providing private leadership for the development and promotion of a strong, competitive U.S. merchant marine.

Most important of all, we are achieving all of this without any higher costs to the shipper of goods. Our rates are competitive with those of other maritime nations, and our services continue to improve as we add new generations of advance design ships to our fleet.

ALASKA PIPELINE

Beyond all of this, the potentials for your industry are perhaps as good as they are for any industry in America.

For one thing, the proposed Trans-Alaska pipeline offers perhaps the greatest single opportunity for new cargoes and new jobs that the American fleet has ever had.

A fleet of some 30 new super tankers would be needed to carry North Slope oil from Southern Alaska to the West Coast, and constructing them would pump an estimated $1 billion through the shipbuilding industry into the economy.

As you may know, I have strongly recommended the approval of this project. The nation needs the oil, Alaska needs the jobs, and shipping needs the cargoes.

The environmental risks are clearly recognized, and we must bring our best technology to bear to protect the environment against every possible danger. But I am confident that we can do so—and when the minimized risks are weighed against the great need for the pipeline and its potential benefits, I am certain that it must be built.

EXPORT EXPANSION

Second in your great potential is the tremendous effort we are making to expand American exports.

As you know, under the Merchant Marine Act of 1936 we have a mandate to encourage imports and exports in American flag vessels.

At the outset of 1969 our exports were running at a rate of about $32 billion a year. At that time we set a goal of $50 billion in exports in 1973, and this year we are approaching the $48 billion level.

It is now apparent that we will exceed the $50 billion goal by a substantial amount next year, and we expect the rate of growth to continue substantially in the years to come.

Our achievements up to this point have been the direct result of a number of steps we have taken to make exporting easier and more attractive for everyone involved, including the expansion of export credit and approval of the DISC proposal as an export incentive, both of which Congress approved at the request of the President.

As an added measure of our effort, I personally sent letters in 1970 and 1972 to all of America's major exporters and importers, urging them to use American flag vessels in their overseas trade.

All of these measures have only begun to be felt, and we are going to continue to develop and devise new means of increasing our exports in every possible way. And this Administration will continue to support existing cargo preference laws, in the process.

EAST-WEST TRADE

Third, and a closely related potential, is the expansion of East-West trade. In this we have made a very significant beginning, and we may be on the verge of opening major new markets for American goods and commodities.

Less than two months ago I returned from the Soviet Union where I met with Chairman Kosygin and other officials of his government, including prolonged conferences with the Soviet Minister of Foreign Trade. We discussed the possibilities of expanded commerce between our two countries, and ways of removing existing obstacles to greater economic ties between us.

Assistant Secretary Gibson also joined with me to discuss mutual shipping problems with the Soviets, and we have taken steps toward a better mutual understanding that would be beneficial to American ships.

To the extent that political considerations permit, the potential for expanded trade between us is great. This begins with the Soviet desire to purchase substantial quantities of American grain, on a long-term, multi-million dollar basis.

ADDED PROSPECTS

In the years ahead we have the added prospect of exporting liquified natural gas from the Soviet Union to the United States, in large quantities. When the time comes and political circumstances are right, there could be massive use of American-built, American-flag LNG tankers for this purpose.

The prospects for any meaningful trade with Mainland China may be easier to read after the President's visit to Peking later this month. For now, they are too obscure to make any valid forecasts.

But we can predict a rising level of trade with the bloc countries of Eastern Europe, again to the extent permitted by political conditions. We are constantly in the process of modifying the Export Control list, as authorized by Congress, and on the basis of my own talks with the governments of Poland, Romania and Yugoslavia I believe increased trade—with all its benefits to American shipping—will develop.

CHANGES

The final potential that I want to mention briefly lies in the hope of bringing down some of the non-tariff barriers to trade that have built up over the past decade.

In this we have the simple goal of restoring world commerce to a condition of fair trade under reciprocal competitive rules which do not discriminate and which do not divide the world into hostile trading blocs.

After all that has happened and been written on this matter in the past two years, it is now beyond saying that we have entered a new age of trade.

The rules of commerce in the past no longer fit the conditions of today.

The relative economic strength of nations has changed radically.

The United States is now a trade deficit nation—by $2 billion last year.

And we are now on the verge of one of the most significant developments in commercial history—the Common Market expansion into ten nations, including Great Britain, with all its preferential ties into the Mediterranean and beyond.

REACTIONS

We need to meet these changes with several reactions.

First, American business must re-sharpen its own competitive skills, and put its great technological abilities to work faster and more productively than ever before.

Second, American labor must be given the tools and the technology to increase its productivity, and we must remove the artificial barriers to greater productivity that have cut into our competitive abilities.

Third, we must persuade our trading partners to remove or modify their nontariff barriers to commerce, and reverse the rising tide of discriminations. We must reaffirm our own commitment to fair and open trade, and ask for the same affirmation from others.

UNDERSTANDING

This can be done. We have called for a world conference to deal with trade problems, and the European Community has indicated its willingness to discuss these matters in the months ahead.

We have also made progress toward the resolution of some of our differences with Japan.

But we can and must do more. We must have an understanding by our own people at home, and by our trading friends abroad, that we will act in our own interest, because a healthy America is in the world's best interest, and we can remain economically healthy only if trade is truly fair and open.

PROBLEMS

If we bring down the discriminatory trade barriers and improve the trade understanding among nations, the American merchant marine and the shippers it serves will be the primary beneficiaries.

Under those conditions, your potential will have no limits.

This does not mean that all of your industry's problems are solved. Obviously they are not. The headlines from the West Coast tell the story of just one major impasse to progress that continues to plague us all.

Nevertheless, I hope the various elements of this industry generally have awakened to the fact that they can no longer take aim at each other across barricades.

The only way industry and its allies can realize the full potential that now exists is to stop the interfamily warfare in which everyone gets cut and bruised.

The comeback that has been started can be carried out only if all sides recognize the mutual advantages of technology, and continue to work toward achieving contracts that make all concerned the beneficiaries of technology, and not the victims of it.

The President has made it possible for this industry to compete again, and you can meet the toughest competition in the world, but all of his efforts will not achieve one additional pound of cargo if our many maritime interests are working against each other instead of together.

The dollars that go abroad in foreign flag ships will never come back unless we have a healthy, competitive maritime industry of our own. And it will be healthy only when the spirit of this unity dinner becomes the fact of daily practice.

CONCLUSION

This dinner signifies that these very welcome and important changes are coming about within the maritime industry.

It signals the beginning of the end of chronic problems and internal strife.

Each generation of Americans has passed on to the next a better and stronger America.

The spirit of unity here tonight indicates that this industry, at least, will not break the tradition now. It will not be the first to be ashamed of the legacy it leaves.

In a short time this nation will have been in existence for 200 years. For two centuries our ships have played one of the proudest roles in carrying our goods, and our competitive spirit, and our prestige, around the world.

They must do so again.

For our nation's economic strength—we need a fleet second to none.

For our national defense—we need ships that are second to none.

For building bridges to the world, and going through the trade barriers to peace—we need a maritime service that is second to none.

It has been a proud thing to serve as Secretary of Commerce during the period that this great industry has begun to restore itself.

It has been a proud thing to see you coming together again, and to sense the revival of your competitive strength and spirit.

It is a good time to say "well done"—and Godspeed.

HENRI M. HALL LEAVES LOFTY PUBLIC SERVICE LEGACY

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HASTINGS. Mr. Speaker, a long and illustrious career came to an end with the tragic death in an auto crash on February 2, 1972, of Mr. Henri M. Hall, of Jamestown, N.Y.

He was a member of one of the area's most distinguished families whose name was synonymous with community service; and his devotion to church and civic affairs have left a lofty mark which will be difficult to match.

A graduate of Harvard University in 1906, he soon became involved in the operation of the family newspaper enterprise which has become the Jamestown Post-Journal, one of New York State's leading dailies.

He served as president of the New York State Association of Dailies, vice president of the New York State American Press Association, and secretary of the New York State Newspaper Publishers Association.

He gave unselfishly of his time and talents to scores of endeavors which won for him a host of deserved honors. He was active in banking, served as president of the Jamestown Furniture Market building and a devoted supporter of the Red Cross, serving this organization in many key capacities for more than 60 years, earning him the appellation "Mr. Red Cross."

For almost a quarter of a century, he was warden of St. Luke's Episcopal Church and in 1962 received the coveted Bishop Medal.

He was a charter member of the Jamestown Area Chamber of Commerce and served for 6 years on the board of the New York State Chamber of Commerce.

In 1959, he was awarded the Brotherhood Citation by the National Conference of Christians and Jews for his efforts in helping to achieve racial understanding.

He was active in the Masonic fraternity for 65 years and was a 33d degree Mason. In 1953, he was singled out to receive the Bronze Keystone award by the Boys Club of America for his contributions to youth.

For 52 years he maintained an unbroken membership and attendance record in the Jamestown Rotary Club, which he helped found in 1919.

His death is a grievous loss for the community. I am offering for the RECORD an editorial in the Jamestown Post-Journal, which pays tribute to this man, who will be sorely missed by all:

HENRI M. HALL EPITOMIZED VITAL COMMUNITY SERVICE

Few men in the long history of Jamestown epitomized more faithfully the true meaning of dedicated community service than Henri M. Hall. For well over a half century his dedication to all facets of the common good was legendary.

He was concerned with people and his activity was of prodigious assistance to every worthy cause. As editor and publisher of the former Jamestown Evening Journal he wielded for many years an influence that reflected the best traditions of journalism. A graduate of Harvard University, he exercised statewide influence in his profession through the years. He held executive posts in three state publishers groups.

He received many honors from many sources but he accepted them graciously. His capacity for service to all civic, fraternal, church and other community betterment efforts was but a reflection of the personality of a distinguished civic leader.

His tragic death has shocked the entire community.

A member of one of Jamestown's distinguished families he was the eldest of five sons of Frederick P. and Lucy Mason Hall.

The honors accorded this distinguished citizen were many, reflecting his capacity for community service. Active in the Masonic fraternity for 65 years, in all its branches, he was coroneted a 33d degree Mason in 1952. In 1959 he was honored by the American Red Cross for 50 years of outstanding service. The same year he received a citation from the National Conference of Christians and Jews in recognition of long and faithful service to the community. The Jamestown Rotary Club, of which he was the last surviving charter member honored him last year at "Henri M. Hall Day" for his 52 years of continuous service and as a past president.

His church, St. Luke's Episcopal, made him warden emeritus in recognition of many years service. He was also given the Bishop's Award for his years of witness and service to God and His Church. One of the church's beautiful stained glass windows was given by Mr. Hall in memory of his parents.

His passing illustrates the heritage one man can leave to a grateful community.

JUDGE J. CULLEN GANEY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to call the attention of my colleagues to the passing of a distinguished Federal jurist, J. Cullen Ganey, a man of unique legal perspective and a close personal friend for many years.

Judge Ganey, who died on Sunday, February 6 in Philadelphia, served eastern Pennsylvania in various capacities for 44 years. During his career he served as Northampton County district attorney, county solicitor, assistant U.S. attorney for the Eastern District of Pennsylvania, district attorney and district judge. In 1961, President John F. Kennedy named Judge Ganey to the Third U.S. Circuit Court of Appeals, where he remained until his retirement in 1966. Even in retirement he remained available for special assignments such as the determination of ownership of Great Salt Lake.

Judge Ganey, formerly of Bethlehem, Pa., is best known for his role in a price-fixing trial of electrical equipment manufacturers in which he fined 29 companies nearly $2 million and sentenced several of the defendants to 20 days in jail.

Judge Ganey was a man of boundless

energy and rare talent, which is reflected in his steady rise in the judicial ranks in eastern Pennsylvania. His passing saddens all who knew him. I wish to extend my deepest sympathy to his widow, Mrs. Evelyn Gorman Ganey and his daughter, Mrs. Robert E. Kelly.

TRANSPORTATION DEVELOPMENT ACT OF 1972

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. PICKLE. Mr. Speaker, in individual agencies we have the greatest transportation system in the world. We have a bold and formidable Interstate Highway System, a great network of airlanes, and a long-time sturdy freight system on the railroads.

Individually, they are great. Together, they comprise perhaps our biggest blunder.

Not enough collective, cohesive, coherent thought has been given to a truly balanced National Transportation System. When it comes to the whole picture, this Nation has taken a back-alley approach. In fact, some of the back alleys in Austin, Tex., are in better shape than is our national system.

Name me a big city that is not clogged and fuming with automobiles driven by ragged and bewildered drivers.

Name me an airport that is not fast approaching the redline danger level of too many planes, too few runways, and not enough air traffic controllers. Pilots everywhere look over their shoulder in the landing approach.

Tell me it is not so that some of our interstate highways have actually raped the landscape and in some cases, even caused flooding because they make a man-made dike in the way of heaven's waters.

Tell me where the trains run on time—or run at all. Explain to me how we can put a man on the moon—yet we still cannot get him across town, home from work, in time for supper.

One by one, our systems do the job. Together, they do not.

This is a transportation shame. More than a shame, it is a national tragedy. Transportation—getting there and back—affects us all, everyone: From the poor man trying to catch a city bus to work, to the commuter, to the manufacturer with his goods drydocked somewhere, to Henry Kissinger off on another secret mission.

Mr. Speaker, this Nation stands at the threshold of some exciting discoveries in transportation. In fact, the most exciting changes to come in this next decade will come in the form of transportation. No other problem, no other crisis totally affects us all, rich and poor alike. No other critical area has the need for fast, effective solutions.

In the years since this Nation was founded by a traveller who was off course, we have made magnificent strides in individual modes of transportation. We have developed the most prodigious—at times bodacious—individual systems in the world. Each system—rails, planes, and highways—has vastly out-stripped their greatest expectations.

In our growth years as a nation, each individual system competed vibrantly with the other. And this was good. Each system vied to grow stronger than the other in the true spirit of American free enterprise. However, as the individual systems began to compete, inequities cropped up which cried for correction.

Regulations were introduced. The objective was the illusive "balance."

As the years rolled by, we found regulations imposed on top of regulations. The balance and counterbalance has grown unwieldly, and at times ridiculous, tottering on the scales with the best complex horse and buggy thinking offsetting mediocre computer and space age logic.

Regulations, over-regulation, has become so much the watchword that there is some serious consideration to stepping backward to the law of the frontier: Deregulation, let the strongest survive.

The fact is—each system hunted for its own solution. There was not planning enough for a coordinated approach. We did not recognize, or chose not to admit, that there was a need for an integrated, balanced national transportation system.

No longer can we be content to put legislative bandaids on individual systems. Today, we must treat the whole body.

We must tie the systems together. The time has come to establish in fact—not in words—a truly national system, a truly national approach. We have run out of space for the superhighways. The airways are clogged. The iron wheel is groaning on the iron rail.

And the greatest of all—mass transit—has been thrust into our legislative living rooms. It was hurled upon us—unwanted and without heirs, ancestry, or funds. Sadly, our search for a solution has been too timid.

Fortunately, the Congress has taken the helm in many cases. We have stepped into a leadership vacuum to give some direction.

In 1946, we enacted the Airport and Airways Development Act.

In 1956, we created the highway trust fund.

In 1965, we authorized the Office of High Speed Ground Transportation.

In 1966, we created the Department of Transportation.

In 1968, we gave life to the Urban Mass Transportation Agency.

Most recently, in 1970, we set into motion the National Railway Passenger Corporation.

All this legislation, all this money, all this effort was tantamount to recognition that we do have a national transportation problem—and we do not have a clear national transportation system.

Obviously, while our approach has merit and has been a finger in the dike, it has been fragmented. It is like using a magnifying lens with a cracked glass. Obviously, there has not been nearly enough emphasis on coordination—between and among the various modes—or research, development, and planning.

The President came close, but still shy of the mark in his recent budget message. He has recommended an estimated 50 percent increase in research and development spending. Also, he recommended a university grant program to utilize the resources in our transportation development.

I salute the President for this—but we ask for more. More money and more coordination. More money alone is not the answer. To effectively use the money, we must bring all the research—all the pilot programs—all the experiments into sharp focus.

I can cite you a day-by-day example of what I mean: There are several different agencies within the Department of Transportation involved in research, development, planning, and demonstration projects—yet each has only general knowledge of what the other is doing. They pass or develop like ships in the night while the public waits for the bus that never comes.

Specifically, the Federal Highway Administration has its own planning and research activities.

So does the Federal Aviation Administration.

And so with the Federal Railroad Administration, along with the Office of High Speed Ground Transportation.

Likewise with the Urban Mass Transportation Administration. And this theme is repeated time and again in various other agencies.

Mr. Speaker, who is keeping score on the scorekeeper?

Although there is a sincere effort within the Department of Transportation to coordinate the efforts of these various jurisdictions, there is no clear coordination, no real authority, no real muscle. There is no substantial national transportation policy, even though all of us are aware that last year the DOT published a report entitled "A National Transportation Policy."

It was little more than a statement that we need such a policy.

Mr. Speaker, at the expense of some dedicated and experienced officials at these agencies, we have tried to put some meaningful force behind words; we feel we have to hammer home again and again the need for a 20th-century approach to an old, old problem. Understand, we are not criticizing the work these agencies have done. Some of it has great significance. I am criticizing what they have not done, and they have not coordinated enough. I fuss not with the people, but with the system.

Mr. Speaker, today we offer what many of us think could be a solution.

This bill would create a Transportation Development Administration which would operate within the DOT on a par with other administrations like the FAA, FRA, and others.

The Administrator of the Transportation Development Administration would be responsible for all research, development, planning, and demonstration—except Maritime Commission. The other existing administrations would be in charge of their own actual operations and would continue to administer capital grant programs.

Before eyebrows are raised, I assure

you that this bill makes no attempt to change the present operation of the highway trust fund or the airport trust fund, or to reduce the amounts spent by the various agencies in research and development. Instead, the appropriations are increased.

Mr. Speaker, this legislation is not just an idea; it has teeth. To insure future coordination, 2 years after the effective enactment of this bill, the Secretary of Transportation shall not approve studies pertaining to technological assessment and forecasting, transportation priorities, regional or carrier development, feasibility or technological development—nor shall the Secretary approve research, development, or demonstration projects involving the study, design, construction, trials, acceptance, and introduction of new or improved transportation systems unless they have been coordinated through the Transportation Development Administration.

Clearly, through coordination, we will get more value from the money we are now spending or will spend in the future. Obviously, with this cog, the wheel will turn more efficiently.

Mr. Speaker, the time has passed when we can use one-dimensional thinking and consider separately a new rail system, or a new highway or a new airport. We must think in terms of how one affects the other. We must think of how to move people and goods from door to door. We must build transportation systems that complement each other.

One big think tank. One big idea that is put together from smaller ideas. One big umbrella.

That is what we need.

Let us lace together the dreams and schemes and efforts of 10 different agencies. Let us put an administrator in charge. Let us give him more money, strength, and authority.

I submit that the most important thing we can do today is to start at the beginning—the coordination of research, development, planning, and demonstration in one new agency—the Transportation Development Agency.

THE LATE HONORABLE GEORGE W. ANDREWS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. McDADE. Mr. Speaker, it was a sad duty for our distinguished colleague from Alabama (Mr. JONES) to announce to this House that his colleague and dear friend, George W. Andrews of the Third District of Alabama, had passed away on Christmas Day of 1971.

Mr. Speaker, each one of us in this House lost a notable friend in that passing. I came to know George Andrews principally through my own work with him on the Appropriations Committee. He was a man of infinite resources with a remarkably keen mind and with an understanding of the legislative branch of the Government unexcelled in our time. He had a passion to serve the people of America with all the talents which God had first given him, and which he had then cultivated to such a heroic degree.

The testimony of his constituents' regard for George Andrews can be seen in the overwhelming margins of victory he posted since he was first elected while serving in the Pacific in the Navy during World War II. The testament of his colleagues here in the Congress may be learned from the words of so many of his friends who admired him so much and who will remember him with such warmth.

It is the very nature of our work here in the Congress that we shall be confronted almost daily with crises and with momentus decisions. I remember so often when the problems seemed almost unbearable how George Andrews could turn and with one touch of gentle humor could somehow put the whole world back into focus again.

I will miss him. He was a fine and indeed a noble man. This Nation will miss him because he gave this Nation all that he had in full measure. The State of Alabama has given us many distinguished men in the past. Now they can add the name of George W. Andrews to that roster of distinction. He brought new glory to the people who were wise enough to send him to serve the Nation here in the Congress.

My deep sympathy to his family.

SEATTLE BLOOD BANK CUTS COST AND RISK OF INFECTION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. VEYSEY. Mr. Speaker, over the last 3 months I have had a number of disapproving things to say about the way some blood banks operate in this country. I have tried to make clear, and I want to reemphasize that not all blood banks deserve to be tarred with this brush.

There are hundreds of dedicated, volunteer, nonprofit blood banks in this country who provide this indispensable fluid to their fellow man safely, and at minimum cost. An outstanding example of such a blood bank is the King County Central Blood Bank in Seattle.

I have heard crys of selfless anguish from some commercial blood banks who contend that restricting their use of paid wino, transient, and derelict blood donors will cause a severe blood shortage. The success of the King County bank in serving the total needs of this major city with nothing but volunteer donors soundly refutes their argument. I hope my colleagues will review the article that follows.

Mr. Speaker, there is no excuse for us to go on condoning the profiteering from sick and destitute donors prevalent in commercial blood banking today. To protect ourselves from the scourge of serum hepatitis we are going to have to do by law what we should have been doing all along. We are going to have to put a stop to the gross and horribly dangerous use of paid skid row donors, and all of us are going to have to donate more blood. Years of neglect have left us no alternative.

The National Blook Bank Act, H.R. 11828, would bring this problem under control in a safe and effective manner. I urge my colleagues to join me in pressing for its enactment.

The aforementioned article follows:

[From the New York Times, Oct. 27, 1971]

SEATTLE BLOOD BANK CUTS COST AND RISK OF INFECTION

(By Lawrence K. Altman)

SEATTLE.—When patients need blood here, their physicians say they get it for the least cost anywhere in the country and with a minimial risk of contracting hepatitis, a serious and sometimes fatal liver infection that is becoming a growing national public health problem.

Health officials say that the Seattle program's success stems from a combination of the attitude of doctors and citizens, who regard human blood as a community asset and not as a commercial product for profit, and an efficient blood bank system that serves everyone in greater Seattle's 32 hospitals.

Seattle's blood bank system has an excellent international reputation. It is regarded as a model by some experts.

In a widely acclaimed book, "The Gift Relationship," published by Pantheon Books of New York City, Prof. Richard M. Titmuss, a sociologist at the London School of Economics and Political Science, called the King County Central Blood Bank in Seattle "one of the best organized and effective blood banks" in the United States.

When a patient needs a transfusion, several drops of its blood are put in a glass tube and sent to a blood bank laboratory for tests called "type and cross-match." This is to prevent the possibility of a fatal transfusion reaction resulting from mismatching the patient's and donor's blood. Mismatched blood can kill within minutes.

Then, after tests are made to insure the compatibility of the donor's and patient's blood types, plastic bags of the donor's blood are sent by taxi-cab to the hospital.

In other cities, blood is generally collected and tested in each hospital, not in a central laboratory. Here, just a main laboratory and a smaller satellite facility, both run by the private, nonprofit King County Central Blood Bank, do 120,000 tests for the transfusions needed by its residents and outsiders who are referred as patients to its medical centers.

Blood bank officials said that such centralized, nonprofit testing eliminated the large profits that hospitals and doctors can make in other cities.

Further, blood bank officials say they do not pay any donors, and are able to meet the entire community's needs without relying on commercially acquired blood or the Red Cross' voluntary collections made elsewhere.

Though voluntary blood banks that do not pay donors exist in many other cities, they do not meet the needs of their entire community as does Seattle's.

The difference, doctors said, is that just one blood bank collects, tests and distributes all the blood for all the patients in all the hospitals in greater Seattle.

By strict control over blood collection, the self-sustaining Seattle blood bank says it can minimize the risk of hepatitis by screening out drug addicts who have a high incidence of the disease and who often sell their blood to buy drugs.

The Seattle blood bank director, Dr. Dennis M. Donohue, said in an interview that the bank charges $10.50 for a transfusion of red blood cells and $5.50 for one unit of AHG, the critical blood factor that prevents hemophiliacs from bleeding to death.

"Our charges are at least half of what they are anywhere else," Dr. Donohue said, adding, "I don't know of another American city that doesn't rely to some extent on paid donors."

In New York City, for a contrasting example, more than half of the blood transfused comes from paid donors, many of whom are drug addicts.

Study after study has shown that the risk of a patient getting hepatitis from a transfusion is up to 15 times greater if he receives blood obtained from paid rather than volunteer donors.

A commercial concern that has no connections with the King County Central Blood Bank buys blood plasma from people in Seattle and sells it for use elsewhere in the country.

So successful has the Seattle program been that earlier this month officials dropped the $25 replacement fee that they had charged patients for each unit of blood they did not have replaced. This new action runs counter to a national trend of raising such fees.

"We prefer to collect blood for blood rather than to collect money," Dr. Donohue said, and then, shrugging his shoulders, added:

"When you collect money instead of blood, what do you do with the money?"

Blood donation must be regarded not just as an individual responsibility but also that of the entire community, Dr. Donohue said, and accordingly another state or the Red Cross cannot be expected to assume part of a local community's responsibility.

"No patient has bled to death, countless lives have been saved and no surgery has had to be postponed under the Seattle system," Dr. Donohue said. He concluded that a similar all-volunteer donor system could be adopted by many other American cities.

ENDING THE TELEPHONE TAX FOR THE ELDERLY

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DOW. Mr. Speaker, today I introduced legislation that would provide individuals over the age of 65 with a taxable income below $6,500 per year with a credit on their Federal taxes against the telephone tax.

We in Congress are becoming increasingly aware of the problems faced by older Americans. Just this week we passed legislation that would set up a national nutrition program for older people. This is a good step in the right direction.

Last year I conducted a hearing in my Congressional District, prior to the White House Conference on Aging, that brought out many older people to testify about the difficulties they encounter every day. The witnesses spoke about isolation and separation from friends and relatives. Poor transportation services, the high cost of traveling, and physical handicaps were some of the factors the witnesses talked about in relation to their problems. Of course, most of them live on fixed incomes that do not keep pace with rising costs.

One of my constituents, a widow who lives alone, recently wrote me a letter that tells about her problems and suggests a small measure that we in Congress could take that would be of some help to older people. She writes.

DEAR CONGRESSMAN DOW: Is there any possible way for us Senior Citizens to have something done about the high taxes on telephones? Counting the city, State and Federal taxes, it is over a dollar a month. The Federal tax seems very high to us.

A telephone is not a luxury but a necessity, more so to us who live alone and on a very limited income. . . .

I think this lady's letter typifies the problems of older people. One dollar a month means a great deal to her. Obviously, for an older person who may have a physical handicap, the telephone is an absolute necessity—it quite often is their only link to vital health and public services, or to distant friends and relatives.

The legislation I am introducing would provide a tax credit for these older people in a difficult financial position for the Federal, State and local taxes paid on their telephone service. I think this is a measure to meet an urgent need. Let us not forget that the Federal telephone tax was enacted as a wartime, emergency measure to discourage the use of telephones and because telephones were then considered a luxury. Also, the Federal communications tax is scheduled to be gradually phased out over a 10-year period ending in 1983. Exempting the old people now would not create any appreciable revenue loss, especially because the law will be defunct in a decade. Moreover, the telephone tax is regressive because it is a direct tax on services which does not take into account the income of the person who uses the telephone.

One-fourth of the people over 65, or 5 million older Americans, live in households with income below the poverty level. Despite the fact that oldsters often suffer from chronic illnesses, 95 percent live outside of institutions. Yet many of them have locomotion problems which prevent them from having the same degree of mobility which younger people have.

So, we have a situation where a group of our population shares some common characteristics which create a need for relief: Low income, isolation and poor mobility. Giving these older people a credit for phone taxes paid certainly won't end the larger problems that face them, but it will be a needed break and at least a gesture of our concern. Oldsters who are in less difficult straits would not receive any undue benefits because my bill provides that they must have an income below $6,500 per year, and that the tax credit applies only to the phone at their principal residence.

The following is the text of my bill:

H.R. 13109

A bill to provide that Federal, State, and local communications taxes paid by individuals over the age of sixty-five shall be allowed as a credit against their liability for Federal income tax.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43 and inserting after section 41 the following new section:

"SEC 42. COMMUNICATIONS TAX PAID BY ELDERLY. (a) GENERAL RULE.—In the case of an individual who has attained the age of sixty-five before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the telephone service taxes paid or incurred by such individual during the taxable year which taxes were imposed by a State or political subdivision thereof or were imposed under section 4251 on the telephone used by him at his principal residence. To the extent that the tax imposed by this chapter is less than such telephone service taxes, such individual shall be allowed a payment from the United States Treasury equal to the difference between the amount of the tax credit allowed and the amount of such telephone service taxes paid or incurred.

"(b) LIMITATION.—The credit otherwise allowable under subsection (a) for any taxable year shall be reduced by an amount equal to the amount by which the taxpayer's adjusted gross income for the taxable year exceeds $6,500 ($3,250, in the case of a married individual filing a separate return)."

(b) The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"SEC. 42. Communications tax paid by elderly.

"SEC. 43. Overpayments of tax."

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after December 31, 1972.

RESOLUTION 185

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ICHORD. Mr. Speaker, I have before me a letter from Mr. Herald E. Stringer, director of the National Legislative Commission of the American Legion, informing me of a resolution adopted at the Legion's 1971 convention proclaiming support for the House Committee on Internal Security which I have the honor to chair.

I want to take this opportunity to express my appreciation to Mr. Stringer and to the Legion for this support.

It is gratifying to receive, on behalf of the Commitee on Internal Security, such a testimonial from so large and important an organization as the Legion—an organization in which many of us in this body treasure our membership; an organization composed entirely of Americans who have honorably answered their country's call in both peace and war.

If there is no objection I will insert the text of the resolution in the CONGRESSIONAL RECORD.

The resolution follows:

RESOLUTION 185

Committee: Americanism

Subject: Support House Committee on Internal Security and Senate Internal Security Subcommittee

Whereas, The House Committee on Internal Security and the Senate Internal Security Subcommittee have clearly proved their worth to the Nation and its security by exposing, through their investigations, the working of the communist conspiracy within the United States; and

Whereas, The current expansion of activities on the part of the Communist Party, USA, recent revelations by the Director of the FBI, and the decisions of the Supreme Court which emasculated the internal security legislation of the United States, have made even more clear the necessity for continued action on the part of these Congressional Committees; Now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that The American Legion once again expresses confidence in the work of these Committees as important instruments for the exposure and eradication of the Communist menace within our borders; and, be it

Further resolved, That this organization does urge the said Committees to continue vigorously in the work which they have so well undertaken in the years past; and, be it

Finally resolved, That we petition the Congress to appropriate sufficient funds to enable these committees to extend and expand their activities.

DRUG ABUSE PREVENTION

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. WIGGINS. Mr. Speaker, it was with a real sense of urgency that I supported H.R. 12089, a bill to create the Special Action Office for Drug Abuse Prevention.

One cannot open a newspaper or watch a television news show today without being faced with the horrible evidence of the problems of drug abuse in America today. In fact, studies of newspaper lineage have shown that drug abuse ranks second, just after the war in Vietnam, as a concern of the American people. And well the American might evidence his concern. We have reached the point where thousands of young people die from drug overdoses every year, countless lives are ruined and wasted. Society pays a great toll, financial as well as emotional, for the carnage wreaked by drug abuse.

Recent history shows us that many efforts have been made to curb this problem. But until recently, they have been largely ineffectual and totally inadequate. When the President sent his omnibus drug message to Congress last June, he opened a new chapter in the way our society deals with drug abuse. For the first time, the President established a means for effectively coordinating the entire Federal drug effort. Now we know that whatever resources we have and whatever knowledge we gain in the future will be immediately applied to the battle against this dread social disease.

One of the cornerstones of the President's new program is the creation of the Special Action Office for Drug Abuse Prevention, which, as you know, has been operating on an interim basis pending our action on H.R. 12089. The Special Action Office has been charged with responsibility for all demand-oriented drug abuse programs in the Federal Government. For the first time, there is a watchdog in the Federal Government committed to treating drug abusers and using standards of excellence to measure the performance of Federal agencies involved in this field. Even while operating on an interim basis, the Special Action Office has been able to bring about much closer cooperation between Federal agencies than hitherto existed. With the additional authorities contained in this bill, I am confident that the Special Action Office can make real and marked progress in what is clearly one of our Nation's gravest ills.

Mr. Speaker, I commend the efforts of my colleagues on the House Interstate and Foreign Commerce Committee for their diligent efforts and searching inquiry into the problems of drug abuse and for moving this legislation which is of such importance. We on the House Select Committee on Crime have also been very much involved in the problem of drug abuse and how it relates to crime.

During the past year, we have conducted an in-depth inquiry into this problem and detailed our findings and recommendations in a report submitted to the House on November 18. Although the report goes into considerable depth relative to the causes of drug abuse and the alternative ways of dealing with it, it concludes that a significant research effort to develop a drug to combat heroin addiction is necessary.

I am pleased to note that section 224 of H.R. 12089 requires the Director of the Special Action Office to encourage and promote research to do just what we on the Select Committee on Crime had in mind in our recommendations. I know Dr. Jaffe has already been very actively involved in promoting research on long-lasting antagonists with the various pharmaceutical firms and am confident that when he has the statutory base this legislation provides, he will be in an even better position to expand the efforts in this field.

While it is obviously important to move ahead the development of narcotic alternatives, I am convinced that the approach taken by the administration is the soundest. Dr. Jaffe has repeatedly testified that he believes in the so-called multimodality approach, meaning that any number of possible methods of dealing with the drug abuse problem should and must be pursued. The very concept of the Special Action Office as a coordinator of the policies, the setter of the priorities and the developer of the strategy for the myriad of existing approaches already underway in the Federal Government is sensible.

The idea of working with existing programs rather than establishing huge new ones is somewhat unique in the Federal sphere. Usually, a new program and large amounts of money are requested whenever a new problem demands Federal attention. To the administration's credit, this course was rejected in favor of the kind of structure provided for in the measure before us. In my opinion, it is important that we give this Special Action Office support not only because the problem with which it is concerned is so vital, but also because the type of mechanism created may provide a new, dynamic approach to the harnessing of Federal resources to solve specific problems in the future.

For these reasons, Mr. Speaker, I voted for H.R. 12089 and hope that the overwhelming support given this measure by the House will speed its enactment into law.

TRIBUTE TO THE AMERICAN FIELD SERVICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RAILSBACK. Mr. Speaker, at a time when greater international friendship and cooperation are needed, it is appropriate to commend the fine work of the American Field Service, AFS is a nonsectarian, nonprofit organization whose purpose is the promotion of better understanding between peoples through international scholarship exchange programs.

The American Field Service has its origins in the volunteer ambulance service with the French armies. When World War I ended, these volunteers felt they had gained a great understanding of the French nation by working side-by-side with its people. From their experiences grew a program which provided grants for graduate study for 1 or more years in either France or the United States.

After World War II, it became obvious that there was a greater need for strengthening the bonds between nations. Therefore, in 1947, 52 students from 11 countries were brought to the United States—half of this group attended secondary schools. The experiment was so successful that AFS decided to devote itself entirely to teenage students.

Many organizations, as well as individuals, contribute to the AFS program. The State Department offers its facilities for the screening of candidates and has made grants to cover the expenses of certain students and AFS offices abroad. Schools waive nonresident tuition and other fees. Family circles are enlarged willingly and without pay to welcome the students, who are treated like the other young people in the home.

Illinois was one of the earliest states to be involved in the AFS programs for high school students. In 1949, an AFS student from France lived and studied in Winnetka. Since then, 2,298 students from abroad have learned something of the United States and its people by living in Illinois for a year.

In the 19th Congressional District, which I am proud to represent, 21 high school students from overseas are now living with host families and attending public schools. These students come from Brazil, Colombia, Costa Rica, Germany, Denmark, Spain, Ghana, and Greece. Also, AFS'ers in the 19th Congressional District are from Honduras, New Zealand, Paraguay, Argentina, Thailand, and the United Kingdom.

I insert now a copy of an article written by Chris Aviah-Gyebi, an AFS'er from northern Ghana living with a family in Prosphetstown, Ill., in the RECORD for the review of my colleagues:

CHRIS TELLS ABOUT HIS FAMILY

Hi Everyone.

It's yet another time to write about Ghana. Today, I am introducing my Ghanaian family (which I ought to have done earlier) to all.

Somewhere in the middle of Ghana and on the Volta River is the town of Yeji where I was born. This is about the most famous fishing town in Ghana. Our house is about a mile from the river. It is built with mud and cement plastered. The roof is aluminum.

This is the place my mother lives with my brothers and sister. My father, who is a police corporal, lives in a police barracks in Kumasi (Ghana's second largest city).

My younger brother, Joseph Kwame Aviah, is 16 and has had some 10 years of elementary education. Benjamin Nbabilla Aviah, my youngster brother is 12. My only sister is Lydia Salamatu and she will be 6 next January.

Fortunately or unfortunately, neither my father nor mother know when they were born. They only know that they are growing old—and that's enough for them!

The picture shows my family in our native dress. My father is normally very proud of the medals he gets in his service and here in the picture is shown some of those he had during his service years in the Congo. Unfortunately too, neither my father nor mother is educated.

However, my father is able to speak some English we call in Ghana "pidgin" or "croo" English. For this reason I do not speak English with my brothers at home. Should we do so, it will mean that we are hiding something away from our parents and that will be really insulting in our tribe. We speak two principal languages at home, namely Hausa and our own dialect, Frafra.

Sometimes too, it might be necessary to speak any other language to a visitor from another tribe or even friends. I am lucky enough to be able to speak six Ghanaian languages. My mother even speaks more and it appears my little sister, Lydia, is going to be better off in the number of dialects she now speaks with her friends.

Life with my new family is a little different from that in Ghana. Whereas in Ghana, as the eldest son of the family, I have a considerable control over my brothers and sister, and indeed have the power to punish them if I want to; here in the U.S. I know that power has been swept away.

I think Dad has it! My father might consult me in most family affairs before making decisions, especially on the education of the younger ones. My younger brother has no right to speak harshly at me. Simply, we lay much emphasis on age. The older one is the more he is respected.

Here, mother does much of the housework. In Ghana, it's do it yourself. Everyone, apart from my father and sister, has to wash his own uniform and iron them. Everyone cleans his own room. At times the boys have to wash the dishes. I do not know whether they enjoy doing so.

It looks like no one in my family, and indeed most Ghanaians, are ever in a hurry as Americans. Everyday life is a little slow.

Although I realize I have missed my Ghanaian family, I nevertheless still have a happy and wonderful time with my American family.

It's Happiness Always—Chris Avaiah-Gyebi.

Mr. Speaker, letters such as that illustrate that the American Field Service deserves congressional recognition and support. Through its efforts, opportunities to increase understanding and friendship among peoples of every race, religion, and nationality have been increased. In these troubled times, such a contribution to international peace and good will is vitally important. I congratulate the American Field Service on its outstanding success, and hope that its programs will continue to grow in the future.

CLEVELAND'S FIRST FAMILY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. STOKES. Mr. Speaker, the Urban League of Cleveland has just celebrated its 54th birthday. On January 29, 1972, I was proud to participate in a luncheon called to mark the occasion.

The luncheon's guest speaker was the executive director of the National Urban League, Mr. Vernon E. Jordan, Jr. Among those asked to make remarks at the luncheon were Governor John J. Gilligan of Ohio; former mayor of Cleveland, Carl B. Stokes; and current mayor of Cleveland, Ralph J. Perk.

The affair was extremely well-coordinated and informative. Full credit for its success goes to Miss Anita L. Polk, deputy director of the Cleveland Urban League, and a woman for all seasons.

The high point of the afternoon came when Mr. Julian C. Madison, retiring president of the league, announced the name of the family that had been selected as the 1972 "Family of the Year."

The league's choice was an excellent one. The Moses J. Whitley family has long occupied an important place in the hearts of Clevelanders. Mr. and Mrs. Moses Whitley and their accomplished children have, throughout their lives, demonstrated a standard of excellence in achievement which is worthy of recognition and emulation.

Three of their children, Joyce, James, and William Whitley, have formed the award-winning Whitley-Whitley, Inc., an architectural firm with offices in Cleveland and Chicago. Two other daughters, Mrs. Gloria Whitley Fleming and Mrs. Janice Whitley Carlstedt, now reside in Sweden. Mrs. Fleming is currently serving as music director of the Jonkoping School of Music, while her sister is married to Jon Carlstedt, the renowned Swedish composer.

Certainly, a family which has served the city of Cleveland and the Nation so well deserves all the kudos it receives. I present, for the benefit of my colleagues, an article about Cleveland's Family of the Year that appeared in the Call and Post on February 5, 1972:

URBAN LEAGUE FAMILY OF THE YEAR: "BRILLIANT AND PRODUCTIVE"

(By Anita L. Polk)

One of the outstanding presentations made at the 54th Annual Meeting of the Urban League of Cleveland was the prestigious "Family-of-the-Year" award, with outgoing president Julian C. Madison making the presentation to Mr. and Mrs. Moses J. Whitley, and their children, Gloria, James M., William N., Joyce and Janice, before the large audience in the Grand Ballroom, Sheraton Cleveland Hotel, Saturday, January 29.

Selected from a top-flight list of nine nominations, the Moses J. Whitley's penchant and quest for educational preparation despite the unusual sacrifices and limited financial resources were the significant and determining factors in honoring this brilliant and productive family.

Mr. and Mrs. Moses J. Whitley were married forty seven years ago, and were college graduates with Mr. Whitley having earned a Masters Degree form Syracuse University. Mrs. Whitley did graduate work at the Cleary Business College in Ypsilanti, Michigan. She was later the chief bookkeeper and Business Instructor at Roger Williams College in Nashville, Tennessee and at Selma University. Mr. Whitley taught at Alabama State Teachers College.

Hoping for a greater sense of security, Mr. Whitley took every Civil Service examination that he felt he could pass. Finally passing the examination for Ordinance Inspector led the Whitley family to Ohio and the Ravenna Arsenal.

The injustices of housing discrimination and of being the lone black in the company led Mr. Whitley back to school to study Law at Youngstown College, in the last quarter of the four year course. Mr. Whitley had to stop school to assist his now growing family with college tuition. Both Mrs. Gloria Beatryce Fleming, the oldest child and Mrs. M. Janice Garlstedt graduated from Fisk, in different years, with twin sons James and William entering Kent State University after successful careers in the United States Air Force where both were Navigator-Bombadiers, and both held the rank of Captain. Following the service in the Air Force, both sons entered the Leicester University in England where they studied design.

Joyce, James and William Whitley are principals in the Architectual firm of Whitley-Whitley, Inc., and operate two offices, one in Cleveland, and one in Chicago, Illinois. In 1965, the Whitleys won third place in the City of Cleveland competition with a Recreational plan for Urban Renewal area. In 1969, the Whitleys won the first Honor Award presented by the Architects Society of Ohio, AIA for the Randles Estate on Crawford Road.

ARCHITECTURE AWARDS

In 1970 both young men were named "Outstanding Young Men of America, 1970" and in 1972 were the recipients of the Progressive Architecture Magazine award from the American Institute of Architects Honor Award for the John F. Kennedy Recreation Center. Both men are members of the American Institute of Architects, the Cleveland Engineering Society and the Architects Society of Ohio.

Miss Joyce Whitley graduated from Fisk University and obtained a Master's degree in Sociology from Case Western Reserve University. Later, Miss Whitley took additional courses at the University of Chicago which led to a Master's in City and Regional Planning. She was Chief Planning Advisor for the Model Cities Administration and carries the main responsibility for the planning function for Whitley-Whitley, Inc.

Fifteen years of professional experience in planning led to instructing at the Center for Urban Studies at the University of Chicago, interrelating social and physical planning concerns for the city of Chicago.

Miss Whitley has been a consultant to Doxiadis Associates and the Health and Welfare Council of Washington, D.C. She is a member of the American Institute of Planners, serving on the Board of Governors and the Executive Committee; Planners for Equal Opportunity and the American Society of Planning Officials. She is also a member of Harvard University School of Design.

RESIDENTS OF SWEDEN

Not able to obtain flight reservations to join their family for the award were children Gloria Whitley Fleming and Janice Carlsedt, now residents of Sweden. Mrs. Fleming graduated from Fisk then received a Masters of Arts in Music from Northwestern University, with further study at New York University.

In Cleveland, Mrs. Fleming served as Asst. Director of the Y-Teens of the Cleveland YWCA, and the Karamu House. She toured Europe and Russia with "Porgy and Bess." She is now the Music Director at the Jonkoping School of Music, and serves frequently as accompanist to her husband John Fleming, an opera singer. They have two children.

Mrs. Carlstedt completed the tenth grade at Glenville and was awarded a Ford Foundation scholarship to enter Fisk where she completed her high school education and the freshman and sophomore years of college. She was graduated from Ohio University with a Bachelor of Science Degree in Journalism. She has done further study in Visual Design at the Illinois Institute of Technology in Chicago and now heads the IBM Corporation as Publishing Services Manager. She is the wife of Jon Carlstedt, well-known Swedish composer, whose Symphony No. 2, dedicated to the memory of the Rev. Martin Luther King, Jr., was world premiered at Lincoln Center in 1971. They have two children.

TIME TO TRAVEL

Mr. and Mrs. Whitley have four grandchildren in Cleveland, and having retired six years ago, he from General Chemical and she from the Internal Revenue Service, travel to spend time with their children is the order of the day. One interesting trip to Sudan found Mrs. Whitley staying some two months, when William was involved with a project there. During her stay, she visited and came to learn a great deal about Sudanese childern.

The Whitleys are active at Antioch Baptist Church where Mr. Whitley is a Deacon and Mrs. Whitley is a Deaconess.

With the standing ovation accorded the presentation of the coveted engraved plaque, Mrs. Whitley in great eloquence and humility accepted the responsibility to aid and assist the Urban League and the community in a speech of glowing beauty and grace.

Miss Kim Whitley brought her grandmother two dozen long stemmed American Beauty roses, one of many such floral tributes to this outstanding family.

THE BLACK MUSLIMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RARICK. Mr. Speaker, in view of the renewed interest in the Nation of Islam or the black Muslims, I call the attention of our colleagues to a report of the joint legislative committee on un-American activities of the State of Louisiana of hearings conducted on November 27, 1962, on black Muslim activities following a Muslim incident in Monroe, La., in 1960. The report is entitled "Activities of 'The Nation of Islam' or the Muslim Cult of Islam," in Louisiana and is report No. 3 of January 9, 1963.

I insert excerpts from the report in the RECORD at this point:

TESTIMONY OF POLICE CHIEF J. C. KELLY, JR., OF MONROE, LA.—NOVEMBER 27, 1962

By Mr. ROGERS:

I would like to call as our first witness, Chief J. C. Kelly, Jr., of the Monroe Police Department.

(Senator Broussard entered the hearing room at this point.)

THE WITNESS, CHIEF J. C. KELLY JR., AFTER FIRST HAVING BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

By Mr. ROGERS:

Q. Chief, will you state your full name?

A. James C. Kelly Jr., Chief of Police, Monroe, Louisiana.

Q. You are appearing here as a voluntary witness before the Committee today?

A. That's correct.

Q. Chief, how did the Nation of Islam first come to your attention?

A. Mr. Rogers, this came to our attention back in the Spring of 1960. At that time the Police Department received information from a man concerning his maid, actually, who came to him with bits of information that there were "some unusual goings on," as she phrased it, in a section in the City of Monroe which is primarily dominated by the colored people, the Booker T. area. At that time this information was given to us as being somewhat of a suspicious nature wherein the people out there were being "hoodooed." Of course, knowing the people as we do in that particular area, they can easily be led astray in this type of situation. That was on a Tuesday, I believe, and on the following Sunday, after having received this complaint, we had gone into the area to make some type of investigation, and to try to find out what was going on. At that time, in talking to the people who were actually involved in this thing, we found out that they were very, very reluctant to talk; they wouldn't give too much information concerning this thing. However, at that time we picked up the words, and the phrase, "the Nation of Islam," and they described a leader in that particular area—or teacher, as they phrased it—being from California.

Q. What was his name, Chief?

A. Troy Cade, or Troy X, as they referred to him at that time. Having no knowledge of this particular organization, we set out to try to find out about it, and in doing so we used various methods to obtain this information and to find out just what was going into this thing. As a result, we came up with the organization known as the "Nation of Islam," or "The Black Muslims." We find that this Muslim Organization, as they attempted to phrase it at one time, was a "religious" Organization. In trying to find out whether or not it was a religious organization, during the course of the investigation, we found out that the true Moslems of the Country denounce this group, saying through publications that they also believe they are subversive. In finding actually just what this organization stood for at that time, there were several interviews with members of this particular group.

Q. Did you make any investigation into the history and background of the group, Chief?

A. Yes, quite a deal.

Q. Will you tell us what you discovered in the course of this?

A. At the beginning of this situation, the actual history dates, back some sixty-six trillion years ago, according to them; and at that time, according to the teachings of Fard in 1930 when this all began in this Country here—

Q. Of whom?

A. W. D. Fard—that was the man who originated this organization in this Country in the 1930's. I will start with Fard and tell you the background as they phrased it. W. D. Fard in 1930 had just been released from San Quentin Prison—I think they had him at that time on a Narcotics Charge—and he went to Detroit, Michigan, where he set up as a peddler on the streets of Detroit, and he was peddling pots and pans in that particular area. During his course of business, as you might phrase it, he began to preach the Bible. He found that preaching a little on the side would increase his financial situation to a degree because of donations being contributed to him at that time, so he began to drop the occupation of peddling and began to take on the role of a Preacher, so to speak. From information we have, he found at one time a Holy Koran, the Moslem Bible. This Bible was written in Arabic, and he began to translate this Bible in Arabic, so I am told, to his followers during that time. In the early part of 1930 he was also joined by another Negro by the name of Elijah Poole who was born in Georgia and through the two of these people they began to collect a few followers; and they began what they called the New Lost-Found Nation of Islam. Their primary objectives at that time, according to these two, were to try to collect all of the economically stable Negroes at the time to pool their resources—as the investigation and research went on this thing—to form this New Lost-Found Nation of Islam. However, they weren't successful in trying to get enough stable Negroes at the time in the area, so they dropped this particular idea and began to prey on the unsuspecting illiterate colored people in that area to donate to this particular Cause, and with this, they were somewhat succesful. After this happened, of course, Fard began to adopt an air of mystery about himself. He began to say that he was originally from the Holy City of Mecca, and he had been sent to this Country as Saviour of the "first people." He was the "Saviour of the Asiatic black-man," he said. Also, they are not Negroes, they are Asiatic black-people, and they were the first people on the Earth, or the Planet on which we now live. He began to wear these long, flowing white robes, etc., and he became very theatrical in his performance. Of course, as a result of this particular situation, and doing the things he was doing at that time, he began to acquire a following of people.

In 1963, in Detroit, there was a situation which arose wherein one of the members of this Cult presented himself as a human sacrifice. At the time described by these two people, one of them got on this block, and the other one plunged a knife into him and killed him. As a result of this, Fard was ordered to leave the area—that was in 1933—and since that time there has been no trace of him to his followers. So that left the reins to Elijah Poole, who later changed his name to Elijah Muckmud, and then to Elijah Mohammed. He then took the reins, and at one time, the headquarters, or the Temple as they call it, was located in Flint, Michigan. He later moved the Temple, or headquarters of this organization to Chicago, and they called that Temple No. 2. He began to follow the same teachings of Fard; however, he set himself up as the messenger of Allah, and described Fard as Allah himself who had come and gone, and through his direction he was going to lead these people as Fard had attempted to do in the beginning, to the promised land, or the land of Ethiopia, according to the investigation and research on this thing.

Q. Is this the origin of what is today operating in the United States and the State of Louisiana under the name of the Nation of Islam?

A. That is correct.

Q. Chief, as they grew during the period of particularly World War II, what were their connections and loyalties as demonstrated at that time?

A. Of course these people, according to the investigation and research with reference to this thing, denounce actual fighting so to speak; they don't believe in the Government to any respect, and they are all conscientious objectors, and I am told through record-checks that Elijah Poole at that time was a conscientious objector, and he and several of his followers were jailed at that time.

Q. Have you any evidence, or have you been able to see any evidence of the written teachings of this group?

A. Yes, I have what is known as a Training Manual here that was taken from their Temple in Monroe.

Q. Did they use this particular manual that you have in your hand here, Chief, to train the people of Monroe?

A. That's correct.

Q. I presume that you have examined that at considerable length, have you not?

A. Yes, I have.

Q. Chief, you mentioned a moment ago that this man, Fard, used the name of "X" behind his name?

A. Yes, they set the situation up in regards to this "X" name in the manner that I described before. This is a long situation about how it all came about.

Q. Why do they use that?

A. They maintain that they are an unknown people in this country, having been at one time the original people of the world; they were overrun by the white devils, or the white slave masters in this country, as they phrase it; and they have been enslaved for a period of 400 years. The names that they now have are names that have been given to them by the slave master, referring to the white devil again; and as I said, the name that has been given to them by the white devil is not their true name, so they adopt the name of "X" after the first name of each individual until such time as their name will be restored to them by this leader, Elijah Poole.

Q. Chief, you mentioned here the "white devils." Does this book which you have here specifically refer to the white race as "devils?"

A. Yes, on many occasions in this book. They refer to them at least 14 or 16 times in this book as "white devils."

Q. Chief, you told me earlier some theory or doctrine these people have taught concerning a "mother plane," would you explain that to us, please? Tell us the source of your information on this?

A. This source was actually from interviews with these people we now have in custody in Monroe, or members of this Muslim Cult, or the Nation of Islam in Monroe, Louisiana. If I may, Mr. Rogers, let me go back into the history or their doctrine of sixty-six trillion years ago, so you may understand the thing.

Q. Go right ahead, Chief.

A. This is the doctrine that they teach in reference to the beginning of the world that we now live in. They say that some 66 trillion years ago the moon and the earth were one and the same, and the people at that time that were living on the earth or the moon, as you might have it, were the first people, and they were all the Asiatic black-man as they described themselves. They were the first people of the universe, or world, or earth, or moon, as they described it; and at that time some 66 trillion years ago there was a scientist who lived on this moon who became angry because he couldn't teach everybody the same language. So, it says that he drilled a hole right down through the middle of the earth, and he filled it full of high explosives, and then set it off consequently breaking the moon, or the earth, into 2 parts, saying that the moon is part of the earth, or vice-versa. The people who were left on the part that we are living on, which is the earth, after they spun into space—after this explosion—after they once became acclimated to the conditions of time, the people that were left settled around, they say, the Holy City of Mecca. At that time that was the richest and most fertile part of the country, and they formed the first Tribe, which they called the Tribe of Shabazz. This was the first tribe of people at that time; they were the original black people, and the original people of the earth. Having formed this tribe, they began to call themselves the Nation of Islam, and they selected themselves a king.

After selecting this king, this king called into being 23 scientists at that time, and told them they were to write a history for their new nation. They were to write a history that would last some 25 thousand years, because they say in 25 thousand years man would reach his peak of intelligence, and they would have to write a new history each 25 thousand years. So, these 23 scientists were selected to write this history, and it says that they went into the world and they "tuned in" on everybody. How they "tuned in" on everybody, it doesn't explain, but they "tuned in" on everybody at that time, and they found out that the people during that time had 70% satisfaction, and 30% dissatisfaction. It says that day by day, and week by week, month by month, and year by year they gathered this information and finally upon completion of this history, they took it back before the king. Along with this history that they had written, they had also made some predictions. They predicted that in the year of 6,400 there would be a man born who would make the devil, and this man's name was to be "Yacob." Sure enough, this man was born in the year 6,400, and it says that he was born with an extra-large head. I am quoting this from the training manual from the "Department of Supreme Wisdom," so it says here. This man was born with this extra-large head so he could retain this knowledge he was to acquire. Also, in this prediction they said this man would make the devil, and he would rule this earth for a period of 6,000 years.

Q. You mean the devil would rule?

A. Yes. So, it says at the age of 6 this child began to experiment with various things, and one day he was playing with pieces of steel, and he found out that these pieces of steel would attract. One being a magnet, and the other not, he found that the steel would attract. He also found out that colors would attract, that's black and white. At the age of 18, it said, that he had gone to all of the Universities of the land at that time and he was very, very brilliant. One particular subject that he was very much interested in was the germination of man, it said. He found out that man had 2 cells, one black cell, and one brown cell. It says that Yacob went into the world and he began to preach Islam, they say, on a "luxury basis." What that means, I don't know. I never was able to determine what they meant by "preaching Islam on a luxury basis." Having done so, the authorities began to search for him because they didn't approve of that particular kind of teaching that he was doing. So they sent for him. At the time they told him that they would give him a choice; they would collect him and all of his followers and send them away in exile, or they would jail them all. He took the lesser of the two evils, and he decided that he and his followers would be sent in exile. It said that at that time he had collected 59,999 followers, I believe it was, and they loaded them all on ships and they sent them all to an island called Polan. Upon reaching this particular island—of course, they said that the government at that time had given them money to take care of their needs for a period of 20 years—he had called in all of the doctors, and nurses, and attorneys, etc., and set down a policy for them. This policy, as they described it, would be known as birth-control; and he told them all on that occasion that, "death be unto you if you do not follow these orders explicitly." He told them, "if people come to you to be married, if they are both black, you want to tell them they can't qualify to be married. If two come to you to be married, male and female, if one is black and the other one is brown, or of lighter skin than the other, then you issue them a certificate, send them to a minister and let them be married." To make a long story short, they say that down through the years through this "grafting process" as they describe it, the white devil was made. That's how the white man came to be according to their teachings here in this book, so that's our origin.

Q. According to them?

A. According to them, yes, sir.

Q. Chief, will you tell us how this ties in with this "mother plane?"

A. Yes, at the time these scientists made these predictions, they also made a "mother plane."' They say this plane is ½ mile by ½ mile in diameter, and it hovers over the planet here as their protectorate. It was put into space, I don't know how many years ago, but it was put into space up there as their protectorate. It only comes into the earth's atmosphere, they say, every 6 months, and at that time it comes into the earth's atmosphere to take on oxygen. They say on this plane there are 1500 smaller planes. These planes, as described by Elijah Mohammed, or Allah, or whoever it might be, will come back into the universe and these smaller planes will be launched from this mother plane, and they will bomb this country, and will destroy this country.

Q. Who is supposed to be inside this plane?

A. That's the first people, that's the Asiatic black-people; they were the people who made it and the people who managed it. This, again, was gained through interview with the people at home.

Q. With the Muslim members?

A. Yes, sir.

Q. Chief, I show you a picture and ask you if you would please identify this, and tell the Committee how you came by this?

A. Yes. On March 5, 1962, as a result of an assault on Police Officers in the Temple located at 1243 Desiard Street, Monroe Louisiana, a plaque, which is a standard plaque, was seized at that particular time. This is a photograph of the particular plaque which is on a blackboard.

Q. Do you have this plaque in your custody in Monroe now?

A. Yes, I do.

Q. How large is it, Chief?

A. It's 3 x 4.

Q. Three feet by four feet?

A. Yes, and it's all in color. It has both flags in color, and its on a black background. This is one of the standard props that they used at that particular time. At that time, one of the standard props which was used in all of the Temples was seized, and is now in possession of the District Attorney who is holding the thing for a Court Hearing.

Q. Chief, up in the upper left-hand corner of the picture of the plaque which you are holding is the American flag, and under it the word "Christianity" and a cross, and below that a rather crudely drawn picture of a colored man hanging from a tree-limb by a rope, and the words, "slavery, hell, and death." Then in the center of the thing it has the words, "which one will survive the War of Armageddon" and a question mark; and on the right side of the plaque, is what purports to be the flag of Islam, with the word, "Islam" underneath it, and the words, "freedom, justice and equality" beneath it. Will you explain to the Committee the significance of these two flags counterposed here against each other?

A. To me, and I take it very offensively, I don't know how the Committee members might take this particular situation, but here again it portrays one flag against the other. The flag on the right of this photograph is the flag that represents the Nation of Islam, or the Islam flag, and it's portrayed against the American flag as to what it stands for. Of course, under the American flag they put Christianity and it means slavery, hell, and death as opposed to the Islamic flag of the moon and stars on the red background, which stands for freedom, justice, and equality. Of course, which one will survive the War of Armageddon is—and I say again—that I take it offensively—what they mean by this War they are talking about, which one of the two will survive.

Q. What do they mean by it?

A. Well, in doing some research on Armageddon—I wasn't too familiar with it at that particular time—I found it in the Bible in only one place. In the Holy Bible it refers to Armageddon as the final War which is the War of good against evil. According to interviews and information we had with these people in Monroe, they describe the War of Armageddon as the final War, and at that time the blacks will rise and destroy the whites, and all non-believers of their beliefs. That's what they maintain, that at the time described by Elijah Mohammed, and during this War, that all the blacks will rise and destroy the whites.

By Mr. ROGERS:

Mr. Chairman, in connection Chief Kelly's testimony, we offer into the record the picture of the board which he just described.

By Mr. PFISTER:

Let the picture of the board be entered into the record.

Q. Chief, in addition to this Training Manual which you have spoken of, I show you a small paper pamphlet entitled, "Lost-Found Moslem Lesson #1" and ask you where did you come by this, sir?

A. This was also confiscated at the time of the arrest of these people in Monroe on March 5, 1961. It was taken from the Temple at that time in a notebook, or a brief-case belonging to the leader in that area.

Q. Chief, this particular little pamphlet has numbered questions and answers on four pages, and over on the last page, question #10 asks these particular questions: "Why does Mohammed and any Moslem murder the devil? What is the duty of each Moslem in regard to 4 devils? What does a Moslem receive by presenting 4 devils at one time?" I wonder if you would read the answers to those questions underneath item #10?

A. The answer to question #10 says, "because it is 100% wicked," (they were speaking of the white devil, or the devil,) "and will not keep and obey the laws of Islam; his ways and actions are like a snake of the grafted type, so Mohammed learned that he could not reform the devils, so they all had to be murdered. All Moslems will murder the devil because they know he is a snake, and also if he be allowed to live, he would sting someone else. Each Moslem is required to bring 4 devils, and bringing and presenting 4 at one time, his reward is a button to wear on the lapel of his coat, also a free transportation to the Holy City Mecca to see Brother Mohammed."

Q. Chief, is there any doubt in your mind as to what is meant by this phrase, "the devil" in this?

A. Not the slightest.

Q. I believe you testified previously that on 14 particular instances in this training notebook, or manual, it makes specific reference to the white man, or caucasian, as the devil?

A. That is correct.

Q. Chief, what use was being made of this Lost-Found Moslem Lesson #1 when you obtained it? Were you told by these people what they were using it for?

A. That they were taught the word of Elijah Mohammed, and that it was lesson No. 1 of their teachings.

Q. Were they using this to teach other people?

A. Yes.

Q. How did they do this process of teaching and training of other Muslims? Do they apply this only to adult Muslims, or to young people, or how do they do it?

A. No, at home, in fact, we have some 22 members, and they were adults, children and women included in this thing.

Q. Were they all being taught these doctrines from this Training Manual, and these Lost-Found Moslem Lessons?

A. Yes, as far as we can determine they were, yes, sir.

Q. Did they ever deny it at any time that they were using these for training their people?

A. No, they will tell you that is what they used. They follow the word of Elijah Mohammed who is their leader, and of course that came from Elijah Mohammed.

By Mr. ROGERS:

Mr. Chairman, in connection with the witness' testimony, we offer the document to which we have referred into the record.

By Mr. PFISTER:

Let the document, "Lost-Found Moslem Lesson No. 1" be entered into the record.

Q. Considering the testimony you gave regarding the teachings of the Muslim Cult, showing that they taught disrespect and violence for the American flag; if we take this and the other teachings of the Sect literally as you described them, can we say that the Muslims are being conditioned and trained for the War of Armageddon in which the blacks will kill the whites?

A. Yes, I would say so. Of course, within this group they have a group which are called the "F O I", that being the "Fruits of Islam," in accordance with their doctrine. This being the younger male members of the group who are trained as the Police Force or the Army within this group. These people are trained very similar, and use the same procedure and general orders that the Armed Services of this Country now use. They are also trained in calisthenics, they are also drilled similarly to the drills now being used in the Military Service, and these drills are primarily held on Tuesday of each week, and I think similarly throughout the Nation. I know in Monroe they held this drill on Tuesday of each week, during the time they were operating in Monroe.

Q. Thank you. You may proceed, Mr. Rogers.

By Mr. ROGERS:

Q. Chief, I show you a copy of a page which we have arbitrarily numbered page 94 out of this Training Manual, and ask you if you would read the last 2 paragraphs into the record, please?

A. Yes, this was taken from the Training Manual here, page 94. The last 2 paragraphs of this page reads: "Anyone becoming converted to Islam shall begin living the prescribed law in paragraph 6 at once. A committee of 3 must be formed by the Minister or Captain to report any undesirable conditions going on by Muslims in their homes. All traitors who betray their sisters or brothers will be murdered without mercy." The last paragraph says: "This day, I, Elijah Mohammed, have given you this Law, that you may be found worthy to meet your Saviour who will come to you quickly. Blessed be he or she that shall be found living up to these prescribed Laws above."

By Mr. ROGERS:

In connection with the witness's testimony, Mr. Chairman, we offer the page referred to in the record.

By Mr. PFISTER:

Let the page referred to be entered into the record.

Q. Chief, do these people have any public publications which they print, or hand out, or sell to the general public?

A. Yes, they do.

Q. I show you a copy of a newspaper with the masthead title, "Mr. Mohammed Speaks" for September, 1960, and ask you if you would read this main headline from the front of this, please, sir?

A. This paper is also being distributed in Monroe, and being sold to the colored populace there in Monroe by these Muslims, and the headlines of this paper reads: "Mohammed steps up the crusade for separate black states."

Q. I show you another issue of the same paper dated March-April of 1961, and ask you to read the main headline on this, please, sir?

A. The headlines read: "Separation, not integration; independence, not subservience; a land of our own, no squatters rights; these are hopes of my people during 1961."

Q. Chief, have the Muslims with whom you have had contact made any indication to you as to whether or not they are actually teaching the doctrine of a separate Nation within the United States?

A. Very definitely, yes. They say their objective in this country is to finally, and eventually, form a Government of their own to be ruled solely by the Asiatic black-man, the first man. They want a section of this Country for themselves, wherein they are to form a Government to be ruled by the black-man, and I presume by their leader, Elijah Mohammed.

Q. How do they propose to get this section of the Country?

A. In an interview with these people—of course they say they hope to do this in a peaceful manner—but they would be willing to go to any length to obtain this section of land that they require.

Q. Do you feel that this Doctrine they are evidently teaching concerning a separate Nation could be connected, or is connected by them in their teachings, with this question # 10 out of this Lost-Found Lesson # 1 dealing with the murdering of the white devils?

A. I would think so, yes.

Q. You mentioned the military training of some of these persons within their organization, do they have a separate group that does this training, or do all of the Muslim members take it?

A. No, as I have described it, within this group they have several groups. They have a group called the "Muslim Girls' Training," and they have the F O I.

Q. What is that?

A. That's the Fruits of Islam. As I described it before, this being the younger male members of the group who are trained as a military organization.

Q. Chief, do you know anything of any tie-in between the Nation of Islam and the Communist Party of the United States?

A. Yes, through the news media, and the circulations of these newspapers, etc., that we have obtained and acquired during this investigation.

Q. As a matter of fact, certain Communist leaders, particularly Communist Party Vice-Chairman Claude Lightfoot of Chicago had made some public statements concerning this, hasn't he?

A. Yes, that was in the Jackson Daily News.

Q. I show you a clipping from the Jackson Daily News of August 25, 1962 with the title: "Communists joining Negro agitators in South." I ask you, sir, will you read these particular comments which I have underlined on here which were made by Claude Lightfoot of Chicago?

A. "At one Commission meeting, Lightfoot urged the Communists to work for the growing, fanatical, all-Negro, all-white Muslims, also known as the Nation of Islam, to get them involved in what they termed a mass-struggle." Skipping on down: "He told the Communists that we are duty-bound to go along with our Muslim brothers and to help light and understanding among them."

Q. These last words are direct from Lightfoot to the Communist Party Congress?

A. That's correct.

By Mr. ROGERS:

In connection with the Chief's testimony, Mr. Chairman, we offer, and produce into the record the clipping to which we have referred.

By Mr. Pfister:

Let the clipping be entered into the record.

By Mr. Kelly:

We also have information through investigative sources that there is a woman by the name of Christine Johnson who at present is the head, as they call it, of the "University of Islam." That's a University, as they describe it, in Chicago, Illinois, wherein they are taught this Belief, or whatever it might be. In 1960 she visited Russia, and upon returning home she began to write an article in the C A P Publication which is in my term—and I am sure it has been termed—a Communist front organization.

Q. What is the C A P again?

A. Its a periodical bi-weekly publication, I can't recall the actual name, but its the C A P Magazine. During our investigation we obtained information that she is a member of the Communist Women Lining Group, which is a Communist front organization and I think it speaks for itself. She is also, I believe, President of this Africo-American Heritage Society, which is a Communist front organization.

Q. You say she is the director or the head of the "University of Islam?"

A. Yes, the "University of Islam" in Chicago.

Q. This is a function of the Nation of Islam Organization?

A. That is correct.

By Mr. Rogers:

Mr. Chairman, as an oversight, I note that I did not offer into the record the 2 newspapers from which Chief Kelly read the headlines. I would like to offer both of them into the record at this time.

By Mr. Pfister:

Let them both be entered into the record.

Q. Chief, getting back for a moment to this Training Manual, or notebook which you have there with you, our research shows that certain items of information from that notebook are worth the consideration of the Committee. May I ask you, sir, if you would look on page 33 and read this one phrase, please, sir?

A. It says, "The devil identifies himself as Caucasian; he is with the full-blooded Asiastic blackman."

Q. On page 54, Chief, if you will, please?

A. It says: "The white race is made to hate and kill off the blacks; the devil also especially identifies himself as the Caucasian Race."

Q. On page 65, Chief?

A. It speaks of the white man as "damnable Christianity, and such wicked, filthy people as Christians."

Q. One more, on page 142, notes on Elijah Mohammed's talk in Detroit on Dec. 21, 1958.

A. It says, "We need some of this good earth, States like Texas, Louisiana, Mississippi, Florida and Georgia."

By Mr. Rogers:

Mr. Chairman, in connection with the testimony of Chief Kelly at this time, we would like to offer into the record, the entire Training Manual to which he has made reference, and ask leave of the Committee to offer into the record instead of the original, which is Chief Kelly's and his Department's property, a photostatic copy of the same.

By Mr. Pfister:

Let it so be done and entered into the record.

Q. Chief, would you sum up for us your overall impressions of this particular organization in regards to their loyalty to the United States, and their doctrines as to violence, and obtaining their goal?

A. Well, yes, of course as to my theory behind this particular situation in regards to this organization, I think it is an organization which is hiding behind the cloak of religion to "do the dirty work in this country" in order to overrun or rule this country in time to come, according to their beliefs and their teachings.

Q. Are these people admonished that they must obey these rules and doctrines as set forth by Elijah Mohammed?

A. Absolutely, they are fanatical on these points to a degree. We can certainly attest to that point on the attack on the officers in Monroe on March 5, 1961. They are very fanatical as to this belief.

Q. Has there been violence in other sections of the country from these people, to your knowledge?

A. Yes, according to the accounts in the newspapers, and the news media, there has.

By Mr. Rogers:

Has the Committee any questions to ask of Chief Kelly, Mr. Chairman?

By Mr. Pfister:

Q. Is the Muslin Cult of Islam in any way connected with the National Association for the Advancement of Colored People?

A. No, in fact the NAACP refers to this organization as the "black Ku-Klux-Klan" of the Negro race. They are very much opposed to integration where in the NAACP is for these movements. Of course, the Muslims demand separation rather than integration. They maintain they are above that level; they are the original blackmen from the beginning, and they don't have to go through this process of integrating; they are already in every respect more superior than the white devil as they describe it, which is the whiteman at this time, and they are very much opposed to the NAACP. As I said before, the NAACP refers to this group as the "black Ku-Klux-Klan" of the Negro race.

By Mr. John:

Q. Chief Kelly, isn't it true that very shortly after the organization of the Muslin Cult, that they actually stopped preaching the Bible, and thereafter took up an undertaking of actually teaching racial hatred? Is that not true?

A. Yes, that's true.

Q. I would like for the record to point out at this time that according to our fact sheet that in 1942 this Elijah Muck-Mudd, who is the present Elijah Mohammed, according to the information we have and I think you can verify this—was arrested with 82 others on charges of sedition and conspiracy to promote the success of the enemy; and in fact, at the time he was arrested he was found under his mother's bed wrapped in a carpet. Among statements attributed to the investigating officers at the time were such statements as: "God bless Hitler," "Our prayers were answered by the bombing of Pearl Harbor," "Japan will be the Saviour of American Negroes," etc?

A. That's right. Through investigating officers this information was obtained.

Q. I would just like to point out that I think this is a sort of beach-head of intent as to what these people plan to do; that is actions tending toward rioting, insurrection, conspiracy, and all of those other verbs. Is it not true, Chief, or do you have any knowledge that in the recent riot at the United Nations in February of 1961, which was a riot protesting the death of Patrice Lumumba, that both the Muslims and the Communists participated in this riot?

A. That was the account from the investigative authorities in New York at that time, yes, sir. It was attributed to them as being the instigators of this particular riot that occurred protesting the death of Patrice Lumumba at that time.

Q. The Communists actually helped or cooperated with the Muslims in organizing this riot?

A. According to the authorities there, yes, sir.

Q. Did you give us any information, or do we have any information on a Bernard Lucas who was a Negro male?

A. No, I am told only that during this February, 1961, Convention that they held in the Colosseum in Chicago, that Bernard Lucas, who is quite a controversial figure in the Communist Party and a card-carrying Communist, attended this convention in Chicago at that time, along with other members of the Communist Party.

Q. Chief, you have a fine appreciation of what this Cult Organization is, both from your own study and research, and from actual experience up in Monroe. Would you say that its an organization that is motivated by hate, selfish desires, greed; that it actually teaches racial hatred, black-supremacy, overthrowing and forming a separate government of their own? Is this your appreciation of what this Cult is?

A. I believe that's the way I summed the situation up in the report to be disseminated to other Agencies in the Country; that's my honest and sincere belief about this organization.

Q. Since its active inception some 20 years ago as a force in this country, do you believe that they are a growing menace to all citizens of the United States?

A. Very definitely, yes, I do.

By Mr. Arceneaux:

Q. Chief, in your investigations in Monroe and the other parts of the State, do you think that they are teaching according to this brochure, that Islamism is the only thing that can give the colored people freedom, justice, and equality?

A. It speaks for itself.

Q. I mean, do you know that they are teaching this, or are asking this question to these Islam members?

A. Oh, yes.

Q. Are they actually teaching it?

A. Oh, yes.

Q. In other words, they are teaching them that the American flag and Christianity means nothing but slavery, hell, and death, is that correct?

A. Under the present form of government, yes.

By Mr. Broussard:

Q. Chief, do you have information that would lead you to believe that there are other such organizations in other parts of the State?

A. Yes, in fact through investigative sources we found out that there were 2 such Mosques or Temples, as they describe it, in New Orleans, and of course there are several out of the State, one being in Jackson, Mississippi; that one being very close to Monroe; of course, we are very interested in that situation there. There is one in Jackson, Mississippi, and 2 in New Orleans.

Q. Would you say that Monroe is the headquarters, possibly, for this organization?

A. No, I would not. I would say that this organization came to Monroe somewhat by chance. From the information we have throughout the Nation, there is an estimated number—this again is from investigative records—of some 70,000 of these people here in our Country. They number these Temples, and they have some 30 numbered Temples, primarily in the larger cities of the United States, and they have about that many unnumbered Temples such as the one in Monroe. As I said, getting into the situation with reference to Monroe, I think it was by chance that this situation started in Monroe, because of the fact this leader was educated, as he described it in Flint, Michigan, under this Doctrine, and he came back to Little Rock, Arkansas, where he began to try to start a Temple or Mosque but was unsucessful. He married a Negro girl just out from Monroe in a little town called Starks, Louisiana, and settled in Monroe at the time. Of course, he got into the operation before it was successful and growing to any extent, and it was a kind of clannish organization, it was tied in the family circle at that time.

Q. Do you have any idea at all of the number of this organization in the State of Louisiana?

A. No, I don't. Conservatively I would say possibly 85. Of course, they maintain a larger number than that. I am told that they have a larger number of people than that, but I have no way of knowing because it is a secretive organization, and it is pretty hard to obtain information as to the number of people that they do have.

By Mr. Pfister:

Q. Chief, do they make any specific reference to the American flag, and if so, how do they characterize it?

A. Again, this was obtained through interviews. They referred to the flag as "the rag." In many instances they called the American flag "the rag," in their doctrines and teachings.

Q. You mentioned a little earlier a "Department of Supreme Wisdom," actually what is this Chief?

A. Well, from what I can gather, each lesson of this Training Manual refers to it as coming from the Department of Supreme Wisdom, which is the headquarters in Chicago, this being Temple No. 2. I presume the Department of Supreme Wisdom is Elijah Mohammed and his staff up there at the time.

By Mr. Rogers:

Mr. Chairman, I have no further questions of the witness, and if the Committee has no further questions, and in view of the fact that there has been some delay in the appearance of some of our other witnesses subpoenaed for today, we would like to ask for a recess until 1:00 P. M. this afternoon.

By Mr. Pfister:

If there be no further questions, by the Committee, and if the Committee is agreeable, we will recess until 1:00 P.M. this afternoon.

Noon recess.

LOST FOUND MOSLEM, LESSON NO. 1—FIRST TERM EXAMINATION ASSIGNMENT OF MR. ELIJAH MOHAMMED

The following questions must be answered by Mr. Troy.

1. Why isn't the devil settled on the best part of the planet Earth?

Answer.—Because the earth belongs to the original black man and knowing that the devil was wicked and there would not be any peace among them. He put him out in the worst part of the earth and kept the best part preserved for himself ever since he made it. The best part is in Arabia at the Holy City Mecca. The colored man or Caucasian is the devil. Arabia is in the far east and is bordered by the Indian Ocean on the south.

2. Why did Mossa have a hard time to civilize the devil 2000 B.C.?

Answer.—Because he was a savage. Savage means a person that has lost the knowledge of himself and who is living a beast life. Mossa was an half original man and a prophet. Two thousand B.C. means before Christ. In the Asiatic world it was in the eleven thousand year. Civilize means to teach the knowledge and wisdom of the human family of the planet Earth.

3. Why did we let half original man, Columbus, discover the poor part of the planet earth?

Answer.—Because the original man is the God and owner of the earth, and knows every square inch of it and has chosen for himself the best part. He did not care about the poor part. Columbus was a half original man and was born in Italy, which is southeast Europe. His full name was Christopher Columbus, and the place he discovered was North America. He found the Indians here, who were exiled sixteen thousand years ago from India. They are original people.

4. Why did we run Yacob and his made devil from the root of civilization, over the hot desert, into the cave of West Asia, as they now call it Europe? What is the meaning of Euand Rope? How long ago? What did the devil bring with him? What kind of life did he live, and how long before Mossa come to teach the devil of the forgotten Tricknollegy?

Answer.—Because they had started making trouble among the righteous people telling lies. They accused the righteous people, causing them to fight and kill one another. Yacob was an original black man, and was the father of the devil. He taught the devils to do this devilishment. The root of civilization is in Arabia at the Holy City Mecca, which means where wisdom and knowledge of the original man first started. When the planet was found, we ran the devils over the Arabian Desert. We took from them everything except the Language and made him walk every step of the way; it was twenty-two hundred miles. He went savage and lived in the caves of Europe. Eu means hillsides and Rope is the rope to bind in. It was six thousand and nineteen years ago. Mossa came two thousand years later and taught him how to live a respectful life, how to build a home for himself and some of the tricknollegy that Yacob taught him. Which was devilishment, telling lies, stealing, and how to master the original man. Mossa was half original, a prophet which was predicted by the twenty-three scientists in the year one, fifteen thousand nineteen years ago, today.

5. Why did we take Jerusalem from the devil? How long ago?

Answer.—Because one of our righteous brothers, who was a prophet by the name of Jesus was buried there, and he uses his name to shield his dirty religion which is called Christianity, also to deceive the people so they will believe in him. Jesus' teaching was not Christianity, it was Freedom, Justice and Equality. Jerusalem is in Palestine Asia Minor. Jerusalem is a name given by Jews, which means founded in peace, and it was first built by the original man, which was called Jebus, also Salem, and Ariel. We took the city from the devils about seven hundred fifty years ago.

6. Why does the devil call our people Africans?

Answer.—To make our people of North America believe that the people on that continent are the only people they have and are all savage. He bought a trading post in the jungle of that continent, the original people live on this continent and they are the ones who strayed away from civilization and are living a jungle life. The original people call this continent Asia, but the devils call it Africa, to try to divide them. He wants us to think that we all are different.

7. Why does the devil keep our people illiterate?

Answer.—So that he can use them for a tool, and also a slave. He keeps them blind to themselves so that he can master them. Illiterate means ignorant.

8. Why does the devil keep our people apart, from his social equality?

Answer.—Because he does not want to know how filthy he is and all his affairs, he is afraid because when we learn about him we will run him from among us. Socialist means to advocate. A society of men or groups of men for one common cause. Equality means to be equal in everything.

9. Why does Mohammed make the devil study from thirty-five to fifty years before he can call himself a Moslem Son? And wear the greatest and only Flag of the Universe? And he must add a sword on the upper part of the Holy and Greatest Universe Flag of Islam?

Answer.—So that he could clean himself up. A Moslem does not love the devil, regardless to how long he studies, after he has devoted thirty-five or fifty years trying to learn and do like the original man. He could come and do trading among us and we would not kill him as quick as we would the other devils, that is who has not gone under this study. After he goes through with this labor from thirty-five to fifty years, we permit him to wear our holy Flag, which is the Sun, Moon, and Star. He must add the sword on the upper part. The sword is an emblem of Justice, and it was used by the original man in Mohammed's time. Thus, it was placed on the upper part, of the flag so that the devils can always see it, so he will keep in mind, that any time that he reveals the secrets. We give him this chance so that he could clean himself up and come among us. His head would be taken off by the sword. The holy flag of Islam is the greatest and only flag known. The Universe is everything—Sun, Moon, and Stars. They are planets. Planets are something grown or made from the beginning, and holy is something that has not been diluted, mixed, or tampered with in any form.

10. Why does Mohammed and any Moslem murder the devil? What is the duty of each Moslem in regards to four devils? What reward does a Moslem receive by presenting four devils at one time?

Answer.—Because he is one hundred per cent wicked and will not keep and obey the laws of Islam. His ways and actions are like a snake of the grafted type. So Mohammed learned that he could not reform the devils, so they had to be murdered. All Moslems will murder the devil because they know he is a snake and also if he be allowed to live, he would sting someone else. Each Moslem is required to bring four devils and by bringing and presenting four at one time his reward is a button to wear on the lapel of his coat, also a free transportation to the Holy City Mecca to see brother Mohammed.

11. Have not you learned that your word shall be Bond regardless of whom or what?

Answer.—Yes. My word is bond and bond is life and I will give my life before my word shall fail.

12. What is the meaning of F. O. I.?

Answer.—The Fruit of Islam, the name given to the military training of the men that belongs to Islam in North America.

13. What is the meaning of Lieut. and Capt.?

Answer.—Captain and Lieutenant. The duty of a captain is to give orders to the lieutenant and the lieutenant's duty is to teach the private soldiers and also train them.

14. What is the meaning of M. G. T. and G. C.?

Answer.—Moslem Girls' Training and General Civilization Class, this was the name given to the training of women and girls in North America how to keep house, how to rear their children, how to take care of their husband, sew, cook, and in general, how to act at home and abroad. These training units were named by our prophet and leader of Islam, W. D. Fard.

FINDINGS AND CONCLUSIONS OF THE COMMITTEE

The witnesses Sidney Walker, Jr., alias Sidney X, and Milton Dyson, alias Milton X, were served with subpenas duces tecum requiring both their appearance before the Committee and their producing before the Committee "All records under your care, custody, supervision or control of the financial and other business transactions of the The Nation of Islam or the Muslim Cult of Islam and also samples of each and every item of educational or teaching material in your possession, care, custody or control used by or distributed by The Nation of Islam."

The witnesses appeared and generally refused to testify on constitutional grounds as shown in the transcript. They also refused to produce the records subpenaed, again urging the constitutional grounds that they sincerely believed that production of the records might tend to incriminate them in some violation of law. Subsequently, the Committee through its Counsel filed a civil suit against these two witnesses in the Civil District Court in New Orleans, to enforce the subpenas of the Committee by obtaining a Court Order ordering the production of the records. This procedure was provided by law when the Committee was established. The suit is still pending at this writing.

The Committee recognizes and supports the constitutional right of every citizen to be free from the burden of Self-incrimination. However, the Committee believes that the use of the Fifth Amendment in the case of so-called "religious activities" must inevitably cast some doubt upon the claim that the activity in question is wholly "religious" in nature. Further, the Committee has been unable to find any connection whatsoever between the Nation of Islam and the legitimate Moslem religion.

The Committee finds, as a matter of fact, that the function and operation of the Nation of Islam is a cruel sham and deceit, based upon gross ignorance and superstition, using the guise or protective coloring of "religion" to give credence and dignity to a vicious program of calculated disloyalty, sedition, subversion and racial hatred, directed to all levels of government in this State and Nation and at the white race in particular. The so-called "religious" aspect of this organization's activities is best expressed by the plaque (page 20 Figure 1) showing the American Flag and Christianity in opposition to the so-called flag of Islam. (Also, see page 100 Figure 16.) The Committee does not believe that the Constitutions of the United States or the State of Louisiana in any way intend to allow "religious" freedom, or any other kind of freedom, to the point of the open advocacy and teaching of doctrines of disloyalty to all duly constituted authority and literal murder of other people because their skins are a different color. These constitutions would hardly be authority, for instance, for the operation in Louisiana of the "Thuggee" sect once extant in India, which advocated and practiced murder as a religious act of worship. Freedom of religion or any other kind of freedom involves certain responsibilities. As the Committee has stated before, freedom cannot exist unless rights and responsibilities have equal importance in society.

The Committee finds that in many open statements, Elijah Muhammad, the leader of the Nation of Islam, has directly stated that the negro Americans, for all of whom he purports to speak, "insist" upon "some land" in this United States for a separate nation, free from all currently existing governmental authority. The State of Louisiana was specifically mentioned along with several others as part of the land desired by the Muslims. The method of acquisition of this land is unspecified by Muhammad, but in view of his various teachings and speeches (see pages 94, Figure 10 and 27, Figure 5 particularly) which openly and unequivocally advocate violence and murder, there does not appear to be much doubt about how this land is to be had. The cult members have in fact engaged in violence in several different places in this State and Nation, which violence was invariably directed against duly constituted authority as represented by police officers or custodians of institutions of correction and detention. The cult members express total dedication to the teachings of Elijah Muhammad and are ready to carry out his orders without reservation, whatever they might be.

The theory of Fard and Elijah Muhammad as to the scientific origin of mankind is so utterly fantastic as to be patently ridiculous. The fact that supposedly enlightened and allegedly intelligent American citizens would swallow these fairy-tale doctrines, whole and without intellectual reservation, is a very significant comment on the intense personal appeal and effective rabble-rousing technique of Elijah Muhammad himself. It further leads the Committee to the conclusion that because of the total control exercised over the minds and lives of the cult members of Elijah Muhammad, the cult must be considered extremely dangerous and potentially capable of open insurrection. In this regard, the Committee particularly invites attention to the statements attributed directly to Elijah Muhammad in the July 6, 1959, edition of "The Islamic News" which appear in this report on Page -- Figure 9. The Committee finds no other logical conclusion possible in the direct quote from Elijah Muhammad as follows: "We must take things in our own hands. We must return to the Mosaic law of an eye for an eye and a tooth for a tooth. What does it matter if ten million of us die; there will be seven million of us left and they will enjoy justice and freedom." (end of quotes)

The Committee finds that the Nation of Islam is operating openly in the State of Louisiana, soliciting funds in the State and teaching its poisonous doctrines within the State. The cult appears to be growing and the Committee estimates its strength in the State of Louisiana to be about 750–1000 members or dedicated followers. Recruiting by the cult appears to have been more successful in the larger cities, and in jails and penitentiaries.

The influence of the Communist conspiracy in the Nation of Islam appears to be significant and dangerous. The Communists support the cult because of the classic communist doctrine of attempting to destroy the faith of the people in their own institutions. Through the Nation of Islam, the Communists see hope for producing their desired goals of progressive disillusionment, dissatisfaction, disaffection and disloyalty.

The Committee notes that the responsible negro people of this State hold no sympathy for the Nation of Islam, and are firmly opposed to it or any other organization which preaches disloyalty and violence. The Nation of Islam purports to offer to negroes, through so-called "religion," three things which many people, both negro and white, greatly need, namely: personal and racial pride, self discipline and good moral standards. The Committee is convinced that negro citizens can readily acquire all of these things through personal responsibility within the framework of the Constitution of the United States and without being a part of a movement which openly advocates calculated disployalty to all constitutional authority and bitter racial hatred to the point of actual murder of white people.

The Committee finds that the Nation of Islam is a Subversive Organization within the meaning of Title 14, Sections 358 et seq of the Louisiana Revised Statutes of 1950 (Subversive Activities and Communist Control Law). Enforcement of said statute is not a function of this Committee, but rests with the Attorney General and the various District Attorneys as is the case with all other criminal statutes. Legislation to regulate and control unincorporated organizations in Louisiana is now undergoing research by our Committee Counsel.

Respectfully submitted.

JAMES H. PFISTER,
Chairman, Joint Legislative Committee On Un-American Activities.

Senator Samuel Broussard, Iberia.
Senator Cecil Blair, Rapides.
Senator Jackson B. Davis, Caddo.
Senator Harold Montgomery, Bossier-Webster.
Senator William B. Carpenter, Morehouse.
Representative Dudley A. Bernard, Lafourche.
Representative Welborn Jack, Caddo.
Representative Mike John, Jr., Ouachita.
Representative Willie P. Arceneaux, Acadia.
Col. Frederick B. Alexander, Staff Director.

JACK N. ROGERS,
Committee Counsel.

PLEA FOR LAW AND ORDER

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ICHORD. Mr. Speaker, occasionally those of us who favor a firm stance on law enforcement in this country are accused of advocating repression. Sometimes when we assert the need for effective police work and swift punishment of criminals who prey on residents of the inner-city portions of metropolitan areas we are accused of being race baiters because most dwellers of the inner-city are black as are most of those who rob and steal there.

I have long held that the people who have the most sincere interest in firm law enforcement and the swift, stern punishment of convicted criminals are the very dwellers of the inner-city, particularly the so-called black ghettos of our cities. They are the ones who are being robbed, raped, mugged and killed and I say they are the ones who want the transgressors either punished or prevented from committing their crimes, preferably the latter.

As an example of this contention, I would like to cite a very moving letter I read on the editorial page of the February 4, 1972, New York Times. It headed the Letters to the Editor column.

It is a letter from a man who is of both black and Puerto Rican parentage, a man who lives in the predominantly black and Puerto Rican section of Bedford-Stuyvesant area of New York City.

This man is a combat-toughened ex-marine sergeant—a breed of men not renowned for their cowardice—but he is frightened. Listen to this man, Mr. Speaker, a man who knows—not thinks—knows—he will not be coming home to his wife and child some night because he will have become the victim of a street thug.

Listen to him, Mr. Speaker, because it is the most eloquent plea for law and order in the city streets that I have ever heard.

If there is no objection, I will insert the letter in the RECORD.

The letter follows:

[From the New York Times, Feb. 4, 1972]

I AM A FRIGHTENED MAN

TO THE EDITOR: One of these nights I will not be coming home to my wife and four-year-old son. I will have been the victim of one of the numerous packs of muggers that have turned the streets of Bedford-Stuyvesant-Williamsburg into an asphalt jungle filled with terror and violence for my fellow black and Puerto Rican neighbors and myself and my family.

I am of black and Puerto Rican parentage I grew up in Harlem and East Harlem in the midst of fighting gangs. As a young man I would come home late at night from evening college after working during the day. During all my previous 39 years I never really felt afraid for my own safety. I have been afraid for my mother, my son, my wife and other loved relatives, but never for myself. Now I'm afraid, really afraid, because I can see my number coming up, and feel absolutely helpless.

I want to see my son grow up into a happy, successful and honorable person. What is most terrifying is the knowledge that the odds are now definitely against that happening.

So many of my friends, neighbors and relatives are getting mugged, stabbed, assaulted and robbed that I know it is just a matter of days or merely hours before my turn will come.

What makes it even more horrifying is that now for the first time I know how a helpless old man, a woman or a child feels while walking down the street in the early evening darkness. Scared and absolutely helpless, with no policemen around, and knowing that no one wants to get involved.

I am no longer a cocky combat-ready ex-Marine infantry sergeant. I am a frightened man returning home from work at night, looking behind me, to the side of me, to the front of me, wondering if tonight is the night I will get it.

Will I get it in the subway exit where the bulbs are broken nearly every night, in the street while passing one of the numerous empty lots or empty houses, or on my doorstep while putting my key in the lock?

I know it is too late to save my life, but I pray that the people and our leaders wake up, organize and stamp out illicit drugs, permissiveness and loss of respect for authority, which I know are the causes of this tremendous increase in violent crime.

Then we will be able to save the lives of our children and of countless other people that deserve a life free from fear of a violent death or even of a violent mugging. Then people will be able to concentrate on living life to its fullest, on being happy, bright-eyed and filled with a love for humanity that is reciprocated by their fellow human beings.

LOUIS S. CAMPBELL.

THE REAL ISSUE IN VIETNAM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. WYMAN. Mr. Speaker, the principal reaction of the North Vietnamese to the President's peace plan has been to demand that the United States install a government in South Vietnam, completely subservient to Hanoi—which the North Vietnamese are unable to bring about themselves. Acceding to such demands could never be accepted by the American people and the sooner this basic truth is understood by the rulers in Hanoi the sooner we can get down to real negotiations leading to a lasting settlement.

An editorial from the Washington Evening Star, February 8, 1972, discusses this point extremely well. The article follows:

NARROW CHOICE ON VIETNAM

Gradually, we are being stripped of our remaining illusions about the possibility of working out a peaceful solution to the war in Indochina.

Time was when a good many quite sincere Americans thought it was a fairly simple proposition of good will and fair play. They believed that the problems of a military truce and an ultimate political settlement were separable—that if we set a schedule for the withdrawal of American forces from South Vietnam, our prisoners of war would be released. They believed that a fair election could be organized in which all political elements in South Vietnam, including Communists, could take part and that the long and bloody war could be resolved by the result.

Then we discovered with considerable dismay that precisely such a proposition had been made to the Communists months ago in secret negotiations. Either as a separate military-political deal or an overall package, the North Vietnamese and Vietcong have been offered a solution to the war which many Americans were convinced would be acceptable. All the elements were there, including the voluntary resignation of Saigon's top leadership and the organization of elections by a special commission, including the Communists, with broad authority to ensure the fairness of the result.

Now, we are learning from the other side that this is not nearly enough. The withdrawal of all American troops and an end to American air support to South Vietnam will not bring about the release of American prisoners. Elections, however they may be organized, are of no interest to the Communists. What they are demanding through their spokesman in Paris is nothing less than a complete withdrawal of all American support from the government in Saigon and the formation of a coalition government composed of elements acceptable to them which would ensure their takeover of the country. If these things are done, as Xuan Thuy says, "the Vietnamese probems will be very rapidly settled."

It is not possible for this government—for any American government—to comply with these demands. In our view it is the height of irresponsibility for any political candidate to suggest that they should be complied with. The American people would never accept a settlement of this war that amounted to a sell-out of the South Vietnamese people and the repudiation of a commitment for which 450,000 Americans have given their lives.

What hope remains of a negotiated settlement rests on the chance that the public reaction of the Communists is not really their last word but merely a posture for continuing negotiations. But if this is not the case—if the choice that confronts us really boils down to surrender or continuing support for South Vietnam—we have no doubt which way the American people will choose.

DISSIDENTS IN RUSSIA TORTURED INTO MADNESS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. GUBSER. Mr. Speaker, a very interesting article was recently published in the Palo Alto Times describing the manner in which psychological torture is used in the Soviet Union. The article, which first appeared in the National Review, was written by Bertram D. Wolfe, an expert on Russian history and Hispanic and Slavic affairs, and senior research fellow at the Hoover Institution on War, Revolution, and Peace at Stanford. Dr. Wolfe is also the author of books "Three Who Made a Revolution" and "An Ideology in Power: Reflections on the Russian Revolution."

I commend Dr. Wolfe's comments to readers of the CONGRESSIONAL RECORD:

[From the Palo Alto Times, Jan. 21, 1972]

DISSIDENTS IN RUSSIA TORTURED INTO MADNESS

(By Bertram D. Wolfe)

The following is based upon an address delivered on Dec. 3, 1971 to a conference on Literature and Politics in the Soviet Union and Eastern Europe, held at Stanford University, Dec. 2–4, 1971, with the participation of experts on East European Literature and Politics from many countries.

At the same moment that the address was being delivered, the same theme was being considered at a World Psychiatric Association Congress being held in Mexico City. The Congress was in receipt of appeals from such distinguished Soviet scientists as nuclear phyicist Andrei Sakharov and such literary figures as Dmitri von Mohrenschildt, editor of the Russian Review, as well as appeals from the World Federation of Mental Health (which concluded its congress in Hong Kong on Nov. 25), the British Columbia Medical Association which asked for a resolution condemning the "unethical and anti-humanitarian activity" of police-dominated psychiatrists in the USSR, the Vancouver and the All-Canadian Psychiatric Associations, the British Psychiatric Journal, and a group of archbishops of the Russian Orthodox Church meeting outside the Soviet Union to adopt their appeal against "the corrupt use of psychiatric hospitals." Despite this pressure from the members of their own profession, and shocked editoial in the Washington Post, the New York Times, the London Times, L'Express, the Swedish press and radio, and many other public and scientific bodies, a secret conference of the World Psychiatric Association leaders on December 2, from which the press was excluded, decided to refuse to show solidarity with the police-pressed Russian psychiatrists compelled to violate their Hippocratic Oath, and to leave the victims of the police psychiatric methods without support from the psychiatrists of the world—on the legalistic grounds that they might alienate the Russian delegaton (which contained more than the usual quota of police psychiatrists) and on the further ground that their constitution did not "provide the mechanism" whereby attempts might be made to raise the standards of psychiatry among their 60,000 members.

They even prohibited debate or discussion of the practice complained against. How much cowardice, and how much knavery was involved one cannot know, but it is significant that around the conference in Mexico City, there were not lacking men to approach the reporters with the explanation that the sufferings of the KGB (secret police) victims in insane asylums in Russia was nothing but a sinister myth of the American CIA. Indeed, Prof. Andrei V. Snezhevsky, chief psychiatrist of the Soviet Ministry of Health and a reporter to the Congress, did not hesitate to call a press conference in defiance of the "no discussion" decision, in which he too charged that painfully detailed stories of such men as Jaures A. Medvediev in his book, "A Question of Madness," were nothing but "a maneuver of the Cold War carried out by the hands of experts."—BDW

In 1955, with that remarkable nose of his for sniffing every slightest change in the breeze, Ilya Ehrenburg published in this country his novel "The Thaw." Thereby he started a new trend among those of our Soviet experts who belong to the Candide school of Sovietology. But I who have seen the great iceflows crashing and breaking up in the spring on the Moscow River could see no resemblance between the freeing of the frozen river and Ehrenburg's "Thaw." Hence, reviewing his book in the late lamented New York Herald Tribune, I commented that it looked like a thaw on a ground of permafrost. The recently published paper of Vera Dunham on the "Stalinist Debris" that still clutters up the Moscow popular literary scene painfully confirms my gloomy view of the transient thaw both as against the wishful thinking of Ehrenburg and of the Candide school of Sovietology. The Dunham paper, as now made available to us, does not paint a pleasant picture of the Moscow literary scene at the close of 1971, but there is no point in blaming a conscientious messenger for bad tidings. Any complaints should be addressed to the proper party—and I mean party—and to its grim yet faceless spokesman, Ilyich II, who can properly be distinguished from Ilyich I Bolshoi (the great) by granting him his proper title of Ilyich Malenkii (the little).

When Stalin died, no one, I thought, would ever be able to improve upon or add anything to his terrifying discoveries in the art and science of confession and torture. But now I must recognize that though his lieutenants have borrowed from his arsenal of tortures with a certain self-denying restraint, perhaps to make up for that very moderation they have invented a new torment that in important respects out-Stalins Stalin and out-Hitlers Hitler. It is not part of the Stalinist debris which Vera Dunham has examined, and, in a sense, it even overshadows the oft-asked question: "Are they restoring Stalinism?"

POWER IS KNOWLEDGE

Since in the Soviet Union power is knowledge and power over everything is knowledge of everything, we must trace this new invention back to Nikita Sergeevich Khrushchev who, until October 16, 1964, knew everything from how a painter should paint, a milkmaid milk, or a psychiatrist diagnose to how an astronaut should find proof of atheism among the stars On March 10, 1963, we find him telling the readers of Pravda how it is possible for human beings living under Soviet rule still to withhold their admiraton. "Can there still under Communism be breaches of public order and deviations from the collective will?" he asks himself. And he answers himself: "There can be . . . It cannot be supposed that the rules of community life will be safe from violation by persons who are mentally deranged." But since Khrushchev was not as humorless or as ruthless as his stony-faced successor, he did not often enforce his sweeping verdict that he who does not accept the regime with joy must be mad.

Today the chief psychiatrist and the chief everything else is Leonid Ilyich Brezhnev, and his chief assistant in police-administered psychiatry is Yuri V. Andropov, head of the KGB.

The principles under which the police science of psychiatry operates are:

First, rehabilitate the prisoner, i.e., bring him to accept the methods of the dictatorship as normal and his dislike of them as abnormal and, indeed, insane.

Second, pledge him to keep silent about his treatment, his questioning, his torments.

Third, bring him around to recognizing that the mere insistence of the applicability to life of the Bill of Rights of the Soviet Constitution is in itself a form of madness.

Fourth, make it clear to him that if he concerns himself both with freedom and his profession of poet, novelist or scientist, that this is an evidence of a split personality or schizophrenia. Thus the distinguished geneticist and molecular chemist Jaures Medvediev was given the diagnosis of "incipient schizophrenia accompanied by delusions of reforming society . . . split personality expressed in the need to combine scientific work in his own field with publicist activities . . . lack of a sense of reality, poor adaptation to the social environment . . . paranoia in the form of reformist illusions." And one must bear in mind that Medvediev was more gently diagnosed (only "incipient schizophrenia") and more gently treated than most of the victims because of the high standing of the visitors to his madman's cell, such writers as Tvardovsky and Kaverin and such scientists as Kapitsa and Sakharov.

UNHINGE THE MIND

Fifth, use hypodermic needles to inject substances that bring on high fevers and that may unhinge the mind. Among the drugs that have been listed by my informants as being injected intramuscularly are sulphazine and aminazine.

Sixth, tie the supposed patient into a bed containing warm wet sheets, strapping him to his bed with wet plaited fabric thongs that contract steadily on drying, causing unbearable pain.

Seventh, for resisting the policeman-psychiatrist and fighting against the medicines, the injections or other treatments, tie the "violent" patient to his cot for three days at a stretch without a bedpan or opportunity to go to the toilet.

At this point I should like to digress to tell the story of what is perhaps the greatest, in any case surely one of the greatest films in the history of cinema, "The Cabinet of Doctor Caligari," produced in Germany in 1919. At that moment, Germany hung suspended between the madness of total war which had just ended and the madness of Adolf Hitler which was only beginning. The authors of the film were an officer of the German infantry, Captain Janowitz, who had returned from the slaughter a convinced pacifist with a deep hatred of the authority in power which could send millions of men to deal in death, and a younger man, Karl Mayer, a strolling player, who went from fair to fair playing bit parts in rural theaters and whose youth had been darkened by his father's suicide and his own unpleasant encounters with a military psychiatrist. Since the film as finally produced was done by a commercial company that insisted upon giving it a happy ending to make it salable, I want to go back to the original scenario.

It begins at a fair in a small town where a strange looking heavily bespectacled man who calls himself Dr. Caligari is giving a side show in which he makes a hypnotized somnambulist called Cesare step out of a coffin and obey all his commands. This Caligari has had a run in with the official who licenses side shows at the fair and the next day the official is found murdered in his room by a dagger. At the show as Cesare is made to step out of his coffin, Caligari says: "Cesare will answer questions concerning the future of anyone in the audience." Two students named Allen and Francis question him. Allen asks: "How long do I have to live:" Cesare: "Until dawn!"

At dawn Francis learns that his friend, Allen, has been stabbed to death in the same way as the licensing official. Francis and the father of his sweetheart force their way into the showman's wagon with a search warrant, but Cesare escapes with his dagger and carries off the screaming girl in the darkness. Caligari flees too and when the two men follow him he seeks refuge in an insane asylum. The two men then go to complain to the director of the asylum. To their horror they find sitting in the director's chair, Dr. Caligari!

To return from fantasy to reality, I have now the names and locations of eight police psychiatric hospitals and 14 general psychiatric hospitals which maintain a special floor and a special department for the science of police psychiatry. Some of the wisest and the sanest men in Russia have had to undergo treatment in them. The lord high police psychiatrist who orders and manages these tortures is Yuri V. Andropov.

HORRIBLE DISCOVERY

When we go to the director of that vast asylum in which the Soviet people are held by walls and dogs and guns and border guards, with the intention of complaining against Yuri Andropov and his sadistic psychiatric agents, we find that the director is wearing thick rimmed glasses, his grim jowly face covered with a mask of omnicompetence and omniscience. We ask him to remove the glasses and the mask. To our horror we discover that the director of this great country and this great people is none other than Dr. Caligari, alias Ilyich Malenkii.

Hence, I must add to the Stalinist debris so ably portrayed by Prof. Dunham, this new and more fiendish harassment of Russian intellectuals and those athirst for freedom. The wise and the sane are being put into lunatic asylums by paranoid dictators. Until this ceases, from this day forward, the government of Leonid I. Brezhnev and Yuri Andropov shall have to be regarded as the government of Dr. Caligari.

FREEDOM FOR THE BALTIC PEOPLES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RODINO. Mr. Speaker, we should judge each society by the position and meaning it gives to its people, by the value it puts on human dignity and human conscience. How is it possible to view a nation, to feel the pulse of its people, to clearly perceive the thoughts, feelings and dreams of its men and women?

Often, artistic forms and expressions serve as our clearest means of interpreting and understanding the inhabitants of a land. For this reason, the exhibition of Washington, D.C.'s Corcoran Gallery of the "Arts and Crafts of Russia Ancient Times and Today" is of particular interest. Beneath the distinctive creativity and craftsmanship of the one hundred different nationalities and folk cultures represented, a universal theme slowly develops and prevails. Children's dolls, sculptures of people smiling and singing, women's embroidery, home furnishings, the statue of a young girl kissing her boy friend shyly on the cheek—these could be the toys of our children, the dishes used by our women or the jewelry treasured by our wives.

It is difficult not to identify with the deep pride of the Baltic peoples, with their desire to preserve and carry on their history and culture and with their warmth and appreciation of life. However, in enjoying and in viewing this fine display, much is not projected. The continual fight by the Lithuanians, Latvians, and Estonians to preserve this freedom of cultural expression since the beginning of the Russian occupation is not portrayed here. The daily struggle against brutal Soviet suppressive practices is not felt. We see a beautiful people with a treasured and meaningful history and culture. We do not see more than 30 years of suffering and brutality in a clay baked bear or a finely engraved dish.

The cultural exchange program now taking place between Russia and the United States does not soften or diminish this awareness. We have not forgotten that at one time Lithuania, Latvia, and Estonia were free nations able to choose their own form of government. I am proud to have been recognized as a friend of Lithuania. I share in the goals of this people and I am convinced that we must not remain silent in voicing our anger and disappointment with them. We must continue to speak whenever we can and to take advantage of all opportunities to voice our support in their behalf.

THE POLITICAL BROWNING OF AMERICA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. STOKES. Mr. Speaker, it is an unusual man who can stand in the eye of a tornado and forecast the weather.

Vernon E. Jordan, executive director of the National Urban League, is such a man.

On January 29, 1972, Mr. Jordan addressed the 54th anniversary luncheon of the Cleveland Urban League. Because I feel that his statement should be required reading for every American who cares about our country's future, I include it below.

While deeply and personally involved in the struggle of minorities and the poor to get a slice of the big American pie, Vernon Jordan is still able to take a step back and view the struggle from an historic perspective. When he refers to the "political browning of America," he is talking about the goals of the new black politics of the seventies, as opposed to the sit-in and demonstration tactics of the sixties.

The text of Mr. Jordan's speech follows:

ADDRESS BY VERNON E. JORDAN, JR.

Last week the President of the United States, in his State of the Union address, very accurately described the mood of the nation. "We have been undergoing self-doubts, self-criticism," he said. "But these are only the other side of our growing sensitivity to the persistence of want in the midst of plenty, of our impatience with the slowness with which our age-old ills are being overcome."

The prevailing mood of self-doubt and self-criticism is without parallel in our times. We ask "are we a sick society?" The Gallup Poll reports that a harnessing of the moral energies of the society and for bold leadership that will carve a righteous path out of the wilderness of the soul.

The core of America's problems are racial. So long as black people suffer disproportionate disadvantage in almost every sphere of life, our society will be racked by guilt.

So long as poor white people are set against each other, scrambling for the crumbs from the table of an affluent society, this nation shall be troubled in mind and in spirit.

The time has come for America's dispossessed to come together, to formulate strategies that will unite and not divide, that will mobilize and not polarize. Black people, by forging new spirit of pride have inspired other Americans to rediscover their heritage and to treasure their ethnic backgrounds. It is my hope that black people, by forcefully exposing the inequities and the exploitation in our society, will similarly inspire other groups to focus their prime attentions on bringing about the changes that will benefit all Americans.

The black community finds itself today in a period of creative ferment and innovative change. The charismatic leaders of the past, the Martin Luther Kings and the Whitney Youngs are gone, and their passing has left us with the realization that we must build the kinds of institutions and community strengths that can advance the revolution for human dignity they championed. The cause of the hungry and oppressed black masses of our nation is so grave that we must create a coopeative effort to channel our energies into changing the system.

Every organization, be it PUSH, SCLC, the NAACP or the Urban League, has a vital role to play. The 1970's will be marked by a decentralization of black leadership and the blossoming forth of creative coalitions and partnerships. And I say this is all to the good. Black people need as many organized groups and skilled leaders as will be effective in helping to change our society. Our agenda is one of change, and that means the steady application of pressure to every power-point in the society.

If change is to come it will also require the kind of bold leadership and human skills possessed by the city's business, labor, and civic leaders. It will take above all, a deep and abiding commitment to social change by the very people who have the power to bring about change. It will take an affirmation of belief in the principles of equality and concern with making this a truly open, democratic society. We in this nation will continue down the bitter path of racial strife and division until the men and women who hold responsible positions in this society—those who have made it—care about those who have not.

The Urban League is a vehicle for change, just as it remains a vehicle for those who must channel their energies and resources into building a better community. We have been and will continue to be:

Forceful advocates for the cause of black people and other minorities.

A result-oriented, issue-oriented organization dedicated to serving the people.

A bridge between the races, forging unity and harmony in a land torn by strife and division.

Forthright believers in an open, pluralistic, integrated society.

The Urban League's task is a grave one, especially at this time of growing despair that this nation can ever solve the racial divisions that have so torn and bloodied the fabric of our society. Much of white America's attitude seems to be frozen in sullen resentment against what it interprets as a capitulation to blacks in the sixties. Many middle Americans seem to be complaining that: "They've got their laws. We've more clearly defined their rights. We've hired a few; voted for one. A black doctor just moved into our suburban neighborhood. We eat with them in restaurants; sit beside them in buses; and even allowed a few to desegregate our schools—on a token basis, of course. What more do they want?"

But while black Americans are saying "a little bit of freedom won't do," the apparent response is "thus far for black folk—and no further." Hence, there appears to be a national impasse founded on the reluctance of white Americans to complete the moral and social revolution started in the sixties, and their widespread inability to fully understand that the issues of that decade are no longer the civil rights issues of the seventies.

The civil rights issues of the sixties have changed. In the sixties, the issue was the right to sit on the bus; today the issue is where that bus is going and what does it cost to get there. In the sixties, the issue was the right to eat at the lunch counter; today the issue is the hunger and malnutrition that stalk the land. In the sixties, the issue was fair employment opportunity. Today, that can no longer be separated from full employment of minority people and equal access to every kind and level of employment up to and including top policy-making jobs.

The central civil rights issue of the seventies then, is the restructing of America's economic and political power so that black people have their fair share of the conscience of the nation, nor is the civil rights thrust still focused on the Old Confederacy. If we've learned anything about the new issues, it is that racism is not just a Southern phenomenon, but that it is endemic to all America. And we have learned too, that other sections of the country can react with as much violence, repression and irrationality today, as the South has historically.

Black people in the seventies will no longer be comforted by the stirring resolve sung in the sixties: "ain't gonna let nobody turn us round," because when they see the new Supreme Court, they'll know we've been turned around. Black people will no longer find the same inspiration in the words of the black woman walking in the Montgomery bus boycott who said: "My feets is tired but my soul is rested." The fact today is that not only are her feet tired, but they hurt, and her soul is not rested, but tested, 'cause her spirit is broken and made low.

Marches on Washington won't pass a fair and equitable welfare reform bill, but blacks marching to the ballot box might. Irrational opposition to busing and lawsuits are no guarantee to stop the school buses, but integrated suburbs and neighborhoods and quality education for all might. Corporate responsibility won't amount to much if it's limited to signing up as equal opportunity employers, hiring a few black workers, and donating a bit less to the Urban League than to the company president's alma mater. But it might take on a new meaning if corporate executives left their offices and went into the ghetto to see for themselves what it is like to be poor and black in this America in 1972. And that goes too, for the Administration in Washington.

It must understand the human suffering and the human aspirations behind the walls of the rotting tenements and crumbling shacks. It must understand that the federal resources made available to the Urban League must go hand in hand with a dramatic commitment to change, and with steady and relentless positive action on the broad range of issues affecting minority people.

Yes, this new civil rights era will be less dramatic and, perhaps at first, less popular. It will be an era of trench warfare, requiring knowledgeable technicians skillfully monitoring and exposing racism in the twilight zone of America's institutional policy-making processes. The battle has shifted from the streets to the deliberations of legislative committees, zoning boards and school boards. This new era is one of hard work, selfless sacrifice, and the sophisticated techniques of planning, analysis, and synthesis.

And the Urban League must embark upon new strategies fitting to this era. One of the first major programs we will undertake in the coming year will be to institute a new program of voter registration in the North and West to help bring about the "political browning of America" that we hope will be a giant step toward redressing the powerlessness or urban minorities. The great strides made by black southerners in recent years have been directly related to their growing use of the right to vote, and it is their example we hope to bring north.

The systematic deprivation of black people and their exclusion from the seats of this society's power is all-embracing. Across the country, there are some 1,800 black elected officials, but that figure is impressive only if we ignore the fact that there are 522,000 such positions at all levels of government. That means that black people, who make up twelve percent of the population, hold only three-tenths of one percent of the elected positions in America's many levels of government. Senator Brooke, the only black man in the Senate, represents a one percent black share of that body's 100 senators. The crusading black caucus in the House of Representatives comes to three percent of the 435 congressmen.

And even these figures look good when we try to find blacks in the Cabinet and sub-Cabinet level, or at the helm of regional departments or regulatory agencies.

The system continues to be stacked against black ballot power. Some of our handful of black Congressmen are in danger of losing their seats through reapportionment by conservative state legislatures. In many northern cities, minorities and poor people are virtually excluded from the political process through antiquated registration procedures.

So a major civil rights objective now must be to mount at major drive to get neighborhood registration teams, weekend and night registration office hours, community registrants, and a simplified system of permanent registration.

The drive for political empowerment must go hand-in-hand with the drive for economic empowerment. It's not enough to point with pride at black income figures creeping slowly, point by point, to levels still less than two-thirds of white income. Economic empowerment means putting green dollars into black pockets and filling jobs at all levels with skilled black workers. Economic empowerment also means opening up the suburbs to blacks of all income levels so they can be near the new jobs that are coming on stream in new suburban plants and offices. It means ending the disgraceful situation whereby only a bare handful—about two dozen—of this country's major corporations, many of whom depend for their profit margins upon black consumers, include black people on their boards of directors. And economic empowerment is what the Urban League does, through our job-training and placement programs that have put millions of green dollars in black pockets.

The Urban League has been an effective vehicle for the empowerment of black people. Our ongoing programs in community family services have made their mark on a black community whose needs are growing, whose cause is just, and whose patience is wearing thin.

The Urban League movement must continue to be effective. We must deliver. We cannot fail.

For if the Urban League fails in its mission, America fails in its purpose. But the Urban League cannot fail for another reason—there is a constituency out there depending on us. There are black folk out there who never heard our name and don't understand what we do who are depending on us.

Depending on us are those black people who have no hope nor hope of hope.

Depending on us are those black people who cry out today, not for freedom and equality, but for a crust of bread and a morsel of meat.

Depending on us are little black children who cry out not for Black Power but for medicine for their festering sores and for protection from the rats and the roaches.

Depending on us is the junkie in the ghetto.

Depending on us is the unemployed father, the underemployed daughter, the welfare-dependent mother, and the son home from Vietnam who can't find work.

Depending on us are black folk like my grandpa Jim Griggs who, when he was seventy years old sat talking with men on the porch of his broken down roadside shanty in southwest Georgia, where he spent his life as a sharecropper. "Pa," I asked, "What is it that you want most out of life at seventy?" And Pa said "Junior, I just want to go to the bathroom indoors in a warm place one time before I die."

Depending on us are black people just like Pa who can't deal with the issues that galvanize those more fortunate than they—issues like integration or separation, Pan-Africanism and nation-building, voting Republican or Democrat. The issues for these black folk boil down to one big issue—survival!

It is for these black Americans that the Urban League exists. It is to their cause that the Urban League is dedicated. It is their agenda and their needs that must shape our policies. And it is their interests we must advance as we seek to forge a future that is more just and humane.

Like the tree planteth by the rivers of water, we shall not be moved from our sacred mission to make this a land of freedom, justice and complete equality.

MORE ON THE CORVAIR DANGERS

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HECHLER of West Virginia. Mr. Speaker, on September 16, 1970, I placed in the RECORD, at page H8850, copies of major documents discussing the controversy that had arisen with the revelation that there were several tests and reports, prepared by Chevrolet before 1964, which revealed dangerous characteristics in the Corvair automobile. These characteristics are the susceptibility of the pre-1964 Corvair to total loss of control—even at speeds below 30 miles per hour—if the driver makes a hard U-turn. In addition, there was strong evidence that all 1961–69 Corvairs exposed their occupants to dangerous levels of carbon monoxide.

Since September of 1970, other documents have become available which confirm these problems. These documents are found in the CONGRESSIONAL RECORDS, volume 116, part 27, page 36635; volume 116, part 32, page 42575. In addition, Senator VANCE HARTKE placed other revealing carbon monoxide materials in the CONGRESSIONAL RECORD, volume 117, part 21, page 28272.

Certain additional materials have now come to my attention, and these should also be studied carefully since they offer a more detailed analysis of how these problems originally arose.

Included herewith are letters of June 3, 1971, from Mr. Harley Copp, the designer of the Ford Falcon, to Senator MAGNUSON, and a letter of July 8, 1971, to Senator ABRAHAM RIBICOFF and Judge Bernard Jefferson, from Mr. Ralph Nader and Mr. Gary Sellers. In addition, I have obtained and offer here the very helpful analysis of the impact of these dangers by Albert G. Fonda and Mr. Dimitry Sergay.

This latter analysis offers the devastating prediction that unless those 1960–63 Corvairs now on the road are corrected—and about 600,000 vehicles need this $20 correction—then these vehicles will be involved in at least 300 serious rollover accidents during their remaining road life. These rollovers are only a part of the extra danger in this vehicle—since loss of control without rollover also occurs more easily. The personal economic cost of such rollovers alone is staggering—$51.6 million in lost wages alone, not counting property damage or pain and suffering costs.

In contrast, the total cost of correction of the Corvair would be about $12 million. Since the Department of Transportation is still considering this matter, and attempting to determine whether this danger is also a defect under the law, I urge their careful review of this material as well:

DEARBORN, MICH., *June 3, 1971.*

Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing you this letter as an individual experienced in the design and development of motor cars and without the knowledge of my Management in the Ford Motor Company. In my attempt to affirm the source and truth of a General Motors statement that the 1960–63 Corvair was "equal to or better than the limit of control of competitive cars of the same era", I called Mr. Alexander Auerbach of the Los Angeles Times-Washington Post Service and he suggested that I provide additional copies of this letter to DOT. Because of Mr. Auerbach's interest and assistance I have also provided him a copy of this letter at his request.

The Detroit News stated on Friday, May 28, 1971, copy enclosed:

"General Motors has never denied that the 1960–63 model Corvair may be rolled over after it substantially exceeds its limit of control, which is equal to or better than the limit of control of competitive cars of the same era."

I refute the competitive implications of this statement; "which is equal to or better than the limit of control of competitive cars of the same era" concerning our competitor the 1960 Falcon engineered and manufactured by the Ford Motor Company.

I had the engineering responsibility on our competitive car, the 1960 Falcon. Upon joining the Ford Division as Assistant Chief Engineer in August 1956 Mr. R. S. McNamara, Vice President and General Manager of Ford Division, and Mr. Hans Matthias then Chief Engineer of the Ford Division assigned to me the responsibility for developing designs for an economy car. Prior to this assignment I was Chief Engineer of Lincoln and I am now Director of our Company Engineering Technical Services Office.

We began our pre-program studies on economy cars with an assessment of various vehicle configurations including reviews of a rear engine car in the 1700–2300 pound weight range. The results of these pre-program studies led to the front engine Falcon which was introduced in late 1959 as a 1960 model.

As you know, Ford Motor Company evaluates and tests competitive cars as a routine aspect of our business. Therefore, prior to introduction of the Falcon we exchanged five production Falcons for five production Corvairs with Chevrolet management. Of these five and some additional Corvairs bought through dealerships, three Corvairs rolled over during our early customer type evaluations. None were rolled due to abusive driving, none were considered driver error, and all came as surprises to the drivers and passengers. These roll-overs were a most unusual occurrence because of their frequency.

The roll-overs were:

1. Late summer 1959 on Dearborn Proving Grounds lowspeed track.
2. Late summer 1959 on Dearborn Proving Grounds while an engineer was taking a ride.
3. Late fall on a Kentucky road during a competitive product evaluation trip. Other competitive cars were on this trip.

The Corvair rear suspension was a swing axle type with a high rear roll center from 1960 until the 1965 model. Relating to this type of suspension, Mr. Maurice Olley who retired from General Motors in 1955 as Special Assistant to the Chevrolet Chief Engineer in charge of suspension development stated in his patent, No. 2,911,052, which was issued on November 3, 1959 and applied for on May 18, 1956, subject: Independent Rear System for Vehicles:

"While this type of suspension has enjoyed a certain measure of success, particularly in the relatively small vehicles popular in Europe, it nevertheless possesses certain inherent disadvantages which have thus far prevented widespread acceptance. In particular, the ordinary swing axle, under severe lateral forces produced by cornering, tends to lift the rear end of the vehicle, so that both wheels assume severe positive camber positions to such an extent that the vehicle not only 'oversteers' but actually tends to roll over. In addition, the effect is non-linear and increases suddenly in a severe turn, thus presenting potentially dangerous vehicle handling characteristics."

Apparently Mr. Olley retained some affiliation with Chevrolet after retirement because three months prior to introduction of the Corvair he was used by Chevrolet to provide "expert testimony" on the engineering characteristics of the rear engine car to 50 newsmen at the Detroit Athletic Club.

Technology existed to verify on an objective basis the superior handling characteristics and "limit of control" of the Falcon, e.g.:

1. General industry practice is to design the handling characteristics of our cars to the driving habits of our customers. Ford practice has always been to insure that the handling characteristics of the vehicle result in predictable response during an emergency maneuver. The 1960 Falcon exhibited these favorable characteristics while the Corvair did not.

2. Automotive proving grounds have as part of their facility a vehicle handling road. In this road system is a switch back wherein the vehicle makes either a left or right turn and immediately thereafter is expected to make the opposite turn. On repeated tests over our handling roads the 1960 Falcon was clearly superior in "limit of control" to the 1960 Corvair.

3. Rear engine cars, regardless of the rear suspension, exhibit borderline handling characteristics especially if the total weight of the vehicle exceeds 1800 pounds. These borderline characteristics are particularly true on wet pavements and/or icy roads where, because the greater weight of the vehicle is behind the center of gravity, the rear end of the vehicle wants to rotate and skid in the direction of travel when cornering or braking; rear end first.

4. In the mid-1950's Ford built a *front engine* experimental swing axle car with a rear suspension similar to the 1960 Corvair rear suspension and this car rolled over on our proving grounds during a typical handling test.

5. Mercedes Benz had used swing axle rear suspension for a number of years with front engine configuration. In the 1950's they introduced a low pivot swing axle design which was developed to minimize the oversteer characteristics of the swing axle with its higher roll center. Among professionals it was, and is, accepted fact that conventional swing axle cars with their associated high roll center cause oversteer and tend to give a false sense of safety up to the "point of surprise"—either skid or roll over.

6. Inherent oversteer of swing axle cars can be ameliorated by use of higher rear tire pressure compared to front tire pressure. Corvair specified a 73% higher rear pressure than front with only an 11% difference in rear end curb weight over front. Falcon specified no difference in tire pressure with a minus 4% difference in rear end curb weight over front. Quoting from Mr. Maurice Olley's 1953 SAE paper, No. 53-18:

"Finally, it appears impossible to make a car with heavily loaded rear tires handle safely in a wind even at moderate speeds, with out fitting twin tires at the rear, which is impossible with a swing axle. The European cars of this type, even though they use up to 10 lbs. more inflation in the rear tires and up to 10 degrees caster angle, and even fit centering springs on the steering linkage, still wander badly in a high wind."

7. It was an established technical fact among suspension engineers in the early 1950's that the 1960 Corvair type high roll center swing axle rear suspension controverted historical industry practice of designing cars to the driving habits of our customers whereas the 1960 Falcon met these requirements and had predictable response during an emergency maneuver. As early as 1946-47, the General Motors experimental "Light Chevrolet" engineered by the late Mr. E. S. MacPherson, then of G.M. and later Vice President of Engineering at Ford, refused the use of the swing axle type in designing the rear independent suspension for the experimental "Light Chevrolet" which was built and tested at General Motors. He personally discussed and reviewed with me in 1951 the design and theory underlying his refutation of swing axle on that car.

In summary, the 1960 Falcon was superior in "limit of control" compared to the Corvair and General Motors implication that the Falcon, a competitor of the same era, was no is a flagrant violation of facts.

Sincerely,

HARLEY F. COPP.

STATEMENT BY ALBERT G. FONDA[1] AND DIMITRY SERGAY[2]

In response to Questions from Ralph Nader about the Implications of General Motors Proving Ground Tests of Corvair Rollover Propensities.

INTRODUCTORY STATEMENT—JANUARY, 1971

We have prepared this analysis in the public interest and therefore we have neither received nor expect to receive any compensation for this work. We have only received minor and partial reimbursement for our travel expenses.

We have studied the questions submitted to us by Mr. Ralph Nader and have reworded them slightly so as to completely and fully respond to the issues as we understand them. Our answers concern the extent to which the GM rollover test results found in Proving Ground (PG) reports numbered PG 17103 and PG 15699 apply to the early model Corvair production suspension and handling.

Question 1. If you were a design engineer and saw PG 17103 and PR 15699 test results on a prototype vehicle being considered for production, would you have recommended any of the reported test cars for production?

Answer. No. This opinion is offered with respect to only one criterion, that of rollover safety. The tests of PG 15699 and 17103, for purposes of our evaluation here, are directed only towards evaluation of rollover characteristics. Most of the Corvair vehicles tested were dangerously prone to rollover. Of the safer vehicles, one had overhanging rear weights for test purposes only; the remaining two had modifications worthy of further consideration but were not ready for production decision.

Question 2. Are any of these test runs representative of the Corvairs which were actually produced and sold in 1960-63?

Answer. The vehicle of run 120 of PG 17103 appears in all respects representative of 1963 production Corvairs. As far as we can determine any differences between this test vehicle and the 1963 production Corvair were minor and would not have influenced test results. The same comments apply to the 1960-62 Corvair except that these earlier models did not have the rebound travel limited to 7 and one half degrees, but permitted 11 degrees of rebound travel.

Question 3. Based on these test results, would you have recommended the 1963 Corvair for production?

Answer. No. The vehicle, to meet what we believe is a reasonable standard of safety, must slide instead of rolling over on a flat road surface, with *any* combination of driver actions. The vehicle of run 120, representative of the 1963 Corvair, rolled over quite readily. In this test run a single hard right turn at 28 mph "caused the car to roll over onto its roof."

Question 4. Based on these test results would you have recommended the 1960-62 Corvair for production?

Answer. No. The 1960-62 Corvair probably was even more prone to rollover than the 1963, and was equally unacceptable.

Question 5. Would you have recommended any of the modifications already considered in these tests, or combinations thereof, for further testing before production?

Answer. Yes. Based on the tests as far as they go, we would have recommended as a minimum, the incorporation of rear shock absorbers incorporating rebound limiting and hydraulic cutoff as used in test run 73 of PG 15699. We would have recommended thorough preproduction testing of additional modifications, singly and in combination, bareing in mind the objective of maximizing safety and consistent vehicle behavior in owner driving situations. Such testing modifications would have included:

(a) Transverse leaf spring combined with reduced coil spring rate.

(b) Lowered rear axle pivot points (or other factors accounting for the improved rollover behavior with the overhung rear weights occurring in runs 127 through 131 of PG 17103).

(c) Front anti-roll bar.

We also believe that a combination of front roll bar and rebound limiting known as RPO 696 (offered by GM as an extra cost option) should have been included in the testing program. RPO 696 was not included in the tests reported in the two PG reports but may have been tested at another time by General Motors.

Question 6. Do the rollover tests in PG 17103 and 15699 show that the Corvair behavior differs from that of other American cars with rigid rear axle?

Answer. The rigid rear axle 1961 full size four-door Chevrolet sedan was tested for 10 runs with no rollovers occurring even though every effort was claimed to have been made to induce rollover while driving on a flat paved surface. This was done by turning the vehicle hard right, this being a J turn test. Sometimes this simple J turn was preceded by successive swerves to the left and right, this being a modified J turn test. Our considered opinion is that the rigid axle American car will skid rather than roll over when subjected to the J turn or to the modified J turn test. This is significant because these J turns subject the vehicle to one of the most severe maneuvers the driver can devise in order to determine which would occur: spin out or rollover. The results of this test enables the application of a simple yes or no criterion of rollover stability. The speed at which rollover occurs is of little significance. The crucial question is whether rollover occurs at all. In our opinion, it is far better to skid than to rollover under any foreseeable emergency circumstances.

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[1] BME 1951 and MS 1954, Cornell University (with additional courses). Two years design research and teaching experience with agricultural machinery. Five years automotive dynamics and tire behavior research. Eleven years aircraft and space craft dynamics research. Eight years forensic engineering in automotive and mechanic product liability litigation (including consultant to automotive companies) plus highway crash barrier research. 481 Stacey Drive, King of Prussia, Pennsylvania. Area code 215-265-2453.

[2] BSME 1947, Wayne State University. Eleven years experience in products, plant, and manufacturing engineering in the automotive industry. Four years product engineer on automatic cannon. Eight years systems project engineer in space craft mission and vehicle design. Five years forensic engineering experience in automotive and machine tool product liability litigation. 427 Dorothy Drive, King of Prussia, Penn. 215-265-4452.

Question 7. How does this behavior affect the safety of the driver or occupants?

Answer. Obviously, if a vehicle experiences a few horizontal turns as in a spinout, this would cause no more trauma than an amusement park ride—providing there is room for a spin out—while a rollover on the other hand must necessarily cause severe damage to the vehicle and a high probability of severe injury to the occupants.

Question 8. Is there a difference between the 1960–63 Corvair and foreign vehicles in terms of rollover behavior?

Answer. These PG reports do not include tests of any foreign vehicles. Tests of rollover behavior are hazardous and expensive. We have not performed such tests nor are they reliably reported in the literature. To our knowledge GM has not made public any such tests it might have conducted. Therefore, no opinion is possible on this question.

Question 9. What is the estimate of the cost, to the manufacturer of modifying the rollover behavior of a 1960–63 Corvair to make that vehicle perform comparably to other American cars with *rigid rear axles*, that is to make these vehicles skid or spin-out rather than roll over?

Answer. The minimum cost estimate is based on the answer to question no. 5 above, where we recommended incorporation of hydraulic cutoff rear shock absorbers in the proposed production vehicle. We estimate that the original cost to install these shocks as production components would have been less than $3.00 per car. The present day cost to retrofit the remaining cars with the same minimum fix is estimated to be approximately $20.00 today. The cost of testing the modified package which we recommended for verification of its suitability would be small when distributed over 600,000 cars. The limited test data contained in the two PG reports indicate that this would be a successful modification.

Question 10. In light of the results of PG reports 17103 and 15699, what are the minimum types of evidence which should be evaluated by an engineer in order to substantiate a conclusion that the 1960–63 Corvair is not defective under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (that is, that its rollover tendencies could not be defined as a vehicle or equipment defect in performance, construction, components or materials)?

Answer. A conclusion that the 1960–63 Corvairs are not defective would require either a successful, credible and authoritative experimental contradiction of the two PG tests, or a credible demonstration that the criterion of no rollover on a flat road surface is overly conservative and unnecessary for assuring consumer safety.

While we know of no such tests and obviously cannot state the results of tests not yet performed or published, we predict that further testing would only confirm the results of PG 15699 and PG 17103 and our interpretation thereof.

An accepted principle of good product design is "fail safe." That is, if a failure does occur, a back-up mode shall be available to the product user. Thus, if a car rolls over nothing except catastrophic destruction of the vehicle and probably death or serious injury to the occupants can occur. But if the car spins out of an emergency situation instead of rolling over, this "fail safe" performance characteristic at least offers the occupant the chance of no injury at all if there is room, as there often is on today's highways, for the spin to run its course. Furthermore, the very fact that the car's wheels are still on the pavement offers the driver at least the opportunity for him to attempt to *regain* control of the car if he can by pointing the front wheels in the skid direction. If successful, and again this depends on available area, then the car may be driven away from the near accident with ashen gray occupants the only result of the incident.

On the other hand, after the wheels leave the surface in the rollover, the driver can never regain control of his vehicle. That opportunity is denied him perhaps forever.

The chance for a safe spin out, the opportunity to regain control, and the reduction of injury if the upright spinning vehicle strikes an obstacle after dissipating some of its speed, are all provided in a vehicle that spins instead of rolls in an applicable emergency situation. Successful resistance to rollover on flat pavement is well within the state of the art for passenger cars, and has been for the last 20 years. Therefore, the criterion of spin out instead of rollover is valid and in its application to the Corvair has been too long delayed. In our opinion there is no convincing argument to the contrary.

Question 11. Does degradation of individual parts with age affect the rollover tendency of the Corvair?

Answer. Several types of degradation might occur. Tires and suspension bushings may deteriorate but their effects on rollover tendencies are unknown. The effect, if any, of shock absorber deterioration will be detrimental. Coil spring sag will reduce pivot point height and should therefore reduce the rollover tendency. In summary, we believe that the degradation of the various suspension components would probably have little net effect on the rollover characteristics of the Corvair.

Addendum to Statement by Albert G. Fonda and Dimitry B. Sergay

Including a revised answer to question 12 and adding questions 13 and 14.

Question 12. Based on your engineering expertise and the newly revealed technical data in PG 17103 and PG 15699, do you believe that the 1960–63 Corvairs should be recalled by the manufacturer and retrofitted to reduce rollover tendency?

Answer. Yes, because many lives and much pain and suffering, can be saved for which there can be no real compensation, can be prevented by eliminating the increased probability of occurance of the single car rollover accident that is induced by the 60–63 Corvair design. In addition, it can be shown that the total cost of the retrofit campaign is far less than the prospected economic losses of future earnings of passengers and drivers, adults and children, that will be killed or incapacitated if these rollover accidents are not precluded by the proposed retrofit.

The economic value of a saved life is calculated on the basis of one half of an average working career duration (40 years from age 25 to retirement at 65) at average earnings of $8,000 a year, of $160,000 per fatality or permanent crippling. This conservative estimate deliberately omits any property damage, medical expense or compensation for pain and suffering or any effect of the inevitable increase in real earnings in future years.

Since there are approximately about 600,000 '60–63 Corvairs still in use, the retrofit campaign is estimated to cost $12,000,000 at $20 per car. Thus the campaign is "paid for" if only 75 lives are saved. ($12,000,000 divided by $160,000 equals 75)

A fairly accurate, but not precise, estimate of the number of roll-over accidents that would be precluded by proposed Corvair retrofit campaign can be based on Corvair experience to 1971. This would yield the single car rollover accident rate. Projecting that rate on the total car years of use forecast to occur during the future useful life of the current fleet of '60–'63 Corvairs, yields the estimate. Dollar benefits are ratioed to the estimated number of preventable accidents.

State and federal accident statistics do not permit effective identification of single car Corvair rollover accidents, where the design of the car is the direct cause of the accident, because detailed information is not available to support such a judgment. It is expected that Corvairs as a class of cars will not exhibit statistically significant differences in overall accident rates when compared to other cars of more conventional design. After all, approximately one fourth of all cars made are involved in serious accidents during their existence. (per Nader) Thus, in any one year, for a median car life, as scrappage of about 8 years, only 1.57 cars per hundred, will be involved in a serious accident. However, a usable estimate for Corvair rollover accidents can be obtained from Corvairs in use data projected from data for all cars in use by model year published by R. I. Polk and from the number of law suits filed against the Corvair design as a causative factor for some single car rollover accidents, it has only succeeded in convincing the courts of this position by suppressing PG 17103 and similar reports. Therefore it is our judgment based on a study of PG 17103 that the number of such suits filed (reported to be 300 up to the end of 1966, or until the trial attorneys as a group appear to have recognized the futility of additional litigation in the face of GM's success in the courts) are a fair and considered indictment of the '60–'63 Corvair design. Furthermore, it is our judgment that the cases actually filed are only about one fifth of the number of accidents where Corvair rollover tendency (in emergency maneuvering) contributed to cause but which, for various reasons such as contributory negligence, inadequate witnesses, full coverage of loss and the like, were not deemed litigable by consulted attorneys or not even reviewed by competent technical experts or lawyers. Thus the 300 suits represent, in our judgment at least 1500 rollover accidents which occurred from 1960 to the end of 1966. During this period the '60–'63 Corvairs accumulated 5,491,000 car years of usage. The rollover rate is thus one accident per 3,660 car years. (5,491,000 divided by 1500) This is quite low in comparison with the overall serious accident rate for all cars of 64 car years per accident. The rollover occurs about 1/60th as often. That is why Corvair rollover statistics will (as GM fully realizes) not demonstrate alarming trends compared to the rest of the car population, but that is small comfort to a victim of this unfortunately designed automobile. (And in determining liability for product failures, rarity of event is irrelevant and identifiable direct causal phenomena *are* relevant.)

This rollover rate is applicable to the current fleet of '60–'63 Corvairs and will apply throughout the remaining useful life of the cars. If the cars are not retrofitted this year, then the 1,182,000 car years of usage remaining (from beginning of 1972 and because the campaign cannot be accomplished instantly) to the end of 1980 will probably result in 324 serious rollover accidents. At a conservative estimate of one half of career earnings lost per accident, the 324 accidents will cost $51,600,000. (not to mention property damage, pain or suffering, ad infinitum.) Since there are currently 600,000 '60–'63 Corvairs in existence, the retrofit campaign will cost about $20.00 per car. The benefit/cost ratio is thus 4 to 1. Isn't it worth doing to save the lives and injuries without recourse to cold calculations to support a humanitarian act?

Question 13. How many accidents or serious rollovers resulting in significant losses due to death or incapacitating injury (temporary or permanent) would have been prevented from 1967 to 1970 (inclusive) if GM had recalled '60–'63 Corvairs still in operation in 1967 and had corrected their rollover characteristics by retrofitting anti roll bars to the front suspension and/or by installing any other effective "fix" for the problem?

Answer. Based on the same methodology used to answer question no. 12, above, a recall and retrofit campaign on all existing 1960–63 Corvairs executed in 1967, we estimate that ∼904 single car rollover accidents of significant severity would have been precluded between 1967 and 1970, inclusively. The Corvair fleet accumulated 3,211,000 car years during that time period and the same estimated frequency of rollover accidents per 3,660 car years was used to make this estimate.

The fleet numbered ∼1,000,000 cars in 1967 and at a nominal cost of $20 per car, the campaign would have cost $20,000,000. The total loss of life time earnings at one half fatality per accident and one half earning lost per fatality is estimated to be $145,000,000. Thus the benefit/cost ratio for fixing the fleet in 1967 and accumulated benefits from 1967 to 1970, results in a b/c ratio of about 7/1.

Question 14. Don't you think that all the publicity about Corvair handling and control problems will prevent those 324 accidents in the future anyway because the drivers now know better?

Answer. How does publicity, starting in 1963 when some young drivers, just now licensed for the first time in their lives, were eight years old affect those who don't read the papers, those who do not remember what they heard ten years ago on a television program, and those who scoff because they don't understand technical matters at any level? Furthermore it should be understood that the single car rollover accident occurs most often in a rapidly deteriorating emergency situation. Only professional racing drivers can remember numerous avoidance maneuvers and the car's ability to execute them and then select the precisely correct course of action in each situation. Average citizen drivers will not be able to use this information when they are thrust, through no bad judgment or action on their part, into an unexpected quick maneuver which may result in collision avoidance at the cost of a single car rollover accident. It is not realistic to rely on casual absorption of sporadic publicity to increase drivers ability to handle the Corvair, especially when the manufacturer bitterly and adamantly denies the validity of such information whenever it appears.

JULY 8, 1971.

Hon. BERNARD S. JEFFERSON,
Superior Court of Los Angeles Court,
Los Angeles, Calif.

DEAR JUDGE JEFFERSON: As you are probably aware, when you rendered your decision in *Drummond* v. *General Motors Corporation* in July 1966, General Motors proceeded to give your opinion a mass distribution to their commerical outlets and political agencies surpassed only by their routine promotional literature. Thus they made your opinion an imprimatur in every subsequent debate over the handling safety of the Corvair automobile.

Last September we forwarded to Secretary of Transportation Volpe, information we had received which contained certain evidence General Motors had suppressed about the 1960–1963 Corvair. That evidence contradicts the public positions GM has taken on the early Corvair; that is, their claims that the Corvair is controllable to the same degree as "all passenger cars of the same period" and the 1964 changes represented nothing more than "a step in the normal process of product improvement."

That letter to Secretary Volpe said:

"Pertinent to this suppression of data damaging to the Corvair and the public statement and testimony, that all was well with the vehicle, are the company's tactics of attrition and judicial manipulation. In a major Corvair trial, GM's presentation misled the California judge, Bernard Jefferson, into writing a lengthy opinion concluding that the Corvair design was not unsafely designed. Having obtained such a decision, GM proceeded to transform it into a promotion and in an obscene gesture perhaps unheard of in corporate legal history, initiated its distribution to its Chevrolet dealers, state and federal legislators and other influential recipients including judges."

Not surprisingly, General Motors' President, Edward N. Cole's response on September 7, 1970 to Secretary Volpe, reiterated your opinion. In the face of new evidence, such as the listing of specific General Motors' proving ground reports showing Corvair rollover at speeds under 35 mph, Mr. Cole falsely described the intention of these tests (which is discussed in the attached letter to Senator Ribicoff), and also enclosed what he considered to be the most important court decision on Corvair: your own. His reliance on that decision, which we believe was obtained by fraud (since your Court did not see those test results), is seen in Mr. Cole's statement:

"I am taking the liberty of forwarding to you with this letter a copy of the comprehensive opinion of Judge Bernard S. Jefferson, rendered July 29, 1966, which was referred to and attacked by Mr. Nader in his letter. After a three-month trial, in this comprehensive opinion setting out the basis of his decision, Judge Jefferson concluded that: "'The Corvair automobile of the 1960 through 1963 variety is not defectively designed nor a defective product.'"

Thereafter, when faced with newer, more specific charges and presentation of more conclusive evidence, GM has relied on its court decisions. After Douglas Toms, director of the National Highway Safety Bureau, said there is some merit in the charges of Corvair roll over, GM again said, "'It [the Corvair] has been defended successfully in court.'" (*Wall Street Journal*. Nov. 25, 1970.)

Just recently, new evidence was presented by George Caramanna, formerly a GM senior design and development technician who helped build the test Corvair, and who also described the roll over propensity of the '60–'63 Corvairs. This evidence documented how in preparing vehicle test runs to be shown in courtroom defenses, Mr. Caramanna had to assiduously avoid those "normal" reactions of the "ordinary driver . . . to hit his brakes or back off on the gas," once the car begins to slip in a turn. As Mr. Caramanna said:

"That's the worst thing you can do, because the rear end lifts up and the wheels lose their grip on the road.

"If the car has any lateral acceleration when you do that, from a skid or a gust of wind or if you jerk the steering wheel, you're gonna roll that vehicle.

"It doesn't have to be at a high speed. It can happen at 30 m.p.h. or even less in a sharp turn." (*Los Angeles Times*, May 28, 1971, section 1.)

Again GM responded by saying:

"Allegations of improper design of the 1960–63 Corvair . . . have been refuted on a number of occasions in the courtroom following the examination and cross-examination of qualified witnesses." (*Washington Post*, May 30, 1971, F1.)

And again, after a new documented analysis was presented by Harley Copp, presently director of Ford's engineering and technical service, and the designer of Ford's Falcon, that the GM description of the Corvair's behavior as comparable to other American cars, was a "flagrant violation of fact", GM responded by saying that: "Copp's statements last week were just a rehash of charges made during court suits later decided in GM's favor." (*Detroit News*, June 8, 1971, 6c) We believe you will find Mr. Copp's letter to Senator Magnuson far from a rehash.

Thus the need to look more closely at the *Drummond* v. *GM* decision is compelling. In the course of that 70-page opinion, you present a number of statements, conclusions, and brief summaries of the evidence received in the course of that trial. Since GM purchased the courtroom transcripts and no file copies are easily available, your opinion stands as the best available evidence as to exactly what evidence was used to defend the Corvair. The essence of our concern here is that your long and carefully prepared opinion shows several critical conclusions which we believe would have been different if the Olley material, other facts, and the relevant roll over tests had been available to your Court. Although we do not have the trial transcript pages to prove that GM denied the existence of such roll over tests in this case, we do know that GM made those denials elsewhere in one California court in 1965 and have included portions of that denial for your review. The record preserved in your opinion shows serious discrepancies between what evidence GM presented to you, and what their heretofore secret records now reveal.

Listed below are several parts of your *Drummond* opinion in which you either make conclusions or indicate what did occur in the trial. These are followed by excerpts of certain secret GM documents (attached) which contradict much of what GM told you. We have also included comments as to the potential significance of this disparity.

For example, at page 24 of the *Drummond* opinion, you state:

"It is conceded by all parties that the 1960 Corvair design was likewise employed in the 1961, 1962 and 1963 Corvairs. If the 1960 Corvair is defective, so are the 1961, 1962 and 1963 Corvairs."

CONFLICTING FACTS AND COMMENT

We believe you will find that the above quotation summarizes what GM said about its Corvair and what the plaintiffs were thereby led to believe. The attached materials, and those in the letter of this date to Senator Ribicoff, show several significant suspension changes in shock absorbers, rear springs, and rear rebound angle were in fact made by GM in Corvairs *before* 1964—but insofar as we can tell these have never been revealed by GM.

For example, the rear suspension maximum rebound angle, as actually measured, was changed in the mid-year of 1962 by over 18% from 11 to 9 degrees. This angle was again reduced another 11% to 8° in the 1963 model. The purpose of the shock absorber changes is revealed by the attached GM chart, appendix item #2, which states that the 1963 changes had "revised valving for smoother ride and *hydraulic rebound cut-off and shorter length for improved ultimate stability*." (emphasis added)

Other data in the Ribicoff letter show how the rear spring rates on the Corvair were also adjusted before 1964—from 580 to 436 after the car went into production and then later slightly increased to 453. The effects of such reductions were also not shown to your Court, but would tend to reduce oversteering tendencies, since less roll couple will be taken on the rear suspension. These changes reveal GM's knowledge and concurrence of Corvair instability right from the beginning model.

Even more significantly, these changes show that the GM tests which were submitted into evidence (as exhibits A–99, B–2, B–8, B–9, B–12 and B–13), because they were performed with the *1963* Corvair, were effectively deceptive because that 1963 vehicle was not representative of the actual stability response of the plaintiff's 1960 Corvair.

In summary, the evidence shows that the pre-1964 changes did not in fact cure any defect in the late 1961, 1962, or 1963 models; but the GM changes were intended to improve the vehicle and the "improved ultimate stability" was certainly enough to render the 1963 model tests unrepresentative for use in your evaluation of the 1960 model. In addition, the GM deception about such changes in the suspension system appears to be consistent with their successful attempt to keep the plaintiffs from learning of the GM test results, such as PG 15699 and PG 17103, which documented the roll overs which GM continually denied existed. Certainly one of the questions which your Court should evaluate is how GM could assert that the 1960–1963 models were essentially the same, and then not produce for the plaintiff the actual tests results of 1962 vehicles that rolled over.

A second example of deceptive information apparently given to your court is illustrated by the sentence of your opinion which occurs on p. 41:

"Mr. Olley's opinion that the independent swing axle car has a tendency to roll over on severe turns *is certainly not substantiated by the evidence in this case insofar as the Corvair automobile is concerned*. It may or may not roll over when out of control. (emphasis added)

FACTS

The attached GM Proving Ground tests, P.G. 15699, P.G. 17103 and portions of P.G. 11106 of June 1959, all illustrate that the 1960–1963 Corvair did in fact roll over with predictable regularity when exposed to a J-turn at the GM test tracks. And these roll overs occurred not at the 60 mph which you concluded the plaintiff in *Drummond* was proceeding, but at speeds under 35 mph.

The more important questions are how GM managed *not* to produce P.G. 15699 and P.G. 17103 for that trial, and produced only the movies but not the text of P.G. 11106, and what is to be done about this contempt for the Court. (These movies of P.G. 11106 would of course illustrate little if anything about a Corvair defect since they contained no information about the speed of the vehicle, its components etc.) Clearly, your Court was entitled to the text of P.G. 11106.

The importance of these Proving Ground tests is seen at later pages of your opinion, pages 60–70, where you discuss the relation between the lateral acceleration of the 1960 Corvair and the rise in oversteer, and explicitly reject the plaintiff's reliance on the theory of the Olley patent i.e. that some normal transient driving experiences could give rise to lateral forces sufficient to cause spin out and roll over. You concluded that since the plaintiff had produced no evidence in support of their interpretation of Olley's theory and since Olley had not supplied this data in his patent, you determined that a "severe turn is any turn which produces high lateral acceleration approaching the car's limit of control," and rejected Olley's opinion that the Corvair "has a tendency to roll over on severe turns."

From that point, your opinion draws conclusions about the speed which the plaintiff must have been traveling in order to evoke the high lateral forces which caused his vehicle to go out of control.

We submit that if you had seen P.G. tests 11106, 15699, 17103, the 1961 Olley memorandum and other similar data possessed by GM, but withheld from your Court, you would have seen these transient tests reveal that the 1960–1963 Corvair has a truly different reaction (than other American cars) when exposed to transient maneuvers. More importantly, your analysis, critical to the issue of liability, as seen on p. 66, could have been concluded only *without* knowledge of the tests showing Corvair roll over at less than 35 mph (while the standard Chevrolet did not roll over at similar and higher speeds), and the 1961 Olley memorandum (attached as Appendix item No. 3).

The available evidence, much of which is attached hereto—the 1953 Olley paper, the Cornell Aeronautical Research in the 1950's GM's resort to tire pressure differential in the effort to equalize cornering coefficients (and the revealing language in the cryptic Owner's Manual warning), the 1960 Rubly paper, etc.—all show that GM knew the inherent instabilities in the Corvair before paper, etc.—all show that GM knew the that the corrective action indicated was to shift more of the roll couple to the front, and that GM knew of methods, other than fiddling with tire pressures, to obtain a better roll couple distribution.

Somewhere else—unless it has been destroyed—there must be technical data, minutes of meetings, some evidence from which it can be determined what other data prompted GM to prescribe the tire pressure differential that it *now* would lead the public to believe inconsequential. Their shyness on the subject is understandable. Anyone who understands this subject knows that the basis for the prescribed tire pressure differential will also evidence GM's knowledge of the instabilities in the design at a time *before* it was placed on the market. Despite GM's bad memory on this matter, there are now records which show that the date on which this 73% tire pressure differential was decided was January 21, 1959.

GENERAL CONCLUSIONS

The men responsible for the production of the 1960–63 Corvair should not be heard to say that this presentation is a rejection of American business-appropos Mr. Roche's desperate response pattern. That is too arrogant and transparent a canard. As the evidence herein demonstrates, this letter is primarily a commentary on the men responsible for misusing GM's resources for a purpose unworthy of American business.

There are about 600,000 of these dangerous Corvairs still on the road. The hazards inherent in them have undoubtedly been multiplied by the ravages of age, and because of their vintages they are driven increasingly by the young and the poor—those classes of people who are probably least able to spend the money for necessary corrections in their basic mode of transportation. Thus, every passing day presents the probability of more casualties in continuing sacrifice to the careers of a group of men at GM who until now have succeeded in suppressing evidence of their callousness. As Mr. Fonda and Mr. Sergay estimated a few months ago, relying primarily on formal lawsuits filed against GM, these 600,000 will probably be involved in over 500 more maiming roll overs if they are left on the road; however, these rollover projections do not fully include those incidents, which GM know about and chose to report to one Court, where the Corvair "went completely out of control". The rate of these later incidents, from GM's figures, shows that in the next few years, the 1960–63 Corvair, if not fixed, will cause injury and death to thousands of additional Americans. Although the Corvair's past impact cannot be retrieved, these men still can help save these lives and injuries in the future by coming out candidly—if they rethink their professional obligations to the public. It is now a question only of who steps forward first.

A public hearing by your Committee can assure that new deaths and injuries do not occur in these roll over prone vehicles. This should not be delayed by the Department of Transportation study of whether this roll over propensity is a defect under the 1966 law. Another certain benefit of a public hearing will be to place before the public the heater defect danger which affects hundreds of thousands of families from the carbon monoxide.

These facts must be also viewed with their impact on the Corvair's relatively heavy 2,600 lbs., almost as heavy as some medium size cars, and over 40% heavier than the regular VW. Therefore, the Corvair's weight gives it a considerably greater moment of inertia about its roll axis, and once a roll begins it has greater momentum. Thus the Corvair with both heavy weight and high rear roll center has the potential to have its handling stability more *greatly* affected by transient maneuvers than either the VW or conventionally designed vehicles with lower rear roll centers.

And most importantly, the principle illustrated by these phenomena would apply to the *Drummond* Corvair—even if that Corvair were only going 40–50 mph. As the chart on page 15 of the *Vehicle Dynamics* paper points out, the difference in slip angle would only have to be about 1.8 degrees at 50 mph in order for the vehicle to experience lateral acceleration in excess of the 0.6g. As you remember, even GM conceded that 0.6g can cause critical oversteering and usually leads to loss of control.

There are at least one dozen other equally flagrant disparities between your summaries of the evidence you received in the *Drummond* trial, and the attached documents, most of which are explicated in more detail in the attached 32-page letter to Senator Ribicoff. For example, as you can see, this new information indicates that the state of the art of rear suspension design in 1958–59 was indeed far ahead of what GM had you believe in *Drummond*. The 1953 and 1961 Olley papers and the Caramanna testimonial illustrate this disparity most graphically by showing how other practical, not theoretical, experience within GM showed these dangers. Other material shows that knowledge of just *how* to fix the 1960–63 Corvair was indeed available within GM, but was rejected by cost-conscious motives in favor of clearly ineffective remedies.

If your conclusions upon review of this material are what we think they must be, then we respectfully suggest that you exercise your power to initiate your own investigation to determine the extent to which the proceeding before you was distorted by suppression and perjury. In the interim we hope you will conclude that the evidence now available is at the very minimum sufficient to cast serious doubt on the evidence given to you in the *Drummond* trial. If so, I hope you will inform Secretary Volpe and Senator Ribicoff that pending the conclusion of your investigation you cannot condone General Motors' continued unseemly use of you as a witness in its behalf.

In any case, General Motors continues to use your opinion as a promotion and affidavit of Corvair safety. Consequently, we think you should be interested in the other attached evidence that has emerged recently which should have been a part of the testimony and evidence General Motors presented to you. Please find enclosed a copy of a presentation sent this day and other material sent on two previous occasions to Senator Ribicoff. The calculated, planned strategy of deception and suppression of critical documents in GM's defense against Corvair litigation has contaminated and subverted the integrity of the judicial process. It is your duty to reclaim the integrity of your Court, however belatedly.

We look forward to your comments, and will be willing to provide any additional information at our disposal.

Sincerely,

RALPH NADER,
GARY SELLERS.

JULY 8, 1971.

Senator ABRAHAM RIBICOFF,
Chairman, Subcommittee on Executive Reorganization, Senate Office Building, Washington, D.C.

DEAR SENATOR RIBICOFF: Pursuant to your request for written submissions wherever possible, enclosed are copies of recently obtained materials, including some heretofore non-public documents. From these materials your Committee should now be able to prove beyond any reasonable doubt, both the hazards in the early Corvair and the falsity of much of the General Motors' sworn testimony to your Committee related to this subject. Whatever additional facts and explanations are needed can certainly be resolved by a public hearing.

These documents are:

1. A history, entitled *"Vehicle Dynamics and G.S. II Programs"* dated June 16, 1964 and prepared by Chevrolet Research and Development, which describes among other things, Chevrolet's efforts to fix the Corvair from 1960–64.

2. *"Corvair Steering"* by General Motors' legendary Maurice Olley in 1961, (which discusses the steady state performance of the 1961 Corvair), and concludes that even under very modest stresses, the differential in tire pressure is necessary to "save the life of the CORVAIR."

3. *"Notes on Suspensions"* by Maurice Olley, dated August, 1961.

4. *"Notes on Handling Stability"* by Maurice Olley, dated March 17, 1953.

5. A GM document, prepared in 1965 which is entitled *"Corvair Changes and Chassis Improvements."*

6. GM Proving Ground Reports numbered PG15699 & PG17103—tests performed in 1962 and 1963.

7. Data from GM Document #000907, apparently prepared in 1965, and which shows the Corvair's shock absorber changes before 1964. i.e., changes in rear suspension maximum rebound angle.

8. A GM paper entitled *Agenda* which outlines the presentation of a "Vehicle Dynamics Course" for GM personnel which occurred from June 27–29, 1966.

9. *"Vehicle Dynamics"* Course, dated January 20, 1966—in rough draft.

10. A letter from Harley Copp to Senator Magnuson of June 3, 1971.

These documents finally provide a fairly complete picture of GM's knowledge (1) of the origin of the handling deficiencies which caused, what General Motors chooses to delicately call in document #1 above, the Corvair's "misbehavior", (2) of General Motor's efforts to remedy these deficiencies, (3) of major misrepresentations General Motors has maintained in order to obscure from the public what it has known for years about the Corvair's "out of control" characteristics, and (4) of the issues that demand further exploration in light of what is now revealed.

This letter was prepared so that you and the rest of the Senate—and the American public—might have a more complete picture. Because much of that picture's contents is so shocking—we enclosed the attached documents together with an evaluation and explication of their importance.

UNDERLYING ISSUE: THE FRAUD IN GM'S PUBLIC STATEMENTS

Speaking of the duty to be candid and honest with the public, on these matters Senator Robert F. Kennedy said, at the Senate Investigative hearings of GM in 1966, "nobody has a greater responsibility really than General Motors." (p. 1399) The attached evidence shows exactly how General Motors has contemptuously ignored that responsibility in its public and court presentations on the Corvair.

For example, on May 5, 1966 James Roche wrote on behalf of GM and solemnly assured you, your Committee and the U.S. Senate:

"Historically we have recognized that we bear a responsibility not only for searching out actual or potential defects in our automobiles, but also for correcting these defects at no cost to the owner under our policy and warranty program.

"Finally, when we detect a product failure which, in the opinion of the responsible engineering, manufacturing and service groups, requires a recall campaign even though the cars may have been in the hands of their owners for many months, we take steps to insure that appropriate corrections are made just as soon as it is physically possible. The moment a defect is discovered, our engineers set to work to find its cause. Next they determine the proper remedy, design any parts that may be necessary and change production techniques that may be involved. If new parts are required for the correction, they are sent to the field as soon as they can be fabricated."

And, of course, since September 1966, Federal law has required notification of such defects to owners and users.

As to the more precise issue of the safety of the Corvair for the past ten years, despite widespread public clamor about the unsafe handling of the early Corvair and an ever-mounting toll in resulting injuries and deaths, General Motors has persisted in the public position that the 1960–1963 Corvair is controllable to the same extent as "all passenger cars of the same period", and that the changes made in 1964 were nothing more than "a step in the normal process of product improvement." (p. 1562) At other points GM officials have asserted that they have produced "all" the evidence for the courts, and that "they know" the Corvair was a "safe" vehicle. (p. 1558 & 1447). In summary, GM has said they know of no evidence of an unsafe quality in the Corvair, and anything they observed as a problem could not be fixed until 1964.

Those who have taken issue with GM's position have been ridiculed and fought in courts as General Motors has publicly accused them of conducting a "vendetta" and of issuing "false and vitriolic statements" with the ulterior motive of destroying the confidence of its customers and the public in GM. (GM Press Release of October 25, 1970 and Edward Cole letter of September 7, 1970).

Moreover, when a few secret GM proving ground reports were first revealed to the public in the fall of 1970, the President of GM, sent a letter of September 7th to Secretary of Transportation, John A. Volpe, in which he said that such test results were hardly typical of the Corvair since the Corvairs in these tests "were especially equipped with experimental parts, [and] were intentionally overturned by . . . violent maneuvers. . . ."

FACTS

The above GM assertions are at complete variance with the attached GM reports and records. For example, one of the enclosed documents from General Motors's own records is *their* history of Corvair problems. This document reveals, in its own words, that in *January, 1960*, a "more or less informal" in fact, undisclosed program was initiated to evaluate the "out of control" characteristics of the Corvair. The results of that clandestine program, implemented in the 1964 and 1965 model changes, constitute irrefutable proof of the fraud in General Motors' continued public refusal to acknowledge the existence of and causes for hazardous instabilities in the 1960–63 Corvairs. This secret history of General Motors' Corvair program says that: "in January 1960" a program was initiated to evaluate the "out of control" characteristics of the Corvair and that:

Experiments with roll couple distribution suspension configurations, etc., indicated that the jacking characteristics consequent to the swing axle and roll couple distribution was responsible for the misbehavior. A Corvair with a single leaf transverse rear spring and front stabilizer was built and demonstrated shortly thereafter. (p. 11)

In short, even the single leaf spring was fully developed "shortly" after 1960. Despite these facts, on March 22, 1966 Mr. Roche submitted for your Committee's record, on behalf of General Motors, a deceptive presentation prepared by his subordinates that stated that the 1964 and 1965 changes to the Corvair were made only in the "normal process of product development," and also equated the 1960–1963 Corvair controllability with "all American passenger cars of that date." Since he told the Committee he had looked thoroughly into the matter before that testimony, Mr. Roche, or the authors of his presentation, must have known what one of GM's secret records said—that *some years before* GM had concluded that the Corvair was not only different from other cars but that "the jacking characteristics consequent to the swing axle and roll couple distribution was responsible for the [Corvair's] misbehavior." (See attached *"Vehicle Dynamics"* etc.) The only other explanation for this deceptive testimony was of willful insubordination from Mr. Cole on down. For example, even though the GM engineer responsible for the Corvair suspension, Charles Rubly, had admitted in a scientific paper that in 1958–1959 the foremost consideration in deciding how to attempt to find stability for the Corvair was *cost*, not feasibility; the attached documents show the details of this decision and its effects. GM officials refused to incorporate the front stabilizer bar and transverse leaf springs (to substantially correct the Corvair's instability) even though these corrective changes were known and developed in 1959, were later offered to Corvair owners at a higher priced option (RPO 696). Moreover, the revelations of Mr. George Caramanna, a GM technician who worked on the original Corvair, substantiate the case that it was originally designed and tested with the front stabilizer bar but the bar was removed from production models. Both the front stabilizer bar and the transverse leaf spring were begrudgingly adopted for the 1964 model Corvair, but only after the failure of numerous lower-cost corrective attempts. Indeed, there are now witnesses such as Mr. Caramanna, who are available to say that they knew that the single leaf transverse spring (finally used in the 1964 Corvair) was actually the same development implemented *two years earlier* in the 1962 Chevy II. In part, these refusals of a few GM officials to put the 1964-type changes on the 1959 Corvair led to putting the burden on the Corvair owner to maintain 73% more pressure in the rear tires than in the front tires.

The attached documents, particularly the Research and Development paper of June 1964, and the memoranda of Maurice Olley written in 1953 and 1961, reveal the root cause and the nature of the defect in the Corvair. The 1953 Olley memo actually suggests the precise corrective action which was eventually taken by Chevrolet over 10 years later. The second Olley memo of 1961 shows that even after the solution was clearly outlined to GM officials a second time, these few men went ahead to produce well over one-half million *more* of the 1962–63 model Corvairs, and failed to warn their customers of these well-understood dangers.

What also is now revealed is Mr. Cole's misrepresentations to the U.S. Government and to your Committee in 1970 regarding P.G. Reports No. 15699 and 17103. For example, in these two test reports we see the results of a series of tests run in May and June of 1962 (PG 15699) and November, 1962, March, April, May, 1963 (PG 17103). When the subject of these Corvair rollover tests arose last September, Mr. Cole told the public that:

"These were reports of engineering development tests in which Corvairs, specially equipped with experimental parts, were intentionally overturned by experienced drivers using violent maneuvers designed to overturn them. The purpose of the tests was to evaluate the experimental parts as to their effect upon the handling characteristics of the Corvair."

This flatly erroneous characterization of these reports deserves close comparison with the documents themselves. The discrepancy between what Mr. Cole described, and the actual reports offers a splendid example of the kinds of distortions that, unchallenged and not subject to cross-examination, GM engages in regularly.

The actual text of P.G. test report 15699 said that it involved:

"A series of vehicle rollover tests to determine the roll stability characteristics of ten different modifications to the suspension system of a 1962 Corvair '700' series, 4-door sedan," and "Comparative tests were also conducted with a 1961 Chevrolet, 4-door sedan. This vehicle had no modification to the suspension system." (p. 2)

Tests were run on ten types of Corvair suspension modifications designed to limit the maximum rear axle movement in rebound. Nine vehicles rolled when subjected to a J-turn maneuver at speeds under 25 mph. Of the one that did not roll over, the P.G. Report says: "The suspension system that appeared to be the most stable [Test No. 3] used production components excepting for the rear shock absorbers which were of the hydraulic rebound cut off type with 0.5 inch spacer blocks." As suspension engineers will testify, these changes were all designed by the best GM engineers to *increase* the Corvair's stability, and cannot now fairly be characterized by Mr. Cole as experimental parts which would make the Corvair less stable. As to the runs done for comparison's sake on the 1961 Chevrolet, the PG Report said: "Eight trial runs were made with instrumentation and two were made without maneuverability handicap of the instrument cables and instrument van. (Figure 14). No roll-overs were experienced in these 10 runs." (p. 5)

Mr. Cole obviously overlooked this aspect of PG 15699 and what it implies about the stability of the Corvairs that overturned in what he calls "violent maneuvers", since these same "violent maneuvers" failed to roll a standard Chevrolet. This aspect of this test also rebuts GM's 1966 testimony that the controllability of the 1960–63 Corvairs were comparable to "all American passenger cars of that date."

The text of the final report of P.G. 17103 also reveals the error of Mr. Cole's statement to the public. The text said the test purpose was: "to evaluate and determine the dynamic stability characteristics on the Chevrolet Corvair with various shock absorbers and suspension configurations." The test results were summarized by the PG Report language—language which itself refutes Mr. Cole's explanation that these Corvair tests were atypical because the Corvairs were "specially equipped with experimental parts" and were "intentionally overturned . . . using violent maneuvers designed to overturn them." As the test itself said in its Results and Conclusion section at page 1:

"These tests showed that the dynamic stability of the current production 1963 Corvair was not substantially improved through practical modification to shock absorber design and configuration. A test phase which incorporated a pair of high speed movie cameras mounted on outriggers to the rear of the car, showed that this change in the weight distribution prevented the car from overturning during these maneuvers.

"A 1964 *prototype* suspension installed in the car made the dynamic stability characteristics acceptable for several different test conditions. The last run of the series was an abnormally severe maneuver from a super elevated surface to a level surface and caused the car to overturn."

Thus this GM test report also disposes of Mr. Cole's September 1970 assertion that the GM tests themselves were a situation in which experimentally equipped cars "were intentionally overturned by experienced drivers using violent maneuvers designed to overturn them." Instead, you can see that the GM tests were seeking configurations with "acceptable" dynamic stability characteristics (non-rolling) in the different test conditions. Also, as the test said, the 1964 prototype suspension "made the dynamic stability characteristics acceptable for several different test runs." In fact, when the rolling of the 1964 prototype occurred in the last run, the test report explained that by stressing that "an abnormally severe maneuver," had been involved. In short, the earlier test runs were not that severe.

CONCLUSION AS TO THE CREDIBILITY OF GM'S PRESENT MANAGEMENT

Putting aside Mr. Cole's misdescription of these test reports, they (together with 1959 tests such as PG 11106 which showed rollover even then) unarguably demonstrate that GM officials recognized and knew that the Corvair was so unlike other American cars that they were spending large sums to develop a "fix" which would not clearly reveal their original error and would not involve the easily available but earlier rejected remedies of the front stabilizer bar and transverse leaf springs. These remedies—which, according to available witnesses, would have cost GM less than twenty dollars per Corvair—were apparently considered too expensive for a vehicle which was still trying to compete with the less costly Falcon and the Valiant. Thus, even twenty dollars was too great a price to correct a danger which these few men had privately described as the Corvair's "misbehavior."

We believe the clear inaccuracy of the GM assertions about the Corvair reveals how little GM thinks of the public, the Government, and the U.S. Senate. What stands revealed by these actions of a few GM executives makes a mockery of Edward N. Coles' pious protestations last fall that "GM and its executives have been faithful to their public trust." What stands revealed is a sordid story of how a very few General Motors' executives misused the vast resources of that organization to hide their mistakes and thus serve their personal interests in self-entrenchment and eventual advancement, even though this meant unjustified uses of the stockholder's money, violation of GM's acknowledged duty to the public, and most importantly, preventable injuries and fatalities to uncounted innocent people who had put their faith in the GM "Mark of Excellence."

The balance of this letter contains a chronological explication of the details of the decision-making within GM with reference to the Corvair, revealed by the attached documents.

The years 1950–1958:

FIRST ISSUE: DID GENERAL MOTORS OFFICIALS LEARN, BEFORE THE CORVAIR'S PRODUCTION, OF THE EXISTENCE OF ITS UNUSUAL SUSCEPTIBILITY TO SPIN OUT OR ROLL OVER?

Background

The preeminent engineer in the field of vehicle handling, General Motors' Maurice Olley, warned General Motors repeatedly in his public writing of the hazards in the roll couple distribution associated with rear engine designs. He also warned of the added disadvantages in rear swing axles. What has been unknown up to this time is what he said and did privately.

We now know that GM engineers, including Olley, developed a light weight rear engine car in the late 1930's, but that it had "pronounced oversteering" which was eventually balanced by creating a 16 pound tire pressure differential (19/35 psi), or by using 400 pounds of sand in the nose, or by using one inch larger rear tires. Finally, however, the car was fitted with a front anti-roll bar and de Dion rear suspension, which gave it better rear cornering power—particularly with a 23/33 psi tire presure differential.

One of the recently acquired documents shows that at least as early as 1953, GM's Maurice Olley wrote a GM memorandum (attached as item 4) to men such as E. N. Cole, C. M. Rubly and K. Hansen, all of whom were to play prominent roles in developing the Corvair, about the hazards in the roll couple distribution that was to be expected in a rear engine vehicle.[1] Mr. Olley was the "senior statesman" at General Motors on such matters. His papers on "Suspension and Handling" date back to at least 1937. When in 1953 he wrote to other engineers that the effects of the roll couple distribution associated with a rear engine design might be alleviated by increasing the amount of roll couple carried on the front wheels by means of a *front stabilizer bar*, it should be assumed that they listened. Moreover, Mr. Harley Copp of the Ford Motor Company has recently testified that GM engineers specifically rejected, "as early as 1946–47" the "use of the swing axle type" for the rear independent suspension.

In 1953 Mr. Olley also delivered a technical paper, "*European Postwar Cars*," containing a sharp critique of rear-engine automobiles *with swing-axle suspension systems*. He called such vehicles "a poor bargain, at least in the form in which they are presently built," adding that they could not handle safely in a wind even at moderate speeds, despite tire pressure differential between front and rear.

Also, of course, in a subsequently much discussed 1956 patent application, Mr. Olley made the following statements with reference to a swing axle independent suspension:

"While this type of suspension has enjoyed a certain measure of success, particularly in the relatively small vehicles popular in Europe, it nevertheless possesses certain inherent disadvantages which have thus far prevented widespread acceptance. In particular, the ordinary swing axle, under severe lateral forces produced by cornering, tends to lift the rear end of the vehicle, so that both wheels assume severe positive camber positions to such an extent that the vehicle not only 'oversteers' but actually tends to roll over. In addition, the effect is non-linear and increases suddently in a severe turn, thus presenting potentially dangerous vehicle handling characteristics."[2]

GM'S REFUSAL TO ADMIT KNOWLEDGE—THEIR COURTROOM DENIALS

When the design of the original Corvair came under fire from injured parties, these parties attempted to show that Mr. Olley had warned GM. In response, General Motors has tried to put a great deal of distance between itself and the relevant engineering opinions of Maurice Olley, by testifying about the Olley papers and opinions as if they were interesting only as historical relics, applicable only in the days when cars were narrow, high, stiffly sprung and running on tires not as good as those available when the Corvair was designed.

Clear examples of GM's duplicity as to their early knowledge are found in their courtroom denials of knowledge of the dangers in the Corvair—and their denial in court of the existence of such memoranda, tests, or the knowledge these would have given them. For example, after the 1960–63 Corvairs were involved in accidents in which the driver experienced as "unexpected response" or "loss of control" of the vehicle—(the very dangers which Mr. Olley had predicted in the above 1956 patent application for safer swing axle vehicles of this type), the victims of Corvair accidents tried repeatedly, in courts across the country, to ascertain whether Mr. Olley or GM had found (but not used) a means of correcting this control or response problem *before* or *while* it produced the 1960–63 Corvairs. In attempting to show GM's knowledge, the victims obtained court orders to see all relevant GM "memoranda, tests, etc." on this subject. These orders certainly should have required GM to produce some of the attached Olley papers; however, no such candor was practiced by GM.

For example, in the *Collins* v. *GM* trial, GM was required on June 11, 1965 by the

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Footnotes at end of article.

Superior Court of California, Santa Clara County, to produce for the plaintiff: "any tests, studies, reports, movies, photographs, and other documents pertaining to . . . General Motors Proving Ground Tests of stability and handling characteristics of Corvair prototype, Corvair pre-production and 1960 Corvair."

The 1953 and 1961 Olley decuments were *not* produced in response to that subpoena although the 1961 documents are based on stability and handling (steering) information and the *Corvair Steering* document specifically discusses the 1960 and 1961 Corvair.

The particular value to the plaintiffs' of Mr. Olley's 1953 paper to these GM executives would have been to show that he warned these executives of the inherent handling problems in rear engine cars and the possibility of alleviating them by increasing the roll couple carried by the front wheels. Olley had said in that paper at page 12:

"Rear engine cars, with a 35–65 weight distribution, are virtually unmanageable in a wind, unless fitted with twin tires at the rear. The same statement applies to trucks and busses with a similar weight distribution unless these are fitted with twin rear tires. This was explained on a basis of over and understeer (Figure II), *but this does not fully account for the extremely light steering feel of rear-engine cars. It appears that the handling of rear engine cars might be improvide by fitting a front stabilizer so as to increase the feel of the road.* Such a stabilizer is limited however by consideration of lifting the inside front wheel off the ground on a hard turn." (emphasis added)

In summary, over five years *before* the Corvair was developed a few GM officials were put on notice of this danger but did not adopt these necessary precautions when they designed and produced their Corvair.

In later court cases, when plaintiffs were denied access to, or even acknowledgement of, the secret Olley documents, these Corvair victims then tried to show GM's knowledge of these dangers by referring to the *public* Olley statements (on the same general problem) which he made in his 1956 patent application and elsewhere. In reply to this evidence, GM witnesses maintained in numerous ways, that even the publicly available Olley warnings (in published papers and in patent applications) were either based on outmoded concepts, were irrelevant or inaccurate. Indeed, when asked to testify about Olley's public comments, GM witnesses were apparently confident enough of support in suppressing the secret Olley memos that they demeaned and rebutted his less damning and *less specific* public conclusions.

As an example of how some GM employees suppressed this Olley data, the case of *Collins* v. *GM* in California in 1965 reveals their basic plan and its effects. Olley's 1956 patent application (and accompanying statements) were introduced into evidence by the plaintiff in an attempt to show its relationship to the Corvair and the resulting danger therein. The head of Chevrolet Research and Development, Mr. Frank Winchell was then asked whether he agreed with Olley's contention that:

"In particular, the ordinary swing axle under severe lateral forces produced by cornering tends to lift the rear end of the vehicle so that both wheels assume severe positive camber positions to such an extent that the vehicle not only over-steers but actually tends to roll over."

Mr. Winchell's incomplete and deceptive answer was that the Olley statement only applied to the most unusual driving circumstances. His exact words, at page 3330, were:

"Under the circumstances that he [Olley] describes, that is true; under the severe lateral acceleration, point nine, or something like that, the wheels come together and the center of gravity raises."

This testimony, (by confining Olley's statements to these conditions, of "severe lateral acceleration, point nine or something like that") stressed that only extreme or grossly reckless circumstances would precipitate the oversteering danger. Contrary evidence, detailed in Olley's 1961 memorandum, was never acknowledged. This evidence concluded that both the rise in center of gravity and oversteer originate in a Corvair around 0.3g to 0.4g, and that they grow rapidly after that point. Moreover, the PG tests such as PG11106 of June 1959, showed a roll over of a Corvair at 25 mph in a simple J turn. Even existence of this data, apart from the serious conclusions which can be drawn from it, was suppressed by GM. Moreover, the testimony of Mr. Winchell further explained away the Olley prediction (of oversteer followed by rollover) by producing other GM tests that showed that the Corvair was average, if not better than average in cornering performance, and then stating that Olley's predicted dangers only arose under conditions which were far beyond "the performance limit of average cars." Mr. Winchell's exact testimony, at page 3331 of the transcript was:

"Now, I would agree with Mr. Olley as I have agreed here that under severe lateral acceleration far beyond the capability of the driver, far beyond the performance limit of average cars, far beyond the standards in which highways are designed, such things [oversteer possibly followed by rollover] exist. . . ."

A similar pattern of dishonest testimony was followed in the *Anderson* v. *GM* trial in Florida in 1965. When Mr. Winchell was asked his opinion of Olley's 1956 statements about the dangers of the rear swing axle vehicles (quoted above) Mr. Winchell swiftly distinguished the Olley comments from the conditions present in the 1960 Corvair. By his precise explication of the many differences between most rear engine cars and the Corvair, the "expert" witness superficially agreed with the Olley comment, but explained away its relevance by telling the court that Olley's comments were based upon inapplicable engineering facts, and that while these facts had existed in the cars Olley had examined, they were not relevant to the 1960 Corvair.

Mr. Winchell's exact testimony demigrating the Olley patent was:

"Mr. Olley is talking about cars of the vintage of about '52 to '54 which had a very short tread compared to the Corvair, a very high center of gravity compared to the Corvair, and narow rims, tires without the cornering power that we have now, and without the linear extension that we have now." (p. 5218)

CONCLUSIONS

The above testimony, as a partial presentation of the engineering facts, would have been misleading *even if* Mr. Olley had not written "Corvair Steering" which explicitly details the weakness of the 1961 Corvair and stated at one point that the 73% differential in tire pressure "virtually saves the life of the Corvair." Given the existence and circulation of "Corvair Steering", the 1965 courtroom testimony more fully reveals the willingness of Mr. Winchell to deceive the court.

In GM's attempt to minimize the importance of Mr. Olley or his ideas, F. Winchell, not only disputed the quality of Olley's knowledge but even denied knowledge of Olley's employment by GM after his retirement about 1956. For example, during the *Anderson* v. *GM* trial when asked to comment upon Olley's public writings and was recognized as a competent or capable person, Winchell said: "Mr. Olley has not been active or intimate with the developments since his retirement," and that "[I] don't recall Mr. Cole's statement that Mr. Olley was in consultation [for GM] through 1960." (p. 4967)

Although Olley had indeed returned to GM to prepare his damning 1961 memorandum, GM found it easiest to deny these unpleasant facts by denying Olley's presence. Thus, in the fullest tradition of vast power holders, GM made the truth teller a non-person.

Surely this testimony, by the then head of Research and Development for Chevrolet, creates a clear presumption of malfeasance or non-feasance of the grossest magnitude—in the absence of facts still unknown to the public today. Therefore, we request that if your review of this material comes to the same conclusion, you communicate this to Mr. James Roche or Mr. Ross Malone.

Most importantly, the above facts show that GM officials knew *before* 1958, and were told again in 1961, of the dangers in a Corvair type vehicle.

Also, the final redesign of the Corvair in 1964 and 1965 vindicated Mr. Olley to an extent that can't be muffled by General Motors' many attempts to make Olley a non-person in the intervening years, i.e., when General Motors finally corrected the handling instabilities in the Corvair they did so by making changes recommended before production began—installing a front stabilizer bar (as Mr. Olley had recommended in the case of rear engine cars in his 1953 paper attached hereto), and then abandoning the swing axle independent rear suspension (which also had drawn Mr. Olley's criticism in various papers and patent claims during the 1950's) in favor of a four-link type of rear suspension.

In short, GM officials knew of the Corvair's danger from the Olley studies and from experiments on foreign rear engine cars. They were specifically on notice of the danger from the rollover tests of the Corvair prototype in 1958 and 1959.

SECOND ISSUE: COULD GM OFFICIALS HAVE IMPLEMENTED SAFETY PRECAUTIONS BEFORE PRODUCING THE 1960 CORVAIR?

The GM position

As GM stated to the U.S. Senate in 1966, the suspension (safety) changes for the Corvair in 1964 and 1965, were introduced in a normal process of "product development". (see p. 1452) In short GM made clear that such changes were always introduced as soon as the state of the art was developed.

The facts

The Olley patents and the information from Harley Copp, (the engineer chiefly responsible for the competing Falcon for the Ford Motor Company) show that technology for producing a Corvair (without the dangerous qualities of the 1960–1963 models) was available in 1958. Indeed, the evidence shows that the front stabilizer bar was used on the prototype Corvair in 1958–1959—was planned for the 1960 production model Corvair, but was discarded (along with the multiple leaf rear spring), apparently because of cost considerations. All this is not to say that the Corvair's designers and executive supervisors ignored such considerations when they designed the Corvair. On the contrary, there is quite conclusive evidence that they knew they had a problem, that the car's designers recognized the potential for trouble in the car's roll couple distribution and the aggravation of that characterized by the particular swing axle rear suspension they had chosen. The evidence herein further shows that they tried to control these problems by larger tires, wider rims and a recommended tire pressure differential; however, they rejected known, available alternatives for correcting the roll couple distribution primarily because of cost and in the interest of a softer ride. In a paper delivered to the Society of Automotive Engineers in March, 1960, Charles M. Rubly, Chevrolet staff engineer in charge of the Corvair suspension system spelled it out. Pertinent excerpts follow:

"Engineering fully realized that with a weight distribution of 40% front and 60%

rear there was an unusual situation with regards to handling in a conventional passenger car. * * * It was then decided that a tire of larger size, incorporating new internal construction, plus a wider rim and compatable suspension geometry were necessary to accomplish our handling objective, without comprising ride comfort, or adding undue harshness to the vehicle. * * * 15 psi (pounds per square inch) represents the Corvair front tire pressure and 26 psi represents the Corvair rear tire pressures. Note that under these tire pressures and at one passenger load the front and real tire deflections are practically the same. *The objective was* to arrive at equal tire deflections front and rear under riding conditions and *equal slip angles front and rear during cornering.* At five passenger load the difference in tire deflection is less than .1 inch. * * * *Thus, in line with our original objective, an engineering solution to lateral stability has been obtained by proper design of tires, rims, and specified inflation pressures.*"

* * * * *

REAR SUSPENSION

The swing axle independent rear suspension (Fig. 10) is one of the most interesting features of the Corvair chassis. * * * This type of swing axle suspension is, we believe, unique in its application. * * * Another interesting aspect of this particular swing axle was the roll couple distribution front to rear. * * *

It is also true that on a swing axle suspension of this type more of the roll couple is taken on the rear than on the front, and *if you had equal tire pressures, front and rear, the result would be greater slip angles on the rear than on the front.*

Again the saving grace of the lighter front end, which allowed the Corvair to use a much lower tire pressure on the front than the rear. This in turn produced small differences between front and rear tire slip angles under cornering conditions.

One of the obvious questions is "if you wish more of the roll couple to be taken on the front wheels why did you leave the stabilizer off?"

First, we felt the slight amount of gain realized did not warrant the cost, secondly, we did not wish to pay the penalty of increased road noise and harshness that results from use of a stabilizer.

Another question that no doubt can be asked is why did we choose an independent rear suspension of this particular type? There are other swing axle rear suspensions, of course, that permit transferring more of the roll couple to the front end. Our election of this particular type of a swing axle rear suspension is based on:

1. Lower cost.
2. Ease of assembly.
3. Ease of service.
4. Simplicity of design.
5. We also wished to take advantage of coil springs * * * in order to obtain a more pleasing ride.
6. Reduction of unsprung weight results in a softer feeling vehicle and a shake reduction. * * *
7. The ability to isolate the body from distortion stresses. * * * This last point is very important in reducing transmission of road noise and engine noise into the vehicle. * * *

In this paper we have attempted to take a closer look at some of the developments that made a fundamentally different approach a very practical one.[3,4]

SUMMARY

It does not require an engineering degree to see, therefore, that the men who designed the Corvair considered the recommended tire pressure differential critically important in counteracting the recognized effects of the roll couple distribution, and it is also clear that the foremost reason for their rejection of available methods for transferring more of the roll couple to the front—a front stabilizer bar and a different type of rear suspension—was: Cost.

Not surprisingly, in an analogy to the tactic which has seen General Motors never call Maurice Olley to testify but instead attempt to discount and discredit the opinions Mr. Olley offered GM on relevant subjects in the 1950's, Mr. Rubly and of the other key men who made the crucial decisions on the design of the Corvair suspension, and who knew of its dangers, have never, as far as we know, been offered as witnesses by General Motors. And when such men have appeared as reluctant witnesses summoned by General Motors' opponents to depositions, they have suffered from atrociously poor memories.

1958–1960:

THIRD ISSUE: WHAT DID GM OFFICIALS DO TO PROTECT THE PUBLIC FROM THESE SPECIAL HAZARDS OF THE CORVAIR?

In summary, they rejected the front stabilizer bar and they recommended that a car be operated with a tire/pressure differential to save the manufacturer money but it is certainly not a reasonable substitute for designing stability into the vehicle.

The evidence will show that even when used with the recommended tire pressure differential the original Corvair does not have an acceptable degree of lateral stability. Nonetheless, since Mr. Rubly found the possibility of using a tire pressure differential to achieve stability a "saving grace" in the Corvair, it should be understood why in any case such a solution, even though it may have lessened the production cost of the automobile, was incompatible with sound engineering practice.

Derwyn Severy, nationally recognized expert in connection with questions of automobile safety and, on occasion, a witness employed by General Motors to testify on such questions, has said:

"Where the public at large is expected to maintain the tire pressure understanding, then I'd say it becomes a dangerous situation to the extent that the vehicle is sensitive to oversteer or directional instability from variations in tire pressure."

Robert N. Janeway, an engineer who has headed Chrysler's dynamic research, says:

"This expedient must be considered a last resort. For, instead of stability being inherent in the vehicle design, the operator is relied upon to maintain a required pressure differential in front and rear tires. This responsibility is, in turn, passed along to service station attendants, who are notoriously unreliable in abiding by tire pressures. There is also serious doubt whether the owner or service man is fully aware of the importance of maintaining the recommended pressures."[5]

The "serious doubt" entertained by Mr. Janeway has to be followed by a firm conviction that neither owners nor service station attendants could be charged with knowledge of the importance of the recommended tire pressure differential in the Corvair. For *five consecutive years,* 1960 through 1964, Corvair Owners Manuals accompanied the prescribed tire pressures with cryptic warning:

"Oversteer problems may also be encountered with incorrect pressures. Maintain the recommended inflation pressure at all times."

But, as a judge who pursued this subject during a Corvair trial has observed:

"None of the engineers of General Motors could explain what this language meant. This is preposterous. Why was such language used? Certainly the average purchaser would have no conception of what was meant by this language in the Owner's Guide."[6]

In any case, the most persuasive evidence that it is violative of sound engineering practice to rely on a tire pressure differential to give stability to a vehicle, has to be the backpeddling GM has done and the misrepresentations it has advanced in a frantic effort to minimize the importance of the tire pressure differential since the Corvair's stability became a public issue. Certainly someone at General Motors must have seen that such misrepresentations would sooner or later be tagged as lies *or* establishing a corporate position that the men to whom General Motors entrusted that aspect of the problem involving lateral stability were engineering idiots.

The years from 1960–1962:

FOURTH ISSUES: (1) DID GM EXECUTIVES ENGAGE IN A CONTINUED REFUSAL FROM 1960-62 TO CORRECT THE DEFECT? (2) DID THEIR EARLY ATTEMPTS TO CORRECT THE CORVAIR'S "MISBEHAVIOR" CONCENTRATE ON FINDING A CHEAP "FIX"?

Both to the U.S. Senate and to courts, a few GM officials have described the 1960–1963 suspension designs *as the same.* For example, in the Winchell statement GM submitted to your Committee, he speaks about "the design characteristics of the 1960–1963 Corvair." (p. 1559) Similarly, this was the evidence given by GM to Judge Jefferson.[7] Other court cases reveal the same pattern of testimony i.e., there were no significant differences in these suspensions. Also, the attached "Agenda" used by GM officials to brief their attorneys and other personnel also states that the 1960–63 suspensions were "the same."

Facts

The attached documents, originating in the Chevrolet R & D Section of GM, show that there were several significant pre-1964 suspension changes. These included a limitation on rebound angle and a change in rear spring rate. Also, the results of several GM Proving Ground reports were available in 1962, which showed certain systems that appeared to be the more stable when spacer blocks and other changes were made. For example, in P.G. 15699, done in early 1962, the best results appeared when the vehicle used production components except for the rear shock absorbers which were of the hydraulic rebound cut off type with 0.5 in. spacer blocks. As the other Chevrolet Layout L–58339 shows, [Plaintiffs' Exhibit 91 in *Franklin* v. *General Motors*], these modified shock absorbers were then incorporated in the 1963 Corvair (6/12/62: ECR 47153).

In summary, the full history of the 1959–1962 efforts by Chevrolet and GM engineers to correct the Corvair's "misbehavior" is just beginning to emerge; however, apparently it involves two more or less parallel efforts, one by the men who designed the Corvair and the other initiated by Chevrolet R&D in January 1960.

The first of these efforts, the one by the men who designed the Corvair, sought to find a cheap "fix" to tinkering with the car without altering its basic design. Although there were some early changes in the rear spring rates that may have affected the vehicle's handling characteristics, Mr. Rubly and his group apparently focused on the possibility of controlling the problem by reducing the maximum rebound or positive camber in the rear wheels. In a pre-production test it had been noted that restricting the rebound tended to improve the car's roll stability.[8] So, shortly after the car went on sale, its designers were experimenting with shims in an effort to limit rebound.[9] Further work in this direction prompted an interim revision of the shock absorbers in the middle of the 1962 model year "to restrict rebound."[10] The maximum rebound or positive camber in the rear wheels was thereby limited to 9°, as contrasted with the original 11°.

In May and June of 1962, ten different such suspension modifications—not all in-

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Footnotes at end of article.

volving changes in the shocks but all aimed at limiting rebound—were tested for their effect on the Corvair's roll stability characteristics.[11] The suspension modification that appeared "most stable"—*i.e.*, the only one with which the car did not roll over—used rear shock absorbers of the hydraulic rebound cut-off type with 0.5 in. spacer blocks. These shock absorbers were incorporated as a change in the 1963 model "for improved ultimate stability."[12] Some General Motors' records say that they limted maximum rebound or positive camber in the rear wheels to 8°.[13] However, a providing ground test report now aavilable says, "These shock absorbers limited the rear wheel rebound angle to 7½°."[14]

In any case, further tests of equipment to limit the maximum rebound and thus improve lateral stability led to the conclusion, according to the General Motors' report, PG 17103, "that the dynamic stability of the current production 1963 Corvair was not substantially improved through practical modifications to shock absorber design and configuration."

These tests apparently ended hopes that the "fix" could be cheap.

SUMMARY

As far as we can tell, GM never admitted that the 1962, or mid-1962, or 1963 rear suspension was different from the 1960–1962 models. Such an admission would have raised an immediate question by the Corvair victims as to what was the nature of the difference, and the reason for the change. For GM to explain changes of this sort would, in turn, have had some critical implications concerning both their lack of effectiveness and GM's own evaluation of the original system. And, who knows, exploring the reasons for the different shock absorbers used in the 1963 model might have led the Corvair victims in turn to uncovering P.G. Reports 11543, 12207, 15699 and the P.G. 17103. As noted above, GM did not undertake that risk. Thus the attached documents prove conclusively the falsity of GM's testimony on the identity of the 1960–1963 suspensions. (See Appendix items #5 and 7)

It is to be expected that GM will, at this late date, attempt to excuse its false swearing on this matter by minimizing the importance of the difference shock absorbers in the mid-1962 and again on the 1963 model, as it now attempts to minimize the importance of the tire pressure differential it prescribed for the early Corvairs. However, such shock absorber and rebound limitation changes were essential enough to involve substantial costs to GM, and nobody familiar with GM will ever believe that it consciously spent money on a quest for meaningless nonvisible vehicle modification.

FIFTH ISSUE: THE SUSPENSION CHANGES IN THE 1964 CORVAIR

Were there misrepresentations by Mr. Winchell as to the nature of Corvair modifications in 1964?

GM's Position and Testimony:

The Winchell statement GM submitted to your Commtitee says that the 1964 modifications of the Corvair suspension system: "did not alter the full rebound control arm angle at the rear wheels. They did transfer more of the roll couple to the front wheels and, thus, transfer more cornering force to the outside front wheel. All of this was in an attempt to extend the limit of control as a step in the *normal process of product improvement*. The limit of control was increased to approximately 0.7g lateral acceleration with terminal neutral steer." (p. 1562)

FACTS AND CONCLUSION

However, when Mr. Winchell testified that the 1964 changes "did not alter the full rebound control arm angle of the rear wheels" he neglected to state that, as the attached internal documents from Research and Development conclusively prove, the maximum rebound design angle of the Corvair had been changed in May 1962, and then again in the 1963 model. These documents also conclusively show that the length of the standard shock absorber had been reduced *three* times—in the 1962 model, again in May of 1962, and then again with the 1963 model. Thus this talk by Mr. Winchell about '64 control arm rebound was essentially irrelevant and misleading. The only question is whether the 1964 change in roll couple distribution was indeed part of "the process of normal product improvement".

GM's own research and their P.G. tests make it clear that GM knew of the value of the roll couple and stabilizer bar in 1953, and that all the attempted fixes that failed were in lieu of stabilizer bar and roll couple changes. Since GM knew of this need in 1953, and then was aware of the roll-overs of the Corvair in 1959, and was continually reminded of the inability of tests such as P.G. 11543 (of November 1959) to cure the problem, without a stabilizer bar, particularly in light of the 1961 Olley memorandum, Mr. Winchell's 1966 testimony which described the '64 adoption of the stabilizer bar and leaf springs as *"normal product improvement"* was totally misleading—particularly in suggesting that all this was done as rapidly as the knowledge became available. Indeed, the roll bar was on the prototype Corvair and the Vehicle Dynamics Paper of April 1964 makes the statement that "shortly after" Chevrolet R&D found out that "roll couple" distribution was largely *"responsible for the misbehavior"* of the Corvair—*"a Corvair with a single leaf transverse rear spring and front stabilizer was built and demonstrated."* (p. 13) Certainly this knowledge was driven home again to Mr. Winchell by Mr. Olley's 1961 paper, and it was re-emphasized when tests were run with a stabilizer bar, and the results were studied. Yet inexplicably this alternative continued to be rejected by the Chevrolet decision makers. Thus, by Mr. Winchell's own Department's statement, the 1964 changes were developed in response to a determination of the reasons for the "misbehavior" of the early Corvairs, NOT "in the normal process of product improvement."

SIXTH ISSUE: DID GM MISREPRESENT THE PURPOSE AND EFFECT OF THE 1965 CORVAIR SUSPENSION CHANGES?

GM's Position:

Mr. Winchell's statement to the Senate said:

"The changes made in the 1965 suspension were for the purpose of improving ride, while at the same time maintaining the control characteristics and higher limits achieved in 1964." (p. 1562)

ISSUE

This testimony (which equates the 1965 changes with the 1964 changes), to the extend it does, contains a puzzling failure, repeated elsewhere in court, to mention that the 1965 Corvair rear suspension *also* limited the maximum rebound or positive camber in the rear wheels to approximately four degrees as contrasted with the maximum rebound or positive camber of approximately eleven degrees in the 1960 Corvair, and approximately 6.8° in the 1964 model. Why this omission? Was it significant in misleading the Senate and the courts?

CONCLUSION

Your investigators should study Mr. Winchell's letter to Semon Knudsen, at the time General Manager of Chevrolet, which took the position that the 1964 changes were insufficient, that the full redesign of the 1965 suspension system was needed if the Corvair was to be "at least as safe as the standard Chevrolet." Thus, it is difficult, if not impossible, to understand how Mr. Winchell, of all people, could represent the 1965 changes as being merely for the "purpose of *improving ride*, while at the same time maintaining the control characteristics and higher limits achieved in 1964." (p. 1562, Senate Hearings)

While true that the ultimately important 1965 changes had made the roll couple distribution, 54% rear and 46% front in the 1965 Corvair (p. 28); however, the 1965 changes also limited maximum rebound. More significantly, in regard to the rebound limitation, Mr. Winchell's own history of the Chevrolet vehicle dynamics program rebuts Mr. Winchell's public testimony. Within GM, Mr. Winchell admits that the work on the "out of control" characteristics of the Corvair "indicated that *the jacking characteristics consequent to the swing axles and* roll couple distribution were responsible for the misbehavior." (p. 11, emphasis added)

Therefore, a summary list of the misrepresentations in the single paragraph of the Winchell statement concerned with the 1965 changes is:

1. The statement implies that the increase in control achieved by the changes did not require any alteration of the full rebound control arm angle of the rear wheels. We know that not only did the 1965 changes limit the maximum rebound in the rear wheels but that "the jacking characteristics consequent to the swing axles" had been determined by Mr. Winchell's own group as a cause of the Corvair's "misbehavior."

2. The 1965 changes "were for the purpose of improving ride, while at the same time *maintaining* the control characteristics and higher limits achieved in 1964." Mr. Winchell's own position urging adoption of the more extensive suspension changes that became the 1965 model contradicts this statement. Also, its implication that the unmentioned 1965 limitation of the maximum rebound in the rear wheels must have been for purposes of "improving ride" is contradicted by the conclusion of Mr. Winchell's own group that 'the jacking characteristics consequent to the swing axle" were a cause of the Corvair's "misbehavior."

In other words, with the use of an alternative to the "swing axle" originally selected for the rear suspension, the Corvair's handling peculiarities were significantly corrected *in later models*.

But when public questions were raised from 1965 to the present moment about the handling safety of earlier models still on the road, GM indignantly replied that the upper limit of control of the Corvair is 0.6 G and "this lateral acceleration is the upper limit of control ability for all passenger cars of the same period", and swore to you the changes in the 1964 and 1965 models were nothing more than "a step in the normal process of product improvement." Indeed, GM suppressed their explicit presentation to their own staff that after the 1964 changes, GM's changes to the 1965 Corvair were necessary to eliminate jacking. Nevertheless, GM testified to the U.S. Senate that "The changes made in the 1965 suspension were for the purpose of improving ride, while at the same time maintaining the control characteristics and higher limits achieved in 1964."[15]

SEVENTH ISSUE: WHAT WAS GM'S DUTY TO PROTECT THE PUBLIC?

But this history contains an even grimmer irony. It was just about the time that GM was introducing the Corvair to the American public in the fall of 1959 that the Michigan Supreme Court was compelled to angrily spell out for GM a manufacturer's duty when it acquires knowledge of a latent defect in a

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Footnotes at end of article.

product it has sold that may endanger the user. The case was *Comstock* v. *General Motors,* and the latent defect at issue involved the loss of brake fluid in certain Buicks:

"In our view, the facts in this case imposed a duty on defendant to take all reasonable means to convey effective warning to those who had purchased '53 Buicks with power brakes when the latent defect was discovered.

* * * * *

"Prompt warning could easily have prevented this accident."

What did GM do to protect the public? The attempted tire pressure fix, and GM's refusal to admit its failure.

As seen earlier, the only significant decision GM made to offset the instabilities resulting from the drastic roll couple distribution in the original Corvair (as seen by them in PG 11106 of June 1959) was in the adoption of a tire pressure differential, 15 psi front and 26 psi rear when cold. The technique was well known. Mr. Olley's 1953 paper had pointed out, "Decreasing front tire inflation, increases the aligning torque of the front tires and therefore the handling stability." (p. 12) And again, "Lowering the front inflation will also increase the aligning torque and road feel." (p. 13) However, P.G. 11106 of June 1959, had shown GM's Holden automobile (the GM code name for its prototype version of the Corvair) had wheel lift at 15 and 20 mph and actual rollover at 25 mph.

Thus, the tire pressure recommendation carried with it the implication that GM knew that stability was not inherent in the Corvair's design. In the Owner's Manual, GM accompanied the prescribed tire pressure differential with a cryptic warning:

"Over-steer problems may also be encountered with incorrect pressures. Maintain the recommended inflation pressures at all times."

Could this warning be considered a good faith attempt to cope with recognized instabilities in the Corvair design? It seems doubtful particularly when it was disowned in the courtroom by GM. As Judge Bernard Jefferson's opinion said of the Owner's Manual "warning":

"None of the engineers of General Motors could explain what this language meant. This is preposterous. Why was such language used? Certainly the average purchaser would have no conception of what was meant by this language in the Owner's Guide."

Judge Jefferson's question—"Why was such language used?"—has never been answered by GM documents—except that the 1961 Olley memo now reveals its true value—to "save the life of the Corvair."

But on the other hand, when the Corvair came under public attack, GM evolved a corporate position that minimized any possible effect in the tire pressure differential. In the Winchell statement GM submitted to your Committee, for instance, he says:

"Tire experts would agree that failure to maintain the optimum or recommended tire pressures in *any* vehicle may result in some degree of oversteer or understeer and some change in stability. However, *even reversing the tire pressure differential is unrecognizable at 30 to 40 mph in a Corvair.* The effect becomes noticeable as the speed increases, but it does not render the car uncontrollable. The pressures selected for the Corvair were the best choice for satisfaction and value to the customer in control, tread life and ride."

FACTS

The available evidence, much of which is attached hereto—the 1953 Olley paper, the Cornell Auronautical Research in the 1950's, GM's resort to tire pressure differential in the effort to equalize cornering coefficients (and the revealing language in the cryptic Owner's Manual warning), the 1960 Rubly paper, etc.—all show that GM knew the inherent instabilities in the Corvair before it was put on the market, that GM knew that the corrective action indicated was to shift more of the roll couple to the front, and that GM knew of methods, other than fiddling with tire pressures, to obtain a better roll couple distribution.

Somewhere else—unless it has been destroyed—there must be technical data, minutes of meetings, some evidence from which it can be determined what other data prompted GM to prescribe the tire pressure differential that it now would lead the public to believe inconsequential. Their shyness on the subject is understandable. Anyone who understands this subject knows that the basis for the prescribed tire pressure differential will also evidence GM's knowledge of the instabilities in the design at a time before it was placed on the market. Despite GM's bad memory on this matter, there are now records which show that the date on which this 73% tire pressure differential was decided was January 21, 1959.

GENERAL CONCLUSIONS

The men responsible for the production of the 1960–63 Corvair should not be heard to say that this presentation is a rejection of American business—appropos Mr. Roche's desperate response pattern. That is too arrogant and transparent a canard. As the evidence herein demonstrates, this letter is primarily a commentary on the men's responsible for misusing GM's resources for a purpose unworthy of American business.

There are about 600,000 of these dangerous Corvairs still on the road. The hazards inherent in them have undoubtedly been multiplied by the ravages of age, and because of their vintages they are driven increasingly by the young and the poor—those classes of people who are probably least able to spend the money for necessary corrections in their basic mode of transportation. Thus, every passing day presents the probability of more casualties in continuing sacrifice to the careers of a group of men at GM who until now have succeeded in suppressing evidence of their callousness. As Mr. Fonda and Mr. Sergay estimated a few months ago, relying primarily on formal lawsuits filed against GM, these 600,000 will probably be involved in over 500 more maiming roll overs if they are left on the road; however, these rollover projections do not fully include those incidents, which GM knew about and chose to report to one Court, where the Corvair "went completely out of control." The rate of these later incidents, from GM's figures, shows that in the next few years, the 1960–63 Corvair, if not fixed, will cause injury and death to thousands of additional Americans. Although the Corvair's past impact cannot be retrieved, these men still can help save these lives and injuries in the future by coming out candidly—if they rethink their professional obligations to the public. It is now a question only of who steps forward first.

A public hearing by your Committee can assure that new deaths and injuries do not occur in these roll over prone vehicles. This should not be delayed by the Department of Transportation study of whether this roll over propensity is a defeat under the 1966 law. Another certain benefit of a public hearing will be to place before the public the heater defect danger which affects hundreds of thousands of families from the carbon monoxide leakage.

In a reflection of the reward structure within GM, the officials responsible for the Corvair debacle continue in control of the world's largest manufacturer, enjoying the rich personal rewards they have reaped for shielding this corporate crime. Nothing suggests that they have any remorse whatsoever for the innocent human beings who have been maimed by GM's refusal to acknowledge and warn of—or correct—the hazards General Motors has secretly recognized for years under their own euphemistic label of "misbehavior."

This presentation offers to the United States Senate and the Department of Transportation—and the entire American public—documentation of this whole story from General Motors' own records. For a decade GM has refused to come clean, so such records are now our most conclusive evidence.

Mr. James M. Roche, Chairman of GM, has recently expressed distress over the present availability of large portions of GM's heretofore secret Corvair records, and has taken to public platforms to denounce those who ask employees to "blow the whistle" on corporate misbehavior seriously harmful to the public interest. Mr. Roche complains that, "however, this is labeled—industrial espionage, whistle blowing, or professional responsibility—it is another tactic for spreading disunity and creating conflict." (Speech of James M. Roche, March, 1971) Thus his fear of public scrutiny of the manner in which GM operates leads him to argue that the public concern for truth about safety and health must be limited by the degree of disunity or conflict the truth would create. This attitude is the consummate corporate tyranny since the most dishonest areas would receive the least disclosure. Mr. Roche is saying that what cannot be disclosed is that which GM decides is in its interest, regardless of the public or consumer interest. He should read the professional canons of ethics (engineering and law) which define professional responsibility to the public as above that of the employer. Nonetheless, when at the end of that day Mr. Roche doffs his mantle as corporate spokesman and approaches things on a more ordinarily human level, even he would subscribe to the proposition that human lives and well-being are more important than the need to adhere to what Chevrolet internal memos call the "party line" in the name of a diseased sense of corporate loyalty. Certainly the forthright approach of one automobile executive engineer in the person of Mr. Harley Copp, shows that the truth is not anti-business. Rather, Mr. Copp's actions show that moral awareness and the sense of personal responsibility have yet been stifled in all of the Detroit decision makers. Mr. Copp's testimony also shows that much of his information was shared with other auto executives, and thus it suggests that your Committee should investigate why the equivalent GM executives have never dared to speak as candidly in public about the Corvair. The interested public will be watching the degree to which Mr. Copp is treated with honesty and fairness by the Ford Motor Company for his display of professional engineering conscience.

In any case, the attached material should show the real basis for the current anger of some General Motors officials over "whistle blowing." Responsibility for one of the most scandalous episodes of corporate suppression of truth ever to reach public view can now be established, and the evidence of it, after ten years of being successfully cloaked, probably never would have seen the light of day if the consciences of a few insiders had not told them that the public interest in the truth of this matter is more important than any career risks they might run in bringing that evidence forward.

In the fresh light of the new evidence and its implications contained in this letter, to-

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Footnotes at end of article.

gether with the gatherings of your staff's inquiry, the public should be able to learn, through a public hearing by your Committee, the facts and necessary admissions. Only a public hearing can set the record straight and assist the Congress in forming remedial policies so that such corporate manipulations will be less likely to occur in the future. We respectfully urge you to commence such a hearing, hoping that you share the view that these materials and additional information in your Committee's possession compel such a conclusion.

Thank you for your continuing interest.

Sincerely yours,

RALPH NADER,
GARY SELLERS.

FOOTNOTES

[1] "Notes on Handling Stability" by Maurice Olley—Appendix Item #4.

[2] U.S. Senate Hearings, March 22, 1966, p. 1494.

[3,4] *"Suspensions From The Ground Up"* by Charles M. Rubly, for presentation at SAE National Automobile Week, March 15–17, 1960.

[5] *Passenger Car Design and Highway Safety*, Consumers Union, 1962, p. 45.

[6] *Drummond* v. *General Motors*, California Superior Court, Los Angeles County, No. 771 098, p. 24.

[7] *Drummond* v. *General Motors*, California Superior Court, Los Angeles County, No. 771 098, p. 24.

[8] GM Test Report #25004–13, (1958).

[9] See data on Chart entitled *Shock Absorber & Rebound Travel.*

[10] Data from GM Chart #000907—Appendix item #7.

[11] P.G. Report #15699—Appendix item #6(a).

[12] "Corvair Changes & Chassis Improvements," p. 2.

[13] Data from GM Chart #000907.

[14] P.G. Report #17103, p. 5—Appendix item 6(b).

[15] p. 1562.

[From the Washington Post, July 11, 1971]

NADER OFFERS NEW DATA ON 1960–63 CORVAIRS

(By Morton Mintz)

Ralph Nader, offering previously undisclosed documents from the files of General Motors, has asked Sen. Abraham A. Ribicoff (D-Conn.) to reopen a long-closed hearing so as to assure that the 600,000 1960–63 Chevrolet Corvairs still on the roads do not produce "new deaths and injuries."

An estimated 509 of the rear-engine compacts are foreordained by inherent defects to roll over under conditions in which other autos remain stable, Nader said.

The GM officials "responsible for the Corvair debacle continue in control . . . enjoying the rich personal rewards they have reaped for shielding this corporate crime," Nader charged in a 28-page, single spaced letter hand-delivered on Friday to Ribicoff's Senate Subcommittee on Executive Reorganization.

"Only a public hearing can set the record straight and assist the Congress in forming remedial policies so that such corporate manipulations will be less likely to occur in the future," he said.

An aide to Ribicoff said that the letter, along with the accompanying documents, will be studied, but that a final decision on reopening the hearing must await completion of a Department of Transportation study of the 1960–63 Corvairs. A DOT spokesman said yesterday that the study may be ready, and a report delivered to the subcommittee by September.

Nader and Gary Sellers, his legal consultant, have been pressing Ribicoff on the reopening for the last 10 months.

Their basic charge: At the Senate hearing held on March 22, 1966 (and, as well, in court trials and in statements issued even in recent months), top GM executives have given "inaccurate" and "dishonest" statements about the safety of the early Corvairs, misleading Congress, the Michigan State Senate, the courts and the public.

Consistently, GM has denied all such accusations, saying the 1960–63 models were "soundly designed and are safe cars to drive." The company attributes the corrections made in 1964 and 1965 Corvairs to a "normal process product development." GM stopped making Corvairs in May, 1969.

Nader, however, wants the cars either recalled for correction or brought back by GM from the owners to remove them from the roads (a separate safety issue also is involved, the leakage of poisonous engine fumes into the passenger compartments of certain Corvairs of all model years).

While the subcommittee staff has been investigating the charges and denials, Nader and Sellers have won possibly decisive support from suprising sources, principally:

Carl F. Thelin, a former GM engineer. He charged that the firm suppressed its own adverse test reports to prevent them from being used in court cases resulting from Corvair roll-overs (he played a key role in opposing such lawsuits); GM denied the charge.

George Caramanna, a former Chevrolet senior design and development technician. He charged that the initial Corvair prototype rolled over the first time it was driven; that Chevrolet executives, including Edward N. Cole, now president of GM, and Frank J. Winchell, now chief of GM's engineering staff, knew before the first production Corvair went on sale in 1959 that it had safe-handling problems; and that, to save money, a front roll stabilizer bar to deter roll-overs was withheld from production models after working successfully on the prototype.

Harley Copp, director of Ford Motors' engineering and technical services. He told of tests in which Corvairs rolled over in situations in which Ford Falcons of the same vintages did not; and he charged that GM's claim that the Corvair was susceptible to roll-overs only "after it substantially exceeds the limits of control, which is better than the limit of control of competitive cars of the same era," was "a flagrant violation of fact."

Now, in the letter to Ribicoff, Nader and Sellers said their new material—the sources of which were undisclosed—should enable the subcommittee "to prove beyond any reasonable doubt, both the hazards in the early Corvair and the falsity of much of the General Motors' sworn testimony . . . related to this subject."

Yesterday in Detroit, a GM spokesman said that "much of the information" newly supplied by Nader previously was furnished by the company to the subcommittee. A subcommittee aide, however, said that GM had not supplied some of the papers Nader provided.

Saying that GM "emphatically denies the charges made by Mr. Nader against its officers and employees," the spokesman said the firm will continue to cooperate "fully" with the subcommittee and DOT.

In large part, the new materials from GM's files serve to flesh out the basic Nader-Sellers case. Some examples:

A 1964 GM "history" discloses that in January, 1960, the company undertook a program to evaluate characteristics of the Corvair termed "out of control." "The results of that clandestine program, implemented in the 1964 and 1965 model changes, constitute irrefutable proof of the fraud in General Motors' continued public refusal to acknowledge the existence of and causes for hazardous instabilities in the 1960–63 Corvairs," Nader and Sellers charged.

The same document reveals that "shortly" after January, 1960, GM not only knew what design deficiencies were "responsible for the misbehavior" of production Corvairs, but "built and demonstrated" a Corvair improved with a single-leaf transverse rear spring and a front stabilizer bar. But not until the 1964 models were these corrective devices "begrudgingly adopted," the letter says. In the interim, numerous lower-cost "fixed" were attempted and failed.

Maurice Olley, GM's top expert on vehicle handling before his retirement, suggested, in a 1953 memo, "the precise corrective action which was eventually taken by Chevrolet over 10 years later," Nader and Sellers say.

An April, 1961, Olley memo, marked "GM Restricted—For Corporation Use Only," shows that the solution was clearly outlined to GM officials a second time. But they "went ahead to produce well over one-half-million more of the 1962–63 Corvairs, and failed to warn their customers of these well-understood dangers," the critics say.

A GM proving-ground test report shows to be "flatly erroneous" a claim, made by Edward Cole last September, that test Corvairs, "specially equipped with experimental parts were intentionally overturned by experienced test drivers using violent maneuvers designed to overturn them . . ."

Nader and Sellers said the test report showed a different purpose: determining "the roll stability characteristics of 10 different modifications to the suspension system of a 1962 Corvair '700' series, 4-door sedan," in comparisons with an unmodified 1961 full-sized Chevrolet 4-door sedan.

Nine of the Corvairs rolled over when subjected to a "J-turn maneuver" at speeds under 25 miles per hour, the letter to Ribicoff said. Yet, the standard Chevrolet stayed upright in 10 similar "violent maneuvers."

In a letter to Judge Bernard S. Jefferson of Superior Court in Los Angeles, Nader and Sellers asked for an investigation of the extent to which "suppression and perjury" distorted a crucial Corvair case in which he ruled for GM five years ago.

THE SHIFTING BALANCE OF MILITARY POWER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. ASHBROOK. Mr. Speaker, on December 5, 1971, the TV interview show, "Issues and Answers," featured Dr. Edward Teller, one of the foremost nuclear scientists of our era, and Dr. John S. Foster, the Director of Research and Engineering for the Department of Defense, in a discussion of our nuclear defense capabilities as compared to those of the Soviet Union. Both experts agreed that the initiative of the U.S.S.R. was greater than that of our Nation, that they had surpassed us in certain areas of nuclear weaponry, and in those areas where they were second best they were "trying harder." In the course of the interview, Dr. Teller stated:

> There has been a really frightening statement, a not sufficiently advertised statement by a group of people, the Blue Ribbon panel, which pointed out these dangers quite some time ago, and these people, who had no axe to grind, made it very clear that Russian

superiority is coming in the seventies and it may have very serious consequences.

Dr. Teller was referring to the supplemental report of seven members of the blue ribbon defense panel, a body selected to study the operations of the Department of Defense. Although the primary task of the panel was to evaluate the organization, structure, and operation of DOD, seven of the 14 members felt compelled to issue a supplemental report indicating a "significant shifting of the strategic military balance against the United States and in favor of the Soviet Union." The newly appointed U.S. Supreme Court Justice, Lewis F. Powell, Jr., and the president of Reader's Digest Association, Hobart D. Lewis, were among the panel members who judged that the warning contained in their supplemental views was their responsibility to issue to the American people.

This "frightening statement," as Dr. Teller refers to it, was recently printed in volume by the American Security Council, 1101 17th Street NW., Washington, D.C., a private organization whose efforts to inform the American public on various aspects of our national security have been of great value in the past. Their report of May 1969, on the ABM and its role in our defense system was made a House document by the House Armed Services Committee. It is interesting to note that a forthcoming film by the ASC on U.S. defense capabilities came under attack in the Soviet publication PRAVDA on January 18 of this year, a good indication of the important role being played by ASC in this area.

In addition to the full supplemental report of the blue ribbon defense panel the ASC has reprinted for distribution the short summary of the report in leaflet form.

Because the issue of our defense posture will certainly be an issue for discussion in the months ahead, I include the interview with Drs. Teller and Foster and the summary of the panel's supplemental report in the Record at this point:

Issues and Answers—December 5, 1971

Guests: Dr. Edward Teller, Director, Lawrence Radiation Lab, and Dr. John S. Foster, Director, Research and Engineering Department of Defense.

Interviewed by: Jules Bergman, ABC News Science Editor and Roger Peterson, ABC News Pentagon Correspondent.

Mr. Peterson. Gentlemen, welcome to issues and answers.

Dr. Foster, it has been reported the Soviets have more intercontinental missiles than we have, we have more warheads than the Soviets have. Is there really a missile gap or a warhead gap developing?

Dr. Foster. There is a change in the balance, there is no question about it.

But the key point to keep in mind, the critical point is the purpose of the weaponry we have is to deter war. We get numbers of weapons that are calculated to prevent war, and the calculation has to be done by the adversary. He must make the calculation, and after he finishes the calculation must come to the conclusion that the price of aggression is unacceptable to him.

Mr. Bergman. Dr. Teller, do we have enough nuclear strategic striking power to deter that kind of attack by the Russians?

Dr. Teller. I believe today we do. I am convinced that within a few years, let us say in the mid-70's, we won't.

Mr. Bergman. Why, Dr. Foster?

Why won't we have enough striking power in the next few years?

Dr. Teller. The Russians are building very rapidly. We are in slow motion. Sometimes, in no motion. They are getting ahead of us. They are ahead of us, even today, in every field, except possibly we may yet have an edge in sea power, and that we are losing rapidly.

Mr. Peterson. Dr. Foster, if I read your facial expressions right, you agree and disagree a bit with Dr. Teller?

Dr. Foster. Perhaps I shouldn't give myself away. I agree with Dr. Teller that we now have enough capability so that at least as we judge the Russian calculations, they are deterred from any aggression. On the other hand, what he says is I think true and not true about their efforts as compared to ours. We are moving ahead, we have started the arms program, a replacement for the Polaris Poseidon; we have started the B-1 strategic bomber. We have asked the Congress for ballistic missile defense to protect Minuteman. We have asked for an increase in the research and development effort, to keep that going. But while we are moving there, I must admit that the Soviets do have an initiative that is greater than ours at the moment. They do have a larger effort. They do have a deployment effort that is greater than ours at the moment. Both the deployment and their technology effort is larger.

Mr. Bergman. Are they just catching up to where we were? We get into this debate about parity, superiority and all of this—are they catching up to us, have they surpassed us, and if they have, what is the point? How many warheads are necessary on both sides?

Dr. Foster. Well first of all, it is a mixed bag. They have passed us on land based strategic missiles, passed us by perhaps 30 or 50 percent in number of missiles. They have passed us by two or three fold in yield that they could deliver, masses of material they can throw. But in other areas they are catching up.

They are catching up in the Polaris missile area. There they have at sea or on the ways being fabricated a force about equal to our Polaris force. They can exceed our force in 12 to 18 months. So I would say there is rough parity, today, but the momentum is on their side and in the next few years, if there is no success in SALT, the Soviets could well pass the United States.

Dr. Teller. I would not say they could win. I would say they will in every way no matter what we now do.

The only question is whether this state of disparity, the state of Russian superiority will last for five years or for 20 or for longer, and what they will do with it. There has been a really frightening statement, a not sufficiently advertised statement by a group of people, the Blue Ribbon panel, which pointed out these dangers quite some time ago, and these people, who had no axe to grind, made it very clear that Russian superiority is coming in the seventies and it may have very serious consequences.

In my opinion there is no question about this.

Mr. Peterson. Doctor, I think there have been estimates that there are enough warheads in the world right now to destroy the population of the world thousands of times over. If we have enough, if we are talking second-strike, the Soviets can hit us but they know we can hit them back, what is the advantage of nuclear war? How do you answer that argument? Are we going to be so overwhelmed we will not even be able to hit back? Is that what you are predicting?

Dr. Teller. Yes. What I am saying first is, when something is very big you are tempted to say it is infinite.

It is not true that in a nuclear war, which would be an unimaginably terrible thing, it is not true that it will destroy the human race. Far from it. It is true that we can suffer today very terribly if they don't defend them, but they have a defense program, an ABM program, which is old, wealthy, which is greatly superior to our program in this field, and in a few years there is the real possibility that they can hit us so strongly that we won't be able to retaliate and that they will know how to absorb retaliating forces even if they come.

Mr. Bergman. You gentlemen seem to differ in degree more than in quantity on Soviet systems and what is happening, Dr. Foster.

Dr. Foster. I don't think it is reasonable to expect people to agree in detail on this one. It is a matter of judgment. There are a lot of factors involved.

Let me make one point I think that is rather important. Because there is a lot of force on the side of the United States, because there is a lot of force in the Soviet Union, it means that the balance will not be tipped overnight as long as the kinds of forces that we have at the moment are involved, and that is why I have some confidence that the programs that President Nixon submits to Congress, if successfully approved, will provide the staying power necessary to get us through this period. I believe if we are successful at SALT in limiting the continuous increase in the level of arms, we have a reasonable chance not only to limit the arms, but, more importantly than that, to maintain our deterrent capability.

(Announcements.)

Mr. Peterson. Dr. Foster, you talked about momentum, a testing program, building. Have the Soviets been doing anything recently that increases your feeling?

Dr. Foster. Yes. In recent weeks the Soviet effort has involved a number of major missile launches in which I would say roughly everything in their arsenal has been tested.

Mr. Peterson. Everything?

Dr. Foster. Approximately everything, yes. The major strategic arsenals.

Mr. Peterson. Do you mean the SS-9, the 11's?

Dr. Foster. Yes.

Mr. Peterson. What are they up to in these tests?

Dr. Foster. I think it is merely a matter of demonstrating from time to time the capabilities that exist, demonstrating to their own satisfaction.

Mr. Peterson. Do they have MIRVS now?

Dr. Foster. I don't think there is general agreement on that. My personal opinion is that they have demonstrated a MIRV. I don't know whether or not they have demonstrated sufficient accuracy so there is a high probability of being able to kill three Minutemen with one of their SS-9 missiles. I simply don't know that. It may in fact exist and with high reliability, and it may not.

Mr. Bergman. Dr. Foster, the Defense Department has been accused of exaggerating, of overkilling, if you will, by saying the Russians actually have more missiles deployed, more silos being dug, more submarines in use than they do. Is DOD exaggerating?

Dr. Foster. No. Well in fact it may be pretty much the other way. Secretary Laird, President Nixon, came into office determined to reestablish the credibility between the Department of Defense and the people in this particular regard. Secretary Laird has, on each occasion, done what he could to make sure that he never overstated the threat. He has made good on that promise. With regard to the SS-9, his estimate was always low. The same with SS-11. The same with Soviet Polaris type submarines. It seems to me he has if anything understated the fact.

Mr. Bergman. Secretary Laird's latest statement is the Russians have about 300 SS-9's, their new large intercontinental missiles, deployed. What you are saying is that that is a deliberately low estimate?

Dr. Foster. That estimate is roughly correct. The worrisome aspect is that while they seem to have terminated the deployment of that large type of missiles, they are now busily engaged digging newer kinds of holes that indicate that in the future they will be going ahead with another increase in large size missiles.

Mr. Bergman. This is the silos with diameters four feet or more, larger than the SS-9's, larger holes?

Dr. Foster. They are large like the SS-9.

Mr. Peterson. Do you have any idea what is going in those holes? You say you think it is a new missile, a new class of missile?

Dr. Foster. I didn't say anything about the missile. We don't know. My personal guess is you don't dig holes anywhere except at the beach for the fun of it. I would suspect they are putting in a new generation of large missiles.

Mr. Peterson. Now that story broke when Senator Jackson announced it a while ago, and I know Dr. Teller, you have been saying there is too much secrecy in government. This is a prime example of news filtering out through various sources.

Dr. Teller. It isn't.

Mr. Peterson. It isn't?

Dr. Teller. Actually you just heard a rather definite and authoritative statement on an important phase of Russian arms. I am encouraged by the fact that Mr. Laird and others have spoken of and told the truth in these important matters. There is a lot more about which we are not even talking.

Now I am convinced that the Russians are getting ahead of us rapidly. I don't believe that you will find my statement credible, and I don't believe that many people in the audience will find my statement credible. And they never can find it credible because bad news is rarely believed.

We have to back up this news, these facts, and as complete facts as ever possible so that people do not have the feeling that maybe we are holding back something. There are limits to what can be done, but generally it is only through openness that a democracy can be properly informed. A dictatorship can live and thrive on secrecy; we cannot.

Mr. Peterson. Dr. Foster, do you find Dr. Teller's statement credible?

Dr. Foster. That the Soviets have more momentum than we? Yes.

Mr. Peterson. Even going beyond that?

Mr. Bergman. Are we telling our people in office what Dr. Teller seems to me to be saying, enough about Soviet military developments and enough about our own in some cases?

Dr. Foster. Let me answer that quickly, two ways. First of all, President Nixon last January started a program through the National Security Council to make sure that the American people would know everything we can possibly let them know, and in particular to make sure that they have more knowledge rather than less.

Mr. Bergman. And that is why Secretary Laird deliberately understates the threat?

Dr. Foster. No.

Second, the Deputy Secretary of Defense in just recent days told us: You are not going to have any more safes. So that is going to put a limit on the amount of classified information we can make available.

This matter of how much information you can give out is not a matter to be just judged lightly. We live in an open society. I am grateful for it. This free and open society, however, has to deal with a closed society. That closed society enjoys a veil of secrecy that it considers crucial to its military security. Behind that veil of secrecy they can use our information to start new programs of which we have no idea for several years. When we announce information about our equipment, we are then giving it to the American people, but at the same time giving to a potential adversary to nullify. Then the other side is, when we tell our people about what is going on on the other side, the other side can take actions to deny us in the future the opportunity to get such information. So the President, Secretary Laird, each time, make a conscientious effort to decide how much can we possibly give to the American people and at the same time provide for American security?

Mr. Peterson. Dr. Teller, do you feel we are getting enough? You are saying they can give us more. In what areas?

Dr. Teller. I am not allowed to tell you. We are not getting enough, and as long as it is clearly stated that on a high level we decide how much the American people can know, there never will be the feeling that the information has been sufficient. This administration has gone much farther than any of its predecessors in opening up, but not far enough.

Furthermore, in nuclear weapons, of which I know something, where we had great secrecy the Russians are ahead. In computers where we had practically no secrecy, we are ahead. There is more to this game of secrecy, more to this endeavor of research than—we tel them and we tell our people, and they will know the same thing. There is the practice, there is the ability to execute an open society works best in an open way.

(Announcements.)

Mr. Bergman. Dr. Foster, the American people and the Congress to some extent seem to be losing faith in the Pentagon because of the high cost of what has been called a gold-plated defense system. $40 million B-1 bombers, $60 million C-5 transport planes. What are you doing about that?

Dr. Foster. Well, in the first place it seems to me clear one has to admit prices are going up. They are going up in the military; they are going up on the civil side. As a matter of fact, if one goes over the last 40 years in civil aviation and 40 years in military aviation, the rate of growth is about the same. If anything, civil transports have increased in cost faster than military.

Nevertheless, the prices are up and the budgets are not up so, therefore, we must do something to limit the cost. We are doing that. We have made a major effort of the last three years to concentrate on the business of cutting down any unnecessary cost in any major weapons system. That was a first-priority item for Secretary Laird and Secretary Packard and they have made that a first priority effort.

Now, the consequence of that, I believe, is to introduce a number of practices. These practices have to be introduced slowly because you can't hit every weapons system at once. I believe they are taking effect. We are writing different kinds of contracts. We are doing different kinds of program approaches. That doesn't mean we won't make mistakes. It is a big business. It is a 70-odd-billion dollar business. Maybe we are 98 per cent perfect, but if we are there is still a billion or two that could be called waste and criticized.

Mr. Bergman. But we are not going to have any more F-111 or C-5 and -6 billion dollar mistakes.

Dr. Foster. We won't have any F-111s or C-5s, but we may have mistakes. You can't guarantee we won't have mistakes. It isn't as if we are doing something that has been done before. This is new.

Mr. Peterson. Dr. Teller, I just wonder in saying that the Russians are getting so far ahead of us and we should do things are you thinking in terms, do we have to match them weapon for weapon? How do we do this?

Dr. Teller. We can't. We are not in an arms race. We are not in a race concerning an object which you can recognize and replicate. We are in a race of technology. We are trying to do, as Johnny just said, new things, and if, in doing new things, if we won't make mistakes, we won't do anything. When you try to invent, you make mistakes and my greatest worry is not money, great as though the worry about money is. It is a terrible worry. My greatest worry is people. The Russians are working toward more technology. Our young people and even others are becoming romantic against technology. We don't educate the technologists any more. If we don't have the brains, the willing brains, the able brains, no amount of money is going to bail us out.

Mr. Peterson. Well, how do you get it?

Dr. Teller. That I can answer very shortly. I don't know.

Mr. Bergman. You are both saying the same thing really, I think, that it isn't an arms race any more; it is a technology race, and it is really a "people" race. As you put it earlier, the Russians are turning out twice as many scientists and engineers as we are.

Dr. Foster. In my view it is not a race we can afford to lose. In the technology business, as far as national defense is concerned, you can't settle for parity. You have to have superiority. That superiority is absolutely essential if we are to cope with the veil of secrecy that surrounds our potential adversaries.

Mr. Bergman. So we have fooled ourselves with a lot of terms such as "parity" and "sufficiency."

Dr. Foster. In the technological game as regards preparing for national security there is no substitute for superiority and the longest lead elements in providing for technological superiority for the United States in the future is people.

Dr. Teller. I would like to add to that, I don't know what superiority is. I doubt that we can get it. In research, in idea, there are no comparable qualities. We must get ahead; not necessarily ahead of the Russians, but ahead of where we have been. We cannot stand still and cannot win. We cannot even be safe unless we put on a big intellectual effort. unless we know that this is something that we are doing for freedom everywhere, and unless we are doing it together with other free people and not just for our local interests, and if there is an answer to your question, how can we get more brains, the answer is, we must be able to inspire people and we must realize that we have in this country a few little things like free speech for which it is worth while at least to work, to thing, to develop new things.

Mr. Bergman. Thank you, Dr. Teller, Thank you, gentlemen, for being with us on Issues and Answers.

(Next week: Ambassador L. K. Jha of India and Ambassador Raza of Pakistan.)

THE SHIFTING BALANCE OF MILITARY POWER

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SUMMARY

The principal points in the accompanying Statement may be summarized as follows: [1]

The Converging Trends.—The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.[2] These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power.—If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order.—Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The End of U.S. Superiority.—In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B-52 bomber force still outnumbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended. The Soviet SS-9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A Soviet First-Strike Capability.—Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage; (ii) the emphasis on SS-9's designed as counter-force weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B-52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapons mix and volume are not required for effective retaliation.

A Challenging Soviet Navy.—The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. The Soviet naval buildup is a major element in the shifting balance of military power.

Retreat from the Threat of the 70's.—The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

Cutback in Defense Spending.—Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cutback since the Korean War, public and political pressures are mounting for even more drastic reductions. As U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

Threat to Technological Superiority.—U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of disastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

Negotiations—Trap or Opportunity?—Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

Hostility Towards the Military.—At this critical time, when the balance of military power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A Viable National Strategy.—Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The Consequences of Second-Rate Status.—Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that the policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and economic interests of this country.

Weakness—The Gravest Threat to Peace.—The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the

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Footnotes at end of article.

strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

AUTHORS OF SUPPLEMENTAL STATEMENT

The Supplemental Statement was prepared by the following distinguished citizens who served on the President's Blue Ribbon Defense Panel:

William Blackie—Chairman of the Board, Caterpillar Tractor Company;

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John M Fluke—President, John Fluke Manufacturing Company, Inc.;

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Wilfred J. McNeil—Director & Advisor, Fairchild-Hiller Corp.; and

Lewis F. Powell, Jr.—Lawyer, Past President, American Bar Assn. (1964–65)

FOOTNOTES

[1] This Summary is necessarily incomplete and reference should be made to the full statement for the views of the authors.

[2] The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.

SINO-SOVIET RELATIONS: THE VIEW FROM MOSCOW

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HAMILTON. Mr. Speaker, President Nixon is traveling to mainland China in less than 2 weeks. This visit is of intense interest to the Soviet Union and is likely to have an impact on Sino-Soviet relations.

John R. Thomas of the Research Analysis Corp. has written a fine article examining the present state of Sino-Soviet relations. He notes in closing that—

> The extreme Soviet perception . . . of a possible need ultimately to deal with China by force is what has made China the number one problem in Soviet foreign policy today.

I recommend his article, from the October 1971 issue of Current History, to my colleagues. The article follows:

SINO-SOVIET RELATIONS: THE VIEW FROM MOSCOW

(By John R. Thomas)

The Soviet Union's deteriorating relations with Communist China have transformed these relations into the number one problem of Soviet foreign policy today. This development has been made more evident in the Soviet view by the contrasting behavior of the other major rivals of the Soviet Union. Under the pressures generated by the war in Vietnam the United States is currently reducing its presence abroad, thus further minimizing the chances for confrontation with the Soviet Union; moreover, the United States is involved in direct negotiations with the Soviet Union on such critical issues as strategic arms limitation looking toward a possible modus vivendi, at least in the military field. West Germany is currently engaged in a conciliatory approach to the Soviet Union under *Ostpolitik*, her new Eastern policy. And Japan is not actively challenging the Soviet Union at present, although her potential for doing so is great.

Only Communist China has persistently been pursuing her challenge to Soviet interests since the Sino-Soviet dispute erupted in the early 1960's. Indeed, China escalated her challenge to the level of openly acknowledged armed clashes at regimental or higher strength in 1969. These clashes dramatically symbolize the dimensions of China's challenge: since World War II no other country, including the United States at the height of the cold war, has pushed its differences with the Soviet Union to the point of open force. This Chinese challenge has come at a time when Soviet military power has grown to near parity with the United States, the number one military power in the world.

Moreover, from an ideological viewpoint it is ironic that the only post-World War II military clashes directly involving Soviet forces have been with China, a one-time Communist ally. This development has profoundly shaken the faith of "the true believers." According to Marxist-Leninist ideology, internecine war could occur only within the capitalist world, torn asunder by internal contradictions and deadly rivalries; the Communist world was allegedly immune to such strife because it was united by a common ideology.

As the Soviet leadership now appraises its dispute with China against this background, it finds paradoxically that the recent tremendous growth of Soviet military power has at the same time been accompanied by a weakening in the Soviet political position vis-a-vis China. This has further deepened Soviet concern. In comparison with their optimistic perceptions in the 1960's, the Soviets now find themselves driven to the view that China may be a permanent threat on Soviet borders in Asia and a permanent rival elsewhere. This judgment contrasts with the earlier expressed Soviet view that "sober" non-Maoist elements, presumably centered around the so-called pragmatists headed by Premier Chou En-lai, would prevail over Chairman Mao Tse-tung, correct his errors, and restore the unity of purpose and action that seemingly obtained in the halcyon days of the Sino-Soviet alliance. This Soviet hope, however, has been shattered by the outcome of the Great Cultural Revolution: this upheaval surfaced the number one pragmatist, Premier Chou, as a major formulator, as well as the chief executor, of current Chinese policy; yet this development produced no basic change in China's deep-seated hostility to the Soviet Union. If anything, the Chou-led pragmatists are now perceived by Soviet leaders to be more dangerous than the seemingly more fanatic Maoist ideological purists who were in command of China's policy at the height of the Cultural Revolution. At least these Maoist adherents created internal disarray that sapped China's strength and diverted her attention from single-mindedly pursuing her hostility.

The Soviet loss of hope for reversal of the virulently hostile anti-Soviet policy by pragmatists like Chou was reflected at the 24th Party Congress held earlier this year: China's hostility was no longer attributed solely to "Mao and his clique," as was the case earlier, but to the Chinese leadership as a whole.[1] At the same time, the Soviet perception of a fundamentally hostile China, more dangerous because she is now led by the pragmatist Chou, was reflected at the 24th Congress. Premier Leonid Brezhnev was forced to abandon an ideological context and bluntly to assert in traditional power terms the Soviet determination to defend Soviet national interests at all costs against any Chinese encroachment; he did so despite reported pressures by non-Soviet parties to keep the China issue out of the proceedings. Brezhnev's assessment was reinforced by Marshal A. A. Grechko, the Soviet Defense Minister, who grimly declared that any aggressor who violated Soviet borders would be severely punished. Since only the Chinese have deliberately and massively violated Soviet-conceived borders in the post-World War II period, Grechko's warning had only one intended foe in mind.

The fact that both Brezhnev and Grechko had to make their harsh judgments this year, several years after the Great Cultural Revolution came to an end, and after Chou, the pragmatist, began to govern China on a day-to-day basis (a period during which the Ussuri River clashes nevertheless occurred) indicates a Soviet estimate that no significant change in the magnitude of the China threat has taken place or is likely to occur in the near future. Indeed, the threat may grow because, with the end of the internal disruption caused by the Cultural Revolution and with the pragmatists once more in command, the Chinese will be able more effectively to husband and use their resources in order to pursue the challenge to the Soviets single-mindedly.

This underlies Moscow's concern as it looks at its weakened political position today vis-a-vis China both inside and outside the Communist world. Within the Communist world, the 24th Party Congress revealed that the Soviets could not muster sufficient support of the foreign parties represented at the meeting even for verbal condemnation of China for her actions in "splitting" the unity of the Communist world and further undermining Soviet authority. Some key parties, including the heretofore docile French and East German parties, pointedly passed over Sino-Soviet relations in silence even as Soviet speakers from Brezhnev down urgently hinted at the need to condemn the Chinese. Other key parties, such as Italy's and Rumania's, failed to follow the Soviet lead or remained silent, and also argued explicitly for the right of each party to follow an independent path and argued against imposition by any party of its views on another party. This was a clear reference to the Soviet action against Czechoslovakia in 1968, and to any potential action against China. This brought home to the Soviet Union the deterioration in its position within the Communist world: in the early 1960's the Soviets could consider, and actually maneuvered behind the scenes for, "the expulsion" of China from the Communist ranks.

The Soviet political position vis-a-vis China has also deteriorated in the non-Communist world with the failure of the Soviet effort to isolate China. At its peak, this effort was represented by the Soviet attempt to mobilize the Asian community of nations for a containment of China through Brezhnev's proposal—made in June, 1969, shortly after the Ussuri River clashes—for a collective security agreement in Asia. But this Soviet containment effort has failed as China has resumed her old ties and developed new relationships.

Most important, through ping-pong diplomacy and the projected visit of President Richard Nixon, China has established the basis for a major breakthrough to the United States, thus fueling Soviet concern over possible United States-Chinese "collusion," a possibility which the Soviets have sought to forestall since the eruption of the Sino-

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[1] The Resolution of the 24th Party Congress, which approved Brezhnev's policies, spoke only of the enmity of "the Chinese leaders"; it did not mention Mao or his followers. See also the article by Adam Ulam in this issue.

Soviet dispute. By mellowing her attitude toward the United States, in the Soviet view, China is on the road to removing the two-front politico-military threat from the United States and the Soviet Union; moreover, to the degree that United States-Chinese relations improve, Peking will be able to devote even greater attention to challenging the Soviets on the northern front. The Soviets will then lose the advantage they derived from the earlier Maoist strategic "madness" of simultaneous hostility toward the two superpowers.

Then, too, the potential Sino-United States rapprochement represents a severe blow to Soviet expectations. The shift in United States attitudes toward China with the latter's encouragement signifies, in Soviet eyes, a United States choice of a power balance approach (favoring a weaker China against a stronger Soviet Union) instead of a cultural/racial approach which would call for the United States to join the Soviet Union in containing the "yellow peril." Soviet spokesmen have hinted from time to time about making common cause with the United States against China, although they have never put the issue in cultural/racial terms.

The Soviet Union's position has been weakened not only by the Chinese emergence from isolation and by China's new policy of laying the groundwork for eliminating the second front posed by the United States but also by a Chinese political offensive designed in turn to set up a second front against the Soviets themselves in the West. The most important part of this move is China's renewed effort to instigate or capitalize on dissidence and deviation in East Europe, the most critical area of Soviet concern outside the Soviet Union itself. Until recently, Albania was the lonely Chinese outpost on the western flank of the Soviets. Now, however, China is dealing extensively with Rumania and even with Yugoslavia, the latter long bitterly assailed by Peking for "revisionism." For example, high-level Rumanian and Yugoslav officials, including Rumania's party leader, Nicolae Ceausescu, and the Yugoslav Foreign Minister, have made visits to Peking in 1971.

This expansion of China's activities in East Europe is encouraging and laying the foundation for an informal Balkan-type alliance which the Soviets have always opposed. (As far back as 1948, Stalin vetoed a Balkan Federation.) These developments add to Soviet concern because they fuel the negative and cumulative effects of the Sino-Soviet dispute on the Soviet position in East Europe. By surfacing her differences with the Soviets and distracting the Soviet Union in the east, China has given the East European nations greater room for maneuver against total Soviet domination in the west. At the same time, many major issues in the Sino-Soviet dispute have their counterparts explicitly or implicitly in Soviet-East European relations. These issues relate to territorial claims, the political independence of the Warsaw Treaty Organization members, and their possession or sharing of nuclear missile capabilities. On each of these issues, China has implicitly or explicitly tried to incite the treaty members to air their grievances against or assert their independence of the Soviet Union.

Thus, with regard to the territorial issue, the Chinese have scored with the point that the Soviet Union occupies not only former Chinese lands but also territory that once belonged to the treaty members, viz., Poland's eastern lands, the Czechs' sub-Carpathia, Rumania's Bessarabia, Germany's East Prussia. As far back as 1964, Mao called attention to the plight of the treaty members by explicitly listing their claims along with China's own. While only Rumania has responded openly by surfacing the historical record of her possession of Bessarabia, other treaty members undoubtedly share Rumania's attitude about the lands lost to the Soviets.

In this context, the Chinese have stirred up one major concern of the Soviet Union that particularly affects its relations with East Europe. By referring to Germany among those wronged by the Soviet Union, China has resurrected Soviet concern over a two-front threat in the form of Sino-German collusion. This has been reflected in Soviet denunciation of West Germany and China as allies with territorial designs against the Soviet Union. And the increase in West German-Chinese economic ties (trade, steel consortium and so on) as well as reported West German-Chinese political contacts (including those by ranking members of the currently ruling Social Democratic party) have served to feed Soviet phobia. While open expressions of Soviet concern have been toned down since West German Chancellor Willy Brandt's accession to power, they have not been silenced. Moreover, even if Brandt's intentions are well meant—and this is not accepted by all Soviet leaders, particularly the military—there is a Soviet judgment that his domestic position is so precarious that hostile anti-Soviet forces (particularly in the Christian Democratic party which, as the largest party in the German Parliament, has been gaining electoral strength against Brandt) are likely to make a comeback and to act on parallel or coordinated policies with China.

To be sure, so far the Soviets have explicitly interpreted the alleged Sino-German collusion to apply to West Germany and China, even though in his enumeration of territorial claims against the Soviets Mao was deliberately ambiguous as to whether he was referring to West or East Germany. But if their private reaction to all Germans are any indication, the Soviets do not exclude East German hostility if the circumstances—such as the departure of Soviet divisions from East German soil—permit it.[2] In any case, any West and East German rapproachment would, in the face of continuing Sino-Soviet dispute, serve to reinforce Soviet apprehension about the territorial status quo in East Europe.

Beyond the territorial question, East Europe has been affected by China's challenge of the Soviet leadership in defining the general line and strategy of the Communist movement. Peking may itself aspire to the leadership of the Communist world. Although East European parties would oppose this as well as the strategy proposed by China, they nevertheless share with China her goal of reducing the Soviet Union's ability to dominate them and to dictate their "road to socialism."

In the national security field, the Chinese have challenged the credibility of the Soviet Union's nuclear deterrent in defending the Communist world's interests since it has failed, in the Chinese view, to protect their interests. The Chinese view was asserted in the wake of an earlier reaction to the Soviet missile breakthrough in 1957, symbolized by their slogan of "the East Wind prevailing over the West." In operational terms, as far as China was concerned, this slogan implied that the Soviet nuclear-missile monopoly in the Communist world was available to advance the interests of other Communist states or to defend them against an "imperialist" attack. As far as Peking is concerned, the Soviets have failed on both counts, as reflected in their failure to back China in the 1958 offshore islands crisis.

The Chinese have raised doubts about the Soviet Union's reliability not only in their promotion of China's interests in the Taiwan Straits and not her survival), but with regard to the more important situation of North Vietnam. In the earlier days of the war, the Chinese noted for East European consumption that the United States was bombing North Vietnam at will despite earlier Soviet pledges of the inviolability of this Communist ally's territorial integrity.

By questioning Soviet reliability, the Chinese have raised doubts among the treaty members about whether the Soviet Union might not behave toward them as it has behaved toward North Vietnam, i.e., fail to use all means at its command to defend them against an external attack. In effect, China has raised the question in East Europe of whether the Soviet nuclear missile capabilities would be used for anything except the direct defense of the Soviet homeland. But even if East Europe is confident about a Soviet response to any United States or West European military action against a treaty member, China has undoubtedly created anxiety among some treaty members about Soviet reliability in situations short of conflict, i.e., whether their interests might not be sold out by some overriding Soviet expediency. For example, to forestall West Germany's resurgence or to entice her from the West, the Soviets might deal with West Germany over East Europe's head (as they have done in the past). Consequently, East Europe undoubtedly feels it should have a finger on nuclear missile capabilities in order not to leave it helpless in the face of any future Soviet-German arrangements. (In addition to demanding the rotation of the command of the Warsaw Pact Forces, now exclusively in Soviet hands, the Rumanians have reportedly raised the question of nuclear sharing, clearly without success to date.) It would be surprising indeed if the Soviets granted a nuclear role to any East European country. Yet any current or future Soviet reluctance would seem to validate Chinese arguments against relying on the Soviet nuclear deterrent and would add to the Soviet "credibility gap."

Because the East European-Soviet issues are related to the broader context of Sino-Soviet relations and because they are subject to Chinese exploitation, much to Soviet chagrin, their resolution is dependent on more overriding issues in the Sino-Soviet dialogue. But this dispute seems further from resolution than ever.

Thus the time has long passed when the Soviets would help China increase her nuclear missile arsenal so that she could threaten the Soviets directly or advance her interests against better Soviet judgment; nor are the Soviets about to return territory to China, in part because this would encourage others to make similar claims (the 1969 clashes on the Sino-Soviet border vividly demonstrate the Soviet reaction to any Chinese border "adjustment"); nor will the Soviets freely turn over to China whatever remains of their once preeminent role in the Communist world.

This compound of negatives makes it unlikely that the Soviets will make similar far-reaching concessions to East Europe. In the face of higher priorities and unfulfilled domestic needs, the Soviets will not provide economic aid or help East Europe's economy become more productive and thereby give the East European states the economic wherewithal for greater independence. Indeed, Soviet action in building pipe lines and power grids from the Soviet Union to East Europe in effect keeps the latter dependent on Soviets in more subtle ways than direct control via Soviet military forces in the area.

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[2] East Germany's former party boss Walter Ulbricht was bitter after the Soviets forced his removal this year; others undoubtedly share his views about the heavy Soviet hand. The Chinese capitalized on this feeling in the early 1960's and the Soviets are concerned that this could happen again.

Then, too, the Soviet Union is unlikely to provide East Europe with independent nuclear capabilities because East Europe could use them to embroil the Soviets in internecine conflicts between treaty members trying to recover lands from each other (e.g., the currently inflamed Hungarian-Rumanian dispute over Transylvania). Even worse, East Germany might try to advance her interests against West Germany, an attempt which could match the United States against the Soviet Union.

In the near future, the Soviet Union is also unlikely to give up any territory it seized from East Europe because of the Soviet estimate of its buffer value even in the nuclear age, although this could change with any Soviet reexamination of East Europe's worth if a limited war in Europe appears unlikely or infeasible. But the Soviet Union's refusal to surrender its East European lands is equally unlikely for political reasons. If the Soviets should return any East European territory they have occupied since the war, they would unravel their position in the east by giving China a concrete excuse to renew her claims against the Soviet Union. The Soviets are thus locked in on both the east and west against any territorial concessions either to their Communist neighbors or others, such as Japan's claim to the Northern Islands.

Lastly, the Soviets are unlikely to loosen whatever political control they still exercise in East Europe voluntarily since any additional freedom to develop East Europe's own road to socialism would encourage others to resist Soviet influence and would specifically encourage China further to challenge the Soviets. In effect, Soviet concessions to East Europe might be interpreted as indicating that the Soviet Union was bowing out of the running for leadership of the Communist world, something it may yet be forced to do under pressure of uncontrollable nationalism in East Europe and elsewhere. The Soviets are still good Marxists in the sense that they have demonstrated on many occasions the validity of a Marxist postulation that no ruling class gives up its power voluntarily.

Consequently, in view of China's challenge in the east, the cost of current inertia and maintaining the status quo in East Europe is less than the cost of initiating a dynamic Soviet policy in East Europe; by making concesions and initiating change, the Soviets would generate uncertainties they are unwilling to face. Therefore the Soviets face a paradox: they have less and less to gain from overwhelmingly dominating East Europe and yet their resistance to changing the status quo in East Europe is increased by the negative imperatives of the Sino-Soviet dispute.

In a word, Soviet resistance to change in East Europe is, in large measure, a reflection of the Sino-Soviet dispute. And as the dispute has deepened, it has led the Soviets to the current dual-track policy in Europe. Thus the Soviet Union deals with West Germany in a conciliatory manner, as a way of disarming the threat in the West and of forestalling Sino-German collusion; at the same time it deals harshly with East Europe (as reflected in the 1968 Czech invasion) in order to secure the Soviet buffer zone in the west while facing a hostile China in the east. The current conciliatory policy toward West Germany is an updated variant of the traditional Soviet solution of a two-front threat. Before World War II the Soviet Union, fighting the Japanese in the east, signed a nonaggression pact with Nazi Germany in 1939. Then, after defeating the Japanese (and in order to ready themselves to meet the Hitler attack in June, 1941), the Soviets signed a neutrality pact with Japan earlier that year.

In sum, the Soviet political position vis-a-vis China today is in many ways weaker than it was earlier, given the new flexibility displayed by China towards the United States, East Europe and others. At the earlier stages of this new policy, the Soviets were driven to consider the use of force against China to compensate for their eroding political position, much as they were forced to consider (and actually used force) in the Czech case in 1968 despite the political costs they incurred as a result of the invasion.

In the Chinese case, Soviet thinking on using military force to make up for political weakness was reflected in the Soviet trial balloons in the summer of 1969, designed to elicit Western reaction to the possible Soviet use of force against China. This seemed a credible possibility at the time, given the Soviet armed action against Czechoslovakia only a year earlier. Indeed it may have motivated the Chinese to initiate and speed up the current flexibility in their foreign policy.

However, in 1969, the Soviets restrained themselves from using force and opted instead for the political and diplomatic approach of dealing with West Germany and the United States on issues such as SALT and Berlin in order to mitigate the challenges on other flanks and to prevent the "collusion" of these rivals with China. The Soviets have tried, unsuccessfully so far, to engage Japan in a similar context. The unanswered key question for the Soviet leadership is complicated. Let us suppose that no satisfactory *modus vivendi* is worked out with the United States, Germany or Japan, and that the Soviets are confronted by growing Chinese nuclear missile capabilities which reduce the Soviet military margin and put the Soviet population and military centers under the nucler gun. Suppose further that this is accompanied by active challenges on the Sino-Soviet border and successful Chinese diplomacy of "encircling" the Soviet Union, including widening the "Second Front" in Europe. Then would the Soviets feel compelled to employ their one, still clear advantage in strategic military capabilities? Such a question apparently was on the Soviet policy agenda in 1969 and it could come up again. It was not acted on in 1969, with some of the Soviet military having grave reservations about any lightly taken decision on the "adventurist" use of force against the Chinese. But it might not be voted down if the Chinese doggedly pursue their challenge in the far more grim politico-military context described above.

For the Soviets may then perceive the threat from China to be greater than it might be in fact, at least as it might appear to outside observers. (It should be recalled that no outside observers believed that the "spring" developments of 1968 in Czechoslovakia called for Soviet use of force; yet the Soviet perceptions of danger to Soviet interests were obviously far different, as the Czechs learned to their sorrow.) The extreme Soviet perception (but one not so extreme as to be ruled out) of a possible need ultimately to deal with China by force is what has made China the number one problem in Soviet foreign policy today.

THE CHALLENGE OF CRIME IN A FREE SOCIETY

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RAILSBACK. Mr. Speaker, there has long been a regrettable void in the data available about America's system of criminal justice. Much has been written about the quality of our police and the conditions of our jails, but little notice has been paid to the lack of concrete information. We know how many people are in our jails and how many have been arrested. But we know little else.

The President's Commission on Law Enforcement and Administration of Justice, in its report "The Challenge of Crime in a Free Society," recognized this problem more than 4 years ago. It said:

> America has learned the uses of exploration and discovery and knowledge in shaping and controlling its physical environment, in protecting its health, in furthering its national security, and in countless other areas. The startling advances in the physical and biological sciences are products of an intellectual revolution that substituted the painful and plodding quest for knowledge for the comforting acceptance of received notions. The Nation has invested billions of dollars and the best minds at its disposal in this quest for scientific discovery. The returns from this investment are dramatically apparent in the reduction of disease, the development of new weapons, the availability of goods, the rise in living standards and the conquest of space.
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> But this revolution of scientific discovery has largely by-passed the problems of crime and crime control. Writing for the Boston Crime Survey in 1927 Felix Frankfurter observed that the subject was overlaid with shibboleths and cliches and that it was essential to separate the known from the unknown, to divorce fact from assumption, to strip biases of every sort of their authority. The statement is no less true today.

In this age of computers when we can predict the winner of a presidential election within minutes of the close of the polls, it is incomprehensible that we have for so long failed to quantify and qualify our system of law enforcement and corrections. It seems we have such data for everything else.

We all know that the Nation's knowledge about the status of its criminal justice system has been the same sad victim of apathy as our low paid police and horrid prisons. Fortunately, a new enlightenment has stimulated our interest, raised the income levels of our police, improved our prisons somewhat, and encouraged the collection of needed information.

Since 1970, we have seen an explosion of information on our prisons and jails and police. Much of this new data is the result of work of the Statistical Division of the National Institute on Law Enforcement and Criminal Justice. Until 2 years ago, prison statistics were maintained by the Bureau of Prisons. Now, the Bureau of Prisons is charged chiefly with maintenance of Federal correctional institutions, not gathering statistics. In view of this fact. I suppose its efforts at information accumulation were fair during the 20 years it was responsible for these data. Far too little was accomplished, however.

For those of us engaged in formulating legislation to deal with problems of penal reform or the myriad other areas in need of correction within our system of criminal justice, this dirth of information has been a stumbling block. Thus it is with some delight that I today can explain new programs now being planned or just completed which will bridge this gap.

For years the Bureau of Census has issued a dicennial publication entitled "Inmates of Institutions," a sourcebook of basic data on America's prison population. While not comprehensive, the survey gave a regular portrait of our prisoners. Unfortunately, a decade is too long a time between reports, and by the time one is printed, it is often more than 18 months old. What has been needed is a continuing report, perhaps like the Federal Bureau of Investigation's Uniform Crime Reports.

Last week the Law Enforcement Assistance Agency reported to me that the Bureau of Census has agreed to undertake a detailed enumeration of prison populations in the United States. The results of this survey will be among the most extensive and useful ever assembled on prisons and their inmates. We will know age, sex, race, offense, and eventually the length of confinement. We will know whether prisoners have had previous institutional experience. Altogether, we will begin to know who is in our prisons and for what reasons.

Most encouraging about the enumeration is its long-range objective of providing continuing prison statistics. This will not be one of the one-shot deals we have seen so often in the past in quantifying and qualifying our prison populations. Somewhat like the Uniform Crime Reports—but more comprehensive—this initial enumeration will be used as a benchmark for continuing study. When an individual enters prison, he will be given an identifier number—perhaps his FBI number—which will remain on the institution's statistic report printout until he leaves. Also when he enters, he will be asked to answer a battery of questions about his socioeconomic and demographic characteristics. Thus as old inmates are removed from the report and new prisoners added, we will have—for the first time—an ongoing assemblage of prison data making available at all times an accurate picture of the composition of our prison population.

While this development will be useful in dealing with the inmates of our State and Federal institutions—and there are more than 80,000 people in them—it will do little to overcome the lag in information on our locally administered jails. There are 4,037 of these in the country. They hold about 160,000 people. Clearly we must have sufficient data. The Law Enforcement Assistance Agency recently published the results of the 1970 jail census which gives a good picture of the number, age, and sex of inmates in these jails, and the conditions in which they are forced to live. However, the survey does not show the types of crimes for which they are held, socioeconomic or demographic characteristics, or how long they are imprisoned. I understand that this void will soon be filled. This summer LEAA will sponsor a sample of a cross-section of inmates of local jails to determine these statistics. Preliminary results should be available sometime next year. While we will not have the benefits of a complete, continuing enumeration of these jail populations, regular followup samples should give us a good idea of the status of our community and county jails.

As many of us know, the only source of data on crime in the United States has been the FBI's Uniform Crime Reports. For their purpose, they are valuable. But they fall far short of providing a complete picture of the crime committed in this country. It is my understanding that the Law Enforcement Assistance Agency is planning to begin a continuing program designed to fill these holes. It has been on the drawing boards for more than a year, and within a year data should begin to be available. As I understand the project, a sample of households will be selected, and asked to detail their experience with crime within a given time frame. What it will mean is that we will know who has been a victim, where, and when.

While all these programs are a refreshing addition to our search for answers in our system of criminal justice—and there are several projects I have not discussed—it cannot be left to the Federal Government to gather such information. The Federal agencies simply do not have the personnel or funds to allow proliferation of these. I was pleased to learn that the States are being encouraged to do their share. With the States acting as primary collecting agencies, the Federal Government can be left the task of coordinating and collating information.

I am pleased with the progress we have made in this short time. Much more needs to be done. But for the first time we are actually doing something about the problem of voids in our data on the American system of criminal justice.

DISTRICT OF COLUMBIA SHOOTOUT: INCREASED EXTREMIST ACTIVITY IN OUR NATION'S CAPITAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RARICK. Mr. Speaker, yesterday in testimony before the House District Committee on the question of home rule for the city of Washington, I pointed out the possibility of extremist activist groups controlling elections in the District of Columbia. I indicated that in a city where only 9 percent of the registered voters cast ballots in the last election for members of the City School Board, it was certainly well within the reach of the membership of the various activist and extremist groups in the District to control the elections.

Today's papers indicate once again that this threat is most assuredly a possibility and certainly not a "laughable" matter. The existence of a "cache of arms at the headquarters of the Nation for Black People, a 4-year-old militant group which police say advocates revolution to 'free black people in this country' " in the District of Columbia is but another indication of the possibility that militant extremist groups exist and could, indeed, control the election process in the District. It is certainly evidence in support of a position opposing "home rule" for the District of Columbia.

I am inserting related newsclippings in the Record at this point:

[From the Washington Daily News, Feb. 9, 1972]

District of Columbia Cops Wound One, Arrest Four—Militants' Arsenal Found in Shootout

One man was hit twice by police bullets, four persons were arrested and several M–14 Army rifles, rounds of ammunition, uniforms and training manuals seized following a shootout and chase here early today.

Police, who described the three men and one woman they arrested as "black revolutionaries," said the shooting-chase began when an officer approached two men, both wearing Army fatigue jackets, at about 1:20 a.m. in the 4100 block of 16th-st nw.

According to one police official, the officer approached the men because the only business nearby, was a gas station, and that was closed.

Another official said the officer was suspicious because the men were walking around and looking into a parked car.

Fourth District Officer Donald P. Bennett, 21, had gotten out of his scout car, and was about 25 feet from the men when both pulled pistols from under their jackets and fired at him. They missed.

Officer Bennett fired all six shots in his gun back at the men, and then ran back to his car to reload. At that point, one of the two men grabbed a shotgun, and the other grabbed a rifle from a nearby car and blasted away at Officer Bennett who was crouched behind the door of his scout car.

Shotgun blasts ripped into the side of the door as Officer Bennett shot at the two men three more times.

The two men then jumped into their car and sped north on 16th-st. After radioing for help, Officer Bennett, alone in his police car sped after them.

Officer Bennett and another officer who joined the chase, David Belisle, pulled up behind the men's car in front of 1318 Farragut-st seconds after the suspects got there.

One of the men fell out of the car onto the sidewalk, and the other ran around to the back of the house, police said. They said Officer Belisle walked up to the man on the sidewalk, just as the man pulled out his pistol and shouted, "This is for the revolution!" Officer Belisle shot at him and then jumped on him.

Meanwhile, Officer Bennett and a third officer sneaked around to the back of the house looking for the second man. They found that a basement window had been knocked out and the door opened.

More police arrived, and with the house surrounded, several officers went up to the door, knocked, brushed past the man who answered the door and searched the house.

Police said they found a trap door in a front bedroom leading up to the attic. In the attic they found machetes, three M14 rifles that police traced to a theft last June at a Walter Reed arsenal, several clips of ammunition for them, a shotgun, a .32 and ammo for each weapon.

Police said they also seized Army-type pants, trousers, belts and other equipment. They said the basement of the house apparently was set up as a training center for disassembling and assembling the weapons.

In the Walter Reed theft last June, 11 shotguns and 14 M–14 rifles were stolen, according to police. At the time, officers said the thieves had cut their way into the Troop Commander's Arms Room by snapping metal bars with a bolt cutter.

In today's shootout, police said they charged Marzell Peterson, 26, of 1318 Farragut-st nw who is in good condition at D.C. General Hospital with wounds to the right leg and thigh. He was charged with two counts of assault with intent to kill a police officer.

Also charged with the same offense was Aaron Miller, 28, who was found hiding in a closet at the Farragut-st address. Mr. Miller, Robert L. Marshall, 23, and Connie Johnson, 22, found in the house, were charged with possession of unregistered firearms and ammunition, possession of marijuana and possession of the implements of crime.

David Peterson, 21, a Howard University music major and Marzell Peterson's brother, said his brother was operating "an educational service" in the house, lending books on black psychology, art, sociology and music to neighborhood residents. He said the service was open seven days a week and fines were levied on overdue books.

David Peterson said his brother had served a little more than a year in Vietnam while in the Army, and was currently studying art at Howard University under the G.I. Bill.

Mr. Peterson said, however, "I was not surprised to learn that my brother was in the hospital. He had the same ways as my father: evil as hell."

This morning, the red, black and green flag of Black Liberation hung from the porch of the two-story brick house, as detectives out front warned away curious passersby. The detectives said they could not explain why 15 automobile tires were laid in a line from the rear kitchen door to a sidewalk that runs next to a back alley.

[From the Evening Star, Feb. 9, 1972]

ARMS CACHE SEIZED AFTER SHOTS, CHASE

(By Lance Gay)

District police, searching for a gunman who fired at two policemen, early today arrested four persons and seized a cache of arms at the headquarters of the Nation for Black People, a four-year-old militant group which police say advocates revolution to "free black people in this country."

Police said they found a closet inside the two-story frame residence at 1318 Farragut St. NW., which is the local headquarters of the black separatist group. While in the home, police said, they discovered arms, ammunition and knives. They said a basement room appeared to have been used as a training center for soldiers.

Another man and a woman also were arrested inside the house. When arrested, police said, they gave only "serial numbers" and refused to give their names.

Police said the raid was precipitated by a shooting in the 4100 block of 16th Street NW about 1:20 a.m. Officer Donald P. Bennett, who was on patrol duty in a scout car, told investigators that he observed two "suspicious" men walking across the road toward a car.

As he opened a door to investigate, Bennett said, one of the men pulled a shotgun from the car and fired at him. The blasts from the shotgun hit the police badge decal on the scout car's door.

Bennett said he returned the fire and the two men jumped in the car, sped north on 16th Street, cut across to 13th Street and then headed east on Farragut Street, where the car stopped in front of 1318.

Police said one of the suspects jumped out of the driver's side of the car and fired a revolver at Bennett's car as it pulled up behind. The man with the revolver ran to the back of the residence.

The other suspect got out of the passenger side of the car and also fired a revolver as other policemen arrived at the scene. Police returned gunfire, hitting the gunman in the leg and hip. He stumbled and fell to the ground.

"This is for the revolution," police said the wounded man said as he pointed his gun at approaching policemen.

One of the policemen kicked the revolver out of his hand before it could be fired. The suspect was later identified as Marzel Peterson, 27, of the Farragut Street address. He was listed in fair condition at D.C. General Hospital this morning with a broken hip.

As police cruisers massed on the scene, policemen began to search for the driver of the car and circled the home, which had a green, black and red "Black Flag of Liberation" flying from the front porch.

Police said that when they went to the rear of the house, they found a basement door window had been broken. They entered the home and after a brief search, found a suspect in a closet and placed him under arrest. They identified him as Aaron Miller, 29.

Police identified the other suspects as Robert Lee Marshall, 23, and Connie Johnson, 23. All said they lived at the Farragut Street address.

The three have been charged with possession of unregistered firearms, possession of unregistered ammunition, violation of the Uniform Narcotics Act and possession of the implements of crime (narcotics), police said.

Peterson, police said, has been charged with two counts of assault with intent to kill police officers.

In the basement, police said they found what they described as a training school for militia. Placards on the walls described how to assemble weapons. One of the placards outlined the assembly of an M-14 carbine.

During the raid, police said they confiscated three M-1 rifles, a .32-caliber pistol, a .410 gauge shotgun, ammunition for the weapons, machetes, bayonets, Army fatigues, belts and holsters, and one grenade.

Also confiscated during the raid was a "half a paper bag" of unprocessed marijuana and narcotics paraphernalia. A small girl, not related to any of the suspects, also was found in the house.

Police said they also confiscated a shotgun and two .32-caliber pistols from the car in which the suspects had been riding.

Early this morning, police said they were checking the serial numbers on the weapons with those stolen in recent thefts at Walter Reed Army Hospital.

The Nation for Black People is a pan-African group which was formed during a conference at Howard University in 1968.

The group announced that its goal is to gain control of several Southern states and establish a separate black state within the United States.

BUDGET REQUESTS VERSUS BUDGET REQUIREMENTS

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. DENHOLM. Mr. Speaker, this is the time for due diligence in the honest search for solutions to the existing economic and social problems of the people of this country. Our past is glorious—our future is uncertain.

If 20 centuries could be measured on a 20-inch rule—we could then better realize the progress of America in less than the last 2 inches of such a scale of time. In less than 200 years we have surpassed all recorded events in the history of mankind. In peace and in war—in wealth and in wisdom—we now stand in judgment of ourselves, before God and before the eyes of the world.

COMMUNITIES, COUNTRIES, AND CURRENCIES

The planet earth is a community of nations as this country is a nation of communities. Each in the complexity of modern economic theory is dependent upon the other as much so as the strength of a chain depends upon the weld of each link. It is known that a chain has no greater strength than the substance that connects each link—a country is no stronger than the economic continuity of a composite of the communities. A world without countries and a country without communities is like a chain without links. It is no more.

Money is the modern measure of economic success or failure. It is the acceptable medium of exchange—for you and for me—for each community and for every country.

No government can keep the people—the people must keep the government. There are many reasons why—and particularly so in a democracy. The mayor and council of a city can not keep the people of the municipality—the Governor and legislature of a State can not keep the people of the political subdivisions of government—and the Members of Congress together with the President can not keep the people of the Union. All combined can not keep the people of the world. But severally and jointly we have the capacity to improve the system of social order or to eventually destroy the government of the governed.

We have paid a great price to see ourselves from afar. Yet, many refuse to see what is here to be seen—to hear what is here to be heard or to do what is here to be done.

This is not the time for gloom and I am hopeful that we may not consider the minds of men to be as concrete—thoroughly mixed and permanently set. Let us open our minds to the mountains before us and let us tackle the tasks to be done.

BUDGET REQUESTS VERSUS BUDGET REQUIREMENTS

The real problem most simply stated is that policies and programs of the past have resulted in current trends of too many people and too much wealth of this great country in too few places.

The failure of Government economists to recognize and relate the problems of the communities of this country with the economic inequities imposed upon all the people is a gross and serious error. The producers of food and fiber are forced to market the fruits of their labor at two-thirds of value and the wheels of industry turn at slightly more than two-thirds of capacity—5.5 million people are entitled to a minimum wage in an economy of no jobs while the rising cost of living visits every American home.

It is probably error to conclude that it all adds up to an upside down economy—but it can not be denied that all that is up should be down and all that is down should be up—and it can not be denied that management of this public corporation—National Government—has plunged the stockholders—taxpayers—further in debt in the last 3 years than in the decade before.

The Honorable Secretary of the U.S. Treasury has appeared before this distinguished committee with a prepared pleading and appropriate prayer for a record rise of $50 billion in the debt limit of this Nation to meet the terms of the current budget request of the President. The need for that request is present because the requirements of prudent management and future planning are clearly absent. The testimony of the Director of the Office of Management and Budget is of no value other than an "Amen" to that pleading and prayer of the Secretary of the Treasury that is well known to all.

In substances there exists no planning and no programing beyond 1973. The work plans to support budget requests are inadequate as requirements in support thereof. There are no suggested alternatives—no imagination for the future. There is no real foundation for constructive policies in support of long-term programs. The budget requests and the unequalled demand for a record rise in the national debt limit is premised on uncertainty—not certainty. Pursuant to all rules of reason no court of equity could grant relief—the $50 billion increase in the national debt limit must be denied. It must be denied until proper planning and programing is initiated with 20-20 vision beyond 1973 with an insight to the future and unto the year of 2020.

FUTURE ECONOMIC DEVELOPMENT

The road to economic recovery will require more than rhetoric—more than money—and more than "jawboning." There is some economic precedent that things can be "jawboned" down but I know of no precedent to suppose an economy can be "jawboned" up. "Puffing" is not economically productive.

I believe the people of this country are ripe for a departure from the traditional past—they are weary of policies and programs that have not worked and are not working now. If we are serious about communities and the quality of life in the gutted hinderlands of rural America and the core areas of the industrialized urban centers of this country then we must pursue policies and programs in the interest of people, performance and production. We cannot prepare for the future on the folly of our time and fables of the past.

The people of America have not lost all self-initiative and millions may still believe in the concept that "this is the house that Jack built"—and that it was a good one.

It is time that the Members of Congress recognize again that old concept. I think it is time for a future economic development program that includes basic concepts as shown in the following outline:

FUTURE ECONOMIC DEVELOPMENT

A. A National Fiscal Budget not in excess of the average of the last past five years unless

1. The Congress in joint session declares a national emergency, and

2. All such budget requests are supported by acceptable work plans as approved and authorized by the Congress.

B. A National Planning and Land Use Program for Future Economic Growth in Comprehensive Planning for Conservation and Utilization of Human and Natural Resources.

1. Protection of the environment—to provide for pure air, clean water, and productive lands.

2. Enhancement of the quality of life through national zoning in an overall plan for maximized efficiency of long-term planning for full development of natural resources.

C. A National Board of Economic Equalization—for a meaningful control of inflation by the people.

1. Patterned on geographical areas such as the Federal Reserve Districts (to equate costs and prices by region).

2. Power of subpoena to ascertain the relationship of the economic crunch to the economic bulge—and to provide a place where a citizen can be heard when the "shoe pinches." (To induce self imposed restraint absent of government controls).

3. Patterned after the Board of Equalization for tax paying citizens with the right of Administrative appeals and final resort to the Courts of equity by writ of certiorari only.

D. Reduction of National Debt vested in the Option of the People.

1. Citizens and tax payers desire control of and the ultimate destiny of national debt—

a. To provide a means of payment of the National Debt by each citizen electing to do so.

b. To provide debt reduction payments annually of a sum equal to the percent of income taxes due not in excess of the rate of interest paid on government securities times the sum total of tax due and payable in any one year. Example: U.S. Government Securities at 5% times tax due at $100.00= $5.00 to be designated by tax payer at his option on the National Debt service costs and debt principal.

2. To provide responsibility with the people and the obligation of fiscal prudence with the governed.

I do not suggest these proposals as a panacea—they are options for long-term planning. There are other alternatives beyond the scope of my statements today.

I cannot vote for the increase in the debt ceiling of this Nation without some constructive plan for certainty in the future. Some of you may have done so in the past because it was believed to be the responsible thing to do—"the Government must go on."

The recent record of huge deficits of the national budget are unequaled in all history—$23 billion in fiscal year 1971, $38.8 billion in fiscal year 1972, and $25.5 billion in 1973. These are the reasons for the requested increase in the national debt ceiling. Prudent management demands more than a request for more debt. There must be a plan for the repayment of the ever increasing national debt and programs for the future.

The current policies of control of the economy and elimination of inflation harm the honest and the failure to plug loopholes in the Federal income, gift, and estate tax statutes benefit the economic bulge of a few at the expense of many American citizens.

I commend all people that have given much in seeking solutions in the past. Let us now do what must be done for the future.

We must dedicate ourselves to the cause of bringing to the people of this country a sense of economic equity and a fair, honest, and reasonable financial return for their labors, investments, and some assurance of security in the future.

It is not an effort for some—but for all—not just one community, not communities of one area or one region—it is national policy and the cause is our country. No other goal is worthy of our best effort.

VIETNAM PEACE NEGOTIATIONS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. BOLAND. Mr. Speaker, the Thieu government in South Vietnam has thwarted peace negotiations for years now—not so much by its actions as by its very existence. North Vietnam loftily insists that the Thieu government, one it considers "tyrannical," must yield its powers before a peace settlement can be reached. And the United States argues, just as intransigently, that it is not prepared to "overthrow" a government sanctioned by South Vietnam's people in free elections—even though those elections are something less than exemplary of the democratic process.

It is clear, Mr. Speaker, that both sides must give ground.

President Nixon might be stretching credulity a little too thin in suggesting that Mr. Thieu's resignation, just 1 spare month before new elections, would insure a government wholly free of taint. And North Vietnam reveals its own lack of candor by suggesting that the United States could abruptly yank the rug out from under the Thieu government, disposing overnight of an entrenched bureaucracy that sprawls throughout South Vietnam.

A few cheering signs point to a break in the stalemated negotiations.

One is Henry Kissinger's hint, during secret talks with Le Duc Tho last year, that the United States might accept an independent body kindred to the sort of "coalition government" that has been on everybody's lips for years. Such an independent governing authority, Mr. Kissinger appeared to suggest, might be created through negotiation and later confirmed by elections. Another of his intimations—this one just as heartening—is thought to mean that President Thieu might resign earlier than now proposed.

Hanoi, too, appears willing to settle for something less than its public demand for brick-by-brick demolition of the Thieu bureaucracy.

A New York Times editorial, published today, trenchantly discusses the status of the peace negotiations and the need for their resumption.

For the benefit of my colleagues, Mr. Speaker, I put the editorial in the RECORD at this point:

VIETNAM DEBATE

Resumption of secret negotiations undoubtedly is essential if the Vietnam war is to be ended. But an informed public opinion in the United States and the vigorous discussion now under way are equally important to keep the negotiations above board. The open debate between Hanoi and Washington is contributing to that end. The latest Rogers-Xuan Thuy exchange, on top of earlier revelations about last year's secret talks, has put Americans in a better position than ever before to judge the private negotiating positions of both sides.

It is clear that a simple swap of American troop withdrawal for release of prisoners of war is not now being offered by Hanoi. It is doubtful that it was offered last year, although that question is one that may long be disputed.

This year, as last year, Hanoi's primary objective is a political change in Saigon, starting with the removal of President Thieu from office. Last year's presidential election in South Vietnam, which might have accomplished that purpose, could have made it unnecessary for Hanoi to insist that the United States oust General Thieu directly, Mr. Thuy has indicated. But Hanoi's definition of American withdrawal has always included cessation of the economic and military aid without which the Saigon regime could not survive. This flaw undermines Hanoi's ambiguous claim that American withdrawal and prisoner release last year could have been negotiated separately from a South Vietnamese political settlement.

But Secretary Rogers' reply to Mr. Thuy was equally flawed. Mr. Rogers sounded like a replay of an old record in his talk of self-determination, free elections, letting the South Vietnamese people choose their own future and American refusal to turn the country over to the Communists. The Nixon Administration's acquiescence last year in the rigged single-slate election through which President Thieu avoided a challenge to his re-election from South Vietnam's non-Communists destroyed the credibility of the American suggestion to the Communists that elections are the route to a political settlement.

If there was anything hopeful in the secret Kissinger-Le Duc Tho talks last year, it was in Mr. Kissinger's hint that a coalition "independent body" with powers approaching that of a coalition government could be set up by negotiations and confirmed by elections. His later hint that President Thieu might resign earlier than proposed should add sufficient attraction to entice Hanoi back to the private negotiating table.

What Americans must face now is the clear statement by Mr. Thuy that Hanoi will not release American prisoners until a political settlement brings the war, not just the American involvement, to an end. That settlement hinges on a sharing of power in Saigon with the Vietcong and neutralist groups, and a division of power in the provinces between areas of Communist and Saigon predominance.

Hanoi's refusal to negotiate with a Thieu Government and the United States' refusal to remove President Thieu from office prior to a settlement means that only further Washington-Hanoi negotiation can bring about the requisite political settlement. It will not be easily achieved; but a resumption of private negotiations is necessary to determine whether such a settlement can be achieved at all.

SENATE—*Monday, February 14, 1972*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Eternal Father of men and nations, under whose providence this Nation lives and has its being, guide all Thy servants to whom has been committed the responsibility of government. Be Thou our support and strength through times that try men's souls and test their spirits. May Thy grace be sufficient for all our needs. Help us to keep through toil of brain unbroken vigil of the soul. Strengthen our hands to work for Thee, our minds to think for Thee, our voices to speak Thy message of compassion and justice, and our lives to show forth the wonders of Thy promised kingdom. May peace be in our souls, in our land, and throughout the world.

In the Redeemer's name. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of February 9, 1972, the Secretary of the Senate, on February 10, 1972, received the following message from the House of Representatives:

That the House had severally agreed to the amendment of the Senate to the following concurrent resolutions:

H. Con. Res. 242. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs;

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of the "Constitution of the United States of America" as a House document, and for other purposes.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 9, 1972, Mr. NELSON, from the Committee on Labor and Public Welfare, reported favorably, without amendment, on February 9, 1972, the bill (S. 3054) to amend the Manpower Development and Training Act of 1962, and submitted a report (No. 92–610) thereon, which was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 9, 1972, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without reservation, on February 10, 1972, Executive H, 92d Congress, first session, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, and submitted a report (Ex. Rept. 92–18), together with individual views, thereon, which report was printed.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of February 9, 1972, the Secretary of the Senate, on February 10, 1972, received the following messages from the President of the United States, which were referred to the Committee on Foreign Relations and Labor and Public Welfare, respectively:

To the Congress of the United States:

Pursuant to the Arms Control and Disarmament Act as amended (P.L. 87–297), I herewith transmit the Eleventh Annual Report of the U.S. Arms Control and Disarmament Agency. I am also pleased to report to the Congress that this document reflects appreciable progress in the disarmament field during calendar year 1971.

Our progress has been especially significant in the Strategic Arms Limitation Talks with the Soviet Union. In May 1971, I was able to announce that a deadlock had been broken. We reached an understanding with the Soviet leadership to concentrate on working out an accord to limit the deployment of defensive anti-ballistic missile systems (ABMs), and to conclude it simultaneously with an agreement on certain measures limiting offensive strategic weapons. This joint understanding reinforces my firm commitment to reach an equitable agreement limiting both offensive and defensive strategic nuclear weapons.

Another highlight of 1971 occurred when the American and Soviet SALT Delegations reached two collateral agreements that were signed in Washington on September 30. The first dealt with measures to be taken by each country to reduce the risk of accidental nuclear war, while the second provided for improvements in the reliability of the Washington-Moscow Direct Communications Line, or "Hot Line", by using satellite communications systems.

In Geneva, at the Conference of the Committee on Disarmament, the United States was also among the principal architects of a convention banning the development, production and stockpiling of biological weapons and toxins. The presence of these weapons in the arsenals of any civilized nation is no longer justified.

As 1972 opens, I am determined to maintain American leadership in achieving arms control measures which will enhance both national and world security and contribute to a lasting peace.

RICHARD NIXON.

THE WHITE HOUSE, *February 10, 1972.*

To the Congress of the United States:

Section 511(a) of the Federal Coal Mine Health and Safety Act of 1969

(Public Law 91-173) requires the Secretary of the Interior to submit, through the President, an annual report to the Congress on coal mine health and safety. I am pleased to transmit herewith the report for 1970.

RICHARD NIXON.

THE WHITE HOUSE, *February 10, 1972.*

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 9, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rules VII and VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield my time to the distinguished Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. I thank the distinguished Republican leader.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nominations in the Department of State, as follows:

Willis C. Armstrong, of New Jersey, to be an Assistant Secretary of State;

Kenneth Franzheim II, of Texas, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji;

John I. Getz, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta;

Albert W. Sherer, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic;

Matthew J. Looram, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic;

Robert Anderson, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey;

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago; and

Robert Strausz-Hupe, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc; and, without objection, the President will be immediately notified of the confirmation of these nominations.

VACATING OF TIME TO VOTE ON TREATY (EX. H, 92D CONGRESS, 1ST. SESSION)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time which was scheduled for a vote at 2 p.m. today on the so-called Seabed Treaty, and the order providing for the Senate to proceed to consideration of the treaty at 1:30 p.m. today, be vacated.

Mr. SCOTT. Mr. President, reserving the right to object—I realize the problem facing the distinguished majority leader and the distinguished assistant majority leader and, therefore, I will not object—we have consistently notified all Senators that they are expected to be here at all times. It is difficult to say to any Senators on our side of the aisle that they do not need to be here if there are to be postponements.

I do not want to work any hardship on any individual Senator but I think, hereafter, we should observe the general rule as long as the chairmen and the ranking minority members of committees have been notified. So, I will not object, but I hope the assistant majority leader does agree with me that it would be better if we adhered to what the distinguished majority leader has said before; namely, that when we set a bill or treaty down for a vote on a certain day that it will be voted on that day. We did tell a number of Senators to be here today.

Mr. BYRD of West Virginia. I agree with the distinguished Republican leader. I think that, as a general rule, exceptions should not be made to accommodate any particular Member on either side of the aisle by postponing a vote. And the action is not being delayed in this instance on the basis that a particular Senator will miss a vote.

In this instance, however, it was felt that an exception was justified by virtue of the fact that a Senator called on Saturday to state that he was chairman of a subcommittee of the Commerce Committee, which has some jurisdiction, in his opinion, over the subject matter of the treaty, Executive H, 92d Congress, first session, and that he had not been notified and was unaware, until receipt of his whip notice, that the treaty had been schedule for a vote today. He stated that he was unaware on Friday that the Foreign Relations Committee would report the treaty that day and that it would be immediately scheduled for a vote. He indicated that, had he seen such treaty listed on the executive calendar, as is normally the case, he would have gotten in touch with the leadership in time and would have indicated his feelings with respect to a vote.

In view of the fact however, that the treaty was reported only on Friday from the Foreign Relations Committee and that prior to any Senator's having had the opportunity to see it appear on the Executive Calendar, it was that day scheduled for a vote for today, the leadership felt the Senator was justified, but only because of the jurisdictional aspect raised, in asking that the vote—which is not controversial—be put off until tomorrow or until such time as he could be present.

Mr. SCOTT. I thank the distinguished assistant majority leader for this clarification, but would urge all Senators to examine the calendar and the Executive Calendar prior to the time on which action is to be taken, when they have an interest in it.

Mr. BYRD of West Virginia. I thank the distinguished Republican leader.

May I say further, that I contacted the distinguished majority leader on Saturday and discussed this matter with him and cleared it with him. The majority leader was reluctant to delay action on the treaty and did so only because of the jurisdictional aspects raised.

I certainly can appreciate the feelings of the distinguished Republican leader in regard to this matter, but the leadership was unaware, at the time the vote was scheduled by unanimous consent, that the subject matter of the treaty would also come within the purview of the protesting Senator's particular subcommittee, in addition to the Foreign Relations Committee.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR CONSIDERATION OF TREATY AND FOR VOTE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the hour of 11:30 a.m., the Senate proceed to consider the treaty, Executive H, and that a vote on the treaty occur at 12 noon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 11:30 a.m., with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period of 30 minutes for the transaction of routine morning business, with each Senator being limited to 3 minutes.

CHOICE—A CRUEL NECESSITY

Mr. JORDAN of Idaho. Mr. President, on February 13 the Washington Post published an excellent essay by Elliot Richardson, the Secretary of Health, Education, and Welfare. In his usual able and intelligent manner, Secretary Richardson points out that since we do not have unlimited resources to use in the solution of our Nation's ills we must make certain choices. We must determine which of our needs are most pressing and then direct the necessary resources to them.

It is unrealistic to look for miracle solutions to our problems, because they simply do not exist. For example, we used to hear much of a Vietnam dividend which would be available for our domestic needs after the war wound down. Well, the war has wound down and spending on it has been drastically reduced, but no Vietnam dividend is available.

We now hear much talk about shifting priorities so that less emphasis is given to military spending and more to domestic spending. Secretary Richardson, points out, however:

> To a degree that many Americans still do not realize, we have shifted our priorities—rather drastically—in the past three years. Since 1968, outlays for human resources programs have increased 63 percent while total budget outlays grew by only 28 percent. In the fiscal year 1973 budget, human resources spending represents 45 percent of all expenditures, while defense spending totals only 32 percent.
>
> This exactly reverses the spending priorities of only three years ago, when the defense share was 45 percent and human resources share was only 32 percent.
>
> Yet even though HEW's budget will exceed the Defense Department's in FY 1973—for the first time in history—this shifting of priorities has not lessened the need for us to make difficult choices.

What we must do is to stop the search for miracle solutions and do the best we can with what we have available. This is the theme which Secretary Richardson develops in his essay and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

CHOICE: A CRUEL NECESSITY

(By Elliot L. Richardson)

"Choice is the basic reality, and for us it is doubly difficult and saddening because whatever we have to give up is not something bad or trivial, but something that is only somewhat less important, if that, than what we have selected to do."

We are standing at a unique juncture in the course of history. At no other time have we have so aware both of how breaktakingly close we have come to realize the promise of America for all its citizens and of how painfully far we are from locating and gathering all the resources that would fulfill that promise tomorrow.

The founders of this complex and diverse nation, and each succeeding generation, set themselves truly awesome tasks to perform. For the most part, their aspirations and their capabilities have been within hailing distance of each other. In our own time, great though the growth in our resources, the growth in our expectations has been even greater. Today these expectations are like a giant helium-filled balloon cast loose from its moorings, sailing beyond sight. We must somehow bring our expectations back to earth; we must level with each other. For either we shall understand the reality of what can and cannot be done over time, or we shall condemn ourselves to failure, and failure again and again.

When we compare ourselves with those who preceded us, or with others in the world today, there is no denying that we are moving ever closer to the promise of this country.

Yet frustrations and disappointments abound, and alienation from our basic institutions seems endemic. Why is this so?

One reason, it seems to me, stems from our very successes. As Alexis de Tocqueville wrote many years ago:

"The evil which was suffered patiently as inevitable seems unendurable as soon as the idea of escaping from it crosses men's minds. All the abuses then removed call attention to those that remain, and they now appear more galling. The evil, it is true, has become less, but sensibility to it has become more acute."

It is not, then, that we have come so far, but that we seem so near, so exasperatingly near, to realizing our national hopes, that some of us grow impatient and angry. What could be suffered silently or even cheerfully when there was no chance of improvement, becomes intolerable as soon as it is learned that a cure is within our capability. And then we must have the cure immediately.

Another reason is that we are constantly setting ourselves ever more difficult goals to achieve. We may reach a goal today that appeared improbable or optimistic yesterday, but instead of finding in this success a source of satisfaction, we find a sign of failure.

THE LEGISLATION FALLACY

There is, besides, much actual failure. Exaggerated promises, ill-conceived programs, over-advertised "cures" for intractable ailments, cynical exploitation of valid grievances, entrenched resistance to necessary change, the cold rigidity of centralized authority, and the inefficient use of scarce resources—all these add to frustration and foster disillusionment.

Population growth, technological change, mass communications and big government, meanwhile, have been progressively submerging the individual's sense of personal significance in a gray, featureless sea of homogenized humanity. In a country which has been dedicated from its beginning to the liberation of human aspirations and the fulfillment of human potential, these massive changes result in vague feelings of anxiety and unease. We yearn for a greater voice in—a greater impact on—the processes that affect our lives. We long to make a difference.

But the most profound and far-reaching source of our frustrations and disappointments is to be found in the "expectations gap" to which I have already alluded. There is a fallacy abroad in the land—and rampant in the Congress—to the effect that passing legislation solves problems. There are, to be sure, many problems that cannot be solved without new legislation. But all too often—and increasingly so—new legislation merely publicizes a need without creating either the means or the resources for meeting it. If this kind of legislation is implemented at all, it is at the cost of spreading resources still more thinly over existing programs.

Just this, in fact, has been happening at an accelerating rate. In the first full budget of the Kennedy administration, congressional authorizations for HEW programs exceeded amounts requested for their operation by $200 million. In the current fiscal year authorizations for HEW programs exceeded appropriations by $6 billion. Legislation likely to be enacted by this Congress may add still another $9 billion in new authorizations for next year and even larger amounts for future years—much of which also will never be fully funded.

What does this accomplish except to create expectations beyond all possibility of fulfillment and then, because they were not fulfilled, dash the hopes of those who have the greatest needs?

TOO MANY NEEDS

Then there's the nagging problem of inequity in helping those who need help. The federal, state and local cost, both public and private, of assisting individuals whose dependency might have been prevented is running at an average annual rate of about $19 billion. And yet the cost and quality of assistance to such individuals varies widely. If our assistance to all these people met the standards applicable to the most-favored one-third, the annual cost would be nearly $7.5 billion more than it is now.

If, in addition to raising benefit standards for those now receiving assistance, we increased eligibility by uniformly applying a standard for assistance corresponding to the most liberal one-third, another enormous expenditure increase would be required.

Consider just the following list: Fulfillment of the Right to Read objectives, which would give youngsters the tools they need if public schools are to be at all meaningful; homemaker services, mental retardation services, and vocational rehabilitation services for all who need them; developmental day care services for needy children; good compensatory education for every disadvantaged child. To meet even these few goals, we would have to increase our spending by roughly $27 billion per year and recruit and train 6 million more professionals, para-professionals, and volunteers.

When we begin to take into account other large claims—health care, higher education, urban redevelopment, transportation, and environmental protection, for instance—we rapidly enter a realm of almost unimaginable numbers. The needs are real, but we cannot conceivably meet them all comprehensively and all at the same time.

The President has the most complex and broadest choices to make. He must, within the constraints imposed on him, select from among efforts to improve the environment, to improve transportation, to make the nation more secure at home and abroad, to bring sense and humanity to our welfare system, and from among a host of other worthy and pressing objectives.

The Secretary of HEW must choose among efforts to bring health services into poor neighborhoods, to increase the educational opportunities of children living in those same neighborhoods, to reduce the isolation of the aged to offer alternatives of delinquency and drugs, and among many other objectives, all of which again are worthy and compelling.

And down through the tiers of government it goes, the inescapable necessity of choosing.

SHIFTING PRIORITIES

Choice is the basic reality, and for us it is doubly difficult and saddening because whatever we have to give up is not something bad or trivial, but something that is only somewhat less important, if that, than what we have selected to do.

To a degree that many Americans still do not realize, we have shifted our priorities—rather dramatically—in the past three years. Since 1968, outlays for human resources programs have increased 63 per cent while total budget outlays grew by only 28 per cent. In the Fiscal Year 1973 budget, human resources spending represents 45 per cent of all expenditures, while defense spending totals only 32 per cent.

This exactly reverses the spending priorities of only three years ago, when the defense share was 45 per cent and human resources share was only 32 per cent.

Yet even though HEW's budget will exceed the Defense Department's in FY 1973—for the first time in history—this shifting of priorities has not lessened the need for us to make difficult choices.

As an example, federal expenditures for education are budgeted to increase by $276 million over current-year appropriations. But all programs did not grow—and to put emphasis where we believed it would do the most good, it was necessary to trim back other worthwhile efforts. To sustain increases in four major areas—$449 million in elementary and secondary education, $49 million in educational renewal, $35 million for the National Institute of Education, and $97 million for the National Foundation of Higher Education—two major cuts were required. Aid to school districts with large numbers of federal employees—so-called "impact aid"—was reduced by $180 million, and library services support by $24 million.

The point is that while both impact aid and library services are worthy of our support, the level of funds available to the department forces us to make budgetary tradeoffs—forces us, in short, to make choices.

Because choice is so important, because so many lives are affected by our choices, we must constantly improve the way in which choices are made.

We must, first of all, create a process of rational decision-making that is both open and honest. The choices must be made clear and understandable, their advantages and disadvantages fully stated, and the alternatives brought into the light—as in the use of expanded nutrition or family planning services, instead of more medical services, to obtain a certain amount of improvement in health.

COST-BENEFIT RATIOS

How does one compare the benefits of one program with the benefits of another? Rarely can we reduce these benefits to dollar figures without the result being so artificial that we lose confidence in it. Yet such a comparison is essential to every budgetary choice we make, because the budget forces us to balance a dollar spent on one program against a dollar spent on others.

Let me give an example. We often speak of a single human life as infinitely precious, and so it is. But when it comes to the allocation of time, money, and energy, it is obvious we do not literally mean it. Each year our society tolerates thousands of deaths which might be prevented. Last year 114,000 Americans were killed in some form of accident. Of these, about 23 per cent were in the home, about 48 per cent were on the highway. Some 95,000 Americans died from preventable illnesses, an estimated 60,000 of these from lung cancer caused by smoking cigarettes. But building safer cars, highways and homes and reducing cigarette smoking involve costs. By not pushing these things as far as we could, we implicitly put a value on the lives they might save. Unfortunately, such implicit valuations do not give us an explicit measure of the value of human life that could be compared with the value of a year of education or a reduction in water pollution.

I have suggested from time to time that we should develop a benefit unit called the "HEW" for use in comparing cost-benefit ratios among our activities. Such a unit would force us to look at just how much importance we really place on our efforts to deal with any single problem. And it would permit us to compare our real effort in one area—and the returns we got for it—with our real effort and returns in another. If a child-year of preschool education is worth one "HEW," how many "HEWS" is it worth to avoid one traffic death? To rehabilitate one disabled worker? To cure one drug addict?

Using such a benefit constant, we might readily see that the incremental costs of reducing a very small number of deaths by seafood poisoning might be better applied to reducing a large number of deaths on the highway, or that the additional resources that would allow us to inspect every food processing establishment twice a year could be more advantageously used to immunize our children. Similarly, it might show that we would achieve higher benefits in lives saved by investing in the safety of products than in special ambulances for victims of heart attacks.

The comparison gets harder to make, of course, when we come to the reduction of injuries, discomforts, and irritations, and when the outcome is uncertain. How much should we be investing, for example, in finding a cure for the common cold? Reducing noise pollution? We make such choices anyway, of course, but the process is seldom both deliberate and explicit.

Hard as it is to define our goals clearly, and then to rank them in importance, we must also imaginatively consider different ways of approaching each goal. Cost-benefit analysis must open the door to fresh and imaginative alternatives. It must enable us, if such be the case, to say that there is a better way of attacking a problem than by an HEW program and that we should shut ours down and support another, somewhere else.

THE LIMITS OF ANALYSIS

Finally, to assure a chance for better decision-making we must be able to measure the cost of each alternative. Our skills in this area are seriously underdeveloped. We are not always careful to remember, for example, that the true "cost" of a federal program is not invariably measurable by the number of dollars we allocate to it in the budget. Did we include air pollution costs in our accounting for the federal highway program? Do we charge ourselves for the loss of recreation, fish and wildlife when we develop our rivers and harbors? Do we take into account the possibility that federal dollars collected from some sources may have more adverse effects on economic activity than those collected from other sources?

Further, our ability to predict what the budgetary costs of alternative programs will be is seriously lacking. There are a few shining examples of good cost estimation in the federal government. The Actuary's Office in the Social Security Administration is one. But there are many more dismal cases of complete ignorance about what resources will be needed to carry out proposed programs.

There are, of course, severe limits on the practical use of evaluation and cost-benefit analysis. Such techniques may help us to choose the best way to use an additional $1 million on homemaker services for the elderly or preschool education for disadvantaged children. They may even offer some basis for comparing the social return on one or another such investment. But a choice between homemaker services and preschool education cannot and should not rest only on this kind of analysis. Even though it could be shown that the investment in preschool education paid larger dividends for a longer future, our feeling toward the generation to which we owe our own existence and education cannot be fed into this kind of calculation.

The hard choices, in the end, are bound to depend on some combination of values and instincts—and, indeed, it is precisely because the content of choice cannot be reduced to a mathematical equation that we need the political forum to reach the final, most difficult decisions.

To recognize this, however, reinforces the importance of being as honest and explicit as possible in articulating and non-measurable considerations that transcend the limits of objective analysis. Only if these considerations that transcend the limits of objective analysis. Only if these considerations are exposed to full view can we bring those whose expectations have to be deferred—or overruled—to accept the legitimacy of the process by which this was done. Only thus can we hope to reconcile the loser to losing and encourage the impatient to wait.

Without this sort of open discussion of the hard choices we must continually make, the gap between public expectations and government performance will keep growing, and the erosion of confidence in government's ability to bring about desirable change will continue. Americans have never been particularly trusting of government; but still, something is much amiss when surveys show a continuing decline in the percentage of adults expressing a degree of trust in their government.

We in government must take a leading role in any effort to restore confidence in government. As a start, I believe we must go to whatever lengths are necessary to explain to the American public the necessity for making hard choices among priorities. We must make clear the true cost of worthwhile programs, whoever their sponsor may be. If we do this, we may finally put to rest the simplistic shibboleth that all we need do to create Utopia here and now is to "reorder our priorities."

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JORDAN of Idaho. I yield.

Mr. STENNIS. Mr. President, I commend the Senator from Idaho for his remarks. I am very proud that he has had Secretary Richardson's paper printed in the RECORD. I have not read all of it. However, the part that I did read was very stimulating and very helpful.

Mr. JORDAN of Idaho. I thank the distinguished chairman of the Armed Services Committee than whom there is no better expert in matters relating to national defense.

NECESSITY FOR CONSTITUTIONAL AMENDMENT ON SCHOOL BUSING

Mr. STENNIS. Mr. President, my opposition to the mandatory busing of schoolchildren and the resultant destruction of negihborhood schools is well known.

I have been a part of this fight from the beginning and have reached the conclusion that by far the most effective manner in which true relief can be obtained is by a meaningful constitutional amendment. Such a procedure will give the best opportunity to the people of this Nation to settle the problem of busing once and for all and to preserve the neighborhood school concept while still not interfering with the orderly desegregation of the public schools. Such a constitutional amendment will provide a uniform rule applicable all over the Nation and not just to one section thereof. People from a number of States, including Michigan, California, Colorado, and others, have shown their great concern about this matter and their opposition to forced busing to achieve some racial balance.

As all know, the concept of busing has now been applied across district lines so as to compel the merging of districts. I have in mind the Richmond and Henrico and Chesterfield Counties case recently decided by a district court. This shows the extremes to which some Federal courts will go to force integration down the throats of objecting citizens, and the apparent lack of concern of these courts for the preservation of some measure of quality education for our children.

The logical extension of the Richmond case, which requires a merger of one city and two counties and the busing of students from one to the other, could mean the merger of Harlem in New York City with Westchester County and others, the merger of the city of Philadelphia with Bucks County and others, and the merger of the city of Pittsburgh with Clarion County and others, with the requirement for massive busing back and forth.

This busing question is already an issue in the political campaigns this year. I would hope that every candidate for President, for the Senate, and for the House of Representatives will take a positive and unequivocal stand on it.

The President has a great opportunity to furnish positive leadership by proposing a meaningful constitutional amendment. I know that the busing question will be an issue in this year's presidential campaign. It already is. It should be so that the people can pass on it. This problem can only be solved by the people themselves. The President indicated in the 1968 campaign that he supported the neighborhood school concept and opposed busing for the purpose of bringing about racial balance. I have no reason to believe he has changed his view. In fact, he reaffirmed his position in his news conference last week, and I am sure he means what he said.

As I have said, the busing question will undoubtedly be an issue in this year's presidential campaign. It can only be defused by the adoption of an appropriate constitutional amendment. I believe that if the President will recommend a meaningful amendment, it would be a master stroke of leadership for the Nation and statesmanship of the highest degree. I think given the temper of the people and the Congress today the result would be some solid action and constitutional movement in this area.

In closing, Mr. President, I say again that I hope the President will recommend to the Congress and actively support such a constitutional amendment and that Congress will immediately start serious consideration thereof.

PRESIDENT'S ASSISTANCE AGAINST FORCED BUSING WELCOMED

Mr. ALLEN. Mr. President, I commend the President for his oft-repeated statement that he opposes the forced busing of public schoolchildren for the purpose of achieving a racial balance in the public schools of this country.

I ask unanimous consent that an article entitled, "President to Weigh Busing," written by Carroll Kilpatrick, and published in the Washington Post of today, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENT TO WEIGH BUSING—AMENDMENT COULD SHAPE 1972 CAMPAIGN

(By Carroll Kilpatrick)

President Nixon will meet today with seven congressional sponsors of an antibusing amendment to the Constitution, in what could be one of the most critical legislative and political meetings of the year.

If the President throws his weight behind such an amendment, the debate that follows could become the most heated in this session of Congress and dominate the year's presidential campaign.

Some congressional experts believe that if the President endorses a specific constitutional amendment, it would quickly move toward the necessary two-thirds vote in the House and Senate and be submitted to the states for ratification before the presidential nominating conventions.

Others believe that liberal opposition to an amendment—there are 28 pending in Congress—could narrowly prevent its submission to the states, where, by nearly all accounts, anti-busing sentiment is growing.

Mr. Nixon returned to the White House last night from Key Biscayne, Fla., where he conferred over the weekend on the subject with Secretary of the Treasury John B. Connally and John D. Ehrlichman, head of the Domestic Council.

The President also worked over the weekend to prepare for his journey to China, which begins with a 10 a.m. departure Thursday from Andrews Air Force Base.

By way of continuing that preparation, Mr. Nixon will meet this afternoon with Andre Malraux, former French Minister of Culture, a long-time student of China who knows most of the Chinese Communist leaders. Malraux arrived in Washington yesterday afternoon.

Tonight the President will give a small dinner for Malraux.

At his news conference Thursday, Mr. Nixon said he had discussed China with Malraux in Paris in 1969 while visiting President Charles de Gaulle and that he had read Malraux's autobiographical "Antimemories," which contains many references to China and its leaders.

At the meeting in Paris with de Gaulle and Malraux, the President is believed to have had one of his first official discussions of his ambition to improve Sino-American relations and to have sent an exploratory message through de Gaulle to the Chinese leaders.

At the Thursday news conference, the President also reiterated his opposition to busing as a means of achieving racial balance in the schools. He said he planned a meeting with congressional opponents of busing for today and would disclose his position on the legal and constitutional issues afterwards.

Ehrlichman was charged with setting up the meeting with the congressional sponsors of the amendment. One of them, Rep. Tom Steed (D-Okla.) said Saturday that "there is a great deal of concern" at the White House about the problem, the Associated Press reported.

Steed said White House aides had asked him a lot of questions about his amendment "and asked me if I talked to the President about it. They said he wants to be briefed on why we are doing it and what we think it will accomplish."

Whether the President endorses it or not, Steed said, the House will be forced to make a decision on it this year.

"The voters are going to make us face it," the Oklahoma Democrat said. "They are not going to let anybody come back here who hasn't been smoked out on this issue. There are too many mamas and papas for a member to duck and dodge any longer."

Steed's amendment says that "no public school student shall, because of his race, creed, or color, be assigned or required to attend a particular school."

Scheduled to attend today's meeting with the President, in addition to steed, are Sens. Robert P. Griffin (R-Mich.), Howard H. Baker Jr. (R-Tenn.), William E. Brock (R-Tenn.), Harry F. Byrd (Ind.-Va.), and Reps. Norman F. Lent (R-N.Y.), and Thomas N. Downing (D-Va.).

Mr. ALLEN. Mr. President, in the article it is pointed out that the President is considering advocating a constitutional amendment for the purpose of forbidding forced busing for the purpose of creating a racial balance in our schools. Those of us who have been fighting forced busing for years—and certainly that includes the distinguished Senator from Mississippi (Mr. STENNIS), who has just spoken, and many others in and out of the Senate—welcome the President's assistance.

One of the first bills introduced by the junior Senator from Alabama would have ended this practice of forced busing for the purpose of creating racial balance. Forced busing is destroying our public schools, causing loss of public support and making it well nigh impossible for our children, black or white, to receive a good education.

The President's attitude is a good straw in the wind, for he would not take this position unless he felt it had strong support throughout the Nation.

A constitutional amendment will require a two-thirds vote of both houses and ratification by 38 States. This effort, if successful, will probably take about 2 years.

I do not think we should take the position, "Well, we are going to submit a constitutional amendment," and allow that to be our only effort to put an end to massive forced busing of our schoolchildren. In the meantime I would like to see activity by our National Government and our national administration on three fronts: Passage of a statute outlawing busing, and amendments will be offered to the Higher Education Act when it comes up later this month or early next month that would seek to handle this matter by statute. It is my opinion that a statute properly worded would meet the requirements of the Supreme Court and that it would not be stricken down.

Then, we need action by HEW stopping busing plans. This is affirmative action that could be taken by the administration now without waiting for the adoption of a constitutional amendment. I would seriously and urgently recommend to the President that he have HEW stop recommending plans requiring massive busing of our schoolchildren.

Then, too, there is nothing to prevent the Attorney General from intervening in any case pending in any Federal court where the United States or any of its agencies or any constitutional question regarding our schools is involved.

So it would be possible for the Attorney General to intervene in some of these cases that have required massive busing and it is to be hoped this action will be taken.

Then, I would like to see a changed attitude on the part of the Federal judiciary all the way up to the Supreme Court. My concern will continue to be that every child in Alabama and the Nation has an opportunity to obtain a good education.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "School Changes Are Late" by William Raspberry, published in the Washington Post on January 26, 1972, and an article entitled "This 'Humiliating' Business of Busing Children" by James J. Kilpatrick, published in the Sunday Star on February 13, 1972.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 1972]

SCHOOL CHANGES ARE LATE

(By William Raspberry)

America can never seem to figure out what to do about its poor and its black citizens.

It forces them into concentrations, whether through economics, commercial manipulation or outright segregation. And then it announces that it would be possible to deal with their problems if only the people weren't so concentrated.

Even when some reasonably logical solution does suggest itself, it is almost an article of American faith that no attempt will be made to implement it until it is too late for it to be effective.

We try scattered-site public housing (or cash housing subsidies) as an alternative to public housing concentration camps, but only after the problem has grown so large that there aren't enough sites left in which to scatter the poor.

We decide to move against crime and narcotics in the ghettos only after they have become virtually intractable (and after they have become a problem for the nonblack and nonpoor).

And particularly have we moved too late in public education.

When some basic education would have been a desirable thing for blacks, white Americans made it illegal to teach blacks to read and write.

When blacks would have been ecstatic over really good segregated schools, they got schools that were separate but awful.

Local authorities are now willing to desegregate their schools, but only after the courts have said desegregation isn't enough: You have to integrate.

Always one step behind. It would be almost laughable except for the fact that the problems keep growing worse. Remedies that would have worked a few years ago become inadequate when they are applied too late. And we've finally reached the point where no one, white or black, has any clear idea of what will work now.

Virtually no one wants busing on the level it would take to integrate the schools in most metropolitan areas.

I, for one, would be willing to take one step backward, to honest desegregation. That is, let us move forthrightly against any attempt at official discrimination. But at the same time, let us end the humiliation of chasing after rich white children.

And it is humiliating. For one thing it says to black children that there is something inherently wrong with them, something that can be cured only by the presence of white children. Some of us don't believe that.

Some of us believe that given adequate resources, financial and otherwise, black children can learn, no matter what color their seatmates happen to be.

We started off chasing after white people because that was (we thought) the sure way to get the resources we needed. Now some of us are continuing the chase although we've forgotten why it started.

As provocative as Judge Merhidge's Richmond decree was, I would have preferred a ruling that said not that pupils must be bused without regard to city boundary lines but that school money and resources must no longer stop at those boundaries.

It may still come to that. If the current trend continues, there will likely be an end to property taxes as the chief means of financing schools. And one result will be that all schools within a state will be on equal footing no, matter whether they are in rich neighborhoods or poor.

When the white and the rich discover that they cannot finance good pubic schools for their own children and lousy ones for the rest, we will see the beginning of equality in public education or we will see the end of public education.

[From the Sunday Star, Feb. 13, 1972]

THIS HUMILIATING BUSINESS OF BUSING CHILDREN

(By James J. Kilpatrick)

This miserable business of "busing," with all its implications and consequences, may yet tear this country apart more savagely than the issue of Vietnam. From California to Michigan to Pennsylvania to Florida, wherever a wandering newsman goes, the bitter question constantly comes up: What about busing?

Resentment is greatest in the South, which ironically has tried the hardest and shown the most progress in achieving desegregation of its public schools, but Southern anger is merely the tip of the iceberg. The presidential aspirant who fails to recognize this hazard is likely to wind up shipwrecked.

Opposition to busing is massive, passionate, and widespread.

No other issue touches so many American families so close to the heart. Vietnam, the Mideast, the future of Formosa—these are problems far from home. Welfare reform, deficit finance, revenue sharing—these are specialized concerns. Even unemployment and the high cost of living, which had promised to be the universal springs of discontent, have come to be afflictions a man learns to live with. But when a child is shipped off to a distant school, solely because of his race, suddenly nothing else matters.

Black spokesmen, no less than white, resent the process. William Raspberry, brilliant young columnist for the Washington Post, commented the other day that "virtually no one wants busing on the level it would take to integrate the schools in most metropolitan areas." He continued:

"I, for one, would be willing to take one step backward, to honest desegregation. That is, let us move forthrightly against any attempt at official discrimination. But at the time, let us end the humiliation of chasing after rich white children.

"And it is humiliating. For one thing, it says to black children that there is something inherently wrong with them, something that can be cured only by the presence of white children. Some of us don't believe that. Some of us believe that given adequate resources, financial and otherwise, black children can learn, no matter what color their seatmates happen to be."

My own impression, for whatever it may be worth, is that the American people, both North and South, have come to accept this constitutional principle that was fashioned nearly 18 years ago in *Brown* v. *Board of Education*. I will go to my grave still convinced that *Brown* was bad law—a wilful perversion of the clear meaning and intention of the Fourteenth Amendment—but the principle no longer is challenged. That principle, quite simply, is that the states cannot engage in discrimination by race.

The vice in these busing orders is that they trample upon the very principle that *Brown* sought to establish. White children are shipped here, and black children are shipped there and out on the West Coast yellow children are shipped somewhere else, and these brutal orders are imposed not for "quality education"—that is the flimsiest smokescreen; they are imposed to achieve "racial balance," which is to say, they are imposed solely because of the color of the children's skin. Local school boards thus are compelled to do precisely what the Supreme Court in *Brown* said they could not do: They

> are compelled to assign children to schools by reason of their race.
>
> The Supreme Court can, if it chooses, take appropriate action to stop this folly in its tracks. It would be quite in character for the Court to say here, as it has said in other areas of the law, that its opinions have been misapplied—that "equal protection of the laws" does not demand "racial balance." If the Court fails to act, outright constitutional amendment will have to be pursued.

Mr. ALLEN. Mr. President, William Raspberry is an able black columnist. He has this to say about the integration of our public schools:

> Virtually no one wants busing on the level it would take to integrate the schools in most metropolitan areas.
>
> I, for one, would be willing to take one step backward, to honest desegregation. That is, let us move forthrightly against any attempt at official discrimination. But at the same time, let us end the humiliation of chasing after rich white children.
>
> And it is humiliating. For one thing it says to black children that there is something inherently wrong with them, something that can be cured only by the presence of white children. Some of us don't believe that.

Parenthetically, I will state that I do not believe that. Quoting again from the column, it is stated:

> Some of us believe that given adequate resources, financial and otherwise, black children can learn, no matter what color their seat mates happen to be.

Mr. President, I commend the article to the attention of Members of the Senate.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid befor the Senate the following communications and letters, which were referred as indicated:

PROPOSED AMENDMENT OF ARMS CONTROL AND DISARMAMENT ACT

A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF FUNDING STATUS OF SCHOOL BREAKFAST PROGRAM AND THE NONFOOD ASSISTANCE PROGRAM

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the funding status of the school breakfast program and the nonfood assistance program (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON SALE OR TRANSFER OF GOVERNMENT-OWNED COMMUNICATIONS FACILITIES IN ALASKA

A letter from the Secretary of Defense, reporting, pursuant to law, that there were no new Alaskan communications disposal actions initiated during calendar year 1971; to the Committee on Armed Services.

REPORT ON REAL AND PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on real and personal property of that Department, as of June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

INDEX ON LEGISLATION ENACTED BY THE GOVERNMENT OF THE RYUKYU ISLANDS

A letter from the Under Secretary of the Army, transmitting, pursuant to law, an index covering legislation enacted by the Government of the Ryukyu Islands, in 1971 (with an accompanying paper); to the Committee on Armed Services.

REPORT ON CAPITAL ASSISTANCE, TECHNICAL STUDIES, AND RELOCATION GRANTS

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on capital assistance, technical studies, and relocation grants, for the period October 15, 1970, through December 31, 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

ASSISTANCE TO URBAN MASS TRANSPORTATION SYSTEMS

A letter from the Secretary of Transportation, reporting that the Department of Transportation is not in a position, at the present time, to recommend a specific increase in the amount of obligational authority available, pursuant to Section 4(c) of the Urban Mass Transportation Act of 1964; to the Committee on Banking, Housing and Urban Affairs.

REPORT UNDER FAIR PACKAGING AND LABELING ACT

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of that Department under the Fair Packaging and Labeling Act, for fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

REPORT OF MARITIME ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration, for fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE PEACE CORPS

A letter from the Director, ACTION, transmitting, pursuant to law, a report of the Peace Corps, for the year 1971 (with an accompanying report); to the Committee on Foreign Relations.

PROPOSED AMENDMENT OF THE ADMINISTRATIVE CONFERENCE ACT

A letter from the Chairman, Administrative Conference of the United States, transmitting a draft of proposed legislation to amend the Administrative Conference Act (with accompanying papers); to the Committee on the Judiciary.

REPORT ON COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Colorado River storage project and participating projects, as corrected (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED ESTABLISHMENT OF THE GOLDEN GATE NATIONAL RECREATION AREA, CALIF.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF NATIONAL PARKS CENTENNIAL COMMISSION

A letter from the Executive Director, National Parks Centennial Commission, transmitting, pursuant to law, a report of that Commission, for calendar year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON PROGRAMS RELATING TO RESEARCH PLANNING AND DELIVERY OF HEALTH SERVICES

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on programs relating to research planning and delivery of health services (with an accompanying report); to the Committee on Labor and Public Welfare.

CHIEF EXAMINER'S INITIAL DECISION ON POSTAL RATE AND FEE INCREASE

A letter from the Chairman, Postal Rate Commission, transmitting, for the information of the Senate, a report entitled "Chief Examiner's Initial Decision on Postal Rate and Fee Increases" (with an accompanying document); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the Territory of Guam; to the Committee on Interior and Insular Affairs:

"RESOLUTION NO. 469

"Relative to commending Jesus Mantanona Duenas and Manuel Tolentino DeGracia, of Talofofo, Guam, for their bravery and intrepidity in apprending Sergeant Shoichi Yokoi, and for their christian forebearance and solicitude in treating their captive so well, neither mistreating nor harming him in any way

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, on the evening of January 24, 1972, two young Guamanians, while hunting in the wilds of Talofofo, Guam, suddenly came upon a strange bearded figure who, when approached, ran at them as if to attack; and

"Whereas, though knowing full well that any such desperate denizen of Guam's wilderness is potentially extremely dangerous, they nevertheless apprehended what turned out to be a Japanese straggler left over from the Second World War without harming him in any way, instead showing kind consideration and solicitude for his well-being; and

"Whereas, since both Mr. DeGracia and Mr. Duenas, as well as members of their families, suffered under an oppressive occupation by the Imperial Japanese forces during the Second World War, their forebearance during the apprehension of the last of such occupiers is doubly commendable, and speaks well of the friendly relations and amity between the people of Guam and the people of Japan; and

"Whereas, in the furor and excitement caused by this fantastic story of a Japanese soldier hiding out in the jungles of Guam for twenty-seven years, the last eight as a solitary, has, naturally enough, concentrated attention on the figure of Sergeant Yokoi, but, in doing so, the Legislature is of the opinion that the remarkable and note-worthy action of Messrs. DeGracia and Duenas in apprehending this most recent straggler of the Emperor has not been properly credited; now therefore be it

"Resolved, that in view of the foregoing, the Eleventh Guam Legislature does hereby on behalf of the people of Guam express to Manuel Tolentino DeGracia and Jesus Mantanona Duenas of the village of Talofofo, Guam, warm commendation for their christian forebearance in apprehending Sergeant Shoichi Yokoi of the Imperial Japanese Army without in any way harming him, their action being proof of the friendly attitude of the people of Guam to their neighbors in Japan; and be it further

"Resolved, that the Governor and department heads are implored to review the personal situation of Mr. Jesus Mantanona Duenas and Mr. Manuel Tolentino DeGracia and in recognition of their exemplary conduct to extend to them all possible benefits under existing government programs; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Mr. Manuel Tolentino DeGracia, to Mr. Jesus Mantanona Duenas, to the Commissioner of Talofofo, to the Honorary Japanese Consul, Guam, to the President of the United States, to the Speaker of the U.S. House of Representatives, to the President of the U.S. Senate, to the Prime Minister of Japan, and to the Governor of Guam.

"Duly and regularly adopted on the 31st day of January, 1972."

A memorial of the Senate of the State of Arizona; to the Committee on the Judiciary:

"S.M. 1004

"A memorial relating to Veterans' Day; urging Congress to enact legislation returning observance of Veterans' Day to November 11

"To the Congress of the United States:

"Your memorialist respectfully represents;

"Whereas, the Congress of the United States in 1968 enacted legislation which changed observance of Veterans' Day from November 11, the date of the armistice ending World War I and the traditional day of observance of that historical event; and

"Whereas, the change of Veterans' Day to the fourth Monday in October for the sole purpose of adding a three-day weekend to the holidays of the year is not a sufficient reason for breaking with tradition, memories, sentiments, and history and the reduction which follows in participation in patriotic ceremonies.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the President and Congress give their most earnest consideration to the prompt enactment of legislation which would result in the return of Veterans' Day to the traditional day of observance, November 11, of each year.

"2. That the Honorable Wesley Bolin, Secretary of State of the State of Arizona, transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION No. 78

"Whereas, the health, safety, welfare and continued prosperity of the people of the State of Hawaii are, for all intents and purposes, wholly dependent upon the free and uninterrupted movement of goods and commodities between Hawaii and the continental United States; and

"Whereas, since the great bulk of this commerce moves by transoceanic shipping, any interruption in the free flow of ocean commerce between Hawaii and the continental United States is of vital concern to the people of the State of Hawaii; and

"Whereas, any interruption of ocean transportation between Hawaii and the continental United States affects our national economy and is extremely damaging to the public health, safety and welfare of the people of the State of Hawaii and of other noncontiguous areas of the United States; and

"Whereas, while the settlement of labor disputes by the collective bargaining process is and remains a deep-rooted public policy of the State of Hawaii, the Taft-Hartley Act and other existing laws, under certain circumstances, do not accommodate and protect the overriding needs of the general public which require the uninterrupted flow of essential goods and commodities; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the President and Congress of the United States be, and are hereby respectfully requested to provide means of insuring the free flow of essential goods and commodities during regional transportation emergencies; and

"Be it further resolved that duly authorized copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to the Congressional delegation of the State of Hawaii."

A memorial of the Senate of the State of Arizona; to the Committee on Veterans Affairs:

"SENATE MEMORIAL 1001

"A memorial urging the Congress of the United States to enact legislation establishing a national cemetery in Arizona

"To the President and the Congress of the United States of America:

"Your memorialist respectfully represents:

"The State of Arizona does not have a National Cemetery within its boundaries.

"Due to the many military installations in Arizona, thousands of military personnel have served here. Many have returned as veterans to reside in the dry, healthful climate Arizona offers.

"A deceased veteran who has expressed a desire to be buried in a National Cemetery must be transported to another state for burial thereby causing great hardship for his survivors.

"Wherefore your memorialist, the Senate of the State of Arizona prays:

"1. That the President and the Congress are requested to give their most earnest consideration to promptly pass legislation providing for the establishment of a National Cemetery in the State of Arizona.

"2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Arizona Congressional delegation."

A resolution adopted by the Town Council of Index, Washington, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Fargo City Commission, Fargo, N. Dak., praying for the enactment of legislation relating to revenue sharing to the Committee on Finance.

A resolution adopted by the county legislature, Monroe County, N.Y., praying for the enactment of H.R. 11473, to amend the Social Security Act to increase temporarily (for all States presently below the maximum) the Federal matching percentages under the cash public assistance and medical assistance programs; to the Committee on Finance.

A resolution adopted by the Convention of the Protestant Episcopal Church of the Diocese of Washington, Washington, D.C., praying for an end to the conflict in Southeast Asia; to the Committee on Foreign Relations.

A resolution adopted by the Commission of the City of Miami, Fla., praying for the enactment of legislation relating full employment; to the Committee on Government Operations.

Resolutions adopted by the Speech Communication Association, New York, N.Y.; relating to publication of the CONGRESSIONAL RECORD; to the Committee on Rules and Administration.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on February 10, 1972, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 197) to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STEVENS:

S. 3161. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

By Mr. ALLOTT:

S. 3162. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. NELSON:

S. 3163. A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives. Referred to the Committee on Labor and Public Welfare.

By Mr. JACKSON:

S. 3164. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study of our Nation's islands including recommendations of islands to be added to the national park, wildlife refuge, and forest systems; to encourage the establishment of State island conservation and recreation programs to add to the land and water conservation fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes. Referred to the Committee on Interior and Insular Affairs; and

S. 3165. A bill entitled "The Educational Quality Act of 1972." Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE:

S. 3166. A bill to amend the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BROOKE:

S. 3167. A bill for the relief of Alphonso Cunningham. Referred to the Committee on the Judiciary.

By Mr. BROOKE (for himself, Mr. BROCK, Mr. CRANSTON, and Mr. ROTH):

S. 3168. A bill to amend section 24 of the Federal Reserve Act to simplify, consolidate, and improve the law relating to the investment in mortgages and residential real estate by national banks. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS (for himself and Mr. CRANSTON):

S. 3169. A bill to amend the Securities and Exchange Act of 1934 to prohibit certain minimum commission rates, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENSON:

S. 3170. A bill for the relief of Jose Villanueva Juachon. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S.J. Res. 203. A joint resolution proposing an amendment to the Constitution of the United States relating to attendance at neighborhood public schools and declaring a right to equal educational opportunity in the public schools. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 3161. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

MARINE MAMMAL PROTECTION ACT OF 1971

Mr. STEVENS. Mr. President, the Senate Commerce Subcommittee on Oceans and Atmosphere will conduct hearings into the need for ocean mammal legislation on February 15, 16, and 23. These hearings, hopefully, will produce legislation that will benefit both ocean mammals and mankind.

So that the Subcommittee on Oceans and Atmosphere may have available recommendations leading to the most effective kind of ocean mammal program, I am today introducing legislation drafted by a group of professional wildlife conservationists and environmentalists who have reviewed S. 3112 and submitted recommendations on it.

On February 2, the distinguished Senator from South Carolina (Mr. HOLLINGS), the chairman of the subcommittee, introduced in the Senate S. 3112 itself. S. 3112 is identical to H.R. 10420, the Marine Mammal Protection Act of 1971, the major House bill. At that time the Senator from South Carolina stated:

> The subject of marine mammal protection is a controversial one and opinions differ significantly. Scientists and experts disagree sharply about the effect or need of this type of legislation. But the increasing level of public attention to this problem has certainly brought home to us in Government the need to act. The subcommittee shall produce legislation on this issue shortly after the completion of our hearings. I cannot at this time project the subcommittee's position, but I feel certain that our legislation will be comprehensive. For that reason, I do not at this time take a position on the bill I introduce today. My purpose is to see that it is considered by the subcommittee along with all of the other bills which have been introduced in the Senate.

This is an accurate and well-put statement of the situation prompting me to introduce this bill today. It is for this reason that I take no position on this bill, but introduce it only to insure that not only the subcommittee members, but the other witnesses and the general public have the full text before them when the hearings begin.

I therefore request that the bill be printed in its entirety in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3161

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress find that—

(1) certain species and populations of marine mammals are, or may be, in danger of disappearance or depletion as a result of man's activities;

(2) immediate action should be taken to protect and manage such species and populations to replenish their numbers to the optimum carrying capacity of the habitat;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to sustain themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and management of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce, and that the protection and management of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the population, as near as possible, at the optimum carrying capacity level.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "depletion" or "depleted" means any case in which a species or population stock has declined to a significant degree over a period of years and, if that decline were to continue, would result in that species or population stock being threatened with extinction and therefore subject to the provisions of the Endangered Species Conservation Act of 1969.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the animal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustained yield" means that number of animals of any species or population that may be taken in a prescribed period or manner after the species or population is determined to be at the optimum carrying capacity of the habitat.

(7) The term "optimum carrying capacity" means the ability of a given habitat to support healthy species or populations without diminishing the ability of the habitat to continue that function.

(8) The term "management" means the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Management includes the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within this term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(9) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or any foreign government.

(10) The term "population stock" or "stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(11) The term "Secretary" means—

(A) the Secretary of Commerce as to all responsibility, authority, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(12) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(13) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(14) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

SEC. 101. (a) Except as provided in sections 103 and 107 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international agreement to which the United States is a party and which was entered into before the effective date of this title;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way

connected with acts prohibited under paragraphs (1) and (2) of this subsection; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammals; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal.

(b) Except pursuant to a permit for scientific research issued under section 103(c), it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted or endangered species or stock; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) (1) "Upon the effective date of this title, no method of commercial fishing shall be employed by anyone subject to U.S. jurisdiction which is not certified by the Secretary as being consistent with eliminating the injury or killing of porpoises or dolphins incident to the capture of the fish. The Secretary shall promulgate and regularly update regulations implementing this subsection, and shall, in cooperation with Federal agencies, undertake to assist in the development of new technological means of capturing fish in such a way as to eliminate injury or death to porpoises or dolphins."

(2) It is unlawful to import into the United States any of the following:

(A) Any marine mammal which was—

(i) taken in violation of this title; or

(ii) taken in another country in violation of the law of that country.

(B) Any marine mammal product if—

(i) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(ii) the sale in commerce of such product in the country of origin of the product is illegal.

(C) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner determined by the Secretary to be injurious to marine mammals, whether or not any such mammals were in fact taken incident to the catching of the fish beginning two years after the effective date of this Act.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any article imported into the United States before the effective date of this title;

(2) in the case of articles to which subsection (b) (3) of this section applies, to articles imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species in population concerned or endangered; or

(3) in the case of articles to which subsection (c) (1) (B) or (c) (2) (B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such articles unlawful.

LIMITATION ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary shall prescribe such limitations with respect to the taking of animals from each species of marine mammal (including limitations on the taking of individuals within populations) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species or populations and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such limitations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken, including but not limited to the effect of such limitations on—

(1) existing and future levels of marine mammal species and populations;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The limitations prescribed under subsection (a) of this section for any species or population of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(d) Limitations prescribed to carry out this section must be made on the record after opportunity for agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe limitations under this section—

(1) a statement of the existing levels of the species and populations of the marine mammal concerned;

(2) a statement of the expected impact of the proposed limitations on such species or populations;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such limitations; and

(4) any studies or recommendations made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such limitations.

(e) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

(f) "Within six months from the date of enactment of this Act and every 12 months thereafter, the Secretary shall report to the public and the Congress on the current status of all marine mammal species and populations subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the establishment or removal of moratoria on taking, to assure the well-being of such marine mammals."

PERMITS

SEC. 103. (a) The Secretary may issue permits which authorize the taking of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population, the Secretary shall first consider whether or not it would be more desirable to transfer a number of animals (but not to exceed the number requested for taking in the application) of that species or population to a location not then inhabited by such species or population but previously inhabited by such species or population.

(c) Any permit issued by the Secretary which authorizes the taking of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking. Any person authorized to take a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d) (1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the taking proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable limitations established under section 102.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2), the Secretary may grant a hearing of record with respect to the application. If granted, such hearing shall be conducted on an expeditious basis.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, views, and arguments may be submitted pursuant to paragraph (2), the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant or party opposed to the permit may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section, or his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e) (1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Any modification, suspension, or revocation of a permit under this subsection shall

take effect without compensable interest at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5).

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) No permit shall be issued pursuant to this section for the taking of any marine mammal during the sixty-day period commencing on the effective date of the initial limitations prescribed pursuant to section 102 with respect to the species or population concerned.

(h) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(i) Consistent with the limitations prescribed pursuant to section 102 and to the requirements of this section, the Secretary may issue general permits for the taking of marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both. The Secretary of the Treasury shall pay to any person who furnishes information which leads to a conviction for violation of this subsection an amount equal to one-half of the fine incurred, but not to exceed $2,500 for each violation.

VESSEL FORFEITURE

SEC. 105. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term "vessel" includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

ENFORCEMENT

SEC. 106. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel or conveyance and to arrest such person;

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e) (1) Whenever any marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 104(a) and (b). All marine mammals or marine mammal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 104 (a) or (b), in lieu of holding any marine mammal or mammal product, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3) (A) Upon the assessment of any penalty pursuant to section 104(a), all marine mammals and marine mammal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 104(b), all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized, in the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product so seized—

(A) a civil penalty is assessed under section 104(a) and no judicial action is commenced to obtain the forfeiture of such mammal or product within 30 days after such assessment, such marine mammal or marine mammal product shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 104(b), such marine mammal or marine mammal product shall immediately be returned to the owner or consignee if the Secretary does not, within 30 days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 104(a).

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal (other than a marine mammal classified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1939) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for susbistence purposes and in accordance with traditional customs,

(2) is not accomplished in a wasteful manner, and

(3) is not done for purposes of direct or indirect commercial sale.

(b) Notwithstanding the provisions of this section, when, within the limits of State jurisdiction as set forth in this Act, the State of Alaska, or outside such limits the Secretary determines it to be in the interests of any species or stock of marine mammal, he may prescribe limitations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo, described in subsection (a) of this section. Such limitations may be established with reference to species or stocks, geographical description of area included, season for taking, or any other basis related to the reason for establishing such limitations and consistent with the purposes of this Act. Such limitations shall be removed as soon as the need for their imposition has disappeared.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, through the Secretary of State, shall—

(1) encourage the entering into of bilateral or multilateral agreements with other nations for the protection and management of Pacific ocean and land regions which are of special significance to the well-being and stability of marine mammals;

(2) encourage the amendment of any existing international treaty for the protection of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this title;

(3) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, and included in the business

of that meeting shall be (A) the signing of a binding international convention for the protection and management of marine mammals, and (B) the implementation of paragraph (2) of this section; and

(4) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

COOPERATION WITH STATES

SEC. 109. (a) The Secretary is authorized and directed to review from time to time the laws and regulations of States relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of a State. With respect to those States concerning which the Secretary is satisfied, as a result of such review, that State laws and regulations are consistent with the policies and purposes of this Act, the provisions of this Act relating to such marine mammals, except the provisions of this section, section 107 and section 110, shall not apply.

(b) The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this Act. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of particular program development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including but not limited to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this Act. The Secretary may also, as a condition of any such grant, provide that state agencies report at regular intervals on the status of species and populations which are the subject of such grants.

(c) The Secretary is authorized and directed to enter into cooperative agreements with the appropriate officials of any State for the protection and management of marine mammals; except that any such arrangement must be consistent with the purposes and policies of this title.

(d) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and management of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section.

REGULATIONS AND ADMINISTRATION

SEC. 111. (a) The Secretary, in consultation with any other Federal and state agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest and in a manner consistent with the purposes and policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 112. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty or convention which may otherwise apply to the taking of marine mammals.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 113. (a) There are authorized to be appropriated the sum of $1,500,000 for each of the five fiscal years following the date of enactment of this Act to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated the sum of $700,000 for the fiscal year following the date of enactment of this Act and the sum of $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and conservation and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate of GS-18 of the Geneneral Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 573 of title 5, United States Code, for persons in Government service employed intermittently.

(3) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a complete review of the population dynamics of all marine mammals;

(2) not later than two years and six months after this Act goes into effect, report to the President and the Congress on its findings as to the population dynamics of marine mammals and make such recommendations as it deems wise as to the policies that should be pursued by the Government.

(3) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the conservation of marine mammals;

(4) recommend to the Secretary such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(b) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) Members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, an on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than three-fourths of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a)(2) and (3).

By Mr. ALLOTT:

S. 3162. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ALLOTT. Mr. President, I send to the desk a bill to restore American citizens the right to hold gold.

I am not encouraging people to buy gold. Nor am I discouraging them. My purpose is to enable them to do so if they want to. The most important point here, and a point that is sufficient to justify this measure, is a simple libertarian principle: Unnecessary Government restrictions of rights are to be deplored.

Congressman PHILIP CRANE, of Illinois, has introduced a bill identical to this in the House of Representatives. This bill has attracted favorable comment and significant support. I would like to call special attention to a column by Prof. Milton Friedman. I ask unanimous consent to have this column printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Aug. 16, 1971]

MILTON FRIEDMAN ON GOLD

The West Coast Commodity Exchange recently initiated public trading in gold futures. The Exchange thought it had found a loophole in the Treasury Regulations issued under the Gold Reserve Act of 1934, which prohibits U.S. residents from owning, buying or selling gold except for industrial and numismatic purposes. The Treasury objected and after a few days the Exchange suspended trading. The matter will now be decided in the courts.

There never was, and there is not now, any valid reason to prohibit individuals from owning, buying or selling gold. Individuals should have the same right to trade in gold as they have to trade in silver, copper, aluminum or other commodities.

MISGUIDED LEGISLATION

It is widely believed that the prohibition had a valid monetary justification when it was first imposed. That is false. When President Roosevelt severed the link between the dollar and gold on March 6, 1933, the U.S. gold stock was higher relative to the total quantity of money than at any time since the Federal Reserve System was established in 1914. There was no major run on gold in 1933, separate from the run on banks which led holders of deposits to try to convert them into currency, including gold coin and gold certificates. FDR severed the link between the dollar and gold and then deliberately raised the price of gold—first in 1933 by manipulating the market and then in early 1934 by fixing the price at $35 an ounce under the Gold Reserve Act of 1934—in order to devalue the dollar relative to other currencies, and thereby raise the dollar prices of farm products and other internationally traded goods. He did not raise the price to protect a dwindling official stock of gold or in order to permit monetary expansion. The rise in the price of gold produced a flood of gold into the U.S. The U.S. gold stock more than tripled from 1934 to 1940.

Why then did President Roosevelt forbid the private ownership of gold and require all holders of gold to deliver their holdings to the government? This "nationalization" of gold was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above this sum.

This was an act of expropriation of private property in no way different in principle from Castro's nationalization of U.S.-owned factories and other properties without compensation or from Allende's nationalization of U.S.-owned copper mines in Chile at a price well below market value. As a nation, we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the U.S.

Of course holders of gold resisted the expropriation. Those who held gold certificates were helpless, since the Treasury would no longer honor them. But those who held coin were in a different position. Of the gold coin estimated to be held by the public in February 1933 ($571 million), only half was ever turned in—and much of this was probably turned in by commercial banks whose holdings were a matter of official record.[1]

END THE PROHIBITION

Whatever arguments there might once have been for prohibiting the private ownership of gold, there are none today. The reduction in the monetary role of gold that President Roosevelt began has now been completed. Gold-reserve requirements for Federal Reserve notes and deposits have been abolished. The attempt to maintain the world market price of gold at $35 an ounce has been abandoned. There is a free market in London on which the price is currently more than $40 an ounce. The official price is wholly symbolic, and so is the monetary role of gold.

Congressman Philip Crane has introduced a bill repealing the prohibition on the ownership, purchase, or sale of gold by private individuals. That bill should be passed promptly. Let us end once and for all an utterly unnecessary and shameful, if niggling, restriction on individual freedom.

Mr. ALLOTT. Mr. President, I would like to point out two things about this column.

It was published in the issue of Newsweek dated August 16, 1971. It was written before the President's announcements of last August 15. Clearly Professor Friedman's argument, and the case for this bill, is strengthened as a result of the President's decision to officially "close the gold window."

In addition, When Professor Friedman wrote this column he noted that the price of gold on the free market had risen to over $40 per ounce. It is significant that, as I have already mentioned, recently the free market price of gold topped $50.

To my mind, there never has been any valid reason for denying individuals the right to own gold. There never has been a valid reason for treating gold any differently from peanut butter in this regard. And today the pointlessness of this ban on private ownership is particularly obvious.

On that day in 1934 when President Franklin Roosevelt ordered all Americans holding gold to turn it in to the Treasury, he allowed that reimbursement be paid at $20.67 per ounce. This in spite of the fact that the free market price of gold was well above that level. Frankly, that was expropriation of private property. It was no different in kind than that carried out against American property by the Governments of Castro's Cuba or Allende's Chile.

Franklin Roosevelt imposed this ban for one and only one purpose. He wanted to devalue the dollar; he wanted to do this by raising the price of gold; and he wanted to prevent persons holding gold from profiting from this move.

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[1] To maintain the fiction that the law had been obeyed, the official statistics were "revised" to exclude the $287 million not turned in, on the ground that this amount must have been lost, destroyed, exported without record or held in numismatic collections. In its official statistics, the Federal Reserve System went so far as to subtract this amount from its estimates of the quantity of money all the way back to 1914. This revision cannot be justified. It can be demonstrated conclusively that the maximum error on this score was trivial. Accordingly, in estimates of the U.S. money stock made by Anna J. Schwartz and myself, we have eliminated the spurious revision.

Now I, for one, can see no earthly reason why people should not have been permitted to make a profit. And I certainly regret the fact that Roosevelt went so far as to, in effect, nationalize gold.

Admittedly, some of those holding gold in 1934 were speculating. But since when is speculating a crime? More to the point, since when is speculation necessarily antisocial? I think speculation against the value of the dollar by Americans holding gold back would be a public service. If Americans bought gold to speculate with, it would work like this. They would decide that the value of the dollar was declining; thus official devaluation might be coming; thus the dollar price of gold would be going up. But such speculation, aside from being a right of all free men, is also an early warning system for the economy. Such speculation gives us what governments often will not give us—that is, it gives us an objective reading of public confidence in the strength of the dollar. And we would remember that the strength of the dollar is no more than the strength of the economy.

That is why I want to restore the right to own gold.

Anyway, this is a right which is effectively denied only to the common man. The rich can afford to assert this right against the law, and they are doing so constantly. Many hold gold overseas in numbered Swiss bank accounts. Others hoard it here at home illegally. The point is that those who can afford to travel can and do get around the prohibition against private ownership of gold. For example, many Americans are going to Mexican and Canadian banks, paying for gold with certified checks, and keeping the gold in safe deposit boxes in the countries in which they buy it. Thus the effect of the rule against owning gold falls unevenly—indeed exclusively—on those who lack substantial means.

Frankly, I do not know what the immediate consequences of passage of this bill would be in terms of gold purchases. I am confident that the consequences could not be bad. They might be very good for the mining industry, and for the Nation. But I am sure of one other thing: We do not need to look for excuses to restore a right to the American people.

The U.S. Government, operating under both parties, has not yet devised a method of curbing inflation. Moreover, it is very clear, to me, at least, that the spending of the Federal Government is the main cause of inflation. Private ownership of gold would be one way the common man could hedge against inflation. The Government has no right to deny citizens the ability to hold gold to protect themselves against an inflation which governments start, and which governments cannot cure.

Gold is a good investment. It has a 5,000-year history of universal acceptance as a medium of exchange—which is a lot longer, and better record than the battered American dollar. I do not think many people will want to avail themselves of the option of holding gold as a hedge against inflation. This is additional assurance that the bill I am proposing would not cause a cataclysmic upheaval in the gold markets of the world. But there is a good chance that it would be a salutary stimulus to the mining industry.

In 1971, supplies of newly mined gold went down and demand went up. Primary gold produced in the United States supplied less than 25 percent of the U.S. consumption; the remainder was supplied by imports.

Domestic gold production dropped in 1971, mainly because of the copper strike, which lowered byproduct gold output. An estimated 1.5 million ounces was mined compared with 1.74 million ounces in 1970. Net imports of gold, mostly for industrial use, rose somewhat and totaled about 6 million ounces in 1971 compared with 5.6 mililon ounces in 1970.

Consumption apparently was higher in 1971 and was estimated at 6.5 million ounces, or nearly 10 percent more than in 1970, based on data for the first half. Increased use in jewelry, arts, and dentistry contributed to the rise, while use in industrial, space, and defense products declined.

Speculative interests in gold have been strong in recent months, as evidenced by the swing in free market price from a 1971 low of $37.85 an ounce in January 1971 to around $40 in June and on to the recent high of now $50.

With world supply and demand for new gold believed to be nearly in balance, forthcoming monetary decisions would appear to exert much influence over speculative price swings.

But the bill I am proposing can at least make possible a more steady source of support for domestic gold mining.

I understand that there will be some opposition to this measure. But two things are clear.

First, there will be no opposition coming from the American people themselves. Those citizens who want to exercise the right to hold gold will thank us for restoring this right to them. Those who are not interested in exercising this right at the moment will have no reason to object to people exercising it.

Second, those who wish to oppose it should be prepared to explain why they do so, and why these reasons, whatever they are, are so compelling as to override the libertarian position I have mentioned. More precisely, those who oppose this bill on the ground that its passage would interfere with whatever international monetary system they prefer, should be prepared to answer at least four questions, including:

First. Why, is their international monetary system preferable if it requires unusual restraints only upon American citizens?

Second. How do they know that the exercise of the right restored by this bill will be on a scale and in a direction such as to have whatever undesirable consequences they claim to be able to foresee?

Third. Presumably if Americans exercise this right on a large scale, this behavior will tell us something. Is it not possible that it will tell us something we need to know?

Fourth. Is it not time we discarded an outmoded practice which is not only a general excision from the liberty of Americans, but which is also a direct disadvantage to a vital industry, the American mining industry?

Mr. President, since announcing my intention to introduce this bill I have received a surprising and gratifying number of supporting communications, from Colorado and elsewhere. I am convinced that there is significant interest in this measure. I hope it will receive prompt and favorable attention by the Congress.

By Mr. NELSON:

S. 3163. A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives. Referred to the Committee on Labor and Public Welfare.

FOOD PROTECTION ACT OF 1972

Mr. NELSON. Mr. President, people are finally waking up to the fact that the average American daily diet is substantially adulterated with unnecessary and poisonous chemicals and frequently filled with neutral, nonnutritious substances. We are being chemically medicated against our will and cheated of food value by low nutrition foods. It is time to take a careful look at the prolific use of additives permeating our food.

The purpose of this bill, the Food Protection Act of 1972, is to prohibit the use of additives unless they are adequately proven to be safe, effective and to have a demonstrable benefit.

The bill would broaden the authority of the Food and Drug Administration over the regulation of food additives, in the areas of testing, factory inspection, and registration of producers. It would authorize third-party testing of all additives instead of requiring FDA to rely upon the tests of the producer.

It would require the Federal Government to set nutritional standards for food.

The goal of the legislation is to eliminate the use of unsafe, untested and unnecessary chemicals in the food supply.

The provisions in the bill, requiring proof of "necessity" as well as safety and effectiveness for approval of additives, are based on the recommendations of the 1970 White House Conference on Food, Nutrition, and Health. The conference report states:

> INTRODUCTION OF NEW CHEMICALS
>
> The ever-widening technological revolution has tremendously increased the number of new chemical materials offered for use in the food industry. Thus, it is advisable to develop guidelines for the determination of the acceptability of new chemicals for food use. These guidelines should be based on the concept that new additions to the chemical components of our food supply should have important reasons for their use.
>
> Recommendation: In view of the fact that it is not possible to determine with absolute certainty the safety of the ever-increasing number of chemicals added to or present in our foods, and taking into account the possible interaction of these chemicals with each other or natural food constituents, no additional chemicals should be permitted in or on foods unless:
>
> They have been shown with reasonable cer-

> tainty to be safe on the basis of the best scientific procedures available for the evaluation of safety and meet one or more of the following criteria:
>
> 1. They have been shown by appropriate test to be significantly less toxic than food additives currently employed for the same purpose.
> 2. They significantly improve the quality or acceptability of the food.
> 3. Their use results in a significant increase in the food supply.
> 4. They improve the nutritive value of the food.
> 5. Their use results in a decrease in the cost of food to the consumer.

There are roughly 1,000 chemicals that are used directly in food as food additives. Another 2,000 chemicals infiltrate food through packaging materials or other indirect contacts. The use of chemicals as food additives has more than doubled from an estimated 419 million pounds in 1955 to an estimated 1,060 billion pounds today, according to the industry. The industry says the average American eats five pounds of additives every year. In 1970, the FDA received 476 new applications for food additives. Sixty-two were approved, 148 rejected. In 1971, the FDA received 110 new food additive applications, and approved 51.

These chemicals are used as stabilizers, preservatives, disinfectants, antioxidants, extenders, tenderizers, emulsifiers, growth promoters, bleaches, sweeteners, conditioners, colors, and flavors.

The problem promises to get worse unless curbs are put on the use of food chemicals now.

According to two papers presented at the 161st American Chemical Society meeting in 1971—one by an industry representative and one by a consultant to the industry—the food additives business is expected to boom in the next 10 years. These papers reported that food additive sales at the present time amount to $500 million a year, and that sales are expected to reach $756 million by 1980. The consultant projected the following growth trends in use of food additives by 1980—not necesasrily of new chemicals: flavoring materials, 50 percent growth in use; stabilizers, 50 percent growth; surfactants, 40 percent growth; flavor enhancers or potentiators, 100 percent growth—monosodium glutamate as a flavor enhancer—assidulants, 60 percent growth; synthetic sweeteners and bitter agents, 60 percent growth; antioxidants, 100 percent growth; and preservatives, 67 percent.

The American public at the present time is a testing ground for many of these agents that have not been adequately examined for safety.

The American public is becoming as concerned about the uncontrolled contamination of food as it is about the contamination of the environment.

Judging by the letters that come into my office from all over the country, people are disenchanted and angry about the proliferation of chemicals in the food supply. "Please clean up our food," is the cry.

Public concern is evidenced by the rising interest in organically grown, or health foods. Health food store owners report that every time the FDA issues a warning about a food substance, the health food business booms.

As scientists increasingly discover harmful effects of chemical additives that previously were considered safe, the public loses more and more confidence in the regulatory agency that approves these substances for consumption.

In addition to those deliberately added, there are other chemicals creeping into food from pesticides, herbicides, fertilizers, packaging materials, animal feeds, air and water pollution.

The scientific community is concerned about the long-range, accumulative effects of all these chemicals on the human genetic structure, about the effects on the unborn and about the synergistic effects of chemicals in combination—interactions between chemicals may produce harmful results. For example, many processed meats, such as bologna and sausages, contain the commonly used preservatives, nitrates and nitrites, which produce the red color in the meat. Recent tests show that these additives produce cancer-causing agents—called nitrosamines—when they react with other chemicals in food or in the body.

The list grows daily of chemicals that are discovered to have harmful effects. They include cyclamates, saccharin, monsodium glutamate, bha and bht—antioxidants, restricted in Britain, where they are banned from baby foods—red color No. 2, brominated oils—in fruit and soft drinks—sodium benzoate and benzoic acid—which the State of Wisconsin has banned from many foods sold in the State—diethylstylbestrol—DES—a cancer-causing hormone added to animal feeds. Many of these chemicals have been banned or restricted by other nations, or condemned by the United Nations' World Health Organization and Food and Agriculture Organization—FAO.

Many of them were "generally recognized as safe" under a 1958 amendment to the Food, Drug, and Cosmetics Act, and were included among 600 chemicals on the "gras" list, thus exempt from testing and clearance by the FDA. They include: 30 preservatives; 28 antioxidants to retard the breakdown of fats and oils and keep shortenings from turning rancid; 44 sequestrants to tie up trace elements in foods; 31 stabilizers for uniform texture; 85 surfactants, or wetting agents. Cyclamates have been banned from all foods, MSG has been voluntarily removed from baby foods, saccharin has been removed from the "gras" list and is under study. Nitrates and nitrites are on the "gras" list. These examples point up the loophole created by that section in the law.

The FDA is reviewing the "gras" list and expects to test a number of substances. Most of them still remain in common use, however.

Another bill that I have introduced—S. 76—would eliminate the "gras" list exemption and expand the Delaney amendment to forbid the use of additives that not only are found to cause cancer, but may also cause birth defects, genetic changes and long-range biological problems.

While the scientific evidence mounts against many food chemicals, the food and chemical industry seeks approval for even more additives. The USDA has proposed adding another additive to hot dogs, already full of potentially harmful substances. The color fixative, sodium acid pyrophosphate—SAP—is akin to phosphoric acid—toxic. The USDA says SAP would accelerate development of rosy red color, and thus cut production time by 25 to 40 percent.

CONVENIENCE, PROCESSED FOODS

This brings us to the crux of the situation: economics. The profits of the food industry are being placed above the public health as regards the safety, nutrition and necessity of food additives. Synthetic and convenience foods mean high profits and greater market control for the food industry. Additives mean that foods can be manufactured at low costs, shipped long distances, and remain on shelves longer.

Many processed foods are not "real food" at all, but a combination of chemicals. On an educational television program, it was demonstrated that a commercially marketed frozen lemon cream pie actually was composed of chemicals—no lemon, no cream, no flour.

In 1970, for the first time, Americans spent more money for processed, convenience, snack, and franchised foods than for fresh foods.

This rapid increase in processed and convenience foods has caused the FDA to consider setting standards for nutritional quality of these products, and the FTC to investigate advertising claims of nutrition in synthetic food products.

Additives cut costs to the manufacturer, but not necessarily to the consumer. A package of "instant eggs," with the equivalent of two eggs, costs $.30, compared to an average of $.05 for one real egg. The consumer is paying three times as much per package for powdered eggs than he would pay for two eggs.

The food industry had $139.2 billion in sales in 1971, a 63 percent growth since 1960. It is the Nation's largest and fastest growing business. The managing editor of the trade magazine, Food Engineering, Leonard Trauberman, has said:

> Convenience foods have contributed more than anything else to the growth of the food industry.

In World War II, there were approximately 1,500 items on supermarket shelves. Today, there are approximately 32,000, of which an average supermarket stocks about 7,000 to 8,000. Some 7,000 new products appear on the market every year, and about 5,000 products are dropped.

The trade magazines emphasize convenience foods and new additives which make them possible. Some examples of advertisements read:

> Out of the laboratory comes (a synthetic) dehydrated cheese. (It) gives you real cheddar taste at a greatly reduced unit cost.
>
> Partial or complete replacement of corn grits in direct-expansion snacks is possible with the use of a coarse-form modified starch from (a chemical company).
>
> Any potato product processed with (a chemical company's sodium acid pyrophosphate (SAP) preserves the natural color.
>
> A fabulous new food . . . TVP (textured vegetable protein) . . . could hardly look or taste better . . . or be more economical. It

> is available in granular, chunk, dice, strip and chip forms. It comes unseasoned, or with flavoring of almost any kind—meaty, nutty, tangy, salty, even fruit flavors. Easy to handle and to store and completely controlled in texture, flavor and color, TVP is exceptionally well suited for institutional feeding and restaurants. It's an excellent enrichment for casseroles, snacks, stews, gravies, ground meats and many convenience foods. Find out more about this fabulous new food. . . about the profit-making opportunities it affords.
>
> Our red coloring looks so natural you'd swear it grew on a vine.
>
> Time to increase profits! (A stabilizer) reduces cooling period required before cutting fruit pies.

One trade magazine advertised a seminar thusly:

> Now ingredients and additives suppliers can reduce significantly the risk involved in selling in this vast 5 billion dollar market.

Food additives are big business. The chemical and drug industries have joined the food industry in a food-industrial complex that the FDA is supposed to regulate.

The result is a proliferation of food chemicals that are unnecessary, an unknown number that are unsafe, many of them untested, and most of them poorly monitored, at best.

NECESSITY

A major goal of this bill is to reduce the number of unnecessary chemicals. The bill would require that all additives be proven to be safe, effective for their intended use, and to have a demonstrable benefit or are unavoidable by good manufacturing practices for use under the conditions prescribed. The chemical should serve a socially and economically useful purpose for the general population. If it does not, there is no reason to risk potential hazards without matching benefits. There is no reason to introduce additional chemicals into the food supply when already approved, safe, and effective alternatives are available. One USDA scientist has told me that the 700 flavor chemicals—the largest group of additives—currently approved for use, many without testing, might be reduced to some 30 chemicals, which could produce the same results.

Dr. Jean Mayer of Harvard University, President Nixon's Adviser on Nutrition, has said:

> We can live perfectly well without additives.

Ogden Johnson, head of the FDA's Division of Nutrition, has said:

> If the additive has no definite benefit, why use it at all?

FDA Commissioner Charles Edwards has stated:

> If I am reading consumer complaints correctly, among other things, they are saying that at least for some foods, there must be a positive gain or benefit in the food, or, in the case of food additives, there must be a positive reason for its use.

Commissioner Edwards testified before the House Subcommittee on Intergovernmental Relations of the Government Operations Committee on March 16, 1971:

> It will be recalled that [at the time the Food Additives Amendment was under consideration in 1958] tht FDA was then urging the Congress to provide in the amendment that no additive should be permitted unless it had some "functional value". This would have enabled the agency to exercise a judgment as to whether an additive was useful, as well as safe, before permitting it. The law as worded did not so provide, but instead allowed safe additives that had been shown to accomplish the intended physical or other technical effect. The Congressional committees explained that the usefulness of an additive should be determined in the marketplace and not by FDA.

This bill would correct that loophole, by extending the concept of functional value, or necessity, to food additives. Under present law, only proof of safety is required for food additives.

Testing. The burden of proof that an additive is safe rests largely on industry's word, under present law.

The FDA conducts some tests on food additives, but admits that, because of manpower shortages and fiscal needs, it relies heavily on summary assurances by food and chemical companies that additives are safe, without checking raw test data.

For all intents and purposes, under the present law, the FDA has relinquished the control of food additives to the food and chemical industries.

As Commissioner Edwards described the present law before the House Subcommittee on Intergovernmental Relations March 16, 1971:

> The primary purpose of the food additives amendment (PL 85–929) to the Food, Drug, and Cosmetic Act was to place upon the producers and users of food additives, rather than the government, the burden of proving the safety of all such substances. Prior to enactment of this amendment's . . . it was necessary for the government to prove in court that the substance was poisonous or deleterious.

This bill would enable the FDA to better check the industry's applications for additives before approving the substances for use.

Food and chemical company spokesmen went so far as to state in February 1971:

> It should be clear that industry has the right to make its own decisions on the status of any substance whether or not the FDA has listed it and that it is under no obligation to request the FDA to express an opinion on unlisted materials.

The substance of their view was that industry has the right to add chemicals to food without advising the Government.

Dr. Jack Schubert, professor of radiation health at the University of Pittsburgh, in a speech before the Federal Bar Association's Food and Drug Law Committee November 24, 1969, stated that industry testing "cannot be trusted," because firms "withhold data" and do not look for things they do not want to find. He said that no food additives that do not "have sufficient benefit" should be cleared without testing, and he recommended "that the testing of food additives be done by laboratories set up by the Government but supported by the industry."

The lab tests on which FDA bases approval of additives are conducted by the additive producer or by laboratories that rely on the food or chemical industry for their business.

This bill is designed to correct that conflict of interest. It would expand the FDA's testing authority to require that additives be tested by independent, third-party laboratories. The FDA would assign additives to the labs, and the sponsors of substances to be tested would pay for the testing.

The bill also defines more clearly what is meant by "experts qualified by scientific training and experience," who will conduct testing and upon whose judgment decisions for approval are made. It would require the Secretary of Health, Education, and Welfare to set standards for such experts and to certify them.

This approach would minimize special-interest influence on testing and upgrade the quality of testing, by freeing laboratories of financial dependency on the food and food additive industry. It also would reduce the pressure on Government regulatory agencies to acecpt one-sided testing data.

SUMMARY

In short, the main objective of the legislation is to reduce the use of unnecessary food chemicals, and to insure greater safety through more thorough testing than now exists.

In addition, the bill requires that HEW set standards for nutritional quality of food products. This is already being undertaken by the FDA for processed and convenience foods, such as frozen meals. The FDA also is experimenting with nutritional labeling.

Improving the quality of our food products, however, will not occur through labeling. The problem of safer food must begin at the production stage, not on the supermarket shelves.

If the food industry controls the market, it controls what we eat. Consumers will buy what is on the shelves. The product must be safe from harmful chemicals and nutritious when it reaches the market.

I believe that the number of chemicals used for food processing can be drastically reduced to a few effective substances.

I believe that it is time to find out which of the chemicals we are ingesting daily are safe from toxicity and long-range harmful effects, and how they react with other chemicals affecting the human body. I believe that food can be colored, doctored, flavored, fattened, preserved, stabilized, and spiced with fewer chemicals than are currently in use.

We are what we eat. Our children are what we eat. It is time that we regained some control over what we eat.

Mr. President, I ask unanimous consent that several articles describing the food additives situation be printed at this point in the RECORD.

I also ask unanimous consent that the text and an analysis of the bill be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3163

A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be known as the "Food Protection Act of 1972".

FOOD ADDITIVE TESTING

SEC. 2. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding immediately after section 409 a new section as follows:

"TESTING OF FOOD ADDITIVES

"SEC. 410. (a)(1) The Secretary shall be responsible for all tests or investigations conducted on all new food additives submitted to him for approval under this Act for the purpose of determining whether or not such additives may be used in food, and shall be responsible for having new tests or investigations conducted on additives which have been approved prior to the enactment of this section, in order to determine whether or not approval of such additives should be withdrawn.

"(2) The Secretary, in carrying out the provisions of paragraph (1), shall not conduct tests or investigations, but shall contract with qualified individuals, organizations, or institutions to conduct such tests or investigations.

"(b) Whenever the Secretary receives an application from any person for approval of a new food additive pursuant to this section, he shall, as soon as practicable, provide for the necessary testing or investigation of such food additive.

"(c) It shall be the responsibility of the Secretary to insure that the testing or investigation of such food additive is conducted by experts (certified by the Secretary in accordance with rules and regulations promulgated by him) qualified to investigate and evaluate the safety and effectiveness of food additives. In the preparation of specifications for the conducting of tests or investigations of any food additive under this section, the Secretary shall consider the food in or on which the additive is proposed to be used and shall consider, among other relevant factors, those factors prescribed in section 409(c)(5).

"(d) In any case in which the Secretary determines that a period of more than one year is necessary to develop the necessary data to support or deny approval of any food additive for which approval has been requested, he shall notify the applicant to that effect and indicate the amount of additional time needed for such purpose.

"(e) The sponsor of any food additive submitted to the Secretary for testing and investigation shall, upon request, be provided with the pertinent facts relating to the testing or investigation of the food additive, including the procedures being used in such testing or investigating. If the sponsor objects to the manner, scope, or procedures used by the Secretary in testing, evaluating, or investigating the food additive, or a determination made under subsection (d), he may notify the Secretary of his objections and request a hearing on the record to adjudicate the matter.

"(f) Whenever a food additive has been submitted to the Secretary by a sponsor for approval, the sponsor, at his own expense, shall make available such amount of the food additive and the food in or on which such additive is proposed to be used as the Secretary determines is necessary for adequate testing and investigation.

"(g) The testing or evaulation of any food additive shall be terminated as promptly as practicable by the Secretary upon receipt by him of a written request from the sponsor of such food additive to discontinue such testing or investigation; and the sponsor shall be liable for the payment of all costs attributable to the termination of such testing or investigation.

"(h)(1) The sponsor of any new food additive submitted to the Secretary for testing or investigation under this section shall be liable for the direct costs incurred in carrying out such testing or investigation. The Secretary shall prescribe by regulation the manner in which charges shall be computed for the testing or investigation of any food additive.

"(2) If any amount of the charges for testing or investigating a food additive under this section is unpaid after the due date thereof, as prescribed by regulations, interest shall accrue thereon at the rate of 6 per centum per annum. Past due charges and interest thereon shall be recoverable by civil action brought in the name of the United States in the appropriate district court of the United States.

"(i) In administering the provisions of this section, the Secretary is authorized to utilize the services and facilities of any other agency of the Federal Government and of any institution, organization, or individual in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

"(j) A request by the sponsor of any food additive for termination of the testing or investigation of such food additive at any time prior to one year from the date such food additive was submitted to the Secretary for testing shall constitute sufficient basis for the denial of approval for such food additive.

"(k) Nothing in this section shall be construed as prohibiting the sponsor of any food additive from conducting tests or investigations with such food additive in accordance with other provisions of this Act.

"(l) The results of all tests and investigations conducted under this section with any new food additive shall be made public by the Secretary in accordance with section 552 of title 5, United States Code."

SEC. 3. (a) Section 301 of such Act is amended by adding to the end thereof the following new subsections:

"(q) The introduction or delivery for introduction into interstate commerce of any food additive, color additive, or any food containing a food additive or color additive, which has not been proven to be safe, effective, and necessary in accordance with procedures established and results approved by the Secretary, in the production of food, or unavoidable by good manufacturing practices for use under the conditions prescribed."

(b) Section 409(a) of such Act is amended by renumbering clauses (1) and (2) as (2) and (3), respectively, and inserting a new clause (1) as follows:

"(1) it has been tested or investigated pursuant to section 410 and approved by the Secretary for its intended use;".

(c) Section 409(c)(2) is amended by inserting before the period at the end thereof the following:

", but in any case where testing or investigation is required under section 410 the provisions of that section shall apply".

(d) Section 510(b) of such Act is amended by inserting after the word "drugs" the following "or of a food additive or food additives".

(e) Section 704(a) of such Act is amended by—

(1) inserting in clause (1) after the word "food,", each time it appears therein, the words "food additives".

(2) inserting in the second sentence after the word "which" the first time it appears therein, the following: "food, food additives, or".

SEC. 4. (a) Section 401 of such Act is amended by inserting after the word "container" the first time it appears therein a comma and the following: "and reasonable standards of nutritional value".

(b) Secton 402(c) of such Act is amended by inserting before the period at the end thereof the following: "or which is unnecessary for the maintenance of the nutritional value or preservation of such food".

(c) Section 403(e) of such Act is amended by striking out "and" at the end of clause (1) and striking out the colon preceding the proviso in clause (2) and inserting in lieu thereof the following: "; and (3) an accurate statement of the nutritional value of the contents:".

SECTION-BY-SECTION ANALYSIS OF FOOD ADDITIVES BILL

SEC. 1. Title: The "Food Protection Act of 1972."

SEC. 2. Food additive testing.

Amends Chapter IV of the Food, Drug and Cosmetic Act, giving HEW authority and responsibility for all tests or investigations conducted on all new food additives submitted for approval for use in food. The Secretary shall also be responsible for having new tests conducted on additives that were approved prior to enactment of this bill, to determine whether they should be withdrawn.

The Secretary shall contract with qualified third-party laboratories to conduct such tests.

Such tests shall be conducted by experts certified by the Secretary.

Sponsor of food additives for testing may receive pertinent facts relating to the testing procedure, and, if he objects to the procedures, may request a hearing on the matter.

Sponsor shall provide the necessary material for testing, and shall pay all costs of testing, with charges to be recoverable by civil action if unpaid after the due date.

Secretary may use services and facilities of any other agency in the federal government and of any institution, organization, or individual for testing.

Sponsor may request termination of testing prior to one year from date of application, which request shall constitute sufficient basis for denial of approval of such additive.

Nothing prohibits sponsor of any additive from conducting tests of his own.

The results of tests conducted under this section shall be made public.

SEC. 3. Prohibited acts, registration of producers, factory inspection.

A new section added to Sec. 301 of the Food, Drug and Cosmetic Act prohibits the introduction or delivery for introduction into interstate commerce of any food, food additive or color additive or food containing additives that have not been proven to be safe, effective and necessary in accordance with procedures established and results approved by the Secretary, in the production of food, or unavoidable by good manufacturing practices for use under the conditions prescribed.

Extends of Sec. 704(a) of the Food, Drug and Cosmetic Act to allow any factory, warehouse or establishment in which food additives are manufactured, processed, packed or held to be inspected by HEW employees.

SEC. 4. Nutrition standards.

Nutritional value is added to definitions and standards for food, under Sections 401, 402(c) and 403(e) of the Food, Drug and Cosmetic Act. The Secretary shall set reasonable standards of nutritional value for food.

THE FUTURE OF CHEMICAL ADDITIVES IN FOODS—THE 1970'S—A PERIOD OF CHALLENGE AND CHANGE FOR FOOD ADDITIVES

(By Richard L. Hughes)

The prior speakers at this symposium—Drs. Wodicka, Hall, Blake, and Barnes—have already touched on the major trends which will determine the future of chemical additives in foods. These include changes in consumer life styles and expansion of demand for convenience foods; consumerism and regulatory pressures for increased additive safety and nutritional value; current and anticipated research and product development efforts; and expected additive usage patterns of food processors. All these trends have implications for the potential market for additives, and we shall explore them.

But first, it seems important to define what we mean by the term chemical food additive. For the purposes of this talk only—in contrast to the legal Food & Drug Act definition and to various definitions which apply in other situations—a chemical food additive is here defined as any substance which is not considered to be a natural part of a particular food and which is intentionally added to the food by a processor before it is consumed. The major additives thus covered by this definition include flavorings, stabilizers and thickeners, surfactants, antioxidants, flavor enhancers-potentiators, acidulants, food colors, basic taste chemicals, preservatives, enzymes, and a number of smaller classifications, such as sequestrants. This market-oriented definition is quite broad in that it includes both established GRAS substances and wholly new chemicals used in foods including for our projection some yet undiscovered. It does not, however, cover unintentional additives, such as chemicals which migrate from packaging; basic ingredients, such as sugar and flour; or condiments.

IMPACT OF CHANGES IN FOOD CONSUMPTION PATTERNS ON ADDITIVE USAGE

Changing U.S. economic and demographic factors are having substantial impact on food consumption patterns. Gross National Product (GNP) is projected to grow through 1980 at an average annual rate of 4%, exclusive of inflation. Not only is population expected to grow by more than 1% per year, but the age distribution in the population will change. Nearly 50% of the population will be under 24 years' old in 1980, and those of family-formation age (18–34) will constitute the largest single group of consumers. Moreover, median gross family income and particularly discretionary income are also expected to grow and free funds for purchase of non-essentials.

Total demand for foods should expand, with major growth in products designed for young, imaginative, efficiency-oriented consumers. Increased leisure time (contributed by a shorter work week) should expand the consumption of exotic foods and meals away from home, and the growth in number of working housewives should increase demand for easily prepared and prepared foods. This means greater use of acceptable substitutes for staple items to satisfy basic nutritional and caloric requirements without sacrificing variety and satisfaction.

The food industry is not only growing, but is already changing in response to these social and economic pressures. More attention has been focused in the retail market on new convenience foods which are closer to table readiness than previous products. Even now, we can see a decline in consumption of potatoes and butter as a result of substitution of rice and margarine. (However, there has been growth in use of fabricated potato products.) In addition, the increased consumption of foods in institutions, such as restaurants, schools, hospitals, etc., has caused greater emphasis on reducing their labor costs for food preparation, and thus increased use of prepared foods. Many traditional food products have been modified to support these developments, and in these changes greater use has been made of additives.

A review of any shelf in the supermarket gives ample evidence that most grocery products sold today—with the possible exception of eggs, produce, and fresh meat—contain some intentional chemical additives. The types of additives and their concentrations do vary with the different food products, generally in proportion to the degree of processing involved.

There are many different reasons for using additives, and a single product may use additives for several purposes. The basic functions of additives are to make preparation of a particular product easier either for the processor or the consumer, to keep the particular formulation stable, to extend its shelf life, and/or to improve the product's flavor, texture, nutritional contribution, and/or appearance. Such products are designed to satisfy specific consumer needs.

The trend toward "manufactured"—low-calorie and diet supplement—foods may prove just the first step toward increased additive consumption. Already processed foods, particularly the ready-to-eat foods, provide the largest market for additives. Additives are used to replace the vitamins and minerals lost in processing. They provide flavoring systems to imitate or supplement some of the limited natural flavors. The antioxidants prevent spoilage of fatty foods and salad oil. Preservatives offer protection against mold and bacteria thereby increasing shelf life. Stabilizers and emulsifiers provide the necessary properties for keeping the ingredients in a formula from separating. It is noteworthy that five categories—carbonated beverages, confectionery, processed meats, frozen desserts, and baked goods—account for about one-quarter of the retail dollar spent on foods and about one-half of additive usage.

At the Third International Congress of Food Science and Technology held in Washington, D.C., in August 1970, today's second speaker, Dr. Richard Hall of McCormick & Company, released one of the major conclusions of a survey of the food industry: two thirds of the foods Americans will consume by 1985 are expected to be in forms and derived from sources not familiar to the public today. More table-ready or formulated foods will be used. The success of the new breakfast foods—initially cold cereals and later a range of prefabricated food products such as Carnation Instant Breakfast ®—are significant examples. Further, the growing consumption of such items as the nondairy whipped toppings and creamers, the increasing research on meatless meats, the ready-to-eat single-serving canned puddings, and the packaged pastry items for use in the toaster indicate the potential expansion of demand which can be anticipated for additives. Long-term sales success of an additive depends upon fulfilling a true need in a food product. Additive usage in food formulation today more accurately reflects a critical evaluation of the usefulness of the additive.

It is easy for people to state that these products will not taste as good or will not be as good as mother used to make, but mother doesn't want to spend the time to make the products. This important factor will be the key point seized upon by those firms hoping to take advantage of opportunities in the food additive field.

EFFECT OF CONSUMERISM ON ADDITIVE USAGE

There is a great deal of public confusion about whether chemical additives in foods are good or bad. Some insist that they provide a unique function essential for today's food industry. Others state that certain food chemicals are clearly hazardous to humans, are suspect, or at best are needless additions designed to deceive the food purchaser. Additives do fill necessary functions, but it is possible that use of some compounds should be limited. The questions raised by consumer advocates concerning the long-term safety of all additives are serious and important, and should be explored. These are real needs for additives and critical review if done on a rational basis could provide the springboard for increased use in the future as the doubts are removed. It may be that some additives will be limited or removed particularly if they do not meet the safety/utility review. Such actions we believe will lead to the development of specific additives designed for selective use for which their safety/utility index will allow adequate pricing.

However, consumer action groups' demands for absolute safety in any case are unenforceable. No food manufacturer or supplier which is investing significant funds in the development of a product wants to harm anyone; everyone wants to formulate with safe ingredients. But the fact is nothing is absolutely safe. For example, most of the recent focus on food safety has been directed to chemical additives with the inference not only that chemicals per se are not natural components of foods, but that fresh organically grown raw materials are of their very nature safe. Foods, however, are composed of many different chemical substances, and safety cannot be defined solely in terms of intentional and unintentional additive content. Natural foods in themselves can prove toxic to the consumer. (For example, cases are known of poisoning by lima beans with high glycoside content which yield hydrogen cyanide on digestion.) Also "natural cooking processes" used for generations can become suspect. (Demographic studies of high Scandinavian incidence of stomach cancer indicate to some a tie to consumption of smoked fish.) In fact, over the long term, as public sophistication about nutrition grows, pressures may be exerted for subtraction of undesirable chemicals from "natural" foods and replacement with safer additives.

One of the most distressing aspects of the publicity recently focused on chemical additives has been conviction of guilt by inference. For example, monosodium glutamate has been dropped by baby food manufacturers even though the FDA has stated that it was safe for use. There are, however, signs that the credibility of consumer advocates may diminish as a result of "over-kill", but not rapidly enough to make a difference in the next 10 years. It does appear likely that the number and variety of additives allowed in U.S. foods may be constricted to some degree as a result of "consumerist" pressures. Probably they will not fall to the low levels that prevail in the other industralized countries or the developing nations, which tend to follow the fairly narrow lines of the *Codex Alimentarius* of the United Nations. However, the GRAS concept is not likely to survive another 10 years. On the other hand, while the Delaney Amendment probably will not be repealed or substantially modified, it might well be adjusted in practice through a more realistic interpretation of safety.

What is needed now, and perhaps hopefully will evolve in the next few years, is a reasonable basis for deciding which additives can be used where and at what concentration level. (Of course, while careful testing of a product may indicate long-term safety, special problems can arise which will invalidate earlier findings.) It would seem that a society so sophisticated as that in the United States today should be able to develop a workable, scientifically valid method that would also be capable of re-assuring consumers. At the present time, all we can do is recognize the lack of an accepted standard and to consider its possible future implications.

RESEARCH ON AND DEVELOPMENT OF ADDITIVES

Product safety has special significance for the seller of food additives. Unfavorable FLA findings on the safety of any of its current additives could limit its product line and/or would require funding of additional tests to determine the limits which should be imposed upon that additive. Of even greater impact is the fact that any firm attempting to develop new additives will be forced to do more testing than in the past. When a company develops an additive never used before in human foods, it must petition the FDA for approval. The petition must include extensive evidence of safety from tests with laboratory animals, and increasingly a different type of testing to show the functionality or value of the particular compound. The testing procedures required can become quite extensive and expensive. The total cost of developing a new food additive has been estimated at from $100,000 to $500,000; some say the average cost is at least a quarter of a million dollars.

However, as expensive as this work will be, new additives will be needed for the new food products that the food industry would like to develop. Many in the food industry have a strong desire for new additives to replace present additives with more efficient food chemicals. Today's concern about additive safety is focused more on older GRAS substances than on new food chemicals because the recently introduced additives have been tested and specifically approved by the FDA. Thus there is strong feeling that continuing work will be devoted to developing new additives and that very definite opportunities and needs exist for such additives.

As indicated by the speaker this morning, additives specifically developed for the food market have, however, been few—MSG, citric acid and the cyclamates are the notable exceptions. Most have been simply relatively small secondary applications for industrial chemicals. Nonfood dollars paid for their development. In recent years, more research has been devoted specifically to finding food chemicals. However, the economic slowdown has had an impact on the funding of research in many firms, both within the food industry and among suppliers to the industry, such as those selling additives. Thus reductions in funding of the R&D can be expected to have a negative impact on the development of new products. Further, with increasing publicity concerning the safety of existing additives, much food process or R&D work may be directed to product reformulation for incorporation of "safer" additives or elimination of additives adversely mentioned in the lay press. Such R&D activities naturally would tend to limit the exploration of additives for new products.

ADDITIVE USAGE BY THE FOOD INDUSTRY

The food industry historically has been conservative and slow to change. Most processors equate new additives with change, and any change in an established brand is considered bad. Thus most innovations, particularly in the use of additives, have been stimulated by the suppliers. The lead time before widespread acceptance of a successful new additive can be 10 or so years. New additives are used and evaluated primarily for new products, although some are incorporated in existing products, generally because customary agents are unavailable. Thus, the potential for inclusion of new additives in an established product exists only if the current formulation is no longer possible as a result of Federal restrictions or if one ingredient is no longer available because of raw material shortages.

Moreover, even when developing a new product, the food industry tends to incorporate established additives rather than compound their development problems by working with two variables simultaneously. Thus new food products tend to be built utilizing additives which have achieved Federal approval and about which the food scientists' knowledge and experience are sufficient to avoid problems, particularly with stability and shelf life. The current review of those items considered GRAS in the past would tend to change this overwhelming reliance on old additives by the food industry. However, if the review of the GRAS items does support the safety of a particular compound then I would assume it would be pretty firmly entrenched in future compounding. Obviously, the current GRAS review is important to analyze in considering any opportunities in food addition.

Generally, food processors are also more reluctant to use chemical additives than in the past. But, on the other hand, they feel that they are unable to formulate products to meet the demands of the marketplace without using chemical additives. As a vice president in charge of technology of a leading food manufacturer has stated, it is almost impossible to conceived of meeting the demands of a country like ours without food additives. Therefore, though processors will tend to be more selective in their use of additives—and this is the critical statement—we believe they will continue to use additives at an increasing rate.

In the future, the food industry will seek out food chemical firms which are more knowledgeable of its total needs and which will develop additives specifically for use in foods particularly for well-defined applications. Thus interested suppliers will need to cooperate quite closely with food technologists so they can respond more effectively to food companies' needs. We believe such companies will set up specific activities structured to service the food industry more fully and that these programs will be managed by those knowledgeable of the food industry's needs and problems. This increase in suppliers' investment will be rewarded because successfully developed additives will be able to command premium prices, significant markets, and a long life-span in the marketplace. Food processors will enjoy increased revenue from banded specialized formulated foods and thus be able to pay much higher prices than when commodity goods pricing policies dictate their selection of particular additives.

No one can doubt that the 70's will be a period of change in additive use. While some of the changes may be quite restrictive to some suppliers and food companies, a system could be developed which would enable the use of additives by the food industry and, in turn, by the consumer with confidence. It has been our belief that the food industry's imagination and determination in developing new products will result in greater use of additives in the future, and the opportunity for both new types of additives and traditional food chemicals.

THE OUTLOOK FOR ADDITIVES

We estimate the present level of U.S. usage of chemical additives in foods by manufacturers is about $500 million per year. It is difficult to quantify the pounds of additives this represents because, as you know, many of the materials vary tremendously in pricing per unit. We estimate that this represents slightly above one billion pounds of additives, or roughly five pounds per capita.

As a result of the changes in consumers' shopping patterns, over one half of the foods sold in 1980 are expected to be prepared foods containing additives. Growth in additive usage thus probably will exceed forecasted population growth. We anticipate the per capita consumption of additives to reach six pounds in 1980. The following table presents our estimates of the 1970 sales and 1980 demand for additives (Table I). The projected growth to $756 million in additive sales indicates a very attractive potential market for food chemicals but in selective areas. It is impossible to predict the outcome of any regulatory review and we have assumed that there will be no new major change in the policy of the FDA.

TABLE I.—DEMAND FOR FOOD ADDITIVES, CURRENT AND PROJECTED VALUE

[Dollars in Million]

	1970	1980
Flavorings	$150.0	$225.0
Stabilizers, thickeners	100.0	150.0
Surfactants	50.0	70.0
Antioxidants	22.0	45.0
Flavor enhancers-potentiators	24.0	45.0
Acidulants	30.0	48.0
Food colors	20.0	32.0
Basic taste chemicals	20.0	32.0
Preservatives	15.0	25.0
Enzymes	20.0	25.0
Nutrient supplements	10.0	15.0
Miscellaneous [1]	24.0	44.0
Total	485.0	756.0

[1] Includes sequestrants, leavening agents, sorbitol, yeast foods, dough conditioners and calcium stearate.

Source: Arthur D. Little, Inc. estimates.

We believe major gains will be seen in flavorings ($75), stabilizers ($50), antioxidants ($23), surfactants ($20), flavor enhancers ($21), and acidulants ($18). Then six categories will account for about three-quarters of the gain. Others are basic taste chemicals ($15), coloring ($12), preservatives ($10), enzymes ($5), nutrients ($5), and miscellaneous ($20).

Flavoring materials, the largest additive category in terms of dollar volume, consist of diverse spices, essential oils, synthetic organics in addition to the flavoring systems sold by flavor companies. Our estimates measure flavoring systems. Sales of spices, oleoresins and other natural products such as cocoa and vanilla, etc., represent another $225 million. Although flavoring materials have been traditionally used for centuries, synthetic substances identical with natural flavors and originally developed purely synthetic materials also have important roles. We anticipate that the increasing demands for specific flavoring materials will result in greater production of synthetic replicas of natural flavors (natural supplies are limited) and, thus, a higher growth rate than for natural materials. According to our current understanding of regulatory activities, the safety of natural flavor substances is to be thoroughly reviewed. In some cases purification or production of substitutes for possibly toxic materials may be required. However, it should not be inferred that the fate of all natural flavoring substances is uncertain—the majority will undoubtedly survive any conceivable screening procedure. Total sales volume for flavoring materials is expected to increase by 50% from $150 to $225 million from 1970 to 1980.

Stabilizers and thickeners are used in foods for a number of reasons (bodying agents to prevent separations of oil and solid phases of semi-solid and liquid food, and binders in dry and semi-solid foods), and include natural, chemically purified, and chemically modified gums and polymers. Alginates, carrageenan, CMC (Na), gum arabic, locust bean gum, guar gum, pectin, gelatin, and modified starches amounted to about 300 million pounds in sales volume in 1970. Not including new products, a 50% increase in demand for stabilizers is expected during the next decade with future sales estimated at $150 million. Because of their natural origin, these additives are highly variable in composition; and some present solubility problems. There is no universal stabilizer/thickener, and we believe it represents a promising new product area, particularly in view of recent still minor questions raised about the safety of both natural and synthetic materials, carrageenan, guar, several other gums, and CMC. One potential subject for stabilizer research would be the hydrophilic polymers.

The food-permitted *surfactants* include both natural and synthetic materials. Sales of mono- and diglycerides, distilled monoglycerides, TweenR and SpanR, lecithin, and various specialties sold for food applications in 1970 were about $50 million and we anticipate a 40% growth in demand from 1970 to 1980. Often used in conjunction with stabilizers and thickeners, and commonly used in new developments of specialty foods and nondairy creamers, in addition to widespread use in bread, cakes, ice cream, and shortenings, they have a variety of purposes, a principal one being to lower surface tension and to aid in dispersion of oil droplets and fine particles of solid materials in aqueous or other media. While the safety of SpanR and TweenR has been established by toxicity and feeding tests, questions which might lead to some restriction on their use as well as that of mono- and diglycerides have recently arisen. Lecithin, however, is a natural product isolated from soybeans; so no crisis appears imminent.

Flavor enhancers and potentiators are used to supplement flavoring materials in processed foods and beverages. The major product in use is MSG with a small volume of 5′-nucleotides and maltol sold for certain applications. The safety of MSG has been questioned, and after intensive investigation FDA has stated that it is safe in the common manner of use. Manufacturers of baby foods have made a voluntary decision to discontinue its use in the face of unfavorable publicity. Often because of the variety of products available, other raw materials might be useful in selected protein-rich foods and might find wide acceptance. Perhaps more noteworthy is the need for an enhancer for cereals and other high carbohydrate foods. Unpleasant starchy and sour tastes found in flour, cereal grains, etc., need to be resolved. Malt extracts are no longer satisfactory as a result of a recent change in characteristics. We project sales will nearly double to $45 million over the period 1970 to 1980 and believe new products could represent a substantial volume.

Most *acidulants,* though originally obtained from natural sources, are now also available in synthetic forms. They are used in a variety of applications as flavoring agents, buffers, preservatives, synergists to antioxidants, viscosity modifiers, melting modifiers, and meat curing agents. Sales of common acidulants—citric, phosphoric, fumaric, lactic, adipic, tartaric, and malic acids were about $30 million (well over 100 million pounds) in 1970 and we expect demand for acidulants not including any new products to grow by 60% over the next decade.

Basic taste chemicals consist of synthetic sweeteners and bitter agents. Since cyclamates have been withdrawn, the only major synthetic sweetener on the market is saccharin. Now saccharin is being reviewed. If it is removed from the market food processors will be left without any apparent viable substitute for the near future. The U.S. Department of Agriculture does have under development (in Pasadena) a potential new product, dihydrochalcones, obtained from citrus fruit. One of its forms is said to be seven times as sweet as saccharin and to have no bitter aftertaste. However, this product evidently will require several years' additional safety testing before introduction can be considered. Additionally, G. D. Searle is investigating a new material which is reported to be a very useful sweetening agent without calories. Some preliminary data has been very encouraging concerning its effect in foods and the company is optimistic about obtaining permission to market the compound in the future. Because of the regulatory problems and possible new questions, the $20 million sales volume for basic taste chemicals could drop rapidly. However, we believe the future market will be 60% higher as new products are introduced and questions on existing agents are resolved.

Of the other additive categories, the *antioxidants* are perhaps the most vulnerable to FDA action and also present the largest opportunity for new products. Antioxidants also present sharper focusing on a key question on all additives. Are they necessary? Some contend Good Manufacturing Practices make the use of antioxidants unnecessary and that their presence encourages loose tolerances. Many companies, however, believe they are insurances to prevent deterioration of the product before consumers use it. Perhaps dating of foods will influence the future use of antioxidants and the controversy may stimulate new developments. Currently available ones can only be used in very small amounts because higher levels are toxic and/or contribute objectionable taste. They are also limited in solubility. Better preservatives are constantly needed as well. Nutrient supplements show a mixed picture: increased demand for enrichment, on the one hand, and closer FDA definition of allowable levels, on the other.

In view of the widespread publicity received by some food chemicals in the past two years and considering all that has been written and said, one could well ask if this does not pretty well dispose of the whole future outlook for food chemicals and additives. The answer is "no"'. The ground rules will be changed and both supplier and user will reexamine their criteria for judging the need for using a given ingredient, its real effectiveness and its safety. They will experience the same readjustment now going on in the drug industry to qualify both new and old products with new evidence of safety and effectiveness. The food processor will review his formulations questioning the absolute need for each chemical additive and will use new criteria to prove necessity and utility. As with the reassessment of safety and effectiveness of drugs these procedures may stimulate more basic research on food formulation and food processing with the possibility of contributing a new impetus to marketing.

We believe that a critical review of the rationale for use of food chemicals is not totally a negative venture. The majority of things commonly used over a period of years will undoubtedly survive any reasonable test of safety. The mere process of screening and evaluating will undoubtedly lead to new discoveries and would greatly stimulate research toward procurement of more suitable and effective food chemicals. Past experience suggests that our food and chemical industries will adjust themselves to these problems and will discover new approaches. Additive suppliers and food manufacturers should expect constant public pressures for proof of safety, efficacy, and nutritional value over the next 10 years. However, it can be a decade of opportunity for those suppliers whose research efforts have led to more effective, safer compounds with specific application.

[From Nature, November 28, 1970]

CONTROL OF CHEMICAL POLLUTANTS

(By Samuel S. Epstein)

THE chemical environmental consists of three primary compartments—air, water and soil—in a state of dynamic equilibrium. Although a particular pollutant may be initially distributed chiefly in one primary compartment, general translocation may ensue, especially for persistent pollutants. Food—a secondary compartment—reflects possible contributions from air, water or soil.

Although the word pollutant is often restricted to synthetic industrial chemicals, there is a wide range of other important pollutants; these fit into four broad categories. The first group consists of natural chemicals in excess, and includes nitrates which are normal dietary components. At high concentrations in food or water, nitrates can cause metahemoglobinaemia in infants. Also, nitrites, as reduction products of nitrates, may interact *in vitro or in vivo* with secondary amines to form nitrosamines, some of them carcinogenic, teratogenic and/or mutagenic in microgram doses.[1] Natural fungal or plant toxins in crops comprise the second group, of which aflatoxins and cycasins are notable examples. The yields of these toxins can generally be considerably influenced by technological factors, such as conditions of collection, storage and processing. The third group consists of complex organic and inorganic mixtures, such as air and water pollutants, which comprise a wide range of undefined components. Finally, there is the group of synthetic chemicals—agricultural chemicals, notably pesticides and fertilizers; food additives, intentional, such as antioxidants, or accidental, such as pesticides; fuel additives; household chemicals; industrial chemicals; and in a somewhat specialized class, therapeutic and prophylactic drugs and drugs of abuse

Pollutants can have a wide range of adverse biological effects, generically and collectively termed toxicity. Acute or chronic toxicity *per se* may be expressed in foetal, neonatal, perinatal, childhood or adult life in effects ranging from impairment of health and fitness to mortality. More specific manifestations of chronic toxicity include carcinogenicity, teratogenicity and mutagenicity. The possibility that chronic toxicity is also manifest in immunological impairment or psychological disorders has yet to be explored.

Some pollutants produce any one or more of these types of toxicity, and they or their chemical precursors may also interact *in vitro* and *in vivo* to produce otherwise unanticipated synergistic toxicity.

The need to use many synthetic industrial chemicals makes it essential to recognize and estimate the hazards they pose and their acceptability with regard to the benefits they confer. The cost of one malformed child, based on remedial and custodial care alone and excluding deprivation of earnings, has been estimated recently to be about $250,000.[2] Such costing is clearly impossible for genetic hazards, the scope of the effects of which in future generations cannot be predicted. Hazards from a particular synthetic chemical need not be accepted even when matching benefits seem to be high, for equally efficacious non-hazardous alternatives are usually available. The criterion of efficacy, once extended from therapeutic drugs to other synthetic chemicals, such as food additives and pesticides, may well simplify such equations, especially for hazards from synthetic chemicals with no demonstrable benefits for the general population.

CAUSE FOR CONCERN

There is little doubt that many diseases hitherto regarded as spontaneous are caused by environmental pollutants. This fear is heightened by the exponential increase in human exposure to new synthetic chemicals which, in general, are inadequately characterized toxicologically, quite apart from ecological effects.

There is growing recognition that most human cancers are probably caused by chemical carcinogens in the environment, so that they are ultimately preventable. There is also increasing interest in the role of chemical carcinogens in activating tumour-producing viruses. Epidemiological studies have revealed wide geographical variations in the incidence

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of cancer of various organs in the general population. Two major classes of environmental carcinogens can be identified. First, potent carcinogens, such as aflatoxins and nitrosamines, which can produce cancer in experimental animals, even in the very low concentrations which have been found in foods. Identification of these carcinogens in foods has encouraged attempts to link their distribution with local pattern of cancer incidence. Second, there are weak carcinogens, such as atmospheric pollutants, certain pesticides and food additives, with effects that easily escape detection by conventional biological tests. Furthermore, because such weak carcinogens are unlikely to be clearly implicated epidemiologically, they may be as dangerous as more obvious carcinogens.

Chemical mutagens in the environment present hazards which have not yet been quantitated, although sensitive and practical mammalian test systems are available. A report of the genetic section of the National Institutes of Health states [3]: "There is reason to fear that some chemicals may constitute as important a risk as radiation, possibly a more serious one". The report further states: "Recent investigations have revealed chemical compounds that are highly mutagenic in experimental organisms, in concentrations that are not toxic and that have no overt effect on fertility . . .".

Ethyleneimines are good examples of highly mutagenic chemicals with many industrial uses. Another mutagen in common use in trimethylphosphate,[4] which is added to gasoline in concentrations of 0.25 g/gallon to control surface ignition and spark plug fouling. It is difficult, however, to estimate mutagenic hazards to the general population in the absence of information about the concentration of unreacted trimethylphosphate and of biologically active pyrolysis products in automobile exhaust.

Mutations can have diverse deleterious effects. Dominant mutations express themselves immediately as early foetal deaths or by abnormalities such as achondroplasia, polydactyly, retinoblastoma and sterility. Recessive mutations, such as albinism, Fanconi anaemia, amaurotic idiocy, and phenylketonuria, may be unexpressed for many generations; more likely, the major effects on increased rates of mutation would be less obvious and spread over many generations [3,5].

The incidence of human congenital malformations is unknown in the absence of a comprehensive national registry; it has been variously estimated as reaching as much as 3–4 per cent of total live births. The three major categories of human teratogens identified so far are viral infections, X-irradiation and chemicals such as mercurials and thalidomide. Although the teratogenicity of various chemicals has been recognized experimentally for several decades, only after the thalidomide disaster of 1962 were legislative requirements for teratogenicity testing established.

PREDICTING AND MONITORING ADVERSE EFFECTS

Persistent chemicals, chemical and metabolic derivatives of less persistent chemicals, and their pyrolytic products, should be detected and monitored in the environment, and in body fluids or tissues of plants, animals and man. Selectively, only chemicals with known or presumed toxicological relevance should be monitored.

Pollutants to which man is exposed must be tested for acute and chronic toxicity *per se*, and also for the more specific effects of carcinogenicity, teratogenicity and mutagenicity. Routes of test administration should reflect human exposure.[5] For pesticides, for example, tests should include respiratory as well as oral exposure; respiratory exposure is of particular human significance where aerosols and vapours are concerned. The literature on pesticides contains no data from chronic inhalation tests. For carcinogenicity, teratogenicity and mutagenicity, pollutants must be tested in concentrations greater than those to which humans are usually exposed [5]; for this purpose maximally tolerated doses are recommended as the highest dose in dose-response studies. Testing with large doses is essential in the attempt to reduce the gross insensitivity imposed on animal tests by the small size of samples routinely tested; for example, fifty or so rats or mice per dose per chemical, compared with the millions of humans at presumptive risks [5,6]. As an illustration, assume that man is as sensitive to a particular carcinogen or teratogen as the rat or mouse; assume further that this particular agent will produce cancer or teratogenic effects in 1/10,000 humans exposed. Then the chances of detecting this in groups of fifty rats or mice, tested at the usual levels of human exposure, would be very low.[6] Indeed, 10,000 rats or mice would be required to yield one cancer or teratogenic event, apart from any spontaneous occurrences; for significance; perhaps 30,000 rodents would be needed. Of course, in any particular instance, humans may be less or more sensitive than rodents to the chemical in question; there is thus no valid and conservative basis for the prediction of relative sensitivitives. Thus, meclizine, an antihistamine drug used for treating morning sickness, is teratogenic in the rat but not apparently in the few women studied.[7,8] By contrast the lowest effective human teratogenic dose of thalidomide is 0.5 mg/kg/day; the corresponding values for the mouse, rat, dog and hamster are 30, 50, 100 and 350 mg/kg/day respectively.[9] Similar considerations obtain for certain aromatic amines, for example 2-naphthylamine, which are potent bladder carcinogens for man and dogs, but not for rats, mice, guinea-pigs and rabbits.[10] Thus to predict a safe level for thalidomide or 2-naphthylamine, from rodent data or from derived mathematical models, would expose humans to grossly unwarranted hazards.

Apart from the insensitivity of animal test systems and the impossibility of gauging human sensitivity of animal tests, ample data on interactions between carcinogens further confirm that it is not possible to predict safe levels of carcinogens based on an arbitrary fraction of the lowest effective animal dose in a particular experimental situation. As the US Secretary of Health, Education and Welfare, A. Flemming, stated ten years ago,[11] ". . . Scientifically there is no way to determine a safe level for a substance known to produce cancer in animals". Similar considerations hold for teratogens and mutagens. Thus the production of hepatomas in trout by feeding as little as 0.4 parts per billion of aflatoxin B_1 is sharply enhanced by addition of various non-carcinogenic oils to the diet,[12] Similarly, the carcinogenicity for mouse skin of low concentrations of benzo[*a*]pyrene and benz[*a*]anthracene is increased a thousand-fold by the use of the non-carcinogenic *n*-dodecane as a solvent.[13] Intratracheal instillation of benzo[*a*]pyrene and ferric oxide in adult hamsters elicited a high incidence of squamous cancer of the lung only in animals pretreated at birth with a single dose of diethylnitrosamine at the part per million level (unpublished data of R. Montesano and U. Saffiotti); although diethylnitrosamine is a potent carcinogen, conventional testing at this level would not have induced lung tumours. Such considerations underlie the 1958 Delaney amendment to the Federal Food, Drug and Cosmetic Act, which imposes zero tolerances for carcinogenic food additives.

It must also be emphasized that testing with large doses does not produce false positive carcinogenic results. There is no basis for the contention that all chemicals are carcinogenic in large doses. For example, in the recent Bionetics study, sponsored by the National Cancer Institute, about 140 pesticides were tested orally in mice of both sexes and strains in maximally tolerated doses from the seventh day of life until death at 18 months; less than 10 per cent of these pesticides were carcinogenics.[5,14] Experimental finding carcinogenicity in synthetic industrial chemicals, such as pesticides and food additives, is unusual. Once carcinogenicity has been determined, similarly efficacious but non-carcinogenic alternatives are usually available; for example, "Methoxychlor" can replace the persistent and carcinogenic DDT. Moreover, the efficacy of DDT for its major functions in the USA—control of cotton insects—is now questionable because of the resistance of the pests.[15] These considerations apply all the more to carcinogenic synthetic chemicals, such as cyclamates, that are virtually useless for the general population.[6]

Fortunately, recent recogntion of genetic hazards due to chemicals has been paralleled by the development of various tests for mutagenicity.[5] Sub-mammalian test organisms—bacteria, *Neurospora*, yeasts, plants and *Drosophila*—help elucidate basic mechanisms. But in view of the wide metabolic and biochemical discrepancies between these systems and man, sub-mammalian tests should be used to provide data ancillary to more relevant test systems. Of these, three *in vivo* mammalian tests are practical and sensitive—*in vivo* cytogenetics, host-mediated assay, and dominant lethal assay; results can be extrapolated to man with some confidence.[5]

Ideally and minimally, two mammalian species should be tested for toxicity *per se*, carcinogenicity, mutagenicity and teratogenicity. In certain circumstances, when there is specific information that the rodent metabolism of the chemical pollutant in question is qualitatively different from that in humans, other species such as pigs and sub-human primates may also be tested. Reliance on small numbers of pigs or primates is no substitute for conventional rodent tests and may even mislead.

Even when toxicologic testing is well planned and executed, it is likely that unexpected adverse effects from a restricted number of pollutants will be seen in man, reflecting the insensitivity or unsuitability of the animal tests. Epidemiological surveys of human and animal populations may provide *post hoc* information about geographical or temporal clusters of unusual types or frequencies of adverse effects after exposure to undetected or untested pollutants in the environment. Epidemiological techniques reveal trends or fluctuations in mortality, morbidity or disease patterns. Usually, differentials in levels of exposure to pollutants exist in the general population; epidemiology might then correlate particular toxic effects with particular pollutants. Such a relationship is, however, more difficult to establish when exposure differentials are minimal, as with a food additive consumed by the general population at not widely dissimilar levels. Logistic considerations, however, apart from inadequate current surveillance systems, may limit the utility of this approach. Disquietingly, no major known human teratogen—X-rays, German measles, mercury or thalidomide—has been identified by prospective epidemiological analyses, even in industrialized countries with good medical facilities.[5]

CRITICAL QUESTIONS

Before a new synthetic chemical can be distributed into the environment, questions as to the efficacy, identity and safety must be answered satisfactorily; similar questions should be asked about many existing chemical pollutants. Does the chemical in question serve a socially and economically useful purpose for the general population? If not,

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Footnotes at end of article.

why introduce it and accept potential hazards without general matching benefits? Such considerations clearly apply to the use of monosodium glutamate in baby foods, and cyclamates for the public at large. The self-evident need for efficacy, now generally accepted for drugs, should be extended to all synthetic chemicals. These concepts were emphasized at the recent White House conference on nutrition, where it was recommended that food additives be banned from products unless they either significantly improve the quality or nutritive value of the food or lower the cost of food.[16]

Synthetic chemicals, their concentrations and impurities should be clearly identified in fuels, foods, pesticides, household and all other formulations. Standards for drugs are maintained in most countries on the national level and by the World Health Organization in the *International Pharmacopoeia*. Similar national and international specifications and registers would be highly desirable for all other categories of synthetic chemicals. Exemption of particular products from labeling requirements creates unfortunate precedents and unpredictable toxicological situations.

Besides clear identification of the chemical in question, information about its chemical and pyrolytic products and its metabolites is essential for reasonable attempts to anticipate adverse effects. Such data should also permit realistic monitoring in the environment and in animals and in man. Illustratively, the pesticide "Captan" degrades, possibly to thiophosgene, within seconds of contact with serum[5]; monitoring "Captan" in man or animals is thus inappropriate. Again, polychlorophenols, which are major industrial and agricultural chemicals, yield stable and persistent dibenzodioxins when heated[17]. Some dioxins are highly toxic and teratogenic at the μg/kg level; most dioxins are, however, toxicologically uncharacterized[17]. Nitrilotriacetic acid has been proposed as an alternative detergent builder to polyphosphates in an attempt to reduce cultural eutrophication in lakes and rivers; the current annual usage of phosphates in detergents in the United States is approximately 2 billion pounds. Recent objections to this include the absence of data on intermediate pathways and reaction products of the biodegradation of nitrilotriacetic acid[18].

Predictions of safety should be based on systematic toxicology—acute and chronic toxicity *per se*, carcinogenicity, teratogenicity and mutagenicity—by appropriate routes of administration in two or more species. Additionally, the development of model ecological studies is critical for predictions of environmental safety—an approach which has been barely explored so far.

After the criteria of efficacy, identity and safety have been satisfied, the new agent may be introduced into the environment. Still, the possibility of error due to the insensitivity or unsuitability of toxicological testing must be recognized. Such a contingency can be minimized *post hoc* by ecological, monitoring and epidemiological studies. Monitoring of levels of chemicals or chemical or metabolic degradation products in the environment, and/or in body fluids or tissues, presupposes the existence of data on the relevance of a particular chemical pollutant to a particular adverse biological effect. Epidemiological surveys should relate to populations at high risk, apart from the general population.

RECOMMENDATIONS

Data on safety should be collated and distributed nationally and then internationally. These data on efficacy, chemical identity, toxicology, monitoring and epidemiology for any chemical should be integrated, correlated, disseminated and stored in a manner suitable for rapid access. Various registries deal with different but isolated aspects of these requirements.

There are evident needs for funding and developing widely expanded facilities and multidisciplinary training and research programmes concerned with environmental problems in university, independent, national, federal and industrial laboratories. Specialized information services will have to be expanded or developed for the identification and dissemination of environmental data.

There are critical needs for enforcing existing legislation, and for developing new and comprehensive legislation, transcending existing agency responsibilities, relating to the imposition of standards that must be met before the introduction of any new synthetic chemical into the environment or the use of any technological innovation with general environmental implications. For chemicals, these criteria should cover labelling, identity and concentration of the parent chemical, its degradation and metabolic products, its efficacy and safety—including toxicity *per se*, carcinogenicity, mutagenicity and teratogenicity. Protocols for testing should be published in the *Federal Register*, and be subject to periodic review. These criteria should also be applied to any synthetic chemical in current use for which new alternatives are proposed. Progress reports and data from such tests should properly belong to the public domain.

A large backlog of synthetic chemicals now in use has never been adequately evaluated toxicologically. These include the approximately 600 food additives on the *Generally Recognized as Safe* (GRAS) list of the US Food and Drug Administration apart from the other additives for which petitions have not been formally submitted and which have been treated *de facto* as being on the GRAS list. It was made clear recently that GRAS additives such as monosodium glutamate and cyclamates that have been used in the past are not necessarily safe. These additives should be thoroughly evaluated toxicologically in the near future. New legislation may be required for this purpose. The financial onus for such evaluation should devolve on manufacturers of the products; a reasonable period, for example 3 years, for the continued use of the additives should be allowed, pending completion of tests.

Further legislation concerning access of data is critically needed. All formal discussions between agencies, industry and expert committees on all issues relating to human safety and environmental quality, and all data relevant to such discussions, must be made public. Records, including clear statements, by all concerned, of possible conflicts of interest, should be immediately available to the scientific community and to anybody else concerned. Appropriate legal safeguards for the protection of patent rights should be developed. In addition to open access of data on all issues of public health and welfare, it is essential that consumer interests be adequately represented, legally and scientifically, at formal stages of these discussions. Decisions by agencies on technological innovations or new synthetic chemicals after closed discussions of data which have been treated confidentially are unacceptable. Consumer safety apart, such decisions are contrary to the long term interests of industry, which should be protected from perforce belated objections.

For these reasons, the Delaney amendment represents protection vital to the safety and interest of consumers. Special pleadings that this amendment is unduly restrictive reflect an apparent failure to comprehend the potential human hazards involved. Indeed, there are compelling reasons for extending the Delaney amendment to other categories of synthetic chemicals besides food additives, and to teratogenicity and mutagenicity besides carcinogenicity. Due consideration should also be given to applying the concept of the Delaney amendment, extended to include mutagenicity and teratogenicity, to undefined or partially defined mixtures of pollutants, such as automobile exhaust.

There is a growing consensus on the need for legislation to ensure impartial and competent testing of all synthetic chemicals for which human exposure is anticipated. The present system of direct, closed-contract negotiations between manufacturing industries and commercial testing laboratories is open to abuse, and contrary to consumer and long term industrial interests. One remedy would be an advisory group of disinterested scientists functioning as an intermediary between manufacturers and commercial laboratories. Various legal and other safeguards, including representation from outside professional and consumer interests, would have to be properly developed to avoid or minimize potential abuses and conflicts of interest. Manufacturers would notify the advisory group or federal agency when safety evaluation was required for a particular chemical. The advisory group or agency would then solicit contract bids on the open market. Bids would be awarded on the basis of economics, quality of protocols, and technical competence. The progress of testing would be monitored by periodic project site visits—a routine practice with federal contracts. At the conclusion of the studies, the advisory group would comment on the quality of the data, make appropriate recommendations, and forward these to the agency concerned for regulatory action. This approach is certainly more consistent with general industrial practice than is the award of non-bidded or unpublicized contracts. Additionally, quality checks during testing would ensure the high quality and reliability of data, and minimize the need to repeat studies, and thus also reduce pressure on involved federal agencies to accept unsatisfactory data and *post hoc* situations.

The responsibilities for environmental quality and for consumer protection in the appropriate federal agencies should be analyzed and defined. Particular consideration should be given to possible interagency fragmentation of responsibility, to possible historic associations between particular agencies and special interests and to the need for distinction between scientific, fund-granting and regulatory responsibilities of each agency. Finally, there is a need for support for a new inter-disciplinary agency—scientifically and legally responsive to a broad range of consumer interests—in which ultimate responsibility for all problems of environmental quality and consumer protection should be consolidated.

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[From the Wall Street Journal, Feb. 4, 1972]

Environmental Group Sues FDA for Data on a Food Additive—It Claims That Sodium Nitrite, Used To Redden Meat Products, Is Potential Threat to Health

San Francisco.—The Environmental Defense Fund Inc. filed suit against the Food and Drug Administration and the Department of Health, Education and Welfare seeking to force release of test data on a food additive widely used in meat products.

The suit, filed in federal district court here, charges that the additive, sodium nitrite, is a "potentially grave threat to environmental health" and calls for the release of data on which the FDA based allowable tolerance levels for the additive in food products. Sodium nitrite, according to the suit, is used extensively by meat packers to preserve the reddish color of frankfurters, salami and other sandwich meats.

However, Environmental Defense said certain laboratory tests "tend to indicate" that the additive, when combined with other items in a typical diet, can yield cancerous substances "under laboratory conditions." Requests for the FDA's test data on the additive have been rejected by the agency on the grounds that it is "confidential" and doesn't fall under the freedom-of-information law, the suit says.

The laboratory tests raise questions about the FDA's standards and release of the data is therefore urgent if the public is to make an informed stand on the agency's standards, it says. That contention was backed by an affidavit from Joshua Lederberg, a Nobel Prize Winner and geneticist at Stanford University, who argued that the public cannot reasonably weigh the safety of any food additives unless all experimental data on the substance is made public.

Lawyers for the public-interest organization asked the court for a ruling to expedite trial of the suit. A hearing on that request was set for Feb. 28.

In Washington, the FDA said it hadn't seen the suit and couldn't comment on it.

[From the Washington Sunday Star,
Feb. 6, 1972]

Cured Meats Yield Cancer Causatives

Traces of nitrosamine chemicals that caused cancer in some test animals have been discovered in eight samples of processed meat, government scientists disclosed yesterday.

One scientist described the levels as "potentially hazardous."

Both the Agriculture Department and the Food and Drug Administration found traces of the chemicals in separate tests of meat samples obtained from packing plants and retail stores.

The chemicals develop in some mysterious way from compounds such as nitrate salts used for hundreds of years as antibacterial agents and for improving the appearance and taste of meats in the curing process.

The levels of nitrosamines in the affected samples ranged from 5 to 106 parts per billion. Two of the samples were dried beef, one was cured pork, one cured ham, and four were found in bacon after cooking.

TOLERANCE UNDETERMINED

No tolerance level has been determined for consumption of the chemicals by humans. Scientists said that some laboratory animals developed cancer after being given the chemicals.

One of the unknowns, the scientists said, was why the bacon in which FDA scientists found from 30 to 106 parts per billion of the chemicals did not show any of them before being cooked.

"We really don't know how these compounds develop and form," said one scientist involved in the study. "These are rather preliminary results of our studies but we must assume that any levels are potentially hazardous and we felt the public should be informed of our findings so far."

Late last year, the Agriculture Department's consumer and marketing service reported negative results after three months of testing meat samples for the same kind of chemicals.

OTHER LEVELS FOUND

Besides the cooked bacon, scientists reported finding nitrosamine levels of 11 to 48 parts per billion in the dried beef and cured pork samples, and 5 parts per million in a ham that had undergone an extensive curing process.

The Agriculture Department said use of nitrate salts in meat processing is known to date back to Roman times. Besides imparting red color and improving flavor, a prime purpose of their use is to prevent or inhibit growth of botulinum spores. Botulinum spores, when consumed by humans, can cause the deadly nerve disease botulism.

Department scientists said their laboratory experiments showed that no nitrosamines were detected in cooked sausage where currently permissible levels of nitrate salts were used. At higher than normal levels of usage, they said, about 10 times the allowable quantity was needed before formation of nitrosamines could be detected.

By Mr. JACKSON:

S. 3164. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study of our Nation's islands including recommendations of islands to be added to the national park, wildlife refuge, and forest systems; to encourage the establishment of State island conservation and recreation programs to add to the land and water conservation fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATIONAL ISLANDS CONSERVATION AND RECREATION ACT

Mr. JACKSON. Mr. President, I introduce for appropriate reference the National Islands Conservation and Recreation Act.

This measure would preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. The proposal would declare a new national policy to protect and manage islands which possess unique environmental, recreational, historical, and cultural values. To implement this policy, it would authorize a study of the Nation's islands by the Secretary of the Interior, with the assistance of the Secretary of Agriculture. Recommendations would be made as to those islands which should be added to our national park, wildlife refuge, and forest systems and those islands which would be eligible for inclusion in island conservation and recreation programs managed by State and local governments. The annual total of the land and water conservation fund would be increased by $200,000,000—to $500,000,000—of which $60,000,000 would be made available to States and local governments pursuant to agreements with the Secretary of the Interior, to study, plan for, and acquire island lands, and $15,000,000 to State and local governments to lease or acquire Federal surplus property and facilities situated on islands.

Mr. President, I am deeply disappointed by the Nixon administration's failure to act to protect our island heritage. In 1970 the Department of the Interior issued an excellent report, entitled "Islands of America," with recommendations to preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. Contained in that report was suggested legislation, entitled the "National Island Trust Act." Although that proposal, which would create a single pilot project off the coast of Maine, is inadequate to the task; neither it nor any alternative legislation has been introduced by the Nixon administration. The National Islands Conservation and Recreation Act, the proposal of much wider scope which I introduce today, would remedy this failure of Federal action.

Our Nation's islands represent an untapped opportunity to add to our recreational resources and to enhance the quality of our environment. Yet, if strong measures are not soon taken the very wealth and technological achievement which would allow us to enjoy the natural beauty of our islands may impair, if not destroy, our chance to do so. Although, in 42 of our States, approximately 3 million acres of undeveloped or minimally developed island lands remain which have valuable recreational potential, we have little time in which to act to preserve these lands from development. Industry and commerce demand island waterfront sites for the inexpensive transportation and means of disposing effluents which such locations provide; more and more Americans are seeking second homesites or hotel space on island lands; and bridges, cars and boats are rendering these once isolated islands more accessible to all who seek to develop them.

These pressures to develop idle island land are particularly severe on islands near our urban centers. It is an astounding fact that, at a time when urban beaches and playgrounds are rendered nearly useless by overcrowding and when "no trespassing" signs are sprouting at an ever-more-rapid pace along shoreline once available for public use, there are situated less than 25 miles from cities of 50,000 or more persons almost 1 million acres of undeveloped or minimally developed island lands—1 million acres of beaches, fields, and woods. Our urban youngsters, indeed all of us, deserve the opportunity to escape the ever-present asphalt of the cities and to explore these "treasure islands."

The administration's failure to act to protect our islands is particularly unfortunate at this time when pressures for development coincide with rapidly increasing demands for recreation—demands which will be even more acute in the decade ahead. A 1967 study of the Bureau of Outdoor Recreation concluded that the greatest increase in America's recreational interests would come in activities which are water based or related. It found, for example, that by 1980 swimming would be the No. 1 outdoor recreation activity, increasing 72 percent between 1965 and 1980. Yet, on the mainland virtually all the beachfront readily accessible to our urban areas has already been dedicated to one or another use—too often a use other than recreation.

During the 9 years I have served as chairman of the Senate Committee on Interior and Insular Affairs, Congress has created six national seashores and lakeshores. In addition, the Land and Water Conservation Fund Act and the Federal Land for Parks and Recreation Act have provided better recreational opportunities within easy access of the cities. Last session, the Senate passed a bill to create the Gateway National Park on the shores of the New York Harbor, within sight of downtown New York City. In February last year, I introduced the National Open Beaches Act to acquire and protect public access and public rights to the use of the Nation's beaches. And 2 years ago, I introduced the first proposal for a national land use policy to insure wise planning and use of our finite land base.

But more must be done. Our beaches are already overcrowded and too much of our shoreline is festooned with signs which read: "Private Beach—No Trespassing," or "Subdivision: Lots for Sale." With careful planning and wise governmental actions, the nearby islands can and should be drawn within the recreational ambit of our urban population. My bill would encourage such planning and actions.

If we properly protect our Nation's islands for recreational purposes, we will also have preserved important historical and cultural values, and have enhanced the quality of our environment. Our islands display an unparalleled variety of natural features and shelter a great diversity of plant and animal life. In addition, they have played a critical historical role, serving as sites for the colonization, sanctuary, and embarkation in the exploration and settlement of this Nation—across the Aleutians in the West may have come our continent's first inhabitants, the forefathers of the American Indians; the Atlantic seacoast islands received the first European explorers and settlers; and the islands of the inland rivers served as stepping stones for the pioneers on their westward journeys. In our literature and imagination, we still explore new islands, we still escape from our less than perfect world to a simpler island ambience. More's "Utopia," "Robinson Crusoe," "The Swiss Family Robinson," and "Treasure Island" evoke for us the mystery and the beauty of islands—the same mystery and beauty we have one last chance to save.

Mr. President, I ask unanimous consent that the text of the bill and appendices from the 1970 Department of Interior report be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and appendices were ordered to be printed in the RECORD, as follows:

S. 3164

A bill to declare a National policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study of our Nation's islands including recommendations of islands to be added to the National Park, Wildlife Refuge, and Forest Systems; to encourage the establishment of State island conservation and recreation programs, to add to the Land and Water Conservation Fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Islands Conservation and Recreation Act."

FINDINGS

SEC. 2. The Congress hereby finds that:

(a) There is a national interest in preserving and enhancing the environmental, recreational, historical and cultural values of the Nation's islands;

(b) our Nation's islands display an unparalleled variety of natural features, shelter a great diversity of plant and animal life, have served as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation, and thus possess unique environmental, historical and cultural qualities;

(c) recreational demands of our Nation's citizenry, particularly those for water-based activities, are increasing at a rapid rate; that existing recreational sites and facilities cannot long meet those demands; that a too long neglected source of additional recreational sites and facilities is the vast acreage of undeveloped and minimally developed island land within short distances of urban centers; and, therefore, that our Nation's islands possess valuable recreational potential;

(d) all islands, including those islands which possess sufficiently valuable recreational, environmental, historical or cultural qualities to warrant protection, are rapidly succumbing to pressures for industrial, commercial, and residential development; that industrial and commercial demand on scarce island resources and the pressures resulting from modern means of transportation are degrading the amenities and recreational qualities of once isolated islands; and,

(e) the Federal Government, in concert with State and local governments and the private sector, must act to insure the protection and enhancement of the environmental, recreational, historical and cultural values of the Nation's islands for present and future generations of Americans.

POLICY

SEC. 3. To strengthen the environmental, recreational, and cultural well-being of the people of the United States, the Congress declares that it is the policy of the United States that islands or groups of islands of the Nation which possess unique environmental, recreational, historical, or cultural values which warrant preservation and enhancement should be protected and managed through the combined efforts of Federal, State, and local governments and the private sector to insure that future generations shall have the opportunity to enjoy the Nation's island heritage.

PURPOSE

SEC. 4. The purpose of this Act is to establish a National policy to preserve and manage islands with unique environmental, recreational, historical or cultural values and to implement this policy by—

(a) authorizing a study of the Nation's islands and providing for recommendations of those islands which should be included in the National Park, Wildlife Refuge, and Forest systems, and those islands which are suitable for acquisition by State and local governments for park or recreation purposes;

(b) encouraging the establishment, by agreements between the States and the Secretary of the Interior, of island conservation and recreation programs;

(c) authorizing additional funds for the Land and Water Conservation Fund and provision of a specific portion of those funds to State and local governments exclusively for the purposes of studying, planning for, and acquiring island lands and for acquiring or leasing surplus Federal facilities situated on islands.

ISLAND CONSERVATION AND RECREATION PROGRAMS

SEC. 5. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary"), with the advice of the Secretary of Agriculture, shall undertake and complete a study of the Nation's islands. The report of such study shall be submitted to Congress and the Governors of the States no later than two years from the date of enactment of this Act.

(b) The report shall include recommendations to Congress by the Secretary as to which islands, island groups, or parts of islands, (hereinafter referred to as "islands"), should be added to or created as units of the National Park, Wildlife Refuge, and Forest systems.

(c) In the report, the Secretary shall also recommend which islands should be acquired, with Federal assistance, by the States pursuant to this Act.

(d) Islands recommended by the Secretary as eligible for acquisition by the States pursuant to this Act shall:

(1) possess outstanding environmental, recreational, historical, or cultural values; and,

(2) be largely undeveloped.

(e) Federal funds for the acquisition of any island or islands shall be made available to the States upon execution of agreements between the Secretary and the concerned States which shall substantially conform with the requirements of sections 6 through 8 of this Act.

(f) Priority for federal assistance shall be given to those islands which are:

(1) most accessible to urban areas;

(2) most immediately threatened by the pressures of development;

(3) within the jurisdiction of State and local governments which have demonstrated the capacity to take all steps necessary to protect and enhance the islands' relevant values; and

(4) within the jurisdictions of State governments which have developed programs and procedures under State law which would protect and enhance the islands' relevant values without requiring fee purchase of all lands involved.

ELIGIBILITY

SEC. 6. (a) The Secretary is authorized to enter into agreements with the several States providing for the protection and management of islands within their jurisdiction for recreational and environmental purposes and for Federal assistance to such States from the Land and Water Conservation Fund to acquire property necessary to insure that such purposes are carried out.

(b) Prior to entering into each such agreement, the Secretary shall:

(1) be satisfied that the relevant islands meet the criteria of subsection (d) of Section 5; and,

(2) that the relevant islands and the State and local governments involved qualify for federal assistance under the priorities provided in subsection (f) of Section 5.

AGREEMENTS

SEC. 7. Each such agreement shall require that:

(a) the State shall develop and maintain an island plan to preserve and enhance the environmental, recreational, historical, and cultural values of the islands involved. The plan shall be in accord with the comprehensive State-wide Outdoor Recreation Plan submitted by the State pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(b) the State shall undertake a study of present State and local laws, regulations, and plans of relevance to an island conservation and recreation program, and issue guidelines for the adoption or amendment and enforcement of State and local laws, regulations, and plans to insure the success of such a program;

(c) the State shall prepare biennally a report on the program together with any recommendations which would be of assistance to the program;

(d) the State shall transmit to the Secretary:

(1) the island plan, within eighteen months of the date of the agreement and subsequent revisions thereof, as soon as is practicable;

(2) the study of, and recommendations concerning, State and local laws, regulations, and plans within one year of the date of the agreement; and,

(3) the report on the program within twelve months of the date of the agreement and biennally thereafter.

MISCELLANEOUS

SEC. 8. Each agreement may contain such other terms and conditions as the parties thereto deem desirable.

FEDERAL JURISDICTION

SEC. 9. Nothing in the agreements authorized by this Act shall be construed to relinquish the functions, powers, or duties of the Congress with respect to the control of navigable waters, nor shall any provision thereof be construed in derogation of any of the constitutional powers of Congress to regulate commerce among the States and with foreign nations.

FEDERAL FINANCIAL ASSISTANCE

SEC. 10. (a) Financial assistance may be provided to any State pursuant to subsection (c) of section 2 and subsection (h) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, for the purposes of developing the island plan and the study of State and local laws, regulations, and plans, upon the signing of an agreement by the Secretary with the State pursuant to sections 6 through 8 of this Act.

(b) Prior to provision of financial assistance to the States for the purposes of acquisition of island lands, interests therein, or development thereon pursuant to subsection (c) of section 2 and subsection (h) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, the Secretary shall:

(1) have signed an agreement or agreements with the State pursuant to sections 6 through 8 of this Act;

(2) review and approve the island plan;

(3) review the study of, and recommendations concerning, State and local laws, regulations, and plans as to adequacy thereof to insure effective management of an island conservation and recreation program; and

(4) review State and local efforts to adopt new or amend existing laws, regulations, and plans pursuant to the recommendations of the study and determine that such efforts are in good faith and are likely to succeed.

SEC. 11. Section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is amended by adding a new subsection (h) after subsection (g) as follows:

"(h) (1) Notwithstanding any other provision of this section, including the apportionment formula of subsection (b) of this section, financial assistance from the $60,000,000 of the Fund available only for planning, purchase, and development of island lands as provided for in clause (3) of subsection (c) of section 2 of this Act shall be paid to State and local governments in accordance with the requirements of, and pursuant to, the National Islands Conservation and Recreation Act."

"(2) For a period of five full fiscal years from the date of enactment of the National Islands Conservation and Recreation Act, payments from the $60,000,000 of the Fund available only for planning, purchase, and development of island lands as provided for in clause (3) of subsection (c) of section 2 of this Act shall not exceed seventy-five per centum of the cost of such activities. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. After the five full fiscal year period, payments to the States shall cover not more than 50 percentum of the cost in conformity with all other payments under the Act pursuant to subsection (c) of this section."

SEC. 12. Section 203 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is further amended by adding after the end of the first sentence of subsection (k)(2) thereof the following new language:

"The heads of all Federal agencies are each directed to submit to the Administrator no later than one year after the date of enactment of the National Islands Conservation and Recreation Act a review of all Federal lands and facilities within their respective jurisdictions which are located on the Nation's islands. Said reviews shall include recommendations of those Federal lands and facilities which would be appropriate for disposal pursuant to this subsection for inclusion within the State island conservation and recreation programs as provided for in such Act."

SEC. 13. Subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is further amended as follows:

(a) In clause (1), strike "and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989" and insert in lieu thereof, "not less than $300,000,000 for each of the fiscal years 1971, 1972, and 1973, and not less than $500,000,000 for each fiscal year thereafter through June 30, 1989."

(b) In clause (2), strike "or $300,000,000" and insert in lieu thereof "$300,000,000 or $500,000,000".

(c) After clause (2), add a new clause (3) as follows:

"(3) Of the $500,000,000 authorized to be appropriated for each fiscal year after fiscal year 1973—

(i) a sum of $60,000,000 shall be paid out of the Fund only for the purposes of planning, acquisition and development of island lands by State and local governments pursuant to subsection (h) of section 5 of this Act; and

(ii) an additional sum of $15,000,000 shall be paid out of the Fund only for the purposes of leasing or purchasing surplus Federal real property and facilities situated on islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. There are authorized to be appropriated such sums as may be necessary for the Secretary to administer the program established by this Act.

APPENDIX I

AMERICAN ISLANDS: NUMBER 10 ACRES AND LARGER AND ACREAGE BY SIZE AND STATE [1]

State	Number (acres)					Total acreage [2]
		By size class				
	Total	10 to 99	100 to 499	500 to 999	1,000 or more	
Total	26, 325	19, 349	4, 025	1, 669	1, 282	28, 643, 834
Total excluding Alaska	20, 637	14, 211	3, 922	1, 641	863	7, 493, 627
Alabama	242	177	44	9	12	66, 288
Alaska	5, 688	5, 138	103	28	419	21, 150, 207
Arizona	72	63	9			3, 692
Arkansas	261	155	87	4	15	78, 450
California	692	521	97	18	56	629, 278
Colorado	180	168	11	1		7, 783
Connecticut	89	82	6	1		4, 757
Delaware	105	85	16	2	2	20, 329
Florida	4, 510	2, 444	837	1, 112	117	840, 727
Georgia	434	257	80	25	72	351, 077
Hawaii	29	19	5	2	3	168, 504
Idaho	193	161	27	2	3	15, 598
Illinois	420	321	80	12	7	70, 908
Indiana	36	26	8	1	1	5, 487
Iowa	277	214	53	6	4	27, 648
Kansas	44	34	8	1	1	6, 739
Kentucky	104	76	24	2	2	35, 174
Louisiana	2, 482	1, 401	751	166	164	1, 279, 282
Maine	1, 149	954	133	26	36	277, 689
Maryland	247	167	57	10	13	103, 266
Massachusetts	210	164	31	5	10	138, 719
Michigan	379	280	68	8	23	458, 313
Minnesota	850	749	79	14	8	57, 827
Mississippi	128	78	30	6	14	115, 265
Missouri	180	89	60	15	16	52, 271
Montana	253	222	30		1	14, 087
Nebraska	161	125	32	1	3	17, 190
Nevada	427	396	26	5		8, 506
New Hampshire	179	159	16	3	1	10, 353
New Jersey	453	331	101	13	8	94, 128
New Mexico	23	22	1			925
New York	789	650	102	18	19	134, 883
North Carolina	522	364	101	23	34	204, 819
North Dakota	106	93	11	2		8, 514
Ohio	64	54	6	2	2	9, 240
Oklahoma	61	48	12	1		4, 665
Oregon	337	258	69	3	7	75, 232
Pennsylvania	266	242	23	1		13, 120
Rhode Island	29	23	3		3	17, 419
South Carolina	727	418	179	51	79	544, 352
South Dakota	59	45	9	4	1	7, 008
Tennessee	280	214	50	3	13	55, 416
Texas	416	314	64	15	23	354, 365
Utah	155	138	14	1	2	53, 498
Vermont	38	26	7	2	3	35, 214
Virginia	311	219	57	15	20	96, 866
Washington	657	487	123	10	37	554, 045
West Virginia	90	83	6	1		4, 939
Wisconsin	766	474	252	15	25	291, 417
Wyoming	100	87	10	3		6, 896
Puerto Rico	18	10	4	1	3	57, 675
Virgin Islands	32	21	11			3, 045
District of Columbia	5	3	2			739

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[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and the Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York Islands—Manhattan, Staten Island and Long Island.

[2] Some acreage of islands less than 10 acres in size is included if within an inventoried group or were designated as having recreational potential.

APPENDIX II

AMERICAN ISLANDS: COMPARISON OF RECREATION POTENTIAL OF ISLAND ACREAGE WITHIN 25 MILES OF URBAN AREAS OF 50,000 PERSONS AND OVER, BY DEVELOPMENT STATUS AND STATE [1]

State	Total island acreage by percent developed [2]			Acreage with recreation potential by percent developed [3]		
	Total	None to 25	26 to 100	Total	None to 25	26 to 100
Total	2, 498, 345	2, 027, 200	471, 145	1, 329, 850	1, 010, 520	319, 330
Total excluding Alaska	2, 498, 092	2, 026, 947	471, 145	1, 329, 850	1, 010, 520	319, 330
Alabama	54, 489	40, 380	14, 109	27, 490	25, 390	2, 100
Alaska	253	253				
Arizona	180	180				
Arkansas	28, 611	14, 303	14, 308			
California	363, 438	352, 276	11, 162	348, 784	348, 761	23
Colorado	280	280				
Connecticut	1, 768	1, 042	726	1, 584	1, 241	343
Delaware	5, 373	4, 582	791	4, 129	3, 338	791
Florida	224, 938	219, 328	5, 610	111, 040	111, 040	
Georgia	214, 183	213, 943	240	104, 316	104, 316	
Hawaii	1, 115	159	956	611		611
Idaho						
Illinois	36, 972	30, 982	5, 990	8, 308	8, 038	270
Indiana	3, 886	3, 867	19	3, 434	3, 434	
Iowa	14, 436	14, 436		5, 639	5, 639	
Kansas	1, 826	1, 826				
Kentucky	5, 491	5, 491		2, 056	2, 056	
Louisiana	141, 255	141, 255				
Maine	50, 597	31, 551	19, 046	38, 450	22, 806	15, 644
Maryland	7, 163	7, 163		6, 638	6, 638	
Massachusetts	32, 860	19, 402	13, 458	26, 274	13, 503	12, 771
Michigan	93, 454	27, 195	66, 259	32, 970	1, 914	31, 056
Minnesota	8, 772	7, 307	1, 465	4, 119	4, 119	
Mississippi	43, 435	42, 185	1, 250	9, 770	8, 520	1, 250
Missouri	19, 951	19, 951		6, 822	6, 822	
Montana	765	765				
Nebraska	4, 600	4, 600		4, 500	4, 500	
Nevada	1, 020	1, 020				
New Hampshire	784	700	48	660	612	48
New Jersey	36, 407	12, 440	23, 967	11, 389	11, 207	182
New Mexico	200	200				
New York	90, 458	61, 966	28, 492	40, 123	19, 676	20, 447
North Carolina	8, 391	8, 391				
North Dakota						
Ohio	8, 255	2, 000	6, 255	6, 290	314	5, 976
Oklahoma	1, 366	1, 366				
Oregon	33, 431	32, 296	1, 135	31, 068	29, 128	1, 940
Pennsylvania	7, 379	5, 723	1, 656	3, 278	3, 278	
Rhode Island	17, 294	17, 087	207	17, 090	16, 995	95
South Carolina	218, 739	215, 089	3, 650	23, 272	9, 972	13, 300
South Dakota						
Tennessee	18, 869	9, 670	9, 199	10, 359	1, 359	9, 000
Texas	243, 094	190, 094	53, 000	48, 300	20, 800	27, 500
Utah	46, 780	46, 780		41, 425	41, 425	
Vermont						
Virginia	7, 291	7, 291		200	200	
Washington	347, 129	160, 037	187, 092	311, 537	135, 649	175, 888
West Virginia	2, 105	1, 675	430			
Wisconsin	14, 062	13, 269	793	4, 528	4, 433	95
Wyoming						
Puerto Rico	34, 502	34, 502		33, 022	33, 022	
Virgin Islands						
District of Columbia	739	619	120	375	375	

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[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the island inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Excluded from this category are most of the 1,500,000 acres already available for public recreation.

APPENDIX III

AMERICAN ISLANDS: ACREAGE BY OWNERSHIP AND STATE [1]

State	Total [2]	Federal	State	Other public	Quasi-public [3]	Private
Total	27,731,905	21,210,066	1,412,202	55,077	9,692	5,044,868
Total excluding Alaska	6,617,954	1,033,500	530,899	40,517	9,692	5,003,346
Alabama	65,851	4,513	8,940	184		52,214
Alaska	21,113,951	20,176,566	881,303	14,560		41,522
Arizona	3,692	3,176	30	50		436
Arkansas	78,405	12,800	35			65,570
California	619,854	80,612	14,309	2,111		522,822
Colorado	7,323	596	668	20		6,039
Connecticut	4,133		1,189	104		2,840
Delaware	19,278	9,853	1,373			8,052
Florida	793,042	251,078	54,550	842		486,572
Georgia	350,901	28,103	15,140	60	100	307,498
Hawaii	163,504	31,236	868	3		136,397
Idaho	8,807	2,763	2,000	500		3,544
Illinois	38,175	9,743	15,620	47		12,765
Indiana	5,487		110			5,377
Iowa	27,533	16,592	5,007	440		5,494
Kansas	6,729	55	1,138			5,536
Kentucky	34,093	475	797		15	32,806
Louisiana	1,213,186	4,965	107,260	1,800		1,099,161
Maine	39,177	31,270	7,450	307	40	110
Maryland	104,246	30,674	10,851	80	157	62,484
Massachusetts	75,040	4,468	9,336	3,384	75	57,777
Michigan	428,174	136,841	120,638	1,426	888	168,381
Minnesota	56,401	21,064	5,895	808	1,217	27,417
Mississippi	115,247	3,545	280		1,150	110,272
Missouri	51,742	9,217	2,876	578		39,071
Montana	5,869	1,074	75	85		4,635
Nebraska	14,867		966			13,901
Nevada	8,506	2,355	48	86		6,017
New Hampshire	2,992	78	178	725	383	1,628
New Jersey	76,830	4,239	7,534	1,666	568	62,823
New Mexico	905	180	130			595
New York	12,709	3,427	5,761	1,278		2,243
North Carolina	189,489	24,743	400	25		164,321
North Dakota	8,524	1,777	5,412	50	219	1,066
Ohio	8,805	197	665	290	188	7,465
Oklahoma	3,460	2,866	569	25		
Oregon	24,486	7,003	14,184	30		3,269
Pennsylvania	11,700		1,403	421		9,876
Rhode Island	17,738	1,375	120	195	460	15,588
South Carolina	533,782	40,987	4,430	20		488,345
South Dakota	3,690	2,327	316		50	997
Tennessee	56,498	11,676	2,986			41,836
Texas	324,556	145,622	14,246	5,076	280	159,332
Utah	53,088	2,137	2,165			48,786
Vermont	34,081	60	1,445	80	130	32,366
Virginia	95,241	14,970	12,381	395		67,495
Washington	482,621	21,154	21,230	2,213	528	437,496
West Virginia	545	446	15	4		80
Wisconsin	263,827	14,460	32,463	11,204	3,244	202,456
Wyoming	6,819	3,278	375	32		3,134
Puerto Rico	57,625	32,095	14,129	3,873		7,528
Virgin Islands	3,045	699	913			1,433
District of Columbia	636	636				

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten, and Long Island.

[2] Ownership data is fragmentary; therefore, total acreage is less than that shown in app. I.

[3] Nonprofit organizations such as Boy Scouts, YMCA, and the Nature Conservancy.

APPENDIX IV

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]

Island	Percent developed [2]	County	Acreage [3]	Body of water
ALABAMA				
Aikin Island [6]	None	Baldwin	13,300	Tensaw River.
Dauphin Island [5]	1–25	Mobile	2,100	Mississippi Sound.
Grand Bay Island group [6]	None	do	275	Do.
Gravine Island [9]	None	Baldwin	675	Tensaw River.
Isle Aux Herbes [6]	None	Mobile	800	Mississippi Sound.
Justins Bay Island [9]	26–50	Baldwin	900	Apalachee River.
Little Dauphin Island [5]	1–25	Mobile	200	Mississippi Sound.
Long Island [9]	None	Jackson	805	Guntersville Impoundment.
Pelican Island [9]	None	Mobile	75	Mississippi Sound.
Sand Island [9]	None	do	80	Mobile Bay.
Sand Island [5]	None	do	160	Gulf of Mexico.
Tensaw Island group [9]	None	Baldwin	8,000	Mobile River.
Subtotal (12)			27,370	
ALASKA				
Frying Pan Island [9]	None		50	Sitka Sound.
Kasiana Island group [4]	None		180	Skilak Lake.
King Island group [7]	None		2,500	Bering Sea.
Little Diomede Island [7]	None		1,900	Do.
Spruce Island group [4]	None		11,200	Marmot Bay.
Swan Island [9]	None		19	Walker Lake.
Subtotal (6)			15,849	
ARIZONA				
Horse Island group [9]	None	Yuma	184	Colorado River.
Subtotal (1)			184	
ARKANSAS (none)				
CALIFORNIA				
Alcatraz Island [4a]	76–100	San Francisco	23	San Francisco Bay.
Blackberry Island [9]	None	Tehama	62	Sacramento River.
Deer Island [9]	None	San Bernardino	315	Colorado River.
East-West Marin Island group [11c]	1–25	Marin	14	San Rafael Bay.
Foster Island [9]	None	Tehama	274	Sacramento River.
Goat Island [9]	None	Shasta	252	Do.
Hall Island [9]	None	Riverside	621	Colorado River.
North Arcata Bay Island group [11c].	None	Humboldt	15	Arcata Bay.
North Bay-Eel River Island group [11c].	1–25	do	2,114	Eel River.
Ryan Island [9]	None	Butte	14	Sacramento River.
Sacramento-San Joaquin Delta Island group [9]	1–25	San Joaquin	288,780	Sacramento-San Joaquin. Delta.
San Miguel Island group [7]	None	Santa Barbara	14,000	Pacific Ocean.
San Nicholas Island [7]	1–25	Ventura	13,370	Do.
Santa Catalina Island [7]	1–25	Los Angeles	42,880	Do.
Santa Cruz Island group [7]	1–25	Santa Barbara	62,018	Do.
Santa Rosa Island group [7]	1–25	do	55,006	Do.
CALIFORNIA—Continued				
South Arcata Bay Island group [11a].	1–25	Humboldt	342	Arcata Bay.
South Arcata Island group [11c]	None	do	111	Humboldt Bay.
Tillas Island group [11c]	None	Del Norte	234	Smith River.
Todd Island group [9]	None	Tehama	192	Sacramento River.
Subtotal (20)			480,614	
COLORADO (None)				
CONNECTICUT				
Mason Island group [4a]	50	New London	396	Mystic Harbor.
Andrews Island group [4a]	2	do	60	Fishers Island Sound.
Brockway Island [9]	None	Middlesex	10	Connecticut River.
Calf Island group [4a]	2	Fairfield	32	Captain Harbor.
Candlewood Isle [9]	75	do	235	Lake Candlewood.
Canfield Island group [4a]	80	do	29	Long Island Sound.
Carting Island group [6]	None	do	95	Housatonic River.
Charles Island [4a]	None	New Haven	11	Long Island Sound.
Cockenoe Island group [4a]	5	Fairfield	22	Do.
Dart Island [9]	None	Middlesex	10	Connecticut River.
Essex Island group [6]	50	do	27	Do.
Fowler Island [6]	None	New Haven	30	Housatonic River.
Gildersleeve Island [9]	None	Middlesex	60	Connecticut River.
Goose Island group [6]	None	New London	115	Do.
Grassy Island group [4a]	5	Fairfield	75	Long Island Sound.
Great Island group [6]	None	New London	503	Connecticut River.
Green Island group [9]	None	Fairfield	132	Lake Candlewood.
Griswold Island group [4a]	None	New London	19	Long Island Sound.
Kings Island group [9]	85	Hartford	133	Connecticut River.
Manrissa Island [4a]	26–50	Fairfield	18	Long Island Sound.
Mink Island group [6]	None	New London	75	Lord Creek.
Nells Island [6]	None	New Haven	700	Housatonic River.
Nott Island group [9]	None	New London	68	Connecticut River.
Offshore Island group [4a]	None	New Haven	10	Branford Harbor Bay.
Pine Island [4a]	5	New London	15	Fishers Island Sound.
Pratt Island [4a]	75	Fairfield	12	Long Island Sound.
Ram Island group [4a]	10	do	39	Do.
Rich Island group [6]	None	Middlesex	82	Connecticut River.
Selden Neck Island group [9]	None	New London	500	Do.
Sheffield Island group [4a]	25	Fairfield	52	Long Island Sound.
Sixpenny Island [6]	None	New London	42	Mystic Harbor.
The Thimbles Island group [4]	100	New Haven	108	Long Island Sound.
Twin Island group [9]	None	Middlesex	14	Pocotopaug Lake.
Two-Mile Island group [9]	None	Fairfield	23	Housatonic River.
Watts Island group [6]	5	New London	59	Pataguanset River.
Wilcox Island group [9]	None	Hartford	34	Connecticut River.
Subtotal (36)			3,845	
DELAWARE				
Bombay Hook Island [6]	None	Kent	5,435	Delaware Bay.
Cedar Swamp Island group [6]	None	New Castle	200	Delaware River.
Little Cedar Island group [6]	None	Sussex	136	Indian River Bay.
Marsh Island group [6]	None	do	46	Litte Assawoman Bay.

*Footnotes appear at the end of this Appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
DELAWARE—Continued				
Middle Island [6]	None	Sussex	10	Big Ditch River.
Pea Patch Island [6]	None	New Castle	315	Delaware River.
Reedy Island [6]	None	Sussex	6	Little Bay.
Reedy Island group [6]	10	New Castle	52	Delaware River.
Subtotal (8)			6,200	
FLORIDA				
Captiva Island [5]	1–25	Lee	800	Pine Island Sound.
Cedar Keys Island group [4]	1–25	Levy	1,600	Gulf of Mexico.
Drayton Island [9]	1–25	Putman	1,660	Lake George.
Egmont Key [5]	1–25	Hillsborough	387	Gulf of Mexico.
Estero Island group [5]	1–25	Lee	2,630	Do.
Fort George Island [9]	1–25	Duval	840	Fort George River.
Gasparilla Island [5]	1–25	Lee	1,420	Gasparilla Sound.
Hog Island [6]	None	Charlotte	840	Charlotte Harbor.
Kimball Island [9]	None	Lake	1,000	St. Johns River.
Little Gasparilla Island [5]	None	Charlotte	560	Gulf of Mexico.
Liverpool Island group [9]	None	do	7,320	Peace River.
Merritt Island group [5]	1–25	Brevard	78,640	Indian River.
North Captiva Island [5]	1–25	Lee	640	Pine Island Sound
Perdido Key Island [5]	1–25	Escambia	3,300	Gulf of Mexico.
Pine Island group [5]	1–25	Lee	9,050	Pine Island Sound.
Sand Key Island [5]	1–25	Pinellas	2,000	Gulf of Mexico.
Sanibel Island group [5]	1–25	Lee	10,055	Do.
Santa Rosa Island [5]	1–25	Santa Rosa	11,040	Santa Rosa Sound.
St. Vincent Island [6]	1–25	Franklin	12,000	St. Vincent Sound.
Ten Thousand Island group [6]	None	Collier	42,945	Gulf of Mexico.
Thousands Islands [5]	None	Brevard	1,000	Banana River.
Subtotal (21)			189,727	
GEORGIA				
Blythe Island [9]	1–25	Glynn	4,500	Turtle River.
Cumberland Island [5]	1–25	Camden	31,000	Atlantic Ocean.
Ossabaw Island [5]	None	Chatham	27,000	Do.
Sapelo Island [5]	1–25	McIntosh	20,000	Do.
Skidaway Island [5]	1–25	Chatham	14,350	Do.
St. Catherines Island [5]	None	Liberty	13 440	Do.
St. Simons Island [5]	1–25	Glynn	23,200	Do.
Wassaw Island [5]	None	Chatham	4,266	Do.
Wolf Island [6]	None	McIntosh	4,500	Doboy Sound.
Subtotal (9)			142,256	
HAWAII				
Kahoolawe Island [7]	None	Maui	28,800	Pacific Ocean.
Lanai Island [7]	1–25	do	90,240	Do.
Niihau Island [7]	1–25	Kauai	46,080	Do.
Sand Island [11] [6]	26–50	Honolulu	611	Mamala Bay.
Subtotal (4)			165,731	
IDAHO				
Baritoe Island [9]	None	Bonner	190	Priest Lake.
Eight-Mile Island [9]	None	do	100	Do.
Kalispell Island [9]	None	do	214	Do.
Kellers Island [9]	None	Jefferson	60	Snake River.
Schoffs Island [9]	None	Elmore	135	Do.
Sparlin Island group [9]	None	do	170	Do.
Three Island Crossing group [9]	None	do	30	Do.
Warren Island [9]	None	Bonner	200	Pend Oreille Lake.
Subtotal (8)			1,099	
ILLINOIS				
Blue Goose Island [6]	None	Hancock	31	Mississippi River.
Burlington Island group [6]	None	Henderson	1,475	Do.
Buzzard Island [6]	None	Hancock	290	Do.
Cambells Island [6]	26–50	Rock Island	270	Do.
Challicothe Island [6]	None	Ogle	155	Illinois River.
Davis Island [6]	None	Adams	30	Mississippi River.
Diamond Island [6]	None	Calhoun	640	Illinois River.
Dillin Island [6]	None	Adams	503	Mississippi River.
Eagles Nest Island [6]	None	Jersey	150	Do.
Grand Island [6]	None	Mason	3,800	Illinois River.
Hackley Island [6]	None	Hancock	156	Mississippi River.
Helmbold Island [6]	1–25	Calhoun	240	Illinois River.
Henry Creek Bar Island [6]	None	Henderson	30	Mississippi River.
Huff Island [6]	None	Hancock	149	Do.
Hunt Island [6]	None	do	47	Do.
Hurricane Island [6]	1–25	Calhoun	400	Illinois River.
Knapps Island [6]	None	Mason	320	Do.
Kuise Island [6]	None	Hancock	55	Mississippi River.
Mud Island [6]	None	do	97	Do.
Nilsin Island [6]	None	Adams	255	Do.
Paddy Island [6]	None	Henderson	35	Do.
Piasa Island [6]	1–25	Jersey	280	Do.
Polly Island [6]	None	Adams	24	Do.
Santa Fe Island [6]	None	Carroll	36	Do.
Shok Bar Island [6]	None	Henderson	30	Do.
Shucks Island [6]	None	Pike	64	Do.
Taylor Island [6]	None	Hancock	112	Do.
Taylor Island [6]	None	Pike	49	Do.
Twelve Mile Island [6]	None	Jersey	210	Illinois River.
Two Mile Island [6]	None	Henderson	120	Mississippi River.
Wolf Island [6]	None	Iroquois	18	Iroquois River.
Wollpecan Island [6]	None	Grundy	60	Illinois River.
Subtotal (32)			10,158	
INDIANA				
Mink Island [6]	None	Posey	110	Wabash River.
Ribeyre Island [6]	None	do	3,224	Do.
Subtotal (2)			3,334	
IOWA				
Big Rush Island [6]	None	Des Moines	180	Mississippi River.
Big Soupbone Island [6]	None	Jackson	63	Do.
Bowman's Island [6]	None	do	35	Do.
Caseys Island [6]	None	Jackson	60	Do.
Cooks Island [6]	None	Clinton	75	Do.
Delphey Island [6]	None	Allamakee	336	Do.
Grape Island [6]	None	Lee	200	Do.
Hamm Island [6]	1–25	Dubuque	249	Do.
Hogback Island [6]	None	Des Moines	20	Do.
Horse Island [6]	20	Scott	53	Do.
Huble Island [6]	None	Jackson	40	Do.
Indian Island [6]	None	do	37	Do.
Jackson Island [6]	None	Allamakee	1,126	Do.
Keg Island [6]	None	Louisa	105	Do.
Little Soupbone Island [6]	None	Jackson	51	Do.
Mercer Island [6]	None	Des Moines	35	Do.
Nine Mile Island [6]	None	Dubuque	479	Do.
O'Connell Island [6]	None	Des Moines	490	Do.
Otter Island [6]	1–25	do	300	Do.
Railroad Island [6]	None	Jackson	500	Do.
Rush Island [6]	None	Des Moines	55	Do.
Snyder Island group [6]	None	Woodbury	150	Missouri River.
Towhead Island [6]	None	Muscatine	88	Mississippi River.
Trienes Island [6]	None	Des Moines	18	Do.
Winnebago Island [6]	None	Woodbury	300	Missouri River.
Subtotal (25)			5,045	
KANSAS				
Big Island [9]	1	Neosho	3,300	Neosho River.
Subtotal (1)			3,300	
KENTUCKY				
Big Island [6]	None	Wayne	40	Beaver Creek.
Brushcreek Island [6]	None	Lewis	27	Ohio River.
French Island No. 1 [6]	None	Daviess	325	Do.
French Island No. 2 [6]	None	do	448	Do.
Island No. 8 [6]	2	Fulton	4,623	Mississippi River.
Little Hurricane Island [6]	None	Daviess	400	Ohio River.
Low Gap Island [6]	None	Russell	13	Lake Cumberland.
Manchester Island No. 1 [6]	None	Lewis	28	Ohio River.
Manchester Island No. 2 [6]	None	do	105	Do.
Rocky Ledge Island [6]	None	Jefferson	108	Do.
Slim Island [6]	None	Union	620	Do.
Wabash Island [6]	None	do	2,337	Do.
Wolf Island [6]	2	Hickman	9,918	Mississippi River.
Wolf Island Bar [6]	None	do	1,070	Do.
Yellow Bank Island [6]	None	Daviess	140	Ohio River.
Subtotal (15)			20,202	
LOUISIANA				
Casse—Tete Island group [5]	None	Lafourche	2,150	Gulf of Mexico.
Chandeleur Island group [5]	None	St. Bernard	4,000	Do.
Grand Island [5]	None	do	1,200	Do.
Grand Isle [5]	1–25	Jefferson	1,000	Do.
Grand Terre Island group [5]	None	do	3,200	Do.
Isles Derniers group [5]	1–25	Terrebonne	4,200	Do.
Timbalier Island group [5]	1–25	do	2,000	Do.
Subtotal (7)			17,750	
MAINE				
Andrews Island group [4a]	5	Knox	430	Atlantic Ocean.
Appledore Island group [4a]	1–25	York	162	Do.
Ash Island group [4a]	1–25	Knox	91	Penobscot Bay.
Bailey Island group [4a]	80	Cumberland	470	Casco Bay.
Bar Island [4a]	None	Washington	84	Pigeon Hill Bay.
Bartlett Island group [4a]	10	Hancock	2,253	Blue Hill Bay.
Bear Island group [9]	1–25	Washington	190	Grand Lake.
Big Island [9]	None	Piscataquis	500	Lobster Lake.
Big Island group [9]	None	Washington	387	Sysladobsis Lake.
Big Island group [9]	None	Kennebec	36	Lake Annabessacook.
Big Wash Island group [4a]	2	Washington	170	Western Bay.
Birch Island group [9]	1–25	do	95	St. Croix River.
Black Cat Island group [9]	None	do	560	Grand Falls Lake.
Blue Berry Island group [9]	None	Penobscot	101	Endless Lake.
Bois Bubert Island group [4a]	1–25	Washington	1,053	Atlantic Ocean.
Burnt Island group [9]	None	Penobscot	69	Sysladobsis Lake.
Butter Island group [4a]	10	Hancock	1,769	East Penobscot Bay.
Cape Washington Island [4a]	None	Washington	20	Little Machias Bay.

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC[1]—Continued

Island	Percent developed[2]	County	Acreage[3]	Body of water
MAINE—Continued				
Clark Island group[4a]	3	Knox	254	Atlantic Ocean.
Cranberry Island group[4a]	30	Hancock	2,330	Do.
Cranberry Island group[9]	None	Penobscot	66	Mattamiscontis Lake.
Cross Island group[4a]	1–25	Washington	1,565	Atlantic Ocean.
Cunliffe Island group[9]	None	Aroostook	17	Allagash River.
Curtis Island[4a]	1–25	Knox	9	West Penobscot Bay.
Cushing Island[4a]	60	Cumberland	249	Casco Bay.
Damariscove Island group[4a]	None	Lincoln	518	Atlantic Ocean.
Dayton Island group[9]	1–25	Hancock	214	Nicatous Lake.
Deer Island group[4a]	30	do	24,117	East Penobscot Bay.
Doyle Island group[4a]	None	Washington	105	Wohoa Bay.
Drisko Island group[4a]	3	do	183	Western Bay.
Dunn Island group[4a]	1–25	do	192	Englishman Bay.
Dutch Island group[9]	1–25	Penobscot	30	South Branch Lake.
Dyer Island group[4a]	None	Washington	346	Narraguagus Bay.
Falls Island group[4a]	None	do	192	Straight.
Farm Island[9]	1–25	Piscataquis	875	Moosehead Lake.
Farm Island group[9]	None	do	88	Eagle Lake.
Flint Island group[4a]	None	Washington	258	Atlantic Ocean.
Foster Island group[4a]	None	do	426	Narraguagus Bay.
Frye Island group[9]	3	Oxford	1,026	Sebago Lake.
Georgetown Island group[4a]	15	Sagadahoc	12,241	Kennebec River.
Gooseberry Island group[4a]	None	do	14	Casco Bay.
Great Diamond Island group[4a]	60	Cumberland	445	Do.
Great Wass Island group[4a]	5	Washington	3,133	Atlantic Ocean.
Green Island group[4a]	None	Cumberland	11	Casco Bay.
Griswold Island group[9]	None	Androscoggin	338	Androscoggin River.
Halfmoon Island group[9]	None	Aroostook	90	Grand Lake.
Halifax Island group[4a]	None	Washington	319	Englishman Bay.
Hallowall Island group[4a]	None	do	160	Dennys Bay.
Hastings Island group[9]	1–25	Oxford	482	Androscoggin River.
Head Harbor Island group[4a]	10	Washington	1,699	Atlantic Ocean.
Holbrook Island group[4a]	15	Hancock	235	Penobscot Bay.
Horseshoe Island group[9]	1–25	Kennebec	484	Cobbosseecontee Lake.
Hoyt Island group[9]	26–50	do	508	Great Pond.
Ironpound Island group[4a]	1–25	Hancock	2,590	Frenchman Bay.
Isle Au Haut group[4a]	5	Knox	7,803	Atlantic Ocean.
Islesboro Island group[4a]	40	Waldo	8,725	Penobscot Bay.
Jewell Island group[4a]	None	Cumberland	198	Casco Bay.
Kittery Island[9]	None	Washington	20	Upper Hot Brook.
Large Green Island group[4a]	1–25	Knox	130	Atlantic Ocean.
Leyford Island group[9]	None	Piscataquis	354	Seboies Lake.
Libby Islands[4a]	None	Washington	200	Machias Bay.
Little Chebeague Island[4a]	10	Cumberland	91	Casco Bay.
Long Island[4a]	5	Hancock	4,450	Blue Hill Bay.
Long Island group[9]	None	Washington	161	Baskahegan Lake.
Long Island group[4a]	None	do	147	Cobscook Bay.
Long Island group[4a]	60	Cumberland	830	Casco Bay.
Marks Island group[9]	1–25	Washington	185	Grand Lake.
Masters Island group[9]	1–25	do	216	Meddybemps Lake.
Matinicus Island group[7]	20	Knox	1,642	Atlantic Ocean.
Metinic Island group[4a]	2	do	368	Do.
Monhegan Island group[4a]	20	Lincoln	566	Do.
Monroe Island group[4a]	1–25	Knox	291	West Penobscot Bay.
Moose Island[9]	None	Washington	625	West River.
Moshier Island group[4a]	None	Cumberland	168	Casco Bay.
Mosquito Island group[4a]	1–25	Knox	221	Atlantic Ocean.
Norton Island group[4a]	1–25	Washington	189	Pleasant Bay.
Norton Island group[4a]	1–25	do	195	Western Bay.
Norris Island group[9]	1–25	Androscoggin	84	Androscoggin Lake.
Olamon Island group[9]	1–25	Penobscot	1,966	Penobscot Bay.
Orrs Island group[4a]	55	Cumberland	1,177	Casco Bay.
Peaks Island group[4a]	40	do	762	Do.
Petit Manan Island group[4a]	5	Washington	34	Atlantic Ocean.
Pillsbury Island[9]	None	Piscataquis	250	Eagle Lake.
Pond Island group[4a]	1–25	Washington	274	Atlantic Ocean.
Prune Island group[4a]	None	do	94	Third Machias Lake.
Rackliff Island group[4a]	1–25	Knox	418	Atlantic Ocean.
Richmond Island[4a]	None	Cumberland	215	Do.
Rogue Island group[4a]	1–25	Washington	1,938	Englishman Bay.
Rutherford Island group[4a]	26–50	Lincoln	1,355	Damariscotta River.
Sabasodegon Island group[4a]	30	Cumberland	6,351	Casco Bay.
Sally Island group[4a]	None	Washington	45	Atlantic Ocean.
Salt Island group[4a]	1–25	do	324	Machias Bay.
Seguin Island group[4a]	5	Sagadahoc	123	Atlantic Ocean.
Sheep Island[4a]	None	Washington	10	Dyer Bay.
Southport Island group[4a]	40	Lincoln	5,162	Atlantic Ocean.
Sprucehead Island group[4a]	26–50	Knox	147	Do.
Stevens Island group[9]	None	Oxford	100	Androscoggin River.
Sturdivant Island[4a]	5	Cumberland	70	Casco Bay.
Swan Island group[4a]	2	Kennebec	1,450	Kennebec River.
Swans Island group[4a]	10	Hancock	12,046	Atlantic Ocean.
Toothaker Island group[11a]	1–25	Oxford	882	Mooselookmeguntic Lake.
Treat Island group[4a]	25	Washington	100	Cobscook Bay.
Trott Island group[4a]	2	York	162	Atlantic Ocean.
Vinalhaven Island group[4a]	30	Knox	22,339	Penobscot Bay.
Westport Island group[4a]	20	Lincoln	5,492	Back River.
Whaleboat Island group[4a]	None	Cumberland	149	Casco Bay.
White Island group[9]	1	Washington	510	Big Lake.
Wood Island group[4a]	10	Sagadahoc	69	Atlantic Ocean.
Wood Island group[4a]	None	York	79	Do.
Subtotal (109)			156,201	
MARYLAND				
Adam Island[6]	1	Dorchester	142	Chesapeake Bay.
Ayer Island group[4a]	None	Worcester	54	Ayer Creek.
Barren Island[4a]	1	Dorchester	370	Chesapeake Bay.
Big Island group[6]	None	Somerset	50	Pocomoke Sound.
Bloodsworth Island group[6]	None	Dorchester	4,535	Chesapeake Bay.
MARYLAND—Continued				
Byrnes Island group[9]	None	Frederick	36	Potomac River.
Chase Island[6]	None	Kent	16	Chester River.
Cherry Island[4a]	10	Dorchester	14	Choptank River.
Deal Island group[6]	17	Somerset	2,347	Tangier Sound.
Devil Island group[6]	None	Worcester	20	Assawoman Bay.
Dickerson Island[6]	None	Talbot	48	Choptank River.
Dunnock Island group[6]	None	Dorchester	256	Dunonock Island. Creek.
Eastern Neck Island[4a]	15	Kent	2,304	Chesapeake Bay.
Garrett Island[9]	None	Cecil	159	Susquehanna River.
Gibson Island group[4a]	25	Anne Arundel	811	Magothy River.
Hambleton Island[4a]	None	Talbot	42	Broad Creek.
Harpers Island group[6]	None	Dorchester	146	Blackwater River.
Harrison Island group[9]	2	Montgomery	333	Potomac River.
Heaters Island group[9]	3	Frederick	485	Do.
Holland Island[6]	1	Dorchester	143	Chesapeake Bay.
Jackson Island group[6]	None	Somerset	28	Annemessex River.
Jericho Island group[6]	2	do	754	Manokin River.
Kent Island group[4a]	10	Anne Arundel	22,542	Chesapeake Bay.
Lower Hooper Island[4a]	None	Dorchester	736	Do.
Mason Island group[9]	1	Montgomery	240	Potomac River.
Meekins Neck group[6]	5	Dorchester	4,471	Chesapeake Bay.
Middle Hooper Island group[4a]	20	do	1,686	Do.
Mills Island group[6]	1	Worcester	642	Chincoteague Bay.
Northeast Island[6]	None	Dorchester	29	Chesapeake Bay.
Point Lookout Island group[4a]	20	St. Marys	238	Do.
Pone Island group[6]	None	Dorchester	446	Do.
Pooles Island[4a]	2	Harford	173	Do.
Poplar Island group[4a]	1	Talbot	200	Eastern Bay.
Ragged Island group[4a]	2	Dorchester	106	Little Choptank River.
Reedy Island group[6]	None	Worcester	35	Assawoman Bay.
Roberts Island group[9]	8	Harford	99	Susquehanna River.
Seiden Island group[9]	1	Montgomery	464	Potomac River.
Smith Island group[6]	4	Somerset	9,906	Chesapeake Bay.
Shelldrake Island[6]	None	Worcester	344	Chincoteague Bay.
Shepherds Island group[9]	None	Washington	16	Potomac River.
Sherwin Island group[9]	None	Montgomery	260	Do.
South Hammocks Island group.[6]	None	Worcester	162	Assawoman Bay.
South Marsh Island group[6]	None	Somerset	2,884	Tangier Sound.
Spesutie Island group[4a]	20	Harford	1,526	Chesapeake Bay.
Spring Island group[6]	None	Dorchester	53	Do.
St. Catherine Island group[4a]	5	St. Marys	69	Potomac River.
St. George Island[4a]	40	do	510	St Marys River.
Sugarloaf Island[6]	None	Dorchester	224	Blackwater River.
Taylors Island group[4a]	10	do	8,094	Chesapeake Bay.
Tilghman Island group[4a]	18	Talbot	1,488	Do.
Tizzard Island group[6]	None	Worcester	150	Johnson Bay.
Upper Hooper Island[4a]	40	Dorchester	1,044	Chesapeake Bay.
Watkins Island group[9]	None	Montgomery	779	Potomac River.
Wroten Island[4a]	3	Dorchester	503	Honga River.
Wye Island[4a]	8	Queen Anne	2,112	Wye Narrows.
Subtotal (55)			75,324	
MASSACHUSETTS				
Big Ram Island group[6]	3	Bristol	238	Westport River—East Branch.
Brant Island group[4a]	5	Plymouth	16	Buzzards Bay.
Calf Island group[11b]	10	Suffolk	92	Massachusetts Bay
Cape Ann Island[4a]	50	Essex	11,730	Atlantic Ocean—Ipswich Bay.
Chappaquiddick Island[7]	10	Dukes	3,570	Atlantic Ocean.
Elizabeth Island group[4a]	25	do	8,268	Buzzards Bay.
Hog Island group[4a]	15	Essex	723	Essex Bay.
Hopkins Island group[6]	None	Barnstable	575	Nauset Bay.
Jules Island group[6]	None	do	283	Cape Cod Bay.
Kidds Island[9]	None	Franklin	18	Connecticut River.
Kimball Island[9]	None	Essex	20	Merrimack River.
Lieutenant Island group[6]	5	Barnstable	276	Wellfleet Harbor.
Long Island group[4a]	None	Bristol	45	Buzzards Bay.
Marblehead Neck Island group.[4a]	35	Essex	285	Massachusetts Bay.
Martha's Vineyard[7]	15	Dukes	63,000	Atlantic Ocean.
Muskeget Island[7]	None	Nantucket	300	Do.
Nantucket Island[7]	3	do	30,391	Do.
Narrows Island group[4a]	20	Suffolk	113	Massachusetts Bay.
Noman's Land Island[7]	None	Dukes	628	Atlantic Ocean.
Pearce Island group[6]	5	Essex	231	Annisquam River.
Peddocks Island[4a]	15	Plymouth	170	Hull Bay.
Pine Island group[11a]	None	Worcester	121	Sudbury Reservoir.
Plum Island[4a]	25	Essex	3,305	Atlantic Ocean.
Quincy Bay Island group[4a]	40	Suffolk	305	Boston Harbor.
Rawson Island group[9]	30	Franklin	210	Connecticut River.
Roger Island group[6]	None	Essex	418	Plum Island River.
Sanford Flat Island group[6]	3	Bristol	120	Westport River.
Strong Island group[6]	5	Barnstable	508	Pleasant Bay.
Thacher Island group[4a]	None	Essex	112	Atlantic Ocean.
Thompson Island group[4a]	None	Suffolk	231	Dorchester Bay.
Tuckernuck Island[7]	None	Nantucket	1,000	Atlantic Ocean.
Weepocket Island group[4a]	None	Dukes	11	Buzzards Bay.
West Island[4a]	20	Bristol	560	Do.
Weymouth-Hingham Island group.[4a]	5	Norfolk	124	Hull Bay.
Winter Island[9]	None	Essex	50	Massachusetts Bay.
Woodbridge Island group[6]	None	do	274	Plum Island River.
Subtotal (35)			127,693	

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MICHIGAN				
Andrews Island [4b]	5	Chippewa	14	Potagannissing Bay.
Apple Island [9]	None	Oakland	38	Orchard Lake.
Arnold Island [4b]	None	Chippewa	30	Lake Huron.
Ashman Island [4b]	None	do	62	Potagannissing Bay.
Au Train Island [4b]	None	Alger	105	Lake Superior.
Bald Island [4b]	1	Chippewa	75	Potagannissing Bay.
Beaver Island [10]	10	Charlevoix	35, 465	Lake Michigan.
Beavertail Point Island [4b]	1	Mackinac	41	Lake Huron.
Bellevue Island [4b]	None	Chippewa	30	Do.
Big La Salle Island [4b]	1	Mackinac	1, 012	Do.
Big St. Martin Island [4b]	None	do	951	Do.
Big Trout Island [4b]	None	Chippewa	94	Potagannissing Bay.
Birch Island [4b]	None	Mackinac	21	Lake Huron.
Bois Blanc Island [4b]	1	do	21, 352	Do.
Boot Island [4b]	5	do	123	Do.
Boulanger Island [4b]	4	Chippewa	46	Potagannissing Bay.
Brown Island [9]	None	Presque Isle	55	Grand Lake.
Burnt Island [4b]	5	Chippewa	411	Potagannissing Bay.
Butterfield Island [4b]	1	do	32	Do.
Cass Island [4b]	1	do	74	Do.
Cedar Island [4b]	None	do	64	Do.
Celeron Island [9]	5	Wayne	120	Detroit River.
Charity Island [4b]	None	Arenac	280	Lake Huron.
Cherry Island [4b]	None	Wayne	30	Detroit River.
Claw Island[4b]	None	Chippewa	10	Potagannissing Bay.
Corvell Island [4b]	50	Mackinac	82	Lake Huron.
Crooked Island [4b]	1–25	Alpena	47	Do.
Duck Island [4b]	1	Chippewa	10	Whitney Bay.
Duck Island [10]	1	do	200	Lake George.
Espanore Island [4b]	5	do	120	Lake Huron.
Flat Island [9]	1	Marquette	15	Lake Michigamme.
Fox Island [9]	None	Grand Traverse	12	Long Lake.
Garden Island [10]	None	Charlevoix	4, 372	Lake Michigan.
Garden Island [4b]	None	Chippewa	40	Lake Huron.
Gitche Manato Island [9]	None	Marquette	10	Lake Michigamme.
Government Island [4b]	None	Mackinac	215	Lake Huron
Grand Island [9]	None	Preque Isle	273	Grand Lake.
Grand Island [4b]	1–25	Alger	12, 905	Lake Superior
Grape Island [4b]	2	Chippewa	80	Potagannissing Bay.
Gravel Island [4b]	None	do	20	Lake Huron.
Green Island [6]	None	Saginaw	35	Saginaw River.
Gull Island [10]	None	Charlevoix	240	Lake Michigan.
Gull Island [4b]	None	Chippeqa	16	Potagannissing Bay.
Gull Island [4b]	None	Delta	13	Lake Michigan.
Harbor Island [4b]	None	Chippewa	694	Potagannissing Bay.
Harris Island [4b]	None	do	11	Do.
Hart Island [4b]	None	do	20	Munuscong Lake.
Hill Island [4b]	30	Mackinac	235	Lake Huron.
Hog Island [10]	None	Charlevoix	2, 071	Lake Michigan.
Island No. 8 [4b]	25	Mackinac	132	Lake Huron.
Island No. 12 [6]	None	Ionia	15	Grand River.
James Island[4b]	10	Chippewa	26	Potagannissing Bay.
La Pointe Island [4b]	5	do	23	Do.
Lighthouse Island [4b]	None	Marquette	40	Lake Superior.
Lime Island [4b]	5	Chippewa	900	Munuscong Lake.
Little Charity Island [4b]	None	Arenac	17	Lake Huron.
Little Gull Island [4b]	None	Delta	10	Lake Michigan.
Little La Salle Island [4b]	1	Mackinac	400	Lake Huron.
Little Lime Island	None	Chippewa	16	Munuscong Lake.
Little Presque Island [4d]	None	Marquette	14	Lake Superior.
Little St. Martin Island [4b]	None	Mackinac	472	Lake Huron.
Little Summer Island [4b]	None	Delta	506	Lake Michigan.
Long Island [9]	1	Grand Traverse	24	Long Lake.
Long Island [4b]	1	Mackinac	70	Lake Huron.
Long Island [4b]	None	Chippewa	17	Potagannissing Bay.
Long Island [4b]	3	do	40	Lake Huron.
Love Island [4b]	None	do	20	Munuscong Lake.
Mackinac Island [4b]	15	Mackinac	2, 321	Lake Huron.
Macomb Island [4b]	1	Chippewa	240	Potagannissing Bay.
Manitou Island [4b]	10	Keweenaw	1, 013	Lake Superior.
Maple Island [4b]	1	Chippewa	123	Potagannissing Bay.
Marion Island [4b]	1	Grand Traverse	600	Grand Traverse Bay.
Marquette Island [4b]	None	Mackinac	4, 000	Lake Huron.
Meade Island [4b]	5	Chippewa	160	Do.
Middle Island [4b]	None	Alpena	255	Do.
Neebish Island [4b]	20	Chippewa	12, 981	Lake Nicolet.
North Fox Island [10]	5	Leelanau	777	Lake Michigan.
North Island [4b]	10	Huron	88	Saginaw Bay.
North Manitou Island [10]	5	Leelanau	14, 100	Lake Michigan.
Odiem Island [9]	None	Monroe	40	North Maumee Bay.
Patridge Island [4b]	None	Marquette	85	Lake Superior.
Peck Island [4b]	1	Chippewa	40	Patogannissing Bay.
Pipe Island [4b]	10	do	13	Do.
Rains Island [4b]	5	do	300	Munuscong Lake.
Ramsey Island [4b]	None	Marquette	26	Lake Michigamme.
Rocky Island [9]	None	Delta	10	Lake Michigan.
Rogg Island [4b]	None	Chippewa	29	Potagannissing Bay.
Round Island [4b]	None	Mackinac	392	Lake Huron.
Rover Island [4b]	None	do	16	Do.
Rutland Island [4b]	None	Chippewa	73	Potagannissing Bay.
Saltonstall Island [4b]	None	do	19	Do.
Shelter Island [4b]	None	do	70	Lake Huron.
Snake Island [4b]	None	Delta	10	Big Bay De Noc.
South Fox Island [10]	5	Leelanau	3, 382	Lake Michigan.
South Island [9]	None	Grand Traverse	12	Long Lake.
South Manitou Island [10]	5	Leelanau	4, 940	Lake Michigan.
Squaw Island [10]	1	Charlevoix	69	Do.
St. Helena Island [4b]	None	Mackinac	241	Do.
St. Martin Island [4b]	1	Delta	1, 332	Do.
MICHIGAN—Continued				
Stony Island [4b]	None	Huron	387	Saginaw Bay.
Stricklands Point Island [4b]	30	Chippewa	30	Potagannissing Bay.
Strongs Island [4b]	None	Mackinac	90	Lake Huron.
Sturgeon Bar Island [9]	None	Wayne	10	Detroit River.
St. Vitals Island [4b]	None	Delta	20	Big Bay De Noc.
Sugar Island [9]	None	Wayne	40	Detroit River.
Sugar Island [4b]	30	Chippewa	31, 056	Lake Nicolet.
Sugar Island [4b]	None	Alpena	173	Lake Huron.
Summer Island [4b]	1	Delta	2, 130	Lake Michigan.
Sweets Point Island [4b]	10	Chippewa	100	Munuscong Lake.
Thunder Bay Island [4b]	1	Alpena	218	Lake Huron.
Traverse Island [4b]	None	Houghton	91	Keweenaw Bay.
Trout Island [10]	1	Charlevoix	80	Lake Michigan.
Whiskey Island [10]	1	do	96	Do.
Wilson Island [10]	1	Chippewa	159	Potagannissing Bay.
Williams Island [4b]	None	Alger	33	Lake Superior.
Wood Island [4b]	None	do	170	Do.
Subtotal (116)			167, 653	
MINNESOTA				
Alepo [9]	1	St. Louis	15	Lake Vermillion
Baylis Island [9]	1	do	75	Crane Lake
Bear Island [9]	None	do	150	Bear Island Lake
Beaver Island [6]	None	Sterns	225	Mississippi River
Blueberry Island [9]	None	St. Louis	15	Burntside Lake
Brownell Island [9]	None	do	10	Do.
Burnt Island [9]	None	do	40	Do.
Coleman Island [9]	None	do	3, 200	Do.
Comet Island [9]	2	do	40	Lake Vermillion
Cramer Island [9]	1	do	20	Trout Lake
Dollar Island [9]	None	do	15	Burntside Lake
Drury Island [6]	None	Wabasha	64	Mississippi River
Hall Island [9]	None	St. Louis	75	Burntside Lake
Honeymoon Island [9]	None	do	55	Do.
Iatch Island [6b]	10	Winona	60	Mississippi River
Indian Island [9]	None	St. Louis	25	Crane Lake
Knotts Island [9]	1	do	55	Vermillion Lake
Last Girl Island [9]	None	do	40	Burntside Lake
Lock Island [9]	None	do	12	Do.
Long Island [9]	None	do	35	Do.
Lower Grey Cloud Island [6b]	None	Washington	1, 358	Mississippi River.
Matson Island [9]	None	St. Louis	20	Lake Vermillion.
Oliver Island South [9]	None	do	40	Burntside Lake.
Oliver Island North [9]	None	do	35	Do.
Pine Island [9]	None	do	15	Do.
Bear Island [9]	None	Cass	1, 022	Leech Lake.
Beaver Island [9]	1–25	Lake	10	Lake Superior.
Big Island [9]	None	Koochichin	178	Nett Lake.
Big Star Island [9]	1–25	Beltrami	1, 155	Cass Lake.
Elmwood Island [9]	None	Itasca	37	Island Lake.
Fort St. Charles Island group.[9]	1–25	Lake of the Woods	471	Lake of the Woods.
Garden Island [9]	1–25	do	690	Do.
Gary Island [9]	1–25	Lake	12	Basswood Lake.
Goat Island [9]	26–50	Hubbard	65	Lake Belle Taine.
Grand Portage Island [9]	None	Cook	50	Lake Superior.
Half Dog Island [9]	1–25	Lake	15	Basswood Lake.
Indian Grave Island [9]	1–25	do	15	Do.
Loon Island [9]	1–25	Murray	44	Lake Shetek.
Mile Island [9]	1–25	Lake	65	Fall Lake.
Minnesota Island [9]	None	Cass	252	Leech Lake.
Oak Island [9]	1–25	Lake of the Woods	1, 626	Lake of the Woods.
Pelican Island [9]	None	Cass	166	Leech Lake.
Pike Island [9]	None	Ramsey	238	Mississippi River.
Pipe Island [9]	None	Cass	12	Leech Lake.
Seven Island [9]	None	Pine	20	St. Croix River.
Susie Island group [9]	None	Cook	360	Lake Superior.
Pine Island [9]	None	St. Louis	2, 500	Lake Vermillion.
Ripple Island [9]	None	do	20	Burntside Lake.
Sioux Pine Island [9]	None	do	600	Trout Lake.
Snellman Island [9]	None	do	45	Burntside Lake.
Spider Island [9]	1	do	12	Lake Vermillion.
Sumpter Island [9]	None	do	10	Burntside Lake.
Three Island [9]	None	do	75	Iron Lake.
Upper Grey Cloud Island [6b]	None	Washington	1, 047	Mississippi River.
Subtotal (54)			16, 506	
MISSISSIPPI				
Cat Island [5]	None	Harrison	2, 400	Mississippi Sound.
Deer Island [5]	1–25	do	530	Do.
Horn Island [5]	1–25	Jackson	3, 690	Do.
Petit Bois Island [5]	1–25	do	1, 470	Do.
Round Island [5]	None	do	80	Do.
Ship Island [5]	26–50	Harrison	1, 250	Do.
Subtotal (6)			9, 420	
MISSOURI				
Cora Island [6]	None	St. Charles	1, 330	Missouri River.
Cuivre Island [6]	1	Lincoln	1, 355	Mississippi River.
Dresser Island [6]	None	St. Charles	788	Do.
Fabius Island [6]	None	Marion	305	Do.
Fox Island [6]	None	Cole	150	Missouri River.
Howell Island [6]	None	St. Charles	2, 511	Do.
Orton Island [6]	None	Marion	85	Mississippi River.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MISSOURI—Continued				
Stillman Island [6]	None	Marian	120	Mississippi River.
Turkey Island [6]	None	Lincoln	128	Do.
Subtotal (9)			6,772	
MONTANA				
Bird Island [9]	None	Lake	30	Flathead Lake.
Bull Island [9]	None	do	110	Do.
Cedar Island [9]	None	do	25	Do.
Cemetery Island [11]	None	Lewis and Clark	20	Canyon Ferry Impoundment.
Council Island [9]	None	Fergus	20	Missouri River.
Cow Island group [9]	None	do	110	Do.
Cromwell Island [9]	None	Lake	360	Flathead Lake.
Hole-in-the-Wall Island group [9]	None	Chouteau	10	Missouri River.
Holmes Council Island group [9]	None	Fergus	15	Missouri River.
Iron City Island group [9]	None	do	15	Do.
Little Bull Island group [9]	None	Lake	35	Flathead Lake.
Melita Island [9]	Nohe	do	70	Do.
Norris Island group [9]	None	Chouteau	105	Missouri River.
Pablo Island group [9]	None	do	10	Do.
Shelter Island [9]	None	Lake	25	Flathead Lake.
Sturgeon Island group [9]	None	Blaine	50	Missouri River.
Wild Horse Island [9]	1–25	Lake	2,500	Flathead Lake.
Wolf Island [9]	None	Chouteau	10	Missouri River.
Subtotal (18)			3,520	
NEBRASKA				
Platte River Island group [9]	1	Colfax, Dodge, Butler, Cass, Douglass, Saunders, Sarpy.	5,170	Platte River.
Subtotal (1)			5,170	
NEVADA (None)				
NEW HAMPSHIRE				
Barndoor Island group [9]	10	Carroll	162	Lake Winnipesaukee.
Beach Island group [9]	10	Strafford	25	Bow Lake.
Bear Island [9]	None	Merrimack	105	Suncook River.
Bear Island group [9]	10	Belknap	290	Lake Winnipesaukee.
Big Island [9]	None	Carroll	9	Silver Lake.
Big Island [9]	10	do	13	Lovell Lake.
Big Island group [9]	None	Coos	182	Umbagog Lake.
Black Cat Island group [9]	30	Belknap	177	Lake Winnipesaukee.
Black Island [9]	20	Carroll	50	Moultonboro Bay.
Browns Island group [9]	None	Rockingham	102	Massabesic Lake.
Burnap's Island [9]	None	Sullivan	5	Connecticut River.
Chapman Island group [9]	None	Belknap	37	Lake Waukewan.
Chase Island [9]	None	Sullivan	12	Connecticut River.
Dunshee Island [9]	None	Cheshire	10	Do.
Evans Island [9]	None	Coos	30	Androscoggin River.
Gleason Island [9]	None	Grafton	10	Connecticut River.
Governors Island group [9]	None	Rockingham	272	Island Pond.
Governors Island [9]	20	Belknap	500	Lake Winnipesaukee.
Hart Island [9]	None	Sullivan	26	Connecticut River.
Hinman Island group [9]	None	Coos	13	Do.
Howard Island group [9]	None	Grafton	80	Do.
Hubbard group [9]	None	Sullivan	32	Do.
Isles of Shoals group [5]	None	Rockingham	131	Altantic Ocean.
Jarvis Island [9]	None	Sullivan	12	Connecticut River.
Johnston Island [9]	None	Grafton	8	Do.
Jose Island group [9]	None	Carroll	15	Moultonboro Bay.
Kelly Island [9]	None	Belknap	23	Pemigewasset Lake.
Ledge Island [9]	None	Sullivan	3	Connecticut River.
Log Cabin Island group [9]	None	Rockingham	15	Pawtuckaway Pond.
Long Island [9]	10	Carroll	1,170	Lake Winnipesaukee.
Loon Island [9]	None	do	6	Leavitt Bay.
Mark Island group [9]	10	Belknap	642	Lake Winnipesaukee.
Mayhew Island [9]	None	Grafton	40	Newfound Lake.
Moat Island [9]	None	Rockingham	15	Lamprey River.
New Castle Island group [4a]	60	do	570	Portsmouth Harbor.
Rattlesnake Island group [9]	15	Belknap	523	Lake Winnipesaukee.
Spring Island group [9]	30	Carroll	49	Green's Basin Lake.
Squam Lake Island group [9]	None	Grafton	755	Squam Lake.
Stebbin Island [9]	None	Cheshire	30	Connecticut River.
Stamp Act Island group [9]	10	Carroll	131	Lake Wentworth.
Stevens Island group [9]	None	Grafton	14	Connecticut River.
Stonedam Island group [9]	10	Belknap	146	Meredith Bay
Sumner Island group [9]	None	do	53	Pemigewasset River.
Wentworth Island [9]	None	Coos	10	Androscoggin River.
Whortleberry Island [9]	15	Carroll	957	Lake Winnipesaukee.
Subtotal (46)			7,475	
NEW JERSEY				
Artificial Island group [6]	None	Salem	3,200	Delaware River.
Bonnet Island group [6a]	5	Ocean	520	Manahawkin Bay.
Brigantine Island [5]	60	Atlantic	2,450	Atlantic Ocean.
Bulls Island [9]	None	Hunterdon	80	Delaware River.
Chester Island [6]	None	Gloucester	140	Do.
Clam Island group [6]	None	Ocean	446	Barnegat Bay.
Conklin Island group [6]	None	do	1,866	Do.
Devils Island group [5]	None	Cape May	1,351	Ludlam Bay.
NEW JERSEY—Continued				
Devils Wedge Island group [5]	5	Cape May	712	Turtle Gut Bay.
Dildine Island group [9]	5	Warren	104	Delaware River.
Eagle Island [9]	None	Hunterdon	18	Do.
Ellis Island [4]	100	Hudson	24	Upper New York Bay.
Fortescue Neck Island group [6]	10	Cumberland	6,945	Delaware Bay.
Fowler Island group [6]	None	do	33	Maurice River.
Glassy Sound Island group [5]	None	Cape May	1,890	Richardson Sound.
Great Island group [5]	5	Atlantic	3,050	Egg Harbor.
Gull Island group [5]	None	Cape May	3,540	Jenkins Sound.
Gull Island group [5]	None	do	760	Townsend Sound.
Gunning Island group [6]	None	Monmouth	166	Shrewsbury River.
Ham Island group [6]	None	Ocean	248	Little Egg Harbor.
Herring Island [6]	None	do	40	Metedeconk River.
Hickory Island group [6b]	None	Salem	600	Salem River.
Hog Island group [6]	None	Atlantic	160	Mullica River.
Mashipacong Island group [9]	None	Sussex	514	Delaware River.
Monds Island [6]	None	Gloucester	150	Do.
Money Island group [6]	None	Salem	412	Do.
Mormandie Island group [6]	20	Monmouth	158	Navesink River.
Ocean City Island [5]	60	Cape May	3,450	Atlantic Ocean.
Osborn Island [9]	None	Monmouth	8	Manasquan River.
Pine Island Meadow group [6]	None	Salem	840	Salem River.
Pine Island group [6]	None	do	5,156	Delaware Bay.
Raccoon Creek group [6]	None	Gloucester	145	Raccoon Creek.
Rainbow Island group [5]	5	Cape May	1,270	Great Egg Harbor.
Rotary Island [9]	None	Mercer	29	Delaware River.
Sedge Island group [6]	None	Ocean	404	Barnegat Bay.
Seven Island group [6]	None	do	1,862	Great Bay.
Story Island group [5]	None	do	988	Little Egg Harbor.
Thorofare Island group [5]	None	Cape May	848	Jarvis Sound.
Tocks Island group [9]	None	Warren	50	Delaware River.
Treasure Island group [9]	None	Hunterdon	68	Do.
Upper Island group [5]	5	Cape May	3,897	Stites Sound.
Weak Fish Island group [5]	5	Atlantic	5,262	Reeds Bay.
Wildwood Island group [5]	80	Cape May	4,118	Atlantic Ocean.
Subtotal (43)			57,972	
NEW MEXICO (None)				
NEW YORK				
Barnhart Island group [9]	None	St. Lawrence	1,820	St. Lawrence River.
Beacon Island group [9]	None	Fulton	80	Sacandaga Reservoir.
Big Island group [9]	None	Oswego	75	Oswego River.
Big Island group [9]	10	Onondaga	502	Seneca River.
Big Island group [9]	10	Hamilton	114	Raquette Lake.
Bonsted Island group [9]	30	Oswego	25	Oswego River.
Bowman Island group [9]	None	St. Lawrence	27	Black Lake.
Campbell Island group [9]	None	Rensselaer	43	Hudson River
Cedar Island group [9]	None	St. Lawrence	120	Chippewa Bay.
Cherry Island [9]	None	Orange	11	Delaware River.
Croil Island group [9]	None	St. Lawrence	785	St. Lawrence River.
Delano Island group [9]	None	Jefferson	98	Black River.
Dunham Island group [9]	None	Oswego	50	Oneida Lake.
East Bar Island group [6b]	None	Suffolk	70	Nissequoque River.
Esopus Island [9]	None	Dutchess	10	Hudson River.
Fire Island [9]	10	Suffolk	6,700	Atlantic Ocean.
Fishers Island group [4a]	30	do	2,730	Great Peconic Bay
Fox Island group [4b]	None	Jefferson	1,372	Lake Ontario.
Galop Island group	None	St. Lawrence	515	St. Lawrence River.
Gardiners Island group [6]	5	Suffolk	3,307	Block Island Sound.
Glosky Island [9]	None	Onondaga	100	Oneida River.
Governors Island [9]	None	New York	180	Upper New York Bay.
Grand Island [9]	55	Niagara	18,310	Niagara River.
Great Island [9]	None	Westchester	323	Kensico Reservoir.
Green Island group [9]	None	Franklin	157	Upper Saranac Lake.
Green Island [9]	None	Saratoga	23	Hudson River
Griffin Island [9]	None	do	70	Do.
Grindstone Island group [9]	None	Jefferson	5,451	St. Lawrence River.
Gumaer Island [9]	None	Ulster	25	Rondont Creek.
Hen Island group [9]	None	Westchester	29	Mamaroneck Harbor.
Hiawatha Island [9]	10	Tioga	125	Susquehanna River.
Hoopers Valley Island [9]	None	do	20	Do.
Long Sault Island group [9]	None	St. Lawrence	898	St. Lawrence River.
Magdelan Island group [9]	None	Dutchess	194	Hudson River.
Maloney Island [9]	None	Onondaga	22	Seneca River.
Maple Bend Island group [9]	None	Washington	151	Lake Champlain.
Middleground Flats Island group [9].	None	Greene	175	Hudson River.
Moose Island group [9]	10	Essex	760	Lake Placid.
Newark Island group [9]	10	Wayne	204	Sodus Bay.
Ogden Island [9]	None	St. Lawrence	459	St. Lawrence River.
Peobles Island group [9]	None	Rensselaer	155	Hudson River.
Pepper Island group [9]	5	Montgomery	92	Mohawk River.
Pollepel Island group [9]	None	Dutchess	20	Hudson River.
Poors Island group [9]	5	Jefferson	86	Black River.
Quack Island group [9]	None	Rensselaer	143	Hudson River.
Rattlesnake Island group [9]	None	Greene	115	Do.
Robins Island [9]	None	Suffolk	442	Great Peconic Bay.
Rogers Island [9]	5	Columbia	175	Hudson River.
Schuyler Island [9]	None	Essex	168	Lake Champlain.
Sedge Island group [9]	None	Suffolk	111	Shinnecock Bay.
Simmons Island group [9]	None	Albany	76	Hudson River.
Sols Island group [9]	20	St. Lawrence	187	Raquette River.
Squaw Island group [9]	None	Erie	157	Niagara River.
Stockport Island group [9]	15	Greene	210	Hudson River.
Stoney Island group [4b]	None	Jefferson	1,422	Lake Ontario.
Thompson Island [9]	None	Saratoga	50	Hudson River.
Valcour Island group [9]	None	Clinton	1,024	Lake Champlain.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
NEW YORK—Continued				
Walter Island [9]	None	Onondaga	14	Oswego River.
Wellesley Island group [9]	5	Jefferson	8, 075	St. Lawrence River.
Wilson Hill Island group [9]	None	St. Lawrence	1, 051	Do.
Subtotal (60)			59, 903	
NORTH CAROLINA				
Battery Island [5]	1–25	Brunswick	60	Long Bay.
Bogue Banks Island [5]	None	Carteret	6, 400	Atlantic Ocean.
Marshy Island group [5]	None	Currituck	1, 500	Do.
Smith Island group [5]	None	Brunswick	11, 000	Do.
Striking Island [5]	None	do	30	Dutchman Creek.
Subtotal (5)			18, 990	
NORTH DAKOTA (None)				
OHIO				
Johnson Island [4b]	5	Ottawa	300	Lake Erie.
Kelleys Island [4b]	10	Erie	2, 888	Do.
Middle Bass Island [4b]	20	Ottawa	750	Do.
Mouse Island [4b]	10	do	8	Do.
North Bass Island [4b]	10	do	705	Do.
Rattlesnake Island [4b]	20	do	65	Do.
South Bass Island [4b]	20	do	1, 568	Do.
Squaw Island [4b]	None	Sandusky	3	Do.
Starve Island [4b]	None	Ottawa	1	Do.
Turtle Island [4b]	None	Sandusky	2	Do.
Subtotal (10)			6, 290	
OKLAHOMA (None)				
OREGON				
Bolon Island [9]	30	Douglas	200	Umpqua River.
Booth Island group [9]	None	Lane	120	Siltcoos Lake.
Cascade Locks Island [9]	None	Hood River	20	Columbia River.
Cathlament Bay Island group [6]	None	Clatsop	650	Do.
Goose Island [6]	None	do	20	Do.
Government Island group [9]	None	Multnomah	2, 268	Do.
Grassy Island [6]	None	Clatsop	80	Do.
Green Island group [6]	None	do	255	Do.
Johnson Island group [9]	None	Malheur	540	Snake River.
Karlson Island group [6]	None	Clatsop	1, 155	Columbia River.
Lava Island [9]	None	Deschutes	10	Deschutes River.
Marsh Island group [6]	None	Clatsop	1, 915	Columbia River.
Miller Sands Island group [9]	None	do	235	Do.
Minaker Island group [6]	None	do	265	Do.
Mott Island group [9]	None	do	1, 000	Do.
Myrtle Island [9]	None	Douglas	28	Umpqua River.
Pearcy Island [9]	None	Multnomah	1, 940	Columbia River.
Quinin Island group [6]	None	Clatsop	365	Do.
Russian Island group [6]	None	do	825	Do.
Sauvie Island group [9]	None	Columbia	26, 720	Do.
Seal Island group [6]	None	Clatsop	342	Do.
Svenson Island group [6]	None	do	465	Do.
Tronson island group [6]	None	do	135	Do.
Woody Island [6]	None	do	220	Do.
Subtotal (24)			39, 773	
PENNSYLVANIA				
Ackerman Island [11a]	None	Crawford	13	Pymatuning Reservoir.
Bell Island [9]	None	Juniata	110	Juniata River.
Blood Island group [9]	None	Northunberland	316	Susquehanna River.
Clark Island group [11a]	5	Crawford	285	Pymatuning Reservoir.
Grafts Island group [9]	None	Dauphin	154	Susquehanna River.
Dodd Island group [9]	None	Bradford	35	Do.
Duncan Island group [9]	None	Lancaster	120	Do.
Georgetown Island [9]	None	Beaver	32	Ohio River.
Gould Island [9]	None	Luzerne	50	Susquenhanna River.
Great Island [9]	5	Clinton	250	West Branch. Susquehanna River.
Harris Island group [9]	None	Bradford	74	Susquehanna River.
Hawns Bridge Island [9]	None	Huntingdon	65	Juniata River.
Hendrick Island [9]	None	Bucks	40	Delaware River.
Hoge Island group [9]	None	Venango	40	Allegheny River.
Keifer Island [9]	None	Northampton	30	Delaware River.
Lagrange Island [9]	None	Wyoming	14	Susquehanna River.
Little Island group [9]	None	Luzerne	32	Do.
McClokey Island	None	Clinton	30	W. Branch Susquehanna River.
Mead Island group [9]	None	Warren	169	Allegheny River.
Montgomery Island group [9]	None	Northumberland	77	Susquehanna River.
Mowey Island group [6]	None	Bucks	325	Delaware River.
Nicholson Island group [9]	None	Armstrong	17	Allegheny River.
Phillis Island [9]	None	Beaver	40	Ohio River.
Prahis Island group [9]	None	Bucks	39	Delaware River.
Richard Island [9]	None	Luzerne	75	Susquehanna River.
Ross Island [9]	None	Armstrong	24	Allegheny River.
Scovell Island [9]	None	Luzerne	65	Susquehanna River.
Shawnee Island group [9]	None	Monroe	415	Delaware River.
PENNSYLVANIA—Continued				
Urey Island group [9]	None	York	49	Susquehanna River.
Weise Island [9]	None	Lancaster	90	Do.
Wharf Island group [9]	None	Dauphin	514	Do.
Whitherup Island [9]	None	Venango	10	Allegheny River.
Subtotal (32)			3,598	
RHODE ISLAND				
Bills Island group [4a]	None	Washington	37	Quonochontaug Pond.
Block Island [7]	10	do	6, 504	Atlantic Ocean.
Conanicut Island [4a]	25	Newport	6, 105	Narragansett Bay.
Dutch Island [4a]	5	do	75	Do.
Dyer Island [4a]	1	do	30	Do.
Goat Island [4a]	50	do	35	Newport Harbor.
Gooseberry Island [4a]	5	Washington	25	Point Judith Pond.
Gould Island [4a]	80	Newport	60	Narragansett Bay.
Hog Island group [4a]	10	do	182	Do.
Hope Island [4a]	5	do	75	Do.
Narragansett Bay Island group [4a].	30	Washington	36	Do.
Page Island group [9]	5	Providence	14	Pascoag Reservoir.
Patience Island [4a]	5	Newport	200	Narragansett Bay.
Phillips Island [9]	None	Washington	10	Yawgoog Pond.
Prudence Island [4a]	20	Newport	3, 627	Narragansett Bay.
Ram Island [4a]	None	Washington	35	Point Judith Pond.
Rose Island [4a]	5	Newport	17	Narragansett Bay.
Sandy Point Island [5]	None	Washington	50	Little Narragansett Bay.
Ward Island group [5]	None	do	65	Ninigret Pond.
Subtotal (19)			17,182	
SOUTH CAROLINA				
Bay Point Island [5]	1–25	Beaufort	1, 800	Atlantic Ocean.
Bull Island [11c]	26–50	do	3, 500	May River.
Capers Island [5]	1–25	Charleston	200	Atlantic Ocean.
Capers Island [5]	1–25	Beaufort	200	Do.
Cedar Island [5]	1–25	Georgetown	3, 500	Do.
Daufuskie Island [5]	1–25	Beaufort	5, 882	Do.
Debidue Island [5]	None	Georgetown	8, 400	Do.
Dewees Island [5]	1–25	Charleston	890	Do.
Edisto Island [5]	26–50	do	34, 000	Do.
Fripps Island [5]	26–50	Beaufort	3, 000	Story River.
Hunting Island [5]	26–50	do	3, 000	Atlantic Ocean.
Kiawah Island [5]	26–50	Charleston	7, 300	Do.
Morgan Island [9]	None	Beaufort	2, 000	Coosaw River.
Morris Island [5]	None	Charleston	1, 200	Atlantic Ocean.
North Island [5]	None	Georgetown	6, 000	Do.
Persanti Island [9]	None	Clarendon	350	Lake Marion.
Raccoon Island group [9]	26–50	Charleston	2, 500	South Edisto River.
Seabrook Island [5]	1–25	do	1, 800	Atlantic Ocean.
Subtotal (18)			85, 522	
SOUTH DAKOTA				
Gills Island [9]	None	Day	10	Enemy Swim Lake.
Kite Island [9]	2	Roberts	101	Big Stone Lake.
La Framboise Island [9]	None	Hughes	688	Lake Sharpe.
Subtotal (3)			799	
TENNESSEE				
Beef Island group [9]	1–25	Shelby	3, 500	Mississippi River.
City Island [9]	51–75	do	2, 500	Do.
Diamond Island [9]	None	Hardin	162	Tennessee River.
Long Island [9]	26–50	Sullivan	1, 500	Boone Reservoir.
Loos Hatche Bar Island [9]	None	Shelby	500	Mississippi River.
Presidents Island [9]	26–50	do	6, 500	Do.
Treasure Island [9]	None	do	400	Do.
Williams Island [9]	None	Hamilton	459	Tennessee River.
Subtotal (8)			15, 521	
TEXAS				
Galveston Island [5]	51	Galveston	27, 500	Gulf of Mexico.
Matagorda Island [5]	5	Matagorda	44, 800	Do.
Matagorda Peninsula North [5]	5	do	18, 500	Do.
Matagorda Peninsual South [5]	1	do	15, 500	Do.
Mustang Island [5]	25	Nueces	15, 300	Do.
San Luis Follets Island [5]	10	Brazoria	5, 500	Do.
St. Joseph Island [5]	1	Aransas	33, 000	Do.
Subtotal (7)			160, 000	
UTAH				
Antelope Island [9]	1–25	Davis	41, 425	Great Salt Lake.
Subtotal (1)			41, 425	
VERMONT				
Burton Island group [9]	None	Grand Isle	920	Lake Champlain.
Isle De Motte [9]	20	do	4, 672	Do.
Metcalfe Island group [6]	None	Franklin	160	Do.
North Hero Island [9]	7	Grand Isle	8, 192	Do.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
VERMONT—Continued				
Rabbit Island [9]	2	Rutland	15	Lake Bomoseen.
South Hero Island group [9]	35	Grand Isle	19, 877	Lake Champlain.
Subtotal (6)			33, 836	
VIRGINIA				
Burwell Island [9]	None	Clarke	160	Shenandoah River.
Cedar Island group [5]	None	Accomack	5, 000	Atlantic Ocean.
Fisherman's Island group [5]	None	Northampton	1, 100	Do.
Fleets Island [9]	1–25	Lancaster	1, 100	Chesapeake Bay.
Goodwin Island group [9]	None	York	200	York River.
Hog Island [5]	None	Northampton	5, 000	Atlantic Ocean.
Parramore Island group [5]	None	Accomack	12, 000	Do.
Wallops Island [5]	1–25	do	5, 000	Do.
Subtotal (8)			29, 560	
WASHINGTON				
Allan Island [4]	None	Skagit	300	Barrows Bay.
Anderson Island [4]	None	Pierce	3, 176	Puget Sound.
Blakely Island [4]	None	San Juan	4, 430	Rosario Strait.
Camano Island [4]	None	Island	24, 268	Puget Sound.
Cypress Island [4]	None	Skagit	5, 430	Rosario Strait.
Decatur Island [4]	None	San Juan	2, 250	Do.
Driscoll Island group [9]	None	Okanogan	360	Okanogan River.
Eliza Island [4]	None	Whatcom	130	Bellingham Bay.
Fidalgo Island [4]	15	Skagit	27, 294	Rosario Strait.
Fox Island [4]	30	Pierce	3, 364	Puget Sound.
Guemes Island [4]	15	Skagit	5, 430	Bellingham.
Hartstene Island [4]	10	Mason	12, 000	Puget Sound.
Herron Island [4]	None	Pierce	312	Case Inlet.
Indian Islnd [4]	5	Jefferson	2, 784	Kilisut Harbor.
Lopez Island [4]	None	San Juan	18, 560	Rosario Strait.
Lower Columbia River group [9]	None	Wahkiakum, Clark, Skamania, Cowlitz	4, 960	Lower Columbia River.
Marrowstone Island [4]	10	Jefferson	3, 652	Admiralty Inlet.
Orcas Island [4]	10	San Juan	36, 480	Rosario Strait.
Patos Island group [4]	None	San Juan	220	Strait of Georgia.
Portage Island [4]	None	Whatcom	925	Bellingham Bay.
Puget Island Group [9]	10	Wahkiakum	3, 950	Columbia River.
Saddlebag Island [4]	None	Skagit	28	Padilla Bay.
San Juan Island [4]	20	San Juan	35, 200	Haro Strait.
Satellite Island [4]	None	San Juan	112	Do.
Shaw Island [4]	10	San Juan	5, 120	San Juan Channel.
Skagit Island group [9]	None	Skagit	4, 648	Skagit River.
Squaxin Island [4]	None	Mason	1, 480	Peale Passage.
Stuart Island [4]	None	San Juan	1, 848	Haro Strait.
Sucias Islnd group [4]	None	San Juan	712	Strait of Georgia.
Vashon Island [4]	30	King	151, 620	Puget Sound.
Waldron Island [4]	5	San Juan	2, 904	Haro Strait.
Whidbey Island [4]	None	Island	97, 284	Puget Sound.
Subtotal (32)			451, 231	
WEST VIRGINIA				
Buckley Island [9]	25	Wood	60	Ohio River.
Subtotal (1)			60	
WISCONSIN				
Allen Island group [6]	None	Crawford	180	Wisconsin River.
Basswood Island [4b]	None	Ashland	1, 879	Lake Superior.
Bear Island [4b]	None	Ashland	1, 714	Do.
Big Island [9]	1	Burnett	410	St. Croix River.
Blackhawk Island [6]	None	Juneau	10	Wisconsin River.
Brushwood Island [9]	None	Dodge	15	Fox Lake.
Cat Island [4b]	None	Ashland	1, 291	Lake Superior.
Chambers Island [4b]	2	Door	2, 800	Green Bay.
Champaign Island [9]	None	Bayfield	12	Lake Namakagon.
Coumbe Island [6]	None	Grant	355	Wisconsin River.
Detroit Island [4b]	None	Door	680	Green Bay.
Devils Island [4b]	None	Ashland	320	Lake Superior.
Feather Island [6]	None	Crawford	140	Wisconsin River.
Goose Island [6]	None	Vernon	310	Mississippi River.
Hacklin Island [6]	None	Crawford	85	Wisconsin River.
Harris Island [6]	None	Crawford	80	Do.
Hermit Island [4b]	None	Ashland	742	Lake Superior.
Hunter Island [6]	None	Crawford	50	Mississippi River.
Ironwood Island [4b]	None	Ashland	662	Lake Superior.
Krolls Island [6]	None	Crawford	18	Wisconsin River.
WISCONSIN—Continued				
Little Island [6]	None	Grant	44	Wisconsin River.
Long Island [4b]	None	Ashland	134	Lake Superior.
Madeline Island [4b]	25	Ashland	15, 176	Do.
Manitou Island [4b]	None	Ashland	1, 365	Do.
Michigan Island [4b]	None	Ashland	1, 564	Do.
Newton Island [6]	None	Crawford	100	Wisconsin River.
North Twin Island [4b]	None	Ashland	165	Lake Superior.
Nose Peak Island [6]	None	Marinette	13	Menominee River.
Oak Island [4b]	None	Ashland	4, 971	Lake Superior.
Otter Island [4b]	None	do	1, 32	Do.
Outer Island [4b]	None	do	8, 033	Do.
Paines Island [9]	1	Bayfield	65	Lake Namakagon.
Patterson Island [6]	None	Grant	47	Wisconsin River.
Plum Island [4b]	1	Door	276	Green Bay.
Richmond Island [6]	None	Trempealeau	45	Mississippi River.
Rocky Island [4b]	None	Ashland	1, 112	Lake Superior.
Sand Island [4b]	None	Bayfield	2, 922	Do.
Snake Island [4b]	None	Door	21	Green Bay.
South Twin Island [4b]	None	Ashland	361	Lake Superior.
Steamboat Island [6]	None	Grant	34	Wisconsin River.
Stockton Island [4b]	None	Ashland	9, 811	Lake Superior.
The Big Island [9]	None	Iron	1, 994	Flambeau Flowage.
Trempealeau Mount Island [6]	None	Trempealeau	66	Mississippi River.
Washington Island [4b]	4	Door	15, 700	Green Bay.
Weniger Island [6]	None	Crawford	200	Wisconsin River.
York Island [4b]	None	Bayfield	321	Lake Superior.
Subtotal (46)			77, 615	
WYOMING (none)				
PUERTO RICO				
Cayo Caribe Island [11d]	None		11	Caribbean Sea.
Culebra Island [11d]	1–25		8, 886	Atlantic Ocean.
Mona Island [11d]	None		14, 032	Do.
Vieques Island [11d]	1–25		33, 000	Do.
Subtotal (4)			55, 929	
VIRGIN ISLANDS				
Booby Rock Island [11d]	None		1	Caribbean Sea.
Bovoni Cay Island [11d]	None		50	Jersey Bay.
Buck Island [11d]	None		42	Caribbean Sea.
Buck Island [11d]	None		180	Do.
Capella Island [11d]	None		22	Do.
Cas Cay Island [11d]	None		15	Atlantic Ocean.
Cinnamon Cay Island [11d]	None		1	Do.
Cockroach Island group [11d]	None		23	Caribbean Sea.
Cocoloba Cay Island [11d]	None		1	Do.
Congo Cay Island group [11d]	None		26	Atlantic Ocean.
Dog Island [11d]	None		13	Caribbean Sea.
Duck Island [11d]	None		14	Do.
Dutchcap Cay Island [11d]	None		32	Atlantic Ocean.
Flat Cay Island group [11d]	None		3	Caribbean Sea.
French Cap Cay Island [11d]	None		10	Do.
Grass Cay Island [11d]	None		49	Atlantic Ocean.
Great St. James Island group [11d]	None		158	Caribbean Sea.
Green Cay Island [11d]	76–100		13	Do.
Hans Lollik Island [11d]	1–25		489	Atlantic Ocean.
Inner Brass Island [11d]	None		128	Do.
Kalkun Cay Island [11d]	None		4	Caribbean Sea.
Little St. James Island [11d]	None		69	Do.
Lovango Cay Island [11d]	1–25		117	Atlantic Ocean.
Mingo Cay Island [11d]	None		48	Do.
Outer Brass Island [11d]	None		108	Do.
Patricia Cay Island [11d]	None		33	Jersey Bay.
Pelican Cay Island group [11d]	None		106	Atlantic Ocean.
Perkins Cay Island [11d]	None		1	Do.
Saba Island [11d]	None		34	Caribbean Sea.
Salt Cay Island [11d]	None		56	Do.
Savana Island [11d]	None		173	Do.
Thatch Cay Island [11d]	1–25		287	Atlantic Ocean.
Trank Cay Island [11d]	None		2	Do.
Waterlemon Cay [11d]	None		1	Leinster Bay.
West Cay Island [11d]	None		40	Caribbean Sea.
Whistling Cay Island [11d]	None		19	Atlantic Ocean.
Subtotal (36)			2, 368	
DISTRICT OF COLUMBIA (none)				

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[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa and Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the Island Inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Not included are a number of unnamed islands totalling approximately 200,000 acres with recreation potential.

[4] Inundated Mainlands—Drowned coastlines in large natural bodies of waters such as the rocky Maine islands or islands in the Great Lakes. (The island is similar to the mainland in geology and vegetation and a more appropriate descriptor is not possible.)
- [a] Salt water.
- [b] Fresh water.

[5] Barrier Island—Sandy, narrow and long islands or closely related island groups paralleling mainland coast for considerable distances.

[6] Marsh Island—Low elevation, subject to frequent and periodic flooding.

[7] Oceanic Island—Located at least 15 miles from the mainland coast. (Does not apply to the Great Lakes.)

[8] Coral Islands—Florida Keys.

[9] River or lake islands not otherwise described.

[10] ND—Precise data not available.

[11] Other.
- [a] Impoundment.
- [b] Barren.
- [c] Bay Islands.
- [d] Volcanic islands.

By Mr. JACKSON:

S. 3165. A bill entitled "The Educational Quality Act of 1972." Referred to the Committee on Labor and Public Welfare; and

S.J. Res. 203. A joint resolution proposing an amendment to the Constitution of the United States relating to attendance at neighborhood public schools and declaring a right to equal educational opportunity in the public schools. Referred to the Committee on the Judiciary.

THE GROWING CRISIS IN AMERICAN PUBLIC EDUCATION

Mr. JACKSON. Mr. President, I am submitting today a program to meet the growing crisis in American public education.

Recent court decisions mandating massive busing and outlawing traditional means of financing education have dramatized the glaring inequalities in our public school system. It is imperative that action be taken to relieve these inequalities without making our public schools into arenas of political and social combat.

The program I am proposing today includes a constitutional amendment to guarantee an equal public education without forced artificial busing and a financing bill to make that concept work now.

CONSTITUTIONAL AMENDMENT

The constitutional amendment, when ratified by the States, would achieve two goals:

First, it will prohibit mandatory busing of children by declaring that every parent has the freedom of choice and the right to have his or her children attend their local neighborhood public school.

Second, the amendment will abolish—once and for all—the system of unequal schools in this country. It will require the States to provide equal educational opportunity for all children—regardless of whether those children live in a poor neighborhood, a middle income neighborhood or a more affluent neighborhood. It will guarantee quality education for all.

This constitutional amendment will insure that the chid of a bus driver, the child of a factory worker, the child of a farmer will get as good an education within the public schools as the child of a professional person or a businessman receives.

The amendment will also declare as a matter of constitutional law that parents—not school administrators or the courts—will have the right to decide whether their children will attend their local neighborhood school. It affirms freedom of choice. At the same time, it would permit parents, if they so decide, to allow their children to be sent from a poor school to a good school.

Meanwhile, we cannot wait for the passage of a constitutional amendment while poor children—white and black—go every day to schools that are inferior or inadequately staffed or lacking in needed special programs.

I, therefore, also introduce today a bill designed to attack the problems of our schools without the device of forced, artificial busing.

EDUCATIONAL QUALITY ACT

The purpose of the Educational Quality Act of 1972 is to achieve equal levels of educational quality in the public schools by increasing Federal aid. Major emphasis is placed on helping local school districts which have limited financial resources and inadequate educational programs.

The bill would authorize the appropriation of Federal funds which would increase the Federal share of total expenditures for elementary and secondary education from 7 percent at present to a total of 33⅓ percent in fiscal year 1977. At present levels of spending this would mean an increase in the Federal share from $3.2 billion to $16 billion over a 5-year period.

PURPOSE OF PROPOSALS

Mr. President, I want to talk plainly about what I am proposing.

Unlike most of the other presidential candidates, I have said from the start that I am opposed to forced busing. But I have also said I was against a system that gives a rich child a better public education than a poor child. That is not fair. If it is public, it should be equal. For example, why should the child of wealthy parents, who goes to a public school, enjoy the special privilege of going to a newer school, a better equipped school, a school with a better teacher-pupil ratio—than the child of parents of low or moderate income?

We have allowed a system to grow up in this country where a child's education depends on the wealth of his parents or the wealth of the school district. That's not fair to the children. It is not in the American tradition. This gross inequality should now be banned by constitutional amendment.

It should also be specified in the Constitution that no governmental body has the right to transport children, against the wishes of their parents, from their home neighborhoods to distant schools solely for the purpose of achieving a racial balance.

We live in a diverse society composed of people of different races, of different national origin and of different economic and social status. The genius of America has been its diversity and our children must learn to live with people of all backgrounds. But forced busing, based on race, does not achieve this objective. On the contrary, it singles out a child because of the color of his skin and sends him off to school in a strange, sometimes distant neighborhood. And with all that, there is no guarantee of a better school at the end of the bus ride. That is not fair and it is not just.

Mr. President, I have no quarrel with a voluntary system under which children can be transported with the consent of their parents to a school outside of their neighborhood in order to receive a better education. All parents—be they black or white, brown or yellow—must have the right to a voice in where their children go to school, how many hours they spend going to and from school, and what kind of environment they find in the school. That parental responsibility cannot be totally abdicated to a school authority or to the Federal courts.

But why should a parent be forced to decide that his child must be transported far from home to get a good education? Why should the workingman have to let his child be bused miles away to school in a rich neighborhood to get a decent education? That is just not right.

That is why I am recommending this program to improve poor schools—so children won't have to be used in the future—and to provide the extra teachers and tools necessary to educate those who need special help.

There are thousands of highly qualified teachers in this country today unable to find jobs. This program will give them a new chance to be of service.

The legislative program I am recommending will cost money. I believe we can raise the necessary revenue through honest tax reform. The fact is that our present tax system is riddled with gimmicks and loopholes that favor rich taxpayers and large corporations. We have people with six figure incomes who pay no income tax at all and that is not fair.

And many additional billions could be generated by getting the American economy moving again. Last year alone, the Federal Government lost some $30 billion in revenues because of the recession created by the administration's shortsighted economic policies. Economic recovery, combined with tax reform, would produce many times the income needed to finance quality education for all of our children.

The program I propose will require the best efforts of all of us. We have talked and argued long enough. Now is the time for action—to establish parental freedom of choice, to right the wrongs of an unequal society, and to guarantee equal educational opportunity to every child.

Mr. President, I ask unanimous consent that the bill and joint resolution be printed in the RECORD at this point, together with a general outline of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3165

A bill entitled the "Educational Quality Act of 1972"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Educational Quality Act of 1972."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that the Nation's public schools are facing an unprecedented financial crisis; that reliance on local property taxes to finance public schools is creating unacceptable disparities in the quality of education available in the public schools; that the improvement of inferior schools and the maintenance of quality in educational programs generally require a concentrated and sustained effort to provide equal educational opportunities for all children in the public schools; that this effort requires that the Federal Government assumes new responsibility for elementary and secondary education; that the Federal Government must, while preserving local autonomy, assume a greater role of support for local schools, with particular emphasis on schools with limited educational opportunities or inadequate programs.

(b) It is the purpose of this Act to provide financial assistance to the States and local educational agencies to eliminate existing disparities in educational quality and encourage the establishment and maintenance of educational quality for all children in the public schools.

AUTHORIZATION

SEC. 3. (a) The Secretary shall carry out a program during the fiscal year 1973, and each of the four succeeding fiscal years for making general assistance grants to States and to local educational agencies as provided in this Act.

(b) There is authorized to be appropriated, for the fiscal year 1973 and each of the four succeeding fiscal years, such amount as may be necessary to make the grants provided for in this Act, but in no event may the amount so appropriated exceed an amount (determined by the Secretary) which, when added to the amount appropriated to carry out the provisions of all Federal education programs for elementary and secondary schools or schoolchildren, exceeds the percentages set forth in the next sentence of the aggregate current expenditures for elementary and secondary education made by all local educational agencies. The percentages referred to in the preceding sentences shall be 10 per centum for the fiscal year 1973, 18 per centum for the fiscal year 1974, 22 per centum for the fiscal year 1975, 27 per centum for the fiscal year 1976, and 33⅓ per centum for the fiscal year 1977.

GENERAL ASSISTANCE

SEC. 4. (a) From the amount appropriated under section 3(b), 50 per centum shall be allotted by the Secretary to each local educational agency in a State for making grants. The amount to which each local educational agency is entitled for any fiscal year shall bear the same ratio to the total of such funds as the number of children who will be in the membership of elementary and secondary schools within the jurisdiction of such agency at the beginning of the school year ending during the preceding fiscal year bears to the number of such children in all the States.

(b) From the amount appropriated under section 3(b), 50 per centum shall be allotted by the Secretary to each State, through its State educational agency, for making grants. The amount to which each State is entitled for any fiscal year shall bear the same ratio to the total of such funds as the number of disadvantaged children in the State as hereinafter determined bears to the number of such children in all the State.

(c) The number of such disadvantaged children shall be determined as follows: If the Secretary determines that satisfactory data for the purpose are available, such number shall be the number of children who are aged five to seventeen, inclusive, in the school district of such agency (based on the latest available data from the Department of Commerce) who are in families having an annual income of less than $3,000 from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act. In any other case, such number shall be the number of children of such ages in such county or counties in which the school district of the particular agency is located who are described in the preceding sentence, and shall be allocated among those agencies upon such equitable bases as may be determined by the Secretary. In the case of local educational agencies which serve in all or in part of the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the Secretary may allocate the number of children among such agencies in such manner as he determines will best carry out the purposes of this section.

An amount equal to not more than 1 per centum of the amount allotted under subsections (a) and (b) shall be allotted to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands from the amount so appropriated according to their respective needs for assistance under this section, and the Secretary shall set the maximum amount which their local educational agencies shall be eligible to receive.

STATE ELIGIBILITY

SEC. 5 (a) Any State which desires to participate under this Act shall submit to the Secretary, through its State educational agency, an application in such detail as the Secretary deems necessary, which includes a plan for achieving equal educational quality in its schools within the five-year period covered by this Act. Such plans shall set forth specific goals for improving school facilities, the calibre of instruction and the quality of the curriculum in order to equalize educational quality in its schools.

(b) In order to remain eligible for continued participation under this Act, a State, through its State educational agency, shall make annual reports to the Secretary which—

(1) describe the method of distribution utilized by the State pursuant to section 6;

(2) describe the relationship of the programs and projects funded pursuant to section 6 to the goals of the State plan;

(3) evaluate the effectiveness of such programs and projects in achieving equal educational quality; and

(4) include such additional information as may be required by the Secretary for the performance of his duties under this Act.

STATE DISTRIBUTION

SEC. 6. Each State, through its State Educational agency, shall distribute the amount allotted in section 4(b) to the local educational agencies in the State in accordance with the State plan submitted under section 5(a). Among the factors which the State educational agency shall consider in distributing the funds under the section, in addition to the number of disadvantaged children within the jurisdiction of the local educational agency as determined in section 4(c), are: the level of professional and non-professional salaries, school construction requirements and costs thereof, per capita expenditures for education, pupil achievement levels and drop-out rates, student-teacher ratios, the number of pupils with special learning needs, and the projected growth of pupil population.

APPLICATION BY LOCAL EDUCATIONAL AGENCIES

SEC. 7 (a) Any local educational agency which desires to receive for any fiscal year a grant under this Act shall submit to the appropriate State educational agency an application which contains—

(1) a proposal for the use of funds granted under this section;

(2) such information as the Secretary and the State educational agency may reasonably require to enable them to evaluate the effectiveness of the grant expenditure and to perform their duties under this section;

(3) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this section; and

(4) assurance that

(A) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(B) no more than 25 per centum of the funds received under this Act in any fiscal year will be used for capital outlay and debt service.

(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this Act without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

GENERAL PROVISIONS

Responsibility of Secretary

SEC. 8(a)(1) The Secretary shall approve an application which meets the requirements specified in section 5 and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State education agency.

(2)(A) The Secretary shall from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this Act.

(B) From the funds paid to it pursuant to paragraph (A) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to section 7, the amount for which such application has been approved, except that the amount shall not exceed the allotment to that agency pursuant to section 4.

(3) The Secretary is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this section (including technical assistance for the measurements and evaluations required by section 5, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total grants made to local educational agencies of such State within the fiscal year, of $150,000 whichever is greater;

(B) $25,000 in the case of Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

Enforcement

(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with the State plan in the application of that State approved under section 5, the Secretary shall notify the agency that further payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this Act, or payment by the State educational agency under this Act shall be limited to local educational agencies not affected by the failure, as the case may be.

Appeal

(c)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under section 5 or with his final action under section 8(a), such State may, within sixty days after notice of such action, file with the United States court of appeals for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

(d) Upon his approval of an application for assistance under this Act, the Secretary shall pay to the applicant such amount, in advance or by way of reimbursement, and in such installments consistent with such implementation of the approved plan as he may determine.

DEFINITIONS

SEC. 9. As used in this Act, except when otherwise specified—

(1) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinated to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(2) The term "elementary and secondary school" and "school" means a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(3) The term "'Secretary" means the Secretary of Health, Education, and Welfare.

(4) The term "State educational agency" means the State board of education, or other public agency or office primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(5) The term "State" means one of the fifty States or the District of Columbia or Puerto Rico.

JOINT FUNDING

SEC. 10. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced.

REPORTS

SEC. 11. The Secretary shall make annual detailed reports concerning the effectiveness of assistance under this Act in achieving the purposes of this Act. The report shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives.

REDUCTIONS NECESSITATED BY INSUFFICIENT APPROPRIATIONS

SEC. 12. If for any fiscal year the amount appropriated under section 3(b) is insufficient to make to local educational agencies the full amount of the allotment provided for in this Act, then the amount of each such agency's allotment or grant shall be reduced by a percentage (which shall be uniform for each such agency and both of such sections) which will result in allotments and grants which do not exceed the appropriations available therefor.

OTHER PROVISIONS

SEC. 13. The provisions of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such Act with respect to such program.

S.J. RES. 203

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. No person shall be denied the freedom of choice and the right to have his or her children attend their neighborhood public school.

"SEC. 2. Every person shall have the right to equal educational opportunity in the Nation's public schools. This right shall not be abridged by economic discrimination in the allocation of the financial resources available to educational authorities.

"SEC. 3. The Congress shall have the power to enforce this article by appropriate legislation."

OUTLINE OF EDUCATIONAL QUALITY ACT OF 1972

Purpose—To achieve equality of educational opportunity by increasing federal aid for public schools and requiring each participating State to submit a plan for achieving equal educational opportunity in its schools. Special emphasis is placed on helping local school districts which have limited financial resources and inadequate educational programs.

Authorization—The Act would authorize appropriation of amounts which, when added to amounts appropriated for existing programs for elementary and secondary schools, would increase the Federal share of total expenditures—local, state and Federal—for elementary and secondary education to 10 percent in FY 1973 and increase it in each fiscal year thereafter to a total of 33⅓% in FY 1977. Federal aid would thus rise from its present level of about $3.2 billion to at least $16 billion in five years.

Distribution—50 percent of the funds appropriated by Congress would be distributed to local school districts on a per capita formula. The balance would be distributed to the states on the basis of the number of disadvantaged children (defined in terms of family income level) in the state compared to the total number of such children in the United States.

State Plans—Each state desiring to receive Federal funds under the Act would be required to submit a plan for achieving equal educational opportunity in its schools as soon as practicable but at least within five years. The State would distribute the funds available to it in accordance with its State plan in order to upgrade the quality of its schools. State plans would be subject to approval by the Secretary of Health, Education and Welfare, who would have authority to suspend Federal aid to states which were not meeting the goals set forth in their plans.

By Mr. McINTYRE:

S. 3166. A bill to amend the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. McINTYRE. Mr. President, one of the most effective means the Congress has of maintaining surveillance over and control of the expenditure of Treasury funds is by establishing ceilings on Government lending programs.

With this in mind the Congress on July 25, 1962, enacted Public Law 87-550 which said in part:

> It is the sense of the Congress that the regular business loan program of the Small Business Administration should be reviewed by the Congress at least once every two years. It is further the sense of the Congress that the Small Business Administration should submit its estimated needs for additional authorization for such program to the Congress at least one year in advance of the date on which such authorization is to be provided, in order to assure an orderly and recurring review of such program and to avoid emergency appeals for additional authorization.

In compliance with this directive of the Congress, the Small Business Administration has informed the Senate that while the present loan ceilings will be adequate for the remainder of this fiscal year, increases will be required in fiscal year 1973 for its various financial assistance programs.

The present ceiling is $3.1 billion for the Small Business Administration's regular business loans, for its loans to displaced businesses, and for financing the agency's prime contracting authority. The $3.1 billion ceiling also includes a subceiling of $300 million for economic opportunity loans made under title IV of the Economic Opportunity Act.

The Small Business Administration is asking that this ceiling be increased to $5.8 billion, including a separate ceiling of $450 million on Economic Opportunity loans.

There is also at present a ceiling of $450 million on loans to small business investment companies, and we are requested to increase this to $650 million.

In addition, there is a ceiling of $500 million on loans made to State and local development companies, and we are asked to increase this to $700 million.

Mr. President, I should like to make it clear that we are here considering only ceilings or limitations on the levels of these programs. We are not here concerned with appropriations or authorizations for appropriations.

The Small Business Administration has assured us that the increased ceilings as requested should meet its requirements through June 30, 1974.

Section 1 of the bill that I am now submitting is identical to a bill now pending in the other body and would enable the Small Business Administration to carry forward its programs at presently projected levels.

Section 2 of the bill would increase to $500,000 the maximum loan or loan guarantee that could be made by the Small Business Administration. Section 7 of the Small Business Act presently limits SBA's share of a loan to $350,000 and this figure has not been increased since SBA was established as a permanent agency in

1958. In the intervening 14 years costs of doing business have increased significantly. In order to assure the continued vitality of the small business segment of our economy adequate sources of capital must be available.

Mr. President, the term small business does not merely mean the family-run store on the corner, but encompasses 5 million business concerns which employ an estimated 35 million people. These businesses provide the strongest source of competition to the larger more concentrated big business establishments. If our free enterprise system is to operate effectively it must be anchored on the bedrock of a strong and competitive small business segment. History has shown that economic concentration is the forerunner of political concentration and that aid and assistance to small business results in more competition, more jobs, better products and a variety of purchasing choices for consumers.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3166

A bill to amend the Small Business Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act (15 U.S.C. 633) is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$5,800,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$650,000,000";

(3) by striking out "$500,000,000" and inserting in lieu therof "$700,000,000"; and

(4) by striking out "$300,000,000" and inserting in lieu thereof "$450,000,000".

SEC. 2. That paragraph 4(A) and 5(A) of Section 7(A) of the Small Business Act (15 U.S.C. 636) are amended by striking out "$350,000" and inserting in lieu thereof "$500,000".

By Mr. BROOKE (for himself, Mr. BROCK, Mr. CRANSTON, and Mr. ROTH):

S. 3168. A bill to amend section 24 of the Federal Reserve Act to simplify, consolidate, and improve the law relating to the investment in mortages and residential real estate by national banks. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BROOKE. Mr. President, I rise today to discuss a matter of great importance not only to this Nation's housing industry but also to the vast number of families who seek decent housing at a reasonable cost. The growth of our housing stock—and hence our ability to satisfy the ever-expanding needs of low-income families and others—depends in large part on the housing industry's access to credit.

National banks have long served as a significant source of capital for both businesses and consumers; however, they have been needlessly hindered from investing in real estate by outmoded and cumbersome statutes such as section 24 of the Federal Reserve Act. Although this statute has been amended several times, it still contains restrictions which must be removed if we are to facilitate the orderly development of unimproved real estate and the construction of a sufficient number of dwelling units to meet our national goals.

The bill which I am introducing today, along with my distinguished colleagues Senators BROCK, CRANSTON, and ROTH expands the powers of national banks by permitting them to make real estate loans against unimproved property; establishing realistic amortization requirements; liberalizing restrictions on the granting of construction loans; treating those loans which are guaranteed by Government agencies differently from other loans; eliminating the requirement that real estate loans be secured by first liens only; and other provisions which lend greater flexibility to the investment statutes.

Mr. President, I ask that a general explanatory statement, as well as a technical description and a copy of the bill, be printed at the conclusion of my remarks.

In conclusion, I respectfully urge the distinguished chairman of the Senate Banking Committee, Mr. SPARKMAN, to give careful consideration to this proposal during the mark-up session which is presently taking place on the 1972 housing bill. A great deal of interest in this proposal has already been expressed both during and after the hearings which took place on it before the Banking Committee. I am confident that its prompt enactment will further encourage the production of much-needed housing throughout the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3168

A bill to amend section 24 of the Federal Reserve Act to simplify, consolidate, and improve the law relating to the investment in mortgages and residential real estate by national banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mortgage Investment Act of 1972".

SEC. 2. Section 24 of the Federal Reserve Act is amended to read as follows:

"REAL ESTATE LOANS BY NATIONAL BANKS

"SEC. 24. (a) (1) Any national banking association may make real estate loans secured by liens upon unimproved real estate, upon improved real estate, including improved farmland and improved business and residential properties, and upon real estate to be improved by a building or buildings to be constructed or in the process of construction, in an amount which when added to the amount unpaid upon prior mortgages, liens and encumbrances, if any, upon such real estate does not exceed the respective proportions of appraised value as provided in this section. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by a mortgage, trust deed, or other instrument which shall constitute a lien on real estate in fee or, under such rules and regulations as may be prescribed by the Comptroller of the Currency, on a leasehold under a lease which does not expire for at least 10 years beyond the maturity date of the loan, and any national banking association may purchase or sell any obligations so secured in whole or in part. The amount of any such loan hereafter made shall not exceed 66⅔ per centum of the appraised value if such real estate is unimproved, 75 per centum of the appraised value if such real estate is improved by off-site improvements such as streets, water, sewers or other utilities, 75 per centum of the appraised value if such real estate is in the process of being improved by a building or buildings to be constructed or in the process of construction, or 90 per centum of the appraised value if such real estate is improved by a building or buildings. If any such loan exceeds 75 per centum of the appraised value of the real estate or if the real estate is improved with a one to four family dwelling, installment payments shall be required which are sufficient to amortize the entire principal of the loan within a period of not more than thirty years.

"(2) The limitations and restrictions set forth in paragraph (1) shall not prevent the renewal or extension of loans heretofore made and shall not apply to real estate loans (A) which are insured under the provisions of the National Housing Act, (B) which are insured by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act, or the Act of August 28, 1937, as amended, or title V of the Housing Act of 1949, as amended, or (C) which are guaranteed by the Secretary of Housing and Urban Development for the payment of the obligations of which the full faith and credit of the United States is pledged, and such limitations and restrictions shall not apply to real estate loans which are fully guaranteed or insured by a State, or any agency or instrumentality thereof, or by a State authority for the payment of the obligations of which the faith and credit of the State is pledged, if under the terms of the guaranty or insurance agreement the association will be assured of repayment in accordance with the terms of the loan, or to any loan at least 20 per centum of which is guaranteed under chapter 37 of title 38, United States Code.

"(3) Loans which are guaranteed or insured as described in paragraph (2) shall not be taken into account in determining the amount of real estate loans which a national banking association may make in relation to its capital and surplus or its time and savings deposits or in determining the amount of real estate loans secured by other than first liens. Where the collateral for any loan consists partly of real estate security and partly of other security, including a guaranty or endorsement by or an obligation or commitment of a person other than the borrower, only the amount by which the loan exceeds the value as collateral of such other security shall be considered a loan upon the security of real estate, and in no event shall a loan be considered as a real estate loan where there is a valid and binding agreement entered into by a financially responsible lender or other party either directly with the association or which is for the benefit of or has been assigned to the association and pursuant to which agreement the lender or other party is required to advance to the association within sixty months from the date of the making of said loan the full amount of the loan to be made by the association upon the security of real estate. Except as otherwise provided, no such association shall make real estate loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 70 per centum of the amount of its time and savings deposits, which ever is greater: *Provided,* That the amount unpaid upon real estate loans secured by other than first liens when added to the amount unpaid upon prior mortgages, liens, and encumbrances shall not exceed in an aggregate sum 20 per centum of the amount of the capital stock of such association paid in and unimpaired plus 20 per centum of the amount of its unimpaired surplus fund.

"(b) Any national banking association may make real estate loans secured by liens upon forest tracts which are properly managed in all respects. Such loans shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument; and any national banking association may purchase or sell any obligation so secured in whole or in part. The amount of any such loan, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, if any, shall not exceed 66⅔ per centum of the appraised fair market value of the growing timber, lands, and improvements thereon offered as security and the loan shall be made upon such terms and conditions as to assure that at no time shall the loan balance, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, if any, exceed 66⅔ per centum of the original appraised total value of the property then remaining. No such loan shall be made for a longer term than three years; except that any such loan may be made for a term not longer than fifteen years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the principal of the loan within a period of not more than fifteen years and at a rate of at least 66⅔ per centum per annum. All such loans secured by liens upon forest tracts shall be included in the permissible aggregate of all real estate loans and, when secured by other than first liens, in the permissible aggregate of all real estate loans secured by other than first liens, prescribed in subsection (a), but no national banking association shall make forest-tract loans in an aggregate sum in excess of 50 per centum of its capital stock paid in and unimpaired plus 50 per centum of its unimpaired surplus fund.

"(c) Loans made to finance the construction of a building or buildings and having maturities of not to exceed sixty months where there is a valid and binding agreement entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the building or buildings, and loans made to finance the construction of residential or farm buildings and having maturities of not to exceed sixty months, may be considered as real estate loans if the loans qualify under this section, or such loans may be classed as commercial loans whether or not secured by a mortgage or similar lien on the real estate upon which the building or buildings are being constructed at the option of each national banking association that may have an interest in such loans: *Provided*, That no national banking association shall invest in, or be liable on, any such loans classed as commercial loans under this subsection in an aggregate amount in excess of 100 per centum of its actually paid-in and unimpaired capital plus 100 per centum of its unimpaired surplus fund.

"(d) Notes representing loans made under this section to finance the construction of residential or farm buildings and having maturities of not to exceed nine months shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of this Act if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.

"(e) Loans made to any borrower (i) where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income, with or without other security, or (ii) secured by an assignment of rents under a lease, and where, in either case described in clause (i) or (ii) above, the association wishes to take a mortgage, deed of trust, or other instrument upon real estate (whether or not constituting a first lien) as a precaution against contingencies, and loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred or guaranteed basis under the Small Business Act shall not be considered as real estate loans within the meaning of this section but shall be classed as commercial loans.

"(f) Any national banking association may make loans upon the security of real estate that do not comply with the limitations and restrictions in this section, if the total unpaid amount loaned, exclusive of loans which subsequently comply with such limitations and restrictions, does not exceed 10 per centum of the amount that a national banking association may invest in real estate loans. The total unpaid amount so loaned shall be included in the aggregate sum that such association may invest in real estate loans."

GENERAL EXPLANATORY STATEMENT

Banks have taken a strong leadership position in trying to solve our urban problems. One area to which they have devoted particular attention has been the need for more housing and the related urgency to redevelop and revitalize our cities.

In their attempts to finance these legitimate needs of their customers and communities, however, national banks have been needlessly hindered by out-moded and cumbersome investment statutes. In the real estate area the impediment has been Section 24 of the Federal Reserve Act.

Section 24 was part of the original Federal Reserve Act enacted on December 23, 1913. In looking back at the initial legislation one is shocked to note how highly restrictive it was in the area of mortgage loans. They could only be made by country banks on improved and unencumbered farm land within a certain radius of the bank. There were also severe limitations as to term and ratio of loan to value. This was the genesis of national bank mortgage loan powers.

Section 24 has been amended many times when experience indicated it was safe and advisable to respond to the changing needs of our society and to increase the ability of national banks to meet the growth needs of their communities and promote business recovery.

Today, mounting unemployment, the need for more and better housing and other sophisticated problems unheard of in 1913 have produced a new urgency to reexamine Section 24. If the increasingly urgent housing needs of the community and the resources of the real estate industry are to be effectively joined to solve these critical problems, Section 24 must be amended.

It is believed the following recommendations are consistent with the needs of the community and the stability of national banks.

LOANS AGAINST UNIMPROVED PROPERTY

National banks may make real estate loans upon improved real estate including improved farm land and improved business and residential properties. They are prohibited from making real estate loans upon unimproved real estate. The Comptroller has taken a liberal position as to what constitutes improved real estate. Some of the rulings issued by the Comptroller in this area have been challenged.

The question is: Are real estate loans secured by unimproved real property suitable investments for national banks? Economic circumstances are so changed that these loans no longer carry the risk they once did. Indeed, state legislatures and the Congress itself acknowledged this change when they permitted state banks, savings banks and savings and loan associations to make real estate loans against unimproved property. These institutions have been making such loans over an extended period without damage to their stability.

If the same permission were now extended to national banks, it would greatly facilitate the acquisition of unimproved land for the large developments which are necessary if this nation is to solve its massive housing problems. If entire new cities are to be built on a conventional basis by drawing upon the fullest resources of the private sector, the removal of this restriction is essential.

In line with the powers of other financial institutions and modern practices, national banks should be permitted to make loans against unimproved property and it is recommended that:

(1) On unimproved property, the loan should not exceed 66⅔ percent of appraised value; and

(2) On property improved with offsite improvements such as streets, water supply, sewers and other utilities, the loan should not exceed 75 percent of appraised value. Property improved with a building would remain at 90 percent of appraised value.

AMORTIZATION REQUIREMENTS

The purpose of amortization is to diminish gradually the risk that results from long-term loans. For national banks, the amortization requirements for real estate loans are exceedingly complex. They vary with term and ratio of loan to value. Owing to a series of uncorrelated amendments over the years, Section 24 now, quite illogically, requires greater amortization on short-term loans than on long-term loans.

The Comptroller's Manual for National Banks, in the form of a chart, sets forth the official explanation of the law governing amortization requirements for real estate loans by national banks. This chart recently has been updated and appears as Subdivision C of Section 7.2125 of Part 7, Chapter I, Title 12 of the Code of Federal Regulations, which is reproduced here.

(c) Amortization requirements of 12 U.S.C. 371.

Loans as percentage of appraised value	Term of loan in years	Maximum rate of amortization
0 to 50	0 to 5	None.
	5 to 10	A-1, A-2, or A-3.
0 to 66⅔	0 to 10	Do.
	10 to 20	A-2 or A-3.
0 to 90	0 to 30	A-3.

NOTES

A-1: Installment payments sufficient to amortize 40 percent or more of the principal of the loan within a period of not more than 10 years.

A-2: Installment payments sufficient to amortize the entire principal of the loan within a period of not more than 20 years.

A-3: Installment payments sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity.

It can readily be appreciated after examining this chart that it takes a sophisticated and experienced mortgage loan officer to understand, to interpret and apply these rules. Any attempt to explain the rules leaves the uninitiated as well as sophisticated mortgage lender and borrower stunned.

Upon analysis of all these rules, we are left with a curious reversal of the original intent of the Act. It no longer applies the safeguard where the risk occurs—with long-term, high-ratio loans.

Consider a specific case. It results in a great deal of confusion and misunderstanding when a bank must inform a customer that his 70 percent five-year loan must be fully amortized by the fifth year whereas his 90 percent loan may be amortized over thirty years. The only way to reduce the heavy amortization payments required by the five-year loan—which is not needed for security purposes—is to extend the term of the loan which was never requested by the customer.

Under these rules a 90 percent, thirty-year loan is not reduced to 50 percent of value until the 18th year, while a 50 percent loan without amortization cannot be made for more than five years.

On the other hand, a 50 percent loan for six years carries heavier amortization than a 90 percent, thirty-year loan as it must bear amortization that will repay it within twenty years.

These examples illustrate what many banks find inconsistent and illogical in the present amortization requirements of Section 24. The net result has been the unnecessary stretching out of maturities in order to reduce amortization.

In the case of short-term loans, this is a positive hindrance to the acquisition and development of property for housing. Nonauthorizing loans in excess of 50 percent of appraised value are now required in order to finance property being acquired for development. But it is precisely at this critical acquisition and planning stage, when cash flow is diminishing and planning costs are increasing, that assistance is needed. Frequently, planning costs must be financed on an unsecured basis because of present restrictions. It is felt that national banks could make a more practical contribution if they were permitted to tailor amortization schedules such as in the case of ordinary business loans, to meet the economics of the project.

In the consumer area, i.e., where the real estate is improved with a one- to four-family dwelling, it is advisable to require some amortization at all times.

In view of the need for both flexibility and a margin of safety, it is recommended that:

Mandatory amortization requirements be eliminated for loans less than 75 percent of appraised value except where the property is improved with a dwelling for one to four families. For loans over 75 percent or where the property is improved with a dwelling for one to four families, require such payments as would fully amortize the loan within any designated period up to a maximum of thirty years.

CONSTRUCTION LOANS

National banks may make loans of no more than sixty months to finance the construction of residential or farm buildings. They may also make loans to finance the construction of industrial or commercial buildings. These loans are also limited to sixty months, but require a valid and binding "takeout" agreement with a financially responsible lender. Under this provision, the permanent lender, as distinct from the construction lender, advances the full amount of the bank's loans upon completion of the buildings.

Construction loans are not considered real estate loans. They are classified as ordinary commercial loans. There is no requirement that the loan be secured by a mortgage on the real estate upon which the building or buildings are being constructed. They are limited in an aggregate amount to 100 percent paid in and unimpaired capital plus 100 percent of its unimpaired surplus fund.

This part of Section 24 has worked fairly well but only with the application of considerable imagination and ingenuity.

With industrial or commercial building, when a takeout lender is not available, the construction lender can supply its own takeout in order to qualify the loan. The borrower may then call on the construction lender to actually fund the permanent loan but usually the intent is that another permanent lender will be located before the building is completed.

There is no reason why national banks should have to resort to this interim expediency in order to make a construction loan. National banks should be authorized to make sound construction loans even if the loan does not qualify as an ordinary commercial loan as is the case for state commercial banks and other financial institutions.

The requirement that construction loans for industrial or commercial buildings may not exceed sixty months and must be backed by a takeout is reasonable, if the loan is considered an ordinary commercial loan, but not if it is to be classified as a real estate loan.

Construction lending could be far more responsive to community growth needs of the 1970's if national banks were permitted to make real estate loans released from the term and takeout restrictions of Section 24. Term should be dictated by the needs of the project. The artificial limit of five years does not restrict most construction loans. Where it does apply, it impedes massive urban renewal projects that may go over a period of years in our inner city areas. The absence of a takeout lender should not be allowed to keep national banks from supplying badly needed construction financing.

To avoid national banks having to issue their own takeouts for construction loans and to permit them to make construction loans which do not qualify as ordinary commercial loans, it is recommended that:

National banks be permitted to make construction loans on a real estate basis up to 75 percent of value without a takeout or restriction as to term.

GUARANTEED LOANS

Under Section 24 certain insured or guaranteed loans are exempt from individual loan restrictions. Basically, these include loans insured under the National Housing Act or other Federal Acts and loans which are fully guaranteed and insured by a state on the pledge of its full faith and credit. These kinds of loans are taken into account in determining the overall amount invested by a bank in real estate loans. Such investments are limited to whichever of two totals is the greater: the amount of capital stock of the bank paid in and unimpaired together with its unimpaired surplus fund or 70 percent of its time and savings deposits.

Loans insured under Section 203b of the National Housing Act (FHA insured loans 1–4 family housing) or at least 20 percent guaranteed under the Servicemen's Readjustment Act of 1944 (VA loans), in addition to being exempt from individual loan restrictions, are not considered real estate loans in determining the bank's aggregate investment in real estate loans.

The exemptions presume that insured loans carry a lesser risk. There is no reason, however, why only certain insured loans are excluded from individual loan limitations and others from the aggregate amount invested in real estate loans, especially since loans guaranteed by a third party are not considered real estate loans. It is felt that the statute should be made consistent by excluding all guaranteed or insured loans from the limitations mentioned. This would further increase the maximum amount of bank assets available to invest in housing. This will be of special advantage to the smaller banks that reach their statutory loan limits first.

It is therefore recommended that:

All real estate loans insured under the National Housing Act or fully guaranteed or insured by a state where the full faith and credit of such state is pledged be exempt from individual loan restrictions and excluded from the aggregate amount that a bank may invest in real estate loans.

SUBORDINATE LIENS

National banks are restricted when making real estate loans to first liens. This rule was dictated by caution and the fact that a subordinate lien could be wiped out in a foreclosure.

The removal of this restriction now will not result in any undue risk as long as the subordinate lien and prior liens, taken together, do not exceed the applicable ratio of loan-to-value requirements. In the event of a foreclosure, the subordinate lienor can always protect itself by purchasing the prior liens. If the bank held all prior liens, the bank's subordinate position would qualify as part of a legal loan.

By way of illustration, if a national bank were to make a loan against a piece of property improved by an apartment building appraised at $1 million, its loan would be limited to $900,000. If the property were burdened by a first lien of $100,000, the loan would be limited to $800,000. If there were two prior liens on the property totaling $300,000, the loan would be limited to $600,000. If there were a foreclosure the bank could always protect its position by purchasing the prior liens.

Such a provision would assist in land assembly by permitting owners and developers to take advantage of existing financing, thereby reducing immediate cash outlay or expensive refinancing. The authority to take subordinate liens would place national banks on a part with other banks that already have this power.

Since a national bank may be called upon to protect its subordinate position, a limit should be placed on the aggregate amount that a national bank may invest in subordinate liens. The recommendation is that:

National banks be permitted to make real estate loans secured by other than first liens provided that the combination of the bank's lien plus prior liens does not exceed the applicable ratio of loan to value. Real estate loans secured by subordinate liens should be limited to 20 percent of the bank's unimpaired capital and surplus with an exception for loans insured under the National Housing Act or fully guaranteed or insured by a state.

BASKET PROVISIONS

Experience has shown that real estate provides excellent security for loans. In fact, the record shows real estate loans during the depression fared better than other types of loans and investments. There is no logic in prescribing rigid limitations on ratio of loan to value, maturity and amortization for real estate loans, if at the same time no restrictions are placed on ordinary commercial loans, some of which carry greater risk.

The Comptroller in 1959 supplied to Congress a table showing state statutory lending limits. At that time, 18 states imposed no limits on what state banks could lend on the security of real estate. If national banks were also freed from such restrictions, they would be able to make greater contributions to the financing of imaginative projects to revitalize the decaying inner cities as well as to generate financing for the entire new towns that must be built to meet the rapidly mounting community needs before us.

Ideally, there should be no restrictions.

However, it is thought advisable and recommended as an interim step that:

National banks be permitted to invest up to 10 percent of what may be invested in real estate loans in real estate loans free from individual loan restrictions.

CONCLUSION

Projections indicate that there will continue to be an acute shortage of housing funds over the next decade. National banks should be encouraged to make housing loans rather than discouraged by outmoded statutes. The recommendations proposed here, if enacted, would go a long way toward modernizing the real estate investment patterns of national banks, placing them on a par with other financial institutions, and allowing them to better serve their customers and assume an ever-expanding role in solving our housing problems and revitalizing our inner cities.

TECHNICAL DESCRIPTION

PURPOSE OF REVISION

The Federal Reserve Act was first enacted in 1913. Among its original provision was Section 24 which set forth the mortgage investment powers of national banks. As initially passed, this Section reflected the economy and thinking of the times by limiting real estate loans to improved and unencumbered farm land. Over the past 58 years Congress has amended this Section many times but always in a fragmentary manner to meet changing conditions. Recently Congress has amended Section 24 twice—first by the "Housing and Urban Development Act of 1968" and then by the "Emergency Home Finance Act of 1970"—both times in a piecemeal fashion in an effort to cope with multi-facet problems and developments. Section 24 in its present form is still outmoded, inconsistent and unable to respond adequately to developments in real estate finance and the problems of our times. National banks continually trying to provide leadership, are hampered by its provisions.

Attached hereto is a comprehensive revision of this Section. The primary purpose of this revision is to improve and update the mortgage investment tools of national banks to assist them in their efforts to respond not only to the demands of the real estate industry but also to major contemporary problems, mainly housing and revitalization of our cities. Enactment of this bill will facilitate the redevelopment of downtown urban areas, assist in site assemblage for housing and commerce and hasten the development of new towns and satellite cities and in the end, a better environment.

This revision is set forth in broad legal principles so that national banks may solve specific problems within their boundaries without the necessity of continually turning to Congress and the Comptroller for revisions and interpretations. It is only through this method we can expeditiously solve our current and future problems.

SUMMARY OF POWERS UNDER REVISED BILL

Section 24 as revised would allow national banks to do as follows:

1. Make real estate loans secured by other than first liens provided said lien when added to prior liens does not exceed the applicable ratio of loan to value. Loans of this type would be limited to 20% of unimpaired capital and surplus.

2. Make loans against unimproved real estate up to 66⅔% of appraised value and if improved with off site improvements up to 75% of appraised value.

3. Continue to make loans against improved real estate up to 90% of appraised value for a maximum term of 30 years but with no required amortization on any type of real estate loan except when it exceeds 75% of appraised value or improved with a dwelling for 1–4 families. Amortization where required is based on a minimum of a 30 year payout with no requirement that the loan be fully amortized by maturity if the term is less than 30 years.

4. Classify all loans insured under the National Housing Act or guaranteed by HUD when the guarantee is backed by full faith and credit of U.S. or fully guaranteed by a state agency or instrumentality thereof or state authority for the payment of which the faith and credit of the state is pledged as non-real estate loans and not subject to any of the limitations of conventional loans or included in the aggregate amount of real estate loans that may be made or in the aggregate of subordinate liens that may be made.

5. Continue the practice where loans are secured by real estate and other collateral, to subtract the value of the nonreal estate collateral from the loan and consider the balance only as a loan against real estate.

6. Consider a loan secured by a lien on real property where there is a firm takeout from a financially responsible party to advance the full amount of the loan within 60 months as a non-real estate loan.

7. Continue to consider loans with a maturity of not more than 60 months made against a building under construction secured by a firm takeout to advance the full amount of the loan and loans to finance the construction of residential and farm buildings for a term not in excess of 60 months as commercial loans and limit such loans to 100% of unimpaired capital and surplus.

8. Make construction loans up to 75% of appraised value without the necessity of a firm takeout.

9. Continue to classify loans where the lender looks to the borrower's general credit standing, or an assignment of rents where a mortgage is taken as a precaution against contingencies or where the Bank agrees to participate with the Small Business Administration as commercial loans.

10. Permit up to 10% of the maximum amount that may be invested in real estate loans to be placed in loans secured by real estate without the necessity that said loans conform to any individual loan limitations.

ANALYSIS OF CHANGES AND JUSTIFICATIONS

Section 24 is divided into five paragraphs. Paragraph 1 defines a real estate loan, the limitations on individual loans, what loans are exempt from these limitations and the maximum amount a national bank may invest in real estate loans. Paragraph 2 deals with farm tracts while Paragraph 3 covers construction loans. Paragraph 4 treats participation by national banks with various governmental agencies in loans to industrial and commercial business. Paragraph 5 covers loans where a mortgage is taken as a precaution against contingencies.

As revised the same general outline has been kept except that Paragraph 4 will be deleted and a new paragraph added to permit a certain percentage of assets to be invested in non-conforming real estate loans.

Following is a detailed analysis paragraph by paragraph of Section 24 as proposed.

PARAGRAPH 1

A. Dignity of lien and eligible real estate

National banks are now restricted to making real estate loans secured by first liens on improved property. This paragraph as revised would allow national banks to make loans secured by unimproved real estate to the extent of 66⅔% of appraised value and would remove the requirement that real estate loans be secured only by first liens provided the amount of the loan when added to the amount unpaid upon prior liens does not exceed the applicable ratio of loan to value requirements.

The addition of this amendment would go a long way in assisting builders and developers in meeting the capital requirements necessary to undertake large scale housing developments, new towns and satellite cities—by making funds available for land acquisition purposes. Also, the lifting of the requirement of a first lien has the same effect, as it assists in assemblages by permitting owners and developers to take advantage of existing financing thereby reducing cash requirements and avoiding in some instances, expensive refinancing. Both of these amendments would be extremely helpful in assisting the nation in meeting its housing goals.

The authority to make loans secured by other than first liens would not result in any undue risk because of the limitation that the Bank's lien plus all prior liens must not exceed the applicable ratio of loan to value requirements. In other words, if the Bank held all outstanding prior liens, the Bank's subordinate position would qualify as part of a larger legal loan. Also as the prior liens are amortized the Bank's position is being continually improved. Because sometime in the future the Bank may be required to protect its position, the aggregate amount that may be invested in subordinate liens when added to all prior liens has been limited to 20% of the Bank's unimpaired capital and surplus.

Enactment of these provisions would also place national banks on a parity with banks of various states that already possess these powers. One only has to look at New York's experience as evidence that the possession of these powers does not undermine the stability of banks.

B. Individual loan restrictions

The individual loan restrictions for national banks are exceedingly complex. They vary with term and ratio of loan to value. After numerous piecemeal amendments Section 24 has the anomalous result of requiring greater amortization on short term loans than on long term loans.

Presently no amortization is required if the loan has a term of less than five years and does not exceed 50% of appraised value. Once it exceeds either of these limitations amortization is required. If the loan does not exceed 10 years and 66⅔% of appraised value installment payments are required which must be sufficient to amortize (i) 40% of the loan within 10 years or (ii) the entire loan by the 20th year, or (iii) the entire loan by maturity. (i) and (ii) permit a balloon at maturity. (iii) adds nothing that is not already covered by (ii).

When maturity exceeds 10 years but not 20 years and the loan does not exceed 66⅔% of appraised value (ii) and (iii) may be used which require amortization based on a maximum term of 20 years. If the loan exceeds either 20 years or 66⅔% of appraised value, it must be fully amortized by maturity. No balloons are allowed at maturity in this latter situation. Of course, no loan may exceed the legal limits of 90% of appraised value or 30 years.

By way of example, if a loan is 70% of appraised value and has a five year term it must be fully amortized within the five year period. This is impracticable and a hardship. If you wished to provide for amortization payments based on a 30 year payout you are forced to make a 30 year loan. Amortization may only be lowered by extending the term when a loan exceeds 66⅔% of appraised value. This is illogical where 30 year 90% loans are permitted and could lead to unsound business practices. A loan should be permitted to mature at any time regardless of the ratio of loan to value provided the installment payments are such that the loan would be repaid within a 30 year term.

The proposed revision would require amortization only if the loan exceeds 75% of appraised value, or if the real property is improved by a dwelling for one to four families. In those situations the payments must be sufficient to amortize the entire principal of the loan within a period of not more than 30 years without any requirement that the loan be for 30 years. This provision would remove the unrealistic requirement of greater amortization for short term loans which requires banks to stretch out maturities, and would permit national banks to set realistic amortization schedules especially when property is being acquired for development and does not have a cash flow at that particular time. Regular periodic examinations, to which national banks are already subject, will protect against misuse of this authority.

C. Definition of improved real estate

Comptroller's ruling Sections 2020(d) and 2020(e) classify real estate improved by camp sites in a commercial recreation area, trailer park camp sites, or offsite improvements and a residential tract almost completely surrounded by developed and rapidly developing residential property as improved real estate. Since the issuance of this ruling Section 24 has been amended to allow national banks to make loans up to 90% of appraised value of improved real estate. Whether or not this ruling should be allowed to stand as issued is questionable. Furthermore, the legality of these rulings have been questioned by a Congressional Committee.

The retention of the power to make loans against property improved with facilities and the addition of the power to make loans against vacant and unimproved property is desirable and necessary if we are to find a solution to our housing problems. To remove any doubt as to the legality of these loans different ratio of loan to value restrictions are established for unimproved property (66⅔% of appraised value) and property improved with facilities (75% of appraised value). This would permit loans to be made without the necessity of stretching the definition of improved property.

D. Construction loans

Construction loans are only permitted under Paragraph 3 in the case of industrial or commercial buildings where there is a valid binding takeout or where the loan is to finance the construction of residential or farm buildings provided the term does not exceed 60 months. Loans under Paragraph 3 are classified as ordinary commercial loans and limited to 100% of paid-in unimpaired capital and surplus. If the construction lender supplies the takeout, upon completion or maturity the loan is classified as a real estate loan and must comply with the requirements of Section 24.

Paragraph 1 as revised would permit construction loans up to 75% of appraised value without a takeout and construction loans made under the authority of Paragraph 3 which would also qualify under Paragraph 1, may be classified under either section at the option of the association.

Construction loans are already permitted for residential buildings without a takeout. There is no reason why this authority should not be extended to other buildings. The absence of a takeout does not increase the risk to the construction lender, especially since these loans will be restricted to a maximum of 75% of appraised value and included in the aggregate amount that may be invested in real estate loans. This proposed amendment will do away with the practice of the construction lender supplying its own takeout when one is not in existence and will permit flexibility to the construction lender upon completion of the building or maturity of the loan.

E. Exceptions

1. Loans Fully Guaranteed or Insured

Section 24 exempts from individual loan restrictions certain loans that are insured under various titles and sections of the National Housing Act and various other acts, loans which are fully guaranteed or insured by a state in which the full faith and credit of the state is pledged and loans which are guaranteed under title IV of the Housing and Urban Development Act of 1968 or under part B of the Urban Growth and New Community Development Act of 1970. The latter relates to loans guaranteed by the Secretary of Housing and Urban Development which are backed by the full faith and credit of the United States. There is no reason why all loans which are insured under the National Housing Act or guaranteed by the Secretary of Housing and Urban Development and backed by the full faith and credit of the United States should not be placed on a parity. There is also no reason why loans which are fully guaranteed by a state agency or instrumentality to which the full faith and credit of a state is pledged should not be treated the same as a loan directly insured or guaranteed. It is hereby proposed that the statute be amended accordingly and in a form that will not require the necessity of amending Section 24 each time a new title is added to the acts involved.

Real estate loans insured under Section 203 of the National Housing Act or at least 20% guaranteed under the Servicemen's Readjustment Act of 1944 are not taken into account when determining the percentage of assets that may be invested in real estate loans. This exclusion exists because of the reduction of the element of risk and for the same reason it has been extended to cover all real estate loans insured under the National Housing Act or guaranteed by the Secretary of Housing and Urban Development and backed by the full faith and credit of the United States or when insured or guaranteed by a state or a state agency or instrumentality where the faith and credit of the state is pledged.

2. Loans secured by Real Estate and Non-Real Estate Collateral

When a loan is secured by real estate and non-real estate collateral the practice as confirmed by Comptroller's rulings and national bank examinations is to reduce the loan by the value of the non-real estate security and treat the balance as a loan against real estate. This is a sound business practice and in order to remove it from any possible future attack it has been incorporated in this revision of Section 24.

3. Improved Property-Secured by a Takeout

Construction loans not in excess of 60 months, where there is a valid and binding agreement entered into by a financially responsible lender to purchase the loan upon the completion of the buildings, are not considered real estate loans because the association is looking to the credit of the permanent lender. This exception which is based upon the credit of another lender does not apply to any other type of loan secured by real estate. An exception similar in principle to the one in existence for construction loans has been written into the revision to cover any real estate loan where the loan is based upon the takeout of a financially responsible lender or other party. This is justified, as the element of risk is much less, because the takeout is not contingent upon completion of the building.

PARAGRAPH 2

Paragraph 2 has been amended to permit real estate loans secured by forest tracts to be made up to 66⅔% of value and to be secured by other than first liens. Loans secured by other than first liens must be included in the aggregate of amount of real estate loans that may be invested in other than first liens.

PARAGRAPH 3

This paragraph states that loans are available to finance the construction of industrial or commercial buildings where there is a takeout from a financially responsible lender. The words "industrial", "commercial" and "financially responsible lender" have been interpreted as descriptive rather than restrictive. To remove any possible doubt the words "industrial or commercial" are being deleted so that the language of Paragraph 3 only refers to buildings under construction unqualified as to purpose and the words "financially responsible lender" broadened to apply where there is a purchaser or other financially responsible party.

PARAGRAPH 4

Under the first part of this paragraph certain restrictions on loans secured by real estate were lifted if the loans were to industrial and commercial businesses in which Federal Reserve banks could participate, purchase or discount pursuant to Section 13b of the Federal Reserve Act or where the Reconstruction Finance Corporation or the Secretary of Housing and Urban Development cooperates or purchases a participation under the Reconstruction Finance Corporation Act, as amended or under 12 USC 1701g or 1701g–1.

These provisions are obsolete. The authority of the Federal Reserve banks and other agencies to act pursuant to these provisions has either been repealed or expired with the exception of the authority of the Secretary of Housing and Urban Development under Section 1701g to make loans and purchase obligations of any business enterprise for the purpose of providing financial assistance for production or distribution of prefabricated housing or housing components and for related purposes or for modernized site construction. The necessity for the authority to participate with the Secretary of Housing and Urban Development under Section 1701g is dubious and has not been used to any great extent if at all. For these reasons this part has been deleted.

The balance of the paragraph which deals with the participation of loans in cooperation with the Small Business Administration has been transferred to Paragraph 5 and the authority to make loans insured under the provisions of Section 203(k) or 220(h) of the National Housing Act without regard for the necessity of first lien as required under existing Section 24 has been deleted and is now covered in the Paragraph 1 under the exception dealing with loans insured under the National Housing Act.

PARAGRAPH 5

Comptroller's ruling Section 2000(h) classified a loan secured by an assignment of rents as a non-real estate loan. This is in agreement with authority and has been incorporated into Paragraph 5 as part of this revision.

The part of Paragraph 5 which classified loans based on other security as collateral where a mortgage is taken as a precaution against contingencies as an ordinary non-real estate loan has ben deleted as it is now covered by that portion of Paragraph 1 which deals with loans secured by both real estate and non-real estate collateral.

PARAGRAPH 6

Experience indicates that prime real estate provides excellent security. However, under existing laws, perhaps outmoded, the loans which it secures become subject to loan to value restrictions, maturity limits and amortization requirements that are not applicable to ordinary commercial loans some of which carry greater credit risk. This new Paragraph would permit national banks to invest up to 10% of the amount that may be invested in real estate loans to be invested in real estate loans unfettered by the individual loan restrictions which are imposed by Section 24 and place them on a parity with other financial institutions such as insurance companies and savings banks.

CONCLUSION

The real estate investment powers contained in the proposed revision of Section 24 of the Federal Reserve Act have been in existence and used without jeopardy to the stability of state chartered commercial banks for many years. The addition of these powers will place national banks on a par in certain areas with other financial institutions but above all, it will give them the necessary tools with which to approach the nation's housing and redevelopment problems with renewed vigor and inspiration.

By Mr. WILLIAMS (for himself and Mr. CRANSTON):

S. 3169. A bill to amend the Securities and Exchange Act of 1934 to prohibit certain minimum commission rates, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

COMPETITION IN COMMISSION RATES

Mr. WILLIAMS. Mr. President, over the years the securities industry, the hub of our Nation's free enterprise system, has operated under a system of fixed commission rates. Under this system, rates charged to investors on the purchase and sale of securities are fixed under a minimum commission rate schedule, thereby eliminating any competition between firms for customer business through varying rates. This is the exact opposite of free enterprise. It could better be called paternalistic and certainly should have no place in a competitive economy.

This fact was recognized 3½ years ago by the Securities and Exchange Commission when it began a formal investigation of the fixed commission rate question. Thousands of pages of testimony were collected showing the need, the desirability, and the inevitability of competitive rates in the brokerage business. Unfortunately, however, the SEC after all of these years is still unable to formulate a plan for reaching this objective. In its recent statement of policy, the Commission took constructive steps for reducing the ceiling of fixed rates from $500,000, at which it had been set almost a year ago, to $300,000 effective in April of this year. But the Commission has given us no further indication of where it will go from there. The New York Times, in an excellent editorial published on February 7, 1972, stated:

> It is unfortunate that the S.E.C. has not firmly established the policy of fully negotiated rates: that it is the only effective way to remove the principal incentive for institutional membership—and to remove the competitive advantage held by stockbrokers who also operate mutual funds of their own. Affirming that policy would also have avoided weakening the regional exchanges and forcing many institutions into public brokerage activities that they want no part of.

Mr. President, so that all Members of this body may have the benefit of this editorial I request unanimous consent that its full text be inserted in the RECORD at the conclusion of my remarks.

The Subcommittee on Securities, of which I am chairman, just last week published the first part of a two-part study of our Nation's securities markets. The subcommittee's findings reconfirmed previous conclusions of the SEC, the Justice Department, our Nation's leading economists, and many responsible members of the brokerage community; that the fixed commission rate system is responsible for many of the distortions and fragmentations which currently plague our Nation's securities markets.

In its report, the Securities Subcommittee stated:

> While it is concededly impossible to predict the precise consequences of eliminating the fixed minimum commission rate system, it is equally impossible to predict the precise consequences of maintaining that system. There are risks in standing still as well as in moving forward. The experience of the securities industry over the past several years is hardly such as to inspire confidence in the adequacy of the present system. Among the significant events noted earlier in this report are (1) the disappearance of a large number of stock exchange member firms, by insolvency or merger; (2) the exposure of public customers to substantial losses, as a result of inadequate procedures by the firms and inadequate surveillance by the self-regulatory organizations and the SEC; and (3) continued erosion of the central market as an institutional customers sought to reduce their transaction costs to competitive levels by going to other markets which are not effectively tied in with the NYSE market. To the extent that fixed commission rates failed to prevent, or even aggravated, these conditions, the relative "risks" of moving toward a new system are correspondingly lessened.

The subcommittee, therefore, concluded that a date certain should be set for elimination of fixed rates on institutional size transactions—the transactions which have resulted in the most serious distortions and which have the most adverse economic impact on small investors. This may seem odd since we are talking about only the largest orders. However, these orders come from financial institutions such as mutual funds, pension funds, and insurance company annuity plans. It is through these vehicles that many millions of our Nation's citizens of modest means invest in the securities markets. These investors are the ones that the SEC has the greatest responsibility to protect.

Unfortunately, in its recent findings, the Commission appears to be more concerned with the income of a relatively small number of broker dealers and the adverse effects which competitive rates might have on profit and loss statements than on protecting the investing public. This is an attitude ill becoming a governmental agency. Therefore, I am introducing this legislation which would prohibit the fixing of minimum commission rates on a portion of a transaction in excess of $100,000 after December 31, 1973.

The December 31, 1973, date provides for an orderly transition to competitive rates. It is designed to open up the securities business to full and fair competition. And, in my opinion, it will benefit not only the consumer but the entire brokerage industry by laying down a definite timetable and procedures for the transition to competitive rates, enabling brokers to plan their future operations.

Small investors, too, have been victims of the fixed minimum commission rate system. They have been forced in many cases to pay for a full package of services which many of them neither need nor want. In this bill, therefore, I am proposing a method by which brokerage firms, subject to SEC supervision, could implement "unbundled" charges for the various types of services which they offer. I believe this approach will lead to an orderly transition to fully competitive rates. At the same time, it will enable the SEC to deal with any unsound discriminatory, or predatory pricing practices which may arise in the course of that transition.

The specific proposals in my bill are a workable and appropriate method of implementing the conclusions that the Subcommittee on Securities has reached in its study. I recognize, however, that others may have alternative proposals which would be as effective, or perhaps more effective, in reaching the desired goals. The Subcommittee on Securities, therefore, will hold 3 days of hearings on this bill on March 22, 23, and 24, at which it will solicit testimony from representatives of the securities industry and its customers, from Government and self-regulatory agencies, and from economists and others who have studied the commission rate question. I hope that those witnesses who disagree with the specific proposals in this bill will not simply express their opposition, but will offer constructive alternatives, so that the subcommittee will have the fullest range of suggestions before it in framing the ultimate legislation.

Mr. President, I now ask unanimous consent that the full text of my proposed legislation be included in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(c) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78f (c)), is amended to read as follows:

"(c) (1) Nothing in this title shall be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with this title and the rules and regulations thereunder and the applicable laws of the State in which it is located, except that, after December 31, 1973, no exchange shall maintain or enforce any rule fixing minimum commission rates with respect to any portion of a transaction in excess of $100,000.

"(2) Notwithstanding any other provision of this title, any broker which is a member of one or more exchanges may file with the Commission a schedule of rates for any class or classes of services or transactions which differs from the minimum rate then fixed by the constitution or rules of such exchanges. Such schedule of rates shall become effective thirty days after it is filed with the Commission or such later date as may be specified therein, and such broker shall thereafter charge the rates specified therein for all services and transactions covered thereby until it has filed a new schedule with the Commission which has become effective in the manner prescribed above. The Commission may, by order, after appropriate notice and opportunity for hearing, suspend the effectiveness of any such schedule, either before or after it has become effective, on the ground that the rates specified therein (A) will result in unfair discrimination between different customers or classes of customers of such broker, (B) will encourage uninformed trading or speculation by customers of such broker, or (C) will impair the financial responsibility of such broker or its ability to fulfill its responsibilities under this title. Pending final determination whether any schedule which has not yet become effective shall be suspended, the Commision may by order postpone the effective date of such schedule for a period not to exceed thirty days, but if after appropriate notice and hearing, it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such schedule until final determination, the Commission shall so order."

[From the New York Times, Feb. 7, 1972]

THE SEC'S HALFWAY HOUSE

The Securities and Exchange Commission's long-awaited report on market structure moves toward greater competition within a more closely integrated national securities market. But, by seeking to compromise the toughest issues, the S.E.C. may have intensified the problem it wants to solve.

The most critical issue was how much competition to allow among stockbrokers in the commission rates they charge customers. At present rates are fixed on transactions below $500,000. The S.E.C. decided to lower that ceiling to $300,000 next April. But this will still permit rate competition on only a small volume of business.

The S.E.C. says it favors lowering the ceiling to cover all "institutional sized" orders, but does not say what this means or when it will happen. It should have left no room for doubt in anyone's mind that it means to move to fully negotiated rates within a reasonable time.

To the extent that they expect fixed rates to continue, many institutions will still feel a strong incentive to join exchanges and deal in their own securities. Indeed, that incentive is strengthened by the SEC's decision that the New York Stock Exchange and the American Exchange should admit financial institutions.

To handle the hot issue of the inherent conflict between managing other people's money and operating as a stockbroker, the S.E.C. again sought to compromise. It says that if financial institutions join stock exchanges, their brokerage departments must do a predominantly public business—which means that significantly more than two-thirds of their securities dealings must be with customers other than their parent organizations. But this only threatens to increase the area in which opportunities for exploiting conflicts of interests may develop.

It is unfortunate that the S.E.C. has not firmly established the policy of fully negotiated rates: that is the only effective way to remove the principal incentive for institutional membership—and to remove the competitive advantage held by stockbrokers who also operate mutual funds of their own. Affirming that policy would also have avoided weakening the regional exchanges and forcing many institutions into public brokerage activities that they want no part of.

Indeed, ambiguity on fixed commissions is the major flaw in a report that has many commendable conclusions, such as eliminating rules that prohibit exchange members from doing business with nonmembers; permitting the "third market"—the over-the-counter market for stocks listed on exchanges—to continue, while bringing it under better regulation and surveillance; creating a unified stock tape to report all transactions and all bid-and-asked prices, on all exchanges, and rejecting the proposal that the New York Stock Exchange be exempted from the antitrust laws.

Having gone as far as it did, the S.E.C. should go further to make the nation's stock exchanges a model of open information and free price-competition. This will increase the efficiency and integration of the nation's securities markets, best serve stockholder interests and encourage sound investment and counseling practices.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 883

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 883, to establish an Institute on Retirement Income.

S. 963

At the request of Mr. MONTOYA, the Senator from Vermont (Mr. AIKEN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. COTTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Nebraska (Mr. HRUSKA), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Mississippi (Mr. STENNIS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 963, a bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes.

S. 1925

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1925, the Research on Aging Act.

S. 1975

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1975, a bill to lower the minimum age to serve on Federal juries from 21 to 18 years of age.

S. 2689

At the request of Mr. CHURCH, the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. SAXBE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 2829

At the request of Mr. BAYH, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2829, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 3057 AND S. 3058

At the request of Mr. PROXMIRE, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 3057, a bill to tax sulfur emissions and the sulfur content of fuel; and S. 3058, the Solid Waste Management Act of 1972.

S. 3125

At the request of Mr. JACKSON, the Senators from Idaho (Mr. CHURCH and Mr.

Jordan) were added as cosponsors of S. 3125, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program.

SENATE JOINT RESOLUTION 170

At the request of Mr. Bayh, the Senator from Louisiana (Mr. Long) and the Senator from California (Mr. Tunney) were added as cosponsors of Senate Joint Resolution 170, a proposed amendment to the Constitution lowering the age requirements for membership in the Houses of Congress.

SENATE JOINT RESOLUTION 189

At the request of Mr. Brock, the Senator from Illinois (Mr. Stevenson), and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the week of March 26 to April 1 as National Week of Concern for Prisoners of War/Missing in Action and to designate Sunday March 26 as a National Day of Prayer for these Americans.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 221

At the request of Mr. Buckley, the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Percy), and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of Senate Resolution 221, a resolution to extend the good offices of the United States in resolving the Northern Ireland crisis.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. Dole, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of Senate Concurrent Resolution 48, relating to the Holy Crown of St. Stephen.

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. Williams, the Senator from South Carolina (Mr. Hollings) and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of Senate Concurrent Resolution 53, relating to International Environmental Standards.

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. Dole, the Senator from Colorado (Mr. Dominick), the Senator from Maine (Mrs. Smith), the Senator from Hawaii (Mr. Fong), the Senator from North Dakota (Mr. Young), the Senator from North Carolina (Mr. Jordan), the Senator from Alaska (Mr. Stevens), the Senator from Colorado (Mr. Allott), the Senator from Minnesota (Mr. Humphrey), the Senator from Arizona (Mr. Fannin), the Senator from West Virginia (Mr. Randolph), the Senator from Ohio (Mr. Taft), and the Senator from Delaware (Mr. Roth) were added as cosponsors of Senate Concurrent Resolution 57, calling for a national day of prayer for the cause of world peace.

ATOMIC ENERGY COMMISSION AUTHORIZATION, 1973—AMENDMENT

AMENDMENT NO. 879

(Ordered to be printed and referred to the Joint Committee on Atomic Energy.)

Mr. GRAVEL. Mr. President, "Never disagree with established policy."

That is point No. 10 in an advisory memo which the AEC has been giving to its witnesses in a national public hearing, the very purpose of which is to evaluate the AEC's presently "established" safety and licensing policy for nuclear powerplants.

According to a story in the Chicago Sun-Times, February 6, 1972, the AEC has acknowledged that such a memo exists. Colleagues who are interested in the story can read it in the Congressional Record, on page 3109.

Even if the AEC ostensibly rescinds its advice to witnesses, we all know, sometimes from personal experience, that fear of speaking out against "established policy" will remain as great as ever.

The implications of the AEC's advice are shocking. The AEC is trying to muffle expert dissent concerning the most potentially dangerous technology man has ever conceived, and neither Congress nor the public has anywhere to turn for independent expertise.

TEXT OF AMENDMENT

The amendment I am offering today is intended to remedy this disturbing situation. It is not an "antinuclear" amendment. It is a "proinformation" amendment, with the following text:

> Adversary science: The Commission is hereby directed to establish under the Assistant General Manager for Administration, a Division of Adversary Science with regard to its civilian nuclear energy programs, including nuclear power reactors, nuclear fusion, and the use of nuclear explosions for peaceful purposes, and amounts equal to approximately 1% of the Fiscal 1973 development budgets in each of those programs shall be expended by the Division during Fiscal 1973 to fund adversary experts who shall independently investigate and publicly reveal alleged hazards and adverse ecological and economic implications of projects under development. In case experienced adversaries are not available, qualified people in related disciplines shall serve as adversaries. Except for miner administrative costs, the Division of Adversary Science shall expend its money through contracts with independent individuals, universities, and foundations, which shall communicate with Congress and with the public directly and without control by any division of the Commission or by the Commissioners. Each department, agency, and instrumentality of the executive branch of government is authorized and directed to furnish the Division upon its request with information and data which the Division deems necessary to carry out its function under this section. For the Fiscal Year ending June 30, 1973, there is authorized to be appropriated $2,895,000 for adversaries of civilian nuclear power reactors, $390,000 for nuclear fusion adversaries, and $68,000 for Plowshare program activities.

Cosponsorship of this amendment would be welcome.

LAST YEAR'S EFFORT

Last year, when the AEC budget came up for a vote on July 20, I proposed a similar amendment. I withdrew it when the chairman of the Joint Committee, Mr. Pastore, promised that his committee would hold hearings on the proposal. Therefore, I introduced it on August 4 as a bill, S. 2430. Section 101 of that bill states the following:

> It is in the public interest to provide funds to encourage an independent examination of all potentially controversial programs; it is especially unwise to fund only one point of view when the health and safety of the people of the United States are involved.

NO FAVORITISM: BENEFITS FOR ALL

Nuclear fission is not the only technology which involves public health and safety, of course; all major technologies do so. I am not singling out nuclear fission for attention. In fact, this very amendment includes the same 1-percent adversary funding provision for one of my favorite programs, nuclear fusion, and the same 1-percent adversary funding provision is also in the solar energy amendment which I am introducing today.

I hope that Congress will soon enact legislation to make adversary funding automatic for all technologies.

The adversary system, which produces so much otherwise hidden information in court procedures, can serve the same function in technology assessment. Adversary science can benefit both business and the general public by uncovering a program's possible adverse effects early, while there is still time to correct many of them.

RELATIONSHIP TO ENVIRONMENTAL POLICY ACT

Although presentation of the "adverse environmental effects" of technology is explicitly required by section 102 of the National Environmental Policy Act of 1969, Congress has not yet established the independent institutions to generate the required information. This amendment will help meet that need. At least with regard to some of the ABC's civilian nuclear energy programs, the amendment provides a practical mechanism for finding out what we are supposed to know.

The need for "some independent authority" in nuclear technology was described by Dr. Ralph Lapp, when he testified January 27 at the ABC's current "rulemaking hearings" on nuclear safety, as follows:

> In order to match wits with the nuclear utility, the (citizen) intervener needs time, money, and availability of competent technical authority. I would estimate that perhaps $500,000 is the sum needed to fund an adequate intervention.
>
> Very often an intervener finds it almost impossible to obtain the services of qualified

persons to serve as experts. Too often, the intervener has felt that he was in contest with not only the utility and the nuclear venders, but also with the Atomic Energy Commission.

If local intervention is to serve as a check on development of unsafe reactors or on unsafe siting, then interveners must have access to some independent authority with which to challenge the organized technical resources of the utility.

Presently there exists no pool of nuclear expertise which is free of dependence on the AEC or the nuclear industry for money and for professional recognition.

RELATIONSHIP TO THE NATIONAL ACADEMY OF SCIENCES

The AEC has even been providing about one-eighth of the combined budget for the National Academy of Sciences, the National Academy of Engineering, and the National Research Council. According to the National Journal, January 16, 1971, the AEC provided $4 million of the Academies' $33 million budget in fiscal 1970.

When a national academy committee made a severely critical report in 1966 about AEC waste disposal practices, Congress and the public did not hear about it for more than 3 years. Meanwhile, the National Academy of Sciences allowed the AEC to sit on it.

RELATIONSHIP TO ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

If we count on the AEC's Advisory Committee on Reactor Safeguards for independent nuclear advice, we run into other problems.

For instance, the AEC is ruling out testimony by Advisory Committee members at the current "public rulemaking hearings" on reactor safety standards.

The duties of the Advisory Committee, which are spelled out in sections 29 and 182.b of the Atomic Energy Act, include making a review and public report for every powerplant license under consideration, and advising the Commission on "the adequacy of proposed reactor safety standards." The Committee is a group of 15 nuclear experts—mostly engineers—which the AEC appoints for 4-year terms.

The AEC's refusal to let them testify in the biggest safety hearings the Commission has ever held is disturbing, but understandable.

For years, the Advisory Committee has been warning the Commission quietly, and "quietly" is the important word here, that the need for additional safety research is "urgent" regarding the type of reactors now being licensed. Colleagues who are interested in the text, context, and references for some of these warnings can find them in the following items in the Record, which are also available from my office:

March 19, 1971, "Concern Over Nuclear Powerplant Safety."

July 20, 1971, "Atomic Energy Commission Authorizations, 1972."

NEW WARNING: IMPOSSIBLE QUESTION

Recently some of the Advisory Committee warnings have become less discreet, intentionally or not. On January 17, 1972, the Washington Post carried a story entitled, "Pennsylvania Asks AEC to Bar A-Plant," which tells about the appeal to the AEC by Pennsylvania's attorney General not to license the Newbold Island nuclear powerplants. The story reveals that three Advisory Committee members filed a quiet objection to licensing these two big reactors only 11 miles from Philadelphia and 5 miles from Trenton unless "further consideration" was given to improving the coolant system's margin of safety. The three experts are Dr. Harry O. Monson, senior engineer, Argonne National Laboratory; Dr. David Okrent, professor of engineering at UCLA; and Dr. Nunzio Palladino, dean of Penn State University College of Engineering.

"If the plant is too dangerous to be located near Philadelphia, where would it not be dangerous?" asks the Washington Post editorial on January 24, 1972; Mr. Packwood placed that editorial in the Record on January 31, page S750.

Members of Congress can not deal with the Post's important question, and neither can the business community or the general public, as long as we fund only one point of view—the AEC's established policy with which experts must "never disagree."

Colleagues who are interested in the idea of Adversary Science may enjoy reading a profound and constructive article by Dr. John W. Gofman in the September 1971 issue of the Bulletin of Atomic Scientists; this article was placed in the Congressional Record, volume 117, part XXXIII, pages 43555-43559, and reprints are also available from my office.

AMENDMENT NO. 880

(Ordered to be printed and referred to the Joint Committee on Atomic Energy.)

SOLAR POWER NOW

Mr. GRAVEL. Mr. President, the following statement was made on the "Today" show, February 2, 1972:

> Environmentalists have raised a question whether we ought to be more vigorously exploring solar energy. I think we ought to look at that.

The speaker was AEC Chairman James Schlesinger, who is also quoted in the January 14, 1972, issue of Science magazine as saying that the next few years should find the AEC:

> Looking more in terms of alternative means for satisfying national—energy—objectives—getting away from the attitude, to wit, that atoms are beautiful—In fact, atoms may or may not be useful, depending on the circumstances. We must broaden our range of instrumentalities in the whole energy field.

Solar power was named as one of our energy options by President Nixon in his energy message to Congress, June 4, 1971:

> The sun offers an almost unlimited supply of energy if we can learn to use it economically—We expect to give greater attention to solar energy in the future.

Today the Senator from California (Mr. Cranston) and I are introducing an amendment to S. 3103, the AEC authorization bill for fiscal 1973, to provide $15 million for solar energy research and development this year.

My colleagues should note that the potential of solar power systems is not limited to the southern, sunny, or desert regions of the country. It is available in almost every State. Even Alaska has great sun-power manifest in the winds, which are a product of solar energy. Civil Engineering Prof. William E. Heronemus, at the University of Massachusetts at Amherst, states as follows:

> The winds over the entire Aleutian Archipelago are very strong. It is now profitable to liquefy natural gas . . . and sell it to Japanese LNG carriers. Liquefied hydrogen prepared by wind power in the Aleutians and brought by LNG tanker to the California Coast might be very economic. And if automobile, truck, train, and airplane engines are gradually converted to use liquid hydrogen as proposed—by many—California might sparkle once again.

CONTENT OF AMENDMENT

Some indication of the variety of solar power systems which can deliver useful energy is provided in the amendment itself, which is written as follows:

> Solar Energy Research: (a) The Commission is hereby directed under section 31.a.(6) of the Atomic Energy Act of 1954, as amended, to conduct solar energy research and development in order to accelerate the demonstration of large-scale solar power systems using light, heat, sea-thermal gradients, wind-power, and the process of photosynthesis, to produce electricity, hydrogen, methane, or other useful forms of energy. For such purpose, there is authorized to be appropriated, for the fiscal year ending June 30, 1973, $15,000,000, of which $150,000 shall be expended by the Assistant General Manager for Administration to fund adversary experts who shall independently investigate and publicly reveal alleged hazards and adverse ecological and economic implications of solar power projects under development. In case experienced adversary experts are not available, qualified people in related disciplines shall serve as adversaries. Except for minor administration costs, the money for solar adversary science shall be expended through contracts with independent individuals, universities, and foundations, which shall communicate with Congress and with the public directly and without control by any division of the Commission or by the Commissioners.

LAST YEAR'S AMENDMENT

In July 1971, I proposed an amendment to last year's AEC authorization which would have directed the AEC to spend $3 million on solar energy research and development.

The amendment was born the day the Joint Committee on Atomic Energy reported out H.R. 9388, the 1972 authorization, with an important amendment to the Atomic Energy Act cuddled inside section 201. That section authorized the AEC to conduct nonnuclear energy research and development.

Since I am on record as wanting an Energy Commission instead of an Atomic Energy Commission, I was pleased at the apparent agreement of the Joint Committee.

However, on July 20, 1971, the chairman of the Joint Committee, Mr. PASTORE, suggested that I withdraw my solar energy amendment in order to allow time for his committee to hold hearings, and I agreed.

CLEAN, SAFE, CERTAIN-TO-WORK SUNSHINE

So 1 year has been lost already. Now we are talking about the fiscal 1973 budget instead of the 1972 budget. I do not think there is any justification for losing another year. Let us start seeing some action regarding the one source of energy which might even be popular—clean, safe, certain-to-work sunshine.

With just 2 or 3 years of applied research and development, we might well be ready to build demonstration plants for some of the solar power systems.

What is in doubt, as the President indicated, is the cost of solar power, not its workability. Some estimates are that solar energy can be "competitive" even at today's prices. Such estimates will necessarily remain speculative until we fund the required engineering studies.

That is why I oppose loss of another year. There are already important solar projects which have been waiting to start for a year, due to lack of minor funding. The administration appears content to let them wait still another year.

PLANNING IN THE WHITE HOUSE

According to the Energy Digest, January 31, 1972, the White House Office of Science and Technology has organized an Energy Research and Development Goals Committee under Frederick Veinhold. He, in turn, has organized nine advisory panels to recommend energy funding priorities for next year's budget, fiscal 1974.

The panel which will deal with solar energy is under the codirection of Dr. Paul Donovan of the National Science Foundation, and William H. Woodward of NASA's Office of Aeronautical and Space Technology. Executive secretary of the solar panel is William Cherry, a solar engineer from NASA's Engineering Physics Division at the Goddard Space Flight Center in Greenbelt, Md.

About 30 technical people are being invited to participate in the consideration of solar cells, thermal conversion, photosynthetic and photochemical conversion, "innovative sysems," and residential uses of solar energy.

The Energy Digest says:

> For further information, or to submit recommendations, ideas, and forth to the solar panel, contact William H. Woodward, Director of the Space Propulsion and Power Division of NASA, Washington, D.C. 20546.

EIGHTEEN YEARS LATE

That is encouraging. Thought and planning are needed before we spend half a billion or a billion dollars a year on solar energy development, which is probably what we ought to be doing. But it would hardly be reckless for Congress to spend $15 million in the meantime this year on promising projects which are ready to go.

I am not worried that my solar energy amendment is premature. I am worried that it is 18 years late.

We started funding civilian nuclear energy in 1954, and we have spent about 3,000 million tax-dollars on it so far. During the same period, we have spent less than 1 million tax-dollars on developing large-scale solar power systems.

If the funding had been reversed, I wonder which would look "competitive" today.

ONE WORRY: ASKING TOO LITTLE

I do have one worry about the solar energy amendment. I am worried that $15 million is to small an amount.

A rule-of-thumb in "high technology" is that you budget about $50,000 per scientists per year. That amount covers lab costs, supporting personnel, and other overhead, as well as his or her salary.

Consequently, for $15 million, we will see only 300 scientists and engineers applying their brainpower to solar power. In a country with a labor force of 80 million people, whose jobs allegedly depend on the lavish use of energy, this seems like a foolishly small effort to apply to the only inexhaustible source of clean, safe energy. We should probably authorize 10 times more effort this year.

So if the $15 million figure in this amendment is increased as a result of committee hearings, that will be fine.

Whatever the final amount is for fiscal 1973, I urge that 1 percent of it be spent to fund a band of critical solar skeptics. These solar adversaries would be assigned by this amendment to find and warn us loudly and early about alleged hazards and adverse ecological and economic implications of solar power projects. This kind of technology assessment is clearly required by section 102 of the National Environmental Policy Act of 1969.

EARLY WARNING SYSTEM

A loud and early warning system will not necessarily paralyze new ideas—it will simply sharpen them up and remove their flaws while it is still cheap and easy to do so.

COSPONSORSHIP WELCOME

This solar power amendment is designed to "get the show on the road" without turning it over just to the enthusiasts.

Chauncy Starr, who is dean of engineering at UCLA, including nuclear engineering, of course, said in the September 1971 issue of the Scientific American:

> If only a few percent of the land area of the U.S. could be used to absorb solar radiation effectively (at, say, a little better than 10 percent efficiency), we would meet most of our energy needs in the year 2000. Even a partial achievement of this goal could make a tremendous contribution.

Many other experts agree. So let us begin this year. Solar power now.

Cosponsors for this amendment would be most welcome.

LIST OF SOME AVAILABLE PAPERS

For colleagues or others who would like to know more about solar power proposals, especially the ones which directly affect their States or businesses in their States, I am listing the references to a series of solar energy papers which I have previously placed in the RECORD. Reprints are available from my office.

The references are as follows:

July 8, 1971, pages 24010–24023, "The President's Energy Message."

July 20, 1971, page 26090, "Atomic Energy Commission Authorizations, 1972."

October 27, 1971, pages 37675–37684, "Solar Energy: The Andersons' Proposal."

November 2, 1971, pages 38787–38789, "Solar Energy: the Escher Proposal."

December 1, 1971, pages 43794–43798, "Winning Money for Solar Energy."

December 3, 1971, pages 44617–44619, "Solar Energy: the Ford-Kane Proposal."

December 7, 1971, pages 45165–45169, "Solar Energy: the Meinel Proposal."

December 7, 1971, pages 45180–45183, "Clean Energy via the Wind."

December 7, 1971, pages 45194–45197, "A National Network of Pollution-Free Energy Sources."

December 11, 1971, pages 46295–46297, "Solar Homes."

December 11, 1971, pages 46342–46348, "Making Gas and Oil."

February 9, 1972, pages 3587–3592, in Part II, "Gentle Solutions for Our Energy Needs."

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 881, 882, AND 861

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. ALLEN) submitted three amendments intended to be proposed by them jointly to amendment No. 878 proposed to the bill (S. 2515) to further promote equal employment opportunities for American workers.

ADDITIONAL STATEMENTS

THE 24TH ANNIVERSARY OF CEYLON INDEPENDENCE, FEBRUARY 3, 1972

Mr. ELLENDER. Mr. President, February 3 marked the 24th anniversary of the independence of Ceylon, one of the loveliest and most progressive island nations in the world.

It has been my pleasure to visit Ceylon on several occasions in the past. I was there for a short time several weeks ago as I stopped off on my return to this country from Antarctica. On each of my opportunities to see that country, I have come away impressed with the work that is going on and the progress that is being made to better the lot of the people.

As a nation, Ceylon has always been very proud of the strong democratic traditions which have flourished since independence was gained 23 years ago. In that period, changes of government have been accomplished five times by peaceful democratic elections. Ceylon has proved that the concept of parliamentary democracy can take root and thrive effectively in that area of the world.

After my past visits to Ceylon I have pointed out the many admirable features of its government and people. I have also commented, however, on the possible difficulties facing its future development. Most of these lie in the field of economics and are common to all underdeveloped nations.

Ceylon has been moving to solve these problems and at the same time provide a wealth of social services to its population. Because of some of the measures the government was forced to adopt due to the economic situation, I was informed that dissatisfaction in parts of the populace had developed early last year. An insurrection took place designed to seize governmental power. The attempt was unsuccessful, however, and after the situation cooled down the Prime Minister of Ceylon acted by granting amnesty to those involved.

I am told that most of those in rebellion voluntarily gave themselves up, that the tension has been reduced, and that law and order has been restored.

As a final note, Mr. President, I should like to point out that today Ceylon has the highest literacy rate in the countries of the region, with the possible exception of Japan. The parliamentary elections have been based on a universal adult suffrage dating as far back as 1931. A few years ago the age for voting rights was lowered to 18 years. All this has been possible as a result of education being brought within the reach of everyone by making it free from the kindergarten through university.

The rule of law is firmly entrenched in the country, and an active parliamentary opposition and a free press is a further testimony to the vitality of the democratic process in Ceylon. Another area in which Ceylon has made considerable progress is health. The life expectancy has been raised to 62 years owing to the greatly improved environmental sanitation, better medical treatment, and improved diet.

I am glad to pay this tribute to the people of Ceylon on the occasion of their 24th anniversary. May I wish them many more in the future.

AMBASSADOR LLEWELLYN THOMPSON

Mr. ALLOTT. Mr. President, last Friday it was my honor to serve as the representative of the President at the services in Las Animas, Colo., for the late and very much lamented Ambassador Llewellyn Thompson.

Ambassador Thompson was a great son of the Arkansas Valley in Colorado. His virtues—diligence, patriotism, calm good sense—are the virtues of the people who have made the Arkansas Valley a prosperous and wonderful place to live and work.

Ambassador Thompson's work for the Nation took him far from the land and people he loved so well. Twice it took him to the Soviet Union for difficult service. He gave of himself tirelessly, skillfully, selflessly.

When death took this good and learned patriot, he was a major source of wise counsel to the President, and to all those charged with the desperately difficult task of keeping the peace.

His services, as well as his charm and unfailing good spirit, will be missed by all of those who had the privilege of working with him over the years.

If you seek his monument, look at the record. It is a record of avoidance. We have avoided a catastrophe during years when the Soviet Union gained military strength; was ruled by disagreeable men engaged in internal power struggles; and gained a technological mastery of the weapons of mass destruction. In this period a stern but restrained American policy, formed and administered by men such as Ambassador Thompson, kept the peace. For that the world, as well as all Americans, owe an incalculable debt to Ambassador Thompson, and to those who worked with him and who today feel such a keen sense of loss.

Mrs. Allott and I join with the Thompsons' countless friends in expressing our deepest sympathy and respect to Mrs. Thompson, who, we earnestly hope, will continue to grace and serve this community for many, many years.

SEA TRANSPORTATION BETWEEN ALASKA AND LOWER 48 STATES

Mr. STEVENS. Mr. President, the Anchorage Daily Times of Saturday, January 29, 1972, contains an editorial concerning an issue of great moment to the State of Alaska. This is the ferry, MV *Wickersham*, a foreign-built ship which has been severely curtailed in its operations by the effect of the Jones Act. For several years, as the editorial indicates, the vessel has been able to operate only between ports in foreign countries and ports in Alaska. It cannot operate between the lower 48 States, especially Washington, and Alaska, the projected route for which the vessel was purchased and the route for which Alaskans have the greatest transportation needs.

Mr. President, I am certain a great many Members of both Houses are aware of this matter and are also aware that bills have been introduced in both Houses of Congress to rectify this situation temporarily until a new vessel, for which bids have already been received and a contract awarded, can be built. The estimated time of construction on the new replacement vessel will be approximately 27 months from now. In the interim, it is imperative for the State of Alaska and its many citizens that a waiver of the Jones Act be granted so the MV *Wickersham* can travel between the lower 48 States and Alaska. The editorial indicates the facts of the situation in a nutshell; but more than that, it illustrates the feeling of most Alaskans that the State urgently needs the services of this vessel now. I urge speedy action on the bills and ask unanimous consent that the editorial entitled "A New *Wickersham*," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A New "Wickersham"

Bids have been opened on a new state ferry to replace the controversial Motor Vessel Wickersham, the queen of Alaska's marine highway.

And at long last the end may be in sight of the storms that have washed over the decks of this great white ship ever since former Gov. Walter J. Hickel added it to the state's floating inventory.

The Wickersham, as almost everybody knows, is a foreign-built vessel that cannot sail between the ports of two states without violating the Jones Act.

The Jones Act is an old federal law which is designed to protect the American shipbuilding industry. Under its provisions, ships built in foreign countries can operate between an American port and a foreign port—but they cannot engage in interstate commerec.

The Wickersham, as grand as it is, is not all that it should be—so far as Alaska is concerned.

Mr. Hickel's administration envisioned that the Jones Act could be outflanked somehow and that the magnificent Wickersham would be able to operate between Seattle and cities of the Southeastern Panhandle.

The governor reckoned without realizing the invincibility of the Jones Act. As a result, the Wickersham has never fulfilled its role. It has sailed from Seattle to British Columbia ports, or from British Columbia to Southeastern Alaska—but it has never served, for example, between Seattle and Juneau.

As a result, it has been a bust—as good as it is, as beautiful as it is, as comfortable as it is.

Besides that, it has been a political football from the day it was purchased.

But now its days are numbered.

Gov. William A. Egan has long ago announced it is the policy of his administration to sell the Wicky—as soon as possible.

Meanwhile, efforts have been going on in Washington to obtain a temporary waiver of the Jones Act to permit use of the Wickersham until such time as the state can replace it with an American-built ferry.

An essential item to passage of this waiver by Congress has been some firm evidence by the state that it means what it says about obtaining a replacement.

That now has come in the bid opening this week for construction of a new ferry of the Wickersham class. The apparent low bidder was the Lockheed Shipyard of Seattle, at a cost of $19.8 million. The 418-foot vessel is scheduled for completion in 27 months.

Now if Congress will cooperate, the Wickersham's last two years in Alaska service should be good ones. The outlook is favorable that the waiver finally will be granted.

HELP YOUNG AMERICA WEEK

Mr. EAGLETON. Mr. President, in the State of Missouri, the first week of February was declared "Help Young America Week."

The purpose of this special week was to promote the strengthening of ties between business, youth, and parents. This goal is most commendable.

The sponsors of this project have contributed $20,000 to each of the five most active nationwide youth organizations in America as a part of this program.

Through the fine work of the Boy Scouts of America, Girl Scouts of America, Girls and Boys Clubs of America as well as the Camp Fire Girls, the ideals of "Help Young America" will be reached. These organizations provide the guidance and leadership which helps contribute to the development of American youth.

Mr. Fred Bioren, of Kirkwood, Mo. is to be congratulated for his leadership in organizing support for these vigorous, outstanding organizations.

I wish to add my endorsement to the many others who are supporting the "Help Young America" campaign.

SCENARIOS FOR DISASTER: NOTES ON INDOCHINA 1972

Mr. GRAVEL. Mr. President, Gen. Douglas MacArthur once had a secret plan to end the war in Korea. His strategy—not revealed publicly until 1964—began with the use of 30 to 50 atomic bombs on key targets in China; 500,000 of Chiang Kai-shek's troops would then be unleashed for a mainland invasion. To interdict further Chinese support to North Korea, MacArthur favored sowing the entire border along the Yalu River with radioactive cobalt material—thus creating, so he thought, an impassable barrier that would last for 60 years.

Today, as America's military position in Southeast Asia deteriorates, one may justifiably fear that Richard Nixon's secret plan to end the war will take some cues from the late general. Recent events in Indochina suggest a major crisis will occur during this election year, possibly within the next 2 months. This conclusion is based on the following facts and analysis:

First. Although Nixon wishes to minimize the effect of the war on the United States because of its political harm to his reelection effort, he is still committed to eventual victory in Indochina. "Victory" means a non-Communist Southeast Asia plus an anti-Communist South Vietnam open to U.S. political control and U.S. capital penetration. Acceptable in the interim is a protracted war of low visibility to the American public, fought with U.S. technology but not troops, limited in scope so as to pose no threat to Chinese interests; a war which the United States cannot win but at least does not lose before the 1972 election.

Second. In various meetings with American radicals, representatives of the PRG and the DRV have expressed their desire to see Nixon defeated in the 1972 election. Undoubtedly they know a major liability to Nixon would be a new NLF/NVA offensive throughout Indochina. A major attack, suggestive of the 1968 Tet offensive, would shatter the illusion that the North Vietnamese military strength has been crippled by the bombings, or that indigenous revolutionary cadres have been rooted out by pacification programs. Restraint on their part makes sense only if they have some reason for believing Nixon will actually withdraw after the 1972 election and halt all U.S. bombing and end de facto support for Thieu. No evidence suggests Nixon would do this. Wisely, the Vietnamese insurgents have never relied on the strength of the U.S. antiwar movement in planning and executing their struggle.

Third. The recent heavy air bombardment of North Vietnam underscores Nixon's determination to militarily protect the U.S. policy stated in No. 1 above—even if his actions are labelled "escalatory." Although the actions were serious, they should not have been unexpected; the week before the air strikes saw numerous warnings in the press by Government spokesmen that a major air strike against the North was in the making.

The exact reason for the strikes still remains unclear. The Nixon administration knows by now of its inability to substantially interdict supplies going south. After the raids ended, military sources told Washington Post writer Peter Jay that supples destroyed were "fairly far back in the pipeline," to be used months from now—thus the raids, even assuming their strategic success, did not alleviate present U.S. concern over the central highlands. More likely Nixon used the raids as a warning, sharp but still limited, to the North Vietnamese that the United States would respond to an offensive with sustained bombing of the North. By limiting all Christmas sorties to below the 20th parallel—approximately 80 miles south of Hanoi—Nixon has evoked the memory of Johnson's change in bombing strategy in March, 1968—only Johnson deescalated the bombing by limiting it to below the 20th parallel. The irony seems more than coincidence, and reinforces the implied threat of the U.S. air attacks. In this way Nixon hopes to buy the calm needed for his success in Peking and in the U.S. presidential primaries.

A secondary reason for the raids might be that Nixon is using them as a provocation of the North Vietnamese. The December 26 raids followed a 2-month period in which 40 U.S. air strikes hit North Vietnam. These, coupled with the obnoxious behavior of U.S. representative to the Paris peace talks, William J. Porter, might be an attempt to goad the North Vietnamese into walking out of the talks. This would undercut the significance of the U.S. refusal to respond to the PRG seven-point peace plan; it would also give the United States freer military rein to attack North Vietnam with impunity, should it be seen as necessary.

Fourth. The national press has repeatedly in the past 2 months carried front-page stories quoting unnamed military, intelligence, and diplomatic sources who predict a major Communist offensive in the near future. For example, an AP dispatch of December 13 reports:

> North Vietnam is preparing a major offensive into South Vietnam's Central Highlands, probably timed to embarrass President Nixon during his February visit to China, diplomatic sources said today.

These sources go on to predict a second major offensive after the major party conventions in the United States this summer. Similar warnings have been front-page news several times since then, with the January 2 Washington Post predicting more massive air strikes against the North in the near future.

Since the 1968 Tet offensive the United States has had an interest in leaking warnings of this kind around the first of the year; more than in the past, however, these Government briefings appear to be for the purpose of either defusing the potential political impact such an offensive would have at home or preparing the public for a major increase in U.S. war activity should Nixon think it necessary. All of the frantic speculation about the central highlands, however, may be a U.S. attempt to shift the American public's attention—and also perhaps the attention of the North Vietnamese—away from Laos and Cambodia, either of which could possibly fall to the insurgents this year.

Fifth. Thus, two events in Indochina could trigger a Nixon escalation. First, if the North Vietnamese and the NLF in fact decide to ignore Nixon's Christmas air-strike warning, a case can be made for a Communist offensive in late January or early February before the rainy season begins; to provoke China into canceling Nixon's invitation to Peking when the United States responds to the offensive; to influence the early primaries, particularly the New Hampshire primary where McCloskey is running a much stronger campaign than expected; and, to take advantage of recent military progress in Laos. If the insurgents are successful despite ARVN efforts and U.S. close air support—perhaps encouraging support actions in South Vietnamese cities—then Nixon will have difficulty in ignoring the attack. Second, if the insurgents win total control of Laos or Cambodia, Nixon will suffer the beginnings of defeat in Indochina, and the U.S. military situation will automatically worsen in South Vietnam. Nixon is convinced that evidence of U.S. military failure in Vietnam is as politically damaging to him as escalation—perhaps more so. He may try to play down an offensive's significance and publicly ignore it, but if forced to act he will move, as he stated in announcing his 1970 invasion of Cambodia, "decisively and not step by step." Such "decisive" action might be the bombing of Hanoi proper, the naval blockade or mining of Haiphong harbor, air raids on the North Vietnamese dike system. Behind these contingencies looms the specter which must be faced: the use of nuclear weapons, perhaps to interdict the Ho Chi Minh Trail and to demonstrate the ultimate seriousness—or insanity—of U.S. intentions.

Sixth. Why a likelihood of drastic action. The military situation for the United States and its client governments appears to be much more precarious than it was in January 1968, during the Tet offensive. Instead of 530,000 military personnel, the United States will have 139,000 men in South Vietnam on February 1, of which only about 56,000 are combat troops; morale and combat efficiency remain low to the point of disbelief. Heavy drug usage, racial conflicts, and "fragging"—the murder of American military officers by disgruntled American soldiers—are common for U.S. troops no longer engaged in regular combat activities. So bad is the situation that, in June 1971, Col. Robert Heinl wrote in Armed Forces Journal:

> By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

The U.S.-trained, U.S.-equipped armies of our client governments have yet to prove their military self-sufficiency. Lam-Son 719—the South Vietnamese invasion of Laos last February—resulted in a severe mauling of the "crack" SVN Ranger divisions; not only were the best fighting units of the ARVN destroyed, but the disaster instilled low morale among the rest of the army. In its Cambodian operations, however, the South Vietnamese Army has distinguished itself through widespread atrocities against the civilians. Columnists Evans and Novak reported in October 1971 that Col. Kas Chuon, Cambodian military governor of Svay Rieng, "now regards ARVN as a greater enemy than the Communist invaders, a view echoed by every officer and soldier we interviewed."

The Cambodian Army itself suffers from lack of supplies, no discipline, and corruption at all levels. The military situation worsened the month before last, when North Vietnamese Army troops confronted a Cambodian Army drive to reopen route 6, just 25 miles north of Phnompenh; UPI reported that half of the 20,000-man government task force "was said to have been virtually destroyed as a fighting unit." More recently, the government of Lon Nol finally moved against commanders who pad the size of their units and collect the extra paychecks for themselves; a census by the government resulted last December in the "abolishing" of 30 battalions which did not exist. Repeated military failures coupled with governmental corruption and Lon Nol's poor health have brought Cambodia to the edge of a major change in government.

By contrast, the Khmer Rouge—Cambodian Communist guerrillas—have grown from a few thousand 20 months ago to 15,000 to 20,000 in December.

In Laos, the surprise retaking of the Plain of Jars by Pathet Lao-North Vietnamese forces December 21 has jeopardized the crucial Long Cheng base, headquarters for the CIA's Meo tribesmen army. Although the plain has traded hands seasonally in the last 2 years, the insurgents now have control 2 months earlier than last year. Within a week 30,000 Meo dependents were evacuated from Long Cheng; sensitive intelligence equipment has been moved or destroyed as the military pressures against the base increases. The loss of the Plain of Jars preceded by a week the virtual loss of the Boloven Plateau to the south, placing Pakse, the second largest city in Laos, under siege.

Without dependable ground armies, the United States has increasingly relied on its air power and other highly automated weapon devices. Although U.S. air power has a great capacity to inflict mass terror and killing on the civilian population, its military value is limited by two factors. First, by all accounts it has been unable to interdict the movement of supplies needed by the NLF. In December, 1967, in the midst of the U.S. bombing operations on North Vietnam, the JASON division of the Government's Institute for Defense Analysis concluded that:

> As of October, 1967, the U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South . . . We are unable to develop a bombing campaign in the North to reduce the flow of infiltration into South Vietnam.

This unambiguous assessment has been shared by the CIA and other U.S. intelligence sources from 1966 through 1968; the recent report on the air war by the Cornell Center for International Studies agrees. Moreover, all flatly discount the notion that the air war against North Vietnam weakens their determination to fight. To the contrary, reports Jason:

> The bombing clearly strengthened popular support of the regime by engendering patriotic and nationalistic enthusiasms to resist the attacks.

Of the bombing in Laos—presently the major focus of U.S. air attacks—the Cornell air war study states:

> Despite the continued use of U.S. air power, the PL/NVA now control a greater fraction of Laos than ever before. Moreover, the civilian consequences of the bombing may have helped solidify popular support behind the Pathet Lao . . . We can only conclude that the widespread American bombing in the war in northern Laos has on balance had a clearly counterproductive effect.

The Cornell study also discovered that "close air support"—the tactical use of air power in conjunction with ground troop action—presently accounted for less than 100 percent of U.S. flight activity.

Second, the fact remains that a civil war cannot be won with air power alone; military control must be consolidated on the ground, and political loyalty must be established throughout the population. The indiscriminate use of U.S. air power in the last 7 years has merely strengthened and created political opposition, not only in South Vietnam but throughout Indochina. In fact, the present U.S. tactical emphasis on air power operates in the reverse. ARVN and Cambodian troops are sent out as "bait" to provoke a Communist counterattack and flush out the opposing troops so as to make them vulnerable to air attack. This strategy governed the 1971 Laos invasion; while U.S. bombers had a field day, the men serving as "bait" got ripped apart. Such a strategy—hardly conducive to building a strong, confident South Vietnamese Army—further confirms U.S. contempt for the lives of Asian people, be they "enemy" or "ally."

By contrast, the NLF and NVA appear relatively strong and well-organized. Government studies in 1968 show that 6 years of pacification activity in South Vietnam had failed to appreciably destroy the NLF infrastructure or to win any major political shift of loyalty toward the Government. It was then estimated that over 70,000 NLF cadre operated in South Vietnam, a figure repeated just last month as the strength of the "Vietcong Infrastructure." John P. Vann, a top USAID official in Vietnam working with pacification, privately estimated in fall, 1969, that 15 percent of the South Vietnamese population supported the NLF, 35 percent supported the Government, and 50 percent were undecided; the pro-Government 35 percent, he said, contained only Government employees and their families. At the same time, Daniel Ellsberg and Vu Van Thai guessed for Rand that NLF "hard-core" support totaled 25 percent of the population, Government support equaled 20 percent, with the remainder of the population wary of both sides. Operation Phoenix, the CIA-created program to assassinate and kidnap suspected NLF cadre, has generally been admitted to be—in the Washington Post's words—"one of the most notable failures of the war."

At present it remains unclear just how successful the NLF has been in organizing cadre within the new forced-draft urban population; that is, Vietnamese peasants systematically driven from their rural homes into the cities by U. S. pacification programs to enforce tighter Government security. However, reports of the last 2 years have shown an increase in urban opposition to Thieu and the United States among students, war veterans, elements of the middle class, and others. Also interesting is the news item of October 1970 quoting a CIA report that 30,000 Communists have infiltrated the South Vietnamese Government, Army, and police force. The military/political significance of these latter two factors remains difficult to assess; at the least it shows active and popular opposition to Thieu and the U.S. military presence exists in urban South Vietnam.

Thus, a major U.S. escalation of the war does not necessarily depend on the presence of a new NLF/North Vietnamese attack. While such an offensive might dramatize the weakness of the United States and its regime in South Vietnam, the fact remains that the military situation throughout Indochina is steadily, perhaps rapidly, deteriorating anyway. Nixon may escalate the war to prevent the loss of Laos or Cambodia. To make an escalation plausible, he would of course link it to the protection of U.S. interests in South Vietnam; this might further explain repeated intelligence leaks to the press about the coming spectacular" in the central highlands.

This prediction of a Nixon escalation only echoes other warnings made in the last 2 years by men who once helped to make military policy. Leslie Gelb and Mortin Halperin, in a Washington Post article written just after the Cambodian invasion, predict that at some point the North Vietnamese will launch a major offensive and that Nixon may well act "in accordance with his threats, his concept of national interest, and his misguided view of the efficacy of 'decisive' escalation" and "launch an all-out attack against North Vietnam coupled with a blockade of Haiphong." Halperin, who served as an aide to Kissinger and consultant to Nixon's National Security Council until May 1970, repeats the warning in November 1970. Although predicting a confrontation for spring of 1971—not an election year—Halperin notes:

> If many Americans cling to the hope that the President's rhetoric is a smokescreen to cover a total withdrawal by November 1972, Hanoi has no such illusions. Lacking a serious U.S. negotiating proposal in Paris, the North Vietnamese will seek to step up the war: Beyond a certain point the President will feel obliged to respond . . . and we should have no doubt his response will be massive.

More recently, Clark Clifford, Johnson's Secretary of Defense in 1968, concluded that Nixon would not desert the Saigon regime and would probably leave a residual U.S. force of 70,000 to 80,000 men in South Vietnam. Realizing this, the North Vietnamese would sometime this winter launch a military offensive. Says Clifford:

> My great concern, is what Mr. Nixon's response might be. He might reverse the withdrawal. He might increase the bombing. He might reverse the withdrawal process and increase our troop strength. No one knows what he might do. We must remember that Mr. Nixon once said in a speech in Chicago [1955] that in modern warfare, tactical nuclear weapons must be considered conventional weapons. (*New York Times Magazine*, August 8, 1971)

During the Laos invasion last February, Nixon publicly announced he would not use nuclear weapons of any kind in Indochina. Beyond that, however, he refused to put any limit on the use of U.S. air power and pointedly refused to rule out an ARVN invasion of North Vietnam at some future date. Given the past performance of the South Vietnamese Army, the imminent loss of Indochina to U.S. control might well convince Nixon that limited use of nuclear weapons is his only available option. At that point the crisis becomes international and apocalyptic.

If approximately correct, the above analysis implies no change of direction for the American antiwar coalition, but it should add a sense of urgency to our activities. This is no time for sublety.

All Americans must now unequivocally denounce this war, this crime against human decency, and demand the immediate end of U.S. military involvement in Southeast Asia. To threats of U.S. escalation, opponents of the war should respond with pledges of strikes at the workplace and in the universities. Unlike last May, antiwar liberals soon may suddenly find civil disobedience at home more palatable than the prospect of a new mushroom cloud over Asia—and perhaps over us all. To prevent such a disaster, we must act now.

REAPPRAISAL OF FOSSIL FUEL CAPABILITIES

Mr. STEVENS. Mr. President, the quest for clean, and yet economically feasible, energy generation for meeting our immediate energy needs has necessitated a dramatic reappraisal of our fossil fuel capabilities.

Coal represents the largest, most accessible reserve of energy available within the continental United States. This fact alone, Mr. President, gives cause for closely evaluating feasible methods for utilizing this energy source. In this regard, the gasification of coal imposes a viable method for adapting this abundant energy source to meet environmental constraints.

Testifying recently before the Senate Committee on Interior and Insular Affairs, the distinguished junior Senator from Kentucky (Mr. COOK) addressed the subject of coal gasification.

In view of his illuminating remarks on this matter, I ask unanimous consent that Mr. COOK's statement of February 8, 1972, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR MARLOW W. COOK

Mr. Chairman, my purpose in appearing before you this morning is twofold. First, to again lend my voice to those in the Congress, the executive branch, business and commerce who are determined to find solutions to the problems related to the feasible and economical gasification of coal. Secondly, I want to encourage all concerned to take a fresh look at existing programs and new proposals with particular emphasis on the manufacture and use of low BTU gas.

Mr. Chairman, I have followed with great interest the hearings which have been and are being held by this committee as it seeks answers to our multifaced energy problems.

You have long been recognized as a pioneer in this field. As you are aware, I was cosponsor of your bill, S. 4092, in July 1972, which was designed to establish a commission on fuels and energy, whose purpose is to recommend programs and policies intended to insure that United States requirement for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs.

I support S.R. 45, and have participated indirectly in some of the deliberations of the study group created by this resolution. I think that you have made great progress and I commend you for it. As these hearings today have been called to gather information on new technology for generating clean electricity from coal, I will limit my remarks to this specific area. As the Commonweatlh of Kentucky ranks first in the nation as a coal producing state, this particular subject is of paramount interest and importance to us.

MANUFACTURE OF PIPELINE GAS FROM COAL

Mr. Chairman, I have followed with interest the accelerated program submitted by the Office of Coal Research in fiscal year 1972, for the manufacture of pipeline quality gas—900–1000 BTU per cubic foot—from coal. This acceleration represents a tripling, not merely in dollars, but in the whole broad scope of research and development effort. This multiple approach to the problems that still need to be solved would enhance the potential for success.

The agreement by the gas industry to contribute $10 million of the $30 million required provides a sound government-industry partnership for these programs. However, in a recent decision, the Congress has reduced the appropriation for this program by some $5 million. This does not speak well of government's seriousness in formulating solutions. This action could lead to proportionate reduction in the contribution by industry to the accelerated program. In the final analysis this most important public interest program could be severely retarded.

This nation can ill afford the risk of denying itself normal growth because of failure to pursue programs designed to anticipate and satisfy its energy requirements. I understand that attempts will be made to restore these cuts in appropriations. I would support this effort. I note that in his fiscal 1973 budget presented to the Congress the President placed heavy emphasis on coal gasification projects.

DIRECT USE OF LOW BTU GAS

All of the above programs, including those funded as well as those unfunded, have as their goal the manufacture and upgrading of low Btu coal gas to gas of pipeline quality . . . that is 900 to 1000 Btu per cubic foot. As I have already stated, I support these programs, consider them essential, and recommend that they be pursued vigorously. We need pipeline gas for many uses. The present state of the art gives excellent promise for low Btu coal gas. The upgrading or methanation of this gas to raise it to pipeline quality has been the difficult and expensive step. I am confident that this problem will be solved.

However, while I encourage these efforts, I question that this approach can give us the whole answer to coal gasification. I believe that a way can be found for the economic manufacture and use of low Btu gas. I have been informed that substantial work has been done on a system which would permit the use of low Btu coal gas to manufacture electrical power. I have seen some drawings of a combined steam turbine—gas turbine cycle which could be applied to central station generators.

I have been informed that a working model of this system has operated successfully. In this particular cycle, all coal was gasified to produce a fuel gas with a heating value of only about 100 Btu per cubic foot. This of course, is about one-tenth the heating value of pipeline gas. The gas was scrubbed by electronic methods and chimney emissions met ecological standards.

To my knowledge this procedure has not been duplicated on a large scale. I suggest that we would be wise to initiate a program to do just that. I have written to the Secretary of the Interior and suggested that the Office of Coal Research consider the initiation of a research and development program which would prove or disprove the economic feasibility of the manufacture of electrical power from low Btu gas.

The commercial development of low Btu gas from coal would have several effects on our energy and fuel economy.

1. This committee is aware of the tremendous potential growth in gas demand as contrasted to the availability of domestic natural gas resources. But the national petroleum council study which produced supply and demand comparisons also reported another significant fact: 65% of the potential increase in demand between 1970 and 1985 is for power generation and industrial use: If the technology were available to use low Btu gas from coal and applied for these markets, a substantial part of the demand for pipeline gas could be reduced.

2. While a limited number of pipeline gas plants may be constructed in the Appalachian coal-mining area, it is probable that the majority will be located on or near the vast, untapped coal resources of our western States.

On the other hand, the development of low BTU gas technology and its application would be of significance to the smaller coal producers in Appalachia with less abundant but still substantial reserves. By shipping this coal to plants where on-site production of low BTU gas is practiced, those coal resources, unsuited for production of pipeline gas because of production capacity and insufficiency of uncommitted reserves, would be efficiently utilized to satisfy a large part of our total energy needs.

3. I have mentioned the possibilities of generating electrical power from low BTU coal gas. A significant consideration is the contribution this process would make in using the Nation's total fuel resources in the generation of electric power. While there is great hope that the atom will in the future provide us with all the low-cost electricity we need, there are many obstacles to overcome on the way to that goal, with more being discovered. The first large-scale breeder reactor to be built in the United States has only recently been announced; and even with the most optimistic assumptions for successful operation of this demonstration plant, it is unlikely that such power plants which use uranium efficiently will become a commercial reality before 1990. Even, with success in the breeder development program, we will still, according to the Atomic Energy Commission, be generating half of our electricity with fossil fuels in the year 2000; if the breeder fails to mature as anticipated we will have to rely even more heavily on our fossil fuel resources. I submit that while we have spent billions on atomic power research, we have practically ignored the need for improvement in coal-to-electricity technology. Current methods for the use of coal to produce electricity have plateaued in efficiency and create many undesirable air and water pollution problems. One answer to both these problems lies in the development of low BTU gas from coal technology. The possibilities of a 45 percent or more increase in efficiency, virtual elimination of ash and sulfur pollutants, a 50 percent reduction in thermal pollution of cooling water, and with a reduction in electricity costs are exciting prospects.

I understand that witnesses who will appear before this committee today will provide the technical details and planned research programs to support the production and use of low BTU gas.

My investigations into the energy needs of our nation and the available domestic supply of fuels lead me to conclude that we can ill afford to ignore any opportunity to use coal as the cornerstone of our energy economy. We need high BTU gas of pipeline quality from coal and we need low BTU gas, or as I would prefer to call it, "clean fuel gas" from coal. I urge that this committee and the Congress place a high priority on the research needed to achieve both of these objectives.

This leads me to my final topic which I submit has possibilities as one method of producing low BTU gas. I am referring to the underground gasification of coal.

UNDERGROUND GASIFICATION OF COAL

Mr. Chairman, I have received a report, a Current Appraisal Coal Gasification, from the Bureau of Mines which concludes that, "While the underground gasification of coal is technically feasible, the economic feasibility is yet to be determined." I have a copy of this report with me this morning and if the committee has not received a copy, I should like to provide one for the record. The report, prepared by Arthur D. Little, Inc., suggests that limited activity in underground gasification of coal is justified but with limited scope. It recommends that such activity should be undertaken in two steps.

The initial step would be designed to: Extend the capability of available curved-hole drilling techniques to permit large diameter boreholes and longer travel distance in coal seams; analyze underground cavity size in terms of roof stability and performance of the gasification process; analyze and develop stowing methods and techniques of operation and identity of suitable stowing materials; and study the fire face temperature measurement techniques and methods for estimating fire-front position.

The second step would be the installation of a pilot underground gasification system to produce technical data on which reliable production-oriented costs can be estimated.

Of course the Bureau of Mines has not had sufficient time to analyze the report, but I have requested that they keep me posted on their findings.

The technology of underground gasification is about a century old. One method is to force hydrogen into the coal seam under conditions suitable for transforming the carbon content of the coal directly into pipeline quality gas (methane). This technique is highly desirable but is most difficult and expensive. To be successful it must be carried out at high pressure and at temperatures of about 1700 degrees F.

A simpler way to achieve gasification is the partial oxidation approach which produces a low BTU coal gas. The gasification agent in this case is oxygen rich steam.

I can not be too technical here as I am not an engineer, however, I submit that the present economic and competitive position of coal relative to other fossil fuels and nuclear energy warrants a new look at this method of coal gasification.

CONCLUSION

Mr. Chairman, in summation, I applaud all efforts that are being made to manufacture pipeline quality gas from coal. I would like to see an acceleration of these programs and more imaginative programs in the future which address the manufacture of low BTU gas. Such action is our best insurance that we can make optimum use of coal gas regardless of its BTU quality. I also submit that we can and must learn from the past by viewing yesterday's programs in today's environment.

And finally in providing an answer to specific energy problems we must not lose sight of the goal itself which is to provide total energy for the nation at a price which the nation can afford to pay.

COMMUNICATIONS WORKERS SUPPORT TITLE REFORM

Mr. PROXMIRE. Mr. President, last Thursday the executive board of the Communications Workers of America voted to support my bill, S. 2775, to reform the entire area of title charges.

The CWA board recognized the need for reform in this area in order to enable more people to buy homes. High closing costs injure those most likely to give the necessary push to continue the homebuilding boom. My bill will alleviate this problem. I hope other labor unions will follow the lead of the Communications Workers of America.

I ask unanimous consent that their statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AID FOR HOME BUYERS

The largest single investment made by the average American is the purchase of a home. It is something the average worker pays for most of his life.

At the same time, the housing industry is an essential part of the American economy. In 1971 the only bright spot was housing. Housing units begun last year showed a 43 per cent improvement over 1970, and set a new record for housing starts in a single year.

This was made possible only because there was a record level of money available to builders and home buyers at declining interest rates. The repressive tight money policies which marked the first years of the Nixon Administration, coupled with a startling rise in the rate of inflation, combined to drive up the price of homes while at the same time depriving potential home buyers of the means to purchase them.

But even with more money available at lower interest rates, the potential home buyer still finds a stumbling block in his way before taking ownership of a home. This is the cost of settling the contract for the new home—the so-called "closing costs."

Many individuals who can afford the monthly payments required to own a home cannot scrape up enough money to pay all the required closing costs, such as title search, title insurance, tax escrow, transfer taxes, lawyer's fees and the like. The threshold to buying a house has suddenly become too high, and marginal home buyers are forced out of the market.

Recently conducted surveys throughout the country show that closing costs, which on a $40,000 home can run as high as $2,500 in some Maryland counties and as low as $750 in the Boston area, fluctuate greatly from area to area and from state to state. The reason given in many cases for this fluctuation is that except for taxes the difference in cost is primarily due to "custom." That is, the fees customarily charged by lawyers, real estate agents, title companies, and banks in the particular area.

"Custom" rather than reason is what underlies many of the title costs and lawyer's fees the home buyer must bear. Everyone in the real estate establishment seems to benefit from these "customary" charges except the home buyer. Lawyers get exorbitant fees for handling simple paperwork, real estate agents get large commissions, title companies promote unnecessary title searches and insurance for which they overcharge, and mortgage lenders get compensating balances and "points" for granting mortgages. People who buy one or maybe two homes in their lifetimes just do not have the economic clout to bargain with the real estate establishment.

In order to protect the consumer and bring about reform in this area, legislation is needed which would require mortgage lenders to absorb as part of their overhead the cost of title search and any title insurance they require as a condition for granting a home loan. In addition, the legislation should also prohibit price discrimination between mortgage lenders and home buyers in the sale of title services so that if the home buyer decides to purchase title insurance on his own to protect his equity, he will pay the same rate as does the lender.

This would surely diminish title service costs substantially while providing the same protection to the lender. It would also give some real force to efforts at improving our public land records, and could lead to the adoption by the states of new and improved land registration systems. Improved land recording systems would make it easier to search for titles, which would drastically reduce the fees lawyers charge for this service.

Therefore, the Communications Workers of America calls upon the 92nd Congress to enact into law Senate Bill 2775—the Proxmire Title Charge Reduction Act—as a first step toward reducing closing costs, reforming the land registration systems, and providing new impetus for home buying.

In addition, the Communications Workers of America also endorses efforts now underway in the courts testing the validity of fixed real estate fees.

NEED FOR EARLY ACTION ON H.R. 1

Mr. CHURCH. Mr. President, one of the most important bills to be considered by the Senate is H.R. 1, which would make major changes in the social security, medicare, medicaid, and public assistance programs.

In many respects, this bill makes badly needed reforms, including full benefits for widows, a new special minimum monthly benefit for persons with low lifetime earnings, cost-of-living adjustments, and several others. However, this measure still falls short of establishing the income strategy for coming to grips with the serious retirement-income problems which now affect millions of older Americans.

Recently, I testified before the Senate Finance Committee on this potentially far-reaching measure and urged several further reforms to perfect this proposal. Several of these recommendations, I am pleased to say, were initially developed in the reports and hearings of the Senate Committee on Aging, of which I am chairman.

Mr. President, I ask unanimous consent that the text of my testimony before the Committee on Finance be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony on H.R. 1

Mr. Chairman, thank you for the opportunity to testify here this morning on H.R. 1, a bill which may be the most important domestic legislation that the Senate will consider during this session.

As Chairman of the Senate Committee on Aging, I shall direct my remarks to the sections in the bill which are of vital concern to the Nation's elderly.

Several provisions in this measure, I am pleased to say, are either identical or similar to proposals I have advanced, such as:

Major increases in minimum monthly benefits for persons with long periods of covered employment;

Cost-of-living adjustments to protect the elderly from inflation;

Full benefits for widows, instead of only 82½ percent as under present law;

Liberalization of the retirement test;

An age-62 computation point for men;

Protection against retroactive denial of payments under Medicare;

Coverage of the disabled under Medicare; and

Replacement of old age assistance with a new income supplement program to be administered by the Social Security Administration.

These welcome changes provide a solid foundation for making many crucial reforms for strengthening and improving our Social Security, Medicare and income supplement programs for the elderly. However, more comprehensive and far-reaching action is needed now—not two or three years from now—if the aged are to escape from the economic treadmill which keeps them running but going nowhere.

Make no mistake about it, the elderly are slipping further behind on a number of key fronts in terms of achieving economic security.

Today more than 4.7 million persons 65 and older fall below the poverty line, nearly 100,000 more than in 1968. Older Americans are now more than twice as likely to be poor as younger Americans. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty.

If the marginally poor are also included, their impoverished numbers swell to more than 6.5 million. The net impact of these figures is that one out of every three aged persons is poor or near poor.

And by poverty, I mean a "rock bottom" standard. According to Census definitions, it is $1,852 for a single person and $2,328 for an elderly couple. The near poor threshold is 125 percent of these figures: $2,315 for individuals and $2,910 for couples.

Inadequate retirement income also takes its toll in many other forms: substandard housing, isolation, loneliness, malnutrition, and poorer health.

For these reasons, it is absolutely essential that the Senate make important finishing touches to perfect the House-passed Social Security-Welfare Reform proposal.

LARGER AND EARLIER BENEFIT INCREASES

Heading the list in my judgment is the need for a larger benefit increase for Social Security recipients. The House-passed bill proposes a 5-percent across-the-board raise to take effect this June.

This proposal is certainly welcome, but it simply does not go far enough to deal effectively with the retirement income crisis which now affects millions of older Americans and threatens to engulf many more. To put it bluntly, adding a few dollars every one or two years is not going to solve this mounting problem.

Moreover, the rise in the cost-of-living since the last Social Security increase—which was effective in January 1971—is almost certain to outstrip the proposed 5-percent raise in H.R. 1.

With poverty on the rise for the elderly, a more substantial benefit increase is urgently needed, and not in June but to take effect January 1.

For these reasons, I am proposing—as I have in my omnibus Social Security-Welfare Reform proposal, S. 1645—that there should be an across-the-board increase which would average about 12 percent for all Social Security recipients. However, this rise would be weighted to provide for larger percentage increases for persons who need them the most, individuals with inadequate benefits because of low lifetime earnings.

For example, persons with average monthly lifetime earnings between $150 and $200 would be entitled to benefit increases averaging about 21 percent. And individuals with creditable earnings ranging from $200 to $300 would receive approximately an 18-percent raise.

A principal advantage of this approach is that it could lift large numbers of older Americans out of poverty without the necessity of resorting to welfare. Additionally, it recognizes this very basic fact: persons who now receive low Social Security benefits are less likely to have other resources than higher income beneficiaries.

And in terms of dollars and cents, this proposal would provide nearly $130 more per year than allowed under the 5 percent benefit increase in H.R. 1.

ELIMINATION OF POVERTY FOR ELDERLY

One of the major innovations in H.R. 1 is the replacement of the adult categorical assistance programs—aid to the aged, blind and disabled—with a new Federal program to be administered by the Social Security Administration.

This is certainly a step in the right direction. But the fundamental weakness is that the income standard would be too low for the elderly. The proposed $1,560 income level for fiscal 1973 for a single person is still about $300 below the 1971 poverty threshold. By the time 1973 rolls around, it is likely to be several hundred dollars below the poverty index.

For these reasons, I urge that the income standards be raised to a level to wipe out poverty once and for all for older Americans—to $160 a month for a single aged person and $200 for a couple. Moreover, I propose that these standards be adjusted annually with rises in the cost-of-living to make them inflationary proof for these low-income persons.

Certainly the wealthiest Nation in the world can make that commitment to a generation who worked so hard for the high standard of living we now enjoy.

MEDICARE REFORMS

Important as a soundly conceived income strategy is, we must not overlook the need for major improvements in Medicare. Today the rising costs of medical care and proposed cutbacks in coverage pose a very serious drain upon the limited incomes of the elderly. Medicare now covers only about 43 percent of their expenditures because gaps in coverage still exist.

One of the major gaps is coverage of out-of-hospital prescription drugs. This constitutes the largest health care cost which they must meet almost entirely from their own resources.

Today prescription expenditures for persons 65 and older average about $84 per year, nearly three times as high as for younger individuals. For aged persons with severe chronic conditions—about 15 percent of all older Americans—drug costs are six times as high as for younger persons.

Several renowned authorities—including the 1971 Social Security Advisory Council, the HEW Task Force on Prescription Drugs, and the White House Conference on Aging—have all gone on record in support of this badly needed coverage. And now, the Congress should go on record unequivocally to extend this long overdue protection for the aged.

Another major expenditure for the elderly is the $5.60 monthly premium charge for Part B of Medicare. In July, this will rise to $5.80. On an annual basis, this will mean that an elderly couple will pay nearly $140 for doctor's insurance. For persons living on fixed incomes, this can represent a very substantial expenditure.

Again, I recommend that this charge be eliminated for the aged. Instead, the Part B and Part A Hospital Insurance programs would be combined and financed by one-third contributions from employees, one-third from employers, and one-third from general revenues.

This proposal is patterned after the recommendation in the 1971 Social Security Advisory Council report. And for the typical retired worker, this change alone would be almost the equivalent of a 5 percent increase in benefits.

MEDICARE CUTBACKS

My earlier remarks have focused basically on positive action that the Senate can take to improve H.R. 1. Now I would like to turn to some undesirable provisions in H.R. 1 which, I believe, can limit the quality and scope of care for the aged.

Since other Members of the Committee on Aging will talk at greater length on many of these measures, I shall only concentrate on two of these proposals.

First, H.R. 1 establishes a new $7.50 co-payment charge for each day in the hospital from the 31st to the 60th day. This, of course, would be in addition to the $68 deductible which the elderly would be required to pay out of their own pocket for hospitalization.

For an individual requiring 60 days in the hospital, this charge alone could add $225 to his bill. The irony of it all is that this provision is likely to hurt the very person that Medicare is supposed to help the most—the individual with a large health care bill because of a prolonged period in the hospital.

And remember this: About 9 out of every 10 persons who reach age 65 will require at least 1 stay in the hospital during their remaining years. About two out of every three will require at least two hospital stays.

Additionally, H.R. 1 would raise the deductible for Part B from $50 to $60, once again driving up the health care costs for the elderly.

These measures, I believe, should be deleted or substantially altered by the Senate.

WHITE HOUSE CONFERENCE ON AGING

At the recent White House Conference on Aging, 3,400 delegates from every State in the Union made a ringing call for action on several fronts.

Soon the Senate will consider H.R. 1, a measure that can be landmark legislation in providing genuine economic security for the aged.

Again, I reaffirm my strong support for early and favorable action on this bill, along the lines that I have outlined in my statement.

We owe this pledge to more than 20 million Americans who are now 65 and older. And we owe this pledge to the millions more nearing this age.

MAJOR CHANGES NEEDED IN OIL IMPORT QUOTA SYSTEM—RESIDENTIAL AND INDUSTRIAL FUEL OIL HEARINGS

Mr. McINTYRE. Mr. President, the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs Committee, of which I have the honor to be chairman, has recently completed a series of hearings held over a 2-month period in which the cost and adequacy of supply of residential and industrial heating oil were extensively examined.

In view of the fact that the eastern seaboard of the United States, particularly the Northeast, is so heavily reliant on petroleum products to meet fuel needs, the problems encountered in this area received major attention.

Many of the fuel oil supply and price problems that are experienced in the Northeast result either directly or indirectly from the manner in which the mandatory oil import quota system is administered. The ever-increasing use of petroleum products in the United States, some 14½ million barrels per day presently, makes it incumbent upon the Federal Government to continually examine, update, and revise the system to reflect the needs of American business and consumers.

In view of the interplay between the oil import quota system and the price and supply of residential heating oil, which is commonly referred to as No. 2 home heating oil or distillate, the subcommittee during its investigation attempted to develop a hearing record which would focus primary attention on the manner in which the operation of the mandatory oil import quota system could be altered or revised to reflect more realistically current fuel oil requirements. The subcommittee also closely examined residual fuel oil supply and price problems. Residual fuel oil is a heavy oil used generally by industry and utilities.

During the course of the hearings, the subcommittee received testimony from the following witnesses: Washington, September 8—Robert E. DeBlois, chairman of the board, New England Fuel Institute, accompanied by Donald B. Craft, president, and Charles H. Burkhardt, executive vice president; Robert Greenes, chairman, Fuel Oil Committee, National Oil Jobbers Council, accompanied by Gregg Potvin, executive vice president; Arthur T. Soule, president, Independent Fuel Terminal Operators Association, accompanied by Myer Rashish, consulting economist; Robert D. Lynch, vice president, National Oil Fuel Institute, accompanied by George Gruberg, secretary and general counsel.

Washington, September 9—Dr. Hendrik S. Houthakker, professor of economics, Harvard University; Dr. Edward W. Erickson, professor of economics, North Carolina State University.

Washington, September 28—L. G. Rawl, vice president, marketing, Humble Oil & Refining Co.; John H. Lichblau, Petroleum Industry Research Foundation, Inc.

Washington, September 29—Kerryn King, senior vice president, Texaco, Inc.; Stanford G. Stiles, vice president, transportation and supplies, Shell Oil Co.

Boston, October 14—Edward M. Kennedy, U.S. Senator from the State of Massachusetts; David N. Merrill, vice president, Public Service Co. of New Hampshire; Robert W. Feragen, general manager, Northeast Public Power Association, accompanied by Alban G. Spurrell, manager, Braintree Electric Light Department; Walter R. Peterson, Governor of the State of New Hampshire, accompanied by John E. Henchey, city manager, Concord, N.H., and Caroline Gross; Frank W. Whitcomb, treasurer, Cold River Hot-Mix Corp.; A. Thomas Easley, executive vice president, New England Council for Economic Development.

Boston, October 15—Francis W. Sargent, Governor of the State of Massachusetts; Kenneth M. Curtis, Governor of the State of Maine; Silvio O. Conte, Representative in Congress from the State of Massachusetts.

Washington, October 19—Hollis M. Dole, Assistant Secretary for Mineral Resources, Department of the Interior, accompanied by John Rigg, Acting Director, Office of Oil and Gas; Ralph W. Snyder, Acting Administrator, Oil Import Administration; and Lewis S. Flagg III, Chairman, Oil Import Appeals Board.

Washington, October 20—George A. Lincoln, Director, Office of Emergency Preparedness, accompanied by Elmer Bennett, General Counsel; Robert Plett, Oil and Energy Staff; and Ralph Thompson, Congressional Liaison Staff.

Testimony received from Mr. DeBlois, of the New England Fuel Institute, pointedly characterized the basic issues covered during the hearings.

His statement, which I have summarized, clearly shows that the problem of oil prices, shortages, and threats of shortages of home-heating oil in New England stem from the fact that every drop of oil used in New England must come into the area by ship. New England has no oil production or refineries of its own. It is not connected with petroleum-producing areas by pipeline. Nor does it produce any coal or natural gas. There are limited amounts of hydropower available in New England but, by and large, our region runs on oil, and every barrel of oil must come by ship.

Fortunately, New England is blessed with a number of fine harbors and under normal circumstances could expect to bring oil into our region priced competitively with any other area in the country. Unfortunately, normal market price transactions—normal flow of oil—cannot take place. Why? Because as of 1959 New England, like the rest of a 43-State area, has been subject to mandatory oil import controls. These controls negate New England's natural advantage of deepwater harbor facilities because they prevent New England distributors from importing foreign oil—apart from heavy fuel oil, which is allowed free entry.

Unfortunately, no refineries have been built on the east coast of the United States since the mandatory oil import program was initiated 12 years ago. Moreover, east coast demand for this product is well over double the volume produced in east coast refineries. Thus, we must look to the U.S. gulf coast areas for a substantial part of our supplies.

Testimony received during the hearings clearly established that these geographical facts coupled with the inability, because of the oil import program, to buy home-heating oil in world markets at competitive market prices, have placed New England in the position of paying higher prices for home-heating oil than any other region of the country. The inequities of this situation are obvious.

What we have here is a Government oil import quota system, justified on the basis of national security, which causes prices in one particular region of the country to be disproportionately higher than in others. If one accepts the thesis, which I do not, that there is a valid national security justification for the oil import program, we in the Northeast are, in effect, paying more than our pro rata share of what should be a national burden. It is particularly unfortunate that the region that has to pay the highest prices for home-heating oil is the very region that needs and uses more heating oil per capita than any other in the country. The issue here is not whether national interests should override regional, but whether the burdens imposed on a citizenry on the basis of national security should not be equitably distributed among all.

Other burdens imposed on small businessmen by the oil import program are the competitive inequity caused by the size and economic strength of the major integrated oil companies, as well as the dependent position the quota program has forced on independent deepwater terminal operators. These independent terminal operators have the hardware—that is, the physical facilities to bring oil into the New England market from anywhere in the world—and, indeed, when they were allowed to do so before the oil program was initiated, they were able to compete effectively with the major companies and bring to New England wholesalers and small retail distributors an alternate source to major company supplies.

The oil import program, of course, changed all that by forcing independent terminal operators to acquire their supplies from a small number of major companies, such as Humble, Shell, Mobil, and Texaco, with refining capacity located inside the U.S. market. In short, the independent terminal operators are forced into the incongruous position of having to compete for business with the very same major oil companies upon whom they are dependent. Why? Because they have to buy their oil supplies hopefully at a reasonable price from the same major companies that they compete with on the wholesale and retail level.

In order to facilitate a discussion of suggested changes in the administration of the Oil Import Quota System, several alternative proposals were developed prior to the commencement of the hearings, which were designed to reflect more realistically the needs of consumers of both residential and industrial heating oils. These suggestions were:

First. The continued exclusion of residual fuel oil from the Oil Import Quota System in district 1—all States bordering on the Atlantic Ocean plus Pennsylvania, Vermont, and West Virginia. And the expansion of this policy particularly into districts 2 through 4—all States east of the Rocky Mountains except those in district 1.

Second. Change the criteria used by the Oil Import Administration for determining the amount of allowable imports into the entire country east of the Rocky Mountains from a 12.2 percent maximum figure based on domestic production of crude oil to one based on domestic demand. From 1959 until 1962, the yardstick used in determining import allowables was actual domestic demand and consumption of petroleum products. In 1962, the percentage of allowables was increased from 9 to 12.2 and, at the same time, the criteria for determining the amount of imports was changed from consumption to domestic production.

Third. Increase the allowed imports of No. 2 fuel oil presently excluded from the mandatory oil import quota system from 40,000 barrels per day to 20 percent of total demand in district 1.

Fourth. Change the allowable percentage figure used under the quota system from 12.2 percent of domestic production to 20 percent of domestic consumption, excluding residual imports into district 1 and No. 2 oil presently excluded from the program.

Fifth. Obtain assurances from the Department of Justice and the Federal Trade Commission that they will vigorously maintain a continuing examination of business activities, particularly in the New England area, to assure that through mergers, acquisitions, and marketing practices there is not a lessening of the very limited competition presently operating in that area.

In considering changes in the manner in which the quota system presently operates, the hearings concentrated principally on the following areas: first, the impact of the oil import quota system on small business marketers and consumers; second, domestic and foreign refining capabilities of major integrated oil companies; third, dual distribution of petroleum products at various marketing levels—that is, situations in which small businesses engaged in the sale of petroleum products are forced to compete with major integrated oil companies, which is also under examination by Senator HART's Antitrust and Monopoly Subcommittee; fourth, vertical forward integration into wholesale and retail operations by large refineries, with particular emphasis on the New England marketing area; fifth, the overwhelming reliance by both industrial and residential users of petroleum products in the New England area and how New England homes, nearly 80 percent of which are heated by fuel oil, can be assured of an adequacy of product at reasonable prices; and sixth, difficulties in obtaining low sulfur content residual oil to meet recently enacted environmental control standards.

During the hearings, each witness was called upon to offer his opinion as to the effectiveness of the present oil import program, and identify problem areas in which administrative change is required. The following is a brief summary of the problem highlighted during the hearings and several suggested changes in the operation of the present oil import system.

CRUDE OIL

When the oil import quota system was originally introduced in 1959, the import level for the part of the country east of the Rocky Mountains was set at 9 percent of domestic demand. In 1962, the percentage figure was changed to 12.2 percent, but the basis upon which a determination as to amount was made was changed from demand to domestic production. While it is true that domestic production has continued to increase since the imposition of the quota system in 1959, this increase has not kept pace with increased demand and it is anticipated that in the next 2 to 3 years domestic production east of the Rocky Mountains will level off and begin to decline.

No other single Government-operated market mechanism purportedly designed to set quotas on foreign imports has been as controversial and criticized as the mandatory oil import quota system. Its adoption in 1959 by the Eisenhower administration was supported on the national security argument that the United States must protect itself from undue reliance on foreign services for its petroleum needs.

From the time of the quota's adoption until the present, the price of domestic crude oil has been substantially higher than that of foreign. This price disparity has at times been as high as $1.50 per barrel. The quota as implemented in 1959 sought to provide as an incentive to the domestic petroleum industry a secure and competitively protected market in the United States largely cut off from cheaper foreign oil. A set percentage of foreign oil was allowed entry into this country and the domestic refiners were the principal importers.

As an added incentive for developing domestic crude oil sufficiency, those who were fortunate enough to be allowed the right to import foreign crude under the quota system pocketed the difference between the low world price and the high domestic price. By so doing, the administrators of the quota program believed that the profits realized by importers of foreign oil would in turn be invested in domestic crude oil exploration and production activities. This, however, has not been the result. What has happened is that foreign investment by U.S. petroleum corporations has skyrocketed and domestic exploration and production has diminished in relation to demand.

Since its introduction in 1959, there has been growing dissatisfaction with the quota and the manner in which it is administered. Consumers of petroleum products are forced by a Federal Government policy to pay an estimated $5 to $7 billion a year to insure a fictitious domestic sufficiency. Petroleum producers zealously support a program that results in driving independent producers out of business by encouraging refiners to integrate backward into petroleum production. Small refiners consistently have been losing market share and competitive vitality because they must rely on major refiners, who are also domestic producers and importers of foreign oil under the quota, to supply them with their share of cheaper foreign oil granted through the quota. Independent deepwater terminal operators are denied the right to import crude oil and numerous products as a result of the quota and must therefore purchase supplies from the same refiners-marketers with which they are forced to compete. Finally, the major refiners are dissatisfied in that the quota system is operated in a manner that they claim contains too much uncertainty. This uncertainty is caused primarily because the quota system is based on the belief that its existence will assure and maintain domestic self-sufficiency. This, however, is totally untrue, but the Department of the Interior and the Office of Emergency Preparedness in their zeal to perpetuate the myth are forced into the incongruous position of continually readjusting the quota through exceptions and legal fictions to maintain a program which meets none of its purported aims at a cost that is totally unjustified both to the consumer and to competition within the industry.

What is needed are long-range solutions that will assure sufficient fuel supplies but also at reasonable costs. This aim, however, seems to run contrary to the goals of those administering the quota system. Those operating the quota program appear to be either unable or unwilling to make even those changes agreed on and advocated by both critics and proponents of the system. Several of those proposed changes will be discussed later. It should be noted here, however, that the degree of resistance to change in the quota appears to be proportionately inverse to political advantages gained as a result of deliberate uncertainty and inherent inconsistency. Accepting this hypothesis as true, one can be assured that no changes providing equity, clarity, or removal of uncertainty will be made to the quota system during 1972.

This pattern of inconsistency is well illustrated by the OEP's 1971 "Report on Crude Oil and Gasoline Price Increases of November 1970" where it was found that a price increase instituted by Gulf Oil Co. and followed by the rest of the industry was not justified in the short term, but, as General Lincoln said in his letter to President Nixon accompanying the report:

> Because the assurance of adequate secure petroleum supplies in the future is an urgent matter, and there are inevitable uncertainties about the timing and effects of other programs which may be instituted, I cannot confidently conclude that the November crude oil price increase was unnecessary.

In his testimony before the subcommittee, Mr. Burkhardt of the New England Fuel Institute clearly defined this country's crude oil production situation, and a chart supplied by the Department of the Interior further reinforces the obvious:

> One curve is going down; the other curve is going up. We have to face the fact that the United States, again, will never be able to meet its petroleum energy demands from domestic sources. We have to be realistic about that. Any type of control that would force us to depend continually or to a larger extent than the present time on domestic sources is, to kind of put it crudely, "just whistling Dixie."

In his subcommittee appearance, Assistant Secretary Dole discussed the present operation of the quota and stated that with regard to the percentage of imports presently allowed entry:

> The historic 12.2 percent ratio of imports to domestic production in Districts I–IV is already passe—there have already been two successive increases of 100,000 barrels a day, in 1970 and 1971, to supplement the basic import quota (not to mention bonded products and other imports outside the quota) so that currently the level of imports permitted approximates 17 percent of domestic production, exclusive of residual fuel. In effect, the basis for permitting imports is now in transition between production and demand. We are quite obviously moving toward the point where imports east of the Rockies will have to be allowed to the extent required to make good the gap between demand and domestic production, just as is now done on the West Coast. By 1985, this petroleum deficiency for the country as a whole could reach 11.8 million barrels a day, or 45% of our total requirement that year. More than half of these imports—six million barrels a day—would come from Eastern Hemisphere sources.

The plain fact is that the days of domestic petroleum sufficiency in the United States are over, and all available evidence indicates more and more dependence on foreign sources. In 1970 total U.S. production was 9.5 million barrels a day while consumption was more than 14.5 million barrels a day or a gap of over 5 million barrels a day. The administrators of the oil import quota system and the petroleum industry must accept this reality and base their decisions on facts and not on the worn out and discredited vest pocket cliches of national security and possible war with Canada. This country must be assured of a sufficient and continuing supply of crude oil and petroleum products, and if foreign sources are required then this must be recognized and accepted.

The witnesses from Shell and Texaco both associated themselves with Secretary Dole's assessment and Mr. King of Texaco, in responding to a question during the hearings, said:

> I think that what you suggest is instead of being based on a percentage of demand, that it would be based more on the difference between what we can produce in this country and what we consume in this country; that would probably be a better yardsick. And I think we are fast getting to the point where since we will not have excess producing capacity in the United States, that that would be a practical approach.

During their appearance before the subcommittee, General Lincoln and Mr. Bennett of the Office of Emergency Preparedness took a position somewhat different from the overwhelming testimony that the formula used in determining imports in districts 1–4 must be changed from a production to a consumption basis. In resonding to subcommittee questions, both witnesses indicated that shifting to a consumption formula is not necessarily going to avoid possibilities of underestimating import needs in a particular year. General Lincoln summed up his position by saying:

> In fact what we are looking at increasingly is the total number of barrels and not a percentage basis. We have moved away from the percentage and certainly there is going to be some increase in quotas allowed next year.

It is clear, however, that all the witnesses testifying during the hearings recognized that domestic production is decreasing while consumption is increasing, and the consensus position is that foreign imports must be increased.

In view of the above, it seems unreasonable to continue an oil import policy determined upon a declining production base. With crude oil consumption increasing at a present rate of 4 to 5 percent a year and with approximately 24 percent of our total petroleum needs presently being met by foreign imports, it would seem to be much more appropriate to use consumption as the criteria in determining the amount of foreign crude allowed entry in the United States.

As Representative Conte said in testifying on future U.S. production capacity:

> There is every reason to expect over the next several years a great increase in imports. Even some of the majors concede this must come. Perhaps, as this develops, the obvious logic of lifting quotas completely may prevail.
>
> But for the short run, our best chance to break up the combination of Government fortifications against competition and price and supply relief, may well be to try and defeat prorationing more directly.
>
> As we all know, State production controls interfere with interstate commerce which, under our Constitution, lies solely in the Federal domain. Such conduct would be prohibited without the express delegation of this authority contained in the Connally Hot Oil Act of 1935.
>
> The Connally Act, which bans the interstate shipment of "hot oil"—that is, oil produced in violation of State production controls—is quite a contradictory document. While prorationing has been supported by the theory that it is strictly a conservation practice, even the State regulatory agencies, as well as the President's task force, have admitted this is a charade. Indeed, the Connally Act itself, while ostensibly designed solely to prevent waste, expressly recognized the danger of price fixing through unduly restrictive production controls. Section 4 of the act (15 U.S.C. sec. 715c) directs the President to suspend the act whenever he finds production so limited that it produces such a gap between supply and demand that it results in an undue burden on interstate commerce.
>
> In December 1970, when the President removed Federal offshore oil production from voluntarily complying with state prorationing, he said that these controls are not needed for national security and—and here I am quoting—that these controls "actually interfere with the freedom of our domestic market system."
>
> Mr. Chairman, I don't know what could be a clearer indication that the President has, in fact, found there is an undue burden on interstate commerce here. When I called this to his attention, and urged him to suspend the act, I was unsuccessful.
>
> The President's failure here, of course, is not unique. No President has ever suspended the Connally Act. What is more shocking, however, is that no President has ever even complied with another provision of the act, section 5 (15 U.S.C. sec. 715d), that requires the careful gathering of data on which to make an informed judgment whether or not there is an undue burden on commerce.
>
> It is one thing for critics like us to claim that suspension is called for. It is quite another for any Chief Executive to flatly refuse to perform his duty and study the question.
>
> This sad history on nonenforcement is why I am convinced that the Connally Act must be repealed.

I share Representative Conte's concern with the manner in which this and previous administrations have ignored their responsibility in complying with the provisions of the act and join in calling for the immediate repeal of the Connally Hot Oil Act.

In response to questions raised by the Senator from Massachusetts (Mr. Brooke) regarding the unique situation faced by New England in meeting energy demands, Secretary Dole said:

> I think the best chances that the New England area have for making quantum jumps in their energy situation is to encourage the exploration offshore for oil and gas which would give them a close proximity to sources of oil which would almost guarantee that they would have refineries placed within their area so that the cost could be less.

Further testimony revealed, however, that this possibility is at least 10 years away and would cost several billion dollars. While it is hoped that future discoveries will ease the supply and price problems encountered in New England in the future, I am more concerned with the present and this is why it seems so ridiculous to continue to base the operation of the quota system on domestic production.

NO. 2 FUEL OIL—DISTRICT 1

No. 2 fuel oil or distillate is a light, clean fuel that is used primarily in individual residences or small businesses. In the late spring of 1970, the administration, in response to threatened shortages and severe economic hardships, granted a temporary allocation of 40,000 barrels per day of home heating oil into district 1 from foreign countries in the Western Hemisphere. This program was initiated on a temporary or experimental basis and General Lincoln stated at the hearings that—

> We have found that the supply of No. 2 heating oil to consumers in District 1 was adequate last winter and will be adequate during the coming winter.

While we in New England were appreciative of the action taken by the administration to assure adequate supplies, import limitations denied New England consumers price relief.

Unfortunately, the terminal operators who were importing No. 2 fuel oil under the temporary program were required to purchase the 40,000 barrels per day solely from Western Hemisphere sources. This restriction was a harmful and inequitable one. Within a few months from the time that the quota allocations were granted, prices for home heating oil in the Caribbean rose from 6.5 to 9.5 cents per gallon, an increase of almost 50 percent.

As Mr. Easley of the New England Council said during his appearance:

> Such price escalation is particularly galling to New Englanders who are aware of the fact that their neighbors to the north in Montreal and the Province of Quebec, where there are no restrictions on imports from lower cost world sources, pay 2.4 cents in U.S. funds per U.S. gallon less than consumers in the major New England markets. Using Montreal as a basis, New Englanders are paying $110 million per year more to heat their homes than their neighbors across the border.
>
> The time, effort, and resources of the leading public and private interests in six States of this country have been thwarted in most arbitrary ways, and, at times in this long struggle, decisions have been made in violation of clearly defined legal responsibilities and contrary to accepted administrative practice.

In his testimony, Mr. DeBlois emphasized the price problem by stating that:

> The Western Hemisphere restriction, of course, hurts us in the price aspect because frankly from European free world refineries—I am talking about refineries in the free world in the European market—No. 2 fuel oil today is available at approximately a 6 to 6.5 cents price in cargoes. Now, even adding to this the transportation to bring it over, it is a considerable saving. In effect, what happened with the Western Hemisphere restriction was that the alternate source was available, as I mentioned, but the price advantage that was hoped for from that market immediately dried up so that the price advantage was taken away.

In his appearance before the subcommittee, Mr. John Lichtblau of the Petroleum Industry Research Foundation said:

> We would recommend that the Western Hemisphere limitation on distillate heating oil imports be removed. The limitation makes virtually no contribution to U.S. national security which would be its only justification. Last year a total of 2.34 million barrels daily of oil was imported into the U.S. from overseas sources. The 40,000 barrels daily of distillate oil imports represented only 1.7% of that total. Virtually none of the other 98.3% were subject to source-of-origin limitations. The share of distillates will be even smaller in the future, since crude oil imports from overseas are expected to rise very sharply throughout the 1970's. It is therefore obvious that national security cannot be affected by controlling the source of origin of the distillate oil imports allocated to independent cargo buyers.
>
> It is also doubtful whether Venezuela, for whose sole benefit the limitation was imposed, is really still helped by it. The distillate oil import quotas represent a very small share of the total 1.5 million barrels daily of imports into the U.S. of Venezuelan crude oil and the products made from it. Furthermore, since May 1970, when the promise was given to the Venezuelan government to limit No. 2 heating oil imports to products made from Western Hemisphere crude oil, the volume of No. 2 oil imports processed from such crude has actually increased very sharply. For the growing requirement of low-sulphur residual fuel oil at the U.S. East Coast has necessitated the diversion of the bulk of Caribbean No. 2 oil from sale as a separate product to its use as a blending ingredient with residual fuel oil in order to reduce the sulphur content of the latter. Thus, indirectly, much more No. 2 oil made from Venezuelan crude is now coming into the U.S. than had been foreseen at the time the Western Hemisphere limitation was put on direct No. 2 oil imports as a gesture towards Venezuela.
>
> Caribbean oil suppliers have, of course, a natural geographic advantage over any Eastern Hemisphere exporters at the U.S. East Coast. Hence, prior to mid-1970, virtually all imports of this product came from the Caribbean, even in the absence of any Western Hemisphere source-of-origin limitation.
>
> The imposition of the Western Hemisphere limitation had little effect in the second half of 1970 or the first half of 1971. For while No. 2 oil prices in the Caribbean rose sharply during this period, European export prices were still higher if freight rates are included. However, at the beginning of July 1971, the situation changed. Since then, the landed U.S. East Coast price of No. 2 oil from Western Europe has generally been lower than from the Caribbean.

During his appearance before the subcommittee, Mr. King of Texaco was asked to comment as to the appropriateness of maintaining the Western Hemisphere limitation and he stated that:

> At the present time, the amount of No 2 fuel that comes from Venezuela in relationship to the total supply is no longer sufficiently important to Venezuela to warrant the continuation of that restriction.

In the context of the continuation of the No. 2 import program, the witnesses from Shell and Texaco stated that they accepted continuation of the allocation at the present level. Both witnesses indicated, however, that acceptance should not be construed as approval.

While the major impact on price that had been hoped for did not materialize, the program did have a positive impact. The added supplies gave New England its first winter in 5 years completely free of fear and threats of shortages, and independent deepwater terminal operators were able to defend their business vigorously and in some cases seek new business. General Lincoln testified that statistics show that in 1970 independent terminal operators increased their sales by 7 percent, whereas the refiner-marketers only increased theirs by 3.9 percent. This increase in competition is of extreme importance to home heating oil consumers in New England because vigorous competition is often reflected in lower prices.

It should be noted that the average New England homeowner uses 2,500 gallons of home heating oil per year, and a one-cent-a-gallon increase costs consumers in district 1 approximately $150 million a year. Testimony received during the hearings from several witnesses, including representatives from the New England Fuel Institute and the Independent Fuel Terminal Operators Association, indicates that No. 2 oil demand in district 1 can be expected to increase by at least 10 percent during 1972, from approximately 1 million to 1.1 million barrels a day. This increase is occasioned by the fact that large amounts of No. 2 oil are being used as a blending agent to get the sulfur content in heavy industrial oil down low enough to meet newly enacted environmental control standards.

Also an increasingly tight supply of natural gas is causing large numbers of users—including utilities—to switch to No. 2 oil. With increasing demand, it is imperative that aggressive competition be maintained, and in New England it is the independent terminals that offer the only source of competition against the large integrated major refiner-marketers.

During the hearings the question of the adequacy of storage was also raised by the Independent Terminal Operators Association and the New England Fuel Institute. A persuasive argument can be made that by increasing storage facilities in the Northeast shortage problems would be ameliorated and increased supplies would result in more aggressive price competition. In his testimony, Mr. Soule of the Independent Terminal Operators Association said:

> If the program is established on a permanent basis with a significant level of imports assured, we would be prepared to make major investments in terminal storage facilities. This is one of the problems we face right now. We are not secure enough in our future to put any more investments into storage tanks, and one of the problems we get into during cold spells is that there is not enough storage and readily available assured supplies of product.
>
> If the import program were expanded we could find other sources of supply that would permit us to maintain our relationships with the majors but also get additional oil; the economics would justify erecting more storage to take care of these peaks and valleys which are part of the problem of the heating business.
>
> This increased storage capacity would be consistent with the national security objectives of the oil import program and would guarantee that ample supplies of heating fuels were always available in the Northeastern States. In addition, the investments would mean substantial employment for construction personnel in the areas along the East Coast.

Mr. Soule testified that if the import levels of No. 2 fuel into district I were raised to a level of 80,000 to 100,000 barrels a day there could be a significant impact on prices and competition—and the terminal operators would be prepared to embark upon a substantial storage expansion program.

During his appearance before the subcommittee, Mr. Bennett of OEP, in discussing No. 2 fuel prices, indicated his belief that retail prices had increased considerably more than wholesale prices. This assertion was challenged both by myself and witnesses during the hearings. The real issue here is the effect that the mandatory oil import quota system has on supply, price, and competition.

This attempt by OEP to throw suspicion on fuel oil retailers is, in my opinion, unfounded. The charts below clearly show that, if previously announced price increases by Humble Oil Co. go into effect, retail price increases in New England will have, in the last 8 years, approximated those at the wholesale level. As Mr. Easley of the New England Council for Economic Development noted:

> The proponents of maintaining the status quo fail to point out that whereas they cite the distributors' markup as the highest in the country in the New England region, they neglect to point out that their margin of profit is the lowest in the country; that is, long hauls, relatively severe winter conditions. We have many situations that the southern area of the country, for example, does not have to contend with. The cost of doing business is higher.

Mr. Lichtblau also responded to this contention in his testimony and stated that:

> Higher margins do not necessarily mean higher profits. Certainly, it costs more to deliver fuel oil in sub-zero weather on snow bound roads than in the relatively warmer climates prevailing in the South Atlantic.

I ask unanimous consent that a table on this subject be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—NO. 2 HOME HEATING OIL, HUMBLE OIL CARGO PRICES, NEW ENGLAND AREA[1]

[In cents per gallon]

1964	8.7
1965	9.1
1966	9.6
1967	10.1
1968	10.5
1969	10.3
1970	10.5
1971 (through August)	11.1
1972[2]	12.1
8-year increase	3.4
8-year increase (percent)	39.0

[1] Average (unweighted) of prices posted during year. For example, Humble posted 8.9 cents in January, 8.3 cents in May, 8.5 cents in November 1964, and 9.1 cents in December 1964. The average of these (8.7 cents) is shown in table I above. These prices are actual selling prices for tanker lots.

[2] The 1972 price of 12.1 cents is the Jan. 1, 1972, price publicly announced by Humble. The company plans to raise cargo prices from today's level of 11.1 to 11.4 cents in November, 11.7 cents in December, and to 12.1 cents on Jan. 1, 1972.

NOTE.—All price data from 1964 to 1970 from Platt's Oil Handbook—issues 1964 through 1970, 1971 prices from Platt's Oilgram Price Service.

TABLE II.—NO. 2 HOME HEATING OIL, WHOLESALE TANK CAR PRICES, NEW ENGLAND AREA[1]

[In cents per gallon]

1964	9.43
1965	9.70
1966	10.15
1967	10.88
1968	11.31
1969	11.25
1970	11.17
1971 (through July)	12.15
1972 (Jan. 1)[2]	13.15
8-year increase	3.72
8-year increase (percent)	39

[1] Prices are average of those quoted monthly for Portland, Maine, Boston, Mass., Providence, R.I., Hartford and New Haven, Conn.

[2] The 1972 price reflects to 1 cent per gallon cargo price increase Humble plans to have in effect on Jan. 1, 1972. It is assumed that the Humble cargo price hike will be passed along from the cargo buyer to the tank car buyer.

NOTE.—Source for all price data except assumed Jan. 1, 1972 price: Fuel Oil and Oil Heat, published by Industry Publications, Inc., Montclair, N.J.

TABLE III.—NO. 2 HOME HEATING OIL, RETAIL PRICES, NEW ENGLAND AREA[1]

[In cents per gallon]

1964	15.37
1965	15.74
1966	16.28
1967	18.89
1968	17.56
1969	17.78
1970	18.32
1971 (through July)	19.84
1972 (Jan. 1)[2]	20.84
8-year increase	5.47
8-year increase (percent)	36

[1] Prices are average of those quoted monthly for Portland, Maine, Boston, Mass., Providence, R.I., and Hartford and New Haven, Conn.

[2] The 1972 price reflects the 1-cent-per-gallon cargo price increase Humble plans to have in effect on Jan. 1, 1972. It is assumed that the Humble cargo price hike will be passed along to the tank car buyer and ultimately to the retail customer.

NOTE.—Source for all price data except assumed Jan. 1, 1972, price: Fuel Oil and Oil Heat, published by Industry Publications, Inc., Montclair, N.J.

Mr. McINTYRE. Mr. President, as stated earlier, the No. 2 allocation program was first commenced in June 1970 on an experimental or temporary basis. The program was extended during 1971 but was still on a temporary basis and was scheduled to expire on December 31, 1971. As early as last May requests were sent to the Department of Interior and the Office of Emergency Preparedness urging that an early decision be made on the 1972 program. An early decision was requested so that plans could be made for meeting this winter's home heating oil needs. Without sufficient leadtime, supply and transportation arrangements are difficult if not impossible and result in uncertainty. Delays in administering such an essential program are inexcusable, for actions should be taken to assure that deepwater terminal operators and wholesalers are able to make the arrangements necessary to assure supply.

On November 5, 1971, the President signed Proclamation No. 4092 in which the temporary No. 2 allocation program was given permanent status and the import level was increased to 45,000 barrels per day. Although the proclamation did not remove the Western Hemisphere limitation, provision was made for surveillance of the program by the Director of the Office of Emergency Preparedness—OEP—and authority was granted to the Secretary of the Interior to lift the Western Hemisphere restriction, upon the recommendation of the Director of OEP, in the event price, supply, or other considerations so dictate.

The recent actions by the Venezuelan Government in raising taxes on crude oil and No. 2 fuel oil, limiting oil production, and announcing abrogation of their trade treaty with the United States, underscore the need to remove this restriction promptly. The Venezuelans are obviously not interested in helping the U.S. consumer; the U.S. Government should therefore, provide them no preferential treatment. Lower cost No. 2 fuel oil is available in Europe and east coast consumers should have the benefit of access to these markets, for the remainder of 1972.

In this regard, I might add that the price board must exercise proper surveillance of the energy market and assure that the price of crude oil and vital petroleum products remain stable.

A feature was also added that provides greater flexibility to the independent terminal operators and contributes to the concept of keeping refining capacity at home. The Secretary of the Interior was authorized to issue regulations making import tickets under the program valid for crude oil as well as for No. 2 oil so that the importers can either import No. 2 oil or import crude oil and exchange the crude oil for domestic No. 2 oil.

While the increased allocation was far from the 100,000 barrels per day that numerous witnesses and Members of the New England congressional delegation strongly endorsed, it does assure to the east coast an amount of imported product in 1972 equal in percentage terms to that granted in 1971—4 percent of total demand. The important feature of this proclamation is that it established on a firm, permanent basis a program which was originally implemented on a temporary or experimental basis.

Mr. Soule indicated to me after the administration announced its decision to make the No. 2 allocation program permanent and increase allowable imports to 45,000 barrels per day that this action will stimulate to some extent the construction of additional storage facilities. If the Western Hemisphere restriction is removed completely and permanently and import allocations under the current No. 2 fuel oil program are increased to the equivalent of 8 to 10 percent of total district 1 demand, I am sure that substantial additional fuel oil storage capacity can be provided for the Northeast.

NO. 6 FUEL OIL—RESIDUAL

When the mandatory oil import quota system was first instituted in 1959, crude oil plus all petroleum products were to some extent controlled by the quota system. As a result of increased demand for residual fuel oil in district 1, at the same time that the domestic refining industry was more and more reluctant to manufacture this product, residual fuel oil was exempted in 1966 from control under the quota system. This procedure is still being followed and all witnesses testifying during the hearings, including those from major oil companies, indicated that the continual maintenance of this exemption is critical to the economic welfare of the eastern seaboard of the United States. By exempting residual fuel oil from the mandatory oil import quota system, district 1 is granted the right to purchase this product on the world market. Price figures clearly show that residual fuel oil in district 1 is at a lower price level than in other parts of this country, where this product is still controlled.

COMPARISON OF U.S. RESIDUAL FUEL OIL PRICES (PRICE PER BARREL)

	1969			
	Low	High	Average	Oct. 21, 1971
Boston (rack):				
No sulfur guarantee	$1.92	$2.39	$2.21	(1)
1 percent maximum sulfur	(2)	(2)	(2)	$4.35–$4.45
New York (rack):				
No sulfur guarantee	2.28	2.38	2.33	(1)
1 percent maximum sulfur	2.45	2.50	2.48	4.33
0.3 percent maximum sulfur	(2)	(2)	(2)	5.08
Chicago (terminal):				
No sulfur guarantee	3.05	3.15	3.10	4.20
1.5 percent sulfur	(2)	(2)	(2)	[3]4.41
1 percent maximum sulfur	3.31	3.37	3.43	4.62
0.6 percent sulfur	3.47	3.58	3.52	4.725
Oklahoma (terminal, for northern delivery):				
No. sulfur guarantee	1.47	1.95	1.71	2.35–2.85
0.75 percent maximum sulfur	1.77	2.15	1.95	2.50–3.00
Gulf coast, cargo:				
No sulfur guarantee	1.47	1.47	1.47	2.00
Maximum 0.6 percent	1.93	2.13	2.03	3.70–3.80

[1] Posting discontinued Sept. 20, 1971. Last postings: Boston, $3.68 to $3.78 per barrel; New York, $3.51 per barrel (barge no maximum) (Sept. 20, 1971).

[2] Not available.

[3] Sept. 1, 1971.

Source: Platt's Oilgram Price Service.

In 1965, before residual oil was decontrolled in district 1, the average price per barrel for no sulfur guarantee product as reported by Platt's Oilgram Price Service was $3.16 in Chicago and $3.10 in New York, or close to identical. The table below, submitted to the subcommittee by Secretary Dole of the Department of the Interior, shows that average no sulfur guarantee residual prices per barrel for 1969 were $2.33 in New York compared to $3.10 in Chicago, or a cost savings to residual consumers on the cast coast of over 75 cents a barrel.

Price increases for all residual products in Chicago, New York, and Boston since 1969, however, are unconscionable and range in some instances as high as 100 percent. It is imperative that an indepth economic analysis be conducted by the Office of Emergency Preparedness to determine whether these enormous price increases are justified.

While the hearings were in progress, serious questions were raised by a number of witnesses as to proposed changes in the manner in which residual fuel oil imports would be administered. On August 5, 1971, the Department of the Interior filed in the Federal Register a notice of proposed rulemaking with regard to imports of residual fuel oil in district 1. It was feared by many marketers and users of residual fuel oil that the Department of the Interior's action might have made it more difficult to import this product into district I and would have resulted in a change from a very liberal program to a rigid control system. During the hearings, Assistant Secretary Hollis Dole and other officials of the Department of the Interior assured the subcommittee that these proposed amendments to the oil import regulations did not constitute substantive changes in the program but were designed to expedite and streamline the processing of paperwork in connection with administration of the residual fuel oil exemption.

Another issue brought back to the subcommittee's attention during the hearings was the problems associated with recently enacted State environmental control standards. A number of States in district 1 have recently implemented air-sulfur content regulations establishing maximum levels of sulfur in fuel oil. Difficulties have been encountered in supplying this product along the east coast at reasonable prices, and cost per barrel of low sulfur residual fuel oil has skyrocketed in recent months. It is imperative that immediate steps be taken to not only bring a halt to these enormous price increases but to roll them back to a reasonable level.

In his appearance before the subcommitee, Mr. King, of Texaco, testified that in his company's opinion what is needed is an expansion of residual oil output, particularly low sulfur grades, from domestic refineries. Under Texaco's proposal, for each barrel of low sulfur residual fuel oil produced from domestic crude oil in domestic refineries located in districts 1 through 4, the refiner would be granted an allocation to import one barrel of crude oil from foreign sources. This proposal would appear to merit further consideration by the Oil Import Administration, particularly in view of increasing demand for low sulfur product and other circumstances not encountered in previous years. The bonus barrel proposal if implemented, however, should be supplemental to, not exclusionary of, present residual allowed entry outside the quota system.

In summary, the hearings recently completed were primarily concerned with the effect that the mandatory oil import quota system has on the adequacy and cost of residential and industrial heating oils and the resulting hardship placed upon small businesses and consumers due to the continuation of this quota program.

The hearing record clearly shows that by maintaining the price of crude oil and its refined products at artificially high prices, the petroleum producer and refiner realizes a tremendous financial gain through a mechanism that in many sections of the country results in increased taxes, higher prices, competitive disadvantages to many businesses, high utility rates, and even contributes to unemployment.

These inequities result from the fact that the burden placed upon the American people as a result of the continuation of this quota is not equally shared by all users of oil and its products. This is particularly true in my area of the country with our great reliance on heating oils to provide power for electric generation to run our factories and to heat our homes, schools, and buildings.

By denying New England and other sections of the country an opportunity to purchase crude oil, No. 2 fuel oil, residual, gasoline, and so forth, at prices established in a competitive world market, businessmen are placed at a competitive disadvantage to those companies that they compete with which are located in sections of this country receiving price benefits resulting from the inequitable manner in which the oil import quota system operates.

Mr. President, the testimony I heard at the subcommittee hearings this fall has served to reconfirm my strong conviction that the basic recommendation of President Nixon's Cabinet Level Task Force is as correct today as it was 2 years ago. The best solution to the oil energy problem is the abolition of the quota and its replacement with a tariff system. I have long advocated just such a move, but I have become convinced that the present administration will not take action on that recommendation.

For that reason, practicality dictates that I concentrate my immediate efforts on obtaining reforms within the present program which can be put into effect immediately.

In view of the ever increasing use of petroleum products in the United States, some 14½ million barrels daily presently, it seems inconceivable to me that such a burdensome quota would not be continually updated and revised to reflect the needs of American business and consumers. In this context, it is my hope that the administration will immediately take steps to implement the following suggested changes in the operation of the quota system to insure a more equitably distributed burden that would be shared among all of the consumers of crude oil and petroleum products:

First. Immediate and permanent removal of the Western Hemisphere restriction on No. 2 fuel oil imports allocated to district 1.

Second. An increase in the No. 2 fuel oil imports in district 1 allocated under the present program to independent deepwater terminal operators to a minimum of 80,000 barrels a day or 8 percent of total demand in district 1. This action would not only assure vigorous competition but would stimulate the construction of additional storage facilities.

Third. Domestic consumption rather than production be used as the basis for determining crude oil imports into the United States east of the Rocky Mountains, or in the alternative, import levels be the difference between consumption and production as is presently used in district 5, that is, those States west of the Rocky Mountains.

Fourth. That the present system of decontrol of residual fuel oil be maintained in district 1 and that the allocation procedures assure that eligible importers of this product into district 1 would receive all needed product during each allocation period.

Fifth. That a foreign crude oil bonus system be established where for each barrel of low sulfur residual fuel oil produced from domestic crude oil in domestic refineries located in district 1 the refiner would be granted an allocation to import one barrel of crude oil from foreign sources. This would encourage the construction of much needed additional refining capacity along the east coast and would also meet growing demand for low sulfur residual fuel oil. Crude oil imports allowed entry under this proposal, however, must be in addition to residual oil presently excluded from the oil import quota system and imported freely into district 1.

TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Saga of the South," published in the Anchorage Daily Times of Monday, January 24, 1972. The editorial very aptly expresses the views of a great many Alaskans that the trans-Alaska pipeline can indeed meet all environmental requirements of law and is quite similar to a number of pipelines that have been constructed elsewhere in the United States. One such pipeline is the Colonial Pipeline system. As the editorial indicates, the Colonial Pipeline system has recently added 471 miles of line between Baton Rouge, La., and Atlanta, Ga. This is a part of a master plan including additions elsewhere in the southern part of the United States.

Such pipeline additions cause little fanfare because they are being constructed safely and in full compliance with all requirements of law.

The same is true of the Alaska pipeline. It, too, will be constructed safely and in full compliance with all the requirements of law.

The other pipeline systems, such as the Colonial, are aimed at major markets in the United States. They, too, provide jobs for many people in their areas of the country. But, for these reasons also the trans-Alaska pipeline is necessary for the well-being of the entire country.

We in Alaska fully support the efforts being made elsewhere to meet our growing energy crisis, but we also desire to participate by bringing Alaskan oil to the lower 48 States. For this reason, the trans-Alaska pipeline is an immediate necessity.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Saga of the South

Those of you who have followed the agonized on-again off-again developments in the saga of the Prudhoe Bay-to-Valdez pipeline will be interested in the other big pipeline story developing in the United States.

What other pipeline story, you ask?

Well, the Colonial Pipeline Co. expansion program, that's what—the one that has been planned, programmed and completed without any particular opposition, environmental frights, advice from a Wisconsin congressman or lobbying attacks from the Friends of the Earth and the Sierra Club.

The Colonial Pipeline project, which we've mentioned here before in months gone by, is now in operation.

Contrast it, if you will, to the proposed Alaska project.

The Alaska project calls for construction of a 48-inch pipeline that will run some 789 miles from the Arctic Slope in the north to Prince William Sound in the south.

The expansion of the Colonial Pipeline system added a 36-inch, 471-mile line between Baton Rouge, La., and Atlanta, Ga. It is only part of a building plan that also includes additions to Colonial's 32-inch pipeline between Greensboro, N.C., and Dorsey, Md., and a new 36-inch pipeline through Mississippi.

Operations on this new 471-mile line began Dec. 24 and if you failed to hear about it you can only blame the fact that the project was carried out with little fanfare.

So far as we know, there were no complaints from the groups which have done their best to stall the Alaska project.

The reasons for this are simple, we suspect.

The petroleum products which move through the giant Colonial system are aimed at the markets in the Middle Atlantic and East Coast states.

They provide jobs for thousands in the South, comfort and service for individuals and industry in the East, from New York to Florida.

The politicians know it.

Certain senators and congressmen who are seeking voter appeal on the environmental issue can safely take a strong stand against the Alaska pipeline—it is of little concern to them.

While they do that, they foster and encourage pipeline development in their own back yards.

Obviously, we have no objections to the Colonial Pipeline Co. expansion. We applaud it. We appreciate its importance to the people of a vast section of the nation.

But we are troubled by the hypocrisy of some who would deny Alaskans and West Coast residents some of the same things given the Eastern Seaboard.

SENATOR PELL

Mr. CHURCH. Mr. President, from many shared experiences on the Committee on Foreign Relations, I can attest how deeply involved my good friend and colleague, the distinguished Senator from Rhode Island (Mr. Pell), has been with the seabed nuclear arms prohibition treaty from its inception. Indeed, few Senators have ever been so closely and persistently involved with the development and successful conclusion of an international agreement.

Senator Pell first put forward the concept of the treaty in a Senate resolution in 1967. He conducted hearings on that resolution, served as a Senate adviser to the U.S. delegation at negotiating conferences, voted for approval of the draft treaty as U.S. delegate to the United Nations General Assembly in 1970, conducted ratification hearings by the Foreign Relations Committee last month, and is today presenting the treaty to the Senate.

It is one of the true satisfactions of public service to see an idea translated into action. Senator Pell has seen his idea translated into a treaty that has been accepted by the governments of more than 80 nations around the world. This treaty will not end the arms race. No one international agreement is likely to do so. But it is a step toward curbing the arms race that should be taken. Senator Pell can take great satisfaction in the fact that it has been done.

Mr. President, I ask unanimous consent that a chronology of the development of this treaty, including the contributions of the junior Senator from Rhode Island, be printed in the Record.

There being no objection, the chronology was ordered to be printed in the Record, as follows:

The Treaty on the Nonemplacement of Nuclear Weapons on the Seabed

A BRIEF CHRONOLOGY

1967

August 17: Malta submitted as an agenda item for the 22d U.N. General Assembly a proposal for a treaty to regulate and control the seabed and ocean floor beyond the limits of the existing national jurisdictions. The treaty proposed that the ocean floor be reserved exclusively for peaceful purposes and that the activities of all states be regulated in order to allocate the financial benefits from exploitation of the seabed primarily to the developing countries. This proposal gave impetus to the study of the control of the seabed and to the problem of preventing an arms race in that environment.

September 29: Senator Pell introduced S. Res. 172 which called on the President to initiate a U.S. move in the U.N. to consider the problem of exploitation of the seabed beyond the continental shelf and stressed the need for an international agreement which would ensure that the exploitation of the seabed would be considered free to all nations. Included in the resolution was a provision that the treaty should take into account arms control measures which would prevent the stationing of nuclear weapons or other weapons of mass destruction on the ocean floor. The resolution was referred to the Committee on Foreign Relations.

November 8: The U.S. Ambassador to the U.N., Arthur Goldberg, proposed that the General Assembly establish a committee to study the oceans. Besides studying the technical and legal aspects of the exploration of the seabed, Goldberg explained, the committee would need to investigate the problem of arms control in that area. He also noted that the committee should work with the Eighteen Nation Disarmament Committee (ENDC) on the subject.

November 17: In a Senate speech, Senator Pell called on the President "to make such efforts through the United States delegation to the United Nations" for that body to consider a declaration of legal principles governing the activities of states in the exploration of ocean space. These principles were listed in S. Res. 186 which he introduced. Among them was a proposal that all states would refrain from emplacing in the seabed nuclear weapons or other weapons of mass destruction. The resolution was referred to the Committee on Foreign Relations.

November 29: The Senate Foreign Relations Committee held hearings on S. Res. 172 and S. Res. 186. Senator Pell testified, along with Joseph Sisco, Assistant Secretary of State for International Organization Affairs, other representatives of both the State Department and the Defense Department, and witnesses from private organizations.

December 8: Senate Majority Leader Mike Mansfield commended the work of Senator Pell with regard to the seabed, pointing out that his "pioneering efforts in the Senate are already reflected in U.S. policies." On the same day, Senator Pell inserted the U.N. resolution which established the *ad hoc* committee to study the oceans. Subsequently, Senator Pell was appointed a Senate advisor to the U.S. delegation to the *Ad Hoc* Committee. (*See* entry below.)

December 18: The U.N. General Assembly passed resolution 2340(XXII) which established an *ad hoc* committee to study the exploration and use of the seabed and ocean floor. The Committee was composed of thirty-five countries and was to report to the 23rd U.N. Assembly (1968) on past and present actions of the U.N. and other international bodies regarding the seabed, existing international agreements on the area, scientific, technical, economic, legal, and other aspects of the question, and ways to promote international cooperation in the exploration, conservation, and use of the seabed.

1968

March 5: Senator Pell introduced S. Res. 263, in which a draft treaty on the peaceful uses of ocean space was incorporated, and urged the President to take the necessary steps for the U.S. to negotiate a treaty on the subject. One article of the draft treaty provided that the parties would "undertake to refrain from the implacement . . . on or in the seabed . . . of any objects containing nuclear weapons or any kinds of weapons of mass destruction . . . or the stationing of such weapons . . . in any other manner." The resolution was referred to the Committee on Foreign Relations.

June 28: In a Senate speech, Senator Pell inserted the statement of the U.S. representative to the *Ad Hoc* Committee, in which the U.S. proposed that the ENDC take up the question of arms limitation on the seabed and ocean floor. Senator Pell commended the efforts of the Executive Branch.

August 19–30: The *Ad Hoc* Committee to Study the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction held its final session in Rio de Janeiro, where a report to the General Assembly was adopted. The Legal Working Group of the Committee had raised questions regarding possible military uses of the seabed. While there was unanimity that the seabed beyond the limits of national jurisdiction should be used exclusively for peaceful purposes, there was disagreement as to what further procedure should be followed for consideration of the problem. Some countries, such as the United States, the Soviet Union, and the United Kingdom, favored referring the question to the ENDC, while others felt this aspect should not be separated from the whole issue of the seabed and the ocean regime. During the deliberations, it was noted that the question was already on the agenda for the current session of the ENDC, meeting in Geneva at that time.

September 27: In a Senate speech, Senator Pell inserted the final report of the *Ad Hoc* Committee and supported the idea that a permanent U.N. Committee on the Oceans be established.

December 21: The U.N. General Assembly adopted resolution 2467 (XXIII), in which Part A established a 42-member permanent "Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction." In addition to studying the various aspects of international exploration of the seabed, the solution called on the committee to study the reservation of the seabed for peaceful purposes, and to take into account the studies and deliberations being pursued in the field of disarmament.

1969

January 21: Senator Pell introduced S. Res. 33, which listed a number of principles governing the activities in ocean space, and urged that the U.S. seek a declaration of principles through the U.N. As with his earlier resolution, there was a provision for a prohibition of the emplacement of nuclear weapons on the seabed. The resolution was referred to the Committee on Foreign Relations.

February 4: Senator Pell introduced S. Res. 92, which called on the President to take steps through the U.S. delegation to the U.N. to negotiate a treaty on the principles governing the exploration of ocean space. As with an earlier resolution, a draft treaty was included, containing provision to ban the emplacement of nuclear weapons.

February 7: The Senate Foreign Relations Committee referred S. Res. 92 to the Department of State for comment.

March 18: The fifteenth session of the ENDC opened in Geneva, where messages from both President Nixon and Soviet Premier Kosygin were read. Among the goals of the United States at the conference, Nixon cited a ban against emplacement of "nuclear weapons or other weapons of mass destruction on the seabed." Premier Kosygin declared that it was "of the greatest importance to agree that the seabed and the ocean floor shall not be used for military purposes but shall remain a sphere for man's peaceful activities."

At this time, the Soviet Union also tabled a draft treaty which prohibited any use of the seabed and ocean floor beyond the 12-mile limit for military purposes. The proposal included a prohibition of the emplacement of nuclear weapons or other weapons of mass destruction. Inspection was to be carried out "on the basis of reciprocity" of "all installations and structures on the seabed and the ocean floor and the subsoil thereof."

March 25: In a speech to the ENDC, director of the U.S. Arms Control and Disarmament Agency (ACDA) Gerard C. Smith expressed the view that a complete demilitarization of the seabed was not practical since a prohibition of conventional weapons would present "insuperable verification problems." Rather, he noted, the most urgent task concerning the seabed was to reach agreement on a prohibition of weapons of mass destruction, including nuclear, chemical, biological, and radiological types of weapons.

May 22: The United States submitted to the ENDC a draft treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor beyond a three-mile costal limit. The proposed inspection procedure would allow parties to the treaty to observe the activities of other states without infringing on their rights under international law; if such observation failed to confirm that the terms of the treaty were being met, the parties were free to consult with each other.

May 23: In a speech on the Senate floor, Senator Pell described the U.S. proposed treaty of May 22 as "a very significant beginning," and expressed the hope that "the major differences between the United States and the Soviet Union can be ironed out in a manner reflective of the true interests of the international community as a whole."

July 3: At the opening of the second session of the ENDC in 1969, a message from President Nixon was read, in which he expressed his hope that a seabed treaty might be concluded. Soviet Ambassador to the ENDC Roshchin called the U.S. proposal "inadequate," stating that it did not propose a complete demilitarization of the seabed and thus would allow a conventional arms race to spread to that environment.

July 24: The Subcommittee on Ocean Space (chaired by Senator Pell) of the Senate Foreign Relations Committee held the first in a series of hearings on S. Res. 33. Testimony on arms control issues was heard from William Hancock, General Counsel of the U.S. Arms Control and Disarmament Agency. Other Administration and private witnesses were heard on July 25, 28, and 30.

On this same date a reply from the State Department concerning S. Res. 92 was received by the Foreign Relations Committee.

October 7: In a joint action in the Conference of the Committee on Disarmament (CCD),[1] the United States and the Soviet Union tabled a draft treaty banning nuclear weapons and other weapons of mass destruction from the ocean floor beyond a 12-mile "maximum contiguous zone," measured from coastal baselines (in accordance with the terms of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and other established rules of international law of the sea). Included in the prohibition were "structures, launching installations, or any other facilities specifically designed for storing, testing, or using such weapons." Article III of the proposal outlined verification procedures, granting nations the "right to verify the activities of . . . parties . . . if these activities raise doubts concerning the fulfillment" of treaty obligations. Inspection was to be carried out in such manner as to avoid infringing on the rights of states under international law, and could be undertaken either individually or with another party to the treaty. Parties were to undertake to consult and cooperate with each other on enforcement of verification provisions. Approval of amendments to the treaty was required by a majority of the parties, including the nuclear-weapon states party to the treaty.

In comments to the CCD on the treaty, Soviet Ambassador Roshchin said that it did not affect the rights of states regarding their off-coast waters or seabed. The verification procedures, he explained, reflected the view of many CCD representatives, since the provisions allowed for the "widest possible participation" in inspection. U.S. Ambassador James Leonard noted that the treaty would not interfere with the peaceful uses of nuclear energy, nor were submarines prohibited from anchoring or resting on the seabed, since submarines and other vehicles were allowed to navigate above the seabed. Regarding the verification procedures, he said they were not intended to interfere with the "legitimate activities on the seabed," nor would states be obligated to disclose those activities which were not contrary to the purposes of the treaty.

October 8: Senator Pell inserted in the *Congressional Record* the draft treaty presented to the CCD the previous day. In addition, he inserted a joint statement which he made with Senator Clifford Case, in which the prohibition was called "a monumental reminder of man's earnest quest for peace."

October 9: The Canadian representative to the CCD discussed the verification procedures of the draft treaty, pointing out that the provisions were vague and did not guarantee the right of all parties to participate in verification procedures. Morover, he expressed the view that the interests of coastal states were not protected and that there was not adequate provision for settlement of disputes over verification. Similar views were expressed by representatives of Italy and Sweden. Further criticism of the treaty focused on the veto power by nuclear-weapon states over amendments.

October 21: The representative of the United Kingdom pointed out a "loop-hole" in the treaty because of the existence of a "gap" between the outer limits of the territorial sea of some countries and the 12-mile contiguous zone, where the ban would not apply; in the case of the United Kingdom, this strip was nine miles wide, since the United Kingdom claims only a three mile limit on its territorial sea. He also objected to the term "other weapons of mass destruction," since it was not precise. He considered the verification procedures "sound" and "realistic."

October 30: The United States and the Soviet Union submitted a revised version of the seabed treaty to the CCD. In response to the British argument of October 21, new language of the treaty sought to eliminate the possibility that the ban would not apply to any gap which might exist between the territorial sea of some countries and the 12-mile contiguous zone. Other amendments included a provision for recourse to the U.N. Security Council in case of disputes over verification, a new article which provided a review conference in five years, and the omission of the veto power by nuclear weapon states over amendments. Despite these changes the revision was still not acceptable to a majority of the members of the CCD. Rather than commending it to the U.N. General Assembly, it was submitted only as an annex to the CCD report to the U.N.

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[1] Formerly the ENDC, until its membership was expanded and the name changed in August 1969.

November 17: In a speech to the First Commission of the U.N. Central Assembly, U.S. Ambassador Yost commented on the draft seabed treaty. He said it prohibited "the only weapons which it might be militarily advantageous to station on the seabed," and verification was based on the parties' "existing rights under international law, including especially the right of observation." Soviet Ambassador Roshchin also urged support of the revised draft.

November 20: The Swedish representative to the U.N. commented on the revised draft in a speech to the First Committee, calling the verification procedures "totally inadequate."

December 12: The First Committee of the U.N. General Assembly adopted a resolution which referred the revised draft treaty back to the CCD for further consideration. The resolution called upon the CCD to take into account the suggestions made at the U.N. Besides criticism of inspection procedures, opposition had also been voiced that adequate participation in inspection had not been accorded to coastal states for protection of the continental shelf. Canada, Brazil, and Mexico were prominent among these nations suggesting changes in the revised draft.

1970

April 23: A second revised version of the U.S.-Soviet draft seabed treaty was presented to the CCD. More detailed language was used in Article III, regarding verification. Without changing the substance of the provision, the new language was largely an elaboration of the manner in which consultation and cooperation in verification was to be carried out, with particular emphasis on informing the state or states suspected of a possible violation. Although the ban of the treaty clearly applied to the area outside the 12-mile contiguous zone, a separate article was devoted to the view that nothing in the treaty would support or prejudice any rights or claims which a state may assert concerning waters off its coast. (There is still no standard measurement of a state's territorial waters, e.g., certain Latin American countries claim a 200-mile territorial waters zone.) Thus this provision disclaimed any implication that the treaty as a whole might define the territorial limits of coastal states.

September 1: A third revised draft treaty was submitted to the CCD by the United States and the Soviet Union. Further clarification of inspection added the right of countries to call on the U.N. to investigate suspected violations, a provision which would strengthen the abilities of those countries which did not have the resources for elaborate verification devices. In addition, a new article, which obligated the parties to continue negotiations for further measures to prevent an arms race from the seabed, was added. (This provision originally had been in the preamble, but was moved to the operative section of the treaty.)

September 3: In the CCD's annual report to the U.N. General Assembly, it was concluded that "Delegations expressed satisfaction with the general consensus achieved" over the most recent draft seabed treaty. Moreover, the report stated, "hope was widely expressed that the draft treaty would be commended by the General Assembly and opened for signature at an early date."

September 16: In a Senate speech, Senator Pell inserted the September 1 version of the draft seabed treaty in the Congressional Record. In his comments on the proposal, he pointed out that the revisions of the treaty were concerned with unresolved questions in the law of the sea, e.g., the territorial sea, contiguous zone, and continental shelf rights. He noted that the imperative of achieving arms control had to "suffer because of the chaos nations have made of the law of the sea," and urged a new international conference to settle the unresolved issues.

November 17: The First Committee of the U.N. General Assembly adopted a resolution sponsored by 37 countries which would have the Assembly commend the U.S.-Soviet draft treaty on the non-emplacement of weapons of mass destruction on the seabed; request the depository Governments to open the draft treaty for signature; and express the hope for the widest possible adherence to it. The vote was 91 to 2, with six abstentions. (Peru and El Salvador opposed the treaty because of the 12-mile territorial limit, with France, Kuwait, Indonesia, Ecuador, Senegal, and Thailand abstaining.)

December 7: The U.N. General Assembly adopted resolution 2660 (XXV) which carried out the suggestions made in the resolution passed by the First Committee on November 17 (above). The vote was 104–2, with two abstentions. (Peru and El Salvador remained in opposition, Ecuador and France abstained.)

1971

February 11: Sixty-two nations, including the United States, signed the treaty in simultaneous ceremonies in Washington, London and Moscow.

July 21: Treaty was submitted by the Administration to the Senate.

1972

January 27: Senate Foreign Relations Committee conducts hearings on the treaty, with Senator Pell presiding.

February 8: The Senate Foreign Relations Committee voted unanimously to report the treaty favorably with a recomendation that the Senate give its advice and consent to ratification.

THE NEWS ABOUT PRODUCTIVITY

Mr. ALLOTT. Mr. President, current fears about the supposedly sharp and continuing decline in American productivity may be unfounded; and if they are, they can be very dangerous. Recent economic history has taught us the danger of the self-fulfilling prophecy. If we think that hard times are coming, the psychology engendered by that thought can create the conditions of hard times.

For example, if we believe our productivity is declining, we are apt to begin a scramble for illusory security, in protection from foreign competition, and in escape from competition in the domestic market.

Fortunately, there is considerable evidence that we have nothing to fear but fear generated by a mistaken impression about our declining productivity. So that all Senators can consider some of this heartening evidence, I ask unanimous consent to have printed in the RECORD an article entitled "The News About Productivity Is Better Than You Think," published in the February issue of Fortune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEWS ABOUT PRODUCTIVITY IS BETTER THAN YOU THINK

(By Sanford Rose)

A major theme of business oratory these days is something called "the crisis in productivity." Government officials are expressing anxiety about the slow rate at which output per man-hour has been increasing; President Nixon has related the problem to his concern about the competitiveness of the U.S. in world trade. And such influential businessmen as Patrick E. Haggerty, chairman of Texas Instruments, and H. I. Romnes, chairman of American Telephone & Telegraph, have argued at length that we will have trouble sustaining the postwar rate of productivity advance.

There is, furthermore, no doubt that something did happen to productivity in recent years. After averaging gains of well over 3 percent a year during 1946–65, the rate fell to 2.1 percent during 1965–70. It is true that the growth rate rebounded dramatically in 1971 and promises to stay at a high level in 1972 as well. (Fortune's Business Roundup has projected gains of over 4 percent this year.) But the current improvement has not affected the postprandial rhetoric. To a growing number of businessmen, the 1965–70 slowdown represents the proverbial harbinger of things to come, while the more recent improvement seems transitory; productivity does, after all, usually rise sharply in business recoveries.

There is also no doubt that a prolonged decline in productivity gains would be bad news indeed for the U.S. About four-fifths of the growth in output since World War II has resulted from the increased productivity of American workers; only about one-fifth was accounted for by increases in man-hours worked. If output per manhour had advanced during the entire postwar period at the 1965–70 rate, it would have risen only 70 percent as much as it actually did. Or, to view the same data another way, the improvement in American living standards would have been about 30 percent less.

The new pessimism about productivity rests on some plausible assumptions about structural changes in the U.S. economy. For many decades, productivity gains have benefited from the movement of labor from the farm, where the level of output per man-hour has been relatively low, to other sectors of the economy, where it is higher. But we are obviously nearing the end of these benefits; farm workers today represent a mere 5 percent of the labor force, and fewer workers will be leaving farms to enter more productive occupations.

In addition, many of those who do leave will no longer go into such high-productivity sectors as manufacturing. Employment in manufacturing will grow absolutely in the Seventies, but it will continue to drop *relatively*. Some current jobholders—on the farm and in the factory—as well as an increasing number of new members of the labor force will be moving into service industries. And in these industries—they include wholesale and retail trade, education, and health—levels of productivity are presumed to be quite low. In short, it is being argued that in the past the economy was helped by the flow of labor from low- to high-productivity occupations, but that in the future the flow will be in the other direction.

Nor does the pessimists' case end there. They also suggest that the work force has been developing attitudes inimical to large advances in productivity. Part of the problem is simply that the average age of the work force has dropped, and young workers do not, in general, put out as much effort as their elders. In addition, this particular generation of young workers is especially affluent, has had only limited contact with hard times, and seems to be cocky and comparatively unconcerned about hanging onto jobs. A growing proportion of young people seem not to respond to monetary incentives because they are no longer interested in increasing their consumption of material goods; to motivate them may require new approaches that appeal to their nonmaterialistic values. For example, companies may have to devise incentive systems that reward superior performance by giving employees opportunities to teach the underprivileged. Or, to attract members of the new generation, companies might have to undertake such socially useful tasks themselves. That might benefit society in many ways—but it would presumably represent a drag on productivity.

All these points have some validity, and against the background of 1965–70 they seem to make a convincing case for a "productivity crisis." But the case is weaker than it looks. There are, in fact, reasons for being quite optimistic about productivity. The poor 1965–70 performance can be explained by cyclical and other temporary events, and the pessimists on productivity may well have committed the all-too-common error of extrapolating transitory problems into an eschatology of doom. For example, the attitudes of workers may indeed have deteriorated in the late 1960's. But this would seem perfectly natural for a period in which management was prepared to tolerate incredibly sloppy performance—which it was, so long as rising costs could bè translated into higher prices. Now management has found that it can't pass on costs so easily, and it has started to crack down. So attitudes may very well improve.

GROUSING ABOUT THE YOUNG

The notion that something fundamental has happened to work attitudes in the past half-decade or so is difficult to document or to evaluate. Fundamental changes of attitude take a long time to develop and make their influence felt. Spokesmen for mature generations have perennially argued that the young are less concerned with doing a good job than they themselves were. Businessmen complaining that the young don't work as hard as their own generation do have a point; but their own generation doesn't work as hard as its predecessor, which in turn worked less than *its*. After all, the U.S. had a standard sixty-hour work week around the turn of the century. Yet as the length of the work week has dropped, the rate of productivity advance has generally speeded up—as the chart on page 99 makes clear.

In the short run, whether productivity advances rapidly or slowly depends less on the attitudes of the work force than on the state of the business cycle. The rate of productivity advance from 1965 to 1970 looks so bad partly because the 1960–65 performance was so good. In the first half of the decade, production had increased rapidly, while business did not hire as many people as it ordinarily would have to handle the increased output. As a result, the growth in productivity in the early to mid-1960's was well above its postwar average. Even if the economy had not slowed down late in the decade, some deterioration in this growth rate would have been inevitable.

Historically, productivity has increased fastest in the early phases of a business recovery, when production gains outstrip employment gains, and slowest in the early part of a business recession, when just the reverse occurs. Intermediate gains in productivity occur during the mature stages of both expansions and recessions. In 1960–65 we had the benefits of the early phase of a recovery; in 1965—70 we had the "mature," and therefore less productive, phase—and we also had the start of a new recession.

Moreover, the expansion of the 1960's was no ordinary business upturn. It lasted nearly nine years, longer than any previously recorded boom. To the average businessman, the economic indicators seemed ineluctably headed in one direction—upward. The country was caught up in the illusion of permanent prosperity. Employers seemed increasingly persuaded that nothing could weaken the upturn or the inflation that accompanied it. In 1968 the Administration tried to damp down the economy with an income-tax surcharge. The failure of the surcharge to achieve quick results served to reinforce the idea that recessions were obsolete.

The ebullient psychology of the business community had three effects on productivity, all negative. First, it led to excess investment in plant and equipment. This was apparent as far back as 1967, when rates of capacity utilization first slipped. Second, it led to an unprecedented decline in work discipline and labor standards. And, third, it led to a substantial amount of labor hoarding, which continued long after industrial output stopped growing.

THE NEWS FROM PENN CENTRAL

Of the three, labor hoarding was probably the most important reason why productivity gains practically vanished in 1969 and 1970. Industrial production finally turned down in the second half of 1969, but employment actually continued to rise throughout the year and during the first quarter of 1970. Looking back on so many years of prosperity, management seems to have regarded the downturn as a mere kink in the long upward curve and refused to trim work forces. As a result, productivity increased by only 0.5 percent during 1969—the smallest increase in nearly fifteen years—and by 0.9 percent in 1970. If businessmen had adjusted their work forces to declining output as promptly as they had in previous economic slowdowns, productivity might have risen by something between 1.5 and 2.5 percent in each of those years.

When businessmen finally realized that they were in a recession, they initiated massive layoffs; these were accelerated by the Penn Central crisis, which seems to have done a lot to convey the message. Employment in the goods-producing sectors of the economy dropped from about 24 million in the spring of 1970 to just over 22 million in November of that year. And while employment in the service industries moved up, the increase was far less than it had been before March.

In consequence, after declining sharply in the first quarter of 1970, productivity improved substantially in the second and third quarters. It stalled at the close of the year because of the General Motors strike, but then spurted forward again early in 1971. During the first three quarters of the year, output per man-hour advanced by about 3.5 percent, and the gain was probably about 4 percent for the full year.

These improvements compare favorably with the gains registered in past recovery periods. Productivity grew by 4.5 percent in 1955 and by 4.7 percent in 1962, to name two years that followed recessions. The 1971 productivity gain, though somewhat smaller, is actually more remarkable because output increased less rapidly during the year than in either 1955 or 1962. In addition, for most of 1971 rates of capacity utilization were bumping along at their lowest level since the recession began, thereby inflating overhead labor costs.

In the months ahead, as output continues to grow and utilization rates rise, even larger gains in productivity will be attained. For all the chatter about a "productivity crisis," the years 1971 and 1972 might well produce the greatest back-to-back gains in over twenty years.

ENTER THE TEENAGERS

Not all of the decline in productivity during 1965–70 was related to cyclical factors. There was also a new problem about the quality of the labor force. The problem arose, not from the alleged new attitudes of an affluent generation, but from a sharp rise in the proportion of women in the labor force. In 1965–70 the proportion of women rose more rapidly than it had in any other five-year period since the end of the war. More than five million women entered the labor force during this period, and close to 750,000 of these were between the ages of sixteen and nineteen. (In the first half of the decade fewer than three million women, and fewer than 500,000 teen-age women, had entered the labor force.) Women in general, and teen-agers in particular, are less productive than the average member of the labor force. The teen-agers lack experience and training, and many older women are less productive because they tend to enter lines of work—mostly clerical jobs—in which the level of productivity is quite low.

Unfortunately, conventional analysis of productivity changes does not adjust for changes in the labor force. Instead, it simply relates output to what are called "unweighted" man-hours; that is, all hours of work are considered identical. But when hours of work are weighted by the average wage earned—the earnings being a proxy for the quality of work done—it becomes possible to isolate the effect on productivity of changes in the labor force.

George Perry, a well-known economist at the Brookings Institution, has been doing just that; i.e., analyzing the relative impacts on productivity of labor-force changes and cyclical forces. Perry's measure of productivity shows output per man-hour growing by about 2.75 percent a year in the decade preceding 1965. If this rate had been sustained in the 1965–70 period, productivity should have increased by about 14.5 percent in those years. In fact, it increased by only 8.4 percent. Perry's work indicates that about 30 percent of the shortfall can be accounted for by unfavorable changes in the age-sex mix of the labor force. Another 50 percent could be attributed to the business cycle. And much of the remaining 20 percent, Perry feels, could easily be explained by the excess labor hoarding that took place in late 1969 and 1970. In short, the productivity slowdown of 1965–70 can be explained entirely in terms that bypass the pessimists' contentions.

It seems probable that the recent decline in labor quality is only temporary. For one thing, the teen-age labor force is expected to grow less than half as rapidly in the 1970's as it did in the 1960's. According to the Bureau of Labor Statistics, the sharpest growth in the labor force in the current decade will occur among those aged twenty-five to thirty-four, traditionally one of the more productive age groups. And while the proportion of working women will continue to rise in the 1970's, those entering the labor force will be better educated and presumably less content with routine clerical work.

In any case, there will probably be less such work available. Office automation and generally tighter labor standards will continue to wipe out a large number of the low-productivity and somewhat redundant clerical jobs that opened up in the latter stages of the great boom.

THE EXPERTS ARE ONLY GUESSING

What about other occupational changes, and especially the great shift from goods to services, which are expected to hold down productivity? It seems likely that these changes will indeed be a problem; but even here many people tend to exaggerate the difficulties.

According to well-publicized B.L.S. estimates, the shift from goods-producing to service industries could lower the rate of productivity growth by about 0.2 percent a year during the 1970's. The slowdown in the shift away from the farm will reduce it by an additional 0.2 percent. On the other hand, the B.L.S. is currently projecting an *increase* in productivity gains in many industries—e.g., construction and trade. These increases will offset about half of the loss from occupational shifts, leaving a net potential decline of about 0.2 percent. And it is true that any such long-term decline—from, say, a 3 percent to a 2.8 percent rate of gain in productivity—could lower the potential output of the economy by a total of $120 billion during the 1970's.

But the people at the B.L.S. frankly admit that their estimates are just guesses, and perhaps not very good ones at that. The main reason for this lack of certainty is that the bureau is simply not able to measure either the present level, or the rate of growth—of productivity in the service sector. The bureau incorporates figures on the service industries in its quarterly report on productivity in the total private economy. It is, however, so wary of the service figures that it will not publish them separately.

In preparing these indexes, the B.L.S. uses output data from the Commerce Department's Bureau of Economic Analysis (until recently it was called the Office of Business Economics). Yet the B.E.A. does not have reliable figures on output for industries that account for as much as 40 percent of the gross national product. Most of these are service industries, and most of the difficulty is conceptual; that is, the B.E.A. is not certain how to define the "output" of a great many service industries.

For example, what is the output of a bank? One might suppose that it encompasses services provided to both borrowers and depositors. In fact, the B.E.A. excludes from its measure of output all services provided to borrowers and takes into account only some of those rendered to depositors, omitting, for example, bookkeeping and check clearing. Many economists are dissatisfied with this approach and would prefer to construct a measure of output that does include the number of checks cleared. Since banks have enormously increased their clearances in the last few years, use of this measure would undoubtedly increase the level of bank output and, as a result, raise bank productivity. Or, more precisely, it would raise *reported* productivity.

In other service industries, the problem of defining output is simply sidestepped. Ordinarily, an industry's contribution to G.N.P. is the value of its output less the value of the materials and services it uses. But this "value added" concept is hard to apply to the governmental and nonprofit parts of the economy—including most of the schools and hospitals in the U.S. In effect, B.E.A. has defined away the problem by assuming that these industries do not account for any "value added" and, therefore, have zero growth in productivity.

INFLATING THE RATE OF INFLATION

This failure to measure the productivity of many service industries leads to an understatement of the real gross national product—i.e., of G.N.P. adjusted for inflation. As it now stands, increases in the price of, say, bank and government-services show up as additions to current-dollar G.N.P. But only *some* of the increases in government and bank services are recorded as additions to real G.N.P. If we had adequate conceptual tools with which the measure the output of service industries, real G.N.P. would probably have to be adjusted upward, and the implicit price deflator would have to be adjusted downward. In other words, we would discover that we had been overestimating the rate of inflation.

We may also overstate the rate of inflation because of our inability to measure changes in the *quality* of services. For example, it seems clear that the quality of personal medical examinations has risen considerably over the past few decades; it may not have risen as much as their cost, but surely doctors provide better and more comprehensive examinations than they used to. Yet the full amount of the increased cost of a checkup shows up as a price increase in the consumer price index and, in effect, the doctor's real output is assumed to have remained the same.

To be sure, problems of measuring output and quality are not unique to services. Bela Gold, a prominent economist at Case Western Reserve University and an authority on the steel industry, is persuaded that the quality of sheet steel is far higher than it was some years ago. Yet not effort has been made to revise output measures in the steel industry to reflect this fact.

It would be misleading to assert that all these measurement problems work to understate real G.N.P. and, consequently, productivity. Victor Fuchs, professor of economics at C.U.N.Y. and perhaps the leading authority on the service economy, feels that the growth in the output of retail stores is overestimated, not underestimated, because among other things, the customer is increasingly forced to wait on himself. Yet Fuchs, in company with most experts in the field, believes that (1) on balance we underestimate the output of the service industries and (2) though there is also some underestimation of output in the goods-producing industries, the measurement errors are far greater in services.

Since the importance of services in current-dollar G.N.P. is expected to increase, the understatement of real output and productivity must grow progressively worse. Stated somewhat differently, a growing proportion of dollar output will originate in sectors where increases in physical volume are most likely to be inadequately measured and often completely ignored.

Better methods of measuring output and productivity in the service industries are sure to come along, and they will do a lot to offset the effect of occupational shifts on reported productivity. These measurement changes might well reduce the net decline from occupational shifts during the 1970's to only 0.1 percent. Many people—including some in the B.L.S. itself—believe that in the end there will be no shortfall at all. In other words, the economy will continue to hold to about a 3 percent rate of improvement in output per man-hour.

ESSO LEARNS A LESSON

One reason for supposing that productivity may improve a lot in the next year or so is that many companies are being forced by Phase Two to give it some special attention. Large companies are required by the Price Commission to submit productivity data in order to qualify for price increases. Few companies—in either the service or the goods-producing areas—have ever bothered to calculate their output per man-hour. As they begin collecting the required data and making the inevitable intercompany comparisons, many managements will unquestionably be shocked into action.

Standard Oil of New Jersey received such a shock not long ago. Says Jerome Rosow, one of its executives and a former Assistant Secretary of Labor: "You can't begin to tell how good or bad you are until you have figures. A few years ago Esso was hard hit by the competition of small local refineries. People started saying that these companies were more efficient than we were, but we wouldn't believe this because it was inconsistent with our self-image. When we got comparative data, management was first incredulous, then astounded. Finally it started doing something about the problem."

In many companies a campaign to improve productivity will not prove overly expensive. More often than not it will require only minimal outlays for capital equipment. What is essential, however, is a managerial commitment to improve the organization of work and a willingness to set realistic standards for employees. A lot can be done just by applying the basic techniques of industrial engineering more rigorously.

Indeed, many industrial engineers can improve company productivity by 20 or 30 percent in quite prosaic ways. For example, Eric C. Baum, a Chicago-based engineer, was recently call in by DuBow Sporting Goods, which manufacturers many of the footballs, basketballs, volleyballs, and soccer balls sold in the country. DuBow had been gradually losing its share of the market because of soaring labor costs. Baum found that the company's molding equipment was being poorly utilized; many of the cavities in which the products were molded were in constant disrepair. He immediately initiated a program of preventive maintenance that solved the problem. Baum also got the company to install a conveyer that sped up packaging and eliminated the need for a large number of materials handlers. Finally, he introduced an incentive-pay system. As a result of several such elementary changes, DuBow's direct unit labor costs dropped by more than 20 percent, and, according to its president, Leonard Gross, the pretax profit margin rose from 8 percent to 21 percent.

In some cases, all that is needed to stimulate major productivity gains is the incentive-pay system itself, provided it has been properly designed and is adequate in coverage. Some of the steel industry's most intractable problems can be traced to the long-standing, but now disappearing, practice of restricting incentive-pay plans to production workers. Whenever management has granted incentive pay to maintenance workers, machine downtime has dropped sharply, and the productivity of both capital and labor has risen.

A great deal of the work of Joseph Quick, the chairman of a New Jersey-based industrial engineering firm, is directed toward slowing down the rise in *overhead* labor costs. Quick estimates that the jobs of only about 5 percent of all "indirect workers" in the U.S.—these are salesmen, draftsmen, office workers, etc.—are measured, while about 75 percent of all direct labor is currently being clocked. He says: "I find that about half the employees of a typical manufacturing company with a work force of about 1,000 are indirect workers. In most cases the jobs of 70 percent of these workers can be measured and controlled. And when that is done properly, about one-fifth are found to be redundant."

Quick begins by measuring the average amount of time necessary to perform various low-level mental functions. With these measurements, he establishes standards and then presents some of the workers involved with the evidence that their performance is subpar. In general, Quick says, people don't mind working harder. "When there are no standards against which to measure performance, people will work well below their level of capacity. But once standards have been devised and publicized, people are usually willing to raise their output to meet or even exceed the norm." Quick has raised the output of R. L. Polk & Co.'s clerical personnel by some 20 percent and that of Motorola's product inspectors by about as much.

Many of the techniques applicable to indirect workers in manufacturing can also be used in the service industries. According to Donald Spalding, president of Sewickley Valley Hospital in the Pittsburgh area, Quick's methods have greatly increased the number of tasks carried out by individual nurses while simultaneously improving the quality of their care. Marvin E. Mundel, an engineer in Silver Spring, Maryland, has been successful in establishing work standards for lawyers, computer programmers, and accountants in business and government. Mundel actually persuaded a group of lawyers in the Department of the Interior to log the amount of time necessary to handle the several thousand kinds of routine inquiries that make up the bulk of their work. On the basis of these records, Mundel formulated standards that, when circulated and discussed, were accepted by the department's lawyers and reduced future personnel requirements.

Mundel emphasizes the need to win the cooperation of those being measured, and he recalls that an attempt to set standards for lawyers in the Justice Department a few years ago led to a near rebellion. He adds: "If standards are simply flung at people, they will naturally resist." But, like Quick, he feels that getting cooperation is not especially difficult.

MIGHTIER THAN THE COMPUTER

Right now more than 16 million people are working in wholesale and retail trade and, according to B.L.S. projections, that figure could rise to over 20 million by 1980. If trade can substantially raise its productivity, then the national rate of gain is almost certain to improve. In fact, the opportunities for productivity gains in this industry are good. The gains have come slowly in the past partly because of a lack of cooperation between manufacturers, transportation companies, warehouses, and stores. But if they ever got together they could do a lot.

Consider, for example, the opportunities in palletization. Grocery manufacturers and chain retailers use a forty-eight-by-forty-inch pallet, while many wholesale warehouses use a forty-by-thirty-two-inch pallet. As a result, when a trailer full of merchandise moves from the manufacturer to the warehouser, or from the warehouser to the chain retailer, it must first be unloaded by hand and then reloaded onto another pallet. With an ordinary trailer, this takes about four hours. If manufacturer, retailer, and wholesaler all used the same pallet, the operation would take approximately thirty minutes. Says Edgar Weinberg, an economist with the Productivity Commission, "Standardization of pallet size is probably more of a labor saver than the electronic computer."

Further gains in efficiency might be achieved by standardizing the sizes of packages and the cartons into which they are placed. Right now there are over 2,500 different sizes and shapes of shipping cartons in the warehouses of some food chains. If there were fewer sizes, there would be more incentive for companies to invest in automated warehouses, in which computers can fill orders and place cartons on a conveyer belt at an extremely rapid rate. But where there are too many types of cartons, it may be impossible to load them into trucks mechanically.

According to Gordon F. Bloom, a specialist on wholesale and retail trade who teaches at Massachusetts Institute of Technology, the U.S. packaging industry desperately needs a "nonproliferation treaty." Bloom wants the chief executives of leading manufacturers, wholesalers, and retailers to consult on methods of reducing the number of different cartons and packages. In the past, even executives who favored greater standardization have often been reluctant to cooperate because of the antitrust laws. Thus government may have to take the initiative in bringing the parties together.

TV CHATS WITH YOUR DOCTOR

In health care, where employment is also expected to rise sharply in the next few years, there are new opportunities to improve productivity. One is in data processing, which accounts for some 35 percent of the operating cost of a typical hospital. After many false starts, several large hospitals have had some real successes with new information systems.

The computer has increased the flow of patient information, for example, and routinized its processing. This means that the doctor is being freed from time-consuming paper work and fewer clerks are needed to transcribe and summarize reports. In the future, the computer can help to boost medical productivity by taking case histories from patients (who would respond to a succession of questions appearing on a computer screen), preparing diagnostic and therapeutic advice for physicians, and assisting paramedics in handling routine examinations and treating uncomplicated minor diseases.

Productivity in health care might also rise through increased use of two-way television, which will allow doctors to serve wide geographic areas without the need to travel. A television network consisting of a number of stations located in rural areas would be staffed by paramedical assistants. These stations would be in communication with a large teaching hospital in a metropolitan center. Says Dr. Octo Barnett, of the Massachusetts General Hospital: "It is both feasible and acceptable to use television communication to review x-ray films, look at blood smears through a microscope, and even have a physician talk directly with the patient."

In some cases, national productivity may be increased most rapidly by eliminating industries rather than trying to upgrade their performance. Although the productivity of most service industries is greater than we think, there certainly are some highly labor-intensive and non-computerizable services in which efficiency is obviously quite low. This is particularly true of personal services—e.g., TV and auto repair, barber and beauty shops. As their prices continue to rise, these service industries will gradually contract and we will increasingly learn to do without them, just as many reasonably well-off families have already learned to do without maids.

In a few instances, new kinds of goods have made possible a shift away from high-priced services. The popularity of the wash-and-wear shirt is at least partly attributable to the outsize price of laundering. And sales of the Proctor-Silex toaster have benefited from the fact that consumers can buy and quickly install spare parts when something goes wrong.

THE TROUBLE WITH VARIETY

Any realistic estimates of the prospects for productivity must be based on an awareness of certain pressures that work to limit gains. One pressure arises simply from the fact that as individuals—and societies—become richer, they tend to increase the value placed on leisure time. In consequence, they want to employ an increasing number of service workers and are willing to pay more and more for some of them.

There seems to be little doubt that we can maintain, even increase, the postwar rate of productivity gain—if we really want to. We can get rid of a lot of those repairmen by stepping up the do-it-yourself movement. We can produce more ball bearings per man-hour if we decide to produce fewer types of ball bearings. We can produce more automobiles per man-hour if we are content with fewer model changes and cars with fewer features. In short, we can get more productivity if we give up some leisure and variety.

The trade-offs involved in such questions, which were never simple, have become more complex than ever in the past few years, as we have become aware of the need to improve our environment. We are therefore demanding, for example, that the automobile industry "produce" cleaner air as well as more cars. If, while upgrading the environment, we also cling to our preference for almost limitless variety, it will be hard to get any increase in the rate of productivity gain. If, however, we forgo some of our investment in things like auto model changes, we can have cleaner air as well as more cars. That is, we will have a better environment and a higher rate of productivity gain. Within limits, the future pace of productivity advance will be determined by such choices.

HISTORY OF RELATIONS WITH CHINA

Mr. **FULBRIGHT**. Mr. President, one of the most distinguished commentators of the present scene, Mr. Richard L. Strout, has written an interesting account of a small part of the history of relations with China.

I commend it to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

END OF AN EPISODE?

(By Richard L. Strout)

WASHINGTON.—In 1945 President Roosevelt hoped that he could reconcile the differences between Generalissimo Chiang Kai-shek, the leader of the Chinese Nationalists, and Chou En-lai, leader of the Communist guerrillas. He sent a special representative on a very private misison, bypassing the State Department, with a minimum of consultation either with Congress or regular Chinese specialists. The intermediary was Gen. Patrick J. Hurley. The misison was a failure. Right to the end the ebullient General Hurley clung to the belief that Chinese peasants really supported Chiang and not Chou.

President Nixon will be seeing Chou En-lai later this month. This week the Senate Foreign Relations Committee heard two old China hands, former Foreign Service Officer John S. Service, who was driven out of his job, and Raymond P. Ludden, attached to the U.S. Embassy in Chungking in 1943. A third witness was Warren I. Cohen, Michigan State University, a student of Chinese affairs.

A reporter had mixed feelings looking at Mr. Service after all these years. Well dressed and with a fine, intellectual face, he would be distinguished in a crowd. His features are somewhat like those of Woodrow Wilson. He seems to hold no bitterness, and is now a professor at the Center for Chinese Studies at Berkeley. He has just returned from a six weeks' trip to mainland China.

At the critical period in 1945 the United States became the enemy of mainland China The Communists repeatedly tried to get American support but General Hurley was sure they would not last long. General Hurley was wrong. A unanimous statement from the embassy staff sent to Washington disagreed with the Hurley appraisal. It was disregarded. In a romantic trip through and behind the Japanese enemy lines Mr. Ludden visited the Chinese Communist headquarters. He reported that peasant support existed for the Communist beyond "reasonable doubt." His report was pooh-poohed.

Not only did the President let his personal adviser define American policy in Asia in 1945, but all the dissenting service officers were transferred out of China. All the men who charged that the Chinese Communists would be forced to turn to Moscow if Washington turned away were shipped out. Later General Hurley resigned, and showered the blame for his failure at a Senate hearing on those who disagreed with him.

It was, of course, possible to make a case on either side in 1945. But the United States was feeling a hysterical fear of communism. The debate got into politics and Senator McCarthy called President Truman "soft on communism." As Mr. Cohen testified, "the State Department specialists on China, especially O. Edmund Chubb, John Paton Davies, John Stewart Service, and John Carter Vincent, were abused and persecuted in one of the most shameful and destructive episodes in the history of the United States." They were cashiered and disgraced.

Developments in China, meanwhile, followed faithfully the forecast made by the ousted foreign service officers.

Today, with the Nixon visit, the strange episode may be coming to an end. Mr. Service is a quiet-spoken, articulate man; he told the senators that "all Americans" should applaud the initiative taken by the administration in the forthcoming visit. The only critical note was a regret that Japan had been left out of the Nixon arrangements. That was the difficulty, witnesses reflected, in a president acting alone with a personal representative. They were pretty sure that if the Peking visit had been worked out with the State Department the essential need of getting Japan's cooperation would have been stressed.

As I write this I have on my desk an excerpt from Life magazine on June 28, 1954. It is almost impossible to recall today the poisonous atmosphere that existed in that frightened, hysterical time. This article helps to reconstruct it.

The Geneva Conference had brought Chou En-lai, now Premier and Foreign Minister of Red China, into full view of the Western world. Life magazine bluntly calls him "a political thug and professional assassin."

Across from this editorial is an article by a correspondent at Geneva. It ridicules Harold Wilson, then British President of the Board of Trade, for attending a reception by the Chinese. Mr. Wilson reported of Chou:

"We found him an extremely impressive personality. . . . He was entirely friendly and warm in all his dealings with us. . . . He had a quick sense of humor and seemed to delight in answering our questions with no attempt at evasion."

Such a description produced loathing, however, in the correspondent for Life, Godfrey Blunden. Even Anthony Eden dined with Chou. Blunden notes unhappily, who found him "very impressive."

The superior Americans cold-shouldered Chou. Physically, according to Life, he was passable enough: "Thirty-four years ago (i.e. in 1920) he was a coal miner in France, a worker in Paris's Renault auto plant. He is still young, 55. . . . The policy of the U.S. delegation not to recognize or fraternize in any way with the Red Chinese delegation hurt Chou's vanity." The writer adds:

"American diplomats know him for what he is—a ruthless intriguer, a conscienceless liar, a saber-toothed political assassin."

Mr. Nixon will be seeing him shortly in Peking.

BEEF—FIRST BILLION DOLLAR INDUSTRY IN KANSAS

Mr. PEARSON. Mr. President, the production and processing of beef in Kansas has become our first billion dollar industry. The excellent climate and natural resources of our State, combined with the know-how of our ranchers and farmers, have made possible the diversification of our agricultural base during the past decade.

Today, Kansas is utilizing efficiently its land and water resources to provide top quality beef for millions of consumers throughout America and overseas. There is no doubt as the demand increases for better quality beef in coming years that Kansas will share significantly in the growth of this primary industry.

Mr. President, the 59th annual convention of the Kansas Livestock Association was held in Wichita, Kans., on January 7, 1972. I ask unanimous consent that the resolutions adopted by the Livestock Association be printed in the Record. I believe the positions taken by the Kansas stockmen on issues of importance to the Nation should be considered seriously by Congress.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolutions 1972—Adopted by the 59th Annual Convention of the Kansas Livestock Association

ASSESSMENT

Be it resolved, we favor adoption of legislation to assure that real estate be appraised for tax purposes on the basis of its ability to produce net rental income, capitalized at seven percent interest.

Be it further resolved, time has demonstrated the assessment ratio study is invalid for comparing assessments between counties of Kansas. Therefore, the study and its use should be discontinued.

Be it further resolved, the Kansas Livestock Association supports the elimination of taxation of all personal property with the exception of licensed motor vehicles and categories of real property that are treated as personal property under Kansas statutes.

SCHOOL FINANCING

Be it resolved, that the Kansas Livestock Association favors legislation that would place the major reliance for school revenues on a local income base in lieu of the local property base, and the income tax be collected by the state and returned directly to the local school district of origin, and that we retain the tax lid until a school finance plan similar to the above is adopted. However, we favor elimination of giving option of local income tax to local governmental units. And, we oppose any additional statewide property tax levy;

Be it further resolved, we favor elimination of the county school foundation fund levy;

Be it further resolved, we oppose distribution formulas of state aid to schools that use a property valuation index to determine the relative need of school districts; and

Be it further resolved, all public educational programs not under the direct supervision of a unified school district board, shall be administered at the state level and shall be funded from non-ad valorem tax source;

Be it further resolved, we oppose the increase of federal aid to education until the states have had time to make a realistic effort to solve the problems of school finance, including those raised by recent court decisions on this subject.

AGRICULTURE LABOR

Whereas, the Kansas Livestock Association has a responsibility to the citizens of Kansas to encourage orderly and uninterrupted production of agricultural products, to agricultural employees to encourage fair and lawful treatment, and to its members in the promotion of harmonious balance of such responsibilities with the economic well being of the livestock industry, and

Whereas, there exists a need for legislation to set forth rights and corresponding responsibilities of agricultural employers, employees and employee organizations within the State of Kansas.

Therefore, be it resolved, that the Kansas Livestock Association go on record as 1) supporting enactment of legislation by the Kansas legislature which will permit and regulate organization by agricultural employees and define agricultural employer rights and responsibilities in such a manner that the public interest is protected and employer and employee relationships in the industry are maintained in a harmonious and cooperative fashion; 2) supporting the establishment of an appropriate state board to administer the provisions of such legislation; 3) seeking the support of other segments of the agricultural industry for this legislation.

STATE EXECUTIVE REORGANIZATION

Whereas, the State Board of Agriculture and the State Animal Health Board have effectively and efficiently fulfilled the needs of Kansas agriculture under their present organization,

Therefore, be it resolved, the Kansas Livestock Association opposes any change under the proposed reorganization proposal in said Boards.

MEAT INSPECTION

Whereas, the livestock industry of Kansas recognizes the need for continued excellent meat inspection program in Kansas and recognizes the need to preserve the well being of the locker type slaughter and processing operations in Kansas.

Therefore, be it resolved, that the Kansas Livestock Association supports Federal Legislation that would increase the funding of State meat and poultry inspection programs from 50 to 80 percent.

FINANCIAL SITUATION OF EXPERIMENT STATION AND EXTENSION SERVICE

Whereas, the livestock industry in Kansas has made rapid growth and beef production has become Kansas' first billion dollar industry, and

Whereas, research carried on at Kansas State University and Branch Stations has played a vital role in this important facet of Kansas economy, and

Whereas, there is increasing need for re-research in ecology, nutrition, environment, and other areas affecting agriculture.

Therefore, be it resolved, that we urge that funding for the School of Agriculture at Kansas State University be adequate to fulfill this need and that the cuts made by the Budget Director in the proposed budget be restored.

MARKETING

Whereas, a number of different methods of marketing livestock have developed since passage of the present public livestock market law, and

Whereas, there has been a great increase in unsupervised slaughter-swine buying stations presently exempt under the market law, and

Whereas, the present law needs revision and clarification in order to facilitate proper enforcement.

Therefore, be it resolved that the Kansas Livestock Association supports the revisions proposed in the substitute bill for House Bill No. 1511 introduced in the 1971 legislature of the Public Livestock Market Law and we recommend to the legislature and to the Governor that this substitute bill for House Bill No. 1511 be passed by the 1972 legislature.

PREDATORS

Whereas, the food habits of individual predatory animals sometime conflict with the production of Kansas livestock and thereby threaten the success and existence of some individual livestock enterprises, and

Whereas, the Cooperative Extension Service at Kansas State University has developed a program that employs one person that has resulted in a reduction of livestock losses,

Therefore, be it resolved, that the Kansas Livestock Association supports legislation to increase the staff and existing program in order to help Kansas livestock producers do a more adequate job of controlling the individual predatory animals.

PRAIRIE PARKWAY

Whereas, the Kansas Livestock Association recognizes the beauty of the Flint Hills region which has been preserved through the use of excellent conservation practices and feels that this beauty should be shared with all America,

Therefore, be it resolved, that the Kansas Livestock Association supports the extension of the Prairie Parkway system which would include a drive-through route advertised for sightseeing and would include such items as campsites and observation points.

BRAND

Be it resolved, that the Kansas Livestock Association is in favor of the further development of superior investigation of the theft of livestock to be financed by the livestock industry. We would recommend to legislature that brand registration fees be increased from $10 to $15 effective April 1, 1972. We also encourage everyone to own a brand and to brand their cattle in Kansas.

AGRICULTURAL POLLUTION

Whereas, livestock producers share the concern of our society for the protection of the environment, and

Whereas, the Federal government has adopted regulations beyond the ability of existing technology to deal with agricultural and other wastes,

Therefore, be it resolved, that regulations and standards pertaining to agricultural wastes should consider the unique nature of agriculture and should not prohibit agricultural operations so long as reasonable steps are taken to prevent pollution,

Be it further resolved, that the Kansas Livestock Association is opposed to class action pollution suits as they would tend to encourage "crank" or "harassment" actions.

Be it further resolved, that the Kansas Livestock Association recommends that the Kansas legislature and the Federal government provide funds to Kansas State University and other research organizations for the purpose of improving the present technology in the field of agricultural pollution control and we support a Federal investment tax credit or other appropriate economic incentive to encourage construction of agricultural pollution control facilities.

OPEN BURNING

Whereas, fire is a natural phenomenon of grasslands and periodic range burning has been proven and accepted range management practice and no equivalent alternative control measures are available to prevent brush invasion and further deterioration of the range resources, and

Whereas, the State Board of Health in regulation 28–19–45 prohibits open burning and in regulation 28–19–26 states that it shall be prime facie evidence that a person owning or controlling property on which burning might occur is deemed liable and subject to prosecution.

Therefore, be it resolved, that the Kansas Livestock Association support legislation to establish regulations permitting established agricultural controlled burning practices.

DRUGS AND FEED ADDITIVES

Whereas, science and technology have provided agricultural producers with tools such as drugs and feed additives to improve both the quality and quantity of food, and

Whereas, the Kansas Livestock Association pledges its complete cooperation for a seven-day withdrawal and mandatory certification on the use of Diethylstilbesterol (DES), and

Whereas, Diethylstilbesterol (DES) and other drugs and feed additives have been found by the Food and Drug Administration to be completely safe when used as directed,

Therefore, be it resolved, that the Kansas Livestock Association is opposed to the complete banning of DES and other feed additives or drugs which contribute so much to the abundance of food in this country. We favor objective scientific research to determine the effects of any drug residues that might be detected and to determine what level of residue, if any, might be safe.

PORTS AND ENTRY

Whereas, the Kansas ports of entry offer a great service in animal health work to the livestock industry in the State of Kansas, and

Whereas, procedures used in some other states that do not have ports of entry have been proven to be very ineffective in livestock disease control work.

Therefore, be it resolved, that the Kansas Livestock Association recommends that the Kansas port of entry system in regard to animal health work be retained.

RANGE MANAGEMENT

Whereas, fires along railroad rights of way are destructive to adjacent lands and therefore to livestock producers.

Therefore, be it resolved, that the Kansas Livestock Association recommend that the Kansas Corporation Commission so regulate and supervise the railroads that fires along rights of way be eliminated.

WEATHER MODIFICATION

Whereas, the livestock industry is at the mercy of the weather,

Therefore, be it resolved, we recommend and urge that study and operations in weather modification of both positive and negative results be obtained.

TRANSPORTATION

Whereas, a number of instances of sickness and death in cattle being hauled by diesel trucks have been reported and some evidence points to diesel fumes as being a contributing factor, and

Whereas, these fumes can best be lessened or eliminated by the trucking industry.

Therefore, be it resolved, that the Kansas Livestock Association urges both the livestock producer and the trucking industry take such steps as necessary to eliminate this problem as quickly as possible.

HIGHWAY FUND USE

Whereas, highway transportation and its continued development is essential to the economy of this country and is one of the few programs set up on a pay-as-you-go basis with no subsidy from the federal, general or others funds, but is derived from a special tax paid by highway users, and

Whereas, cutbacks of this fund expenditure creates hardship upon a state through interrupted planning and curtailed construction programs, and since this federal highway trust fund is indeed a trust fund set up by Congress to be disbursed as collected back to the several states; now

Therefore, be it resolved, that the Kansas Livestock Association does hereby urge that this fund be kept inviolate for the use as originally set up and that the distribution of the monies therein be constant when orderly planned highway construction is properly projected and approved; and that special attention be given to the earliest possible completion of the Interstate Highway System and the further development of the "Farm to Market" and Primary and Secondary Federal Aid Highway Systems.

MARKETING

Be it resolved, that the Kansas Livestock Association opposes any legislation that would prevent any producer of an agricultural commodity from selling his product, when, where, to whom, and for what price, because of membership or non-membership in a farm organization or bargaining association.

ESTATE TAXES

Be it resolved, the Kansas Livestock Association commends the National Livestock Tax Committee for its work in behalf of the livestock industry. In particular, we support the work on recent legislation as related to unrealistic land valuations based on speculative and inflated land prices in determining valuations for federal estate tax purposes. This Association will continue to support work in this regard.

Whereas, for federal estate tax purposes, farm and ranch land is being appraised on the basis of its current sales price reflecting an inflated and speculative value; and

Whereas, these appraisal values represent unreasonable levies against farm and ranch operations; and

Whereas, a more realistic and equitable valuation of farm and ranch land can be determined based upon productivity or earning capacity;

Therefore, be it resolved, that the Kansas Livestock Association endorses the principle that the valuation of farms and ranches for federal estate tax purposes be made on the basis of the value of the farms and ranches for agricultural production; and

Be it further resolved, that legislation, similar to S. 1957 introduced in the U.S. Senate and to H.R. 1031 and H.R. 10325 introduced in the House of Representatives, which would permit valuation of farm and ranch land based on its earning capacity for federal estate tax purposes, be enacted.

APPRECIATION

The Kansas Livestock Association extends its thanks to the many individuals and business enterprises that have contributed so much to the success of this convention. Particularly we thank the committees for their hard work in creating and directing the policies of our Association.

The hospitality of the Sid Murray Insurance Agency, the 14 Production Credit Associations of Kansas, Central Soya of Abilene, Incorporated, Farmland Industries, Kansas Motor Carriers Association, the Fourth National Bank and Trust Company of Wichita, and the Wichita Livestock Market Foundation, is recognized and appreciated.

We express our thanks to the press, radio, and television stations for their coverage of our convention; to our convention speakers; to the Wichita Chamber of Commerce; and to our convention committee for its excellent planning and supervision.

Finally we give our sincerest thanks to President Fred Germann; President-Elect Kalo Hineman; Executive Vice President John Meetz; Fieldman Willis Huston; Director of Cattle Feeders Service Virgil Huseman; Editor John Ricklefs; Cattle-Fax Analyst Pat Koons; and the office staff for their efficient and loyal service throughout the past year.

THE ECONOMIC FUTURE OF BANGLADESH

Mr. CHURCH. Mr. President, over the past several months, speculators have quipped that the new nation of Bangladesh would be "an international basket case" or "occupy a prominent position on the world dole for a long time to come."

Dr. Gustav F. Papanek, of the Harvard University Development Advisory Service, who has had 20 years professional experience dealing with the economy of West Pakistan and the former East Pakistan, now Bangladesh, offers a different and more optimistic analysis. His research of Bangladesh's economic situation leads him to conclude that—

> Bangladesh is potentially a self-sustaining economy . . . but in the next few years it will urgently need help from the outside.

I ask unanimous consent that Dr. Papanek's timely paper, which he presented to the Senate Subcommittee on Refugees be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GUSTAV F. PAPANEK

For the last twenty years I have been professionally concerned with the economy of Pakistan. Six of these years were spent in Pakistan, mostly as an adviser to its Planning Commission. Part of the time I was in East Pakistan, now Bangladesh. Subsequently I was Director of the Development Advisory Service of Harvard University, which worked with a number of countries, including Pakistan.

Others are far better qualified than I to talk about the moral and humanitarian aspects of help to the refugees, and those who have lost their homes, their possessions and often their means of survival. Therefore, I want to concentrate on some of the points which affect the question of whether it is in the U.S. interest to help Bangladesh:

First, what are the needs and what is the likely cost of helping with relief and reconstruction; second, can the Bengalis manage a relief, reconstruction and development program, or is most outside help going to be wasted by a chaotic administration; and, third, is any assistance simply an "Operation Rat-hole," an open-ended commitment to an area that will not be able to support itself in the foreseeable future. Finally, there is the even more difficult question of the attitude that the Bangladesh government is likely to take towards the U.S. and other countries.

No one has any very good answers to these questions; I certainly do not. On the question of need, we have unfortunately only the vaguest estimates of the destruction that has taken place and of the amount of rice that has been produced recently. The big harvest normally take place in December and no one was paying much attention to the gathering of statistics during the fighting. However, the reconstruction and rehabilitation program under discussion by Bengali economists is estimated to cost over $3 billion over the next 18 months or more. About two-thirds of this amount should come from Bangladesh's own resources, with approximately one billion needed from foreign assistance. Of this amount, nearly one-half could be in the form of surplus agricultural commodities (wheat, rice, vegetable oils, milk powder, cotton and cotton yarn).

These figures are based on the relatively pessimistic estimates of 1971 rice production recently made by Bengali economists, but to do anything else at this stage might mean taking unacceptable risks of castastrophe. Given these estimates and other assumptions spelled out in the Appendix, Bangladesh might need nearly 3 million tons of wheat and rice over the next 18 months.

While 2 million tons of foodgrains a year is a substantial amount, it is a fraction of what the U.S. alone has shipped in past years from its surplus stocks under PL480. India and Pakistan together have received as much as 12 million tons a year from the U.S. in the past. Their need has now practically disappeared and countries other than the U.S. also have surpluses, so the foodgrain needs of Bangladesh can be met quite readily, and at little real cost, from the U.S. and other surplus countries.

The reconstruction and rehabilitation program is to take 18 months, or more, so the annual cost of aid to Bangladesh during the next fiscal year might be of the order of $400 million in loans and grants plus another $250 million in surplus agricultural commodities.

In the past, the U.S. contributed about one half of aid to Pakistan. For relief to East Pakistanis last year the U.S. has provided well over half of the total cost. If one assumes that the US government will provide only a third of regular aid and two-thirds of the surplus agricultural commodities required, the US in the next fiscal year would need to make available commodities for the relief and rehabilitation program. Less than half these amounts would be required for the remaining months of this fiscal year.

These, of course, are very rough figures, really just guesses at this stage. They have been worked out only to give some idea of the possible cost to the U.S. of helping with the terrible human problems facing Bangladesh. It is clear that the costs are quite manageable, especially since over half of the U.S. contribution could probably be in the form of surplus agricultural commodities available in storage. To help with the most massive disaster since World War II, a disaster affecting some 75 million people, the real cost to the U.S. would be roughly four times what the Town of Lexington, Massachusetts, spends per year to provide services to its less than 35,000 people. Even in terms of a greatly reduced appropriation, the amount is less than 10 percent of this year's aid bill. While this is not negligible, we can certainly manage it, if the will is there.

The second question is the ability of the Bangladesh government to manage the relief and rehabilitation program. If the U.S. and others provide the aid, will much of it be wasted because there simply are not enough experienced and competent people to manage it?

There are bound to be problems and some degree of inefficiency. One only needs to imagine the problems in the U.S. if similar catastrophes had affected us: if 20 million Americans had fled to Canada and Mexico, several million more had left their homes, and two million had been killed, while most of our railway lines and roads had been put out of commission, we would also find it difficult to manage efficiently. Bangladesh has several assets in coping with its problems that lead me to believe it will manage fairly well:

1. Most important is simply the spirit of the government and the people. Pakistan after its independence in 1947 faced almost equally difficult problems of refugee resettlement and reconstruction, but with a much smaller, less experienced civil service, and managed quite well because of the early enthusiasm.

2. The government of Bangladesh is relying on a civil service that has had nearly ten years of experience in administering the area. Since about 1963 the government of East Pakistan has been almost wholly staffed by Bengalis. In the districts, as well as in the central government administration in Dacca most of the people are the same who have been in these positions for several years. Many of them are first-rate by any standards—bright, experienced, well-trained.

3. One of the great problems of administration in the past was that all significant decisions were highly centralised in the capital of Pakistan. The central government of Islamabad was not only physically distant from Dacca, but also less familiar with East Pakistan, less concerned about its problems than with their own home province of West Pakistan. Now decisions can be taken locally, in Bangladesh.

4. Finally, the present government and particularly the Prime Minister, Sheikh Mujibur Rahman, can take any decision within reason without having to worry about opposition. For the immediate future Mujibur Rahman's popularity and support will be such that no vested interests, no group, can effectively resist any decision he is likely to make. He can redirect the administration, set priorities for the transport system, eliminate all non-essential imports, and take steps that would improve the efficiency of management and the economy, but which would have been difficult for earlier governments.

In short, while the Bangladesh government faces an extremely difficult situation, it also has substantial assets in dealing with the country's problems. Some aid is bound to be wasted or used inefficiently, but the administrative capacity of the country is at least equal to that of others in comparable situations. To withhold aid because of administrative weaknesses would be an excuse, not a justification.

There remains the third question—if the U.S. becomes involved in helping Bangladesh, is this a permanent commitment? Is Bangladesh a "basket case," as so vividly suggested, so that we should count ourselves lucky that we have avoided an obligation for supporting it indefinitely?

There is no doubt that it is a desperately poor area with few assets, that will remain poor by world standards for decades to come. The most serious problem will be how to find jobs for a labor force that is increasing at 3 percent a year, in a country that has no minerals or oil, with a tiny industrial base, where land holdings already average less than one acre and where several million people already are partly or largely idle. To deal with this problem—which can be tackled seriously only after the most urgent relief and reconstruction problems have been solved—will certainly not be easy. Without outside help it is probably impossible.

But Bangladesh does have some real assets which, together with outside help, make the future far from hopeless:

First, it now has a government and political leadership that has near-universal support, a rare situation in any country. In addition, most of the population is much better off now than during the last year, with the fear of looting, arrest, rape and death removed. As a result of both factors, the government can carry out a sensible long-term economic strategy with little opposition and with little need to produce immediate economic results. This honeymoon will, of course, not last indefinitely and the government will have to show some improvement before too long, but it does have a valuable breathing space.

Second, the society and economy are quite egalitarian and homogeneous. There are few of the social and political tensions which result when there is a generally visible group of rich families amidst terrible poverty. The average income is low, but this is more bearable when most people do not see others around them living extravagantly.

Third, the Green Revolution is still ahead in Bangladesh. The new seed varieties are just being introduced, fertilizer consumption is still low, the potential for water control is just beginning to be tapped. A number of organizational and institutional problems must be solved before the potential can be exploited, but most of these were on the way to a solution by 1969. Even if Bangladesh succeeds only in producing half the rice yields per acre that Japan has achieved—and the climate and soils in Japan are less favorable for rice production—it would nearly double rice output. It is therefore quite possible for Bangladesh to feed itself, and even to become an exporter of agricultural products.

Fourth, the agricultural potential is especially great because the possibility now exists of joint planning for water development with India. Dams in India can reduce floods during the summer and increase the water available in winter and increase production in both seasons. Good relations with India will have other benefits: income from transit fees between Calcutta and Assam, access to the Calcutta market for fruits, vegetables and jute, and access to cheap Indian products (coal, limestone, etc.).

Fifth, the country no longer has to bear the burden of a large military effort and of providing foreign exchange for development in West Pakistan. Pakistan spent 3 percent or more of its national income on the military, a high figure for a poor country. Bangladesh, with no obvious external enemy, can put most of these resources into development. It also earned over half of Pakistan's foreign exchange, mostly by exporting its jute, and directly or indirectly received less than 40 percent in the form of imports. So it should be in a firm situation on foreign exchange.

Finally, it does not have a large but inefficient industrial sector, but it does have a low-cost labor force. With sensible policies it could become a major exporter of the cheap industrial products on which Hong Kong, Taiwan and others have relied. Wages are rising in these other countries and Bangladesh could become a major producer of such goods as transistors, cheap radios, ballpoint pens, cheap toys and so on.

East Pakistan achieved a growth rate of over 5 percent a year between 1959 and 1965, with none of these assets, and with little net foreign aid. If Bangladesh now takes advantage of its new assets, if it follows sensible policies and receives outside assistance at the same rate as some other countries of its size it should be able to do substantially better than that. Bangladesh is potentially a self-sustaining economy and a commitment to help it therefore need not be endless. But in the next few years it will urgently need help from the outside.

The Awami League, which constitutes the freely elected government is a genuine nationalist movement, with a membership that ranges from conservative to radical. Some would feel right at home in one of the more conservative Chambers of Commerce in the U.S., others would feel equally comfortable in a meeting of a radical student group. But its leadership all the way down to the local level is essentially middle-class and moderate: lawyers, teachers, students, farmers, traders and professionals of various kinds. Their sympathies have been with the Western nations; one of their central demands has been for Parliamentary democracy. They are undoubtedly deeply grateful to India and the Soviet Union for their support and they will want to maintain close and friendly relations with both countries. But they certainly did not fight against domination from West Pakistan just to slip into domination by India. Nor do they have any particular sympathy for Communism. To be wholly dependent for political support on India and the Soviet Union would be regarded as undesirable by the Bangladesh government and to rely wholly on these two countries for aid would probably be inadequate for Bangladesh's needs. But if the U.S. persists in its current policies, which seem to me difficult or impossible to justify in terms of U.S. self-interest, the Bangledesh government will have no choice but to take its support wherever it can get it.

The present leadership of Bangladesh is pragmatic. It was the only leadership of a large, widely supported mass movement in the less developed world that was friendly to the West and specifically friendly to the United States. If we help them now, when help is badly needed, the old sympathies are likely to re-assert themselves. If we continue to sulk over the failure of our policy to keep Pakistan undivided and rebuff Sheikh Mujibur Rahman and his colleagues again, Bangladesh will at best have to turn to others for help, at worst will become an area of instability and of economic disintegration which will affect India and other neighboring countries. India and Bangladesh together have almost the population and economic potential of China. It would seem to me to be in the U.S. interest to have them friendly, not hostile. That alone should call for a change in policy, even if the monstrous tragedies of the last year do not move us to help Bangladesh on purely moral grounds.

ANNEX 1.—*Food grains (mostly rice) available and needed*

January–June 1972:	*Millions of tons*
Fall harvest 1971 (Aman)	5.5
Seed, feed, waste	−0.5
Available from fall harvest	5.0
Available from imports and stocks	0.3
Winter (Boro) harvest (minus seed, feed, waste)	1.0
Total available	6.3
Consumption:*	
December (66 million people)	.90
January (69 million people)	.94
February (71 million people)	.97
March (73 million people)	1.00
April-June (75 million people)	3.08
Total needed	6.9
Shortage: 0.7 million tons.	
July 1972–June 1973:	
Production (average of last 3 years)	11.3
Less seed, feed, waste	−1.1
Total available	10.2
Consumption* (76 million people; population would have been 78.5 million; assumes deaths, plus reduction in births, plus nonreturnees, means decline of 2.5 million)	
Total needed	12.3
Shortage: 2.1 million tons.	
Total shortage:	
January–June 1972	0.7
June 1972	2.1
Total	2.8

*Consumption at the rate of 335 lbs. a year, or somewhat less than 16 oz. a day, roughly the average consumption of recent years.

ENVIRONMENTAL DIVERSITY—A NECESSARY QUALITY FOR SURVIVAL

Mr. CRANSTON. Mr. President, I have long been concerned with the general unawareness of the role biological diversity plays in our ecosystems. On January 26, 1971, when I introduced the Nature Protection Act, S. 249, I pointed out to the Senate that ecologists have learned that complex and diversified ecosystems are generally stabler and have more compensatory resources to resist invasion from outside plants and animals. Conversely, simple systems or systems with only a few dominant species are more subject to destructive population variations and more vulnerable to invasion by foreign life forms.

The implications of this theory lead to a far more compelling argument for preserving rare or endangered animals and plants than our traditional views about the esthetic and recreational values of variety in our world.

An article on the subject of diversity, written by Dr. Kenneth E. F. Watt, of the University of California, Davis, appeared in the February 1972, issue of Natural History. Dr. Watt is an outstanding scholar known best for his use of a systems approach to the study of ecosystems. He has written a clear and explicit summary of a complex subject. I believe it should be of great interest and value to the Senate.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Man's Efficient Rush Toward Deadly Dullness; Diversity Is More Than the Spice of Life . . . It Is an Essential Element of Survival

(By Kenneth E. F. Watt)

Is diversity of concern to people interested in natural history, conservation, and the environment? To answer the question fully, one must understand the exact meaning of diversity, the ubiquitous loss of diversity in the world today, and the reasons for the value of diversity.

An argument for preserving anything, particularly something rare, often turns out to be an argument in disguise for diversity. Thus it seems worthwhile to provide natural historians with a handy kit of powerful arguments for variety because all too often they feel defenseless when confronted with the arguments of developers, which are clearly supported by short-term economic benefits, at least for a few investors.

The rapid loss of diversity in the world is a serious and pervasive phenomenon. Everywhere we look, we see examples of a large number of diverse entities being replaced by a small number of similar entities. We all know about endangered species such as birds of prey and large mammals, including all species of whales. Most of the world's commercial fish stocks are in danger, shell collectors are depleting tropical beaches and coral reefs, and pollution will annihilate commercial shellfish populations, resulting in simplification of our diets. But progressive environment simplification is far more widespread than this. Half the butterfly species have disappeared in Holland in the last few decades. Conversion of the Russian steppe from wild plants to wheat fields has cut the number of insect species there by 58 percent.

In the economic sphere, there has been a tremendous reduction in the number of manufacturers (think of the number of automobile manufacturers in the United States in 1910). Our numerous corner grocery stores have been replaced by a small number of huge supermarkets. In many fields, large numbers of small businesses have been replaced by small numbers of large businesses, to the point where we now have close to a monopoly in the manufacture of automobiles, aircraft, and computing equipment. Similarly, in agriculture large numbers of small farms have been replaced by small numbers of gigantic farm corporations.

Textural and cultural diversity has declined in our cities, whether you compare different parts of the same city or different cities in different countries. Driving from an airport to the downtown section of a city, the signs tend to be in the same language (English) and to advertise the same products, whether one is in Rome, Beirut, or Singapore. Stores and banks seem to be stamped from a common mold.

Remarkably, the same process has occurred in the human population. An extraordinarily high proportion of the world's population is now very young. The variety once found when many human age classes coexisted in approximately equal numbers has gone.

There are too many examples of the decline of diversity for this situation to have come about by chance. There is indeed an underlying explanation: we live in an age, and a culture, that puts tremendous emphasis on efficiency and productivity as desiderata for mankind. Since variety is inimical to these goals, variety has suffered and will continue to suffer. Unless powerful and compelling arguments can be offered to stop this loss of diversity, we will soon be living in a homogeneous—and boring—world.

The large number of specific arguments for maintaining the diversity of particular sets of plants, animals, or other items, all fall into four categories: (1) diversity promotes stability; (2) it insures against risks; (3) it utilizes more completely the sun's energy; and (4) it promotes the mental well-being of humans.

STABILITY

There are only two basic elements in all theoretical arguments as to why diversity promotes stability. The first is the idea of spreading the risk (the same idea applies when you buy insurance from the largest insurance company). If an organism feeds on many different species, the chances of all its food sources being wiped out in some catastrophe are less than if the organism feeds on a few, or only one, species. The second idea is that a system functions more harmoniously if it has more elements because it then has more homeostatic feedback loops.

This abstract language can be translated into concrete examples. The greater the variety of foods the human population has available for harvesting, hunting, or fishing, the less the likelihood of human catastrophe due to a disaster befalling a particular food species. A most chilling example was the potato famine in Ireland, where an entire human population was excessively dependent on one food species. The situation is fundamentally the same when an Indian tribe depends greatly on salmon at a certain time of year, and then something happens to the salmon population (pollution or modification of the environment in the spawning stream due to a hydroelectric installation, for example). What few people realize is that the entire human population is now setting itself up for the same situation. For example, as we rapidly deplete the stocks of more and more oceanic species through overfishing and pollution, we cut off optional food sources that we might need desperately in the future. The larger the human population becomes and the more the sources of food decline, the more precarious is our situation.

Our great preoccupation with productivity and efficiency and our lack of concern about diversity increase the precariousness of our economic lives, as well as of our food. Consider what happens when we try to maximize the manufacturing efficiency of aircraft. We are led, inexorably, to a situation in which a small group of corporations manufacture all aircraft in the United States. Each corporation is so large that it dominates the economies of the communities in which its plants are located. Thus, if a corporation meets with disaster, the community is in deep trouble. This is the case in Seattle, where Boeing sales slackened with saturation of the international aircraft market. Architectural writer Jane Jacobs discovered this principle of relating the economic stability of cities to their corporate diversity when she applied current ecological theories about the relation between diversity and stability to her urban studies.

In a most curious way, diversity appears to affect our economic, social, cultural, and political processes. For example, a slowly growing or nongrowing human population has a greater evenness of numbers in different age classes than a rapidly growing population. In a rapid-growth situation, young people are being added to the population so quickly that their numbers become unusually high relative to the numbers of older people. This strains society's ability to generate adequate educational taxes from the older group for the large younger group It also is difficult for a rapidly growing society to create new jobs at the rate at which young people want to enter the labor force. This will be obvious as unemployment in the United States climbs above 6.0 percent of the prospective labor force when the next age class graduates high school and college in June, 1972.

The more even the numbers of people in different age classes, the easier it is to maintain good communication between generations. Thus, all the present discussion about a "generation gap" has its ultimate origin in the lack of diversity in human age classes.

Many similar arguments relating diversity and different forms of stability could be put forth. But the fundamental structure of all such arguments would be the same, whether the subject is a human society or a rare plant. The reason for preserving it is that it may, in some unknown fashion, be important to the maintenance of stability in a part of the planetary ecosystem.

INSURANCE AGAINST RISK

The second class of arguments for maintaining diversity is similar to the argument for buying life insurance. You don't really want or expect to use it, but you buy it just in case. Similarly, a civilization does not expect its acts to harm the world, but just in case they are destructive it would be nice to have at hand other things to fall back on. For example, when we develop new strains of plants and animals, we do not plan on producing lines that will deteriorate in the future. We do not plan on producing strains of collie dogs in which the females will have progressively more difficulty bearing viable offspring, or strains of wheat that will succumb to rust, or berries that after many generations will no longer have much flavor. When these unintended events occur, we fall back on our "insurance policy," either by backcrossing our domestic strains to wild strains or by shifting our attention to new strains or species. But what if there are no new strains or species to replace the unsatisfactory ones?

The insurance value of diversity applies to more than just individual species or strains of plants and animals. Suppose a civilization irrigated farmland in such a fashion that long-term, irreversible destruction of the soil only showed up after a century. Suppose, further, that the entire landscape of this civilization had been managed in an identical fashion. Then when the entire landscape lost its fertility, the civilization would be without land to produce food. Further, it wouldn't even have any unmanaged land to compare with the managed lands for scientific investigations. A simple example of the importance of such comparisons is the few forest areas in Greece from which goats have been excluded. The contrast between the grazed and ungrazed lands is so startling that no argument from goat-lovers could withstand visual comparison of forested areas with and without goats.

It is tremendously important for any civilization to set aside areas where common cultivation practices are not adopted. If the same techniques are used everywhere, we can never know the long-term results of the practice. Thus, we can never know if intensive annual pesticide sprayings have long-term deleterious effects on orchards, forests, or woodlots unless we have unsprayed areas for comparison.

In short, a prudent civilization maintains the landscape under many different management strategies, including parcels of each soil and climate zone that are not managed at all. This landscape diversity has two values. First, we have a yardstick for determining if something unexpected or odd is gradually showing up in a managed area. Without the unmanaged areas, the odd or unexpected effect could be ascribed to something else, to a change in climate, for example. The unsettled arguments as to whether the changes in the landscape of the Mediterranean basin, the Middle East, North Africa, and northern India were due to climatic change or man's activities show clearly the importance of having unmanaged areas for checking. The second value of landscape diversity is that if a civilization unwittingly destroys its managed lands, it has other places on which to raise food while the destroyed areas are gradually rebuilt to productivity.

A generalization of this argument holds that an extremely prudent civilization would try to maintain other civilizations with different ideas about land use. Over the short term, the ideas of civilization *A* might appear vastly superior to those of civilization *B*. But over the long term it could turn out that the apparently "primitive" practices of civilization *B* were based on milennia of trial and error and incorporated deep wisdom that was unintelligible to civilization *A*.

FULLER USE OF ENERGY

The third argument for diversity originates in the theory of modern ecologists that any habitat contains a set of "niches," or functions, that may be filled, then the sun's energy that is captured by, and flows through, a system will be less than if all the niches were filled.

Perhaps the best known and most convincing illustration of this argument comes from Africa. Research shows that a mix of native animal species uses the landscape more economically than imported livestock. Each of the different types of antelope and other game consume slightly different mixes of food plants or parts of plants, so that a whole assemblage of different species uses the landscape more efficiently than, say, beef cattle would by themselves.

The same point has been demonstrated repeatedly in analyses of the first production per year per acre from different mixes of fish species. The more fish species there are in a body of water, the greater the gross production. Human understanding of this principle reaches its pinnacle in Oriental fish farming, where up to nine different species of carp are grown together in the set of proportions that makes best use of the resources in a pond.

MENTAL WELL-BEING

Humanity has given far too little thought to the fourth argument for preserving diversity. How much diversity in the world around us is optimal for the human mind? Might the extent of environmental diversity have any relationship to the average level of mental health in a population? Could a certain level of diversity be most satisfying—emotionally and esthetically—to the human mind because of the conditions during human evolution? Diversity in an environment may have a much deeper significance for man than is generally recognized. We know that human beings tend to hallucinate when kept in confined quarters and deprived of sensory stimuli. This could be interpreted as a protective device by the mind to provide an otherwise unavailable need. Reports have been published indicating that extremely refractory mental patients, who had not spoken to anyone in years, showed an almost miraculous response when taken to wilderness areas.

The recent popularity of skin diving as recreation may convey a deep message. It may be that the rate of incoming sensory stimuli while skin diving is optimal for the human mind. I know that after several hours of constant interruption by the phone and visitors, I almost jump with each new phone call. But I also know that I can become bored amid all this stimuli. The extremely deep satisfaction I derive from exploring the ocean edge of a tropical island may be telling me something important about my mind and all our minds. We have evolved over a very long period so that our minds can cope handily with a certain rate of incoming senory stimuli. We find the stimuli rate we can cope with in nature because we evolved there. Either sharply higher or sharply lower rates of incoming sensory stimuli are bad for our nervous systems.

This is only anecdotal evidence, but more carefully designed and measured research leads to the same conclusion. For some years, Prof. J. Lee Kavanau of UCLA has been conducting experiments on small mammal behavior in heavily instrumented cages. These cages are wired, enabling the animal to change its environment and recording every move the animal makes and every detail of the conditions in the cage. The animals learn to control their environment by pressing levers. Kavanau has discovered that animals will press levers to select other than optimal conditions. In other words, confronted with a choice of living constantly in an optimal world but being bored, or of living in a world that is only optimal part of the time and experiencing variety, even a small rodent will opt for variety. It is reasonable to assume that humans would opt even more strongly for variety rather than constant optimality. Perhaps diversity is not merely a luxury for us. It may be something we need.

If, upon reflection, you agree with my general line of argument as to the intrinsic value of diversity, then important implications follow for many aspects of our lives. Particularly, the argument has important political implications.

For example, if diversity breeds stability, then it is worthwhile for a government to regulate the rate at which different interest groups acquire wealth and power. Undue concentration of power and wealth allows a small group of people to change the landscape to suit themselves, even though the change may not suit others. For example, wilderness mountaintops and tropical islands have been overdeveloped for second homes because the prospective profits for developers were very large relative to the total costs for society. Costs were small for the developers because they were not equitably divided within the society. If something went sour with the development—the lots didn't sell after trees were bulldozed—or if subsequent sewage and pollution control costs spiraled, then someone else, not the developer, absorbed the costs. Thus, the developer reaped a great gain from subdividing, and someone else paid the price. Given this situation it is scarcely surprising that so much of the world is being destroyed or that diversity is diminishing so rapidly.

A comparable situation exists with respect to the oceans, which our culture treats as an international "common property resource." Since no one or no one nation owns the oceans or their contents, no one has a motive for perpetuating the living diversity of the oceans. Consequently, the precious living treasures of two-thirds of the earth may be less diverse or even depleted in a short time. And there are too many links between oceanic and terrestrial life for such a loss to occur without profoundly affecting humanity.

THE CONCEPT OF DIVERSITY

To understand the intrinsic value of diversity, we must be explicit as to what we mean by the concept. Diversity measures two characteristics of any set of items: *evenness* in numbers of different items in the set; and *richness* in numbers of different items within the set.

To illustrate evenness, suppose we have two different sets comprising 25 items of five types:

Uneven set		Even set	
Cherries	14	Cherries	6
Apples	5	Apples	5
Pears	3	Pears	5
Bananas	2	Bananas	5
Lemons	1	Lemons	4
Total	25	Total	25

Richness depends on the number of items as well as the variety of items in a set. In the following table, the relative abundance of the first four items is the same in each set, but the second set is richer because it has both more items and rare items.

Types	First set	Second set
A	4	12
B	3	9
C	2	6
D	1	3
E		2
F		1
G		1
H		1
Total	10	35

In nature, an environment that is more tolerant of rarity has a larger number of species, or more richness.

Given that diversity measures both evenness and richness, can a single, simple measure combine both characteristics. In algebraic terms, we can arrive at such a measure, which will also give us a deeper understanding of diversity. Suppose we have N items in a set, divided into N_1 items of the first type, N_2 items of the second type, and so on, to N_n items of the *nth* and last type. Suppose N is 5, and we want to know the number of different ways we can arrange the five items in a row. The arrangement is $5 \times 4 \times 3 \times 2 \times 1$, which is typically written as $5'$. In general, the number of ways we can arrange N items in a row is N'. A measure of the ways in which we can arrange the items is given by

$$\frac{N!}{N_1!N_2!N_3! \ldots N_n!}$$

This can also be thought of as a measure of the variety, or diversity, within the set. By dividing the whole expression by N, we get a measure of the diversity per individual in the set. Using the first example of uneven and even sets, we get

$$\frac{1}{25}\left[\frac{25!}{14!\,5!\,3!\,2!\,1!}\right]$$

and

$$\frac{1}{25}\left[\frac{25!}{6!\,5!\,5!\,5!\,4!}\right]$$

The even set has 841 times more diversity per individual than the uneven set.

In the richness comparison, the diversity per individual is 15.6×10^{16} times greater in the richer set than in the less rich set. For those with an intuitive feeling for mathematics, this comparison will have great impact on their feelings about what mankind is doing to the plant by diminishing evenness and richness in the array of plants, animals, and everything else.

THE SULFUR TAX: PROS AND CONS

Mr. PROXMIRE. Mr. President, last week President Nixon submitted his environmental message to Congress. Included in that message is a proposal to tax sulfur emissions. The President deserves praise for backing the concept of a tax on sulfur. Last year, my colleague from Wisconsin, Congressman LES ASPIN, introduced a sulfur tax bill (H.R. 10890), and I introduced a companion to the Aspin measure in January (S. 3057).

Mr. President, I am convinced that taxing sulfur is the best way to abate harmful air pollution caused by sulfur oxide emissions. A tax on sulfur will provide refiners and users of sulfur-containing fuel with a direct economic incentive to remove the sulfur, either by desulfurizing the fuel or by eliminating sulfur oxides during the combustion process. A similar incentive will operate against smelters, sulfuric acid plants, and others that generate sulfuric byproducts into the air.

While I applaud the administration for endorsing the tax-the-polluter concept—an endorsement which I hope may soon carry over into the fields of water pollution and solid waste disposal—I find the specifics of the administration's sulfur tax bill deficient in a number of respects.

The administration proposal is keyed to the provisions of the Clean Air Act. The Clean Air Act requires the establishment of ambient air regions throughout the country, and directs the EPA to set primary and secondary standards for each pollutant that must be achieved in the regions. Primary standards are to be achieved by 1975, and secondary standards within a "reasonable time" thereafter.

For sulfur, the primary standard that has been established pursuant to the Clean Air Act is 90 micrograms per cubic meter. The secondary standard is 60 micrograms per cubic meter.

The administration's proposed sulfur tax would levy a tax only in regions where the secondary standards have not been met. If the primary standard has also not been met, the tax on the polluter would be 15 cents per pound of sulfur emitted. If the primary standard has been met, but the secondary standard has not, the tax would be 10 cents per pound.

The tax will not go into effect until 1976.

Here are some of the most serious drawbacks to the administration's sulfur tax:

First. It could give major polluters an incentive to move to, or locate in, regions that are now "clean" and which presently satisfy the secondary standards. By doing so, they would pay no sulfur tax. Thus, while this proposal might induce abatement in the worst regions, it might actually worsen air pollution in areas that now have little or no air pollution.

The bill could also provide an incentive for refiners of high sulfur content fuel to ship the fuel into "clean" regions, and to ship low sulfur fuel into "dirty" regions. Again, while this would help alleviate pollution in regions not meeting the standards, it could lead to a deterioration in regions which are now relatively free of sulfur pollution.

Second. It is unfair: Company X, located in a bad region, may have achieved 90-percent abatement, but ends up getting hit with a stiff tax because company Y, a big polluter, makes it impossible for the region to achieve primary or secondary standards. Thus, the amount of the tax is not wholly within the polluter's control, but depends also on how much his neighbors pollute.

Third. The Clean Air Act has a number of specific drawbacks to it, most significantly in its monitoring provisions. By keying the sulfur tax in with the Clean Air Act, these drawbacks will also affect the sulfur tax bill.

Fourth. The tax does not go into effect until 1976. Why the delay? Why allow sulfur pollution to run rampant until then? A far better approach would be to key the tax in gradually, at the rate of 5 cents per year.

Also, since the Clean Air Act requires all regions to at least meet primary standards by 1976, the 15 cents charge may be academic from the day it takes effect. And many experts believe that 10 cents per pound will be insufficient to induce the kind of abatement which is needed.

Fifth. There is no continuing incentive: Once a region achieves secondary standards, the tax goes off completely. One of the chief advantages of most pollution taxes is that the incentive to abate continues to operate, even after standards are met. But the administration's sulfur tax lacks this feature.

Sixth. Because the tax is tied in to the ambient air regions, it may be open to all kinds of political pressures. For example, suppose Company A is a big polluter. Suppose EPA and the Governor of the State have previously designated a large ambient air region which includes Company A—and that region, because of A, does not even meet primary standards. As a result, all polluters in that region must pay the 15-cent tax.

However, other polluters in the region could avoid the tax if two ambient air regions were carved out—one including Company A, and one including the rest of the region. If that were done, A would still be hit with the 15-cent tax, but the new second region might meet primary standards, or even secondary standards. Thus, all other polluters in the new region might have an opportunity to be freed of the tax. Clearly, this could open up substantial political pressures on EPA and the State Governors to gerrymander the ambient air regions.

Mr. President, a bill which is not keyed to the quality of the ambient air regions, which levies a "zero-base" tax, which begins to take effect on enactment, and which reaches a level of 20 cents per pound of sulfur would avoid all these pitfalls. I hope the Senate will take this into account when it considers the sulfur tax proposal.

WEDNESDAY IS DEADLINE FOR REQUESTING TIME AT PRICE COMMISSION HEARING ON UTILITY RATES

Mr. METCALF. Mr. President, I was pleased to read in last week's newspapers that the Price Commission has decided to conduct hearings next week to develop new policy and procedures for the regulation of price increases by the utilities.

I was in Montana when these hearings were announced. The newspapers and other media, very properly in my opinion, considered this to be one of the major stories of the week. The need for new policies and procedures is apparent in Montana as in other States which are served by utilities which would be excluded from Price Commission regulation under the present criteria, although they are enjoying extraordinary profits and have huge rate increases pending.

Upon returning to Washington and reading the hearing notice, I have learned that persons who wish to tesitfy are supposed to notify the Price Commission by Wednesday, February 16. I am sure that the utilities will be well represented. I hope the public is also. Requests to make an oral presentation should be sent to the Price Commission, 200 M Street NW., Washington, D.C. 20508.

Mr. President, I ask unanimous consent to have printed in the RECORD the Price Commission notice of hearing, as published in the Febduary 11 Federal Register, and a letter and enclosures on this subject which I sent to Price Commission Chairman Grayson on February 1.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PRICE COMMISSIONS PUBLIC UTILITIES AND PUBLIC BENEFIT CORPORATIONS—PUBLIC HEARINGS AND TEMPORARY SUSPENSION OF RATE INCREASE

Notice is hereby given that the Price Commission will hold public hearings on February 22, 24, 25, and 26, 1972, on the subject of the Commission's rules governing price increases by public utilities and public benefit corporations.

The hearings will be held in the auditorium of the U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. It is contemplated that a member of the Commission will preside at the hearings.

The Commission is not proposing any particular modifications to the current regulations applicable to public utilities and public benefit corporations. The purpose of the public hearings is to provide an effective forum for persons who wish to propose such changes which will enable the Commission, in cooperation with Federal, State, and local regulatory agencies, to achieve the goals of the Economic Stabilization Act of 1970, as amended, more effective and with a minimum of burden on the Commission, the regulatory agencies and the public utilities and public benefit corporations which are subject to the Commission's regulations.

The public hearings hereby scheduled reflect the Commission's intention to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact upon the national economy.

Any person who has a substantial interest in the subject of the hearings, or who is representative of a group or class of persons which has a substantial interest in the subject of the hearings, may submit, on or before February 16, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned: if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before or immediately after the oral presentation. The Commission reserves the right to select the persons to be heard at the hearings, to schedule and determine the length of their respective presentations, and to establish the procedures governing the conduct of the hearings. Except in extraordinary circumstances, no oral presentations will be allowed to last more than 1 hour. In addition, the Commission requests all other interested persons to submit written suggestions and comments on the subject for Commission consideration.

In order to allow time for any changes in the Commission's regulations which may result from these public hearings to be effective on the large number of public utility price increases which might otherwise go into effect before the changes are implemented, the Commission hereby decides, and orders, that all price increases by privately owned public utilities which were not legally in effect on February 9, 1972, are prohibited until the Commission implements the changed regulations, if any, or until March 10, 1972, whichever first occurs.

The time limit for review or other action by the Commission on any public utility or public benefit corporation price increase which has not elapsed by February 10, 1972, and on any public utility or public benefit corporation price increase to which the suspension of the preceding paragraph applies, is hereby extended to March 25, 1972, or to 15 days after the Commission issues modifications, if any, to its public utility regulations resulting from these hearings, whichever first occurs. The price increases to which this extension of time applies include those covered by Price Commission Decision, "Final Action on Rate Increases Reported Prior to January 17, 1972," published in the Federal Register on February 8, 1972 (37 F.R. 2859).

The suspension of price increases under this order does not apply to price increases to which § 300.16(c) of the current Commission regulations applies or to which this section would have applied had it been in effect earlier.

The Price Commission will consider written requests for exceptions to this suspension of price increases which are based upon good cause shown, such as gross inequity or extreme hardship.

All written submissions, requests to make an oral presentation, and requests for exceptions should be sent to the Price Commission, 2000 M Street NW., Washington, DC 20508.

Issued in Washington, D.C., on February 10, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc. 72–2233 Filed 2–10–72; 11:47 am]

FEBRUARY 1, 1972.

Mr. C. JACKSON GRAYSON,
Chairman, Price Commission,
Washington, D.C.

DEAR MR. GRAYSON: This letter responds to requests made recently by members of your staff, and your Mr. Hogue's call, for back-up to my suggestion regarding Price Commission Form PC–35. That form was discussed in a meeting at the Office of Management and Budget attended by members of the Advisory Council on Federal Reports. Vic Reinemer and E. Winslow Turner represented me at that meeting.

One of our suggestions is to eliminate the request for information on rate of return as computed by the jurisdictional commissions. Most of those commissions use different rate bases, as can be seen on Table VII (facing page 38) of the enclosed Senate Document 56, "State Utility Commissions." The extent of the variation is described on pages 25–28. As is pointed out the rate of return as computed by a state commission can be as low as 5.33%, when the Federal commission looking at the same data computes it as 11.37%.

This variation results from divergent standards regarding fair value, reproduction cost new or depreciated original cost rate base, and allowance or disallowance in rate base of items such as accumulated tax deferrals, working capital, construction work in progress, contributions in aid of construction, customers' advances materials and supplies, plant acquisition adjustments and plant held for future use.

My second suggestion deals with providing your Commission with historical data on companies' return on common equity. That information is readily ascertainable. It is a uniform and fair standard of earnings after payment of interest. It shows what is available for dividends on common stock, reinvestment or nest eggs for future dividends. My second enclosure, a Congressional Record insert of information I received from the Federal Power Commission (which publishes this data in its annual statistical publications) shows the return on common equity of the major electric utilities for 1969 and 1970.

For your staff's information the Missouri Public Service Commission publishes comparative utility financial data more rapidly than Federal commissions do. Enclosed is an article, from a newsletter published by the National Association of Regulatory Utility Commissioners, regarding the Missouri commission's report on independent telephone companies. The Missouri commission published in June of last year comparative 1970 data on major utilities which the Federal Power Commission has not published yet.

My third suggestion was and is that the Price Commission arm itself with data that will show the decreasing cost of money and taxes and decrease utility revenue accordingly. Many of the several billion dollars in pending annual rate increases are based upon projections made prior to the freeze, when the cost of money was rising. Long-term interest rates on high grade utility bonds are now down from 9.1% to a 7.5% level, with expectation of further reduction.

Those pre-freeze rate requests also predated the Revenue Act of 1971, which increased the investment tax credit available to utilities by 33% and liberalized depreciation regulations for utilities. The marked decrease in utility taxes will continue because of the Revenue Act of 1971. Last year's and next year's tax reductions need to be taken into account.

I enclose the table entitled "Taxes Charged to Electric Operations" which appeared in the 1971 issue of the Edison Electric Institute's "Pocketbook Statistics." It shows that Federal taxes, as a per cent of revenue, decreased from 14.7% in 1955 to 9.8% in 1969 and 7.0% in 1970. Total taxes as a per cent of revenue decreased from 24% in 1960 to 20.9% in 1969 and 18.3% in 1970.

Your commission can obtain relevant data on this point by obtaining from the companies the same information they provide their stockholders. Enclosed is VEPCO's 26 January notice that 96.724% of its 1971 common dividends is not taxable. On the same day PEPCO announced that 99% of its 1971 common dividends are not taxable. The enclosed preliminary statement of income in 1971 for Montana Power shows how its taxes decreased despite a $1.5 million increase in revenue.

I call your special attention to the fact that the latter company, with operating revenues of $88 million last year, does not meet the Price Commission's unrealistically high reporting requirement of $100 million, yet its net profit amounted to 22.6% of revenue last year, as it did the year before, when it netted more than any of the other 100 major power companies. Yet that company now has pending before the State regulatory commission a request for substantial additional gas and electric rate increases. My final enclosure is my Newsletter discussion of this case and the board chairman's request for an increase to a return on common equity level *far exceeding that which the company already earns.*

You will not reduce some of the most inflationary rate increase requests unless you include in your regulatory attempts those companies that gross in excess of $50 million annually and I strongly suggest that the Commission appropriately revise its regulations.

Very truly yours,

LEE METCALF.

As provided by the FPC:

PERCENT RETURN ON COMMON EQUITY—CLASSES A AND B ELECTRIC UTILITY COMPANIES

State and company	1969		1970	
	Return on common equity—percent	Common equity—percent of total capitalization	Return on common equity—percent	Common equity—percent of total capitalization
Alabama:				
Alabama Power Co	13.6	34.6	12.1	34.4
Southern Electric Generating Co.[1]	12.2	33.6	13.5	33.8
Alaska: Alaska Electric Light & Power Co	8.1	55.2	9.0	50.1
Arizona:				
Arizona Public Service Co	10.0	31.5	10.1	32.3
Citizens Utilities Co.[2]	11.8	48.0	15.4	42.7
Tucson Gas & Electric Co	12.6	37.5	14.4	36.6
Arkansas:				
Arkansas-Missouri Power Co.[3]	12.3	29.2	10.7	27.5
Arkansas Power & Light Co.[3]	13.5	32.1	14.1	32.2
Arklahoma Corp.[1]	6.7	24.5	6.2	28.1
California:				
Pacific Gas & Electric Co	11.6	36.7	10.6	36.8
San Diego Gas & Electric Co	13.0	37.8	12.1	37.2
Southern California Edison Co.[3]	10.3	35.8	11.2	35.1
Colorado:				
Home Light & Power Co	8.9	59.5	10.3	61.4
Public Service Co. of Colorado	12.7	32.8	12.6	34.0
Western Colorado Power Co	5.5	65.9	5.5	67.1
Connecticut:				
Connecticut Light & Power Co	12.4	35.2	11.0	34.2
Connecticut Yankee Atomic Power Co.[1]	8.6	45.0	9.2	49.1
Hartford Electric Light Co	13.1	33.3	12.2	33.6
United Illuminating Co	13.0	34.3	12.0	33.8
Delaware—Delaware Power & Light Co	15.0	31.9	12.1	30.7
District of Columbia—Potomac Electric Power Co.[3]	8.1	32.6	9.0	30.6
Florida:				
Florida Power Corp	15.2	37.0	15.0	35.7
Florida Power & Light Co	11.9	41.6	11.9	41.9
Florida Public Utilities Co	13.2	31.8	16.7	32.9
Gulf Power Co	14.8	35.0	15.1	33.7
Tampa Electric Co	14.7	34.7	15.6	34.8
Georgia:				
Georgia Power Co	12.4	34.0	12.0	33.7
Savannah Electric & Power Co	12.6	35.8	12.3	33.0
Hawaii:				
Hawaiian Electric Co., Inc	10.7	32.5	10.2	32.4
Hilo Electric Light Co., Ltd	7.6	49.0	10.1	45.7
Maui Electric Co., Ltd	9.5	50.9	10.3	54.7
Idaho—Idaho Power Co.[3]	10.4	35.9	11.5	36.6
Illinois:				
Central Illinois Light Co	12.0	39.5	13.7	37.1
Central Illinois Public Service Co	14.8	36.2	14.4	37.5
Commonwealth Edison Co	13.8	39.1	13.6	36.1
Electric Energy, Inc.[1, 3]	3.7	7.0	5.5	7.4
Illinois Power Co	17.4	34.8	17.2	35.7
Mt. Carmel Public Utility Co	8.5	61.0	8.5	61.8
Sherrard Power System	7.3	87.7	6.2	88.3
South Beloit Water, Gas & Electric Co	4.6	100.0	6.0	100.0
Indiana:				
Alcoa Generating Co.[1]	1.9	100.0	1.5	100.0
Commonwealth Edison Co. of Indiana, Inc.[1]	7.7	39.0	7.7	39.7
Indiana & Michigan Electric Co.[3]	17.9	31.6	17.5	32.7
Indianapolis Power & Light Co	15.6	32.3	13.9	31.9
Northern Indiana Public Service Co	15.3	39.1	16.3	39.2
Public Service Co. of Indiana, Inc	14.0	40.4	14.4	39.6
Southern Indiana Gas & Electric Co	14.9	38.1	15.4	38.3
Iowa:				
Interstate Power Co.[3]	11.2	30.7	11.2	30.0
Iowa Electric Light & Power Co	10.5	33.8	11.3	31.0
Iowa-Illinois Gas & Electric Co.[3]	13.5	36.9	12.3	33.4
Iowa Power & Light Co	13.5	34.0	11.2	33.6
Iowa Public Service Co.[3]	12.0	43.4	11.5	41.1
Iowa Southern Utilities Co	14.6	50.4	14.4	52.3
Kansas:				
Central Kansas Power Co., Inc	10.9	48.0	11.8	48.4
Central Telephone & Utilities Corp.[3]	16.4	43.9	13.1	44.2
Kansas Gas & Electric Co	12.4	43.7	12.8	42.7
Kansas Power & Light Co	13.1	45.8	14.9	43.4
Kentucky:				
Kentucky Power Co	10.6	39.7	5.6	39.5
Kentucky Utilities Co.[3]	12.7	48.8	12.9	44.3
Louisville Gas & Electric Co	13.9	46.5	13.8	46.3
Union Light, Heat & Power Co	9.2	54.9	9.2	50.9
Louisiana:				
Central Louisiana Electric Co., Inc	15.5	30.5	15.4	30.6
Gulf States Utilities Co.[3]	14.0	33.0	14.4	32.8
Louisiana Power & Light Co	14.1	32.0	13.7	33.0
New Orleans Public Service Inc	8.9	34.5	10.1	35.1
Maine:				
Bangor Hydro-Electric Co	10.4	35.5	9.6	34.5
Central Maine Co	10.0	38.2	11.1	35.7
Maine Public Service Co	11.7	36.1	5.9	35.4
Rumford Falls Power Co.[1]	5.5	100.0	6.3	100.0
Maryland:				
Baltimore Gas & Electric Co	13.2	38.8	12.2	39.9
Conowingo Power Co	6.4	76.1	6.6	77.3
Delmarva Power & Light Co. of Md	8.0	50.4	7.2	49.1
Potomac Edison Co	14.3	29.1	13.0	30.9
Susquehanna Power Co.[1]	7.5	60.8	6.4	80.8
Massachusetts:				
Boston Edison Co	11.4	38.4	11.6	35.6
Boston Gas Co	5.6	51.0	5.6	45.6
Brockton Edison Co	9.2	37.5	10.3	35.3
Cambridge Electric Light Co	7.8	50.7	9.0	51.1
Canal Electric Co.[1]	8.1	50.5	10.7	50.6
Cape & Vineyard Electric Co	9.4	50.0	7.9	51.0
Fall River Electric Light Co	7.7	54.5	8.3	54.6
Fitchburg Gas & Electric Light Co	8.9	56.3	8.7	44.6
Holyoke Power & Electric Co.[1]	4.7	56.9	11.3	57.8
Holyoke Water Power Co.[1]	6.7	46.1	7.7	47.7
Massachusetts Electric Co	8.1	41.3	9.9	38.4
Montaup Electric Co.[1]	6.9	54.0	6.7	49.5
New Bedford Gas & Edison Light Co	7.4	50.1	7.0	50.4
New England Power Co.[1, 3]	11.9	32.3	9.3	30.4
Western Massachusetts Electric Co	9.8	43.3	9.1	41.4
Yankee Atomic Electric Co.[1]	5.5	77.1	5.4	80.6
Michigan:				
Alpena Power Co	7.9	84.2	8.8	85.5
Consumers Power Co	11.5	39.7	11.6	38.4
Detroit Edison	10.5	39.5	10.1	37.0
Edison Sault Electric Co	12.0	37.5	12.0	38.5
Michigan Power Co	6.1	47.2	8.0	47.3
Upper Peninsula Power Co.[1]	10.1	38.7	9.6	39.2
Minnesota:				
Minnesota Power & Light Co	13.3	36.6	13.5	37.7
Northern States Power Co.[3]	13.3	31.7	12.6	32.4

Footnotes at end of table.

State and company	1969		1970	
	Return on common equity—percent	Common equity—percent of total capitalization	Return on common equity—percent	Common equity—percent of total capitalization
Mississippi:				
Mississippi Power Co	11.8	34.9	13.2	34.2
Mississippi Power & Light Co	15.2	34.4	14.9	32.8
Missouri:				
Empire District Electric Co	14.3	32.5	14.5	32.4
Kansas City Power & Light Co.[3]	11.7	38.4	11.3	36.5
Missouri Edison Co	6.4	63.3	5.9	67.7
Missouri Power & Light Co	10.6	34.9	10.5	34.6
Missouri Public Service Co	13.6	25.4	13.0	26.9
Missouri Utilities Co	8.1	35.4	7.4	37.4
St. Joseph Light & Power Co	11.2	37.6	10.7	35.3
Union Electric Co.[3]	11.9	34.2	13.4	33.7
Montana: Montana Power Co.[3]	16.1	46.6	17.5	47.3
Nevada:				
Nevada Power Co	12.8	36.8	12.2	37.1
Sierra Pacific Power Co.[3]	12.1	34.9	11.7	36.3
New Hampshire:				
Concord Electric Co	9.3	39.9	9.2	40 8
Connecticut Valley Electric Co., Inc	6.4	74.8	7.1	76.2
Exeter & Hampton Electric Co	12.3	32.7	12.9	33.9
Granite State Electric Co	9.9	100.0	11.2	100.0
Public Service Co. of New Hampshire[3]	13.0	29.8	15.3	30.7
New Jersey:				
Atlantic City Electric Co	14.8	32.6	13.1	32.9
Jersey Central Power & Light Co	10.9	39.4	12.8	39.9
New Jersey Power & Light Co	4.4	37.9	2.4	42.0
Public Service Electric & Gas Co	11.8	34.8	10.7	34.8
Rockland Electric Co	10.6	63.5	10.7	57.4
New Mexico:				
New Mexico Electric Service Co	12.4	35.1	13.3	39.2
Public Service Co. of New Mexico	12.4	37.3	12.7	37.0
New York:				
Central Hudson Gas & Electric Corp	11.6	36.7	8.2	33.5
Consolidated Edison Co. of N.Y., Inc	7.9	31.3	7.4	31.3
Long Island Lighting Co	12.9	33.5	12.5	33.9
Long Sault, Inc.[1]	9.7	100.0	11.7	100.0
New York State Electric & Gas Corp	11.9	33.6	10.4	33.4
Niagara Mohawk Power Corp	9.9	31.4	9.4	32.0
Orange & Rockland Utilities, Inc	14.3	25.4	13.8	26.5
Rochester Gas & Electric Corp	12.3	32.8	11.1	31.6
North Carolina:				
Carolina Power & Light Co.[3]	11.7	36.1	10.1	36.0
Duke Power Co.[3]	12.6	34.4	11.2	31.0
Nantahala Power & Light Co	7.0	100.0	7.3	100.0
Yadkin, Inc	4.9	100.0	5.0	100.0
North Dakota:				
Montana-Dakota Utilities Co.[3]	13.0	37.5	13.3	38.2
Otter Tail Power Co.[3]	10.4	40.0	11.7	40.9
Ohio:				
Cincinnati Gas & Electric Co	16.4	40.8	15.8	36.5
Cleveland Electric Illuminating Co	14.7	51.5	14.5	45.0
Columbus & Southern Ohio Electric Co	12.1	36.1	12.1	31.9
Dayton Power & Light Co	14.7	37.4	12.5	36.6
Ohio Edison Co	15.2	45.6	14.9	42.4
Ohio Power Co	16.1	32.3	16.1	31.3
Ohio Valley Electric Corp.[1]	8.0	4.7	8.0	5.0
Toledo Edison Co	15.6	35.7	15.2	34.5
Oklahoma:				
Oklahoma Gas & Electric Co.[3]	16.5	33.2	17.4	33.7
Public Service Co. of Oklahoma	13.9	39.2	14.7	40.2
Oregon:				
California-Pacific Utilities Co.[3]	8.9	42.7	8.3	40.5
Pacific Power & Light Co.[3]	10.9	31.6	11.2	31.4
Portland General Electric Co	12.2	35.6	10.8	35.0
Pennsylvania:				
Duquesne Light Co	15.1	31.7	13.7	31.7
Hershey Electric Co	8.8	50.2	6.5	39.2
Metropolitan Edison Co	9.0	36.0	7.5	43.1
Pennsylvania Electric Co.[3]	12.3	35.5	10.8	36.3
Pennsylvania Power Co	13.5	36.4	13.4	33.5
Pennsylvania Power & Light Co	12.2	32.7	10.0	31.8
Philadelphia Electric Co	10.5	37.9	9.5	36.4
Philadelphia Electric Power Co.[1]	12.2	28.4	11.1	35.0
Potomac Edison Co. of Pennsylvania	5.4	100.0	5.6	100.0
Safe Harbor Water Power Corp.[1]	6.6	54.6	7.6	57.1
UGI Corporation	9.0	58.8	9.7	54.3
West Penn Power Co	15.4	30.8	15.2	32.5
Rhode Island:				
Blackstone Valley Electric Co	8.5	43.7	9.2	40.1
Narragansett Electric Co	9.8	37.5	10.9	37.0
Newport Electric Corp	11.2	39.2	10.9	35.1
South Carolina:				
Lockhart Power Co	5.9	100.0	5.6	100.0
South Carolina Electric Gas Co	14.8	31.7	14.1	31.8
South Dakota:				
Black Hills Power & Light Co.[3]	8.4	39.4	9.0	37.2
Northwestern Public Service Co	12.2	36.3	14.3	34.6
Tennessee:				
Kingsport Power Co	10.0	47.5	8.2	48.2
Tapoco. Inc.[13]	4.3	100.0	4.7	100.0
Texas:				
Central Power & Light Co	18.0	43.9	16.3	44.2
Community Public Service Co.[3]	13.9	33.1	14.1	33.6
Dallas Power & Light Co	13.2	37.0	15.1	37.4
El Paso Electric Co.[3]	17.2	39.3	17.0	40.8
Houston Lighting & Power Co	14.5	42.4	15.1	42.4
Southwestern Electric Power Co.[3]	15.6	37.9	16.1	39.1
Southwestern Electric Service Co	12.9	30.1	13.7	31.7
Southwestern Public Service Co.[3]	15.8	31.4	17.9	31.7
Texas Electric Service Co	16.8	39.8	17.3	38.6
Texas Power & Light Co	16.6	37.4	16.8	36.9
West Texas Utilities Co	15.5	45.3	16.4	44.5
Utah: Utah Power & Light Co.[3]	11.7	35.0	12.5	35.7
Vermont:				
Central Vermont Public Service Corp.[3]	10.4	29.6	7.3	32.8
Green Mountain Power Corp	12.0	31.0	10.6	32.0
Vermont Electric Power Co., Inc.[1]	4.1	15.1	6.5	12.5
Virginia:				
Delmarva Power & Light Co. of Va	8.4	55.1	7.1	55.5
Old Dominion Power Co	4.3	63.2	3.7	59.7
Potomac Edison Co. of Virginia	6.0	100.0	6.2	100.0
Virginia Electric & Power Co.[3]	12.4	37.0	13.5	34.7
Washington:				
Puget Sound Power & Light Co	9.4	31.7	9.4	31.1
Washington Water Power Co.[3]	11.1	32.1	10.4	33.0
West Virginia:				
Appalachian Power Co.[3]	17.3	31.8	19.4	31.4
Monongahela Power Co.[3]	15.6	30.2	13.6	32.2
Potomac Edison Co. of West Virginia	5.3	100.0	6.1	100.0
Wheeling Electric Co	8.3	39.7	9.9	40.1
Wisconsin:				
Consolidated Water Power Co	4.2	99.9	3.5	99.9
Lake Superior District Power Co.[3]	9.6	41.0	9.1	42.0
Madison Gas & Electric Co	9.2	48.2	8.6	44.0
Northern States Power Co	8.8	52.2	9.2	51.4
Superior Water, Light & Power Co	7.9	46.4	5.5	47.0
Wisconsin Electric Power Co	9.6	42.7	8.3	40.0
Wisconsin Michigan Power Co.[3]	7.9	50.2	7.2	51.4
Wisconsin Power & Light Co	12.9	38.4	12.2	36.0
Wisconsin Public Service Corp.[3]	10.9	32.8	11.3	30.5
Wisconsin River Power Co.[1]	5.5	60.9	5.5	61.7
Wyoming: Cheyenne Light, Fuel & Power Co	8.8	55.8	10.0	57.0

[1] Does not serve residential customers.

[2] Also operates in other States.

[3] Also operates in adjoining States.

Note: In sec. VIII an overall rate of return was developed for electric operations only and the income statements of the companies were adjusted to achieve uniform accounting treatment of deferred taxes and investment tax credits, related to electric operations. Because of the complexities involved in determining return on equity applicable to electric operations only, the rates of return on equity shown in this section have been computed using the companies' overall equity and overall reported earnings based on the reported accounting treatment of deferred taxes and investment tax credits.

MISSOURI PSC PUBLISHES FINANCIAL AND OPERATING ANALYSIS OF INDEPENDENT TELEPHONE INDUSTRY

A financial and operating analysis of major independent telephone companies in the United States for the period 1961 to 1970 has been published by the *Missouri Public Service Commission*.

The information in the report consists of more than 50 relevant indices on each of the 145 largest independent telephone companies in the United States, all with gross revenues of one million dollars or more. This is the first time that this kind and amount of information on the independent telephone industry and the individual companies within the industry has been made available.

The report is based on company information supplied to the United States Independent Telephone Association.

Among the indices are financial ratios, such as return on equity, interest coverage, payout ratios, balance sheet items, the capital ratios, with and without short-term debt, and computations on the major income accounts, with subdivisions on percent of operating revenue allocable to each account. Also included is a dollar cost and revenue breakdown per company-owned telephone.

The report will be extremely valuable to all concerned with regulatory process because heretofore those interested in this type of information were limited by the extensive computations required to generate these indices. This publication will provide a ready reference for this information which the researcher can employ in the analytical process without the laborious preliminary efforts.

A new feature incorporated in this publication is a univariate statistical analysis on each one of the indices for all the companies for the year 1970. This statistical analysis will permit the user to study dispersions around any industry characteristic and will form the basis for a variety of preliminary studies on various subsets of the industry.

The computerized report was prepared by the PSC staff in conjunction with other research and is an example of the benefits the regulatory field can derive from carefully implemented electronic data processing techniques.

There is a charge of $5.00 per copy to cover the cost of printing. The document entitled "The Exclusive Directory of Independent Operating Telephones" may be obtained from the Office of Economic Research, Missouri Public Service Commission, Jefferson City, Missouri 65101.

EEI POCKETBOOK OF ELECTRIC UTILITY INDUSTRY STATISTICS—17TH EDITION, PUBLISHED 1971—EDISON ELECTRIC INSTITUTE

TAXES CHARGED TO ELECTRIC OPERATIONS—INVESTOR-OWNED ELECTRIC UTILITIES [1]

[Dollars in millions]

Year	Operating revenue	Total taxes [2]	Percent of revenue	Federal taxes	Percent of revenue
1970	$18,830	$3,452	18.3	$1,325	7.0
1969	17,164	3,585	20.9	1,684	9.8
1968	15,810	3,484	22.0	1,763	11.1
1967	14,569	3,144	21.6	1,570	10.8
1966	13,773	3,044	22.1	1,597	11.6
1965	12,887	2,872	22.3	1,510	11.7
1964	12,211	2,803	23.0	1,521	12.5
1963	11,577	2,692	23.3	1,502	13.0
1962	10,972	2,577	23.5	1,445	13.2
1961	10,301	2,451	23.8	1,385	13.4
1960	9,737	2,331	24.0	1,337	13.8
1959	9,144	2,192	24.0	1,271	13.9
1958	8,478	1,980	23.4	1,149	13.6
1957	8,054	1,858	23.1	1,108	13.8
1956	7,521	1,766	23.5	1,081	14.4
1955	6,934	1,641	23.7	1,015	14.7
1954	6,317	1,442	22.8	875	13.8
1953	5,940	1,339	22.5	824	13.9
1952	$5,426	$1,224	22.6	$753	13.9
1951	5,005	1,150	23.0	719	14.4
1950	4,510	948	21.0	561	12.4
1949	4,113	794	19.3	442	10.7
1948	3,886	712	18.3	391	10.0
1947	3,480	664	19.1	374	10.8
1946	3,127	644	20.6	378	12.1
1945	3,012	652	21.7	411	13.7
1944	2,955	677	22.9	442	14.9
1943	2,816	680	24.1	448	15.9
1942	2,609	628	24.1	397	15.2
1940	2,277	404	17.7	190	8.3
1937	2,031	308	15.2	[3] 101	5.0
1932	1,713	201	11.7		
1927	1,567	147	9.4		
1922	883	73	8.3		
1917	465	30	6.4		
1912	268	13	4.9		

[1] Alaska and Hawaii included since 1960.
[2] Includes Federal income tax deferments and credits.
[3] Separate data for Federal Taxes not available prior to 1937.

Sources: 1927–70 EEI Statistical Year Book; 1912–22 U.S. Census of Central Electric Light & Power Stations.

THE MONTANA POWER CO. AND SUBSIDIARIES CONSOLIDATED—PRELIMINARY STATEMENT OF INCOME, DEC. 31, 1971

	12 months, 1971	12 months, 1970	Increase over last year
Operating revenues	$88,226,473.00	$86,675,269.00	$1,551,204.00
Operating revenue deductions:			
Operating expenses, excluding taxes	30,655,307.00	28,462,551.00	2,192,756.00
Taxes:			
Federal income	13,183,861.00	13,832,980.00	(649,119.00)
Other	11,102,788.00	10,758,373.00	344,415.00
Amortization of investment credit (net)	195,932.00	(126,568.00)	322,500.00
Provision for deferred taxes on income:			
Accelerated amortization	(76,500.00)	(76,500.00)	0
Liberalized depreciation	1,004,758.00	1,014,878.00	(10,120.00)
Depreciation and depletion	6,926,803.00	6,958,774.00	(31,971.00)
Total, operating revenue deductions	62,992,949.00	60,824,488.00	2,168,461.00
Operating income	25,233,524.00	25,850,781.00	(617,257.00)
Other income and deductions:			
Other income (net)	$1,256,414.00	$646,349.00	$610,065.00
Allowance for funds used during construction	211,695.00	92,727.00	118,968.00
Total	1,468,109.00	739,076.00	729,033.00
Income before interest charges	26,701,633.00	26,589,857.00	111,776.00
Interest charges:			
Interest on long-term debt	6,170,604.00	4,794,493.00	1,376,111.00
Other interest expense	572,140.00	2,150,579.00	(1,578,439.00)
Total, interest charges	6,742,744.00	6,945,072.00	(202,328.00)
Net income	19,958,889.00	19,644,785.00	314,104.00
Dividends applicable to preferred stock	1,209,534.00	1,209,534.00	0
Net income available for common stock	18,749,355.00	18,435,251.00	314,104.00
Earnings per share of common stock	2.49	2.45	.04
Average number of shares	7,515,082.00	7,512,423.00	
Net profit	$22,627.00		

( ) Denotes decrease.

INCOME TAX STATUS—1971 COMMON DIVIDENDS

A copy of Form 1099, U.S. Information Return, showing total dividends paid to you during 1971 is enclosed. As required by law, this data has been filed with the Internal Revenue Service.

In the December 1971 Interim Report, we informed you that approximately 100% of dividends paid during 1971 on the common stock would constitute a return of capital and therefore would not be taxable as dividend income under the requirements of the Federal income tax law.

A tentative determination based on operating results for the year 1971 indicates that distributions to holders of common stock during 1971 may be treated for *Federal* and *Virginia* State income tax purposes as follows:

Date of payment	Dividends per share (cents)	Taxable as dividend income (cents)	Not taxable as dividend income (cents)	Percentage not taxable
Mar. 20, 1971	28	.92	27.08	96.724
June 20, 1971	28	.92	27.08	96.724
Sept. 20, 1971	28	.92	27.08	96.724
Dec. 20, 1971	28	.92	27.08	96.724

When preparing U.S. individual income tax return Form 1040, the gross amount (100%) of common dividends should be shown in Part I, line 1 of Schedule B and the nontaxable amount (96.724%) on line 4.

The portion of the above distributions indicated to be non-taxable as dividend income should be applied as a reduction of the tax cost or other basis of the shares until such basis has been reduced to zero. Thereafter, amounts determined to be non-taxable as dividend income are generally reportable as capital gains.

The tentative determination above is based upon data which has not been reviewed by the Internal Revenue Service.

Shareowners residing in states other than Virginia having state income tax laws should consult their state tax authorities as to the manner of reporting these dividends in their states.

G. A. SPENCER,
Treasurer.

This summer Electric Light and Power, an industry magazine which reports activities of investor-owned electric utilities, published statistics regarding performance of the 100 major power companies in 1970. The magazine included in its report one of the key indicators of profitability for each company, the net, after tax profit as a percentage of total revenue.

Dozens of rate cases are in progress around the country. Factual material which regulators and the public need to analyze the requests often are not published by government sources until after cases are completed. Therefore, in order to make this basic and important information generally available, I inserted the utility profit data in the 4 August issue of the Congressional Record.

The magazine report, and Congressional Record insert, show that Montana Power was the most profitable utility among the 100 companies. It netted 22.6 cents out of each revenue dollar.

These statistics were questioned by the board chairman of Montana Power in the rate case in progress in Helena. He testified, as quoted by the Associated Press:

"I'll agree that's what Metcalf says in the Congressional Record. But I won't agree that his facts are right." He said that the calculations I used were "totally unsound . . . totally immaterial."

My facts are his facts. As the magazine said, and as I said when placing the material in the Record, Electric Light and power used the figures supplied by each of the companies.

The original source of the figures was the company's own annual stockholders' report for 1970. So that everyone—including the board chairman—can verify them, I reproduce page 12 of that report below.

I have circled the total operating revenue ($86,675,269) and the net income ($19,644,785). The columns between those amounts show that all operating and maintenance expenses (which includes salaries), depreciation, taxes and interest were deducted in arriving at net income.

CONSOLIDATED STATEMENT OF INCOME—THE MONTANA POWER COMPANY AND SUBSIDIARIES

[Based on accounts prescribed by the Public Service Commission of Montana and the Federal Power Commission—Note 2]

	Year ended December 31	
	1970	1969
Operating revenues:		
Electric	$56,538,528	$52,882,083
Natural gas	29,517,394	27,509,281
Water	619,347	603,731
Total	86,675,269	80,995,095
Operating expenses and taxes:		
Operation	25,054,252	21,486,209
Maintenance	3,408,299	3,522,492
Depreciation and depletion (note 8)	6,958,774	6,644,963
U.S. and Canadian income taxes	13,832,980	14,606,625
Charge to normalize the effect of income tax reductions from investment tax credit (note 5) and accelerated amortization and depreciation	811,810	946,589
Other taxes	10,758,373	9,351,615
Total	60,824,488	56,558,493
Operating income	25,850,781	24,436,602

	Year ended December 31	
	1970	1969
Other income and deductions:		
Nonoperating income (net)	$636,349	$394,338
Interest charged to construction	92,727	397,996
Total	739,076	792,334
Gross income	26,589,857	25,228,936
Income deductions:		
Interest on long-term debt	4,794,493	4,388,565
Other interest and deductions	2,150,579	2,471,188
Total	6,945,072	6,859,753
Net income	19,644,785	18,369,183
Net income per share of common stock (based upon average number of shares outstanding) after dividends of $1,209,534 on preferred stocks	2.45	2.29

The mathematician in your house may want to divide $19,644,785 by $86,675,269 and verify that it amounts to 22.6%, as the magazine and I reported. The board chairman's disagreement is with his own company or his own conscience.

The board chairman argued for a reasonable return on common equity. He testified—and here I quote from the Great Falls Tribune's Capitol correspondent, that "the return on common equity has been running around 12 per cent—about average for utilities—but about 14 per cent is needed to maintain a sound financial posture."

Return on common equity is an accepted measure of earnings, as is net profit. Return on common equity (common stock) is derived by subtracting preferred stock dividend payments from net income (net profit). What is left is available for dividends on common stock, reinvestment, or nest eggs for future dividends.

The Company's Consolidated Statement of Income on the preceding page does not include return on common equity. That figure is published, however, by the Federal Power Commission, which computes it from information furnished by each company in its annual report to the FPC.

Last month I asked FPC Chairman Nassikas to furnish me with the return on common equity, in 1970, of each of the more than 200 power companies that gross more than $1 million a year.

I just received the FPC's response and reproduce, on the following page, the section dealing with Montana Power. It shows that the company has a return on common equity of 16.7% in 1969, and that it rose to 17.5% in 1970.

The only company with a higher return on common equity was Southwestern Public Service Company. It earned 17.9%. That company is headquartered in Texas, which does not even attempt to regulate utilities.

PERCENT RETURN ON COMMON EQUITY—CLASSES A AND B ELECTRIC UTILITY COMPANIES

State and company	1969		1970	
	Return on common equity—percent	Common equity—percent of total capitalization	Return on common equity—percent	Common equity—percent of total capitalization
Massachusetts:				
Boston Edison Co	11.4	38.4	11.6	35.6
Boston Gas Co	5.6	51.0	5.6	45.6
Brockton Edison Co	9.2	37.5	10.3	35.3
Cambridge Electric Light Co	7.8	50.7	9.0	51.1
Canal Electric Co	8.1	50.5	10.7	50.6
Cape & Vineyard Electric Co	9.4	50.0	7.9	51.0
Fall River Electric Light Co	7.7	54.5	8.3	54.6
Fitchburg Gas & Electric Light Co	8.9	56.3	8.7	44.6
Holyoke Power & Electric Co	4.7	56.9	11.3	57.8
Holyoke Water Power Co	6.7	46.1	7.7	47.7
Massachusetts Electric Co	8.1	41.3	9.9	38.4
Montaup Electric Co	6.9	54.0	6.7	49.5
New Bedford Gas & Edison Light Co	7.4	50.1	7.0	50.4
New England Power Co.[1]	11.9	32.3	9.3	30.4
Western Massachusetts Electric Co	9.8	43.3	9.1	41.4
Yankee Atomic Electric Co	5.5	77.1	5.4	80.6
Michigan:				
Alpena Power Co	7.9	84.2	8.8	85.5
Consumers Power Co	11.5	39.7	11.6	38.4
Detroit Edison	10.5	39.5	10.1	37.0
Edison Sault Electric Co	12.0	37.5	12.0	38.5
Michigan Power Co	6.1	47.2	8.0	47.3
Upper Peninsula Power Co	10.1	38.7	9.6	39.2
Minnesota:				
Minnesota Power & Light Co	13.3	36.6	13.5	37.7
Northern States Power Co.[1]	13.3	31.7	12.6	32.4
Mississippi:				
Mississippi Power Co	11.8	34.9	13.2	34.2
Mississippi Power & Light Co	15.2	34.4	14.9	32.8
Missouri:				
Empire District Electric Co	14.3	32.5	14.5	32.4
Kansas City Power & Light Co.[1]	11.7	38.4	11.3	36.5
Missouri Edison Co	6.4	63.3	5.9	67.7
Missouri Power & Light Co	10.6	34.9	10.5	34.6
Missouri Public Service Co	13.6	25.4	13.0	26.9
Missouri Utilities Co	8.1	35.4	7.4	37.4
St. Joseph Light & Power Co	11.2	37.6	10.7	35.3
Union Electric Co.[1]	11.9	34.2	13.4	33.7
Montana—Montana Power Co.[1]	16.1	46.6	17.5	47.3
Nevada:				
Nevada Power Co	12.8	36.8	12.2	37.1
Sierra Pacific Power Co.[1]	12.1	34.9	11.7	36.3
New Hampshire:				
Concord Electric Co	9.3	39.9	9.2	40.8
Connecticut Valley Electric Co., Inc	6.4	74.8	7.1	76.2
Exeter & Hampton Electric Co	12.3	32.7	12.9	33.9
Granite State Electric Co	9.9	100.0	11.2	100.0
Public Service Co. of New Hampshire	13.0	29.8	15.3	30.7

In summary, the board chairman asks for an increase to 14% return on common equity, but the company, as shown by its own reports to the FPC, already makes 17.5%.

The company has made its own case for a substantial rate decrease.

TRACK RENAISSANCE IN THE SENATE?

Mr. PROXMIRE. Mr. President, Parade magazine, a publication which I find read with close attention by Members of the Senate recently carried an article on the impressive record of our gifted colleague, Senator ALAN CRANSTON, in the world of track. The article also mentioned my long distance runs as well as the physical fitness achievements of Senator STROM THURMOND. Senator CRANSTON was quoted as urging fellow Senators to enter track meets.

It is not my intention today to belittle Senator CRANSTON's achievements. They are truly remarkable. But I did want to mention one hitherto unsung Senate employee who is compiling a distinguished record in the track world and hopes to run his way into this summer's Olympics. I refer to Steve Stageberg, who not only runs 15 miles of practice a day, but also works on my staff. He has run the fifth fastest 3 miles in history.

I particularly wanted to mention Steve, because of the quality of his work for me as well as on the track. His job, referring the 1,000 or so letters a day that come in to my office to the proper desk, is a demanding one. Yet he not only performs the task with great speed and efficiency. He also runs 5 miles each day before he reports to work and another 10 at the end of the day after he leaves my office.

This week Steve is in New Zealand at the request of the Amateur Athletic Union to participate in a series of track meets. I want to make it clear that he does not run under the aegis of my office or the U.S. Senate track club. But I am sure that all of my colleagues wish him the best in his bid to represent this country in Munich next summer.

PROTECTION AGAINST OVERPAYING INCOME TAXES

Mr. CHURCH. Mr. President, during the next few weeks millions of individuals throughout the Nation will file their tax returns.

On several occasions the Internal Revenue Service has stated that the Federal Government wants no person to pay more taxes than he legally owes. In fact, the Supreme Court has held that the legal right of a taxpayer to decrease the amount of his taxes by any lawful exemption, deduction, or credit cannot be doubted.

Yet, large numbers of Americans—and especially older Americans—overpay their taxes each year. Some are completely baffled by the intricacies in the Internal Revenue Code. Others are simply unaware of the existence of many legitimate deductions, credits, and exemptions.

This point was made very forcefully at hearings conducted nearly 2 years ago by the Senate Committee on Aging on "Income Tax Overpayments by the Elderly."

This hearing, I am pleased to say, produced a number of far-reaching changes to help protect older Americans from overpaying their taxes, including:

Simplification of the retirement income credit schedule by reducing the number of calculations and schedule transfers;

A procedure to enable older persons to elect to have the IRS compute their retirement income credit, provided they list the amount of their qualifying retirement income, tax-exempt pensions, and earned income;

Provision for the IRS to compute an individual's tax provided that, first, his income does not exceed $20,000; second, it consists only of wages, salary, tips, dividends, interest, pensions or annuities; and third, the standard deduction is used; and

Additional line references in schedule A, the worksheet for taxpayers who itemize their deductions, to give greater prominence to other tax-savings items, such as expenses for hearing aids, dentures, eyeglasses, and transportation for medical purposes.

But even with this assistance, there are still many helpful deductions which are still not listed on schedule A. It was for this reason that the Senate Committee on Aging included in its report on "Income Tax Overpayments by the Elderly" a section which lists many common deductions frequently overlooked by individuals who itemize their deductions.

This is not intended to be an exhaustive summary of all available deductions for elderly taxpayers. But it can provide a helpful checklist for persons who itemize their returns. And it can result in tax savings for the young as well as the old, because tax provisions usually apply with equal force to all age groups.

Mr. President, I ask unanimous consent that the section of the Committee on Aging's report which lists some common deductions frequently overlooked by taxpayers be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

Common Deductions Overlooked—Not Specifically Listed on Schedule A

MEDICAL AND DENTAL EXPENSES

Arches.
Braces.
Chiropractor.
Crutches.
Batteries for hearing aids.
Insulin treatment.
Orthopedic shoes.
Podiatrist.
Oculist.
Optician
Optometrist.
Dermatologist.
Physiotherapist.
Psychiatrist.
Psychologist.
Psychoanalyst.
Psychotherapy.
Sacroiliac belt.
Seeing eye dog and its maintenance.
Vaccines.
Supplementary Medical Insurance (Part B) under Medicare.
Vitamins prescribed by a doctor but not taken as a food supplement or to preserve general health.
Wheelchairs.
Whirlpool baths for medical purposes.
Ambulance expenses.
Physical examinations.

TAXES

Additional sales tax deduction for the purchase of large items, such as an automobile.

Additional sales tax deduction (besides the table based on adjusted gross income of a taxpayer) for nontaxable income (e.g., Social Security or Railroad Retirement Annuities)

State transfer taxes on the sale of income producing property (e.g., securities)

CHARITABLE CONTRIBUTIONS

Travel expenses (actual or 6c per mile) for charitable purposes.

Cost and upkeep of uniforms used in charitable activities (e.g., Scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls, donated foods) while rendering services for charitable organizations.

INTEREST

Penalty for prepayment of a mortgage is deductible as interest.

MISCELLANEOUS DEDUCTIONS

Rental cost of a safe-deposit box for income producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes, helmets worn by construction workers, special masks, worn by welders).

Business entertainment expenses

Business gift expenses not exceeding $25 per recipient.

Employment agency fees for finding employment.

Cost of a periodic examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayers employment (deduction based on business use).

Cost of a bond if required for employment.

Premiums for malpractice insurance for professional employees.

Expenses of an office in your home if your employment requires it.

Amounts a teacher pays to a substitute to take his place.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your work.

SHOE IMPORTS—THE PROBLEM IS STILL CRITICAL

Mr. McINTYRE. Mr. President, despite any hopes we have had that the devaluation of the dollar, the surcharge, and other actions might have had some effect in past on the problem of imports, the latest figures on shoe imports show that December was another record import month. More than 20,000,000 pairs came into this country from overseas.

The December figures complete the record for 1971 and the total for the year comes to 260,190,000, an increase of 10.4 percent over 1970.

What this means is that a few more jobs are chipped away from American workers. I see this particularly in New Hampshire. Unemployment has increased in New Hampshire in recent weeks, and week after week the New Hampshire Department of Employment Security has reported that the footwear industry in the State made major contributions to the unemployment.

This situation cannot be allowed to continue. I urge that action be taken. One solution would be early congressional approval of S. 37, which I introduced on January 25, 1971. It would put a halt to imports and help to save jobs in the American shoe industry.

So that the full story may be known, I ask unanimous consent to have printed in the Record the most recent and up-to-date facts on shoe imports from the New England and American Footwear Association.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

IMPORTS, DECEMBER 1971—1971 TOTALS 260,190,000—UP 10.4% OVER LAST YEAR

With December's surge of imports totaling over 20,000,000 pairs, the twelve month tally came to 260,190,000 pairs with an f.o.b. value of $661,685,100. When compared to 1970 pairs increased 10.4% and dollar value increased 20.5%.

Although Italy dropped 4.0% in pairage compared to 1970, she still remained the top single source of imports—76,830,000 million pairs with an f.o.b. value of $280,700,000. Brazil, a new contender in the field, exported 7,938,000 pairs to the U.S., representing an amazing 230% increase over 1970. Spain showed a substantial growth rate of 47% in pairs and 60% in dollar value when compared to 1970.

Imported leather footwear for 1971 totaled 129,902,800 pairs valued at $506,575,500, representing a 9% increase in pairs and a 19% increase in value. Vinyl footwear totaled 117,801,100 pairs—a 14% increase over last year and was valued at $142,713,200 which represented a 38% increase over 1971.

The table below sums up the performance of imports when classified into the major age-sex categories.

	Percent change 1971–70		Average value per pair 1971	Estimated retail value 1971
	Pairs	Value		
Men's, youths', boys' leather	+15.1	+26.7	$4.98	$16.14
Men's, youths', boys' vinyl	+26.3	+36.0	1.43	4.63
Women's, misses' leather	+7.1	+14.5	3.56	11.53
Women's, misses' vinyl	+12.5	+41.3	1.20	3.89
Children's, infants' leather	+3.4	+11.0	1.62	5.25
Children's, infants' vinyl	+5.4	+17.9	.92	2.98

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

(Thousands of pairs; thousands of dollars)

Type of footwear	December 1971 pairs	Percent change 1971–1970	12 months, 1971			Percent change 1971–1970	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl—Total	19,014.4	+0.8	247,910.1	649,837.7	$2.62	+11.0	+22.
Leather excluding slippers	10,932.8	+2.1	129,902.8	506,575.3	3.90	+8.6	+18.5
Men's, youths', boys'	3,402.8	+14.7	38,504.2	191,924.3	4.98	+15.1	+26.7
Women's, misses'	6,888.0	+1.5	81,318.9	289,241.7	3.56	+7.1	+14.5
Children's, infants'	442.1	−30.9	6,973.9	11,323.2	1.62	+3.4	+11.0
Moccasins	19.9	−48.2	379.1	494.2	1.30	+29.3	−19.8
Other leather (including work and athletic)	180.0	−5.7	2,726.7	13,591.9	4.98	−7.8	+8.2
Slippers	16.1	−52.8	206.2	549.2	2.66	−34.1	−32.1
Vinyl supported uppers	8,065.2	−0.6	117,801.1	142,713.2	1.21	+13.8	+38.2
Men's and boys'	1,555.8	+17.0	20,548.4	29,362.1	1.43	+26.3	+36.0
Women's and misses'	5,684.7	−7.0	86,942.2	104,196.3	1.20	+12.5	+41.3
Children's and infants'	631.9	+5.9	8,794.5	8,057.3	.92	+5.4	+17.9
Soft soles	193.1	+160.6	1,516.0	1,097.5	.72	−4.4	−1.9
Other nonrubber types,—Total	1,092.2	+24.9	12,279.5	11,847.4	.96	+1.1	−32.3
Wood	160.0	−21.5	1,097.2	2,941.3	2.68	−71.8	−70.5
Fabric uppers	818.7	+35.1	8,729.2	7,365.9	.84	+20.3	+21.3
Other, (not elsewhere specified)	113.5	+74.9	2,453.1	1,540.2	.63	+145.6	+5.1
Nonrubber footwear—Total	20,106.6	+1.9	260,189.6	661,685.1	2.54	+10.4	+20.5
Rubber soled fabric uppers	3,883.3	−13.6	62,812.4	61,972.8	.99	+31.4	+37.4
Grand total—All types	23,989.9	−1.0	323,002.0	723,657.9	2.24	+14.0	+21.8

Note. Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source. American Footwear Industries Association estimates from census raw data. For further detailed information, address your inquiries to the association, room 302, 342 Madison Avenue, New York, N.Y.

1971 IMPORTS, TOP 15 SOURCES OVER THE MILLION MARK

	1973			3970			Percent change 1971–70		
	Pairs (thousands)	F.O.B. dollar value (thousands)	Average F.O.B. value per pair	Pairs (thousands)	F.O.B. dollar value (thousands)	Average F.O.B. value per pair	Pairs	F.O.B. dollar value	Average value per pair
Italy	76,830	280,700	$3.65	80,035	261,793	$3.27	−4.0	+7.2	+11.6
Taiwan	61,704	48,634	.79	40,414	27,976	.69	+57.2	+73.8	+14.5
Japan	48,991	61,955	1.26	57,630	58,767	1.02	−15.0	+5.4	+23.5
Spain	30,974	124,425	4.02	21,130	77,876	3.69	+46.6	+59.8	+8.9
Brazil	7,938	23,345	2.94	2,408	6,124	2.54	+229.7	+281.2	+15.7
Hong Kong	5,023	4,682	.93	4,562	3,772	.83	+10.1	+24.1	+12.0
Mexico	3,390	9,470	2.79	3,936	8,389	2.19	−11.6	+12.9	+27.4
Korean Republic	3,145	5,808	1.81	1,902	2,928	1.54	+65.4	+94.9	+17.5
India	3,022	3,186	1.05	2,921	2,921	1.00	+3.5	+8.7	+5.0
France	2,828	15,254	5.39	3,061	13,897	4.54	−7.6	+9.8	+18.7
West Germany	2,403	16,147	6.72	2,744	14,891	5.43	−12.4	+8.4	+23.8
United Kingdom	2,297	17,591	7.66	2,759	19,408	7.03	−16.8	−9.4	+9.0
Canada	2,152	9,645	4.48	2,517	10,353	4.11	−14.5	−6.8	+9.0
Czechoslovakia	1,601	4,413	2 76	1,791	4,410	2,46	−10 6	+ 1	+12.2
Haiti	1,222	1,932	1,58	1,305	1,776	1.36	−6.4	+8.8	+16.2
Oth e r countries	6,670	34,598	5.19	6,667	33,957	5.09	(1)	+1.9	+2.0
Total all countries	260,190	661,685	2.54	235,682	549,248	2.33	+10.4	+20.5	+9.0
Total top 15	253,520	527,087	2.47	229,015	515,291	2.25	+10.7	+21.7	+9.8
Top 15 as percent of total	97.4	97.8		97.2	93.8				

[1] No change.

REPRESENTATIVE HENRY REUSS—THE PATIENT PATRICIAN

Mr. PROXMIRE. Mr. President, Time magazine for February 21, now on the newsstands, contains an excellent story which notes the long overdue recognition by the public for Representative HENRY REUSS of Milwaukee.

It was the Chairman of the Federal Reserve Board, Arthur Burns, who said publicly last week in the Joint Economic Committee hearings of HENRY REUSS that—

> If it weren't for you, I doubt that the Smithsonian agreement would have been concluded when it was.

Chairman Burns added glowing encomiums to that already deserved praise.

It was the Reuss report from the Joint Economic Committee last August which charted the international economic course the President has since largely followed. It was Henry Reuss whose amendment provided for the wage-price freeze and phase II. And Henry Reuss has been a leader over a decade of antipollution and environmental legislation, for tax reform, and for constructive action to produce full employment, stability in prices, and productive economic growth.

As Time says of him, he has "consistently done his homework." There is no more intelligent or courageous Member of the House of Representatives. Time's praise is deserved indeed.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Patient Patrician

For years, U.S. Presidents could imagine few worse political nightmares than having to ask Congress to devalue the dollar. Any such act was certain to stir up a chorus of accusations that the U.S. was acquiescing to a devastating loss of international power. Yet, when the Nixon Administration last week submitted to Congress the Par Value Modification bill, which will devalue the dollar 8.57% by raising the price of gold, its prospects for relatively swift passage were all but certain. The man most responsible for anesthetizing the issue in Congress—and thus allowing an unavoidable economic adjustment to take place—is a thoughtful, patrician Democratic Representative from Milwaukee named Henry Reuss. Testifying before the Joint Economic Committee last week, Federal Reserve Chairman Arthur Burns told a blushing Reuss: "If it weren't for you, I doubt that the Smithsonian agreement [devaluing the dollar and realigning currency-exchange rates] would have been concluded when it was."

There is little doubt that the normally inconspicuous, 59-year-old Reuss (pronounced Royce) played a major role in setting the stage for that agreement. Last Aug. 6, as chairman of a congressional subcommittee on international economics, he issued a report recommending the unhitching of the dollar from gold. Mistakenly viewed by European speculators as an official hint of policy change, the report led to panicky selling of dollars on money markets. Nine days later, Nixon was forced to halt the outflow of billions of dollars from the U.S. by floating the greenback against other currencies. Reuss has no regrets: "The markets were in turmoil already, and I simply stated that the emperor had no clothes." Then Reuss put his knowledge of economics to work and lined up congressional backing for formal devaluation.

Although international finance is his recognized specialty, Reuss is also one of a handful of Congressmen who can knowingly assess the U.S. economy. In August 1970, he introduced the amendment giving President Nixon authority to impose wage and price controls. Nixon stubbornly refused to use the power for twelve months, until, in a stunning about-face, he declared a three-month freeze. At present, Reuss is striving to relieve the 5.9% unemployment rate by plugging a "Jobs Now" program that would create some 500,000 public-service positions. Nixon's plan to open 130,000 such jobs, Reuss says, is "a pitiful pooper of a program." He is also determined to close remaining loopholes in federal income tax regulations that allow a few wealthy people to get away with paying little or no tax every year.

Reuss himself might stand to lose from higher taxes on the rich. As the scion of a Milwaukee banking family, he owns $183,000 worth of stock in the city's Marshall & Ilsley Bank. He has never been active in banking, however; after graduating from Harvard Law School in 1936, he enlisted in the Army as a private, won a Bronze Star in the crossing of the Rhine and returned to Milwaukee to enter law and politics. In McCarthy-era Wisconsin, he lost his first three major races (for Milwaukee mayor, state attorney general and the U.S. Senate) before winning in 1954 the congressional seat that he still holds.

He also is interested in more emotional issues, notably the environment (he is an ardent camper and skier). It was Reuss who breathed life into the 1899 federal law regulating waste disposal in navigable rivers, and turned it into a modern-day antipollution measure. Still, Reuss is more at home discussing the fine points of currency-exchange rates with European bankers and statesmen or reading a book. When Nixon agreed in talks with French President Georges Pompidou to devalue the dollar, Reuss quoted the remark made by Henry IV after that cynical monarch converted to Catholicism in order to gain the French throne: "Paris is well worth a Mass." To that Reuss added: "Now Mr. Nixon has determined that Paris is worth a minor dollar devaluation."

That historical allusion, which would be lost on most voters, points up one of Reuss's weaknesses: he is considered a bit overgenteel for higher political office. Nonetheless, his seniority makes Reuss an odds-on favorite to succeed 78-year-old Wright Patman as chairman of the powerful Banking Committee. It would be a fitting reward for a patient Congressman who has consistently done his homework.

GENOCIDE CONVENTION

Mr. CHURCH. Mr. President, the Genocide Convention now awaits action by the Senate. Presidents Truman and Nixon have urged the passage of the Genocide Convention; so have the administrations of Presidents Kennedy and Johnson. In a message to the Senate on February 19, 1970, President Nixon said:

> By giving its advice and consent to ratification of this Convention, the Senate of the United States will demonstrate unequivocably our country's desire to participate in the building of international order based on law and justice.

The Committee on Foreign Relations reported favorably on the Convention on May 4, 1971, and recommended that the Senate advise and consent to ratification thereof.

The current issue of the ABA Journal contains scholarly treatment of the Genocide Convention by former Justice Arthur Goldberg and Prof. Richard Gardner regarding points raised against ratification. I commend the article to the attention of the Senate, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the American Bar Association Journal, February 1972]

Time To Act on the Genocide Convention

(By Arthur J. Goldberg and Richard N. Gardner)

It is now more than twenty-five years since the United Nations first took up the question of the prevention and punishment of the crime of Genocide. On December 11, 1946, the General Assembly unanimously adopted Resolution 96(I), which affirmed "that genocide is a crime under international law" and requested the Economic and Social Council to draft a genocide convention. Two years later, on December 9, 1948, by Resolution 260A(III) the General Assembly unanimously approved the text of the Convention on the Prevention and Punishment of the Crime of Genocide.

Seventy-five countries now have ratified the Genocide Convention. The United States is the most prominent U.N. member that has not. One reason for our country's failure to ratify—very possibly the principal reason—has been the opposition of the American Bar Association recorded in a decision of the House of Delegates on September 8, 1949.

Since 1949, however, sentiment within the Association has changed. At the Midyear Meeting of the House of Delegates on February 23, 1970, a proposal to reverse the 1949 position and to place the American Bar Association on record in favor of the Genocide Convention failed by a vote of 126 to 130. Still more significant, every Section and Committee of the Association having specialized competence in the subject matter has come out in support of ratification of the Genocide Convention during the last few years; the Section of Individual Rights and Responsibilities, the Section of International and Comparative Law, the Section of Criminal Law, the Section of Judicial Administration, the Section of Family Law, and the Standing Committee on World Order Under Law.

Ratification of the Genocide Convention also has been endorsed by a number of past Presidents of the Association, including Bernard G. Segal, William T. Gossett, Charles S. Rhyne and Whitney North Seymour; by the Chairman of the Standing Committee on Federal Judiciary, Lawrence E. Walsh; by Solicitor General Erwin N. Griswold; and by many other leaders in the Association.

Two distinguished members of the Association, Eberhard P. Deutsch and Alfred J. Schweppe, however, appeared on behalf of the Association to testify in opposition to the Genocide Convention in hearings held before a Senate Foreign Relations Subcommittee on March 10, 1971, and presented the legal objections that have been raised against the convention.[1] Given the almost evenly divided vote in the House of Delegates and the support for the convention from relevant specialized Sections and Committees of the Association, we believe that it is appropriate to present the different viewpoints now existing in the Sections and Committees.

The authors of this article appeared at the Senate hearings on behalf of the Ad Hoc Committee on the Human Rights and Genocide Treaties (a committee of fifty-two national, civic, religious and labor organizations) and presented legal arguments in favor of the convention.[2]

The full Senate Foreign Relations Committee reported favorably on the convention by a vote of 10 to 4 and recommended that the Senate advise and consent to ratification. After carefully reviewing the arguments, the committee concluded:

"We find no substantial merit in the arguments against the convention. Indeed, there is a note of fear behind most arguments—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people don't trust ourselves and our society.[3]

REPORT OF SENATE PROVIDES AUTHORITATIVE REFUTATION

We believe the report of the Senate Foreign Relations Committee provides an authoritative refutation of the legal arguments opponents of the Genocide Convention have employed to justify their opposition for nearly a quarter of a century.

We present here a point-by-point rebuttal

Footnotes at end of article.

of the legal arguments against the convention, drawing from our testimony to the Foreign Relations Committee as well as the committee's own report, in the hope that it may clarify the legal issues and contribute to speedy and favorable action by the Senate.

1. *The contention that the Constitution prevents ratification of the Genocide Convention because genocide is a "domestic" matter is without foundation.*

In his testimony to the Foreign Relations Committee, Mr. Deutsch declared himself fully in agreement with the decision of the United States to vote in favor of the General Assembly resolution on genocide of December 11, 1946: "Standing foremost as a world leader in the protection of individual rights, she could do no less." But he added that "having joined in such a declaration as to a matter *which lies, ultimately, within the domestic sphere of each of the world's nations*, the United States has gone far enough" (italics supplied). The italicized language is clearly incompatible with the statement in the General Assembly resolution that "genocide" is a crime under international law". Mr. Deutsch's extensive quotations from Resolution 96(I) neglected to include this key provision.

Nowhere in his testimony did Mr. Deutsch explain his conclusion that genocide is a "domestic matter". His reasoning on this general issue may be found, however, in a report which he prepared in 1967 as chairman of the American Bar Association's Standing Committee on Peace and Law Through United Nations. It is there stated that a convention deals with "domestic" matters when it deals "with the relation between a state and its own citizens".[4] But this is not the relevant constitutional test.

As the Supreme Court declared in *Geofroy* v. *Riggs* 133 U. S. 258, 267 (1890), the treaty-making power may be exercised on any matter "which is properly the subject of negotiation with a foreign country". The United States is a party to numerous international agreements relating to the activities of its own citizens within the United States (and therefore "domestic" under Mr. Deutsch's definition) because those treaties nevertheless deal with matters appropriate for international negotiation. Examples include treaties on narcotics,[5] public health [6] and nature conservation,[7] and the Supplementary Convention on Slavery, which Mr. Deutsch initially opposed on the ground that it also dealt with "matters essentially within the domestic jurisdiction of the United States".[8]

In the words of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year, of which retired Supreme Court Justice Tom C. Clark was chairman: "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States . . . It may seem almost anachronistic that this question continues to be raised." [9]

What is "properly the subject of negotiation with a foreign country" and, therefore, a valid subject of a treaty is something the Senate has an obligation to determine in each case. We do not take the position that the executive branch can make any matter "international" by putting it in a treaty. But the question should be determined objectively in the light of the current interests of the United States in an interdependent world and contemporary concepts of international law—not on the basis of notions that may have been appropriate to a different historical era.

By any objective standard, genocide is a matter of international concern and is, therefore, an appropriate subject for the exercise of the treaty-making power. In our shrinking world the massive destruction of a racial, religious or national group in one country has its impact on members of this group in other countries, stimulates demands for intervention and inevitably troubles international relations. The fact that the United Nations General Assembly unanimously declared genocide to be a crime under international law in 1949 and that seventy-five members of the United Nations are parties to the Genocide Convention (including, to name just a few, such democracies as the United Kingdom, Canada, France, Mexico and the Scandinavian countries) is further evidence that genocide can no longer be considered a matter wholly within domestic jurisdiction. As was said by the Senate Foreign Relations Committee: "On both moral and practical grounds, the commission of genocide, involving as it must mass action, cannot help but be of concern to the community of nations."

2. *The contention that the Genocide Convention would alter the balance of authority between the states and the Federal Government is unfounded.*[10]

The Constitution by Article I, Section 8, specifically gives Congress the power to "define and punish . . . offenses against the law of Nations". Genocide is an offense against the law of nations and is thus within the power of Congress to outlaw. Moreover, the power of the Federal Government in this field has been confirmed in the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965. The Association's Section on Individual Rights and Responsibilities said in its report: "Ratification of the convention will add no powers to those the Federal Government already possesses."

3. *The contention that ratification of the Genocide Convention would subject American citizens to trial in foreign countries like North Vietnam on trumped-up charges of genocide is wholly false.*[11]

There is nothing in the Genocide Convention that would provide warrant for charges by North Vietnam that our prisoners of war, being held under conditions in violation of the Geneva Convention, are guilty of genocide. This is a matter of great concern to the authors and, of course, many Americans regardless of their views about the war in Vietnam. As the Senate Foreign Relations Committee pointed out in its report, however, Hanoi can make trumped-up charges of genocide against our servicemen who fall into their hands with or without reference to the Genocide Convention. In the words of the committee: "It is reality that American prisoners of war in North Vietnam could now be charged by the Hanoi government for war crimes or genocidal acts on whatever trumped-up charges Hanoi wishes to make. Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention."

As to the possibility of extraditing Americans from the United States to North Vietnam or other countries for acts of genocide allegedly having occurred there, it should be remembered that under the Genocide Convention, extradition would take place only in accordance with laws and treaties in force. We have no extradition treaties with North Vietnam. Nor do we make such treaties with countries whose legal systems do not afford basic procedural safeguards. We do not grant extradition in any event unless a prima facie case is established against the accused and unless the accused will be afforded by the requesting state the due process provided by our own law.

Finally, the Genocide Convention, in accordance with an agreed interpretation of Article VI which is contained in the relevant U.N. committee report, "does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State".[12] The Foreign Relations Committee expressed itself as fully satisfied on this point but recommended an understanding to this effect to remove any possible uncertainty. The Nixon Administration has further indicated that any agreements we make covering genocide will assert the right of the United States to refuse to extradite an accused if he is standing trial in the United States or if our Government elects to try him itself.[13]

4. The argument that ratification of the Genocide Convention would subject the United States to irresponsible charges of genocide arising out of Vietnam, our treatment of American blacks or other situations is without foundation.[14]

Here again, ratification of the Genocide Convention does not alter the present situation to our disadvantage. Even in the absence of our ratification, there is nothing to prevent a country from making baseless charges of genocide against this country in the U.N. If anything, ratification would improve our position, because the convention requires an "intent to destroy, in whole or part, a national, ethnical, racial or religious group as such".

The tragic events in Vietnam and the terrible loss of life, both military and civilian, that has occurred there do not meet this definition, whatever other domestic legal consequences may flow from allegedly illegal acts there. The treatment of the black community in the United States, which admittedly has suffered widespread discrimination for many years, also does not fall within the definition. In both cases the necessary intent to destroy a racial or ethnic group as such is missing.

As the Senate report indicates, ratification of the convention would, if anything, help us rebut these charges by subjecting our behavior to a precise legal definition of genocide.

5. The argument that provision for the settlement of disputes by the International Court of Justice would override the Connally Amendment and unreasonably limit our sovereignty is within substance.[15]

The Connally Amendment applies only to our acceptance of Article 36(2) of the court's statute, the so-called optional clause providing for compulsory jurisdiction across the board. Cases arising as a result of our adherence to the Genocide Convention would fall under Article 36(1) of the court's statute, which covers the court's jurisdiction as provided for in specific treaties. The United States has ratified many treaties containing the same type of provision for the settlement of disputes by the International Court of Justice as is contained in the Genocide Convention. Among these treaties are the Supplementary Convention on Slavery, the Antarctic Treaty, the Statute of the International Atomic Energy, and the Convention on the Privileges and Immunities of the United Nations ratified in 1970.

This provision for the settlement of disputes over the interpretation of the Genocide Convention does not unreasonably limit our sovereignty. Our interests are better served by having any charges of genocide against us considered in a judicial forum like the International Court of Justice than in more politically motivated forums. Of course, by this provision we do undertake a commitment to subject ourselves to third-party judgment in a limited sphere, as do the other parties to the convention. This exchange of commitments may be found in many treaties to which we have become a party. Where the exchange of commitments serves our national interest, as it does here, it provides no valid basis for objecting to the treaty.

It should be noted that the Soviet Union and other countries have ratified the convention subject to a reservation that they do not accept compulsory reference to the International Court of Justice. As a result,

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Footnotes at end of article.

the United States will be in a position to invoke these countries' reservations in its own behalf to defeat the court's jurisdiction if a case charging genocide should be brought against us by those countries.

6. The argument that various provisions in the convention—"in whole or in part", "mental harm", "direct and public incitement to commit Genocide"—are loosely drafted and potentially harmful to our interests is without foundation.

Words in a statute or treaty are not self-interpreting. They must be read in the context of other provisions and in the light of the legislative or drafting history. The hypothetical interpretations of the Genocide Convention advanced by the critics are invalidated by the language of the convention itself and by the records of the negotiation.

Thus, "in whole or in part" does not mean that the killing of a single individual, profoundly deplorable as any killing is, becomes genocide.[16] As the negotiating history makes clear, substantial numbers must be involved, and for the definition of genocide to be satisfied the acts of homicide must be joined by a common intent to destroy the group. The understanding recommended by the Foreign Relations Committee to confirm this point is wholly consistent with the drafting history.[17]

"Mental harm", in turn, would not support propaganda charges of harassment of minority groups, as charged by some critics,[18] because mental harm becomes an element of genocide only when done with an intent to *destroy* a group. Moreover, as the negotiating history shows, this provision was inserted for the narrow purpose of prohibiting the permanent impairment of mental facilities, as through the forcible application of narcotic drugs. Once again, the understanding recommended by the Foreign Relations Committee is wholly consistent with the drafting history.

"Direct and public incitement to commit genocide" does not cover constitutionally protected speech.[19] It covers incitement which calls for the commission of mass murder, which is actionable under our Constitution as in other countries. As the Supreme Court declared in *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969), "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation *except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action*" (emphasis added). In any case, as was stated in *Reid* v. *Covert*, 354 U.S. 1 (1957), no treaty can override a provision of the Constitution, and there is no doubt that the legislation passed in implementing the Genocide Convention must be interpreted in accordance with the First Amendment.

7. The contention that ratification of the Genocide Convention would subject American citizens to trial before an international penal tribunal is without foundation.[20]

Article VI of the convention provides that persons charged with genocide shall be tried "by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction". This part of Article VI, perhaps regrettably, is a dead letter. No such international penal tribunal has been established, and there is no negotiation under way to create one. If such a tribunal were established, action by the Senate would be required, either in the form of advice and consent to ratification of a treaty or action on legislation, before the United States could accept its jurisdiction.

Finally, it should be underlined that the International Court of Justice has no criminal or penal jurisdiction and considers only cases involving states, not individuals.[21]

8. The argument that the convention does not define genocide as having been committed "with the complicity of government" is no objection to ratification.[22]

The convention is directed at "persons" whether they are "constitutionally responsible rulers, public officials or private individuals." Each government is committed under the convention to punish such persons. There is no reason why such individuals should not be held responsible for genocidal acts, even without government complicity.

9. The argument that the Genocide Convention abolishes the defense of "superior orders" is without foundation.[23]

The convention says nothing about a possible defense of "superior orders", but it is significant that the convention includes "intent" as an element of the crime of genocide. An authoritative review of the drafting history on this point summarizes the matter as follows:

"Ordinarily it would seem that no intent could be ascribed to persons merely fulfilling superior orders; intent implies initiative. However, superior orders would not be a justification in such cases where the guilty party was not only a tool of his superiors but participated in the "conspiracy to commit Genocide." Guilt could likewise be established in a case where, although acting under orders, the person was in a position to use his own initiative and thus act with the intent to destroy the group. The non-inclusion of a proviso relating to superior orders thus leaves the tribunals applying the Convention the freedom of interpreting it in accordance with the domestic legislation and the specific circumstances of the case.[24]

10. The argument that the omission of "political" groups makes the Genocide Convention worthless is unpersuasive.[25]

It is inconsistent for those who criticize the convention on the grounds that it subjects the United States to too much interference in its domestic affairs to complain at the same time that it fails to cover "political groups". In any event, the absence of one kind of group from the convention is no reason not to protect the groups that are covered.

RATIFICATION OF THE CONVENTION WOULD BE IN OUR BEST INTERESTS

We find the objections against ratification of the Genocide Convention to be without substance. The arguments in favor of ratification, on the other hand, seem to us compelling.

Our adherence to the Genocide Convention can make a practical contribution to the long and difficult process of building a structure of international law based on principles of human dignity. It will put us in a better position to protest acts of genocide in other parts of the world and will enhance our influence in United Nations efforts to draft satisfactory human rights principles.

We do not say that our adherence to this convention will work miracles. It may not bring very dramatic benefits in the short run. Let us remember, however, that none of the great documents of human civilization produced instant morality—not even the Magna Carta or our own Bill of Rights. The point is that they did shape history in the long run. We believe the same may be true of the Genocide Convention, if we only give it a chance.

GENOCIDE CONVENTION OUTLAWS REPUGNANT ACTION

The Genocide Convention outlaws action that is repugnant to the American people and to our constitutional philosophy. We should not decline to affirm our support for principles of international law and morality in which we believe. Our country was founded on a passionate concern for human liberty reflected by the Bill of Rights and the Constitution. We believe that concern is very much alive today, as is reflected by the report of the Foreign Relations Committee supporting the convention. It is inconceivable that we should hesitate any longer in making an international commitment against mass murder. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose.

About the authors: Arthur J. Goldberg, after a career of private law practice, served as Secretary of Labor from 1961 to 1963, as an Associate Justice of the United States Supreme Court from 1963 to 1965 and as United States Ambassador to the United Nations from 1965 to 1968. Educated at Northwestern University (B.S.L. 1929, J.D. 1930), he now practices in Washington, D.C. Richard N. Gardner, now Henry L. Moses Professor of Law and International Organization at Columbia University, was Deputy Assistant Secretary of State for International Organization Affairs from 1961 to 1965. He attended Harvard (A.B. 1948), Yale (LL.B. 1951) and Oxford (Ph.D. 1954), where he was a Rhodes Scholar.

FOOTNOTES

[1] *Hearings on the Genocide Convention Before a Subcomm. of the Senate Comm. on Foreign Relations*, 92d Cong., 1st Sess. 12-54 cited hereafter as 1971 *Hearings*. The testimony of Mr. Deutsch was virtually identical to his article with Orie L. Phillips, *Pitfalls of the Genocide Convention*, 56 A.B.A.J. 641 (1970).

[2] 1971 *Hearings* at 107-137.

[3] SEN. EX. REP. No. 92-6, 92d Cong., 1st Sess. (1971), cited hereafter as SENATE REPORT.

[4] *Human Rights Conventions, Hearings Before the Senate Comm. on Foreign Relations*, 90th Cong., 1st Sess., Part 2, 70 (1967).

[5] 1912 Convention Relating to the Supression of the Abuse of Opium and Other Drugs (T. S. 612); 1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs (T. S. 863); 1953 Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of the International and Wholesale Trade In, and Use of Opium (T.I.A.S. 5273).

[6] World Health Organization Regulations No. 1 (T.I.A.S. 3482), as amended (T.I.A.S. 3482 and 4409), and World Health Organization Regulations No. 2 (T.I.A.S. 3625), as amended (T.I.A.S. 5156, 4420, 4823, 4896, 5459 and 5863).

[7] 1940 Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (T.S. 981).

[8] *Human Rights Conventions and Recommendations*, Draft of Proposed Report for Consideration by Section and Committee, April 1967.

[9] For another example of confusion as to the relevant constitutional test, see Raymond *Don't Ratify the Human Rights Conventions*, 54 A.B.A.J. 141 (1968). Mr. Raymond, evidently unaware of the treaty cited in note 7, takes the view that the United States can make treaties on the protection of wildlife only when birds fly from one country to another.

[10] This contention appears in the appendix to Mr. Schweppe's statement to the Senate subcommittee, 1971 *Hearings* at 71, although it is not in Mr. Deutsch's testimony.

[11] This contention appears in the testimony of Mr. Deutsch, 1971 *Hearings* at 20, 37-39.

[12] See ROBINSON, THE GENOCIDE CONVENTION—A COMMENTARY 83-84 (World Jewish Congress, 1960), containing citations to the drafting history on this point.

[13] *Genocide Convention, Hearings Before a Subcomm. of the Senate Comm. on Foreign Relations*, 91st Cong., 2d Sess. 45-46 (1970), testimony of George Aldrich, Deputy Legal Adviser, Department of State.

[14] This argument is made by Mr. Deutsch, 1971 *Hearings* at 18, 31-33.

[15] This argument is made by Mr. Deutsch, 1971 *Hearings* at 22, 46.

[16] This claim was made by Mr. Schweppe, 1971 *Hearings* at 61.

[17] 1971 SENATE REPORT at 1, 6, 18. ROBINSON, *supra* note 11 at 63.

[18] Mr. Deutsch, 1971 *Hearings* at 18–19, 33–34.

[19] As charged by Mr. Deutsch, 1971 *Hearings* at 45.

[20] This contention is made by Mr. Deutsch, 1971 *Hearings* at 21, 40–45.

[21] One of the exhibits submitted by Mr. Deutsch stated incorrectly that under the Genocide Convention the "U. N. World Court" would "hear cases of alleged incidents of physical or mental 'genocide' committed by individuals. . . . The accused in such cases would not be protected by the Bill of Rights." 1971 *Hearings* at 50.

[22] This argument is advanced by Mr. Deutsch, 1971 *Hearings* at 17–18, 30–31.

[23] This argument is made by Mr. Deutsch, 1971 *Hearings* at 39–40.

[24] ROBINSON, *supra* note 11 at 72–73.

[25] This argument is made by Mr. Deutsch, 1971 *Hearings* at 19, 35–36.

BARBARA COCHRAN, OF VERMONT—OLYMPIC GOLD MEDAL SKIER

Mr. STAFFORD. Mr. President, last Thursday in Sapporo, Japan, Barbara Cochran, of Richmond, Vt., captured America's first Olympic gold medal in Alpine skiing since 1952, winning first place in the special slalom event.

Racing through a heavy snowstorm, Miss Cochran finished with the fastest first-run time of 46.05 seconds, and the second fastest second run time of 45.19 seconds, to edge silver medalist Danielle Debernard of France by an incredible margin of two-hundredths of a second.

Miss Cochran, whose skiing family has been featured recently in Life and Parade magazines, followed the footsteps of Andrea Mead, now Andrea Mead Lawrence, of my hometown of Rutland, to Olympic greatness. Mrs. Lawrence won two Olympic gold medals in Alpine events in the 1952 Olympics, when American girls captured first place in all four women's Alpine races.

It is not coincidence that both of these girls hail from Vermont. Ever since the first ski lift in the United States was opened in Woodstock in 1934, Vermont has been noted for its challenging trails and expert courses.

It has been equally noted for the quality of its instructors and coaches. The ski school at Killington is world famous as a pioneer in the short-ski method which enables beginners to acquire the basic skills quickly. Stowe, Sugarbush, Stratton Mountain, Mad River, Bromley, Jay Peak, Pico, Burke Mountain, and Mount Snow have long been the places where experts go to ski.

Middlebury College, my alma mater, has been a spawning ground of a long line of great skiers and distinguished coaches. Most of them were taught by Bobo Sheehan, former varsity ski coach and Olympic coach.

Gordi Eaton, Fred Neuberger, Bob Beattie, and Johnny Bower have all been Olympic or national team coaches at one time, and all are from Middlebury. Also Barbara's coach, Hank Tauber, earlier skied for Middlebury.

Barbara Cochran, a great skiing individual, comes from a great skiing tradition. She has a sister and a brother on the Olympic team. Bobby was the top American finisher in the men's downhill event. Although she learned to ski on a slope her father built in the backyard, Barbara Cochran was able to develop and refine her talent on the finest ski slopes in the world.

She was taught by the best coaches, particularly her father, Mickey Cochran, who still coaches a great many Vermont kids in the fine points of Alpine racing.

Mr. President, I congratulate this young woman from Richmond. It is a tribute to her courage and perseverance, and the dedication of her family. I am proud to represent her home State.

MR. NIXON'S PEACE PLAN

Mr. CRANSTON. Mr. President, two articles published in the Los Angeles Times of Wednesday, February 9, are important in the light of the recent heated debate over the propriety of a few presidential candidates' comments on Mr. Nixon's peace plan as announced on January 25.

D. J. R. Bruckner accurately points out that when H. R. Haldeman, one of the President's closest advisers, accused some critics of "consciously aiding and abetting the enemy," he, in effect, called them traitors. The language used by Mr. Haldeman is exactly that which the Constitution uses to define treason.

This kind of language might have seemed appropriate to some at the height of the Red scare in the 1950's. It is completely out of place in the presidential campaign in 1972, and I am sure it repels the American people with the same intensity that it repels me. I find myself in agreement with Mr. Bruckner that—

> What we are seeking now looks like panic at the very top of our government. The war is an issue, all right, and the Administration has made it a very dangerous and ugly one.

Also included in this issue of the Times was an editorial which condemned not only Mr. Haldeman's description of the President's critics, but Mr. Nixon's attempts to disassociate himself from that description without specifically repudiating it. Both these pieces are excellent and well worth the time and attention of each of us here in the Senate.

As a footnote, next to the editorial there was a cartoon by the great award-winning cartoonist, Paul Conrad. I sincerely wish that cartoons could be reprinted in the RECORD, for this one is really excellent. It depicted Mr. Nixon with upraised arms. In one hand was a puppet, identified as Mr. Haldeman, holding a bucket of presumably red paint labeled "Democratic Traitors." In the other hand, the President held a sign which read:

> We are not responsible for the views expressed by members of this administration.

Certainly, a most thought-provoking cartoon, worthy of Mr. Conrad's very best work.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 9, 1972]

DISSENT IS NOT THE NATION'S ENEMY

President Nixon is making a terrible mistake. He won the respect of much of the country with his serious and flexible approach to negotiations toward peace in Vietnam. Now he is throwing away that respect by the unconscionable attack being made by members of his Administration upon Sen. Edmund S. Muskie and anyone else who differs or criticizes.

The latest and most indecent was H. R. Haldeman's outrageous assertion that "the critics are now consciously aiding and abetting the enemy of the United States." Which is crying "treason," as destructively, as poisonously, as that word was ever thrown about in the worst days of the early 1950s.

H. R. Haldeman is Assistant to the President. No pieties from the President's press secretary about "room for honest criticism" can detach Haldeman's words from Mr. Nixon's attitude. The President is stuck with those noisome words until he specifically repudiates them.

Haldeman was the worst, but not the only. A series of spokesmen for the Administration tried, quite evidently in concert, to create the idea that only the President dare speak about Vietnam. Secretary of State William P. Powers, in a clumsy burst of partisanship, suggested Muskie's proposals would mean "total defeat" for the United States.

There is afoot here a crude attempt to make the war a patriotic issue for the political benefit of Mr. Nixon. It is too late for that. The issue in this was is not Us or Them, not the Flag against the Enemy, not "utter surrender" and "total defeat." No Americans we have heard of "are in favor of putting a Communist government in South Vietnam," as Haldeman said of Mr. Nixon's "critics."

There is one issue for the United States in Vietnam: how to get out. The President knows that. His Democratic challenges know that. The whole country knows that. Upon that central proposition hang all the arguments about ways to do it. The President has made his own proposals. His critics. Democratic and Republican, have made theirs. In content they differ on this point or that point; but they do not differ in intent from him. The aim is the same.

To suggest that it isn't, as the Administration is suggesting, is to throw the national discussion of Vietnam back to the primitive level of the Johnson years; is perhaps to retard the development of negotiations toward which Mr. Nixon opened the way; and is certainly to undo the progress the country has been painfully making toward resolution of the internal conflict about this awful war.

[From the Los Angeles Times, Feb. 9, 1972]

A DANGEROUS AND UGLY ISSUE

(By D. J. R. Bruckner)

SAN FRANCISCO.—The war has been brought home as a political issue in the ugliest, most personal way. Starting with Mr. Nixon's television talk on Jan. 25, in which the President revealed the history of the secret negotiations between Henry Kissinger and the North Vietnamese and the Viet Cong, the Administration has waged an escalating campaign to silence its critics and to convince the American people that the enemy is trying to influence public opinion in this country in order to win its aims in the war.

Of course the enemy is trying to influence opinion in this nation; every enemy does that in every war. But is it wise, or decent, for our own government to imply repeatedly that Americans who do not support the Administration unreservedly have been fooled by the enemy, used as dupes? If this is the way the war is to be presented as an issue in this political year, it could prove a disaster.

Maybe it was not so smart for Sen. Edmund Muskie (D-Me.) to present his own peace plan on Feb. 1. You will find very few people outside Washington who had much interest in it or even knowledge of it before the Administration started to campaign against Muskie. The White House press secretary, the secretary of defense, the secretary of the interior, Sen. Robert Dole (R-Kan.) and Secretary of State William R. Rogers all attacked Muskie publicly. The language used by Rogers in a press conference on Feb. 3 was at least intemperate, when he called the Muskie proposal, and Muskie's criticism of Mr. Nixon's eight-point peace plan, "inappropriate and harmful to our national interest".

If there was any doubt about the sanction of the White House on that outburst, that doubt should have been removed Monday morning when Mr. Nixon's powerful and intimate aide H. R. Haldeman appeared on the Today show and accused "some critics" of the Nixon policy of "consciously aiding and abetting the enemy." Now, that is language drawn from the Constitution where it is used to define treason.

This country has not been exposed to such violent personal attacks in a political campaign in 20 years—not, in fact, since Mr. Nixon went around the country in the 1952 campaign attacking the integrity of President Harry S Truman and casting doubt on the loyalty of the then Secretary of State Dean Acheson. Haldeman's remarks have a familiar ring of terror and threat in them. After all, this is not the Vice President out playing to the right wingers in the gallery; this is a voice from the inside of the White House, and a voice of great authority.

This venomous campaign is awfully dangerous. It would be dangerous in any election year when the nation is at war. But during this campaign year we also see the trial in Harrisburg, Pa., of the Rev. Philip Berrigan and his associates in the antiwar movement, and the pending trial of Daniel Ellsberg and his associates in the Pentagon Papers affair. And Mr. Nixon himself has made the American prisoners held by the enemy a major political issue.

Popular emotions are being assaulted from many directions. You have to wonder whether the Administration has decided that loyalty can be voted on and the war brought to an end by the decision of the American electorate in November. A national referendum on the war is what some of the wild outriders of the peace movement have wanted for a long time. Is that what the President wants too?

On television Sunday, Rogers said it is important that the North Vietnamese understand that the American people support the government in its conduct of negotiations. Well, the American people have supported their government, through two different Administrations, in the conduct of this war, at the cost of more than 50,000 lives and $130 billion. How much more is expected? Apparently, dumb acquiescence. Rogers said that he and the President have the responsibility, under the Constitution, for negotiating with foreign governments, adding: "And at a time when we have very sensitive negotiations going on, then I think it is incumbent on other branches of the government to let us conduct those negotiations." So much, in his opinion, for the Congress of the United States.

The Administration's publicity campaign will surely backfire. Congressional opposition to the war after all, is not an accident. Most members of Congress were members when the war started, and they have been voting men and money for it for seven years. They are politicians, too, and their conversion to peace, like Mr. Nixon's probably reflects a change of attitude among their constituents. The war is an issue which Mr. Nixon did not create, but which now threatens him; and there is only one way he can turn it into what he once called a "nonissue." That is, to end the war.

Xuan Thuy, the chief North Vietnamese negotiator, said in an interview Saturday that "it is not for us to help Nixon keep Vietnam and get reelected at the same time." Rogers said Sunday that the terms Thuy laid down for a settlement "would mean a total defeat for the United States." The terms he was talking about, which Thuy says are negotiable, are total military withdrawal and total withdrawal of support for the regime in Saigon. Now, the Administration, not its critics, has laid down the definition of defeat, and it is stuck with it.

What we are seeing now looks like panic at the very top of our government. The war is an issue, all right, and the Administration has made it a very dangerous and ugly one.

RSVP FOR IDAHO

Mr. CHURCH. Mr. President, for several years the Senate Special Committee on Aging has supported proposals to increase the range of service opportunities open to older Americans.

Individual committee members have advanced bills that would establish a nationwide senior community service program similar in concept to the pilot Senior Aides, Green Thumb, and Foster Grandparents programs. Under those programs, older persons work 20 or so hours a week for a modest wage.

In addition, we were successful in winning approval of a program which would make it possible for unpaid volunteers to participate, too. Even those who serve without pay, however, should not have to pay for out-of-pocket expenses, such as travel. In addition, some provision had to be made for administrative expenses. After much congressional discussion, the Retired Senior Volunteer program—RSVP—was established to work along the lines I have just indicated.

I am happy to report that the first grants have been made under that program and that $76,000 has gone to Idaho. Recently, an article in the Idaho Stateman described the plans of the Idaho Office on Aging to make good use of that grant. Modest though the sum may be, I feel certain that it will touch many lives, including the volunteer participants. We have much evidence that the people of Idaho will respond affirmatively when they see sensible opportunities to help others. RSVP is providing just one more way for them to do so.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Federal Grant of $76,000 Will Support Volunteer Program by Retired Idahoan

(By Carrie Ewing)

Of what significance to Idaho is a $76,000 federal grant to a Retired Senior Volunteer Program?

Following a Tuesday announcement of the grant, Wil Overgaard, deputy director of the Idaho Office on Aging, explained the program and told how it will be initiated in Idaho.

Overgaard said RSVP is designed to offer older adults a recognized role in the community.

"We want to provide a meaningful life in retirement through volunteer service for those who want to serve in this way," he said.

Of the $76,000 federal funding to initiate RSVP, about $55,000 will be used for "out-of-pocket" expenses (meals and transportation for volunteers) and the balance for administration and equipment costs, he said.

"We expect the program to be in operation by June 1," he predicted.

Under the federal ACTION program, which has incorporated several volunteer programs—Peace Corps, VISTA, Foster Grandparents, among others—each RSVP is planned, organized and operated on the level he said.

It is developed under the auspices of an established community-service organization that is able to generate local financial support. Only one RSVP is permitted in a community service area.

"The entire volunteer program is designed to use the knowledge, skill, and expertise of the retired elderly, matching local needs with their interests, preferences and concerns," he added.

Three areas in Idaho tentatively have been designated for the opening of RSVP. They are Treasure Valley, with Boise as headquarters; Northern Branch, with Lewiston as headquarters; and Southeastern Branch, with Pocatello as headquarters. Overgaard was careful to note changes may be made as the program gets underway.

A local RSVP Advisory Committee for each area will guide the early development of the program and provide support and advice on major decisions, Overgaard said. A full-time program director will be appointed in each.

Overgaard said the Idaho program will aim to attract retired men and women over 60 into community volunteer service. They will serve in a variety of organizations, agencies and institutions which will be designated volunteer stations. They may be courts, schools, libraries, day-care centers, hospitals, nursing homes, Boy Scout offices, economic development agencies and other community-service outlets.

No restrictions based on education, income or experience will apply to RSVP volunteers. All that is asked of a volunteer is that one be willing to share the benefits of a lifetime of living, "which is no more than your accumulated experience, knowledge, interests, abilities, skills, understanding, maturity and dependability."

One must be in search of an opportunity to be useful, needed and appreciated. Volunteers must have the capacity to cooperate and accept instructions, and to accept a commitment to serve on a regular basis.

As is customary, seniors volunteering their services to RSVP, will receive no monetary compensation. However, they may request reimbursement for such actual expenses as transportation and a meal, Overgaard stressed.

Persons interested in enrolling to serve in the program may contact the Idaho Office on Aging, Statehouse, Boise. Overgaard suggested an applicant should signify the kind of service he is interested in rendering and the region in the state he can serve most conveniently.

INTELLECTUAL HYGIENE

Mr. ALLOTT. Mr. President, on the editorial page of today's Washington Post, Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers, undertakes a necessary chore of intellectual hygiene. He demolishes the latest economic pronouncement from John Kenneth Galbraith, sometimes economist and author of the book splendidly entitled "Who Needs the Democrats."

Professor Galbraith lusts after wage and price controls. It is not clear whether Professor Galbraith favors controls on the wages of Harvard economists, or on the price of his books. Dr. McCracken explains the more garish inadequacies of Galbraith's latest nostrums.

So that all Senators can enjoy Dr. McCracken's essay, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CEA Chairman's Critique—Galbraith and Price-Wage Controls

(By Paul W. McCracken)

In his recent testimony before the Joint Economic Committee, the noted Democratic economist J. K. Galbraith again offered the country his remedy for its economic problems. The remedy is wage and price controls, now and forever. His prescription has the merit of being logical within the limits of his peculiar view of the economic system. He has been making clear for at least the past 20 years his scorn for the idea that prices serve to guide the economic system into producing what consumers want. Believing that prices are only labels stuck on real things with no other function than to extract income from consumers, Galbraith of course has no hesitation about "interfering" with these prices.

This view of the function of prices and how to keep them from being "too high" was of course common for centuries until people began to study the question with some theoretical rigor and empirical evidence. It is still common among uneducated people. Galbraith's view is unusual only in being held by the president of the American Economic Association and in being described by him as new.

Having no use for what others call the price system, Galbraith does not fool around making bows to it. Others who want to restrain wages and prices talk about voluntary and temporary "income policies." These would, allegedly, not really keep anyone from doing what he badly wanted to do; they never diverge far from what a competitive market would produce; and they would be over before they could do much damage. However, Galbraith goes at once to the logical conclusion of this line of thought. He wants an immediate, comprehensive, mandatory wage-price freeze to be followed later by permanent price and wage controls on the largest corporations and unions.

Well, why not? Haven't we all, and not least the Council of Economic Advisers, had enough of the endless sea of troubles that this inflation is, and should we not end them at a stroke with the clear, sure weapon of controls? The temptation is great, especially if someone else will administer the controls. But the temptation must be desisted, for several cogent reasons:

1. Despite Galbraith's dismissal of it, the adjustment of prices in the market does contribute to the efficiency of production and its adaptation to the desires of consumers. U.S. experience with general price control in wartime and with limited price controls in regulated industries shows the loss of consumer satisfaction that results. Observation of the pattern of production in other countries that have suppressed the price system confirms this conclusion. The tendency in the European socialist countries to increase reliance on market prices is evidence for it.

2. General price and wage control would be a serious threat to individual freedom. It is amazing that the press, so jealous of its own freedom, does not recognize what would be the implications of having the income of literally everyone in the country controlled by a government agency. In World War II newspapers were exempted from price control, to avoid the possibility of infringing on the freedom of the press. Does wage control violate the constitutional ban on involuntary servitude?

3. The common image of price-wage control is entirely wrong. The image is that a little band of dedicated, objective, analytical men in Washington would keep a few heads of powerful corporations and unions from exploiting "us." The fact is that it is "us" who would be and would have to be controlled. And the control would not be managed by Moses, or Buddha, or Galbraith (at least not forever) but by the same kind of people who run and operate all the other agencies in Washington. That is to say they would be political and bureaucratic.

As an aid to realistic thinking about the problem of price control I list in the accompanying table the items in the Consumer Price Index that rose most in the last year.

4. The idea of a freeze is illusory. Wages and prices would be in upward motion from the first day. Millions of workers are covered by contracts that call for wage increases still to come. But profit margins are very low. If these wage increases already contracted for are granted, price will have to rise. But then other wages will have to rise, as a result of escalator clauses or otherwise. In fact, the whole process may be inflationary because the standards for prices and wages that must be established in order to assure cooperation and "equity" may raise rather than lower inflationary expectations.

5. Wage-price controls threaten to speed up inflation from the demand side also. These controls, or less rigorous forms of incomes policy, are now commonly proposed as part of a package. One half of the package is restraint on prices and wages and the other half is pumping the economy quickly up to full employment by tax cuts or expenditure increases or both. The expansionist part of the package is easy and popular; the restraint part will be neither. Only a little common sense is required to forecast the relative strengths of the restraint part and the expansion part of the package. After all, the Johnson administration had its two-part package also—guideposts for restraint, and fiscal policy for expansion. The expansion ran away with the restraint.

Because he is so logical, the difference between Professor Galbraith and the Nixon administration on this matter is clear.

Believing that the price system contributes nothing to the well-being of the American people he is prepared to suppress it. Believing that the price system has a major part in the high standard of living and economic satisfaction of the American people, we are determined to strengthen it.

Being a novelist and wit, Galbraith can dismiss the problems of carrying out the policy he proposes. Being government officials we cannot.

Being a Democratic partisan, he can proclaim that we are now in an economic crisis. Being the successors to a Democratic administration, we feel relief at having averted the crisis to which the policies of our predecessors were tending.

Biggest increases in the Consumer Price Index June 1970 to June 1971

Item:	*Percentage increase*
Carrots	40.5
Green Peppers	30.4
Postal Charges	25.3
Cucumbers	22.5
Lettuce	19.6
Dried Beans	16.6
Canned sardines	15.8
Fish, fresh or frozen	14.2
Reshingling roofs	13.9
Canned tuna fish	13.5
Residential water and sewage charges	13.4
Semi-private hospital room	13.2
Oranges	13.2
Bus fares, intercity	13.0
Watermelon	13.0
Auto insurance rates	12.6
Private hospital room	12.4
Washing machine repairs	12.2
Repainting living room	12.1
Taxicab fares	11.9
Cracker meal	11.8
Airplane fare, chiefly coach	10.8
Railroad fare, coach	10.6
Fruit cocktail	10.5
Newspapers	10.2
Replacing sinks	10.0

EARTHQUAKE THREAT

Mr. CRANSTON. Mr. President, 1 year ago last Wednesday, an earthquake registering 6.6 on the Richter scale struck the San Fernando Valley in California. Sixty-four lives were lost, many more persons were injured, and between $500 million and $1 billion worth of property damage occurred.

One year later, too little has been done to prepare for the next major earthquake. Scientists say California will experience an earthquake that will register more than 8 on the Richter scale within the next generation.

Building codes have not been adequately strengthened to require new structures be more earthquake resistant. Particularly vulnerable older buildings too often have not been reinforced to withstand the coming earthquake. Basic seismological research has been limited.

These are problems both Federal and State governments should be concerned about. KGO radio, an American Broadcasting Companies, Inc. station located in San Francisco, broadcast an excellent series of editorials pointing out the dangers of the coming earthquake and the responsibilities of both citizens and the government. Mr. President, I ask unanimous consent these editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

We Call to Your Attention—I

Preparations against an expected major earthquake in California are inadequate, slow and indecisive. With few exceptions, public apathy regarding this danger is general.

Adults, if they choose, can continue to play games with their own lives. But we can neither comprehend nor condone citizens of voting age permitting their children to be so endangered.

Over a third of a million California children still attend daily classes in 18-hundred school buildings any of which could become death traps. They do so despite enactment of a law four years ago to compel school boards throughout the State to conform with a statute requiring quakesafe schools.

Seventy-two bond elections held to implement that law have failed in California in three years for want of a two-thirds majority. Only 51 passed.

Now the State's four major cities confront such elections. The first is on Tuesday in Oakland, a 52-million dollar measure to restore or replace 39 schools housing 25-thousand pupils. Then Los Angeles, next week, for 200-million; San Diego, June 8th, 150-million and San Francisco, in November, 56-million.

Sixty months ago, before the Field Act was page one news, KGO Radio called for its enforcement and helped obtain the 1967 law to accomplish that.

The interval since then has increased the danger. So that today it is still more crucial to restate the plea: Common prudence dictates a "Yes" vote for all such measures to take children out from beneath roofs that can collapse in an earthquake.

Science Sounds a Warning—II

Representatives of 18 nations, under U.S. and NATO sponsorship, are now gathering in San Francisco for a week-long conference on earthquake hazards. These scientists from around the world consider the current dangers of major quakes important enough to warrant immediate close study and exchange of information.

Yet the host State in which they meet is itself largely apathetic about those dangers and is delinquent in preparing against them.

California is sitting on what may be the biggest natural time bomb in the world, and the fuse is burning down fast. Experts agree a massive California earthquake is inevitable.

Up to now the time factor for this invisible threat has been vague—"somewhere in the next century." KGO Radio can now reveal that a long-awaited technical breakthrough may advance that timetable estimate radically.

We disclose this not to be alarmists but because public interest requires all such data. Renner B. Hoffman, long-time number one seismologist for the state of California, has just developed a formula which he says can determine the probability of major earthquakes.

He tells us his study, based on collected data, shows there is a 70 percent likelihood that California will suffer an earthquake of greater than 8 magnitude on the Richter Scale in the next ten years. And that the chance is as high as 48 percent that San Francisco's Bay Area will undergo a quake in the next eight years of 8.4 or greater. The 1906 disaster was 8.3.

We hope this new expert reckoning may help to awaken California from its lethargy.

The City That Knows How—To Die—III

The earthquake of potentially catastrophic force which scientists generally agree is coming in California may be closer at hand than has previously been estimated.

KGO Radio has pointed editorially to a new scientific theory which indicates this conclusion. We believe such reports, whatever their ultimate degree of validity, underline the need for quicker, more concerned action by state, county and city governments to protect public safety.

In many cases officials continue to play what may be history's most dangerous game of roulette with nature.

San Francisco is an example. It is known that this city sits astride one of the earth's most active seismic zones. Right now it is the meeting site for an international conference of concerned earthquake scientists from 18 nations. Yet a city ordinance which could materially reduce possible widespread death and injury, and which was passed more than two years ago, remains completely unenforced.

The law requires inspection—and then either repair or removal—of parapets and other overhangs on buildings which might dislodge and fall in a strong tremor. It would cost 60-thousand dollars a year to hire necessary inspectors. The Supervisors unanimously asked for such funding. But it was stricken entirely from the current budget. Thus the hazard remains unmodified.

State government itself has been remiss in meeting some actual quake-related needs. We will detail that in our next editorial.

How To Become a Late Great State—IV

The only agency of California state government whose primary responsibility was earthquake research was abolished at the end of 1970. It was the earthquake engineering office of the California Department of Water Resources, which superintends the mammoth California Water Project, a three-billion dollar public investment.

The abolished bureau had made important strides in formulating earthquake safety building codes, dam construction, and developing new knowledge of how structural materials behave under quake stress.

Its scheduled but curtailed ten-year program would have cost one-tenth of one percent of the Water Project's outlay. But it was killed. Its 30 full-time and five-time member staff was slashed first to 11 permanent and five part-time, then to four permanent and three part-time.

Even after the February San Fernando quake, the staff was finally cut to just four workers statewide. This is not enough to maintain even the quake-monitoring instruments that might save major dams from destruction.

Experts say a bare bones minimum budget for state quake research is two-million dollars a year. The present budget is about 100-thousand.

That is an example of what Sacramento thinks of earthquake hazards. We will inquire further into the statewide problem in our next editorial.

Stronger Codes Against Stronger Quakes—V

There is urgent need throughout California for stricter construction codes to insure earthquake resistant buildings. Many present codes are inadequate to prevent substantial loss of life from structural collapse. Codes for dams and highways are virtually non-existent.

Strain levels on the San Andreas Fault in the Bay Area are now estimated to exceed 8.1 potential magnitude on the Richter Scale, and 8.4 in Southern California, greater than the 1906 quake.

Experts say release of such energies in a quake could cause up to 30-billion dollars damage and 100-thousand deaths.

Seismologists warn that most present codes provide for only one-tenth to one-twentieth of the potential force which could vibrate tall buildings. Yet the State is without a master agency to correct such shortcomings.

Quake problems are the secondary duty of several state agencies, but the primary job of none. We need a strong, expertly staffed California earthquake office. It could point the Legislature toward needed code reforms, collate the wealth of new earth research data and work with federal teams monitoring California Faults.

A bill to create such an agency, by Senator Tom Carrell, is now before the Senate Committee on Government Organization. It is SB 530. If you think this is a wise way for one of the globe's most earthquake prone areas to spend money, please tell Committee Chairman Ralph Dills, State Capitol, Sacramento.

The Sins of the Fathers—VI

It's hard to believe in the light of hazards which this editorial series has cited, but the present law fails to impose any penalty on school districts which fail to take required steps toward rendering their classrooms safe in an earthquake.

The Legislature should remedy that. In case of disaster, it is the children, not the officials, who suffer.

Up to 20 percent of the districts containing 18-hundred hazardous buildings have not even obtained up-to-date engineering analyses of how unsafe those buildings are. Twenty-three percent haven't even adopted a plan to make repairs possible, as the law decrees. Thirty-three percent have never held an election to raise funds. And where elections are held, they continue to fail.

Since this series began voters turned down bonds to safeguard the lives of 175-thousand pupils in Oakland and Los Angeles. The L.A. measure lost by a mere 11-hundred votes out of a half-million.

Meantime school building costs rise by 12-percent a year.

KGO hopes for three reforms:

Voters must at last separate their animosity against bond elections from the imperative need for safe schools. The Supreme Court can end the costly two-thirds majority bond election rule. And state government can put teeth in the 1967 law compelling school board compliance.

It can do so by notice that state funds will be cut off to offending districts, or it can file civil, criminal or class action suits against school boards which refuse to face reality.

How We Measure Up—VII

No one knows for sure how San Francisco's skyscrapers will survive the next major earthquake.

No dependable assurance can be drawn from the survival of tall buildings in Los Angeles in the recent San Fernando shock. They were too far from the epicenter and the quake was not great enough to furnish definitive answers.

Engineers hope, and believe, most of our newer downtown prestige high-rises will perform well. But they are worried about hundreds of older small and medium office and apartment buildings, scattered throughout the city.

Some experts fear more than half of them could collapse in a major disaster. Many rest on potentially dangerous soft alluvial soil or unconsolidated fill. The recent 18-nation earthquake conference in San Francisco recommended all such buildings be phased out as soon as the economy permits.

The cost would be astronomical. It will cost 100-million dollars just to remove parapets from the city's buildings. We have not begun that job. Los Angeles has been at it 15-years and is two-thirds through a 65-million dollar project on 20-thousand buildings.

Finally, we have seen numerous condemned schools closed in the Bay Area. Such hard facts show that the huge costs of true quake hazard reduction may force an already overtaxed public to continue to live dangerously for an indeterminate time—unless the Federal Government promptly takes on a greater role in this crucial area.

KGO will explore that aspect of the story in our next editorial.

It's Time To Cry "Uncle"—VIII

The Federal Government says the nation should adopt a "realistic but not hysterical sense of urgency" concerning earthquake dangers. Yet the federal machinery moves at snail's pace to reduce those dangers.

Washington must, in KGO's view, move quickly to provide large portions of the tremendous costs required to make vulnerable metropolitan areas in known seismic zones more safe.

Federal authority should set and enforce uniform standards of quake-resistant design and construction of public buildings and on private ones built with federal aid.

It should help urban centers survey existing buildings and identify hazards, then initiate long-term programs to abate them.

It should vastly expand strong-motion quake research and instrument monitoring—from the present 300-thousand dollars to at least 2-million annually.

It should sponsor tax reforms to provide deduction incentives for good buildings and penalties for minimum code ones. Property owners now hesitate to improve buildings for fear of increased assessments.

Cities withhold tough zoning and building policies to avert losing tax-base industry.

It's hard to sustain public concern about major earthquakes because they're so infrequent. As memory of big ones recedes, the average citizen's worry subsides.

Washington should back broad-scale public education, as KGO is trying to do regionally, to confirm that earthquakes pose continuous wholesale dangers of the first magnitude, particularly in California.

YOU MAY ASK—IX

Why has KGO invested so much time in editorials about earthquake dangers? The President's National Task Force on earthquake hazard reduction provides an answer that explains our reasons.

It is human nature, says this expert panel, to minimize or ignore possible calamities we don't like to think about. That helps preserve our peace of mind between crises.

But this also discourages preparedness against disaster and invites future needless toll in lives and property.

Sensible safeguards, wisely arrived at, can yield high rewards for millions of citizens.

The motive behind these broadcasts is to stimulate public and official interest in what safeguards are attainable, and then to combat apathy and inaction so they may, in fact, be achieved.

Some will accuse us of fanning the flames of fear. We accept this if the end result is a safer California. The intent is to awaken not frighten. So any one who considers the intent to be scare tactics can crawl under a table in the next earthquake.

A long and careful survey of conditions on the city, state and federal levels made this editorial series, in our view, imperative. Their content is the result of expert scientific opinion and advice, the best we could obtain. Based upon that we will conclude this series with a set of specific recommendations.

THE SUMMING UP—X

Making California as relatively safe against future earthquakes as science and public dedication can insure will demand monumental costs of an already over-taxed people.

Thus the Federal Government, as we have earlier detailed, must divert major funds to this primary need.

But the state and cities must help themselves.

KGO urges these steps by the state—more action from the largely silent California Joint Committee on Seismic Safety. Faster revision of the ten-year-old basic building code. An expanded telemetered seismograph network to link more fault-monitoring stations throughout the state. Intensified research on tall buildings, freeways, overpasses and dams, by a central state agency.

Enactment of the Dent Bill, A.B. 75, for a 200-million dollar June, 1972 state bond measure to help bring all schools into compliance with quake safety laws. That total job will cost one-and-a-quarter billion dollars, and every school bond defeat adds 12 percent a year to that.

San Francisco, in double jeopardy between two major earth faults, should start enforcing its strict quake code, especially on medium-size buildings. Budget cuts now prohibit this.

We should, by orderly plan, phase out dangerous pre-1930 brick buildings and remove all parapets wherever they hang.

Other Bay cities should ban building on dangerous land and stop erecting schools astride quake faults as was done 15 times already.

Finally, our 219 hazardous schools must meet safety standards or be closed.

Nothing less than these joint measures will suffice in a coastal society that wants to survive, develop and prosper.

THE TRIAL OF MARY LINCOLN

Mr. MATHIAS. Mr. President, on Tuesday, February 8, Senator EDWARD W. BROOKE, of Massachusetts; Senator CHARLES H. PERCY, of Illinois, Senator MARLOW W. COOK, of Kentucky, Senator ADLAI E. STEVENSON III, of Illinois, and Senator WILLIAM BROCK, of Tennessee, and I were hosts at a reception during which we were privileged to provide a preview of the National Educational Television production "The Trial of Mary Lincoln," an experience that the whole country may share at 8 o'clock this evening.

The reception provided my colleagues and me with an opportunity to recognize Dr. Peter Herman Adler, the executive producer and conductor of "The Trial of Mary Lincoln." Dr. Adler is also the music and artistic director of the opera department of the National Educational Television in New York City.

In introducing Dr. Adler, I noted that public television was undergoing a period of some discussion in respect to some of its programing and policies, but that in my judgment there was widespread support in the country and the Congress for the cultural programing of public television.

Tonight "The Trial of Mary Lincoln" will be broadcast on public television nationwide. I urge Senators, particularly those who were unable to be at the preview, to take the opportunity to view this production. I believe that you will be made aware of the unique position that television occupies in modern American lives and, more importantly, the uniquely successful communication media television provides us. The production communicates in a most vivid way an important episode in American history.

Incidentally, to those of us in public life, it communicates not only the great opportunity for service, but also the penalty it exacts many times from our families and friends.

This original production, offered tonight and hereafter to millions of Americans, not only communicates fine acting, great voices, exceptional theater, but also provides a cultural and educational opportunity to young and old alike. I am sure the Senate will agree that this is among the legitimate purposes of public television.

Some Senators may recall that I have been attempting to bring the American bicentennial to life with a thoughtful program that will command national support and participation. I was somewhat critical of the operation of the American Revolution Bicentennial Commission. I should like to suggest that the Commission could well explore the possibility of utilizing public television as one of the instruments for commemorating the bicentennial of the founding of this country.

For instance, it could plan now to commission an original American opera, celebrating the bicentennial. A great work of art could be created which would live for centuries to come. I merely suggest this as a creative way to use public television, enhance its recognition and understanding of its cultural function and, at the same time, provide an appropriate means of celebrating the American bicentennial.

"The Trial of Mary Lincoln" proved to me and, I believe, my colleagues the validity of this approach. I respectfully suggest that it be considered both by public television and by the American Revolution Bicentennial Commission.

Life magazine on February 11 published a review, by Cyclops, of "The Trial of Mary Lincoln." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LINCOLN TRAGEDY IN COOK COUNTY—THE TRIAL OF MARY LINCOLN

If you go to the *Encyclopedia Britannica*, you will not learn much about Mary Todd Lincoln. You will be told that she was beautiful, high-spirited, well-educated and "much higher in social origin" than the Abraham Lincoln she married in November 1842; that she was, subsequently, self-willed and rather tyrannical and that, perhaps, "her narrow vision and her dogmatic firmness" may have been the saving of her husband, who was inclined to seizures of melancholy and indecisiveness. You will not be told that members of Mary Todd's family fought for the South during the Civil War. Nor that she lost three children before their maturity. Nor that a fourth child, Robert, brought suit in 1875 to have her declared insane, and succeeded in doing so.

At a time when history is almost immediately converted into theater—we have had on Broadway recently the Pope, the Berrigans, Churchill and Patrice Lumumba—it was inevitable that the materials of Mary Todd Lincoln's life would be turned into some sort of play. What was not inevitable was that they should be turned into an opera. *The Trial of Mary Lincoln* is the first work the NET Opera Theater has actually gone out and commissioned. It is a happy precedent, even happier because they didn't go to someone famous for the music; they went to 26-year-old Thomas Pasatieri. (Before young poets and playwrights complain too much about their problems of being published or produced, they should consider the lot of a young opera composer, who needs a theater, an orchestra and a cast that can sing and act before his work officially exists.)

Anne Howard Bailey contributed the libretto, an impressionistic affair consisting of flashbacks into Mary's past while she defends herself at the insanity hearings in the Cook County Courthouse—Cook County, of course, being a very good place for history and theater to get together for a trial; Julius Hoffman might as well have been the judge. Thus we see Mary in 1841, when Abe broke off their engagement; Mary in 1860 at a party celebrating Abe's election to the presidency, where she opposes the choice of William Seward as secretary of state; Mary during the Civil War, at the deathbed of a son, refusing to join in a Confederate plot, visiting wounded Union soldiers, dressing up extravagantly because "power must look the part," remembering the night at the theater; and, finally, Mary being declared insane. Who had a better right to insanity?

Abe himself is never seen, which is a little like Moby Dick avoiding Ahab throughout the novel but which simplifies dramatic matters. Miss Bailey is not didactic—the only point she seems to be trying to prove is that marriage was, at the time, Mary's only option, and that marriage to the President leads an ambitious woman to meddle in affairs of state, to be isolated for it, and ultimately to live a distorted life, the fretted edges of the public self and the private self rubbing the psyche ragged. This decent reticence on the part of the librettist lends strength to the production. Words don't war with music; they join and are indistinguishable. Pasatieri's operatic habit is Menotti's, very much like *The Consul*—that is, more theater than opera, without arias dropped like jelly beans into a pancake of plot, each part crafted to build a whole of shattering impact.

You can't hum a few bars from *The Trial of Mary Lincoln;* you can be devastated by an hour that tightens its grip on the awareness until the spring snaps and the key falls away into darkness.

Toward this end, mezzo-soprano Elaine Bonazzi is superb as Mary, her face a window on bad weather in the soul, her voice an amazing animal, leaping, burrowing, attacking and retreating. At the screening I went to, to everyone's embarrassment, the sound was afflicted with a buzz and the image was less than precise, owing to a faulty tape copy—certainly not what you will see on Feb. 14—but there was no doubt about the quality of Miss Bonazzi, nor about the splendid success of the Pasatieri-Bailey collaboration. I would watch it again through a glass brick, with trip-hammers sounding behind me, and still be mesmerized.

SEVENTY-THREE PERCENT FAVOR APPROVAL OF EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, additional evidence that the American public overwhelmingly favors the Equal Rights Amendment has recently come to light. Following a debate on the amendment on the Advocates, a decisive majority of viewers—73.3 percent—responded affirmatively to the question, "Should the Equal Rights Amendment Be Adopted?"

The Advocates is a television program, coproduced by WGBH in Boston, and KCET in Los Angeles for the 213 stations of the Public Broadcasting Service, on which important issues of the day are debated. Both sides of the issue are fully and vigorously represented. After hearing all the arguments, the viewers are able to record their opinions. The results, then, are very significant, for those who respond have focused carefully on the issue at hand.

After the debate on the equal rights amendment, a total of 3,305 votes were received from all portions of the United States. Of the total, 2,422 voted to support the equal rights amendment, while only 878 registered opposition.

Mr. President, the House of Representatives has already overwhelmingly shown its support for the equal rights amendment, and the Senate should do the same.

I ask unanimous consent that the publication entitled "The Nation Responds to the Advocates" be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

THE NATION RESPONDS TO THE ADVOCATES

Should the Equal Rights Amendment Be Adopted?

Final Tally of Votes: Total: 3,305; Pro: 2,422; Con: 878; Other: 5.

ADVOCATES VIEWERS VOTE DECISIVELY IN FAVOR OF WOMEN'S RIGHTS AMENDMENT

Following a recent debate on the advocates, a decisive majority of viewers responded in favor of legislation which would prohibit legal classifications of any kind on the basis of sex.

A total of 3,305 votes were received, 2,422 (73.3%) of which were in support of the proposal "Should the Equal Rights Amendment Be Adopted?" 787 registered opposition and only five people put forward other opinions.

The advocates, which debates public issues, provides the largest public opinion poll in the United States. It is coproduced by WGBH, Boston and KCET, Los Angeles for the 213 stations of the Public Broadcasting Service.

State breakdown of mail response:

State	Pro	Con	Other
Alabama	4	10	3
Alaska	0	0	0
Arizona	56	33	0
Arkansas	7	0	0
California	571	171	0
Colorado	61	20	0
Connecticut	42	8	0
Delaware	22	3	0
District of Columbia	25	11	0
Florida	62	23	0
Georgia	30	29	0
Hawaii	7	1	0
Idaho	3	0	0
Illinois	120	53	0
Indiana	25	8	0
Iowa	14	9	0
Kansas	10	11	0
Kentucky	10	5	0
Louisiana	47	8	0
Maine	2	0	0
Maryland	40	8	0
Massachusetts	152	36	1
Michigan	37	22	0
Minnesota	35	13	0
Mississippi	43	1	0
Missouri	14	7	0
Montana	8	2	0
Nebraska	7	9	0
Nevada	4	2	0
New Hampshire	5	5	0
New Jersey	79	19	0
New Mexico	12	6	0
New York	207	80	0
North Carolina	38	13	0
North Dakota	1	0	0
Ohio	70	24	0
Oklahoma	24	10	0
Oregon	50	16	0
Pennsylvania	133	38	1
Rhode Island	24	3	0
South Carolina	11	10	0
South Dakota	3	2	0
Tennessee	9	10	0
Texas	38	25	0
Utah	7	2	0
Vermont	2	1	0
Virginia	30	12	0
Washington	88	42	0
West Virginia	4	7	0
Wisconsin	57	14	0
Wyoming	4	2	0
Unknown	67	33	0
Foreign	1	1	0

DEDICATION OF FREDERICK DOUGLASS HOME IN ANACOSTIA

Mr. HART. Mr. President, a dedication ceremony at 11 a.m. today marked the culmination of many years of effort to restore the Frederick Douglass home in Anacostia and to establish it as part of the national park system.

High on a hill overlooking the community of Anacostia stands the Victorian home purchased by Frederick Douglass on September 1, 1877. "Cedar Hill," the name given to the home, was built by one of the developers of the community, John Van Hook. This substantial house was a symbol of Douglass' achievements. In the fine rooms of Cedar Hill he kept the mementoes of an active and satisfying life—the bill of sale which released him from slavery, pictures of his coworkers in the cause of abolition and civil rights, an order signed by Lincoln, and a gift of silver from Queen Victoria. Here he lived; and was visited frequently by friends, children, and grandchildren. Douglass died in his home on February 20, 1895.

The National Association of Colored Women's Clubs wisely and generously preserved his home in Southeast Washington so that each new generation would be reminded of this man and of those events in our history which permitted Frederick Douglass, born a slave, to rise to high service in his National Government, and become a world figure in the endless struggle for human rights.

Frederick Douglass died in 1895 and was mourned throughout this country and abroad. The Legislature of North Carolina adjourned for the day as a mark of respect. The Legislatures of Indiana, Illinois, Massachusetts, and New York noted in resolutions the passing of this great American.

The London Daily News editorialized:

> From first to last, his was a noble life. His own people have lost a father and a friend, and all good men have lost a comrade in the fight for the legal emancipation of one race and the spiritual emancipation of the other.

In 1962, at the request of Dr. Rosa Gragg of Detroit, then president of the National Association of Colored Women's Clubs, Representative Charles Diggs and I sponsored legislation, which became Public Law 87-633, providing for the establishment of the Frederick Douglass home in Anacostia as a part of the park system in the National Capital.

It was intended that the house would be restored and refurbished, and developed as a "historic house museum" with proper safeguards to protect the historic furnishings and library. At the time it was hoped that the home would be staffed, and open to the public, in about 2 years.

The 1962 act, however, authorized only $25,000 for repairing and refurbishing the home of this famous man. More detailed examination of the property showed that damage to the house by Hurricane Hazel and other storms, plus termite damage, had resulted in severe deterioration.

Accordingly, Representative Diggs and I introduced a second bill—H.R. 5968 and S. 835—to authorize the $413,000 estimated to be needed to restore and refurbish the home.

The bill became law and subsequently the funds were granted by Congress to implement it. In these efforts, Representative Diggs and I received enthusiastic support from many key Members of Congress—including prominently Senator Bible, Senator Case, and Representative Julia Hansen—as well as numerous individuals and organizations throughout the country who were interested in this effort.

And so at long last we open the doors of a national memorial to a great man. He was America's greatest abolitionist, "an unflinching, unflagging, and uncompromising advocate and defender of the oppressed" in an era when that role demanded courage and persistence of the highest order. Kenneth Rexroth, in Saturday Review, wrote:

> Frederick Douglass was born free. His servile status was a juridical delusion of his owner.

His life, recaptured in his "Autobiography," was a testament to his freedom, to "his total inability to think with servility." Throughout his long and eventful life, at the center of freedom's greatest struggle, Douglass spoke not just of freedom for the slaves, but in hope that American society itself could be free from the evils of slavery and discrimination. His is thus a classic story, not of a Negro who escaped to freedom, but of a human being who always knew he was free and devoted his life to helping all men and women realize their freedom. In his own time his greatness lay in his active and challenging spirit, and in our time it remains so. One of the most extraordinary accomplishments of this man was his contemporary message—in his own time and in ours.

Frederick Douglass rose to a series of official posts unprecedented for a black American in his era. He was an adviser to Presidents, U.S. marshal of the District of Columbia, recorder of deeds in the district, and minister to Haiti. But these accomplishments were surpassed by his outstanding leadership role for his people—his moral guidance and his vision of a free and united social order. Like Martin Luther King in our time, Frederick Douglass had a dream always before him. He said:

> A nation within a nation is an anomaly. There can be but one nation and we are Americans.

For a time, before he moved to Washington, D.C., Frederick Douglass made his home in Rochester, N.Y., where he published the first successful Negro-owned newspaper. After he left Rochester, a marble bust of Douglass was set in a place of honor. On that occasion, the Rochester Democrat and Chronicle noted:

> Frederick Douglass can hardly be said to have risen to greatness on account of the opportunities which the Republic offers to self-made men, and concerning which we are apt to talk with an abundance of self-gratulation. It sought to fetter his mind equally with his body. For him it builded no schoolhouse and for him it erected no church. So far as he was concerned freedom was a mockery, and law was the instrument of tyranny. In spite of law and gospel, despite of statutes which thralled him and opportunities which jeered at him, he made himself by trampling on the law and breaking through the thick darkness that encompassed him. There is no sadder commentary upon American slavery than the life of Frederick Douglass. He put it under his feet and stood erect in the majesty of his intellect . . .
>
> Rochester is proud to remember that Frederick Douglass was, for many years, one of her citizens. He who pointed out the house where Douglass lived, hardly exaggerated when he called it the residence of the greatest of our citizens, for Douglass must rank as among the greatest men, not only of this city, but of the nation as well—great in gifts, greater in utilizing them—great in his inspiration, greater in his efforts for humanity—great in the persuasion of his speech, greater in the purpose that informed it.

"Cedar Hill" will serve as a tangible and living memorial. In providing such historic sites we invite our people to associate with the lives and works of these great men. Frederick Douglass was one of our greatest, and we owe his memory and contribution—and his contemporary spirit of freedom—this due honor.

THE ANTIDRUG IS COMING

Mr. BROCK. Mr. President, in our continued search for reason in a society turned to drugs, there is constantly cropping up a variety of contradictions—who or what is to blame.

Materialism-poverty, authority—lack of authority, reality—oblivion—all these seem to contribute. But since we accept the fact that we are a Nation of great contrasts—of divergent personalities, of miniscule interest groups and values, we must accept the fact that individuality reigns.

Roman Gary, in an article published in the New York Times, feels that through man's genius we will see a revolution in biochemistry that will produce the perfect antidote—an antidrug—or face extinction.

Perceptive, experimental, and yet insightful, Mr. Gary sheds an interesting light on this ever-present contemporary problem of a culture immersed in drugs.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ANTIDRUG IS COMING

(By Romain Gary)

PARIS.—The pious must of every study of drug addiction is to pin down its cause to social neglect and ensuing despair, to view it as a consequence of alienation, a passive form a dissent and revolt. This kind of "understanding" is tantamount to encouragement, as it supplies the youthful addict with a glamorous aura of the desperado type, a trash romanticism that flourished in the twenties in the books of future Fascists such as Ernst von Salomon and Drieu La Rochelle, a skull-and-bones posturing already played to a pitch by Alfred de Musset and his *mal du siècle* kids in 1830. The dark beauty of this psychological getup suits the young well and they buy it eagerly.

Contradictions, however, abound. Lack of parental authority and the break-up of family life are blamed, while almost in the same breath the "reactionary," "dictatorial" role of the father is denounced as the chief culprit. The gospel of total individual and group permissiveness and freedom is preached, and yet the same individuals chastise society and governments for their inability to provide guidance. Nobody seems to be bothered by the fact that you cannot defend your right to live "the way I want" and at the same time holler that the "system" does not supply you with an ideal or a purpose in life, that is, precisely, with a "system."

A civilization can provide you with many things, but it cannot provide you with yourself. And since when, pray, have the young been known to look toward governments for guidance, for a directive? What kind of youth would that be?

If our civilization—both its Western and Eastern tail-ends—is to survive, it will be the first wholly materialistic civilization in history to do so. The notion of life without a beyond, without transcendence, is very recent and entirely without precedent. I do not believe that mankind can tolerate a total addiction to reality without becoming addicted to irreality and oblivion as well. If an average American family already spends three months a year, hour by hour, glued to the TV set, it is clear that it will depend more and more on increasing doses of irreality. The shape of things to come is there.

Far from being a rebel, or a dissenter, therefore, the dope-seeker is quite the opposite: a conformist, a fellow traveler of our materialistic establishment. The fact is that the so-called reality—be it at its best in the Scandinavian perfect society or at its worst in Harlem—is the greatest dope pusher of them all. And let us not forget that the basic assumption of our culture is that there is simply never enough "fun," sex fun, alcoholic fun, which in itself is addictive, because it calls for bigger and bigger doses.

It becomes difficult, in 1972, to accept as credible the Orwellian vision of a society of uniformity and robots. A more likely alternative is a creative break-up, fragmentation with emphasis on variety, implosions rather than explosions, involutions rather than revolutions, with the over-all structure of society changing slowly, less in obedience to an ideological imperative than through a pragmatic adjustment to science and technology. Under the oceanic, crushing impact of demography, each individual will seek to compensate for his loss of significance by transfering his identity to a group, thus creating micro, infrasocieties with the already perceptible emergence of a group-ego.

Those who say that the Woodstock Spirit, the yippie movement and so forth have failed and are finished make me think of a Roman witness watching the crucifixion and then noting in his diary that Jesus died "a failure." Among the hundreds of American kids selling handmade jewelry on Parisian sidewalks, a recent inquiry found almost no dope users. If this process and the insistence on variety and differentiation continues, the trend toward mass drug culture will be interrupted, though I am unable to see how a civilization functioning within the materialistic limits of physiology can face itself without seeking solace in addition to oblivion and irreality.

Aside from a merciless fight against all the sources of heroin supply, the only ultimate answer to a chemical is another chemical. The antidrug drug will be there sooner or later.

It is probable that man will either perish or change, and that a biochemical revolution may well succeed where all the social revolutions have so utterly failed. The road is unknown and the thought disquieting, yet we have no other choice than to trust something that did succeed in pulling us through, now and then; the genius of man.

BOY SCOUTS OF AMERICA

Mr. MATHIAS. Mr. President, for well over half a century, one of the outstanding organizations dealing with the youth of this country has been the Boy Scouts of America.

One in every four boys between the ages of 8 and 16 is currently in a scouting program. That is 4½ million boys from third grade through high school.

I am indebted to the national headquarters of the Boy Scouts of America for having provided me in this, scouting's anniversary month, with a summary of scouting activities in Maryland. Mr. President, I ask unanimous consent to include in the RECORD a copy of this fine report, along with a covering letter from Alden G. Barber, chief scout executive, and the text of a speech on scouting given by Gov. Daniel J. Evans of Washington at last fall's National Governors' Conference.

We all owe a debt of gratitude to what scouting has done for generations of American youth.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 3, 1972.

Hon. CHARLES McC. MATHIAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: At the National Governors' Conference in Puerto Rico last fall, Gov. Daniel Evans of Washington made a formal presentation on behalf of the Boy Scouts of America. Coinciding with Governor Evans' statement, separate reports were prepared for each Governor describing the progress of Scouting in his State. At this time of our anniversary celebration, we are pleased to share with you the report for your State.

You will no doubt be interested in knowing that we are proceeding with deliberate speed with our long-range plan BOYPOWER '76, whose goal is to deeply involve in Scouting a representative one-third of all Scout-age boys by the 200th anniversary of the Nation.

Scouting is proud of its accomplishments. But even now with Operation Reach, our nationwide fight against drug abuse, and Project SOAR (Save Our American Resources), our national Conservation Good Turn which is extending into its second year, it is clear that the complete record has yet to be written.

Sincerely,

ALDEN G. BARBER,
Chief Scout Executive.

BOY SCOUTS OF AMERICA,
North Brunswick, N.J., February 1972.

To: The Honorable Charles McC. Mathias.
Subject: Maryland and Scouting.

Maryland gives to Scouting through its people, its cooperation, and its locale. For its part, Scouting gives a program of benefit to the State and its people in genenral, with special attention to the young.

PEOPLE

In addition to its providing the location for important Scouting events and meetings, Maryland makes a contribution to the Scout movement through the people it supplies as leaders of the movement.

John D. Shapiro, president of the Laurel Race Course and director of the Metropolitan Baltimore Chamber of Commerce, has been on the BSA Executive Board since 1970. Mr. Shapiro is also a member of the U.S. Foundation for International Scouting.

John W. Noble of Easton and L. Vinton Hershey of Hagerstown are National Council members. Mr. Noble is a member of the regional executive committee. Mr. Hershey is a member of the advisory board of the regional executive committee.

CAMPING

Camping is an area of mutual interest to Maryland and Scouting. The three Scout councils in Maryland operate four camps, and last year 980 Scouts and Explorers in 529 troops and posts benefited from a long-term camping experience. These facilities were also host to 43 disadvantaged non-Scouts for summer camping.

Scouts from all parts of the country also are invited to use the 28 camping facilities in Maryland that are approved for the BSA National Campways tour program.

PROJECT SOAR

Project SOAR contributes to Maryland in the form of an ecological effort. This program to Save Our American Resources is yearlong, but a single 1-day event—Scouting Keep America Beautiful Day on June 5 of this year—serves to illustrate the program. On that 1 day, in Maryland, 2,500 adult volunteers and 15,000 Scouts and Explorers cleaned up 800 miles of the State highways, rivers, and coastline and spruced up 1,000 acres of parkland and collected more than 1,500 tons of litter and trash. And this is but a part of Project SOAR. The complete program is such a success that the BSA Executive Board has extended the program for at least 1 more year.

OPERATION REACH

Operation Reach is Scouting's approach to another major problem area. Developed in a few special pilot projects last year, Operation Reach seeks to have an impact on drug abuse. The program is now being extended throughout Maryland and the rest of the Nation.

MARYLAND SCOUTING FACTS

The Free State is a member of Scouting's Region 3. It has a total Scout population of almost 50,000. Included in this figure (as of the first of this year) are 2,600 young adults in 217 Explorer units, 21,000 Scouts in 800 troops, and 25,000 Cub Scouts in 700 Cub packs. Some 18,000 adult volunteers work with these youths. Backing them up is a professional staff of 40

But all is not statistics with Scouting in Maryland. For example, Scouts in and around the Hagerstown area received the U.S. Department of Agriculture's Green Seal Award for their continuing practice of conservation principles.

Last year the Honor Medal for lifesaving at the risk of one's own life—Scouting's highest medal—was given to Scouter Thomas Crum, of Millersville, who is associated with Troop 768 that is sponsored by the Baldwin Memorial Methodist Church.

All in all, Scouting has been and continues to be of service to the State of Maryland; just as Maryland has been and continues to be of service to Scouting.

REMARKS BY GOV. DANIEL J. EVANS OF WASHINGTON

In a recent Time magazine, I saw a New York City Boy Scout dressed in a beret, raising a clenched fist salute, and shouting that he was a member of the Black Stoners.

Because this was not the Boy Scouting I remembered, I read the story closer and found how much the Boy Scouts of America is changing. When I earned my Eagle Award some years ago, I knew how much it signified. But as a State governor, Scouting means something different now. It's an organized, contemporary, and universal program I can use to tackle problems like drug abuse, pollution, juvenile delinquency, and unemployment. And it's a huge private organization that is willing and ready to help every State. The Boy Scouts are the first and the largest youth organization to be chartered by Congress and as the Governors know, there is an annual Boy Scout report to all Governors as well as to the President of the United States.

Do you realize that one in every four boys between the ages of 8 and 16 are currently in Scouting programs? That's 4½ million boys from third grade through high school. That's Boypower. And, by 1976 the BSA will realize its goal of deeply involving in Scouting a representative one-third of all American boys.

Although we might think that the Boy Scouts are not troubled with slums, drugs, and crime, they do have these problems as they try to give disadvantaged boys the same opportunities for character development, citizenship training, and mental and physical fitness.

Although thousands of inner-city boys go to Scout camps each summer, the success of Scouting in the inner-city is not just hiking and camping. It's learning to treat rat bites instead of snake bites, reading a street map instead of a trail map, and tying knots to hold balcony railings instead of tent poles.

Camping is a tremendous opportunity for inner-city boys—many of whom have never been out of their neighborhood. And it's an opportunity for us. Since there are nearly 1,000 Scout camps in the Nation, they represent a lot of outdoor experiences for boys—not just Scouts. Last year thousands of non-Scouts attended Boy Scout camps.

Boy Scout camps with trained leaders are offering to help your government agencies with programs for inner-city and disadvantaged boys.

Do your housing authorities know how much difference Scouting makes in housing projects? It's been proved that an active Scouting program dramatically lowers vandalism and juvenile crime. And by using indigenous leadership, it teaches boys and adults a sense of community spirit, pride, and direction. It's a model of self-help that we can use.

Presently, more than 50,000 Scouts in housing projects are sponsored by housing authorities.

The drug abuse problem continues to grow throughout the Nation. Four pilot projects have given the Boy Scouts of America sample proof that it can make a contribution toward its solution. Consequently, its National Executive Board has approved Operation Reach as a nationwide fight against the use of drugs. The program will begin early in 1972. Scout units in many cities now have drug education programs in cooperation with state and municipal agencies.

Environmental pollution plagues all of us. But we've got a lot of support from the 6-million members of the Boy Scouts of America. This year they've launched a conservation Good Turn called Project SOAR, meaning "Save Our American Resources " It is a massive, unit-by-unit concern and action for air, water, and land pollution.

As part of Project SOAR, all 6-million Scouts and leaders in every State had a massive clean-up operation on June 5 called Scouting Keep America Beautiful Day.

While reports from Scout councils throughout the Nation are incomplete, facts already reported show that more than 1 million Scouts, adults, and other participants cleaned 112,000 miles of roadway and streambanks, and 240,000 acres of parks, recreation areas, and other public places. Trash collected totaled 558,000 tons and was hauled in 97,000 truckloads.

The response was so enthusiastic that the Boy Scouts of America and the co-sponsor, Keep America Beautiful, Inc., have agreed to continue the program during 1972, and tentatively set Scouting KAB Day for Saturday, April 29.

Besides cleaning up our States, there are many other things Scouts can do for us. Hard-core unemployment is at the root of many of our problems like drugs, welfare, and crime. Scouting is tackling the problem in two main ways. One is by hiring and training unemployed men to serve as indigenous Scout leaders for multiple Scout units.

But the most effective, long-range solution to hard-core unemployment is to encourage job training and information for kids. Younger Scouts get this through earning merit badges which expose them to vocations and hobbies that many times turn into rewarding careers.

High-school-age men and women can get specialized training in the new Exploring program by devoting their activities to learning about auto mechanics—or some other area like medicine or science.

Believe it or not, one of the most popular interests is enforcement. More than 2,000 teens are members of law enforcement Explorer posts sponsored by groups like the Los Angeles Police Department in Watts. Can you imagine the impact if every State police unit and police department used the Exploring program to communicate with youth?

These are only some of the problems and opportunities that Scouting is offering to help us solve. Scouting is a potent force in more than 25,000 cities and towns. It is highly effective and powerful resource that we as State officials can use. Let's accept their offer to help and join the Boy Scouts of America in their belief that America's Manpower DOES begin with BOYPOWER.

PRISON ENVIRONMENT FOR WOMEN

Mr. BROCK. Mr. President, continuing with the fourth article of a series of eight, Mr. Ben Bagdikian spent a great deal of time doing research at Alderson—a women's reformatory in West Virginia—preparing this particular study.

His explicit discoveries relating to women coping with a prison environment are extremely revealing.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 2, 1972]

Female Homosexuality Prevalent

(By Ben H. Bagdikian)

So far as anyone knew, she had a conventional sex life on the outside. But shortly after she arrived at the Federal Reformatory for Women in Alderson, W. Va., she stopped telling people her name was Charlotte and said it was "Charlie."

Charlie soon discovered the mysterious ways some of the inmates get hold of men's clothing—desert boots, dungarees, T-shirts, zipper jacket, visor cap. She began walking with a masculine swagger, talked tough, held a cigarette on the corner of her mouth, and shortly afterward established a relationship with another woman inmate whose manner was obedient and submissive while Charlie acted strong and protective. They were thought of by the other inmates and by the staff as husband and wife.

One of the peculiarities of women's prisons is widespread homosexuality. Estimates run to 80 and 90 per cent, far higher than for men's prisons.

But homosexuality is only one of the distinctive qualities of female imprisonment.

Women's prisons are the step-sisters of corrections. The literature on them is sparse, statistics on the female prisoners even less reliable than on males. The massive nine-volume report of the President's Crime Commission in 1967 barely mentions women.

The unkindest cut was from prisoner reformers, whose publication, The Freeworld Times, listed prisons that experienced unrest after Attica but ignored the sympathy strike of 130 federal women prisoners in West Virginia who were teargassed and 66 of whom were punitively transferred to other states.

One reason for lack of attention is small numbers. Of 21,000 federal prisoners, 800 are women. Of the third of a million prisoners in state, county and local imprisonment on any one day, 5 per cent are adult women.

But another reason is the peculiar status of women in criminal justice. In some offenses judges tend to be more forgiving of "the gentler sex." But when a woman violates moralistic codes, she gets harsher treatment than men.

Prostitution is a major cause of female imprisonment. For every prostitute there are dozens of male customers. The male participant is seldom arrested and when arrested seldom tried and when tried seldom imprisoned. In 1968 in the District of Columbia, 112 men were prosecuted for patronage of prostitution; 800 women were prosecuted for soliciting.

The impact of imprisonment on women appears to be profoundly different from that on men. Except in the most savage jails and state prisons, women inmates do not suffer the physical brutality and sense of imminent threat typical of the average male prison.

For one thing, women's prisons usually look less grim. They tend to resemble low-budget junior colleges. The buildings are called "cottages" and they may or may not have bars on the windows.

Women's prisons vary in their discipline, but all are less regimented and formal than the average male prison.

DISRUPTION OF FAMILIES

But the locked-up woman has special pains. The worst is separation from her children. At Alderson, 55 per cent of the inmates have dependents. When they were convicted, the law wiped out their rights as mothers and made the children subject to adoption. Once the children are placed in a foster home, the adoption agency may forbid the mother to communicate thereafter with her children.

Another special trauma is prison's disruption of the conventional role assigned females in society—homemaker, helpmate to a male, repository for the gentle virtues in humankind. Women are usually brought up to behave as though they are tender, accepting and sensitive. All these are antithetical to prisons.

Males are conventionally taught that they are supposed to be strong, tough, aggressive and able to endure privation. Prison reinforces all of these.

While homosexuality is common in men's prisons, it is more so in women's. Most women are conditioned to feel less than complete beings unless they have a man. But it is socially acceptable to touch each other, hold hands, and kiss. Confidential relationships among women in normal society are more common than among men.

A man without a particular woman is not considered deficient in outside society. There is glorification of the bachelor as supermale.

So the woman entering the all-female society of prison has special problems of social and sexual identity.

Jane Meyerding, 21, was imprisoned at Alderson. She says of her first week in prison:

"In orientation, I was in a dorm with eight or nine people and we'd spend a couple of hours talking before we went to sleep. You could just hear people trying to find themselves. Some who had never been exposed to homosexuality or to this kind of very compact social structure, they were throwing out ideas, just trying to decide who they were going to be while they were in there because they were so completely separated from anything they'd been before.

"Maybe they had been a mother and this was their whole thing—being a mother. But now they don't have their kids. So what are they?"

The result is homosexuality as an almost standard phenomenon among a majority of female prisoners everywhere. Whether it is in West Virginia or in South Carolina or in California, there is a typical scene in the yard of a women's reformatory:

A "butch," the male-like partner, dressed the same masculine style everywhere, hair bobbed as short as local regulations will permit, with her arm around the waist of the "femme," the female partner who is dressed conventionally, hair usually long.

The physical brutality and rape that can accompany male homosexuality in prison is usually absent in women's prisons, partly because of anatomy and partly because of the difference in socially acceptable closeness among women.

ATTITUDES TOWARD HOMOSEXUALITY

In some women's prisons, staffs are obsessed with homosexuality and inmates are literally forbidden to touch each other. In such places, women seated in groups to watch television or movies must keep an empty seat between each person. This does not stop homosexual affairs which, like heterosexual affairs in the outside world, have a way of transcending barriers. But thoughts of homosexualism dominate such institutions.

Virginia McLaughlin, warden at Alderson, speaks in a relaxed way about it.

"One of the problems in a women's prison is staff preoccupation with homosexualism. My own personal feelings are that what goes on between consenting adults is their own business. We try to say that we're not moralistic about it."

Some inmates and former inmates of Alderson dispute the total tolerance. "At Alderson," one former inmate said, "the staff will bust you if they catch you."

Mrs. McLaughlin isn't sure that all the apparent homosexualism is consummated in physical relations.

"Who knows how much real homosexualism goes on here? There's a lot of role-playing. I suppose that 80 or 90 per cent of the residents here are in boy-girl play. Within our culture, if you ain't got a man, you ain't got nothing. That model carries into this institution. So a lot of people dress and act in boy-girl ways. But a lot of it is just role-playing to fill out the public image we've said women are supposed to project."

She thinks that whatever happens sexually at Alderson is reversible.

"If you come into this joint heterosexual, you leave here heterosexual. You may play games here and spend 20 years doing it. But darn few women who have developed a permanent pattern on the outside get turned around permanently in here."

Mrs. McLaughlin, the first married warden of Alderson—she married the local football coach—presides over the most famous of women's prisons, the only federal one specifically designed for females and one obviously more relaxed than the mass of state and county institutions.

Like most prisons, Alderson is 100 miles from nowhere. There is no public transportation. The train doesn't stop there any more, only at the Greenbrier resort hotel 20 miles away.

It is an unlikely-looking prison. The setting in the foothills of the Appalachians is among forested hills and fast-moving creeks. The security is less than that in some fashionable girls' schools, the low chain link fence no challenge to a moderately athletic woman. It has 17 residential buildings in red-brick, vaguely Georgian colonial style, actually called "dormitories," arranged in quadrangles around tree-filled malls actually called campuses.

Mrs. McLaughlin is a shrewd, sharp-eyed, sophisticated woman whose office is decorated in abstract non-inmate art and whose non-government-issue coffee table has a shingling of highbrow magazines—The American Scholar, Intellectual Digest, Trans-Action, New Yorker . . .

Prisoners are called "residents"; they can dress almost as they wish and pay a lot of attention to the latest fashions. The food is good as institutional feeding goes, rooms are decorated individually and there are few matrons visible to the visiting eye. Two honor cottages are self-governing and have no staff in them at all (and are unkindly called "snitch houses" by other inmates; in prison an informer is known as a "snitch."

Mrs. McLaughlin knows she has the perennial problem of modern prisons: white rural staff, hired from the sourrounding area, in total control of the lives of prisoners who are mostly from big cities and mostly blacks.

She has a staff of 261 overseeing 530 inmates. Eleven per cent of the staff is black, compared to 54 per cent of the inmates.

"It's very important to have blacks on the staff, important for the role they play. The black residents need to see blacks who have made it and are 'square.'

"There's an immediate communications gap. There's the gap between the very young, inner-city residents and the older, white, middle-class oriented staff. But even between black staff and black residents there can be a gap nobody likes to talk about, a class gap."

One afternoon recently, she had her final interview with a young, fashionably dressed black woman who was about to join the staff. The woman nodded as she left, "Thank you, ma'am." Mrs. McLaughlin smiled innocently and replied, "Why don't we drop that ———. 'Thank you ma'am' is lower-class white, you know."

Mrs. McLaughlin is sure that women prisoners are changing in attitude.

"Our drug problems's not so different. I looked at some board meeting minutes from 1950 and they had 40 per cent addiction then. But we are seeing more young offenders and a small but growing number of women who are active parties in regular crime. They don't just drive the getaway car or hide the money any more. They're pointing the guns.

"And we have militancy. They have a just concern with their rights. That's the way it is. Blacks have taken all they are going to take, being kicked around. Everyone has a right to say how they're feeling. Inside or out, we have to be concerned with individual rights. I don't care whether a person is in prison or out, they have fundamental rights."

WHO THE INMATES ARE

Mrs. McLaughlin is asked about the unprisonlike "dormitories" and "campuses." She enjoys smashing the stereotype of the hardhat warden issuing public relations mush.

"I don't care if this was the Greenbrier Hotel, it isn't fun. This is a prison with 500 miserable people forced to be together. It can't be good, they can't go home, they can't relieve the pressures by going out to the street to a show."

She is not euphoric about the power of an authoritarian figure bringing inner change. "These aren't 'girls,' the way they used to be called around here, and I'm not their mother."

But many of the inmates are, in fact, girls. Seventy per cent of the residents are 30 years or younger and a few are 15 and 16. They come from 40 different states and about 30 of them from foreign countries, convicted of crimes in the United States, usually smuggling dope. Thirty per cent have a history of prostitution.

"How are you going to teach a woman a trade that will earn her $1.25 on the outside when she's been in the habit of making $500 a night?"

If the women work in the prison industries they make from 19 to 47 cents an hour.

Forty-two per cent have a history of narcotics use. Only nine per cent have ever had a significant alcohol problem.

Like all prisoners, women inmates do not lack intelligence but have lacked sufficient schooling and what schooling they received obviously was deficient. About 60 per cent have average IQs or higher. About half of them went no higher than 9th grade but they test out at a median of sixth grade level.

They are serving federal sentences for postal violations such as mail fraud, 22 per cent; narcotics, 20 per cent; forgery, 18 per cent; involvement with stolen goods in interstate transportation, 12 per cent.

There have always been about 30 robbers and about 30 in for conspiracies of various kinds with only a few murderers and kidnappers.

Federal offenses are different from state. In one state prison for women, half were in for killing their husbands or boy friends and most of the rest for prostitution.

Like male prisoners, 90 per cent at Alderson have histories of prior arrests, with criminal arrests starting as young as age 7. Half of them earned less than $3000 a year before their imprisonment, but only 26 per cent had ever been on welfare.

The statistics support the bias of the criminal justice system and of the outside society. Mrs. McLaughlin tells interviewers, "If you're poor, if you're black, if you're twenty-six and you're a woman, the dice are loaded against you."

She likes to tell that to the residents and then add:

"But prisoners have responsibilities. I'm sorry if your mother didn't love you and I'm sorry if you have no money, but you've got to face the future."

"AN EMOTIONAL BINGE"

For all its bucolic grace, tolerant atmosphere and the warden's anticipation of traditional complaints, Alderson has had its troubles. It has its "hole," the segregation cells in which women are punished by being locked in a bare tiled cell with no transparent windows, a toilet, and a cot. There are tensions and bitterness.

In September, residents of Alderson held a memorial for the prisoners in Attica. It evolved into a strike for reforms at Alderson, with 130 residents occupying the prison's garment factory building for four days. Mrs. McLaughlin sent in food and blankets for the strikers and received their list of 42 demands.

Like most prisoner demands, these would be agreed to by many prison administrators if they were free to do so: reasons to be given for denial of paroles; more halfway houses; work release programs for qualified inmates; more caseworkers on the staff; more psychological counseling; more vocational training; better education within the institution; published standards for changing inmates' level of restraint; unlimited mail; disinfectant for all cottages; reasons given for severe disciplines, and so on.

But at some point, Mrs. McLaughlin decided the strike had gone on long enough. She called in help from other federal prisons. Male guards went through the campus, used tear gas, rounded up a predetermined list of inmates thought to be ringleaders, put them into a waiting bus (by mistake including one staff member), and transferred the women to maximum security institutions in Ashland, Ky., and Seagoville, Tex.

Mrs. McLaughlin refers to the strike as "an emotional binge" and the result of "two or three very troubled people; our psychiatrist says that we have about 50 people who are in and out of psychosis all the time." But the demands were consistent with what most correctional administrators are themselves asking for, at least when outside their own institution.

Nevertheless, Alderson is a far more humane institution than the average state and county prison for women. Elsewhere there are female prisoners subjected to terror and degradation and the same kinds of psychological pressures that afflict male prisons.

Tom Murton was a warden in Arkansas who unearthed murdered inmates and tried to reform the institutionalized savagery before he was fired by Gov. Winthrop Rockefeller. Because prisons are typically closed institutions protected by secrecy, their worst characteristics usually come out only with a riot or after an administrator has been fired.

A warden who preceded him at Cummins prison farm, Murton says, had an electric buzzer installed next to his bed in the warden's residence on the grounds of Arkansas State Penitentiary. When he pushed the button, the staff would select a woman inmate to go to the house to perform sex acts on the warden.

Black women were forced to "clip" grass on the prison grounds with their bare fingers, and for meals were permitted to eat only whatever white women prisoners left behind them. Women prisoners were beaten with leather straps.

When prisoners under sentence to the state prison were transported from the local county jail, all the prisoners—men and women—were put in the same covered van and it was usual that the women began their prison term by being gang raped in the van.

Lawsuits claim brutality to women in some prisons that match those in some men's institutions. In Louisiana, seven women prisoners brought suit recently in a federal court claiming that at the state prison the seven women were punished by being beaten, stripped to their underwear, three of them handcuffed together in one cell, four of them handcuffed together in another cell, and gassed repeatedly with a spray that burned their eyes and made it difficult for them to breathe, and that this went on for four days.

Last October in Miami, a civic committee of business and professional women protested "inhuman living conditions" for female prisoners in Dade County Jail.

The committee said women, often incarcerated for months, had total recreation facilities consisting of one incomplete deck of cards. It said 18 women lived in one large cell, rain leaked through windows soaking beds, very young girls in jail for their first time were left alone with experienced older prisoners and no exercise was permitted for weeks at a time.

In Michigan, Carole Morgan, a teacher for two years for women prisoners in the Detroit House of Corrections, said that an 18-year-old girl prisoner, finishing her term on a drug charge, once came to her hysterical because shortly before she was scheduled for release she was visited by a detective from the city narcotics squad who told her that if she did not become an undercover agent for them they would make sure that she served more time in jail.

LISTENING TO THE INMATES

Jane Meyerding, 21, was held in Monroe County Jail, N.Y., while being tried on charges arising from raids on Selective Service and FBI offices in Rochester. She said she and other women were stripped and searched before and after each court appearance, a process in which they did not resist but did not cooperate.

"When we were convicted and brought back to the jail they had a real field day . . . There was a man there when we were searched . . . The men brought us up the stairs and when it was my turn he put the handcuffs on me and dragged me over to where they wanted to strip-search me. He didn't take too much part in the actual stripping because I was just being passive . . . During the trial I wrote the judge a letter and he told the marshals to come over and stop the strip searches. But after the conviction they started all over again."

Compared to the institutionalized cruelty and neglect typical of many women's prisons, the residents of Alderson are fortunate and the experienced ones (40 per cent have been in prison before) know it. But even there they suffer destructive anxieties and psychological pressures.

For about an hour, the Resident Council, two women elected from each dormitory, discussed their anxieties. About 28 gathered around a long, polished table near the warden's office. Some of the women were stylishly overdressed, the others casual and cool. The accents ranged from Deep South black to university British. To the casual eye, it could have been the board meeting of an integrated middle-class PTA.

Some of the bitter complaints would require relocation of Alderson. For example, the separation of women from children because of Alderson's remoteness and lack of public transportation. Of twenty-eight women, 22 raised their hands when asked how many had minor children. When asked how many had not seen their children since their imprisonment, the same number of hands went up.

But the most bitter and impassioned complaint would take no revolution: quick response on parole applications, together with a detailed reason for denial of parole. At stake are years of a woman's life, but present procedure is casual.

A parole examiner visits the institution and interviews the prisoner in sessions that inmates say range from three to five minutes, with a few 10 or 15 minutes. Then there is silence for up to four months. If the parole is denied, there is no reason given except, possibly, "lack of progress."

Nothing causes more frustration in prison than the mysterious and indefinite working of parole boards.

As one young woman, interviewed at random in her dormitory, said, "I got five. I know I did wrong. I'm doing good time. I take courses. I have a good record here. My mother is taking care of my kids. I get no answer from the parole board except not enough progress.

"I ask what that means and nobody can tell me. Why keep trying? I mean, if you want to drive someone crazy, then put them in an institution and never let them know when they're getting out."

In that respect, men and women in prison have a common experience.

THE VANISHING ARMADA

Mr. MATHIAS. Mr. President, the graceful skipjack, fabled in folklore of the Chesapeake Bay and around the groaning oyster board, is sailing into history. Years ago there were thousands, scattered across the winter seascape like a silent armada, hauling in tons of shell creatures from the frigid waters of the bay every day. Now there are more efficient ways of dredging. Motors are more powerful than wind-driven sails. Apprentice watermen cannot be found. The craftsmen that kept the boats afloat—sailmakers, marine carpenters, and others—are abandoning their crafts.

Today there are less than three dozen working skipjacks. In a few years there will not be any. The 20th century will have won, and the loser, for better and worse, will have been a way of life on Chesapeake Bay.

Potomac, the Sunday magazine of the Washington Post recently took note of this with an article on the effort to include the skipjack and a collection of classic oyster recipes in the Maryland presentation at next summer's Smithsonian Institution Folklife Festival. Mr. President, I ask unanimous consent to include these articles in the Record, and also I want to pay tribute to the artistic photograph by Bob Burchette, of the Post, which accompanied the article. Mr. Burchette captured the mood of his subject magnificently in a picture of three skipjacks in the midst of early morning Chesapeake Bay. The sun has just struck the sails of one of the boats, and is being reflected back in golden glory. Two other boats are working, shrouded in mist and semidarkness, in the background distance. A truly brilliant photograph illustrated this feature and these boats which are unique to Chesapeake Bay; I only regret it is not possible to reproduce the potograph as well, in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Skipjacks: Anachronisms With Sails

(By Richard Cohen)

Tilghman Island, Md.—The man from the Smithsonian Institution asked his questions in a conversational way. His manner was breezy, sensitive to the fact that his subjects were trying to make a living like anyone else and if what they did was exotic and worth exhibiting at the annual Folklife Festival on the Mall, well, that was his perception of it, not theirs.

But, surprisingly, it is their perception of it, too. They know they are some sort of human buffalo herd, saved from extinction only because the State of Maryland values its antiques. Laws have been passed, regulations promulgated and a statutory reservation has been established to postpone the inevitable day when the last skipjack captain is lowered into an Eastern Shore grave and the last working skipjack is a rotting hull up in the mud of a Chesapeake Bay estuary.

"Yes, indeed," Captain Clyde Webster said. That's the way it will be. When he took to the water 50 years ago from Deal Island, thousands of skipjacks were working the bay for oysters. His grandfather followed the water. His father followed the water. His only son pumps gas.

He will be the last, he said. And it's all right with him. The hours are long. The wind is biting and capricious. The crews . . . well that's another story. Some are drunk and some are "colored" and some are both. The families with the short, blunt English names like Byrd, Muir, Daniel, Donalds, Selby and Webster are largely out of it already, with the young seeking work that is steady, that pays a pension, and offers insurance coverage, vacations, overtime, hours to spend with loved ones.

Things have changed. A machine can take up more oysters than a man. A boat under power does not need the wind. So from thousands, there are now only 33 skipjacks left but they stay at it, their captains knowing, Webster says, that they have somehow become romantic figures, sitting bulls, wierd old ladies holding out against the freeways, men making a living the way no one does it anymore. Under sail.

Ralph Rinzler, the bearded director of the Smithsonian's Folklife Festival gunned the General Services Administration car down Route 50, heading for Tilghman Island. With the help of Ben Evans, a native of Deal Island who had abandoned a life on the water for work as a school bus inspector with the State, Rinzler hoped to convince maybe five skipjack captains to sail their boats down the Bay and up the Potomac for the annual Folklife festival this summer.

Rinzler has been doing this sort of work for the Smithsonian for six years now. Before that, he was director of the Newport Folk Festival and he knows that if you approach a man and ask him what crafts he practices and what songs he sings he will tell you that he knows no crafts and the songs that he sings are his own business. So Rinzler is a careful, professional talent scout and before the winter has thawed he and his staff will have combed Maryland from the mountans of Garrett County in the West to the coves of the Eastern Shore looking for the true, the authentic, the rare and the interesting. He will bring them all together on the Mall over the July 4th weekend and do for Maryland this year what he did for Ohio last year and in the process prove that the melting pot myth is just that, a myth.

Nowhere is this truer than with the skipjacks, a bit of American ingenuity designed in the last half of the 19th century to sail the shallow Chesapeake Bay dredging for oysters in the winter and crabbing in the summer. Averaging 40 feet or more, the skipjacks were built to last and most of those still working the bay were built around the turn of the century. The *Susy Mae*, Captain Webster's 46-foot boat, was built in 1901, four years before he was born in Wenona, a small town at the tip of Deal Island.

But now Rinzler was desperate. He was late for his appointment with Ben Evans who had arranged for Rinzler to go out on a boat. It was one and a half hours until sunrise, Rinzler was late for the boat and the all-important element of trust would dissolve because a man at the motel had forgotten the wake-up call.

But Evans was still on the dock and had managed to find a boat willing to wait and accept company. With Captain Webster at the helm, the *Susy Mae* headed up the Bay toward Poplar Island, one of the most lucrative oysters bars anyone could remember. The bar, Evans declared, would be closed by the State at the end of the day to avoid depletion of the oyster stock.

Dredging for oysters, for all its romance, is basically a matter of math. A skipjack is allowed 150 bushels a day. Any more than that, and the state moves in and fines the captain. Each bushel is worth about $4. Thus, on a day when a skipjack can dredge up its limit, the boat can make $600. Out of each dollar, the crew gets 12 cents a man, the ship itself gets 22 cents and the captain gets about another 20 cents. If the boat makes its limit for five days, a crew member who gets a full share can make about $350. Such weeks are rare.

There is, first of all, the blunt fact that not all oyster bars are productive. Then there is the wind. Without it, a skipjack cannot dredge. It will not have the momentum to pull its iron and cotton dredge along the bottom and snare oysters. And then, the oyster season, Nov. 1 to March 15, is a period of ice and snow, a time when the skipjacks may be forced often to stay in port.

But mostly, it is a matter of wind. With it, a skipjack can make the limit and quit for the day at 10 a.m. Without it, the hopes of making a day's pay vanish. To make sure that the skipjacks get a minimum haul, the state allows them to use power two days a week. On those days, if the bar is kind and there is no ice, the boat will make its limit.

But most oystering nowadays is done from what are called patent tongers. They are two-man boats with a limit of 25 bushels a man. Run by power, the tongs dip into the bay and return to the boat filled with oysters. The tongs take in less per haul than a dredge but they are insistent and dependable, relying on gasoline and not wind for their power. It is ugly to see, conventional as an oil rig, but lucrative. On the December day the *Susy Mae* hosted Rinzler, it took in about 40 bushels, while the patent tongers made their limit. There was no wind that day.

Captain Webster knows the math, knows how much it costs to maintain a boat built in 1901 and concludes, "When you work it out, you ain't got much. People think you get rich with a boat. But you don't.

"I'll tell you something about water. Some days you get 150 bushels, some days you get nothing. I'll tell you something about water, boy, there's no money here."

By now, Webster had only one dredge in the water. His sails were up, his dredge was down and the boat went nowhere. The Bay, however, was humming with the noise of patent tongers, their motors working the tongs that would bring them their limit. Webster yelled, "Whoa," the dredge was winched up and the crew set to work culling the undersized oysters from the marketable ones.

Then the wind quit entirely and the skipjack fleet just sat on the water and Captain Webster, no disappointment on his face, set to work swabbing the deck and then swabbing it some more. The rest of the crew—four deckhands and a cook—took turns shaving out of a bowl and helping themselves to a pot of fried eggs. Ringler began to probe.

"Is there a place you go at night?" he asked.

"Sure, we sometimes go down to the store. But now the store is closed. When I was a boy I used to go girling a bit. Used to go to Princess Ann or take the steamer to Baltimore. You'd get a night's sleep and get to Baltimore."

Webster's answers are to the point. He volunteers nothing, but will answer everything.

He would prefer, it is clear, to talk to Evans about things back home in Wenona where they both come from. Webster will drive back there Friday night and stay for the weekend. The rest of the week, he and the crew will sleep on the boat, wherever the boat may be.

He turned to Evans and talked to him about a neighbor who had shot a deer only to have the animal collapse at his feet and die staring his killer in the eye. "He sold his gun," Webster said. "I swear he sold his gun. He won't shoot a deer or a bird no more."

Down below in the cabin, Paul Donalds had taken advantage of the calm to shave. A portly man in his 50s, Donalds was raised and has lived his life on the Eastern Shore. Recently, his son was injured in a motor vehicle accident while returning to Ft. Belvoir and Donalds came to visit him in Washington. It was the first time he had seen Washington and he said, frankly, that he was not inclined to return.

By 10 a.m., Webster had cut the motor on the engine that takes up the dredge. He had taken in 11 bushels of oysters, $44 for four hours of work. His sail, bought two years ago, cost $700. He spent $3,000 on the boat over the Summer. He had to feed his crew and pay the fines if the Marine Police caught him keeping undersized oysters or exceeding his limit. And they caught him once this year. Fined him $50.

Meanwhile, Rinzler worked at his craft. Who makes the dredges? A blacksmith. Who makes the trail boards? A little man on the Western Shore with one eye. Why are the dredges made partly out of cotton? Nobody knows. Who makes the main mast? A fellow near Salisbury. Who makes Skipjacks? Nobody.

Any nobody will. So they talk about the man who came from California to buy one for a pleasure boat and they talk about the fleets that once prevailed on the Chesapeake Bay and they talk about the man on Deal Island—was his name Harold Selby?—who once owned a fleet of 99, but they don't talk much of the 22, off Poplar Island that day, sitting on a Comstock Lode of an oyster bar, who couldn't make enough money to pay the cook because the wind died.

They sat out there in the cold and the fog, graceful and sleek, poking their masts into the low clouds and playing games with the light. Their crews slept or shaved or worked at working.

In the end, Rinzler netted three skipjacks for the festival. They will be at the Festival in July, the buffaloes of Chesapeake Bay. All cleaned and painted, they will look as pretty as they do right before the annual Labor Day races on the Bay. But next season, there will be fewer skipjacks than there were the season before, and someday there will be none.

"Yes, indeed," said Captain Webster, and he permitted no regrets.

OYSTERS—IN SEASON AND BEAUTIFUL FIVE DIFFERENT WAYS

(By Wendy Cortesi)

Since the advent of civilized man, and probably well before, oysters have been known both as a valuable food source and as a great delicacy. Early settlers in America were fortunate to find the oyster (which is rich in protein, certain vitamins and trace elements) a staple part of the Indian diet and available in great abundance. Although gourmands have been consuming oysters for centuries, sometimes in legendary proportions, the world has yet to make up its mind whether they should be fat or thin, large or small. (The Walrus and the Carpenter, in Alice in Wonderland, avoided the whole question and ate both with equal relish.)

The season for oysters taken from natural beds run roughly from September to April in the Chesapeake Bay area.

During the season, oysters can be bought in a variety of ways ranging from nesting neatly in the half shell on cracked ice, from Cannons Seafood in Georgetown at $2.50 per dozen, to muddy, unopened ones at the Washington waterfront and in other Chesapeake Bay towns for about $1 per dozen. (The Washington waterfront is open on Sundays.) They can be bought shucked or unopened at most fish markets, which also sell oyster knives, cocktail sauces, oyster crackers, etc. Oysters can be bought in large quantities from wholesalers at better prices. It is possible to keep them as long as a month, using as needed, if they are bought muddy and unwashed and kept constantly cold and damp. During a normal winter this can be done in an unheated attic or basement. They don't need to be fed. However, this can be risky, and if the weather turns warm, have an oyster party immediately.

TO OPEN

Scrub well with a brush and cold water. Chesapeake Bay oysters are often muddy.

Put the oyster on a sturdy table on newspapers, as they are quite messy, flat side up, holding it with the left hand. (Experts don't seem to need to put it on a table.) A glove helps in case the knife slips, although the blade is thin and rounded rather than sharp and pointed. With the right hand (reverse if left-handed) insert the oyster knife at the narrow end between the two shells, wiggling and pushing hard at the same time. When the ligament has been cut, the oyster makes a dull popping noise and the shell loosens. Then run the knife along the inside of the flat shell to sever the muscle which holds the shells closed. It is impossible to pry the shells apart at the edges without breaking it if this muscle is not cut. Remove the top shell and cut the other muscle in the same manner, freeing the oyster. Opening oysters is hard work. Practice helps but there may still be a few which are absolutely impossible to open even if you are doing it right. Discard any oysters that are open or, after opening, appear dry, discolored, or peculiar smelling.

Oysters-on-the-half-shell.—A delicacy the world over.

Traditionally served on cracked ice with cocktail sauce, horseradish, lemon, and oyster crackers. Use small oyster forks or toothpicks and allow at least 6 per person.

Or try them with:

Sauce mignonette.—a French variation. Combine finely chopped shallots, red wine vinegar, freshly ground black pepper, and salt to taste. (Allow 5-6 large shallots per cup of vinegar.) Let it sit for at least a half hour before serving in a small bowl—a little sauce to be spooned onto each raw oyster.

Fried oysters.—A Chesapeake Bay Specialty. Drain large, shucked, oysters on paper towels; dip in beaten egg and then in cracker meal. Pat firmly to seal. (If using small oysters put two together, one on top of the other, the fat head to thin tail, before coating with cracker meal.) Fry in deep fat until lightly browned. Drain on paper towels and serve.

Oyster stew.—The classic soup made with oysters. To serve 6–8.

1 quart shucked oysters—size according to preference.
1 pint light cream
1 pint milk (You can also use all milk or all cream.)
2 tbsp. butter
salt and pepper to taste

Drain oysters in a colander, reserving the oyster liquor.

In separate saucepans, bring the oyster liquor to a boil, heat together the milk and cream but do not boil, cook the oysters briefly in the butter and a couple of tablespoons of the liquor until the edges start to curl.

Combine all ingredients, add salt and pepper and serve piping hot with oyster crackers.

Oysters Rockefeller.—Probably the most famous and exotic way of preparing cooked oyster.

This dish supposedly originated in 1899 at Antoine's Restaurant in New Orleans and was so named because of its richness. There are numerous versions, all slightly different, but all presumably trying to come as close as possible to the original. It requires quite a lot of time to prepare but is not difficult.

To serve 8—as a first course.

4 dozen raw oysters on the half shell (the deep half)
2 cups finely minced fresh, raw spinach (about 5 oz., with the stems removed)
⅔ cup finely minced green onions—including green part (about 8)
1 cup finely minced fresh parsley—bottom third of stems removed (about ½ bunch)
1 cup finely minced fresh celery stalks
½ lb. butter, chopped, not melted
juice of 1 large lemon
3 tbsp. Worchestershire Sauce
3 tbsp. Pernod of Absinthe—an essential ingredient
salt and cayenne pepper to taste
8 round pie pans
rock salt—same as used to melt ice on sidewalks

First, mince all vegetables and combine in a large bowl.

Add the butter and chop further with two knives to distribute evenly. Add lemon juice, Worchestershire Sauce, Pernod, salt and pepper and mix with a fork.

Preheat boiler—to 400 degrees if it can be regulated.

Put a layer of rock salt in each pie pan and arrange 6 oysters on the half shell in each. (The salt keeps the oyster shells from tipping.) On top of each oyster put about a teaspoon (more if the oysters are large) of the vegetable mixture.

Broil about 5 minutes or until topping begins to brown.

Serve immediately in the pans, one pan of oysters for each person.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. STEVENSON. Mr. President, on Friday, January 21, I was necessarily absent and was not positioned during the vote on Senator RANDOLPH's unprinted amendment to S. 2515. If present and voting, I would have voted "yea."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 858

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 858) of the Senator from North Carolina (Mr. ERVIN).

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the pending amendment (No. 858) begin running at 2 p.m. today, and that the vote on that amendment occur at 3 p.m., with the same provisions in effect with respect to all other particulars as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:55 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1:55 p.m. today.

The motion was agreed to; and at 12:42 p.m. the Senate took a recess until 1:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

QUORUM CALLS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

Time is under control. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER (Mr. BAKER). Without objection, it is so ordered and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, several years ago I stated on the floor of the Senate that the constant agitation about racial matters was impairing our national sanity. If we needed any proof of the accuracy of that statement, such proof is furnished abundantly in the pending bill. Here there is a proposal to give to five bureaucrats, who are elected by nobody to do anything and who are responsible to nobody on the face of the earth, powers greater than those that the courts and the laws of the United States impose on the office of President.

Under the pending bill, these five men would have virtually autocratic powers to do virtually anything in the employment field. I say virtually autocratic powers because this bill is very skillfully drawn to make it impossible as nearly as human language will permit for the courts to reverse any decision made by these five men.

There is an old adage which expresses the most fundamental truth on the subject of juris prudence, and that is that out of the facts, all law arises.

Mr. President, if I have the power to write the verdict in a case, I do not care who writes the judgment, because the judgment has to follow the verdict.

My distinguished friend, the Senator from New Jersey, said, while quoting a man who knew better, Professor Wigmore, that the rule requiring a preponderance of evidence in a civil case is a vague rule.

With all due respect to Dean Wigmore's spirits, I would say that is an absurdity. Every day between the time we awake until the time we seek repose in slumber, we make many decisions on the basis of the preponderance of the evidence available to us. We certainly do not make our decisions on the basis of less than the preponderance of the evidence. We weigh all of the evidence, and then the evidence which weighs most heavily in our minds and has more convincing force is the evidence we follow.

Some years ago we started setting up administrative agencies with judicial or quasi-judicial powers. And these executive agencies were very loathe to have their opinions and ruling tested in the courts. When they first started passing laws to allow them to be reviewed in the courts, these executive agencies were able to persuade the Congress of the United States to adopt what is known as the substantial evidence rule. The substantial evidence rule is embodied in the pending bill.

What is the substantial evidence rule? Substantial evidence is any evidence more than a scintilla. And it has been defined in the courts many times to be less than the preponderance of the evidence. The preponderance of the evidence is the evidence which shows that an allegation is probably true or probably false.

Yet, when I offered an amendment before the Senate of the United States to the pending bill to provide that the courts should be free of the findings of facts made by a crusading board when the evidence showed that those findings of fact were probably untrue, the Senate rejected the amendment. The amendment provided that the courts would not be bound by the findings of fact unless those findings of fact were supported by the preponderance of the evidence. That meant in simple English, that the court would not be compelled to abdicate the exercise of its mental faculties and to do such violence to justice as to be bound by the findings of fact based upon the evidence which showed that the findings of fact were probably not true.

I have said here and I reiterate that those who back the pending bill wish to make it virtually impossible for a court to reverse the findings of the commission. The crucial thing that is involved here is that no man should be hailed before a court by a commission or be compelled to go to court to escape a judgment of the commission if that man, that employer, has fully complied with the law and has not practiced discrimination in any respect.

Yet, under the pending bill, the Commission can hail that man into court or compel him to go to court. And that man is denied the opportunity to disprove the very thing for which he has been unjustly hailed into court or unjustly compelled to go to court.

Why do I say that? I say that because the pending bill provides that before the Commission can do anything of an affirmative nature outside of investigating, it must attempt conciliation and must attempt to persuade the employer whom they charge with discriminating to take a course of action which does not discriminate. That is a condition precedent to the right of the Commission to take any action at all or to make any findings of fact or to make any recommendations or to render a judgment which impels an employer to seek relief in this kangaroo proceeding which makes a mockery of justice; and yet this bill provides that although a man has not discriminated and although the Commission is trying to make him do more than the law requires, he is denied the right to prove that in the court, and he is denied the right to show that the condition precedent to any action on the part of the Commission has taken place.

This provision is found on page 38 starting with line 7:

> If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court,—

Now, mind you, Mr. President, it does not say if they shall fail to get an agreement complying with the law, but an agreement which is satisfactory to the whims and caprices of the Commission. Then, it states:

> Which determination shall not be reviewable in any court.

This is just another one of the things to show that this bill is not so much concerned with obtaining justice, but with imposing the notions of the EEOC as to what policy is desirable upon a people who have not violated the law. If it had been done for any other purpose it would have said:

> If the Commission determines that it is unable to secure from the respondent a conciliation agreement complying with the law—

instead of the whims and caprices of the Commission. That is the way it would have been phrased.

A man sought to have the right in any litigation to show that the condition precedent to the right of a person to take action against him did not exist.

I said that this bill would give these five men more power than the President of the United States has because under this bill they could go into any State government, any county government, any school district, and they could actually appoint the officials there. This is the first time that I have ever heard it advocated in the Senate that the Senate shall pass a bill whose cosponsors do not know what it means. I have asked my good friend from New Jersey the meaning of the provision with reference to State employees of political subdivisions of States, and where it stops. He admits there is no limitation in the bill. I asked the distinguished Senator from Ohio (Mr. TAFT)—I am sorry he is not here—what protection the people in State government have against the EEOC if it told them that the Governor, whom the people of the State had elected, had been elected by them because of his race, or religion, or national origin; and he said we had protection in the courts under the guarantee of the Constitution that the United States should guarantee to every State a republican form of government.

Mr. President, I read all the decisions under that provision, and the courts of the United States have nothing to do with that provision. They cannot entertain any case to secure an interpretation of that provision, and they cannot entertain a case which is designed to find whether a State has a republican form of government.

The decisions state that there is a political power which belongs to Congress and Congress alone, and that, therefore, whatever Congress does must be accepted by everybody as being a republican form of government within the meaning of the Constitution. So there is no remedy there.

I say this is the most far-reaching bill that has been proposed to Congress since George Washington took his first oath of office as President, because it gives this commission absolute power, with no review except the sort of kangaroo proceeding imposed on the courts, which are denied the right to find according to what the evidence states is probably true.

What does it say about States? It says that a State is an employer. Then, they define an employee as a person who is employed by an employer. That is already established on that point. Then, Mr. President, you go to the dictionary to find out what an employer is, and it states he is a person or concern that employs another, usually for compensation, wages, or salary.

So under that definition the Governor of a State, although he is elected by the people of the State, would be an employee of the State. This gives the commission jurisdiction to deny any man, whether he is a Governor or a State supreme court justice or a State legislator, the office to which he has been elected by the people of his State or his district or county. Why do I say that? The bill states expressly that a State is an employer. It confers jurisdiction over every employer; it gives them jurisdiction over every employee of a State or political subdivision. Now, what is a State?

The court said in the celebrated case of Texas against White:

> A State, in the ordinary sense of the Constitution, is a political community of free citizens occupying a territory of defined boundaries and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed.

In other words, it will be noted that the salient thing is that it is a political community of free citizens. They no longer will be free citizens if this bill passes because we will have a Federal agency that can supersede them in the selection of their officials and employees. And there is not a man in the Senate whom I have been able to discover who can point to anything in this bill which subjects it to a semblance of any other interpretation.

This amendment would remove from the jurisdiction of the commission the power to determine which persons are to be employed as physicians and surgeons in hospitals. Mr. President, if there is anything which shows what absurd lengths this bill goes to, it is the power it gives the commission to determine which persons a hospital shall select to perform surgery, or which persons it shall select to be members of its medical staff. There never has been, according to my understanding, a single doctor on this commission. Its members are no more competent to pass on the qualifications of surgeons and physicians than I am to perform the functions of an archangel.

The bill would make every public hospital and every private hospital that employed as many as 15 persons, subject to the jurisdiction of this commission.

There is one other thing that has caused this country much divisiveness and has caused this country much consternation and much turmoil, and that is the fact that we now have, in addition to local school boards, which should be allowed to select principals and teachers and superintendents, two Federal agencies which are exercising that power—the U.S. district courts and the U.S. courts of appeals and the Supreme Court of the United States. In addition to that, we have the Department of Health, Education, and Welfare. And this bill, for the first time, would place jurisdiction over the employment of all school superintendents, all school principals, all school supervisors, all schoolteachers in every one of the 50 States, in the Commission. They could say who were to be hired and who were to be fired and who could be promoted and who could not be promoted. They could say, "Not because of any external act that you committed which was illegal, but we find that although you did a legal external act, you had an improper motive in your heart when you did it."

Under this bill, the Commission could order school boards to hire certain teachers and pay them back salaries for the time they did not teach. As I said the other day, they are no more competent to select teachers than they are professors of anthropology.

I was struck by some of the rhetorical questions asked by my friends on the other side: "What do some people think about the fact that we cannot pass this bill quicker than we have?" I think I can answer that. I think some people in the United States are finding out that there are at least a few men who will stand up on the floor of the Senate and fight for freedom for the people of America. They will fight for the freedom of hospital boards to select their own physicians and surgeons. They will fight for the freedom of school boards to select their own teachers. They will fight for the right of the small businessman to choose the persons whom he thinks are most likely to make his business venture a success rather than a failure.

Mr. President, the bill before us would place the employment practices in the 50 States under the jurisdiction, as I have said of five men who are not elected by anybody to do anything, and who are not responsible to anybody for anything they do, and whose actions cannot be effectively reviewed by courts of justice. I say this because the bill puts the courts of justice in a straitjacket and compels them to carry out the decrees of the board by accepting their findings of fact, even though the evidence may show that those findings of fact are probably not true. So this bill would give five men on that commission more power than the President of the United States possesses.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, I yield myself 5 minutes.

The amendment offered by the distinguished Senator from North Carolina would exempt from the coverage of the law, as it would be if the bill passes, all hospitals, public and private, in the hiring of physicians and surgeons, and in doing so it would be saying affirmatively that hospitals, in their selection of physicians and surgeons, can discriminate against a person because of his race, color, religion, sex, or national origin.

This amendment, I suggest to my colleagues of the Senate, is cut from new cloth. It is different from the other amendments we have had. It goes to some fundamental principles. When we were talking about the preponderance of evidence, when we were talking about extending coverage to State and local governments, that was one thing, but we cannot exempt hospitals, in the selection of physicians and surgeons, from the dictates of the Constitution and the basic law against discrimination. I think that we would be stepping back 100 years, and I am most strongly opposed to this amendment.

The amendment would mean that a physician, fully qualified and accredited by appropriate State and national authorities, could be denied employment with a hospital simply on the basis of race, color, religion, sex, or national origin and be unable to appeal to the Equal Employment Opportunity Commission for relief. There is no logic to this proposed amendment. It is not based on any showing of need. It is contrary to the present law and policy of this Nation with respect to equal employment opportunities.

We have seen, during the course of debate on S. 2515, that minorities and women have been, and continue to be, denied access to high-level and professional job categories. The medical profession, I regret, offers no exception to this pattern of discrimination.

The 1971 American Medical Association publication, Relative Data on the Profile of Medical Practices, shows that only 2.2 percent of this Nation's 334,000 physicians are black.

The Bureau of Labor Statistics reports that only 7 percent of all the physicians in this country are women.

There are, of course, many factors which contribute to underutilization and discrimination in the medical profession, such as the low enrollment of minorities and women in medical schools.

However, the availability of employment opportunities for minorities and women is a key factor. A substantial number of the physicians considered employed by public and private hospitals are interns and residents. Intern and resident programs are essential elements of a physician's medical education, and are the basis for training in the various specialized fields of medicine.

Statistics collected by the Department of Health, Education, and Welfare show a very serious underrepresentation of minorities. Among interns and residents employed by reporting hospitals, only 1,047, or 2.2 percent, were black. Although the number of blacks increased over the 1966 total—860 out of 34,188 were black—the proportion of blacks declined from the 1966 proportion of 3.5 percent.

I might point out that in the State of North Carolina in 1969, only 4 out of 883—0.5 percent—interns and residents were black. In Alabama, only 3 out of 384—0.8 percent—were black.

Further, a significant proportion of physicians in this Nation are considered "hospital based." According to statistics compiled by the American Medical Association, some 31 percent of the over 310,000 active doctors in this country work out of hospitals rather than private offices.

We must assure that access to these positions in hospitals is based on ability, rather than on arbitrary and capricious qualifications such as race, color, religion, sex, or national origin.

These figures, I believe, dramatically show why it is important to retain employment of physicians by private and public hospitals within the jurisdiction of EEOC.

In addition, the amendment by the distinguished Senator from North Carolina is wholly in conflict with the general need recognized by both public and private groups for more female and minority doctors.

The American Medical Association and the Department of Health, Education, and Welfare have established a goal to increase the number of blacks enrolled in medical schools to 12 percent of the total medical school enrollment by 1975.

The Comprehensive Manpower Training Act—Public Law 92-157—enacted during the first session of the 92d Congress, would provide financial assistance for medical training. Title VI of the Civil Rights Act of 1964 assures that this assistance is available to all without regard to race, color, religion, or national origin. A special section added to the manpower legislation assures that no person be denied assistance because of sex.

Simple justice demands that employment be equally available without discrimination to students who have completed their formal education.

Finally, the exemption proposed by the distinguished Senator would be in clear conflict with the Constitution and existing Federal law which require that opportunities for employment at publicly supported hospitals be available to all on an equal basis. The amount of Federal financial assistance in the field of health care is substantial. Since 1947 over $12 billion in Hill-Burton funds have been spent for the construction of health facilities.

Over 98 percent of the general and specialty hospitals in this country receive some form of Federal assistance for health services. In fiscal year 1971, 31 percent of the money spent on health care was Federal money—"The Size and Shape of the Medical Care Dollar," Social Security Administration, 1971.

As you know, the Constitution and title VI impose a legal obligation upon all Federal agencies to assure that Federal assistance be available to all recipients on an equal basis. HEW has taken several steps to assure that the hospitals which receive Federal assistance be available to all receipients on an equal basis, and comply with title VI.

That Department has determined that protection of the rights of the ultimate beneficiaries of Federal assistance, the patients, requires that professional staff members, including physicians, be employed on a nondiscriminatory basis.

Thus, while the amendment by the distinguished Senator may create an exemption under title VII, for physicians employed by hospitals the Constitution and title VI would compel that employment remain available on a nondiscriminatory basis.

Mr. President, I said earlier that this amendment, in my judgment, would roll this country back 100 years. Certainly we have seen the discrimination within the last 100 years that it would permit. I was visited in my office, before coming over to the Senate floor, by a very distinguished former Governor of the State of New Jersey, who is very proud of his Irish ancestry.

I asked Dick Hughes:

> Dick, I have heard stories that in this country at one time there would be signs out where there were jobs available that no Irish need apply. When was that, in the last century?"

He said:

> No, it wasn't. It was a lot more recent than that.

My administrative assistant, Ben Palumbo, is of Italian ancestry. I asked him:

> I have heard that people with names ending in "o" indicating Italian background have been discriminated against on that basis. When was that, 100 years ago?"

He said:

> My father says it was a lot more recent than that.

Irish, Italians, Jewish people, black people, and women—these are the people to whom we are trying to give an equal opportunity. The mayor of one of America's great southern cities shocked everyone not long ago when he suggested to his constituents that they "think black." What he meant by that was that his white constituency should try to understand the feelings and the thinking of the black man.

As I stand here leading the debate on this measure, I try to think as a young person would who has gone through that long, hard, and expensive trail to be the graduate of a medical school, be he man or woman, black or white, or whatever national ancestry. I say that in this Nation, which so badly needs doctors, it would be a terrible crime if, because of ethnic background, sex, race, or religion, the American people were denied the services of that new doctor.

That is exactly what this amendment would do. It would take from a doctor the protection that the Constitution gives him and would protect through this law. I think it would be against all that this country holds itself up to be, in an area of one of our greatest needs.

Right now, in the central city in New York City, there is one doctor for every 2,000 to 3,000 people. Rural America is crying for doctors. Yet this amendment would eliminate opportunities for those who already tend to be shut out because of their race, religion, sex, or national origin. This amendment stands out among all those proposed as representing exactly the opposite of what we should be doing in this country, which is opening up opportunities for everyone. I strongly oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

The PRESIDING OFFICER. Does the Senator from New Jersey yield time to the Senator from New York?

Mr. WILLIAMS. Mr. President, I yield the floor. I yield the Senator such time as he may need, within our limitation.

Mr. JAVITS. Mr. President, I have heard with the greatest pleasure the statement of the Senator from New Jersey on this amendment. Interestingly, it seems to have roused him as almost no other amendment has, and I was very pleased to detect the note of indignation with which he addressed himself to this subject.

Mr. President, I shall not endeavor to go over the same ground; the Senator did it superbly. I do have, however, one or two other points I wish to raise.

First, this amendment is so completely regressive that it does not just try to undo what is in this bill, but it tries to undo what we did in the bill passed 8 years ago, in 1964. That is what the amendment is directed to. It proposes to undo a measure we enacted in 1964, about which we have heard no complaints. There have been a great many arguments here about the fact that this, that, or the other provision has worked out in an oppressive way, but I have not heard a single word said about the measure having worked out in an oppressive way as to doctors and surgeons.

As a matter of fact, it was one of the most striking evidences of discrimination that discrimination against doctors was exercised even in hospitals which were largely patronized by blacks. That was one of the most sensational aspects of the debate in 1964. So that is one point, Mr. President: An effort is being made to undo a measure which has been in effect for 6 years without any real complaint that it has not been working properly and effectively.

The other point, which I think is critically important, is that everything the Senator from New Jersey has said about continuing discrimination up until very

very recent times in respect of race and ethnic origin and color, as well as sex, is true.

Incidentally, I had that in my own family. My father was an immigrant from middle Europe in about the late 1880's, and I am old enough to know the discrimination which was practiced, overtly and blatantly, through many of my adult years in respect of employment.

One of the things that those discriminated against have resented the most is that they are relegated to the position of the sawers of wood and the drawers of water; that only the blue-collar jobs and ditchdigging jobs are reserved for them; and that though they built America, and certainly helped build it enormously in the days of its basic construction, they cannot ascend the higher rungs in professional and other life.

It will be remembered that one of the most cruel aspects of discrimination was the quota system practiced in many American universities when it came to doctors. It was the reason for the establishment of the Albert Einstein College of Medicine, one of the great colleges of medicine in the United States, in the city of New York. It involved a tremendous reaction. The first revolt within academic ranks on the part of students and faculty, as well as the general public, came when these facts came out.

Yet, this amendment would go back beyond decades of struggle and of injustice, and reinstate the possibility of discrimination on grounds of ethnic origin, color, sex, religion—just confined to physicians or surgeons, one of the highest rungs of the ladder that any member of a minority could attain—and thus lock in and fortify the idea that being a doctor or a surgeon is just too good for members of a minority, and that they have to be subject to discrimination in respect of it, and the Federal law will not protect them.

This would be most iniquitous. I simply cannot believe that in this year it would be seriously entertained as a possibility by way of exemption from this bill.

I hope very much, almost in self-respect, that the Senate will decisively reject this amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, I understand, I appreciate, and I agree with everything the Senator from New York has said.

Down deep in my heart, I do not believe that the sponsor of this amendment intends to do what this amendment actually would do. There are those of us who come from nationalities that have been discriminated against in one form or another, at one time or another and particularly by our immigration laws. Our parents have lived under grave injustices, inequities, and discriminations that violate the very spirit of the Constitution.

I remember a time in my own State when individuals of certain racial extraction could not gain an internship in some of our hospitals. Today they accept them freely. But it was a hard road to recognition. I know the experience of one individual in particular. Today he is one of the greatest surgeons in this country. At the time I speak of, he was refused an internship in a certain hospital. Later, that very hospital begged him to come there to lecture—but by then he had become world renowned in his profession of medicine. That goes to prove that acceptance was not a matter of qualifications at all.

No one here questions the right of any hospital or any medical authority to reject anybody, regardless of the color of his skin, or membership in any minority group, if the applicant is not qualified. That is not the question. All we are saying is that where all qualifications are met, please do not put certain groups under the burden of proving that they are twice as good in order to be considered equal. That is what we are trying to avoid. Equality is equality, under any standard, and that is the one test that should be used in America. If you use any other test, you violate the very spirit of the Declaration of Independence. It was written indelibly, not only on paper, not merely as words, but as the will and the way in the hearts of all people who believe in freedom. I hope that that indelibility will indeed endure eternally in this great Nation of ours, and I hope the day never comes when for any reason any person who is fully qualified will be discriminated against because of the color of his skin or because he comes from southeastern Europe or from any other part of the world. That, of course, would be an injustice that America must consider intolerable.

For that reason I oppose this amendment—with all due respect to the Senator who sponsors it. I know he is a man of good heart. He is a humanitarian, completely and in every respect, and I do not think he intends to do what this amendment would do—I hope that the amendment will be rejected.

Mr. JAVITS. Mr. President, I would add one prayer to that so eloquently uttered by Senator PASTORE: that even if he and I are not here, as ultimately we cannot be, the spirit of our immigrant forebears may be voiced by someone on the floor of the Senate for as long as this Nation may endure.

Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, how much time remains?

The PRESIDING OFFICER. The agreement was to vote at 3 o'clock. The Senator has 4 minutes remaining.

Mr. ALLEN. I yield back the remainder of my time.

Mr. WILLIAMS. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The vote cannot occur until 3 o'clock, under the unanimous-consent agreement.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote occur now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina. (Putting the question.)

The amendment was rejected.

Mr. JAVITS. I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The Presiding Officer (Mr. BROCK) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

As required by Section 216(a) of the Economic Stabilization Act Amendments of 1971 (Public Law 92–210), I am pleased to transmit herewith the first quarterly report on activities under the new Economic Stabilization Program. This first report covers the period from August 15 through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *February 11, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BROCK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Under the previous agreement, the amendment of the Senator from New Jersey is now in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the amendment of the Senator from New York be again temporarily laid aside and that the Senator from Alabama (Mr. ALLEN) be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 38, lines 10 and 11, strike the comma on line 10 and the words "which determination shall not be reviewable in any court" on lines 10 and 11.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. ALLEN. Will the Chair please rule on whether the amendment submitted by the junior Senator from Alabama is in order?

The PRESIDING OFFICER. The amendment of the Senator from Alabama is in order.

Mr. ALLEN. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, may I inquire of the distinguished Senator from Alabama as to whether he would be willing to enter into a time limit on his amendment?

Mr. ALLEN. I would be delighted to do so.

Mr. BYRD of West Virginia. What would the Senator suggest?

Mr. ALLEN. I would say 1 hour, to be equally divided.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the pending amendment be limited to 1 hour to be equally divided between the mover of the amendment and the manager of the bill; that time on any amendment in the second degree, debatable motion, appeal, or point of order be limited to 10 minutes to be equally divided between the mover of such and the manager of the bill; but that the time on any amendment to the amendment, debatable motion, appeal, or point of order come out of the time allotted to the amendment in the first degree.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, the amendment which I have just sent to the desk for myself and the distinguished senior Senator from North Carolina (Mr. ERVIN) would knock from the bill one phrase, as follows: On page 38, beginning on line 10, "which determination shall not be reviewable in any court."

This bill as introduced and as amended by the committee empowers this Commission to act as court, jury, investigator, and prosecutor all rolled into one. It provides that if the Commission at the outset of the complaint and its investigation determines it is unable to secure voluntary compliance from the respondent under a conciliation agreement acceptable to the Commission, which determination shall not be revealable in any court, then this would knock out that phrase "which determination shall not be reviewable in any court."

Mr. President, the inclusion of this phrase in this section, giving the Commission the authority to make this determination without any review, is typical of the arrogance of the Commission, which was started as a conciliation agency, which has been in existence for some 7 years or more, and which now seeks the power not only to investigate complaints but also to file charges, to hear the charges, to reach a determination, to issue an order, and then to have the power to enforce those orders.

It does not desire any control over its activity. It inserts the phrase with reference to a determination of whether compliance under section (b) of this section can be obtained. The purpose of the amendment is to strike from the bill this one phrase.

Mr. President, I have previously discussed in great detail many of the inherent dangers and evils of S. 2515.

In my discussions of the bill, I have strongly denounced and criticized the fact that the legislation would violate the Constitution by empowering the Federal Government to interfere with the basic and fundamental functions of State and local governments by dictating their employment practices. I say again that the States' power over their employment functions is not only basic, but essential, to the very existence of State sovereignty. If we deprive the States of their basic functions, it is pointless for anyone to maintain that we have a dual form of government.

In my discussions of the bill, I have strongly denounced and criticized the fact that the legislation would violate the very first item of the first article of the Bill of Rights by empowering the Federal Government to interfere with the free exercise of religion by dictating almost all of the employment practices of church-supported educational institutions. I say again that it would be difficult to imagine any practice more at odds with the idea of religious liberty than to say that the first amendment left it open to the Federal Government to compel church-supported schools at every level of education to capitulate the Federal Government's secular concept of "equal employment opportunity." If this is not true, the first amendment is but an empty pledge expressed in idle words.

In my discussions of the bill, I have strongly denounced and criticized the fact that the legislation is a direct assault upon the free enterprise system. The bill brings within its orbit every employer having eight or more employees and every labor union having eight or more members. Thus, the small businessman, already overburdened, would encounter new regulations, investigations, hearings and appeals far beyond his time, his energy, or his finances. If this bill becomes law, many of the most cherished benefits which organized labor has attained in the last four decades would no longer become matters of right but would automatically become matters of administrative grace to be doled out by EEOC bureaucrats as rewards for good behavior or withheld as punishment when any union does not comply with their demands.

In my discussions of the bill, I have strongly denounced and criticized the fact that the legislation would give judicial function to the Equal Employment Opportunity Commission by permitting it to order respondents to "cease and desist" from alleged unfair employment practices with such orders subject only to limited review in a U.S. court of appeals. To vest in a single Federal agency the prerogative of bringing a charge, then investigating it, then trying the case, while at the same time sitting in judgment on it, and then enforcing its own findings is alien to guaranteed and fundamental principles of due process. It is in absolute contradiction with all that our constitutional system defends.

Mr. President, time and again throughout this debate we have heard the proponents of S. 2515 state, indeed insist, that title VII of the Civil Rights Act of 1964 has not been a success. That is the title setting up the EEOC. We have been told that the Equal Employment Opportunity Commission has been weak, innocuous, and behind in its work because it did not have cease-and-desist power. It has been pointed out to the Senate repeatedly that the EEOC is only a paper tiger because employers, employment agencies, and labor unions have refused to cooperate with the Commission in its mandate under title VII to conciliate charges of unfair employment practices found to be supported by facts adduced by EEOC investigations. All of these arguments have been made on the premise that the EEOC has diligently and faithfully endeavored to discharge its statutory obligation to attempt to conciliate unfair employment practice charges.

The language which we seek to strike out makes any decision it reaches with regard to whether the employer, the respondent, is pacified and whether a conciliation agreement can be reached, nonreviewable by any court whatsoever.

In listening to these arguments and the many statistics which have been presented to substantiate them, I became interested in the facts of the record. I wondered, Mr. President, just how the Commission has performed its conciliation role which all agree is the keystone of title VII of the 1964 Civil Rights Act.

I submit, Mr. President, that, on the basis of the EEOC's own figures, the answer is a dismal one.

For example, in the Commission's fourth annual report—its report for the 1969 fiscal year—the Commission determined that 12,636 charges warranted investigation, but completed investigation in only 7,543 of them. At the conciliation stage, the EEOC's total workload of cases was only 3,329 or 21 percent of the EEOC's total workload. Finally, the conciliation efforts of the EEOC were "fully successful" in only 486 cases—less than 15 percent of its conciliation caseload and less than 2 percent of the cases earmarked by it for investigation and conciliation. The report further states that EEOC conciliation efforts were "partially successful"—whatever that means—in 90 cases and wholly unsuccessful in 729 cases during the 1969 fiscal year.

Looking at the Commission's fifth annual report—its report for the 1970 fiscal year—the Commission determined that 16,348 cases warranted investigation, but it completed investigations in only 5,090 of them. At the conciliation stage, the EEOC's total workload of cases was only 2,956 or 18 percent of the EEOC's total workload. Finally, the conciliation efforts of the EEOC were fully successful in only 342 cases—less than 15 percent of its conciliation workload and less than 3 percent earmarked by it for investigation and conciliation. The report further states that EEOC conciliation efforts were partially unsuccessful in 105 cases and wholly unsuccessful in 732 cases.

Mr. President, a record so devoid of accomplishments quite naturally raises sharp questions. Why is the EEOC conciliation caseload so low in relation to its total caseload? Why is the Commission so singularly unsuccessful in its achievements in the conciliation area—the very area to which the Congress specifically directed it to devote its energies under title VII of the 1964 Civil Rights Act?

As I have previously stated, advocates of cease-and-desist authority for the Commission have pointed to the record I have just discussed as evidence of employer recalcitrance and a general unwillingness to cooperate in achieving equal employment opportunity objectives. Indeed, the Commission itself has not hesitated to suggest the same thing, and at the same time stamp its feet and cry for an expansion of its powers, including the right to issue orders enforceable against respondents in the employment field.

At that point I might point out that the proponents of the bill state that the EEOC now has approximately 1,000 employees; that in the next 2 or 3 years it is anticipated they are going to build up the number of employees to where they will have approximately 2,000 employees.

That seems to be a quality, an attribute, or a feature of all government agencies with which I am familiar; they want to grow in size, they want to be more important, they want to exercise more functions, they want to get more people under their control, they want to have greater jurisdiction, they want to be able to order more people around.

So here is a case, directly in point, of the expansion of the Federal bureaucracy; this is an example of mushrooming Federal bureaucracy; it is an example of another invasion by the Federal Government of the rights and everyday lives of the citizens of this country.

Mr. President, it is not often that we in the Senate have an opportunity to strike a greater blow at Federal bureaucracy, and a greatly expanding one at that, than we have with our vote on this bill, which constitutes a power grab on behalf of the Equal Employment Opportunity Commission.

Yes; we can strike a blow at increased Federal expenditures; we can strike a blow at the tendency of the Federal Government to take over the rights of our citizens, because under this bill the EEOC is going to have control of employment practices of States, counties, and the agencies of local government.

We have a chance, by standing firm, with respect to this bill by voting against any effort to cut off debate on this important issue, by voting against any effort to apply gag rule in the Senate.

This amendment would make the bill somewhat better. This amendment would make it subject to some control in making its determinations, subject to some oversight, and not allowing it to be a complete law unto itself.

Mr. President, on page 1 of the EEOC fourth annual report for the 1969 fiscal year, we find the unadorned and unexplained statement that "the Commission continued to be limited by a lack of enforcement power."

I submit, Mr. President, that mediocre accomplishments of the Equal Opportunity Commission and its failure to achieve a better conciliation record is due in large measure to the Commission's simple refusal to carry out the congressional mandate set forth in title VII of the Civil Rights Act of 1964.

Further evidence of the Commission's misfeasance in failing to conscientiously carry out its statutory mandate to achieve conciliation in unfair employment practices charges may be found in its own regulations. A cursory review of the legislative history of title VII specifically shows that the Congress intended that the filing of lawsuits by aggrieved individuals would be a "last resort" after the Commission has exhausted its conciliation efforts.

This desirable objective has been thwarted and frustrated by Commission procedures which permit the filing of lawsuits by charging parties without any finding of probable cause by the Commission and without any efforts on its part to conciliate at all.

This Commission has been operating for more than 7 years. They contend they have been doing a good job. They come in every year and apply for an appropriation; and I assume in support of that appropriation they point out what a good job they are doing and why they need more money to operate the Department. But, Mr. President, I point out that the Commission has not needed enforcement powers during the 7 years of its existence, so why should the proponents of this measure tie up the business of the Senate with this measure which seeks to give this Commission the authority to issue and enforce its own laws? Where is due process? There is none. There is no due process.

Mr. President, I commend the distinguished present occupant of the Chair, the Senator from New Hampshire (Mr. COTTON), for the valuable contribution he made to the amendment of this bill. The bill originally provided that the number of employees that an employer had to have to be covered by the bill would be reduced from the present law of 25 down to 8. The distinguished Senator from New Hampshire pointed out that that would bring under the control and operation of the Commission very small employers, employers who are already subject to so much Government redtape, already subject to so much Federal bureaucracy oversight, already subject to heavy taxation, and that to be harassed by this Commission would in all likelihood crowd these small businesses to the wall. Out of the goodness of their hearts the managers of the bill were willing to raise this number for required coverage after the several speeches by the distinguished Senator from New Hampshire, from 8 to 15.

That might not sound like a whole lot but it will prevent literally tens of thousands of small employers from coming under the oppressive provisions of this bill; and a great contribution was made by the distinguished Senator from New Hampshire (Mr. COTTON). I commend him on his activity in that regard.

I should like to call to the attention of the Senate that section 1601.25a(c) of the EEOC's procedural regulations states that:

> At any time after the expiration of sixty (60) days from the date of the filing of a charge—the charging party or the respondent may demand in writing that a notice issue pursuant to section 1601.25 and the Commission shall promptly issue such notice . . .

Section 1601.25, however, provides that such notice shall issue—

> In any instance in which the Commission is unable to obtain voluntary compliance as provided by title VII, and that the notice shall include—(b) a copy of the Commission's determination of reasonable cause.

Alabama employers and their counsel with whom I have discussed this matter have advised me that, despite the specific language of section 1601.25 and of the act itself, the Commission as a matter of practice continues to issue so-called suit letters in any case in which a charging party requests even though no "probable cause" determination has occurred and no attempt to conciliate has been made by the Commission.

All of this goes to say, Mr. President, that a charging party to date has been able to bring suit on his claim even though the Commission has never rendered a probable-cause decison in his case and no—I repeat—no conciliation has occurred. Because of this fact, we readily see from the figures I cited just a few minutes ago why only a very few cases reach the conciliation stage at all. Thus, the most important role of the Commission under title VII—conciliator—is deliberately thwarted by its own regulations and apparent blase attitude to the expressed congressional judgment that conciliation is not only the preferred method for eliminating employment discrimination, but also that conciliation efforts of charges were intended to be a condition precedent to the bringing of individual lawsuits.

It is obvious that the EEOC to date has had only limited conciliation experience. It is apparent, too, that the Commission, on the demonstrable record, is according only perfunctory significance to its conciliation role because of its continuing obsession with obtaining from Congress the power to issue coercive cease-and-desist orders.

Presumably, the Commission well knows that a major failure on its part to conciliate will lend strength to efforts to obtain for it cease-and-desist authority.

Conciliation, Mr. President, can and should work. I know that Alabama employers have, by and large, sincerely tried to comply with both the letter and spirit of title VII. I am convinced that only a very low percentage of conciliation failures with Alabama employers is due to the latter's recalcitrance.

What I am trying to say, Mr. President, is that conciliation will work, given a fair opportunity, if, and when, the EEOC seriously and sincerely "gets with it." Instead of conferring additional administrative power and authority upon the EEOC as the bill before us so drastically attempts to do, what we really should be doing is to sharply remind the Commission of its statutory obligation to attempt to conciliate every appropriate case.

I am confident that the end result will be a heartening increase in both the number of conciliations attempted and the number of conciliation agreements achieved; in short, the kind of progress which the Congress intended and expected when it passed the act 8 years ago.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. ALLEN. I reserve the remainder of my time.

The PRESIDING OFFICER. The question before the Senate is on the adoption of the amendment. Does any Senator yield time?

Mr. ALLEN. Mr. President, in the absence of Senators representing the proponents of the bill, I ask unanimous consent that I may suggest the absence of a quorum with the time on the quorum call to be equally charged to both sides.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me 5 minutes?

Mr. WILLIAMS. I yield the Senator from New York 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, as we understand the amendment—we have sought to analyze it quickly in the time which has been made available—it seeks to provide a court review where the Commission rejects, or is unable to secure, a conciliation agreement from the respondent.

We can hardly conceive seeking to deprive the Commission of the opportunity to use its judgment, through court review, to endeavor to obtain a conciliation agreement or to substitute a court for it in deciding whether a conciliation agreement is acceptable. We come to the conclusion that that is what the amendment means when it says if the Commission determines—that is, the determination after attempting to secure voluntary compliance under subsection (b)—that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission.

Therefore, it seems to us that if this amendment is adopted, the words "acceptable to the Commission" might just as well be stricken, because if the Commission is not permitted to determine that it is unable to secure a conciliation agreement, certainly one is not going to stultify the Commission and demand that it accept one which is not acceptable to it. Therefore, the determination beomes meaningless.

It seems to me that if we are going to give them the power of entering into a conciliation agreement at all, it has got to be one which they regard as acceptable, and not one mandated upon them by a court. So, if the amendment is to prevail, the whole clause ought to be stricken and the statement just ought to be that if the Commission determines, after attempting to secure voluntary compliance to subsection (b), that it cannot secure voluntary compliance, then it may go ahead and issue a complaint, or—if the Senate decides tomorrow to vote on the substantive matter—if it has got to sue, that it then can go ahead and sue.

I cannot see how one can expect the Commission to stultify itself by being subject to an order of the court that it is able rather than unable to secure a conciliation agreement acceptable to it. I emphasize that the amendment does not seek to strike those words. They remain in the clause.

So it seems to be that the words "which determination shall not be reviewable in any court," if we strike those out, now that they have occurred, it would simply stultify the Commission as well as the process. Our understanding of what is sought to be done here may be incorrect, but that is the way it seems to us, Mr. President.

For those reasons, as we wish to favor rather than frustrate conciliation with respect to activities of the Commission, and most of these cases, the overwhelming majority, are settled as a result of conciliation agreements, and since there is no compulsion on the respondent—he does not have to enter into the conciliation agreement in any way, shape or form—it seems to me that the determination which this amendment would carry out is quite inappropriate, and that the Senate should reject the amendment.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time for the quorum call will come out of the Senator's time.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. How much time does the Senator yield himself?

Mr. WILLIAMS. I yield myself 5 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. How much time remains on this amendment?

The PRESIDING OFFICER. The Senator from New Jersey has 21 minutes remaining, and that is all the time that is left on the amendment. The other side has used all of its time.

Mr. WILLIAMS. In the time that the author of the amendment had to explain the amendment, it was not fully made clear to me just exactly what the amendment encompasses and what the basic result would be if this amendment should prevail. I wonder if I could impose upon the Senator from Alabama to ask him one or two questions.

Mr. ERVIN. Mr. President, I think I can answer the Senator's questions, if the Senator will yield me time.

Mr. WILLIAMS. Yes. Under present law, in the situation where the Commission is unable to secure from the respondent a conciliation agreement that is acceptable to the Commission, is that a decision or a situation that is reviewable in a court of law?

Mr. ERVIN. It would be if it was prohibited by the bill, surely. It is a condition precedent to the Commission taking any action. It is a condition precedent to the court having jurisdiction that the Commission shall have attempted to effect a conciliation agreement conforming to the law. That is a condition precedent, and ordinarily a man would have a right to raise it in court as a defense.

For example, an employer who, we will assume, is willing to make an agreement complying with the law, which in full complies with the law, but the Commission is not willing to accept it. The bill would prevent the court from inquiring into the matter.

In other words, the Commission, by demanding more than the law requires, could say, "They have not come to an agreement satisfactory to the Commission," and no one on earth could dispute it in court.

Mr. WILLIAMS. At what time is this failure to arrive at an agreement reviewable in court?

Mr. ERVIN. Well, under the bill it would not be reviewable at all.

Mr. WILLIAMS. Without reference to that, but under the law as it is now, is it the Senator's judgment——

Mr. ERVIN. Does the Senator mean under the 1964 act?

Mr. WILLIAMS. Yes.

Mr. ERVIN. No, the 1964 act was written just as this act is being written, for the purpose of preventing a court from determining what the truth is.

As I say, a court cannot even inquire into the matter. The court cannot even inquire whether the Commission has made a false statement, and therefore brought a man into court who should never have gone to court. It is a condition precedent, just as there is a law in virtually every municipality that you have to give a notice before you can bring a suit against it.

Mr. WILLIAMS. It is clear that it is not in the law now. Is there anything in this bill, any language which suggests that the failure to reach an agreement is reviewable even if that language "which determination shall not be reviewable in any court" is stricken?

Mr. ERVIN. It should be reviewable.

Mr. WILLIAMS. At what point? That is the question.

Mr. ERVIN. It should be reviewable by the court when a man goes into court.

Mr. WILLIAMS. At what point?

Mr. ERVIN. Whenever it gets there.

Mr. WILLIAMS. At the point where it is found that there is no agreement?

Mr. ERVIN. Once the court reaches the case for trial, for hearing. In other words, if a man is perfectly willing to comply with the law, he ought to be able to show the court that he was willing to make an agreement in compliance with the law but that the Commission demanded more; and, therefore, he ought never have been brought to court. He ought to recover his costs and, as we lawyers say, go hence without delay.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator yield himself the remainder of his time?

Mr. WILLIAMS. Yes.

In other words, if the Commission is unable to secure from the respondent a conciliation agreement that is acceptable to the Commission, at that point the respondent cannot go in to have that situation reviewed.

Mr. ERVIN. That is right. In other words, nobody on earth can find that that statement is incorrect. It cannot be reviewed. Just tell the judge, "You have to shut your mind to the truth, if the truth is to the contrary."

Mr. WILLIAMS. Is it the Senator's viewpoint that, when the Commission discovers that it cannot get an acceptable agreement, at that point in time the respondent should be able to go to court?

Mr. ERVIN. No, not then. A man ought not be compelled to go to court if he is perfectly willing to abide by the law. If he was perfectly willing to abide by the law and the Commission asked for more than the law required, the Commission ought not have him silenced when he gets to court. In other words, you have to have a condition precedent.

Mr. WILLIAMS. If this is stricken, what would the court be reviewing? I would imagine that, in this whole business of conciliation and negotiation toward an agreement, a great deal of the record would be on the basis of conferences and telephone calls, personal meetings, where there is no record. What would the court be reviewing?

Mr. ERVIN. I would think that if the judge was qualified for his office, when it appeared that the employer was willing to comply with the law and that the finding of the Commission on this point was not the truth, he would dismiss the case and say that the employer ought never have been harassed.

Mr. WILLIAMS. At that point, I do not see where the record has been made that a judge would have before him with the elements for making an independent decision as to whether the respondent was willing to enter into an agreement.

Mr. ERVIN. You have it in the record. If the Commission kept a record—and it should have—and the employer came in and said, "We are willing to do this and that and that," that should go into the record; and then the Commission says, "That is not satisfactory to us."

Mr. WILLIAMS. We are talking rather loosely about the record. I am suggesting that the record could not be preserved in any printed form.

Mr. ERVIN. If the Commission does not preserve the record, it ought not be permitted to adjudicate the rights of other people.

Mr. WILLIAMS. This is in the very preliminary stages. No complaint has been filed. It has been informal mediation and conciliation. No record has been made. The judge would have nothing to go on.

Mr. ERVIN. If I were the attorney for the employer, a record would be kept, because I would write it out and hand it to the Commission; and if they could not read, I would get somebody to read it to them.

Mr. WILLIAMS. That is the most improbable hypothesis of all.

Mr. ERVIN. No, that is not improbable. Any competent lawyer, when he says, "My client is not violating the law and is willing to take this course, in full compliance with the law," will put it in writing. It would be the duty of the Commission to make a record of it, because unless they make a record to the effect that conciliation cannot be had, they cannot take action. That is a condition precedent.

Mr. WILLIAMS. I do not know how an objective record would be made without one party reporting the conversations on the telephone with the other party and vice versa, the sort of thing that makes for less than a precise record, I would suggest.

Mr. ERVIN. I learned a long time ago the truth of Lord Coke's statement that one scratch of a pen is better than the slippery memory of many witnesses. Whenever I represented a client who made a proposal or took a position, I reduced it to writing; and that is exactly what would be in writing.

Mr. WILLIAMS. That would be an ex parte document. The Senator would be making that out in his office, and it would not be reviewed by the other party as an accurate representation of what had happened.

Mr. ERVIN. It would be an accurate representation of what I was willing to do.

Mr. WILLIAMS. A scratch of the pen would have been after you had indicated to the other party what you were willing to do.

Mr. ERVIN. Not if I were the attorney for the employer. I would take it in there when they were talking. I would put it in writing. You are not going to have a record made of the slippery memory of the commission.

Mr. WILLIAMS. I am a former country lawyer from New Jersey, but I wish we had one of those major lawyers from New York here to help me on this point. Frankly, I just cannot see it. It seems to me that what we are talking about, in the working out of an agreement that aborts and does not come to pass, is not the kind of record with which any judge could deal. They would have an informal background of discussion—give and take—which did not jell into an agreement. All we would really have, perhaps, with any formality, would be the final words of the respondent's offer, and that is all, without any of the guts of what went into it.

Mr. ERVIN. I do not see why there would not be a record. There is a writing. A lawyer making a proposal on behalf of his client or stating his client's position is not going to trust to the slippery memory of a commission. He would put it in writing. If I were the lawyer for the man, there would be a record.

Mr. WILLIAMS. I would not want to burden any judge with a review of anything that imprecise as that record.

I yield to the Senator from New York on this.

Mr. JAVITS. Mr. President, the whole provision is self-operative in seeking to set a time when, if the parties cannot agree, something else should happen, whether it is litigation or a complaint leading to a cease-and-desist order.

I have never heard of a case in which a court could force anybody to make a settlement. The court might call them up to the bench and urge strongly that they settle and might imply that things go wrong if they do not. But to provide that some court should review the determination that they cannot settle is almost unheard of. I cannot conceive of how a lawyer could advance such a proposal.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. ERVIN. How is the court going to know that the Commission has been unable to get an agreement satisfactory to the Commission? How is the court going to know that? Is the Commission going to whisper it in the judge's ear, or is it going to have a written document?

Mr. JAVITS. If the Commission acts and the statute calls for a determination, the Commission runs the risk that its decision may be upset if the court determines, on review—and there is adequate judicial review—that the necessary procedures provided by law were not complied with—to wit, that they did not try to conciliate and that they actually felt that they could not get a conciliation agreement. It seems to me that a pendente lite decision on that score would simply hold up the works forever and espouse the proposition that people can be made to settle, which just is not a judicial proposition.

Mr. ERVIN. How is the Commission going to give that information to the court—orally or in writing?

Mr. JAVITS. In addition, I think the other critical point is that negotiations for settlement are traditionally without prejudice. The Senator's amendment would seek to make the negotiation of a settlement a judicial proceeding, again an absolutely unheard of provision. No one's rights are cut off. The respondent can appeal in the event he is not satisfied and has gone through the necessary procedures. Also, the party most affected—to wit, the basic party in interest—the claimant, as it were—is not cut off from a suit that he is not a party to the settlement of. This bill adequately provides for that.

Under those circumstances, it seems to me inconceivable that we would enter into a court proceeding test, whether the Commission could or could not get a conciliation agreement, in terms of the fairness of such a conciliation agreement, which gets down to the point that we would substitute the court for the parties insofar as a settlement is concerned. If the court is going to get into that, to decide whether it will or will not restrain or permit the Commission to make a settlement, I cannot see how, without running afoul of the basic principles of settlement in litigated cases, we can do it through the courts at this stage of the proceedings.

The opponents of this bill have made many amendments to it which were arguable but, in the case of this amendment, I cannot see how it can stand the proposition among lawyers in respect of the problems of settlement of a case or of conciliating one.

Mr. ERVIN. If the Senator will yield, I would ask, is the Commission to make no record of the fact that the Commission has been unable to get an agreement?

Mr. JAVITS. The Commission runs the danger, it runs the risk that the whole proceeding may be upset after the cease and desist stage or the litigation stage. I doubt very much that any commission would omit so simple a step as to certify for the record that they were unable to work out a conciliation agreement.

Under this amendment I do not know what the court would decide or how a court could probe into the minds of members of the Commission, whether they did or did not, in good faith, decide that they would or would not work out a conciliation agreement which the respondent might have wished.

I cannot see how we could possibly encompass this kind of provision related to settlements. It certainly is completely outside the purview of the experience of every lawyer, not only myself, but I know of no lawyer who would for a moment think that we could submit this to the courts as to whether the parties should settle. If they settle, they do. If not, they do not and they go to court. This tries to introduce a totally different standard than anything encompassed by our laws of practice.

For all these reasons, Mr. President, I hope that the amendment will be rejected.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Brock). All time has been yielded back.

The question now recurs on agreeing to the amendment of the Senator from Alabama (Mr. Allen).

On this question the yeas and nays have been ordered.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. Allen).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PASTORE (when his name was called). On this vote I have a pair with the Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Alaska (Mr. Gravel), and the Senator from Washington (Mr. Jackson) are necessarily absent.

I further announce that the Senator from Florida (Mr. Chiles), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Mansfield), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Washington (Mr. Magnuson), and the Senator from South Dakota (Mr. McGovern) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Hawaii (Mr. Fong), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Kentucky (Mr. Cook) is absent by leave of the Senate on official committee business.

The Senator from Kentucky (Mr. Cooper) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from New York (Mr. Buckley) is paired with the Senator from Ohio (Mr. Taft). If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vote "nay."

On this vote, the Senator from Florida (Mr. Gurney) is paired with the Senator from New Jersey (Mr. Case). If present and voting the Senator from Florida would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 14, nays 49, as follows:

[No. 42 Leg.]

YEAS—14

Allen
Baker
Brock
Byrd, Va.
Byrd, W. Va.
Ellender
Ervin
Fulbright
Hruska
Jordan, N.C.
McClellan
Sparkman
Stennis
Thurmond

NAYS—49

Aiken
Allott
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Church
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Griffin
Hart
Inouye
Javits
Jordan, Idaho
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pastore, against.

NOT VOTING—36

Anderson
Bellmon
Bennett
Buckley
Cannon
Case
Chiles
Cook
Cooper
Eastland
Fannin
Fong
Gambrell
Goldwater
Gravel
Gurney
Hansen
Harris
Hartke
Hatfield
Hollings
Hughes
Humphrey
Jackson
Kennedy
Long
Magnuson
Mansfield
McGovern
Moss
Mundt
Muskie
Packwood
Taft
Talmadge
Tower

So the Allen-Ervin amendment was rejected.

Mr. JAVITS. Mr. President, I move to

reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from New Jersey and the Senator from New York, amendment No. 878.

Mr. JAVITS. Mr. President, the Senator from New Jersey and the Senator from New York have presented to the Senate their amendment with a view toward facing the realities of the situation and endeavoring to present for all who wish a bill a formula by which a bill could be obtained, we believe. It seems to me that this is the direction in which the Senate has been moving. We deplore the idea that those who have different views as to the remedy are thrown in indiscriminately with those who oppose the bill outright. We believe this tends to confuse rather than simplify the issue, notwithstanding my deep feeling about the way we are organized today with rule XXII. The Senate does not operate by a constitutional majority but by two-thirds of those present and voting. I think this is a very serious defect in our system of government. It has its classic result in frustrating what should be the controlling will after decent and honorable debate, to wit, the will of the majority. Nevertheless, this is the world in which we live.

In recognition of that fact, the Senator from New Jersey (Mr. WILLIAMS) and I have proposed a formula by which we think this difficulty can be surmounted by those who want a bill.

Mr. President, the main criticism that has been made against our plan is the fact that it represents no substantial difference from cease and desist. But, Mr. President, we respectfully submit that it does. I would like to suggest to the Senate, so that the matter may be studied overnight by individual Members, that they pay particular attention to the following two points:

The first point is that we provide for a review by a court of questions which arise in the course of the hearing before the EEOC, of any question of controlling law in the proceeding. That is not provided for by the cease-and-desist process, but would be provided by the special proceedings we suggest. Second, we provide that the Commission cannot issue a cease-and-desist order; that only the court can enter a decree. It is claimed that does not make a difference because the court is bound by the evidence to the extent the evidence is substantial. We feel it makes all the difference in the world because the argument of our opponents respecting cease-and-desist has been just the words. We have constantly pointed out they cannot be enforced at all except by court decree, even though it is called a cease-and-desist order.

They have argued that if it is called a cease-and-desist order this brands the violator as a violator of the law. If that is true, the converse is equally true. If we strike out cease and desist we cannot brand the violator as a violator of law. We are bringing it before the Commission as a special matter, to hear the evidence, make the report on the evidence, and recommendations to the court.

I respectfully submit in those respects there is a very real difference between cease and desist and the court-enforcement concept which we have advanced to the Senate. We hope very much it will have the interested attention of Members in light of the substitute which we understand is going to be offered by the Senator from Colorado (Mr. DOMINICK) to our amendment. So the Senate will have its choice of the remedies available, make that choice, and go and deal with the bill in chief.

In the effort to arrive at some time limitation on when we should vote, I have been most sympathetic, as has the Senator from New Jersey, provided we could get everything voted on at once. In other words, if there is going to be a resolution of the enforcement aspect of this law, it should be a total resolution. As the situation stands now, if we agree to vote on the Dominick amendment at a given time, and no time to vote on the amendment which the Senator from New Jersey and I have offered, the matter still would be up in the air. So we have tried in the intervening time, without much success, to bring about an agreement to vote on both measures in order to endeavor to bring this whole issue to resolution.

Mr. President, to give us an opportunity to consider that point a little further I now suggest the absence of a quorum.

Mr. DOMINICK. Mr. President, will the Senator withhold that request and yield the floor for me to offer my substitute?

Mr. JAVITS. I would like to suggest the absence of a quorum first. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, am I recognized? Do I have the floor?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

AMENDMENT NO. 884

Mr. DOMINICK. Mr. President, I send to the desk an amendment in the nature of a substitute for the Williams-Javits amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Colorado, in the nature of a substitute for the Williams-Javits amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. DOMINICK's substitute amendment to the Williams-Javits amendment is as follows:)

Strike out the matter to be proposed and insert the following:

On page 38, beginning with line 7, strike out all through line 18 on page 47 and insert in lieu thereof:

"'(f)(1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall so notify the General Counsel who may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and fifty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the General Counsel has not filed a civil action under this section or the Attorney General in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (1) by the person named in the charge as claiming to be aggrieved or (2) if such charge was filed by an officer or employee of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) of this section or further efforts of the Commission to obtain voluntary compliance.

"'(2) In any such proceeding the General Counsel or the Attorney General in a case involving a government, governmental agency, or political subdivision may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the General Counsel or the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"'(3) In the event the General Counsel or the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"'(4) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

"'(5) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.

"'(g) (1) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

"'(2) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Backpay liability shall not exceed that which accrues from a date more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable.'"

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield, with the understanding that he does not lose his right to the floor?

Mr. DOMINICK. Mr. President, with great deference to my friend from West Virginia, I would like to explain the amendment at the present time before we get into any colloquy, if he does not mind. I will be done shortly.

Mr. BYRD of West Virginia. Surely.

Mr. DOMINICK. Mr. President, there has been a great deal of discussion concerning what should or should not be done with the enforcement procedures of the EEOC. Some persons have interpreted the discussion as to whether or not those who are in favor of court procedure were in fact in favor of any enforcement procedure. Having participated in the debate before the committee, having written the individual views in the report, and having debated the issue on the floor extensively, I think it is only fair to say that, from my point of view, the EEOC deserves and needs enforcement procedure. That is why I insisted on reporting the bill and why I wrote my supplemental individual views, and that is why I have been carrying forward the discussion on the court enforcement method. It is an enforcement procedure and an enforcement procedure which myself and at least 45 other Senators happen to think is best.

The Senator from New York (Mr. JAVITS) has been very kind on this matter, and so has the Senator from New Jersey (Mr. WILLIAMS), but persons other than those in this body, in some of the more vocal "Now" groups, in the more militant women's groups, and other groups, have said I was against civil rights. Nothing could be further from the truth.

I have said before, and I think it worthwhile repeating, that I have voted for every piece of civil rights legislation since I have been a Member of this body. In fact, I thought that the fair housing bill which was before us did not go far enough toward protecting minority rights. It is my guess that if we had had a fair housing bill with enough strength in it, we would not have the busing problem we are faced with in the school situation today, and I have said this repeatedly.

The language of this particular amendment is concise and uncomplicated. It says that if within 30 days after a charge is filed with the Commission, or within 30 days after expiration of any period of reference under subsection (c) or (d), of this bill, the Commission has been unable to secure a conciliation agreement, the Commission shall notify the general counsel, who then can, if he so desires, bring a civil action against any respondent other than those within the category of a governmental entity.

In those cases, Senators will recall, we have already provided in the bill that with reference to disputes involving State or local governmental employees, the dispute would go to the Attorney General for the filing of a case in U.S. District Court. Federal employees would exhaust their respective agency remedies and then the employee would have a right either to go to the Civil Service Commission Board of Appeal and Review or to submit it to the Attorney General for action through the U.S. district courts.

So the bill provides governmental employees and the governmental agencies with rights to redress their grievances in court. The only ones who are not subject to such court relief are the private employers and private employees; this, in my own humble opinion, is discrimination in and of itself. I do not see why we should arbitrarily carve out one sector.

This particular amendment, which is offered as a substitute for the Williams-Javits amendment, says that the Commission shall take no further action after the general counsel files the complaint before the court. The general counsel goes before the U.S. district court judge, and if he certifies that it is in the general public interest, he can request an expedited three-judge panel, similar to the procedure we now have in connection with voting rights, public accommodations, and the "pattern or practice" cases.

The appeal from that three-judge panel then goes directly to the Supreme Court. In terms of timing this is what happens: The charge is filed before the Commission, and they review it. If they find reasonable cause and are unable to reach a conciliation agreement then the general counsel goes into court. If he thinks that it involves an issue of general public interest, he can ask for a three-judge court. If it involves individual rights, which is probably more likely, he would go into the regular district courts with the right to have the judge assign priorities and expedite the hearing of the case.

The case would be heard and it would then go, in the first instance, from a three-judge court to the Supreme Court, and in the expedited hearing would go through the regular appellate proceedings.

There is no doubt in my mind that this will be much more expeditious than the complex Javits-Williams procedure, which, if I may say so, has been tabbed by some of my knowledgeable friends in the legal profession as a turkey.

The problem is that it is not really a turkey; it is rather a camel, which is a horse created by a committee. It has all the defects of the original amendment, and very few redeeming features.

The procedure I have outlined would be far quicker than would the Javits-Williams amendment. Consider for a moment the delay involved with the interlocutory appeal that might occur on evidentiary issues under amendment No. 878. The respondent raises the issue with the hearing examiner hearing the case; any evidence which creates an argument concerning admissibility would have to be heard before a judge; and I can foresee a lot of cases in that category. It seems to me the impartial court system would be far better.

For the purpose of creating a record and after thinking about this issue more and more, all the while getting more concerned over the polarization of the sides, it seemed to me that we should get an opinion on the relative merits of the two amendments from the people who have been intimately involved with the enforcement of job discrimination—the Civil Rights Division of the Department of Justice. I requested them to send up such an opinion, and I shall send a copy of that opinion to every Senator late this afternoon or early tomorrow morninig.

The letter from Assistant Attorney General, David L. Norman says very candidly that in his opinion the Javits-Williams amendment would be extremely difficult to administer, it would be time consuming, and it does not afford the protections available under the Dominick amendment. Mr. Norman indicates that he had aready so testified in summary on the points in favor of my procedures before the committee and that he held such testimony, urging that, as between these two amendments, the Dominick amendment should be adopted.

I hope my colleagues will read Mr. Norman's letter with some care, because his opinion also deals with the Hruska "pattern or practices" amendment, and then brings up a whole new issue which has not been considered at all concerning the exclusion from either court proceedings or enforcement proceedings those cases which are presently pending before the EEOC.

But just to give Senators some idea of what the Civil Rights Division says, I shall read into the Record at this point a portion of the reasoning applied by the Civil Rights Division of the Department of Justice.

> Amendment 878 (the Williams-Javits Amendment) carries forward the main features of S. 515 as reported by the Senate Labor Committee. Under that Amendment, EEOC will have authority to issue orders, which may become enforceable in the courts after opportunity for judicial review. Although the words "cease and desist orders" in the original bill have been deleted and the term "recommendation" substituted therefor, this change does not appear to be a substantial one, since under either version the EEOC position becomes an enforceable order unless modified by the court upon review. Like the committee bill, the Williams-Javits Amendment calls for judicial review of the EEOC order on the Administrative record. Sec. 706(k)(1), p. 6 and 7 of the Amendment. Like the Committee bill, the William-Javits Amendment makes the findings of EEOC "conclusive" on the courts if supported by "'substantial evidence on the record as a whole" (Sec. 706(k)(2), p. 7 of the Amendment).
>
> Although the Williams-Javits Amendment provides for filing of the administrative complaint with the district court, we do not perceive any substantial change resulting from that novel procedure. Also, the Williams-Javits Amendment provides for an interlocutory appeal to the district court on any "controlling question of law" if it finds that such review "would materially advance the ultimate termination of the litigation." It is doubtful that this addition is a significant one, since controlling issues of law were judicially reviewable under S. 2515, and this Department's experience under the analogous provisions for interlocutory appeal from district court decisions (28 U.S.C. 1292(b)) indicates that such appeals are only useful on rare occasions.
>
> The one material change which the Williams-Javits Amendment would make in S. 2515 is to transfer judicial review from the courts of appeals to the district court. This change adds another layer of review to the already lengthy process of charge, investigation, cause finding, administrative complaint, hearing before hearing examiner, review before the Commission and review in the Court of Appeals.
>
> Amendment 871 (the Dominick Amendment)—

The substitute incorporates those same provisions—

> on the other hand, authorizes the EEOC to proceed in the appropriate United States District Court to secure relief from any employment practice it deems unlawful. In such proceedings, the evidence would be heard by the District Judge and the facts found by him. In addition, under the Dominick Amendment, those judicial proceedings would be expedited and the General Counsel could require the convening of a three-judge court with direct review in the Supreme Court upon a filing of a certificate of general public importance.
>
> As you know, when I testified before the subcommittee on Labor of the Senate Committee on Labor and Public Welfare in October last year on behalf of the Department of Justice and the Administration, I again expressed our view that the granting of authority to the Equal Employment Opportunity Commission to bring judicial proceedings is a better means of enforcing Title VII than granting that Commission administrative enforcement powers. We still adhere to that view.
>
> In my testimony before the Senate Labor Committee I set forth four grounds for our view that judicial enforcement is preferable to administrative proceedings. (Hearings pp. 150–151.) One of those was applicable only to governmental employers and was accepted by that Committee. The other three bases for our view may be summarized as follows: (1) Federal district judges hold court throughout the country and enjoy a confidence and respect in their communities which cannot be matched by administrative officers; and their authority to issue enforceable orders enables them to resolve cases speedily;

If I may interject, Mr. President, I think this is a most important point. Under the procedures of S. 2515, and the procedures under amendment No. 878, the Williams-Javits amendment, cease-and-desist orders or recommendations can only be issued in Washington.

Under court enforcement the district courts in every State of the Union are able to provide an impartial determination—an enormously simplified procedure insofar as both the complainant and the respondent are concerned.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Colorado now consent to yield?

Mr. DOMINICK. I shall be through in just a few minutes, if I may continue.

Mr. BYRD of West Virginia. Very well, I thank the Senator.

Mr. DOMINICK. The letter continues:

> (2) because of the sensitive nature of the issues to be resolved and the fact that the larger cases involve the rights and expectations of substantial numbers of people, it is inappropriate to leave the critical factual determinations and formulations of relief to hearing examiners and Commissioners sitting in Washington; and (3) the fact that Federal courts resolve the factual and legal issues in equal opportunity cases in the areas of voting, housing, and education make them a particularly appropriate forum for resolving the same kinds of issues in employment discrimination cases. In addition, I pointed out that there is a definite, although hard to measure, advantage in having the person who has heard the evidence be responsible for fashioning the relief which he must then enforce.

As I have said, Mr. President, we will supply a copy of this letter to each Senator, whether he be for us or against us, either this afternoon or tomorrow morning.

I think the letter is extremely important, because it indicates what I have been saying—namely, that we must retain a belief in this country that the Federal district courts provide a method of impartial review of highly emotional cases which involve not only basic human rights but also basic human emotions. Additionally, you can do far better in a court proceeding which is impartial, organized, and ruled by precedent and established rules of procedure than you can from an administrative proceeding composed of a group of people who are responsible to no one except the person who appointed them—largely in the executive department—or who may have been appointed as part of the staff of the agency itself.

I cannot conceive of anybody saying to me—as they have done over and over again—that what I am trying to do is in any way detrimental to providing fair employment opportunities for people throughout this country. The fact is, my position provides a far more fair and far more impartial and far more expeditious way to solve these disputes by creating lasting precedents which can apply as a rule of thumb for those situations which are similar to that in other areas of the country.

I yield to the Senator from West Virginia.

Mr. President, I ask unanimous consent to have printed in the Record at this point editorials from the Chicago Sun-Times and the Chicago Tribune endorsing the court enforcement procedure.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

THE SENATE AND JOB BIAS

The House-passed proposal to allow the Equal Employment Opportunity Commission to file suits in federal court on behalf of citizens who complain of hiring discrimination is a step in the right direction, aside from the fact that it probably is about all that could be expected out of Congress in an election year. Southerners in the Senate who filibustered against a more liberal proposal—one which would have allowed the EEOC to issue "cease and desist" orders of its own—did not want the government interfering with subtle methods of blocking blacks from jobs which required anything but heavy lifting and dirty hands. Nor did the backers of the filibuster, the Jim Crow leaders of Northern craft-union locals.

In the seven years since Congress ordered an end to discrimination, particularly racial, in employment, most responsible businessmen have taken the view that equal employment opportunity is not only good for individuals but good for business itself. But the enforcement procedures given the EEOC to bring suit against unions or employers have been restricted; only where a pattern exists can the EEOC move.

The House measure changes this to help individual plaintiffs, and it is a progressive move. After all, the federal courts have a good record in civil rights cases, and in administrative law, which the EEOC proposed powers would become, the word of a government agency is taken as prima facie evidence; it is up to the alleged offenders to prove their innocence. Admittedly, the federal courts are now clogged with cases, and this would add to the load, but it seems a small price to pay for widened enforcement powers for existing legislation.

Senate Majority Leader Mike Mansfield (D-Mont.) has said that if the proposed legislation runs into too much more opposition, he'll lay the whole matter aside for this session of Congress. It would be a pity if this should come to pass, and we would urge all senators to support the House bill. Ending discrimination in employment is already several centuries overdue, and this compromise, while not perfect, would be more than welcome.

CEASE AND DESIST

Twice in three days, the Senate has defeated an attempt to cut off debate on a bill to give the Equal Employment Opportunity Commission power to issue "cease and desist" orders. A third attempt is expected later. If it fails, too, Senate leaders may shelve the question. If they do, passage of any new EEOC legislation in this session will be in doubt.

The subject has already consumed an inordinate amount of Senate time. Frustration of "liberal" senators on this question should cause little if any regret. Indeed, it is ironic that the same "liberals" who are trying to vest the EEOC with "cease and desist" powers are generally the same ones who complain that other federal agencies—in particular, the Atomic Energy Commission—are too powerful in that they adjudicate their own affairs.

A more moderate proposal, approved in the House and sponsored in the Senate by Sen. Peter Dominick of Colorado, would empower the EEOC to go directly to the courts to seek enforcement of its orders. At present, the EEOC is limited to persuasion and conciliation, and has no enforcement powers beyond recommending to the attorney general that he initiate civil action.

By persisting in the effort to give the EEOC an administrative baseball bat, Senate "liberals" may have doomed EEOC to no increase at all in its enforcement powers. Better that than enabling it to act as an arbitrary tribunal, with no necessity for placing controverted questions before an impartial court.

Mr. JAVITS. Before the Senator yields, I would appreciate it if he would yield to me, as I would like to have, at the same place and time, our reply to the position of the administration, which we know about and which everybody expected.

Will the Senator allow me to speak before he yields for a unanimous-consent request in which I hope to be able to concur?

Mr. DOMINICK. If it is all right with the Senator from West Virginia.

Mr. BYRD of West Virginia. Yes.

Mr. DOMINICK. I would like to keep the floor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we have been expecting this. This is the position of the administration. They prefer court litigation to the cease-and-desist order practice which is contained in the bill reported by the committee.

I have read with great interest the letter which comes now, declaring officially this position, and I most respectfully disagree.

Inherent in the Department's view is the very basis for our disagreement. First, they say that Federal district judges hold court throughout the country and enjoy a confidence and respect in their communities which cannot be matched by administrative officers. I most respectfully submit that if that is true, we had better dismantle the whole administrative machinery in Washington, which includes tens of thousands of cases not only in this field but in many other fields as well, especially the National Labor Relations Board, which includes cases exactly in this field and which does issue cease-and-desist orders.

Second, the innuendo is made—and even was made this minute by the distinguished Senator from Colorado—that "these officers are responsible to no one." They are appointed by the President, they are confirmed by the Senate, and they are surely responsible to the courts, just as the judges are. How many lower court decisions are reversed?

As we have argued time and time again, before the cease-and-desist order can be enforced, it must be the subject of a court decree by a circuit court of appeals, and under amendment No. 878, by a district court, as well.

But the whole point comes in the next clause of the department's view:

> And their authority to issue enforcible orders enables them to resolve cases speedily.

Let us take a poll of any street—Washington, Takoma, San Diego, Miami—and see who will tell you that the courts decide cases speedily. They do not, of course; especially in the major industrial centers, where the district courts are 30 and 40 months behind in their calendars, and that is where these cases are going to come up.

The second point which gives the whole thing away is "Because of the sensitive nature of the issues to be resolved." It is pretty sensitive to deal with questions involving trade unions in the National Labor Relations Board. It is pretty sensitive to deal with questions involving fraud and deceit, just what the Federal Trade Commission deals with, in terms of the issuance of cease and desist orders. And I am naming only two. Precisely because it is sensitive, we have given that jurisdiction to commissions, because we believe they develop an expertise; they develop a sensitivity to the issues. They are mandated to negotiate settlements and to try concilation before they engage in any summary action. We expressly created this idea of commissions in this country because of the sensitive nature and the degree of specialization and expertise which is required in these measures.

Further, the fact that the courts do resolve civil rights cases in other fields—voting, housing, and education—does not make them a particularly appropriate forum for resolving job discrimination issues, simply because it is job discrimination that gets away from you the fastest.

When a man is dicriminated against in employment, he loses money every day or goes on welfare, and that is where the difference comes in with respect to housing, education, and voting, where you have time to turn around and where it is not a matter of eat or starve or go on welfare.

Mr. President, I understand that we have been over this ground before, and what the Department of Justice has sent Senator Dominick is nothing new. But I do feel that the Senate has voted at least three times, rejecting the thesis which Senator Dominick is now putting forward again in his substitute amendment. That is a majority of the Senate, and efforts have been made to overturn it, and it has not been overturned. On the one occasion when the vote went the other way, it was obvious that it was because Senators had left, and it was just necessary to wait until they came back.

The whole situation is revealed nakedly. I have no complaints or criticisms of any opponent. As the Senator from Colorado knows, I have the highest respect and regard for his good faith and for his interest in civil rights legislation. I have never challenged that. But the fact is that if we are going to go this route, it will be notwithstanding the will of a majority of the Senate and only because the Senate is not run by a constitutional majority, and perhaps the biggest thing which will emerge from this debate and our effort to pass a bill will be that irrefutable fact. The fact is that if this is the route, it will be only because this is the only way to get a bill, to yield to the minority, not for the minority to yield to the majority, as one would expect in a democracy. That may be the only way to get legislation, and it may be the only thing that is left for us to do. I am not prepared to subscribe to that. But I do think that as legislation and life enfold and the history of our country enfolds, it is absolutely essential that that be made clear.

Again, I have no criticisms whatever. The Senator from Colorado believes as deeply in his thesis as I believe in mine; and just as it is my duty to do everything I humanly can get my thesis accepted, it is his duty to his conscience and those for whom he speaks to do the same thing. I am not complaining about that. But I am complaining strongly, as this is a lesson over and above the debate on a civil rights bill, in terms of the future of our country. This may not represent the shattering of the institutions of the Republic, but it could happen and could completely devastate the faith in our democratic system, by compelling the majority to do what the minority wants, notwithstanding free and fair and open extended time for debate. That is the way the system is now run. I deeply believe that is fair.

I repeat, I desire in no way to derogate from the good faith, the skill, and the capabilities of my colleagues engaged in this struggle on the other side, but it is essential for the future of this country clearly to delineate where we are and why. That is the reason I have taken these moments to speak.

I thank my colleague very much for his typical graciousness and fairness in yielding me this time.

Mr. DOMINICK. I thank the Senator from New York. I listened with great interest to his comments. I have no intention of getting into a debate on rule XXII. We have had so many of the since I came to the Senate that it is hard to say anything new about them.

I must say, in all fairness, that on the first vote on this particular issue there was only one vote difference until one of our Members paired. On the second vote, there were only two votes difference. At no time was that a majority of Senators either opposing court enforcement or in favor of cease and desist. My amendment was only defeated by a plurality of those present.

I should also point out that the House, on a rollcall vote on the floor, adopted the Federal court procedure over the cease-and-desist procedure in a straight up or down vote. It is my guess that in order to get some resolution of the impasse we are in now, we will have enough Senators to objectively consider the changes which have been made in the competing amendments so that we can get my substitute adopted tomorrow. If we can do that, we will have a fair chance to get the bill out of this body. But, I must confess in all candor, that if we do not adopt an amendment substantially similar to the one I have here, we will not get a bill out at all. As a matter of fact, I have heard the majority leader say that he was not going to waste much more time on it and he would pull it down.

So if we are going to pass anything, we are going to have to pass my amendment, if we are going to get an enforcement procedure for the EEOC, which I would like. Therefore, I hope that we will adopt my amendment.

With all due respect to my good friend from New York, who has an extraordinary ability to organize his thoughts and speak brilliantly on this and many other subjects, I do not want to have the impression left on the record that by this amendment we are abolishing the EEOC. The Commission remains. It does all the work it is doing now. But all the work it is doing now and all the work that 34 other commissions in the various States are doing has resulted in a 20-month backlog. I do not think that this is an expeditious treatment of job discrimination cases.

I am happy now to yield to the distinguished Senator from West Virginia.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. I thank the distinguished Senator from Colorado.

May I inquire of him as to whether he would be willing to make an agreement which would limit time on his amendment tomorrow, following the vote on the motion to reconsider the vote by which the amendment of the Senator from Nebraska (Mr. HRUSKA) was rejected last Wednesday, and also agreeing to a specific time to vote on the Dominick amendment?

Mr. DOMINICK. I would have no objection to doing that at all. My recollection is that the motion to reconsider will probably involve, also, a motion to table, so that we may get two votes out of that. They are scheduled for 2 p.m. so we would not be through until a quarter to 3, perhaps; is that not correct?

Mr. BYRD of West Virginia. The motion to reconsider is scheduled for a vote on tomorrow at 2 p.m. A motion to table would be in order. I know of no intention to move to table the motion to reconsider, but if such motion to table is made, that would consume an additional 15 minutes. In any event, the motion to reconsider is scheduled for a vote at 2 p.m. If no motion to table is offered, then the vote would be completed on the motion to reconsider at about 2:15 p.m.

I was wondering whether I might propound the following unanimous-consent request in order to see if it would meet with general approval:

Mr. President, I ask unanimous consent that the vote on the pending amendment by the Senator from Colorado (Mr. DOMINICK) occur tomorrow at 4:30 p.m.; provided further that time on the pending amendment begin running tomorrow immediately upon disposition of the motion to reconsider the vote by which amendment No. 877 of the Senator from Nebraska (Mr. HRUSKA) was rejected; provided that the time be equally divided between the distinguished Senator from Colorado (Mr. DOMINICK) and the manager of the bill, the distinguished Senator from New Jersey (Mr. WILLIAMS); that time on any debatable motion, point of order, appeal, or perfecting amendment to the amendment in the first degree by the distinguished Senator from New York (Mr. JAVITS) be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill; with the further proviso that time on such will come out of the time allotted to the amendment of the Senator from Colorado (Mr. DOMINICK), with the exception, of course, of time on any motion to reconsider, which would naturally come after the vote on the Dominick amendment.

Mr. DOMINICK. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. DOMINICK. Mr. President, reserving the right to object—that is a terribly complicated unanimous-consent request which the distinguished Senator from West Virginia has just propounded.

It is my understanding that maybe we should get a parliamentary ruling on it first, before the Senator actually pushes it forward, on the fact that the proposal I put up is a substitute and would not be subject to any further amendments.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. DOMINICK. Therefore, we are dealing with this one amendment and we do not have to worry about amendments to my amendment; is that not correct?

Mr. BYRD of West Virginia. The Senator is correct, but there is the possibility that a perfecting amendment to the amendment by the Senator from New York (Mr. JAVITS) could be offered and, in such case, that perfecting amendment would be voted on before the substitute would be voted on. So that, if that possibility should materialize, the proviso would take care of any such perfecting amendment.

Mr. DOMINICK. What is the time limited to on perfecting amendments?

Mr. BYRD of West Virginia. Twenty minutes, to be equally divided. Such time would come out of the time on the Dominick amendment.

Mr. DOMINICK. I could not agree, under those circumstances, because I have had considerable requests from Senators to speak on behalf of my amendment. I know that we will use at least 1 hour, if not more. I wonder whether the Senator could not put it this way; I do not know of any perfecting amendments that might be offered—there may be some, I suppose. But why should that come out of our time?

Mr. BYRD of West Virginia. I include that proviso just so that the Senate can be assured that a vote would occur, in any event, on the amendment of the Senator from Colorado (Mr. DOMINICK) no later than 4:30 p.m. tomorrow. I can revise the request if the Senator desires.

Mr. JAVITS. Mr. President, I do not think that would be satisfactory to us. The only reason we would have for agreeing—and I am not so sure that we would agree—is that we still want to have something to say about it and that would be the fact that we could count on the time that is critical to us because of our situation here. I would make this suggestion, if we could agree—if the Senator from Colorado (Mr. DOMINICK) would give me his attention—perhaps we could set a time on perfecting amendments with a gentleman's understanding on the part of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Colorado (Mr. DOMINICK) that if someone has a perfecting amendment, accommodation would be made within the time limitation. The result of that would be that it might be 20 minutes, or it might be 3 minutes, 8 minutes, or 6 minutes. But the perfecting amendment could be submitted to a vote when the time had expired and we were ready—at the end of the 4:30 p.m. period.

With that understanding, I think everyone would be protected. Conceivably, once the time has expired, a motion might be made or an amendment could be submitted to our amendment, which would be in order and would be voted on with the gentleman's understanding that there would be some accommodation to people who felt strongly about the matter.

Mr. DOMINICK. Mr. President, I say to the Senator from New York that the difficulty with that would be in the event the offerer of a perfecting amendment would not want to agree to a time limitation.

Mr. JAVITS. No, because the time limitation would expire. And at that time it would have to be voted up or down.

Mr. DOMINICK. I do not know of anyone who wants to offer any but, if someone does so, it might not be fair to him or her.

The difficulty, as I see it, is that we are trying to encompass everything under one blanket. I do not see how we can do it. We can say there will be 2 hours on the Dominick amendment and not set a time limitation at all.

Mr. JAVITS. That is our problem with respect to the matter. We then open it up to having a vote at 7, 8, 9, or 10 o'clock. Anyone could submit 20 perfecting amendments.

Mr. DOMINICK. If they do, what do

we do about it? The time for debate would have long since expired.

Mr. JAVITS. That would not be true the way I have suggested. The Senator from Colorado would have control of half the time and the Senator from New Jersey would have control over half of the time. If anyone had a serious perfecting amendment, the Senator from Colorado might allow him 1, 2, or 3 minutes. The same would be true with respect to the Senator from New Jersey. That would be stipulated. There would be no time, but they could get a vote. That is not unusual, because we do it all the time. All the votes would begin at 4:30. No one would be cut off.

I do not see where the Senator from Colorado would be in jeopardy on that, and neither would we. The voting might take a little longer, but we would be at the voting stage at 4:30.

Mr. DOMINICK. Does the Senator from New York know of anyone who will offer any perfecting amendments?

Mr. JAVITS. None whatever. I know of none. Like the Senator from Colorado, I know of none. Perhaps we might suspend for awhile so that the Senator from Colorado could think about the matter.

Mr. DOMINICK. I am just trying to get to a vote on my amendment.

Mr. JAVITS. Mr. President, I think the Senator from West Virginia is correct. We have to protect the rights of everyone. I have felt that we ought to get a time limitation on the whole ball of wax—that is, on the Dominick amendment, and if it succeeds, then on the Williams-Javits amendment. If the Dominick amendment fails, then we should have a vote on our amendment. I wish to note also that our amendment would be subject to amendment in that event.

Mr. President, when the Senator from West Virginia has finished making his unanimous-consent request, as he might work it out with the Senator from Colorado and with us, I would like to incorporate it, before we agree to it, in another unanimous-consent request that would be more inclusive and would set a time for voting on the whole issue, including the Dominick and our amendment as perfected.

I beg the Senator to give me that opportunity.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. A unanimous-consent request is pending.

Mr. BYRD of West Virginia. Mr. President, I withhold my unanimous-consent request temporarily.

Mr. DOMINICK. Mr. President, assuming that a unanimous-consent request of some kind is finally agreed to here, is it not also true that if it does not encompass the Williams-Javits amendment, perfecting amendments could be offered to that after mine was disposed of in the event it got defeated. In the event it passed, it could not be. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. On the assumption that it is going to pass, I am happy to say that there would then really be no reason for perfecting amendments as far as I can see. If the Senator from West Virginia wants to propose his unanimous consent request, I see no problem.

In order to offset the possibility of having two votes at 2 o'clock, could we give ourselves another 15 minutes?

Mr. BYRD of West Virginia. Mr. President, if the Senator would yield, in the event there is no tabling motion, under the request which I have presented there would be a total of 2 hours and 15 minutes on the Dominick amendment.

Mr. DOMINICK. The time to be equally divided.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. DOMINICK. That would be all right.

Mr. JAVITS. Mr. President, if the Senator would yield, I would like to make the following unanimous-consent request, incorporating the request of the Senator from West Virginia and adding to it the fact that after the vote has been taken on the Dominick amendment and any perfecting amendments which come before the Dominick amendment, or after the vote has been taken on the Dominick amendment, there be 2 hours, the time to be evenly divided on the Williams-Javits amendment, plus 20 minutes on each amendment or motion or appeal, the time to be also equally divided between the mover and the Senator from New Jersey, and the vote then occur on the Williams-Javits amendment as amended.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, I object. I do not object to the request of the Senator from West Virginia, but I do object to the unanimous-consent request of the distinguished Senator from New York.

Mr. JAVITS. Mr. President, if the Senator will yield, we anticipated that objection. However, we thought it only fair to have the facts clearly appear in the Record in respect of the Senate's judgment as to when debate ought to close. If that is what we are brought to with respect to this measure, I am now prepared to agree to the unanimous-consent request of the Senator from West Virginia. However, the Senator from New Jersey can speak for himself, of course.

Mr. ERVIN. Mr. President, I am always anxious to put everything in the Record. That is the reason I supported the Allen amendment to make the rulings of the EEOC reviewable.

Mr. BYRD of West Virginia. Mr. President, I now renew my request. Would the Chair like me to restate it, or is that necessary?

Mr. JAVITS. Mr. President, would the Chair restate it so that we could all hear it?

The PRESIDING OFFICER. Following the disposition of the Hruska amendment, time will begin running on the Dominick amendment, to be equally divided and controlled by the Senator from Colorado (Mr. Dominick) and the Senator from New Jersey (Mr. Williams), with 20 minutes on any debatable motion or amendment, that time also to be equally divided and the time to come out of the time on the Dominick amendment, with the vote on the Dominick amendment to occur at 4:30.

Mr. JAVITS. Mr. President, the Chair did not mention a perfecting amendment to the Williams-Javits amendment which would be voted on at the appropriate time, after the time had expired. Is that correct?

The PRESIDING OFFICER. The unanimous-consent request as repeated by the Chair did mention debatable motions or amendments, which included perfecting amendments.

Mr. JAVITS. Mr. President, I would not wish to be cut off once the time has expired from making a motion to table.

The PRESIDING OFFICER. This agreement would preclude a motion to table.

Mr. JAVITS. Therefore, I wish to make that exception.

Mr. BYRD of West Virginia. Mr. President, let me state that if we enter into an agreement to vote on the Dominick amendment at a specific time then the Senate automatically is precluded from a motion to table.

Mr. JAVITS. I am aware of that. That is why I made the reservation. That is not debatable.

Mr. BYRD of West Virginia. Then, I have to revise my request to provide that a Senator could move to table at that time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. DOMINICK. This creates a reservation. What we are doing is trying to create an escape hatch. I do not think I will go along and that I will have to object.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stevenson). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF A SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Mr. WILLIAMS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2097.

The PRESIDING OFFICER (Mr. Stevenson) laid before the Senate the amendment of the House of Representatives to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, which was to strike out all of the enacting clause, and insert:

Title I__________Findings and Declaration of Policy; Definitions
Title II_____________Special Action Office for Drug Abuse Prevention
Title III_________________Other Agencies

TITLE I—FINDINGS AND DECLARATION OF POLICY; DEFINITIONS

Sec.
101. Congressional findings.
102. Declaration of national policy.
103. Definitions.

§ 101. Congressional findings.

The Congress makes the following findings:

(1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.

(2) Drug abuse, especially heroin addiction, substantially contributes to crime.

(3) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.

(4) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.

(5) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States, and localities, and throughout the Federal Establishment.

(6) Control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

(7) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the resources of the Federal Government and bring them to bear on drug abuse to significantly reduce the incidence of drug addiction and drug abuse in the United States within the shortest practicable period of time, and to develop a comprehensive coordinated long term Federal strategy to combat drug abuse.

§ 103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this Act.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means—

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

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3. ADVISORY COUNCIL	251

Chapter 1.—GENERAL PROVISIONS

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201. Citation as the Special Action Office for Drug Abuse Prevention Act.
202. Establishment of Office.
203. Appointment of Director.
204. Appointment of Deputy Director.
205. Appointment of Assistant Directors.
206. Delegation.
207. Officers and employees.
208. Employment of experts and consultants.
209. Acceptance of uncompensated services.
210. Grant and contracts.
211. Acting Director and Deputy Director.
212. Compensation of Director, Deputy Director, and Assistant Directors.
213. Statutory requirements unaffected.
214. Termination of authority.
215. Appropriations authorized.

§ 201. Citation as the Special Action Office for Drug Abuse Prevention Act.

This title may be cited as the "Special Action Office for Drug Abuse Prevention Act".

§ 202. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.

§ 203. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 204. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

§ 205. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 206. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organization of, the Office as he may designate.

§ 207. Officers and employees.

The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.

§ 208. Employment of experts and consultants.

The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate in effect for GS–18 of the General Schedule, and without regard to any limitation on the number of days or the period of such service, except that, at any one time, not more than fifteen individuals may be employed without regard to such limitation.

§ 209. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 210. Grants and contracts.

(a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.

§ 211. Acting Director and Deputy Director.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

§ 212. Compensation of Director, Deputy Director, and Assistant Directors.

(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(21) Director of the Special Action Office for Drug Abuse Prevention."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Deputy Director of the Special Action Office for Drug Abuse Prevention."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6)."

§ 213. Statutory requirements unaffected.

Except as authorized in section 226, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the armed forces or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

§ 214. Termination of authority.

The authority of the Director under chapter 2 and the authority of the Council under chapter 3 terminate on June 30, 1974.

§ 215. Appropriations authorized.

(a) For the purposes of carrying out the provisions of this title, except for the provisions of sections 223, 224, and 225, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; and $10,000,000 for the fiscal year ending June 30, 1974.

(b) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated $40,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974.

(c) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for the fiscal year ending June 30, 1974.

(d) For the purpose of carrying out the provisions of section 225, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, and $5,000,000 for the fiscal year ending June 30, 1974.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.
221. Concentration of Federal effort.
222. Funding authority.
223. Special Fund.
224. Encouragement of certain research and development.
225. National Drug Abuse Training Center.
226. Single Federal share requirement.
227. Recommendations regarding drug traffic prevention functions.
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230. Technical assistance to State and local agencies.
231. Reorganization authority.
232. Management oversight review.
233. Federal drug council authorized.
234. Consultation with respect to personnel policies.
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236. Annual report.

§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult with the National Advisory Council for Drug Abuse Prevention.

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;

(4) conduct or provide for the conduct of evaluations and studies of the performance and results achieved by Federal drug abuse prevention functions, and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require; and

(6) develop improved methods for determining the extent of drug addiction and abuse in the United States.

§ 222. Funding authority.

In implementation of his authority under section 221, and to carry out the purposes of this Act, the Director is authorized.

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and

(B) the budget requests of any Federal department or agency; and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

§ 223. Special Fund.

(a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of

(1) developing or demonstrating promising new concepts or methds in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the Fund may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction; and

(3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction.

In carrying out this section the Director is authorized to establish, or provide for the establishment of, clinical research facilities.

§ 225. National Drug Abuse Training Center.

(a) The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The director may operate the Center initially, but is authorized and directed to transfer the operation thereof to the National Institute of Mental Health not later than the date specified in section 214.

(b) The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) The services and facilities of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials, and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons including drug dependent persons, requiring training or education in drug abuse prevention.

§ 226. Single Federal share requirement.

Where funds are made available more than one Federal department or agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement as established in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

§ 227. Recommendations regarding drug traffic prevention functions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 228. Resolution of certain conflicts.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment.

§ 229. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 230. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b)(1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 231. Reorganization authority.

If the President finds, after investigation by the Director, that a reorganization in connection with the performance of any Federal drug abuse prevention function is necessary to carry out the purposes of this Act, the President shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, for submission to the Congress pursuant to this subsection.

§ 232. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review wtih respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

§ 233. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 234. Consultation with respect to personnel policies.

The Director shall advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources. The Director shall promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

§ 235. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 236. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expended pursuant to this title.

Chapter 3.—ADVISORY COUNCIL

Sec.

251. Establishment of Council.
252. Membership of the Council.
253. Chairman; meetings.
254. Compensation and expenses.
255. Functions of the Council.

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS–18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) the Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are or in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—OTHER AGENCIES

Sec.

301. Community mental health centers.
302. Public Health Service facilities.
303. State plan requirements.
304. Drug abuse prevention function appropriations.
305. Planning grants.
306. Authorization of appropriations for special projects.

§ 301. Community mental health centers.

Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

"(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

"(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

"(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

"For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated $60,000,000 for fiscal year ending June 30, 1973, and $60,000,000 for the fiscal year ending June 30, 1974."

§ 302. Public Health Service facilities.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility."

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§ 303. State plan requirements.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: ", and include provisions for (i) licensing facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field".

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act."

§ 304. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act shall specify, on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions.

§ 305. Planning grants.

(a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, $13,000,000 for fiscal year ending June 30, 1973, and $13,000,000 for the fiscal year ending June 30, 1974, for grants to States to assist them in (1) planning projects for the development of more effective drug abuse prevention functions, or (2) evaluating the conduct of drug abuse prevention functions within the States, for purposes of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) For each fiscal year the Secretary of Health, Education, and Welfare shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions.

Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year.

(d) As a condition to its receipt of any grant under subsection (b) for any planning project, a State shall, by provisions in the plan or otherwise,

(1) designate a single State agency as the sole agency for the preparation or revision of the plan, or designate such agency as the sole agency for supervising the preparation or revision of the plan;

(2) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in preparing or revising the plan;

(3) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(4) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers;

(5) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to records to substantiate the expenditures for which the grant is made;

(6) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out within the State, and any modifications in the plan which it considers necessary;

(7) provide reasonable assurance that Federal funds for preparation or revision of a State plan made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for such purposes, and will in no event supplant such State, local, and other non-Federal funds; and

(8) furnish such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this section.

(e) As a condition to its receipt of any grant under subsection (b) for evaluation of drug abuse programs, a State shall

(1) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to records to substantiate the expenditures for which the grant is made;

(2) provide reasonable assurance that Federal funds for evaluation of drug abuse programs made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for such purposes, and will in no event supplant such State, local, and other non-Federal funds; and

(3) furnish such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this section.

§ 306. Authorization of appropriations for special projects.

Section 256(e) of the Community Mental Health Centers Act is amended (1) by striking out "and $35,000,000" and inserting in lieu thereof "$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof "; and $75,000,000 for the fiscal year ending June 30, 1974.".

Mr. WILLIAMS. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. STEVENSON) appointed Mr. MCCLELLAN, Mr. RIBICOFF, Mr. METCALF, Mr. CHILES, Mr. PERCY, Mr. JAVITS, Mr. GURNEY, Mr. HUGHES, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. PACKWOOD, Mr. DOMINICK, and Mr. SCHWEIKER conferees on the part of the Senate.

CHAMBER OF COMMERCE REPORT ON MULTINATIONAL CORPORATIONS

Mr. JAVITS. Mr. President, the multinational corporation is under unprecedented attack both at home and abroad. Legislation—the Hartke-Burke bill—is presently pending before the Congress which would in effect dismantle the U.S. multinational corporations while letting foreign multinational corporations absorb their export markets—a disaster for U.S. employment.

The rationale for this unprecedented domestic attack is that the activities of these corporations, through their alleged "export" of technology or their manufacturing operations abroad, also export American jobs. But these corporations remain the major corporations in the United States and the major employers of our own growing work force; and the facts contradicted directly the superficial claims about job loss within the United States.

And, fortunately, the true facts are now being developed, and in recent weeks, two impressive studies have been made public. These studies were by the U.S. Department of Commerce and by the National Association of Manufacturers.

Today, the U.S. Chamber of Commerce released its study, which comes to similar conclusions about the multinational corporation. The principal findings of this study are:

In the decade 1960–70, U.S. multinational corporations increased domestic employment at a significantly higher rate (31.1 percent) than the national average of all employers (12.3 percent).

In the decade 1960–70, U.S. multinational corporations increased U.S. exports by 180 percent, while the national average of U.S. exports grew by only 53.5 percent.

In the decade 1960–70, U.S. multinational corporations locate plants in foreign countries to retain foreign markets and to overcome trade and tariff barriers, not for export to the United States as less than 10 percent of such production is imported into the United States.

In addition, I would like to point out that major U.S. multinational corporations' plants are located in Canada and Europe, which are by no means "low wage" escape hatches as is being charged in the attack on the multinational corporations.

As these facts are developed and become known, it is my hope that they will enlighten the people about the legislative drive which, by seeking seriously to cripple the American multinational corporation—will have a devastating adverse impact on the American economy and could bring on a world depression.

The U.S. Chamber of Commerce sample is a representative one, with some 121 firms responding to the employment questions in the survey, which in 1970 had 3,271,000 employees—17.3 percent of the manufacturing employees in the United States at that time.

Mr. President, I ask unanimous consent to have printed in the RECORD the survey made by the Chamber of Commerce of the United States.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

MULTINATIONAL ENTERPRISE SURVEY, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA

INTRODUCTION

American public interest in the trading and investment experience of United States multinational enterprises has centered on the following unsubstantiated claims:

1. That foreign direct investments of these firms result in the "export" or loss of U.S. employment.

2. That American multinational enterprises locate plants abroad to increase imports into the U.S. while decreasing U.S. exports.

3. That the basic rationale for locating such plants is to take advantage of cheap labor and to provide increased imports into the U.S.-based parent.

To set the record straight, the following paragraphs relate to each point on the basis of a questionnaire survey just concluded by the Chamber of Commerce of the United States.

This survey was distributed to over 600 member firms included in the *Fortune* 1000 industrials. Two hundred ninety-five firms responded and 158 multinationals furnished the requisite information.[1] The comments that follow relate to those 158 responses, or to 61 general manufacturing firms (excludes auto/extractive industries) who provided detailed answers for every part of each question. Corporations in the Survey include the chemical, pharmaceutical, food products, electronics, rubber, agricultural machinery, paper, plastics, aircraft and consumer products industries.

CONCLUSIONS

1. The "Export of Jobs" fallacy; there is positive evidence from this survey showing that American multinational enterprises are increasing their domestic employment at a significantly higher rate than our national average.

Domestic employment for 121 firms that answered the employment question increased from 2,500,000 in 1960 to 3,271,000 in 1970. The 1970 figure represents 17.3% of the general manufacturing employees in the United States at that time. From 1960 to 1970, domestic employment of these firms increased by 31.1%, whereas the national average rate of increase for the same period was only 12.3%.[2]

The few exceptions to this general trend of favorable domestic employment performance reflect clear-cut domestic factors causing a decrease in domestic employment, or an increase less than the national average. For example, two corporations in the aircraft industry showed a loss of 17,370 domestic employees during the period 1965–70 because of shifts in military spending and a re-ordering of American technological emphasis not in any way related to overseas investment.

Listed below are the approximate domestic employment statistics from 1960 to 1970 for the 121 reporting firms along with corresponding SIC numbers:

SIC No.	1960	1970	Change in employment
3721	81,600	78,900	−2,700
2621	13,500	14,500	+1,000
2514	7,400	10,800	+3,400
3721	5,000	6,300	+1,300
6146	8,200	13,800	+5,600
3822	5,200	8,200	+3,000
2771	5,400	6,100	+1,700
3729	1,000	2,300	+1,300
3931	3,000	2,800	−200
3534	12,200	14,200	+2,000
3651	8,100	4,100	−4,000
3481	5,500	7,700	+2,200
2096	6,000	6,700	+700
3494	3,200	9,700	+6,500
3443	5,000	8,000	+3,000
3079	27,800	46,900	+19,000
3742	12,100	10,800	−1,300
3579	11,000	16,500	+5,500
3722	57,000	68,000	+11,000
2211	16,000	20,000	+4,000
3711	3,500	6,200	+2,700
2099	500	1,100	+600
3622	70,500	56,400	−14,100
2042	8,000	19,000	+11,000
2335	1,000	4,200	+3,200
3522	66,500	71,200	+4,700
3011	36,600	55,800	+19,200
3452	2,700	3,500	+800
2641	1,000	2,900	+1,900
2295	21,000	37,400	+16,400
2844	3,000	14,000	+11,000
2083	500	1,300	+800
2655	48,500	54,000	+5,500
2043	14,000	23,000	+9,000
3662	70,000	156,900	+86,900
3581	2,600	2,900	+300
3694	4,400	7,600	+3,200
3662	11,600	16,000	+4,400
3211	30,700	31,600	+900
3721	67,800	86,800	+19,000
2818	14,000	33,000	+19,000
3579	5,400	12,000	+6,600
3566	1,100	1,700	+600
3822	34,000	58,000	+24,000
2842	15,000	22,000	+7,000
2046	11,500	14,400	+2,900
2032	4,500	5,500	+1,000
3522	27,600	28,100	+500
3411	46,500	50,100	+3,600
2823	12,500	25,700	+13,200
3562	7,000	10,400	+3,400
3545	500	3,000	+2,500
2042	2,600	6,700	+4,100
3821	6,800	11,000	+4,200
3559	7,200	11,000	+3,800
3537	35,500	52,500	+17,000
6711	8,200	8,600	+400
2834	5,000	11,900	+6,900
3585	11,400	17,900	+6,500
3941	700	3,000	+2,300
3221	34,400	47,400	+13,000
5099	800	1,300	+500
3399	6,000	8,000	+2,000
3312	8,100	9,000	+900
3622	15,000	31,000	+16,000
3861	3,000	37,000	+34,000
3831	3,500	7,500	+4,000
3561	26,000	30,000	+4,000
3561	10,000	21,000	+11,000
3511	30,100	25,200	−4,900
1621	800	1,100	+300
3537	1,800	4,800	+3,000
3291	5,800	8,300	+2,500
2834	7,900	12,600	+4,700
2621	10,000	21,000	+11,000
2085	10,500	15,200	+4,700
3554	5,300	8,900	+3,600
3069	34,100	37,600	+3,500
2834	8,200	13,100	+4,900
3639	11,700	14,200	+2,500
3624	54,000	57,500	+2,500
2812	25,900	28,800	+2,900
2821	1,900	2,800	+900
2052	21,000	24,000	+3,000
3671	40,000	40,700	+700
3011	26,000	40,000	+14,000
2819	2,000	9,000	+7,000
3535	1,600	2,300	+700
2834	5,100	8,500	+3,400
3599	1,700	3,000	+1,300
2661	5,000	6,700	+1,700
3634	14,500	23,800	+9,300
2031	19,300	25,700	+6,400
2111	11,000	15,000	+4,000
3662	40,000	54,000	+14,000
3643	3,000	6,000	+3,000
2911	600	1,000	+400
2911	38,100	37,000	−1,100
6711	48,500	43,100	−5,400
1042	2,500	2,800	+300
2911	4,700	20,700	+16,000
3711	105,400	129,100	+23,700
3231	14,000	18,600	+2,600
1212	9,000	24,000	+15,000
2818	7,300	10,200	+2,900
3711	458,000	492,000	+34,000
3861	45,900	67,000	+21,100
2621	15,200	19,000	+3,800
2875	11,200	14,100	+2,900
2631	5,500	43,600	+38,100
1021	20,200	28,100	+7,900
1459	2,000	2,900	+900
1311	17,800	15,900	−1,900
1311	25,600	27,400	+1,800
1311	6,300	7,000	+700
3333	22,700	27,600	+4,900
3949	13,700	18,500	+4,800
6711	40,900	42,700	+1,800
3611	1,400	4,400	+3,000
2631	25,900	37,900	+12,000
3461	36,300	41,000	+4,700

2. Outstanding international trade performance: Actual performances show that American multinational enterprises have been substantially increasing their exports since 1960, thereby creating U.S. employment gains in excess of national averages.

A basic contention of organized labor is that U.S. foreign direct investments deter export expansion. This claim is refuted by the experience of those firms covered in this Survey.

In 1960, total exports of 61 general manufacturing firms was $1,564,682,000. By 1970, this amount had increased to $4,383,950,000. In terms of percentages, these corporations increased exports by 180% as against a national increase in exports of only 53.5%.

The positive, direct, job creating effect of increased exports generated by foreign investment is clear. It is reliably estimated that $11,348 in exports equals one U.S. job. If the additional jobs created in those industries supplying goods and services to the direct exporting industry were included, this figure would be even higher.

What is the relative volume of imports and exports of these same firms? For the 61 general manufacturing firms, total imports for 1970 was $851,950,000 while the 1970 volume of U.S. exports for the same firms was $4,383,950,000—a positive difference of $3,532,000,000 exports over imports that can be translated into 311,245 U.S. jobs.[3] The job creating effect of imports is not included in this figure. Imports create jobs in the servicing and handling of the imported goods. Also without many imports essential to U.S. industrial capability, such capability would be in jeopardy and the job loss would be substantial.

Without imports, needless to say, other countries could not buy our exports, and the many jobs they create would accordingly be abolished.

3. Major reasons U.S. capital goes abroad: American multinational enterprises locate plants in foreign countries to retain foreign markets and to overcome trade and tariff barriers.

The experience of the firms surveyed refutes the claim that U.S. multinationals locate production facilities abroad to exploit "cheap labor" and to flood the U.S. with their products.

The vast majority of U.S. investments by these firms are in Europe and Canada, with Latin America, Asia and Africa hosting far fewer investments. This means a vast majority of these investments are in developed countries that have economies comparable to the United States. Following is a listing of the geographical preferences for the general manufacturing firms surveyed, calculated by giving 5 points for a first choice, 4 for a second, 3 for third, 2 for fourth, and 1 for fifth:

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[1] The definition of a "multinational enterprise" in the Survey was: Any corporation with the parent company incorporated in the U.S. having operating unit(s), branch(es), or subsidiary(ies) in other countries.

[2] The National average rate calculated from figures provided by U.S. Department of Commerce, OBE, *Survey of Current Business.*

[3] *Monthly Labor Review*, June, 1969, p. 16. "In 1966, about 89,000 workers were required for each billion dollars of merchandise exports".

Western Europe, 706 points.
Canada, 423 points.
Latin America, 398 points.
Asia, 296 points.
Africa, 47 points.

These same firms were asked to describe the reasons for locating in these preferred locations. "Labor cost advantage" rated low as a reason and so did the possibility of obtaining foreign tax incentives, as illustrated in the following chart. The system used under the geographical location listing was used in this evaluation also.

REASON AND POINTS

Western Europe

1. Better servicing of existing market, 687.
2. Tariff & Trade Restrictions, 486.
3. Counter move to prevent competitor pre-empting market, 316.
4. Transport costs, 307.
5. U.S. product not acceptable to market, 245.
6. Labor cost advantage, 242.
7. Raw material availability/cost, 186.
8. Tax benefits (including host country incentives), 152.
9. 806.30 and 807 for re-entry to U.S., 53.

Canada

1. Better servicing of existing market, 419.
2. Tariff & Trade Restrictions, 303.
3. Counter move to prevent competitor pre-empting market, 178.
4. Transport costs, 170.
5. Raw material availability/cost, 153.
6. Labor cost advantage, 104.
7. U.S. product not acceptable to market, 103.
8. Tax benefits (including host country incentives), 91.
9. 806.30 and 807 for re-entry to U.S., 37.

Latin America

1. Better servicing of existing market, 491.
2. Tariff & Trade Restrictions, 368.
3. Counter move to prevent competitor pre-empting market, 255.
4. Transport costs, 183.
5. Labor cost advantage, 179.
6. Raw material availability/cost, 156.
7. Tax benefits (including host country incentives) 151.
8. Product not acceptable to market, 82.
9. 806.30 and 807 for re-entry to U.S. 48.

Asia

1. Better servicing of existing market, 414.
2. Tariff & Trade Restrictions, 319.
3. Labor cost advantage, 245.
4. Transport costs, 220.
5. Counter move to prevent competitor pre-empting market, 220.
6. Raw material availability/cost, 162.
7. U.S. product not acceptable to market, 120.
8. Tax benefits (including host country incentives), 117.
9. 806.30 and 807 for re-entry to U.S., 52.

Africa

1. Better servicing of existing market, 109.
2. Tariff & Trade Restrictions, 68.
3. Counter move to prevent competitor pre-empting market, 57.
4. Raw material availability/cost, 50.
5. Labor cost advantage, 47.
6. Transport costs, 45.
7. Tax benefits (including host country incentives), 34.
8. U.S. product not acceptable to market, 18.
9. 806.30 and 807 for re-entry to U.S., 5.

Government surveys have shown that U.S. plants located abroad send only a small percentage of their products back to the United States—generally far less than 10% of the foreign production. If certain industries and areas were excluded (automobiles and Canada) the percentage would be no more than 2%. The Chamber's survey bears out this fact and clearly refuses the claim that foreign production units are utilized to generate products for sale in the U.S. Most foreign production is marketed in the country where the plant is located, and gives strength to the contention that foreign production is required to compete with foreign producers in foreign markets. In many instances, the market would otherwise be lost to the U.S. company—not transferred to U.S. production and exports.

SUMMARY

This survey offers positive and constructive factual evidence of the substantial constructive contribution multinational enterprises are making to the United States economy. Practices of these corporations have, with a minimum number of exceptions, resulted in increased U.S. domestic employment, increases in U.S. exports, and positive contributions to the U.S. balance of payments. Consequently, artificial restrictions on these corporations would result in a serious reversal of these favorable factors and would materially decrease employment opportunities. The charges of organized labor are in this case unfounded.

THE PRESIDENT'S HISTORIC CHINA TRIP

Mr. JAVITS. Mr. President, a week from today President Nixon will be in Peking at the beginning of an historic visit which will hopefully mark the beginning of a new relationship between the United States and the People's Republic of China.

For the next 2 weeks the American people are going to be inundated by "things Chinese." They will witness the President's and the First Lady's every step on their television screens via satellite transmissions. They will read the views of commenators and editorialists in their morning papers. They will review "what it all means" in their weekly magazines.

I think the President placed the trip in proper perspective by the following words in his "State of the World" message delivered to us on February 9:

> I go to Peking without illusions. But I go nevertheless committed to the improvement of relations between our two peoples and the people of the world. The course we and the Chinese have chosen has been produced by conviction, not by personalities or the prospect of tactical gains.

I would like to call my colleagues' attention to those sections of the "State of the World" message and the President's press conference last week that pertain to the trip and I ask unanimous consent to insert this section of the President's message and his press conference remarks on China in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FOREIGN POLICY FOR THE 1970'S: THE EMERGING STRUCTURE OF PEACE

(A report by President Nixon to the Congress, February 1972)

CHINA

Few events can be called historic. The announcement which I read on July 15 merits that term:

"Premier Chou En-lai and Dr. Henry Kissinger, President Nixon's Assistant for National Security Affairs, held talks in Peking from July 9 to 11, 1971. Knowing of President Nixon's expressed desire to visit the Peoples Republic of China, Premier Chou En-lai on behalf of the Government of the Peoples Republic of China has extended an invitation to President Nixon to visit China at an appropriate date before May 1972.

"President Nixon has accepted the invitation with pleasure.

"The meeting between the leaders of China and the United States is to seek the normalization of relations between the two countries and also to exchange views on questions of concern to the two sides."

This announcement could have the most profound significance for future generations. The course leading up to it was carefully navigated; the opening we have made is still fragile; the immediate concrete achievements may be limited. But our purpose, and now our potential, is to establish contact between the world's most powerful nation and the world's most populous nation, and to confine our future confrontations to the conference table. Contact now might help avert a disastrous catastrophe later. It should serve to enrich the lives of our two peoples. And it could lead to cooperative ventures between our countries in the future.

THE HISTORICAL SETTING

My meetings with the leaders of the Peoples Republic of China will be unprecedented.

The earliest Sino-American contacts developed in the early 1800's. At that time the ancient Chinese empire, secure and preeminent, was just beginning the painful process of adapting itself to the outside world. With the world's longest history of self-government, and as the dominant political and cultural force in their region, the Chinese were self-confident and self-contained as the "Middle Kingdom" of the world. Nevertheless they were exploited by technologically superior foreign powers. The United States—isolationist and bending its energies to national development—favored the territorial integrity of China; but our "open door" doctrine of equal treatment for all foreigners carried ambiguity in Chinese eyes.

The Communist leaders thus inherited a tradition marked by both pride and humiliation; the Chinese experience had not been one of dealing with the outside world as equals but one of either Chinese superiority or foreign exploitation. In recent years China has passed through a period of domestic turmoil and shifts in external relationships. China's leaders have decided to break the isolation that was partly self-chosen, to explore more normal relations with other countries, and to take their place in the international dialogue.

While the Chinese Revolution ran its long and tortured course the United States ended a long history of isolationism and plunged with zeal and idealism into worldwide responsibilities. We alone among the major power emerged relatively unscathed from the Second World War. We provided the bulk of both the plans and resources for security and development around the globe. And we perceived the Communist countries, including China, as a monolithic bloc with central direction.

Today, two and a half decades after the war, new realities are reflected in a new American approach to foreign policy. The growing strength and self-confidence of others allow them to assume greater responsibilities and us to shift to a more restrained role. And with the time long past when one nation could speak for all communist countries, we deal with individual nations on the basis of their foreign, and not their domestic, policy.

Thus, in February of 1972, after many vicissitudes, many achievements and our separate evolution, the U.S. and China enter this dialogue on a fresh foundation of national equality and mutual respect. We are both turning a new page in our histories.

Despite this hopeful beginning, we remain separated by profound differences in principle and the suspicions of decades. Until 1971 we had had little meaningful contact for most of a generation. The Peoples Republic's critical public statements and interpretations of history are well known to us. We have also made our position clear.

It serves no purpose to gloss over these sources of division. Neither side pretended during preparations for my journey, and neither will pretend afterwards, that we have solved our basic problems. We can expect our talks to be marked by the directness and candor which best serve leaders whose differences are deep but whose policies are rooted in realism.

A NEW APPROACH

My journey to the Peoples Republic of China marks both an end and a beginning. It is the culmination of three years of patient mutual effort to pierce the isolation of decades. And it represents the launching of a new process.

The July 15, 1971 statement on my trip was sudden and dramatic, but it was preceded and produced by a carefully developed series of steps. In fact, no other U.S. foreign policy move in the past three years has been approached more meticulously.

As far back as October 1967, I had written in the magazine Foreign Affairs that "any American policy toward Asia must come urgently to grips with the reality of China," while pointing out that bold new initiatives without preparation were inappropriate.

In January 1969 I entered office convinced that a new policy toward the Peoples Republic of China was an essential component of a new American foreign policy. I was, of course, fully aware of the profound ideological and political differences between our countries, and of the hostility and suspicion to be overcome. But I believed also that in this era we could not afford to be cut off from a quarter of the world's population. We had an obligation to try to establish contact, to define our positions, and perhaps move on to greater understanding.

Recalling our historical experience and contemplating tomorrow's world, I saw the present period as a unique moment. The shifting tides in international relations, our new foreign policy perspectives, the changing face of China—these were the factors, at work in Peking as well as Washington, that beckoned our two nations toward a dialogue.

The following considerations shaped this Administration's approach to the Peoples Republic of China.

Peace in Asia and peace in the world require that we exchange views, not so much despite our differences as because of them. A clearer grasp of each other's purposes is essential in an age of turmoil and nuclear weapons.

It is in America's interest, and the world's interest, that the Peoples Republic of China play its appropriate role in shaping international arrangements that affect its concerns. Only then will that great nation have a stake in such arrangements; only then will they endure.

No one nation should be the sole voice for a bloc of states. We will deal with all countries on the basis of specific issues and external behavior, not abstract theory.

Both Chinese and American policies could be much less rigid if we had no need to consider each other permanent enemies. Over the longer term there need be no clashes between our fundamental national concerns.

China and the United States share many parallel interests and can do much together to enrich the lives of our peoples. It is no accident that the Chinese and American peoples have such a long history of friendship.

On this basis we decided that a careful search for a new relationship should be undertaken. We believed that the Chinese could be engaged in such an effort.

The Unfolding of U.S. Policy

Both political and technical problems lay in the way of such a search. When this Administration assumed responsibility, there had been virtually no contact between mainland China and the American people for two decades. This was true for our governments as well, although sterile talks in Geneva and Warsaw had dragged on intermittently since 1955. A deep gulf of mistrust and noncommunication separated us.

We faced two major questions. First, how to convey our views privately to the authorities in Peking? Second, what public steps would demonstrate our willingness to set a new direction in our relations?

Within two weeks of my inauguration we moved on both of these fronts. I ordered that efforts be undertaken to communicate our new attitude through private channels, and to seek contact with the Peoples Republic of China.

This process turned out to be delicate and complex. It is extremely difficult to establish even rudimentary communications between two governments which have been completely isolated from one another for twenty years. Neither technical nor diplomatic means of direct contact existed. It was necessary to find an intermediary country which had the full trust of both nations, and could be relied upon to promote the dialogue with discretion, restraint, and diplomatic skill.

The two sides began clarifying their general intentions through mutually friendly countries. After a period of cautious exploration and gathering confidence, we settled upon a reliable means of communication between Washington and Peking.

In February 1969, I also directed that a comprehensive National Security Council study be made of our policy toward China, setting in motion a policy review process which has continued throughout these past three years. We addressed both the broader ramifications of a new approach and the specific steps to carry it out.

Drawing on this analysis, we began to implement a phased sequence of unilateral measures to indicate the direction in which this Administration was prepared to move. We believed that these practical steps, progressively relaxing trade and travel restrictions, would make clear to the Chinese leaders over time that we were prepared for a serious dialogue. We had no illusion that we could bargain for Chinese good will. Because of the difficulties in communication we deliberately chose initiatives that could be ignored or quietly accepted; since they required no Chinese actions, they were difficult to reject. We purposely avoided dramatic moves which could invoke dramatic rebukes and set back the whole carefully nurtured process.

Throughout 1969 and 1970 we underlined our willingness to have a more constructive relationship:

In July 1969, we permitted noncommercial purchases of Chinese goods without special authorization by American tourists, museums and others. We also broadened the categories of U.S. citizens whose passports would be validated automatically for travel to China.

In December 1969, we allowed subsidiaries of American firms abroad to engage in commerce between mainland China and third countries.

In January and February 1970, the two sides held Ambassadorial meetings in Warsaw, which in turn had been set through private exchanges. These sessions underlined the handicaps of this formal discourse. The two sides' representatives had minimum flexibility; they could do little more than read prepared statements and refer back to their capitals for instructions for the next meeting. This cumbersome exchange between wary adversaries reinforced the need for a new approach.

In March 1970, we announced that U.S. passports would be validated for travel to mainland China for any legitimate purpose.

In April 1970, we authorized selective licensing of non-strategic U.S. goods for export to mainland China.

In August 1970, we lifted certain restrictions on American oil companies operating abroad so that most foreign ships could use American-owned bunkering facilities on trips to and from mainland Chinese ports.

By the end of 1970, therefore, we had laid out a careful record of unilateral initiatives. Throughout these two years we had accompanied these steps with a series of public statements which delineated our general attitude.

Secretary Rogers in a speech in Canberra, Australia on August 8, 1969, noted the barriers between our countries but added, "We nonetheless look forward to a time when we can enter into a useful dialogue and to a reduction of tensions."

In my February 1970 Foreign Policy Report, I stated that ". . . it is certainly in our interest, and in the interest of peace and stability in Asia and the world, that we take what steps we can toward improved practical relations with Peking . . . we will seek to promote understandings which can establish a new pattern of mutually beneficial actions."

On October 26, 1970, in a toast to visiting President Ceausescu of Romania, I deliberately used Peking's official title, "the Peoples Republic of China". This was the first time an American President had ever done so.

By the time of my second Foreign Policy Report in February 1971, we had reason to believe that our moves were being noted and evaluated by the Chinese. In that Report, I cited the importance of China's participation in world affairs, reiterated that we were ready for a dialogue with Peking, and stated that we hoped to see the Peoples Republic of China assume a constructive role in the family of nations. I looked toward the immediate future:

"In the coming year, I will carefully examine what further steps we might take to create broader opportunities for contacts between the Chinese and American peoples, and how we might remove needless obstacles to the realization of these opportunities. We hope for, but will not be deterred by a lack of, reciprocity."

The breakthrough

By the fall of 1970, in private and reliable diplomatic channels, the Chinese began to respond. Both sides were now working to launch a process. The spring of 1971 saw a series of orchestrated public and private steps which culminated in Dr. Kissinger's July trip to Peking and the agreement for me to meet with the leaders of the Peoples Republic of China.

On March 15, 1971 we announced that U.S. passports no longer needed special validation for travel to mainland China.

On April 6, 1971, in Nagoya, Japan, the U.S. table tennis team competing in the world championships received an invitation from the Chinese team to visit mainland China. This was accepted the next day. The Chinese also granted visas to seven Western newsmen to cover the team's tour. The U.S. team traveled extensively in China, and was received on April 14 by Prime Minister Chou En-lai, who told them: "with your acceptance of our invitation, you have opened a new page in the relations of the Chinese and American people."

On that same day, we moved to further the momentum that had clearly developed. I decided on the following measures which had been under governmental study since December 1970:

We would expedite visas for visitors from the PRC;

U.S. currency controls would be relaxed to permit the PRC to use dollars;

Restrictions on U.S. oil companies providing fuel to ships or aircraft en route to or from China (except those bound to or from North Korea, North Vietnam or Cuba) were eliminated;

U.S. vessels or aircraft would be permitted to carry Chinese cargoes between non-Chinese ports, and U.S.-owned foreign-flag carriers could call at Chinese ports; and

A list of items of a non-strategic nature would be compiled for direct export to the PRC.

In the April 30 issue of *Life* magazine, the author, Edgar Snow, reported a conversation he had had earlier with Chairman Mao Tse-tung which confirmed private signals we had already received of Chinese interest in my visiting China.

On May 7, 1971 we removed U.S. controls on dollar transactions with China (except those in previously blocked accounts) and certain controls on U.S. bunkering facilities and flagships.

On June 10, 1971 we announced the end of the twenty-one year embargo on trade with the PRC. We issued a general export license for a long list of nonstrategic items for China and designated other items to be considered on a case-by-case basis. Restrictions on the import of Chinese goods were simultaneously lifted.

The stage was thus set for Dr. Kissinger's secret visit to Peking. From July 9 to July 11, Dr. Kissinger held very extensive and important discussions with Premier Chou En-lai which produced the agreement that I would visit China before May 1972.

From October 20 to 26, Dr. Kissinger again visited Peking to reach agreement on the major arrangements for my trip. Further lengthy talks with Prime Minister Chou En-lai and other Chinese officials produced the basic framework for my meetings with the leaders of the Peoples Republic of China—including the February 21, 1972 date, the duration and itinerary, the broad agenda, and the approximate composition and facilities for the accompanying party and representatives of the media. The major elements were announced at the end of November.

On December 13, 1971 the Chinese released two Americans whom they had been holding prisoner, and commuted the life sentence of a third American to five more years. This welcome gesture came after Dr. Kissinger transmitted my personal concern during his two visits to Peking. It was both a concrete result of our efforts to establish a dialogue and a hopeful sign for future progress in our relations.

International impact

No major step in international relations is taken without some painful adjustments and potential costs. Indeed, the tendency is to focus on the risks that might flow from a departure from familiar patterns and to lose sight of its possible benefits. It is precisely this tendency that inhibits majorinitiatives and perpetuates established policies which sustain the tatu quo.

We undertook our initiatives toward the Peoples Republic of Chian aware of the problems as well as the opportunities. Such a dramatic move was bound to stir great changes in the world. The news of my forthcoming trip had an expectedly galvanic impact and set in motion new currents in international relations.

We were able to inform our friends only shortly before this announcement, and we understand the complications this caused for them. There were overriding reasons for keeping Dr. Kissinger's July visit secret. We could not risk advance public disclosure of these conversations whose outcome we could not predict. This would have risked disillusionment by inflating expectations which we could not be certain of meeting. And it would have created pressures on both the Chinese and American sides, forcing both of us to take public positions which could only have frozen discussions before they began. Moreover, we knew the July discussions would not settle anything directly concerninng third parties; neither we nor Peking would set or accept any preconditions.

Regardless of how it was achieved, the change in the U.S.-Chinese relationship after 20 years of animosity was bound to be unsettling. Indeed, once Peking had decided to improve relations with the U.S., it had the capability to shake our relations with our friends through its own unilateral moves; the mere invitation to an American table tennis team had major repercussions.

The price we paid for secrecy was therefore unavoidable. It should prove transitory. The important task was to move swiftly to explain our purposes to our friends and to begin meaningful exchanges about the prospects for the future.

This we have done. Since July we have consulted with interested nations, outlining our objectives and expectations, and making clear we would not negotiate to the detriment of their interests. Secretary Rogers was extremely active in explaining our China policy to Foreign Ministers and other leaders of foreign countries. Secretary Connally and Governor Reagan traveled through Asia as my personal representatives, and carried my views on our China initiative and Asian policies in general. I sent personal messages to many of our friends and allies. Our Ambassadors were instructed to explain our views and solicit those of their host governments. The prospects of my meetings in Peking and in Moscow were among the primary topics of my series of talks with allied leaders in December 1971 and January of this year.

We shall continue this process of consultation as we move forward in our relationship with the Peoples Republic of China. Our talks with our friends have focused on the longer term implications for U.S. policy. Questions have been raised which we have been careful to address publicly as well as privately.

How should our Asian friends interpret this initiative in terms of our commitments and their direct interests? There are, first of all, some general principles which apply to our relations with all concerned countries. Neither we nor the Peoples Republic asked, or would have accepted, any conditions for the opening of our dialogue. Neither country expects the other to barter away its principles or abandon its friends. Indeed, we have moved jointly in the conviction that more normal relations between us will serve the interests of all countries and reduce tensions in the Far East.

My conversations with the Chinese leaders will focus primarily on bilateral questions. Either side is free to raise any subject it wishes, and, of course, issues affecting the general peace are of bilateral concern. But we have made it clear to our Asian friends that we will maintain our commitments and that we will not negotiate on behalf of third parties. We cannot set out to build an honorable relationship of mutual respect with the PRC unless we also respect the interests of our long terms friends.

Should our moves be read as shifting our priorities from Tokyo to Peking? They should not. With the Chinese we are at the beginning of a long process. With the Japanese we have enjoyed over two decades of the closest political and economic cooperation. It would be shortsighted indeed to exchange strong ties with a crucial ally for some mitigation of the hostility of a dedicated opponent. But it would be equally shortsighted not to seek communication and better understanding with a quarter of the world's people. We see no conflict in these two aims.

The preservation of our close relationship with Japan during this effort to broaden communications with China will call for wisdom and restraint on all sides. Each of us will have to avoid temptations to exacerbate relations between the other two. Despite the uneasy legacies of history, there can be more room for progress through cooperative interchange than through destructive rivalry.

What are the implications for our longstanding ties to the Republic of China? In my address announcing my trip to Peking, and since then, I have emphasized that our new dialogue with the PRC would not be at the expense of friends. Nevertheless, we recognize that this process cannot help but be painful for our old friend on Taiwan, the Republic of China. Our position is clear. We exerted the maximum diplomatic efforts to retain its seat in the United Nations. We regret the decision of the General Assembly, to deprive the Republic of China of its representation although we welcomed the admission of the Peoples Republic of China. With the Republic of China, we shall maintain our friendship, our diplomatic ties, and our defense commitment. The ultimate relationship between Taiwan and the mainland is not a matter for the United States to decide. A peaceful resolution of this problem by the parties would do much to reduce tension in the Far East. We are not, however, urging either party to follow any particular course.

What does our China initiative mean for our relations with the Soviet Union? Our policy is not aimed against Moscow. The U.S. and the USSR have issues of paramount importance to resolve; it would be costly indeed to impair progress on these through new antagonisms. Nevertheless some observers have warned that progress toward normalization of relations with Peking would inevitably jeopardize our relations with its Communist rival. There is no reason for this to be the case. Our various negotiations with the Soviet Union, for example on Berlin and SALT, made major progress subsequent to the July 15 announcement; and the agreement to meet with the Soviet leadership in May 1972 was announced on October 12, 1971.

Others have suggested that we should use our opening to Peking to exploit Sino-Soviet tensions. We have consistently explained to all parties that we will not attempt to do so because it would be self-defeating and dangerous. We did not create the differences between the two Communist powers. They disagree over the proper interpretation of Communist philosophy, a subject in which we have no competence and little interest. And they dispute the lines of their common border, which can hardly be susceptible to our manipulation. In any event we will try to have better relations with both countries. In pursuing this objective we will conduct our diplomacy with both honesty and frankness.

THE JOURNEY TO PEKING

The record of the past three years illustrates that reality, not sentimentality, has led to my journey. And reality will shape the future of our relations.

I go to Peking without illusions. But I go nevertheless committed to the improvement of relations between our two countries, for the sake of our two peoples and the people of the world. The course we and the Chinese have chosen has been produced by conviction, not by personalities or the prospect of tactical gains. We shall deal with the Peoples Republic of China:

Confident that a peaceful and prospering China is in our own national interest;

Recognizing that the talents and achievements of its people must be given their appropriate reflection in world affairs;

Assured that peace in Asia and the fullest measure of progress and stability in Asia and in the world require China's positive contribution;

Knowing that, like the United States, the Peoples Republic of China will not sacrifice its principles;

Convinced that we can construct a permanent relationship with China only if we are reliable—in our relations with our friends as well as with China;

Assuming that the Peoples Republic of

China will shape its policy toward us with a reciprocal attitude.

These principles will guide my approach to my forthcoming conversations with Chairman Mao Tse-tung and Premier Chou En-lai. The tenor of these discussions and of our future relations, of course, does not depend on us alone. It will require a mutual understanding of perspectives and a mutual willingness to combine a principled approach with a respect for each other's interests.

At this point in history we need talks at the highest level. Eighteen years of desultory ambassadorial discussions in Geneva and Warsaw demonstrated that subsidiary problems could not be cleared away at lower levels. Authoritative exchanges between our leaders, however, now hold hope of genuine communication across the gulf and the setting of a new direction.

The trip to Peking is not an end in itself but the launching of a process. The historic significance of this journey lies beyond whatever formal understandings we might reach.

We are talking at last. We are meeting as equals. A prominent feature of the postwar landscape will be changed. At the highest level we will close one chapter and see whether we can begin writing a new one.

Both sides can be expected to state their principles and their views with complete frankness. We will each know clearly where the other stands on the issues that divide us. We will look for ways to begin reducing our differences. We will attempt to find some common ground on which to build a more constructive relationship.

If we can accomplish these objectives, we will have made a solid beginning.

Over the longer term, we will see whether two countries—whose histories and cultures are completely different, whose recent isolation has been total, whose ideologies clash, and whose visions of the future collide—can nevertheless move from antagonism to communication to understanding.

On January 20, 1969 in my Inaugural Address, I defined our approach towards all potential adversaries:

"After a period of confrontation, we are entering an era of negotiation.

"Let all nations know that during this Administration our lines of communications will be open.

"We seek an open world—open to ideas, open to the exchange of goods and people—a world in which no people, great or small, will live in angry isolation.

"We cannot expect to make everyone our friend, but we can try to make no one our enemy."

When I spoke those lines, I had the Peoples Republic of China very much in mind. It is this attitude that shaped our policy from the outset and led to the July 15, 1971 announcement. It is in this spirit that I go to Peking.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I renew my previous request, and I shall restate it.

I ask unanimous consent that time on the pending substitute by Mr. DOMINICK, amendment No. 884, begin running tomorrow upon the disposition of the motion to reconsider the vote by which the Hruska amendment No. 877 to S. 2515 was rejected last Wednesday;

Provided further that a vote occur on amendment No. 884 by Mr. DOMINICK at 4:30 p.m. tomorrow;

Provided further, that time be equally divided between the distinguished mover of the amendment (Mr. DOMINICK) and the distinguished manager of the bill (Mr. WILLIAMS);

Ordered further, that time on any debatable motion, amendment—meaning perfecting amendment to the Williams-Javits amendment—point of order, or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill;

Provided, that the time on such perfecting amendment, debatable motion, appeal, or point of order, be taken out of the time allotted to amendment No. 884, with two exceptions: One being in the case of a perfecting amendment which is pending at 4:30 p.m., in which instance that perfecting amendment be allotted whatever remaining time would be necessary to round out the full 20 minutes; the second instance, of course, being on a motion to reconsider the vote on amendment No. 884; with the further understanding that in the event the manager of the bill is not opposed to any perfecting amendment, motion, appeal, or point of order, the time in opposition to such would then be under the control of the distinguished minority leader or his designee.

Mr. JAVITS. Mr. President, if the Senator will yield, reserving the right to object—and I do not expect to object—it seems to me we have not stated properly the proposal as to perfecting amendments to the basic amendment. As I understood, the votes on those would occur at 4:30 p.m., and a reliance would be placed on the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Colorado (Mr. DOMINICK) to accommodate Senators who had any further proposals within the time allotted, with the substantive vote to start at 4:30 p.m.

Mr. BYRD of West Virginia. However, in a case where a Senator offered a perfecting amendment, let us say, at 4:30, he would then have 20 minutes. If he offered it before, say, at 10 minutes to 4, he would have 10 minutes——

Mr. JAVITS. That was not our understanding; our understanding was we would start voting at 4:30. If there were perfecting amendments, both sides would allow Senators to discuss them, but we would vote at 4:30.

Mr. BYRD of West Virginia. Very well. I will delete the proviso which would accord to a Senator with a perfecting amendment, pending at 4:30 p.m., 20 minutes.

Mr. DOMINICK. Mr. President, reserving the right to object, I can foresee a situation where we would have 2 hours of debate, 1 hour on each side, and with 20 minutes on perfecting amendments, we would not get to debate the basic amendment. In view of that fact, I do not see anything to do except object. I am sorry.

Mr. JAVITS. Let us not get hot——

Mr. DOMINICK. Well, we are getting that way——

Mr. JAVITS. Well, we are getting that way, then. I am trying to get votes at 4:30, not 8:30.

Mr. DOMINICK. I do not care whether we get them at 4:30 or 8:30.

Mr. JAVITS. I do. That is why I am agreeing to the unanimous-consent request.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, after several discussions with various Senators who are parties to the request which I am about to make, I propound the following unanimous-consent request:

I ask unanimous consent, Mr. President, that a vote occur on amendment No. 884 by the Senator from Colorado (Mr. DOMINICK) at 5 p.m. tomorrow; that time on that amendment begin running upon the disposition of the motion to reconsider the vote by which the Hruska amendment No. 877 was previously rejected; that the time be equally divided between the mover of the amendment, the Senator from Colorado (Mr. DOMINICK) and the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS); provided further, that in the event the motion to reconsider amendment No. 877 by Mr. HRUSKA carries, the Hruska amendment No. 877 then be put over until the final disposition of amendment No. 884 by the Senator from Colorado (Mr. DOMINICK), at which time amendment No. 877 by Mr. HRUSKA then again be placed before the Senate for debate and disposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, there is no question but that the vote on the amendment by Mr. DOMINICK will be a rollcall vote.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I announce the program for tomorow as follows:

The Senate will convene at 11 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business not to extend beyond 11:30 a.m., with statements therein limited to 3 minutes.

At 11:30 a.m., the Senate will go into executive session and time will begin running on Executive H. A rollcall vote will occur on that treaty at 12 noon.

At 1 p.m. tomorrow, time will begin running—and will be under control—on the motion to reconsider the vote by which the Hruska amendment (No. 877) was previously rejected. A rollcall vote on the motion to reconsider will occur at 2 p.m. A motion to table the motion to reconsider will be in order.

Upon disposition of the motion to reconsider, time will begin running on the amendment by the Senator from Colorado (Mr. DOMINICK), amendment No. 884, and will be concluded at 5 p.m., at which time a rollcall vote will occur on the amendment by Mr. DOMINICK.

However, in the event the motion to reconsider the Hruska amendment should carry, the amendment by Mr. HRUSKA would then be laid aside until immediately following the final disposition of the vote on amendment No. 884 by Mr. DOMINICK.

At least three rollcall votes can be expected tomorrow. There may be more.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 6:09 p.m.) the Senate adjourned until tomorrow, Tuesday, February 15, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 14, 1972:

DEPARTMENT OF TRANSPORTATION

John L. Hazard, of Michigan, to be an Assistant Secretary of Transportation, vice Charles D. Baker, resigned.

U.S. DISTRICT COURT

Louis C. Bechtle, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania vice John W. Lord, Jr., retired.

DEPARTMENT OF JUSTICE

John A. Field III, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years vice Wade H. Ballard III, resigned.

U.S. AIR FORCE

The following named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Maj. Gen. Felix M. Rogers, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George H. McKee, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John C. Giraudo, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John B. Hudson, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Charles W. Carson, Jr., [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Sanford K. Moats, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John W. Roberts, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Maurice R. Reilly, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert E. Hails, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jimmy J. Jumper, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert W. Maloy, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert E. Huyser, [redacted]FR (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Brig. Gen. Lawrence J. Fleming, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Harold L. Price, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John F. Gonge, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard M. Fish, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. George G. Loving, Jr., [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Oliver W. Lewis, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Ralph S. Saunders, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Louis O. Alder, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Ray B. Sitton [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William A. Dietrich, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James A. Knight, Jr., [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack B. Robbins, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard M. Lane, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles E. Williams, Jr., [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Colin C. Hamilton, Jr., [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward P. McNeff, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Henry L. Warren, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert F. Trimble, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward Ratkovich, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard P. Smith, Jr., [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James E. Paschall, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Harry M. Darmstandler, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Eugene L. Hudson, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Levi R. Chase, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles C. Pattillo, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Cuthbert A. Pattillo, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James M. Breedlove, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Lee M. Paschall, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald G. Nunn, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Walter R. Tkach, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

I nominate the following named officers for temporary appointment in the United States Air Force under the provisions of Chapter 839, Title 10 of the United States Code:

To be major general

Brig. Gen. James E. Hill [redacted]FR, Regular Air Force.

Brig. Gen. Jonas L. Blank, [redacted]FR, Regular Air Force.

Brig. Gen. James A. Bailey, [redacted]FR, Regular Air Force.

Brig. Gen. Donald H. Ross, [redacted]FR, Regular Air Force.

Brig. Gen. William A. Jack, [redacted]FR, Regular Air Force.

Brig. Gen. Jessup D. Lowe, [redacted]FR, Regular Air Force.

Brig. Gen. Vernon R. Turner, [redacted]FR, Regular Air Force.

Brig. Gen. Warren D. Johnson, [redacted]FR, Regular Air Force.

Brig. Gen. Peter R. DeLonga, [redacted]FR, Regular Air Force.

Brig. Gen. Charles I. Bennett, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Harold E. Collins, [redacted]FR, Regular Air Force.

Brig. Gen. Benjamin N. Bellis, [redacted]FR, Regular Air Force.

Brig. Gen. Lew Allen, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Charles C. Pattillo, [redacted]FR, Regular Air Force.

Brig. Gen. James R. Allen, [redacted]FR, Regular Air Force.

Brig. Gen. Walter R. Tkach, [redacted]FR, Regular Air Force, Medical.

Brig. Gen. Bryan M. Shotts, [redacted]FR, Regular Air Force.

Brig. Gen. Leroy J. Manor, [redacted]FR, Regular Air Force.

Brig. Gen. Roger Hombs, [redacted]FR, Regular Air Force.

Brig. Gen. Lawrence W. Steinkraus, [redacted]FR, Regular Air Force.

Brig. Gen. Eugene L. Hudson, [redacted]FR, Regular Air Force.

Brig. Gen. Walter T. Galligan, [redacted]FR, Regular Air Force.

Brig. Gen. Edward Ratkovich, [redacted]FR, Regular Air Force.

Brig. Gen. Frank W. Elliott, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Daniel James (NMI), Jr., [redacted]FR, Regular Air Force.

Brig. Gen. John F. Gonge, [redacted]FR, Regular Air Force.

Brig. Gen. John W. Pauly, [redacted]FR, Regular Air Force.

Brig. Gen. John J. Burns [redacted]FR, Regular Air Force.

Brig. Gen. Kenneth R. Chapman, [redacted]FR, Regular Air Force.

Brig. Gen. Bryce Poe, II, [redacted]FR, Regular Air Force.

Brig. Gen. Cuthbert A. Pattillo, [redacted]FR, Regular Air Force.

Brig. Gen. George G. Loving, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Oliver W. Lewis, [redacted]FR, Regular Air Force.

Brigadier General Marion L. Boswell, [redacted]FR, Regular Air Force.

Brig. Gen. Kenneth L. Tallman, [redacted]FR, Regular Air Force.

Brig. Gen. Otis C. Moore, [redacted]FR, Regular Air Force.

Brig. Gen. Frederick C. Blesse, [redacted]FR, Regular Air Force.

Brig. Gen. James V. Hartinger, [redacted]FR, Regular Air Force.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Howard Wilson Penney, [redacted], U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14, 1972:

DEPARTMENT OF STATE

Willis C. Armstrong, of New Jersey, to be an Assistant Secretary of State.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and to Western Samoa, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji.

John I. Getz, of Illinois, a Foreign Service officer of class 1, to be Ambasador Extraordinary and Plenipotentiary of the United States of America to Malta.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

Matthew J. Looram, Jr., of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey.

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

EXTENSIONS OF REMARKS

YOUTH WITH A PURPOSE

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. NATCHER. Mr. Speaker, during the week of February 19 through 26, the Future Farmers of America will celebrate their 44th birthday. It is not accidental that this fine organization has picked this particular time to celebrate its anniversary. The birthday of one of our Nation's greatest leaders, George Washington, falls on February 22 and it is in honor of him that this splendid group annually designates the Saturday before his birthday through the Saturday after his birthday as FFA Week. George Washington's love for America was matched by his love for farming and we can be thankful for his many significant contributions to agriculture. It is almost impossible to separate the man from the land he loves and George Washington was no exception.

Boys and girls, aged 14 through 21, residing in 49 States, the Virgin Islands, and Puerto Rico actively participate in the many worthwhile activities of the FFA. It has a membership of 430,000 students studying vocational agriculture in 8,200 public schools. The strength of the FFA lies in its local chapters. The members are taught agricultural skills by their chapter adviser in an effort to better prepare them for tomorrow when many people will rely on the skills they are learning today.

The mass exodus to the cities over the past few decades has left many rural areas weak and stagnant while the urban centers have become overpopulated, impoverished, and plagued with crime. These trends must be reversed in order to establish a better distribution of population and economic activity so vital to the future of America. The destiny of our great country lies in the hands of its youth and the FFA is successfully pointing its members in the right direction.

FFA's Building Our American Communities—BOAC—program, now in its third year, is designed to improve communities across the Nation. One aspect of this program deals with actual physical improvements such as building parks and ecological centers, renovating old storefronts, landscaping football fields, constructing outdoor recreational centers, and a general overall clean-up of the communities and their surrounding areas. Another facet of the program deals with social problems such as unemployment. Job placement services have been set up to assist students in finding summer and part-time employment. Career counseling is also available to those planning for future occupations. The FFA has been extremely successful in obtaining the cooperation of nonmembers who wish to improve their surroundings and better their communities.

The theme of FFA Week this year is "Youth With a Purpose." The plans of these fine young people do not begin and end with the environment. Agriculture exceeds the boundaries of the farm. In their vocational agriculture classes the students learn the technology of production, supply, processing, and distribution; they learn the science of farming and how to preserve the soil; they learn the practical application of farming techniques with a minimum of supervision and are thus prepared for the time when they will be on their own. They are given the opportunity to work together and develop leadership skills which will be so important to them in later life. As farmers, these industrious citizens are concerned with the future of agriculture and the role they will play in improving the industry and providing the people with enough materials to feed and clothe an overpopulated Nation.

Many people have felt the impact of FFA's valuable contributions to America and I am happy to note that its membership is soaring. The Second Congressional District has benefited from its activities and the program continues to be a success.

Mr. Speaker, I am proud to have this opportunity to congratulate the Future Farmers of America for its many outstanding achievements and I wish them every success in performing even greater accomplishments.

COUNTERBRIEFING ON U.S. POLICY IN INDOCHINA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. FRASER. Mr. Speaker, on Friday, January 28, 1972, a group of House Members sponsored a "Counterbriefing on U.S. Policy and the Indochina War." This effort was cosponsored by the Indochina Education Council, an independently funded resource and research center on the Indochina war located here in Washington. Carl Kukkonen of the education council served as the coordinator.

Our counterbriefing was aimed primarily at the editors and broadcasters brought to Washington to attend a State Department briefing on U.S. foreign policy. We received some attention from Washington and New York newspapers and I include with my remarks newspaper accounts of the meeting.

The participants, in addition to myself, were:

Dr. Raphael Littauer, profesor of physics at Cornell University; coordinator of the Cornell research project that produced the report: "The Air War in Indochina," which was released in October of 1971.

Fred Branfman, director of Project Air War, a nonprofit educational organization aimed at raising public consciousness about the air war in Indochina.

Senator J. W. FULBRIGHT, Democrat, Arkansas, chairman of the Senate Foreign Relations Committee.

Senator GAYLORD NELSON, Democrat, Wisconsin, sponsor of S. 3084, a bill to provide for a study and investigation to assess the extent of damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States.

Earl C. Ravenal, former director, Asian Division, Systems Analysis, Office of the Secretary of Defense; now associate fellow, Institute for Policy Studies.

Profs. Arthur H. Westing, Windham College, Putney, Vt., and Egbert W.

Pfeiffer, University of Montana, leading experts on the ecological effects of modern weapons technology as applied in Indochina.

The congressional sponsors were Representatives: James S. Abourezk, South Dakota; Bella Abzug, New York; Herman Badillo, New York; Phillip Burton, California; John Conyers, Michigan; Ronald Dellums, California; John Dow, New York; Robert Drinan, Massachusetts; Bob Eckhardt, Texas; Don Edwards, California; Michael Harrington, Massachusetts; Henry Helstoski, New Jersey; Robert Kastenmeier, Wisconsin; Edward Koch, New York; Abner Mikva, Illinois; Parren Mitchell, Maryland; Charles Rangel, New York; Benjamin Rosenthal, New York; and William Ryan, New York.

Mr. Speaker, under the President's Vietnamization policy, U.S. forces are slowly being withdrawn from Indochina. This is movement in the right direction. But as U.S. manpower levels recede, the air war continues and in some areas it has been accelerated. The nature of the air war means the American public only will be kept informed of this U.S. involvement if the news media make a special effort. That this special effort should be made to describe the air war our Government is conducting in Indochina is the point made by all participants in the counterbriefing. A transcript of a tape recording of the counterbriefing follows:

[From the Washington Post, Jan. 29, 1972]

EDITORS BRIEFED AND COUNTERBRIEFED

(By Richard L. Lyons)

After hearing administration briefings on Indochina, visiting editors were told by war opponents yesterday that the press bears a difficult responsibility of keeping the spotlight on the continuing but changed war.

Congressmen and outside specialists gave a "counter-briefing" on Capitol Hill for a few dozen of the 400 editors and broadcasters who had come to Washington for a two-day briefing by high administration officials.

The editors were told that the war has not ended, but has shifted from a ground war to a bombing war which reporters cannot see and so cannot report to the public.

Few Americans are now being killed, lessening antiwar pressure at home, but American policy to maintain an anti-Communist government in Saigon remains unchanged the editors were told.

Fred Branfman, director of a private organization trying to mobilize public sentiment against the air war in Indochina, said a third Indochina war is now being waged. The first was by the French until 1954 and the second by American ground troops until recently.

The third, he said, is a war waged from the air by bombers that destroy everything below them. At least half the bombs dropped are designed to kill people, not to destroy structures, Branfman said. He heads a group called Project Air War.

Unlike the ground war, the bombing war cannot be covered by reporters and cameras, Branfman said, and the American people are not getting the facts to form judgments for pressuring Congress to end the war. The war will go on indefinitely, he said, unless the press reports that it is not ending.

Rep. Donald Fraser (D-Minn.) said the recent change in House sentiment toward an antiwar stand was caused by public pressures. This will be less as ground troops are withdrawn, he said. He called on the press to keep the spotlight on the war.

Sen. J. William Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee and one of the most outspoken congressional critics of the war, said that if he were President he would do what the French did in 1954 after long, costly fighting—decide it is not in our national interest to continue, and get out.

Fulbright said President Nixon's forthcoming trip to Peking indicates that he wants to end the Cold War. "Why is he so hesitant about getting out of Indochina?" asked Fulbright. He said the President's latest proposals vary little from those rejected by North Vietnam in the past.

Slides were shown of how American bulldozers in South Vietnam have scraped bare an area the size of Rhode Island, how spraying with poisonous herbicides have destroyed forests equal in size to Massachusetts, and how bombers have created 23 million craters 25 feet deep and 40 feet in diameter.

Sen. Gaylord Nelson (D-Wis.) gave these statistics and said he introduced a bill yesterday calling for a presidential report to Congress in six months on the ecological damage done in Southeast Asia by these activities.

The editors were in town for an annual State Department briefing.

[From the Washington Star, Jan. 29, 1972]

U.S. BOMBINGS IN ASIAN WAR SCORED

(By James Doyle)

Editors who came to Washington for briefings at the State Department were offered a "counter-briefing" on Capitol Hill that included a slide show by a botanist and a zoologist depicting the devastation of Southeast Asia's forests by U.S. bombs.

About 150 persons showed up for the briefing, which came at the conclusion of two days of talks by administration officials at the State Department to editors invited here from across the country.

But most of those in the Capitol Hill hearing room were young men and women and, from appearances, only about 20 editors showed up to ask questions.

The "counter-briefers" included two senators and a congressman; three college professors, a former Defense Department systems analyst and a former field worker from Laos who is now researching the American air war in Indochina.

Most of the session was spent explaining the extent of the American air war and the lack of coverage of it in the U.S. press because reporters are banned from the bombing areas.

A botanist from Windham College in Putney, Vt., and a zoologist from the University of Montana showed slides depicting 30-foot-wide bomb craters which, they said, have made much of the Indochina countryside unusable.

There are an estimated 10 million bomb craters in South Vietnam alone, the scientists said, and they have "permanently re-arranged the landscape."

The craters, along with shrapnel in the trees and the loss of vegetation to defoliation, have created a land devastation that will not be repaired for 500 or 1,000 years, according to Sen. Gaylord Nelson, D-Wis., one of the panelists.

The two scientists showed the effects of a single B52 bombing raid by superimposing a bombed swath on a map of Washington showing the area between the Capitol and the Lincoln Memorial, from Pennsylvania Avenue to Independence Avenue. In an area that size, 108 bombs of the 500-pound size are dropped by each B52 sortie, the panelists said, and each bomb creates a crater 20 to 50 feet wide and 5 to 20 feet deep.

Nelson submitted legislation calling for a U.S. investigation of the extent of ecological damage done in Southeast Asia by U.S. military forces.

In a speech on the Senate floor, Nelson called American tactical operations in the land of its ally, South Vietnam, "a scorched earth policy." He said, "this an impersonal, automated and mechanistic warfare brought to its illogical conclusion—utter permanent total destruction."

Other points made by the participants included the following:

The "third Indochina war" is underway, substituting widespread and indiscriminate bombing for the use of ground troops which were part of the "second Indochina war."

The bombing attacks have been militarily ineffective, but the administration appears ready to increase their scope in the next few weeks as the Communists seek military victories on the ground.

NOT WINDING DOWN

The war is not winding down. The bombing is increasing and having a devastating effect on the civilian population.

Newsmen have been excluded from reporting on the effects of the air war because they no longer go along on bombing raids under a new Defense Department policy.

The President's newly revealed peace proposal should be seen as a warning that the United States will remain in South Asia indefinitely.

The counter briefing was sponsored by an anti-war organization called the Indochina Education Council.

Panel participants were Dr. Raphael Littauer, physics professor at Cornell University; Earl C. Ravenal, former Asian division systems analyst with the Defense Department; Fred Branfman, a former field worker in Laos and now director of a nonprofit organization aimed at publicizing the air war; Senate Foreign Relations Committee Chairman J. William Fulbright of Arkansas; Nelson; Rep. Don Fraser, D-Minn.; Prof. Arthur H. Westing of Windham College in Vermont and Prof. Egbert W. Pfeiffer of the University of Montana.

[From the New York Times, Jan. 29, 1972]

GOP PRESSES CAMPAIGN FOR NIXON'S PEACE PLAN

(By Terence Smith)

Washington, January 28.—More than 123 members of Congress signed letters circulated by the Republican leadership today expressing support for President Nixon's eight-point peace proposal for Vietnam.

In circulating the letters, the Senate Republican leader, Hugh Scott, and the House Republican leader, Gerald R. Ford, said they were seeking to demonstrate the widest possible backing of the President's new initiative among the 100 Senators and 432 Representatives.

Neither the text of the letters, nor the names of the signers will be released, sponsors said, until the letters are sent to the President.

Mr. Scott and Mr. Ford have stopped short, however, of proposing a formal resolution, apparently for fear that it would produce a major debate on the Administration's war policies and provide a forum for the President's critics.

The letters, which will be sent to the White House after more signatures are gathered next week, appear to be the last phase of a full-scale Administration effort to rally support behind the President's offer.

The campaign has included daily news conferences and speeches by senior Administration officials, including Henry A. Kissinger and Secretary of State William P. Rogers, and well-publicized leaks about the aspects of the new proposal that can be portrayed as generous.

Yesterday, for example, Administration sources volunteered to reporters that the President had offered North Vietnam $2.5-billion as part of a $7.5-billion program for Indochina reconstruction. The details of this offer were confirmed today by the White House press secretary, Ronald L. Ziegler.

The Administration appears to have a two-fold purpose in its efforts to sustain the momentum behind the new initiative: first, to persuade Hanoi that the majority of Congress and the country support the President and, second, to deflate the domestic critics of Mr. Nixon's policy.

Senator Scott has been in the forefront of the second effort, accusing the critics of advocating "abject surrender" to the North Vietnamese.

He repeated those charges to reporters today and added the observation that former Senator Eugene J. McCarthy was being "fatuous and disingenuous" in his continuing criticism of the President's handling of the war.

Also today, a group of opponents of the President's policies staged a "counterbriefing" in which they sought to refute some of the arguments the Administration's spokesmen have put forward during the week.

A series of speakers, including Senators J. W. Fulbright and Gaylord Nelson, addressed an audience of nearly 200 crowded into a committee hearing room in the Rayburn House Office Building.

AUTOMATED WAR ASSAILED

Other speakers included Prof. Raphael Littauer of Cornell University, the coordinator of a recent study on the impact of the air war in Indochina; Earl C. Ravenal, a former Defense Department official now with the Institute for Policy Studies, and Fred Branfman, director of Project Air War, a nonprofit organization aimed at raising public consciousness about the air war in Indochina.

The speakers called for an immediate end to what Mr. Branfman described as "an automated war of total destruction" in South Vietnam, Laos and Cambodia.

Senator Fulbright, the Chairman of the Foreign Relations Committee, argued that the President's new proposal was "hardly distinguishable from the previous offers we have made."

"It may contain some new details," he said, "but it still lacks the critical ingredient: a frank statement of our willingness to withdraw our forces and leave the political future of Vietnam up to the Vietnamese."

Hanoi Seeks Clarification

Hanoi, Vietnam, January 28.—The Communist party newspaper Nhan Dan said today that North Vietnam would respond officially to President Nixon's proposals only after further clarification.

Quoting the Paris correspondent of the North Vietnamese press agency, it said Hanoi would await the answers to precise questions asked yesterday at the Paris talks.

The agency correspondent summarized the questions as follows:

"Will the United States withdraw all its troops, weapons and equipment, dismantle their bases, cease using planes against North Vietnam and South Vietnam?"

"When will agreement be made fixing the precise manner and date of the withdrawal?"

The army newspaper, Quan Doi Nhan Dan, gave a much shorter report, but it published at length the Jan. 26 communiques by North Vietnamese and Vietcong spokesmen in Paris and said they had "rejected the eight points." This paper is intended for military personnel.

Soviet Comment Skeptical

Moscow, January 28.—The first Soviet commentaries on President Nixon's peace proposals today were highly skeptical but avoided outright rejection.

Vikenti Matveyev, a leading political commentator in the Government newspaper, Izvestia, made it clear that there were important questions to be answered, such as whether American aircraft would continue to operate in Indochina.

[From the New York Times, Jan. 29, 1972]

Ecological Damage in Vietnam Assayed

Washington, January 28.—Two scientists who recently returned from Indochina say American bombs, herbicides and tree-clearing operations have done more damage to South Vietnam than any military action the United States has taken against North Vietnam.

When the war ends, Dr. Egbert Pfeiffer said, North Vietnam "is going to be better off than South Vietnam."

Dr. Pfeiffer, a zoologist from the University of Montana, and Dr. Arthur H. Westing, a biologist, have been studying the ecological impact of the war since 1968 under the auspices of the Fund for Investigative Journalism and Environment magazine.

Dr. Westing says the United States has dropped 20 times as many bombs on South Vietnam as on North Vietnam. One of the effects of that, he said, is the destruction of 10 per cent of the ricelands of the South.

He said that frequently a farmer who returned to restore a water-filled rice paddy was killed by one of the estimated 250,000 undetonated bombs beneath the surface of the water.

Dr. Westing and Dr. Pfeiffer recently said that the Air Force was using a new 7.5-ton bomb with explosive power enough to kill nearly every kind of animal life within 3,000 feet of where it detonates.

Transcript of Tape Recording of Counter-briefings

Kukkonen.—This briefing is sponsored by 20 Members of the House of Representatives and was organized by the Indochina Education Council to present information and analyses on Indochina from sources independent and outside the executive branch of government.

Today's meeting is a counter-briefing to the State Department's conference on U.S. policy that was being held for editors and broadcasters. All statements today are on the record.

The war in Indochina has begun its second decade. The fighting has spread to Cambodia and to Laos. The character of the U.S. role in Indochina has changed from a ground war to an air war. Our briefers today will speak on various aspects of the continuing war and the possibilities for ending it.

We encourage questions from the editors and broadcasters and other people in the audience and in order to facilitate that our format is chosen to promote such an interchange of ideas. Each speaker will give a brief seven-minute presentation followed immediately by 5 minutes of questions from the audience. If we can stick to our schedule we'll be done in an hour and 15 minutes. At that time we will throw the meeting open to a larger group of questions. At present we're missing two of our people; Mr. Ravenal is having plane trouble from Providence, Rhode Island, and Sen. Nelson is on his way.

Our first briefer is Professor Raphael Littauer from Cornell University. He's a professor of physics who coordinated the research project which produced the report on the air war in Indochina. And with that introduction I give you Professor Littauer.

Littauer. Thank you, Mr. Chairman.

Ladies and gentlemen, it's rather difficult to summarize such a big subject in such a short time. I'll just try to outline for you a few of our findings.

Air power, of course, is an extremely powerful tool and we know that it's played an important role in Indochina and will continue to play an almost exclusive role in the future or in the near future.

In what ways can air power help to win a war? I think one can break that down into four categories. It can give close support to troops engaged with the enemy on the ground. You have a good example of that, for example, from the Middle East war in 1967 where air power played a decisive role. But you have to have ground forces that are effective that you are trying to support. And of course you are circumscribed by the nature of the terrain and by the type of fighting. And if you look at the Vietnam scene and Indochina scene, you find the terrain is unfavorable as a whole—the jungle. And the style of fighting is flexible and diffuse, again unfavorable to air force which is an indiscriminate type of weapon in that kind of circumstance.

The second role is interdiction of supplies. That is a very important role. Again it is meant to support ground forces, to deprive their opponents of the supplies, and again it is a function of the terrain and of the style of transportation. It is relatively easy to interdict a four-lane highway; much harder to do so against a network of very diffused jungle trails.

Then you have the third category, strategic bombing. This assumes you have strategic targets such as power stations, factories, marshaling yards, airfields. When those targets are few as they were in fact in Indochina, that being a rather rural society rather than heavily industrialized, strategic bombing is limited. You can direct strategic bombing also against the predominant resource of the style of fighting we've encountered in Indochina, which is the population itself. Particularly when it's guerrilla warfare the population provides resources, cover, food, shelter, everything you wish to name and is consequently to be regarded as one of the major strategic resources of a guerrilla enemy.

Last is deterrence. This is not a direct effect of bombing; it is a psychological or political effect but it does play an important part. I think there is no question that the bombing of North Vietnam in the years 1965 to 1968 had a very strong deterrent motive. It was supposed to teach the opponents that it did not pay to pursue their course. And we will see that deterrence continues to be an important element in the air war as waged by the United States at this time.

Now just to give you a quick thumb nail sketch of the historical survey, I'd like to project a slide (I think we can do that with the lights on) which shows the tonnages by the year which were delivered by air—by the U.S. and its allies but mainly by the United States—to the various theaters of war. And you will see quickly that the main tonnage was of course developed on South Vietnam itself—up to a million tons a year. That is because that was the focus of fighting. On the other hand, that has also been dramatically de-escalated. So when people quote figures on South Vietnam, as you will see from the other graphs, these are not typical of the air war in Indochina as a whole.

The air war, as a whole, has not come down to half even; it's still more than half of what it was at its great dramatic peak in 1968. North Vietnam stopped as a concerted effort in 1968 as the graph shows there. But immediately after it ceased, the bombing of northern Laos began and you can see from the graph that that was at roughly the same intensity as the amount of bombing removed from North Vietnam due to the bombing halt of 1968. The bombing of north Laos continues. Its effects have been quite extensively documented so I won't go into that.

Bombing of the Ho Chi Minh Trail, which is a specific interdiction function of course, is the major advertised effort of United States air force and as you can see from the graph, it has received increasing emphasis.

Finally we see that Cambodia, since the invasion of 1970, has also participated in receiving a fair share of United States' bombing and that seems to be continuing.

The political impact of such heavy bombing is of course very large. You must not think that the military impact is negligible. It is not. Without it I'm sure the military situation, as it now exists, would not have been achievable without deploying three times as many American troops, general mobilization and so on.

However, concomitant with some military effects, there is a political impact which I think takes a little imagination to understand but it must be indubitably a strong one.

I'd also like to point out that in all this fighting less than 10 percent of the fixed-wing sorties were devoted to close air support. The rest of them, in fact, went to interdiction, to strategic bombing and to deterrence. So that there is a far greater volume of air power shown on that chart than would actually have been needed for the direct military objectives of supporting troops in action. It's important to remember that because air power is a very wide-ranging instrument and the kind of things you do with it of course can be over a wide spectrum of purposes. Thank you for the slide.

Now, for the present trends as we see them is that the direct support function continues to be vital. Reports from both Cambodia and Laos show that without direct American air support the casualties incurred and the defeats taken by both the Laotians and the Cambodian government forces would have been far more severe. Interdiction continues to be very important and of course it is improving. Technological developments, the electronic battlefield, are highly advertised as making interdiction a remote control efficient technological weapon.

However, one should observe that the fighting continues at extreme intensity at the moment and that we have reports of supply build-ups of historic proportions taking place in South Vietnam itself. These reports, I think, indicate that at least the interdiction is not throttling the flow of supplies beyond the point at which the opponents can continue the fight.

Moreover it is difficult to think of interdiction activity as a specific surgical thing you direct against the enemy's lines of supply. When you do that you have to contend with his reactions—anti-aircraft guns, MIG fighters, interference. And the result of that is that your own actions not only drop bombs on the trails themselves but on the airfields, on the anti-aircraft installations and in the general vicinity. The result is that the interdiction activity which by itself seems like a surgical, precise tool becomes diffused through the technology of air power and commits you to doing a lot of things that you're not really intending to do, for example, escalating the war against North Vietnam itself.

I conclude from this that the United States remains deeply involved in the military balance in Indochina despite the theorem that we are withdrawing. And that that involvement carries with it some implications which in the last minute I would quickly like to outline for you.

The policy aims seem to me to be basically unchanged. We have switched, however, to enforcing that policy with a tool, air power, which is basically a mismatch to the objectives it is trying to achieve.

Air power is not a precise match to the requirements of Indochina. We are now relying on it exclusively and the question you have to ask yourself is: In undertaking a commitment to enforce a policy by air power, what will it mean when your bluff is called? That is, when the deterrent effects and when the direct interdiction effects and the close support effects of the air power fail to deter the enemy from his actions, what do you do for encores? That is a question I think that we should all ask ourselves because we are standing on the threshold of such a decision, I believe, in the very next few weeks.

The style of warfare has changed dramatically. We're able to wage that war without bases in South Vietnam. We're able to wage it from Thailand and from carriers afloat in the Gulf of Tonkin. However, the intent is the same; the involvement of U.S. policies is the same; and if we should be pushed, the question we have to ask ourselves (is) how can we respond?

I think the important point is that the cessation of bombing which is not mentioned in many places explicitly is a bargaining token which may contribute to the settlement of the conflict But it will do so only while it has a meaning. Once it is defeated, once its impotence against the ultimate progress of the other side should become demonstrated it will, of course, be a devalued token and we will have missed the opportunity for playing it.

I think the impression I would like to leave therefore is that it may not be too late to play that token to negotiate on the basis of a full bombing halt all over Indochina, but that opportunity may not present itself indefinitely.

Thank you.

Kukkonen. We have five minutes of questions from the audience for Professor Littauer.

Question. Professor Littauer, what did you mean when you said that the decision was going to be made very shortly to re-escalate the ground war? Is that what you were implying?

Littauer. The decision I referred to is that it seems from both the very precarious military situation in Laos and Cambodia and from all reports in South Vietnam that a major military confrontation is in the making. Would you not agree?

At that point the amount of air power we deploy and the style in which we use it comes up for questioning. We will want it to have a maximum effect in holding off this military thrust. And it's difficult to visualize how exactly that can be done without a change in the style and objectives of that air power. What I'm saying is that the kind of raids which we saw over the Christmas period against North Vietnam—obviously meant for political pressure—may be escalated dramatically and the hope may then be to achieve an objective that way which we cannot achieve directly on the battlefield.

Question. Professor, some of us point to the 14th or 15th of February as to the date when the enemy offensive will begin. Do you agree?

Littauer. I have no information, I'm afraid. (Laughter) If I had, I would peddle it. (Laughter)

Question. Sir, what are the alternatives? What do you do for an encore?

Littauer. You consider the situation in a realistic light. I believe . . .

Question. Let me add one element. If you were in the administration, what would you do?

Littauer. That's a very difficult question indeed. You put me on the spot. I'm not the administration, fortunately. That's a very hard seat to be in evidently. But the point is, you have to, I believe, realize the type of mismatch of air power versus determined ground power that we are fighting here. And it seems from indications (now obviously I'm a layman in this field), it seems from indications that the ground power is in serious trouble and may continue to be in such trouble. And from the historical element and from our studies that we've made it does not seem likely that air power applied directly will be able to change that balance greatly. So that is an impasse at which point you ask what can you do.

It's a dangerous impasse, I believe. I mean these questions were questions that were considered in 1968 also.

Question. Professor, you spoke of the bombing halt as a bargaining token. Do you not see President Nixon playing this right now with his withdrawal and his peace proposition being sent to Paris?

Littauer. That may be. I don't see an explicit statement of a bombing halt in his proposal. One cannot expect the initial terms of a proposal to Hanoi to be explicit that leaves no room for bargaining. I'm not naive enough to think it ought to be all explicit. One's hope is that it will form such a token. However, there is the other element which is that the proposal seemed to require a withdrawal by the other side, which is something that I think was offered in 1965 by President Johnson and has been met with total rejection ever since.

Kukkonen. We have time for one last question.

Question. Professor, do you have any reason to believe that (next few words are imperceptible) the possibility of a dramatic escalation of the air war that new strategic targets will be considered in North Vietnam? Is that what you're suggesting?

Littauer. I'm not suggesting anything, believe me; nothing I can wish more is that nothing of this will come to pass. However, there are reports that the air sorties in Indochina are to be increased by 50 percent. In other words, that the slow downward trend we've seen will be reversed. And it has been hinted many times that the President will not consider placing any restraints on his use of American air power in Indochina. That leaves the field wide open.

Kukkonen. Our next briefer is Fred Branfman who spent four years in Laos and is presently working as the director of Project Air War here in Washington.

Mr. Branfman.

Branfman. The events of the last few weeks—of the last week in particular—have shown that there's a basic irreconcilable difference between our government's position and the position of the governments of North Vietnam and the other guerrilla forces. That is, the United States is still insisting it has a right to have a say as to who is going to rule in Indochina and the other side says it doesn't. Now whether or not one believes that's right—that we do have the right to make that kind of decision—it's worth pointing out that this is what got us involved in the first place 20 years ago. It's what's led to all the fighting for the last 20 years and there's no reason to believe it's not going to lead to an indefinite war.

However, there is a difference, of course. The ground troops have come home. And what I'd like to stress is that we're involved now in a new war, a war we like to call the Third Indochina War, an air war.

What's important here is not simply the tonnages being dropped, whether they've (been) raised, whether they've fallen, other than the fact that it remains at a quite high level—50 thousand tons of bombs a month. What's important here is not whether the tonnages are rising, falling as long as it remains at a high level.

I'd like to stress three basic points about the Third Indochina War. The first is that it's a total war by machine from the air which levels everything below. No matter what kinds of restrictions we try to place on this kind of bombing, when we're bombing in rural theaters like North Vietnam, Laos, Cambodia, South Vietnam we're going to wind up bombing civilian targets; we're going to wind up bombing people's homes; we're going to wind up killing people.

We've interviewed several thousand refugees in Laos—all of whom have lost their homes—and our interviews indicate, almost to a man, that the vast majority of the casualties are civilians and not the military. Of course if we could hit the soldiers the war would have been over 20 years ago. So, first point—total devastation from the air.

The second point is that—and this is really the key—is that bombing is no longer supporting the ground troops. This was the case during the Second Indochina War—our ground intervention in South Vietnam. It has been the case historically. What's new today is that the bombing is the key. We send our bombers out; they level everything; then the ground troops come in—Snoul, Kratie, Cambodia, the Plain of Jars. Asian ground troops come in afterward and take out the survivors and search for supplies, whatever. They're supplementing the bombing. That's really the key.

And then there's the third factor—the one I want to speak most about because we are talking with the press today and that is, this kind of a war depends largely on secrecy, on news management, on muffling the kind of domestic dissent which ended the Second Indochina War. Most of the bombing in the last two years has gone on in Laos and Cambodia. The Cornell air war study shows that two-thirds of the bombs have fallen in Laos and Cambodia. Actually for the percentage of American sorties it's even higher; I'd estimate anywhere from 80 to 90 percent of the American sorties are falling in Laos, Cambodia and the southern part of North Vietnam.

Now in those arenas newsmen are not allowed out on bombing strikes. There's only one that I know of. One exception to that occurred a few weeks ago when a reporter was allowed to go out at night on a gunship over the Ho Chi Minh Trail. But other than that, thousands of sorties have been flown in these countries and reporters are not allowed to go out on those bombing strikes. It doesn't seem to be for reasons of military security.

Reporters have always been allowed to go out on bombing strikes over South Vietnam. It seems to be an attempt at news management, to keep the war off the TV screens, off the front pages. Reporters are not flown to the scenes of battle in Laos and Cambodia. The kinds of scenes that we had from Khe Sanh back in 1968—reporters flown into Khe Sanh, the war is on the TV screens, on the front pages—no longer exists. Tremendous fighting at Long Cheng—reporters are only brought in on a prepackaged tour for a few hours for the first time in 10 years.

And what we have therefore is that the press can't cover this kind of a scene. We have to ask ourselves, it was after all the domestic dissent in this country which did a lot to end the Second Indochina War. Suppose the American people could see scenes like this (holds up drawing) on their TV screens or scenes like this (holds up drawing). These are drawings done by refugees who live under the bombing.

By now the American people kind of know what M-16s and mortar shells look like. Suppose they knew that most of the bombs that we were dropping yesterday and today and tomorrow were anti-personnel bombs, bombs which are only meant for people. Suppose they knew that when this kind of pineapple bomb falls, it has 250 steel pellets in it; one sortie—and we're flying 3 or 4 hundred a day—one sortie has a thousand of these bombs. One sortie sends 250 thousand steel pellets which are only meant for human flesh spewing horizontally over an area half a mile long and a quarter of a mile wide.

But suppose they knew that even these were obsolete because they explode horizontally and we figured out by now that the people are hiding in their holes. So we've gone on from that to the guavas, half a million pellets in a single sortie—they explode up in the air, they go down diagonally into the holes where the people are hiding. Suppose they knew that even this wasn't good enough, that we'd gone on from this to flechettes, flechette pellets which are little tiny steel arrows with fins on one end that as they enter the body enlarge the wound and are designed to shred the internal organs.

But suppose they not only knew that but could see it and could see that most of these bombs—whether by design or by accident—were falling on civilians right now. What this does is to raise a very basic issue.

Our democracy is founded on the principle of separation of powers. And, of course, the press plays the key role in this in terms of informing the people about what their government is doing. Now the press can't go out on the bombing raids, can't be under the bombs, they can't go out to the front lines and see the fighting. At the same time the government meanwhile creates its own version of reality with these new speak kind of terms, protective reaction strikes against missile sites and all the rest of it. How can the people make any informed decisions about whether or not they want the war to go on? How can Congress act if there's no public pressure about the war? This is the kind of situation we find ourselves in today.

And just to close, I'd like to point out that this has two very important implications for me. The first is that this kind of war is an automated war, the kind of automated war predicted by George Orwell, when super powers wage war by machine halfway across the globe and their own citizens don't know anything about it and can't do anything about it if they did. It's the kind of war which is lying like a shadow over the Third World, over millions of people in the decade to come. Unless we can somehow solve this problem, unless we can somehow at least let the American people know what's going on so that they can react, I personally feel that an awful lot of people are going to fall under just this kind of war.

But finally there is the most immediate implication. There are hundreds of thousands of Indochinese right now living in caves and holes and tunnels and shelters. Before we wake tomorrow, dozens of these people are going to be burned alive by napalm and riddled by these anti-personnel bombs and cut to pieces by these fragmentation bombs. This thing is going to go on indefinitely until somehow—and I think the press has this key role to play—we can at least begin informing the American people that the war isn't ending and that it's continuing but continuing by air.

QUESTION. Give us the factual background for your knowledge of the use of these weapons.

BRANFMAN. Well, in terms of the weapons themselves, it's simply from interviewing pilots and interviewing refugees. I can perhaps show you a kind of factual basis that perhaps you're looking for.

We'd be happy to show anyone who's interested. We have dozens of photographs—this is a litle girl. If you came a little closer, you could probably see the pellets still in her. When we interviewed, the father held her out and we felt her leg and felt the little steel pellet in it. This was taken in Laos in July of 1970.

These are refugees from the Plain of Jars. There are thousands of them around Vientiane—people from the Plain of Jars. We don't have photographs of the people from southern Laos that we've interviewed. We've interviewed lots of them also.

Every reporter who goes out sees these kinds of things but unfortunately it's just reported once perhaps or perhaps it's not even reported—it's not news.

I might have mentioned there that as the ability of reporters to see things firsthand goes down, the percentage of the news that they report based on official statements goes up, of course. If you can't see the war, you're much more likely to report you have no choice but to report what you see from the briefing and this is how this kind of information is kept from the press. We only got it, as I say, by interviewing the people and by interviewing the pilots who described how these things were meant to work.

QUESTION. Did the gentleman find pilots cooperative? Do you feel you got an accurate cross-section of the pilots who were operating over there?

BRANFMAN. Well, I went to Danang Air Force Base in November of 1970. I spent about ten days interviewing pilots. I was taken around by the information officer who went from squadron to squadron and interviewed pilots. And then there are other people that I have just met informally. And I think we have a fairly good cross-section. I didn't make any comments about their attitudes. But I don't think there's any question about these kinds of bombs and how they work. I mean it's sort of common knowledge—everyone knows how they work. Everyone knows about the flechette. Here's a photograph of it. This is a North Vietnamese photograph but it's a flechette.

If you go up to CBS, the guy has a flechette right on his bulletin board that he got somewhere. It's no big question. There's no question that these are the kinds of bombs that are dropping now.

QUESTION. Is this the major proportion of the bombs being dropped?

BRANFMAN. This is something I can't prove. Of course, this information is not released by the Air Force. I wish someone would ask the Air Force and I wish they'd tell us just what percentage. All I can say is I've talked to people who are in charge of stockpiling ordnance at Udorn Air Force Base in particular and then just pilots in general and it's my impression that it's at least 50 percent if not higher. This, by the way, stands to reason. After all, we have destroyed most of the structures in Laos and Cambodia a long time ago. It stands to reason that we would go on from that to these kinds of anti-personnel bombs. But I wish the press would find out. I wish the press would demand the answers to these questions. I wish the press would report the fact that when we went to Laos and asked Ambassador Godley to go out on a bombing raid he wouldn't let us. But we could when we were in South Vietnam. I wish they'd report that about Cambodia. Until they do, we can't document this.

KUKKONEN. There will be opportunity for further questions as we get on in the program.

Our next briefer is Senator J. William Fulbright, chairman of the Senate Foreign Relations Committee.

FULBRIGHT. Mr. Chairman, I wasn't quite aware of the format for this meeting. I'm not sure that I'm qualified to brief anyone on the conduct of the war in Vietnam. The basic facts, it seems to me, have been so overwhelmingly discussed and exposed on television time after time that it hadn't occurred to me that that was the matter in question.

Someone a moment ago asked what I would do or asked one of the previous speakers what he would do if he were in the President's position. I might undertake a discussion of this character.

If I were in the President's position I would do about the same as the French. I would attempt to do what the French did in 1954 when they were confronted with a somewhat similar situation. They had been in control of Vietnam for about 75 years and they decided it was against their interests to continue the war. It had been going on for approximately 8 or 9 years. It began about 1946 and this was in the spring of 1954. And it was costing them a great deal.

Of course, we were paying a large part of the costs ourselves.

But even so, the French decided it was against the interests of their country to continue the war so within the course of about 6 weeks they went to Geneva and arrived at a conclusion of the war by agreement which is generally called the Geneva Accords. I think most of you are aware of the provisions of that. If not, you can ask about it later.

But the pattern is a rather classic one for a situation in which there's a stalemate, neither side being willing or able to win the war in a military way, that is, a decisive victory. We could have if we had chosen to use all of our power but for reasons which previous presidents thought were good and sufficient didn't wish to use. For example, they didn't wish to use nuclear weapons which they could have used and would have certainly demolished all of Vietnam.

To get a perspective of this you do have to, I think, refer to the history of it, the nature of that war that we intervened in. It was a civil war. First it was a colonial war and then later, after the Geneva Accords, I would say it turned into a civil war between factions within Vietnam.

As I was saying, if I were in a position to do anything about the war, I would follow the example of the French. The French were by no means defeated—they had 400,000 plus soldiers there—they could have continued it for a number of years had they thought it was in their interest.

I feel it's not in the interest of this country to continue the war. We can continue it. We can sacrifice all of our domestic affairs and so on if we wish to. It's a question of what is in the interest of this country.

I would follow the example of the French. There are many aspects of that. They had provisions about elections and about withdrawal in two years and so on. Those details, if they're interesting to you, we can discuss.

Neutralization has been discussed. I've advocated that. Many different smaller details. The main thing is a decision to get out, to stop the war because it is against the interests of this country to continue it. It's against our interests because we have no vital interest in being there and because the interest in reforming and revitalizing our own domestic economy comes uppermost in my view. It's because of such things as you've been reading recently—the extent of our deficit, the disillusionment of so many of our people with our government, the general loss of confidence in the capacity of our political system to meet the challenges today.

The urban problem, the ecological or pollution problem, mass transportation, etc., a great many neglected areas of our national life. I think they are now so critical that this war, which was a mistake in judgment in my opinion, to ever become involved in should be liquidated simply as a balance of what is in the interests of our country: the preservation and improvement of our own economy and our own country. That's all. To me the basic principle is rather simple. You have to make up your mind if that's more important than continuing a base in Southeast Asia for the containment of Communism.

Now some believe that is important. That is traditional, this has been our policy since the beginning of the Truman Doctrine, that there is this ideological contest in being. Well, the President is moving in other areas to try to liquidate, at least ameliorate, this ideological warfare that has been in process since after World War II. And that again, I think, only emphasizes the fact that it is in our interests to liquidate this physical warfare.

These terrible things that you've told us about are extremely embarassing. It's always been, it seems to me, a shameful thing that a country the size of ours should wreak the kind of destruction upon a small backward peasant community which has never done anything to this country because of its idealogical obsession. But that's another aspect of it.

There are all kinds of reasons you can bring into it. I simply think we should finish this war and the pattern for doing so is very much like the French.

I regret that the President's recent offer is hardly distinguishable from the former offers made by President Johnson and others. You may find in the fine print a few little differences, but basiclly it doesn't exhibit a resolution or a determination that we no longer have a vital interest for remaining in control of Southeast Asia or of South Vietnam, if you like; that we're willing to give up our physical presence there and allow those people to determine their own future, with or without the assistance of the North Vietnamese. That would be the basic decision. I do not think that is quite clear in the President's offer. That's why I think it will not be accepted.

Now, are there any questions?

Question. Secretary Rogers told us on the record that for all of the noise Hanoi has made about the President's proposal, it has not been rejected outright. As a result, hope springs eternal.

Fulbright. Well, they have rejected similar ones often before. This offer of $2.5 billion may be tempting to them but I doubt that it is. It's possible that they could for reasons of their own—this has been a long war and it's been hard on them. I've often thought they should have accepted former offers. I thought in the days of the San Antonio formula that they would have been wise to have accepted our offer. I think they've been very foolish, but not as foolish as we have. The trouble is we've got so much involved and it's a big country and I personally feel it's so much more important that this country be made to operate satisfactorily not only for the welfare of my constituents and all of us in this room, but we have been looked to as a kind of example of democracy that can be made to work on a large scale.

It's a great disappointment, not only to us, but to much of the world and especially our best friends, to see us stumble into this very unwise policy threatening really confidence in the very idea of a workable democracy. It's a great blow to all of those who have been dedicated in the world to the principle of self-government and more liberal life for human beings. So it's much more involved than just this one contest in Vietnam. I don't know. Maybe they'll accept it. I wish they would. I'm only trying to deal with what I think of the probability. They have rejected similar ones before.

I think they have an attitude which is hard for us to realize. They live there. They're Vietnamese. They don't accept the assumptions that we make that there are two Vietnams, they've always said that there's one.

We get ourselves in most peculiar positions. We've done the same in China. We have treated them as two Chinas, Taiwan and China, but both Chang Kai-shek and Mao have always insisted there's only one China. It's only a question of which one's the head of it. But we find ourselves in this peculiar position of saying there are two.

Now we say there are two Vietnams. They've never accepted there are two. The Geneva Accords didn't accept there were two. There was a temporary dividing line.

There are certain assumptions they don't agree with. They think they're quite able to get self-determination themselves. So they look at it differently. When the President says this is a reasonable proposal, well, to our eyes it may be reasonable. I don't think it is to the Vietnamese a reasonable proposal. They think that we're asking them to surrender everything they've been fighting for. I think in time, regardless of what we do, they are going to be independent of us. We can't rely on the colonial system to maintain a colony there indefinitely. It's a question of time.

I'm only saying I'd like for us to recognize the inevitable now and to proceed to revitalize our own country. Now you can call it neo-isolationism if you like. I simply think that America's in such desperate straits that we need to do a lot here at home. The President and his advisers obviously give 90 percent of their attention to this and other foreign affairs. Obviously, no one's paying much attention—no one who matters—to our domestic and local affairs because look at their neglect. So this is the way I come up to that conclusion. It is in our interests to liquidate the war.

Question. Senator, going back to the original question, what you would do were you in the President's position. Specifically, how would you disengage from Vietnam?

Fulbright. Well, that's the best pattern. If you don't want to revive the Geneva conference and it has been suggested they would never be willing to do it because none of them ever had any confidence we were willing to do anything that would likely bring about a solution; if you don't want to find that out, I would make a suggestion or the offer, I would say, in Paris, if you like, that is comparable to the Geneva Accords, that what actually was agreed to at that time by everyone except the United States including China and Russia and the Vietnamese and the French and everyone—I think there were some 10 or 12 countries that signed it except for us. We refused to and you must remember this was at the height of the McCarthy obsession in this country—1954—and Mr. Dulles just couldn't bring himself to agree to it. He left there and immediately organized the SEATO Treaty and began to try to undo and undermine the decisions of Geneva. And that's a matter of history. But I would make (*a few words here are imperceptible*) which didn't allow the Vietnamese to decide it. They provided elections because at that time the Vietnamese were willing to have elections. I don't think we should insist upon our concept of elections. I'm not particularly interested in how they decide it. And I don't think it makes very much difference as to what happens to it, that is, to the long term.

I have my preferences. I wish that South Vietnam and all of Vietnam would love to have a nice parliamentary system in which everyone treated everyone with great consideration, sort of like Sweden or Denmark or Holland. But if they don't want that, it's their business and it's not, I don't think, our business and we're very presumptuous to think we can go to them, there or anywhere else. We have a lot to do here at home. And I'm not so sure I can with great enthusiasm say to everybody, go do what we do. Have a system like ours.

I like our system. We've got it anyway, I've got no choice. But it is foolish of us to think, to presume, that we should try to translate this system over to a little country in Vietnam or in Africa or Latin America. They've got to work out their own system. That is my basic approach to it and I think it's a matter of detail as to how they will work the details of self-determination. Now I know everyone is repelled. Are you saying that you don't care whether it's Communist or not? Well, I care in the sense of a preference. I do not care in the sense I'm willing to sacrifice the United States for the preference. That's about the way it is. We all have our preferences.

We have Cuba down there. Cuba's Communist. It's much closer than Vietnam. Why do we tolerate Cuba? Why don't we go in and invade them and kick them out and put in our system? Well, of course, that would be foolish to do. I do advocate that we review our policy and stop acting so obnoxious to Cuba. But the State Department doesn't agree with that either.

I would like to liquidate the cold war. It seems to me the President—if there's any significance to going to Moscow or Peking—leads me to believe that I think the country, too, that he is willing to begin to liquidate the cold war, to begin to try to re-establish normal relations. I favor that. I don't quite understand why he's so hesitant in the case of Vietnam which is the major one. The idea of Vietnamization—that's true these words like protective reaction strikes are very difficult to tie down—seems to me to be an evasion of the real question. Are you or are you not going to liquidate our presence, our physical presence, in Southeast Asia? Do you or do you not think it is in our interest to maintain control of a base there, a base whether it consists of Cam Ranh Bay or all of South Vietnam or only Cambodia or what have you? If he thinks it is, it ought to be very clear and then he could be right. I just don't agree, that's all.

QUESTION. Senator, you're not the President, you're chairman of the Foreign Relations Committee. Is there any new initiative you might institute as chairman of the Foreign Relations Committee?

FULBRIGHT. None that I could think of that would be effective. I've tried everyone I thought of. I've tried persuasion. We've had hearings. I made speeches. So have my colleagues. Senator Nelson's here. He has, too. I don't want to take any more time because he is a very perceptive man and much more persuasive than I am. He usually gets his way in most of the things he tries. But I don't know anything the committee can do. If you've got a good suggestion as to what the committee can do that's designed to bring about a change I'd welcome it. Our country, of course, that's another matter. We're very conscious of the fact that due to various developments, particularly television and its capacity and the development of the National Security Council with a man like Mr. Kissinger, that we have very limited resources with which to influence the course of events. I think the press also is conscious of that sometimes and of their access to the source of the news, too.

Well, thank you very much.

NELSON. I'm not here as a briefer. I just want to thank Congressman Fraser and the others who deferred just long enough for me to take two minutes before I leave because I'm late on my schedule. I particularly didn't wish to leave without commending Professor Westing and Professor Pfeiffer for the exceptional contribution that they have made in going to Vietnam and collecting the slides and the footage that you will see here today.

The story that their pictures tell describes the war against the land itself with much greater eloquence than any words I or anyone else could summon to describe the situation.

I didn't want to leave either without reminding those of you who do not know that it was Professor Westing and Professor Pfeiffer who went to Vietnam and came back with some very useful studies of the environmental implications of the massive dosages of the landscape by herbicides for purposes of defoliation. These studies, along with the studies that others made too, made it possible for us in the Senate and in the House to have at our command some important facts with which to debate the issue. And I think their efforts made a very substantial contribution towards alerting the public and the Congress as to the problem being created by defoliation. And I think their studies were significant in causing the Department of Defense to terminate the defoliation program.

So those of us who are not only worried about the war and the disaster of it all and the human suffering by all sides, those of us who are also concerned about the environmental implications of this massive medication of the whole country thought that the environmental problems were over with. When you see these films today, you will realize that the military has been carrying on without the knowledge of the Congress or more than a handful, if any. The films demonstrate a massive interference into the environment in a way that no other country has ever done before in the history of warfare because they didn't have the instrumentality to do it.

I made a statement on the floor of the Senate today in which I said that a scorched earth policy has been a tactic of war throughout the history of man; but never before in any warfare has any scorched earth policy as massively intruded, destroyed permanently the soil in the land as we have done here. I think substantial amounts of it are beyond recovery in a hundred years or 500 years or longer. And it's a disastrous situation which I think if the Congress understood, it wouldn't appropriate the funds to support it. The President, if he could see these pictures and understood the implications, would demand its halt in 30 minutes. The public, if they could identify who was responsible, would throw them out of office. But they'll never identify who's responsible because nobody knows. It is, as somebody suggested here a few moments ago, an automated mechanistic war run from long distances away; in which the people who are making decisions never see the consequences of the decisions they've made and never see the face of the peasant who sees his land permanently destroyed in one 30-second B-52 bombing that destroys all of the land he owns and that of all his friends around him.

So I just wish to commend the two professors for the remarkable contribution they have made and I would hope that everybody in the Congress could see these films. If 51 percent of either House or both Houses could see the films, that would be the end of this program. If the President could see the films, that would be the end of this program. But nobody knows what has happened there and these films tell the story.

I have introduced legislation today for an environmental study of the nature and character and dimension of the damage done there and I would hope we can get hearings on both sides—in the House and in the Senate. And that we can move to get this evaluation under way.

Thank you very much.

KUKKONEN. Our next briefer is Earl Ravenal, former director of the Asian Division, Systems Analysis, Office of the Secretary of Defense. Mr. Ravenal.

RAVENAL. I'd like to talk for a few moments today about the relation between the Nixon Doctrine and our current overall foreign policies and the situation in Southeast Asia. And particularly about the prospects for a continuation of conflict and confrontation in Asia.

Of course, it's fair to say that this is an inherited war of this administration. But it's also fair to say that this is the same war, the same intervention, though it's conducted under a very different set of policies. In fact, this war has been conducted in various guises under a succession of policies from the Truman-Acheson administration to the present day. The rationales have changed and the war remains.

Truman and Acheson commenced military assistance to France and this was even before Korea. This was related, however, primarily to the containment of Soviet Communism in Europe and the desire to help out France.

Eisenhower and Dulles acceded to their various offices. We had the near intervention, a nuclear intervention at Dien Bien Phu. This policy under Eisenhower and Dulles in Indochina was conducted under the rubric of a rollback, a rollback of Communism in Asia, not simply containment. A rollback at least of the expectations of the various parties to the Geneva Convention. And, of course, it was also conducted under an extreme ideological cover.

With the accession of Kennedy and then the Johnson adminstration, we had an acceleration to a dramatic global confrontation with Communist power. And this became the rationale for the war in Indochina.

The war continued, it escalated, American intervention was intensified. It took different forms. The rationale changed. It became a bi-lateral, global confrontation with Communist power that was conceived to be monolithic throughout the world.

Now under the Nixon administration we have the same war, but we have a new rationale. And it's very important, I think, for us to realize that there has been a very profound change not only in the international system where we have an advent of several strong independent centers of world power. But there's been an equally profound change in the orientation of the United States under this administration towards the international system.

President Nixon and particularly his very academic and erudite adviser Henry Kissinger very clearly perceive the advent of this multipolar distribution of power. The ideology has vanished. They not just in fact acquiesce in this situation and accommodate it, but they're actively cooperating, as we see, in bringing this new international system into being. In short, these men in this administration are the architects of the new balance of power in the world. They're very clear about this. They see this in terms of a new global balance of power and they see this in terms of the advent of new regional balances of power—in East Asia, South Asia as we've seen over the last 6 to 8 months, in the Middle East, certainly, and eventually perhaps even in Central Europe.

Now, true to the rules of the balance of power game, one might parody this administration's approach in terms of a parody of President Kennedy's inaugural. This administration will deal with any enemy, subvert any friend, use and play off any government, et cetera, in order to accomplish its purposes. Obviously, this is a sophisticated and delicate and somehow obscure game that's being played.

It might be exhilarating for those few at the pinnacle of government to play the game, but it is incomprehensible to the Congress. It is incomprehensible even to foreign policy experts. And it's certainly incomprehensible to the people. And I would maintain it is an unsafe and unwise policy for this country. And it's ultimately untenable as a foreign policy for a popular democracy because it does not invite nor deserve the support or the participation of the people or for that matter of the press.

Now the question is, under this new policy and this new set of assumptions about the world, what can one expect to see in Southeast Asia. Well, certainly not disengagement. However one once might have interpreted the Nixon Doctrine during its first few years, since Guam in 1969, it is now clear that whatever it might have meant, it does not mean disengagement. At best it means a selective intervention. And it means a new rationale for old involvements under the watchword of stability.

Now stability has always in some sense been a motive of post-World War II foreign policy. In fact, even before that the United States has intervened, has been willing to fight, it seems, in the twentieth century to make the world safe for something.

Safe for democracy under Woodrow Wilson. Under the Caribbean policy of Teddy Roosevelt and his successors, safe for the United Fruit Company or the City Bank of New York. Under Kennedy, safe for pluralism and free choice. Now under the balance of power dispensation of the Nixon-Kissinger administration, the United States appears to be willing to fight anywhere in the world just for the sake of stability, to preserve a precarious equilibrium.

Now, this is indeed a very conservative principle and yet it is a principle that keeps the United States intimately involved in the vicissitudes of various regions of the world. Now in fact the world is not going to be stable despite the efforts of the United States, despite our intervention, and in particular, East Asia and Southeast Asia and South Asia are not going to be stable. And this will be despite any intervention in force or any tilt that this United States Government wants to administer in favor of one or the other of the various contestants for power in these areas of the world. So what the balance of power philosophy under this administration implies is not stability in the world but a perpetual stabilization operation.

Now if we're lucky, and just lucky, this could be brought about by a diplomatic talk or a mere threat of force. But if we're not lucky, it will take the commitment of armed force to create and carry out this stabilization policy.

In the light of this administration's conduct of the balance of power, how should we consider its objectives in Southeast Asia and how should we regard its latest negotiating ploy that was revealed several days ago by the President?

In purely objective terms, even without any particular animus that one might have towards Mr. Nixon, it is unlikely that this administration was really offering anything substantial, that is, anything that would be likely to upset the balance of power in Southeast Asia. If the true motive of this administration, for instance, was to secure the return of our prisoners, then it has engaged in an elaborate evasion of the obvious, the obvious point that is that if the war were ended, it would be perfectly normal to get back our prisoners of war.

In fact, the President is still attaching too many conditions to his negotiating program, conditions such as the stabilization of all of Southeast Asia which is an expansive condition, one that we haven't even heard before, through the mechanism of a cease-fire throughout that region. Conditions such as the continuing presence of U.S. air and naval power in the region and certainly conditions such as the election, however fair it might seem in western terms, which would only cause the NLF to surface and expose itself to annihilation. The program, in short, is too little and too late and the negotiating program has the major flaw of not being acceptable to the other side.

Of course, the administration knows this in proposing this current negotiating program. And so one must conclude that the administration is offering this negotiating proposal not so much as an opportunity but perhaps to be read as a threat; a threat that the United States is going to hang in there in Southeast Asia indefinitely in one form or another until the other side agrees on a stabilization of the region or a balance or an equilibrium for this area, Southeast Asia. Therefore, if this policy is not deliberately, that is politically, changed to allow the scope of politics at even force to take its course in Southeast Asia, then we might well see the next three-quarters of a hundred years war in Southeast Asia.

KUKKONEN. I think we have time for about two questions.

QUESTION. I heard you state that you do not expect the proposal sent by the administration to Paris to be accepted on the major flaw that it's not acceptable to the other side.

At the open briefing given by Dr. Kissinger he stated that the only difference of significance between the proposal being sent and the nine-point proposal given us was that we would not withdraw all economic aid, all military aid, all U.S. equipment and all U.S. manpower; in his words, turn over to them and help them defeat the current government. Now do you think that the U.S. ought to include this in their proposal?

RAVENAL. In my own personal opinion, I think that we certainly should include a complete unconditional withdrawal in our proposal. Now the next statement that must be made is that certainly the President and Henry Kissinger extremely exaggerated and misconceived the nature of the Vietcong and the North Vietnamese proposals. They did not ask us to connive at the overthrow, the active overthrow, of the government of Saigon. They simply have been asking us to cease our active support of that government. I think that this ought to be realized. I think that the propagandistic nature of the briefing of Henry Kissinger and the President's address comes through very clearly when one differentiates the substance from some of the rhetoric attached to their presentation of this so-called demand.

But, I would also say that if this is as Kissinger said the only thing that keeps the parties apart at Paris, he certainly is minimizing this because this is not a small matter. In fact, this is the crux of the entire war. This is what the North Vietnamese and the NLF have been fighting for for the last 20, 30 and indeed fighting for since the 1920s when their party was organized, the Indochinese Communist Party. So I think that to say this is the only thing that keeps the parties apart is seriously to understate the issue.

KUKKONEN. We'll have time for more questions after Mr. Fraser and Professors Westing and Pfeiffer.

Our next briefer is Congressman Don Fraser, House Foreign Affairs Committee.

FRASER. I'm going to make my remarks very brief because I think you've heard from people who are far more expert on Vietnam than I. But I would like to touch on one aspect of the debate on the war which I think should be of special concern to the press of the United States.

What I'd like to just comment on is the inter-action between the war and the House of Representatives. Now what has been evident, I think, to observers and reported in the press is that there has been a shift in sentiment in the House of Representatives over the past two or three years. For example, over the past year, the margin of votes needed to turn the House into an anti-war body shifted from something like 140 votes down to 12; that is, in the most recent clear vote on the Mansfield amendment, a shift of 12 votes would have put the House on record in favor of the Mansfield amendment and that occurred last fall. The freshmen Democrats who came into this session of Congress—of them thirty voted for the Mansfield amendment and only 3 against.

The point that I want to make here is that the shift in sentiment in the House has not been due to any internal processes of the House itself.

It was last year when the House Foreign Affairs Committee first held hearings on the Vietnam war, in which critics from the outside with some qualifications were given the opportunity to testify against the war. Floor debates, as any of the press who've watched them know, have not been productive of changes in sentiment.

And if you look at the committee structure, you find that, for example, the House Foreign Affairs Committee has had among its senior members those who have generally supported the administration. This has been the reason there have not been hearings. And when you look at the House Armed Service Committee, which has had the most direct control over the pursestrings for the war in Southeast Asia, and test their basic alignment, you find, for example, using a caucus vote of a year ago which split the Democrats down the middle—about 50/50—that on the Armed Services Committee the Democrats split 5 in favor of fixing a date to end the war and 16 against.

I'm making this point about the lack of effective internal processes in the House to stress the role of the press in carrying on the debate over the war. The fact is that any change, any significant change in the Senate or in the House of Representatives, has been externally generated. It has been generated by the activities of students, by protest marches, by demonstrations, by publicized hearings of the Senate Foreign Relations Committee and all of this reported through the press. This has been abetted by the concern of parents about the drafting of their children to be sent to Vietnam. This point is important in the context of what is now evolving in Southeastern Asia. That is the fact, of course, that there has been and apparently will continue to be a withdrawal of troops so the casualty rates will go down. And this will mean a lessening of expressed concern on the part of families who are worried about their children being drafted and sent there.

But the air war—and this is a point already made—is of a nature that the press will be unable without special effort to continue to report what in fact is being done on behalf of the people of the United States in the conduct of the war by their government. So I make these observations to stress the special responsibility that I think now falls on the press in the coming months as this war continues and perhaps intensifies in certain respects.

I'd like to finally just comment, give you my own view about the peace negotiations, the so-called secret negotiations in Paris. I think that beyond the admission of failure of the negotiations, that what is suggested by the position of the administration is that there's been no lessening of the ultimate objective of securing South Vietnam in a fashion which will be compatible with or friendly to United States' concerns. This is the history of negotiations in this war.

It seems to me that it might have been possible that this kind of an approach might have worked three or four years ago when we had a half million troops in Vietnam. But the posture of every administration since we become directly involved has always been to place the settlement objectives somewhat in advance of the realities of the situation and thereby precluding the likelihood of settlement. And what seems to me, as one observer now, is that we have lost virtually all of our bargaining power. The air power may represent a small bargaining chip but I think it's very small indeed in view of the history of bombing over these past five years.

My view is that the United States should disengage from the war. My view is that we should take our troops out, close our air bases and desist from any active involvement in the war. I have difficulty today believing that it is in anyone's interest for the United States to negotiate the future of South Vietnam. We lack the power to do so and in fact, I think we lack the wisdom to arrive at a settlement that would have any meaning over the long run.

So I would hope that the administration or perhaps the next administration will reach the conclusion that realism should dictate our policies from this point forward. And realism suggests that we've lost the capacity to substantially influence events in South Vietnam without a prolonged involvement which I think is no longer acceptable to the American people.

KUKKONEN. We have a few moments for questions.

QUESTION. Congressman, both the President and Henry Kissinger suggested during the past week that the United States had already offered the other side a straight withdrawal in exchange for a POW swap on May 31, and that this current proposal that he made public is somehow an improvement over that. Do you accept that we've ever done that, offered them a straight swap?

FRASER. A straight withdrawal to get our prisoners of war back? I'm reasonably convinced that no such offer has ever been made. And neither in public or in private sessions has it ever been intimated that we've made such an offer.

KUKKONEN. Our last briefers have already been introduced by Sen. Nelson and they have some very interesting slides to show you on the environmental impact of the air war in Indochina. I give you together Professor Arthur Westing, Windham College, and Professor Egbert Pfeiffer, University of Montana.

PFEIFFER. I want to say we're very honored at the very kind remarks made about our work by Sen. Nelson and we're very excited about the bill that he introduced this morning. It's the sort of thing we've been hoping would happen for several years now. Like many biologists in this country and throughout the world, Dr. Westing and I have been very concerned about the effects of certain U.S. weapons systems on the environment in Indochina.

Our concern began with our involvement in the herbicide question. As Sen. Nelson pointed out, the program has been ended, having been found to have been very damaging to the Indochina—particularly the Vietnamese—environment. But this doesn't mean that ecocide is stopping in Indochina.

We were last there in August and found that several very devastating weapons systems are still being employed, some even being escalated. And we want now to move right into the slide show and show you what some of these weapons systems are doing to the ecology of Indochina, undermining the natural base of that country, that is, its ability to recover and produce the food and fiber that it did before we went into that area. And Dr. Westing will take over now.

WESTING. Thank you. If we could have the lights we have about 3 dozen slides or so we'll go through rather quickly.

You see before you perhaps a hundred or so craters made by B–52 bombers. Each of those was made by a 500 pound bomb. This is from about 4500 or 4000 feet up. Each of those holes—and there are 23 million of them by our estimate in Southeast Asia—each of those holes is perhaps 30 to 40 feet across and perhaps 20 to 25 feet deep. The amount of land displacement of environmental destruction by the bombing has impressed us enormously.

This is a somewhat closer view of B–52 bomb craters.

Again a view, and here I hope you notice the type of target. This is the harrassing and interdiction fire, 90 percent strategic bombing. The targets are the forests and the fields, the natural resource base of an agrarian, rural subsistence economy.

Here is one B–52 strike. You see in front of you perhaps 700 holes. This was done in 30 seconds. We have this repeated over again five times a day, day in and day out, at least since 1965—1000 sorties a month by official estimates and this is the result: a half a mile wide and three miles long in 30 seconds.

The next picture indicates what that looks like in terms of Washington, D.C. I have to admit I got the idea from Professor Littauer who has such a picture in a publication of his. Starting at the Lincoln Memorial and going as far as the Capitol, you see what a half of mile by 3 miles looks like, having this as one pattern in a pattern bombing by the B–52s. This occurs four or five times over each day.

You see here on the left rice paddies in operation and functioning. On the other side of the river you see abandoned rice paddies that were once a free-fire zone, have now been pacified, but are still not in use. Over and over again we ran across this. Once an area has been bombed, peasants are hesitant to return to their land in order to reclaim it and farm it. There are perhaps 300,000 unexploded bombs just beneath the surface of Indochina. Again, there's a one or two percent unexploded dud rate that the Air Force explains exists. This turns out to be more than a quarter of a million bombs. There isn't a farm family in Southeast Asia that hasn't lost someone by having the water buffalo or the plow hit such an unexploded dud and then blow up.

Another aspect of the air war. Professor Littauer described it very graphically. These are the side effects. He described the main military reasons for the main military objectives. This is the outwash. Four logs out of five in Vietnam are now riddled with metal and have become useless as timber.

What this picture represents is the now ended herbicide program. These are C–123 aircraft on their way to spraying War Zone C. You see there four planes—there were over 20,000 such flights before the program ended.

This is the result of one such spraying. You see partial damage. This picture was taken a year or two after the spraying. You see perhaps a quarter of the timber trees destroyed and now slowly rotting in place. This is the result of perhaps two sprayings; in an open forest every tree is killed. The area has been taken over by elephant grass, a useless weed which now dominates several millions of acres in South Vietnam.

This is the result of multiple sprayings. This is Tay Ninh Province near the Parrot's Beak. There are over a million acres of South Vietnam that look like this, that have been sprayed multiple times and the result, of course, is that every last tree or essentially every last tree has been killed. This is northern Tay Ninh.

We turn now to something else. This is healthy mangrove, the coastal forests that start at Vung Tau and go on around. We've sprayed about 40 to 50 percent of all the mangrove forests.

Here's a border region between unsprayed and sprayed. The result is utter devastation with no hope of recovery on those 400,000 acres. Of course you also see some of the 500 pound bomb craters.

This is looking at the mangrove forest slightly closer, with the hills of Vung Tau in the background. Four hundred thousand acres will look like this for at least the next quarter of a century.

Still closer. And here you can see in the very foreground that there's been some salvage logging for firewood and charcoal, something that frightens us in as much as we have found out through the French National Laboratories just recently that if you burn wood that has been sprayed with Asian Orange the result is perhaps a material called dioxin which is a very potent poison which causes birth defects.

Here is nipa palm commonly used throughout the coastal regions for thatching houses—the walls and the roofs. That's healthy nipa palm.

This is what it looks like after spraying.

This is a picture of a rubber plantation. As a matter of fact, this is not Vietnam, but in Cambodia, this is Mimot in the Fish Hook region. Clandestine spraying operation in 1969 which in a few days wiped out 173,000 acres of rubber and essentially destroyed the Cambodian economy.

This is healthy rubber. That's how it looks as it should.

And here it is—you see in the foreground destroyed rubber trees, again taken over by this elephant grass and in the background the end of the spray area—healthy rubber.

This is just a picture to show you another aspect of the spraying programs. This is in the central highlands and this represents one crop destruction mission using Asian Blue. Using Asian Blue, the arsenical, we have destroyed enough upland rice in the central highlands to feed approximately 800,000 Montagnard their entire diet. This is an intentional crop destruction program which also ended.

This is looking down on that strip from about 4000 feet. You can see the terraced rice fields that were destroyed here.

This is papaya that is just about to die. This is to demonstrate inadvertent food crop destruction. This is a side effect of forest defoliation. It drifted over on to a man's property, onto a peasant's property, and it is destroying his fruit crop.

Again, a similar situation. Drift has caused the death of that jack fruit next to the house and another jack fruit partially off the picture. Jack fruit in this region of Southeast Asia is the favorite fruit. In that particular province 45,000 jack fruit were killed over a period of three days, all of it unintentionally.

This is a picture showing dead poultry. I only show this because over and over again in our peasant interviews we were told by farmers, by peasants, that after a crop spraying or an herbicide spraying that their poultry died. We were never able to track this down in any rigorous way but we heard dozens and dozens of such reports and were given pictures like this.

Another program. Once the herbicide defoliation program was phased out, the bulldozing program was phased in. This is a 45 ton tractor of which there are 150 in Vietnam working seven days a week, 15 hours a day and clearing enormous areas of forestland. In fact, the program started as a roadside clearing program to prevent ambushes.

This is the roadside again filled in with this elephant grass—this was three years ago—from the edge of the road to the forest and it fills in with this useless elephant grass that water buffaloes won't even eat. Once the roadsides were done, we went to area bulldozing.

Here again you can see craters and the last remnants of the Ho Bo Woods. Nine thousand acres were cleared here in a period of 26 days by 30 such bulldozers working en masse. This goes on all of the time.

Here you see an area of about 6000 acres in Northern Tay Ninh from 4000 feet also scraped clean of former forest.

This is a little closer. Again, the B–52 holes and here is a company of bulldozers of that sort that you saw a moment ago going off to work.

This is a little closer. And here you can get a feeling for the D–7 tractor which has a blade 11 feet wide and the size of a crater. That's quite an old crater, by the way. That crater is probably three years old and you can see a little bit has washed in the bottom—two or three feet—and there's a little patch of grass in the middle and that's the extent of three years of natural recovery in one crater.

Here it is on the ground in the Boi Loi woods along what was considered an infiltration route. This area had been pattern bombed, had been herbicide sprayed, and now was being given the coup de grace with bulldozers.

Finally, a few quick pictures on this so-called Commando Vault or super bomb, the 15,000 pound concussion bomb which is used for clearing, for making instant helicopter paths and also as an anti-personnel weapon.

Here it is inside the C-130. You can see the three-foot probe at the front which hits the ground first and insures an explosion about 2 or 3 feet above the ground.

There it is. This is a film clip out of an Air Force film and you can see it is being dropped by parachute and is about to hit.

There it is. It has just detonated. And here's a cloud which will in a moment be 6,000 feet high.

And there's a two acre opening that has resulted in a mature triple canopy forest. Those trees are 150 feet tall. You can see the size of it by seeing the helicopter which is just hovering over the hole. Two assault helicopters can land in one of these moments after the blast.

Here's a closeup. This is one that we flew over west of Danang. This was dropped on to an enemy rocket position.

A little bit closer and I think here it is looking straight down at it from a few thousand feet. And you can also see a few places the conventional bomb crater size.

And almost finally, here is a picture that shows what would happen if it were dropped on the Washington Monument. You would see that people could get killed as far as the White House and of course, anywhere in that inner circle. They could be wounded somewhat further.

And I think this is now the last picture. Professor Pfeiffer took this slide and he wants to say something.

PFEIFFER. I want to first thank Fred Branfman who is with us. He was the one who made this picture possible. He took us to this refugee village. This is the way many people—over a third of the population of Indochina—are now living in refugee camps as a result of the destruction of the countryside which makes it impossible for them to carry out their mainly subsistence farming activities.

You see one of the pineapple bombs that Mr. Branfman has brought with him. This had been converted into a lamp. It was a dud which they had defused and put to some useful purpose.

We end up with this picture because we think it graphically illustrates the effect of this ecocide upon the subsistence farming population of Indochina.

WESTING. I might mention one more thing, a question that was asked Fred Branfman: What is the proportion of this type of bomb to the big crater producing bomb? I tried to get this information through official sources and it's unavailable. However, my information coincides with Mr. Branfman's that approximately 50 percent of the ordnance dropped is crater-producing and approximately 50 percent by weight is of the anti-personnel type.

PFEIFFER. I might say we have a few black and white prints of some of these slides which if any of you gentlemen from the press are interested in them, we'll be happy to give them to you at the conclusion of the program.

KUKKONEN. I think at this point, it's getting along and people are getting tired. But if you wish, we still have a number of us here and Mr. Ravenal is still in the audience so we will be happy to respond to questions for a while. But people can feel free to leave also.

QUESTION. Were the American authorities and the Vietnamese authorities aware of your presence there and what you were doing and did they attempt to interfere with what you were doing?

PFEIFFER. We could not have gotten these pictures and this information without the very good cooperation of the Department of Defense. We were helped by the Army, Navy and Air Force and Transportation, Logistics, Spy Information. Thy were very cooperative.

WESTING. The embassy was cooperative as well. In fact, for one full week we had the full disposal of Ambassador Bunker's private helicopter.

QUESTION. If a reparations program would be undertaken, is $2.5 billion enough for the recovery of Southeast Asia?

WESTING. I'm sorry, I couldn't answer that question. On the other hand, I would like to again say that this is precisely the question that Sen. Nelson hopes to be able to answer with that bill he introduced this morning. It has the purpose of looking into just exactly that question.

THE DANGER OF CANDOR

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Col. William C. Moore, vice commander of Headquarters Command, USAF, Bolling Field, Washington, D.C., has written a number of articles in which he has analyzed our situation in Southeast Asia, and they have been carried in leading newspapers and magazines throughout the country. The following article is Colonel Moore's views with respect to the conduct of our foreign affairs in light of the demands of many that they be open to the light of day.

[From the New York Times, Feb. 7, 1972]

THE DANGER OF CANDOR

(By William C. Moore)

WASHINGTON.—Some Americans are convinced that the United States Government should conduct its foreign affairs with far less secrecy than is now the case. A nation, they say, should lay its cards on the table, announce its intentions, reveal its aims, its strengths. If this is done, neither side will miscalculate—crisis through ignorance will be avoided.

The people who hold this conviction cite Government actions as disclosed in the Pentagon and Anderson papers as one example where lack of candor with the American public and the rest of the world got the United States into trouble. They cite as another example the failure to set a date for withdrawal of U.S. troops from Vietnam.

As a result of the Pentagon and Anderson papers, the case for more candor has been discussed at great length. The arguments are impressive. But there is another side which is equally as impressive; its underlying theme is this: There is a value in fostering uncertainty. There is, in fact, a "strategy of uncertainty."

This strategy is based on the premise that the less the enemy can calculate, the less positive he becomes, the less bold he becomes, the more certain he is likely to delay decisions until more facts are available.

Supporters of the strategy contend that political scientists, war planners, intelligence analysis, national security advisers—call them what you wish—all can be relied on to be precise, cautious men because war is a grave undertaking requiring exacting analysis and utmost caution.

They will strive, therefore, for precise, scientific evaluation, giving due regard to the unknown as well as the known. Instinct warns them that unknown factors often carry more weight than known factors. Unknowns do not cause them to miscalculate; unknowns have precise values. Unknowns makes them uncertain, and uncertainty provokes them to seek more facts, to calculate other options. Uncertainty forces them to become less inflexible, less daring, more cautious. Unknown factors are positive, not negative factors; they are part and parcel of a war planner's calculations, not his miscalculations.

The strategy of uncertainty forces enemy leaders to sift the pros and cons; to weigh the psychological, political and military factors; to make the final hard decision themselves; unassisted by pronouncements from the free world about intentions, strengths, or weaknesses.

Uncertainty must not cause the enemy to become nervous, perhaps irrational, as opposed to uncertain and cautious. Here success depends on how judiciously the signals which are sent to the enemy are selected and how wisely they are conveyed. In all cases, these signals should reflect strength and resolution of will, never weakness. For example, the strategy of uncertainty dictates against suggesting (as allegedy was the case in 1950) that U.S. commitments did not include Korea. It dictates against the U.S. announcing a policy of flexible response as was the case in 1961. The sudden shift from a policy of massive retaliation to one of flexible response was an open invitation to calculate more accurately U.S. intentions and determination. To the enemy, the sudden shift could only mean that the U.S. was concerned with finding an acceptable strategy to fight a war once it began rather than a strategy to deter war.

After the announcement of the policy of flexible response, Communist probes became bolder and more aggressive. Witness the Berlin Wall, the subsequent Berlin crisis, the Cuban crisis, the Dominican affair, the Vietnam war, the Pueblo incident, and the intrusion of the Soviet Union into the Middle East and Mediterranean.

The strategy of uncertainty, therefore, is particularly useful to temper action, be they diplomatic or military. Uncertainty creates doubt, induces caution, curbs daring, deters decisions—all of which are essential to deterrence.

WORKERS FORCED INTO PART-TIME EMPLOYMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. REUSS. Mr. Speaker, on December 2, 1971, I introduced legislation, H.R. 12011, that would create 500,000 federally financed public service jobs by amending and expanding the Emergency Employment Act of 1971—CONGRESSIONAL RECORD, volume 117, part 34, page 44359. This legislation is cosponsored by 60 Democratic Congressmen, and was introduced in the Senate on January 31, 1972 by Senator WALTER MONDALE and 20 other Democratic Senators. A list of the 60 House cosponsors follows:

List of Cosponsors

James Abourezk (S. Dak.), Brock Adams (Wash.), Les Aspin (Wis.), Herman Badillo (N.Y.), Nick Begich (Alaska), Jonathan B. Bingham (N.Y., Edward P. Boland (Mass.), Frank J. Brasco (N.Y.), Phillip Burton (Calif.), Hugh L. Carey (N.Y.), Charles J. Carney (Ohio).

Frank M. Clark (Pa.), George W. Collins (Ill.), William R. Cotter (Conn.), George E. Danielson (Calif.), Ronald V. Dellums (Calif.), Robert F. Drinan (Mass.), Thaddeus J. Dulski (N.Y.), Don Edwards (Calif.), Joshua Eilberg (Pa.), Walter E. Fauntroy (D.C.).

William D. Ford (Mich.), Donald M. Fraser (Minn.), Sam Gibbons (Fla.), Ella T. Grasso (Conn.), William J. Green (Pa.), Richard T. Hanna (Calif.), Michael Harrington (Mass.), William D. Hathaway (Maine), Ken Hechler (W. Va.), Henry Helstoski (N.J.).

Joseph E. Karth (Minn.), Peter N. Kyros (Maine), Robert L. Leggett (Calif.), Romano L. Mazzoli (Ky.), Lloyd Meeds (Wash.), Ralph H. Metcalfe (Ill.), Abner J. Mikva (Ill.), Parren J. Mitchell (Md.), Morgan F. Murphy (Ill.), David R. Obey (Wis.).

Edward J. Patten (N.J.), Claude Pepper (Fla.), Bertram L. Podell (N.Y.), Melvin Price (Ill.), Charles B. Rangel (N.Y.), Peter W. Rodino, Jr. (N.J.), Robert A. Roe (N.J.), Benjamin S. Rosenthal (N.Y.), Edward R. Roybal (Calif.), William F. Ryan (N.Y.).

Fernand J. St Germain (R.I.), Paul S. Sarbanes (Md.), John F. Seiberling (Ohio), B. F. Sisk (Calif.), Louis Stokes (Ohio), Frank Thompson, Jr. (N.J.), Robert O. Tiernan (R.I.), Charles A. Vanik (Ohio), Jerome R. Waldie (Calif.), Lester L. Wolff (N.Y.).

SENATE COSPONSORS

Mr. Mondale, Mr. Cranston, Mr. Bayh, Mr. Burdick, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Randolph, Mr. Stevenson, Mr. Tunney, and Mr. Williams.

The jobs-now program will fill vital unmet needs in such areas as public safety, environmental control, and health. It will make jobs, lots of them. It will also mean additional hours of work for those forced to accept part-time employment because full-time jobs are unavailable.

Figures released by the Bureau of Labor Statistics—BLS—in the January 1972, issue of "Employment and Earnings" show a disturbing increase since 1969 in the number of workers forced by a sluggish economy into part-time employment, and an equally disturbing cutback in the amount of overtime work available for those fortunate enough to be working 40 hours a week. Analysis by the BLS of overall work experience during the year 1970 suggests that the problem of inadequate full-time work opportunity has hit hardest at white, male, and skilled craftsmen rather than at blacks, females and laborers where the highest concentrations of unemployment exist.

According to the BLS, the number of workers forced to accept part-time employment because full-time work was unavailable increased 30 percent—from 2.0 to 2.7 million—from 1969 to 1971. Such workers constituted 2.5 percent of the civilian labor force in 1969 and 3.2 percent in 1971.

In 1969, 4 million workers, or 5.5 percent of the civilian labor force, worked less than 15 hours per week, and 677,000, or 0.9 percent, worked less than 5 hours per week. The corresponding figures for 1971 are 4.3 million workers, or 5.8 percent, working less than 15 hours per week and 740,000, or 1 percent, working less than 5 hours per week.

In addition, the number of persons who worked 41 hours per week or more fell over 7 percent from 1969 to 1971, from 22,458,000 to 20,781,000. This occurred while the civilian labor force itself was growing from, 80,734,000 to 84,113,000 and while civilian employment was increasing from 77,902,000 to 79,120,000.

These figures represent a great deal of hidden unemployment. A man who was working overtime in 1969 suddenly may find himself working only a straight 40 today. Or he may be cut back to 30 hours per week, or 20, or 15, or even 1, without ever appearing in our unemployment statistics. But he feels the bite of economic hardship almost as much as the worker who is completely unemployed for a period of weeks or months and then returns to full-time employment.

These statistics further show that economic hardships brought about by a sluggish economy are more widely shared than many have to date suggested. While detailed analysis by the BLS of overall work experience during 1971 will not be available until midsummer of this year, the figures for 1970 indicate that, while blacks, women, and laborers had high rates of unemployment, the skilled, white, male craftsman had little to cheer about either. In 1970, 52 million people worked all year round at full time jobs, 800,000 fewer than in 1969, the first time since 1958 that the number of year-round full-time workers decreased significantly. Furthermore, this decline was comprised entirely of men. Also during 1970, 14.6 million persons were unemployed at some time during the year, a rise of 2.8 million over 1969. The increases of proportions of workers with some unemployment during the year were greater for men than for women, for whites than for blacks, and for craftsmen rather than laborers.

I would suggest that these statistics document the need for prompt action on the jobs-now legislation. The question is not whether we can afford to put people back to productive full-time work, but how much longer we can afford not to.

VOICE OF DEMOCRACY CONTEST WINNER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. HOGAN. Mr. Speaker, freedom is the most treasured benefit of American life, and yet I am sure we would all find it extremely difficult to explain what freedom really is.

That is why I am particularly pleased to be able to bring to the attention of the House an eloquent speech describing that most elusive term which was written by Teresa Anderson for the 33d annual Voice of Democracy Contest sponsored by the Veterans of Foreign Wars.

Teresa, a student at DuVal Senior High School in Lanham, Md., wrote the speech on freedom for the contest and won at both the post and district levels.

Mr. Speaker, I insert Teresa's speech, "My Responsibility to Freedom," in the Record at this point:

My Responsibility to Freedom

Freedom. That's a golden word for a possession we all should treasure. Most of us don't know what it's like to live without freedom. Yet realize that without protecting it, you can lose it. Democracy depends on the love of freedom and the ability to carry out the responsibilities of that freedom. Thus my responsibilities to freedom aren't unique, and neither is my love of it. My responsibilities mirror yours.

Any man's main responsibility to freedom is the protection of the rights of all. To protect and enjoy freedom, you have to understand what it is, and what it encompasses. True freedom exists where individual and human rights balance and mesh with moral and judicial law.

This freedom is like an orchestra playing a perfect symphony. The piece is controlled by the time signature and beat—in life this might represent judicial law. All instruments must play—moral law states this. There are minorities of some instruments, each as important as any other. This represents a primary human right—equality. Occasionally an instrument might play notes not written, but these don't violently disturb the music. Thus the individual has the right to choose—the right to be an individual. Freedom to play different notes doesn't mean freedom from the consequences if the notes are sour.

We see this in societies when freedoms are abused, and punished. The results of all the instruments is a rare changing symphony. It has liberal harps, staunch tubas, Ralph Nader trumpets, Martha Mitchell piccolos, and a Nixon percussion—that with one note can change the entire piece—often for the better.

With the understanding of freedom, there grows a respect of it. Freedom is powerful enough to change the primitive American colonies, made up of religious dissenters, some profit seekers, adventure lovers and pioneers, the downtrodden, and even English jail rabble, into an industrialized society advanced enough to save thousands of lives by predicting crushing hurricanes, and erradicating polio.

We've increased the average life span by thirty years, achieved the world's highest standard of living, and put man on the moon.

The main right of man is to know the truth and speak the truth. The main responsibilities are to keep well informed, and seek the facts. Listen to others, and respect their opinions.

NORTHERN IRELAND

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. GIAIMO. Mr. Speaker, if we travel the recent past we can ride into bloodshed that could have been prevented by timely international intervention of crises in the smaller nations. The headlines of 1969 reported the horrors of the Nigerian conflict. Later on, we read about useless killings in Greece. All last year and even today, we have been made aware of the deaths of innocent victims of the Pakistan situation.

On January 30 in Northern Ireland, 13 Irish citizens lost their lives as the result of a conflict in that country that appears to be reaching its most dangerous boiling point. It seems that in 1972 Northern Ireland may be more inundated with civil and religious strife than in 1971 unless immediate action is taken.

The conflict in Northern Ireland is not just stimulated by intellectual differences. It is kindled also by terrifying and sometimes enduring religious and social hatreds that father the worst kind of violence, an indifference to the killing of women and children. Only quick, international intervention can cool the smoldering hotbed that exists in Northern Ireland today, a format that should be provided by the United Nations.

To aid in controlling this matter, I have cosponsored House Concurrent Resolution 523, calling for the United Nations to meet the problems in Northern Ireland head on with some viable peacekeeping measures.

I would not advocate intervention independent of the United Nations, for the urgency of the problem is one that should be troubling the conscience of the entire world. To date, hundreds of innocent victims have lost their lives due to a conflict that cannot be tolerated by silence.

The proposals offered by the resolution are as follows:

First. Immediate termination of the current internment policy and the simultaneous release of all persons detained thereunder.

Second. Arrangements for consultation among all the parties involved, including the Irish Republican Army, to bring about a cessation of the conflict.

Third. The replacement of British troops in Northern Ireland with a peacekeeping force of the United Nations.

Fourth. An international inquiry into the tragic events of Sunday, January 30, 1972.

To end a storm of further violence and bloodshed, the United States can urge the United Nations to accept the proposals stated in the resolution. If America does this, as a nation, we will be able to take pride in having helped to bring order to an area of the world that has given to almost every continent on earth great riches of the mind and heart.

SOARING COSTS OF HEALTH CARE SERVICES AND FACILITIES—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the increased costs of health care services and facilities. I insert my report in the Record at this point:

Rarick Reports to His People on the Soaring Costs of Health Care Services and Facilities

Inflation—our dollars continuing to buy less as prices continue to soar—remains the number one issue in our nation and a threat to all people, young and old, workers and retired. Many of our people are conscientiously observing the wage and price controls in a concerted effort to bring the inflation problem under control.

I frequently receive mail from persons concerned about the high cost of hospital and medical care and inquiring as to what can be done to alleviate the situation. I thought today we'd explore the methods for delivery of health care and hospitalization, the causes for soaring costs of hospital and medical care, how these price spirals get started, and then attempt to arrive at recommendation for solution to this problem.

We in Louisiana have long provided excellent hospital facilities for those who can pay; and for those who are indigent or impoverished, the taxpayers have provided a system of charity hospitals which in treatment and facilities is second to none in the nation.

Now we learn that there has been a concerted effort to convince the charity patient that he is not receiving the caliber of medical service in the charity hospital system that he might through the private or nonprofit hospital. We thus find suits being filed and high-level political maneuvering to compel private hospital facilities to be made available to indigent or charity patients.

One of the latest steps in this direction is the anticipated directive by HEW that all private medical hospitals will be required to give a percentage of their facilities and services to charity non-paying patients. The percentage of the gross receipts of the institution.

Of course, it only makes sense that our private hospitals must operate on a fixed budget or else they can go broke. If these health care facilities are forced to give no-charge treatment to some, then they can only stay in business by increasing their charges to those patients who pay their bills or carry insurance to cover such expenditures.

Presently, 52% of a hospital's income comes from private paying patients who also already subsidize various government assistance programs such as Medicare, and the trend seems to be to encourage more charity patients to receive what they believe is "equal treatment" with paying patients. In some instances, there is a reported lack of full utilization of the existing charity facilities.

And so, when this latest federal plan takes effect and you or a member of your family is forced to use health care facilities, you will find all of the charges increased, because you will by paying not only full treatment costs but a percentage of the charity patients' treatment which has been tacked on to your bill so that the hospital can remain open. It will be a sort of a hidden tax.

As the free patients become a reality in the private health care facility, fewer and fewer patinets will seek out private physicians. More physicians will be forced to submit to being political doctors to take care of new government patients. Those doctors who desire to remain independent can be expected to increase their fees for private care.

All of this will take place while you are continuing with your taxes to support a first rate hospital for our indigent and charity patients!

In addition to this threat to the pocketbooks of the health care recipient, the Labor Committee in the House has reported out a bill which would increase the minimum wage to $2.00 an hour.

While the hospital administrators and boards in our area report that they do not oppose the $2.00 minimum wage, they do advise that it will be necessary for them to correspondingly increase all of their hospital charges if the minimum wage rate is increased. It is estimated that, as to the hospitals' continued operation alone, an increase in minimum wage from $1.60 an hour to $2.00 an hour would require a hospital room rate to be increased by $12 a day.

I have given two classic examples of action under way right at this time which will benefit some at the expense of others, but in the long run will affect all of us in a continuing inflationary spiral.

Perhaps the tragic thing about medical services is the fact that many letters I receive are from people who have suffered a catastrophic illness or disease in which their entire savings have been wiped out by medical costs.

I can advise that Congress is at this time attempting to establish a catastrophic medical expense program to ease such burdens. Again, the catastrophic fund would mainly go to pay the costs of hospitals. I also hear from many who are irate because the ever increasing medical expenses exceed the coverage given by their insurance policies or are much higher than they had found them to be several years previously.

I think the most serious threat to all of us who know that we must maintain medical facilities in our communities is that many of our citizens who are in the grey borderline area of wanting to have the pride in paying their own way and meeting their own obligations will, if medical costs continue to soar, throw up their hands in despair and adopt the ever-growing feeling of some that the Federal government should take over all of the hospitals and that the taxpayers should give everybody "free" medical attention. In other words, as we wish better things for the poor and higher earnings for the unskilled, we are but passing these extra costs to those who can pay or his insurer. Those taxpayers who can bear the cost will become an ever-decreasing percentage of our population.

We are seeing the movement mount that will use our free enterprise, locally controlled and managed medical facilities to bring about their own destruction by forcing their costs of operations up to the point where they are prohibitive for the average American. This will force more and more people to seek charitable aid, and the number will continue to increase.

All of this is being done to the average citizen promising him existing health care services and facilities, yet these services will not remain the hospitals nor the health care to which we are accustomed if socialized or taken over by the Federal government.

And so, what is now underway in the name of human dignity to provide for charitable free treatment will eventually destroy these private institutions and make all of the nation's hospitals charity, impersonal, conveyor-belt type institutions.

When the people lose control of their own community, they will find political doctors, political hospitals, and political health care services that fail to attain the promises or the standards of those institutions as we know them and at a price far exceeding what could have been provided under the free enterprise system.

Americans are now being barraged with misleading and even false propaganda from the press, radio, and TV that the American private enterprise system of providing health care has broken down—it has failed. The only solution to this predicament, according to much of the communication media, is public medicine—as if only the federal government can adequately supply the needed medical and hospital care and services.

Americans are being urged to destroy a free choice, private individual responsibility system in order to improve the situation.

Through an organized political scare tactics campaign of misleading and even false charges and information as to the nature and scope of the problem of the nation's health, the American people have been led to believe that a national health program is mandatory. We are told we must change, even if for the worst—just to change from our present system.

To look at the quality of health care in countries which have undertaken equal medical care—socialized medicine—should raise serious questions as to abandoning our present workable system for an inferior program in the U.S. Socialized health care has been a failure in England, France, Canada, Sweden, and all other countries which have abandoned private for public health care.

The experience of other nations with socialized medicine should serve as a stark warning to the U.S. against embarking on such a course for political promises to get the votes of the poor and disgruntled.

The reason for the increased costs of medical and hospitalization services is to be found in the general inflationary trend which has resulted in price rises in other fields as well. Inflation—a substantial and continuing rise in the general price level—is caused primarily by an increase in the volume of money and credit available relative to goods available. This disproportionate expansion of money and credit results from an unbalanced budget and deficit spending.

Other causes of high costs of medical care and hospitalization, as well as other items, are restrictive federal legislation and bureaucratic intermeddling in the private free enterprise sector of the economy.

We must realize that to stay in business, hospitals must pass any increase in wages on to private patients and insurance companies.

The result of further intermeddling and compulsory wage increases, of course, would be soaring costs of medical expenses, hospitalization, and insurance costs which will not cover all medical expenses.

Continued intervention by government in the private sector of the economy is like throwing gasoline on the fire of already exorbitant prices. It will fan the flame of the inflationary spiral, destroy private medicine, and result in complete nationalization of medicine in the United States. Many people, in despair, will abandon our present health care system and actually demand a federal takeover or full socialization.

The answer to this problem, as to many others, is to retain the private enterprise method which has proven to be far superior not only in reduced costs and improved service, but also in increased freedom and individual responsibility to that provided by a socialistic or government managed method of providing so-called "free" health service. Nothing is really free—not even freedom itself.

The answer is to repeal a whole series of laws which hamper the natural operation of the free enterprise system.

We must begin an assault on the ever increasing size and scope of a centralized government in Washington. In this way we will make progress toward balancing the federal budget, stopping inflation, and restoring our freedom.

I am reminded at this point of a story pertinent to this discussion. It is about Frogs and Freedom.

There's an old story that says you can't kill a frog by dropping him in boiling water. He reacts so quickly to the sudden heat that he jumps out before he's hurt; but if you put him in cold water and then warm it up gradually, he never decides to jump till it's too late. By then, he's cooked!

Men are just as foolish. Take away their freedom overnight, and you've got a violent revolution. But steal it from them gradually (under the guise of "security", "peace", or "progress"), and you can paralyze an entire generation. Look at the income tax. It started out at a harmless sounding 1%. It would have been easy to jump out of water as tepid as this, but like the frog, we waited while it climbed ever higher. Try jumping now!

Worst of all, we never learn. Even today we cannot believe that Medicare is the same warm water that will one day boil us in Socialized Medicine. We see no connection between farm price supports and Nationalized Agriculture; and if we draw a parallel between subsidized teachers' pay and federal control of education, we are called "extremist".

The tragedies of history are always repeated by those who refuse to learn them. To seek guidance from the past is not "turning the clock back," as we are so often told. It is merely a good way to keep out of hot water.

MORE ON THE NIXON "PEACE" PROPOSAL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mrs. ABZUG. Mr. Speaker, as I have previously stated, Mr. Nixon's so-called peace proposal does not take or offer a single step toward peace in Indochina.

It does not set a date for our total and complete withdrawal.

It conditions our withdrawal upon assurances of the continued existence of the puppet dictatorship of President Thieu.

It fails to stop or even to lessen the indiscriminate bombing of targets in North Vietnam.

Richard Falk, of the Center of International Studies at Princeton University, is a recognized authority on American foreign policy. He has prepared an analysis of the Nixon proposals which clearly demonstrates their lack of viability. I think that his comments are well worth reading, and include them at the conclusion of my remarks:

THE NIXON PROPOSALS: MATTERS OF ILLUSION AND REALITY

(By Richard A. Falk)

Once again an American President has gone on national television to report on the search for peace in Vietnam. And once again there is no indication that the policy-makers in Washington have renounced their war plans to sustain the Thieu regime for the indefinite future. And once again, also, the liberal community in America, the mainstream opposition to the war in this country, has been taken in by the President, assumed his good will, and called on the other side to respond positively. The dreary situation interacts with heightened American bombing throughout Indochina (and especially in North Vietnam), with the initiation of an historic anti-war trial in Harrisburg, and with the sharpening focus on voter politics in a Presidential election year.

The first necessity, however, is to understand why Mr. Nixon's proposals are not, despite Senator Mansfield's unseemly lunge to embrace them, "a long step forward." Indeed, Nixon's proposals hearken back to 1966 at Manila where Lyndon Johnson joined in a Communique offering to withdraw all American forces from Vietnam within six months in exchange for an agreement by the other side to do the same. What was wrong with Johnson's proposals of 1966, remains wrong with Nixon's proposals of 1972. There is no way to compromise a civil war without coordinating the sharing of political power with the cessation of hostilities. To seek a cease-fire as a prelude to withdrawal, solidifies the position of the existing government, allows it to be the sole guardian of "law and order," and obtain mobility and access for its police and militia forces. In Vietnam where the war has raged so bitterly for so long, where the government leader is such a proven cutthroat repressor, and where the liberation forces have suffered such ravage, an insistence on no cease-fire without power-sharing is especially understandable.

It is on this issue—the crux of the matter—that the Nixon Administration has been deliberately misleading the public. Henry Kissinger has pointed to the willingness of the other side to enter a partial cease-fire with American forces during a withdrawal period as demonstrating that "cease-fire is not itself an issue in the negotiations." But Vietnamese willingness to negotiate a partial cease-fire seeks to arrange an American disengagement from an active combat role in the war, but it does not envision an end to fighting or a settlement of the war. The war for control goes on between Saigon and the NLF, but without American participation. In such circumstances, the North Vietnamese and the NLF do not renounce their military advantage or render themselves vulnerable to the good faith of the other side. Such an all-Vietnamese civil war would go on until victory was achieved by one side or a compromise was negotiated whereby the sharing of political power would be coupled with the total cease-fire, that is, the problem of settlement would remain the same after American disengagement, but the parties would be different. Most analysts agree that the Saigon regime would quickly fall in the event of a genuine American disengagement from the war. As the North Vietnamese have made clear in their public proposals they would be prepared to release all American prisoners in exchange for a pledge to end all American combat activities within a time certain. In this sense, the disengagement action remain available to Nixon as a way to obtain the release of American prisoners and assure the end of American casualties.

The Nixon Proposals cover up the failure to offer a power-sharing compromise by window-dressing and deceptive rhetoric. There is no power-sharing as the administrative, military, and police functions would be left entirely under the control of the Thieu regime after the cease-fire goes into effect and during the six-months period in which elections are being organized. The offer to have Thieu (and his Vice President Tran Van Huong) resign one month before the elections take place seems meaningless for several reasons. First of all, the apparatus of power would continue intact, and there is no assurance that Thieu would not continue to run things from off-stage. Secondly, Thieu's replacement by the chairman of the Senate, a weak bureaucrat allied with Thieu, reinforces the impression that the Saigon regime would retain full control over the country. Thirdly, in the face of persitence of the repressive Thieu regime there is no prospect that a mixed electoral commission, even with the participation of the National Liberation Front, could organize free elections, or even that elections are the best way to select an interim government to supervise the transition from war to peace. On this basis, it hardly seems reasonable or likely to expect North Vietnam or the Provisional Revolutionary Government of South Vietnam to consider seriously this type of political settlement. It is not an offer of genuine compromise. It is, indeed, a demand that the insurgent forces lay down their arms and allow the Thieu government to dominate South Vietnam during the period in which elections of a permanent government are taking place. If Mr. Nixon really believes that this line of proposal represents having "gone the extra mile in offering a settlement that is fair," then he fails to grasp neither the de facto military situation throughout Indochina which is increasingly tilting against those elements that we support nor the political conditions that must be satisfied to achieve a genuine negotiated settlement. More likely Nixon does understand, is putting forth proposals that are drawn to quell and bewilder domestic opposition to the war without any hope or expectation that the other side will accept them, or even negotiate from such a baseline. This interpretation is reinforced by the disclosure of the 9-point North Vietnam proposals of June 26, 1971, made in the secret talks.

In such circumstances, it is incredible that the lead editorial in the *New York Times* on January 26, 1972, the day after Nixon's speech, should hail the proposals and declare that "they merit support from all shades of American opinion and a positive response from the other side." Such an editorial position, given the ceaseless reiteration of the conditions for peace in Vietnam by the other side and by anti-war groups in this country, suggests the bankruptcy of the liberal dove opposition to the war, a bankruptcy based partly on subservience to Presidential authority and good faith and partly on a continued insistence on regarding the other side as "the enemy." After so many revelations of criminality and deceit on the part of our leaders in connection with the war these past years and after so many indications that the goals of the other side are the inevitable and natural goals of any political movement fighting for national independence, it is vital that the American people no longer view North Vietnam and the PRG as its enemy. North Vietnam and the PRG are the enemies of our government, but not of ourselves as citizens, and to parrot Washington's propaganda about regarding the other side as the enemy at this point in the conflict is to falsify and invert the nature of the moral and political issues and to distract attention from the horrifying sacrifice of lives still being made in furtherance of a lost and base cause—helping a repressive government fight mercilessly against its own population.

There are two positive courses of action that an American government could take to get the war over:

(1) American disengagement from the war by ending combat activity oevr a six-month period during which American POWs would be returned; North Vietnam and the PRG would not attack withdrawing American forces and so a partial cease-fire would be operative assuring no further American casualties; the United States on its part would agree to the immediate end of all air activity, including strikes originating from Thailand and carriers; during this period the contending Vietnamese factions would have the options of continuing the conflict or negotiating a settlement; some difficulty might arise over the definition of what "disengagement" or "withdrawal" entailed, that is, whether the United States remained free to give economic and military aid to the Saigon regime during the period set for prisoner release and troop withdrawals.

(2) American acceptance of the notion that the administrative, military, and police functions in South Vietnam would have to be supervised by a provisional coalition government during the period set for the withdrawal of American forces and the organization of elections to select a new permanent government; this kind of power-sharing formula could be accompanied by immediate arrangements for cease-fire, thereby bringing the war to an end, assuring the return of American POWs, and the end of all casualties; the negotiations would have to define the character and functions of the provisional revolutionary government and the degree to which the approach taken in Vietnam could be extended to Cambodia and Laos; an Indochina Peace Conference should also be scheduled to give formal status to the arrangements for political power-sharing and cease-fire agreed upon for the two Vietnams, Cambodia, and Laos.

In concluding, it is important to ask why it is unlikely that the Nixon Administration will choose either of the alternatives outlined above, both of which have been explicitly and openly offered by the other side. For Nixon and Kissinger to say that the North Vietnamese insist on the United States acting to overthrow the present Saigon regime (Nixon's words: "The only thing this plan does not do is to join our enemy to overthrow our ally, which the United States of America will never do.") is, on its face, absurd and misleading. If the real meaning of this Kissinger-Nixon charge is that any power-sharing political formula is tantamount to the overthrow of the Thieu regime, then this may be an accurate prediction of the probability of Thieu's collapse shortly after American military props are taken away.

But this is only to acknowledge that the war is lost and that no compromise is possible because Thieu can't stay in power unless he is helped by the United States to repress the opposition, including the many thousands of non-Communist political prisoners who continue to be locked up in jails throughout South Vietnam.

But why shouldn't Nixon be prepared to risk this collapse? What is the reason for putting forward proposals that are *prima facie* unacceptable when there are clear lines of alternative action that would get American POWs back and earn Nixon political credit as a peace-maker? The best answer seems to be that Nixon is unwilling to risk appearing before the American public (and the record of history) as a loser. The worst of all possible outcomes for Washington continues to be the appearance of defeat, not the reality which is already evident to any close student of the war. And all of the continuing carnage in Indochina under Nixon, as it was under Johnson, is inflicted for the sole purpose of delaying the day of reckoning. And so Nixon, like Johnson before him, is holding on in Indochina by bombardment and threats in Indochina and by tranquilizing and misleading talk at home, with the hope of postponing this day of reckoning at least past next November.

There is a small chance that this line of analysis is wrong, that Nixon will yet opt for a genuine way out or that the other side, weary of war, frightened by the remaining escalation options, or confident that a resumed post-withdrawal struggle would lead to rapid victory, might negotiate something responsive to the Nixon proposals. In my view this is only a slim possibility, and its reality depends on how much doubt and empathy exists in Washington's policy-makers and whether the terms of proposals, ambiguous on their contours, could be substantially reshaped in the course of negotiations. As a rule of thumb, it is highly unlikely that any "peace" initiative put forward at Paris with Thieu's endorsement is negotiable, but it may be that Thieu has been coerced or fooled, although this seems unlikely. One area of flexibility involves the possibility of converting the mixed election commission in Nixon's proposal into the real locus of power by making it into the effective government during the six-month interim period. Another area of flexibility involves a definition of what is meant by withdrawal. Mr. Kissinger has stressed the Administration's flexibility It remains to be seen and during the interim, extreme skepticism is the only reasonable attitude.

With an election coming along in the United States and with the end of the war still not in sight, it seems very important that the Democratic Party go clearly on record as advocating an end to the war in the only realistic terms now imaginable—by acknowledging the U.S. defeat and by supporting a power-sharing formula as coincident with withdrawal and cease-fire. Without such clarity from the Democratic Party, in its Platform and by its Presidential candidate the people will once again be denied a choice on the war.

A REVIEW OF TIMBER CUTTING IN THE BOUNDARY WATERS CANOE AREA.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1972

Mr. FRASER. Mr. Speaker, in only one of the 87 designated and 49 proposed units of the national wilderness preservation system is logging permitted. This exception to the wilderness rule is the Boundary Waters Canoe Area, a unique region of prime canoe country and virgin forests, extending for 100 miles along the Canadian border of Minnesota. Six Minnesota conservation organizations have asked that all cutting in the area be halted until an environmental impact statement as required by the National Environmental Policy Act of 1969 can be prepared. In the following article in the January 8, 1972, issue of the Minneapolis Tribune, the arguments against continued timber cutting are advanced, and a plea is made for a moratorium on logging until the points at issue and alternatives can be fully studied.

WHY TIMBER CUTTING IN BWCA IS OPPOSED

(By Herbert Wright, Director, Limnological Research Center, University of Minnesota)

The U.S. Forest Service has refused to move appreciably from its plan to decimate tens of thousands of acres of virgin timber in the portal (cuttable) zone of the Boundary Waters Canoe Area. A major gravel road already under construction leads north from Echo Trail to service timber sales in the Oyster Lake-Hustler Lake country, some 25 miles northwest of Ely.

The canoe area contains by far the largest virgin forest east of the Rocky Mountains. With its interconnected lakes and forested hills, it is a region of incomparable scenic beauty, easily accessible to the conoeist and hiker who seeks peace, serenity and adventure in the wild. It is the most heavily visited area in the U.S. wilderness system, and use is growing so fast that restrictions must soon be placed on permits, length of stay, allowable routes and other logistical arrangements.

Simple foresight should dictate that the wilderness are should be increased in size rather than decreased, and that visitors be encouraged to disperse from main canoe routes by means of hiking trails to less accessible lakes. Timber-cutting now is prohibited within 400 feet of lakes, but what kind of wilderness experience can one expect when he ventures away from his canoe to come upon a vast, clear-cut wasteland?

The virgin forest of the BWCA is unique not only in its recreational potential, but in its scientific value. It is the only major natural remnant of the vast conifer forest that once extended eastward to the coast of Maine. Nearly all the rest has been cut over. The forest regrown from cut-over areas has little value for the scientific study of a natural forest ecosystem.

For that matter, such a disturbed forest has little aesthetic appeal to the discerning layman. Does the Minneapolis Institute of Art feature copies of great paintings when it has the originals at hand? The public can support the preservation of some of the great works of man. Minnesota is fortunate to have this unique resources convenient for its citizens. But it has a responsibility to be an enlightened custodian of a great treasure.

In these days of search for ecological understanding, a major natural ecosystem is a prime natural resource. A natural forest ecosystem must be large to remain viable so natural plant succession is not diluted by introductions from outside the forest and a sizable natural population of big mammals such as moose, wolf and bear is maintained.

An example of research that required a large area of undisturbed forest is the recent study of fire history in the BWCA. During the last 10 years it has been demonstrated that practically all the virgin forest of the BWCA can be traced to specific fires of the past 300 years and that fire plays a major role in the periodic renewal of the natural forest.

This research raises basic questions about management of natural forests. It would not have been possible without the existence of the extensive natural forest in which the distribution of major past fires could be plotted. Who knows what similarly unexpected insights into natural forest ecosystems might result from future studies? If the natural forest is destroyed or reduced in size, the value of such research may be diminished.

The Forest Service seems insensitive to arguments based on scientific as well as aesthetic grounds. The Little Sioux fire of last May, for example, affected a large area of virgin forest in the margin of the BWCA. It provides a superb opportunity to study the process of plant and animal succession as well as the effects of fire on water quality in lakes. The fire also provided the chance to educate the public on the role of fire in natural ecosystems.

But the Forest Service not only refused to support a significant research effort or to publicize the educational aspects. It now proposes to cut the surrounding unburned virgin forest that might supply much of the seed for regeneration of the burned area. This is a valid reason for a moratorium on cutting, so the effects of timber-cutting can be assessed in an environmental-impact statement.

The Forest Service also is insensitive to the economic argument. The particular timber sale in question next to the Little Sioux fire will bring $61,000 to the government—about 10 cents per tree. The Forest Service has spent many thousands of dollars to cruise the timber and prepare the contract, and will spend an additional $120,000 to replant after cutting—and the virgin forest will be lost in the process. About 90 percent of the timber will go to paper-pulp mills. Very little will be used for poles and boards. And this at a time when pulpwood is in surplus in Minnesota.

This financial arrangement would be a poor investment even if the wildnerness were not involved.

The public is not well informed on the alternatives to management in the BWCA. Environmental-impact statements are supposed to provide this information, not only for new projects, but for projects already under way. Contracts can be reviewed and terminated under changed conditions of pubic attitudes.

As a minimum, a moratorium on cutting in the BWCA is necessary to permit discussion of alternatives before an informed public. If a new course of action is found advisable, it can then be provided by appropriate legislation. To refuse to recognize an environmental and economic problem is a mark of blindness and not a responsible reaction by a federal agency.

The validity of the conservationist case for cessation of all logging in the area is open to question, but the need for a thorough review of the environmental impact of timber cutting seems clear. These issues are further explored in the following editorial in the Minneapolis Tribune, also of January 8, 1972:

BOUNDARY WATERS AREA ISSUES

The Minnesota Public Interest Research Group (MPIRG), in concert with a half-dozen state conservation organizations, has initiated what could grow into a national controversy over the use of the Boundary Waters Canoe Area, the nation's oldest wilderness area.

MPIRG has asked the U.S. Forest Service to stop logging by Northwest Paper Co. in the 4,650-acre "Sunnydale" tract northeast of Ely, adjacent to 15,000 acres burned in a fire last spring. Further, MPIRG wants all logging suspended within the BWCA until the service prepares a statement on the environmental impact of cutting timber there. The Forest Service and the secretary of agriculture (the service is part of the U.S. Department of Agriculture) this week refused the requests.

The issues raised are complex and susceptible to few easy answers. They involve widely divergent value judgments and philosophies about the best use of natural resources. But MPIRG makes a convincing case for at least some of its immediate requests.

The validity of its long-range goal, which is to end all cutting in the BWCA (the article below by Prof. Herbert Wright makes a case for this), seems to us open to considerably greater doubt.

The fire last spring, in an area never logged, provides a unique opportunity for valuable research. Cutting in the adjacent Sunnydale tract will reduce or destroy the validity of five separate studies being conducted by the University of Minnesota and the Forest Service itself. (The service has altered the terms of its cutting contract with Northwest to eliminate interference with one other research project.) The company needs species such as jackpine and spruce to balance its use of aspen in producing paper, but it doesn't need the pine and spruce in the Sunnydale tract. Northwest holds long-term contracts to cut more than 300,000 cords of such species elsewhere in the Superior National Forest, including the canoe area, but depends on the forest for only about 50,000 cords annually. The potential value of the research outweighs the difficulties involved in postponing or cancelling the Sunnydale cut, it seems to us.

MPIRG also has a sound basis for requesting an environmental-impact statement on the effects of continued logging in the BWCA. The Forest Service has a number of sincere, logical arguments why this is unnecessary. But such statements were required by a federal law now two years old; since then, federal courts repeatedly have ruled out just such arguments.

The underlying issue, however, is whether all logging in the BWCA should cease, and the entire area be reserved for recreation. The BWCA no-cut zone was expanded to 530,000 acres in 1965. When another 100,000 acres are added in 1975, logging will be prohibited in about 67 percent of the BWCA and 20 percent of the 3-million-acre Superior National Forest. The wood-products industry views continuing withdrawal of timber as a distinct threat to its survival—and to jobs that are badly needed in northeastern Minnesota.

The Forest Service points out that before the no-cut zone was extended in 1965, the recreation-vs.-timbering issue was reviewed (battled, in fact) publicly at some length, and that the service now is managing the area as federal law provides. Conservationists argue there are new circumstances today—chiefly a heavy increase in recreational use of the BWCA, and a shift in public sentiment toward environmental concerns. Both sides are correct.

An environmental-impact statement—not just a management plan, which the Forest Service is preparing—would help resolve such issues. A thorough statement would involve consideration, for instance, of the effects of cutting part of the largest remaining undisturbed coniferous forest east of the Rockies; the negative economic effects of not doing so, and sources of timber outside the BWCA.